

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029**

**SUBJECT:** Summary of February 23, 2000 MAFPE Meeting

**FROM:** Bradley M. Campbell, Regional Administrator

**TO:** Mid-Atlantic Federal Partners for the Environment

I would like to extend my thanks to the individuals and agencies who participated in the February 23, 2000, meeting of the Mid-Atlantic Federal Partners for the Environment (MAFPE), hosted by the Environmental Protection Agency, Region III. Your involvement and input are important as the MAFPE determines ways to provide greater Federal support to states and local communities.

We are already making plans to hold the next MAFPE meeting. Please mark your calendars for Tuesday, May 16, 2000. The meeting will be hosted by the U.S. Fish and Wildlife Service at its Chesapeake Bay Field Office in Annapolis, Maryland. More details will follow.

At the February 23<sup>rd</sup> meeting, I introduced an urban sprawl proposal as an opportunity for the Federal partners to support regional states and local governments in their efforts to manage growth and improve the livability of communities. The proposal blends both traditional and nontraditional approaches for implementing our programs in ways which encourage curbing of undesired sprawl development. Our next step should be a discussion among the regional Federal executives to examine the feasibility of these proposed approaches, help determine joint priorities, and reach agreement on a course of action. My hope is that we can quickly identify our commitments in a Memorandum of Agreement.

To meet these goals, I believe we need the personal participation of the MAFPE's senior executives at the May 16th meeting and ask that you contact me if you have a conflict with this date. As we move forward with the promising inter-agency work of this group, the leadership and active involvement by every regional executive are critical to the success of our efforts.

Attached is the summary of the February 23<sup>rd</sup> MAFPE meeting. As you'll see, the program managers within our agencies are pursuing follow-up actions in preparation for the next meeting. Also attached is the urban sprawl proposal, which was distributed at the meeting.

I look forward to seeing you at the May 16<sup>th</sup> meeting and discussing your perspectives about our proposed joint projects.

Attachments

**Meeting Notes - February 23, 2000**  
**Mid-Atlantic Federal Partners for the Environment (MAFPE)**  
**Hosted by EPA Region 3**  
**Philadelphia, Pennsylvania**

**Discussion of Urban Sprawl Initiative**

EPA Region 3 Administrator Brad Campbell introduced a proposal to pilot an urban sprawl initiative in the Mid-Atlantic region. The proposal differs from the urban sprawl project described at the previous Partners meeting (October 1999). The new urban sprawl proposal seeks to pilot a unified federal strategy offering regulatory and nonregulatory incentives to regional states and local governments to support their growth management efforts. The overall effort would also benefit the restoration and protection of natural resources.

For example, under consideration is a joint effort by federal agencies to designate "special protection areas" in coordination with local officials' land and habitat protection priorities. Another component considers the granting of air inventory reduction credits to states and local governments for sound land-use practices such as urban and brownfields redevelopment and urban repopulation efforts. The proposal received positive feedback from the federal representatives at the meeting. They agreed to provide further comments and feedback to the group. In the meantime, the following action items will be pursued:

**Action Items:**

- EPA to draft MOA for discussion at next meeting. The MOA would explain the overall goal of the urban sprawl initiative and identify the joint agency approaches we will pilot.
- FWS to take the lead on identifying Special Protection Areas (SPAs); NPS and USGS to support.
- HUD to take the lead on identifying focus zones (FZs). Conceptually, a focus zone would be an area for steering development due to the area's existing development, transportation and wastewater infrastructure.
- EPA to take the lead on assessing incentives/disincentives in SPAs and FZs; USFS to evaluate incentives that can be used in Stewardship Areas.
- USGS and EPA will continue to share overall lead for coordinating overall sprawl-related meetings and conference calls.
- Agencies will use the MATE (Mid-Atlantic Transportation and Environment) process to incorporate the appropriate sprawl-related products produced by the various MAPFE efforts.

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[http://www.usgs.gov/Lunch Presentations and Discussion](http://www.usgs.gov/Lunch_Presentations_and_Discussion)

[Regional Watershed Roundtable:](#) EPA presented a proposal for convening a regional watershed roundtable to be held next September. The roundtable would support the CWAP's Key Action #108, which calls for the convening of a National Watershed Forum in 2001. Participants in the regional watershed roundtable will include local watershed groups and representatives from tribal nations, agriculture, forestry, developers, and government agencies. Expected outcomes include a roundtable report summarizing the results/feedback from stakeholder discussions; proposed issues and discussion topics for the National Forum Agenda; and the selection of stakeholder

representatives to participate in the National Forum. Those interested in working with EPA on planning activities should contact Terri White at (215) 814-5523 or [white.terri-a@epa.gov](mailto:white.terri-a@epa.gov). Also, EPA is seeking input on stakeholder groups to invite to the regional roundtable, possible locations, and names of organizations capable of convening the roundtable under a cooperative agreement.

*Regional Forum on Source Water Assessment Program:* A regional meeting on Source Water Protection is planned for April 27, 2000 at the EPA Region 3 Office Building in Philadelphia. EPA is responsible for holding the meeting as part of the CWAP's Federal Multi-Agency Source Water Agreement. The goal of the meeting is to develop a coordination strategy by regional federal agencies to support the Mid-Atlantic States in implementing their Source Water Assessment Programs. Particular focus will be to protect drinking water sources within existing watershed restoration plans. EPA is contacting regional representatives for their attendance and involvement at the meeting. Contact: Ashley Toy, (215) 814-2774 or [toy.ashley@epa.gov](mailto:toy.ashley@epa.gov).

*Update on Unified Federal Policy:* Cynthia Dyballa, the DOI CWAP National Steering Committee representative, gave an overview of the proposed Unified Federal Policy. The policy provides a framework for a watershed approach to Federal land and resource management activities. The public comment period closes April 24, 2000, and four public meetings will be held in March. Each federal agency is asked to send field and regional staff to the nearest federal family meeting, and to let their stakeholder groups know about the public meetings. The UFP proposal and other information can be obtained at: <http://www.cleanwater.gov/ufp/>.

*American Heritage Rivers (AHR):* The February 23 meeting provided the opportunity for the Mid-Atlantic federal partners to meet the River Navigators for the New River, Potomac, and Upper Susquehanna-Lackawanna Rivers. The navigators emphasized the bottoms-up approach and grass-roots foundation of AHR, and how their close connection to the local communities can support the work of the MAFPE. They encouraged the MAFPE members to seek their support and insight as we begin outreach to local communities and look for local citizens' buy-in.

<u>New River Navigator</u>	<u>Potomac River Navigator</u>	<u>Upper Susquehanna-</u>
<u>Ben Borda</u>	<u>Glenn Kinser</u>	<u>Lackawanna Navigator</u>
<u>(304) 529-5712</u>	<u>(304) 876-7468</u>	<u>Alex Rogers</u>
		<u>(570) 970-2840</u>

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Hudson River Navigator  
Eric Scherer  
(914) 889-4100 ext. 306

### **How & When to include States/Others in MAFPE**

The group discussed at what point we should begin to include State representation and interested local groups in the MAFPE's meetings. There was consensus that we should hold off including others until the federal partners have worked out all of the issues related to the proposed projects and are ready to begin plans for interagency work, which will likely included other stakeholders.

It was proposed that we hold a mini meeting/workshop with the States to learn what they are doing in their priority watersheds, particularly in implementing their Watershed Restoration Action Strategies. This meeting would provide insight to the MAFPE and help us determine how our efforts can support the States in these priority watersheds.

### **Discussion of NY/NJ Harbor-Hudson River Project**

The project focuses on habitat acquisition and restoration for the New York-New Jersey Harbor Estuary and Hudson River. Bob Nyman of EPA Region 2 presented an overview of the proposed project. The main goal of the inter-agency partnership is to build on the efforts established through the Harbor Estuary Plan and the Hudson River Estuary Management Plan to maximize the process of estuarine restoration. EPA Region 2 will contact MAFPE representatives to form a workgroup and begin interagency plans. Contact: Bob Nyman (212) 637-3809.

## **Discussion of Tier Two Projects - Surface Mining; Anthracite Coal Initiative; Delaware River Basin and Remote Sensing Applications**

Assessment of Large-Scale Surface Coal Mining - Proposal seeks the MAFPE's support of the Eastern Mine Drainage Federal Consortium, an ad hoc group which meets regularly to identify problems, encourage research, and guide funding to high priority restoration projects related to the impacts of mountain-top mining. USGS has the lead on this proposal and asked that the other federal partners provide feedback on their level of interest. The next meeting of the Consortium is scheduled for March 23 in Morgantown, WV; interested partners are encouraged to attend. Contact: Jim Eychaner, USGS, (304) 347-5130 ext. 225

Anthracite Coal - Dave Hamilton of OSM reported that the Federal technical committee convened by U.S. Congressman Kanjorski to address the anthracite coal region in Pennsylvania has not held any recent meetings. Therefore, he proposed that for now, this project be taken out of consideration as a MAFPE inter-agency initiative. Contact: Dave Hamilton, (717) 782-2285 ext. 15

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Delaware River Basin and Remote Sensing Applications - Initially proposed as two separate projects, USGS now recommends that these two projects be pursued as one "Interagency Integrated Monitoring and Research Initiative." The USGS, Forest Service and other agencies are developing a prototype environmental monitoring strategy that will link hydrological and forestry information across the landscape of the upper Delaware River Basin. The initiative will revolve around 4 issue-based studies: (1) Causes, consequences and regional extent of calcium depletion in the forests of the Appalachian Plateau; (2) Forest Biomass and production in the Delaware River Basin; (3) Protocols for identification and monitoring of forests vulnerable to non-native invasive pests; and (4) Forest fragmentation and associated ecosystem changes in the Delaware River Basin. USGS is soliciting other agency support. Contact: Pete Murdoch, USGS, atmailto:murdoch.pete@usgs.gov petemurdoch@usgs.gov (518) 285-5663.

#### **Discussion: Challenge to the Agencies**

There are 32 CWAP key actions that call for multi-agency involvement. The participants attempted to discuss and identify specific actions (among the 32 identified for the group) where the MAFPE can and should improve federal coordination on a regional level. The group agreed that the list of 32 key actions should be tailored down to facilitate this needed discussion. EPA will shorten the list, identifying the most relevant to the MAFPE.

#### **Next Steps**

The next MAFPE meeting is scheduled for May 16, 2000. The U.S. Fish and Wildlife Service will host the meeting at its Chesapeake Bay Field Office in Annapolis, Maryland. More details to follow.

**Mid-Atlantic Federal Partners:**  
**Proposed Memorandum of Agreement**  
**And Pilot Strategy on Sprawl**

[NOTE TO REVIEWERS: THIS IS A PRELIMINARY DRAFT THAT REQUIRES FURTHER INPUT TO FULLY REFLECT THE POTENTIAL ROLES OF THE ENTIRE RANGE OF STATE AND FEDERAL PARTNERS]

The Clinton Administration's focus on livable communities has as its centerpiece the principle that states and communities should have the tools and resources they need to restore and protect the quality of life in their cities and towns. The Administration's Livable Communities initiative specifically recognizes the deleterious effects that unmanaged growth may have on the environment, on public health, and on the way of life desired by America's urban, suburban, and rural working families.

As part of this effort, the Administration's brownfields initiatives recognize that the cleanup and redevelopment of industrial sites abandoned by the old economy can transform these sites into engines of new prosperity while discouraging encroachment on pristine areas. The Clean Water Action Plan, similarly, recognizes that avoiding the secondary impacts of development, particularly unmanaged urban sprawl, is a significant element of any strategy to protect and restore clean water in growing communities across the country. Habitat Conservation Plans pioneered by the Fish and Wildlife Service encourage comprehensive local planning to increase species protection while removing the regulatory uncertainty that may undermine economic development.

This policy focus at the Federal level has been met by leadership among states throughout the Mid-Atlantic region, which includes Governor Glendening's pioneering "Smart Growth" policy, Governor's Ridge's "Growing Greener" and Growing Smarter programs; Governor Pataki's Green Bond initiative, and Governor Whitman's Green Acres program. It is imperative that Federal regulatory programs reinforce, or at least not undermine, this leadership in helping local governments redevelop brownfields sites and curb undesired sprawl development.

The Mid Atlantic Federal Partners, led by EPA Regions II and III, are working to develop regulatory and nonregulatory incentives that might be tested at the regional level to provide greater support for these initiatives. Specifically, the Partners should consider innovative approaches to regulatory programs that might form the basis for a new strategy with our State and local agency partners to ensure that programs protecting our air, water, and natural resources:

- Provide positive incentives for environmentally sensitive development;
- Avoid unintended regulatory incentives for sprawl development;
- Ensure progress in implementing the multi-agency objectives of the National Estuary Program and related programs; and
- Reinforce and support the efforts of our state and local partners to combat unmanaged development and sprawl.

Ideally, pilot areas will be identified from a representative range of ecological and development settings, including:

- Urban and urbanizing waterfronts in the region's rivers and estuaries;
- Urban and suburban population centers;
- Rural, agricultural, and undeveloped areas under development pressure;

These areas can be quickly identified using existing data and collaborative work already completed by and among Federal and State agencies, so that the focus of this initiative can be implementation and experimentation rather than process.

The following proposal identifies a series of steps that could be quickly piloted in the Mid-Atlantic Region, in partnership with our state partners in Delaware, the District of Columbia, Maryland, New Jersey, New York,

Pennsylvania, Virginia, and West Virginia, to reinforce state and local leadership on growth management and urban livability. Collectively, the relevant Federal and state agencies are denoted here as the “Pilot Partners.”

## **Proposed Sprawl Pilot**

The following outline identifies numerous possible elements of a sprawl pilot that could be implemented and tested on a regional basis in selected geographic areas. Many of these elements are under consideration and long-term development at the national program level. Advance implementation by the Pilot Partners will help support and inform national policy development while providing needed regulatory flexibility to support leadership at the state and local level.

The provision of this initial list is intended to invite responses, criticism, and further contributions by all of the Pilot Partners.

### **1. Promoting Sound Land Use Through Shared Acquisition, Protection, and Public Access Priorities.**

a) Joint Priorities. Consistent with priorities and approaches developed to date through the existing programs, such as the National Estuary Program, the Pilot Partners will identify short-term acquisition and protection priorities for each estuary in coordination with relevant state and local governments.

b) Coordinated Protection Strategies. NOAA, NPS and FWS will work to link parks, habitat, and marine protection in two working harbors, and begin work with States to propose National Marine Sanctuaries or National Estuarine Research reserves linked to NPS parks and FWS Refuges in two major harbors (e.g. Gateway and NY Harbor; Ft McHenry and Baltimore Harbor; Prime Hook Refuge and Delaware Bay, and/or comparable state or municipal parks).

c) Coordinated Enforcement Policies. Supplemental Environmental Projects (SEPs) shall be targeted to the joint acquisition priorities wherever the requisite nexus to the violation can be found and an appropriate agency or entity is willing to manage the acquisition or easement.

d) Link to Transportation Policy. Specific acquisition priorities with a transportation nexus will be identified as priority environmental stewardship projects through the MATE process (see below).

Timetables and Goals. [For discussion.] For New York Harbor, Pilot Partners will establish joint acquisition priorities by June 1, 2000. For Chesapeake Bay and Delaware Estuary, the Mid-Atlantic Transportation and Environment Task Force will identify environmental stewardship projects to be jointly developed by the federal and state environmental agencies, FHWA, state DOTs, Metropolitan Planning Organizations and local governments by December 2000.

### **2. Promoting Sound Land Use Through Coordinated "Special Protection Areas"**

a) Zone Designation. In each of the five estuaries, the Pilot Partners will jointly identify "Special protection areas" ("SPAs") intended to steer development away from critical habitat, from pristine waters, from culturally or historically significant lands and parks, and from undeveloped open space. USGS, NPS, and FWS would take the lead in identifying these zones. While each SPA would be tailored to particular ecological factors, as a presumptive matter the Pilot Partners would agree that:

- There would be no authorized use of Nationwide Permits (NWPs) or Regional Permits under the 404 program, and individual projects would presumptively require an EIS.
- Mitigation requirements for individual Section 404 permits would be enhanced;
- CRP and CREP funding for buffer and forest strips would have high priority.
- No new NPDES permits could be issued without offsets at a greater than 1 to 1 ratio, and
- Renewal of existing NPDES permits would require significant reductions in relevant parameters.
- Individual Permits, rather than General Permits, would be required for stormwater.

These protections would presumptively apply in all waters designated as "Exceptional Value" under state antidegradation regulations.

b) Coordination with Transportation Policy. As a pilot initiative, the Mid Atlantic Transportation and Environment Task Force will work with representatives of the Metropolitan Washington Council of Governments to consolidate existing environmental resource data, and delineate SPAs for purposes of transportation and land use planning efforts.

c) Transportation and Stewardship. The pilot partners will work with states to identify environmental stewardship projects for state and Federal transportation agencies to fund in SPAs potentially impacted by transportation infrastructure.

Timetables and Goals: The Pilot Partners Agree to establish \_\_\_\_ SPAs in each estuary by December 31, 2000, and to establish a comprehensive system of such zones by December 2002. EPA will work with Washington COG to designate comprehensive SPA and “focus” zones by December, 2000 (see below). [For Discussion.]

### ***3. Promoting Sound Land Use Practices Through Coordinated “Focus Zones”***

In each of the five estuaries, the Pilot Partners will jointly identify “focus zones” intended to steer development toward existing development and existing transportation and wastewater infrastructure. Pilot Partners would work directly with states in identifying these zones. While each “stay-away” zone would be tailored to particular ecological factors, as a presumptive matter the Pilot partners would agree:

- To develop tailored regulatory products (e.g. regional and general permits) and to accelerate review under relevant programs (CWA, ESA, CAA) for new development in these zones;
- Allowing a greater margin of safety for new development in Focus Zones under TMDLs;
- Promoting transfer of effluent credits from SPAs to Focus Zones;
- Establishing more flexible mitigation requirements for individual Section 404 permits based on existing priorities.

### ***4. Recognizing Clean Air Benefits of Sound Land Use Practices;***

The Pilot Partners would use existing data to implement a methodology for giving state and local governments air inventory reduction credits for sound land use practices. Specifically, this pilot program would recognize that automobile emissions can be significantly reduced by focusing new development in previously developed areas and by orienting new development to existing transit infrastructure.

Specifically, within 90 days, EPA Regions 2 and 3 and their Pilot Partners will develop a straightforward formula to recognize reductions (or decreases in rates of increase) in vehicle miles traveled (VMT) and other State Implementation Plan (SIP) inventory credits for the following sound land use practices.

- For each acre of new brownfields redevelopment;
- For each new residential unit in a Transit-Oriented Development (TOD);
- For each residential unit restored to a metropolitan area that has had static or declining population;
- For successful implementation of commuter choice programs;
- For commitments to the purchase of electricity generated from renewable sources.
- For each acre of habitat restored or protected with FWS or a state entity, for each acre of reforestation through USDA, and for each acre of buffer strips or contour strips protected through USDA.

Timetables and Goals: [For Discussion.]

### ***5. Recognizing Clean Water Benefits of Sound Land Use Practices:***

a) TMDL Credits. In order to recognize the clean water benefits of sound land use practices and to discourage development with significant secondary impacts on water quality, EPA will pilot a program in the Mid-Atlantic Region to provide, by formula, Total Maximum Daily Load (TMDL) credits and allocations that provide regulatory benefits:

- For each acre of new brownfields redevelopment;



- For each new residential unit in a Transit-Oriented Development (TOD);
- For each residential unit restored to a metropolitan area that has had static or declining population;
- For successful implementation of commuter choice programs;
- For commitments to the purchase of electricity generated from renewable sources.
- For each acre of habitat restored or protected with FWS or a state entity, for each acre of reforestation through USDA, and for each acre of buffer strips or contour strips protected through USDA.

b) Nitrogen and Phosphorous Limits. EPA will work with our state partners to implement nitrogen and phosphorous limits in NPDES permits that will 1) accelerate imposition of nitrogen and phosphorous limits and reduction requirements in SPAs and other areas of minimal development; 2) provide greater flexibility in nitrogen and phosphorous permits where increases in permit parameters are linked to development oriented to existing wastewater infrastructure in developed areas; 3) provide greater operating flexibility to “good actors” that accelerate phosphorous and nitrogen reductions through BNR or other practices.

c) Sewage Treatment Plants (STPs). Pilot partners would require that existing STP capacity be fully utilized before authorizing additional STP discharges.

d) Nutrient Criteria. States would agree to develop nutrient criteria, within three years, that reflect these permitting principles and reinforce the objectives of the SPAs and Focus Zones.

e) Unitary Permitting Processes: The Pilot Partners will jointly develop a common approach to the use of NWP and RPs in selected areas, building on the model currently used by the Baltimore District.

Timetables and Goals: [For Discussion.]

## ***6. Regulatory Products to Reward Sound Land Stewardship***

a) ESA Safe Harbor. The Fish and Wildlife Service will work with USDA to establish a “safe harbor” to assure landowners that create buffer strips, forest strips, or wetlands that they will have latitude to manipulate any habitat thus created at the conclusion of their commitment under the USDA contract or program.

b) Regulatory Certainty for Environmental Commitments. The Pilot Partners will work together to establish, in each estuary, a model for providing greater regulatory certainty in exchange for enhanced protection of the environment or critical habitat.

--In the New-York Harbor Estuary, this commitment will be met through implementation of the SAMP for the Hackensack Meadowlands.

– For the Delaware Estuary, the Pilot Partners will work with the State of Delaware and interested landowner to develop a General Permit for Tax Ditch clearing that could be conditioned on eliminating specified percentage of the current tax ditch system.

Timetables and Goals. [For discussion.]

## ***7. Recognizing the Clean Air Impacts of Poor Siting Practices***

Anticipating development of new power sources in the Region presents significant risk that the pattern of siting new facilities (particularly peak generation facilities) will contribute significantly to the problems of urban sprawl, smog, and nitrogen deposition into the waters of the five estuaries and our Class I areas. For this reason, EPA will hold a public hearing in Northern Virginia and Southeastern Pennsylvania, which have been identified as areas where this potential problem may be developing. We hope that the testimony will be the opportunity for EPA to solicit information from the various stakeholders about the need for action and specific suggestions about what form of action EPA and states should take in order to ensure that any cumulative impacts of these new minor sources are properly considered and addressed.

Additionally, EPA Region III will work with EPA Headquarters to issue guidance requiring closer scrutiny of cumulative impacts and directing that synthetic minor facilities whose emissions are close to major source thresholds and who are located in areas where their emissions could threaten nearby attainment or contribute unacceptably to increment consumption must offset any new emissions.

Timetables and Goals: [For Discussion.]