



PUBLIC PARTICIPATION STANDARD FOR TMDL PROGRAM



During the autumn of 1998, the Center for the Inland Bays initiated a Tributary Strategy Program. Local stakeholders (industry, agriculture, municipalities, golf courses, citizens, etc.) from the Inland Bays watershed were organized into a “Tributary Action Team” or TAT. The Team created a body responsible for providing guidance and direction to the Center for the Inland Bays in its mission to reduce nutrient contributions and restore habitat in Delaware’s Inland Bays.

THE NATIONAL ESTUARY PROGRAM IN ACTION

Center for the Inland Bays

In January 1999, the Inland Bays TAT became involved in a coordinated effort with the Delaware Department of Natural Resources and Environmental Control (DNREC) to develop Pollution Control Strategies to meet the required Total Maximum Daily Loads (TMDLs) for nitrogen and phosphorus in the Inland Bays. In order to accomplish this, a public engagement model called Public Talk – Real Choices was developed and implemented by the University of Delaware’s Cooperative Extension Agency, which co-facilitated the process with the University’s Sea Grant Marine Advisory Service.

The purpose of Public Talk – Real Choices was to move formula-

tion and creation of a major public policy decision from a public agency (DNREC) to the public for deliberation and dialogue. Using deliberative dialogue as the core, Public Talk went further by engaging the public in learning about the issue, framing it for deliberation, weighing the costs and consequences of choices, coming to public judgment, and making decisions. It was not a model that engaged a small group to simply make recommendations to a public agency that subsequently “sold” the policies to the public via public workshops and public hearings.

“Saving Our Bays: Our Challenge Our Choice” was the focus of a

series of public forums held during the first quarter of 2000. During these forums, the members of the Tributary Action Team engaged stakeholders in the Inland Bays watershed in dialogue and decision-making that assisted the Team with the development of Pollution Control Strategies. To initiate discussion, perspectives on how stakeholders could live with our Bays were presented. These perspectives were introduced in an Issue Book format. The Issue Book provided forum participants with information, facts and figures, as well as choices, costs and consequences for policy options that might reduce nutrient contributions in the watershed. For example, one option suggested an assessment

of impact fees on septic systems; funds generated from this fee could be used to supplement future infrastructure needs, such as the expansion of central sewer districts. All the issues and policy options contained in the Issue Books were contributed and framed by the membership of the Tributary Action Team. After the forums were completed, the TAT considered the public voice and developed specific strategies for submission to the Department of Natural Resources and Environmental Control. The Department used these strategies as the foundation upon which the Pollution Control Strategies for Delaware’s Inland Bays were developed. The TAT continued to consult with the

Department in the process to review and revise the draft Pollution Control Strategies. When the strategies were ready to be introduced to the public, the TAT members co-hosted several workshops in the watershed.

During the workshops, special interest groups objected to a number of recommendations, including the riparian buffer strategy and the proposed septic system regulations. At subsequent public hearings, representatives from these same special interest groups expressed their formal opposition to the proposed Pollution Control Strategies. Incidentally, these same representatives were early participants on the Tributary Action



Team; however, they abandoned the process without offering much input into the development of the PCS. Opposition to the proposed Pollution Control Strategies from these special interest groups continued to grow and the Delaware General Assembly responded by introducing legislation to delay the promulgation of the regulations. Legislation was tabled when the Delaware Department of Natural Resources & Environmental Control committed to meet privately with the special interests, who had orga-

nized a body known as “The Coalition.” The purpose of these closed-door meetings was to craft a revised Pollution Control Strategy that addressed The Coalition’s concerns. An unfortunate outcome of these meetings was a very weak and ineffective buffer component for revised Inland Bays Pollution Control Strategies.

In response, the CIB determined differences in buffer nutrient load reductions between the PCS drafts. Staff compared two sub-

watersheds representing different regions of the Inland Bays watershed using GIS. The analysis demonstrated significant differences in nutrient reductions that were largely due to the rescission of buffers from intermittent waterways in the revised Pollution Control Strategies. Results were published in a “white paper” that was endorsed by the Inland Bays Scientific & Technical Advisory Committee. The Center and the Inland Bays Tributary Action Team then advanced efforts to reinsert a more comprehensive and conservative buffer strategy by offering recommendations for an Inland Bays Watershed Riparian Buffer System. Center staff published these recommendations in a 60-page report that was provided to the Department of Natural Resources & Environmental Control and the members of the Delaware General Assembly. The

CIB’s recommendations were met with favor by the DNREC regulators, who modified the riparian buffer component of the Inland Bays Pollution Control Strategies to better protect water resources.

The process to develop Pollution Control Strategies to meet the established nutrient TMDLs for Delaware’s Inland Bays was a lengthy and contentious process. Throughout the proceedings, the CIB remained adaptive and was responsive to the many challenges that developed. After a decade-long struggle to develop and promulgate the Inland Bays Pollution Control Strategies, Governor Ruth Ann Minner signed the regulations into effect at a ceremony hosted by the Center for the Inland Bays in autumn 2008. The event was attended by the Secretary of DNREC, who commended the work of the In-

land Bays Tributary Action Team and proclaimed it to be an example of success for other Tributary Action Teams in the State of Delaware.

Visit **www.inlandbays.org** to learn more about this and other CIB efforts.

EPA’s National Estuary Program (NEP) is a unique and successful coastal watershed-based program established in 1987 under the Clean Water Act Amendments. The NEP involves the public and collaborates with partners to protect, restore, and maintain the water quality and ecological integrity of 28 estuaries of national significance located in 18 coastal states and Puerto Rico.

For more information about the NEP go to www.epa.gov/owow/estuaries.