

Mobile Bay National Estuary Program

Executive Committee Meeting

Good Morning!
Please sign-in before
you leave.



10:00 am, September 29, 2023
International Trade Center / Zoom



Dauphin Island Sea Lab



mobilebaynep.com

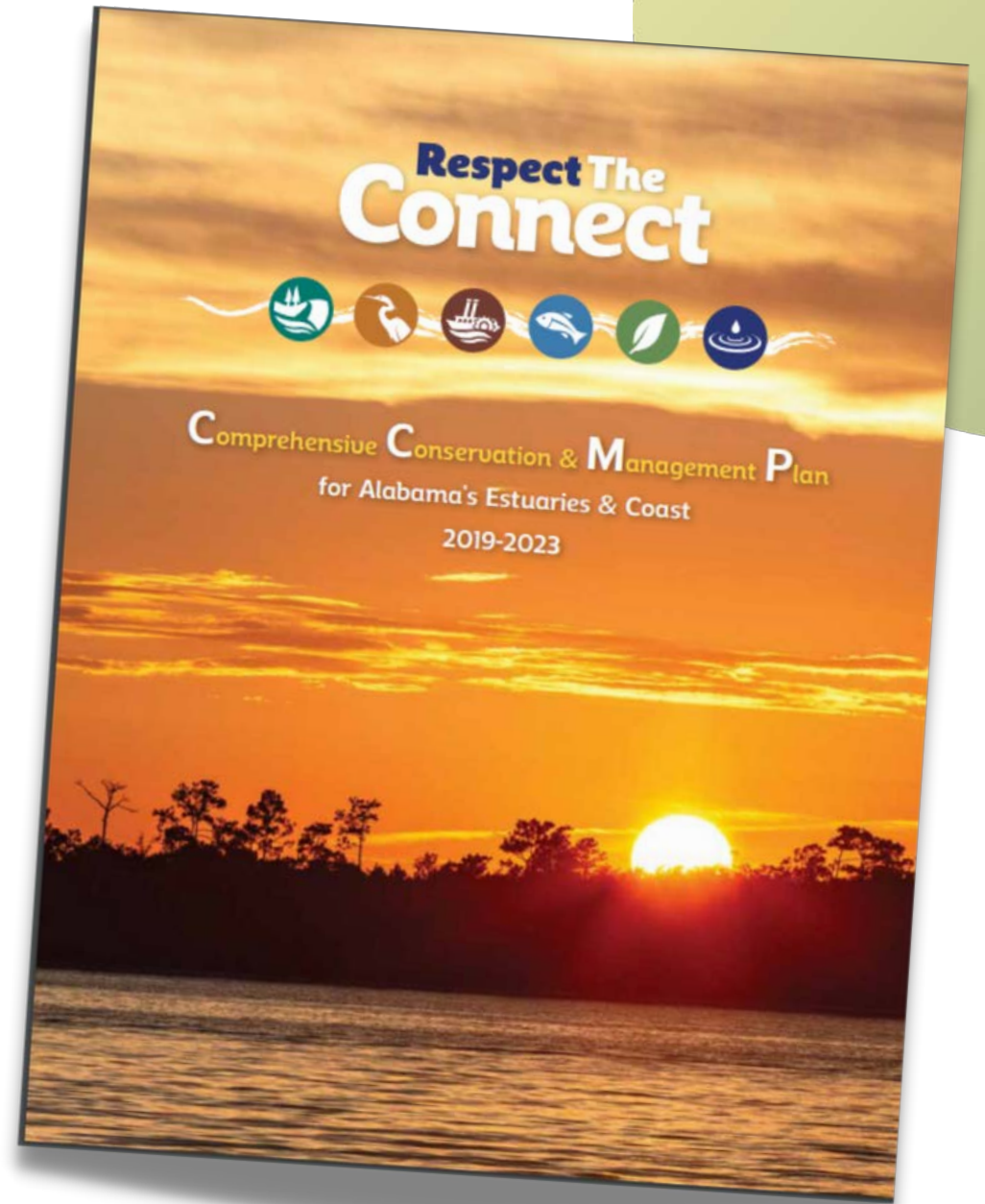
Agenda



- Introductions/Call to Order
- Approval of Minutes: June 16, 2023
- Director's Report
 - Watershed Plan Assessment
 - CCMP Evaluation- Status
 - Restoration Activities- Status
- Committee Reports
 - SAC • CAC
 - PIC • BRC
 - GNC • FC
- Old Business
 - Bylaws Update- Presentation/VOTE
 - Co-Chair Election Process
- New Business
 - Annual Meeting: December 8th
- Other/Announcements
- Adjourn

Director's Report

Status of CCMP Evaluation



Director's Report

Watershed Plan Assessment

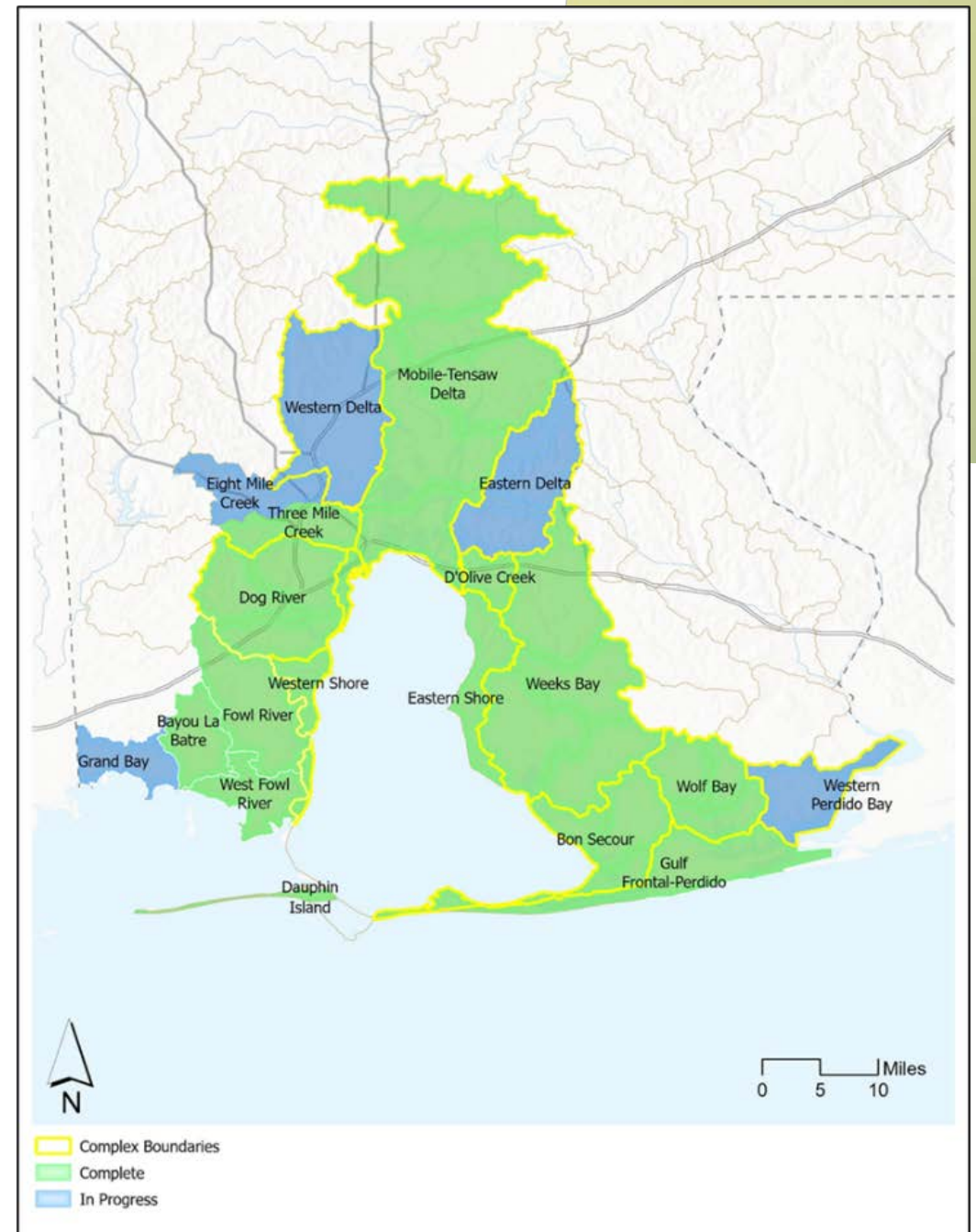
- **Purpose** – Guide future MBNEP program development in response to common needs and recommendations identified in WMPs
 - **Goal:** Improve delivery of service in the implementation of WMP recommendation
 - **Goal:** Improve prioritization of investments across all watersheds to address greatest needs
 - **Goal:** Increase leverage of funds available for implementation by providing strategic guidance for improving overall environmental conditions

Serve as a foundational and guiding document for CCMP development

Director's Report

Watershed Plan Assessment

- Community Engagement
- Major Watershed Concerns
- Environmental Monitoring
- Regulations
- Key Accomplishments
- Financing Strategies
- MBNEP's role into the future

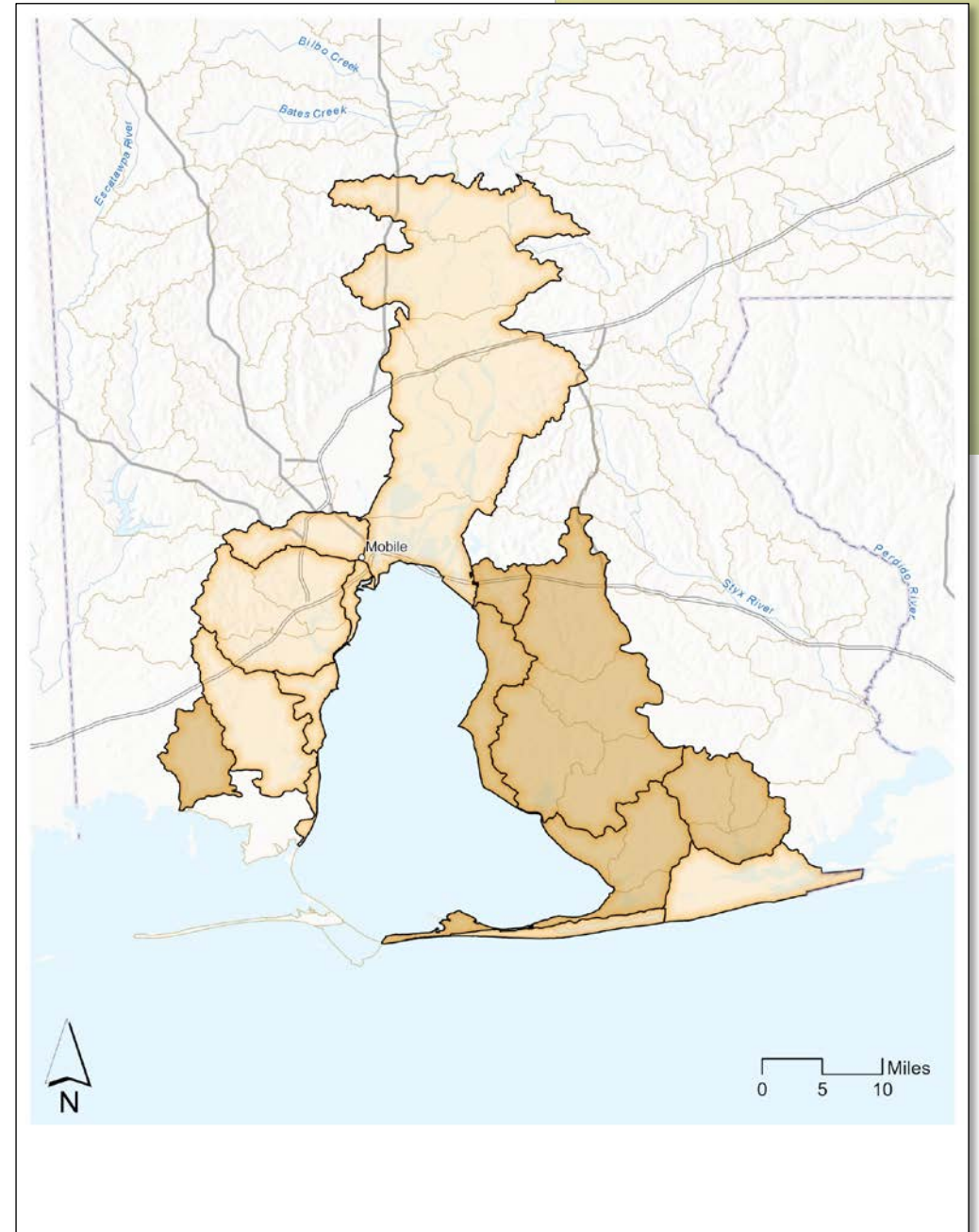


Director's Report

Watershed Plan Assessment

Sedimentation

- Dog River
- Bayou La Batre
- D'Olive
- Eastern Shore
- Weeks Bay
- Bon Secour
- Wolf Bay

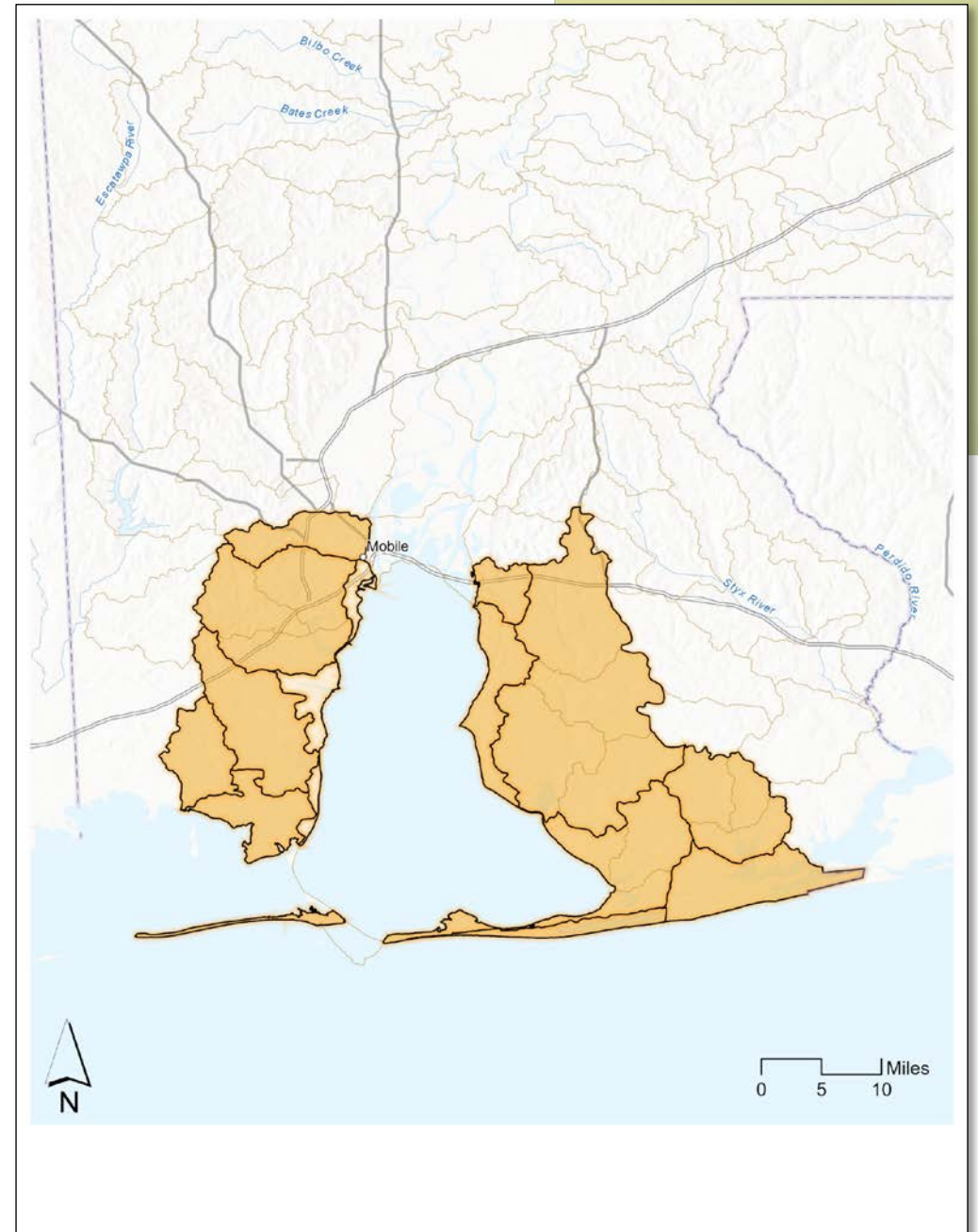


Director's Report

Watershed Plan Assessment

Pathogens

- Three Mile Creek
- Dog River
- Fowl River
- Bayou La Batre
- D'Olive
- Eastern Shore
- Weeks Bay
- Bon Secour
- Wolf Bay
- Gulf Frontal

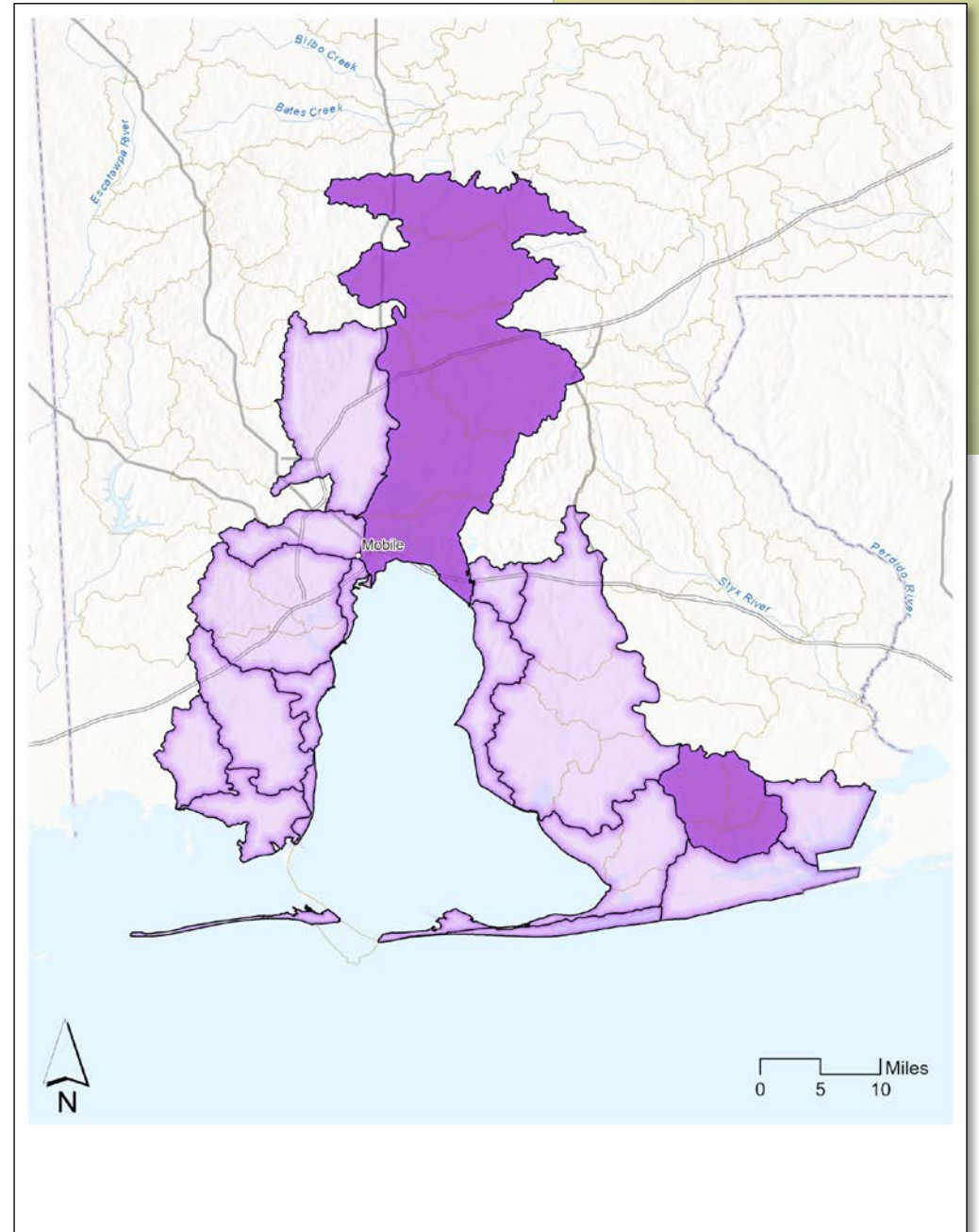


Director's Report

Watershed Plan Assessment

Invasive Species

- MTA Delta
- Wolf Bay

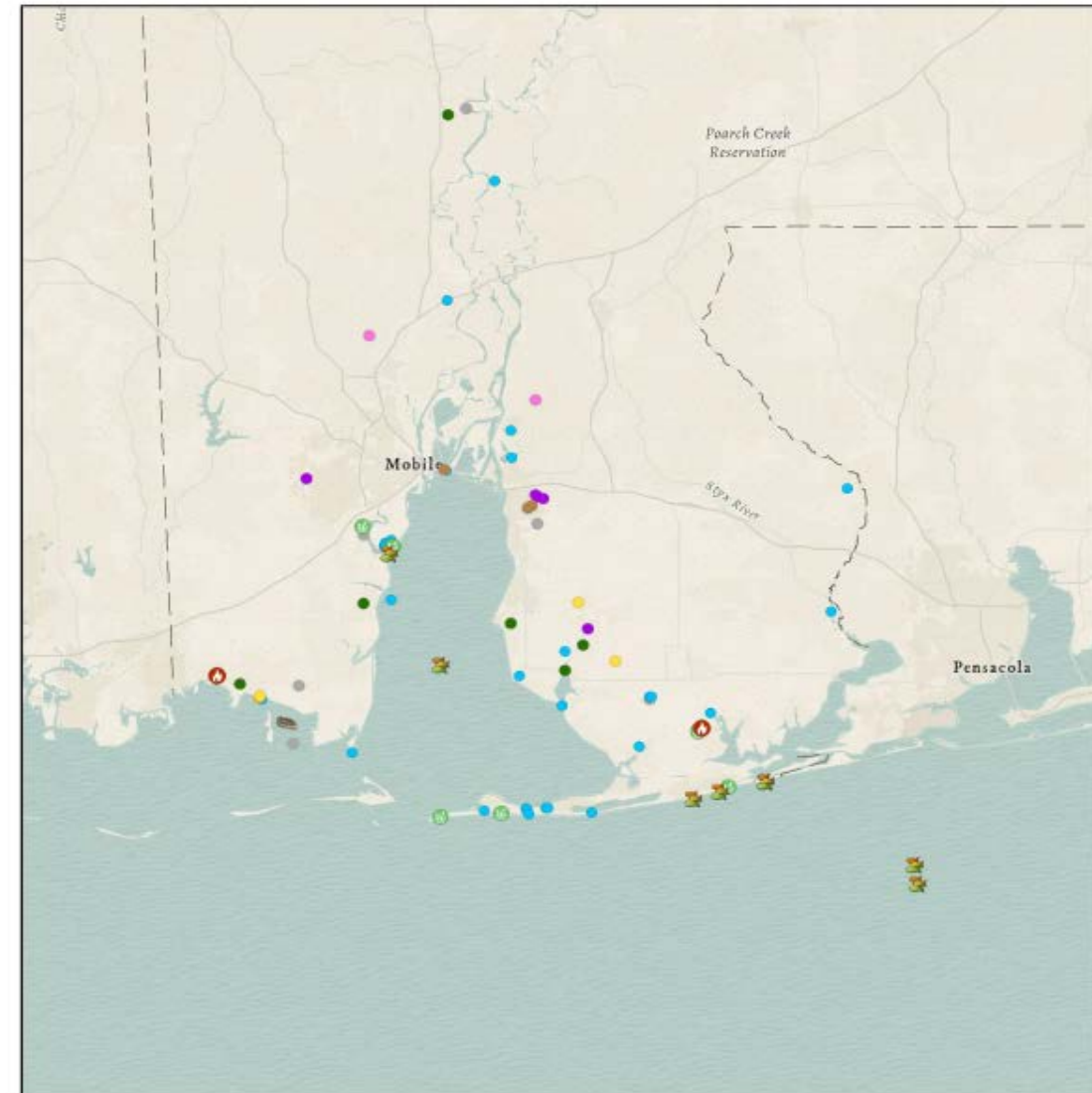


Director's Report

Watershed Plan Assessment

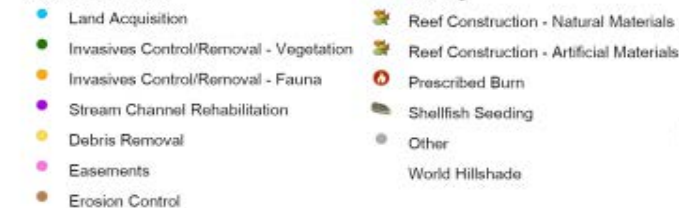
Moving Forward

- Expanded **monitoring** efforts
- Strategic **acquisition/conservation** of priority habitats
- More proactive stormwater management through **improved regulations**
- Enhance **access** opportunities
- Continued **education of all sectors** of the community

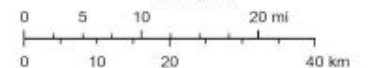


9/21/2023

HABITAT 2018-2022



1:907,614



CONANP, Esri, HERE, Garmin, SafeGraph, FAO, METI/NASA, USGS, EPA, NPS, Esri, USGS



MBNEP Restoration Updates

- D'Olive
- Lower Fish River
- Fowl River
- Deer River
- Three Mile Creek

Deer River

Sam St. John, Flythecoast.com

Science Advisory Committee

SAC Meeting: September 22, 2023 (Hybrid)

- Mobile Baykeeper update
- *State of the Alabama's Estuaries and Coast* update
- Fowl River Marsh Health Study technical report
- SAC co-chair nominations
 - Dottie Byron, DISL
 - Steve Jones, GSA
- Committee input session for new CCMP

Total Attendees: 30



Fowl River

Project Implementation Committee

PIC Meeting: September 28, 2023 (Hybrid)

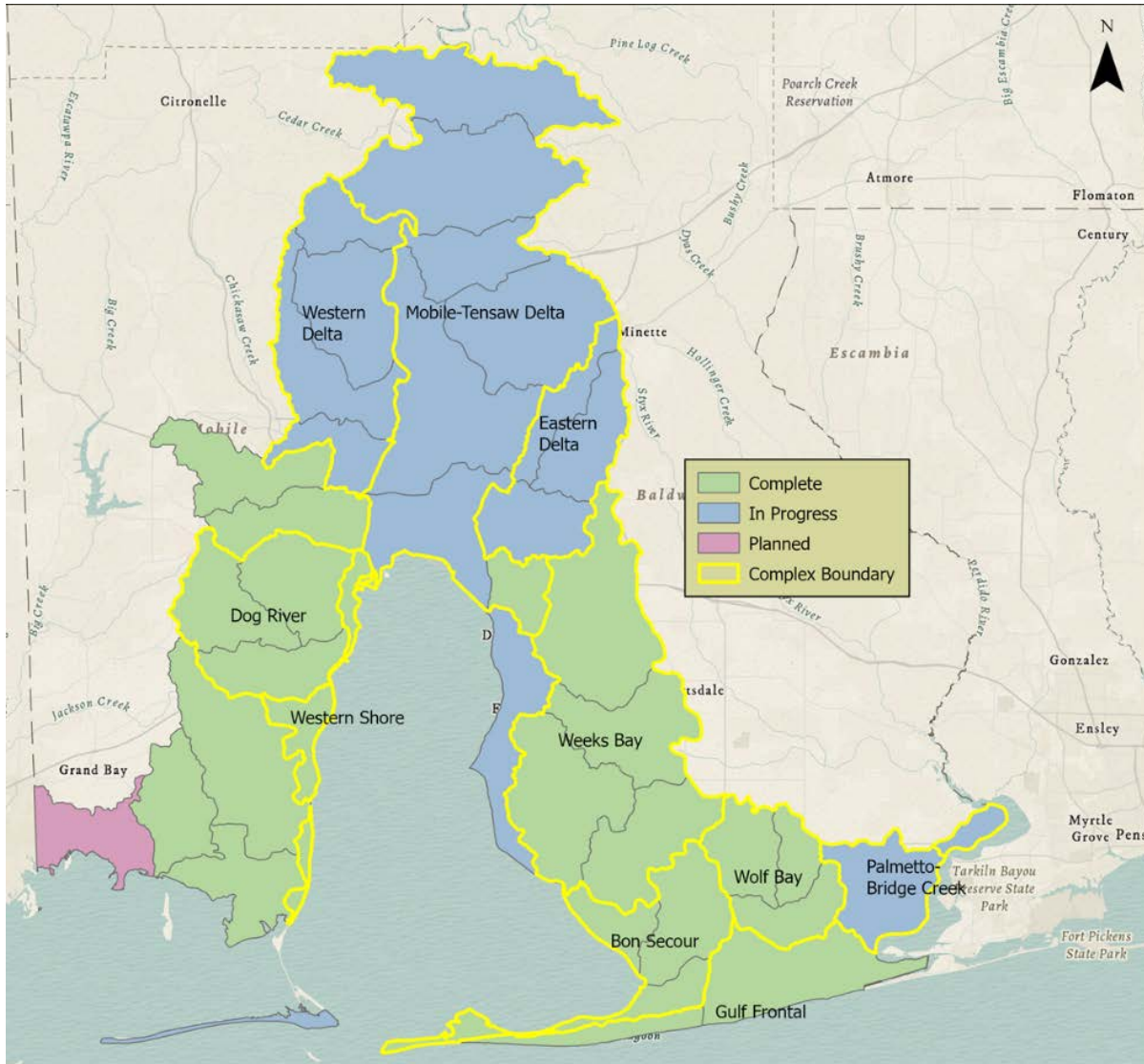
- Committee input session for new CCMP
- Update on amendments to the Waters of the United States final rule
- Co-chair nominations
 - Will Underwood, ADCNR

Total Attendees: 39



Magnolia River Bluffs

Watershed Planning Update



Watershed	Status
Western Shore	Complete
Gulf Frontal	Complete
D'Olive Update	Complete
MTA Delta	Complete
Eastern Shore	Complete
Dauphin Island	Complete
Perdido	Wrapping Up
Western Delta	In Progress
Eastern Delta	In Progress
Grand Bay	RFQ
Eight Mile Creek	In Progress

Government Networks Committee

GNC Meeting: September 29, 2023 (Hybrid)

- Committee input session for new CCMP

Total Attendees: 19



Business Resources Committee

BRC Meeting: September 21, 2023 (Hybrid)

- Committee input session for new CCMP
- Developing working plan with Aimée Christensen
- Private Sector Partner Analysis to guide growth
- Co-chair nominations:
 - John Barton, TC Boiler
 - Eliska Morgan, Thompson Engineering

Total Attendees: 11

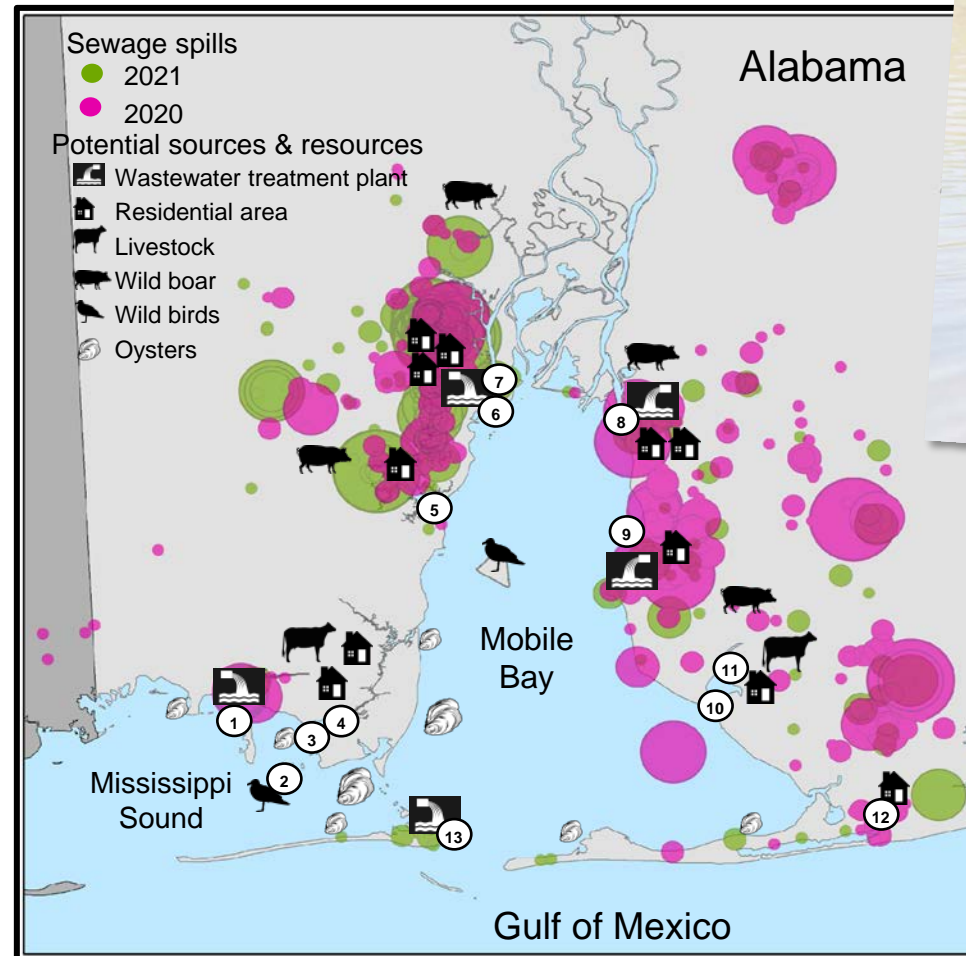


Community Action Committee

CAC Meeting: September 14, 2023 (Hybrid)

- MBNEP/Mobile Baykeeper-Mobile County Volunteer Water Quality Monitoring Program Update
- Dr. Ruth Carmichael-Improving Community Health Through Microbial Source Tracking in Alabama Waters
- Committee input session for new CCMP

Total Attendees: 11





Finance Committee

FC Meeting: September 26, 2023 (Virtual)

- Committee input session for new CCMP
- New Co-chairs
 - Patti McCurdy
 - Seeking other co-chair

Total Attendees: 5

Old Business

VOTE:

Approve Bylaws

BYLAWS
OF
THE MOBILE BAY NATIONAL ESTUARY PROGRAM
MANAGEMENT CONFERENCE

ARTICLE I
NAME AND PURPOSE

SECTION 1: NAME. The name of the Conference shall be the MOBILE BAY NATIONAL ESTUARY PROGRAM (MBNEP) MANAGEMENT CONFERENCE, hereinafter referred to as the Conference. The Conference is organized under Section 320(a) (2) of the Clean Water Act (CWA), and is a group of community, government, industry, academic and other leaders who guide the development and implementation of the Comprehensive Conservation Management Plan (CCMP) through a collaborative, consensus-building approach to management.

SECTION 2: PURPOSE. The purpose of the Conference as stated in CWA §320 is to:

1. Assess trends in water quality, natural resources, and uses of the estuary;
2. Collect, characterize, and assess data on toxins, nutrients, and natural resources within the estuarine zone and to identify the causes of environmental problems;
3. Develop the relationship between the in-place loads and point and nonpoint source loadings of pollutants to the estuarine zone and the potential uses of the zone, water quality, and natural resources;
4. Develop a CCMP that—
 - a. recommends priority corrective actions and compliance schedules addressing point and nonpoint sources of pollution to restore and maintain the chemical, physical, and biological integrity of the estuary, including restoration and maintenance of water quality, a balanced indigenous population of shellfish, fish, and wildlife, and recreational activities in the estuary, and assure that the designated uses of the estuary are protected;
 - b. addresses the effects of recurring extreme weather events on the estuary and the development and implementation of adaptation strategies; and
 - c. increases public education and awareness of the ecological health and water quality conditions of the estuary.
5. Develop plans for the coordinated implementation of the plan by the States, as well as federal and local agencies participating in the Conference; and
6. Monitor the effectiveness of actions taken pursuant to the plan.

NOTE: Alabama is one of a number of states that do not participate in the requirements of Executive Order 12372 "Intergovernmental Review of Federal Programs."

The CCMPs created under the CWA were designed to address water quality problems in, and promote the ecological integrity of, estuaries. The Conference is meant to coordinate and provide funding and in-kind support for long-term planning and actions to address the complex factors that contribute to the degradation of estuaries and ensure that the CCMP is uniquely tailored to local environmental conditions, is based on local input, and supports local priorities.



MBNEP Organizational
Development:
2023 Bylaws Rewrite

IMPACT



The Road to an Improved Organizational Structure

<i>Part One</i>	Executive Committee Evaluation/Input
<i>Part Two</i>	Bylaws Updates to reflect Changes; Improve Operation
<i>Part Three</i>	Management Conference/Key Stakeholders Evaluation/Input
<i>Part Four</i>	Assessment of Input gathered; Recommended Changes to Structure; EC Approval



Ad Hoc Committee on Bylaws Appointed by Executive Committee Co-Chairs

1. Mobile Area Chamber of Commerce President **Bradley Byrne**
 2. Mobile County Commissioner **Merceria Ludgood**
 3. Office of Congressman Jerry Carl, Regional Director **Elizabeth Roney**
 4. Mobile Bay NEP Director **Roberta Swann**
 5. Alabama Power External Affairs Manager **Beth Thomas**
 6. EPA Region IV Senior Policy Advisor for Water Programs **Chris Thomas**
 7. Marine Environmental Sciences Consortium (Dauphin Island Sea Lab) Director **John Valentine**
- ▶ In addition, review by:
- Alabama Department of Conservation and Natural Resources Director **Chris Blankenship**
 - Environmental Protection Agency Region IV, National Estuary Program Advisor
 - **Jennifer DiMaio**
 - Environmental Protection Agency Region IV Attorney **Matt Hicks**
 - Mobile Bay NEP Staff Attorney **Vanessa Romero**



Thorough Process May-September 2023

- ▶ Appointed Committee
- ▶ Well-rounded Committee with Skills Representing Law, Science, Government, Business, EPA, and Program
- ▶ Reviewed Bylaws by Each Article and Section, Beginning to End
- ▶ Held 3 Virtual 1-Hour Meetings, 1 In-person 2-Hour Meeting
- ▶ Numerous Email Reviews and Correspondences, Consulting Attorneys
- ▶ Sent Final Draft to Entire Management Conference for 2-Week Review and Comment
- ▶ Based on Comments, Incorporated One Update
- ▶ Presenting Final Draft Here Today for Discussion and Vote



ARTICLE I: NAME & PURPOSE

SECTION 2: PURPOSE

Legal

- ▶ Updated PURPOSE consistent with most recent authorizing language that became public law on January 13, 2021.
- ▶ Alabama does not participate in Section 2, 7. so removed, but noted why.

Simplifying

- ▶ Numbered the many purposes for readability and simplicity.

Clarifying

- ▶ Updated purpose of CCMP and Management Conference. (Though not defined specifically in enabling legislation, used the wording provided by the Association of National Estuary Programs -- ANEP).



ARTICLE I: NAME & PURPOSE

SECTION 3: MISSION, VISION & GOALS

SECTION 5: OBJECTIVES

Clarity

- ▶ Mission and Vision mixed in with goals. Restated by "Mission," "Vision," and "Goals" and renumbered for clarity. Simplified language.

Flow


- ▶ Reordered "Mission, Vision and Goals" with "Purpose of the Program" for flow.

Content

- ▶ Revised language to expand beyond Mobile-Tensaw Delta in practice to Alabama's estuaries and coast. Further defined the ecosystem as "estuarine."

Refined

- ▶ Removed Section 5 "Objectives" as redundant and more appropriate to Work Plans than Bylaws.



ARTICLE II: OFFICES & FISCAL YEAR
SECTION 1: PRINCIPAL OFFICE
SECTION 2: FISCAL YEAR

Legal

- ▶ In consultation with attorneys, principal office should be that of the Conference's administrative sponsor.

Practical

- ▶ Replaced “Terms of Operation” with “Fiscal Year” as “Terms” not addressed here but elsewhere.



ARTICLE III: CONFERENCE CONSTRUCTION

SECTION 4: DUTIES OF CONFERENCE MEMBERS

Clarity

- ▶ Added general duties otherwise assigned to ALL committees specifically elsewhere in Bylaws.

Content

- ▶ Added "consistently" to committee participation.

Simplify

- ▶ Reordered, cleaned up language.



ARTICLE IV: CONFERENCE STANDING COMMITTEES

SECTION 1: EXECUTIVE COMMITTEE

Content

- ▶ Add Tribal, PEP, and GOMP positions to permanent members.
- ▶ Changed "Economic Development" to "Business Community."
- ▶ Senate field offices represented in Government Networks Committee.
- ▶ Committee descriptions updated with information from the latest CCMP.
- ▶ Confirmed official positions as responsibility of the EC.

Clarity

- ▶ EC is a volunteer group of representatives, not subject to open meetings law.
- ▶ Purpose of the Work Plans are for CCMP implementation.



ARTICLE IV: CONFERENCE STANDING COMMITTEES

SECTIONS 2-7: ALL OTHER COMMITTEES

Consistency

- ▶ All committee descriptions updated with information from latest CCMP.
- ▶ Elections and minutes made consistent for each committee and added at end of all committee descriptions.

Simplicity

- ▶ Language streamlined.

Definition

- ▶ Defined co-chairs.



ARTICLE IV: CONFERENCE STANDING COMMITTEES
SECTION 4: PROJECT IMPLEMENTATION COMMITTEE
SECTION 6: SCIENCE ADVISORY COMMITTEE

Consistency

- ▶ Made one co-chair a permanent organizational position for each of these committees for consistency of project review and progress.



ARTICLE IV: CONFERENCE STANDING COMMITTEES

SECTION 8: DECISION-MAKING

Addition for Consistency

- ▶ “Decision making: Decisions for all committees will be made by consensus at all meetings, except for the EC, where simple majority rules, or as otherwise noted in these bylaws.”
- ▶ Consensus: General agreement or the judgment arrived at by most of those concerned.
- ▶ Only the Executive Committee votes as the decision- and policy-making body of the Conference. EC members are liable and insured.
- ▶ All other Standing Committees make recommendations to the EC for official positions.

Other

- ▶ Meetings information was moved to ARTICLE VI, Section 3. for consistency.



ARTICLE V: AD HOC COMMITTEES

SECTION 1: PERSONNEL COMMITTEE

Legal, Clarity

- ▶ Rewrote, clarified in consultation with DISL legal counsel.
- ▶ Changed name from "Personnel Committee" to "Personnel Matters".
- ▶ Moved from "Ad Hoc Committees" to new Article VIII.



ARTICLE VI: MEETINGS

SECTION 1: ANNUAL MEETING

- ▶ Removed election of chairs at the Q4 Annual Meeting. Not current practice.
- ▶ In February and May of 2018, Executive Committee voted on five-year terms for co-chairs of the committees in alignment with CCMP.
- ▶ Exception made in following the cycle of the CCMP, which is extended presently by two years.
- ▶ The current chairs' terms will expire September 30, 2023, unless otherwise directed by the Executive Committee.
- ▶ New chairs will serve two years to get in alignment with the new CCMP, and may run again for a five-year term.
- ▶ If a chair position becomes vacant, committees may elect new chair at any time.



ARTICLE VI: MEETINGS

SECTION 3: COMMITTEE MEETINGS

Consistency

- ▶ This text was moved from ARTICLE IV, Section 8. to be more consistent.

Content

- ▶ Added website as place to find meeting minutes.



ARTICLE VI: MEETINGS

SECTION 5: MEETING NOTICES, AGENDAS, AND MATERIALS

Content

- ▶ Changed Special Meeting notification from 14 days to 3 days since typically requires urgent action.
- ▶ Added website as place where notices, materials found.




ARTICLE VI: MEETINGS

SECTION 5: WAIVER OF NOTICE

Content

- ▶ Removed this section. Not the way the MBNEP does business.



ARTICLE VI: MEETINGS

SECTION 6: QUORUM

Content

- ▶ Language cleaned up to address the definition of quorum and current practice.
- ▶ “A quorum for the transaction of any business by the EC shall consist of at least 51% of the members of the committee. A quorum for the transaction of any business by the other Standing Committees shall consist of at least 51% of the active members or a minimum of at least 7 members.”



ARTICLE VII: RESPONSIBILITIES OF CO-CHAIRS

SECTION 1: CHAIR

SECTION 2: CO-CHAIR

Content

- ▶ Removed “Chair.” Reconciled with current practice.
- ▶ Added language related to vacancies, duties and removal.



ARTICLE VII: RESPONSIBILITIES OF CO-CHAIRS

SECTION 3: DUTIES OF MBNEP DIRECTOR

Content

- ▶ Removed Section 3. Duties of Director do not belong in bylaws.
- ▶ Moved to MOU between administrative host - MESC/DISL -- and Program Director.



ARTICLE VIII: PERSONNEL MATTERS

SECTION 1: PERSONNEL MATTERS

- ▶ Moved from "Ad Hoc Committees" to separate new Article.
- ▶ Changed name from "Personnel Committee" to "Personnel Matters."
- ▶ Rewrote, clarified in consultation with DISL Counsel.



ARTICLE IX: INDEMNIFICATION

SECTION 1: INDEMNIFICATION OF MEMBERS

- ▶ Liability should only apply to the Executive Committee as voting members of the MBNEP Conference policy-making body.
- ▶ Verify with insurer.



ARTICLE X: CONFLICT OF INTEREST

SECTION 1: CONFLICT OF INTEREST

- ▶ Further defined Conflict of Interest and specified for ALL Members of the Conference.



ARTICLE XI: MISCELANEOUS

SECTION 1: PUBLIC PARTICIPATION AT MEETINGS

- ▶ Specified, in addition to the EC and GNC, the BRC meeting practice is also not open to the public.
- ▶ As a non-governmental body, the MBNEP is not required to have open meetings.
- ▶ Verified in conjunction with MESC/DISL administrative sponsor counsel and with MBNEP staff counsel.
- ▶ Alternatively, there is great effort to engage with the public through coordination of volunteer projects and with notices and materials on the website and in social media publicly available.



APPROVAL OF BY LAWS

- ▶ 2/3 majority vote when quorum is present.
- ▶ EPA recommends individual signatures on document not necessary.
- ▶ Date of adoption is sufficient and well documented in the meeting minutes.



QUESTIONS?

New Business

2023 Annual Breakfast

December 8, 2023



- **Other**

- **Announcements**

- **Adjourn**

