

**Lamprey River Advisory Committee
Meeting Minutes December 19, 2019**

Public Safety Complex, 20 George Bennett Road, Lee, NH 7:00 P.M.

APPROVED JANUARY 21, 2020

members present: Al Hall (Candia), Anne Lightbody, Dick Lord, Ric Raymond (Durham), Joe Foley (Epping), Kitty Miller (Lee), Jerry Martin (Newmarket), Therese Thompson (Nottingham)

staff present: Suzanne Petersen

absent: Cris Blackstone, Mary Ann Krebs, Carolyn Matthews, Emily Schmalzer, Ann Scholz, Jason Settineri, Michelle Shattuck, John Wallace

summary of motions passed:

- **Anne Lightbody made a motion to table the vote on hiring a consultant for strategic planning until the proponent is present. Al Hall seconded. Motion passed unanimously.**
- **Al Hall made a motion to adopt the Procedure for Lamprey River LAC for Waiving Right of Intervention on Wetlands Notification, Registration, and Applications, with Chairman Joe Foley as the designated signatory. Therese Thompson seconded. Motion passed unanimously.**
- **Al Hall made a motion to support Ric Raymond to explore the idea of a Lamprey River Watershed report card. Anne Lightbody seconded. Motion passed with 7 yes votes and 1 abstention.**

Meeting began at 7:03.

presentation by Charlie Xue: water quality trends: phosphorus and heavy metals:

- Data from 112 sampling stations throughout the watershed, excluding saltwater portions, were analyzed.
- phosphorus:
 - NHDES does not have a maximum allowable concentration for phosphorus. NHDES recommendations were used for guidance.
 - Flux is higher in spring than in fall, following seasonal precipitation patterns.
 - No significant trend over time was discerned, but storms have been found to re-suspend phosphorus that settles into sediment. Most samples were below the NHDES recommended limit.
- heavy metals:
 - aluminum: Only one exceptionally high exceedance occurred in 1993 in Epping. Trend since then has been for a linear decrease over time.
 - copper: Highest concentrations were recorded in 1990, with a steady decrease since then. Candia station downstream of the landfill had high concentrations prior to 2000, but now all samples are very low.

- zinc: High concentrations below Candia landfill were recorded prior to 2000, now very low.
- Lead, nickel, cadmium, chromium, iron, and mercury were analyzed, but data were insufficient for proper trend analysis.
- recommendations: more frequent monitoring in spring or during floods to see if accumulations in sediment are being re-suspended.

approval of minutes from November 19, 2019:

Dick Lord made a motion to approve the minutes as presented. Al Hall seconded. Minutes were approved unanimously.

financial report:

All statements were reviewed and everything was found to be in order.

outreach update:

- Two videos featuring David Carroll are well underway and nearing completion.
- The website is aging and might not be supported by current technology much longer. Other websites are being reviewed and design priorities will be gathered.

history and recreation updates: No changes to previous reports.

wildlife update:

NHFGD reports that the Blanding's turtle nest site project off Route 108 has been completed. Three nest sites were created by opening the canopy and hauling in sand for nesting substrate. NHFGD personnel are continuing to monitor the sites using time-lapse cameras during nesting season.

project review:

No new projects were reviewed in December. One culvert replacement projects in Lee will be discussed on January 2.

LRWA update: Not applicable.

town updates:

- Nottingham: Pawtuckaway Lake Association will be working with NHDES to apply for an invasive aquatic weed grant.
- Durham: The town is looking at potentially modifying Mill Pond upstream of the Oyster River Dam. The Oyster and the Lamprey are conjoined via Hamel Brook.

new office:

Old office space has been vacated. Bulky items are in a storage locker. All other materials have been moved to the Loft. Two strong metal shelving units have been installed.

follow-up on offer to videotape LRAC meetings:

It was recognized that the public can come and videotape any public meeting. Some members expressed apprehension about being videotaped and televised. Members reached a consensus that LRAC does not wish to invite videotaping of its meetings.

follow-up to proposal to hire a consultant for strategic planning:

Carolyn's proposal to hire a consultant to assist with planning, membership, and other tasks was briefly discussed. It was decided to table the proposal until Carolyn could be present. **Anne Lightbody made a motion to table the article on hiring a consultant for strategic planning until the proponent is present. Al Hall seconded. Motion passed unanimously**

revised NHDES wetland permit rules and waivers:

Applicants for permits-by-notification and other low-impact projects are now required to submit applications to LACs for review. In turn, LACs will be required to waive their right to review with very quick turn-around or force applications to a higher, standard wetland application process. If LACs do not sign off, NHDES must assume a full review is needed. This has the potential of putting LACs in a position of delaying small, routine jobs and causing a backlash from applicants.

In response to concerns from LAC representatives, NHDES has created a process for a designated representative from each LAC to waive the right of intervention on low-impact wetlands notifications, registrations, and applications. This process has been cleared by NHDES legal counsel.

Al Hall made a motion to adopt the Procedure for Lamprey River LAC for Waiving Right of Intervention on Wetlands, Notification, Registration, and Applications, with Chairman Joe Foley as the designated signatory. Therese Thompson seconded. Motion passed unanimously.

Lamprey River Report Card Development Project Proposal:

Ric Raymond provided written proposals for all to review. The overall purpose is to enable workgroups to measure the results of their efforts to accomplish goals and better plan for future projects. As currently envisioned, the project would evaluate 4-6 categories throughout the watershed and be completed in one year, with subsequent updates annually. The estimated cost of this is \$37,000.

Key discussion points:

- The budget will not allow \$37,000.
- Work in the full watershed might help promote the idea of full watershed designation as Wild and Scenic.
- There are multiple opportunities to engage UNH students and NH State departments.
- Opportunities to leverage existing LRAC work might be available.

- Ric is eager to take this on, both to help him understand the LRAC and its issues, and to work with representatives from NH agencies and towns.
- The SuAsCo Wild and Scenic River group in Massachusetts spent \$50,000 over two years on its report card and engaged many, many people.
- Ric is not looking for specific help right now and has no specific categories that he feels should be included. Ric wants to engage in researching available sources of information and resources that are publically available.
- At this preliminary stage of the project he is basically looking for the committee's support to pursue it in more depth and was not asking for funding.
- **Al Hall made a motion to support Ric Raymond to explore the idea of a Lamprey River Watershed report card. Anne Lightbody seconded. Motion passed with 7 yes votes and 1 abstention.**

land protection:

Dick Lord excused himself and left the room.

Joe Foley noted that a financial commitment to support a project in Durham that was made last December that will be coming to an end on December 31, 2019. The project encountered a few issues over the last year, but the likelihood of its imminent success is excellent. He recommended that the terms of the commitment be extended for another three months. **Al Hall made a motion to amend the terms of financial assistance for a land protection project in Durham by extending the deadline for completion by three months. Kitty Miller seconded. Motion passed unanimously.**

other:

- The next outreach, rec, history, and wildlife meeting scheduled for January 1, 2020 will be moved to January 8, 2020.
- The next project review meeting will take place on January 2.

adjournment:

Anne Lightbody made a motion to adjourn. Al Hall seconded. Meeting was adjourned at 9:05.

ATTACHMENTS:

Waiving Right of Intervention on Wetlands, Notification, Registration, and Applications

Adopted: 12/19/2019

Introduction

Under the Rivers Management and Protection Act, RSA 483:8-a III, Local River Management Advisory Committees (LACs), including the subcommittees of the Connecticut River Joint Commissions, have been given the duty of reviewing permit applications for projects with the potential to impact the resources for which the river was designated. Specifically:

RSA 483:8-a III. The duties of such committees shall be:

(b) To consider and comment on any federal, state, or local governmental plans to approve, license, fund, or construct facilities or applications for permits, certificates, or licenses, that may alter the resource values and characteristics for which the river or segment is designated.

Under the wetlands rules Env-Wt 100-900 effective December 15, 2019, LACs are asked to both review standard permit applications for projects proposed within the relevant designated river corridor as well as to waive the LAC's right to intervene on many proposed minimum impact projects within the designated river corridor.

As government instrumentalities, LACs are required to follow RSA 91-A, commonly called the Right-to-Know Law. Fulfillment of both RSA 91-A and RSA 483 under the wetland rules effective December 15, 2019 requires the LAC to review proposed wetland projects during an appropriately noticed public meeting. Volunteer LACs meet at most once per month, which means that applicants must wait until the LAC meets in order to obtain the required signature on Statutory Permit-by-Notification, Routine Roadway registration, and Permit-by-Notification forms.

Purpose

This document outlines the policy and procedure under which the Lamprey River LAC shall sign wetland permit, notification, and registration forms for certain types of minimum impact projects proposed within the designated river corridor that the Lamprey River LAC has determined are unlikely to impact the designated river if performed in compliance with the permit, notification, or registration requirements. The signature indicates the LAC has waived its right to intervene on the project as proposed.

Applicability

The procedure outlined below shall apply to the following wetland application forms for projects located within LAC jurisdiction:¹

Statutory Permit-by-Notification:

- Culvert Repair-Replacement (NHDES W-06-033)

¹ "LAC jurisdiction" means the authority conferred by RSA 483:8-a, III upon a local river management advisory committee relative to activities within a designated river or river corridor, provided that for purpose of routine roadway maintenance activities conducted under an SPN, registration, PBN, or EXP, LAC jurisdiction shall be limited to activities in or within 250 feet of a Tier 2 or Tier 3 designated river that have a direct surface water connection to the designated river. (Env-Wt 103.27)

- Seasonal Dock for Lakes and Ponds (NHDES W-06-035)
- Utility Maintenance (NHDES W-06-042)

Routine Road Maintenance Registration:

- RR-1: Culvert Replacement or Repair (NHDES W-06-033-A)
- RR-2: Culvert Extension (NHDES W-06-033-B)
- RR-3: Culvert Relocation (NHDES W-06-033-C)
- RR-4: Embankment Stabilization (NHDES W-06-033-D)
- RR-5: In-kind Headwall Repair (NHDES W-06-033-E)
- RR-6: Headwall Construction (NHDES W-06-033-F)
- RR-7: Roadside Ditch Maintenance (NHDES W-06-033-G)
- RR-8: Culvert Inlet and Outlet Maintenance (NHDES W-06-033-H)
- RR-9: Temporary Scaffolding (NHDES W-06-033-I)

Wetlands Permit-by-Notification (NHDES W-06-027):

All 21 Project Types

Expedited Minimum Impact Permit (NHDES W-06-052)

Procedure and Modification

For each wetlands application form listed above that is presented to the LAC for projects that lie within LAC jurisdiction, the Lamprey River Local Advisory Committee will sign the form with the understanding that a project which meets the requirements of the permit, notification, or registration will have little or no impact on the Lamprey River.

In order to prevent delays in the applicant's permitting process, the Lamprey River Local Advisory Committee has authorized Chair of the LRAC project Review Comm.(currently Joe Foley) to sign the wetlands application forms listed above on behalf of the committee outside of a public Lamprey River LAC meeting.

The authorized signatory will report to the LAC on any forms signed on behalf of the LAC at the next regularly scheduled meeting.

The above procedures were approved by a vote of a quorum of the Lamprey River LAC on 12/19/2019. Any modification of this procedure, the authorized signatory, or the list of application or form types to which this procedure applies will require approval by a quorum of Lamprey River LAC members.