

**MAINE COASTAL NONPOINT PROGRAM
NOAA/EPA DECISIONS ON CONDITIONS OF APPROVAL**

FOREWORD

This document contains the basis for NOAA and EPA's decision to fully approve Maine's Coastal Nonpoint Pollution Control Program (coastal nonpoint program). It discusses how the State has met each of the conditions of approval placed on the coastal nonpoint program submitted by Maine pursuant to Section 6217(a) of the Coastal Zone Act Reauthorization Amendments of 1990 (CZARA).

The Findings for Maine's coastal nonpoint program were issued on February 23, 1998. Since that time, Maine has undertaken a number of actions to address conditions of approval on its coastal nonpoint program. Based on those actions and on materials the State has provided to document how the conditions have been met, the National Oceanic and Atmospheric Administration (NOAA) and the U.S. Environmental Protection Agency (EPA) find that Maine has satisfied all conditions of approval.

This document is organized in the same fashion as the Findings for Maine's coastal nonpoint program. Where the Findings included a condition, this document repeats the condition, and discusses how the condition has been satisfied. For further understanding of terms in this document, the reader is referred to the following: *Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters* (EPA, January 1993); *Coastal Nonpoint Pollution Control Program: Program Development and Approval Guidance* (NOAA and EPA, January 1993); *Flexibility for State Coastal Nonpoint Programs* (NOAA and EPA, March 1995); and *Final Administrative Changes to the Coastal Nonpoint Pollution Control Program Guidance for Section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 (CZARA)* (NOAA and EPA, October, 1998)

FINAL APPROVAL DECISION

NOAA and EPA find that the State of Maine has satisfied all conditions placed on approval of the Maine coastal nonpoint program submitted to NOAA and EPA pursuant to Section 6217(a) of the Coastal Zone Act Reauthorization Amendments of 1990. Therefore, Maine's coastal nonpoint program meets all program requirements and is hereby fully approved, constituting a final approval decision for the program.

Please note that the approval decision made for the Maine coastal nonpoint program does not relieve the State of any requirements under the Endangered Species Act.

BOUNDARY

CONDITION: Within one year, the Maine State Planning Office, Department of Environmental Protection, United States Environmental Protection Agency, National Oceanic and Atmospheric Administration, and other relevant State, local and Federal agencies will participate in a

cooperative process to review relevant information and determine an appropriate 6217 management area boundary to protect the State's coastal waters from nonpoint source pollution.

Maine's program will include management measures in conformity with the (g) guidance, and enforceable policies and mechanisms that ensure implementation of the management measures throughout an expanded 6217 management area.

DECISION: Maine has met this condition.

RATIONALE: The State has agreed to move its coastal nonpoint program boundary statewide. Maine's program includes management measures in conformity with the (g) guidance, and enforceable policies and mechanisms that ensure implementation of the management measures throughout an expanded 6217 management area.

AGRICULTURE

CONDITION: Within one year, Maine will include in its program management measures for confined animal facilities in conformity with the 6217(g) guidance. Within one year, the State will develop a strategy (in accordance with Section XIV, page 18) to implement the agricultural management measures throughout the 6217 management area.

DECISION: Maine has satisfied this condition.

RATIONALE: As part of the State's original coastal nonpoint program, NOAA and EPA found that Maine implements the agriculture management measures through its largely voluntary programs, and has specific authority to control the distribution and application of limited and restricted use pesticides under its Pesticide Control Act and guidelines under its Mandatory Shoreland Zoning Law for tilling, manure spreading, storage and disposal, and grazing. However, the State had not included measures to address confined animal facilities, and had not sufficiently demonstrated use of the Waste Discharge Law as a back-up enforceable authority.

Under the Final Administrative Changes published on October 16, 1998, NOAA and EPA indicated they would approve program elements for which states had proposed voluntary or incentive-based programs, backed by existing State enforcement authorities, if the State provided three items: a legal opinion from the State that the authority can be used to prevent nonpoint pollution and require implementation of the management measures, as necessary; a description of the voluntary or incentive-based programs, including the methods for tracking and evaluating those programs; and a description of the mechanism or process linking the implementing agency with the enforcement agency and a commitment to use the enforcement authorities when necessary.

To meet the condition regarding the management measures for confined animal facilities, in 1997, the State enacted the Nutrient Management Act (7 M.R.S.A. §§ 4201 *et seq.*). The act, consistent with the (g) measures for nutrient management and confined animal facilities, requires that all farms with 50 animal units or more develop and implement a nutrient management plan.

The nutrient management plan must meet criteria established in statute and in rules adopted by the Commissioner of Agriculture, Food and Rural Resources. Beginning on January 1, 2001, plans were required for farms with 50 or more animal units. Those plans must be fully implemented by October 1, 2007. Nutrient management plans must also be developed for farms that utilize over 100 tons of manure not generated on the farm, farms that have a manure related complaint, and farms that utilize sludge. The law also requires livestock operations that are new with greater than 300 or expanding to greater than 300 animal units, that meet the Environmental Protection Agency's definition of a Concentrated Animal Feeding Operation, or that plan on expanding beyond their land base or manure storage capacity to obtain livestock operation permits. In addition, the act prohibits the spreading of manure between December 1st and March 15th of each year. The rules and program are implemented and administered by the State's Department of Agriculture, Food and Rural Resources (DAFRR). In 1999, DAFRR secured funding from the state revolving fund to develop a cost share program to assist farmers in building and retrofitting manure storage areas.

Maine submitted a legal opinion from its Assistant Attorney General certifying that its Waste Discharge Law (38 M.R.S.A. §§ 411 *et seq.*) and Nutrient Management Act (7 M.R.S.A. §§ 4201 *et seq.*, discussed above) provide the State with authority to enforce the agricultural measures. The Waste Discharge Law provides the State authority to prevent and abate water pollution from nonpoint sources of pollution. Title 38, § 413(1) requires a waste discharge permit for direct or indirect discharges of pollutants into the waters of the State. Although there is an exemption for discharges resulting from erosion related to agricultural activities, applicants are only exempt when a certified erosion and sedimentation control plan is in place and the Commissioner of the Department of Environmental Protection (DEP) determines that the proposed activities are in compliance with the plan (38 M.R.S.A. § 413(2)).

The DEP and the DAFRR have signed an MOA on how to share enforcement responsibility for regulating CAFOs. The MOA specifies that DAFRR will take the lead on handling complaints, but will notify DEP if their investigation identifies water quality issues. It also specifies that "DAFRR will refer the complaint to DEP if the water quality issues are not resolved in a reasonable amount of time." Both agencies are required to keep records and notify each other on the final outcome of cases that are referred.

The DEP may issue administrative enforcement orders (38 M.R.S.A. § 347-A(1)), initiate District Court actions (4 M.R.S.A. § 152(6) and Rule 80K of the Maine Rules of Civil Procedure), and initiate legal proceedings for injunctive or other relief needed to enforce the statute's prohibition in Superior Court through the State's Department of Attorney General (38 M.R.S.A. §§ 348 and 349). In any legal action, the Court may require that the violator implement specific management measures, take appropriate remedial actions and cease the violation. In its 5 year implementation plan and 15 year strategy describing how the state plans to implement all agriculture management measures throughout the 6217 area over the next 15 years, Maine clearly states that that both DEP and DAFRR will regulate new and existing animal feeding operations under authorities provided by the Water Discharge Law.

FORESTRY

CONDITION: Within three years, Maine will include in its program management measures in conformity with the 6217 (g) guidance and enforceable policies and mechanisms to ensure implementation of the forestry management measures throughout the 6217 management area.

DECISION: Maine has satisfied this condition.

RATIONALE: In August, 2001, Maine submitted adequate justification that Maine's forestry management measures are in conformity with the 6217 (g) guidance. It has also demonstrated that it has enforceable policies and mechanisms to ensure implementation of the forestry management measures throughout the 6217 management area. A review of Maine's laws, regulations, policies and voluntary measures follows:

Under Maine's Forest Practices Act (12 M.R.S.A. §§ 8867-A to 8888) landowners are required to notify the Maine Forest Service (MFS) of planned timber harvest activity that involves greater than two acres of clearcutting or greater than five acres of partial cutting. Harvest plans are required for clearcuts over 20 acres. Minimum requirements of the harvest plans include: reasons for the clearcuts; an assessment of soil erosion potential; an assessment of the windfirmness of the separation zone; maps of the clearcut and separation zone; and certifications that regeneration standards and rules pertaining to harvests in significant and essential habitat areas will be followed (FPA Rules- Chapter 20). Clearcuts over 75 acres require an additional summary of how water quality and wildlife habitat will be protected. Also, a meeting with a Bureau Forester to review the entire harvest plan is required for clearcuts over 75 acres.

The Natural Resources Protection Act (NRPA) (38 M.R.S.A. §§ 480-A to 480-Z), and NRPA Permit by Rule Standards (NRPA Rules, Chapter 305), requires DEP to issue permits and/or permits-by-rule for certain forest management activities (e.g., stream crossings, location of landings, and general soil disturbances) occurring within 75 feet of coastal wetlands, great ponds, rivers and streams, and certain types of freshwater wetlands. Forest management activities that result in the alteration of non-forested wetlands require a permit. Forest activities in or adjacent to forested wetlands are exempt from permits, except in cases where there is significant wildlife habitat. All harvesting operations in forested wetlands (i.e., permitted and exempted) are required to meet stream crossing standards.

Under the Land Use Regulation Commission's Rules and Standards (12 M.R.S.A., Chapter 206-A and LURC-Rules Chapter 10) standards have been established for timber harvesting operations and related activities within designated protection zones (subdistricts) of Maine's unorganized territories. LURC Rules include standards for road construction and maintenance, erosion control measures, use of filter strips, percent tree removals, minimum shade requirements, slash disposal, and soil disturbance limits. Permits are required for either timber harvesting and/or construction of land management roads in certain wetlands and in designated land use zones, depending on the level of impact.

The Mandatory Shoreland Zoning Act (MSZA) (38 M.R.S.A. §§ 435 to 449) requires all municipalities to adopt, administer, and enforce ordinances which regulate land use activities with 250 feet of great ponds, rivers, freshwater and coastal wetlands, and tidal waters; and within 75 feet of streams. The MSZA also requires the Board of Environmental Protection to establish minimum guidelines for municipal shoreland zoning ordinances (State of Maine Guidelines for Municipal Shoreland Zoning Ordinances, 06-096 Department of Environmental Protection Chapter 1000). The minimum guidelines for activities pertaining to timber harvesting include those for selective cutting, tree removal, road construction, operation of machinery, stream crossings, slash disposal and soil disturbance. Harvest activities in mapped wetland areas may be subject to municipal requirements under local shoreland zoning ordinances.

Under Maine's Erosion and Sedimentation Control Law (38 M.R.S.A. § 420-C), erosion control measures are required for activities, including road and landings construction, that involve filling and soil disturbance. Forest management activities conducted in accordance with applicable Land Use Regulation Commission standards are considered to be in compliance with this section. The law also requires that disturbed soil be permanently stabilized. Maine DEP or a town's Code Enforcement Officer are authorized to enforce this law.

The Board of Pesticides Control (BPC) (Maine Department of Agriculture) regulates the use of forest herbicides and pesticides in Maine (Maine Pesticide Control Act, 7 M.R.S.A. §§ 601 *et seq.*). (Note: Maine reports that forest fertilizer use is rare throughout the state.) Under the MPCA, anyone who wishes to commercially apply pesticides or herbicides using powered equipment must receive a permit. The BPC rules (Chapter 29) establish standards for protecting surface water and require a fifty foot set back from surface water for mixing and loading of pesticides. In addition, BPC rules (Chapter 36) provide for the certification and licensing of monitors and spotters for the forest insect aerial spray program. Maine's hazardous waste law and rules (38 M.R.S.A. §§ 1317 *et seq.*; DEP Hazardous Waste Rules, Chapter 800-860) regulate certain chemicals potentially used in forestry operations.

Under the Tree Growth Tax Law (36 M.R.S.A. §§ 571 *et seq.*), landowners with more than 10 acres of forested land that is held for potential commercial use can have their property revaluated based on forest productivity rather than development value. This financial incentive allows landowners to save on local property taxes and helps to protect commercial forest land. Under this program, landowners must hire a licensed professional forester to prepare a forest management plan which outlines intended activities to regenerate, improve and harvest timber, and identifies the location of water bodies and wildlife habitat. In 2001, 19,692 parcels (3,849,690 acres) of land in the organized towns were enrolled in this program. In the unorganized towns, 22,823 parcels (9,036,172 acres) were enrolled in the program as of 2000.

In addition to the many direct authorities Maine has to enforce the forestry management measures, Maine has submitted a legal opinion stating that the Water Pollution Control Law (also known as the Waste Discharge Law, 38 M.R.S.A. §§ 411 *et seq.*) provides the DEP adequate back-up authority to ensure implementation of the forestry measures throughout the 6217 area. The Water Pollution Control Law provides the State with authority to prevent and abate water pollution from nonpoint sources of pollution. Title 38, § 413(1) requires a waste

discharge permit for direct or indirect discharges of pollutants into the waters of the State. Section 417 specifically prohibits forest products refuse (including slabs, edgings, chips, sawdust, shavings and bark) from being discharged, leached, or washed into waters of the State.

The State's enforcement of its forestry laws is supported by two formal interagency agreements. A Memorandum of Understanding (MOU) between Maine DEP and Maine Department of Conservation Bureau of Forestry outlines a joint program for enforcement, inspections, technical assistance and education activities in organized portions of Maine. This agreement, which establishes a formal working relationship between DEP and MFS, was designed to improve compliance with the forestry and logging related laws administered by DEP. Under this MOU, Maine Forest Service Rangers are authorized to take specific actions involving cases of minor violations that are not causing serious environmental damage (Class II) and violations involving existing or potentially serious environmental damage (Class I). For Class I Violations, Maine Forest Service Rangers must fill out the Joint Enforcement Agreement Complaint Form and inform DEP Land and Water Bureau staff and the District Ranger about the violation as soon as possible. DEP Land and Water Enforcement and Field services staff are responsible for the resolution of the enforcement actions and issue all Notices of Violations for Class I violations and certain Class II violations.

An Inter-Agency Agreement between the Maine Forest Service's Fire Control Division and the Land Use Regulation Commission outlines three levels of enforcement activities pertaining to timber harvesting and road building in Maine's unorganized territories. Under the first level, information and guidance is provided to landowners and loggers to prevent violations. The second level of joint enforcement activities involve Class II violations. These problems involve timber harvesting and road building activities that are not in compliance with LURC standards and not causing serious environmental damage. The third level of enforcement is for Class I violations which involve activities not in compliance with LURC standards and causing serious environmental damage. For Class I Violations, MFS Rangers must fill out the LURC Complaint Form and inform LURC and the District Ranger about the violation as soon as possible. LURC Enforcement Investigators are responsible for the resolution of the enforcement actions.

In addition to its regulatory program, the State has developed and distributed several guidance documents to assist foresters in preventing and reducing nonpoint source pollution. The *Best Management Practices Field Handbook*, also known as the "Forestry Best Management Practices Manual," recommends practices relating to: timber harvest planning; construction and maintenance of roads, logging yards, skid trails; erosion control devices, including filter strips; stream crossings; and other activities, such as slash placement and the construction of temporary sand and salt storage areas. While the manual does not include BMPs for pesticide or herbicide use, it does advise landowners to contact the Board of Pesticides Control before using pesticides and herbicides for non-commercial applications. Approximately 1,500 copies of the handbook are distributed annually to loggers and landowners at workshops and during field visits. MFS currently is revising this BMP manual. Scheduled for publication in July, 2003, the updated manual will emphasize the importance of using BMPs for water quality protection and will include guidelines for conducting forest practices in wetland areas. MFS also publishes and distributes other guides relating to forestry BMPs and laws, including the *Erosion & Sediment*

Control Handbook for Maine Timber Harvesting Operations BMPs and A Field Guide to Laws Pertaining to Timber Harvesting in Organized Areas of Maine.

Maine continues to make other strides to improve its Forestry Management Program and protect the state's waterways from polluted runoff. Since the existing forestry rules vary by jurisdiction, the Maine Legislature directed MFS to recommend statewide timber harvesting standards for use in all shoreland areas. MFS submitted their recommendations in February and the Legislature is currently drafting legislation that would incorporate these recommendations.

The Maine Legislature also directed MFS to develop indicators for the following seven criteria of forest sustainability: soil productivity; water quality, wetlands and riparian zones; timber supply and quality; aesthetic impacts of timber harvesting; biological diversity; public accountability of forest owners and managers; and traditional recreation. These criteria of sustainable forest management are outlined in *The 2001 Biennial Report on the State of the Forest and Progress Report on Forest Sustainability Standards: Report to the Joint Standing Committee of the 120th Legislature on Agriculture, Conservation and Forestry* (Maine Forest Service, October 11, 2001). Indicators and benchmarks are being developed for each criterion. While the indicators are not performance standards, these quantitative or qualitative measures can be used to measure forest conditions and identify trends. Benchmarks are considered short term targets for each indicator. Collectively, these measures act as "tools" to evaluate the progress made towards sustainable forest management.

MFS currently performs regular statewide monitoring of BMP use and effectiveness on timber harvesting operations as one means to evaluate progress being made towards sustainable forest management. On March 14, 2002, MFS published *The 2000-2001 Maine Forest Report on Forestry Best Management Practices Use and Effectiveness in Maine*. The monitoring methodology is designed to assess the impacts of harvest activities on water quality, using soil movement and soil delivery to surface waters as key parameters. MFS expects this report will be the first of an annual series of BMP monitoring reports that will inform policymakers on the impacts of harvest activities on water quality, as well as to help guide education efforts on effective BMP use.

Finally, the Forest Advisory Team (FORAT) is an advisory group of stakeholders that advises MFS and DEP on issues related to water quality and forest management. This team assisted in developing and modifying the BMP monitoring protocol and the draft BMP Field Guide.

URBAN

A. NEW DEVELOPMENT

CONDITION: Within three years, the State of Maine will demonstrate that the alternative management measure for new development is as effective as the measure set forth in the (g) guidance, or will include in its program management measures for new development in conformity with the (g) guidance. Within one year, the State will develop a strategy (in

accordance with Section XIV, page 18) to implement the new development management measure throughout the 6217 management area.

DECISION: Maine has satisfied this condition.

RATIONALE: Maine previously submitted information regarding its new Stormwater Management Law (DEP Rules Ch. 500) and its amended Site Location of Development Law (1996 Site Law Reform, 38 M.R.S.A. §§ 481 *et seq.*) as an alternative management measure to meet the new development requirements but did not demonstrate that the alternative measure is as effective as the measure in the (g) guidance. The State also identified several enforceable policies and mechanisms to ensure implementation of the alternative management measure in a portion of the 6217 management area, and identified the Waste Discharge Law as back-up enforceable authority for the remaining areas, but did not demonstrate the ability of the back-up authority to ensure implementation throughout the 6217 area. Maine has since submitted additional information to meet these remaining conditions.

In 1996, Maine adopted the Stormwater Management Law and the Site Location of Development Law (1996 Site Law Reform). The Site Law Reform expands upon the original Site Location and Development Law by requiring permits and storm water management for sites with greater than 20,000 square feet of impervious surface that drain to “most at risk” watersheds, one or more acres of impervious surface that drain to sensitive or threatened watersheds, or five or more acres of disturbed area within any watershed. The Stormwater Management Law, which became effective in 1997, establishes different storm water control standards, depending on the size and location of the development. Under these rules, Maine has identified watersheds that are “most at risk” from development and watersheds that are sensitive or threatened. All new development that exceeds either (1) 20,000 ft² of impervious surface in “most at risk” watersheds, (2) one acre impervious surface in a sensitive or threatened watershed, or (3) five acres of disturbed area in any watershed, will have to meet storm water quality standards. Depending upon the size and impervious cover at the site, the new development sites will be expected to meet more or less restrictive standards.

In general, projects in watersheds “most at risk” from development must control storm water quantity and quality, meeting either a phosphorus allocation standard or an 80% TSS removal standard. Projects in other watersheds must use a prescribed set of soil stabilization methods. In coastal watersheds “most at risk,” projects must control storm water quality to meet a sliding scale TSS removal standard based on the amount of new impervious area created. The Stormwater Management Law designated all lakes and coastal waters as well as two streams that are public drinking water supplies as “most at risk” (DEP Rules Ch. 502, Section 4(A)). Given that fifty percent of state land falls within a lake watershed, over half of the state already is subject to the most stringent standards. The State also plans on designating other streams as “most at risk” in future rulemaking.

While the law does not specifically require an 80% reduction of total suspended solids or a reduction of post-development TSS loadings so that they are on average no greater than pre-development levels for all new development activities as stated in the (g) guidance, NOAA and

EPA have reviewed Maine's Stormwater Management Law and rules and believe they are an acceptable alternative to the (g) guidance. As indicated in the 1993 Program Guidance, alternative management measures are acceptable if the State can demonstrate that such alternative measures are as effective as the measures specified in the (g) guidance. In addition, NOAA and EPA also encourage states to propose market-oriented, incentive mechanisms to implement the alternative measures at lower costs (Program Guidance, 1993). The new Stormwater Management Law provides developers with an economic incentive to minimize the amount of impervious surface from new developments. Limiting impervious surface is one of the most effective means of preventing storm water runoff since it reduces the volume of runoff created in the first place. DEP permit staff report that site designers are minimizing the amount of impervious surface on proposed projects more frequently since the new rule has been implemented.

The State has demonstrated the effectiveness of its alternative strategy by developing a Stormwater BMP Manual that not only provides examples of suitable best management practices (BMPs) to control storm water runoff but also contains efficiency ratings for each BMP. Most of the use efficiency ratings are based on efficiencies identified by national studies. To further support this alternative measure, Maine DEP has sponsored and continues to sponsor several studies and demonstration projects to assess the efficiency of BMPs in Maine's environment. These studies have examined the effectiveness of dry swale systems and flow-through type manufactured storm water control systems.

The Nonpoint Source Training and Resource Center (NPSTC), created in 1997, continues to help promote implementation of the Stormwater Management Law through education and outreach efforts. The Center provides technical information, including storm water and sediment and erosion control techniques, to general contractors, engineers, private landowners, municipal officials, and other interested parties. NPSTC encourages these professionals to adopt best management practices (BMPs) to prevent polluted runoff and assists them in complying with land use laws, such as the Stormwater Management Law, that require BMP use. In addition to general education and outreach programs sponsored by the Center, the NPSTC has also developed a Voluntary Contractor Certification Program. The Contractor Certification Program, a non-regulatory, incentive-based program, educates contractors about sediment and erosion control BMPs and recognizes contractors that use environmentally sound practices. The NPSTC has certified almost 350 contractors representing every county of the state. Six construction companies have also received certification after all of their site supervisors were certified.

Maine submitted a legal opinion from its Assistant Attorney General certifying that its Waste Discharge Law (38 M.R.S.A. §§ 411 *et seq.*) provides the State with authority to prevent and abate water pollution from nonpoint sources of pollution. Title 38, § 413(1) requires a waste discharge permit for direct or indirect discharges of pollutants into the waters of the State.

The DEP may issue administrative enforcement orders (38 M.R.S.A. § 347-A(1)), initiate District Court actions (4 M.R.S.A. § 152(6) and Rule 80K of the Maine Rules of Civil Procedure), and initiate legal proceedings for injunctive or other relief needed to enforce the statute's prohibition in Superior Court through the State's Department of Attorney General (38

M.R.S.A. §§ 348 and 349). In any legal action, the Court may require that the violator and information and policies developed through the comprehensive planning process in making decisions regarding protection of habitat areas and the location and upgrade of roads.

While developing local comprehensive plans is voluntary, there are strong incentives to do so and many municipalities have either developed or are developing plans. In 2003, municipalities that have not adopted an approved comprehensive plan will lose their authority to enforce all local land use ordinances, except for state-mandated shoreland zoning. In addition, municipalities with consistent and adopted plans are given preference for certain funds for infrastructure development and nonpoint source control (319 grants). implement specific management measures, take appropriate remedial actions and cease the violation.

In its 5 year implementation plan and 15 year strategy, Maine describes how the state plans on implementing the new development management measure throughout the 6217 area over the next 15 years. Maine clearly states that DEP will regulate new development activities under authorities provided by the Waste Discharge Law and State Stormwater Law, specifically focusing on priority watersheds.

The combination of the laws, regulations and practices adopted by Maine satisfies the New Development conditions.

B. WATERSHED PROTECTION AND EXISTING DEVELOPMENT

CONDITION: Within two years, Maine will include in its program management measures in conformity with the 6217(g) guidance for the watershed protection management measure to ensure that development is sited to protect water bodies and natural drainage systems, and to address elements #1 and #2 of the existing development management measure with the exception of those excluded areas of the unorganized territories. (See discussion under the New Development management measure.)

DECISION: Maine has satisfied this condition.

RATIONALE: Since the conditional approval findings for Maine’s Coastal Nonpoint Program were released, Maine has submitted additional information demonstrating how its existing regulations and programs, such as its Growth Management Program, meet the requirements of the watershed protection management measure by ensuring that development is sited to protect to the extent practicable the natural integrity of natural drainage systems and waterbodies. Other existing regulations and programs that complement of and reinforce the Growth Management Program such as the Natural Resources Protection Act, Mandatory Shoreland Zoning Law, Site Location of Development Law, Erosion and Sediment Control Law, and the Nonpoint Source Pollution Program were discussed in the conditional approval findings.

The Growth Management Act (GMA) (30-A M.R.S.A. §§ 4321 *et seq.*) provides for a local and comprehensive planning process that involves designating “growth” and “rural” areas. The law provides State criteria for municipalities to use to develop a local comprehensive plan and directs

municipalities to develop enforceable local ordinances to implement their plans. All comprehensive plans must be reviewed by the DEP for consistency with the State policy objectives, which are consistent with the 6217 watershed protection requirements (30-A M.R.S.A. § 4326). State natural resource agencies and MDOT use the local comprehensive plans

A significant majority of Maine's communities have either fully complied with the GMA or have made significant progress in doing so. Of Maine's 458 municipalities, 78% have received Comprehensive Planning Grants. Two hundred and nineteen municipalities have developed consistent Comprehensive Plans and all but 17 of these communities have adopted their plan. Thirty-two municipalities are working on a plan and 81 others have developed plans but they are inconsistent with state regulations. In addition, 211 municipalities have received Implementation Grants to implement their Comprehensive Plans and 28 municipalities have also received Comprehensive Planning Update Grants to improve their existing plans.

To augment the GMA, the Maine Legislature enacted P.L. 1999 c. 776 (Smart Growth Law) to further discourage sprawl, protect sensitive areas, and encourage development within Maine's designated growth areas. P.L. 1999 c. 776 § 10 places limits on State growth-related capital investment. The law also restricts the location of State buildings and infrastructure outside of growth areas and similar comparatively urbanized areas. In practice, this law has the potential to serve as an additional tool to protect natural drainage systems and water bodies by directing growth away from rural areas.

Maine continues to address nonpoint source pollution from existing development through its NPS Pollution Program, which is funded in large part by EPA under Section 319 of the Clean Water Act. Currently, the annual Section 319 grant to Maine is approximately \$2.6 million. Maine passes approximately half of the funding through to subgrantees for the implementation of watershed protection or restoration projects. Funding is also available for watershed surveys and management plan development. Watershed projects are designed so that best management practices are implemented in a manner that leads to significant NPS pollutant load reductions. In addition to BMP construction, other approaches are used to promote the effective use of NPS controls throughout watersheds, including technical assistance, education and outreach programs, and technology transfer and training. Most of the watershed projects are directed by staff from Maine's 16 Soil and Water Conservation Districts. DEP uses Section 319 grants to fund other worthwhile NPS programs that indirectly support the watershed work being conducted throughout the state. These programs include: Nonpoint Source Education for Municipal Officials (NEMO); the NPS Training and Resource Center; Statewide NPS Information and Education; Volunteer Lakes Monitoring Program and Bioassessment.

In 1997, the Legislature established a Comprehensive Watershed Protection Program (P.L. 1997 Chapter 519), which authorizes the Land and Water Resources Council (LWRC) to "create, implement and administer a comprehensive watershed protection program in order to ensure the development and implementation of locally supported watershed management plans." In 1998, the LWRC adopted a Nonpoint Source Priority Watershed list, which includes 17 coastal estuaries, 55 rivers and streams, and 181 lakes. That same year, Maine voters also approved a

\$500,000 bond to fund the development or implementation of watershed management plans. The one-time bond money supported the development of six watershed management plans in priority watersheds.

In addition, the Maine DEP and State Planning Office (SPO) co-chair the Maine Watershed Management Committee (MWMC), which meets quarterly to share information about watershed resource protection projects and watershed management issues. The group, representing several state, federal, and non-governmental organizations, also explores grant leveraging opportunities for watershed protection work.

Finally, the State's 5 year implementation plan and 15 year strategy contains a schedule for how it plans on implementing the watershed and existing development measures over the next 15 years.

C. SITE DEVELOPMENT, CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL, AND CONSTRUCTION SITE CHEMICAL CONTROL

CONDITION: Within two years, the State will include in its program management measures for construction site chemical control in conformity with the 6217 (g) guidance. Within one year, the State will develop a strategy (in accordance with Section XIV, page 18) to implement the site development, construction site erosion and sediment control, and construction site chemical control measures throughout the 6217 management area with the exception of those excluded areas of the unorganized territories.

DECISION: Maine has satisfied this condition.

RATIONALE: NOAA and EPA have agreed to defer to EPA's National Pollutant Discharge Elimination System (NPDES) Phase II Storm Water Regulations for the construction site erosion and sediment control and construction site chemical control management measures. According to Section 6217 program guidance, once a source is covered by a NPDES permit, it is exempt from 6217 requirements. Therefore, by implementing the Phase II program, Maine has met the conditions for: (1) including management measures for construction site chemical control in its program; and (2) developing a strategy to implement construction site erosion and sediment control, and construction site chemical control measures throughout the 6217 management area.

Despite the Phase II exemption for construction site chemical control, NOAA and EPA praise Maine for proactively developing the handbook *BMPs for the Handling of Wastes and Hazardous Materials at Construction Sites*, consistent with the (g) guidance for construction site chemical control.

In its original Coastal Nonpoint Program submission, Maine discussed several regulations and programs such as the Natural Resources Protection Act, Mandatory Shoreland Zoning Act, and Site Location of Development Law that call for planning, siting, and designing of developments to protect sensitive areas, limiting disturbance of natural drainage features, and limiting the amount of impervious surface cover. The State also identified the Water Pollution Control Law

as a back-up enforceable authority for development not under jurisdiction of the laws discussed above. However, at the time, it had not demonstrated the ability of the authority to ensure implementation throughout the 6217 management area.

Since then, Maine has submitted a legal opinion indicating that the Water Pollution Control Law (also known as the Waste Discharge Law, 38 M.R.S.A. §§ 411 et seq.) provides the DEP adequate authority to ensure implementation of the site development measure throughout the 6217 area. The Water Pollution Control Law provides the State with authority to prevent and abate water pollution from nonpoint sources of pollution. Title 38, § 413(1) requires a waste discharge permit for direct or indirect discharges of pollutants into the waters of the State. The DEP may issue administrative enforcement orders (38 M.R.S.A. § 347-A(2)), initiate District Court actions (4 M.R.S.A. §152(6) and Rule 80K of the Maine Rules of Civil Procedure), and initiate legal proceedings for injunctive or other relief needed to enforce the statute's prohibition in Superior Court through the State's Department of Attorney General (38 M.R.S.A. §§ 348 and 349). In any legal action, the Court may require that the violator implement specific management measures, take appropriate remedial actions and cease the violation.

D. NEW and OPERATING DISPOSAL SYSTEMS (OSDS)

CONDITION: Within two years, Maine will include in its program management measures in conformity with the (g) guidance to provide for (1) establishment of adequate protective separation distances between OSDS and ground water for new OSDS; (2) a program for the inspection of operating OSDS; and, (3) denitrifying systems where nitrogen limited surface waters may be adversely affected by excess nitrogen loadings from OSDS.

DECISION: Maine has satisfied this condition.

RATIONALE: In its original program submittal, Maine demonstrated that it has a comprehensive regulatory program for OSDS, including the Subsurface Waste Water Disposal Rules (see 30-A M.R.S.A. §§ 4201 *et seq.*) and the Water Pollution Control Law (38 M.R.S.A. §§ 411 *et seq.*). At the time, the State had not provided adequate information that its OSDS separation distance was adequate and it had suitable measures for requiring denitrifying systems where nitrogen limited surface waters may be adversely affected by excess nitrogen loadings from OSDS. More recent information reveals that the state now has adequate programs, backed by enforceable policies to address all OSDS management measures.

OSDS Separation Distance

Maine meets the management measures for protective separation distances and setbacks by a combination of setback/separation distance requirements and a rigorous site evaluation and design procedure by licensed professionals for each new OSDS. Also, Maine has included in this procedure all of the factors required in the management measures on which the protective setbacks and separation distances are to be based. Maine's required site evaluations include identification of soil class, soil type, slope, hydrologic factors, and depth to groundwater.

Maine identifies more stringent protective requirements for what it considers its most sensitive surface waters. A minimum of 15 inches is required between the bottom of drainfield trenches and seasonal high water tables in shoreland zones, defined as all sites within 250 feet of the high water line of any great pond, river, or salt water body, or 75 feet from the high water line of a stream. The seasonal high water table (SHWT) is determined by examination of soil strata in dug pits using a test that is likely more conservative than the methods used in other states with 18 to 24 inch separation distance requirements. It is conservative because “faint mottlings” (defined as less than 2% of the soil matrix) is used to identify the SHWT. Other states rely on “few gray mottles” (defined as 2% to 20% of the soil matrix) or other obvious redoximorphic features to identify the water table.

Although Maine requires a 12 inch separation distance outside of shoreland zones, a protective setback of 300 feet is required for streams shown on a USGS 7.5 minute map (defined as major watercourses), and 50 feet for minor watercourses. Requirements for site evaluation and design are the same as used in the shoreland zone areas. Although Maine’s program is not expected to present a significant risk to coastal surface waters, there is a potential risk to groundwater used for human consumption. NOAA and EPA thus recommend that Maine consider strengthening its program to protect groundwater used as a source of drinking water.

Inspection of Operating OSDS

Maine DEP has provided additional documentation pertaining to inspections of new and operating OSDS. Maine has developed a multi-faceted approach to meet the OSDS conditions. Its approach ranges from requiring inspections of all new systems at the time of installation, to promoting voluntary inspections by trained professionals at the time of sale, to providing \$1,000,000 statewide annually to replace sub-standard systems.

Maine regulates the installation and maintenance of OSDS through the administration of rules adopted by the Maine Department of Human Services titled Maine Subsurface Wastewater Disposal Rules (10-144 CMR 241). Under these rules, new systems must be designed by a licensed Site Evaluator and inspected and approved by a certified Local Plumbing Inspector (LPI). The LPI is a municipal official who issues a permit for the system installation.

LPIs also have the responsibility of investigating complaints about possible system malfunctions, and have the authority to issue a correction order to a property owner whose system is found to be malfunctioning. Municipalities have a legal obligation to ensure correction of reported malfunctioning systems and have the authority to place a lien on property to cover any corrective costs incurred (30-A M.R.S.A. §§ 3428 *et seq.*) The State has also provided a legal opinion from its Assistant Attorney General certifying that its Waste Discharge Law (38 M.R.S.A. §§ 411 *et seq.*) provides the State with adequate authority to prevent and abate water pollution from nonpoint sources of pollution, including OSDS. The DEP may issue administrative enforcement orders (38 M.R.S.A. § 347-A(1)), initiate District Court actions (4 M.R.S.A. § 152(6) and Rule 80K of the Maine Rules of Civil Procedure), and initiate legal proceedings for injunctive or other relief needed to enforce the statute’s prohibition in Superior Court through the State’s Department of Attorney General (38 M.R.S.A. § 348 and 349). In any legal action, the Court

may require that the violator implement specific management measures, take appropriate remedial actions, and cease the violation.

Malfunctioning systems in high priority shoreland areas may be identified through the use of shoreline sanitary surveys. The Maine Department of Marine Resources protects public health by monitoring coastal water quality and surveying the shoreline for pollution sources in all shellfish harvesting areas. Shoreline surveys are updated on a routine schedule in these areas. A new swim beach monitoring program (soon to be initiated in three pilot coastal locations, then expanded to other areas) will also include a sanitary survey component to look for sources of bacterial pollution. DEP staff assists in conducting inspections of shoreland properties, and inspects OSDS where they are suspected as contributing to the contamination. Where malfunctioning systems are identified, DEP has the authority to order corrective action.

The Small Community Grants Program, with an average annual State appropriation of \$1,000,000, provides grants to municipalities to help replace malfunctioning septic systems that are polluting a water body or causing a public nuisance. Grants can be used to fund from 25% to 100% of the design and construction costs, depending upon the income of the owner of the property and the property's use. The highest priority is given to problems resulting in pollution of a public drinking water supply or shellfishing area. Since 1995, over 2,300 systems have been inspected with approximately 250 systems replaced per year.

Real estate transactions often result in a change of use on a property and can lead to increases in the amount of wastewater generated. In Maine, there are an estimated 21,000 transactions annually that involve developed property. Since approximately half of these properties make use of OSDS, DEP and DHS estimate that roughly 10,500 transactions a year involve OSDS. There is no legal requirement for an OSDS to be inspected at the time of a real estate transaction. DEP and DHS did seek statutory authority to require such inspections, but that proposal was defeated in the Maine Legislature in 2000. Following the unsuccessful attempt at the Legislature, DEP and DHS staff agreed on a strategy of working with Maine Association of Site Evaluators (MASE) on the development of Inspection Guidelines which were adopted by MASE's general membership in February 2002.

DEP and DHS have outlined a detailed strategy for inspecting 80% of the OSDS undergoing property transfer each year following the MASE Inspection Guidelines by 2007 and inspecting 95% by 2017. As a part of this Inspection Program Initiative, DHS and DEP are developing a training program for OSDS inspectors based on the MASE Inspection Guidelines. By 2006, DHS and DEP plan to train 500 inspectors through DEP's Nonpoint Source Pollution Training Center. Beginning in 2003, DHS will implement a voluntary certification program for trained inspectors. Certified Inspectors will be required to report information on the number and outcome of inspections. To encourage OSDS inspections at point of sale, an outreach campaign will be launched that describes the Inspector Certification Program and recommends the hiring of a Certified Inspector during real estate transactions. This campaign, including brochures targeted to prospective buyers of properties will be focused on municipalities and towns, lending institutions, appraisers and other real estate professionals.

DEP and DHS will assess the effectiveness of the Inspection Program Initiative on an annual basis. If the goal (i.e., inspecting 80% of real estate transactions involving OSDS by 2007) is not reached, or if a positive trend is not evident, statutory authority for mandatory inspections will be sought.

Denitrifying Systems

Finally, the condition to develop denitrifying systems in areas with nitrogen-limited surface waters has been satisfied. Maine has reported that there are no nitrogen limited coastal waters. Maine believes its requirement for loam liners mitigates any concern about nitrate migration from leach fields that are installed in sandy or gravelly soils. The State also noted that its Subsurface Wastewater Disposal rules allow for OSDS designs with enhanced nitrogen removal should any nitrogen-limited coastal waters be identified in the future.

ROADS, HIGHWAYS, AND BRIDGES

CONDITION: Within three years, Maine will include roads, highways and bridges in schedules developed under its urban storm water retrofit program.

DECISION: Maine has satisfied this condition.

RATIONALE: Maine previously demonstrated how it implements and enforces the roads, highways, and bridges management measures using a combination of regulatory and voluntary approaches such as the Mandatory Shoreland Zoning Act, Natural Resources Protection Act, Site Location of Development Law, and BMP Guidance Manuals. The State, however, did not include information demonstrating how it meets the runoff system management measure. Maine has since developed new programs and policies to control storm water runoff from roads, bridges and highways.

Maine's Department of Transportation (MDOT) initiated a Surface Water Quality Protection Program (SWQPP) in 1998 to correct the impact of storm water runoff from roadways in priority watersheds. Originally, coastal (tidal) waters were not considered "priority watersheds" and were ineligible for SWQPP funding. However, in 2000, MDOT expanded the program to allow projects that would improve roads within coastal water drainage areas to be eligible for funding as well. As of the end of the 2002 construction season, MDOT had carried out 19 retrofit projects across the state and nine projects are slated for 2003. The State has incorporated SWQPP into its 5 year plan and 15 year strategy and plans to continue funding projects with money available.

To further improve storm water management from roads, bridges and highways, MDOT and the Maine Turnpike Authority (MTA) entered into a Memorandum of Agreement (MOA) with Maine's DEP specifying what storm water quality and quantity standards those agencies would meet for their projects, including retrofitting existing facilities. MDOT and MTA agree to conduct all transportation projects in accordance with standards set out in MDOT's *Best Management Practices for Erosion and Sediment Control* (1997). MDOT will provide an annual report of the work conducted in accordance with the MOA to DEP. MDOT now uses BMPs on

all projects and trains its workers in proper BMP use and maintenance. In addition, MDOT staff provide some of the primary trainers for the State's Nonpoint Source Training Center's workshops on sediment and erosion control and storm water management.

MARINAS AND RECREATIONAL BOATING

CONDITION: Within two years, the State will include in its program management measures for storm water management in conformity with the (g) guidance. Within one year, the State will develop a strategy (in accordance with Section XIV, page 18) to implement the solid waste management, fish waste, liquid material, petroleum control, boat cleaning, and sewage facility management measures throughout the 6217 management area.

DECISION: Maine has satisfied this condition.

RATIONALE: Maine's original submission for its Coastal Nonpoint Program contained many regulations and programs that can be used to implement the management measures for marinas and boatyards. However, at the time, the program lacked management measures for storm water management in conformity with the (g) guidance or a strategy to implement the solid waste management, fish waste, liquid material, petroleum control, boat cleaning, and sewage facility management measures throughout the 6217 management area. Maine has since submitted additional information such as its new Marina BMP Manual, pilot Clean Marina Program, and a legal opinion indicating the State has adequate authority to enforce the operation and maintenance measures.

In 1999, Maine released an updated version of its *Best Management Practices for Boatyards and Marinas: An Environmental Guide to Control Nonpoint Source Pollution in Maine*. The manual contains management measures consistent with the (g) guidance. Among the BMPs discussed in the manual were many erosion and sediment control, infiltration, and boat washing BMPs designed to control storm water runoff and reduce loadings of total suspended solids by at least 80%. Maine will rely on its Stormwater Management Rules and Waste Discharge Law (see below) to enforce storm water management.

Maine has also begun to implement a voluntary, incentive-based, Clean Marina Program for Casco Bay. Casco Bay encompasses the most populated coastal areas in Maine, including Portland, and has 26 marinas and or boatyards with over 1,000 registered boaters. Portland and South Portland alone have 860 moorings. The program began in February 2001 and will run until February 2004, serving as the pilot for expanding the Clean Marina program statewide. Over the three year pilot period, marina operators choosing to participate in the program will receive free technical assistance to implement BMPs. The State will also provide up to \$2500 in cost-share money to assist five participating operators implement BMPs at their marinas. These sites will then become BMP demonstration sites to teach others about the different management practices that can be used at marinas. Developing the pilot program is well underway. A Project Coordinator (20 hr/wk) has been hired to administer the Clean Marina Program. The coordinator developed and distributed an information packet about how to become a Clean Marina and established a certification process for becoming a Clean Marina. Two marinas have received

certification, one at the silver and one at the bronze level. An additional five marinas have signed Clean Marina pledges and are working to become a Clean Marina. Seven others have expressed interest in the program.

Maine submitted a legal opinion indicating that the Water Discharge Law (38 M.R.S.A. §§ 411 *et seq.*) provides the State with authority to prevent and abate water pollution from nonpoint sources of pollution, including marina activities. Title 38, § 413(1) requires a waste discharge permit for direct or indirect discharges of pollutants into the waters of the State. The DEP may issue administrative enforcement orders (38 M.R.S.A. § 347-A(1)), initiate District Court actions (4 M.R.S.A. § 152(6) and Rule 80K of the Maine Rules of Civil Procedure), and initiate legal proceedings for injunctive or other relief needed to enforce the statute's prohibition in Superior Court through the State's Department of Attorney General (38 M.R.S.A. §§ 348 and 349). In any legal action, the Court may require that the violator implement specific management measures, take appropriate remedial actions and cease the violation.

In its 5 year implementation plan and 15 year strategy describing how the state plans to implement all marina management measures throughout the 6217 area over the next 15 years, Maine clearly states that the DEP and State Planning office will regulate marina activities under authorities provided by the Waste Discharge Law, Stormwater Management Rules and other authorities cited within its 6217 submittals. The 15 year strategy also describes how the state will track and evaluate implementation of the marina management measures.

HYDROMODIFICATION

CONDITIONS: Within two years, Maine will include in its program management measures and enforceable policies and mechanisms to implement the element of the chemical and pollutant control management measure requiring limiting the application, generation and migration of toxic substances. Within two years, Maine will also demonstrate its ability to achieve implementation of the management measure for erosion and sediment control at dams using the approach described in the State's submittal, coupled with the Natural Resources Protection Act, the Waterway Development and Conservation Act, and the Site Location of Development Law.

DECISION: Maine has satisfied these conditions.

RATIONALE: NOAA and EPA have agreed to defer to EPA's National Pollutant Discharge Elimination System (NPDES) Phase II Storm Water program for the all sediment and erosion control and construction site chemical and pollutant control measures, including those at dams and other hydromodification projects. According to Section 6217 program guidance, once a source is covered by a NPDES permit, it is exempt from 6217 requirements. Therefore, by implementing the Phase II regulations, Maine has met the conditions for: (1) including management measures and enforceable policies for chemical and pollutant control; and (2) demonstrating its ability to achieve implementation of the management measure for erosion and sediment control at dams.

Although EPA's new Phase II regulations exempt Maine from the chemical and pollutant control management measure, the Maine DEP has recently developed a manual for construction site chemical and pollutant control, *BMPs for the Handling of Wastes and Hazardous Materials at Construction Sites*, which is consistent with the (g) guidance for chemical and pollutant control at dams.

WETLANDS, RIPARIAN AREAS AND VEGETATED TREATMENT SYSTEMS

CONDITION: Within two years, Maine will develop a process to apply management measures to problems in wetland and riparian areas that are not currently reviewed under existing permit authorities.

DECISION: Maine has satisfied this condition.

RATIONALE: Maine has many existing programs and regulations that protect wetland and riparian areas including its Natural Resources Protection Act, the Mandatory Shoreland Zoning Act, the State's Wetlands Protection Rules (06-096 CMR 310), and its Wetlands Conservation Plan. In addition, the State has met the management measures for New Development, Watershed Protection, Site Development, Erosion and Sediment Control, and Existing Development. Because Maine is implementing these five measures, NOAA and EPA have a basis to find the State is addressing upland activities that would potentially reduce the nonpoint source abatement function of downstream wetlands and existing conditions within wetlands and riparian areas, and therefore can address problems in wetlands and riparian areas that are not currently reviewed under existing permit authorities.

MONITORING

CONDITION: Within one year, Maine will include in its program a plan that enables the State to assess over time the extent to which implementation of management measures is reducing pollution loads and improving water quality.

DECISION: Maine has satisfied this condition.

RATIONALE: Maine outlined monitoring approaches in the *NPS Program Upgrade and 15 Year Strategy* (September, 1999) and in supplemental information provided in August, 2001. In the *NPS Program Upgrade and 15 Year Strategy*, each management measure was linked to action items, schedules, responsible agencies, and funding sources. The State plans to assess the extent and efficacy of management measure implementation in the field using three approaches, described below: (1) assessment of ambient water quality data; (2) specific NPS project monitoring; and (3) analysis of BMP use rates.

Under Maine's various water quality monitoring programs, baseline water quality data are collected on lakes, streams, rivers and coastal waters throughout the State. These data are used to assess water quality impairments and trends, determine priorities for implementation projects, and to assess the efficacy of point and nonpoint source controls and projects.

To assess a watershed for existing pollution sources, county and local organizations collaborate with DEP to conduct comprehensive watershed surveys. In these surveys, problem spots are identified and the appropriate controls, or best management practices (BMPs), are recommended. The watershed surveys are usually followed with watershed implementation projects which attempt to address as many of the problem sites as possible. Surveys and implementation projects are typically funded through EPA's Clean Water Act, Section 319 program. Implementation efforts and the status of problem sites are monitored closely under these projects. Every 319-funded watershed implementation project must include a means to evaluate the environmental outcome of the project. The environmental outcome can be determined by estimating the pollutant load reduction or by evaluating a water quality improvement. Over time, attempts will be made to correlate the ambient water quality data and the BMP use data for individual watersheds. With impaired waters that require a Total Maximum Daily Load (TMDL), pre- and post- watershed restoration work is assessed over an extended period of time (typically 5 -10 years). DEP expects that many of the BMPs required under TMDLs will be equivalent to 6217 management measures and, in some cases, may be more stringent.

The State plans to assess BMP use rates in two ways: (1) BMPs that are required under permits will be tracked using information in permits, inspection reports, complaints issued, and enforcement actions taken; and (2) statistical surveys of BMP use rates will be developed for several major NPS categories, including: Forestry, Agriculture, Urban Development, and Marinas and Boatyards.

The State plans to use the combined data from these three monitoring approaches to identify geographic areas that require additional management measures.