



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
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DRAFT
JOINT RMAC/LMAC MEETING MINUTES
April 13, 2015
NH Fish and Game Conference Rooms
11:15 am – 1:15 pm

RMAC Members Present

Ken Kimball, Chair
 Michele L. Tremblay, Vice Chair
 Anne Krantz
 Roger Noonan
 Allan Palmer
 Larry Spencer
 Ruth Ward
 Donald Ware
 John Magee
 Susan Slack

Representing

Recreational Interests
 Conservation Community
 Historical & Archaeological Interests
 Agricultural Community
 Business and Industry Association
 NH Association of Conservation Comm.
 Local River Management Advisory Comm.
 Public Water Suppliers
 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
 Oct. 12, 2016 V
 Sept. 5, 2016 V
 Sept. 28, 2016 V
 Indefinite NV
 Indefinite NV

RMAC Members Absent

Alan Larter
 Frederick McNeill
 Jim Ryan
 Mark Hemmerlein
 Patrick Hummel
 Gail McWilliam Jellie
 Elizabeth Peck

Granite State Hydropower
 Municipal Government
 NH Fish & Game
 Commissioner, DOT
 Commissioner, DRED
 Commissioner, Dept of Ag., Markets & Food
 Commissioner, DOS

Jan. 5, 2015 V
 Nov. 16, 2014 V
 Sept. 28, 2015 V
 Indefinite NV
 Indefinite NV
 Indefinite NV
 Indefinite NV

LMAC Members Present

David Packard, Chair
 Susan Slack, Vice Chair
 Shane Bradt
 Linda Brownson
 Robert Compton
 John Cooley
 Garret Graaskamp
 Kimberly Hallquist
 Dick Smith
 Mary Truell
 Martha Twombly
 Bob Wolff

Representing

NH Lakes Association
 Director, Office of Energy & Planning
 Scientific Community, UNH
 State Conservation Committee
 Planning Boards
 Conservation Community
 Exec. Director, F&G
 Municipal Officials
 Fishing Interests
 NH Association of Realtors
 NH Assn. of Conservation Commissions
 Commissioner, Dept. of Agr., Markets & Food

Term

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

LMAC Members Absent

Fred Clews
 Capt. Tim Dunleavy
 Eric Feldbaum
 Mark Hemmerlein
 Jim Morash
 Vacant
 Vacant

Fish & Game Commission
 Commissioner, DOS
 Commissioner, DRED
 Commissioner, DOT
 Tourism Industry
 NH Marine Dealers Association
 NH Business and Industry Assn.

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

DES Staff Present

Jacque Colburn	Rivers and Lakes Programs
Ted Diers	Watershed Management Bureau Administrator
Neil Olson	NH Geological Survey
Carolyn Guerdet	Water Division
Wayne Ives	Instream Flow Program
David Rosengarten	Watershed Management Bureau
Tracie Sales	Rivers and Lakes Programs

Guests

Ed Crawford	Future LMAC Member, Marine Trades
Frank Lemay	Future LMAC Member, BIA
Rep. Judith Spang	NH House of Representatives

Meeting Was Called to Order

RMAC Chair Ken Kimball opened the meeting at 11:20 a.m.

I. Introductions/Announcements

RMAC Chair Kimball asked everyone to introduce themselves. There were no announcements.

II. Discuss the 2/18/2015 Draft Strawman Document Regarding SAC**1) Stream Order Mapping Presentation**

Neil Olson, New Hampshire Geological Survey, spoke about the challenge of mapping stream orders, which is based on the National Hydrography data set, and keeping them up to date. First, sometimes streams change course, which can affect stream order because the point at which the relocated stream joins the next stream may be of a different order. Second, the mapping itself may not be accurate or of consistent precision. He noted one instance where variations between USGS quad maps caused a break in the stream on the map. Also of concern are differences in mapped stream density. For instance, one example demonstrated significantly more streams based on a 1918 map compared to 1988 map, and an even higher density of streams based on LiDAR (Light Detection and Ranging) data. Finally, there is also a challenge with how to assess intermittent streams.

Kimball commented that determining the starting point of a 1st order stream has important regulatory implications, and NHDES will need to determine how that point is going to be identified. RMAC Vice Chair Tremblay asked if the improved mapping that he is doing would be integrated into regulatory use, but Neil responded that the data has not yet been sufficiently field verified, nor have the regulatory implications been researched, but he is updating the available data when previously disconnected streams on the maps can be connected using LiDAR.

2) Case studies & Implications of Low Order Streams Included in SWQPA

David Rosengarten, NHDES Watershed Management Bureau, spoke about the connection between the Shoreland Water Quality Protection Act (SWQPA) and lower order streams in New Hampshire. At present, 90 percent of Designated Rivers are 4th order or higher and subject to the SWQPA by default. Of the remaining 10 percent, 7 percent are low order streams subject to SWQPA, and 3 percent are the low order sections of the Lamprey watershed and Oyster River that are exempt from SWQPA. However, throughout New Hampshire, 85 percent of rivers are low order (1st through 3rd order). Based on extrapolated data and a number of estimates, if SWQPA were applied to 1st – 3rd order streams, as many as 14,000 additional buildings throughout New Hampshire could fall within the 50 foot primary building setback currently used in SWQPA, and the number of Shoreland permits required could increase significantly. However, inclusion of low order streams increases both the miles of protected rivers and the number of structures within 50 feet of streams exponentially:

- About **2x** with 3rd order streams only.
- About **3x** with 2nd and 3rd order streams.
- About **5-7x** with 1st, 2nd, and 3rd order streams.

Following discussion brought up the need for buffers and setbacks on lower order streams in order to share the burden of water quality protection between riparian landowners and lake-front property owners, and Tremblay noted that the appropriate size of setback will likely be different for a 2' wide intermittent

stream versus the 300' wide segments of the Merrimack River, but that this issue will require additional discussion.

[Brief break.]

III. Future of the Rivers and Lakes Programs

1) OEP Membership Status

House Bill 2, as introduced, proposes to remove the representative from the Office of Energy and Planning (OEP) from both the RMAC and the LMAC. Tremblay noted that not only is there the concern about losing the input that Susan Slack brings to the table, but also that eliminating her position will require a changes in RSA 483 and RSA 483-A. She continued that she thought that the state planners association was already lobbying to find another way to allocate resources that would allow OEP continued representation not only on the RMAC and LMAC, but also the Wetlands Council. Slack responded that there is value in both what OEP can bring to the committees, and what the committees bring to OEP. There is discussion going on between the planner's association and the OEP Director.

Rep. Judith Spang explained that while HB 2 removed the OEP representative from the Wetlands Council, another bill (HB 306) did not. Ted Diers added that there has been a steady decline for several years in the amount of dollars and resources available for planning at OEP, and that the existence of state-wide planning seems to be at a crossroads now.

Tremblay recommended that the RMAC send a letter to the legislature opposing the removal of the OEP representative. Kimball suggested sending a letter from both committees in support of OEP, which Tremblay felt the committees could officially vote on individually as "Other business." Kimball noted that it would be strange for the state to have no planning relative to water resources when those water resources are so important to the state.

- ***On behalf of the RMAC, Tremblay motioned that the RMAC provide a letter of testimony to let the legislature know that we do not support the removal of the OEP representative to the RMAC, and that if the LMAC votes to approve a similar motion, this letter instead be sent jointly from both the RMAC and the LMAC supporting the presence of the OEP representative on both the RMAC and the LMAC. Second by Larry Spencer. All in favor.***
- ***On behalf of the LMAC, Bob Compton motioned that the LMAC, jointly with the RMAC, provide a letter of testimony to let the legislature know that the LMAC does not support the removal of the OEP representative to the LMAC or to the RMAC. Second by Kim Hallquist. All in favor.***

RMAC Vice Chair Tremblay and LMAC Chair Packard will jointly draft the letter to the legislature.

2) Possible Changes to the Programs

Diers reported that the RMAC has begun discussing the upcoming update to the RMPP Rules, as they expire in November 2016. It is a good opportunity to make changes to the river nomination process.

Jacque Colburn reminded members that a summary of the February 18, 2015 discussion can be found in the minutes from the joint meeting. Diers reviewed the three proposed approaches: Process Approach- administrative and efficiency changes to the existing programs; Watershed Approach- restructure programs to unify rivers and lakes, perhaps with other programs in a tactical basin approach; Outcome (Hybrid) Approach- merge aspects of the Process and Watershed approaches to focus on the outcomes that the programs hope to achieve.

Diers asked "Should all rivers be in the program?" Tremblay responded yes, but not via a blanket route that bypasses the nomination process. Spencer felt all rivers should be included, but at a moderate level that allows a river group to go further if desired. Don Ware pointed out that state-wide blanket protections exist under the Clean Water Act and under SWQPA for larger rivers and lakes. The question is should protections such as SWQPA be applied to smaller streams as well, though legislators have weakened SWQPA over time. Kimball noted that this would also protect the water quality in the lakes that these small streams flow into.

Diers then asked how lakes fit into this. Packard commented that engagement is not happening at the lake level like it is with river LACs, such that the state has a specific entity to interact with at the local

level. Lake associations might deal with invasive species or a particular problem, but what issues could they interact on? Tremblay brought up the permit applications that LACs comment on, and asked if there was a way that lake and pond groups could have the same permit notification and commenting privileges that LACs have, understanding this would require time and effort. Diers noted that the nomination of rivers, and later the nomination of LAC members by towns and the presentation of corridor plans to the towns, raises the water body's profile. Tremblay added that the community voice across municipalities that the LAC process facilitates is important, and Bob Compton also mentioned the partnership aspect of having eyes and ears on the ground. Krantz reminded the group about the value of the volunteers that are doing this work.

Palmer commented from the perspective of a permittee that he enjoys communicating and working with a knowledgeable LAC, though an obstructive member can be a challenge and an impediment to progress.

Noonan noted that he does not see a lot of diversity of interests on LACs, though Tremblay replied that there should be representatives from six different interests. Diers asked if lake associations were deputized to have the privileges of LACs, would there be much diversity? Packard thought that DES' interaction with Pawtuckaway Lake could be a good example of issues/interests. Diers replied that the biggest issues were on-lake structures (docks, etc.), public access and water quality. Packard noted there are typically two types of lake people: those who have property on the lake and are recreation focused, and those who are more environmentally focused. Ives feels that lakes people are focused inward on their lake's issues, while river people have a broader, more connected upstream/downstream focus. Tremblay added that while LACs and watershed groups typically have few riparian landowners, lake associations typically consist almost entirely of lake-front property owners, so any deputization of lake associations would have to ensure inclusion of a broad range of interests like the LACs.

Kimball brought up the point that there are about 1000 lakes and ponds in NH, and the amount of interaction lake groups have with DES varies greatly. How big a unit should lakes have for interaction with DES, as DES cannot interact with 900+ separate groups? Diers noted that the VLAP reports are done regionally (~150 lakes); could lakes be brought together either ecologically in watershed groupings or politically with regional lakes caucuses? Tremblay suggested asking NH Lakes to make a suggestion. Packard responded that NH Lakes mostly deals at the state level with regulations, whereas lake associations deal directly with municipalities.

Diers asked the group if we are looking at additional protections for lakes, should we prioritize or differentiate them based on some criteria, such as pristine or threatened lakes, or size? Tremblay commented that successful action requires an active, dedicated group, which should be the primary criteria.

How many lakes have lake associations? Chair Packard will find out.

Kimball recommends organizing lake groups on a watershed basis, which would help us move toward the Watershed Approach. Diers asked if lake associations in a watershed would interact if there were some benefit for doing so. Consensus seemed to be yes. Graaskamp suggested using the Groundwater Reclassification approach to coordinate lakes and rivers.

Noonan asked the group "What are we trying to get to? Are we trying to get to a water quality outcome?" We need to have a clear goal such as impaired waters, then get the word out about the actions people can take. Kimball would approach from the opposite direction, starting with pristine water bodies to keep them off of the 303(d) list, since once they are on, they are hard to get off. How do we prioritize? Downward trajectory or development pressure?

Slack suggested establishing a Watershed Advisory Committee that could include lakes that want to be part of the program, along with rivers. Sales suggested including lakes within Designated River watersheds under the umbrella of the existing LAC, at least in the interim. Tremblay asked if Phase II of the EPA's MS4 program and/or the Instream Flow Program would provide the umbrella?

Rep. Spang cautioned that there is a lack of interest in issues from one area of the watershed to the next. Diers noted that it is much easier to get people active over a particular issue with a set goal to achieve and a time limit. Noonan pointed out that mechanisms already exist, such as the NH Assoc. of Soil Conservation Districts, to work with the public for issues like this.

Rosengarten suggested a tiered approach/concept, which could be made up of groups in the watershed such as LACs or lake associations. Kimball added that with any of these, it would be important to have a list of responsibilities and requirements for the groups, and that each would be required to follow a standard set of broad guidelines, though they could pick the issues and concerns that make the most sense locally. Tremblay added that stakeholder consistency is key for outcome credibility.

Diers then asked the committee members to consider the Programs' processes as they exist now and how they can be improved in the short-term. For the next session, staff will provide the committees ahead of time with the questions the group will be addressing, and will also populate the ideas generated from this meeting and the last into the appropriate sections of the 3-column chart of the Approaches that Diers presented. Staff will also begin processing this information into themes and outcomes. The committees must decide soon if we are going to attempt changes at the legislative level, or are we going to limit the changes to administrative ones and basic rules updates. In June, we should pick the road: merger or maintain independence. Also consider bringing in the work of SAC.

IV. Other Business and Action Item Review

- 1) Other Business – None
- 2) Action Item Review
 - Packard and Tremblay will jointly write a letter of testimony regarding the OEP portion of HB 2.
 - Program staff will populate ideas from this meeting and the 2/18/15 meeting into the three columns of the Process, Watershed and Hybrid approaches.
- 3) Next Joint Meeting – Proposed for late June 2015. Staff will send out a Doodle Poll for possible dates.

Joint RMAC/LMAC meeting adjourned at 1:40 p.m. by Chair Packard.