

Mobile Bay National Estuary Program Executive Committee Meeting

Zoom Virtual Meeting Tuesday, October 5, 2021 9:00 am – 10:00 am Special Meeting

Attendees:

Scott Bannon, ADCNR Marine Resources
Chris Blankenship, ADCNR
Bob Chappelle, Mobile Area Chamber of Commerce
(for Bill Sisson)
Jennifer Denson, Partners for Environmental
Progress
David England, Dauphin Island Sea Lab (for John
Valentine)
Mimi Fearn, Dog River Clearwater Revival
Leslie Gahagan, City of Foley
Judy Haner, The Nature Conservancy

Patric Harper, U.S. Fish & Wildlife Service
Amy Hunter, ADCNR RESTORE
John Lehrter, Dauphin Island Sea Lab
Fred Leslie, ADEM
Ben Malone, USDA-NRCS
Eliska Morgan, Thompson Engineering
Elizabeth Roney, Congressman Jerry Carl's Office
Frank Smith, Wilkins Miller Wealth Management
LaDon Swann, MS-AL Sea Grant
Chris Thomas, U.S. EPA Region 4

MBNEP Staff Present: *Roberta Swann, Christian Miller, Jason Kudulis, Tom Herder, Kelley Barfoot, Henry Perkins, Herndon Graddick, Melissa Partyka, and Bethany Hudson*

Chat entries will be indicated in italics with the time of submission.

I. Welcome and Introductions

Ms. Swann conducted a quick roll call.

II. Purpose (09:04)

Commissioner Blankenship brought the meeting to order with a quick overview of the reason for this special meeting: To support the establishment of the Pensacola and Perdido Bays Estuary Program as the 29th National Estuary Program (NEP) under the condition the program's established service area boundary is contiguous to (and not overlapping) the existing Mobile Bay National Estuary Program service area boundary which follows the Baldwin County eastern border and Alabama state line. There is a need to hear from the Executive Committee as to consensus on our position on the boundary between service areas and steps moving forward. It's important for the MBNEP and PPBEP to get this resolved and get back to work. He expressed hope for a description of the process of standing up an NEP from an EPA representative.

III. Federal Process for establishing a new NEP

Chris Thomas explained the process of establishing a new NEP through Section 320 of the Clean Water Act. It requires nomination by the Governor of the state to the EPA Administrator, who ultimately makes the decision unless it's part of a legislative action approved by Congress and signed by the President and the study area of the potential NEP must be approved or accepted. The Administrator is charged with deciding whether the study area is approved or not. In this case, we have an NEP with an existing and approved study area with established jurisdiction on the Alabama side of the Perdido Watershed. It's all laid out in Section 320 of the Clean Water Act. Chris Blankenship clarified that the purpose of the meeting was to establish consensus of the MBNEP Executive Committee on the issue of program boundaries. He discussed some of the documents submitted and turned the floor over to MBNEP Director Roberta Swann.

At 09:13, John Lehrter asked: Do any existing NEPs have overlapping boundaries?

IV. Review of Documents Provided

On Monday, October 4, the MBNEP shared the following documents with Executive Committee members:

- A map of the MBNEP service area, including specific drainages and boundaries of 12-digit hydrologic unit codes.
- A letter to the directors of the MBNEP and PPBEP from Woody Speed, City of Orange Beach Environmental Specialist.

Mobile Bay National Estuary Program Executive Committee Meeting

- Version 2 of a Memorandum of Understanding (MOU) prepared by the MBNEP for consideration by the PPBEP.
- A letter from ANEP Legislative Director Rich Innes iterating ANEP's policy towards creation of a new PPBEB with boundaries overlapping existing and approved boundaries of the MBNEP study area.
- Version 3 of the MOU prepared by MBNEP for consideration by the PPBEP.
- Estuary Program Boundary Overlap Position Statement Discussion prepared by the MBNEP for Executive Committee members.
- Overview of investments related to the Perdido River and Perdido Bay Watersheds

V. Questions and Discussion

Roberta Swann addressed the EC. Beginning in 2015, the Bay Area Resource Council and Escambia County invited MBNEP several times to educate their members and community about the value of an estuary program to the Alabama coast. The MBNEP attended at least three meetings in Florida with the Bay Area Resource Council to provide an overview of our program and accomplishments, how we were structured, and lessons learned about how to effectively “stand up” a sustainable program in Florida. In 2017, MBNEP wrote a letter to the U.S. EPA Gulf of Mexico Program expressing support for the selection of Pensacola Bay and Perdido Bay as “an appropriate location for establishment of northwest Florida’s first Estuary Program,” indicating our program stood ready to support, in any way necessary or beneficial, the expansion of a cross-boundary and bi-state network of key stakeholders to effect policy and management improvements for the betterment of Perdido Bay. Through the end of 2018, as the program continued its formation with Bucket 2 RESTORE funding, the MBNEP remained in the background, offering technical assistance as needed. From this point forward, MBNEP did not directly engage with the new estuary program, only receiving notice and minutes of meetings of its various committees. It did not come to our attention until June 2021, when U.S. Senators Marco Rubio (R-FL) and Rick Scott (R-FL) introduced the Pensacola and Perdido Bays Estuary of National Significance Act, legislation that would direct the Administrator of the EPA to formally enroll the Pensacola and Perdido Bays Estuary Program (PPBEP) into the NEP as an “Estuary of National Significance.” Both the MBNEP and the Association of National Estuary Programs supported this legislation, unaware of the boundary overlap until June 2021, when the Act was introduced, and the new program included significant overlap within the State of Alabama. At present, no House sponsorship has been secured for this bill.

We have a problem. This is the first NEP to be “stood up” since the original 28 were formed, and we have to be particularly careful about precedents. This is setting a precedent of establishing overlapping boundaries. From there, the Association of National Estuary Programs, who has always been supportive of standing up new programs and expanding the brand of NEPs nationally, they developed a policy statement that evolved into specifically stating “do no harm to existing NEPs” and “there should not be any overlapping boundaries from this point forward.” At that point we met with PPBEP and voice our concern over this. The reason I am asking for this position statement today, I am scheduled to speak at the PPBEP. In the interim, I have been asked by several people from Baldwin County about the MBNEP’s stand on this, and I haven’t been able to answer, except for stating my opinion, and it would be helpful to have an official statement from our Program.

As we attempted to resolve this issue, Chris Blankenship and I met with PPBEP and Orange Beach, AL, to discuss concerns over overlap. She expressed understanding that the outcome of this meeting was consensus that the PPBEP would go back to their policy board and move their boundaries back to the Florida line. We would write a Memorandum of Understanding (MOU) defining roles and responsibilities and how the two programs would work together in the Perdido Watershed.

The document I sent you, Version 2, was the MOU we drafted through the Association of National Estuary Programs and sent back to Chris Blankenship to edit. This was the “first volley” what we think an MOU should look like. Version 2 basically says that each program would work on their respective sides of the river within the Perdido Watershed, and we would come together as a task force for a comprehensive watershed management plan for the Watershed as a whole. The watershed planning process would identify what actions needed to take place and who would be the lead. Neither organization would be precluded from working across state lines, if invited by the other program. This was not acceptable to PPBEP, who have made it clear the boundary would not be moved back unless directed by the EPA. In the interim, the Baldwin County

Mobile Bay National Estuary Program Executive Committee Meeting

Commissioner, whose district includes that area, met with PPBEP, expressed his concerns, and asked them to move back their boundary. PPBEP maintained that the boundary would not be moved back without direction from the EPA.

Roberta expressed concerns that confusion is already being caused, there has not been a lot of collaboration, coordination, or communication between the two programs, and they are currently writing a CCMP covering the same area covered by our existing CCMP. As such, that area, the Perdido Watershed, Wolf Bay, and Gulf Frontal Watershed is the subject of two CCMPs that are not necessarily aligned, written the same way, or even consistent. There's nothing we can do to compel the PPBEP to work with us. In developing the Gulf Frontal WMP, they were invited to be part of the Steering Committee, and they did participate. We are currently doing a Request for Qualifications for Palmetto Creek and Bridge Creek working our way up Perdido Bay. They have been invited to the table, along with the Northwest Florida Water Management District and Escambia County to be part of the Steering Committee for that WMP. What we found is that the NFWFMD actually produced a comprehensive WMP for the Florida side of that Watershed published in 2017.

At this point in the meeting, Chris Blankenship, monitoring the chat portion of the Zoom portal, indicated that he had a couple of questions for Roberta. He asked: Do any existing NEPs have overlapping boundaries?

Roberta responded: There is one situation of overlapping boundaries. It's in Long Island Sound and New York-New Jersey Harbor –

And Chris Thomas interjected: Looking at the map on the EPA web site, there were four that I found, and they're all up in New England, but the overlaps are very incidental, and they're really considered relics of how things were mapped at the time, before GIS and before we had sophisticated mapping tools, but they're incidental. They're not really significant on the scale of what we're talking about here, and I don't think that from what I've been able to hear from people, we've looked into this. I don't think it was ever intentional.

Roberta added: The Long Island Sound and New York-New Jersey Harbor programs have actually worked together. They recognize their boundaries. The other two programs Buzzards Bay and Mass Bays - that is almost like a GIS error because they don't work within each other's boundaries. Long Island Sound and NY-NJ Harbor were two of the first NEPs stood up, and as the Director of the NY-NJ Harbor said to me, this is a different situation. There are 4 million people in our service area. Yes, we do share the Bronx River and there's some overlap in Queens, but our program focuses specifically on pathogens and the Long Island Sound program focuses on nutrients.

Chris Thomas added: The Long Island Sound Study area is actually run by EPA Region II.

Roberta added: The Long Island Sound Program is more like a Chesapeake Bay Program, a little different animal. Since this issue has come up, they have been asked to go over 10 years of reporting data to make sure there's been no duplication of reporting error. So it's caused significant labor time for them to clarify and to ensure to EPA that they have not been double counting data over a ten year data.

At 9:23, Amy Hunter asked: When the MBNEP expanded its boundary in 2006, what was the Congressional process?

At 9:28, Judy Haner commented: I think to work for the benefit of a watershed there has to be collaboration; e.g., if I am working on a Perdido River shorelines project, I don't want to have to divide work between programs. That seems ineffective. She added: The territoriality seems divisive rather than collaborative

At 9:29, Chris Thomas responded: The establishment of NEPs requires the Governor nomination and EPA Administrator approval. The revision of a NEP's study area is an EPA decision that does not go back through the political process.

Mobile Bay National Estuary Program Executive Committee Meeting

At 9:29, Mimi Fearn commented: Life experience has shown me that good fences make good neighbors. I do think the state line should be the fence but that we should be able to work together.

Chris Blankenship posed another question: Explain the Association of NEPs. Is that an EPA set up?

Roberta responded: The Association of National Estuary Programs is the national association that brings all 28 NEPs under one umbrella. Each of the NEPs supports that program with non-federal funding to allow for us to hire a legislative director in DC. That legislative director is Rich Innes. He spoke at our last Executive Committee meeting. He works very hard to establish relationships not only with congressional staffs but with agency staffs. The EPA, similar to other federal agencies, is very siloed, so a lot of the work he does is to educate the other departments of EPA about the value of the NEP. He is really the reason why we've gone from \$318,000 in 2004 when I started working for this Program to the \$700,000 we receive now, and that is growing. So he advocates for increased resources toward the 28 NEPs. He's a very strong point person with congressional staffs to educate them about the work and the value of NEPs. The ANEP worked closely with Marco Rubio to get this bill introduced. Chris asked: So Rich is the only employee? He's not an Executive Director: That was the other question I got – why it was coming from the legislative director, not an Executive Director. Roberta responded: We do not have an Executive Director. That is a decision we made. Each program is on the Board of the Association so there is a Board of Directors of 28 people. The decision through the years has been not to do that. It's a volunteer organization but Rich does get paid.

Chris Blankenship asked Roberta to comment on the Orange Beach letter.

She responded: That kind of came out of the blue from Woody Speed, an environmental specialist. I have not had the opportunity yet to talk to Mayor Kennon or to follow up with that letter with Phillip West. Woody has stated in the past (and, I think, states in that letter) that he is an active participant in the MBNEP, that he's a member of our Coastal Alabama Stormwater Team, he attends PIC meetings on a regular basis, and he certainly was involved in the Steering Committee for the Gulf Frontal Watershed Plan. He wrote that letter, I'm assuming, at the request of the PPBEP, but I haven't had a chance to follow up with him. I think he's basically saying he'll work with whoever will work with him. I'll leave that to your own interpretation. The leverage spreadsheet is not all inclusive, but we were trying to capture all we've done in that part of the Watershed over time. I think I saw a question from Amy earlier about when we expanded our boundary. In 2006, the 14 (or 13 municipalities, I think Perdido Key was incorporated somewhere in there) we started working on stormwater management, and that was the genesis of "the rain tax," the stormwater management authority for Baldwin County. What we had was the Baldwin County delegation, all the mayors and Baldwin County, requesting the NEP to help facilitate the creation of this regional stormwater authority that would provide additional resources to address some of the emerging stormwater runoff issues happening across Baldwin County. We couldn't do it at that time, because we were the Mobile Bay National Estuary Program, and our service area was limited to the Mobile Bay Watershed (she referred to the map). We made the decision as we re-wrote the CCMP in 2006 and changed the Management Conference structure, the new Management Conference structure voted to expand the boundary from just Mobile Bay to all of Mobile and Baldwin counties to better serve all of the communities within the two coastal counties. At that point in time, we began working more closely particularly with Wolf Bay, Orange Beach, Gulf Shores, and I think it was Lillian, that began attending our Community Action Committee meetings. Once we expanded our boundaries, it opened up their opportunities to participate in our Management Conference, to participate in our Management Conference committees, and to benefit from the networking and exchange that goes on through that committee process. Does that answer your question, Amy?

Partly, Amy Hunter responded. She continued: I wanted to follow up, when the boundary was expanded for the MBNEP, that was just a vote of the Management Conference? There wasn't a suggestion from the Governor or a vote by Congress or the Administrator?

Roberta responded: The Commissioner of the Department of Conservation and Natural Resources has always, since the inception of the MBNEP, been the Co-Chair of the Management Conference, and so, his vote, I believe it was Barnett Lawley at that point, his vote was recorded in voting to expand the boundary, and then

Mobile Bay National Estuary Program Executive Committee Meeting

we included that expanded boundary in documents to the EPA, and they had to approve the boundary expansion.

At 9:35, Leslie Gahagan commented: I agree wholeheartedly with Mimi. For Wolf Bay Watershed, we have existing projects through MBNEP so we are concerned about how overlapping boundaries or change in boundaries will affect us.

At 9:38, Elizabeth Roney commented: I totally agree, there should be no overlapping boundaries.

Chris Blankenship referred to emails from Baldwin County Commissioner Billie Jo Underwood and Mobile County Commissioner Merceria Ludgood (who were not able to join the call). The gist from both was that they were comfortable with the boundary not overlapping, and that it should remain at the state line. He opened the floor to further questions or comments.

Amy Hunter indicated she had one more follow up process question. On the ANEP, I guess I was under the impression they have more of an oversight role than I think they have. In reading all this, like a lot of groups have, Coastal States Organizations and etc., they're kind of a "friends" group, a lobbying group. So Rich is not really an employee, he's a contractor. That's fine. We all have to use contractors. But in looking at the 990 - you prepared the 990 - the address is listed as 118 North Royal Street (she held the copy of the 990 so the address was visible), so my question is, when Rich had signed that letter that was circulated - it's not on letterhead or anything - was he speaking just as your contractor or was he speaking for the Board of Directors?

Roberta responded: The reason why the 990 is prepared by the MBNEP is because I am the Treasurer of that organization and Tiffany is the bookkeeper. All of the decisions of ANEP happen at the Board level, and there is a Chair, a Vice Chair, a Secretary, and as I said, I am the Treasurer. The only reason that address is our address is because we manage the finances of the organization. He is acting on behalf of the entirety of the ANEP, not just for the MBNEP, and those discussions and that expansion policy was passed by the full Board. That was not done just for us. This is a precedent setting moment, Amy, for the NEP as a whole. If we want to expand the Program, we want to see more NEPs across the U.S., we have to be incredibly careful with this first one that is being set up, that it is set up in a way that it doesn't set a precedent that could harm NEPs in the future. The overlapping boundary issue is of great concern to all existing NEPs.

Amy responded: So the Board of Directors is aware of that letter? If we sent it to them, they wouldn't be surprised?

Roberta responded: They absolutely are. The Board approved that letter from the ANEP. I have asked them not to send it. I need a clarity from this group before the Board of the ANEP - and Chris Thomas, I think you might support this as well. Everybody is pretty much saying 'Please try to work this out locally.' And so we're trying to be very careful and very measured and trying to get everybody and their brother involved in this. I did reach out to Rich initially, because Rich was the one who worked with Rubio's staff to stand up this Bill, and the people at PPBEP were the ones contacting Rich Innes. They were not contacting me, they were contacting him. So that's what brought the Association into this arena.

Roberta asked to address Judy's comments on chat and asked if Judy wanted to say anything.

Judy Haner responded: We work across boundaries all the time. It's the nature of the beast for The Nature Conservancy. We work with all different plans, plans that overlap, not necessarily within organizations but certainly across organizations and have never had issues doing that. My concern would be the example that I gave. I'm working on a great Perdido shorelines project, and I now have to run to NEP in Mobile to look at this and NEP in Pensacola and Perdido to look at this, because I'm working on both sides. I'm working for the system, and I'm putting the system and the watershed first, not the partners, I hate to say. And I want to make sure, especially with the PIC because we are doing those on-the-ground projects, that this is very clear. It's not divisory, that it's not about territory, that it's about really accomplishing what's needed for that watershed and long-term protection.

Mobile Bay National Estuary Program Executive Committee Meeting

Roberta asked: You work for TNC of Alabama, so you have a defined boundary. There's a TNC of Alabama and a TNC of Florida. It's great that both of your programs work together, and they invite you to work in Florida. I'm basically saying the same thing. We both need to have boundaries that don't overlap. That does not preclude us from working together. We have brought them to the table for the Gulf Frontal WMP, and they've been invited to the table for the Palmetto Creek and Bridge Creek Plan. We have no intention of not working with the PPBEP or the NFWFMD or Escambia County, for that matter. We have had Escambia County come over to the D'Olive Watershed. We have done a lot with the State of Florida over the years, particularly since the oil spill, to share, to do technology transfer, to show off, frankly, the work that we have done as a Management Conference. Which is frankly, I believe, in part why they want to be an NEP, because they see how well we work over here. I don't see that ever ending, and in the MOU that was written, it did say it doesn't preclude either program for working across state boundaries, it just establishes a definitive boundary for both programs.

Judy responded: I think that's so important Roberta, since MBNEP has been the lead, you have accomplished so many things. They want to do that. I don't want this to be something that puts a black eye on this collaboration because we are working in that overlapping watershed and I don't want this process to be something that thwarts those efforts.

Roberta added: If we want to talk specifically about the Perdido Watershed, the reality of that Watershed is that most of the pollutant contributions to Perdido River and Bay actually come from the Florida side. I learned that from reading the NFWFMD's WMP. There's plenty of work for both of our programs to do. There's work for us to do in Spanish Cove in Lillian and continuing our work in stormwater management in that area, as well as the State of Alabama continuing its conservation efforts along the Perdido River corridor. I think the work we do as NEPs is going to differ somewhat in terms of what we do on the land and waters feeding Perdido River and Bay and what they do on the land and water in their part of the watershed feeding that same resource. I do think it's important that we come together to establish a task force that defines our goals in terms of water quality improvements for the River and Bay and what we need to monitor to make sure we are measuring our progress. That's where I put all my eggs – in the basket of a comprehensive watershed plan that brings what they've learned on their side, what we know on our side, and then coming up with one coordinated plan that outlines what areas MBNEP needs to focus on and areas PPBEP needs to focus on. We have different environmental regulations and different enforcement. The two states function differently. I would never assume to go off into the Florida part of the Perdido River Watershed without close coordination. I wouldn't do it. I would defer to them. This is your territory, you know these rules, you know these stakeholders. You know how things work over here. This is what we need. How can we help you achieve that?

At 9:42, Jason Kudulis posed the question: Is TNC's role across state boundaries as a contractor or lead implementer under a defined plan like the CCMP?

At 9:44, Judy Haner responded: We have strategic plans that guide our efforts. We regularly work across adjacent state boundaries in both MS and FL.

At 9:44, Troy Ephraim commented: There should be no overlapping of boundaries for a lot of reasons stated here but the real issue will be pulling resources and funding away from MBNEPs future planning and implementation. Further collaboration can take place without overlapping.

At 9:45, Elizabeth Roney commented: Great point Troy! Spot on

Chris Blankenship called on John Lehrter.

John commented: I just wanted to make a couple comments. The political boundary issue is problematic. We have plenty of examples with Alabama and Florida already fighting water wars because of political boundaries. The watershed boundary makes a lot more sense scientifically. There is a fairness issue here. The MBNEP has been working in this area for 15 years. It is our recognized service area. For the PPBEP to come in and just claim that area doesn't seem fair to me. To me, the watershed boundary should be the appropriate boundary.

Mobile Bay National Estuary Program Executive Committee Meeting

Would it be possible for us to share the Perdido River Watershed, where MBNEP, if the EPA were to decide to overlap, that we would have some ability to work on the Florida side of the watershed and truly make it a watershed boundary? That part makes sense to me. What doesn't make sense is when I look at the map and see the boundary going all the way down into Orange Beach, Wolf Bay...yes, that is part of the Perdido Bay Watershed, but that seems pretty far afield to me in terms of them claiming that service area. I just wanted to put those comments out.

Chris Blankenship responded. When we met with the PPBEP, and how we addressed it to begin with in our conversation, is that we would not have our boundaries overlap but we would have an MOU that would allow either of us to do work in the other state as necessary. That is how we attempted to work that.

Chris recognized LaDon Swann.

LaDon commented: Having overlapping boundaries is problematic. I'm not saying it can't be overcome, but for obvious reasons it is problematic. I want to talk about a bi-state program that tries to avoid political boundaries. Sea Grant has been around for 50 years, and I have 21 years understanding the benefits of overlapping boundaries and then the challenges associated with those. My question is to Chris Thomas. I don't understand the congressional process that's underway for this – when you say Rubio is sponsoring a bill, I don't know is it an authorizing bill? An appropriations bill? So that's just a general question, but at some point, Chris, I would assume that there would be new money appropriated for an NEP – not only for Perdido, but the so-called one being formed in Mississippi as well. So if there is appropriation tied to this, then my question is, and it goes back 15 years ago when there was an attempt to split MS-AL up into two states, there was push back by a similar association to what NEP has, a Sea Grant Association, and that backfired badly. Terms were used that Sea Grant needed a haircut, haircut by opposing the separation of the two states, and there was \$2M of new money appropriated for that. My board did not support creating a new AL program for some of the reasons Roberta described, including the administrative costs of creating a new program. But there was fallout, and my question to you, Chris, what could be the consequences of pushback at this level to Congress?

Chris Thomas responded: The Agency is a political agency, part of the federal government. What I understand of what the Senators from Florida have done, they're pushing for this NEP as an estuary of national significance, and it's my understanding that to become a Section 320 with access to 320 grants like MBNEP and other NEPs, it would still require a nomination by the Governor to the Administrator, and the Administrator would approve it. Once that was approved, and I don't think the Agency has to approve it explicitly as is. There may be some adjustment, if they were nominating the study area that was overlapping and the Agency for whatever reason felt like that wasn't the best decision, we could approve it in a way that the EPA ultimately approving the study area unless it was explicitly dictated in the legislation. I haven't seen that. Once the EPA approves another 320 NEP, EPA gets an allotment of 320 money each year that is divided up amongst the NEPs, and that's been one of the pushbacks from the NEPs over time. 'Yeah, we want more NEPs, but we don't want a smaller piece of the fixed pie.' ANEP has been successful in securing more money for the NEPs while they acknowledge there is a need for more NEPs. Did I answer your questions, LaDon?

LaDon responded: Chris you did. My real question is, we have a real powerful Senator in Alabama, thank goodness. Is Rubio equivalent to Senator Shelby? If he doesn't get what he wants, could he affect the NEP's budget?

Chris Thomas answered: I can't answer that anymore than you can. Any Senator can always influence anybody...

LaDon apologized for interrupting, and asked Chris if Senator Rubio was on the Appropriations Committee.

Chris Thomas was unsure but felt what was important was that the NEP was established in "a certain way."

Chris Blankenship called upon Jennifer Dennison.

Mobile Bay National Estuary Program Executive Committee Meeting

Jennifer expressed uncertainty that Senator Rubio was even aware of the overlapping boundaries and that it may not even be an issue for him. She was unsure he'd even be supportive of the overlap and felt that was a question for Rich Innes. Secondly, she addressed Judy's comments, agreeing that she didn't want "black eyes" in estuary program relations. She felt that the developed MOU appropriately expressed willingness to collaborate, but PPBEP rejected the MOU, leaving MBNEP in a position to reiterate our intention to maintain service area boundaries. She felt it is critical for the MBNEP to maintain its position.

At 9:52, LaDon Swann commented: I agree Jennifer, but he may find out and then the question is what will he do?

Amy Hunter pivoted from the Congressional process to the resource from a Science Advisory Committee perspective, and other than the WMP portions, she looked through the MBNEP CCMP and didn't see a lot of mention of the Perdido Watershed. She questioned whether MBNEP has sufficient resources to be "more than 100 miles wide and a quarter inch deep" in managing issues in that watershed, so to put that in a question, what are our plans or what have we done to benefit that resource?

Roberta responded that when we started the D'Olive Watershed restoration, everyone thought we were nuts. The price tag on that WMP was \$44M dollars, and here's where we are today. Whether we have the resources or not, we have an annual budget of approximately \$20M which we manage largely through external grants. That's because we have been incredibly focused as a Management Conference in doing these WMPs, building these stakeholder relationships, and not doing everything ourselves, and catalyzing the work of others (like Leslie Gahagan in the Wolf Bay Watershed) and filling the gaps where there isn't an entity who can move restoration or policy work along. Do we have the resources today to address the issues in Perdido? No, and that's largely because we don't know what those resources need to be. That's the whole watershed planning process. You, as the Chair of the Science Advisory Committee, know full well the work that we've done on developing a monitoring framework, on committing to monitoring extensively the work we did in the D'Olive Watershed, and how we need to look at those monitoring data to figure out the most efficient and affordable way to get comprehensive monitoring done across these two coastal counties. And so this is just the work that were moving into in the Perdido Watershed, which I have to underscore, we haven't worked there historically because of the direction of our Project Implementation Committee, that felt like that was an area that was not as developed as other areas of these two coastal counties, and so it fell down on the priority list. We are there. We have implemented the WMPs as prioritized for the most part. There's a little give and take, there's a little seizing opportunities for one reason or another. At this point in time there are four watersheds left: Western Delta, Eastern Delta, Grand Bay, and Perdido. That's where we're at right now. We have put out an RFP, not only for the Western Delta but for Palmetto Creek/Bridge Creek. There's an incredible demand on our limited staff resources, but so far, not saying we're perfect, but so far, the MBNEP staff has stepped up to the challenge at each turn to deliver to the communities where we work. We are aggressive in grant writing, in pursuing resources, and in pursuing relationships across these two coastal counties and these watersheds to do what needs to be done. We would apply that same work ethic to the Perdido Basin, which is where we are moving towards right now, based on the priorities that were outlined through a very rigorous process managed by the PIC.

At 9:57, Judy Haner commented: To back up John's concern about the political boundaries dividing the watershed and Roberta's statement that the sides of the river have different issues, I feel like the resources benefit from a holistic plan for the watershed regardless of who leads the effort.

At 10:00, Chris Thomas commented: I have another commitment and hard stop at the top of the hour and need to leave. I'll follow-up with Roberta later today. Thanks all!

At 10:00, LaDon Swann commented: I support a position of the EC having a statement that political boundaries should be maintained and that the 2 NEPs need to work through the process for addressing the needs of the watershed. I have to go. Thank you.

Mobile Bay National Estuary Program Executive Committee Meeting

VI. A Motion and the Vote.

Chris Blankenship tried to “bring this to a landing spot,” expressing appreciation for comments and chat, and really it comes down to what we need from the Executive Committee is a decision on whether we should recommend the boundary stop at the state line without overlapping service areas or boundaries, and that we handle the opportunities to work together in an MOU between MBNEP and PPBEP, or whether it’s not that big of an issue and that we don’t recommend there’s a change in either program’s boundaries. He expressed uncertainty about how to conduct a vote remotely. Roberta said she had a roster. Chris noted in the chat the preponderance of comments favoring no overlap between boundaries. Jennifer Denson offered to make a motion.

At 10:04, Ben Malone commented: Ben Malone Abstain

Jennifer Denson made a motion to keep boundaries at the state line, with a strong endorsement of a new program in Florida we intend to work together through an MOU. Eliska Morgan seconded the motion. Roberta went through the list, name by name, and EC members unanimously expressed support for the motion, with the exception of Alabama Department of Conservation and Natural Resources staff members, Ben Malone of NRCS, and Chris Thomas, who each abstained from voting.

Before we adjourned, Roberta expressed a potential need to rebrand the MBNEP, and felt we’ll hear more in the future about rebranding a program named the “Mobile Bay National Estuary Program.” Chris Blankenship indicated that he and Roberta would go back to the PPBEP to express the feelings of the EC and bring this to a conclusion with them with the development of an MOU, movement of their boundaries back to the state line, and opportunities to work together through the MOU.

V. Adjourn

The meeting adjourned at 10:04 AM.