

## Executive Committee Meeting

Zoom Meeting

February 8, 2022

1:00-3:00p

## MEETING NOTES

### ATTENDEES

Richard Carey, Massachusetts Department of Environmental Protection (MassDEP)  
Caitlin Chaffee, Narragansett Bay National Estuarine Research Reserve (NBNERR)  
Allen Hance, Roger Williams University (RWU)  
Sue Kiernan, Rhode Island Department of Environmental Management (RIDEM)  
Regina Lyons, U.S. Environmental Protection Agency (EPA—Region 1)  
Jonathan Stone, Save The Bay (STB)  
Caitlyn Whittle, EPA—Region 1  
Mike Gerel, Narragansett Bay Estuary Program (NBEP)  
Courtney Schmidt, NBEP

### MEETING OPEN

Regina Lyons with EPA, Committee Chair, called the meeting to order at 1:05pm, and summarized the meeting agenda. *DECISION: The Executive Committee meeting notes from December 2021 were approved with minor edits by a motion (Caitlin Chaffee with NBNERR), and a second (Sue Kiernan of RIDEM).*

### PROGRAM REPORT

#### Financials

Mike Gerel with NBEP noted that the financial report has been simplified, now just showing two categories of funding: those overseen by NEIWPC and RWU. NBEP will have ~\$35k (red footnote) remaining at NEIWPC after planned FY18 and FY19 spending is finalized. NEIWPC will transfer the ~\$35k to RWU prior to the end of this fiscal year. NBEP is able to meet all obligations and is generally operating on budget (personnel is less due to Julie Bancroft and Julia Twitchell's departure. See the [PPT](#) for this meeting for more details.

#### Programmatic

Mike Gerel opened by saying that he is very proud of NBEP's recent efforts, completed with short staff during our host transition. Here's some detail:

- *New Hires.* Hopeful that two new positions will be posted this week: one to replicate Julia Twitchell's position and one upgrade of Julie Bancroft's position. The new position will be a higher graded "manager" level position, and focus on partnership development, writing, and outreach.
- [Green Infrastructure RFP](#). Funded 11 out of 14 (3 partial awards) applicants. We used a Grants Subcommittee of 13 people to vet the projects. All projects, which support staff capacity (2) or planning (11) are now in contracting at RWU. We received only 2 Massachusetts-based projects.

Through discussions with our committees and partners, we found there is a significant capacity problem—in both states—identifying problems, potential solutions, and writing proposals. Municipalities and local NGOs are going to need assistance moving forward to avail themselves of significant new federal funding expected this year.

- *NEIWPC subaward.* The ~\$35K subaward to RWU noted above will be spent on personnel immediately upon award to assure it is spent by the grant close on September 30, 2022.
- NBEP expects to get ~\$910k in federal bipartisan infrastructure law (BIL) funding maybe as soon as March. Looking to support a mix of capacity and planning efforts, which is response to the note above about local capacity challenges. Caitlin Chaffee with NBNERR highlighted the need to fund people for grant writing and project support.
  - The Executive Committee discussed the constraints on the funding. Currently, EPA is working on the guidance and advocating for it to support CCMP implementation, capacity building, and other administrative priorities (such as Environmental Justice). Additionally, the law stipulates that the funds will be spent until they are gone with no deadline for spending. Mike stated that the NEPs requested that the funds would not require a non-federal match to assure they can get spent. NBEP will be in a good position to get money out the door quickly because of partnership with RWU and the process we are creating for the recently selected green infrastructure projects.
- *DEIJ Assessments.* Survey results from NBEP committee members and community members are available. NBEP is planning a spring workshop with our consultants, staff, and the Steering and Science Advisory Committees to explore results and decide how the NBEP partnership should respond to them. Not a public workshop like initially planned. Once this internal group has made some decisions, we can hold a future event with other partners if appropriate. Mike emphasized that this DEIJ responds to our current realities (e.g., study area demographics, federal requirements) and efforts in this space will be entwined in our existing work and not represent a shift in organization mission or services.
- *Vision 2032.* Extension to June 2023. Have the next meeting in spring-summer when we can meet in person. In the interim, a set of Action Planning Worksheets will be completed that will streamline completion of the Actions Plans that will form the core of the plan.
- *Fisheries Ecological Knowledge (FEK) Project.* Sarah Schumann of Shining Seas Fisheries Consulting created a draft “next steps” paper as a follow-up to her final report and the workshop completed in fall 2021. We plan to continue our FEK work as an FEK Working Group, which plans to have a follow-up meeting with fishing folks to keep momentum. Our hope is that Boston University will serve as the technical lead for this moving forward.
- *Science Event.* The focus of the event is now shifting to plastics. We are starting broad, thinking about plastics science and policy from micro to macro pollution in the region. The event is timely with three plastic bills with the RI General Assembly, and a new collaborative effort on micro- and nano-plastics at URI.
- *Land Use Update—Solar Arrays.* Staff have collaborated with RIDEM, MassDEP, Mass Audubon, URI, Clark University, and others to complete new data analysis and draft a new science update that compiles, in plain language, new information on the land use impacts of solar arrays to stimulate discussion and drive informed decision-making about their installation.

- *Outreach.* NBEP has offered multiple presentations/attending workshops related to a range of NBEP projects over the last few months.

## COMMITTEE MEMBER UPDATES

Jonathan Stone with STB expects his Board to vote to approve their new strategic plan; (1) making commitment to increasing capacity at organization for project work (coordinate, initiate, and complete projects); want to help partner organizations move from concept to shovels; (“clone Wenley” initiative); (2) establish 3 EJ strategies to execute over the next few years; have a lease to open new aquarium in Gateway Center in Newport; planning several features – engage with partners through traveling exhibits (what partners do), creating multi-purpose room to launch speaking series, interesting in developing student internships at the high school and college level (particularly in animal husbandry).

Sue Kiernan with RIDEM announced Priority Project List (PPL) process is open (people need to get their projects on the list to use State Revolving Loan Funds money); want to see projects from municipalities. Putting on project on the list makes it eligible for funding, it doesn’t commit money. Joe Haberek is now the Surface Water Administrator and RIDEM will be hiring a new RIDPES Coordinator. Next FW rule implementation meeting is on February 28<sup>th</sup> at 3pm. Rules go into effect July 1<sup>st</sup>. The Governor's proposed budget includes 9 new FTEs for RIDEM with 6 allocated to the Environmental Protection Branch. Governor’s green bond made it into the budget as well, which includes:

- \$3 million for RIDEM Open Space State Land Acquisition
- \$2 million for RIDEM Open Space Local Land Acquisition Grants
- \$4 million for RIDEM Brownfields Remediation Grants
- \$3 million for RIDEM Watershed Restoration projects
- \$3 million for RIDEM Forest Conservation projects
- \$2 million for RIDEM Recreational Grants
- \$16 million for the RI Infrastructure Bank (RIIB) Municipal Resiliency Program (MRP) Matching Grants
- \$5 million for the RIIB Small Business Green Energy Loan Program

Caitlin Chaffee with NBNERR shared that all NERRS are also getting a dedicated funding from BIL. Funds for capacity-building, habitat restoration, and land acquisition are expected. Funding will be competitive within the reserve systems, and are likely not restricted to within reserve boundaries. NBNERR also expects no non-federal match requirements. She noted that NOAA is also receiving significant funds for habitat restoration and fish passage. Kudos to STB for committing to increase project development capacity; would like to see discussions among CRMC, STB, NBNERR, RIIB, and NBEP to coordinate and strategize deployment of new FTEs. Funding for the RI Habitat Trust Fund is available again this year. The process is well underway, with full proposals due this week, with the review committee meeting in two weeks to choose projects.

Regina Lyons with EPA noted a new Regional Administrator was named, [David Cash](#), who was most recently with UMass-Boston. Regina also hired a new employee for the dredging program, Alexa Sterling, who is from URI.

## NOMINATING SUBCOMMITTEE

Mike walked through how the Nominating Subcommittee organized themselves this winter to consider potential reappointments and new members for the Steering Committee. The Steering Committee currently has 33 members. The subcommittee met on February 2<sup>nd</sup>. All 7 members up for reappointment decided to stay on. The

group decided not to recommend or cultivate any new members this cycle because we have many new Steering Committee members and have been finalizing bylaws. Next fall, new members will be considered.

Formal appointments or designees are still pending for Richard Carey, Robert Johnston, Bill Napolitano, Cristina Kennedy, Tom Kutcher, Richard Friesner, and the Narragansett Bay Commission. Richard Carey and Cristina Kennedy replaced others, but still need formal appointments. Richard Friesner is replacing Susan Sullivan from NEIWPC.

Cassius Spears, Sr., of the Narragansett Tribe has been on the Steering Committee for some time, but has not been in contact with the program for over three years, despite a range of efforts to reach him. The subcommittee concluded the most respectful approach is to thank him for service, let him know his term has expired, and that we want to keep the door open for future engagement with the tribe. Our DEIJ Assessment will inform our actions in the future. Further, Mike noted that he would like to pursue a land acknowledgement for the organization next fiscal year, and that would be a great start to a relationship with the region's tribes.

Sue Kiernan, as a member of the Nominating Committee, felt that NBEP should keep NEIWPC engaged until (at least) all financial obligations are met. The Nominating Committee was comfortable with appointing these 7 people. Regina recognized the effort that the NBEP made to connect with Cassius and appreciates the thoughtful manner this has been handled.

*DECISION: The Executive Committee supports sending the list of 7 Steering Committee member reappointments to the full Steering Committee for approval at their meeting on March 17<sup>th</sup> with a motion (Sue Kiernan of RIDEM), and a second (Caitlin Chaffee of NBNERR).*

*DECISION: The Executive Committee supports recommending to the Steering Committee that NBEP staff send a note to Cassius Spears, Sr. thanking him for his service, notifying him of term expiration, and expressing desire to collaborate in the future with a motion (Sue Kiernan of RIDEM) and a second (Jonathan Stone of STB).*

## **FINAL DRAFT NBEP BYLAWS DISCUSSION**

Mike noted that NBEP received 10 sets of comments from the Steering Committee. The RWU Office of General Counsel reviewed for a second time. 5 changes worth noting based on feedback. Five substantive changes resulted and were discussed today, with the hope of full approval at the March Steering Committee meeting. Please see this [PPT](#) and the [draft bylaws](#) for more detail.

### **1. Standing Committees**

Swapped "Standing Committees" for Management Conference throughout because NBEP does not use this Clean Water Act-derived term in its daily business. The bylaws retain the connection to the CWA with the new specific reference in Section 2.

### **2. Term limits**

Added narrow exception to term limits to cover circumstances where there is simply no other person at a key stakeholder that can take a termed-out member's seat. This exception would allow the waiving of term limits to maintain a person that the Steering Committee did not want to lose. This exception is not to be used frequently because committees benefit from change. In response to a question, Mike noted that the term-limits will apply as of approval of the bylaws. However, to start, they will be staggered out and kick-in on each individual's current closure date (which range from fall 2022 to fall 2024).

*Suggested text: "If extenuating circumstances prevent a stakeholder from nominating a new individual to replace an existing member of a Standing Committee who has reached their term limit, limits for that existing member may be waived at the close of a term by a two-thirds (2/3) vote of the Steering Committee."*

The Executive Committee discussed circumstances for smaller organizations where the desire and willingness to serve is larger than the capacity to serve. They group agreed that the language provides a compromise between change and keeping someone who is exceptionally important to the organization. The practice should be, however, that members of the Standing Committees know their terms and would endeavor to find a suitable replacement within their organization.

### **3. Steering Committee approval of work plan and budget amendments**

Clarified that “major” amendments to the annual work plan and budget will require Steering Committee approval to balance flexibility for the Executive Director to act and appropriate Committee oversight. Major amendments include: (1) New tasks not in workplan and (2) individual budget line-item revisions that exceed 10% of the year’s CWA 320 allocation (in FY22 if \$700,000 allocated, the trigger would be \$70k). Revisions to existing workplan tasks and smaller expenditures would not need approval and therefore would enable NBEP to respond to new circumstances and opportunities during the year.

### **4. Executive Committee composition**

The Executive Committee has seven (7) seats available – 6 with specified representatives and 1 at-large member. The specified representatives are from RIDEM, MassDEP, a RI NGO, a MA NGO, the host, and EPA. This leaves 1 seat to be filled by others. The Committee agreed that provisions may need to be made to accommodate members of the Steering Committee who may want to fill the Chair or Vice Chair role and are not associated with the 6 “named” seats. Mike noted he would propose some text for Steering Committee consideration at their next meet.

### **5. SAC meeting frequency**

Added requirement that group meets at least 3 times per year.

### **6. Decision Making**

The Executive Committee confirmed that NBEP will use a consensus-based process. Members will be asked to declare any conflicts of interest and recuse themselves from individual decisions as appropriate.

Both Regina and Mike congratulated the Executive Committee and RWU on getting this far with the bylaws. Regina stated that EPA is happy with the progress and is pleased to have a functional document that is shorter than the guiding principles and more clearly defines roles.

*DECISION: The Executive Committee approved the final draft bylaws with specified amendments with a motion (Alan Hance of RWU) and a second (Jonathan Stone of STB).*

## **MEETING CLOSE**

Regina thanked everyone for joining today. The meeting adjourned at 3:05pm.

## **ACTION ITEMS**

1. Mike will share the final draft bylaws with Executive Committee suggested amendments with the Steering Committee ASAP.
2. Mike will share the two NBEP job announcements with the Steering Committee as soon as they are posted by RWU.
3. The next Steering Committee meeting is March 17 from 12:30-3:30pm.
4. Look for announcement of date for DEIJ workshop – sometime this spring.
5. Look for announcement of re-boot of Vision 2032 work—late spring/early summer.