

Meeting Minutes

General Electric/Housatonic River Natural Resource Restoration MA SubCouncil Public Meeting

May 11, 2005

Prepared for: Massachusetts SubCouncil
Prepared by: Woodlot Alternatives, Inc.
Location: Lee, Massachusetts (Lee Town Hall)
Time: 5:30 pm – 6:45 pm

Public meeting began at 5:40 pm.

I. Opening Statement by John Lortie, Woodlot Alternatives, Inc., and Introductions

- Introduction of Massachusetts SubCouncil (MA SubCouncil):
 - Dale Young, Massachusetts Executive Office of Environmental Affairs (State Trustee)
 - Veronica Varela, U.S. Fish and Wildlife Service (Federal Trustee)
 - Rachel Fletcher, currently of Housatonic River Restoration (ex officio member)
 - Tim Gray, currently of Housatonic River Initiative (ex officio member)
- Introduction of Consultant Team:
 - John Lortie, Stephanie Lindloff, and Michael Chelminski, Woodlot Alternatives, Inc.

Personal introductions by members of the public. Attendees included Tom Matuszko, Caleb Mitchell, Shep Evans, Sally Bell, Jonathan Lothrop, Dennis Regan, Charlotte Davis, Deanna Ruffer, Mike Makes, Andy Gordon, Mike Frederick, Bob Foley, Nat Karus, and Rene Laubach.

II. Presentation of DRAFT Restoration Project Selection Procedure (RPSP) and Public Questions/Comments (listed in chronological order)

1. Stephanie Lindloff presented the DRAFT RPSP to the meeting attendants. During the presentation, Ms. Lindloff specifically encouraged feedback from the public on whether the proposed 90-day solicitation period is appropriate, and whether the proposed application is clearly worded.
2. John Lortie noted that a question about Threshold Criteria 2 was brought to his attention by a member of the public prior to the meeting's start. The question was whether a particular site must be directly impacted by the release of PCBs to be eligible for funding. Dale Young clarified that direct impact at the specific site is not a requirement. However, the restoration project must directly benefit natural resources and/or services that have been injured by the release of PCBs.
3. Question from the public regarding the make-up of the review team. Dale Young responded that the MA SubCouncil is in the process of developing the list of reviewers.
4. Question regarding whether the review team list is available to the public or will be made available for public comment. Dale Young responded that this has not yet been determined.
5. Question regarding if the review team will be trained in how to apply the Evaluation Criteria and how consistency between reviewers will be achieved. MA SubCouncil responded that the review team members will receive directions in how to apply the

- Evaluation Criteria, and that consistency will be achieved in part through the consensus-based scoring process.
6. Question regarding whether the reviewers are local government employees or state government employees. Dale Young responded that state and federal government employees, but not local government employees, will serve as reviewers.
 7. Public comment that there is a concern about conflict of interest in cases where one agency employee submits an application and another employee of that same agency is eligible to evaluate and score the application. The employee doing the evaluation may be subject to pressures we don't know about.
 8. Question regarding whether state and federal reviewers will be prevented from submitting applications for funding. The MA SubCouncil responded no, state and federal reviewers are eligible to submit applications for funding.
 9. Question regarding whether reviewers and the MA SubCouncil members will visit proposed restoration sites during the evaluation process. Public expressed concern that you can only get so much information from looking at paper photos and maps and you need to get to the site to appreciate the lay of the land. Dale Young responded that they would most likely visit. Public comment followed that MA SubCouncil needs to visit proposed restoration sites.
 - o Veronica Varela commented that it would be burdensome to visit every site considering the number of applications that are expected to be submitted. She noted that photos, maps, etc., can be sufficient and, in combination with other application materials, were sufficient during the New Bedford Harbor application review process. Public comment followed disagreeing with Ms. Varela's response.
 10. Public comment that having three wildlife biologists review all wildlife proposals, for instance, is too technically focused and would result in the MA SubCouncil not seeing the forest for the trees. Public comment that generalists need to be a part of the review process for every application; they may be able to ask more objective questions. The MA SubCouncil responded that the public can help enable a holistic review process by providing good input.
 11. Public comment that planners should also be part of the review team.
 12. Public comment that there is concern that certain members of the review team may be biased against certain applicants regardless of the content, merit, or quality of their application. Public comment that a lot of history has transpired between the public and government agencies in the region. Comment that reviewers need to have a global perspective.
 13. Public comment that reviewers should include private consultants with applicable expertise to alleviate public concerns related to possible bias by public-sector reviewers.
 14. Public comment regarding advisory groups that have been set up by the state for other funding processes. These advisory groups have included people outside of government agencies; why can't this one as well? Stephanie Lindloff commented that the Natural Resource Damage restoration planning process is a federal action and, therefore, must comply with the Federal Advisory Committee Act (FACA), as noted in the presentation.
 15. Question asking about the educational background and relevant experience of reviewers. Dale Young responded that there will be a mix of reviewers for each project.
 16. John Lortie commented that he knows three-quarters of people on current review team list, is familiar with their expertise, and believes they will do a great job. He emphasized that public input on the applications received will be an important part of the evaluation process.
 17. Public comment regarding whether the quantitative scoring method is fair for all project types. Stephanie Lindloff added that all scores will be advisory-in-nature.

18. Question regarding whether review team scores will be made available to the public. Stephanie Lindloff said that an Evaluation Summary Memo will be prepared for each application. Each memo will include the range of scores given by individual reviewers, the single consensus-based score, and the review team's rationale for arriving at that score. These memos will be made available for public review.
19. Public comment that the MA SubCouncil should involve the best possible outside reviewers in the evaluation process. Will Woodlot be involved? They should be since they have a solid understanding of the process and the history of the issues faced in the watershed. This would help keep a consistent approach to scoring proposals.
20. Question about whether all feasible projects would receive funding. John Lortie responded that the MA SubCouncil anticipates that many feasible projects will be proposed, but there are limited funds available per round and for restoration projects in general. He noted that, "The problem is that all of the projects are not going to be funded."
21. Question for confirmation that there is no requirement for matching funds. MA SubCouncil responded that that is correct, but proposed projects that do provide matching funds will earn points in the evaluation process.
22. Question regarding the wording of the first category of Evaluation Criteria (i.e., Relevance and Applicability of Project). How does "relevance and applicability" apply to environmental education projects? Public comment that they aren't going to earn as many points because some Evaluation Criteria don't apply, such as the one for "Natural Recovery Period." The MA SubCouncil responded that the scores for the applications will be considered relative to other projects in the same Restoration Priority Category. Environmental Education projects will only be compared to other Environmental Education projects, so they all may score low on certain criteria. Likewise, Aquatic Resource restoration projects may generally score low on some of the socioeconomic criteria.
23. Question regarding a pre-set amount of funding that will go to each Restoration Priority Category. MA SubCouncil responded that there is no set amount per category.
24. Question regarding whether Natural Resource Damage (NRD) funds are considered eligible for match. MA SubCouncil responded that yes, NRD funds may be eligible for match by federal funds because the NRD funds are not federal funds. Stephanie Lindloff noted that the NRD funds' eligibility for match must be confirmed with the specific federal funding program. Some programs may consider NRD funds to be mitigation and therefore not eligible for match.
25. Question regarding whether NRD funds are considered state funds, and whether they are eligible for match by the state. Dale Young said the MA SubCouncil will need to get legal clarification on this matter.
26. Question regarding the definition of "services." Veronica Varela responded that services, in the context of NRD, are both natural resource functions and human uses of those functions.
27. Question about why members of the public can't be on the review team. MA SubCouncil responded that they would run into issues with FACA and this would result in a more burdensome process. For instance, a Federal Advisory Committee charter would need to be developed and filed with the United States Congress.
28. Question regarding whether a proposed project that doesn't receive funding can be resubmitted. Dale Young and Veronica Varela responded yes, it can be resubmitted.
29. Question regarding whether the MA SubCouncil expects projects to fall into only one Restoration Priority Category. MA SubCouncil responded no, they expect some projects will benefit several Restoration Priority Categories. However, applicants will be asked to

- indicate the Primary Restoration Priority Category for their project. Secondary Restoration Priority Categories can also be indicated. According to the Evaluation Criteria, points may be earned for projects that demonstrate the potential to benefit more than one category.
30. Question regarding whether the Evaluation Criteria favor partnerships. MA SubCouncil answered yes, and referred meeting attendants to the "Diverse Partnerships" criterion on page 4-22 of the DRAFT RPSP.
 31. Question regarding whether the amount of funding per round has been established. MA SubCouncil responded yes and referred to page 3-1 of the DRAFT RPSP.
 32. Question regarding whether an applicant can submit a proposed project in pieces. The MA SubCouncil responded yes, if each component of the request can stand on its own, such as a trail system, for example. Meeting attendants were referred to page 3-3 of the DRAFT RPSP.
 33. Question regarding whether an applicant can submit more than one proposal. MA SubCouncil responded yes.
 34. Question regarding whether multiple-year proposals can be submitted. MA SubCouncil responded yes and referred to page 3-3 of the DRAFT RPSP.
 35. Question regarding whether state agencies have relevant expertise, and public comment that state employees from other regions and even other states should be used to avoid local biases.
 36. Question regarding whether people selected for the review team have been contacted and have accepted the request for their involvement. MA SubCouncil responded yes.
 37. Public question regarding whether industry experts could be members of the review team. Dale Young reminded attendees of the previous FACA discussion; Veronica Varela reiterated the previous discussion. Rachel Fletcher noted that there would be a problem selecting private individuals to sit on the review team because they would only represent a minority of the public. Ms. Fletcher explained that the proposed process enables the public to have equal access to all applications; there would be no access if reviews were conducted by private entities. Also, the process provides the public with an equal opportunity to inform the decision on which projects are selected for implementation.
 38. Public comment reiterating previous comment that technicians are narrow-scoped for reviewing purposes and that the MA SubCouncil should mix up technical reviewers with non-technical reviewers.
 39. Hearing no additional questions or comments from the public, the MA SubCouncil reminded attendees that the public comment period on the DRAFT RPSP closes on Friday, May 27, 2005, and thanked the public for their participation in the process.

Meeting adjourned at 6:45 pm.