

Meeting Minutes

General Electric/Housatonic River Natural Resource Restoration Applicant Conference

February 7, 2006

Prepared for: Massachusetts SubCouncil
Prepared by: Woodlot Alternatives, Inc.
Location: Berkshire Community College, Main Campus, Room K111
Time: 5:30 pm – 7:30 pm

Public meeting began at 5:30 pm.

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

1. Purpose of the meeting is to provide information relating to submitting proposals for the Request for Ideas (RFI) and Request for Response (RFR) on the Commonwealth's Procurement Access and Solicitation System (Comm-PASS).
2. Brief project history including documents released to date: Restoration Planning Strategy, Restoration Project Selection Procedure, Draft Programmatic Environmental Assessment, RFI, and RFR.
3. Introduction of Massachusetts SubCouncil (MA SubCouncil):
 - a. Dale Young, Massachusetts Executive Office of Environmental Affairs (State Trustee representative).
 - b. Veronica Varela, U.S. Fish and Wildlife Service (Federal Trustee representative).
 - c. Rachel Fletcher, currently of Housatonic River Restoration (ex officio member).
 - d. Tim Gray, currently of Housatonic River Initiative (ex officio member).
4. Introduction of Consultant Team:
John Lortie, Todd Chadwell, and Michael Chelminski, Woodlot Alternatives, Inc.

II. Slideshow presentation of Applicant Process by Todd Chadwell, Woodlot Alternatives, Inc.

1. Round 1 Funding Solicitation released December 21, 2005.
2. RFI and RFR documents may be downloaded at www.comm-pass.com.
3. Amendments concerning recent changes to deadlines available at Comm-PASS website.
4. Restoration Priority Categories: Aquatic Biological Resources and Habitat, Wildlife Resources and Habitat, Recreational Uses, and Environmental Education and Outreach.
5. Evaluation Criteria Categories: Relevance and Applicability, Technical Merit, Project Budget, and Socioeconomic Merit.
6. Description of eligible applicants, eligible projects, and eligible project locations.
7. Noted that all materials submitted in response to the solicitation will be available for public review.

8. Noted that all questions and comments concerning solicitation process must be received by February 13, 2006, and will be posted with formal answers on Comm-PASS website on February 24, 2006.
9. List of suggested references: Restoration Planning Strategy, Restoration Project Selection Procedure, and Draft Programmatic Environmental Assessment – all available for download at www.ma-housatonicrestoration.org.
10. Project schedule: March 21, 2006 deadline for receipt of proposals and ideas remains unchanged. December 2006 is target date for funding disbursement for restoration projects.
11. Clarification that there are three rounds of funding tentatively scheduled to occur, one each in the years 2005, 2007, and 2009.

III. Questions and Comments from Public

1. Noted that questions would be taken and answered at meeting, but answers would be informal ones and subject to change before formal answers are posted on the Comm-PASS website on February 24, 2006.
2. Questions received informal responses provided (see attached Questions and Answers).

Meeting adjourned at 7:30 pm.

General Electric/Housatonic River Natural Resource Restoration
Applicant Conference
February 7, 2006

Prepared for: Massachusetts SubCouncil
Prepared by: Woodlot Alternatives, Inc.
Location: Berkshire Community College, Main Campus, Room K111
Time: 5:30 pm – 7:30 pm

Questions and Answers

The following list of questions and associated answers regarding the RFR/RFI was generated at the Applicant Conference. This document also serves as a continuation of the meeting minutes from that night. Answers that have been revised from those given at the time of the Meeting are listed as “Post-Meeting Response”. All answers are subject to change and will be posted in final form on the Commonwealth’s Procurement Access and Solicitation System (Comm-PASS) on February 24, 2006.

Question #1: Is the deadline for applications March 21, 2006?

Answer: Yes. The deadline for receipt of completed project applications is March 21, 2006.

Question #2: If an application contains an acquisition proposal for multiple parcels of land, is the proposal stronger if the parcels are contiguous, and can the Housatonic River be used to define contiguity?

Answer: Applicants requesting funds to acquire a specific parcel of land or multiple parcels of land should demonstrate that the proposed project would provide benefits to an injured natural resource/service. This holds true whether the parcels are contiguous or not. If multiple parcels would provide greater benefit, then the proposal would likely be considered

to have potentially greater benefit. The Trustees will also take into consideration whether specific parcels require implementation of significant restoration activities before the indicated resource benefits would be provided and, if so, are those restoration actions a component of the proposed project? The Trustees will also consider whether the parcels proposed for acquisition are adjacent to lands already protected, or are lands that have already been identified as having significant ecological value, e.g., lands shown on MANHESP BioHabitat maps.

Question #3: Who will make the funding decision?

Answer: The final decision will be made by the MA SubCouncil Trustee voting members Ms. D. Young (EOEA) and Ms. V. Varela (USWFS). Before the final decision is made comments from a number of other individuals will be considered, including those of the non-voting ex-officio members R. Fletcher and T. Gray, those of the Peer Review Team Members, and those of the public.

Question #4: How large is the Peer Review Team?

Answer: There are 14 members right now.

Question #5: Will there be a public listing of Peer Reviewers?

Answer: No, but the affiliations of Peer Reviewers will be listed.

Question #6: What is the definition of Protected Land?

Answer: Any land that is protected by federal, state, local (city and town), or non-governmental organizations.

Post-Meeting Response: Further guidance may be provided.

Question #7: Could all of the money allocated for this round of solicitations be used for land acquisition?

Answer: It is possible, although unlikely, that all of the money in this round will be used for acquisition. The MA SubCouncil has identified several restoration priority categories based on the types of natural resource injuries sustained by the Housatonic River watershed. These include Aquatic Biological Resources and Habitat, Wildlife Resources and Habitat, Recreational Uses, and Environmental Education and Outreach. The intent of categorizing proposed restoration projects is to enable the goal of achieving a broad range of benefits to injured natural resources and services. It is the Trustees desire to fund at least one project in each category.

Question #8: Will there be any measures taken to maintain confidentiality for projects involving land acquisition?

Answer: Appraisals will not be released to the public. However, the SubCouncil will verify this with legal counsel.

Post-Meeting Response: Awaiting guidance on this question.

Question #9: Does there need to be a Purchase and Sale Agreement included in the application package for projects involving land acquisition?

Answer: No; however as explained in the application materials, there needs to be written evidence of project feasibility.

Post-Meeting Response: Further guidance may be provided.

Question #10: When the MA SubCouncil makes their decision to fund a project, can that decision be partial funding for a part of the project?

Answer: Need guidance on this question.

Post Meeting Response: Section 3.1 of the RPSP states that the MA SubCouncil reserves the right to fund only a portion, change the scope, and/or delete tasks of any proposed project. Selected applicants may decide not to enter into a contract if the revised scope does not meet their approval.

Question #11: For proposals involving the acquisition of multiple parcels, could the MA SubCouncil choose to purchase one or more parcels, but not all of the parcels included in the application?

Answer: Yes

Question #12: If an organization or entity submits multiple proposals in two or more categories, will it affect the evaluation of any of the proposals?

Answer: Proposals will be evaluated independently based on their merits, however proposals that address more than one restoration category will receive more points under one of the criteria.

Question #13: If two or more entities form a team or a partnership to prepare and submit an application, does one entity have to be the prime?

Answer: For contract purposes, one entity will need to be listed as the Authorized Representative of Applicant.

Question #14: If there is more than one entity submitting an application, how is this recognized in the application? Does there need to be a primary applicant?

Answer: While the application requires the identification of one Authorized Representative of Applicant, the applicants can provide a brief narrative in the Project Abstract or in the Project Narrative describing the project team.

Question #15: Does a project site have to be accessible to the public to be eligible for funding?

Answer: Need guidance on this question.

Post-Meeting Response: Awaiting guidance on this question.

Question #16: Does the project site have to be available for hunting and fishing to be eligible for funding?

Answer: No.

Question #17: Is there a limit on administrative expenses or overhead?

Answer: No; however, the MA SubCouncil will consider whether a project's costs, including overhead costs, are commensurate with the benefits it provides to injured natural resources and/or services. This will be a qualitative cost/benefit analysis that is largely based on information provided by the applicant. Priority will be given to projects that demonstrate that a significant benefit will be generated for a reasonable cost.

Question #18: For purposes of establishing overhead rates, which will be included in the project budget, are the damage assessment monies considered to be federal or state monies?

Answer: Need guidance on this question.

Post-Meeting Response: Awaiting guidance on this question.

Question #19: For projects that are expected to span more than one year, is it better to propose a larger project, or will a larger project be considered less competitive than a smaller project?

Answer: The evaluation of multiple year projects will be based on the expected benefits from the project. In deciding whether to apply for multiple years of funding, applicants should determine whether the project could be implemented in a phased manner and could derive significant benefits from each phase regardless of whether subsequent phases are funded. Alternatively, some multi-year projects may need to be funded in their entirety to derive substantial benefits. The MA SubCouncil will determine whether funding commitments should be made for multiple years and whether to fund a proposed project in its entirety or to provide only a portion of the requested funding.

Question #20: Regarding costs sharing, what types of matches are feasible?

Answer: All types of matches are feasible. This includes, but is not limited to, cash donations, donations of property, in-kind services, volunteer assistance, or other such partnering actions. There is no strict cost sharing requirement.

Question #21: Will each funded restoration project have a project manager?

Answer: Staffing limitations at EOEa are expected to limit the amount of EOEa staff time spent managing specific projects, however, a project subcontractor (Woodlot Alternatives, Inc.) is expected to fill the role of project manager.

Question #22: What will be the reporting requirements for funded projects?

Answer: Funding recipients will be required to provide regular progress reports—the number to be determined on a case-by-case basis—and a project completion report to the MA SubCouncil. In addition to standard Commonwealth financial reporting requirements for grants, program reporting requirements will include a narrative of the project progress and accomplishments, photographs, monitoring data and analysis, and additional project-specific information, as necessary.

Question #23: Will the NRD monies be considered state or federal dollars in regards to available matching funds, i.e., it is not expected that state monies can be used to match state monies?

Answer: Need guidance on this question.

Post-Meeting Response: Awaiting guidance on this question.

Question #24: In Part C.6. Monitoring/Evaluation and Contingency Plan of the RFR instructions, it states that projects will include a monitoring/evaluation plan. Do these monitoring plans need to be developed in-house, or can they be developed by an outside consultant? If so, can funding for the development of the monitoring plan be included in the project proposal?

Answer: Costs incurred prior to the completion of necessary SubCouncil-applicant funding agreements cannot be reimbursed with Housatonic River NRD Funds. If the development of a detailed monitoring plan is a planned future activity included as part of the proposal, then the costs for development as well as implementation of the plan can be included in the proposal's request for funds.

Post-Meeting Response: Further guidance may be provided.

Question #25: In Part C.6. Monitoring/Evaluation and Contingency Plan of the RFR instructions, it states that projects will include monitoring/evaluation plan. Do these monitoring plans need to include detailed Quality Assurance Project Plans (QAPP), particularly for data collection aspects of a project?

Answer: A detailed QAPP does not need to be included in the RFR application package. If such a QAPP is a necessary component of a project, then the applicant should describe in the narrative how and when the QAPP will be prepared and what it will specifically be used for in relation to the proposed project, e.g. water quality monitoring, sediment sampling. In these circumstances, the development of the QAPP would be funded as part of the project.

Question #26: Are projects performed outside of the Housatonic watershed, but that benefit resources in the watershed, eligible for funding?

Answer: Yes.

Question #27: Is there any portion of the Housatonic River that is a higher priority for NRD projects than another?

Answer: No. However, the MA SubCouncil will need to ensure that future restoration projects will not interfere with remedial actions or vice-versa. Because of this, proposed projects will be reviewed to determine the likelihood for interaction with yet-to-be-determined remedial activities. Projects that may have an unfavorable interaction with future remedial activities could have Round 1 restoration funds earmarked for the project but held in reserve until it is clear that no adverse interactions will occur.

Question #28: Is the MA SubCouncil assuming that some type of remedial activity will take place in the area between the confluence of the East and West Branch of the Housatonic River and Woods Pond dam?

Answer: No, the MA SubCouncil is not making any assumptions. Until the results of the final cleanup decision are put into effect, there will be some uncertainty regarding the location and type of remedial activities. The MA SubCouncil has reserved posting of the Round 3 solicitation until after the finalization of the Record of Decision for the Rest of River reach of the Housatonic

River. This solicitation is estimated for approximately 2009, and the anticipated allocation range is \$1,500,000 - \$2,500,000, or the balance of the NRD funds.

Question #29: Can funds be set-aside for future allocation to a project?

Answer: Yes, the MA SubCouncil can set-aside monies for a project to be completed at a later date. Terms of funding will be established by the MA SubCouncil on a project-specific basis; the options may include, but are not limited to, a lump sum payment at the beginning of the award period, a lump sum payment at project completion, or performance-based installments throughout the project award period. If performance-based criteria are not sufficiently met and/or there are insufficiencies in the work or noncompliance with contract terms, the MA SubCouncil has the option to withhold funds until the condition is rectified and/or the contract terms have been met.

Question #30: Regarding projects that require multi-year funding, does a project need to have a direct impact/benefit to natural resources in the first year of funding in order to be considered for funding?

Answer: No. The MA SubCouncil has the option to approve full or partial funding of multi-year projects. If a multi-year project is selected for implementation, the MA SubCouncil will consider the project to fall into one of three categories: 1) a multi-year project that would be approved with the expectation that it will be funded to its completion, or at least for a certain number of years; 2) a multi-year project that would be approved and funded for the completion of a specific phase of the project, such as a feasibility study, with the expectation that it will be resubmitted for further review and subject to approval in a subsequent funding round and 3) a multi-year project that includes a feasibility study and the implementation of a restoration activity based on the results of the feasibility study. Funds for project implementation may be included in the award under the same funding round, but the disbursement of project implementation funds may be subject to MA SubCouncil approval of the feasibility study. The MA SubCouncil will determine whether funding commitments should be made for multiple years and whether to fund a proposed project in its entirety or to provide only a portion of the requested funding.

Post-Meeting Response: Further guidance may be provided.

Question #31: How will multi-year projects be evaluated over time to see if they are on-track for continued funding, and if a feasibility study is conducted how will it be reviewed?

Answer: The MA SubCouncil will review multi-year projects at certain project milestones, established on a case-by-case basis. All multi-year projects will be evaluated at these points in time using the monitoring methods and criteria established in the RFR application, or criteria contained in monitoring plans that are further developed subsequent to funding. The MA SubCouncil will hold funds in reserve for multi-year projects with the assumption that projects will be accomplished as described in the RFR application materials.

Post-Meeting Response: Further guidance may be provided.

Question #32: Will the MA SubCouncil bring in technical experts to review projects if necessary?

Answer: Yes.

Question #33: In regards to environmental education and outreach projects, will there be a preference for funding projects that are PCB-related. (e.g., PCB-related habitat loss projects)?

Answer: Education and outreach projects that encourage, develop, or influence a specific behavior that has a direct and long-lasting and positive effect on injured natural resources and their services are expected to be rated high.

Post-Meeting Response: Environmental education/outreach projects must provide direct or indirect benefits to injured natural resources or services. Education and outreach projects that encourage, develop, or influence a specific behavior that has a direct and long-lasting and positive effect on the injured natural resources and their services are expected to be rated high for the criteria of Fostering Future Restoration and Stewardship. Priority will be given to projects that promote environmental stewardship and enhance the public's ability to use/enjoy the resources. Environmental education/outreach projects are not required to directly address PCB contamination.

Question #34: If volunteers will be used on a project, what is the hourly rate that should be applied to them for matching funds? Is there a standard for hourly rates, travel, and other costs?

Answer: The MA SubCouncil does not have a set rate that should be applied to volunteer hourly costs or for other costs. Expense categories are defined in Appendix 3 of the Restoration Project Selection Procedure document. Matching funds must be specific to the proposed project and not include general organizational or operational costs. The MA SubCouncil will consider whether a project's costs are commensurate with the benefits it provides to injured natural resources and/or services. Priority will be given to projects that demonstrate that a significant benefit will be generated for a reasonable cost.

Post-Meeting Response: Further guidance may be provided.

Question #35: The budget forms in the proposal contain space for four years of budgetary information. Are multi-year projects limited to four years?

Answer: No. In deciding whether to apply for multiple years of funding, applicants should determine whether the project could be implemented in a phased manner, and could derive significant public benefits from each phase regardless of whether subsequent phases are funded. Alternatively, some multi-year projects may need to be funded in their entirety to derive substantial benefits. The MA SubCouncil will determine whether funding commitments should be made for multiple years and whether to fund a proposed project in its entirety or to provide only a portion of the requested funding.

Question #36: Is it the MA SubCouncil's objective to fund one project in each category, or at least one project in each category?

Answer: At least one in each category.

Question #37: What if a proposed project straddles two or more categories (i.e., it is not easy to determine which category the project best fits in because it will enhance or restore damaged resources for multiple categories)?

Answer: Applicants should do their best in determining the primary restoration priority category, and explain in the project narrative how multiple categories will benefit.

Question #38: For acquisition projects involving multiple parcels, can the applicant identify their priority for acquisition (i.e., which of the parcels is most valuable)?

Answer: Yes.

Question #39: How will success be evaluated for environmental education and outreach programs?

Answer: As detailed in Part C.6. in the Project Narrative section of the Project Proposal Instructions, applicants are responsible for describing monitoring and evaluation plans. Preference will be given to projects that can deliver tangible, specific ecological, economic, social, and/or human use results that are identifiable and measurable, and/or that may be evaluated by professionally accepted methods, so that changes to the Housatonic River watershed can be documented and evaluated. Priority projects will include clear performance criteria, measurable endpoints, and a monitoring/evaluation plan.

Question #40: For a land acquisition project where the land to be purchased has no development rights (i.e., they have already been protected), but the land is proposed for acquisition to further protection, what would the appraisal look like?

Answer: Guidance on land acquisition and appraisals is provided in Section 3 of the Restoration Project Selection Procedure, and in Part C.4. of RFR Project Proposal Instructions.

Post-Meeting Response: Further guidance may be provided.

Question #41: Can proposals be submitted for partial funding for land acquisition (i.e., a certain parcel is in the process of being acquired, but additional monies are needed to complete the purchase)?

Answer: Yes. The MA SubCouncil could award monies to an acquisition project and hold them in reserve until the purchase is ready to happen.

Post-Meeting Response: Further guidance may be provided.

Question #42: When will questions and answers be posted on the web site, particularly with respect to the questions regarding appraisals, as appraisals are expected to be submitted with proposals? Can appraisals be submitted later?

Answer: Questions and answers will be posted on or before February 24, 2006.

Post-Meeting Response: The MA SubCouncil will review the current application process required for land acquisition proposals, and make a determination if revisions are needed. Awaiting guidance on this question.

Question #43: What are the required appraisal specifications?

Answer: Specifications for appraisals are found in the RFR Project Proposal Instructions in section C.4.

Post-Meeting Response: The MA SubCouncil will review the current application process required for land acquisition proposals, and make a determination if revisions are needed. Awaiting guidance on this question.

Question #44: Will there be enough time between now and when applications are due (March 21) to get appraisals completed?

Answer: Need guidance on this question.

Post-Meeting Response: The MA SubCouncil will review the current application process required for land acquisition proposals, and make a determination if revisions are needed. Awaiting further guidance on this question.

Question #45: Is a Purchase and Sale agreement a requirement for the submission of an application?

Answer: No. If possible, one is recommended, but it is not required.

Question #46: What is the schedule for the review and approval of projects, and when are monies expected to be released?

Answer: Proposal review will begin in April. It is hoped that the review will be completed in June and that funds will be disbursed in December.

Question #47: Will there be different priorities given to different restoration Priority Categories?

Answer: No Priority Category will be favored over another, as evidenced by the desire to fund at least one project in every category.

Question #48: In a situation where there are contaminated sediments or soils, but no Potentially Responsible Party, can NRD funds be used to perform cleanup of a site?

Answer: Possibly, it will depend on the specific project.

Post-Meeting Response: Further guidance may be provided.

Question #49: In the case where there is a privately-owned dam, which has associated contaminated sediments, but there is no Potentially Responsible Party, can NRD funds be used to perform cleanup of a site?

Answer: Possibly, it will depend on the specific project.

Post-Meeting Response: Further guidance may be provided.

Question #50: In a situation where there is contaminated soil or sediment, what is the expectation that the source of the contamination will be identified?

Answer: This situation will need to be evaluated on a case-by-case basis. The need for performing this work, costs for conducting the assessment, and a schedule and feasibility study would most likely need to be included in the proposal.

Question #51: In a situation where there is a multi-year project with a fiscal year that differs

from the calendar year, how should costs be shown on the RFR application? Can they be shown in a calendar year format?

Answer: Budgets can be described in a calendar year format in the budget narrative or in supplemental materials. The budget tables form must be completed using the fiscal year format.

Post-Meeting Response: Further guidance may be provided.

Question #52: Are NRD funds reimbursable?

Answer: Yes, they are reimbursable, but funding can also occur up front, depending upon a project's circumstances. The MA SubCouncil will decide whether funding should be provided as a reimbursement or should be fronted.

Post-Meeting Response: Further guidance may be provided.

Question #53: Are matching funds required for a project?

Answer: No, they are not required, but are recommended.

Question #54: Are there Minority Business Enterprise (MBE) or Woman Business Enterprise (WBE) requirements?

Answer: Contracting requirements are found in the RFR Instructions Appendix B. Applicants selected for contract negotiation and execution will be required to complete the Commonwealth Standard Contract Form.

Post-Meeting Response: Further guidance may be provided.

Question #55: Can you define what is meant by providing restoration benefits in advance of natural recovery?

Answer: The natural recovery period is the length of time it would take for the injured resource and/or service to recover to an optimal condition in the absence of human intervention. Restoration projects should generate benefits faster than could be achieved through natural recovery.

Question #56: What Restoration Priority Category does land acquisition fall into?

Answer: Land acquisition activity could conceivably fall into any of the four Restoration Priority Categories based on the benefits expected to be derived from the acquisition.

Question #57: Will there be a preference for Environmental Education and Outreach programs that occur near the Housatonic River versus those that occur in upland habitat away from the river?

Answer: Not necessarily; it will depend on the benefits expected to occur to injured natural resources. This will be evaluated on a case-by-case basis.

Question #58: How clearly are injured natural resources identified?

Answer: Injured natural resources have been summarized in Section 1.2 of the Restoration Project Selection Procedure, which describes work conducted to date to identify and evaluate injured natural resources. References to two primary documents describing this work, which are available through the internet, are cited in this section of the report.

Question #59: Will a list of individuals who attended this meeting tonight be posted on the project web-site?

Answer: Yes

Question #60: Regarding matching funds, can work efforts used to prepare RFR and RFI proposals within 6 months prior to the deadline for receipt of applications be used for matching funds?

Answer: Yes; however, grant writing expenses or other expenses related developing the proposal can not be considered matching funds. Expenses specific to implementing the proposed project (i.e. design of curricula or monitoring plans) incurred within 6 months prior to the deadline for receipt of applications may be considered matching funds.

Post-Meeting Response: Non-NRD funds used for project-related expenditures up to six months prior to the deadline for receipt of applications can be considered as

matching funds. Matching funds must be specific to the proposed project and not include general organizational or operational costs. Awaiting further guidance on this question.

Question #61: Are the RFR and RFI applications available on-line?

Answer: Yes, they are available at the Comm-PASS website: www.comm-pass.com.

Question (received via mail prior to meeting) #62: We have recently completed several parcel-level land protection plans identifying specific properties that, if protected, would contribute significantly to your goal of protecting the Housatonic River watershed. Landowner outreach has just begun in what will be a multi-year endeavor.

We are considering a proposal where the "project" proposed is not an individual parcel, but instead the protection of as many as possible of those identified priority parcels over the next few years as we proceed with additional landowner contacts. Any funds awarded would only be used on those parcels that contribute most significantly to protecting the Housatonic watershed. Acknowledging the need for "grounding the use of funds with market valuation, we would agree to submit an independent appraisal from a qualified professional appraiser prior to individual expenditures from any grant award. We feel this approach would allow us have maximum impact on the goal of protecting the watershed via land protection. Would the EOE permit such a proposal for consideration for a grant?

Answer: It is unlikely that a proposal which does not identify specific parcels to be protected and does not contain the appropriate appraisal will score as well as proposals that contain this information. If there is not sufficient time for the applicant to develop complete proposals for all of the individual parcels before the first funding round deadline, there will be two more rounds of funding when the applicant may submit project proposals.

Post-Meeting Response: Further guidance may be provided.