

RIVERS MANAGEMENT ADVISORY COMMITTEE

Meeting Minutes

July 23, 2008

Rochester City Hall, Rochester, NH

5:45 pm – 6:30 pm

Members Present

Ken Kimball, Chair
Michele L. Tremblay, Vice Chair
Alan Bartlett
William Heinz
Anne Krantz
Kathryn Nelson

Representing

Recreational Interests
Conservation Interests
Agricultural Community
Granite State Hydropower
Historical & Archaeological Interests
Local River Management Advisory Comm.

Term

Dec. 28, 2008 V
Dec. 28, 2008 V
Mar. 22, 2009 V
Jan. 5, 2009 V
June 15, 2010 V
Sept. 5, 2010 V

Members Absent

Bob Beaurivage
Jennifer Czys
Johanna Lyons
Gail McWilliam Jellie
John Magee
Walter Morse
Kevin Nyhan
Allan Palmer
Vacant
Vacant

Public Water Suppliers
NH Office of Energy and Planning
Dept. Resources & Economic Development
NH Department of Agriculture
NH Fish & Game Department
NH Fish & Game Commission
NH Dept. of Transportation
Business and Industry Association
Municipal Government
Conservation Commissions

Sept. 28, 2010 V
Indefinite NV
Indefinite NV
Indefinite NV
Indefinite NV
Sept. 28, 2009 V
Indefinite NV
Sept. 28, 2010 V
Nov. 16, 2008 V
V

DES Staff Present

Steve Couture
Laura Weit
Jen Rowden
Carolyn Guerdet

NHDES Rivers Coordinator
NHDES Lakes and Rivers Asst. Planner
NHDES Lakes and Rivers Program
NHDES Administrative Assistant

Guests Present

Larry Spencer

Pemigewasset River Council

The Meeting Was Called to Order

Ken Kimball, Chair, called the meeting to order 6:04 PM. Introductions were made.

I. **Introductions/Minutes/Committee Business**

1) **June 5, 2008 RMAC Meeting Minutes- Vote Required**

- ***Michele Tremblay made a motion to accept the June 5, 2008 RMAC Meeting Minutes with changes noted. Second to the motion by Alan Bartlett. Motion passed unanimously.***

II. **Legislation – Steve Couture, NHDES**

RSA 483 – 2009 Legislation

Steve distributed a handout of the most recent RSA 483 discussion document. In a meeting with DES leadership, which Ken Kimball participated in, it was determined to remove the funding mechanism proposed. DES would like to explore other funding options that could provide funding for the Rivers Program and other water resource related programs. Steve will

confer with DES leadership as to the type of funding they are proposing and share that with the RMAC.

The other addition made is on page 3, RSA 483.9. As a result of the discussion on the Abijah Bridge, language was included to allow a natural segment to be restored by law. Michele asked for legal comment on the language and for definitions for "restoration and enhancement." Steve will see if there is something currently in statute or in federal law and will incorporate them as appropriate. Chairman Kimball said that if definitions already exist, either through the regulatory or legislative process, then we need to determine if they suit our needs. If their intent does not meet our needs, we may need to find another word.

Michele suggested that the policy and legislation sub-committee be reactivated. Chairman Kimball noted that an attempt to move forward with funding sources for the rivers and lakes programs will need to proceed separately, as separate proposals have a better chance legislatively. Steve noted that, DES would prefer to investigate and seek funding sources, and then work with the RMAC to achieve agreement. This approach will be more successful, since it will be a request from DES with the support of the RMAC. DES will review and discuss possible funding sources from an over-all water resource management perspective that incorporates the needs of the RMPP. Steve will follow up with the Commissioner and report back on August 12th.

Michele also reported on the Stream Crossing rulemaking group, for which she has been representing the RMAC. She mentioned that at the last RMAC meeting she made a motion to support the following recommendations for the Stream Crossing Rules Committee: 1) request DOT update the map of designated rivers, both electronically and in printed materials, 2) request the Wetlands Bureau conduct random spot checks of Permit by Notification sites, and 3) request the proposed in-lieu stream crossing program base its permit fee calculation on the true value of comparably sized restoration projects, so that the fee covers the total cost of a corollary restoration or protection project. She also mentioned that there was much discussion at the last Stream Crossing meeting to determine the appropriate watershed acreage.

Michele noted that she would like to see alternative criteria used for determining the appropriate watershed acreage rather than just a round number. She pointed out that four of the sites reviewed would have benefited from stream crossings, but since they were less than 200 acres they would not qualify using the round number method, which has a cut-off of 200 acres. She suggested that the RMAC write a letter citing the three recommendations she made at the last RMAC meeting and add a fourth to include that biological criteria be used to determine the appropriate watershed acreage size instead.

Chairman Kimball agreed with the concept but questioned the implementation and practicality. Steve noted that he and John Magee from the Fish and Game Department have agreed to look for watershed sites less than 200 acres and use a stream power calculation to see if a more appropriate acreage size based on an inflection point rather than the proposed arbitrary <200 acre standard is justified.

- ***Kath Nelson made a motion to send a letter to document Michele L. Tremblay's recommendations to the Stream Crossing Rules Committee including: 1) Require DOT to update and continually update the map of designated rivers, both electronically and in printed materials produced, 2) Require the Wetlands Bureau to conduct random spot checks of Permit by Notification sites, 3) Request the proposed in-lieu stream crossing program base its permit fee calculation on the true value of comparably sized restoration projects, so that***

the fee covers the total cost of a corollary restoration or protection project, and 4) Recommend DES work with the NH F&G to develop and provide a matrix that justifies the most appropriate watershed size cut-off point if a standard setting approach is used. Second by Anne Krantz. Motion passed unanimously.

Chairman Kimball suggested reviewing the data that John Magee has collected to see if there is a more appropriate inflection point to determine what watershed acreage size should be used instead of the proposed arbitrary <200 acres .

III. Surplus Land Reviews (SLR)-Disposition of state-owned properties – Laura Weit, NHDES.

- 1) DOT 08-04: Town of Winchester (Ashuelot River) an easement for 11,000 linear feet to Clean Power Development, LLC for the installation of a transmission line. Laura proposed to dispose of the parcel with the condition that a 25 ft. vegetative buffer is maintained.

➤ ***Michele L. Tremblay made a motion to recommend disposal with the condition that a buffer requirement is included in the deed. Alan Bartlett seconded the motion. Voted down unanimously.***

Discussion then ensued concerning the 25' buffer. The Local Advisory Committee submitted a letter indicating that "wise development would protect the aesthetics of the trail." Kath also noted that ARLAC also suggested that "before any easement is allowed on the land a site visit and field assessment be done for the state to fully understand the impact."

➤ ***Michele L. Tremblay made a motion that the RMAC recommends the disposal of the property with the following conditions: 1) the location of the easement will be 25 feet from the centerline of the corridor on the northwest side of the corridor, not the southeast side adjacent to the Ashuelot River, 2) determine the feasibility of burying the transmission line, to preserve recreational and aesthetic purposes, 3) include language in the deed to maintain the existing vegetative buffer, using the best management practices and the least possible amount of disturbance to the natural environment, and expand the buffer where possible; the use of pesticides shall be prohibited, and 4) coordinate with the Ashuelot River Local Advisory Committee to ensure the recreational and aesthetic uses of the existing trail are fully protected. Second by Kath Nelson. Motion passed unanimously.***

- 2) DOT 08-05: City of Nashua (Lower Merrimack River)
This does not fall under the RMAC jurisdiction, since it is not within 250' of the river, but it does fall within the quarter mile of the lower Merrimack River. The materials were forwarded to Bob Robbins, Chair of the lower Merrimack River LAC on July 2, 2008. The RMAC decided to not to review this disposal, since they were running out of time and it was not within their jurisdiction.
- 3) DOT 08-06: Town of Gorham (Unnamed Stream)
This does fall within the jurisdiction of the RMAC, as it falls within 250' of an unnamed stream. The unnamed stream runs through a culvert that goes underneath an existing, developed parcel and is adjacent to Route 16.

- ***Michele L. Tremblay made a motion that the RMAC dispose of the property with the condition that Best Management Practices are to be used for maintenance of stormwater runoff. Second by Bill Heinz. Motion passed unanimously.***

IV. Other Business

Michele asked the following items be included on the August 12th agenda: 1) update on the LAC permitting process survey, 2) review the proposed changes to RSA 483, and 3) an update on the stream crossing rules process.

Michele Tremblay asked for a draft of the recommendations from the LAC survey prior the August meeting.

- ***Kathryn Nelson made a motion to adjourn with a second by Alan Bartlett. Vote was unanimous.***

Meeting adjourned at 7:00 pm.