



RI BAYS, RIVERS, & WATERSHEDS COORDINATION TEAM

Meeting of April 10, 2013

**2-4 PM
Conference Room C
RI Department of Administration
One Capital Hill
Providence, RI**

Meeting Minutes

BRWCT Members in Attendance: Sue Kiernan, Caitlin Chaffee, Tom Uva, Paul Gonsalves, Guy Lefebvre, Mike Walker, Kathy Crawley, Ken Burke

BRWCT Staff: Ames Colt

Guests: Steve Devine, RI Department of Transportation; Linsey Callaghan, RI Statewide Planning; Sheila Dormody, City of Providence; Meg Kerr, Narragansett Bay Estuary Program; Tom Angell, RI Div. of Marine Fisheries; Russ Carpentier, Save the Lakes.

BRWCT Administration

Meeting was called to order at 2:10 pm.

Draft meeting minutes for the January 16, 2013 meeting were approved as final minutes.

Chair Report

Updates on BRWCT-Funded Projects

*Middletown Stormwater Utility District Planning Project
(Town of Middletown, Department of Environmental Management)*

The consulting firm AMEC has begun to work with Middletown officials. First step is to reach agreement with Middletown Town Council and Town Manager regarding who will be asked to serve on the Project Steering Committee and how they will be appointed (Town Council review and approval?). Given delays in getting the Purchase Order issued to AMEC, AMEC project manager Richard Niles will work to get the project up and running and 'catch up' with project schedule.

Uva and Walker expressed strong concern about the length of time it has taken this project to be implemented. Uva suggested that the BRWCT send a letter to Middletown urging them to move the project forward expeditiously.

*Legal Analysis of State Enabling Legislation for Stormwater Management Districts
(Conservation Law Foundation)*

CLF-RI has issued a final draft of the analysis for review during the week of April 1. DEM OWR staff and selected external stakeholders will review and comment. Colt hopes that a final version of the analysis will be publicly released late April/early May.

*Statewide Impervious Surface Layer Update
(Department of Environmental Management, Statewide Planning)*

Paul Jordan has completed the contractual agreement needed to begin the project. The updated and new data-layers should be available by September 2013.

Large Marine Events Benefits Assessment (Economic Development Corporation)

EDC released the final version of the Large Marine Events/America's Cup World Series Regatta (July 2012) benefits assessment report in early February 2013. The release of the report received substantial media coverage in the Providence Journal and the Newport Daily News.

Unfortunately, the first version of the EDC press release did not cite the support provided to this project by the BRWCT, nor the long-term goal of better assessments for RI's ocean/shoreline economies. Colt requested modifications accordingly to the press release archived on the EDC web site, which were subsequently made by EDC. Colt will emphasize with ongoing projects the necessity of citing BRWCT funding support in appropriate public communications (such as report releases), as well as connecting project outputs and outcomes to SLP goals, policies, and objectives.

*Shoreline Change (Beach) SAMP
(URI Coastal Resources Center, Coastal Resources Management Council)*

SAMP development effort was formally launched on April 4 with a well-attended event at URI GSO campus. The process will focus first on RI's south shore, then Narragansett Bay shoreline, and finally the East Bay shoreline.

A complete scope of work for the three-year BRWCT grant has been submitted by URI to the BRWCT Chair, and is available for review. CRMC is seeking confirmation of future funding support from other entities (NOAA and RI Foundation) that have expressed strong interest in this planning process.

Aquatic Nuisance Species Rapid Assessment 2010 Survey (CRMC)

The 2010 Survey's Final Report has been released by Mass. Coastal Zone Management (MCZM continues to serve as the RAS coordinator for the region). A request to the BRWCT is forthcoming from CRMC to support the 2013 RAS and will likely be considered at the June 5 BRWCT meeting.

*Assessment of Hazardous Climate Change Poses to Wastewater Treatment
(Department of Environmental Management)*

The RFP to solicit the required contracting services to implement this project should be publicly released in one or two weeks.

Updates on Standing Committees and Chair Activities

RI Environmental Monitoring Collaborative

Watershed Counts will make its annual ECRI Lobby Day presentation at the Statehouse on April 23. They will also issue at the event the Watershed Counts Annual Report.

The RI Environmental Monitoring Collaborative is nearing completion of its 2012 Summary Report. Colt hopes to be able to release the report this month and initiate discussions regarding its findings with RI Senate Policy staff.

DEM Office of Water Resources and DEM Director Coit may request additional state funds for stream gage and other water quality monitoring needs, depending in part on results reported at the early May revenue estimating conference.

Dr. Q. Kellogg is stepping down from the Chair of the RIEMC May 2013. Colt expressed gratitude for her leadership of the RIEMC over the past few years, and plans to meet in early May with URI Coastal Institute Director Dr. Judith Swift to discuss Dr. Kellogg's replacement and related issues.

Governor's Office Meetings

Colt met with Director of Policy Kelly Mahoney in late January. Mahoney intends to address the need for Colt to be re-nominated by Gov. Chafee to continue serving as BRWCT Chair. She also is interested in better incorporating BRWCT budgets and future budget recommendations into the Governor's annual state budgeting process.

Colt will meet April 15 with the recently hired Governor's Policy staffperson, Kate Brock, responsible for energy, environment, and transportation.

NBEP reorganization and ensuing proposal for a NBEP/ BRWCT unified science advisory committee

Colt as a member of the Narragansett Bay Estuary Program Management Committee, proposed that the Management Committee consider development of a unified science advisory committee (process) in the course of the NBEP's reorganization. The Management Committee accepted this proposal and incorporated into its recently approved Corrective Action Plan for the NBEP. The Management Committee has called for a memorandum of agreement between the NBEP and the BRWCT to address partnering between the two organizations. Colt recommends that such a MOA focus on science advice and environmental monitoring.

RI Climate Change Commission

A bill has been introduced to the RI Senate to sunset the RI Climate Change Commission and to replace it with a permanent climate adaptation advisory committee for the State Planning Council. Dem, DOA and Planning staff are working with Senate Policy staff to

design the transition and specify the responsibilities of the new advisory entity. A 'Sub A' bill based on these discussions will be introduced to the Senate in the coming weeks.

In the course of these discussions, Colt committed to working on the development of external funds/resources to support the future advisory entity that will likely be located in the RI Division of Planning.

Northeast Regional Ocean Council & New England Regional Ocean Planning

The state co-chair responsibility of the Northeast Regional Ocean Council (NROC) transfers to Rhode Island in the summer of 2013. DEM Director Coit and CRMC Director Fugate serve as the state's official delegates to NROC, with Colt serving as alternate delegate. The transfer of NROC co-chair positions will be discussed at its next meeting on May 30.

The Regional (Ocean) Planning Body (RPB) for New England will conduct its second meeting, Narragansett RI, April 11-12.

Colt helped to review 'pre-proposals' for the Northeast Sea Grant Consortium for research to be conducted in 2014-15. He will likely participate in full proposal review of the same in the summer of 2013. The Northeast Sea Grant Consortium is a valuable partner for NROC.

The *RI Rivers Council* membership hearing is April 10 in the Senate to establish the Council's new roster. The BRWCT recognizes and thanks the able leadership of Guy Lefebvre as the Council's Chair and wishes him luck with his future endeavors as he steps down from the RI Rivers Council.

Lake Management

Colt met with representatives from the non-profit Save the Lakes to discuss next steps to pursue the recommendations of the DEM OWR Lakes Management report of 2012. He attended their annual meeting in early February and met with Senator Fogarty and Save the Lakes. There is little concrete progress on the DEM lake management recommendations, primarily due to lack of available funding.

Communications enhancement for the BRWCT is being addressed by Colt, working with Melissa Deciantis. This entails updating of the BRWCT web site and development of an introductory tri-fold brochure.

State Guide Plan Watershed Element development is proceeding forward. Colt hopes that an update of the SLP can proceed once this element is further along in its development.

BRWCT FY 2013 Work Planning

Budget Review

Colt reviewed the status of project spending and incoming revenues for FY 2013, and distributed a draft FY 2014 budget that projects that there will be sufficient funds to fund

all 4 proposals submitted by the BRWCT agencies, as well as the two other proposals put before the BRWCT for consideration at this meeting. Revenues from the new trans-Atlantic cable fee recently promulgated by CRMC have started to come in (~\$58,000 for FY 2013). Septage disposal fee revenues are projected to total ~ \$460,000 in FY 2013.

Uva and Walker again expressed concern about the slowness of BRWCT-funded project implementation and cost refunds. Upon further discussion, it was agreed that grant recipients should be informed in writing that they must administer and complete the funded projects within reasonable, pre-established timeframes.

The BRWCT tasked Colt with developing general grant administration, implementation, and implementation requirements. Colt stated that such guidelines and requirements are for the most part incorporated into the grant and contractual agreements developed to date by the BRWCT. But he agreed that it is important to ensure projects proceed in a timely manner, especially for multi-year agreements. He noted again the importance of ensuring the acknowledgement of funding from the BRWCT in public communications.

FY 2014 Project Proposal Review

Colt noted the overall quality and strategic relevance of the four proposals developed by the BRWCT agencies and the good fortune of BRWCT being able to fund them all in FY 2014. He requested that the proposals be grouped into four categories for discussion:

- 1) Stormwater utility design and development**
- 2) Narragansett Bay water quality**
- 3) Freight planning and ports management**
- 4) Environmental monitoring data and analysis**

The proposals reviewed at the meeting are appended to these minutes.

Stormwater Utility design and development

The BRWCT considered two proposals in this category: a proposal from DEM & the City of Providence to conduct a feasibility assessment for an inter-municipal stormwater utility district (SUD) for the Providence metropolitan region; and a proposal from West Warwick (sponsored by DEM) to conduct a 'does it make sense' (DIMS) SUD feasibility assessment for the Town of West Warwick.

Colt noted the good fit of the two stormwater SUD assessment proposals with the BRWCT's ongoing efforts to catalyze the financing of stormwater management imperatives at the local, state, and regional level (the statewide impervious surface data-layer update being conducted by DEM and Statewide Planning and the Middletown SUD assessment project).

West Warwick (DEM): DIMS SUD Study Proposal

This is a request for \$6,000 to fund a DIMS study for a West Warwick stormwater utility district. Fred Presley, town planner for West Warwick, submitted the proposal to the

BRWCT with support from the town's stormwater management and engineering consultant, Fuss and O'Neill. Presley believes that the West Warwick Town Council is prepared to establish a SUD because of the town's urgent stormwater infrastructure upgrade and repair needs. Kiernan requested that the Chair review the proposal budget to ensure that the hourly labor rates were established through a competitive procurement process that fulfills state purchasing requirements. Colt replied that he has reviewed this issue with Presley and feels that an appropriate competitive procurement effort can be linked to the hourly rates proposed in the budget.

The BRWCT approved a motion (made by Walker, seconded by Gonsalves) to fund the proposal from West Warwick at an amount not to exceed the requested amount of: \$6,000. Vote was unanimous with Kiernan abstaining.

Upper Narragansett Bay Regional Stormwater Utility Feasibility Study

DEM, in partnership with the City of Providence, proposes a facilitated stakeholders process that will catalyze exploration of the feasibility of a regional stormwater utility in among upper Narragansett Bay municipalities.

This project would be begin in early 2014 after DEM and Providence conduct in 2013a DIMS study with funding from DEM. Meeting observer Sheila Dormody of the City of Providence stated that the municipalities who will be participating in the first phase of the SUD feasibility assessment include Providence, East Providence, Central Falls, Pawtucket, Cranston, and Warwick. Depending upon the discussions and outcomes of the DIMS study, Dormody stated that it is possible that additional or fewer municipalities will be involved in the second Phase of the SUD assessment. Uva stated that the NBC will also working with Providence and DEM on the Phase I DIMS study. Dormody noted that the RI Department of Transportation has also been invited to participate in the SUD feasibility assessment.

Colt stated that he was making inquiries at the Governor's Office as to whether Governor Chafee's Shared Municipal Services Task Force would be able to provide support and advice to this effort.

Walker asked if there were other sources of support being cultivated for this project. Dormody noted the support coming from DEM for the DIMS study and her hope that the participating municipalities would over time provide at least staff support for the effort. She also expected to be able to utilize BRWCT funding support as leverage for pursuing other sources of support.

The BRWCT approved a motion (made by Uva, seconded by Chafee) to fund the proposal from DEM/City of Providence at an amount not to exceed the requested amount of: \$150,000. Vote was unanimous, with Kiernan abstaining.

Narragansett Bay Water Quality

NBC (DEM): Stakeholder-based Identification of Sustainable Water Quality Solutions for Upper Narragansett Bay

NBC, in partnership with DEM and EPA, proposes to conduct a facilitated stakeholder process to identify alternative nutrients management strategies for addressing continuing water quality impairments in upper Narragansett Bay. Colt noted the importance of ensuring appropriate alignment and linkages between the upper bay regional SUD stakeholder process and the Upper Narragansett Bay sustainable water quality solutions stakeholder process; stakeholders will likely perceive as components of a single overall challenge, the individualized policy challenges of Providence metropolitan area stormwater management, Providence CSO abatement, and upper Narragansett Bay water quality (nutrients) management. Meeting observer Kerr of the Narragansett Bay Estuary Program agreed that such linkages between the two funded stakeholder processes are important and that the BRWCT needs to track and facilitate such connections as the funder and overseer of both projects. Colt stated that it is the BRWCT's responsibility to ensure that its funded projects are implemented with full recognition of the integrated nature of these water quality and stormwater management issues.

Colt recounted his discussions with Dr. Hal Walker of EPA ORD's Atlantic Ecology Division (AED) and AED's strong interest in participating and supporting this project. He referred the BRWCT to the review letter that EPA Region I and ORD AED submitted regarding this project proposal. Colt emphasized the importance of EPA being fully engaged in this stakeholder process.

Colt stated that he has been talking with Jennifer West of the Narragansett Bay National Estuarine Research Reserve about their Coastal Training Program providing training in collaborative learning skills to support this stakeholder process. He also emphasized the importance of aligning the proposed Narragansett Bay science workshops that the NBEP, BRWCT, and RI Sea Grant have been discussing initially.

Colt raised the concern of the two stakeholder processes proceeding simultaneously. Kiernan and Chafee pointed out the two stakeholder processes would be engaging distinct audiences.

<p><i>The BRWCT approved a motion (made by Crawley, seconded by Walker) to fund the proposal from NBC/DEM at an amount not to exceed the requested amount for year 1 of the project: \$60,000. Vote was unanimous, with Uva and Kiernan abstaining.</i></p>

Colt proposed that, to optimize stakeholder perceptions of process neutrality, the BRWCT Chair serve as the procurement officer and contract manager. Uva stated that he would agree to this proposal if approved formally by the BRWCT.

The BRWCT approved a motion (made by Walker, seconded by Crawley) for the BRWCT Chair to serve as the manager of the contract that will be let out to hire the facilitator to lead the project's stakeholder process. Vote was unanimous, with Kiernan and Uva abstaining.

Freight Planning and Ports Management

RI Freight Planning Under US MAP-21: Proposal to Assess Intermodal Port Functions

EDC, Statewide Planning, and the RI Department of Transportation (RIDOT) Office of Intermodal Planning seek to advance a coordinated and rational use of the state's transportation resources. With passage of the most recent federal transportation legislation, entitled "Moving Ahead through Progress in the 21st Century" (MAP-21), the states are being strongly encouraged to develop immediate and long-range plans for freight-related transportation investments. Meeting observer Stephen Devine of RIDOT noted that freight planning has not typically been performed by state governments, with private sector freight hauling interests and businesses generally having the most influence upon overall system design and function.

Devine stated that a freight planning working group has been meeting for several months, with good involvement by the U.S. Maritime Administration. Walker noted that completion of the RI Freight Plan will position the state to be eligible for up to 95% of available federal funding for intermodal freight hauling infrastructure and projects. Devine pointed out that such planning requirements and revised federal funding formulas will crystallize in the next federal transportation funding authorization expected in the next two years.

The proposal requests that the BRWCT fund and support development of the port and marine transportation component of the RI freight plan, development of which will be led by RIDOT and Statewide Planning.

Colt noted that port infrastructure, marketing, and intermodal planning has been and probably should continue to be an important long-term initiative for the BRWCT. Thus this proposal fits well into the BRWCT's strategic priorities for water-reliant economic development.

The BRWCT approved a motion (made by Uva, seconded by Kiernan) to fund the proposal from Planning/Transportation/Economic Development Corporation at an amount not to exceed the amount requested: \$65,000. Vote was unanimous, with Gonsalves and Walker abstaining.

Environmental Monitoring Data and Analysis

Proposal to develop an Annual Water Use and Demand Database

WRB proposes to fully automate the annual reporting by water suppliers. The project would determine the best mechanisms (geospatial database and application) for legacy system migration; to combine historic and newly collected data; and provide information to the public and others in a timely manner. WRB will engage a two-step services acquisition process: first it would issue a Request for Interest and then moving to a full-fledged Request for Proposals.

Kiernan stated that it would be essential to have the RI Division of Information Technology (DOIT) involved with this project from the start. Crawley and Burke confirmed that DOIT was working closely with them on the project. Kiernan stated that

DEM Office of Water Resources have been working with DOIT regarding firewall management challenges when trying to set up an on-line database that can be accessed for data entry and downloads from outside of the state computer network. Some of what DEM has learned in this effort would be relevant to this proposed work.

The BRWCT approved a motion (made by Kiernan, seconded by Uva) to fund the proposal from Water Resources Board, tentatively at an amount not to exceed the requested amount of \$80,000; with the proviso that the specific amount of funding to be provided will be determined by future BRWCT review of project estimates to be provided by the WRB.

Proposal to Support Rhode Island's Portion of the Regional Ventless Trap Lobster Survey

DEM Division of Marine Fisheries (DMF) proposes that the BRWCT fund Rhode Island's participation in the regional ventless trap lobster survey for 2013, as it did in 2012. Meeting observer Tom Angell of DMF reviewed the importance of the ventless trap survey for southern New England lobster stock assessment and management. He stated that the DMD is unable to use other federal grant funds to support staff-time on the 2013 survey. He stated that DMF has recently lost federal support for a number of marine fisheries monitoring and assessment needs, including the lobster settlement index survey.

The BRWCT reiterated its opposition to funding costs incurred by state employees at DMF who would work on the survey in 2013. Uva, Walker, and Chafee requested that the BRWCT not approve the request for state employee staff support. They agreed that they would reconsider their position pending provision of detailed information regarding DMF's inability to cover survey labor costs in 2013 using other grants or funding sources. Uva requested that DMF make every effort to find an innovative, "out-of-the box" solution to staffing the lobster ventless trap survey.

Colt asked Angell and Kiernan to provide such additional information as soon as possible and to review with other agency representatives this information and why DMF has little to no choice in proceeding with the survey in the proposed manner. Colt stated that upon provision of such information and further review by the CT agencies,

he may call a special meeting of the BRWCT prior to the next scheduled BRWCT meeting to reconsider its decision today regarding this proposal.

Colt asked that the BRWCT approve the utilization of funds granted for the 2012 survey that were never spent. Uva and Walker opposed this idea, stating that the 2012 survey had been completed and that therefore the funds committed by the BRWCT to the 2012 survey should not be made available for use in 2013.

The BRWCT approved a motion (made by Uva, seconded by Chafee) to fund the proposal's costs for supplies and lobstermen contracts for an amount not to exceed the requested amount of \$35,000, but not to fund the proposed labor costs for conducting the survey. Vote was unanimous, with Kiernan abstaining.

Colt thanked the BRWCT agency representatives and the meeting observers for their insights and discussions of the proposals put forward for funding by the BRWCT in FY 2014. He stated he would develop a draft FY 2014 Work Plan and revised BRWCT FY 2014 budget that incorporates the funding decisions made by the BRWCT at this meeting. The draft work plan and revised budget would be completed in time for BRWCT review at its next meeting, scheduled for **June 5, 2013, 2-4 PM, DOA Conference Room A**

Meeting was adjourned at 4:20 pm