

**Minutes of the Rivers Council Meeting held
12 January 2005, 9:00 AM**
Conference Room B
William E. Powers State Administration Building
One Capitol Hill, Providence, RI

ATTENDANCE:

A. Members Present

Dale Grogan
Meg Kerr (Chair)
Guy Lefebvre
Scott Millar (Vice Chair)
Kevin Nelson
Will Riverso
Jane Sherman
Mike Walker

B. Members Absent

Kevin Cute
Diane Feather
Elizabeth Gowell
Dante Ionata
Stephen Kearns

C. Watershed Councils in Attendance

Ginny Leslie, Saugatucket River Heritage Corridor Coalition
Steve Insana, Buckeye Brook Watershed Council
Ann Morrill, Kickemuit River Watershed Council
Martha Cruciani, Pawtuxet River Authority/Pawtuxet River Watershed Council

D. Guests in Attendance

Daniel Varin, Water Resources Board
Juan Mariscal, Warwick Sewer Authority

CALL TO ORDER:

The Chair called the meeting to order at 9:10 AM

1. The Chair **welcomed new members** to the Rivers Council
 Will Riverso (WRB)
 Mike Walker (EDC)
2. **Review of Agenda.** The Chair moved Mr. Varin's presentation to the beginning of the agenda. Ms. Sherman requested a discussion on the DEM Water Quality Regulations.

ACTION ITEMS

3. **Approval of minutes December 8, 2004.** Ms. Grogan made a motion to accept the minutes of the Council's 8 December 2004 meeting, Mr. Nelson seconded, all approved. Mr. Walker and Mr. Riverso were not members in December so did not vote.

4. **Approval Rivers Council Riparian Buffer Report.** Ms. Sherman made a motion to approve the Rivers Council report, "Establishment of Riparian and Shoreline Buffers and the Taxation of Property Included in the Buffers". Mr. Nelson seconded. Mr. Millar asked the Council to add language from the Wetlands Act at the top of page 7. He also thanked all who contributed to the report, saying that DEM is satisfied with the result. Ms. Sherman and Mr. Nelson approved the addition. Mr. Walker asked how the legislature can implement the report's recommendation C2 b) "Create a new local property tax program." Ms. Grogan said that such a program would require enabling legislation. The report provides the legislature with a full package of recommendations. Ms. Sherman reminded the Council that we were specifically asked to look at taxation. Ms. Cruciani said that New Hampshire has a surcharge on scenery for certain properties which the state can remove under specific circumstances. Ms. Grogan asked the Council if Recommendation #2 on page 2 should be moved to Section B. Mr. Nelson said that he prefers to leave the recommendation as it is. Others agreed. The motion passed with amendments.

The Council discussed distribution of the report. The Chair will mail with a cover letter to the Governor, President of the Senate and Speaker of the House with copies to the Directors of State agencies, the Senate and House Policy Offices, Senator Paiva-Weed and the recipients of Rivers Council awards in 2004.

5. **Approval Rivers Council application for new watershed councils and schedule.** Ms. Sherman made a motion to adopt the application and schedule presented at the December meeting. Mr. Millar seconded. All approved. The Chair agreed to let watershed organizations know that the application process is open.
6. **Comments on DEM Water Quality Regulations.** Ms. Kerr summarized comments on the draft DEM Water Quality Regulations -- **Saltwater Dissolved Oxygen Criteria (pp. 21 - 24)**. The proposed saltwater DO criteria is extremely complex. The Rivers Council has two concerns with this standard: 1) The standard can not be easily understood and applied by the public. 2) The standard will be extremely difficult to apply when considering (eg. permitting) activities that have an impact on the water column DO. **Rule 13 -- Approvals (pp. 28 - 29)**. Why is DEM changing the rules for activities that require a Water Quality Certificate (WQC). The proposed regulations specify that any commercial, industrial, state or municipal land development **that results in the creation of 40,000 square feet or more of additional impervious area** must receive the certification. Forty thousand square feet is nearly an acre of impervious surface. **Water Quality Criteria (p B-7)**. We are concerned about the elimination of the Human Health Criteria for Mercury. We understand that DEM is moving toward a fish tissue based standard. However, there is very little fish tissue data available for RI's waters at this time.

Mr. Nelson said that he supported the comments. Mr. Walker said that he sees the benefit in changing DEM regulations so they are consistent with CRMC. The Rivers Council should be careful of the costs associated with protecting water quality. Ms. Sherman said that the RC charge is to protect rivers. Mr. Lefebvre said that he supports the 40,000 square foot requirement. The Chair was asked to submit comments consistent with the sense of the Rivers Council.

7. **Rivers Council Notice Rule.** Mr. Varin summarized changes to the Notice regulation. Mr. Millar said that he is working with DEM staff on the rule. His goal is to make the rule consistent with existing DEM notice requirements. Ms. Grogan pointed out that it is important to provide notice of DEM actions because this alerts the watershed councils to pending local actions. It was noted that abandoned industrial sites and Brownfields line many of our urban rivers, and Brownfield remediation and reuse proposals under review by RI DEM should be included in the notice provisions. Mr. Nelson reminded the Council that the rule is designed to address the fact that watershed councils have standing to testify and need notice so they know when testimony is needed. The Council should only include actions where there is an opportunity for comment. Ms. Kerr said she would set up a working group that will meet before the February Rivers Council meeting to finalize the rule. The goal is to have a rule ready for the Rivers Council to accept at the February meeting.

Mr. Insana asked the Rivers Council to comment on DEM's 303(d) list. The Buckeye Brook Watershed Council would like DEM to move up the date for the Buckeye Brook TMDL. They would like to add Buckeye Brook to the Warwick Lake TMDL. Mr. Lefebvre asked if the Council has made a request in writing to DEM. MR. Nelson said that he is not comfortable reviewing the request without backup information. Mr. Insana was asked to bring information to the February meeting.

REPORTS

8. **Report from the Water Resources Board on Rivers Council.** Mr. Riverso reported that the Water Resources Board is waiting on word from their legal counsel.
9. **Report from Chair**
- Third Sector New England Project. Ms. Kerr reported that the Rivers Council is working with 2 Watershed Councils (Salt Ponds, Woonasquatuket), 2 Land Trusts (Barrington, Westerly), the Association of Fundraising Professionals and the Land Trust Council on administrative support services for grassroots conservation non-profits. The Council asked for another report when the project has tangible findings to consider.
 - Bay and Watersheds Coordination Team. Ms. Kerr reported that the Coordination Team has a draft scope of work for the Systems Level Plan. The Council asked for email copies of the plan. The Chair was asked to request that Rivers Council members be added to the email distribution list on Coordination Team activities.
10. **Policy Committee (Jane Sherman, Chair)**
- Rivers policies – Phase II updates. Mr. Nelson reported that printing of Phase I of the changes to the Plan is proceeding. The Rivers Council will purchase 60 copies from DOA to distribute to Rivers Council members and watershed councils.
11. **Funding and Development (Steve Kearns, Chair)**
- Update on funding/grants management. Mr. Kearns distributed a matrix of Rivers Council grants.
 - Watershed Council grants. Mr. Kearns said that watershed councils will be asked to prepare \$5000 proposals to the Council. The Council will vote on each request. This will be on the agenda for the February meeting.

12. **Professional Development/Training (Dante Ionata, Chair)**

- Watershed Stewards Program (Guy Lefebvre). Mr. Lefebvre reported that planning is moving forward for the Stewards Program, Mondays in May. Mrs. Carcieri has been invited to participate in the steering committee. Mr. Insana offered to help solicit donations from local business to help with refreshments. Ms. Sherman asked the Chair to notify all the watershed councils about the program.
- 2005 Land and Water Stewardship Conference – March 12, 2005

11. **Next meeting March 9, 2005 at 9:00 AM**

ADJOURNMENT

The Chair adjourned the meeting at 10:49 AM.