



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

MAY 31 2002

OFFICE OF
WATER

Mr. William G. Ross Jr., Secretary
North Carolina Department of Environment and Natural Resources
1601 Mail Service Center
Raleigh, NC 27699-1601

Dear Mr. Ross:

I want to thank you and the staff of the Albemarle-Pamlico National Estuary Program (APNEP) for the 2002 Implementation Review submission. I appreciate the considerable effort that went into the report and response to the U.S. Environmental Protection Agency's (EPA) follow-up questions, especially given the absence of a Program Coordinator. I also want to thank you and your staff for the productive meeting we had on April 17, 2002, to discuss the issues that surfaced during the Implementation Review. Your commitment to take the steps needed to address those issues demonstrates North Carolina's genuine interest in APNEP becoming a fully functioning estuary program. This letter summarizes the Implementation Review findings we discussed at the April 17, 2002, meeting and reiterates the conditions the Program must meet in order to receive future funding.

Before turning to the specific Implementation Review findings and conditions, our general conclusion is that APNEP is not making adequate progress in implementing the Comprehensive Conservation and Management Plan (CCMP). Although the EPA will provide FY 2002 funding (\$480,000) for APNEP, future funding for the Program will depend on implementation of the conditions that are described below. Our intent is to ensure that APNEP continues to build on its successes, achieves the objectives of Section 320 of the Clean Water Act, and meets the expectations of EPA and the citizens of the APNEP study area. EPA's findings and our specific conditions are set forth below.

FINDINGS

As you recall, a team of Headquarters and Regional reviewers evaluated your submission using a standard set of questions contained in the Implementation Review Guidance dated December 6, 2002. The reviewers were asked to make a pass/fail determination to be used in establishing FY 2003 funding targets. The reviewers found that the submission and responses to the follow-up questions did address the topics in the Guidance and that some areas of progress were evident. Overall, however, we found that APNEP has not achieved adequate progress in CCMP implementation.

Program Strengths

We commend APNEP for the following:

- The Regional Councils have initiated several demonstration projects, such as the creation of an artificial wetland to treat stormwater runoff and implementation of agricultural best management practices to reduce the impacts of cattle grazing on streams.
- Basin planners continue to cooperate and coordinate with the Program.
- The Program has created and co-funds a Watershed Field Coordinator position in partnership with the State of Virginia; the Program has also crafted a Memorandum of Agreement with Virginia to help achieve greater coordination of the two States' CCMP implementation activities.
- APNEP has conducted or supported several workshops, including two open-space design workshops, a two-day workshop entitled "Tools for Watershed Management: A Workshop for Local Government", and a submerged aquatic vegetation workshop.

Program Progress

In EPA's letter to APNEP summarizing the results of the 1999 Biennial Review, EPA recommended that the Program: (1) develop a Project Implementation Matrix; (2) submit more detailed workplans; (3) establish implementation priorities; (4) initiate Regional Council demonstration projects; (5) achieve an identity independent from the North Carolina Department of Environment and Natural Resources' (NCDENR) Water Quality Section; (6) retain additional APNEP staff; and (7) provide greater technical assistance to communities.

In response, the Program has moved forward by submitting more detailed workplans, initiating Regional Council demonstration projects, and providing greater technical assistance to communities. However, the Program has not developed a useful Project Implementation Matrix, established implementation priorities, achieved an identity independent of NCDENR's Water Quality Section, or retained additional staff. As outlined in the Conditions section below, APNEP must implement these recommendations in order to receive future funding.

Challenges

- **Lack of visibility and autonomy of the Program office:** Placement of APNEP in NCDENR's Water Quality Section has resulted in limited visibility and leverage for the Program. For example, reviewers found that the Program has difficulty coordinating implementation activities that occur outside the Division of Water Quality. In addition, reviewers were unclear whether certain activities occurred as a result of APNEP's initiative, or if they would have been initiated by NCDENR irrespective of APNEP's existence. Finally, the Program's lack of autonomy has limited its ability to effectively involve other State, Federal, and local agencies in the implementation process. The Program should take steps to establish and maintain an independent identity that enhances

its effectiveness within NCDENR and with stakeholders other than NCDENR.

- **Inadequate number of APNEP staff:** Considering the great distances and numerous counties and municipalities in the APNEP study area, the addition of staff would help the Program more effectively coordinate implementation activities. For example, additional staff could conduct Regional Council meetings more frequently in locations closer to remote communities, thereby increasing communication among APNEP, other State agencies, local governments, and the public. Additional staff could also work to promote the Program's visibility across the study area and to initiate technical transfer activities at the local level.
- **Failure to utilize EPA Section 320 Funds:** With less than five months remaining in FY2002, over \$357,000 remain unspent. These funds could be used to fill several gaps in the Program, including hiring a Coordinator at a salary commensurate with the salaries of other NEP Directors in the Region, hiring additional Program staff, implementing additional outreach activities, and preparing a monitoring strategy/plan.

CONDITIONS

As mentioned above, while EPA will provide FY 2002 funding for APNEP, future funding will depend on implementation of the conditions described below. If the Program meets these conditions, it will be eligible for FY 2003 funding.

Conditions to be met by January 1, 2003

- **Move the Program from the Basinwide and Estuary Planning Unit:** The Program should be moved to a high enough level, such as the Office of the Governor or Secretary of NCDENR, to allow it to have the visibility and autonomy required to ensure CCMP implementation. Practically speaking, this requires the Program to be moved to an institutional setting in which the following will be realized: sufficient authority and independence for the Program Coordinator/Director to direct staff and implementation of the CCMP; substantive opportunities for stakeholders to be heard at high levels within the State structure; good potential to leverage internal and external resources and support; increased recognition of the Program by all Stakeholders; and enhanced cooperation and coordination among APNEP and NCDENR Divisions and Programs.
- **At a minimum, establish two additional full-time field positions and a Science Coordinator:** By increasing the number of APNEP staff, the Program would help ensure increased visibility of the Program office, more effective technology transfer, enhanced coordination within NCDENR and with organizations outside of NCDENR to implement on-the-ground projects, and more effective public education and outreach. A Science Coordinator could help design and implement a comprehensive monitoring strategy/plan, support the activities of a Scientific and Technical Advisory Committee, and bolster the

scientific basis for the Program. Field staff could increase outreach to the Regional Councils and stakeholders and enhance reporting on implementation results by gathering site-specific information. These positions do not necessarily have to be within NCDENR; they could be funded via a grant or contract, for example.

- **Hire an APNEP Director at a salary commensurate with that position's duties and responsibilities:** APNEP recently hired a new Program Coordinator and we applaud this action. However, the authority and salary level of that position are inadequate. We would like to stress that the previous Implementation Coordinator tried his best to carry out activities in support of implementation. However, any individual occupying the Coordinator position simply does not have sufficient authority and independence to be proactive and to ensure that key implementation activities occur. Because there is a distinct difference between a "Coordinator," and a "Director" who is empowered to provide leadership, the position title should be changed to "Director" and the job description should be written to establish the Director's authority over program staff and personnel. Also, while the APNEP study area is one of the largest among all 28 estuary programs and thus presents some of the most challenging coastal issues in the nation, the APNEP Coordinator salary is significantly lower than salaries paid to other NEP Directors in Region IV and to most other Directors around the country. The salary offered to the Director should be commensurate with that position's duties and responsibilities.
- **APNEP identifies an employee within the NCDENR to act as a liaison between the Division of Coastal Management and APNEP:** This person would play a critical role in enhancing coordination between the Division of Coastal Management and APNEP. Enhanced coordination will facilitate comprehensive identification of environmental issues in the APNEP study area; setting of priorities and goals that reflect overall NCDENR and APNEP concerns; and forging of comprehensive, long-term solutions.

Conditions to be met by September 30, 2003

- **Establish a Scientific and Technical Advisory Committee (STAC):** The STAC can provide useful advice and guidance related to research, data management, modeling, and monitoring efforts that affect the scientific adequacy of the Program. Members, typically nominated by the Management Committee, should represent a balance of scientific disciplines and may be noted local experts or outside scientists. An EPA Regional representative from the Office of Research and Development may be included as well.
- **Complete the development of the APNEP monitoring strategy/plan:** A monitoring plan/strategy is an essential part of the review and evaluation process, providing a sound approach to measuring effects of actions and discovering any new trends.

- **Establish a robust public involvement and outreach program:** To promote the Program's visibility across the study area and to initiate technical transfer activities at the local level, we recommend that, at a minimum, APNEP publish the APNEP newsletter, *The Beacon*, twice a year or more and conduct an APNEP Conference. *The Beacon* can help disseminate information about why the Program exists, what implementation progress is being made, and what types of solutions it proposes to address the estuary's environmental priorities. A conference provides an excellent opportunity for Program stakeholders to interact personally with interested citizens and is an important way to build Program support by providing a venue for explaining the Program's goals, showing how the Program is addressing issues, and sharing Program successes.
- **Develop a useful Project Implementation Tracking System.** A tracking system provides a useful way to monitor the status of implementation and demonstrate progress to Program partners. The APNEP tracking system should include a description of each CCMP project and its status, resources committed by partner(s), and environmental results.
- **Establish implementation priorities.** Setting priorities requires great effort, yet is essential if the Program is to move forward. APNEP must facilitate the efforts of the Regional Councils to identify and articulate priorities. The Program must then work with the Coordinating Council to adopt the recommendations of the Regional Councils and secure the commitment of local, State, Federal, and/or private resources to address those priorities.

Documentation

Evidence that the above conditions have been met must be submitted in writing to EPA Headquarters and Region IV by **January 1, 2003 and September 30, 2003, respectively.** Documentation should include:

By January 1, 2003:

- an organizational chart showing the new location of the Program;
- an organizational chart showing the structure of the Program and location of each staff member (including contractors, grantees, or others);
- a description of the duties, responsibilities, activities, and salary levels of each staff person and the Director; and
- the name of the employee within NCDENR identified by APNEP to serve as a liaison between Division of Coastal Management serving and APNEP.

By September 30, 2003:

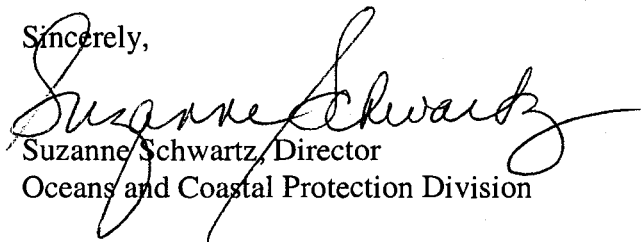
- a list of STAC members, including agency/entity represented;
- a copy of the APNEP monitoring strategy/plan;
- evidence of public involvement and outreach, such as the two most recent copies of *The*

- *Beacon* and the agenda and summary report from the APNEP Conference;
- a Project Implementation Tracking System that includes a brief description of each CCMP action and its status followed by the resources committed by which partners and a quantitative assessment of any environmental results (please see attached example); and
- CCMP priorities established with input from the Coordinating Council, Regional Councils, and NEP Director and staff.

CONCLUSION

EPA Headquarters and Regional staff are available to assist the Program in working to achieve the above conditions as well as to discuss in greater detail our concerns. If you have questions concerning any of the above, please do not hesitate to call me at (202) 566-1233 or Darrell Brown, Chief, Coastal Management Branch, at (202) 566-1256.

Sincerely,


Suzanne Schwartz, Director
Oceans and Coastal Protection Division

cc: Dempsey Benton, North Carolina Department of Environment and Natural Resources
Robin Smith, North Carolina Department of Environment and Natural Resources
Richard Rogers, North Carolina Department of Environment and Natural Resources
Alan Klimek, North Carolina Department of Environment and Natural Resources
Greg Thorpe, North Carolina Department of Environment and Natural Resources
Boyd DeVane, North Carolina Department of Environment and Natural Resources
Coleen Sullins, North Carolina Department of Environment and Natural Resources
Darlene Kucken, North Carolina Department of Environment and Natural Resources
Bill Crowell, Albemarle-Pamlico National Estuary Program
Joan Giordano, Albemarle-Pamlico National Estuary Program
Jimmy Palmer, U.S. EPA Region IV
Stan Meiburg, U.S. EPA Region IV
Russell Wright, U.S. EPA Region IV
Beverly Banister, U.S. EPA Region IV
Bo Crum, U.S. EPA Region IV
Fred McManus, U.S. EPA Region IV
Linda Rimer, U.S. EPA Region IV
Robert H. Wayland III, U.S. EPA Headquarters
Craig Hooks, U.S. EPA Headquarters
Darrell Brown, U.S. EPA Headquarters
Barry Burgan, U.S. EPA Headquarters
Tim Jones, U.S. EPA Headquarters

Attachment: Coastal Bend Bays Tracking Matrix (excerpt)

**Attachment: Coastal Bend Bays and Estuaries
Program Tracking System (excerpt)**



habitat and living resources report card

Number of CCMP Actions: 10
 Actions with Programmatic Progress: 8
 Number of CCMP Primary Projects: 17
 Action-Specific Environmental Progress: 5,082 acres
 EPA §320 Funds: \$11,073
 Leveraged Funds: \$1,396,477

Figure 18. Habitat and Living resources CCMP action locator.

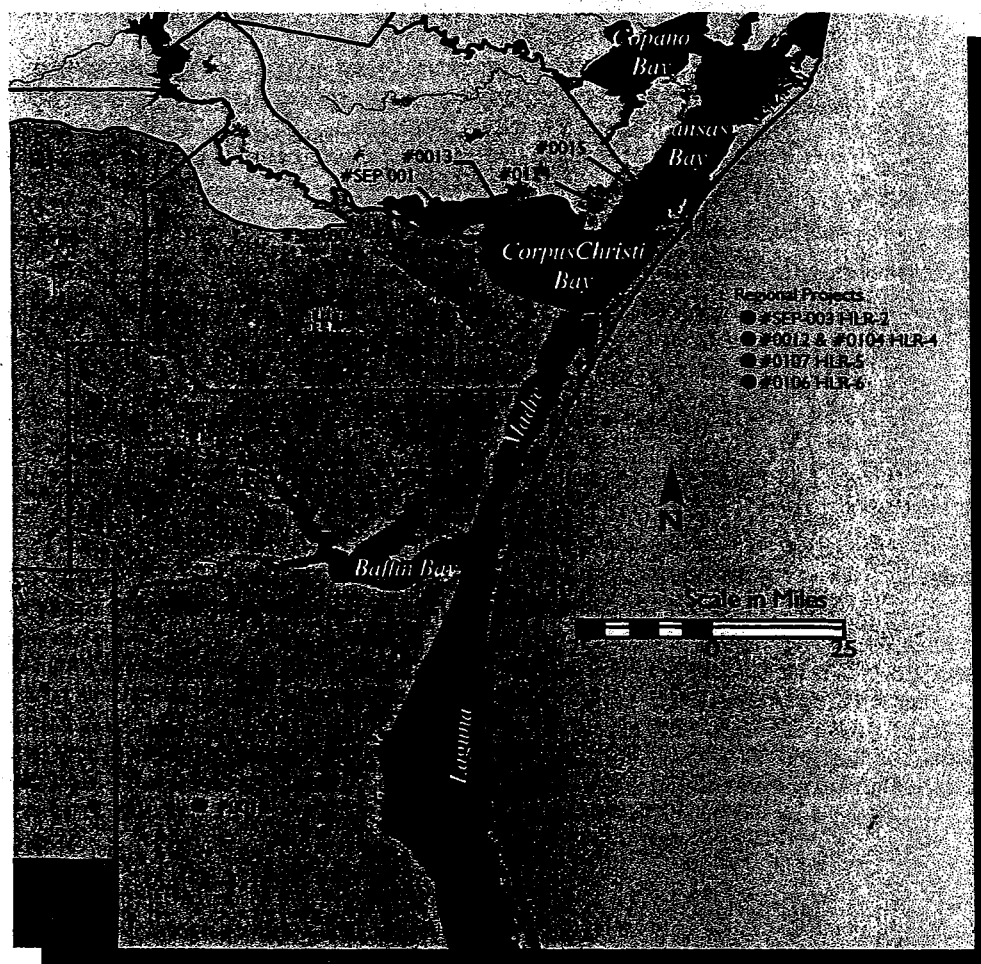
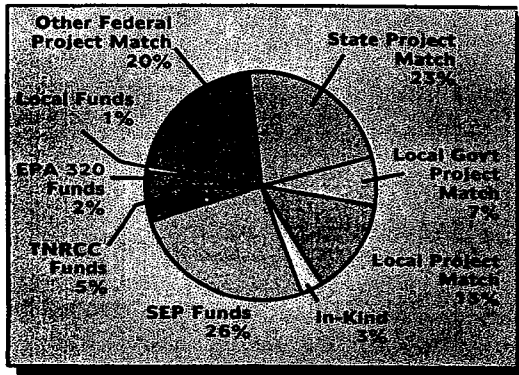
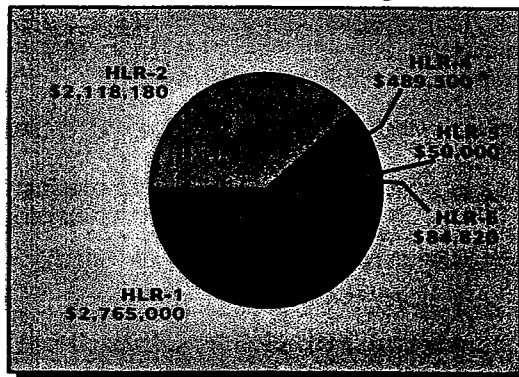


Figure 19. EPA §320 and leveraged funds for Habitat and Living Resources Chapter.



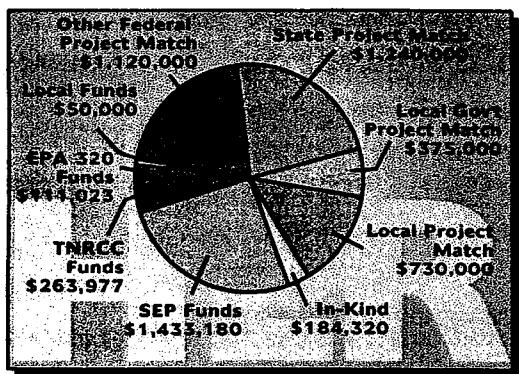
Summary of Program and non-Program resources allocated for the Habitat and Living Resources Action Plan.

Figure 20. Habitat and Living Resources resource allocation.



Summary of Program and non-Program resource allocation for Habitat and Living Resources Actions.

Figure 21. EPA §320 and leveraged funds for Habitat and Living Resources (HLR) Action Plan.



Number of CCMP Actions: 10
Actions with Programmatic Progress: 8
Number of CCMP Primary Projects: 12
Action-Specific Environmental Progress: 5,082 acres
EPA §320 Funds: \$111,023
Leveraged Funds: \$5,396,477

#SEP-002 HABITAT ACQUISITION AND PROTECTION IN SAN PATRICIO AND NUECES COUNTIES

Partners:	The Nature Conservancy, TNRCC, City of Corpus Christi, and USFWS (NAWCA)		
Description:	Habitat protection through acquisition. The best way to protect habitat over the long-term is to own it. Using the tools of fee simple acquisition, habitat conservation easements, and land donations, the CBBEP along with The Nature Conservancy (TNC), is working to acquire habitat that has top priority ecological value or is in danger of being lost to development. More than 280 acres of bay shoreline wetlands and associated uplands were acquired on Mustang Island and are now being managed by TNC. With the City of Corpus Christi, the CBBEP has participated in a project that acquired nearly 36 acres of intertidal wetlands located on the Rincon Channel on Corpus Christi Beach. The TNC and CBBEP continue to work on protecting habitat at locations within the Nueces River Delta. Specific locations are confidential as negotiations are underway. *		
Project Status:	Project is approximately 50% complete and should be completed by 10/1/01. The Project Manager is Ray Allen.		
Resources:	CBBEP SEP Funds	\$1,020,000	
	Total Program Resources		\$1,020,000
	Match - USFWS (NAWCA)	\$1,000,000	
	Match - City of Corpus Christi	\$85,000	
	Match - The Nature Conservancy	\$325,000	
	Match - Marcus Cohn land donation	\$180,000	
	In-kind - The Nature Conservancy	\$80,000	
	Total Project Resources		\$2,690,000

#0124 LAKE WHITNEY AND MCCAMPBELL SLOUGH WATERSHED HABITAT PROTECTION AND PUBLIC ACCESS IMPROVEMENT PROJECT

Partners:	City of Ingleside, San Patricio Drainage District, and Nalsmith Engineering		
Description:	This innovative project creates a much welcomed partnership with an organization who is known more for moving water off of "wetlands" than for habitat protection. The City and the Drainage District responding to the needs of people whose homes and businesses have been subjected to flooding, are seeking a way to meet those obvious drainage needs while at the same time preserving the scenic beauty and ecological function of natural drainages. Another part of this project is to provide appropriate public access to these natural and created wetlands. Through the efforts of our partners we have been able to take advantage of a much larger, more costly project and develop strategies to protect and create wetland habitats.		
Project Status:	Project is approximately 40% complete and should be completed by 1/1/02. The Project Manager is Kendal Keyes.		
Resources:	TNRCC Funds	\$50,000	
	Total Program Resources		\$50,000
	Match - San Patricio County Drainage District	\$25,000	
	Total Project Resources		\$75,000



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JUN - 4 2002

OFFICE OF
WATER

Mr. Larry P. Kolb, Chair
Implementation Committee
San Francisco Estuary Project
1515 Clay Street, Suite 1400
Oakland, CA 94612

Dear Mr. Kolb:

The purpose of this letter is to thank you, the San Francisco Estuary Project (SFEP) Director, staff, Implementation Committee, and the many SFEP partners who contributed to the 2002 Implementation Review report and participated in the meetings and field trips arranged for the on-site visit by the EPA team. We appreciate the considerable effort that you and the SFEP staff put into the implementation review submission and the responses to our follow-up questions.

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 Environmental Protection Agency (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.

We also want to take this opportunity to convey our special appreciation for SFEP participation in the 2000 re-design of the biennial review process. SFEP's thoughtful input about the biennial review process helped to identify ways to streamline the process, to minimize the required level of effort, and to maximize the usefulness of the information collected for the NEPs as well as for EPA.

Based on the EPA review team's findings, we believe that the SFEP continues to make significant progress implementing its Comprehensive Conservation and Management Plan (CCMP). We are pleased to report that the Project "passes" the 2002 implementation review and will be eligible for FY 2003, 2004 and 2005 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 2003 - 2005. 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 workplans. 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.

IMPLEMENTATION REVIEW RESULTS

Overall, EPA applauds the SFEP's successes and supports efforts to further strengthen the multitude of partnership efforts initiated, supported and facilitated by the SFEP staff to protect and restore the San Francisco estuary through implementation of the Comprehensive Conservation and Management Plan. EPA recognizes and appreciates the critical role that the San Francisco Estuary Institute and the Friends of the Estuary serve by providing the science and research and the citizen outreach and involvement support to the SFEP. EPA also commends the San Francisco Bay Regional Water Quality Control Board, the Association of Bay Area Governments, CALFED, the Santa Clara Valley Water District, and the Port of Oakland for their continued commitment to the SFEP. These organizations demonstrate their commitment to the SFEP partnership process by providing substantial staff support, funding and in-kind resources to the SFEP.

Following is a summary of the key findings identified by the reviewers regarding the SFEP's strengths as well as some recommendations regarding potential areas for improvement. The Program's response to these recommendations will be evaluated in the 2005 implementation review cycle.

Strengths:

- **Implementation Progress and Tracking System:** The SFEP process for evaluating and tracking the progress of CCMP implementation continues to serve as a model for the National Estuary Program overall. The opportunity for the public to provide feedback on the Bay-Delta Environmental report is essential for maintaining broad public awareness of the SFEP and a sense of citizen ownership of the process and the outcomes. The State of the Estuary Conference provides a unique opportunity for the agencies and organizations responsible for implementing the CCMP to share their findings and results with each other and with the public. The State of the Estuary Report provides an important synthesis of the state-of-the-art science and research on the current and future health of San Francisco Estuary natural resources. The non-Federal grants and co-sponsorships for the State of the Estuary Conference and the supporting workshop and reports which comprise nearly 90% of the total cost of the conference are a testament to how important this SFEP service is to the stakeholders throughout the SF Bay watershed.
- **Wetlands Restoration and Management:** The SFEP continues to play a pivotal role in bringing together key stakeholders to pool resources, technical expertise and decision-making in order to effectively restore and protect wetlands throughout the San Francisco Bay watershed. Achievements include hosting a Wetlands Restoration Training Workshop for non-governmental organizations; obtaining almost \$1.4M from the State and from CALFED for restoration of several Delta In-Channel Islands; assisting with the production and distribution of the *Baylands Ecosystem Species and Community Profiles Report*, and continued implementation of the Joint Aquatic Resources Permit Application Clearing House to facilitate the wetlands permitting process.

- **Technical Assistance:** The SFEP continues to provide excellent technical assistance to local governments and other stakeholders. Recent examples include assistance to the Santa Clara Valley Water District on wetlands permitting, water quality certifications and developing BMPs; since 1999, conducting 12-13 Construction Site Planning and Management for Water Quality Protection Workshops for the development/construction communities and local governments on behalf of the Regional Water Quality Control Board and the Bay Area Stormwater Agencies Association (BASMAA); conducting a Boater Education Program for the Estuary on behalf of the California Department of Boating and Waterways; assisting CALTRANS in conducting a phytoremediation demonstration project to reduce highway polluted runoff; supporting BASMAA in an Air Emissions study; supporting the Bay Conservation and Development Commission and Port of Oakland in carrying out a dredged material reuse project at Middle Harbor; and assisting the Department of Pesticide Regulation in conducting an Urban Pesticide Screening Project for diazinon and chlorpyrifos.
- **Public Outreach, Involvement, and Education:** As demonstrated by the numerous events organized by the SFEP since the 1999 review, the SFEP is increasingly seen by its Federal, State and local agency partners as the region's experts in organizing conferences and workshops to provide stakeholders and the public with the opportunity to learn about estuary issues and become involved in restoring and protecting estuarine resources. In addition to the 5th State of the Estuary conference, the SFEP helped CALFED conduct its first Science Conference and helped the Alameda County Clean Water Program host a "Turning the Tide: Balancing New Development and Clean Water" symposium; assisted several agency and NGO partners in hosting a "Beyond the Drain: Sustaining Agriculture and Improving Water Quality in California's San Joaquin Valley" conference; and helped the ANS Task Force Western Regional Panel host a meeting.

In addition, the SFEP continues to produce outstanding educational and informational publications and is recognized by its partners for this expertise. The SFEP not only continues to produce its Estuary Newsletter, but has also worked with various partners to produce and distribute the *Baylands Ecosystem Species and Community Profiles Report*, the *State of the Estuary 2000 Restoration Primer*, the *Introduction to the San Francisco Estuary*, the *Erosion and Sediment Control Field Manual*, the Guidelines for Construction Projects, Bay Delta maps of pump-out stations, the *Environmental Boating Guide*, the Ballast Water Outreach and Education Task Force newsletter, brochures and posters, an ANS Task Force Western Regional Panel brochure and table-top display on invasive species, and a Bay-Delta invasive species brochure. The review team was especially impressed with the recent announcement that the SFEP's ballast water poster received First Place in the Posters, Flyers, T-Shirts Category for the National Association of Government Communicators 2001 awards program.

- **Invasive Species Management, Control, Research and Education:** The SFEP serves an important role in facilitating efforts by stakeholders in the region to develop invasive species management and control strategies and conduct invasive species research. As previously noted, the SFEP is a key partner in the region for developing and disseminating invasive species education and outreach products and information. The SFEP has also contributed significantly to raising the awareness of the urgency of invasive species issues at the national level and providing data and information to support the development of national efforts to address invasive species issues.
- **Leveraging Funds:** While the lack of a long-term finance plan continues to be a challenge facing the SFEP and most other NEPs, the SFEP has been increasingly successful at leveraging its Clean Water Act Section 320 funds by at least one order of magnitude. Through the SFEP's growing reputation as a technical and public education/outreach expert, the SFEP in the last two years has brought in the vast majority (85% to 92%) of its annual funding from non-Federal sources. EPA highly commends the SFEP for its success at establishing itself as a crucial partner in most efforts to protect and restore the estuary. The SFEP's leveraging success is a likely predictor of its ability to continue to obtain some level of sustainable funding for the near-term future.

Challenges:

The progress and many achievements accomplished by the SFEP are impressive to say the least. The challenges identified by the EPA review team from the 2002 implementation review build on the themes raised in the 1999 review, which we recognize the SFEP is continuing to address in an appropriate manner.

- **Environmental Monitoring and Indicators:** EPA appreciates the informative presentations given by Bellory Fong, CALFED/DWR; Josh Collins, SFEI; Anitra Pawley, Bay Institute; and Bruce Thompson, SFEI, describing the various efforts currently underway to monitor and assess the health of San Francisco Estuary natural resources. Clearly, there are a number of important monitoring efforts underway, each filling a specific niche as well as overlapping in some areas. All parties appear to agree that maintaining open lines of communication, sharing data and results, and avoiding duplication of effort or working at cross purposes is imperative. The SFEP seems to be well positioned to serve as a neutral facilitator to track progress of the different efforts and bring people to the table to exchange information and ideas at appropriate points in time. An objective all parties should keep in mind is to eventually identify a single lead agency or organization to oversee and coordinate monitoring efforts, development of indicators and management of data. EPA also encourages SFEP or SFEI to continue their participation on the NEP Monitoring and Indicators conference calls chaired by Barry Burgan in the Coastal Management Branch. For more information about the monitoring and indicators conference calls, please call Barry at 202/566-1242.

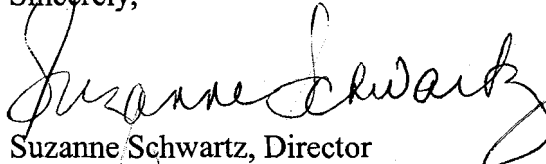
- **Long-term Funding:** As previously mentioned, the SFEP has achieved notable success in bringing numerous stakeholders to the table to fund CCMP implementation efforts carried out or facilitated by SFEP staff. Several key partners have also continued to demonstrate their commitment to the process by providing SFEP staff to oversee a variety of projects and programs. However, the bulk of the SFEP funding comes from short-term grants and contracts which means significant staff resources must be dedicated to competing for grants and contracts as opportunities arise rather than focusing on priority implementation needs. In addition, valuable staff who have been brought on to oversee specific projects or programs cannot always be hired permanently if continued funding is not available. This situation is certainly not unique to the SFEP, and EPA's concern about the lack of a long-term funding strategy is raised only to encourage all of the SFEP partners to continually look for ways their agencies and organizations can more fully recognize the critical contributions the SFEP provides to the fulfillment of each organization's mission. If such partners could incorporate additional SFEP program activities into their respective organization's budget planning processes, this could free up SFEP staff time currently dedicated to grant-writing and short-term contract administration for other CCMP implementation priorities. As was mentioned during the on-site review, EPA has a contract in place to provide the NEPs with some finance planning assistance. Such assistance is provided on request and is based on the availability of funds. For further information about this EPA service, please contact Tim Jones at 202/566-1245.
- **Dissemination and Application of State of the Estuary Conference Research Presentations:** EPA is very impressed by research being conducted on a wide range of Estuary issues, and notes in particular that major research findings are often presented at the biennial State of the Estuary Conferences that are sponsored by the SFEP. EPA believes that the SFEP is in a unique position to both publicize State of the Estuary research results and to promote the integration of those results with policymaking that targets improvements in the health of the Estuary. The review team recommends that the SFEP take steps to publicize major State of the Estuary Conferences research findings and identify whether and how those findings are applied to the design of policies and programs affecting the Estuary.

As the SFEP moves into this next implementation review phase, please know that EPA remains committed to providing the technical tools and assistance each NEP needs to make progress in overcoming its unique challenges. We look forward to collaborating on a range of approaches that will ensure even greater progress on CCMP implementation in the coming years.

Thank you again for participating in the implementation review process. We welcome any thoughts you may have either about the review process itself or about EPA's involvement in CCMP implementation. If you have any questions or comments, please contact Darrell Brown,

Chief, Coastal Management Branch, brown.darrell@epa.gov, Phone: (202) 566-1256, Fax: (202) 566-1336, 1200 Pennsylvania Avenue, N.W. , Room 7214A, Mail Code 4504T, Washington, D.C. 20460.

Sincerely,



Suzanne Schwartz, Director
Oceans and Coastal Protection Division

cc: Wayne Nastri, U.S. EPA Region IX
Bob Wayland, U.S. EPA
Craig Hooks, U.S. EPA
Alexis Strauss, U.S. EPA Region IX
Darrell Brown, U.S. EPA
John Ong, U.S. EPA Region IX
Marcia Brockbank, San Francisco Estuary Project



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

JUN - 4 2002

OFFICE OF
WATER

Mr. Scott Redman, Acting Chair
Puget Sound Water Quality Action Team
P.O. Box 40900
Olympia, Washington 98504-0900

Dear Mr. Redman:

The purpose of this letter is to provide information on the results of the 2002 Implementation Review of the Puget Sound Water Quality Action Team (Action Team). I want to thank you and your staff for the 2002 Implementation Review submission as well as for your efforts to make the recent on-site visit extremely productive and worthwhile. The Review Team (Team) very much appreciated the opportunity to meet with you and Action Team staff and partners as well as to tour areas of the basin. Presentations made by Action Team staff and partners considerably enhanced the Team's understanding of the Sound and of your program.

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 Environmental Protection Agency (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.

With regard to the recent on-site visit, the Team came away with an enhanced understanding of the specific approaches taken and roles played by the Action Team, which coordinates and integrates a vast array of efforts to protect the Sound and builds awareness and sense of stewardship among basin natural resource managers and residents. EPA appreciates the dedication, commitment, and focus required to protect the Sound, and applauds the Action Team's unflagging efforts to act on behalf of the Sound and its living resources. Those efforts have led to many successes, several of which are highlighted in the "Findings" section below.

Based on the EPA Team's findings, we believe that the Action Team continues to make commendable progress implementing its Comprehensive Conservation and Management Plan (CCMP). We are pleased to report that the Action Team "passes" the 2002 implementation review and will be eligible for FY 2003, 2004 and 2005 funding authorized by the Clean Water Act §320. Considering our expected budget for the NEP, we are setting the base planning targets for both Tier I and II NEPs at \$300,000 per year for FY 2003 - 2005. 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 workplans. 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.

2002 IMPLEMENTATION REVIEW FINDINGS

Following is a summary of the key findings identified by the reviewers regarding Action Team 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 Action Team. The Action Team response to these recommendations will be evaluated in the 2005 implementation review cycle.

Strengths

The Local Liaison Program

The Team believes this program, which operates by placing several Action Team staff at off-site locations throughout the basin, is a very effective means of promoting daily linkages and communication between Action Team staff and communities that are not within easy reach of the Action Team main office in Olympia. EPA commends the Action Team for putting into practice a strategy based on the development of frequent and ongoing relationships of trust among community-based Action Team staff, local governments, and watershed groups. It is clear that the Action Team's presence in communities throughout the watershed contributes to increased public visibility for the Action Team and its activities and serves as a very useful mechanism for promoting community and local government involvement in CCMP implementation.

Outreach and Technical Assistance

The Team was impressed by the large number of high-quality Action Team outreach products, several of which are highlighted here. The Puget Sound's *Health 2000 Report* is a wonderful product that broadly informs the public about the overall condition of Puget Sound, provides accessible information about the indicators used to measure the Sound's health, and discusses the rationale for selecting those indicators. The report's accessible format and level of information make it a very effective tool for communicating environmental information to the general public and for raising the public's awareness of and eliciting its broad support for NEP efforts.

The Action Team's website is another important communications tool that includes a wealth of user-friendly information. The Team reviewed website contents, including program area and issue fact sheets, resource material documents, and *Puget Sound Notes* and *Sound Waves* newsletters, and found them all to be user-friendly and very informative.

The Action Team reaches out to and provides financial support for CCMP implementation activity carried out by citizen groups, environmental organizations, and businesses through its Public Involvement and Education Program (PIE). The Team was impressed by the range of activities supported by the PIE.

Work on Critical Issues

The Team was very impressed by staff presentations and site visits targeting critical issues such as invasive species management and control, shellfish bed restoration, non-point source runoff, and low impact development. The Team was particularly impressed by the Action Team-Seattle Public Utilities residential street re-design project targeting reduction of impervious surface runoff. EPA encourages the Action Team to consider how best to raise the visibility of such cutting-edge efforts and how to carry out as much transfer of technical information and approaches as possible within the NEP community, and beyond.

Assessing Program Effectiveness

Year 2000 amendments to the Action Team's Management Plan called for development of elements to measure program effectiveness. Once developed, these elements would: (1) track program implementation, (2) assess the effectiveness of program actions through case studies, and (3) describe indicators of environmental conditions. EPA recognizes that since the decision to develop these elements has only recently been taken, the elements are not yet fully developed. We commend the Action Team for moving to develop measures of program effectiveness, and look forward to learning whether the Action Team finds these measures to be a useful program assessment tool. Should the measures be useful, they might be good candidates for other NEPs, especially the more senior Tier I and Tier II programs, to use in program assessment.

Implementation and Tracking

The Team applauds the Action Team's overall progress in implementing its Management Plan, and commends the Action Team for its development of a Workplan Progress Report Access Database, which enables Action Team staff to track Management Plan implementation. The Team found the database to be well organized and comprehensive.

Resources and State Support

The Team was impressed by the extent of Action Team efforts to identify diverse funding sources. For example, the Team was pleased to learn that the Action Team has recently undertaken projects supported by Clean Water Act Section 319 funds provided to the Department of Ecology. EPA was also pleased to learn that despite recent legislative actions reducing State Department of Ecology full-time equivalent staff, the State legislature continues to provide strong financial support to the Action Team. In addition, EPA believes that the Action Team's location within the Office of the Governor has enabled it to focus exclusively and successfully on Management Plan implementation and to play the neutral, problem-solving role of convener of agency and other stakeholder entities.

Monitoring Program

The inter-agency Puget Sound Ambient Monitoring Program (Monitoring Program) successfully coordinates many agencies' monitoring activities and enhances the capacity of local officials and natural resource managers to act on and disseminate information to the general public about the Sound's health. In addition, integration of Monitoring Program data with data from other Management Plan implementation efforts informs CCMP implementation planning and Action Team decisionmaking, and serves as a model that State agencies and local jurisdictions can look to as they begin using integrated data to develop scientifically-sound comprehensive plans and management programs.

EPA commends the Action Team for having successfully implemented a Monitoring Program, and looks forward to development of the regional aquatic nuisance species monitoring protocol that the Action Team, along with the Tillamook NEP and the Columbia River NEP, will develop under the terms of an EPA Headquarters grant to be awarded in June, 2002.

EPA does recommend that the Action Team develop additional indicators of habitat health. Given the increased stresses on basin health from a growing population, it is important that the Action Team move beyond its single habitat indicator—marine shoreline development/armoring—to a more comprehensive set of indicators for assessing population impacts on critical aquatic habitat. EPA recommends that the Action Team consider using such habitat indicators as submerged aquatic vegetation, wetlands, floodplains, riparian condition, and low-elevation stream habitats.

International Coordination

EPA applauds the Action Team's having taken on a leadership role on the Puget Sound/Georgia Basin Task Force as well as having played an active role on other transboundary initiatives. It is clear that the Action Team is committed to the bilateral approach to protection of the Sound exemplified by Task Force initiatives, and EPA commends the Action Team for its continued dedication and ongoing involvement in those initiatives.

Challenges

Workplan Submitted to EPA

During the recent on-site visit, Team members and Action Team staff discussed EPA's recently-issued Funding Guidance (March 4, 2002), which requests that approved NEP workplans submitted to EPA by June 30, 2002 include: (1) a discussion of goals and accomplishments, ongoing projects, and new projects, and (2) administrative and financial information. While the Biennial Puget Sound Water Quality Action Team Workplan includes very useful information about State project actions as well as a comprehensive budget associated with those actions, it does not contain all of the information requested in EPA's Funding Guidance.

It is not EPA's intent to add to Action Team reporting responsibilities, but as you and the Team discussed during the recent on-site visit, EPA requests that the Action Team submit in an annual workplan all the information described in the recent Funding Guidance document. We appreciate your willingness to respond to this request, and recognize the additional effort this requirement entails. As discussed, EPA strongly encourages you to compile information from existing reports such as the Puget Sound Water Quality Management Plan Status Report, the Progress Report on the Puget Sound Water Quality Workplan, and the Bi-annual Puget Sound Water Quality Workplan. We look forward to receiving the enhanced, consolidated workplan describing Action Team activities and successes.

Goals and Objectives

The 2000 Puget Sound Water Quality Management Plan and the Bi-annual Puget Sound Water Quality Workplan include discussions of priorities, goals, and objectives for each program area (e.g., Nearshore Habitat). However, no single document, including any on the Action Team website, provides the public with information about all Action Team priorities, goals, and objectives, making it difficult for the public to understand the strategic underpinnings of Action Team efforts.

We recommend that the Action Team consider compiling information on its priorities, goals, and objectives for inclusion in a major outreach document. This additional information would provide the public both with comprehensive information about Action Team indicator selection and with information about the importance of each program area to protection of Puget Sound's health.

Implementation Progress

The Progress Report on the Puget Sound Water Quality Workplan makes clear that the Action Team and its partners have made significant progress implementing the Puget Sound Water Quality Management Plan. In addition, Action Team staff are now able to easily track implementation progress using the Workplan Progress Report Access Database. However, the Program may want to consider providing information about implementation progress in a more accessible document to keep the public updated about areas of progress and current implementation challenges. The Action Team may want to consider adding a summary table or chart depicting implementation progress as a companion piece to the Puget Sound health report. Or, given the Action Team's interest in web-based tools, you may want to place the implementation summary information on the Action Team website. At a minimum, the Action Team could consider making the Access Database easily searchable.

Benchmarks for Indicators

The environmental indicators used by the Action Team as environmental performance measures are impressive, and the Team was pleased to learn during recent on-site discussions that the Action Team plans to develop associated benchmarks for inclusion in the next biennial workplan since, without benchmarks, the public has no basis for interpreting how well the Sound is doing for each indicator of environmental health. We suggest including the benchmarks in

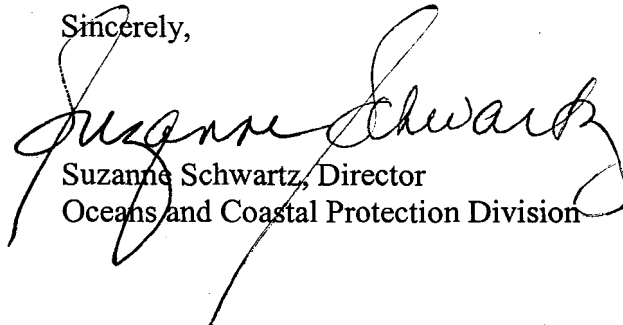
Puget Sound's health report. Alternatively, the performance measures currently in place (e.g., fecal coliform levels, shellfish bed classifications, etc.) could also be used to establish benchmarks in that report.

EPA recommends that as the Action Team moves forward with benchmark development, it consider creating both a Sound-wide habitat benchmark and, because of the size and diversity of the study area, more specific habitat benchmarks for the basin level. We also suggest that the Action Team consider developing both a benchmark and an indicator for nearshore habitat.

As the Action Team continues its efforts to implement the CCMP, please know that EPA remains committed to providing the technical tools and assistance each NEP needs to make progress in overcoming its unique challenges. We look forward to collaborating on a range of approaches that will ensure even greater progress on CCMP implementation in the coming years.

Thank you again for participating in the Implementation Review process. We welcome any thoughts you may have either about the review process itself or about EPA's involvement in CCMP implementation. If you have any questions or comments, please contact Darrell Brown, Chief, Coastal Management Branch, brown.darrell@epa.gov, Phone: (202) 566-1256, Fax: (202) 566-1336, 1200 Pennsylvania Avenue, N.W., Room 7214A, Mail Code 4504T, Washington, D.C. 20460.

Sincerely,



Suzanne Schwartz, Director
Oceans and Coastal Protection Division

cc: John Iani, EPA Region X
Bob Wayland, U.S. EPA
Craig Hooks, U.S. EPA
Elbert Moore, U.S. EPA Region X
Darrell Brown, U.S. EPA



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

JUN - 4 2002

OFFICE OF
WATER

Dr. Joseph Costa, Director
Buzzards Bay Project
2870 Cranberry Highway
E. Wareham, MA 02538

Dear Dr. Costa:

The purpose of this letter is to thank you and your staff for your 2002 Implementation Review submission and to communicate findings about the Buzzards Bay Project (BBP) developed by the Implementation Review Team (Team) that recently conducted an on-site review. We appreciate the considerable effort that you and your staff put into the submission as well as the time and effort you, your staff, and your partners took to respond to the Team's questions both before the Team arrived on-site and during the Team's two-day visit.

Based on the EPA review team's findings, we believe that the BBP continues to make significant progress implementing its Comprehensive Conservation and Management Plan (CCMP). We are pleased to report that the Project "passes" the 2002 implementation review and will be eligible for FY 2003, 2004 and 2005 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 2003 - 2005. 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 workplans. 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.

Since 1997, the Implementation Review has proved to be an extremely valuable tool for assessing the extent and effectiveness of NEP CCMP implementation and, thus, each NEP's funding eligibility. The 2002 review process has proven similarly valuable. The Implementation Review, which emphasizes increased interaction between review teams and individual NEPs, has added considerably to the EPA Headquarters and Regional staff knowledge of Tier I and Tier II NEPs, and will promote sharing of effective initiatives and approaches across all 28 programs. We hope this format proved beneficial to the BB's effort, and welcome any comments you may have about how we can further improve the review process.

Buzzards Bay Project Implementation Review Findings

I would like to summarize the Team's key findings regarding the BBP's strengths and provide some recommendations regarding potential areas for improvement. The review comments are intended to applaud the BBP's successes and support efforts to further strengthen the Buzzards Bay Project.

Strengths

The Implementation Review submission, the on-site tour, and discussions with BBP staff and the leadership of partner organizations provided the Team with substantial information about Buzzards Bay Project activities. It is clear that the BBP is a major force for watershed protection and restoration in the Buzzards Bay watershed. During the on-site visit, Team members were particularly impressed by the BBP's leadership within Massachusetts and across the New England region in: (1) providing environmental data and technical assistance to watershed municipalities, environmental groups, and residents; (2) pursuing an innovative, hands-on approach to open space planning and preservation, wetlands protection, and nitrogen management; and (3) regularly identifying grant funds to a range of watershed groups in support of CCMP implementation. In addition, the Team found that the BBP repeatedly demonstrates its willingness and capacity to seize new opportunities for enhancing water quality in the Buzzards Bay watershed.

Progress on Implementation

As indicated in Implementation Review and supplementary materials, the Buzzards Bay watershed is impacted by five priority problems: (1) inadequacy and/or failures of on-site wastewater disposal systems, (2) contamination and closure of productive shellfish beds, (3) increased population and development pressures that reduce the amount of viable open space, (4) recreational activities that degrade the watershed's natural resources, and (5) the need for greater local capacity to address the watershed's priority problems. Under your leadership, the BBP has taken major steps to complete 57 percent of CCMP recommended actions targeting these five priority areas, an accomplishment that we applaud. The Team was also pleased to learn that with the establishment of an implementation tracking spreadsheet in 2000, the BBP can now easily track the number of recommended actions completed, as well as estimate how much additional work is required on each uncompleted action. In addition, the Team was pleased to learn that the spreadsheet is accessible to the public via the BBP's website.

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

Construction and Institutionalization of the Alternative Septic System Test Center:

As indicated in the CCMP and follow-on documents, the inadequacy and/or failures of on-site wastewater disposal systems and contamination and closure of productive shellfish beds cause major problems in the 28 shallow embayments feeding into the

central portion of Buzzards Bay. In the CCMP, the BBP targeted management of nitrogen-sensitive embayments as one of its priority concerns, and the Team was impressed to learn of the BBP's success in addressing that concern. For example, one CCMP recommended action calls for the Massachusetts Department of Environmental Protection (DEP) to adopt cost-effective alternative technologies for wastewater denitrification. By promoting plans, soliciting funds for, and supporting construction in 1998 of the Massachusetts Alternative Septic System Test Center, a facility that tests and promotes on-site system alternative technologies, the BBP played a critical role in advancing environmentally-sound, economically-efficient nitrogen management. The effectiveness and efficiency of the Test Center led the State DEP in 2001 to assume all financial responsibility for the Test Center. EPA commends the BBP for having played an important role in establishment of the Center, and is especially pleased that the State has assumed long-term financial responsibility for the Center.

Increased Availability of Shellfish Resources for Recreational and Commercial Use:

A major goal of those who developed the CCMP over 15 years ago was to increase the number of open shellfish beds in Buzzards Bay. The BBP has taken several major steps to re-open shellfish beds, several of which are noteworthy. For example, the BBP and the Coalition for Buzzards Bay (Coalition) augments the work of under-staffed biologists from the State Division of Marine Fisheries by arranging for volunteers to monitor upper reaches of watersheds to gain a more comprehensive picture of sources that are causing shellfish closures. In addition, in 2001 the BBP completed a draft stormwater atlas of all Buzzards Bay discharges. The atlas can be used by natural resource managers to identify shellfish beds that are currently closed or threatened by stormwater pipes, and take necessary actions to ensure against wet weather closures.

These are but two of the numerous examples of recent implementation successes noted by the Team, and EPA congratulates the BBP for its overall effectiveness in pursuing implementation of CCMP recommended actions.

Technical Assistance

As noted earlier, the Team was especially impressed by the BBP's intensive program for providing technical assistance to municipalities, environmental groups, and residents. Implementation Review documents and discussions with BBP stakeholders and partners indicate that in the past several years, the BBP has demonstrated its capacity and willingness to very effectively provide technical assistance, including: (1) fact sheets about technologies tested at the Alternative Septic System Test Center; (2) GIS maps, open space plans, and by-laws for watershed municipalities; these tools enhance municipalities' capacity to conduct proper planning and successfully compete for grants; (3) working with the Buzzards Bay Action Committee (BBAC), a partner organization, to develop an oil spill manual for municipalities; and (4) in 1999, technical support to the BBAC in the preparation of the bay-wide nomination package for designation as a no-discharge area; in 2000 Buzzards Bay received that designation.

Nitrogen-Loading Evaluations

As noted in the Implementation Review submission, the BBP conducted nitrogen-loading evaluations of New Bedford Harbor and the Wareham River in support of EPA's development of nitrogen limits for NPDES permits for sewage treatment facilities discharging to those embayments. In addition, the Coalition for Buzzards Bay sponsors a Buzzards Bay Baywatchers monitoring program that evaluates the relative eutrophic condition of the 28 embayments in the watershed. The Coalition's most recent report, issued in 1999, indicates there has been an improvement in baywide water quality, with the percentage of embayments classified as fair to poor having decreased from approximately 83 percent in 1994 to 67 percent in 1998. The Coalition's monitoring program also has established baseline and trend data for the 28 embayments that are now being used by State and local natural resource managers. EPA commends the BBP and its partners for their impressive nitrogen-loading evaluation efforts, which are the pre-cursors to a State-sponsored nitrogen loading assessment and ecosystem response model effort targeting 89 Massachusetts embayments.

BBP Resources and Long-term Finance Strategy

It is clear that over the years, the BBP and its partners have increasingly and very successfully leveraged a range of Federal and State financial and technical assistance funds, which have then been parceled out primarily in the form of competitive and technical assistance to municipalities and non-governmental organizations. As the Implementation Review submission indicates, Buzzards Bay communities account for 12.5 percent of the population of all Massachusetts coastal communities, yet 31 percent of all Massachusetts Coastal Zone Management Coastal Pollution Remediation Program grants go to the Buzzards Bay watershed. Similarly, while Buzzards Bay municipalities account for less than four percent of all Massachusetts municipalities eligible for Section 319 non-point source pollution grants, between 1994 and 2001 Buzzards Bay municipalities and partners received nearly 22 percent of all 319 grants awarded.

By generously providing funding and in-kind technical assistance, the BBP not only has built the capacity of entities working to achieve water quality improvements, but has made it increasingly likely that those entities can successfully apply for funding to support projects that implement CCMP recommended actions. EPA commends the BBP for successfully leveraging an increasing amount of Federal and State funds and for building the capacity of stakeholder and partner entities such that they qualify to receive water-quality improvement funding.

Challenges

EPA believes that the BBP's overall progress in implementation and its many achievements are very impressive. The challenges identified here build in part on themes raised in the 1999 review, which we recognize that the BBP continues to address in an appropriate way. The BBP's response to these recommendations will be evaluated in the 2005 Implementation Review.

Increase Outreach to All Municipal Officials on the Buzzards Bay Action Committee

While Implementation Review materials and on-site discussions made it very clear that the Buzzards Bay Project works closely with the Buzzards Bay Action Committee on a range of CCMP issues, the Team recommends that the BBP become more actively involved with local regulatory boards to increase their understanding of BBP efforts. EPA believes that increased involvement throughout communities would: (1) help build greater capacity to address water quality issues, (2) ensure that all towns' concerns and perspectives are articulated and then considered by the BBP, and (3) raise a wider awareness of BBP successes and the range of activities in which the Buzzards Bay Project is involved.

Work with the Coalition for Buzzards Bay and the Massachusetts Watershed Initiative to Raise BBP Visibility

The Team is impressed with the extent to which the partnership among the Buzzards Bay Project, the Buzzards Bay Action Committee, and the Coalition for Buzzards Bay effectively implements CCMP recommended actions. Nonetheless, the Team believes that even more could be done to increase public awareness of BBP and partner activities, and recommends that:

- the Buzzards Bay Project, Buzzards Bay Action Committee, the Coalition for Buzzards Bay and other interested partners jointly host a "State of the Bay" conference whose goal would be to publicize CCMP implementation progress and improvements in watershed water quality to the broadest possible audience;
- the conference be held in conjunction with an effort to update the CCMP and re-evaluate BBP and partnership priorities; the conference could take the form of a kick-off event, could serve as an interim outreach effort, or could celebrate completion of a CCMP re-evaluation effort;
- a new Memorandum of Understanding (MOU) be developed to include the State's Buzzards Bay Watershed Team as a fourth signatory; this would make clear to partnership stakeholders and the general public the relationship between the Watershed Team and the partnership, and would ensure coordination and continuity of support should the leadership of any partner organization change;
- the Coalition for Buzzards Bay and the State's Buzzards Bay Watershed Team acknowledge their relationship to the Buzzards Bay Project; acknowledgements could include hotlinks from the Coalition's and the Massachusetts Watershed Initiative's websites to the BBP website, references to the partnership MOU in Coalition and State Buzzards Bay Watershed Team annual reports and newsletters, and inclusion of regular BBP updates in Coalition for Buzzards Bay and State Buzzards Bay Watershed Team publications.

Increased Coordination and Visibility Under Auspices of Massachusetts Coastal Zone Management (CZM)

During a discussion between two Team members and the Assistant Director of the Massachusetts Coastal Zone Management office, several issues were raised that EPA would like to call to your attention. For example, the CZM official concurred with the Team that the BBP is a very effective force for coastal water quality improvement in the watershed. However, she noted that the BBP could better publicize its activities and

accomplishments. For example, the BBP could make a greater effort to participate in the quarterly meetings sponsored by Massachusetts CZM for all the State coastal programs. BBP's increased participation in these meetings would facilitate cross program information sharing and technical transfer and assistance. CZM also suggested that coordination between the BBP and the Massachusetts Bay NEP could be improved to the benefit of both watersheds. For example, the suggestion was made that the two Massachusetts NEPs collaborate by co-sponsoring a beach monitoring workshop for municipalities in their watersheds.

Project Recommendations to EPA

The Team and EPA want to thank you for providing EPA with several suggestions for enhancing NEP effectiveness. You recommended to Team members that: (1) EPA develop a success stories document, (2) all NEPs be able to participate in a leveraging study similar to the one piloted by the Coastal Bend Bays Program, and (3) NEPs be able to participate in a pilot web database effort. We appreciate your making these suggestions, and will take them into consideration as we follow-up on this round of Tier I and II Implementation Reviews.

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 Buzzards Bay 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: Robert W. Varney, U.S. EPA Region I
Susan Snow-Cotter, Massachusetts Coastal Zone Management
Robert H. Wayland III, U.S. EPA
Craig Hooks, U.S. EPA
Linda Murphy, U.S. EPA Region I
Darrell Brown, U.S. EPA
Dave Webster, U.S. EPA Region I



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

JUN 4 2002

OFFICE OF
WATER

Mr. Mark Alderson, Director
Sarasota Bay National Estuary Program
5333 N. Tamiami Trail, Suite 104
Sarasota, FL 34234

Dear Mr. Alderson:

The purpose of this letter is to thank you, the Sarasota Bay National Estuary Program (SBNEP) staff, the Policy Committee, the Management Committee, and the many SBNEP partners who contributed to the 2002 Implementation Review report and participated in the on-site visit conducted by the U.S. Environmental Protection Agency (EPA) team. We appreciate the considerable effort that you and the SBNEP staff put into the implementation review submission and the responses to our follow-up questions. I especially want to thank you for the productive meetings the team had on March 15, 2002, to discuss the issues that surfaced during the Implementation Review. The Management and Policy Committee's commitment to take the steps needed to address those issues demonstrates SBNEP's genuine interest in ensuring that the Program continues to effectively implement the Comprehensive Conservation Management Plan (CCMP).

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. We hope this format proved beneficial to the SBNEP's effort, and welcome any comments you may have about how we can further improve the review process.

Based on the EPA review team's findings, we believe that the SBNEP continues to make significant progress implementing its CCMP. We are pleased to report that the SBNEP "passes" the 2002 implementation review and will be eligible for FY 2003, 2004 and 2005 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 2003 - 2005. 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 workplans. 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.

IMPLEMENTATION REVIEW RESULTS

Following is a summary of the key findings identified by the reviewers regarding the SBNEP's strengths as well as some recommendations regarding areas for improvement. The SBNEP's response to these recommendations will be evaluated in the 2005 implementation review cycle. The review comments are intended to applaud the SBNEP's successes and support efforts to further strengthen the Program.

Strengths

A number of developments and accomplishments described in the SBNEP's Implementation Review submission illustrate substantial progress in several important areas.

Monitoring and Environmental Results: SBNEP continues a suite of robust monitoring efforts to measure and assess trends in the water quality of Sarasota Bay. The SBNEP has worked closely with local governments that conduct the monitoring to ensure that EPA's Estuarine Monitoring and Assessment Program (EMAP) is followed. The monitoring program is designed to evaluate long-term changes and integrates biological monitoring to supplement the water quality data. The findings were significant as most areas of Sarasota Bay exhibited positive water quality trends. The SBNEP also initiated five technical research projects to further evaluate the sources of nitrogen loading and toxins to Sarasota Bay and their potential impacts. The projects will measure toxic loadings, residential storm water runoff, de-nitrification, seagrass growth and coverage, and water quality. Also, a user-friendly "State of the Bay" report that details the SBNEP's accomplishments since 1989 was released in December of 2000.

Habitat Restoration/Protection: SBNEP has created, restored or protected nearly 2,000 acres of seagrass beds, wetlands, and reefs. Seagrass beds have expanded by 1,750 acres and wetlands by nearly 200 acres. With the help of local volunteers, the SBNEP facilitated the removal of exotic vegetation, excavated intertidal lagoons to create juvenile fish nurseries, and planted native marsh grasses. The SBNEP has enhanced seven coral reefs, constructed three artificial reefs, manufactured 714 reef modules on six sites, and facilitated the permitting of these structures.

Education and Outreach: The SBNEP developed promotional materials to show progress in CCMP implementation and communicate future goals, continued to produce and distribute newsletters that informed residents about SBNEP activities, and participated in community activities and events to promote the program. SBNEP also worked with the National Park Service and the two counties within the study area to develop the Gulf Coast Heritage Trail which highlights the area's environmental, cultural, and historical features. The SBNEP developed a Blueways Guide that identifies canoe and kayak launching sites, boat ramps and places to see dolphins, manatees, and coastal birds. The Guide also promotes catch and release, provides information on the negative impacts of marine debris, and emphasizes the importance of preserving fish habitat.

Progress Made in Areas Highlighted in the 1999 Biennial Review

In SBNEP's 1999 Biennial Review, EPA noted that it would like to see the SBNEP: (1) identify and engage in additional or expanded avenues that provide technology transfer locally, regionally, and nationally; (2) develop an effective implementation tracking system; (3) establish a more formal agreement with its stakeholders regarding the continued existence of, and commitment to, an SBNEP program office during CCMP implementation; and (4) set up a process and timetable to periodically and formally re-assess CCMP goals and priorities.

EPA recognizes the SBNEP's efforts to address the concern raised about a need for increased technology transfer and assistance. The SBNEP has looked for opportunities to share its successes and assist other coastal watersheds which could benefit from learning about SBNEP experiences. The SBNEP's outreach and technical assistance efforts included: educating local governments on how to meet wastewater treatment and reuse policies outlined in the CCMP; providing information and logistical support to institutionalize the Florida Yards and Neighborhoods Program; conducting public involvement forums to build support for a storm water environmental utility; contracting a wetlands specialist to help local governments develop habitat restoration plans, obtain permits, oversee construction, and seek supplemental funding; and providing expertise and coordination support for the development and implementation of artificial reefs, an aquatic preserve at Sister Keys, and a scallop seeding program.

However, the SBNEP has not: (1) developed an effective implementation tracking system; (2) established a formal agreement with its stakeholders to support the SBNEP; nor (3) set up a process and timetable to periodically and formally re-assess CCMP goals and priorities. The following sections discuss these gaps and outline EPA's recommendations for addressing them.

Challenges

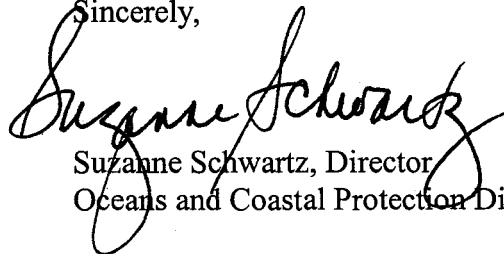
Implementation Tracking: As EPA recommended in the 1999 biennial review of the SBNEP, it is important that each NEP have a tracking mechanism so that it can demonstrate program success to a wide variety of audiences, including the citizens of Sarasota, state and local government officials, EPA, and others (attached). The SBNEP has developed three separate mechanisms for tracking CCMP implementation progress. While useful, the SBNEP should consider integrating the three mechanisms to provide a comprehensive view of CCMP implementation progress. This comprehensive tracking system would present the status of each CCMP action, including funding sources, partners involved, and environmental results. Other NEPs have successfully used such tracking systems for outreach, as well as for educating local partners about how their contribution is helping protect the Bay. Local governments and other partners have, in turn, used the tracking system to market how they have leveraged their contribution to CCMP implementation. An example of a comprehensive tracking system is attached.

Local Support: While local governments continue to provide needed support and have been invaluable to the success of the SBNEP, the process for securing the financial contribution of local and regional government entities through annual agreements is time-consuming and the cost reimbursement system is burdensome. This concern was raised in the SBNEP's 1999 Biennial Review letter. EPA recommends that the SBNEP and partners develop and enter into an agreement similar to the Tampa Bay NEP Interlocal Agreement (attached). This agreement, which should be familiar to SBNEP partners that share the Sarasota and Tampa Bay watersheds, is a flexible approach for meeting agreed upon goals that commits local partners to supporting the SBNEP over a multi-year period. This predictability would enable the SBNEP to secure contracts and conduct other business in a timely and efficient manner so that SBNEP staff can focus on CCMP implementation. We were pleased to see that both the Management and Policy Committee members were willing to consider developing an interlocal agreement and look forward to hearing about the steps the SBNEP is taking to address this important issue.

Priority Setting: To help ensure the relevance of the CCMP to ongoing project activity, the SBNEP should consider developing a process and timetable to periodically and formally reassess CCMP priorities. The SBNEP should update the CCMP to identify measurable environmental goals and targets as well as timeframes for implementation over the next five to ten years. Also, SBNEP may want to consider an event to celebrate progress and reaffirm commitments to the Sarasota Bay. An excerpt from one NEP's bylaws for updating the CCMP is attached. Also attached is an example of an updated CCMP agreement.

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

Sincerely,



Suzanne Schwartz, Director
Oceans and Coastal Protection Division

cc: Robert H. Wayland III, U.S. EPA
Craig Hooks, U.S. EPA
Darrell Brown, U.S. EPA
Beverly Banister, U.S. EPA Region IV
Tom Welborn, U.S. EPA Region IV
Bo Crum, U.S. EPA Region IV

Attachments:

1. Coastal Bend Bays and Estuaries Program Tracking System (excerpt)
2. Sarasota Bay NEP 1999 Biennial Review Letter
3. Tampa Bay NEP Interlocal Agreement
4. Coastal Bend Bays and Estuaries By-laws (excerpt)
5. Long Island Sound Study 2002 Agreement



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

JUN - 5 2002

OFFICE OF
WATER

Mr. Mark Tedesco, Director
EPA Long Island Sound Study Office
Stamford Government Center
888 Washington Boulevard
Stamford, CT 06904-2152

Dear Mr. Tedesco:

The purpose of this letter is to thank you, the Long Island Sound Study (LISS) Office staff, and the many LISS partners who contributed to the 2002 Implementation Review report and participated in the meetings and field trips arranged for the on-site visit by the Environmental Protection Agency (EPA) team. We appreciate the considerable effort that you and the LISS staff put into the implementation review submission and the responses to our follow-up questions.

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. We hope this format proved beneficial to the LISS effort, and welcome any comments you may have about how we can further improve the review process.

Based on the EPA review team's findings, we believe that the LISS continues to make significant progress implementing its Comprehensive Conservation and Management Plan (CCMP). We are pleased to report that the LISS "passes" the 2002 implementation review and will be eligible for FY 2003, 2004 and 2005 funding authorized by the Clean Water Act Section 320. Considering our expected budget for the NEP, we are setting the base planning targets at \$300,000 per year for FY 2003 - 2005. Planning targets are the funding levels that EPA hopes to provide to the NEPs, and may be used for the purpose of beginning to develop workplans. 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.

IMPLEMENTATION REVIEW FINDINGS

Following is a summary of the key findings identified by the reviewers regarding LISS 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 LISS. The LISS response to these recommendations will be evaluated in the 2005 implementation review cycle.

Strengths

- **TMDLs:** The LISS close collaboration with the States of New York and Connecticut fostered an innovative TMDL approach that can serve as a model for how flexibility and market forces achieve efficient allocations. Bubble and general permits as well as credit trading are used to reduce nitrogen in Long Island Sound (Sound). The nitrogen TMDL is arguably the most comprehensive one developed in the nation to date. Another testament to the importance of this work lies in the fact that EPA has provided funds for Connecticut to communicate its credit trading program to other states for adoption and use.
- **Funding:** The LISS has been very successful in obtaining funding from a diverse array of sources. The Long Island Sound Restoration Act increased the authorization for LISS to \$40 million annually. In addition, state partners employ Section 319 funds to hire nonpoint source coordinators and SRF funds to upgrade sewage treatment plants. The Interstate Environmental Commission uses Section 106 funds for monitoring. The Clean Water/Clean Air Bond Act has provided over \$83 million for 71 water quality improvement projects in the study area and the Connecticut license plate program continues to provide a steady stream of funds for habitat restoration, public access, education and research projects.
- **Monitoring and Indicators:** Monitoring continues to be a LISS strength with integrated monitoring conducted by the Connecticut Department of Environmental Protection; the Interstate Environmental Commission; New York City; and the University of Connecticut. The LISS has developed 43 environmental indicators of the health of the Sound which are available in a web-based report as well as through *Sound Health 2001*, a summary that was released in seven area newspapers. Over 470,000 copies of *Sound Health 2001* were circulated to the general public.
- **Environmental Results:** LISS Management Conference agencies and organizations have restored over 685 acres of habitat and opened 38 river miles to fish passage (34% and 38% of its target goals set in 1998 respectively). The LISS has executed a Memorandum of Understanding to restore the coastal habitats of the Sound that was signed by eleven principal Federal, state, and local agencies and environmental

organizations in 2000. LISS partners sponsored ten public hearings to gather public input for the creation of a Sound reserve system (Reserve). Over 500 people attended the hearings. Environmental results are also evident in the reduction of hypoxic events and areal extent of hypoxia in the Sound. In 2001, the maximum hypoxic area was estimated to be 133 square miles extending over a period of 66 days. This compares favorably with the 15 year averages of 201 square miles over 56 days.

Progress made in areas highlighted in the 1999 Implementation Review

In the previous review, focusing on other CCMP priorities other than hypoxia management, and continuing to build outreach efforts were identified as challenges for the LISS. In response to this, the LISS has moved forward looking for opportunities with states and supporting local groups in their pursuit of watershed protection. Many communities have formed watershed management groups that cross local, municipal, or even state jurisdictions in addressing environmental management problems that have no boundaries. For example, the LISS supports implementation of the Norwalk River Action Plan, which has brought together representatives from many local, state and Federal groups and agencies. The LISS assists New York and Connecticut in utilizing 319 funds for projects that implement CCMP recommendations. The LISS has also developed a draft Long Island Sound Agreement that will reaffirm executive level support for efforts that go beyond nutrient reduction as signatories will include Governors and the EPA Administrator. The Agreement sets forth a broad vision to restore the ecological health of the Sound by 2014 by achieving the CCMP goals. These efforts are important to CCMP implementation.

Challenges

- **Outreach Effort:** The Citizens Advisory Committee (CAC) has contributed substantially to CCMP implementation through the Reserve hearings, Connecticut trading program, habitat restoration, and the Long Island Sound Summit. However, outreach continues to be a challenge in this large, multi-state Program. We look forward to seeing innovative ideas for including the 169 towns in Connecticut as well as other communities within the watershed and to learning about the impact of locally-sponsored workshops and other municipal outreach efforts. We also encourage the LISS to continue to make specific efforts for technical transfer at the national level. We believe that the San Francisco Bay Project's arrangement with the Friends of the Estuary may provide some ideas that could be useful to LISS CAC efforts. To obtain a quick overview of the San Francisco Bay Project's arrangement with the Friends of the Estuary please visit the following website: www.abag.ca.gov/bayarea/sfep/sfep.html.

- **Managing Growing Resources:** While the LISS has obtained substantial outside funding and has successfully partnered with numerous entities, this very achievement presents significant coordination and management challenges. The LISS requires additional staff to ensure that the funds are used effectively. Difficulties in administering funds may be compounded by the fact that the Region I coordinator has left the LISS. An EPA rotational detail from Region I or II to the LISS might alleviate some of the burden. We also encourage the LISS to seek an IAG from another Federal agency similar to the agreement between EPA and NRCS in support of the Norwalk initiative to help assist with this issue. An additional activity that the LISS might consider is strategic finance planning assistance. A business/finance planning specialist could facilitate a meeting or series of meetings to help the LISS build its capacity to strategically identify priorities, catalog potential funding sources, and obtain funds. EPA can support such finance planning assistance and we encourage you to take advantage of this opportunity.
- **Focus on other CCMP Priorities:** The LISS has made great strides in the area of nitrogen reduction and habitat restoration. However, we recommend that the LISS place additional effort into other CCMP priority areas such as toxic contamination, pathogen contamination, and flitable debris. In addition, the LISS should consider how businesses might be encouraged to more fully participate in the LISS. The Chesapeake Bay Program's "Businesses for the Bay" could be a model to examine. For more information, please visit the Chesapeake Bay Program's website at: <http://www.chesapeakebay.net/>.

As the LISS moves into this next implementation review phase, please know that EPA remains committed to providing the technical tools and assistance each NEP needs to make progress in overcoming its unique challenges. We look forward to collaborating on a range of approaches that will ensure even greater progress on CCMP implementation in the coming years.

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 Long Island Sound Study 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: Robert W. Varney, U.S. EPA Region I
Jane M. Kenny, U.S. EPA Region II
Robert H. Wayland III, U.S. EPA

Craig Hooks, U.S. EPA
Linda Murphy, U.S. EPA Region I
David Miller, National Audubon Society
John Atkin, Save the Sound, Inc.
Darrell Brown, U.S. EPA
Lynne Hamjian, Manager, U.S. EPA Region I

bcc: Joseph Salata, LISS
Mel Cote, U.S. EPA Region I
Bruce Rosinoff, U.S. EPA Region I
Tim Jones, U.S. EPA Headquarters
Greg Colianni, U.S. EPA Headquarters



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF
WATER

Bruce Richards, Director
Center for the Inland Bays
P.O. Box 297
467 Highway 1
Lewes, DE 19958

JUN 12 2002

Dear Mr. Richards:

The purpose of this letter is to thank you, the Center for Inland Bays (CIB) staff, and the many CIB partners who contributed to the 2002 Implementation Review report and participated in the meetings and field trips arranged for the on-site visit by the Environmental Protection Agency (EPA) team. We appreciate the considerable effort that you and the CIB staff put into the Implementation Review submission and the responses to our follow-up questions.

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.

Based on the EPA review team's findings, we believe that the CIB continues to make significant progress implementing its Comprehensive Conservation and Management Plan (CCMP). We are pleased to report that the CIB "passes" the 2002 implementation review and will be eligible for FY 2003, 2004 and 2005 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 2003 - 2005. 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 workplans. 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.

Center for the Inland Bays Implementation Review Findings

Following is a summary of the key findings identified by the reviewers regarding the CIB's strengths as well as some recommendations regarding potential areas for improvement. The CIB's response to these recommendations will be evaluated in the 2005 implementation review cycle.

STRENGTHS

- **Research Efforts:** The CIB has taken on a national leadership role in the effort to understand the causes of brown tide. CIB research into how the microbe that causes brown tide moves from one estuary to another will significantly advance efforts to manage and prevent the spread of brown tide blooms. EPA also commends the CIB for leading a statewide effort to determine the sources of nitrogen and phosphorus in the estuary. A recent report prepared for the CIB showed that as much as 23 percent of the total nitrogen load to the estuary could be due to atmospheric deposition. Although the agricultural community reacted negatively to these findings, the Delaware Nutrient Management Commission (DNMC) has worked to shift statewide sentiment toward establishment of nutrient controls. Those controls include the construction of a manure recycling plant that converts poultry waste to pellets that are shipped to buyers outside the watershed.
- **Public Education and Outreach:** The CIB has an effective Public Education and Outreach Program using a variety of approaches, including sponsorship of weekly radio shows and publication of a quarterly newsletter. The CIB has also created three "Tributary Action Teams" (TATs), one for each of the three subwatersheds: Rehoboth, Indian River, and Little Assawoman Bays. Each TAT is comprised of volunteers representing major stakeholder groups in the CIB watershed. The TATs are a key element of the CIB's strategy to involve stakeholders in a long-term, watershed-based effort to reduce nutrients and improve the estuary's water quality. For example, the TATs have developed a suite of recommended pollution control strategies that address established TMDLs. Implementation of these strategies will result in improved water quality and in the estuary's living resources. The Review Team believes that the TATs are an innovative and very effective approach to developing best management practices and increasing public participation in environmental decision-making. The CIB also continues to support the James Farm Ecological Preserve, thereby providing public access to the estuary and education programming that teaches about the diversity of plant and wildlife in the watershed and volunteer opportunities for monitoring and restoring the estuary.
- **Invasive Species:** The CIB is a key partner in the newly formed Delaware Invasive Species Council (Council). The Council was established in 1999 to identify policies and practices that might help reduce threats caused by invasive species in Delaware. The Council's first project was to develop a list of Delaware's invasive plants and animals to inform policymaker as well as public and private land manager decisionmaking. The CIB has provided funding to the Delaware Natural Heritage Program for development of

maps showing the absence or presence of invasive species throughout the Delaware Inland Bays watershed. EPA commends you for your service to the Council, first as Vice-chair and now as Chair. Your leadership role in the Council is especially important because the CIB is the only partner organization that brings a marine perspective to the Council.

- **Habitat Restoration/Protection Plan:** The CIB CCMP identifies eutrophication and habitat loss as the priority problems of Delaware's Inland Bays. The CIB has begun the process of involving stakeholders and key experts in drafting a Delaware Inland Bays Habitat Restoration and Protection Plan (Plan). The goal of this document is to create guidelines to maintain and restore the habitat, species and processes found in the Delaware Inland Bays' watershed, and to outline projects and areas for habitat restoration and protection. The Plan is gaining momentum as stakeholders identify watershed priorities and select restoration projects. CIB staff are conducting an effective public outreach and education campaign for the Plan in order to gain public support and generate excitement about watershed habitat restoration priorities.

PROGRESS MADE IN AREAS HIGHLIGHTED IN THE 1999 BIENNIAL REVIEW

- **Indicators and Monitoring:** The CIB has organized and drafted environmental indicators based on sound scientific criteria. The first draft of CIB Environmental Indicators was released by the Scientific and Technical Advisory Committee (STAC) in the summer of 2001 for adoption by the CIB's Board of Directors. Before drafting those indicators, the CIB first identified what five major purposes the indicators would serve, and then established a hierarchy of indicators ranging from levels 1 through 6. Level 1 indicators measure administrative actions, such as permitting, while higher-level indicators directly or indirectly measure ecological or human health. EPA believes that the development of indicators to track environmental endpoint improvements attributable to CCMP implementation is a very positive step. In addition, monitoring by CIB and partner agencies seems to be much improved since the last biennial review. The CIB may need to consider re-focusing some monitoring activities so that they are aligned with the newly-developed environmental indicators.
- **Environmental Results:** The CIB has made good progress restoring shellfish in the Delaware Inland Bays. For the past two years, the CIB has supported a project to place oysters and clams in a research enclosure located at the James Farm. The clams and oysters flourished during the first two years. Also, CIB has successfully transplanted Submerged Aquatic Vegetation (SAV), with a small, but seemingly healthy, population of eelgrass having been established in a CIB study area. The SAV beds have increased both in size and density. After two years, both rhizome and seed distribution growth of the beds has been documented.
- **Grants Assistance Review:** In November 2000, the CIB requested the assistance of EPA Region III in reviewing and assisting with the administration of CIB's grants accounting and financial management system. In response to that request, the Region III Grants and Audit Management Branch initiated a comprehensive on-site evaluation of 11 CIB

ongoing and closed grants totalling over \$3 million in Federal funds. The EPA review required the CIB to implement extensive documentation, reporting, and revised operational procedures. After making the required change, the CIB in September 2001 received a final letter of approval from the EPA Grants and Audit Management Branch. We applaud CIB for requesting a review of and then overhauling its accounting and financial management system. Although the effort was difficult and time-consuming, the CIB met the challenge of institutionalizing a sound grants management system.

CHALLENGES:

- **Implementation Tracking:** It is important that each NEP have a tracking mechanism so that it can demonstrate program success to a wide variety of audiences, including the citizens of Delaware, State and local government officials, EPA, and others. The CIB's tracking system, while useful as a document tracking database, does not provide an adequate overview of CCMP implementation. For example, the current CIB tracking system does not:
 - link activities to CCMP goals and project priorities;
 - highlight priority actions and efforts underway to address those priorities;
 - indicate dates when each action will occur or be completed; or
 - identify funding sources or other partners who have contributed substantial in-kind services and resources.

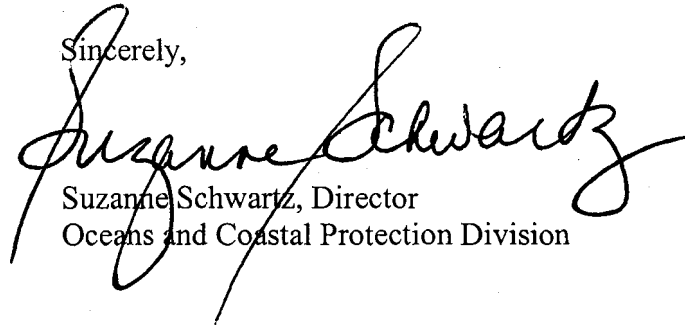
Other NEPs have found that a more comprehensive CCMP implementation tracking system provides their programs greater visibility, and serves as an effective tool for raising public awareness about progress made implementing the CCMP, achievement of environmental results, and a range of estuary issues. An example of a comprehensive tracking system is attached.

- **Strategic Priority Setting:** The need to periodically re-assess CCMP priorities remains a challenge to the CIB. Re-assessment should include development of a strategic vision for the CIB as well as development of measurable goals, objectives, and criteria for evaluating which CCMP actions to implement. The CIB has sponsored two retreats focused on reviewing past accomplishments, identifying opportunities for change, and setting the tone for future growth and development. We applaud these efforts and encourage the CIB to continue working in this arena.
- **Long-Term Finance Strategy:** The CIB has done a great job growing the state line item and obtaining funding through a variety of sources; however it needs to continue seeking sources for non-Federal funds to secure its long-term financial health. The CIB is attempting to raise program dollars through foundation and governmental grants, Supplemental Environmental Project penalty funds, donations, charitable trusts, direct mail and telemarketing programs. As most non-profit organizations have found, having a development coordinator who oversees fundraising activities would help the CIB achieve its financial goals. However, EPA cautions the CIB that Federal funds cannot be used to hire an employee for this purpose.

- **Science Coordinator:** We recommend that the CIB consider adding a Science Coordinator position to its staff. A Science Coordinator could: (1) enhance and strengthen program efforts to track and report on CCMP implementation progress, monitoring, and scientific research results, (2) serve as a liaison to the STAC, (3) oversee CIB monitoring efforts, and (4) track and report on the progress made developing Delaware Inland Bays environmental indicators.

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 Center for the Inland Bays 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: Donald S. Welsh, U.S. EPA Region III
Robert H. Wayland III, U.S. EPA
Craig Hooks, U.S. EPA
Kathy Hodgkiss, U.S. EPA Region III
Charles W. App, U.S. EPA Region III
Darrell Brown, U.S. EPA

Attachment: Coastal Bend Bays and Estuaries Program Tracking System (excerpt)

SEP 002: HABITAT ACQUISITION AND PROTECTION IN SAN PATRICIO AND NUECES COUNTIES

Partners:	The Nature Conservancy, TNRCC, City of Corpus Christi, and USFWS (NAWCA)		
Description:	Habitat protection through acquisition. The best way to protect habitat over the long-term is to own it. Using the tools of fee simple acquisition, habitat conservation easements, and land donations, the CBBEP along with The Nature Conservancy (TNC), is working to acquire habitat that has top priority ecological value or is in danger of being lost to development. More than 280 acres of bay shoreline wetlands and associated uplands were acquired on Mustang Island and are now being managed by TNC. With the City of Corpus Christi, the CBBEP has participated in a project that acquired nearly 36 acres of intertidal wetlands located on the Rincon Channel on Corpus Christi Beach. The TNC and CBBEP continue to work on protecting habitat at locations within the Nueces River Delta. Specific locations are confidential as negotiations are underway.		
Project Status:	Project is approximately 50% complete and should be completed by 10/1/01. The Project Manager is Ray Allen.		
Resources:	CBBEP SEP Funds	\$1,020,000	
	Total Program Resources		\$1,020,000
	Match - USFWS (NAWCA)	\$1,000,000	
	Match - City of Corpus Christi	\$85,000	
	Match - The Nature Conservancy	\$325,000	
	Match - Marcus Cohn land donation	\$180,000	
	In-kind - The Nature Conservancy	\$80,000	
	Total Project Resources		\$2,690,000

1224 LAKE WHIRLY AND MCCAMPBELL SLUSH WATERSHED HABITAT PROTECTION AND PUBLIC ACCESS IMPROVEMENT PROJECT

Partners:	City of Ingleside, San Patricio Drainage District, and Nalsmith Engineering		
Description:	This innovative project creates a much welcomed partnership with an organization who is known more for moving water off of "wetlands" than for habitat protection. The City and the Drainage District responding to the needs of people whose homes and businesses have been subjected to flooding, are seeking a way to meet those obvious drainage needs while at the same time preserving the scenic beauty and ecological function of natural drainages. Another part of this project is to provide appropriate public access to these natural and created wetlands. Through the efforts of our partners we have been able to take advantage of a much larger, more costly project and develop strategies to protect and create wetland habitats.		
Project Status:	Project is approximately 40% complete and should be completed by 1/1/02. The Project Manager is Kendal Keyes.		
Resources:	TNRCC Funds	\$50,000	
	Total Program Resources		\$50,000
	Match - San Patricio County Drainage District	\$25,000	
	Total Project Resources		\$75,000

HLR-1

Preserve functional natural habitats of all major types

Environmental Measures:

- Acres and quality of preserved habitat

Environmental Progress:

- 5,000 acres of Nueces River delta and upland buffer area protected through purchase and covenant for perpetual protection (#SEP 002)

Programmatic Measures:

- Number of habitat types and locations that have been identified and prioritized
- Number of funding incentives provided to private landowners
- Number of management plans for preservation techniques
- Number of Project Wild certifications
- Number of site-specific plans developed and implemented

Programmatic Progress:

- Two CBBEP projects are underway which further the programmatic and environmental progress of this action
- An additional ten CBBEP related projects are underway which overlap with HLR-1 objectives and further the programmatic and environmental progress of this action

CCMP Primary Project(s):

- #SEP 002 - Habitat Acquisition and protection in San Patricio and Nueces Counties
- #0124 - Lake Whitney and McCampbell Slough Watershed Habitat Protection and Public Access Improvement Project

CCMP Additional Project(s):

- #0120 - Paradise Pond Habitat Protection and Public Access Enhancement Project
- #0121 - Mollie Beattie Habitat Protection and Public Access Enhancement Project
- #0122 - Kaufer-Hubert Memorial Park Habitat Protection and Public Access Enhancement Project
- #9906 & #0009 - Seagrass Protection and Restoration Project
- #9902, #9908, & #0006 - City of Aransas Pass Shoreline Master Plan
- #0019 - Land Trust Development and Oso Bay and Creek Shoreline Acquisition Project
- #0103 - Support Development of the Coastal Bend Land Trust

Partner Projects:

- CBBEP Project Manager Terri Nicolau is a participating member of the Gulf of Mexico Program Habitat Focus Team which works on estuarine and wetland issues



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

JUL 1 2002

OFFICE OF WATER

Mr. Richard Ribb, Director
Narragansett Bay Estuary Program
URI Bay Campus
Narragansett, RI 02882

Dear Mr. Ribb:

This letter reports results of the 2002 Implementation Review, including findings about the Narragansett Bay Estuary Program's (NBEP) progress, strengths, and challenges. We commend you and the staff of the NBEP for the 2002 Implementation Review submission, and appreciate the Program's considerable efforts in preparing for the report and the site visit by the Environmental Protection Agency (EPA) Review Team. We were very impressed with the work demonstrated at the sites we visited, and thoroughly enjoyed meeting with you and the NBEP staff, Dr. Peter August of the Coastal Institute, and other Partnership for Narragansett Bay (PNB) partners.

As you know, continued funding under Section 320 of the Clean Water Act is based on periodic assessments of accomplishments. Based on EPA's review team's findings, we conclude that the NBEP has made significant progress in implementing the Comprehensive Conservation and Management Plan (CCMP) and in beginning to address concerns raised in two previous implementation reviews. We are pleased to report that the NBEP "passes" the 2002 implementation review and will be eligible for FY 2003, 2004 and 2005 funding authorized by the Clean Water Act §320. Considering our expected budget for the NEP, we are setting the base planning targets for both Tier I and II NEPs at \$300,000 per year for FY 2003 - 2005. 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 workplans. 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.

The Implementation Review process, now scheduled every three years, is a valuable component of program assessment and its results weigh strongly in determining continued funding eligibility. Among other factors, we look for support and commitment from sponsoring and other agencies, especially state agencies. In this respect, we were very pleased by the discussion with other partners during our review, although disappointed that neither the Director nor Associate Director of Rhode Island Department of Environmental Management (RIDEM) were available to join us.

With regard to the recent on-site visit, the Team came away with an enhanced understanding of the specific approaches taken and roles played by the NBEP, which coordinates and integrates a vast array of efforts to protect the Bay and builds awareness and sense of stewardship among basin natural resource managers and residents. EPA appreciates the dedication, commitment, and focus required to protect the Bay, and applauds the NBEP's unflagging efforts to act on behalf of the Bay and its living resources. Those efforts have led to many successes, several of which are highlighted in the "Findings" section below.

2002 IMPLEMENTATION REVIEW FINDINGS

Following is a summary of key findings identified by the reviewers regarding NBEP's progress and strengths, as well as some recommendations regarding potential areas for improvement. The Program's response to these recommendations will be evaluated in the 2005 implementation review.

Progress Since Last Review

Since the last implementation review, the NBEP has built a strong role for itself in estuarine and watershed issues within Rhode Island's management framework. Its unique combination of expertise in science/technical assistance; planning and capacity building; and communication and collaboration are filling a critical institutional need for the State, especially for bringing science to management and habitat restoration questions.

In addition, the Program for the first time has been able to implement a Request for Proposals grant process to encourage grass roots projects and bring the public into CCMP implementation. Teaming with the Massachusetts Watershed Initiative to launch the Bay Watershed Action Grants (BAYWAG) is an innovative and efficient approach for achieving individual and mutual program goals. And finally, by establishing an oversight board to help set clearer priorities, the Program has begun to increase its management efficiencies and respond more timely to national program requirements, including implementing a comprehensive database and tracking system that will simplify project management, budgeting, and the reporting of environmental results. This also helps more fully address program guidance stressing that NEPs are independent of any particular interest group or agency, and are directed not by their administrative sponsors, but by the NEP Management Conferences, which typically include sponsors as members.

Strengths

The NBEP is emerging as a leader in the key area of habitat restoration and protection, with an important factor being the Program's emphasis on providing technical assistance in a variety of modes. A focus on assistance — especially in developing underlying scientific and technical information — and on communicating information in ways that meet the needs of different users has built bridges between the NBEP and a variety of interests and organizations. It has also brought attention to the Program's work, and given it and the CCMP greater visibility.

Science/Technical Assistance

Examples of technical assistance include:

- developing baseline data, such as that generated in the coastal habitat atlas, the analysis of wetlands trends, the inventories of potential habitat restoration sites and monitoring programs, aerial photo interpretation, invasive species rapid assessment, and the annual Bay-wide surveys of dissolved oxygen;
- providing GIS information to towns such as Bristol to locate moorings in an effort to help protect environmentally sensitive areas;
- synthesizing data, such as the white paper on invasive species and the papers produced for the Bay Summit, the analysis of dissolved oxygen trends, and review of environmental impact studies;
- providing technical data for major habitat restoration projects, including Town Pond salt marsh and Blackstone and 10-Mile River fish passage;
- working with partners to develop decision tools useful both to the general public and to technical users, such as the Portals web site for mapping and prioritizing habitat restoration opportunities; and
- sponsoring the development of scientifically-based ecological indicators for the Bay and its watershed.

Planning/Capacity Building

Examples include:

- collaborating with project teams in the Blackstone, 10-Mile, and Mt. Hope/Narragansett watersheds in Massachusetts to develop a bi-State grant program expressly intended to help local community and watershed organizations participate in planning and restoration for the larger Bay watershed;
- planning and coordinating major restoration projects for the State, including working with the Corps of Engineers to complete feasibility studies and negotiate cost agreements;
- conducting the first watershed-wide RFP broadly targeted to bring watershed, community, and municipal organizations into Bay planning and protection;
- launching an intensive review of Rhode Island's monitoring programs as a prelude to a new State of the Bay report, based on new indicators of Bay condition; as a result of the

NBEP's initiative, the State is now working with a nationally recognized monitoring expert to develop its first comprehensive monitoring strategy;

- serving as a pilot to demonstrate the development and application of tiered aquatic life use criteria in an estuarine system;
- teaming with Rhode Island Rivers Council to sponsor organizational development workshops for local watershed groups in both Rhode Island and Massachusetts;
- co-sponsoring and planning stormwater workshops to prepare municipalities for phase II stormwater requirements; and
- expanding planning for the Bay by synthesizing and considering new socio-economic data for incorporation in an updated CCMP that will identify environmental, economic, and social goals for the Bay.

Communication/Collaboration

- providing opportunities to collaborate and share information, such as the habitat charette and its follow-up habitat restoration team, the nutrient symposium, the monitoring/indicators workshops, and presentations by experts on monitoring and invasive species;
- launching communication approaches targeted both to the general public and to specific users, such as publishing The Narragansett Bay Journal as an insert in The Providence Journal to highlight issues, news and perspectives affecting Narragansett Bay and to enhance public input to those issues;
- convening and managing the Bay Summit in 2000 to revive public attention to the need for more coordinated and holistic management of the Bay, and for public input into that management;
- facilitating the evolution of the Partnership for Narragansett Bay (PNB) as a unique forum to review and enhance Bay-related activities, including engaging Massachusetts as a full planning and implementation partner.

Challenges

Governance Structure and Public Input

A major outcome of the Bay Summit two years ago was the administrative expansion of the NBEP to the Coastal Institute at the University of Rhode Island. This institutional alignment provides administrative support and enables the NBEP to work through two bodies: the PNB, focusing on tech transfer and broad communication; and the Advisory Board, serving as the NBEP's oversight committee to approve the annual workplan, and advise on program priorities. This arrangement is still fairly new and its effectiveness unproven. We recommend that the NBEP develop and adopt bylaws that clearly articulate the roles, responsibilities, and functions of the PNB and the Advisory Board.

During the 1999 Implementation Review, we identified public involvement as a continuing challenge for the NBEP. While events like the very successful Bay Summit are effective in articulating broad public concerns, they are not part of an ongoing process to receive, consider, and respond to public input in key environmental decisions. While the PNB originally was envisioned as a body to facilitate public and stakeholder input, it now appears that its primary role is to provide a forum for diverse parties to meet who would not do so otherwise.

We strongly encourage the Program to further examine and determine how public and grass-roots input can be ensured through the new organizational structure. We are encouraged that the Housing and Urban Development grant to develop a decision-making framework for Narragansett Bay and Coastal Rhode Island will address this issue and provide further insights and recommendations.

NBEP Workplan

As the NBEP transitions to a new administrative entity, it is important to reiterate requirements found in EPA's Funding Guidance (March 4, 2002). One of those requirements concerns annual workplans submitted to EPA. As called for in the Funding Guidance, workplans must contain a discussion of goals and accomplishments, ongoing projects, new projects, and administrative and financial information. While the NBEP workplan contains very useful information on projects, and a description of a comprehensive set of projects, it does not address all of the required elements. Future workplans should discuss Program goals, accomplishments, and administrative and financial data (most critically in this section are the non-Federal cost share and travel documentation).

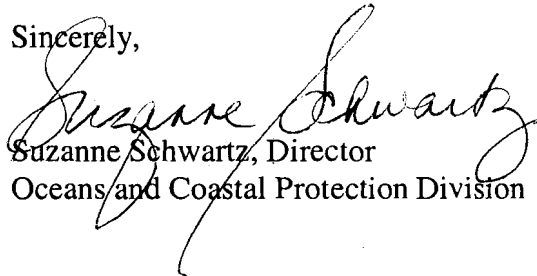
State Support and Long-Term Funding

Although meeting EPA's increased match requirement may be a challenge, the Program's transition to the Coastal Institute may greatly improve prospects of obtaining new and additional resources. The publication of the Narragansett Bay Journal also will increase the Program's visibility and help provide more opportunities to find matching funds. We also applaud the NBEP for taking advantage of working with the Institute for Conservation Leadership to examine long-term funding opportunities.

Nevertheless, while alternative funding sources may be more accessible in this new arrangement, financial support from the State is critical and necessary. As discussed above and in previous reviews, the NBEP has not received cash or any other match from the State of Rhode Island since 1993. NBEP is the only NEP that does not receive any State match. We recognize that Rhode Island, like many other States, faces difficult budget constraints, but continue to expect some level of dedicated funding to support the Program, whether through cash match, State-supported positions, or explicit, joint implementation of CCMP recommendations and NBEP workplans.

EPA remains committed to providing the technical tools and assistance each Program needs to make progress in addressing its unique challenges. We look forward to collaborating on a range of approaches that will ensure even greater progress in achieving environmental results in the coming years. We welcome any suggestions on how we can assist you more effectively. Please call me at (202) 566-1200, or Darrell Brown, Chief, Coastal Management Branch, at (202) 566-1256, if you have questions about our review or recommendations for future processes.

Sincerely,



Suzanne Schwartz, Director
Oceans and Coastal Protection Division

cc: Bob Varney, Regional Administrator
Linda Murphy, EPA Region I
Bob O'Connor, Massachusetts Watershed Initiative
Bob Wayland, EPA HQ
Craig Hooks, EPA HQ
Darrell Brown, EPA HQ
Jamal Kadri, EPA HQ
Nancy Laurson, EPA HQ
Margherita Pryor, EPA Region I
Mike Hill, EPA Region I



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

Betsy Salley

JUL 3 2002

OFFICE OF
WATER

James Muse, Director
Policy and Regulations Division--MC 205
Texas Natural Resources and Conservation Commission
12100 Park 35 Circle
Austin, TX 78753

Dear Mr. Muse:

The purposes of this letter are to thank you and your staff for your 2002 Implementation Review submission and to communicate findings about the Galveston Bay Estuary Program (GBEP) implementation review. We appreciate the considerable effort that your staff put into the submission as well as the time and effort you, your staff, and the many GBEP partners took to respond to the Team's questions both before the Team arrived on-site and during the Team's visit.

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 Environmental Protection Agency (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. We hope this format proved beneficial to the GBEP's effort, and welcome any comments you may have about how we can further improve the review process.

Based on the EPA review team's findings, we believe that the GBEP continues to make significant progress implementing its CCMP. We are pleased to report that the GBEP "passes" the 2002 implementation review and will be eligible for FY 2003, 2004 and 2005 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 2003 - 2005. 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 workplans. 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.

GBEP Implementation Review Findings

Following is a summary of the key findings identified by the reviewers regarding the GBEP's strengths as well as some recommendations regarding areas for improvement/future emphasis. The review comments are intended to applaud the GBEP successes and support efforts to further strengthen the GBEP. A number of developments and accomplishments described in the GBEP Implementation Review submission demonstrate strong performance in the following areas:

Strengths

- **Habitat Restoration/Protection:** The GBEP has partnered with many stakeholders to restore and map thousands of acres of intertidal marshes, vegetated terraces and seagrass habitat in Galveston Bay. Over 4,500 acres have been restored, protected, or created in the last five years. About 1,000 acres of wetlands have been rehabilitated and several thousand acres have been protected through new acquisitions by private organizations and local governments. The GBEP has been directly responsible for 738 of those acres.
- **Strategic Planning:** We applaud the GBEP's intensive five-year review effort to re-examine CCMP priorities. The GBEP has effectively utilized strategic planning concepts to advance its mission and achieve its goals. Not only has this led to revising and raising the priority status of issues such as invasive species, but has uniquely shown the very high level of progress being made to implement the CCMP. The number of completed and initiated action plans is impressive.
- **Involving Stakeholders:** The GBEP continues to involve valuable players critical to Galveston Bay preservation. The GBEP experiences 75% participation among a diverse group of stakeholders who are assisting in supporting the program through local funding, joint projects, and volunteer time.
- **Public Education and Outreach:** The GBEP continues to excel in public education and outreach and has a very effective program. It provides broad community support through materials distribution, media placement, its own awards program, and a grants program, among other things. Translation of brochures/flyers into Spanish and the various dialects of Vietnamese should be continued and expanded.
- **Leveraging Funds:** While the lack of a long-term finance plan is a challenge facing the Program, GBEP has been increasingly successful at leveraging its Clean Water Act Section 320 funds so that for every EPA dollar spent, approximately \$11 was leveraged. This is very impressive. Through the GBEP's growing reputation as a technical and public education/outreach expert, the GBEP has brought in the vast majority of its annual funding from non-Federal sources. EPA highly commends the GBEP for its success at establishing itself as a crucial partner in efforts to protect and restore the estuary. The

GBEP requested and received authorization to receive local sources of funding, and its efforts to develop future local participation agreements should be communicated with EPA.

- **Implementation and Tracking:** The GBEP has been successful in engaging many different stakeholders and enlisting their participation in reaching various CCMP goals. The GBEP has an excellent relationship with its partners and continues to do an effective job of tracking implementation. GBEP provides leadership in planning issues as well as monitoring and restoration projects. In some cases, the GBEP acts as a facilitator making events come together, or helps others get a grant such as with the Coastal Impact Assessment Program. In others cases, GBEP provides direct financial assistance or technical expertise.
- **Monitoring:** The strength of the GBEP monitoring efforts is the multi-stakeholder contribution including local, State and Federal funding and technical expertise. The Seafood Consumption Safety program provided a baseline characterization for contaminants in seafood in Galveston Bay. The Geographical Information System developed to house the data from the numerous monitoring entities provides a single point of access. The GBEP has excelled in developing underlying scientific and technical information, and has communicated information in ways that meet the needs of different users, thereby building bridges between the program and a variety of interests and organizations. The monitoring program has also brought greater visibility to the GBEP.

Challenges

The progress and many achievements accomplished by the GBEP are impressive. The areas for future emphasis, as identified by the EPA 2002 implementation review team, build upon the themes raised in the 1999 review. The GBEP's response to these recommendations will be evaluated in the 2005 implementation review cycle. This discussion is not meant as a critical assessment of the program, but to highlight some suggestions for areas where the GBEP could enhance its efforts.

- **Environmental Goals and Results:** The CCMP includes environmental goals and measurable objectives that serve to help gauge progress. However, the web page and other critical public documents do not currently articulate those (e.g., create or restore 15,000 acres of vegetated wetlands in 10 years) or highlight the many environmental results that have come about through the efforts of the program (e.g., over 4,500 acres have been restored, protected, or created in the last five years). We believe that these measures should be given greater visibility with the public. The program could consider publishing a companion piece to the *Galveston Bay Characterization Highlights: Ebb & Flow* (which is extremely well done and makes information understandable to the public, decision makers and other stakeholders), or posting these environmental results upfront

on the web page. We understand that there may be plans to place such information in the *Bay Barometer* and we fully support that endeavor.

We would also suggest that the results of the five-year review effort to re-examine CCMP priorities be communicated to the public, not only to highlight those new priorities, but to update or revise measurable objectives. A summary of the outcome of the plan review could be placed on the web page or captured in other widely distributed public documents. It would also enhance the public's understanding if the GBEP provides information where possible on how progress was being made towards meeting upcoming goals (e.g., by 2005 reduce abundance by 10% for selected exotic species). This information could be included to expand the GBEP's *Report Card* and also placed in the *Bay Barometer*.

- **Habitat Restoration/Protection:** The GBEP may wish to consider further habitat-related work in the riparian zone and parts of the watershed such as Clear Creek. Reversing the loss of this fringe marsh is a high priority in the CCMP.
- **Indicators:** The GBEP has made excellent efforts to characterize environmental status and trends information. However, differences in mandates, methodologies, and procedures among the multitude of entities collecting the data has made it more difficult to develop indicators. We are encouraged that the GBEP is using a contractor to assess the data sets in order to first address this issue. Once GBEP can better analyze the trends and assess correlations between parameters, EPA recommends that GBEP attempt to develop additional indicators of ecosystem health, particularly for assessing population impacts on critical aquatic habitat health. EPA would be happy to provide assistance by offering a no-cost indicators workshop and by sharing successful measures that have been developed elsewhere.

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 Galveston Bay 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: Helen Drummond, Director GBEP
Gregg Cooke, U.S. EPA Region VI Administrator
Robert Wayland III, U.S. EPA Headquarters
Craig Hooks, U.S. EPA Headquarters
Miguel Flores, U.S. EPA Region VI
Sam Becker, U.S. EPA Region VI
Jane Watson, U.S. EPA Region VI
Doug Jacobson, U.S. EPA Region VI
Barbara Keeler, U.S. EPA Region VI
Nancy Laurson, U.S. EPA Headquarters
Barry Burgan, U.S. EPA Headquarters





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

JUL 8 2002

OFFICE OF
WATER

Forsyth Kineon, Director
Delaware Estuary Program
P.O. Box 7360
25 State Police Drive
West Trenton, NJ 08628-0360

Dear Ms. Kineon:

The purpose of this letter is to thank you, the Delaware Estuary Program (DELEP) staff, and the many DELEP partners who contributed to the 2002 Implementation Review report and participated in the meetings and field trips arranged for the on-site visit by the Environmental Protection Agency (EPA) team. We appreciate the considerable effort that you and the DELEP staff put into the implementation review submission and the responses to our follow-up questions.

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.

Based on the EPA review team's findings, we believe that the DELEP continues to make significant progress implementing its Comprehensive Conservation and Management Plan (CCMP). We are pleased to report that the DELEP "passes" the 2002 implementation review and will be eligible for FY 2003, 2004 and 2005 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 2003 - 2005. 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 workplans. 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.

Delaware Estuary Program Implementation Review Findings

Following is a summary of the key findings identified by the reviewers regarding the DELEP's strengths as well as some recommendations regarding potential areas for improvement. The DELEP's response to these recommendations will be evaluated in the 2005 implementation review cycle.

Strengths

The Delaware Estuary Program has demonstrated strong performance in the following areas:

- **Stakeholder Coordination:** The Program has been successful in engaging many different stakeholders and enlisting their participation in reaching various CCMP goals. This is exceptional as the DELEP study area includes three states and crosses many different local jurisdictions with different governance arrangements and priorities. One example that the reviewers thought noteworthy is the PCB initiative. Nationally, toxic pollutants and fish advisories are important public health issues and it is impressive that the Program has been able to assist in bringing the relevant entities together to address these issues within the estuary. The PCB initiative was undertaken to support DELEP's goal to achieve water quality standards and to eliminate fish consumption advisories in the Delaware Estuary. DELEP has aided the Delaware River Basin Commission in bringing together representatives from State and local agencies, as well as academia and the public, to develop PCB reduction strategies. A draft PCB strategy has been developed for portions of the Delaware River with support from DELEP and its partners that ultimately will be used to establish Total Maximum Daily Loads (TMDLs) for PCBs by September 30, 2003. Further, funding and support from members of DELEP's steering committee were provided for a pilot program to work with Publicly Owned Treatment Works to track down the sources of PCBs entering their systems. The pilot will identify potential and actual sources of PCBs entering the sewer system and begin to implement load reduction measures using a variety of approaches including education, outreach, pollution prevention and regulation. The cities of Camden, Philadelphia, and Wilmington have agreed to develop preliminary work plans to participate in this effort. The Program has also coordinated with experts to convene a series of public PCB workshops designed to educate the public about the toxic nature of PCBs and what is being done to reduce and eliminate their impact. The Program partners provided more than \$2,229,375 over three years for this process.

Stakeholder coordination has also resulted in the growing success of the Corporate Environmental Stewardship Program. This initiative targets corporations and promotes involvement in outreach, education, and habitat restoration to help improve the environment. A number of corporations throughout Delaware, Pennsylvania, and New Jersey have restored wetlands, protected and enhanced fish and wildlife habitat, and

preserved open space as part of this program. Bringing in corporations and other private entities is essential in the success of any estuary program. This project will help expand the number of active participants and champions of the estuary. The reviewers believe this will significantly help the efforts of the Delaware estuary, particularly in the area of habitat enhancement and restoration.

- **Outreach:** Much of the Program's outreach is accomplished by the Partnership for the Delaware Estuary, Inc. (Partnership). Over the past three years the Partnership has grown significantly, naming a new Executive Director and adding staff. Through its efforts, fund-raising activities and outreach and coordination with watershed organizations in the Delaware Estuary region have increased significantly. Outreach activities of note include: administering a minigrant program supported by DELEP and enhanced by the William Penn Foundation; working with the Delaware Tourism Office and Pennsylvania CZM to produce ecosystem brochures; storm drain stenciling projects; the Sense of Place Program that works with schools and other institutions to develop habitat awareness and enhancement projects on their properties; DELEP newsletter distribution with a circulation of 26,000; and design and production of numerous public information materials. Continuing to seek out and engage public and private interests is critical to the prosperity of the Program. It increases the Program's capacity to implement the CCMP and builds the stakeholder base. It also keeps implementation momentum moving by raising awareness and adding new ideas and partnerships.
- **Funding:** The Program and Partnership have increased the amount of resources available for implementation activities and have been successful at leveraging additional funding. The state of Delaware created a line item, appropriating \$50,000 to both the Program and the Partnership annually. The reviewers feel that the creation of a line item shows important State support for the Program. Additionally, New Jersey and Pennsylvania have contributed thousands of dollars toward different components of the PCB initiative, such as reducing loadings from sewage treatment plants and examining the effects of PCBs on raptors. This all indicates the growing support for the Program. With larger grants from the William Penn Foundation and the Pennsylvania DEP's Growing Greener Initiative, the Program and Partnership have been able to leverage additional dollars which means growth should continue into 2003. Resources are becoming more reliable as the Partnership fund-raising now, more than in the past, involves obtaining and sustaining corporate sponsorship and private foundation dollars. The significant increase in funding support from a variety of sources shows improvement in the program. This support from private industry, foundations, States, etc., will allow for greater implementation to occur and assist with the Program's overall ability to leverage other resources.

Progress made in areas highlighted in the 1999 Implementation Review

The Program is to be commended on its efforts to address recommendations from the previous review. The last review recommended that a lead State be identified and the procedure of annually rotating leads be re-evaluated. In response, DELEP went through a seven month review process to evaluate the potential advantage of creating a program office. In February 2001, the Steering Committee agreed to create a program office and house it at the Delaware River Basin Commission. An MOU outlining DELEP's roles and responsibilities was executed among environmental agencies from New Jersey, Delaware and Pennsylvania, and EPA, signifying these parties' commitment to implementation. We applaud the effort DELEP has made in this area and feel the added consistency will help keep the Program's momentum moving forward.

In the last review, priority setting was identified as one of the Program's biggest challenges, impacting activities and accomplishments across a variety of areas. To address this concern, DELEP embarked on developing a three year plan that identified key areas and priority activities that the Program should pursue, offering a more focused approach to implementing the CCMP. The purpose of the three year plan is twofold; first to integrate, where feasible, the priorities into the annual budget and workplan and, second, to facilitate advanced planning efforts which help DELEP garner future and longer-term funding for its activities. The plan will also be reassessed periodically to capture new priorities as they arise and help the Program to take advantage of new funding opportunities. After reviewing the three year plan, it is obvious that the Program has made significant progress in this area and that the plan will be a useful tool for Program planning and budgeting.


Implementation tracking was also discussed as a challenge facing the Program. Since 1999 the Program has been working with the development of a tracking database that is housed at the New Jersey Office of Information and Technology. The data are in an Oracle database format and will be available to the public by web interface. Some of the current features of the system include: being searchable by keyword or topic; having the ability for partners to directly input data; and the generation of customized reports to fit the needs of interested agencies and stakeholders. We feel that the efforts being made with this tracking database will begin to address our previous concerns and we look forward to seeing the product after quality control updates are completed, especially the highlighting of Government Performance and Results Act (GPRA) information.

Challenges

- **Staff Support:** While the Program has increased its effort with many important activities such as the PCB initiative, indicators, monitoring, and strategic planning, the number of staff has been limited. The Program has added one full staff member and one part time secretary, but it is not enough to effectively manage all implementation activities. In fact, much of what the new staff is doing is taking over duties that the lead State used to provide. Our experience with other programs within the NEP has shown that having the necessary staff on board to adequately coordinate and focus on technical, financial, administrative, and outreach activities, is critical for implementation success and program growth. We recommend that the Program pursue acquiring additional staff, to assist in guiding implementation activities, particularly in administrative and technical areas. For example, one or more persons could be dedicated to managing habitat projects, coordinating indicators tracking and monitoring, or grant solicitation and processing. Further, they should be under the immediate supervision of the director to ensure effort is being properly channeled to achieve the CCMP goals. This recommendation has proven effective for other NEP programs such as the Center for the Inland Bays in Delaware.
- **Defining Program Responsibilities:** The Program and director could be more effective if there was a clearer or improved understanding of the roles and responsibilities among the various management structures. The reviewers found it difficult to understand the role the Program office plays in ensuring that the implementation teams and advisory committees are working cooperatively toward the implementation of program priorities, and ultimately, the CCMP. For example, the multiple advisory committees and implementation teams have duties and priorities beyond those of the Program. Consequently, actions that are priorities for the Program may not receive the necessary support because it is unclear to the committees and teams how these actions fit within their overall responsibilities. We recommend that the steering committee clearly lay out roles of the teams and members in relationship to the Program, and discuss specific support that should be provided to the Program. An organizational chart for the various teams and committees that also identifies the members who are responsible for supporting the Program would also be useful. In addition, a formal process should be established that would allow the director to request and receive assistance from the teams to perform implementation activities.

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 Delaware Estuary Program 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: Carol Collier, Delaware River Basin Commission
Jane M. Kenney, U.S. EPA Region II
Donald S. Welsh, U.S. EPA Region III
Robert H. Wayland III, U.S. EPA
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Jim Butch, U.S. EPA Region III
Catherine Libertz, U.S. EPA Region III
Kathy Callahan, U.S. EPA Region II
Mario DelVicario, U.S. EPA Region II
Janice Rollwagen, U.S. EPA Region II
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

SEP 24 2002

OFFICE OF
WATER

Marianne Yamaguchi, Director
Santa Monica Bay Estuary Project
320 W. Fourth Street, 2nd Floor
Los Angeles, CA 90013

Dear Ms. Yamaguchi:

The purpose of this letter is to thank you, the Santa Monica Bay Restoration Project (SMBRP) staff and the many SMBRP partners who contributed to the 2002 Implementation Review report and participated in the meetings and field trips arranged for the on-site visit by the Environmental Protection Agency (EPA) team. We appreciate the considerable effort that you and the SMBRP staff put into the Implementation Review submission and the responses to our follow-up questions.

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.

Based on the EPA review team's findings, we believe that the SMBRP continues to make significant progress implementing its Comprehensive Conservation and Management Plan (CCMP). We are pleased to report that the Project "passes" the 2002 Implementation Review and will be eligible for FY 2003, 2004 and 2005 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 2003 - 2005. 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 workplans. 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.

SMBRP Implementation Review Findings

Following is a summary of the key findings identified by the reviewers regarding the SMBRP's strengths as well as some recommendations regarding potential areas for improvement. The SMBRP's response to these recommendations will be evaluated in the 2005 Implementation Review cycle.

Strengths:

- **Leveraging Resources:** Through State bonds such as Propositions 12, 13, and A, as well as the use of Supplemental Environmental Project funds, the SMBRP has exceeded its goal of securing at least \$15 million to finance urban runoff, stormwater management, and habitat restoration programs recommended in the CCMP. The ability of the SMBRP to successfully compete for such funds demonstrates its significance as a lead organization for managing funds intended to help protect and restore the Santa Monica Bay watershed. EPA commends the SMBRP for its success at establishing itself as a crucial partner in most efforts to protect and restore the estuary. The SMBRP's leveraging success is a likely predictor of its ability to continue to obtain some level of sustainable funding for the near- and, hopefully, the long-term future.
- **Technical Assistance:** The SMBRP has supported numerous local government efforts to address such issues as stormwater, septic systems, contaminated sediments, and beach closures. One example is the funding of five new dry-weather flow diversion projects completed along Santa Monica Bay beaches. As a result of these projects, the Santa Monica Bay is making significant progress towards achieving the goal of eliminating pathogen contamination eliminated from most of its beaches during the summer swimming season. The SMBRP also assisted the Regional Water Quality Control Board in revising and re-issuing the Los Angeles County Stormwater NPDES permit, established a multi-agency taskforce on septic system management in northern Santa Monica Bay watersheds, and facilitated the prioritization of projects within Los Angeles County that could potentially be funded by the Governor's Clean Beaches Initiative.
- **Habitat Restoration:** The Santa Monica Bay Marine Habitats and Resources Inventory CD, the nearshore habitat mapping efforts, kelp habitat restoration, and Zuma Creek and Lagoon Restoration/Enhancement in partnership with the National Park Service, Santa Monica Mountains National Recreation Area, and the Los Angeles County Department of Beaches, all demonstrate the SMBRP's success in providing the tools for and facilitating the kinds of partnerships that will be required to effectively accomplish CCMP goals. Bringing together the combined efforts of regulatory and environmental management agencies, academic applied research groups, and private industry remains a key strength of the SMBRP.

- **Public Outreach:** The SMBRP continues to support a very strong outreach program. The NEP's Boater Education and Seafood Risk Communication Programs, public outreach publications, newsletter, website, and the Public Involvement and Education (PIE) Mini-grant Program continue to serve as excellent models for some of the best estuary education and stewardship projects in the National Estuary Program. SMBRP staff suggested that they are considering undertaking an evaluation of the current SMBRP outreach strategy in order to better target key audiences and assess the effectiveness of various SMBRP education and outreach methods. EPA encourages the SMBRP to undertake such an evaluation, and may be able to provide some contractor support if necessary.
- **Local Watershed Planning:** The SMBRP provides critical assistance and support to local watershed planning efforts. For example, the SMBRP supported the effort to develop a Ballona Creek Watershed Management Plan and as well as implementation of the Malibu Creek Watershed Management Plan. Such support facilitates local involvement in implementing CCMP recommendations and promotes citizen involvement in environmental decision-making.
- **Palos Verdes Shelf/Superfund Program Assistance.** EPA commends the assistance the SMBRP has provided to the Superfund Program regarding the Palos Verdes Shelf site. The SMBRP has participated in technical advisory committees, provided assistance to EPA in conducting human health and ecological risk assessments, participated in the evaluation of remediation options, and helped develop the public outreach and risk communication program. As a result of the significant support provided by the SMBRP, EPA's Superfund Program has expressed interest in having the SMBRP play a central coordinating role in a 10-year, \$7.9 million institutional control program for the Palos Verdes Shelf Superfund site.

Challenges:

The progress and many achievements of the SMBRP are impressive to say the least. The challenges identified by the EPA review team from the 2002 Implementation Review build on the themes raised in the 1999 review. We recognize the SMBRP is continuing to address these issues, and support those efforts.

- **SMBRP's Institutional Framework:** The effort to restructure the SMBRP to strengthen support from key partners and provide greater flexibility in securing financial support for the SMBRP is a welcome development. Legislation that had been introduced at the time of the Implementation Review would establish the SMBRP as an independent, locally-based state entity and create a separate Santa Monica Bay account in the state treasury. The legislation also proposes giving the SMBRP authority to create a local joint powers authority that would be directed by a Governing Board. In anticipation of this legislation being adopted, the SMBRP has requested EPA to serve on the Governing Board as a voting member.

Once the new structure for the SMBRP is established by California law, EPA can review the statute to evaluate how it applies to EPA employees and whether it would be appropriate for the EPA representative to serve on the Governing Board as a voting member. We make this recommendation because while §320 of the Clean Water Act clearly authorizes the EPA Administrator to convene and participate in a Management Conference for the purpose of developing a CCMP, the statute is less clear about the role of EPA once an NEP's CCMP has been approved. In light of this ambiguity, EPA reviewers of the new SMBRP structure will need to determine how it would affect the applicability of federal standards of ethical conduct. These standards generally preclude Federal employees from serving, in their official capacity, as officers or directors of outside (non-Federal) organizations absent explicit statutory authority. Note, however, that Federal employees may be assigned to work with outside organizations as non-voting, non-managerial representatives or liaisons.

- **Assistance to Local Governments:** The SMBRP provides vital assistance to local governments that are working hard to fulfill their commitments to implement elements of the CCMP. Such assistance ranges from technical and grant writing assistance to facilitation and coordination of task forces developing local watershed management plans or evaluating septic system and stormwater issues to developing and distributing education and outreach materials on such issues as seafood risks and boat waste management. We encourage the SMBRP to continue working with local agencies to address these important nonpoint source pollution management issues. Comprehensive on-site wastewater management and adequate boat pumpout facilities in marinas are key to protecting the water quality of Santa Monica Bay. In light of increasing demands on constrained local government resources, the SMBRP can expect local government demands for their services will continue to grow. Meeting these expectations and helping local governments build their own capacity will be increasingly challenging for the talented, but small staff of the SMBRP. As suggested in the following recommendation, all potential avenues for having sufficient staff resources on board must be pursued to meet the expectations of the local partners and others who have come to depend upon the SMBRP.
- **Staff Resources:** We recognize that managing the funds that the SMBRP has received through the Propositions 12 and 13 State bond programs is a significant challenge, since the SMBRP has not had the authority to use a portion of these funds to hire additional staff to oversee the projects and programs initiated through these bond programs. We note that the periodic difficulties the SMBRP has had in meeting EPA grant application deadlines and requirements may be a secondary impact of the SMBRP's overall increased responsibilities and stature within the State and the Santa Monica Bay community. EPA commends the SMBRP's recent decision to hire additional staff under contract as a short term step to help meet the Project's growing responsibilities. We hope that the proposed SMBRP institutional structure will make it easier for the SMBRP to hire additional staff with the State bond funds as well as encourage partner agencies to contribute staff. EPA

is also examining the feasibility of providing the NEPs with access to EPA internship programs.

As the SMBRP moves into this next phase of implementation, please know that EPA remains committed to providing the assistance each Project needs to make progress in overcoming its unique challenges. We look forward to collaborating on a range of approaches that will ensure even greater progress on CCMP implementation in the coming years.

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 SMBRP'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, reading "Suzanne Schwartz". The signature is fluid and cursive, with the first name "Suzanne" being more prominent than the last name "Schwartz".

Suzanne Schwartz, Director
Oceans and Coastal Protection Division

cc: Wayne Nastri, U.S. EPA Region IX
Bob Wayland, U.S. EPA
Craig Hooks, U.S. EPA
Alexis Strauss, U.S. EPA Region IX
Darrell Brown, U.S. EPA
Nancy Woo, U.S. EPA Region IX
Jamal Kadri
Betsy Salter
Cheryl McGovern
Suzanne Marr

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

SEP 25 2002

Robert Nyman, Director
New York/New Jersey Harbor Estuary Program
U.S. EPA Region 2
290 Broadway, 24th Floor
New York, NY 10007

Dear Mr. Nyman,

The purpose of this letter is to thank you, the New York-New Jersey Harbor Estuary Program (HEP) staff, and the many HEP partners who contributed to the 2002 Implementation Review report and participated in the on-site visit conducted by the U.S. Environmental Protection Agency (EPA) team. We appreciate the considerable effort that you and the HEP staff put into the implementation review submission and the responses to our follow-up questions. I especially want to thank you for the productive meetings and field trip the team had on April 3 and 4, 2002 to discuss and clarify the issues that surfaced during the Implementation Review.

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. We hope this format proved beneficial to the HEP's effort, and welcome any comments you may have about how we can further improve the review process.

Based on the EPA review team's findings, we believe that the HEP continues to make significant progress implementing its Comprehensive Conservation and Management Plan (CCMP). We are pleased to report that the HEP "passes" the 2002 implementation review and will be eligible for FY 2003, 2004 and 2005 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 2003 - 2005. 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 workplans. 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.

CONCURRENCES

SYMBOL	Jm7K		CMB	CMB	OCPD		
SURNAME	Katz	Katz	Brown	Brown	Schwartz		
DATE	7-11-2002	7-11-2002	9/29/2002	9/25/2002	9/25/02		

FINDINGS

The following is a summary of the key findings identified by the reviewers regarding the HEP's strengths as well as some recommendations regarding potential areas for improvement. The review comments are intended to applaud the HEP's successes and support efforts to further strengthen the Program. The HEP's response to these recommendations will be evaluated in the 2005 Implementation Review cycle.

Program Strengths

EPA's review team was particularly impressed by the HEP's efforts to respond to recommendations from the 1999 Biennial Review. Some of the specific achievements recognized by the team follow.

- **Public Outreach and Involvement:** The HEP's Help the Harbor public meetings, internal program assessment, and "Successes and Challenges" document have increased public involvement in the HEP's decision-making processes. Since the 1999 Implementation Review, the HEP has also responded to citizen concerns regarding pathogen contamination by placing a higher priority on addressing pathogen sources and risks through the Pathogens Workgroup. The HEP's Targets and Goals effort integrates citizen concerns into a strategic vision for the Harbor. The Targets and Goals work prioritizes actions and activities and creates the basis for a multi-year workplan that serves as a strategy for both addressing issues identified in the "Successes and Challenges" document and responding to the suggestions from public involvement meetings. The HEP's outreach efforts have also resulted in improved coordination and partnerships between the HEP, the Long Island Sound Program, and the New York Hudson River Estuary Management Program.
- **Environmental Indicators:** The Environmental Indicators Report identified 10 measures of ecosystem health -- a human health-related subset of the recommended indicators outlined in the HEP Environmental Monitoring Plan. The states of New York and New Jersey and other partners have provided indicator trend data for the report. A second report covering 30 additional indicators is expected to be peer reviewed in the fall of 2002.
- **Environmental Results:** Analysis of pathogens data recently collected for the HEP by the Interstate Environmental Commission suggests that, due to the massive upgrades in treatment over the past 20 years, Harbor water quality has improved and swimming may now be possible in many more areas of the harbor during dry weather. The team was also impressed by the efforts of the HEP Habitat workgroup. The workgroup has produced a Map of Priority Sites for Acquisition and Restoration and obtained funding from the New York State Clean Water/Clean Air Bond Act and other sources to finance habitat restoration projects.

Challenges

- **Placement of the Program in the EPA Region II Office:** The decision to place the HEP inside EPA Region II was made over five years ago. While this placement saves operating expenses, it has resulted in limited visibility and autonomy for the HEP. In discussions during the Review, suggestions about creating additional visibility for the program included: (1) moving a HEP staff person to a partner's existing facilities in order to establish a presence on the ground in New Jersey (e.g., Rutgers University or Liberty State Park) and (2) identifying partners willing to provide space for meetings and the dissemination of HEP information materials.

Several of the HEP partners who participated in the recent Implementation Review suggested that HEP's limited role in key local estuary activities, such as dredging and port improvement issues, may be due in part to the HEP being housed within the EPA Region II office. In addition, the 1997 and 1999 biennial reviews both included a recommendation that the HEP consider taking steps to establish its own identity in order to help HEP implement Objective S3 in HEP's CCMP.

The issue of how the HEP Director and staff can become more visible and attain greater independence remains a challenge. To address the lack of visibility and autonomy of the Program office, the HEP should consider institutional arrangements that would allow it to have: sufficient authority and independence for the Director to lead staff in the implementation of CCMP actions; enhanced potential to leverage external resources and support; increased recognition of HEP by all stakeholders; and enhanced cooperation and coordination between HEP and its stakeholders. We strongly encourage HEP to consider an institutional arrangement that would best implement these recommendations.

- **Local Government and other Outreach:** The HEP Outreach Coordinator has worked diligently to improve public outreach and education through such activities as the Help the Harbor public meetings. However, outreach continues to be a challenge in this large, multi-state Program. We look forward to learning of the program's innovative ideas for including watershed towns and other local governments in CCMP implementation and to learn about the impact of locally-sponsored workshops and other municipal outreach efforts. The HEP should make special efforts to increase outreach to local governments, especially in upland watersheds, regarding approaches to address sediment and contaminant sources in NY-NJ Harbor tributaries. For example, the HEP could undertake activities similar to the NEMO-run workshops sponsored by the Long Island Sound Study. We also encourage HEP to participate in technical transfer at the national level by participating in ERF conferences and other national meetings, presenting successful HEP initiatives that have excellent technical transfer potential such as the Priority Acquisition and Restoration Site Mapping work.

- **Strategic Finance Planning and Leveraging:** While HEP has obtained substantial outside funding and has successfully partnered with numerous entities, this very achievement presents significant coordination and management challenges. To address this challenge, the HEP should consider integrating strategic financial planning into the annual workplan process. The Coastal Management Branch has resources available to help a limited number of NEPs conduct finance planning and measure their success at leveraging EPA's 320 funds. We encourage HEP to take advantage of this opportunity to receive finance planning assistance.
- **Increase Involvement in Related NY-NJ Harbor Issues:** During the on-site review, several HEP partners raised the issue of federal agency coordination, and pointed out that the HEP provides a legitimate forum for public input into NY-NJ Harbor related government agency programs that could be used more effectively. We encourage HEP to use its existing public involvement mechanisms to facilitate greater public involvement in Harbor-related issues.

As we move into this phase of implementation, please know that EPA remains committed to providing the technical tools and assistance the NEPs need to continue to make progress in meeting the challenges facing our estuaries. We look forward to collaborating with the NY-NJ HEP on a range of approaches that will ensure even greater progress in the coming years.

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

Sincerely,

Suzanne Schwartz, Director
Oceans and Coastal Protection Division

cc: Jane M. Kenny, U.S. EPA Region II
Kevin Bricke, U.S. EPA Region II
Walter Mugden, U.S. EPA Region II
Robert H. Wayland, III, U.S. EPA
Craig Hooks, U.S. EPA
Darrell Brown, U.S. EPA
Mario DelVicario, U.S. EPA Region II
Janice Rollwagen, U.S. EPA Region II
Deborah Hammond, New Jersey Department of Environmental Protection
Richard Draper, New York State Department of Environmental Conservation



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OCT 22 2002

OFFICE OF
WATER

David Yeager, Director
Mobile Bay National Estuary Program
4172 Commanders Drive
Mobile, AL 36615

Dear Mr. Yeager:

The purpose of this letter is to provide the results of the 2002 Implementation Review of the Mobile Bay National Estuary Program (MBNEP) and to thank you and your staff for all your assistance. The MBNEP staff and the many MBNEP partners contributed significantly to the success of this Review. We appreciate the considerable effort that you and the MBNEP staff put into the Implementation Review submission and the responses to our follow-up questions. We particularly wish to thank you and your staff for organizing the various meetings and field trips for the on-site visit by the Environmental Protection Agency (EPA) 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 continuing 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.

Based on the EPA review team's findings, we believe that the MBNEP is making significant progress towards implementing its Comprehensive Conservation and Management Plan (CCMP). We are pleased to report that the MBNEP "passes" the 2002 Implementation Review and will be eligible for FY 2003, 2004 and 2005 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 2003 - 2005. 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 workplans. 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.

MBNEP Implementation Review Findings

Following is a summary of the key findings identified by the reviewers regarding the MBNEP's strengths as well as some recommendations regarding potential future challenges. The MBNEP's actions to address identified challenges will be evaluated in the 2005 Implementation Review cycle.

Strengths:

- **Stakeholder Involvement/Financial Support.** The MBNEP Implementation Review demonstrates the dedication and commitment of the various partners to work together and pool resources and expertise to protect and restore the Bay by implementing the CCMP recommendations. During the on-site visit, the EPA review team had the opportunity to meet many of the Management Committee members and is gratified to know that so many have supported the MBNEP since the program was designated. The MBNEP workplan is a testament to the public/private partnership that is in place to implement recommended actions for the betterment of the Bay. Significant financial resources from other Federal agencies are being coordinated through the MBNEP work plan, and nonfederal funds of varying levels are contributed from individuals, nongovernmental organizations, small businesses, and corporations. We are particularly pleased to learn of the recent MOU with the Alabama Department of Conservation and Natural Resources establishing the State agency's commitment to provide \$60,000 annually to be used towards the 50% nonfederal match required for the CWA §320 federal grant.
- **Technical Assistance.** The Implementation Review highlighted that the MBNEP is uniquely positioned to serve as a neutral partner who is trusted to bring the appropriate parties together to address controversial issues facing the health and sustainability of the Bay. As such, the MBNEP has played a central role in convening the following events:
 - The Mercury Forum, May 2002
 - The Sustainable Tourism Round Table, April 2002
 - The Water Quality Forum, March 2002

The MBNEP also helped establish the Coastal Alabama Clean Water Partnership to improve support to grass-roots watershed groups by providing water monitoring education and certification, water quality monitoring kits, and support of stream restoration activities. Technical assistance is also provided by the MBNEP and its partners by hosting workshops on such topics as Stream Restoration and Clean Marinas and developing training manuals such as for the Oyster Gardening Program.

- **Public Outreach and Education.** The MBNEP is effectively raising public awareness of the importance of protecting Mobile Bay resources and energizing citizen involvement in protecting and restoring the Bay ecosystem. The Oyster Gardening Program, the Derelict Crab Trap Removal Program, the MBNEP Good Stewards Award Program, Coastal Cleanups, and the Dog Paddle event are just a few examples of the variety of approaches used to provide as many citizens as possible the opportunity to be a part of the team working together to take care of Mobile Bay. The MBNEP made every effort to bring the CCMP to the citizens to facilitate their review of the plan, and those efforts appear to be paying off through continued and growing community support for the MBNEP and involvement in implementing CCMP recommendations.

Challenges:

The progress and many recent achievements of the MBNEP are impressive to say the least. Most of the challenges identified by the EPA review team are similar to those faced by many other NEPs. Community-based environmental management programs such as the NEPs, must recognize that there will always be room for improvements and a need to be able to respond to changing priorities or emerging environmental problems. Through the Implementation Review process, EPA hopes to assist the NEPs identify where increased attention or a reassessment of priorities might be merited.

- **CCMP Action Plan Prioritization.** EPA suggests that the MBNEP engage in a priority-setting exercise that will assist in allocating limited staff and financial resources among the many worthwhile and important actions that no doubt exceed the capacity of all the MBNEP partners. The MBNEP CCMP identifies 29 action plans that are further defined by objectives and sub-objectives. The implementation review report suggests that the MBNEP management conference has discussed the pros and cons of establishing priorities for the 29 action plans and expects to revisit the issue this fall. A priority-setting process, especially one that provides opportunities for broad stakeholder involvement, is usually a lengthy process - one that could easily take up to one year to conclude. Hence, EPA encourages the MBNEP to revisit the issue as soon as possible so that you can begin planning for the development of a CCMP Action Plan priority setting process.
- **Coordinating and Improving Mobile Bay Monitoring Programs.** EPA suggests that the MBNEP is well-positioned as a neutral party to coordinate monitoring efforts of the different parties and to bring people to the table to periodically exchange information and ideas. The MBNEP implementation review report acknowledged that additional monitoring efforts are needed. The report also noted that there are a number of important monitoring efforts underway by a variety of State and Federal agencies as well as Universities, Dauphin Island Sea Lab (DISL), and volunteers. Given the recognized need to increase monitoring efforts in Mobile Bay and the resource constraints, it seems

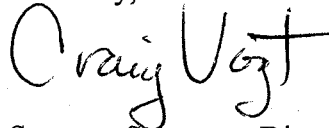
imperative that a concerted effort to coordinate monitoring efforts in the Bay is needed. Coordination is needed to assure required information is being collected, appropriate indicators are identified and tracked, duplication of effort is avoided and environmental data and results are shared. The plan to have DISL create a Data Information Management System will help meet some of these objectives. EPA also encourages the MBNEP to continue their participation on the NEP Monitoring and Indicators conference calls chaired by Barry Burgan in the Coastal Management Branch. For more information about the monitoring and indicators conference calls, please call Barry at 202/566-1242.

- **CCMP Implementation Tracking System.** EPA encourages the MBNEP to develop a CCMP implementation tracking system that will facilitate efforts to demonstrate program success to a wide variety of audiences, including the citizens of Baldwin and Mobile Counties, State and local government officials, EPA, and others. The MBNEP workplan provides a status report on all the activities covered by the previous workplan and we recognize the MBNEP regularly submits grant application progress reports and project updates at committee meetings. These reports are essential for effective management of the MBNEP and coordination with all the partners. However, such reports are less effective for communicating with the broader public regarding the overall achievements of the MBNEP. Many of the NEPs have developed comprehensive tracking systems that present the status of each CCMP action, including funding sources, partners involved, and environmental results. These NEPs have successfully used such tracking systems for outreach, as well as for educating local partners about how their contribution is helping protect the Bay. Local governments and other partners have, in turn, used the tracking system to market how they have leveraged their contribution to CCMP implementation. This summer, EPA provided a CD from the New Hampshire Estuaries Program that contains a very comprehensive tracking system that the MBNEP could consider as a useful model.
- **Rebuilding the Community Advisory Committee (CAC).** EPA supports the MBNEP's efforts to restructure the management conference to facilitate greater citizen involvement in the MBNEP decision-making process. The Implementation Review clearly demonstrated the MBNEP's dedication to involving citizens in the development and implementation of the CCMP. As discussed at the August Management Committee meeting, CAC participation in technical reviews is very valuable; however, EPA suggests that the technical review process could be facilitated if the CAC's role is more clearly defined and procedures established. In addition, EPA recognizes the importance of the staff support provided by the MBNEP to help the CAC successfully meet its charge. EPA commends the MBNEP's continuing efforts to involve established watershed and other community organizations as such partnerships may expand the scope of CCMP implementation efforts and lead to increased success.

As the MBNEP moves into this next phase of implementation, please know that EPA remains committed to providing the assistance each Project needs to make progress in overcoming its unique challenges. We look forward to collaborating on a range of approaches that will ensure even greater progress on CCMP implementation in the coming years.

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 MBNEP'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,


for Suzanne Schwartz, Director
Oceans and Coastal Protection Division

cc: Jimmy Palmer, Region IV
Bob Wayland, OWOW
Craig Hooks, OWOW
Jim Giattina, Region IV
Craig Vogt, OWOW
Darrell Brown, CMB/OWOW
Tom Welborn, Region IV
Bo Crum, Region IV
Bob Howard, Region IV
Fred McManus, Region IV
Jamal Kadri, CMB/OWOW
Betsy Salter, CMB/OWOW ✓



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

NOV 27 2002

OFFICE OF
WATER

David Blazer, Director
Maryland Coastal Bays Program
9609 Stephen Decatur Highway
Berlin, MD 21811

Dear Mr. Blazer:

The purpose of this letter is to thank you, the Maryland Coastal Bays Program (MCBP) staff, and the many MCBP partners who contributed to the 2002 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 Environmental Protection Agency (EPA) 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.

Based on the EPA review team's findings, we believe that the MCBP is continuing to make significant progress in implementing its Comprehensive Conservation and Management Plan (CCMP). We are pleased to report that the MCBP "passes" the 2002 Implementation Review and will be eligible for FY 2003, 2004 and 2005 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 2003 - 2005. 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.



Maryland Coastal Bays Program Implementation Review Findings

Following is a summary of the key findings identified by the reviewers regarding the MCBP's strengths as well as some recommendations regarding potential areas for improvement. The MCBP's response to these recommendations will be evaluated in the 2005 Implementation Review cycle.

Strengths:

The Maryland Coastal Bays Program has demonstrated strong performance in the following areas:

- **Coordination with State Agencies and Local Governments.** Coordination among local, State, and Federal partners is perhaps the greatest strength of the MCBP. Fostering open communication and ensuring all parties understand their implementation responsibilities are vital to progress. A key component of this success is the operation of the Implementation Committee, which consists of 33 different local, State, and Federal entities. The Committee meets every other month to discuss progress and oversee implementation of the CCMP. It coordinates activities of responsible parties, obtains commitments from all sectors implementing CCMP actions, and assures that other tasks identified in the CCMP are developed by responsible entities. MCBP staff is crucial to the effective functioning of this Committee, as well as the other committees within the management structure. On a daily basis, staff personnel communicate with different members to ensure all are well informed of current issues and to facilitate any actions that are required. For example, the Growth Subcommittee pinpointed the need for better planning in the County. Persistence from the MCBP regarding this need resulted in formation of the first-ever Worcester County Department of Comprehensive Planning, complete with a director and six staff members. This Department has helped to protect wetlands and forest buffers and administers more than four open-space programs.

Another Program success was promoting creation of the Ocean City Coastal Resources Legislative Committee. The Ocean City Council formed this Committee to help the city implement its CCMP actions and to address the resort's environmental problems. Made up of Ocean City business people, councilmen, and an MCBP representative, the city-run Committee has played an integral role in city efforts to address storm water and critical areas issues.

- **Outreach, Education, and Information Sharing.** The MCBP has been highly successful at disseminating information about environmental issues to the public, schools, agricultural community, watermen, political decision makers, and other interested stakeholders. This is important to the prosperity of the Program as it increases capacity to implement the CCMP and builds its stakeholder base. These outreach and communication efforts also sustain the momentum of the CCMP implementation by raising awareness and encouraging the public to contribute their ideas and form partnerships. Many different tools, such as outdoor events, educational workshops, and media coverage, have been used to achieve success. For example:

- In the three years of implementation, the MCBP has appeared in 1,570 local newspaper stories and representatives of the Program have appeared on 79 television news segments.
- The MCBP has developed and offers 14 different classroom programs on topics such as watershed dynamics, wetlands, buffers, local wildlife, marshes, and forests. School programs have also reached out and cultivated the next generation of environmental stewards.
- The Program has funded 42 local mini-grant projects totaling over \$200,000. The projects have proven to be an essential component of community involvement and an avenue for sharing MCBP's scientific resources.

In addition, the MCBP effectively provides technology transfer and information sharing to the community and beyond through the numerous instructional publications and conferences organized by the Program. One such example was a "community visioning" exercise during which residents in the Maryland Coastal Bays watershed formulated a vision of how their community should grow. Citizens' views, solicited through a series of surveys and discussions at public meetings, revealed that preservation of natural and agricultural lands is foremost in the minds of Worcester County residents. These results are being incorporated into the County's Comprehensive Plan, and are helping direct land preservation efforts. On the basis of this effort, the State awarded the MCBP the "Smart Growth" award for 2001.

One area in which the MCBP wants to enhance its efforts involved reaching out to and engaging other groups such as local builders and developers. Participation by these groups has not been particularly strong, and more fully involving them in CCMP implementation would enhance the Program. EPA commends MCBP's plan to reach out to those groups and its efforts to expand and enhance the outreach program by incorporating methods and techniques designed to respond to new priorities, challenges, target audiences, and changing issues. As you know, promoting awareness and participation within the community will both help advance implementation efforts now as well as ensure continued progress in the future.

- **Public Involvement.** The MCBP has been extremely proficient at engaging the public and getting participation in implementation activities. The Program is to be applauded for this, as many NEPs struggle to maintain active citizen involvement following CCMP approval. The Citizens Advisory Committee (CAC), made up of each of the primary stakeholder groups including farming, development, golf, tourism, and recreational and commercial fishing industries, meets monthly to share ideas on the direction of implementation. Members are given specific tasks to undertake for the Program that perpetuate ownership and enthusiasm. MCBP also holds regular events and meetings that give residents of Worcester County numerous opportunities to provide input on the progress, priorities, and direction of the CCMP and the Program. The strength of this approach is revealed by the fact that approximately 780 people have provided input into CCMP implementation and progress. Recruiting volunteers is also a strong point of the Program, with about 15,000 volunteer hours of effort contributed to CCMP implementation. Thirty volunteers also have been monitoring water quality in the Coastal Bays since 1996. Further, 150 additional volunteers are on-call for service to the many public events sponsored by the Program. MCBP methods and approaches for citizen and public involvement are models that should be transferred to other NEPs and watershed groups.

Challenges:

The progress and many recent achievements of the MCBP are impressive to say the least. Most of the challenges identified by the EPA review team are similar to those faced by many other NEPs. Community-based environmental management programs such as the NEPs must recognize that there will always be room for improvement because of changing priorities or emerging environmental problems. Through the Implementation Review process, EPA hopes to assist the NEPs in identifying where increased attention or a reassessment of priorities might be merited.

- **Long-Term Funding.** At present, MCBP has not developed a long-term funding strategy to ensure the excellent progress and successes realized thus far will continue into the future. The Program has taken steps to establish consistent funding by creating a non-profit organization for fund raising purposes, which should help. However, EPA suggests that the MCBP develop a finance plan that identifies funding sources and procurement strategies for the future. We recognize that Maryland, like many other States, currently faces budget constraints, but it is in the MCBP's best interests to continue to seek some level of dedicated funding or allocation of staff to support the Program. In addition, we are concerned that the continued excellent cooperation of the State agencies could be diminished if reductions in staff that help implement the CCMP occur. EPA is hopeful that the State will continue to provide at least the same level of staff support to the MCBP as has been provided in the past. Some of the Program's other committee members such as local governments should also be approached annually to provide dedicated support. EPA offers finance workshops that can be tailored to MCBP's specific needs to assist in developing a funding plan if the Program so desires.
- **Scientific and Technical Advisory Committee (STAC) Momentum.** In the past sustaining participation by the STAC on MCBP implementation activities has been a challenge. To address this, the STAC recently changed leadership and relocated to Salisbury University with the intent of focusing more on issues within the Coastal Bays watershed. We support this increased involvement by the STAC in CCMP implementation, especially the expansion of science-based research on the ecosystem, finalizing indicator development, and providing assistance in developing a long-range monitoring program.
- **Scientific Coordinator.** The MCBP is addressing many of its science, tracking, and research needs by hiring a scientific coordinator this year. This is a constructive move that will greatly benefit the Program. However, EPA monies that were appropriated in FY2002 will fund the position. This funding was available due to a one-time Congressional earmark and the same level of support cannot be guaranteed in future years. We recommend that the Program aggressively pursue a more secure means of supporting this critical position. Losing a seasoned staff person and having to train another would be an unnecessary burden and would be a detriment to CCMP implementation.

- **TMDLs and Resource Needs:** As a result of the MCBP's success and positive relationship with the State, the Program is being asked to assist in TMDL implementation within the watershed. While this request is certainly a tribute to the effectiveness of the Program, this new activity will put an additional strain on staff and financial resources. EPA suggests that the Program set clear priorities as to which activities should be undertaken with existing resources. Further, we encourage the MCBP to strive to maintain its status as a neutral forum and not be perceived as a regulatory agent of the State. In recognition of the substantial assistance the MCBP can provide to the State for TMDL implementation, EPA encourages the State to make every effort to provide resources to the MCBP to help implement TMDLs and to ease the burden on the Program.

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 Maryland Coastal Bays Program 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: J. Charles Fox, Secretary, Maryland Department of Natural Resources
Robert W. Abele, Chair, Maryland Coastal Bays Foundation
Donald S. Welsh, U.S. EPA Region III
Robert H. Wayland III, U.S. EPA
Craig Hooks, U.S. EPA
Kathy Hodgkiss, U.S. EPA Region III
Charles W. App, U.S. EPA Region III
Edward Ambrogio, U.S. EPA Region III
Catherine Libertz, U.S. EPA Region III



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

NOV 27 2002

OFFICE OF
WATER

Lisa Beever, Director
Charlotte Harbor National Estuary Program
4980 Bayline Drive, 4th Floor
North Fort Myers, FL 33917-3909

Dear Dr. Beever:

The purpose of this letter is to thank you, the Charlotte Harbor National Estuary Program (CHNEP) staff, and the many CHNEP partners who contributed to the 2002 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 Environmental Protection Agency (EPA) 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.

Based on the EPA review team's findings, we believe that the CHNEP is continuing to make significant progress in implementing its Comprehensive Conservation and Management Plan (CCMP). We are pleased to report that the CHNEP "passes" the 2002 Implementation Review and will be eligible for FY 2003, 2004 and 2005 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 2003 - 2005. 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.



Charlotte Harbor Implementation Review Findings

Following is a summary of the key findings identified by the reviewers regarding the CHNEP's strengths as well as some recommendations regarding potential areas for improvement. The CHNEP's response to these recommendations will be evaluated in the 2005 Implementation Review cycle.

STRENGTHS

- **Public Education and Outreach.** The CHNEP very effectively reaches out to citizen groups, environmental organizations, and businesses throughout the Charlotte Harbor watershed by awarding mini-grants for special restoration projects - twelve mini-grant projects have been completed or are expected to be completed by September 30, 2002, for activities directly linked to CCMP implementation actions. The review team commends the CHNEP Program for the success of its Mini-Grant Program. In addition, on a regular basis, the CHNEP publishes its newsletter *Harbor Happenings*. The newsletter is well received by the interested public and in the last two years the number of each issue distributed has increased from 2,500 to 4,000 copies. The Program also has a video, *The Network of an Estuary: Charlotte Harbor National Estuary Program*, which is a 27-minute, broadcast-quality video that will be broadcast by Florida Public Television, local cable companies, and government access channels. Environmental education facilities, schools, libraries, civic groups, and others will also show the video. The Program is to be complimented for its celebration of National Estuaries Day as well as for the Charlotte Harbor Nature Festival. EPA especially appreciates the CHNEP's participation as a live estuary tour site in the 2002 National Estuary Live! interactive education program. The Program's production was outstanding. All these activities have significantly increased citizens' awareness of the estuary.
- **Land Conservation.** The CHNEP has been an extremely effective leader and key player in the watershed's multi-faceted land conservation efforts. In March 2001, the CHNEP formed the Habitat Conservation Subcommittee of the Technical Advisory Committee. This subcommittee consists of representatives from various agencies and nonprofit organizations involved in land management. For example, the Habitat Conservation Subcommittee collaborated with the Florida Forever Trust Fund to preserve, protect, and manage endangered and environmentally sensitive land, associated water resources, and important wildlife habitat. This collaboration resulted in the purchase of urban space, parks, and greenways. Also, the CHNEP collaborated with several land trusts in the Charlotte Harbor watershed that work with landowners who wish to donate or sell conservation easements, or acquire land outright that could be maintained as open space. EPA applauds the CHNEP's land conservation efforts, which already have exceeded the CCMP goals.
- **Water Quality Monitoring Program.** The CHNEP has shown leadership by coordinating the Coastal Charlotte Harbor Monitoring Network. Water quality samples will be collected monthly in six subregions, with five randomly chosen sample locations per subregion. Different physical and chemical parameters are to be monitored. The

expected outcome of this effort is the assembly of a working database that is of sufficiently high quality to support a technically rigorous assessment of water quality status and trends in the study area. Data will be maintained and uploaded to STORET by participating laboratories, and will be available to the public and partnering agencies.

- **Management Conference Structure.** The CHNEP has a very strong Management Conference whose greatest strength is its dedication and contribution to the CHNEP. The structure allows for the policy consideration of a scientific, citizen, resource management, agency management, and elected official perspective. The Conference members are diverse and committed to the development of consensus.

CHALLENGES

The progress and many recent achievements of the CHNEP are impressive to say the least. Most of the challenges identified by the EPA review team are similar to those faced by many other NEPs. Community-based environmental management programs such as the NEPs must recognize that there will always be room for improvement in the face of shifting priorities or emerging environmental problems. Through the Implementation Review process, EPA hopes to assist the NEPs in identifying where increased attention or a reassessment of priorities might be merited.

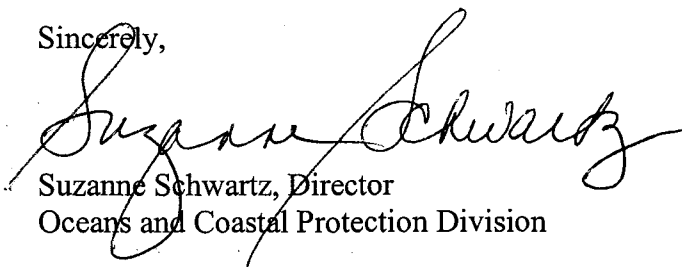
- **Implementation Tracking.** EPA suggests that the CHNEP refine the Implementation Tracking System to better demonstrate progress to a wide variety of audiences, including the citizens of Charlotte Harbor, State and local government officials, EPA, and others. A comprehensive tracking system should present the status of each CCMP action, including funding sources, partners involved, and environmental results. Other NEPs have successfully used such tracking systems for outreach as well as for educating local partners about how their contribution is helping protect the Bay. Local governments and other partners have, in turn, used the tracking system to market how they have leveraged their contribution to CCMP implementation. An example of a comprehensive tracking system is enclosed.
- **Long-Term Funding.** To implement the CCMP, the CHNEP has successfully obtained significant amounts of funding from a diverse set of outside sources. However, EPA believes that the CHNEP would benefit from development of a long-term funding strategy to achieve equitable contributions from stakeholders/partners along with participation agreements with partners. Development of a funding strategy could also assist the CHNEP in obtaining dedicated funding from the State. EPA encourages the CHNEP to develop a long-term strategy and/or periodically review its current funding approach.
- **Priority Setting.** Since Spring 2002, a greater emphasis has been placed on using the CCMP to guide many activities taking place in Charlotte Harbor. However, to help ensure the relevance of the CCMP to ongoing project activity, EPA recommends that the CHNEP consider developing a process and timetable to periodically and formally

reassess CCMP priorities. In addition, EPA suggests that the CHNEP update the CCMP to identify measurable environmental goals and targets as well as time frames for implementation over the next five to ten years.

- **Environmental Indicators.** Considerable work is underway related to Water Quality Environmental Indicators. However, EPA recommends that the CHNEP complete development of all indicators and set target levels for each. CHNEP staff anticipates that indicators will be adopted by December 2002 or February 2003. EPA strongly encourages the CHNEP to continue working on development of those indicators.

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 Charlotte Harbor 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

Enclosure

cc: Robert H. Wayland III, U.S. EPA
Craig Hooks, U.S. EPA
J. I. Palmer, Jr., U. S. EPA Region IV
Darrell Brown, U.S. EPA
Jim Giattina, U.S. EPA Region IV
Tom Welborn, U.S. EPA Region IV
Bo Crum, U.S. EPA Region IV
Richard W. Cantrell, CHNEP Management
Committee Co-Chair, Florida DEP
Bob Howard, U.S. EPA
Felicia Burks, U.S. EPA
Gregory Colianni, U.S. EPA
Noemi Mercado, U.S. EPA

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

DEC 19 2002

Dr. Robert Scro, Director
Barnegat Bay Estuary Program
P.O. Box 2191
Toms River, NJ 08754

Dear Dr. Scro:

The purpose of this letter is to thank you, the Barnegat Bay Estuary Program (BBEP) staff, members of the Barnegat Bay Watershed and Estuary Foundation (BBWEF) Board of Directors, and the many BBEP partners who contributed to the 2002 Implementation Review report and participated in the on-site visit conducted by the U.S. Environmental Protection Agency (EPA) review team. We appreciate the considerable effort that you and the BBEP staff put into the Implementation Review submission and responses to the follow-up questions. I especially want to thank you for the productive meetings the review team had with the BBEP on August 27, 2002, to discuss the issues that surfaced during the Implementation Review. The review team is confident that the BBEP staff, BBWEF Board of Directors, and the BBEP partners will take the necessary steps to address those issues and ensure that the Program moves forward to effectively implement the Comprehensive Conservation and Management Plan (CCMP).

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 (HQ) 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. We hope this format proved beneficial to the BBEP's efforts, and welcome any comments you may have about how we can further improve the review process.

Based on the EPA review team's findings, we believe that the BBEP is making significant progress towards implementing its CCMP. We are pleased to report that the BBEP "passes" the 2002 Implementation Review and will be eligible for FY 2003, 2004, and 2005 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 2003 - 2005. Planning targets are the funding levels that EPA hopes to provide to the Programs, and may be used for the

CONCURRENCES

SYMBOL	1	2	3	4	5	6	7	8
	CMB	CMA	OCPD					
SURNAME	Jim	Brian	Schwartz					
DATE	12/12/02	12/11/02	12/18/02					

purpose of beginning to develop workplans. 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.

IMPLEMENTATION REVIEW RESULTS

Following is a summary of the key findings identified by the reviewers regarding the BBEP's strengths as well as some recommendations regarding areas for improvement. The BBEP's response to these recommendations will be evaluated in the 2005 Implementation Review cycle. The review comments are intended to applaud the BBEP's successes and support efforts to further strengthen the Program.

A number of developments and accomplishments described in the BBEP's Implementation Review submission illustrate substantial progress in several important areas.

Strengths

Partnering: The commitment of the BBEP partners to implementing the CCMP is clear. The Program has effectively integrated Federal, State, and municipal government environmental programs with private enterprise, academia, and community estuary restoration efforts. For example, the U.S. Army Corps of Engineers and the New Jersey Department of Environmental Protection have provided \$2.5 million for land acquisition. The U.S. Geological Survey (USGS) has been an exceptionally committed partner, having provided substantial technical assistance in development of the BBEP's monitoring and indicators program. Similarly, Ocean County government has demonstrated its continuing commitment to the Program through the generous provision of over \$750,000 and in-kind services, as well as office space currently located in the Ocean County Planning Department. The review team was especially impressed by the commitment and cutting-edge scientific contributions of Ocean County Soil Conservation District staff to efforts targeting the impacts of construction practices on soil porosity. EPA Region II staff also were critical to the CCMP development effort.

In addition, the BBEP was instrumental in leveraging several million dollars in non-Federal funding for Barnegat Bay watershed protection and restoration projects directly linked to action items in the CCMP. The BBEP is a voting member of the Trust for Public Lands Advisory Board, which has channeled over \$1.2 million toward land acquisition and other CCMP priorities. The BBEP is an active member of the Ocean County Mayors' Association, which provides a forum for the exchange of information between the Program's Management Conference and the watershed's 33 municipalities. The president of the Mayors' Association also sits on the BBEP Policy Committee. The BBEP has developed a network of local officials and staff with expertise in resource protection issues and worked with these experts to advise municipalities and BBEP work groups on CCMP goals and activities. The BBEP also helped municipalities obtain funding to implement best management practices such as the installation of rain gardens, and provided scientific expertise and technical data to municipalities on nonpoint

source pollution and the impacts of various development practices on water quality. The Jacques Cousteau National Estuarine Research Reserve and Rutgers University Institute of Marine and Coastal Sciences have partnered with the BBEP to educate coastal communities and decision-makers regarding their impacts on the estuary.

While the BBEP has worked exceptionally well with its partners, it is important that the Program continue to foster these positive relations. Many NEPs have found that once they move from the CCMP development phase to the implementation phase, these partnerships are even more important to the Program's success. At the same time, the NEP requires autonomy and visibility to effectively implement the CCMP. The BBEP recently moved into the CCMP implementation phase. To help ensure that the BBEP continues its productive partnering and has the autonomy and visibility required during implementation, EPA urges all BBEP partners to review the following excerpt from the EPA's National Estuary Program FY 2002 Final Funding Guidance and Requirements for Grants:

Role of the Grantee or Sponsor Organization

Questions have been raised regarding the role and responsibilities of the NEP grantee (sponsor, grant recipient, host entity) in relation to an NEP Management Conference. Individual NEPs are envisioned to be inherently autonomous. In other words, no one can "own" an NEP because "everyone" (all the participants) "owns" it. The NEP is unique both in the highly collaborative approach it requires among members of the management conferences, and in the authority it confers on the conferences to choose the direction of their programs.

For this approach to succeed, the Director and staff of an individual NEP must be, and must be perceived to be, independent of any particular interest group or agency. EPA recognizes that a sponsor or grantee organization provides an invaluable service to the NEP as an administrative and financial manager, among many other things. EPA also recognizes that this involves certain fiduciary responsibilities. The intent, however, is that NEP Directors and staff are directed not by their administrative sponsors, but by the NEP Management Conferences, which typically include the sponsors as members.

Funding awarded to the sponsor or grantee is intended to be used for purposes and activities developed and approved through consensus by all members of the Management Conference. This requirement is derived from the NEP financial assistance regulation, 40 CFR, Section 35.9065(a), which reads:

"The Regional Administrator will not award funds pursuant to CWA Section 320(g) to any applicant unless and until the scope of work and overall budget have been approved by the Management Conference of the estuary for which the work is proposed."

By requiring approval and oversight by the Management Conference, a safeguard is built into the NEP framework to prevent individual interests from steering an NEP. To this end, many NEPs have developed and adopted operating procedures, agreements, or bylaws which outline roles and responsibilities.

Public Outreach and Involvement: The BBEP effectively reaches out to citizen groups, environmental organizations, and businesses in the Barnegat Bay watershed by participating in special events and sponsoring educational activities and initiatives that reach individuals and organizations throughout the watershed. For example, reviewers were impressed by the Program's active participation in environmental exhibitions, fairs, and educational activities coordinated by New Jersey State agencies, environmental organizations, and local community groups and its well-attended and popular "Barnegat Bay Festival" held annually over the last six years. The Program has also sponsored three Educators' Roundtables for high school teachers focusing on resources in the bay area and the development of relevant curriculum materials. The BBEP also developed a 12-page insert describing the Program, its priority issues, and opportunities to participate in Program activities that was widely distributed through the Asbury Park Press, a major newspaper in the watershed. Further, the Program's capacity-building efforts, such as the Clean Marinas and Personal Watercraft workshops, have succeeded in strengthening stakeholder groups' knowledge of ecology, natural resources management, and ecotourism.

The depth of the BBEP's outreach and involvement efforts is reflected in official recognition bestowed on the Program and its partners and the high level of citizen participation during CCMP development. Four BBEP partners have received the US EPA Region II's Administrator's Awards for their public education and outreach work, particularly efforts focusing on tourist impacts (Joan Koons and Carol Elliot, Alliance for a Living Ocean, 1998); boat pumpout educational activities (Pete McLain, watershed resident, 1999), and scientific and technical projects (Eric Evenson, U.S. Geological Survey, 2000). Throughout development of the CCMP, the Citizens Advisory Committee held regular meetings, developed and implemented workplans, and helped develop products and conduct numerous outreach activities, including: the annual festival, a video, a website, the mini-grant program, and workshops on CCMP development.

The review team encourages the BBEP to continue seizing every possible opportunity for public involvement and outreach. For example, during the on-site visit, Ocean County staff demonstrated soil absorption test protocols on the grounds of a residential complex whose population is mostly senior citizens. Seniors observing the demonstration had a particular interest in learning which soil conditions promote flooding of their properties. Program staff could follow up with those seniors, recruiting them for participation in BBEP education and outreach activities within their own or other residential complexes.

Challenges

The review team believes that there are certain areas that represent challenges for the BBEP. Most of the challenges identified by the EPA review team are similar to those faced by many other NEPs. Wherever possible, the team reviewers have suggested ways to address these challenges. Community-based environmental management programs such as the NEPs must recognize that there will always be room for improvements and a need to be able to respond to changing priorities or emerging environmental problems. Through the Implementation Review process, EPA hopes to assist the NEPs to identify where increased attention or a reassessment of priorities might be merited.

Establishing a Fully Functioning Barnegat Bay Watershed and Estuary Foundation (BBWEF) that will Sustain Public Involvement and Fundraising: The BBWEF was recently established as a 501(c)(3) organization to conduct public outreach and fundraising. While it is too early to fully evaluate the Foundation's performance, the review team found that the BBWEF has taken significant steps toward building an effective organization. It has established a 20-member Board of Directors that reflects a wide range of stakeholders in the estuary, established bylaws, secured insurance, selected a logo, and recruited over 160 members. However, the BBWEF has yet to clarify its mission, goals and objectives, recruit additional members, and develop a long-term funding and public involvement strategy. As the Foundation moves ahead to carry out these activities, it is crucial that it work closely with the BBEP to ensure that the two organizations complement one another and establish clearly defined roles that the public, partners, and stakeholders can easily identify. The business plan developed for the BBWEF is a useful starting point that the BBWEF should translate into a realistic and implementable action plan.

Recommendations: The review team suggests that the BBWEF and BBEP pursue a three-step process to address these challenges. First, the BBWEF should gather ideas on how to address these challenges from similar NEP non-profit organizations, such as the Partnership for the Delaware Estuary (www.delawareestuary.org) and Friends of the San Francisco Estuary (www.abag.ca.gov/bayarea/sfep/about/friends.html). The BBWEF could learn from the experience of these non-profit organizations, especially how they have generated seed money and worked to define their individual niches. Second, to ensure that the BBWEF and BBEP complement one another and establish clearly defined roles, the BBEP should consider retaining a consultant to facilitate one or several meetings to articulate the specific roles and responsibilities of each organization in implementing the CCMP. Third, to develop a long-term finance and public involvement action plan, the BBEP should consider hiring a consultant to help BBWEF specify a reasonable list of priority goals and actions, identify resources to support the actions, and outline who will carry out the activities. This effort will help ensure that both the funding and public involvement plans are anchored to concrete and accepted goals and actions. As discussed at the August 27, 2002, meeting in Island Beach State Park, EPA can provide resources for BBEP to retain a consultant who can help address these challenges. The review

team suggests that monthly conference calls be held between the BBEP Director, BBWEF Director, Region II Coordinator, and HQ Coordinator to help ensure that the Foundation, BBEP, and EPA work closely together to meet these challenges. Please contact your EPA HQ Coordinator, Marilyn Katz, to further explore how EPA might be able to assist you.

Monitoring and Indicators: The BBEP and its partners are actively engaged in the development of a comprehensive monitoring program plan. The challenge for BBEP is to ensure that data collection, reporting, and analysis are coordinated and that effective information-sharing mechanisms are put in place. Additionally, BBEP must ensure that the “right” monitoring activities are being conducted; that is, that its monitoring efforts support CCMP priorities.

Recommendations: The Program should seek to prioritize and coordinate monitoring efforts, and develop mechanisms for reporting the results. The BBEP should also develop a process to obtain monitoring results from its partners in formats that are suitable for reporting to the public. This is an important area that requires sustained cooperation among partners. The need for indicators is closely related; development of indicators will help the Program clarify monitoring requirements and allow for better monitoring coordination. The BBEP is taking good steps by developing a set of indicators to help guide monitoring activities and the reporting of results. However, indicators will be more meaningful if they are linked to the Program’s implementation priorities. The BBEP should continue its work to set priorities and then develop corresponding indicators and monitoring actions. Please contact HQ Coastal Management Branch staff, Barry Burgan at 202-566-1242 or Joe Hall at 202-566-1241, with questions and issues regarding the development of the BBEP monitoring program and indicators.

Ensuring Partners’ Support: While Federal, State, and local government have provided needed support and have been invaluable to the success of BBEP efforts thus far, the review team is concerned that partners continue to make concrete financial commitments to implement CCMP actions for which they have the lead and/or are a major partner. Major partners, including the State, who agreed to serve as lead entities for implementing many of the CCMP priority actions, should meet their obligations. Also, the process for securing the financial contribution of State and local government entities is in some cases time-consuming and uncertain.

Recommendations: To bolster the funding commitments made by BBEP partners, the review team recommends that all entities responsible for implementation solidify their commitment to CCMP implementation by identifying specific budgetary and/or in-kind resources dedicated to implementation of CCMP recommended actions. For example, the State might consider creation of a BBEP line item in New Jersey’s general fund budget. Such a move would establish a secure, protected funding source to insulate the Program from year-to-year funding fluctuations reflecting shifting political agendas. A line item would also raise the profile of the BBEP all across the State. EPA encourages the BBEP to contact NEPs that have secured State line items. Those NEPs include: Barataria-Terrebonne, Charlotte Harbor, Coastal Bend Bays, Delaware Inland Bays, Indian River Lagoon, and Massachusetts Bays. In terms of local funding, the EPA

suggests that the BBEP and partners consider developing and entering into an agreement similar to the Tampa Bay NEP Interlocal Agreement (attached). This agreement is a flexible approach for meeting agreed upon goals that would commit local partners to support the BBEP over a multi-year period. This predictability would enable the BBEP to secure contracts and conduct other business in a timely and efficient manner so that Program staff could focus more of their time on direct CCMP implementation.

Fostering Sound Municipal Land-Use Planning: Along the Barnegat Bay Shore, municipalities often provide inadequate protection for sensitive water and biotic resources. While one municipality – Stafford Township – has received awards from County and State agencies for its storm water management ordinance, most shore municipalities' land development ordinances tend to be old with few provisions that allow for innovative development approaches. Beyond the towns within the Pinelands Management Areas, the degree of sophistication in planning and regulating environmental resources at the local level varies, and municipal activity, if any, in environmental protection tends to be autonomous, without regional cooperation for the conservation of "larger than local" resources. To change land use on the ground, municipalities need to be educated about new tools and development alternatives that can result in better protection of their towns' natural and socio-economic resources.

Recommendations: The BBEP should enhance its efforts to provide access to reliable information that will increase 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) and the Center for Watershed Protection (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. BBEP should also continue to explore obtaining Nonpoint Education for Municipal Officials assistance to build the capacity of municipalities to manage growth. Finally, BBEP might also consider leveraging their land acquisition program by linking the purchase of individual properties with local adoption of plans that will identify, and regulations that will protect, land of hydrological or ecological significance within the watershed.

Reducing BBEP staff turnover: The loss of four full-time staff members over the last two years presents a challenge to the Program's momentum and institutional memory.

Recommendations: Refill the vacant BBEP Program Associate position with a full-time professional (minimum of a bachelor's degree in environment, administration, or related field or equivalent). The full-time Program Associate would provide critical support to the Program

Director and the Public Outreach Coordinator on many activities. This should be accomplished by September 2003, when the two part-time, temporary Ocean County positions are scheduled to be terminated. The new, temporary Clerk Typist provides adequate financial management assistance in the near term, but for the long term the BBEP should seek a permanent financial staff person as the amount of the Program's leveraged funding continues to grow.

Thank you again for participating in the Implementation Review process. We welcome any thoughts you may have either about the review process itself or about EPA's involvement in Barnegat Bay 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 E. Schwartz, Director
Oceans and Coastal Protection Division

Attachment

cc: Thomas Fote, Citizens Advisory and
Scientific and Technical Advisory Committees
Jane M. Kenny, U.S. EPA Region II
Jim Lacey, Ocean County Freeholder
Bradley M. Campbell, N.J. Department of
Environmental Protection
David Siddons, Ocean County Mayors' Association
Alan Avery, Ocean County Planning Department
Richard G. Bizub, Barnegat Bay
and Estuary Foundation
Andrea K. Cooper, Massachusetts Coastal
Zone Management
Robert H. Wayland, III, U.S. EPA HQ
Diane Regas, U. S. EPA HQ
Craig E. Hooks, U. S. EPA HQ
Walter Mugdan, U.S. EPA Region II
Mario Del Vicario, U.S. EPA Region II
Janice Rollwagen, U.S. EPA Region II
Robert Dieterich, U.S. EPA Region II
Richard Balla, U.S. EPA Region II
Tristan Gillespie, U.S. EPA Region II
Marilyn Katz, U.S. EPA HQ
Tim Jones, U. S. EPA HQ



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

Betsy

DEC 27 2002

OFFICE OF
WATER

Debrah Marriott, Director
Lower Columbia River Estuary Partnership
811 SW Naito Parkway, Suite 120
Portland, OR 97204

Dear Ms. Marriott:

The purpose of this letter is to thank you, the Lower Columbia River Estuary Partnership (LCREP) staff, and the many LCREP partners who contributed to the 2002 Implementation Review report and participated in the meetings and field trips arranged for the on-site visit by the Environmental Protection Agency (EPA) team. We appreciate the considerable effort that you and the LCREP staff put into the Implementation Review submission and the responses to our follow-up questions.

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.

Based on the EPA review team's findings, we believe that the LCREP is making significant progress towards implementing its Comprehensive Conservation and Management Plan (CCMP). We are pleased to report that the LCREP "passes" the 2002 Implementation Review and will be eligible for FY 2003, 2004 and 2005 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 2003 - 2005. 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.



LCREP Implementation Review Findings

Following is a summary of the key findings identified by the reviewers regarding the LCREP's strengths as well as some recommendations regarding potential areas that may merit increased attention. The LCREP's response to these recommendations will be evaluated in the 2005 Implementation Review cycle.

Strengths:

- **Technical Assistance.** The Implementation Review highlighted that the LCREP is uniquely positioned to serve as a neutral partner who is trusted to bring the appropriate parties together to address controversial issues facing the health and sustainability of the estuary. For example, Governors Locke and Kitzhaber requested that the LCREP convene a policy committee to coordinate species recovery efforts and expedite environmental improvements in the estuary. In addition, key agency partners are able to build on the efforts of the LCREP management plan to advance their responsibilities for restoring and protecting the Lower Columbia River. Examples include the NMFS adoption of LCREP management plan actions in the Biological Opinions for salmon recovery in the Columbia River Basin and the 2002 WRDA authorization and appropriation for the Army Corps of Engineers restoration work in the Lower Columbia River estuary. In addition, the LCREP Science Work Group serves as a critical technical resource for the stakeholders by developing such products as:
 - comprehensive maps of habitat in the study area
 - habitat restoration criteria
 - a master list of strategic restoration sites
 - environmental indicators and protocols to assess conditions of the Lower Columbia River
- **Public Outreach and Education.** Through education and volunteer programs, the LCREP is effectively raising public awareness of the importance of protecting Lower Columbia River estuary resources and energizing citizen involvement in protecting and restoring the estuary and its watershed. The Habitat Mapping Project, Water Quality Monitoring Event, Headwaters to Ocean Boat Trips, Teacher Workshops, Class Visits and Kids for the Columbia Jubilee are just a few examples of the variety of approaches used to provide as many citizens as possible the opportunity to be a part of the team working together to take care of the Lower Columbia River.
- **Organizational Restructuring and Finance Planning.** The LCREP successfully guided its stakeholders through a delicate restructuring process, which led to the adoption of a new structure that should allow for increased independence, administrative control, visibility and credibility for the Partnership. The LCREP has also taken the commendable step of developing a six-year finance plan, which should significantly facilitate the Partnership's ability to raise funds to implement priority action plans. The continued commitment of funds provided by the State of Washington as well as the State of Oregon, given the 50 percent non-Federal match now required by Federal law, is essential to sustain the Partnership.

Challenges:

The progress and achievements of the LCREP are impressive to say the least. Most of the challenges identified by the EPA review team are similar to those faced by many other NEPs. Community-based environmental management programs such as the NEPs must recognize that there will always be room for improvements and a need to be able to respond to changing priorities or emerging environmental problems. Through the Implementation Review process, EPA hopes to assist the NEPs identify where increased attention or a reassessment of priorities might be merited.

- **LCREP Identity.** The Implementation Review indicated a continuing challenge for the LCREP to further establish and maintain the Partnership's reputation as a catalyst and partner. The Implementation Report reflects a high degree of sensitivity about ensuring that the LCREP is viewed as "value-added" and not in competition with other stakeholder efforts. The challenge of establishing a distinct identity, while serving as the "glue" that helps the various agency and organizational stakeholders collaborate and coordinate their respective efforts, is shared by all 28 NEPs. EPA would like to take this opportunity to make it clear that we consider the LCREP to be the broad partnership of stakeholders reflected by the membership of the Board as well as the Committees and Work Groups and that we view implementation of the LCREP CCMP to be the responsibility of this broader partnership, not just the LCREP staff.
- **Funding/Non-Federal Match Requirement.** Building LCREP's capacity and providing stability for the Partnership and stakeholders depends on reliable funding sources. While State funding commitments have been sufficient for the non-Federal match requirement for the base EPA funds, they could fall short should additional Federal funding be obtained. Hence, EPA suggests that it is not only critical for the States to make every effort to maintain their financial commitment to the LCREP for the foreseeable future, it is also essential for the LCREP to work with all of their non-Federal partners to identify other potential sources of matching funds, including in-kind services and materials.

To date, the LCREP has not reported in-kind contributions because the Partnership has been able to fulfill the EPA grant match requirements with funds provided by the States of Washington and Oregon. During the Implementation Review, the Partnership indicated that they anticipate that in-kind contributions will be used to help meet the non-Federal match requirements for future Section 320 grants. EPA understands that the Partnership intends to use EPA contractor support to conduct an assessment of all in-kind contributions they are able to leverage – not just the amount needed to meet the non-Federal match requirements. EPA applauds this effort which will document how the non-Federal match requirement has been fulfilled, build support for LCREP local and State funding requests, and help report on the overall success the NEPs are having in leveraging support for their programs. This information will also help other NEPs identify potential sources of non-Federal match that may be available to them.

- **Process for Updating/Revisiting CCMP.** During the Implementation Review it was suggested that the LCREP plans to revisit and update the CCMP in five to six years. EPA would like to emphasize that the process for updating and revisiting the CCMP is critical for raising the visibility of the LCREP to the broader public and an important opportunity for re-energizing and sustaining public involvement in Lower Columbia River estuary decision-making, management, priority-setting, and evaluation activities. EPA can provide the Partnership with examples of CCMP updating and priority-setting processes used by other NEPs upon request.
- **CCMP Implementation Tracking.** LCREP's Implementation Review Report recognized a need to improve the Partnership's ability to track and coordinate CCMP implementation activities across the multitude of partners and stakeholders. Similarly, the report identified a need for the LCREP to develop the ability to track broader efforts to implement the CCMP by the various stakeholders. EPA fully supports the LCREP's efforts to address these challenges and would be happy to provide assistance in any way we can. In general, EPA has found that it is important that each NEP have a tracking mechanism so that it can demonstrate Program success to a wide variety of audiences, including the citizens, State and local government officials, EPA, and others. Many of the NEPs have developed a comprehensive tracking system that presents the status of each CCMP action, including funding sources, partners involved, and environmental results. These NEPs have successfully used such tracking systems for outreach, as well as for educating local partners about how their contribution is helping protect the estuary. Local governments and other partners have, in turn, used the tracking system to market how they have leveraged their contribution to CCMP implementation.

We are glad to hear that you found that the CD that contains the New Hampshire comprehensive tracking system serves as a helpful example of a CCMP implementation tracking system the LCREP may want to consider.

- **Coordinating and Improving Monitoring and Data Management.** The LCREP Implementation Review Report indicated that securing the funds to implement a comprehensive, coordinated, and sustained monitoring program is a top priority for the Partnership. In addition, the Partnership identified a need for improved data accessibility and data management coordination and recognized that there are a number of important monitoring efforts underway by a variety of State and Federal agencies as well as Universities and volunteers. EPA concurs with the Partnership's assessment that securing funding to implement a comprehensive long-term monitoring program should be a top priority. However, given the resource constraints faced by the Partnership, EPA believes that it is imperative that a concerted effort to coordinate existing monitoring efforts in the estuary be undertaken to avoid duplication of effort and to facilitate sharing data and results. The Protocol to Assess Conditions of the Lower Columbia River and Estuary that was developed in October 2000 will help meet these objectives until a long-term monitoring strategy is implemented and the resulting data are available. In the meantime, EPA suggests that the LCREP seems to be well positioned to serve as a neutral facilitator

to track progress of the different ongoing efforts and bring people to the table to exchange information and ideas at appropriate points in time. We would also recommend that an objective for all parties to keep in mind is to identify a single lead agency or organization to oversee and coordinate monitoring efforts, develop environmental indicators, and coordinate the management of data. EPA also encourages LCREP to continue their participation on the NEP Monitoring and Indicators conference calls chaired by Barry Burgan in the Coastal Management Branch. For more information about the monitoring and indicators conference calls, please call Barry at 202/566-1242.

Recommendations for EPA Consideration

The following recommendations for EPA consideration were raised during the on-site review. The EPA review team members agreed to follow up on these recommendations:


- **EPA Grant Application and Annual Reporting Requirements.** We discussed the difficulty Region X has been having processing their NEP grants in a timely manner. Suggestions for improving the grants process include:
 - EPA Headquarters will consider issuing the Annual Funding Guidance by February. This would facilitate NEP efforts to submit their grant applications earlier to allow adequate time for the Regions to process the applications. All parties understand that the final EPA funding guidance cannot be issued until Congress has passed EPA's appropriations, the President has approved EPA's operating plan, and the Coastal Management Branch funding level has been determined.
 - EPA recognizes the difficulties LCREP has faced as a result of the EPA grants administration process and oversight of the grant application and annual work plans with associated reporting requirements. EPA Headquarters and Regional staff (NEP and grants) will discuss the NEP grant and programmatic requirements to address the concerns raised during the 2002 Implementation Review process and will work to clarify the roles and responsibilities of the Regional Coordinator versus staff from the grants office with respect to the grant reporting requirements and deadlines to alleviate any undue burdens on the Partnership.
- **EPA Region X will consider evaluating opportunities to encourage the States of Washington and Oregon to provide information on LCREP restoration projects to Regional SEP coordinators.** During the on-site review we discussed how some of the other NEPs have been successful being recognized as a community-based program that can provide environmental restoration project opportunities that meet the requirements of Supplemental Environmental Projects.

- **EPA Region X will consider exploring the need to incorporate LCREP management plan implementation priorities in the State/EPA performance partnership agreements.** During the on-site review we discussed ways in which EPA can facilitate sustained or increased State support of NEPs.

As the LCREP moves into this next phase of implementation, please know that EPA remains committed to providing the assistance each Project needs to make progress in overcoming its unique challenges. We look forward to collaborating on a range of approaches that will ensure even greater progress on CCMP implementation in the coming years.

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 LCREP'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 E. Schwartz, Director
Oceans and Coastal Protection Division

cc: L. John Iani, Region X
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 10 2003

OFFICE OF
WATER

Jennifer Hunter, Director
New Hampshire Estuaries Project
152 Court Street, Suite 1
Portsmouth, NH 03801

Dear Ms. Hunter:

The purposes of this letter are to thank you and your staff for your 2002 implementation review submission and to communicate findings about the New Hampshire Estuary Project (NHEP) implementation review. We appreciate the considerable effort that the former Director and current staff put into the submission as well as the time and effort you, your staff, and the many NHEP partners took to respond to the Team's questions both before the Team arrived on-site and during the Team's visit.

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 Environmental Protection Agency (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. We hope this format proved beneficial to the NHEP's effort and welcome any comments you may have about how we can further improve the review process.

Based on the EPA review team's findings, we believe that the NHEP continues to make significant progress implementing its Comprehensive Conservation and Management Plan (CCMP). We are pleased to report that the NHEP "passes" the 2002 implementation review and will be eligible for FY 2003, 2004, and 2005 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 2003 - 2005. 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 workplans. Actual funding levels will be determined once the Agency has received its final budget from Congress and completed its internal budget allocation process.



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NHEP Implementation Review Findings

Following is a summary of the key findings identified by the reviewers regarding the NHEP's strengths as well as some recommendations regarding potential areas for improvement or future emphasis. The NHEP's response to these recommendations will be evaluated in the 2005 implementation review cycle. The review comments are intended to applaud the NHEP successes and support efforts to further strengthen the NHEP. A number of developments and accomplishments described in the NHEP implementation review submission demonstrate strong performance in the following areas:

Strengths

- **Public Awareness:** It is critical to keep the public informed of the purpose of the NHEP, implementation progress, as well as opportunities for their participation. We are very encouraged that the NHEP is doing this through a number of different avenues. Through the public awareness campaign, "*Be Part of the Solution*," the radio spots and posters generated will greatly assist the NHEP in raising its visibility with the general public and presents useful actions individuals can take to improve conditions in Great Bay and Hampton Harbor. We are also pleased that the campaign received some attention in the local press.

We are also very excited that the NHEP web site is being significantly enhanced to provide a better understanding of the NHEP and problems facing the Seacoast Region. While we understand that the web site is still under development, we would suggest that it contain the NHEP's goals and measurable objectives in a public friendly version to elicit their support and understanding of the Program. These could include restoring 50 acres of eelgrass in Portsmouth Harbor and Little Bay and 300 acres of saltmarsh with tidal restrictions by 2010, and opening 2,500 acres of soft-shell clam beds in Great Bay, Little Bay, and Hampton Harbor by 2010.

We would also like to see the web site contain information on how the general public can participate in the decision-making process. For example, the web site could post meeting announcements and volunteer opportunities (e.g., under a "How to Get Involved in the NHEP" icon on the web site). We understand that there are certain restrictions on updating the site as it is maintained by a State agency; however, we urge the State to allow input from the Director and staff.

A newsletter is another vehicle that can reach a large number of citizens. While a separate newsletter would provide a stronger individual identity for the NHEP, we greatly appreciate that the New Hampshire Coastal Program's *Tidelines Newsletter* will be further expanded to allow for additional coverage of the NHEP. We are also pleased that the Program is planning a State of the Estuaries Conference this year to highlight the NHEP's goals and activities, examine current conditions of Great Bay and Hampton Harbor, and discuss future directions by the NHEP and its partners.

It is also critical that there is a staff person with responsibilities to oversee and carry out all these public awareness efforts. We are very pleased that the Program filled the current Outreach Coordinator position so quickly.

- **Smart Growth:** The NHEP has been a strong convener on the issue of Smart Growth in Coastal New Hampshire. The Seacoast Region Smart Growth Roundtable held in September, Smart Growth Pilot Project, Smart Growth Strategy, and Smart Growth Tool Kit with case studies were well done. They provided excellent opportunities to educate and engage the local community members and municipal and elected officials about alternatives to future development patterns and the role of the NHEP with respect to CCMP land use action plans. The Roundtable also served as an effective network for many local organizations involved in Smart Growth issues. We are also pleased that many indicators applicable to growth are being developed and that the Tool Kit will be available on the NHEP web site. We commend the NHEP's effort to develop future training associated with the Tool Kit.
- **Implementation Tracking System:** The NHEP is to be greatly commended for developing an impressive, comprehensive implementation tracking system in such a timely manner. The system has been shared with the other 27 NEPs as an outstanding model to follow. Not only has the project tracking system greatly assisted the NHEP in keeping track of progress, but it will also help to engage partners in their implementation projects and commitments. Reports can also be easily generated to submit to EPA for the Government Performance and Results Act reports. Most important, this tracking system has helped to show the great progress the Program has made to initiate 40 out of 44 of the highest priority actions. Although the CCMP calls for a public progress report to be published annually, we also recommend that you place this information on the web site.
- **Environmental Results:** Through the efforts of the NHEP and the many State and local partners and volunteers, a number of significant shellfish beds have been reopened to recreational clamming after many years of closure. The reclassification was possible due to work facilitated by the NHEP to conduct sanitary surveys, monitor water quality, carry out pollution source identification and other pollution control measures, as well as the expansion of municipal sewer system coverage around Hampton Harbor. Many NHEP local grant funds have also been used to restore other habitats such as the Fairhill Saltmarsh and Edmond Avenue Wetland and to place a self-regulating tidegate in Hampton Harbor. These on-the-ground projects should also be highlighted on the web site to show the public the breadth of what is being done.

We encourage the NHEP to continue its efforts to produce environmental results, particularly with regard to the habitat and wetland restoration action plans in the CCMP. We suggest that the Program develop a habitat restoration plan. The foundation for this plan could include examining the Coastal Restoration Plan being drafted by the Cooperative Institute for Coastal and Estuarine Environmental Technology and the New Hampshire Fish and Game Department, and *Important Habitats of Coastal New Hampshire* produced by the U.S. Fish and Wildlife Service to determine if these could be

closely integrated into those efforts. EPA also recommends that the NHEP use these plans to develop a GIS map of critical habitats and restoration sites (along with the updated eelgrass mapping funded by the NHEP and conducted for Great Bay) to provide a visual framework for local decision-makers and the public.

- **Monitoring and Indicators:** The NHEP is to be commended for developing such a comprehensive monitoring plan with measurable indicators. These measures will allow the NHEP to monitor environmental conditions and environmental responses to restoration efforts, inform and involve the public in achieving restoration goals, provide information to establish restoration goals, and calibrate and refine ecosystem models that furnish long-term databases for estuary research. The causal link between management actions and environmental results is not always clear. Just as many environmental impacts develop over years, reversing those impacts is likely to take time -- which may make it difficult to maintain public support during implementation. By employing clear and realistic goals that can be communicated to all stakeholders and developing measurable indicators to track progress, the NHEP is well on its way to bridge the gap between the long-term nature of environmental improvements and the need to demonstrate short-term results to stakeholders. Not only will this monitoring plan assist in determining if the CCMP actions are having the desired effects, it also will provide a coherent vehicle for all the various entities in the Seacoast Region to participate in making the prerequisite management actions happen. The addition of the Coastal Scientist position was instrumental in producing the NHEP Monitoring Plan and is essential to coordinate and maintain these efforts in the Seacoast Region.

Challenges

The progress and many recent achievements of the NHEP are impressive to say the least. Most of the challenges identified by the EPA review team are similar to those faced by many other NEPs. Community-based environmental management programs such as the NEPs must recognize that there will always be room for improvement in the face of shifting priorities or emerging environmental problems. Through the implementation review process, EPA hopes to assist the NEPs in identifying where increased attention or a reassessment of priorities might be merited.

- **Participation at the National Level and Visibility:** We are very pleased to see that the new NHEP Director and Coastal Scientist have been fully involved in recent Regional NEP events and are reaching out to nearby NEPs. We look forward to the NHEP's continued efforts to collaborate. However, we have been disappointed in the limited participation of Management Committee members at NEP national meetings, workshops, or conferences. As you know, up to \$10,000 annually are made available to the NEP Programs to travel to these events. Not only do these events provide one of the most effective opportunities to network with counterparts from across the country facing similar challenges, but they also enable the NHEP to share its products and successes with other NEPs (e.g., the Monitoring Plan, indicators development, and the Tracking System Database). By participating in discussions at the national level, the NHEP can

gain valuable knowledge and experience from other NEPs. This cannot be done by the Director alone - there are too many facets of the NEP for one person to absorb and bring back to the Program. Through broader participation, the members of the NHEP can forge stronger ties with other NEPs, thus strengthening the Program.

- **Management Committee Administration and Membership:** With the new Director in place and the NEP moving into the third year of implementation, it is beneficial to review the NEP's existing structure that is described in the CCMP. We recommend that the NHEP adopt the NEP Management structure and establish the by-laws that are stated in the CCMP. EPA believes the basic tenet of the implementation management structure the NHEP decided upon is sound and should be adhered to by the Program. The implementation structure calls for formation of a Board (which could still be referred to as the Management Committee) consisting of at least one-fifth of the Board members as citizens not representing any agency or organization, and rotation of the Board chair and co-chairs. The current Management Committee is responsible for developing a detailed process for selecting new Board members as soon as possible. The Project Team structure and membership was also to be reviewed by the Board at the end of the first year of implementation. In doing so, there should be a clear articulation of roles and responsibilities of the new members of the Management Committee or Board. It is important to reiterate that one of these roles is to identify or seek additional sources of funding to support CCMP implementation efforts by the NHEP and its partners.

The NHEP has indicated that some municipalities and businesses may be unfamiliar with the Program. We suggest that additional effort be made to include industries, municipalities, citizens and elected official representatives from Zone B, as well as others from Zone A (e.g., Rochester, Exeter and Durham communities) to join the Management Team. We encourage the Program to continue its implementation efforts in Zone B which will further engage the participation of local officials and citizens on the Management Committee (or Board) and Project Teams. The Implementation Section of the CCMP calls for a special effort to include local officials (especially elected officials) and industry representatives (especially from the fishing industry) in the Program. We also suggest that additional opportunities to increase the Strafford Regional Planning Commission's participation in the NHEP be pursued. If the NHEP is interested in obtaining assistance in addressing this issue, EPA can provide, at no cost, a professional facilitator that has vast experience working with many other NEPs.

- **Public Involvement and Local Officials Participation:** Citizen support and involvement is one of the cornerstones of the NEP. Public involvement is used to guide Program development, identify priority issues, build local support, and evaluate progress. While public events such as the Coastal Watershed Forum and State of the Estuary Conference are good vehicles to inform the communities in the Seacoast Region of research being conducted or provide them with the information regarding relevant coastal issues, they do not allow for public participation and input into the decision-making process (e.g., in developing the annual workplan). The public should have more direct input into development of the workplan. This could be done by holding a public meeting to discuss the annual workplan or making it available for public review and comment via the web site.

Citizen participation needs to be greatly enhanced and additional representatives need to be invited to serve on the Management Committee (or Board) and Project Teams. We would strongly encourage the Program to solicit two citizens to participate on the Management Committee (or Board) to fulfill the guidelines set forth by the Program in the CCMP. The NHEP should not rely solely on its Project Teams to involve citizens in the Program. We understand that there are currently no citizens serving on the Land Use Team and that the Project Team meeting times may preclude citizen participation. We recommend that the Program recruit members of the local community and establish meeting times that would encourage citizen participation. In addition, according to the workplan, the Outreach/Education Team only meets twice a year. We would suggest quarterly meetings to facilitate greater citizen involvement in the decision-making process.

It is necessary to have a strong base of local official support to garner funding and sustain political interest in CCMP implementation. Local officials also ensure that local regulations and policies recommended in the Plan are implemented. While we understand the NHEP's interest in keeping the Management Committee size manageable, the selection of a few communities from the larger population centers and the reliance on Regional Planning Agencies to represent other communities seems to limit the participatory process. We recommend, where possible, to seek participation of additional local officials to serve on the Management Committee or Board to help ensure long-term support of the NHEP.

The NHEP has done much to assist local municipalities, planning agencies, and local officials through technical assistance such as training for municipal personnel to monitor storm drains for cross connections, outreach to local officials about land use regulations to protect shoreline buffers, and assistance with stormwater mapping and examining current impervious cover. Perhaps now that the NHEP has shown the assistance it can provide, local officials would be more interested in more formally participating on an on-going basis in the NHEP via representation on the Management Committee (or Board) or Land Use Team.

- **Program Setting:** Placement of the NHEP in the New Hampshire Coastal Program has resulted in limited visibility and autonomy of the Program. For example, many local stakeholders confuse the NHEP with the State Coastal Program or the National Estuarine Research Reserve Program. The NHEP's lack of autonomy has in some cases limited its ability to effectively involve other State, Federal, and local agencies in the CCMP implementation process. The Program should consider taking steps to establish and maintain an independent identity that enhances its effectiveness within New Hampshire and with other stakeholders. We suggest elevating the NHEP to the equivalent of the Coastal Program within the State whereby the NHEP Director would report to the head of the Office of State Planning. This would provide additional opportunities for stakeholders to be heard at high levels within the State structure and the potential to leverage internal and external sources of support. The Director's salary would need to be commensurate with that new position.

- **Long-term Funding:** A long-term funding strategy is essential to ensure the progress and successes realized thus far will continue into the future. We strongly recommend that the NHEP develop a finance plan that would identify funding sources and procurement strategies for the future. The NHEP relies heavily on in-kind matching funds, and we are concerned that the Program will have difficulties meeting the non-Federal matching fund requirements in the future. We recognize that New Hampshire, like many other States, faces difficult budget constraints; however, we believe it would benefit the Program to continue to seek some level of dedicated State funding to support the NHEP. Local governments could be approached for annual dedicated support as well. The NHEP may also wish to consider looking at sources such as Supplemental Environmental Project penalty funds, the State Oil Spill contingency fund, and donations from local businesses. We are concerned that the continued cooperation of the State agencies will be challenged if reductions in staff positions that help implement the CCMP occur due to cuts in the State budget. To help address the long-term funding issue, EPA offers no-cost finance workshops that can be tailored to meet the NHEP's specific needs.
- **Priority Setting:** It's important to develop an internal process to periodically and formally reassess Program goals and priorities, and establish an ongoing process to receive and consider public input. The CCMP calls for the Board, staff, implementation teams, and members of the public to review annually the Management Plan goals, priorities, and implementation schedule to be sure the Plan remains relevant to changing circumstances. This allows for addressing emerging issues, such as invasive species, that were not originally addressed in the CCMP. A summary of the plan review outcome could be placed on the web site or presented in other widely distributed public documents. It would also enhance the public's understanding of how the NHEP is making progress towards meeting its future goals. Priority setting will also help facilitate planning efforts to help the NHEP garner future funding for its activities.
- **Shellfish Role:** The issue of opening shellfish beds and maintaining a viable clam and oyster population is one of the priorities of the NHEP. As mentioned previously, a number of CCMP actions such as pollution source identification and sanitary surveys have led to opening of shellfish beds and a study has been conducted to examine clam mortality. While the NHEP appropriately acts as a facilitator and convener for this issue and has oversight of the shellfish actions in the CCMP, it must be careful that it does not raise expectations that the NHEP or Shellfish Team will take on actual management and water quality-related responsibilities of the State Shellfish Program. Those responsibilities are divided between the New Hampshire Fish and Game Department and the New Hampshire Department of Environmental Services, respectively. The NHEP can provide a neutral forum for the State agencies to implement and collaborate on the CCMP actions for which they have responsibility. Again, EPA can provide a facilitator to foster discussions and assist in coming to consensus on the shellfish resource management issue if such assistance would be of interest to the Management Committee.

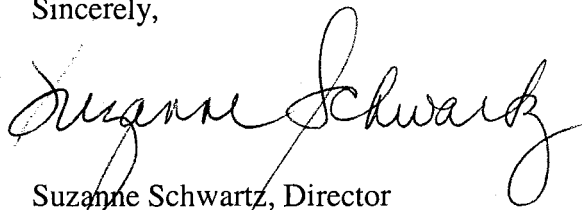
- **Workplan:** We appreciate that the NHEP's annual workplan is very comprehensive and can be generated easily from the tracking system database. However, there have been a few items omitted in past workplans regarding the type of in-kind matching funds provided or funds leveraged by the Program. This can be easily addressed and discussed with the EPA Regional Coordinator to include them in next year's workplan when the development process begins.

Conclusion

As the NHEP moves into this next phase of implementation, please be assured that EPA remains committed to providing you with the assistance needed to make progress in addressing the challenges identified through the implementation review. We look forward to collaborating on a range of approaches that will ensure even greater progress on CCMP implementation in the coming years.

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 implementation of your CCMP. If you have any questions or comments, please contact me or Darrell Brown, Chief, Coastal Management Branch, at (202) 566-1256.

Sincerely,



Suzanne Schwartz, Director
Oceans and Coastal Protection Division

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

MAR 10 2003

OFFICE OF
WATER

Mr. Michael Multari, Director
Morro Bay National Estuary Program
601 Embarcadero, Suite 11
Morro Bay, CA 93442

Dear Mr. Multari:

The purpose of this letter is to thank you, the Morro Bay National Estuary Program (MBNEP) staff, and the many MBNEP partners who contributed to the 2002 Implementation Review report and participated in the on-site visit conducted by the U.S. Environmental Protection Agency (EPA) review team. We appreciate the considerable effort that you and your staff put into the Implementation Review submission and responses to the follow-up questions.

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 NEP'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.

Based on the EPA review team's findings, we believe that the MBNEP is making significant progress implementing its Comprehensive Conservation and Management Plan (CCMP). We are pleased to report that the Program "passes" the 2002 Implementation Review and will be eligible for FY 2003, 2004 and 2005 funding authorized by the Clean Water Act §320. Considering our expected budget for the National Estuary Program, we are setting the base planning targets at \$300,000 per year for FY 2003 - 2005. 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.



Morro Bay National Estuary Program Implementation Review Findings

Though the Program's CCMP was approved just two years ago, under your effective, focused leadership, the MBNEP has already demonstrated its ability to address priority problems and work to prevent degradation of the watershed's still-intact natural resources. Following is a summary of the key findings identified by the reviewers regarding the MBNEP's strengths as well as some recommendations regarding potential areas that may merit increased attention. The MBNEP's response to these recommendations will be evaluated in the 2005 Implementation Review cycle.

Strengths:

Leadership in Local Environmental Management

The review team was very impressed by the MBNEP's visibility and prominence in the local community. One reason for the Program's prominence is the effectiveness with which you facilitate the public meeting component of the current review of the proposed Morro Bay Power Plant modernization. Your skill at facilitating public meetings on the highly controversial proposal and the high-quality technical assistance provided by MBNEP staff to the two public agencies leading the review have brought attention to the Program and ensured that the review process has been fair and transparent. The MBNEP's effectiveness as facilitator of the process, its creation of an extensive network, and its cultivation of important partnerships have brought credibility to the Program, increasing its potential to effectively implement CCMP actions and demonstrating its importance to Morro Bay watershed protection efforts. The review team believes that the MBNEP is now poised to play a leadership role in coastal watershed protection and restoration along California's entire Central Coast.

Environmental Results

Re-direction and Streamlining of Volunteer Monitoring Efforts: Over the past year, the MBNEP made special investments in volunteer monitor training, new monitoring equipment, development of volunteer monitoring protocols and quality controls, and streamlining data collection. As a result, the Program's volunteer monitoring capacity and the quality of data collected has been greatly enhanced. The EPA review team believes that the volunteer monitoring program is now well-positioned to carry out very useful monitoring activities and to effectively integrate information and lessons learned from the recently-held Morro Bay Volunteer Monitoring Workshop.

Indicator Development: We are also very encouraged that the MBNEP is well on its way to developing a suite of bioindicators. By developing a habitat-type matrix at the Bioindicators Workshop, the Program took a major step toward distinguishing between appropriate indicators currently in use and those that need to be replaced. The matrix will aid the Program in development of more detailed protocols for Morro Bay baseline studies and in development of associated cost estimates designed to determine whether

those studies are affordable. We look forward to learning results of the cost estimate study and to assessing its usefulness for other NEPs.

Habitat Protection: Using funds from the consent decree entered into by the Regional Water Quality Control Board with Pacific Gas and Electric in the mid-1990s, the MBNEP and its partners have acquired substantial portions of land for conservation. The review team applauds the Program for making land acquisition and conservation easements major elements of its land conservation strategy. Not only will these land conservation approaches lead to reduced sedimentation of Morro Bay, but they will also help slow the rate of habitat loss, thereby mitigating its impacts on critical species like steelhead trout. While the Program has not conducted monitoring long enough to demonstrate the environmental benefits of land conservation, we expect that over time, monitoring data will demonstrate those benefits and show a positive relationship between MBNEP land conservation efforts and increases in steelhead trout populations.

Outreach and Public Education

Morro Bay Visitors' Center: The EPA review team was especially impressed by the MBNEP's outreach and education efforts. In particular, the review team was very pleased by the Program's plan for a Visitors' Center (Center), the first of its kind in the National Estuary Program. The review team came away from its tour of the still-under-construction Center very impressed both by the physical layout and the planned content of Center's displays and outreach materials. The Center will go a long way toward educating community members and visitors about the Morro Bay watershed in particular and about coastal watersheds generally. The review team encourages MBNEP staff to document the process used to design and develop the Center and provide a summary of that process to other NEPs that might be interested in establishing a similar visitors' center.

Outreach Documents: In addition to establishment of the Center, the MBNEP has produced several excellent outreach products like *The Restless Estuary* and the Morro Bay map, both of which help the public and local decisionmakers understand the problems facing the Morro Bay watershed and depict how the MBNEP is addressing those problems.

Hollister Ranch and Walters Creek Projects: The review team commends the Program for its major role in spearheading the purchase of land for the Hollister Ranch Project, which involves efforts by a California Polytechnic Institute (Cal Poly) inter-disciplinary team of students, faculty, and private landowners to test the benefits of floodplain restoration on lowlands impacted by upland ranching and grazing. Not only do these efforts demonstrate positive environmental outcomes from well-researched, thoughtfully planned restoration efforts, but they also demonstrate that diverse parts of the community are committed to the overall health of the watershed, and that coastal watershed protection and restoration efforts can advance ranchers' and farmers' economic

well-being. Collaboration on this project by major non-governmental and California state agency partners make this a model restoration and community outreach effort. The review team also commends the MBNEP for its support of a planned land swap of Cal Poly land along Walters Creek for upland portions of the Hollister Ranch, which will make possible even more floodplain restoration in the watershed.

Projects with the Resource Conservation District (RCD), Conservation Corps (CC), and Others: The review team was impressed by the MBNEP's support for and communication about lessons learned from the Chorro Flats Project, an RCD effort targeting sediment load reductions to Morro Bay and restoration of in-stream and riparian habitat. The Program's major financial support for the Chorro Flats Project and its active dissemination of lessons learned have significantly advanced erosion control and restoration efforts throughout the watershed. Financial support for the Chorro Flats Project and for establishment of a CC watershed restoration crew demonstrated to the review team the Program's effectiveness at forging very results-oriented partnerships that facilitate CCMP implementation.

GIS Mapping Project: The review team commends the Program for its GIS-based map and for the Restoration Projects Catalogue (Catalogue), which identifies and prioritizes habitat areas targeted for restoration actions. The review team encourages the Program to enhance the map by showing sites of NEP-sponsored projects. Both the enhanced map and the Catalogue could be distributed at the Fall 2003 State of the Bay Conference. In addition, the map could supplement annually submitted Government Performance and Results Act (GPRA) documents.

Finance Planning

The review team was pleased to learn that the MBNEP sponsored a Morro Bay Finance Planning Workshop that brought together Program staff, implementing partners, and current and prospective funders. Although the workshop did not meet the Program's expectations, the review team commends the MBNEP Finance Workgroup for its commitment to long-term finance planning and its current work with a financial development firm to develop a strategic finance plan.

Challenges:

The progress and many recent achievements of the MBNEP are impressive to say the least. Most of the challenges identified by the EPA review team are similar to those faced by many other NEPs. Community-based environmental management programs such as the NEPs must recognize that there will always be room for improvements and a need to be able to respond to changing priorities or emerging environmental problems. Through the Implementation Review process, EPA hopes to assist the NEPs in identifying where increased attention or a reassessment of priorities might be merited.

Increasing Visibility with State and Federal Officials

As noted earlier, the MBNEP has very effectively taken on a local leadership role and is highly regarded within the watershed for its significant contributions to Morro Bay resource protection and restoration. The review team encourages the Program to build on its local reputation by actively reaching out to others involved in Central Coast and statewide watershed protection efforts. This outreach effort would increase the visibility of regional and statewide coastal watershed issues at state executive and legislative levels and at the Congressional level. That effort would also provide the MBNEP with new opportunities to promote its successes, learn from others' work, and join with others to promote common interests.

Technical Transfer

Although it is still early in the implementation phase, there are many MBNEP successes that the Program could share with other NEPs. We appreciate that the Morro Bay watershed has unique geographic and climatological features. However, we believe the Program has much to offer other NEPs on issues like sedimentation, land acquisition, working with or becoming a non-profit, establishing a visitors' center, and revamping a volunteer monitoring program. We encourage the MBNEP to more widely disseminate lessons learned to other coastal watersheds, particularly those in the NEP.

Tracking

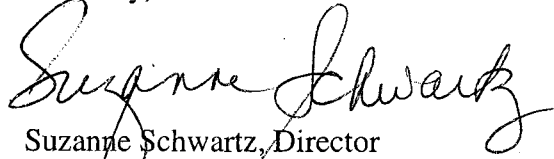
While the *CCMP Action Plan Status and Repairing the Watershed and Enhancing the Bay* documents effectively condense information about implementation progress, EPA recommends that a more comprehensive tracking system targeting MBNEP staff and local decisionmakers be developed. A comprehensive system could report on the status of each CCMP action, identify funding sources and partners, and depict environmental results. Local governments and other partners could use the system to demonstrate how their contributions were leveraged for the benefit of the Morro Bay watershed, and the Program could use the system to help it prepare the annual GPRA report. EPA previously provided the MBNEP with a copy of the New Hampshire NEP's tracking system, and is enclosing with this letter a CD containing another example of a good tracking system from the Tampa Bay NEP.

The Annual Work Plan

While the MBNEP's annual work plan clearly outlines activities to be undertaken during the coming fiscal year, it could be enhanced by including more detail about annual tasks and goals. In addition, EPA requests that the work plan's budget chart specify the type of match provided for §320 funds; i.e., the Program should indicate if match is in the form of cash or in-kind services, and if it is in-kind services, the Program should indicate the exact type of services. If the match is in the form of staff, the MBNEP should indicate staff position titles, employers, and salaries. This information will be useful in the development of a national picture depicting how §320 funds are used to leverage other 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 Morro Bay 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
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Enclosure

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