

RIVERS MANAGEMENT ADVISORY COMMITTEE

**Meeting Minutes
January 14, 2008
Conference Call
11:30 am – 12:45 pm**

Members Present

Ken Kimball, Chair*
Michele L. Tremblay, Vice Chair*
Anne Krantz*
John Magee*
Allan Palmer*
Bob Beaurivage*
William Heinz
Ted Sutton*

Representing

Recreational Interests
Conservation Community
Historical & Archaeological Interests
NH Fish & Game Department
Business and Industry Association
Public Water Suppliers
Granite State Hydropower Assoc.
Municipal Officer

Term

Dec. 28, 2008 V
Dec. 28, 2008 V
June 15, 2010 V
Indefinite NV
Sept. 28, 2010 V
Sept. 28, 2010 V
Jan. 5, 2009 V
Nov. 16, 2008 V

Members Absent

Gail McWilliam Jellie
Jennifer Czysz
Kathryn P. Nelson
Johanna Lyons
Walter Morse
Alan Bartlett
Kevin Nyhan
VACANT

NH Dept. of Agriculture, Markets, and Food Indefinite NV
NH Office of Energy and Planning Indefinite NV
Local River Management Advisory Comm. Sept. 5, 2010 V
Dept. of Resources & Economic Development Indefinite NV
NH Fish & Game Commission Sept. 28, 2009 V
Agricultural Community Mar. 22, 2009 V
NH Department of Transportation Indefinite NV
NH Assn. of Conservation Commissions VACANT V

DES Staff Present

Steve Couture NHDES Rivers Coordinator
Laura Weit NHDES Lakes and Rivers Asst. Planner

***The majority of members participated in this meeting via conference call.**

The Meeting Was Called to Order

Ken Kimball, Chair called the meeting to order at 11:32 a.m.

I. Introduction/Minutes/Committee Business

1) December 21, 2007 Meeting Minutes

- ***Michele L. Tremblay made a motion to accept the December 21, 2007 meeting minutes as presented, second by Allan Palmer. The vote was unanimous.***

II. Legislation/Rulemaking/Other

1) SB 352-FN relative to shoreland protection – Steve Couture, NHDES

SB 352-FN would require appeals for Comprehensive Shoreland Protection Act (CSPA) permits to go through the Wetlands Council instead of the Water Council. Currently, appeals for CSPA permits would need to go through the Water Council, whereas appeals for Wetlands permits need to go through the Wetlands Council. Applicants could potentially be faced with having to deal with two separate Councils when seeking appeals. This legislation would streamline the process so that appeals for both CSPA and Wetlands permits would need to go through only one Council rather than two.

DES has the jurisdictional authority to approve or deny wetland permits. If an applicant or a member of the public wishes to appeal a wetlands permitting decision made by DES, they must present their case to the Wetlands Council. The way the law is written, all decisions made by the DES Water Division, with the exception of Wetlands, are appealed to the Water Council. The Wetlands Council uses a judicatory process, which is a stronger, more objective process, but is more difficult for abutters and the general public in terms of energy, money and time.

The Committee discussed the merits of the proposed legislation from a programmatic standpoint and what was best for the resource.

- ***Michele L. Tremblay made a motion not to submit a letter of testimony for SB 352-FN, second by Allan Palmer. The vote was unanimous.***

2) **SB 417 relative to changes to the shoreland protection act – Steve Couture, NHDES**

SB 417 would permit the removal of dead, diseased or unsafe trees or saplings within the watershed buffer of the Comprehensive Shoreland Protection Act. The Committee discussed at length the benefits that dead and diseased trees have to wildlife. The Committee also discussed the potential loopholes that would exist by including dead and diseased trees, since few trees are entirely disease free.

Upon closer inspection of the proposed administrative rules, it was determined that any dead or diseased tree that posed an imminent hazard to structures would be included in the definition of “unsafe.”

- ***Bob Beaurivage made a motion to support SB 417 with the recommendation to strike out “dead, diseased, or” in the bill language and remove any and all references to “dead and diseased” trees or saplings throughout the Act for consistency and clarity, second by Ted Sutton. The vote was unanimous.***

3) **SB 406 relative to exempting the town of Wakefield from the setback requirements of the shoreland protection act – Steve Couture, NHDES**

SB 406 would exempt the Town of Wakefield from the primary structure setback of the Comprehensive Shoreland Protection Act. Committee members expressed their strong opposition to any legislation that circumvents existing regulations that are applicable state-wide. Committee members also expressed their concern that if passed, this legislation would set an extremely bad precedent, directly contradicting the minimum shoreland protection standards established to protect the state’s public waters and still accommodating reasonable levels of development with the protected shoreland.

- ***Bob Beaurivage made a motion to oppose SB 406 indicating that it sets an extremely bad precedent and undermines using a watershed approach, second by Ted Sutton. The vote was unanimous.***

4) **SB 384 relative to the repair of septic systems prior to the sale of waterfront property – Steve Couture, NHDES**

SB 384 would strengthen the existing requirements in Sewage Disposal Systems, RSA 485-A:39 by requiring the site inspector to notify the NH Department of Environmental Services and the local health officer of any remedial action that would be needed to bring the site into compliance with current standards for septic disposal systems prior to the sale of waterfront property.

- ***Ted Sutton made a motion to fully support SB 384 as proposed, second by Bob Beaurivage. The vote was unanimous.***

5) HB 1579-FN relative to setback requirements from wetlands – Steve Couture, NHDES

HB 1579-FN would require a state-wide 75 foot setback from wetlands. The legislation would be applied only to new subdivisions. While Committee members expressed their concern of not having a state-wide wetlands set-back, they agreed that criteria should be established for different types of wetlands. The Committee also agreed that the concept was good, but substantial revisions were needed before they could fully support it.

- ***Bob Beaurivage made a motion to track HB 1579-FN, second by Allan Palmer. The vote was unanimous.***
- ***Ted Sutton also offered to contact Maura Carroll with the Local Government Center to gain additional input and insight.***

III. Other Business/Action Item Reviews

Action Items –

- 1) Post approved December 21st meeting minutes to the RMAC website.
- 2) Track SB 352-FN.
- 3) Submit a letter of testimony in support of SB 417 with the recommendation to strike out “dead, diseased, or” in the bill text and remove all references to “dead” and diseased trees or sapling throughout the Act.
- 4) Submit a letter of testimony in opposition to SB 406 indicating that it sets an extremely bad precedent and undermines using a watershed approach.
- 5) Submit a letter of testimony to support SB 384 as presented.
- 6) Track HB 1579-FN.
- 7) Ted Sutton will contact Maura Carroll with the Local Government Center to gain additional input and insight on HB 1579-FN.

IV. Next meeting date(s) adjourn: January 23, 2008: 9:30 a.m. – 12:30 p.m. at DES.

- ***Motion to adjourn by Bob Beaurivage, second by Ted Sutton. Vote was unanimous.***

Meeting adjourned at 12:34 p.m.