

RIVERS MANAGEMENT ADVISORY COMMITTEE

Meeting Minutes

July 20, 2011

Public Service of New Hampshire, Manchester

9:00 a.m. – 12: 00 pm

Members Present

Ken Kimball, Chair
Michele L. Tremblay, Vice Chair
Gary Kerr
Frederick McNeill
John Magee
Kathryn Nelson
Allan Palmer
Jim Ryan
Larry Spencer

Representing

Recreational Interests
Conservation Interests
Granite State Hydropower
Municipal Government
NH Fish & Game Department
Local River Management Advisory Comm.
Business and Industry Association
NH Fish & Game
NH Association of Conservation Comm.

Term

Dec. 28, 2011 V
Dec. 28, 2011 V
Jan. 5, 2012 V
Nov. 16, 2011 V
Indefinite NV
Sept. 5, 2013 V
Sept. 28, 2013 V
Indefinite NV
Oct. 12, 2010

Members Absent

Vacant
Vacant
Gail McWilliam Jellie
Anne Krantz
Johanna Lyons
Kevin Nyhan
Richard Verville
Donald Ware

Agricultural Community
NH Office of Energy and Planning
NH Department of Agriculture
Historical & Archaeological Interests
Dept. Resources & Economic Development
NH Dept. of Transportation
NH Dept. of Safety
Public Water Suppliers

Mar. 22, 2009 V
Indefinite NV
Indefinite NV
June 15, 2013 V
Indefinite NV
Indefinite NV
Indefinite NV
Sept. 28, 2013 V

DES Staff Present

Jacquie Colburn
Steve Couture
Wayne Ives
Ted Diers
Jay Aube
Laura Weit-Marcum
Shane Csiki

NHDES Program Coordinator, Rivers and Lakes Programs
NHDES Coastal Program Administrator
NHDES, ISF Program
NHDES, Administrator WMB
NHDES, Shoreland Program
NHDES, State Revolving Loan Fund, Wastewater Engineering
NHDES Geological Survey

Guests Present

Dick Ludders
Rep. Judith Spang
John Munn
Doug Bechtel

Piscataquog River LAC
NH House of Representatives
Southern NH Planning Commission
The Nature Conservancy

The Meeting Was Called to Order

Chairman Ken Kimball called the meeting to order at 9:10 a.m. with introductions. He thanked Allan Palmer and PSNH for the conference room and the refreshments provided.

I. Introductions/Minutes/Committee Business

1) Consent Items

i. **May 9, 2011 RMAC Meeting Minutes**

- *Jim Ryan made a motion to accept the May 9, 2011 RMAC meeting, second by Fred McNeill. Motion passed unanimously.*

ii. **RMAC Membership Update**

- 1) Kenneth D. Kimball - term expires December 28, 2011.
- 2) Michele L. Tremblay - term expires December 28, 2011.

- 3) Letter was sent to Roger Noonan regarding the Agricultural community representative, but no response to date. Jacquie will give him a phone call
- 4) Due to the budget cuts, both the LMAC and RMAC have lost their representative from OEP because Jennifer Czysz has been laid off from OEP.
- 5) Fred McNeill – term expires November 16, 2011.

iii. SOP 801: Permit Notifications

At this time there is nothing for RMAC to vote on. Steve and Jacquie reminded the committee that a DES document has been developed regarding the protocol for LAC notifications. As of now, we are still having problems because we are not getting LAC input and with fewer staff and with 4 new LACs there have been some in-house staff discussions regarding how to improve the process. Steve suggested that we might want to adopt an approach similar to the one that we have in place for SLRS: permits-by-notifications (PBNs) may not need comment or notification. De minimis concept would eliminate the LAC reviews for the PBNs because the permit will be issued anyway. There is a need here to work with LACs and RMAC to make improvements concerning all the changes. Jacquie would like to bring representatives from the LACs, RMAC, and DES staff together to hear each perspective regarding the notification and permitting process; maybe this can happen in late August or early September. Kathryn, Michele, John, and Chairman Kimball volunteered to work with Jacquie.

iv. Surplus Land Reviews

SLRs are received when state waterfront property is being potentially sold or leased. At present, we have two different procedures: one for the LMAC, and one for the RMAC. Jacquie is responsible for overseeing both procedures. RMAC and LMAC Review Process - Chairman Kimball asked, "do you see value in merging the two procedures?" How do we want to make it less cumbersome while filling the statutory obligation? Concerns were expressed about merging the two processes because the RMAC has more statutory power. The LMAC and RMAC review criteria are similar. Need to keep two separate tracks. Jacquie will develop a draft for review and comment at next meeting. Michele expressed concerns about merging the LMAC and RMAC process because the legislature may look at it as an opportunity to combine the programs, it is better to maintain the distinctions between them. However, it was agreed to review both SLR checklists and take the best from each.

SLR 11-005-Tamworth

An SLR was received last week from DRED requesting easements in the Hemenway State Forest. Jacquie reviewed the SLR with a full committee and expects it to be de minimus with no impact to lakes or rivers. Kath Nelson asked Allan Palmer about PSNH's easements. Allan said he will have to have someone from PSNH speak to easement maintenance at a future meeting.

Larry Spencer moved to allow the request for easements to take place, seconded by Gary Kerr. Motion passed unanimously.

2) Other Items

i. Watershed Management Bureau Update - Ted Diers, WMB Administrator

Ted shared the affects of the budget cuts with the RMAC:

- 1) 10% cut in staff with the Lakes & River programs taking the largest cuts – from 3.5 staff to only 1.5; part time positions and interns cut, plus the loss of Jody Connor, the Limnology Center Director, and with further cuts there may be additional layoffs.
- 2) Coastal program cut 30%
- 3) State Revolving Loan Fund (SRF) cut significantly
- 4) Clean Water Act Section 319 program will probably be cut 20% within the next fiscal year

How do we divide up jobs to maximize skills, be more efficient, cover core missions, and save time? The bureau is headed towards prioritization and reorganization. The RMAC will need to prioritize as to what are the most important aspects to be supported and what goals to maintain as the bureau will not be able to support these at the same level. The goal is not to survive the biennium, but to thrive and do the mission better than ever before.

ii. RMPP and LMPP budget and staffing

Jacquie noted the rivers and lakes statutes haven't changed. She is trying to fulfill obligations/commitments that were made prior to budget cuts. She will be posting the part-time position as soon as possible. Travel expenses for committee members are no longer covered.

iii. VLAP and VRAP budget and staffing

Ted noted that 50% of the water quality data that we submit to Congress comes from data collected by volunteers. Basically we are just trying to get through this season, but we continue to focus on data and data quality. We will no longer be able to write 190 VLAP reports every year. We are looking at how to make it work better and increase the amount of data. Some areas of state are lacking data. Chairman Kimball mentioned that we have lost a few stream gages recently. It would be good to inform this committee about what is happening to all the pieces. Ted added that we will lose data points because we have fewer people watching the data. We have to ask ourselves, "What are we trying to accomplish with the data?" "How do we create a matrix that we can manage?" Maybe we expand and modify the watershed report cards to enable people to act. Gary Kerr said we need to convince politicians that not only are we needed, but so is the data. Ted said there are things in the statute that we are not going to be able to do due to loss of staff. Rep. Judith Spang added that it is up to us to make things work with available funds, and we have to set priorities to use the monies we have. Chairman Kimball pointed out that the DES budget is less than 4% of state budget. We must demonstrate the usefulness of committees and data. The state owns the lakes, streams and waters, yet the state is putting nothing into it. Ted said that we have a viable aquaculture industry because of the high quality of our water. We need to get community and stakeholders to support DES.

Other items discussed by the committee included getting the new LACs up and running and meeting with them to explain their role in the rivers program, which includes their review and comment on proposals within the newly designated river corridors. Michele pointed out that she thinks this is a higher priority than modifying the SLR process.

Jacquie told the committee that there's a nomination for the Suncook River coming forward in 2012 for a possible designation by the Legislature in 2013. Kath Nelson pointed out that the alliance with the local groups is an important component of this program, especially for the political support. Michele concurred and added that with fewer DES staff, less support will be available. We need to document this impact or there will be no political pressure to make changes.

Chairman Kimball and Michele recognized Laura Weit-Marcum and Steve Couture for their outstanding work with the Rivers program by presenting them with Certificates of Appreciation. Both Steve and Laura expressed their thanks and acknowledged that it was a pleasure and an honor to work with the program.

II. Piscataquog LAC Update

John Magee and Jack Munn gave a PowerPoint presentation outlining the work that the LAC have been and will be undertaken and accomplished, including:

- 1) An update to Piscataquog Management Plan, which was done 10 years ago and needed an overhaul.
- 2) Update to conservation plan for Piscataquog watershed.
- 3) Watershed Impervious surface mapping.
- 4) Watershed stream crossing assessment.

Note: the presentation will be uploaded to the RMAC blog at a future date.

Following the presentation, discussion touched upon things such as protecting long term human habitat and aquatic habitat and the need for better stream crossings. Chairman Kimball said we've left out an important part, "the do ability aspect." The ongoing discussion of land use ordinances vs. land owner rights. The "biggest bang for buck" underlying land fragmentation. Jack Munn added that without shared values there is no consensus and no moving forward. We need to prioritize and develop projects. There needs to be greater coalition. Not all land conservation has to be a balance approach regarding land use. Dick Ludders, Chair of the Piscataquog LAC add that the value of LACs is to inject the local input into the process, to make local contacts to use data at the regional planning level. New Hampshire is a state where local input is important and works better.

III. Lamprey River Instream Flow Water Management Plan – Wayne Ives, DES

Wayne stated that his goal is to have the plan finished by September 1, 2011. Chairman Kimball asked that when we meet in October, a final management plan should be submitted to the Commissioner and he will choose to adopt it or not.

Wayne's presentation addressed the comments received from the draft Lamprey River Water Management Plan and the changes that were recently made to the Instream Flow Rules. He also provided an update regarding the status of stream gages in the state.

Note: The presentation that Wayne gave to the RMAC will be uploaded to the RMAC blog.

IV. Legislation/Rulemaking/Other

1) Legislation and Policy Subcommittee – Michele Tremblay, Vice Chair, RMAC and Chair of Policy and Legislation Subcommittee

- 1) 4 river designations have been signed into law by the Governor and there will be a signing ceremony next week.
- 2) SB 127 – nominating group written notification in the 1250 corridors to every land owner. Overall.
- 3) Shoreland protection vetoes by the Governor. SB 154 is now part of HB 2.
- 4) VLAP/VRAP – lakes monitoring refreshers will happen every 2 years. No staff support in the field for VRAP. Michele – when summer sampling season is over – good for RMAC to watch, and to point out what has happened. Measurable differences due to legislation pointed out this fall.
- 5) Representative Spang – they beat back classification of wetlands – contributing or non-contributing.

ii. Changes to the Shoreland Protection Act – Jay Aube, DES Shoreland Program Outreach Coordinator gave a presentation detailing the changes that have been made to the CSPA, now the Shoreland Water Quality Protection Act. Here is the link to a comparable presentation that Jay gave to the RMAC:

[The Shoreland Water Quality Protection Act – A Slide Presentation](#)

Kath Nelson stated that there is a huge amount of misinformation out there regarding the shoreland protection act. There is a real need to get the correct and accurate information out soon and into the papers.

Michele – there is still a huge amount of subjectivity.

Chairman Kimball – this was set through legislative standard. Rules need to be update to conform and define. Representative Spang – point system. Shoreland council to take this new point system on.

Steve Couture added that the chairman of the Shoreland Advisory Committee is Mark Traeger. Communicate with him and Leslie Burgum regularly.

Chairman Kimball - have the 2 committees work together on this.

V. Other Business/Action Item Review:

- 1) Jacquie provided an update regarding the work of the Governor's Water Sustainability Commission, to date, they have held four meetings. Thus far, the commission has drafted a vision statement and they plan to hold regional meetings to provide for and solicit public input in the planning process.

VI. Next Meeting(s)/adjourn:

The next meeting will be October 14, 2011 at DES; a portion of the meeting will be held jointly with the LMAC.

The meeting adjourned at 12:25 p.m.