BUZZARDS BAY ESTUARY

State/EPA Conference Agreement for National Estuary Program Designation Under the Water Quality Act of 1987

We recognize the need for a Management Conference on the Buzzards Bay to better define the environmental concerns in the system; to address the extent, complexity and sources of pollutants; and to develop a comprehensive conservation and management plan for action. We further recognize that the State and EPA share the responsibility for management decisions and resources regarding priority issues in the system.

In signing this agreement, we are committing to products and schedules which will: assess trends in water quality, natural resources and uses; determine the causes of change through data collection, characterization, and analysis; evaluate point and non-point loadings and relate them to observed changes; write a comprehensive conservation and management plan which includes recommendations for priority actions; develop plans to coordinate implementation of a comprehensive plan with federal, state and local agencies; provide monitoring to assess the effectiveness of the implementation actions; and review Federal financial assistance programs and Federal development projects for consistency.

We also agree that the statutory requirements for Management Conference membership have been met and that we will participate in that Conference. Further, we commit that the statutory requirements for matching funds will be met to complete the characterization of priority problems and develop the comprehensive conservation and management plan.

James S. Hoyte Secretary
Massachusetts Executive Office
of Environmental Affairs

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Michael R. Deland Regional Administrator U.S. Environmental Protection Agency Region I

Daved this 20th day of December, 1987



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THE BUZZARDS BAY PROJECT

US Environmental Protection Agency John F Kennedy Federal Building Boston MA 02203

Massac" .sams E.es. -- . . Shurranmenta Arraits 100 Cambridge Street Boston MA 02202

State/SPA Conference Agraement for National States Programs Designation Under the Water Osality Act of 1987

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VIRIANY Chart

EPA's Office of Marine and Estuarine Protection (OMEP), in concert with the associated EPA Regional staff and States, developed a guidance document to carry out the requirements and purposes of the new Water Quality Act. This guidance was intended to structure commitments for new estuaries being added to the national program, and to ensure existing programs were consistent with the intent and spirit of the Act. This would be accomplished by evaluating the progress to date for each program and negotiating the remaining commitments.

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This process has now been completed for Buzzards Bay, Massachusetts. Throughout this document, the term <u>Buzzards Bay Project</u> is used to refer to both the Conference Membership as well as the EPA Regional and state program staff supporting this process. This document has been organized to document the need to convene a Management Conference (Part I), to outline the overall requirements of the legislation (text, Part II) and also to delineate the tasks to be accomplished by the Project (charts, Part II). Appendices contain documents providing clarifying information.

The Buzzards Bay Project submits this document to justify the convening of a Management Conference for Buzzards Bay, and establishes dates for meeting the purposes and requirements of the 1987 Water Quality Act. We have documented our accomplishments to date toward attaining the statutory purposes, and our commitment to fulfilling all remaining purposes.

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PART I: ESTUARY DESIGNATION JUSTIFICATION

INTRODUCTION

Buzzards Bay is an estuary in transition. Renowned since colonial times for its whaling and fishing industries, communities along its western shores are part of an economically troubled region in Massachusetts. Wastes from industries have accumulated in the sediments of the Acushnet River Estuary and New Bedford Harbor resulting in the designation of that area as a Superfund site. Along its eastern shores, the burgeoning development of retirement communities and the spread of commuters to Cape Cod has made Barnstable County one of the fastest growing counties in New England. The legacy of industrial pollution from the west and accelerated development on the east combine to threaten the health of Buzzards Bây.

Buzzards Bay is an estuary about 30 miles long and 10 miles wide, nestled between Cape Cod and the southeastern edge of Massachusetts. Buzzards Bay's problems are representative of existing or potential problems in estuaries around the country. The Bay's heavily indented coastline stretches over 210 miles, including 11 miles of beaches which lure thousands of tourists from Massachusetts and other coastal states. The bay is heavily used by recreational boaters (4,300 slips and moorings along the bay) and fishermen, commercial fishing fleets en route to Georges Banks, and commercial shippers travelling through the Cape Cod Canel. Over 20,000 vessels pass through Buzzards Bay each year in transit through Cape Cod Canal, carrying over 19 million tons of commercial cargo including most of the #2 fuel oil used in New Buzzards Bay has become an important site for estuarine research. used by marine scientists from Woods Hole Oceanographic Institution (WHOI). Southeastern Massachusetts University (SMU), the Marine Biological Laboratory, the U.S. Geologic Survey (USGS), and laboratories of the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NOAA/NMFS).

Cape Cod acts as a northern distributional boundary for many marine species, and recreational fishermen pursue such diverse species as winter flounder, scup, tautog, bluefish, and striped bass. Buzzards Bay has been

closed to commercial finfishing for 100 years in order to protect fish stocks for southern New England. Commercial and recreational fisheries for quahous. soft-shell class, scallops, and oysters averaged 86,000 bushels of reported harvests from 1967 to 1985. In 1985, reported harvests, by conservative estimates, exceeded 140,000 bushels (wholesale landed value over \$6.5 million). In the last two decades, the Bay's lobster fishery has suffered a major decline to 600,000 pounds in 1985 commercial landings, forcing many fishermen to pursue other employment. Overfishing and the closure of 18,000 acres in New Bedford Harbor have contributed to this decline. Buzzards Bay remains a major nursery area for lobster larvae, contributing to lobster recruitment throughout the region.

personal cases lacesso of most been been a suggest of the over-The primary goals of the Buzzards Bay Project are to protect water quality and the health of living resources in the Bay. The project is working to achieve these goals by: execute through the corner delife which marker made of the ligh and/or set special which we

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- NAMED TO ADDRESS OF ADDRESS OF THE PARTY OF o Investigating the causes of these problems; and to before bearfuld tries.
- Recommending actions that will protect valuable resources from further environmental degradation.

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BUZZARDS BAY DESIGNATION JUSTIFICATION

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the continue was function, Compress and Personal Printering for the Continue Water quality in Buzzards Bay is affected by discharges from a number of point and non-point sources. There are 30 point-source dischargers, the major ones being the sewage treatment facilities in New Bedford, Dartmouth, Fairhaven. Wareham, and Marion. Major industrial dischargers are Canal Electric. Commonwealth Electric-Cannon, and Cornell Dubilier Electric Corp. Non-point pollution sources include stormwater runoff, marinas, fertilizers and pesticides applied to agricultural croplands and golf courses, and manure from pastures and feedlots along the tributaries to the Bay. Combined sewer overflows in New Bedford add to water quality problems there, and street run-off is emerging as a significant issue in coastal areas, including unsewered communities. Another non-point source of potentially very large significance is groundwater discharge, which dominates the freshwater input on the Cape Cod side of the Bay. Leachate from septic tanks can move very quickly through the porous soils which border much of the Bay adding nutrients and pathogens to coastal embayments. These non-point sources contribute to the growing number of shellfishing and beach closures. A major source of toxic pollutants to Buzzards Bay is the transport of contaminated sediments from the New Bedford Superfund site.

> The Buzzards Bay Project is concentrating on three priority problems: (1) closures of shellfish beds due to pathogens, (2) contamination of fish and shellfish by toxic metals and organic compounds, and (3) high nutrient inputs and their potential effects. Other problems may loom in Buzzard Bay's future including shipping spills, coastal erosion and sea-level rise. The managers, citizens, and scientists who are represented on the Buzzards Bay Project Committees, agreed that the first three problems are the highest priority for the Buzzards Bay Project.

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Shellfish bad closures: Shellfishing is important to the Buzzards Bay community both economically and as an index of the "quality of life" along the Bay. At the same time that shellfish beds are closed with increasing frequency due to high levels of coliform bacteria from point and non-point sources, communities along Buzzards Bay are facing Non-point sources may be phenomenal development pressures. responsible for 90% of the shellfish closures on Cape Cod include stormwater runoff, septic systems, marinas, and agricultural runoff. Additional contamination from natural sources, including waterfowl and

marshes, complicate the situation. At present, over 11,000 acres of shellfish beds are closed due to high coliform levels. Many of the same sources contribute to the large loads of nutrients entering the 8ay. How to permit coastal development without threatening the health of the Bay is a major issue.

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Toxic contamination: New Bedford's historic industrial activity has left sediments contaminated by copper and nickel from the metal STACISZAND of D finishing industry and PCBs from the electronic capacitor EPA has placed New Bedford Harbor on its Superfund annutro a naryf manufacturers. listing due to the extensive PCB contamination in sediments with astonishingly high concentrations reaching over 100,000 parts per million in places. PCBs have been exported from the Acushnet River to No propisio as Buzzards Bay where contamination has resulted in restricted fishing activities in approximately 18,000 acres of the estuary. Lobsters living in the New Bedford Harbor region and neighboring sections of Buzzards. Bay have a high incidence of the section o Buzzards Bay have a high incidence of gill and shell disease, which may be associated with the high levels of industrial contamination. While options are being considered to remove the PCBs in the most grossly contaminated areas, New Bedford Harbor could possibly export contaminants to the surrounding Bay for years in the future. Oredging projects could also mobilize toxic contaminants from the sediments. The long-term problem of toxic contamination is a major environmental concern to commercial and recreational fishermen and to all who consume fish. It is also a major economic concern as waterfront development is slowed because of the contamination.

> Coastal eutrophication: The third major growing concern in Buzzards Bay is nutrient enrichment and its effects on the Bay's health. Nutrients enter the Bay from a variety of sources, including discharge from sewage treatment plants, runoff from residential and agricultura) land, and groundwater flow carrying effluent from septic tanks into the Bay. High nutrient discharges to the Bay reduce water quality as reflected by algal blooms, eal grass declines, and low dissolved oxygen.

These three priority problems are widespread in Buzzards Bay, affecting nearshore waters around the entire margin of the Bay. They are presently restricted to shallow-water embayments; central deeper waters of the Bay are not yet strongly affected. It was agreed early in the Buzzards Bay Project that since the principal problems of concern are concentrated on nearshore waters. that expenditure of funds should be chiefly for collection of data in embayments rather than offshore in Buzzards Bay.

The need for pollution controls beyond existing ones is discussed in the Project's FY85 Workplan. While the issue of cleaning up toxic contamination in New Bedford Harbor is being addressed by EPA's Superfund study, there are no control programs presently in place to assess and control potential hazards

posed by the migration of fish and lobster and the export of toxics from the to the surrounding Bay. Phenomenal shoreline development has harbor overwhelmed existing programs for sanitary surveys and septic tank inspections and has contributed to shellfish bed closures. 11,000 acres of beds were already closed in 1986, and continued development is expected to exacerbate the situation. Other non-point sources that contribute to shellfish closures have been largely overlooked by regulatory programs. Finally, no satisfactory mechanism presently exists for coordinating the activities of the plethora of local regulatory authorities (conservation commissions, planning boards, shellfish wardens, and boards of health) who have much authority for protecting water quality under Massachusetts' system of strong local rule. The Buzzards Bay Project can be a coordinated and systematic source of high quality, understandable technical information required for the varying local authorities to make effective environmental decisions. I a commonweap woulder is all configurations are incl. to make one or an event and PARTITION

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The Buzzards Bay Project's organizational structure fulfills the Management Conference Membership prescribed by the Water Quality Act. As detailed in the Act, membership should include as appropriate: to All someomod will git

- The Administrator of the EPA, and
- Representatives of sampere specific as
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 - local governments having jurisdiction over any land or water within the estuarine zone, as determined appropriate by the (DAS) NATE (SME) PRO-Administrator: and it and observed symplecture, local reportable launtage.
 - THE REAL PROPERTY. industries, public and affected private educational willing ped and 20 had institutions, and the general public, as determined appropriate percent? NO est will by the Administrator. and arrested patterney matchests mumbanak aga- si

The Buzzards Bay Project originally organized four committees in order to accommodate the variety of interests, the diversity of expertise, and the numerous organizations, perspectives, and agendas critical to a successful A new organization, the Coalition for Buzzards Bay, was recently project. formed. The committees and their memberships are:

- o Policy Committee: The Policy Committee sets the overall policy of the Buzzards Bay Project and ensures that a coordinated federal-state effort is made to address resource management decisions in Buzzards Bay. Its members are the U.S. Environmental Protection Agency's Regional Administrator for Region I and the Secretary of the Executive Office of Environmental Affairs in the Commonwealth of Massachusetts.
 - Nanagement Committee: The Management Committee directs program activities for the Buzzards Bay project. Membership includes a representative from each of the state and federal agencies and regional planning commissions that have a responsibility for coastal environmental quality in and around the Bay. The chairpeople from the Technical Advisory Committee and Citizens Advisory Committee and a representative from the Coalition for Buzzards Bay also are members of the Management Committee.
 - Technical Advisory Committee: The Technical Advisory Committee (TAC) serves as a forum for technical expertise on Buzzards Bay.

 Hembership is drawn from the several academic institutions and agencies around the Bay and elsewhere that are active in research, monitoring, and resource assessment/management.
 - o Citizens Advisory Committee: A Citizens Advisory Committee (CAC), made up of representatives of local and regional government, appointed and elected officials, local resource managers, educational institutions, and other user groups, was organized at the beginning of the Buzzards Bay Project. The CAC, guided by the CAC Steering Committee, is a conduit for public concerns to the Management Committee regarding Buzzards Bay resources and a mechanism to disseminate research results to local decision-makers. The CAC is currently in transition after the formation of the Coalition for Buzzards Bay.

Coalition for Buzzards Bay: The Coalition is a citizens' group consisting of nonprofit organizations, individuals with municipal affiliations, and the general public. Its purpose is to promote public participation in the protection and restoration of the environment of Buzzards Bay.

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PART II: BUZZARDS BAY SELF-EVALUATION

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INTRODUCTION

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The need to convene a Management Conference in Buzzards Bay has been documented in Part I of this report.

This section establishes the Conference's likelihood of success. It details, purpose by purpose, the milestones required of a Management Conference and identifies for each one whether it has been accomplished. The narrative for each step and purpose begins with the requirements of the Act as outlined in the Guidance drafted by EPA's Office of Marine and Estuarine Protection (OMEP). The approach taken by the Buzzards Bay Project to accomplish those milestones is summarized in the concluding text and charts. For milestones not yet completed, the Buzzards Bay Project is agreeing to fulfill the requirements according to the negotiated timelines presented in the charts in this section. The tasks and responsible agencies also are summarized in Appendix 2.

According to OMEP's guidance, the products for Purposes 1 (Develop Spatial and Temporal Trends for Priority Problems) and 2 (Identify Probable Causes of Environmental Problems) would be two separate reports, each addressing all priority problems. The Buzzards Bay Project and EPA have agreed that, instead, the Project will produce synthesis reports that address individual priority problems (pathogens, toxics, and nutrients), with each report addressing the combined requirements of Purposes 1 and 2. The Buzzards Bay Project and EPA agreed on two changes under Purpose 3: (1) the phrasing would change from "Develop Relationship Between Loads and Potential Uses" to "Develop Potential Relationship Between Pollutant Sources and Impacts on Resources" and (2) the Project will produce two reports on this subject -- the first targeted to a specific problem in an individual embayment (pathogens in Buttermilk Bay) and the second encompassing all three priority problems as they exist throughout Buzzards Bay.

The draft Comprehensive Conservation and Management Plan (CCMP) required under Purpose 4 will be completed and reviewed by December, 1989. The CCMP will be developed by the Project using the Massachusetts Department of Environmental Quality and Engineering (DEQE) Basin Management Plan (BMP), the data synthesis reports and the final reports generated by funded projects. Although the BMP is a major component of the CCMP, the CCMP will be an inter-agency effort with a broader purpose than the BMP. Final document preparation will be completed by March, 1990. The major products for Purposes 5 (Develop Coordinated Plans for Implementation of the CCMP) and 6 (Monitor Effectiveness of Actions) will be included in the CCMP. The Purpose 6 product is the monitoring plan.

Purpose 7 (Review Federal and State Assistance Programs for Consistency) represents a new requirement for which the Project had not planned. All milestones under this Purpose will be addressed in parallel and one report produced.

As noted, the CCMP for Buzzards Bay will be finalized early in 1990 and its major recommendations will be presented for implementation in the following years. However, several management recommendations have emerged during the first three years of the Program. These are being acted upon now.

Local Boards of Health, Planning Boards, and Conservation Commissions around the Bay have need for technical assistance on issues related to water quality. The Buzzards Bay Project is funding (FY87) a position with Massachusetts Coastal Zone Management to provide assistance and information about the Buzzards Bay Project's findings to the towns around the Bay. Two workshops for local board members were held in 1987 to provide technical information on planning and health issues. Model bylaws on groundwater protection, subdivision regulations with nutrient loading provisions, earth removal, and harbor use are being developed.

The case study of coliform sources in Buttermilk Bay led to a proposed action plan for reducing coliform inputs. A proposal to develop a demonstration project on stormwater controls, provide public education, and

develop local regulations has received implementation funding from EPA. These activities will begin in 1987 and be completed in 1989.

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STEPS FOR A MANAGEMENT CONFERENCE

STEP A: PRIORITY PROBLEM IDENTIFICATION AND RANKING

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- a hear oppositioned with accomplying Milestone 4: Collect written comments to the prioritized list. tremporary and not prevented and framery like his
 - Milestone 5: Complete and disseminate the final list of priority problems and provide information copies to Region/OMEP.

The Buzzards Bay Project has completed these Step A requirements in the IN THE REPORT OF THESE VEHICLES OF THE LOTS following manner:

The Project actively solicited input of representatives of other Federal agencies, including the National Oceanic and Atmospheric Administration, the OF BULLER Food and Drug Administration, and regional and state agencies. Meetings were held around Buzzards Bay to solicit the input, advice, and recommendations of the region's academic community and local public interest groups regarding critical water quality problems and concerns related to Buzzards Bay.

a closed how present our he makes Based on results from these meetings and from related activities, a list of potential problems was compiled and primary goals identified. A focused approach was then proposed which served to prioritize the problem list. This focus is intended to reflect the primary goals of protection of public health and the environment, and is coupled to the goal of critical issues investigations for which new information regarding abatement action is essential. Considering the extent to which Buzzards Bay is an extensive source of recreational and commercial fishing and shellfishing, the Project's focus is on the management of pollutants (pathogens, toxics and nutrients) in Buzzards Bay and the necessary remedial actions to preserve the Bay's living Essential to these critical issues is the development of a means to effectively transfer technical information to local agencies and the general public to facilitate the implementation of measures to clean up and preserve Buzzards Bay.

As stated in Part I, the Buzzards Bay Project's priority problems are (1) closures of shellfish beds due to bacterial contamination, (2) toxic contamination of fish and shellfish, and (3) high nutrient inputs and their potential effects. The Project developed a workplan (FY85 workplan) that reviewed the problems and proposed activities to address them. The workplan was circulated widely for review and comment and approved by the Management APPARTURE by part Taxon sale administrative plus ampliantly of annexal for

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c) being industrial survey

Through the development of annual workplans the Project reassesses and distributes for review each year the priority problems and plans for studying them. The Project also produced an Annual Report in 1986 that described the priority problems that have been the focus of research and management activities in Fiscal Years 1985 and 1986.

Told ster community for needs and complete a need matrix reference registry, bilinians needs at the cycles 10001201 not pulledge laptygam chartestart law, laws term archive, onelytical depositing for beautiful the offectioners of STATE OF THE SETTING AND CONTINUES STATES AND LAKE springerance and ide-dering. appropriate and appropriate appropriate and complete to accomplete TO STORY OF SECURITIES AND INVESTORY OF of every a placed but , success of delition garaging the Region for region and compact. and to social and to mortalization and votation of the scope of the confidence from matrix from power and Wilsonson to Downles the flast years on the coursed triton configuration (1.6., hardware, toftware, women's capability, unc.), implementation scheme and Functing. Information cooled are bidefilled to SERVING LAND

Affordance St. Implementation of the Offer system, at approved.

The formation bay frequent has complete, or will complete, these Step requirements in the following marrays:

All technical data produced by the Bustards bay frequent wast to organized in a same systematic names and made norm resultly evaluable to olf approving in a same systematic names and made norm resultly evaluable to olf approving the law oraject development process, the Bustards day frequent and the first oraject and the first process or others.

STEP 8: DEVELOP A DATA AND INFORMATION MANAGEMENT SYSTEM (DIMS)

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The requirements under Step B, as stated in the EPA Guidance, are as follows: -

- Milestone 1: Poll user community for needs and complete a needs assessment report. Minimum needs of the system include: analytical capability for characterization, long term archive, analytical capability for assessing the effectiveness of corrective actions, and continuous system and data maintenance and up-dating.
- Milestone 2: Examine system options and complete technical feasibility report which includes an inventory of existing available systems, and submit a copy to the Region for review and comment.
- Milestone 3: Regional review and negotiation of the scope of the data management system configuration.
- Milestone 4: Develop the final report on the approved system configuration (i.e., hardware, software, memory capability, etc.), implementation schedule and funding. Information copies are submitted to Region/OMEP.
- Milestone 5: Implementation of the DIMS system, as approved.

The Buzzards Bay Project has completed, or will complete, these Step 8 requirements in the following manner:

All technical data produced by the Buzzards Bay Project must be organized in a more systematic manner and made more readily available to all agencies. Early in the project development process, the Buzzards Bay Project and EDA

agreed that all data collected under the Project would be stored on EPA's computer at the National Computing Center. This database continues to be the temporary archive for project data. LATA MEDIA - TRANSPORT

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Development of a more extensive statewide data management system, of which a Buzzards Bay database could be one part, currently is in the early planning stages within the Massachusetts Executive Office of Environmental Affairs (EOEA). It is anticipated that this system could support longer-term data analysis, particularly in support of monitoring. System planning and design. however, will not be completed for approximately three to five years. Through 1990 CCMP development, EPA commits to be the primary, but interim, storer of data.

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In the meantime, the Project is developing an extensive collection of data. An important project currently underway with the U.S. Geological Survey is the preparation of a digital baseline map of the Buzzards Bay drainage basin. The minimum spatial scale of the baseline map is 1:24,000. The digital permit construction of data overlays which could display w111 MAD Project-derived data on topography, bathymetry, shellfish beds, and point source dischargers, among other things. Contingent upon continued funding, the Buzzards Bay Project will continue data collection and digitization to support these mapping overlays.

DESIGNATION AND ADMINISTRA

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PURPOSES FOR A MANAGEMENT CONFERENCE

The Water Quality Act requires all Management Conferences to meet seven purposes. These are:

- (1) assess trends in water quality, natural resources, and uses of the estuary;
- (2) collect, characterize, and assess data on toxics, nutrients, and natural resources within the estuarine zone to identify the causes of environmental problems;
 - (3) develop the relationship between the inplace loads and point and nonpoint loadings of pollutants to the estuarine zone and the potential uses of the zone, water quality, and natural resources;
- (4) develop a comprehensive conservation and management plan that recommends priority corrective actions and compliance schedules addressing point and nonpoint sources of pollution to restore and maintain the chemical, physical, and biological integrity of the estuary, including restoration and maintenance of water quality, a balanced indigenous population of shellfish, fish and wildlife, and recreational activities in the estuary, and ensure that the designated uses of the estuary are protected;
 - (5) develop plans for the coordinated implementation of the plan by the States as well as Federal and local agencies participating in the conference;
 - (6) monitor the effectiveness of actions taken pursuant to the plan; and

(7) review all Federal financial assistance programs and Federal development projects in accordance with the requirements of Executive Order 12372, as in effect on CHARGOS YET WATER BOT DO September 17, 1983, to determine whether such assistance programs or projects would be consistent with and further the purposes and objectives of the plan prepared under this section. to mailtinest the same when status and present the account of the same of

The following section expands the discussion of those milestones for each purpose that have been completed and presents a timeline for fulfilling the milestones that have not been completed. The timelines show negotiated deadlines for sequential tasks and products. To the extent that interim steps may change, these timelines may be renegotiated at a future date. Through past accomplishments, the Buzzards Bay Project has clearly demonstrated a long-term commitment to addressing the environmental concerns of the estuary and developing a comprehensive management program.

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Application and leading assurance on a PURPOSE 1: DEVELOP SPATIAL AND TEMPORAL TRENDS FOR PRIORITY PROBLEMS

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September 17, 1963, to depond to when The requirements under Purpose 1, as stated in the EPA Guidance, are as follows:

- Milestone 1: Key items for status and trends characterization of priority problems negotiated with Region/OMEP, Key items may include: will prillingly with developing a promotery one threfully west laws rate year surprise.
- o Water quality (nutrients, toxics, pathogens, turbidity, dissolved oxygen)
- the change there tended a to industrigate at our parties to be before the o Physical alteration circulation) chargers provide an expension of the first barn our
 - Resources (habitats, living resources)
 - Uses (water supply, navigation/commerce, 0 tourism, commercial/recreational fishing)
 - Loads (population, land use, toxics, nutrients)
 - Monitoring protocols and baseline monitoring ۵ (for use in characterization and for future monitoring for effectiveness)
 - other assistance Inventory of programs (Federal, state, and local) which affect Water Quality, Uses. Loads, and Resources in the estuary.
 - Milestone 2: For each key item, develop a list of optimal data sets (historical and current) for each category identified in (1) above, and potential sources for each data set.

Birti

- Milestone 3: Send list of optimal data sets to potential sources or water to not per up a single sincluding Region/OMEP and prepare a final list of THE RESERVE OF THE PART & SERVICE optimal data sets based on information received from potential sources. RESERVE TANKS
 - Milestone 4: Prioritize available data sets based on the following criteria as a minimum: state or will complete, trust for an industrial

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- Critical to the characterization of priority problems identified in Step A or key items the Charleson with the contest of the identified in (1) above.
- without has included the latest remain the particular specifical Indicative of temporal (i.e., 5-10 year continuous sampling) or spatial (i.e., areawide sampling) trands , which influent amount of many
 - o Readily able to be converted into DIMS data format Collection of Museument late for Buggards Say, Managamunages," Sugilification
 - terpolation to appropriate stations and the
- Augusta on logistar cates tent and wolfer and nutrices inc said married sets of similar parameters on a spatial or temporal basis
 - Necessary for the basic understanding of the estuary system dynamics (i.e., hydrologic, and the file expected partnerson of while demographic, physical/chemical, soctoeconomic NAME AND PERSONAL PROPERTY OF A LONG SAN information, etc.) METERS TO STREET, BASE OF STREET,
 - to cathe heat along the little day in Develop a schedule for the entry or access of the Milestone 5: priority data sets, analysis, and completion of the promoted and the relationship report characterization and status and trends report based piller for mit ou busine at opide on the results of negotiation of (1) above. report of the appropriate and pro-

Milestone 6: Transmit draft reports to Region for review and comment, which includes a section on each key item. Upday general less RESE ADD LABOUR.

> Mflestone 7: Disseminate Final Status and Trends Report 13 publics and Region/OMEP for information.

The Buzzards Bay Project has completed or will complete, these Purpose 1 requirements in the following manner:

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Milestones 1-3: Milestones 1 through 3 are substantially complete. It was agreed that all parameters listed would be considered as key items, except the following: flow, dredging, circulation, water supply, navigation, and tourism. Monitoring protocols and inventory of government assistance programs lag behind the other key items because they are new requirements. The excepted key items may deserve increased discussion in future funding years.

A number of reports have been or will soon be completed which identify and evaluate data sets. These include: "Final Report on Identification and Collection of Historical Data for Buzzards Bay, Massachusetts," "Shellfish in Buzzards Bay: A Resource Assessment," and "The Finfish Resources of Buzzards Bay," Reports on lobster catch data, land and water use, nutrients and coliform data and eelgrass distribution currently are underway. The completed reports are being circulated for review and comment and will be publicly available.

Prioritization of the identified data sets is occurring through use of the data sets in the preparation of problem-specific synthesis reports. These reports will evaluate status and trends as well as inputs and fates of contaminants in the Buzzards Bay system.

Hilestones 4-7: These milestones have not been completed by the Buzzards Bay Project. The negotiated schedule for completion is shown on the following charts. Tasks and task assignments for completing the milestones are outlined in Appendix 2.

Purpose 1: Develop Spatial and Temporal Trends for Priority Problems Negotiated Milestone Timelines: Buzzards Bay

(Product: Steam and Trands and Probable Causes of Environmental Problems Reports.)

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For interes for states and transfer design (Con- portary) problems regardined with Region (Con- portary). Water quality (nightness, backs, president) Proportion discontinue (Designation) Proportion discontinue (Designation) Proportion discontinue (Designation) Leads (propulation, lead one, tender support Leads (propulation) L	PURPOSE I	
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	Data set las distributed to present a source, final her projuced haird on comments existed.	Compliant

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Purpose 1: Develop Spatial and Temporal Trends for Priority Problems Negotiated Milestone Timelines: Buzzards Bay, cont. (Product: Status Trends and Probable Causes of Environmental Problems Reports.)

Page 2 A 0/80 A alve (10/00) (10/m) Schedule for many or access of principly data and, data analysis, and completion of characteristics and sales and respect to developed, based agreement suched under billioness 1. Report sociales access on each bay how. Had Some and Trends Rayen disentered to public and Region/OME. 4. Death report seek to Engine for seview and on · Date been 7

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Three synthesis reports will be produced to fulfill the combined reporting sequirements of Perposes I & 2. Each will address one of the three priority problems. Cohistons, sound, and numeries.

PURPOSE 2: IDENTIFY PROBABLE CAUSES OF ENVIRONMENTAL PROBLEMS

The requirements under Purpose 2, as stated in the EPA Guidance, are as follows:

- Milestone 1: Management Conference (MC) and Region/OMEP review and reassess priority problems identified in Step A based on work in progress under Purpose 1.
- Milestone 2: Construct a list of probable natural and anthropogenic causes of trends observed in "Spatial and Temporal Trends" (Purpose 1) (at a minimum -- Water Quality, Uses, Resources, Loads, Physical Alteration)
- Milestone 3: Substantial review and comment by the scientific and regulatory communities is completed. Develop a schedule to study proposed list of causes which will be investigated and submit to Region for review and comment.
 - Milestone 4: Develop the list of tasks and schedule for completion and submit a copy to the Region.
 - Milestone 5: Transmit draft final report to Region for review and comment.
 - Milestone 6: Disseminate report on "Probable Causes of Environmental Problems" to public with information copies to Region/OMEP.

The Buzzards Bay Project has completed, or will complete, these Purpose 2 requirements in the following manner:

Milestones 1-4: Milestones 1 through 4 are substantially complete. The Management Committee, which includes Region I representatives, has reviewed the list of priority problems in the development of each annual workplan. The priority problems also received a final extensive review through the publication of the 1986 Annual Report.

Based on historical data sets and the work currently underway, the Management Committee has completed a preliminary identification of probable causes of priority problems. As previously discussed, parameters under physical alteration and uses (except fishing) are not currently being addressed. The annual workplans list the suspected causes and propose projects to study further these problems and their causes. These workplans also include proposed schedules for undertaking these tasks. The workplans are widely distributed and readily available for public review. TATELON ASSET ASSESSED.

Milestones 5 and 6: These milestones have not been completed by the Buzzards Bay Project. The negotiated schedule for completion is shown on the following chart. Tasks and task assignments are outlined in Appendix 2. then the emplather. Sevelop a

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requirements in the Following manager

Purpose 2: Identify Probable Causes of Environmental Problems Negotiated Milestone Timelines: Buzzards Bay

(Product: Status and Trends and Probable Causes of Environmental Problems Reports)

Milestone	10/87 1 U4712/47 1/80 2/65 \$786 \$786 \$786 \$786 \$786 \$786 \$786 \$786
PUNIPOSE 2	
Priority problems identified in Step A serieured and reseased by MC and Region/ChdEP based on work in progress under Purpose 1.	Completed
2 A list of probable natural and anthropografic causes of trends observed from the spatial and temporal trends enalysis (Parpose 1) is developed. Key items to be included anc. a Water quality b Uses c. Recurrent description of Loads e Physical alteration	Completed
3 List of probable causes is subjected to extensive review by the actionality and regulatory community. Based on community, a schedule for studying proposed causes is developed and submitted to Region for review and communit.	Completed
List of tasks and schedule for completion is developed and automitted to Region.	σ/ =)
5 Drait final report on the causes of environmental problems is submitted to Region for review and comment.	<u> </u>
6 Final report, "Probable Course of Environmental Problems," is distributed to public.	

Comment

Three synthesis reports will be produced to fulfill the combined reporting requirements of Purposes 1 & 2. Each will address one of the three priority problems: pathogens, toxics, and numerics.
 The reports will describe the current status of the problem and numerics available information particular to the probable causes.

The following section lists the purposes that the Buzzards Bay Project has not yet completed. A brief description of the activities the Project is undertaking to fulfill these purposes is included. Additional information on tasks to complete each purpose is outlined in Appendix 2.

Purpose 3: Develop Relationship Between Pollutant Sources and Impacts on Resources

Under Purpose 3, preferred use options will be identified in a goal-setting workshop (contingent upon additional funding) and matched with the probable causes for environmental problems developed in Purpose 2 activities. A list of tasks and a schedule for defining the transport and fate relationship between pollutant loads and effects on the preferred uses will be developed based on Synthesis Reports completed under Purposes 1 and 2.

The final product will consist of two reports: (1) a prototype report, for public use, on coliforms in Buttermilk Bay (scheduled for 12/88 completion); and (2) a report (to be included in the Buzzards Bay Annual Report - 8/89) describing the qualitative relationships between pollutant sources and the impacts on resources, as well as relating the preferred uses to the sources and impacts.

Purpose 4: Develop Comprehensive Conservation and Management Plan

Purpose 4 activities will result in a complete CCMP. An annotated outline will be produced initially, listing the key sections of the CCMP based on preferred uses. Potential futures, corrective actions, and cost impacts for each preferred use will be defined, in addition to the development of priority action plans to attain and maintain each preferred use (including a compliance schedule). The final CCMP is scheduled for March, 1990.

Purpose 5: Develop Coordinated Plans for Implementation of COMP

Tasks under Purpose 5 (coordinated with Purpose 4 activities) will identify the Tevels of authority for carrying out corrective actions, also showing where regulatory and legislative inconsistencies and voids occur. The list of regulatory inconsistencies will be included in the comprehensive report produced under Purpose 7.

As a final product, a report on the coordinated plan for implementation of the CCMP will be included with the CCMP. Subsequent reports will be included in the biennial reports.

Purpose 6: Monitor Effectiveness of Actions

These appropriate that course further the deregons and supportives on the

Purpose 6 requires the inventorying of existing monitoring programs. This inventory will contribute to the development of a monitoring plan for measuring management action effectiveness -- the plan will be included in the CCMP.

Siennial reports on management action effectiveness will be produced, with the first one scheduled for completion in March, 1992.

Purpose 7: Review Federal Financial Assistance and Development Programs for Consistency

Under Purpose 7 activities, a comprehensive report will be produced including such information as:

An inventory of relevant Federal and State programs

- o Program information on
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- street to present and all tents permit issuance, compliance and enforcement
- g-" , muccon station to -- living resource management
 - water quality planning and standards
 - ambient monitoring
 - Superfund
 - and the Property of Company Party IV IV -- nonpoint sources
 - Identification of potential contributions from other Federal and State agencies that could further the purposes and objectives of the Access to the Darrier Differ Investor of America CCMP

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the latter than information and

- Specification of means to secure commitments to participate
- 0 Concluding section on the resolution of Federal and State Program AND YES BURNES ON ALL inconsistencies and Inter-Agency Agreements.

The negotiated timelines for activities under Purposes 3 through 7 are included in the following pages.

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Purpose 3: Develop Relationship Between Pollutant Sources and Impacts on Negotiated Milestone Timelines: Buzzards Bay

(Product: Relationship Between Pollutant Sources and Impacts on Resources Reports)

Milestone	10/97 11/9712/97 1/80 2/80 \$/88 4/88 \$/80 6/88 7/88 \$/88 6/88 10/88 11/88 12/88 1/80/98 \$
PURPOSE 3	
Preferred use options selected from Status and Trends Report, transmitted to Region for information.	
Use options are matched with probable causes for environmental problems (identified under Purpose 2).	6/mj
,3 List of tasks and a schedule for defining transport and fate relationship between pollutant loads and effects on preferred uses are negotiated with Regions. (Indicate how the transport and fate relationship was defined, e.g., by mass belongs techniques or modeling.)	
Draft final report transmitted to Region for review and comment.	
5 Final report, "Relationship Between Pollutani Sources and Impaces on Resources," distributed to public and Region/OMEP.	(12/10)

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or preparation a weight framework that has

- Milestone 1: Contingent upon additional funding, a goal-setting work shop will be held to identify preferred use options.
 Milestone 3 will be based on Synthesis Reports completed under Purposes 1 & 2.
 Milestone 5: two reports will be completed a prototype report, for public use, on coliforms in Buttermilk Rey, 12/88. A second report to be included in a Buzzar qualitative relationships between pollutant sources and impacts on resources, and relate the goal (Milestone 1) to the sources and impacts. This will satisfy the reProblems to Pollutant Loads.
- . Management Conference will make decisions as to whom will do what, and what the specific products will be, throughout the next three to five facal years

Purpose 4: Develop Comprehensive Conservation and Management Plan Negotiated Milestone Timelines: Buzzards Bay (Product: Comprehensive Conservation Management Plan.)

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Milleanose and any one of the same of the	PURPOSE 4	Key sections of Comprehensive Commercials and Management Plan (COLP), based on professed uses, are regionated with Englacy (DREP). Management Plan (COLP), based on professed uses, are regionated with Englacy (DREP). Management in applicable: a Potential funates for each prefested use to Kercurosmided committee actions for: -paint source controls -nonpaint source controls -nonpaint source controls -introly resources management -introly resources management (Can big committee action plans for each preferred use and compliance actually for each preferred use and compliance actually for each	2 Fournital lumina, corrective actions, and cost unpact for each preferred use are defined in consultation with State and Local principles	Promity actions plan to estatin/maintain each professed use in development.	Compliance schedule for action place developed	5. COAP prepared according to outline and remain from proceding malestanes, dufferbased to Region/OhiEP.	,

- Milesione I will produce an annotated CCMP outline. The Program does not assistable including physical alteration. The New Bedford Superium Site will be addressed briefly in the CCMP as action on in-place pollution.
 Class for corrective actions will be addressed under Milesione 2. Rough entities for each action will be provided and a beass for entitiesting one per embayment developed.

Purpose 5: Develop Coordinated Plans for Implementation of CCMP Negotiated Milestone Timelines: Buzzards Bay (Product: Report on Coordinated Plans for Implementation of CCMP.)

Miletone	THE STATE OF THE STATE AND THE THE THE TANK THE STATE THE STATE OF THE
PURPOSE 5	(17/ns and beyond)
I Potential futures, corrective actions, and cost unparts for each preferred use are developed in consistents with Regional, State, and Lecal puredictions.	(5/6)
2. Levels of authority to carry our corrective actions are identified; list of regulatory/legulative uncursatements and wads to developed, funding capabilities and prospects are provided in cooperation with Responst. State, and Local jurisdictions.	Lat of regulatury inconsissencies (12/89)
Insurunonal and financial commutments and arrangement for the priority action plans and curplance schedule are secured from the Regional, State, and Local prindictions.	(67.71)
4 Report on the coordinated plan for templessensia tion of the COMP is propared and seek to Region/OMEP.	(12/19 and beyond)

- Malestones under Purpose 5 are coordurated with Purpose 4 milestones.
 Malestone 4: the first report produced under Malestone 4 will be lackuded with the COMP. Subsequent reports will be included in the basinust reports.
 Malestone 2: the list of regulatory inconsusernose will be combined with Melestone 2 under Purpose 7.

Purpose 6: Monitor Effectiveness of Actions Negotiated Milestone Timelines: Buzzards Bay

(Products: Monitoring Plan, Blennial Report on the Ethechemees of Actions Taken.)

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Inventory of ement mentoring program	₩/m 🗸
Manusons plan for measuring management action effectiveness developed in consultation with forganish sale, and Local paradictions. Plan includes Management quantons to be addressed Management quantons to be addressed Management and selected Management and selected	00-44 12/80
3. Berraid report on management action of crowners prepared and dumfared to public	

- This Purpose is a new requirement. Turnely completion of antianone will depend on additional funds.
 A monitoring plan will be included in the COMF.
 First because report is acheduled for 3/92, it is lakely that this requirement will be incorporated in 3000) reports.

Purpose 5 Develop

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Purpose 7: Review Federal Financial Assistance and Development Programs for Negotiated Milestone Timelines: Buzzards Bay

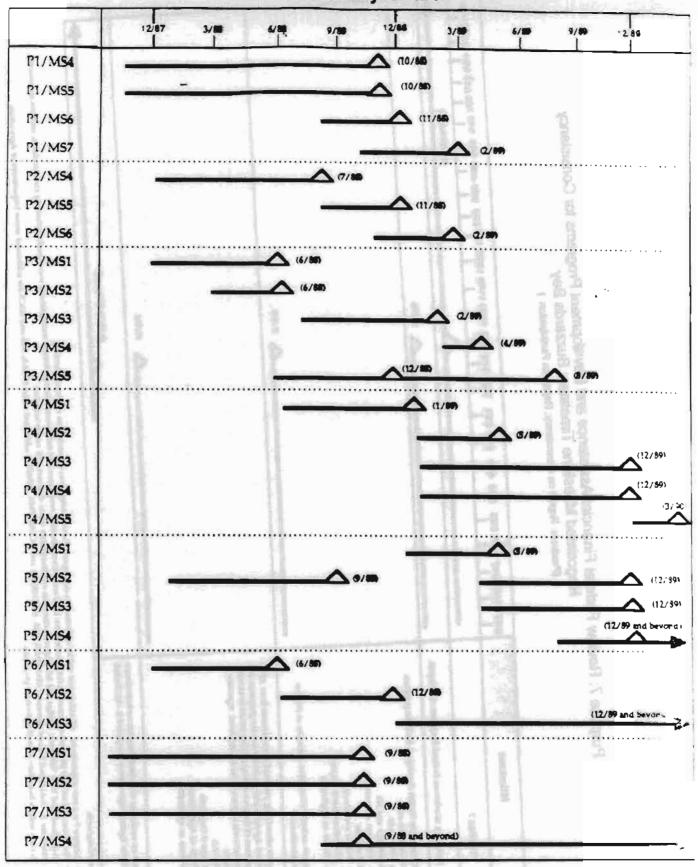
(Products: Report on Consistency; Report on Participation.)

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PURPOSE 7		
Investory of relevant federal Programs developed.		6/m
Consistency Report developed. Inchedes programs information on. a Wetlands b Drodge and fill c Physical alteration d Land use e Permit comphance f Hazardous waste disposal g Others an applicable Report includes alternative penados so maniferations		Ø/III)
Report identifying potential contributions from other Federal Agencies that could further the purposes and objectives of the plan and specifying means to recute continuouses to participate is completed. Agencies include: a NOAA b Corps of Engineers c Dept of Agriculture d Others as applicable		Ø/m)
Report on resolution of Federal Program inconsistencies and laser-Agency Agreements completed & distributed.		69/85 and beyond)

bears/Cumments

- Parpuse 7 is a new requirement. All milesiones will be addressed in one report. Turnity completion dependent on additional funding.
 The report will include program information (Milesione 2) on: land use; permit usuance, compliance and enforcement, living resource management, water quality Superiorist, and NPS. Wedlands, dredge and full, physical alteration and hazardous waste disposal well and be included.
 Milesione.) Additional Federal agencies. FDA, USCS, NSF, DOD (Navy and ACOE). FWS. NMFS is addressed under NOAA, SCS and ASCS are addressed.
 Notice will include state as well as federal programs.

Buzzards Bay Negotiated Milestone Timelines
Summary Chart



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THE ARM CONTRACT PROTECTION AND LANGUAGE AREASTS AND A Tasks to be Completed Under Buzzards Bay Management Conference Agreement percenture to struct

- 1. Steps for forming Management Conference
- minutes of country to the A. Priority problem identification and ranking (5 milestones, all completed)
- Develop data and information management system (DIMS)
- -- Buzzards Bay Project (BRP) data stored in EPA's National Computing Center (NCC) Computer (consultant)

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- -- BBP data included in future state system (planned)
- -- BBP expand U.S. Geologic Survey (USGS) mapping project (USGS)
- II. Management Conference Purposes

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Vaccine i se onade i engoliv

- Purpose 1: Assess status and trends in water quality (see list of tasks for Purpose 2)
 - Purpose 2: Identify probable causes of environmental problems

FRICO W/ Teday Favor Key items: shellfish (Boston University-draft) shellfish closures (newly funded) eelgrass (Boston University-draft) nutrients & coliforms (Battelle-in progress) toxics in sediment & biota (to be awarded) inventory of monitoring programs (to be awarded) inventory of assistance programs (to be awarded) inventory of local regulations (Southeastern Region Planning and Economic Development District (SRPEDD)-draft) land 4 water use (SRPEDD-in progress) pollutant loads (Division of Water Pollution Control (DWPC)-basin plan-in progress)

- STEEL -- Identification of data sets (Battelle & other Principal Investors (PI)) review of historic data finfish (Southeastern Massachusetts University (SMU) progress) lobster catches (Division of Marine Fisheries (DMF)?)
 - Synthesis reports (to be awarded) toxics (metals and organics) shellfish closures & pathogens (bacteria and viruses) nutrients & eutrophication living marine resources (for future discussion)

- Relationship between pollutant sources and impacts Purpose 3: resources
 - Goal-setting workshop identifies possible futures (6/88-new)
 - Synthesis documents describe transport & fate relationship pollutant loads & effects on preferred between (11/88-draft)

Report for public summarizing Suttermilk Bay work (12/88-new)

report describing qualitative relationships between pollutant sources and impacts on resources and relating the project goals to sources and their impacts (8/89-new)

Purpose 4: Develop Comprehensive Conservation and Management Plan (CCMP)

CCMP outline with recommended actions for point source controls. nonpoint source controls, land use, living resources management, in-place pollutants (new, 1/89 - develop from Department of Enironmental Quality and Engineering (DEQE) basin management TANKE TANKENS AND SERVICE plan, synthesis reports, etc.)

Recommended corrective actions and generic costs are defined

(5/89-new)

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Priority action plans and compliance schedules developed Final CCMP (3/90)

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purpose 5: Develop coordinated plans for implementation of CCMP (to be included in CCMP) CHEST PERSON

List of regulatory/legislative inconsistencies voids (9/88-new)

Institutional and financial commitments and arrangements for 100 priority action plans and compliance schedule are secured from EPA, state, and local jurisdictions

Report on implementation of CCMP (12/89 and every 2 yrs after) Testindest 35 (balroon of

Monitor effectiveness of actions Purpose 6: (プログルー) 田子田

Inventory of existing monitoring programs (6/88-new)

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Develop monitoring plan for measuring management action effectiveness (draft 12/88-final-12/89-new, require DEQE input under Executive Office of Environmental Affairs THE DEPTH HERED oversight)

Biannual report on management action effectiveness (3/92).

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Deviate marries respected (for full ora discussion)

Purpose 7: Review federal financial assistance programs for consistent. (Massachusetts Coastal Zone Management (MCZM)?)

Inventory of relevant state and federal programs (9/88-new) 1:35 of requylatory inconsistencies and voids

Consistency report including information on land use: permit enforcement; living rissuance: compliance, and management; water quality olanning and standards:

monitoring; superfund; non-point sources (9/88-new)

Identification of potential contributions from Food and Orio Administration. Geologic Survey. U.S. National Foundation, Department of Defense, Fish and Wildlife Service. National Oceanic and Atmospheric Administration, Army Corps of Engineers, Department of Agriculture (9/88-new) TARL ST. 3

resolution of federal state on and program inconsistencies and completion of inter-agency agreements 19/98

Office of Marine Environmental Programs

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and beyond-new)

I am wyleing to comment on the could Contenace Agreement property by your staff, your consultant or American Management Systems and my assistant, Sirves Tripp. Oversil. I agree with the concept and goes of this dears appropriate and employee the intent to include the Succende Say Projet in the nawly-authoricad National Estuary Program.

It is premature at this time to comment in metall on specific tasks ardescribes teamed these require further definition, clarification and review by the various Bivisions that at R be responsible for the sore. On a tirtiranding by Mr. Tripp and solected agency staff, it does appear that the tests are quinciply radilatic and merely require increased clarification. For percad concerns requiring better definition include:

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- apacificity as to which group will be responsible to perform Drie , Nabl 5366
- the criteria by which estuaries will be calected into the Program The year sometimes that security of Butterds Bay will ries preclude acceptance of Beston Harder-Massachusetts bay C. Cod Bay. Without this increased definition, any agreement to descrings is not pastible. For your information, I have annicate a markedup copy of the draft ograement anich contains further

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The Commonwealth of Massuchusells Executive Office of Enveronmental Stiffer, 100 Cambridge Street Boston, Massachusett 02202 months of the same 570 00-67 latinates to melasitatement

AMES S HOYTE the serial department and Associated States of Serial Courses of the Serial Courses of

September 17, 1987

teconstitionerse and consisting of intervinency parameter alle-Face to Stronger and Strong Ms. Kim Devonald U.S. EPA Office of Marine Environmental Programs 401 M Street, SW WH-556F Washington, D.C. 20460

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Dear Ms. Devonald:

I am writing to comment on the draft Conference Agreement prepared by your staff, your consultant at American Management Systems and my assistant, Bruce Tripp. Overall, I agree with the concept and goals of this draft agreement and endorse the intent to include the Buzzards Bay Projet in the newly-authorized National Estuary Program.

It is premature at this time to comment in detail on specific tasks and deadlines because these require further definition, clarification and review by the various Divisions that will be responsible for the work. On a first reading by Mr. Tripp and selected agency staff, it does appear that the tasks are generally realistic and merely require increased clarification. Four broad concerns requiring better definition include:

i) definition of the 25% state match.

5-3

- 2) more precision regarding content and form of required reports,
- specificity as to which group will be responsible to perform each task, and
- the criteria by which estuaries will be selected into the Program so that I can be assured that acceptance of Buzzards Bay will not preclude acceptance of Boston Harbor-Massachusetts Bay. Cu Cod Bay. Without this increased definition, any agreement to deadlines is not possible. For your information, I have enclosed a markedup copy of the draft agreement which contains further detail,

Ms. Kim Devonald U.S. EPA Office of Marine Environmental Programs September 17, 1987 Page 2



A valuable first step has been taken and I encourage the prompt resolution of these questions. I can only participate in this Agreement when I am comfortable that the agencies under my authority understand and agree to the components for which they are responsible. Please continue to work with Bruce Tripp on this issue.

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Sincerely,

James S. Hoyte, Secretary Mass. Executive Office of Environmental Affairs AT DIVISION DIFFERENCES

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cc: C. Shea, American Management Systems
W. Wiltse, U.S. EPA Region 1
L. Bridges, Mass DMF

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to the squeezy program, and 21 provide on such financial support to agon methaty proposal as possible. To accomplish them objects ived, we are requesting that window(s) provide a 12% or precist contribution for the target to second of federal funds and sellerto de astuary program. The contribution can consist artiral of talling a combinentian of their and the structure, home samples theoriests of neone are been as block obtandingers age and you to

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D.C. 20160

OFFICE OF

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MEMORANDUM

Subject: 25% State Contribution for Estuary Programs

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From: Tudor T. Davies, Director July

Office of Marine and Estuarine Protection (WH-556F)

To: Water Management Division Directors
Regions I, II, III, IV, VI, IX and X

Over the course of the past several months, we have had discussions within OMEP on the definition and interpretation of the language of Section 320 of the Clean Water Act of 1987 regarding a 25% or greater contribution from the state(s) to match the federal funds for estuary programs. This contribution could be used for the third party match requirement for grants or to fund other management conference approved workplan activities.

It is our intent to: 1) demonstrate commitment by the state(s) to the estuary program, and 2) provide as much financial support to each estuary program as possible. To accomplish these objectives, we are requesting that states(s) provide a 25% or greater contribution for the total amount of federal funds made available to an estuary program. The contribution can consist entirely of cash or a combination of cash and in-kind services. Some examples of how the 25% contribution could be used are shown in Attachment I to this memorandum.

The funds provided by the state are to be used first to match each grant and cooperative agreement recommended for funding by the management conference. Applicants, which could be universities, public interest groups, individuals etc. can choose to match the 25% from other sources. If the full amount of the state contribution is not needed to cover match requirements for all grants and cooperative agreements, the remainder should be used to complete other work plan activities approved by the management conference.

The experiences to-date of converting existing programs to management conferences have been very encouraging and show strong state commitment. We expect this memorandum to facilitate the commitment of those states to meet the matching requirement.

Attachment

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Examples of use for 25% state contribution

For all examples, assume:

Sim rederal Funding S250K State Funding (cash and/or in-kind services) 10 or more Projects approved in annual workplan

DISTAND STATES SHYDENIAS JATUSENTAL STATESTADE ASSISTA

MARK DAY AND THE

- 100 217 12F 2340 All 10 projects are funded as cooperative agreements or grants. All federal funds are used. The state has provided cash, through state/grantee agreements to the 10 applicants for the 25% match. Each grant is matched with 25% and the total state contribution is used up. palanipat, asseptant yearing
- SALIGH SALES B. All 10 projects are funded as cooperative agreements or grants. All federal funds are used. The state provided cash and inkind services, through state/grantee agreements to the 10 applicants for the 25% match and the total state contribution alguare is used up.
- colors and yet because we you C. All 10 projects are funded as cooperative agreements or grants. All federal funds are used. The state provided cash to all applicants who requested it through state/grantee agreements. The remainder of the cash provided by the state, if there is any, will be used to support an additional item in the work plan through a state contract to use the 25% contribution.
- D. Nine projects are funded as cooperative agreements or grants. All federal funds are used. The state provided cash or in-kind services to all applicants who requested it through state/grantee agreements. The tenth project was funded wholly by the state with the remainder of the contribution through a state grant or contract. The total would meet the 25% match requirement.
 - E. Three projects are funded by cooperative agreements or grants, \$250K of federal funds are used, the applicants match the federal funds on their own not using state funds. The management conference has decided to use \$750% of the federal funds in federal contracts for two of the projects which requires no match. State funds are used to fund one state contract for \$150K. The state provides cash and in-kind services for two public participation projects and two university projects for which no other federal funds are used, but have been approved by the management conference. The cash and in-kind services for these four projects must be at least \$100K. The total cash and in-kind service provided by the state meet the 25% contribution requirement, and the total non-federal share would be equivalent to a 50% contribution. I margar .491819 . C. 17



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

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OFFICE OF WATER

Bruce Tripo Buzzards Bay Project Coordinator Clock State Punding (coad) 100 Cambridge Street Boston, Massachusetts 02202

Dear Mr. Tripp:

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I hope that this information clarifies any concerns you may have had. If you have further questions, please call me at (202) 382-7166 or Tom DeMoss, Director of our Technical Support Division, No hottle san an own test can requestion them at (202) 475-7102.

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Sincerely,

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