



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

New Hampshire Department of Environmental Services  
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**RMAC MEETING MINUTES**

**October 4, 2016**

**Dept. of Environmental Services, Concord, NH**

**9:00 – 11:00 am**

**Members Present**

Ken Kimball, Chair  
Michele L. Tremblay, Vice Chair  
Heather Dunkerley  
Mark Lombardi  
John Magee  
Frederick McNeill  
Jim Ryan  
Susan Slack  
Larry Spencer  
Ruth Ward  
Donald Ware

**Representing**

Recreational Interests  
Conservation Community  
Commissioner, DOS  
Granite State Hydropower Assoc.  
Executive Director, F&G  
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  
Jan. 5, 2018 V  
Indefinite NV  
Nov. 16, 2017 V  
Sept. 28, 2018 V  
Indefinite NV  
Oct. 12, 2016 V  
Sept. 5, 2019 V  
Sept. 28, 2016 V

**Members Absent**

Mark Hemmerlein  
Patrick Hummel  
Roger Noonan  
Gail McWilliam Jellie  
Allan Palmer  
Vacant

Commissioner, DOT  
Commissioner, DRED  
Agricultural Community  
Comm., Dept of Ag., Markets & Food  
NH Business and Industry Association  
Historical & Archaeological Interests

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

**DES Staff Present**

Melissa Doperalski Watershed Management Bureau  
Tracie Sales Rivers and Lakes Programs

**I. Welcome & Introductions**

Chair Ken Kimball called the meeting to order at 9:05 AM. Members introduced themselves. New members Mark Lombardi, representing Granite State Hydropower, and Heather Dunkerley, representing the Department of Safety, were welcomed along with Melissa Doperalski, the new Watershed Management Bureau assistant.

**II. Acceptance of the Consent Agenda**

April 5, 2016 RMAC Meeting Minutes

- **Larry Spencer made a motion to accept the RMAC Meeting minutes of April 5, 2016, second by Michele L. Tremblay. Motion passed with one abstention.**

**III. RMPP Program Updates**

1) **RMAC Membership Status**

Anne Krantz has resigned as the historical/archeological representative on the RMAC, and the replacement we had in mind is no longer available. Tracie contacted the NH Historical Society for a nomination, but has received no response. Tracie will follow up. Larry will forward Doug McLane's contact information to Tracie as a potential candidate for the seat. Don Ware, Allan Palmer, and Larry all have terms expiring, but all have sent applications to the Governor's office

to renew. Under the revised statute, we now only need to submit a single nominee for each seat.

In general for membership renewal, whether or not you need for a letter from nominating organization(s) depends on the current Governor's administration. At this time, a nomination letter strongly desired, but not absolutely required.

## 2) Upcoming River-related Legislation

Tracie reported that there are 4 Legislative Service Requests (LSRs) of potential interest so far, 2 of which are identical. In addition, the temporary dock setback bill that we saw last year (HB1517) is likely coming back in some form. Michele reported that the chair of the Boscawen Planning Board has published that he will be working with the NH Timberland Owners Association to remove some provisions from RSA 483, though the association has no plans to make changes. Tracie will monitor the list of LSRs to watch for others of interest to the RMAC.

## IV. RMPP Statute Change Results

Ken provided a brief overview of the drive behind the updates to RSA 483, and Tracie both thanked RMAC members for their work on the statute and summarized the results that became effective August 20, 2016. Ken asked about statewide LIDAR data with respect to stream order. John Magee heard that the data would be available around the end of next year. Discussion ensued about the impact of stream order changes resulting from the new data and the possibility of using other measures of stream size. The RMAC should be proactive about determining the impact of this data.

## V. River-related Rules Update

### 1) RMPP Rules

Ken summarized the rule update activity to date. The draft rules were submitted to the DES Legal department with the point system portion of the river nominations removed, as well as a few other minor updates. Without the point system, Legal is challenged by the discretion allowed to the Rivers Coordinator in the rules with respect to recommending a nomination to the Commissioner. The rules have to cover the most extreme situations where any Rivers Coordinator would recommend the same nomination that any other Coordinator would recommend, despite any personal preferences. So, we have proposed removing the qualitative judgement on the merits of the nomination from the Coordinator's responsibility and placed it on the RMAC. The Coordinator's recommendation will now be based on a complete nomination document and process, and the recommendation of the communities and RMAC. Legal is reviewing this, and we are optimistic.

- ***Michele L. Tremblay made a motion to move forward with the draft Rivers Program rules as described with the point system removed and the Rivers Coordinator's recommendation based on quantitative nomination criteria and the RMAC evaluating the qualitative criteria. Second by Larry Spencer. Motion passed with all in favor.***

Discussion ensued about the level of local support required for a nomination, and where that should be described, whether in rule or in the guidance document. The group determined that while general community support was important, support for a nomination did not need to be unanimous. The level of support desired for a nomination will be described in the guidance document.

The RMPP rules expire Nov. 26<sup>th</sup>. We must file the rulemaking notice, with the Initial Proposal (the public version of the draft rules) by that date, and a fiscal impact statement at least 2 weeks prior to that filing. After the filing, there will be a public hearing and a public comment period. Revisions are made based on the comments received, and the Final Proposal is what is submitted to Joint Legislative Committee on Administrative Rules (JLCAR). If there is still resistance from Legal because of the Coordinator's statutory requirement to provide a recommendation on the nomination, we will have to move forward retaining the point system

now because of the imminent deadline, then change the statute later to eliminate or restrict the River Coordinator's recommendation on the nomination. Michele expressed frustration with the Legal department's influence on what is felt to be programmatic decisions.

Tracie also reported that the Warner River nomination remains on hold, but the Androscoggin River nomination has been withdrawn.

2) Wetlands and Stream Crossing Rules

Wetlands rulemaking process is 4-6 months behind schedule. They are revising concepts and finalizing BMPs before distributing draft rules and holding public hearings. This includes the stream crossing rules. The Routine Roadway BMP Manual is undergoing final edits, but has not yet been published. However, the wetland mitigation rules were finalized in February, and the new rules require permittees needing mitigation to first meet with DES staff. These meetings are proving useful for both staff and permittees in smoothing out the process.

In addition, the Land Resources Management (LRM) reorganization is still waiting for final approval (G&C is final stage), but staff cross training is already underway. Michele invited others to serve on the committee to develop the scorecard for the LRM unit.

## VI. RMAC Business Activities between Meetings

Postponed until after the Joint Meeting and the discussion with Allen Brooks on RSA 91-A.

Tracie briefly described a surplus land review (SLR) in Canaan, VT (SLR 16-006), a utility easement on a rail trail easement owned by NH. She forwarded a draft response letter to RMAC members, and all comments received were positive. The RMAC response was forwarded to CORD. The categorical exclusion process for minor is working for the RMAC, such as for the Bradford Pines exchange of 1/10 acre, but it may be bypassing the requirements of RSA 91-A. The categorical exclusion was also used on a Warner SLR from DOT that was similar to an earlier SLR.

## VII. Subcommittee Updates and Member Comments

1) Water Quality Standards Advisory Committee

WQSAC did not meet over the summer, and have been focused on the Env-Wq 1700 rule updates for last several meetings. The next meeting is Oct. 13, where they will review rule changes and then close meeting, switching to a subcommittee meeting on NH's DO standards.

2) Other Member Updates

Larry announced that there is now a parking lot at Livermore Falls, and the site is no longer used as a gathering place to drink (the drinking has relocated to a site downstream on private property). The State Parks Division is doing a great job managing the property and working with the towns. Now that work on the east side is done, they will start on the west side.

## VIII. Other Business and Action Item Review

1) Other Business – None

2) Action Item Review

- Forward contact information for potential new Historic/Archeological member – Larry
- Monitor upcoming LSRs – Tracie and Michele
- Follow up on UNH study of stream order and other approaches – Michele
- Rulemaking – Tracie

3) Next Meeting

Proposed for mid-January, probably combined with a Joint RMAC/LMAC meeting.

**10:43 pm Meeting Adjourns**