



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
September 29, 2014
Easton Town Hall, Easton, NH
3:45 pm – 5:30 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

Representing

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

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

Members Absent

Alan Larter
Frederick McNeill
Roger Noonan
Mark Hemmerlein
Gail McWilliam Jellie
Elizabeth Peck
Susan Slack

Granite State Hydropower Assoc.
Municipal Government
Agricultural Community
Commissioner, DOT
Commissioner, Dept of Ag., Markets & Food
Commissioner, DOS
Director, Office of Energy and Planning

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

DES Staff Present

Jacquie Colburn
Tracie Sales

Rivers and Lakes Programs
Rivers and Lakes Programs

Guests

Richard Snow
Lamprey Rivers Local Advisory Committee

I. Introductions/Minutes/Committee Business

Chair Ken Kimball called the meeting to order at 3:45 p.m. with introductions.

1) Review of June 2014 RMAC Meeting Minutes

- ***Michele L. Tremblay made a motion to accept the June 23, 2014 RMAC minutes, second by Larry Spencer. Motion passed unanimously with no discussion.***

2) RMAC Membership Update

Jacquie reminded the committee that Fred McNeill's membership will be up for reappointment in November and Ken Kimball and Michele L. Tremblay are up for reappointment in December.

Jacquie also noted that Kath Nelson, the LAC representative to the RMAC, had resigned from the Lower Merrimack River LAC, and asked Kath if she was considering seeking nomination to the Lamprey Rivers LAC as a representative of her new hometown of Newmarket. Kath responded that she did not feel that she could represent Newmarket's interests well as a new resident, and proposed sending a letter to the Governor and Executive Council as well as the LAC chairs regarding their opinion of her status change. Kath will notify the LAC chairs via the LAC list-serv.

II. Proposed Changes to RSA 483

1) Review of the Proposed Statutory Changes

Chair Kimball suggested discussing the 3 outstanding items remaining from the June meeting before reviewing the additional changes proposed by DES since June. Following the procedure used at the prior two meetings for this topic, Chair Kimball recommended that all of the changes to the statute be approved together by the RMAC, rather than line-by-line. Changes highlighted in yellow on the *9/29/2014 version of the RSA 483 Mark-up* were agreed upon by the RMAC at the May and June meetings.

Referring to the *9/29/2014 version of the RSA 483 Mark-up*:

RSA 483:4

- Definition of “River drainage basin” approved as proposed. Rivers program staff explained that the proposed definition largely maintained the existing basin definition but eliminated the ambiguous use of the “Coastal” watershed.

RSA 483:9-a, 9-aa, and 9-b

- Provision for adequate fish passage if determined necessary by Fish and Game Dept. discussed. John Magee noted that while the new language was not an issue from the NHF&G staff perspective, he said that the F&G Commission tells the F&G Department what position to take on legislation, and he did not know if the Commission would have an opinion on this new language. Magee thought this text would only apply to new FERC-regulated hydroelectric dams, and that F&G can already request fish passage as part of the FERC license process and 401 certification process. He added that this text is similar to the FERC law, but could be used to require fish passage if FERC did not. A decision on this revision was tabled until Jim Ryan could consult with the F&G Commission for a decision.

RSA 483:15

- Dick Snow, Chair of the Lamprey LAC, passed out a letter to RMAC members indicating that LRAC was undecided about the proposal to remove the Shoreland Act exemption from the 1st through 3rd order rivers in the Lamprey watershed. Snow noted that the LAC was concerned about the impact of removing the exemption versus the benefits to water quality, and about the additional work required to review more shoreland permits. He was also concerned about towns that might have more stringent requirements. Chair Kimball commented that the RMAC does not have much time left for LRAC to consider this change, but also does not want to remove the exemption without LRAC’s support. Vice Chair Tremblay noted that the original exemption was not locally driven but imposed by a legislator. Chair Kimball concluded that the RMAC needed a ‘Yes’ or ‘No’ by the next meeting.
- The Oyster River LAC sent a letter to RMPP staff stating that they would like to have the Shoreland Act exemption removed from the 1st through 3rd order portions of the Oyster River.

Additional changes proposed by DES:

RSA 483:8

- Tracie Sales pointed out that the current wording of the proposed 483:8 VII-a regarding disposal of state owned property in a river corridor would give the RMAC jurisdiction over SLRs throughout designated river corridors, which was inconsistent with the relocation of this language from state-owned properties described in long range plans to state-owned properties described in corridor management plans. As no one had revised language to suggest immediately, it was decided that a group consisting of Michele L. Tremblay, Kath Nelson, John Magee, and Tracie would develop suggested language for the RMAC to review at the next meeting.

RSA 483:9 – 9-c

- Deletion of “level” when used with “protected instream flow level” approved where it occurs throughout.
- 483:9-c III PUC no longer has authority over hydro facilities with respect to ensuring instream flow, but the appropriate authority to replace PUC was unknown. Michele L. Tremblay will contact Joel Anderson regarding the appropriate governing body.

RSA 483:10

- Addition of “hazard mitigation” in II(k) was approved.
- Addition of phrase including “climate change” in III was not approved and will be struck.

RSA 483:10-b – Reference to RSA 483:9-aa added and approved.

RSA 483:12-a – Reference to LACs added and approved.

2) Process and Timeframe Moving Forward

Final approval of these changes will be made at the next RMAC meeting, which is expected to be held in late October or early November. Vice Chair Tremblay suggested getting legislators lined up now as sponsors, though Chair Kimball thought the changes should be finalized first.

III. DOT Response to RMAC Letter re: Routine Roadway Maintenance Activities Notification

Jacque reported that she spoke with Jocelyn Degler, DES Wetlands Bureau, to get clarity on the response letter from DOT to the RMAC. Because of limited time, it was suggested that the RMAC Policy & Legislation Subcommittee meet to propose a response to DOT. P&L Subcommittee Chair Tremblay asked RMAC members to voice their concerns about DOT's letter so that the response to DOT could incorporate the membership's feedback. Rivers Program staff will solicit feedback from RMAC members via e-mail.

IV. LAC Permit Review Process Update

Jacque briefly reviewed the events that led to the LAC Permit Review Process Improvement exercise. Two meetings have been held so far, and three additional meetings are scheduled. Meeting attendees include LAC representatives Charlie Ryan, Dick Snow, Dick Ludders, Preston Samuels, Nelson Disco, and Gene Porter along with RMAC representative Kath Nelson, NH Rivers Council representative Michele L. Tremblay, and DES staff. Past meetings have focused on understanding the existing permit application review process, while future ones will propose process improvements.

Results of the LAC Permit Review Process Improvement exercise will be presented to the LAC community at the LAC mini-workshop on November 15, 2014 in Concord.

V. Member Comments and Updates

1) Sub-committee reports

a. WQSAC

Allan Palmer briefly reported that WQSAC's organizational principles are being modified so that it is now more of an open forum with the goal of reaching consensus on topics. A draft amendment is underway to Env-Wq 1700 rules to allow for compliance schedules to be included in NPDES permits as allowed by federal rules and to change water quality monitoring for aluminum from "total recoverable" to "acid-soluble" in accordance with EPA's national criteria.

b. SAC Ad-hoc

Chair Kimball reported that the next SAC Ad-Hoc sub-committee meeting would be on November 10th. The group is getting to the substance of its purpose and has finished its educational meetings.

2) Other Member Updates

Postponed due to time constraints.

VI. Other Business and Action Item Review

Next Meeting and Agenda Items:

Proposed for October 28th in Concord. (**NOTE:** The next RMAC meeting will be held on November 18th because the Ham Branch River Nomination Public Hearing did not occur on September 29th; the Ham Branch Public Hearing will be held on November 10th). The RMAC meeting will focus on approving the proposed statute changes and on the Ham Branch nomination.

Meeting adjourned at 5:30 p.m.