



**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**  
**March 19, 2014**  
**DES Conference Rooms**  
**12:30 pm – 3:00 pm**

**Members Present**

Ken Kimball, Chair  
Michele L. Tremblay, Vice Chair  
Anne Krantz  
Alan Larter  
Frederick McNeill  
Kathryn Nelson  
Roger Noonan  
Larry Spencer  
Donald Ware  
Patrick Hummel  
John Magee  
Kevin Nyhan  
Susan Slack

**Representing**

Recreational Interests  
Conservation Community  
Historical & Archaeological Interests  
Granite State Hydropower Assoc.  
Municipal Government  
Local River Management Advisory Comm.  
Agricultural Community  
NH Association of Conservation Comm.  
Public Water Suppliers  
Commissioner, DRED  
Executive Director, F&G  
Commissioner, DOT  
Director, Office of Energy and Planning

**Term**

Dec. 28, 2014 V  
Dec. 28, 2014 V  
June 15, 2016 V  
Jan. 5, 2015 V  
Nov. 16, 2014 V  
Sept. 5, 2016 V  
Mar. 22, 2015 V  
Oct. 12, 2016 V  
Sept. 28, 2016 V  
Indefinite NV  
Indefinite NV  
Indefinite NV  
Indefinite NV

**Members Absent**

Allan Palmer  
Jim Ryan  
Gail McWilliam Jellie  
Elizabeth Peck

Business and Industry Association  
NH Fish & Game  
Commissioner, Dept of Ag., Markets & Food  
Commissioner, DOS

Sept. 28, 2016 V  
Sept. 28, 2015 V  
Indefinite NV  
Indefinite NV

**DES Staff Present**

Collis Adams  
Jacquie Colburn  
Shane Csiki  
Jocelyn Degler  
Carolyn Guerdet  
Carolyn Russell

Wetlands Bureau  
Rivers and Lakes Program  
NH Geological Survey  
Wetlands Bureau  
Water Division  
Commissioner's Office, Planning & Innovation

**Guests**

Maureen Smith Orr and Reno P.A., representing Granite State Gas Transmission

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

Chairman Ken Kimball called the meeting to order at 12:40 p.m. with introductions.

1) Acceptance of December 5, 2013 RMAC Meeting Minutes

- ***Larry Spencer made a motion to accept the December minutes, second by Michele L. Tremblay. During discussion, Michele L. Tremblay requested that the name of the Shoreland Advisory sub-committee be identified more clearly as the SAC Ad Hoc Sub-committee. Motion passed unanimously with the requested edit.***

2) Acceptance of December 5, 2013 Joint RMAC/LMAC Meeting Minutes

- ***Michele L. Tremblay made a motion to accept as correct the portion of the meeting relative to the RMAC, second by Larry Spencer. No formal vote was taken, but committee members approved of the minutes.***

3) RMAC Membership Update

Alan Larter, the new Granite State Hydropower Association representative, was welcomed and introduced himself. He works in the hydro-electric business and shared his history with hydro-power.

**II. Surplus Land Reviews**1) Proposed CORD SLR Exeter-Stratham (Squamscott River)

Jacquie Colburn gave a quick summary of this project. The SLR is for a submerged easement underneath the Squamscott River to replace a gas pipeline. Of concern is that the Exeter-Squamscott LAC has not had an opportunity to review the SLR and submit comments prior to this RMAC meeting.

Donald Ware asked 3 questions: 1) What is the depth below where they bore? 2) What is the material between the anticipated boring hole itself and the river bottom? 3) Are they putting the gas line in a sleeve for future boring? Atty. Smith addressed the questions and noted they have taken all these items into account. She gave a review of the project and they are going through the proper design process and permit applications.

➤ ***Michele L. Tremblay made a motion that the RMAC vote on this SLR conditionally, contingent on hearing from the Exeter-Squamscott LAC. If the LAC does not have other concerns or conditions, upon their acceptance we are in full acceptance. If LAC has issues, the RMAC would address them at the next meeting. Second by Larry Spencer. Discussion was held. Motion passed unanimously.***

2) Proposed CORD SLR Jefferson (Israel River)

DRED wishes to exchange property easements with Muddy Paw Land Holding. Muddy Paw would receive access to their property over a state trail in return for a new section of trail on Muddy Paw property that would provide improved public access to the White Mountain National Forest.

➤ ***Roger Noonan made a motion to approve the exchange, second by Fred McNeill. Motion passed unanimously.***

3) Proposed DOT SLR Warner (Warner River)

Jacquie Colburn provided details on an SLR request received from DOT in November 2013 and introduced to the RMAC at the December 5, 2013 meeting. The proposed SLR is for the sale of 6 acres near the Warner River in Warner. The property proposed for sale is separated from the river by old NH Rte. 103, and ownership of most of the old road, as well as the narrow strip of land between the old road and the river, is unknown. The old road is used as public access to the river. If the 6 acres is sold, public access could be cut off for paddling and fishing. It was agreed that more information is necessary, particularly the ownership of the old Rte. 103, before the RMAC can recommend disposal. The concern is the possible loss of public access if the property is sold without clarifying ownership of the riparian land.

➤ ***Michele L. Tremblay made a motion that the RMAC not recommend the disposal of this land unless there is a guarantee that permanent public access is maintained at this location, second by Donald Ware. Motion passed unanimously.***

Kevin Nyhan and other DOT staff arrived at 1:27pm. The discussion pertaining to legislation was postponed to allow the Wetlands Rulemaking Process discussion to proceed on schedule.

**IV. Wetlands Rulemaking Process and Routine Roadway BMPs**1) Overview of the Process – Collis Adams and Carolyn Russell

The schedule of Wetlands Program Rulemaking & Process Improvement Effort listening sessions was distributed. This is a lengthy process that will go through 2015. Wetlands rules have not been rewritten since 1995. Goals: 1) Enhance transparency; 2) Increase consistency of process and decisions; and 3) Ensure decisions are science-based and protective of natural resources. The Wetlands team recently launched a website dedicated to this rulemaking effort which includes an on-line survey to help determine interests to this process and make comments. It is a very interactive process. All comments will be considered. The public will be invited to comment on the initial draft. The first draft of the revised rules is expected to be ready at the end of May or in June. A Rulemaking Process Improvement Effort discussion guide was also shared with the committee members.

A listing of the 32 different topics now being reviewed, along with the DES staff member contact for that topic, was distributed. The topics are based on the current rule set. Collis encouraged members to use this list to provide input.

2) Work with DOT Regarding Additional Roadway BMPs – Jocelyn Degler, Wetlands Bureau, Public Highway Specialist

Jocelyn works closely with DOT and is working with them to rewrite the existing DOT 2001 Routine Roadway Maintenance BMP Manual. There are specific references and restrictions relative to designated rivers in the BMP manual that DOT would like to change. RSA 483:12-a State Action; Notification of Rivers Coordinator; Petition for Review is the section of the rivers statute that addresses state agencies actions on designated rivers. There were two in-house meetings of RMPP and Wetlands Bureau staff and Jacquie wanted the RMAC to be aware of this so the members can participate in the discussion and decision.

DES Wetlands wants to work with DOT and municipalities to allow for the replacement of small culverts on those roadways where there wouldn't be a high environmental impact but could have the potential to washout in catastrophic events. As a result of a change to RSA 482-A (Fill and Dredge in Wetlands) in 2010, a Certified Culvert Maintainer Program was established which allows municipal and public employees to replace up to a 48" culvert that is not within a designated river corridor without a permit as long as the 2001 DOT BMP manual is followed. The training and certification for the Certified Culvert Maintainer Program is administered by the UNH Technology Transfer Center. For culverts greater than 48" and other activities that have the potential to cause erosion, a wetlands permit is required.

Jocelyn explained that as the BMP manual is being rewritten and updated, they want to include other routine roadway activities that wouldn't have to be permitted; she also said that with this update a planning section will be included in the 2014 version of the BMP manual. Together, DOT and the Wetlands Bureau are requesting to modify the prohibition that applies within ¼ mile corridor of designated rivers. Kevin Nyhan further explained that they think RSA 483 provides some flexibility in terms of the notification and that DOT is trying to figure out the best way to replace aging infrastructure.

Following the DES Wetlands presentation, several RMAC members, particularly those directly involved with the LACs including Kath Nelson, Michele L. Tremblay and John Magee, expressed concern that the LACs would be excluded from this process. Michele stated that she was "taken aback" as there was no notice prior to the meeting that a request to amend the Rivers statute would be brought before the RMAC. Given the potential impact to the program and the LAC process, the RMAC agreed to have the Policy and Legislation Subcommittee address it and come back to the RMAC with a recommended response at the next meeting.

### III. Review of 2014 Rivers-Related Legislation

1) Acceptance of Policy and Legislation Subcommittee Positions

➤ ***Michele Tremblay made a motion to accept the proposed positions on 2014 Legislation spreadsheet, as consent, except those under Senate bills listed on the agenda under III #2, second by Fred McNeill. Discussion was held. Motion passed unanimously.***

2) Discussion of RMAC Positions on SB325, SB331, SB387, SB388 & SB408

Language for these bills was not available when the Policy & Legislation sub-committee met in January, therefore the sub-committee was not able to propose positions for these bills. It was decided to forego reviewing and taking positions on these bills.

3) Acceptance of Policy and Legislation Sub-committee Policy and Procedure Document

This policy formalizes the current practice which allows the RMAC Policy and Legislation (P&L) Subcommittee to make recommendations pertaining to legislation that are then brought before the full RMAC for a vote. The committee reviewed the draft document and agreed upon two outstanding items: 1st that the minimum subcommittee membership should be 3; and 2nd, when an RMAC member has information that opposes or significantly differs from the P&L Subcommittee that a vote of the RMAC shall be required prior to the submission of a letter of testimony.

- ***Michele Tremblay made a motion to adopt 3 voting members to be the subcommittee and that 'shall' be inserted in the 6<sup>th</sup> line of the second to last paragraph. Discussion was held. Second by Fred McNeill. Motion passed unanimously.***

#### IV. Member Comments and Updates

- 1) Sub-committee Reports:
  - a. WQSAC – Allan Palmer  
No report given as Allan was unable to attend the RMAC meeting.
  - b. SAC/RMAC/LMAC/PREP – Ken Kimball  
The SAC Ad Hoc Sub-committee met this morning for organizational purposes. It is in process.
- 2) Update of LAC assessment of RSA 483 review to date and next steps – Michele, Kathryn, Ken & Jacquie  
Five of the 6 scheduled meetings have occurred, with the last scheduled this evening in Lebanon. The table of talking points was distributed. Rivers staff and RMAC leadership have heard the pros and cons of the various proposed changes from the LACs.

#### V. Other Business and Action Item Review

- 1) Action Item Review  
Susan, Michele, Fred, and Ken will look at the synthesis of the LAC feedback on proposed changes to the statute and the program and will provide recommendations in May.
- 2) Next Meetings  
May 29, 2014 at 9:30 AM.
- 3) Agenda Items for Next Meeting  
Review RSA 483  
Warner River SLR  
Draft of Wetlands Rules Revisions and the DOT/DES Wetlands request  
LMAC and RMAC joint letter re: inventory of state lands

- ***Anne Krantz made a motion to adjourn, second by Donald Ware. Motion passed unanimously.***

Meeting adjourned at 3:05 p.m.