

NPS Partnership Nashua Wild & Scenic River Study Committee

First Meeting – October 8, 2015

7:00 to 9:00 PM

at the Nashua River Watershed Association (NRWA)

River Resource Center

592 Main Street Groton, MA 01450

NOTES

Present:

- Appointed Municipal Representatives and Alternates: Beth Suedmeyer (Rep. Ayer); Robert Pontbriand (Alt. Ayer); Leah Basbanes (Rep. Dunstable); Lucy Wallace (Rep. Harvard); Bill Flynn (Rep. Lancaster; arrived at Agenda item 3); Paula Terassi (Rep. Pepperell); Betsy Colburn (Alt. Shirley); Bill Wilkinson (Alt. Townsend; had to leave at Agenda item 8)
 - National Park Service Staff: Jamie Fosburgh (New England Team Leader for the New England Rivers Program) and Liz Lacy (Community Planner/River Managers, Farmington & Westfield Wild & Scenic Rivers)
 - Nashua River Watershed Association Staff: Elizabeth Ainsley Campbell (Executive Director); Al Futterman (Land Programs Director); Mark Archambault (Smart Growth Circuit Rider).
 - Elizabeth Ainsley Campbell Chaired the meeting.
1. **Introductions:** Attendees introduced themselves, including brief statements as to their relevant background, experiences, and interests. Attendees agreed that in the future it would be good to have each member prepare a short bio that can be posted on the Study Committee web-page that will be developed (NRWA staff will trigger that request when appropriate). It was noted that several of the appointed Representatives & Alternates, and also NRWA staff person Martha Morgan, intended to attend but became ill before the meeting – they will catch up and participate in the next meeting.
 2. **Status of Roster of Municipal Representatives:** See attached list *re* who has been appointed by the eight participating towns.
 3. **Brief History of How this Study Committee Came To Be:** Elizabeth recounted that about six years ago, Congresswoman Tsongas, who already had designated Wild & Scenic Rivers in other areas of her large District, contacted Jamie to ask if he thought there were any candidates in the Nashua River watershed portion of her District. Jamie contacted Elizabeth, with whom he had worked on the Massachusetts Watershed Initiative. "Yes!" was the response --- we think there are candidate river sections in the Nashua River watershed. NRWA and NPS staff evaluated several possibilities, and resolved that for a variety of reasons the strongest candidates seemed to be sections of the Nashua, Squannacook and Nissitissit Rivers. NRWA worked closely with NPS in developing explanatory materials for the Boards of Selectmen in the towns through

which those sections of the rivers ran. NRWA staff Al Futterman, Mark Archambault, and Elizabeth Ainsley Campbell went before the relevant Board of Selectmen to make presentations and field questions. Jamie worked closely with NRWA staff, attended some of the meetings, and also handled many of the questions that arose. The goal during this phase was to see if the towns would support seeking federal authorization for the formation of a Study Committee to kick off the process of exploring the suitability and eligibility of the rivers for Wild & Scenic designation. Some towns needed to take a long time to turn to the matter (e.g., changes in Town Administrators). Because of this, it took about three years to garner a package of support letters from the towns and key stakeholders. Congresswoman Tsongas introduced legislation in 2012 and Elizabeth went to Washington, D.C. to testify at a Hearing held by a subcommittee of the Natural Resources Committee, a Hearing at which NPS also testified. The legislation was not passed that year. Congresswoman Tsongas reintroduced it, and Elizabeth testified a second time in 2013. During 2013 the National Park Service prepared a "Wild and Scenic River Reconnaissance Survey of the Nashua River", which found that the rivers appeared to be good candidates, and distributed the Survey to Congress. Congresswoman introduced the legislation yet again in 2014, and in late December it made its way through both the House and Senate. The passage of the "Nashua River Wild and Scenic River Study Act" was announced at a Celebration held at the NRWA River Resource Center in January of 2015.

Elizabeth commented that Congresswoman Tsongas is a strong champion of rivers and deserves tremendous credit for initiating this project and for getting the Study Act through Congress.

Drawing on a wealth of experience, NPS staff communicated with NRWA staff about how most Studies are undertaken, how Study Committees are formed, and how things typically progress. Once the Cooperative Agreement (discussed below) was well on its way to being in place, NRWA began to systematically reach out to the participating towns to invite them to appoint a Representative and Alternative to form the nucleus of the core group of the Study Committee, and that process has brought us to tonight.

It was asked how closely Congresswoman Tsongas will follow the work of the resultant Study Committee – both NRWA and NPS staff believe she will follow it closely.

4. **NPS/NRWA Cooperative Agreement:** Jamie explained that the National Park Service typically enters into a formal, federal Cooperative Agreement (similar to a contract) with the lead community partner as a framework for conducting the Wild & Scenic Study and as a vehicle to pass funds from the federal government to the lead partner and the Study Committee. The Agreements follow the federal fiscal years, which run from October 1st through September 30th. So far, \$10,000 has been made available to help NRWA get the Study Committee started. Elizabeth offered to circulate copies of

the Cooperative Agreement and Leah suggested a scanned copy be distributed to Committee members by email.

Jamie explained that he and Liz expect about \$100,000 to become available for each of the three years of the Study project -- \$300,000 in total. But this is not definite, and they are waiting to hear what will become available for the federal fiscal year we have just entered (given that the federal government is operating on a continuing resolution through December 11th of 2015). Jamie anticipates that perhaps 25% of the year's allotment will be available soon, and the balance later. Jamie noted that three Wild & Scenic Studies, including the Nashua's, were authorized simultaneously by Congress, which essentially never happens. While this shouldn't impact the funds available, Jamie is keeping a close eye on that as well as balancing a triple work load.

5. **Anticipated Overall Timeline & Role of Public in Process of Seeking W&S Designation:** The authorization for the Study Committee specifies that we are to submit our Report to Congress within 3 years. During the 3 years of work, the Study Committee produces the work products (Report and Management Plan) and does extensive public outreach within the towns. In the third year of the process the towns then each vote 'yes' or 'no' regarding their interest in seeking designation. The votes are usually taken at Town Meetings, although there have been a few instances of towns choosing to take the votes just by their Boards (which may not ultimately be enough evidence of public support to warrant Congress going through the designation).

Leah asked what happens if not all the towns agree that they would like Congress to designate the river sections as part of the Wild & Scenic program. Jamie said it will depend on the particular circumstance. In one example recent example in Vermont, a town in the headwaters did not want to participate, but all the others did want to, so the sections in the affirmative towns were ultimately designated. On the other hand, if the pattern of support was yes-no-yes-no-yes-no among the towns along the stretches of the river, it would be clear to Congresswoman Tsongas that there would be no package to bring to Congress. We are starting from a good position, and during the upcoming 3 years we have the opportunity to make sure the public knows about the program and we have been getting input & feedback. Public education is a major thrust of the Committee's work.

Lucy asked if the Study Committee in Vermont used social media, and Liz said not much, as it was not a tool utilized as much in that geographic area as in others. We may want to use it more in our area.

Bill F. pointed out that the Study Committee will want to be clear and communicative from the outset as to why this is relevant to towns -- what the positive selling points are. Jamie noted that the Study will be highlighting what's relevant and meritorious; that said, it was clear that we would be building the positive case for designation in advance of completing the Study.

Bill F. asked if he had read correctly that the preliminary findings of the NPS in the "Reconnaissance Survey" indicate that our sections are likely to meet the "scenic" and "recreational" classifications, but not the "wild" classification (see page 2 of the NPS Survey). Jamie confirmed that, but further noted that if we achieve designation, we are nonetheless part of the "National Wild and Scenic Rivers System."

Beth sought clarification as to her understanding that no new hydro-electric projects are allowed in the river sections after they have been designated as Wild & Scenic. Jamie confirmed that no new hydro-electric licenses can be granted after designation. Elizabeth noted that that's why a section of the Nashua and its Pepperell Pond impoundment was excluded from the initial study area – because although already operating, Pepperell Hydro facility was in the process of getting its FERC license and no one wanted to cause any interference for them. They have just recently gotten their FERC license. Elizabeth also noted that the Townsend Historical Society has members interested in restoring an old grist mill on the Squannacook River and generating a small amount of hydro power – they can seek a FERC license while the Study is going on, but how the two projects would ultimately dovetail needs to be tracked as we go through this process. Bill W. is a member of the Board of the Townsend Historical Society. Elizabeth additionally mentioned that when NRWA and NPS were meeting with the Shirley Board of Selectmen several years ago, they expressed interest in learning whether there was any potential for small hydro facilities on the Squannacook River in their town, and would perhaps want to have that looked into during the course of the Study Committee's work.

Regarding dams in general, Jamie noted that the goal is a "free-flowing" river, but that does not mean that the intent of a Wild & Scenic effort is to remove existing dams, as "free-flowing" can be achieved a variety of ways.

6. **Orientation to Responsibilities of the Study Committee:** Quite a few of the responsibilities have already been touched on, but can be summarized: the Study Committee Representatives and Alternates have a responsibility to liaison with their towns. The Study Committee resolves any questions that arise about the scope of the project, guides the development of the Study Report and the Management Plan, assures that there is extensive public outreach, and oversees the use of the federal funds. The Study Committee is the decision-making body.

Lucy noted that the federally designated Freedom's Way National Heritage Area overlaps with our study area. Is there anything we need to consider about the overlap of two federal projects? Jamie says there is nothing formal to consider, but the Study Committee may want to keep FWNHA in the loop, keep engaging them (FWNHA sent a letter of support for authorizing the Study). FWNHA has a new Management Plan, and we will want to familiarize ourselves with that.

Leah asked for clarification of what are the “confines” of the study area – is it just the river? just the riparian corridor? or beyond? Beth also wanted to know if it is just the river, or also the tributaries? The Study Report will focus on what’s special about the specific river segments we have been authorized to study. That said, the Management Plan for those segments may or may not reflect suggestions beyond the river – in other words, there may be instances where to keep the river healthy, recommendations are made regarding actions about the tributaries.

7. **Major products to be produced, including Study Report for Congress and Management Plan:** Elizabeth suggested that Committee members once again review the NPS’s “Wild and Scenic River Reconnaissance Survey of the Nashua River” (circulated electronically previously to appointed Rep. and Alt., and some hard copies were made available at this first meeting). Then, take an especially close look at pages 19 and 20, which offer a good starting point for considering what the Committee may want to collect/determine. Be thinking what you think should be prioritized, and come to the next/future meetings with some thoughts on that.

Between now and the next meeting, NRWA staff and NPS staff will meet to sketch out a broad timeline and some thoughts on how to prioritize where to begin work on the Study Report and Management Plan.

Betsy asked for samples; Liz and Jamie have numerous examples of completed Reports and Management Plans, reflecting a range of approaches and a range of geographic breadth, and those will be shared early in our process (some can easily be circulated in electronic form).

8. **Some administration, including voting for chairperson, and considering possible other committee members:** Elizabeth said that her understanding from speaking with Jamie and Liz is that Study Committees typically select a Chair and Vice-Chair, and that there can be advantages to having the Chair be from an official role in the town. Elizabeth said she knew that Lucy Wallace would be willing to serve as Chair, but that she didn’t know who else might also be interested and have the time at this juncture; Elizabeth recommended taking up the topic at the next meeting rather than finalizing at this meeting. Robert said he thought it could be important to the functioning of the Committee to have those positions filled, and he agreed it should be decided at the next meeting, not this one. Betsy also thought that putting that structure in place will be helpful. Everyone was invited to think about the roles of Chair and Vice-Chair in the meantime.

Jamie and Liz have noticed that many Study Committee form subgroups, especially one for Outreach and one for developing the Management Plan. As we go forward, we can see what will serve our needs the best.

Elizabeth noted that Jamie & Liz have found that most Study Committees seek to make decisions by consensus, and we would seek to do that here. Recognizing that from time to time consensus is not possible, we will probably want to establish a few simple rules for what happens if consensus cannot be reached, not all towns are represented at the time of an important decision, and so on.

Regarding the topic of possible other committee members, Jamie and Liz described how other Study Committees have worked in a wide variety of ways. Some keep the core decision-making group small, focused on the towns, while other Study Committees include many stakeholders in the decision-making group. Those that keep the core group small typically draw in other stakeholders in non-decision-making subgroups of the Committee. There was brief general discussion of the pros and cons of the various approaches. Bill F. could see the advantages of a small core group and broader sub-groups. Beth asks if Devens had been considered as a participating town, and Al reported having given a presentation in the beginning of the process and getting a letter of support from Mass Development for the venture. Congresswoman Tsongas's staff had not seemed, however, to consider them as a "town" like the other towns – this is something we could look into more. Liz said that it can be very helpful to have state Fish & Wildlife and federal Fish & Wildlife folks be closely in the loop in some fashion (a letter of support had been garnered from the Oxbow National Wildlife Refuge). Beth mentioned that Riverways could be helpful in an advisory capacity (a letter of support had been garnered from the MA Division of Ecological Restoration). Elizabeth asked the group to be reflecting on the topic of other committee members – on the core group or sub-groups – and we would take it up at a future meeting. An additional topic that was touched on a several points in the meeting and again toward the end is the scope of the Study. Although it is completely clear what we have been authorized to Study, it is not uncommon for Study Committees to realize there is a strong rationale for adding some additional area and then possibly seeking its formal inclusion in a designation. This topic will be addressed by our Study Committee in the future, and members were invited to consider if they had issues they wanted to raise. Known issues, which can be addressed in quite a few different ways, are:

- Brookline & Hollis in New Hampshire: Headwaters of the Nissitissit. Those two towns were approached at the outset of the project but did not join at that time. Elizabeth has always expressed interest in re-visiting this, and is aware of some current interest in Brookline.
- Clinton: MA Representative Naughton at one point *after* the Study Committee was authorized expressed potential interest in having Clinton participate, and his staff person contacted Jamie. Beth also wondered about why Clinton was initially not included.
- All of Lancaster: Bill F. has gotten questions as to why the project starts at the "meeting of the waters" and doesn't include all river sections in Lancaster (the initial decision was to not include the South Branch or the North Branch, and thus start at the "meeting of the waters").

- “Pepperell Pond” impoundment of the Nashua River, from Route 119 to the dam – currently excluded, as noted above. Because Pepperell Hydro’s FERC license has come through, that is not an issue now. Elizabeth has always expressed keen interest in having this section of the Nashua back in the project at such time as the license was resolved.
- Pepperell stretch of the Nashua from the dam to the Nissitissit – currently excluded, since at the time Pepperell was working on how the old mill site would be developed. Paula expressed strong interest in re-addressing that.
- Devens: the stretch of the Nashua River through Devens is in the study area; should representation from ‘Devens’ be sought in some other fashion?

9. **Next Steps, Review Tasks & Assignments:** Elizabeth invited each attendee to make final observations or comments. Attendees appreciated having the overall process and responsibilities laid out, and all expressed enthusiasm and excitement for the project and the opportunity to participate. Robert made the point that good GIS analysis will be critical to our efforts.

Betsy raised the question of what was appropriate to report back to the towns about this first meeting. There was general discussion about transparency, and, also about how we want a consistent & positive message to be communicated to the public. It was resolved that the Reps and Alts will not give individualized formal reports to the Boards at this juncture (at meetings filmed by local cable) unless requested/required by their boards. Of course Reps and Alt will be informally reporting as they see fit. In the future we will announce the start of the Study Committee, and as a group we will try to fashion a system of reporting that makes sense. There was a brief general discussion of what “sunshine” laws the Committee might or might not come under, since it is funded by federal dollars yet has town appointed representatives. Jamie indicated that other Study Committees have interpreted this situation in several different ways. It was stated that we can certainly meet whatever the requirements are, including appropriate posting of notices and minutes. Robert will look into it with Ayer’s town counsel and report back to NRWA staff, who will report to the group.

10. **Schedule next meeting:** The attendees felt that having the core group meet once a month was a reasonable goal at the outset. It would be ideal if it would be the same week & day each month, although that may not be possible. NRWA staff will put out a doodle poll to all members exploring the 1st and 3rd Thursday of each month as possible dates, and also the 4th Tuesday of each month.

The meeting was adjourned.

Notes by Elizabeth Ainsley Campbell