



Connecticut River Joint Commissions

10 Water Street, Lebanon, NH

Monday, April 16, 2018

Meeting Minutes

Commissioners Present:

NH – Jim McClammer; Bob Harcke, Alex Belenz, John Mudge, Jim Kennedy, Ken Hastings

VT – Jason Rasmussen, Chris Company, Kari Dolan, Michael Storage, Tara Bamford.

Staff: Patricia Crocker, UVLSRPC. **Guest:** Nancy Heatley.

Commissioners Absent: Alison Low, Steven Lembke, Jennifer Griffin, David Deen

Update on New Hampshire and Vermont Legislative and Regulatory Matters

Guest Speakers: Tracie Sales and Kari Dolan

Tracie Sales, Rivers and Lakes Programs Manager, NH Rivers & Lakes Management and Protection Programs, NH Department of Environmental Services

The Warner River will become the nineteenth river to be designated in the New Hampshire Rivers Management and Protection Program (RMPP).

Permit Reviews – There has been push by the regulated community to reduce the time allowed to review and approve permits on or near waterbodies and wetlands. The time needed for local advisory committees to review permits would be reduced to 50 days of regular review and 40 day extension as is currently available to conservation commissions.

Docks – A bill has been introduced to create a study committee on docks that would look at dock rules comprehensively including set backs, extensions. It is likely to pass. This would look at construction of docks to avoid downstream threats from docks in rivers under flood conditions, tighten up river stabilization procedures and require docks be parallel to shores now versus perpendicular. Currently rules must be waived for parallel dock installation.

Seeds and fertilizers – a bill proposes to take control away from various municipalities that are stricter than the state regulations. It still would exempt agriculture from local regulations.

Boards and Commissions – A legislative study committee will be established to assess

which boards and commissions, including CRVRC, LACs, and the RMAC, are actually doing valuable work. Every few years this comes up. It is hoped that they will see that most are valuable and staffed by volunteers.

Right to Know Law – A change in the statute would change what information should be included in minutes of public meetings.

National Pollution Discharge Elimination System – NH has been one of 4 states that do not manage this themselves, instead relying on EPA. It is costly to administer those permits. NH is evaluating whether to assume this responsibility.

HB 1104 – Reduces the maximum wetland permit review time from 75 days to 50 days for projects less than 1 acre, and from 105 to 75 days for projects over 1 acre.

Wetland Rules – Is a complete rewrite for wetlands. The comment period ends on Friday, April 20, 2018. Only major projects will be given advance time for review. Routine roadway projects in river corridors are currently standard dredge and fill project and are classified as 3rd tier major projects. They are proposing to change the rules and revise the Best Management Practice guidance for roadway projects. The local committees and conservation commissions are left out of the process in tier 2 projects.

Discussion followed about involvement of LACs in pre-application discussions at DES.

The designated river corridor is one-quarter mile or the hundred year flood plain by definition in NH.

Kari Dolan, Manager, Vermont Clean Water Initiative Program, VT Agency of Natural Resources

H. 923 – Funding – Capital Bill Clean Water fund is a surcharge on property transfer tax that generates about \$4 million a year. The capital dollars are bonded and must be dedicated towards construction/restoration projects and \$23 Million has been dedicated to the clean water initiative. The Connecticut River was among those bodies of interest in the bill.

H. 554 – Dam Registration – considers whether to give FERC registered dams an exception. Public safety is key in identifying dams that are operating or are decommissioned.

S. 260 – Water Quality Funding – Appears to be one to study to provide long-term funding for the Lakes in Crisis program and is combined in this legislation.

H. 576 – The Lake Champlain clean up TMDL. Put large number of 3 acre parcels adjacent to water bodies into regulation. Rule making will follow. Developed lands general permit. They are relying on those to reduce stormwater targets. It means that in future growth, impervious cover is just underneath 1 acre. The land conversion of less than 1 acre is taking place and this would reduce the parcel size to one-half acre. The Connecticut River TMDL is slowing down but it is not at highest priority at this point in time.

H. 777 – 85% of parcels of 3 acres are privately owned. The state revolving fund statutes only allow municipalities' access to these mitigation funds. Now, private parcel owners would be offered opportunities to access those funds with the caveat that municipalities will always have priority. Sponsorship projects provide incentives to restore natural resources restoration projects. It removes the municipality requirement to have to bond for the restoration program. They hope to see more active projects. The new revenue source from the private sector should help fund those programs.

Comm. Dolan stated that she believed that CRJC was being helpful in getting involvement in clean water activities through newsletters, advertising training opportunities, and public involvement. Technical capacity building is key to informing the public and municipalities on how they can rectify water quality problems.

They are looking into a mini-grant program on discretionary programs to work on small local projects. For example, RPCS could be assisted to provide training in their regions.

Comm. Company spoke of watershed alliances established in his area. All the RPCs have clean water advisory committees now.

This could be similar to municipal roads general permits Vtrans provides in direct aid at 80% as they move whole roads into compliance with TMDL standards.

3:30 Business Meeting:

Adopt Minutes of February 2018 Meeting

Comm. McClammer moved and Comm. Mudge seconded adoption of the minutes with minor grammatical correction. Vote: Unanimous.

Financial Statement

Accept Financials February 2018. Comm. Company moved and Comm. Dolan seconded a motion to accept the February financials as presented. Vote: Unanimous.

Executive Committee Discussion estimate of what we are spending over what we are being funded in next couple of months. Moved that recommend Executive Committee what future needs are highlighting the critical nature of the functions of the organization it is fundamental to raising awareness and collaboration involved. Mission oriented. It is a unique concept to have the two states working together and using the joint commissions as a way to bring state leaders to talk about issues in common between the two states is very beneficial.

Communications work Group Nancy Heatley and Comm. Bamford met prior to the meeting. The purpose of the website was discussed along with final steps in the M&E grant. The homeowners guide and erosion hand out will be reprinted, the banners less than \$100 for two banners one is mesh for outdoor use and the other is vinyl for indoors across a table Minutes note consensus that the work group go ahead with plan outlined.

FERC Work Group met on April 11 to draft a letter that responds to FERC's latest erosion study. Comm. Bamford thinks it is an outstanding letter but felt that the last two paragraphs suggest that there is no hope that operations would be modified. Discussion followed. Comm. McClammer agreed to add something along the lines that the information be used to determine impacts and costs of mitigation of those impacts. Minor modifications to the letter will be made by Comm. McClammer and circulated. Comm. Company moved and Comm. Mudge seconded a motion to approve the letter with modifications recommended. Vote: Unanimous.

Connecticut River Conservancy (CRC) Funding Request

The Executive recommended to the full commission that CRJC support the Princeton Hydro peer analysis with a donation to CRC from this year's reserve of \$1,000.00 Comm. McClammer made the motion and Comm. Mudge seconded. Vote: Motion carried with one abstention by Comm. Bamford.

Local River Subcommittee Members

New LRS committee members were approved for Mt. Ascutney William Gallagher, Thomas Herson, and Margaret Perry, and Tara Bamford Upper Valley. Comm. Company moved and Comm. McClammer seconded the motion. Vote: Unanimous

Lack of attendance at Headwaters Subcommittee was briefly discussed. Engagement is higher on NH side because of the permitting process. How local subcommittees can be involved was discussed. Comm. Dolan suggested that they could provide recommendations for projects and participate in the tactical basin planning which

helps identify local issues.

Annual Meeting Agenda

Forestry was suggested as speaker's topic. Kim Lutz was suggested as a potential speaker. State Committee meetings will be held during the first 30 minutes of the annual meeting. Vermont Nominating Committee chair will be Tara Bamford.

A NH chair will be appointed at a later time. Comm. Griffin was suggested as chair of the nomination committee.

New Business

Comm. Kennedy noted that Jacobs Brook in Orford is a tributary into Connecticut. NH DOT sponsored a stream restoration on Jacobs Brook. They brought an excavator into the middle of the stream bed and the course and aquatic life of the brook were decimated. Could the CRJC partner with CRC to conduct a restoration? The conceptual idea is due by the end of the month in the form of a preproposal. As described, the work would be in violation of National Flood Plain regulations.

Comm. McClammer moved that CRJC support pre-application. Comm. Hastings seconded. Comm. Kennedy will draft the pre-application. Vote: Unanimous

Adjourn

Comm. Campany moved and Comm. Mudge seconded a motion to adjourn at 4:30 p.m.