

Nashua River Wild & Scenic River Study Committee
Notes from the Study Committee Meeting
NRWA's River Resource Center, 592 Main Street, Groton, MA
September 21, 2017

INFORMAL NOTES

Members Present: Robert Pontbriand (Ayer); Leah Basbanes and Jean Haight (Dunstable); Nadia Madden (Groton); Lucy Wallace (Harvard); Bill Flynn (Lancaster); Paula Terrasi (Pepperell); Heidi Ricci (Shirley)

NRWA Staff: Elizabeth Ainsley Campbell, Al Futterman, Martha Morgan

NPS: Jamie Fosburgh

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

Guests: Mike Fleming & Warren Kimball (NRWA Board members); Jordan Bailey (Brookline ConCom);

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

Administrative & Sharing

Elizabeth Ainsley Campbell asked if the Committee felt the August 17, 2017 meeting notes regarding the draft of Chapter 3 of the Wild & Scenic River Study Designation were too detailed. Members agreed that while it was useful for Liz Lacy and others to have a detailed record of suggested line by line comments, it was not necessary for our meeting notes. Elizabeth agreed to revise that section of the notes accordingly. The notes were approved subject to the proposed amendment.

Jordan Bailey gave an update on recent meetings with the boards of selectmen in Hollis and Brookline at which Jamie Fosburgh and Al Futterman gave a brief presentation on the NPS' Partnership Wild & Scenic Rivers program and the work of the Study Committee. Having had similar presentations, the towns' conservation commissions were in favor of the towns' participating in the Study and had reported that to their respective Boards of Selectmen. The selectmen of both Brookline and Hollis voted to join the Study Committee and move ahead. Drew Kellner and Jordan may become the representative and alternate from Brookline. Jordan did not know who would be appointed to represent Hollis. The towns will be full voting members of the Study Committee.

Anne Gagnon asked about the process for including NH as full participants, noting that we should include its state conservation agencies in the assessment of the ORRVs and Management Plan. Anne offered to reach out to her counterparts in NH to bring them up to speed. We also will need to include these two towns in our outreach leading up to the spring annual town meetings. Lucy Wallace noted that the Wild & Scenic designation legislation would include these two towns.

Robert Pontbriand and Al reported on their meeting with the Devens Enterprise Commission. They noted that they had been well received and that the commissioners and DEC staff were interested in the implication of designation and work of the Study Committee. While they – or MassDevelopment – would not be voting members of our Study Committee or vote on adopting

the Management Plan, we would welcome DEC members or staff attending our meetings. They also could become members of our committee.

NPS Update

Jamie reported that the NPS is operating under a continuing resolution which will provide funds until December 8, 2107. Under the CR, only a portion of the fiscal year's funds will be released, but he believes it will be sufficient to cover our work until then. He also noted that Chapter 3 of the Wild & Scenic River Study had gone to the NPS Washington, DC office for review.

Jamie asked if the Committee would like to have another joint meeting with the other two Partnership Wild & Scenic River Study Committees currently working through the process - the York River and the Pawcatuck/Wood River - as all three groups are now working on their Management Plans. We agreed it would be useful to share ideas and targeted November as a possible time for such a meeting.

Tsongas's River Day – September 23rd

Elizabeth provided a brief update on the event which will be held at the USFWS Oxbow NWR Bill Ashe Visitor Center in Devens. Rep. Tsongas will be giving Libby Herland, Refuge Manager, and Rona Balco, founder and President of the Friends of Oxbow NWR, certificates acknowledging their work. Lucy and Robert, as two of the speakers, will give updates of our work at the event. Al noted that Rona had been appointed Bolton's representative to the Wild & Scenic River Study Committee. Elizabeth said the NRWA had been helping to publicize the event, and encouraged Committee members to help spread the word so there would be good attendance.

ORRV Subcommittee

Update: The draft notes of the September 7th ORRV Subcommittee were distributed; Lucy noted that the Subcommittee had not yet approved them. Of particular concern are the areas of exclusion around several dams, which Martha Morgan would address separately.

Chapter 3: Anne asked Jamie for a clean copy of Chapter 3 of the Study to send to her reviewers in various state agencies. Jamie will provide Martha with an electronic copy which Martha can share with all of the Committee members.

Visual Resources Assessment: The possibility of completing a Visual Resources Assessment was discussed. Al noted that the current template is designed for land-based NPS holdings and asked Jamie about the status of its proposed adaptation for river-based projects. Jamie said that was not yet completed, but encouraged Al and others to proceed with doing the assessment using the existing format. Al has selected 9 potential sites, 3 on each river, but felt if there was time more sites could be done, particularly on the Nashua River. In addition to Al, Nadia Madden, Robert, Cindy Knox, Lucy and Leah Basbanes expressed interest in participating. Robert reported that Cindy Knox is also interested in participating. Al will suggest a couple of date(s) in October and notify Committee members to determine which would work best.

Dam Exclusion Areas: Martha gave an update on efforts to meet with the owners of three dams in the Study Area: Pepperell Hydro, Hollingsworth & Vose dams in West Groton and Townsend, and the Ice House dam in Ayer. She has not been able to set a meeting with the

owners of the Pepperell Hydro dam, but hoped to do so in the next few weeks. Martha had met with Kathy Puff, Senior Environmental Engineer at H&V, and reported that H&V, after contacting its consultants, was subsequently requesting large exclusion areas: 3,000' upstream and 500' downstream for the H&V dam at their facility and 5,000' upstream at their Harbor Pond in Townsend. Neither dams are subject to FERC licenses or have filed applications for same. Martha, Elizabeth and Jamie will meet with Kathy Puff, as well as Pare, their consultants, on October 3rd to learn more about concerns they may have. For instance, Martha thinks one of Kathy's concerns is being able to remove and replace the dam flashboards for the H&V dam a couple of times each year. This could be allowed, it was felt, without having the large exclusion area. Martha, Elizabeth and Jamie had also met with Liisa Grady Marino regarding the Ice House dam. Liisa would like the upstream excluded area to extend to the West Main Street bridge and downstream below the current put-in off Walker Road. Liisa is checking with her FERC contacts regarding the appropriate area to exclude. Jamie noted that there are FERC dams on Wild & Scenic designated rivers in Connecticut and they did not require areas to be excluded. Heidi Ricci suggested that Jamie provide Martha with information regarding these dams and how they were allowed to function without having upstream and/or downstream areas excluded as this might be reassuring to the dam operators in our Study Area.

Town Bylaw Profiles

Elizabeth reported that Mark Archambault has accepted a job in Ayer as the town planner and will be beginning there soon. While that is great news for Mark and Ayer, it will be a loss for our work and the NRWA. An arrangement has been made with Ayer to let Mark work one day a week at the NRWA until November 3rd. Hopefully he will be able to wrap up his work by then on the towns' regulatory capabilities and needs for inclusion in the Management Plan.

To that end, Mark had prepared a narrative template for describing the status of the Study Area towns' bylaws and planning capabilities. He has completed drafts for all of the towns except for Lancaster and the two NH towns. He also will prepare a profile for Devens, even though it is not a town, because it has its own bylaws and planners. Heidi noted the value of Mark's work in setting a framework for assisting towns in improving bylaws and regulations to protect the ORRVs. She suggested adding low impact development zoning bylaws as by right, as opposed to special permit, bylaws. Heidi also suggested adding regulations to address storm water and run-off into waterways. Heidi will contact Mark about her thoughts, and all Committee members were encouraged to send their comments to him, particularly with regard to their respective towns.

Draft Management Plan

Al has completed an initial draft of the Management Plan which he can email to Committee members in chapters or in its entirety without maps (as it would be too large with the maps) for their review. He asked for comments on format and content. He noted that the hierarchy, both of ORRV categories and specific ORRVs, was taken from the table developed several months ago to help organize material for Chapter 3 of the Study. Lucy noted that a common hierarchy regarding actions is to move from goals to objectives to strategies. Elizabeth noted that we still need to wrestle with the level of specificity for the objectives and strategies. Heidi felt a summary would be useful, especially in taking the Plan to the general public ahead of annual town meetings, as many might not take the time to read it in its entirety. She suggested focusing on overarching common goals, such as preserving water quality, and the multiple actions and

benefits that would arise. In the case of water quality, actions could include protecting corridors, stream crossings/culvert installation and storm water management. Warren suggested a table and using icons of species which could be linked to specific actions, similar to the format used in the Rapid Planning document he has shared in the past. Finally, Nadia suggested that representatives read the Plan from their respective town's point of view and possible reactions, taking into account elements that could be red flags locally. Bill Flynn concurred with this suggestion.

Al asked for comments back on his draft by October 15th.

Elizabeth noted that there has been on-going confusion over the language of the motion to be presented to the town meetings and that she had asked Jamie for examples. Jamie said there were several ways to word the motion, one such being "approval to petition for designation based on the Management Plan." Lucy added that it would be important in outreach ahead of the vote and at the town meetings to make it clear that the designation would not lead to additional federal regulation or acquisition. Libby noted that if the opportunity arose to expand the Oxbow NWR on Devens South Post, the USFWS would certainly do so. The Forest Legacy program, which has been used for two projects the Study Area and more extensively in larger the Nashua River Watershed area, was also a federal land protection program. Jamie replied that the authority under the Wild & Scenic Rivers Act was tied to NPS and not to other federal agencies. Therefore, expansion of the Oxbow NWR or the Forest Legacy program would not be impacted by the designation.

Bill suggested that the Outreach Subcommittee could work on language to be used in explaining the role of the federal government in the Partnership Wild & Scenic Rivers program. Jordan offered that we should stress the word "partnership" and that nothing would happen without the town's approval.

Robert offered to have the Outreach Subcommittee draft language for the motion and an "elevator speech" explanation. It was noted that while many of the towns use the same legal firm for town counsel, not all do, and the motion to be placed on the warrant would need to be reviewed by all.

Robert reported that he is reaching out to the other town administrators regarding timing for placing articles on the warrants for next spring's annual town meetings.

Outreach Subcommittee

Logo: Leah Basbane's graphic consultant had taken the input from our last meeting and produced several refined versions to the two possible logo designs and the wording to accompany the logo. After some deliberation, the Committee agreed on design A and to simply name the 3 rivers: Nashua Squannacook Nissitissit. Leah's consultant had also developed a sample letterhead incorporating the logo which included a banner beneath the logo with the web address. Elizabeth had shown the sample letterhead to NRWA staff and it had been suggested that the NRWA street address and phone, as well as the web address, scroll across the bottom of the page rather than in the banner beneath the logo. The Committee agreed with that recommendation. Leah will let her consultant know that the logo and letterhead have been resolved. The Committee members once again thanked Leah.

Municipal Officials Paddle: There will be a paddle for municipal officials/staff (2 per town) on October 16th from 4 to 5:30 PM. Nadia suggested including a rain date of October 17th. Al will confirm the feasibility of the rain date with Nashoba Paddler and will also send out a reminder to the towns on October 2nd. Registration will be required.

Stakeholders' Gatherings: Al distributed a draft flyer regarding a meeting for stakeholders on Monday, October 23rd from 5 – 6:30 PM or a date to be determined soon thereafter. The first meeting of stakeholders will focus on recreationalists. Groups suggested to receive notice included: bass groups, trail groups, land trusts, conservation commissions, local chapters of Trout Unlimited and Ducks Unlimited, the Friends of Oxbow, etc. It was suggested that the flyer be posted in local libraries and town halls, kiosks along the rail trails, and at Nashoba Paddler. Nadia suggested adding to the flyer that there would be refreshments, as food is a good draw.

Libby suggested holding a daytime stakeholder gathering at the Bill Ashe Visitor Center in Devens.

Constituency Groups: Once the Management Plan is in a more finalized form, the Committee will have to reach out to local stakeholders to begin to inform the public. It was felt presentations similar to that given by Al to the boards of selectmen would be useful. Lucy suggested combining presentations to boards, if possible; for instance, inviting the planning board to attend the conservation commission meeting when the presentation was being given. Nadia felt it is important for the town representatives to either make or join Al in making the presentations to local boards. Elizabeth wondered if Al (along with the local representative) would want to meet with town staff, such as the town planner, conservation agent and town administrator, before going to the boards. Bill suggested making an effort to reach out prior to the annual town meeting to those attendees who might raise questions about the motion and give them a chance to ask and have their concerns addressed ahead of time.

Robert will document all of our outreach activities on our website and for inclusion in an appendix to the Management Plan.

Announcements

This was Libby's last meeting as the USFWS representative to the Study Committee as she is retiring on September 30th. She was thanked for her contribution to this effort and invited to continue with us on this journey.

The meeting was adjourned at 9:10 PM.