



**RIVERS MANAGEMENT ADVISORY COMMITTEE**  
NH Rivers Management and Protection Program

New Hampshire Department of Environmental Services  
29 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
phone: 603-271-2959 fax: 603-271-7894

**RMAC MEETING MINUTES**  
**December 5, 2013**  
**NH Fish and Game Conference Room**  
**1:30 pm – 3:00 pm**

**Members Present**

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

**Representing**

Recreational Interests  
Conservation Community  
Historical & Archaeological Interests  
Local River Management Advisory Comm.  
Business and Industry Association  
NH Fish & Game  
NH Association of Conservation Comm.  
Public Water Suppliers  
Commissioner, DRED  
Executive Director, F&G  
Director, Office of Energy and Planning

**Term**

Dec. 28, 2014 V  
Dec. 28, 2014 V  
June 15, 2016 V  
Sept. 5, 2016 V  
Sept. 28, 2016 V  
Sept. 28, 2015 V  
Oct. 12, 2016 V  
Sept. 28, 2016 V  
Indefinite NV  
Indefinite NV  
Indefinite NV

**Members Absent**

Roger Noonan  
Frederick McNeill  
Gail McWilliam Jellie  
Kevin Nyhan  
Elizabeth Peck  
Vacant

Agricultural Community  
Municipal Government  
Commissioner, Dept of Ag., Markets & Food  
Commissioner, DOT  
Commissioner, DOS  
Granite State Hydropower

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

**DES Staff Present**

Collis Adams  
Jacquie Colburn  
Shane Csiki  
Carolyn Guerdet  
Tracie Sales

Wetlands Bureau  
Rivers and Lakes Program  
NH Geological Survey  
Water Division  
Rivers and Lakes Program

**Meeting Was Called to Order**

Chairman Ken Kimball called the meeting to order at 1:47 p.m. with introductions.

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

Chairman Kimball asked everyone to introduce themselves. Patrick Hummel introduced himself as the new representative for DRED, replacing Johanna Lyons.

1) Acceptance of October RMAC Meeting Minutes

- ***Michele L. Tremblay made a motion to accept the October minutes, second by Anne Krantz. No discussion. Motion passed unanimously.***

2) RMAC Membership Update

The only vacancy at this time is Granite State Hydro. Commissioner Burack sent a letter, dated 10/1/13 to the Association but we have heard nothing. RMPP staff will follow-up with the Association and the Governor's Office. Next term expirations are Fred (November 2014) and Ken and Michele (December 2014).

**II. Surplus Land Reviews**

1) SLR 13-013 Concord (Turkey River)

Tracie Sales explained that CORD has recommended expanding a utility easement along Clinton St. and next to the Turkey River for the purpose of a utility line realignment. The realignment will move the poles out of the wetland associated with the Turkey River floodplain. The work will be done in the winter on frozen ground. The actual SLR is for a small piece of DHHS property, though most of the project is occurring on DRED land. While this SLR would normally be a categorical exclusion due to the *de minimis* nature of the easement increase, the project was presented to the full committee for a vote due to the errors in the application which created confusion as well as for the fact that the project as a whole is occurring on state property in the riparian corridor. The Upper Merrimack LAC also reviewed the project and had concerns. A letter from the Upper Merrimack River LAC is on the blog.

- ***Michele L. Tremblay made a motion to alert CORD that some of the information submitted to CORD concerning SLR 13-013 was not factually correct. In addition, where the proposed activities may impact the Turkey River, the RMAC recommends that best management practices be applied, and that the Upper Merrimack River Local Advisory Committee's letter to the RMAC, dated December 1, 2013, be appended to the response to CORD. Second by Larry Spencer. Discussion was held. Motion passed unanimously.***

Susan Slack noted the utility easements have been coming to CORD at the last minute and may not contain all of the necessary information. It has been proposed that the SLR statute (RSA 4:40) be amended to exempt utility easements from coming to CORD.

- ***Michele L. Tremblay motioned that the RMAC tell CORD that the RMAC feels that utility easements should not be exempted from the Surplus Land Review process. Second by Larry Spencer. Discussion was held. Motion passed unanimously.***

The response letter should include a note that the RMAC has a categorical exclusion process in place for projects with *de minimis* impact so as not to slow the approval process unnecessarily.

## 2) DOT SLR 6 Acres in Warner (Warner River)

Jacque Colburn described an SLR request received from DOT (on 11/26) regarding the disposition of ~6 acres near the Warner River in Warner. An RMAC checklist has not yet been prepared. The property lies between Route 103 and Old Rte. 103, which abuts the Warner River. Ownership of the Class VI old road and the river bank is unknown. The property has been reviewed by NH Heritage Bureau and State Historic Preservation Office with no significant findings.

John Magee commented that the property and the river in that area are heavily used by kayakers. Chair Kimball suggested getting clarity on ownership of the road and river bank, then ask if disposal is in the best interests of the state if the parcel is heavily used. Vice Chair Tremblay agreed that the status of the road is key relative to public access and ownership.

- ***Michele L. Tremblay moved that the RMAC respond to DOT requesting clarification on the ownership/status of the old road, whether it is Class VI, private or some other designation. The RMAC also needs to ascertain the ownership of the parcel of land directly adjacent to the Warner River. It is not clear to the RMAC whether the border of this parcel is to the Class VI road or the river. The RMAC will provide a recommendation on this disposal once those questions answered. Second by Ann Krantz. Motion passed unanimously.***

John Magee added that he knew about the abutting property owner, who operates a small hydro facility on the river.

### III. Review of 2014 Rivers Related LSRs

The Policy & Legislation Subcommittee includes Michele L. Tremblay, Fred McNeill, Allan Palmer, and Kathryn Nelson, and is seeking one more member. Vice Chair Tremblay noted that the committee had been watching LSR 2099 from Rep. Spang, but this LSR has now been withdrawn. Tremblay asked for new key words for searching bill titles and text, and “sustainability” and “infrastructure” were suggested.

### IV. RSA 91-A Right-to-Know Law

Jacque summarized a few of the points made by Attorney Amy Manzelli during the October 19th LAC Workshop regarding RSA 91-A, NH’s Right to Know Law, and shared the handout presented at the workshop. The handout summarizes what the LACs should be aware of, but much of this also applies to the RMAC. For

example, either the draft minutes or a response to a request for the minutes are to be available within 5 business days. Similarly, a quorum must physically be present at a meeting, though a member attending via conference call can still vote, and email discussions should not be allowed. The RMAC may ask Attorney Manzelli to speak at a future meeting.

There was discussion as to the posting of meeting minutes and notices, and what posting means. Vice Chair Tremblay suggested submitting the meeting dates to the Legislative Calendar. Chair Kimball suggested sending a basic, one page, informational sheet out to the LAC chairs describing the right-to-know requirements that affect the LACs. The New Hampshire Rivers Council has created a webpage that LACs can use for electronic posting of meeting notices and minutes, so then all that is needed one physical posting.

## V. Member Comments and Updates

### 1) Sub-committee Reports: WQSAC – Allan Palmer

Allan provided a quick overview of his Water Quality Standards Advisory Committee report, which is also posted on the RMAC blog. EPA is revising their water quality regulations, focusing on 6 areas. DES is largely unconcerned with the changes, and is pleased with the compliance schedules. However, DES is concerned about the antidegradation language, which will require an alternatives analysis for all projects, not just ones with significant water quality impacts. DES has not had to do this type of full review in the past. EPA has also reviewed the state water quality regulations, and has made some minor comments on some such as ammonia. Finally, there is a proposal to have a U.S. Army Corps of Engineers general permit, for minimal impact activities, cover all of New England, but DES would not be happy with a regional permit.

### 2) Sub-committee Membership – Ken Kimball

RMAC currently has 3 subcommittees:

- a) Policy and Legislation – Michele, Allen, Fred, and Kathryn, and Don Ware volunteered to join.
- b) Statute Review – Ken, Fred, and Michele, and Susan Slack volunteered to join.
- c) SAC (Shoreland Advisory Committee) Ad Hoc – Larry, Michele (also a member of SAC, but preferring to represent rivers) and Anne. Jacquie or Michele will ask Roger to also join the SAC Ad Hoc subcommittee.

Larry volunteered to work with the group of Dartmouth students who, at the request of the department, are reviewing RSAs 481-488.

LAC outreach effort – on update of RSA 483. Rivers Program staff, Ken and Michele will be conducting group LAC meetings to get their input regarding what parts of RSA 483 are working and which are not. Potential meeting dates will be sent out.

## VI. Other Business and Action Item Review

### 1) Action Item Review

SLR 13-013 response to CORD

Request more information from DOT on Warner SLR

Send letter to CORD regarding utility easements

Doodle Survey for next RMAC meeting date

Jacquie or Michele will call Roger regarding joining the Shoreland subcommittee

List subcommittee rosters in meeting agendas

### 2) Next Meetings

Joint - May

RMAC - March or early April. Staff will send a Doodle poll to determine date

### 3) Agenda Items for Next Meeting

Dartmouth student report, wetlands regulation re-write, DES strategy for future funding.

➤ **Ken Kimball made a motion to adjourn, second by Anne Krantz. Motion passed unanimously.**  
Meeting adjourned at 3:04 p.m.