



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
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RMAC MEETING MINUTES

March 28, 2022, 1:30 – 3:30 pm
NHDES, Room 112

Members Present

Michele L. Tremblay, Chair
Larry Spencer, Vice Chair
Peter Bowman
Mark Hemmerlein
John Magee
Frederick McNeill
Robert Roseen
Donald Ware

Representing

Conservation Community
NH Association of Conservation Comm.
Dept. of Natural and Cultural Resources
Commissioner, NHDOT
Executive Director, Fish & Game Dept.
Municipal Government
Recreational Interests
Public Water Suppliers

Term

Dec. 28, 2023 V
Oct. 12, 2022 V
Indefinite NV
Indefinite NV
Indefinite NV
Nov. 16, 2023 V
Dec. 28, 2023 V
Sept. 28, 2022 V

Members Absent

Victoria Bunker
Brian Eaton
Jennifer Gilbert
Christopher Hodgdon
Shawn Jasper, Comm.
Madeleine Mineau
Ruth Ward
Vacant
Vacant

Historical and Archeological Interests
Department of Safety
Director, Office of Strategic Initiatives
NH Fish & Game Commission
Dept. of Agr, Markets, & Food
Granite State Hydropower Assoc.
Local River Management Advisory Comm.
Agricultural Community
NH Business and Industry Association

June 15, 2022 V
Indefinite NV
Indefinite NV
Sept. 28, 2021 V
Indefinite NV
Jan. 5, 2024 V
Sept. 5, 2022 V
March 22, 2021 V
Sept. 28, 2022 V

NHDES Staff Present

Nisa Marks
Joseph Schmidl

Rivers and Lakes Management and Protection Programs
Instream Flow, Rivers Management and Protection Program

Guests

Jay Phinizy

New Hampshire Farm Bureau Federation

I. Introductions and Agenda Overview

Chair Michele L. Tremblay called the meeting to order at 1:32 pm. Chair Tremblay asked members, staff, and guests to introduce themselves.

II. Acceptance of the Consent Agenda

- *Larry Spencer moved to accept the Consent Agenda, consisting of the January 7, 2022 draft minutes, and surplus land reviews CORD SLR 005, CORD SLR 007, CORD SLR 006, and DOT SLR Lisbon. The motion was seconded by Fred McNeill and passed by unanimous voice vote.*

III. DOT Concord Surplus Land Review

DOT proposes to sell 0.67 acres to an abutter at 105 S. Main Street, Concord. The parcel is more than 250' from the Merrimack River and does not provide public access. Interstate 93 and the railroad are between the property and the Merrimack River. The parcel is zoned for urban/commercial use. The Upper Merrimack River LAC is still reviewing the disposal. They requested a copy of the Natural Heritage Bureau's data about threatened and endangered species potentially on site, which DOT has provided to them.

- ***Larry Spencer moved to recommend disposal of the parcel. The motion was seconded by Fred McNeill and passed by unanimous voice vote.***

IV. Rivers Management and Protection Program (RMPP) Relevant 2022 Legislation

Larry Spencer gave an overview of the Policy and Legislation Subcommittee's March 24, 2022 meeting. The subcommittee recommended adopting the same positions as taken in January, with two exceptions. The subcommittee recommended removing HB1195 (public comment at school board meetings) as no longer germane. For HB1066 (cyanobacteria strategy), the subcommittee recommended the RMAC ask that the Senate consider the original text of the bill or support an amendment to require an interactive stakeholder engagement process, as opposed to NHDES developing a strategy with only written input from stakeholders. The RMAC intends to file letters of testimony for bills with a position other than track or delete.

Support: HB1014, SB257 as amended, SB344

Support with Amendment: HB1066 as amended, SB322

Oppose: HB1167, HB1440, HB1620

Track: HB1073, HB1227, HB1293, HB1316, HB1528 as amended, SB359, SB378

Remove as not relevant: HB1195 as amended

- ***Larry Spencer made a motion to adopt the legislative positions recommended by the RMAC Policy and Legislation Subcommittee at their March 24, 2022 meeting. The motion was seconded by Don Ware and passed by unanimous voice vote.***

V. RMAC Member Spotlight

This item was deferred to the next meeting.

VI. Rivers Management Protection Program Updates

Nisa Marks presented information provided by Tracie Sales.

1. The New Hampshire Water and Watershed Conference is on hold indefinitely. The former organizer is no longer at Plymouth State University, and no one else has stepped up to organize it. Michelle Shattuck at UNH has sent out an inquiry to solicit a new organizer, but we have not heard further about the outcome of that inquiry.
2. The second round of Request for Proposals is out for development at the site of the Hampton Liquor Stores SLR. NHDES Land Resources Management has been involved in inquiries of projects that would be permittable. There are some discrepancies between versions of Prime Wetlands maps, where the state's map has a larger prime wetland, indicating a smaller buildable area. Tracie discussed with Phil Trowbridge in LRM the RMAC's request to be involved in the process, but has not heard anything since. Larry mentioned that Hampton has voted against options that would include a casino. Fred said the town has also scaled back other options, such as including a hotel on the site.

3. Staff are working with Chair Tremblay on the transition of the RMAC Forum. The RMAC will have its own website hosted by the state, not just a page on the NHDES website as previously described to the RMAC. The navigation structure on which the Chair and staff are currently working will be similar to that of the existing Forum. Michele hopes to achieve a look that is different from that on the NHDES website, to reflect the RMAC's status as a separate entity from NHDES.

VII. RMAC Administrative Updates

1. Nisa congratulated Fred on having been reappointed to the RMAC.
2. Michele introduced Jay Phinizy, who is in conversation with the New Hampshire Farm Bureau Federation about potential appointment to the agricultural seat on the RMAC. Jay has a long history of legislative engagement and is currently second vice president at the Farm Bureau Federation.

VIII. State Land Mapping Joint Subcommittee Update

Mark Hemmerlein presented an update on the Joint Subcommittee's work to date. The subcommittee aims to create a screening tool to proactively evaluate state owned lands and assist with surplus land reviews (SLRs). The group will rate parcels based on a set of criteria that include adjacency, public access, aesthetics, biological integrity, cultural resources, and water quality protection. Work is based on maps of parcel data and a map of conservation lands. State owned parcels will then be compared for overlap with data sources such as the wildlife action plan. The subcommittee is still determining what these additional data sources will be. The end product will be a publicly-accessible web-based interface that can present GIS data in map or tabular form.

Peter Bowman recommended considering properties at greater distance than 250' from water, to allow for LAC jurisdiction and to place parcels in context. Mark mentioned that the group will develop a data dictionary to explain the basis for conclusions. Rob Roseen asked how the subcommittee will handle parcels for which data are unavailable. He suggested either having a default position, or having data availability be a prerequisite to including any given parcel in a ranked evaluation system. Pete pointed out that the absence of evidence of something's value is not the same as evidence of the absence of value.

Rob asked how connectivity, either of habitat or of trails, will be considered in the evaluation process. Michele and Mark suggested that the wildlife action plan and public access criteria could account for connectivity. Rob recommended the EPA's [WATERS](#) website as a potential data source for water quality information.

Overall, the RMAC endorsed the subcommittee continuing its work as presented.

IX. Water Quality Indicators Joint Subcommittee

This joint subcommittee historically met to consider how to better answer common questions from the public about water quality, such as if waters are safe to recreate in or fish in that day. The subcommittee did not reach consensus on a path forward, given the lack of available data for current water quality, the number of tools already existing, and the constraints of each. Fred and Larry felt it was not within RMAC's mission to create such a tool. Michele said the vision was to direct the Department to develop such a tool, not to create it. Don agreed the

data should be state-maintained, including for liability reasons. Larry suggested deferring work on this question to the future. The group agreed.

Don asked if the RMAC has a seat on the Water Quality Standards Advisory Committee (WQSAC). Michele said yes, but it is currently vacant. Members interested in representing the RMAC on WQSAC should reach out to her.

X. Member Comments

Larry provided an update on Livermore Falls project, where they are hoping to add a parking lot.

John Magee mentioned a presentation he gave to Squam Lakes Association on climate change impacts on fish communities. He was invited to give a condensed version of the presentation to the RMAC at its next meeting.

XI. Action Item Review

1) Other Business

Joe Schmidl provided a brief update on the Instream Flow Program's plans for the summer, which include several outreach events and installing eight real-time water level recorders and 45 data loggers. A workplan is available on the Program's page on the NHDES website.

2) Outcomes and Action Items

Action Item	Leader	Supporter(s)	Target Date
Reach out to Michele if interested in serving as the RMAC's representative to the Water Quality Standards Advisory Committee (WQSAC)	All members		none
Submit RMAC's position on the DOT Concord SLR	Nisa		April 1, 2022
2022 letters of testimony	Nisa	Michele	April – June 2022
State Lands Mapping Joint Subcommittee will continue in similar direction as to date	Subcommittee members		Ongoing
Water Quality Indicators Joint Subcommittee is on hold	N/A		N/A

3) Next Meeting and Agenda Items

Next meeting will be called at the discretion of the chair. Potential future agenda items include a Member Spotlight presentation from Jennifer Gilbert and a presentation by John Magee on climate change impacts to fish communities.

The motion to adjourn was made by Larry Spencer and seconded by Fred McNeill. Chair Michele L. Tremblay thanked RMAC representatives for their attendance and participation, and adjourned the meeting at 2:44 pm.

Meeting summary prepared by Rivers Program staff.