



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

New Hampshire Department of Environmental Services  
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**FINAL**  
**RMAC MEETING MINUTES**  
**August 29, 2017**  
**NH Fish and Game Office, Concord, NH**  
**1:00 – 3:30 pm**

**Members Present**

Michele L. Tremblay, Chair  
Larry Spencer, Vice Chair  
Mark Hemmerlein  
Patrick Hummel  
Mark Lombardi  
John Magee  
Frederick McNeill  
Allan Palmer  
Jim Ryan  
Susan Slack  
Ruth Ward (via phone)  
Donald Ware  
Whitney Welch

**Representing**

Conservation Community  
NH Association of Conservation Comm.  
Commissioner, DOT  
Commissioner, DNCR  
Granite State Hydropower Assoc.  
Executive Director, F&G  
Municipal Government  
NH Business and Industry Association  
NH Fish & Game Commission  
Director, Office of Strategic Initiatives  
Local River Management Advisory Comm.  
Public Water Suppliers  
Commissioner, DOS

**Term**

Dec. 28, 2017 V  
Oct. 12, 2019 V  
Indefinite NV  
Indefinite NV  
Jan. 5, 2018 V  
Indefinite NV  
Nov. 16, 2017 V  
Sept. 28, 2019 V  
Sept. 28, 2018 V  
Indefinite NV  
Sept. 5, 2019 V  
Sept. 28, 2019 V  
Indefinite NV

**Members Absent**

Edna Feighner  
Ken Kimball  
Gail McWilliam Jellie  
Roger Noonan

Historical & Archaeological Interests  
Recreational Interests  
Comm., Dept of Ag., Markets & Food  
Agricultural Community

June 15, 2019 V  
Dec. 28, 2017 V  
Indefinite NV  
Mar. 22, 2018 V

**NHDES Staff Present**

Kathy Black  
Ted Diers  
Wayne Ives  
Tracie Sales

Rivers and Lakes Programs  
Watershed Management Bureau  
Instream Flow Program  
Rivers and Lakes Programs

**Guests**

Chris Connors  
Sam Durfee  
Nancy Martin

Warner River Nomination Committee & Trout Unlimited  
Warner River Nomination Committee & Central NH RPC  
Warner River Nomination Committee Chair

**I. Welcome & Introductions**

Chair Michele L. Tremblay called the meeting to order at 1:02 pm. Members introduced themselves. Michele extended a special welcome to Whitney Welch, the new representative of the Department of Safety, and Edna Feighner, representing Historic/Archeological Interests.

**II. Acceptance of the Consent Agenda**

- **Jim Ryan made a motion to accept the Consent Agenda, consisting of the RMAC Meeting Minutes of March 20, 2017, RMAC Membership Status, and RMAC and Joint RMAC/LMAC Subcommittee Members, second by Donald Ware. Motion passed unanimously.**

### III. RMPP Program Updates

1) RMPP Rules (Env-Wq 1800)

Tracie reported that the RMPP rules were adopted and certified. Changes to the rules include eliminating the point system, adding the requirement for a map of stream order and a statement regarding the applicability of the Shoreland Act, and directing the RMAC to act as the lead on assuring that the nomination meets the intent of the program and has adequately fulfilled the requirements outlined in the rules. Also, the river nomination form was modified to make it consistent with the rule changes, and the revised guidance document will be completed soon. Michele praised everyone for their effort to update the rules. Once completed, Tracie will post the nomination guidance document on both the RMAC and LAC blog sites.

2) Blackwater River Potential Nomination

In July Tracie presented to a group, mostly from Webster, interested in nominating the Blackwater River into the Rivers Program. The Blackwater is a 4<sup>th</sup> order river and begins in western Andover, flowing south through Salisbury and Webster before joining the Contoocook in Hopkinton.

3) 2017 LAC Workshop Recap

The New Hampshire Rivers Council and the NHDES Rivers Program hosted a LAC Workshop on Saturday, May 13<sup>th</sup>. Thirty-seven LAC members attended representing 15 LACs, and one member of the Warner River Nomination Committee attended as well. Workshop topics included a permit review process update, tips and tricks for making effective permit review comments, how to attract and diversify LAC membership, and LAC successes and accomplishments. Feedback suggested that the next workshop allow more time for presentations and discussion.

### IV. Warner River Nomination

The Warner River Nomination was submitted on June 1, 2017 and contained all of the required information. A site walk and public hearing for the Warner River Nomination were held on July 11, 2017. The hearing was well attended by 30 members of the public. Three people spoke in support of the nomination and one person asked a question. The public comment period closed on July 31, 2017 and six written comments were received, five supporting and one opposing the nomination. The opposing comment cited concerns about additional permit requirements and restrictions. Michele clarified that the nomination will not add any restrictions beyond what is currently required by federal, state, and local regulation. Mark Lombardi presented a request from Granite State Hydropower Association that future river nominations classify former hydropower sites as “community” to allow for future hydropower use.

- **Larry Spencer made a motion to approve the nomination of the Warner River into the Rivers Management and Protection Program and to recommend to the NHDES Commissioner that the nomination move forward to the legislature, second by Fred McNeil. The motion passed unanimously.**

Michele thanked the Warner River Nomination Committee for their hard work. The next step in the nomination process is the RMAC’s recommendation and the Commissioner’s review of the nomination. Assuming he recommends the nomination, Tracie and the nomination committee will work with bill sponsors to submit a Legislative Service Request. Senator Feltes has agreed to be the prime sponsor, and Rep. Suzanne Smith has agreed to co-sponsor. Representative Carson is also interested in sponsoring the bill. The nomination committee and RMAC will continue to find support on both sides of the aisle.

### V. Surplus Land Reviews

1) DOT Sale along Warren Brook in Alstead

This is a sale of 0.43 acres south of Route 123 near Warren Brook to abutters. After the 2005 flood in Alstead, Route 123 was relocated and the lot lines were never adjusted, resulting in confusion about which lots are for sale. Ken, via written comment, asked if the proposed sale included frontage on Warren Brook and would thus impact public access. Discussion ensued, concluding that access would be retained on the north side of Rte. 123.

- **Larry Spencer made a motion to approve the sale of the property and ask for clarification on the number of lots and location, second by Jim Ryan. Motion passed unanimously.**

2) NH Fish and Game Lease of Sugar Hill Property, Coffin Pond

Fish and Game proposes a 10-year lease to the Town of Sugar Hill of a 25 acre property adjacent to the Gale River including the man-made Coffin Pond and a dam owned by Fish and Game. Under a two-year special use permit, the town has been maintaining the property including a picnic area and car-top boat access to the pond. The special use permit expired in July. No new development is expected under the lease. There is a trail around Coffin Pond that the town may continue to enhance. The LMAC, under its categorical exclusion procedures for disposals with *de minimis* impact on a lake or pond, or access to one, has no objection to the lease.

- **Larry Spencer made a motion to approve the 10-year lease of the NH Fish and Game property in Sugar Hill to the Town of Sugar Hill, second by Allan Palmer. Motion passed unanimously.**

3) Review of SLRs Not in RMAC Jurisdiction

Tracie reviewed all SLRs received since the last meeting, as required by the RMAC Standard Operating Procedures for Surplus Land Reviews. These SLRs consisted of a lease and a sale of properties within the Lakes Management Advisory Committee's jurisdiction, two properties outside of rivers or lakes jurisdiction, and a sale of land in Raymond within LAC jurisdiction to which the LAC did not object.

## **VI. Instream Flow Program Update**

1) Target Fish Community Contract

Wayne Ives has received the draft *Statewide Target Fish Community Assessment – Designated River Delineations* from Gomez and Sullivan. This report is posted on the RMAC blog. Delineation of designated rivers into sections is necessary because a river's character can vary substantially from its headwaters to its mouth, and thus support different fish communities. Target fish communities represent a collection of fish that would be expected to exist in the present time given relatively low anthropogenic impact on stream habitat. Once a list of fish species that should be in the river segment is generated, then the fish community is used in a habitat model to assess suitable flows for these species.

2) Stream Flow Estimate Contract Update

Dr. Neil Fennessey has been contracted to update and test an improvement to his existing, 1994 regression method for generating daily flow records at ungauged locations. The flow records will be used in the development of the protected instream flows on ungauged designated rivers. The regression equation is developed using existing flow records on other rivers and parameters such as river slope and watershed size. Dr. Fennessey will test the method focusing on its results in the medium to low-flow range. The project is ongoing, and part one is expected to be complete in 2018.

3) Env-Wq 1900 Rule Development Status

Wayne explained that the ISF Program is in the pre-rulemaking process and is hosting a series of informational meetings to solicit feedback from the public. The first meeting discussed the overall template of the rules including major headings. The second meeting addressed the purpose and applicability of the rules, and definitions. The third meeting covered the procedures for the establishment of protected instream flows and the adoption of water management plans. The fourth meeting is scheduled for September 19, 2017 and will discuss the administration of water management plans and waivers. These rules are similar to the previous (pilot) rules, but add the option for a five-year extension to implement the plan as now required in statute. Waivers for submitting the water management plan are allowed for financial or public health and safety reasons. The major changes to the rules include: application to all designated rivers; a process for prioritizing designated rivers for ISF management; use of the Drinking Water and Groundwater Bureau's water conservation plan requirements; moving the *de minimis* process to the Water Use Plans; specifying a five-year implementation schedule with reporting; changes to the waiver process; and the addition of five-year extensions. A final pre-rulemaking public meeting will be held in January to look at entire draft rule set and to review the changes from comments received. Further work is required before this meeting to link the Water Conservation Rules to the

Instream Flow Rules, determine how to enforce protected instream flows and water management plans, and define the waiver approval process.

## VII. River Related Legislation

### 1) 2017 Legislation Review and Budget Update

- The budget passed as expected for the Rivers and Lakes Programs, with the exception of a new hydrologist in the Instream Flow Program. In July of 2018 we will have a full-time Environmentalist III position available. This position will administratively support the Rivers, Lakes, and Instream Flow Programs.  
Ted Diers noted that we do not know what will happen with the Federal budget. A government shut down in October is possible, but a continuing resolution is expected with a final budget in December. Ted is not filling vacant positions until the budget is released. The 319 grant awards are being pushed back due to the late release of grant amounts.
- HB 170 (RSA 91-A) – Regarding posting notice and minutes of meetings on websites. Any public organization must post meeting notices and minutes on its website if it has one, or post on its website where meeting notices and minutes can be found. Tracie will notify the LACs of the new requirements. Michele noted that the New Hampshire Rivers Council provides a place where LACs can post meeting notices and minutes.
- HB 195 – Committee to study temporary seasonal docks – passed and the study committee met on September 6, 2017. Two other bills to allow longer docks without a permit did not pass.
- HB 258 – Permanent grandfathering of sludge application within 250’ of certain designated rivers. The bill passed and allows the continued application of sludge at 13 grandfathered sites, including 800 acres of land, within 250’ feet of designated portions of the Connecticut, Pemigewasset, Merrimack, and Saco Rivers. The RMAC was opposed to this bill because it unevenly applied rules and was disappointed in this last minute addition to an unrelated bill.
- SB 121 – Study commission for NPDES delegation to New Hampshire. The bill passed, but the bill to require immediate delegation of that authority to the state did not. Bob Snelling is representing Rivers and Lakes interests on the study commission. Fred McNeil is also on this committee representing municipal organizations. The first meeting of the study committee will be held on Thursday, September 14, 2017.
- HB173 – Relative to regulations restricting the use of water for outdoor usage was rereferred.

LSRs are due earlier this year, with the closing date for the House on September 22, 2017 and the closing for the Senate on November 2, 2017.

### 2) Standing RMAC Positions for Future Legislation

The RMAC Policy and Legislation Subcommittee will identify possible standing positions that allow the RMAC to act swiftly when the need arises. Attendees brainstormed and proposed standing positions for types of bills the RMAC will support and oppose.

#### **Proposed Standing Supportive Positions**

- Any legislation directly related to a topic the RMAC has already voted on such as a river nomination and RMPP statute or rules updates.
- Making appropriations to NHDES for the purposes of funding eligible drinking water and wastewater projects under the state aid grant program. The RMAC typically supports state revolving fund, LCHIP, and other conservation projects.
- Wetlands buffer bill

#### **Proposed Standard Opposition Positions**

Raiding dedicated funds earmarked for conservation for general fund purposes.

### 3) Policy and Legislation Subcommittee Chair

- **Allan Palmer nominated Larry Spencer as Chair of Policy and Legislation Subcommittee, second by Fred McNeil. Nomination passed unanimously.**

**VIII. Draft RMAC FY2016/2017 Biennial Report**

The last Biennial Report was submitted for FY2008/2009. The Draft 2016-2017 Biennial Report is posted on the RMAC blog and was written as a brief RMPP marketing tool. The RMAC discussed the draft report and Michele suggested adding a “RMPP by the Numbers” table to show key LAC information such as total hours worked on water quality monitoring or how many trash clean-ups were held. Once the report is finalized it will be submitted to the NHDES Commissioner and the legislature. It may also be used for a RMPP background presentation to the legislature with the Warner River Nomination.

**IX. RMAC Representation on Other Committees and Member Comments**

- Water Quality Standards Advisory Committee – Allan Palmer reported that the committee did not meet this summer. Ted added that the Dissolved Oxygen Subcommittee met regularly through the end of 2016 and a joint meeting is planned for October 12, 2017.
- Susan Slack informed the group that Office of Energy and Planning is now the Office of Strategic Initiatives (OSI). Jared Chiccoine, a former governor staff member, is the new director. The deputy director is Joseph Doiron who served on Senate Ayotte’s staff. Currently OSI is filling two planning positions.
- Patrick Hummel noted that DRED was dissolved on July 1, 2017 and the Divisions of Parks and Recreation and Forested Lands were combined with the Division of Cultural Resources to form the Department of Natural and Cultural Resources (DNCR) led by Commissioner Rose from DRED, while the Economic Development and Travel and Tourism Divisions are now the Department of Business and Economic Affairs. Nothing has changed for DRED other than the name. The staff and physical location will remain unaffected for the next few years.

**X. Other Business and Action Item Review**1) Other Business

None

2) Action Item Review

- Staff will update new department names for RMAC email addresses, letterhead, and name cards.
- Staff will post the River Nomination Guidance Document on RMAC and LAC Blogs.
- Staff will repost Warner River Public Hearing Testimony Summary on the RMAC Blog.
- Staff will inform LACs about the new website requirements for meeting notices and minutes.
- The Policy and Legislation Subcommittee will meet and create a list of standing positions.
- Staff will modify the Draft RMAC Biennial Report – incorporate a “By the Numbers” table.

3) Next Meeting and Agenda Items

Send out a Doodle Poll for December 6 and 7.

- *Michele L. Tremblay made a motion to adjourn the meeting, second by Fred McNeil. Motion passed unanimously.*

**3:23 pm Meeting Adjourns**