



**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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**FINAL**

**JOINT RMAC/LMAC MEETING MINUTES**

January 13, 2017 - 11:15 AM to 1:15 PM  
NHDES Conference Rooms 111-114  
29 Hazen Drive, Concord, NH

**RMAC Members Present**

Ken Kimball, Chair  
Michele L. Tremblay, Vice Chair  
Mark Hemmerlein  
Patrick Hummel  
Mark Lombardi  
John Magee  
Susan Slack  
Larry Spencer  
Ruth Ward  
Donald Ware

**Representing**

Recreational Interests  
Conservation Community  
Commissioner, DOT  
Commissioner, DRED  
Granite State Hydropower  
Executive Director, F&G  
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  
Indefinite NV  
Jan. 5, 2018 V  
Indefinite NV  
Indefinite NV  
Oct. 12, 2019 V  
Sept. 5, 2019 V  
Sept. 28, 2019 V

**RMAC Members Absent**

Heather Dunkerley  
Frederick McNeill  
Gail McWilliam Jellie  
Roger Noonan  
Allan Palmer  
Jim Ryan  
Vacant

Commissioner, DOS  
Municipal Government  
Commissioner, Dept. of Ag., Mkts & Food  
Agricultural Community  
Business and Industry Association  
NH Fish & Game Commission  
Historical & Archaeological Interests

Indefinite NV  
Nov. 16, 2017 V  
Indefinite NV  
Mar. 22, 2018 V  
Sept. 28, 2019 V  
Sept. 28, 2018 V  
June 15, 2016 V

**LMAC Members Present**

David Packard, Chair  
Susan Slack, Vice Chair  
Bruce Allen  
Mark Borrin  
Shane Bradt  
Linda Brownson  
Fred Clews  
Robert Compton  
Eric Feldbaum  
Garret Graaskamp  
Mark Hemmerlein  
Dick Smith  
Mary Truell

**Representing**

NH Lakes Association  
Director, Office of Energy & Planning  
NH Assn. of Conservation Commissions  
NH Travel Council  
Scientific Community, UNH  
State Conservation Committee  
NH Fish & Game Commission  
Planning Boards  
Commissioner, DRED  
Exec. Director, F&G  
Commissioner, DOT  
Fishing Interests  
NH Association of Realtors

**Term**

Aug. 1, 2018 V  
Indefinite NV  
Aug. 22, 2019 V  
Aug. 1, 2019 V  
Aug. 22, 2019 V  
Aug. 1, 2018 V  
Aug. 22, 2018 V  
Aug. 1, 2017 V  
Indefinite NV  
Indefinite NV  
Indefinite NV  
Nov. 17, 2016 V  
June 27, 2017 V

**LMAC Members Absent**

John Cooley  
Ed Crawford  
Capt. Tim Dunleavy  
Kimberly Hallquist

Conservation Community  
NH Marine Dealers Association  
Commissioner, DOS  
Municipal Officials

Sept. 19, 2016 V  
Aug. 22, 2017 V  
Indefinite NV  
Aug. 1, 2018 V

Frank Lemay	NH Business and Industry Assn.	July 8, 2019	V
Bob Wolff/David Rousseau	Commissioner, Dept. of Agr., Mkts & Food	Indefinite	NV

**NHDES Staff Present**

Kathryn Black	Rivers and Lakes Programs Assistant
Ted Diers (on phone)	Watershed Management Bureau
Melissa Doperalski	Watershed Management Bureau
Wayne Ives	Instream Flow Program
Steve Landry	Watershed Assistance
Tracie Sales	Rivers and Lakes Programs Manager

**Guests**

Larry Sunderland	Former LMAC Member
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**Meeting Was Called to Order**

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

**I. Introductions/Announcements****1) Introductions**

RMAC Chair Kimball asked everyone to introduce themselves. Tracie welcomed new member Mark Borrin, representing the tourism industry on the LMAC, and Kathy Black, the new Rivers and Lakes Programs Assistant.

**2) Budget, NHDES Leadership, and Watershed Restructuring Update**

Ted Diers noted that we are awaiting the appointment of a new Commissioner, until then Assistant Commissioner Clark Freise will serve as the acting Commissioner. Sarah Yuhas Kirm of the Oil Remediation and Compliance Bureau is acting as the Assistant Commissioner.

Relative to the General Funded Rivers and Lakes Programs, the Governor asked NHDES to submit a base budget for FY2018 and FY2019 level with FY2017, and then to prioritize the 2018/19 proposed budget increases. The new staff planned for the Instream Flow Program is a high priority increase. There is no indication of drastic cuts. On the federal side, future funding is unknown. The Watershed Management Bureau is 90% federally funded so it is not known if there will be any changes as a result of the new presidential administration.

The Watershed Management Bureau is reorganizing from seven sections to four, bringing the Rivers and Lakes Programs as a subsection under the Watershed Assistance Section (WAS). WAS works on non-point source pollution, dam removals, and habitat restoration, and is led by Steve Landry.

**II. Status of New Hampshire's Current Drought**

Brandon Kernen from the Drinking Water and Groundwater Bureau talked about the impact of the drought as well as resources for tracking it, including NHDES' [Drought Management](#) webpage, which provides water conservation information, drought guidance, and well replacement loan information. Current legislation, HB 173, proposes to apply drought restrictions to all discretionary water uses, with the idea of restricting watering of all lawns, not just residential lawns. The economic impacts of the drought are being tracked with a Drought Impact Reporting Application. In October, NH's rivers were at historic low flows and the Exeter and Spicket Rivers stopped flowing. Fire danger was also elevated in 2016 with the total number of acres burned more than twice that of 2015. Currently, the US Drought Monitor lists southeast NH's drought as severe which is a slight improvement. In 2016, water restrictions and bans were used by 180 towns and water systems. On September 16<sup>th</sup> the Governor hosted a state-wide conference call with municipal officials, health officers, and emergency response officials to review the status of the drought and steps to take to deal with the drought. The Legislature was briefed on the status of the drought in October.

### III. NHDES Rules Update

#### 1) RMPP Rules - Env-Wq 1800

The Rivers Program rules public hearing is January 13<sup>th</sup> at 3:30. The rules govern the nomination of a river into the program, and revisions incorporate changes made to RSA 483 and replace the point system with heavier emphasis on the recommendations made by the RMAC. Gov. Sununu put a hold on the adoption or readoption of most rules and this will delay the approval of the River Rules. In the meantime, the older version of the rules remains in effect. RMPP has until May 1 to get the rules approved. The Governor should lift the moratorium on approvals by the end of March.

#### 2) Shoreland Program Rules – Env-Wq 1400

Adopted. At the October meeting we discussed how the Shoreland rules initial proposal required that local advisory committees (LAC) would receive only notification of a permit application and not the application itself. The final rule corrects the change made in the initial proposal and again requires that the application be sent to the appropriate LAC. The second change to the rule requires construction fencing be used to outline the area of temporary impact on all projects in which mechanized equipment is being used.

#### 3) Water Quality Rules – Env-Wq 1700

Adopted. The primary changes were to meet EPA's new limits on toxics, which mostly affects wastewater treatment facilities. There were no significant changes between the initial proposal and the final rules. Contact Gregg Comstock if you have specific questions on the changes.

### IV. Instream Flow Program Update

Wayne Ives began by stating that while we are still in a severe drought, stream flow has improved recently due to rain and snow melt. The river flow chart shows not only the drought, but also the water that was released periodically to the Lamprey River during the summer and fall to reestablish historical flow patterns. Due to the drought, the Pawtuckaway Lake draw down was delayed two weeks until October 25<sup>th</sup>.

#### 1) Instream Flow Rulemaking

Wayne explained that a third meeting was held on October 19, 2016 to discuss the proposed draft ISF rules and solicit public comment and input. These comments pertained to consumptive water users upstream of Designated Rivers, the notifications process, and the *de minimus* clause, among others. The last public meeting planned for January will be rescheduled to a later date to allow time to create language for enforcement and determine how to apply the Env-Wq 2101 water conservation rules to water users governed under the ISF program. This meeting will cover changes to the implementation process resulting from the recent statute changes, enforcement language, and the waiver process. A fifth public meeting may be needed to bring the three sections of rules discussed previously together.

#### 2) Program Development

##### a. Target Fish Community Assessments

Proposals are due 1/17/2017, interviews start 1/23/2017, and work is planned to start in February or March. The project involves identifying species of fish that should be in designated rivers by comparing them to the fish communities found in similar, high quality, river segments. The Target Fish Community assessments will be used to set Protected Instream Flows for the designated rivers, and to ultimately assess the success of the ISF program.

##### b. Flow Data Development

This project involves developing stream flow data for areas that do not have gages. The first step involves using the Flow Estimation Method developed by a contractor to estimate stream flow for areas with existing data and analyze how well the method works. Once the method is approved, it will be applied to areas without gage data. This project will focus on

predicting accurate low flows, both quantity and duration, as this is the data that is critical for the ISF program.

3) Instream Flow Management – Pawtuckaway Lake Drawdown

The 2016 drawdown was delayed this year due to the drought, and a smaller quantity of water was released to retain more water in the lake to allow for another pulse in winter, if needed, to support stream flow. Wayne discussed how changes in the winter drawdown depth may be positively impacting phosphorus levels in the lake, and the possible mechanisms for the lower phosphorus levels. The group discussed the drawdown as well as phosphorus delivery to Great Bay.

4) Next Steps for the Instream Flow Subcommittee

The subcommittee will meet in February to discuss the last section of rules.

## V. Joint Policy and Legislative Priorities

Dave commented that the LMAC did not find any specific bills that they felt required the LMAC to take action. The LMAC is tracking 13 bills. Ken said the RMAC Policy and Legislation subcommittee has not had a chance to meet to discuss the legislation. Michele noted that many of the bills do not have text, so the subcommittee will meet once the bill text is available. It was decided that RMAC and LMAC will independently decide on legislation.

## VI. Right-to-Know Follow-up

During the October joint meeting discussion on the Right-to-Know law, Allen Brooks recommended a change to the procedure for addressing proposed surplus land disposals with *de minimus* impacts. Tracie prepared draft revised procedures for the LMAC and RMAC. Each group will vote/voted to accept Tracie's proposed changes. Tracie is awaiting review of the revised SLR Procedures by Allen Brooks. It was suggested that DOE has had good response from Chris Aslin with these types of issues.

## VII. Other Business and Action Item Review

1) Action Item Review & Next Steps

After the RMAC decides on legislation, they will contact Dave/LMAC to see if a joint meeting is needed.

2) Next Meeting

It was decided that if RMAC and LMAC felt there were pressing legislative issues that they would schedule another joint meeting soon.

**Meeting adjourned 1:17 PM**