

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

ATTENDANCE:

A. Members Present

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

B. Members Absent

Patrick Hanner
Jack Lancellotta*
Kevin Cute

C. Watershed Councils in Attendance

Steve Roth, Kickemuit River Council
Edward Callender, Salt Pond Coalition
Judy Hadley, Blackstone River Watershed Council

D. Guests in Attendance

Claudia Staniszewski, LISC
Evan Matthews, QDC
Tom Ardito, NBEP
Christopher D'Ovidio, CLF
Cynthia Giles, CLF

* appointment pending reappointment by the Governor and advice and consent of the Senate

The Chair called the meeting to order at 9:07 AM

ACTION ITEMS

1. Approval of minutes April 12, 2005

Mr. Kearns moved approval, Ms. Grogan seconded and all approved.

Ms Hadley announced that the Blackstone River Watershed Council is partnering with the RI Natural History survey on the 2006 Bioblitz which will be held at Cumberland monastery.

2. Appoint nominating Committee for Rivers Council Chair and Vice Chair

Mr. Kearns agreed to serve as nominating committee chair. He asked the current chair and vice chair if they are willing to continue serving. Mr. Millar and Ms. Kerr agreed to continue serving. Mr. Kearns then asked other Rivers Council members to contact him if interested in serving.

3. Discuss Requests for Redesignation of Watershed Councils. Request additional information if needed.

- Pawtuxet River Authority and Watershed Council
- Woonasquatucket River Watershed Council
- Kickemuit River Council

Mr. Nelson reported that all applications are complete except the Pawtuxet. Ms. Kerr reported that the Pawtuxet application was received late yesterday afternoon. She provided Mr. Nelson with the information. Mr. Nelson reported that the committee is still looking for information from the Woonasquatucket River Watershed Council. Information submitted by the Kickemuit was basically complete although the committee asked for additional budget information. Ms. Kerr reported that the Pawtuxet information looked complete.

Mr. Nelson reported that the committee met to discuss the redesignation process. The committee includes Mr. Callender, Mr. Riverso, Mr. Hanner and Mr. Nelson. The committee is requesting 5 year prospective from watershed councils as part of reapplication process. They will also be looking for budget information so the Rivers Council can assess progress of watershed councils and provide assistance if needed. The outline for redesignation was distributed to full council.

Ms. Hadley asked about dates that other watershed councils are up for redesignation. Ms. Kerr agreed to put this information up on the Rivers Council website: www.ririvers.org. Mr. Nelson pointed out that in future, the letter for requesting redesignation should be part of a watershed council's annual report to the Rivers Council.

4. Discuss Grants for Pawtuxet, Buckeye Brook and Saugatucket

Mr. Kearns reported that the review committee met last week. He asked if there were representatives from any of the groups at the meeting. Mr. Ardito (Saugatucket) and Mr. D'Ovidio (Buckeye Brook) identified themselves.

Mr. Kearns reported that one requirement for the 2006 grants was for the watershed councils to attend Council of Councils on March 25 and the Funding Workshop on April 15. The Pawtuxet and Buckeye Brook watershed councils did not attend April 15 training. The Committee therefore recommended that the funds not be distributed to these watershed councils.

For the Saugatucket RHCC, the committee requested additional information and the information was provided. The SRHCC attended the required workshops. However, funding from 2005 was not fully expended by the SRHCC. Mr. Kearns asked whether we want to ensure that the funds are fully expended in the year that the funds were allocated, or do we want to allow the Councils to move the funds into the next year. The group pointed out that this decision has not been made by the Rivers Council and clear guidance has not been provided to the Watershed

Councils. Ms. Pavignano had additional comments on the proposal - she is concerned about the proposed watershed map as many of the local restaurants near the river use placements as a source of advertising for other businesses at a fee. She asked if the SRHCC has spoken to these restaurants and developed any partnerships or agreements to use or pay for the placemats? She also pointed out that this project requires additional funding to proceed. Where do they hope to get this funding? Where will they sell the map (different from the placemat)? The RC funded a booklet last year which was completed and is quite nice. However no agreements have been made with merchants to sell it yet. The project budget includes \$1000 in supplies (not printing) to develop this map. What are these supplies? The project description does not indicate any supply needs.

Mr. Kearns reported that the committee did not have a recommendation on the grant. Mr. Nelson made a motion that the council approve the grant. Mr. Ardito asked for further clarification on the Council's concerns and Ms. Pavignano summarized the grant and her concerns. Mr. Ardito asked if the RC could approve the grant and leave it to the SRHCC to work with the Council to address concerns? Mr. Nelson amended the motion that the Rivers Council will approve the grant subject to mutual agreement on details of projects. Ms. Grogan asked for more detail on the plan and recommended that the motion include additional requirements. Mr. Nelson amended motion: The Rivers Council will approve grant with final dispersal of funds subject to approval by the Funding Committee. Mr. Kearns seconded and all approved. The Council asked for the final workplan to be received within 2 weeks.

The discussion turned to the Buckeye Brook and Pawtuxet grants. Mr. Kearns made a motion that the Pawtuxet grant be suspended for this year based on the fact that they did not attend the April 15 training. Mr. Nelson seconded. Mr. Lefebvre asked if the Council received an application from the PRA and was told that the proposal was for a water trail project. He also reported that the PRA did an excellent clean up last week which demonstrated the Council's abilities. The motion passes.

Mr. Kearns made a motion that the Buckeye Brook Coalition grant be suspended for this year based on the fact that they did not attend the April 15 training. Mr. Nelson seconded. Mr. Lefebvre pointed out that Mr. Insana sent the chair and email with the information requested by the Council at the April meeting on computer costs. He asked if the proposal was being rejected simply because they did not attend the workshop? Mr. Kearns said that the committee discussed the situation and since they did not attend workshop or communicate with chair felt that the grant requirements were not being taken seriously. All other watershed councils attended the required workshops. Mr. Lefebvre said that the BBC has been leader in advocating for Buckeyes and their leadership has contributed to the DEM ban on herring takings that the RC supported. He also attended their clean up and about 80 people attended. Mr. Ardito pointed out that they are also strong advocates for protection of the brook during airport expansion. He recommended that the Council consider the size of the BBC. They are small – really one of the smallest organizations. Mr. Insana works weekends because of his profession. Unlike the Pawtuxet, they have a proposal for computer equipment that Mr. Ardito helped them with. There would be a large return on the investment. Mr. Lefebvre pointed out that although small, the BBC is not a one man operation. Mr. Walker pointed out that all three watershed councils (Saugatucket, BBC and PRA) did not submit applications on time. The Council allowed the application deadline to slip for them and has worked with them to develop fund-able proposals. Our goal is to build capacity of the watershed councils and we need to set expectations that councils fulfill. This is not their first grant. The Rivers Council has fiduciary responsibility and must ensure that these public funds are spent well. Mr. Millar asked if the Buckeye Brook Coalition had contacted the Chair, what additional requirement would we have

put on them? Mr. Kearns said that if they had made an effort to meet the grant requirement and had contacted the chair when attendance was impossible, the committee could have recommended to the Rivers Council that the project be funded with some additional grant tracking requirements. We all appreciate the great work that the BBC is doing. Mr. Millar asked if the Council could decline the application at this time, and then put some additional requirements on the application so they can be eligible.

Mr. Kearns reported that the committee considered what to do with the funds should the awards not be given. A student is being hired with the RIF mini grant to work with the Education Committee (Ms. Pavignano and Ms. Kerr) on developing a web site to support the stewardship program. Ms. Kerr summarized additional work that could be added to the student's workplan if funds were available.

Ms. Pavignano said that the Rivers Council made a set of rules to govern our grant making process. How can we hold only some of the watershed councils to these rules? We need to be professional ourselves in how we implement our programs.

The chair called for a vote on the motion which was approved.

Ms. Staniszewski volunteered to serve on the funding committee and help with the grant making process.

Mr. Kearns made a motion that the RC use the \$6,000 to hire intern to assist with projects that are outlined to the Council at a future meeting with the stipulation that any projects would be consistent with the RC's approved workplan. Ms. Grogan pointed out that the item is not on the agenda so the motion is out of order. Mr. Kearns withdrew the motion.

5. Report from the Chair (Meg Kerr)

Report attached at the end of the minutes.

6. Report on the Bays, Rivers and Watersheds Coordination Team (Mike Walker)

The Coordination Team (CT) met May 9th at the State House to discuss funding the CT's monitoring request for \$1.3 million and recommended the following:

- OSPAR fund – shift \$250,000 to the CT.
- UST Fund - shift \$280,000 to the CT.
- Create a new fee of \$1 per 100 gallons for tipping of septage at fourteen collection stations around the state.
- Create a submerged land fee for cable businesses. This would be applied to three transatlantic cables that are laid in the bay and would collect \$240,000.

The proposal will raise \$1,120,000 for the next fiscal year. Although the high priority monitoring needs are higher, the committee felt that this funding would allow phasing in of monitoring programs. The CT will be working on strategies for sustainable funding of CT activities including monitoring.

Mr. Ardito asked how the funds will be used? Mr. Walker said that the CT identified 6 priority monitoring projects for FY07 and has been seeking funds to support these programs. The discussion did not include funding for the RC.

7. Legislative Committee (Will Rivero)

No new legislation for consideration.

Mr. Riverso testified at Cesspool hearing at Senate and Mr. Lefebvre testified at the House Finance committee on bill to create and executive director for the RC. A \$70,000 fiscal note was attached to the bill.

PRESENTATION/DISCUSSION

8. Presentation on CLF work in Blackstone Watershed (Christopher D'Ovidio)

- **Stormwater Phase II update** (Phase II applies to municipalities)
- **Stormwater Phase I update** (Phase I applies to industrial facilities)
- **Nitrogen permit appeal update**
- **Future work**

Mr. D'Ovidio reported that CLF received funding to participate in the Blackstone Watershed Council's (BWC) fishable, swimmable campaign.

1. Stormwater Advocacy Phase I (working to address stormwater runoff associated with specific industrial facilities). CLF campaigned for issuance of a progressive Multisector General Permit (MSGP) which was issued in April 2006. CLF catalogued unpermitted industrial stormwater discharges, prioritized polluting facilities and forwarded the resulting list to RIDEM for permitting. CLF also filed comments on EPA's draft TMDL for the Blackstone and commented on MA's MSGP. Work for the remainder of the year will continue to compile lists of unpermitted facilities, track permit coverage by RIDEM, watchdog compliance with the MSGP for at least 17 identified facilities and continue advocacy on the MA portion of the river.

2. Stormwater Advocacy, Phase II (working to address stormwater runoff from small municipalities). The focus was to educate watershed councils and citizens about Phase II process. CLF drafted a notice and comment request letter for use by watershed councils and provided training workshops. During the next months, CLF will mentor the BRC, helping them address stormwater issues.

3. Point Source Advocacy (working to address specific identified point source discharges in the Blackstone River). DEM has been working to reduce N discharges to upper Narragansett Bay, Providence and Seekonk Rivers. CLF is doing advocacy on all 4 WWTPs with specific emphasis on Woonsocket WWTP. They appealed all 4 permits and are in negotiation with DEM on Woonsocket to ensure that all WQ stands for the Blackstone are met.

4. Communications. Have developed a stand alone web page for work in Blackstone where permit comments are posted and utilized CLF e-news and quarterly magazine to disseminate information.

Ms. Hadley said that the BWC is very satisfied with CLF's work in the Blackstone and they especially appreciate advocate work for Dowling Village. She knows that the Town of Lincoln has stormwater plan. Perhaps CLF could help watershed council get plans from other towns. She also asked about the status of TMDL for RI portion of watershed (according to DEM web site <http://www.dem.ri.gov/programs/benviron/water/quality/rest/reports.htm#draft>, there is no TMDL planned for the RI Blackstone at this time).

Mr. Lefebvre asked about key ingredients for success of stormwater plans. Mr. D'Ovidio responded that the key piece is money to implement plan. Public participation is also a key ingredient. Public needs to be part of process both to be sure that the plans are developed and

then to be implemented. Each year, municipalities are required to develop annual report and Watershed Councils are allowed to provide public comment on the reports. Ms. Giles added that it is also important that the DPW sees the importance of these plans. Watershed Councils can really weigh in on this.

Mr. Lefebvre asked if towns get funds for implementation of plans? Mr. Matthews said that it is very expensive to use staff to monitor outfalls. To the extent that you can partner with community group to do the work, you can save the money while involving the public. Watershed councils can use this as part of their pitch to local government.

Mr. Kearns asked if CLF works in MA and Mr. D'Ovidio said that the CLF Boston office works on the MA side including commenting on the TMDL, developing multi sector general permit for MA, advocacy on DOT in MA. They do not work on the Millbury WWTP permit.

Mr. D'Ovidio said that CLF would like support from RIRC and the chair agreed to put a vote of support on the Council agenda for June.

9. Professional Development and Education Committee (Guy Lefebvre)

- Watershed Stewards Program
- Environmental Day at the Beach July 15

Mr. Lefebvre reported that the stewards program has been postponed until September. Ms. Pavignano reported that the Beach Day plans are progressing. The Town has purchased tents and there are several groups lined up to participate.

10. Policy Committee (Jane Sherman)

Mr. Nelson reported that he has been asked to remove references to drinking water from the Rivers Plan because DOA is concerned that our plan would be duplicative of existing water management plans.

Ms. Grogan asked if we can link the plans together rather than strip the Rivers Plan of drinking water references. Ms. Kerr said that the question should be considered by the Rivers Council. She will request presentation at June RC meeting.

11. Funding and Development (Steve Kearns)

Nothing new to report. Group will work on improving reporting for future grants.

12. Update on Rhode Island Rivers Month (Sharon Pavignano)

Ms. Pavignano reported that the calendar is under preparation but she is still looking for information. Ms. Kerr thanked her for her work on the calendar.

13. Other business

Mr. Lefebvre recognizes Mr. Ardito's op ed on the Pawtuxet River fish passage. Mr. Ardito is to be recognized for his work to open the Pawtuxet to fish passage. The op-ed ran on Sunday or Monday.

14. Adjourn 10:59 AM

15. Next meeting June 14, 2006 at 4:00 PM



REPORT FROM THE CHAIR

May 10, 2006

- Meeting of the **Bays, Rivers and Watersheds Coordination Team** (April 19)
- **Cesspool Phase Out Legislation.** Meeting at DEM (May 3) to coordinate outreach to constituent groups and build support for the bills. Letters to be sent to watershed councils and councils will be encouraged to contact local papers in support of the bill.
- **TF Green EIS** – Guy has been representing the Rivers Council. We are joining the call for examination of additional alternatives.

SUPPORT AND EMPOWER WATERSHED COUNCILS

- **Watershed Council Grants.** Grants have been received by 6 of the 10 watershed councils. The grant for Friends of the Moshassuck and funds to the RINHS for River Council use are still moving through the system. \$9,850 still uncommitted and with the state (WRB)
- **Infrastructure Collaborative – the Back Office Support project.** Training on iMIS system held on May 4. Data for pilot organizations has been loaded into the system. We hired a shared volunteer coordinator who will work for the Volunteer Center of RI. She will work 20 hours/week with the Collaborative, assessing current volunteer management programs and implementing a shared program for one or two projects.
- **Council of Councils – next steps.** Met with small working group to design follow up workshops on implementation of the Notice Rule and working with developers.
- **Fish Restoration.** Attended public meeting on the Pawtuxet project (April 26). The Rivers Council grant is paying for administrative support for this project. We learned that there is a new technical consultant working on the project, NRCS has committed additional funds for the project and public sentiment is against dam removal.

FOSTER PUBLIC INVOLVEMENT IN RIVER PROTECTION

- **Watershed Stewards.** Due to low registration (less than 10) we postponed the class until September. New dates have not been set.
- **Water Trail project.** John Monroe and I met with the RI Trails Advisory Committee on April 18. The planning charrette was held April 25 at Slater Mill. About 30 people participated during the course of the day including several canoe and kayak outfitters. DEM's Paul Jordan gave an excellent presentation on mapping routes and identifying put in/take out sites along the rivers and has offered to provide GIS support for the project. We are now working on planning a paddling event for September. A volunteer, Alison Wald, will be working with us on this project.
- **Environmental Awareness Day and Narragansett Beach.** The event will be held on July 15. We are recruiting interested organizations.

STRENGTHEN THE RIVERS COUNCIL

- **State Funding.** I talked with Representative Naughton about our Legislative Grant. She indicated that we need to identify where the additional funds will come from to support the Council. I also spoke briefly with Juan Mariscal because the WRB is looking at the water use fees as a possible source of additional funding. A small portion of the funds could be used to support the Rivers Council.
- **Rhode Island Foundation.** We submitted Letters of Intent for a fourth year of funding from the RIF and for a second year of funding for our Infrastructure collaborative. Interim reports on both projects were also submitted. These are available for review. If interested, let me know.
- **Legislation to strengthen the Rivers Council.** H6753, S2141 (SOP legislation) became law without the Governor's signature. The attached table summarizes the new Rivers Council membership. The statute allows the Rivers Council to "apply for and accept grants, donations, loans of funds, and contributions of money, services, materials or otherwise from any federal, state or local agency, from any public or private foundation, or individual or from any other source, in order to carry out the purposes of this chapter." The statute also provides for detailed instructions on our annual report which is now due 90 days after the end of the fiscal year (so it would be due on October 1).
- **Hearing was held on H6993** (Executive Director for the RC) on April 25 and Guy testified for the Council.
- **Pursue outside funding.** The Education Committee received \$2,500 from the RIF to expand the Rivers Council web site, and add supporting information for the Stewards program. Sharon is leading this project. A student assistant has been hired to work with us for the summer.

OTHER

- **Rivers Council Membership.** The new legislation removed Lt. Governor appointments. I am now working with the Governor's office on all appointment to the Council. All need advice and consent of the senate.
- **River Rally.** Meg and Sharon attended the River Rally in New Hampshire May 5 – 8. We received scholarships and the Rivers Council paid the difference in the Rally expense. We paid for our own travel.
- **Coalition for Water Security.** Initial report completed and distributed to Rivers Council members and watershed councils.