

N-S-N Rivers Wild & Scenic Stewardship Council

MINUTES OF MAY 20, 2021 MEETING

By Zoom Video Conference

Voting Member Entities Present:

Towns: Ayer: Beth Suedmeyer; Bolton: Rebecca Longvall; Groton: Stacey Chilcoat; Harvard: Lucy Wallace; Pepperell: Paula Terrasi; Shirley: Heidi Ricci; Townsend: Joan Wotkowicz
NRWA: Elizabeth Ainsley Campbell, Al Futterman, Martha Morgan
NPS: Emma Lord
MA F&W: Anne Gagnon
DEC: Neil Angus

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 April 15, 2021 meeting were approved as presented.

NPS Update

Emma Lord reported that the Council's Budget and Work Plan for fiscal year 2022 is still being reviewed by the NPS. She expects to have confirmation of approval in June.

Emma reported that the two pedestrian bridges (one at South Main Street and the other at Mason Road) being proposed over the Nissitissit River in Brookline, NH have been reviewed and approved by the NPS. She added that the US Army Corps of Engineers is now reviewing the plans.

Land Stewardship Committee

Al Futterman reviewed the following ongoing projects:

Headwater Streams: A program on the importance of headwater streams was given by Sarah Widing of InterFluve was presented at the February 23rd Conservation Networking Breakfast.

Landowners Brochure: Rebecca Longvall hopes to finish the brochure in the next few weeks.

OHV Use on Trails: Paula Terrasi reported that the information sheets regarding prohibition of off highway vehicles (OHV) on public trails in Pepperell have been completed and can now be distributed. Information included for the public are the phone numbers for both the local police and state environmental police, both of which have been cooperative in this effort to restrict OHVs from public trails. Paula added that only emergency vehicles are allowed on both town and state public lands. Rebecca noted that unauthorized OHVs on trails is a problem in other communities as well. Lucy

suggested that Paula share her information sheet with the other Council members to adapt for their towns if needed.

Forest Legacy Program Project

Al reported that the Forest Legacy Program (FLP) project continues to take most of his time for the Council. The FLP Steering Committee has been meeting weekly to share updates as the project proceeds towards submittal of an application to the state Department of Conservation and Recreation (DCR) on July 12th. He noted, in particular, the time being given to the Steering Committee by Elizabeth Ainsley Campbell, Emma, Lucy, and Anne Gagnon.

Al shared a map of the properties currently included in the project, highlighting the cluster of properties around the Lancaster Town Forest, in Fitchburg, and the Wharton Plantation parcel in Groton. He then added a layer to the map showing existing protected conservation lands and how the proposed FLP properties added to them or provide connecting corridors. Al noted that the narrative included in the application would highlight these connections and the expansion of protected land. Al then shared his spreadsheet listing the landowners, acreage, whether offered as bargain sale or donation, or to be fully purchased, and the number of properties to be acquired in fee or by conservation restriction (CR). To date there are 26 participating landowners together representing approximately 2,463 acres.

In order to develop a budget to accompany the application, restricted appraisals need to be done of the properties to determine a range of value for the fee or CR on each property. Janet Morrison issued RFPs to solicit appraisers and has facilitated the Council's contracting with them for various properties. The Council will not be reimbursed for the cost of these restricted appraisals. To offset them, the Council applied for and received a \$15,000 grant from the Fields Pond Foundation and was able to contract with DCR through NRWA, its fiscal agent, for \$31,000 of its FY23 Forest Legacy Program project development funds.

Al reported the restricted appraisals are now underway, with reports due by the end of June (some hopefully sooner). Once the reports have been received, the landowners will be met with to review the estimated value, to discuss the possibility of a 25% bargain sale (to help meet the 25% cost share requirement), and to confirm their interest in continuing to participate in this project. Al estimates that the total land value could be as much as \$9 million. In addition to the land costs, there will be due diligence costs (base line assessment, property survey, title work, Forest Stewardship Plan, etc.) to include in the project budget. However, we will not incur these costs unless we are awarded a FLP grant and then they would be reimbursable.

Additional materials to develop and collect for the application include: the narrative, which Al has begun working on using Mass GIS datalayers; letters from the public entities (town conservation commissions or state Department of Fish & Game) indicating a willingness to hold the FLP interest on specific properties; and letters of support for the application. Al has asked Steering Committee members to meet with their respective landowners to get property information which is noteworthy and useful to

be included in his narrative. In addition, Al or Steering Committee members have been meeting with town conservation commissions regarding the interest holder letters. As the letters of support can be submitted after the application has been filed and up until September, there will be an all-out effort to get them after the application is submitted in July. Entities to be asked for such letters would include town boards of selectmen, conservation commissions, and local land trusts. Elizabeth noted this is a massive project and that our partners are doing an amazing amount of work.

Finances and the FY21 Budget

Elizabeth provided a breakdown of the expenditure of the \$92,000 in contract funds in the FY21 budget, as follows:

Expended, obligated or proposed to date	:
\$15,000	1 st contract with Janet Morrison (paid)
\$15,000	2 nd contract with Janet (paid)
\$15,000	3 rd contract with Janet (proposed)
<u>\$20,000</u>	Community grants (obligated)
\$65,000	Total

Elizabeth reported that the FLP project was larger and more staff-intensive than originally anticipated. Furthermore, when the budget had been created and approved a year ago, it was expected that NRWA personnel could be contracted to assist with specific Council projects, such as the FLP. However, Jim MacCartney, NPS supervisor, now advised against covering staff support of specific projects by a contract with NRWA, but rather that we include all NRWA staff costs in the personnel line of the budget. Through evolving conversations regarding NRWA personnel and the challenge of this “pandemic year,” Jim agreed to allow funds to be moved from the contract line to the personnel line to cover anticipated costs. In addition, as moving funds to cover these costs would exceed the usual cap of 10% movement of funds between line items, Jim agreed to allow it this year. Therefore, Elizabeth was requesting approval to move up to \$20,000 from the following budget line items: contracts (approximately \$18,000), indirect (\$1,364) and travel (\$1,467) to personnel. This would leave \$7,000 in the contract line to cover unexpected expenses through June 30th. On motion made and seconded, the reallocation of \$20,000 from the above-referenced line items to personnel in the FY21 budget was approved.

Lucy turned the discussion to a 3rd contract with Janet Morrison. She briefly described the work and support Janet was providing the FLP Steering Committee, adding that it was recommending that the Council enter a third contract. Anne asked how Janet had been paid in the previous FLP projects and if her services would continue to be needed after the application is filed. Al reported that after July 12th work should be less intense and, therefore, less time needed of Janet’s services. He noted that in the last FLP project her fees had been covered by the municipalities, notably water supply districts. Heidi Ricci asked if Janet was accounting for her hours, to which Lucy replied in the affirmative adding that her

time was accounted for by town. Beth Suedmeyer noted that her fee averaged less than \$2,000 per parcel, which she felt was a bargain for the Council. On motion made and seconded, the third contract with Janet Morrison was approved.

Elizabeth reported on another aspect of NRWA's role as fiscal agent. Because the DCR funds were federal funds awarded to the state, their use was subject to a federal audit. Just recently a federal auditor who was reviewing DCR's use of Forest Legacy Program funds had contacted her as the NRWA is viewed as a subcontractor to DCR in this instance. There was no issue with his review. Elizabeth merely raised it to illustrate the unexpected aspects of being fiscal agent. Lucy noted that this was another reason why NRWA serving as the Council's fiscal agent was beneficial as Elizabeth was used to dealing with the requirements of federal contracts and receiving public funds.

Canoe Access, Ayer

Al reported that he had surveyed another possible canoe access site roughly 500' from an Oxbow National Wildlife Refuge hunting parking area near the intersection of Bishop and MacPherson Roads just upstream of the old Filter Bed Road Bridge abutments. He was joined by Ella Weber, US Fish & Wildlife Service, Doug Cameron, MA Office of Fishing and Boating, Neil Angus, DEC, and citizens from the Town of Ayer in assessing the suitability of the site. Unfortunately, it is within a floodplain which would make any improvements as a put in/take out site subject to regular damage or inaccessibility due to high water. Ella reported to the group that the USFWS plans to improve the parking area, provide some signage and linkage to possible trails along the river in 2026. The group also looked at a site at the Filter Bed Road Bridge abutments but determined the bank was too steep there for safe access. Beth asked about the New England Power site (north of Rt 2A) that had been mentioned at earlier meetings. Al responded that, based on a recent site visit he had made, access there is too steep as well. Beth would like to see pedestrian trails along the river improved, if possible. As they would be on USFWS land (within Oxbow National Wildlife Refuge), improvement would require federal funding. Beth also asked about a putting a pedestrian bridge in this area which could connect Ayer to the Esker Trail on Devens North Post (on the west side of the river). Neil summed up the dilemma of canoe access from MacPherson Road by observing there are no safe spots.

Community Grant Applications

Lucy reported that she and Joan had prepared and sent the Grant Agreements to the six awardees, along with a press release for them to share in their towns. Most of the Grant Agreements have been signed and returned enabling us to make the initial 50% payment to the Grantees. She added that the grantees were all thrilled with their awards, even if less than requested. Elizabeth asked Emma if there would be any limitation of rolling over funds set aside for these grants into the next fiscal year. Emma did not anticipate a problem as the funds have been obligated by the Grant Agreements. On the other hand, we should consider posting the RFP sooner next year so that grants can be awarded earlier and work completed before the end of our fiscal year in June. Emma noted that SuAsCo posts its RFP for community grants in September.

Other Business: Project Comment Letters

Mine Falls and Jackson Mills, Nashua, NH: Martha Morgan reported that the FERC license for Mine Falls is up for renewal and comments are due by the end of June. She is looking for input from the US Fish & Wildlife Service with respect to fish passage requirements. Lucy suggested a draft letter from the Council be circulated before the June meeting so that it could be approved for submittal. She noted that Drew Kellner had asked in an email that fish passage be addressed in both dams to enable the return of herring to Lake Potanipo, headwaters of the Nissitissit River (herring are currently stocked in the lake). Emma reported that NPS may also be commenting on the Mine Falls FERC license.

The work at Jackson Mills involves dam repair and, therefore, its FERC license exemption is suspended. In addition, federal, state, and non-governmental entities can comment on the proposed work on the dam. Comments on that work were requested by May 20th although the legal comment period extends into June. The focus again was on fish passages, both upstream and downstream.

City of Nashua Funding Request: Martha reported that the City of Nashua is petitioning Senator Jeanne Shaheen for \$3 million from the Infrastructure Act to offset the cost of repair of the fish passages on the two dams in Nashua. Martha had drafted a letter of support from the NRWA which Lucy and Elizabeth had signed.

Hollingsworth & Vose Permit: The NPDES Permit for Hollingsworth and Vose was up for renewal and comments had solicited by EPA. Martha noted the requirements were similar to those in the prior permit; the only new one being to monitor for PFAS and other routine monitoring requirements for paper mill operations. PFAS monitoring seems to be a fairly standard requirement now for discharge permits, although the EPA has not yet established the standard method for testing and, therefore, testing will not be required until standards are adopted.. A letter had been sent to the EPA by NRWA.

Support of Funding for Partnership Wild & Scenic Rivers: Lucy reported that a letter had been sent on behalf of the Partnership Wild & Scenic Rivers (PWSR) group to the chair and ranking member of the House Committee on Appropriations Subcommittee on Interior, Environment and Related Agencies regarding funding to the NPS in support of PWSR. She asked if the Council would like to send its own letter as well. Members felt more letters supporting funding would be helpful and authorized Lucy to sign one. Joan offered to draft a letter using the group PWSR letter as a template. Lucy will have the Executive Committee review it before sending it out.

The next meeting will be on June 17th at 7 PM by Zoom