



To: Raghavenderrao Badami, Watershed Protection and Restoration Program
From: Kathy Gramp, on behalf of the Advocates for Herring Bay
Date: June 26, 2018
Re: Comments on May 2018 draft assessment of the Herring Bay watershed

The May 2018 draft of the *Herring Bay, Middle Patuxent, and Lower Patuxent Watershed Assessment* is a valuable resource for those working to promote the health of Herring Bay. It provides a comprehensive review of recent ecological conditions and applies a logical weighting of those factors in developing policy recommendations. The Advocates for Herring Bay concur with the report's emphasis on the long-term benefits of preserving and restoring natural features that filter pollutants and sustain ecologically important habitats.

As noted in the report, the nature of the investments needed in Herring Bay will differ from those in more urban parts of the county. Instead of relying on government-sponsored engineering projects, we will need to rely on the efforts of hundreds of individuals and community organizations. Marshaling support at that grassroots level calls for new and creative solutions. We have outlined a few possible options below.

Use the report for public outreach

1. ***Increase accessibility.*** As partners in this effort, local citizens need a guide to *their* investments in the watersheds. Jargon that makes sense to planners—such as TMDLs, MS4s, and peak flows, etc.—may be confusing to nonprofessionals and thus discourage individual action. Adding sidebars or graphics for context might make the report more accessible to the public.
2. ***Harmonize the rankings across watersheds.*** Because the ranges used in the color-coded maps vary across watersheds, we can't tell how the priorities in our areas compare to similarly color-coded watersheds in the rest of the county. Using consistent metrics would help citizens understand why the county is spending money in one area and not another.
3. ***Highlight the key characteristics of each subwatershed.*** Adding tables that show the relative importance of each factor by subwatershed would make it easier for citizens to identify their local issues and solutions. For example, some areas warrant preservation because of their forests, others because they are in a wellhead protection zone; some need restoration because of pollutant loads, others because they lack stream buffers, etc.

Provide incentives for individuals and communities to preserve and restore areas

1. ***Compensate easement holders for the public value of preservation.*** The real estate appraisals used by land trusts will underestimate the value of priority parcels because they omit the benefits accruing to taxpayers from preserving forests and wetlands. Paying a premium would better reflect the value of an easement and create incentives for more people to adopt them. Such premiums could be calculated using data in the watershed assessment,

such as estimates of the benefits of avoiding the higher nitrogen, phosphorus, or sediment loads that would result from development.

2. ***Facilitate preservation of parcels smaller than 10 acres.*** Most land trusts will manage only large parcels. While a 10-acre minimum makes sense from their perspective, it has the effect of leaving key parcels unprotected, even when landowners are willing to execute an agreement. We urge you to find ways to preserve smaller sites, particularly wetlands and forests that serve as buffers against storm surges, filters for runoff, and incubators for many species. Options could include defraying the higher costs associated with small parcels or creating a new easement program administered directly by the county.
3. ***Use income from fees paid-in-lieu to plant trees on priority parcels.*** This report gives the county and state a parcel-by-parcel guide for planting native trees in the most environmentally and cost-effective places. At a minimum, any planting done with taxpayer dollars should be done in areas identified as a priority by the watershed assessment.
4. ***Encourage communities to consider using local financial or legal tools.*** There may be instances where a community would be willing to defray the costs or provide legal enhancements for a preservation or mitigation project. The county should ensure that communities are aware of options available under current law for such participation, such as Special Community Benefit Districts and neighborhood conservation overlay districts.
5. ***Take a holistic approach to sewer connections.*** The report recommends that some existing septic systems in the Herring Bay watershed be connected to sewers as a way to reduce nitrogen and bacteria loads. While we recognize the merits of this within existing sewer service areas (SSAs), we are concerned about the potential environmental impacts of expanding the SSAs. Doing so would most likely trigger more intense development in areas with wetlands, forests, and other pervious land uses. This risk is especially pronounced in neighborhoods in the Critical Area that were platted in the 1920s, where antiquated lots of one-eighth of an acre are common.

Alternative methods to reduce nitrogen loads are needed in such areas. We urge you to continue your ongoing outreach and financial incentives for installing advanced septic system technologies. It also may be appropriate to pursue indirect methods of reducing those pollutants, such as rebuilding oyster reefs in Herring Bay.

6. ***Incorporate watershed metrics into the GDP, zoning, and other land-use laws.*** Efforts by citizens will be futile if the county's land-use laws promote the loss of the forests and wetlands that this plan recommends be preserved. We urge the county to use the upcoming GDP and rezoning process to strengthen protections for these assets. Options could include new zoning overlay districts, stronger forestry protections, and procedures making the approval of rezoning requests contingent on a determination that they would be consistent with the results of the watershed assessments.

We look forward to a continuing collaboration with the Department of Public Works to achieve our shared goals. Thank you for considering our views.