

NARRAGANSETT BAY ESTUARY PROGRAM

Executive Committee Meeting
December 16, 2021

Photo Credit: Ayla Fox.

Agenda

Subject	Presenter(s)	Shared via Zoom	Committee Action Requested Today	Time
Meeting Open	Regina Lyons, Chair	Agenda	Approve November notes.	10 min
Short Program Report	Mike Gerel, NBEP	PPT	Offer questions or comments.	10 min
Committee Member Updates	Committee members	None	Offer updates.	20 min
First Draft NBEP Byalws Discussion	Mike Gerel, NBEP Committee members	PPT	Respond to the summary of input on first draft, provide further thoughts, and weigh in on next steps to get to a final version ready for approval in January.	60 min
Meeting Close	Mike Gerel, NBEP	None	Pick favored meeting dates for 2022.	15 min

Financial Report

Estimated NBEP Funds Budget, Expenditure, and Balance (12.13.21)

Expense Category	NEIWPC ⁽¹⁾			RWU ⁽¹⁾			Total Budget	Total FY2022 Expenditures	Total Balance Remaining
	Budget	FY2022 Expenditures ⁽²⁾	Balance ⁽³⁾	Budget	FY2022 Expenditures ⁽²⁾	Balance			
Personnel and Fringe	\$ 102,219	\$ 18,760	\$ 83,459	\$ 834,476	\$ 64,235	\$ 770,241	\$ 936,695	\$ 82,995	\$ 853,700
Travel	\$ (3,341)	\$ (1,197)	\$ (2,144)	\$ 12,750	\$ 62	\$ 12,688	\$ 9,409	\$ (1,135)	\$ 10,544
Supplies	\$ 10,178	\$ 4,475	\$ 5,703	\$ 6,200	\$ 117	\$ 6,083	\$ 16,378	\$ 4,592	\$ 11,786
Contracts	\$ 146,988	\$ 108,456	\$ 38,532	\$ 130,000	\$ 6,000	\$ 124,000	\$ 276,988	\$ 114,456	\$ 162,532
Other (breakout below)									
Subawards	\$ 161,102	\$ (21,658)	\$ 182,760	\$ 650,000	\$ -	\$ 650,000	\$ 811,102	\$ (21,658)	\$ 832,760
Other Administrative ⁽⁴⁾	\$ (15,184)	\$ (4,219)	\$ (10,965)	\$ 32,892	\$ 511	\$ 32,381	\$ 17,708	\$ (3,708)	\$ 21,416
Total Direct	\$ 401,962	\$ 104,617	\$ 297,345	\$ 1,666,318	\$ 70,925	\$ 1,595,393	\$ 2,068,280	\$ 175,542	\$ 1,892,738
Total Indirect ⁽⁵⁾	\$ 42,796	\$ 6,366	\$ 36,430	\$ 120,833	\$ 12,847	\$ 107,986	\$ 163,629	\$ 19,213	\$ 144,416
Total	\$ 444,758	\$ 110,983	\$ 333,775	\$ 1,787,151	\$ 83,772	\$ 1,703,379	\$ 2,231,909	\$ 194,755	\$ 2,037,154

(1) On October 1, 2021, NEIWPC held ~\$444,758 of FY18 and FY19 EPA Cooperative Agreement funds. On October 1, 2021, RWU was awarded \$1,787,151 via the FY21 EPA Cooperative Agreement, which includes all FY20 and FY21 funds. NEIWPC is ready to submit paperwork to close-out the FY15 and FY17 grant awards.

(2) Note that expenditures for NEIWPC are as of 11.24.21 and RWU are as of 12.13.21.

(3) NBEP, NEIWPC, and EPA are discussing the best approach to address the estimated \$100K in funding that NEIWPC may not need to spent to complete their work plan.

(4) Includes Phone, Outside Printing, Internet, Research Supplies, Catering/Meals, Rental Space, Equipment Rental, Event Hosting, Event Meals, NBEP Meeting Meals, Meeting Attendance, Professional Development, Advertising, and Computer Support.

(5) The RWU budget takes all indirect "off the top" at the beginning of the year, and does not report indirect charged per period or otherwise on an ongoing basis. Therefore, the indirect included in this table is an NBEP calculated figure based on 20% of charged personnel and fringe during this period.

Programmatic Report

- Host transition
 - Mostly done—awaiting office phones, office space agreement, and bylaws
- People
 - New hires—two job announcements at RWU, hope to post by holiday
 - Completed informal performance review for Courtney
- DEIJ Assessment Survey
 - 27 of 50 NBEP committee members responded—54% response low
 - 189 from communities
- NBEP Green Infrastructure Planning RFP
 - Released 11/8/21, 15 calls so far, proposals due 12/20/21
- Blackstone Initiative
 - Blackstone Needs Assessment—NBEP done, continue \$ support for Clark, first collaborative meeting 11/15/21
 - Lower Blackstone Fish Passage—two meetings, great progress



Programmatic Report

- Fishers Ecological Knowledge Project
 - Final report complete
 - Results of excellent 12/9/21 meeting inform next steps
- Science Working Groups
 - Water Clarity (10/27/21) and Social Science (11/19/21)—working on 2-pp summary documents on chosen indicators to be explored next year
- Science Update
 - Collaborating with RIDEM, MassDEP, and Mass Audubon to create 2-page “stimulator” on land use/solar arrays
- Subawards Contracts Status
 - All shovel-ready and planning subawards complete!
 - 2 subawards & 3 contracts remain at NEIWPCC, 1 contract at RWU
- Presentations / Notable Meetings

Galveston NEP re EJ

Whitehouse staff re NBEP

Reed staff re Blackstone

LISS NEP re EJ

RWU Faculty re NBEP

RI Aquaculture SAMP

RWU researcher re plastics

Ocean Corps re HABS

Clary University re NBEP/solar data

Movement Education Outdoors re EJ

RWU Staff, Faculty, and Students re NBEP/RWU partnership

Latino Policy Institute re EJ

RI Habitat Trust Fund Review Committee

Groundwork South Coast re new placed-based effort in Fall River



Photo Credit: Ayla Fox.

Committee Round Robin Updates

Draft NBEP Bylaws Review

- Bylaws shared with the Executive Committee on November 28th
- Comments submitted by RIDEM and EPA Region 1—Thank you!!
- Most comments modest—**three for sure require discussion**
- Will take further feedback today and bring back a final to EC and SC in January
- Slides provided for each of the 15 articles/sections below that includes the following information

Description	Comments Received from EC	NBEP Director Notes	Questions for the EC

Article 1–Introduction

Description	Comments Received from EC	NBEP Director Notes	Questions for EC
Provides NBEP’s name, legal authorization, and mission and the purpose of the bylaws.	None.	None.	None.

Article 2—Management Conference

Description	Comments Received from EC	NBEP Director Notes	Questions for EC
<p>Defines the Management Conference</p>	<p>The governing body of NBEP is the Steering Committee, not the Management Conference (MC). Thus the MC concept could be removed. Instead, the bylaws would have stand alone Steering, Executive, and Science Advisory Committee articles.</p>	<p>While we don't use the Management Conference wording very often, it comes right out of the CWA, it creates a useful "umbrella" framework for conveying the linkage of the committees and capturing provisions that apply to all of them in the document.</p>	<p>1. Retain the Management Conference umbrella concept in the bylaws <u>or</u> drop and instead stick to just the Steering Committee, Executive Committee, and Science Advisory Committee?</p>
	<p>The MC is viewed by some as inclusive of formal committees and others, like project partners, grantees, local interests.</p>	<p>Since this is a governing document, I think it is best to limit the definition of the MC to the entities (the committees) that officially 'govern' the program.</p>	<p>2. If MC is retained, should it include just the governing committees <u>or</u> be inclusive of others?</p>
	<p>The purpose of the MC should be edited to move up priority roles, add clarity, and to fix capitalization (e.g., State).</p>	<p>The text comes word-for-word from the Clean Water Act (CWA). This may help emphasize the program's direct connection to the CWA. However, some of the language is dated.</p>	<p>3. If the MC is retained, should we repeat the CWA language <u>or</u> tweak/update it?</p>
	<p>Move up the note that the MC is made up of three standing committees and any subcommittees or ad hoc committees to the first paragraph of the article.</p>	<p>Good idea.</p>	<p>4. If the MC is retained, should we move up this component of its definition to the head of the article?</p>

Article 2—Steering Committee

Description	Comments Received from EC	NBEP Director Notes	Questions for EC
Defines the responsibilities of the Steering Committee	Can we be more specific about when the Steering Committee (SC) must provide input/approve amendments to the Work Plan and Budget? Could we allow some flexibility by limiting SC involvement to amendments that require EPA approval or meet some other trigger/threshold? In other words, “smaller” changes could instead require SC notification in the quarterly meeting/program report. An example would be changes that in aggregate over the grant term constitute <10% of the total grant award budget.	The language in responsibilities #3 and #5 could conclude with the phrase “ that require EPA approval. ” Alternatively, the phrase, “ as determined by the Chair. ” The later approach is what we have used for the last 3 years—a conversation between the Chair and Director to decide if an amendment requires SC approval. Finally, a new paragraph could be added that provides more specifics of what amendments require SC approval. This concept also arises for Article 3 below.	5. What approach is favored to offer flexibility and expediency, yet retain appropriate SC oversight of Work Plan and Budget changes?
	It may be appropriate for EPA to remain a non-voting member even if an EPA employee is serving as Chair.	As the chief officer of the program, it feels important that the Chair formally go on record on key decisions by voting.	6. When EPA is serving as Chair, should they have a vote <u>or</u> remain a non-voting member as is the case when they are not Chair?

Article 2—Executive Committee

Description	Comments Received from EC	NBEP Director Notes	Questions for EC
<p>Defines the responsibilities of Executive Committee</p>	<p>Given their respective responsibilities, the involvement of DEM and DEP is integral to the bi-state nature of the program. I believe the balance of state management agencies and non-governmental agencies on the current Executive Committee has been beneficial to the program. It's an important means to coordinating work that is not easily achieved at the Steering Committee level. The added text below maintains that intent while being flexible and not overloading the EC:</p> <p><i>“To sustain the bi-state nature of the program, the Executive Committee shall include its collective membership include at least one representative each of the RI Department of Environmental Management and MA Department of Environmental Protection as well as two non-governmental entities representative of RI and MA interests.”</i></p>	<ul style="list-style-type: none"> • RIDEM and MassDEP have been and will continue to be vital to the success of NBEP. Simply put, RIDEM has rescued NBEP several times. • However, I do not believe that state resource agencies (or specific state resource agencies) should be given preference above other tri-state interests in the program. • Treating all stakeholders equally will help us continue to attract a more diversified MC that represents all interests in our study area and is consistent with NBEP’s emphasis on equity. EC membership should be based on merit and commitment, not position. • Suggest 4 at-large seats (2 per state) that can be filled by any SC member. • Resource agencies will have seats on the full SC, which is the primary governing body of the program. Perhaps seats on the SC could be set aside for specific parties due to their responsibilities and key role in the program? 	<p>7. Given their respective responsibilities, should we be prescriptive and set-aside seats on the EC for certain members of the SC?</p>

Article 2—Science Advisory Committee

Description	Comments Received from EC	NBEP Director Notes	Questions for EC
Defines the responsibilities of Science Advisory Committee	None	None	None

Article 3—Host Institution

Description	Comments Received from EC	NBEP Director Notes	Questions for EC
<p>Defines the responsibilities of the Host Institution</p>	<p>Referencing the provision in the bylaws that the Host Institution will be, “Preparing and ensuring compliance with contracts by Subawardees, contractors, and vendors,” clarification was sought on whether RWU staff are drafting the content of contracts alone or will this be done in collaboration with NBEP staff?</p>	<p>RWU as the fiscal sponsor drafts and makes final decisions on the format and content of contracts. It is expected that drafting will be done in collaboration with NBEP staff when appropriate. The phrase, “in collaboration with NBEP as appropriate,” could be added to the end of responsibility #3.</p>	<p>8. Does this change, or another option, necessary to offer sufficient clarity on this issue?</p>
	<p>In the context of this text in the bylaws, “The Host Institution will have sole control and discretion over personnel decisions related to the NBEP staff,” the commenter wanted to be clear that RWU personnel rules apply but changes to NBEP personnel must be consistent with the approved Work Plan and Budget. Suggested additional text is, “Changes to the NBEP staffing structure that constitute amendments to the workplan or budget will remain subject to review and approval by the Steering Committee.”</p>	<p>The EC/SC has long had interest in the number of staff employed by NBEP. For the sake of discussion, another less specific option could be to rely on new language provided in response to the first comment under Article 2-Steering Committee, which states that any change that requires EPA approval would require review and approval by the SC. However, changes to staffing structure would only trigger approval under this option if changes tripped the ‘<10% change rule.’ Another alternative is to require approval by the SC at the Chair’s discretion.</p>	<p>9. What is the perspective of the EC on SC oversight of changes to staffing structure that constitute an amendment to the Work Plan or Budget?</p>

Article 4—EPA

Description	Comments Received from EC	NBEP Director Notes	Questions for EC
Defines the responsibilities of EPA	Add a provision that the EPA NBEP Coordinator will co-lead the required EPA Program Evaluation every five years.	Good idea.	10. Does the EC support his change?

Article 5—NBEP Director

Description	Comments Received from EC	NBEP Director Notes	Questions for EC
Defines the responsibilities of the NBEP Director	None.	None.	None.

Article 6—Voting

Description	Comments Received from EC	NBEP Director Notes	Questions for EC
Defines NBEP decision-making procedures	Suggestion to change the title of this section from “Voting” to “Decision-Making” to acknowledge that NBEP’s goal is consensus-based decision-making and that formal votes may not be necessary when consensus is reached.	Good idea.	11. Does the EC support this change?

Article 7—Grant Writing and Fundraising

Description	Comments Received from EC	NBEP Director Notes	Questions for EC
Provides procedures for grant writing and fundraising	None.	None.	None.

Article 8—Advocacy

Description	Comments Received from EC	NBEP Director Notes	Questions for EC
Offers procedures for advocacy work	Suggestion that the bylaws indicate that NBEP will not engage in lobbying regardless of funding source by striking the following text, “However, NBEP may use non-government funds to pursue lobbying activities only as consistent with the policies of and approved by the Host Institution.”	I think it would be wise to leave the door open for NBEP to conduct formal lobbying in the future if the combination of Host Institution, funder, and SC at the time is amenable. Many NEPs undertake lobbying that is vital to our support from Congress (Senator Whitehouse is the main proponent), and also helps them pursue other sources of funding/changes at the federal, state, and local level. However, on the flipside there may also be a benefit to us saying “we don’t lobby” in some fundraising and other circles.	12. Does the EC want to retain the ability for NBEP to lobby or preclude via the bylaws.

Article 9—Procedures for Conflict

Description	Comments Received from EC	NBEP Director Notes	Questions for EC
Provides procedures to address conflict of interest	None.	None.	None.

Article 10—Amendment of Bylaws

Description	Comments Received from EC	NBEP Director Notes	Questions for EC
Provides procedures for amending bylaws	None.	None.	None.

Article 11–Certification

Description	Comments Received from EC	NBEP Director Notes	Questions for EC
Provides for approval of bylaws by SC officers by signature and date.	None.	None.	None.



Proposed Next Steps

1. Introduce draft bylaws to the full SC today for the first time, and include short summary of EC comments to date.
2. Request SC comments by January 21st.
3. NBEP to create final version.
4. EC to meet to consider sending final version to SC in early February.
5. SC to review and approve final version by the end of February.

Meeting Close

- 2022 EC Meetings Dates?
 - 2nd Tues of Feb, May, August, Nov
 - 2/8, 5/10, 8/9, 11/8
- Action Items

