

Warner River Nomination Committee Meeting
Tuesday, March 1, 2016
Warner Town Hall, 5 East Main Street, Warner, NH 03229
7:00pm

1. Introductions and Brief History of the Project

- a. In the fall of 2013, the Warner Conservation Commission approached Central New Hampshire Regional Planning Commission (CNHRPC) for assistance in an effort to nominate the Warner River to New Hampshire's River Management and Protection Program (RMPP). Funding sources were explored and no research or work on the nomination document took place during this time.
- b. Nancy Martin appeared before the Warner Select Board on September 29th, 2015 to discuss the acceptance of a grant received from the New England Grassroots Environmental Fund in the amount of \$1,500 with the intent of, with the assistance of the CNHRPC, nominating the Warner River to New Hampshire's RMPP.
- c. On November 18th, 2015 at the first meeting of the Nomination Committee, made up of representatives from Warner, Bradford, Newbury, Sutton, Webster and Hopkinton as well as representatives from Warner's Energy Committee, NH Fish & Game and Basil Woods Trout Unlimited, research required to assemble the nomination document began.
- d. Amidst the research done and information shared by CNHRPC and committee members, meetings often revolved around concerns about the potential impacts designation may have on riparian landowners' future ability to create hydropower. At the Feb. 17th meeting, concern was again expressed over what effect the nomination might have on hydropower and that perhaps this process was moving too fast. This forced the public meeting to be delayed. It was determined that the committee wanted to hear from DES and leaders from other LACs. The nomination document is nearing completion.
- e. Alan Wagner (Warner resident, land and dam owner) submitted a letter of concern over the lack of public notice regarding the nomination process and activity of the nomination committee. Further concerns include added restrictions to land owners, and the effect that this legislation might have on land property value and deeded property rights. *This letter was forwarded to the Warner Town Selectmen.*
- f. Peter Ladd posited that the nomination committee may be in violation of the Right-to-Know Law due to the lack of public notice.

2. Discussion on Select Topics

- a. Why was this meeting not publicized?

This committee was created to draft the river nomination document and to present findings to the community. This committee is filling out an application to present to and get feedback and support from the residents of the communities involved, not creating any form of legislation. The original community meeting and notification of riparian land owners was scheduled for March 16th, 2016, but was delayed due to concerns over the possible effects on hydropower production.

b. The appearance of state imposition

This legislation was created at the need of communities, not of the state. It exists to give communities a platform on which to manage a resource that connects several towns, as well as review any proposed projects on State-owned land within the river corridor.

c. Does the community get more or less power by passing this?

d. Can we prove that current protections are not enough?

e. Misunderstandings from the Warner selectmen's office on the purpose procedures of the committee.

3. Questions to ask Tracie Sales (Rivers Coordinator) and Michele Tremblay (Upper Merrimack LAC)

1. Please describe local and community issues other River Nomination Committees have had when seeking the RMPP process. Have there been concerns about too much state jurisdiction over the river?
2. Please describe how other LAC's have worked with small scale hydropower dam owners to attain water quality standards for the rivers involved. What issues with dams on the river in so far as water quality?
3. Given the existing program criteria and the RMPP changes for instream flow proposed by HB 1461, please describe how these changes might benefit or alter the plans for small scale hydropower dam owners in the future.
4. What financial benefits might come with the river having designated status?
5. What additional NH DES benefits are available to the river and the communities of the watershed if the river becomes a designated river?
6. One of the hurdles local LAC's seem to have is that although they are able to complete a Corridor Study of the river, they lack funding for an actual watershed plan. What funding is available for the Corridor Study and a Watershed Plan? Is this funding available to EPA priority watersheds only?
7. Please describe how LACs are faring with a designation. What are their issues?
8. Will a designation status better assist for procuring funding for VRAP and other NH DES programs?
9. What are the pros and cons of going through this process this year than next given the newly proposed changes to the program (HB 1595)? Can we write our document in such a way as to incorporate those changes when/if these bills (HB 1595 and HB 1461) become law? Can there be a retroactive update to match the updated RSA when it passes at the state level.
10. Authority and Power-- What changes to the local vs state power balance does this nomination create? Is local power enhanced, or is it not? Is state power enhanced, or is it not?
11. What real world examples exist from other designated rivers that could help identify the effect of the legislation on the Warner River?
12. What effect will the nomination have on deeded property and riparian rights? What effect does passing this legislation have on property values?

13. What regulations govern instream flows? What is enforcement like, and how is the base instream flow determined and who has input in this process? What dangers to instream flow exist now, and would these dangers go away if the nomination is passed? How big is the community input in determining instream flow?
14. What is the difference between the current/no additional regulation and the community level designation?
15. Do all riparian interests, possible dam locations, and historical sites of mills/dams, need to be listed in the document in order to protect landowners' future development rights?

4. Looking Ahead

- a. Is it possible to get more members from other LACs to come and talk, particularly ones representing rivers with hydropower.
- b. Preparing for the public meeting
 1. What topics do we need to discuss
 - a. Aquatics/Invasives (Amy Smagula)
 - b. Instream flow
 - c. Fisheries (Ben Nugent)
 - d. Water quality
 - e. History (Jack/Rebecca)
 - f. Climate Change (Eric Orff?)
 - g. (Recreation?)

Sam Durfee will ask Tracie Sales to tap experts from DES to speak on specific topics.

6. Next Meeting Date

- a. March 16th, 2016. 7:00pm at the Warner Town Hall.