

Via Email and Mail

May 16, 2005

Teresa Sousa, Project Coordinator  
Executive Office of Environmental Affairs  
100 Cambridge Street  
Boston, MA 02114

***Re: Public Private Partnerships' Guidelines***

Dear Ms. Sousa:

Charles River Watershed Association (CRWA) has reviewed the draft *Guidelines for Public Private Partnerships* (April 2005) (Guidelines). As an environmental group whose mission is to protect and enhance the health, beauty and accessibility of the Charles River and watershed lands, we work closely with the state environmental agencies on stewardship issues. We recognize the need for new public private partnerships and commend EOEА on forming the Office of Public Private Partnerships (OPPP) and for drafting guidelines to govern those relationships.

While these partnerships offer important opportunities for improved stewardship of our public environmental and recreational assets, they also present thorny conflict issues. CRWA, like other friends' and environmental groups, remains concerned that private partnerships not supplant or replace the state's responsibility for management and maintenance of public lands and infrastructure, but rather enhance those services and provide clear public benefit. There is a real risk that private resources will be viewed by some in the legislature and the administration as reason to reduce agency budgets or that certain revenues will be directed to the general fund.

Lacking from the Guidelines is any discussion of the financial structure for the public private partnerships. CRWA believes that this should be included in the Guidelines. It should also discuss how endowments and dedicated and matching funds for specific projects will be handled. While obviously the intent of OPPP that contributions and private funding be used for the intended, agreed upon purpose, the Guidelines should affirmatively state this. At a minimum, OPPP should make the financial issues a high priority for the EOEА/DCR Partnership and Interagency Teams and they should recommend any necessary legislation.

A challenge for OPPP will be to involve organizations and business so that they have a stake in the outcomes while at the same time ensuring that they do not by virtue of their contributions (monetary and otherwise) dictate those results.

While CRWA understands that the Guidelines are intended to be general in nature, CRWA believes that it is critical that the Guidelines contain basic parameters on how the “public benefit” of individual partnership proposals will be evaluated and determined. We think it is very important that the Guidelines attempt to define “public benefit” and identify the kind of factors that will be considered in assessing a partnership’s public benefits. While the Guidelines acknowledge the importance of public comment for some projects, the majority of partnership proposals are unlikely to require MEPA review. We think the Guidelines should identify thresholds for public review and comment at least for significant partnership proposals, rather than leave it to individual agency discretion. Public review and comment is key to ensuring that public benefit is achieved and the opportunity for public input should be prescribed in the Guidelines. Similarly, it would be useful in reference to Article 97 (page 4-5) for the Guidelines to contain some discussion of “consistent and compatible uses” of Article 97 lands in connection with revocable permits and licenses, with guidance on how the agencies should determine this.

Lastly, on page 3 numbered paragraph 2 of the Introduction: we suggest adding a reference to “natural resources” because “public lands and infrastructure” is too narrow and does not capture the wealth of resources held for public benefit. Adding the words “natural resources” here also accords with the EOEAs Secretary’s role as trustee of the state’s natural resources.

CRWA believes that the Guidelines, while a good start, should contain more detail about financial, public benefit and access issues in public private partnerships. This would inform potential partners and the public and eliminate basic disparities in partnerships entered into by individual agencies. CRWA looks forward to working with the OPPP in the future.

Sincerely,

Margaret Van Deusen  
Deputy Director and General Counsel

cc: Betsy Shure Gross