

Central NH Regional Planning Commission

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Warner River Nomination Committee Meeting

Wednesday, March 16, 2016

Pillsbury Free Library, 18 East Main St, Warner NH 03278

7:00 P.M.

Minutes:

Attendees	
Chris Connors, Trout Unlimited	Rebecca Courser, Warner Historical Society
George Embley, Town of Webster, Trout Unlimited	Doug Giles, Town of Hopkinton
Sue Hemmingway, Town of Warner	Peter Ladd, Town of Warner
Mary Jo MacGowen, Town of Webster	Scott MacLean, Town of Bradford
Nancy Martin, Town of Warner	Jack Noon, Town of Sutton
Ben Nugent, NH Fish & Game	Susan Roman, Town of Webster
Tracie Sales, NHDES Rivers Coordinator	Michael Simon, Town of Warner
Michele Tremblay, UMLAC, NH Rivers Council	Alan Wagner, Town of Warner

Commission Staff: Sam Durfee, Michael Tardiff

The meeting began at 7:04 P.M, called to order by Sam Durfee.

Introductions

All committee members and guests introduced themselves.

Review Minutes of the March 1st and February 17th Meetings

George Embley of the Town of Webster noted a correction to the date of the minutes. January 20th, 2015 will be corrected to March 1st, 2016. A motion was made to accept the minutes of March 1st, 2016 and February 17th, 2016 with amendments.

M/S/Passed Chris Connors/George Embley

Presentation on the NH River Management and Protection Program (RMPP)

Tracie Sales explained her role in the RMPP as the Rivers Coordinator and provided a PowerPoint presentation. The presentation covered the establishment of the RMPP in 1988 due to the desire of communities to have a tool to protect their valued river resources, the role of the Rivers Management

Advisory Council which is one of the groups involved in the nomination review process, and the establishment of a Local Advisory Committee (LAC) and the development and implementation of a River Corridor Management Plan.

Some of the major takeaways from the presentation include:

- A designated river is recognized by the legislature as a valuable state resource. Designated rivers are eligible to apply for competitive grant funds, e.g. A-I Watershed Restoration Plans, 604 (b) grants. Designated rivers do get priority in grant funding.
- LACs will have a direct line of contact to DES.
- Designated rivers will eventually have instream flow protections, which will essentially create a system to balance water flow over the watershed allowing the river to meet the seasonal needs of various interest groups while maintaining its ability to provide ecosystem services.
- LACs will be able to review permit applications for development within the river corridor.
- Any new hazardous waste sites will have to comply with additional setbacks along a designated river.

Post-presentation discussion and related questions

Peter Ladd posed a question to Ms. Sales regarding the word “significant” in reference to the potential flow alterations caused by a dam and who determines what is or is not significant. Ms. Sales explained that contacting the Dam Bureau would be the first step. Michele Tremblay sympathized with Mr. Ladd understanding his concerns and explained that if he were to go to the Dam Bureau with specific locations and examples of what he had in mind for those locations, he would be in a better position to receive a solid definition as it is very much a case by case basis. Ms. Tremblay added later that in all probability, the designation of the Warner River will not be what prevents dam development on the river. Dam Bureau permitting and licensing, and that associated with the Federal Energy Regulatory Commission (FERC), if applicable, will be the primary hurdle in the development process.

Alan Wagner voiced concern over impact of designation on the future ability to build at the dam sites he owns. Ms. Sales gave a brief overview of the timeline in which to rebuild breached/ruined dams in river sections classed as rural or rural-community. The time limit of 6 years led Mr. Wager to explain the current status of the dams has been such for longer than six years and a rural or rural-community classification would prevent future development. To this Sam Durfee cited proposed legislation in HB-1595 that would allow nominations to classify community areas with a minimum length of half a mile and that this could be applied to the sites Mr. Wager was referring to. It was also stressed that the current classifications are proposed based on the characteristics of the river and it is communication with the public that will inform the nominating committee of needed alterations to these classifications. Mr. Durfee later added he would change the river classification at site of Mr. Wagner’s dams to community in order to accommodate future dam improvements and hydropower production.

Susan Roman asked about letters of support, specifically who will be asked to provide letters of support and will they require any town action. Ms. Sales stated that NHDES requires letters of support from the select boards of all towns involved and ideally planning boards, conservation commissions in

order to prove that the communities are on board with the nomination. Mr. Embley asked if the nomination committee would have access to example letters of support and Ms. Sales replied that she will supply them.

Ms. Tremblay made a recommendation that the mailers to be sent to the riparian landowners should not only serve as notice of the public meeting but also as a solicitation of historical knowledge of the river, its uses, as well as future aspirations for the river.

Instream flow protections, an element of new legislation proposed in HB-1461 would be applicable to designated rivers when signed into law. Ms. Sales explained that instream flows are unique to each river and each river will need to be studied extensively in order to create an appropriate management plan. Currently, designated rivers receive protections based on qualitative characteristics. Current river studies seek to provide a method for developing quantitative attributes based on water volume and quantified usage needs. These protections are an effort to make sure that all seasonally appropriate needs serviced by the river are met.

Susan Roman asked if there have been any recorded incidents where the designation of a river has caused an adverse effect on property values. Ms. Sales replied that while NHDES does not study this, generally water front property values are closely tied to water quality. Given the purpose of designation is to preserve, if not improve, water quality, one can make the connection that property along a designated river may go up in value over time. Ms. Tremblay added that the appeal of living next to a designated river is similar to that of living next to a town forest or other conservation land.

In light of concerns regarding the timeline of this nomination effort and some sentiments that it is being rushed, Ms. Martin asked what are the pros and cons of designating this year as opposed to next year also in respect to the proposed legislation. Ms. Sales explained that from NHDES's perspective, it really does not matter when a river is nominated. In regards to the proposed legislation, NHDES is confident that it will pass and the nominating committee would be able to write language in the document contingent on the passing of HB-1595 and HB-1461 e.g. creating a half mile section of community river. Ms. Tremblay spoke to power of momentum when working to nominate a river. Given the number of people that have come together in this committee and the amount of work accomplished so far, the risk that efforts may be strained and may fizzle out if the project is extended for another year is very real.

Due to concerns over the State's involvement with designated rivers, Ms. Martin asked for clarification on the perceived change in the power balance between local municipalities and the State. Both Ms. Sales and Ms. Tremblay expressed views that local watershed community power is strengthened by the designation and that the designation does not in any way preempt local ordinance codes. The RMPP gives local communities a voice heard at the State level that was not previously there. A LAC has the added power to review and comment directly to the State on permit applications for proposed development along the river.

Discussion of Public Information Session

Following the presentation and Q &A session with Ms. Sales and Ms. Tremblay, the committee moved on to a discussion addressing the format of the public information session scheduled for April 20th. It became apparent that the original format discussed at previous meetings, made up of speakers familiar with a topic sharing some of the research the committee has done, may lead to a rather long meeting. The committee decided to group some topics together and limit the number of speakers. Mr. Durfee stated that he would follow up with members of each topic to address their presentation topics. The committee reiterated the purpose of the meeting saying the primary focus is to hear from the public, but only after the committee has educated the public as to the progress already made and what designation really means for the Warner River.

Looking Ahead

Press Release – The draft put together by Ms. Connors, Mr. Durfee, and Ms. Martin was put to the committee for review. The press release will be published in local newspapers, including the Bradford Bridge. Its purposes is to explain to the public what the Warner Nomination Committee is doing, how it came to be and the release advertises the upcoming public information session. The committee had some comments on the draft, primarily changes to strengthen the wording around soliciting the public's input at the public meeting.

Mailers – Mr. Durfee read aloud the current draft of the riparian landowner mailers, looking to the committee for input. Ms. Tremblay suggested that the mailers should not only alert the riparian landowners to the public meeting but also solicit them for their knowledge of the river so that the committee can take it into account when finishing the nomination draft.

Next Meeting Date

The next Warner River Nomination Committee meeting was scheduled for April 20th, 2016 at 7:00 P.M., in the Warner Town Hall. This is the public information session.

Meeting was adjourned at 9:38 P.M.

M/S/Passed Nancy Martin/Chris Connors