

NONPOINT SOURCE TIMES

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WETLANDS AS WATER OF THE STATE

APRIL 5, 2004

Maine's *Protection and Improvement of Waters* laws, 38 M.R.S.A. § 361-A(7), defines "Water of the State" as:

...any and all surface and subsurface waters that are contained within, flow through, or under or border upon this State or any portion of the State, including the marginal and high seas, except such waters as are confined and retained completely upon the property of one person and do not drain into or connect with any other waters of the State, but not excluding waters susceptible to use in interstate or foreign commerce, or whose use, degradation or destruction would affect interstate or foreign commerce.

The Maine Supreme Judicial Court has on one occasion viewed this definition. In *State v. Sirois*, 478 A.2d 1117 (1984), the Court unanimously found overflow from a sewage holding pond to constitute a discharge to "water of the state" because, after spilling over the pond's banks, it seeped into the water table. *Sirois* @ 1121. Such an unlicensed "indirect addition of pollutants to the subsurface waters of the State" violated the *Protection and Improvement of Waters* laws, 38 M.R.S.A. § 413(1). *Id.*

In the context of applying for and receiving delegation of the federal Clean Water Act (CWA) wastewater discharge permitting program, known as the National Pollutant Discharge Elimination System (NPDES), the Maine Department of the Attorney General and United States Environmental Protection Agency extensively evaluated the State's definition of "Water of the State". In the end, the AG and EPA agreed that State law gives DEP sufficient authority to administer a NPDES program in waters of the United States, to the same extent as the NPDES program administered by EPA, which includes defining "waters" at least as broadly as the federal government. See *Attorney General's Statement of Legal Authority for Maine's National Pollutant Discharge Elimination System (NPDES) and Pretreatment*

Programs (November 2, 1999) (AG Statement) @ 1.

The CWA defines "Waters of the United States" to mean:

(a) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, in-

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cluding all waters which are subject to the ebb and flow of the tide;

- (b) All interstate waters, including interstate "wetlands";
- (c) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, "wetlands", sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds that use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
 - (1) Which are or could be used by interstate or foreign travelers for recreational or other purposes;
 - (2) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
 - (3) Which are used or could be used for industrial purposes by industries in interstate commerce;
- (d) All impoundments of waters otherwise defined as waters of the United States under this definition;
- (e) Tributaries of waters identified in paragraphs (a) through (d) of this definition;
- (f) The territorial sea; and
- (g) "Wetlands" adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) through (f) of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA (other than cooling ponds as defined in 40 CFR 423.11(m) which also meet the criteria of this definition) are not waters of the United States. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the United States (such as disposal area in wetlands) nor resulted from the impoundment of waters of the United States. [See Note 1 of this section.] Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA.

Wetlands means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

EPA ADMINISTERED PERMIT PROGRAMS: THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM, SUBPART A - DEFINITIONS AND GENERAL PROGRAM REQUIREMENTS, 40 C.F.R. §122.2 (2004)

By definition, federal NPDES jurisdiction includes pollutant discharges to wetlands "adjacent to waters" that fall within any category prescribed in that Code of Federal Regulations definition. As such, the State's definition is at least as broad, see AG Statement @ 1, thereby prohibiting the unlicensed discharge of pollutants to wetlands.



Finally, a recent U.S. Supreme Court case found that the Army Corps of Engineers exceeded its authority under Section 404 of the Clean Water Act in asserting jurisdiction because of use as habitat for migratory birds for isolated, intrastate, non-navigable waters. This decision does not necessarily affect State regulation of such isolated wetlands, largely because Maine's jurisdiction is not limited to "navigable waters" nor is its regulatory authority derived from the Commerce Clause. Instead, the definition includes all waters that "connect with any other waters of the State," including groundwater. Since nearly all wetlands are thus connected, the State's definition of

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waters of the State is broader than the federal definition of wetlands, as interpreted by the Supreme Court. To the extent that a particular wetland is not connected to groundwater or any other body of water and is contained entirely on a single property, the Legislature has provided that it may still be jurisdictional if it is "susceptible to use in interstate or foreign commerce, or whose use, degradation or destruction would affect interstate for foreign commerce."

From MDEP Fact Sheet. FMI contact Jim Dusch at 207 287-8662

Jordan Cove Urban Watershed Monitoring Project

The Jordan Cove Urban Watershed Monitoring Project is one of 24 projects in the nationwide section 319 National Monitoring Program (NMP). The purpose of the NMP is to scientifically evaluate the effectiveness of watershed technologies designed to control nonpoint source pollution, and improve our understanding of nonpoint source pollution. The Jordan Cove project, located in southeastern Connecticut in the town of Waterford, is a ten-year study to document the difference in stormwater quality and quantity between traditional subdivision development and a subdivision with best management practices incorporated into the design and construction. The project is using a "paired-watershed" approach to demonstrate the water quality benefits of incorporating best management practices (BMPs) into subdivision development. The University of Connecticut (UConn) initiated baseline monitoring of the two subdivision sites, and a third "control" subdivision, in November 1995 and construction phase monitoring began in June 1997 when construction commenced in the "traditional" neighborhood. Construction phase monitoring of the "BMP" neighborhood began in March 1999 and was completed in September 2002. Construction monitoring is now focused on the traditional neighborhood which is scheduled for completion by May 2003. Monitoring of the control subdivision will continue throughout the entire project period. An important component of this project is outreach and education to municipal commissions, developers, and the public. Lessons learned from this project are already being shared with these target audiences through a variety of means, including presentations at workshops and conferences; articles in journals, newsletters, newspapers; and web sites. For additional information see: www.canr.uconn.edu/jordancove/ The Jordan Cove project is also used as a case study in the UConn/CES NEMO Project, and has its own web page in the NEMO web site: <http://www.nemo.uconn.edu>.

Project accomplishments in 2003 include:

The private developer, Inside/Out LLC, completed construction of the final three homes in the traditional neighborhood.

UConn continues educational efforts with the BMP neighborhood residents on "housekeeping" BMPs.

Monitoring during the construction of the "traditional" neighborhood, where houses were built using generally accepted practices, has determined that:

Erosion and sediment controls reduced sediment and associated pollutants in construction site runoff, but did not reduce the volume of runoff, and increased runoff volumes increase the mass export of pollutants.

Weekly flow and peak discharge increased by almost 100 percent, with increased concentrations and

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loading of nitrate-nitrogen (NO₃-N).

Sediment export increased 90 percent and total phosphorus increased 89 percent, and loading of copper, lead and zinc also increased.

Results from the construction period at the traditional site suggest that increased runoff, rather than erosion, was the cause of increased pollutant export from the site.

Monitoring during the post-construction period in the BMP neighborhood indicated that the volume of stormwater runoff decreased. However, the concentrations of TSS, TP, and TKN remain greater than during calibration. Exports have declined during post-construction, except for TP which did not change. Metals export declined following construction.

The driveway study was completed. Stormwater runoff and mass export of solids, nutrients, and metals was greater from the asphalt than the pavers than the crushed stone driveways. Concentrations of solids, nutrients, and metals were lower in runoff from the paver driveways than the asphalt driveways.

Post-construction monitoring will continue for several years to assess the overall differences in how these two types of development impact water quality.

By Stan Zaremba, who can be reached at stanley.zaremba@po.state.ct.us

Governor's Awards for Environmental Excellence 2004

On **November 5, 2004**, Governor Baldacci will present the Governor's Awards for Environmental Excellence to a variety of Maine businesses, organizations, and individuals to recognize their work to protect Maine's environment.

If you know of businesses, organizations, or individuals that are deserving of recognition please encourage them to apply, or you can nominate them with their approval.

The **deadline** for applications is **July 1, 2004**.

To review the categories and qualification information located at <http://www.maine.gov/dep/oia/govaward.htm> where an electronic application form is also available. They are highly encouraging electronic submission.

Shellfish Closed areas now online!

Amy M. Fitzpatrick, Director Public Health Division, Maine Department of Marine Resources is very happy to announce that all of the bacterial shellfish closures are now online! Please pass the word! http://www.maine.gov/dmr/rm/public_health/closures/closedarea.htm



Funding ideas

The **Greenways Awards Program**, a partnership of the Eastman Kodak Company, The Conservation Fund and the National Geographic Society, provides small grants to stimulate the planning and design of greenways in communities throughout America. Grants can be used for all appropriate expenses needed to complete a greenway project, including planning, technical assistance, legal and other costs. The maximum grant award is \$2,500, although most grants will range from \$500 to \$1,500. Only online applications will be accepted, and they are due by June 1, 2004. See The Conservation Fund Web site for complete guidelines, application forms and information on previous grant recipients at www.conservationfund.org/?article=2372.

The River Network is making a limited number of small grants (up to \$5,000) to help river and watershed organizations implement the **RiverSmart campaign** in their local communities. Using mass media tools, the RiverSmart campaign gives audiences simple things they can do in and around their homes to help protect the health of their local rivers. River and watershed groups can attach their own name and logo to the RiverSmart TV, radio and print ads and use the campaign to raise their organizational profile as well as to educate community members. If you are interested, please review the campaign materials and messages by visiting www.riversmart.org and clicking on "Newsroom", or contact Glin Varco, RiverSmart Coordinator, at gvarco@rivernet.org or (503)542-8393.

New Materials from Center for Watershed Protection

Under a cooperative agreement from EPA's Office of Wastewater Management and Office of Wetlands, Oceans, and Watersheds, the Center for Watershed Protection has just published three manuals of what will be a series of 11 manuals, which CWP has dubbed "Urban Subwatershed Restoration Manual Series". CWP states that the series is designed to provide a stronger foundation to assist local and state managers in crafting urban watershed restoration plans. The manuals were written to "organize the enormous amount of information needed to restore small urban watersheds into a format that can be easily accessed by watershed groups, municipal staff, environmental consultants and other users."

Each of these is approximately 100 pages long, and some also include a CD with software to enable data collection and storage.

The eleven manuals are:

1. An Integrated Framework to Restore Small Urban Watersheds
2. Methods to Develop Restoration Plans for Small Urban Watersheds
3. Storm Water Retrofit Practices
4. Stream Repair and Restoration Practices
5. Riparian Management Practices
6. Discharge Prevention Practices
7. Previous Area Management Practices
8. Pollution Source Control Practices
9. Municipal Practices and Programs
10. The Unified Stream Assessment: A User's Manual
11. The Unified Subwatershed and Site Reconnaissance: A User's Manual

The first three have been published in March 2004 and can be downloaded for free from www.cwp.org for the next six months. Five additional manuals are scheduled for release later this summer and early fall, and the remaining three some time after that.



Impact of Open Space on Residential Property

Looking for information on the impacts of proximity to large-scale animal production facilities and landfills on residential property values?

A research paper published by Professors Ready and Abdalla of Penn State, titled "The Impact of Open Space and Potential Local Disamenities On Residential Property Values In Berks County, Pennsylvania," provides detailed information on the impact of open space, commercial, and several industrial land uses (including airports, CAFOs and landfills) on residential property values. The paper can be accessed at <http://landuse.aers.psu.edu/>

From an email by FitzKRC@aol.com

NPS & Stormwater Outreach Using Rubber Ducks

In a little over a month you will start hearing a new set of radio Public Service Announcement(s) ("PSAs") and seeing a new TV PSA talking about stormwater pollution. This effort is a collaborative project among MDEP, State Planning Office, EPA, Cumberland County SWCD and the 28 regulated MS4 communities and the nested MS4s subject to Stormwater Phase II rules. (MS4 = Municipal Separate Stormwater System)

In the fall of 2003, MDEP paid to have market research conduct four focus groups from Kittery to Orono. The results of this research vividly illustrates the lack of awareness and understanding of the path stormwater takes and it's potential to carry pollutants untreated to Maine's streams, rivers, lakes, bays and beaches. As a result the consultant recommend that the regulated MS4s and MDEP work to first raise awareness before attempting behavior change; we needed to get polluted stormwater runoff on people's radar screen.

Data from the focus groups provided the direction for the awareness raising effort. Focus groups were shown a number of PSAs from around the country. The PSAs were produced by Stormwater Phase I communities. Focus group members consistently preferred a PSA developed for the City of San Diego which features rubber ducks to illustrate the pathway of common pollutants. As a result, MDEP approached San Diego to borrow their PSA and they gladly agreed. Of course we had to customize the ad to fit Maine's needs.

We knew that we wanted a statewide multi media approach for the advertising campaign. Thus the Stormwater Outreach Collaborative had a potential TV PSA, but needed to use more than one media to try to reach such a board audience. Based on DEP's successful soil campaign which had aired on radio stations across the State during the past few summers it was decided to build upon this success and use radio as a media to deliver the message about polluted stormwater runoff. MDEP agreed to raise some money for the modification of the TV PSA, the re-writing of two of the soil radio PSAs and two new very specific stormwater PSAs, but question of how to fund these endeavors was looming.?

The 28 Phase II municipalities and the nested MS4s within these municipalities (colleges, universities, MDOT, MTA....) agreed to raise among themselves almost \$100,000! Cumberland County SWCD was



gracious enough to volunteer to be the fiscal agent collecting the money and contracting with a media buyer. MDEP (via CWA 319) is covering the cost to air the modified soil erosion radio PSAs and air time to take the effort statewide.

In the mean time MDEP contracted with Burgess Advertising to start modifying the TV PSA and the two soil ads they had previously done, plus write and record two new radio PSAs. Burgess will also develop a print piece for the communities to use in getting the word out locally.

The Stormwater Outreach Collaborative agreed to a slogan "Think Blue, Clean Water Starts With You" and to develop a common web site to be used in ads www.ThinkBlueMaine.org. Kristie Rabasca of Aquarion Engineering Services, the consultant for a number of the MS4 communities has approached University of Southern Maine computer program and they have agreed for a modest donation to develop the web site. The State Planning Office, Coastal Zone Management Program, will be providing the donation to USM.

The Collaborative wanted a logo to brand this effort and a few members developed some nice ideas. After watching the group struggle with their ideas, Judy Katzel of Burgess volunteered to donate logo development to the program.

In the mean time, each of the MS4 communities is working at developing a local effort to coincide with the airing of the PSAs to help bring local attention to one of the most significant sources of water pollution in the State. Hopefully this will start everyone down the path to behavior change. Some communities will be doing stormdrain stenciling while others may have special stations in the Androscogin Canoe Trek to the Sea.

Always remembering to keep track of our effectiveness, MDEP contracted with a market research firm to evaluate the effort through a phone survey. In addition, the regulated MS4s are using a written survey of municipal employees on issues related to stormwater and stormwater pollution to measure specific local effects.

The approximate budget for the effort is:

Development of materials	\$17,350.00
Air time	\$216,000.00
Evaluation (phone survey)	\$5,200.00
Total cash raised for collaborative effort:	\$238,550.00

For more information on this project contact Kathy Hoppe, MDEP at 207-764-0477 kathy.m.hoppe@maine.gov or Barb Welch at 207-287-7682 barb.welch@maine.gov or David Ladd 207-287-5404 david.ladd@maine.gov

Penobscot River Restoration Trust

The Penobscot River is the largest watershed in Maine, draining a full third of the state. It once was vibrant with life - millions of alewives, shad and other river herring, prehistoric looking sturgeon, rainbow smelt and tomcod, and – certainly most famous- the leaper: wild Atlantic salmon. This rich fishery provided for the cultural sustenance of the Penobscot Indian Nation and also, later the European settlers who depended on the fishery for both commercial and recreational purposes. Today, the river is nearly devoid of its native fish and much of the cultural and recreational traditions are limited.

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In an unprecedented collaboration that has inspired hope in many who love the Penobscot, diverse interests that have fought for decades over its future have agreed on a path of recovery of its native fisheries. Penobscot Partners, including the Penobscot Indian Nation, American Rivers, Atlantic Salmon Federation, Maine Audubon, Natural Resources Council of Maine, and Trout Unlimited in conjunction with the U.S. Department of Interior's Bureau of Indian Affairs, U.S. Fish and Wildlife Service, and the National Park Service, the State of Maine, and PPL Corporation, the dam's owners, have reached an agreement for river recovery that includes:

- the purchase, decommission and removal of Veazie and Great Works Dams;
- the purchase, decommission and proposed by-pass of Howland Dam;
- the opportunity to increase power generation at several dams, maintaining more than 90% of the company's current generating capacity, and;
- the improvement of fish passage at four other dams.



Photo by Doug Watts

The Penobscot River Restoration Trust, a not-for-profit formed to implement the restoration, will have a five year option period to raise funds and purchase the Veazie, Great Works and Howland Dams for \$25 million dollars. In addition the preliminary estimate for project implementation, including dam removal and modifications, economic development and mitigation, is also approximately \$25 million. Removal of the dams will likely occur between 2006-2010 and after all the necessary regulatory approvals have been received.

This agreement restores access to virtually all historic habitat for several species, such as striped bass and sturgeon, and significantly improves access to over 500 miles of habitat for others that historically migrated beyond the first major falls in great numbers, including American shad and Atlantic salmon. Other wildlife, such as osprey and bald eagles will have enhanced foraging opportunities, as their food supply throughout the river will be enhanced. Benefits of this project will reach beyond the direct benefit to fish species and wildlife, providing opportunities to revive cultural, recreational, and social traditions. This project balances the river back in favor of migratory fish and wildlife, people, culture, and recreation that rely on a healthy free-flowing river.

Since the announcement last October all parties to the agreement have been actively engaged in getting out and talking with communities, providing details of the project and answering specific community concerns. Penobscot Partners is working closely with the State and communities to assure community involvement in the economic development potential this project brings. Thus far the communities have been granted a \$10,000 Community Development Block Grant from the State of Maine to begin economic development planning efforts around the project and Senator Snowe has secured \$30,000 for further work on community interests.

There is still much work that needs to be done to make this project a reality but we can all find hope that sometime in the future the Penobscot River will run strong with migratory fish, wildlife will be in greater abundance, and people who have chosen to or been forced to turn away from the river can return to paddle, fish, watch wildlife, or just simply sit on the banks and relish knowing the river is running freer than it has in well over a century.

If you would like further information about the project please contact Lia Morris at (207) 622-3101.



Beyond 319 - Innovative Ways to Fund Watershed management

(Note this is taken from the Watershed Manager's Roundtable meeting held November 17, 2003.. FMI contact Wendy Garland at MDEP 207-822-6320 or wendy.garland@maine.gov)

Potential Funding Sources

a. DOT Surface Water Quality Protection Program

- **Overview** - Alex Wong reminded people about this program for fixing state roads that are causing water quality problems in lakes and streams. The program budget is about \$300k/year. Most projects are associated with road shoulder erosion or cases where road runoff is causing erosion problems. They are also looking for more flashy projects to give the program higher visibility. Normal maintenance projects are not funded. Past projects have included a riparian buffer planting on the Machias River and ditching/check dams on Adams Pond.
- **Opportunities/Drawbacks** – Excellent way to fix projects with high price tags that 319 grants usually couldn't accommodate. Also, the application is very simple, and DOT does all the legwork from design to construction. Even if a project doesn't qualify for SWQPP grant program, a site visit with Alex may bring an important maintenance issue to the DOT's attention and get it on the maintenance schedule. Only potential drawback is that these grants don't help pay for staff time of nonprofits. No money is exchanged with the sponsor.
- **For more information** – Contact Zach Henderson (207-624-3080 or zachary.henderson@maine.gov) or go to www.maine.gov/mdot. Nominations are accepted on a rolling basis.

b. Shore Stewards Grants

- **Overview** - The State Planning Office offers an annual grants program to fund watershed protection efforts in coastal areas. Eligible projects include watershed surveys, organizational capacity-building, education, monitoring and management plan development. Guidelines have varied, but in 2001-2002 grants awards ranged from \$15k-\$25k. Total funding was \$125k. Higher priority given to projects in priority coastal watersheds and salmon river watersheds. Deadlines usually in early winter.
- **Opportunities/Drawbacks** – The grant process is much more relaxed than 319 – with a simple application and fewer reporting guidelines. Potential drawbacks are that the funds can't be used for implementation and project areas need to be in priority coastal areas.
- **For more information** – Contact Todd Janeski at 287-3261 or go to www.maine.gov/mcp/online_resources/grants.



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c. Maine Outdoor Heritage Fund

- **Overview** – This program awards \$1.5 million in grants annually with proceeds from the OHF lottery ticket sales. Applications are typically due March 1st and September 1st, although the March deadline was postponed this year due to revenue shortfalls. Applications must be sponsored by one of 16 natural resource agencies (e.g., SWCDs, DEP). There are four funding categories. The Fisheries, wildlife and habitat conservation project category (35% of funds) is probably most relevant for our work.
- **Opportunities/Drawbacks** – Large amounts of money awarded each year. There is a lot of competition in the Fish & Wildlife category, but grants have been awarded to do watershed work. In 2002, MOHF funded the Casco Bay Estuary Project's application, Community Strategies to Improve the Bay, which will fund presentations specific to each of the twelve coastal towns of Casco Bay outlining specific actions each community can take to protect water quality. (Grant: \$22,732). Great opportunity if you have a project that fits in the natural resources law enforcement category (15% of funding) since this doesn't typically receive as many applications. ~ ~ Perhaps a proposal related to improvement of code enforcement on lakes would fare well. ~ ~
- **For more information** – Contact Jo D. Saffair at saffair@rcn.com or go to www.state.me.us/ifw/outdoorheritage.



d. Watershed Protection Grants

- **Overview** – The DEP runs an annual grants program (\$1000 maximum grant) to fund school service learning projects that help restore or protect local freshwater resources. Projects often involve buffer plantings and include educational components. Contact Christine Smith to get on their mailing list. Applications are due November 1st. Schools typically apply, but Scouts or 4H groups could probably also apply.
- **Opportunities/Drawbacks** – Excellent way to link up with school groups to get small projects done. Very simple application materials and limited competition. Funds can only be used for plant materials, signs, transportation and other expendables. Can't be used for staff time or equipment like digital cameras.
- **For more information** – Contact Christine Smith or Barb Welch or go to www.state.me.us/dep/blwq/docgrant/watershed.htm

e. Wal-Mart Grants - Wal-Mart awards \$1.7 million in Environmental Grants each year. Every location awards an environmental grant of \$500 to a local school for a project to clean up an area, landscape a community property or beautify a portion of its community. All requests for funding must be directed to the Good Works Coordinator at your local Wal-Mart store, SAM'S CLUB, Neighborhood Market or Distribution Center. For more information about the Wal-Mart Foundation, call us at 800-530-9925. Cumberland and Oxford County SWCDs have received larger grants in the past to fund a watershed survey and a buffer plant cost-share program.

f. National Fish and Wildlife Foundation – This program funds projects to conserve and restore fish, wildlife, and native plants through matching grant programs. Proposals are due June 1st and October 15th. Matching grants range from \$10k to \$150k with the requirement for at least a 50% match by non-federal sources. For more information go to www.nfwf.org/programs/grant_apply.htm.

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- g. Fish America Foundation** – This foundation awards grants averaging \$7,500 for fisheries, habitat and water quality improvement projects. Projects should be hands-on, action-oriented projects such as plantings and streambank stabilization. For more information, go to www.asafishing.org/content.
- h. Gulf of Maine Grants** – The Gulf of Maine project offers grants related to coastal habitat protection, restoration and stewardship. Go to <http://www.gulfofmaine.org/council/opportunities> for more information.
- i. Trout Unlimited “Embrace a Stream”** – This is a 1:1 matching grant program focused on coldwater fisheries conservation and capacity-building projects. The average grant in 2003 was \$5200. Proposals were due December 22nd in 2003. Go to <http://www.tu.org/conservation/eas.asp> for more information.

Other Resources – The following publications include listing of many other potential grants: Environmental Grantmaking Foundations (comes on CD with searchable database) <http://www.environmentalgrants.com>, Directory of Funding Sources for Grassroots River and Watershed Conservation Groups in New England and New York (www.rivernetnetwork.org/marketplace/moreinfo.cfm?Product_ID=52, Fall 2003 Stream Team Newsletter (<http://www.state.me.us/dep/blwq/newslet/mstpnews.pdf>).

Getting BMPs on The Ground

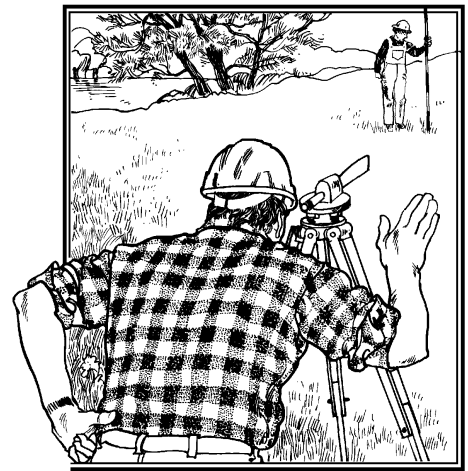
(Note this is taken from the Watershed Manager’s Roundtable meeting held November 17, 2003.. FMI contact Wendy Garland at MDEP 207-822-6320 or wendy.garland@maine.gov)

1. How do you start a project?

- Send a letter out to the entire watershed – for implementation projects as well as surveys.
- To develop watershed mailing lists, use Mylar printouts of watershed boundaries at same scale as tax maps. It is easy to then overlay the tax maps and identify parcels in the watershed.

2. Project Planning

- Get clear information from the local folks about how the project area is used. If you don’t plan for access on a site, then those who use it as access will destroy your work.
- Realize that sometimes you don’t solve issues on the first go around. Plan for persistence! Accept that you may need to come back and tweak the installed BMPs.
- **Boat Ramps** – Oftentimes, boat ramp projects get good community support and are very visible. There is something about boat launches that generates support.
- **Common Areas** – Fix common areas if possible. Usually no one wants to take responsibility of



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these shared areas, but projects here can foster goodwill to correct issues. It then becomes an advertisement to users.

- **Commercial Sites** – Keep in mind that you need to work with commercial landowners on their off-season schedule. Pushing them to work with you during their busy season just will not work.
 - **Campgrounds** – Portland Water District has experience with campgrounds. This particular land use can require diligence on the part of the watershed manager in order to address issues. Don't be afraid of tackling a smaller issue that is raised by the campground owner in order to have a success to help foster a good relationship. Whom you approach first – i.e., owner, manager, etc. can be different with each campground. Having a local connection can really help “get you in the door.”
 - **Parks, Beaches and other Public Sites** – Minimize future vandalism and trampling of plantings on public sites by getting students involved in the plantings and getting local press coverage.
- 3. Fostering long-term stewardship in the local community** - Provide support and tools to local folks so that they can become leaders to champion this work into the future.
- Invite local folks to join you when you do technical assistance visits – this helps to build local expertise and more actively involves locals in the project.
 - Important to provide capacity building support for the local group – plan your staff time accordingly to allow time for this. Ultimately, if you want a sustainable effort, you need a stronger local entity to champion efforts once your grant project ends.
 - Incorporate TMDL studies/watershed survey reports (next steps sections) in updated Comprehensive Plans – to provide specific actions for municipalities.
 - Figure out the social leaders in the community you are working with. If these leaders set a good example, then other people will then mimic (according to social marketing research).
- 4. Project Publicity**
- It's good to install signs that describe the effort. Press is temporary and may not reach seasonal folks. Signs endure.
 - Following up the work with a press release is key. Write your own!
- 5. Working with difficult landowners**
- Set up a tour of a commercial location to showcase what they are doing well—use this to build a relationship based on positive actions.
 - Find a topic that will help “sell” them. For example, sell buffers by letting them know that higher vegetation will deter geese in their yards.
 - Be willing to walk away.
 - Be willing to strike a compromise and take care of part of the issue. Something is better than nothing.
 - Talk about \$\$\$ - providing cost sharing can be a great incentive for difficult landowners.

Success sells! Being able to point to other examples in the watershed/community that showcase what you are attempting to do can be a great tool in helping to persuade a difficult landowner to work with you. Also, dealing with a smaller issue first in order to have a success to help foster a good relationship



Calendar of Events

June 2-4, 2004. Best Education Practices for Water Outreach Professionals Symposium. University of Wisconsin, Madison. FMI <http://www.uwex.edu/erc/waterbeps/>

June 19, 2004. 2004 Annual COLA Meeting. Southern Maine Community College. Also the Summer Milfoil Summit. FMI 1-877-254-2511 or info@mianecola.org

July 26-29, 2004. StormCon Conference and Exposition 2004. Palm Desert, CA. FMI info@StormCon.com

Sept. 27-30, 2004. 12th National Nonpoint Source Monitoring Workshop: Managing Nutrient Inputs and Exports in the Rural Landscape, in Ocean City, Maryland. FMI <http://www.ctic.purdue.edu/NPSWorkshop/NPSWorkshop.html>

October 12, 2004. Northern Maine Children's Water Festival. FMI contact Barb Welch 287-7682.

Resources Available

Friends of Cobbosse Watershed District has a new website, check it out: <http://www.watershedfriends.com/>

This newsletter is prepared especially of those involved in nonpoint source pollution issues. It is funded through an EPA 319 Clean Water Act Grant. If you have any announcements, comments or items for the Nonpoint Source Times, or if you would like to be added to the mailing list, please call or write:

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Clean water starts with you!



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