

Estuary Implementation Committee BIL Planning Call

Thursday, February 17, 2022

Virtual Meeting via Zoom

10am-Noon

Notes

Meeting Attendees: Kelly Anderson (PWD), Haley Burns (PDE), Elizabeth Butler (EPA2), Karen Forst (PDE), Kathy Klein (PDE), Danielle Kreeger (PDE), Megan Mackey (EPA3), Kristina Peacock-Jones (PADEP), Rachael Phillos (DNREC), Chad Pindar (DRBC), Irene Purdy (EPA2)

Welcome/Introduction

- The focus of this meeting was BIL funding, specifically the project/funding needs priority rankings and the BIL Work Plan outline that will be sent to the Steering Committee (SC) for their approval.
- Kathy Klein said that yesterday she was on an ANEP government affairs call, where she heard that BIL funding has moved to EPA, who is now working with OMB on definitions and other details. She also noted that different regions were hearing and sharing different information; she will forward to the EIC what different regions were saying.
 - Megan Mackey confirmed that EPA does have the money, and said that it is with the regions in some areas. The funding cannot be given out until folks know how to apply or what to do with it.

Project Questions Raised

- The list of ranked projects/funding needs was shared on the screen. Since several questions were raised by partners during the prioritization process, these were addressed first.
- For Projects #3, 4 & 5 (*Enhanced Monitoring for Nutrients incl. tributaries; Enhance the Estuary Eutrophication Model; Enhanced Monitoring for Toxics and Emerging Contaminants including tribs.*), it was asked: "Is this regulatory related? Not sure if NEP funds can be used for regulatory purposes"
 - Chad Pindar explained that everything that DRBC submitted was taken directly out of the CCMP, and that everything in the CCMP is non-regulatory. While not directly regulatory at the stage of these projects, everything that is done or discovered could eventually be used in the regulatory process.
- For Projects #3 and 4 (*Enhanced Monitoring for Nutrients incl. tributaries; Enhance the Estuary Eutrophication Model*), there was the following question: "How does this align with DRBC Resolution 2017-04?
 - Chad said that the work pertaining to 2017-04 will be done, and these projects essentially represent the next generation in terms of understanding infrequent loadings to the Estuary; they are trying to figure out what the contribution of larger tributaries is to nutrient loading.
- For Project #4 *Enhance the Estuary Eutrophication Model*, there was a request for the inclusion of living resources in the model.
 - DRBC was wondering what was meant by this, if it is a food web? Chad said the model is currently photosynthesis-driven from a producer point.
 - Danielle Kreeger said she has raised similar questions about living resources and the Eutrophication Model in the past. She said the model is looking at the production of nutrients and how they flow into phytoplankton, and thinks the next gen is to put in other ancillary controls, or buffering of that model by habitants.
 - Chad said that this enhancement would not address the food web dynamic/habitat buffering but that those might be ideas for beyond year 1.

- For Project #2 *Evaluation of Funding Sources / Mechanisms for Estuary WWTP Improvements for D.O. Increases* there was a comment about there being many other organizations working on something similar. Kathy said that this was her comment and she would be happy to tie DRBC in to the discussions taking place so they can tap into some of those related efforts. Knowing where the money is just part of the process; applying for and managing the money and requirements that accompany it is also important and come with their own challenges.

BIL Priority Rankings Discussion

- Kathy said that there were a few things she wanted to discuss with everyone regarding some of the items that did not make it high enough on the priority list to fit within the \$915k (assuming everything else from the top of the list adding up to that amount was doable in terms of time and guidance).
 - Project #25 *Communications Support*: without getting any funding for communications we will not be able to do a lot of the things that we have been asked to do in terms of publicizing these activities.
 - Project #22 *Accounting Software*: Kathy said that this is a huge need for PDE right now. We are using QuickBooks which cannot handle the number of projects currently undertaken, let alone anticipated additional work. This was not a priority of a lot of partners, but we need to find a way to fund this, and another option may possibly be through base funding, only if there is a bump in the base amount. There isn't room to cut anything in the current base funding.
- Danielle added that in internal discussions at PDE, a question was raised as to whether the rankings reflect the level of technical rather than community engagement expertise and involvement from members on the EIC. If a broader array of folks were included in this process, would the rankings have been any different?
- Rachael Phillos said that all of this is based on the CCMP and pulling big projects directly from that, so while we've created the list we still do not have actual funding guidance. She asked for confirmation that some of the items from the top of the rankings may still fall off the list. Kathy said that this is true and the fact that this list is a starting point but might change was included in the opening of the draft Work Plan Outline. She also noted that messaging from EPA is that they are supportive of both infrastructure and human infrastructure.
- Megan said that like everyone else they ranked projects based on the CCMP and filtering through their own priorities. If it is necessary for PDE to make adjustments or raise the priority level of something like the *Accounting Software* in order to accommodate the maintenance of this funding, they support that. Irene Purdy agreed, and Chad said that DRBC shares a similar opinion.
 - Kathy asked how we would do this; something else would have to fall off, and we need to decide whether we make changes to move things around now or wait until we have the guidance and a better idea of the timing.
 - Megan asked whether we are approaching the SC with the idea that these are projects that the EIC has reviewed, prioritized and ranked, and that there are no projects/needs listed that the EIC doesn't support. If so, we should ultimately say to the SC that any of these items may be taken on and that we are looking for their approval on all; we will pick from within them, and may make some adjustments, once funding and guidance are available. She said that it seems most reasonable to have a proposal that includes things beyond the \$915k to allow latitude, and to take it to the SC once to see if they approve of it regardless of the order or combinations of projects, since the EIC supports any combination of these projects.
 - Chad said that if we are going to make adjustments to the priority order, such as moving up *Accounting Software*, that should be done now before sending the list to the SC. His

recommendation to the EIC was that if PDE feels strongly that they need the new software we should find a way to bump it up on the list and adjust accordingly. Kelly Anderson agreed.

- EIC members engaged in further discussion on what priority adjustments to make, as well as other changes to listed projects/needs in order to make room for the capacity building items that were moved to the top of the rankings. Haley made edits to the priority rankings spreadsheet during this process.
 - Project #22 *Accounting Software* was moved to the top of the list since it is needed to maintain the program. It was also reduced from \$100k to \$75k to make room for the communications piece.
 - Project #5 *Enhanced Monitoring for Toxics and Emerging Contaminants including trib*s. was reduced from \$100k to \$75k for year 1 since Chad said that DRBC's concepts are scalable. This project will now also be added to the list for year 2. Kelly added that PWD may be able help supplement or share some things that they are doing with DRBC so that they don't have to go out for money elsewhere, but that will be a separate conversation between their modeling groups.
 - Project #27 *Boat* was moved higher up on the priority list since it is difficult to find funding for this elsewhere.
 - Project #1 *Hatchery Construction* was reduced from \$350k to \$300k.
 - Project #9 *Homegrown Habitats Program* was reduced from \$45k to \$25k. Karen Forst said that the requested \$45k was actually for two years, so in addition to reducing the year 1 amount, this project will be added to the year 2 list.
 - Project #25 *Communications Support* was moved toward the top of the priority list and reduced from \$35k to \$25k.

Draft NEP BIL Funding Work Plan Outline

- The Draft BIL Work Plan will be sent tomorrow to the SC for their review. It will be structured so that the capacity building projects/needs are listed first to reflect the adjustments made today, but scores/rankings will not be included. The disclaimer from the introduction explaining that the funding guidance and timeline may impact which projects are undertaken in year 1 and in what order will be pulled out and also included in the cover email accompanying the Work Plan outline.
- Karen said that when preparing the formalized Work Plan she is thinking about reorganizing the final list by category/CCMP theme and strategy.
- Irene asked that additional information be added to the draft explaining how something is addressing EJ since it is not always immediately clear. She said that this would be beneficial for briefing her SC member. Karen will work on this.

Action Items

- Kathy will share with the EIC what different regions have been hearing/saying regarding BIL funding.
- PDE will send the Draft NEP BIL Funding Work Plan Outline to the SC requesting their approval of all listed projects/funding needs.
- PDE will send the EIC the updated priority rankings spreadsheet, including the adjustments made in today's meeting.

Upcoming Important Dates:

- PDE Board Meeting: Thursday, February 24, 9am-Noon

- Deadline for SC Approval of BIL Plan: Friday, March 4
- March Monthly EIC call: Thursday, March 10, 10am-Noon
- EIC FY23 Work Plan call: Thursday, March 24, 10am-Noon
- Spring DELEP Steering Committee Meeting: Tuesday, April 26, 1-3pm.