

# Local Advisory Committee (LAC) “Confluence Call” Summary

October 5, 2020

6:30 pm – 8:00 pm

## Welcome and Introductions

Michele L. Tremblay, President of the New Hampshire Rivers Council and Chair of the Upper Merrimack River Local Advisory Committee, and Tracie Sales, NHDES Rivers and Lakes Program Manager, welcomed approximately 25 local advisory committee members to the “confluence call.”

## Terrain Alteration

The first topic discussed was the Alteration of Terrain (AoT) rules. NHDES is currently proposing to make changes to these rules and is seeking public input. The issue of concern was NHDES’ and NHFG’s role and authority in endangered and threatened species, which stemmed from an appeal of an AoT permit in Milford. The next public information session is scheduled for [Thursday, October 29 from 1:00 pm – 4:00 pm](#). One member asked if a listening session could be held at night to accommodate those who work during the day. LAC members requested program staff to research recent and proposed AoT rule changes.

## Increased Recreation

The second topic discussed was increased use of rivers and their shorelines during this past summer. Several issues arose as a result of heavy use such as no local authority identified for law enforcement at informal access areas, increased amount of solid waste and trash, human waste and sewage, and lack of *E. coli* and total phosphorus (TP) analysis for the summer of 2020. The lack of *E. coli* and TP analysis was a decision made by the Health and Human Services Public Health Laboratory who performs the analysis. The decision was based on budget cuts, the pandemic, lack of full staff in the lab, proximity of staff in the lab, and the need to analyze COVID samples. Members asked if sampling for *E. coli* and TP would resume next summer. Although we do not know what next year will look like, there is good reason to argue that monitoring for *E. coli* and TP are essential services that should be resumed next year.

## EPA Environmental Merit Award

Tara Bamford acknowledged Michele L. Tremblay’s recent [EPA Environmental Merit Award](#) and congratulated her for this impressive and well-deserved achievement. Everyone else congratulated Michele as well.

## Wetland Rule Changes and Permit Applications

The third topic discussed was the edit made to the definition of “LAC jurisdiction” (effective 09/25/20) and the minor change it will have on the Routine Roadway permit applications that LACs will see.

Tracie also described how a proposed wetland rule change will eliminate the required LAC review of many smaller projects unlikely to impact the river such as docks and utility maintenance under Statutory Permits by Notification (SPNs) and most Permit by Notifications (PBNs), but not the Routine Roadway notifications that are within (the new definition of) “LAC jurisdiction.” LACs will still see and be able to review standard and expedited wetland permit applications. There was discussion on LACs’ waiver of right to intervene, and that it would be

appreciated if they were notified of the projects in the river corridor even if review is no longer required. Tracie explained that the ability to search the database for permits in the corridor is partially available now, and will be improved in the future. Staff will publish a revised Permit Review Guidance document, including the revised circle diagram shown during the meeting, when the proposed rule change has been approved by the legislature.

### **Compliance and Enforcement**

The last topic discussed was the need for additional enforcement capacity and jurisdictional clarity to follow up on river-related complaints. The NHDES Land Resources Management team has four full-time compliance staff, but two vacant positions. However, not all of the complaints received this summer fell within NHDES jurisdiction, as many were local concerns. In addition to the group's desire to see the NHDES positions filled, a suggestion was made to better provide local communities (police, code enforcement officers, health department, conservation commissions) more "teeth" and authority to enforce. Jane Beaulieu, state representative and Piscataquog River Local Advisory Committee member, offered to submit legislation with input from others, if interested.

### **Next Steps**

All agreed that this was a useful forum and would be interested in attending another, with perhaps one specific topic at a time. The Rivers Program will post a link to the "confluence call" recording and a meeting summary on the LAC Forum. In addition, the Rivers Program will look into the proposed AoT rule changes in more detail, revise and update the "Quick Reference Guide to Wetland Permit Applications for LACs" and other supporting documents which can be found on the [LAC Forum](#) under Permit Reviews, and send an updated [Wetlands Bureau Regional Compliance Map](#) to LAC Chairs once it has been updated.