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FINAL

CASE STUDIES: ORGANIZATIONAL STRUCTURES RELEVANT TO IMPLEMENTATION OF COMPREHENSIVE CONSERVATION AND MANAGEMENT PLANS

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EXECUTIVE SUMMARY

BACKGROUND

The ultimate success of any National Estuary Program management conference can be measured by implementation of its Comprehensive Conservation and Management Plan (CCMP). Plan implementation requires a clear understanding among all participating entities concerning their responsibilities for actions recommended in the CCMP. Because of the broad scope of environmental problems addressed in the CCMP, it is unlikely that the responsibility for implementation will fall on a single entity or agency. Rather, the mechanisms and authorities for implementation will more likely reside with multiple players. This is especially true in cases where the estuary and its watershed overlap multiple jurisdictions (i.e., towns, cities, counties, states, etc.). For this reason, National Estuary Program management conferences are required to develop a plan for coordinating the implementation of the CCMP among federal, state, and local agencies. The goal of this plan is to institutionalize the recommendations made in the CCMP by identifying the "implementers" and providing a framework for coordinating their efforts. The implementers may include existing agencies and organizations or new entities, as recommended in the CCMP.

PURPOSE OF REPORT

EPA's Oceans and Coastal Protection Division is currently developing guidance to assist National Estuary Program management conferences in planning for the coordination of CCMP implementation and meeting the requirements of the Clean Water Act. In support of that effort, this report was developed as a reference document on the experiences of several existing organizations established to coordinate or oversee implementation of specific environmental management plans. Rather than providing a comprehensive set of recommendations, this report is a first step in identifying key factors that should be considered when developing institutional arrangements for CCMP implementation, based on the experiences of a selected set of existing organizations.

METHODS

The following organizations were selected for analysis in this report in an attempt to provide a diversity of information relevant to the greatest number of National Estuary Programs:

- Buzzards Bay Project: A project office and steering committee charged with overseeing implementation of the approved Buzzards Bay CCMP in Massachusetts.

- Cape Cod Commission: A regional land use regulatory agency for Barnstable County, Massachusetts, and its incorporated municipalities.

- Chesapeake Bay Commission: A legislative Commission serving the three Chesapeake Bay states -- Maryland, Pennsylvania, and Virginia.

- Nisqually River Council: A coordinating body charged with developing and implementing a comprehensive management plan for the three-county Nisqually River watershed in the State of Washington.

- Puget Sound Water Quality Authority: A coordinating organization charged with developing a comprehensive plan for Puget Sound, Washington and overseeing implementation activities in the 12-county region.

- Southwest Florida Water Management District: A regulatory entity responsible for managing water and water-related resources in all or part of 16 Florida counties.

- Tampa Bay Regional Planning Council: A regional planning council established to advise the four county Tampa Bay, Florida region on physical, economic, and social development issues.

A case study approach was used to analyze these organizations, beginning with the collection of written background information, followed by interviews with key individuals who were either directly affiliated, or had experience, with the organizations. Case studies were then developed to summarize factual information such as organizational mandate, geographic scope, implementation authority and mechanisms, focus of implementation, measures of success, methods for coordinating local government implementation efforts, and methods for involving the public. Lessons learned by the interviewees were also summarized for each of the case studies.

RESULTS

Organizational Structure and Participation

The seven case study organizations represent a broad spectrum of considerations in terms of their structures and participants:

- The structure of the current **Buzzards Bay Project** has evolved from the management conference framework used to develop the CCMP. Unlike the other six organizations, where staff offices generally function <u>in support of</u> decision-making bodies, the major oversight effort in the Buzzards Bay Project is focused <u>within</u> the Project's staff office, using the CCMP as the primary source of guidance.

- The structure of the **Cape Cod Commission** is prescribed by state statute, unlike that of the Buzzards Bay Project, and is primarily focused on local government participation. In fact, the Commission goes beyond many of the other six organizations in terms of its inclusiveness of local government; each town within the region has a member on the Commission's board.

- The **Chesapeake Bay Commission** plays a unique role in the implementation process compared with the other six organizations. The structure and makeup of the Commission is focused on a subset of the "stakeholder universe" that is of interest to most of the other six organizations. This focus is at the legislative level of the three participating states, with no local or federal government participation (although citizen representatives are appointed from each state).

- Like the Cape Cod Commission, the structure of the **Nisqually River Council** emphasizes inclusive stakeholder involvement. This level of involvement appears much more easily accomplished in a smaller geographic area, such as the Nisqually River watershed, than in a larger area. Generally speaking, the larger the area, the greater the number of political jurisdictions, and the harder it is to effectively include <u>all</u> stakeholder entities.

- The **Puget Sound Water Quality Authority** also emphasizes stakeholder involvement. In addition, as with all of the case study organizations except the Buzzards Bay Project, there is a clear hierarchy in terms of the roles played by the Authority board and the staff office, with the staff office functioning in a support role to the board.

- The composition of the **Southwest Florida Water Management District** is established by a political appointment system. Because all board members are appointed by the Governor (and confirmed by the state senate), there is at least the perceived potential for skewing the agenda of the District, depending upon the leanings of its members. This approach differs from most of the other organizations studied, where a balanced participation on the governing board is statutorily mandated by a formula.

- The **Tampa Bay Regional Planning Council** represents the largest governing board among the seven case study organizations (38 members). The board is dominated by local government participants (18 municipalities and 4 counties), in keeping with its mission of providing technical assistance and coordinated planning services within the region.

Implementation Authority and Mechanisms

The seven case study organizations can be separated into two distinctive types in terms of the actual authority they possess to influence implementation:

- The first type of organization, which includes the **Buzzards Bay Project, Chesapeake Bay Commission, Nisqually River Council, Puget Sound Water Quality Authority**, and the **Tampa Bay Regional Planning Council**, depends on a coordinating approach to implementation. Stated another way, none of these organizations (including those created by statute) possess any legal authority of their own to <u>require</u> implementation. Instead, these organizations often influence the implementation process through consensus reached among the participating entities. It should be noted that the individual entities that participate in these coordinating structures often include implementing agencies that do have legal authority to require implementation. However, this report is primarily concerned with the authorities of the oversight structures.

- The second type of organization goes well beyond the coordination role described above, possessing independent responsibility for implementing management actions, as well as the legal authority to require their implementation by other entities through regulation. This type of organization includes the **Cape Cod Commission** and the **Southwest Florida Water Management District**. For example, the Southwest Florida Water Management District currently has permitting authority for surface water management projects, such as stormwater management. Therefore, the District has the ability to directly impact these activities in a way that is consistent with its management goals, rather than having to rely on its ability to influence the actions of others. Similarly, the Cape Cod Commission may designate Districts of Critical Planning Concern, and thereby provide direct protection to significant natural and cultural resources. This mechanism is of particular interest, as it ultimately works through local government authorities, as opposed to superseding them. Once a District of Critical Planning Concern is designated by the Commission and approved by Barnstable County, a limited moratorium on development is imposed in the area. The municipality with jurisdiction over the area then develops protective regulations that must be approved by the Commission. Following this approval, the municipality retains authority to regulate development in the area.

Financing

The need for a stable funding source for both administrative costs and "on-the-ground" implementation was emphasized by nearly all of the case study interviewees. With regard to this factor, the most successful of the seven organizations appear to be the **Cape Cod Commission** and the **Southwest Florida Water Management District**. As is typical for many regulatory agencies, both possess the ability to generate their own funds through taxing authority and the collection of permit fees. Among the seven structures studied for

this report, this capability was unique to these two organizations. In the absence of revenue generating mechanisms, direct state appropriation appears to be the next most stable source of funds. However, the continuity of these appropriations is highly influenced by the political environment. For example, the operating budget for the **Puget Sound Water Quality Authority** has been reduced each biennium since 1985, due in large part to overall reductions in the state budget. Other less stable sources of funds for the case study organizations include state and federal grants. In addition, the **Tampa Bay Regional Planning Council** collects annual dues from its membership. However, these funds are used almost exclusively for administrative costs of the Council. Finally, several of the organizations have been successful in "leveraging" their funds by securing matching dollars and in-kind services on a project-by-project basis. For example, the State of Washington's Department of Natural Resources has contributed staff time to the development of a Nisqually Basin Atlas by the **Nisqually River Council**. This is a key factor of note to the National Estuary Programs, since levels of funding required to implement a CCMP in many cases will exceed the actual availability of funds. The ability to increase the impact of available resources by building partnerships ("getting more bang for the buck") will be critical to any institutional arrangement developed to oversee implementation.

Public Involvement

All of the case study organizations accomplish what might be termed a "baseline" level of public involvement. That is to say, at a minimum, all of the organizations function in public forums, providing the public with the opportunity to view and participate in their proceedings. This is typically accomplished through public meetings and hearings, with advance notification of agendas and public distribution of meeting minutes and summaries. Beyond this baseline level of public involvement, the seven organizations share certain other tools:

TOOL	ORGANIZATION
Newsletters	**Cape Cod Commission, Puget Sound Water Quality Authority, Southwest Florida Water Management District**
Citizen Committees	**Buzzards Bay Project, Nisqually River Council, Puget Sound Water Quality Authority, Southwest Florida Water Management District, Tampa Bay Regional Planning Council**
Public Education Materials	**Nisqually River Council, Puget Sound Water Quality Authority**
Telephone Hotline	**Puget Sound Water Quality Authority, Southwest Florida Water Management District**
Workshops	**Chesapeake Bay Commission, Nisqually River Council, Puget Sound Water Quality Authority, Tampa Bay Regional Planning Council**

The role of the public relative to implementation varies from organization to organization. Since approval of the Buzzards Bay CCMP, the **Buzzards Bay Project** has placed minimal effort, as an organization, into public involvement. As regulatory agencies, the **Cape Cod Commission** and the **Southwest Florida Water Management District** respond to a somewhat less flexible pressure to involve the public. Because of the legal nature of their functions (e.g., permit issuance), these agencies must follow standard operating procedures in providing public access to their decisions, usually including public notices, hearings, and comment periods. The **Chesapeake Bay Commission** does not have an ongoing public outreach program of its own. Because of its advisory role within the implementation process, the Commission contributes to the outreach efforts of the larger Chesapeake Bay Program. The **Puget Sound Water Quality Authority** may conduct the most extensive and proactive public outreach program of the seven case study organizations. The stated goal of the outreach program (see Section 3.5) leaves no doubt concerning the important role that the public plays in the implementation process, a role that is partly defined by the nature of the problems being experienced in Puget Sound.

Measures of Success

Demonstrating success is one of the more challenging, yet necessary, aspects of the implementation process. Three basic factors should be carefully considered when addressing the need to demonstrate success. First, a clear and realistic definition of successful implementation should be developed and communicated to all stakeholders. For most implementation oversight organizations, this definition is typically driven by the goals and objectives developed during the planning process. Considered in total, the achievement of these goals and objectives equates to the yardstick that the stakeholders will use to determine if progress is being made during the implementation process. Second, appropriate and measurable indicators should be selected that track with this definition. It should be noted that programmatic indicators (e.g., permits issued) are quite often used systematically in conjunction with environmental indicators (e.g., shellfish areas opened) to measure outcomes of management actions. Third, results should be communicated through avenues and in terms that are meaningful to all stakeholders.

The seven case study organizations address these factors in a variety of ways and to various degrees:

- The **Buzzards Bay Project** focuses primarily on programmatic indicators through an *Environmental Report Card*. These instruments track actions that are implemented at the local level, such as acquisition of open space and establishment of septic system inspection and maintenance programs.

- The **Cape Cod Commission** Regional Policy Plan includes performance standards that are used by the Commission as criteria in reviewing Developments of Regional Impact and proposed development activities in Districts of Critical Planning Concern. However, no post-development monitoring is currently conducted in relation to these activities to determine their effectiveness in meeting the goals of the Regional Policy Plan.

- The **Puget Sound Water Quality Authority** conducts an extensive environmental monitoring program to establish baseline conditions in the Sound and measure changes in those conditions as the Water Quality Management Plan is implemented. However, even with this effort, the Authority has found it difficult to demonstrate to the public, with certainty, that improvements are directly linked to the plan.

- The **Southwest Florida Water Management District** also conducts extensive environmental monitoring, focused primarily on water quality parameters. Water conservation efforts are tracked by measuring reductions in water usage. Various programmatic indicators are also tracked, such as permit violations, through the District's enforcement program.

- The broad mission of regional structures such as the Cape Cod Commission, the Southwest Florida Water Management District, and the **Tampa Bay Regional Planning Council** may make it especially difficult to establish a comprehensive vision for success. Like the Cape Cod Commission, the Tampa Bay Regional Planning Council uses the goals set forth in its regional policy plan to communicate its vision for success. However, these kinds of goals tend to use terms that are very difficult to measure systematically. This is a common dilemma faced by ongoing management programs.

CONCLUSIONS

This report was developed to serve as a reference document on the experiences of the seven case study organizations, rather than comprehensive program guidance on governance requirements. As such, the reader should bear in mind that no one institutional model will necessarily be transferrable to the specific characteristics of another estuary or watershed. Therefore, in developing plans for overseeing CCMP implementation, National Estuary Programs should be aware of the variety of different approaches and identify the solutions that are best suited to their specific needs. In some cases, this will include reliance on existing organizational structures rather than the creation of new oversight entities. In all cases, National Estuary Programs are encouraged to implement CCMPs using existing authorities to the maximum extent possible.

The lessons conveyed by the individual case study interviewees emphasize a number of important themes that should be considered by National Estuary Programs (see Section 3.0 for detailed discussions). The following recommendations were common among several of the interviewees and, therefore, deserve particular attention:

- **Representation**

  Participation in the organizations should focus on those entities that will be expected to play a role in implementing the CCMP. In addition, individuals designated as members of the organization should have the authority to speak for, and commit the actions of, the entity that they represent.

- **Re-education**

  Because of the long-term nature of CCMP implementation, the oversight structure should incorporate an ongoing mechanism for educating new members concerning mission, goals, and progress. This is an important aspect of maintaining momentum over time.

- **Conflicting agendas**

  Because many oversight organizations consist of individuals who represent other entities, there is always the potential for conflicts to arise between the individual priorities of those entities and the goals of the oversight organization. This potential should be recognized when designing an organization, and addressed through mechanisms such as charters, bylaws, or memoranda of understanding that provide a framework for resolving these conflicts.

- **Flexibility/Adaptive management**

  Successful coordination of implementation activities requires recognition of the long-term nature of implementation, and an ability to adjust to new information as it becomes available. Priorities should be expected to change over time, and the oversight structure should be flexible enough to accomodate these changes. The need to add to or modify the participating entities should be addressed.

- **Funding source**

  Consistent, stable, and long-term sources of funding are critical to the viability of any organizational structure. This should be considered in terms of both administrative costs and funds for actual implementation activities.

- **Clear mandate**

  In defining the mission of the oversight organization, it is critical to clearly describe the responsibilities and authorities of that organization in relation to other entities. This can be a complicated issue, particularly under the coordinating approach, where the oversight organization depends on the individual authorities of its members but possesses no actual implementation authority of its own.

Finally, because development of the plan for coordinating CCMP implementation involves numerous and complex issues, the process for developing such a plan should begin early. Reaching agreements on the structure, responsibility, authority, and funding of an oversight organization can require much time and effort, and should be included in the timeline of management plan development. This will allow for a smoother transition from the planning to the implementation phase, and help to maintain momentum.

1.0 INTRODUCTION

Background

The National Estuary Program was established under section 320 of the Water Quality Act of 1987 (amendments to the Clean Water Act) to "identify nationally significant estuaries that are threatened by pollution, development, or overuse; promote comprehensive planning for, and conservation and management of, nationally significant estuaries; encourage the preparation of management plans for estuaries of national significance; and enhance the coordination of estuarine research." Under the National Estuary Program, the Administrator of the U.S. Environmental Protection Agency (EPA) is authorized to convene management conferences to accomplish seven purposes for these nationally significant estuaries:

1. Assess trends in water quality, natural resources, and uses of the estuary.

2. Identify the causes of environmental problems in the estuary.

3. Relate pollutant loads to observed impacts on the uses, water quality, and natural resources of the estuary.

4. Develop a Comprehensive Conservation and Management Plan (CCMP) that recommends priority corrective actions and implementation schedules to address impacts observed in the estuary.

5. Develop a plan for coordinating the implementation of the CCMP among federal, state, and local agencies.

6. Monitor the effectiveness of actions that are implemented under the CCMP.

7. Ensure the consistency of federal assistance and development programs with the CCMP.

A management conference is the organizational umbrella under which each estuary program is conducted, representing a partnership across federal, state, and local levels, and designed to reach consensus on priority problems of the estuary, the causes of those problems, and the actions that must be taken to correct those problems. National Estuary Program management conferences progress through four phases in accomplishing the seven purposes:

Phase 1: Convening the management conference and establishing a structure of committees and procedures for conducting the group's work;

Phase 2: Characterizing the estuary to determine its health, reasons for its decline, and trends for future conditions; assessing the effectiveness of existing efforts to protect the estuary; and defining the highest priority problems to be addressed in the CCMP;

Phase 3: Specifying action plans in the CCMP to address priority problems identified through characterization and public input. The CCMP builds as much as possible on existing state, local, and federal programs; and

Phase 4: Monitoring the implementation of the CCMP, reviewing progress, and redirecting efforts where appropriate.

As the National Estuary Program has evolved, EPA has encouraged management conferences to proceed with the four phases simultaneously as often as possible. This process emphasizes that there often is not a clear line of demarcation between development and implementation of a management plan for a watershed; rather, the two usually build on each other. For example, early results of characterization (Phase 2) may indicate obvious management actions prior to completion of the CCMP. National Estuary Program participants are encouraged to take early action where solutions are already possible. In these cases, early implementation of management recommendations can proceed using funds other than those available under Section 320. EPA has found this concurrent approach so effective that the Agency has based selection of new estuaries on their ability to streamline the National Estuary Program phases, focusing on estuaries where:

- Significant problem characterization is complete;
- A management framework analogous to a management conference already exists; and
- Key state and local agencies have already committed to participate in and support the NEP process.

Purpose of Report

The ultimate success of any National Estuary Program management conference can be measured by implementation of its CCMP. Plan implementation will require a clear understanding among all participating parties concerning their responsibilities for actions recommended in the CCMP. Because of the broad scope of environmental problems that will be addressed in the CCMP, it is unlikely that the responsibility for implementation will fall on a single entity or agency. Rather, the mechanisms and authorities for implementation will more likely reside with multiple players. This will be especially true in cases where the estuary and its watershed overlap multiple jurisdictions (i.e., towns, cities, counties, states, etc.). For this reason, Purpose 5 requires the development of a plan for coordinating the implementation of the CCMP among federal, state, and local agencies. The goal of this plan is to institutionalize the recommendations made in the CCMP by identifying the

"implementers" and providing a framework for coordinating their efforts. The implementers may include existing agencies and organizations or new entities, as recommended in the CCMP.

EPA's Oceans and Coastal Protection Division is currently developing guidance to assist National Estuary Program management conferences in planning for the coordination of CCMP implementation and meeting the requirements of Purpose 5. In support of that effort, this report was developed as a reference document on the experiences of several existing organizations established to coordinate or oversee implementation of specific environmental management plans. Rather than providing a comprehensive set of recommendations, the report is a first step in identifying key factors that should be considered when developing institutional arrangements for CCMP implementation based on the experiences of selected organizations. It should be emphasized that this report is primarily concerned with organizations responsible for coordinating or overseeing implementation, rather than implementation *per se*. However, as will be seen, these coordinating organizations may include representation by implementing agencies. A case study approach was used to analyze these organizations, following the methods described below.

2.0 METHODS

In selecting the case study organizations for this report, an attempt was made to reflect the wide range of variables that define the estuaries included in the National Estuary Program. To accomplish this, the following selection criteria were used:

- **Management Phase:** The selected organizations should already be into the implementation phase, rather than the characterization or plan development phases.

- **Geographic Area:** The range of case study organizations should cover small and large geographic areas.

- **State Participation:** The range of case study organizations should include single-state participation as well as multi-state participation.

- **Mode of Establishment:** The range of case study organizations should include those created by statutory mandate as well as through informal, interorganizational agreements.

- **Implementation Tools:** The range of case study organizations should include those that possess regulatory authority as well as those that rely on voluntary, nonregulatory types of tools. Please note that this criterion did not exclude those organizations that employ a mix of both regulatory and nonregulatory tools, nor was it intended to imply that the two types of tools were mutually exclusive.

The objective of using these variables as criteria for selecting the case studies was to allow the collection of information that was relevant to the greatest number of National Estuary Programs. This mix of variables also allowed for the selection of organizations that ranged from strictly coordinating entities to those that possessed actual implementation authority. Using the selection criteria as a guide, the following seven organizations were chosen for analysis during development of this report:

- **Buzzards Bay Project:** A project office and steering committee charged with overseeing implementation of the approved Buzzards Bay CCMP in Massachusetts.

- **Cape Cod Commission:** A regional land use regulatory agency for Barnstable County, Massachusetts, and its incorporated municipalities.

- **Chesapeake Bay Commission:** A legislative Commission serving the three Chesapeake Bay states -- Maryland, Pennsylvania, and Virginia. Selected for its specialized focus on legislative issues, the Chesapeake Bay Commission plays a somewhat different role in the implementation process than that of the other six organizations.

- **Nisqually River Council:** A coordinating body charged with developing and implementing a comprehensive management plan for the three-county Nisqually River watershed in the State of Washington.

- **Puget Sound Water Quality Authority:** A coordinating organization charged with developing a comprehensive plan for Puget Sound, Washington and overseeing implementation activities in the 12-county region.

- **Southwest Florida Water Management District:** A regulatory entity responsible for managing water and water-related resources in all or part of 16 Florida counties.

- **Tampa Bay Regional Planning Council:** A regional planning council established to advise the four-county Tampa Bay, Florida region on physical, economic, and social development issues.

Once the seven case study organizations were selected, the approach for gathering information for this report included use of a template consisting of standardized categories of information. The template was used during interviews with key individuals who were either directly affiliated with each of the case study organizations or had experience with those organizations (Appendix A). Following the collection and review of written materials and information provided by the interviewees, drafts of the case studies were developed and distributed to all interviewees for review, and comments were incorporated. The case study results were then synthesized and key factors deemed relevant to National Estuary Programs were identified.

The results of the case study analyses are presented in the remainder of this report. Section 3.0 presents the following factual information for each of the case study organizations:

- **Organizational Mandate:** What is the overall mission of the organization and where does that mandate come (e.g., enabling legislation, etc.)?

- **Geographic Scope:** Over what geographic area does the organization have jurisdiction?

- **Organizational Structure:** What are the component parts of the organization, what are their functions, and how do they relate to one another?

- **Implementation Authority and Mechanisms:** What powers or functions (e.g., permitting, public education, etc.) does the organization have? What methods does the organization use to ensure that commitments/recommendations made by entities in the planning document are actually implemented?

- **Funding:** What is the annual budget of the organization, and from where does this funding come? Does the organization have authority to generate funds for the purpose of implementation and, if so, what are those authorities?

- **Accountability:** To whom is the organization accountable (i.e., who do they report to) and what are the mechanisms used to meet this requirement (e.g., annual reports, public meetings, etc.)?

- **Focus of Implementation:** What is the organization implementing (i.e., is there a management plan in place?)?

- **Measures of Success:** What programmatic indicators does the organization use to measure success relative to its mandate, and how are these indicators measured?

- **Methods for Coordinating Local Government Implementation Efforts:** To what extent, and how, does the organization coordinate with local governments during implementation?

- **Methods for Involving the Public:** To what extent, and how, does the organization involve the general public during implementation?

- **Linkage to State Coastal Zone Management (CZM) Program:** Is there a defined linkage with the state's CZM program, and if so, what role does CZM play with respect to implementation?

- **Relevance of (and Methods for Addressing) Federal Consistency:** Does the organization have responsibilities with respect to ensuring consistency between its mandate and federal programs and projects in the area and, if so, what is that role?

Section 3.0 also presents "lessons learned" that were conveyed by the interviewees concerning their experiences with the case study organizations. These lessons provide valuable insights from individuals who are involved in the implementation phase.

Finally, Section 4.0 provides a cross-cutting analysis of the case studies, summarizing for each of the factors listed above the key institutional factors and lessons learned from each of the case studies and the significance of these experiences for National Estuary Programs developing plans to oversee CCMP implementation.

3.0 CASE STUDIES

3.1 Buzzards Bay Project

Organizational Mandate:

In 1985, the Congress of the United States directed the U.S. Environmental Protection Agency (EPA) to conduct studies in Buzzards Bay, as well as Narragansett Bay, Long Island Sound, and Puget Sound, to determine the extent and cause of environmental problems being experienced in these waterbodies. In response, EPA initiated the Buzzards Bay Project in cooperation with the Massachusetts Executive Office of Environmental Affairs. In 1987, Buzzards Bay was designated an "estuary of national significance" under Section 320 of the federal Clean Water Act (National Estuary Program/NEP). Under the National Estuary Program, a management conference was convened for Buzzards Bay, in 1988, to develop a CCMP, recommending corrective actions necessary to address priority environmental problems. Since approval of the Buzzards Bay CCMP by the EPA Administrator in 1992, the responsibility for overseeing CCMP implementation has been assumed by the Buzzards Bay Project Office in conjunction with an implementation steering committee.

Geographic Scope:

The area addressed by the Buzzards Bay CCMP is located between the western-most part of Cape Cod, Massachusetts, and the Elizabeth Islands. The Buzzards Bay coastline is over 470 km, with a drainage basin of approximately 1120 km^2. This drainage basin includes all or part of 17 Massachusetts municipalities and a population of approximately 236,000.

Organizational Structure:

The management conference established to develop the Buzzards Bay CCMP ultimately consisted of the following five committees:

- **Policy Committee:** Set overall policy of the Buzzards Bay Project and ensured coordinated federal and Commonwealth effort (EPA Region 1 Administrator, Secretary of Massachusetts Executive Office of Environmental Affairs).

- **Management Committee:** Directed program activities, including formulation of long-term strategy and development of annual work plans for CCMP development projects (representatives from Commonwealth and federal agencies, regional planning commissions, local government, and the public).

- **Technical Advisory Committee:** Provided a forum for scientific input and advice on issues related to Buzzards Bay (representatives of academic institutions and Commonwealth and federal agencies active in research, monitoring, and resource assessment).

- **Management Plan Advisory Committee:** Assisted with the development of the CCMP (administrators and policy specialists from local, state, and federal agencies and academia). This committee was dissolved after the first draft CCMP was released in 1990.

- **Buzzards Bay Advisory Committee:** Facilitated regional communication and cooperation among municipal agencies in the Buzzards Bay watershed (local government officials). In 1987, what was then known as the Citizen Advisory Committee reorganized into two separate entities: the Buzzards Bay Advisory Committee and the Coalition for Buzzards Bay (the former has since become the Buzzards Bay Action Committee(BBAC); the latter is a non-profit citizen's advocacy group).

As was noted previously, since 1992, day-to-day oversight of CCMP implementation has been assumed by the Buzzards Bay Project Office. This staff office consists of a Project Manager and approximately 10 staff who are employees of the Massachusetts Coastal Zone Management Office or detailees from various Commonwealth and federal agencies. The Project Office staff include specialists in virtually all technical issues involved in implementing the Buzzards Bay CCMP.

The Buzzards Bay Project Office receives policy level guidance from a Buzzards Bay Steering Committee, which represents a scaled-down version of the former Buzzards Bay Management Committee. Participation on the Steering Committee has been by those entities that have had the strongest involvement with the Buzzards Bay Project since its inception and now have the greatest commitment to implementation. As such, representation on the Committee currently includes EPA Region 1, the Massachusetts Coastal Zone Management Office (housed within Executive Office of Environmental Affairs), the Southeastern Regional Planning and Economic Development District, the Buzzards Bay Action Committee (representing the 17 municipalities), and the Coalition for Buzzards Bay. There is no formal charter for the Steering Committee, and no guidelines exist concerning the long-term makeup of the Committee. There is potential for expanding or modifying Steering Committee participation in the future, as appropriate, to suit the needs of CCMP implementation.

Authority:

The entities represented on the Buzzards Bay Steering Committee possess individual authorities that can be brought to bear to enhance CCMP implementation. However, the Steering Committee as a whole has no special authorities, aside from providing periodic direction to the Project Office staff, as well as approving the annual work plan and budget

developed by the Project Office for conducting implementation activities. The purpose of the Steering Committee is to provide a forum within which implementation issues can be addressed as they arise, using the combined authorities of the participating organizations. Individuals interviewed for this case study are satisfied that this model works well for the Buzzards Bay Project, preferring to capitalize on existing authorities rather than create a new level of governance. In addition, this model is consistent with the underlying implementation philosophy of the Buzzards Bay CCMP: that "[t]he future of Buzzards Bay rests with the communities and their ability to control the quality of their environment." The strong role local government plays in implementing the Buzzards Bay CCMP is discussed in greater detail later in this case study.

To the extent possible, the Buzzards Bay Project secured written commitments to implement the CCMP action plans from the identified lead agencies and entities. These commitments include letters from the Commonwealth's Department of Environmental Protection, Coastal Zone Management Office, and Division of Marine Fisheries; the Region 1 Office of the U.S. Environmental Protection Agency; the New England Division, Army Corps of Engineers; and the Southeastern Regional Planning and Economic Development Council. In addition, the members of the BBAC signed a resolution re-affirming the commitments made in the Buzzards Bay Action Compact. All of these written commitments were incorporated as part of the CCMP.

Since securing these commitments, the Buzzards Bay Project Office has maintained responsibility for incorporating them into the federal and state budget planning process through development and approval of the annual work plan. In addition, the BBAC attempts to focus continuing attention on municipal commitments, with varying degrees of success. There continue to be occasional conflicts between the overall goals of the Buzzards Bay Project and the priorities of the individual cities and towns represented on the BBAC. These conflicts are not easily resolved, and often challenge the authority of the BBAC to move beyond its coordinating function.

Funding:

As an entity, the Buzzards Bay Project does not have authority to generate implementation funds. The primary source of funding for the Buzzards Bay Project has been Section 320 of the Clean Water Act (National Estuary Program). As with all National Estuary Programs, annual funding for the Buzzards Bay Project must meet a 3:1 federal/non-federal match ratio. Through 1991, the year the Buzzards Bay CCMP was completed, federal funds ranged from $200,000 to $607,000 per year and were devoted to activities necessary to support development of the CCMP. These activities included studies to characterize the nature and extent of environmental problems, as well as development of appropriate management actions to address them. Since the CCMP has been approved, the Project has received approximately $200,000 per year in funds under section 320 of the Clean Water Act for activities necessary to monitor the implementation of the CCMP. These resources are in addition to staff full time equivalents dedicated to the Project by the

participating agencies. Activities eligible for post-CCMP support include oversight, tracking, and facilitation of implementation commitments, and preparation of progress reports; evaluation of monitoring data; communication of implementation results to the public; and modifications to the environmental monitoring program. The federal resources are allocated to EPA Region 1, which in turn awards cooperative agreements to the Commonwealth of Massachusetts (Coastal Zone Management Office), the Coalition for Buzzards Bay, and the Buzzards Bay Action Committee. An annual work plan is developed by the Project Office, and approved by the Steering Committee. It is anticipated that federal funding will continue through 1995.

In addition, the Project has been fairly successful in acquiring available federal grant resources, such as from EPA's Office of Prevention, Pesticides, and Toxic Substances; Clean Water Act Section 104 (Pollution Research Grants); and Clean Water Act Section 319 (Nonpoint Source Grants). The Project has also been successful in securing a portion of the Commonwealth's transportation bond that would generate funds to address stormwater runoff. The Buzzards Bay Action Committee has taken the lead on several budget initiatives at the state level geared toward developing implementation funds, including a proposed betterment bill tied to the Commonwealth's sanitary waste code, and a proposed boat excise tax.

Accountability:

Members of the Buzzards Bay Steering Committee are primarily accountable to the individual entities and agencies that they represent. Because Committee participation transcends federal, Commonwealth, local government, and public lines, there is no single reporting line for the Committee as a whole. The Project Office is accountable to the Steering Committee, but individual staff also maintain accountability to their home agencies. The potential for conflict that this dual accountability might pose has been avoided through a strong commitment by the individual agencies that Buzzards Bay priorities come first, particularly for the Project Office staff. Any issues concerning these priorities are resolved during development and approval of the annual work plan.

Focus of Implementation:

The CCMP being implemented by the Buzzards Bay Project is the product of six years of technical studies aimed at determining the nature and extent of environmental problems in Buzzards Bay, as well as the causes of those problems. In addition, working through the management conference framework described previously, the Project identified possible solutions to those problems. Therefore, the CCMP serves as a blueprint of corrective actions in the Bay.

The Buzzards Bay CCMP identifies three priority problems:

- Health risks from pathogens associated with the improper treatment or disposal of human wastes, and the subsequent closure of shellfish beds;

- Excessive nutrient inputs to the Bay, and their potential for causing water quality degradation and loss of habitat; and

- Contamination of fish, shellfish, and lobsters by toxic substances such as trace metals, hydrocarbons, pesticides, and polychlorinated biphenyls (PCBs).

To address these problems, the CCMP presents action plans that focus on 11 issue areas: managing nitrogen-sensitive embayments, protecting and enhancing shellfish resources, controlling stormwater runoff, managing sanitary wastes from boats, managing on-site septic systems, preventing oil pollution, protecting wetlands and coastal habitat, planning for a shifting shoreline, managing sewage treatment facilities, reducing toxic pollution, and managing dredging and dredged material disposal.

In addition, the CCMP provides recommendations to address unique problems being experienced in the vicinity of the City of New Bedford (e.g., Superfund site, New Bedford Wastewater Treatment Plant, combined sewer overflows), as well as options for managing land use in the Buzzards Bay watershed.

Each action plan defines the specific problem to be addressed; provides background information on that problem; identifies major issues or assumptions associated with the action plan; establishes a goal and objectives to be achieved; identifies specific actions that will be taken to achieve the goals and objectives, as well as the agencies responsible for those commitments; and recommends other actions that should be taken to achieve the goals and objectives. Cost estimates for implementing several of the action plans, along with funding options, are included in a second volume to the CCMP. A monitoring plan also accompanies the CCMP as a third volume.

Measures of Success:

For the past six years, the Coalition for Buzzards Bay (Coalition) has tracked progress toward improvement in the quality of Buzzards Bay through an *Environmental Report Card* process, essentially "grading" the Buzzards Bay watershed towns on their efforts. This process has included use of a questionnaire that is filled out by the towns, followed by interviews by the Coalition, and synthesis of the compiled information. In the past, grades were developed for each of the relevant boards within each town (e.g., Planning Board, Board of Health, Conservation Commission, etc.). The results of the report cards are made public at an annual press conference.

Beginning with the 1993 process (initiated in January 1994), the report cards will be developed to more closely track implementation of the CCMP by organizing the questionnaire according to the 11 action plans. In addition, a single grade will be issued to

each town, rather than board-specific grades. Three different questionnaires will be used to make the process more relevant to Coastal, Inland, and New Bedford issues. Example questions include:

Controlling Stormwater Runoff

- What actions has the town taken through preventative maintenance programs such as cleaning of catch basins to reduce the impacts of stormwater pollution?

Managing On-Site Wastewater Disposal Systems

- Do the town's septic system regulations establish a setback distance between septic systems and surface waters and wetlands or require adjustments to the system design and application rate to ensure viral removal in environmentally sensitive areas?

Protecting and Enhancing Shellfish Resources

- Have any acres of shellfish beds been closed this year due to pollution? Have any shellfish beds been opened this year due to pollution mitigation efforts?

As might be expected, reactions to the *Environmental Report Cards* are mixed. Those towns that receive good grades generally react favorably to the process, while those that receive bad grades often react negatively. There appears to be a general sense that, because the annual grades are publicized broadly, the process has instilled a certain degree of competition among the towns to achieve environmental improvement. The report cards have also helped to raise the awareness of the general public concerning CCMP implementation.

Methods for Coordinating Local Government Implementation Efforts:

As was noted previously, implementation of the Buzzards Bay CCMP relies heavily on local governments in the watershed. This critical role of local governments stems from the legislated tradition of "home rule" in the Commonwealth of Massachusetts, which places them in the best position to address the nonpoint sources of pollution that are the causes of many of the problems in the watershed. In 1987, what was then known as the Citizen Advisory Committee of the Buzzards Bay Project reorganized into two separate entities: the Buzzards Bay Advisory Committee and the Coalition for Buzzards Bay. The Buzzards Bay Advisory Committee, consisting of representatives of 12 of the Buzzards Bay watershed communities, was formed in recognition of the special role of local governments in the Buzzards Bay watershed, as well as the need to coordinate the activities of these communities in protecting the resource.

In 1990, the Buzzards Bay Advisory Committee became the Buzzards Bay Action Committee to emphasize the lead role that these communities would play during CCMP implementation, and an Executive Director was hired to coordinate the day-to-day activities of the Buzzards Bay Action Committee. One of the first achievements of the Buzzards Bay Action Committee was the signing of the Buzzards Bay Action Compact by the 12 member communities. In signing the Compact, these communities agreed to review and update town by-laws and regulations to voluntarily facilitate implementation of the action plans included in the CCMP. Formation of the Buzzards Bay Action Committee and signing of the Compact is viewed as a major accomplishment in an area with such a strong tradition of home rule.

Under Articles of Organization filed with the Commonwealth, the Buzzards Bay Action Committee was incorporated in 1991. Under these Articles, the purpose of the Buzzards Bay Action Committee is to "facilitate regional communication and cooperation among municipal, state, and federal agencies concerned with the management of Buzzards Bay and its watershed by discussing water quality concerns in their communities." In addition, the Buzzards Bay Action Committee is charged with the following:

- Taking advantage of technical assistance provided to local boards and commissions by the Buzzards Bay Project;
- Assisting Buzzards Bay communities in identifying public and private funds for pollution control projects;
- Serving as an advocate for continued funding for water quality projects in Buzzards Bay; and
- Providing a coordinating mechanism among the Buzzards Bay communities.

Each of the 17 cities and towns within the Buzzards Bay watershed may designate a member to the Buzzards Bay Action Committee. In addition, the executive boards of the Southeast Regional Planning and Economic Development District, the Coalition for Buzzards Bay, and the Cape Cod Commission each may also designate a member to the BBAC. The Buzzards Bay Action Committee is governed by a Board of Directors selected by the members, with a Chairman presiding over the Board. In addition, the officers of the Committee include a President, Executive Vice President, Treasurer, and Clerk, and are elected annually.

The Buzzards Bay Action Committee is viewed as a success in establishing a coordination mechanism among the Buzzards Bay cities and towns. For example, a mutual aid pact for oil spill response has been agreed to by the member communities of the Buzzards Bay Action Committee. The pact establishes a Buzzards Bay Regional Response

Team, as well as standard operating procedures by which a municipality can request assistance from a neighboring municipality to address an oil spill. The pact addresses procedures for activating the Team, roles of Team members, and training requirements.

There has been some concern expressed regarding the designation of representatives to the Buzzards Bay Action Committee. Specifically, because the governance of a single town in Massachusetts often resides with multiple boards and commissions, it can be difficult to ensure the ability of a single representative to speak for that town. Therefore, this role requires that much time be allotted to inter-board communications, often adding to an already burdensome workload at the local level. The establishment of smaller committees of the Buzzards Bay Action Committee (e.g., representatives of Boards of Health) has been suggested as a possible means to address this problem. Turn-over within local boards and commissions also creates a need for continuing education concerning the goals and objectives of both the Buzzards Bay Action Committee and the Buzzards Bay Project. To address this need, the Buzzards Bay Action Committee provides an annual report to all member cities and towns, and the Executive Director attempts to attend Boards of Selectmen meetings on a monthly basis to solicit input. Locating sources of implementation funds is cited as a continuing challenge for the Buzzards Bay Action Committee.

Methods for Involving the Public:

Prior to completion of the CCMP, public outreach efforts on behalf of the Buzzards Bay Project originated from three sources: the Lloyd Center for Environmental Studies (under contract with the Buzzards Bay Project), the Citizen's Advisory Committee, and the Buzzards Bay Project Office. These activities included production and distribution of quarterly newsletters (by the Lloyd Center prior to 1991, by the Project Office after 1991), conducting public events and workshops, and developing a Buzzards Bay school curriculum. In 1987, the Coalition for Buzzards Bay was established as an independent nonprofit, tax-exempt organization to play a Bay-wide advocacy role on behalf of the public.

Since completion of the CCMP, the Coalition for Buzzards Bay has continued to play an advocacy role in the Bay area. In addition to ongoing public education activities, the Coalition monitors local boards and commissions concerning Buzzards Bay restoration and protection efforts, attending board meetings and developing the annual Buzzards Bay *Environmental Report Cards* that were previously cited. The Coalition produces and distributes a regular newsletter on the Bay, which is independent of the Buzzards Bay Project Office.

Linkage to State Coastal Zone Management Program:

Since its inception, the Buzzards Bay Project has been administered through the Massachusetts Coastal Zone Management Office, creating a strong link between the goals of the Project and those of the Massachusetts Coastal Zone Management Program. A primary implementation mechanism recommended in the CCMP was incorporation of its action plans

into the Commonwealth's Coastal Zone Management Plan. New Coastal Zone Management Plan regulatory policies were to be drafted that were specific to Buzzards Bay, along with "nonenforceable" policies. The CCMP also established the Massachusetts Coastal Zone Management review process as the preferred mechanism for reviewing federal actions for consistency with the CCMP.

The process of incorporating the CCMP into the Coastal Zone Management Plan has progressed slowly, with most of the emphasis to date for CCMP implementation focused at the municipal level. One reason cited for the lack of progress in this area has been the change in personnel within the Massachusetts Coastal Zone Program Office since the CCMP was completed. However, "institutionalizing" the CCMP as part of the Coastal Zone Management Plan is still viewed as an important mechanism for ensuring that the goals of the Buzzards Bay Project live on, creating a formal link between state and local commitments to take action in Buzzards Bay.

Relevance of (and Methods for Addressing) Federal Consistency:

As was previously noted, the Massachusetts Coastal Zone Management review process provides the mechanism for reviewing federal actions for consistency with the CCMP. The regional coordinator for this review is located in the Buzzards Bay Project Office in Marion, Massachusetts, ensuring ready access.

Lessons Learned:

All parties interviewed for this case study believe that the organizational model being used to implement the Buzzards Bay CCMP works well for that situation. Three years after approval of the CCMP, there continues to be strong sentiment for working within existing authorities and against creating another layer of government.

Based on the Buzzards Bay Project experience, interviewees suggested that the following issues be considered when developing organizational strategies:

1. Representation within the organizational structure

   The organizational structure should focus on those entities that will play a role in implementation. In addition, entities participating within the organizational structure should assign representatives with authority to speak for that entity. As has been noted in this case study, a clear understanding of the organizational structures of the participating entities (e.g., multiple boards and commissions for a single town) can help determine the best mechanism for ensuring equitable representation.

2. Continuing process of re-education

   Over the long term, new individuals will more than likely become active in the organizational structure, either as other individuals move on or as the agendas of the participating entities evolve. For this reason, some consideration should be given to bringing these new individuals "up to speed" in a way that avoids losing momentum.

3. Competition for the public's attention

   Given the current economic climate in the United States, it should not be assumed that CCMP implementation will be unanimously embraced. Decisions concerning the expenditure of public resources will always be considered in terms of competing social needs. Environmental protection is only one of those needs. Therefore, any organizational structure should strive to include individuals who can influence public opinion in support of the goals of implementation.

4. Conflicts with the agendas of individual entities

   There currently is no centralized authority within the Buzzards Bay Project for mandating the implementation of commitments made in the CCMP. A consensus approach has been used to date and, for the most part, has worked. However, there are times when the participating entities respond to their individual priorities rather than to those of the Project. In these cases, the Project has no real way of impacting those priorities if the consensus approach does not work. However, suggestions concerning the investment of stronger authority in a single entity to influence the actions of others raise obvious concerns over potential conflicts with existing authorities (e.g., local governments). No solution to this dilemma has been identified by the Buzzards Bay Project but, as has been stated, participants remain committed to working through existing authorities.

5. State and federal agencies as partners

   Even in a program that is as dependent on local authorities as the Buzzards Bay Project, interviewees stressed the need to ensure that relevant state and federal agencies remain as partners during the implementation process. Financial resources that may be available from these levels, as well as their ability to play a coordination role from a watershed perspective, are seen as key elements for successful implementation.

6. Local governments as part of a larger system

Interviewees suggested that the Buzzards Bay Project has demonstrated that it is possible to motivate what are, at times, disparate local interests toward a common goal. Achieving agreement among the 17 Buzzards Bay communities to coordinate their efforts in a state with such a strong home rule tradition is seen as a major success of the Project, and one that suggests that similar coordination should be possible elsewhere.

3.2 Cape Cod Commission

Organizational Mandate:

The Cape Cod Commission is a regional commission empowered by the Cape Cod Commission Act under the laws of the Commonwealth of Massachusetts. The Commission was formally approved as the regional land use regulatory agency for Barnstable County and its incorporated municipalities in 1990. Prior to that time, it had operated as a regional planning and advisory agency.

The Commission is charged with three responsibilities: 1) regulatory control of Developments of Regional Impact and Districts of Critical Planning Concern; 2) comprehensive planning services for the county and its political subdivisions (i.e., development of a Regional Policy Plan); and 3) technical services in support of the regulatory and comprehensive planning programs.

The Cape Cod Commission is primarily a regional planning commission with powers vested in it by the Commonwealth and by the municipalities in its one county service area. Due to Cape Cod's proximity to the Atlantic Ocean and its dependence on a sole source aquifer for drinking water supplies, the Commission maintains an active and sophisticated water resources management program that has defined strong pollution control policies and regulations through a system of performance zoning aimed at the protection of sensitive areas such as wellheads, recharge zones, and potential water supply source areas. These environmental priorities were important factors in convincing voters and legislators to give the Commission authority to review and approve local plans and permits.

Geographic Scope:

The Cape Cod Commission has jurisdiction over land uses within Barnstable County which includes the entire Cape Cod area. The coastline is 117 km in length and the area covers 1020 km^2. Barnstable County has a population of 186,605 and consists of the following 15 coastal towns: Provincetown, Truro, Wellfleet, Eastham, Orleans, Chatham, Brewster, Harwich, Dennis, Yarmouth, Barnstable, Sandwich, Mashpee, Falmouth, and Bourne.

Organizational Structure:

The Cape Cod Commission is a county agency with jurisdiction over the entire watershed. The Commission is an example of using special authority commissions and boards with considerable authority to manage resources with limited political boundaries.

The Cape Cod Commission consists of a 19 member board and agency staff. The members of the board are appointed as follows:

- Boards of Selectmen (in Barnstable, the Town Manager) in each of the 15 Cape towns select one Cape Cod Commissioner to represent their town.

- The Board of County Commissioners selects three Cape Cod Commissioners. One of these must be a county commissioner, one a Native American, and one a minority member.

- The Governor of Massachusetts appoints one minority member.

Each Commissioner has one vote, except for the Governor's appointee who may only vote in case of a tie. Members serve for three years, except that the Board of County Commissioners chooses its representatives annually and the Governor's appointee has a term coterminous with the Governor. The appointed Commissioners are volunteers that donate large amounts of personal time to the efforts of the Commission.

The Commissioners are the decision and policy makers of the Cape Cod Commission charged with three main areas of responsibility: 1) regulatory, 2) planning/policy, and 3) administrative/executive. The commissioners have the regulatory authority for all land use projects and function as a special purpose county planning board. The commission uses subcommittees to review regulatory projects, including an extensive process for public input. The Commissioners also function as the board of directors for the Commission in dealing with budget and personnel issues and are very involved in the "nuts and bolts" functioning of the Commission.

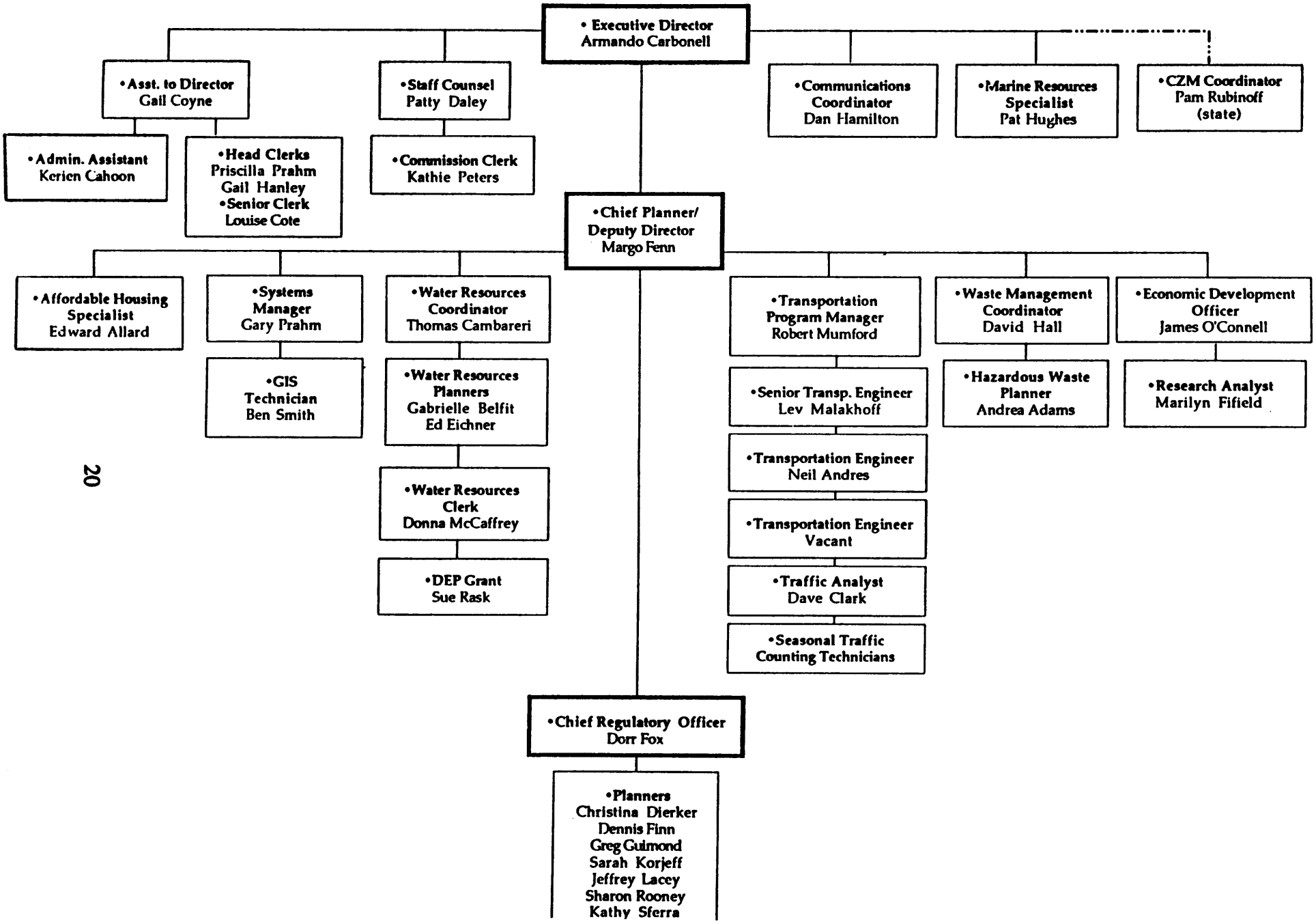
An increasingly important role of the Commissioners is that of ambassadors of the Commission to the towns. This role provides information to, and a mechanism for acquiring feedback from, the towns. In fulfilling this role, the Commissioners ensure that what is being reported about the Commission is accurate. However, it should be noted that the Commissioners are appointed, not elected, and are not unanimously comfortable in assuming a more public role or becoming advocates of the Cape Cod Commission.

The Commissioners are supported by a Cape Cod Commission staff office (Figure 1) which provides extensive guidance and technical advice to the Commissioners in support of their decision making. The staff are well equipped to provide analytical support and technical guidance to Commissioners during the decision-making process. Many of the staff from the agency preceding the Cape Cod Commission remained when the current Commission was formed, thus maintaining long standing relationships and a deep institutional structure. Since that time, the Commission has added staff positions, including several new technical positions.

Implementation Authority and Mechanisms:

The Cape Cod Commission Act was passed in 1990 in response to widespread and growing concern about the preservation of Cape Cod's unique and fragile environment. It

Figure 1. Cape Cod Commission
September 1, 1993



created the Cape Cod Commission and established standards and techniques for the Commission to follow in carrying out its mission. The Act prescribed the following mechanisms for achieving the Commission's planning and regulatory goals:

- Preparation of a Regional Policy Plan to guide development throughout the County. This plan emphasizes goals and objectives, as well as minimum performance standards.

- Development by Cape towns of Local Comprehensive Plans.

- Identification and regulation of developments which have an impact that extends beyond the boundaries of a single town as Developments of Regional Impact.

- The designation of Districts of Critical Planning Concern for special protection of significant natural and cultural resources.

The Commission has the authority to regulate Districts of Critical Planning Concern. Areas may be nominated by the Commission, the county commissioners or the assembly of delegates, or a board of selectman, historic commission, planning board, board of health, or conservation commission of any municipality for any area within the municipal boundaries which possess a major public capital facility, or significant coastal, natural, historic, economic, cultural, archeological, architectural or recreational resource. They may also be areas with sensitive ecological conditions, rendering them unsuitable for development. The voting members of the Commission have the power to accept or reject consideration of application to designate Districts of Critical Planning Concern, as well as to approve, approve with conditions, or disapprove permit applications falling within these areas. It should be noted that the Districts of Critical Planning Concern process is very complicated, and that there have been no applications to date.

The Commission's designation of a District of Critical Planning Concern must be approved by the County, after which a limited moratorium may be imposed on development until the municipality in which the District is located adopts regulations approved by the Commission to protect significant resources. Thereafter, development is reviewed by the municipality pursuant to those regulations.

The Commission is authorized to regulate Developments of Regional Impact according to standards established in the Regional Policy Plan. The Commission has direct permit authority over Developments of Regional Impacts including the demolition or substantial alteration of historic structures; bridges and roads that provide access to the coast; subdivisions exceeding 50 acres; and developments with more than 30 residential or 10 commercial units.

The Regional Policy Plan is a powerful regulatory document. The Commission's regulatory program uses the Plan as a guide and all projects must be consistent with it. Local Comprehensive Plans are small scale versions of the Regional Policy Plan and will be an important mechanism through which the Regional Policy Plan is implemented. Every project that the CCC reviews is closely evaluated to ensure that it meets the standards set forth in the Regional Policy Plan.

Funding:

The Cape Cod Commission may generate its own funds through permitting fees and public and private grants, and may raise up to $2 million annually through county taxes (in the form of property taxes) levied by the Board of County Commissioners, with approval by the County.

Funds are also provided through state and federal grants. Over the years, EPA has provided funding to the Commission for projects authorized under Sections 205 (Water Quality Management Grants, 604 (State Revolving Fund), and 319 (Nonpoint Source Grants) of the Clean Water Act. The Cape Cod Commission also raises funds by collecting fees for projects that are reviewed by the Commission.

The County must approve the Cape Cod Commission's budget annually. All expenditures must be supported by appropriated revenues in the form of taxes, fees, and grants. These appropriations for fiscal year 1991 through fiscal year 1994 were as follows:

FY91:	$1,963,172
FY92:	$2,464,135
FY93:	$2,329,544
FY94:	$2,562,863

Accountability:

The Cape Cod Commission is accountable to the Massachusetts State Legislature and to Barnstable County. All Commission finances are handled at the county level and are subject to detailed financial accounting and audits. There is no sunset provision to the Cape Cod Commission Act, so in theory, the Commission could continue into perpetuity. The Commission continues to operate under the original enabling legislation without amendment.

Focus of Implementation:

The Commission's focus for implementation has been on issues of "regional urgency." The Cape Cod Commission has focused much attention on groundwater

protection, primarily due to the need to protect the area's sole source aquifer. Due to an increasing influx of people to the Cape Cod region, growth management is becoming a top priority (i.e., density planning, transportation infrastructure, traffic issues). However, the focus on groundwater protection continues due to the demands placed on water supplies by the increasing growth pressure.

Since March 27, 1990, when the Commission Act received formal approval, the Commission has been working to refine the process by which the larger development projects that affect the region are given careful and thorough review. Known as Developments of Regional Impact, there are projects which exceed specified thresholds of size and which have a demonstrable effect on important regional attributes of Cape Cod. In general, only larger projects come under Commission review.

Districts of Critical Planning Concern are intended to allow increased scrutiny and protection for portions of Cape Cod that need special attention. These Districts can be designated to protect anything from water quality to economic resources, and can establish rules which encourage appropriate development. The Act spells out factors which warrant nomination as Districts of Critical Planning Concern. Including presence of a major public capital facility, or significant natural, coastal, historic, economic, cultural, archaeological, architectural, or recreational resources. The Act also allows the nomination of areas with sensitive ecological conditions which make them unsuitable for development. Examples in the Commission's guidelines include districts designed to protect or encourage water resources, aquaculture, agriculture, economic development, downtown revitalization, and architecture, to name only a few of the possibilities.

The Regional Policy Plan developed by the Commission was adopted June 20, 1991. The Plan is both a planning and regulatory document and is designed to be the blueprint to which Commission members can refer as they make crucial decisions about Developments of Regional Impacts and Districts of Critical Planning Concerns now and in the future. The plan specifies the most important values of life on Cape Cod--its environment, economy, and historic heritage, among others--and suggests how to protect them.

The Regional Policy Plan establishes regional goals and performance standards with respect to land use and growth management, public access, coastal erosion, coastal water quality, agricultural preservation, sewage treatment, wetlands, wildlife and plant habitat, transportation, solid and hazardous waste management, affordable housing, energy conservation, open space and recreation, economic development, and historic preservation. Local Comprehensive Plans must be reviewed by the Commission and found to be consistent with the Regional Policy Plan. Although there is no requirement that municipalities prepare or adopt Local Comprehensive Plans, towns that have plans certified by the Commission may impose impact fees, whereby developers are charged directly for the costs of necessary infrastructure. This provides a significant incentive to the towns. The Commission also encourages state agency action to be consistent with the Regional Policy Plan.

Of special note is the groundwater component of the Regional Policy Plan. It is exhaustive in the land use planning system it uses to protect groundwater. Performance standards are established for development activities in the following six special use zones:

- Wellhead Protection Areas
- Freshwater Recharge Areas
- Marine Water Recharge Areas
- Impaired Areas
- Water Quality Improvement Areas
- Potential Public Water Supply Areas

Measures of Success:

Mechanisms for measuring success of the Cape Cod Commission include the use of performance standards set forth in the Regional Policy Plan. For example, to maintain and improve water quality relative to shellfishing and swimming, the Plan requires that stormwater management systems be designed to accommodate a one foot rise in relative sea level. The Commission also uses performance indicators as part of the Barnstable County budget process. However, the qualitative aspects of the programs make quantification difficult. For example, while it is easy to record numbers of projects reviewed, this type of indicator does not take into account the quality of technical expertise and comprehensive planning that the Commission provides.

The Commission attempts to subjectively determine how well the organization is meeting the goals set forth in the Regional Policy Plan. While it is difficult to monitor overall success, continual assessments of projects and policies are undertaken. In addition, indicators such as grants received and acres of open space preserved are recorded and used as a measure of success.

Methods for Coordinating Local Government Implementation Efforts:

In parallel with the passage of the Cape Cod Commission Act, Barnstable County underwent an unusual reorganization which resulted in a new county charter. This charter was the first new county charter to be approved in Massachusetts in over 300 years. Massachusetts county government has not typically been a strong institution. However, in the Cape Cod area there was, and is, tremendous support for the county reorganization and for the development of a regional institution. The county charter and the Cape Cod

Commission Act were developed simultaneously resulting in strong integration of the Cape Cod Commission into county government. In addition, the Commission has an agreement with the Commonwealth's Executive Office of Environmental Affairs to strive for a more unified regulatory process.

Since the Cape Cod Commission is an integral part of Barnstable County government, major policy mechanisms, such as the Regional Policy Plan, require enactment as an ordinance by the Assembly of Delegates. The Commission is subject to the normal budgetary process of the County government and appointments to the staff are made by the Board of County Commissioners.

While the Cape Cod Commission has authority to make decisions at the regional level, local support is essential to successful implementation. In the past, the Commission has not coordinated enough with local officials and has, in some cases, alienated local boards who felt that their input and regulatory processes were being disregarded. Currently, the Commission has an improving relationship with local communities.

As was noted previously the Commission implements the Regional Policy Plan, in part, through Local Comprehensive Plans. Currently, all towns are involved in a voluntary effort to develop their plans, with technical and financial support being provided by the Commission. Once the towns develop these plans, the Commission must review them for consistency with the Regional Policy Plan.

The Commission's review of projects precedes that of towns. Towns can propose changes to projects or deny projects that the Commission has approved; however, towns can not approve projects that the Commission has already refused. The Commission actively encourages towns to participate in their regional reviews and is attempting to improve and streamline the review process. A significant aspect of this process consists of public hearings in which local governments are provided opportunities to participate.

Conflicts with local governments still arise over specific projects. The perception that the Commission is undermining local authority continues to be an issue, and the Commission is continuing to pursue efforts to ensure a stable and positive relationship with local officials and entities.

Methods for Involving the Public:

The Cape Cod Commission Act originated from a grassroots initiative and established a "culture of going to the people." The Commission has made continuing public involvement an important component through public hearings and meetings. The regulatory program implemented by the Commission requires formal notices and public hearings. Grassroots involvement comes through participation by each of the municipalities in the voting decisions of the Commission.

The Commission's Publications Department produces a periodic publication summarizing decisions made by the Commission and providing notice of upcoming hearings. The twice-monthly REPORTER helps explain the workings of the Commission and contains other information about the agency's activities, both planning and regulatory. It is mailed to more than 750 subscribers, including local officials, citizens, and professionals. The Department also serves as a liaison with the local media, and has contributed to the development of public education strategies.

The Commission recognizes the need to increase public awareness, and one of its current goals is to improve use of the media, as well as develop a comprehensive public affairs program. Because the Commission is a political agency, continued positive support from its constituency is essential to progress.

Linkage to State Coastal Zone Management Program:

The Massachusetts Coastal Zone Management Program has always had a close working relationship with the Commission. All of the Cape Cod region under the jurisdiction of the Commission is within the coastal zone. Thus, in addition to review by the Commission, major projects proposed for the Cape Cod region are also reviewed by the Massachusetts Coastal Zone Management Program. The Massachusetts Coastal Zone Management program has an active presence in the county, with its regional office located at the Cape Cod Commission. A Massachusetts Coastal Zone Management Program Regional Coordinator provides technical assistance on coastal management issues to the Commission and the communities of Barnstable County in a number of ways. Coastal erosion, hazards, and harbor planning received priority attention during 1993, and these will continue to be a critical focus in the future. Technical assistance is provided on projects reviewed by local, state, and county officials.

Many of the efforts of the Massachusetts Coastal Zone Management Program Regional Coordinator are performed in conjunction with the Cape Cod Commission's Marine Resources Specialist. As a team addressing coastal and marine management issues, technical expertise is provided to Commission staff and the communities on development of the coastal resources element of Local Comprehensive Plans. Massachusetts Coastal Zone Management Program considers this a vital component of the regional program, where the community is developing and implementing coastal management and harbor planning initiatives at the local level.

In the future, Massachusetts Coastal Zone Management Program is planning to incorporate the Commission's Regional Policy Plan into its coastal zone management program. When this is accomplished, it is anticipated that the Plan will be designated as a "special area management plan" providing additional implementation authority through enforceable policies of the coastal zone management program.

Relevance of (and Methods for Addressing) Federal Consistency:

All of Cape Cod is within the designated coastal zone, and the entire area is potentially subject to federal review. As has been noted, the key provisions in the Regional Policy Plan have been found to be consistent with federal guidelines, and it is anticipated that the plan will be formally adopted into the Massachusetts Coastal Zone Management Program in the future.

Lessons Learned:

The Cape Cod region has always been recognized as an extremely unique area with a strong sense of regionalism, a sole-source aquifer, peninsula characteristics, and a similar economic structure within the towns in the area. These unique attributes were a strong motivation for the development and eventual passage of the Cape Cod Commission Act. The passage of the Act, and the resultant establishment of the Cape Cod Commission, was a long and arduous process. The Commission has been an extremely effective planning and regulatory agency due, in large part, to the fact that the Massachusetts State Legislature provided substantial authority to the Commission.

1. Public education and involvement

   One of the more notable aspects of the Cape Cod Commission's overall program is the strong interaction and consultation with stakeholders within the community. Early on, the Commission recognized the enormous benefit of keeping the lines of communication open, resulting in a Regional Policy Plan that reflects the concerns of the people of Cape Cod. However, while there was an effort to involve the communities on certain levels, the Commission was slow to develop an understanding of the importance of public affairs and outreach. The Commission underestimated the need for public relations, considering it an inappropriate role for a government agency. The realization that there was a negative public perception of the Commission and the fact that misunderstandings about its mission existed at the public level, have stimulated the Commission to be more proactive in fostering and maintaining public interest and trust. Therefore, establishment of a comprehensive public affairs program is a strong recommendation to any planning and regulatory entity.

2. Local government involvement

   Maintaining the autonomy of local governments is always a challenge. The Commonwealth of Massachusetts has a strong tradition of "home rule," and the fact that local towns gave up any control is extremely unusual and makes the Commission very unique. A positive result of the Commission's institutional structure is that, although the towns initially delegate some of their authority to the Commission, once they develop an approved local comprehensive plan, their

authority is extended and they gain additional powers. However, the loss of local autonomy continues to arise as an issue, particularly over the regulation of specific projects.

3. Regulatory versus technical functions

   Over the past four years, there has been much emphasis on the regulatory function of the Cape Cod Commission, while its technical function has received much less attention. The Commission is actively working toward increased public knowledge about the planning and technical expertise that the Commission staff bring to the region. These planning and technical functions actually comprise two-thirds of the Commission's programs and have been invaluable to the small towns within the region.

4. Flexible structure

   The Cape Cod Commission has been designed to be flexible, allowing for the evolution of policies and programs as information is developed. The Cape Cod Commission's structure is designed to accommodate changing priorities. As a testament to its institutional structure and adaptability, the agency has been in existence for four years without a legislative amendment.

   Establishment of the Commission allowed the people of Cape Cod to determine what they wanted Cape Cod to be like in the future. Then, the Cape Cod Commission developed the regulatory structure to make this vision real.

3.3 Chesapeake Bay Commission

Organizational Mandate:

A bi-state Commission, the Chesapeake Bay Commission, was created in 1980 by the General Assemblies of the State of Maryland and the Commonwealth of Virginia in recognition of the states' shared concerns and responsibilities for the wise utilization, conservation, and management of Chesapeake Bay resources. The legislation was amended by mutual consent in 1985 to include the Commonwealth of Pennsylvania as a full member of the Commission. See Attachment 1 to this case study for the Preamble to the Tri-State Agreement creating the Chesapeake Bay Commission.

The primary purpose of the Commission is to assist the legislatures of the three states in responding to problems of Baywide concern and to encourage cooperative, coordinated planning and action among the executive agencies of the three states.

There are several nonessential differences in legislative language among the authorizing statutes of the three states. Precise wording can be found in the Annotated Code of Maryland, Natural Resources Article, Section 8-302; the Code of Virginia, Title 62.1, Chapter 5.2, Sections 62.1-69.5 through 62.1-69.20, and Laws of Pennsylvania, Act 25 of 1985, 32 P.S. Section 820.11.

Geographic Scope:

The Chesapeake Bay is widely accepted as the largest estuary in the country, with a total drainage area of approximately 180,000 km^2. The Commission assists the legislatures of Maryland, Virginia, and Pennsylvania in responding to problems of the Chesapeake Bay.

Organizational Structure:

The Chesapeake Bay Commission was an outgrowth of the 1980 findings and recommendations of the Chesapeake Bay Legislative Advisory Commission. The Legislative Advisory Commission was charged by the Maryland and Virginia State Legislatures with evaluating existing and potential management institutions for the Chesapeake Bay and reporting recommendations to the 1980 sessions of the legislatures. Although there was awareness that existing state and federal programs cumulatively exercised broad management powers over the Chesapeake Bay region, some problems had been identified with integrating appropriate solutions into this existing institutional structure.

The Advisory Commission held a series of eight meetings and workshops at locations in Virginia and Maryland and asked for private individuals and state representatives to provide background information and supporting documents to identify areas of concern related to the management of the Chesapeake Bay. In general, the management problems

identified through this process were associated with the failure of the states to adequately coordinate the use of existing controls over Bay resources.

The Advisory Commission reviewed seven general types of alternative management institutions which could conceivably be adapted for use in improving and coordinating Bay management activities in the two states. Characteristics of each option were presented in detail in a report entitled "Description of Available Institutional Alternatives for Improved Chesapeake Bay Management". The alternatives considered were: reliance upon existing government agencies, with no new entity being created; a bi-state commission without federal participation; a federal-interstate commission; a commission created under Title II of the Water Resources Planning Act of 1965; a commission or agency created pursuant to Section 309 of the Coastal Zone Management Act of 1972; an interstate planning agency created under Section 208 of the Federal Water Pollution Control Act (Clean Water Act); and a federal regional management authority.

After a careful evaluation of alternatives, the Advisory Commission determined that improved coordination between the states in Chesapeake Bay management would best be served by the creation of a bi-state Commission answering directly to the General Assemblies of the two states. The Advisory Commission recognized the central role of executive branch agencies in achieving a greater degree of interstate cooperation, but also recognized that disparities in management practices across state lines were often based upon different legislative policies under existing state laws that could not be reconciled by executive attention. The bi-state Commission, as conceived, would be an improvement, not an enlargement of government. The Commission would not include any direct federal participation, nor would it have any assigned regulatory or management powers. The Commission would advise the two legislatures on proposed legislation affecting the use of the Bay resources and serve to focus legislative attention on problems identified by the executive agencies.

The Chesapeake Bay Commission membership consists of seven representatives from each of the three states. Each state's delegation includes two Senators, three Delegates or Representatives, the Governor or his designee, and a citizen representative. The Commission has a small professional staff of four, with offices in Annapolis, Richmond, and Harrisburg.

Legislators serving as members of the Commission serve terms coterminous with their current terms of office. The nonlegislative members serve at the pleasure of their respective appointing authorities for a term of not more than four years. Nonlegislative members may be reappointed at the end of the four year term. Commission members serve without compensation but may be reimbursed by the Commission for necessary expenses incurred in and incident to the performance of their duties.

Chesapeake Bay Commission meetings are held at least once each quarter. In order to constitute a quorum for the transaction of any business, at least eleven Commission

members, including at least three members from each state, must be present. Approval of proposed actions requires the majority vote of the Commission members present.

The Commission members serve as the governing body of the Commission and exercise and discharge all powers, functions, and responsibilities assigned to the Commission. They adopt suitable bylaws. A Chairman and two vice Chairmen, chosen by respective delegations, rotate annually among the signatory states and may at no time be held by members from the same states. The Commission may not delegate its power to make recommendations to the respective legislatures, to issue reports, or to adopt an annual expense budget.

The Chairman of the Chesapeake Bay Commission is a member of the Executive Council of the Chesapeake Bay Program, the highest decision making body of the Chesapeake Bay Program. Members of the Executive Council also include the Governors of Maryland, Pennsylvania and Virginia, the Mayor of the District of Columbia, and the Administrator of EPA representing the federal government. The Executive Director of the Commission sits on the Chesapeake Bay Program Principal's Staff Committee, the Implementation Committee, and the Budget Steering Committee to ensure that federal funds are spent in a cost effective manner and that state implementation grant funds remain committed to the installation and improvement of best management practices. In 1993, Chesapeake Bay Commission staff were also participants on the Living Resources, Toxics, Fish Passage, Communications, and Population Growth and Development subcommittees.

Implementation Authority and Mechanisms:

The purpose of the Chesapeake Bay Commission is to assist the legislatures of Maryland, Pennsylvania, and Virginia in evaluating and responding to problems of mutual concern relating to the Chesapeake Bay; to promote intergovernmental cooperation; to encourage cooperative, coordinated resource planning and action by the signatories and their agencies; to provide, where appropriate, through recommendations to the respective legislatures, uniformity of legislative application; to preserve and enhance the functions, powers, and duties of existing offices and agencies of government; and to recommend improvements in the existing management system for the benefit of the present and future inhabitants of the Chesapeake Bay region.

The Chesapeake Bay Commission has the following authorities:

- Collect, compile, analyze, interpret, coordinate, tabulate, summarize, and distribute technical and other data relative to the Chesapeake Bay and its environs.

- Conduct or contract for studies, except those for primary scientific research, and prepare reports on existing or potential problems within the Bay region.

- Prepare, publish, and disseminate information in reports related to the resources of the region.

- Serve as an advisory board to any requesting agency of the member states on matters of interstate concern.

- Make application for grants, services, or other aids as may be available from public or private sources to finance or assist in effectuating any purposes of the Agreement, and receive and accept such aids on terms and conditions as may be required by the laws of the respective signatory states.

- Purchase administrative supplies and lease sufficient office space if such space is not otherwise made available for its use.

- Exercise such other powers as are granted by the Agreement and take such actions as are necessary or appropriate for performing the duties set forth in the Agreement.

In addition, the Commission has the following stated duties:

- Identify specific Bay management concerns requiring intergovernmental coordination and cooperation and recommend to the federal, state, and local governments, which are involved in the Chesapeake Bay region, legislative and administrative actions necessary to effectuate coordinated and cooperative management for the Chesapeake Bay.

- Consider the needs of the region for industrial and agricultural development and for gainful employment and maintenance of a high quality environment.

- Respect and support the primary role of the respective signatory states and their administrative agencies in managing the resources of the region.

- Collect, analyze, and disseminate information pertaining to the region and its resources for the respective legislative bodies; prepare an annual report indicating the status and progress of environmental and economic issues involving the Chesapeake Bay.

- Represent the common interests of the signatories as they are affected by the activities of the federal government and assist in the monitoring of those activities in the Chesapeake Bay region.

- As requested, provide a forum to serve as an advisory mediator for programmatic conflicts between or among the member states.

If Chesapeake Bay legislation and/or appropriations are needed, the Chesapeake Bay Commission plays a primary role in educating members. Individual members or state delegations could sponsor or shepherd legislation or appropriations through the legislative process of their state.

Funding:

The Chesapeake Bay Commission annually adopts a budget which includes the Commission's estimated expenses for administration and operation. The amount required for the Commission's expense budget is apportioned equally among the signatory parties unless a different apportionment is agreed to by unanimous vote of the Commission. In 1985-1986 this budget was $225,000. The 1994 budget is $375,000, with $125,000 from each of the three states. In addition to this base budget, each state can provide additional funding to the Commission for special projects.

In establishing the annual current expense budget, the Commission balances total expenses against the Commission's estimate of revenues from all sources, either previously appropriated by a signatory state or receivable from any person or governmental agency as a contract or grant. The Chairman of the Commission certifies this budget to the respective signatories and submits statements of the amounts requested from them. A budget, approved by the Commission's Executive Committee, is submitted to the full membership for approval.

The Chesapeake Bay Commission can use its special studies funds for implementation activities; this would typically occur through annual budget planning. The Commission also plays a powerful role in the appropriation and allocation of funds. Its Executive Director holds one of six seats on the Budget Steering Committee of the Chesapeake Bay Program. Its members sit on appropriations and finance committees of the state legislatures where they can shepherd budget items for the Bay. Its members also sponsor or promote legislative resources for the Bay.

Accountability:

The Chesapeake Bay Commission is primarily accountable to the legislatures of the three states; however, as a public agency, the Commission has a responsibility to the general public as well.

The Chesapeake Bay Commission publishes an Annual Report for the General Assemblies detailing the status of environmental and economic issues of concern to the Chesapeake Bay region and the progress of interstate coordination efforts. The Commission also issues legislative updates annually in May for all jurisdictions. These updates summarize major legislative and budget initiatives at the state and federal levels to enhance the Chesapeake Bay restoration effort and are distributed to more than 1000 interested legislators, citizens, and groups throughout the watershed.

As a signatory to the Chesapeake Bay Agreement, the Commission is obligated to work to fulfill the commitments made as a result of the agreement. The Commission must also be responsible to the General Assemblies of the states who have vested in the Commission the power to represent them in the Bay program.

Members and staff of the Chesapeake Bay Commission are involved in virtually every aspect of Chesapeake Bay restoration activities. This includes administrative and support functions of the Chesapeake Bay Program, as well as substantive actions to ensure that the commitments in the Bay Agreement are fulfilled and, if appropriate, revised to better serve the needs of the Bay and its resources. The Commission's principal role is in legislative and policy-related issues, but its tri-state composition and perspective, and the continuity which it brings to the Bay Program, provide it with a unique opportunity to take a longer range and more comprehensive view of the issues facing the Bay community.

As an example, to address concerns associated with the Chesapeake Bay nutrient reduction reevaluation, the Chesapeake Bay Commission, along with the other Executive Council members, signed the 1992 amendments to the Chesapeake Bay Agreement. This document re-emphasized the importance of achieving a 40 percent nutrient reduction by focusing on the individual tributaries of Chesapeake Bay. The amendments also recognized the importance of air deposition as a source of nutrient pollution, reaffirmed the critical connection between water quality and living resources, and called for cost effective improvements in nutrient control technologies. The issues raised in the reevaluation and the responses to those issues by the states, the federal government, and the District of Columbia will, in large degree, set the legislative agenda for the future.

Many of these concerns have been reflected in legislative initiatives considered by the General Assemblies of Pennsylvania, Maryland, and Virginia. Each legislature has examined ways to control and better manage nonpoint sources of pollution from land and air. Mandatory nutrient management legislation introduced in both Pennsylvania and Maryland represent recognition of these concerns. Similar attention has been paid to atmospheric deposition of nutrients to Bay waters and surrounding lands, with all three states considering measures to reduce airborne nitrogen. Growth management, erosion and sediment control, and fisheries management initiatives have also been considered by the states.

Focus of Implementation:

As previously discussed, the Chesapeake Bay Commission supports the implementation of the Chesapeake Bay Program management plans and strategies. Since its formation, the Commission has been instrumental in sponsoring legislative and budgetary actions in the three states to promote the Chesapeake Bay restoration effort. The Commission also actively reviews executive agency actions to ensure that Chesapeake Bay programs are implemented expeditiously and effectively.

The Commission does not have a separate long range strategy or plan. Its annual work plan is reflected in its budget. Although the Chesapeake Bay Agreements are a guiding tool, the Commission also addresses issues that may not be under direct consideration by the Chesapeake Bay Program. As an example, it was the Chesapeake Bay Commission that first identified tributyltin as an issue and developed emergency legislation to deal with this issue. The Commission has also raised awareness of the tie between ballast waters and exotic species as well as the need for forest buffers. Part of the Commission's strength is its flexibility, due to its independence from state agencies and the Chesapeake Bay Program, to deal with emerging issues of importance.

Commission-generated issues may be brought forward by a Commission member, a state legislature, the executive branch, or Commission staff. The Chesapeake Bay Commission raises awareness of these issues through participation within the Chesapeake Bay Program structure and release of Commission policy statements, papers, and reports.

The Commission's range of interests is broad and far reaching. It has adopted the following positions:

- Fisheries and Living Resources Management -- Cooperative Baywide fisheries management strategies are needed which incorporate habitat and water quality considerations as well as biologically sound harvest controls.

- Agricultural Nonpoint Sources of Pollution -- State programs aimed at the reduction of nonpoint sources of pollution from agricultural lands within the region, and the effectiveness of these efforts, need continuing enhancements.

- Sediment Control -- Inspection and enforcement elements of existing erosion and sediment control programs in all jurisdictions should be strengthened.

- Stormwater Management -- Water quality considerations must be included as an integral component of stormwater management planning.

- Nutrient Control Strategies -- Flexible nutrient loading goals are needed in each of the three states and timetables and implementation strategies by which those goals can be achieved should be set forth.

- Sewage Treatment -- Federal funding for the construction and upgrading of wastewater treatment facilities in the region should be continued, and alternative means and mechanisms for financing construction in the future through state, local, and private funding sources should be explored.

- Toxic Pollutants -- A Baywide strategy to reduce the level of toxic discharges to the waters of the Bay and its tributaries should be developed, and research and monitoring activities in this area should be continued and strengthened.

- Population and Land Use -- There is a clear link between population growth, with its associated development pressures and changes in land use patterns, and deteriorating environmental quality. The Commission calls for a stronger leadership role for state government in land use planning and regulations particularly as they affect water quality and the preservation and protection of habitat and living resources.

- Water Use Activities -- Water use activities such as dredging, vessel waste management, and public access are important to the overall Bay protection effort.

- Shoreline Erosion -- Non-structural measures are the preferred means of stabilizing eroding shoreline areas throughout the Bay region.

Measures of Success:

The Chesapeake Bay Program has established benchmarks to measure success in a number of areas. Most notable are the commitments to reduce nutrients by 40 percent, acreage restoration goals for submerged aquatic vegetation and stream mileage goals for restoration of habitat for migratory fish. As a signatory, the Chesapeake Bay Commission is obliged to take actions necessary to achieve those goals. The program engages in extensive environmental monitoring and evaluation to determine the extent to which these goals are reached.

While the Chesapeake Bay Commission does not use "programmatic indicators" to gauge its success, it continually evaluates the extent to which Commission policies are put into effect throughout the region and reports those findings as part of its operation.

Methods for Coordinating Local Government Implementation Efforts:

The Chesapeake Commission coordinates on an as-needed and issue-specific basis with local governments. One example of this coordination is growth management. Formal coordination of implementation efforts occurs through the Chesapeake Bay Program's Local Government Advisory Committee.

Methods for Involving the Public:

All Chesapeake Bay Commission meetings are open to the public, and the Commission occasionally sponsors conferences and legislative roundtables with key stakeholder groups. However, there is no ongoing general public outreach program. The Commission participates in public outreach efforts sponsored through the Chesapeake Bay Program.

Linkage to State Coastal Zone Management Program:

There is no defined linkage with the Coastal Zone Management Program except on an issue-specific basis. One example of issue-specific coordination is the Chesapeake Bay Commission's review of the applicabilities of section 6217 of the Coastal Zone Act Reauthorization Amendments to implementation of Chesapeake Bay-specific actions.

Relevance of (and Methods for Addressing) Federal Consistency:

The Chesapeake Bay Commission addresses the consistency of federal programs in relation to the Chesapeake Bay through its participation in Bay Program committee discussions with all relevant agencies. For legislative issues, the Commission reviews federal and state legislation on an issue-specific basis.

Lessons Learned:

Chesapeake Bay Program participants recognize the contribution of the Chesapeake Bay Commission to Bay implementation efforts and the interaction between the Commission and the Chesapeake Bay Program is characterized as healthy. It is considered very important by the Bay Program to have this independent legislative focus; other estuary programs could benefit from a similar structure, particularly multi-state programs. The Commission is characterized as a new and aggressive source of ideas, an innovator, and a key source of political support, recognizing that its range of political views is broader than any other Bay Agreement signatory.

The Commission brings a broad, visionary view to the Chesapeake Bay Program, as the only entity, other than EPA, on the Executive Council with multi-state jurisdiction. The Commission predates the Bay Program, so it has proven its viability and usefulness through the test of time.

The Executive Director of the Chesapeake Bay Commission has offered the following as rules of success for other estuary programs setting up a comparable structure to the Commission:

- Establish clear, strong, specific, and comprehensive goals which can be embraced by the members.

- Ensure diversity of participants, both among members and among those who are invited in to participate on particular issues.

- Create a funding source -- with stability; have some degree of leverage over budgets.

- Value a connectness to the broader Bay community -- help build and support a true team approach.

- Be willing to constantly reassess goals and make modifications; develop a self analytical ability.

- Be guided by state of the art scientific research -- have data to back up recommendations; this is key to development of a solid reputation.

- Use a variety of approaches for implementation, from a diverse set of tools -- balance regulatory vs. stewardship approaches, etc.

- Demonstrate an ability to act; go for results.

Based on interviewee responses, other issues that should be considered by estuary programs in developing institutions for implementation include the following:

1. Formality of relationships with other programs

   The link between the Bay Program and the Commission is largely consensual. Some interviewees feel very strongly that the independence of the Commission is one of its strengths and that adding any more formality or accountability to its relationship with the Bay Program would be detrimental, since this might result in losing the ability to pursue issues on the horizon. However it is acknowledged that the success of the existing relationships and structure in implementing policies relies on the strength and personalities of individual members and staff.

2. Participation in estuary committee structure

   The Chairman of the Commission participates on the Chesapeake Bay Program Executive Council, but this Council only meets once a year. Typically, staff (not Commission members) participate as working members of other committees. Some interviewees advocate additional legislator involvement within the committee structure. The advantages to more direct involvement by legislators might include a greater degree of ownership of decisions and a better understanding of issues and other's points of view. One primary disadvantage to more direct legislator involvement is less continuity due to turnover among legislators. There are also several obstacles to greater involvement by legislators, including the lack of peer relationships among members, and the time commitments that a committee process demands.

3. Selection of Executive Director

The Executive Director is a primary factor in the success of the Commission. The structure and operations of the Commission depend on a strong Executive Director and good staff as intermediaries. Staff draft positions, policy statements, and legislative language. Commission members are subject to regular turnover. The Executive Director provides the knowledge, memory, and continuity within the organization. The Executive Director personally participates on the Principal's Staff Committee, the Implementation Committee, and the Budget Steering Committee. This puts the Commission in a very strong negotiating position vis a vis other organizations that have more limited participation across committees. The Commission membership reflects many points of view which must be accommodated. This requires a skilled Director, often working with individual members or in smaller groups behind the scenes, to move toward consensus positions.

4. Commission membership

The Commission is not currently representative of the entire watershed. This is a disadvantage in addressing implementation issues.

One interviewee questioned the value that is added by Executive Branch membership on the Commission, suggesting that this is duplicative of other structures and could have a dampening effect on Commission deliberations.

Another interviewee suggested that the Commission membership be required to be bipartisan — (i.e., require both democratic and republican members from each House from each state).

5. Commission role with broader legislative community

There is no mandate for the Commission to interface formally with other members of the General Assemblies -- to communicate analyses of results and more aggressively educate peers about the Bay. However, some Commission members do a good job of this informally. It was acknowledged that this would be difficult to implement on a more formal basis, politically, within given time constraints.

There has also been disagreement within the broad Bay community on who has the primary role for coordination with the U.S. Congress on Bay-related issues. The result is that many on the Executive Council try to assert this role. It would be helpful to clarify this area of responsibility.

ATTACHMENT 1

TRI-STATE AGREEMENT CREATING THE CHESAPEAKE BAY COMMISSION

PREAMBLE

Whereas, the Chesapeake Bay, its tributaries, wetlands and dependent natural resources constitute a unified ecosystem shared and used by the State of Maryland, the Commonwealth of Virginia and the Commonwealth of Pennsylvania; and

Whereas, utilization of the resources of the Bay, including, but not limited to, management and regulatory programs for migratory fowl, finfish, shellfish and implementation of methods to achieve compatible usage of the Bay for commercial and mercantile interests and all actions which effect changes in water quality, substantially involve the joint interests of the three states; and

Whereas, the Chesapeake Bay Commission was formed in 1980 to assist the legislatures of Maryland and Virginia to evaluate and respond to problems of Baywide concern; and

Whereas, studies completed by the United States Environmental Protection Agency, the Army Corps of Engineers and others have emphasized the importance of the drainage system of the lower Susquehanna River to the health and welfare of the Chesapeake Bay; and

Whereas, the need for effective cooperation and coordination of Bay management among the states of Virginia, Maryland, and Pennsylvania has been stressed by participants in the 1983 Chesapeake Bay Conference; now therefore be it

Resolved, that the General Assemblies of Virginia, Maryland and Pennsylvania enact legislation adopting an Agreement relating to the Chesapeake Bay and creating the Chesapeake Bay Commission.

3.4 Nisqually River Council

Organization Mandate

In 1987, the Washington State Legislature directed the Department of Ecology to develop a management plan for the Nisqually River (WA SHB 323) which provides for a balanced stewardship of the basin's economic, cultural, and environmental resources. The mission of the Nisqually River Council is to implement the Nisqually River Management Plan. The Nisqually River Council is a broadly based organization committed to the protection and enhancement of the Nisqually River and its basin (using land management and nonpoint source technologies).

Geographic Scope:

The Nisqually River is 130 km in length, extending from the west drainage of Mount Rainier on the Nisqually Glacier downstream through the Nisqually Indian Reservation and the Fort Lewis Military complex to the Nisqually National Wildlife Refuge on Puget Sound. The boundary of the management area covers three counties. The entire Nisqually River watershed covers 1870 km^2.

The Nisqually River management area consists of a Core Management Zone and a Stewardship Management Zone. The Stewardship Management Zone is a viewshed corridor along the Nisqually River a minimum of 1/4 mile and a maximum of 3/4 mile each side of the River. The Core Management Zone is essentially the Shoreline Management Zone of the Nisqually River (a corridor 200 feet wide along the shorelines of the state) and the lower three miles of the Mashel River. Additionally, lands acquired by purchase or donation, and steep slopes adjacent to the Shoreline Management Zone, are included in the Core Management Zone.

Organizational Structure:

The overall structure of the Nisqually River management program is based on a 21-member Nisqually River Council and 21-member Nisqually River Citizens Advisory Committee. The Nisqually River Council represents the University of Washington's Pack Experimental Forest; Nisqually Tribe; Fort Lewis; Mount Rainier National Park; Washington Departments of Fisheries and Wildlife, Natural Resources, Agriculture, and Ecology; Washington State Parks and Recreation Commission; Washington Secretary of State; Nisqually National Wildlife Refuge; Gifford Pinchot National Forest; Tacoma Public Utilities; Lewis, Pierce, and Thurston Counties; and the Cities of Yelm, Roy, and Eatonville. The Council's Citizens Advisory Committee represents citizen interests along the river and in the region, assisting in the development of recommended policies for the management plan. Three of the Citizen Advisory Committee members sit on the Council as voting members.

The Nisqually River Council is a coordination body. With no independent authority of its own, the Council relies on the existing authorities of its members. Its primary powers are those of advocacy for the river and coordination of actions of member agencies. The Council does not have the power to require local governments to take specific actions. Participating state agencies are directed to develop complementary or consistent plans with the program.

As recommended in the Nisqually River Management Plan, a nonprofit trust has been formed as an auxiliary organization to facilitate land acquisition. Established in 1989, the Nisqually River Basin Land Trust is a nonprofit group of farmers, business and professional people, homemakers, and others dedicated to protecting the natural resources of the Nisqually River Basin through acquisition of conservation easements and land. Grants, membership fees, donations, and other fund raising methods are augmented by property and easement donations.

The Nisqually River Interpretive Center Foundation was chartered in 1992. This not-for-profit charitable IRS 501(c)(3) organization established and operates the Nisqually River Interpretive Center, dedicated to environmental education and interpretation of the natural, historic, cultural, and economic resources of the Nisqually Basin.

Implementation Authority and Mechanisms:

As stated above, the Nisqually River Council is an advocacy, coordination, and education-oriented organization. The Council relies on the existing authorities of its members to implement plan recommendations. It does not have regulatory authority beyond that which exists among participating local, state, and government agencies. The Council has no authority to review or approve permits or local plans, no consistency power in planning and permitting, and no authority to review or approve state actions.

Commitments are routinely made by member agencies at Nisqually River Council meetings with respect to specific issues and projects. The use of Council letterhead, which lists participating agencies, is viewed as a visible sign of commitment. Thus far, the Council has received full support and participation from its members.

Funding:

Initially, the legislature directed the Department of Ecology to implement the Nisqually River Management Plan, but did not provide funding for this purpose. In response, the Nisqually River Council went directly to the legislature and, beginning with the 1989/1990 biennium, began receiving $100,000 per year for implementation. These funds have provided 1.25 FTEs and a modest amount for project implementation. This funding has been slightly reduced recently, consistent with state-wide budget cuts. The Council has received matching dollars from participating entities on a project-by-project basis. For example, Thurston County contributes some money for the Council's stream rehabilitation

project, and (through in-kind support) the Department of Natural Resources has assisted with the development of the Nisqually Basin Atlas.

The Nisqually River Council allocates the limited amount of funds appropriated to it by the state legislature and works to secure matching funds from project partners. It does not have independent authority to generate funds.

Accountability:

Although not required, the Nisqually River Council presented an annual report to the legislature in 1989. Currently there are plans to develop another annual report in the next year or so. The Council also has an annual retreat at which time the general public is invited to participate with the Council and CAC in developing an annual work plan.

Focus of Implementation:

The Nisqually River Council is charged with overseeing implementation of the Nisqually River Management Plan. The preparation of a Nisqually River Management Plan by the Department of Ecology was mandated by the 1985 legislation (SHB 323). The plan places heavy emphasis on investigatory research preliminary to development and recommendation of action programs. The Nisqually River Task Force transmitted final recommendations for a Nisqually River Management Plan, that was subsequently approved by the Legislature, in June 1987. The key issues addressed in the plan include: extraction of mineral resources, water quality and stream flow, reduction of flood damage, anadramous fish habitat, wildlife populations and habitat, wetlands and estuarine areas, hydroelectric facilities, economic development, local land use planning, forestry and agriculture, public recreation access, education and interpretive programs, land acquisition and protection, management entity, and boundaries of the management area.

Measures of Success:

The Nisqually River Council measures success primarily on a project-by-project basis. The Council has completed a number of specific projects, including a popular school-based education program, an extensive water quality monitoring network, two river cleanup efforts, siting and acquisition actions for a new state park, restoration of the Yelm Creek, and improved fisheries enforcement on the Nisqually River. The Council received the 1992 Environmental Excellence Award from the Washington State Ecological Commission, and was a Northwest regional finalist in the EPA's 1992 National Pollution Prevention Awards for geographic initiatives.

Methods for Coordinating Local Governments Implementation Efforts:

The State legislature provided for the formation of the Nisqually River Council as an interagency body that functions through the use of its members' existing authorities. A

cooperative planning process is employed in which all affected agencies and public sector interests, including local government, are represented on the planning committee. The Council meets monthly to enhance the coordination process.

Methods For Involving the Public:

As was noted previously, the Nisqually River Program includes a 21-member Citizens Advisory Committee made up of citizen representatives from a broad range of backgrounds. The Citizens Advisory Committee represents citizen interests along the river and in the region, expresses opinions and concerns, and assists in the development of recommended policies for the management plan. Three voting members of the Citizens Advisory Committee serve on the Council. The Citizens Advisory Committee meets a week prior to each monthly Council meeting. Much of the Council agenda is driven by the Citizens Advisory Committee. The Council and Citizens Advisory Committee meetings are routinely advertised and are open to the public.

Linkages to State Coastal Zone Management Program:

The Nisqually River Council is staffed and supported through the Department of Ecology Shorelands and Coastal Zone Management Program. Coastal Zone Management funds have been used for various plan implementation efforts, including the bimonthly Nisqually River Notes Newsletter.

Relevance of Federal Consistency:

The Department of Ecology's Shoreland and Coastal Zone Management Program ensures consistency of specific projects, including those in the Nisqually River Basin. The Council itself does not have responsibility for addressing consistency.

Lessons Learned:

As an advocacy and coordination body, the Nisqually River Council does not represent another "layer" of government and, as a result, has had strong citizen support. The Council emphasizes consensus and cooperation, and has a very good reputation for bringing a diverse set of stakeholders together. The Council is noted for its success in bringing industry into the consensus process. The private sector has become a willing participant in the program. This is probably due to the non-regulatory nature of the program.

The following lessons were noted by interviewees:

1. Comprehensive watershed management

   The Nisqually River Management Program has been a highly successful collaborative watershed management model. Interviewees feel that the program's success is due, in part, to its comprehensive nature. By integrating the history/culture, environmental, and economy of the Nisqually River basin and recognizing that the watershed is a system comprised of subsystem components, the program has engendered a broad range of support from a variety of interests.

2. Participants in the implementation structure

   Interviewees suggest that, as with many management programs, the Nisqually River Program has relied on the energy and creativity of the individuals involved. The first Chairperson of the Nisqually River Task Force Oversight Committee, has been cited for providing to the Council tremendous stability. Several individuals have provided good relationships with the business community as well as the legislature. In addition, industry has played an important role in the Nisqually River Program. For example, a Weyerhauser employee is the President of the Board of Directors for the Nisqually River Interpretative Center Foundation and an active member of the Citizens Advisory Committee.

3.5 Puget Sound Water Quality Authority

Organizational Mandate:

The Puget Sound Water Quality Authority (the Authority) was originally established in 1983 by the Washington State Legislature as a 21-member advisory panel, the purpose of which was to assess and report on the environmental problems in Puget Sound. In response to this charge, the Authority produced a report in 1984 that recommended, among other things, the creation of a single entity with responsibility for coordinating the activities of Puget Sound water quality management agencies. Based on this recommendation, the state legislature created a new Authority in 1985 with "adequate resources to develop a comprehensive plan for water quality protection in Puget Sound to be implemented by existing state and local agencies" (RCW 90.70). The statute that created the Authority included an expiration date of June 1991. A 1990 amendment extended the Authority to 1995 and placed it under the state's "sunset" review provisions.

Geographic Scope:

Under the state statute, the Puget Sound Water Quality Management Plan (the Plan) developed by the Authority must "address all the waters of Puget Sound, the Strait of Juan de Fuca, and, to the extent that they affect water quality in Puget Sound, all waters flowing into Puget Sound, and adjacent lands" (RCW 90.70.060). This area includes 12 of 39 counties in the State of Washington and a distance of 280 km from north to south.

Organizational Structure:

The 1985 statute that created the Authority established a seven-member board appointed by the Governor, including a full-time paid Chair with management responsibility for the approximately 35 Authority staff located in Seattle, Washington, and six unpaid members representing the Congressional districts surrounding Puget Sound. In addition, the Director of the Washington State Department of Ecology (appointed by the Governor) and the Commissioner of Public Lands (an elected official) sat on the board as non-voting, *ex-officio* members.

In 1989, the Governor of Washington convened a review panel to evaluate the Authority relative to its mission and develop recommendations concerning the future of the Authority. Among its recommendations, the panel suggested extending the Authority beyond 1990, adding implementing agencies to the Authority board, and establishing a permanent Authority staff within the Department of Ecology. The latter recommendation created considerable controversy, with opponents concerned that a decision to house the Authority staff within the Department of Ecology would compromise the Authority's ability to serve as an independent entity during plan implementation.

The Budget Committee of the Washington State Legislature also reviewed the Authority in 1989 and made recommendations to the legislature. The 1990 amendments to the enabling statute that resulted from these reviews expanded the Authority board to 11 members, with nine of these appointed by the Governor and confirmed by the State Senate (RCW 90.70.011). The other two members include the Commissioner of Public Lands and the Director of the Department of Ecology. With the 1990 amendments, these latter two positions on the Authority board became voting members. The Authority board must include a representative from the counties, a representative from the cities, and a tribal representative. At least one representative from each of the six Congressional districts also must be among the appointed members of the Authority board. Members of the Authority board serve four-year terms upon appointment. The 1990 amendments to the enabling statute established the Director of the Department of Ecology as the Chair of the Authority. The amendments also established an Executive Director, appointed by the Governor, who is not a member of the Authority board, but who has responsibility to manage the Authority staff and day-to-day operations of the agency. The Executive Director and Authority staff (approximately 30) are now housed in the Department of Ecology building in Lacey (near the State capitol of Olympia), but remain in a separate agency. The Authority was extended to 1995, at which time the state legislature will conduct a "sunset" review of the agency.

The Authority may appoint one or more advisory committees to assist in the development of the Water Quality Management Plan, formulate policy goals and strategies, review the Plan and make recommendations to the Authority for its amendment, review the Authority's reports, and review the Authority's budget request proposals. These committees have included the Puget Sound Estuary Program Management Committee, the Puget Sound Estuary Program Technical Advisory Committee, the Monitoring Management Committee, the Puget Sound Ambient Monitoring Program Steering Committee, the Education and Public Involvement Advisory Group, the Committee on Research in Puget Sound, and a 1994 Plan Advisory Committee.

Implementation Authority and Mechanisms:

To accomplish its overall mission of developing "a comprehensive plan for water quality protection in Puget Sound to be implemented by existing state and local agencies," the enabling statute defines the following nine powers for the Authority (RCW 90.70.025):

- Develop interim proposals and recommendations concerning the elements that should be included in the Water Quality Management Plan;

- Enter into, amend, and terminate contracts with individuals, corporations, or research institutions;

- Receive such gifts, grants, and endowments, in trust or otherwise, to accomplish the mission of the Authority;

- Conduct studies and research relating to Puget Sound water quality;
- Obtain information relating to Puget Sound from other state and local agencies;
- Conduct appropriate public hearings and otherwise seek to broadly disseminate information concerning Puget Sound;
- Receive funding from other public agencies;
- Prepare a biennial budget request for consideration by the Governor and the state legislature; and
- Adopt rules as necessary to accomplish the purposes of the Authority.

As will be discussed in the section titled **Focus of Implementation**, the Water Quality Management Plan is advisory in nature. Therefore, a strong emphasis is placed on involving implementing entities in the Plan development process to gain their support and commitment to take action.

The primary mechanism available to the Authority for ensuring that commitments are carried out is through the state's budget process. The Authority estimates what it will cost state agencies to implement the Water Quality Management Plan. It has also attempted to estimate costs to local governments. The Authority works with the Governor's office to develop a budget for Plan implementation activities by state agencies, which is then submitted to the legislature. Beginning in 1990, this submittal has been a single Plan implementation budget which identifies implementation line items for each of the implementing state agencies, resulting in direct appropriations to those agencies. With this mechanism, the Authority and the state legislature now have the ability to track implementation expenditures through the biennial progress reports required under the enabling statute. Given the less than desired response rate, it had been difficult, prior to 1990, to track actual expenditures against planned implementation activities. The Authority reports, however, that "earmarking" the agencies' budgets has helped a great deal in this regard.

Funding:

The Authority's operating budget has been reduced each biennium since 1985. These reductions have been linked to overall reductions in the state budget. The Authority's budget for 1993-1995 is $4.7 million, including a state legislative appropriation of $3.9 million (75 percent of which is state General Fund) and $800,000 in grants from EPA under the National Estuary Program. This compares with a total 1989-1991 budget of $5.4 million. Of the total 1993-1995 budget, $927,000 (from cigarette tax revenue from the state's Centennial Clean Water Fund) funds a Public Involvement and Education Program which provides contracts to schools, citizens, local governments, Indian tribes, trade organizations, and

businesses; and $540,000 provides funding for a field agent program designed to implement public education and involvement activities related to Puget Sound water quality, with particular focus on local governments. This program is jointly administered by the Authority, Washington Sea Grant, and Washington State Cooperative Extension Service.

As was described above, the Authority develops a biennial Water Quality Management Plan implementation budget for submission to the state legislature. State funds are then appropriated directly to the agencies, not through the Authority in most cases. Although the Authority has the ability to accept "such gifts, grants, and endowments, in trust or otherwise, for the use and benefit of the purposes of the [A]uthority" and "receive funding from other public agencies" (RCW 90.70.025), this has not been a significant source of funding. The Authority has the ability to generate funds for Water Quality Management Plan implementation. The Authority, however, has produced several documents on financing and developed potential financing mechanisms for Plan implementation, several of which were approved by the state legislature. For example, the Authority wrote and worked for successful passage of legislation in 1992 which allows local governments to establish shellfish protection districts. This legislation requires counties to establish a district within 180 days of a pollution-related shellfish bed closure or restriction. Formation of such a district allows local financing of restoration activities through tax revenues, inspection fees, charges or rates, or grants. Shellfish protection districts also received priority status for state water quality funding.

In 1990, the state legislature authorized the Authority to establish a Puget Sound Foundation, a public nonprofit organization, to generate permanent, regionally controlled funding for research and education from private and public sources, and to disburse this funding through a grants program. To date, efforts by the Authority to establish the Foundation have been unsuccessful, and, in 1993, the Authority Board decided to cease working on creation of a Foundation.

Accountability:

As an entity created by statute, the Authority is accountable to the state legislature and the Governor. Mechanisms for meeting this accountability requirement include a biennial "State of the Sound" report developed by the Authority and submitted to the legislature, the Governor, and state agencies and local governments identified in the plan. Copies of this report are also made available to the public. The Authority also is required to submit annual progress reports on Water Quality Management Plan revision and implementation to the legislature and the Governor. As previously noted, the legislature also conducted a review of the Authority in 1990, and will conduct a "sunset" review in 1995. Appointed members of the Authority board (10 of 11 members) also have a certain degree of individual accountability to the Governor, as does the Executive Director. The Commissioner of Public Lands, as an elected official, is accountable to the electorate.

True to its origins, the Authority is ultimately accountable to the people of the State of Washington. All Authority activities are conducted in public forums, and the public is encouraged to participate in Water Quality Management Plan revision and implementation activities. This public involvement aspect of the Authority goes well beyond mere accountability; the Authority has recognized that successful implementation of much, if not all, of the Plan is critically dependent on the active support of an informed public.

Focus of Implementation:

As was noted previously, the Authority is required under state statute to prepare and adopt a comprehensive Water Quality Management Plan in consultation with its advisory committees and appropriate federal, state, and local agencies. The Authority is required to solicit substantial public involvement during development and revision of the Plan. Review and revision of the Plan is now required, at a minimum, every four years. The first Plan was adopted by the Authority in 1987, and subsequently revised in 1989 and 1991. The Plan was again revised in 1994, and adopted as the 1994 Puget Sound Water Quality Plan.

In 1988, Puget Sound was designated an estuary of "national significance" under section 320 of the federal Clean Water Act National Estuary Program. The Authority, Department of Ecology, and EPA Region 10 assumed co-management of the Puget Sound Estuary Program, and, in 1991, the Authority's Water Quality Management Plan was approved by EPA as the Nation's first approved CCMP under the National Estuary Program.

The enabling statute for the Authority states that the Water Quality Management Plan "shall be a positive document prescribing the needed actions for the maintenance and enhancement of Puget Sound water quality" (RCW 90.70.060). The statute goes on to define the following required elements of the Plan:

- A statement of the goals and objectives for long- and short-term management of the water quality of Puget Sound;

- A resource assessment which identifies critically sensitive areas, key characteristics, and other factors which lead to an understanding of Puget Sound as an ecosystem;

- Demographic information and assessment as relates to future water quality impacts on Puget Sound;

- An identification and legal analysis of all existing laws governing actions of government entities which may affect water quality management of Puget Sound, the interrelationships of those laws, and the effect of those laws on implementation of the provisions of the Plan;

- Review and assessment of existing criteria and guidelines for government activities affecting Puget Sound's resources including shoreline resources, aquatic resources, associated watersheds, recreational resources, and commercial resources;

- Identification of resource needs and priorities;

- Recommendations for guidelines, standards, and timetables for protection and clean-up activities and the establishment of priorities for major clean-up investments and nonpoint source management, and the projected costs of such priorities;

- A procedure assuring local government initiated planning for Puget Sound water quality protection;

- Ways to better coordinate federal, state, and local planning and management activities affecting Puget Sound's water quality;

- Public involvement strategies, including household hazardous waste education, community clean-up efforts, and public participation in developing and implementing the Plan;

- Recommendations on protecting, preserving, and, where possible, restoring wetlands and wildlife habitat and shellfish beds throughout Puget Sound;

- Recommendations for a comprehensive water quality and sediment monitoring program;

- Analysis of current industrial pretreatment programs for toxic wastes, and procedures and enforcement measures needed to enhance them;

- Recommendations for a program of dredge spoil disposal, including interim measures for disposal and storage of dredge spoil material from or into Puget Sound;

- Definition of major public actions subject to review and comment by the Authority because of a significant impact on Puget Sound water quality and related resources, and development of criteria for review thereof;

- Recommendations for implementation mechanisms to be used by state and local government agencies;

- Standards and procedures for reporting progress by state and local governments in the implementation of the Plan;

- An analysis of resource requirements and funding mechanisms for updating of the Plan and Plan implementation; and

- Legislation needed to assure Plan implementation.

In accordance with these requirements, the Water Quality Management Plan adopted by the Authority in 1994 covers the following 13 "programs": Estuary Management and Plan Implementation, Fish and Wildlife Habitat Protection, Spill Prevention and Response, Monitoring, Research, Education and Public Involvement, Nonpoint Source Pollution, Shellfish Protection, Wetlands Protection, Municipal and Industrial Discharges, Contaminated Sediments and Dredging, Stormwater and Combined Sewer Overflows, and Laboratory Support.

Each of these programs defines the problems to be addressed by the Water Quality Management Plan, the goal of the program, the strategy to be used to achieve that goal, the actions that will be taken (including who will take that action), target dates for completion of each action, and the current status of program implementation. Each program also details the cost of implementation. The Plan also identifies an "unfinished agenda" of issues that may be considered by the Authority for future action. Consistent with the enabling legislation, the majority of the Plan's programs call on existing federal, state, and local agencies and authorities to implement the specific actions. Recommendations in the Plan for new legislation generally focus on funding or enforcement of existing laws.

It is important to note that Washington State statutes, while containing conflicting phrases, suggest, on the whole, that the Plan is not mandatory. For example, in 1991, the Authority proposed minimum wetland protection standards. The Attorney General of the State of Washington determined that the Authority's legal power did not include an ability to mandate such standards. This limitation highlights the importance of the Authority's involvement of stakeholders (including implementing agencies) during Plan development, review, and revision to ensure successful implementation.

Measures of Success:

In addition to its responsibilities for Water Quality Management Plan development and implementation, the Authority is required to ensure implementation of a Puget Sound Ambient Monitoring Program (PSAMP). PSAMP is designed to establish a baseline of conditions in Puget Sound and measure changes in those conditions as the Plan is implemented. The strategy for implementing PSAMP focuses on ambient monitoring to evaluate the extent to which pollution sources affect Puget Sound as a whole. Key indicators of Puget Sound health include chemical contamination, fecal contamination, types and amounts of nearshore habitat, abundance of biological resources, and conventional water quality. PSAMP coordination is managed by the Monitoring Management Committee and the Authority, with advice from a PSAMP Steering Committee on technical issues.

Responsibility for actual implementation of PSAMP rests with six state agencies (Departments of Ecology, Fisheries, Wildlife, Natural Resources, Health, and the Authority).

The Authority also reviews the progress of state agencies and local governments in implementing elements of the Water Quality Management Plan from a programmatic viewpoint. In response to requests from the Authority, these entities are required to explain any deviations in actions they are responsible for in the Plan. In addition, state agencies and local governments are required to submit biennial reports to the Authority that document their progress in implementing elements of the Plan. The information in these reports is summarized in the biennial "State of the Sound" report produced by the Authority (also required by state statute). In past years, the Authority found that the response to this requirement was less than desired, primarily because of time constraints and workloads within the implementing agencies. To overcome this problem, the Authority has instituted a process whereby Authority staff go onsite and conduct interviews of local government representatives to gather the information. This has included all 12 of the participating counties, and a representative sampling of 28 of 110 cities. Both the Authority and representatives of local governments believe that this process, although staff-time intensive, results in higher quality information, creates less of a reporting burden on implementing agencies, and provides a more comprehensive picture of Plan implementation.

In recent years, the Authority also conducted a *Measuring Results* project in an attempt to determine how implementation of the 1987 Plan was affecting conditions in Puget Sound. The project was designed to provide information for the Authority to consider during the 1994 Plan review and revision process. The *Measuring Results* project focused on several levels of results, from programmatic (e.g., meeting implementation deadlines) to environmental (e.g., measurable improvement in water quality). The approach relied primarily on the collection of anecdotal information from individuals and agencies that have participated in Plan implementation. Seven geographic areas were targeted for the project, representing the range of conditions found in the Puget Sound basin. An interview questionnaire was used to collect specific information concerning water quality trends, public awareness trends, and expenditures for Plan implementation. The *Measuring Results* project, although anecdotal, is viewed by Authority staff as a valuable means for gaining a qualitative snapshot of the effect of Plan implementation by integrating programmatic indicators with available source control and water quality information. This is seen as one method for bridging the conflict between the long-term nature of environmental improvements and the need to demonstrate short-term results to stakeholders.

Methods for Coordinating Local Government Implementation Efforts:

As was previously noted, the Authority must include a representative from the counties, a representative from the cities, and a tribal representative. At least one representative from each of the six Congressional districts also must be among the appointed members of the Authority. These are full voting memberships on the Authority, and are intended to ensure coordination with local government interests. In addition, local

governments are required to evaluate, and "incorporate as applicable, subject to the availability of appropriated funds", the elements of the Water Quality Management Plan that apply to them (RCW90.70.070). To accomplish this, counties, cities, and towns may adopt ordinances, rules, and regulations consistent with the Plan.

In addition to mandated representation on the Authority Board, local government coordination is accomplished in a number of ways. For example, the Authority staff includes individuals formerly employed by local governments. These staff members often provide a local perspective to day-to-day operations of the Authority. The Authority also assigns staff to work with each of the 12 participating counties, and the cities in each of these counties, to provide technical assistance, as well as to develop an awareness of the counties' concerns. The Washington State Association of Counties formed a Committee on Puget Sound, including commissioners and staff from each of the 12 counties in the Puget Sound basin, that meets with the Authority staff on a regular basis (approximately five times annually) to discuss Plan implementation and issues of common interest. The Association of Washington Cities has also had a task force focused on the Plan. All of these coordination mechanisms appear to be having the desired effect. Among its key findings, the *Measuring Results* project concluded that local agencies are well aware of their commitments under the Water Quality Management Plan, and are making significant progress in achieving those commitments in spite of competing priorities and resource constraints.

Methods for Involving the Public:

The 1991 Water Quality Management Plan established the following goal for its education and public involvement program:

> "To support, improve, and sustain education and public involvement programs in the region over the long term in order to: (1) inform, educate, and involve individuals, groups, businesses, industry, and government in the cleanup and protection of Puget Sound; (2) increase understanding of the Sound's ecosystem; and (3) create the kind of commitment that will be necessary to sustain efforts to improve and protect water quality over the long term."

The Authority and implementing entities, through the Water Quality Management Plan, seek to achieve this goal through various mechanisms, including public involvement policies that are to be followed during implementation. In addition, the Authority provides some technical assistance on public involvement to local governments during Water Quality Management Plan implementation. To date, five Washington State University and Sea Grant "field agents" have been hired in four counties to coordinate and implement education and public involvement efforts. Six full-time tribal field agents were also called for in the 1991 Plan; however, these were not hired due to lack of funding. However, this program has been picked up by the Washington State University Cooperative Extension at the local level and continues to exist, reaching thousands. Several special projects have been conducted through state appropriations, including a pilot "Ship's Naturalist" program in cooperation

with the Washington State Ferries. State agencies and local governments also use citizen volunteers on a variety of water quality protection, enhancement, and education issues. This volunteer effort includes a model program managed by the Washington State University Cooperative Extension to certify "master steward educators" for watersheds and the Sound.

Perhaps the most visible component of the Authority's education and public involvement program is the *Public Involvement and Education* (PIE) Fund, established in the 1987 Water Quality Management Plan to fund "projects that could serve as models for public involvement and education, community cleanup, or citizen monitoring of water quality or biological resources." The state legislature appropriated $1.1 million for the PIE Fund in both the 1989-91 and 1991-93 biennia and approximately $950,000 in 1993-1995, funding over 200 projects through 1994. In 1992 a PIE Conference was held to share the success of these projects throughout the Puget Sound basin. In 1989 a study was conducted by the Washington State University Cooperative Extension to evaluate the effectiveness of the individual PIE projects, as well as the program as a whole, in meeting their goals. The results of the study indicated that all of the projects achieved program participation objectives. Thirty-three percent of the projects achieved the desired behavioral changes, and 14 percent contributed to the preservation or enhancement of water quality in Puget Sound. The Authority has published two volumes of case studies of the PIE Fund, focusing on lessons learned from each project.

The Authority publishes a newsletter, *Soundwaves*, on a bimonthly basis to inform the public of progress in meeting the goals established in the Water Quality Management Plan. In addition, a toll free telephone number (1-800-54-SOUND) has been established for the public to contact the Authority for information. Specific Authority staff have also been assigned the responsibility for providing information, outreach, and assistance to each of the 12 counties in the Puget Sound basin. Staff work with county government, cities, tribes, businesses, citizen groups, conservation districts, trade groups, and others within their counties. Authority Board members also offer workshops, testify on key issues, and meet with groups and individuals to promote Plan implementation. Authority staff are also assigned to work with state associations representing constituencies affected by the Plan. Finally, the Authority assigns one staff member to work with the media.

Linkage to State Coastal Zone Management Program:

The Department of Ecology has responsibility for administering the State's Coastal Zone Management Program. As was noted previously, the Puget Sound Water Quality Management Plan developed by the Authority has also been approved as the CCMP for the Puget Sound Estuary Program. Because the Puget Sound Estuary Program is co-managed by the Authority and the Department of Ecology (along with EPA Region 10), the "double identity" of the Plan has provided a mechanism for coordination between the Authority and the Coastal Zone Management Program during Plan development and implementation.

EPA, in cooperation with the National Oceanic and Atmospheric Administration, has encouraged incorporation of approved CCMPs into state Coastal Zone Management Programs as a means to assist in the implementation of action plans. Although the Puget Sound Plan states that "[a]ll appropriate portions of the [P]lan shall be incorporated into the CZM [p]rogram", incorporation has not been a priority since implementation began. The 1994 Water Quality Management Plan calls for integration and coordination of Plan actions with Coastal Zone Management, section 6217 of the Coastal Zone Act Reauthorization Amendments (CZARA), and the state's Growth Management Act. It is hoped that the state's CZARA program (administered by the Department of Ecology) will incorporate key provisions of the Water Quality Management Plan.

Relevance of (and Methods for Addressing) Federal Consistency:

As one of the co-managers of the Puget Sound Estuary Program, the Authority is responsible for contacting federal agencies to notify them of the requirements of the Water Quality Management Plan. Contacts have been identified in each of the federal agencies discussed in the Plan to play a liaison role. The Plan calls on the co-managers of the Puget Sound Estuary Program (the Authority, Department of Ecology, and EPA Region 10) to "implement a process to review federal activities for consistency" with the Plan. This process currently consists of Coastal Zone Management program review (by Department of Ecology) of all federal activities that potentially impact portions of the Plan that have been incorporated into the state's Coastal Zone Management Program. However, as was noted previously, incorporation of the Plan has not been a priority. No formal federal consistency review currently exists for other portions of the Plan, beyond continual contact with the federal agency liaisons. However, the Authority acknowledges a need to more directly address federal consistency with the Plan on selected issues.

Lessons Learned:

The following issues and lessons have been identified by interviewees who have been involved with the Puget Sound Water Quality Authority:

1. Authority

   There has been some confusion, at times, concerning the extent to which elements of the Puget Sound Water Quality Management Plan are required, as well as the power of the Authority to mandate their implementation. This confusion has its origins in the enabling statute. The Authority has maintained a cooperative approach in these instances, choosing to reach consensus and avoid destructive confrontation. This confusion could be avoided through a clearer mandate under the state statute. This is not to say that individuals interviewed in developing this case study support a "command and control" mission for the Authority. Rather, the suggestion to other developing programs is to clearly describe implementation authorities, whatever they might be, and avoid ambiguities.

2. Re-education

   Plan implementation is a long-term effort and, during the course of implementation, participating individuals will change. There is a constant need to inform these new players of the Water Quality Management Plan's mission, goals, and progress so that momentum can be maintained.

3. Local issues

   Given current funding considerations, it is very important to focus outreach efforts in areas where they are most likely to be well received. Therefore, it is critical to stay in touch with trends in local interest concerning issues that are part of the goals of implementation, and to capitalize on those trends to develop support for achieving those goals. The Authority has accomplished this through the various outreach mechanisms described previously.

4. Leaders of key implementing entities

   The emphasis of this recommendation is not only on participation by implementing entities, but on participation by individuals who are in leadership positions to ensure that the goals and priorities of plan implementation are translated into the priorities of that entity. Individuals participating on the implementation structure should carry the authority to speak for and commit the entity that they represent.

5. Conflicting priorities

   Because the Water Quality Management Plan is implemented by state agencies which have statewide as well as Puget Sound responsibilities, it can be difficult at times to maintain a focus on the water quality priorities established for the Sound. Conversely, when these agencies have attempted to apply the Puget Sound priorities on a statewide basis, the Authority has been accused of over-extending its reach. This is an ongoing issue that is addressed on a case-by-case basis.

6. Realistic expectations

   Protection of the water quality of Puget Sound is part of the Authority's mission. However, it is often difficult to demonstrate protection, since the public typically looks for observable signs of improvement. Therefore, although consistent measurement of a particular environmental indicator may show that a problem, like contaminated sediments, is not getting worse, the public may construe this as a lack of progress. This has been an issue for the Authority, even though it has stressed pollution prevention over cleanup, highlighting the need for ongoing outreach and education to maintain patience with the long-term nature of environmental protection.

7. Adaptive management

Adaptive management, simply defined, allows for adjustment of the management and decision-making process over time, in the face of scientific uncertainty. Individuals interviewed for this case study emphasized the need to maintain progress towards achieving the goals of the Water Quality Management Plan. This often involves basing decisions on "best available" information, and then modifying implementation through a feedback loop as new information is developed. This flexible approach to water quality management has proven successful in Puget Sound, and is a key element of the Authority's coordination role.

3.6 Southwest Florida Water Management District

Organizational Mandate:

The Southwest Florida Water Management District (SWFWMD) is a regulatory entity responsible for managing water and water-related resources in all or part of 16 counties. As stated in Chapter 373 of the Florida Statutes:

"Central to its mission is maintaining the balance between the water needs of current and future users, while protecting and maintaining the natural systems which provide the District with its existing and future water supply. The Governing Board of the District assumes its responsibilities by directing a wide-range of programs, initiatives, and actions. These programs include, but are not limited to, flood control, regulatory programs, water conservation, education, and supportive data collection and analysis efforts."

The District Governing Board has defined five goals:

- Water Supply

  To ensure an adequate supply of the water resource for all reasonable and beneficial uses, now and in the future, while protecting and maintaining the water and related resources of the District.

- Flood Protection

  To minimize the potential for damage from floods by protecting and restoring the natural water storage and conveyance functions of floodprone areas.

- Water Quality Management

  To protect water quality by preventing further degradation of the water resource and enhancing water quality where appropriate.

- Natural Systems Management

  To protect, preserve, and restore natural Florida ecosystems and to establish minimum water levels and flows necessary to maintain these natural systems.

- Management Support

  To ensure management support services effectively and efficiently contribute to realization of the District's mission to manage and protect water and related resources.

Geographic Scope:

Within Florida there are five water management districts. The boundaries of the Southwest Florida Water Management District encompass all or part of the following 16 Florida counties: Charlotte, Citrus, DeSoto, Hardee, Hernando, Highlands, Hillsborough, Lake, Levy, Manatee, Marion, Pasco, Pinellas, Polk, Sarasota, and Sumter.

The total area covered by the District is approximately 26,000 km^2. Unlike the state's other four water management districts, the Southwest Florida Water Management District is further divided into nine hydrologic subdistricts, or basins: Alafia River Basin, Coastal Rivers Basin, Hillsborough River Basin, Manasota Basin, Northwest Hillsborough Basin, Peace River Basin, Pinellas-Anclote River Basin, Withlacoochee River Basin, and Green Swamp Basin.

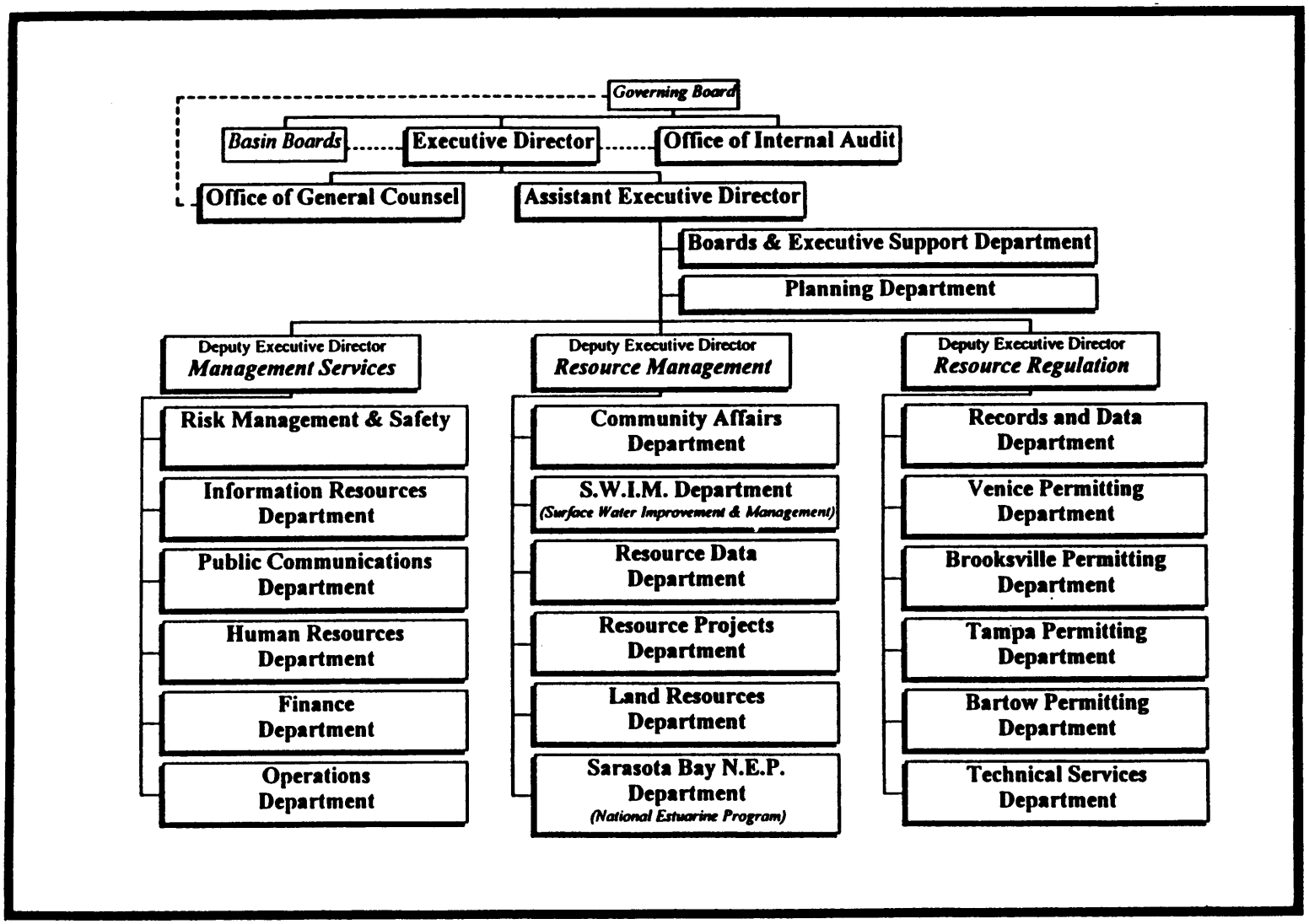
Organizational Structure:

The District has an 11-member Governing Board appointed by the Governor and confirmed by the state senate. The Governing Board appoints an Executive Director, defines the overall goals and policies of the District, oversees regulatory responsibilities, and authorizes tax levies and budgets. The Executive Director manages the day-to-day affairs of the District.

In addition to the District Governing Board, each basin has its own policy board. Each basin board must include one representative from each of the counties included in the basin, and must have a minimum of three members. Each basin board has a District Governing Board member who sits as Chairman Ex-Officio(s) for the basin in his/her respective geographic region. These basin boards are responsible for identification of water-related issues and problems in their basins, and propose programs and budgets to address these concerns to the District Governing Board. Southwest Florida Water Management District provides staff support to the basin boards.

As shown in Figure 2, most District functions are administered by one of three deputy executive directors. The three major functional areas include Management Services, Resource Regulation, and Resource Management. Staff working in Management Services provide a wide array of administrative support to the overall operations of the District. Typical activities include budgeting, payroll, personnel, microfilming, fleet maintenance, internal computer operations, and educational public awareness programs. Staff working under the auspices of Resource Regulation are involved in activities related to surface water improvement and water use permitting. The third major function of the District is Resource Management. Staff within this section perform activities related to data collection, analysis, and management activities pertaining to groundwater resources, surface water resources, and related land resources for which the District is responsible. Activities include lake level monitoring, mapping, surveys, surface water improvement planning and implementation,

Figure 2. SWFWMD Organization Chart



engineering and construction oversight, water quantity and quality assessments, and community and intergovernmental liaison.

Organizationally, the Sarasota National Estuary Program, which is located within the District, is administered by the District's Division of Resource Management. A second National Estuary Program, Tampa Bay, is also situated within the boundaries of the Southwest Florida Water Management District. However, District staff provide only technical support to this National Estuary Program, while the Tampa Bay Regional Planning Council, provides administrative support.

Implementation Authority and Mechanisms:

Statutorily, the major areas of responsibilities of the District include water supply, flood protection, water quality management, and natural systems management. Water supply pertains to needs and sources, as well as source protection. From the District's perspective, flood protection involves facilities and floodplains. Surface water and ground water concerns are incorporated into water quality and quantity management. Natural systems management involves issues related to ecosystems and minimum flows and levels. Another area that the Governing Board feels is essential is education and public awareness. The District has programs that reach both the general public as well as schools.

There are two ways the Southwest Florida Water Management District seeks to ensure implementation of its programs: via regulatory or non-regulatory activities. The District has broad powers to implement its water management programs through regulation. To implement programs or specific recommendations, the District may create a new regulation(s) or modify permits. The District currently possesses permitting authority for water withdrawal projects and surface water management projects, such as stormwater management. In addition, the District may receive additional authorities for dredge and fill activities in the future. Each permit issued by the District advises the permittee that it is issued subject to revision when the District adopts a new or revised rule. Generally, this applies only to water use permits. Also, the District attaches monitoring requirements to many of its permits to ensure permit compliance. Based on monitoring data, revisions to an existing permit can be made. Finally, management program implementation may require the District to modify an existing regulatory program. None of these changes can be made until the District complies with the State of Florida rulemaking process, as set out in Chapter 120, Florida Statutes. The rulemaking process in Florida provides for a very open and public means of airing all concerns relative to the regulation under consideration, as well as allowing the public an opportunity to express their opinion(s).

The Southwest Florida Water Management District also uses non-regulatory methods for plan implementation, such as land acquisition, resource protection, educational programs, research, incentives, volunteer programs, and very open and active public involvement programs. The District has purchased land for flood protection, as well as habitat protection. For example, early in its existence, the District purchased 6,500 acres in the Upper

Hillsborough Flood Detention Area (FDA) and most portions of the Lower Hillsborough FDA (14,975 acres). Another special environmental area is the Green Swamp located in Polk and Lake Counties where District holdings approximate 98,000 acres; the Green Swamp area has extensive wetlands and serves as a natural flood detention area. Possibly the most notable example of resource protection is the District's well plugging program that has been in place for many years. The District also conducts agricultural demonstration projects to provide a bridge between research and field implementation (e.g., drip irrigation on vegetables). Nearly all programs developed by the District have an educational and outreach component. The District has entered into 14 park and/or environmental education agreements, with five different counties, which provide for construction and/or operation and maintenance of county park sites on District-owned properties. This reflects the commitment made by the Southwest Florida Water Management District to support public awareness and sensitivity to environmental issues. The District is developing in-school education materials, brochures, and newspaper tabloids. In terms of research, the District either conducts or funds many research efforts. Because of the prominence of agriculture in the District (consumed 42 percent of total freshwater use in 1990), a number of research efforts are underway; one example involves assessing the water percent requirements of tomatoes and strawberries. The District has also conducted environmental and cultural assessments on District-owned properties. Also, the District has conducted research on stormwater management (e.g., monitoring surveys of existing permitted stormwater management systems).

Incentive programs are another alternative that the District uses to achieve plan implementation. To reduce water consumption, the District has an active xeriscape program. The District also uses seed money to expand the use of reclaimed water for appropriate purposes, such as irrigation for landscaping and crops, cooling, and industrial processing. The District has a comprehensive local government planning assistance program, which has been established primarily to assist local governments in incorporating sound water management principles into their comprehensive plans.

Funding:

The Southwest Florida Water Management District is a special taxing district, and its budget is funded through a variety of revenue sources. For fiscal year 1993, 46.8 percent of the budget was funded through ad valorem taxes. Approximately 30 percent ($32,630,581) of the total budget was derived from a combination of intergovernmental revenues from local, state, and federal sources. Most of the state revenues come from a variety of trust funds: Surface Water Improvement and Management (SWIM) Trust Fund, Florida Preservation 2000 Trust Fund, and the Water Management Lands Trust Fund, which underwrites the Save Our Rivers program. The District uses these funds to correct and/or enhance water quality of its water bodies and to purchase environmentally significant lands. Although permitting is a major activity of the Southwest Florida Water Management District, and all persons seeking permits pay an application fee, permit fee revenue in fiscal year 1993 amounted to only 1.6 percent of total budget revenues.

Taxes are levied in the nine basins and are included in the District's Special Revenue Fund. The District has a one mill ($1.00 per $1000 of assessed property value) taxing capability; 50 percent (or 0.5 mill) is available for use by the basin boards, with the balance reserved for the Governing Board. Over the past three years, five of eight basin boards had a millage rate of less than 20 percent of the allowable 0.5 mill.

The District budget for the past several years has declined. In fiscal year 1991, the overall budget (including basin budgets) was $120,158,780. For fiscal year 1992 the budget was $118,920,536; and, by fiscal year 1993, the overall budget had declined to $104,260,061. Of the total fiscal year 1993 budget, 82.4 percent was allocated to the departments and sections comprising the three major divisions within the District. Resource Management constituted 53.8 percent of the total budget. Because this division has responsibility for handling the acquisition of lands under the Save Our Rivers and Preservation 2000 programs, a major share of the District's budget is typically allocated to this division.

Besides its normal revenues sources, the Southwest Florida Water Management District is authorized to borrow money temporarily. While this is not a normal practice of the District, it does allow the District a financial option to fund "work of the district". A work of the district is defined as structures, impoundments, wells, streams, and other watercourses along with the appurtenant facilities and accompanying lands. Temporarily means not to exceed one year at any one time.

Accountability:

The District Governing Board is accountable only to the Governor. Although the water management districts are a subunit of state government, they operate relatively independently. Statutorily, the Florida Department of Environmental Protection has been delegated oversight responsibility over water management districts. However, exactly what oversight means is rather vague, and continues to be redefined over time. The statutory language states: "Exercise general supervisory authority over all water management districts. The department may exercise any power herein authorized to be exercised by a water management district" (Section 373.026(7) F.S.).

Further definition of Florida Department of Environmental Protection oversight responsibility is provided in the Florida Administrative Code (F.A.C.), which states that all water management district rules that would have an affect on the waters of the state must be reviewed by the Florida Department of Environmental Protection for consistency with other requirements. This rule further states, that "At the request of the Department, each District shall initiate rulemaking pursuant to Chapter 120, Florida Statutes, to consider changes the Department determines to be necessary to assure consistency with this Chapter."

While the District Governing Board may not be directly accountable to the citizens of the District, the District, like the State of Florida, has a strong commitment to accountability

to its citizens. This commitment is set out in the Florida Constitution, (Section 24, Access to public records and meetings), which ensures what is commonly called "government in the sunshine". The District, like all state agencies and departments, local governments and the legislative, executive, and judicial branches of government, is required to not only allow for, but also develop policy and rules to ensure that achieving the tenants of the Florida Constitution. "Government in the sunshine," in and of itself, has been extremely effective in making all governmental units in Florida accountable to the general public.

The Southwest Florida Water Management District does actively engage a number of mechanisms to inform the public of its actions. Annually, the District publishes a report that highlights accomplishments for the year, and provides a balance sheet and a statement of revenues and expenditures.

The District distributes its agendas in advance of its regularly scheduled monthly Governing Board meetings. The minutes of these meetings are also distributed widely. Accountability is also achieved through opportunities for public comment during the Governing Board meetings. The District has established a series of standing Advisory Committees on agriculture, industry, green industry, and public supply. These committees represent major water user groups in the District.

Focus of Implementation:

There is no formally adopted water management plan for the Southwest Florida Water Management District; however, the District has prepared a number of management-oriented plans that address its four major areas of responsibility: water supply, flood protection, water quality, and natural systems.

Over the years, a variety of management plans have been prepared by the District including basin management plans, water conservation plans, and management plans for District-owned properties. The District has prepared nine SWIM plans for priority water bodies experiencing degraded water quality. The SWIM plans address problems related to point and nonpoint pollution sources and destruction of natural systems, provide solutions for the correction and prevention of surface water problems, and address research and development of improved management techniques. The plans contain specific actions or projects that achieve improved water quality and/or habitat restoration. In addition to SWIM, eight basin management plans document the issues, problems, and priorities specific to each basin. In response to concerns about saltwater intrusion and lake level declines, the District Governing Board has declared the southern portion of the District as the Southern Water Use Caution Area. While not as geographically extensive, water use caution plans have also been prepared for other areas in the District, (i.e., Highlands Ridge, Northern Tampa Bay, Eastern Tampa Bay). Use and management plans have also been prepared for lands the District has purchased with Save Our River and Preservation 2000 funds, such as Potts Preserve. By developing these management plans, the District has been able to

accomplish multiple objectives. They serve not only to protect sensitive environmental resources, but provide recreation and educational opportunities, too.

Other focuses of implementation include well plugging and flood protection. For years the District has had an active well plugging program with a goal of protecting the quality of its ground water resources through plugging of abandoned, free flowing artesian wells that discharge highly mineralized water. Flood protection has been a major focus of the District since its creation in 1961. The flood protection system consists of a major bypass canal in Tampa, and a system of detention areas, structures, and canals used to divert flood water to the Hillsborough River, which finally discharges into MacKay Bay. More recently, flood protection efforts have shifted to natural and preventive approaches, such as acquisition of flood prone areas.

Measures of Success:

Recently, the District completed a report, titled Final Report for Management & Operations Evaluation which includes a comprehensive assessment of the efficiency and effectiveness of the District's operations as well as many recommendations. The District Governing Board is currently implementing a number of the report's recommendations.

Historically, the Southwest Florida Water Management District has evaluated, through its various monitoring programs, the health of the water resources. Indicators include improvements in water quality, as measured by a variety of state-set water quality parameters (e.g, pH, dissolved oxygen, total suspended solids). Effectiveness of its water conservation efforts is measured by monitoring reductions of total water use or per capita use. Other measures used to assess program/project effectiveness are reductions in the number or type of permit violations. Success is also measured in terms of a reduction in the number of known uncapped, free-flowing artesian wells. These successes are documented through the District's monitoring and enforcement program.

Methods for Coordinating Local Government Implementation Efforts:

There is no mandatory linkage between water management planning and implementation programs of the District and the land use decisions of local governments. However, while there is no formal mechanism, such as a legal directive or law, requiring local government to coordinate their efforts with water management districts, the District does spend considerable time coordinating with local governments. This coordination occurs not only during the implementation phase, but begins at the time programs and projects are designed. For the most part, coordination with local governments is achieved through informal, voluntary means. Formal coordination occurs only if a local government seeks a District permit, such as a consumptive water use permit or a surface water management permit.

Although being somewhat criticized in the past for being too autonomous, the District attempts to work cooperatively with local governments to further District water management objectives. The District conducts workshops and public meetings to discuss and receive input from local governments. The District, from time to time, produces work products that further the District's goals, as well as assist local governments in their local planning and regulatory efforts. One example involved the development of model ordinances dealing with important water management issues. These ordinances addressed flood management, erosion control, protecting environmentally sensitive resources, and stormwater management and treatment. Also, the District shares its extensive data and information resources with local governments. These resources are valuable to local governments as they develop their local comprehensive plans.

In Florida, local governments are required to address issues of water quality and water quantity in their local comprehensive plans, and nearly all local governments have adopted these plans. Water management districts had opportunities to comment on all local government comprehensive plans within their boundaries. They also have opportunities to comment when local governments propose amendments to those comprehensive plans. However, only the Florida Department of Community Affairs can issue a report of objections, recommendations, and comments regarding a proposed plan or plan amendment, thus only the Florida Department of Community Affairs determines what comments from other state and regional agencies will be included in the report. Local governments are required to respond to the Florida Department of Community Affairs report, and unless the Florida Department of Community Affairs decides to include water management district comments, the local government is under no pressure to address the comments and concerns of the water management district.

Methods for Involving the Public:

Over the years, the Southwest Florida Water Management District has employed a variety of public participation mechanisms to involve the citizens of the District in its planning and permitting processes. It is the opinion of the District that involving the public has mobilized unutilized resources, providing a source of productivity and labor not otherwise tapped. Further, the public provides a source of knowledge, feedback regarding policy and programs, and a sounding board for new and innovative approaches.

The following public involvement methods have been used by the District:

- Standing committees (i.e., agriculture, industry, public supply, and green industry [e.g., tree nurseries, landscape firms])

- Workshops (Governing Board, basin boards, advisory committees)

- Public awareness techniques (e.g., public input hotline, use of information depositories, tabloids)

- Surveys & questionnaires
- Public noticing of regular and special meetings
- Mailouts
- Newsletters
- Distribution of minutes of public meetings
- News releases/Media interviews
- Public presentations
- Staff participation on external technical committees or other agency's public meetings/workshops

Which specific method is utilized depends upon the type of project and the audience the District is attempting to reach.

Linkage to State Coastal Zone Management Program:

Water management districts can interact with the Florida Coastal Zone Management program through its review and comment function.

Annually, the state submits its federal Coastal Zone Management Grant application to the U.S. Department of Commerce, National Oceanic and Atmospheric Administration. During the application review process, the water management districts are given an opportunity for review and comment and to lobby for modifications in the state's proposed program.

Relevance of (and Methods for Addressing) Federal Consistency:

Water management districts are routinely involved in federal consistency evaluations through the Florida Department of Environmental Protection. Whether water management districts have authority to not only comment, but to formally invoke consistency determinations, is a debated issue at this time. This is a legal question undergoing substantial debate between water management districts and the State of Florida.

The Planning Department of the Southwest Florida Water Management District is responsible for conducting federal consistency reviews and determinations. There are generally two ways the District becomes involved in reviewing projects for federal consistency: through the permitting process and when requests for comment come from the Governor's Office.

From a permitting perspective, a federal consistency review and determination may be initiated in one of two ways. The first is when an applicant seeks a permit from the District for either a dredge and fill permit or a surface water management permit. The second is during the Florida Department of Environmental Protection permit process, as it is common for the District to be afforded an opportunity to make a federal consistency determination when an applicant seeks a permit. Also, the Florida Department of Environmental Protection, through an informal internal review process, seeks to determine whether or not the District agrees with a proposed Florida Department of Environmental Protection permit for a federal project or sponsored activity.

The second way the District is involved in the federal consistency review process is through review and comment requests received from the Governor's Office. Typical projects include bridge crossings, highway projects, housing (where wetland impacts may occur), natural gas pipelines, power transmission lines, and facilities to be built under the power plant siting act. The Governor's Office also requests comments from the District on relevant environmental impact statements, as well as the A-95 grant application review process. The District's comments have been extensively utilized by the A-95 Clearinghouse in the Governor's Office to revise and modify projects within the coastal zone.

Unlike other Florida laws that have companion administrative rules to provide details and clarifications, no such administrative rule has ever been codified for federal consistency. Even though the Florida Department of Environmental Protection has an administrative manual that explains how it administers federal consistency, both the Florida Department of Environmental Protection and District staff agree that less confusion would exist if a set of administrative rules were promulgated for federal consistency.

Lessons Learned:

Water management districts provide National Estuary Programs with a unique institutional arrangement that could be used to implement CCMPs. Historically, independent authorities have been criticized because they are too autonomous and not directly responsible to the citizens; however, these authorities are more focused than general purpose governments in implementing a specific agenda. The taxing, regulatory, and planning powers of water management districts also support the implementation of specific programs. The following items highlight some of the positive and negative aspects regarding water management districts as an appropriate institutional mechanism to implement CCMPs.

1. Watershed-based

   National Estuary Programs are watershed-defined, as are water management districts in Florida. The Southwest Florida Water Management District also has been further subdivided into a series of smaller watersheds. This nesting concept, subbasins within the District basin, allows the District to set an overall water management strategy, yet allow for differences among the subbasins. As a

regional agency, the District can focus on local, basin-specific, and interjurisdictional (or interbasin) issues and solutions for water management.

2. Independent governing board and mandate

   Independence from other state and local bodies enables the District to develop and respond to water management programs quickly and with less political influence.

3. Public outreach and participation

   Public involvement at all stages of program development has enabled the District to generate a constituency to support the District's water management agenda.

4. Regulatory and taxing authorities

   Regulatory and taxing authorities have been essential to the District in implementing its comprehensive water management program.

5. Funding

   Two of the District's primary implementation funding sources, SWIM and Preservation 2000, have a certain degree of instability, because they are dependent upon annual appropriations from the Florida Legislature. A more stable funding source would be desirable; however, in Florida many earmarked funding sources fluctuate depending upon the health of the state economy.

6. Branch offices

   As the District encompasses more than 26,000 km^2, four service offices have proven to be invaluable. They enable the District staff to work closer to constituents than if they worked out of one central location.

7. Local government coordination

   The District does not have the authority to mandate that local governments incorporate District policies and plans in their local comprehensive plans. Because local government comprehensive plans have the force of law, and because local governments must comply with their own adopted plans and policies, the lack of an effective linkage between local government plans and District water policy(s) is a major weakness. District routine communications with and distribution of technical information/data to its local governments have supported voluntary compliance.

8. Federal consistency process

The District, through the federal consistency process, can comment on federal projects and programs; however, should it be determined that Districts have the authority not only to comment, but invoke consistency determinations, they will have a more effective means of influencing decisions on federal projects and programs.

3.7 Tampa Bay Regional Planning Council

Organizational Mandate:

The Tampa Bay Regional Planning Council is the oldest planning council in the State of Florida; established in 1961, by four municipalities (i.e, Clearwater, Sarasota, St. Petersburg, Tampa). In 1972, the Florida Legislature passed the landmark Florida Environmental Land and Water Management Act as a result of recommendations of the Environmental Land Management Study Committee (ELMS). One of the significant results of that effort was the creation of substate planning regions throughout Florida.

As stated in the 1993 Annual Report:

"To serve the interests of the entire Tampa Bay region, of matters greater than local in breadth and effect, the Tampa Bay Regional Planning Council fosters cooperation and growth in an ever changing community. Recognizing that our resources - of humankind and nature - are interdependent and dynamic, knowing that together, we must face this change".

Geographic Scope:

Florida is subdivided into 11 planning regions, all containing active regional planning councils. The four counties comprising the Tampa Bay Regional Planning Council include Hillsborough, Manatee, Pasco, and Pinellas. The geographic scope of the Council has changed since its creation in 1961. Soon after the four Bay Area cities banded together, counties were extended an invitation for membership. Pinellas County was the first county to become a member of the Council in 1962, followed by Hillsborough County and Sarasota County. In 1963, Manatee County became a member, followed by the City of Bradenton. Pasco County did not become a member of the Council until 1970, nine years after the Tampa Bay Regional Planning Council was formed. Sarasota County, which is now within the Southwest Florida Regional Planning Council, was an early member of the Tampa Bay Regional Planning Council; however, once the 1972 ELMS legislation was enacted, the state planning office subdivided the state into substate planning regions. It was at that time that Sarasota County was switched from the Tampa Bay Regional Planning Council to the Southwest Florida Regional Planning Council.

Organizational Structure:

Membership in the Tampa Bay Regional Planning Council has increased steadily over the years, and today the Council is governed by a 38-member board. Twenty-two of the members are from local governments (four counties and 18 municipalities). Municipal participation has always been voluntary. At the outset, county participation was also voluntary; however that situation changed with the passage of the Florida Regional Planning Councils Act of 1980. The new law required all counties to become participating members

of Regional Planning Councils. There are a total of 39 municipalities in the four county Tampa Bay Regional Planning Council region; however, 18 or just less than half belong to the Council. In addition to the local government representatives, 12 Council members are Governor appointees and are subject to confirmation by the Florida Senate. The Council also has four ex-officio non-voting members appointed by the Governor, including representatives from three state agencies (i.e., Department of Commerce, Department of Environmental Protection, Department of Transportation), and the Southwest Florida Water Management District.

The Council has ten standing committees. The Executive Committee, Budget Committee, and the Clearinghouse Review Committee are specifically set out in Chapter 29-H, Florida Administrative Code, (the formal, adopted rules of the Council). Other standing committees that have been established include the Legislative Committee, Aging Policy Committee, Agency on Bay Management, Disaster Medical Assistance Team Committee, Florida Regional Councils Association, Transportation Committee, and Mediation Committee.

The level of activity among the ten committees differs. The following discussion highlights the activities of the Clearinghouse Review Committee and Agency on Bay Management, the Council's most active committees. The Clearinghouse Review Committee is charged with the Council's intergovernmental review and comment responsibilities as they relate to:

- Consistency of federal and state assistance applications subject to Florida's Intergovernmental Coordination and Review Process;
- Federal and state permit applications (e.g., dredge & fill);
- Proposed federal and state rules, regulations, and policies;
- Environmental impact statements; and
- State plans with local and regional plans and issues.

The Clearinghouse Review Committee also reviews large-scale developments known as Developments of Regional Impact. The goal of the Development of Regional Impact process is to identify and assess the potential impacts of the proposed project, coordinate with affected governmental agencies, and provide recommendations in a report to the local government where the proposed development is located. The report identifies what potential solutions or corrective actions need to be taken in order to minimize and mitigate the proposed project's impact(s) on the local government and surrounding governmental entities.

In 1985, the Agency on Bay Management, was established to monitor, comment, and take policy positions on natural resource issues of importance to the region, particularly as they affect Tampa Bay. The agency has 45 members from the industrial, recreation, commercial fishing, research, educational, and regulatory communities, as well as federal, state, and local governments and the public at large. The Agency is very active, meeting monthly, and focuses on three major areas: interagency coordination; public and technical assistance; and legislative comment and analysis. The Agency on Bay Management has spearheaded numerous educational and legislative programs on behalf of the proper management of Tampa Bay. Representing a broad-based alliance of interests, considerable attention is spent on achieving a high degree of interagency coordination, especially when it involves critical issues relative to Tampa Bay and its estuarine waters. Members of the Agency also participate on many technical committees in the Tampa Bay area dealing with habitat restoration, water quality protection, and Bay management.

As presented in Figure 3, the Executive Director is responsible for implementing the policies of the Council, overseeing the activities of the Area Agency on Aging, and administering the Council's planning programs. The Deputy Director manages the daily operation of the Council staff with the exception of the Director of the Area Agency on Aging. Reporting to the Deputy Director is the Director of Administrative Services and the Director of Planning, as well as Council's attorney. The Tampa Bay National Estuary Program is administered locally by the council, having offices in St. Petersburg.

Implementation Authority and Mechanisms:

The Tampa Bay Regional Planning Council, like other Regional Planning Councils in Florida, is primarily an advisory body, unlike the regional water management districts in Florida that have significant regulatory power. To a large extent, Regional Planning Councils rely upon persuasion, through a review and comment role or convincing local governments to incorporate provisions of its comprehensive regional policy plan into their local comprehensive plans. However, there are two very significant points to understand about Regional Planning Councils. Although their responsibilities and powers are derived from state law (Section 186.505), Regional Planning Councils are created by an interlocal agreement of local governments, not by the state. Secondly, their perspective is comprehensive, not limited to a narrow, specific functional area of concern such as water management or transportation.

The type of functions the Regional Planning Councils and, more specifically, the Tampa Bay Regional Planning Council has been involved in covers a broad spectrum of activities and interests, ranging from services for the elderly to project reviews (i.e., Developments of Regional Impact, local comprehensive plan amendments) to regional studies that address issues related to housing, transportation, environment, or hurricane evacuation. Council responsibilities have expanded over the years. Some have been as a result of state legislative mandates, while others have been assumed voluntarily.

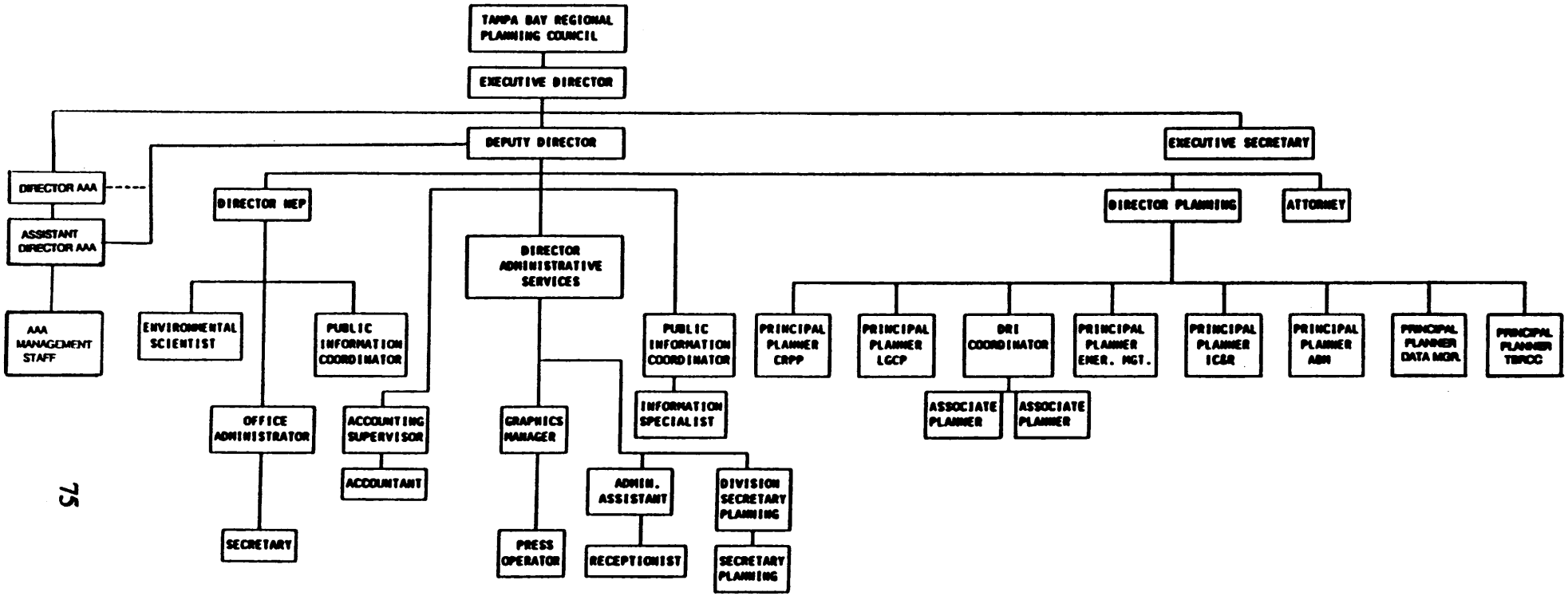


Figure 3. TBRPC Organization Chart

Under existing state law, the Council has been charged with programmatic responsibility for reviewing Developments of Regional Impact, and local government comprehensive plans. In addition, the Council has served as a regional clearinghouse for many years.

In 1973, the Developments of Regional Impact review process was established by the Florida Legislature (Section 380.06 F.S.). The intent of the legislation was to provide state, regional, and local agencies the opportunity to evaluate the impacts of proposed large-scale development projects (e.g., regional shopping center, airport expansion). The Tampa Bay Regional Planning Council is charged with analyzing the impacts of these projects on facilities and services, such as major roads, sewer, and drainage systems. In addition, the Council must assess the potential impact on adjacent local governments and on regionally-significant natural resources. Since the passage of the Act, the Tampa Bay Regional Planning Council has reviewed more than 220 such projects.

Under the Local Government Comprehensive Planning Act (Section 163.3184, F.S.), the Tampa Bay Regional Planning Council is provided an opportunity to comment on local government comprehensive plan amendments. Council review is based on:

- Impacts on regionally significant resources or facilities identified in *Future of the Region, A Comprehensive Regional Policy Plan for the Tampa Bay Region*; and

- Extra-jurisdictional impacts inconsistent with the comprehensive plan of affected local governments.

In 1993, the Council reviewed 1,135 plan amendments.

Nearly 30 years ago, the U.S. Congress enacted the Intergovernmental Coordination Act of 1968. As a result of that legislation, a clearinghouse review obligation for the Council was established. The program is now known as the Intergovernmental Coordination and Review Process. Although there have been some procedural modifications at the federal and state levels, the essence of the process, intergovernmental coordination and cooperation, remains intact. In addition to reviewing applications for federal assistance grants and projects, the Tampa Bay Regional Planning Council staff also review programs and documents relative to the National Environmental Policy Act (e.g., environmental assessments, environmental impact statements), Federal Coastal Zone Management Act (primarily dredge and fill permits), and the National Historic Preservation Act. Each month the reviews conducted by the Clearinghouse Review Committee are sent to the Council for concurrence. Those dredge and fill applications that are found to be of regional significance are ultimately acted upon by the Council prior to comments being transmitted to the permitting agency. On average, Council staff review 200-300 projects and programs annually.

In June 1985, the Florida Legislature took a historic step by passing the Growth Management Act. One of the directives of the legislation required that all Regional Planning Councils prepare comprehensive regional policy plans. During 1986 and 1987, the Tampa Bay Regional Planning Council prepared and adopted the *Future of the Region, A Comprehensive Regional Policy Plan for the Tampa Bay Region.* This plan is comprehensive in scope and it addresses not only man-made facilities and natural resources, but also many areas of social concern (e.g., families, children, elderly, health, education). The plan has become the Council's official growth management policy document.

In 1993, the Florida Legislature passed the 1993 ELMS bill. This legislation directs Regional Policy Councils to prepare Strategic Regional Policy Plans which will supersede comprehensive regional policy plans. The Strategic Regional Policy Plans are to focus on affordable housing, economic development, emergency preparedness, natural resources of regional significance, and regional transportation. The intent of the statutory modification was to refocus Regional Policy Councils on matters involving regional intergovernmental coordination, and the provision of technical assistance to local governments.

Besides the review functions as described above, the Tampa Bay Regional Policy Council serves as the Area Agency on Aging, provides staff support for the Hurricane and Disaster Planning Task Force, staffs the District Local Emergency Planning Committee, serves a coordinating role through participation on the technical advisory committees of the region's four Metropolitan Planning Organizations, staffs the Tampa Bay Disaster Medical Assistance Team Coordinating Committee, and maintains a Regional Information Center.

Since the Tampa Bay Regional Planning Council is an advisory body, regulation is not an available implementation tool. However, having been in existence for over 30 years, the Council has established its legitimacy and, therefore, its opinions and comments have an influence on shaping commitments of state, regional, and local governments. The Council is able to implement portions of its Regional Planning Policy through its review and comment functions that have been established statutorily.

Council members and staff participate actively on a host of committees. By participating on these committees, the members and staff have an opportunity to informally seek commitments to implement the Regional Policy Plan. By drawing upon the experience of the Council and the provision of information, the outcome of the various committee recommendations can be shaped. Council members participate on six committees, including Agency on Bay Management, Joint Metropolitan Planning Organization, Aging Policy Board, Regional Visioning Task Force, Disaster Medical Assistance Team Coordinating Committee, and Tampa Bay, Region Emergency Management Committee. Staff serve on 29 committees, a number of which are environmentally oriented such as the Tampa Bay National Estuary Program Management Committee, Greenways Committee, Cockroach Bay Restoration Advisory Committee. Others are involved in transportation matters, information systems, economic development, and oil and hazardous substances pollution response.

Another way the Council works to implement its Regional Policy Plan is through its technical assistance efforts. The Council provides technical assistance to local governments, state agencies, non-profit organizations, and the regional community on a regular basis. Examples include coordinating Coastal Cleanup '93 in cooperation with the Center for Marine Conservation, coordinating wildlife rescue efforts in response to an oil spill in Tampa Bay, and participating in several habitat restoration projects (e.g., salt marsh, seagrass) around Tampa Bay. Council staff have also been involved in monitoring the success of the various sites where restoration projects have occurred.

The Council also conducts workshops and public forums. The Council, in co-operation with the Hillsborough County Public Schools, sponsored a three day Marine Science and Ecology Teacher Workshop. The purpose of the workshop was to provide teachers with local information and insights on water quality, restoration programs, and coastal biota. Another example involves hurricane preparedness; the Council, working with the Department of Elder Affairs, conducted a one-day workshop on disaster preparedness and the elderly.

The Council staff also work closely with the Planners Advisory Committee. Local planners from many jurisdictions throughout the region come together to discuss mutual problems and common solutions. All local governments have been directed by the State Legislature to develop an effective intergovernmental coordination element for inclusion in their local comprehensive plans. The Council, along with local government planners in the region, are working together to develop a format for local government to follow.

Funding:

The Tampa Bay Regional Policy Council budget for fiscal year 1994 is nearly $4,600,000. In fiscal year 1990, the budget was $2,823,488. This translates to a 62.6 percent increase in the Council's budget between 1990 and 1994. Major factors affecting the increase have been the continued expansion of the Area Agency on Aging program, and the creation of the Tampa Bay National Estuary Program in 1990; federal funds for this estuary program are administered through the council. Other than these two programs, there have been some fluctuations in dollars committed to various program activities; however, few have been significant. Only the Developments of Regional Impact program experienced a fairly sharp reduction in funding. A large proportion of Council Developments of Regional Impact review activities are funded by Developments of Regional Impact fees collected from applicants. Because of the down-turn in the economy, fewer development proposals have been generated.

Funding for Council programs comes primarily from local, state, and federal governments. Because of the Council's Aging program and Tampa Bay National Estuary Program, federal dollars have become the largest revenue source for the Council. In fiscal year 1990, 11.9 percent of the total revenues came from the federal government. By fiscal year 1993, federal dollars had increased to 34.6 percent. State funds have remained

relatively stable over the years. A large share of state funds are received from Department of Elderly Affairs for the Council's Aging program. Also, the Council has received funds from the Department of Community Affairs for many years. Although the amount has fluctuated in recent years, Department of Community Affairs funds are important because they are used to defray a major portion of the cost the Council incurs in carrying out its regional planning and regional review programs. The other major funding component, local revenues, is generated from annual membership dues. All member governments, whether county or city, pay a base amount of $2,000 per fiscal year. In addition, each county is assessed a pro-rata share of the remainder of the money required to balance the adopted budget. The method by which membership dues are established and assessed is provided for in the Interlocal Agreement establishing the Tampa Bay Regional Planning Council. Since fiscal year 1990, dues/interest have remained relatively stable, averaging nearly $840,000, annually. This revenue source constituted 22.8 percent of total revenue in fiscal year 1993. The per capita fee for fiscal year 1994 is just over $.35 per capita.

Accountability:

In Florida, local governments have enabling powers to form Regional Planning Councils (Chapter 186, F.S.). The statute charges no state agency with oversight responsibility for Regional Planning Councils; therefore, Tampa Bay Regional Planning Council, is directly accountable only to itself. The only body that can affect the Tampa Bay Regional Planning Council is the Florida Legislature through its legislative authority. It can and does define and shape the roles and powers of the council.

While no state agency has oversite responsibility for Regional Planning Councils, the composition of the membership of the Council can have an effect on regional policy and actions. Since the original ELMS legislation was enacted in 1972, the Legislature has modified the Regional Planning Councils legislation twice regarding the issue of membership composition. Originally, all Regional Planning Councils membership was comprised of local government representatives. Then in 1980, the membership was broadened to include Governor appointees and, in 1993, the statute was further modified to add four Governor-appointed, non-voting, ex-officio members. Three represent state departments (i.e., Commerce, Environmental Protection, Transportation) and the fourth appointment represents the water management district having jurisdiction within the Council's boundaries. By altering the membership composition, the State Legislature expressed concern that Regional Planning Councils had not been sensitive to state interests.

Section 24 of the Florida Constitution ensures what is commonly called "government in the sunshine". The Tampa Bay Regional Planning Council, like all state agencies and departments, local governments, and legislative, executive, and judicial branches of government, is required to not only allow, but must develop policy and rules to ensure, that the tenants of the Florida Constitution are achieved. "Government in the sunshine," in and of itself, has been extremely effective in making all governmental units in Florida accountable to the general public.

The Tampa Bay Regional Planning Council also employs a number of techniques to inform the public of its activities and actions. Each year, the Council publishes its annual report that highlights accomplishments of the previous year. The publication also includes a balance sheet and a statement of revenues and expenditures.

The Council distributes its agendas, including background and explanatory materials on agenda items, in advance of its regularly scheduled monthly Council meetings to a large audience interested in Council activities. The minutes of these meetings are also widely distributed. Further, the public has an opportunity to express their opinions on agenda items at all Council meetings.

Focus of Implementation:

Since 1987, the Regional Policy Plan has been the growth management policy instrument utilized by the Tampa Bay Regional Planning Council to fulfill its numerous duties and responsibilities. The plan has been formally adopted in accordance with state law, and provides the basis for the Council's review and comment functions. The Regional Policy Plan provides long-range guidance for the orderly physical, economic, and social development of the Tampa Bay region. The plan contains 27 regional issue areas. Examples of issues include social-related areas such as education, health, children, elderly, families; economic areas such as urban revitalization, the economy, tourism, and employment; and physical areas such as coastal and marine resources, land use, natural systems and recreational lands, water resources, and transportation. For each issue area, regional goals have been established. They define long-term ends toward which programs and activities should be directed. For each regional goal, policies are identified that establish principles on which programs and activities are based. To track the success of each regional goal, the Council developed a series of measures to show the projected outcome and effectiveness of each regional goal.

During the 1993 Florida legislative session, the Florida Regional Planning Council Act was amended, requiring that the existing Regional Policy Plan be replaced by a Strategic Regional Policy Plan. Under these amendments, Regional Policy Councils must address affordable housing, economic development, emergency preparedness, natural resources of regional significance, and regional transportation (Section 186.507 (1)). The Regional Policy Councils are given the latitude to address other functional areas (e.g., education, public safety, health).

Measures of Success:

As described above, the Council's Regional Policy Plan contains regional goals. Most goal statements contain date certain language identifying when the goal should be achieved. For each regional goal there is one or more measures of success such as the following:

- Increase in the productivity of the marine resources

- Increase in the acreage of approved shellfish harvesting area

The Council prepares a report every five years that essentially assesses the successes or failures of the Regional Policy Plan and prepares necessary amendments.

Methods for Coordinating Local Government Implementation Efforts:

The Council has both formal and informal means to achieve coordination with local government implementation efforts. In 1985, all local governments in Florida were statutorily mandated to prepare and adopt local comprehensive plans in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act. The comprehensive plans were required to contain a series of elements: future land use, conservation, housing, traffic circulation, parks and open space, infrastructure, (i.e. sewer, potable water, drainage, solid waste, natural aquifer recharge), intergovernmental coordination, and capital improvements. In designated coastal areas, a coastal management element was required as well. Regional Policy Councils are provided an opportunity to comment on the consistency of local comprehensive plans and amendments with their comprehensive regional policy plans. However, RPC comments are only advisory. The Florida Department of Community Affairs, as the designated state land planning agency, issues an assessment report known as the Objections, Recommendations and Comments (ORC) Report on a proposed plan or plan amendment.

The Florida Department of Community Affairs solicits comments from all reviewing agencies, including Regional Planning Councils. Each reviews and submits their comments back to the Florida Department of Community Affairs. However, only the Florida Department of Community Affairs determines which comments will be included in the report and local governments are required to respond to recommendations and objections contained in the report. Unless the Florida Department of Community Affairs decides to include Regional Planning Council objections and comments, the local government is under no pressure to address the comments and concerns of the Regional Planning Council. In actual practice, the Florida Department of Community Affairs generally incorporates most of the Tampa Bay Regional Planning Council's comments. Also, when problems or concerns are raised by the Regional Planning Councils staff early in its review process, prior to comments being submitted to the Florida Department of Community Affairs, it is common practice for Council staff to meet with local government staff in an effort to reach a resolution. This practice has been well received by local governments.

Providing technical assistance to local governments has been an effective way of achieving implementation of the Regional Policy Plan. This is especially important because many of the policies require actions to be taken by local government. Historically, the Council has assisted a number of local governments in preparing their comprehensive plans

and plan amendments. Other informal means of coordination include conducting public workshops and disseminating information.

Methods for Involving the Public:

In its earliest days, the Tampa Bay Regional Planning Council placed little emphasis on public involvement. However, with the reorganization of the Council following the passage of the Florida Environmental Land and Water Management Act of 1972, the level of public participation increased significantly. In 1975, the Council conducted a Performance Effectiveness Program to evaluate its structure, communications capabilities, and its perceived identity within the region. This study, prepared by individuals that had no affiliation with the Council, led to an increased emphasis on the need for public involvement in Council activities. From that time forward, the Council has utilized citizen advisory committees frequently. As of 1994, the Council operates nearly 30 committees and/or subcommittees. Their range of concern is broad, including not only bay management and transportation, but data management, public safety, emergency management, archeology, historic preservation, and disaster medical assistance. It is the opinion of the Council that involving the public has provided a means of mobilizing previously unutilized resources. It has built consensus on issues and has forged the alliances essential to effective implementation of Council policies and recommendations. The people on these committees and subcommittees have provided creativity, productivity, and labor not otherwise tapped; and have provided the Council with feedback regarding its policies and programs, as well as a sounding board for new and innovative approaches.

As previously mentioned, the Tampa Bay Regional Planning Council agenda and agenda package are distributed widely in advance of its regularly scheduled monthly meetings. Following the meeting, minutes are prepared, published, and widely distributed. Further, the public is provided opportunities to comment on agenda items during the regular monthly Council meetings.

Another very successful method used by the Council to involve the regional citizen in the business of the Council is sponsoring and/or conducting public workshops (e.g., Anti-Violence Workshop, Anti-Crime Forum, Regional Economic Information Network, Environmental Education Provider's Workshop). This method enables the Council, to not only focus the public's attention, but to disseminate information and receive input from the public.

Linkage to State Coastal Zone Management Program:

On a number of occasions, the Tampa Bay Regional Planning Council has been successful in applying for Coastal Zone Management funding from the state. These funds have been used to implement various coastal initiatives of the Council. The Council received fiscal year 1994 Coastal Zone Management funds to complete a model local government

disaster mitigation and recovery plan for the region. The final report will include local redevelopment model regulations.

Relevance of (and Methods for Addressing) Federal Consistency:

Section 307 of the federal Coastal Zone Management Act describes the intra and intergovernmental coordination processes that federal agencies proposing activities in the coastal zone must follow. Each state, with an approved coastal zone management plan, has been directed to establish procedures that describe how it will administer the federal consistency provisions of the Act. The Florida Coastal Zone Management Plan states that "When an activity requires a permit or license subject to federal consistency review, the issuance or renewal of a state license shall automatically constitute the state's concurrence that the licensed activity or use as licensed, is consistent with the federally approved program. When an activity requires a permit or license subject to federal consistency review, the denial of a state license shall automatically constitute the state's finding that the proposed activity or use is not consistent with the state's federally approved Coastal Zone Management program". The law goes further and states, in those instances where a federal project or activity is seaward of the jurisdiction of the state, and where there is no state agency with sole jurisdiction, the Florida Department of Community Affairs, as the designated state land planning agency, will be responsible for making consistency reviews and determinations. All decisions and determinations may be appealed to the Governor and Cabinet.

A Regional Planning Council, not being a state agency, may not make determinations of federal consistency. Councils can and do review and comment on federal assistance projects pursuant to their clearinghouse responsibilities as set forth in Presidential Executive Order 12372 and Governor's Executive Order 93-194. The Coastal Zone Management Act does require that affected regional governmental bodies and local governments have an opportunity to review and comment on proposed federal applications, in or outside of the coastal zone, before a decision is made by the funding agency. However, comments of the Regional Planning Councils and local governments are only advisory, and do not require the applicant to formally address their concerns, as is required if a state agency makes a determination of inconsistency.

Lessons Learned:

The Regional Planning Council structure may provide National Estuary Programs with a viable institutional arrangement for CCMP implementation. Whether this is an appropriate alternative depends, in large part, upon the types of issues, strategies, or corrective actions involved (e.g., regulatory, coordination/planning, education, service delivery), and the boundaries of the area of concern.

1. Multi-jurisdictional structure

The geographic boundaries of National Estuary Programs, like Regional Planning Councils in Florida, are characterized by multiple local governments. In Florida, Regional Planning Councils have been favorably viewed as an excellent institutional structure to address issues and problems of greater-than-local interest. This was recognized during the deliberation of the ELMS III Committee. The members of the committee concluded: "The regional planning council is recognized as Florida's only multipurpose regional entity that is in a position to plan for and coordinate intergovernmental solutions to growth-related problems on greater-than-local issues, provide technical assistance to local governments, and meet other needs of the communities of the region."

However, the boundaries of Regional Planning Council in Florida are not watershed-based. Because the purpose and functions of Regional Planning Council are broad, the state has multiple criteria it uses to define Regional Planning Council boundaries. Regional Planning Councils boundaries take into account population migration, transportation networks, population increases and decreases, economic development centers, trade centers, natural resource systems, federal program requirements, designated air quality attainment areas, economic relationships among cities and counties, and media markets.

2. Local government representation

Many strategies and corrective actions depend upon local government support, or in many instances require local governments to take specific actions included in CCMP, to correct deficiencies, such as developing a stormwater management ordinance, an erosion control ordinance, or constructing a pilot stormwater retrofit facility project. Therefore, due to their predominantly local government makeup, Regional Planning Councils provide access to implementation mechanisms.

3. Comprehensive perspective

An important aspect of Regional Planning Councils is their comprehensive perspective. In Florida, only the Florida Department of Environmental Protection has an environmental mandate that covers the "environmental waterfront". Most local or regional environmental agencies have a much more specific environmental charge, such as water supply or drainage, or habitat restoration, or wetland protection, or water quality. Regional planning councils have broad directives allowing them the flexibility to address a wide range of issues and concerns. The Tampa Bay Regional Planning Council, through its Agency on Bay Management, serves as the Tampa Bay watchdog, monitoring the full range of environmental issues and concerns that may potentially affect the region. The Council has also been an important catalyst in environmental matters.

4. Regulatory authority

Regional Planning Councils do not preempt local land use authority and have no regulatory powers. Land use regulatory authority rests with the Florida Department of Community Affairs, the state land planning agency, and local governments. As previously described, Regional Planning Councils do have a review and comment function role whenever local government proposes a plan amendment to its local comprehensive plan.

4.0 KEY INSTITUTIONAL FACTORS

"Implementation" is a relatively simple term that actually represents a complex process consisting of a set of interconnected responsibilities. In addition to carrying out multiple environmental restoration and protection actions, the process of implementation can require coordination of the ongoing efforts of a number of entities, monitoring the effectiveness of actions as they are implemented, and modification or enhancement of the management plan as new information arises. Ideally, these tasks occur in an environment that ensures an open and continuous exchange of information, as well as involvement by the various stakeholders.

Because of this complexity, institutional arrangements to oversee the implementation process can take many forms, and can be characterized in many different ways. To provide a consistent analytical framework, this section summarizes key institutional factors associated with the seven case study organizations according to the following categories:

- Organizational Structure and Participation
- Implementation Authority and Mechanisms
- Financing
- Public Involvement
- Measures of Success

These summaries are based on the information provided in Section 3.0 of this report.

4.1 Organizational Structure and Participation

The seven case studies represent a broad spectrum of considerations in terms of their structures and participants. For example, the structure of the current **Buzzards Bay Project** has evolved from the management conference structure used to develop the CCMP. Unlike the other six organizations, where staff offices generally function in support of decision-making bodies, the major oversight effort in the Buzzards Bay Project is focused within the Project's staff office, using the CCMP as the primary source of guidance. The Buzzards Bay Steering Committee appears to be much less proactive in the implementation process, serving almost in a *pro forma* capacity. This lack of overarching senior-level guidance can result in a loss of momentum in the implementation process. In addition, there are no formal guidelines concerning makeup of the Steering Committee; participation is representative of the entities who are playing a significant role during implementation and can be modified as needed. It should also be noted that the Buzzards Bay Project is the only organization among the seven case studies that includes federal participation. This is most likely due to the origins of the Project within the National Estuary Program, which requires federal

participation. It is interesting to note that interviewees for this case study emphasized the desirability of a continued federal role, even though the emphasis on implementation in Buzzards Bay is at the local level.

The structure of the **Cape Cod Commission** is prescribed by state statute, unlike that of the Buzzards Bay Project, and is very heavily focused on local government participation. In fact, the Commission goes beyond many of the other six organizations in terms of its inclusiveness of local government; each town within the region has a member on the Commission's board. This approach to local government participation may help to address concerns about loss of autonomy by the towns. The role of the Commission board relative to that of the staff office is clearly defined, with the board setting the agenda for the Commission and the staff office carrying out that agenda through both regulatory and nonregulatory means.

The **Chesapeake Bay Commission** plays a unique role in the implementation process compared with the other six organizations. The structure and makeup of the Commission is focused on a subset of the stakeholder universe that is of interest to most of the other six organizations. This focus is at the legislative level of the three participating states, with no local or federal government participation (although citizen representatives are appointed from each state). The Commission also functions independent of the larger oversight organization: the Chesapeake Bay Program. Staff provide the continuity within the organizational structure, as Commission members are subject to regular turnover.

Like the Cape Cod Commission, the structure of the **Nisqually River Council** emphasizes inclusive stakeholder involvement. This kind of inclusive approach appears much more easily accomplished in a smaller geographic area, such as the Nisqually River watershed, than it is in a larger area. Generally speaking, the larger the area, the greater the number of political jurisdictions, and the harder it is to effectively include <u>all</u> stakeholder entities. Therefore, the tendency in larger geographic areas is toward cross-sectional representation; for example, including a representative of local governments (e.g., Puget Sound Water Quality Authority) as opposed to including all local governments (e.g., Cape Cod Commission and Nisqually River Council).

The **Puget Sound Water Quality Authority** also emphasizes stakeholder involvement, but through the cross-sectional approach referred to previously. In addition, as with all of the case study organizations except the Buzzards Bay Project, there is a clear hierarchy in terms of the roles played by the Authority board and the staff office, with the staff office functioning in a support role to the board. However, it should be noted that the Authority staff office plays a very significant role in assisting the board during the policy and agenda setting process, as evidenced by the development of staff recommendations to the board concerning many different aspects of plan implementation. This strong staff office role may be an artifact of the origins of the Authority. Until 1990, the Authority was a separate entity from the Department of Ecology. This autonomy helped to establish a history of credibility for the staff office, since the Authority it served maintained an objective view

that was distinct from that of the other State agencies. Since 1990, an effective balance between the roles of the board and staff office appears to have developed.

The makeup of the **Southwest Florida Water Management District** is set by a political appointment system. Because all board members are appointed by the Governor (and confirmed by the state senate), there is at least the perceived potential for skewing the agenda of the District, depending upon the will of its members. This approach differs from most of the other organizations studied, where a balanced participation on the governing board is statutorily mandated by a formula. No such formula exists for the Southwest Florida Water Management District. Therefore, although an effort is made to balance the competing interests on the District board, the District, and other organizations like it, will always be subject to political criticisms. Like the Cape Cod Commission, the District has a very visible staff component, due to both the comprehensive nature of its mission and the regulatory role that the District plays in the region.

Finally, the **Tampa Bay Regional Planning Council** represents the largest governing board among the seven case study organizations (38 members). The board is dominated by local government participation (18 municipalities and 4 counties), in keeping with its mission of providing technical assistance and coordinated planning services within the region. However, municipal participation on the Council is voluntary; less than half of the municipalities within the geographic scope of the Council are actually members.

4.2 Implementation Authority and Mechanisms

The seven case study organizations can be separated into two distinctive types in terms of the actual authority they possess to influence implementation. The first type of organization, which include the **Buzzards Bay Project, Chesapeake Bay Commission, Nisqually River Council, Puget Sound Water Quality Authority**, and the **Tampa Bay Regional Planning Council**, depends on a coordinating approach to implementation. Stated another way, none of these organizations (including those created by statute) possess any legal authority of their own to <u>require</u> implementation. Instead, these organizations often influence the implementation process through consensus reached among the participating entities. It should be noted that the individual entities that participate in these coordinating structures often include implementing agencies that do have legal authority to require implementation. However, this report is primarily concerned with the authorities of the oversight structures.

The second type of organization goes well beyond the coordination role described above, possessing independent responsibility for implementing management actions, as well as the legal authority to require their implementation by other entities through regulation. This type of organization includes the **Cape Cod Commission** and the **Southwest Florida Water Management District**. For example, the Southwest Florida Water Management District currently has permitting authority for surface water management projects, such as stormwater management. Therefore, the District has the ability to directly impact these

activities in a way that is consistent with its management goals, rather than having to rely on its ability to indirectly influence the actions of others. Similarly, the Cape Cod Commission may designate Districts of Critical Planning Concern, and thereby provide direct protection to significant natural and cultural resources. This mechanism is of particular interest, as it ultimately works through local government authorities, as opposed to superseding them. As was previously noted, once a District of Critical Planning Concern is designated by the Commission and approved by Barnstable County, a limited moratorium on development is imposed in the area. The municipality with jurisdiction over the area then develops protective regulations that must be approved by the Commission. Following this approval, the municipality retains authority to regulate development in the area.

There are pros and cons associated with the two implementation approaches described above. For example, the coordination approach to implementation can help to avoid duplication of existing authorities, the perception of creating a new layer of government, and the loss of autonomy by local interests. Conversely, this kind of arrangement can carry with it the drawback of lacking unequivocal implementation authority in situations where consensus can not be reached, or where new priorities begin to override those agreed to in the management plan. However, the addition of regulatory authority to an organization charged with overseeing implementation can result in effects that are opposite to those described above. For example, concerns still exist that the authority granted to the Cape Cod Commission should not supersede those authorities traditionally granted to local governments in Massachusetts under "home rule." This concern exists despite the inclusive representation on the Commission board by local government.

When selecting an oversight model, the factors described above should be carefully weighed, and mechanisms for addressing them should be considered. For example, as has been noted, one concern related to the coordination approach to overseeing implementation is the lack of a sound mechanism to compel agencies to take action. One successful approach for addressing this concern has been through the state budget process, as reported for the Chesapeake Bay Commission and the Puget Sound Water Quality Authority. As was noted, members of the Chesapeake Bay Commission also sit on appropriations and finance committees of the various state legislatures, which provides a powerful role for influencing agency mandates concerning implementation. The systematic access to the Washington State budget process that is afforded to the Puget Sound Water Quality Authority not only provides a mechanism for impacting the plans of state agencies concerning implementation of the water quality management plan, but also a means by which to track activities against the plan. This process of "earmarking" agency budgets is a mechanism that is worthy of consideration in other areas of the country.

The seven case study organizations share several characteristics in terms of the mechanisms they rely on to implement actions. For example, all of the organizations use various nonregulatory approaches to influence implementation, including public education and outreach, as well as the provision of technical assistance to implementing entities. The voluntary development of local comprehensive plans to implement the goals of a regional

policy plan has been a successful implementation tool for both the Cape Cod Commission and the Tampa Bay Regional Planning Council. The Cape Cod Commission has provided incentives for the development of these local plans; communities with plans that are certified by the Commission acquire authority to impose impact fees, an effective growth management tool. In this way, the Cape Cod Commission enhances the authority of local government while coordinating the application of that authority through voluntary means. The Tampa Bay Regional Planning Council also impacts activities within its geographic scope through its review and comment function.

During development of the Buzzards Bay CCMP, it was hoped that the letters of commitment secured from the implementing agencies, and the Buzzards Bay Action Compact signed by the Buzzards Bay communities, would serve as effective mechanisms for influencing future CCMP actions. However, as other priorities have competed for the same implementation resources, the advisory nature of both the CCMP and the Buzzards Bay Project has dampened the actual success of these mechanisms. Therefore, as time goes on, acquiring legal status, such as through incorporation of the CCMP into the State's Coastal Zone Management Plan, may become more critical to successful implementation. It should be noted that there continues to be issues concerning incorporation of CCMPs into Coastal Zone Management plans. Perhaps the most significant of these is the Coastal Zone Management Program's requirement for "enforceable policies," which is contrary to the advisory nature of CCMPs. This dichotomy between the two types of plans creates somewhat of a "Catch 22" in that CCMPs rarely go beyond recommendations, making it desirable to incorporate them into Coastal Zone Management plans as an implementation tool, but which also makes it difficult to incorporate them due to the enforceability requirement.

4.3 Financing

The need for a stable funding source for both administrative costs and "on-the-ground" implementation was emphasized by nearly all of the case study interviewees. With regard to this factor, the most successful of the seven organizations appear to be the **Cape Cod Commission** and the **Southwest Florida Water Management District**. As is typical for many regulatory agencies, both possess the ability to generate their own funds through taxing authority and the collection of permit fees. Among the seven structures studied for this report, this capability was unique to these two organizations. In the absence of revenue generating mechanisms, direct state appropriation appears to be the next most stable source of funds. However, the continuity of these appropriations is highly influenced by the political environment. For example, the operating budget for the **Puget Sound Water Quality Authority** has been reduced each biennium since 1985, due in large part to overall reductions in the state budget. Other less stable sources of funds for the case study organizations include state and federal grants. In addition, the **Tampa Bay Regional Planning Council** collects annual dues from its membership. However, these funds are used almost exclusively for administrative costs of the Council. Finally, several of the organizations have been successful in "leveraging" their funds by securing matching dollars

and in-kind services on a project-by-project basis. For example, the State of Washington's Department of Natural Resources has contributed staff time to the development of a Nisqually Basin Atlas by the **Nisqually River Council.** This is a key factor of note to the National Estuary Programs, since levels of funding required to implement a CCMP in many cases will outreach the actual availability of funds. The ability to increase the impact of available resources by building partnerships ("getting more bang for the buck") will be critical to any institutional arrangement developed to oversee implementation.

4.4 Public Involvement

All of the case study organizations accomplish what might be termed a "baseline" level of public involvement. That is to say, at a minimum, all of the organizations function in public forums, providing the public with the opportunity to view and participate in their proceedings. This is typically accomplished through public meetings and hearings, with advance notification of agendas and public distribution of meeting minutes and summaries.

Beyond this baseline level of public involvement, the seven organizations share certain other tools:

TOOL	ORGANIZATION
Newsletters	Cape Cod Commission, Puget Sound Water Quality Authority, Southwest Florida Water Management District
Citizen Committees	Buzzards Bay Project, Nisqually River Council, Puget Sound Water Quality Authority, Southwest Florida Water Management District, Tampa Bay Regional Planning Council
Public Education Materials	Nisqually River Council, Puget Sound Water Quality Authority,
Telephone Hotline	Puget Sound Water Quality Authority, Southwest Florida Water Management District
Workshops	Chesapeake Bay Commission, Nisqually River Council, Puget Sound Water Quality Authority, Tampa Bay Regional Planning Council

The role of the public relative to implementation varies from organization to organization. For example, since approval of the Buzzards Bay CCMP, the **Buzzards Bay Project** has placed minimal effort, as an organization, into public involvement. Instead, the Coalition for Buzzards Bay has been established as a citizen advocacy group within the Buzzards Bay watershed. As such, the Coalition has taken on an independent role in terms of public involvement, serving what might be considered a "watchdog" function in relation to the implementation process, as evidenced by efforts such as the *Environmental Report Cards.*

This approach has resulted in citizens that identify with the resources of concern, but who also view themselves as being outside the implementation process.

As regulatory agencies, the **Cape Cod Commission** and the **Southwest Florida Water Management District** respond to a somewhat less flexible pressure to involve the public. Because of the legal nature of their functions (e.g., permit issuance), these agencies must follow standard operating procedures in providing public access to their decisions, usually including public notices, hearings, and comment periods. Deviations from these procedures can result in legal challenges. These agencies also conduct public outreach activities outside of their regulatory programs, using many of the tools cited above.

The **Chesapeake Bay Commission** does not have an ongoing public outreach program of its own. Because of its advisory role within the implementation process, the Commission contributes to the outreach efforts of the larger Chesapeake Bay Program.

The **Puget Sound Water Quality Authority** may conduct the most extensive and proactive public outreach program of the seven case study organizations. The stated goal of the outreach program (see Section 3.5) leaves no doubt concerning the important role that the public plays in the implementation process, a role that is partly defined by the nature of the problems being experienced in Puget Sound. The state legislature, and subsequently the Authority, has recognized the pervasiveness of nonpoint sources of pollution in the Sound. They also realize that the ultimate solution to most of these nonpoint source problems will lie in changing human behavior, as opposed to end-of-pipe regulation. Therefore, public outreach is viewed as an essential implementation tool by the Authority. The most visible aspect of the outreach program is the Public Involvement and Education (PIE) Fund, which has provided the opportunities and resources for average citizens to actively take part in "on-the-ground" implementation.

4.5 Measures of Success

Demonstrating success is one of the more challenging, yet necessary, aspects of the implementation process. This is true for several reasons. From a technical perspective, the linkage between management actions and environmental benefits that result from those actions is not always clear. This problem is similar to that experienced during the characterization phase of the National Estuary Program, where it can be difficult to demonstrate the causes of environmental problems with absolute scientific certainty. In addition, just as many environmental impacts develop over many years, a demonstrable reversal of those impacts is also likely to take time, making it difficult to maintain public support for the management program. In fact, the public may even become impatient with results that demonstrate that conditions have not gotten worse, since this may fall short of their definition for success. Even in cases where improvement in environmental indicators can be measured <u>and</u> linked to actions that have been implemented, these indicators may not always be meaningful to the public in terms of "success." For example, it may be difficult for the general public to see how increases in dissolved oxygen levels in the water column,

or decreases in sediment contaminants, equate to improvement in the quality of resources they care about, such as recreational uses, shellfish areas, or habitat.

With these challenges in mind, three basic factors should be carefully considered when addressing the need to demonstrate success. First, a clear and realistic definition of successful implementation should be developed and communicated to all stakeholders. For most implementation oversight organizations, this definition is typically driven by the goals and objectives developed during the planning process. Considered in total, the achievement of these goals and objectives equates to the yardstick that the stakeholders will use to determine if progress is being made during the implementation process. Second, appropriate and measurable indicators should be selected that track with this definition. It should be noted that programmatic indicators (e.g., permits issued) are quite often used systematically in conjunction with environmental indicators (e.g., shellfish areas opened) to measure outcomes of management programs. Third, results should be communicated through avenues and in terms that are meaningful to all stakeholders.

The seven case study organizations address these factors in a variety of ways and to various degrees. The **Buzzards Bay Project** focuses primarily on programmatic indicators through the *Environmental Report Cards*. These instruments track actions that are implemented at the local level, such as acquisition of open space and establishment of septic system inspection and maintenance programs. These types of indicators carry an implied assumption of environmental benefit. The monitoring program developed in relation to the Buzzards Bay CCMP generally takes a long-term, synoptic view of environmental conditions in the Bay. This may make it difficult to demonstrate a direct link between implemented actions and environmental improvement. The *Environmental Report Cards* have proven useful as tools for communicating implementation progress to the public, but, again, this progress is expressed primarily in terms of actions taken, as opposed to improvements measured.

The **Cape Cod Commission** Regional Policy Plan includes performance standards that are used by the Commission as criteria in reviewing Developments of Regional Impact and proposed development activities in Districts of Critical Planning Concern. However, no post-development monitoring is currently conducted in relation to these activities to determine their effectiveness in meeting the goals of the Regional Policy Plan.

The **Puget Sound Water Quality Authority** conducts an extensive environmental monitoring program to establish baseline conditions in the Sound and measure changes in those conditions as the Water Quality Management Plan is implemented. However, even with this effort, the Authority has found it difficult to demonstrate to the public, with certainty, that improvements are directly linked to the plan. As previously noted, much of this difficulty is due to the long-term nature of environmental recovery, as well as the intrinsic uncertainty of establishing cause/effect relationships. Therefore, the Authority has attempted to demonstrate success through other methods, such as the *Measuring Results*

project cited in Section 3.5 of this report. This project is viewed as a valuable addition to, rather than a replacement for, traditional environmental monitoring techniques.

The **Southwest Florida Water Management District** also conducts extensive environmental monitoring, focused primarily on water quality parameters. Water conservation efforts are tracked by measuring reductions in water usage. Various programmatic indicators are also tracked, such as permit violations, through the District's enforcement program.

The broad mission of regional structures such as the Cape Cod Commission, the Southwest Florida Water Management District, and the **Tampa Bay Regional Planning Council** may make it especially difficult to establish a comprehensive vision for success. Like the Cape Cod Commission, the Tampa Bay Regional Planning Council uses the goals set forth in its regional policy plan to communicate its vision for success. However, these kinds of goals tend use terms that are very difficult to measure systematically. This is a common dilemma faced by ongoing management programs.

EPA's Oceans and Coastal Protection Division recently funded a project with the Urban Institute to develop techniques that may be used for measuring progress in the National Estuary Program and other watershed protection efforts. The results of that project are to be released soon in a report titled *Measuring Progress of Estuary Programs* (EPA 842-B-94-008).

5.0 CONCLUSIONS

This report was developed to serve as a reference document on the experiences of the seven case study organizations, rather than comprehensive program guidance on governance requirements. As such, the reader should bear in mind that no one institutional model will necessarily be transferrable to the specific characteristics of another estuary or watershed. Therefore, in developing plans for overseeing CCMP implementation, National Estuary Programs should be aware of the variety of different approaches and identify the solutions that are best suited to their specific needs. In some cases, this will include reliance on existing organizational structures rather than the creation of new oversight entities. In all cases, National Estuary Programs are encouraged to implement CCMPs using existing authorities to the maximum extent possible.

The lessons conveyed by the individual case study interviewees emphasize a number of important themes that should be considered by National Estuary Programs (see Section 3.0 for detailed discussions). The following recommendations were common among several of the interviewees and, therefore, deserve particular attention:

- **Representation**

  Participation in the organizations should focus on those entities that will be expected to play a role in implementing the CCMP. In addition, individuals designated as members of the organization should have the authority to speak for, and commit the actions of, the entity that they represent.

- **Re-education**

  Because of the long-term nature of CCMP implementation, the oversight structure should incorporate an ongoing mechanism for educating new members concerning mission, goals, and progress. This is an important aspect of maintaining momentum over time.

- **Conflicting agendas**

  Because many oversight organizations consist of individuals who represent other entities, there is always the potential for conflicts to arise between the individual priorities of those entities and the goals of the oversight organization. This potential should be recognized when designing an organization, and addressed through mechanisms such as charters, bylaws, or memoranda of understanding that provide a framework for resolving these conflicts.

- **Flexibility/Adaptive management**

  Successful coordination of implementation activities requires recognition of the long-term nature of implementation, and an ability to adjust to new information as it becomes available. Priorities should be expected to change over time, and the oversight structure should be flexible enough to accommodate these changes. The need to add to or modify the participating entities should be addressed.

- **Funding source**

  Consistent, stable, and long-term sources of funding are critical to the viability of any organizational structure. This should be considered in terms of both administrative costs and funds for actual implementation activities.

- **Clear mandate**

  In defining the mission of the oversight organization, it is critical to clearly describe the responsibilities and authorities of that organization in relation to other entities. This can be a complicated issue, particularly under the coordinating approach, where the oversight organization depends on the individual authorities of its members but possesses no actual implementation authority of its own.

Finally, because development of the plan for coordinating CCMP implementation involves numerous and complex issues, the process for developing such a plan should begin early. Reaching agreements on the structure, responsibility, authority, and funding of an oversight organization can require much time and effort, and should be included in the timeline of management plan development. This will allow for a smoother transition from the planning to the implementation phase, and help to maintain momentum.

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APPENDIX A: CASE STUDY INTERVIEWEES

LIST OF CASE STUDY INTERVIEWEES

Buzzards Bay Project

Dennis Luttrell, Executive Director
Buzzards Bay Action Committee

Jeffrey Osuch, Executive Secretary
Board of Selectmen, Town of Fairhaven

Edwin (Ted) Pratt, Resident
Town of Marion

Bruce Rosinoff, Project Officer
U.S. Environmental Protection Agency

Cape Cod Commission

Armando Carbonell, Executive Director
Cape Cod Commission

Bruce Rosinoff, Commission Member
Town of Sandwich

David Ernst, Commission Member
Town of Wellfleet

Alex Richie, Commission Member
Town of Provincetown

Chesapeake Bay Commission

Ann Swanson, Executive Director
Chesapeake Bay Commission

William Matuszeski, Director
Chesapeake Bay Program

George Wolf, Citizen Representative
Chesapeake Bay Commission

Fran Flanagan, Director
Alliance for the Chesapeake Bay

Nisqually River Council

Steve Craig, Nisqually River Program Coordinator
Washington State Department of Ecology

Doug Canning, Planner
Shorelands & Coastal Zone Management Program
Washington State Department of Ecology

Puget Sound Water Quality Authority

Nancy McKay, Executive Director
Puget Sound Water Quality Authority

John Dohrmann, Director of Planning and Compliance
Puget Sound Water Quality Authority

Kevin Anderson, Staff
Puget Sound Water Quality Authority

Dwain Colby, Chair
Committee on Puget Sound
Washington State Association of Counties

Southwest Florida Water Management District

Richard Owen, Director of Planning
Southwest Florida Water Management District

Joe Quinn, Planner
Southwest Florida Water Management District

Mark Phelps, Federal Consistency Coordinator
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Lynn Griffin, Federal Consistency Coordinator
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Tampa Bay Regional Planning Council

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Julia Greene, Executive Director
Tampa Bay Regional Planning Council

Manny Pumariega, Deputy Director
Tampa Bay Regional Planning Council

Sheila Benz, Planning Director
Tampa Bay Regional Planning Council

Suzanne Cooper
Agency on Bay Management

Jan Vorhees, Intergovernmental Coordination Review Process
Tampa Bay Regional Planning Council

Rick MacAuley, Comprehensive Regional Policy Plan
Tampa Bay Regional Planning Council

Paul Conger, Bureau of Local Planning
Florida Department of Community Affairs

Chris McCay, Office of Coastal Zone Management
Florida Department of Community Affairs

Suzanne Traub-Metlay, State Clearinghouse
Office of the Governor

Sam Shannon, Former Executive Director of the Treasure Coast
Regional Planning Council

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