



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

SEP - 3 2004

OFFICE OF  
WATER

Mr. Troy Rice, Director  
Indian River Lagoon Program Office  
525 Community College Parkway, S.E.  
Palm Bay, Florida 32909

Dear Mr. Rice:

The purpose of this letter is to provide a summary of the Environmental Protection Agency's (EPA) 2004 Implementation Review and to thank you and the Indian River Lagoon Program (IRLP) staff, as well as your partners, who contributed to the 2004 Implementation Review report. We appreciate the considerable effort that you and the staff of the IRLP put into the submission and the responses to our follow-up questions. Thank you also for participating in the meetings and field trips and for arranging for the on-site visit by the EPA review team.

The Implementation Review process, now scheduled every three years, continues to prove to be extremely valuable for determining each National Estuary Program's (NEP) progress and effectiveness and thus, each program's funding eligibility. It has added considerably to EPA Headquarters and Regional staff knowledge of each individual NEP, and will promote sharing of effective and innovative initiatives and approaches across all 28 NEPs as well as with other watershed programs around the country.

This implementation review featured the participation of an ex-officio NEP Director who volunteered to serve on the review team. This approach mainly provided the EPA team members with an NEP perspective of the perceived strengths and challenges of the program undergoing the review. In addition, the NEP Director used this opportunity to share ideas about their respective Programs. This process will be evaluated to determine its effectiveness and use in future implementation reviews.

Based on the EPA review team's findings, we believe that the IRLP is continuing to make significant progress in implementing its Comprehensive Conservation and Management Plan (CCMP). We are pleased to report that the IRLP "passes" the 2004 Implementation Review and will be eligible for FY 2005, 2006 and 2007 funding authorized by the Clean Water Act §320. Considering our expected budget for the NEP, we are setting the base planning targets at

\$300,000 per year for FY 2005 - 2007. Planning targets are the funding levels that EPA hopes to provide to the Programs, and may be used for the purpose of beginning to develop work plans. Actual funding levels will be determined once the Agency has received its final budget from Congress and completed its internal budget allocation process, which generally occurs late in the first quarter of the Federal fiscal year.

### **Indian River Lagoon Program 2004 Implementation Review Findings**

Following is a summary of the key findings identified by the reviewers regarding the IRLP's strengths as well as some recommendations regarding potential areas for improvement. The review comments are intended to applaud the Program's successes and support efforts to further strengthen the Program. The Program's response to these recommendations will be evaluated in the 2007 Implementation Review cycle.

#### **Strengths**

The IRLP reported numerous strengths in their Implementation Review. The following are a few we think are especially notable.

- **Leveraging Federal Funding:** One way EPA is showing the value of the NEP is by looking at leveraged resources above and beyond federal funding provided under the section 320 grant. The IRLP has been extremely successful at this, working with the State and local governments to leverage federal funds for CCMP implementation. In fact, in 2003 the Program had a primary role in leveraging over \$12 million in CCMP implementation resources. This was among the highest of all the NEPs nationwide.
- **Organizational Setting and Sponsorship:** A main reason identified for the Program's effectiveness is its institutional setting and sponsorship. The IRLP is sponsored and housed by the St. Johns River Water Management District (SJRWMD). Aside from providing funding for implementation, the SJRWMD provides administrative support, contractual support, and legal support that has proven invaluable to the Program. The SJRWMD also pays for staff salaries which allows section 320 money to be used for CCMP implementation activities and projects. Additionally, with salaries and benefits being paid for by the SJRWMD, staff turnover has been minimal, fostering a long term relationship between the Program and local stakeholders and community.
- **Implementation Funding:** The IRLP continues to have good success obtaining funding for implementation activities. Since the last implementation review, the Program has seen a three-fold increase in implementation funding from \$6.7 million in 1999, to \$21 million in FY 2003. This funding is implementing CCMP recommendations that also support Clean Water Act core programs. These include addressing storm water discharges from both large and small basins, the targeted removal of over 2.6 million cubic yards of muck sediments from lagoon tributaries, the reconnection of over 18,000

acres of impounded marsh wetlands, and the establishment of Pollutant Load Reduction Goals (PLRGs) that will help with the development of TMDLs and the implementation of the NPDES Program within the lagoon's northern and central watersheds. Part of this revenue is generated from the sale of the Florida Indian River Lagoon specialty license plate. Over \$3 million has been raised for projects and the IRLP plate ranks 11<sup>th</sup> in number of tags sold from among the 52 specialty plates offered in Florida.

### **Progress Made in the Areas Highlighted in the 2001 Implementation Review**

During the previous implementation review one area for improvement that was highlighted was the need to better engage the public in the CCMP implementation process. The IRLP has taken steps to address this by partnering with the watershed's largest non-governmental organization, the Marine Resources Council. That Council hosted quarterly citizen workshops in each county to generate public involvement in lagoon management decisions. Citizens also are encouraged to participate in the SJRWMD and the South Florida Water Management District's public process for updating implementation projects to be undertaken each year under the Surface Water Improvement and Management Program. The IRLP also developed a public-friendly educational piece as an environmental progress report that was circulated in seven area newspapers, reaching an estimated audience of 500,000 residents, to help educate, involve and energize the citizenry.

Another area that was highlighted as a challenge was the desire to engage the local agricultural industries, such as citrus growers, in the implementation process. The Program has been working with Indian River citrus growers and other stakeholders to develop and implement proactive best management practices (BMPs) for citrus production. The BMPs that have been developed should significantly decrease citrus industry contributions of pesticides, nutrients, water volume, sediments, and aquatic weeds into surface waters. A coordinated program of educational events to make growers aware of these BMPs is also ongoing.

We applaud these initial steps to improve participation by citizens and agricultural interests and look forward to hear more about engaging these stakeholders in the implementation process.

### **Challenges**

EPA believes that the IRLP's overall progress in implementation and its many achievements are very impressive. The challenges identified here are intended to help improve the Program's effectiveness in implementing the CCMP. The IRLP's response to these recommendations will be evaluated in the 2007 Implementation Review.

- **Promoting Smart Growth Concepts and Tools:** Coastal counties of the U.S. are the fastest growing areas of the country and now are home to more than fifty percent of the population. The IRLP's watershed is no exception. Without thoughtful community land use planning, development projects can adversely impact water quality and supply. There is a need to educate local municipal officials, developers, engineers, architects, landscape

Bill Kerr, St. Johns River Water Management District Governing Board  
Kirby Green, Executive Director, St. Johns River Water Management District  
Jeff Elledge, Director of Water Resources, St. Johns River Water Management District  
Vivian Garfein, Co-Chair, Indian River Lagoon Advisory Board  
Stallings Howell, U.S. EPA Region IV  
Bob Howard, U.S. EPA Region IV  
Drew Kendall, U.S. EPA Region IV  
Dave Blazer, Maryland Coastal Bays Program  
Noemi Mercado, U.S. EPA



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
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SEP - 3 2004

Mr. Richard Eckenrod  
Director, Tampa Bay NEP  
100 8<sup>th</sup> Avenue S.E.  
MS I-1/NEP  
St. Petersburg, FL 33701

Dear Mr. Eckenrod:

The purpose of this letter is to provide a summary of the Environmental Protection Agency's (EPA) 2004 Implementation Review and to thank you and the Tampa Bay Estuary Program (TBEP) staff, as well as your partners, who contributed to the 2004 Implementation Review report. It is apparent that a considerable effort went into the Implementation Review submission and the responses to our follow-up questions. Thank you also for participating in the meetings and the excellent field trips around the Bay that you arranged for the EPA review team.

The Implementation Review process, now scheduled every three years, continues to prove to be extremely valuable for determining each National Estuary Program's (NEP) progress and effectiveness and thus, each program's funding eligibility. It has added considerably to EPA Headquarters and Regional staff knowledge of each individual NEP, and will promote sharing of effective and innovative initiatives and approaches across all 28 NEPs as well as with other watershed programs around the country.

This implementation review featured the participation of a volunteer ex-officio NEP Director on some review teams. This approach mainly provided the EPA team members with an NEP perspective of the perceived strengths and challenges of the program undergoing the review. In addition, the NEP Directors used this opportunity to share ideas about their respective Programs. This process will be evaluated to determine its effectiveness and use in future implementation reviews.

Based on the EPA review team's findings, we believe that the TBEP is continuing to make significant progress in implementing its Comprehensive Conservation and Management Plan (CCMP). We are pleased to report that the TBEP "passes" the 2004 Implementation Review and will be eligible for FY 2005, 2006 and 2007 funding authorized by the Clean Water Act §320. Considering our expected budget for the NEP, we are setting the base planning targets at \$300,000 per year for FY 2005 - 2007. Planning targets are the funding levels that EPA hopes

to provide to the Programs, and may be used for the purpose of beginning to develop work plans. Actual funding levels will be determined once the Agency has received its final budget from Congress and completed its internal budget allocation process, which generally occurs late in the first quarter of the Federal fiscal year.

### **Tampa Bay Estuary Program 2004 Implementation Review Findings**

Following is a summary of the key findings identified by the reviewers regarding the TBEP strengths as well as some recommendations regarding potential areas for improvement. The review comments are intended to applaud the Program's successes and support efforts to further strengthen the Program. The response to these recommendations will be evaluated in the 2007 Implementation Review cycle. It's important to note that the success of the TBEP also accomplishes key EPA core water program goals such as improving sediment and water quality as well as protecting and restoring habitats that allow for an increase in the consumption of safe fish. In addition, the TBEP has been recognized for its work on improving the integrity of habitats by restoring wetlands as well as the quality of Tampa Bay and adjacent waters through its nitrogen reduction programs.

The EPA review team agreed that the implementation review package was comprehensive and substantive and that the TBEP is making a significant effort in working towards achieving their CCMP goals and objectives. The review team found that the TBEP has numerous strengths including:

#### **Strengths**

- **Building Community Support:** The TBEP has established an excellent working relationship with its partners through the Interlocal Agreement. Being honored recently with several awards that recognized your successes in building community support for the protection of Tampa Bay is just one example of your success in this regard. It is particularly notable that one of the awards was the prestigious CF Industries National Watershed Award. The Program also continues to be effective in assisting its partners in obtaining grants and other funds for the implementation of CCMP projects.
- **Improving Water Quality:** TBEP's work linking air deposition and water quality impairment has been widely recognized and as a result similar studies are being conducted elsewhere around the country. Furthermore, the Tampa Bay Nitrogen Management Consortium provided TBEP the information to develop a "Tampa Bay Watershed Management Summary" that convinced the Florida DEP that the Tampa Bay Nitrogen Management Strategy would meet state water quality criteria for nitrogen. It is a significant achievement that in 2002 the Florida DEP made the determination that this information precluded the need for developing a nitrogen TMDL for the Bay.

- **Protecting and Restoring Habitat:** The TBEP is making good progress towards achieving its CCMP goals and objectives and continues to show environmental results. The protection and restoration of 14,710 acres of habitats, including wetlands and seagrass beds, since the previous implementation review as well as efforts to protect manatees and other wildlife, are all examples of effective CCMP implementation.
- **Outreach and Education:** The TBEP has developed an excellent and very successful outreach and education program. The TBEP has produced a number of highly professional and popular publications and has been innovative in the development of outreach programs related to invasive species prevention and education. For example, the TBEP has developed an entire section on its website, called "Eyes On The Bay," that provides information about invasive species; helped to finance an extensive, interactive exhibit at The Florida Aquarium called "Invaders!"; and co-sponsored production of a popular Field Guide to Invasive Plants in Tampa Bay and the "Divers Alert!" card that enlist divers to report sightings of known or suspected marine invaders.

### **Progress Made in Areas Highlighted in the 2001 Implementation Review**

The 2001 Implementation Review Team identified four areas as challenges for the 2001 - 2003 time period. These were a need for an assessment of the "Tampa Bay Seagrass Management Strategy," dredged materials management, development of a Vessel Traffic System, and the development of a long-term financing strategy. The TBEP has taken steps to address these challenges and significant progress has been made in this regard, including the development of a draft CCMP Financing Plan, and establishing a coordinated Vessel Tracking System (VTS) for the Bay as well as the deployment of a network of data collection buoys at key locations.

### **Challenges**

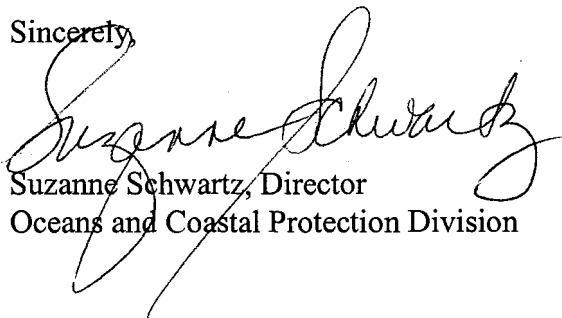
- **Managing Dredged Materials:** It has been estimated that 42,000,000 cubic yards of material will be dredged from Tampa Bay over the next 25 years, creating an enormous challenge regarding its proper disposal. This challenge can be an opportunity if the material is used beneficially to create and restore habitats in the Bay and surrounding waters. Developing and implementing a comprehensive dredged materials management plan to address these issues over the next few decades would achieve multiple objectives relative to improving water quality and fish and wildlife habitat.
- **Public involvement:** Bringing all the various constituents within a NEP study area to the table and maintaining public involvement in the decision-making process is a challenge with all the NEPs, including the TBEP. The TBEP should continue to explore non-traditional outreach partnerships and techniques to educate the wide variety of constituents living in the Tampa Bay area and to reach out and encourage their

involvement in the TBEP. The Program may want to consider conducting a workshop in a convenient location to address this issue.

- **Water Quality and Habitat Goals for Tidal Rivers:** The TAC and CAC of the TBEP identified as a priority the assessment of the water quality, sediment quality, and habitat of tidal rivers, streams and creeks located within the Tampa Bay area. The TBEP has allocated a portion of the funds necessary to support the assessment of existing conditions and the development of water quality and habitat goals for these important systems. The Program needs to identify and secure the additional dollars necessary to fully fund this priority project. In addition, the Program should develop an associated implementation plan to achieve the specific goals.

Thank you again for participating in the Implementation Review process. We welcome any additional thoughts you may have either about the review process itself or about EPA's involvement in TBEP's CCMP implementation. If you have any questions or comments, please contact me or Darrell Brown, Chief, Coastal Management Branch, at telephone number (202) 566-1256.

Sincerely,

A handwritten signature in dark ink, appearing to read "Suzanne Schwartz", is written over the typed name and title.

Suzanne Schwartz, Director  
Oceans and Coastal Protection Division

cc:

Diane Regas, U.S. EPA  
Jimmy I. Palmer, Jr., U.S. EPA Region IV  
James D. Giattina, U.S. EPA Region IV Water Division Director  
Thomas C. Welborn, U.S. EPA Region IV NEP Branch Chief  
Wesley B. Crum, U.S. EPA Region IV NEP Section Chief  
Fred McManus, U.S. EPA Region IV  
Felicia Burks, U.S. EPA Region IV  
Deborah Getzoff, Chair of Policy Committee  
Gregory Colianni, U.S. EPA





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WASHINGTON, D.C. 20460

SEP - 3 2004

OFFICE OF  
WATER

Ray Allen  
Executive Director  
Coastal Bend Bays and Estuaries Program  
1305 N. Shoreline Blvd., Suite 205  
Corpus Christi, TX 78401

Dear Mr. Allen:

The purpose of this letter is to provide a summary of the Environmental Protection Agency's (EPA) 2004 Implementation Review and to thank you and the Coastal Bend Bays and Estuaries Program (CBBEP) staff, as well as your partners, who contributed to the 2004 Implementation Review report. You put considerable effort into the Implementation Review submission and the responses to our follow-up questions. Thank you for participating in the meetings and for arranging for the on-site visit by the EPA review team.

The Implementation Review process, now scheduled every three years, continues to be extremely valuable for determining each National Estuary Program's (NEP) progress and effectiveness and thus, each program's funding eligibility. It has added considerably to EPA Headquarters and Regional staff knowledge of each individual NEP, and will promote sharing of effective and innovative initiatives and approaches across all 28 NEPs as well as with other watershed programs around the country.

This implementation review featured the participation of a volunteer ex-officio NEP Director on some of the review teams. This approach mainly provided the EPA team members with an NEP perspective of the perceived strengths and challenges of the program undergoing the review. In addition, the NEP Directors used this opportunity to share ideas about their respective Programs. This process will be evaluated to determine its effectiveness and use in future implementation reviews.

Based on the EPA review team's findings, we believe that the CBBEP is continuing to make significant progress in implementing its Comprehensive Conservation and Management Plan (CCMP). We are pleased to report that the CBBEP "passes" the 2004 Implementation Review and will be eligible for FY 2005, 2006 and 2007 funding authorized by the Clean Water Act §320. Considering our expected budget for the NEP, we are setting the base planning

targets at \$300,000 per year for FY 2005 - 2007. Planning targets are the funding levels that EPA hopes to provide to the Programs, and may be used for the purpose of beginning to develop work plans. Actual funding levels will be determined once the Agency has received its final budget from Congress and completed its internal budget allocation process, which generally occurs late in the first quarter of the Federal fiscal year.

### **Coastal Bend Bays and Estuaries Program 2004 Implementation Review Findings**

Following is a summary of the key findings identified by the reviewers regarding the CBBEP strengths as well as some recommendations regarding potential areas for improvement. The review comments are intended to applaud the Program's successes and support efforts to further strengthen the Program. The Program's response to these recommendations will be evaluated in the 2007 Implementation Review cycle.

#### **Strengths**

The CBBEP reported numerous strengths in their Implementation Review. The following are a few we think are especially notable.

The CBBEP and federal, state, and local partners are working together to help implement the Clean Water Act core water programs in a variety of ways. The CBBEP has helped fund and/or coordinate the installation or repair of 25 septic systems located close to major drainage to the bay, the restoration of more than 100 acres of riparian habitat to address nonpoint source pollution, the purchase of 36 acres of important wetland habitat, and the construction of observation towers, interpretive signage, and kiosks to enhance the educational component of these projects. The CBBEP has also been instrumental in conducting water and sediment quality monitoring to identify impaired water segments and provide up to date information for comparison with established water quality standards.

Specifically, the CBBEP has made significant progress in habitat restoration. In particular, the restoration of rookery islands in the Nueces Bay as well as the overall colonial waterbird monitoring efforts demonstrate the need for habitat restoration for the waterbirds, a key environmental indicator of estuary health and productivity. In addition, the NEP is working with The Nature Conservancy and the Coastal Bend Land Trust to acquire and manage land that is valuable for ecological restoration.

The CBBEP's adoption of the Ultra Clean water sampling and analysis technologies in their Surface Water and Sediment Quality Monitoring Project demonstrates the NEP's commitment to sound science. This Project is one of the first large-scale efforts to use this technology in the nation. It was a highly collaborative project among CBBEP, three state agencies, USEPA, Corpus Christi Port Authority and local industries.

To improve stakeholder involvement, the CBBEP underwent a rigorous assessment of its advisory structure. This assessment has resulted in the reorganization of the NEP's committee

structure. While still in a preliminary stage, the new structure shows promise. There are now smaller, focused “teams” aligned with the primary CCMP goals. The CBBEP staff will coordinate these teams and work to increase meaningful stakeholder involvement.

### **Progress Made in the Areas Highlighted in the 2001 Implementation Review**

The 2001 Implementation Review highlighted public outreach and education and strategic finance planning as challenges for the CBBEP. The Program is currently building a strong local identity, and outreach and public participation capacity with the arrival of a Public Relations and Outreach Manager. The CBBEP has engaged in numerous outreach activities, has gained a high level of media recognition and involvement, including the Spanish language press, and has developed a user-friendly website and outreach materials that have raised the profile of the NEP within the CBBEP community.

The CBBEP has targeted various sources of funding and has leveraged a six-fold increase over base funding with matching, in-kind contributions, grants and special funds. The Program is recognized as a reliable agent for the implementation of environmental projects and will likely continue to receive special grants and funds in the future.

### **Challenges**

While the CBBEP has made progress toward developing environmental indicators and an environmental scorecard, the CBBEP needs to keep this effort as a priority over the coming years. Now that CBBEP has reviewed numerous examples of indicators and scorecards used by other organizations, the hard work of identifying indicators that will be useful to the Program as well as to the public is the next step. We look forward to seeing the new Coordinating Team, chaired by a knowledgeable stakeholder, develop indicators and a scorecard over the next two years.

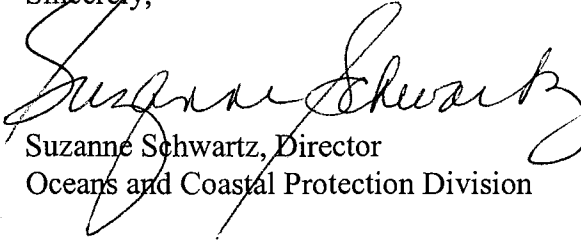
The CBBEP’s success has led to a growing number of projects and public outreach events. Given time and resource constraints, the CBBEP must constantly prioritize decisions in terms of their value to environmental protection, stakeholder involvement and cost effectiveness in terms of funding and staff time. In addition, the creation of the new stakeholder teams will place additional burdens on the staff. We look forward to seeing CBBEP develop an implementation tracking system that manages and indicates progress on implementing CCMP actions. We encourage the CBBEP to talk to other NEPs about their tracking systems. The Charlotte Harbor Estuary Program, in particular, has an easy-to-use and automated system that makes tracking projects and resources very easy.

Although the CBBEP has done an outstanding job conducting numerous outreach and education events, the CBBEP continues to face challenges unique to an area that has a 25 percent illiteracy rate and where a majority of households speak English as a second language. We look forward to seeing the new outreach team prioritize activities through a comprehensive strategy that balances media outreach and marketing with education.

Despite remarkable financial leveraging, the CBBEP needs to focus on diversifying its funding. The CBBEP has an excellent record of securing government funding. We look forward to seeing CBBEP develop a strategy for pursuing private sources of funding to supplement existing funds.

Thank you again for participating in the Implementation Review process. We welcome any additional thoughts you may have either about the review process itself or about EPA's involvement in CBBEP's CCMP implementation. If you have any questions or comments, please contact me or Darrell Brown, Chief, Coastal Management Branch, at telephone number (202) 566-1256.

Sincerely,



Suzanne Schwartz, Director  
Oceans and Coastal Protection Division

cc:

Diane Regas, Director, Office of Wetlands, Oceans and Watersheds, EPA  
Richard E. Greene, Regional Administrator, EPA Region 6  
Miguel I. Flores, Director, Water Quality Protection Division, EPA Region 6  
Jane Watson, Chief, Ecosystem Protection Branch, EPA Region 6  
Barbara Keeler, Coastal & Wetlands Planning Coordinator, EPA Region 6  
Doug Jacobson, Regional Coordinator, EPA Region 6  
Bob Wallace, Chair, CBBEP Board of Directors  
Bob Corrigan, Chair, CBBEP Bays Council  
Tim Jones, NEP Coordinator, EPA Headquarters



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
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OFFICE OF  
WATER

Ramón D. Lloveras, Esq.  
Chairman  
San Juan Bay Partnership Board of Directors  
Popular Insurance, Inc.  
P.O. Box 70331  
San Juan, PR 00936

Dear Mr. Lloveras:

The purpose of this letter is to provide a summary of the Environmental Protection Agency's (EPA) 2004 Implementation Review and to thank you and the San Juan Bay Estuary Partnership (SJBEP) director and staff, as well as your partners, who contributed to the 2004 Implementation Review report. You dedicated considerable effort into the Implementation Review submission and the responses to our follow-up questions. Thank you for participating in the meetings and for arranging for the on-site visit by the EPA review team.

The Implementation Review process, now scheduled every three years, continues to be extremely valuable for determining each National Estuary Program's (NEP) progress and effectiveness and thus, each program's funding eligibility. It has added considerably to EPA Headquarters and Regional staff knowledge of each individual NEP, and will promote sharing of effective and innovative initiatives and approaches across all 28 NEPs as well as with other watershed programs around the country.

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Based on the EPA review team's findings, we believe that the SJBEP is continuing to make progress in implementing its Comprehensive Conservation and Management Plan (CCMP). The review team believes that there are, however, certain areas that represent challenges for the Program and that they must be addressed to improve the Program's performance. While SJBEP "passes" the 2004 Implementation Review and will be eligible for FY 2005, 2006 and 2007 funding authorized by the Clean Water Act §320, the SJBEP must address the challenges listed on pages five through seven of this letter. Considering our expected budget for the NEP, we are setting the base planning targets at \$300,000 per year for FY 2005 - 2007. Planning targets are the funding levels that EPA hopes to provide to the Programs, and may be used for the purpose of beginning to develop work plans. Actual funding levels will be determined once the Agency has received its final budget from Congress and completed its internal budget allocation process, which generally occurs late in the first quarter of the Federal fiscal year.

### **San Juan Bay Estuary Program 2004 Implementation Review Findings**

Following is a summary of the key findings identified by the reviewers regarding the SJBEP strengths, progress made in areas highlighted in your 2001 Implementation Review, and recommendations regarding potential areas for improvement. The review comments are intended to applaud the Program's successes and support efforts to further strengthen the Program. The Program's response to these recommendations will be evaluated in the 2007 Implementation Review cycle.

#### **Strengths**

The SJBEP reported numerous strengths in their Implementation Review. The following are a few that we believe are especially notable.

- **Public Involvement and Outreach:** The SJBEP has effectively informed and involved citizens of the San Juan Bay Estuary watershed through the formation of the Corps of Volunteers (COV) and the implementation of numerous outreach activities. The COV, whose members number in the hundreds, provides an opportunity for the public to participate in scientific and educational activities. These activities included removing debris from the Martín Peña Channel and planting mangrove trees along the Condado Lagoon. The COV is also an effective mechanism for soliciting and considering the perspective of the public on issues pertaining to the estuary and the implementation strategies of the SJBEP. The Program has also organized a number of educational activities such as, bay festivals, school seminars, conferences, low-impact recreational activities, and the posting of signs to demarcate the watershed. This outreach process informs the public about the status and trends in the water quality and the health of the habitat in the estuary and how the public can help protect and restore these resources. The SJBEP now receives regular coverage from a leading TV station in Puerto Rico, as well as two of Puerto Rico's most prominent newspapers. This exposure has enhanced SJBEP's profile with the public and increased its COV membership.

- **Habitat Protection and Restoration:** The SJBEP has developed wide-ranging actions to address habitat loss and degradation. These include efforts to acquire or preserve open space and restore or create habitats through revegetation programs; efforts to improve water quality by identifying and eliminating illegal discharges; the monitoring and mapping of critical areas; and public outreach and education activities. All of these efforts have been carried out through partnerships between federal, state, and local agencies with assistance from private and nonprofit sectors and citizens. For example, the SJBEP has been an active partner in efforts to protect hundreds of acres of habitat along the Martín Peña Channel and the Las Cucharrillas Marsh. The SJBEP provided key technical and scientific input to the Puerto Rico Legislature that helped shape a legislative bill (HR 3750) to designate 700 acres of Las Cucharrillas Marsh as a permanent natural reserve. The SJBEP also lead a collaborative effort among several Commonwealth and Federal agencies, including the US Army Corps of Engineers and the Puerto Rico Department of Natural and Environmental Resources (PRDNER), to restore the water quality of Esperanza embayment and wildlife habitat on the Esperanza Península. Two new channels through the Esperanza Península were excavated to improve water circulation in the embayment. Also, a terminal groin and bulkheads were constructed to keep the circulation channels open and the existing opening into the embayment was deepened to improve the circulation in the lower embayment. The environmental benefits consist of improved open water circulation within Esperanza embayment and the creation of approximately eight acres of mangrove habitat.
- **Technical Assistance:** The Program continues its exceptional job providing technical assistance and information to a wide range of partners. The SJBEP provided technical and scientific assistance that helped the Legislature of Puerto Rico develop and approve the San Juan Ecological Corridor (Law 206) in (2003). By educating legislators, agency administrators, and the public about the ecological importance of the corridor the SJBEP played a key role in its passage. Nearly 1,000 acres of habitat are now protected ensuring the survival of several endemic species and improved the filtration of polluted water runoff into the San Juan Bay.
- **Director and Staff:** The SJBEP personnel have demonstrated a high level of commitment and competence in both the administrative and technical realms of the Program. The staff has effectively coordinated educational and outreach activities, guided monitoring projects, and strengthened the technical capacity of their partners. The Director's and staff's effectiveness has attracted additional partners and increased the commitment of existing partners. The Executive Director was instrumental in developing a Memorandum of Understanding (MOU) between Commonwealth and local governments and the SJBEP regarding collaboration and education efforts. The MOU will help ensure continuity in program activities during political changes in administrations.

- **SJBEP Support of Core CWA Programs:** Through its focus on the watershed, use of science to inform decision making, emphasis on collaborative problem solving, and involvement of the public, the SJBEP has successfully implemented several core elements of the CWA. Untreated wastewater from sewage overflows and illegal commercial and residential raw sewage discharges is a major source of pollution in the San Juan Bay estuary. The SJBEP has provided information on illegal commercial and residential sanitary storm sewer connections to the Puerto Rico Environmental Quality Board (PREQB) and the EPA's Caribbean Environmental Protection Division. As a result, PREQB inspected these connections and EPA issued Administrative Orders to force those parties illegally connected to the storm sewer to cease their discharges and connect to the sanitary sewer system. A complaint was filed in Federal Court against the Puerto Rico's Aqueduct and Sewer Authority (PRASA) and on October 1, 2003 PRASA submitted a list of remedial actions, improved operation and maintenance practices, and spill response and clean-up plans. These enhancements will reduce the amount of raw sewage entering the San Juan Bay estuary and its tributaries, including Los Corozos Lagoon, San Juan Bay, and the Puerto Nuevo Channel of the Rio Piedras River. This will improve water quality by increasing dissolved oxygen and light penetration and diminishing the number of algal blooms

#### **Progress Made in the Areas Highlighted in the 2001 Implementation Review**

The Program is to be commended on its efforts to address recommendations from the previous review.

- **Community Advisory Committee (CAC):** The CAC is effectively operating with members that include representatives from the community, environmental groups, and the private sector. As directed by the CCMP, the SJBEP Board of Directors appointed the members of the CAC.
- **Bylaws:** The bylaws for the Board of Directors, the CAC, and the Science Technical Advisory Committee (STAC) are now in place. Bylaws were also drafted by the Implementation Committee to ensure its effective operation.
- **Roles and Responsibilities:** To ensure a clear understanding of the roles and responsibilities of the SJBEP and its implementing partners, the Executive Director and staff of the SJBEP met with the heads of all Commonwealth agencies and municipalities identified in the CCMP. The SJBEP and its partners discussed implementation and monitoring responsibilities, and the SJBEP Executive Director sent letters to each Commonwealth agency and local government in the watershed to reinforce and formalize the agreements reached regarding roles and responsibilities. The SJBEP also conducted seminars with managers of the Puerto Rico Planning Board (PRPB) to educate them about the CCMP and their role in its implementation. The SJBEP will expand this initiative to other key agencies of the Commonwealth of Puerto Rico.



- **Funds Disbursement:** The Program has committed Section 320 funds in a timely manner and the workplans specify how funds are spent to implement specific CCMP actions.

### **Challenges**

The review team believes that there are certain areas that represent challenges for the Program and that they must be addressed to improve the Program's performance.

- **Outreach Strategy:** Although the Program is engaged in numerous educational and outreach activities, it lacks a defined outreach strategy. To more effectively conduct its outreach, the SJBEP should craft a strategy that includes:
  - a vision statement and guiding principles,
  - narrative description of activities,
  - procedures for responding to "hot issues,"
  - leaders for specific projects,
  - budget and schedule for implementing activities, and
  - the audience and the means to deliver the message for each activity.

**Recommendation:** Develop an outreach strategy.

**Suggested Schedule for Completion:** Outreach strategy written and approved (by the Board of Directors, CAC and STAC) within one year from receipt of this letter.

- **Employee Retention:** Over the last three years the SJBEP has had three different Executive Directors and significant staff turnover. This instability presents a challenge to the Program's momentum, relationship to its partners, and institutional memory. We recommend that the SJBEP revise its hiring process. At a minimum, the SJBEP should consider hiring an Executive Director and technical staff with salaries commensurate with those positions' duties and responsibilities. The Executive Director and scientific staff salaries are significantly lower than salaries paid to other NEP directors and scientific staff in Region II. The Program should ensure that salaries are sufficient to attract and retain a qualified Director and staff. Also, the SJBEP should consider incorporating incentive-based pay schedules and developing multi-year contracts to encourage employees to remain with the Program.

**Recommendation:** Review and revise the hiring process and staff salary levels.

**Suggested Schedule for Completion:** Six months from receipt of this letter.

- **Funding Strategy:** While we applaud the SJBEP's exploration of alternative funding sources, such as the cruise ship passenger tax, EPA believes the Program would benefit from the development of a long-term funding strategy. Development of a funding strategy would allow the SJBEP to systematically identify and evaluate a broad range of funding options and decide where best to invest their fund-raising efforts.

Recommendation: Develop a funding strategy.

Suggested Schedule for Completion: Funding strategy written and approved (by the Board of Directors, STAC and CAC) within one year from receipt of this letter.

- **Fostering Sound Municipal Land-Use Planning:** Throughout the San Juan Bay Estuary watershed, the degree of sophistication in planning and regulating environmental resources at the local level varies considerably. Low-impact development activity, if any, tends to be autonomous, without integrated regional coordination. To change land-use on the ground, the PRPB as well as local municipal officials, developers, engineers, architects, and landscape architects need to be educated about new tools and development alternatives that can result in better protection of their municipalities' natural and socio-economic resources. Vegetated buffers, conservation areas, and limiting impervious surfaces are among the low-impact site development practices that would help protect the natural and cultural resources of the watershed.

The SJBEP should enhance its efforts to provide access to reliable information that will increase the PRPB and municipalities' awareness of development and regulatory alternatives. Information regarding these topics is available in a variety of formats from a multitude of sources. For example, the Smart Growth Network ([www.smartgrowth.org](http://www.smartgrowth.org)) and the Center for Watershed Protection ([www.cwp.org](http://www.cwp.org)) provide the latest information and resources on innovative construction and demolition, financing for infill and brownfields redevelopment, and tools to evaluate competing development options. Another source of information and technical assistance are other NEPs that have substantial experience in this area. Both Buzzards Bay and Massachusetts Bays NEPs have worked extensively with local governments to write environmentally-sensitive plans and ordinances. An individual with expertise in this area is Andrea Cooper of the Massachusetts Coastal Zone Management Program (978-281-3972). She has developed creative approaches to encourage local governments and developers to adopt smart growth practices. The SJBEP should also explore obtaining Nonpoint Education for Municipal Officials (<http://web.uconn.edu/nemo/about.htm>) assistance to build the capacity of municipalities to manage growth.

Recommendation: Promote low impact or "Smart Growth" development throughout the San Juan Bay watershed.

Schedule: Prepare a strategy for promoting low-impact development throughout the San Juan Bay watershed within two years from receipt of this letter.

- **Establishing a Fully Functioning SJBEP Governance Structure:** The SJBEP is currently located in a nonprofit organization. While this arrangement provided initial support for the SJBEP, it may no longer be effective. The SJBEP needs sufficient authority and independence to be proactive and to ensure that it is empowered with sufficient leadership to guide and foster implementation. As an independent nonprofit, it would be clear to implementing partners and the public that the SJBEP is a discrete



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

SEP - 3 2004

OFFICE OF  
WATER

Ms. Karen Young, Director  
Casco Bay Estuary Project  
University of Southern Maine  
49 Exeter Street  
P.O. Box 9300  
Portland, Maine 04104-9300

Dear Ms. Young:

The purpose of this letter is to provide a summary of the Environmental Protection Agency's (EPA) 2004 Implementation Review and to thank you and other Casco Bay Estuary Project (CBEP) staff, the Board of Directors, and your CBEP partners for your contributions to the 2004 Implementation Review process. You put considerable effort into the Implementation Review submission and the responses to our follow-up questions. Thank you also for participating in the meetings and field trips and for arranging the on-site visit by the EPA review team (Team).

The Implementation Review process, now scheduled every three years, continues to be an extremely valuable way to determine each National Estuary Program's (NEP) progress and effectiveness and thus, each program's funding eligibility. It has added considerably to EPA Headquarters and Regional staff knowledge of each individual NEP, and will promote sharing of effective and innovative initiatives and approaches across all 28 NEPs as well as with other watershed programs around the country.

This Implementation Review featured the participation of an NEP Director who volunteered to serve in an ex officio capacity on the Team. This approach mainly provided EPA team members with an NEP perspective of the perceived strengths and challenges of the program undergoing review. In addition, NEP Directors were provided the opportunity to share ideas about their respective programs. This process will be evaluated to determine its effectiveness and use in future Implementation Reviews.

Based on the Team findings, we believe that CBEP continues to make significant progress implementing its Comprehensive Conservation and Management Plan, the *Casco Bay Plan (Plan)*. We are pleased to report that CBEP "passes" the 2004 Implementation Review and

will be eligible for FY 2005, 2006 and 2007 funding authorized by the Clean Water Act (CWA) Section 320. Considering our expected budget for the NEP, we are setting the base planning targets at \$300,000 per year for FY 2005 - 2007. Planning targets are the funding levels that EPA hopes to provide to the programs, and may be used for the purpose of beginning to develop work plans. Actual funding levels will be determined once the Agency has received its final budget from Congress and completed its internal budget allocation process, which generally occurs in the second quarter of the Federal fiscal year.

### **CBEP Implementation Review Findings**

Following is a summary of the key findings identified by the reviewers regarding CBEP strengths as well as some recommendations regarding potential areas for improvement. The review comments are intended to applaud the program's successes and support efforts to further strengthen the program. The program's response to these recommendations will be evaluated in the 2007 Implementation Review cycle.

The Implementation Review submission, the on-site tour, field trips, and discussions with CBEP staff and the Board of Directors provided the Team with substantial information about CBEP activities. It is clear that the CBEP is a major force for watershed protection and restoration in the Casco Bay watershed. During the on-site visit, Team members were particularly impressed by the program's leadership in the Casco Bay watershed in: (1) developing environmental data and focusing on environmental results; (2) providing technical assistance to municipalities, environmental groups, natural resource managers, and the general public on implementation of CWA core programs; (3) collaborating on innovative, holistic approaches to open space planning and to preservation and habitat protection in Casco Bay subwatersheds; and (4) seizing new opportunities to raise awareness, promote information exchange, and build support to address emerging problems. The leadership demonstrated by your program and its outstanding commitment to stewardship of the watershed's coastal and marine resources ensure the CBEP a unique role in the Casco Bay watershed's protection and restoration.

### **Strengths**

As indicated in Implementation Review and supplementary materials, the CBEP watershed is impacted by five priority problems: (1) pollutant loading from stormwater; (2) closure of shellfish beds and contamination of swimming areas; (3) habitat degradation/destruction; (4) toxic pollution; and (5) need for responsible stewardship. Under your leadership, the CBEP has taken major steps to address these priority problems and to communicate its progress to the public.

Highlighted below are several implementation efforts that the Team found especially noteworthy.

#### ***Environmental Results***

- Reducing pollutants from stormwater runoff:
  - ▶ CBEP facilitated collaborative development of an inter-local agreement and regional stormwater management plan for 11 municipalities that has led to regional implementation of NPDES Phase II stormwater regulation.
- Developing a data-rich State of the Bay 2005 report:
  - ▶ The report will include analysis of sediment toxics data and analysis of 12 years of water quality data; it will also reflect revised/enhanced environmental indicators developed in 2004.
- In partnership with Friends of Casco Bay, developing/publishing *Community Strategies to Improve the Bay*, which outlines targeted local strategies to improve water quality, wetlands, and habitat protection in coastal towns:
  - ▶ CBEP provided funding and technical assistance for the document and supported the monitoring programs and data collection that served as the technical foundation for the document.

#### ***Subwatershed Activities that Protect and Restore Habitat***

- CBEP actively participates in and supports the New Meadows River Watershed Committee (NMRWC) subwatershed project:
  - ▶ The NMRWC Project is based on a holistic, regional planning approach to the environment-economy nexus; it promotes inclusion of water quality and habitat protection considerations (e.g., preserving habitat via land acquisition and conservation) in local zoning decisionmaking.
- CBEP played a key coordination role in the development of the Presumpscot River Management Plan:
  - ▶ CBEP convened a diverse group of stakeholders and, with targeted funds from EPA, provided technical support and facilitation for stakeholder meetings during which the foundation for the management plan was developed;
  - ▶ The program is currently actively involved in implementation of the Presumpscot River Management Plan;
  - ▶ The Team welcomed the news that the lower part of the River now allows for fish passage and has sufficiently good water quality to support a return of alewives, Atlantic salmon, and other anadromous species; for the first time in 150 years, Atlantic Salmon fry are in a tributary. They were stocked by junior high school students.

### ***Sponsorship of Technical Conferences***

- The “Stormwater Management in Cold Climates” conference (Stormwater Conference) and “Maine’s Marine Invasion” forum (Invasives Forum) were well-attended, very effective means of building local and regional capacity to address both issues; these conferences received high marks from participants:
  - ▶ CBEP contributed to development of the watershed’s human capital; e.g., the Stormwater Conference increased the knowledge base of managers implementing Phase II regulations, and the Invasives Forum gave graduate students new tools for conducting aquatic nuisance species rapid assessment protocols and developing control and management strategies; that Forum also raised awareness and educated natural resource managers and the general public about the emerging challenge of aquatic nuisance species introductions;
  - ▶ The Stormwater Conference brought together expert speakers from multiple states and countries to share science and engineering issues and state-of-the-art stormwater control techniques applicable in northern climates; the highly receptive audience included managers implementing Phase II regulations, nonprofit environmental organizations, scientists, regulators and students;
  - ▶ The Invasives Forum served as the springboard for a new collaborative effort to target management of marine invasive species in Maine.

### ***Decision to Expand Program Staffing Levels***

- In 2001, the Implementation Review team noted that the program was effectively implementing the CCMP at then-current staffing levels, and acknowledged that CBEP had made a good case to EPA for spending its resources on projects rather than on additional full-time staff. Since 2001, the program has increased the number of on-the-ground projects it supports, and the demands of this expanded project portfolio have prompted the program to re-evaluate its staffing levels and add one more part-time (32 hrs/week) staff position. The Team applauds this decision for several reasons:
  - ▶ EPA analyses of NEP leveraging reports depict a strong correlation between staffing levels and the amount of funds leveraged by a program; the Team believes that by adding an additional staffer, CBEP will increase the program’s outreach to regional and State networks, thereby:
    - 1) enhancing funders’ knowledge of CBEP’s unique efforts to protect and restore the Casco Bay watershed, and 2) increasing the probability of the program leveraging additional resources;
  - ▶ Over the past three years, the program has put to good use the additional annual EPA allocation of \$200 thousand by targeting those funds for on-the-ground protection and restoration projects; since it is very important that the program have in place sufficient staff to ensure effective oversight

and accountability for all program and project funds, the decision to hire an additional staff person who will have project management and oversight responsibilities is a very good one.

These are but four of the numerous examples of recent implementation successes and/or program actions noted by the Team, and EPA congratulates the CBEP for its overall effectiveness in pursuing implementation of *Plan* recommended actions.

### **Progress Made in the Areas Highlighted in the 2001 Implementation Review**

The 2001 Implementation Review findings letter identified four areas of challenge for the program. The Team was pleased to find that since 2001, the Program has effectively worked to address those challenges. For example, in 2001 EPA recommended that the program share more extensively with the community and other stakeholders the program's progress implementing the *Plan*. CBEP's response has been to: 1) post its implementation tracking table as well as all important reports on its website, 2) plan for the inclusion of graphics highlighting implementation progress in the 2005 State of the Bay report, one of two reports that will soon provide monitoring data to the public, and 3) work with Friends of Casco Bay (Friends) to geo-reference and make available through website linkages Friends' water quality monitoring data.

In 2001 EPA also recommended that CBEP develop a long-term funding strategy. The Team is pleased that the program followed up on that recommendation by working with a local financial consultant to address long-term funding issues. However, the Team believes that the consultant's final product does not meet the program's need for a comprehensive long-term funding strategy. This issue is more fully addressed in the Challenges section below.

### **Challenges**

EPA believes that the CBEP's overall progress in implementation and its many achievements are very impressive. The challenges identified here build in part on issues raised in the 2001 review, and we recognize that the CBEP continues to work on addressing these issues as it moves forward with CCMP implementation. The program's response to the recommendation will be evaluated in the 2007 Implementation Review.

#### ***Reduction in State Support for CBEP***

The Team applauds the State's commitment to CBEP of in-kind resources from the DEP, Department of Marine Resources (DMR), Maine State Planning Office (SPO) and other State agencies. Implementation Review documents and discussions during the on-site visit made clear that, for example, DEP staff provide exceptional technical support on a range of *Plan* implementation issues, from toxic contaminant monitoring to stormwater and habitat restoration.

However, EPA is very concerned that the State has proposed no funding for CBEP in 2005 and 2006. This proposal calls into question the State's commitment to the partnership of the State, CBEP, and EPA that began in 1990. In that year, and on behalf of the Governor, the DEP nominated the Casco Bay watershed for entry into the NEP and EPA admitted the program into the NEP. When the *Plan* was signed in 1996, the State's Land and Water Resources Council wrote a letter of support and committed to providing \$90,000 for each of the next five years for the program. But, the State significantly reduced its commitment to the CBEP in 2003 and 2004 by providing only \$35,000 in each of those years, a reduction of 67 percent from 2002 funding.

In contrast, for over a decade the Federal government has consistently served as a committed partner to CBEP by providing it with significant funding and in-kind resources for planning and implementation. When the *Plan* was signed in 1996, EPA committed to an annual funding level of \$200,000 for each of the next four years. EPA extended this initial commitment by continuing to provide annual funding beyond those four years and raising the base amount to \$300,000 in 1998. For the years 2002 - 2004, Congressional earmark funds supplemented EPA's NEP budget request, bringing the Federal government's annual cash contribution to CBEP to \$500,000.

These Implementation Review findings confirm that the State-CBEP-EPA partnership on which the program is based and in which EPA has actively engaged has resulted in significant environmental gains that would not have been achieved were it not for the continued commitment and contributions of each of the major partners. The State's plan to significantly reduce its 2005 and 2006 support for that partnership will undoubtedly jeopardize those gains as well as put at risk the program's ability to continue implementing the *Plan*.

The planned reductions also will compromise the program's ability to support State environmental efforts like: (1) development of coastal water quality monitoring data, (2) implementation of NPDES Phase II stormwater regulations, (3) delivery of nonpoint source educational programs, (4) development of local watershed management plans, (5) monitoring for toxics in air, sediment, and biological tissue, and (6) regional open space and land conservation. **At a minimum, EPA recommends that the State restore its planned 2005 and 2006 budgets for the Casco Bay Estuary Project to the pre-2003 annual funding level of \$104,000, and encourages the State to match EPA's total cash contribution.**

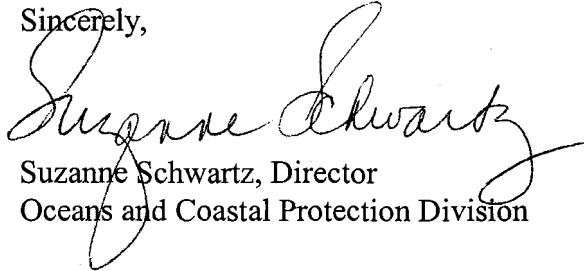
### **Long-term Financial Sustainability**

The second challenge relates to the program's continuing need to consider its long-term financial status. The Team believes that having taken the first step of funding a consultant study of program financing, CBEP now needs to do more work to ensure that it has in place the best possible strategic plan for its long-term financial sustainability.



Thank you again for participating in the Implementation Review process. We welcome any additional thoughts you may have either about the review process itself or about EPA's involvement in *Casco Bay Plan* implementation. If you have any questions or comments, please contact me or Darrell Brown, Chief, Coastal Management Branch, at telephone number (202) 566-1256.

Sincerely,

A handwritten signature in cursive script, reading "Suzanne Schwartz".

Suzanne Schwartz, Director  
Oceans and Coastal Protection Division

cc:

Jacki Cohen, Casco Bay Estuary Project  
Martha Freeman, Land and Water Resources Council  
Diane Regas, U.S. EPA  
Robert Varney, U.S. EPA Region I  
Linda Murphy, U.S. EPA Region I  
Mel Cote, U.S. EPA Region I  
Diane Gould, U.S. EPA Region I  
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Jennifer Linn, U.S. EPA  
Margherita Pryor, U.S. EPA Region I  
Debrah Marriott, Lower Columbia River Estuary Partnership



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

SEP - 3 2004

OFFICE OF  
WATER

Mr. Vito Minei,  
Director, Peconic Estuary Program  
Department of Health Services  
County of Suffolk  
Riverhead County Center  
Riverhead, New York 11901

Dear Mr. Minei:

The purpose of this letter is to provide a summary of the Environmental Protection Agency's (EPA) 2004 Implementation Review and to thank you and the Peconic Estuary Program (PEP) staff, as well as your partners, who contributed to the 2004 Implementation Review report. You put considerable effort into the Implementation Review submission and the responses to our follow-up questions. Thank you also for participating in the meetings and field trips and for arranging for the on-site visit by the EPA review team.

The Implementation Review process, now scheduled every three years, continues to prove to be extremely valuable for determining each National Estuary Program's (NEP) progress and effectiveness and thus, each program's funding eligibility. It has added considerably to EPA Headquarters and Regional staff knowledge of each individual NEP, and will promote sharing of effective and innovative initiatives and approaches across all 28 NEPs as well as with other watershed programs around the country.

This implementation review featured the participation of an ex-officio NEP Director who volunteered to serve on the review team. This approach mainly provided the EPA team members with an NEP perspective of the perceived strengths and challenges of the program undergoing the review. In addition, the NEP Directors used this opportunity to share ideas about their respective Programs. This process will be evaluated to determine its effectiveness and use in future implementation reviews.

Based on the EPA review team's findings, we believe that the PEP is continuing to make significant progress in implementing its Comprehensive Conservation and Management Plan (CCMP). We are pleased to report that the PEP "passes" the 2004 Implementation Review and will be eligible for FY 2005, 2006 and 2007 funding authorized by the Clean Water Act §320. Considering our expected budget for the NEP, we are setting the base planning targets at \$300,000 per year for FY 2005 - 2007. Planning targets are the funding levels that EPA hopes to

provide to the Programs, and may be used for the purpose of beginning to develop work plans. Actual funding levels will be determined once the Agency has received its final budget from Congress and completed its internal budget allocation process, which generally occurs late in the first quarter of the Federal fiscal year.

## **Peconic Estuary Program 2004 Implementation Review Findings**

Following is a summary of the key findings identified by the reviewers regarding the PEP strengths as well as some recommendations regarding potential areas for improvement. The review comments are intended to applaud the Program's successes and support efforts to further strengthen the Program. The Program's response to these recommendations will be evaluated in the 2007 Implementation Review cycle.

### **Strengths**

The EPA review team agreed that the implementation review package was comprehensive and substantive and that the PEP is making a significant effort in working towards achieving your CCMP goals and objectives. The review team found that the PEP has numerous strengths including:

**Stakeholders:** The Suffolk County government continues to be a very strong supporter of the PEP and the Program has been successful in engaging many different stakeholders. The towns within the study area fully support the PEP and their approach to achieving the CCMP goals and objectives. Relationships among state and local government officials, the business community, and elected officials involved in the PEP is also very good, as is citizen participation.

**Public Education:** Citizen involvement has been a critical component of the PEP since its inception. The Citizen Advisory Council (CAC), for example, has made significant contributions by assuring public involvement in all aspects of the Program and encouraging the public to learn more about the Peconic Estuary System. In the past, the CAC has utilized televised events and radio broadcasts as well as printed materials in its public education and outreach efforts. To continue expanding its efforts on educating the community, the PEP hired a Technical Outreach Specialist whose work objectives include developing the PEP CCMP tracking system, a PEP newsletter and website, and a mini-grants program. Also, although there was a great deal of competition, the PEP was selected to serve as a host location for the "Estuary Live!" broadcast in September, 2004.

**Implementation Funds:** The PEP continues to have good success obtaining funding from a variety of sources to implement pollution control, habitat restoration, open space preservation, and other activities. For example, current sources of implementation funding include the Community Preservation Fund – 2% Real Estate Transfer Tax (the five East End Towns raised \$46.59 million in 2003 for land preservation) and the Suffolk County Water Quality Protection and Restoration Program 1/4% Sales Tax. It is significant that the \$13.5 million generated between December 2000 through December 2003 was devoted in large part to implementing the

PEP CCMP, the Long Island Sound Study CCMP, and the South Shore Estuary Reserve CMP. To date, over \$10 million in New York State Clean Water/Clean Air Bond Act funds have been awarded to municipalities in the Peconic Estuary to upgrade sewage treatment plants, control nonpoint source pollution, and restore habitats.

**Nutrient Management:** The PEP has made significant progress addressing nutrient management within the study area. Management approaches with respect to nutrients includes: prohibiting any new incremental increases in point source nitrogen loading to surface waters in the environmentally stressed region of the tidal Peconic River and western Flanders Bay; implementing a “water quality preservation” policy in eastern estuary waters; and developing and implementing a load allocation strategy for point and nonpoint sources in the entire estuary.

The PEP continues to bring the region’s agricultural community and other stakeholders together to cooperatively develop a strategy to lower nutrient and pesticide applications and their environmental impacts. For example, the PEP stakeholders and members from the farming community recently drafted a plan to develop and implement a Suffolk County Agricultural Stewardship Program designed to lower nutrients and pesticide loading to groundwater and surface waters while maintaining a strong, viable agricultural industry. This is an excellent example of a public/private partnership and we encourage all stakeholders to fully implement this program. Also, because of the importance of the proposed Agricultural Stewardship Program, and the likelihood that it will serve as a model for other regions, New York State may need to play a more prominent role in its implementation.

The PEP also continues to work successfully towards non-agricultural nitrogen load reductions. The PEP should be commended for working with the 35 golf courses on eastern Long Island to develop and implement a *Golf Course Nitrogen Management Challenge*, including implementing best management practices for fertilizer application, so that each golf course’s total nitrogen contribution to groundwater is no more than 2 mg/l per acre. Also, the PEP convened the Non-Agricultural Nonpoint Source Nitrogen Workgroup in 2003 to support the development and implementation of efforts to better manage nitrogen from recreational, residential, and commercial sources.

**PEP Support of Core CWA Programs:** The PEP was instrumental in having numerous Peconic water segments included on the 2002 New York State Clean Water Act Section 303(d) List of Impaired Waters. Segments were listed because of numerous violations of the State dissolved oxygen standard (“Mitigation Priority Waters” as per the CCMP); others were listed because of occasional violations of the State dissolved oxygen standard (“Stressed/Threatened Waters” as per the CCMP). The PEP has begun developing a nitrogen Total Maximum Daily Load (TMDL) for the following water segments in the western estuary because of frequent and extreme dissolved oxygen violations:

- Western Flanders Bay and Lower Sawmill Creek
- Meeting Creek and Terrys Creek including tributaries
- Lower Peconic River including tidal tributaries

**Land Protection:** Over the past few years much of the upland habitat work in the Peconic Watershed has focused on preservation. Through the efforts of primarily local governments and non-profits, over 33% (37,771 acres) of the Peconic Watershed in the five East End Towns is protected (as of 2001). A majority of the funds for land protection come from the Town's Community Preservation Fund, town-issued bonds, and Suffolk County's numerous land preservation programs. It is notable that the PEP's Critical Lands Protection Strategy, which identifies priorities for protection with respect to estuarine management concerns, is being used by the State and local agencies that make land acquisition decisions.

**Partnering:** The PEP continues to develop very strong partnerships with a number of government and non-governmental entities and has benefitted from their major in-kind contributions. For example, in an effort to enhance hard clam and bay scallop spawning stock in the Peconic Estuary, The Nature Conservancy (TNC) continues to partner with Baymen's Associations and the Towns to create permanent spawner sanctuaries. To date, ten permanent spawner sanctuaries in the Peconic Estuary have been created. The Cornell Cooperative Extension (CCE) continues to monitor eelgrass at six sites in the Peconics and continues to have great success in restoring eelgrass beds in the eastern portion of the Estuary. Also, the CCE has developed an innovative GIS tracking program for activities by property owners immediately adjacent to the Bay and other waters. This program is an effective means to note changes over time, especially those that could have an adverse impact on the water quality or ecological integrity of the Bay.

In addition, the New York State Department of Environmental Conservation (NYS DEC) is awarding Peconic Estuary Environmental Protection Funds to TNC to monitor the successfulness of bay scallop and hard clam spawner sanctuaries in the Peconic Estuary. State Wildlife Grant funds are also being provided to the CCE to develop a Bay Scallop Restoration Plan for the Peconic Estuary.

We also commend Suffolk County for undertaking the development of a Vector Control and Wetlands Management Long Term Plan wherein a strategy for restoring wetlands is being developed. This is necessary as a majority of the wetlands in the Peconics were heavily ditched in the 1930's in an attempt to control mosquito breeding.

#### **Progress Made in the Areas Highlighted in the 2001 Implementation Review**

**Improved Dissemination of Information Gained from Actions:** The PEP is currently drafting, an update to the Brown Tide Workplan and an updated Suffolk County Department of Health Service's surface water quality monitoring report. The PEP has presented posters at EPA's 2002 Science Forum and at the December 2003 meeting of the Atlantic States Marine Fisheries Commission. Recently, the PEP published an article in the magazine *Coastlines*, drafted an indicators report, and developed a CCMP tracking system. In the near future, reports will be posted on the stand-alone PEP website.

**Local Involvement in Implementation:** The PEP has increased their support of local governments by further engaging municipal officials on select topics including implementing the

Vessel Waste No Discharge Area and the Critical Lands Protection Strategy, and applying for funding under the NYS Clean Water/Clean Air Bond Act and Suffolk County 1/4% Sales Tax Program.

**Working with other Region II National Estuary Programs:** The PEP continues to work more closely with other estuary programs in the area. Some joint initiatives include:

- In February 2002, all estuary programs in EPA Region II participated in an Estuarine Indicators Workshop in New York City.
- In September 2003, the Long Island Sound Study, South Shore Estuary Reserve, and the PEP participated in the Clean Marine Engines Initiative press conference.
- In November 2003, the Long Island Sound Study participated in the PEP's all-day workshop that kicked-off the *Eastern Long Island Golf Course Nitrogen Management Challenge*.

### **Challenges**

**PEP State Coordinator:** The PEP continues to be challenged by New York State with regard to the Department of Environmental Conservation's difficulties in hiring a PEP coordinator. The NYS DEC employee that worked with the PEP left the position in October, 2003 and a replacement has not yet been hired, in large part due to the NYS freeze on hiring or backfilling positions. We are aware that the NYS DEC is trying to hire a new person and we encourage that this be accomplished as expeditiously as possible so that the NYS DEC can again directly assist the PEP in achieving CCMP goals.

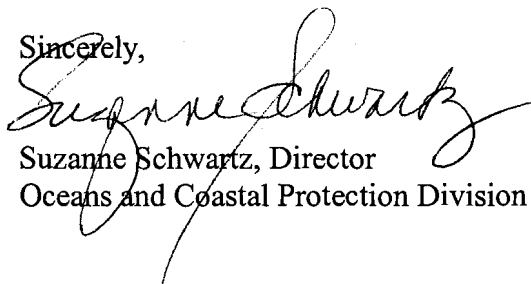
**Restoring Aquatic Habitats:** Restoring aquatic habitats in the Peconics is a primary goal and those habitats that have experienced significant losses need to be a priority. Although efforts are underway, more needs to be accomplished. In this regard, there is a need to conduct research to determine why scallops have not returned in large numbers to the Peconics, although there hasn't been a brown tide outbreak in more than seven years. Reasons for this slow re-establishment of scallop populations may include: low densities of spawning adult scallops; poor recruitment; low survival of scallops due to competitors and/or predators; and low quantity and/or quality of phytoplankton food for the bay scallops. We understand that Suffolk County is in the process of funding CCE \$2.2 million for bay scallop restoration and monitoring efforts whereby the numbers of scallops used in the spawner sanctuaries and free-planting approaches will be far greater than those used in any previous reseeding program attempted in New York.

**Pathogen Management:** While considerable efforts have been taken by the Towns and the State Department of Transportation to reduce stormwater runoff (the primary source of pathogens to the Peconic Estuary), the PEP could be doing more to implement the pathogen management plan in order to reopen closed shellfish beds, as well as to ensure that other areas remain open. It is an on-going challenge that almost 15% of the area available for shellfish harvesting need to be periodically closed due to noncompliance with water quality standards. The health risks associated with eating contaminated shellfish or swimming in contaminated water, as well as the economic losses associated with the closure of shellfish beds and beaches, are powerful incentives for effectively implementing the plan. Finally, the pathogen

management plan needs to be comprehensive and take a holistic, regional approach to be effective in solving water quality problems.

Thank you again for participating in the Implementation Review process. We welcome any additional thoughts you may have either about the review process itself or about EPA's involvement in PEP's CCMP implementation. If you have any questions or comments, please contact me or Darrell Brown, Chief, Coastal Management Branch, at telephone number (202) 566-1256.

Sincerely,

A handwritten signature in black ink, appearing to read "Suzanne Schwartz", written over the typed name and title.

Suzanne Schwartz, Director  
Oceans and Coastal Protection Division

cc:

Diane Regas, U.S. EPA  
Jane Kenny, U.S. EPA Region II  
Walter Mugdan, U.S. EPA Region II  
Janice Rollwagen, U.S. EPA Region II  
Rick Balla, U.S. EPA Region II  
Robert Dieterich, U.S. EPA Region II  
Mark Alderson, Sarasota Bay Estuary Program  
Noemí Mercado, U.S. EPA



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

SEP - 3 2004

OFFICE OF  
WATER

Jan Smith, Executive Director  
Massachusetts Bays Program  
251 Causeway Street  
Suite 800  
Boston, MA 02114

Dear Mr. Smith:

The purpose of this letter is to provide a summary of the Environmental Protection Agency's (EPA) 2004 Implementation Review and to thank you and the Massachusetts Bays Program (MBP) staff, and your partners for your contributions to the 2004 Implementation Review report. You put considerable effort into the Implementation Review submission and the responses to our follow-up questions. The EPA review team enjoyed the on-site visit, and was especially impressed with the tours arranged by the North and South Rivers Watershed Association – MBP's new regional partner on the South Shore. In a short period of time, this partnership has already demonstrated a number of stormwater and land use initiatives that are proving beneficial to local town officials and citizens.

The Implementation Review process, now scheduled every three years, continues to prove to be extremely valuable for determining each National Estuary Program's (NEP) progress and effectiveness and thus, each program's funding eligibility. It has added considerably to EPA Headquarters and Regional staff knowledge of each individual NEP, and will promote sharing of effective and innovative initiatives and approaches across all 28 NEPs as well as with other watershed programs around the country.

This implementation review featured the participation of a volunteer ex-officio NEP Director on some review teams. This approach mainly provided the EPA team members with an NEP perspective of the perceived strengths and challenges of the program undergoing the review. In addition, the NEP Directors used this opportunity to share ideas about their respective Programs. This process will be evaluated to determine its effectiveness and use in future implementation reviews.

Based on the EPA review team's findings, we believe that the MBP continues to make significant progress in implementing its Comprehensive Conservation and Management Plan (CCMP). We are pleased to report that the MBP "passes" the 2004 Implementation Review and



will be eligible for FY 2005, 2006 and 2007 funding authorized by the Clean Water Act §320. Considering our expected budget for the NEP, we are setting the base planning targets at \$300,000 per year for FY 2005 - 2007. Planning targets are the funding levels that EPA hopes to provide to the Programs, and may be used for the purpose of beginning to develop work plans. Actual funding levels will be determined once the Agency has received its final budget from Congress and completed its internal budget allocation process, which generally occurs late in the first quarter of the Federal fiscal year.

### **Massachusetts Bay Program 2004 Implementation Review Findings**

Following is a summary of the key findings identified by the reviewers regarding the MBP's strengths as well as recommendations regarding potential challenges. The review comments are intended to applaud the Program's successes and support efforts to further strengthen the Program. The Program's response to these recommendations will be evaluated in the 2007 Implementation Review cycle.

#### **Strengths**

- **Technical Assistance:** The 2001 Implementation Review identified the ongoing and consistently high quality technical assistance provided to local communities by the MBP's central and regional staff as one of the Program's core strengths. This year's review confirms that this continues to be true. The MBP staff are recognized by local officials as technical experts on issues such as stormwater management and land use. The technical assistance the MBP Regional staff has provided has also been instrumental in leveraging significant funding for projects that directly support and demonstrate CCMP implementation in their watershed communities. We applaud and encourage your continued commitment to these efforts.
- **Marine Invasive Species:** The MBP has worked hard to establish itself as a technical expert and resource to the State for this issue. Because of their expertise in this area, the MBP plays a lead role in both State and Regional task forces to implement the State's priority invasive species management plan action items and to develop a regional rapid response protocol. Recent accomplishments include conducting the 2002 Regional Invasive Species workshop and development and implementation of the 2003 Northeast Regional Rapid Assessment for invasive species within the eight New England NEPs. A final report on the 2003 Assessment, as well as plans for a 2006 assessment, are under development. The MBP will also serve as an important source of information for the other NEPs interested in similar efforts.
- **Smart Growth:** The MBP successfully developed a Green Communities Speaker Series that features regularly-scheduled and well-attended presentations to assist regional decision makers balance growth decisions and coastal watershed protection. Past topics have included open space planning, open space residential design, enhancing public participation in the municipal planning process, and creating stormwater utilities. Other

successful ventures include implementation of a GreenScapes program, in partnership with local water departments, to teach property owners about watershed-friendly landscaping practices; secured funding for and implemented a low impact development outreach program for local towns that includes bylaw review and recommendations; and, established a partnership and secured funding to purchase the equipment needed to implement a tri-town street sweeping and stormwater outreach project.

The MBP facilitated networking among local Community Preservation Committee members to adopt and implement the recent Statewide Community Preservation Act (CPA) in ways that enhance open space, affordable housing and historic preservation goals. The South Shore Regional Technical Assistant played a significant role in helping seven South Shore communities to formally adopt the CPA and secure almost \$1.8M in CPA funding this past year.

- **Initiation of a Regional Marine Monitoring Approach:** The MBP is actively involved in numerous marine monitoring programs sponsored by various organizations within the Region to identify and track adverse effects to coastal waters. The monitoring programs include National Coastal Assessment Program; Massachusetts Water Resource Authority's Boston Harbor/Mass Bays NPDES outfall monitoring program; MA Marine Monitoring Initiative; Northwest Atlantic Monitoring Network; and Gulfwatch, a Gulf of Maine-wide monitoring program. The Program has taken a leadership role to promote regional cooperation and coordination for marine monitoring throughout the Gulf of Maine (Massachusetts Bay and Cape Cod Bay waters form the lower southern region of the Gulf of Maine). Their efforts to date have culminated in regional workshops and several small pilot projects that resulted in the design of the form and function of a monitoring network for the Region and a consensus on Gulf wide indicators to monitor the state of the Gulf. EPA encourages the Massachusetts Executive Office of Environmental Affairs to work with the MBP to ensure that any monitoring strategies developed under the Coastal WEB (Wetlands, Estuaries, Bays) Initiative, a new state effort, are compatible with the developing regional monitoring network.

### **Progress Made in the Areas Highlighted in the 2001 Implementation Review**

The MBP took considerable actions, summarized below, to address all of the challenges identified during the 2001 Implementation Review.

- **Financial Support:** Specifically, in response to EPA's concerns that MBP needs to search for ways to broaden its base of financial support, the MBP worked with a consultant to develop a three-tiered planning strategy<sup>1</sup> that targets the MBP's limited resources to its core CCMP priority action plans and links the strategic and funding plans.

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<sup>1</sup> The CCMP is the long term planning document and it is updated every 6 years; the Strategic and Funding Plan, the mid-term document, is updated every 3 years; and the Annual Workplan identifies the schedule, milestones and responsible parties to complete specific program action in the upcoming fiscal year.

In CY2004, the Mass Bays Estuary Association (MBEA), a non-profit organization, was established to help the MBP diversify its funding base, as recommended in its funding strategy. This is a positive step towards enhancing the MBP's ability to leverage additional support from new funding sources.

- **Program Visibility:** In its 2001 review, EPA acknowledged MBP's visibility issues within Coastal Zone Management (CZM), its host agency, the state's Executive Office of Environmental Affairs, and among the general public and the Program's plan to address this challenge. One of CZM's Assistant Directors is now an active participant on the MBP's Management Committee. Several senior-level environmental managers, including the State's Environmental Secretary, CZM's Director, and EPA's Deputy Regional Administrator, actively participated in the MBP's 2004 State of the Bay Symposium. The MBP continues to identify opportunities to actively participate in high-profile State initiatives including the recently-concluded Massachusetts Watershed Initiative and the newly formed Coastal WEB Initiative. Based on our understanding that the MBP will be a major player in that effort, the Initiative should provide a forum to highlight the work being done on the local level by the MBP and its partners.

In FY04 the MBP hired a full-time Outreach and Communications Coordinator, who developed and began implementing an annual outreach and communications plan to specifically address program visibility issues. This year's goal is to update and develop a suite of materials that clarify and promote the value of the Bays and the MBP. Other major accomplishments since the last Implementation Review include an enhanced MBP web site; a comprehensive 2004 State of the Bays Report and Symposium; and, as mentioned above, the establishment of a non-profit organization to enhance and support the MBP's outreach and education efforts. The MBP and the MBEA will work in partnership to strengthen the visibility of the Program and its efforts to protect Massachusetts and Cape Cod Bays.

- **CCMP Revisions and Tracking:** After undergoing an extensive public review process to revise and update the CCMP, the MBP issued the 2003 Revisions to the CCMP, including 17 revised action items, of which two action plans were entirely new: preventing marine invasive species and monitoring the marine environment. The MBP is currently implementing the CCMP roll-out plan. The plan includes reaching out to newly-elected representatives of local government to "spark a renewed interest in coastal environmental protection among this group". The revised CCMP includes a number of new actions for municipalities, especially in the Land Use and Stormwater Action Plans.

In response to the need to monitor CCMP implementation accomplishments, to measure and report on the MBP successes, and to help identify future MBP priorities, the Program has developed a project specific CCMP tracking database. The tracking system is scheduled to become operational later this summer and a web-based version of the database is scheduled to be available for public review later this fall. In addition to being able to retrieve current and useful information for specific projects, users will be able to

search and compile data on a variety of parameters (e.g., environmental issue or geographic location). It is anticipated that this system will enhance the MBP's ability to provide information to local decision makers and the public, respond to EPA mandated reporting requirements and help manage workplan activities and projects.

- **Establishment of Mass Bays Estuary Association:** Lastly, as previously mentioned, members of the MBP Management Committee established the MBEA, a non-profit organization, that will support CCMP implementation activities through outreach, education and fund-raising efforts. The Association hopes to give a "voice to the Bays" by reaching new constituencies and reach existing constituencies in new ways; attracting corporate participation and support through innovative and visible local partnership programs; and securing a broader array of funding source for projects and programs.

The Association has developed a well-designed business plan; has entered into a Memorandum of Understanding with the MBP that clearly spells out roles and responsibilities of each partner; appointed a Board of Directors; identified an Executive Director; found office space and expected to be operational by September 1, 2004. The MBP and the MBEA are working together with CZM, EPA, and other partners to develop a stormwater education and outreach campaign as their first partnership project.

### **Challenges**

- **Environmental Indicators:** While we recognize the efforts of the MBP to develop nested indicators in coordination with the National Coastal Condition Report, as well as a regional strategy for the Gulf of Maine, we believe it is necessary for the Program to coordinate closely with DEP's Strategic Statewide Monitoring Strategy and draft a set of program-specific measures and indicators for Massachusetts Bay. The Gulf of Maine Summit Conference in New Brunswick, Canada is scheduled for October 26-29, 2004. The MBP and regional partners are developing a draft set of indicators through subcommittees on eutrophication, habitat, fisheries, climate change, toxics, and land use in time for the October summit. Following the Gulf of Maine Summit Conference, we would like to see the MBP develop a schedule with milestones for having program-specific indicators in place, realizing the need for both the regional approach as well as a coordinated program within the National Estuary Program. The MBP has begun implementing an environmental indicator program addressing 15 questions in their initial "State of the Bays" report and is expected to revisit this assessment every five years.
- **Technical Assistance to Communities:** The review team was impressed with the MBP's Storm Water Action Team Proposal, and the intent to provide a broad outreach effort as well as needed technical assistance to communities to meet their Phase II outreach requirements. We are also pleased that MBP is working toward hiring a new central staff stormwater specialist who will build the capacity of the regional staff to assist communities in developing their stormwater programs. We recognize, however, that the hiring of this additional expertise is contingent on level funding for the Program. We are hopeful that this effort can go forward, because we believe that, as the challenge

of leveraging the resources necessary to implement the CCMPs increases, this new model may offer an opportunity to maximize on regional learning and transfer successful initiatives to other MBP communities. The effective implementation of the stormwater circuit rider could build the capacity of the Program to assist local governments in their efforts to comply with a core Clean Water Act program; and the lessons learned from this approach might prove useful for both EPA's stormwater program as well as other NEPs.

EPA recommends that, as the new stormwater circuit rider program takes shape in the coming year, the MBP evaluate the comparative strengths of all the regional coordinators technical assistance programs. Regional coordinators would have the opportunity to highlight their successes during the evaluation process. In addition, the MBP could use the process to evaluate the regional coordinators' host organizations' relative capacity to implement the Program's CCMP. The information collected would inform future discussions about ways to further improve technical assistance to communities.

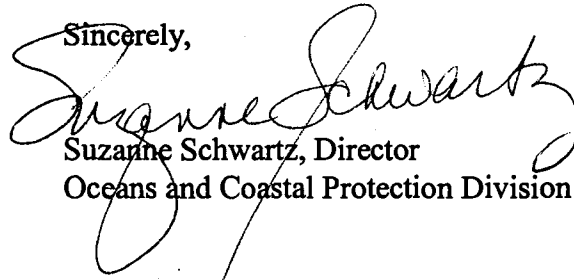
- **Funding and Visibility:** Although the MBP has made great strides in developing a funding strategy and forming the Massachusetts Bays Estuaries Association, securing non-EPA sources of funding for CCMP implementation will continue to be an ongoing challenge. The Program visibility within the Massachusetts Bays Region, raised previously, is a challenge that has faced the Program for some time. This is due in part to the large geographic coverage of the Program, the numerous environmental groups in the area, and the limited flexibility to conduct outreach activities inherent with being housed within a state agency. EPA acknowledges these factors and encourages the Program to continue to seek additional opportunities to reach out to local citizens in the study area. We understand that the outreach strategy will be updated in coordination with the MBEA. EPA looks forward towards hearing how the formation of the MBEA furthers the MBP's progress in addressing these challenges.

EPA also appreciates that, regardless of the ability to hire a stormwater technical expert, the MBEA/MBP is developing a joint stormwater education and outreach campaign that will employ mass media and targeted outreach elements. We encourage the Program and the MBEA to carefully spell out their roles in this effort, and include a broad array of partners to ensure this ambitious undertaking's success.

- **Coordination with Coastal WEB (Wetlands, Estuaries, and Bays):** Since the last review, funding for the State's Watershed Initiative has been cut, and new priorities focusing on ocean and coastal management and protection efforts have emerged. The need for strategic coordination between Massachusetts Bays and the other agencies on these efforts became clear during the process of this review. One key opportunity that was identified requires better integration of MBP's work with initiatives such as the Massachusetts Estuaries Project, which is developing TMDLs for Nitrogen for 89 embayments. The review team believes that one way to facilitate this would be to encourage the Massachusetts DEP to play a more active role in the MBP's management committee.

Thank you again for participating in the Implementation Review process. We welcome any additional thoughts you may have either about the review process itself or about EPA's involvement in MBP's CCMP implementation. If you have any questions or comments, please contact me or Darrell Brown, Chief, Coastal Management Branch, at telephone number (202) 566-1256.

Sincerely,



Suzanne Schwartz, Director  
Oceans and Coastal Protection Division

cc:

Diane Regas, Director, U.S. EPA Office of Wetlands, Oceans and Watersheds

Ira Leighton, Deputy RA, U.S. EPA-New England

Ellen Roy Herzfelder, Secretary, MA EOE

Tom Skinner, Director, and Susan Snow-Cutter, Assistant Director, MA Coastal Zone Management

David Webster, OEP, EPA-New England

Paula Jewell, Deputy Director, MBP

Peter Phippen, Merrimack Valley Planning Commission

Wendy Garpow, North and South Rivers Watershed Association

Rob Gough, Salem Sound Coast Watch

Steve Tucker, Cape Cod Commission

Austine Frawley, U.S. EPA-New England

MaryJo Feuerbach, U.S. EPA-New England

✓ Nancy Laurson, U.S. EPA



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
WATER

Mr. Kerry St. Pé, Director  
Barataria Terrebonne National Estuary Program  
Nicholls State University Campus  
Thibodaux, LA 70310

OCT - 4 2004

Dear Mr. St. Pé:

The purpose of this letter is to provide a summary of the Environmental Protection Agency's (EPA) 2004 Implementation Review and to thank you and the Barataria-Terrebonne National Estuary Program (BTNEP) staff, as well as your partners, who contributed to the 2004 Implementation Review report. We appreciate the considerable effort that you and the staff of the BTNEP put into the submission and the responses to our follow-up questions. Thank you also for participating in the meetings and field trips and for arranging for the on-site visit by the EPA review team.

The Implementation Review process, now scheduled every three years, continues to be extremely valuable for determining each National Estuary Program's (NEP) progress and effectiveness and thus, each program's funding eligibility. It has added considerably to EPA Headquarters and Regional staff knowledge of each individual NEP, and will promote sharing of effective and innovative initiatives and approaches across all 28 NEPs as well as with other watershed programs around the country.

This implementation review featured the participation of an ex-officio NEP Director who volunteered to serve on the review team. This approach mainly provided the EPA team members with an NEP perspective of the perceived strengths and challenges of the program undergoing the review. In addition, the NEP Director used this opportunity to share ideas about their respective Programs. This process will be evaluated to determine its effectiveness and use in future implementation reviews.

Based on the EPA review team's findings, we believe that the BTNEP is continuing to make significant progress in implementing its Comprehensive Conservation and Management Plan (CCMP). We are pleased to report that the BTNEP "passes" the 2004 Implementation Review and will be eligible for FY 2005, 2006 and 2007 funding authorized by the Clean Water Act (CWA) §320. Considering our expected budget for the NEP, we are setting the base planning targets at \$300,000 per year for FY 2005 - 2007. Planning targets are the funding levels

that EPA hopes to provide to the Programs, and may be used for the purpose of beginning to develop work plans. Actual funding levels will be determined once the Agency has received its final budget from Congress and completed its internal budget allocation process, which generally occurs late in the first quarter of the Federal fiscal year.

### **Barataria-Terrebonne National Estuary Program 2004 Implementation Review Findings**

Following is a summary of the key findings identified by the reviewers regarding the BTNEP's strengths as well as some suggestions regarding potential areas for improvement. The review comments are intended to applaud the Program's successes and support efforts to further strengthen the Program. The Program's response to these recommendations will be evaluated in the 2007 Implementation Review cycle.

#### **Strengths**

The BTNEP reported numerous strengths in their Implementation Review. The following are a few we think are especially notable.

- **Public Outreach and Education:** The BTNEP continues to do an excellent job reaching out to the public and educating citizens on the ecological, economic, and cultural importance of the Barataria-Terrebonne region. Numerous posters, CD's, videos, and curricula have been developed, and informational presentations have been given to a variety of different audiences. One example is the annual "Back to the Bayou" paddling trip where local residents take a multi-day excursion down Bayou Lafourche, learning not only about the ecological importance of the bayou but also its history and cultural significance. Other examples include the director's trip to Southeast Asia to discuss watershed management issues with local decision makers, and participation in the nationally televised Weather Channel program, "After the Storm."
- **Organizational Setting and Sponsorship:** As BTNEP's new sponsor agency, the Louisiana Universities' Marine Consortium (LUMCON) has been a strong supporter of the Program. The relationship between the BTNEP and the LUMCON has proven to be mutually beneficial and has provided greater opportunity for CCMP implementation. Under this university setting, the Program has much more flexibility to seek additional funding. Since the last review the Program has grown, increasing staff from four full-time employees to seven full-time employees. Interns from Nicholls State University supply additional help. The establishment of a Community Relations Coordinator position has greatly improved the ability of the Program to facilitate interactions and increase education and outreach with the public. Moreover, creation of an Invasive Species Coordinator position has allowed the Program to more effectively tie into other efforts such as serving on the State's Non-Indigenous Species Task Force, which is charged with development of the State's Non-Indigenous response plan.



- **Environmental Indicators Development:** The BTNEP hosted a workshop that brought together stakeholders and individuals managing or performing long-term status and trends monitoring. The result was development of a suite of indicators relevant to the estuary's seven priority problems that are meaningful to the estuary's residents and public officials. The Management Conference will use them to report, every three years, environmental conditions to estuary residents and their elected officials. They will also be used to assess progress toward CCMP Action Plan objectives. Using information currently supported by existing monitoring programs and associated data sets, BTNEP's Management Conference and partners selected ten focus questions and thirty-four indicators to present an overview of the environmental health of the estuary. The BTNEP plans to release an updated indicators report every three years. It is anticipated that this group of indicators will grow and evolve over time, as more and better scientific information becomes available. The public report is an excellent outreach document that could be used as a model for other NEPs. We commend the BTNEP for its outstanding work on this product and look forward to the next report.
- **Support of Core Clean Water Act Programs:** The BTNEP has shown leadership in supporting efforts to implement CWA "Core Programs." While all NEPs respond to specific and unique concerns in their estuaries, we have also encouraged support of efforts that enhance State and federal efforts under the CWA. The BTNEP has promoted creative stormwater management efforts and also supported the development and implementation of TMDLs. In particular, in cooperation with Terrebonne Parish and LSU, the BTNEP has developed a demonstration project for distributing pumped stormwater directly into marshes, thereby using the natural properties of the marsh to filter pollutants and help rebuild the marsh. We look forward to see whether the BTNEP can succeed in getting other levied areas to adopt these techniques. Additionally, work done in association with the Louisiana Department of Environmental Quality to support additional monitoring of nonpoint source run-off from agricultural areas will be a significant benefit to TMDL implementation in southern Louisiana.

### **Progress Made in the Areas Highlighted in the 2001 Implementation Review**

During the previous implementation review, identifying additional resources and priority setting were two areas that required further attention. The BTNEP has taken steps to identify and procure additional funding sources beyond CWA §320 funds. Over the past three fiscal years, the BTNEP has obtained more than a \$1 million in State general funds through BTNEP's administrative organizations. Also, the BTNEP has obtained funding from other federal programs such as the Gulf of Mexico Program, Gulf of Mexico Foundation, and the National Fish and Wildlife Federation, as well as additional State funding through the Louisiana Board of Regents and the Department of Natural Resources. We encourage the BTNEP to continue to seek out additional sources of revenue and to develop a formal finance strategy to help facilitate this effort.

With respect to priority setting, EPA has found that NEP programs that have an established process for re-considering priority actions from time to time have greater success with CCMP implementation. It serves not only to address new environmental threats to the watershed but to re-affirm stakeholder commitment and build broader stakeholder involvement. The BTNEP indicated that twenty-one of the fifty-one Action Plans remain as implementation priorities. However, implementation progress on all actions is actively encouraged and progress has been made on many Action Plans not designated as priorities. We encourage the BTNEP to continue re-examining priorities at least every five years and establish a formal process for this to be accomplished.

### **Challenges**

EPA believes that the BTNEP is making good overall progress in implementation and showing its achievements. The challenges identified here are intended to help improve the Program's effectiveness in implementing the CCMP. The BTNEP's response to these recommendations will be evaluated in the 2007 Implementation Review.

- **Stronger Leadership Role in Restoration Activities:** While the BTNEP excels in public outreach and education, the review team felt continued emphasis should be placed on taking a strong leadership role in ecosystem restoration within the area. Given its excellent reputation, its access to resource managers and researchers, and its skill at bringing diverse parties to the table to collaborate on difficult issues, the Program is well positioned to play a significant role facilitating watershed restoration activities. This is demonstrated by BTNEP's participation in reviewing and commenting on the Near-Term Ecosystem Restoration Plan for the Louisiana Coastal Area Study. We applaud your success in promoting the use of external sediment sources as a component of restoration for areas impacted by coastal land loss. With LCA, Coastal 2050, and other plans, it is easy for the CCMP to be overlooked. It is a significant challenge for the BTNEP and its key partners to ensure that the CCMP remains a keystone and central figure in the efforts to restore southeast Louisiana. We will be glad to work with you, when necessary, to meet this challenge.
- **Establishing a Formal Office Management Structure:** Many NEPs have found that formalizing a management line of succession results in greater efficiency. For example, when the director is unable to attend a meeting, the deputy director, or other appointed staff given the authority to make decisions, can represent the Program's interests. This results in greater visibility and presence for the Program and can help avoid missed opportunities. It also affords staff the chance to develop leadership skills and become better known to the local stakeholders. The BTNEP director was appointed interim director of LUMCON in 2002. While this appointment has been beneficial and promoted increased interaction between the two organizations, it has also increased the director's responsibilities and absence from the office. Empowering staff with decision making authority would help the Program become more effective in its operation. Establishing the position of "Senior Scientist" is a good step and has helped to identify

staff who can speak and act as a senior representative of the BTNEP when the director is not available.

Thank you again for participating in the Implementation Review process. We welcome any additional thoughts you may have either about the review process itself or about EPA's involvement in BTNEP's CCMP implementation. If you have any questions or comments, please contact me or Darrell Brown, Chief, Coastal Management Branch, at telephone number (202) 566-1256.

Sincerely,



Suzanne Schwartz, Director  
Oceans and Coastal Protection Division

cc:

Diane Regas, Director, Office of Wetlands, Oceans and Watersheds, EPA  
Richard E. Greene, Regional Administrator, EPA Region 6  
Miguel I. Flores, Director, Water Quality Protection Division, EPA Region 6  
Jane Watson, Chief, Ecosystem Protection Branch, EPA Region 6  
Doug Jacobson, Regional Coordinator, EPA Region 6  
Barbara Keeler, Coastal & Wetlands Planning Coordinator, EPA Region 6  
Mr. Al J. Levron, Chairperson, Barataria-Terrebonne Management Conference  
Hon. Loulan Pitre, Vice Chairperson, Barataria-Terrebonne Management Conference  
David Blazer, Director, Maryland Coastal Bays  
John Wilson, EPA HQ  
Gregory Colianni, EPA HQ



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
WATER

Mr. Mark Trenholm, Director  
Tillamook Estuaries Partnership  
PO Box 493  
613 Commercial Drive  
Garibaldi, OR 97118

DEC 22 2004

Dear Mr. Trenholm:

The purpose of this letter is to provide a summary of the Environmental Protection Agency's (EPA) 2004 Implementation Review and to thank you and other Tillamook Estuaries Partnership (Partnership) staff, the Board of Directors (Board), and your program partners for your contributions to the 2004 Implementation Review process. You put considerable effort into the Implementation Review submission and the responses to our follow-up questions. Thank you also for participating in the meetings and field trips and for arranging the on-site visit by the EPA review team (Team).

The Implementation Review process, now scheduled every three years, continues to be an extremely valuable way to determine each National Estuary Program's (NEP) progress and effectiveness and thus, each program's funding eligibility. It has added considerably to EPA Headquarters and Regional staff knowledge of each individual NEP, and will promote sharing of effective and innovative initiatives and approaches across all 28 NEPs as well as with other watershed programs around the country.

This Implementation Review featured the participation of an NEP Director who volunteered to serve in an ex officio capacity on the Team during the early stages of the Partnership review process. This approach mainly provided EPA Team members with an NEP perspective of the perceived strengths and challenges of the Partnership, and provided the Partnership Director an opportunity to share ideas with his NEP colleague. Inclusion of NEP Directors as ex officio Team members will be evaluated to determine its effectiveness and use in future Implementation Reviews.

Based on the Team findings, we believe that the Partnership continues to make significant progress implementing the Tillamook Bay Comprehensive Conservation and Management Plan (Plan). We are pleased to report that the Partnership "passes" the 2004 Implementation Review and will be eligible for FY 2005, 2006 and 2007 funding authorized by the Clean Water Act (CWA) Section 320. Considering our expected budget for the NEP, we are setting the base planning targets at \$300,000 per year for FY 2005 - 2007. Planning targets are the funding levels that EPA hopes to provide to the programs, and may be used for the purpose of beginning to develop work plans. Actual funding levels will be determined once the Agency has received its final budget from Congress and completed its internal budget allocation process, which generally occurs in the second quarter of the Federal fiscal year.

### **Partnership Implementation Review Findings**

Following is a summary of the key findings identified by the reviewers regarding the Partnership's strengths as well as some recommendations regarding potential areas for improvement. The review comments are intended to applaud Partnership successes and support efforts to further strengthen the Partnership. The Partnership's response to these recommendations will be evaluated in the 2007 Implementation Review cycle.

The Implementation Review submission, the on-site tour, field trips, and discussions with Partnership staff, the Board, and State and local partners provided the Team with substantial information about Partnership activities. It is clear that the Partnership is a major force for watershed protection and restoration in the five Tillamook County estuaries and their associated watersheds.

During the on-site visit, Team members were particularly impressed by the Partnership's: (1) collaboration with natural resource managers, scientists, and community members to restore a large number of ecologically-significant inter-tidal acres; (2) provision of a wide range of project- and watershed-management services; (3) ability to seize new opportunities to diversify funding sources and to engage community members in watershed protection; and (4) promotion of best management practices supporting CWA core programs. The Team concluded that the Partnership exercises considerable leadership in fostering stewardship of the watershed's coastal and marine resources.

### **Strengths**

The 1999 Plan identified the four priority problems facing the Tillamook Estuaries watershed: (1) key habitat, (2) water quality, (3) erosion and sedimentation, and (4) flooding. Implementation Review and supplementary materials as well as the recent on-site visit demonstrated to the Team that under your leadership, the Partnership has taken major steps to address these priority problems and to communicate its progress to the public.

Highlighted below are several implementation efforts that the Team found especially noteworthy.

### ***Serving as a Unique Community Asset***

- Providing unique services to the community--  
The Implementation Review submission and follow-up on-site discussions provided the Team with a clear understanding of how the Partnership provides very important, unique services to the community. For example, the Partnership supported and participated in the Hoquarten Slough project, a grassroots effort to develop an interpretive trail integrating community cultural history with native plant landscaping. As the project took shape, it became clear that the Partnership was the community entity best suited to lead project implementation and manage the project over the long term. The Partnership brought to the project expertise in grant writing, financial administration, public outreach, and public involvement. The Team commends the Partnership for playing a unique role in building community environmental management capacity and for serving as an invaluable partner in community water quality protection and restoration efforts.

The Partnership also played a major role raising funds and providing management and administrative support to an impressive wetlands acquisition project, the Wilson-Trask Peninsula Inter-tidal wetlands project. For many years those wetland acres were almost entirely disconnected from the Tillamook Estuaries due to an extensive system of levees and the conversion of wetlands habitat to agricultural and residential development. The Partnership took a lead role convening stakeholders with very diverse, potentially conflicting, interests for a year-long effort that produced a Management Plan and inter-governmental management agreement for this wetlands habitat. This acquisition effort made 370 wetlands acres available for critical habitat restoration.

### ***Habitat Protection and Restoration***

- Enhancing salmonids' passage--  
The Team was impressed with the Partnership's culvert removal/replacement, in-stream enhancement, and fish ladder installation projects, all of which significantly enhance water quality and provide access to habitat for five salmonid species. During the on-site review, the Team visited several salmonid habitat enhancement and restoration sites to see on-the-ground habitat restoration directly resulting from collaboration among Partnership staff, Federal and State natural resource managers, local watershed groups, and local businesses.

### ***Education and Outreach***

- Raising awareness about watershed environmental challenges--  
The Partnership is to be commended for very effectively raising the community's awareness of the importance of estuarine ecosystems and for involving the community in the planning and design of community-friendly, environmentally-sound efforts like the Backyard Planting Program. That Program involves community efforts to plant native

trees along the banks of the Tillamook River, which currently is on the Clean Water Act Section 303(d) list because of high water temperature and fecal coliform contamination.

The Team also was impressed with other Partnership efforts to raise awareness like the State of the Bay Conference, the Children's Clean Water Festival, the classroom curriculum kits, and the new Community Education Plan. With implementation of the Community Education Plan, the Partnership will be well-positioned to expand on its efforts to raise community awareness of issues facing the estuaries and to promote community stewardship of those estuaries.

#### ***Commitment to Partnership Mission and Goals***

- Transition to non-profit organization--  
The Team commends Partnership members for the Partnership's successful transition from County agency to non-profit organization. The Team believes that Board and Partnership staff showed strong commitment to the Partnership's mission and strategic environmental goals and adapted well to changing circumstances during the period of uncertainty about the Partnership's institutional status. During that period, the Partnership demonstrated its capacity to assume a lead environmental stewardship role in the watersheds of the Tillamook Estuaries.

#### ***Long-term Financial Sustainability***

- The Team commends the program for its recent, very successful fund-raiser, and for developing a strategic Business and Development Plan that is the basis for the Partnership's pursuit of new, diverse sources of long-term funding. EPA encourages the Partnership to fully implement the strategies laid out in that plan.

These are but five categories of recent implementation successes noted by the Team, and EPA congratulates the Partnership for its effective pursuit of Plan implementation.

#### **Challenges**

Over the past three years, the Partnership's focus on and involvement in habitat protection and restoration, education/outreach, and the transition to a non-profit institution led to major progress implementing Plan priority actions. The Team applauds that progress and encourages the Partnership to regard its successes as indicators of a strong, very effective community-based water quality protection and restoration program whose promise has just begun to be realized. The Team encourages the Partnership to pursue successes in the following areas: (1) tracking environmental results, (2) environmental progress reporting, (3) identifying sources of long-term funding. By building on recent successes targeting these three areas of challenge, the Partnership will continue to make significant progress toward protecting and restoring water quality in the Tillamook Estuaries.

### ***Tracking Environmental Results***

- **Indicators--**  
EPA commends the Partnership for its work with partners to develop a set of basin-wide indicators. Since Indicators are the means for measuring the water quality impacts of Partnership on-the-ground projects like those described in the **Successes** section, EPA encourages the Partnership to move forward quickly to finalize and begin using the recently-developed indicators.
- **Monitoring--**  
EPA is impressed with the Partnership's longstanding, very successful volunteer monitoring program as well as with the suite of indicators the Partnership developed in response to EPA FY2002 and FY2003 NEP Funding Guidance. However, the Team strongly recommends that since: (1) Federal and State monitoring of Tillamook Estuaries water quality is currently quite limited, and (2) the Federal government requires programs to measure and report on program implementation effectiveness, it is critical that the Partnership implement a monitoring program to assess the status and trends of restored and non-restored habitat (e.g., riparian and salmonid habitat).

The Team recognizes that implementation of a monitoring program would require extensive collaboration with partners, coordination of Partnership and partner resources, and identification of additional resources to support monitoring activities. Nonetheless, the Team believes that there are significant short- and long-term benefits to implementation of a full-fledged monitoring program such as:

- ▶ regularly-collected monitoring data would provide the community with a more comprehensive understanding of the environmental conditions of the Tillamook Estuaries' than is now the case; in particular, monitoring data would provide the Partnership and the community with data to assess the effectiveness of Partnership restoration actions on the Tillamook Estuaries environmental condition;
- ▶ the Partnership could use monitoring data to target degraded habitat for future restoration; and
- ▶ by undertaking regular monitoring, the Partnership would again demonstrate how it serves as a unique community asset.

The Team strongly recommends that the Partnership make a commitment to undertaking regular and continuous monitoring of the aquatic resources of the Tillamook Estuaries.

### ***Environmental Progress Reporting***

- **Creating an Environmental Report Card--**  
The Team encourages the Partnership to move toward accomplishing the long-term goal of reporting on environmental progress. Once monitoring efforts are underway, the Partnership could report on environmental progress by publishing documents and placing environmental data on the Partnership website.



- Updating the website--  
Since the current website contains outdated information, the Team recommends that the Partnership complete the website update in the very near term.
- Populating the Partner Information Reporting System (PIRS)--  
The Partnership has done a good job developing the PIRS, a user-friendly system that tracks partner activities. The Team encourages the Partnership to begin working closely with partners to populate that reporting system.

***Identify Sources of Long-term Funding for the Partnership***

- Increasing State support--  
The Team applauds State support of the Partnership, which takes the form of in-kind resources provided by various State natural resource agencies. Implementation Review documents and discussions during the on-site visit made clear that, for example, State natural resource managers and scientists provide exceptional support to the program on a range of Plan implementation issues like habitat restoration and reducing pathogen contamination of estuarine waters.

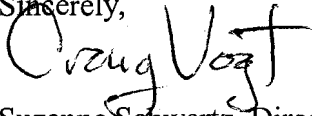
But, EPA is concerned that the State budget does not include a cash match for the Partnership; this calls into question the State's support of the State-Partnership-EPA collaboration that began in 1992, when on behalf of the Governor, the Department of Environmental Quality nominated the Partnership for entry into and EPA admitted the Partnership into the NEP. For over a decade, the Federal government has consistently served as a committed partner to the Partnership by providing it with significant funding and in-kind resources for planning and Plan implementation. Since 1999 when the Plan was signed, EPA has committed to an annual funding level of \$300,000, and for fiscal years 2002 - 2004, Congressional earmark funds have supplemented EPA's NEP budget request, bringing the Federal government's annual cash contribution to the Partnership to \$500,000.

These Implementation Review findings confirm that the State-local-EPA collaboration on which the Partnership is based and in which EPA has actively engaged has resulted in positive changes in the Tillamook Estuaries' environmental management. The changes occurred because of the continued commitment and contributions of each of the three major partners. The lack of a State cash match, which indicates limited State support for the Federal-State-local partnership, undoubtedly jeopardizes those positive changes and puts at risk both the Partnership's ability to continue Plan implementation and its ability to support State efforts to: (1) improve conditions in impaired water bodies (i.e., those that are listed on the CWA 303(d) list), and (2) implement efforts like the National Pollutant Discharge Elimination System Phase II stormwater program.

EPA recognizes that in Oregon, as in many other States, the budget outlook is bleak. But, a State cash match, as well as additional technical support, would enable the Partnership to develop the recommended comprehensive monitoring effort, which will greatly enhance the Partnership's ability to assess the impact of its on-the-ground efforts and target future restoration where it is most needed. **At a minimum, EPA recommends that in FY 2005 - 2006, the State match EPA's total cash contribution.**

Thank you again for participating in the Implementation Review process. We welcome any additional thoughts you may have either about the review process itself or about EPA's involvement in the implementation of the Partnership's CCMP. If you have any questions or comments, please contact me or Darrell Brown, Chief, Coastal Management Branch, at telephone number (202) 566-1256.

Sincerely,

  
for Suzanne Schwartz, Director  
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