

LMRLAC – May 26, 2011

LOWER MERRIMACK RIVER LOCAL ADVISORY COMMITTEE

MINUTES

May 26, 2011

Members:

- ✓ = present

Current:

- ✓ Kathryn Nelson (Chair) -- Nashua
- ✓ Michael Redding (Vice Chair) – Merrimack
- ✓ Karen Archambault (Secretary) – Nashua
- ✓ Nelson Disco - Merrimack
- George May – Merrimack
- Bob Robbins – Hudson
- David Scaer – Hudson

Pending Renewal:

- Jim Barnes (Treasurer) – Hudson
- Glenn McKibben – Litchfield

Pending Appointment:

- ✓ Michael Croteau – Litchfield

Associate Members:

- Mildred Mugica – Nashua

Also in attendance:

- Geoff Daly, corridor resident and potential member, Nashua
- Tracie Sales, Water Resources Manager, Merrimack River Watershed Council (MRWC)

The meeting was called to order at 7:05 pm in the Music/Art/Media section at the Nashua Public Library by Chair Kath Nelson. Kath mentioned that David and Bob had informed her they would be unable to attend the meeting.

Meeting Minutes

The minutes from the April 28, 2011 meeting were approved with the clerical changes as circulated via e-mail earlier in the week.

Old Business

Denial of AOT permit at 25 Flagstone Drive, Hudson (application #100930-121)

Kath stated that she had contacted Ridgely Mauck at DES about the status of the Alteration of Terrain permit application submitted April 21, 2011. Kath read from a reply she received that stated the application was considered not complete, because there was no proof of notification to LMRLAC. Kath stated she has not seen any further paperwork since then, and concluded that LMRLAC will have to continue to monitor for the status of this application.

New Business

Hudson Planning Board Workshop June 1

Kath explained that John Cashell, Town Planner for Hudson, invited LMRLAC to speak at the next Hudson Planning Board workshop, scheduled for Wednesday, June 1. She explained that the workshops are also attended by members of the Zoning Board and Conservation Commission. She stated LMRLAC members have attended workshops in the past. Kath said she would ask David Scaer if he could attend, since he is a Hudson resident, and she expects Jim to be there as a Planning Board member. Bob will be unable to attend; Kath and Michael Redding will be attending.

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Kath opened the floor to a brief discussion of subject matter to discuss. Nelson suggested it would be appropriate to introduce the group again, due to board personnel turnover. Kath agreed, and further stated that John Cashell had specifically mentioned Enel and the Boott Hydropower Dam as a topic of interest. Michael R. suggested the 25 Flagstone Drive project would be a good topic to bring up. Kath suggested discussing the subject of local projects that don't need state permits, to mention to the boards that LMRLAC would like to be aware of any activities in the quarter-mile corridor regardless of whether they require state permits.

At the conclusion of the discussion, Kath summarized points to highlight as:

- LMRLAC's desire to promote local communication between LMRLAC and the member towns on matters within the corridor
- The process LMRLAC followed in learning about the Boott Hydropower Dam flashboard status and repair, the possibility of the pneumatic crest gate bladder system, and how that led ultimately to LMRLAC's letter to the Federal Energy Regulatory Commission (FERC)

Members agreed they were happy John Cashell had contacted LMRLAC for another opportunity to interact with the Hudson boards.

Emergency Replacement of Failed Culvert and Headwall, Hudson: 2009-002134

Kath stated she had sent an e-mail to Eben Lewis at DES, requesting a copy of the after-the-fact application submitted by the town of Hudson to replace a failed culvert. Kath has not heard back from Mr. Lewis to date, and comments are due to DES by June 10.

Michael R. indicated this is an opportunity for LMRLAC to comment on an after-the-fact application. He explained that the work itself may not be complete yet, and therefore there could be an opportunity for LMRLAC comments to be incorporated. Kath mentioned that LMRLAC may want to pursue changing the standard operating procedure to include notification to the applicable LAC for after-the-fact applications.

Michael R. offered to write comments about the application and will send his comments to Kath, who will circulate them for review. The process will be that members must respond by a deadline or they lose the opportunity to provide feedback.

Boott Hydropower Dam – Project Status

Kath reminded members that Enel had contacted LMRLAC requesting LMRLAC contact the New Hampshire congressional delegation to inform them of LMRLAC's support of the proposed pneumatic crest gate bladder system. Kath asked whether the new members had read the letter that LMRLAC sent to FERC last year; Michael R. and Nelson indicated that they had.

Kath summarized the public meeting LMRLAC had held, attended by representatives from Enel, the Lowell Flood Owners Group, and recreational river users. The meeting included a presentation by Enel, and discussion that eventually led to LMRLAC's letter to FERC, stating LMRLAC's position that a system that stabilizes the pond would be an improvement over the current situation for the portion of the river over which LMRLAC holds jurisdiction.

Michael R. mentioned the discussion at another meeting, attended by a representative from FERC, who kept mentioning the narrow focus of FERC in reviewing the proposal and about the possibility of opening the permit based on the public comments received about the proposal.

Kath made a motion that LMRLAC not send a letter to the NH congressional delegation, citing concerns about the political nature of the project and the fact that LMRLAC does not have a precedent for taking a public position on such projects to elected officials at the national level.

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Nelson asked Kath whether LMRLAC still supports the letter sent to FERC and Kath replied that it does. Nelson pointed out that the letter is part of the public record. He amended the motion, with Kath's concurrence, that LMRLAC send a copy of the FERC letter to the New Hampshire congressional delegation.

Michael R. pointed out that LMRLAC interests tend to focus on the recreational perspective; the arguments and challenges facing this project are such that LMRLAC may not be aware of, or may not understand, them all and thus it may be overstepping our bounds to comment beyond our focus. He also asked whether LMRLAC would be sending this letter in response to Enel's request, or because LMRLAC wants to send a letter. Kath replied that Enel is likely to contact the delegation themselves. If LMRLAC makes the contact, it informs the delegation of LMRLAC's existence, LMRLAC's position on the subject, and that LMRLAC is performing due diligence in researching and commenting on issues. Kath further amended the motion that the correspondence will include a brief explanation of LMRLAC's purpose, focus, and goals.

Geoff suggested that LMRLAC's approach is to maintain its independence and to keep an open mind, while looking at the river and what it stands for.

Ms. Sales mentioned that the MRWC had received a similar request from Enel, and that MRWC is not generating any additional correspondence. MRWC supported the project in a letter to FERC from the limited points of view of recreation, erosion control, and safety of dam workers.

Ms. Sales mentioned she had recently had contact with a Massachusetts DCR FEMA representative at a workshop. She stated the FEMA representative mentioned to her that some of the home owners' arguments have nothing to do with the pneumatic crest gate bladder system itself. For example, the flood maps are being updated because they are currently old and out of date. Ms. Sales will provide the representative's name to LMRLAC. Kath suggested LMRLAC could invite him to a meeting.

Geoff commented that he can provide the name of a Federal Emergency Management Agency (FEMA) contact who has been involved with the Thoreau's Landing project.

Motion passed to send a copy of the FERC letter to the NH congressional delegation.

Beazer East (former Koppers site) – Hills Ferry Road, Nashua – DES Site #198708017

Kath gave a brief background of the site. It is on the Merrimack River just north of Greeley Park in Nashua. The site is contaminated with creosote, and has a remediation system in place, but discharges persist. Michael McCluskey is the DES contact person for this site. Kath read from a letter from Key Environmental (representing Beazer East) which included responses to comments by Sanborn Head and Associates (representing the state) on a data evaluation report. Michael R. stated he had had an opportunity to read the report and its review and that Sanborn Head and Associates did an excellent job identifying errors in the report.

Michael R. stated that this is a site worth 'making noise' about. Kath mentioned that LMRLAC sent a letter to DES about a year ago taking issue with the rate of progress at the site. Release of contaminants persists after years of remediation. Geoff commented that he had sent along pictures taken last year of new leaks observed coming from the site.

Michael R. will draft a letter to send to DES expressing LMRLAC's continued concerns about the site.

Ms. Sales mentioned that MRWC does water monitoring, by boat, at the Greeley Park boat ramp, just downstream of the Beazer East site, and suggested the monitoring could include observation of the site. Geoff mentioned a visible sheen and presence of 'globs', and that the

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contaminants in the soil are leaching out at times of high water. Geoff told Ms. Sales that samplers should look for the orange boom when looking for the site. Geoff will send pictures to Kath to forward to Ms. Sales.

Michael R. suggested LMRLAC could contact local representatives on this matter. Geoff pointed out that the remediation has been underway for 22 years. A brief discussion followed about whether LMRLAC can get involved through Nashua and Deb Chisholm, Nashua's Brownfields Coordinator.

Boott Hydropower Headpond Notification

Kath mentioned that the Nashua Telegraph science reporter, David Brooks, had written an article about the recent drawdown. The story indicated that Enel could not do repairs due to high flows so they extended the time frame of the drawdown, which is resulting in a recreational impact over a holiday weekend.

Michael C. asked for some background on the situation, so Kath summarized the history of the issue. She mentioned that the level being drawn down for repairs lowers the river level as far as our reach. In recent years, the notification of drawdown events became more consistent. However, LRMLAC noticed the drawdowns appeared more frequent and for longer durations, and included a drawdown over the July 4 holiday one year. She summarized the pin and flashboard system and how the spacing and strength of the pins control when the flashboards give way. She explained LMRLAC asked for information on repair history from Enel, citing concerns about the frequency and duration of the drawdowns. Kath stated LMRLAC sees the proposed system as an improvement over the current trend.

Lawrence Dam Fish Lifting Facility tour

Kath mentioned that Kevin Webb had offered the possibility of a tour of the Lawrence Dam fish lifting facility. Michael R. had sent some possible dates that he would be available to other members; after a brief discussion, several members indicated availability for a weekday early afternoon visit. A brief discussion followed on whether to ask Kevin Webb about the possibility of inviting town planners or others along for the tour. Michael R. will contact Kevin Webb to find out more particulars about possible tour dates, and whether he would be amenable to LMRLAC inviting others to the tour.

Possible Grant Projects – 604b funding

Kath reminded members that Jill Longval, NRPC Environmental Planner, is scheduled to attend the June meeting. Kath suggested the possibility of a river continuity assessment as a possible 604b project. Kath indicated she has worked with Trout Unlimited on the Squannacook and Nissitissit Rivers in Massachusetts to assess stream crossings, looking for high priority continuity areas. She suggested the Merrimack tributaries could be assessed and crossings prioritized, to identify where no fish or few fish can get upriver to see if addressing some of these points can extend the reach of fish on the tributaries. Kath stated she had checked the Corridor Management Plan and found about six references in the plan that would relate to such a project. She had also checked with Steve Couture at DES and the initial assessment is that 604b funding would be suitable for this project.

Kath mentioned NRPC's mapping and GIS skills and strengths and that NRPC could perhaps do the mapping; LMRLAC could recruit volunteers for the field assessment work both to get trained and to raise awareness of LMRLAC. The list of crossings would then be available if funds become available to address them.

Geoff asked about what kind of impediment would be considered – for example, does the force of flow and changes which would increase flow rate be considered an impediment. Kath replied that it's generally a physical impediment; for example, a hanging culvert or dam.

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Nelson suggested that assessing flow continuity is a seasonal issue and that field work may have to take place multiple times over the course of the year, depending on stream flow.

Michael C. stated he is a member of the Merrimack Valley Trout Unlimited chapter and expressed that the group would be open to help with such a project. He mentioned the 'Embrace a Stream' program, which is a grant to fund stream assessments. Kath suggested we may be able to get some synergy between the two groups to perform the effort. Michael C. will give Kath contact information.

Geoff commented that he had contacted Amoskeag Fishways recently to about observing alewife at the fish ladder and was informed that nothing has been seen yet this year, either in Manchester or in Lawrence.

Kath suggested if members have other ideas of projects that NRPC can support to suggest them for the next meeting. Kath will send info on this suggestion to Jill and will include Kerrie Diers, NRPC Executive Director.

NH Rivers Program – Funding Issues

Kath summarized the DES budget status: because the rivers program is not funded by permits, it is vulnerable to changing budget priorities at the State level. She explained the NH House zero funded the rivers program; the Senate included funds but at a level that will lead to staffing cuts. The bottom line is that the proposed budget essentially results in combining the Rivers and Lakes Management programs. The budget goes to a Committee of Conference to come up with a budget that both the House and the Senate will approve. Kath stated we don't know yet how it will affect the LACs; the administrative part may get harder – for example, it may take longer to get appointments or re-appointments through the process at the state level. Michael R. stated Steve Couture, NHDES Rivers Management and Protection Program Coordinator, is our advocate at DES.

Nashua – Bridge St. Renaissance Downtowns Project

Kath quoted from a story that ran in the Nashua Telegraph on May 22 stating that Renaissance Downtowns had opened an office on Main Street in Nashua and scheduled an open house for Wednesday, May 25. The proposed project is located on about 30 acres near the confluence of the Nashua and Merrimack Rivers and will involve retail shops, apartments and condominiums. The story included a contact person; Kath will contact the person regarding LMRLAC's interest in having public pedestrian access to the Merrimack River in that area and LMRLAC's interest in general within the quarter-mile corridor.

Geoff mentioned he understands that either a falcon or a hawk is currently nesting in that area near the river.

Local Updates

Merrimack – PSNH Thornton and Eagle Substation Project

Geoff asked whether Kath had heard anything new about the PSNH substation project in Merrimack; Kath indicated she had not. Nelson indicated he believes there are a few minor things left to address and then the plan will be signed off. He indicated PSNH is mitigating the project in the wellhead area in Merrimack.

Geoff asked about whether LMRLAC could monitor construction. Kath replied that people cannot trespass on the construction site, but if there is a public place from which to observe the status of construction, that can be done. If someone observes an issue, then that issue should be elevated to the enforcement party and to LMRLAC. Geoff expressed his concern about the impact of the project on the existing floodplain forest on the site.

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Water Sampling

Ms. Sales indicated MRWC plans to start sampling on the river in two to three weeks. She also explained that the MRWC conducted some intensive monitoring last year, sampling and posting information on water quality for public visibility. She stated that the MRWC wants to extend the intensive monitoring this year, if funding permits, and asked for feedback on where people use the river in the member towns.

Members suggested several locations: Moore's Falls and the Nesenkeag Brook area in Litchfield, the boat launches at Depot Street and Greeley Street in Merrimack, Merrill Park in Hudson, the Independence Rowing Club site and the Greeley Park boat launch in Nashua. Nelson also mentioned the swimming site on the Souhegan River at Watson Park. Members indicated they were not certain how much Merrill Park or the Greeley Park boat launch are currently used.

Ms. Sales mentioned that the MRWC samples on a monthly basis from May to October, and understands that Souhegan/Merrimack monitoring occurs every two weeks in June and July; she'd like to coordinate the sampling without overlap when possible.

Membership Status

Karen's appointment has been renewed for a 3-year term to expire on May 17, 2014. Michael Croteau has applied for appointment and his paperwork is at DES.

Upcoming Meetings

Members briefly discussed the possibility of having one of the summer meetings at a more social setting.

Jill Longval, Environmental Planner at NRPC, will attend the June 23 LMRLAC meeting to discuss some grant or funding opportunities.

Meeting adjourned 8:55pm.

Next meeting is currently scheduled for Thursday, June 23, 2011, at 7pm at the Nashua Public Library.

Respectfully submitted,
Karen Archambault
secretary