

RIVERS MANAGEMENT ADVISORY COMMITTEE

Meeting Minutes

June 30, 2010

NH Fish and Game Department

9:00 am – 1:15 pm

Members Present

Ken Kimball, Chair
Michele L. Tremblay, Vice Chair
Bob Beaurivage
Jennifer Czys
Gary Kerr
Anne Krantz
Frederick McNeill
John Magee
Kathryn Nelson
Kevin Nyhan
Allan Palmer
Jim Ryan

Representing

Recreational Interests
Conservation Interests
Public Water Suppliers
NH Office of Energy and Planning
Granite State Hydropower
Historical & Archaeological Interests
Municipal Government
NH Fish & Game Department
Local River Management Advisory Comm.
NH Dept. of Transportation
Business and Industry Association
NH Fish & Game Commission

Term

Dec. 28, 2011 V
Dec. 28, 2011 V
Sept. 28, 2010 V
Indefinite NV
Jan. 5, 2012 V
June 15, 2010 V
Nov. 16, 2011 V
Indefinite NV
Sept. 5, 2010 V
Indefinite NV
Sept. 28, 2010 V
Sept. 28, 2012 V

Members Absent

Vacant
Gail McWilliam Jellie
Johanna Lyons
Larry Spencer
Richard Verville

Agricultural Community
NH Department of Agriculture
Dept. Resources & Economic Development
NH Association of Conservation Comm.
NH Dept. of Safety

Mar. 22, 2009 V
Indefinite NV
Indefinite NV
Oct. 12, 2010
Indefinite NV

DES Staff Present

Laura Weit
Jenn Rowden
Paul Currier
Carolyn Guerdet
Rick Chormann

NHDES Acting Rivers Coordinator
NHDES Assistant Planner, Rivers and Lakes Programs
NHDES Watershed Bureau Administrator
NHDES Administrative Assistant
NHDES Geological Survey

Guests Present

Don Clement
Peter Richardson
Rachel Ruppel
Shawn Donavan
Eric Fiegenbaum
Tom Lee
Richard Weyrick
Kyle Pimental
Brian Gallagher
Rep. L. Mike Kappler
Lelia Mellen
Dawn Genes
Cheryl Killam
Jim Hadley

Exeter River Local Advisory Committee
Exeter River Local Advisory Committee
Upper Valley Lake Sunapee Regional Planning Commission
Mascoma River Nomination Committee
Oyster River Watershed Association
Oyster River Watershed Association
Oyster River Watershed Association
Strafford Regional Planning Commission
Oyster River Watershed Association
LRNC, ERLAC, LRWA, SWA, & RR&D
National Parks Service
Lamprey River Nomination Committee
Lamprey River Nomination Committee
Lamprey River Nomination Committee

The Meeting Was Called to Order

Ken Kimball, Chair, called the meeting to order 1:12 PM.

I. Introductions/Minutes/Committee Business

1) March 3, 2010 RMAC Meeting Minutes

- ***Michele L. Tremblay made a motion to accept the March 3, 2010 RMAC meeting minutes with the correction, second by Jim Ryan. Motion passed unanimously.***

2) RMAC Membership Update

- 1) The Governor's office has contacted Roger Noonan as a nominee but he has not been appointed yet.
- 2) The following need to fill out paperwork and submit to the Governor's office if interested in being reappointed to the RMAC:
 - Anne Krantz, term expired June 15, 2010
 - Kathryn Nelson, term expires September 5, 2010
 - Alan Palmer and Bob Beurivarge, terms expire on September 28, 2010
 - Larry Spencer, term expires on October 12, 2010

3) RMAC Officer Elections

- ***Garry Kerr made the motion to nominate the two current holding position members, chair and vice chair, second by Fred McNeil. Motion passed unanimously.***

II. River Nomination Presentations

1) Laura gave a review of the nomination procedure. River nominations must be submitted by June 1st to be considered for the following legislative session. The nomination includes a resource assessment, documentation of notification to all riverfront communities, at least one public meeting in one of the riverfront communities, and an evaluation of the resources being assessed. The nomination is then reviewed by the rivers coordinator to be deemed complete in accordance with criteria set forth in RSA 483:6, and forwarded to the RMAC for review. The nomination group gives a presentation to the RMAC. A site visit is conducted and a public hearing is held in a municipality along the river corridor. Public comments are reviewed by the RMAC and a vote is taken. The Rivers Coordinator makes his/her recommendation. Both the RMAC's and the Rivers Coordinator's recommendations are forwarded to the DES Commissioner within 120 days. Within 45 days the DES Commissioner must make his recommendation to the General Court. At this time a bill is developed, a sponsor is found and it goes through the legislative process. The four rivers being considered would be designated in the summer of 2011, if approved by the Governor.

2) Lamprey, North, North Branch, Little, Pawtuckaway, and Piscassic Rivers

Jim Hadley and Dawn Genes gave a presentation on these rivers. This will add the remaining 37 miles and several major tributaries (about 50 miles) to the designated Lamprey River. A watershed approach is being taken. It will provide for the expansion of the Lamprey River Advisory Committee to better coordinate management and protection of the river at the local and regional levels. This would include 14 cities/towns working together. All 14 conservation commissions sent letters of support. Six of the 14 planning boards sent letters of support. Thirty-two letters were received from representative and senators representing their towns.

Kevin Nyhan, DOT, pointed out a concern about roadways adjacent to designated rivers. DOT's ability to maintain the transportation infrastructure is limited along natural sections. The Lamprey River Nomination Committee pointed out there are only crossings in this nomination. Laura clarified the natural area designation and what can be done to maintain roadways along these areas. If a change is needed in this area along embankments temporary channel alterations are

allowed and permanent alterations that restore the channel's geomorphic characteristics to its more natural condition are also allowed. Kevin also pointed out that new stream crossing rules have all crossings along the designated river automatically tier three, which provides additional protection and may cost more money. Do the towns understand that?

Michele Tremblay pointed out that there is a high percentage of individual support for this. Gary Kerr questioned the definition of the word 'protection'. Laura explained what has been used in other proceedings and it has been spelled out in statute.

Representative Kappler spoke about the Southeast Watershed Alliance (SWA). Forty-two towns were invited to join only 26 towns have. The end result and product out put will affect all 42 towns. He encouraged all towns to join so they have a representative to debate the issues.

Jen Czysz pointed out that is critical that the communities that will now be under the Comprehensive Shoreland Protection Act (RSA 483-B) be made aware it is going to happen and they are supportive of that happening.

Ken Kimball noted that the RMAC looks very closely at the number of letters of support received from Board of Selectmen. Since, the Nominating Committee only has two letters from 14 towns; he strongly encouraged the Nominating Committee to obtain letters of support from each town Board of Selectmen.

Bob Beaurivage noted that there is such an impact on town's water systems that it is important to have comments from the public water works people. Laura noted that requirements for notification pertain to the portions of the river that are being designated, and those communities have been notified.

Michele clarified that the purpose here as an advisory committee is to review, conduct public hearings, and make a recommendation to the DES Commissioner on whether or not the designation should proceed. Ultimately, the final decision lies in the hands of the general court.

3) Oyster River

Tom Lee, Eric Fiegenbaum, and Brian Gallagher

The watershed is only 31 square miles, a small river with the fresh water portion of only 14 miles long. The river begins in Barrington then flows through Lee, Madbury, and Durham with the proposed designation ending at the Mill Pond in Durham. Below that the river becomes an estuary. The reasons to nominate include: significant natural resources, urban development with more demand for water, declining estuaries, and there is no formal cross-town body to address water issues within the watershed. Outstanding features include: 1) drinking water source for Durham & UNH, 2) it is a tributary of Great Bay, 3) pristine flood plans, 4) wildlife resources (lots of biological diversity), 5) used by UNH, and 6) active monitoring program.

Community and agency support is strong and many letters have been received. Designation will improve communications between towns. There is talk of removing the Mill Pond Dam and with it being in the community portion of the designation it is allowable.

Jenn Czysz clarified that there is a formal system for inter-municipal review of developments that may impact a shared resource. There is a statutory process for that, Co-development of Regional Impact. Michele noted that municipalities generally do not get the opportunity to comment on state permit applications (Alteration of Terrain/Dredge and Fill, Shoreland, etc.). The LAC receives these so the town has a voice at the table. They are both separate but useful.

A ten minute break was taken from 10:35 to 10:45.

5) Lower Exeter/Squamscott Rivers

Don Clement and Peter Richardson

The Exeter River has been part of the Rivers Management and Protection Program since 1995 except for the last 2.19 mile segment from the confluence of Great Brook to the tidal dam in Exeter. This is where the fresh water portion meets the Squamscott River (the salt water portion). The current dam built on the ledges of the Exeter Falls, marks the transition zone of fresh and salt. While two names help define the outstanding characteristics of the river system, they really make up one river, one watershed. The Exeter/Squamscott River is one of the primary tributaries of Great Bay.

There were meetings held with each of the three riverfront communities, and Phillips Exeter Academy, as well as three public meetings, one in each town to talk to landowners along the river. Many letters of support have been received. The nomination will bring Newfields and Stratham to the table as partners in the watershed.

The tidal dam is in deficiency as it will not pass a 50 year storm. It needs to have significant work done on the dam or have it removed. There is an ongoing study looking at next steps.

4) Mascoma River

Shawn Donovan & Rachel Ruppel

The river flows into the Connecticut River in West Lebanon. There is diversity in land use, history, habitat, and natural resources. The Mascoma River is the city of Lebanon's drinking water supply. Water is for not only the residents but also the Dartmouth-Hitchcock Medical Center.

Shawn, speaking on behalf of the committee, shared that the committee and planning commission have been very grateful for the amazing support from Laura. She's been at meetings and answering questions for two years and she has been very effective.

6) River Tours and Public Hearings Schedule –

Chairman Kimball noted after the presentations there will be site visits, public hearings, and then the RMAC will take a vote at a meeting in September. At that time the formal recommendations will be made. The list of site visits and public hearings are on the back of the agenda. Michele will chair two of the public hearings and Ken will chair two of them. Four to five committee members are signed up to attend each tour. It was decided that there will not be a RMAC meeting at the public hearings. The river tours will start a little later to make it the most convenient for the public to attend.

III. Legislation/Rulemaking/Other

1) House Bill 2 Committee Update –

Michele reviewed the handout of the 2010 legislation. In all but two bills the position that the RMAC took prevailed as written or as amended. HB1689 was in regards to the RMAC and other committees being scheduled to sunset unless there was corrective action. The omnibus bill included the RMAC, the LMAC and the LACs which are being allowed to continue. She thanked all for their support in getting this passed. She thanked the members of the subcommittee – Kathryn Nelson and Allan Palmer. Gary Kerr will be joining the committee for the next session.

2) Stream Crossing Rules Update -

Laura reported they have passed and are up on the website.

At this time it was decided that the RMAC have its next meeting on September 28, 2010, at 9 a.m. The primary agenda item will be to review the four river nominations.

3) Water Quality Standards Advisory Committee(WQSAC)

Paul Currier

HB 1305 and HB 1348 were sent to Interim Study by the legislature. There will be a recommendation made by next session. The four items in the bills were to: 1) clarify the definition of surface waters, 2) add the specified designated uses into state statute, 3) incorporate antidegradation to match federal requirements into state statute, and 4) add language to make it clear that DES has enforcement authority for water quality standards violations. Four work groups were created to produce recommendations to the Water Quality Standards Advisory Committee. Recommendation to ITL the enforcement portion as DES already has authority. Definitions are almost completed. DES already has rules that incorporate the federal antidegradation requirements.

The designated uses work group came to consensus that rather than incorporate designated uses into the statute now, that it be done after the overhaul of the classification system.

The three essential components of Water Quality Standards are: 1) Designated Uses (Goal Uses) the two requirements of the Clean Water Act are recreation and aquatic life, 2) Criteria to support the uses, and 3) Antidegradation. Water Quality Standards can provide the basis for all of the water permitting programs. What do we want our waters to do for us? Designated Uses usually have a narrative description and the criteria can either be narrative or numeric. There are two classes in statute, Class A or Class B. Kinds of waters are rivers, lakes, impoundments, wetlands, estuaries, and ocean. There are not a lot of differences in criteria between Class A and Class B. In New Hampshire, the designated uses for Class A and Class B are exactly the same. Goal uses are "what do we as a society want to use the waters of the state for?" or "What valuable things do we want waters to do?"

- Each water body needs to have its own designated uses assigned to it. A discussion of swimming, bacteria, and designated use in waters ensued.
- Each designated use could have tiers.
- Each tier can have different criteria. A tier could be created for each of the designated uses.

One of the next steps will be to write strong, narrative criteria. The transition could take four years to shift to a matrix-based system. Antidegradation applies to every single water body in the state. And it applies to every single criteria, every measurable attribute of the water body that you might use to assess whether or not a designated use is important. It is irrespective of the goal uses assigned or tiers assigned. Legislation will be proposed for the next session to start the process.

IV. Sustainability Initiative Update – Jenn Rowden

The date subcommittee met in early June to prioritize the list of questions and indicators regarding water resources in New Hampshire. The majority of these indicators are data that DES has access to, but is not an exhaustive list. The next step is to find funding to set up an interactive, web-based portal. There are also plans to develop a business plan.

VII. Other Business/Action Item Review:

Michele noted the Upper Merrimack Advisory Committee is celebrating its 20th anniversary with a gala on August 14th. She invited all to attend.

VIII. Next Meeting(s)/adjourn:

The next meeting will be September 28th

- ***Bob Beaurivage made a motion to adjourn, second by Allan Palmer. Motion passed unanimously.***

Meeting adjourned at 12:51 P.M.

DRAFT