

**Environmental Roundtable  
January 24, 2001**

Present: Jeff Kos, George deTarnowsky, Eugenia Marks, Bob Mendoza, Alicia Karpick, Sheila Dormody, Greg Gerritt, Jane Sherman, Joan Garceau, Molly Clark, Curt Spalding, Harold Ward, Guy Lefebvre, Linda Green, Dorothy Devine, Bob Mendoza

DEM staff: Jan Reitsma, Mal Grant, Bob Ballou, Gerry McAvoy, Fred Vincent, Ron Gagnon, Alicia Good, Tom Getz, Angelo Liberti, Elizabeth Stone, Mickie Musselman

**Old Business**

**West Nile Virus**

Mal Grant will attend a meeting concerning the West Nile Virus issue at the Centers for Disease Control in Atlanta at the end of the month. He presented an overview of last year's efforts to control the spread of the virus and also reviewed the draft strategy for this year.

Last summer there was a massive die-off of crows and some bluejays and the incidence of the disease in one horse indicated that at least one mammal-biting mosquito species was present. There may be a shift from testing birds to increased testing of mosquitoes because birds may be so sensitive to the disease that they may not be a good indicator of human health risk. One of the effective actions the Department undertook was an early and consistent outreach program. That will be repeated, with a revised message if the protocol changes. The Department will give its plans to the Governor, Legislature, and media as it did last year. The most controversial element of last summer's response was ground spraying that was triggered as a result of dead birds. It is anticipated that this year's policy will reduce the amount of pesticide being sprayed.

Greg Gerritt asked about information he has seen that indicates WNV may not need a bird host and the Director said our website has a link to the CDC, which would have the most up-to-date information. Curt Spalding asked if the DEM would still spray for EEE. Mal Grant described two protocols for initiating spraying:

1. If WNV and EEE are present in mammal-biting mosquito species and;
2. If they are present in concentrations that pose a threat to human health.

DEM was questioned if they would provide the spray concentrate if a town wants to spray and DEM decides not to spray. Mal said the triggers have to be present for DEM to provide the spray or larvicide.

**Legislative Agenda**

Bob Ballou and Elizabeth Stone discussed the following proposals:

1. Commercial Fishing Licensing  
The URI Coastal Institute is conducting a series of public forums on commercial fishing license reform.

2. **Dam Safety**  
The Dam Safety Task Force has submitted a final report to the Governor. The report recommends how to overhaul and manage the 510 dams in RI. The Director said DEM has the responsibility for inspections and follow-up, and dam owners have the responsibility for repairs and maintenance. Cities and towns currently have no responsibility and the report proposes a new small grant program to provide grants to communities to develop dam emergency plans. Once a plan is in place, dam owners will then be eligible for low-interest loans. Guy Lefebvre asked if the Dam Safety Task Force had discussed portage design. The Director replied that the Governor's Dam Safety Task Force did not include portaging as an element of their deliberations. Guy also mentioned that as we collectively sought to restore recreation on our rivers, and given dams are certainly focal points, that public safety in the vicinity of dams should also be a topic of concern. Curt Spalding asked if the removal of dams was considered and Harold Ward asked how to find the conditions of specific dams. Fred Vincent told them the Dam Task Force Report is on the Department website located at:  
<http://www.state.ri.us/dem/programs/benvirion/compinsp/pdf/damrep01.pdf> In addition, inspection records are currently available and will be on the web next year.
  
3. **Mercury Reduction and Education Act**  
The bill that has been submitted was modeled on one that was endorsed by the New England Governor' Council in 1998 and by the Northeast Waste Management Officials Association. Eugenia Marks said a regional approach is necessary because Connecticut incinerates waste and mercury is carried in the air to RI. She mentioned that thirty percent of the mercury emissions in RI is from transportation sources. Clean Water Action and the Sierra Club are working to support the bill. They want to see warnings posted because they are concerned that people are consuming mercury-tainted fish. The Director said the Health Department working on this issue.
  
4. **Coastal Habitat Restoration**  
DEM did not submit this bill but supports it.

### **Enforcement**

Alicia Karpick asked about an article in the Business Roundtable and questioned that self-certification/self-audits would take the place of enforcement. She is concerned that self-audits would not be made public. Curt Spalding seconded her concerns, The Director said he encourages environmental groups to look closely at the self-audit legislation, but it does not establish a privilege. He also said that self-audits supplement DEM's compliance efforts and there is a place for compliance inspections. He also said legislation like this should have a reporting requirement to evaluate how the program is working. Bob Mendoza said we have to be selective with our resources and need to direct resources to businesses and industries that need it.

### **New Business**

#### **Visual Corridors**

The Department will develop a policy on the placement of communications towers on Department properties to minimize placement in certain areas.

## **Open Space**

Fred Vincent said DEM has an inventory of properties it owns and on which it holds easements, but the land trusts are working on compiling a state inventory of protected lands. Harold Ward said the land trusts are not necessarily the best way to protect land, that the result can be fragmented and a watershed approach may be better than having individual land trusts develop their own priorities. Fred noted the acquisitions are guided by the local comprehensive community plans and statewide planning approves these so there is some consistency in acquisition planning. There is a state greenspace and a greenway plan that also guides acquisition.

Eugenia Marks said that two or three years ago the Town of Bristol gave an easement for a buffer to a developer and then transferred the easement to the developer. Guy Lefebvre said the Town of Coventry recently executed a 50-year easement in lieu of "in perpetuity."

Fred Vincent said DEM requires management plans and drafts the easement language for those properties that are acquired with public funds. DEM awards \$2 1/2 to \$3 million a year in open space grants. He said the new rules for the \$34 million bond fund will be complete by June for the recreation portion of the fund and sequence of events for the approval of the rules will be: 1) stakeholder meetings; 2) focus groups; 3) workshop; 4) public hearing.

## **State Budget**

The State Budget will be released at the time of the Governor's State of the State address on February 7.

## **Administrative Search Warrants**

A member of the public, Ms. Joan Garceau asked why the Department needed administrative search warrants when it can already conduct searches with a warrant? The Director said that DEM inspectors have been denied access and have been threatened. The current method of gaining access in such a case is to obtain an access order, which takes time, and in some instances immediate access is necessary.

## **Miscellaneous**

Eugenia Marks questioned inter-basin water transfers and the effect on the temperature and flow of the basin being tapped. The Director said he wants to ensure adequate supply for current uses and for some growth and acknowledged that the diversion of groundwater can have an effect on the temperature of surficial waters. Curt Spalding said Save the Bay has a watershed specialist for the Palmer River Watershed. Guy Lefebvre said that using hydrographic connections made more sense than simply alphabetizing waterbodies in the subbasins, as is currently the practice of DEM.

### **Future Meeting Dates**

The meetings for the rest of the year are scheduled as follows:

- April 4, July 11, October 10,

The first meeting in 2002 will be scheduled for February 13, to allow the group to see the final state budget prior to the meeting.