



**RIVERS MANAGEMENT ADVISORY COMMITTEE**  
 NH Rivers Management and Protection Program  
 and  
**LAKES MANAGEMENT ADVISORY COMMITTEE**  
 NH Lakes Management and Protection Program

New Hampshire Department of Environmental Services  
 29 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
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**JOINT RMAC/LMAC MEETING MINUTES**  
**February 18, 2015**  
**NH Fish and Game Conference Rooms**  
**11:35 am – 1:30 pm**

**RMAC Members Present**

Ken Kimball, Chair  
 Michele L. Tremblay, Vice Chair  
 Anne Krantz  
 Roger Noonan  
 Allan Palmer  
 Jim Ryan  
 Larry Spencer  
 Donald Ware  
 Mark Hemmerlein  
 Patrick Hummel  
 John Magee  
 Susan Slack

**Representing**

Recreational Interests  
 Conservation Community  
 Historical & Archaeological Interests  
 Agricultural Community  
 Business and Industry Association  
 NH Fish & Game  
 NH Association of Conservation Comm.  
 Public Water Suppliers  
 Commissioner, DOT  
 Commissioner, DRED  
 Executive Director, F&G  
 Director, Office of Energy and Planning

**Term**

Dec. 28, 2017 V  
 Dec. 28, 2017 V  
 June 15, 2016 V  
 Mar. 22, 2015 V  
 Sept. 28, 2016 V  
 Sept. 28, 2015 V  
 Oct. 12, 2016 V  
 Sept. 28, 2016 V  
 Indefinite NV  
 Indefinite NV  
 Indefinite NV  
 Indefinite NV

**RMAC Members Absent**

Alan Larter  
 Frederick McNeill  
 Vacant  
 Gail McWilliam Jellie  
 Elizabeth Peck

Granite State Hydropower  
 Municipal Government  
 Local River Management Advisory Comm.  
 Commissioner, Dept of Ag., Markets & Food  
 Commissioner, DOS

Jan. 5, 2015 V  
 Nov. 16, 2014 V  
 Sept. 5, 2016 V  
 Indefinite NV  
 Indefinite NV

**LMAC Members Present**

David Packard, Chair  
 Susan Slack, Vice Chair  
 Shane Bradt  
 Fred Clews  
 Robert Compton  
 John Cooley  
 Eric Feldbaum  
 Garret Graaskamp  
 Mark Hemmerlein  
 Dick Smith  
 Mary Truell  
 Bob Wolff

**Representing**

NH Lakes Association  
 Director, Office of Energy & Planning  
 Scientific Community, UNH  
 Fish & Game Commission  
 Planning Boards  
 Conservation Community  
 Commissioner, DRED  
 Exec. Director, F&G  
 Commissioner, DOT  
 Fishing Interests  
 NH Association of Realtors  
 Commissioner, Dept. of Agr., Markets & Food

**Term**

Aug. 1, 2015 V  
 Indefinite NV  
 Aug. 22, 2016 V  
 Aug. 22, 2015 V  
 Aug. 1, 2017 V  
 Sept. 19, 2016 V  
 Indefinite NV  
 Indefinite NV  
 Indefinite NV  
 Nov. 17, 2013 V  
 June 27, 2017 V  
 Indefinite NV

**LMAC Members Absent**

Linda Brownson  
 Capt. Tim Dunleavy  
 Kimberly Hallquist  
 John Irwin  
 Jim Morash  
 Martha Twombly  
 Vacant

State Conservation Committee  
 Commissioner, DOS  
 Municipal Officials  
 NH Marine Dealers Association  
 Tourism Industry  
 NH Assn. of Conservation Commissions  
 NH Business and Industry Assn.

Aug. 1, 2015 V  
 Indefinite NV  
 Aug. 1, 2015 V  
 Aug. 22, 2014 V  
 Aug. 1, 2013 V  
 Aug. 22, 2016 V  
 July 8, 2013 V

**DES Staff Present**

Jacque Colburn	Rivers and Lakes Programs
Ted Diers	Watershed Management Bureau Administrator
Darlene Forst	Shoreland Program
Carolyn Guerdet	Water Division
Wayne Ives	Instream Flow Program
David Rosengarten	Watershed Management Bureau
Tracie Sales	Rivers and Lakes Programs

**Guests**

Larry Sunderland	Former LMAC Member
Mike Tardiff	Central NH Regional Planning Commission

**Meeting Was Called to Order**

LMAC Chair Dave Packard opened the meeting at 11:45 a.m.

**I. Introductions/Announcements**

Chair Packard asked everyone to introduce themselves. There were no announcements.

**II. Future of the Rivers and Lakes Programs****1) Governors 2016-2017 Budget**

Ted Diers explained that the budget proposed by the Governor fully funds NHDES programs, including the seven (7) general funded positions within the Watershed Management Bureau (WMB). NHDES has an annual budget of about \$200 million dollars, the majority of which is the State Revolving Funds loan program. Of the \$19.5 million general fund dollars that NHDES receives, over half is passed through directly to communities as grants, etc. The remainder supports staffing. If budget cuts are required, they will have to come from staffing. For WMB, a staffing cut will eliminate the program in most cases, as most programs only have one full-time staff member. The budget added some Dam Safety Inspector positions. Diers recommended monitoring the House budget during March, before the budget crosses over to the Senate.

The federal budget is status quo. A bright spot is the state boat registration fee was raised last year, which will double amount of money available for work on invasive species projects. There are 49-50 projects going on right now.

**2) Possible Changes to the Programs**

David Rosengarten was introduced as the new part-time program assistant in the Watershed Management Bureau. He will be providing some assistance to the Rivers and Lakes Programs.

Jacque Colburn reported that the LMAC and RMAC Chairs and Vice Chairs met with senior leadership and RMPP/LMPP staff on January 16, 2015 to discuss the budget and how to modify the programs, since very little time is dedicated to the Lakes Program and so much Rivers Program time is spent on administrative tasks. As a result of that meeting, staff presented three approaches to improve the programs and make them more effective, ranging from administrative changes to moving to a combined watershed-based program:

**3 *Suggested Program Improvement Approaches:***

- **Process Approach** – This would be administrative changes to the existing programs along the lines of those implemented or begun recently, including administrative efficiency improvements, updating RSA 483, and the recent LEAN process improvement exercise regarding LAC permit application reviews.
- **Watershed Approach** – This would involve change throughout the WMB and how we look at, monitor, regulate, plan and manage the watersheds. Ted would like the Watershed Bureau to move towards this type of basin approach, similar to Vermont. The Rivers and Lakes Programs could be used to integrate what we do as a department, such as unified monitoring and reporting as well as integrated problem identification and prioritization. It would require rule and statute changes, and reallocation of NHDES resources. The goal would be a science-based, decision making process with a positive effect on water quality.

- Outcome (Hybrid) Approach – This approach would merge aspects of the Process and Watershed approaches.

Dieters asked the committees to consider which aspects of the programs have been successful, and which could become more successful with the application of additional resources? Ideally we want to move toward the Watershed Approach, using the Hybrid Approach as an interim step, with the goal of making the programs more effective. Other DES, state and federal (especially the NPDES) programs would be incorporated.

Members discussed the differences between the Rivers and Lakes Programs. All lakes are automatically in the program in a top-down system, whereas rivers have to be nominated and approved by the General Court in a bottom-up process. This is a political approach to rivers, and the nomination process is very labor intensive. Given the top-down nature of the Lakes Program, do lake associations know they are part of 483-A? A science-based watershed approach makes sense, but is hard to accomplish given the emphasis on “local control” in New Hampshire.

Since the Rivers Program nomination rules need to be renewed in 2016, this is a good time to consider modifications to the nomination process. Larry Spencer noted that DES is reactive, not proactive, to nominations, though there is value to the grassroots approach. Ted noted that river protection prioritization exists through active groups that want to protect their rivers and through the prioritization of the 303(d) list (the list of threatened or impaired waters in the state).

Roger Noonan noted that the collective stakeholder process of the RMAC and LMAC is good, giving stakeholders a voice with the Commissioner and bringing information back to the regulated community. Allan Palmer added the benefit of the Committees’ involvement and links with other committees, such as the Shoreland Advisory Committee (SAC).

Chair Kimball noted that money goes to fix surface waters that are in trouble, such as those on the 303(d) list, rather than to preserve high quality resources. Ted responded that this is one of the advantages of the Rivers Program, which has focused on high quality resources in the state.

Spencer noted that the Rivers Program statute has to be amended to designate a river, and wondered if the Act could set up a template or method to add rivers instead. Vice Chair Tremblay responded by noting the similarity to the federal Wild and Scenic Act and its bottoms-up approach. Also, if the designation is not in state statute, then it does not get the same level of public recognition.

Chair Kimball brought up management plans, which are part of both programs. However, there are no advantages for developing a lake plan the way there is for a river plan. He proposed that both programs should have all water bodies in the program as the baseline (per the Lakes Program), but if groups take extra steps for their water bodies then they get extra plusses aimed at maintaining existing water quality and characteristics as opposed to remediation. He added that the SWQPA (Shoreland Act) could also be brought within this orbit as it is a central part of both programs.

Vice Chair Tremblay mentioned the long-range management plans in RSA 483 for state-owned lands, and wondered if these could be morphed into the EPA’s a-i watershed-based plans, which receive Clean Water Act Section 319 (federal non-point pollution source) funds. She also thought that the local river corridor plans could be retrofitted into a-i plans, and therefore qualify for funding. Ted asked if others thought the corridor management plans were useful. He also noted that the a-i plans emphasize the designated uses of water and water quality, and implementation of the a-i plans has started helping to get waters off of the 303(d) list.

Dieters asked committee members to consider where we are today versus where we want to be. What outcomes do we want to see in the future? What is the measurement of the success of this program?

[Discussion postponed to allow Wayne Ives to give his presentation.]

### III. Instream Flow Program Update

Wayne Ives spoke about the current status of Instream Flow (ISF) Program and the report that is due to the General Court on December 1, 2015. The pilot study for the Lamprey and Souhegan rivers is in the water management plan implementation phase. The final report is being written, and will cover both the success of the plan implementation to date and recommendations for the future of the Instream Flow Program. The draft

report will be released for public comment by September 1<sup>st</sup>, and will be available for review for 30 days after the public hearing.

2015 Instream Flow Report Key Elements:

- Introduction - Reviews Protected Instream Flow (PISF) and Water Management Plan (WMP) concepts
- Implementation of WMPs - What was done and what was learned
- Impacts of PISF and WMPs - How water users were affected, impacts on recreational uses, fish, etc.
- Plan for ISF on Additional Designated Rivers
- Recommendations for Legislation
- Proposal for New ISF Rules
- Summary of Comments

Both the RMAC and LMAC will have a chance to review and make comments on this document.

[12:44 - 12:58 pm Break, Discussion of Possible Changes to the Programs resumed.]

## II. Future of the Rivers and Lakes Programs (continued)

### 2) Possible Changes to the Programs (continued)

Spencer agreed with Chair Kimball's suggestion that all rivers should be in the program, and if communities want to do more, they have that option. Vice Chair Tremblay would like to explore a deputation concept, where a watershed group with capacity could be deputized to have similar opportunities/roles as an LAC. Lake associations could be handled similarly, particularly if they are taking a holistic look at their ecosystem.

Diers asked the group what components of RSA 483-A, the Lakes Program, should be changed, particularly in light of what is not getting done. What components should remain and be strengthened in a cooperative process? When asked if he thought the programs could make these changes, Diers responded that at least some of them could be. He continued by asking if there is a beginning point we can get to by September, or December. How far should we go? Some housekeeping items need to be taken care of first. What can we do for the next legislative session?

Garret Graaskamp asked the group "What outcomes are we looking for?" Diers responded that the statutes are not specific; they talk about water quality, recreation resources, habitat, etc. but have no specific required outcomes. Ideas that were mentioned included a tiered approach to watershed management and different ways to classify lakes, but these are tools used to achieve an ultimate end. What population/audience are we serving in these programs?

Graaskamp suggested starting with a needs assessment, setting high-level goals, identifying the desired condition, and then determining objectives and activities that lead to the desired outcomes. Mark Hemmerlein suggested that the 303(d) list is a good place to start for a measurement tool, and it can bridge management advisory committees and the permitting level, as permits shape water quality through what is allowed on land.

Darlene Forst reiterated that while all lakes are under the Lakes Program, the program adds neither jurisdiction nor protections to those lakes the way the Rivers Program adds Shoreland to designated rivers. However, it does open up some resources.

Diers concluded the discussion by suggesting that the committees identify a process to move this idea forward, understanding that there is not a lot of time.

## IV. SAC/RMAC/LMAC/PREP Ad-Hoc Sub-committee

### 1) Discussion of the Ad-hoc Sub-committee's Conclusions and Recommendations

RMAC Chair Kimball introduced the Strawman draft document that outlines possible recommendations from the RMAC and LMAC regarding the SWQPA and the Shoreland Advisory Committee (SAC), the latter of which sunsets in December 2015. He noted that this discussion is very relevant to the prior discussion regarding the future of the Rivers and Lakes Programs. He brought three items forward for consideration:

1. Should the RMAC & LMAC absorb SAC's role? Further, should the SWQPA provisions be moved under RSAs 483 and 483-A?

2. Should lower order streams be included in SWQPA, and should the provisions for lower order streams be different than for larger rivers and lakes?
3. Should the RMAC and LMAC recommend the implementation of a Best Management Practices manual for shoreland development?

2) Opportunities for the RMAC and LMAC to Advance the SAC Recommendations

The SAC has been charged by the legislature to make recommendations relative to the future of the SWQPA, and the RMAC and LMAC can help move these forward while at the same time moving toward a watershed model for water quality. Chair Kimball suggested that the questions outlined in the Strawman document need to be discussed, and adopted if necessary. Action is needed quickly. Should the two committees take over the role of the shoreland keepers as the SAC sunsets? The SAC will submit a report to the Commissioner as a tool to take back to the legislature for support, and this document could include the proposal for the joint LMAC and RMAC to take on responsibilities beginning January 2016. This topic should be added to the meeting agenda for April.

- 3) RMAC and LMAC Subcommittee – Discussion postponed
- 4) Wetlands Rule Rewrite – Discussion postponed

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

1) Other Business

Darlene Forst announced that the dock program rules are going to be revised comprehensively. The current rules focus on lakes, so the revisions will develop dock rules for rivers and commercial businesses in fresh water areas. DES will be meeting first with other state agencies and stakeholders, and later with a broader audience.

- 2) Action Item Review – Not conducted due to lack of time.
- 3) Next Joint Meeting – Proposed for Monday, April 13, 2015.

Joint RMAC/LMAC meeting adjourned at 1:47 p.m. by Chairman Packard.