

Becky Thompson

From: Finlay Rothhaus
Sent: Wednesday, October 26, 2022 12:26 AM
To: Paul Micali; Becky Thompson; Nancy Harrington; Tom Koenig; Andy Hunter; Nancy Murphy; Barbara Healey; Lon Woods
Subject: Fwd: Merrimack Representation on the Lower Merrimack River LAC
Attachments: image001.gif; image002.gif; 2022 LAC Members_Merrimack Town Council.pdf; LAC Nomination Form .docx; Rivers Program Fact sheet.pdf

Please place this on an agenda when possible. Thanks

Begin forwarded message:

From: "Rafferty, Meaghan" <Meaghan.Rafferty@des.nh.gov>
Date: October 24, 2022 at 4:10:43 PM EDT
To: Finlay Rothhaus <frothhaus@merrimacknh.gov>
Subject: Merrimack Representation on the Lower Merrimack River LAC

Dear Chairman Rothhaus,

Please pass this along to the Town Councilors. Attached is a letter from NHDES Commissioner Robert Scott regarding Merrimack's representation on the Lower Merrimack River Local Advisory Committee (LAC). We welcome the nomination of up to two members to serve on the Lower Merrimack River LAC on behalf of the town, and are attaching the nomination form for your convenience, along with a fact sheet about the designated river program.

If you have any questions about the Lower Merrimack River LAC, please contact Fran Murphy, Chair, at Fmurphy@shaheengordon.com or (603)-566-6713. For questions about the New Hampshire Rivers Management and Protection Program, please contact Tracie Sales, Rivers and Lakes Programs Administrator, at Tracie.Sales@des.nh.gov or at (603) 271-2959.

Thank you,

Meaghan

Meaghan Rafferty
Rivers and Lakes Programs Assistant
Rivers and Lakes Management and Protection Programs
Watershed Management Bureau, Water Division
NH Department of Environmental Services
29 Hazen Drive, P.O. Box 95
Concord, NH 03302-0095
(603) 271-1522
Meaghan.Rafferty@des.nh.gov

[Follow us on Twitter!](#)

[Like us on Facebook!](#)



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

October 18, 2022

Finlay Rothhaus, Chair
Town Council
Merrimack Town Hall
6 Baboosic Lake Road
Merrimack, New Hampshire 03054

Dear Chair Rothhaus and Town Council Members:

In June of 1990 the State Legislature designated the Lower Merrimack River as a protected river under the New Hampshire Rivers Management and Protection Program (RMPP). When the designation became effective, the Lower Merrimack River joined a select group of rivers designated under the RMPP. Designation calls for protection and management of New Hampshire's outstanding rivers through a two-tiered approach: *state* protection of instream values combined with *local* management of riparian lands. The RMPP is administered by the New Hampshire Department of Environmental Services (NHDES) under RSA 483.

Shortly after the river's designation, a Lower Merrimack River Local Advisory Committee (LAC) was formed to give the local communities a voice in the management of the river that flows through their cities and towns. The Lower Merrimack River LAC has been comprised of a small but dedicated group of individuals who have successfully promoted and protected the river. The LAC has participated in river cleanups and education efforts, collected water quality data, and advocated for public access to the river. Members continue to review state permit applications for projects adjacent to the river, giving communities a local voice in the state permitting process.

The Lower Merrimack River LAC has begun work on a community-driven process to update its river corridor management plan to guide concerted actions along the river. These plans are authorized by RSA 483:10 and do not have regulatory effect unless implemented through properly adopted municipal ordinances. However, management plans are a powerful tool to guide the protection of the important and unique public values for which the river was designated. As the LAC embarks on this project, we want to ensure that the Town of Merrimack is fully represented on the committee. One of the strengths of the RMPP is its reliance on the active involvement of local citizens and the participation of each of the riverfront communities.

NHDES is now seeking your help to identify up to two individuals interested in serving on the Lower Merrimack River LAC to represent the Town of Merrimack. Merrimack is currently represented by longtime members George May and Nelson Disco, but the town may have up to four representatives. The duties of the Local Advisory Committee under RSA 483:8-a are four-fold and include:

- a. To advise me as Commissioner, the statewide Rivers Management Advisory Committee, and the municipalities through which the designated river flows, on matters pertaining to the management of the river.

- b. To consider and comment on any federal, state, or local government applications or plans to approve, permit, license, fund, or construct facilities that would alter the resource values and characteristics for which the river or river segment is designated.
- c. To develop or assist in the development and adoption of local river corridor management plans. The local planning board may adopt such plans pursuant to RSA 675:6 as an adjunct to the local master plan adopted under RSA 674:4. No such plan shall have any regulatory effect unless implemented through properly adopted ordinances.
- d. To report biennially to the statewide Rivers Management Advisory Committee and me, and annually to municipalities, on the status of compliance with federal and state laws and regulations, local ordinances, and plans relevant to the designated river and corridor.

LAC members must be New Hampshire residents and are nominated to the committee by the municipality they represent. These nominations are then confirmed by the statewide Rivers Management Advisory Committee. Members represent a broad range of interests including, but not limited to, local government, business, conservation, recreation, agriculture, and riparian landowners (those who own property adjacent to the river). Each member serves a term of three years. In the past, NHDES has found municipal officials - including planning board members, conservation commissioners, and members of the town council - to be valued and dedicated LAC members.

Please find attached a [Local River Management Advisory Committee Nominee Form](#) for your convenience.

NHDES appreciates your anticipated cooperation and participation in these efforts to protect and manage New Hampshire's rivers. Local Advisory Committees play a key role in the state-local partnership that is one of the cornerstones of the Rivers Management and Protection Program. Please contact Tracie Sales, Rivers and Lakes Programs Administrator, at 271-2959 if you have any questions regarding the RMPP or the nomination process.

Sincerely,



Robert R. Scott
Commissioner

Attachment

cc: Steve Perkins, Chair, Merrimack Conservation Commission
Robert Best, Chair, Merrimack Planning Board
Francis Murphy, Chair, Lower Merrimack River LAC
Tracie Sales, Rivers and Lakes Programs Administrator, NHDES



LOCAL RIVER MANAGEMENT ADVISORY COMMITTEE NOMINEE FORM



New Hampshire Rivers Management and Protection Program

RSA 483:8-a

Please complete both sides of this form and email to riversprogram@des.nh.gov. Please type "NOMINEE FORM" and nominee's name in the subject line. Forms can also be sent by mail to: Rivers Coordinator, NHDES, 29 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095. For questions please contact the Rivers Coordinator at 271-2959.

Nominee Information

Nominee Name:		Date:
Street Address:		
Town:		Zip Code:
Phone (home):	Phone (cell):	Phone (work):
Email:		

Nomination Information

Type of Appointment -			<input type="checkbox"/> New Appointment	<input type="checkbox"/> Reappointment
River Name:				
Type of Representation -		Municipality:	Other:	
Please state your interest(s) in serving on the Local River Management Advisory Committee:				
<input type="checkbox"/> Local Government	<input type="checkbox"/> Conservation	<input type="checkbox"/> Agriculture		
<input type="checkbox"/> Business	<input type="checkbox"/> Recreation	<input type="checkbox"/> Riparian Landowners		
<input type="checkbox"/> Other, please specify: _____				

Board of Selectmen or Authorized Signature(s) – REQUIRED (e-signature acceptable)

Name:	Title:
Name:	Title:
Name:	Title:
<i>Note: By statute, the New Hampshire Rivers Management Advisory Committee appoints the Local River Management Advisory Committee (LAC) members for each Designated River from nominees submitted by the local governing bodies through which the Designated River flows (RSA 483:8-a).</i>	

(603) 271-2959 riversprogram@des.nh.gov

PO Box 95, Concord, NH 03302-0095

www.des.nh.gov

Additional Information

Please include a short description of your relevant background knowledge of local river-related issues or general river management and protection:

Most Local Advisory Committees engage in a variety of activities. Reviewing those activities listed below, please check those that are of most interest to you:

- Grant Writing Public Education Committee Administration
 Event Organization Public Relations Management Plan Preparation/Implementation
 Other, please specify:
-

Most Local Advisory Committees meet monthly. In some cases they may meet more frequently to complete specific tasks, while in other cases your attendance may not be required at all meetings. Please check one of the boxes below to indicate your availability to attend regularly scheduled meetings:

- I can attend monthly meetings on most weeknights
 I can attend monthly meetings only if scheduled on a specific weeknight
 I can only attend a limited number of monthly meetings
 I cannot attend monthly meetings, but am willing to complete tasks on behalf of the Committee

For NHDES Office Use Only

LAC Member List and Contacts Database updated (date):
LAC Chair and Nominee have been contacted regarding nomination on (date):
RMPP Staff recommends appointment to the Rivers Management Advisory Committee -
<input type="checkbox"/> Approve RMPP staff: _____ Date: _____
Appointment confirmation sent to municipality and LAC Chair on (date):

(603) 271-2959 riversprogram@des.nh.gov
PO Box 95, Concord, NH 03302-0095
www.des.nh.gov

Appointment letter and information packet sent on (date):

ENVIRONMENTAL Fact Sheet



29 Hazen Drive, Concord, New Hampshire 03301 • (603) 271-3503 • www.des.nh.gov

R&L-2

2019

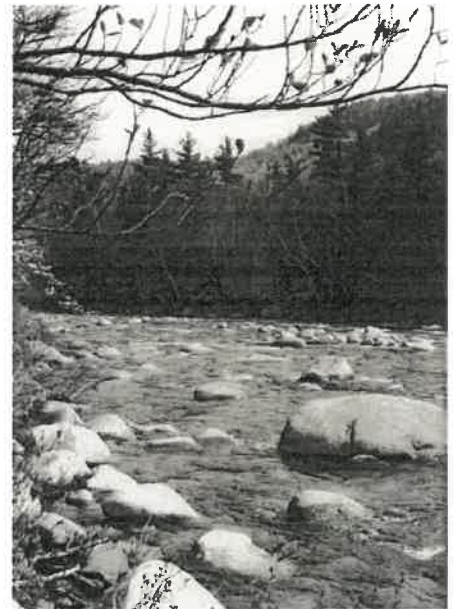
The New Hampshire Rivers Management and Protection Program

New Hampshire's Rivers

From the long, wide Connecticut River, which forms the western boundary of our state, to the short, steep Wildcat Brook in Jackson, New Hampshire's rivers and streams are widely recognized for their outstanding values and diversity. Throughout the years, these rivers have provided a home for a variety of plants and animals, turned the turbines that powered our mills and factories, served as vital transportation routes and recreation areas, and graced our state with their scenic beauty.

Today our rivers are in even higher demand. Rivers are dammed and diverted to provide public drinking water, flood protection, and hydro-electric power. Growing populations have led to increasing riverfront development and use of our rivers for waste assimilation. Free-flowing rivers are valued for fishing, boating, and nature study.

In 1988, the state Legislature responded to the increasing and competing uses of our rivers by creating the New Hampshire Rivers Management and Protection Program (RMPP). The purpose of the program is to protect our state's significant river resources for the benefit of present and future generations through a unique combination of state and local resource management and protection.



The Program

The Rivers Management and Protection Act of 1988 (RSA 483) established a statewide rivers program based on a unique cooperative approach: *State* designation of significant rivers to manage and protect the river's values and characteristics and *local* development of river corridor management plans for shorelines and adjacent lands to protect river resources. The RMPP is administered by NHDES and is staffed by a Rivers Coordinator. The act also established the statewide Rivers Management Advisory Committee (RMAC) and the river-specific Local River Management Advisory Committees (LACs). RMAC members represent a wide range of river interests and work closely with NHDES in an advisory capacity on statewide river issues while LAC members focus on grassroots-level protection efforts on each river.

State Designation

Nomination: A river or river segment may be nominated for state designation by any citizen or organization in the State. Sponsors must submit a description of the river's values and characteristics to the Commissioner of

New Hampshire Department of Environmental Services (NHDES). Each river nomination is evaluated by the NHDES Commissioner to ensure that the river's designation would be consistent with the purpose of RSA 483. If the commissioner determines that the river or river segment meets the criteria in RSA 483:6, the nomination is forwarded to the State legislature.

Legislative Action: The final step in the designation process is the State legislature's consideration of a bill to designate the nominated river. When the bill is passed and signed by the governor, this formally designates the river into RMPP. Each designated river is protected and managed to maintain and enhance instream river values such as water quality and instream flows.

Local Implementation: An important and unique feature of the RMPP is the opportunity for municipalities to participate, through the LACs, in multi-town river corridor planning and implementation efforts. A LAC is appointed for each designated river. Each LAC is comprised of RMAC-appointed representatives from the riverfront municipalities and is responsible for developing a local river corridor management plan and reviewing and commenting on activities affecting the river that require local, state or federal permits. The river corridor includes the river and the land area located within 1,320 feet of the normal high water mark or to the landward extent of the 100-year floodplain as designated by the Federal Emergency Management Agency, whichever distance is larger. LAC representatives come from a broad range of interests including, but not limited to, local government, business, conservation, recreation, agriculture and riparian landowners. This diversity helps bring a variety of perspectives to bear on resource protection and development issues. Because the river corridor management plan is locally developed and implemented, it reflects the specific needs of the individual river combined with the interests and concerns of local citizens. NHDES provides technical assistance to LACs on corridor management planning and other issues.

Protected Rivers

As of 2018, there were 19 rivers or river segments included in RMPP, resulting in more than 1,000 miles of designated rivers in the state. The designated rivers include:

Ammonoosuc River	Merrimack River (Lower)
Ashuelot River	Merrimack River (Upper)
Cocheco River	Oyster River
Cold River	Pemigewasset River
Connecticut River	Piscataquog River
Contoocook & North Branch Rivers	Saco River
Exeter & Squamscott Rivers	Souhegan River
Isinglass River	Swift River
Lamprey River Watershed	Warner River
Mascoma River	

Questions and Answers

How does a designation protect a river?

The RMPP provides certain instream protection measures for designated rivers and a river classification system to match general river characteristics with the specific protection measures. According to RSA 483:7-a, rivers can be classified as natural, rural, rural-community, or community. For each river classification, State law establishes specific protection measures which pertain to structures and activities within the river; these include dams, hydroelectric energy facilities, channel alterations, maintenance of water quality, protected instream flows, inter-basin water transfers, and recreational uses of those river segments classified as "natural." The specific protection measures that pertain to the river corridor include the siting of solid and hazardous waste facilities. See factsheet *R&L-14, Protective Measures for Designated Rivers* for a summary of protections provided for designated rivers by classification.

In addition, as of 2008, designated rivers benefit from the protective measures of the Shoreland Water Quality Protection Act, RSA 483-B, regardless of the size of the river. Therefore, while all fourth order and higher rivers in New Hampshire are subject the Shoreland Act, first, second, and third order streams that have been designated into the RMPP, with the exception of the first through third order designated river segments in the Lamprey watershed and the first through third order portions of the Oyster River, are also protected under RSA 483-B. For first, second and third order river segments designated after 2015, jurisdiction of the Shoreland Program is limited to the land area within 50 feet of the river's normal high water mark. Factsheet *R&L-15, Application of Shoreland Protections to Designated Rivers* describes the river protections afforded by the Shoreland Program.

What does the RMPP provide that is not offered by other existing State laws and programs?

River designation increases public awareness of the river and creates a local community planning and management effort centered specifically on the river and its resources. The establishment of a LAC creates a forum for multi-town and multi-interest coordination of efforts to protect and manage valuable river resources and creates an incentive for the riverfront communities to adopt and implement local river corridor management plans. The plans include recommendations regarding the use and conservation of the shoreline and adjacent lands within the river corridor. The plans shall not have any regulatory effect unless implemented through properly adopted local ordinances.

Designation can also promote public interest and a sense of respect or stewardship for the river and its resources by the citizens and local officials in the adjacent communities. As a result, future development is more apt to take place in a manner which assures that the valued river resources are maintained. A state designated river may also be targeted by various assistance programs, thereby increasing the probability that the efforts of various local river interests will be successful.

Will designation affect local land use control in the river corridor? (Are my rights as a riverfront landowner in jeopardy?)

By law, the only land use protection measures that are added with a river designation are those for solid and hazardous waste facilities, and, for first, second and third order streams, those described in the Shoreland Water Quality Protection Act. The Rivers Management and Protection Act strengthens existing waste management regulations along designated rivers, and the Shoreland Act protects water quality and personal property by establishing buffers and setbacks for new construction. There are no other development restrictions in the Rivers Act; what is a local decision before a river is designated is a local decision following designation. The Act specifically states "...notwithstanding the provisions of RSA 483-B, that nothing in this chapter shall be interpreted to preempt any land and zoning authority granted to municipal bodies under RSA title LXIV" (Planning and Zoning), and any local zoning regulations that are more protective of the river will take precedence over the State regulations of the RMPP and SWQPA.

As a riverfront landowner, how will I benefit from RMPP?

River designation can increase respect for property rights and heighten recognition of the valuable contribution which landowners already make in river protection. Issues such as trespassing, litter, liability, and erosion affect or infringe upon the rights of riparian landowners. Designation can also promote a greater public understanding and awareness of the unique problems and issues faced by landowners. The resulting increase in public understanding and interest in issues important to property owners can bring technical assistance, funding, and other support to help address and solve such problems.

For More Information

For further information about the New Hampshire Rivers Management and Protection Program, visit the [NHDES website](#) and search for RMPP, or contact the Rivers Coordinator, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095; (603) 271-2959; riversprogram@des.nh.gov.