

EXECUTIVE COMMITTEE MEETING (#2) ON SEPTEMBER 9, 2011

Attendees: Letty Belin; Ralph Morgenweck; Dion Killsback, Cathy Wilson; Sharon Pinto; Sandra Silva; Carol McCoy; Pat Brewer; David Palumbo; Lorri Gray-Lee; David Arend; David Sire; Robert Wright; Larry Jensen; Harrilene Yazzie; Scott Haase; David Hurlbut; Cindy Hoeft; Dick Beeman; Sandy Eto

Belin introduced Ralph Morgenweck as a new member of the EC, then indicated the Charter was not on the agenda because the DOE attorneys are still reviewing it. McCoy asked to add the issue regarding whether or not the Forest Service should be on the EC to the agenda. Belin said it would be discussed under Item #5 of the agenda.

Hurlbut then led a discussion regarding the protocols for gathering information. NREL will be having meetings in Phoenix on 9/15 and 9/16. He said he hoped to provide a list of the information that would be requested by later that day or NLT Monday. The main change to the version of the protocols mailed out yesterday is a redefinition of “stakeholder groups.” The term “stakeholders” will not be used; instead entities would be referred to as parties with relevant information. Rather than gathering information by identifying groups, the focus for information-gathering will be on the topics or issues related to the Navajo Generating Station (NGS). Hurlbut indicated other changes that he would be making to the protocols. These have been incorporated into the final version of the protocols, which is attached.

McCoy asked what is the definition of “stakeholder” and whether it was to be interpreted narrowly or broadly. Did it mean only non-Federal groups? She said legal interpretation and/or obligations are vested in certain agencies. Belin stated we wanted to steer around the word Stakeholder and why the Protocols were changed to remove the word Stakeholder and replace with parties with relevant information.

McCoy then asked if the EC will be kept informed about any meetings that would be held subsequent to the initial meetings on September 15-16, 2011. She indicated NPS has concerns regarding the characterization of certain entities as an “expert” and she asked NREL (Haase) to send information to her on HDR’s experience in the area of air/visibility. She requested an off-line discussion with Haase and Hurlbut regarding HDR’s expertise.

Belin asked if there were any objections to the changes being proposed for the protocols. None were raised.

Hurlbut then briefly went through NREL’s data gathering efforts to date: Initial meetings set for September 15 and 16, 2011; list of specific questions that will be requested will be out NLT Monday; parties will be able to submit information via email, in person at the workgroup meetings; or if it makes sense they will have individual meetings. Hurlbut also indicated NREL will be requesting to meet with the entities identified in the SOW individually.

Wright requested that at some point could a matrix be provided that included all the information being requested and how it will be used. He also pointed out that some entities do not want to be on the Peer Review team because it could prevent them from bidding on later work. He indicated he thought it is the job of the Peer Review to determine whether or not HDR has sufficient expertise to play the role it has been given.

Belin asked Morgenweck if he had any thoughts. Morgenweck asked if the Information Quality Act applies. There is language in the OMB guidelines regarding a “disclaimer” regarding public dissemination. Hurlbut thought it did apply.

Wilson indicated she would like to see further discussion regarding Peer Review. Belin thought maybe this could occur before the next EC meeting.

Regarding the Forest Service being on the EC, Belin said the SOW does not accommodate this; however, NREL has indicated it will be one of the entities that will be interviewed during the data-gathering phase. The three options, as she saw them, include (1) continue as is, with NREL contacting them individually for information/data; (2) invite the Forest Service to participate in the EC meetings but not retain member status; or (3) revise the SOW to revise the definition of the EC to include the Forest Service.

Belin then gave an update regarding consultations. DOI has been conducting formal consultation with some tribes most affected by NGS decisions. She briefly described that presentations had been made before the Gila River Indian Community Council and Inter Tribal Council of Arizona. She also mentioned DOI will be holding a consultation with all affected tribes on September 15 in Phoenix, Arizona.

Belin then asked if NREL needed anything before the next meeting. Hurlbut didn't see any road blocks currently. Belin indicated that tentatively the next EC meeting would be on September 30, 2011.

Action Items:

Hoelt: Finalize protocols for gathering information and send to all

Haase: Provide McCoy more information on HDR

NREL: Provide “matrix” of information being requested and how it will be used

Belin & Gray: Call Forest Service to discuss their role on Executive Committee and in Study

Hoelt: Schedule next meeting for 9/30/11

Attachment: Final version of the Protocols for Gathering Information