



RIVERS MANAGEMENT ADVISORY COMMITTEE
NH Rivers Management and Protection Program

New Hampshire Department of Environmental Services
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DRAFT

RMAC MEETING MINUTES

March 16, 2018

NH Department of Environmental Services, Room 112

11:30 am to 4:00 pm

Members Present

Michele L. Tremblay, Chair
Larry Spencer, Vice Chair
Edna Feighner (Phone)
Jennifer Gilbert
Mark Lombardi
John Magee
Frederick McNeill
Allan Palmer
Norman Sims
Donald Ware
Whitney Welch

Representing

Conservation Community
NH Association of Conservation Comm.
Historical & Archaeological Interests
Director, Office of Strategic Initiatives
Granite State Hydropower Assoc.
Executive Director, F&G
Municipal Government
NH Business and Industry Association
Recreational Interests
Public Water Suppliers
Commissioner, DOS

Term

Dec. 28, 2020 V
Oct. 12, 2019 V
June 15, 2019 V
Indefinite NV
Jan. 5, 2021 V
Indefinite NV
Nov. 16, 2020 V
Sept. 28, 2019 V
Dec. 28, 2020 V
Sept. 28, 2019 V
Indefinite NV

Members Absent

Mark Hemmerlein
Patrick Hummel
Gail McWilliam Jellie
Roger Noonan
Jim Ryan
Ruth Ward

Commissioner, DOT
Commissioner, DNCR
Comm., Dept of Ag., Markets & Food
Agricultural Community
NH Fish & Game Commission
Local River Management Advisory Comm.

Indefinite NV
Indefinite NV
Indefinite NV
Mar. 22, 2018 V
Sept. 28, 2018 V
Sept. 5, 2019 V

HDES Staff Present

Kathy Black
Tracie Sales

Rivers and Lakes Programs
Rivers and Lakes Programs

Guests

Kathy Urffer

Connecticut River Conservancy

I. Welcome & Introductions

Chair Michele L. Tremblay called the meeting to order at 11:30 am. Members introduced themselves.

II. Acceptance of the Consent Agenda

- **Larry Spencer made a motion to accept the Consent Agenda, consisting of the RMAC Meeting and Joint RMAC/LMAC Minutes of January 19, 2018, RMAC Representatives, and RMAC and Joint RMAC/LMAC Subcommittee Representatives. Second by Norman Sims. Motion passed unanimously.**

III. RMPP-Related Legislation and Rules Update

1) Update on Bills

Larry Spencer reviewed the status of river-related legislation and reported that eleven bills were voted Ought to Pass, four bills were referred to study, and seven bills were voted inexpedient to legislate (ITL).

2) Significant Bill Positions

Larry discussed the significant legislation changes and recommendations for bill position revisions.

- An amendment to HB1104, which had proposed to shorten the process time for dredge and fill and alteration of terrain (AOT) permits, limiting the ability of LACs to review permits, removed AOT permits from the bill. Allan Palmer reported that Business and Industry groups want the permit times to be kept consistent.
- SB410 was changed from requiring kayak fees to a forming study commission to look at boat safe cards to be modeled after the hike safe card. Norm Sims added that this idea was recommended three years ago.
- Tracie reported that most PFC/PFOA related bills were voted ITL or referred to interim study in favor of HB1101 which includes funding for a NHDES position. SB309 requires standards be developed for PFOAs/PFCs by 1/1/2020. The RMAC discussed whether this bill falls within RMAC purview and decided much like the kayak related bills, that it was related because water quality is an important aspect of the rivers program much like recreation. Don Ware shared that water suppliers are opposed to SB309 because the legislature is imposing standards on NHDES that are not science based. The group discussed whether the state should be developing standards or wait for the EPA. Don responded that EPA is very slow to develop standards and it could be five years or longer before that happens. Allan recommended that the RMAC continue to track the bill.
- The RMAC confirmed its position on HB1233, seeds and fertilizers, as oppose as introduced.
- The RMAC remains opposed to SB529 even as amended because it sets a bad precedent of allowing the procedures to be manipulated by a single town. . Don and Norm agreed. The bill also creates a NHDES staff position to conduct geomorphic analysis for the town. Don noted that most towns hire consultants to do this type of work and he is against this idea.

The RMAC did not change any legislative positions so a vote was not necessary.

3) Wetland Rule Revisions

Tracie gave a brief overview of the proposed changes to the Wetlands rules. A significant change is the requirement that applicants send applications and plans to LACs prior to submitting the applications to NHDES. The applications sent to NHDES would then include any comments made by the LACs. The new rules include four to six categories of permits, adding some complexity while trying to streamline the process. Tracie also noted discrepancies in the proposed Wetlands rules and the updated Routine Roadway Maintenance BMP Manual. Another concern is the exclusion of LACs from the commenting process for expedited permits, which includes small motor mineral dredging (SMMD). The RMAC discussed adding Outstanding Resource Waters to the definition of Special Resource Area which will limit activities allowed in Designated Rivers classified as Natural. Michele recommended that the RMAC form a small group, and John Magee, Larry Spencer, Jennifer Gilbert, Allan Palmer, and Michele L. Tremblay volunteered to review the next draft of the proposed Wetlands rules and report to the RMAC. Public comment on the current draft closes April 20, 2018 and the RMAC will submit initial findings.

- *Larry Spencer made a motion for the RMAC form a workgroup to review the Wetlands rules and submit comments on the rules based on RSA 483 conflicts. Second by Fred McNeill. Motion passed unanimously.*
- *Larry Spencer made a motion to add specific comments related to Expedited and SMMD permits excluding LACs from commenting, adding Outstanding Resource Waters to the definition of Special Resource Area, and address the inconsistencies within the proposed rules and the BMP manuals. Second by Fred McNeill. Motion passed unanimously.*

IV. RMPP Program Updates1) RMPP 30th Anniversary

Kathy described the #30forRivers Twitter campaign which is an effort to share to celebrate 30 years of the Rivers Program and all 18 Designated Rivers. Thirty river related tweets will be sent throughout the year. LACs will be contacted to request river photos and upcoming event information to be shared on Twitter. The 30th anniversary will also be acknowledged at the upcoming Wild and Scenic Film Festival.

Another celebration opportunity will be at the Warner River bill signing. The RMAC will discuss the document that Larry created at the next meeting.

2) RMPP Presentation to Legislative Committees

The RMPP Biennial report was given to the Senate Energy and Natural Resources Committee before the hearing for the Warner River bill in January. The Instream Flow Program presentation to the House Resources, Recreation and Development Committee was postponed due to other business but will be rescheduled to before the Warner River bill hearing. The Biennial Report will be distributed to RR&D as part of the RMPP overview for the instream flow presentation.

V. RMAC Representation on Other Committees and Member Comments

1) WQSAC

Allan reported that the committee has not met since the last RMAC meeting. He noted that the WQSAC webpage was being updated.

2) River Restoration Task Force

John Magee reported the Task Force met in early March and discussed several dam removal projects, none of which were hydro dams. Only one, an agricultural pond dam, is scheduled for 2018.

3) Other Member Updates

Larry reported that the Friends of the Pemi are participating in the 4th Grade Drinking Water Festival on May 9, 2018 in Plymouth.

VI. New Business and Action Item Review

1) New Business

Michele and David Packard, LMAC Chair, met with NHDES Commissioner Scott to discuss serving in an advisory capacity to the Commissioner on Shoreland issues. A Memorandum of Agreement will be created so that the RMAC and LMAC can be more than outside stakeholders on shoreland issues. Michele advised the Commissioner about HB1104 which would impact the LACs’ ability to fulfill their duties under RSA 483. David requested additional staff for the Lakes Program.

2) Action Item Review

Action item	Leader	Supporter(s)	Target Date	Meeting Date
RMAC Comments on proposed wetlands rules	Tracie Sales	Michele L Tremblay, Larry Spencer	4.20.18	3.16.18
RMAC Rules Workgroup meeting	Michele L. Tremblay	Tracie Sales, Kathy Black	Summer 2018 or when the revised Wetlands Rules are ready for review	3.16.18

3) Next Meeting and Agenda Items

The next meeting was proposed for the summer possibly coordinated with the Warner River bill signing. Possible agenda items include ISF studies, biosolids, and legislation results.

12:30 pm Business Meeting Adjourns.

Immediately following the RMAC meeting Steve Landry, Supervisor of the Watershed Assistance Section at NHDES, gave a presentation on the Suncook River Avulsion and conducted a site tour.