



RIVERS MANAGEMENT ADVISORY COMMITTEE
NH Rivers Management and Protection Program

New Hampshire Department of Environmental Services
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RMAC MEETING MINUTES
April 5, 2016
Dept. of Environmental Services, Concord, NH
1:00 pm – 4:00 pm

Members Present

Ken Kimball, Chair
Michele L. Tremblay, Vice Chair
Mark Hemmerlein
Patrick Hummel
Frederick McNeill
Jim Ryan
Susan Slack
Larry Spencer
Ruth Ward
Donald Ware

Representing

Recreational Interests
Conservation Community
Commissioner, DOT
Commissioner, DRED
Municipal Government
NH Fish & Game Commission
Director, Office of Energy and Planning
NH Association of Conservation Comm.
Local River Management Advisory Comm.
Public Water Suppliers

Term

Dec. 28, 2017 V
Dec. 28, 2017 V
Indefinite NV
Indefinite NV
Nov. 16, 2017 V
Sept. 28, 2018 V
Indefinite NV
Oct. 12, 2016 V
Sept. 5, 2016 V
Sept. 28, 2016 V

Members Absent

Anne Krantz
Alan Larter
John Magee
Roger Noonan
Gail McWilliam Jellie
Allan Palmer
Elizabeth Peck

Historical & Archaeological Interests
Granite State Hydropower Assoc.
Executive Director, F&G
Agricultural Community
Commissioner, Dept of Ag., Markets & Food
NH Business and Industry Association
Commissioner, DOS

June 15, 2016 V
Jan. 5, 2018 V
Indefinite NV
Mar. 22, 2018 V
Indefinite NV
Sept. 28, 2016 V
Indefinite NV

DES Staff Present

Carl Benedict Land Resources Management
Jocelyn Degler Land Resources Management
Carolyn Guerdet Water Division
Steve Landry Watershed Assistance Section
David Rosengarten Watershed Management Bureau
Tracie Sales Rivers and Lakes Programs
Mary Ann Tilton Land Resources Management

Guests

Madeleine Mineau Representative of Granite State Hydropower Association
Gene Porter Chair, Lower Merrimack River LAC
Meli Dube DOT Bureau of Environment
Kevin Nyhan DOT Bureau of Environment
Matt Urban DOT Bureau of Environment

I. Welcome & Introductions

1) Welcome & Introductions

Chair Ken Kimball called the meeting to order at 1:04 PM. Members introduced themselves.

2) Introduction of the Rivers and Lakes Programs Manager

Chair Kimball announced that Tracie Sales has been selected as the new Rivers and Lakes Programs Manager. She will start April 15th. The process has been started to fill the part-time Watershed Planner position, with the hope of converting it to a full-time position in July 2017. Tracie will check if the part-

time staff has to interview for the position when it becomes full time. Michele L. Tremblay volunteered to be part of the interview team.

II. Acceptance of the Consent Agenda

1) January 28, 2016 RMAC Meeting Minutes

- ***Ruth Ward made a motion to accept the RMAC Meeting minutes of January 28, 2016, second by Donald Ware. Motion passed unanimously.***

2) January 28, 2016 Joint RMAC/LMAC Meeting Minutes

- ***Michele L. Tremblay made a motion to accept the Joint RMAC/LMAC Meeting minutes of January 28, 2016, second by Jim Ryan. Motion passed unanimously.***

Tracie presented the idea of shortening future minutes to include only major discussion topics, decisions, and action items. Members expressed approval of this concept.

III. RMPP Program Updates

1) RMAC Membership

a. Membership Status

Anne Krantz will not be renewing her membership on the RMAC when her term ends in June. She has recommended making the Historic/Archeological seat a more flexible representative. Michele, Susan Slack and Don all agreed that the seat is important. Future watershed planning and management may require more of an archeological role. David Stewart Smith and Doug Mclane were suggested as potential candidates for the seat. Michele will follow up with Mr. Stewart Smith.

Terms expiring in September: Don Ware, Allan Palmer, Larry Spencer, Ruth Ward

b. Member Participation Policy Update

Michele spoke with the Governor's office regarding regularly absent committee appointees, and learned that it falls to the committee chair to ask the non-participant if he or she is willing to step aside, and to notify the nominating organization that its interests are not being represented and let them decide how to proceed. The Governor's office does not take action on a non-participant.

Madeleine Mineau will speak with GSHA President Richard Norman on April 26th about the hydropower seat. Brian Maloy of Monadnock Paper Mills has also expressed interest in the seat.

2) Rivers and Lakes Program Staffing – Covered during the Introductions.

3) River Nominations (Androscoggin, Warner, and Snake Rivers)

- Androscoggin – The public meeting is Thursday, April 14th at 5 pm at the Mahoosuc Inn, Milan. The committee has sent out postcards to riparian landowners informing them of the meeting. DES has the data and capability to generate mailing lists of riparian landowners, but owner mailing addresses are not public information. DES is seeking permission to give mailing addresses to future nominating committees to meet the requirements of RSA 483:6, which will significantly reduce the time required to collect the addresses, but permission was not available for the Androscoggin group. Ken added that they are considering whether to start the nomination at the Errol Dam or at the confluence of the Magalloway River (near the outlet Lake Umbagog).
- Warner – Nomination continues by CNHRPC. Michele, in her role as an LAC Chair, and Tracie attended a nominating committee meeting on March 16th that went pretty well. Still some resistance from landowners who own existing or breached dams, but committee is willing to classify segments as Community to accommodate. There are also questions from the Warner Board of Selectmen about the value of the designation for rivers already under Shoreland. The public meeting is Wednesday, April 20th at 6:30 in Warner.

- Snake – Center Harbor ordinances have passed, so do not expect this nomination to come forward. Snake is designated Prime Wetland by Center Harbor, with 125 ft. protective buffer (includes septic), and many properties on New Hampton side already have conservation easements.

IV. RMPP Rules Update

Michele reminded the group that the updated rules proposed by the RMAC eliminate the point system, but retain the other rule sections with a few updates. Tracie said the RMAC's letter forwarding the revised Rivers Program rules was sent to DES Legal, and Pete Demas has been assigned to review them. We have not heard back, and may not due to a backlog of expiring rules. The current 2 nominations will have to use the old rules unless the new rules go to JLCAR soon. Ken will send Director Forbes a note to move the process forward.

V. Stream Crossing Rules (Env-Wt 900) and Routine Roadway Maintenance BMP Manual

Staff from DOT and the NHDES Land Resources Management Bureau joined the meeting. Matt Urban explained the need to update aging stream crossing infrastructure to improve Aquatic Organism Passage (AOP) and prevent culvert failures. The current rules require that all stream crossings in Designated River corridors use the standard dredge and fill application, which is expensive and time-consuming, resulting in projects outside of corridors being prioritized over projects in corridors. DOT proposed using criteria and processes in the Routine Roadway Maintenance Manual in some areas of Designated River corridors, based on the river's classification. Kevin Nyhan introduced SADES, a one-stop location for NH culvert crossing data and assessment protocols.

Proposal: Routine Roadway process would be used EXCEPT:

- Within ¼ mile of a "Natural" Designated River
- 250' of a "Rural" Designated River
- 100' of a "Rural/Community" Designated River
- Within the channel or banks of a "Community" Designated River

Concerns expressed by the RMAC included the lack of incentive for culvert improvements over in-kind replacements and the use of PBNs with 5-day turn-around times that do not give LACs an opportunity to provide local input. Ken noted that DOT's proposal is not based on biology of the stream, because many factors beyond biology affect the classification decision. Larger, Tier 3 streams would still require a standard dredge and fill permit. It may make sense to have a single set distance for all river classifications. Also, a definition of AOP needs to be included in the manual.

VI. River-related Legislation

1) RSA 483 and House Bill 1595

The House RR&D Committee made some changes, including retaining the requirement to notify riparian landowners of a nomination. At the Senate E&NR hearing, a proposal was issued to "protect" riparian interests rather than to "respect" them. The LMAC is sending a letter in support of HB1595.

2) Instream Flow Program Legislation – House Bill 1461

Passed in the House with the RMAC's recommended amendment. We are now waiting for the Senate E&NR hearing to be scheduled.

3) Other 2016 Bills

Language from HB1517, which was sent to interim study, has been proposed in SB352. The RMAC opposes the reduction in the dock setbacks in whichever bill in which it appears. Tracie will draft a letter of testimony, without opposing the Ritson cove name change.

VII. Warner River Surplus Land Proposal

The RMAC reviewed the proposed disposal by DOT of 6 acres near the Warner River in Warner, including the prior discussions on the ownership of Old Rte. 103 and the strip of land between the river and the old road. DOT now proposes selling the property to the Town of Warner as part of its proposed rail trail. The Town of Warner has expressed interest. A draft letter from the RMAC to DOT was reviewed. The committee agreed on the 2 conditions brought forward in the draft letter.

- ***Michele L. Tremblay moved that the RMAC send this letter to the Dept. of Transportation regarding the proposed land disposal to the town of Warner, second by Larry Spencer. Motion passed unanimously.***

VIII. Member Comments, Updates and Other Related Groups

- 1) Shoreland Subcommittee – No report
- 2) Instream Flow Subcommittee – No report
- 3) WQSAC

Next WQSAC meeting is April 14th at 1:30 at DES. They have been working on water quality standards rule revision (Env-Wq 1700), which has been submitted to legal. The official draft will be published by May 5th, though some changes to the draft are expected. NH is working on how to incorporate EPAs new standards for the human health criteria on 94 toxics. DO standards will also be discussed.

- 4) Other Member Updates – All

- Michele announced a short course offering by John Fields on fluvial geomorphology April 26 - 28th hosted by the New Hampshire Rivers Council. The Council is also co-hosting “Why Do Rivers Do That?” in Warner (4/28) and in the Souhegan watershed (6/1).
- Larry announced that he, Patrick and Ken Stevens gave a presentation on Livermore Falls at the Water and Watershed Conference at PSU. He added that ownership of the Pumpkin Seed Bridge over the Pemigewasset is also in question.
- Ruth summarized the meeting of the SWRPC Natural Resources Advisory Committee on February 24th. 3 LACs were present and they each gave a brief presentation on the issues each LAC is tackling and the challenges they face. Common concerns were volunteers and a desire to do more outreach.

IX. Other Business and Action Item Review

- 1) Other Business – 2 nominations are expected by June 1.

- 2) Action Item Review

- Interview for new Watershed Planner – Tracie and Michele
- Contact potential new Historic/Archeological member – Michele
- Note to Director Forbes to move rules process forward - Ken
- SB 352 Letter of Testimony – Tracie
- Warner River SLR letter to DOT – Tracie
- Doodle Poll for next meeting – Tracie

- 3) Next Meeting

Tracie will send out a Doodle Poll for the next meeting, which will occur in June and include nomination presentations, and probably a review of the draft Wetlands rules. Possible dates are June 8th (pm), 9th and 16th.

3:40 pm Meeting Adjourns