

Meeting Notes



Stantec

Draft Round 3 Restoration Plan and Supplemental Environmental Assessment

GE/Housatonic River Natural Resource Restoration

Date/Time: August 23, 2012 / 5:30 pm
Place: Lenox Town Hall, Lenox, Massachusetts
Next Meeting: Not Scheduled
Attendees: Karen Pelto (MassDEP): Trustee Representative, MA SubCouncil
Kenneth Munney (USFWS): Trustee Representative, MA SubCouncil
Robin MacEwan (Stantec): Consultant for MA SubCouncil
Eric Ford (Stantec): Consultant for MA SubCouncil
Public Attendees (See Attachment 1 [Attendance Sheet])
Absentees: N/A
Distribution: Project Website

Item:

Action:

Introduction

The meeting formally commenced at 5:40pm. Karen Pelto (KP) provided background information relative to the Massachusetts SubCouncil (MA SubCouncil) and Stantec, and defined the purpose of the meeting (to inform interested parties of the *Draft Round 3 Restoration Plan and Supplemental Environmental Assessment* [RP/SEA] in a public forum and solicit comments on the draft plan). Audience members (10 at the commencement of meeting) introduced themselves and their affiliation to the presentation team. The public was directed to a printed agenda and asked to sign-in with their name and affiliation.

Slideshow Presentation

At 5:44 pm, Robin MacEwan (RM) began the Draft Round 3 RP/SEA presentation. The 18-slide PowerPoint presentation provided background information on the project; the status of Round 1 and Round 2 projects; an introduction to the Draft Round 3 RP/SEA; an overview of the Round 3 review process; the project timeline; and information pertinent to the Round 3 Public Comment Period.

Open Forum¹

At 6:07 pm, RM finished the presentation and initiated the general question and answer session.

Public Question 1: *Lee Alexander (LA) of The Trustees of Reservations commented that the Draft Round 3 RP/SEA indicates that \$2 million are targeted for disbursement in Round 3 and asked if there was a per-project cap.*

Response 1: *KP explained that there is not a per project cap; however, the MA SubCouncil is interested in distributing funding to a diversity of resources and locations throughout the watershed.*

Response 1: *Ken Munney (KM) added that the MA SubCouncil wants the biggest “bang for the buck,” and that distributing funds throughout the watershed is very desirable. KM also provided an estimated per-project disbursement figure of no more than 25% of the total Round 3 allocation of \$2 million, dependent upon variables including the quality of proposed sites, the anticipated benefit of the project, and the spatial distribution of proposed properties within the watershed.*

Response 1: *KP emphasized that the entire \$2 million of Round 3 funding probably won't be awarded to one, single project.*

Public Question 2: *Dennis Regan (DR) from the Housatonic Valley Association asked if conservation restrictions/easements can be part of proposals.*

Response 2: *KP indicated that both fee acquisition and conservation restrictions/easements would be considered.*

Response 2: *KM added that there would likely be more conservation restrictions than outright acquisitions given the available funds and because conservation restrictions typically involve greater land conservation for less money.*

Public Question 3: *Gene Chague, a local sportsman, asked if applicants can “team up” with other entities,*

¹ All questions and answers are paraphrased and do not represent direct quotes.

including land trusts, to create a larger and/or more beneficial project.

Response 3: *KM indicated that multiple entities can contribute to a proposal. He added that the MA SubCouncil is always looking for ways to leverage funds (e.g., matching funds) to achieve greater natural resource benefits and that project collaborations between entities are one way to do so. KP added that projects with multiple partners will score higher on evaluations, as part of the project criteria scoring matrix.*

Public Question 4: *Erik Bruun (EB) of Project Native asked whether Round 3 funding can be used for other initiatives (e.g., habitat restoration) associated with a particular parcel.*

Response 4: *KP indicated that funding can only be used for land protection and habitat conservation; funding cannot be used for habitat restoration or recreational improvements. KP added that such work could be associated with a project, but that funding for activities other than land protection and habitat conservation would have to come from a separate source. She also stated that it may be beneficial for such additional work to be part of a project, referencing Public Question 3 and indicating that this would be a good way to team with other entities to create a more beneficial project.*

Public Question 5: *Greg Federspiel from the Town of Lenox asked if having a commitment (e.g., Purchase and Sale [P&S] agreement) in place by the owner to sell the property is a prerequisite for consideration, noting that the possibility exists that a P&S agreement could expire before the parcel selection process is completed.*

Response 5: *KM indicated that the MA SubCouncil is looking for parcels that will not expire before they complete the Round 3 project selection process. KM continued by commenting that the MA SubCouncil will be looking at the potential of a property to still be available at the completion of the Round 3 project selection process, but having a P&S agreement up front is not a necessity.*

Response 5: *KP added that Phase 1 of the Request For Responses (RFR) includes determining an opinion of value of the parcel and an estimated cost of*

performing due diligence. In Phase 2, proponents of selected projects will be asked to perform due diligence and provide a letter of interest or commitment from the landowner.

Response 5: *KM indicated that it's possible that the option to acquire or conserve a selected property may expire before the Round 3 project selection phase is complete. The MA SubCouncil would then consider evaluation of other parcels as replacement for the expired option.*

Public Question 6: *LA commented that when working with landowners, the speed of the process can be extremely variable. LA asked whether a selected project would still be eligible if the sale has to close before the Phase 3 selection and award process is complete and, if not, would the entity be reimbursed. She referenced a project funded by the CT SubCouncil that was determined to be eligible for funding even though the deal had closed prior to completion of the CT SubCouncil's selection and award process.*

Response 6: *KM asked who was involved with the project.*

Response 6: *LA indicated that it was a project between the Trustees of Reservations and the Nature Conservancy. She could not recall the name of the project.*

Response 6: *KP indicated that she will consult with sister agencies that run land grant programs and find out how they handle these situations. From a procurement standpoint, the Commonwealth of Massachusetts has a mechanism called a "settlement and release" that allows funds to be expended before a contract is executed, so it would be possible from an administrative standpoint. However, KP indicated that she was not sure if it's possible from a land grant standpoint and would include a final determination in the finalized meeting notes².*

MA SubCouncil to provide final determination as to whether selected parcels may be eligible for funding if the applicant must close the sale prior to execution of a contract with the MA SubCouncil.

Response 6: *RM requested LA to submit this question as a Public Comment to allow the MA SubCouncil to further review and respond to the question.*

² Further response on this topic will instead be provided in the MA SubCouncil's response to Public Comments.

Public Question 7: *Jess Toro (JT) from Native Habitat Restoration asked if the costs associated with due diligence are eligible for reimbursement.*

Response 7: *KP responded that those costs come into play during Phase 2 of the RFR process and that certain Phase 2 due diligence costs are reimbursable. Reimbursement rates have been established based on typical costs that state agencies (who purchase land) pay for appraisals, title searches, etc. Maximum reimbursement amounts are identified in the Draft Round 3 RP/SEA.*

Public Question 8: *JT asked if an extended option period is also eligible for reimbursement as an applicant may need to invest additional funds to extend an option.*

Response 8: *KP indicated that this is something that the MA SubCouncil would like to address as a Public Comment for consideration in the Final RP/SEA.*

Public Question 9: *JT asked whether due-diligence costs may be reimbursed if an application is not selected for Phase 2 of the RFR.*

Response 9: *KP explained that, as currently drafted, reimbursement only applies to those projects selected for Phase 2. She indicated, however, that the MA SubCouncil would like to know how the process has worked for other projects people have been involved with. She also commented that while the MA SubCouncil's criteria are well-established through previous planning efforts, they welcome comments on the attributes that parcels would have to contain in order to meet those criteria. KP requested feedback during the Public Comment period on the proposed evaluation and prioritization of properties.*

Public Question 10: *LA asked if one applicant can submit multiple projects for consideration.*

Response 10: *KP indicated that one applicant can submit multiple applications.*

Public Question 11: *DR asked if the applicant will have to document the nature of a property relative to how impacted or damaged it may be.*

Response 11: *KP explained that the MA SubCouncil will be looking for compensatory restoration projects that preserve the type of habitat injured and do not require investigation into the extent or magnitude of contamination or natural resource injuries. She continued by explaining that linking resources is critical and that proposed land protection and habitat conservation projects should protect species or habitat that was injured.*

Public Question 12: *Alan Papscon (unknown affiliation) asked whether the land has to abut the river to be eligible for funding.*

Response 12: *KP explained that a parcel does not have to abut the river.*

Response 12: *KM added that the MA SubCouncil is looking at resources injured from contamination and that the purpose of Round 3 is to protect the same types of resources within the watershed through land protection and habitat conservation. He also indicated that if the land abuts the river, there could be a contaminant issue, which may preclude the site from being a viable option.*

Comment: *EB thanked the MA SubCouncil for their efforts in linking the river/watershed and the surrounding communities. EB stated that he wanted to commend the MA SubCouncil for making an effort to think and act in a nuanced way and he expressed his appreciation to the MA SubCouncil.*

Response to Comment: *KM thanked EB for the kind words and indicated that finding ways to benefit diverse habitats and resources has been a primary goal of both the current MA SubCouncil and their predecessors. KM mentioned that he would pass the message along to his predecessors.*

Public Question 13: *LA asked what mechanisms the MA SubCouncil will use to inform the public that the Final Round 3 RP/SEA and RFR have been released.*

Response 13: *KM indicated that the MA SubCouncil would use the same mechanisms and media sources used in the past. She also asked the audience what, if any, additional mechanism would be useful.*

Response 13: *LA indicated that she would like to see an email distribution list.*

Response 13: *KP explained that, in addition to formal notification, she has been keeping a list of applicants for previous Rounds, land trusts, non-profits, etc. She encouraged the audience to provide their email addresses to the MA SubCouncil before they leave.*

Response 13: *KM asked that the audience add their email to the sign-in sheet.*

Response 13: *RM explained that a list of media outlets used for notification is provided in the Draft Round 3 RP/SEA and encouraged the audience to review this list and suggest additional outlets for consideration.*

Response 13: *KM commented that he did not want to see interested parties miss out on this opportunity.*

Response 13: *LA indicated she would send the MA SubCouncil a list of interested parties that did not receive notification.*

Response 13: *KP requested that the list be sent directly to her.*

Public Comment Period

At 6:36 pm, RM opened the Public Comment Period. RM asked if anyone would like to submit public comments at this time. RM also indicated that it may be easier for interested parties to submit comments in writing and reminded the audience that written comments may be submitted to the mail and email addresses provided on the meeting agendas and in the PowerPoint presentation.

KM strongly suggested submitting comments in writing to ensure that everyone's opinion is documented accurately and not misinterpreted when considered. KM also expressed the need for all interested parties to know what is going on, especially new entities/players not involved with the previous Rounds.

No comments were received from the public.

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The meeting adjourned at 6:38 pm.

The foregoing is considered to be a true and accurate record of all items discussed. If any discrepancies or inconsistencies are noted, please contact the writer immediately.

STANTEC CONSULTING SERVICES INC.



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**Massachusetts SubCouncil, Housatonic River Natural Resource Trustees
General Electric/Housatonic River Natural Resource Restoration**

**Draft Round 3 Restoration Plan and Supplemental Environmental Assessment for
Land Protection and Habitat Conservation**

Thursday, August 23, 2012

5:30 - 7:30 PM

Lenox Town Hall

6 Walker Street

Lenox, Massachusetts

**Public Meeting
Attendance Sheet**

Name	Organization
Robin MacEwan	Stantec
Eric Ford	Stantec
Bob Ford	Mass Audubon
Gene Chague	Sportsman
Jess Toro	Native Habitat Restoration
Alan Papscon	
Erik Bruun	Project Native
Dennis Regan	HVA
Billie Best	Project Native
Shep Evans	HVA
Greg Federspiel	Town of Lenox
Lee Alexander	The Trustees of Reservations

