

N-S-N Rivers Wild & Scenic Stewardship Council

MINUTES OF JULY 22, 2021 MEETING

By Zoom Video Conference

Voting Member Entities Present:

Towns: Brookline: Drew Kellner; Harvard: Michele Girard and Lucy Wallace; Pepperell: Paula Terrasi; Shirley: Heidi Ricci; Townsend: Joan Wotkowicz
NRWA: Al Futterman, Martha Morgan
NPS: Emma Lord
DEC: Neil Angus

Guests:

Warren Kimball (NRWA Director and former MA DEP)

The meeting was called to order at 7:00 PM by the Chair, Lucy Wallace. Due to the Coronavirus (Covid-19) pandemic the meeting was held virtually by Zoom.

Administrative

The minutes of the June 17, 2021 meeting were approved as presented.

NPS Update

Emma Lord reported on the recent Partnership Wild & Scenic Rivers quarterly meeting which she noted had representation from all the Partnership Rivers councils. A NPS program, "Volunteers in Parks," is now being extended to include activities related to Wild & Scenic Rivers. While the details are still being finalized, it is anticipated that Council members' time spent at meetings and on various projects will be eligible for credit under this program. Therefore, in the future we may want to establish a method for tracking members' hours.

Council Projects

Forest Legacy Program Project: Lucy reported that the FLP application had been filed on July 12th and a presentation to the MA Forest Legacy Committee given by Al Futterman and Janet Morrison on July 21st. She reminded the Council members that the copy of the application provided with the meeting materials was confidential and not to be shared.

Al then gave the Power Point presentation to the Council that had been given the day before to the state, summarizing the key points of the application which includes 25 tracts in 7 of the 9 MA W&S towns and an additional 3 "headwater" communities (Ashby, Fitchburg & Lunenburg). This \$14.4 million project grant includes a request for \$9.9 million in federal funding, with \$4.4 million being the cost share. While the Forest Legacy program requires a 25% cost share, Al noted that due to landowners' willingness to consider bargain sales and the donations of some tracts, our application has a 30% cost share. He noted that this project has substantial support, including the towns' conservation

commissions, Shirley's Greenway Committee, 3 regional land conservation organizations (NRWA, North County Land Trust and New England Forestry Foundation), local land conservation trusts, state and federal agencies. Al shared a couple of maps; the first showing the location of the tracts and another the greenway corridors being expanded by these tracts within a roughly 20 by 20 miles area. Several headwater streams, critical for cold water fisheries and refugia, will be protected by the forestlands to be enrolled in FLP. The biggest assemblage of lands is in Lancaster (765 acres) and is comprised of NEFF lands, Lancaster Town Forest, and two additional large private landholding both of which have been of interest to protect for at least the last several years. Of the 25 tracts, 9 involve fee sales and 16 will be protected with conservation restrictions. The MA Department of Fish and Game (MA DFG) will hold CRs or fee interest in 28% of the protected acreage through 5 tracts.

Al explained that the application required specific points, "core criteria," justifying possible FLP funding. These core criteria were encompassed in 3 categories: important, threatened, and strategic: Important included habitat, rare species protection and cold water fisheries resources; threatened included proximity to development ("sprawl frontier") and increasing land values; and strategic included proximity to existing FLP lands, and linkages or corridors. Another criteria which has just been re-established by the Forest Service is readiness, which includes having various due diligence elements, such as doing a title search and having a Forest Stewardship Plan in place, completed before the award is made. In the past, these elements would have been undertaken after the award was made and the cost reimbursed by the FLP grant.

Wrapping up the Power Point, Al showed town by town maps showing the properties. Referring back to the core criteria, he pointed out the extent to which the tracts are within ACEC designated areas and/or include BioMap 2 core habitat or critical natural landscapes. Finally, Al noted that this project will advance the goals of multiple private, state and federal agencies, including the NPS Freedoms Way Heritage Area, USFWS Oxbow National Wildlife Refuge, MA DFG State Wildlife Action Plan, Merrimack Conservation Partnership, NRWA's 2020 Vison Plan, and the N-S-N WSR Stewardship Plan.

Lucy then asked for Council members comments. All expressed their opinion that the scope of the project was quite impressive, especially given the amount of work needed to pull together the number of tracts and information to justify FLP. Al commented that he had roughly 25 pages of notes on these properties which had to be distilled to 4 pages on the application, a task that took many hours of editing work with him, Lucy, Elizabeth Ainsley Campbell and Janet Morrison. Heidi Ricci commented that she found the application to make a strong case for protection of these lands through FLP, especially with respect to the development pressures in this area. Neil Angus agreed with others that this application reflected great work by those involved, adding he was sorry the Cold Spring Brook greenway in Devens could not have been included as well.

Lucy thanked the Council members for their support of this project, particularly with funding the consulting services of Janet Morrison.

Al reported that the state FLP Committee had endorsed the application. And then turned to the next steps in this process, particularly in completing this project should a grant be awarded. He explained that in October it will be submitted for review at the national level. As the federal funds are for FY23, grant awards are not expected to be announced until 2022. Al then suggested that for this project to succeed we may want to consider forming a Regional Conservation Partnership (RCP) separate from the Council.

Related Updates

Chapter 40B: Heidi reported on House Bill 2198 which is pending in the state legislature. Passage of the bill would strengthen jurisdiction of local wetland bylaws with respect to Chapter 40B housing applications and limit developers' ability to get a waiver from complying with them. This would be beneficial as it will not only allow local control of wetlands and water resources, but also avoid housing being built in areas that could be more prone to flooding due to climate change.

Squannacook Wildlife Management Area (SWMA): Al has received notice of a proposed restoration of approximately 180 acres of the SWMA to barren habitat by the Division of Fish and Wildlife. Al expects it may be like a similar restoration project undertaken near Quabbin Reservoir along Muddy Brook which was essentially a clear cut. There is to be a site walk; when Al learns the date and time he will notify NRWA staff and Council members who may want to join him on the walk. Heidi noted that Shirley has clear cut some of its near-by lands for "habitat improvement." She added the area is known Blandings' turtle habitat so care must be taken in the use of heavy equipment, as well as monitoring for invasives. Paula Terrasi noted that on-going maintenance and removal of invasives is a significant cost once an area is cleared. Heidi also asked about the public process, noting the proximity to a residential neighborhood of the proposed area to be cleared and burned.

Finances and the FY21 Budget

Lucy reviewed the status of the FY 21 budget as of June 30th summarizing the information provided by Elizabeth, which included paying NRWA for its services through the end of the fiscal year:

NPS funds FY21	\$150,000
Spent thru 6/30	<u>-127,345</u>
Balance	22,655
Obligated for Community Grants	<u>- 10,000</u>
Carry over to FY22	\$ 12,655

Of the amount to be carried over \$9,829 was budgeted for contracted services, \$767 for supplies, and \$2,059 for indirect/fiduciary costs.

Lucy then reported that Janet Morrison had submitted an invoice for payment in the amount of \$15,000 pursuant to her current contract and that she had authorized payment as it was in accord with Janet's contract. She went on to explain that Janet's time had been fully used as of June 27th, and, therefore,

Janet had submitted an additional proposal to cover her services for June 27th – 30th in an amount not to exceed \$2,500. Lucy justified the additional hours noting the benefit to the FLP project provided by Janet, especially in overseeing the retention of appraisers and review of the restricted appraisals, meeting with landowners, and helping complete the application. Along with this proposal, Janet had submitted an invoice in the amount of \$2,362.50. There being no questions, Lucy asked for a motion to approve the proposal for the period June 27th – 30th. She also asked for a motion to approve the invoice. On separate motions made and seconded, both motions were unanimously approved. With payment of this invoice, the balance to carry over to FY22 for contracted services would be \$7,467; total to be carried over would be \$10,292.

A final item to address was a proposal by Janet for services commencing July 1st related to the FLP. As with her earlier proposals, it was not to exceed \$15,000 and her billing rate would still be the discounted \$75/hour. Lucy reported she had asked and Janet had confirmed that this would be sufficient to cover her services through filing the application in October to the national review board. Al added that Janet would be able to assist us in confirming with documentation that we had met the readiness criteria and agreed that her time would not be required after October. There being no questions, Lucy asked for a motion. On motion made and seconded the proposal was unanimously approved.

Updates

Mine Falls, Nashua, NH: Lucy noted that the inclusion of the joint NRWA – N-S-N W&S Stewardship Council letter in the packet was a follow up to last month's meeting when sending a letter had been discussed. Martha Morgan provided a brief overview of information she had received in the interim. She had spoken with Deb Chisholm, Waterways Manager for the City of Nashua, and learned that the City intends to follow through with the US Fish & Wildlife Service's recommendations for fish passages, but does not have sufficient funds at this time to complete them on the USFWS requested timescale.

Stratton Hill Subdivision, Ayer, MA: Al reported he had received emails from Marion Stoddart and Jo-Anne Crystoff, Ayer's Conservation Agent, regarding a proposed 36-lot subdivision near Snake Hill, west of Long Pond and north of Sandy Pond. It extends to the Groton Town line and abuts Mass Audubon's Rocky Hill conservation area. The Ayer Conservation Commission was holding a hearing on the project this evening. It was noted that Ayer's conservation subdivision bylaw is a by-right bylaw and, therefore, the question arose as to why the proposed subdivision was a conventional lot-by-lot subdivision. Al will keep the Council apprised of what he learns from Jo-Anne after tonight's hearing.

Mosquito Spraying: Heidi is a member of a task force reviewing the state mosquito control program. She explained the state had amended the administration of state-wide mosquito spraying by establishing intervention based on level of risk and ability of towns to opt out of spraying. There are 3 levels of risk: low, medium, and high. In the case of the latter, the state may spray without town approval. In the case of low and medium risk, the towns must file an application to opt out. Included in the application is the need to provide alternative management measures and proposed public education. Heidi reported that of the 35 towns that submitted applications to opt out, 24 were allowed and 9 were denied. Among those denied were Harvard, Pepperell, and Ashby, none of which were classified as high risk. Why they were denied is unclear, especially with respect to Harvard which had a very robust public education and

management program. Lucy concurred, noting educational information had been mailed and posted through various Town social media sites. Paula noted that PFAS have been found in the spray which would make spraying a potential risk to public and private water supplies. Lucy asked Neil if Devens was allowing spraying. Neil responded that MassDevelopment favored spraying although the DEC staff did not. Heidi noted the task force will be meeting in 10 days and offered to share the link for the meeting so others could listen in. Emma will forward the link to all Council members.

Funding Options: Al reminded the Council that the Merrimack Conservation Partnership had grants to support funding due diligence with respect to land protection.

Brookline, NH: Lucy asked Drew Kellner if he had any news to share. Drew responded that there are a few land acquisition projects in the works, but nothing to report at this time.

August Meeting: Lucy asked if members felt an August meeting was necessary and/or if the regular date should be changed to accommodate vacations. It was agreed to cancel the August meeting.

The next meeting adjourned at 8:40 PM. The next meeting will be September 16th at 7 PM.