

**Members:**

- ✓ = present

**Current:**

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

**Pending Renewal:**

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

**Associate Members:**

- Mildred Mugica – Nashua

**Also in attendance:**

- None

The meeting was called to order at 7:04pm in the Music/Art/Media section at the Nashua Public Library by Vice Chair Kath Nelson. Kath stated that she'd heard from Jim and from Bob that they would not be able to attend the meeting.

**Membership**

Kath acknowledged new members Nelson Disco and Michael Redding, both of Merrimack, recently appointed to 3-year terms. Kath also acknowledged returning member George May, whose membership has been renewed for a 3-year term.

Members briefly discussed the current lack of representation from Litchfield.

**Minutes**

The minutes of the December 9, 2010 meeting were approved without changes.

**Elections**

Kath mentioned that LMRLAC's election of officers is scheduled to take place in March. Karen stated she would send out copies of the by-laws to all members for reference. Kath encouraged new members to review the by-laws and to offer comments on improvements or changes.

**Rivers Management Advisory Committee**

Kath stated that she is a member of the RMAC, a stakeholder group with representation from several interests that reviews and makes recommendations on river nominations, state land transfers within Designated River corridors, and river-related proposed legislation and rules. Kath serves on the legislative subcommittee that reviews and makes recommendations on proposed river-related legislation to the RMAC. The RMAC submits a recommendation on each piece of river-related legislation, as does DES.

Kath discussed with members the legislation tracking sheet used by the subcommittee, and offered to send a summarized version of it to LAC members. Kath briefly highlighted several

## **LMRLAC – January 27, 2011**

Legislative Service Requests (LSRs) proposed for the 2011 legislative session related to changing or repealing the Comprehensive Shoreland Protection Act. Kath will continue to keep LAC members informed, and encouraged members to contact legislators on the legislation. Kath and George mentioned that Chris Christensen of Merrimack is on the Resources, Recreation and Development Committee.

Kath mentioned that four of the first bills before the Legislature are for designating four new river segments: the Mascoma River, the Oyster River, the Lower Exeter/Swamscott River, and the Lamprey River. She mentioned that the Lamprey River application takes a watershed approach, which includes tributaries. Kath explained that fourth order streams are already included under CSPA jurisdiction. Since all Designated Rivers are included as well, the Lamprey River watershed approach would bring streams smaller than fourth order under CSPA jurisdiction. Kath also mentioned that the Lamprey River application is getting some pushback from the town of Durham due to instream flow rules that apply to Designated Rivers.

Kath informed members that the application process has taken about two years to date.

George suggested that the applications may be getting more attention because there are four of them, all at once.

Kath and George pointed out that a portion of the Lamprey River is a federally designated Wild and Scenic River.

Kath also mentioned a proposed bill to extend the instream flow pilot program one more year. The Souhegan and Lamprey Rivers currently have the two pilot programs. George stated that the Souhegan program is going well but taking longer than expected. He stated the Milford Fish Hatchery was the only potential issue, and stated that the Souhegan River doesn't appear to have a problem with water withdrawals.

Members briefly discussed the instream flow pilot program. The purpose of the pilot program is to understand how to manage river flows and balance competing interests, and to develop a management plan. The program includes an inventory of fish and development of water flow level and duration triggers that indicate a critical level of stress on the fish. The belief is that coming up with instream flow rules that will protect the fish will also protect other species in the river. The rules that come out of the pilot program would be expected to go to the Legislature next year. George suggested that perhaps the pilot program would be extended again next year. Kath speculated that the finding for the pilot program might not support further extension.

Kath will send around a summarized copy of the legislative tracking spreadsheet.

Members briefly discussed the proposed Northern Pass project that would run power lines through the North Country to bring electricity from Hydro-Quebec to New Hampshire. Kath commented that the Northern Pass project has not come before the RMAC so far.

### **DES Water Quality Standards**

Michael is on the committee working on changing the water quality standards and summarized the work the committee is doing. He stated that the focus last year was to get the water quality standards language in line with the federal Clean Water Act. This year, the committee wants to look at the standards more deeply.

Kath mentioned she had heard that the approach taken might be to have different standards for lakes versus rivers. Members briefly discussed whether this approach might cause rivers to have lower water quality standards than lakes. Kath and George both stated the desire for the Merrimack and the Souhegan to have water quality standards at the swimmable level.

## **LMRLAC – January 27, 2011**

Members briefly discussed the challenge of determining water quality standards, how to determine impaired, or nearly impaired, water bodies, and how to regulate water quality. Michael commented that one reason for the work on water quality standards is to avoid the situation where the quality gets so bad that the EPA has to step in to regulate the water body.

Kath thanked Michael for serving on the committee and for filling in the LAC on its work and asked him to let LMRLAC know if there is something the LAC can help with or should know.

### **NRPC Staff**

Kath informed the members that Jill Longval is now the Environmental Planner at NRPC and will serve as LMRLAC liaison. Kath will invite Jill to attend an upcoming LMRLAC meeting.

### **New Stream Crossing Regulations**

Karen mentioned that she attended one of the information/training sessions in October and showed a copy of the handout from the meeting. Streams are classified as Tier 1, 2, or 3, and the proposed work is classified by impact level. The link to the presentation, current as of the generation of these minutes:

<http://des.nh.gov/organization/divisions/water/wetlands/documents/stream-rules-presentation.pdf>

### **Application Comment Process**

Kath brought up an e-mail from Steve Couture, asking about LAC notification, in particular about expedited permits, and how the LAC feels the process is working. Kath mentioned that she considers the LAC interaction as a form of outreach, and prefers the LAC have the opportunity to comment on projects, regardless of size. George commented that he often has to 'chase down' applicants for projects on the Souhegan because of insufficient information with the application.

Members discussed possible ways the process could be streamlined or improved, including the possibility of electronic submission of applications to the LACs. Members discussed the possibility of electronic review and comment to improve the turnaround time, but expressed concerns about the legality of decision making via e-mail.

Kath will give feedback to Steve Couture that the LAC wants to be able to comment and wants to be aware of what's happening along the river, and that the process is working better now with the standard operating procedure, but that we need consistent documentation and notification in order to provide comments.

### **Proposed PSNH Thornton and Eagle Substations, Merrimack**

LMRLAC has not yet received feedback from the comments submitted on the applications for this project. Nelson commented that PSNH has postponed their appearance at the Merrimack Planning Board to present the project more than once. Kath will contact Andy Powell with the Merrimack Conservation Commission to find out the status of mitigation options.

### **Miscellaneous**

Kath offered to contact William Keating, City of Nashua Wastewater Project Engineer, to get an update on Nashua's Combined Sewer Overflow (CSO) project. Members briefly discussed the process of removing or reducing CSOs in general and expressed some concern that one approach taken is to send the stormwater runoff into smaller streams, and wondered whether occasional slugs of CSOs into larger streams are any worse than more frequent discharge to smaller streams. George commented that the water testing over the years indicates that the Merrimack River has gotten cleaner over the last 20 years, at least for the tests performed.

## **LMRLAC – January 27, 2011**

Kath mentioned the recent notification from Enel that the dam level would be lowered for maintenance. She asked David whether it looked like the river had dropped. David estimated that the river had dropped a couple of feet, but not the full board height.

Members also wondered about the status of the application for replacing the flashboards with the Crestgate bladder system. David and Karen mentioned reading a recent Boston Globe article about the dam, which focused on historic concerns. George suggested LMRLAC contact Enel. Kath will contact Kevin Webb at Enel for an update.

Michael is waiting to hear whether LACs can have free table space at the upcoming NH Water and Watershed Conference in March.

George suggested minutes be sent to the Merrimack River Watershed Council on a regular basis. Kath will forward the minutes this month to Tracie Sales, MRWC Water Resources Manager, and ask if the MRWC would like to be included on distribution.

NRPC does not currently list the LMRLAC members. Nelson suggested individual names could be listed with their town. Kath suggested members think about whether they have concerns with the full committee membership being listed on the site.

Nelson informed members that Walter Warren, Merrimack Community Development Director, had passed away unexpectedly earlier in the day. Members expressed their sadness at this news.

Meeting adjourned 8:56pm.

Next meeting is currently scheduled for Thursday, February 24, 2011, at 7pm at the Nashua Public Library.

Respectfully submitted,  
Karen Archambault  
secretary