



RIVERS MANAGEMENT ADVISORY COMMITTEE
NH Rivers Management and Protection Program

New Hampshire Department of Environmental Services
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RMAC MEETING MINUTES

January 17, 2020

NH Department of Environmental Services, Conference Room 208C

1:00 pm to 3:30 pm

Members Present

Michele L. Tremblay, Chair
Larry Spencer, Vice Chair
Peter Bowman
Jennifer Gilbert
Kayla Henderson
Christopher Hodgdon
Mark Lombardi
John Magee
Allan Palmer
Ruth Ward
Donald Ware

Representing

Conservation Community
NH Association of Conservation Comm.
Dept. of Natural and Cultural Resources
Director, Office of Strategic Initiatives
Department of Safety
NH Fish & Game Commission
Granite State Hydropower Assoc.
Executive Director, Fish & Game Dept.
NH Business and Industry Association
Local River Management Advisory Comm.
Public Water Suppliers

Term

Dec. 28, 2020 V
Oct. 12, 2022 V
Indefinite NV
Indefinite NV
Indefinite NV
Sept. 28, 2021 V
Jan. 5, 2021 V
Indefinite NV
Sept. 28, 2019 V
Sept. 5, 2022 V
Sept. 28, 2022 V

Members Absent

Mark Hemmerlein
Shawn Jasper, Comm.
Frederick McNeill
Norman Sims
Vacant
Vacant

Commissioner, DOT
Dept. of Agr., Markets & Food
Municipal Government
Recreational Interests
Agricultural Community
Historical & Archaeological Interests

Indefinite NV
Indefinite NV
Nov. 16, 2020 V
Dec. 28, 2020 V
Mar. 22, 2018 V
June 15, 2019 V

NHDES Staff Present

Ted Diers
Jen Drociak
Ken Edwardson
Wayne Ives
Mariah Mitchell
Tracie Sales

Watershed Management Bureau
Rivers and Lakes Programs
Water Quality Assessment Program
Instream Flow Program
Rivers and Lakes Programs
Rivers and Lakes Programs

Guests

Jim Kennedy
Ken Milender
Peter Savickas

CRJC Upper Valley Subcommittee
Warner River Local Advisory Committee
Warner River Local Advisory Committee

I. Welcome and Introductions

Chair Michele L. Tremblay called the meeting to order at 1:02 pm. Members and guests introduced themselves.

II. Acceptance of the Consent Agenda

- *Chris Hodgdon motioned to accept the Consent Agenda consisting of the RMAC October 21, 2019 Draft Meeting Minutes, the list of the RMAC representatives, and the lists of*

representatives on RMAC and Joint RMAC/LMAC subcommittees. Motion seconded by Larry Spencer. Motion passed unanimously

III. Update: Water Quality Standards and Assessment Issues in New Hampshire

Ken Edwardson, Senior Scientist in the NHDES Watershed Management Bureau, summarized NHDES' recent work on state water quality standards and surface water quality assessments. Recent priority topics for NHDES staff have been developing or modifying rules for per- and polyfluoroalkyl substances (PFAS), dissolved oxygen saturation, nutrient flow/discharges, aluminum, and cyanotoxins. In accordance with EPA requirements, NHDES also conducts a biennial assessment of water quality throughout the state using data collected by multiple divisions within NHDES as well as hundreds of volunteers. Data is analyzed, assessed based on the process described in the Consolidated Assessment and Listing Methodology, and sent to EPA as the 305(b)/303(d) list for approval. Once approved, assessment information for each waterbody can be found in the NHDES Surface Water Quality Assessment Viewer tool on the NHDES website.

The RMAC invited Ken to return in the future to discuss the topics presented today in greater detail, as well as to discuss other projects he is working on.

IV. RMAC Represented Interests Presentation Series: Peter Bowman, Department of Natural and Cultural Resources

Peter Bowman explained how the Department of Natural and Cultural Resources (DNCR), is made of five divisions: the State Library, Historical Resources, Council on the Arts, Parks and Recreation, and Forests and Lands. Peter works for the Natural Heritage Bureau (NHB), a section of the Forest and Land Division. The NHB finds, tracks, and facilitates the protection of New Hampshire's rare plants and exemplary natural communities. They maintain the NHB database of the rare and exemplary plants in NH; and they work closely with New Hampshire Fish and Game to maintain a list of state and federally listed wildlife species and species of Special Concern. They assist with reviewing wetland, shoreland, and alteration of terrain permit applications for impacts on rare species.

Larry Spencer requested that the presentations be posted to the RMAC blog page. Staff agreed.

Chris Hodgdon will be the next RMAC Represented Interest Presenter, presenting on the New Hampshire Fish and Game Commission.

V. 2020 RMPP-Related Legislation

1) Larry Spencer reviewed the recommendations made by the RMAC Policy and Legislation Subcommittee for the 2020 legislative season:

RMAC Policy and Legislation Subcommittee recommended 2020 legislative positions:

- Support: HB 1310, HB 1609, HCR 10, SB 491, SB 713
- Support with Amendment: HB 1124, SB 496*
- Oppose: HB 1245, HB 1559, HB 1673, SB 428
- Oppose as Introduced: HB 640
- Concerns with Amendment: HB 150
- Track: HB 1325, HB 1689, SB 476
- Delete: HB 1202, HB 1507, HB 1537, SB 426
- No position recommended due to lack of bill text: SB 589, SB614, SB 627,* SB 641

*position changed at RMAC meeting

Discussion: Concern was raised regarding the last sentence of HB 1124 relative to prime wetlands, as it appears to eliminate existing and future prime wetlands adjacent to state highways, which was the basis of the Amendment position. Inquiries to Representative Spang and Adam Smith at NHDOT were not received prior to the meeting.

Don Ware recommended changing the position on SB 496 from support with amendment to support, eliminating the request to add privately-owned wastewater systems to the funding program.

Because bill text had previously been unavailable, Michele asked the committee to consider SB 627 relative to dock registration, noting that it would allow docks up to 6 feet wide and 30 feet long to be constructed along rivers which could cause alterations in river flows due to armoring. Michele recommended that the RMAC oppose this bill.

Kayla Henderson agreed that river stabilization and erosion issues exist currently, and adding development along river banks will likely exasperate these circumstances. Ted Diers recommended being clear that the RMAC does not oppose dock registration, but the size of the docks allowed under the registration process.

➤ ***Larry Spencer motioned to accept the recommendations proposed by the Policy and Legislation Subcommittee with the exception of SB 496 which would be supported and SB 627 on which the RMAC will express concern. Second by Allan Palmer. Motion passed. Ruth Ward abstained.***

Michele, Larry, and Don will draft the SB 627 letter of testimony and Don will deliver it.

2) Standing Positions

The committee reviewed the RMAC Approved Standing Legislative Positions adopted in 2018. Michele explained that this document is used when with legislative matters arise between meetings and the RMAC is unable to schedule a meeting before a hearing deadline. This allows the RMAC to act on certain approved legislative matters outside of an RMAC meeting.

➤ ***Larry motioned to adopt the RMAC standing positions as distributed. Motion seconded by Ruth Ward. Motion passed unanimously.***

VI. Final FY 2018-2019 RMPP Biennial Report

Jen Drociak shared that Michele, John Magee, Barbara Skuly (Ashuelot River LAC), and Suzanne Peterson (Lamprey River LAC) provided suggested edits to the biennial report. These changes were included in the document that was provided for the meeting materials.

➤ ***Chris Hodgdon motioned to accept the FY 2018-2019 RMPP Biennial Report. Seconded by Larry Spencer. Motion passed unanimously.***

VII. RMPP Program Updates

1) Hampton SLR and Result of 1/9/20 CORD Meeting

Larry reported that the RMAC sent a letter to CORD and to Long Range Planning, concerning the decision of the Hampton SLR. The feedback is that the RMAC's recommendations will be taken into account. Michele wants to check in with Long Range Planning to see how they intend to act given the letter from CORD.

2) Joint RMAC/LMAC Water Quality Indicator Subcommittee Update

Mark Lombardi reported that the subcommittee met on January 3, 2020 to review feedback from water quality stakeholders and experts. The subcommittee categorized and prioritized the collected water quality questions by topic. Additional feedback will be reviewed at the next meeting on February 4, 2020, where the group will also further refine this list of questions. The

group discussed what they hope to accomplish/create as a result of this subcommittee. They also viewed the NH Lakes website, which has answers to many questions that were asked of the group.

3) RMAC Representative Vacant Seats

Tracie announced that Kayla Henderson or Whitney Welch will serve on the RMAC until the Hazard Mitigation Officer position with the New Hampshire Department of Safety has been filled. The three committees who nominate the Agricultural representative to the RMAC have two candidates, but they have not yet agreed which one to yet nominate. Tracie asked if the RMAC had any recommendations for anyone who could represent the historical society. Michele asked Peter Bowman to inquire if anyone from the DNCR Division of Historical Resources has any ideas for a nominee. Larry mentioned Doug McLane as a possible candidate.

4) LAC Membership Appointment Status

Mariah Mitchell reported that there are currently there are 173 active LAC members (not including CT River Local Subcommittee members). Last summer, 126 member appointments were confirmed under the RMAC. Other members were re-appointed by the RMAC when their terms ended in 2019 or are newly-appointed members. In 2019, staff encouraged municipalities along the Cold and Pemigewasset Rivers to nominate representatives to the respective LACs. Staff also helped establish the newly-combined Saco-Swift Rivers LAC. This coming year, staff will work with other municipalities to nominate representatives to other LACs.

5) Future River Nomination

Tracie shared that there was an interest from the Tilton Conservation Commission to potentially nominate the Winnepesaukee River to the Rivers Program. Tracie spoke with the Commission, and they will need to determine what portion of the river they want to nominate if they would like to move forward. Tracie has not heard back from the Commission since she presented to them in November 2019.

6) Instream Flow Program Update

Ted Diers reported that the Instream Flow Program rules passed last year, and the program contracted for protected instream flow studies to begin on the Cold and Warner rivers. Data from this work is expected within the next year. Watershed management plans for these rivers will soon be drafted by NHDES staff. It is expected that this process will require a great deal of public participation for the water users along these rivers. In the next year or so, another RFP will be developed to begin the work on the next river, the upper Ashuelot River. Once this work is underway, the ISF program will re-evaluate the remaining designated rivers to reprioritize the list of designated rivers for implementation of the ISF program. Finally, a new hydrologist position for the ISF program was created and an individual has been hired for it. The announcement to welcome the individual will be sent out soon. The new hire will be invited to the next RMAC meeting to introduce themselves to the Committee.

The RMAC welcomed Wayne Ives and the new staff member to future meetings to provide future updates regarding the ISF Program.

VIII. Representative Roundtable

- Larry shared that a parking facility has not yet been installed at Livermore falls, but this is a work in progress.

- Michele announced that she will be in touch with her contacts who are monitoring the work on the water park construction in Franklin. Ted said that permitting has begun for this project, and pre-applications meetings were held with NHDES.
- Kayla shared that HSEM is working to fill the vacant Hazard Mitigation Officer position. In the interim, Kayla will serve as the DOS representative to the RMAC.

IX. New Business and Action Item Review

1) New Business – None.

2) Action Item Review

| Action Item | Leader | Supporter(s) | Target Date |
|--|------------------|----------------|-------------------|
| RMAC members will seek a candidate for the Archeological/Historical seat. | All | Staff | ASAP |
| Schedule the next RMAC and RMAC/LMAC Joint meetings in early April. | Jen | Tracie, Mariah | February 2020 |
| Post documents on the RMAC Forum: approved minutes, presentations, biennial report, legislative standing positions | Jen | Tracie, Mariah | January 2020 |
| Draft RMAC letters of testimony. | Tracie, Jen, Don | Michele, Larry | January-Feb. 2020 |
| RMAC representative vacancy updates as needed. | Tracie and Kayla | Jen, Mariah | N/A |

3) Next Meeting and Agenda Items

A Doodle Poll will be sent out to schedule the net RMAC and Joint RMAC/LMAC meetings for early April.

Chair Michele L. Tremblay thanked RMAC representatives for their attendance and participation, and adjourned the meeting at 3:15 pm.