



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



RMAC MEETING MINUTES

February 21, 2023, 1:30 – 2:30 PM

Virtual, with meeting location available at
NHDES Room 114, 29 Hazen Drive, Concord, NH

Members Present

Michele L. Tremblay, Chair
Larry Spencer, Vice Chair
Peter Bowman
John Magee
Frederick McNeill
Madeleine Mineau
Donald Ware

Representing

Conservation Community
NH Association of Conservation Comm.
Dept. of Natural and Cultural Resources
Executive Director, Fish & Game Dept.
Municipal Government
Granite State Hydropower Assoc.
Public Water Suppliers

Term

Dec. 28, 2023 V
Oct. 12, 2022 V
Indefinite NV
Indefinite NV
Nov. 16, 2023 V
Jan. 5, 2024 V
Sept. 28, 2025 V

Members Absent

Natasha Cole
Jennifer Gilbert
Mark Hemmerlein
Christopher Hodgdon
Shawn Jasper, Comm.
Robert Roseen
Vacant
Vacant
Vacant
Vacant

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

Indefinite NV
Indefinite NV
Indefinite NV
Sept. 28, 2021 V
Indefinite NV
Dec. 28, 2023 V
March 22, 2021 V
June 15, 2022 V
Sept. 5, 2022 V
Sept. 28, 2022 V

NHDES Staff Present

Nisa Marks Rivers and Lakes Management and Protection Programs
Tracie Sales Rivers and Lakes Management and Protection Programs

Guests: none

I. Introductions and Agenda Overview

Chair Michele L. Tremblay called the meeting to order at 1:31 PM. The meeting was held digitally under the emergency provisions of RSA 91-A because there was urgent business that needed to be conducted and a short timeframe in which to convene a quorum for business. Attendance was taken by roll call.

II. CORD SLR 23-003 York Dam, Concord

Madeleine Mineau declared a conflict of interest on this project because Briar Hydro Associates is a subsidiary of her employer. Tracie Sales and Madeleine Mineau jointly provided a project overview. The SLR is the proposed sale of York Dam in Concord by NHDES to Briar Hydro Associates, who has leased the dam since 1986. The York Dam is on the mainstem of the Contoocook River. Its impoundment routes water into the penstock of the hydropower operation.

This and two associated hydropower projects are going through FERC relicensing. The current lease expires before the end of the term of a new license, so FERC requirements mean Briar Hydro must renegotiate the lease or purchase the dam. They already maintain and operate the dam; operations would not change. The dam is upstream of two other hydropower projects.

The proposed transfer also includes a dike into a canal that used to go through the island. The canal is currently blocked at both ends. The dam is not in need of any improvements in the near-term.

Larry asked if there would be impacts on public access. Madeleine said that Contoocook Park is owned by the City of Concord; its trails would be unaffected by the purchase. Briar Hydro has an easement through the park to access the dam, but there is no associated restriction on public access.

The Contoocook and North Branch Rivers LAC discussed the proposal at their February 20, 2023 meeting and did not have any concerns.

- ***Fred McNeill moved to recommend that CORD approve the sale of the York Dam to Briar Hydro Associates, as proposed in CORD SLR 23-003. The motion was seconded by Larry Spencer and passed with a 4-0 roll call vote with Madeleine Mineau abstaining due to a conflict of interest.***

III. CORD SLR 23-004 Allen State Forest, Concord

The New Hampshire Department of Natural and Cultural Resources (NHDNCR) proposes to sell the Allen State Forest, located in northwestern Concord. The parcel is not within 250' of a river, but a corner of it is within a quarter mile of the Contoocook River. The deed specifies the access route to the parcel is across a residential driveway and then along a stream. The small size of the forest, which makes it unprofitable for forestry, and the wet access along a stream, which makes the parcel hard to access, are why NHDNCR is seeking to dispose of the parcel. The parcel is currently vegetated in red pine forest. The abutter is interested in purchasing the parcel to put it in conservation, but the sale would go through a bid process, so it is unclear whether abutter would be the buyer.

The Contoocook-North Branch Rivers LAC reviewed the proposal at their February 20, 2023 meeting and had questions about whether the parcel could be maintained in conservation.

- ***Larry Spencer moved to support the sale of Allen State Forest as proposed in CORD 2023-004, but with the recommendation that a conservation easement be placed on the parcel. The motion was seconded by Don Ware and passed by a 5-0 roll call vote.***

IV. Rivers Management and Protection Program Relevant 2023 Legislation

Larry Spencer led discussion of SB159, regarding siting criteria for new landfills. Michele L. Tremblay said that several advocates have been issuing calls to action on this bill. Tracie said that the bill does not change the existing opportunity for LAC comment on permit applications. Larry said it looked like the bill required projects to be in accordance with the state solid waste plan.

- ***Larry Spencer moved to track SB159. The motion was seconded by Fred McNeill and passed by a 4-0 roll call vote, with one member abstaining.***

Larry opened discussion on SB229, a bill on which the RMAC had not previously taken a position. He observed that the proposed changes appear minor.

- ***Larry Spencer moved to track SB229. The motion was seconded by Fred McNeill and passed by a 4-0 roll call vote, with one member abstaining.***

Larry opened discussion of SB258, a bill allowing the sale of state-owned property at less than assessed fair market value if the sale is in the public interest.

- ***Larry Spencer moved to track SB258. The motion was seconded by Don Ware and passed by a 4-0 roll call vote, with one member abstaining.***

Chair Michele L. Tremblay adjourned the meeting at 2:05 PM.

Meeting summary prepared by Rivers Program staff.