

## **Principals' Staff Committee**

**June 2, 2015**

### **Meeting Minutes**

#### **Attendees**

Molly Ward, PSC Chair  
Tommy Wells, DC DDOE  
Frank Piorko for David Small, DE DNREC  
Mark Belton, MD DNR  
Matt Fleming, MD DNR  
Chris Becraft, MD DNR  
Ben Grumbles, MDE  
Joe Bartenfelder, MD Dept of Ag  
Royden Powell, MD Dept of Ag  
Jason Dubow for David Craig, MDP  
Jackie Lendrum for Joe Martens, NY DEP  
Kelly Heffner for John Quigley, PA DEP  
Cindy Dunn, PA DCNR  
Matthew Keefer, PA DCNR  
David Paylor, VA DEQ  
Samuel Towell for Todd Haymore, VA Ag & Forest  
Teresa Koon for Randy Huffman, WV DEP  
Ann Swanson, CBC  
Marel King, CBC  
Shawn Garvin, EPA  
Jeff Corbin, EPA  
Linda Miller, EPA

Nick DiPasquale, Management Board Chair  
Jim Edward, EPA/Chesapeake Bay Program Office  
Buck Sutter, NOAA  
Chuck Hunt, NPS  
Scott Phillips, USGS  
Mike Slattery, USFWS  
Heather Cisar, USACE Baltimore District  
Lt. Col. John Drew for Col. Paul Olsen, USACE  
Norfolk District  
Jeff Laitila, Navy, Mid-Atlantic Region  
Sarah Diebel, Navy, Mid-Atlantic Region  
Charlie Stek, CAC  
Jessica Blackburn, CAC  
Janine Burns, LGAC  
Mary Gattis, LGAC  
Kirk Havens, STAC  
Rachel Dixon, STAC  
Carin Bisland, Partnerships Goal Team  
Samantha Watterson, CRC  
Lauren Taneyhill, CRC  
Bill Ball, CRC  
Jill Witkowski, Choose Clean Water Coalition

#### **Actions and Decisions**

##### **Management Strategy Issues for PSC Consideration**

###### **Toxic Contaminants:**

Decision: The PSC agrees not to include the issue of rail safety as it related to toxics in the Toxic Contaminants Management Strategy.

Decision: Language should be incorporated to recognize work that is already going on within the watershed to address contaminants of emerging concern (micro-beads, fracking contaminants, source control, acid mine drainage, fish tumor research), and clarify that more research must be done on these issues to better inform the Policy & Prevention Outcome.

##### **Workplan Development Timeline**

Decision: The draft Workplan due date in the Workplan Development Timeline and associated timelines will be revised to be November 1, 2015.

Decision: The public comment period will be increased to 45 days.

Decision: Final Workplan due dates should coincide with the 2-year Milestone due dates at the end of April, 2016.

## **Governance Document Revisions**

### *Executive Council Operations*

Decision: The language will remain flexible to allow non-Executive Council members to speak if they are attending in place of the Principal.

Decision: Change “jurisdiction” to “signatory.”

Decision: Specify that the annual Executive Council meetings should be in-person, while out-of-season Executive Council meetings have the flexibility to be held as conference calls.

### *Change of Executive Council Chairs*

Decision: Language recommended in Issue 2 is approved by the PSC.

### *Principals’ Staff Committee Meeting Schedule*

Decision: 3 dates and locations will be scheduled for an entire year, each year, for PSC meetings.

## **Executive Council Meeting Lunch Topics**

Action: The Executive Council meeting agenda will be revised based on the conversation of the PSC, and will be sent back out to PSC members for comments.

## **Meeting Discussion**

### **Management Strategy Public Input Summary and Issues for PSC Consideration – Nick DiPasquale**

PSC’s role is to ratify the Management Strategies on the recommendation of the Management Board. MB feels they are complete and can move forward with implementation with Workplan development.

### **Issues to bring attention to PSC**

#### **Toxic Contaminants**

Nick DiPasquale, MB Chair: Concern reduction strat focused on PCBs – the outcome focused on PCBs and mercury primarily, and other toxics looked at under research outcome. Reduction strat should include consideration for other strats from the get go instead of waiting for research to help inform the strategy.

Jill Witkowski, CCWC: The general statement we’ve agreed to in the outcome is broader than PCBs. We’re asking to put in placeholder or space to recognize work being done throughout watershed by states on different toxics issues. MD adopted a micro-beads ban, WV working on source control, VA working on rail safety, PA working on issues of tracking and acid mine drainage and fish tumors – fish tumors is a huge issue that gets the attention of the public. If states see that they will be working on something, then they can add it in that space and recognize what is already going on individually in states, and provide a bridge for other states to follow other states work and connect work together. Toxics is the connection to human health and public health and it’s very publicly visible.

Nick DiPasquale, MB Chair: The Toxics Workgroup felt those additional toxics would be covered under the research outcome rather than policy & prevention. Then after research is available they work into the policy/prevention side. Still lots of research work that needs to be done –

getting a sense of how extensive micro-beads are, health and environmental impacts associated with pharmaceutical byproducts, personal care products, estrogen disruptors, etc..

Ann Swanson, CBC: The language was written broader to anticipate the spirit of adaptive management that other issues might arise. In the case of micro-beads the CBC was active in getting that legislation through. Now we have it set up in PA and VA to move forward in the coming year. It wouldn't necessarily be CBP research. There may be a way to put a sentence or 2 that allows credit for these things.

Ben Grumbles, MD: Seems like a no brainer... let's focus on PCBs. Seems like we have a good approach to make sure there's a sentence or 2 – jury is still out, these are things we're still pursuing.

Cindy Dunn, PA: Our Governor is interested in the transportation issue and safety. There's interest in convincing WV's focus in that as well. A way for states to talk about this together. We've had derailments over water. The oil found its way to PA and across the state. I confer with Grumbles on that one.

Scott Phillips, Toxics Workgroup: Appreciate your CCWC comments, we took them seriously. Looking at more information on fracking, fish tumors and effects of the tumors. We want to have a better understanding of which contaminants are causing those problems so we know what to do in the policy and prevention strategy. We hadn't considered the rail safety – we'd like to get PSC feedback on whether we'd like to see that in the final version or not.

Shawn Garvin, EPA: Need to be careful that we're trying to put every little thing in there. I think the strategies recognize there are a lot of potential sources as well as toxics we're dealing with. There are a lot of other initiatives going on – have language that recognizes those and that we're focusing on toxics over the long haul.

The sense of the PSC is that if the CBP includes rail safety in the toxics strategy it might seem that the CBP is launching into other areas of work and that would be worrisome for the jurisdictions.

**Decision: The PSC agrees not to include the issue of rail safety as it related to toxics in the Toxic Contaminants Management Strategy.**

## **Environmental Literacy**

Nick DiPasquale, MB Chair: Idea to invite Dept. of Education and Dept of Transportation leadership to our meetings on a case by case basis for issues that they could help us address as partners.

Charlie Stek, CAC: There is enormous potential to bring in more partners who are not part of this process. US Dept of Edu has a lot of resources to influence state education policy, and there is an opportunity to engage them by entering into formal agreements. There are 22 agencies that have signed formal agreements to participate. It strikes me that if they aren't at the table they won't be part of the process. The agreement isn't even a guarantee because USDOT does have an agreement and we still can't get them to the table. We think it's a big opportunity for outreach and engage state education agencies on the effort to accomplish the environmental literacy goals. We hope the PSC and EC would further this effort to engage the US DoE in this process.

Shawn Garvin, EPA: We'll reach back out to DoE. If there are specific things we think they could bring to the table we'll have a more engaged conversation. Look forward to working with Charlie and Molly to figure out best way to do that outreach.

Janine Burns, LGAC: Some concern about curriculum design – that's a state decision.

## **Local Leadership**

Nick DiPasquale, MB Chair: Recognize that we need to look for other strategies to accomplish goals – public-private partnerships, mobilizing public capital,

Janine Burns, LGAC: As time goes on we need more voluntary compliance. Need to engage communities differently – whether there's a separate strategy for that or not.

Shawn Garvin, EPA: Need a better mechanism on how to share examples because they are out there.

Ann Swanson, CBC: It doesn't matter so much if it's stand alone or overarching as long as we make decisions to integrate it into everything. A report on leadership institutes is due in September. Might help us on how to get information down to the local level and encourage voluntary participation.

Mary Gattis, LGAC: People are looking at this strategy exclusively to see where locals have a role. We could highlight that there are roles for locals in many other strategies. It would help if we can talk about those in a public way.

Mike Slattery, USFWS: The Goal Team Chairs need your help to implement a shared vision to connect habitat restoration & conservation to local work.

Tommy Wells, DDOE: There is a constant effort to continue to feed and move communications about how we're using public funds/resources.

## **Management Strategy Timeline – Nick DiPasquale, Management Board Chair**

Nick DiPasquale, MB Chair: The Workplans are where we articulate how we move these strategies ahead with implementation and it's important for you to focus on.

Shawn Garvin, EPA: We are posting Management Strategies on June 30, but the Executive Council "announces" them on July 21?

Carin Bisland, Chesapeake Bay Program: That is what had been decided because there was concern about completing them much past the original due date of June 16, 2015.

## **Revising the due date of Workplans**

Kelly Heffner, PA: We have same people doing the writing for all these things – the Management Strategies and the 2-year Milestones. I'd like to have people focus on one thing and finish it.

Mike Slattery, Habitat Goal Team: The Goal Teams feel it's important to have enough time to engage partners and develop Workplans as carefully as we can. There are a number of people responsible for many of these deadlines. Some are becoming burned out on process. Other organizations external to CBP are working hard to deliver these products. They don't work for us. We can't direct them to perform for us. Need to be careful not to disenfranchise them. It will be important to have your support to drive the motivation of the jurisdiction staff who need to participate in the development of the Workplans.

Nick DiPasquale, MB Chair: Nothing is compelling us to complete Workplans by the end of January. We only wanted to try to wrap these up in a timely fashion. We could sync them up with the 2-year Milestones. And give the GITs more time to do some more thoughtful work. That would put us at the end of April for final Workplans.

Mike Slattery: It's not just about the timing, but a chance to make the development of Workplans pretty straightforward. We're in an adaptive management framework, and these will always be works in progress and we'll always have the chance to improve them.

Jill Witkowski, Choose Clean Water Coalition: It would help stakeholder organizations like us if you could also extend the comment period from 30 to 45 days.

#### **Decisions:**

- **The draft Workplan due date in the Workplan Development Timeline and associated timelines will be revised to be November 1, 2015.**
- **The public comment period will be increased to 45 days.**
- **Final Workplan due dates should coincide with the 2-year Milestone due dates at the end of April, 2016.**

### **Governance Document Revisions – Carin Bisland, Partnerships and Accountability Goal Team**

#### **Issue #1 – Executive Council Operations**

Kelly Heffner, PA: Conference call vs in person? Add specification or options?

Ann Swanson, CBC: There is a conflict with it saying Executive Council representatives only speak if they are invited to. We had made a decision at the last EC meeting that only EC members speak.

Shawn Garvin, EPA: We encourage the Principals to be there.

Cindy Dunn, PA: I think it's nice to have the possibility of a Lt. Governor coming and that can elevate it.

Ben Grumbles, MD: I see no need to change the "invited to speak" part of it – allow the flexibility to remain.

#### **Decisions:**

- **The language will remain flexible to allow non-Executive Council members to speak if they are attending in place of the Principal.**
- **Change "jurisdiction" to "signatory."**
- **Specify that the annual Executive Council meetings should be in-person, while out-of-season Executive Council meetings have the flexibility to be held as conference calls.**

#### **Issue #2 – Change of Executive Council Chairs**

Carin Bisland, GIT 6: This is actually what we did with the last change of EC Chair.

Kelly Heffner, PA: My only observation is around timing – there has to be enough time for the vetting to go on back in the jurisdictions. I'm looking to avoid a situation where there's not enough time to vet the conversation if we're not notified enough ahead of time when we need to approve at the PSC level.

**Decision: Language recommended in Issue 2 is approved by the PSC.**

#### **Issue #3 – Principals' Staff Committee Meeting Schedule**

Kelly Heffner, PA: Has the PSC ever had a planned calendar, like having quarterly meetings schedule and then adding more as needed? Also we need materials to get out to us as early as possible.

Carin Bisland, GIT 6: Our staff would love to schedule the entire year of PSC meetings. But it hasn't worked so far. We strive for materials to be sent out 2 weeks in advance.

Ann Swanson, CBC: 1 week in advance for materials is ok, but we need the location earlier because we need to budget the travel.

Molly Ward, Chair: I think it would be wise to set the calendar for the year with the locations.

Shawn Garvin, EPA: Historically we didn't do it because we didn't want to meet for the sake of meeting. We're in a good place now and have enough to talk about to do this.

Molly Ward, Chair: How about 3 times per year? (Nods around room.)

Kelly Heffner, PA: 3 times and an optional 4<sup>th</sup>.

Nick DiPasquale, MB Chair: We need to schedule one leading up to the Executive Council meeting.

Molly Ward, Chair: We know that would be in the summer so we can work from there.

**Decision: 3 dates and locations will be scheduled for an entire year, each year, for PSC meetings.**

----- BREAK FOR LUNCH -----

### **Executive Council Meeting**

#### **Lunch Topics**

Chuck Hunt, NPS: We might want to add USDA to the Rivers of the Chesapeake piece.

Molly Ward, Chair: What do members think of including the topics of Management Strategies, forest buffers, stream exclusion, environmental finance, and the Rivers of the Chesapeake?

Kelly Heffner, PA: These are the governors. Buffers & stream exclusion – we need to think about using those issues as *examples*, not whole topics. How various agencies & jurisdictions work together to get those practices on the ground.

Ann Swanson, CBC: The governors need to understand the reliance on the stream exclusion practice to achieve water quality. It can be a local issue, rather than a bay-only issue. It might engage them. It would also be good for DC and the Mayor can be an advocate because they'd then be receiving high water quality from upstream. Rivers of the Chesapeake – in each situation focus on action items. It's about the governors coming forward with a compelling and unified story.

Nick DiPasquale, MB Chair: There was a leadership summit convened a year ago where 2 under-secretaries for NRCS and Farm Services talked about issues related to CREP & forest buffers. Jurisdictions rely on buffers in the WIPS. There had been a huge decline in progress, we've actually regressed overall. The idea behind the forest buffers topic on the agenda is to get commitment from jurisdictions coming out from this Summit, and federal leaders would try to remove barriers to implementation. USDA is in the spot light on these 2 issues this year.

Molly Ward, Chair: It's a time to get them to develop a consensus on action items they can take. They are more powerful when banded together.

Cindy Dunn, PA: This is a chance to engage them since it's almost a whole new group of governors. We can build on our history at George Mason, the location of the first agreement signing. Give them a chance to engage and not just listen.

Ben Grumbles: It's important to keep the private lunch small – it's a great chance for the signatories to bond. Every governor wants to be loving the bay and not strong armed into doing something bad for their state. It empowers us down the road. I'd advise against giving too many staff-driven topics – have a

few and make sure they're up for it. MD is very interested in environmental finance and aspects of interstate trading.

Molly Ward, Chair: And it's up to us to make sure they are briefed and know what we're talking about.

Jason Dubow, MDP: It might be helpful for us (PSC members) to get feedback from EC members on what they want to talk about. Make sure it's things the governors want to talk about.

Molly Ward: I would suggest that the Governor doesn't need 10 min for a welcome. We want time for all of the signatories to provide closing remarks, not just the EC Chair.

**Action: The Executive Council agenda will be revised based on the conversation of the PSC, and will be sent back out to PSC members for comments.**

### **Concluding Remarks**

Mike Slattery, Habitat GIT: The GIT Chairs had a great meeting recently and we're looking forward to implementing a shared vision, but we need your help to encourage staff and provide your support. We've been so tight on deadlines and work to get these Management Strategies completed as best we can by the due dates. Our work has been more segregated among our teams than we'd like – we're looking to have our work coordinate more across goal teams.

Nick DiPasquale, MB Chair: We need that GIT interaction – the points where we can provide mutual support. Excellent idea to focus time and attention on those intersections.

Chuck Hunt, NPS: To build on the Department of Transportation idea – DOT working with state agencies has the potential to greatly affect the potential of the Bay's water quality, land conservation, access, etc... I'd like for us to work toward outcomes that are proactively engaging Transportation – calling them in on an as-needed basis. Encouraging us to be proactive. I'd like to know what will be happening across the Bay in the next 5-10 years in terms of mobility enhancements. It has serious ramifications.