The Glacial Pace of Policy Change

Front line stories from “The War on Nonpoint”
The Local Story

• Albemarle County, Virginia
• Chesapeake Bay Preservation Act
• The Good Intention…
• …the Hidden Agenda
• Combating mis-information
• All politics is local
• The Good Samaritan
Albemarle County, VA

- Chesapeake Bay watershed
- Piedmont/
  Blue Ridge
Chesapeake Bay Pres. Act

INDEPENDENT CITIES
1. Alexandria
2. Bedford
3. Bristol
4. Buena Vista
5. Charlottesville
6. Chesapeake
7. Clifton Forge
8. Colonial Heights
9. Covington
10. Danville
11. Emporia
12. Fairfax
13. Falls Church
14. Franklin
15. Fredericksburg
16. Galax
17. Hampton
18. Harrisonburg
19. Hopewell
20. Lexington
21. Lynchburg
22. Manassas
23. Manassas Park
24. Martinsville
25. Newport News
26. Norfolk
27. Norton
28. Petersburg
29. Poquoson
30. Portsmouth
31. Radford
32. Richmond
33. Roanoke
34. Salem
35. Staunton
36. Suffolk
37. Virginia Beach
38. Waynesboro
39. Williamsburg
40. Winchester
The Good Intention...

- Albemarle is first!
- Buffers are good for everyone!
…the Hidden Agenda

• Farmers were first!
• Buffers and cows don’t mix!
The National Story

- Nonpoint – A Serious Problem
- Good Idea
- Learning geometry the hard way
- Shock therapy on the road
- Ambitious programs, few resources
- “Enforceable” is a dirty word
- Ten years after…
- Global warming?
**Nonpoint – A Serious Problem**

### Symptoms and Consequences of Nutrient Enrichment

<table>
<thead>
<tr>
<th>Nutrient Inputs and Processing</th>
<th>Primary Impacts</th>
<th>Secondary Impacts</th>
<th>Consequences of Symptoms</th>
</tr>
</thead>
<tbody>
<tr>
<td>Increased Nitrogen and Phosphorus</td>
<td>High algal production, Epiphyte problems, Macroalgal problems</td>
<td>Loss of SAV, Low D.O., Nuisance/Toxic Blooms</td>
<td>Fish kills, Loss of habitat, Human health risks, Loss of Tourism, Closed fishing areas</td>
</tr>
</tbody>
</table>
Good idea

Section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 (CZARA)
- grants for program development

- applies to coastal states and territories with an approved CZM program
- enacted as a stand-alone provision as part of Omnibus Budget Reconciliation
- intended to join forces of CZMA and Section 319 CWA into a single, comprehensive polluted runoff program in the coastal zone.

CZMA
- Section 306 - grants for program implementation
- Section 309 - grants for program enhancements

Clean Water Act
- Section 319 - grants for nonpoint source program activities - nonpoint source projects identified through RFP process

Difference between Section 319 CWA and Section 6217 CZARA:
- 6217 requires that states implement MANAGEMENT MEASURES - a consistent set of tools for controlling polluted runoff.
- 6217 requires ENFORCEABLE POLICIES AND MECHANISMS - state authorities that will ensure implementation of the program.
Learning geometry the hard way

<table>
<thead>
<tr>
<th>Management Measures</th>
<th>Program Guidance</th>
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<tbody>
<tr>
<td>Technology-based</td>
<td>Enforceable policies</td>
</tr>
<tr>
<td>Forestry</td>
<td>Boundaries</td>
</tr>
<tr>
<td>Agriculture</td>
<td>Timeframe</td>
</tr>
<tr>
<td>Urban</td>
<td>Critical coastal areas</td>
</tr>
<tr>
<td>Marinas</td>
<td>Additional measures</td>
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<tr>
<td>Hydromodification</td>
<td>Conditional approval</td>
</tr>
<tr>
<td>Wetlands</td>
<td>Public participation</td>
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</tbody>
</table>

**PRACTICE**

**POLICY**
Shock therapy on the road

• **Boundaries**
  – Coastal watersheds vs. coastal zone

• **Geographic Targeting**
  – Everything everywhere all at once won’t work

• **Enforceable policies and mechanisms**
  – What do you mean by “enforceable?”
  – Federal vs. state vs. local authority

• **Timeframe**
  – Policy change and implementation take
Ambitious programs, few resources

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Pres. Request</th>
<th>Appropriation</th>
<th>Authorization</th>
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<tbody>
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<td>FY 92</td>
<td>0</td>
<td>2.0 M</td>
<td>6.0 M</td>
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<tr>
<td>FY 93</td>
<td>2.0 M</td>
<td>1.92 M</td>
<td>12.0 M</td>
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<tr>
<td>FY 94</td>
<td>1.92 M</td>
<td>4.0 M</td>
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<tr>
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<tr>
<td>FY 98</td>
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<td>1.0 M + 1.0 M*</td>
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<tr>
<td>FY 99</td>
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<td>4.0 M + 4.0 M**</td>
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<tr>
<td>FY 00</td>
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<tr>
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<tr>
<td>FY 02</td>
<td>10 M</td>
<td>10 M***</td>
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<tr>
<td>FY 03</td>
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<td>FY 04</td>
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<td>10 M***</td>
<td>Not approp. under 6217</td>
</tr>
<tr>
<td>FY 05</td>
<td>0 M</td>
<td>3 M***</td>
<td>Not approp. under 6217</td>
</tr>
</tbody>
</table>

*FY 98 - $1 million appropriated for §6217, $1 million contributed by EPA
**FY 99/00 - §6217 appropriation augmented by CZMA sections 306/309
*** FY 01-05 – All $ appropriated for program implementation
“Enforceable” is a dirty word

You want us to do WHAT?
Ten years after…

Puerto Rico
U.S. Virgin Islands
Hawaii
Guam
American Samoa
N. Mariana Islands

Alaska

Fully Approved (16)
Few Remaining Conditions (4)
Several Remaining Conditions (10)
Expiration not imminent (5)
Non-Participant (1)

Ten years after…
Global warming?