

Renee Reber, Chesapeake Bay Foundation
Grant Gulibon, Pennsylvania Farm Bureau
John Nikoloff, ERG Partners

Welcome and Introductions

Deputy Secretary Aunkst opened the meeting at 1:00 pm. Those in the room and attending via webinar introduced themselves.

Approval of April 3 Meeting Minutes

Secretary Redding made the motion to approve the draft meeting minutes for the April 3, 2017 meeting. Karl Brown seconded the motion. Motion passed unanimously.

Public Participation/Communications Strategy

Deb Klenotic, DEP Deputy Director of the Communications Office, provided an overview of the Communications Strategy. She emphasized that the plan is iterative and can be amended and revised as needed. The plan is detailed by month. The foundation of the plan is for local engagement and to create on the ground support for the Phase 3 WIP. She drew from the experience of those who were involved in the development of the Phase 1 and Phase 2 WIPs within the Bay Program Communications Workgroup of the Bay Program Partnership. In addition to the detailed Communications Strategy provided to the Steering Committee members, a one-page summary was handed to everyone in attendance.

In the one-page summary, the goal for the strategy is to expand local awareness of the economic and environmental benefits of healthy local waterways. The target audience includes the general public, local government, farmers, business leaders, community organizations, schools and others. The strategy is a combination of events such as the Listening and Kick-Off session scheduled for June 5, the development of outreach tools such as a video highlighting partners' successes and expanding the capability and use of DEP's website as a storytelling tool. The strategy will be coordinated with the communications offices of the Departments of Agriculture and Conservation and Natural Resources.

Dana Aunkst added that we have a lot of work still to do. It will be critical but difficult to generate local interest, since those who we need to engage are not close to the Chesapeake Bay. We need to extract the benefit from local improvement, by addressing local stream impairment. The approach this time will need to be a bottom up approach, rather than top down like what was done under Phase 1 and 2.

Secretary Redding added that we have made progress over the years. What we want to achieve has to be put into context: (1) Why are we doing this? (2) What is the progress we have achieved so far, and (3) What do we have yet to do? Relative to these three topics, (1) what needs told; (2) by whom; and (3) why needs to be part of the message as we move forward.

Secretary Dunn believes that what the Department of Conservation and Natural Resources is a good example of how this can work. A lot of their initiatives are very grassroot oriented, motivated at the local level to protect.

Brion Johnson made the motion to accept the Communications Strategy as a basis for future communications and outreach efforts. Secretary Redding seconded. Motion passed unanimously.

June 5 Phase 3 WIP Kickoff and Listening Session

Dr. Frank Dukes, Institute for Environmental Negotiation, University of Virginia provided an overview of the proposed agenda for the June 5, 2017 Phase 3 WIP Kickoff and Listening Session. Dr. Dukes is under contract with the US Environmental Protection Agency, Chesapeake Bay Program Office. In the proposed open space concept, participants have an opportunity to be part of the planning process to define the agenda and discussion topics for the day. At the beginning of the day, participants define the topics to be discussed during the three breakout sessions that follow. Participants can either take on the role of leading a discussion group around a specific topic they suggest or moving from group to group to participate in one or more discussions about a topic of interest to them. Online registration for the conference will begin once the Steering Committee approves the agenda with a proposed deadline of May 24. Questions and comments from the group:

1. Is this a facilitated discussion, or are ideas just put up on the wall?
Answer: The format provides an opportunity to ensure ideas with specific focus are identified.
2. How will we make sure this session is not duplicative of the Pennsylvania in the Balance Initiative?
Answer: This is up to the participants. The final report from this initiative could be brought along if participants thought it would be helpful.
3. Have other states done this?
Answer: As far as those states in the Chesapeake Bay Watershed, we don't think so, at least not to this scale, or for the development of the WIP.
4. Do the leaders of the discussion groups become part of the workgroups?
Answer: Not necessarily. However, all the input received will be compiled and referred back to one or more workgroup for consideration and incorporation into the Phase 3 WIP.
5. Concern was expressed that this process could be manipulative, that ideas could be assigned with no ownership, that obligations defined for others beside the participants themselves.
Answer: This is not possible. The person suggesting the topic has to lead the discussion and solicit the input around that topic.
6. Need to make sure the idea of ownership is there. Participants need to be prepared to identify what they as individuals are going to bring to the discussion.
7. Need to think about forcing thinking across sectors, steering discussion towards multi-sector initiatives and innovative thinking.
8. This input will build a body of suggestions that can be a starting point. We can't assume what needs to be in the Phase 3 WIP. This is the first starting point for soliciting that input.

Brion Johnson made the motion to approve the proposed agenda for the June 5 Phase 3 WIP Kickoff and Listening Session. Karl Brown seconded. John Bell opposed the motion because he doesn't know

enough about the concept, nor did he feel comfortable with the process. The rest of the steering committee members voted to approve the agenda. All members were encouraged to circulate the announcement of the event to their contacts. The one-day event will also be followed by a 30-day written comment period for those who either could not attend or want to follow through with additional comments in writing.

PA-specific EPA Expectations

David McGuigan and Suzanne Trevena from EPA Region 3 provided an overview of the newly released Pennsylvania specific Expectations Document. This document identifies specific items that must be in Pennsylvania's Phase 3 WIP for EPA approval and acceptance. Key components include:

1. Engagement of stakeholders to develop a plan that is implementable. For example, the process the state went through to identify how the wastewater sector would achieve their share of the necessary nutrient reductions was cited as a clear success story. Through this effort, a level of effort was defined that was achievable, with a schedule and an identification of the necessary tools to achieve the reductions.
2. Clearly articulated goals with means to implement them and tools identified to ensure regulation for the agriculture and stormwater sectors. These sectors in Phase 1 and 2 had reduction numbers without an identification of the tools and the means to achieve the identified reduction goals. In Phase 3, the plan has to look at more than the numbers. Clear identification of what needs to be accomplished and by whom needs to be included. A description of how these stakeholders are engaged in the process will also be needed. EPA will also be looking for descriptions of existing and needed regulatory policies to implement the WIP.
3. A systematic targeted approach with identified priority practices and/or watersheds.
4. Identification of the needed technical, administrative and financial resources and the mechanism(s) for providing those resources; including a dedicated funding source.

These Pennsylvania specific expectations are additional expectations above and beyond the Interim Expectations published by EPA in January 2017 that cover the entire Chesapeake Bay. EPA went on to emphasize that this should be viewed as a shared responsibility, that they want to work together to ensure the resources needed to implement the program are identified and created in order for Pennsylvania to succeed. However, the document does also list possible actions EPA can take if the state fails to move forward in a positive manner.

Dana Aunkst emphasized the importance of EPA recognizing that Pennsylvania has its own unique challenges, that we are not like the other states in the Chesapeake Bay watershed. We need the flexibility to identify what will work for us and develop our own list of programmatic elements to implement the Phase 3 WIP. The EPA Expectations document has a very prescriptive list that may, or may not, work for the state. If, through this process, a list of alternative elements is identified we need to know that EPA will accept our alternatives. Mr. McGuigan responded that as long as we can show that the plan is implementable that would be acceptable to EPA. He also reminded everyone that Pennsylvania has had laws on the books since 1972, without compliance. A cultural change towards compliance with those regulations is necessary. The wastewater treatment systems succeeded because of accountability, the same level of accountability is needed for the rest of our regulations. There are certain fundamentals that will need to be addressed.

Secretary Dunn emphasized the key role of funding. We are now facing the loss of federal funding support for this program. State monies are tight, where extra money proposed by the Governor was deleted by our state House. The issue of how we accomplish our goals without guaranteed public funding needs to be addressed. Not everything has to be done should be funded with state or federal public funding. We need to find ways to incentivize compliance.

John Brosious added that we can't lose focus on what the goal is. We need tighter focus on where and how we achieve the necessary numeric reductions. These numeric reductions drive everything and we can't lose focus by talking about other things than what is needed to achieve these reductions. The sectors haven't done what needs to be done and they need to be held accountable.

Secretary Redding expressed concerns over how specific and prescriptive the expectations were. This makes it harder to get the necessary outreach done. This can't be done by one individual sector, there needs to be cross-sector conversation. We all need to have an open mind for a collaborative thoughtful discussion, starting with the open space concept at the Kickoff and Listening Session. Some in the agricultural community are getting it done, achieving compliance and more, while others need to step up. This is not just about 2025, this is about 2050 and the partnerships that can be sustained through time.

John Bell emphasized that it has taken time for the agricultural sector to understand what is required. This is a culmination of an approach taken where the agricultural sector has been asked to achieve results without clear direction. To succeed, there needs to be clear direction with a local focus and targeting. We need to get the biggest bang for the buck, locally and get the necessary people involved to take ownership. With a change towards a culture of compliance must also come an increase in the understanding of the difficulty to accomplish compliance. Technical assistance is wonderful, but the agricultural community also has to pay their bills.

Marel King added there needs to be a balance between local planning and targeting and the bigger sector requirements for compliance. We have to operationalize at the local level, while considering these bigger, larger sector goals.

John Brosious added that perhaps we should target efforts for four to five years in four to five counties in southcentral Pennsylvania and let some of the rest of the watershed slide. Dana Aunkst responded to this concept that we can focus activities, but not compliance. John Bell cited the wastewater treatment plant process as a positive example of selective engagement where the focus was on the larger systems.

David McGuigan concluded the conversation with a request as to how could EPA be helpful. EPA would like to become an "ex officio" member, a technical expert to serve as a sounding board, at least for the agriculture and stormwater workgroups. Felicia Dell responded that we certainly would like input all along the process. John Brosious also responded that he never thought there was ever an attempt, now or in the past, to exclude EPA. (Compiler's Note: EPA has now been added to the Co-Chair Workgroup as a technical advisor. There is one representative from the Region 3 Office and one from the Chesapeake Bay Program Office in Annapolis. This group is comprised of all the co-chairs of each workgroup. The purpose of this group is to coordinate activities across workgroups, ensure communication across workgroups and address issues that impact more than one workgroup. They plan on meeting as needed, but probably on a monthly basis.)

Finalization of Game Plan for Success and Schedule

Nicki Kasi provided an overview of the revised Game Plan for Success and the proposed schedule for implementation. The revised document is a combination of the two documents provided to the Steering Committee at the April 3 meeting and identifies the ground rules for both the steering committee and the workgroups, the mission for the steering committee, lists the members of the steering committee and the co-chairs for the workgroups and the proposed outline for the Phase 3 WIP. The schedule for implementation is based on the Mid-point Assessment of the Total Maximum Daily Load now being done by the Chesapeake Bay Program Partnership.

John Brosious moved to approve the Game Plan. Brion Johnson seconded. Plan was unanimously approved.

Public Comment

Mary Gattis, Chesapeake Bay Local Government Advisory Committee (LGAC) liaison, wanted to offer their input, help and support on behalf on Ann Simonetti, Pennsylvania's chair to LGAC.

Future meetings need to avoid legislative session days.

Brion Johnson moved to adjourn. Matt Royer second. Meeting adjourned at 3:30 pm.