

**Members Present:** Rick Gray (Chair), Diane Davis, Dave Dunmyer, Sheila Finlayson, Penny Gross, Sheila Noll, Emily Rice (alternate for Adriana Hochberg), Ann Simonetti, John Thomas, James Wheeler, Bruce Williams, and Rosemary Wilson. **Staff Present:** Mary Gattis (Coordinator) and Jessica Blackburn. **Guests Present:** Carin Bisland (EPA CBPO), Jeff Corbin (US EPA), Pat Buckley and Rhonda Manning (PA DEP)

### **Call to Order, Introductions**

Chairman Gray called the meeting to order at approximately 12:35 p.m.

### **Business Meeting**

The June 2013 Minutes were approved as amended on a motion by Finlayson and 2<sup>nd</sup> by Wilson.

### Executive Committee Report

Chairman Gray asked LGAC Coordinator, Mary Gattis, to update the committee on items assigned at the June meeting. The following items were discussed.

- Committee Membership
  - Pennsylvania Delegation: The PA State Association of Boroughs sent a letter to the Governor addressing the resignation of Mary Labert (McAdoo Borough, PA) and the nomination of Leo Lutz (Mayor, Columbia Borough, PA). Denny Puko (PA DCED) is shepherding this nomination through the Governor's office. Leo Lutz was invited to attend the Local Government Forum as a guest of LGAC. Jeff Wheeland has missed several meetings in a row but continues to be engaged through his staff (Megan Lehman). *The committee does not recommend seeking a replacement for Commissioner Wheeland at this time.*
  - Virginia Delegation: To date there has been no response to the letter Mayor Gray sent requesting that two vacancies be filled in Virginia. Gattis communicated with Chesapeake Bay Commission staff about potential candidates in areas not presently represented. *The committee agreed that representation from Loudoun or other suburbanizing areas would be helpful as would representation from rural/agricultural areas. Gattis will reach out to Virginia Chesapeake Bay Program staff regarding procedure for filling vacancies. Noll will also follow up on this.*
  - District Delegation: *Chairman Gray agreed to contact Tommy Wells regarding his continued service. Gattis will assist.*
  - The Bylaws require written notification of resignation (Section 3.4).
- Headwater states representation.

- The Bay Agreement does not provide direction on this issue at this time. Coordinator raised question with EPA Project Officer as the need to bring in headwaters states may affect work program/deliverables in next contract. Coordinator asked committee for feedback on cost savings that would allow us to bring in headwaters states without additional dollars. Gross does not support cutting back on number of meetings. Committee recommended that we wait to see what happens with Bay Agreement.
- EPA Contract Update - Coordinator Gattis reported that the current Assistance Agreement expires March 31, 2014. EPA advised the Alliance to request a one year extension, which is allowed under the original RFP. The alternative is for EPA to go through competitive procurement and award a new contract by April 2014. Barring unforeseen circumstances, the Alliance will pursue an extension through March 2015.

#### Communications Committee Report (Chair, Sheila Finlayson)

- Chair Finlayson reported on the LGAC Chesapeake Bay Roundtables (refer to State Association List and Calendar of Major Events). The purpose is to get LGAC's message out to other local leaders. First MML roundtable, hosted by Finlayson on Willey, was productive although turnout was slim. MACO roundtable hosted by Dunmyer had 8 people. Many EPA staff attended. LGAC was focus.
  - Follow-up Actions:
    - Plan further ahead in order to get into program booklets;
    - add Sheila Noll as co-host at VACO ;
    - schedule Dave for Winter MACO conference;
    - submit session proposals for CBP partners and LGAC representatives to present new Agreement beginning spring/summer 2014.

#### Strategic Plan Review/Update

- See LGAC Strategic Plan Priorities and Actions handout. A detailed review was not conducted due to time constraints.

#### Update on the New Chesapeake Bay Agreement

Carin Bisland (EPA CBPO) and Jeff Corbin (US EPA) updated the committee on the new Bay Agreement and shared EPA's concerns about the proposed Local Government Leadership Goal and Outcomes. Jeff addressed proceedings at the 9/24/13 PSC. He reiterated EPA Regional Administrator Shawn Garvin's position that it is not a question of whether local governments are recognized in the Agreement but rather, what is the best way to engage, empower and facilitate local government as partners. Garvin proposed replacing the Goal/Outcomes with the following statement in the introduction to the Goal/Outcomes Section:

Intro paragraph to Goals and Outcomes section – add to end:

“In order to accomplish the goals, it is imperative that these essential elements are included in Management Strategies for each Outcome:

- Build leadership capacity of local governments to implement local actions by increasing local government officials' knowledge of local water resources issues and the economic, cultural and policy incentives available to support implementation of actions that help achieve the goals of the Agreement;

- Provide technical support and tools which empower local governments to develop and implement local based approaches to water resource protection and restoration;
- Support efforts to implement innovative financing strategies.

Carin explained that Management Strategies will be developed for each Outcome and she suggested that by approaching local government involvement in this way rather than through a specific Local Government Goal/Outcomes, local governments would be more engaged. The committee recognized the potential for some signatories to “opt-out” of Local Government Leadership outcomes and saw this as a risk in the Goal/Outcome approach.

Three alternative approaches were discussed: (1) accept Garvin’s proposed approach but eliminate 3 bullets; (2) accept Garvin’s proposed approach in its entirety; (3) support original goal and outcomes. Knowing that the Goal/Outcome approach may face opposition from other signatories, the majority supported the second alternative.

After a lengthy discussion, Chairman Gray suggested that LGAC’s Bay Agreement workgroup be authorized to negotiate new language based on the majority opinion of the committee as stated above. Moved by Rosemary and James seconded. The motion passed unanimously.

#### Annual Report to the Chesapeake Executive Council

The Committee affirmed the following list of issues and directed Gattis to draft the annual report to the Executive Council:

- Continuous and open communication process is lacking
- Streamlined permitting is needed
- Job training is needed to ensure sufficient supply of contractors qualified to carry out local restoration/protection projects
- Staffing of state agencies is insufficient leading to delays in grant awards; reference Residual Designation Authority impact on staffing
- BMP verification process is uncertain

The draft Annual Report will be reviewed and approved by the Executive Committee. Dave Dunmyer will represent LGAC at the EC meeting presently scheduled for December 12, 2013.

#### New Business/Announcements for the Good of the Committee/Future Agenda Items

James Wheeler called members attention to the Residual Designation Authority (RDA) Petition Fact Sheet contained in the meeting packets (Handout #4). The Committee indicated interest in hearing more about this issue at their next meeting. Pat Buckley pointed out that this gives EPA authority to broaden reach of NPDES permits and it could prove very costly. She said that this issue is already addressed in Pennsylvania under Act 167, Pennsylvania’s Storm Water Management Act.

The next LGAC meeting will be held Dec. 5-6, 2013 in Annapolis. It will be joint meeting with the Citizen’s Advisory Committee. The committee suggested the following possible agenda items:

- Residual Designation Authority presentation by American Rivers – they suggested that speaker from development community/business community should be included
- BMP Reporting and Verification – concerned with process for inspection, resale, etc.

Catherine Krikstan (Alliance for the Chesapeake Bay) briefed the committee on the 30<sup>th</sup> Anniversary Celebration which will include: Timeline being debuted at the Forum; coordinated volunteer events Oct 24-26; an online registry for recognizing heroes in Bay Restoration; heroes will be recognized at a breakfast preceding the Executive Council meeting (December 12, 2013)

The meeting was adjourned at approximately 2:35 p.m.

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