



RIVERS MANAGEMENT ADVISORY COMMITTEE

NH Rivers Management and Protection Program
and

LAKES MANAGEMENT ADVISORY COMMITTEE

NH Lakes Management and Protection Program

New Hampshire Department of Environmental Services
29 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
phone: 603-271-2959 fax: 603-271-7894

DRAFT

JOINT RMAC/LMAC MEETING MINUTES

January 19, 2018 - 11:15 AM to 1:30 PM
NH Fish and Game Conference Rooms
11 Hazen Drive, Concord, NH

RMAC Members Present

Michele L. Tremblay, Chair
Larry Spencer, Vice Chair
Edna Feighner
Jennifer Gilbert
Kayla Henderson
Patrick Hummel
Mark Lombardi
John Magee
Allan Palmer
Norman Sims
Ruth Ward
Donald Ware

Representing

Conservation Community
NH Association of Conservation Comm.
Historical & Archaeological Interests
Director, Office of Strategic Initiatives
Commissioner, DOS for Whitney Welch
Commissioner, DNCR
Granite State Hydropower Assoc.
Executive Director, F&G
NH Business and Industry Association
Recreational Interests
Local River Management Advisory Comm.
Public Water Suppliers

Term

Dec. 28, 2020
Oct. 12, 2019
June 15, 2019
Indefinite
Indefinite
Indefinite
Jan. 5, 2018
Indefinite
Sept. 28, 2019
Dec. 28, 2020
Sept. 5, 2019
Sept. 28, 2019

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RMAC Members Absent

Mark Hemmerlein
Frederick McNeill
Gail McWilliam Jellie
Roger Noonan
Jim Ryan

Commissioner, DOT
Municipal Government
Comm., Dept of Ag., Markets & Food
Agricultural Community
NH Fish & Game Commission

Indefinite
Nov. 16, 2020
Indefinite
Mar. 22, 2018
Sept. 28, 2018

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LMAC Members Present

David Packard, Chair
Linda Brownson
Capt. Tim Dunleavy
Jennifer Gilbert
Garret Graaskamp
Tiffany Grade
Kim Hallquist
Michael Hodder
Frank Lemay

NH Lakes Association
State Conservation Committee
Commissioner, DOS
Director, Office of Strategic Initiatives
Executive Director, F&G
Conservation Commission
Municipal Officials
Planning Boards
NH Business and Industry Association

August 1, 2018
August 1, 2018
Indefinite
Indefinite
Indefinite
September 19, 2019
August 1, 2018
August 1, 2020
July 8, 2019

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LMAC Members Absent

Bruce Allen
Mark Borrin
Shane Bradt
Fred Clews
Ed Crawford
Eric Feldbaum
Mark Hemmerlein
Dick Smith

NH Assn. of Conservation Commissions
NH Travel Council
Scientific Community, UNH
Fish & Game Commission
Marine Dealers Association
Commissioner, DNCR
Commissioner, DOT
Fishing Interests

August 22, 2019
August 1, 2019
August 22, 2019
August 22, 2018
August 22, 2017
Indefinite
Indefinite
November 17, 2019

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Mary Truell	NH Association of Realtors	June 27, 2020	V
Bob Wolff/David Rousseau	Commiss., Dept. of Agr., Markets & Food	Indefinite	NV

Staff Present

Kathy Black	Rivers and Lakes Programs
Ted Diers	Watershed Bureau Administrator
Wayne Ives	Instream Flow Program
Tracie Sales	Rivers and Lakes Programs
Robert R. Scott	NHDES Commissioner

Guests

Melissa Doperalski	New Hampshire Fish and Game Department
Jim Kennedy	Connecticut River Upper Valley LAC Chair
Gene Porter	Lower Merrimack River LAC Chair

Meeting Was Called to Order**I. Welcome/Introductions**

RMAC Chair Michele L. Tremblay opened the meeting at 11:15 AM and asked everyone to introduce themselves.

II. I'm a Polyhaline Guy in a Polyhaline World – Ted Diers on Road Salt in New Hampshire

Ted Diers reported that the US uses more than 20,000 million tons of salt each year to treat snow and ice. New Hampshire is the first state to create a program to address road salt application and it started as a result of the I-93 expansion project where nearby streams were found to be impaired due to chlorides. Salt is toxic for fish, plants and other organisms. It contaminates wells and damages infrastructure as well as cars. Salt also changes the density of water. The salty water sinks which can affect the phosphorus and BOD regime as well as increase the pH of the water.

The New Hampshire Certified Salt Applicator Program educates winter maintenance professionals about how to properly apply salt based on the weather and road conditions, calibrate and maintain equipment, store salt, and use other methods for snow and ice removal such as pre-wetting, brine, and other salt alternatives through the Green SnowPro Training. Individuals who complete this voluntary training are provided extra liability insurance coverage. As of January 2018, over 1,000 people have completed the training and become certified. David Packard asked if the chloride numbers are changing as a result of the program. Ted replied that in the short term, it is hard to determine if a reduction in chlorides is due to differences in weather year to year or to more efficient application of salt. Several questions were raised about the types of salt applicators in the program. Ted reported that approximately three quarters are private companies with the rest municipal agents, and that some insurance companies are beginning to require the training.

III. Instream Flow Program Update**1) Program Development**

Wayne Ives explained that the Souhegan River Dam Management Plan requires a release water from storage for a two-day pulse when river flows are very low for an extended period of time. Four dams are part of this plan, three of which are state-operated flood control dams and one of which is a private hydropower dam. In order to implement the plan, outlet structures on the flood control dams must be retrofitted and low level gates must be repaired to allow additional water to leave the impoundments. Also, two sites require negotiation of flowage or use of existing storage, or both. The Water Loom Pond Dam requires a FERC-exemption from its run-of-river requirement to allow storage and later release of a two-day relief pulse.

2) Instream Flow (ISF) Rulemaking

Wayne added that NHDES has completed five informational meetings to discuss the rules and is now ready to start rulemaking. Two key parts of the rules are the development of the

Protected Instream Flows and the Water Management Plans, which incorporate the Water Conservation Plans, Water Use Plans, and Dam Management Plans. The rules explain the sequence and procedures for each step of the process. Once program staff and the Legal Unit develop the Initial Proposal, the Water Council will review it. A Rulemaking Notice and the request for Fiscal Impact Statement will be drafted and published. Then a public hearing will be held and the comments received will be integrated into the Final Proposal.

The ISF program is continuing to research the factors that will determine the prioritization of the next five designated rivers on which to apply ISF: the river's position in the watershed, the availability of flow data (gages), interest from the local advisory committee, the potential for population increase, the number of water users/dam owners, the river's length, and the cost of implementing ISF versus the funds available. The RMAC, LMAC, LACs, affected water users, affected dam owners, and lake associations will all be part of this prioritization process.

3) Next Steps for the Instream Flow Subcommittee

The subcommittee will convene this year to review the proposed ISF rules and the prioritization of designated rivers for ISF implementation.

IV. Joint Subcommittees

1) Instream Flow Subcommittee

Tracie reviewed the ISF subcommittee members: Bruce Allen and Dave Packard from the LMAC and Michele L. Tremblay, Ruth Ward, and Donald Ware from the RMAC. The subcommittee will elect its own chair at its next meeting.

2) Shoreland Subcommittee

As Chair of the Shoreland Subcommittee, Michele reviewed its membership: Michele L. Tremblay, Fred McNeil, Larry Spencer, and Ruth Ward from the RMAC and Bruce Allen, Shane Bradt, and Kim Hallquist from the LMAC. The subcommittee was created when the legislatively appointed Shoreland Advisory Committee sunsetted. Ruth asked if there is way for the subcommittee to receive formal recognition of its advisory status. The group will speak to Commissioner Scott about this. The Shoreland Rules will be revised to include a section on stormwater and it is likely that the subcommittee will be part of this process. The rules revision will begin when the Wetlands Rules are completed.

Interlude

Commissioner Scott joined the meeting and thanked both groups for their service and dedication to New Hampshire's rivers and lakes. He welcomed questions from the group. Michele asked for the Commissioner's assistance with HB1310, a committee to study committees, which could recommend termination of the RMAC and LMAC. The commissioner announced the draft Wetland Rules would be released on February 1st and that five public outreach sessions would be held to hear the public's input. The group also discussed HB1104, reducing some permit review times to 30 days, which would limit the LACs' ability to provide input. Michele also discussed the sunsetted Shoreland Advisory Committee and the role of the joint RMAC and LMAC Shoreland subcommittee to act as an informal advisory committee.

V. Joint Policy and Legislative Priorities

Dave announced that the LMAC will follow the RMAC's method for legislation review in a subcommittee prior to a committee vote on legislation. The groups discussed the potential for joint letters and noted that in the past they submitted a joint letter for the ISF Program. It may be useful to collaborate on HB1310.

VI. Surplus Land Reviews

1) DOT Property on Mascoma Lake, Enfield

Kathy Black reviewed the SLR received within RMAC, LMAC, and Mascoma River LAC jurisdiction for the sale of 1.59 acres on Mascoma Lake to the Town of Enfield to create a

transportation hub for the nearby rail trail. Don Ware suggested that since the property abuts the lake, a stormwater management plan should be required for the gravel parking lot portion of the site. Garret responded that Wetlands Rules apply if they develop the site but, at least for PWAAB, they cannot require a stormwater plan. Michele requested that the property remain open to the general public, not a town only property. Garret responded that Tom Quarles, chairman of PWAAB, said that to make this type of requirement, it should be added to the deed as part of the transfer.

- **Larry Spencer made a motion to approve the fee simple transfer of this property to the Town of Enfield with the condition that the deed reflect that this property is open to the general public, and not restricted to town residents only, second by Don Ware. Motion passed unanimously.**

The LMAC addressed the SLR as a subcommittee.

- **Mike Hodder made a motion for a sense of the membership present at the meeting by a show of hands in support of the motion passed by the RMAC for the SLR for Tax Map 32-46. The sense of the membership was unanimous.**

2) Properties Outside RMAC or LMAC Jurisdiction

One SLR was received within the Mascoma River LAC jurisdiction for the sale of 3,200 square feet of vacant land along Route 4 in Enfield to an abutter.

VII. Other Business and Action Item Review

1) Other Business - None

2) Action Item Review

- The ISF Subcommittee will get in touch with Wayne regarding convening the subcommittee.
- Michele and Dave will get in touch with Commissioner Scott regarding a Memorandum of Agreement for the joint Shoreland subcommittee.
- The RMAC and LMAC will each notice their full and subcommittee meetings to the other group.

3) Next Meeting

To be scheduled as needed.

Meeting adjourned 1:42 PM