



## **RHODE ISLAND BAYS, RIVERS, & WATERSHEDS COORDINATION TEAM**

**February 2, 2007**

**2:00 – 4:00 p.m.**

**Narragansett Bay Commission Boardroom  
Providence, Rhode Island**

### **Approved Meeting Minutes**

Coordination Team Members in Attendance: Kevin Flynn, Mike Walker (for Saul Kaplan), Meg Kerr, Juan Mariscal, Tom Uva (for Raymond Marshall), Sue Kiernan (for WMS),

Other Meeting Participants: Gary Ciminero, Margherita Pryor, Malia Schwartz, Richard Ribb, Tom Uva, Sandra Whitehouse, Jeff Willis, Chip Young

Coordination Team Staff: Colt, Stanziale

#### **CT Administration**

Colt called meeting to order at 2:10 pm, and requested approval of minutes for the 12/20/06 meeting. He made an effort to condense them, while retaining the educational elements of the meeting (including Paul Pinault's presentation on future challenges of NBC).

*The CT passed a Motion approving the minutes from its last meeting on 12/20/06.*

Colt stated that the next meeting is scheduled for February 28<sup>th</sup>. It will be devoted to discussion of current work by the Economic Monitoring Collaborative, including a presentation by Kevin Hively and Kip Bergstrom. They will distribute a draft report to the Coordination Team. Also, Terry Gray, RIDEM's Associate Director of Air, Waste, and Compliance, would like to speak to the CT briefly about the Kettle Point Project, as well as some of the Brownfields redevelopment work he has been involved in.

Colt reiterated that the CT meeting schedule is set through August of 07, and they will continue to meet at the Narragansett Bay Commission's Boardroom.

**Regional Ocean Management Initiative: Northeast Regional Ocean Council**

Colt reported that this effort is coming along well. There is new federal funding being proposed by the Bush administration-up to \$140,000,000 for its Ocean Action Plan Initiative.

**Restore America's Estuaries 2008 Conference**

This event will take place in Providence of October 08. Save the Bay will be deeply involved with this project. The next goal is to raise \$25,000 from Rhode Island state agencies, Legislature, and the Governor.

**Update on Current Monitoring**

Colt distributed a handout on FY 07 monitoring effort developed by Sue Kiernan. Kiernan reported that all four activities that are environmental, in addition the work that Kip is doing in the economic arena, are underway. There is a fair amount of contracting that must be done by DEM in order to move things forward. The partnerships with USGS involving water quality monitoring on large rivers and expansion of the streamflow gage network will be happening on a January-June 2007 timeframe. An equipment purchase is planned for the fixed-site network in the bay. Despite the fact that there is a statewide constraint on purchasing, Kiernan reports that there are no obstacles at this time.

Colt added that Ariana McBride and Kip Bergstrom could not attend this meeting, but they sent him a brief description of their activities. They are proceeding forward well. The Ad Hoc group has also begun to conduct an assessment of public expenditures on infrastructure that supports the water cluster.

**FY 2008 Monitoring Initiative**

Colt stated that, with the help of the Monitoring Collaborative, the CT originally proposed a \$1.65 million proposal for environmental and economic monitoring. Just before Christmas, he was advised by the Governor's Office to cut it to \$1million. He consulted DEM (Kiernan) regarding the current status of certain programs, and developed a proposal that was provided to the Governor's Office that he distributed to the CT. The revised proposal seeks to move most important initiatives forward and it reflects the top priorities as initiated in the prior year, e.g., large river water quality, Narragansett Bay's fixed-site network, streamflow gages, and rotating assessments of rivers and streams. The other areas allocated some funding included fish tissue, beach monitoring and invasive species. He kept the Economic Monitoring Request, totaling \$80,000, intact since considerably more funds were being devoted to environmental monitoring overall, it did not seem fair to take from the economic monitoring.

Colt reiterated that the CT and Monitoring Collaboratives would need to provide legislators more details on the sources of additional anticipated funds required to keep the priority monitoring programs funded. Also, as they enter into legislative discussions, they need to continue to work to justify the importance of these programs; how it will help them to plan, as a CT, and how it will help them to manage aquatic resources more effectively.

Colt mentioned that he received a phone call from Peter Lord. Lord was making inquiries about the amount of money allotted to the CT in the budget. Colt responded by immediately justifying the amount. (A column on the monitoring initiative was subsequently published by P. Lord on February 11. Copy attached.)

To fund the monitoring proposal, several ideas vetted previously were presented to the Governor's staff, and they chose the septage disposal fee, which would be \$1 per hundred gallons. This is a new fee; they will have to set up its administration through DEM. Colt distributed the new budget article (#50). The budget article contains a proposal to create a septage disposal fee, as well as a proposal to create a transatlantic submarine cable fee via CRMC. Lastly, it proposes the creation of a restricted receipt account called the Bays, Rivers, and Watersheds Fund. This account will be tied specifically to the CT, in terms of overseeing what expenditures come out of it and administered for accounting purposes by DEM. The Governor is publicly committed to the integrated environmental and economic monitoring initiative. The budget article proposes that funds will be collected and dispersed by the CT consistent with its purposes and duties. However, Colt felt it was important for the CT to agree that some minimum amount of these funds be allocated to monitoring on an annual basis

With regard to implementing these funding mechanisms, the CT must address the following:

- A.     The Septic Disposal Fee  
           It has been proposed, but DEM has a great deal of work to do to set it up.  
           It will be some time before revenues are generated.
  
- B.     The Undersea Cable Fee  
           The \$80,000 per cable, per year estimate is probably a lot higher than what they can expect to charge. WMS has asked Colt to develop some research on this, and gain a full understanding of what is being done by other states. Aside from New York, most states charge significantly less and are not using this as a big revenue generator.

Mike Walker asked Colt if there are three distinct companies that own these cables, or is it just one. Colt responded that, according to permit information on file at CRMC, it is all AT&T. Walker suggested the budget article language might require clarification to collect for all three. Colt agreed and indicated it is subject to amendment.

Colt said that this budget article provides a framework to support the CT endorsed activities. The challenge in FY 2008 will be to keep the monitoring projects funded until new funding mechanisms come online fully. This will require the WRB and DEM to think hard about how to make that happen. He reiterated that there is a great deal of other funding that is being put into place which needs to be assessed with \$600,000 of "additional anticipated funds" which is expected to cover the cost of the CT's priority monitoring programs in FY 2008.

Uva advised Colt, per his mention of gifts, that it may be a good idea to include supplemental environmental projects. These projects would have to provide a nexus with the violation, to enable them to divert such funds to the CT. If someone is polluting groundwater, then possibly the nexus would be that groundwater monitoring would be conducted.

Kiernan added that there are some well-written, well-defined policies written on what supplemental environmental projects can and cannot be. It is not always as easy to get an SEP idea approved for a specific violation given court oversight .

Juan Mariscal asked what kind of fees will be generated by the 1\$ per 100 gallons septic disposal fee. Colt responded that they had estimated , with the help of Sue Kiernan, Bob Ballou, and Terry Maguire, that it would be about half a million dollars, and the cables were thought to be about \$240,000. Mariscal asked, what does the Bay Commission charge? Uva responded that they charge \_\_\_\_\_ .

Mariscal said that in regard to the WRB's water quality surcharge, they have the right to audit suppliers to make sure they are providing the correct data. It's possible that errors can be made, the audits are fairly inexpensive, and he believes they are a good investment. Also, the suppliers are allowed to retain a very small percentage of the fee revenue for fee administrative purposes, about 6%.

Colt referred to the budget article: it did call for up to 5% of the fee revenue to put toward administration by DEM. Something similar to this may be desired by CRMC.

Mariscal emphasized the fact that he is talking about the treatment plants; they are the ones who will be responsible for the fee.

Margherita Pryor posed a question about the restricted accounts: Is that something that is handled administratively within the department, or is it a legislative account?

Colt responded that the account would probably be handled by DEM with significant oversight by the General Assembly. When these accounts are used, the agency estimates revenue for the account, sets its program budget accordingly, then reports at the end of the budget year to the legislature how far, above or below they were in terms of budget and projections, and they approve any adjustments, or take the surplus.

### **Colt's Presentation on CT Planning Efforts for 2008**

Colt stated that there is a great deal of work before him in terms of developing a CT plan over the next 12 months. Seeking feedback and endorsement of what he will propose. Began by reviewing what was in CT legislation.

*What is the purpose and function of the forthcoming CT Plan?*

The plan is supposed to synthesize individual agency plans, coordinate separate authorities, and establish overall goals and priorities for our aquatic resources: marine,

freshwater, and the watersheds that connect to them. It should set a strategy and timetable for obtaining those overall goals, delineate specific responsibilities among the CT members, and other state agencies and programs, and delineate the costs of this strategy and how those costs will be funded. All of this is supposed to be included in the final, complete plan.

Colt proposed that they follow the template presented by the state of Washington's Puget Sound Water Quality Management Plan (WQMP), overseen by the Puget Sound Action Team (PSAT). The Puget Sound WQMP is the latest manifestation of one of the first efforts at comprehensive estuarine management planning in the US. The PSAT is the overseeing body; RI's CT legislation was modeled on this integrated planning and management approach. The PSAT possesses oversight authority over the entire budget for all state programs responsible for Puget Sound protection and management. It entails more than water quality management, although it emerged from water quality focus in the 1980's and 1990's. It does not have the sustainable economic component that the RI CT possesses. It also does not directly focus on fresh water either.

The Puget Sound WQMP is the basic template Colt would like to bring to the CT planning effort. He feels that it does a good job of organizing a lot of detailed information about the way state government approaches major issues such as stormwater control. The Puget Sound WQMP is equivalent to the CT's forthcoming Systems Level Plan in that it is a five-year comprehensive plan. The PSAT utilizes this plan to create a "conservation and recovery plan" with a two year timeframe that matches the state's biannual budget cycle. The Governor then proposes the budget for Puget Sound management activities based upon this plan. After the development of the subsequent legislative budget, the PSAT then revises its two-year plan

Kiernan asked if the Puget Sound WQMP serves as the Comprehensive Conservation and Management Plan (CCMP) for Puget Sound? How therefore would the CT's systems level plan relate to planned NBEP efforts to develop a status and trends report and revisions to the Narragansett Bay CCMP.

Richard Ribb stated that the NBEP is engaging agencies and programs in addition to RI state agencies through the CCMP revision process, given the interstate nature of the entire Bay watershed.

Colt responded that the selection from the Puget Sound WQMP that he handed out describes how different management programs fit together. Clearly the CT, as a Rhode Island entity, cannot compel Massachusetts state agencies to conform to a future systems-level plan. However, the CT legislation states that the CT and its efforts must address the entire watershed geography relevant to RI's fresh and marine waters. Thus interstate partnerships, collaborations, and negotiations are a mandate for the CT.

Mariscal noted the importance of using multi-year budgets, which are approved over a period of time because you cannot begin something, and then not have the funding to carry it forward.

Colt answered that he feels this is why the restricted receipt account approach will help the team to address that.

Flynn said that he felt that the Puget Sound WQMP seemed like a good planning template. The key would be to pull all the management pieces together and ascertain what we have and don't have in terms of management needs and priorities.

Colt said that if the team could develop further clarity of its vision with regard to CT planning, it would be very helpful to him.

*There were no objections by the CT to utilize the Puget Sound WQMP as a planning template and it endorsed without a motion that is the direction they wanted to go in terms of the plan's overall conceptual design and make-up.*

#### *Composition and Planning Responsibilities of an Ad Hoc Planning Group*

Colt asked the CT to decide who should be directly involved in the planning effort. He proposed that the CT not convene a formal subcommittee, but rather an Ad Hoc planning group. He suggested that the ad hoc group consist of one representative from each CT member agency, the Chair, and representatives from fourteen additional entities, such as Don Robadue of URI's Coastal Resources Center, who has volunteered to assist in the planning effort, and others such as the Blackstone River National Heritage Corridor, Save the Bay, the RI Marine Trades Assoc., and the NBEP.

Sandra Whitehouse stated that although she would enjoy participating, she could not do it in an official capacity (due to separation of powers). She also remarked that such a broad collaborative group is not what the legislature would want. The SAC and PAC were created to function as separate entities, not to be merged into one large group. It is not the intention of legislature and the CT should not select certain members of PAC and SAC while excluding others. There has to be accountability when the CT is developing a plan, but once you begin to include non-agency stakeholders, agency accountability will be diminished. Ultimately, it is the responsibility of the agency members to develop a plan, not Ames's responsibility as CT facilitator.

Colt requested a response from the CT on the composition of the ad hoc planning group: Namely should the planning group consist of one representative from each CT member agency plus the CT Chair, and then utilize subcommittees in the manner described by Whitehouse? And what will be the functions of these agency representatives on the planning group?

The risk is that these agency representatives will not be motivated or have the time to invest in producing the plan; their role would be to advise and comment. There seems to be two options: The first option is what Whitehouse stated with the agencies taking responsibility for producing the plan with the CT Chair facilitating. You may say that the agencies should write them, that they should cut out an FTE saying, "you shall do this for

the next 15 months.” But how realistic will that be, in terms of staff availability and capacity? In practice, the second option is that he will take on the primary responsibility for producing the plan because he is the only person working full time on the CT.

Kerr interjected that she thinks if they consider the work the Ad Hoc group has done over the last two years, there were a lot of agency representatives. She feels they should not dismiss the possibility that they are capable of finding horsepower.

Kiernan expressed some practical considerations using the example of the stormwater section of the Puget Sound plan distributed by Colt. She advised Colt that it would not be time-efficient for him to try to learn about everything that is going on in the DEM Office of Water Resources on stormwater issues. The stormwater world is huge, and very complex. The agencies should be informed that Colt will need assistance in documenting their strategies and programs. It is not necessary to have a lot of other stakeholders involved in that part of the planning process. This builds to a point that, once they are debating what the new strategies should be, greater stakeholder input would be needed. Perhaps that outreach is something to be orchestrated with the PAC. In her personal/professional experience, it is more efficient if the department tries to articulate what they are doing; instead of having other people come down, interview them, translate it, and have them correct it.

Colt proposed that establishing the composition of the planning group must be the first step. *Based upon the discussions, he proposed that the ad hoc planning group consist of representatives from the 7 CT member agencies, the CT Chair, and the chairs of the four subcommittees. The CT endorsed this proposal without motion.*

Kerr observed that, in the past, the Ad Hoc group included more than one representative from each agency. She recommends that they do not eliminate that possibility. Colt concurred, as long as individual participants were willing to take responsibility for specific planning tasks.

#### *The roles of the CT's four subcommittees in CT systems-level planning*

Planning outreach is critical and would be handled via the four subcommittees and the NBEP.

Colt stated that he feels the Environmental Monitoring Collaborative and the Economic Monitoring Collaborative possess clear and important agendas at this time and he wants them to continue to be pursued. He will work to ensure that the Collaboratives' efforts will merge smoothly with CT systems-level planning.

Relatedly, Colt has been trying to work with the Science Advisory Committee to establish a short-term agenda for them. One of their primary duties under the CT statute is to develop a research strategy that will support CT system's level planning. In addition, the SAC has assessed the scientific validity of proposals from the Environmental Monitoring Collaborative. The SAC requested funds to do the background work

necessary to develop a research strategy that is linked to the CT's planning efforts and management priorities. That request did not make it into the Governor's FY 2008 budget. Colt has subsequently proposed tasks for the SAC to undertake on a volunteer basis. He will continue to work with Don Pryor as the Chair of the SAC to establish an agenda for the SAC.

At this point, Margherita Pryor commented, referring to the "Octopus diagram" included in Colt's power point presentation, that maybe what he needs is a "messy Venn diagram" because a lot of the organizations involved with the CT have overlapping membership/leadership. A smaller group, such as the Public Advisory Committee, may be able to represent a lot of other resources and perspectives. It may be useful to diagram them in a way that shows how they relate to each other. Colt responded that the PAC should probably be positioned to do that (act as a forum and representative for multiple orgs and perspectives).

#### *Update on the Activities of the NBEP*

Colt then invited Richard Ribb to discuss the NBEP's forthcoming efforts to develop a status and trends assessment for Narragansett Bay in support of CT systems-level planning.

Ribb stated that the status and trends report is something that the NBEP is required to do under the National Estuary Program's requirements. Given that are very limited resources available to the CT, this is good opportunity for collaboration between the NBEP and the CT to support systems-level planning. Ribb distributed a summary of how the status and trends assessment will proceed and who may be involved. Status and trends information collected over the last 15 years (since issuance of the NB CCMP), do not reside in a single location. The assessment would proceed from an ecosystem point of view. Support staff will be needed and he was hopeful that Ames and Melissa could assist the NBEP staff. They have worked out a timeline-build a draft by the end of the summer and will coordinate with Ames regarding the timeline for drafting the CT Systems Level Plan. The NBEP assessment process will be a great opportunity for the CT to engage broader participation in its planning effort and enhance its accountability.

Colt stated that he and Ribb would work together to make sure that the two efforts are appropriately integrated, with each effort contributing to the other. In terms of public communication, it may become confusing to the public as to who is doing what, and why. He will work hard to keep that as clear as possible.

Ribb interposed that he feels it is important to look at the pieces and make them tell a story. The basic question he posed was: Are things getting better or worse? He felt that it would be good to have a statement in regard to this.

Mariscal added that it is important that the assessment is presented in a way that is understandable to the lay public.

Colt suggested that if they could garner some funds, there are people at URI, Sea Grant, and CRC with expertise in public communications. He expressed interest in going to them to seek help. At the moment, this is more of a funding challenge versus a lack of available expertise.

Returning to discussion of the CT planning effort, Uva expressed some concern over the chapter on stormwater, from the PSAT Plan, saying that he found it to be rudimentary. He felt it might be diverging away from the Systems Level Plan. It is necessary to find the gaps. Simply reiterating what we do and what we know may be getting ahead of ourselves. Feels that it is more important to identify what are the problems/gaps in the current management structure.

Pryor concurred with this opinion. She said that it brings them back to the original question: How should the CT's planning effort relate to the NBEP's status and trends assessment report?

Uva continued that he thinks Puget Sound is years ahead of the CT; for example they have plans in place that describe what each municipality has to do with regard to stormwater. RI, at this time, does not know which rivers and other water bodies are impacted seriously by stormwater. He feels that they need to assemble this plan, figure out where the gaps are, and what they need for money.

Pryor responded that a status and trends report helps them get to that point because again it is a question of where they need to invest their efforts. It is important to see where the trend is headed. What do we need to do in order to avoid the suffering? Who is responsible is the key question. Do you want your participants to simply react, or do you want them to produce? Ultimately, Ames will be responsible for what is issued by the CT, but he needs to have as much help as possible from the CT membership and other organizations.

Colt acknowledged that the Puget Sound WQMP looks like a laundry list of recommended actions. It lays out the situation in Puget Sound and states fundamentally, what the state of Washington is doing about it. On the other hand, the two-year plans are more oriented toward strategic approaches to current trends or difficulties. Thus the CT needs to view the Puget Sound WQMP and the related two year Conservation and Recovery Plans as an integrated whole that presents a model for what the CT's systems level plan will look like and how it will serve as the basis for one year CT workplans and budgets.

Finally, the issue of who will write the plan is definitely something the CT and the ad hoc planning group needs to address further. Colt stressed that he could never carry the ball alone and that there must be substantial input from several sources. Then, he could focus on making connections between different plan elements. spent putting it together.

Colt asked, at this point, if there was any new business: there was none. At 4 PM, a motion was passed to adjourn the meeting.