

CASCO BAY ESTUARY PROJECT
NATIONAL ESTUARY PROGRAM

EPA/STATE
MANAGEMENT CONFERENCE AGREEMENT

February, 1991

Casco Bay Estuary Project EPA/State Management Conference Agreement National Estuary Program

WE recognize that Casco Bay is an estuary of national significance that is threatened by pollution, development and overuse. We further recognize that there is a need for a Management Conference to develop a comprehensive conservation and management plan that strives to protect and improve water quality and enhance the living resources of Casco Bay.

IN signing this agreement, we are committing to the products and schedules contained in the EPA/State Conference Agreement. We further commit that the work undertaken by this project will strive to: assess trends in water quality, natural resources and uses; identify causes of environmental problems through data collection and analysis; assess pollutant loadings and relate them to observed trends; write a comprehensive conservation and management plan that includes recommendations for priority actions; coordinate implementation of the comprehensive plan with federal, state and local agencies; monitor the effectiveness of the management actions; and review federal financial assistance and development programs for consistency with the goals of the plan.

WE also agree that the statutory requirements for Management Conference have been met and that we will participate in the conference. Further, we commit to meeting the statutory requirements for matching funds needed to complete the development of the Comprehensive Conservation and Management Plan.

Julie Belaga
Regional Administrator
U.S. Environmental Protection Agency
Region I

John R. McKernan, Jr.
Governor
State of Maine

Preface

The National Estuary Program (NEP) was established by the Water Quality Act of 1987. The Act authorizes the Administrator of the Environmental Protection Agency (EPA) to convene Management Conferences to develop Comprehensive Conservation and Management Plans (CCMPs) for estuaries of national significance that are threatened by pollution, development or overuse. Section 320 of the Act outlines the estuary designation process and the purposes of a Management Conference.

The justification for convening the Casco Bay Management Conference was established by Maine's Governor John R. McKernan, Jr. and Commissioner of the Department of Environmental Protection Dean C. Marriott's The Nomination of Casco Bay to the National Estuary Project of July 1, 1989. A cooperative agreement between Maine and the U.S. EPA was signed in September, 1990 to begin initial development work on the Casco Bay Estuary Project (CBEP).

This document represents the State of Maine's and E.P.A. Region I's commitment to improve the water quality and enhance the living resources of Casco Bay through work to be accomplished under the NEP. These commitments were negotiated among EPA Region I and the Maine Department of Environmental Protection and were approved by the Management Conference. The activities and schedules specified here compose an overall road map for the project leading to a final CCMP by September, 1995. As work under the NEP commences, specific activities will be committed to in annual workplans, and reports of accomplishments put forth in publications for the public.

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Section I

Introduction

Casco Bay has a wealth of natural resources and marine habitats that support a rich and diverse ecological web of life and make this body of water one of the most widely used areas north of Boston. Spanning a distance of about 20 miles from Cape Elizabeth to Small Point, Casco Bay covers an area of about 150 square miles.

Casco Bay's beauty, clean water, fish and waterfowl, and its deep and protected waters have made it a sought-after location for residences, business, industry and recreation. Today, almost 150,000 people live around the Bay's immediate perimeter and almost 240,000 people live in the watershed of Casco Bay. Maine's largest city, Portland, is located on its shores.

Casco Bay contains a variety of marine habitats and environmental conditions. Within Casco Bay are sand beaches, tidal mud and sand flats, rocky shores, salt marshes, soft and hard bottoms, gravel, cobble and boulder habitats, areas with low and high tidal and freshwater flushing and large protected intertidal areas.

This rich variety of habitats has made Casco Bay an important ecological resource. For decades marine biologists have selected Casco Bay as a study area due to its biological richness and diversity of habitats. To date approximately 850 species have been found in Casco Bay. In addition, Casco Bay is an important link in the life cycle of many species migrating between North and South America. As stopover and wintering habitat for these migratory species, these areas transcend local and national importance and take on global importance.

The diversity of Casco Bay's marine habitat and living resources make it a good model of conditions elsewhere, especially of the coast between Cape Cod and the St. Croix River on the Canadian Border. Also, Casco Bay's problems appear to be smaller in geographic extent and less dramatic ecologically. Casco Bay is, therefore, probably typical of problems being experienced in a large number of the nation's coastal systems making the lessons learned in Casco Bay likely to be successfully passed on to other areas.

Finally, and perhaps most importantly, Casco Bay offers the opportunity to emphasize protection of a resource as well as its restoration. As pollution prevention has been made a high priority by EPA on a national level, the lessons from Casco Bay will be invaluable to these efforts.

Section II

Legislative and EPA Guidance

This five year Management Conference Agreement sets forth the work to be accomplished during the period from January, 1991 to September 31, 1995 by the Casco Bay Estuary Project. The activities and timeline presented in this workplan will be the general guide to the activities undertaken by the Management Conference, while annual workplans will lay out detailed projects, their budgets, and how they relate to the purposes of the NEP as stated below.

The overall framework for the five years of work outlined in this agreement consists of the seven purposes put forth in the Section 320 of the Water Quality Act of 1987. These seven purposes are:

- 1) Assess trends in the estuary's water quality, natural resources and uses;
- 2) identify the causes of environmental problems by collecting and analyzing data;
- 3) assess pollutant loadings in the estuary and relate them to observed changes in water quality and natural resources;
- 4) recommend and schedule priority actions to restore and maintain the estuary, and identify the means to carry out these actions (this is the comprehensive conservation and management plan, or CCMP);
- 5) ensure coordination on priority actions among federal, state and local participants in the conference;
- 6) monitor the effectiveness of actions taken under the plan; and
- 7) ensure that federal assistance and development programs are consistent with the goals of the plan.

In addition to the seven purposes stated in Section 320, EPA has provided additional guidance designed to ensure that the seven purposes will be met. This guidance provides that the state:

- 1) Establish and support a program office, or its equivalent, to support the activities of the Management Conference and its participants;
- 2) take early action where problems and solutions have been identified, such as improving base programs within the state's immediate control;

- 4) educate and involve the public in the development of the CCMP; and
- 5) develop a CCMP and its supporting financing strategy.

The guidance provided by EPA further defines seven key activities and major products to be part of the state commitment.

- 1) An identification of priority problems of the estuary based on public and other input;
- 2) An inventory of applicable federal programs to identify potential conflicts with the final CCMP. This is part of the consistency review required as one of the tasks of the management conference;
- 3) An analysis of the current scope and effectiveness of existing federal, state and local resource management programs to evaluate gaps, target opportunities, and identify the potential for leveraging. This base-program analysis is essential for identifying and developing recommendations of the CCMP;
- 4) A financing plan based on state and public input that considers costs of potential pollution control options and identifies how these options will be financed;
- 5) Final reports on the estuary's status and trends, probable causes of environmental problems, and pollutant loadings. These reports are required under purposes 1 - 3 of the management conference and may be combined in the final characterization report;
- 6) A draft CCMP that includes a federal consistency report and plans for coordinated implementation and monitoring; and
- 7) A final CCMP that identifies action plans for implementing the CCMP, including:
 - a discussion of the likelihood of success;
 - lead implementation agency;
 - funding required and the sources of funding; and
 - schedule for implementation.

This Management Conference Agreement is based on the guidance outlined by the Water Quality Act of 1987 and EPA guidance documents. The signing of this State/EPA Management Conference Agreement represents the commitment and direction established for the five years of the Casco Bay Estuary Project in order to protect and enhance the water quality and living resources of Casco Bay.

Section III

Commitments

The commitments outlined below are designed to fulfill the purposes of Section 320 of the Water Quality Act of 1987 and the guidance supplied by the U.S. Environmental Protection Agency. Together these commitments form the five year plan agreed to by the State of Maine and U.S. EPA.

In order to fulfill these commitments, it will be necessary for the Casco Bay Estuary Project to undertake additional projects and interim publications. The descriptions of these projects and publications and how they relate to fulfilling these commitments will be contained in the annual workplans submitted by the Project to the U.S. EPA.

The activities and schedules specified here compose an overall road map for the Project leading to a final CCMP by September, 1995. As outlined by the commitments below and illustrated in the timeline in Table 1, the project will spend the first year gathering baseline data. This includes gathering existing data and developing a State of the Bay Report and reviewing existing federal, state and local resource management strategies and structures and developing a Base Program Analysis Report.

During the second year, the project will use this and other material to develop a preliminary CCMP. The third through fifth years of the project will begin the implementation of the action plans developed in the preliminary CCMP and develop the data needed to support these actions. During the fourth year a final CCMP will be developed (produced first in draft form to allow for extensive public comment) which reflects the additional information and experience gained during the project. The action plans incorporated in the final CCMP should establish an evolving plan of protection for Casco Bay.

The State of Maine and EPA Region I agree:

- 1) To **establish and support a project office** or its equivalent which supports the activities of managing the conference and its participants. This includes the hiring of a project coordinator and providing additional staff and support as necessary to carry out the purposes of Section 320 of the Water Quality Act of 1987 and the commitments outlined in this document.
- 2) To **match the federal funds** provided for the Casco Bay Estuary Project with state and other non-federal funds such that at least 25% of the aggregate costs of the project are paid from

non-federal funds. Each annual workplan will describe the non-federal sources which will fulfill the 25% match requirement.

3) To educate and involve the public in the development of the CCMP. This involvement will take place in numerous forms. The most important form of public involvement is through the structure of the Management Conference.

The State of Maine and EPA Region I agree to involve a broad spectrum of interests in the environmental planning and decision-making undertaken by the CBEP so environmental issues are addressed in a comprehensive manner and so the strategies developed have broad public support. To achieve this participation the CBEP will establish, maintain and support a Management Committee and the necessary advisory committees.

The involvement of three interests have been identified as necessary for the success of the CBEP and has resulted in the formation of: the Citizens Advisory Committee, the Local Government Advisory Committee and the Technical Advisory Committee. The committee structure will be flexible, with the Management Committee having the ability to add or change committees and their membership as necessary in order to meet the needs of the CBEP. The advisory committees provide a permanent channel for a wide range of views to be included in the development the CCMP. A more complete description of the initial Management Conference structure is given in Section IV.

In addition to the advisory committees, the CBEP will involve the public in other ways. Before the final adoption of the CCMP a draft will be published and distributed to allow for a public comment period (see commitment 8). Also, the project will make reports which result from program activities available to the public and publish lists of available reports on a regular basis. As needed, other methods of public involvement, such as public workshops, will be used by the CBEP.

The State of Maine and EPA Region I also commit to developing a public education and outreach strategy. This strategy will be designed to increase the understanding of Casco Bay and the environmental issues confronting the Bay, educate the public about the CBEP and help develop broad public support for the actions taken by the project.

4) To identify and report the priority problems of the estuary and to identify appropriate goals to address these issues. An initial list of priority issues will be submitted with the first annual workplan. After the first year of the project, these priorities will be revised to incorporate the data and program analysis which occurred during the first year. These priority issues will be the basis for establishing goals for the project and for Casco Bay. The project will publish final priority problems and goals of the project in the State of the Bay Report.

Public input on the priority issues and goals will be assured through review and discussion of all three advisory committees. In addition, a public issue identification workshop was held on November 17, 1990 to gauge the public's perception of the priority issues.

5) To **conduct a base program inventory and analysis** which considers the scope and effectiveness of existing federal, state and local resource management programs. The report will inventory the programs, evaluate gaps and overlap within and among the programs, identify opportunities for improvement and the potential for leveraging one program with another. The report may also characterize the data systems and data available from the various programs and evaluate their compatibility. This analysis will be undertaken during the first year of the CBEP.

6) To **produce an Action Now Agenda** as part of each year's annual workplan. This plan will describe the actions and demonstration projects to be taken in the upcoming year. Included in this description will be a summary of the previous year's Action Now commitments and their status. Each item on the Action Now Agenda will reflect how the action addresses the priority issues identified by the Management Conference. For example, Action Now items would cite the recommendations suggested or problems described in the base program inventory and describe how the action addresses these concerns.

7) To **produce a State of the Bay Report and a Casco Bay Atlas**. The State of the Bay Report will be compiled during the first year of the project using existing data. This report will serve both to summarize what is known about Casco Bay and to guide future research efforts. It will address the status and trends of Casco Bay, discuss probable causes of current and future environmental problems, and describe pollutant loadings to the Bay.

The Casco Bay Atlas will be completed in December 1994 and combine the information from the State of the Bay Report with the additional information developed by the Casco Bay Estuary Project and other sources over the next four years. The Project will develop the data necessary so the information in the Atlas characterizes the status and trends, probable causes of current and future environmental problems and pollutant loadings within Casco Bay in a manner which fulfills the requirements described in the EPA guidance document.

The State of Maine and EPA Region I also commit to identify and make accessible relevant data in a manner useful to researchers, program managers, and the public. In addition to developing an appropriate mechanism to assure this accessibility, all investigators in CBEP sponsored projects will be required to produce a final written report summarizing the data and the analysis. Pursuant to EPA guidance, all data from CBEP projects will be submitted in a format compatible to EPA's national Ocean Data Evaluation System (ODES).

8) To **produce a preliminary, a draft and a final Comprehensive Conservation and Management Plan**. The preliminary CCMP will be completed by December, 1992. It will be based on the characterization work accomplished during the first year of the project, including

the State of the Bay report, the base program analysis, and the priority issue lists. This CCMP will propose preliminary recommendation which: **identify lead agencies, include implementation plans and schedules, develop the funding mechanisms and funding sources and discuss their likelihood of success, and identify further work to be completed to produce the final CCMP.** Also, this preliminary CCMP will focus on Action Now Agendas for the next 3 years. The advisory committees will review the preliminary CCMP while it is being developed.

The draft CCMP will be completed in April of 1995. This draft CCMP will adjust, change and add to the preliminary CCMP to incorporate the experiences and additional data developed during the project. This CCMP, like the preliminary CCMP, will contain action agendas which: **identify lead agencies, include implementation plans and schedules, develop the funding mechanisms and funding sources required, and discuss their likelihood of success.**

The draft CCMP will also contain a **federal consistency report** (including an inventory of applicable federal programs) to ensure that federal assistance and development programs are consistent with the goals of the CCMP and that the agencies implementing these programs coordinate with each other and with the other actions developed in the CCMP. Also, the CCMP will include **plans for monitoring the effectiveness of the programs.**

The draft CCMP will be completed at least six months prior to the final CCMP deadline of September 31, 1995 to allow for full public comment and review. The final CCMP will contain all the same elements as the draft CCMP and will reflect the comments received during the review period.

The commitments and timetable agreed to in this document are summarized in Table 1. Together, the commitments and timetable represent the five year plan for the CBEP. How these commitments fulfill the requirements of Section 320 of the Water Quality Act of 1987 and the guidance supplied by the U.S. Environmental Protection Agency are described in Table 2.

Table 1
Five Year Timeline

Activity	1990	1991	1992	1993	1994	1995
Project Office	-----	-----	ongoing	-----	-----	-----
Public Involvement	* -----	-----	ongoing	-----	-----	-----
Identify Priority Problems	-----	-----	-----	-----	-----	-----
Base Program Inventory and Analysis	-----	-----	-----	-----	-----	-----
Action Now Agenda	-----	-----	-----	-----	-----	-----
State of Bay Atlas	-----	-----	-----	-----	-----	-----
Preliminary CCMP Draft CCMP Final CCMP	-----	-----	-----	-----	-----	-----

Table 2
 Relationship between Water Quality Act Purposes,
 EPA Guidance and Casco Bay Estuary Project Products

Water Quality Act Purpose	EPA Guidance	Casco Bay Estuary Project Product	Date
	Priority Problem List	Year 1 Workplan State of Bay	March, 1991 December, 1991
	Base Program Inventory	Base Program Report	March, 1992
Trend Study	Status/Trends Study	State of Bay Report, Atlas	March, 1992 April, 1995
Cause/Effect Study	Cause & Effects - Loading Study	State of Bay Report, Atlas	March, 1992 April, 1995
Loading Study			
CCMP	Management Implementation	Preliminary CCMP Draft CCMP Final CCMP	September, 1992 April, 1995 September, 1995
	Financial strategy	Preliminary CCMP Draft CCMP Final CCMP	September, 1992 April, 1995 September, 1995
Monitoring	Monitoring strategy	Preliminary CCMP Draft CCMP Final CCMP	September, 1992 April, 1995 September, 1995
Federal Consistency	Federal Consistency Report	Draft CCMP Final CCMP	April, 1995 September, 1995
Federal/State coordination		Draft CCMP Final CCMP	April, 1995 September, 1995

Section IV

Management Conference Structure

Through start up funds provided by EPA and in-kind services from the Maine Departments of Environmental Protection and Economic and Community Development and with the support and work of the Management Conference participants, the Casco Bay Estuary Project has developed and implemented a working structure for the project. The structure and membership of the Management Conference is flexible and can be changed by the Management Committee to address issues as they arise in the future.

Management Conference Structure

The Casco Bay Estuary Project's goal is to develop a Comprehensive Conservation and Management Plan for the Casco Bay watershed. The project seeks to build this plan through a process which emphasizes action and the involvement of all interested parties. If this approach succeeds, the result will be an evolving plan of protection for Casco Bay.

The Casco Bay Estuary Project strives to involve all interested parties through its structure. The project is made up of a Management Committee, a Citizens Advisory Committee, a Local Government Advisory Committee and a Technical Advisory Committee. Together these committees are called the Management Conference.

Management Committee

The Management Committee is responsible for directing the project and developing the protection and management plans. The committee is made up of three representatives from each of the three advisory committees, one representative from each of four Maine state agencies: the Departments of Environmental Protection, Marine Resources, Economic and Community Develop and the State Planning Office, and one representative from the EPA. The committee is co-chaired by the Maine Department of Environmental Protection and the U.S. EPA. The structure and membership of the Management Conference is flexible and can be changed by the Management Committee to address issues as they arise in the future.

Advisory Committees

The three advisory committees are a permanent channel for different groups to work with the questions and issues raised by the project. These committees are directly involved in decision-making through their representation on the Management Committee. In this way the Management Committee decisions can reflect a wide spectrum of interests.

Citizens Advisory Committee

The Citizens Advisory Committee (CAC) has a membership of citizens groups, business, industry, fishing, marina owners and other bay users, and concerned citizens. The CAC role is to help establish goals and objectives; participate in determining program activities; assist with public education activities; and review technical findings.

The CAC has been active and successful in fulfilling its roles. It has been meeting monthly with an average attendance of 25 to 30 members. It actively participated in the process to determine the membership of the Management Committee. The CAC's three acting chairs represent an industry, a citizen environmental group and commercial fishing.

The CAC has also formed a public participation subcommittee which has developed a draft public outreach proposal which has been adopted in concept by the entire CAC and presented to the Management Committee.

Local Government Advisory Committee

The Local Government Advisory Committee (LGAC) has a membership of representatives from local governments from the 24 towns which make up the lower Casco Bay watershed. Representatives include planners, public works directors, elected officials, local Councils of Governments and conservation commission members. The role of the Local Government Advisory Committee is to identify local environmental management needs; assist with outreach to municipalities; develop technical assistance for towns; provide practical advice on implementation; and assist in development of funding mechanisms.

The LGAC is well established but continues to have fluctuating attendance from municipalities. However, a strong core group of participants exists and is committed to developing outreach programs to get a broader representation. The LGAC has three acting chairs which sit on the Management Committee. These three representatives from different municipalities represent a town planner, a public works director and an elected official.

Technical Advisory Committee

The Technical Advisory Committee (TAC) has a membership from academic institutions, state and federal agencies, consultant groups, municipalities, business and industry. The role of the TAC is to advise on research, data and monitoring efforts; oversee assembly and evaluation of existing data; review Requests For Proposals; and conduct peer review of studies.

The committee is established and active and has had strong attendance at its monthly meetings. Its three acting chairs and representatives to the Management Committee represent a non-profit research laboratory, an academic marine center, and a state agency.

These committees are working to develop action plans to address the most pressing issues facing Casco Bay. The basis for action will be set by using existing data and directed research to more clearly identify the problems.

Section V

Summary of Accomplishments

CBEP Start-up

June 27, 1990 - Organizational meeting held, initial Management Conference structure agreed upon. Budget for program manager position and kick-off approved.

July 16, 1990 - Kick-off ceremony held in Portland, Maine. Attended by over 100 representatives of federal, state, local governments, business, industry, academic institutions and the public. Participants included Governor John R. McKernan, EPA Region I administrator Julie Belaga and Congressman Joseph Brennan. The ceremony included a demonstration cruise aboard the EPA research vessel OSV Anderson.

August, 1990 - All advisory committees: Citizens Advisory Committee, Local Government Advisory Committee, Technical Advisory Committee; hold their organizational meetings and elect acting chairs to serve as representatives to the Management Committee.

September, October, 1990 - Management Committee membership is finalized. More representatives of the CAC and TAC are included at the suggestion of the advisory committees in order to achieve parity among advisory committee representation and increase their voice on the Management Committee. All advisory committees have three representatives on the Management Committee.

Cooperative Agreement between E.P.A. and the State of Maine approved for start-up funding of the Project.

Management Committee approves the hiring of a data analyst to facilitate the collection of existing data and identify gaps in data. Committee also approves the hiring of a planning assistant to help with administrative and program support.

Issues identification and prioritization strategy approved by Management Committee. This strategy involved having each advisory committee develop and prioritize a list of problems from which the Management Committee will develop a comprehensive list. This list was taken to a public workshop on November 17, 1990.

November 17, 1990 - Public issues identification workshop held in Brunswick was attended by over 120 participants. The workshop combined educational presentations with small group discussions. During the small group discussions participants were asked to brainstorm issues

facing the bay and categorize each issue as either a problem (defined as a source of pollution), an action (defined as actions which can be taken now), or a question (defined as things that need to be known before proceeding). At the end of the day a straw vote was held. By far the most strongly supported recommendation was to educate the public.

Overall, workshop participants identified the following areas as major areas of concern:

Problems

- Toxic waste, e.g. PCBs, oil pollution
- Balancing economic development with environmental protection
- Lack of enforcement
- Nutrients
- Bacteria
- Combined Sewer Overflows

Actions

- Educate the public
- Include the Kennebec River watershed in the project
- Develop baseline data
- Step up enforcement

Questions

- What are the extent of heavy metals and PCBs in the Bay?
- What are the flows and currents of the Bay?
- What is the nutrient carrying capacity of the Bay?
- Who has the data?

December, 1990 - March, 1991 -- Conference Agreement finalized and workplan developed.