

RIVERS MANAGEMENT ADVISORY COMMITTEE

Meeting Minutes

April 12, 2006

Fish & Game

11 Hazen Drive

9:30 am – 12:30 pm

Members Present

Ken Kimball, Chair
Michele L. Tremblay, Vice Chair
Bob Beaurivage
Deborah Hinman
William Heinz
John Magee
Walter Morse
Allan Palmer

Representing

Recreational Interests
Conservation Interests
Public Water Suppliers
NH Assn. Conservation Commissions
Granite State Hydropower
Fish & Game Department
NH Fish & Game Commission
Business and Industry Association

Term

Dec. 28, 2008 V
Dec. 28, 2008 V
Sept. 28, 2007 V
Oct. 12, 2007 V
Jan. 5, 2009 V
Indefinite NV
Sept. 28, 2006 V
Sept. 28, 2007 V

Members Absent

Ken Gallager
Gail McWilliam Jellie
Johanna Lyons
Wesley Stinson
Ted Sutton
Vacant

Office of Energy and Planning
Department of Agriculture
Dept. Resources & Economic Development
Historical & Archaeological Interests
Municipal Government
Agricultural Interests

Indefinite NV
Indefinite NV
Indefinite NV
June 15, 2007 V
Nov. 16, 2008 V
March 22, 2006 V

Guests Present

Carl Paulsen
Ray Lobdell

NH Rivers Council
Ammonoosuc Corridor Advisory Committee & Town of Littleton

DES Staff Present

Steve Couture
Laura Weit
Paul Currier
Marie LosKamp
Jen Drociak
Arlene Allen

Rivers Coordinator
Lakes and Rivers Asst. Planner
Administrator, Watershed Mgmt. Bureau
Executive Secretary, Watershed Mgmt. Bureau
VRAP Coordinator, Watershed Mgmt. Bureau
Speaker replacing Darlene Forst on Shoreland Protection

The Meeting Was Called to Order

Ken Kimball, Chairman, called the meeting to order at 9:32 a.m.

I. 9:00-9:30 am Introductions/Minutes/Committee Business

1) February 13, 2006 Meeting Minutes - Vote Required

Michele Tremblay requested that on page 3, section 2, paragraph 2 after CSPA the following language be added: "as an unfunded mandate and an additional burden on the towns".

- ***Michele Tremblay made a motion to accept the February 13, 2006 meeting minutes as amended. Bob Beaurivage seconded the motion and it was unanimously voted.***

2) RMAC Membership Status

A membership status report was included in the packet of information available via the FTP prior to the meeting. Ted Sutton was re-appointed to represent NH Municipal Association. His term is effective until November 16, 2008.

The NH Association of Conservation Districts nominated Allan Bartlett to serve on the RMAC to represent their Agricultural Interests.

Michele Tremblay will forward a copy of a letter from the Farm Bureau Federations nominating Allan Bartlett to Steve Couture.

Michele Tremblay has been nominated for reappointment. Her nomination was confirmed by Governor and Council on May 3, 2006 and her term expires on December 28, 2008.

John Magee has replaced Bill Ingham to represent the Fish & Game Department.

3) Stream Gage Strategy Committee

The Commissioner has approved the formation of a Task Force. Wayne Ives is heading up the effort and sent out an email to schedule the first meeting. The plan is to hold three meetings, the first in late April, the second in late June, and the third in late August. A final report will be submitted on September 15, 2006 to the SB 330 Committee (Impact of water withdrawals on instream flow study committee).

Bill Heinz and Allan Palmer agreed to represent the RMAC on the Stream Gage Task Force. Bill will be the primary representative and Allan will be the alternate.

- ***Steve Couture will forward Bill Heinz and Allan Palmer's contact information to Wayne Ives to make sure they both receive information relative to the Stream Gage Task Force.***

Debby Hinman inquired about the role of the LACs in the Stream Gage Task Force.

Steve Couture explained that Mike Heidorn is being asked to participate due to his involvement with the Cold River Volunteer Flow Monitoring Program.

- ***Steve Couture will follow up with Mike Heidorn to make sure he has received the information relative to the Stream Gage Task Force.***

4) Stream Informational Exchange

Copies of the February 23rd Stream Community Informational Exchange Workshop meeting minutes and agenda were distributed. The next meeting is scheduled for April 27th in which the group will discuss a fish database called "Pearl" that was developed for the State of Maine. Deb Soule, DES Bureau of Watershed Management Database Manager will present options of adding it to the DES Environmental Monitoring Database.

Allan Palmer has been attending the Stream Community Information Exchange Workshops meetings on behalf of the RMAC. John Magee is also attending the meeting on behalf of the Fish & Game Department. The Committee discussed if Allan should continue to represent the RMAC, since the meetings are becoming more technical in nature and more focused on database management.

Paul Currier indicated that the NH Monitoring Network is intended to address how to integrate local advisory committee monitoring issues with everything else. Ted Walsh and Andrea LaMoreaux with DES are both involved with that project.

Paul Currier also pointed out that once the NH Monitoring Network gets going, it will be the vehicle for financial considerations, and possibly political considerations as well.

Paul Currier commented that the effort is just getting started and the focus has been on connecting with UNH and Plymouth State.

Michele Tremblay mentioned that the in-the-trenches perspective was important to have and suggested to talk with Paul about what kind of representation made sense after the meeting.

Paul Currier said he would talk about it with Ted.

II. 9:30-10:00 am Election Policy – *Vote Required*

Ken Kimball reminded the Committee that the RMAC has never had an election policy. At the February 13th meeting Michele Tremblay and Steve Couture agreed to gather information on election policies and procedures used by other councils or committees at DES and develop a draft election policy to present to the Committee for their consideration.

Steve Couture developed a draft election policy and distributed it to the Committee prior to the meeting. Steve edited the draft on the computer as the Committee discussed changes.

Ken Kimball suggested rewriting the first bullet to read “the election policy will apply to all elected officers of the RMAC including the chair and vice chair”, since other positions may be added in the future.

Michele Tremblay recommended de-sexing the language and spelling out G&C.

Ken Kimball asked for a straw poll vote on whether the Committee wanted to establish concurrent terms like the Presidency of the United States or staggered terms.

- ***Option #1 – A set election will be held every two years. If the Chair or Vice Chair resigns, the replacement will carry out the previous term. Vote – 5***
- ***Option #2 - When someone is elected into a position, they hold it for two full years. Therefore, Chair and Vice Chair terms could become staggered. Vote – 0***

Ken Kimball asked Steve Couture to use the results from the straw poll vote to further refine the draft.

Ken Kimball suggested that if the Chair resigns the Vice Chair moves into that position for the remaining portion of that term. An election would then take place to find a new Vice Chair. If the Vice Chair resigns the Committee would hold an election for a new Vice Chair. The general consensus of the Committee is to hold elections every two or three years.

- ***Ken Kimball motioned to accept the Election Policy with the changes as noted. Michele Tremblay seconded and it as unanimously voted. Elections for officers will be held at the July 24th meeting.***

III. 9:45-10:30 am Legislation/Rulemaking/Other

- 1) Shoreland Protection Act Commission – *Vote Required*

Arlene Allen provided the Committee with a summary of the purpose of the Shoreland Protection Act Commission. The Commission was established in July to study the

provisions in the Act and evaluate its effectiveness. The Commission has recently focused its deliberations on permitting issues. Jennifer Patterson, Senior Assistant Attorney General prepared a "white paper" on what a permitting process would look like.

Michele Tremblay expressed concern about delegating authority to municipalities for regulation and enforcement of the CSPA as an unfunded mandate and an additional burden on the towns, which would result in inconsistent management of waterbodies held in public trust.

Michele Tremblay also suggested that the program should be consistently applied at the state and local levels, possibly using state circuit riders that are familiar with state and local regulations.

Ken Kimball added that outreach and enforcement are the big issues.

Michele Tremblay commented that all designated rivers are protected with the exception of the Pemigewasset and the Saco. Some of the designated rivers are covered under the CSPA while others are protected by Chapter Law. All designated rivers should be covered under the CSPA. Stream ordering is also something that needs to be addressed. A "white paper" should be put together to include all segments of designated rivers regardless of order under the provisions of the CSPA.

- ***Michele Tremblay asked Steve Couture to put together a white paper that included the issues discussed and distribute it via email to the Committee by May 8th.***

Michele Tremblay and Debby Hinman volunteered to serve on the subcommittee. Debby Hinman agreed to present the draft to the Cold River Local Advisory Committee.

Ken Kimball suggested that the white paper be placed on the next meeting agenda.

2) HB 1495 – *Vote Required*

Steve Couture presented proposed changes to HB1495. The setback for landfills along natural segments would be the width of the river corridor or the 100 year floodplain, whichever is greater. Steve Couture was involved with this language change and has no problem with the proposed change.

- ***Michele Tremblay motioned to submit a letter to the Senate by April 18th. Bob Beaurivage seconded the motion and it was unanimously voted.***
- ***Michele Tremblay agreed to sign the letter for Ken and DES staff will deliver the letter.***

3) HB 1343 – *Vote Required*

Steve Couture suggested that the RMAC may want to consider this act. Since, with the passage of HB 1343 the NH Council on Resources and Development (CORD) is only advisory.

- ***Debby Hinman motioned to remain neutral unless one of the state agencies represented on the Committee has a concern. Michele Tremblay seconded the motion and it was unanimously voted.***
 - ***Michele Tremblay suggested that DES staff contact the state agencies represented on the Committee not present at the meeting to get their input.***
- 4) RMPP Env-Wq 1800
A summary of changes to Env-Wq 1800 was provided to the Committee prior to the meeting.
- ***Ken Kimball suggested that this item be placed on the agenda for the next meeting in order to stay on schedule.***

IV. 10:30-11:30 am Ammonoosuc River Nomination

Committee members received a packet of information that included the nomination and copies of all of the letters of support submitted to DES.

Steve Couture provided a brief PowerPoint presentation of the nomination process.

Ray Lobdell, Project Manager for the Ammonoosuc River Corridor Advisory Committee gave a PowerPoint presentation on the Ammonoosuc River. The Ammonoosuc falls within the Connecticut River basin and begins on the side of Mt. Washington at Lake of the Clouds. There are 15 towns in the watershed; the corridor only has 8000 people with 7 towns in the corridor. The Ammonoosuc River Corridor Advisory Committee has identified 4 action goals: establish a water quality monitoring program, seek river designation, inventory streambank erosion, and identify potential mitigation sites.

- ***Ken Kimball suggested conducting a site visit at 1 p.m. on June 20th. The site visit would start in Woodsville and work its way up. The public hearing would be scheduled for 7 p.m. and the RMAC could hold a meeting during dinner if it has business that needs to be addressed.***
- ***The next RMAC meetings will be held on June 20th for time sensitive business only and July 24th to discuss the comments from the public hearing, since recommendations are due to the Commissioner by August 5th.***

V. 11:30-12:15 am Surplus Land Reviews (SLR) – Disposition of State-Owned Properties

- 1) SLRs – 06-004 Town of Weare (Piscataquog River) – Vote Required
Laura Weit provided the Committee with a completed checklist for property. The Town of Weare proposes to widen an existing bridge and to straighten the approach to the bridge. The Town wishes to acquire three easements. The combined area is 0.263 acres.
 - ***Ken Kimball motioned to approve the disposal as submitted. Michele Tremblay seconded and the motion was unanimously voted.***
- 2) Update on SLR 05-023: Town of Rindge
Laura Weit provided the Committee with a status report on SLR 05-022: Town of Rindge. CORD reviewed the recommendations submitted by the RMAC at its last meeting and determined that they were not reasonable. CORD approved the disposal as submitted.

- ***Debby Hinman motioned to accept the approval of SLR 05-022 by CORD. Bob Beurivage seconded and the motion was unanimously voted.***

3) Status of AG comments/response to CORD & LMAC/RMAC letters

A memo from Jennifer Patterson of the AG's office was received. Allan Brooks has been assigned to prepare a response to the request.

4) Changes to Process – RMAC Notification MOA with NHDOT – Vote Required

Jacque, Steve and Laura met with DOT to make sure that Memorandum of Agreement is acceptable to the RMAC and the DOT.

Laura Weit commented that jurisdiction is defined in the RMAC policy statement. A clear definition and reference are defined in A1. Copies of the checklist and policy statement will be included as appendixes to the MOA.

Ken Kimball stated that on page 1, the first whereas statement should be amended to use language pulled directly from RSA 483.

Ken Kimball also stated that for the RMAC to make a prompt decision, the Committee needs to be given the information that is required to complete their checklist.

Laura Weit pointed out that comparing the amount of information we receive from CORD with the amount of information from DOT, DOT provides us with much more information.

Ken Kimball requested to change the wording on page 3, under letter B to read: "make every effort to respond to DOT within 60 days after receiving a completed packet of information".

- ***Michele motioned to accept the MOA with amendments as noted. Debby Hinman seconded and the motion passed, one nay vote.***

5) Proposed changes to the "Procedure for RMAC review of State property disposal" and "Staff Review Checklist" – Vote Required

Ken Kimball requested to add under letter A section Yes: "The recommendation made is binding."

John Magee suggested using the definition for river in the checklist for the policy statement for consistency.

- ***Michele motioned to amend the Checklist as the RMAC proposed. Bob Beurivage seconded and the motion was unanimously voted.***

VI. 12:15-12:30 pm Other Business/Action Item Review

1) Action items

1. Send the approved election policy to the Committee.
2. Work with Ray to coordinate the river tour and public hearing for June 20th.
3. Next RMAC meeting scheduled for 24th of July at DES.
4. Send updated MOA to DOT, if Commissioner Murray does not sign, put it on the July 24th agenda.

5. Prepare "white paper" to submit to the CSPA Commission
6. Draft HB 1495 letter
7. Agenda items for next meeting: SLRs, river nominations, and Env-Wq 1800.

VII. Next Meeting Date/Adjourn:

***Next meeting dates: – June 20, 2006 – Ammonoosuc River nomination public hearing
Monday, July 24, 2006 12:30 pm - 3:30 pm
With Lunch Being Served at Meeting***

➤ ***Bob Beaurivage motioned to adjourn meeting. Michele Tremblay seconded and the motion was unanimously voted.***

Meeting Adjourned at 1:15 pm