



RIVERS MANAGEMENT ADVISORY COMMITTEE
NH Rivers Management and Protection Program

New Hampshire Department of Environmental Services
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RMAC MEETING MINUTES

January 27, 2021

Online Meeting

1:00 pm – 3:00 pm

DRAFT

Members Present

Michele L. Tremblay, Chair
Larry Spencer, Vice Chair
Peter Bowman
Victoria Bunker
Jennifer Gilbert
Christopher Hodgdon
Mark Lombardi
John Magee
Frederick McNeill
Allan Palmer
Ruth Ward
Meghan Wells
Stewart Yeaton

Representing

Conservation Community
NH Association of Conservation Comm.
Dept. of Natural and Cultural Resources
Historical and Archeological Interests
Director, Office of Strategic Initiatives
NH Fish & Game Commission
Granite State Hydropower Assoc.
Executive Director, Fish & Game Dept.
Municipal Government
NH Business and Industry Association
Local River Management Advisory Comm.
Department of Safety
Agricultural Community

Term

Dec. 28, 2020 V
Oct. 12, 2022 V
Indefinite NV
June 15, 2022 V
Indefinite NV
Sept. 28, 2021 V
Jan. 5, 2021 V
Indefinite NV
Nov. 16, 2020 V
Sept. 28, 2019 V
Sept. 5, 2022 V
Indefinite NV
March 22, 2021 V

Members Absent

Mark Hemmerlein
Shawn Jasper, Comm.
Donald Ware
Vacant

Commissioner, NHDOT
Dept. of Agr, Markets, & Food
Public Water Suppliers
Recreational Interests

Indefinite NV
Indefinite NV
Sept. 28, 2022 V
Dec. 28, 2020 V

NHDES Staff Present

Wayne Ives Instream Flow Program
Tom O'Donovan Water Division
Tracie Sales Rivers and Lakes Programs
Joe Schmidl Instream Flow Program

Guests

Deb Chisholm Nashua Waterways Manager
Gene Porter Lower Merrimack River LAC

I. Welcome, Roll Call, and Brief Announcements

This meeting was conducted as an emergency meeting in compliance with New Hampshire's Right-to-Know Law (RSA 91-A) in light of COVID-19 concerns and applicable Executive and Emergency Orders. As such, an online meeting and telephone conference call service was used for this meeting. Chair Michele L. Tremblay called the meeting to order at 1:04 pm. Chair Tremblay conducted a roll call of members and asked staff and guests to introduce themselves.

II. Acceptance of the Consent Agenda

- *Fred McNeill moved to accept the Consent Agenda, consisting of the December 2, 2020 draft minutes, RMAC and RMAC subcommittee representatives, and Surplus Land Reviews 21-001 in Lancaster and 21-002 in Concord. Motioned seconded by Larry Spencer. A roll call was taken. Motion passed unanimously, with one abstention.*

Note that the record of roll call votes is included at the end of the minutes.

III. 2021 RMPP-Related Legislation

1) 2021 Legislative Positions

Larry summarized the results of the RMAC Policy and Legislation Subcommittee's discussion. The subcommittee recommends supporting 10 bills, opposing 2 bills, tracking 2 bills, and removing eight from RMAC consideration.

Support: HB 99, HB 158 (w/amendment), HB 216, HB 344, HB 398, HB 412, HB 426, SB 127 (LSRs 1027 and 1028), SB 131 (LSR 523)

Oppose: HB 82, HB 534

Track: HB 108, SB 95

Delete: HB 73, HB 115, HB 186, HB 229, HB 232, HB 379, HB 386, HB 566

- *Larry Spencer moved to approve the legislative positions recommended by the RMAC Policy and Legislation Subcommittee. Motion seconded by Fred McNeill. A roll call vote was taken. Motion passed unanimously, with one abstention.*

At Chair Tremblay's invitation, Tracie Sales summarized the remote meeting language in the SB 95 omnibus bill, text for which was posted the morning of the meeting. This bill would allow remote board meetings outside of an emergency.

- *Larry Spencer moved to support Senate Bill 95. Motion seconded by Stewart Yeaton. A roll call vote was taken. Motion passed with 7 Yeas and 1 Nay.*

Tracie asked the committee if they wished to take a position on HB 630. The Policy and Legislation Subcommittee had not discussed this bill when they met. Michele summarized the bill language.

- *Larry Spencer moved to track House Bill 630. Motion seconded by Chris Hodgdon. A roll call vote was taken. Motion passed unanimously.*

2) Review and Approve RMAC Standing Legislative Positions

- *Ruth Ward moved to approve the RMAC Standing Legislative Positions with no changes. Motion seconded by Larry Spencer. A roll call vote was taken. Motion passed unanimously, with one abstention.*

IV. Instream Flow Program – Wayne Ives and Joe Schmidl

Wayne Ives began by summarizing current Instream Flow (ISF) Program activities. In 2018, the priority rivers for development of protected instream flow (PISF) studies, approved by the RMAC, were the Cold, Warner, and upper Ashuelot rivers. The Cold and Warner river studies have been

contracted and are underway. The Cold River is nearing completion, though experienced delays last summer due to the drought, as the varying water levels needed for the study did not occur. A public hearing will be held on the draft PISF results and the proposed management plan later in 2021. Contractors will be conducting in-depth studies of hydrology on the Warner River during the summer of 2021, with completion expected in 2022.

Staff are currently preparing data loggers to install in the Ashuelot River this summer, the upper portion of which is next to apply the Instream Flow Program. However, NHDES would like to do the whole Ashuelot River at once, and an RFP for contractors to conduct the PISF on the full Ashuelot and Isinglass rivers is ready for distribution.

Joe Schmidl provided some additional program work details, noting that baseline condition studies on the Ashuelot River will be the focus of staff field work in 2021. Staff will also be working with the Ashuelot River LAC to identify floodplain transect locations.

Long-term monitoring has been started on the Lamprey and Souhegan rivers to determine the success of the program and identify any necessary adaptive management. This involves fish population monitoring as well as deploying data loggers.

Joe then described the prioritization process for the next designated rivers to study for instream flow. The lower Ashuelot, Isinglass, and Pemigewasset rivers are now the highest priority rivers identified by NHDES for PISF studies. The prioritization process is based on the following criteria in order of importance: 1) Location in the watershed (upstream); 2) Stream flow data availability/gages; 3) Watershed development pressure; 4) Public and LAC involvement. Joe requested RMAC feedback on this river priority list.

Michele asked why such a large river as the Pemigewasset River ranked high given all the tributaries it has. Joe responded that only upstream designated tributaries need to be studied first, but undesignated tributaries would not have their own PISF criteria. The Pemigewasset River has no designated tributaries. Vicky asked what happens with the ranking list after the top three rivers identified now have been completed. Joe responded that a new ranking list would be generated for the remaining rivers based on new data, but only after studies on the current top three are underway.

- ***Ruth Ward moved that the RMAC endorse the 2021 priority list of designated rivers for protected instream flow studies as presented. Motion seconded by Chris Hodgdon. A roll call vote was taken. Motion passed unanimously.***

V. Historic Resource Assessment for Dam Removals – Victoria Bunker

Vicky Bunker presented on the steps required for a historic resource assessment in preparation for a dam removal project. Historic resources include buildings, districts, landscapes, artifacts, objects, bridges, and archeological sites; that is, tangible remains of past human activity. Sites can be above or below ground, underwater, or can straddle these media, such as graveyards and dams.

What makes a historic resource important and worthy of saving?

- Age: 50 year or older, usually.
- Integrity/intactness, sufficiently well preserved to provide information.
- Qualities/values of resource. The characteristics that make it important.

New Hampshire uses the National Register of Historic Places criteria to assess if something is significant, even if there is no intention of adding it to the Register. The state also has a register of historic places. Criteria for eligibility: What qualities can this resource help us understand?

- A. Broad patterns of history (e.g. battle ground).
- B. Site associated with a significant person (e.g. George Washington slept here).
- C. Represents type of construction, engineering, or architecture (e.g. Frank Lloyd Wright house).
- D. Provides information and allows for ongoing research (e.g. archeological sites).

The Division of Historical Resources (DHR) gets involved with respect to avoidance, minimization, and mitigation of effects, and making determinations on resource eligibility. With respect to dams, we look at the dam itself as well as any associated components such as mill foundations, canals, bridges, mill houses, hydropower facilities, and archeological sites, all of which provide examples of industrial evolution. The process for a dam removal project usually begins with a Request for Project Review form to DHR. Typically, additional study or research is needed, such as an inventory form or an archeological phase 1A study. DHR staff make recommendations, seeking a point of balance between public interest and public benefit.

The biggest success story was the Wiswall dam on the Lamprey River– it was the perfect example of the balance between interest and benefit. The result was public parking, trails, interpretive panels, and cartop boat access.

Vicky will provide a document describing what she has summarized here. Michele mentioned the conflict between pre- and post-colonial historical resources. Vicky responded that neither is more important, it is just different perspectives. Vicky also mentioned that there is a native american fish dam on the Ashuelot River, under water.

VI. RMPP Program Updates – None

VII. New Business and Action Item Review

1) New Business

Larry asked about Norman Sims. Dr. Sims has stepped down from the RMAC, and a new nominee has been submitted for the recreation interests seat.

2) Action Item Review

Action Item	Leader	Supporter(s)	Target Date
Draft and send letters of testimony	Tracie Sales	Michele L. Tremblay	Hearing date
Update legislative tracking spreadsheet with RMAC positions	Tracie Sales		1/29/2021
Post updated standing legislative positions	Tracie Sales		2/12/2021
Historic resource assessment document	Vicky Bunker		3/1/2021

3) Next Meeting and Agenda Items

Tracie will send out a Doodle Poll to schedule the next RMAC meeting during the second week of April, after legislative crossover. Agenda item: LAC activity update.

Chair Michele L. Tremblay thanked RMAC representatives for their attendance and participation, and adjourned the meeting at 2:37 pm.

January 27, 2021 RMAC Meeting Roll Call Record:

	II. Consent Agenda	III. 2021 Legislation	III. Standing Positions	III. SB95	III. HB630	IV. ISF Priority
Michele L. Tremblay						
Larry Spencer	Yea	Yea	Yea	Yea	Yea	Yea
Victoria Bunker	Yea	Yea	Yea	Yea	Yea	Yea
Chris Hodgdon	Abstain	Abstain	Abstain	Yea	Yea	Yea
Mark Lombardi	Yea	Yea	Yea	Yea	Yea	Yea
Fred McNeill	Yea	Yea	Yea	Yea	Yea	Yea
Allan Palmer	Yea	Yea	Yea	Yea	Yea	Yea
Norman Sims						
Ruth Ward	Yea	Yea	Yea	Nay	Yea	Yea
Donald Ware						
Stewart Yeaton	Yea	Yea	Yea	Yea	Yea	Yea

Meeting summary prepared by Rivers Program staff.

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