



## Protecting Fish Habitat with the National Estuary Program

Estuaries are coastal areas where fresh water rivers mix with salty ocean waters to create unique and productive natural ecosystems. They provide vital habitat for 93% of the economically important marine fish and shellfish of the South Atlantic and 75% of these species nationwide. In addition to their importance as fish habitat, estuaries provide nutrients for phytoplankton which are the base of the entire aquatic food web, and serve as natural pollutant filters and buffers against flooding.

When the Clean Water Act was amended in 1987, the National Estuary Program (NEP) was established with the mission of protecting nationally significant estuaries, improving their water quality and enhancing their living resources. Today twenty-one estuaries nationwide have been identified and adopted into the program, including eleven on the Atlantic Coast.

For each NEP estuary, a plan is developed for addressing its major environmental problems. The plan, or CCMP (Comprehensive Conservation and Management Plan), is developed over a period of five years by a 'Management Conference' convened by the EPA (Environmental Protection Agency), which is the lead federal agency for the program. Management Conferences are composed of local citizens,

special interest group members, and technical experts including representatives from key federal resource management agencies such as the U.S. Fish and Wildlife Service and National Marine Fisheries Service. Funding to gather information, research environmental processes, and involve citizens in plan production is provided by the EPA. Once the CCMP is approved by the EPA Administrator, recommended actions specified in the CCMP are eligible to be implemented with other federal funds.

Opportunities abound for fishermen to participate in this process, and many have seized these as occasions to protect the estuaries upon which they depend. Is there a National Estuary Program working to protect the habitat you depend upon? Atlantic Coast estuaries included in the program are listed below, along with the status of CCMP development and who to contact for further information. To get on the mailing list for *Coastlines*, the newsletter of the NEP, write: USEPA, Mail Code 4504, Ocean and Coastal Protection Division, 401 M St, SW, Washington, DC, 20460.

National Estuary Program projects are protecting valuable fish habitat, and providing great opportunities for fishermen to get involved.

### National Estuary Program - Atlantic Projects

Casco Bay, Maine - draft CCMP due 4/95; Contact Lee Doggett (207/828-1043).

Massachusetts Bays, Massachusetts - preparing draft CCMP; Contact Diane Gould; (617/727-9530 x-406)

Buzzards Bay, Massachusetts - CCMP approved 4/92 and under implementation; Contact Joseph Costa (508/748-3800).

Narragansett Bay, Rhode Island - CCMP approved 1/93; Contact Richard Ribb (401/277-3165).

Long Island Sound, New York/Connecticut - awaiting CCMP approval; Contact Mark Tedesco (203/977-1541).

Peconic Bay, New York - preliminary to CCMP preparation; contact Jon Gorin (212/264-5623).

New York, New Jersey Harbor Estuary - draft CCMP expected 8/94; contact Seth Ausubel (212/264-6779).

Delaware Estuary, Delaware - final CCMP expected 7/95; contact Bob Tudor

(215/597-8327).

Delaware Inland Bays, Delaware - final CCMP expected 8/94; contact John Schneider (302/739-4590).

Albemarle/Pamlico, North Carolina - final CCMP expected 4/94; Contact Randy Waite (919/715-4083).

Indian River Lagoon, Florida - preparing draft CCMP; Contact Derek Busby (407/984-4950).



## THE MONEY GAME:

### Leveraging Funds an Asset of NEPs

by Mark P. Smith, EPA Region 1

In 1992, farmers in the Presumpscot River watershed in Cumberland County, Maine received \$200,000 to help implement water quality protection measures. The year before, Freeport, Maine, had \$100,000 of stormwater planning done at little cost to the town. What do these Casco Bay watershed projects have in common? Both were made possible by the involvement of the Casco Bay Estuary Project (CBEP), which worked as a networking agent in one case and a fellow watershed agent in the other.

In the first case, the USDA Soil Conservation Service (SCS) wanted to apply for Water Quality Incentive program Funds (WQIP). However, a key requirement of the program was that the SCS document water quality impacts in the Presumpscot River watershed. Staff from the CBEP linked SCS with the results of a local water quality monitoring group's study. CBEP staff provided letters supporting the project from the EPA. The result was \$200,000 in WQIP funds for local farmers.

In the second case, EPA was looking for a location to demonstrate stormwater planning techniques and stormwater control measures. Freeport's location within the Casco Bay Watershed meant that through the estuary project EPA was familiar with local stormwater issues, and the town was familiar with EPA project needs. The result was \$100,000 worth of water quality monitoring, stormwater planning and stormwater retrofit designs.

The ability to leverage funds for watershed improvements is one of the strengths of estuary projects. Federal agencies usually give proposals that use the name of a National Estuary Program (NEP) high priority when competing for special funding. Also, many of the available funds are specifically earmarked for implementation recommendations developed by estuary programs - currently recommendations cannot be funded with estuary program funds. The end result is that everyone benefits. Agencies such as the Army Corps of Engineers and SCS receive funding for their projects located within an NEP watershed, and ultimately the watershed is improved.

"There are lots of opportunities out there. It's a matter of knowing the criteria, keeping an ear to the ground, and then networking with the appropriate agencies," according to Lee Doggett, director of the CBEP.

Mark P. Smith is EPA Coordinator for the Casco Bay Estuary Project. He can be reached at (617)565-9461.

**Below are some of the federal sources of funding most applicable to estuary projects. A call to the appropriate agency can let you know how such funds are awarded in your state.**

#### Environmental Protection Agency

**Section 104(b)(3) -**  
Demonstration water quality projects.

**Section 319 -** Nonpoint source (polluted runoff) demonstration projects.

**Section 604(b) -** Water quality planning and assessment projects.  
**State Revolving Loan Fund -** Wastewater treatment construction loans.

#### Soil Conservation Service

**Water Quality Incentive Programs -** Cost share funds to farmers to implement land management practices.

**PL566 Small Watershed Program -** Funds for watershed protection planning and implementation.

#### Farmers Home Administration

**Water and Waste Disposal Loans -** Develop water and waste disposal systems  
**Water and Waste Disposal Grants -** Reduce cost of water and waste disposal to rural users.

**Technical Assistance and Training Grants -** Allow non-profits to provide technical assistance on waste and water disposal service.

**Solid Waste Management Grants -** Provide technical assistance to reduce to reduce water pollution and improve solid waste planning.  
**Emergency Community Water Assistance Grants -** Assist communities facing a decline in drinking water quality or quantity.

**Rural Water Circuit Rider Technical Assistance -** Provide technical assistance to operators of rural water systems.

**Business and Industry Guaranteed Loans -** Improve the economic and environmental climate in rural communities.

**Intermediary Relending Program Loans -** Finance intermediaries that provide loans for business facilities and community development projects.

**Community Facility Loans -** Construct and improve community facilities.  
**Resource Conservation and Development Loans -** Resource conservation, development and utilization that will increase economic opportunities for local citizens.

**Rural Business Enterprise Grants -** Assist development of small and emerging private business enterprises.

*(Continued in box on page 3)*

## Fishermen and the National Estuary Program

Fishermen become involved in National Estuary Program projects through several avenues. Most frequently fishermen are an active component of Citizen's Advisory Committees or other working groups. These groups feed information into the Management Conference for CCMP development and review. Another often profitable way fishermen can become involved is by participating in research, development and/or educational projects funded by NEP grants. Following are just a few examples of projects executed by fishermen which were made possible by the NEP with EPA funds.

Fishermen in New York have secured NEP funds to help restore the Peconic Bay scallop fishery.

According to Peconic Bay Program Director Vito Minei, once scallop spat have settled out of their planktonic stage, they are susceptible to predation and disease. The fishermen will collect the settled spat and move them to rafts which provide protection from predators and are located in areas of improved water quality.

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### **North Carolina fishermen secured funding for two projects under the Albemarle-Pamlico Estuary Study.**

(APES). The first investigated the feasibility of outfitting shrimp trawlers with bycatch reduction devices. The second, a matching grant to the North Carolina Fisheries Association, Inc. provided funding to support an educational outreach program. Under this grant, two workshops were held for fishermen and the general public which provided them with information about APES and local habitat issues, and solicited input for the estuary program. A pamphlet entitled 'Hooking Up With APES' was produced and distributed to the fishing community. The pamphlet described the study and its importance to fisheries, and provided information on some of the habitat problems fishermen are facing. In addition, wallet cards listing contact agency phone numbers were distributed to encourage fishermen and citizens to report witnessed pollution and habitat destruction.

Working with the National Estuary Program can also help narrow the too-often wide rift between recreational and commercial fishermen in an area. Florida is in the midst of a particularly contentious period as special interest groups seek to ban the use of commercial fishing nets. Derek Busby, Director of the Indian River Lagoon Estuary Program, stated that the program has helped "shed some light on the fact that commercial and recreational fishermen do have some common ground."

Fishermen and the National Estuary Program work well together since they have a common goal: protecting estuaries. If you're interested in becoming involved with an estuary program in your area, contact the appropriate program director listed in the box on page one. *If you would like to find out about establishing an estuary program in your area, contact Daryl Brown or Eric Slaughter at EPA Headquarters (202/260-6426).*

(continued from page 2)

#### Army Corps of Engineers (COE)

*Section 22* - Engineering and environmental planning assistance to state programs

*Section 1135* - Environmental Restoration Program - Modification of COE built structures to improve fish and wildlife resources.

*Flood Plain Management Services* - Technical assistance and special investigations.

*Section 312 (a) and 312(b)* - Dredge contaminated sediments in association with COE and nonCOE projects.

*Section 14* - Emergency stream ban and shoreline protection.

*Section 103* - Protect public facilities from beach erosion.

*Section 107* - Small navigation improvement projects.

*Section 111* - Mitigation of shoreline erosion caused by federal navigation projects.

*Section 205* - Assistance to local communities to identify flooding

problems and means of reducing flood damage.

*Partners in Environmental Progress (PEP)* - Assistance in developing action plans and RFPs to encourage private sector investment in air, water and land quality infrastructure.

*Coastal America* - Interagency work group that assists in identifying federal funds for habitat restoration initiatives.

# REAUTHORIZATION Clean Water Act

The *most important* piece of environmental legislation which will appear in Congress this year is the Clean Water Act, currently up for reauthorization. In order to sufficiently protect fisheries habitat, a number of provisions in the act need to be strengthened, and some new provisions added. We've come a long way, but fish and fishermen can't afford a weakened Clean Water Act.

Currently, both the House of Representatives and the Senate have introduced reauthorization bills. In the Senate, S.1114 has been passed out of Committee, and is scheduled for a vote on the Senate floor in late spring.

On the House side, H.R. 3948 is being prepared for a vote by the Public Works and Transportation Committee which could occur by the end of April. Important issues for each of the bills are summarized below.

## Senate Bill 1114

**The Good News** ☺: Final language for the bill has yet to be released. Good points include an increase in federal funding to the State Revolving Loan Fund for sewage treatment programs and strong coastal protection provisions outlined in Section 8.

**The Bad News** ☹: Polluted runoff language in later drafts of the bill is weak and would actually weaken current law, only requiring control of new sources of polluted runoff in 'impaired watersheds'. Other concerns include:

- \* Watershed planning - language in the bill allows industry to loosen controls of point source pollution if polluted runoff is decreased. Loopholes exist in provisions for state development of watershed water quality control.
- \* Wetlands - The bill strengthens wetland protection in certain ways, but weakens it in others. There is considerable concern over the near omission of EPA's oversight of state-run programs.

## House of Representatives Bill 3948

**The Good News** ☺: this bill sets a national goal for protecting groundwater for the first time, and includes groundwater protection in the runoff and toxic discharge programs. It also doubles the funding level for the State Revolving Loan Fund, which provides loans to states to improve sewage treatment operations.

**Mostly Bad News** ☹: some sections of H.R. 3948 weaken protection afforded by current law, *especially* wetlands. The environmental community *does not* support this bill. Issues of concern include:

- \* Wetlands - Terrible language is included for wetlands management which includes wetland ranking, mitigation banking, and appeals for developers upon permit denial WITHOUT citizen appeals for permits granted.
- \* Toxics - EPA's ability to ban or 'sunset' the discharge of toxic chemicals is weakened by requirements for lengthy cost-benefit and risk assessment studies.



- \* **Polluted Runoff** - The recovery of watersheds impaired by polluted runoff is not supported. Fishing and Conservation Groups favor including the language found in H.R. 2543, introduced by James Oberstar (D-Minn.), which requires states to identify watersheds threatened or degraded by runoff sources, and restore them to full compliance with water quality standards and fish habitat requirements.
- \* **Enforcement** - Current problems with enforcement are not adequately addressed. H.R. 2727, introduced by Frank Pallone (D-NJ) proposes to set mandatory minimum penalties for major violations, prohibits profits as a result of pollution in violation of permits, and protects citizens' right to sue.
- \* **Estuaries & Marine Water Quality** - Improvements needed in the National Estuary Program (NEP) are not addressed. H.R. 1720, introduced by Rosa DeLauro (D-Conn) and Nita Lowey (D-NY) provides funding for and requires implementation of management plans (CCMPs) produced by the NEP which protect estuaries. Currently implementation is not mandatory and many not be supported by NEP funds.
- \* **Toxic Pollution Prevention** - Although a planning provision is included, more emphasis on source reduction of toxics is needed. It makes more sense to reduce the use of toxic chemicals rather than rely on expensive end-of-the-pipe treatment.

### How Fishermen Fit In...

The Clean Water Act is crucial to protecting clean water, plentiful wetlands and healthy watersheds upon which the fishing industry depends. It is the most important piece of environmental legislation affecting the fisheries community! However, strengthening its weak points will not be easy, as lobbyists from the chemical, timber and construction industries fight to protect their interests from strengthened Clean Water Act mandates. One of the messages coming from Capitol Hill is that legislators are not hearing enough from fisheries interests regarding strengthening of the legislation. If you depend upon the aquatic environment either financially, recreationally, or spiritually, get involved!

Call Robyn Roberts of the Clean Water Network (202/624-9357) or Dianne Stephan of ASMFC (202/452-8700) to find out more about the Clean Water Act and fisheries habitat.

Write your Congressperson about your beliefs and concerns: U.S. House of Representatives, Washington D.C. 20515 and U.S. Senate, Washington, D.C. 20510.

#### Improving NEP Effectiveness

The National Estuary Program (NEP) has served a vital function in the protection of important estuarine resources. According to the American Oceans Campaign and other environmental organizations, the greatest need for improvement in the program exists in CCMP implementation. Currently CCMPs are not required to be implemented once

they are adopted; not even by affected federal agencies. Another concern is that funding for CCMP implementation is not available through the program, funding only exists for plan development.

Bills have been introduced into both the House and the Senate which would strengthen the NEP by addressing these and a number of other issues. H.R.

1720/S. 815 require CCMP implementation and provide expanded funding opportunities. A portion of S. 815 has been incorporated into the Senate Clean Water Act Reauthorization bill, but the House's version of the Clean Water Act does not address these issues.

## Action Items

- ☛ Call or write your Congressperson and express your desires for the Clean Water Act (see pp. 4-5) and improving the National Estuary Program (p.5).
- ☛ Get involved in your local estuary program (see pp. 1-3).
- ☛ If you don't have a local estuary program, call EPA to find out about establishing one (202/260-6426).
- ☛ Attend the Dredging Process Meeting in your area (see Action Alert).

Atlantic States Marine Fisheries Commission  
1776 Massachusetts Ave., NW, Suite 600  
Washington, DC 20036

Habitat Hotline

Alerts

Bianne Stephan,

Editor

Funded by



# Action Alert

## **Dredging Process Public Meetings Scheduled for May 1994**

During January and February of this year, the Maritime Administration of the Department of Transportation held public meetings or "outreach sessions" to obtain input on the dredging of harbors and waterways. These meetings were convened because of concerns over the length of time it took to get the necessary permits for large harbor dredging operations.

The permitting process has been delayed on a number of occasions because of public outcry over ocean disposal of the dredged sediments which contain dioxin, PCBs, heavy metals, and other toxic substances. Permits which are issued for ocean disposal of contaminated sediments are in violation of the marine protection laws.

In the first round of meetings, environmental groups and fishermen stressed that the problem was not the permitting process, but rather the fact that the sediments were contaminated and threatened the marine environment. There is concern that changes to the permitting process might not provide sufficient opportunity for public input and review.

This second round of hearings will present options prepared in response to problems discussed during the first round. This is an extremely important process for individuals concerned about the health of the marine environment to be involved in. The best way to get involved is to attend the meeting in your area. Your concerns have to be heard before they are considered, and you can bet the port authorities will be well represented.

The back of this page contains a list of meeting locations. Before you attend, contact **Carl Sobremisana, (202/366-1765 or 5471)** to obtain registration information and a copy of the proposed options.

If you would like more background, call **Dianne Stephan (202/452-8700)** of ASMFC or **Beth Milleman (202/546-9554)** of the Coast Alliance.

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**Habitat Hotline** Atlantic

## Schedule

### Location

#### **Washington, DC**

U.S. Department of Transportation  
Nassif Building, Room 2201  
400 7th St., SW

#### **Savannah, GA**

Hyatt Regency Hotel  
2 West Bay St.

#### **Cambridge, MA**

Volpe National Transportation Systems  
Center Auditorium  
55 Broadway, Kendall Square

#### **Hoboken, NJ**

Stevens Institute of Technology  
River Road, Stevens Center  
Bessinger Room, 4th Floor

#### **Des Plaines, IL**

Federal Aviation Admin. Building  
2300 East Devon, Room 170

#### **Portland, OR**

Federal Building, Auditorium  
911 NE 11th Ave.

#### **New Orleans, LA**

New Orleans Board of Trade  
Board of Trade Way

#### **Oakland, CA**

Federal Auditorium Building  
1301 Clay St., 3rd Floor

#### **Houston, TX**

Minerals Management Building  
Sam Houston Parkway, Room 100

#### **San Pedro, CA**

Port of Los Angeles  
425 Palos Verdes St.

### Date and Time

Wednesday, May 18  
1-5 p.m.

Monday, May 23  
1-5 p.m.

Wednesday, May 25  
1-5 p.m.

Thursday, May 26  
1-5 p.m.

Thursday, May 26  
1-5 p.m.

Tuesday, May 31  
1-5 p.m.

Tuesday, May 31  
12:30-4:30 p.m.

Wednesday, June 1  
1-5 p.m.

Wednesday, June 1  
1-5 p.m.

Thursday, June 2  
1-5 p.m.