

**RIVERS MANAGEMENT ADVISORY COMMITTEE**  
**Meeting Minutes**  
**December 15, 2008**  
**DES Rooms 112/113**  
**1:00 pm – 4:00 pm**

**Members Present**

Ken Kimball, Chair  
Michele L. Tremblay, Vice Chair  
Dari Sassan  
Anne Krantz  
John Magee  
Walter Morse  
Kathryn Nelson  
Larry Spencer  
Fredrick McNeill  
Bob Beaurivage  
Johanna Lyons

**Representing**

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

**Term**

Dec. 28, 2008 V  
Dec. 28, 2008 V  
Indefinite NV  
June 15, 2010 V  
Indefinite NV  
Sept. 28, 2009 V  
Sept. 5, 2010 V  
Oct. 12, 2010 V  
Nov. 16, 2011 V  
Sept. 28, 2010 V  
Indefinite NV

**Members Absent**

William Heinz  
Allan Palmer  
Kevin Nyhan  
Alan Bartlett  
Gail McWilliam Jellie

Granite State Hydropower  
Business and Industry Association  
NH Dept. of Transportation  
Agricultural Community  
NH Department of Agriculture

Jan. 5, 2009 V  
Sept. 28, 2010 V  
Indefinite NV  
Mar. 22, 2009 V  
Indefinite NV

**DES Staff Present**

Steve Couture  
Laura Weit  
Jenn Rowden  
Ken Edwardson  
Arlene Allen  
Lori Sommer

NHDES Rivers Coordinator  
NHDES Lakes and Rivers Principal Planner  
NHDES Lakes and Rivers Asst. Planner  
NHDES Watershed Management Bureau  
NHDES Shoreland Protection Program  
NHDES Wetlands Bureau

**Guests Present**

Representative Kappler

**The Meeting Was Called to Order**

Ken Kimball, Chair, called the meeting to order 1:00 PM.

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

Introductions were made.

**1) September 3, 2008 RMAC Meeting Minutes- Vote Required**

- ***Michele L. Tremblay made a motion to accept the September 3, 2008 RMAC Meeting Minutes, Larry Spencer seconded the motion and the vote was unanimous.***

**2) RMAC Membership Update**

- a) Frederick J. McNeill was recently appointed to the RMAC as a Municipal Officer. His term will expire on November 16, 2011.
- b) Ken Kimball was nominated on 12/3/08; his confirmation is expected on 12/18/08.

- c) Michele L. Tremblay's nomination paperwork has been submitted.
- d) Bill Heinz's term expires in January and Alan Bartlett's expires in March.

## II. RMPP Budget

Budget Discussion: No new restrictions on the RMPP budget. Mileage reimbursements will continue to be submitted but there is no guarantee on payment.

The Fluvial Erosion Hazard Program did submit a budget line item for the next biennium. This includes establishing a Fluvial Geomorphologist, who would develop the program. The purpose would be to look at erosion potential of rivers and help develop ordinances to protect structures and property.

## III. Water Quantity Regulation – Steve Couture

Steve reviewed the document "Methods for Estimating Instream Flow Requirements for Protection of Aquatic Life," which describes the methods for estimating instream flow requirements that are used and accepted by DES in order to comply with surface water quality standards, withdrawals or diversion of water from surface waters. Steve explained that DES uses three methods for evaluating stream flow protection and water availability. Chairman Kimball recommended that a sentence or two be added in the background that clarifies that there are two separate assessment processes – one for 305(b) impaired waters and another under the Clean Water Act 401 - Water Quality Certification program. If accepted, this document would become general guidance, as opposed to DES administrative rule. The guidance document will be presented to the Water Quality Standards Advisory Committee for their consideration. It could potentially be moved to rulemaking, if approved.

- ***Michele L. Tremblay made a motion that the document presented, "Methods for Estimating Instream Flow Requirements for Protection of Aquatic Life", be endorsed, second by Kathryn Nelson. Discussion held. Motion passed unanimously.***

## IV. Sustainability Initiative – Jenn Rowden

Jenn provided an update of the Sustainability Initiative recommendations. There has been a capital budget request to increase stream gages and bedrock well monitoring. Seven of 15 new stream gages were installed in 2008. An additional eight will be installed in 2009. A new watershed report card initiative has begun and is available online to view water quality. A library of online documents is being considered for final reports and major documents produced by DES and can be accessed in one place. The NH Water Resources Primer is due out in December. This is a precursor to the State Water Plan. Draft legislation is being forwarded through the Exotic Aquatics Committee to increase the boat registration fee. A possible environmental fee may be added to property taxes for those who live along shorelands and rivers. The exotic program is also considering reducing herbicide use to control exotic species as a formal goal.

Many of the recommendations from the Sustainability Initiative have been incorporated into the DES Strategic Plan, which is currently being developed. The Commissioner will be presenting the DES Strategic Plan at the January 9<sup>th</sup> LMAC/RMAC meeting. His focus will be on climate change and ensuring the improvement of NH's environment. Specifically, he would like the LMAC & RMAC's perspective on – what data should DES be collecting and/or not collecting and what is most useful for people and how should it be presented.

**V. LAC Permit Notification – Steve Couture**

Steve met with the Commissioner and Senior Leadership Team to review the RMAC's recommendation concerning changes to the LAC permit notification process. The Commissioner and Senior Leadership Team support the concept and will use the RMAC recommendation to develop a formal DES standard operating procedure. This will require applicants to submit information directly to LACs when applying for DES permits. There should be a final document by January 9<sup>th</sup>.

**VI. Legislation/Rulemaking/Other – Steve Couture**

- 1) LSR 656 CSPA – Arlene Allen, Shoreland Protection Outreach Coordinator  
Arlene reviewed the items that DES feels need to be corrected in RSA 483-B.

It was then suggested that the RMAC Policy and Legislation Subcommittee met to review the LSRs and make recommendations to the RMAC. This would delay voting until bill text was final.

It was recommended that there be a mechanism included in the statute to adjust fees annually.

The subcommittee was asked to further investigate 483-B:9 (vi).

- 2) Alteration of Terrain Rules – Jillian McCarthy

The anti-degradation section has been removed from the proposed Alteration of Terrain Rules with the understanding that over the next year DES will establish a work group. There are now 12 interested stakeholders that want to work with DES to improve the process. The stakeholders understand and agree with the importance of anti-degradation, but feel it is too burdensome on the applicant. DES will be taking comments until the end of 2009, and will then submit a revision to include anti-degradation.

- ***Michele L. Tremblay moved to sign the letter from the Lakes Management Advisory Committee recommending that DES re-insert anti-degradation into the Alteration of Terrain rules by the end of 2009, second by Anne Krantz. Motion passed unanimously.***

- 3) LSR 743 Wetlands In Lieu Fee – Lori Sommer

This LSR would involve changes to the wetlands mitigation program. A stakeholder group was formed to develop stream crossings guidelines to be published by Fish and Game. The group has also been working on developing draft rules. It was decided to propose legislation this session to add language into RSA 482:A (28-31) that would establish a stream mitigation program to accept in-lieu fees. Lori distributed a handout describing how a stream mitigation program would work. There are three possible options an applicant could use to mitigate stream impacts:

- 1) restoration
- 2) protection of buffers along a stream
- 3) payment option - \$200 per linear foot.

If restoration or protection was not an option, then the amount paid would be based on the amount of impact to the banks and the channel. The funds would come into a DES account and within a year of that payment, DES would look for a good, local substandard crossing or restoration opportunity in the vicinity of the project where it occurred. If no good project was found, funds would be wrapped into the wetland mitigation watershed funds and spent when there is a project.

Lori reported that the Merrimack River Watershed funds, which are about \$600,000, are ready to be released around February/March of 2009. Three other watersheds will also be released later in 2009.

- 4) LSR 197, Ammonoosuc River, Upper Reach Designation and LSR 150, Cocheco River Designation  
The Commissioner has moved both of these forward as legislation.
- 5) LSR 340, RMAC RSA 483 Amendments – Steve Couture  
These amendments were reviewed at the last meeting.
- 6) RMAC Legislative Coordination – Steve Couture  
Steve led a discussion to determine what role the RMAC would like to take in legislation this year as there will be two river designations, in which testimony and phone calls will be needed. Michele offered that the RMAC policy and legislative subcommittee coordinate with RMPP staff for testimonies, etc. Once final bill text is available the recommendation from the subcommittee will be used to form the testimony letter. Chairman Kimball asked Michele to bring an outline to the next meeting to show how the subcommittee will determine when RMAC assistance is needed for contacting legislators and providing testimony.
- 7) LSR 207, Fluvial Erosion Hazard Ordinance – Steve Couture  
This is a recommendation from the Flood Commission to amend the Innovative Land Use Controls statute to allow communities to adopt Fluvial Erosion Hazard Ordinances.
- 8) LSR 969, an implementation of HB 710 recommendations that DES standardize its fee structure when applied to leasing.
- 9) Update of Flood Commission Report – Steve Couture  
There was a meeting of agency heads with the Governor's Office. Two pieces of legislation are moving forward. The full Flood Commission Report will be incorporated by reference into the Climate Change Task Force Adaptation Plan. This will allow the Flood Commission Report to have a larger impact. Steve will be reporting to the Stormwater Commission on January 5<sup>th</sup> on the findings of the Flood Commission Report.

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

- 1) DOT 08-09: Town of Weare, (Piscataquog River)  
DOT recommends to not dispose of the parcel due to the natural quality and the presence of wetlands.
  - ***Michele L. Tremblay made a motion to concur with the DOT Bureau of the Environment's recommendation against disposal of the property due to the important functions and values it provides. DOT should also consider transferring the property to another state agency or local municipality, with the understanding that a conservation easement be placed on it, to ensure the property is managed for its conservation values, second by Larry Spencer. Motion passed unanimously.***

**VIII. Other Business/Action Item Review – Steve Couture, NHDES**

Representative Kappler will request a warrant article in Raymond to extend state protection on the Lamprey River from Raymond, Nottingham, Candia, and Deerfield and establish a committee to obtain community support.

Jenn showed a copy of the award that was presented at the Volunteer New Hampshire Awards Ceremony to the LACs for their efforts. Eight LAC members attended the ceremony. This was the second award LACs have received this year, the first being the Presidential Volunteer Service Award. Michele noted the time RMPP staff took to submit the nominations for consideration and she thanked RMPP staff for putting it all together. Chairman Kimball also noted that RMPP staff support is excellent.

There is the possibility of receiving two new nominations in 2010 for the Mascoma River and the Oyster River.

Steve referred to a letter from the Exeter River Local Advisory Committee; they are considering nominating the segment upstream of Great Bay. This is a tidal river and the criteria would need to be examined closely.

Ken Edwardson reviewed the 305(b) flow chart that he developed. The 305(b) report is a biennial look back at recent data to evaluate waterbody conditions.

**IX. Next meeting date(s)/adjourn:**

The next meeting will be a joint meeting on Friday, January 9, 2009. The RMAC will meet from 9:00 am to 10:30 or 11 and then join the LMAC until around 2 PM.

- ***Larry Spencer made a motion to adjourn with a second by Kathryn Nelson. Motion passed unanimous.***