

**Minutes of the Rivers Council Meeting held
11 January 2006, 9:00 AM**
Conference Room B
William E. Powers State Administration Building
One Capitol Hill, Providence, RI

ATTENDANCE:

A. Members Present

Kevin Cute
Dale Grogan
Patrick Hanner
Stephen Kearns
Meg Kerr (Chair)
Evan Matthews (for Mike Walker, EDC)
Kevin Nelson
Will Riverso
Jane Sherman
Scott Millar

B. Members Absent

Elizabeth Gowell
Guy Lefebvre
Sharon Pavignano

C. Watershed Councils in Attendance

Ann Morrill, Kickemuit River Council
Edward Callender, Salt Pond Coalition

D. Guests in Attendance

James Boyd, CRMC
Harold Ward, WPWA, Coalition for Water Security
Jeff Willis, CRMC
Juan Mariscal, WRB

CALL TO ORDER:

- 1. The Chair called the meeting to order at 9:05 AM**

ACTION ITEMS:

- 2. Approval of minutes December 14, 2005.** Mr. Nelson moved approval, seconded by Ms. Sherman, all approved.
- 3. Presentation and approval of Annual Report.** Ms. Kerr distributed the annual report. Mr. Nelson moved approval with final corrections to go to the Council. Ms. Sherman seconded and all approved. Mr. Millar asked for the section on headwater streams to say that the issue has come up and that the Council will be addressing the issue in the future.

4. **Presentation of 2006 Budget for approval.** Mr. Kearns presented the Council's 2006 budget. Mr. Nelson asked whether the use of \$8,150 of the Council's legislative grant for salary caused any problems. Ms. Kerr reminded the Council that \$4,000 of the legislative grant was used towards salary in 2005. The information is fully covered in the Council's reports to the legislature. Ms. Riverso moved approval of the budget, Ms. Grogan seconded, all approved.
5. **Presentation of 2006 Watershed Council Grant program.** Mr. Kearns presented the recommended grant program. \$30,000 has been earmarked for direct support to watershed councils, providing \$3,000 to each of the 10 Watershed Councils. The grant program developed by the RC Funding and Development Committee strongly encourages watershed councils to participate in Rivers Council programs and recommends projects for use of the funds. Councils can also choose to develop their own projects as in past years. Ms. Kerr said that Ms. Pavignano recommended requiring watershed councils to participate in Rivers Council programs. The committee thought it was a good idea, but decided to keep this year's program flexible. Mr. Millar recommended adding implementation of watershed action plans as allowable projects. Ms. Sherman recommended allowing Councils to mix the two programs, using some funds for Rivers Council activities and some for Council designed activities. Mr. Matthews asked if the Council recognizes the difference in size between the watershed councils – some work on very large watersheds while others work in small watersheds. Ms. Kerr said that the Council has discussed this before, but feels that all watershed councils have needs for funds and Rivers Council support is limited. Mr. Callender pointed out that these funds are really seed money for the Councils. Mr. Nelson questioned whether we should provide money to the Councils and then take it back as fees for Rivers Council programs. Ms. Kerr pointed out that the Rivers Council does not handle any of our funds, but works through fiscal agents. As the Council's budget shows, each program is handled by a different fiscal agent. It is important for the Council to track the income and expenses for each of our programs. Ms. Grogan asked that the council allow Watershed Councils to use consultants as well as staff. Mr. Kearns moved that the program be approved with the following amendments: 1) watershed councils can use a combination of sections 1 and 2; 2) funds can be used for implementing watershed action plans; 3) add consultants; 4) in the Notice Rule, change the words to say "up to \$1,000. Ms. Sherman seconded. All approved.

Ms. Kerr asked the Council how it would like to handle Watershed Councils that have not submitted reports for the 2005 grant program. The Council agreed that full compliance with 2005 grant requirements is necessary in order for Councils to receive 2006 funds. Ms. Kerr will notify the Councils. Mr. Matthews said that Mr. Walker is concerned that Watershed Councils do not attend Rivers Council events. He suggested that the Council host an evening meeting and require watershed councils to attend and offered meeting space at Quonset. Ms. Grogan made a motion that the Rivers Council give notice to all watershed councils that they need to be in full compliance with 2005 grants before they can apply for 2006 grants. The Council will give watershed councils until February 15 to submit these reports. Mr. Cote seconded and all approved. The Council also discussed requiring watershed councils to meet grant requirements in 2006.

6. **Coalition for water security.** Ms. Kerr introduced the presentation. The Rhode Island Foundation has convened a working group to discuss increased collaboration among RI's environmental groups. As a RIF funded project, she has been an active participant.

The group met through 2005 and in December selected the issue of water management. Mr. Ward is leading this effort. The Council needs to consider whether we will support the Coalition for Water Security and whether we will testify at the Legislative hearing tonight on the Kent Co. water issue.

Mr. Ward reviewed statewide concerns related to water management that have been organized into issues of environmental, economic and health security. Environmental security issues include the need to designate adequate streamflow standards, the importance of planning for dry years, not average years and protection of estuarine environments as well as fresh water environments. Economic security issues include the need for a dependable water supply in order to plan for new development, and the need to use existing sources efficiently. Health security issues include the need to prioritize uses to ensure that water to protect human health and safety is a top priority, the need to upgrade existing infrastructure to protect against contamination of water supplies and the need to protect water quality.

The Economic Policy Council supports the Coalition and will testify at the hearing. They believe that economic development requires predictability and that new development should be directed towards areas with adequate infrastructure.

Mr. Millar stated that he strongly supports the coalition in concept but that the Rivers Council should not join. How can the Rivers Council, composed of state agencies, join a group that is monitoring the activities of state agencies? Mr. Ward replied that the coalition has recognized that not all members will do the same things. Mr. Matthews said that although he is personally supportive of the issues, he could not support joining the coalition without EDC review. The coalition also brings up issues of lobbying. He recommends that the decision be made on a consensus vote not up or down. The coalition's statements are supported by the Rivers Policy and Classification Plan, an adopted element of the State Guide Plan. Statewide Planning's position has been that they can join coalitions as long as the coalition is working towards goals of the State Guide Plan. He recommends joining the coalition. Ms. Sherman said that the Rivers Council is created to address issues of policy and regulation as they affect rivers. It is our charge and duty to protect rivers. She would like to see the Rivers Council testify at the hearing. Mr. Cote said that agencies should have an opportunity to review the coalition before joining. CRMC is concerned with interbasin transfer of freshwater. Ms. Grogan said that it is clear that it is premature for the Rivers Council to join, but the Rivers Council could share information on the coalition with watershed councils. Mr. Ward said that watershed council participation would be appreciated. The Wood-Pawcatuck Watershed Association has already joined. Mr. Callender wondered how the coalition would address the issue of lawn watering. It is a huge issue, but requires dealing with individuals and their behaviors in their own homes.

Mr. Nelson made a motion that Ms. Kerr present testimony at the Kent Co. hearing, Ms. Sherman seconded and all approved. Mr. Nelson asked that Rivers Council membership in the coalition be placed on the February agenda.

Mr. Mariscal said that state agencies would welcome monitoring of their activities by concerned citizen groups. The Kent Co. commission began these hearings thinking that the water issue was simple, but are quickly becoming aware of the complexities of the problem.

Mr. Matthews made a motion that the Rivers Council consider the question of joining the Coalition for Water Security with a consensus based vote at the February meeting. Mr. Cute seconded. Mr. Nelson said that the Rivers Council has never acted as an agency where one group can veto the Council's decision. He strongly objects to this motion. Ms. Sherman said that the Council considers policy questions and that she would not like to see one vote control the Council's position. Mr. Nelson added that the Council will soon be considering major revisions to the Rivers Policy and Classification Plan. Some of the material could result in disagreement among Council members. Mr. Matthews stated that the motion before the Council was different. When a group joins a coalition, it forces member agencies to be seen as related to the coalition's work. Mr. Nelson reminded the Council that when individual agencies disagree, they can disassociate from the discussion and the votes. Mr. Millar said that the discussion was similar to the Council's deliberations around supporting CLF's Rhode Island Foundation grant – a position that the Council did take. The Council voted against the motion with Mrs. Rivero, Hanner, Matthews and Cute voting for the motion, Mrs. Kearns, Nelson and Ms. Sherman, Grogan and Kerr voting against the motion. Mr. Millar abstained from the vote.

PRESENTATION AND DISCUSSION

7. Discussion of Rivers Council recommendations on constituting the Council post SOP.

Ms. Kerr called a break in the meeting so participants could feed parking meters. This agenda item was tabled until the February meeting.

8. Presentation and discussion of CRMC “Urban Coastal Greenways for the Metro Bay Region”

Mr. Willis and Mr. Boyd presented CRMC's Urban Coastal Greenways for the Metro Bay Region using a powerpoint presentation. The latest version of the policies can be downloaded at: http://seagrant.gso.uri.edu/metrosamp/pdf/CRMC_draftUrbanGreenPolicy_dec6.pdf

The policies are still a work in progress and CRMC is meeting with interested organizations to gather input before going to hearing. The policies have been developed as part of the Providence Harbor Special Area Management Plan (SAMP) which is now called the Metro Bay SAMP as the planning area encompasses Providence, Cranston, Pawtucket and East Providence. The SAMP area includes the tidally influences sections of the Woonasquatucket, Seekonk and Moshassuck Rivers. The region is seeing a lot of development and re-development and the SAMP will provide a framework for coordinated planning among the four municipalities. The policies will be taken to a public workshop in February before going to rule making.

Ms. Sherman asked CRMC to consider keeping “banked” areas within the same riverine watershed. Mr. Nelson asked where the 15% vegetated cover came from. Mr. Willis responded that the 15 % came from the Red Book which was based on extensive research into buffer science. Ms. Kerr encouraged CRMC to meet with the Friends of the Moshassuck to discuss the policies and asked them to re-consider the minimal buffers on the Moshassuck and Woonasquatucket Rivers, and the small parcel exemption standard which includes parcel sizes that could sustain a larger buffer. Existing conditions may constrain the buffer, but the policies should allow for future development that enhances and protects the rivers. Mr. Hanner asked if CRMC is considering reducing the buffer in any areas such as brownfields. These areas are already severely constrained and the buffer policies could turn away potential developers. Mr. Boyd responded that the policies are intentionally flexible so when buffers are reduced,

developers can contribute to the buffer banking system. Ms. Sherman questioned the application of the 20-foot buffer to “small parcels” - lots of 40,000 square feet or less. While some parcels may not be able to sustain a 50 to 100 foot buffer due to small size or other constraints, the automatic exemption from this buffer requirement should be amended to deal with these parcels on a case-by-case basis. She also pointed out that urban development is increasingly turning to “green edges” rather than the hardened shoreline. Ms. Kerr said that she would write up comments from the Rivers Council.

9. Other Business

There was no other business.

ADJOURNMENT

The Chair adjourned the meeting at 11:15 PM.

Next meeting February 8, 2006 at 4:00 PM