



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

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OFFICE OF  
WATER

Dr. Joseph Costa, Executive Director  
Buzzards Bay National Estuary Program  
2870 Cranberry Highway  
East Wareham, MA 02538

Dear Dr. Costa:

The purpose of this letter is to provide the results of the Environmental Protection Agency's (EPA) 2009 Program Evaluation (PE) and to thank you and the Buzzards Bay National Estuary Program (BBNEP) staff, as well as your partners, for contributing to the PE process. We recognize that you put considerable effort into both the PE package and the responses to our follow-up questions. In addition, we would like to thank you for arranging the on-site visit for the PE Team, and for actively participating in meetings and field trips to various sites in the BBNEP study area.

The primary purpose of the EPA Program Evaluation (PE) is to help the EPA determine whether the 28 Programs in the National Estuary Program (NEP) are making adequate progress in implementing their Comprehensive Conservation and Management Plans (CCMP). The evaluation process has added considerably to EPA Headquarters and Regional staff's knowledge of each individual NEP and promotes sharing of innovative projects and approaches across all 28 NEPs. In addition, EPA uses the evaluation process to assess how the NEPs support Clean Water Act (CWA) core programs, and to evaluate the extent and effectiveness of the NEPs' contributions to achievement of two relevant EPA 2006 - 2011 Strategic Plan goals--Goal 2: Clean and Safe Water, Objective 2.2, Protect Water Quality; and Goal 4: Healthy Communities and Ecosystems, Objective 4.3, Restore and Protect Critical Ecosystems.

Based on the Program Evaluation Team findings, we believe your Program continues to make significant progress in implementing the BBNEP CCMP. You have passed the 2009 Program Evaluation and are eligible for continued funding under §320 of the CWA.

### **2009 Program Evaluation Findings**

The following summary highlights the Team's key findings by identifying several of the BBNEP's strengths and recommending areas for improvement. This summary is

intended both to recognize the Program's successes and to recommend efforts to further strengthen the Program. Your response to these recommendations will be evaluated in the next PE cycle.

## **1. Progress Made in Areas Highlighted in 2005 Implementation Review**

### **Increase the Number of BBNEP Staff**

The BBNEP was unable to hire more staff because the Program lacked sufficient funds to support additional positions. The Program acted to prevent a reduction in the number of Program staff by extending its agreement with the Natural Resources Conservation Service (NRCS) to fund one-half the salary for and retain the services of an NRCS staff member. Under the extended agreement, the staffer continued dedicating fifty percent of her time to BBNEP CCMP implementation by providing expert engineering support to local communities developing stormwater discharge remediation plans.

### **Support Implementation of Total Maximum Daily Loads (TMDLs)**

As indicated in the PE submission, the Program funded and provided technical support to the citizen water quality monitoring program, whose data the State of Massachusetts' Department of Environmental Protection is using as the basis for establishing nitrogen TMDLs for embayment watersheds. Once nitrogen TMDLs are established, the Program plans to provide technical assistance to municipalities required to implement TMDL recommendations.

### **Revise the CCMP**

The Program has produced a draft revision of its CCMP, and is now on track to issue the final revision in 2010. The revised CCMP will include new goals, objectives, and recommendations for meeting the study area's environmental needs through 2020. The revised CCMP will also satisfy the State of Massachusetts' requirements for a State Watershed Action Plan, making the Program eligible for new State funding.

### **Identify Effective Means of Distributing Atlas Data**

BBNEP made Atlas data and information about restoration sites readily available to its partners via websites and direct mailings. Partners that most frequently used Atlas data included local land trusts and Federal and State agencies that were developing restoration plans for various parcels of land located throughout the study area. The PE Team was particularly interested in the Google Earth files on the Program's website. The files contain land parcel maps that complement information and data included in Atlases developed by the Program. Municipal and other public sector officials used the maps and Atlases for planning and zoning decision making and assessment of the condition of wetlands on undeveloped parcels of land.

## **Continue to Ensure Adequate Coordination with Major Partners**

PE documentation and discussions during the on-site review confirmed that over the past four years, the Program and its major partners effectively coordinated their efforts on a range of initiatives. Major partners spoke very highly of the BBNEP, commenting specifically on the Program's expertise and leadership on multiple water quality and living resource protection and restoration efforts. Partners also commented on the Program's generosity and commitment to providing high-quality service to communities throughout the study area. EPA commends the BBNEP for effective coordination with partners, dedication to serving Buzzards Bay communities, and protecting the ecosystem on which those communities depend.

## **2. Support of CWA Core Programs**

The Program fully supported CWA core program implementation. For example, it provided scientific and technical support to multiple programs with responsibility for managing wastewater, stormwater, and non-point source runoff. BBNEP also supported protection and restoration of wetlands and worked with municipalities preparing to implement TMDLs for study area embayments which Massachusetts expects to issue within the next year.

## **3. Strengths**

### **Water Quality**

The Team commends BBNEP for continued leadership on State and local efforts to address water quality degradation throughout the study area. PE documentation and discussions with the Program and its partners during the on-site visit confirmed that the Program's scientific and technical expertise are influential for State and local stormwater discharge control, nutrient management, and non-point source pollution control programs.

Several water quality improvement efforts undertaken by BBNEP are noteworthy. In one such effort, the Program funded and provided technical support to municipalities for development of one of the most comprehensive GIS databases for NEP municipal stormwater drainage systems.

A second effort involved the Program's development of a draft model nitrogen loading General Bylaw for the town of Wareham. The Bylaw was defeated at a town meeting by a vote of 177 to 119. Nonetheless, the BBNEP General Bylaw development effort effectively raised the community's awareness of nitrogen pollution and prompted town officials to pursue development of a revised nutrient management strategy. In particular, EPA commends the Program for:

- Designing innovative policy and legal approaches to a contentious local issue.
- Promoting environmentally-sound public policy and legislation in the face of considerable opposition on the part of community leaders.
- Making highly-technical information accessible to the general public.

A third example of the Program's noteworthy contributions to water quality improvements is the 2008 re-opening of 1,100 acres of shellfish beds in outer New Bedford Harbor that were last open to shellfishing over 40 years ago. Re-opening the beds was made possible, in part, by important reductions in pollution discharges on the part of New Bedford and three neighboring towns to which BBNEP provided technical assistance over many years. The other major factor that made it possible to re-open the beds was the elimination in 2007 of a combined sewer overflow pipe that discharged wastewater and stormwater to waters flowing into the outer Harbor. BBNEP partially funded the cost of that pipe elimination effort.

### **Habitat and Living Resources**

BBNEP consistently led and supported efforts throughout the watershed to protect, restore, and conserve habitat and living resources. The PE submission indicated that local governments, non-governmental organizations, local educational institutions, and Conservation Commissions looked to the BBNEP for leadership on habitat- and living resource-related activities including: planning, mapping, workshop design, tool development, and design of communication and outreach materials. Also, the Program provided grant funding to local entities for the restoration of large and important sections of habitat, primarily wetlands habitat.

The PE Team commends the BBNEP for the breadth of its protection, restoration, and conservation activities between 2005 and 2009. Highlights of those activities include:

- Providing comprehensive technical support to local land trusts working to acquire and protect land throughout the study area.
- Collaborating with partners, especially the Coalition for Buzzards Bay (Coalition), to develop grant applications for funding major land restoration projects. The Coalition used Program Atlas data to identify potential land restoration projects for grant applications. The grants were awarded under Phase II of the oil spill recovery effort.
- Co-sponsoring workshops on Transfer of Development Rights and Storm Smart Coasts. The Coalition and several State agencies co-sponsored the workshop(s).
- Preparing a Regional Open Space Plan and supporting efforts of many municipalities to inventory and map their natural resources.
- Providing Municipal Grant Program funds valued at hundreds of thousands of dollars to many municipalities that needed support for habitat and living resource protection and restoration projects. Providing technical assistance to many other partners for implementation of CCMP habitat and living resource priorities.

### **4. Challenges – Program Planning and Administration**

Over the last four years, the BBNEP both continued to effectively implement the original CCMP and began to revise the CCMP to account for changes in and threats to the study area's ecosystems, including changes in human uses of the ecosystem. Its expertise and willingness to respond to stakeholder needs made it the one program to which all Buzzards Bay communities turned for assistance on environmental issues.

Beginning in 2010 and continuing for the next several years, communities will need considerable technical support to develop MS4 stormwater permits and/or to implement TMDLs. BBNEP and EPA expect that communities will look to the BBNEP for support on permit compliance/implementation and TMDL implementation. Since BBNEP has limited staffing and financial resources, the Program's single most important near-term challenge is the need to set Program priorities and manage communities' requests for assistance. EPA recommends that once the revised CCMP is completed, the Program and its stakeholders select a set of four to five CCMP priorities on which to focus Program efforts each year. At the end of the first year, the Program could re-visit the priority identification process and assess the impact of addressing a limited number of priorities on overall CCMP implementation.

### **EPA Response to BBNEP 2005 Implementation Review Recommendations**

#### **Allow NEPs a 100 Percent PE Electronic Submission.**

EPA responded to this recommendation in its September 2007 PE Guidance, which stated that the NEPs may electronically submit their entire PE package.

#### **Investigate Potential for Developing Runoff Curves to Promote Use of LID techniques.**

EPA did not respond to this recommendation during the period 2005-2009. In 2010, EPA will follow up on the recommendation by exploring whether EPA might partner with NRCS to plan implementation of green best management practices and revision of stormwater design standards.

#### **Pilot a Competitive Program that Would Place Interns or Fellows in NEP offices.**

EPA did not respond to this recommendation during the 2005-2009 period and intends to explore the feasibility of this recommendation in 2010.

Thank you again for participating in the PE process. We welcome any additional thoughts you may have either about the evaluation process itself or about EPA's involvement in the implementation of the BBNEP CCMP. If you have any questions or comments, please contact me or Dr. Bernice Smith, Chief, Coastal Management Branch, at (202) 566-1244.

Sincerely,



Paul Cough, Director  
Oceans and Coastal Protection Division

cc: Suzanne Schwartz, U.S. EPA  
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