



RIVERS MANAGEMENT ADVISORY COMMITTEE
NH Rivers Management and Protection Program

New Hampshire Department of Environmental Services
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RMAC MEETING MINUTES

October 26, 2021, 1:00 – 3:00 pm
NHDES Conference Room 208C
29 Hazen Drive, Concord, NH

Members Present

Michele L. Tremblay, Chair
Larry Spencer, Vice Chair
Peter Bowman
Victoria Bunker
Brian Eaton
Jennifer Gilbert
Mark Hemmerlein
Madeleine Mineau
John Magee (by phone)
Allan Palmer
V
Robert Roseen
Ruth Ward
5, 2022
Donald Ware

Representing

Conservation Community
NH Association of Conservation Comm.
Dept. of Natural and Cultural Resources
Historical and Archeological Interests
Department of Safety
Director, Office of Strategic Initiatives
Commissioner, NHDOT
Granite State Hydropower Assoc.
Executive Director, Fish & Game Dept.
NH Business and Industry Association

Term

Dec. 28, 2023 V
Oct. 12, 2022 V
Indefinite NV
June 15, 2022 V
Indefinite NV
Indefinite NV
Indefinite NV
Jan. 5, 2024 V
Indefinite NV
Sept. 28, 2019

Dec. 28, 2023 V
Sept.
V
Sept. 28, 2022 V

Members Absent

Christopher Hodgdon
Shawn Jasper, Comm.
Frederick McNeill
Stewart Yeaton

NH Fish & Game Commission
Dept. of Agr, Markets, & Food
Municipal Government
Agricultural Community

Sept. 28, 2021 V
Indefinite NV
Nov. 16, 2020 V
March 22, 2021 V

NHDES Staff Present

Tracie Sales
Nisa Marks
Mark Sanborn

Rivers and Lakes Programs
Rivers and Lakes Programs
Assistant Commissioner

Guests

Lou Barker
Betsy McNaughton

Bureau of Rail and Transit, Department of Transportation
Land Agent, Fish and Game Department

I. Welcome, Roll Call, and Brief Announcements

Chair Michele L. Tremblay called the meeting to order at 1:01 pm. Chair Tremblay asked members, staff, and guests to introduce themselves.

II. Introduction of Assistant Commissioner Mark Sanborn

Mark Sanborn introduced himself. He is a native of New Hampshire, has previously worked for the federal government and has expertise in public policy. Mark highlighted supporting staff, infrastructure, and offshore wind as priorities.

III. Acceptance of the Consent Agenda

- ***Larry Spencer moved to accept the Consent Agenda, consisting of the January 27, 2021 draft minutes, RMAC representatives, RMAC and RMAC subcommittee representatives, and the RMAC officer election policy. The motioned was seconded by Ruth Ward and passed by unanimous voice vote.***

IV. Officer Elections

- ***Ruth Ward made a motion to nominate Michele L. Tremblay as Chair and Larry Spencer as Vice Chair. The motion was seconded by Don Ware. The Committee voted unanimously in favor, by voice vote, with Michele L. Tremblay abstaining.***

V. Surplus Land Disposals

- 1) [DOT SLR Boscawen Railroad](#) – Michele read a “no comment” letter submitted by UMRAC in September. The project would replace an existing lease arrangement in the Northern Railroad corridor with a sale to the current lessor; no change in use is expected. Michele also confirmed that there would not be an effect on the rail trail. Victoria described that the railroad corridor is eligible for the national register of historic places but is not listed. The property has been reviewed for historical and cultural resources by DOT, and no effects are likely.
 - ***Larry Spencer moved that the RMAC take a position of no objection to the sale. Ruth Ward seconded the motion, which passed by unanimous voice vote.***
- 2) [DOT SLR Enfield Rail Trail](#) – Tracie provided background on the proposal to sell 0.88 acres to current abutters and the town. Tracie read a comment letter from Mascoma RLAC, which had no objections but expressed a desire to see the area between Depot St. and the RR maintained for public use. DOT considers the transfer compatible with Mascoma LAC's desire to maintain access. Enfield owns the building on the lot, but not the land, despite maintaining it for public access. DOT considers the property superfluous because even if became a railroad again, they would not need a facility in this location. Victoria described that the Northern Railroad corridor is eligible for the national register of historical places but DOT evaluation saw no likely impacts to archeological resources.
 - ***Larry Spencer made a motion to take a position of no objection to the proposed sale. Ruth Ward seconded the motion. The voice vote was unanimous in favor.***
- 3) [CORD SLR 21-004 Campton-Thornton](#) (Owl's Nest Resort/Pemigewasset WMA) – Tracie introduced the project, and Betsey McNaughten provided additional details. The proposed project would relocate the access trail to the Pemigewasset Wildlife Management Area where it passes through the Owl's Nest Resort. The access point has changed over time; this proposes to formalize a safer route from traffic and restore parking, reflecting extensive negotiations with the current landowners. Victoria described that no

archeological surveys have been done, but the landscaping associated with the golf course previously on the site likely obliterated anything that would have been there. The tree edges along the river have some potential for resources. There have not been any archeological surveys in the project area, so additional review may be warranted.

A Pemigewasset River LAC member ran into issues around hunter access, with signage saying that the path through the resort was closed, and a resort employee suggesting he leave. Betsey was not aware of the “no river access” sign, and sent the LAC member’s comments to the Attorney General’s office. The old access is still in place and legally accessible through the old easement. It does not get replaced until the new easement is recorded likely in spring. A kiosk has been installed at the parking area, but there is not currently signage at the town road. It would be DOT’s role to install a road sign, not Fish and Game’s. Michele asked whether the deed should include language prohibiting gating or signage closing the road. Betsey said these are Fish and Game rights-of-way, so the resort cannot block public access. After discussion, members agreed that the kiosk is likely sufficient signage to make clear to the public where access is.

- ***Madeleine Mineau made a motion for no objection to the recommended proposal. Allan Palmer seconded it. The motion passed by voice vote with no objections or abstentions.***

VI. Mapping State-Owned Lands

Michele presented the history of a project, undertaken by a joint subcommittee with the LMAC, to create a map of all state-owned lands within river corridors or near lakes. The project’s objective was to create a systematic inventory, with associated values of interest, in order to assist the RMAC and LMAC with the process of surplus land reviews.

Members expressed interest in resuming the project. Tracie mentioned that analysis of parcels within river corridors is required of LACs as part of updating their management plans. Michele pointed out that the information in management plans may not remain timely in the same way as a “live” map layer.

Mark asked what resources would be available to conduct such an activity. Michele responded that she would anticipate having a conversation with OSI. Mark also asked if parcels would be ranked. Michele replied that the plan was to develop criteria to guide the RMAC’s review of parcels.

Tracie mentioned that the RMAC is interested in multiple types of value to the public, not just conservation lands. For instance, DOT lands are often providing informal public access to the rivers, and that the RMAC would want to be aware of these types of informal access or other public values that are not catalogued by other agencies. Michele added that the subcommittee previously was looking at all state lands, and that someone had started compiling a state lands layer several years ago. The base layer of all state parcels may or may not exist. Mark mentioned that PWAAB may also have information pertaining to public access that could contribute to the project.

The group collectively expressed support for invoking the joint subcommittee to begin to explore what data are available, as well as what criteria to use when the RMAC considers SLRs. Michele asked for volunteers to be part of the subcommittee. Larry, Mark, John, and

Michele expressed interest in participating. Michele will talk with the LMAC chair and potentially add to the agenda for the next joint LMAC/RMAC meeting.

VII. RMPP-Related Legislation

Larry expressed a desire to work with the legislature to reinstate the ability of public committees to meet virtually, citing the time costs to attending in person and the broader public involvement experienced while meeting remotely.

The legislative subcommittee is still following some 2021 legislation, and has prepared a list of search terms to use on 2022 bills. No bill text is yet available for 2022.

Tracie highlighted LSR 2705, which proposes to designate the segment of the Merrimack River that runs through Manchester. The bill sponsor told her he wanted to make it part of the existing designated lower segment. The bill was driven by one legislator and bypassed existing statutory requirements for public involvement.

Larry proposed that the subcommittee coordinate with staff to meet in early January. Larry, John (non-voting member), Fred, Michele, and Don are current members; Madeleine joined as well.

VIII. Water Quality Indicators Project

Michele provided an overview of this project, which was undertaken by a joint subcommittee with the LMAC to answer questions from the public about water quality. So far the subcommittee has not found a clear way to approach answering the project's questions, given existing data. The subcommittee is currently in need of leadership and new membership if it is to continue. John, Michele, and Mark were previously the RMAC members on the subcommittee.

Michele asked if the group would like to continue working on this issue. Rob offered to participate. Michele will talk with the LMAC Chair about convening the group.

IX. RMPP Program Updates

- 1) Tracie introduced Nisa Marks as the new Rivers and Lakes Program Assistant. Nisa brings a background in biology and policy to the position and is on the board of NH Audubon.
- 2) Tracie highlighted that the RMAC's statutorily required biennial report to the legislature is due shortly. Staff is working on its preparation, but are still waiting on annual reports from four LACs. The biennial report is an opportunity to showcase RMAC accomplishments and highlight the contributions that volunteers make to the Rivers and Lakes Program.

The RMAC discussed the potential for them to assist with reminders to the LACs. Tracie will coordinate with Michele for further assistance.

- 3) Tracie provided a general update on LAC activities:
 - Some LACs are struggling with the return to in person meetings, as some of the venues previously used are not hosting outside meetings. The COVID-19 pandemic has also been hard on LAC membership.

- Four LACs are currently working on updating their corridor management plans. Two (the Ashuelot and Exeter Rivers LACs) have received 604(b) grants from EPA/NHDES to conduct the plan updates. The Saco-Swift LAC is putting together a plan for both rivers, with the help of a consultant and using funds from the Clean Water State Revolving Fund loan program. The Lower Merrimack LAC is doing its update with funding from a drinking water source protection grant. All four plans will include assessments of state owned lands as part of the plan. Five other LACs are considering management plans or updates.
- Michele and Tracie are in conversation about how to handle LAC members that never show up for meetings. The enabling statute does not allow for members to be terminated without them submitting a resignation, regardless of what is in LAC bylaws.

X. Member Comments

Larry provided an update on Livermore Falls project. The east side used LCHIP funds and is complete. The west side has been logistically challenging and is still in progress. Larry also described a new LWCF grant proposal to protect the oxbow area behind Plymouth skating arena. Finally, Larry let members know that NHACD is holding their annual meeting October 31 – November 3, by zoom. The author of *Nature Fix* will be speaking.

Michele presented retiring member Allan Palmer with an award thanking him for his 18 years of service to the RMAC.

XI. New Business and Action Item Review

1) New Business – none.

2) Action Item Review

Action Item	Leader	Supporter(s)	Target Date
Chris Hodgdon to do next member spotlight	Nisa		January 2022
SLR responses	Tracie		October 31, 2021
2022 legislative tracking	Larry	Nisa	December 2021
Membership subcommittees updates	Nisa		October 31, 2021
Coordinate with LMAC on the mapping state lands and water quality indicator subcommittees	Michele		January 2022
Send reminders to LACs for submitting annual reports	Tracie	Michele	November 2021

3) Next Meeting and Agenda Items

Larry will work with staff to poll for scheduling the next legislative subcommittee meeting, likely during the first week of January after some bill text has been released.

Staff and the Chair will coordinate with the LMAC to have a joint meeting sometime in early January.

Future agenda items include: an update on the state lands mapping and water quality indicator subcommittees; legislative updates; and a presentation from the NHDES flood program.

Chair Michele L. Tremblay thanked RMAC representatives for their attendance and participation, and adjourned the meeting at 2:45 pm.

Meeting summary prepared by Rivers Program staff.