

Nashua River Wild & Scenic River Study Committee
Notes from the Study Committee Meeting
NRWA's River Resource Center, 592 Main Street, Groton, MA
June 21, 2018

INFORMAL NOTES

Members Present: Beth Suedmeyer (Ayer); Jordan Bailey (Brookline); Lucy Wallace (Harvard); Laura Bianco and LeeAnn Wolff (Hollis); Bill Flynn (Lancaster); Paula Terrasi (Pepperell)
NRWA Staff: Elizabeth Ainsley Campbell, Al Futterman, Martha Morgan
NPS: Jamie Fosburgh
Ex Officio: Anne Gagnon (MA DFW)
Guests: Mike Fleming, Warren Kimball, Joan Wotkowicz (NRWA Board members)

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

Administrative

After the usual round of introductions, Al Futterman introduced Megan White, a student at Westfield State College who is interning this summer at the NRWA to help with both the Wild & Scenic Study committee and also general projects at the NRWA.

The notes of the April 19, 2018 meeting were accepted as presented.

Stewardship Plan

Elizabeth Ainsley Campbell gave an update on the Stewardship Plan. First, she reported that the final draft, including final content and all photographs, graphics, and maps, is now posted on our website. Joan Wotkowicz, Wynne Treanor-Kvenvold (NRWA Communications Manager) and our graphic designer, Geralyn Miller, have completed the process of converting the Plan into an accessible format for the visually impaired in accordance with National Park Service standards.

Second, NRWA obtained three bids for printing 250 copies of the Plan and has selected ISS to do the printing at a cost of \$5,500. The Plan will not be printed, however, until Elizabeth receives a signed copy of the pending NPS Cooperative Agreement or, absent that, clear confirmation that the funds awarded under the Agreement can be applied to costs incurred since April 1, 2018. Jamie Fosburgh will try to get written confirmation of the use of funds retroactively so we can proceed with printing the Plan.

Legislation and Interim Period

Jamie reported on the status of legislation for designation, noting that Congresswoman Tsongas has requested technical assistance from the NPS. The NPS-DC Legislative Affairs Office has begun review and revision of the legislation and hopes to get comments back to Rep. Tsongas in a week or so at the latest.

With respect to the excluded areas around the three dams, Jamie noted the legislation will incorporate the areas agreed upon by all parties for the Ice House and Hollingsworth & Vose dams. While there has been no response from Eagle Creek, the legislation will go forward with the most recently proposed excluded area (1.75 miles upstream and 1,000' downstream) in defining the exclusion around the Pepperell dam. The Report to Congress will note that a smaller excluded area for this dam was sought by the Committee, but the Committee compromised on the current one; the Report may also indicate that NPS would not object to a smaller exclusion more in line with the exclusions for the H&V and Ice House dams. Elizabeth noted the possibility of reminding Eagle Creek of this compromise if she and Martha Morgan

are in phone contact to advise them of the start of the water chestnut removal program this summer; committee members did not think that was necessary.

Elizabeth asked when we might see a copy of the draft legislation, to which Jamie replied it could not be shared until Tsongas's office has received the NPS revised draft.

Bill Flynn asked for clarity on the legislative process. When does the 90-day public review period of the NPS Study Report begin and can it be happening concurrently with the legislation going through Congressional committee review? Jamie explained that the 90-day review can begin once the NPS-DC office signs off on the Study Report (unless a new loop is added for it to be reviewed by the office of the Secretary of the Interior), and it has been graphically designed, and it is up on line. At one point the goal was to start the 90-day review in July, but that does not seem possible from this vantage point. If the legislation does not pass by the end of the current legislative session (December 31, 2018), then legislation will need to be reintroduced in the next session. Jamie noted that Representative Tsongas is eager to introduce legislation before she leaves Congress.

Bill asked about the status of the other two New England rivers seeking designation (York and Wood-Pawcatuck). Jamie replied that they are behind us in obtaining local approval; the York towns will not voting on its plan until the fall and Wood-Pawcatuck committee is in the process of obtaining approval from the 15 river communities (to date has only sought and received seven of 15 town councils' approval). Both will probably be filing for designation in the next legislative session (after January 2019). Elizabeth asked if we should ask the Representatives for those rivers' towns to sign on in support of our legislation. Jamie said that would be up to Representative Tsongas, and that she would probably go forward alone.

A discussion ensued about the role of the Study Committee and the Nashua River Watershed Association (NRWA) during this interim period. Lucy noted that the Study Committee should continue and could even begin implementation of the Plan during this period. Once designation has been granted, the Study Committee will be superseded by the Stewardship Council. Elizabeth noted she would like to keep the momentum going and build confidence in this group of town representatives in its ability to carry on. In the past, the Committee has said it would like to proceed that way. Bill felt that the Study Committee should cease once the Plan is printed as he saw the task of the Committee as assisting in the NPS Study Report and preparing the Stewardship Plan. Once done, the representatives no longer had a "portfolio" in his view. Bill also felt that Committee members' terms would expire at end of three years – in his experience the normal term for town committees (his will expire July 6, 2018). Until designation is made, Bill suggested that the NRWA be the sole entity responsible for activities relating to advancing designation or implementing the Plan. The other representatives countered that they did not have fixed term limits and so could continue serving. Mike Fleming was concerned about the future of the Plan if the towns ceased to have representation at this time. Jordan Bailey agreed, adding that the NH towns would probably not want the NRWA to be the sole entity managing the interim period. There was general agreement by those present that we should continue meeting and undertaking work as appropriate. Lucy suggested we contact the towns to confirm that the current representatives can continue or be reappointed during this period; she also noted that representatives could resign at any time. Elizabeth noted that with the legislation being filed this summer, it will be a good juncture at which Committee members can reach out to the Boards of Selectmen and let them know how we intend to continue our work during the interim.

Jamie added that it is not uncommon for Study Committees to struggle during this interim period, and that some meet less frequently, depending on funds and projects they can initiate.

Bill then asked about the status of NPS funding and how much longer the Committee would be able to receive it, especially if designation does not go forward this year. Jamie reiterated that once the Study and Plan are completed, funding for this phase of our work will end. Once designation is approved, there still

could be at least a year's delay in receipt of NPS funds as another Cooperative Agreement (for implementation of the Plan) will need to be entered into. That said, the NPS does offer small grants that we could apply for to cover work during the interim.

Elizabeth summarized the status of funding available to cover Committee expenses and NRWA's work for the Committee. The most recent modification to the Cooperative Agreement provided \$60,000, all of which has been spent or obligated as of March 31, 2018. Since April 1, 2018 another \$11,000 in expenses has been incurred and considerable staff time as well that the NRWA may contribute *pro bono*. The upcoming modification to the Cooperative Agreement will be \$50,000. Jamie had suggested that the NRWA request being able to use the upcoming funds on expenses incurred from April 1st on, and he had said it was not unusual to make that kind of request. That request was made by NRWA. Elizabeth is not sure how much of the cost incurred from April to June she would seek reimbursement for if she is allowed to go back to April 1st, but she will make sure there are NPS funds to use for the period starting June 1st. For example, there may be \$30,000 - \$40,000 in NPS to use through June of 2020. In addition, the NRWA has received a \$10,000 grant from the Community Foundation of North Central MA and has applied to the Bruce J. Anderson Foundation for another \$10,000 for the Next Phase of the Study Committee's work. Funds from the two grants would be expended by June 30 of 2019. Bill asked who would manage funds in the future. Lucy noted that as the Committee is not a legal entity it will need a fiscal agent to act on its behalf, a role the NRWA has played during this phase. Elizabeth added that the NRWA would be willing to and would like to continue as the Committee's fiscal agent, but that it was the Committee's decision.

NPS Study Report

Jamie reported that the Study Report is going through another round of review and revision by Liz and himself. The goal is to have the final, "polished" version completed in the next week so it can be sent to the DC office for final review and approval. This review period could take up to 30 day – but Jamie noted that it may be less – after which the Study Report can be graphically designed and then posted for the 90-day public comment period. Once the 90-day comment period has been ended, the Study Report can be printed. Lucy asked if Jamie expected significant changes to come as a result of the next round of review by the DC office. Jamie felt it was unlikely.

Elizabeth reported that Geralyn Miller has agreed to do the graphic design for the Study Report for a fee of \$3,500. Elizabeth does not want to pay the deposit fee on Geralyn work until the expected modification to the Cooperative Agreement is received. Once the finalized Study Report is received, Geralyn expects the work to take no more than 3 weeks, and, and, per the RFP agreed upon by NPS, Geralyn is expecting to get the document in a timely fashion so she can complete her work by the beginning of August when she will be going on vacation. Jamie said this report would be shorter than the Stewardship Plan and, with fewer photographs and graphics, easier to lay out. He also suggested that the appendices will not change, so perhaps Geralyn could do them now (although Letters of Support are still coming in). Hopefully the delay in receiving approval from the DC office will not prevent Geralyn from completing her work by the beginning of August.

Letters of Support

Elizabeth reported on letters of support for the Stewardship Plan and its recommendation to seek designation. Prior to the Annual Town Meetings, all eleven towns' Boards of Selectmen, Planning Boards, and Conservation Commissions voted on/submitted letters of support. In addition, all of the towns' Town Clerks have sent certifications of the Town Meeting votes. A list of additional entities being contacted was passed out. The NRWA staff members (primarily Al and Elizabeth) are now seeking letters from organizations that use or have historical/cultural ties to the rivers, such as the local chapter of Trout Unlimited and MA chapter of The Nature Conservancy, local land trusts, the bass fishing clubs, etc.

Staff is also seeking letters from both MA and NH state representatives, senators, and state conservation agencies. Committee members are helping where they can. All letters are being posted on our website as they are received. If Study Committee representatives have additional ideas to add to the list passed around and want to contact particular organizations, Al would be happy to provide a template of a letter of support.

Jordan offered to contact the NH chapter of The Nature Conservancy, as well as the NH chapter of NEMBA. Jordan also thought about a Hollis horse group. Drew Kellner is asking the NH Governor for a letter; Anne Gagnon is working on how to reach the MA Governor's office as well. Mike offered to contact the New England Forestry Foundation. Mike will speak with Heidi and Beth about asking for a letter from the Shirley Historical Society. Beth said she would explore a letter from Ayer Park & Recreation. It was also suggested we contact the Groton School and Lawrence Academy, as well as the Parker Charter School and one or two of the public schools that have participated in River Classroom. Elizabeth reported that Heidi Ricci is getting a letter from the Mass Audubon, and Beth Suedmeyer suggested that the NH chapter of Audubon also be contacted as well.

Al stated we will need the letters by July 6th if the current timeline for the Study Report is maintained (although a few late-coming letters can be added to the packet just before the Report goes to the printer). Lucy suggested that the Committee members send Al a list of organizations or individuals they are contacting. Elizabeth asked Jamie if our current list of received and requested letters was complete; James replied it seemed quite comprehensive. Elizabeth reported that Rep. Benson's office was interested in filing legislation in the MA legislature next supporting the designation and putting it in a broader context, reflecting her belief that it is important for states to show support of environmental programs. Jamie encouraged pursuit of the legislation as it would show that Massachusetts has strong support of the Partnership Wild & Scenic Rivers program; especially as the state could eventually have four such rivers.

Next Steps

Once our time-consuming work on seeking letters of support is completed, Elizabeth said we should determine the next steps the Committee might consider with respect to implementing the Plan. Elizabeth briefly described the two grants that NRWA is seeking dovetail with NPS funds in supporting the Study Committee's work. Bill suggested we develop a strategic plan for implementation; Elizabeth suggested that in the near term we look for the "low hanging fruit" that could be done with few funds and would get us going on the ground. Elizabeth asked if a reconstituted ORRV Subcommittee should take on this task; Jordan and Beth both advocated that the whole Study Committee consider which projects to initially pursue. It was agreed that it would be useful to have a Subcommittee review the Action Plan in the Stewardship Plan and prepare a list of possible tasks/projects to bring to the entire Study Committee. Elizabeth reminded everyone that any member of the Study Committee was welcome to attend such a Subcommittee meeting. Anne suggested we categorize projects as short, medium or long term activities.

Other Business

There are 11± candidates running for Representative Tsongas's seat. The primary will be on September 4th (right after Labor Day). Elizabeth said Bill Flynn had raised this topic, and had asked if we should be reaching out to them to inform them of Wild & Scenic and the pending legislation to ascertain their possible support for it. Bill felt this was the best time to get their attention. There was some concern, however, that we need to be absolutely clear the Study Committee is **not** campaigning or pledging support to candidates. The Committee agreed with Bill's suggestion that we write letters to the candidates noting that Representative Tsongas has supported this Wild and Scenic effort and see if they might continue her efforts if they are elected and if legislation does not pass this year.

Elizabeth reported that nationally the Wild & Scenic River groups meet periodically and work to assure on-going Congressional funding of this program. American Rivers often takes the lead in organizing

these meetings. There was a recent meeting at the national Rivers Rally. While this is more than we can probably handle at this time, we may want to consider participating in the future. Elizabeth offered to share the emails she has received from the New England Partnership W&S Rivers group with any interested Committee members. Jamie noted that the New England Partnership W&S Rivers might be a relevant group for us to be involved with. He added that Representative Tsongas has been a very strong advocate for their efforts.

Elizabeth re-introduced Megan White. Megan explained she will be working approximately 13 hrs./week until September. She briefly described the work she has been engaged in since starting her internship. In particular, she has been helping Al with W&S-related tasks, looking at how trails intersect our rivers. The Committee welcomed her.

Next Meeting: Summer vacation schedules may require a rescheduling of our regular meeting to another night or week. Al will poll Committee members for available dates, and also try to determine if enough Committee members will be available for both July and August meetings.

Absent a significant change in members' availability, the next meeting would be July 19th.