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**Briefing for the Administrator**

***Options for the Convening of New  
NEPs***

**Office of Wetlands, Oceans and Watersheds**

**Office of Water**

**January 1992**

# Purpose of Briefing

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To obtain the Administrator's decision on:

1) whether to convene new NEP Management Conferences and, if so, how.

Options for consideration include:

- Provide public notice to all potential applicants that the EPA will entertain new nominations
- Evaluate/Accept only Peconic nomination per Congressional mandate without public notice; do not consider others
- Evaluate/Accept Peconic nomination as above; provide public notice to other potential applicants for later consideration

2) whether to "streamline" the CCMP development process

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# Tide Offs

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**Our coastal protection efforts, beyond nationally applicable point and nonpoint source requirements, consist of:**

- **Support for development of CCMPs in 17 designated estuaries (\$15 million in FY92)**
- **Maintenance of the NEP institutional framework when the CCMP is approved (\$500K in FY92)**
- **A Near Coastal Waters Program of targeted pollution control, prevention, and remediation outside the designated estuaries**

**Absent in overall resource increase, growth in any one of these areas would come at the expense of the other two.**

# Threshold Question

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Should we expand the NEP?

**PRO**

- consistent with geographically-targeted ecological protection approach
- builds good will for EPA
- may attract "new" resources for new and existing NEPs
- Congress may say "yes" if we say "no"

**CON**

- OMB emphasis that program is a limited demonstration effort
- expectation of \$5 million/5 years
- environmental benefits not yet fully demonstrated (can and will they really do more?)
- reduces funds available to support current NEPs, post-CCMP, and/or Near Coastal Waters Program

# Recommendation

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- **Designate 1-4 new NEPs**
- **Maintain a Near Coastal Waters Program**
- **Limited support for current NEPs/post-CCMP**

# Background - The Nominees

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- **Three nominations have been received - Peconic Bay, NY, Morro Bay, CA, and Mobile Bay, AL**
- **Peconic Bay was listed in 1988 Ocean Dumping Ban Act for "priority consideration" under the NEP**
- **In August 1989, a memo was sent to EPA Regions with a "call for nominations" establishing a deadline of November 1, 1989 for all nominations**
- **The nomination for Peconic Bay was not received until June 1991. No evaluation of the nomination has been undertaken**
- **Morro Bay, CA was nominated by Gov. Wilson in May 1991**
- **Mobile Bay, AL was nominated by Gov. Hunt in November 1991**

# Background - The Nomination Process

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## Decisions Needed

- Administrator decision/Regional notice Jan 15
- Develop "streamlined" NEP guidelines Feb 15

## Public Noticed Nomination process

- Call for Nominations Feb 15
- Deadline for Nominations April 15
- Results from Preliminary Reviews July 15
- Administrator Announces Decisions; Awards start up funds Sept 15
- Negotiate Conference Agreement April 15

## Nomination without Public Notice (Peconic Bay)

- Review nomination and review any needed changes with Reg II/State of New York March 1
- Administrator Announces Decision: Awards start up funds June 1
- Negotiate Conference Agreement Aug 15

# Options

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**Option I: Provide public notice to all potential applicants that the EPA will entertain new nominations**

- PRO**
- Previous nominations have been handled this way; provides fair opportunity to all areas
  - Some potential nominees have been discouraged from applying by EPA; will expect opportunity to resubmit
  - Would give EPA the broadest set of choices for selecting watersheds that will show success and add to the national coverage of the NEP
- CON**
- May uncover many new applicants and result in disappointed applicants
  - New York Congressional delegation expects "priority consideration" for Peconic Bay



# Options

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## **Option II: Review/Accept only Peconic Bay, without public notice**

### **PRO**

- **There is no requirement for the Administrator to make a general call for nominations prior to convening a management conference**
- **Peconic Bay is the only one of the estuaries listed for "priority consideration" that has not had a management conference convened**

### **CON**

- **Since Peconic Bay missed the deadline on Nov. 1, 1989 for Tier III estuaries, could conclude they have been given their opportunity to receive priority consideration and are now on level playing field with other nominations received**
- **Other candidates will fail to see the "priority consideration" distinction; raise the fairness issue**
- **It may be difficult to justify that Peconic is a Bay of "national significance"**

# Options

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**Option III: Review/Accept Peconic Bay nomination as above; provide public notice to other potential applicants for later consideration**

**PRO**

- **Addresses congressional mandate for consideration of Peconic Bay**
- **Provides current and potential applicants with opportunity for consideration**
- **Provides for completion of nominations currently under development**

**CON**

- **May appear Peconic review is not objective; selection may foreclose a potentially "more significant" contender for 1 of 4 prizes**

# Should EPA "streamline" the CCMP development process?

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## A Streamlined Process would involve:

- Selection of estuaries where problems are well understood/Reliance on existing data
- Reduced time frame for CCMP development
- Reduced resource requirements for CCMP development
- Implementation (and environmental benefit) achieved sooner

## PRO

- Much has been learned over the past 5 years; new nominees can benefit
- Decisions to act can be made before perfect knowledge is obtained; assessment can continue after Initial CCMP is adopted; CCMP priorities can be adjusted over time to fit new data
- Past NEP criticized for inaction/focus on research; this encourages early successes

# Should EPA 'streamline the CCMP development process?

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(continued)

- Integrating implementation actions into State/local infrastructure takes time; early CCMP allows for "enforceable policies" implementable actions, e.g., legislative/appropriation development

CON

- State/local consensus building takes time; may not get needed buy in
- Some issues cannot be addressed without new data; may force inappropriate actions or support may not be there due to lack of convincing evidence