

STORMWATER PARTNERS NETWORK OF MONTGOMERY COUNTY



March 19, 2021

Written comments from Stormwater Partners Network of Montgomery County on Montgomery County's Climate Action Plan¹

Dear Montgomery County Executive and Montgomery County Department of Environmental Protection,

We, the Stormwater Partners Network of Montgomery County², provide the following feedback and recommendations to Montgomery County's Climate Action Plan (CAP). The network has historically worked towards implementing stronger regulatory measures to strengthen our stormwater management and infrastructure, increase infiltration of water on site instead and decrease stormwater runoff into our precious local waterways. Flooding is one of the major drivers of habitat and infrastructure degradation in the county, and one of the costliest impacts. With more frequent and heavier rainstorms due to climate change, we applaud that the CAP climate action plan highlights the urgent need to take a close look and an immediate action on our stormwater management and infrastructure. We also strongly support the incorporation of equity into every element of the CAP and encourage the County to continue working with communities of color, low-income communities, and others likely to be most affected by the hazards and harms that climate change will bring, including with flooding and heat stress.

We provide the following comments on the CAP plan and list these under three categories: stormwater infrastructure, stormwater regulations, and natural solutions.

Stormwater Infrastructure

We are in favor of the following stormwater infrastructure actions in CAP due to their water quality and enhancing effects.

- A-1: Water Infrastructure Resilience
- A-2: Culvert Repairs
- A-3: Temperature Monitoring and Alerts
- A-7: Green Streetscape

¹ Montgomery County's Climate Action Plan. Available from:

<https://www.montgomerycountymd.gov/green/Resources/Files/climate/draft-climate-action-plan.pdf>

² The Stormwater Partners Network is composed of organizations and individuals who support more effective stormwater policies and management in Montgomery County, MD, with the goal of clean and healthy streams throughout the county. A full list of our current membership can be found on our website, www.stormwaterpartnersmoco.net.

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- A-14: Update Floodplain Maps
- A-15: Water Supply Protection
- A-18: Expanded Community Gardens

These are all excellent recommendations, and we support them all. Indeed, we have been pushing the county for years to incorporate more Green Streetscapes and Water Infrastructure Resilience in particular, but we support the other actions as well. However, they lack the real policy implementation steps and budget allocation needed to become effective and measurable climate change adaptation actions. The CAP should direct that any time our infrastructure is opened up for repairs or reconstructions, it is enhanced to meet or exceed current stormwater management standards, with green infrastructure (i.e. the addition of bioswales, grass swales, and tree boxes, etc.) taking first priority. Evolution of stormwater designs, maintenance protocols, and funding priorities must follow our experience with current stormwater facilities' functioning during and after storms.

Stormwater Regulations

We are in favor of the following stormwater regulation actions listed in CAP but would advocate for even stronger measures to be implemented.

- A-10: Green Infrastructure
- A-11: Climate Adapted Building Code
- A-12: Stormwater Retention Credit Trading
- A-13: Ban Stormwater Management Requirement Waivers
- A-19: Advocacy or Off-River Water Storage
- A-20: Study Potential for Buildings in the County to Flood and Possible Remedies

We would like to see an increased emphasis on stormwater management that not only meets but exceeds our current stormwater regulatory requirements, knowing that climate change is already increasing in frequency and volume of rainstorms. The green infrastructure action (A-10) identifies an opportunity to exceed MS4 permit requirements, but local requirements overall should codify stricter stormwater management requirements than those the state has proposed. The county needs to revise the process of granting waivers on stormwater requirements for re-development, and we support the recommendation to move towards banning them (A-13). According to our research, these are currently granted very frequently but difficult to track due to limitations in DPS' systems. We need to know how much volume of water is being waived, and where, in order to accurately address the issue.

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Natural Solutions for Climate Resilience

We are in strong favor of the actions described in the Sequestration section, as not only would they help reduce the threat of climate change by locking carbon in soils, fields, and forests, those healthy ecosystems are the same ones that protect our water supplies and waterways.

- S-1: Retain Forests
- S-2: Increase Tree Canopy
- S-3: Restore Forests, Meadows, and Wetlands
- S-4: Regenerative Agriculture
- S-5: Restore Soil Fertility, Microbial Activity, and Moisture-Holding Capacity
- S-6: Whole System Carbon Management and Planning

We support the increased protection of forests and soils as natural solutions to stormwater management as part of climate change mitigation, adaptation, and resilience. Trees and healthy soils provide countless ecological services such as flood prevention, carbon sequestration, air, and water purification, and reduction of urban heat island effects. None of these services could ever be replaced by built infrastructure, and all County-funded agencies must adopt a “first do no harm to forests” policy, which means that policies and design protocols acknowledge the water management functions of forests, and we locate stormwater and other facilities in already-cleared portions of landscapes.

Although these natural solutions to climate resilience are a great start, we need to do more to protect these valuable natural resources. We recommend the addition of *“a no net loss of forest”* policy in the CAP as part of updating the county’s Forest Conservation Law (FCL). Such a step would also follow other counties around the state which have strengthened their FCLs. The Chesapeake Bay TMDL “pollution diet” rests on a fundamental assumption that Bay wide, and statewide in Maryland, we are maintaining existing forest cover levels and not losing forest. Since the FCL only applies to development projects covered by its calculation requirements, the county can suffer forest and tree canopy loss even if “no net loss” is achieved under the FCL. Therefore, in addition to no net loss under the FCL, we propose a county-wide policy goal to increase total tree canopy cover and total forest cover.

Furthermore, the CAP needs to have specific budget allocations and metric requirements to ensure that the policies and actions stated in CAP are enforced and meet the county’s climate goals. The CAP needs to work closely with the new General Plan (Thrive 2050) and Master Plans, as sustainable land use is closely linked to many of the actions listed in CAP. Enforcement and

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strengthening existing laws protecting our forest and waterways must also be highlighted in the final CAP.

We look forward to working with the County Executive, DEP, and other county agencies in the creation of strong policies and actions around stormwater that will create resilient communities around the worst effect of climate change.

Sincerely,

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