

Meeting Minutes

Meeting Attendees: Kelly Anderson (PWD), Haley Burns (PDE), Elizabeth Butler (EPA2), Kim Cole (DNREC), Karen Forst (PDE), Kathy Klein (PDE), Lynette Lurig (NJDEP), Megan Mackey (EPA3), Catherine Magliocchetti (EPA3), Kristina Peacock-Jones (PADEP), Rachael Phillos (DNREC), Irene Purdy (EPA2)

Welcome

- The call began at 10 a.m. Kathy Klein welcomed everyone and shared that Karen Forst, PDE's Grants Manager, would be attending the meeting since she is very involved in pulling together the information for the work plan and grant submission.
- Kathy also shared that the Philadelphia Inquirer ran an article announcing the projects that PA DEP selected to fund through their Coastal Zone Program. PDE was awarded two grants: one to support the Delaware River Festival, which will help them continue to engage Chester, and one to fund freshwater mussel education work.

DELEP Draft Agreement

- Kathy said that we are waiting on approval of final edits to the Agreement from one partner organization; once that has been received, the final version along with a signature page will be sent out to each partner.
- Lynette Lurig shared that it is NJ DEP that has not yet responded. Director Andrews hopes to hear back from their legal team by the end of the week, and Lynette will keep Kathy and Haley updated when there is movement on the Agreement. She said that the agency's massive reorganization has held things up, and that there is all new management primarily made up of folks that have never dealt with estuary programs. Lynette also said, however, that NJ DEP is now housing all three estuary programs in one place, which will hopefully be a positive and present opportunities once the initial hurdles are overcome.
 - Kathy asked whether it would be helpful to schedule a DELEP 101 presentation with NJDEP management, and Lynette said that it would be helpful but that we should hold off until things settle down and a decision's been made in re: to who would be the permanent DELEP representatives. Liz Butler suggested that both Vince Mazzei and Anika Andrews be included, potentially with representatives of all three estuary programs. She also offered to work with Kathy and Lynette on this presentation when the time is right.

U.S. Fish and Wildlife Service (USFWS) Steering Committee Exploration

- At the last Steering Committee (SC) meeting, the SC agreed to invite USFWS to become a member of the DELEP SC if they were interested and willing to make the commitment of active engagement. Since the last EIC call, Kathy spoke with Eric Schrading, Director of the Delaware Bay Office of USFWS, about to whom it may be best to extend the invitation and have the conversation about involvement.
- Wendi Weber is the Regional Director for the Northeast Region and has been involved with the Delaware River Basin Restoration Program (DRBRP). Sharon Marino is the Assistant Regional Director under Wendi Weber, and Spencer Simon serves as Deputy Assistant Regional Director.
- Since Wendi's responsibilities cover such a large region, Maine to Virginia, her availability might be limited, but Kathy said that she thinks the conversation should start at her level. Kathy asked for the

EIC's thoughts on this, as well as who should initiate the conversation, as Cathy Libertz had offered to assist with this if desired.

- Kim Cole agreed that discussion should begin with Wendi, and said that Wendi does participate in things happening within our region. She suggested that if Cathy Libertz wants to make the introduction that'd be great, or she and Kathy Klein could do it together, but Kim doesn't think that it would be necessary to wait, so Kathy could reach out alone if needed.
- Kathy will reach out to Cathy Libertz to see if she wants to be involved.

FY23 Work Plan & Priorities – BIL and Base Funding

- Before the holidays, EPA Region 3 organized a meeting of estuary programs in their region. Kathy said that it was a good discussion that focused on ideas for how the Bipartisan Infrastructure Law (BIL) funding could be used to further CCMP implementation.
- Kathy asked Megan Mackey if she had any updates on the BIL funding. Megan said that there was not any new finite information at this time, but she is part of a workgroup in HQ that is drafting that funding guidance for NEPs based on some of the assumptions they have. Megan reported that the goal is to have guidance by as early as mid-January, with the hope that funding would come in as early as mid-February to mid-March. The funding will first go to EPA before being awarded to individual programs. It is not yet clear whether this funding would go on the same grant with the 320 funding. Since this funding may have different terms and conditions, it could need to be a separate grant and award. For example, the Association of National Estuary Programs (ANEP) has asked the administrator to alleviate the 1:1 match requirement, which would be distinct from baseline Section 320 funding. Megan said that they are drafting the guidance as if there is no match requirement, so they are hopeful that that will be the case.
- Kathy said that she has been thinking about how we can strategically look at this funding so we can ultimately tell a story about how we are using it to advance CCMP implementation. Based on this thinking, PDE created a suggested framework that Haley shared with the EIC.
 - It is structured first within the main themes of the CCMP, plus a fourth category: capacity building. Below each theme are the main strategy areas. There are then rows for year 1 projects and budgeted amounts, followed by the same for years 2-5, since many initiatives considered for funding could be multi-year projects. An example of this would be a Living Shoreline (LS) project that PDE has been working on with Camden County Municipal Utilities Authority.
 - Kathy said that PDE has internally started to populate this spreadsheet with some ideas, mostly focusing on year 1. The majority of these projects are already in the pipeline so would not require as much start-up time.
 - Kathy had a conversation with Steve Tambini about the CCMP strategies (like Sustaining Flow for Drinking Water and Ecosystems and Reducing Other Pollutants) that are more in the realm of work that DRBC does. Steve will be working with his staff to think about projects they could work on in year 1 and in years 2-5.
- Karen said that this spreadsheet template was also shared with PDE's Grants team, and that this is helping them organize some of their forward-looking planning in that department as well. She reiterated that some of the projects PDE would like to propose are ready for implementation in year 1 while some are in a stage where extra funding for next level planning will prepare them for implementation in year 2.
- Karen noted that PDE staff is also looking at opportunities to include other partners. The goal is to show that we have used this funding for the benefit of CCMP implementation within PDE and with partners who might be better suited to address some particular priorities, as well as across all three states and the Estuary as a whole.
- Karen and Kathy asked for the EIC's feedback on how they have proposed thinking about the BIL funding, and the methodology for spending the money.
 - Irene Purdy said that she likes the format; it is visually easy to distinguish what is going on.

- Kim Cole also said that she likes the approach and that there is a focus on making sure projects are happening across the entire region. She suggested including on the spreadsheet an area to identify where each project is taking place.
- Kathy added that, originally, this sheet had columns for climate change and environmental justice. These are priorities that are being taken into consideration for all of PDE's work, so we will need to find a way to note which projects are specifically touching on one or both of these goals. Megan Mackey agreed that this was a good approach since most items could fit into one of those realms.
- PDE will continue to populate this sheet, and DRBC will be getting ideas together as well. If any other EIC members have something that that you'd like to do within your agency that should be considered for inclusion in the plan for BIL funding, these can be added as well. Haley will email everyone a copy of this template along with a deadline by which to return project ideas. We will go over all of the inclusions during the EIC Work Plan call on January 27th.

PDE Strategic Plan Update and Management Conference Discussion

- Kathy shared that a great deal of progress was made over the past month on the new PDE strategic plan. A final draft will be shared with PDE staff one more time before it is distributed to the EIC, SC, the strategic planning steering committee, and PDE's Board of Directors (BOD). The goal is to have the Plan completed and presented for approval at the February 27th BOD meeting.
- While updating the background information portion of the strategic plan, Kate Hutelmyer included a section on the DELEP Management Conference (MC). The way it was defined raised some questions about what or who is considered to be included in DELEP's MC.
 - Haley shared on the screen a DELEP FAQ document from 2017, which she had been emailed out to the EIC the day prior, which includes descriptions and an org chart regarding MC involvement. Kathy said that how the PDE BOD was referenced, in particular, stood out to her, and she asked for the EIC's input as to whether this was how we want to continue to represent the MC. While this visual in the document names the BOD and not PDE, Kathy noted that we have been using a different visual, included in the CCMP, which identifies PDE rather than Board, so there seems to be some inconsistency.
 - Megan Mackey provided some background on how EPA guidance defines MC membership requirements under Section 320. At a minimum it must include administrators/regional administrators, representatives from each state, agencies or local government with jurisdiction in the program area, representatives from affected industries, educational institutions, and the general public. Megan said she will send the related guidance and definition to Kathy and Haley.
 - Kim said that she thinks that the chart in the FAQ document and how it represents Board involvement makes sense, but wants to see what is in the CCMP. She mentioned that the Board and EIC working together allows DELEP to function.
 - Megan echoed Kim's point and said that these MC descriptions only speak to the Board's roles pertaining to DELEP, not other PDE operations. She also expressed support for working toward one consistent graphic.
 - Kathy identified the graphic on page 5 of the CCMP as what has been used recently, and said that we will touch base on this matter again in the future.

Spring NEP Meeting

- Kathy asked Haley to send out an email with information regarding the spring NEP meeting, since she was not sure if everyone had seen it. This is the meeting in St. Petersburg, FL, that was originally scheduled for the fall but was postponed until February.
- Kim Cole said that she appreciates receiving those kinds of updates about NEP meetings and similar events, as they do not usually get those notices and it is good to know what is going on especially as it relates to the things we are all working on.

Geographic Program Update

- Kathy shared that PDE and DRBC are working together to draft a bill to present to Senator Carper's Environment and Public Works Committee. They have initiated conversations with his staff so they know we will be sending them something.
- This is legislation, if passed, would appropriate additional funding to implement the CCMP, similar to what several of the other NEPs have successfully done.
- In early December, Kathy met with Rich Inness, ANEP's government affairs official, who thinks that the timing is right to try and make this happen.
- Kathy then had another meeting with Rich, Steve Tambini, and Collin O'Mara. Collin is very connected to the DE delegation, and was a strong force behind getting the Delaware River Basin Conservation Act (DRBCA) passed, so Kathy thought it would be beneficial to have him engaged in this discussion. Kathy also noted that this new legislation is intended to complement rather than competes with the DRBCA, and Collin sees it in that way as well. He has expressed support for this legislation and having him as an advocate is encouraging.
- Kim Cole asked that the draft language once completed be shared with the EIC so they can share with their SC members to be sure everyone is aware of this proposed legislation.
- Kathy said that they were told they need to have something to the EPW Committee staff by the end of the month.

Partner Updates

- Kathy invited anyone to share what they are working on connected to the Estuary Program and what they are hearing about the clean water infrastructure money.
- Kelly Anderson said that PWD does not have grant writers and hired consultants to help support grant-writing services. She said that they are actively applying for two grants looking at risk and resiliency planning. They have submitted two grants to PEMA and FEMA.
- Kim provided an update on what they have heard about infrastructure funding coming to the states through NOAA for the Coastal Management Programs (CMP) and Research Reserves. Kim said they had hoped funding would be divided up and sent directly to the states, but they have been informed it will be awarded competitively. Each CMP and Research Reserve can submit proposals for 3 projects each year. There may be a little money that could be used for capacity-building.
- Kristina Peacock-Jones said that PA is in the same situation that Kim described for DE: they don't have any details, but need to submit items for the internal review soon.
- Kathy mentioned that there is supposed to be additional State Revolving Fund (SRF) money as well, although it is also unclear what strings might be attached. Megan confirmed there will be a bump in SRF funding through BIL, and that guidance is also still in development at EPA.

Hatchery Update

- Kathy shared that PDE finally received a draft lease from the City of Philadelphia. PDE submitted comments and the City responded with the item that are non-negotiables; this information is now with PDE's attorneys. In addition to the lease, there will need to be an Equal Opportunities Plan (EOP) and an operating agreement with Bartram's Garden.
- Once there is an agreed upon draft lease, it will be submitted to PENNVEST for review. PDE will have one year to raise the money to break ground. The lease will not go into effect until enough money has been raised to construct the building. PDE must also show it has funds in reserve to maintain the building for the first few years.
- Currently, there is a \$1.5-2M gap in funding for the structure. Kathy said that most capital campaigns rely on high-wealth donors, but PDE does not have that kind of support, and has been advised that the best chance for raising the necessary funding is through private and public corporations, foundations, and additional federal funding. Karen noted that PDE will be approaching new foundations as well going after competitive grants.
- Kathy asked Kristina to please be on the lookout for any BIL funding that comes to PA (non-PENNVEST) that might be applicable for cost of construction to help close the gap.

ACTION ITEMS:

- Once the last outstanding Agreement approval has been received, Haley will send out the final version of the DELEP Agreement along with the signature page to each partner.
- Haley will email everyone a copy of the DELEP BIL Planning template. If DELEP partners want to add projects to be considered, this information should be returned by January 20th. (Email with template sent January 6th.)
- Megan Mackey will send PDE the information and EPA guidance pertaining to the Management Conference definition and discussion.
- The draft Geographic Program bill will be shared with EIC members once it has been completed.

Important Dates:

- EIC FY23 Work Plan Call: Thursday, January 27th, 10a.m. – 12p.m.
- Next monthly EIC meeting: Thursday, February 3rd, 10a.m. – 12p.m.