

Principals' Staff Committee Meeting
February 28, 2014
Meeting Minutes

Attendance:

Joe Gill, PSC Chair / Md DNR
Kirk Havens, STAC
Dave Dunmyer, LGAC
Susan Conner, USACE Norfolk District
Heather Cisar, USACE Baltimore District
Jennifer Walls, De DNREC
Ed Kee, De Dept of Agriculture
Teresa Koon, WV DEP
Matt Monroe, WV Dept of Agriculture
Marel Raub, Chesapeake Bay Commission
Ann Swanson, Chesapeake Bay Commission
David Paylor, Va DEQ
Molly Ward, Va Secretary of Natural Resources
Todd Haymore, Va Secretary of Agriculture and Forestry
Nick DiPasquale, Chesapeake Bay Program Office
Frank Dawson, Md DNR
David Costello, MDE
Buddy Hance, Md Dept of Agriculture
Jason Dubow, MDP
Keith Anderson, DC DDOE
Hamid Karimi, DC DDOE
Andy Zemba, Pa DEP
Kelly Heffner, Pa DEP
Shawn Garvin, EPA Region 3
Chuck Hunt, NPS
Dave Russ, USGS
Wendi Weber, USFWS
Buck Sutter, NOAA
Rich Sims, USDA NRCS
Margaret Enloe, CBP Communications
Jim Tierney, NY DEC
Jackie Lendrum, NY DEC
Sheila besse, DC DDOE

Jessica Blackburn, CAC
Sarah Diebel, DOD

Introduction:

PSC Chair, Joe Gill, welcomed attendees to the meeting and introduced the meeting purpose. Joe Gill, Md DNR: The purpose of the meeting today is devoted to issues of governance. We've tried to present issues for decision that we were discussing at the last PSC meeting.

Governance Discussion and Decisions:

Decision 1: Decision-making

- *Issue 1: Decision-making at the EC, PSC, and MB should be done by signatory representatives through: (a) consensus, (b) mainly consensus, but if consensus cannot be reached, supermajority, (c) supermajority*

Joe Gill, Md DNR: MD likes consensus – always the preference. What we've heard is that's the preferred way for us to do business. There is the reality that it may not always be possible. We'd offer option (b) with a caveat – one of the things that tends to happen in groups is if you don't like the meeting you move quickly through things and decide to vote on issues. It's a check on me and everyone else. Our recommendation is to work toward consensus as hard as we can, and only if we can't get there then we go to a supermajority vote.

Ann Swanson, CBC: CBC also supports option (b) - we prefer consensus. We've only taken a vote once at the CBC in 30 years. An instance of supermajority should be a rare instance.

Molly Ward, VA SNR: I'd like to reword it to say "mainly through consensus, or, only if consensus cannot be reached, by supermajority vote," so the emphasis is on consensus
Consensus among PSC that this is a good revision.

- **Issue Decision:** Decision-making at the Executive Council, Principals' Staff Committee, and Management Board will be done by signatory representatives through consensus. If after substantial discussions consensus cannot be reached a supermajority vote will be utilized (7-2), by supermajority vote.

- *Issue 2: Decision-making for GITs should be done by (a) all members, or (b) signatories participating in management strategies through (a) consensus, (b) mainly consensus, but if consensus cannot be reached, supermajority, (c) supermajority*

Joe Gill, Md DNR: “All members” means all members participating in Management Strategies. If you’re not participating in Management Strategies, while you may be part of the development discussion, for decision making purposes we want only those participating.

Shawn Garvin, EPA R3: The process of whether you’ll be involved in Management Strategies may come out of the decisions today. Once Management Strategies are set it might be a little clearer.

Hamid Karimi, DC: Is it somewhere between development of Management Strategies and adoption of Management Strategies?

Shawn Garvin, EPA R3: Yes, that’s the distinction, and how that plays into what we’re talking about.

Frank Dawson, Md DNR: When we talked to everyone, each of you had a different thought process of how this ought to play out.

Ed Kee, DE Dept Ag: Define “skin to the game?”

Frank Dawson, Md DNR: I mean those participating, playing in the game. The point here is that we should include non-profits, local governments, private groups, etc. would want to contribute to achieving Management Strategies.

Ann Swanson, CBC: CBC would vote all members on this. CBC is not an implementing agency, we don’t bring money to CBP, but we work to get money coming in the door and work on policies to support that. We might participate in the development of Management Strategies to understand what everyone needs to then work on policies. But if the requirement is cash, then we may not participate.

Ed Kee, DE Dept Ag: I thought Frank’s definition accommodated that concern...?

Joe Gill, Md DNR: if you change to “all participants in Management Strategies”

Joe Gill, Md DNR: If we take issue 2 (b) and change “signatory” to “members participating in Management Strategies,” that would cover GIT members participating in Management Strategies, as we just discussed.

Ann Swanson, CBC: However, GITs are working on issues beyond just Management Strategies...

Kirk Havens, STAC: Shouldn’t the GITs be working toward the goals in the agreement?

Ann Swanson, CBC: CBP has never been limited by what's in the agreement. I thought who makes the decisions in the GIT should be all members. Then who makes decisions about Management Strategies in GIT is a separate question.

Teresa Koon, WV DEP: Members of GITs seem very random – we need to think about who the members are in the GITs. It makes it difficult in the decision-making process when you don't feel like there's an equitable distribution. It does make a difference.

Joe Gill, Md DNR: The idea of members participating is that they'll be working on the Management Strategies... local governments or nonprofits that want to help move a Management Strategy forward. The thought behind this option is they should be able to have a say moving forward in making a decision in the Management Strategies in particular. It would not be limited by the signatories in this agreement.

Andy Zemba, Pa DEP: Are we discussing Management Strategies only? Or is this for all GIT work?

Joe Gill, Md DNR: This is for Management Strategies only. Decision-making for GITs regarding Management Strategies should be done by: a) b) c)

- **Issue Decision:** Decision-making for Goal Implementation Teams on Management Strategies will be done by members participating in Management Strategies through consensus. If after substantial negotiations consensus cannot be reached a super majority vote will be utilized, or, only as a last resort if consensus cannot be reached, by supermajority vote.

Decision 2: Goals and Outcomes in the 2014 Agreement

- *Issue 1: Who approves revised or added goals? (a) PSC, (b) EC*

- **Issue Decision:** The Executive Council makes the decision to approve revised or added goals.

- *Issue 2: Who approves revised or added outcomes? (a) PSC, (b) EC*

Joe Gill, Md DNR: MD suggests that the PSC approves revised or added outcomes, and it seems that this is the majority preference.

Va, Pa, DC, and Federal agencies agree.

Ann Swanson, CBC: In conversations we've had with CBC and the EC they did favor the EC for both outcomes *and* goals. We've always felt that the PSC modified outcomes through interpretation. At the largest scale, actual words used in the agreement, it was the EC's purview only to change numbers, etc.. From a public perception point of view, and as a communication

tool, the agreement should stand until the next one is negotiated, and words within it should stand as a communications tool. So we feel it's a mistake to put it to the PSC, but for a consensus we'd ride with the group.

Shawn Garvin, EPA R3: As we look at adaptive management – when something on the ground is rapidly changing... when we feel we can't come to consensus... I'm pretty sure all of us representing members of the EC... look at it more in adaptive management being the goal of the EC.

Ann Swanson, CBC: I can't imagine any rapid transition...

Beth McGee, CBF: We support CBC's preference for transparency reasons. Our concern is that the goals could be changed and the only way to find out is to search the website through meeting minutes. For us it's a transparency issue.

Nick DiPasquale, CBPO: For the PSC to make changes it would have to follow an adaptive management process using good science and public participation as well. Any changes would be fully publicly available.

Charlie Stek, CAC: CAC is focused on accountability, which is best represented at the EC level, not the PSC. Any revisions to outcome, and new outcomes should be done at the EC not the PSC.

Joe Gill, Md DNR: We've heard that the EC is the way to go. I'd like to hear what the group thinks – do those reasons change your earlier opinions?

Ed Kee, De Dept Ag: I would agree with the other states that it should be at the PSC level, sensitive to these concerns. But along with Nick's statement, the PSC is operated in day light.

Joe Gill, Md DNR: If we're not doing what we should by publicizing the decisions, we need to do a better job. We can fix transparency issues.

Dave Dunmyer, LGAC: Would it be helpful to spell that out in our guiding documents? I.e. "this is how the PSC takes care of..."

Nick DiPasquale, CBPO: There was a suggestion to develop listservs where interested people can get signed up. [i.e. Chesapeake network?]

Mike Slattery, FWS: It's helpful to distinguish between revisions and new outcomes....

Hamid Karimi, DC: Anything that goes to the EC is debated, argued, and discussed at the PSC before it gets there. Those things are mostly clarification and probably don't need to go to the EC. We need a distinction between minor adjustments... things dealing with clarification should be done at the PSC.

Ann Swanson, CBC: I'm arguing that management decisions and interpretive decisions, I believe are purview of PSC. But large scale outcome language and goal language is the purview of the Governors & signatories because they set our course and that's big picture stuff.

Hamid Karimi, DC: There is also a distinction between changing & revising, and then adopting *new* goals. Thinking we shouldn't send everything up. Keep what you can at the PSC – balance the publicity with open meetings – these should be publicized more effectively.

Nick DiPasquale, CBPO: To revision to outcomes, there has been discussion of annual reporting – if the EC has problems they could review and direct the PSC to do something or say they want to deliberate on it themselves.

Shawn Garvin, EPA R3: The PSC has been good at teeing things up for the EC. Any voting member can say this is more than the PSC should deal with and it should go to the EC. Clarity – rules can be that the goals are for the EC to approve and outcomes for the PSC, but use discretion. Something larger than revision to an outcome goes to the EC.

Joe Gill, Md DNR: And we need to publicize changes, or discussions of changes better.

- **Issue Decision:** The Principals' Staff Committee approves of revised or additions to outcomes.

Decision: Develop a predictable and transparent process to ensure that changes to any part of the Agreement are well publicized and receive public input.

Decision 3: Participation in Management Strategies

- *Issue 1: Is participation in management strategies made unilaterally by the signatories? (i.e. Does each signatory, partner, and interested stakeholder decide which Management Strategies they participate in and how they participate.)*

- **Issue Decision:** The decision to participate in each Management Strategy is made unilaterally by each signatory.

- *Issue 2: What is the process for engaging and including interested stakeholders in the GITs while they are developing the management strategies?*

- Option 1 – Public Notice with meeting information posted on web site
- Leave it up to GITs? Process for engaging public should be consistent. Public notice is fine, but also do more things ie listservs, notifications, etc.

Dave Dunmyer, LGAC: What's confusing about this issue is how do we know when an issue is coming up, and should we be participating? We feel like we come in too late because we didn't

know. GITs are loaded with meetings, we don't know what's coming up - how do we get involved? How do we square that? Is there a process? We want to be proactive not reactive.

Dave Paylor, VA: Those are decisions that can be made by the GITs.

Shawn Garvin, EPA R3: There needs to be flexibility within the GITs, but there also needs to be some framework of how we do outreach - not 1 GIT that's holding public meetings and another where nobody knows about them. And we need to focus on how we engage local governments in all these pieces. What is the notification mechanism? There needs to be a basic framework.

Joe Gill, Md DNR: I'm hearing that we should provide a basic framework that the GITs can modify as appropriate, and provide sufficient outreach.

Margaret Enloe, CBP Comm: This is about how to keep people involved. This is something the Communications Workgroup would work on – making sure people who want to know do know and are involved. The Communications Workgroup can discuss and give recommendations.

Charlie Stek, CAC: We've had extensive discussion about the need to engage underserved communities in restoration. One of the issues is that engaging communities just through public notice isn't sufficient. There has to be a way to engage stakeholders through listservs, extensive outreach and communications efforts. We'd advocate maybe the Communications Workgroup get together and figure a way to regroup and get to the underserved communities.

Hamid Karimi, DC: Given that the GITs meet about so many various things, a standard listserv doesn't really work – it just clogs up everyone's email inbox. Each GIT may develop their unique listserv, and all Advisory Committees should be on it, but sending all notices to everyone, I don't know if that's the best. This may work toward having standard framework.

Joe Gill, Md DNR: The best would be to send this to the Communications Workgroup and have them come back with recommendations.

Ann Swanson, CBC: The program over the years used the Alliance for the Chesapeake Bay for outreach campaigns and it was separate and distinct from the communications office. It provided forums to bring stakeholders in and collect input. I think that's what we're talking about more. One is ongoing communications tools to daylight what's happening, and early in the process as we come out of the gate we make sure stakeholders are involved for early Management Strategy input. We may want to think about a partnership with an organization like the Alliance.

I'm realizing that we voted about Management Strategies and who would have a voice. I wouldn't mind the advice of other stakeholders as we make Management Strategy decisions early in the game.

Joe Gill, Md DNR: The recommendation on the table is to have the Communications Workgroup help us engage people, and talk to the Alliance about helping involve stakeholders early on in the Management Strategies process.

Peyton Robertson, Fisheries GIT Chair: Some comments may reflect back on how the GITs have operated. We haven't [determined] this. I volunteer as a Chair to come up with a means for engagement. It's a resourcing question - do you want Advisory Committees on every GIT and on every Management Strategy, or ...? GITs are responsible for their membership and for ways they bring stakeholders in for Management Strategies that are robust enough to drive what the Management Strategies are. We can make sure there's consistency in that.

Dave Dunmyer, LGAC: As that process moves forward there's an opportunity for LGAC to bring others forward to participate. We may identify others who may be helpful, but who may not be within LGAC.

- **Issue Decision:** The Communications Workgroup will develop a basic framework to assure that stakeholders who are interested in the Goal Implementation Teams' Management Strategy development remain informed throughout the process, and will offer suggestions for future outreach plans hosted by a third party, similar to what the Alliance for the Chesapeake Bay had done in the past. Recommendations will be provided at the April Principals' Staff Committee meeting.

- *Issue 3: Does a signatory have to identify which management strategies they are NOT participating in?*

Joe Gill, Md DNR: Md thinks the answer is no. There's been a lot of discussion, we're trying to create an energy here to get the job done, generate excitement, be out there, get people participating in Management Strategies – as many people as possible. "Yes" is more powerful than "no." The lack of "yes" will tell people what you're not doing.

Molly Ward, Va: We agree. It should be positive.

Kirk Havens, STAC: Agree - it's a lot easier to say "yes" later on if you haven't already said "no."

Charlie Stek, CAC: We feel this is about accountability and transparency and the CBP has historically been about that. We're open to the public, decisions are made publicly. If you

decide you're not participating we believe the public should be aware of that. It's simple to do. It's more about transparency and accountability for us.

Nick DiPasquale, CBPO: The use of Management Strategies adds a level of transparency that hasn't existed. It's extremely difficult to know who is participating right now, and Management Strategies will lay all that out, and have jurisdictions articulate what they're contributing. It will be available online.

Charlie Stek, CAC: How will we know the impact of the agreement if we don't know who is participating in the Management Strategies?

Frank Dawson, Md DNR: You read the Management Strategies.

Charlie Stek, CAC: You expect the public to do that?

Nick DiPasquale, CBPO: The documents will be available at the click of a mouse.

Choose Clean Water Coalition: We agree with CAC. There will not be as many eyes on the Management Strategies. We have a problem not knowing who is doing what and how it becomes a real accountable agreement. We'd like to work with you, and we'd like to see a more a robust discussion on this.

Jim Edward, CPBO: We've talked about having a 1 page template on the Management Strategies for GITs. We don't expect people to go through a 200 page document. It would be a 1 page standard cover sheet for public to see quickly – obvious and plain.

Molly Ward, VA: Why isn't the negative obvious, instead of saying we're not going to do things specifically people can see they just aren't signed up.

Ann Swanson, CBC: If all signatories (hypothetically) are signing onto the goals and outcomes both, then it would be obvious to me that the indicators would track that. If, however, we're doing it this other way, and for Management Strategies you're opting in, then do indicators only track those who opt in? I.e. Wetlands – is it a bay-wide indicator, or only those participating?

Nick DiPasquale, CBPO: We have that situation right now, and it's footnoted on the webpage who is providing data and who is not.

Dave Dunmyer, LGAC: We need to step back a bit... to hold a jurisdiction up as the bad guy, as not doing their part – that's not why we're here. You can easily see who's not participating. To call someone out, I don't see how that's of any use.

WV agrees w/ that - it should be very obvious

DE, DOD (navy), VA agree.

Charlie Stek, CAC: We were going to propose an alternative - put out a report on who is participating each year.

[To be talked about later in this discussion]

- **Issue Decision:** We will identify participating jurisdictions in each management strategy.

Decision 4: Adoption of Management Strategies

- *Issue 1: Who formally ~~adopts~~ **accepts** Management Strategies **as complete**, (a) GITs, (b) MB or (c) PSC **d) MB subject to PSC ratification**?*

Joe Gill, Md DNR: In case the PSC had caught anything the MB missed – they could flag it.

[Made above changes.]

Nick DiPasquale, CBPO: When we say complete Management Strategies, we'd think the MB plays a more intensive role, consistent with the Key Elements – looking for coordination, have they done the outreach, etc.

Frank Dawson, Md DNR: We will define completeness as coordination had occurred and it's consistent with the Key Elements.

- **Issue Decision:** The Management Board will formally accept the Management Strategies as complete, subject to Principals' Staff Committee ratification.

Discussion 5: Revising Management Strategies

- *Issue 1: Who ~~adopts~~ **accepts** revisions to management strategies (including addition of new strategies)? GITs, MB or PSC? (d) MB with PSC ratification*

- **Issue Decision:** The Management Board will formally accept revisions and additions to the Management Strategies, subject to Principals' Staff Committee ratification.

- *Issue 2: How frequently should Management Strategies be revised or reviewed? (a) Every two years, (c) as determined by the GITs?*

- **Issue Decision:** Management Strategies should be reviewed at a minimum of once every year. [Duplicative of Decision 7]

Decision 6: Management Strategy Elements

➤ *Issue 1: Should there be a format/template for management strategies?*

Joe Gill, Md DNR: I heard that there should be a basic but flexible format. GITs can make modifications as appropriate.

Shawn Garvin, EPA R3: I want to reiterate that part of the format addresses how we engage and coordinate with local governments.

Kirk Havens, STAC: Is this following the hand out of Key Elements? That's the format you're looking to follow? STAC would say that's a good one.

Todd Haymore, Va: Who's responsible for creating the format?

Nick DiPasquale, CBPO: The program. We already have the major elements laid out – the Key Elements document.

Frank Dawson, Md DNR: Do you think we should circulate that around for additional comments and finish the template up for our April meeting and present it then? I'm sure there might be some other thoughts on what should be in there. Get a minimum format, then allow GITs to add based on their circumstances.

➤ **Issue Decision:** Goal Implementation Teams will be provided with a basic format for Management Strategies, which will be flexible to allow for GIT-specific modifications as appropriate.

➤ *Issue 2: Does the format/template need to be agreed to prior to signing the Agreement?*

Shawn Garvin, EPA R3: I don't think it needs to be, but it would be nice.

Ann Swanson, CBC: I think it would be helpful. Why not get it done?

Kelly Heffner, Pa DEP: If the agreement signing is in the June-July timeframe, how fast does the pen go to paper?

Joe Gill, Md DNR: 1 year.

Kelly Heffner, Pa DEP: It never hurts to have it done.

Joe Gill, Md DNR: If we want GITs to hit the ground running then we should have it all in place before the agreement is signed.

Jennifer Walls, De DNREC: would be nice to have it done, but we wouldn't want it to hold up the agreement process.

- **Issue Decision:** There was a general consensus that it would be beneficial for the template to be finalized prior to signing the Agreement, but the Agreement process should not be held up if the format has not been resolved. A draft template will be presented at the April Principals' Staff Committee retreat.

Decision 7: Management Reviews

- *Issue 1: Who has the role of tracking performance of management strategies? (a) GITs, (b) MB, (c) PSC*

Joe Gill, Md DNR: What we heard is that the MB is the preferred alternative. Discussion?

Hamid Karimi, DC: Is it a correct assumption that the entities participating in the Management Strategies would be ones tracking the performance?

Frank Dawson, Md DNR: We're assuming a participating GIT would say we did X & Y. The report gets put together, then the MB reviews how we're doing, determines if we can do anything to improve our coordination, increase our avenues for funding, etc.

Jennifer Walls, De DNREC: As this decision moves forward, we need to think of how reporting is done and make sure it doesn't create a whole new report for the states. We don't want to get into it now but it's something to be thought through.

Frank Dawson, Md DNR: I think everyone agrees with that, and we need to figure out how to not duplicate what we're doing.

- **Issue Decision:** The Management Board will track the implementation of Management Strategies and the environmental response from these implementation efforts.

- *Issue 2: How frequently should these reviews occur?*

Joe Gill, Md DNR: We heard as applicable, or annually, which fits together because for some Management Strategies the review period may need to be more frequently because of the nature of the strategy. Other options would be as applicable, every year, every 2 years...

Frank Dawson, Md DNR: Another option: We thought of saying, at a minimum, track Management Strategies annually. If GITs believe a more frequent timeframe is better they have that option.

Ed Kee, De Dept of Ag: That's fine. A lot of these cases in agriculture science and the time it takes to do the science dictate when the review happens. It might be time for a review but we're waiting for this or that.

Kirk Havens, STAC: GITs should review the Management Strategies in the action they're doing, and as they develop the actions they have a timeframe they expect to have a result. The idea here is when you're setting up an action, you expect a result in 3, 5, 10 years, and should be prepared to make adjustments. 1 yr may be the minimum but you may not see any results at that time.

Dave Paylor, Va: I think at least annually is what everyone's saying

Ann Swanson, CBC: We were thinking even if you said at least every 2 years.... For many of these things it's really going to take time to see any response. Timeframes should be part of the Management Strategies when possible so some expectation is there, but we were thinking much more conservatively, minimum 2 years or as needed.

Ed Kee, De Dept Ag: The idea of a potential review will keep people on track. If answer the answer is here's what we have, but we need another year for answers, that's fine.

Todd Haymore, Va: Is it a performance review of Management Strategies as in whether they're doing it or not, or performance review as in we've implemented and we've achieved X?

Kelly Heffner, Pa: That's a big point. If you're looking annually and want to be specific, you're dooming yourself. Need to be clear about when you're collecting data, and when reporting anecdotally. Otherwise we're spending all our time fiddling with numbers.

Kirk Havens, STAC: It should be monitoring what you said you'd do, and monitoring if it has the affect you thought it would have.

Rich Sims, USDA: USDA has the capability to provide aggregated data within 1 year, so that's no problem for us.

Joe Gill, Md DNR: I'm hearing option (d).

Frank Dawson, Md DNR: and 2 pieces – 1 performance did it get implemented, and what was result.

- **Issue Decision:** Management Strategy reviews to ensure that actions are being implemented and are staying on track should occur every year, or more frequently as needed (performance review). Frequency of review of the expected responses of the environment should be included in the Management Strategies and should be based on

adaptive management principles associated with best information on when an environmental result is expected.

Decision 8: Distribution to EPA funding under Section 117 CBIG/CBRAP

- *Issue 1: How is the partnership involved with this decision?* (reminder: It is EPA's legal responsibility to make decisions on Section 117 funding; EPA typically reaches out to the signatories concerning distribution of these funds.)

Shawn Garvin, EPA R3: As much as we want to work with all of you, there are absolute constraints.

Joe Gill, Md DNR: I think the overall question is how has the Partnership evolved?

Shawn Garvin, EPA R3: All the conversations we'll have here – we have a number of things to help guide – all that goes into making of the Federal budget. Connecting the dots are things we agree to as a Partnership.

Nick DiPasquale, CBPO: We had days to put together the operating plan for FY14. It comes quick, and it's hard to do the consultation. We had dedicated funding specified – usually a good thing, but we don't have discretion. We try to consult where we can. There may be areas where we can get additional consultation on that discretion.

Shawn Garvin, EPA R3: We work with NFWF – they take Federal money from 117 and apply it to where the needs are to help us accomplish goals. The larger picture is somewhat locked a little bit.

Nick DiPasquale, CBPO: About an 80% increase in money this year is dedicated to state and local implementation.

Joe Gill, Md DNR: So the answer to the question of this issue is...?

Shawn Garvin, EPA R3: By all decisions we make as a Partnership – priorities to the Partnership – that all goes into the decision.

Mike Slattery, FWS: A coalition of GIT Chairs is in a dialogue with NFWF – we were invited to play a role in determining what funding goes to what projects. It's a great opportunity to guide that fund source.

Ann Swanson, CBC: When it comes to the federal budget it's clear that EPA's money – ultimately you're answerable to Congress and anything partners here do is strictly advisory. That needs to remain clear. That being said, there used to be a thing called a Budget Steering Committee, subsidiary to the MB. It involved the signatories and GIT chairs. That way... spreadsheets were clearly shared there. There was always a very small pot of money that was

actually discretionary. So much of it was spoken for due to various things. But it was still an important function. It wasn't simply to argue over the last remaining dollars, but important because all of us knew where the shortfalls were, and those of us that work with congress were able to take that knowledge and apply it to future years budget spending & efforts. I don't see why such a function wouldn't still be very valuable to EPA & the Partnership.

Shawn Garvin, EPA R3: Whatever little bits of discretionary money used to exist, that doesn't exist anymore. That's all pretty locked in.

Peyton Robertson, NOAA, GIT 1 Chair: I think right up front in our own self interest is a way to be more efficient. If the program had an annual meeting – it could be held where the EC would come as “owners of the company” – they're bought in because they own it, talk to real people who do work, which they don't do normally. Gives us a chance to look at the year in review - What have we accomplished? And the governors get credit. They create policy decisions & set the annual work plan for the next year. It would include budget coordination where everyone puts needs on table. We could see leverage points for people to go talk on the hill, and see what states need.

Joe Gill, Md DNR: In the spring we can talk about where we are budget wise – state and federal – at an April-May meeting.

Kelly Heffner, Pa: At the EC level?

Joe Gill, Md DNR: I'll rephrase question: How can the Partnership be involved in budget/funding decisions? Whether or not we do this at the EC, or whether we do it at the PSC, but given we're raising this issue now and give us time to explore this further, we can give recommendations at the next meeting.

- **Issue Decision:** The Chesapeake Bay Program Office staff will explore the question of partner involvement in budget and funding issues, including the idea for an annual conference in the spring to discuss progress and funding priorities of all partners, and will provide recommendations at the April Principals' Staff Committee meeting.

Decision 9: Participation at the Executive Council Meeting

- *Issue 1: Is there an expectation or commitment by all signatories to attend EC meetings? (i.e. Who is expected to attend the EC meeting – the principals, or the principals' appointees?)*

Joe Gill, Md DNR: I think we've heard there is an expectation of signatories to attend.

Shawn Garvin, EPA R3: We can commit to try, but we can't guarantee it.

Kelly Heffner, Pa DEP: It gets pulled together at the last minute. The sooner we know the date the better the chance of getting it on my Governor's calendar.

Shawn Garvin, EPA R3: There are some EC members that get it on their calendar too soon...

Joe Gill, Md DNR: I think the answer is yes, but making it happen is a bit of a dance.

- **Issue Decision**: There is an expectation and commitment by all signatories to have their principals try to attend Executive Council meetings. If not the Principal, then the highest possible appointee should attend in his or her place.

- *Issue 2: Are there different expectations or protocols for participating in the EC meeting press conference with an expanded membership? (i.e., are there different rules for speaking, different rules of participation?)*

Joe Gill, Md DNR: I think the answers we heard are that it doesn't matter. If you've come to represent your state, etc. you should be able to speak.

Shawn Garvin, EPA R3: It was because 10 speakers at a press conference is a lot, but also to motivate the Governors to come.

Nick DiPasquale, CBPO: There's a statute-protocol thing going on. There has to be some level of equivalency I think.

Margaret Enloe, Communications: At our most recent EC meeting Tim Wheeler's headline was "obviously it doesn't matter much, because no EC members attended." Your audience is the press, and they're always looking at holes. Perception is reality.

Joe Gill, Md DNR: If ever there was a chance at getting the most EC members it will be this year. This is the best agreement, 1st time in 14 years. Let's make it happen.

- **Issue Decision**: If an individual attends with the purpose of representing his or her jurisdiction, he or she is expected/permitted to speak. However, all signatories should try to send their highest ranking person possible.

Decision 10: Governance Document

- *Issue 1: What is the development process for a new governance document? (a) GIT 6 updates current governance document based on PSC decisions, MB approves, (b) PSC approves*

Joe Gill, Md DNR: I would suggest, given that the draft was written several years ago before the headwater states were full partners and before the Management Strategies were part of the agreement, we basically start from a new beginning, and not try to revise a 49 page document. Md would prefer to have the PSC approve of the governance document.

Andy Zemba, Pa DEP: Are you tasking GIT6 with drafting something?

Joe Gill, Md DNR: No, we need to talk about that. Do we go back and update the current document, or make something new?

Shawn Garvin, EPA R3: Start from scratch.

Ed Kee, DE: I agree because we're endangered of "hardening of the arteries" if you take the old document. It's an old doc, it's so old. How can it be relevant 10 years later?

- **Issue Decision:** A brand new governance document will be developed, which the Principals' Staff Committee will approve.

- *Issue 2: What is the schedule for completing the document? (a) To be completed prior to signing Agreement, (b) Completed within 6 months of signing of Agreement*

Shawn Garvin, EPA R3: It depends who's working on it. We might have to wait if it's the same people as the agreement, but it would be nice to get it done in tandem.

Joe Gill, Md DNR: I'd like to be personally involved in crafting new a governance document. I'm not sure I see how to get it done prior to signing agreement given time constraints. We want to spend as much time as we need to work on agreement comments. To work on governance at the time would be too much. Could get it done 6 months after signing the agreement.

Marel Raub, CBC: Can work begin in the mean time?

Joe Gill, Md DNR: Yes, but it would beg the question of who would do that.

Jennifer Walls, De: Schneider & Piorko felt it should be addressed before signing the agreement so we know what we're signing onto.

Nick DiPasquale, CBPO: I think the purpose of this meeting is to get some of that out of the way, but crossing t's and dotting i's will be tough to get done at the same time.

Joe Gill, Md DNR: We can put decisions from today into a document that explains the basics of how different Partnership groups work to have a 5-10 page conceptual draft for review before we sign the agreement.

- **Issue Decision:** The Partnering Leadership and Management Goal Implementation Team (GIT 6) will craft decisions from the February 28, 2014 Principals' Staff Committee meeting into a 5-10 page conceptual draft for review and approval by the Principals' Staff Committee before signing the agreement if possible.

- *Issue 3: How should the governance document be addressed in the Agreement (i.e. are there specific items that need to be mentioned?)*

Joe Gill, Md DNR: I think most said we do not need governance issues addressed in agreement. Agreed.

- **Issue Decision:** The governance document does not need to be addressed in the Agreement.

- *Issue 4: What is the process in the meantime? (e.g. WQ GIT is now developing their own governance document, applicable only to the WQ GIT.*

Joe Gill, Md DNR: Our decisions today will govern how we operate.

Rich Batiuk, EPA/CBPO: We could use your help in workgroup decision making – we need governance down to that scale. We are making organic decisions at that level and passing them up through the organization.

Frank Dawson, Md DNR: We're going to get out by Tuesday a list of decisions made today, take until Friday to look through them, and make sure we got it right. We'll have them finalized by the following week.

Ann Swanson, CBC: Before we transition... yesterday at the CAC meeting they asked us to bring forward an issue in terms of transparency.

Jim Edward, EPA/CBPO: BMP expert panels for the Ag Workgroup were not having open meetings. Open meetings need to happen across the program. One of the Chairs sent out a

notice to panels about this saying if you have a problem with it, submit your resignation. Didn't have intended effect...

Nick DiPasquale, CBPO: The Partnership doesn't have to comply with FACA provided they conduct business in public. People can sit in and listen at the panels without contributing, but then can contribute when issues go to the larger workgroup after the expert panel meetings.

Shawn Garvin, EPA R3: Decision #3 – this whole transparency issue goes back to incorporating a framework for the GITs.

Andy Zemba, Pa DEP: People on the expert panels aren't familiar with dealing with transparency, they aren't government employees. We need to explain this to them when they come on.

- **Issue Decision**: Decisions made at the February 28, 2014 Principals' Staff Committee meeting will govern how the Chesapeake Bay Program operates in the meantime.

Action: Actions and decisions from the February 28, 2014 Principals' Staff Committee meeting will be distributed for member review by Wednesday, March 6th. Members should submit revisions by Tuesday March 11th. Final decisions will be circulated the week of March 10, 2014.

Update On Public Review Period And Timeline

Nick DiPasquale, CBPO: We've started to compile comments. We're reconstituting the Issues Resolution Committee. If things need GIT review the IRC will digest it first. If there is a recommendation to be made from IRC we'll pass on to PSC for decision and alternative recommendations will be offered.

Shawn Garvin, EPA R3: Can you resend us who is serving on the IRC?

Nick DiPasquale, CBPO: Yes. We'll get that out to everyone.

Joe Gill, Md DNR: The process for considering public comments – we're looking at having an off-site retreat for 2 days. It will likely be held at the Wye Research Institute. Dates will be sent out soon. It will give us the chance to take sufficient consideration of comments. We don't want to blow through the comment period, we don't want to land the plane yet if it's not ready to be landed.

Nick DiPasquale, CBPO: There are jurisdiction listening sessions: Md's is next week (week of 3-3-14), Va's is 3-11-14. We'll post a notice of those on the website so people know. The MB meeting is on 3-13-14, it will be a 2 hour public comment session in the first 2 hours.

Communications WG recommended comm. folks are also on EC planning group w/ policy ppl.

Action: Distribute the Issues Resolution Committee roster to Principals' Staff Committee members.

Action: Send out date options for 2-day Principals' Staff Committee comment consideration retreat.

Action: Post jurisdiction listening session dates on chesapeakebay.net.

New Insights Report

Margaret Enloe, Communications: This was a combined effort from UMCES, STAR. It's all based on monitoring information, and it's geographically located.