

**National Ocean Council and Nonpoint Source Pollution**

6

MR. EHRMANN: All right. Then, let's go to

7 National Ocean Council and nonpoint source pollution.

8 NATIONAL OCEAN COUNCIL (NOC) AND

9 NONPOINT SOURCE POLLUTION

10 (PowerPoint slide presentation in process.)

11 DR. SANDIFER: We have had numerous

12 discussions about nonpoint source pollution or NPS, that

13 "nasty polluting stuff." The purpose of this particular

14 set of recommendations is to deal with what we think in

15 the Stewardship Working Group the National Ocean Council

16 could do, assuming that it is established at the upper

17 levels of government as we are recommending as a

18 Commission. First of all, we believe the Council should

19 establish a national goal for reduction in nonpoint

20 source pollution. It should be measurable improvement

21 in reducing polluted runoff in impaired watersheds in

22 the United States. We spent some time trying to

1 determine how much, and so forth. I think we came down  
2 on "measurable" because we didn't know how much to say,  
3 so if anybody has got a better number, a better measure  
4 or a better method, we would be willing to consider it

5           The functions of the National Ocean Council as  
6 we have suggested are to improve interagency  
7 coordination/cooperation with regard to nonpoint source  
8 pollution cleanup. As you know, there are quite a bit  
9 of interagency efforts going on now, but there is no  
10 place that we have found where it really all comes  
11 together at the federal government level.

12           Secondly, the Council would ensure that  
13 federal water quality protection programs are  
14 coordinated at the regional and state levels as well as  
15 at the national level including the coordination of  
16 budget formulation on a multi-year basis and the  
17 priority setting and assessment of success.

18           I think this goes back to what Admiral Gaffney

19 was talking about earlier, that to make the Council  
20 effective it has to have some degree of control over the  
21 dollars. It also needs to be able to at the top level  
22 determine whether or not you are actually making

1 progress in the direction you said you were going in.

2 It is not considered to be an annual review of agency

3 budgets. You are talking about having budget

4 formulation on a multi-year basis.

5 Go to the next one.

6 (PowerPoint slide presentation in process.)

7 DR. SANDIFER: Also, the Council could pay

8 specific attention to interagency coordination and

9 cooperation when a problem has sources in multiple

10 states, and that is in many cases. Perhaps, the best

11 examples we have heard of in our travels around the

12 country are the Dead Zone in the Gulf of Mexico and some

13 of the issues in the Chesapeake Bay.

14 However, virtually every coastal state also

15 receives some runoff from its neighboring states, and

16 therefore virtually all of us have to deal with things

17 that are outside our state borders. There is very

18 little formal mechanism to do that at present. The

19 National Ocean Council and our regional entities could  
20 really move us forward in this interagency cooperation.

21 The Council could maintain a significant level  
22 of focus on funding for nonpoint source programs in

1 general, and help to develop public support through  
2 public education outreach and marketing efforts and  
3 influencing multiple national policies. I think I will  
4 stop there and we will get to farm bill in a moment.

5 Have I missed anything significant, staff?

6 THE STAFF: (Shaking heads.)

7 MR. EHRMANN: Commissioner Ruckelshaus?

8 MR. RUCKELSHAUS: Paul, I was wondering  
9 whether you had looked at, in your narrative that would  
10 accompany these recommendations, the fact that we have  
11 had in place now for over 30 years a Nonpoint Source  
12 Pollution Program administered by EPA as a part of the  
13 Clean Water Act? It clearly has not worked. The  
14 statistics are overwhelming that we are shifting from a  
15 major point-source problem to a major nonpoint source  
16 problem.

17 Those areas where, it seems to me, it has  
18 worked are where we have not relied on the national

19 standard setting enforcement process, which was created  
20 by the Clean Water Act back in 1972 and worked pretty  
21 well for point sources but not for nonpoint sources.

22 What has worked are a combination of watershed

1 groups that assess the needs of all kinds of water uses  
2 including water quality as well as water quantity in  
3 their watersheds, the application of positive incentives  
4 for moving people forward to produce nonpoint sources,  
5 particularly agricultural kinds of incentives.

6 In those watersheds where there are watershed  
7 groups that exist and where they are given the right  
8 kind of incentives and where they are, particularly the  
9 farm groups working very closely with the Department of  
10 Agriculture agents that are in those areas, a lot of  
11 progress is made.

12 It is not as though we do not know how to do  
13 it. It is the question of, How do we give the proper  
14 incentives to the people who live in those watersheds to  
15 act in ways that are in their own interests as well as  
16 in the interest of the water and therefore the public?

17 It may be that this is here, but I don't see  
18 that we have got the emphasis on engaging the people who

19 are most dramatically affected by the change necessary  
20 to improve the water in the process of determining what  
21 kind of goals and techniques should be used in order to  
22 reach those objectives.

1           DR. SANDIFER: Bill, the write-up will include  
2 a good bit of this. The reason this is presented this  
3 way is we have struggled at great length with the  
4 watershed issues and how watershed management should  
5 take place, and those will be dealt with or have been  
6 dealt with in part in previous recommendations, and  
7 others that will be forthcoming will deal with some of  
8 the incentives in another recommendation in just a  
9 moment. However, much of the watershed stuff has been  
10 dealt with.

11           What we had not teased out was the portions of  
12 this that really need to move up to the NOC level. That  
13 was our attempt here at taking the Admiral's admonition  
14 from probably three or four meetings ago to heart, that  
15 we should be very careful as we work through these  
16 issues to determine what are the things that should  
17 really be done at the National Ocean Council level and  
18 what are the responsibilities at regional, state or

19 local levels.

20           The watershed clearly is a regional kind of  
21 activity. It could be many watersheds within a single  
22 state or multi-state watersheds in either case. The

1 focus here was on those things that probably should be  
2 elevated to the National Ocean Council level or to some  
3 subcommittee established under the National Ocean  
4 Council. That is what we are trying to do here.

5 Clearly, I understand that you are absolutely  
6 right that the regulatory standards established by EPA  
7 have been in effect for a long time, but they have not  
8 worked except when it has been done at a stakeholder  
9 kind of basis.

10 I think I am correct, am I not, Malcolm? We  
11 actually presented the watershed stuff last meeting, the  
12 January meeting?

13 MR. WAYLAND: (No microphone.) Yes. In  
14 January, we presented the watershed management and  
15 watershed monitoring papers that described the domestic  
16 approach to watershed management, which included a role  
17 for the NOC in terms of national goals and objectives  
18 and, further, coordination at the regional level,

19 watershed councils being the local implementing

20 mechanism we outlined.

21 MR. RUCKELSHAUS: I applaud you for doing

22 that. I mean, I think that is the right approach. I

1     guess it just seems to me that if we are going to define  
2     a role for the National Ocean Council we ultimately have  
3     to tie that into how that affects watershed council  
4     work.

5             DR. SANDIFER:  What we missed here is that  
6     linkage directly back to the local level, to the  
7     watershed and regional level, and we need to pick it up  
8     here to make sure that there is no confusion.  This is  
9     meant to be those things that we thought.  Whether the  
10    Commission as a whole thinks it ought to be done at a  
11    national level, I don't know.  However, that was the  
12    intent was to separate out what is done at the  
13    management watershed level and what is done at the  
14    national coordinating level.

15            MR. RUCKELSHAUS:  I guess one thing I would  
16    add is the necessity of training, and by that I mean  
17    training public officials.  If we don't train them how  
18    to interact with the watershed groups, it will not work.

19 Many of the public officials are trained to enforce and  
20 not to gain cooperation from people in watersheds. They  
21 can kill these groups before they get started, if they  
22 are not careful.

1 DR. SANDIFER: You are absolutely right. That  
2 is an excellent suggestion. We neglected to include it,  
3 and should.

4 MR. EHRMANN: Dr. Muller-Karger?

5 DR. MULLER-KARGER: Thank you.

6 I think that we come back to this. When we do  
7 treat the farm bill, and concentrate on that, the whole  
8 feeding operation, it ties a little bit to what you are  
9 saying. One of the things I want to highlight and it is  
10 also later on, although it is buried in a small bullet,  
11 is the international connections of nonpoint source  
12 pollution through the atmosphere that is a tie in with  
13 the list of things that we would like to have  
14 highlighted on international issues.

15 DR. SANDIFER: We have that in a paper  
16 tomorrow. This is another one of those examples where  
17 when you started trying to get your hands around it, it  
18 was so big that we simply couldn't do it. We were going

19 in circles, so we divided it up into pieces.

20                   However, it is awfully hard for us all to even

21 remember how many pieces go together until you get

22 through the whole show. We have a jigsaw puzzle here.

1 We do have an idea of what the final product looks like,  
2 but we haven't got all the pieces together yet.

3 MR. RUCKELSHAUS: This is a nonpoint  
4 recommendation.

5 DR. SANDIFER: Yes.

6 (General laughter.)

7 MR. EHRMANN: Commissioner Coleman?

8 DR. COLEMAN: Paul, this is more a comment  
9 than a question. I liked your approach of saying this  
10 is at the national level. I worry a little bit about  
11 the use of the word "National Ocean Council doing this"  
12 and "National Ocean Council doing that." Before we even  
13 define the National Ocean Council, we are already  
14 assigning it areas.

15 I would urge you before you get to staff to  
16 start writing on this, let Governance come through with  
17 what the National Ocean Council is, where it sits, et  
18 cetera, then come back and decide if this is an

19 appropriate place to put this, now that is just a  
20 comment, even though we might approve these  
21 recommendations.

22 DR. SANDIFER: I don't disagree at all. I

1 would just again remind you that we were tasked to as we  
2 were thinking about all of these issues what are those  
3 things that should be done by a national coordinating  
4 body. I think that is the term we used to begin with is  
5 the "NCB."

6 Perhaps, we should use "national coordinating  
7 body" or "entity," or NCE until we actually define it.  
8 That was our intent in the working group was just trying  
9 to sort out those things that could be done or should be  
10 done at the national level, should be done at the  
11 regional level, and local level.

12 MR. EHRMANN: Any other comments on nonpoint  
13 in this context?

14 (No verbal response.)

15 MR. EHRMANN: All right. Staff? You are  
16 happy? You are smiling over there. You are not happy?  
17 Okay, you are happy.

18 All right. Let's go to the farm bill implementation.