



The Rhode Island Rivers Council

c/o RI Water Resources Board
100 North Main Street
Providence, RI 02903

Minutes of the Council Meeting held

March 14, 2007

Conference Room C

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

Attendance:

A. Members Present

Patrick Hanner
Meg Kerr
Guy Lefebvre
Scott Millar
Kevin Nelson
Sharon Pavignano
Will Rivero
Jane Sherman
Mike Walker

B. Members Absent

Joe Baer

C. Watershed Organizations in Attendance

Ted Callender, *Salt Ponds Coalition*

D. Guests in Attendance

Heidi Green, *QDC*
Jared Rhodes, *Chief of Statewide Planning Program*

E. Staff

Rachel Sholly

Call to Order:

The Chair called the meeting to order at 9:07am.

Agenda Items:

1. Approval of the Minutes of February 12, 2007

The Chair requested a motion for approval of the minutes from the February 12, 2007 meeting. Ms. Kerr moved and Mr. Lefebvre seconded approval of the minutes with Ms. Kerr's revisions. The motion carried unanimously.

2. Legislative grant budget

The Council discussed a previous vote, which occurred on 12-13-06, to approve the remaining 2006 legislative funds budget, which has been emailed to all members. The Council approved \$20,000 to be used for watershed council grants and \$20,000 to be used for staff time. Kathy Crawley of the Water Resources Board felt that this approval was not completely clear, as a total of \$49,875 in funds is available. The Chair recommended that a portion of the remaining funds be used to purchase supplies through the WRB, as they can purchase supplies much less expensively. The Chair also suggested that the Council use the WRB to pay as many expenses as possible. Any funds the WRB cannot handle can be passed on to the RINHS.

Ms. Sherman made a motion to approve the 2006 legislative grant budget (\$20,000 for personnel, \$20,000 for grants, \$1,000 for Public Notice, \$2,000 for supplies, \$3,383.75 for printing/copying, and \$3,491.25 for RINHS fee) with the understanding that the WRB will take on as many Rivers Council expenditures as possible and the RINHS will take any remaining. The motion was seconded by Mr. Millar and carried unanimously. Ms. Kerr suggested that the extra 7% RINHS fee be added to this approval. Ms. Sherman noted that the budget can be changed and encouraged the Council to pass the budget as it is.

3. Contract with the RI Natural History Survey

The Rivers Council is currently operating on an extension of the 2006 contract with RINHS, which has been signed through March 2007. As discussed at the last meeting, David Gregg feels that the Program Director should be a contractual position, but the Program Assistant should be an employee of RINHS. Mr. Gregg reserves the right to claim employee status, which has several draw-backs for the Rivers Council. First, they would require an additional 7% fee. Second, they would restrict the number of hours the employee is permitted to work, as an employee requires benefits after a certain number of hours. Because approval of the new contract has been delayed, no payments have been made through it. The Chair recommended that the Council approve the contract as it is and continue the discussion afterward.

Ms. Sherman made a motion to approve the 2007 RINHS fiscal agent contract with the understanding that the agreement may be amended, according to Article 3. The motion was seconded by Mr. Millar.

Discussion – Mr. Millar felt that having a full-time employee would be nice, but may not be fiscally sustainable. More money spent on staff resources could make the Council more vulnerable to not receiving legislative grants and also means less money available to watershed councils. The Chair reminded the Council that it would not be taking funds out of another category; funds would simply be moved within the personnel category. The pending contract specifies hiring the Program Assistant for 24 hours per week from now until September 1, 2007, after which the time is scaled back to 10 hours per week. Mr. Millar felt that the Program Assistant tasks are tasks that a consultant should be doing, not a RINHS employee.

Ms. Pavignano suggested that the Council meet with Mr. Gregg again, saying that the Council would like to make the agreement jointly, so that RINHS does not have complete power over deciding whether staff are employees or consultants. Mr. Lefebvre felt the

decision should be under the Council's control and with its limited budget a contractual relationship would be better. Ms. Sherman suggested that the Council's legislative funds not be transferred to RINHS, but instead be distributed by the WRB or another fiscal agent.

The Chair noted that the Council does have the ability to extend the existing contract and use RIF funds until a new contract is signed. Ms. Sherman suggested that the Council vote to extend the existing contract for one month and in the meantime hold a special meeting with Mr. Gregg. The previous motion and second were withdrawn and Mr. Lefebvre made a new motion to extend the existing short-term agreement to the next Rivers Council meeting and arrange to meet with Mr. Gregg. Ms. Sherman seconded the motion.

Discussion – Mr. Nelson expressed concerns about following the proper procedures for hiring staff. Mr. Riverso responded by referring to a memo written by the committee (Ms. Staniszewski, Mr. Riverso, and Mr. Baer) charged with deciding how to proceed on hiring staff. The committee felt that the just-approved job descriptions serve to clarify the tasks of existing positions which are currently held by Sharon Pavignano and Rachel Sholly. Mr. Riverso reported that Juan Mariscal and the WRB support these recommendations and will make further recommendations on how to handle new funds to pay personnel. To clarify, Mr. Millar stated that the WRB feels that personnel and procurement procedures are being followed. Mr. Riverso confirmed. Mr. Lefebvre commented that the Council could then proceed with the existing contracts, scope of services, and budget. Mr. Nelson clarified that the only remaining issue is whether RINHS can decide employee status. Ms. Sherman added that the destination of legislative funds is still under discussion. Ms. Pavignano mentioned that a third option would be to hire a new fiscal agent.

The Chair returned to the motion on the floor to extend the existing contract with RINHS for one month and meet with David Gregg in the meantime. The motion carried unanimously.

4. 2005 RC grant to the PRA

The Chair reported that the Pawtuxet River Authority (PRA) mailed an invoice for their activities from February through May. The work they describe is mostly the same for each month and not very detailed. Ms. Kerr gave a brief history of the PRA grant and their work, explaining that the grant was to pay administrative staff to run meetings and keep the Pawtuxet Falls fish passage project moving forward.

The Chair asked the Council if it wants to pay this invoice and if it wants to approve their continued use of these funds. Mr. Nelson commented that during the last meeting, the Council passed a motion to rescind the funds unless a work plan was provided for the remainder of the year. They have not provided reports, receipts, or other documents to evidence that the project is proceeding. Mr. Lefebvre informed the Council that he, as the former Executive Director of the PRA, would be willing to work with Mr. Nero to try to rectify this problem if the Council could table this discussion until the next meeting. Mr. Lefebvre noted this project was initiated after he no longer was the executive director of the PRA.

Ms. Sherman felt that the Council has to follow through with consequences at some point. Ms. Pavignano noted that it is not clear which party is at fault, the PRA or the Rivers Council. Mr. Millar reminded the Council that at the last meeting it voted to write a formal letter to the PRA stating that their funds would be rescinded if the proper documentation could not be provided. Ms. Pavignano replied that since this invoice was received, no letter was sent to the PRA.

Ms. Kerr commented that the Council should use this opportunity to have a broader conversation about consequences for failing to comply with requirements agreed to as a designated watershed council. Mr. Lefebvre reiterated his offer to work with the PRA. Mr. Nelson felt that the Council should definitely send a formal letter describing the Rivers Council's position. Ms. Kerr reiterated that this is a larger issue and that the Council needs clearer rules and regulations for designated watershed councils. Mr. Callender suggested that the Council include any new clarifications in the pending redesignations for the Narrow & Blackstone River watershed councils. Mr. Lefebvre briefly described some of the work being done by the PRA, providing evidence to the Council that their projects are moving forward.

Mr. Lefebvre made a motion to table payment until the next meeting with the understanding that he will meet with the PRA, encouraging them to comply with requirements, and then provide a report to the Council. Ms. Sherman added that the PRA should be advised to not allocate any more funds from this grant. Mr. Nelson felt that the Council should be prepared to stand by its approval to rescind if they do not produce convincing evidence of forward progress.

The Chair repeated the motion on the floor, which was seconded by Mr. Lefebvre. Discussion – Ms. Kerr asked if the 2007 grants should be included. The Chair reminded her that they are not eligible for a 2007 grant, therefore only 2006 funds are in question. Ms. Pavignano will write a letter to the PRA and will “cc” Mr. Lefebvre. The motion carried unanimously.

Jared Rhodes, Chief of Statewide Planning Program, introduced himself to the Council, explaining that he is interested in the Rivers Council and may be attending more meetings in the future. As a Cranston official, he offered support for the PRA, explaining that their projects have been very beneficial to the city.

5. Request for support of bills S 0565, H 5037

Mr. Riverso updated the Council on the RI Cesspool Bills, which would take effect in June 2008. The Council has supported this legislation in the past and there are no significant changes this year. Mr. Nelson made a motion to support the RI Cesspool Bills, seconded by Ms. Kerr. Ms. Pavignano asked how the Council should make its support known. Ms. Kerr explained that in past years, Mr. Riverso has helped the Council draft testimony and Ms. Kerr has testified to support it. Mr. Lefebvre commented that last year's House debate on this bill was very intense and that proponents of the bill should be prepared for vigorous debate. Ms. Sherman commented that last year she objected to a portion of the bill because it only covered cesspools near public beaches. Although the bill still has this problem, Ms. Sherman will support the bill to avoid jeopardizing its passing. Ms. Kerr noted that our letter should state the same concern.

The Chair returned to the motion and second on the floor to approve Rivers Council support for the RI Cesspool Acts. The motion passed unanimously.

Reports:

6. Chair (S. Pavignano)

Ms. Pavignano reported that the Rivers Council now has an office at the Water Resources Board with a desk and computer, a filing cabinet, and storage space. Rachel has organized and inventoried all of the Council's files and supplies and will work there once or twice a week. Ms. Pavignano and Rachel are working on getting an email address and phone.

Ms. Pavignano has been looking for new funding sources for Rivers Council programs. Mr. Lefebvre expressed his feeling that it is important to have all contracts at the WRB office. Ms. Pavignano agreed and added that all records should reside there.

7. Program Committee (S. Pavignano)

Ms. Pavignano, Mr. Callender, and Rachel have been meeting to organize the next Watershed Stewardship Program. The first advanced training is scheduled for April 17th at the North Kingstown library. The class will focus on practices people can adopt at their homes to protect their watershed. Alyson McCann from URI's Cooperative Extension program will present on Healthy Landscapes. Beverly O'Keefe from the Water Resources Board will give a talk on raingardens.

For the Beach Day event, Rachel has invited organizations and made flyers. The Council will have a table with an exciting activity. Mr. Callender added that any suggestions would be appreciated. The Member Handbook has the old operating procedures, so members should replace it with the new document which has been distributed via email. Mr. Callender is working on notice rule training for watershed councils.

Mr. Callender is also working on creating a more attractive document for the public in addition to or replacing the current annual report. He envisions a 6-page fold-out pamphlet including mostly color graphics and photos that would be interesting and attractive for the general public to read. Mr. Callender passed around a rough prototype he had made and suggested applying for a \$5,000 RIF mini-grant to cover the printing costs. Mr. Callender made it clear that he is volunteering to take the lead on this project, but asked for the Council's opinions and ideas. Ms. Sherman suggested that Mr. Callender expand his vision and create a piece which could also be used by educators. She explained that a piece which could be used in schools would be a "better sell" and would expose more people to watershed issues in the state. The Council discussed examples to refer to and the benefits of using visuals to convey information. Ms. Kerr suggested that the pamphlet include information on flow. Mr. Callender agreed and mentioned that there are good flow records for the state's major rivers. Mr. Lefebvre offered to provide Mr. Callender copies of several college study guides for topics such as earth science and botany that contain graphic information similar to his sample proposal.

8. Land and Water Partnership (M. Kerr)

Ms. Kerr briefly reviewed her report on the Land and Water Partnership. The March 24th summit has approximately 200 people registered. The Infrastructure Collaborative shared volunteer coordination program is now facilitating several watershed councils and land trusts. They are exploring Sales Force as software for the donor member services program. The Blueway project has formed a small working group, which is moving project forward. Upcoming events include the March 19th RICKA meeting with Kate Williams, the March 24th summit, the April 28th planning charrette at Slater Mill, and the highlighting of paddling events in June. GARI has given the Blueway project the spring edition of Trail Mix. NBEP is funding Ms. Kerr's time and providing supplemental funding.

9. Funding Committee (J. Baer)

The Chair spoke briefly in Mr. Baer's absence. Mr. Baer emailed the Council the March financial report, which showed that all 2007 legislative funds (\$49K) remain unspent and \$900 has been spent to pay for program assistance time.

10. Policy Committee (J. Sherman)

Mr. Nelson reported that not much progress has been made on the chapter since last meeting. Ms. Sherman and Mr. Nelson will meet in the near future to review comments that Kevin Flynn might have on the chapter.

11. Legislative Committee (W. Rivero)

Mr. Rivero had nothing further to report, as support of cesspool bills had already been discussed and approved.

12. 2007 Grants to Watershed Councils

Mr. Nelson and Mr. Walker have completed an updated version of the grant program and will distribute it via email in the coming days. They are also compiling an up-to-date contact list for watershed councils.

13. Redesignation of NRPA and Blackstone Watershed Council

Mr. Nelson has reviewed the reports relating to these councils, but they have not yet submitted all necessary information. There has been discussion on extending the Blackstone's coverage to include a portion in Connecticut that does not have a group. Mr. Nelson felt that watershed groups should be able to advocate across municipal boundaries. A schedule for redesignation will be developed when all the information has been submitted. Mr. Nelson asked if the Council would like to authorize public hearing pending the receipt of all information. Mr. Walker commented that the role of the Council should be to help the watershed council's become self-sustaining. If they don't meet grant requirements, there needs to be a set of rules that is enforced. The Council should not start scheduling public hearings when all information has not been received. Mr. Nelson clarified that he was asking the Council if it should authorize scheduling upon receipt of the necessary information, but it can wait. Ms. Sherman asked if any watershed groups are applying for designation. Ms. Kerr will discuss designation with Keith Gonslaves of the Ten Mile group. Ms. Pavignano will look into people interested in forming a watershed council for the Hunt River.

Mr. Callender suggested that the Council create a subcommittee next fall to examine all criteria for designation and redesignation of watershed councils. Ms. Sherman added that there are standards, but they are not enforced consistently.

Ms. Kerr asked if the annual report was sent out. Ms. Pavignano replied that it has been sent to the Governor and other state officials, but there have not been funds to make more copies for others. Ms. Kerr asked if the Council planned on giving awards at the summit. Ms. Pavignano replied that awards will be given during Rivers Month next year.

Discussion:

14. Members ideas on RC priorities in 2007

Ms. Pavignano asked the Council members what they feel are the most important things for the Rivers Council to focus on. Ms. Kerr felt that policy, notice rules, and empowering

watershed councils, specifically clarifying expectations and enforcing consequences, should be high priorities.

Mr. Lefebvre commented that as an associated function of the WRB, the Council should explore opportunities to work with them. Rather than the WRB just enabling the Rivers Council, the Rivers Council should return the support. Ms. Pavignano noted that helping Mr. Mariscal to form a watershed council for the Hunt River could be a good way to start that sort of relationship. Ms. Sherman felt that legislation should be a high priority, as the role of the Rivers Council is to protect rivers. She also felt the Council should evaluate the value that its programs provide.

Mr. Lefebvre added that the Council should develop its own expertise on minimum flow & ecological impacts. Ms. Sherman responded that the issue is not just supply but that there is no mixing, so the effects of pollutants on the ecosystems are more intense. Mr. Lefebvre also mentioned that the Council should develop its expertise on dams and look for opportunities for dam removal. Ms. Sherman noted that the Council should be careful not to do the jobs of the watershed councils. We should empower them, not do their work. Mr. Millar suggested that the Council ask watershed councils where opportunities for dam removal or fish passages exist and then facilitate their projects. Mr. Lefebvre added that the Council should also talk to the watershed councils about opportunities for creating river walks.

15. Other business

Rachel distributed contact lists for RC members. Mr. Millar reported that DEM has announced that it is now accepting riparian grant applications. Mr. Lefebvre announced that the Warwick Beacon reported on the EIS for the airport and read an excerpt of article. Mr. Lefebvre noted that for the five alternatives being studied the EIS consultant has calculated wetlands loss would be between 10 and 32 acres and several of the alternatives would relocate segments of the Buckeye Brook headwaters. He said the preferred alternative has not yet been identified. Mr. Lefebvre commented on behalf of the Rivers Council during the last opportunity, but has not commented on wetlands loss.

Adjournment:

On a motion by Ms. Sherman, seconded by Ms. Kerr, the meeting adjourned at 10:38 AM.

Next meeting: April 11, 2007 at 4:00 PM in Conference Room B