



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



New Hampshire Department of Environmental Services  
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**RMAC MEETING MINUTES**  
**December 6, 2017**  
**NH Fish and Game Office, Concord, NH**  
**1:00 – 4:00 pm**

**Members Present**

Michele L. Tremblay, Chair  
Larry Spencer, Vice Chair  
Jennifer Gilbert  
Mark Hemmerlein  
Kayla Henderson  
Ken Kimball  
Mark Lombardi  
John Magee  
Frederick McNeill  
Jim Ryan  
Ruth Ward

**Representing**

Conservation Community  
NH Association of Conservation Comm.  
Director, Office of Strategic Initiatives  
Commissioner, DOT  
Commissioner, DOS for Whitney Welch  
Recreational Interests  
Granite State Hydropower Assoc.  
Executive Director, F&G  
Municipal Government  
NH Fish & Game Commission  
Local River Management Advisory Comm.

**Term**

Dec. 28, 2020 V  
Oct. 12, 2019 V  
Indefinite NV  
Indefinite NV  
Indefinite NV  
Dec. 28, 2020 V  
Jan. 5, 2018 V  
Indefinite NV  
Nov. 16, 2020 V  
Sept. 28, 2018 V  
Sept. 5, 2019 V

**Members Absent**

Edna Feighner  
Patrick Hummel  
Gail McWilliam Jellie  
Roger Noonan  
Allan Palmer  
Donald Ware

Historical & Archaeological Interests  
Commissioner, DNCR  
Comm., Dept of Ag., Markets & Food  
Agricultural Community  
NH Business and Industry Association  
Public Water Suppliers

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

**NHDES Staff Present**

Kathy Black  
Ted Diers  
Clark Freise  
Wayne Ives  
Tracie Sales  
Robert Scott

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

**Guests**

Paul Currier  
Maryalice Fischer  
Madeleine Mineau  
David Packard  
John Ragonese  
Kathy Urffer  
Bob Varney

Former NHDES Watershed Bureau Administrator  
Low Impact Hydropower Institute  
City of Nashua/Granite State Hydropower Association  
Chair, LMAC  
Former Chair, RMAC  
Connecticut River Conservancy  
Former NHDES Commissioner

**I. Welcome & Introductions**

Chair Michele L. Tremblay called the meeting to order at 12:59 pm. Members introduced themselves. Michele extended a special welcome to new member Jennifer Gilbert representing the New Hampshire Office

of Strategic Initiatives (OSI) and announced that Susan Slack, the former OSI representative, is now working for the Lakes Region Planning Commission.

## II. Acceptance of the Consent Agenda

- **Jim Ryan made a motion to accept the Consent Agenda, consisting of the RMAC Meeting Minutes of August 29, 2017, RMAC Membership Status, and RMAC and Joint RMAC/LMAC Subcommittee Members, second by Ruth Ward. Motion passed unanimously.**

## III. Ken Kimball Recognition Event

NHDES Commissioner Robert Scott, Assistant Commissioner Clark Freise, Tracie Sales, and Michele L. Tremblay thanked Ken for his 29 years of service on the RMAC, 19 of which were as Chair, and presented him with variety of gifts including a Governor's Proclamation, a letter from former NHDES Commissioner Tom Burack, a framed photo of Ken canoeing with former Governor Maggie Hassan, a framed photo of the first nominated rivers poster, and a framed Designated River map. The group celebrated with cake and drinks.

## IV. RMPP Program Updates

### 1) RMPP 30<sup>th</sup> Anniversary

Michele announced that the Rivers Management Protection Program will be 30 years old in 2018 and discussed options for an anniversary celebration. Idea proposed included an event at the signing of the Warner River designation bill and recognition at the Wild and Scenic Rivers Film Festival. Larry Spencer, Michele, and John Magee will propose additional ideas.

### 2) Instream Flow Program Update

Tracie announced that the Instream Flow (ISF) Program recently hired a part-time employee, Eli Herman to assist Wayne with field work, data QA/QC, data analysis, and flow monitoring. The fifth ISF informational rule meeting will be held Wednesday, January 10, 2018. The target fish community development continues: the rivers have been divided into reaches expected to have similar fish communities and NHDES staff have reviewed the process contractors are using for selecting reference rivers. Public meetings will be held presenting the chosen reference rivers for each designated river reach and the final target fish community results. The flow estimation model for ungaged locations is expected to be completed in March.

## V. Low Impact Hydropower

Maryalice Fischer, Certification Director for the Low Impact Hydropower Institute (LIHI), explained that LIHI is a non-profit organization that is dedicated to reducing the environmental impacts of hydropower generation through a voluntary certification that uses market incentives to reward projects that have committed to environmental, cultural, and recreational stewardship. Currently LIHI has 127 active certificates (projects) for 197 power plants in 24 states. The certification process is voluntary and collaborative. LIHI conducts a rigorous evaluation and each facility must meet the goals of all eight LIHI criteria including flows, water quality, fish passage and protection, watershed protection, protection of threatened and endangered species, cultural resource protection, and recreation. LIHI recently revised the certification standards and published a new handbook in conjunction with the revision. There are 15 LIHI Certified Projects in New Hampshire. Maryalice reminded the RMAC that hydropower is an effective, flexible renewable energy source which is able to store energy to better match supply with demand as well as provide water for irrigation, open space for wildlife and habitat, recreational opportunities, and flood control.

## VI. Surplus Land Disposal Review

Kathy Black reviewed the two SLRs received within RMAC jurisdiction. One was a permanent easement in Stewartstown on the North Stratford Beecher Falls Branch rail trail for a water line in exchange for permanent protection of snowmobile trails, and both the RMAC and Headwaters LAC declined to comment on this SLR. The second was a sale of DOT property in Alton near the Merrymeeting River, but not directly adjacent to it. The sale did not appear to affect access to the river or water quality, so the RMAC had no objection to the sale. A third SLR was received which is in RMAC, LMAC, and LAC jurisdiction, but it was incomplete so it will be reviewed when the information is complete.

## VII. River Related Legislation

### 1) 2018 Legislation Review

Larry thanked the Policy and Legislation Subcommittee for their work. He reported that the subcommittee recommended that the RMAC support SB445, HB1590, HB1618, HB1689, and HB1745; oppose HB1226, HB1616, and HB1651; track HB485, SB119, HB1101, HB1233, HB1343, HB1347, and SB450; and comment on HB1436 and HB1810. The RMAC discussed the proposed positions on the bills and decided to change position from track to oppose on HB1233, related to the regulation of seeds and fertilizer, based on the idea that municipalities should have the right to set more stringent ordinances.

- *Larry Spencer made a motion to oppose HB1233, second by Fred McNeil. Motion passed unanimously.*

Michele L. Tremblay requested that a RMAC decision date be added to the Legislation spreadsheet noting “RMAC positions are subject to change based on changes in bill text.”

- *Larry Spencer made a motion to accept the Policy and Legislation Subcommittee’s recommendations, with the exception of HB1233, on 2018 legislation along with Michele L. Tremblay’s request to add a comment to the Legislation spreadsheet, second by Ken Kimball. Motion passed unanimously.*

### 2) Policy and Legislation Committee Policy and Procedures Update

At Michele’s invitation, Tracie explained that the primary reason for the proposed changes to the procedures document was to eliminate unintentional voting via email, which is a violation of RSA 91-A. An additional change adds the requirement that the Vice Chair of the RMAC also chair the Policy and Legislation Subcommittee, which would also require a change to the Election Policy.

- *Larry Spencer made a motion to accept the changes with respect to the unintentional voting by email and to then create a revised draft Policy and Legislation Policy and Procedures document tracking the proposed changes to the Subcommittee chair assignment, second by Ken Kimball. Motion passed unanimously.*

### 3) Standing Legislative Positions

Tracie discussed possible topics on which the RMAC could develop formal standing positions (support, oppose, or track) for legislative response. For example, the RMAC may support any legislation directly related to a topic the RMAC has already voted on such as a river nomination or RMPP statutes or rules. The Policy and Legislation Subcommittee will work with Rivers staff to develop a draft document of proposed standing positions for RMAC review at the next meeting. Some members expressed concern about developing standing positions for such as diverse group, and it was decided that the Standing Positions document, once formally approved by the RMAC, will be reviewed and re-approved yearly. This annual review process will be added to the Policy and Legislation Procedures document.

## VIII. RMAC FY2016/2017 Biennial Report

Tracie discussed the changes to the draft biennial report such as the addition of the “By the Numbers” table and a section on the RMAC and LMAC’s willingness to take on an oversight role of the Shoreland Program. The group decided to change the words “vote” to “agree” and “oversight” to “advisory role” in the report.

- *Larry Spencer made a motion to approve the final report as presented with the wording changes noted, second by Fred McNeill. Motion passed unanimously.*

The group discussed options for presenting the report to the House Resources, Recreation and Development (RR&D) Committee and the Senate Energy and Natural Resources (EN&R) Committee. It was decided that Ruth Ward would ask to schedule a 20 minute presentation with EN&R and Michele would ask Rep. Christensen to schedule a 20 minutes presentation with RR&D. Rivers staff will email a pdf file of the final biennial report to the RMAC and email RR&D and EN&R prior to the presentations.

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

1) Instream Flow Subcommittee Interim Chair

Ken has been the chair of the Instream Flow Subcommittee but with his departure, someone needs to call the next meeting. The LMAC gave their ok to allow Michele and Dave as the Chairs of the RMAC and LMAC to work together to call the next meeting. The ISF Subcommittee will need to review the draft rules and provide comment. Tracie announced that the Shoreland rules are going to be updated to add a stormwater component and the Shoreland Subcommittee will likely be asked to assist with this process. With Susan Slack’s departure, another RMAC representative might be needed on the committee.

2) WQSAC and Dissolved Oxygen (DO) Standard

Ted Diers reported that WQSAC is addressing recent legislative changes that eliminate DO saturation as a standard and 7Q10 as the flow used to calculate nutrient dilution requirements for discharge. WQSAC is working to find an alternate flow, such as August median flow, as well as revising the standard. The next meeting is in January. Allan is the official RMAC representative, but anyone is welcome to participate either in person or via webinar/conference call.

3) Rivers Restoration Task Force

John Magee noted that the task force will resume meetings in January. He will provide the RMAC an update on the task force’s activity at the next meeting.

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

1) Other Business

Larry reported that Patrick Hummel nominated the Friends of the Pemi for an award.

2) Action Item Review

Action item	Leader	Supporter(s)	Target Date	Meeting Date
30 <sup>th</sup> Anniversary ideas	Larry Spencer	John Magee, Michele L Tremblay, Tracie Sales	Next meeting	12.6.17
Contact Representative Christensen and Senator Feltes to arrange a 20 minute RMPP presentation to RR&D and EN&R	Michele L Tremblay	Ruth Ward (on E&NR)	January-February	12.6.17
Create the list of proposed legislative standing positions	Larry Spencer	Tracie Sales, Kathy Black	Mid-January	12.6.17
Schedule Policy and Legislation Subcommittee Meeting before next meeting	Larry Spencer	Tracie Sales, Kathy Black	Mid-January	12.6.17
Contact Ned Beecher re: Biosolids presentation	Michele L. Tremblay	Tracie Sales	Future meeting	12.6.17

3) Next Meeting and Agenda Items

Send out a Doodle Poll for RMAC and a joint meeting with the LMAC in January.

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

**3:55 pm Meeting Adjourned**