

Nashua River Wild & Scenic Study Committee
Notes from the Study Committee Meeting
NRWA's River Resource Center, 592 Main Street, Groton, MA
March 16, 2017

INFORMAL NOTES

Members Present: Leah Basbanes (Dunstable); Lucy Wallace (Harvard); Bill Flynn (Lancaster); Nadia Madden (Groton); Heidi Ricci (Shirley); Bill Wilkinson (Townsend)
NRWA Staff: Mark Archambault, Elizabeth Ainsley Campbell, Al Futterman, Martha Morgan
NPS: Jamie Fosburgh
Ex Officio: Anne Gagnon (MA DFW); Jeff Barbaro (USGS)
Guests: Mike Fleming (NRWA Board member)

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

Administrative

The February 16, 2017 meeting notes were accepted as presented.

Outreach Subcommittee

The website (www.wildandscenicnashuarivers.org) went live this afternoon. Robert Pontbriand will be contacting the town administrators to arrange for a link from the towns' websites to ours. Cindy Knox is willing to continue to update the website. There was a brief tour of the website and all agreed the Outreach Committee, and Cindy and Al Futterman in particular, have done a great job in populating it with photographs and information.

Al gave a brief update on behalf of the Subcommittee:

- There will be a public meeting on April 27th at the NRWA River Resource Center to provide information on the Study Committee's work to date (particularly with respect to identifying ORRVs, initial draft of Study and general outline of the Management Plan). We need to engage the public in our process and get their feedback. Bill Flynn asked who our target audience is that we should be reaching out to. Elizabeth Ainsley Campbell replied that it is the "general public". It was suggested that town representatives reach out to town boards.
- Elizabeth reported that Wynne Treanor-Kvenvold, NRWA communications manager, will prepare an initial draft press release of the April 27th meeting and, once approved, will send it out on NRWA's upcoming enews.
- It will be important to reach out to various community organizations as early as reasonable with the draft Management Plan for their input. Elizabeth suggested we may want to reach out with relevant sections before the entire draft Plan has been completed. Groups to reach out to, besides the towns' conservation and historical commissions, would be local land trusts, sportsmen's clubs, and historical societies.
- The issue of Bolton not being included in the Study was raised. Although only a small section of the Nashua River flows through Bolton and most of it is under state ownership and management, Jamie Fosburgh felt the federal Legislature would notice if the Town of Bolton was not a participating community. After some discussion about the best way to correct this oversight, Anne Gagnon recommended meeting with the Board of Selectmen.

Bill Flynn offered to reach out to the Bolton selectmen, if that would be helpful. It was also agreed we should reach out to the sole private landowner of property along the river. Al had spoken with Pat Huckery, Phil Truesdale, and Bill Davis regarding approaching the family and looking to see if someone who knew them would like to join in a meeting. They all felt the son, who has taken over his father's business, would want to know if designation would have any impact on the business operations (gravel extraction); we do not think it would be impacted. Rona Balco, a Bolton resident, indicated to Lucy that she believed the town would support being part of this effort. Elizabeth suggested, and it was accepted, that she, Al and Lucy meet with the chair of the Bolton selectmen as a first step.

- Robert Pontbriand will be contacting the town administrators regarding the precise timing and next steps for putting the approval of the Study and Management Plan on the warrants for the 2018 annual town meetings.

NPS Presentation: River Classification

Jamie reported that since our last meeting he and Liz Lacy have met and reviewed the proposed single classification of the Nashua, Squannacook and Nissitissit Rivers as Scenic. On further consideration, he would recommend classifying some portions of the Nashua River as Recreational. While we had all acknowledged at our previous meeting that sections of the rivers included impoundments behind dams and other sections abutted development, Jamie had felt that those segments were relatively minor in the overall scheme of the three rivers and, therefore, did not warrant a separate designation as Recreational. He now was concerned, however, that the DC office of the NPS might question the applicability of the Scenic criteria to these areas and, therefore, request a change before submitting the Study to the Legislature. The existence of two FERC-licensed dams (Pepperell Hydro and Ayer Ice House) must be recognized and the extent of the upstream impact areas covered within the license cannot be overlooked. Furthermore, the existence of the dams calls into question meeting the "free-flowing" criteria.

Elizabeth asked if the impoundments must be excluded from the Study area. Jamie replied that they could be included, reiterating that sections of a river altered by a dam or impoundment could still qualify under the Wild and Scenic Act as Recreational. However, it would be prudent to meet with the dams owners to discuss the impact of inclusion of the dams and their impoundments in the Study area.

When asked how far upstream of the two FERC-licensed dams the Recreational designation would extend (especially as the impact of the Ice House dam extends a few miles upstream into the Oxbow NRW), Jamie noted that a 500-foot limit would be acceptable; beyond that the river could be classified as Scenic. Or 500-foot could be permanently excluded, which would assure the dam owners that the NPS would not interfere in or impede their operations. He reiterated his recommendation to meet with the owners to discuss the designation and answer questions they might have regarding any limitations caused by inclusion. Anne noted that the Pepperell Hydro dam has a bigger impact on the Nashua – both upstream and downstream – than does the Ice House dam. Martha Morgan added that both dams are required, under their licenses, to provide fish passages and she agreed the owners should be approached.

Jeff Barbaro asked about the small dams on the Squannacook, particularly at Townsend Harbor, Thompson's Pond and West Groton (Hollingsworth & Vose). Jamie suggested meeting with the owners to let them know designation would preclude their future application for a FERC license.

Martha Morgan noted that Tim Purinton had asked if dams that are acknowledged and included in the designation could be removed at some future time. Jamie replied that it would not be a problem as removal of the dam would restore the river's free flowing nature.

An updated version of Liz's ORRV chart (as worked on by the ORRV Subcommittee) was distributed and briefly reviewed. It was agreed to change "Early Regional Conservation Ethic" to "Conservation Ethic" in the Historical & Cultural Category. The misspelling of Benton MacKaye's name was also corrected. Committee members were encouraged to review it and send any comments to Al and Liz, as it is a work in progress.

ORRV Subcommittee

Liz Lacy's 3/6 17 draft chapter on Eligibility and Classification had been reviewed by the ORRV Subcommittee at its March 9th meeting. Jamie had met with Liz after that meeting and discussed some of the Subcommittee's comments with her. The Study Committee as a whole was given an opportunity to review the draft and ask questions.

Heidi Ricci asked about the rationale for limiting the designated area to a ¼ mile wide corridor on either side of the rivers, noting that there are two small streams in Shirley, Walker and Morse Brooks, that feed into and are important in heightening the Nashua River's water quality. She also noted they did not cover a large geographic area. However, there are also other important feeder brooks, but including them in the designated area would, in some instances, require adding towns to the Study area. While some brooks could be called out in the Study as being of "special importance", Jamie reminded the Committee that they did not need to be referenced in the Study to be included in the Management Plan. Mike Fleming noted that once the rivers are designated, activities receiving federal funding that may impact upstream brooks and tributaries become subject to the Management Committee's oversight. Jamie agreed, adding that a Management Plan that covers areas beyond the designated area will be the best vehicle for engaging the communities in protecting the larger region's resources.

Al had mapped the ¼ mile corridor and found it to contain 12,900 acres, 37% of which were included in the 1982 state's inventory of scenic lands and 40% of which are permanently protected.

Additional corrections and edits were made to the draft chapter, including:

- Need to correct the chart on page 3 regarding length of river segments in the various classifications
- Add Petapawag ACEC to discussion of ACECs on page 8
- Include scientific names for all mussels on page 8
- Add bald eagles to discussion of Representative Species on page 8 (Mike noted there is a significant hawk migratory route over Devens; Heidi knows of a map showing the migratory route and will try to locate it)
- Correct date of citation in 5th paragraph on page 9 from 2106 to 2016
- Mike noted that Montachusett Regional Planning Commission has information on the region's trails, including number of miles.

Elizabeth reported that Liz would like additional comments to the draft chapter sent to her from each Committee member individually with track changes, as opposed to everyone working off a common document in Google Docs. She will then merge everyone's comments as she feels

appropriate. Elizabeth also reported that Liz and Al will be doing another tour of the area and had asked for particular sites to include that were not part of their first tour.

Assessment of Towns' Regulations

Mark Archambault, Smart Growth Circuit Rider for the NRWA, has been reviewing the bylaws and regulations of the eight W & S towns and Devens to assess their ability to protect the ORRVs and to note where modifications, additions or amendments might be included in the Management Plan. He walked the Committee members through a chart he is developing as he gathers information. Heidi commented that his chart would provide good information for the towns to share. She reported that MassAudubon is working with regional planning commissions on resource management and protection using Low Impact Development, among other tools. She will send Mark MassAudubon's template. She noted, as well, that Devens has very good bylaws and regulations designed to protect resources. Mark will add research on Devens, Bolton, Hollis and Brookline to his review.

Mark's goal is to complete the chart by the April meeting for another round of review. Jamie commented that this chart will be good background information for the Management Plan and for helping to decide the most effective way to protect the ORRVs through voluntary actions.

The meeting was adjourned at 9:10 PM.

The next regular W&S Committee meeting will be on April 20th at 7 PM.