

RIVERS MANAGEMENT ADVISORY COMMITTEE
Meeting Minutes
September 25, 2007
NH Fish and Game Department
9:30 am – 12:30 pm

Members Present

Ken Kimball, Chair
Michele L. Tremblay, Vice Chair
Jennifer Czysz
Deborah Hinman
Anne Krantz
Kathryn P. Nelson
Kevin Nyhan
Bob Beurivage
Johanna Lyons
Walter Morse
Allan Palmer

Representing

Recreational Interests
Conservation Community
NH Office of Energy and Planning
NH Assn. of Conservation Commissions
Historical & Archaeological Interests
Local River Management Advisory Comm.
NH Department of Transportation
Public Water Suppliers
Dept. of Resources & Economic Development
NH Fish & Game Commission
Business and Industry Association

Term

Dec. 28, 2008 V
Dec. 28, 2008 V
Indefinite NV
Oct. 12, 2007 V
June 15, 2010 V
Sept. 5, 2010 V
Indefinite NV
Sept. 28, 2010 V
Indefinite NV
Sept. 28, 2009 V
Sept. 28, 2010 V

Members Absent

William Heinz
Alan Bartlett
Gail McWilliam Jellie
Ted Sutton
John Magee

Granite State Hydropower Assoc.
Agricultural Community
NH Dept. of Agriculture, Markets, and Food
Municipal Officer
NH Fish & Game Department

Jan. 5, 2009 V
Mar. 22, 2009 V
Indefinite NV
Nov. 16, 2008 V
Indefinite NV

DES Staff Present

Steve Couture
Laura Weit
Paul Currier
Jennifer Rowden
Sonya Carlson
Amy Smagula
Carolyn Guerdet

NHDES Rivers Coordinator
NHDES Lakes and Rivers Asst. Planner
NHDES Watershed Management Bureau Administrator
NHDES Lakes and Rivers Asst. Planner
NHDES Lakes and Rivers Intern
NHDES Limnologist/Exotic Species Coordinator
NHDES Administrative Assistant

Guests

Rep. Mike Kappler
Anthony I. Blenkinsop
Betsey McNaughten

NH House of Representatives
Assistant Attorney General
NH Fish and Game Department, Land Agent

The Meeting Was Called to Order

Ken Kimball, Chair called the meeting to order at 9:43 a.m.

I. Introduction/Minutes/Committee Business

1) June 19, 2007 Meeting Minutes

- ***Michele L. Tremblay made a motion to accept the June 19, 2007 meeting minutes with corrections, second by Walter Morse. The vote was unanimous.***

2) RMAC Membership Status –

Anne Krantz and Kathryn Nelson have been appointed to serve on the RMAC by the Governor and Executive Council. Anne represents Historic/Archaeological Interests and Kathryn represents Local River Management Advisory Committees.

Allan Palmer, representing Business and Industry Association and Bob Beurivage, representing Public Water Works were both reappointed to the RMAC by the Governor and Executive Council.

Kevin Nyhan with the NH Department of Transportation has been selected by the DOT Commissioner to represent the Department on the RMAC. This is due to a legislative change that was initiated by the RMAC last year and incorporated into RSA 483:8.

Debby Hinman will not be seeking reappointment; her term expires on October 12, 2007. She will be working on finding a replacement that aligns with the mission and goals of the NH Association of Conservation Commissions.

- **Ken Kimball thanked Debby for her time and commitment.**
- **Michele L. Tremblay requested that the RMAC membership terms be updated on-line and hard copies distributed to members for their binders.**

3) **Correspondence**

No correspondence was received.

II. **New River Invasives Species – Didymo – Amy Smagula, NHDES**

Amy Smagula gave a presentation on didymo aka “rock snot.” Didymo is the common name for *Didymosphaenia geminata*, an invasive freshwater diatom species (microscopic algae) that can form extensive “blooms” on the bottoms of rocky river beds, smothering aquatic life forms such as macroinvertebrates (aquatic insects), native algae, and other organisms. Additionally, the physical appearance of the bloom is aesthetically unpleasing, and can reduce the recreational values of surface waters. Didymo uses stalks to attach to rocks and plants in a river system. The diatom creates these stalks, which can form masses 10-12 inches thick on the river bottom, and trail for lengths of 2-3 feet in the current. It is actually these stalks that are more problematic than the algae. The algae will eventually die off and decompose, while these stalks tend to persist for several months on the river bottom.

Didymo is generally a northern circumpolar species, found in colder, low nutrient, high clarity streams. We are noticing, however, a shift in the habitats where Didymo can now survive, which includes streams in warmer climates, streams with more nutrients, and streams with moderate clarities and even some tannic (tea colored) waters. Didymo is currently found in Europe (Scotland, Poland) and it is spreading throughout the Northwest U.S. It is also in Quebec and British Columbia. New Zealand has been particularly hard hit with Didymo. Didymo is believed to have been introduced to this region by contaminated fishing/wading gear.

As of fall 2007, Didymo extends from just north of Lake Francis in Pittsburg, down through Northumberland, N.H. In other states, portions of the White River in Vermont downstream of the Stony Brook confluence are infested, and the Batten Kill River between Vermont and New York have some populations of Didymo. Most recently, the East and West Branches of the Delaware River in New York and Pennsylvania support populations of this alga.

There is no means of “eradication” for this alga. Copper sulfate complexes can be used, but they are not 100 percent effective. Some algae will survive and float downstream and form new colonies. Many researchers across the globe are currently working on control and eradication methods, however.

The biologists from both the Vermont Department of Environmental Conservation and NH DES have met and will be coordinating strategies to track and monitor the spread of Didymo. Signage is available by download from www.des.nh.gov/wmb/exoticspecies on the Didymo page. Laboratory personnel in each state are prepared to examine specimens that are sent in for identification. NH DES is now just learning how to respond and contain (if possible) this new threat to our surface waters. More information will be posted on the New Hampshire/Vermont Didymo websites as it becomes available. A summer 2008 sampling strategy is currently being prepared.

To help stop the spread of Didymo to other lakes, rivers and streams:

- **Check:** Before leaving a river or stream, remove all visible clumps of algae and look for hidden clumps. Leave them at the site. If you find any later, don't wash them down drains. Put all material in the trash.
- **Clean:** Soak and scrub all items for at least one minute in hot water (140 degrees F), or use a two percent bleach solution or a five percent solution of salt, antiseptic hand cleaner or dishwashing detergent.
- **Dry:** If cleaning is not practical, after the item is completely dry to the touch, wait an additional 48 hours before letting it contact any other surface water.

III. Instream Flow Update – Wayne Ives, NHDES

The Souhegan River Protected Instream Flow Report is undergoing final review. Once complete, it will be presented to the DES Commissioner for his approval. A meeting is scheduled for October with the Water Management Planning Area Advisory Committee, the Affected Dam Owners and Affected Water Users to begin work on the Water Management Plan. It is expected that the Water Management Plan will be completed by January 2009.

The analysis for the development of protected instream flows for the Lamprey River is ongoing; with completion expected by this winter and the report in the spring of 2008. The Water Management Plan is expected to be complete by late summer/early fall of 2008 and approved in January 2009.

Approval from the Governor and Executive Councilors was received to extend the duration of the Souhegan contract to March 31, 2009 with the completion of the Water Management Plan by January 2009 as well as extend the duration of the Lamprey contract and NOAA grant to September 30, 2008.

Representative John Thomas has proposed legislation that will add two years to all deadlines for the Instream Flow Pilot Program, since both programs are taking longer than expected. The Souhegan Protected Instream Flow Report took over a year; and the Lamprey program started later and involves additional work.

IV. Legislation/Rulemaking/Other

1) **Stream Gage Task Force Recommendations – Capital Budget – Wayne Ives, NHDES**

The Capital Budget includes \$120,000 for stream gages. DES expects to install ten gages at existing sites based on the findings in the Stream Gage Task Force Report and is proposing subcontracting with USGS to buy equipment and perform the installations, since USGS has agreed to match state funding with two years of operation and maintenance.

2) Legislation – Steve Couture, NHDES**a) Comprehensive Flood Management Commission (HB 648)**

John Magee is the RMAC representative. Steve Couture is one of two DES representatives. Steve indicated that the Federal Emergency Management Agency (FEMA) has given a presentation to the Commission.

b) CSPA Rules Work Group

- **Motion was made by Michele L. Tremblay for Kathryn Nelson to represent the RMAC on the CSPA Rules Work Group. Second by Debby Hinman. Vote was unanimous.**

c) Leasing of State-Owned Land Commission (HB 710) – Bill Heinz

Bill Heinz was unable to attend the meeting. He sent an electronic copy of what he sees is his charge as a representative of the RMAC is on the Study Committee. It is stated below in full.

“The State of New Hampshire needs to move from the reactive process of an entity asking the State to surplus lands to one where the State proactively inventories what shorefront properties the State owns, determines their strategic value to the State and then decides a process as to what should qualify for surplusing (by sale or lease) and if surplused fair market value is received and necessary protections for the public included on any sale(s). This type of structure would not only be strategic for the State, but also make the RMAC’s role in reviewing surplus lands more coherent. The first step is to get the State to just inventory what it has.”

- **Motion was made by Michele L. Tremblay to accept Bill Heinz’s proposal as submitted. Second by Bob Beaurivage. Vote was unanimous.**

d) 2008 Legislation

Paul Currier noted that the Governor has asked each of the state agencies to hold off submitting any legislation that includes additional fees until the 2009 legislative session. Therefore, the DES Commissioner has agreed not to support any legislation that requests additional funds.

- **The RMAC agreed to postpone the submittal of legislation for the 2008 session in order to develop an integrative proposal for the 2009 legislative session requesting the establishment of a Rivers Management and Protection Fund to provide support for the following: 1) grant program for the development and implementation of Local River Management Corridor/Watershed , 2) funding to develop and implement Protected Instream Flows and Long-Range Management Plans, and 3) additional staff to conduct permit reviews, provide technical assistance, and assessment and monitoring.**
- **Michele L. Tremblay, Ted Sutton, Kathryn Nelson, and Allan Palmer volunteered to serve on the RMAC Legislative Subcommittee. The Subcommittee will meet prior to the next scheduled RMAC meeting to improve upon the proposed 2009 legislation.**

- **Motion was made by Michele L. Tremblay to withdraw the Legislative Service Request (LSR) placeholder for the 2008 legislative session, with much thanks to Representative Kappler. Second by Bob Beaurivage. Vote was unanimous.**

V. Surplus Land Reviews (SLR) – Disposition of state-owned properties – Laura Weit, NHDES and Johanna Lyons, DRED

1) CORD SLR 07-010: Town of New Hampton (Unnamed Brook)

The NH Fish and Game Department received a request from Patricia Fazio of 129 Main Street, in New Hampton for a sewer service line easement that currently crosses the New Hampton Fish Hatchery property in New Hampton. The sewer line has no barring on the daily operations of the Hatchery.

- **Motion was made by Bob Beaurivage to approve the disposal as submitted. Second by Michele L. Tremblay. Vote was unanimous.**

2) CORD SLR 07-011: Town of Clarksville (Dead Water Stream)

Anthony I. Blenkinsop, Assistant Attorney General explained the intended use of the disposal is to convey rights over specific state-owned roads in exchange for other much needed public rights-of-way over private land. More specifically, the NH Department of Resources and Economic Development (DRED) and the NH Department of Environmental Services (DES) – Water Resources Board are interested in obtaining snowmobile and pedestrian access on land Mr. and Mrs. Rodrigue own. Whereas, Mr. and Mrs. Rodrigue are interested in obtaining access that would allow them to develop new private residential properties on their land.

The Headwaters Subcommittee of the Connecticut River Joint Commissions submitted comments on the proposal, since the site is within 1,320 feet of a designated river. They expressed their concern that “due to the topography, sensitive nature of the soils, and drainage of the Rodrigue property into Deadwater Stream and then into the Connecticut River, they hope that any activities would include close attention to sediment and erosion control, as described in DES’s “Best Management Practices” publication and the newly updated “Water Resources” chapter of the Connecticut River Management Plan for the Headwaters Region.”

- **Motion was made by Michele L. Tremblay to approve the disposal with the following conditions: 1) The language dictating the allowed use of the substantial trail easement conveyed by the Rodrigues to the state would include human-powered and snowmobile use (currently, the language allowed only “pedestrian and snowmobile use,” which would have barred cross-country skiing, snowshoeing, mountain biking, etc.) 2) The access easement on the roads conveyed by Rodrigues to the state will include a provision that the Rodrigues and any succeeding owners(s) will maintain these roads using best management practices and monitoring will occur by the NH Department of Environmental Services to ensure that no water quality impairments will result from these roads. Second by Allan Palmer. Vote was unanimous.**

3) DOT SLR 07-002: Town of Epsom (Suncook River)

The NH Department of Transportation wishes to sell approximately 13.5 acres that were formerly a sand pit to the Town of Epsom to be used for a maintenance facility. It is important to note that the Suncook River rerouted itself through this parcel during the floods

of May 2006, removing approximately four acres. A Restoration Study is currently being conducted to determine the cost/benefit associated with leaving the river where it is vs. putting it back.

According to Kim Tuttle, with the NH Fish and Game Department there is a 1997 record for wood turtle, a species of concern, on Bear Island. The area is good turtle nesting habitat. The area also falls within the buffer area for the brook floater mussel, a state endangered species, found in the Suncook River. There is also the possibility of the site containing Blanding's turtle and Northern black racer. The NH Fish and Game Department is concerned about stormwater runoff and possible long-term effects.

- **Motion was made by Debby Hinman to table the disposal until current restoration studies of the Suncook River avulsion area are completed. Second by Michele L. Tremblay. Vote was unanimous.**

4) DOT SLR 07-003: City of Rochester (Cocheco River)

The NH Department of Transportation wishes to sell approximately 0.12 acres located on the northerly side of Main Street adjacent to the Cocheco River in the Gonic area of the City of Rochester to Robert and Jane Murphy. Robert and Jane Murphy are currently leasing the parcel for DOT for use as a parking area in conjunction with the apartment building located on the adjacent parcel.

- **Motion was made by Debby Hinman to approve disposal with the understanding that it is not a buildable lot. Second by Michele L. Tremblay. Vote was unanimous.**

5) CORD SLR 06-009: Town of Franconia and Lincoln (Pemigewasset River)

Johanna Lyons informed the Committee that this proposed surplus land disposal has been withdrawn.

- **No further action is needed.**

VI. Other Business/Action Item Reviews

VII. Next Meeting Date(s)/Adjourn:

Next meeting date: – Monday, December 10th at 9:30 AM.

Action Items –

- 1) Make approved changes to the June 19th meeting minutes to the RMAC website.
- 2) Update membership terms and contact information to membership list and website.
- 3) Kathryn Nelson will represent the RMAC on the CSPA Rules Work Group.
- 4) The RMAC Legislative Subcommittee made up of Michele L. Tremblay, Kathryn Nelson, Ted Sutton and Allan Palmer will meet prior to the next scheduled RMAC meeting to work on improving the proposed 2009 legislation.
- 5) Rep. Kappler will withdraw the LSR relative to proposed changes to the RMPP statute.
- 6) Send a letter to CORD for the approval of SLR 07-010: Town of New Hampton.
- 7) Send a letter to CORD for conditional approval for SLR 07-011: Town of Clarksville.
- 8) Send a letter to DOT tabling the disposal for the sale of 13.5 acres in the Town of Epsom.
- 9) Send a letter to DOT for the conditional approval for the sale of 0.12 acres in the City of Rochester.

- **Motion to adjourn by Debby Hinman, second by Ted Sutton. Vote was unanimous.**

Meeting adjourned at 12:42 pm.