

RIVERS MANAGEMENT ADVISORY COMMITTEE
Meeting Minutes
March 3, 2010
DES Rooms 113/114
1:00 pm – 4:00 pm

<u>Members Present</u>	<u>Representing</u>	<u>Term</u>
Ken Kimball, Chair	Recreational Interests	Dec. 28, 2011 V
Michele L. Tremblay, Vice Chair	Conservation Interests	Dec. 28, 2011 V
Bob Beaurivage	Public Water Suppliers	Sept. 28, 2010 V
Jennifer Czysz	NH Office of Energy and Planning	Indefinite NV
Gary Kerr	Granite State Hydropower	Jan. 5, 2012 V
Anne Krantz	Historical & Archaeological Interests	June 15, 2010 V
Frederick McNeill	Municipal Government	Nov. 16, 2011 V
Gail McWilliam Jellie	NH Department of Agriculture	Indefinite NV
Kathryn Nelson	Local River Management Advisory Comm.	Sept. 5, 2010 V
Larry Spencer	NH Association of Conservation Comm.	Oct. 12, 2010
Richard Verville	NH Dept. of Safety	Indefinite NV
<u>Members Absent</u>		
Vacant	Agricultural Community	Mar. 22, 2009 V
Kevin Nyhan	NH Dept. of Transportation	Indefinite NV
Johanna Lyons	Dept. Resources & Economic Development	Indefinite NV
John Magee	NH Fish & Game Department	Indefinite NV
Allan Palmer	Business and Industry Association	Sept. 28, 2010 V
James Ryan	NH Fish & Game Commission	Sept. 28, 2009 V
<u>DES Staff Present</u>		
Shane Csiki	NH Geological Survey	
Paul Currier	NHDES Watershed Bureau Administrator	
Carolyn Guerdet	NHDES Administrative Assistant	
Wayne Ives	NHDES Instream Flow Program	
Jenn Rowden	NHDES Rivers and Lakes Programs	
Laura Weit	NHDES Acting Rivers Coordinator	

The Meeting Was Called to Order

Ken Kimball, Chair, called the meeting to order 1:12 PM.

I. Introductions/Minutes/Committee Business

1) February 1, 2010 RMAC Meeting Minutes

- *Michele L. Tremblay made a motion to accept the February 1, 2010 RMAC meeting minutes, second by Bob Beaurivage. Motion passed unanimously.*

2) RMAC Membership Update

The Governor's office has called and there has been one nominee submitted for the agricultural community representative for the RMAC. They are looking into the statute, as it requires three nominees be submitted.

Chairman Kimball suggested making a legislative change concerning this issue. A possibility is to add it as an amendment to HB1450. Wording could be changed to "at least one". Michele, Jen C., Gary and Kathy will work on this to have it ready before crossover on March 25th.

- *Michele L. Tremblay moved that the RMAC recommend that we remove the wording requiring three nominees for one seat on the committee and replace it with the concept of one or more. The subcommittee can move it forward to Laura without bringing it*

back to the full RMAC due to the March deadline. Second by Fred McNeill. Motion passed unanimously.

II. Legislation/Rulemaking/Other

1) House Bill 2 Update –

Michele, Laura, and Jacquie Colburn, along with Assistant Commissioner Walls attended the Committee on Committee hearing. After hearing testimony it was recommended that the RMAC, LMAC and the LACs be reinstated in the omnibus bill. It was voted favorably in the House on February 17th and will now go over to the Senate on March 25th.

2) Additional Legislation Update-

Laura noted that letters of testimony have been submitted on behalf of the RMAC as voted upon. The RMAC position was stated as was agreed upon at the last meeting. The voting and non-voting members are noted in each letter. It then says that “this is the vote of the voting members” so that is more clear.

It was decided that there didn't need to be another vote for letters to be submitted to the other legislative body after crossover. If legislation has been changed there will be a discussion as to the content of the letter.

III, Lamprey River LAC –

Sharon Meeker was not able to make the meeting today.

It was noted that a summary report was received from the Ammonoosuc LAC. It will be circulated to the rest of the committee. One of the legislative changes last year was that the LACs just need to report biannually to DES and the RMAC.

It was suggested that when a LAC is asked to give a presentation to the RMAC, the meeting should be held in the vicinity of the LAC. This will ensure that a member of the LAC is present.

IV. Sustainability Initiative Update – Jenn Rowden

There was a handout distributed about where the Sustainability Initiative came from, where it has been over the past two years, and then the recommendations. There were initially eight significant issues that needed to be addressed to determine or improve the water quality in the state. Follow-up work focused on three of those eight issues: 1) lack of water quality data and lack of data access, 2) lack of coordinated approach to watershed management, and 3) control of invasive aquatic plants. Several recommendations to address these issues have been worked on, including:

- Lack of Data. Some stream gages have been added. The total cost of a gage is approximately \$30,000 annually which includes maintenance.

Chairman Kimball spoke to the funding of the stream gages, to ensure that funding at the USGS level remain, especially the cost-share component. Senator Gregg is on the Appropriations Committee and it would be a good time to send a letter to him asking for his continued support for this. Michele noted the gages are important with regard to the recent flooding, for better environmental management, energy generation, recreation, etc.

- ***Michele L. Tremblay made a motion that the RMAC write a letter asking for additional support for existing and future gages that are necessary for all states' river management and importantly in New Hampshire, second by Gary Kerr. Motion passed unanimously.***

The number of gages in NH is down about 15 or 20 gages and is currently at the 1960s level. Those that receive USGS funding are more expensive, but have higher standards (regulated & automated). They are real-time records. The state has identified that more data is needed in certain areas. USGS has figured out

nationally what kind of network was needed to meet national needs. The tier below that doesn't meet national criteria, but meets state criteria for data collection. A third tier is where one is needed for local/flooding needs. The Dam Maintenance fund was used for matching funds last year for the installation of new gages.

It is past the time for earmarks. It would be better to go to the appropriations committee, saying that this is very important; we'd be concerned that it would trickle down to NH. We would suggest that they would keep an eye out for New Hampshire as to whether it does or doesn't fit into that scheme at the same time. We would want this to be long term so it would be better in the Department of the Interior's budget, that way it is on-going and maintained until there is a shift.

The NH Geological Survey's rivers money is pass through for fluvial erosion hazards and geomorphic assessments. There isn't money in their funds for stream gages, but they are interested in increasing stream gage density across the state.

New Hampshire wants to see the level of gages maintained and enhanced. It was suggested to ask for a specific amount of money or at least level funding. It was also suggested we would like to see the whole program funded and in particular list New Hampshire's priorities and why. As New Hampshire is an urbanizing state we are seeing a lot more pressure in impervious surfaces. The RMAC will work with DES so the effort to approach Sen. Gregg is coordinated and the same message is being sent. Chairman Kimball will work with Laura to put this letter together.

- Lack of Data. Water suppliers should supply their data that they are collecting to DES. At this point, DES does not have the authority to enforce this; a voluntary program would need to be developed.
- Improved Data Access. Watershed Report Cards. The Draft 2010 NH List of Impaired Waters has been submitted for public comment. Final list will be submitting to EPA the end of March.
- Improved Data Access. The RMAC/LMAC data subcommittee met in November and hopes to meet in March. A survey has gone out to address what questions the public most often wants or needs to know regarding water resources in NH. Almost 600 responses were received. People want water information – river flows (especially in times of flooding), recreation information, water quality – who is testing it, well radon level, etc. These are consumer driven indicators; however how the data will be organized still needs to be addressed. The lake trophic data that is collected once every 10 years is not online due to age and size of the documents. The importance of volunteer generated data being available was discussed.
 - ***Kathryn Nelson made a motion that the RMAC write a letter to the commissioner stating the value of the VRAP program (with an example of what we like about the program), with the recommendation that the program continue and be funded to expand staff time as general funds allow, second by Michele L. Tremblay.***

Michele Tremblay will work with Laura on the letter.

- Lack of coordinated approach to manage watersheds. Support the completion of the State Water Plan.
- Control of invasive aquatic plants. There is a need to get the agencies together to write a NH invasive species management plan for the US Fish & Wildlife Service. Once approved NH will receive around \$30,000 to \$40,000. NH is the only state in the northeast without a plan. Jenn will determine if DES is aware of this or if there is an impediment.
- Control of invasive aquatic plants. Boaters' fee increase is still in place.
- Control of invasive aquatic plants. Increase the control & research of aquatics on rivers. An amendment to the rules was proposed to specifically state that rivers can apply; lakes and rivers will be on equal footing to receive funding. Also limit the amount of herbicides being used and research other methods to control and prevent aquatics from spreading.

Jenn gave an update about determining carrying capacity on lakes – the lakes management advisory committee put forth SB 441, which would define carrying capacity in the statute and instruct DES to develop methodology for determining carrying capacity on the state's lakes.

V. Updates

1) House Bills 1305 & 1348

Paul Currier gave an update on House Bill 1305 and House Bill 1348. Both have gone to interim study. They were requested by DES and the intent was to clarify how the surface water quality process works. HB 1305 would have included a definition of surface waters, specified the designated uses, and put the federal anti-degradation language into statute. HB 1348 would have expanded the enforcement authority of DES to make all activities that cause violations to water quality standards unlawful. They will ask the Water Quality Standards Advisory Committee (WQSAC) to work with House Resources, Recreation and Development Committee to examine in more detail and come up with recommended language for the next session. Any of the RMAC members can be on the notification list to receive the agendas, minutes, and all the background materials.

- ***Fred McNeil made a motion to have Larry Spencer be the RMAC representative to the Water Quality Standards Advisory Committee, second by Kathryn Nelson. Motion passed unanimously.***

[It should be noted that after the meeting it was discovered that Allen Palmer is the RMAC representative to the WQSAC and wishes to remain so. Larry Spencer agreed to be the alternative.]

2) Stormwater Commission

Paul then reported on the activity of the Stormwater Commission. The consensus of the commission is there needs to be a statewide process for stormwater management and it is desirable to have that at the municipal level. The ability of small municipalities to do this is very limited. The uniformity of regulations at the municipal level is not there, so having a utility would set a level playing field from town to town. There are three subcommittees: 1) needs, 2) funding, and 3) regulatory. The main idea is to establish a statewide stormwater utility. Owners of developed property are responsible for the stormwater that comes from their property, to be specified in a new statute. All developed properties would be part of the statewide utility. DES would administer a statewide utility where there is no municipal utility. A utility would be an organization whose job it is to manage stormwater that ensures Surface Water Quality Standards (SWQS) are met and would have the ability to assess user fees. The work to be done with the fees are: 1) administration, and 2) retrofitting the existing developed landscape so that stormwater does not result in violations of SWQS. From the 2008 report – 83% of the identified impairments in NH were either solely due to stormwater constituents or partly due to stormwater constituents. It is the largest problem and fastest growing problem to impaired waters.

Fred McNeil noted that Manchester was going to roll-out the state's first stormwater utility this year. But it is on hold for now. The fees collected could be used for water quality and infrastructure issues. He mentioned DES has been very helpful with the grant program.

The statewide utility will help smaller communities, and legislation will provide the ability to collect fees. There will need to be a phased implementation process to make this work across the state.

3) Instream Flow Pilot Projects

Paul then reviewed Instream Flow Pilot Projects - the requirement that protected instream flows be established and enforced on designated rivers. Previous statewide standard proposals have been unsatisfactory because standard setting measures don't consider watershed characteristics. The two pilot projects have determined that process: create the committees, select contractor using methodologies of: 1) fish life, fish habitat vs. flow, 2) select fish community, 3) natural flow paradigm, 4) MESOHAB method (models fish habitat as a function of

flow in the river), and 5) uniform continuous under threshold (cut curve method) for determining the instream flows. There are three categories of flows: 1) common, 2) critical, and 3) rare flows. The management plans for the Lamprey and Souhegan Rivers are in preparation, but not finished.

Public water suppliers and users have been very concerned that the process for setting protective flows would infringe on their ability to do what they are required to do and limit the amount of water they need.

Chairman Kimball questioned the changed format and whether the state can afford to do this in the future. The Instream Flow Council reviewed the program – are they comfortable with the science? The cost versus what is working versus how will you move onto the rest of the rivers without looking out so far? Is this really a viable system or how does it need to be altered to make it viable?

Paul answered there is substantial potential for a NH target fish community or eco-region target fish community within New Hampshire. The money won't have to be spent on every river. The natural flow paradigm is firmly established as the paradigm NH intends to use and with it The Nature Conservancy indicators of hydrologic alteration computer methodology for determining acceptable deviations from the natural hydrograph. The consultants have developed a method for developing the natural hydrograph. It has now been defined in these two pilots as the existing of the major hydrograph minus water use and plus/minus what known modifications from the operations of dams. Also known are what the IPUOCR (Instream Public Uses, Outstanding Characteristics, and Resources) are. What is important to LACs is these are generic plus or minus what is in the nomination documents.

The big cost is making the habitat suitability graphs – the estimates of habitats suitability for the target fish community versus flow. Once this is established and we don't have to do it over and over; the habitat requirements will be done and all that needs to be done is the work on the river. The test will be whether the water management plan written for the Lamprey River that will be one that is a consensus based plan. The timelines for 2012 includes finishing the pilot studies and then what is the road map is post the completion of the Lamprey to the 2012. Discussion continued. This is ultimately to establish boundaries to meet needs and instream flow.

VII. Other Business/Action Item Review:

Laura pointed out that the Stream Crossing Rules will be heard by JLCAR on March 5th.

VIII. Next Meeting(s)/adjourn:

The next meeting will be June 30th 9-2 at Fish & Game to hear the following nominations:

- 1) Mascoma River – draft received
- 2) Lower Exeter/Squamscott River – expect to receive by April
- 3) Oyster River – expect to receive by April
- 4) Lamprey River – expect to receive by May 30th

June 30th agenda will tentatively be:

- 1) Review nominations
- 2) Hear overviews
- 3) Review classifications
- 4) Set Public Hearings
- 5) Each Public Hearing will also have a watershed tour

There may be a need to divide the RMAC membership so that there is a presence at each Public Hearing.

- ***Larry Spencer made a motion to adjourn, second by Anne Krantz. Motion passed unanimously.***

Meeting adjourned at 3:53 P.M.