

*Appendix H*

## ***Penobscot Bay Conference Agreement***

EPA guidance for the National Estuary Program requires that a draft "conference agreement" be contained in the documents submitted by a state when nominating an estuary. The agreement is to "describe the activities, products, and schedules by which the management conference will complete its Comprehensive Conservation and Management Plan (CCMP) within three years".

This draft Penobscot Bay Conference Agreement commits Maine to:

- support the activities of the management conference and its participants through a project office;
- take early action where problems and solutions have been identified and pursue long-term strategies; and
- involve the public in the development and implementation of the CCMP.

### **Support Program Office**

Maine will establish a Penobscot Bay National Estuary Program Office to provide the administrative and technical support necessary to implement the project, both in its development and implementation phase. The office will be located within the proposed project area.

### **Take Action at the State, Regional and Local Level**

The State of Maine and its public and private partners around Penobscot Bay are requesting designation of the Bay so as to respond to three priority concerns:

- Improve water quality to enhance the natural and economic values of the Bay;
- Protect and restore terrestrial and marine habitats; and
- Promote sustainable uses of the Bay's resources.

In pursuit of these three issues, and others subsequently identified, it is anticipated the Penobscot Bay CCMP will contain, among other things, the following:

- an identification of priority problems of the estuary including a characterization of the estuary's status and trends, probable causes of environmental problems, and pollutant loadings;
- a description of activities that will be pursued to respond to the priority problems identified;

- an inventory and analysis of applicable Federal and state programs that complement and conflict with the CCMP;
- a description of the costs of proposed actions and the identification of how such actions will be financed;
- a Federal consistency report; and
- a coordinated implementation and monitoring component.

Attachment 1 outlines the proposed timeline for work under the PBMC.

It is anticipated that the draft CCMP will be submitted within eighteen months of designation. The final CCMP will be completed within three years of the signed conference agreement and will identify action plans for implementing the CCMP, including a discussion of their likelihood of success, lead implementation agencies, funding required and a schedule for implementation.

Attachment 2 is a preliminary work plan and budget. It indicates the tasks that will be pursued with federal and non-federal funding.

### **Educate and Involve the Public**

Development of the Penobscot Bay CCMP will require continued, extensive public outreach and involvement begun by the Penobscot Bay Network. This will be a fundamental element of our efforts over the three year period.

A public participation plan is one of the first tasks undertaken as part of this agreement. In addition, an annual conference highlighting the efforts and findings of the NEP will be needed.

Public involvement also will be formalized through a citizens advisory group that is part of the overall structure of the Penobscot Bay Management Conference.

**Proposed Timetable for Penobscot Bay NEP**

|   | On-going | Designation<br>as NEP | 1      | 2       | 3      |
|---|----------|-----------------------|--------|---------|--------|
| 1. Continue Pen Bay Network, broaden support  |          | *                     |        |         |        |
| 2. Complete State of the Bay Report. Identify base analysis and characterization needs. |          | *                     |        |         |        |
| 3. Convene MC   |          | *                     |        |         |        |
| 4. Refine goals/tasks   |          | _____*                |        |         |        |
| 5. Planning   |          | _____*                |        |         |        |
| 6. Base analysis  |          | *                     | _____* |         |        |
| 7. Characterization/synthesis   |          | *                     |        | *       |        |
| 8. Draft CCMP   |          | *                     | _____* |         |        |
| 9. Public input   |          |                       | *      | *       |        |
| 10. Final CCMP  |          |                       |        | *       | *      |
| 11. Public review   |          |                       |        | *_____* |        |
| 12. On-going Pen Bay Network  |          |                       |        |         | *_____ |

## **Penobscot Bay Work Plan and Budget**

### **1. Protect and Restore Water Quality**

**PROBLEM:** Poor water quality in the Penobscot Bay Estuary has caused the closure of a substantial amount of shellfish areas causing economic hardships in some communities.

**PROGRAM GOAL:** Protect and restore water quality for natural resource and economic benefit.

**OBJECTIVES (TASKS):**

- a) Increase potential productive shellfish flat acreage.
- b) Identify, evaluate and reduce point source pollution sites (e.g. Toxic hot spots, especially metals, PCBs, Dioxin).
- c) Evaluate and reduce non-point source pollution impacts on Penobscot Bay.

**CCMP ACTIONS:**

**Within One Year --**

Complete sanitary surveys, increase existing water quality monitoring efforts, assist communities in remediation.

Increase number of boat pumpout facilities.

Work with communities and DEP to remove licensed Overboard Discharges in critical shellfish harvesting areas.

Inventory sources of non-point pollution to identify those made up of potentially controllable point sources.

Initiate efforts to catalog urban and stormwater run-off and evaluate impact on water quality. Integrate with current efforts to produce impact statement regarding impacts.

**Within Two Years --**

Provide training for municipalities to establish shellfish committees and management plans. Conduct training for and carry out clam resource surveys.

Assist in evaluation of POTWs and their upgrades.

Research and assist with identification of innovative sewage treatment solutions for islands and small communities.

Determine industrial point source impacts in Penobscot Bay.

Establish a program of volunteers to investigate potential nonpoint sources in the estuary and work with agencies and landowners to better utilize best management practices for reducing impacts.

Assist in implementation of Maine's Small Communities Grant Program by providing a liaison between municipalities, homeowners and DEP during identification, granting process, and follow-up phases.

**Within Three Years --**

Evaluate the feasibility of implementation of stock enhancement and habitat restoration through research and pilot projects.

Enter into partnership with identified industries on innovative technology for reduced discharges to Pen Bay.

Work with Penobscot Bay schooner fleet to reduce boat sewage in the estuary.

Work with municipalities and agencies to facilitate enforcement of existing laws, regulations and policies regarding water quality.

**LEAD RESPONSIBILITY:** Penobscot Bay Management Committee

**COOPERATING AGENCIES:** Department of Marine Resources, University of Maine Cooperative Extension, State Planning Office, Department of Environmental Protection, Island Institute, Maine Aquaculture Innovation Center, Department of Economic and Community Development, Natural Resources Conservation Service.

**RESOURCES:**

Existing collaborations among the above-mentioned agencies.

Volunteer groups and municipalities coordinated through these alliances.

**2. Protect and Restore Terrestrial and Marine Habitats**

**PROBLEM:** Both land and estuarine habitat loss in the Penobscot Bay region has caused a decline in wildlife populations, some which are harvested commercially or recreationally.

**PROGRAM GOAL:** Implement habitat protection efforts in the estuary.

**OBJECTIVES (TASKS):**

- a) Build partnerships with federal agencies and local government to promote better understanding of threatened species and their habitats.
- b) Enter estuary resource and habitat data into Maine's Geographic Information System (GIS).

- c) Promote use of habitat suitability models to identify priority marine species and their habitats.
- d) Identify important habitats (flats, eelgrass beds, spawning areas) within the Penobscot Bay estuary.
- e) Maintain or improve anadromous fish runs in the Penobscot and Ducktrap Rivers (Atlantic salmon, shad, smelt).
- f) Protect valuable seabird habitat.
- g) Minimize essential marine habitat impacts from dredging and dredge spoil disposal.

**CCMP ACTIONS:**

**Within One Year --**

Work with U.S. Fish & Wildlife Gulf of Maine Project to focus habitat suitability studies on the Penobscot Bay estuary.

Study chemical pollutants within the Penobscot River that may impact larvae of marine organisms.

Convene working group to determine priority species in Penobscot Bay that require habitat protection (criteria to include commercial value, rarity, biodiversity).

Establish working relationships with Atlantic Salmon Federation and other advocacy groups.

**Within Second and Third Years --**

Assist state agencies and municipalities seeking dredging permits to find alternatives to ocean disposal in Penobscot Bay, especially to protect spawning areas.

Work with municipalities & other partners to develop plans ensuring protection of important habitats from marinas, moorings and other marine uses.

Increase public awareness of the disturbance to island nesting birds from human and domestic animal activities.

Work with municipalities to ensure that island land use regulations achieve protection of nesting sites (some shoreland zoning ordinances zone only the perimeter as Resource Protection and leave the actual nest sites unprotected).

**LEAD RESPONSIBILITY:** Penobscot Bay Management Committee.

**COOPERATING AGENCIES:** Department of Marine Resources, Department of Environmental Protection, U.S. Fish & Wildlife Service, Department of Inland Fisheries & Wildlife, Island Institute, Atlantic Salmon Federation, regional planning agencies, Maine Office of GIS, Maine State Planning Office, and Penobscot Bay municipalities.

**RESOURCES:** Existing collaborations among the above entities.

### 3. Promote Sustainable Use of the Bay

**PROBLEM:** There is a pressing need to expand sustainable economic opportunities derived from Penobscot Bay, given the severe groundfish decline within the Gulf of Maine.

**PROBLEM GOAL:** Chart an economic future that does not degrade the natural resources of the estuary.

#### **OBJECTIVES (TASKS):**

- a) Explore and support shellfish, finfish and seaweed aquaculture efforts within the estuary where appropriate.
- b) Establish the economic value of the Penobscot Bay estuary.
- c) Promote necessity of linkage between economic health and environmental integrity for long-term health and productivity of Penobscot Bay.
- d) Define ways in which tourism in the estuary can be advantageous to sustainable economic growth.
- e) Evaluate role of recreational uses of estuary & establish appropriate networks for encouraging low-impact uses.
- f) Provide training for mediation in marine resource use conflicts within the estuary.
- g) Explore means to assure that current shipping activities and those of the proposed Sears Island cargo port do not degrade estuarine water quality.
- h) Support exploration & research of ecosystem models to manage fisheries in Penobscot Bay and throughout the Gulf of Maine.

#### **CCMP ACTIONS:**

##### **Within One Year --**

Conduct research on feasibility of aquaculture ventures within Penobscot Bay.

Conduct estuary-wide survey of income generated and jobs provided by Penobscot Bay fisheries, tourism, shipping, aquaculture and other marine-dependant industries.

Publish and disseminate the link between economic health and environmental integrity through existing distribution channels (e.g., Inter-Island News, The Working Waterfront which circulate to 5,000 island owners, businesses, conservationists, state agencies and coastal communities).

Assist in sponsorship of conferences and publications addressing ecosystem-based fisheries management models (e.g. Island Institute's System in the Sea).

##### **Within Second and Third Years --**

Provide technical assistance on start-up and financing for aquaculture ventures within Penobscot Bay.



Establish task force charged with cataloging sustainable recreational potential for Penobscot Bay.

Establish marine use conflict initiative for educating target groups - fishermen, shipping interests, recreation users, aquaculturists.

Provide educational materials for tourists and recreational groups on the fragility of the estuary's ecology.

Work with Penobscot Bay Pilots Association and the Maine Department of Transportation on feasible approaches to maintaining water quality in shipping.

**LEAD RESPONSIBILITY:** Penobscot Bay Management Committee

**COOPERATING AGENCIES:** Marine Hatchery Technology Association, Maine Aquaculture Innovation Center, Maine Aquaculture Association, Department of Marine Resources, University of Maine Sea Grant, University of Maine Cooperative Extension, Island Institute, Pen Bay Pilots Association, Department of Transportation, Maine Office of Tourism, Finance Authority of Maine, Eastern Maine Development Corporation.

**RESOURCES:** Existing collaborations among the above mentioned agencies and organizations.

#### **4. Support Penobscot Bay Network**

**PROBLEM:** Without conscious, ongoing efforts, the integrated network which has been created among the groups involved with Penobscot Bay and the proposed National Estuary Project could cease to sponsor many of the initiatives it has begun in recent years and could fail to continue beyond the duration of the NEP.

**PROGRAM GOAL:** Maintain efforts of the Penobscot Bay Network through the Penobscot Bay Estuary Project and plan for continuation of the network at the conclusion of the Estuary Project.

##### **OBJECTIVES (TASKS):**

- a) Continue the full range of the Penobscot Bay Network activities.
- b) Continue and expand existing educational program throughout the estuary watershed.
- c) Continue and increase public participation.
- d) Improve community-based networking.
- e) Continue to promote and advance communication and coalition building.
- f) Create central clearinghouse of information on the estuary for educational purposes.
- g) Follow-up on key recommendations/action items from the first Penobscot Bay Conference.
- h) Expand the scientific bibliographic list and widely disseminate the bibliography currently being produced by the Island Institute and the Isleboro Island Trust.

## **CCMP ACTIONS:**

**Ongoing** (these items are likely to occur during and after the life of the National Estuary Project) --

Participate annually with the Pen Bay based Fisherman's Forum.

Work with the Maine Coastal Program on the Marine Volunteers project, an educational tool based in the Bay.

Plan for long-term continuation of Pen Bay Network activities without financial resources provided by the Pen Bay Estuary Project.

Assist Penobscot Riverkeepers 2000 with tours and educational programs for communities along the entire Penobscot River.

Conduct public meetings and conferences on estuary issues currently being addressed by the Pen Bay Network and the NEP.

Sponsor round-table meetings with specific stakeholders to discuss common agendas.

Distribute curriculum materials developed by the Penobscot Riverkeepers 2000 and the River and Bay Institute.

Identify partners to address issues/tasks related to their missions.

### **Within One Year --**

Develop a public participation plan to help define issues for the NEP and build a constituency for long-term support.

Collaborate with the Island Institute by assisting with the publication, and future interpretation of the State of the Bay Report.

Hold a Sears Island Cargo Port Forum; continue to sponsor annual fora on public policy issues related to Penobscot Bay.

### **Within Two Years --**

Expand pilot educational program "Septic System Maintenance", to cover targeted areas in the estuary.

Create a computer bulletin board on the Internet for Penobscot Bay where research materials, actions and questions can be asked by students, businesses, residents, municipalities, managers and educators.

### **Within Three Years --**

Update the State of the Bay report and Penobscot Bay Bibliography at the end of 1998.

Prepare a work plan defining the first year of activities after the NEP grant period expires.

**LEAD RESPONSIBILITY:** Penobscot Bay NEP Management Committee

**COOPERATING AGENCIES:** All Penobscot Bay Network member groups and agencies. Specific items involve: Island Institute, Riverkeepers 2000, Penobscot River and Bay Institute, and Maine Coastal Program.

**RESOURCES:** Existing collaborations among the above mentioned agencies through the continuation of the network structure.

## Draft Budget

This preliminary budget shows how Maine will use \$500,000 (federal) and \$125,000 (non-federal) over a three-year period.

| GOAL  | YEAR 1    | YEAR 2    | YEAR 3    |
|---|-----------|-----------|-----------|
| Protect and restore water quality   | \$200,000 | \$200,000 | \$200,000 |
| Promote sustainable use of Penobscot Bay  | 125,000   | 125,000   | 125,000   |
| Maintain educational, outreach and public policy efforts of Penobscot Bay Network and plan for continuation of the network at the conclusion of the Estuary Project | 100,000   | 100,000   | 100,000   |
| Protect and restore terrestrial and marine habitats   | 200,000   | 200,000   | 200,000   |
| Federal and non-federal funds   | \$625,000 | \$625,000 | \$625,000 |

### State of Maine Non-Federal Cost Share

Maine's annual non-federal match of \$125,000 per year for the three year grant period is derived from two sources: contributed time of state-funded Department of Marine Resources (DMR) employees and state technical assistance funds to regional planning commissions in the Penobscot Bay region.

#### Annual DMR staff contributed time

|                            |               |
|----------------------------|---------------|
| Area biologist @ 50%       | \$25,000      |
| 2 Marine Specialists @ 50% | 24,000        |
| Microbiologist @ 25%       | 15,000        |
| Laboratory Staff @ 25%     | 25,000        |
| GIS/Data Manager @ 25%     | <u>15,000</u> |
| TOTAL                      | \$104,000     |

#### Annual State technical assistance funds to Regional Planning Commissions

|   |               |
|---|---------------|
| Hancock County Planning Commission      | \$2,500       |
| Mid-Coast Regional Planning Commission  | 4,500         |
| Penobscot Valley Council of Governments | <u>14,000</u> |
| TOTAL                                   | \$21,000      |

**GRAND TOTAL**

**\$125,000**