



RIVERS MANAGEMENT ADVISORY COMMITTEE

NH Rivers Management and Protection Program
and

LAKES MANAGEMENT ADVISORY COMMITTEE

NH Lakes Management and Protection Program

New Hampshire Department of Environmental Services
29 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
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JOINT RMAC/LMAC MEETING MINUTES

January 28, 2016 - 11:15 AM to 1:15 PM

NHDES Conference Rooms 110-112

29 Hazen Drive, Concord, NH

RMAC Members Present

Ken Kimball, Chair
Michele L. Tremblay, Vice Chair
Mark Hemmerlein
Anne Krantz
John Magee
Roger Noonan
Susan Slack
Larry Spencer
Ruth Ward
Donald Ware

Representing

Recreational Interests
Conservation Community
Commissioner, DOT
Historical & Archaeological Interests
Executive Director, F&G
Agricultural Community
Director, Office of Energy and Planning
NH Association of Conservation Comm.
Local River Management Advisory Comm.
Public Water Suppliers

Term

Dec. 28, 2017 V
Dec. 28, 2017 V
Indefinite NV
June 15, 2016 V
Indefinite NV
Mar. 22, 2015 V
Indefinite NV
Oct. 12, 2016 V
Sept. 5, 2016 V
Sept. 28, 2016 V

RMAC Members Absent

Patrick Hummel
Alan Larter
Frederick McNeill
Gail McWilliam Jellie
Allan Palmer
Elizabeth Peck
Jim Ryan

Commissioner, DRED
Granite State Hydropower
Municipal Government
Commissioner, Dept of Ag., Markets & Food
Business and Industry Association
Commissioner, DOS
NH Fish & Game

Indefinite NV
Jan. 5, 2015 V
Nov. 16, 2014 V
Indefinite NV
Sept. 28, 2016 V
Indefinite NV
Sept. 28, 2015 V

LMAC Members Present

David Packard, Chair
Susan Slack, Vice Chair
Shane Bradt
Fred Clews
Robert Compton
John Cooley
Ed Crawford
Garret Graaskamp
Kimberly Hallquist
Mark Hemmerlein
Frank Lemay
Mary Truell

Representing

NH Lakes Association
Director, Office of Energy & Planning
Scientific Community, UNH
Fish & Game Commission
Planning Boards
Conservation Community
NH Marine Dealers Association
Exec. Director, F&G
Municipal Officials
Commissioner, DOT
NH Business and Industry Assn.
NH Association of Realtors

Term

Aug. 1, 2018 V
Indefinite NV
Aug. 22, 2016 V
Aug. 22, 2018 V
Aug. 1, 2017 V
Sept. 19, 2016 V
Aug. 22, 2017 V
Indefinite NV
Aug. 1, 2018 V
Indefinite NV
July 8, 2016 V
June 27, 2017 V

LMAC Members Absent

Linda Brownson
Capt. Tim Dunleavy
Eric Feldbaum

State Conservation Committee
Commissioner, DOS
Commissioner, DRED

Aug. 1, 2018 V
Indefinite NV
Indefinite NV

Jim Morash	Tourism Industry	Aug. 1, 2016	V
Dick Smith	Fishing Interests	Nov. 17, 2016	V
Martha Twombly	NH Assn. of Conservation Commissions	Aug. 22, 2016	V
Bob Wolff/David Rousseau	Commissioner, Dept. of Agr., Markets & Food	Indefinite	NV

DES Staff Present

Ted Diers	Watershed Management Bureau Administrator
Carolyn Guerdet	NHDES Administration
Steve Landry	Watershed Assistance Section Manager
David Rosengarten	Watershed Management Bureau
Tracie Sales	Rivers and Lakes Programs Watershed Planner

Guests

Brian Maloy	Monadnock Paper Mills, Contoocook & North Branch Rivers LAC
Evelyn Nathan	Exeter-Squamscott River LAC
Gene Porter	Chair, Lower Merrimack River LAC
Richard Snow	Chair, Lamprey Rivers LAC

Meeting Was Called to Order

RMAC Chair Ken Kimball opened the meeting at 11:15 AM.

I. Introductions/Announcements/Minutes1) Introductions

RMAC Chair Kimball asked everyone to introduce themselves.

2) Brief Announcements

RMAC Vice Chair Michele L. Tremblay reminded the committees that the Green Eggs and New Hampshire Legislative Breakfast would be on February 18th at 7:00 AM at the Grappone Center. It is a good time to speak with legislators and decision-makers in New Hampshire.

II. Watershed Management Bureau Organizational Changes

Ted Diers noted that the Watershed Management Bureau (WMB) currently has 7 sections, 4 of which are large, with 45 staff. The organizational change has been driven by the Coastal Program, which joined DES 12 years ago from OEP, in order to change their position classifications from planning to environmental. The reorganization will reduce WMB to 4 major sections and 3 subsections. The Shellfish Program will merge with the Coastal Program. Data Management will be added to the Water Quality Management section. The Rivers and Lakes Programs will join the Watershed Assistance Section, which works on non-point source pollution, dam removals and habitat restoration. This change should bring additional resources and funding flexibility for staff to the Rivers and Lakes Programs, as well as increased internal efficiency. Steve Landry is this section's supervisor. Functionally there will be no changes in services to the LMAC and RMAC, and the Rivers and Lakes Coordinator position will still be filled. Michele noted that this would expand the ability of Watershed Assistance staff to work more with LACs and their watershed plans.

The Rivers and Lakes Programs Manager will hopefully be hired at the end of February and start in March. Ted thanked LMAC Chair David Packard, Michele and Steve for sitting on the interview team.

III. Implementing the Hybrid Approach to Lake and River Management1) Brief Review of the Hybrid Concept Approved by the RMAC and LMAC

As an example of the Hybrid Approach, Ken noted the committees' common interests in the SWQPA and furthering work of the Shoreline Advisory Committee (SAC), which has now sunsetted. SWQPA protections are currently one size fits all, and SAC recommended different protections based on waterbody type, the same as the joint SAC/RMAC/LMAC/Piscataqua Region Estuaries Partnership (PREP) sub-committee had recommended. The RMAC and LMAC had previously discussed picking up this work.

The RMAC has moved forward on this by recommending a change in the SWQPA protections for 1st – 3rd order designated rivers, where these small streams will only have the SWQPA apply to the first 50' (the waterfront buffer), rather than the full 250'.

2) Proposed Implementation Areas

a. SWQPA Oversight

Ken asked the group if there was interest from the two committees in picking up the role of SAC, and how the committees should proceed.

Michele noted that the bill to change the protections on small designated rivers was still in committee, but that it created a good opportunity for the RMAC and LMAC to work together to support the change to the General Court. She went on to suggest forming a sub-committee for the RMAC and LMAC to interact more closely, and also asked if the work to oversee RSA 483-B should be done informally, such as with joint letters of testimony, or with formal Governor and Executive Council codification. Dave and Mary Truell agreed that the oversight should be kept informal.

Mary then opened a discussion of HB1595 and the proposed change for 1st – 3rd order streams, which the Realtors support.

Following discussion on the make-up of a sub-committee, it was decided to have two joint sub-committees, one for Shoreland oversight and one for the Instream Flow (ISF) program oversight. Each sub-committee would have 3 members from each committee, and the Shoreland sub-committee would also have members from PREP. Both sub-committees will be staffed by Rivers and Lakes Programs staff, and the Shoreland sub-committee will also be able to call on the resources of Shoreland staff. The sub-committees will bring recommendations to the full committees for approval.

Shoreland Sub-committee: Michele L. Tremblay (R), Chair

Members: Larry Spencer (R), Ruth Ward (R), Anne Krantz (R), Susan Slack (L&R), Shane Bradt (L), Kim Hallquist (L)

Instream Flow Sub-committee: Ken Kimball (R), Chair

Members: Dave Packard (L), Michele L. Tremblay (R), Ruth Ward (R), Don Ware (R), Bob Compton (L), Martha Twombly (L-*membership proposed in her absence, to which she later agreed*)

(10 minute break)

b. Instream Flow Program Application Oversight

Dave summarized the presentation that Wayne Ives gave at the LMAC meeting earlier that morning, as well as the work done previously by the Joint ISF Sub-committee of the RMAC and LMAC which resulted in the *Joint Lakes and Rivers Committees' Recommendations for Comprehensive Surface Water Resource Management Policy*. The Pilot Program on Lamprey and Souhegan rivers is done, and the intention is to move forward with all of the designated rivers, working on 2 rivers at a time, with each river taking about 2 years to complete. Ted added that the purpose of the ISF program is to evaluate normal versus abnormally low flows for each season, and determine appropriate management during periods of abnormally low flow. Protected instream flows are numeric translators of the existing qualitative water quality regulations for water quantity.

Ted suggested 3 areas on which DES could use the advice of the LMAC and RMAC:

1. Update of the rules governing the ISF program and its processes.
2. Prioritize the next rivers on which to apply the ISF program.
3. Ideas on how to best utilize an existing, small budget to push the effort forward.

Expanding on item #3, Ted explained that the program needs fish data to move forward, as well as better stream flow data. We have \$50,000 to begin collecting some of this information, but any additional funds or staffing, and therefore beginning the next ISF river study, must wait until the next budget cycle begins. DES will need \$400,000 to fully implement the ISF program. Ken asked if any federal funds were available, to which Ted replied there may be some grant opportunities.

(15 minute lunch break)

In response to a question from Dave, Ken noted that the RMAC did make a recommendation in the comment letter on the Instream Flow Pilot Program draft report regarding interim flow standards, and that DES did respond in the final report, but that the response was not in favor of interim standards.

Ted suggested that the ISF subcommittee start by considering the prioritization criteria for the next rivers. Development of rules will also occur, but we are waiting on the final statute changes there.

Discussion was held on how the program would move forward if the legislation currently in the house to update RSA 483 for ISF (HB1461) did not pass. Ted said that DES would continue work on the Lamprey and Souhegan despite the general language in the statute. Updating the rules is probably the most critical item to indicate how the program moves forward.

3) Other Areas of Mutual Concern to the RMAC and LMAC

a. Joint letters of testimony and support

Tracie commented that joint letters of testimony or support for some bills and issues may be stronger than individual ones, and would show the interconnectedness and strength that the committees are working together. Two possible bills to submit joint letters on would be the ISF bill, HB1461, and the Shoreland permit fee bill, SB440.

b. Funding for watershed plans

Michele proposed that Lakes and Rivers could use 604(b) grants for developing watershed plans. These grants have been used in the past for lake management plans, river corridor plans, and river nominations. With the Watershed Management reorganization, access to these funds, or the section 319 funds for implementing plans, may be easier for the Rivers and Lakes Programs. Steve Landry noted that these grants come through watershed assistance section and are competitive. 604(b) grants go to regional planning commissions, historically for municipal support projects, but watershed-based plans also qualify. Other funding options are also being sought.

c. State surplus land disposals

The concept here is to start being more proactive with regard to disposal of state owned lands by identifying ahead of time those properties near lakes and rivers that are critical to protect, and therefore retain in state ownership. This would allow the committees to make more informed and timely responses when surplus land reviews come to us. The Rivers Program had a mechanism to do this with the long range plans, but no plans were ever completed. LACs will be taking on this task within their river corridors, but there are many lakes and rivers outside of designated river corridors.

Public access is one of the most critical considerations for surplus land disposals. Ken pointed out that the majority of SLR requests originate from abutting landowners, so it behooves the committees to make as strong a case as possible where maintenance of public access is an issue. One challenge with transfer of state property from one agency to another is the need for the acquiring agency to purchase it from the other, such as F&G purchasing land from DOT for a boat ramp. Mark Hemmerlein noted a complication with any DOT property purchased with federal dollars is that those federal dollars have to be returned if the property is sold or if there is a change in its use. Michele commented that roads and right-of-ways crossing or along waterbodies are

legitimate informal public access, and there may be ways for DOT to hold on to these parcels if we can identify them. The Public Waters Access Advisory Board is working with LACs right now to gather some of this information, and may want to work with the RMAC and LMAC to make recommendations that could then be taken to Governor and Council for added clout with these disposals.

Another challenge lies in the fact that while online maps of state owned lands are improving, many of these properties are scattered and very small, and data is still incomplete. Shane noted that we will still need local information, which will be hard to get outside of designated river coordinators, in addition to larger scale data, and that a central storage location for this data will have to be determined. It will be a large task, but valuable. Ken suggested looking only at lands within 250' of waterbodies and conducting the analysis watershed by watershed to make the task manageable.

d. Indicators

Michele noted that we often get asked about the quality of lake and river water in NH, for example from realtors or vacationers. DES has water quality report cards, but we need a simpler way to answer these questions from different audiences. The Rivers and Lakes Programs had worked on how to package the information a while ago, but budget cuts derailed the effort. Ted responded that DES is getting more invested in mapping online data, and has developed new fact sheets summarizing lake condition. Trophic studies are also now available geographically. DES is committed to making information available, though is a little behind on rivers, which are harder to analyze.

Michele noted the difference between data and information, and the need for easy-to-understand information on our waterbodies. Ted invited suggestions for any lakes that need to be sampled and have not been in a long time, let him know. Larry asked if data could be presented the way the Wildlife Action Plan data is, where it can be downloaded for the lakes or rivers in a city/town. Ted responded that DES is getting closer to that type of information.

e. Others – None discussed.

IV. Other Business and Action Item Review

1) Action Item Review & Next Steps

- Ken announced that the ISF sub-committee would get underway late summer or early fall after the ISF Program legislation was finalized.
- Michele announced that the Shoreland sub-committee would begin in March.
- Both sub-committees will hold a conference call within the next 6-8 weeks to organize, and the sub-committee chairs will send out Doodle Polls to their respective members to schedule these calls.
- Sub-committees will report back to the full committees at a joint meeting in the fall.

2) Next Meeting

Early October 2016 was proposed for the next Joint RMAC/LMAC meeting. Tracie will send out a Doodle Poll for October 4th, 6th and 7th.

Meeting adjourned 1:26 PM