United States
Environmental Protection
Agency

Office of Water
(WH-556F)

EPA 842-B-92-002
October 1992

EPA

National Estuary Program Guidance

Comprehensive Conservation & Management Plans: Content and Approval Requirements

GC97
.U55
N38
C.1
1992

TABLE OF CONTENTS

I. PURPOSE **1**

II. REQUIRED CCMP CONTENTS **3**

Management Conference Membership 5

Characterization Summary 6

Base Program Analysis 8

Action Plans 9

Finance Plan and Implementation Strategy 11

Monitoring Program Plan 13

Federal Consistency Report 15

Public Participation Summary 17

Summary of the Responses to Public Comments 18

III. CCMP APPROVAL **19**

Public Review 21

Management Conference Review and Approval 24

Governor's Concurrence 25

CZM Consistency Review 27

EPA Administrator's Approval 28

List of Figures

Figure 3.1 CCMP Approval Process Flow Chart 20

Figure 3.2 Example Public Notice 23

Figure 3.3 Example Governor's Concurrence Letter 26

APPENDIX A - Clean Water Act § 320

APPENDIX B - CCMP Approval Checklist

APPENDIX C - Administrator's Approval Schedule

GC97 .U55 1158 cl 1992

APR 14 1997

Property of CSC Library

LIBRARY
NOAA/CCEH
1990 HOBSON AVE.
CHAS. SC 29408-2623

US Department of Commerce
NOAA Coastal Services Center Library
2234 South Hobson Avenue
Charleston, SC 29405-2413

Recycled/Recyclable
Printed on paper that contains at least 50% recycled fiber

Chapter I. PURPOSE

Purpose of the National Estuary Program

Estuaries and other coastal and marine waters are national resources increasingly threatened by pollution, habitat loss, coastal development, and resource conflicts. Congress established the National Estuary Program (NEP) under the Water Quality Act of 1987 to pioneer a broad and innovative approach to respond to these threats.

The NEP, managed by the U.S. Environmental Protection Agency (EPA), identifies nationally significant estuaries and supports the development of comprehensive management plans to ensure their ecological integrity. To achieve the program's goals, a Management Conference is convened for each NEP to provide a forum for consensus building and problem solving among interested agencies and user groups.

Management Conferences identify the estuary's environmental problems, evaluate the existing management framework, and recommend priority corrective actions. The individual State/EPA Conference Agreements, negotiated and signed at the start of each NEP Management Conference, contain milestones and commitments for pursuing these goals. Ultimately, these activities result in a comprehensive conservation and management plan (CCMP) for the estuary.

Purpose of this Document

This document provides a practical reference for NEP Management Conferences, EPA Regional Project Officers, and state Program Directors during development of CCMPs. The first section describes the requirements for approvable CCMPs. This guidance does not mandate the format in which the CCMP contents are presented. The second section describes the process CCMPs must undergo to be approved by the EPA Administrator.

Related Guidance Documents

The information in this document supplements information in "Saving Bays and Estuaries: A Primer for Establishing and Managing Estuary Projects" (NEP Primer, August 1989). Refer to the NEP Primer for additional guidance on preparing action plans and characterization reports. The NEP Primer also provides guidance on committee membership, public participation and review, and CCMP implementation. In addition to the NEP Primer, guidance documents on the following NEP topics are available:

- ❑ Monitoring Guidance for the National Estuary Program
- ❑ Federal Consistency Review
- ❑ Characterization
- ❑ Base Program Analysis
- ❑ Finance Plan and Implementation Strategy

Chapter II. REQUIRED CCMP CONTENTS

The CCMP documents all phases of the Management Conference's work--goal definition, scientific and institutional characterization, priority setting, action plan recommendations, and financial planning. When these activities are complete, a Management Conference submits its CCMP to the EPA Administrator for approval. Actions recommended in approved CCMPs are eligible for implementation funding specifically under Titles II and VI and Section 319 of the Clean Water Act (CWA). Appendix A provides a copy of the CWA.

Content & Statutory Authority

The CWA outlines several components that are required as part of CCMPs developed under the NEP. These components are listed below, along with the section of the CWA they are drawn from:

Management Conference Membership List	§320(c)
Summary of Characterization Findings	§320(b)(1)-(3)
Statement of Priority Problems	§320(b)(1)-(3)
Environmental Quality Goals and Objectives	§320(b)(1)-(3)
Base Program Analysis	§320(b)(1)-(3),(5)
Action Plans	§320(b)(4)
Finance Plan and Implementation Strategy	§320(b)(4),(5)
Monitoring Program Plan	§320(b)(6)
Federal Consistency Review	§320(b)(7)
Summary of Public Involvement and Review	§320(f)

Related Documents

These contents are detailed in the NEP Primer and the individual State/EPA Conference Agreements for each estuary program. Appendix B provides a CCMP Approval Checklist that summarizes the required CCMP contents described in this guidance document. EPA uses this checklist to review the final CCMP when it is submitted for approval.

Content Description

The following sections summarize the content requirements of a CCMP. There are three parts in each section:

- **Statutory Authority** quotes a specific section of the CWA.
- **EPA Policy** explains subsequent policies and Agency interpretations.
- **CCMP Requirement** explains what the CCMP must contain to meet the requirement.

Management Conference Membership

Statutory Authority

In the CCMP, a Management Conference must demonstrate that its membership meets the requirements of CWA § 320(c), which specifies that:

> "The members of a Management Conference . . . shall include, at a minimum, the Administrator [or his delegated representative] and representatives of --
>
> (1) each state and foreign nation located in whole or in part in the estuarine zone for which the conference is convened;
> (2) international, interstate, or regional agencies or entities having jurisdiction over all or a significant part of the estuary;
> (3) each interested federal agency, as determined appropriate by the Administrator;
> (4) local governments having jurisdiction over any land or water within the estuarine zone, as determined appropriate by the Administrator; and
> (5) affected industries, public and private educational institutions and the general public, as determined appropriate by the Administrator."

EPA Policy

One of the most important elements of the NEP process is its collaborative approach to problem solving and decision making. Only by setting up a framework for bringing together diverse interests will resource conflicts be resolved over the long term. To ensure the effectiveness of this approach, the CWA requires all parties responsible for and interested in management or use of the estuary to be involved in the Management Conference. Management Conference membership is determined during negotiation of State/EPA Conference Agreements.

CCMP Requirement

The Management Conference can demonstrate that it has met the membership requirement by listing the members and their organizational affiliations in the CCMP.

Characterization Summary

Statutory Authority

CWA § 320(b)(1)-(3) specifies that each Management Conference must:

(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; and

(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.

EPA Policy

Addressing these purposes helps a Management Conference characterize the estuary's priority environmental problems and their likely causes based on current conditions, historical trends, and projected future conditions. Known as characterization, this work sets the stage for formulating the CCMP and its action plans. A solid understanding of what is wrong with the estuary will lead to stronger support for recommended actions.

CCMP Requirement

Each CCMP must include a plain English summary of the estuary's characterization results. The summary will be an important tool in communicating the estuary's condition to a broad audience. This summary should describe the following:

- ☐ The estuary's priority problems and the selection criteria used to determine them.
- ☐ The environmental quality goals and objectives established for the estuary.
- ☐ The status and trends of the estuary's water quality, natural resources, and uses.
- ☐ The probable causes of environmental problems, including data on toxics, nutrients, and natural resources.
- ☐ The linkages between pollutant loadings and changes in the estuary's water quality, uses, and natural resources.

Each CCMP should also clearly reference technical studies conducted as part of the characterization effort. Copies of technical studies generated during the characterization effort must be available upon request.

Base Program Analysis

Statutory Authority

In parallel with the physical characterization of the estuary required under Section 320(b)(1)-(3), Section 320(b)(5) calls for a management characterization, or base program analysis, of the estuary in order to:

> "develop [action] plans for the coordinated implementation of the [comprehensive conservation and management] plan by the states as well as federal and local agencies participating in the conference;"

EPA Policy

The base program analysis assesses the effectiveness of the estuary's management framework. It describes existing mechanisms for addressing priority problems identified by the scientific characterization and recommends options for improving or enhancing the management framework.

CCMP Requirement

The base program analysis should include:

- ❑ A description of the existing regulatory and institutional framework.
- ❑ An evaluation of the effectiveness of the framework.
- ❑ Recommendations for addressing gaps and expanding strengths.

Action Plans

Statutory Authority

CWA § 320(b)(4) specifies that each Management Conference shall:

> "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 assure that the designated uses of the estuary are protected;"

EPA Policy

Using the results of the characterization effort and the base program analysis, a Management Conference must develop action plans to address each of the priority problems identified by the Management Conference. Action plans for attaining the goals and objectives set by the Management Conference are the core of the CCMP.

CCMP Requirement

Each action plan must:

- ❑ State the priority problem, identifying the probable causes and sources.
- ❑ State the program goals related to the priority problem.
- ❑ Set specific objectives to attain the goals.
- ❑ Identify the universe of possible management activities, both new and existing, for consideration.
- ❑ Identify the activity that should be implemented to address the priority problem.

  For each activity, the action plan must specify:

  WHO: Identify who will act, pay, and enforce; spell out roles and resource commitments for each participating agency, institution, and/or enterprise.

WHAT: Describe what will be done. For example, specify numerically based load reductions and/or use designations in this location; describe what specific activities are necessary to reach them.

WHERE: Describe where the action will take place or what location(s) it will affect.

WHEN: Include timetable for implementation.

HOW: Outline the procedure used to perform this activity.

HOW MUCH: Cost out the action and identify the funding sources.

EPA recommends including endorsements from implementing agencies and an agreement of responsibilities to avoid:

- ❑ duplication of effort,
- ❑ unnecessary expenditures of funds, and
- ❑ development of conflicting regulatory mechanisms.

Individual letters of commitment from each of the implementing agencies is one way to ensure that all action plan responsibilities are clearly understood and agreed upon.

The CCMP should include a description of any action plans initiated prior to CCMP completion (including action plan demonstration projects). This description should include the problem the action plan addressed, the roles of different agencies and users, financial commitments, and results to date.

Finance Plan and Implementation Strategy

Statutory Authority

CWA § 320(b)(4) requires the development of a CCMP while § 320(b)(5) requires that each Management Conference:

> "develop plans for the coordinated implementation of the plan by the states as well as federal and local agencies participating in the conference;"

EPA Policy

In combination, EPA has determined that these two purposes include a requirement for outlining how implementation of the CCMP will be funded.

CCMP Requirement

The finance plan and implementation strategy requirements can be met in one of two ways:

1. Individual action plans can include information on costs, financing mechanisms, and commitments; or

2. A separate plan can be developed, specifying how funds will be raised to implement a group of actions.

Finance plans should match action plan costs and cash flow needs to a suitable funding source and managing entity. The plan may identify existing or potential new sources of funding, in which case new state or local legislation may be required.

The goal of the implementation strategy is to "institutionalize" the recommendations made in the CCMP. Implementation factors in the CCMP should address issues and questions such as:

- ❑ Results of the base program analysis--who has the authority, the resources, and the expertise?
- ❑ Which of the recommendations should be enforceable, and how can they be made enforceable?
- ❑ Which recommendations will require new legal authority?
- ❑ What mechanisms will be used to obtain agency commitments?
- ❑ Who will oversee implementation?
- ❑ What role will the public play in implementation?

If the finance plan is developed as a separate document, it must be referenced in the CCMP and made available for public review and comment before the CCMP is submitted to EPA for approval. The finance plan must be submitted along with the CCMP for the Administrator's approval.

Environmental Monitoring Program Plan

Statutory Authority

CWA § 320(b)(6) specifies that each Management Conference shall:

> "... monitor the effectiveness of actions taken pursuant to the plan;"

EPA Policy

EPA is developing a programmatic monitoring system for NEP participants to use when tracking the progress made during implementation of CCMPs. This systems also will be helpful during assessment of the entire NEP. This programmatic monitoring system will:

- Assist estuary program managers to improve their programs by identifying current and emerging programs;
- Provide accountability to elected officials and the public relating to the progress towards estuary protection;
- Help identify the programs and projects that are working well; and
- Provide a framework for assessing the NEP as a whole.

The environmental monitoring program plan for each estuary is an essential component of the programmatic monitoring system, providing information on environmental results related to CCMP implementation. For this reason, environmental monitoring should begin and continue throughout CCMP implementation.

The two primary goals of the environmental monitoring program plan are:

1. to measure the effectiveness of the management actions and programs implemented under the CCMP;
2. to provide essential information that can be used to redirect and refocus the CCMP during implementation.

CCMP Requirement

A detailed environmental monitoring program plan must accompany the CCMP when it is submitted to the EPA Administrator for approval. The environmental monitoring program plan must:

- ❑ Define program objectives and performance criteria (i.e. parameter values needed to guide management decisions).
- ❑ Identify testable hypotheses.
- ❑ Specify monitoring variables, including sampling locations and frequency, field sampling procedures, field and laboratory analytical procedures, quality assurance and control procedures.
- ❑ Specify the data management system and statistical test that will be used to analyze the monitoring data.
- ❑ Describe the expected performance of the initial sampling design (i.e., the minimum difference that can be detected in measured variables over time and between locations).
- ❑ Provide a timetable for analyzing data and assessing program performance.

The CCMP itself must also include a summary of the monitoring program plan. The summary is intended to give the general public an overview of how the CCMP defines effective and successful action plans, what is being monitored and why, and how data will be managed and communicated. Technical reviewers may read the detailed monitoring program plan to evaluate the adequacy of the plan itself.

The monitoring program plan summary should answer the following questions:

- ❑ Which pollutants, biological indicators, or performance criteria will be monitored and why?
- ❑ Which ongoing monitoring programs have been incorporated into this monitoring program to reduce costs and prevent duplication of effort?
- ❑ Does the data management strategy answer the following questions:
  - Where will the data go?
  - How will these data be stored?
  - Who will maintain the data base?

- How will data be checked and loaded into the data base?
- How accessible will the data be?
- Will statistical, graphical and report generating tools be available?
- How much will it cost?

- ❑ What is the program's long-term financial commitment to maintaining and updating the data base?

- ❑ What is the timetable for analyzing the data and assessing monitoring program performance?

- ❑ How will monitoring program results be communicated to the scientific community and to the general public?

Federal Consistency Report

Statutory Authority

CWA § 320(b)(7) specifies that the final purpose of a Management Conference is to:

> "review all federal financial assistance programs and federal development programs in accordance with the requirements of Executive Order 12372, as in effect on September 17, 1983, to determine whether such assistance program or project would be consistent with and further the purposes and objectives of the plan prepared under this section.
>
> For purposes of paragraph (7), such programs and projects shall not be limited to the assistance programs and development projects subject to Executive Order 12372, but may include any programs listed in the most recent Catalog of Federal Domestic Assistance which may have an effect on the purposes and objectives of the plan developed under this section."

Executive Order (EO) 12372 affords state and local governments the opportunity to design their own processes to coordinate reviews of proposed federal grants, cooperative agreements, and direct federal development activities within their jurisdictions.

EPA Policy

A Management Conference's consistency review provides an opportunity for local, state, federal, and private participants

1. to identify consistent programs that could help implement the CCMP, or
2. to suggest modifications to programs inconsistent with the CCMP.

CCMP Requirement

To fulfill this requirement, each estuary program must develop a federal consistency report, which must be either included in the CCMP, or referenced and available to the public on request.

A consistency report must include the following:

- ❑ Inventory of federal programs which would be applicable to priority problems in the estuary;
- ❑ Evaluation/discussion of inconsistencies of relevant federal programs in relation to goals and objectives of the CCMP, and remedies to resolve inconsistencies (e.g.,

coordinated project review, written commitments to coordinate program objectives, interagency policy agreements, etc.);

- ❑ Review strategy outlines of how the Management Conference will review federal financial assistance programs and development projects to meet the requirement of Purpose 7 and the Executive Order and to address consistency issues.

Public Participation Summary

Statutory Authority

Development of a CCMP is subject to the public participation requirements of CWA § 101(e), which specifies that:

> "Public participation in the development, revision, and enforcement of any regulation, standard, effluent limitation, plan, or program established by the Administrator or any state under this Act shall be provided for, encouraged, and assisted by the Administrator and the states."

The Code of Federal Regulations (CFR) Volume 40 Section 25.2(a)(5) specifies that public participation in programs under the CWA is required when:

> "Development and implementation of plans, programs, standards, construction, and other activities [are] supported with EPA financial assistance (grants and cooperative agreements) to state, interstate, regional and local agencies."

EPA Policy

Public support for the CCMP is critical to the long-term success of the plan. Each Management Conference must conduct a public participation program as part of the development and implementation of its CCMP. CFR Volume 40 Section 25.2(a)(5) establishes minimum requirements and suggested approaches for public participation.

CCMP Requirement

Each Management Conference must include a summary of its public participation program in the CCMP. The summary should:

- ❑ Identify target groups and discuss their involvement in developing the CCMP.
- ❑ Describe public participation activities, identifying when and where they will be held, who will be invited, and what topics will be discussed or presented. Activities include public hearings or meetings, advisory groups, workshops, seminars, and informal personal communications with individuals and groups.
- ❑ List public notifications. A public meeting or workshop must be publicized at least 45 days in advance. Reports, documents, and data relevant to the discussion should be available to the public at least 30 days before the meeting.

Summary of the Responses to Public Comments

Statutory Authority

CWA § 320(f)(1) specifies that the EPA Administrator can only approve a CCMP

> "after providing for public review and comment".

EPA Policy

The public must have adequate opportunity to review and comment on the draft CCMP. The Management Conference must address the comments either by making changes to the draft CCMP or by explaining why no change was made.

CCMP Requirement

To demonstrate that it addressed comments received on the draft, the Management Conference must summarize its responses in the final CCMP. A summary should specify:

- ❑ Dates, locations, and lengths of public comment periods
- ❑ Media used for publicizing public meetings and availability of materials
- ❑ Summary of comments received
- ❑ Management Conference responses

Chapter III. CCMP APPROVAL

Under the CWA, Management Conferences must formally submit the final CCMP to the EPA Administrator for approval. The EPA Administrator is responsible for determining if the completed CCMP meets the Section 320 requirements outlined in Chapter II of this guidance.

Approval Requirements

The basic requirements and process for CCMP approval are defined in CWA § 320(f)(1). The CWA stipulates that the Administrator will approve a final CCMP within 120 days if:

- ❑ It has been reviewed by the public.
- ❑ It meets the requirements of CWA § 320.
- ❑ The affected state Governor(s) concur with the approval.

In addition to the requirements defined in § 320(f)(1), the appropriate EPA Region must determine that the final CCMP is consistent with the Coastal Zone Management Plan (CZMP) in the affected state(s) and submit the CCMP to the CZM agency for concurrence with the determination.

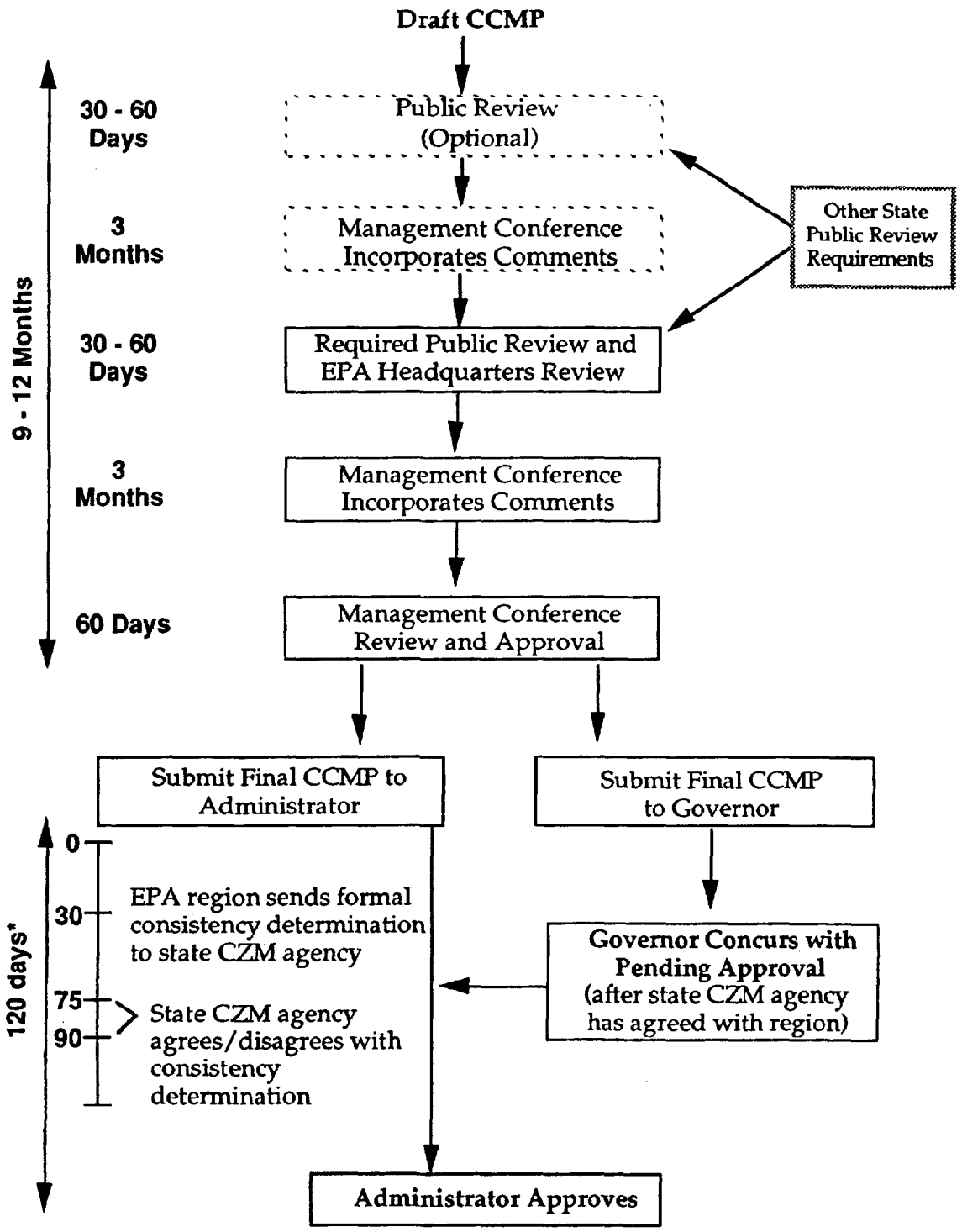
Approval Process

Steps in the CCMP approval process therefore include:

- ❑ Opportunity for Public Review
- ❑ Management Conference Review and Adoption
- ❑ Governor's Concurrence
- ❑ State CZM Consistency Determination
- ❑ EPA Administrator Review and Approval

The following sections contain explanations of each of these required steps in the approval process; the flow chart (Figure 3.1) on the next page depicts the overall process.

Figure 3.1
CCMP Approval Process Flow Chart



* Appendix C provides a timeline for the Administrator's approval process

Public Review

Public Review Requirements

Although public participation ensures that substantial review is built into the CCMP development process, the complete draft CCMP must be made available to the general public for review and comment. Public review requirements include:

- ❑ Full and adequate notice of the CCMP's availability for review.
- ❑ Public access to the entire CCMP in at least one central location, including any supporting documents summarized in the CCMP.
- ❑ Opportunity to participate in workshops and public meetings to discuss the draft.
- ❑ Adequate opportunity to submit comments.
- ❑ Consideration of public comments and revisions as appropriate.
- ❑ Summary report of public comments and the response to public comments.

Programs may also provide an Executive Summary of the CCMP for the public to review; however, such a summary may only be provided in addition to the entire CCMP and supporting documents -- not as a substitute for the CCMP.

CCMP Requirement

The Management Conference must:

- ❑ Hold at least one public meeting to discuss the CCMP, including the management options available to implement the plan.
- ❑ Meet any state imposed public commenting period requirements, in addition to the requirements outlined in this guidance.
- ❑ Prepare a summary of the response to public comments to ensure that the public's comments are considered.

Number of Reviews

Only one public review of the draft CCMP is required. However, EPA recommends two public review periods. The required review period should provide the opportunity for:

- ❑ The public to react to different management options.
- ❑ An informal state CZM consistency review.

In addition, the draft CCMP should be submitted to EPA's Office of Wetlands, Oceans, and Watersheds for Headquarters' review. To facilitate internal review within EPA, the Management Conference should send 15 copies of the draft CCMP to the Coastal Management Branch (WH-556F); Oceans and Coastal Protection Division; Office of Wetlands, Oceans and Watersheds; U.S. Environmental Protection Agency; Washington, DC 20460.

Length of Review Period

The recommended length of a review period is 60 days. Since the draft CCMP is potentially a lengthy document, the public should be given at least 30 days to review before a public meeting.

Figure 3.2
Example Public Notice

NOTICE

Available for Review and Comment: the Comprehensive Conservation and Management Plan for Example Bay

__/__/__

The Example Bay Project, a program of the U.S. Environmental Protection Agency and the Example state Department of Environmental Resources, is concluding its five year effort to develop a management plan to guide the Example Bay communities and state and federal Agencies in protecting the Bay.

As required by Section 320 of the Clean Water Act, the Example Bay Program Management Conference has prepared a Comprehensive Conservation and Management Plan (CCMP) that details the condition of the Bay and lays out an agenda for cleaning up and protecting the Bay.

The draft CCMP is available for public review and comment.

Location The CCMP may be reviewed at or obtained from the Example Bay Program office. See below for address.

Hearing A public hearing has been scheduled for __/__/__ at the Example Bay Program office. The hearing will begin at 7:00 pm.

Timetable Any comments on the draft CCMP must be received within 60 days of this notice. After comments have been incorporated, the final CCMP will also be available for review. Another Notice will be posted at that time.

Issues The major issues for the Example Bay Program are:

-
-

Contact

Example Person (000) 000-0000
Example Bay Program Office
1 Main Street
Anytown, Mystate

PLEASE HELP TO PROTECT THE BAY
READ THE CCMP!
WRITE DOWN YOUR COMMENTS!
COME TO THE PUBLIC HEARING!

Management Conference Review and Approval

Final CCMP

Once all public comments have been considered, the Management Conference must formally review and approve the final CCMP. The Management Conference must then transmit a copy of the final CCMP to the EPA Administrator and the Governor's(s') office at the same time.

Committee Agreement

All committee Chairs participating in the Management Conference must sign the transmittal letters to indicate that they have reviewed the final CCMP and approve of its submission to the Administrator and the Governor(s).

Transmittal Letters

The transmittal letter to the EPA Administrator should request the Administrator to approve the CCMP. To ensure timely review, the Management Conference should also send EPA's Office of Wetlands, Oceans and Watersheds 15 copies of the CCMP and one copy of the transmittal letter to the EPA Administrator.

The transmittal letter to the Governor(s) should request the Governor to review the CCMP.

Governor's Concurrence

Governor's Involvement

The Management Conference should involve the Governor's(s') office(s) early during development of the CCMP to enlist full support for the CCMP's objectives and to ensure concurrence with the Administrator's pending approval.

Governor's Review

The Governor(s) should ensure that the CCMP is consistent with other relevant state requirements, including the state CZM Program.

After verifying that relevant state requirements are met, the Governor(s) must notify the EPA Administrator. The letter to the Administrator should confirm consistency with state requirements and concur with the EPA Administrator's pending approval.

An example of the Governor's concurrence letter (Figure 3.3) is on the next page.

Figure 3.3
Example Governor's Concurrence Letter

Administrator _____
United States Environmental Protection Agency
401 M Street, SW
Washington, DC 20460

Dear Administrator _____:

I have reviewed the _____ Comprehensive Conservation and Management Plan (CCMP) submitted by _____ Management Conference.

The CCMP meets all relevant state requirements. It is also consistent with the Coastal Zone Management Plan(s) in the state(s) of _____.

Therefore, I concur with your pending approval of the CCMP.

Sincerely,

Governor, state of _____

cc: Office of Wetlands, Oceans and Watersheds
_____ Management Conference

CZM Consistency Review

CZMA

The Coastal Zone Management Act (CZMA), passed in 1972, is a comprehensive management umbrella for the beneficial use, protection and development of the resources of the coastal zone. States that participate in this voluntary program have authority to review all federal activities to ensure they are consistent with the state CZM plan. In addition, because the state CZM plan can provide a powerful mechanism for implementing the CCMP, it is important that the state CZM agency be involved during CCMP development.

EPA/NOAA Agreement

In 1988, EPA and NOAA, the agency responsible for managing the federal Coastal Zone Management Program, agreed that:

> "CCMPs developed under the NEP will voluntarily, as a matter of policy, be submitted for review under the federal consistency provisions of Section 307(c) of the Coastal Zone Management Act of 1972, as amended."

CCMP Requirement

The Governor's letter should include a statement that the CCMP is consistent with the affected state's(s') CZM plan(s).

To comply with the EPA/NOAA agreement:

- ❑ The appropriate EPA region must determine whether the CCMP is consistent with the state Coastal Zone Management plan.
- ❑ The EPA region must submit the CZM consistency determination to the state CZM agency within 30 days after the CCMP has been submitted to the EPA Administrator.
- ❑ The state CZM agency has 45 days to review the consistency determination, with the possibility of extending their review an additional 15 days if necessary. Further extensions are granted by the agency submitting the determination for the state CZM agency concurrence.
- ❑ The state CZM agency's concurrence with the region's consistency determination must be submitted by the region to the Administrator within 90 days after the CCMP has been submitted to the Administrator.

EPA Administrator's Approval

EPA Administrator Review

EPA will review the CCMP and required accompanying documents, based on the Checklist in Appendix B. If the CCMP meets the requirements defined in this document, the EPA Administrator will approve the CCMP within 120 days of submission.

Refer to Appendix C for a detailed schedule of the Administrator's approval.

APPENDIX A

CLEAN WATER ACT § 320

(a) Management Conference. --

(1) Nomination of Estuaries. -- The Governor of any state may nominate to the Administrator an estuary lying in whole or in part within the state as an estuary of national significance and request a Management Conference to develop a comprehensive management plan for the estuary. The nomination shall document the need for the conference, the likelihood of success, and information relating to the factors in paragraph (2).

(2) Convening of Conference. –

(A) In General. -- In any case where the Administrator determines, on his own initiative or upon nomination of a state under paragraph (1), that the attainment or maintenance of that water quality in an estuary which assure protection of public water supplies and the protection and propagation of a balanced, indigenous population of shellfish, fish, and wildlife, and allows recreational activities, in and on water, requires that control of point and nonpoint sources of pollution in more than one state, the Administrator shall select such estuary and convene a Management Conference.

(B) Priority Consideration. -- The Administrator shall give priority consideration under this section to Long Island Sound, New York and Connecticut; Narraganset Bay, Rhode Island; Buzzards Bay, Massachusetts; Puget Sound, Washington; New York - New Jersey Harbor, New York and New Jersey; Delaware Inland Bays, Delaware; Albemarle Sound, North Carolina; Sarasota Bay, Florida; San Francisco Bay, California; Santa Monica Bay, California; and Galveston Bay, Texas.

(3) Boundary dispute exception. -- In any case in which a boundary between two states passes through an estuary and such boundary is disputed and is the subject of an action in any court, the Administrator shall not convene a Management Conference with respect to such estuary before a final adjudication has been made of such dispute.

(b) Purposes of Conference. -- The purposes of any Management Conference convened with respect to an estuary under this subsection shall be to –

(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 assure 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 program and federal development project in accordance with the requirements of Executive Order 12372, as in effect on September 17, 1983, to determine whether such assistance program or project would be consistent with and further the purposes or objectives of the plan prepared under this section.

For purposes of paragraph (7), such programs and projects shall not be limited to the assistance programs and development projects subject to Executive Order 12372, but may include any programs listed in the most recent catalog of federal Domestic Assistance which may have an effect on the purposes and objectives of the plan developed under this section.

(c) **Members of Conference.** – The members of a Management Conference convened under this section shall include, at a minimum, the Administrator and representatives of –

(1) Each state and foreign nation located in whole or in part in the estuarine zone of the estuary for which the conference is convened;
(2) international, interstate, or regional agencies or entities having jurisdiction over all or a significant part of the estuary;
(3) each interested federal agency, as determined appropriate by the Administrator;
(4) local governments having jurisdiction over any land or water within the estuarine zone, as determined appropriate by the Administrator; and
(5) affected industries, public and private educational institutions, and the general public, as determined appropriate by the Administrator.

(d) **Utilization of Existing Data.** – In developing a conservation and management pl;an under this section, the Management Conference shall survey and utilize existing reports, data, and studies relating to the estuary that have been developed by or made available to federal, interstate, state, and local agencies.

(e) **Period of Conference.** – A Management Conference convened under this section shall be convened for a period not to exceed 5 years. Such conference may be extended by the Administrator, and if terminated after the initial period, may be reconvened by the Administrator at any time thereafter, as may be necessary to meet the requirements of this section.

(f) **Approval and Implementation Plans.** –

(1) Approval. – Not later than 120 days after the completion of a conservation and management plan and after providing for public review and comment, the Administrator shall approve such plan if the plan meets the requirements of this section and the affected Governor or Governors concur.

(2) Implementation. – Upon approval of a conservation and management plan under this section, such plan shall be implemented. Funds authorized to be appropriated under title II and VI and section 319 of this Act may be used in accordance with the applicable requirements of this Act to assist states with the implementation of such plan.

(g) **Grants.** –

(1) Recipients. -- The Administrator is authorized to make grants to state, interstate, and regional water pollution control agencies and entities, state coastal zone management agencies, interstate agencies, and other public or nonprofit private agencies, institutions, organizations, and individuals.

(2) Purposes. – Grants under this subsection shall be made to pay for assisting research, surveys, studies, and modeling and other technical work necessary for the development of a conservation and management plan under this section.

(3) federal Share. – The amount of grants to any person (including a state, interstate, or regional agency or entity) under this subsection for a fiscal year shall not exceed 75 percent of the costs of such research, survey, studies, and work and shall be made on condition the the non-federal share of such costs are provided from non-federal sources.

(h) **Grant Reporting.** – Any person (including a state, interstate, or regional agency or entity) that receives a grant under subsection (g) shall report to the Administrator not later than 18 months after receipt of such grant and biennially thereafter on the progress being made under this section.

(i) **Authorization of Appropriations.** -- There are authorized to be appropriated to the Administrator not to exceed $12,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991 *for* –

(1) expenses related to the administration of Management Conferences under this section, not to exceed 10 percent of the amount appropriated under this subsection;

(2) making grants under subsection (g); and

(3) monitoring the implementation of a conservation and management plan by the Management Conference or by the Administrator, in any case in which the conference has been terminated.

The Administrator shall provide up to $5,000,000 per fiscal year of the sums authorized to be appropriated under this subsection to the Administrator of the National Oceanic and Atmospheric Administration to carry out subsection (j).

(j) **Research.** --

(1) Programs. – In order to determine the need to convene a Management Conference under this section or at the request of such a Management Conference, the Administrator shall coordinate and implement, through the National Marine Pollution Program Office and the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration, as appropriate, for one or more estuarine zones –

(A) a long-term program of trend assessment monitoring measuring variations in pollutant concentrations, marine ecology, and other physical or biological environmental parameters which may affect estuarine zones, to provide the Administrator the capacity to determine the potential and actual effects of alternative management strategies and measures;

(B) a program of ecosystem assessment assisting in the development of (i) baseline studies which determine the state of estuarine zones and the effects of natural and anthropogenic changes, and (ii) predictive models capable of translating information on specific dischargers or general pollutant loadings within estuarine zones into a set of probable effects on such zones;

(C) a comprehensive water quality sampling program for the continuous monitoring off nutrients, chlorine, acid precipitation dissolved oxygen, and potentially toxic pollutants (including organic chemicals and metals) in estuarine zones, after consultation with interested state, local, interstate, or international agencies and review and analysis of all environmental sampling data presently collected from estuarine zones; and

(D) a program of research to identify the movements of nutrients, sediments and pollutants through estuarine zones and the impact of nutrients, sediments, and pollutants on water quality, the ecosystem, and designated or potential uses of the estuarine zones.

(2) Reports. -- The administrator, in cooperation with the Administrator of the National Oceanic and Atmospheric Administration, shall submit to the Congress no less often than biennially a comprehensive report on the activities authorized under this subsection including --

(A) a listing of priority monitoring and research needs;

(B) an assessment of the state and health of the Nation's estuarine zones, to the extent evaluated under this subsection;

(C) a discussion of pollution problems and trends in pollutant concentrations with a direct or indirect effect on water quality, the ecosystem, and designated or potential uses of each estuarine zone, to the extent evaluated under this subsection; and

(D) an evaluation of pollution abatement activities and management measures so far implemented to determine the degree of improvement toward the objectives expressed in subsection (b)(4) of this section.

(k) **Definitions.** -- For purposes of this section, the terms "estuary" and "estuarine zone" have the meanings such terms have in section 104(n)(4) of this Act, except that the term "estuarine zone" shall also include associated aquatic ecosystems and those portions of tributaries draining into the estuary up to the historic height of migration of anadromous fish or the historic head of tidal influence, whichever is higher.

APPENDIX B

CCMP Approval Checklist

CCMP Review

I. MANAGEMENT CONFERENCE MEMBERSHIP LIST

Present ☐ Absent ☐

Comments: _____

Rating (Circle one) : Excellent Adequate Unsatisfactory

II. STATEMENT OF PRIORITY PROBLEMS

Present ☐ Absent ☐

Comments: _____

Rating (Circle one) : Excellent Adequate Unsatisfactory

CCMP Review

III. IDENTIFIED ENVIRONMENTAL QUALITY GOALS AND OBJECTIVES	Present	Absent
	☐	☐

Comments:

Rating (Circle one) : **Excellent** **Adequate** **Unsatisfactory**

CCMP Review

	Present	Absent
IV. PLAIN ENGLISH SUMMARY OF CHARACTERIZATION FINDINGS TO INCLUDE:		
■ Status and Trends - *Water Quality* - *Natural Resources* - *Uses of Estuary*	☐	☐
■ Probable Causes of Environmental Problems *Data on:* - *Toxics* - *Nutrients* - *Natural Resources*	☐	☐
■ Linkages between pollutant loadings and changes in the estuary's water quality, uses, and natural resources	☐	☐

Comments: _____

Rating (Circle one) : **Excellent** **Adequate** **Unsatisfactory**

CCMP Review

	Present	Absent
V. BASE PROGRAM ANALYSIS TO INCLUDE:		
■ A description of the existing regulatory and institutional framework	☐	☐
■ An evaluation of the effectiveness of the framework	☐	☐
■ Recommendations for addressing gaps and expanding strengths	☐	☐

Comments:

Rating (Circle one) : Excellent Adequate Unsatisfactory

CCMP Review

	Present	Absent
VI. ACTION PLANS MUST:		
■ State the problem, identifying the probable causes and sources.	☐	☐
■ State the program goals related to the problem, source, or cause.	☐	☐
■ Set specific objectives to attain the goals.	☐	☐
■ Determine the universe of possible management activities, both new and existing, for consideration.	☐	☐
■ Select the activity that will work, that the public will support, and that can be implemented within reasonable time and resources.	☐	☐
■ Recommend specific priority corrective actions (action plans) needed to abate and control the problem or protect the resource. Each action plan addresses:		
• *WHO: Identify who will act, pay, and enforce; spell out roles and resource commitments for each participating agency, institution, and enterprise.*	☐	☐
• *WHAT: Describe what will be done. For example, specify numerically based load reductions and use designations in this location; describe what specific activities are necessary to reach them.*	☐	☐
• *WHERE: Describe the location this action will affect.*	☐	☐
• *WHEN: Include timetable for implementation.*	☐	☐
• *HOW: Outline the procedure used to perform this activity.*	☐	☐
• *HOW MUCH: Cost-out the action and identify funding sources.*	☐	☐

CCMP Review

VI. ACTION PLANS MUST (CONTINUED):	Present	Absent
■ Implement and monitor results.	☐	☐
■ Report on progress, costs, and results.	☐	☐
■ Review, re-evaluate, and redirect as needed.	☐	☐

Comments: _____

Rating (Circle one) : **Excellent** **Adequate** **Unsatisfactory**

CCMP Review

VII. FINANCE PLAN AND IMPLEMENTATION STRATEGY	Present	Absent
	☐	☐

Comments:

Rating (Circle one) : **Excellent** **Adequate** **Unsatisfactory**

CCMP Review

VIII. MONITORING PROGRAM PLAN MUST:	Present	Absent
■ Define program objectives and performance criteria (i.e., parameter values needed to guide management decisions).	☐	☐
■ Identify testable hypotheses.	☐	☐
■ Specify monitoring variables, including sampling locations and frequency, field sampling procedures, field and laboratory analytical procedures, quality assurance and control procedures.	☐	☐
■ Specify data management system and statistical test that will be used to analyze the monitoring data.	☐	☐
■ Describe the expected performance of the initial sampling design (i.e., the minimum difference that can be detected in measured variables over time and between locations).	☐	☐
■ Provide a timetable for analyzing data and assessing program performance.	☐	☐

Comments: _____

Rating (Circle one) : **Excellent** **Adequate** **Unsatisfactory**

CCMP Review

IX. FEDERAL CONSISTENCY REPORT:	Present	Absent
■ Inventory of Federal Programs	☐	☐
■ Evaluation/Discussion of Inconsistencies	☐	☐
■ Review Strategy	☐	☐

Comments:

Rating (Circle one) : **Excellent** **Adequate** **Unsatisfactory**

CCMP Review

	Present	Absent
X. SUMMARY OF PUBLIC PARTICIPATION PROGRAM AND PUBLIC REVIEW:		
■ Identification and Discussion of Their Involvement	☐	☐
■ Description of Activities	☐	☐
■ Listing of Public Notifications	☐	☐
■ Responsiveness Summary	☐	☐

Comments: _____

Rating (Circle one) : **Excellent** **Adequate** **Unsatisfactory**

CCMP Review

	Present	Absent
X. PUBLIC REVIEW:		
■ Summary of Response to Public Comments.	☐	☐

Comments:

Rating (Circle one) : **Excellent** **Adequate** **Unsatisfactory**

CCMP Review

SUMMARY SHEET

General Comments: _____

Concur	Concur with Comments	Non-Concur
☐	☐	☐

Reviewer: _____

APPENDIX C

Administrator's Approval Schedule

Schedule for Administrator's Approval of Final CCMPs

The Administrator is obligated to complete his review within 120 days. This schedule provides a general framework for EPA's review of the final CCMP. Extenuating circumstances may alter this schedule for individual CCMP review periods.

Day 0	Administrator receives the final CCMP* (120 day clock begins)
Day 3	Final CCMP goes to EPA's Office of Wetlands, Oceans and Watersheds (OWOW) and the Office of General Counsel (OGC) for review
Day 25	Comments received from OWOW and OGC. Decision package with Action memos prepared for routing to Administrator
Day 30	EPA Region sends CZM consistency determination to the state CZM agency
Day 45	Decision package forwarded to OWOW Director for review
Day 60	Assistant Administrator for Water receives the decision package (briefing for Administrator recommended)
Day 90	Administrator receives the decision package. State CZM Agency agrees/disagrees with EPA Region's consistency determination
Day 120	Administrator's final approval transmitted to Governor(s) and Regional Administrator/Management Conference

* To expedite Agency review, EPA receives 15 copies of the final CCMP and one single-sided, unbound copy should EPA need to make additional copies.

EPA

United States
Environmental Protection
Agency
(WH-556F)
Washington, DC 20460

Official Business
Penalty for Private Use
$300

NOAA COASTAL SERVICES CENTER LIBRARY
3 6668 00004 2236

★ 1992 ★
THE YEAR OF
CLEAN WATER
Celebration & Commitment