

# Guidance for Updating Maine Watershed-based Plans

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## I. Introduction

Watershed plans are a critical part of successful water quality protection and restoration efforts. Since 2013, the U.S. Environmental Protection Agency (EPA) has also required that watershed-based plans (WBP) be developed prior to implementing projects funded with Section 319 grants. In Maine, there are two types of acceptable plans: nine-element watershed-based plans and lake watershed-based protection plans.

Traditional nine-element plans include the nine minimum elements that EPA has identified as essential for achieving improvements in water quality. This type of WBP may be developed for any type of water resource (i.e., rivers, streams, lakes or coastal waters) and either impaired or unimpaired waters. (For more information, refer to <https://www.epa.gov/nps/handbook-developing-watershed-plans-restore-and-protect-our-waters>.)

Lake watershed-based protection plans are a type of alternative plan that may be developed for unimpaired lakes. These plans include some of the same information as full nine-element plans, but typically require significantly fewer resources to develop. (For more information, visit <http://www.maine.gov/dep/water/grants/319-documents/>)

Watershed-based plans need to be developed and updated every ten years to be eligible for Section 319 grants.

Both types of plans are typically written to be implemented over a 10 year timeline. Local groups carry out these plans over this timeframe using adaptive management as new information is gathered. As time passes, however, information in the plan often becomes less accurate and useful in guiding stakeholder actions. As such, **plans need to be updated at least every ten years** (or more frequently if the plan is written for a shorter duration) to ensure the best possible environmental outcome and efficient use of limited resources. A DEP-accepted and active (i.e., not expired) plan is also required to maintain eligibility for Section 319 grants. A list of DEP-accepted plans and the respective plan expiration dates are available at <http://www.maine.gov/dep/water/grants/319.html>. This document provides guidance for groups as they update their aging or expired plans.

## II. Update Process

Groups exploring the possibility of updating their watershed-based plan should start the process well ahead of their target completion date (e.g., ahead of any 319 grant proposals). Although some plans may be relatively easy to update, ample time should be built in to consult with DEP and other stakeholders and conduct additional water quality monitoring or watershed assessment if needed. The recommended steps associated with updating plans are described below.

### a. Pre-Planning

Before starting, consider the following questions to gain a clearer sense of the project scope and timeline associated with an update.

- What are the reason(s) for updating the plan?
- Was the last plan useful in guiding local restoration or protection efforts? What were the plan's shortcomings and how could it be improved?
- What is the current water quality status? Has it changed since the last plan was written? Attainment status can be obtained from DEP staff or by referencing the most recent Integrated

Report at <http://www.maine.gov/dep/water/monitoring/305b/>. If the plan is for an unimpaired lake, partners are encouraged to develop a lake watershed-based protection plan. Impaired lakes and all other waters (protection or impaired) require nine element plans.

- Did the plan demonstrate a clear understanding of the important stressor(s) to water quality, or has new information come to light about stressors or pollution sources that weren't originally considered?

#### b. DEP Consultation

DEP should be involved throughout the process of updating a watershed-based plan to provide support, serve as a stakeholder and help ensure that the resulting plan will be accepted by DEP and EPA. At the outset, DEP should be consulted about the previous plan and update process. DEP can help identify any substantive needs and areas for improvement. If the plan is being updated in order to be eligible for 319 grant funding, DEP can help develop a project timeline that aligns with the grant Request for Proposals (RFP) schedule. DEP may also be able to provide assistance with gathering data, monitoring, assessment, and other aspects of the update process.

#### c. Water Quality Monitoring and Watershed Assessments

Existing water quality data, particularly data collected since the last plan was written, should be compiled, and DEP and other project partners should be consulted to identify additional monitoring or assessment needs. If the stressor(s) to water quality is well understood (e.g., phosphorus attached to sediment for most lakes), supplemental water quality monitoring may not be needed. On the other hand, extensive monitoring and assessment may be required where the stressor(s) to water quality and priority NPS sources were not well understood when the original plan was developed.

Over the past decade, DEP and partner organizations have gained a better understanding of water quality issues and developed a more focused approach to stressor identification and planning<sup>1</sup>. As a result, some early urban stream plans did not fully evaluate chloride as a potential stressor, even though groundwater contamination by salt is now recognized as a significant threat in many urban watersheds. It is safe to assume that scientific knowledge, assessment tools and planning approaches will continue to evolve over time, making it necessary to reevaluate stressors, conclusions and recommendations in past watershed plans.

In addition to water quality monitoring and stressor identification, the locations of critical source areas (i.e., NPS sites) should be updated, if needed, for the plan. Current sources may already be identified if project partners have set up and continuously used a NPS Site Tracker to record information about new and fixed sites in a watershed. DEP strongly recommends this approach since it can lead to more efficient plan implementation, facilitate future plan updates and can be used to prompt maintenance of existing BMPs. For more information about developing a NPS Site Tracker, refer to <http://www.maine.gov/dep/water/grants/319-documents/nps-site-tracker-guidance4-12.doc>.

DEP recommends that groups use and continuously update their **NPS Site Tracker** to record information about new and fixed sites. This approach leads to more efficient plan implementation and updates.

In many cases, locations of NPS sites may need to be updated through watershed surveys, stormwater retrofit surveys, stream corridor survey or other assessments. More extensive watershed assessment

<sup>1</sup> DEP plans to release a guidance document about its urban stream stressor identification process later in 2017.

may be called for if the critical source areas identified in the previous plan were not well aligned with the impairment or stressor. For example, some early plans for bacteria-impaired waters focused on fixing soil erosion sites. Some urban impaired stream plans also placed undue emphasis on soil erosion, even where the identified stressors were not related to sediment or associated nutrients. In such cases, additional assessments should be conducted to identify NPS sites and actions that will directly target the stressor(s) of concern.

When reviewing existing data or collecting new data, ensure that the quality and validity of data is acceptable for use in the watershed planning process. For more information, refer to the Maine 319 Quality Assurance Program Plan 319 Program's Quality Assurance Plan at [http://www.maine.gov/dep/water/grants/319-documents/319\\_program\\_qapp.pdf](http://www.maine.gov/dep/water/grants/319-documents/319_program_qapp.pdf)

#### d. Stakeholder Input and Local Ownership

Strong local participation is essential for successful plan implementation. Ideally, stakeholders who will be involved in plan implementation should also be part of the plan update process. The stakeholder process for each project will likely vary, depending on the level of local interest (or perhaps the need to foster greater involvement) and resources available.

One effective way to enhance involvement is by recruiting stakeholders (e.g., key landowners, municipal officials, state agencies, subject matter experts and local conservation groups) to serve on a project steering committee. Steering committees typically meet several times and provide extensive input throughout the planning process. There are other, less intensive ways to involve the watershed community as well. Presentations can be made at scheduled meetings of key stakeholders (e.g., Planning Boards, Chambers of Commerce), or stakeholders can be invited to attend a meeting to learn about current water quality and then brainstorm and prioritize needed actions. Input can also be solicited through online surveys and social media and by seeking comments on the draft plan before it is finalized.

If possible, groups should attempt to solidify long-term stakeholder involvement by seeking formal acceptance or adoption of the final plan by municipalities or other stakeholder organizations. As discussed in the following section, the plan must designate an **entity** that has agreed to steward the plan implementation. The entity should also formally approve and accept this responsibility to help ensure that the plan will be implemented over time.

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#### e. Writing the Plan

The plan itself should be written after following the steps described in this document and reviewing other supporting guidance documents. The resulting plan may be quite similar to the original or it could be markedly different in content and format. Since the plan will be used for the coming decade, it should be written and presented so it will be as useful as possible. Groups are encouraged to review other recent plans, particularly ones with similar issues, for ideas about how to effectively convey concepts and information. A list of accepted watershed-based plans and links to many of the plans are available at <http://www.maine.gov/dep/water/grants/319.html>.

In order to be accepted by the DEP and EPA, the updated plan needs to include the following:

- Required elements for nine-element or lake watershed-based protection plans.
- Designated entity that has agreed to take an ongoing lead role in plan implementation; and

- Timeframe for the plan. DEP recommends ten years to align with the required update frequency.

In addition to these required elements, DEP suggests incorporating several other components that may strengthen the plan and help guide plan implementation efforts.

- Overview of outcomes from the last plan and changes in the current plan. Readers of the plan will likely be keenly interested in learning what was completed in the original plan, what worked well and lessons learned, and how the updated plan differs from the original. This information could be summarized in the plan's executive summary, introduction or throughout the plan.
- Action plan table(s) that succinctly (1-3 pages) lists the priority actions and associated information such as schedule, funding and partner roles. This provides a quick reference for partners during implementation and can be used as part of future 319 grant proposals.
- List of NPS sites that can be used as the foundation of a NPS Site Tracker during plan implementation.

#### f. Partial Updates

Some groups may opt to update some or all of their plan before its expiration date. This may be warranted if substantive defects in the plan are identified or additional information is gathered that make the action items, NPS sites or other key elements of the original plan inaccurate. Groups may want to rectify such problems in order to provide more accurate information to stakeholders and potential project funders.

Groups seeking to update parts of their plan (e.g., Action Plan table, NPS site list) should submit the revised sections to DEP. A cover letter explaining the impetus for the update, overview of the revisions and any stakeholder involvement in the process should also accompany the addendum. DEP will review following the process described in the following section.

### III. Plan Submission and Review Process

Nine-element plans need to be reviewed by DEP<sup>2</sup>, and lake watershed-based protection plans require both DEP and EPA review. Draft plans should be submitted in electronic format (preferably Microsoft Word) to facilitate an efficient review process. The plan should be submitted by emailing it to the DEP Nonpoint Source Program Coordinator or mailing a CD or thumb drive to:

Maine DEP  
Bureau of Water Quality  
Attn: NPS Program Coordinator  
17 State House Station  
Augusta, ME 04333

Anticipate about two months for DEP and EPA to review lake watershed-based protection plans and one month for DEP to review nine-element plans. Resources and time should be reserved to address reviewer comments. Once a final plan is deemed acceptable, DEP sends a plan acceptance letter to the group and adds the plan to its list of watersheds eligible for 319 funding.

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<sup>2</sup> EPA is required to review one nine-element plan each year. Plan for additional time for EPA review in these cases.

## IV. Available Resources

Although strong watershed-based planning is critically important for successful implementation, it can be challenging to find funding to support this kind of work. The following section provides several possible resources that can be explored. Depending on the scope of the project, some of these options are more suitable than others. For example, local funding and partner in-kind support is likely feasible for most unimpaired lakes and impaired waters where problems are well understood or where very little needs to be changed from the original plan. On the other hand, grant funding may be needed to supplement local resources where significant monitoring and assessment is needed to better understand NPS stressors and sources.

- **Local Funding** – Due to the highly competitive nature of the limited available grants, DEP encourages groups to seek local funding and resources for plan updates. Planning costs may be relatively modest for many lake watersheds or water bodies where the problems are well understood. Most lake watershed surveys and resulting watershed-based protection plans, for example, have been carried out in recent years by piecing together funding from lake associations, towns and private donors. Several municipalities have also paid private consultants to develop and update local WBPs. The cost of this planning work is often viewed as a reasonable investment that will enable groups to then access Section 319 implementation grants.
- **Clean Water Act, Section 604b Grants** – Maine DEP administers a competitive grants program using Section 604(b) funding from EPA to help communities develop watershed-based plans. Eligible applicants are governmental and quasi-governmental organizations including regional planning agencies, councils of governments, conservation districts, counties, cities and towns. Typically, the DEP releases an annual Request for Proposals (RFP) in March, which results in one to three funded projects. Due to the limited available funding, the RFP may be limited to target certain geographic areas or types of waters (e.g., impaired streams). For more information, go to <http://www.maine.gov/dep/water/grants/319.html>
- **Maine Coastal Program Grants** – Towns and regional organizations in Maine’s coastal zone are eligible to apply for grants through the Maine Coastal Program. The Coastal Communities Grant Program provides funds for projects designed to improve water quality, increase resiliency and adaptation to erosion and flooding, conserve coastal habitat, promote sustainable development, and enhance the coastal-dependent economy while preserving natural coastal resources. Several communities have received past grants to fund water quality monitoring and watershed planning. For more information, refer to [http://www.maine.gov/dacf/municipalplanning/financial\\_assistance.shtml](http://www.maine.gov/dacf/municipalplanning/financial_assistance.shtml).
- **Partner In-Kind Support** – Paid professional staff and local volunteers may be willing to donate their services to help with monitoring, assessment and updating watershed-based plans. Soil and Water Conservation Districts, municipalities, watershed organizations and private consultants may have the ability to invest their own staff resources in planning in anticipation of possible future work with 319 grant projects. In a few cases, lake association volunteers have also taken the lead on conducting watershed surveys and writing lake watershed-based protection plans. DEP can often provide staff support and in some cases may be able to take a leadership role in assessment and planning.