

Mobile Bay National Estuary Program Executive Committee Meeting
Spanish Fort City Hall / Zoom Virtual Meeting
Friday, August 26, 2022, 10:00 a.m. – 12:00 noon

Attendees:

Chris Blankenship, ADCNR	Eliska Morgan, Thompson Engineering
Judy Adams, Alabama State Port Authority	Bill Puckett, Alabama Soil & Water Conservation Committee
Mimi Fearn, Dog River Clearwater Revival	Elizabeth Roney, Congressman Jerry Carl's Office
Leslie Gahagan, City of Foley	LaDon Swann, Mississippi-Alabama Sea Grant Consortium
Judy Haner, The Nature Conservancy	Beth Thomas, Alabama Power Company
Amy Hunter, ADCNR RESTORE	
Patti McCurdy, ADCNR State Lands	

Zoom Attendees:

Jennifer Denson, Partners for Environmental Progress	Patric Harper, U.S. Fish & Wildlife
Troy Ephriam, Ephriam & Associates Environmental Consulting, LLC	Fred Leslie, ADEM
	Frank Smith, Wilkins Miller Wealth Management
	Chris Thomas, U.S. EPA Region 4

MBNEP Staff Present: *Roberta Swann, Christian Miller, Jason Kudulis, Henry Perkins, Marti Messick, Melissa Partyka, and Bethany Hudson*

- 1. Introductions/Call to Order:** Ms. Swann asked for a quick round of introductions, starting with the people on the Zoom call.
- 2. Approval of Minutes:** Commissioner Blankenship asked for comments or revisions to the minutes from the May 26, 2022 meeting. Hearing no remarks, Eliska Morgan made a motion to approve, and Bill Puckett seconded the motion.
- 3. Committee Reports (MBNEP Management Conference Co-Chairs)**

Science Advisory Committee

Amy Hunter presented on the August 19 meeting, which was 100% virtual. More than half of the meeting was spent discussing multiple viewpoints related to the potential negative impacts of restoration projects (specifically those in the Mississippi Sound) and the monitoring that is, or should be, associated with them. Dr. Swann presented information from a stakeholder's perspective and asked for clarity related to monitoring and known impacts. Dr. Hunter shared information from the state about the permitting requirements, the value of current restoration efforts, and the monitoring that is taking place. Dr. Blancher presented peer-reviewed data about the impacts of dredging operations on oysters, the monitoring associated with some projects in the Sound, and other factors influencing oyster survival. These presentations were followed by an open discussion and sharing of information related to restoration planning and monitoring needs. This was followed by a brief discussion about plans to develop a monitoring framework for restoration projects that can be incorporated into plans moving forward and the co-chairs thoughts on directions for the SAC over the next year, including a survey to ask members their thoughts on how the committee can be improved and what they'd like to see us do.

Project Implementation Committee

Patric Harper discussed the August 18 PIC meeting, which was in-person. The PIC continued watershed specific themed agendas to drill down– Western Shore including Three Mile Creek, Fowl River, and Dog River. Discussed partnering with the SAC at future meetings and the committee's role in the development of the new CCMP. Intentional cross pollination or aligned agendas with the different committees sharing perspectives on the same topic or issue. Will continue to hold off-cycle meetings when things cool off later this year.

Next, MBNEP staff Christian Miller gave updates on watershed planning. Western Shore, Gulf Frontal, and the D'Olive Update are all complete. MTA Delta, Eastern Shore, and Dauphin Island plans will be completed by the end of 2022. Western Perdido, Western Delta, and Eastern Delta plans are newly started. Grand Bay will be the last plan of this RESTORE-funded group.

Mr. Kudulis gave an update on restoration projects. The D'Olive Canterbury project on County Road 13 is a small tributary at 272 feet has reached substantial completion. The D'Olive Pine Run project's primary landowner has been hesitant to allow land access but plans to donate the land hopefully early in 2023. An emergency head cut repair downstream has already been completed. Phase II funding for Lower Fish River has been applied for. The adjacent Etta Smith Road (Marlow project), which was a dangerous intersection and dumping ground, was vacated by the County back to the property owner. The marina now has better access to the property owners, which wasn't necessarily a goal of the project, but is a nice bonus for those property owners. The Deer River marsh project will use dredged material from USACE. Construction on 18-20 acres will begin next year. Acquisition opportunities were given to one landowner who is still unwilling to cooperate.

Government Networks Committee

Christian Miller presented on the GNC, who's in-person meeting was August 26. The GNC has been reviewing coastal regulations related to stormwater management, natural resource protection, low impact development, trash/liter/recycling, and other coastal issues. There was a round table discussion and the committee heard from multiple municipalities regarding the challenges they are facing related to growth and development, how they are planning for and addressing these challenges, and lessons learned that may aid other communities dealing with these same challenges. The NEP and GNC are working to be more responsive to the needs of our local counties and municipalities.

Community Action Committee

Mimi Fearn reported on the CAC. We've had staff turnover that has affected the scheduling of CAC meetings, there is increased interest in citizen water quality monitoring as well as 4 major grassroots groups that are committed to the CAC and water quality monitoring. Dr. Fearn and MBNEP met with Mobile Baykeeper to see if they have interest in expanding the volunteer monitoring program in Mobile County. Judy Haner discussed cross-pollination of data.

Business Resources Committee

Frank Smith reported on the August 10 BRC meeting, which was a hybrid meeting. The committee met to discuss the priorities of the BRC and the long-term direction of the committee and determined that there was enough to do that they needed to sit down together to have a real workshop. The BRC is planning a facilitated meeting right for October and will focus on the strategic development of the BRC, including working on an outline of a 5-year plan that aligns with the BRC's review of the CCMP and what the committee would like to see from that. They will also develop a mission statement for the committee to help ground the committee's goals, and that will help as they figure out how they want to grow, what outreach to do, what projects to take on, and how to fundraise for different projects.

Finance Committee

Jennifer Denson reported on the Finance Committee. The committee has reviewed and recommends the approval of the Bipartisan Infrastructure Law (BIL) 5-year framework and 2-year action plan. The BIL provides an additional \$26.4 million, or \$909,800 per year for the next five years, to the NEPs beginning in fiscal year 2022 through fiscal year 2026. EPA priorities for use of these infrastructure dollars are to tackle the climate crisis and take decisive action to advance environmental justice and civil rights. MBNEP will be using these funds on environmental monitoring, shoreline stabilization and resilience, and green infrastructure in underserved areas. Ms. Swann described the activities and their funding breakdown:

- **Coastal Environmental Monitoring Program** \$75,241: Re-establish the Middle Bay Lighthouse real-time monitoring station to measure changes in water temperature, salinity, dissolved oxygen,

turbidity, pH, total chlorophyll, and other parameters necessary to measure climate change related trends.

- **Watershed Environmental Monitoring** \$100,000: Pilot a watershed monitoring protocol to improve data collection and transparent reporting of environmental conditions by developing a community communications program using EPA's How's My Waterway in Baldwin County and replicating in at least five other streams throughout Mobile and Baldwin Counties.
- **Shoreline Resilience Plan** \$225,000: This plan will build on significant investments already made along the western shore providing an "additive lift" to bolster an already robust toolkit by creating a shared holistic strategy for managing the western shore of Mobile Bay.
- **Shoreline Resilience Cost Share Program** \$250,241: Funds used to create a Shoreline Resilience Fund will provide an incentive to private waterfront property owners to engage as partners for the long-term resilience and protection of Alabama's coastal shores by actively collaborating on restoration strategy development, prioritization of impacted shoreline reaches, and determination of match allocations sufficient to incentivize action.
- **Justice40 Green Infrastructure Program** \$500,000: MBNEP will work with target communities to improve their understanding of how green infrastructure will not only reduce flooding and associated pollutant loading in area waters but will improve their quality of life by promoting enhancements to ecological functions. MBNEP will recruit local government, public housing authorities. MBNEP will select up to four communities to develop Green Infrastructure plans and invest in their implementation over the remaining four years.
- **Eight Mile Creek Watershed Restoration** \$250,000: By updating this Plan and rebuilding partnerships throughout the watershed, MBNEP will follow its publication with future Infrastructure fund investments to jumpstart improved environmental protection across this area. The focus will be on reduction of pathogen pollution with the goal to delist Eight Mile Creek from the State Impaired Waters list.

Ms. Denson recommended the approval of the BIL plan. Judy Adams made a motion to approve and Eliska Morgan seconded the motion. The motion was approved unanimously by the committee.

4. Director's Report

- a) Grants Pending (\$14,077,331 total): We have several grant awards pending: NFWF- Coastal Resilience Fund Western Shoreline Management Plan \$575,000; NFWF- GEBF- Lower Fish River Watershed Restoration Phase II \$9,002,959; NFWF-ATB Comprehensive Watershed Restoration Wolf Bay \$4,469,372; ADCNR ACAMP- Eight Mile Creek Watershed Planning \$30,000; and NOAA Transformational Habitat Restoration- Perdido Watershed Restoration is in development.
- b) CCMP Re-Write: We have come up with a timeline for the CCMP re-write for 2024-2029.
 1. CCMP Implementation Assessment
 2. SAC Stressor Assessment
 3. Watershed Recommendations Compilation
 4. Community Surveys/Target Stakeholder Input Meetings
 5. Management Conference Strategic Planning Workshops
 6. New CCMP Development
 7. New CCMP Review
 8. By Laws Review/Update
 9. New CCMP Public Comment
 10. New CCMP Release and Celebration!

The first outreach opportunity for the CCMP will be in newsletter, we anticipate committees meeting to help with process, and new hires will help with the process
- c) MBNEP Organizational Structure: With people leaving and positions becoming obsolete, it is time to reassess the organizational structure. We are rewriting all jobs descriptions, figuring out structure, benchmarking salaries. New organizational structure will allow a Program Manager to weave together disparate committees. It will be a senior position and in part an administrative focus. We will hire a staff person to permanently maintain our scientific projects and focus, particularly monitoring, to better maintain a robust science presence in the program. With a senior scientist in residence, we can benefit

from various experts while keeping a stable figure with our scientific work as a whole. Various staff will then focus on restoration, public sector, and private sector, with a need for community engagement. We're spending time really analyzing our organizational structure and aren't rushing into anything.

- d) Bays and Bayous: The call for abstracts is going out today, the steering committee is meeting, the theme is *Finding Balance: Ecology, Economy, and Community*. The website is up, and we'll be accepting abstracts through October 19. We've got a list of potential keynote speakers and we're discussion what panels will look like. The event is two days, January 24th and 25th, please mark your calendars.

5. Old Business

Jennifer Denson reminded everyone to submit their survey response for Ms. Swann's annual review and to please check their email. LaDon Swann and Judy Adams expressed concerns about duplicated efforts and whether this method of review was tested and sound. Commissioner Blankenship clarified that in the bylaws, an annual review is required to be conducted through the appointment of a Personnel Committee. Ms. Denson and Judy Haner agreed to serve on the committee with Dr. Valentine. Ms. Adams expressed concern that 200+ people were involved in this review, and that such a large number may be inappropriate for a process like this. Ms. Denson clarified that the 200+ people were given a more general survey and that only the Executive Committee was given direct input on the director's performance. There is no real process in the by-laws for this to be done, and this is an attempt to create something that works, focusing on transparency, fairness, and appropriate feedback. Ms. Adams mentioned that she received both surveys and that they contained similarities and was curious if they would both be utilized to the same ends. It is unusual to have this sort of review by committee. LaDon Swann asked for clarification if this is a review of the director or the program. Ms. Haner clarified that it is for both, and that it provides good feedback for committee chairs on the effectiveness of their committees. Dr. Swann mentioned that since there is no clarified process, this process should be approved by the executive committee if done again. Ms. Adams mentioned that a google form may be unideal for this sort of feedback, as it is more easily manipulated and has certain security risks.

Eliska Morgan suggested a committee should develop a process for next time that is written into the by-laws to avoid ad hoc actions. Ms. Swann outlined what the bylaws state, which provides a general outline of a process but lacks specifics. She described how this process had been handled previously. Commissioner Blankenship mentioned that employees shouldn't always lead their own evaluation process, though the input received should be available to them. Dr. Swann suggested that typically a review is collected by a board, and this organization could benefit from that sort of process. Ms. Adams mentioned there was some confusion about the process leaving her with questions and reiterated again some defined process should exist in the bylaws, for the benefit of the current situation and all future directors. Ms. Haner said they had been thinking in those terms.

Ms. Swann brought up issues with the management conference as a whole being polled, as it isn't a direct review of her performance since she doesn't manage those committees. They are managed by committee participation, chairs, and MBNEP staff. Ms. Adams asked for clarity about whether the broader management conference survey was part of the review. Ms. Haner said it may play a part in recommendations the committee makes, but Dr. John Valentine would have the ultimate decision. These are ideas to be incorporated into this process again as it is handled in the future. Commissioner Blankenship suggested there could have been better clarification on the front end of this process. Ms. Denson said they are trying to create a process, and they did the best they could under the current circumstances. She reiterated her request for the executive committee to complete the survey as is and weigh in.

6. New Business

- Judy Adams announced her retirement from the Port of Alabama effective December 1. Maggie Oliver, Catherine Reaves, and Mollie Tillman have all been hired to take on different aspects of Judy's job.

7. Other / Announcements

The meeting adjourned at 11:06 a.m.