

**FINAL Minutes of the Rivers Council Meeting held
8 March 2006, 9:00 AM
(approved by the RC on 4-12-06)**

Conference Room B
William E. Powers State Administration Building
One Capitol Hill, Providence, RI

ATTENDANCE:

A. Members Present

Patrick Hanner
Meg Kerr (Chair)
Stephen Kearns
Guy Lefebvre
Jack Lancellotta
Scott Millar (Vice Chair)
Kevin Nelson
Sharon Pavignano
Will Rivero
Jane Sherman
Mike Walker

B. Members Absent

Kevin Cute
Dale Grogan

C. Watershed Councils in Attendance

Ann Morrill, Kickemuit River Council
Edward Callender, Salt Pond Coalition
Greg Gerritt, Friends of the Moshassuck
Arthur Plitt, Friends of the Moshassuck, Blackstone River Watershed Council
Christopher Freshette, Friends of the Moshassuck
Jenny Periera, Woonasquatucket River Watershed Council
Chris Tompkins, NRPA
Paul Roselli, Blackstone River Watershed Council
Frank Matta, Blackstone River Watershed Council

D. Guests in Attendance

Juan Mariscal, WRB
Evan Matthews, Quonset Development Corp.

PUBLIC HEARING ON THE DESIGNATION OF THE FRIENDS OF THE MOSHASSUCK AS THE WATERSHED COUNCIL FOR THE MOSHASSUCK RIVER

Ms. Kerr, Hearing Officer for the Public Hearing, brought the hearing to order at 9:00 AM. Ms. Kerr said that Rivers Council approved a public hearing for the application for the Friends of the Moshassuck as the watershed council for the Moshassuck River and its watershed at the

Council's December 14, 2005 meeting. The Public Notice for the hearing was in the Providence Journal on 1-27-06.

Ms. Kerr asked if there was anyone in attendance that would like to offer any comments. No one wished to speak or submit written comments.

Mr. Greg Gerritt, representing the Friend of the Moshassuck, said that they are excited to join the Rivers Council as member watershed council. The FOTM's major project is developing a canoe launch. They will also be in the Pawtucket citywide clean up this year.

Mr. Christopher Freshette, President of FOTM stated that the FOTM is interested in supporting statewide mission of the Rivers Council.

No other comments were received and the Public Hearing was adjourned at 9:05 AM.

CALL TO ORDER OF RHODE ISLAND RIVERS COUNCIL:

The Chair called the meeting to order at 9:06 AM

ACTION ITEMS

1. Approval of minutes February 8, 2006

Mr. Walker moved approval of the Rivers Council Meeting minutes from February 8, 2006, seconded by Mr. Kearns, all approved.

2. Designation of Friends of the Moshassuck as Watershed Council for the Moshassuck River

Mr. Nelson made a motion to approve the Friends of the Moshassuck as the watershed council for the Moshassuck River and its watershed. Mr. Kearns seconded and all approved.

3. Grants for Watershed Councils

The following table summarizes the grant request by the five watershed councils under consideration at the March meeting:

Kickemuit River Council	\$3,000	Purchase two floating no discharge pumpout signs for Bristol Harbor
Wood-Pawcatuck WA	\$3,000	Purple Loosestrife Biological control. RC funds to be used for Coastal Fellow intern, supplies and beetles
Woonasquatucket RWC	\$3,000	Registration for 5 participants in Watershed Stewards program (\$45 each) and Water Trail project's Source to Sea event.
Narrow River PA	\$3,000	Membership program. RC funds to be used for program coordinator, newsletter editor, reprinting membership brochure
Blackstone RWC	\$3,000	Support for Clean Water Festival and implementation of Notice Rule, \$2,000 towards staff time for volunteer monitoring program

Mr. Kearns, Chair of the Funding Committee, presented the requests to the Rivers Council.

Kickemuit. Mr. Kearns asked Ms. Morrill if all the maintenance funds are needed as the buoys will be new this year. Ms. Morrill said that routine maintenance is always needed when the buoys come out of the water. Any funds remaining from this grant will be used to apply for a pump out boat for Bristol Harbor. Mr. Nelson moved approval, seconded by Ms. Sherman, all approved.

Mr. Kearns presented the Woonasquatucket River Watershed Council request. Ms. Sherman recused herself from the discussion and vote. Mr. Kearns reported that the funding committee recommended approval. Mr. Millar moved approval, seconded by Mr. Lancellotta, all approved.

Mr. Kearns summarized the WPWA grant request. Mr. Walker asked that any report that is generated from this work should be shared with the Rivers Council and with the state libraries. Mr. Millar moved approval, seconded by Mr. Walker. Mr. Matthews asked if there were permitting issues with the project. Ms. Kerr reported that the loosestrife remediation is an on-going project. MW-Report should go into state libraries. Mr. Nelson voiced concerned that the project could be duplicative of work that has happened at Roger Williams Park. Ms. Kerr said that the project is conducted in partnership with the remediation that was done at Roger Williams Park. All approve.

Mr. Kearns recused himself from discussion of the Blackstone grant. The funding committee recommended that the monitoring data collected with this program be shared and that the study be coordinated with state efforts. Committee recommends approval. Mr. Millar moved approval, seconded by Mr. Walker. All approved.

Mr. Kearns presented the NRPA project. NRPA has requested funds for a membership drive. The Funding Committee recommends that this project be approved but next year recommends that the money be used for a project specifically addressing watershed issues. Mr. Tompkins from NRPA said that he will communicate these concerns to the board. Mr. Millar moved approval, Mr. Nelson seconded, all approved.

5. Discuss and approve procedures for re-designating watershed councils (Kevin Nelson)

Mr. Nelson presented recommendations for re-designating watershed councils. He distributed the Council's existing guidelines for designation of new Watershed Councils which includes guidance for resignation. The Council should have notified the watershed councils up for re-designation (Pawtuxet, Woonasquatucket, and Kickemuit) to request a review of their status as part of their annual report. We did not do this. The application for re-designation should therefore include a cover letter and a workplan for the next 5 years. The Rivers Council would not need a new map (unless watershed council boundaries have changed) or a summary of qualifications unless they have changed. References would be not required, but would be welcome if the Council would like to provide them.

Mr. Walker was concerned about reviewing watershed council's existing applications. The information is now 5 years old and will be 10 years old next time we review the designation if we follow this procedure. We should ask watershed councils to answer specific questions about their past 5 years including a summary of projects and programs, and how they performed with

respect to RC requirements. The subcommittee shouldn't have to do a lot of research to review the application.

Ms. Sherman said that because watershed councils prepare annual reports to the Rivers Council, the RC should be up to date on projects and programs.

Mr. Nelson pointed out that the Rivers Council has a policy question to think about. The Council has a wide range of information on file from existing watershed council applications. Some have filed very comprehensive applications; others have not because in many instances the application makes certain items optional.

Ms. Kerr asked for comments from the Watershed Councils. Ms. Periera asked that comments be specific and that watershed councils get the information quickly. Ms. Morrill asked for the application to be succinct. Mr. Tompkins said that the application should specify a maximum number of pages and suggested that without appendices and exhibits, perhaps have a 5 page max.

Mr. Nelson offered to chair the committee, Mr. Kearns, Mr. Hanner, and Mr. Riverso offered to help.

The immediate actions that the watershed councils can take:

1. Think about 5 year plan (big picture).
2. Ask for letters of support.

6. DEM Herring Takings Ban (Guy Lefebvre)

March 13 public hearing: <http://www.dem.ri.gov/programs/bnatres/fishwild/pn031306.htm>

Mr. Lefebvre distributed research information developed by Phil Edwards of the RIDEM Division of Fish & Wildlife illustrating declines in herring populations of approximately 90% over the past six years. He said Connecticut banned herring takings in 2002 and Massachusetts just instituted a ban on January 1, 2006, for a period of three years. He said the RI proposal, like Connecticut, does not have a time limit, and the proposed ban was for both marine and fresh waters and to be instituted in both sets of regulations. Mr. Lefebvre made a motion to support the proposed DEM ban on herring takings, and Mr. Nelson seconded. Mr. Kearns asked if DEM is sure of what is causing the decline? Mr. Lefebvre said that there are several possible causes such as increasing natural predation by striped bass and excessive takings by sport and commercial fishermen. He said water quality is generally improving and fish ladders are being installed which should be supportive of the populations. At present, no clear causation of the decline has been established. DEM Fish & Wildlife staff members are having occasional meetings with their counterparts in other states. Mr. Kearns called for the Rivers Council to support further research efforts to gain better insight into the causes of these population declines.

Ms. Morrill said that the Kickemuit River Council sent a representative to the December, 2005, interstate meeting addressing the herring decline issue. Their representative recommended that the Kickemuit River Council support the ban. The KRC has asked that DEM continue to study the decline, especially in Mt. Hope Bay. Mr. Matthews pointed out that fish abundance is often cyclical. The herring populations could be going through a natural decline and the decrease in numbers may not be indicative of watershed health. Mr. Lefebvre said that research has also shown that the life span of individual herring has decreased from six years to four years over the last forty years. The recent decline has occurred over the past six years exceeding their current

life span. Mr. Kearns asked if there was a recommended level where DEM would open it up again? Mr. Lefebvre said he was not aware of a specific number, but assumed it would likely be if or when historically average levels were reached.

Ms. Sherman asked if there was any strong opposition to the proposed ban? Mr. Lefebvre said that bait shops and sport fishing operators may be economically affected, but he knew of no organized effort on their part. He said the upcoming public hearing would be indicative of any opposition efforts. He said regulation limits already exist for commercial fishing net sizes and unintended catch of herring. Mr. Hanner pointed out that in East Providence there has been an increase in the number of commercial and sport fisherman who are catching herring, some likely beyond the current twelve per day per person limit. Last year, he saw commercial fishermen who had aerated tanks in their trucks to store their herring catch. Mr. Lefebvre said the ban would be easier to enforce than a twelve per day per person limit. The Council voted unanimously to approve the motion. Mr. Lefebvre offered to draft a letter for the Council. Mr. Millar thanked the Council for supporting DEM's proposal. Mr. Gerritt said the Environment Council of RI is also sending a letter and there is a letter on the Save the Bay web site.

7. Report from the Chair (Meg Kerr)

POLICY

- Policy Committee (JS, KN, MK) meet with **Kevin Flynn** to brief him on the policy plan direction. He is supportive of our approach. Cautions that DOA has Land Use Plan, Housing Plan, and Solid Waste Plan in line ahead of the Rivers Plan.
- Meeting of the **Bays, Rivers, and Watersheds Coordination Team** (Feb 23). Sharon attended for the RC. Supporting information: Memo on Gages and DEM Powerpoint on CT.
- **Letter sent to CRMC** with comments on MetroSAMP buffer policies based on discussion at RC meeting (attached).

SUPPORT AND EMPOWER WATERSHED COUNCILS

- **Infrastructure Collaborative – the Back Office Support project (partnership with RI Land Trust Council, Woonasquatucket River Watershed Council, Wood-Pawcatuck Watershed Association, The Westerly Land Trust and Barrington Land Conservancy Trust)**. We have hired Michelle Morgan, Outsource Management Services, Inc. (East Strousburg, PA) to design the iMIS system for the Collaborative. We have met with her and expect to have our database designed and data conversion started by the end of March.
- **Council of Councils**. March 25 at Slater Mill. A follow up workshop will be held April 15 at GSO Coastal Institute. Issues identified for the session include ORGANIZATIONAL ISSUES (fundraising, building strong relationships with town government, insurance, and what does it mean to be a Watershed Council?), and TECHNICAL WATERSHED ISSUES (TMDL implementation, river restoration, dams, litter, trash, tires, watershed education programs)

FOSTER PUBLIC INVOLVEMENT IN RIVER PROTECTION

- **Third Annual Land and Water Conservation Summit, March 11, 2006 (Partnership with RI Land Trust Council).** Bill Streuver backed out as keynote speaker. We have replaced him with Jeff Milder. Over 200 people have registered for the event. **OP ED in Providence Business News by M. Kerr and R. Friday.**
- **Environmental Awareness Day at Narragansett Beach.** The Education Committee decided to continue with this event that is led by the Town of Narragansett. The Committee will be the point of contact for the Rivers Council. I will publicize to watershed councils.
- **Watershed Stewards (Partnership with RI Land Trust Council, Woonasquatucket River Watershed Council, Smithfield Land Trust, Smithfield Conservation Commission and NRCS).** May and June in the Woonasquatucket Watershed. Planning is ongoing.
- **Water Trail project.** The planning charette is scheduled for April 25 and will be held at Slater Mill. John Monroe with the National Park Service is leading the charette planning. During February, John and I met with Ana Novais at the Health Dept. to explore linkages with their "Healthy Communities" initiative. We have agreed to collaborate.

STRENGTHEN THE RIVERS COUNCIL

- **State Funding.** Dale and Meg met with Ken Carter and the South County Caucus to discuss funding for the Rivers Council. A request for support was sent to all watershed councils which included a list of representatives and senators in their watershed. Several watershed councils have written letters of support. The WRB supports the RC's request for additional funding and gave us time to present during the WRB hearing before House Finance 3-7-06. Rupert Friday (RI Land Trust Council), Eugenia Marks (Audubon) and Ann Morrill (Kickemuit River Council) testified in support of our request. Beth Collins (EPC) submitted written testimony. Emails requesting support have also been sent to Mike Sullivan, Kevin Flynn, and Kip Bergstrom as well as Curt Spalding.
- **Legislation to strengthen the Rivers Council.** SOP legislation will pass and will change the membership of the Council. Legislation has been introduced to create an Executive Director position in the House, not the Senate. It is not moving.
- **Pursue outside funding.** No new proposals were submitted this month. Chair attended the Rhode Island Foundation informational meeting on Jamestown and learned about Newport County funding opportunities that could support the Watershed Stewards program in East Bay. The Education Committee is planning to submit a proposal for a RIF mini grant to develop web support for the Stewards program.

ADMINISTRATIVE TASKS

- **Annual reports mailed to all Senators and Representatives.**

8. Legislative Committee (Will Rivero)

2006 Legislation

- (1) H 6993 AN ACT RELATING TO WATERS AND NAVIGATION -- THE RHODE ISLAND RIVERS COUNCIL (Executive Director)
Recommendation: **Support**

Mr. Rivero moved that the Rivers Council support this bill. Ms. Sherman seconded and all approved.

- (2) S 2505, H 7699 ACTS RELATING TO HEALTH AND SAFETY -- THE RHODE ISLAND CESSPOOL ACT OF 2006
Recommendation: **Support**

Mr. Rivero said that this bill is a Governor's initiative and is called the RI Cesspool Act of 2006. The Rivers Council heard a presentation on the bill a couple of months ago. Mr. Rivero made a motion to support the bill, Mr. Nelson seconded. Ms. Sherman said that when the Council heard the presentation, we talked about protection of inland waterbodies that are not public beaches. She would like the RC to support the legislation but delete the words "within 200 feet of public beach". Mr. Kearns asked if the current bill has any language about cesspools upon transfer of property. Mr. Walker said that banks will not write mortgages for properties with substandard cesspools according to a DEM update at the last business roundtable. The hope is to get a bill passed and he recommended not making amendments to bill.

Ms. Sherman made a motion to request amending the bill to delete the words "within 200 feet of a public beach", Mr. Lefebvre seconded. The Rivers Council would support the bill but add the recommendation for strengthening it. Mr. Kearns asked if his support of the amendment would jeopardize the bill? Ms. Sherman said that the RC's job is to protect the rivers, so we would like to see this additional protection. The Chair asked for votes. All in favor except Mr. Hanner, Mr. Rivero, and Mr. Walker. Mr. Millar abstained. The motion passes.

The Council then voted on the motion as amended (i.e. send a letter of support but include a recommendation that the stipulation "within 200 feet of a public beach" be removed from the bill) It was approved by all. Mr. Millar abstained.

- (3) S 2510, [H7609](#) AN ACT RELATING TO DAM SAFETY –
Recommendation: **For Council Consideration**

This is for discussion. Will wait until next month when additional information is available. Table for next month.

9. Policy Committee (Jane Sherman)

Ms. Sherman reported that the latest version of Policy Plan has been distributed and the committee is looking for input. The committee has not worked on the classifications but we have time since DOA has a number of important plans in line ahead of us. Ms. Sherman said that she would like to see identification of headwaters as a priority. Also we need to look at the whole classification structure. Mr. Millar agreed that mapping of low order streams is important. He recommended that the RC meet with, or send a letter to, DEM Director Sullivan on the update of the plan and the importance of headwater streams. Mr. Matthews asked if the revised plan looks at linkages between rivers and adjacent aquifers. Does it recommend priority uses? Mr. Mariscal pointed out that the issue is addressed in Drought Management Plan. We should try to reference pertinent points as much as possible in our plan.

10. Professional Development and Education (Guy Lefebvre)

Mr. Lefebvre distributed a handout on the committee. The Committee would like to continue participation in Narragansett Environmental Awareness Day which is scheduled for July 15. Ms. Pavignano is preparing a request to the RIF for a \$5,000 grant to help with Watershed Stewards curriculum and put information on line. The RI Historical Preservation Commission web site had a nice annotated bibliography under library which could serve as a model for the Rivers Council web site.

Mr. Kearns mentioned that the Rivers Council awards event will be held in June and the Council needs to begin planning. He recommended that this year we could do the event on a weekend with a cookout making the event more family oriented. He asked the Chair to put the awards event on the agenda for next month. Mr. Lefebvre mentioned that the RINHS gives awards to naturalists – the Council might want to consider this as a model.

11. Funding and Development (Steve Kearns)

Mr. Kearns said that the Rivers Council is very appreciative of support from the WRB especially supporting our presentation to the house finance committee last week.

PRESENTATION/DISCUSSION

12. Development of Water Trail (John Monroe, National Park Service Rivers and Trails)

Mr. Monroe covers CT and RI for the Rivers and Trails program. His job is to help local government and local organizations work on local conservation projects. The goal for the Water Trail project for this year is to discuss it and launch it. The NPS is really at forefront of Water Trails nationally. Mr. Monroe will be doing a workshop at the Summit on Saturday about lessons learned on water trails. One lesson that others have learned is to think big. Our “big thinking” event is the planning charrette that will be held April 25 at Slater Mill from 12 – 9 PM. The afternoon is for state officials, the evening for volunteers. DEM’s Paul Jordan has agreed to do GIS training during the evening session. Mapping is a key part of the water trail project. In September, a paddling event is planned.

13. Other business

No other business was brought up and the meeting was adjourned at 10:55 AM.

Next meeting April 12, 2006 at 4:00 PM