



RIVERS MANAGEMENT ADVISORY COMMITTEE
NH Rivers Management and Protection Program

New Hampshire Department of Environmental Services
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RMAC MEETING MINUTES

October 4, 2018

NH Department of Environmental Services, Rooms 213-214

1:00pm to 3:45pm

Members Present

Michele L. Tremblay, Chair
Edna Feighner
Jennifer Gilbert
Mark Hemmerlein
Christopher Hodgdon
Mark Lombardi
John Magee
Frederick McNeill
Allan Palmer
Norman Sims
Ruth Ward
Donald Ware
Whitney Welch

Representing

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

Term

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

Members Absent

Larry Spencer, Vice Chair
Patrick Hummel
Gail McWilliam Jellie
Roger Noonan

NH Association of Conservation Comm.
Commissioner, DNCR
Comm., Dept. of Agr., Markets & Food
Agricultural Community

Oct. 12, 2019 V
Indefinite NV
Indefinite NV
Mar. 22, 2018 V

NHDES Staff Present

Kathy Black Rivers and Lakes Programs
Tracie Sales Rivers and Lakes Programs
Mariah Mitchell Rivers and Lakes Programs

Guests

Neil Fennessey HYSR
Kathy Urffer Connecticut River Conservancy

I. Welcome and Introductions

Chair Michele L. Tremblay called the meeting to order at 1:00 pm. Members introduced themselves. New RMAC member Chris Hodgdon, NH Fish and Game Commission representative, and new staff member Mariah Mitchell, Rivers and Lakes Programs Assistant, were welcomed.

II. Acceptance of the Consent Agenda

- *Allan Palmer made a motion to accept the Consent Agenda, consisting of the RMAC Meeting Minutes of March 16, 2018, RMAC Representatives, and RMAC and Joint RMAC/LMAC Subcommittee Representatives. Second by Fred McNeill. Motion passed with one abstention and none opposed.*

III. RMAC Represented Interests Presentation Series: NH Fish and Game Department

John Magee of the New Hampshire Fish and Game Department presented about the Fisheries Habitat Program. The program was established in 2000 and is funded through a one dollar fee on every state fishing license sold. This program takes a watershed health approach to restoration efforts and land conservation projects. A large, ongoing project within multiple waterbodies involves deploying GPS trackers to tag fish and track their travel and habitat usage. Other projects include restoring woody material into rivers and streams to create essential fish habitat. The program also conducts stream crossing surveys on designated rivers and has completed surveys on the Warner, Ammonoosuc, Piscataquog, Ashuelot, and Cold rivers.

IV. Instream Flow

1) Instream Flow Rules, Env-Wq 1900

Michele thanked the Instream Flow (ISF) Joint Subcommittee for drafting a letter of comment on the proposed Instream Flow Program rules. The joint RMAC/LMAC letter requests that several additional parties be notified of ISF public hearings, and that *de minimis* amounts and non-affected dam owner responsibilities be clarified. Tracie Sales explained that the Initial Proposal for the rules will be published hopefully on October 25, 2018. She also noted that there is a financially imposed deadline for the instream flow implementation on the next designated river. Michele requested that the NHDES Commissioner be added to the cc list on the letter.

➤ *Allan Palmer made a motion to approve the draft joint RMAC/LMAC letter of support for the ISF rules with the addition of the NHDES Commissioner to the cc list. Second by Fred McNeil. Motion passed unanimously.*

2) Designated River Prioritization

Wayne Ives presented the designated river prioritization scheme and proposed ranking. The prioritization process ranked the rivers based on position in the watershed, stream flow data availability, development pressure, and segment length. The instream flow program implementation will work most efficiently from the top of a watershed down. Norm Sims asked about starting on the Connecticut River where there are several FERC relicensing efforts underway and instream flow studies could change these licenses for the better. Tracie explained that the Connecticut River is complicated because it requires two-state coordination, has upstream designated segments, and is too large to complete with current funding. A copy of the ISF river prioritization presentation will be posted on the RMAC blog.

➤ *Allan Palmer motioned to endorse the ranking process presented by NHDES staff and to support the priority list of up to five designated rivers resulting from this process for presentation at the Instream Flow Program's river prioritization public hearing. Seconded by Norm Sims. Motion passed unanimously.*

V. Wetland Rule Revisions, Env-Wt 100-900

Michele and Tracie attended the Wetland Rule Revision stakeholder meetings from May to September. The majority of attendees were consultants and regulated entities, rather than conservation groups. Michele ensured that the local river management advisory committees were represented. The wetland rule Initial Proposal is expected to be published October 26th or later. The comment period is expected to be longer than the minimum 30 days as there will be multiple public hearings throughout NH. Allan asked how HB1104, which shortens the permit review time, will be addressed in the rules. Those familiar with the draft rules had not yet seen the impact of the statute change in the rules. Tracie explained that the existing rules define projects on designated rivers as

major projects requiring a regular permit with a longer review time, but the proposed rule revisions treat many projects in designated river corridors the same as projects elsewhere in the state with no special consideration, though the official draft rule language is not yet available.

VI. 2019 RMPP-Related Proposition Legislation

Michele is the Chair of the Boat Safe Card Legislative Study Commission. The Boat Safe Card is proposed to work like the Hike Safe Card and provide funding to the NH Fish and Game Rescue and the Lake Restoration Fund. Michele is also pushing for rivers to be included in the Lakes Restoration Fund to identify and manage invasive aquatic species. The final report for the commission is due November 1st.

Kathy Black reviewed the 2019 Legislative Service Requests (LSRs) that pertain to rivers and lakes: LSR 0016, LSR 0017, LSR 0063, LSR 0065, and LSR 0161. LSR 0016 and LSR 0017 are issues from last year, and are being presented again due to upcoming budget cycle. Prior to the meeting Tim Dunleavy commented that LSR 0065 was requested by NH LAKES to establish a commission to examine the effects of wake boats in New Hampshire. The RMAC discussed boat wakes which are becoming an issue on the Connecticut River, and that they are believed to be contributing to increased erosion along the river.

Relating to potential LSRs, Kathy added that Amanda McQuaid from the NHDES Beach Inspection and Cyanobacteria Programs would like to see proposed legislation to fund more sampling and studying of cyanobacteria. With increased funding, public education efforts and outreach materials could be developed and deployed, as well as general maintenance with sampling and posting signage. The LSR filing period closes December 3rd and bill text will become available in December and early January.

VII. RMAC Prior Initiatives

The Rivers and Lakes Programs currently have 2¾ full-time equivalent staff members and now may be able to follow up on incomplete Rivers Program initiatives from prior years. Michele described the Rivers and Lakes Indicators as an example, where the effort was to assist the public in understanding how to translate between water quality results and what that means for activities within the waterbodies such as fishing or swimming.

Tracie discussed that Rivers Program staff are focused on LAC membership recruitment for the new Warner River LAC, the re-established Cocheco River LAC, and LAC's where membership is lacking. The Saco and Swift River LACs are inactive and work is underway to re-establish these LACs. Also, the LAC Corridor Management Plan Guidance document needs to be revised. A permit review guidance document for LAC members is also in the works. The RMAC discussed that the initiatives document needs to be updated with input from the LMAC.

- *Norm Sims made a motion for the RMAC initiatives to be discussed in a future meeting, seconded by Fred McNeill. Motion passed unanimously.*

VIII. RMPP Program Updates

1) FY 2020/2021 Budget

NHDES budget proposals were allowed an increase of one half of one percent, but the Rivers and Lakes Programs proposed budget was increased by six percent. This increase does not include the new Instream Flow Program position which is a top priority for NHDES. The Governor will publish his budget this winter and the legislature will consider it during the 2019 legislative session.

2) Warner River and Cocheco River LACs

The Cocheco River LAC is now active again with five members. The LAC met on September 17th and approved the By-Laws. The Warner River LAC has two members with three more expected on October 8th – making it an official LAC. Chris Connors is the Acting Chair and the group already submitted a grant proposal to fund a river corridor management plan.

3) LAC Workshop

The LAC workshop, co-hosted by the New Hampshire Rivers Council, is planned for late winter or early spring. Some of the topics include: permit review, ARM fund applications (presented by Lori Sommers), and how LACs can help municipalities develop a top ten list of restoration projects so that projects are ready when funds are available. RMAC representatives are welcome to attend.

4) Surplus Land Disposals

Six Surplus Land Reviews (SLRs) were received since the last meeting, with one relevant to the RMAC. The SLR proposed the sale of land along the presidential rail trail and near the Moose River. The property is located on the opposite side of NH Route 2 from the Moose River and there is no expected impact of the sale on the river and public access to it. The RMAC Chair and Vice Chair, under the RMAC's categorical exclusion process, determined that the RMAC would not object to sale.

IX. RMAC Representation on Other Committees and Member Comments

1) WQSAC

Allan Palmer shared that WQSAC priority is to establish a way to regulate nutrients in New Hampshire waterbodies with a focus on phosphorus. Previously the EPA standard of 7Q10 was utilized to set discharge permit limits, but the law was changed as 7Q10 was determined to be too rare a flow for everyday use. Many states use different methods of assessing flow regulations. The RMAC discussed nitrogen and phosphorus limits and whether phosphorus is a reliable indicator of eutrophication.

2) River Restoration Task Force

Ten dam removals are currently in process. Two are not active due to political reasons. Bill Thomas from NHDES is coordinating seven of the eight active dam removals.

3) Other Member Updates

Patrick Hummel has taken a new position with the State Parks Program and will no longer be the DNCR representative on the RMAC.

The Nashua River and a few of its tributaries have applied for Federal Wild and Scenic designation. Most of the waterbodies are in Massachusetts, but some tributaries are in New Hampshire.

X. New Business and Action Item Review

1) New Business

Michele asked for volunteers to join any of the three active subcommittees. Edna Feighner and Jennifer Gilbert volunteered to join the Shoreland subcommittee. Michele requested that she and David Packard would be made Co-Chairs of the Joint LMAC and RMAC Instream Flow subcommittee.

2) Action Item Review

Action item	Leader	Supporter(s)	Target Date	Meeting Date
Submit Instream Flow Rules comment letter	Tracie Sales	Kathy Black, Mariah Mitchell	10/5/2018	10/4/2018
Post Instream Flow presentation on RMAC Forum	Kathy Black	Mariah Mitchell	10/5/2018	10/4/2018
Provide documentation to the Instream Flow Program on acceptance of river prioritization scheme	Kathy Black	Mariah Mitchell	10/11/2018	10/4/2018
Update Subcommittee information on Forum(s)	Kathy Black	Mariah Mitchell	10/11/2018	10/4/2018
Make changes to RMPP Initiatives document and add it to the January 2019 meeting agenda	Kathy Black	Mariah Mitchell	10/11/2018	10/4/2018
Schedule Policy and Legislation Subcommittee meeting to review legislation before the next RMAC meeting	Tracie Sales	Larry Spencer, Kathy Black, Mariah Mitchell	Early January 2019	10/4/2018
Request input from LMAC on Initiatives document	Tracie Sales	Kathy Black, Mariah Mitchell, Michele L. Tremblay	December 2018	10/4/2018
Doodle Poll for week of 1/14/2019	Mariah Mitchell	Kathy Black, Tracie Sales	December 2018	10/4/2018

3) Next Meeting and Agenda Items

The next meeting was proposed for the week of January 14, 2019. The meeting will be held jointly with the LMAC to discuss future policy and initiatives for the two programs. The RMAC would like to learn more about the MS4 program in the future, and recommended a speaker from VHB.

- *Norm Sims motioned to adjourn the meeting. Frederick McNeill seconded the motion. Motion passed unanimously.*

Meeting adjourned at 3:45pm.