

## N-S-N Rivers Wild & Scenic Stewardship Council

### MINUTES OF JUNE 17, 2021 MEETING

By Zoom Video Conference

#### Voting Member Entities Present:

*Towns:* Bolton: Rebecca Longvall; Harvard: Michele Girard and Lucy Wallace; Pepperell: Ken Hartlage; Shirley: Heidi Ricci; Townsend: Joan Wotkowicz

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

*NPS:* Emma Lord

*MA F&W:* Anne Gagnon

#### 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 May 20, 2021 meeting were approved as presented.

#### NPS Update

Emma Lord reported that the Council's Budget and Work Plan for fiscal year 2022 has been approved.

Emma also provided updates on behalf of Linh Phu, USFWS Eastern MA Refuge Complex Manager. First, Service personnel have located approximately 60 Blandings Turtle nests on the Oxbow Refuge and are collecting eggs to be hatched and either released back into the Refuge or located to another site to help establish a population elsewhere.

Second, federal Wildlife Officers patrolling in the Refuge have found people continue magnetic fishing in spite of signage warning of unexploded ordinance. As the posting and assessment of a \$500 fine for violation is by ordinance adopted by the Devens Enterprise Commission, the federal officers cannot fine the individuals. It is up to the DEC to enforce this ordinance.

#### Council Projects

*Shoreline Survey:* Al Futterman and Ken Hartlage will meet the week of June 28<sup>th</sup> to set a schedule for resuming the shoreline survey of major tributaries to the Nashua, Squannacook, and Nissitissit Rivers. Of particular interest will be surveying those Coldwater Fisheries Resource streams identified by MassWildlife. It was noted that the river is still high, so the survey may not be undertaken until later in the summer.

*Forest Legacy Program Project:* Al shared a map of the properties currently included in the project, highlighting that seven of the potential FLP properties are within the MA Natural Heritage &

Endangered Species BioMap2 core Habitat Area #2887 (an area comprised of over 50,000 acres). To date there are approximately 26 landowners representing 2,500± acres participating in the project. Members of the Steering and town committees have been reaching out to landowners and collecting unique aspects of the property, such as remains of historic structure or particular habitat, for inclusion in the FLP application. AI reported that the restricted appraisals are underway and due by the end of June (some will come in before then). Once the restricted appraisal reports have been received the individuals who have been working with the landowners will need to set up meetings with them to review the report, confirm the landowner's interest in continuing with FLP, and ascertain if the landowner is willing to contribute to the 25% cost share requirement by accepting a discounted bargain sale. With that information, AI will be able to develop a budget to be included with the application. He believes the application is in good shape for meeting the July 12<sup>th</sup> submission deadline.

AI then raised the new wrinkle in the US Forest Service's review criteria for FLP applications and, specifically, "readiness," certain due diligence requirements to be met by projects seeking more than \$7 million in grant funds. Historically, items such as title work and property surveys, drafting of deeds or conservation restrictions, a baseline survey of the property, and forest stewardship plan have been undertaken *after* the award has been granted and the cost of these items were eligible for reimbursement with FLP funds (as part of the grant award). These "readiness" items are now part of the Forest Service application review criteria, along with the original three criteria: (1) environmental importance; (2) strategic value in adding to protected conservation lands; and (3) threat of development. The belief is that the Forest Service would like projects ready to go once the award is made ("shovel ready" as it were), which would be reasonable to assure expenditure of grant funds in a timely manner. However, the concern is whether applicants will be reimbursed for these "pre-award" up front due diligence costs. If not, this will place a substantial burden on projects such as ours that involve multiple landowners and tracts. Lindsay Nystrom, the DCR FLP coordinator is at a meeting of Northeast state FLP coordinators and hopefully will be able to provide clarity on this matter at the FLP Steering Committee meeting on Monday, June 21<sup>st</sup>. AI noted that we could apply to Fields Pond Foundation and the Merrimack Conservation Partnership's Due Diligence Fund, as well as the local conservation trusts, for funding to cover these due diligence expenses.

#### Finances and the FY21 Budget

Elizabeth reviewed the payments to date as shown in the financial reports included in the packet of materials for this meeting, as follows:

2 invoices submitted by Janet Morrison	\$30,000
Community Grants	10,000
NRWA expenses (7/1/20 – 5/31/21)	62,132

Expected costs for the remainder of the current fiscal year include a third \$15,000 payment to Janet Morrison, another \$7,000 to \$9,000 for NRWA, and supplies for an education program being developed for offering this summer. Elizabeth believes we will have some funds left at the end of the current fiscal

year and has been assured by Jim MacCartney that we would be allowed to carry them forward. Emma concurred, noting that given the pandemic the NPS is more flexible in allowing funds to be carried forward into the next fiscal year.

Elizabeth noted that she has been in dialogue with Jim regarding how to report on the NPS financial forms the receipt of non-NPS funds, such as those from the Fields Pond Foundation and MA DCR. Lucy asked if reporting these funds was required if the method for doing so was not clear. Emma answered that while a match to NPS funds is not required, the NPS does like to see how it funds are being leveraged. Lucy suggested asking other Councils how they report these outside funds.

### Project Comment Letters

*Jackson Mills, Nashua, NH:* Martha Morgan reviewed the comment letter included in the meeting packet which she had drafted to be submitted jointly by the NRWA and Council. She had reached out to the USFWS and supported their comments in her draft, adding that she had just received additional information which she had since added to the comment letter. She noted the reference to the Merrimack River Watershed Comprehensive Plan goal for Diadromous Fishes developed and approved by the Merrimack River Technical Council and the targets of migratory populations being sought, and that in this instance the target was for the highest passage effectiveness – both upstream and downstream. Multiple partners are supporting these standards in comment letters to FERC. Lucy asked for the Council’s endorsement of the letter, which is due by June 19<sup>th</sup>. On motion made and seconded, the Council approved the revised letter.

*Mine Falls Dam, Nashua, NH:* Martha has been tracking this application as well, noting that the comments regarding fish passage would mirror those in the Jackson Mills letter. In addition, Martha felt invasives in the impoundment behind the dam should be addressed. She noted that there has been an on-going effort to organize annual hand pulls of water chestnut. Given that comments on this dam repair are due June 29<sup>th</sup>, Lucy asked if the Council would authorize the Executive Committee to review and approve a letter. The Council agreed to this request. Heidi Ricci suggested we copy the MA Rivers Alliance with our letters, which Martha agreed to do.

Elizabeth wondered if we should be posting our comment and support letters on our website. While they are public documents once raised at a meeting, we have not considered the need to post them. Lucy agreed it should be considered. As the website is not under the NPS umbrella, we also could post advocacy letters supporting funding of the NPS budget for Partnership Wild & Scenic Rivers.

*Support of Funding for Partnership Wild & Scenic Rivers (PWSR):* Lucy reminded Council members that the Executive Committee had been authorized to draft and send a letter to the House Committee on Appropriations Subcommittee on Interior, Environment, and Related Agencies in support of funding the NPS budget for PWSR. Elizabeth noted that in addition to the PWSR coalition, there is also a national coalition of Wild & Scenic Rivers for which she receives email alerts. She asked if any Council members would be interested in receiving these emails and engaging with this group. The consensus was our efforts were better focused on the PWSR coalition, which is a fairly active group.

### Other

*PWSR Meeting:* Lucy shared information on the June 30<sup>th</sup> Zoom meeting of PWSR councils which has been set up by Jamie Fosburgh. An email with the Zoom invitation and agenda was included in the packet. Emma noted that next year the NPS would probably return to its usual annual gathering of the PWSR councils which in the past would run for 2-3 days and be held at different rivers.

*Missing Towns:* Al asked if any progress had been made in having Dunstable appoint a representative and alternate. Lucy acknowledged she had not gotten a response to the letter she sent to the Dunstable selectmen a couple of months ago. She will reach out to them again. She also will reach out to LeeAnn Wolff and Alix Turner to ascertain if they are continuing to represent their respective towns (Hollis and Lancaster). Al noted that Lancaster's Annual Town Meeting will be held shortly and, therefore, the town's representative and alternate have been otherwise occupied.

*FLP Letters of Support:* Lucy asked Al for information on the letters of support to be submitted on behalf of the FLP application. Al will send a list of agencies, individuals, and other entities to contact, noting that letters could be submitted over the summer (after the July 12<sup>th</sup> submission of the FLP application. Elizabeth reported that Al will be representing the Council at the state's review of the FLP application on July 21<sup>st</sup>. Lucy asked that Al send the Council the key overview sections of the application as they are drafted.

*Summer Meetings:* The next meetings, per our schedule, will be on July 15<sup>th</sup> and August 19<sup>th</sup> which very likely will conflict with members' summer vacation schedules. Lucy asked that members send Emma and her dates they will be away and they will see if we should stay with this schedule or reschedule (perhaps for one meeting to cover the two months). Heidi asked when we might meet in person again. Lucy felt perhaps we could use the NRWA River Resource Center for meetings beginning in the fall.

The next meeting to be determined.