

Minutes of the Rivers Council Meeting held

13 October 2004, 3:00 PM

Conference Room B

William E. Powers State Administration Building

One Capitol Hill, Providence, RI

ATTENDANCE:

A. Members Present

Dale Grogan

Dante Ionata

Stephen Kearns

Meg Kerr (Chair)

Guy Lefebvre

Kevin Nelson

B. Members Absent

Kevin Cute

Elizabeth Gowell

Diane Feather

Scott Millar (Vice Chair)

Eileen Naughton

Scott Rabideau

Elizabeth Roberts

Jane Sherman

Daniel Varin

C. Watershed Councils in Attendance

Anne Preuss, Salt Ponds Coalition

Ginny Leslie, Saugatucket River Heritage Corridor Coalition

Lori Urso, Wood-Pawcatuck Watershed Association

Frank Matta, Blackstone River Watershed Council

Steve Insana, Buckeye Brook Watershed Council

Ann Morrill, Kickemuit River Watershed Council

Jenny Pereira, Woonasquatucket River Watershed Council

Martha Cruciani, Pawtuxet River Watershed Council

D. Watershed Councils Absent

Narrow River Preservation Association

Guests in Attendance

Kathy Crawley, RI Water Resources Board

Beverly O'Keefe, RI Water Resources Board

Fred Presley, RIDEM

Jim Riorden, RIDEM

Michael Kenyon, USDA NRCS

Russ Cohen, Mass Riverways Program

Melissa Sousa, Audubon

Rupert Friday, RI Land Trust Council

Christopher D'Ovidio, CLF

CALL TO ORDER:

The Chair called the meeting to order at 3:07 PM

PRESENTATIONS FOR WATERSHED COUNCILS (3:00 PM – 4:30 PM)

1) DEM's riparian and coastal buffer assessment Fred Presley

Buffer assessment work has been completed on the Woonasquatucket and Blackstone. DEM Office of Sustainable Watersheds has been working in the Greenwich Bay watershed on a pilot buffer assessment methodology to assess buffer health and develop restoration priorities. They hope to replicate this work statewide.

The project is designed to address the fact that there is no existing statewide database of buffer health; some watersheds and the coastal areas have data, yet there is no consistent methodology to compare that data and the state needs a prioritized strategy for restoration/protection of buffers.

The project followed the following procedure:

- Overlay streams atop 2002 USGS color aerial photos**
- Assess buffers for streams at 25ft intervals for a total of 100ft**
- Visually interpret and code all stream segments with buffer width and comment on adjacent land use**
- Perform identity procedure to attach RIGIS land use data to**

appropriate stream segment

- **Link field photographs to ArcMap project**

What has been learned? In Greenwich Bay, over 70 % of the stream length has a existing buffer of 100 feet or more and only 5.6 % had no buffer; 44.9 % of the pond shore had an existing 100 foot buffer with 17.4 % having no buffer. In coastal areas the buffers are more impacted with 37.8 % of the coast having no buffer and 41.7 having 100 feet or more.

Buffer evaluations in Green Hill Pond and Ninigret Pond also showed that stream buffers were in good condition. Along the pond, 10.5 % of the shoreline had no buffer and 88.85 % had 100 feet or more.

The next steps for the project are:

- **Complete property owner ID and contact for Greenwich Bay project.**
- **Perform site evaluations to expand existing database.**
- **Applied for grant funding to develop a statewide buffer strategy.**

Discussion:

Mr. Ionata asked who was involved in the project and how much it costs. Mr. Presley listed NRCS, CRMC, URI (Art Gold, Frank Golet) as partners. The assessment of the entire state will cost approximately \$300,000.

Ms. Leslie asked if lawns are considered buffers. Mr. Presley answered that lawns can be considered buffers if a natural area is left

near the water. The use of organic gardening practices also improves the buffer.

Ms. Cruciani asked if berms covered by low shrubs are effective as buffers. Mr. Presley said that it really depends and that it takes a site visit to ascertain.

Mr. Nelson asked about the appropriate size for a buffer. Mr. Presley said that the size varies with the buffer's functionality (habitat, water quality) and the adjacent land use. Research has shown that as little as 5 – 10 feet of natural buffer in an urban area is helpful.

Mr. Ionata asked how sites will be selected for remediation. Mr. Presley said that remediation is dependent on funding.

2) Upcoming DEM grant programs (319, RISCA) Jim Riordan

DEM has announced 4 new grants – BayWAG, Non-point source, wetlands and marine pumpout. DEM is also working with the RI State Council on the Arts (RISCA) on arts grants to schools interested in linking art with watershed projects.

Watershed councils have always been eligible for these grants. DEM's delegated authority to contract with 501c3 organizations now gives them the ability to make grants much more expediently than in the past. This is the second year that DEM has had delegated authority. Jim distributed a fact sheet describing the grants, the grant range, the required applicant match and the eligible applicants. The

fact sheet can be viewed at DEM's web site:
<http://www.state.ri.us/dem/programs/benviron/water/finance/non/index.htm>

DEM is hosting a workshop on the grants on Oct. 28. Applicants for the NPS and wetlands grants can submit a one-page preproposal which is due Nov. 10. Full proposals are due Dec. 10 by 4:00 PM.

Jim was asked to give examples of successful applications. He mentioned the Pawtuxet River Watershed Council's wetlands assessment project and the Kickemuit River Council's blue tab project.

3) NRCS programs Mike Kenyon

Mike distributed a folder of information on NRCS programs which are currently open.

- **Farm and Rangeland Protection Program.** NRCS received \$2.5 million for this program in 2004. The program provides matching funds to state, tribal, local governments and non-governmental organizations to purchase permanent conservation easements on existing farm and ranch lands. Criteria, listed on the fact sheet, apply to the lands. NRCS will not pay more than 50 % of the appraised fair market value.

- **Wildlife Habitat Incentives Program (WHIP).** WHIP assists landowners create, restore and enhance wildlife habitat. In 2004, RI

NRCS received the largest WHIP allocation in the US. The fact sheet describing the program is under development. Projects dealing with coastal wetlands and eelgrass restoration, freshwater wetlands and riparian buffers, fish passage restoration and early successional habitats – native grasslands are eligible. To participate, a person must either own the land on which WHIP will be implemented or have control and possession of the land for the duration of the WHIP contract. NRCS will cost share 75 % of the cost of installing or implementing a practice.

- **Anadromous fish habitat restoration. NRCS has submitted a proposal to restore fish runs in the Almy Creek Watershed, Kickemuit River, Pawcatuck River, Lower Pawtuxet River, Woonasquatucket River, Greenwich Bay watershed – Gorton Pond, and Annaquatucket River.**

- **Conservation Innovation Grants –A national program designed to stimulate the development and adoption of innovative conservation approaches and technologies. EQIP funds are used to award competitive grants to non-federal governmental on non-governmental organizations, tribes of individuals. Proposals must come from landowners who are EQIP eligible. The projects are reviewed nationally**

- **CPI: A program that stimulates the partnership of entities to work towards a common conservation priority and goal. The proposals are reviewed in two phases: 1) the RI State Technical Team evaluates and makes a recommendation to the State Conservation. 2) Projects are forwarded for national review.**

4) WRB Water Management Program Kathy Crawley

The Water Resources Board is leading a statewide initiative to manage water resources. The program is designed to think about water on a watershed basis and has been developed in two phases. Phase I was a broad consensus planning process involving 150 individuals from 66 organizations. Recommendations from this process can be viewed on the web at:

<http://www.wrb.state.ri.us/programs/wa/index.html>

The Implementation Team is now working to design a water management system based on the water budget and municipal template that identifies water resources available within a watershed and sub-basin. The Blackstone watershed is the pilot basin because we have a water use study, a build out analysis, modeling and a bi-state coalition. The team is looking at where water is being used now, identifying areas where demand exceeds supply, and making recommendations for management moving forward. Eventually, the allocation process will be applied to all the state's watersheds. The Pawcatuck watershed is likely the second pilot basin.

5) Open Space and Clean Water Bond Rupert Friday

Watershed councils and land trusts have been helping to get the word out about Question 8 on the November ballot. The Open Space,

Recreation, Bay and Watershed Protection Bond will be used for open space preservation (\$25 million), bay and watershed protection (\$10.5 million for wastewater improvements, \$8.5 million for clean water grants directed at storm water abatement and watershed restoration, \$8 million for drinking water protection) and recreation (\$18 million).

RIVERS COUNCIL BUSINESS MEETING (5:00 PM – 6:00 PM)

ACTION ITEMS

1. Approval of minutes September 8, 2004

Mr. Lefebvre made a motion to accept the minutes of the Council's 8 September 2004 meeting, Mr. Ionata seconded, all approved.

2. Report from nominating committee

Mr. Kearns reported that the nominating committee has asked Ms. Kerr to continue as chair and Mr. Millar to continue as vice-chair. Both have accepted. Mr. Kearns asked for other nominations. None were presented.

3. Election of officers

Mr. Ionata made a motion to elect Ms. Kerr, Ms. Grogan seconded, all approved. Mr. Ionata made a motion to elect Mr. Millar, Ms. Grogan seconded, all approved.

PRESENTATION

4. Conservation Law Foundation Watershed Initiative Christopher D'Ovidio

Mr. D'Ovidio is director of the Rhode Island office of the Conservation Law Foundation, a regional environmental advocacy organization. He is also president of the Buckeye Brook Watershed Council. CLF has a proposal pending with the Rhode Island Foundation and would like support from the Rivers Council. CLF has worked with the Rivers Council on Clean Water Act workshops at the March 04 conference, and planned for Dec. and has participated in the fishable/swimmable discussions with the watershed councils.

This proposal focuses on the Blackstone, Woonasquatucket and Pawtuxet Rivers. The purpose of the project is to identify sources of pollution and abate them by encouraging the state to permit the discharges, or to ensure that the discharges are in compliance with existing permits. Mr. D'Ovidio described how this process has worked in the Woonasquatucket. CLF identified a metals recycling facility that was discharging to the river. They worked with the watershed council and DEM and got the facility permitted. The permit is not as restrictive as CLF would have liked, but they see it as a successful first step.

Mr. Insana said that Buckeye Brook would never have addressed the airport issue successfully without CLF assistance. Ms. Pereira said that CLF has built the watershed council's expertise and helped them

understand permits and how they work.

Mr. Kearns stated concern that Mr. Varin was not present at the meeting, yet he raised serious concerns about CLF at the September Rivers Council meeting. Mr. D'Ovidio said that Mr. Varin's experience with CLF pre-dated Mr. D'Ovidio's tenure and he assures the Rivers Council that CLF will not pursue frivolous law suits.

Mr. Lefebvre said that he would like the CLF proposal to recognize that the Pawtuxet River is swimmable and fishable in much of the watershed. Only the lower portion of the river is impaired.

Mr. Ionoata said that the CLF proposal states strong support from the Rivers Council, when it had not been reviewed by the Council. He was also concerned that CLF would be doing DEM's work. Mr. D'Ovidio stated that CLF does not intend to do DEM's work. DEM often is short staffed and CLF's work keeps attention focused on issues of concern to the watershed councils. Mr. D'Ovidio previously worked for DEM so appreciates their point of view. Mr. Ionoata thanked Mr. D'Ovidio for his clarification and stated that he feels much better about the project knowing the Mr. D'Ovidio once worked for DEM. Mr. Ionata then made a motion that the Rivers Council provide strong support for the CLF proposal. Mr. Lefebvre seconded.

Mr. Kearns stated that he was concerned about Mr. Varin's objections to the CLF project, especially since Mr. Varin was not present to

discuss them. Mr. Kearns asked what would happen if CLF gets involved with a controversial issue. Will the Rivers Council name associated with CLF be a problem?

Mr. D'Ovidio said that a letter of support does not mean that we support everything that CLF does. It means that we support the work that CLF does for this project which is in support of the watershed councils.

Mr. Kearns asked about the project budget. Mr. D'Ovidio stated that it was a \$75,000 proposal and that the full budget for the project is \$124,000. Mr. Kearns asked when the project starts and when it ends. Mr. D'Ovidio stated that they are hoping for three years of funding.

Ms. Grogan stated that although she was not at the last meeting, she supports CLF. She wanted to know whether the discussion was covering all the concerns raised in September.

Mr. Lefebvre stated that writing a letter of support does not make us part of the project. It simply means that we think it is a worthy endeavor. Ms. Grogan made a motion asking Meg to write a letter to the RIF stating that CLF is doing the right thing for Rhode Island's rivers and stating the Rivers Council's strong support for the project. Mr. Lefebvre seconded and all approved.

Ms. Kerr said that she would call Mr. Millar, Mr. Varin and Ms.

Sherman before sending the letter.

Mr. Insana, Ms. Morrill and Ms. Pereira stated that they strongly support the CLF work.

Mr. Kearns asked Mr. D'Ovidio to report back on a regular basis to the Rivers Council if the project is funded and moves forward. Mr. D'Ovidio agreed.

5. Report from the Chair

- Outreach on fertilizers and lawn chemicals**
- Ongoing projects**

Ms. Kerr reported:

a) The Rivers Council has filed a request for our legislative funding for 2005.

b) Ms. Gayle Gifford will present her findings at the November meeting.

c) Tammy Gilpatrick and Elizabeth Herron will present information on monitoring at the December Rivers Council meeting.

d) Ms. McCann (URI CE) is interested in working with the Rivers Council on expanding the Healthy Landscape project.

6. Professional Development/Training

Mr. Lefebvre distributed a one-page summary of the Watershed Stewards training program under development. Money for this program were earmarked in the Rivers Council 2005 proposal to the Rhode Island Foundation.

7. Funding

Mr. Kearns reported that the Rivers Council has purchased Quick Books and he is working on developing a framework for tracking finances.

8. NOVEMBER MEETING

The next Rivers Council meeting will be November 10 at 9:00 AM at DOA Conference Room B.

ADJOURNMENT

The Chair adjourned the meeting at 6:09 PM.