Mobile Bay National Estuary Program
Project Implementation Committee Meeting
Wednesday, January 21, 2015
Tensaw Theater, 5 Rivers Delta Resource Center

Minutes

Attendees:

L. G. Adams
Emery Baya (Thompson Engineering)
Mark Berte (Alabama Coastal Foundation)
Celena Boykin (Baldwin County)
Wade Burcham (Thompson Engineering)
Roger Burke (Tetra Tech)
Ashley Campbell (City of Daphne)
Georganna Collins (Ecology and Environment)
Mike Dardeau (Dauphin Island Sea Lab)
Paige Felts (Volkert)
Carl Ferraro (ADCNR-SLD)
Brett Gaar (Volkert)
Leslie Gahagan (City of Foley)
Chuck Greer (Payne Environmental)
Judy Haner (The Nature Conservancy)
Patric Harper (US Fish & Wildlife Service)
Bob Harris (Alabama State Port Authority)
Doug Heatwole (Ecology & Environment)
Byron Hinchey (AMEC)
Matthew Hinton (City of Spanish Fort)
John Mareska (AL MRD)
Casey McCorquodale (Payne Environmental)
Christian Miller (AUMERC/MBNEP)
Joyce Nicholas (Mobile County NRCS)
Steven O'Hearn (Thompson Engineering)
Larry Parson (U.S. Army COE)
Melissa Pringle (Allen Environmental)
Bruce Renkert (City of Spanish Fort)
Ray Richardson (City of Mobile)
Justin Rigdon (ADEM)
Randy Shaneyfelt, (ADEM)
Will Underwood (Grand Bay NERR)
Dan Van Nostrand (NOAA-Rstrtn Ctr)
Lee Walters (Goodwyn Mills Cawood)
Brad Williams (NRCS)
MBNEP Staff: Roberta Swann, Tom Herder, Rick Frederick

Takeaways

- MBNEP PIC-specific By-laws were reviewed to determine whether modifications were required. Other than a change from the word "agencies" to the more inclusive "entities" in describing potential PIC members, no other changes were recommended.
- 2014 Accomplishments and 2015 Goals from the five-year Ecosystem Restoration Strategy were visited.
- Strategies for undertaking NFWF GEBF-funded watershed management planning efforts were discussed. With seven "watersheds" comprising 17-tidally influenced 12-digit HUCs slated for planning, MBNEP suggested subcontracting management oversight of the Bayou Le Batre and Fish River WMPs to Mobile County National Resource Conservation Service/Soil and Water Conservation District and Baldwin County NRCS/SWCD, respectively. The City of Foley was mentioned for oversight of the Bon Secour Watershed Management Plan. MBNEP could offer training sessions for project management entities. The PIC tentatively agreed to move through planning for the Bayou le Batre, Bon Secour, and Fish River next and in sequence.
- A "boiler plate" has been prepared for RFPs for WMP engineering/design services, adaptable to each targeted watershed. Ms. Swann suggested separate RFPs for outreach and education components. Management/oversight responsibilities would be contracted.

1. Call to Order

The meeting was called to order at 2:08 by PIC Co-Chair Judy Haner. Self-introductions were made around the room.

2. Approval of the Minutes

Ms. Haner asked for any deletions, additions, changes to the minutes for September 11, 2014. Hearing none, she called for a motion to approve the minutes. Mark Berte so moved, Carl Ferraro seconded, and the motion carried unanimously.

3. Review of MBNEP by-laws with regard to the Project Implementation Committee

The portion of the Management Conference by-laws specific to the Project Implementation Committee were displayed (they were also shared with the PIC email distribution a week earlier) for PIC review. The first sentence stated that the PIC will be open to *agencies*. Patric Harper felt that, since the PIC includes NGOs and contractors, changing the word "agencies" to "entities" was appropriate, and there was consensus in agreement.

Judy Haner read portion describing the purpose" of the PIC and asked for suggested changes. None were suggested.

The second paragraph called for two representatives to serve, and Ms. Haner asked if that referred to an annual term. Roberta Swann responded that the State hoped that MBNEP Committee Chairs would stay in place over the length of the five-year strategy. There was general agreement that meeting "not less than three times a year" was appropriate.

Casi Callaway returned to the second paragraph and the statement: "Voting, when required, will be by simple majority rule." She asked if there was an established quorum. Patric Harper responded that any Management Conference Committee requires a quorum of at least seven "members," but he asked, "what is a 'member?'" With so many in attendance contractors with the potential to bid on projects recommended by the PIC, conflict of interest was a potential problem. Ms. Swann commented that in reality, the PIC works by consensus. Ms. Callaway recommended using a form to determine potential conflict of interest. Some discussion ensued, without a consensus directed towards using conflict of interest disclosure forms. Mike Dardeau noted that the Committee Chairs control what is brought to a vote, offering a level of control. Ms. Haner added that the PIC's role is to make recommendations that are approved or disapproved by the Executive Committee. Carl Ferraro stated that there are two layers between the PIC and execution of a contract, and others expressed the feeling that there has not yet been a problem with the process. Mr. Harper felt that PIC members should declare any conflict of interest in a voting situation and abstain from voting. Ms. Haner felt like the sign in sheet would provide a useful tool should disagreement arise.

Mr. Haner made reference to the Annual Management Conference Breakfast Video, missing from the agenda, despite Ms. Swann's recommendation. Tom Herder apologized for not having it teed up. Ms. Swann felt like since it presented a good overview of management conference

activities over the past year, PIC members should take the time to watch this video which can be found on the MBNEP web page at www.mobilebaynep.com.

4. Revisiting the five-year restoration strategy

Ms. Haner displayed slides from the CCMP showing the five-year restoration strategy. Each slide was followed with a brief summary of 2014 accomplishments, in some cases leading to things that we hope to accomplish in 2015. The final slide from the strategy included activities recommended under ERP-3: Restore/Expand Human Connections. PIC members were asked if any access points had been created in the last year. Live Oak Landing in Baldwin County and the Crepe Myrtle Trail along Mobile County's western shore were both mentioned. It was recommended that creation of public access points be reported (in a format similar to annual Government Performance and Results Act [GPRA] reporting).

As review of 2014 accomplishments was completed, PIC turned to "What do we hope to accomplish in 2015." Additional sediment loading analyses as precursors to watershed management planning and additional watershed management plans were both included on the list of the 2015 scope. Restorations of Joe's Branch and D'Olive and Tiawasee creeks appeared next. Ms. Haner asked Ashley Campbell what was expected in the D'Olive Watershed. Ms. Campbell responded that CIAP and NFWF funding would finance restorations in Tiawasee Creek. D'Olive Creek is currently in engineering stages. Joe's Branch Project 2, Phase 1 and 2 is teed up for construction.

Lee Walter reported on progress on the Fowl River Watershed management planning effort, noting that data collection, processing, and analysis was currently underway. Public involvement is ramping up. A website, Fowl River Forever (http://www.mobilebaynep.com/what_we_do/current_initiatives/fowl_river_watershed) has been created, and GMC anticipates completing the Fowl River CWMP by September.

Ms. Swann provided an overview of the mapping (SAV in partnership with ADCNR, and high-resolution habitat mapping) components of the Coastal Habitat Restoration Initiative (CHRI) funded in the last round of NFWF funding. In response to a question about frequency of SAV mapping efforts, Carl Ferraro noted that the State has prepared a RESTORE proposal for more regular mapping of SAV distribution. Ms. Haner asked about change analysis, and Ms. Swann responded that it would be rolled into the SAV mapping proposal.

Ms. Haner asked if the high resolution habitat mapping would be available on the MS-AL Habitat Tool. Ms. Swann responded that these efforts will inform an update of that tool.

Ms. Swann addressed upcoming Three Mile Creek implementation and said that the University of South Alabama is interested in implementation in headwaters that include some restoration and installation of low impact development measures. She noted that the MLK Avenue Redevelopment Corporation is interested in adaptation planning and climate resiliency. In Toulmin Springs Branch, Auburn University is modeling to identify what LID measures would be most effective, and a grant from the New York City Community Trust will be used to fund adaptation planning with the cities of Mobile and Prichard, the Mobile Housing Board, and the MLK Ave. Redevelopment Corp.

Dan Van Nostrand reported that a 1.5 mile living shorelines project in Bon Secour Bay is moving through the design process with a late 2015-early 2016 target for beginning construction. He reported that HDR is the engineering contractor overseeing this project.

5. Strategy development for undertaking seven watershed management plans

Ms. Swann was asked by PIC Co-Chairs to lead the discussion on the intensive watershed management planning that was included as part of the scope of the CHRI. Seven watersheds (that include 17 tidally-influenced 12-digit HUCs are slated for planning with funds from this NFWF grant. These Plans will be for:

- Bayou la Batre
- Bon Secour River
- West Fowl River (including Delchamps Bayou)
- Dog River (including Lower and Upper Dog River and Halls Mill Creek)
- Tensaw-Apalachee (including The Basin, Grand Bay, and the portion of the T-A watershed not included in the D'Olive WMP completed by Thompson in 2010).
- Fish River (including Lower, Middle, and Upper Fish River)
- Wolf Bay (including Sandy, Mifflin, and Grahams Creek and Perdido Pass/Frontal Gulf of Mexico)

Ms. Swann noted that we didn't lock ourselves into estimates for development of each of these very different plans within the grant, rather estimating costs based on a best guess of what was needed to complete each plan. She described a range of possibilities by stating that we could allocate $250K apiece for the seven plans or we could work to parse out funds appropriately to the scope of work involved in each. How to allocate funds remains a question and she appealed to the engineering firm representatives for input on how we might proceed. She also noted that we want to get these plans developed fast, build capacity locally, and create ownership in completed CWMPs. As such, and due to the agricultural interests present, she suggested having Baldwin County National Resources Conservation Services/Soil and Water Conservation Districts oversee development of the Fish River plans and Mobile County NRCS/SWCD oversee development of the Bayou la Batre plan. She felt that the City of Foley and Leslie Gahagan might oversee development of the Bon Secour plan, with perceptions of Foley's responsibility for impacts in that watershed. She further developed this idea, which has already been discussed with the NRCS entities. To ensure smooth project management, Ms. Swann suggested MBNEP trainings for project managers on requests for proposals, contractor selection, development of scopes, levels of community engagement, and timelines. She suggested that RFPs would be developed to handle monitoring and education and outreach. She also stated a small amount of money be apportioned towards local grass roots groups for citizen involvement activities in an effort to expand and build capacity.

The conversation returned to specific strategies for managing CWMP development. Wolf Bay was the next watershed discussed. Brett Gaar suggested that Baldwin County might be an appropriate manager for that effort. A potential perception of bias was a stated concern brought forth at a meeting of Management Conference Chairs related to municipal oversight verses the MBNEP managing all CWMP development.

Melissa Pringle asked who will contract planning firms, and Ms. Swann responded that the MBNEP will continue that role. She also wondered whether separate RFPs would be used to solicit bids for Education and Outreach and Citizens Monitoring projects and programs conducted during watershed management planning. Ms. Swann responded that these would be complementary to and coordinated by the contracted consultants/planners for those efforts.

Patric Harper asked whether the PIC would remain involved in contractor selection when another entity was charged with planning oversight. Ms. Swann responded it won't change, since there are only so many resource managers available to review proposals. She foresees employing the same protocols for contractor selection.

Mark Berte asked if there was currently a "ballpark idea" of the "rollout schedule." Ms. Swann replied that there is not, but that she foresees Bayou la Batre, Bon Secour, and Fish River as the initial planning efforts. She explained the RFPs will be developed from a "boiler plate." Dan Van Nostrand asked who will ensure consistency in selection. Ms. Swann suggested the possibility of creating a core of PIC reviewers. Mr. Van Nostrand suggested maybe just two or three or more with staggered workloads to ensure consistency of evaluation. Byron Hinchey expressed hopes that MBNEP or a subset of the PIC, an oversight team, an impartial team with community input might ensure consistency.

Bob Howard agreed that this was an important question, expressing hopes for consistency in why decisions are made and that, at a minimum, planning should conform to NPS pollution requirements.

Ms. Callaway added that Community Action Committee members, like the CCA, Mobile Baykeeper, or the Mobile County Kayak Fishing Association could also add consistency across watersheds.

Mr. Howard asked about evaluation criteria. Ms Swann responded that in RFPs, point values for quality are included or prescribed. After the selection team scores the proposals, a conference call is held to discuss scores and address inconsistences of interpretation, and then the top three firms are interviewed. She said that she would welcome a review of RFPs and comments from engineering/planning firms, or from those with expertise in the three priority habitats, such as Marine Resources Division, the Corps, or the State Port Authority.

Emery Baya offered thoughts not as a voting member but from a consultant's perspective. He just expects a "level playing field." He noted the significant effort and cost involved in preparing a statement of qualifications. He suggested selecting a number of consultants qualified in advance, and then using watershed-specific issues to guide selection of pre-qualified firms. Lee Walters agreed with the idea of using IDIQs (indefinite delivery/indefinite quantity), citing the commitment required in preparing statements of qualification for different planning efforts. Ms. Swann asked how we can reduce the burden of SOQ preparation.

Steven O'Hearn asked whether interviews affect selection outcome, and several responded enthusiastically and affirmatively. Mike Dardeau remarked on cases where interviews have even hurt finalists.

Tom Herder recommended making decisions on one contract before going out with an RFP to get another project done. He felt that making selections sequentially allowed planning firms to develop strategies about available resources, and several members expressed agreement. Ms. Swann asked whether when one firm is selected/contracted, should they be ineligible for selection to do another one of the seven. She added that NFWF views the watershed management planning effort as a method for identifying future restoration projects and the State has concurred, demonstrated by a State of Alabama submission to the Federal Council requesting funding for the remaining 19 intertidal watersheds. Bob Howard commented favorably on the "winnowing out" of consultants available as selections are made sequentially. He said that it is not a good idea to eliminate one, and Carl Ferraro added that we cannot legally do that.

Mr. Baya said that if selection is conducted sequentially, with seven approved now and 19 later, the process would promote synergies that might not occur if they were done simultaneously or close together. Ms. Swann offered "quarterly or every three months."

Ms. Callaway remarked that she liked MBNEP "doing the driving on WMPs." She expressed concern about why potential WMP overseers were selected, satisfaction with NRCS, but doubt about the Sea Lab managing the Apalachee-Tensaw WMP that included the Delta. Some discussion followed, and Ms. Swann noted that ~80% of that land is protected and there is broad statewide interest, but that the State has requested MBNEP to retain coordination of that plan.

Ms. Callaway wondered whether the four firms pre-qualified by The Nature Conservancy would be the only ones considered if they were to manage the West Fowl River WMP, and she asked about costs of overhead for project managers/overseers. Ms. Swann explained that a pre-determined flat fee would be included in the project management contract and added that MBNEP would continue to oversee management of planning efforts. More discussion on selection of external project management followed. Joyce Nicholas commented on NRCS as an appropriate choice as a county, state, and federal entity.

Mr. O'Hearn asked how much money would be allocated to project managers. Ms. Swann said that the grant includes $100,000 for project management and she anticipated up to five managers, resulting in $20,000 per plan.

Mr. Harper remarked that project management would have the same marching orders as MBNEP in its management roles over planning efforts, and that managers should have neutrality imposed if necessary by the NEP. He added that project management is just oversight, ensuring that consultants conduct WMP development effectively and as prescribed contractually. Ms. Callaway queried Ms. Swann, noting that three MBNEP staff members were at the previous evening's public meeting for Fowl River WMP development. She asked if all three would be at meetings organized by external project managers. Ms. Swann responded that we will continue to be involved, but not at the same scale (note: two of the three staff had personal interest in the Fowl River planning effort).

Ms. Swann asked L.G. Adams about his thoughts on this issue. He responded that he was comfortable with this. With regard to the Fish River WMP, he said that he doesn't know the Baldwin County NRCS and asked if they were aware of this potential role. Ms. Swann responded affirmatively and added that $20K would provide funding for a 50% Full-time

employee (FTE). Mr. O'Hearn expressed concern that certain project management entities may have difficulty processing invoices related to the planning effort and wondered how MBNEP oversight would work in those situations. Ms. Swann offered t another possibility- MBNEP will enter into project management contracts with appropriate entities and retain contracting of the plan itself. Under this scenario, the project manager would manage the RFQ process (with MBNEP involvement on selection committee), MBNEP would sign the contract for planning services and manage that funding in-house, and the project manager would be responsible for guiding the planning process and approving invoices before submitting to MBNEP for payment. Mr. Ferraro expressed that it would be much "cleaner" for contracts to be managed by MBNEP internally.

Christian Miller touted the increase in local capacity and agreed that buy in from the willing project managers makes external management of planning projects a good idea.

Mr. Ferraro asked whether contracting with external project managers would be the responsibility of the Executive Committee or the Director. Ms. Swann responded that it would be the Director's responsibility, since it would just be a $20K contract. Ms. Swann asked Mr. Baya if he could recommend a way to streamline the RFP process, and Mr. Ferraro responded that we should impose a page limit. Ms. Swann noted that we already do that.

Discussion turned towards strategies of proposal team development and again on the amount to direct towards each of the seven WMPs, which would partially be driven by the amount of field work verses data and report compilation. Lee Walters offered that a flat fee might be considered because regardless of watershed, the same watershed planning process needs to be undertaken. Ms. Swann stated that she would consider this methodology and present it to the Finance Committee, who will be asked to weigh in on this topic. Ms. Swann asked if we can agree on starting with Bayou le Batre, Bon Secour, and Fish River. Some questions were directed to Celena Boykin about the potential of Baldwin County oversight. Without a vote, consensus was reached with regard to leading the planning effort with those three watersheds. Mr. O'Hearn asked about undertaking West Fowl River concurrently to Bayou la Batre. In that way, he stated, all of south Mobile County will be completed. Ms. Swann stated she would take that under advisement.

Finally a suggestion was made to move up the next meeting one month so that PIC recommendations could be offered to the Executive Committee.

6. New Business

No new business was brought forward.

7. Adjourn

A motion to adjourn was sought and provided by Casi Callaway, seconded by Carl Ferraro, and unanimously approved. The meeting adjourned at 4:10 p.m.