

# Protection Planning in 303d Vision and 319/NPS Programs

JULY 2022

# Disclaimer

EPA Region 10 created this educational presentation as a learning tool to help educate Region 10 staff and their state staff on protection and restoration plans under the CWA 303d Vision and CWA 319/NPS program. It is not a regulation and does not impose any legal requirements. It does not necessarily discuss all guidance, procedures, and regulations related to the covered subject matter.

EPA and State staff should always refer to all applicable EPA guidance, procedures, and regulations specific to the matter in question before providing advice or taking actions.

# Goals for Presentation

- ▶ Heighten your awareness on the protection plans under the CWA 319/NPS Program and under the 303d Vision.
- ▶ Understand EPA's role for each of the plans.
- ▶ Explore development of combined plans that meets the requirements of both programs including how protection planning can be incorporating into restoration plans.

# How 303(d) Vision Relates to Protection Plans

- ▶ In 2013, EPA published “A Long-Term Vision for Assessment, Restoration, and Protection under the Clean Water Act Section 303(d) Program”. This 10-year vision document was a state-federal collaboration to better clarify program priorities and flexibilities.
- ▶ The Vision described restoration and protection plans under the Vision and broadened the metric measure to count TMDLs and these other plans for priority watersheds identified by the State. The Vision reaffirmed the importance of TMDLs.
- ▶ The next 10-year Vision document is currently being drafted by EPA and the states (through ACWA), and the plans covered by this presentation are likely to remain largely the same, although there may be some minor changes.



# Plans Overview under CWA 319 Guidance

- ▶ National studies have demonstrated that effective planning is necessary to successfully guide watershed restoration or protection efforts.
- ▶ Watershed Based Plans (WBPs) provide a framework to comprehensively assess the causes and sources of NPS pollutants contributing to impairment, and then prioritize restoration and protection strategies to address these water quality problems.
- ▶ In addition to the WBPs, the guidance describes other plans that may provide an effective roadmap to achieve the water quality goals of § 319-funded restoration or protection efforts.
- ▶ More details on the protection planning will be presented later in this presentation.

# Background

Clean Water Act §101(a): “The objective of this Act is to restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.”

EPA water programs typically frame protection as efforts targeting ‘unimpaired/high quality’ waters that are vulnerable to water quality threats.

EPA’s Healthy Watersheds approach is based on a systems-level understanding of watershed condition.\*

\*This approach is not a focus of this presentation.

# In general, protection-oriented plans...

- Evaluate **watershed threats**
- Identify **protection priority areas**
- Incorporate **protection-based management strategies**
- Include **protection-based measures of success**

# Protection Plan Under 319/NPS Plan

- ▶ 319 Guidelines provide states with flexibility to pursue protection work, where included in NPS management program plan (MPP)
  - ▶ These plans are updated every five years
  - ▶ In the States' NPS MPP, they define protection priorities

## Components:

- ▶ Identification of the causes or sources of NPS threat to unimpaired/high quality waters
- ▶ Watershed project goal(s) and explanation of how the proposed project(s) will achieve or make advancements towards the goals
- ▶ Schedule and milestones to guide implementation
- ▶ Proposed management measures
- ▶ Water quality results monitoring component, including description of process and measures

## EPA's Role:

Approval before state uses 319 funds for protection actions in the watershed



# Protection Plan Under 303d Vision

## **Components:**

A protection plan includes documentation of steps to be taken and activities to be implemented that are reasonably expected to result in a specified level of protection of one or more water bodies for a specified amount of time.

- ▶ Identification of specific waters to be protected and risks to their condition;
- ▶ Activities proposed and/or implemented that are expected to resist degradation or impairment of these waters, or improve water quality;
- ▶ Time frames over which a protection target condition is expected to be attained, maintained, or improved;
- ▶ Quantitative and qualitative measures of expected success and planned responses to observed changes in risks or condition.

## **EPA's Role:**

Accept

## **Additional Information:**

Protection provisions are included in the CWA 303(d) regulations, including the opportunity to establish TMDLs for information purposes (“informational TMDLs”)

# 303d Vision and 319 NPS Plans

## Protection Plans

- ▶ 303d Vision Protection Plan
- ▶ 319 NPS Protection Plan

## Restoration Plans that can contain protection strategies

### 303d Vision Plans

- ▶ TMDLs
- ▶ Advanced Restoration Plan/5Alt
- ▶ 4b (“other pollution controls”)
- ▶ 4c (“impaired due to pollution”)

### 319 NPS Plans

- ▶ Watershed Based Plan (9 Element)
- ▶ Watershed Pollution Plan
- ▶ Watershed Emergency Plan
- ▶ Small Scale Watershed Plan

# Protection as Part of a Broader Watershed Plan

Consider opportunities to integrate protection-based goals and strategies alongside restoration.

- ▶ A protection plan can be contained within a watershed TMDL document or other 303d Vision plan if these plans also cover waters not on the 303d list of impaired waters.
- ▶ A protection plan can be part of a 319/NPS watershed-based plan or other plan covering non-impaired waters.
- ▶ Some practices and strategies contained in restoration plans provide watershed protection.
- ▶ The state can develop a plan that serves several purposes including a combined protection and restoration plan or that covers the requirements of both 303d vision plans and 319/NPS plans or both.

# Key Points

- ▶ EPA's role differs for the various plans under 303d vision and NPS programs.
- ▶ The components for the plans differ but not always significantly. The level of detail will depend on the complexity of the watershed and its issues.
- ▶ Consider opportunities to integrate protection and restoration goals and strategies into single plan.
- ▶ The state can develop a plan that serves several purposes:
  - ▶ A combined protection and restoration plan
  - ▶ A plan that covers the requirements of both 303d vision plans and 319/NPS plans.
- ▶ A protection plan can be:
  - ▶ contained within a watershed TMDL document or other 303d Vision plan if these plans also cover waters not on the 303d list of impaired waters.
  - ▶ part of a 319/NPS watershed-based plan or other plan covering non-impaired waters.
- ▶ Some practices and strategies contained in restoration plans also provide watershed protection.