

Funding the Development and Implementation of Watershed Restoration Action Strategies under Section 319 of the Clean Water Act

[This guidance was signed on December 4, 1998]

MEMORANDUM

SUBJECT: Funding the Development and Implementation of Watershed Restoration Action Strategies under Section 319 of the Clean Water Act

FROM: Robert H. Wayland III, Director  
Office of Wetlands, Oceans, and Watersheds

TO: EPA Regional Water Division Directors  
State and Interstate Water Quality Program Directors  
Section 319-Eligible Tribal Water Quality Program Directors

I am pleased to confirm that on October 21, 1998, the President signed the 1999 appropriations bill for EPA, which provides the full amount included in the President's FY 1999 budget request, \$200 million, for states to implement their nonpoint source management programs under Section 319 of the Clean Water Act. This large increase in Section 319 funding provides a major opportunity for states to make significant progress in resolving their remaining water quality problems.

As I discussed in my August 18, 1998, memorandum, *Process and Criteria for Funding State and Territorial Nonpoint Source Management Programs in FY 1999*, these new funds are being made available to all states and territories that have completed their Unified Watershed Assessments. I am pleased with the tremendous efforts undertaken by States to develop UWAs on a very tight time frame. Appendix A lists the states' and territories' Section 319 allocations for FY 1999.

I am also pleased to report that 14 tribes have also already completed their Unified Watershed Assessments as of this date, well ahead of the March 1 deadline for tribes. Please note, however, that this memorandum, like my August 18 guidance, for the most part is not intended to apply to tribes. By law, the entire amount of Section 319 grants that will be available for all tribes in the United States in FY 1999 is \$666,666. This will support relatively few, very small grants to a select number of tribes determined by the special national award process that was utilized by EPA headquarters, regions and tribal representatives for the first time last year. However, EPA will continue to work with the tribes to help them build capacity to implement nonpoint source controls, to develop watershed restoration action strategies and, in the instances where watershed restoration action strategies have been completed, to implement them.

Congress' decision to double the appropriations for the nonpoint source program reflects its recognition of the need to expedite our national efforts to control nonpoint source pollution and to focus our attention on sources of nonpoint pollution that contribute to impairment of waters. EPA, states, territories, tribes, and our many partners have been given a tremendous opportunity to prove that our programs can indeed solve nonpoint source pollution problems and restore water quality.

Now that the exact FY 1999 state allocations are known, EPA's regional offices should work with their states, territories, and eligible tribes towards the award of the incremental \$100 million by April 17, 1999. (See Appendix B for the schedule for processing these grants.) As you begin to do so, I would like to emphasize the key points outlined below.

First, it is vitally important that these additional funds be utilized in a manner that is consistent with the purpose for which they were intended -- to support implementation of actions called for in Watershed Restoration Action Strategies. As described in the *Clean Water Action Plan* and elaborated upon in the June 9, 1998, memorandum, *Clean Water Action Plan -- Unified Watershed Assessment Framework*, these Action Strategies should be developed and implemented to address those watersheds identified as not meeting clean water and other natural resource goals (i.e., Category I watersheds) and identified as most in need of attention in the FY 1999-2000 period. (The *Framework* also describes key elements of Watershed Restoration Action Strategies.)

Second, within the subset of Category I watersheds for which states and territories have developed Watershed Restoration Action Strategies (e.g., Comprehensive Conservation and Management Plans prepared under Section 320 of the CWA), Section 319 projects should be focused in those sub-watersheds where nonpoint source control activities are likely to have the greatest positive impact. Similarly, the funded restoration activities should be implemented using the most effective measures and practices available (such as the management measures specified in national EPA guidance or in states' and territories' coastal nonpoint pollution control programs under Section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990). By focusing and prioritizing their restoration activities in this manner, states, territories, and tribes will enhance their ability to achieve demonstrable water quality improvements as rapidly as possible.

Third, if the critical components of a Watershed Restoration Action Strategy that address nonpoint source pollution have been developed and are ready for implementation but the full Strategy (which may address additional natural resource goals) is not yet complete, the state or territory may begin funding those components while it completes development of the Strategy in accordance with a schedule and process described in the workplan for the supplemental Section 319 funds. For example, in watersheds where a state has committed to completing an Action Strategy, states and territories should be encouraged to begin funding the implementation of nonpoint source components of total maximum daily loads (TMDLs) that have been approved under Section 303(d) of the Clean Water Act. Similarly, implementation of Section 6217 management measures in such priority watersheds should be considered for funding prior to completion of the entire Watershed Restoration Action Strategy .

Fourth, Section 319(h) grants to states and territories should clearly indicate which grant activities will be implemented using the base funds and which projects will be supported by the incremental funds. The work plans should clearly identify: (1) the watersheds and sub-watersheds where the incremental funds will be used to implement Watershed Restoration Action Strategies, and (2) the activities to be undertaken to assist in the development of Watershed Restoration Action Strategies. (As noted in my August 18 guidance, states may use up to 20% of their entire Section 319 funds for any of the broad set of assessments and program development purposes outlined in the May 1996

guidance, but must focus the incremental half of this 20% portion on activities that will assist with Watershed Restoration Action Strategies.) Subsequent reports (e.g., grantee performance reports or annual nonpoint source progress reports under Section 319(h)(11)) should similarly clearly distinguish these activities. Please include the language provided in Appendix C as a grant condition to memorialize the importance of accounting specially for these Watershed Restoration Action Strategy funds.

Fifth, EPA anticipates that development of Watershed Restoration Action Strategies will be initiated promptly and proceed expeditiously, consistent with the need to take a holistic approach to restoration and the importance of involving interested and affected groups and individuals in a substantive way. States, territories, and tribes should use the talents, resources, and authorities of their many partners in implementing their Watershed Restoration Action Strategies. Our colleagues in other governmental agencies have considerable knowledge and expertise in nonpoint source monitoring and assessment, project design, and on-the-ground implementation. Moreover, they can provide excellent links to experts working at the watershed level as well as to other Federal and State programs that can contribute additional resources that can be used to expedite implementation of projects.

Sixth, the *Clean Water Action Plan* provides that beginning in FY 2000, EPA will award any section 319 monies exceeding \$100 million to states and territories only if they have incorporated all nine key elements into their approved nonpoint source management programs. Given Congress' recognition, as expressed through its FY 1999 appropriation of \$200 million, of the need to expedite our national efforts to control nonpoint source pollution, it is imperative that states and territories continue and complete their ongoing work to upgrade their nonpoint source programs so that they can remain eligible to receive these incremental grant funds in FY 2000 and beyond.

I recognize that the sound development of grant work plans for all of this new funding presents a challenge as well as a wonderful opportunity. I am asking each of the EPA's regional offices to make a special effort to assist states, territories, and tribes in every way possible. Priority areas for such technical assistance include mapping of 303(d) waters to help states, tribes, and territories identify the high priority sub-watersheds for immediate work within the broader watersheds selected for development of Watershed Restoration Action Strategies assisting states, territories, and tribes in their development of work plans to address these high-priority areas; and helping to engage other federal, state, local, and private-sector partners whose active participation is essential to help accomplish project goals. My staff and I will be actively engaged to assist you in all of your efforts.

Section 319 grants utilizing the incremental funds for FY 1999, i.e. the funds supporting implementation of Watershed Restoration Action Strategies, may be included in Performance Partnership Grants. However, they must be linked to watershed restoration objectives that are clearly articulated in the Performance Partnership Agreement or PPG work plan, and the funds must be tracked against those objectives. These steps are essential to assure that the incremental funds are used specifically, as requested by the President and appropriated by the Congress, to ensure implementation of the Clean Water Action Plan.

Finally, I would like to stress that the base \$100 million awarded under section 319 remains a critical component of successful state, territorial, and tribal nonpoint source programs. While we are focusing the new incremental funds primarily on efforts to restore watershed health in selected Category I watersheds, we must continue to focus the base program funds on all watersheds affected by nonpoint source pollution, including Category II and Category II watersheds.

Watershed projects funded under the base program grant should continue to be described by brief synopses that outline the problem to be addressed; the project's goals and objectives; the types of measures and practices to be implemented to achieve those goals and objectives; the projected implementation schedule; and the environmental indicators and/or other performance measures that will be used to evaluate the success of the project.

I am very excited by the efforts that the states, territories, and tribes have made to date in working with their partners to develop Unified Watershed Assessments and focus special attention on those waters that are mowow in need of attention. Congress' support of these efforts through greatly increased funding provides us all with an unprecedented opportunity to implement Watershed Restoration Action Strategies that will markedly improve our Nation's water quality. I look forward to working with all of you to achieve success in this endeavor.

If you have any questions about the process outlined above or in my August 18 memorandum, please call me at (202) 260-7166, or have your staff call Geoffrey Grubbs, Director of the Assessment and Watershed Protection Division, at (202) 260-7040.

cc: Kathy Gorospe EPA Regional Nonpoint Source Coordinators

#### APPENDIX A

STATE	FY99 Base	FY99 Increment	FY99 Enacted Total
<b>REGION 1</b>	<b>5,672.5</b>	<b>5,672.5</b>	<b>11,345.0</b>
CONNECTICUT	975.4	975.4	1,950.8
MAINE	1,169.6	1,169.6	2,339.2
MASSACHUSETTS	1,351.6	1,351.6	2,703.2
NEW HAMPSHIRE	761.9	761.9	1,523.8
RHODE ISLAND	675.8	675.8	1,351.6
VERMONT	738.2	738.2	1,476.4
<b>REGION 2</b>	<b>5,882.4</b>	<b>5,882.4</b>	<b>11,764.8</b>
NEW JERSEY	1,662.7	1,662.7	3,325.4
NEW YORK	3,392.1	3,392.1	6,784.2
PUERTO RICO	558.3	558.3	1,116.6
VIRGIN ISLANDS	269.3	269.3	538.6

<b>REGION 3</b>	<b>8,668.8</b>	<b>8,668.8</b>	<b>17,337.6</b>
DELAWARE	715.5	715.5	1,431.0
DIST. OF COL.	623.1	623.1	1,246.2
MARYLAND	1,331.2	1,331.2	2,662.4
PENNSYLVANIA	2,935.5	2,935.5	5,871.0
VIRGINIA	1,963.9	1,963.9	3,927.8
WEST VIRGINIA	1,099.6	1,099.6	2,199.2
<b>REGION 4</b>	<b>17,291.7</b>	<b>17,291.7</b>	<b>34,583.4</b>
ALABAMA	1,957.9	1,957.9	3,915.8
FLORIDA	3,909.3	3,909.3	7,818.6
GEORGIA	2,332.3	2,332.3	4,664.6
KENTUCKY	1,708.4	1,708.4	3,416.8
MISSISSIPPI	1,915.2	1,915.2	3,830.4
N. CAROLINA	2,321.3	2,321.3	4,642.6
S. CAROLINA	1,557.8	1,557.8	3,115.6
TENNESSEE	1,589.5	1,589.5	3,179.0
<b>REGION 5</b>	<b>18,324.4</b>	<b>18,324.4</b>	<b>36,648.8</b>
ILLINOIS	4,107.8	4,107.8	8,215.6
INDIANA	2,238.6	2,238.6	4,477.2
MICHIGAN	2,917.9	2,917.9	5,835.8
MINNESOTA	3,446.1	3,446.1	6,892.2
OHIO	3,031.0	3,031.0	6,062.0
WISCONSIN	2,583.0	2,583.0	5,166.0
<b>REGION 6</b>	<b>11,921.9</b>	<b>11,921.9</b>	<b>23,843.8</b>
ARKANSAS	1,962.7	1,962.7	3,925.4
LOUISIANA	2,427.9	2,427.9	4,855.8
NEW MEXICO	1,219.7	1,219.7	2,439.4
OKLAHOMA	1,578.9	1,578.9	3,157.8
TEXAS	4,732.7	4,732.7	9,465.4
<b>REGION 7</b>	<b>8,252.7</b>	<b>8,252.7</b>	<b>16,505.4</b>
IOWA	2,283.0	2,283.0	4,566.0
KANSAS	1,844.2	1,844.2	3,688.4
MISSOURI	2,306.8	2,306.8	4,613.6
NEBRASKA	1,818.7	1,818.7	3,637.4
<b>REGION 8</b>	<b>8,517.6</b>	<b>8,517.6</b>	<b>17,035.2</b>
COLORADO	1,262.6	1,262.6	2,525.2
MONTANA	1,321.2	1,321.2	2,642.4
N. DAKOTA	2,410.5	2,410.5	4,821.0

S. DAKOTA	1,633.2	1,633.2	3,266.4
UTAH	916.7	916.7	1,833.4
WYOMING	973.4	973.4	1,946.8]
<b>REGION 9</b>	<b>9,390.3</b>	<b>9,390.3</b>	<b>18,780.6</b>
ARIZONA	1,639.0	1,639.0	3,278.0
CALIFORNIA	5,324.4	5,324.4	10,648.8
HAWAII	770.1	770.1	1,540.2
NEVADA	848.9	848.9	1,697.8
CNMI	0.0	0.0	0.0
AM. SAMOA	269.3	269.3	538.6
GUAM	269.3	269.3	538.6
MARIANAS	269.3	269.3	538.6
<b>REGION 10</b>	<b>5,747.7</b>	<b>5,747.7</b>	<b>11,495.4</b>
ALASKA	1,215.3	1,215.3	2,430.6
IDAHO	1,233.1	1,233.1	2,466.2
OREGON	1,382.9	1,382.9	2,765.8
WASHINGTON	1,916.4	1,916.4	3,832.8
<b>TOTAL: All Regions</b>	<b>99,670.0</b>	<b>99,670.0</b>	<b>199,340.0</b>
HQ: INDIANS	330.0	330.0	660.0
<b>GRAND TOTAL</b>	<b>100,000.0</b>	<b>100,000.0</b>	<b>200,000.0</b>

---

## APPENDIX B

### SCHEDULE FOR FY 1999 SUPPLEMENTAL SECTION 319 GRANT APPLICATIONS AND AWARDS

- EPA provides funding targets which include reallocated funds
  - States submit draft work plans to EPA Regions
  - EPA Regions provide response to work plans
  - States submit final work plans and grant applications to EPA Regions
  - EPA Regions approve work plans and award grants
- 
- [see [Appendix A](#)]
  - January 16, 1999
  - February 13, 1999
  - March 13, 1999
  - April 17, 1999

---

APPENDIX C

CONDITION TO BE INSERTED IN SECTION 319 SUPPLEMENTAL GRANTS IN FY 1999

The funds awarded by this grant to the State shall be used by the State to implement Watershed Restoration Action Strategies. Up to 20% of this grant may be used to assist in the development of Watershed Restoration Action Strategies. Any report filed by the State with respect to this grant shall clearly distinguish between the activities covered by this grant and any other grant activities discussed in the report.