



OFFICE OF WATER

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Dr. Crowell:

Thank you and the Albemarle-Pamlico National Estuary Partnership (APNEP) staff, as well as your many partners, for contributing to a successful 2023 Program Evaluation (PE) process. The Environmental Protection Agency (EPA) recognizes that everyone involved put considerable effort into both the PE package and the responses to our follow-up questions. Your facilitation of EPA's site visit enabled the EPA review team of Vince Bacalan (EPA Headquarters), Rachel Hart (EPA Region 4), Megan Mackey and Angela Padeletti (EPA Region 3) to meet your staff and visit projects and partners in your study area. Below you will find the results of the EPA 2023 PE for the review period from July 1, 2017 – September 30, 2022.

The primary purpose of the EPA PE process is to help EPA determine whether each of the NEPs is making adequate progress implementing their Comprehensive Conservation and Management Plans (CCMPs). The evaluation process has considerably enhanced EPA Headquarters and Regional knowledge of each NEP and promoted sharing of innovative projects and approaches across all 28 NEPs. In addition, EPA uses the evaluation process to assess how the NEPs support Clean Water Act (CWA) programs and to demonstrate the extent and effectiveness of the NEPs' contributions to EPA 2022-2026 Strategic Plan Goal 5: Ensure Clean and Safe Water for All Communities, Objective 5.2, Protect and Restore Waterbodies and Watersheds.

The PE process uses a two-category determination of Proficient and Progressing. Proficient means an NEP is adequately meeting programmatic and environmental results. A Progressing determination means an NEP is missing or underperforming with respect to the criteria, as defined in the 2021 NEP Program Evaluation Guidance. A Progressing determination will catalyze a timeline to address those missing elements or opportunities for improvement before the next PE cycle. This determination is informed by the entire PE package (narrative submission, NEPORT data, annual workplans, and EPA-required annual end-of-year-reports), on-site visit, and discussions with the NEP.

EPA has concluded that APNEP continues to make significant progress in implementing its CCMP and has rated APNEP as Proficient in the 2023 PE.

2023 Program Evaluation Specific Findings

The following summary highlights EPA’s key findings by identifying APNEP’s: (I) Progress Made in the Areas Highlighted in the 2023 Program Evaluation, (II) Strengths, and (III) Opportunities for Improvement. This summary is intended both to recognize the program’s successes and to recommend efforts to further strengthen the program. The NEP’s response to these recommendations will be evaluated in the next PE cycle.

I. Progress Made in the Areas Highlighted in the 2018 Program Evaluation Review

a. 2018 Challenge: Develop a common APNEP vision to promote its program identity

APNEP narrowed its focus areas primarily at the direction of its Leadership Council based on a facilitated discussion conducted in early 2020. A Diversity, Equity, and Inclusion (DEI) statement was formally adopted by the Leadership Council in September 2021 to address challenges in CCMP implementation, overall partnership engagement, and Management Conference representation. As the CCMP revision approaches completion, please also consider adding a consolidated statement similar to that found in the ‘Our Mission’ section of the current CCMP.

b. 2018 Challenge: Explore additional opportunities for funding CCMP implementation activities

EPA recognizes the significant contributions of APNEP’s host entity and partners for required match (including over \$617,000 in submerged aquatic vegetation [SAV] mapping support and water-level monitoring stations) and leveraged funds (~5:1 in primary leveraging, for a total of over \$15 million) as reported in annual workplans, year-end reports, and in NEPORT. One of the more significant milestones during this period was APNEP’s inclusion in the 2022 Governor’s proposed budget for the first time in 20 years. The SAV economic valuation report was also noteworthy in highlighting this valuable resource in the region. APNEP staff acknowledges that a comprehensive, long-term finance strategy will be developed to accompany the revised CCMP once it is adopted.

c. 2018 Challenge: Finalize completion of a monitoring strategy

Notably, APNEP completed an integrated monitoring strategy in 2021 after many attempts over the years. EPA learned that APNEP developed the strategy around SAV habitats and associated water quality indicators, incorporating the required elements in the monitoring plan checklist of the NEP Funding Guidance throughout the process. Plans are underway for enhancing water quality monitoring in the strategy with adoption expected later this year. EPA looks forward to future updates and progress, particularly as APNEP builds toward the next iteration of State of the Sounds reporting.

d. 2018 Challenge: Better communicate programmatic accomplishments and environmental results

Since the last PE period, APNEP staff made significant improvements in the annual workplan format along with timely reporting of programmatic activities, milestones, and accomplishments to its stakeholders via its website, social media, and Sound Stories newsletters. APNEP staff also secured an independent website that can be easily managed internally. These improvements occurred while experiencing staffing shortages. EPA encourages APNEP to continue providing trusted scientific information to its stakeholders and to new audiences, guided by its Engagement Strategy, as it also develops relevant materials catered to the public.

e. 2018 Challenge: Revise CCMP before 2022

The COVID-19 pandemic significantly delayed progress on plans for CCMP revision in 2020. But as noted above, the Leadership Council has directed the NEP toward specific areas of focus as a result of the strategic planning meeting in January 2020. EPA acknowledges the Management Conference's (MC) active engagement and thoughtful feedback to this process, particularly as APNEP set an ambitious goal of completing the CCMP revision by the end of 2023 and integrating its five-year priorities to align with the Bipartisan Infrastructure Law (BIL) and Justice40 initiative. EPA can also provide examples of notable CCMPs that integrate results of a climate change vulnerability assessment.

II. Strengths

*a. **NEP Administration and Governance Structure** – Overcoming adversity and demonstrating resilience*

EPA recognizes that during the PE period between 2017 and 2022, there were obstacles encountered by staff and the Partnership as a whole. First, it was challenging to showcase APNEP's continued progress in supporting climate-related work. Second, just as the NEP started to find its footing, the COVID-19 pandemic introduced unprecedented limitations, isolating staff from direct engagement with each other and stakeholders and halting any project implementation for an extended period. Third, the NEP was also operating in a limited capacity during this period due to staff vacancies.

APNEP demonstrated remarkable resiliency through these challenges and still delivered accomplishments during this PE period. The NEP has maintained its reputation as a trusted source of reliable scientific information and a convener of collaborations. APNEP did not waver in its commitment to partners despite extensive time and energy cost to staff facilitating engagements related to the Scuppernon Regional Water Management Study, an ongoing effort since 2018. In addition to normal workload under Section 320, remarkably, APNEP was timely in the delivery of its Equity Strategy, BIL long-term workplan, and annual workplan – all in the same year as the PE review. APNEP staff's hard work, dedication, and professionalism are instrumental in supporting the missions of both APNEP and EPA.

*b. **Healthy Ecosystem** – Strong alliance on multiple levels to implement the CCMP*

APNEP's ecosystem-based management (EBM) approach means a holistic approach to ecological restoration and protection. Since the last PE in 2018, EPA learned that APNEP has become the go-to resource for SAV monitoring and research, thanks in large part to APNEP and their partners' leadership

in SAV assessment and mapping surveys over the years. The NEP’s implementation of its CCMP has supported much of North Carolina’s critical efforts through the following actions:

- amendments to the NC Coastal Habitat Protection Plan,
- advancement of the NC Aquatic Nuisance Species Management Plan so it can be eligible for federal funding, and
- implementation of the NC Climate Risk and Resilience Plan in support of the current governor’s Executive Order number 80.

APNEP has remained committed to fostering collaboration within its shared waters by signing in 2017, and renewed in 2020, a Memorandum of Understanding among six agencies representing North Carolina and Virginia to coordinate water quality, habitat, and climate resiliency projects. This level of engagement is reflective of APNEP’s current governance structure and has resulted in stronger working relationships among EPA, North Carolina, Virginia, communities, and tribes.

III. Opportunities for Improvement

*a. **Community and Stakeholders Engagement** – Continue to expand engagement and build stakeholder coordination*

Having a well-established network of partnerships in place is commendable, but it also comes with its own set of challenges. One of them is to be constantly vigilant about ‘blind spots’ as local priorities evolve, leadership positions shift, and new initiatives are established such as BIL and Justice40. APNEP has done an impressive job of anticipating such changes in developing a DEI statement in September 2021 to address perceived bias and challenges in CCMP implementation, overall partnership engagement, and Management Conference representation.

EPA recognizes these ongoing efforts and encourages APNEP to continue expanding its public engagement. EPA looks forward to learning more about additional engagement as APNEP begins to implement its Equity Strategy in support of Justice40 and BIL. **EPA recommends that APNEP continue to advance outreach to inform the public about ongoing work being performed and to employ creative ways to generate additional interest and active participation in the NEP process.**

*b. **NEP Administration and Governance Structure** – Explore opportunities to define relationship between Leadership Council and host organization*

One unique characteristic about the National Estuary Program is the concept of a host entity. As stated in Section V of the FY21-24 NEP Funding Guidance, the primary function of a host entity is to receive Section 320 funding “for purposes and activities developed and approved by an individual NEP’s MC” and to provide “an invaluable service to the NEP as an administrative and financial manager.” (p16)

In APNEP’s case, it is a National Estuary Program operating as a state agency. The collaborative, neutral, decision-making arm of every NEP is its Management Conference, which is to be “autonomous and independent of detailed direction from particular interest groups or agencies” and that the “Director and staff are not directed by their host entity, but by the NEP’s Management Conference.” (p17)

Other NEPs have adopted operating procedures, agreements, or Bylaws to ensure that this division of roles and expectations are well understood and executed appropriately. While APNEP operates with Bylaws to guide its internal procedures and decision-making processes, it currently lacks a similar document to memorialize the relationship between its Management Conference, via the Leadership Council, and the host entity. **EPA recommends the NEP explore mechanisms to define and formalize this arrangement as soon as possible. Please refer to the [agreement currently employed by the Indian River Lagoon NEP](#) as the closest analog to APNEP's arrangement.** EPA sees this agreement as a foundational component that benefits all parties and could further alleviate the general perception of APNEP being closely associated with, and directed by, its regulatory host.

Closing

Thank you again for participating in the PE process. EPA welcomes any additional thoughts you may have either about the evaluation process itself or about EPA's involvement in the implementation of APNEP's CCMP. If you have any questions or comments, please contact me at 202-566-1293 or Vince Bacalan at 202-566-0930.

Sincerely,

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cc: Brian Frazer, U.S. EPA Headquarters, Director, Office of Wetlands, Oceans and Watersheds
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