

Principals' Staff Committee
Conference Call
January 16, 2014

Actions and Decisions

Participants

Joe Gill, Chair, MD	Matt Monroe, WV	Peyton Robertson, NOAA
Frank Dawson, MD	Teresa Koon, WV	Chuck Hunt, NPS
Robert Summers, MD	Dave Montali, WV	Dave Russ, USGS
Jason DuBow, MD	Ann Swanson, CBC	Scott Phillips, USGS
Keith Anderson, DC	Marel Raub, CBC	Mike Slattery, USFWS
Hamid Karimi, DC	Shawn Garvin, EPA	Amy Guise, USACE
Diane Davis, DC	Jeff Corbin, EPA	Sarah Diebel, DOD Navy
Sheila Besse, DC	Nick DiPasquale, EPA	John Dawes, CAC
Andy Zemba, PA	Linda Miller, EPA	Jessica Blackburn, CAC
Pat Buckley, PA	Carin Bisland, EPA	David Dunmyer, LGAC
Evan Feinman, VA	Jim Edward, EPA	Mary Gattis, LGAC
Russ Baxter, VA	Greg Barranco, EPA	Kirk Havens, STAC
David Paylor, VA	Rich Batiuk, EPA	Natalie Gardner, STAC
Jennifer Walls, VA	Tom Wenz, EPA	Matt Ellis, STAC
Travis Hill, VA	Richard Sims, USDA	Peter Marx, CCWC
Ben Sears, NY	Chuck Hunt, NPS	Amy Handen, NPS/GIT5
Jackie Lendrum, NY	Al Todd, Alliance for the Chesapeake Bay	

Overview of 12-12-13 Executive Council Meeting Actions and Decisions

Decision: Agreed that no additional changes will be made to the draft agreement prior to releasing for public comment. This is consistent with the discussion at the EC meeting.

Decision: Agreed to maintain the current schedule for finalizing the Agreement, including a 45 day public comment period from January 29 through March 17.

Decision: Agreed that additional time would be added to the schedule after the spring PSC meeting to address any unresolved issue (in response to New York's concerns for a final review in preparation for the EC meeting and Agreement signing).

Decision: Agreed that signatory comments on the draft agreement will be dealt with during the public comment period.

Draft Chesapeake Bay Watershed Agreement – Governance Issues

Discussion 1: Goals and Outcomes in the 2014 Agreement

- *Issue 1: Does the EC approve of (decide) the goals and outcomes of the Agreement based on the PSC recommendations?*
 - Generally, most members agreed the EC decides based on PSC recommendations.
- *Issue 2: How are the PSC recommended decisions made? (a) Consensus? (b) Voting?*

- Generally, most members agreed seeking consensus on decisions is preferable; voting on issues, by supermajority, should be considered only if consensus cannot be reached.
- Several members felt that consensus is necessary for finalizing the Agreement; some felt voting is useful only for polling the group.
- *Issue 3: If supermajority is used, how does the Program decide to use it? Consensus or supermajority?*
 - EPA noted that in the past, consensus was used to agree that a vote was necessary. Then the supermajority vote was utilized for the issue.
- *Issue 4: Is it consensus of all members of the committee or of just the signatories?*
 - At least one member indicated it should be consensus of only the signatories.
- *Issue 5: If supermajority is used, what does it mean to the signatory(ies) that do not agree with the majority?*
 - One member pointed out that commitments are spelled out within the management strategies. Any dissenting signatories, regardless of consensus or voting, have the opportunity, if they choose, to explain why they don't agree with a goal/outcome and why they won't participate in it under the management strategies.

Discussion2: Participation in Management Strategies

EPA reminded PSC members that the management strategies are where they will spell out their commitment (or not) to the outcomes.

- *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.)*
 - Most members agreed that participation in management strategies is made unilaterally by the signatories. Some felt that decisions should be made by the Management Board based on the recommendations of the GITs.
- *Issue 2: What is the process for engaging and including interested stakeholders in the GITs while they are developing the management strategies?*
 - Most members generally agreed that there should be opportunities for non-signatories to participate in management strategies.
 - One member thought that the mechanism for how they would be notified and included on the appropriate GIT needed to be agreed to.
- *Issue 3 – Does a signatory have to identify which management strategies they are NOT participating in?*
 - One member felt that signatories should not be required to explain if they do not participate.
 - The PSC decided in a previous meeting that the signatories did not have to identify the management strategies they were participating in.

Discussion3: Adoption of the Management Strategies

- *Issue 1: Who has final adoption of Management Strategies, MB or PSC?*
- *Issue 2: What is the role of the PSC in adoption of Management Strategies? Adopt on MB recommendation? Adopt when MB can't reach consensus? Identify substantive changes or policy issues?*
Options for consideration:

- (a) Consensus of Management Board members?
- (b) Consensus of those Management Board members who will actually participate in the execution of the management strategies?
- (c) If there is no consensus, voting by Management Board members?
- (d) If no consensus, voting by those Management Board members who will actually participate in execution of the management strategies?
- (e) (added by CBC) – Consensus by the Management Board with a recommendation to the PSC to adopt.
- (f) (added by EPA) Consensus by Management Board members (participating in the management strategies); If consensus can't be reached, the PSC becomes engaged in the decision.
- There was no general consensus on this issue. Some prefer consensus of the MB while others prefer consensus of only those who will participate in the strategies. Some prefer a decision by the MB, but if no consensus, elevate to the PSC.
- One member noted that disagreements are likely to decrease by those jurisdictions who choose not to participate.
- *Issue 3: Do all members of the Management Board get a vote/voice in decision-making?* (current status - one member for each jurisdiction, each fed agency is a member with a voice, GIT chairs are members without a voice, and CAC, LGAC chairs are members, STAC member without a voice)
 - Signatories only
 - Federal Agencies
 - GIT Chairs
 - Advisory committee chairs
 - Those members participating in the development of that particular management strategy?

Discussion5: Distribution of EPA funding under Section 117

- *Issue 1: How is the decision made?*
 - EPA reminded the PSC that it is EPA's legal responsibility to make decisions on Section 117 funding and that they typically reach out to the signatories concerning distribution of these funds.
 - Members suggested further discussion at the next PSC on ways to increase opportunities for input from the signatories including reinstatement of the Budget Steering Committee.
- **Action:** CBPO staff will provide to the PSC members an outline of how Section 117 funding decisions are currently being made.

Discussion 6: Revising or Adding New Goals

EPA recommended expanding this discussion to include adopting *new* goals and *revising* existing goals.

- *Issue 1: Who makes the decision to approve revised or added goals? (PSC, EC?)*
 - Members generally agreed that the decision-making process should be the same for the original goals (i.e, the Executive Council would approve, based on PSC recommendations).
- *Issue 2: How are the decisions to add/revise goals made? (a) Consensus? (b) Voting?*
 - Generally agreed that goals/outcomes may be added or revised on consensus, or if consensus cannot be reached, then by supermajority vote if necessary.

- Decision: Combine this discussion with / make consistent with Discussion #1.

Discussion7: Revising or Adding Outcomes

- *Issue 1: Does the EC or the PSC approve revisions to outcomes (including addition of new outcomes)?*
 - Several members felt only the EC should be authorized to decide; others thought it could be done at the PSC level.
 - Some expressed concern that advisory committees should be consulted in any decision.
- *Issue 2: How are the decisions made? (a) Consensus? (b) Voting?*

(Note: Currently any changes or additions to the commitments in C2K are done through directives or adoption statements signed by the EC. The PSC determined previously that because they want to ensure more flexibility and responsiveness it is better for the PSC to approve these changes.)

Discussion 8: Revising Management Strategies

- *Issue 1: Who approves revisions to management strategies (including addition of new strategies)? GITs, MB or PSC?*
 - Some members felt the GITs should be able to determine when strategies need to be revised; others felt that the PSC should approve any revisions, especially those that would result in a change to an outcome; others thought the decision should be at the MB level.
- *Issue 2: How are the decisions made? Adaptively through (a) consensus, or (b) voting?*
- *Issue 3: Is there a threshold or are there metrics that would signal the need to revise management strategies?*

Other Discussions/Issues

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?)*
- *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?)*
 - Some felt there should be rules regarding expectations of EC meeting attendance to clear any confusion about speaking roles and meeting participation.

(Note: currently, only EC principles who attend, may speak at the press conference.)

Governance Document

- *Issue 1: What is the development process for a new governance document?*
- *Issue 2: What is the schedule for completing the document?*
 - One member encouraged specific deadlines for clarifying governance issues.
- *Issue 3: How should the governance document be addressed in the Agreement (i.e. are there specific items that need to be mentioned?)*

- Some felt various issues need to be addressed now, but others cannot be addressed until we know who is signing the agreement.
- Some felt that the governance changes do not need to be brought into the agreement because it's work the Program should be doing anyway.
- One member felt all governance issues should be taken care of before the agreement signing.

Decision: Develop a brief two-page document that would be available to the public during the public review process to explain the different parts of the CBP organization.

Management Strategy Elements

Development process – timing, participation, coordination, frequency (2 years), format, measuring progress, and management reviews.

- STAC, CAC and LGAC generally agreed that many of the necessary elements they have been promoting were already in the proposed “elements of management strategies” format, and LGAC noted that they’d take a greater role in developing the strategies with the GITs.
- Discussed having management strategies established and adopted in two-year increments.
- PA felt uncomfortable including the second clause about the biennial work plans in the elements document: “Contain commitments, actions and resources that each of the jurisdictions, federal agencies and partners is providing to help achieve each of the outcomes they are supporting as well as biennial {targets and} outputs that are related to meeting the outcomes.”
- PSC members were reminded that the WIPs and 2-year milestones for the TMDL would satisfy the management strategies for the water quality outcomes.

Public Forum Listening Session

Options for a listening session during the public comment period

- Maryland advocated that each jurisdiction hold one listening session and described assistance that the Chesapeake Bay Program Office would provide to interested jurisdictions, such as a template powerpoint presentation.
- DC indicated its interest in holding a public forum and requested CBPO staff/resources on hand should they receive questions related to issues outside their jurisdiction.
- PA noted that they will not plan on having their own public forums, and will move forward with the Partnership’s plan of receiving comments.
- Members recommended holding another Management Board listening session.
- **Action:** Jurisdictions should notify Carin Bisland if they are interested in having listening sessions by the January 21.
- *Issue: What is the process for considering comments received during the listening session or public comment period?*

Next Steps

- **Decision:** The next PSC meeting will be held in late February and will focus on making solid decisions on today’s discussion topics.