



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 25, 2019

NH Department of Environmental Services, Conference Rooms 112 and 113

1:00 pm to 3:30 pm

Members Present

Michele L. Tremblay, Chair
Larry Spencer, Vice Chair
Jennifer Gilbert
Kayla J. Henderson
Mark Lombardi
Frederick McNeill
Norman Sims
Ruth Ward
Donald Ware

Representing

Conservation Community
NH Association of Conservation Comm.
Director, Office of Strategic Initiatives
Department of Safety
Granite State Hydropower Assoc.
Municipal Government
Recreational Interests
Local River Management Advisory Comm.
Public Water Suppliers

Term

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

Members Absent

Edna Feighner
Mark Hemmerlein
Christopher Hodgdon
John Magee
Gail McWilliam Jellie
Allan Palmer
Vacant
Vacant

Historical & Archaeological Interests
Commissioner, DOT
NH Fish & Game Commission
Executive Director, F&G
Comm., Dept. of Agr., Markets & Food
NH Business and Industry Association
Agricultural Community
Dept. of Natural and Cultural Resources

June 15, 2019 V
Indefinite NV
Sept. 28, 2021 V
Indefinite NV
Indefinite NV
Sept. 28, 2019 V
Mar. 22, 2018 V
Indefinite NV

NHDES Staff Present

Tracie Sales Rivers and Lakes Programs
Jen Drociak Rivers and Lakes Programs
Mariah Mitchell Rivers and Lakes Programs

Guests

Robert Johnson NH Farm Bureau
Kathy Urffer Connecticut River Conservancy

I. Welcome and Introductions

Chair Michele L. Tremblay called the meeting to order at 1:03 pm. Members introduced themselves.

II. Acceptance of the Consent Agenda

- ***Ruth Ward made a motion to accept the Consent Agenda, consisting of the RMAC Meeting Minutes of January 16, 2019, the Joint RMAC/LMAC Meeting Minutes of January 16, 2019, RMAC Representatives, and RMAC and Joint RMAC/LMAC Subcommittee Representatives. Second by Fred McNeil. Motion passed unanimously.***

III. RMAC Officer Elections

- *Norman Sims motioned to nominate Michele L. Tremblay as RMAC Chair and Larry Spencer as RMAC Vice-Chair for another two-year term. Seconded by Fred McNeill. Motion passed unanimously.*

Michele thanked Larry for another two years of his service.

IV. RMAC Represented Interests Presentation Series: Hydropower Industry

Mark Lombardi, a former employee of Monadnock Paper Mills which owns four dams on the Contoocook River, discussed the Granite State Hydropower Association (GSHA). GSHA is a non-profit trade association for small-scale independent hydropower producers in New Hampshire. GSHA provides opportunities for networking, developing connections, and sharing practice methodologies between hydropower producers throughout the state. GSHA is a voluntary association that currently consists of 50 members, each of whom produces less than 5 MW, and collectively about 55 MW total. Mark mentioned that many people do not realize all of the work and expenses that go into maintaining a hydropower generator. GSHA helps New Hampshire reach its renewable energy goals by selling some of the power it generates back to the grid. Hydropower has the benefit of being environmentally friendly, and GSHA hopes that the public will continue increasing their usage of environmentally friendly energy sources. GSHA has been involved in the Instream Flow Program and the designation of the Warner River.

V. 2019 RMPP-Related Legislation

1) Amendment to RSA 483:8-a

The recent attention brought by the sponsor of HB 150 to potential conflict of interest issues and non-submission of financial disclosure forms by state agency heads has led RMPP staff to seek the opinion of the Attorney General's office on the applicability of RSA 15-A to LAC members. The AG's office has determined that LAC members are subject to RSA 15-A, and therefore should be submitting the financial disclosure form to the Secretary of State annually. Many LAC members have expressed unhappiness with this requirement, and more have said they will resign if the fees imposed for non-disclosure in HB 150 are passed.

A proposed solution to this issue is to amend RSA 483:8-a to empower the RMAC appoint nominees to LACs rather than the NHDES Commissioner. This change would exempt LAC volunteers from having to complete a financial disclosure form since they would no longer be appointed by the head of a state agency. Tracie presented the proposed amendment to the RMAC. This amendment will be added to HB 228

- *Larry Spencer motioned to request that the sponsor of HB 228 amend the legislation to make changes to RSA 483:8-a. Seconded by Fred McNeil. Motion passed unanimously.*

2) 2019 Bills

Michele thanked the RMAC Policy and Legislation subcommittee for their work and thanked Larry for chairing the subcommittee. Larry thanked staff for facilitating the meeting and maintaining the legislative tracking spreadsheet. Larry noted that when the subcommittee met in January, some of the bills did not yet have bill text to. Now that all of the 2019 bills have bill text and a few bills have been amended, the RMAC Policy and Legislation Subcommittee recommends establishing or changing the Committee's legislative position on the following bills:

- Tracking: HB 1, HB 325, HB 645, SB 43
- Support: HB 542, HB 668, HB 682, SB 202
- Support with amendment: HB 137, HB 228
- Support as amended: HB 475

- Concerns with amendment: HB 150
- Oppose: SB 160

The subcommittee recommended no changes with the following bills:

- HB 107, HB 188, HB 219, HB 244, HB 276, HB 326, HB 352, HB 443, HB 516, HB 543, HB 625, HB 640, HB 679, HB 727, SB 201, SB 254
- *Larry Spencer motioned to accept the recommendations of the subcommittee. Fred McNeil Seconded. Motion passed unanimously.*

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

Michele thanked Mary Ann Tilton for all of her work in revising, editing, and creating the new wetland rules. Michele additionally thanked Mary Ann for taking into consideration the feedback of the RMAC, LACs, and the New Hampshire Rivers Council when revising the rules. During the drafting and revision process of the new wetland rules, six LACs provided feedback which was taken into consideration. Tracie shared information with the RMAC that Mary Ann had shared in a presentation to LACs during the LAC workshop. The RMAC discussed a few areas of concern with the most recent draft, particularly with respect to LAC review of expedited permit applications, and staff will be drafting a letter with the comments and opinions of the RMAC as discussed in the meeting. The next step for the wetland rule revisions is the JLCAR review on April 26, 2019, at which point the rules should be finalized.

- *Don Ware motioned that the RMAC will submit a letter to JLCAR that both supports the many changes made to the rules to benefit LACs, and addresses the RMAC's concerns about the rules to encourage changes and/or clarification before the rules are finalized. Seconded by Ruth Ward. Motion passed unanimously.*

Tom O'Donovan, the new NHDES Water Division Director, visited the RMAC and introduced himself. Tom brings a wealth of experience to NHDES, as he has held senior management roles in dam and reservoir operations, environmental regulation and enforcement, public policy development, and has an engineering background. Michele congratulated Tom on his new position and welcomed him to future RMAC meetings.

VII. Surplus Land Reviews

1) CORD SLR 19-001

SLR 19-001 is a lease of railroad land in Lebanon, NH to Rymes Propane & Oil. This land is already being used under a temporary use agreement. The City of Lebanon has plans to use the surrounding portion of the parcel for a park in the future. Discussion centered around uncertainty about the proposed changes to the site and the incompatibility of Rymes' use of the land with the city's use as a public park. Additionally, not approving the lease would not impact the temporary use agreement currently in place. Staff will draft a letter to CORD on behalf of the RMAC.

- *Norm Sims motioned that the RMAC recommend that CORD turn down the lease agreement on the basis of the recommendations of the LACs, the lack of information from Rymes, and the opinion that turning down the lease would not impact the current temporary usage agreement. Seconded by Larry Spencer. Motion passed unanimously.*

2) DOT SLR SP-01317, Charlestown

This is a former house lot purchased by DOT to use as a staging area for their construction work along Route 12. DOT no longer needs this parcel and is looking to sell it. This parcel is

close to the Connecticut River, but Route 12 lies between it and the river. It is not a suitable river access or recreational activities parking site.

- ***Larry Spencer motioned that the RMAC has no objection to the sale of the lot. Seconded by Don Ware. Motion passed unanimously.***

3) DOT SLR Winchester

This is a proposal to sell a parcel of land to the abutter who owns a building on the land (a historic train depot station). The Ashuelot River Local Advisory Committee submitted a letter that objected to the sale of the parcel because it had the potential to provide parking for access to the Ashuelot River, the Ashuelot Rail Trail, and a nearby covered bridge. Norm mentioned that the historic depot has a great deal of value and that the building owner has little incentive to maintain the depot since he does not own the land the building is on.

- ***Norm Sims motioned that the RMAC has no objection to the sale of this property. Seconded by Fred McNeil. Motion passed unanimously.***

4) DOT SLR SP-072018

This parcel was located further than 250 feet from the Pemigewasset River, and therefore outside of the RMAC's area of interest. No action was required.

5) SLRs Outside RMAC Areas of Interest

Tracie briefly reviewed an SLR in Ossipee that was outside of the RMAC's area of interest. No action was required.

6) Follow-Up on Past SLRs

Tracie reviewed two past SLRs on which the RMAC had provided feedback. The first was a 6 +/- acre land between Route 103 and the Warner River in Warner, for sale by DOT. This site provides paddlers access to the river via a Class 6 road. There was concern that if the property was sold paddlers would no longer have river access. It was however determined that paddlers would still be able to access the river directly from the road. The RMAC will continue to follow the developments of this SLR. The second SLR was about the sale of land adjacent to the Turkey River, between two state forests in Concord. The RMAC had recommended not selling the entire property, to instead sell part of the property and retain in state ownership the river banks and an area atop the river wide enough for a path. As a result, only part of the land was sold and a trail was developed along the top of the riverbank that is still owned and maintained by the state.

Michele thanked the RMAC for its hard work on SLR review over the years and reminded them that their works makes a difference.

VIII. RMPP Program Updates

1) LAC Membership Drive Progress Report

Staff has sent letters to all municipalities within the Pemigewasset and Piscataquog River Corridors with lacking LAC representation. Unfortunately, there has not been much response from these letters. RMPP staff will continue their membership drive with the Cold River and the future Saco/Swift joint LAC.

2) LAC Workshop Recap

The LAC Workshop was held on April 23, 2019 at NHDES. Forty-seven people registered for the workshop, including staff. A total of 28 LAC members attended, with 16 of 19 LACs

being represented. The RMPP received positive feedback on the content. Materials will be posted on the LAC Forum for future reference.

3) Instream Flow Update

There are no updates since the last meeting. Gomez and Sullivan has been selected through a competitive request for proposal/bid process to work on the Cold and Warner Rivers.

IX. RMAC Representative Roundtable

- Larry shared that land has been purchased for the parking lot intended for the west side of Livermore Falls. This project is in the design phase now. Additionally, new signage for the west and northeast side of the falls is expected. This summer there will be an archeological dig on the east side of the falls, this year focusing on finding Native American artifacts. Additionally, Larry shared that his represented organization is working to establish conservation easements on the property behind Plymouth Ice Skating Rink and two gas stations.
- Larry and Michele advertised the Wild and Scenic Film Festival hosted by the New Hampshire Rivers Council on Friday March 29, 2019. Michele thanked Monadnock Paper Mills and Pennichuck Water Works for sponsoring this event.
- Ruth shared that Contoocook and North Branch LAC meetings at the Monadnock Paper Mills have been well attended.
- Fred reported that Manchester Water Works is working with NHDES to host 75 stormwater professionals at a workshop to review appropriate stormwater treatments and clinical stormwater treatment trials.
- Don was unable to attend the HB 1810 (Structures in Non-tidal Public Waterways) commission meeting due to the RMAC meeting being at the same time. This commission studies access structures to both lakes and rivers.
- Michele thanked everyone for attending and participating in the meeting. Michele and Larry thanked everyone for nominating them to continue in their rolls of Chair and Vice Chair.
- Michele thanked the staff for putting the meeting together.

X. New Business and Action Item Review

1) New Business - None

2) Action item review

Action item	Leader	Supporter(s)	Target Date
Submit letters of testimony	Tracie	Michele, Larry, Jen, Mariah	Various hearing dates
Staff will draft a letter to JLCAR with the RMAC’s recommended changes to the Wetlands rules.	Tracie	Jen, Mariah	4/15/2019
Staff will draft letters for SLRs with the RMAC’s comments.	Jen	Tracie, Mariah	4/2/2019
RMAC membership renewals for member terms expiring in 2019	Tracie	Jen, Mariah, Michele	Spring 2019
Doodle Poll for next RMAC Meeting—May 2019	Jen	Tracie, Mariah	3/30/2019

3) Next Meeting and Agenda Items

The next meeting was proposed for mid- or late-May 2019. The RMAC looks forward to the next RMAC represented interest presentation by Fred McNeil about Municipal Governments.

Chair Michele L. Tremblay adjourned the meeting at 3:24 pm