

Nashua River Wild & Scenic River Study Committee
Notes from the Study Committee Meeting
NRWA's River Resource Center, 592 Main Street, Groton, MA
May 18, 2017

INFORMAL NOTES

Members Present: Beth Suedmeyer (Ayer); Leah Basbanes (Dunstable); Nadia Madden (Groton); Lucy Wallace (Harvard); Susan Munyon (Lancaster); Paula Terrasi (Pepperell); Heidi Ricci (Shirley); Bill Wilkinson (Townsend)

NRWA Staff: Mark Archambault, Elizabeth Ainsley Campbell, Martha Morgan

NPS: Liz Lacy

Ex Officio: Jeff Barbaro (USGS); Libby Herland (USFW); Anne Gagnon (DFW)

Guests: Warren Kimball (NRWA Board member); Jordan Bailey (Brookline ConCom)

The meeting was called to order at 7 PM by the chair, Lucy Wallace.

Administrative

The April 20, 2017 meeting notes were accepted.

April 27th Public Meeting

Lucy Wallace asked the Wild & Scenic River Study Committee (W&S Committee) for feedback on the April 27th Public Meeting. For those W&S Committee members who had not been able to attend, she reported that there were approximately 35 people at the meeting and that, except for Dunstable, all of the participating towns were represented by either W&S Committee members and/or the public. In addition, Jordan Bailey brought Brendan Denehy, Brookline, NH Selectman, to the meeting. The general consensus was that the attendees responded positively and with great interest to the information being presented and asked good questions. Jordan noted it was particularly useful to have had our website up and running prior to the meeting as she was able to refer people to it prior to the meeting. Jeff Barbaro felt the information that was presented was comprehensive. Beth Suedmeyer asked if the session had been taped for broadcast; Lucy reported it had been and DVDs would be distributed to the towns for rebroadcast on their local access channels.

Bolton Update

Lucy reported that she, Elizabeth Ainsley Campbell and Al Futterman had recently met with Stan Wysocki, chair of the Bolton Board of Selectmen, regarding the need to correct our oversight in not approaching Bolton's Selectmen sooner about the Study and possibility of sending a representative to our meetings. The meeting went well. Mr. Wysocki suggested in response to Elizabeth's question about timing and sequencing that we meet with the landowner whose property abuts the Nashua River before meeting with the entire Board of Selectmen. Al has identified a mutual friend of the landowner and NRWA who will help facilitate such a meeting as soon as possible. We hope to meet with the BOS in June.

Hollis and Brookline, NH Updates

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Jordan gave a brief update on outreach to the two NH towns. As Drew Kellner is no longer President of the Beaver Brook Association he is looking for another person from Hollis to attend the W&S Study Committee meetings as an informal participant along with the Brookline Conservation Commission representatives, Jordan and Drew. Coming off their very successful advocacy for Brookline's Annual Town Meeting vote in support of bonding to fund the acquisition of lands along the Nissitissit River, Jordan noted the value of building strong grassroots support. While a meeting order has not yet been set, she said they are hoping to be on the June 19th agenda of the Brookline Selectboard's meeting to provide general information on the Wild & Scenic Rivers program; or if not formally on the agenda, that Brendan Denehy would report on his attendance at the April 27th meeting as a precursor to a more formal presentation at a later meeting. Either way, it would be an informal discussion with no vote. She was hoping that Jamie Fosburg and a representative from the Lamprey Wild & Scenic River stewardship committee could make a more formal presentation to the Selectboard later in July or August on the role of the NPS in Wild & Scenic Partnership programs and the benefit to the Lamprey River and its communities, in particular. There would not be a vote at the more formal meeting as it would be important to hold a public information session prior to the Select Board vote. A similar presentation would be good to have in Hollis as well. It was noted that NPS funds education programs relating to the river's resources, a benefit that might be particularly appealing to the Beaver Brook Association. These summer meetings could be followed up after Labor Day with an information night for the general public from the two communities together. Jordan thought that if this schedule was implemented, then perhaps the Select Boards could be asked to vote in late September or early October on formally participating.

Heidi Ricci noted that joint meetings are particularly good as they encourage people to think regionally, as opposed to locally. Libby Herland noted that the SuAsCo Stewardship Council now sponsors an annual RiverFest held in June which hosts a range of events and activities in the SuAsCo Wild & Scenic towns. One benefit of this annual event is the revenue boost to the local economies.

ORRV Subcommittee

Review of Draft 5/3/17 Meeting Notes: The 5/3/17 draft meeting notes were distributed to bring the W&S Committee up to speed on the ORRV Subcommittee's recent activities.

Update by Liz Lacy: Liz reported that after meeting with Martha Morgan and Al the three of them and Elizabeth had a conference call with Jamie Fosburg to review the possible exclusion areas – and their extent - above and below the two dams on the Nashua River main stem and the five dams on the Squannacook River.

- Nashua River Dams: Given the dams on the Nashua River have FERC licenses, certain areas should be excluded to allow for FERC-required work. In the case of the Ice House dam, it was suggested to exclude 500' both upstream and downstream of the dam.

The plan for our approach to the Pepperell Hydro dam showed a 300' excluded area upstream and an 800' – 850' excluded area downstream. Paula Terrasi suggested decreasing the upstream area to allow inclusion of the out-take area near the rope and buoy-marked demarcation just above the dam. The downstream excluded area should not prevent use of the put-in area below the dam, either.

Leah Basbanes asked if dams within the Wild & Scenic River designated areas can be removed at a later date. Liz assured her they could be. Leah then asked if NPS funds could be used to remove dams. Liz felt the amount of funding would not cover the cost of removal, but could be used to study the impact of removal. Finally, Leah asked if a dam having a FERC license was removed at a future date, could the excluded areas be incorporated into the Wild & Scenic designated area. Liz replied that river segments can be added in the future.

- Squannacook River Dams: Liz reported that after considerable discussion and confirmation with Jamie, she, Al, Martha and Elizabeth had agreed that the five dams on the Squannacook River would not have excluded areas. Rather the entire river segment would be classified Scenic. She noted, however, that the NPS Washington, DC staff or the Congressional staff may question this decision and require some areas be excluded. Given there can be a strong case made for the historic nature of the dams, it would make sense to include them in the designated areas and we agreed to initially present them this way. Elizabeth reminded everyone that we still need to meet with the dam owners to explain the designation and get their concurrence. For example, it may be that the Hollingsworth & Vose (H & V), owners of a dam on the Squannacook in West Groton, may want an area excluded from designation as the dam is important to their current operations. It was noted that H & V also owns the Harbor Pond dam in Townsend. Bill Wilkinson reported there is actually some question of ownership of the Harbor Pond dam. In researching ownership at the time H & V gave its water rights to the Townsend Historical Society the Society discovered from very old records that there are possibly 2-3 owners of the dam. Martha suggested that the state's Office of Dam Safety should have the correct owner of record of the dam.

Elizabeth asked if the W&S Committee was comfortable with the decisions on excluded areas with respect to these seven dams. As a general approach (the two Nashua River dams having excluded areas and five Squannacook River dams not having excluded areas), the W&S Committee was in agreement. Beth asked why such a large area was needed for the Ice House Dam; the response was that was the area was actually less than that described in the FERC license which extends several miles upstream. However, a smaller upstream excluded area was being suggested for the Pepperell Hydro dam, so that struck her as inconsistent. It was suggested that Liz revisit the excluded area with Al and that it be kept as small as possible, and, again, that canoe access below the dams where appropriate be included if possible. Martha Morgan noted that the general standard for FERC-licensed dams is to exclude a total of 1,000' upstream and downstream of the dams.

Draft Management Plan: Lucy noted that most of the ORRV Subcommittee's recent meeting had been spent in reviewing Al's draft implementation section of the Management Plan on Biological Diversity Category. Al had spent time with Anne Gagnon going over the goals and objectives, as well as incorporating Warren Kimball's suggested formatting to clarify strategies within the goals. Elizabeth noted that Al has also begun similar sections on the Historical/Cultural and Scenic/Recreational Categories. She asked if W&S Committee members would like to see Al's work as it progresses and, if so, would like to have copies sent electronically; Committee members said they would like to be sent copies. Al has asked that members respond with comments or edits to him directly and that he will track and incorporate their input as appropriate.

Anne reported that she recently met with Lynn Harper, MA Natural Heritage Habitat Protection Specialist and state coordinator of Wild & Scenic designated rivers in MA. She has requested

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“lots of information” from Lynn to incorporate into the Management Plan and Lynn has indicated she will get that to Anne and Al in the next few weeks. In addition, Lynn is willing to review the Management Plan. Anne has done a rough calculation of DFW-protected properties and is trying to determine which should be included beyond the ¼ mile designated corridor. She will meet with Al and, if the designated area needs to expand beyond ¼ mile will make sure there is a good rationale. Liz suggested identifying wildlife corridors and their connectivity to the river corridors.

Planning and Regulatory Framework

Mark Archambault, NRWA’s Smart Growth Circuit Rider, has been reviewing the planning and regulatory framework for the W&S towns to ascertain their effectiveness in furthering the protection of the ORRVs. He distributed a chart tracking not only the 8 W&S towns, but also Devens, Bolton and the two NH towns. The categories he considered were: master planning, land-use controls (zoning), water resource zoning and regulations, protection of key habitat and natural communities, and planning capacity. He asked that each representative review the information he has gathered for his/her respective town and provide him with any corrections and/or comments. He walked the W&S Committee through the chart, gathering feedback and comments. Heidi commented that tracking the currency of zoning by most recent town meeting amendments might not be the most useful metric as such amendments are often very specific corrections rather than broader and longer term adjustments; reviews for consistency across different by-laws, ordinances, and regulations was discussed. Lucy suggested evaluating the rate of implementation of specific recommendations in the master plans. Libby suggested that the height of buildings within view from the river can impact the scenic value of the river, so regulation of building height would be worth investigating. In the same way, development of ridges can adversely impact the scenic values.

While MA has a regulatory 100’ buffer zone along rivers and perennial streams, it would be best to have the entire 100’ area as a no disturb zone. As noted on Mark’s chart, some towns have strengthened this provision with local zoning that prohibits either disturbance or building within and even outside the 100’ buffer. Liz commented that a 300’ buffer would be best as it would enhance waterways as wildlife corridors. Establishing 100’ no disturb buffers along the rivers would be a good goal of the Management Plan.

Liz asked about the value of the three ACECs in identifying and protecting sensitive habitats. Mark had not found any regulations to confirm or dispute this; he intends to meet with the town planners to learn more about local regulations and the ACECs.

Susan Munyon suggested the chart be put on Google Docs so the W&S Committee members could see what has or has not been filled in for their respective towns.

Section 303D Listed Waters

Martha presented the proposed Wild & Scenic River segments (Nashua River Main Stem, Squannacook and Nissitissit Rivers) and their 2014 rankings under Section 303D of the Clean Water Act. She explained the 5 categories or levels of impairment which range from attainment of all designated uses to attainment of some uses to no attainment or allowed designated uses (impaired water quality) and requirement for TMDL plans. According to the 2014 assessment, nearly all of the river segments being considered for designation fell into category 5 which requires a TMDL plan (the lower Squannacook does not require one). The Nissitissit is
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considered impaired because of its lack of coldwater assemblage (lack of coldwater fish species), but may be delisted by the 2016 303D listing as the removal of the Turner Dam may have improved water temperatures. However, there may not be sufficient data to change its status, or the fish may not have returned in sufficient numbers at this point to warrant a change in status. Paula commented that the EPA is moving to watershed-based plans to determine source of pollutants and determine BMPs to mitigate impact of pollutants on waterways. Liz suggested that it would be optimal to dovetail the Management Plan with EPA's watershed-based planning. Lucy wondered about including the 303D list as an appendix in the Management Plan as a metric for documenting water quality improvement as the Plan is implemented. Liz noted the 303D assessment would not be included in the Study.

Outreach Subcommittee

As Robert could not attend the meeting, Elizabeth gave an update.

- Logo: The Outreach Subcommittee would welcome suggestions. Leah distributed some ideas developed by a friend of hers. She will email the concepts to Elizabeth and/or Robert. Susan had spoken with Peter Stanton about using his graphics resources and that Peter had expressed a willingness to help refine a logo once we had an agreed upon concept. She urged we settle on one sooner rather than later as it would be invaluable as a branding mechanism for our work and public outreach. Elizabeth will contact Robert about moving this process forward.
- Robert and Al still need to meet with the Groton and Townsend Boards of Selectmen. Groton has recently held its town elections so a meeting can now be arranged. Al and Robert are meeting with the Townsend Board of Selectmen on May 23rd, but as Townsend is having a recall vote on June 19th, another a meeting may be needed after that vote.
- Elizabeth asked if we still wanted to have a W&S Committee paddle on the river in June. All agreed it would be good to do. Elizabeth will ask Al to send out a Doddle Poll to see what might be the best date for members and to also check with Nashoba Paddler about possible dates. It might be simplest to start the paddle from Nashoba Paddler's site in Groton. Jordan suggested paddling the Nissitissit in early spring (May when the water is highest) from Brookline to Hollis – a nice 3-hour trip with a stop for a picnic lunch.

New Business

Jordan shared historic information she has gathered on alewife and Brookline which she has sent to Al.

Liz is a member of the New England Chapter of the River Management Society. This organization gathers and makes information available on the Wild & Scenic Rivers program and designated rivers. The New England Chapter is organizing a fall paddle and Liz has suggested the Nashua River as a possible site.

The meeting was adjourned at 9:20 PM.

The next regular W&S Committee meeting will be on June 15th at 7 PM at the River Resource Center.