

**RIVERS MANAGEMENT ADVISORY COMMITTEE**  
**Meeting Minutes**  
**December 21, 2007**  
**NH Department of Environmental Services**  
**10:15 am – 12:30 pm**

**Members Present**

Ken Kimball, Chair  
Michele L. Tremblay, Vice Chair  
Jennifer Czysz  
Anne Krantz  
Kathryn P. Nelson  
Kevin Nyhan  
Bob Beaurivage  
Johanna Lyons  
Walter Morse  
Alan Bartlett  
William Heinz  
Ted Sutton

**Representing**

Recreational Interests  
Conservation Community  
NH Office of Energy and Planning  
Historical & Archaeological Interests  
Local River Management Advisory Comm.  
NH Department of Transportation  
Public Water Suppliers  
Dept. of Resources & Economic Development  
NH Fish & Game Commission  
Agricultural Community  
Granite State Hydropower Assoc.  
Municipal Officer

**Term**

Dec. 28, 2008 V  
Dec. 28, 2008 V  
Indefinite NV  
June 15, 2010 V  
Sept. 5, 2010 V  
Indefinite NV  
Sept. 28, 2010 V  
Indefinite NV  
Sept. 28, 2009 V  
Mar. 22, 2009 V  
Jan. 5, 2009 V  
Nov. 16, 2008 V

**Members Absent**

Gail McWilliam Jellie  
John Magee  
Allan Palmer  
VACANT

NH Dept. of Agriculture, Markets, and Food  
NH Fish & Game Department  
Business and Industry Association  
NH Assn. of Conservation Commissions

Indefinite NV  
Indefinite NV  
Sept. 28, 2010 V  
VACANT V

**DES Staff Present**

Steve Couture  
Laura Weit

NHDES Rivers Coordinator  
NHDES Lakes and Rivers Asst. Planner

**Guests**

Elaine Chabot  
Luis N. Maldonado LTC  
Bruce W. Kimball CIV  
Josh Cline  
Ken Stern  
Larry Spencer

New Hampshire National Guard  
New Hampshire National Guard  
New Hampshire National Guard  
New Hampshire Rivers Council  
Society for the Protection of NH Forests  
Pemigewasset River LAC

**The Meeting Was Called to Order**

Ken Kimball, Chair called the meeting to order at 10:34 a.m.

**I. Sustainability Initiative – Ken Kimball, Chair**

This is a carry over item from the joint Lakes Management Advisory Committee (LMAC) and Rivers Management Advisory Committee (RMAC) meeting held immediately prior.

- ***Ted Sutton made a motion to accept the Sustainability Initiative with corrections as noted during the Joint Lakes Management Advisory Committee (LMAC) and Rivers Management Advisory Committee (RMAC) held immediately prior, second by Kathryn Nelson. The vote was unanimous.***

**II. Introduction/Minutes/Committee Business**

**1) September 25, 2007 Meeting Minutes**

- ***Michele L. Tremblay made a motion to accept the September 25, 2007 meeting minutes as presented, second by Walter Morse. The vote was unanimous.***

**2) RMAC Membership Status –**

The NH Association of Conservation Commissions is currently working on finding three nominees to replace Debby Hinman.

**3) Correspondence**

DES sent a letter to Amy Ignatuis with the NH Office of Energy and Planning on October 10, 2007 regarding the leasing of state-owned real estate on shores of public waters. This letter was in direct response to a letter the Governor's Office had sent on October 17, 2006 asking six specific questions of state agencies that hold and manage state-owned lands that abut public waters.

**III. Natural Segments and Outstanding Resource Water Protection, Steve Couture, NHDES**

Outstanding Resource Water (ORW) is a mechanism derived from the Clean Water Act that offers the highest level of surface water protection. It has been incorporated into Env-Ws 1708.05 Surface Water Quality Regulations. According to Env-Ws 1708.05 (a) "surface waters of *national forests* and designated natural river segments under RSA 483:7-a, I shall be considered outstanding water resources." Furthermore, according to Env-Ws 1708.05 (b) "water quality shall be maintained and protected in surface waters that constitute ORW, except that some limited point and non-point source discharges may be allowed providing that they are of limited activity which results in no more than temporary and short-term changes in water quality. 'Temporary and short-term' mean that degradation is limited to the shortest possible time. Such activities shall not permanently degrade water quality or result at any time in water quality lower than that necessary to protect the existing and designated uses in the ORW. Such temporary and short-term degradation shall only be allowed after all practical means of minimizing such degradation are implemented."

DES is seeking approval to move ahead with developing a procedure to implement ORW.

- ***Michele L. Tremblay made a motion that standard requirements for Outstanding Resource Water Protection include: 1) no additional pollutant loading and 2) no increase in peak or volume of hydrology. The geographic scope includes all contributing drainage areas, second by Anne Krantz. The vote was unanimous.***

The Water Quality Standards Advisory Committee was established in the fall of 2000 to assist DES in drafting revised water quality regulations. The purpose of the committee is to facilitate public input, solicit advice and provide a forum for the discussion of focused issues. They are currently seeking new representatives.

- ***Michele L. Tremblay made a motion to appoint Allan Palmer to represent the RMAC on the Water Quality Standards Advisory Committee, second by Ted Sutton. The vote was unanimous.***

**IV. Surplus Land Review – Disposition of state-owned properties – Laura Weit, NHDES**

**1) CORD SLR 07-016: Town of Woodsville (Connecticut River)**

The New Hampshire National Guard wishes to dispose of the Woodsville Armory due to US military reorganization. The property directly abuts the Connecticut River. Luis N. Maldonado, LTC explained that according to the 1955 deed, the property shall be purchased

by J.J. Rowe or buyer approved by Rowe. Luis also explained that the New Hampshire National Guard has approached the Town of Haverhill to purchase the property.

The Connecticut River Joint Commissions, Inc. (CRJC) reviewed the request and recommended that 1) if the new owner was amendable, the existing structure be removed and 2) the expansion and restoration of the existing riparian buffer would be an improvement to the property.

- ***Michele L. Tremblay made a motion to approve the disposal with the following recommendations: 1) It is the understanding of the RMAC that according to a letter submitted by the Connecticut River Joint Commissions, Inc. (CRJC) the property lies within the floodplain. 2) It is also the understanding of the RMAC that the CRJC recommends the footprints of the existing buildings are not expanded. 3) The Town of Haverhill shall be encouraged to work with the CRJC to use Best Management Practices (BMPs) on site. 4) The Town of Haverhill shall also be encouraged to work with the CRJC to expand the existing vegetative buffer with the intent of increasing flood storage and reducing erosion, second by Ted Sutton. The vote was unanimous.***

#### V. Legislation/Rulemaking/Other

##### 1) **Stream Gage Task Force Recommendations – Capital Budget – Steve Couture, NHDES**

Fifteen stream gages will become operational due to leveraging capital budget funds. DES and USGS have worked together to cover operational and maintenance costs. All stream gages, except two are on designated rivers.

##### 2) **Legislation – Steve Couture, NHDES**

###### a) **Legislative Subcommittee – 2009 Discussion Draft & 2008 Legislation – Michele L. Tremblay, Vice Chair**

The Legislative Subcommittee met several times over the past few months to revise RSA 483 with the intent to clarify the legislation and meet unfulfilled needs. Michele reviewed the suggested changes to RSA 483 with the RMAC. The most significant change is to institute a permit surcharge that would provide: 1) grants program to support LAC River Corridor/Watershed Management development and implementation, 2) funding to develop and implement Protected Instream Flows and Long-Range Management Plans, and 3) one permanent staff member and two interns to conduct permit reviews, LAC technical assistance, and assessment and monitoring. This \$50 fee would be applied to all permits, licenses, or certificates identified in RSA 483:12-a, that currently charge a fee.

Ken noted that the permit fee should be corrected every five years for inflation.

- ***Michele L. Tremblay made a motion to move forward with the proposed changes to RSA 483 for the 2009 legislative session, second by Walter Morse. The vote was unanimous.***

Jen expressed concern for charging applicants additional fees, especially with regard to affordable housing.

Ken stressed the importance of gaining the full support of all members on the proposed legislation before moving forward, since the entire statute will be open for attack once submitted.

➤ ***Due to time constraints, the RMAC will review bill text at its next meeting.***

**b) Comprehensive Flood Management Plan Commission (HB 648) – Steve Couture**  
John Magee is the RMAC representative to this Commission. Steve is one of two DES representatives. Steve noted the approach that the U.S. Army Corps of Engineers has taken to flood management, which is more focused on managing human behavior than controlling floods. The Commission has agreed to meet on a weekly basis to accomplish what they have been charged to do.

**3) Comprehensive Shoreland Protection Act Rules Workgroup – Kathryn Nelson**

The Rulemaking Notice for the Shoreland Rules has been filed and will be published today. The public hearing is scheduled for Wednesday, January 16, 2008 from 9:00 a.m. to 11 a.m. in Rooms 110 and 111 at DES.

➤ **Kathryn Nelson agreed to work with RMPP staff to develop priorities and recommendations to strengthen and/or change the proposed rules.**

The fire alarm went off. Ken Kimball left the meeting at this time.

**VI. Next meeting date(s):**

***Next meeting date: – Wednesday, January 23rd at 9:30 AM.***

**VII. Wetlands Stream Rules Workgroup – Michele L. Tremblay**

The Wetlands Stream Rules Workgroup has been charged to gather input and assist in writing rules regarding streams and how they relate to wetlands permitting. The Workgroup is currently working on language and how to establish criteria for new road crossings for perennial and intermittent streams. The Workgroup consists mostly of users and consultants rather than conservation interests. The next Wetlands Stream Rules Workgroup meeting is scheduled for January 10, 2008 at 9:00 a.m. in Rooms 112 and 113 at DES.

**VIII. Other Business/Action Item Reviews**

Kevin suggested including projects taking place on the Cold River and Warren Brook as a future agenda item.

➤ **Steve Couture offered to work with Kevin to develop a presentation for the RMAC to identify lessons learned from the Cold River and Warren Brook stabilization and restoration projects.**

***Action Items –***

- 1) RMAC members will submit any revisions and/or edits to the Sustainability Initiative by January 4<sup>th</sup>.
- 2) RMPP staff will incorporate edits to the Sustainability Initiative and work with Ken and Phil O'Brien, LMAC Chair to finalize the document.
- 3) Post approved September 25th meeting minutes to the RMAC website.
- 4) Send a letter to CORD for the conditional approval of SLR 07-016: Town of Woodsville.
- 5) Kathryn Nelson will work with RMPP staff to develop a list of priorities and recommendations to strengthen and/or change the proposed CSPA rules.
- 6) Steve will work with Kevin to develop a presentation that identifies lessons learned from the Cold River and Warren Brook restoration and stabilization projects.

- **Motion to adjourn by Alan Bartlett, second by Ted Sutton. Vote was unanimous.**

**Meeting adjourned at 12:50 p.m.**