



RIVERS MANAGEMENT ADVISORY COMMITTEE
NH Rivers Management and Protection Program

New Hampshire Department of Environmental Services
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DRAFT

RMAC MEETING MINUTES

January 13, 2017

Dept. of Environmental Services, Concord, NH

1:30 – 3:30 pm

Members Present

Ken Kimball, Chair
Michele L. Tremblay, Vice Chair
Mark Hemmerlein
Patrick Hummel
Mark Lombardi
John Magee
Susan Slack
Larry Spencer
Ruth Ward
Donald Ware

Representing

Recreational Interests
Conservation Community
Commissioner, DOT
Commissioner, DRED
Granite State Hydropower Assoc.
Executive Director, F&G
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
Jan. 5, 2018 V
Indefinite NV
Indefinite NV
Oct. 12, 2019 V
Sept. 5, 2019 V
Sept. 28, 2019 V

Members Absent

Heather Dunkerley
Frederick McNeill
Gail McWilliam Jellie
Roger Noonan
Allan Palmer
Jim Ryan
Vacant

Commissioner, DOS
Municipal Government
Comm., Dept of Ag., Markets & Food
Agricultural Community
NH Business and Industry Association
NH Fish & Game Commission
Historical & Archaeological Interests

Indefinite NV
Nov. 16, 2017 V
Indefinite NV
Mar. 22, 2018 V
Sept. 28, 2019 V
Sept. 28, 2018 V
June 15, 2016 V

DES Staff Present

Kathy Black Rivers and Lakes Programs
Melissa Doperalski Watershed Management Bureau
Tracie Sales Rivers and Lakes Programs

I. Welcome & Introductions

Chair Ken Kimball called the meeting to order at 1:30 PM. Members introduced themselves. Congratulations were extended to Ruth Ward on her election to the Senate, and Kathy Black, the new Rivers and Lakes Program Assistant, was welcomed.

Tracie reminded the committee that the meeting would be directly followed by the RMPP rules public hearing.

II. Acceptance of the Consent Agenda

- ***Michele L. Tremblay made a motion to accept the Consent Agenda, consisting of the RMAC and Joint RMAC/LMAC Meeting Minutes of October 4, 2016, second by Donald Ware. Motion passed unanimously.***

III. RMPP Program Updates

1) RMAC Membership Status

The RMAC is still in need of a historical/archeological representative. The nominating organization is the NH Historical Society. Tracie contacted the NH Historical Society but has received no response. Michele suggested Jim Garvin of Pembroke, the former State Architectural Historian, with whom she has worked on the historic and cultural aspects of dam removals. Michele also suggested contacting Edna Feighner of the NH Department of Cultural Resources. Edna works with Beth Muzzey, and they might know of some good candidates. Some concerns were raised about state employees testifying in the legislature. The group decided to pursue talking to Edna about a recommendation, if Jim Garvin is not interested. Another possible contact is Ben Wilson, he is Chief of the NH Division of Parks and Recreation's Bureau of Historic Sites. Michele also recently talked to the Manchester Historic Association and they have staff with strong archeology skills. John Magee suggested we contact Jack Noon, an avid historian and fisherman as well as author of several histories about Sutton and a book about river fishing. The group decided on the following strategy: 1) Michele will contact Jim Garvin; 2) Steve Landry or Michele will contact Edna Feighner; 3) Michele will contact the Manchester Historic Association; 4) John will contact Jack Noon.

Tracie noted the following 2017 membership expirations: Fred McNeill (November) and Ken Kimball and Michele L. Tremblay (December). Membership renewals are on hold per the Governor's office because staff is not in place to process nominations under the new administration. Tracie will follow up with the Governor's office for an update.

Tracie reminded the group to submit the financial disclosure document by January 20.

2) 2017 LAC Workshop

Tracie announced that the New Hampshire Rivers Council has agreed to co-host the LAC Workshop this spring, probably in April. The workshop will offer a variety of sessions including ones tailored for new LAC members as well as seasoned LAC members. Possible session topics include permit reviews, ISF, the Right-to-Know law, using social media to promote the LAC, impacts of the new LIDAR mapping, alternatives to stream order to categorize river size, outreach on the need for permits, and reporting permit violations.

3) Other Program Updates

- LAC Permit applications: Tracie received a complaint about receiving permits electronically. The main complaint was related to the difficulty of zooming in and out of the electronic plan files, but proper software and large file sizes were also of concern. LACs still need hard copy of the plans to allow for easier viewing of the project plans, especially at meetings.
- Warner River nomination: Public information meetings are complete in each town. The nominating committee is in the process of getting letters of recommendation and is planning to submit the draft nomination on May 1. The nomination will be following the old rules rather than the pending new rules.
- The revised 2014 303(d) list has been finalized, and should be published in the next few days.
- The draft 2016 303(d) list is under review internally and is expected to be published in April.
- Michele and Tracie will be presenting on LACs as part of the permit review process at a training workshop for the Land Resources Management Bureau in March.

IV. Rivers-related Legislation

Tracie noted that a number of the LSRs do not yet have bill language. A discussion ensued related to the Policy and Legislation Subcommittee's authority to make decisions on legislative positions without a vote by the full RMAC. It was decided that the subcommittee has the authority to not act on a bill, but that taking a position required a vote of the full committee.

The RMAC considered bills on the legislative tracking spreadsheet where bill text was available, but agreed to wait for more information on the LSRs before taking a position. The table below summarizes the RMAC’s position on current legislation. The RMAC will track SB 30 regarding the Shoreland Program and LSR 368 (HB 591) related to suction dredging.

Bills Recommended to Support	Bills Recommended to Oppose
HB 119 – appropriations to NHDES for the purpose of funding eligible drinking water and wastewater projects under the state aid grant program	HB 332 – dedicated funds with no activity in the financial system for at least the most recent fiscal year
HB 173 – regulations restricting the use of water for outdoor usage	HB 342 – establish a commission to study the transition of certain regulatory authority to NHDES from EPA
HB 376 – requiring construction projects that disturb sediments of the municipality where the real estate transfer from which the fee originates is located.	HB 359 – returning a percentage of LCHIP fee to the municipality where the real estate transfer from which the fee originates is located
HB 486 – protection of wetlands	

- ***Michele L. Tremblay made a motion to accept the proposed legislative as discussed. Second by Ruth Ward. Motion passed unanimously.***

The RMAC plans to talk to the LMAC prior to the legislative crossover date to discuss the bills that survived and decide if the RMAC and LMAC should act jointly on any bills.

V. Surplus Land Review Procedures

The group discussed categorical exclusions and the proposed revisions Tracie made to the RMAC’s Surplus Land Disposal procedures document, including removing the full committee review of SLRs on which a categorical exclusion has been determined and the changes that would need to be made to the footnote relative to the Shoreland Act. It was noted that the Chair and Vice Chair make the determination of categorical exclusion. It was proposed that any SLR presented to the RMAC that is within the RMAC’s jurisdiction will be posted on the RMAC blog and a notice sent out to RMAC members that the proposed disposal is posted.

- ***Michele L. Tremblay made a motion to accept the proposed revisions to the Surplus Land Review Procedures, deleting the footnote, and adding a sentence stating that for any property within the RMAC’s jurisdiction, all RMAC members will be notified that the proposed disposal was received and that it is posted on the RMAC blog. Second by Larry Spencer. Motion passed unanimously.***

VI. Subcommittee Updates and Member Comments

1) WQSAC

Tracie reported that now that the Env-Wq 1700 rules have passed, WQSAC is now focused on dissolved oxygen, and a subcommittee has been formed. LSR 953, which we think will remove the 75% saturation requirement from statute though the saturation requirement will remain in the rules for the time being, also deals with DO. There is no bill text yet. WQSAC is also working on other issues, including the phosphorus limit and PFOA.

2) Other Member Updates

Michele mentioned that the River Restoration Task Force met on Wednesday, January 11th with 41 attendees. The meeting mostly focused on dam removal. Michele also noted NHLivesOnWater.org has posted an economic Request for Proposals to determine what our water is worth and a companion study of what our water costs. Michele asked RMAC members to send her names of economists who might be interested in this RFP.

VII. Other Business and Action Item Review

1) Other Business

- Larry reported huge progress at Livermore Falls. The east side is nearly finished and they are moving to the west side. A parking lot, signage, and new access to the old mill are also part of the project.
- Susan announced that the annual Planning and Zoning Conference sponsored by OEP will be held on Saturday, April 29th. Steve Landry will be the keynote speaker. There will be several sessions relating to rivers and community livability.
- Wild NH Day is April 29th.
- Annual Wild and Scenic Film Festival is scheduled for March 31st.
- Water and Watershed Conference is March 24th at PSU.
- RMAC Chair and Vice Chair terms are two years. Ken will be stepping down as chair at the March Meeting.

2) Action Item Review

- Regarding candidates for the Historic/Archeological seat:
 - Michele will follow up with Jim Garvin.
 - Michele will ask Steve Landry to contact Edna.
 - Michele will contact the Manchester Historic Association.
 - John Magee will contact Jack Noon.
- Staff will monitor upcoming legislation
- Tracie will post the revised Surplus Land Review Procedures.
- Tracie will send out a Doodle Poll for a mid- to late-March meeting.

3) Next Meeting and Agenda Items

- River restoration activities under the new coordinator, or other DES activities.
- Update on federal policy and budget impacts on NHDES and how RMAC can help.
- Warner River nomination presentation in the summer.

➤ ***Larry Spencer made a motion to adjourn the meeting, second by Ruth Ward. Motion passed unanimously.***

2:55 pm Meeting Adjourns