

FINAL MINUTES

Natural Heritage & Endangered Species Advisory Committee (NHESAC)

March 14, 2019
DFW Field Headquarters, Southwest Meeting Room #103
1 Rabbit Hill Road, Westborough, MA 01581

MEMBERS:

Present: Mark Mello, Joseph Larson, William Brumback, Tim Flanagan

Absent: Wayne Petersen

ASSOCIATE MEMBERS:

Present: Dave Small, Kevin Powers, Russ Hopping

Absent: Andy Finton, Bryan Windmiller

AGENCY STAFF:

Present: Jesse Leddick (Chief of Regulatory Review), Misty-Anne Marold (Senior Endangered Species Biologist), Sarah Maier (Information Manager)

OTHERS:

Ranee Duncan

– The meeting was called to order at 1:30 p.m. –

1. Approval of the January Minutes

Kevin Powers motioned that the January minutes be accepted, Dave Small seconded, and members voted unanimously to approve.

2. Acting Chair's Comments – Mark Mello

Mark provided a brief summary of the process by which members are appointed to the Natural Heritage & Endangered Species Advisory Committee.

3. Board Member's Comments – Joseph Larson

The Fisheries and Wildlife Board met on February 21st, 2019 at the Division of Fisheries and Wildlife Headquarters in Westborough.

The Board continues to seek and facilitate opportunities to meet on a regular basis, share information, and define cooperative agreements with the U.S. Department of the Interior's Fish and Wildlife Service, and also with other agencies and partners. Goals include continued improvements in communication, regulatory compliance, and consistent application of policies prioritizing species conservation and appropriate public access.

MassWildlife staff have proposed a “Turkey Hunting Regulation Change” that will be subject to the formal review process. Dr. Larson clarified the distinction between informational meetings intended to inform the process, and public hearings which exist as a step within the process of regulatory review.

An issue has emerged regarding coyote killing contests on Cape Cod. A variety of controversial opinions have been expressed. An attempt to regulate or prohibit wildlife-based awards may be seen to contradict existing practices as applied to fishing.

MassWildlife staff have made recommendations for the 2019-2020 migratory game bird hunting seasons. State regulations may be more restrictive than Federal regulations, but may not be more liberal. The changes propose to adjust season length and bag limits using multiple-species models. The Board moved to send the proposal forward for public hearing.

4. NHESP Report – Sarah Maier

Sarah announced that Dr. Eve Schlüter was selected as the Assistant Director of the Natural Heritage & Endangered Species Program, following upon the retirement of Dr. Thomas French. A starting date has yet to be determined. Eve has served as a Chief of Regulatory Review with NHESP and has significant experience in MEPA.

Sarah and Jesse noted that the executive summary of the “Guidelines for Invasive Species Assessment and Mitigation” are provided in the Committee’s information packet, and that the full text of the document will be distributed to members via email.

5. Turners Falls: A Summary of Impacts to Listed Species – Jesse Leddick & Misty-Anne Marold

Jesse and Misty-Anne provided a comprehensive status report on the relicensing procedures for Turners Falls Dam. The operational structures include the Northfield Mt. pumped storage facility, Turners Falls Dam, Power Canal, Bypass Reach, and Cabot Station. The Connecticut River supports at least 41 state and federally listed species; a majority of these are likely to be impacted by hydropower operations.

Jesse explained that key concerns pertaining to current operations include:

- flows are insufficient for supporting fish passage, the ladder is ineffective, and operations may cause delay or blockage preventing fish from accessing the power canal
- recreational impairments are created by sudden increases in water level and the need to portage around facilities
- flow regime in the bypass reach is insufficient and the timing of flow events is incompatible with seasonal requirements of biota
- the unnatural flow patterns, as documented through hydrograph records, are linked to daily disruption of habitat, behavioral changes in migratory and resident species, and altered patterns of sedimentation and/or erosion
- a species-by-species assessment is required to understand habitat persistence and biological impacts over the length of the river

Misty-Anne described the complexities of regulatory review procedures, along with the involvement of numerous Federal and State agencies and other interested parties. Regulatory jurisdiction is established through the Federal Power Act, Federal Endangered Species Act, 401 Water Quality certification, and the MA Endangered Species Act, and others.

The Federal Energy Regulatory Commission (FERC) licensing sequence includes Study Requests and Plans, Reports of Field Studies, Filing of Stakeholder responses, Modifications or New Study Proposals, FERC Resolution of Disagreements, and a License Application by the project proponents.

Jesse and Misty-Anne gave examples of current condition assessments for several listed taxa. Findings at this point indicate that current operations reduce the availability, persistence, and suitability of habitat. The current operations are likely to impact success and survivorship of species through disruption of population dynamics. The NHESP goal is to prioritize and establish a balance of flows that are seasonally adjusted to the needs of species.

6. Member's and Associate Member's Comments

Tim Flanagan – shared an article entitled “Massachusetts Keeps Drinking Water Safe” published in the Environmental Systems Research Institute Winter 2019 newsletter. The article describes the use of electronic data collection as used in the Quabbin Reservoir boat seal program.

Dave Small – suggested that the DOER Solar Massachusetts Renewable Target program should recognize protection of natural habitats within the incentive structure. This could be a topic of discussion for a future Committee meeting.

Mark Mello – On a recent trip to southern Arizona, Mark noticed a couple of solar farms where the panels were eight feet plus above the ground. This would reduce the mowing necessary, which might mitigate the cost of elevating the panels

– The meeting adjourned at 4:48 P.M. –

Drafted & Submitted by: Tim Flanagan