

Principals Staff Committee Conference Call
Actions and Decisions
August 10, 2016

Attendees:

PSC Members

Molly Ward, VA Nat. Res.
Shawn Garvin, EPA
Ann Swanson, CBC
Mark Belton, MD DNR
Ben Grumbles, MDE
Pat McDonnell, PA DEP
Jeff Laitila, DOD NAVY
Col. Jason Kelly, USACE Norfolk
Col. Ed Chamberlayne, USACE
Camille Mittleholtz, US DOT
Nick DiPasquale, MB Chair
Brienne Nadeau, LGAC
Lisa Wainger, STAC
Charlie Stek, CAC

PSC Alternates

Russ Baxter, VA Nat. Res
Hamid Karimi, DC DOEE
Scott Mandirola, WV DEP

Dana Aunkst, PA DEP
Sam Towell, VA Ag. & For.
Christophe Tulou, EPA
Jim Edward, EPA
Mike Slattery, USFWS
Jason Dubow, MD DEP
Marel King, CBC

Others

James Davis-Martin, VA DEQ
Dave Goshorn, MD DNR
Diane Davis, DC DOEE
John Schneider, DE DNREC
Carin Bisland, EPA
Greg Barranco, EPA
Tim Garcia, USDA NRCS
Jackie Lendrum, NY DEC
Nicki Kasi, PA DEP
Teresa Koon, WV DEP
Lee Currey, MDE

Heather Cisar, USACE
Nicole Lehmer, CRC
Rachel Felver, AFB
Rachel Dixon, STAC
Emilie Franke, NOAA
Sara Latessa, NY DEC
Jessica Blackburn, CAC
Lucinda Power, EPA
Doreen Vetter, EPA
Kristen Saunders, UMCES
Jen Sincock, EPA
Paula Jasinski
Mary Gattis, LGAC
Ruby Brabo, LGAC
Karl Blackenship, Bay Journal
Linda Miller, EPA
Lauren Taneyhill, NOAA
Rich Batiuk, EPA

Actions and Decisions

Review of May Actions & Decisions

Action: CBP staff, Lucinda Power, will work with Jeff Sweeney to complete state-specific pie charts for 1985/2015 TN, TP and SS as discussed at the May 2016 PSC meeting. The Chesapeake Bay Commission (CBC) requested that the charts be completed in time to share with their three member states before their September 7-8, 2016 meeting.

Confirm NAS as the Recommended Independent Evaluator

Decision: PSC members voted to support recommending the National Academies of Science (NAS) as the CBP independent evaluator, pending consultation with Senator Warner and Rep. Wittman. The vote from the signatories was as follows: Yea – Virginia, Maryland, Pennsylvania, Delaware, District of Columbia, Chesapeake Bay Commission; Nay – West Virginia, New York; Abstain – EPA.

Action: PSC Chair Molly Ward agreed to meet with Sen. Warner and Rep. Wittman and/or their staff to confirm they fully understand the financial implications of selecting the NAS. If Sen. Warner and Rep. Wittman indicate any concerns with selecting the NAS, they will request that the PSC reconsider the selection.

Environmental Finance Symposium

Note: The PSC recognizes that the current draft *Environmental Finance Symposium Recommendations and Report* is based in part on the Environmental Finance Symposium held in April 25-26 2016. The PSC further recognizes that the Environmental Finance Center (EFC) also relied on published materials and solicited expert opinions received *after* the Symposium and included it in the current draft report.

Action: Once the PSC is satisfied that the EFC has addressed its comments, the PSC will consider the report final. Currently, the deadline for the final report is September 1, 2016. The EFC is expected to prepare a final report by September 1, 2016 according to the established schedule which addresses any comments received to date.

Action: Once the report is final it will be sent to the PSC to develop a recommended CBP response to deliver to the Executive Council. This advice to the EC does not have to be at a scheduled meeting.

Decision: The PSC agreed to inform the EC at its September 27, 2016 meeting that the Symposium took place and a report was prepared. The EC will be informed that the PSC is in the process of reviewing the recommendations and will advise the EC on a CBP response once the review is complete.

Action: The Environmental Finance Symposium report should be amended to reflect it is not based solely on discussions from the symposium, but that additional input and recommendations from experts is included. References to these additional sources of information should be included in the report.

EC Planning

Action: LGAC Chair Brianne Nadeau will send an email to the PSC members with LGAC's recommendations on actions the EC could take to enhance local government engagement.

Action: PSC members who wish to provide comments on the recommended LGAC actions, the current EC agenda or the themes should contact their EC Planning team members.

Action: Chair Molly Ward confirmed that the USACE will provide a briefing on their Chesapeake Bay Comprehensive Plan during the EC meeting.

Action: The Army Corp of Engineers requested that the CBP use the acronym "USACE" in all future documents.

Water Quality: Phase III WIP Expectations

Decision: In recognition of the Local Area Target Task Force and its work, the PSC recommended amending the current draft Phase III WIP Expectations document with the following to replace the existing language on p. 10 ("Key deadline)::

"The decision of whether local area targets should be included in the Phase III WIPs is currently under consideration by the Chesapeake Bay Program's Local Area Targets Task Force. Any expectations related to the use, form and scale of local area targets should be based on the recommendations of the Task Force which are due by March 2017."

Note: EPA Region 3 Administrator Shawn Garvin indicated he was not inclined to make any changes to the draft Phase III expectations document until after he has additional conversations with the Local Area Targets Task Force and the National Association of Counties.

Meeting Discussion

Welcome and Introductions – Molly Ward and Nick DiPasquale

Christophe Tulou, Senior Advisor to the Administrator for the Chesapeake Bay. Christophe was selected by EPA Administrator Gina McCarthy to fill the position previously held by Jeff Corbin. He comes to the EPA with a long history of government service including stints on Capitol Hill, as Natural Resources and Environmental Control Cabinet Secretary in Delaware, and Department of the Environment Director for the District of Columbia.

Follow up on May PSC actions and decisions

Action from May: Chesapeake Bay Program Office staff will prepare and then distribute jurisdiction-specific versions of the 1985 and 2015 nitrogen and phosphorus source sector pie charts to each of the jurisdictions.

Ann Swanson, CBC: Can the three member states of the commission have those pie charts be completed by September 7th so they can be shared?

Lucinda Power, CBC: Will follow up with Jeff Sweeney to make that happen

Action: CBP staff, Lucinda Power, will work with Jeff Sweeney to complete state-specific pie charts for 1985/2015 TN, TP and SS as discussed at the May 2016 PSC meeting. The Chesapeake Bay Commission (CBC) requested that the charts be completed in time to share with their three member states before their September 7-8 meeting.

Confirm NAS as the Recommended Independent Evaluator – Russ Baxter

Molly Ward, PSC Chair: Do Warner & Wittman understand this is going to come out of State's implementation money?

Shawn Garvin, EPA: The money can also come out of state budgets. The option we are going with right now means it will most likely come out of implementation money.

Task today is to make a final decision:

- Option 1: Confirm NAS
- Option 2: EPA Science Advisory Board (SAB)
- Option 3: Submit both and leave in the hands of the EPA Administrator.
- Option 4: Make arrangements to see Sen. Warner and Rep. Wittman and make sure everyone is on the same page.

Discussion: Which of these is preferred among the signatories?

Nick DiPasquale, EPA: It was understood by the authors of the legislation that the money would come from section 117, maybe not CBIG, but section 117.

Shawn Garvin, EPA: Congressionals have been briefed about the options. But the legislation states how the decision process needs to be made, we don't need to ask for their approval.

Carin Bisland, EPA: We shared with them the three options and the cost. They were aware that there was a cost.

Russ Baxter, VA: Should we make the recommendation of both to the administrator?

Jim Edward, EPA: When Carin met with Warner/Wittman staff, one issue they raised was that there was an appearance of the conflict of interest the SAB had.

Molly: suggested making the dual recommendation with the understanding that she would meet with Wittman and Warner and/or staff to make sure there's a clear communication because we're currently making assumptions what they do and don't understand.

Pat McDonnell, PA DEP: Is there a difference in staff time requirements between NAS and SAB?

Carin: No difference. The charge that GIT 6 proposed suggests there will be a whole lot less time during the first 180 days on the parts of the signatories. But after that it would probably be equal.

Nick: Would expect most of the burden to fall on CBPO staff rather than all on the jurisdictions.

Ben Grumbles, MDE: We spent 3 hours talking about comparing on the IE, it seemed like there was a strong consensus that a scaled down NAS approach was a good approach.

Ann: Maryland, PA, and EPA would pay more while the other jurisdictions would pay less. That money would be taken out from somewhere. What we were asking, are Warner and Wittman aware that the cost would be pushed onto the states?

Ben: That lead is different than what we've said in the past. I thought it was done that we decided the NAS?

Pat McDonnell: Agree, willing to commit to NAS

Scott Mandirola, WV DEP: Understands the appearance of conflict of interest, but as he would like to use the NAS there's no way WV would be able to come up with the money and it would have to come out of their bay grant and implementation funds. \$9k-20k a year. Questions taking money from on-the-ground implementation and instead applying it to a program review.

Molly: polled the members about going with the NAS option vs. other options (SAB) taking into consideration paying coming from the section 117 funds

Those in favor of going with NAS include Pennsylvania, Delaware, and Maryland

Those in favor with SAB include New York and West Virginia

CBC and Virginia either option but prefer NAS once confirmed by Warner/Wittman

EPA sustained from voting

Molly: VA supports the NAS option with the understanding that we will sit down with the legislatures to go over any unintended consequences so they understand where the money is coming from if we go with NAS.

Hamid Karimi, DC DOEE: My impression is that DC would get recommendations on issues like this from the PSC, it's troubling that we can't make a decision.

Decision: PSC members tentatively agreed to support recommending the National Academies of Science (NAS) as the CBP independent evaluator, pending a meeting with Senator Warner and Rep. Wittman.

Action: PSC Chair Molly Ward, CBC representative Ann Swanson and other PSC members agreed to meet with Sen. Warner and Rep. Wittman and/or their staff to confirm they fully understand the financial implications of selecting the NAS. If Sen. Warner and Rep. Wittman indicate any concerns with selecting the NAS, they will request that the PSC reconsider the selection.

Due to the large amount of comments we received, I think the idea is we come up with a process to spend time considering these options and would advise us against adopting any recommendations and that we come out with an outcome for PSC continuing engagement.

Suggest advising the EC the symposium took place and give them a brief synopsis of what happened.

Shawn Garvin, EPA: I second that approach.

Nick DiPasquale, EPA: To inform the members, we've provided a schedule in the past. The report was intended to be wrapped up before the EC meeting. The report would be finalized before the EC meeting, but now it will be shown to the EC and the EC will charge the PSC?

Molly Ward, PSC Chair: There was a lot in the report that wasn't a consensus among those that attended.

Nick: I think there may be a perception on some that this is *our* report. It was stated that the EFC would be pulling from a variety of different sources and experts. Everything in the report and recommendation wouldn't come exclusively from the symposium. There may have been recommendations in there that members may not have seen because they came from those variety of sources. The report itself was intended to be an objective report. From there, the EC could refer it back to the PSC to determine which recommendations they felt were appropriate to act on. Just trying to set the stage how that report was developed.

Shawn: If that's what this report is intending to do, that's not what I get from the report. I get that this report is a report out from the symposium and not a larger effort from the EFC. The title even suggests that the report is from the Symposium

Ben grumbles, MDE: It's important for this document to be shared with the EC but not as a recommendation from the PSC but as a work product of an activity. The public should see it as well but not without a review. If it's not presented to the EC as anything, what would the status of this become? I want to make sure that our jurisdiction sees the extensive amount of work that went into it but we don't explicitly support all the recommendations.

Molly: If we present it to the EC we should do it with our advice and recommendations. We can present it to the EC not in a meeting.

Ann: We could receive the report and edit the report to make sure the report does not make it sound its exclusive to the summit. Then in October review it further.

Charlie Stek, CAC: Was reading some of the comments, a lot begin with a "we" who is the "we" coming from?

Nick: The "we" is the EFC

Charlie: There are really two reports involved here. One from the symposium and one from the EFC. Separating these 2 out and submit to the EC the symposium report and then have the EFC report be submitted separately.

Nick: During the symposium it was made clear that the EFC would be seeking out further information from experts in the field.

Ruby Brabo, LGAC: agree with Shawn and Molly that this report go to the EC was going to be the findings from the event itself.

Nick: I think that the EFC could get the report done by the EC meeting but if you want more time to review, it will change what was anticipated in the flow of this document.

Brianne Nadeau, LGAC: Looking at the resolution that charged us with doing the EFS, it doesn't say anything in the resolution all this other additional information would be added.

Nick: The resolution was brief, it was articulated in the steering and planning committees and articulated by Dan Nees at the EFS. It was definitely stated in advance how the report would be put together. It was intentional to have experts in the field make recommendations but how we dealt with those recommendations would be up to the partnership to decide.

Ann: We take the suggestions that came in from the groups and make it clear that this is a report that was done to combine expert information and information that came out of the symposium.

Jim Edward, EPA: Important to point out that the EFC is a grantee and are not contractors. We can't direct them; it is their report.

Molly: I'm not prepared to advise my governor. We can give them the status of the report. The symposium took place, a report was drafted and we're going through it

Shawn: We should report out to the EC that the symposium took place, a report came out of it, we as a PSC will follow up with the recommendations. Clearly it can't be something that's shelved but I don't want to force it if we're not ready to go with the EC.

Brianne: Concur with Shawn

Marel King, CBC: If there are in fact other outside information, that needs to be cited. The sources can't just be cited as the attendance of the symposium.

Molly: is everyone okay with the approach Shawn said?

Until the report is final it won't be shared. Report out on the symposium but don't exchange documents. The PSC is not going to try to have a final document for the EC meeting, the PSC will continue to review and comment/edit the document until it's in a form that everybody is satisfied with. Once it's in the final form, the PSC will review it and make recommendations on it and which recommendations they can make to the EC. Will clarify where the recommendations came from

Russ Baxter, VA: wouldn't we want to get their final version so we know what we're dealing with?

Nick: we can have a final document ready by the deadline previously set September 1.

We don't have to wait until the next EC meeting to provide feedback on this document.

Nick: EFC would shoot to finalize the report by September 1st. the report to the EC would be that the symposium took place, the report was prepared, the PSC is in the process of reviewing it and will make final recommendation.

Brianne: who is reviewing it at the Bay program?

Jim: it has the B&F WG responsible.

Note: The PSC recognizes that the current draft *Environmental Finance Symposium Recommendations and Report* is based on the Environmental Finance Symposium held in April 25-26 2016. The PSC further recognizes that the Environmental Finance Center (EFC) solicited expert opinions received *after* the Symposium and included it in the current draft report.

Action: Once the PSC is satisfied that the EFC has addressed its comments, the PSC will consider the report final. Currently, the deadline for the final report is September 1, 2016.

Action: Once the report is final it will be sent to the PSC to develop a recommended CBP response to deliver to the Executive Council. This advice to the EC does not have to be at a scheduled meeting.

Decision: The PSC agreed to inform the EC at its September 27, 2016 meeting that the Symposium took place and a report was prepared. The EC will be informed that the PSC is in the process of reviewing the recommendations and will advise the EC on a CBP response once the review is complete.

Action: The Environmental Finance Symposium report should be renamed to reflect it is not based solely on discussions from the symposium, but that additional input and recommendations from experts is included.

Local Government Engagement Initiative – Brianne Nadeau

As directed by the PSC its last meeting, LGAC convened internal and external partners on June 22 for a strategic discussion about coordinating communication with local governments around the Midpoint Assessment and Phase III WIPs. Participants included representatives from EPA Region 3, the Chesapeake Bay Program Office, Maryland, Virginia, Pennsylvania, funders, NGOs and private sector subject matter experts.

The group agreed to continue working together over the next six months to develop a recommendation for CBP consideration. There are three phases to their work:

- Find a common agenda. They need everyone to understand the desired outcome (*to enhance engagement of local governments in development and implementation of the Phase III WIPs*). The local partners are the key partners.
- Agrees to a joint approach to achieving the outcome;
- Everyone should understand their roles and responsibilities in the initiative.

Drafting a common agenda will help clarify how the work of this collaborative differs from other efforts such as that of the Local Leadership Workgroup, which is more broadly focused on the Local Leadership Outcome, or the work of the Communications office, which is responsible for communicating with a much broader audience than just local governments.

By the middle of October, they will have:

- A catalogue of current and planned communications and outreach/engagement efforts
- Draft Key Messages
- A draft road map with a timeline
- A 1 to 2 page overview document for local elected officials and senior staff
- A list of additional communications tools and strategies that will be needed by your staff and other key messengers, such as state associations of municipalities. This may include fact sheets, graphics, media outreach, opinion pieces, social media
- Estimated costs of providing these tools and resources

Finally, in October we shift to providing technical assistance to support implementation of individual and collective communications efforts.

Hope to have the support of the PSC to get this going.

Executive Council Planning – Carin Bisland

Date set for Tuesday September 27th

Theme: recognize our successes.

Private lunch will take place from 11:30-12:45 with the EC members +1 and advisory committee chairs. Public lunch during the 11:30-12:45 private lunch will include posters showing resiliency or high achievements.

Public meeting will begin at 12:45 and adjourn at 2.

Initial draft of the meeting agenda is being developed by the EC planning team.

Is everyone on board with what the EC planning is going?

Brianne Nadeau, LGAC: LGAC consulted with 7 jurisdictions, at minimum the EC should condemn LGAC for meeting local implementation successes. Other specific acts, having executives appear in public service announcements. Ask the EC to direct the PSC to direct steps to increase funds available for local.

Col. Ed Chambarlayne, USACE Baltimore: If the EC planning team decides to have a short presentation on the CB Comprehensive Plan then we will try to arrange the General Graham to present the short overview. Please also change the acronym to "USACE"

Action: LGAC Chair Brianne Nadeau will send an email to the PSC members with LGAC's recommendations on actions the EC could take to enhance local government engagement.

Action: PSC members who wish to provide comments on the recommended LGAC actions, the current EC agenda or the themes should contact their EC Planning team members.

Action: Chair Molly Ward confirmed that the USACE will provide a briefing on their Chesapeake Bay Comprehensive Plan during the EC meeting.

Action: The Army Corp of Engineers requested that the CBP use the acronym "USACE" in all future documents.

Water Quality: Phase III WIP Expectation – Shawn Garvin and Rich Batiuk

This is a draft and looking for feedback. One issue that seems to have gotten more attention than others is the local area targets. Had a conversation with Brianne and Ruby and discussed a revised language to make it more clear.

We can rename the local area targets if needed.

Focuses on having smaller break downs, still focusing on the appropriate sectors but as we talked about in phase 2 work with smaller segments to add the math up.

Rich Batiuk gave a brief explanation of the timeline

Brianne Nadeau, LGAC: as Shawn pointed out, there has been some concern about the draft. LGAC was invited to have three members on the local area targets. That task force is charged with making recommendations and should Phase 3 include local area targets. The document conflicts with the task force. It makes the job with communicating with local governments more difficult. Suggest that this concern be addressed in the next draft of the expectation document.

Ann Swanson, CBC: It should be very clear in terms of communicating EPAs recommendation on local area targets. What we suggested was that some revised language be used. The PSC actions and decisions document should reflect that change and include the following language: "The decision of whether Local Area Targets should be included in the Phase III WIPs is currently under consideration by the Chesapeake Bay Program's Local Area Targets Task Force. Any expectations related to the use, form and scale of local area targets will be based on the recommendations of the Task Force which are due by March 2017"

Shawn: Not looking to make language changes until we have a conversation. This is EPAs recommendation.

Brianne: Concur with Ann's suggestion. EPA undermines the trust of the task force.

Shawn: Want to have the conversation with the Task force before any further changes are made to the language.

Molly: Agree with what Shawn says but we think the language needs significant edits. Comfortable with the PSC taking a position with what Brianne and Ann said with the understanding that the language can't be changed.

Shawn: a revised draft will go out before a final version.

Ruby Brabo, LGAC: Looking for the task force to be allowed to complete its charge and the language Ann proposed fits in.

Molly: Are members of the PSC okay with the language that Ann Swanson proposed?

All agreed with the proposed language

Ann: Last question, the expectations document talks about how the jurisdictions need to provide a strategy how they will engage their partners. We thought it would be better to have the federal agencies and facilities in a separate section.

Jim Edward, EPA: We've received that comment from others and are taking it under consideration.

Decision: In the spirit of allowing the Local Area Target Task Force to complete its work, the PSC recommended amending the Phase III WIP Expectations letter to include the following language:

"The decision of whether local area targets should be included in the Phase III WIPs is currently under consideration by the Chesapeake Bay Program's Local Area Targets Task Force. Any expectations related to the use, form and scale of local area targets will be based on the recommendations of the Task Force which are due by March 2017."

Note: EPA Region 3 Administrator Shawn Garvin indicated he was not inclined to make any changes to the letter until after he has additional conversations with the Local Area Targets Task Force and the National Association of Counties.

Concluding remarks, review of decisions, next meeting – Molly Ward

The next meeting will be a conference call on September 19th to review the current EC agenda and go over any last minute items. The PSC will meet in-person on October 26th for a full day meeting in Gettysburg, PA.