

Nashua River Wild & Scenic River Study Committee
Notes from the Study Committee Meeting
NRWA's River Resource Center, 592 Main Street, Groton, MA
January 18, 2018

INFORMAL NOTES

Members Present: Beth Suedmeyer and Robert Pontbriand (Ayer); Rona Balco (Bolton); Drew Kellner (Brookline); Leah Basbanes (Dunstable); Lucy Wallace (Harvard); Bill Flynn (Lancaster); Paula Terrasi (Pepperell); Heidi Ricci (Shirley); Bill Wilkinson (Townsend)
NRWA Staff: Elizabeth Ainsley Campbell, Al Futterman, Martha Morgan
NPS: Jamie Fosburgh; Liz Lacy
Ex Officio: Anne Gagnon (MA DFW)
Guests: Mike Fleming and Warren Kimball (NRWA Board members)

The meeting was called to order at 7:05 PM by the chair, Lucy Wallace.

Administrative & Sharing

The meeting opened with its usual round of introductions by Committee members.

The notes of December 21, 2017 were approved as presented.

NPS Update

Jamie Fosburgh reported that the status of the NPS budget and funds for our Cooperative Agreement were uncertain with Congress and the Federal Government operating under Continuing Resolution. He has been in touch with the NPS budget/grant office and believes there are sufficient funds remaining in our current appropriation to continue with our current work.

The NPS video celebrating 50 years of the Wild & Scenic Rivers Act will be debuted in the near future, at which time we can make it available to the general public on our web-site. Should we like to have a special event to show this video, Jamie would be willing to speak at it.

The Study Report will be finalized after the towns have voted at their annual town meetings. Jamie and Liz Lacy are currently working with NPS Headquarters in "cleaning up" some of the "boiler plate" language in the Report. Jamie and Liz said they are slowly making progress.

If there is a Government shut-down on January 19th, neither Jamie nor Liz will be able to answer email or do any work on this project.

Stewardship Plan

Timeline: Elizabeth Ainsley Campbell walked through the current schedule of meetings with town committees and dates for annual town meetings. She then gave the timeline for completing the Stewardship Plan. The public comment period will end on January 31st. Comments will be incorporated into the Plan with the *text* being finalized ("locked down") by February 15th. This is so a *text-only* Plan will be available to the residents of Brookline and Hollis for a month before their Annual Town Meetings (Brookline on March 14th, Hollis on March 17th). The finished

Plan – complete with final photos, graphs, and maps and worked on by the graphic designer -- will be available in libraries and town halls to the MA towns by the end of March, three weeks before Groton's April 24th Annual Town Meeting; the remaining MA Annual Town Meetings will be held between May 1st and May 14th. Throughout, the Plan will continue to be available at our web-site.

While it could be possible for the Government Printing Office do the printing of the Plan, because of the tight time line we are on, the Committee agreed with Elizabeth's suggestion that the Plan be produced locally. The NRWA has put out an RFP to seek graphic design services locally. There are a couple of possible candidates that were invited by NRWA to respond to the RFP. The response date for proposals is February 1st. The graphic designer will be chosen by February 15th. Files will be given to the designer on March 1st.

Jamie asked what the date of the Plan's adoption would be, as that needs to be included in the Report to Congress. Drew Kellner advocated that the Study Committee adopt and approve the Plan at its next meeting on February 15th. Elizabeth was concerned that the excluded areas around the three working dams might not be resolved by then; Jamie suggested language that could be included in the Plan to cover a later resolution of these issues. The consensus was to target February 15th as the adoption date.

Public Outreach: Elizabeth noted that by the end of January nearly all of the towns' Conservation Commissions and Planning Boards will have been contacted by the town representatives and/or Al Futterman. It was noted that the last scheduled meeting – the Bolton Planning Board on March 28th – will probably be moved up to an earlier date in February.

In addition to meetings with town committees as part of the process of soliciting public input, NRWA has submitted press releases to local newspapers and distributed a public service announcement for broadcast on the local cable channels. Samples were included in the packet of materials for the Study Committee meeting.

Paula Terrasi asked about the need to meet with the towns' DPW superintendents, noting that they work for the Selectmen and so may not require a separate meeting. It was agreed that meeting individually with them was not critical and left up to the individual town representatives to decide if they wanted to meet with their DPW Superintendents. It was noted that there is an Association of DPWs. It will be important to set up another round of meetings with the Boards of Selectmen once we have completed meeting with the Conservation Commissions and Planning Boards. Elizabeth reported that Robert Pontbriand will be reaching out to all the Town Administrators with language for an article to be included in the warrant for Annual Town Meeting that the Stewardship Plan be accepted along with its recommendation to seek designation. (Exact language was vetted previously.)

Regulatory Section: A draft mock-up of the Regulatory Section of the Plan was distributed. Elizabeth asked for comments on the content, noting that Joan Wotkowicz, an NRWA Director, was providing some "fine tuning" (grammatical, consistency, etc.) editing of the Plan, as this is one of her professional skills. Comments included:

- Good organization
- Do the tables in landscape format so that all the towns can be compared together

- Broaden the application of stormwater management beyond just the immediate outflows into the rivers
- Add to BMPs the relationship between state and local regulation (Beth Suedmeyer offered to provide language for this)
- Graphics should be large enough to be readily read and understood

Elizabeth asked that Committee members review the text of this section carefully to make sure the language was correct.

Working Dams: Martha Morgan addressed the section on dams and the status of determining the extent of the excluded areas. She noted there are seven dams on the rivers: three working and four non-working. All seven are “run of river” dams in that water is never kept from flowing over or through them. The three working dams are the Ice House dam in Ayer and the Pepperell Hydro dam in Pepperell on the Nashua River, and the Hollingsworth & Vose dam in Townsend on the Squannacook River. Along with Jamie and Elizabeth, Martha has met or reached out to the dam owners to explain the intent of the Study for designation of the rivers as Wild & Scenic and the purpose of the Plan, especially with respect to the on-going operation of their dams. She believes that definition of the excluded areas for the Ice House and H&V dams will be finalized before the Plan is completed and has drafted letters to the dam owners seeking concurrence on what was agreed upon in earlier meetings. She has also drafted a letter to Eagle Creek, the owners of the Pepperell Hydro dam, proposing excluded areas above and below the dam. Jamie suggested some language to add to the letters and offered to review Martha’s letters in the next day or two so she could send them as soon as possible. Jamie reiterated that the *whole river* is included within the scope of the Plan and that neither designation as Wild & Scenic nor the Plan would hinder the operations of these dams. Furthermore, the intent of the Plan is to work with the dam owners to meet FERC requirements with respect to fish passages and controlling invasives. Finally, it rests with Congress in designating the river segments for Wild & Scenic to determine the extent of the excluded areas.

Plan Outline: Elizabeth walked through the current outline of the Plan, noting which sections still needed to be drafted and which, in her opinion, merit especially attentive review by the Committee. She also discussed the material that would be included in the appendices, although some content now in the appendices may ultimately be moved into the Plan’s text. Liz suggested posting the appendices on the Committee’s web-site and directing readers of the Plan there, rather than printing and attaching them to the Plan. Lucy Wallace asked if the scenic resource assessments would be included as an appendix, as continuing to do these assessments is a recommendation in the Plan.

[Robert Pontbriand arrived at the meeting]

After Designation, Stewardship Committee or Council?: Bill Flynn’s suggested edits to the formation of a stewardship committee were circulated. Elizabeth asked which name the Committee preferred: committee or council? It was agreed by consensus that the name of the entity would be the Nashua, Squannacook, and Nissitissit Rivers Stewardship Council. Others aspects of its structure and operation were agreed upon as follows:

- There would be 15 voting members: 11 towns with representatives appointed by the Boards of Selectmen, NRWA, and NPS all with 1 vote each, and 2 additional members that could be selected by majority vote of the Council.

- Terms would be for 3 years unless the appointing authority sets a different term.
- Council members would comply with state conflict of interest law to the extent it is applicable.
- The Council will come into being once designation is granted by Congress. Until that time the Study Committee will continue.

North Nashua River: When Bill Flynn and Al had made their presentation to the Lancaster Conservation Commission in December, some Commissioners and members of the Lancaster Friends of the Nashua River had questioned why the North Nashua (up to the Lancaster/Leominster line) had not been included in the Study Area. Elizabeth explained that when discussion with the National Park Service about a potential Wild & Scenic project was first begun in 2009, the North Nashua River, which flows through the cities of Leominster and Fitchburg, did not seem appropriate for designation with its many dams and its water quality compromised by CSOs. At the time, the feasibility of including just part of the North Nashua wasn't discussed. Elizabeth noted that the future Stewardship Council could comment on activities upstream of the designated portions that could impact downstream, and that would include the North Nashua. Similarly, the future Stewardship Council could undertake projects on the North Nashua that would benefit the downstream designated sections of the rivers. Martha wondered, and it was confirmed, if references to such activities involving the North Nashua in Lancaster could be added to the Stewardship Plan. In the future, the Stewardship Council could explore the possibility of expanding the designation; there is precedence for such. Al reported that while the status of the North Nashua had indeed been of interest to some members, the Lancaster Conservation Commission affirmed their support for the Stewardship Plan.

ORRVs: Lucy reported that the ORRV Subcommittee had been reviewing and contributing to the Plan as it was being developed. Subcommittee members had been asked at the last meeting to make sure all of the ORRVs / points of interest to their towns were included.

Executive Summary: Elizabeth distributed a draft Executive Summary and asked for Committee comments by January 22nd. She will email her current draft so suggested edits can be made and returned to her as electronically track changes. While this will be a useful summary for readers to get an overview of the Plan, it is too long to use as a handout at public meetings or Annual Town Meetings. Elizabeth and Al are working on a 1-page handout. Drew asked if could be available for the planned walk on Saturday, January 27th, on the Nissitissit River. It was agreed that the handout could be finalized and distributed in NH without Committee final approval.

Finally, Elizabeth asked again that Committee members continue to review the draft Plan on-line and let Al know of any suggested edits or additions. Time is getting very short!

Outreach Subcommittee: Preparing for Annual Town Meeting

Robert reported that he has sent the draft warrant language to all of the Town Administrators and received confirmation of its receipt from all of the towns except for Bolton, Groton and Townsend. He will follow up with those three towns. The warrant language had been reviewed by Ayer's Town Counsel (KP Law) and found to be satisfactory. Robert is also reaching out to the Town Moderators or Town Administrators regarding rules followed during town meetings, especially those pertaining to non-resident speakers and similar issues that might come up during the vote. Robert will draft a "cheat sheet" for presenters to use. Lucy reminded members that the towns can only vote the motion up or down, it cannot be modified as other motions before a

town meeting can be. While there is no hard and fast rule that all the towns have to be an affirmative “yes” vote at their Town Meetings for designation to go forward, it is problematic if a significant segment of the rivers is excluded by a town(s)’ “no” vote -- it could impact whether legislation for designation moves forward.

The Outreach Subcommittee will be meeting before the next Study Committee meeting and is looking for members who might be able to write up answers to the more substantive questions that could come up at the Annual Town Meetings. Liz asked who would be sponsoring the warrant article; it was felt the Boards of Selectmen would be the most appropriate board to do so. It was also noted that the town representatives/presenters should have a back-up to speak in the unlikely event they cannot make it to their town’s Annual Town Meeting.

Heidi Ricci asked who determined where our article would be on the warrant. Lucy advised her that the Board of Selectmen set the order of articles. Drew asked if NPS would be at the Annual Town Meetings and Jamie confirmed he or Liz would attend, but noted that Bolton, Lancaster and Pepperell all convene on May 7th. He added, though, that while he has attended many town meetings for other rivers’ designations, he has rarely been asked to speak.

Miscellaneous

As agreed upon at a previous Study Committee meeting, a friend of the NRWA, Max McCormick of NorthPoint Productions, is moving forward on the project to make short video which could be posted on our web-site (to cost no more than \$2,000). Jamie, Lucy and Bill Wilkinson will be the speakers on the film. NorthPoint Productions is working with Wynne Treanor-Kvenvold and Elizabeth on developing the script. Al will be included in the loop. The Committee agreed that Lucy could be designated as the person to give “sign off” on the final product for the Committee. Wynne is soliciting additional photographs and videos for use in either the video and Stewardship Plan. The goal is to have the video ready for posting by March 2nd.

Elizabeth reminded Committee members to encourage people to visit our website for information on this project and review the Plan. The current draft of the Plan has its own tab, “Stewardship Plan”. In addition, there are several short videos that might be helpful for people seeking to understand Wild & Scenic Rivers, including those produced by American Rivers, the Wood-Pawcatuck River and Upper Missisquoi & Trout Rivers.

The meeting adjourned at 9:15 PM.

Next meeting: February 15th 7 – 9 PM at the NRWA’s River Resource Center.