

Rhode Island Rivers Council

Application for Designation of Local Watershed Councils/Associations

(Revised June 2006)

WATERSHED COUNCILS

Purpose

Watershed councils are the organizations that, once recognized by the Rhode Island Rivers Council, are responsible for advancing the purposes of Chapter 46-28 of the RI General Laws and implementing the Rivers Policy and Classification Plan, adopted as RI State Guide Plan Element 162. This Plan was created by the RI Rivers Council to provide a guide for action to protect and enhance the quality and the use of Rhode Island's rivers¹. The Plan integrates water quality planning with land use planning and with planning for activities such as recreation and habitat preservation. The Plan's objectives are to protect drinking water supplies and pristine rivers, to encourage recreational uses of rivers, to foster the creation of greenways, and to provide for the clean-up of rivers. As an approved element of the State Guide Plan, the Rivers Policy and Classification Plan provides guidance for state and local decision-making. Municipal community comprehensive plans and harbor management plans follow the guidance of the State Guide Plan.

The Rivers Council's goal is to have the entire state of Rhode Island under the stewardship of designated local watershed councils.

Basis for Recognition

The recognition of local watershed councils will be based upon the following criteria:

Watershed councils must advocate for the entire watershed area as designated by the Rivers Council. The Council will favor designations that evidence regional considerations and economies via organization of watershed advocacy groups on as large a watershed area as feasible. The state is divided into a system of watersheds that follow nationally recognized "hydrologic units". The standard watershed size is known as a HUC-10 (hydrologic unit code 10) however, these watersheds can be subdivided into smaller "sub-watersheds" referred to as HUC-12. Please refer to the maps in Appendix A for watersheds for HUC-10 and 12 watersheds. In that regard:

- The Council will designate local groups representing watershed areas as small as HUC-12, but encourages, and will favor the designation of, watershed groups representing HUC-10 units, or aggregations of contiguous HUC-12 units.
- The Council will avoid the designation of watershed areas that are nested within (e.g. are sub-watersheds of) larger watershed areas that have a current Council designation, unless the currently designated organization provides its consent to such a designation.

¹ "Rivers" are defined in the law to include lakes, ponds, and estuaries.

- The Council will designate watershed areas smaller than HUC-12 units where it determines that more effective watershed advocacy and efficient organization and management would result. (e.g., units split by state lines or separated by a large waterbody)
- The Council, through negotiation, and with the consent with the applicant group, may include portions of adjoining watershed areas beyond those applied for in a designation, if such adjoining areas are not included in the designated area of another local council, and, in the Council's judgment, they are unlikely to be represented otherwise due to their small size, limited population, and/or geographic isolation.

Watershed councils can take on many forms. They may be existing organizations, organizations formed as subordinates of existing organizations, or new organizations formed specifically for River Council recognition. In all cases, watershed councils must be tax exempt. They can have 501 (c) (3) or (4) status under the Internal Revenue Service Code, or be a subordinate of a 501 (c) (3) or (4) organization.

Watershed councils can create their own management structure. The Rivers Council will look for groups that can demonstrate that their decision making process is inclusive, transparent, effective, and broadly representative of the watershed community.

Responsibilities

It is important that watershed councils represent a wide range of interests within the watershed and be dedicated to the policies of the Rivers Council, namely to:

- 1) Preserve open space, natural resources and features, and scenic landscapes;
- 2) Preserve cultural and historic landscapes and features;
- 3) Preserve opportunities for recreational uses of rivers;
- 4) Encourage the establishment of greenways, which link open spaces together;
- 5) Continue the regional and comprehensive planning activities for rivers, water quality, and land use conducted by the Rhode Island Department of Environmental Management and the Rhode Island Statewide Planning Program.

The Rivers Council will rely on watershed councils to be proactive in advocating for their watershed. They need to stay abreast of state and local proceedings that may affect the water quality or recreational, natural, or cultural values of rivers and associated lands in their watershed. Therefore, designated groups will need to demonstrate in their action plan and through a description of their past activities that they have the capacity to monitor activities occurring in the watershed and can effectively advise and participate in municipal actions such as zoning decisions, comprehensive plan reviews, and state permit reviews.

Public education is an important part of the mission of all watershed councils.

Watershed councils will be designated for a 5-year term. During this time, they must submit an annual report to the Rivers Council, which will be due by January 31st of each year. The report will summarize their activities as a watershed council for the year including:

- 1) Organizational status including membership and financial status. Each report will include a list of members demonstrating that the organization has maintained representation from each municipality within the watershed area;
- 2) A summary of the organization's activities for the year;
- 3) A financial report;
- 4) The organization's action plan for the watershed for the upcoming year;
- 5) An overview of the status of the watershed, including a review of the rivers classifications and the application of river policies to the watershed.

The annual report submitted at the end of the watershed council's fifth year may include its request for renewed designation. See page 10 for information on the renewal process.

The Rivers Council will revoke designation only under extreme circumstances, including failure to undertake responsibilities as enumerated in this section or illegal activities.

Powers

Once designated, watershed councils become "bodies corporate and politic, having distinct legal existence from the state and any municipality within the watershed area in which the watershed is located" (Section 46-28 of the R.I.G.L.). They will have legal standing to present testimony in all state and local administrative proceedings that impact on rivers and water quality.

Watershed councils recognized by the Rivers Council have the following powers:²

- 1) To advise and make recommendations for the watershed in the municipality or municipalities where such watershed is located for the preparation or revision of the comprehensive land use plan pursuant to the Rhode Island Comprehensive Planning and Land Use Regulation Act with regard to achieving and maintaining classifications assigned by the Rivers Council;
- 2) To advise municipalities with regard to public access to rivers for the preparation or revision by the municipality of a comprehensive land use plan;
- 3) To establish and support river watch programs for the protection of the watershed in which it is located;
- 4) To negotiate payments between two or more of the municipalities within the watershed for projects deemed necessary by the watershed council, subject to a majority vote of each of the participating town councils;
- 5) To acquire, hold, use, lease, sell, transfer, and dispose of real property;
- 6) To own, operate, maintain, repair, improve, enlarge, and extend any property for public purposes;
- 7) To sell, lease, or convey property and improvements to the municipalities within the watershed;
- 8) To sue and be sued;

² see R.I.G.L. 46-28-8 for full text

- 9) To adopt and order a corporate seal;
- 10) To make by-laws for the management and regulation of its affairs;
- 11) To borrow money;
- 12) To fix rates and collect charges for the use of the facilities of, or services rendered by, or any commodities furnished by the local watershed council;
- 13) To contract in its own name for any lawful purpose which will effectuate the purposes of the Rhode Island Rivers Council law; to execute all the instruments necessary carry out the purposes of this law; to do all things necessary or convenient to carry out the powers expressly granted by the law;
- 14) To enter into cooperative agreements with other cities and towns to promote the policies of the Rivers Council;
- 15) To recommend to municipalities land and water conservation programs consistent with the state rivers policy;
- 16) To apply for, contract for, and expend any federal or state advances or grants or assistance.

APPLICATION INSTRUCTIONS

An organization (hereinafter referred to as the “Applicant”) that applies for designation as a watershed council shall submit its application for watershed council designation (hereinafter referred to as the “Application”) to the Rhode Island Rivers Council at a date and time established by the Council and according to other instructions that may be issued by the Council.

Once submitted to the Rivers Council, an Application cannot be altered or amended in any way, except in response to requests by, or in behalf of, the Rivers Council.

If the Applicant withdraws its Application prior to completion of the decision round, the Applicant must wait until the next round of applications to resubmit.

All applications become the property of the Rivers Council and shall not be returned. All parts of a submitted Application and all data contained in a submitted Application are public, are subject to review by other Applicants and members of the public, and may be publicly released by the Rivers Council. After the Rivers Council has made its watershed council designations, all applications will become public record and will be available for examination by members of the public.

Applications must be complete and marked clearly with the names of the Applicant and Applicant’s authorized individual(s).

Deliberately false or misleading information in any part of the Application shall disqualify the Applicant from consideration by the Rivers Council.

A. Application Format

Applications must include the following sections. Each section of the application must be tabbed and labeled with the following titles, in the order given.

- 1) Statement of Understanding
- 2) Cover Letter
- 3) Executive Summary
- 4) Watershed Map
- 5) Qualifications and Experience of Applicant
- 6) Proposed Activities and One-year Schedule (including personnel and budget)
- 7) References
- 8) Statement of Membership

Applications that are not presented or organized in accordance with the above-cited sections may be deemed incomplete.

B. Application Content

The Rivers Council recognizes that some applicants for watershed council designation will be newly formed groups and may not be able to provide all the information set forth in the Application Instructions. However, successful applicants must describe a plan of action that will allow them to uphold the policies of the Rivers Council. They should include at a minimum, a description of compatible activities sponsored by their organization, a one-year organizational action plan for the designated watershed council, and a discussion of how resources will be obtained to support the organization and accomplish necessary tasks. These are discussed in more detail below.

- 1) Statement of Understanding. Applicants are asked to complete and sign the Statement of Understanding (Appendix B) and attach it to the front of the application.
- 2) The Cover Letter must include the name, address, and telephone number of the Applicant's principal contact, an individual or individuals with authority to represent the Applicant and to commit the Applicant in whole or in part to any and all elements contained in its Application.
- 3) The Executive Summary must include the key points of the Application, in two pages or less.
- 4) A map depicting the watershed area that the Applicant seeks to represent must be included.
- 5) Qualifications and Experience of Applicant: The material presented in this section should illustrate how the Applicant will perform as a watershed council. The following items are illustrative of materials that demonstrate the Applicant's qualifications and experience.
 - a. Structure: A description of the structure of the Applicant organization, including incorporation papers, by-laws, or a charter as appropriate; what is the Applicant's date of founding or establishment, and how long has the Applicant been functioning in its current form.
 - b. Purposes and Responsibilities: A description of the purposes, objectives, powers, duties, and responsibilities of the Applicant, including official mission statements, as well as any publications that set forth the Applicant's purposes, objectives, powers, duties, and responsibilities.
 - c. Programs and Activities: A description of programs, projects, and/or activities undertaken and services rendered over the last several years that illustrate the Applicant's ability to perform the duties and responsibilities of a watershed council.
 - d. Program Documentation: Annual reports or other documents that serve to list projects, programs, activities, and services.
 - e. Advocacy: A description of environmental advocacy activities and programs undertaken by the Applicant over the last several years. Applicants may provide letters,

reports, memoranda, speeches, op-ed pieces, and any other documentation that illustrates their activities. Summarize the effects of these efforts.

- f. Educational Materials and Programs: Applicants are encouraged to demonstrate how they intend to carry out their public education responsibilities. Applicants may provide representative copies of educational materials, literature, brochures, resource guides, curricula, lectures, graphics, including written, audio, video, and three dimensional materials, produced over the last several years. Examples of successful outreach campaigns and informational materials can be included with the application. Newly formed groups should discuss how they plan to disseminate information to the public.
- g. Volunteers: Applicants may describe programs to attract volunteers, the total number of volunteers that worked on any programs or activities in the course of a year, the size of the core group of volunteers who work frequently and on a continuing basis, and programs utilized to manage and coordinate the activities of its volunteers.
- h. Applicant's Board: Provide the names of the members of the Applicant's governing body, whether referred to as a Board of Directors, Board of Trustees or however fashioned, for each year for the past several years.
- i. Newsletters: The applicant may provide representative copies of newsletters and other mailers, flyers, literature, or material of any type that was produced and distributed by the Applicant over the past several years for the purpose of communicating with its membership. Include a brief description of the total number of newsletters and other materials that have been produced.
- j. Public Outreach-Media Relations: The applicant may provide representative copies of press releases, media kits, media guides, resource guides, media advisories, and any other materials produced and distributed by the Applicant over the past several years. This may include newspaper and/or video clips that serve to demonstrate the Applicant's experience with media relations and the success of its media relations programs.
- k. Financial Reports: Provide the fiscal year financial report for each of the last 3 years, if available. The financial reports should show how funds were spent and what level of funding was allocated to each of the Applicant's programs, projects and activities.
- l. Fundraising: The Applicant may provide information such as how much money has been raised in each of the last 3 or more years. Descriptions should desegregate the fund raising totals as follows: How much from membership dues? How much from a general fund drive? How much from special fund raising events? How much from foundations, institutions, and other major fund providers? How much is represented by government or funding institution grants or contracts applied for by the Applicant?
- m. Municipal and State Agency Relations: The applicant may provide documentation to demonstrate the character of the relations between the Applicant and municipal or State agencies over the past several years.

n. Support from other organizations: Applicants should have specific demonstrations of participation and support from grassroots, business, environmental, and governmental interests, especially those based in the watershed. A range of actions, such as advisory boards with broad-based membership or letters of endorsement from key organizations can reflect this participation. In watersheds where there are several active grassroots river organizations, it is essential that the watershed council demonstrate that they have engaged the participation of these existing organizations.

6) Watershed council proposed activities and schedule must include the following:

- a. The kinds of activities the Applicant proposes to undertake, the types of programs it proposes to sponsor, and the kinds of services it will deliver in its first year as a watershed council. How will these activities further the policies of the Rivers Council?
- b. A description of how the Applicant proposes to accomplish the activities, programs, and services.
- c. The activities must be integrated to form a cohesive watershed council work plan with schedule. The schedule must have timelines for the commencement and conclusion of all proposed activities that would be undertaken by the Applicant as the watershed council.
- d. The work plan must identify, to the maximum extent possible, the personnel to be assigned to each task, the number of hours contemplated for task completion, and whether the hours shall be by paid staff or by volunteers. The plan should also identify resources and personnel requested from other organizations to support the Applicant's work plan.
- e. If the Applicant proposes a budget for its watershed council work plan, the Applicant must provide a fund-raising plan that sets forth how the required funds will be raised and the expected sources of those funds.

7) References

The Applicant must provide at least five references that specifically address the Applicant's suitability as a watershed council, its capability to undertake the duties and responsibilities of a watershed council as defined in the Rivers Policy and Classification Plan, and the relevance of the Applicant's experience to serve as a watershed council.

8) Statement of Membership

Although not required, the Applicant is encouraged to provide a description of the organization's membership and membership benefits. What types of memberships does the Applicant have and what is the fee for each category of membership? What are the benefits or advantages that accrue to the member for each type of membership? How many non-dues paying individuals (or households) receive newsletters and/or other materials from the Applicant?

EVALUATION AND SELECTION

The Rivers Council has a 60-day deadline following the close of the solicitation period for reviewing the applications. The Council reviews the requests for designation for conformity with the criteria previously described.

The Rivers Council will notify the applicants and the affected city or town councils of the status of applications received for designation as a local watershed council.

Once the Rivers Council is satisfied that an Application meets its minimum requirements, the Rivers Council will hold a public hearing under the Administrative Procedures Act on the proposed designation(s). Testimony presented at the hearing will be taken into consideration and the Rivers Council will then adopt by rule a list of duly designated local watershed councils.

APPLICATION PROCESS FOR RENEWAL OF DESIGNATION

Application Content

Application for renewal of designation must be filed with the organization's annual report no later than in its fifth year of designation. In addition to the information required in the annual report, the application must include:

- 1) Evidence of the organization's continuing 501(c) (3) or(4) status;
- 2) A summary of the organization's programs, projects, and other activities for the previous four years, including a assessment of problems encountered;
- 3) A financial report showing the organization's income, expenses, and major projects for the previous four years, and;
- 4) In addition to the one-year schedule of proposed activities (including personnel and budget) required in the Annual Report, the applicant must provide a brief description of the organization's action plans for the watershed for the following four years. This description should include a mission statement and an evaluation of resources that will be required to achieve the objectives of the action plan.

In addition to the required items, applications may include:

- 1) A watershed map if a change to the area of designation is requested.
- 2) An update to the *Qualifications and Experience of Applicant* that was submitted with their original application, which may include:
 - Structure
 - Purposes and Responsibilities
 - Program Documentation
 - Advocacy
 - Educational Materials and Programs
 - Volunteers
 - Newsletters
 - Public Outreach-Media Relations
 - Fundraising
 - Municipal and State Agency Relations
 - Support from other organizations

Evaluation and Selection

The Rivers Council has 60-days following the deadline date (January 31st) for the Annual Reports for reviewing the applications. The Council will review the requests for renewal of designations for conformity with the criteria previously described and in light of the Applicant's record over the previous five years.

The Rivers Council will notify the applicants and the affected city or town councils of the status of applications received for re-designation as a local watershed council.

Once the Rivers Council has made its initial selections, the Rivers Council will hold a public hearing under the Administrative Procedures Act on the proposed designations. Testimony presented at the hearing will be taken into consideration and the Rivers Council will then adopt by rule a list of duly designated local watershed councils.

APPENDIX A

Maps of HUC 12 and HUC 10

Appendix B

Statement of Understanding

Affirming that I (we) have standing as an authorized representative of the Applicant, I (we) hereby affirm that all information contained in the Application is factual and accurate. Furthermore, the Application is complete and all requirements of the Application guidelines have been complied with in assembling this Application.

I (we) understand that all parts of the Application and all information contained therein are public and affirm that no part of the Application contains any proprietary or confidential data.

I (we) affirm that in the event the Applicant is designated as a Watershed Council:

- 1) that all activities of the Applicant and its personnel will be governed by Rhode Island Law;
- 2) that the Applicant understands what the powers, duties, and responsibilities of a watershed councils are; and
- 3) that all activities and actions taken by the Applicant and its personnel will be consistent with and /or in furtherance of the appropriate portions of Chapter 46-28 of the Rhode Island General Law and the appropriate parts of the Rhode Island Rivers Policy and Classification Plan.

I (we) have read the information and fully understand requirements provided in the Application guidelines.