



RIVERS MANAGEMENT ADVISORY COMMITTEE
NH Rivers Management and Protection Program

New Hampshire Department of Environmental Services
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RMAC MEETING MINUTES
October 3, 2012
DES Conference Rooms 213-214
1:00 pm – 3:00 pm

Members Present

Ken Kimball, Chair
Michele L. Tremblay, Vice Chair
Anne Krantz
John Magee (by phone)
Kathryn Nelson
Allan Palmer
Jim Ryan
Susan Slack
Larry Spencer
Donald Ware

Representing

Recreational Interests
Conservation Interests
Historical & Archaeological Interests
NH Fish & Game Department
Local River Management Advisory Comm.
Business and Industry Association
NH Fish & Game
NH Office of Energy and Planning
NH Association of Conservation Comm.
Public Water Suppliers

Term

Dec. 28, 2014 V
Dec. 28, 2014 V
June 15, 2013 V
Indefinite NV
Sept. 5, 2013 V
Sept. 28, 2013 V
Sept. 28, 2015 V
Indefinite NV
Oct. 12, 2013 V
Sept. 28, 2013 V

Members Absent

Frederick McNeill
Gail McWilliam Jellie
Gary Kerr
Johanna Lyons
Roger Noonan
Kevin Nyhan
Bob Spoerl
Lance Harbour

Municipal Government
NH Department of Agriculture
Granite State Hydropower
Dept. Resources & Economic Development
Agricultural Community
NH Dept. of Transportation
Commissioner, DRED
NH Dept. of Safety

Nov. 16, 2014 V
Indefinite NV
Jan. 5, 2015 V
Indefinite NV
Mar. 22, 2015 V
Indefinite NV
Indefinite NV
Indefinite NV

DES Staff Present

Jacquie Colburn Rivers and Lakes Program
Shane Csiki Geological Survey
Carolyn Guerdet Administrative Assistant, WD
Wayne Ives Instream Flow Program
Tracie Sales Rivers and Lakes Program

The Meeting Was Called to Order

Chairman Ken Kimball called the meeting to order at 1:01 p.m. with introductions.

I. Introductions/Minutes/Committee Business

1) Acceptance of March RMAC Meeting Minutes

- ***Michele Tremblay made a motion to accept the March 2012 meeting minutes with no changes, second by Larry Spencer. Motion passed unanimously.***

2) Acceptance of the Joint LMAC and RMAC Meeting Minutes

- ***Michele Tremblay made a motion to accept the March 2012 Joint LMAC and RMAC meeting minutes, second by Larry Spencer. Motion passed unanimously.***

3) RMAC Membership Update

Tracie Sales was introduced as the newest staff member. She has been working part-time since May assisting Jacquie with the Lakes and Rivers programs. There are no vacancies on the RMAC and all memberships are up-to-date.

II. Update Regarding RMPP Activities

1) RMPP and LMPP Program Updates – Jacquie Colburn

- Jacquie reviewed the spreadsheet that tracks the program activities and deliverables, noting that many activities are now on hold due to staffing reductions. The budget submitted this fall for the next biennium maintains program funding at the current level.
- As of August, PIRRT (Post Incident River Recovery Team) has been transitioned from DES to the Office of Emergency Management with Jacquie and Shane Csiki still part of the team. PIRRT has now become the “NH Silver Jackets” which is a national program. The NH Silver Jackets Charter has been developed and the participating state and federal agencies are signing it.
- Tracie is working on the updates to the RMPP website and RMAC Blog, getting the maps done for all the designated rivers.

2) Instream Flow Program – Wayne Ives

Wayne provided updates regarding the 2 ongoing pilot projects on the Lamprey and Souhegan Rivers and the LMAC/RMAC Instream Flow Subcommittee.

Two pilot projects are nearly complete – Lamprey River and Souhegan River.

- There are two components to the program: 1) Develop protected instream flows to support aquatic life, and 2) Develop a Water Management Plan.
- Water management plan consists of 3 parts: conservation (e.g. infrastructure leak prevention) first. Then management of uses (e.g. reduced outdoor watering). Only after several days or weeks of low-flow – releases from dams.
- Water released from dams is for the ecology of the river NOT downstream users.
- The ISF Program hopes to wrap up the management plans and begin implementation and evaluation in 2013.
- Wayne has posted the Lamprey River Management Plan DRAFT Response to Comments
- The DES Dam Bureau is conducting a Lake Level Investigation to modify the winter drawdown at Pawtuckaway Lake.
- DES conducted a Pawtuckaway Lake test release pulse of 12-15 cfs September 4-6, 2012 to determine what, if any, impact it would have on the water level of the lake.
- DES hosted a Pawtuckaway Lake Science Roundtable on September 28, 2012 in an effort to bring representatives of PLIA, state agencies and academia together to discuss the health of Pawtuckaway Lake.

LMAC/RMAC Instream Flow Subcommittee

To date, the subcommittee has met on three occasions:

- May 9, 2012: Questions proposed
 1. Defining the subset of artificial lake level changes that may affect water quality (chemical and/or biological)?
 2. Limits to artificial lake level changes when they impact downstream water quality values?
 3. What are the appropriate conditions to use lake level management to improve downstream water quality?
- June 4, 2012: Goal, criteria and process proposed
 1. Goal: avoid costly site-specific evaluations
 2. Criteria: *De Minimus* thresholds appropriate
 3. Process: DES (WQSAC) to finish water level fluctuation guidance based on screening criteria and enhance instream flow component
- July 20, 2012: Revise criteria and process
 1. WMB revised the lake fluctuation guidance
 2. No *de minimis* lake level changes, instead stay within natural ranges of variation
 3. Evaluation relative to protection goals

Instream Flow Program - Next Steps

- Specific to Pawtuckaway (Lamprey River ISF):
 - Fall release and winter phosphorus study
 - Pawtuckaway Human/Recreation Roundtable & Public Meeting – late October or early November
 - Completion of the Lake Level Investigation
- Specific to LMAC and RMAC ISF Subcommittee:
 - DES is developing comprehensive lakes and rivers recommendations for the ISF subcommittee
 - LMAC/RMAC Subcommittee meeting – November
 - Present subcommittee’s proposed recommendations at Joint RMAC/LMAC meeting - December

- Specific to the ISF Program:
 - Meet with SB 330 Legislative ISF Study Committee
 - Revise legislation to extend the date of the legislative review of the implementation period
 - Complete the Water Management Plan(s)
 - Present to Commissioner for adoption
 - Implementation of the plan (pilot will be reviewed by DES, public and Legislature)

III. Legislation and Regulatory Review

1) General Discussion regarding Possible River Related Legislation

DES will be watching the LSRs for a possible removal of the RMPP program. It will be good to mobilize the previous rivers programs. It may be time to build a strategy on what to do for the future. Review the fact sheets with a legal, professional interpretation. Ramifications of changes written down. 25 years of good impacts and experiences.

2) Withdrawn Suncook Nomination

Jacque reported the Suncook River nomination had been going well but after the last November election, with the change in memberships, there was a change in support of the effort. After the public meeting in April, the nominating committee decided to disband

IV. Shoreland Water Quality Protection Act (SWQPA)

1) The Act at One Year – Darlene Forst

Darlene provided the committee with an overview of the changes that have been made to the Act since the Legislature amended the Comprehensive Shoreland Protection Act (CSPA) and renamed it the Surface Water Quality Protection Act in 2011.

Some of the Changes

- Decks can no longer be added to pre-existing non-conforming structures, but the changes create issues with the conversion of decks to living space. HB 1484 contains language restoring the ability to add decks to pre-existing non-conforming structures, but conversion of decks within the 50 ft setback is prohibited.
- SB 344 impacts vegetated buffers in state parks – the Commissioner of DRED may order vegetation on lands or properties owned by, leased to, or otherwise under the control of DRED within the protected shoreland to be cut when overgrowth of vegetation impairs law enforcement activities and endangers public safety. If such cutting will exceed that which is allowed under subparagraph (iv), the Commissioner of DRED shall provide written notification to the department of environmental services identifying the areas to be cut and an explanation of the need for the cutting at least 2 weeks prior to the undertaking.

Good things...

- There is still Shoreland Protection...
- Permit by Notification is working and providing better reporting of small projects, low rejection rates and less public frustration (= more staff time for important things)

Immediate Concerns

- Economics and staffing
 - Fee-based revenue is 30 – 40 % behind prior years, while administrative costs are up.
 - Outreach almost entirely shutdown in order to maintain compliance staffing levels.
 - Perception of need for state consultation or sign off, especially by municipalities and for tree cutting.
- Waterfront Buffer effectiveness has been reduced with the new scoring system and the use of “groundcover” rather than “natural groundcover.”
 - The New Scoring - In order for trees to be removed, at least 50 points worth of trees, saplings, shrubs, and groundcover must remain within each 50 foot x 50 foot grid segment.

Tree Diameter:

- 1-3" = 1 pt
- >3-6" = 5 pts
- >6-12" = 10 pts
- >12-24" = 15 pts
- >24" = 25 pts

Shrubs and Ground Cover:

- 4 sq ft of shrub area = 1 pt
- 50 sq ft of ground cover = 1pt

- Groundcover - VII. "Ground cover" means any herbaceous plant which normally grows to a mature height of 4 feet or less. RSA 483-B:9 Minimum Shoreland Protection Standards.(V) (a)(2)(D)(i) specifies points for groundcover.
- Natural Groundcover - X-b. "Natural ground cover" means any herbaceous plant or any woody seedling or shrub generally less than 3 feet in height. Natural ground cover shall not include lawns, landscaped areas, gardens, invasive species as listed...
- Between 50 feet and 150 feet from the reference line, 25% of the area must remain in an "unaltered state." While lawn is not considered toward that 25%, "unaltered state" means vegetation is allowed to grow without cutting, limbing, trimming, pruning, mowing, or other similar activities except as needed for plant health, normal maintenance, and renewal (RSA 483-B:4, XXIV-b). Landscaped areas can count toward "unaltered area."
- Enforcement responsiveness and effectiveness has been reduced.
 - Restricted ability to enter property prevents any real level of responsiveness.
 - Complaints of activities having immediate detrimental effect must be referred to local Code Enforcement for rapid response.
 - Evidence disappears while we complete the notification process.
 - Fines are ¼ of what they were previously.

Future Concerns

- Adequacy of vegetated buffers.
- Filling to raise grades and divert run-off, resulting in complaints from recipient landowners.
- Anti-government sentiment...

Shoreland Advisory Committee (SAC) is charged with advising the Commissioner with recommendations pertaining to the SWQPA. It is hoped that a representative of the SAC will speak at the next joint meeting of the LMAC and RMAC.

What does the RMAC want to do? Focus groups have been put together regarding these changes. It was decided to pick up this discussion in December.

2) New Hampshire Rivers Council Focus Groups – Michele Tremblay

The Council asked what people thought of the act and the possible development of separate rivers standards vs. lakes standards vs. tidal waters standards. They received input and had concerns about the administrative aspects. Most were worried about inadequate buffers under the new system, the definitions, and inconsistencies. They may get together to use the power of the citizen input to put together draft legislation.

V. Other Business/Action Item Review/Member Comments and Updates

- 1) October is National Rivers Month – Jacquie pointed this out for the committee
- 2) Lakes and Rivers Instream Flows and Lake Levels Subcommittee
The subcommittee will meet sometime in November. They plan to bring a recommendation(s) forward at the joint LMAC and RMAC meeting in December.
- 3) Next Meeting – December 2012 – Joint meeting with the LMAC
Proposed for Monday, December 17, 1 p.m. (*Later rescheduled for December 18th*)
- 4) RMPP 25th Anniversary in 2013
Jacquie and Tracie are working on an editorial for the commissioner relative to the Rivers Program and the successes over the last 25 years. Need to focus on substantive things that have been good for the community. Get different levels of local participation to talk about it. The State must show they believe in protecting these resources.
Does the RMAC want to do a special event? If so, it should be timed with legislation. Need municipalities to speak up.
- 5) Member comments and updates – Will be added to a future agenda.

The meeting adjourned at 3:17pm.