



**RIVERS MANAGEMENT ADVISORY COMMITTEE**  
NH Rivers 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



**RMAC MEETING MINUTES**

**June 11, 2019**

**NH Department of Environmental Services, Conference Rooms 110 and 111**  
**9:00 am to 11:30 am**

**Members Present**

Michele L. Tremblay, Chair  
Larry Spencer, Vice Chair  
Christopher Hodgdon  
Mark Lombardi  
John Magee  
Alexx Monastiero  
Allan Palmer  
Norman Sims  
Ruth Ward  
Donald Ware

**Representing**

Conservation Community  
NH Association of Conservation Comm.  
NH Fish & Game Commission  
Granite State Hydropower Assoc.  
Executive Director, Fish & Game Dept.  
Department of Safety  
NH Business and Industry Association  
Recreational Interests  
Local River Management Advisory Comm.  
Public Water Suppliers

**Term**

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

**Members Absent**

Edna Feighner  
Jennifer Gilbert  
Mark Hemmerlein  
Frederick McNeill  
Gail McWilliam Jellie  
Vacant  
Vacant

Historical & Archaeological Interests  
Director, Office of Strategic Initiatives  
Commissioner, DOT  
Municipal Government  
Comm., Dept. of Agr., Markets & Food  
Agricultural Community  
Dept. of Natural and Cultural Resources

June 15, 2019 V  
Indefinite NV  
Indefinite NV  
Nov. 16, 2020 V  
Indefinite NV  
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  
Mary Ann Tilton Wetlands Bureau

**Guests**

Robert Johnson II NH Farm Bureau  
Mary A. Lee Upper Merrimack River LAC

**I. Welcome and Introductions**

Chair Michele L. Tremblay called the meeting to order at 9:02 am. Members and guests introduced themselves.

**II. Acceptance of the Consent Agenda**

- *Ruth Ward motioned to accept the Consent Agenda, consisting of the RMAC Meeting Minutes of March 25, 2019 and the RMAC Non-Meeting Notice of May 13, 2019. Second by Larry Spencer. Motion passed unanimously.*

**III. RMAC Represented Interests Presentation Series: Department of Transportation**

Mark Hemmerlein was unable to attend the meeting. His presentation was postponed until the next RMAC meeting.

#### IV. Surplus Land Reviews and RMAC SLR Review Policy

##### 1) DOT SLR in Warner

This SLR was similar to one from 2016 (located on an adjacent parcel) for the further development of a portion of the Warner Rail Trail. In 2016 the RMAC voiced no objections to the sale of the parcel with the understanding that the town would work with the New Hampshire Fish and Game Department (NHFG) to protect sensitive species, such as wood turtles, that are known to be in that area. Purchase of the additional land allows the town to move the trail upslope, away from scrub-shrub and other wetlands adjacent to the river, and away from turtle habitat. The Warner River Local Advisory Committee supports the sale of the additional land.

- ***Larry Spencer motioned that the RMAC has no objections to the transfer of the property to the town of Warner for the rail trail, as long as the town is working with New Hampshire Fish and Game's Non-Game Program to minimize impacts on wood turtle and other habitat. Second by Allan Palmer. Motion passed unanimously.***

##### 2) SLRs Received with No RMAC Review

Due to a lack of quorum at the previously-scheduled RMAC meeting, there were SLRs that the RMAC was unable to review prior to the comment deadline. The first was the sale of 3.4 acres of land near the Androscoggin River in Berlin. The second was the lease of rooftop space for cell towers on top of the 29 Hazen Drive building in Concord. The Upper Merrimack River Local Advisory Committee had no objections to the rooftop lease for the second SLR.

SLRs outside of RMAC jurisdiction were:

- A sale of 0.28 acres in Nashua to an abutting property owner for continued use as a parking area. The Lower Merrimack River LAC had no objection.
- The sale of a 34-acre NHFG wildlife preserve in Brentwood. The RMAC had questions that Chris Hodgdon offered to bring back to NHFG for answers:
  - a) Who is the property being sold to?
  - b) What is the property going to be used for?
  - c) What is the current condition of the property?
  - d) What will the condition of the property be once it is sold?

##### 3) SLR Standard Operating Procedure Update

In response to the Androscoggin SLR and one other received earlier in 2019, RMPP staff and RMAC officers proposed adding additional conditions under which a categorical exclusion could be recommended to exclude a Surplus Land Review with *de minimis* impact from full RMAC review, allowing the RMAC to have input on more SLRs between meetings. The new condition allows the RMAC to not object to an SLR when public access is not feasible at the property and there is no benefit to the river for the property to be retained in state ownership.

- ***Larry Spencer motioned that the RMAC adopt the revisions to categorical exclusion section of the Procedure for RMAC Review of State Property Disposal. Second by Ruth Ward. Motion passed unanimously.***

#### V. 2019 RMPP-Related Legislation

##### 1) 2019 Legislation Recap

Larry Spencer reviewed the 2019 legislation that the RMAC was involved with (see 2019 Legislative Spreadsheet for further details). Tracie discussed how the budget bill for New Hampshire state agencies is expected to be vetoed by Governor Sununu. This means that

NHDES will be on a continuing resolution, which may impact how interns will be paid. It will also delay hiring for the new instream flow position.

2) HB 228 Amendment: Appointing LAC Members

The amendment to HB 228 proposed by the RMAC to have LAC members nominated by RMAC instead of the NHDES Commissioner has been passed by the legislature and is awaiting the governor's signature. The nomination and appointment process will remain the same, with the only difference being the nominating body. This change in the nominating body exempts LAC members from the requirement to complete and submit the financial disclosure form.

➤ *Ruth Ward motioned that the RMAC approve the policy for RMAC appointment of LAC representatives, effective upon the Governor's signing of HB 228. Second by Chris Hodgdon. Motion passed unanimously.*

## VI. RMAC Governance Review

1) Membership and Subcommittees

Membership: The terms for Don Ware, Ruth Ward, and Allan Palmer all expire in September 2019, and Larry Spencer's term expires in October 2019. Michele advised the members to start talking to their nominating body now since it can take time for the renewal process to be completed. Edna Feighner, the Historical/Archeological representative, will not be renewing her term when it expires in June. Additionally, the RMAC still needs a representative of the agricultural community and is seeking potential representatives from the New Hampshire Association of Conservation Districts, the New Hampshire Farm Bureau Federation, and Northeast Organics Farming Association. Michele suggested Ed Person as a candidate for this seat. The New Hampshire Department of Natural and Cultural Resources (DNCR) has not yet identified a new appointee to fill its non-voting seat on the RMAC. Michele and Tracie will follow up with Phil Bryce at DNCR.

Subcommittees: Michele encouraged members to join one or more RMAC subcommittees. Michele and Alexx Monasteiro offered to join the Joint LMAC and RMAC Water Quality Indicators Study Subcommittee. Alexx additionally offered to join the RMAC Policy and Legislation Subcommittee. Mark Lombardi offered to be the lead for the Joint Water Quality Indicators Study Subcommittee. It was suggested that Shane Bradt of the Lakes Management Advisory Committee (LMAC) should be the lead for the Joint Priority State-Owned Land Mapping Study Subcommittee.

2) RMAC Officers

The RMAC has two officers, chair and vice chair, that each serve two-year terms. Michele is currently the chair and Larry is currently the vice chair. There were no changes made to the current governance systems of the RMAC officers

## VII. Wetlands Rule Summary for Designated Rivers

Mary Ann Tilton, Assistant Bureau Administrator of the NHDES Wetlands Bureau, thanked the RMAC, the participating LACs, and Michele, who represented the New Hampshire Rivers Council, for their hard work and contributions toward drafting the revised wetlands rules. The updated rules are set to go into effect December 15, 2019—with provisions for DOT to have delayed implementation for specific projects. The Wetlands Bureau has a transition team who will be educating others about the changes by developing guidance documents and forms, performing outreach and trainings, and updating information on the NHDES website. Michele suggested that Ruth, as the LAC representative on the RMAC, review the draft permit application forms prior to finalization in order to ensure that the requirements surrounding the

LACs' review role is clear. Mary Ann will follow up with the NHDES Legal Unit regarding this suggestion. Michele thanked Mary Ann and all of the NHDES Wetlands Bureau staff for drafting the new rules and working to implementing them.

**VIII. RMPP Program Updates**

1) Saco-Swift Rivers LAC Status

The Saco and Swift rivers have been designated rivers in New Hampshire since 1990. The LACs of both rivers have been inactive for several years, but the RMPP has been working to establish a combined Saco/Swift LAC. There are many river management concerns along the Saco and Swift rivers, including a wastewater treatment plant and a landfill. The RMPP has issued letters to the Saco-Swift municipalities requesting their approval to establish the joint committee. To date Hart's Location is the only municipality which has responded and is in favor of establishing the joint committee. After the RMPP receives approval from all of the municipalities within the Saco and Swift corridors, we can recruit members for the newly combined LAC. One nomination form has been received, yet a minimum of three members is required for the formal establishment of a committee.

2) LAC Management Plans

Separate from the establishment of the Saco-Swift LAC, some New Hampshire and Maine residents seek to establish a Saco River Management Group to develop a watershed management plan. They are working with the NHDES State Revolving Fund to seek funding.

The Warner River LAC has contracted with the Central New Hampshire Regional Planning Commission to draft a river corridor management plan. The RMPP has granted them some funding. A draft is expected by March 2020.

The Mascoma River LAC began drafting their river corridor management plan when the river was nominated in 2011, but they have yet to complete it. The LAC has contracted with the Upper Valley Lake Sunapee Regional Planning Commission to continue drafting their plan. The RMPP has additionally granted a small amount of funding to assist in this endeavor.

**IX. Representative Roundtable**

- Ruth stated that the Contoocook and North Branch Rivers LAC meetings have been well attended. She also stated that one of the main concerns of attendees has been relative to plastic pollution in waterways. Net metering is also a concern.
- Alexx stated that she is administering a new grant program in connection with the NHDES Dam Bureau for high-hazard dams. She also stated she has already received seven letters of intent for this grant program.
- Chris Hodgdon stated he will bring the SLR questions back to New Hampshire Fish & Game to discuss them.
- Allan stated he currently represents the Business and Industry Association on the RMAC, however, the company he works for no longer works with BIA so he is in the process of determining if his RMAC membership will continue or not.
- Don stated that the Public Water Works and other public water suppliers have continued to follow the instream flow rules developments. He also stated that they have concerns about potential legislative overreach regarding water quality standards and these matters are being monitored.
- Larry stated that the Livermore Falls parking lot is still in development and other aspects of maintenance in this area are going well.

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

- 1) New Business – None
- 2) Action Item Review

<b>Action Item</b>	<b>Leader</b>	<b>Supporter(s)</b>	<b>Target Date</b>
Ask questions about Brentwood SLR proposal.	Chris	Tracie	Next RMAC meeting
Send letter in support of Warner SLR proposal stating there are no objections, provided the town continues to work with New Hampshire Fish & Game.	Jen	Tracie, Mariah	6/20/2019
Update Committee rosters and assist Mark L. in starting the WQ subcommittee.	Tracie	Michele, Jen, Mariah	6/20/2019
Work with Rob Johnson and the agricultural community to fill the agriculture seat.	Tracie	Michele	Fall RMAC meeting
Contact Historical Society and Ed Person re. vacant agricultural seat.	Tracie and Michele		7/12/2019
Contact Phil Bryce re. vacant DNCR seat.	Tracie and Michele		Next RMAC meeting
Submit a formal request to Mary Ann Tilton to be part of a review of any new forms and guidance documents.	Michele	Tracie	7/31/2019
Review Routine Roadway BMP manual for any additional corrections needed with respect to LACs.	Tracie		7/31/2019
Create a placeholder list for any future proposed changes to RSA 483. First Note: Possibility of changing statute to allow out-of-state residents to become LAC members.	Tracie, Michele	Jen, Mariah	7/31/2019

3) Next Meeting and Agenda Items

A Doodle Poll will be sent for late September or October, possibly including a joint meeting with the LMAC. In the meantime, the RMAC will make progress with subcommittee tasks.

**Chair Michele L. Tremblay adjourned the meeting at 11:21 am**