



Connecticut River Joint Commissions Meeting  
Full Commissions Meeting Minutes  
October 19, 2015  
10 Water Street, Lebanon, NH

**Commissioners Present:** Marion Allen, Chris Company, David Deen, Jennifer Griffin, Mary Sloat, Tara Bamford, Steven Lembke, Elaine Levlocke, Brendan Prusik, Ken Niemczyk, Jim McClammer, Dick Sanders, Jason Rasmussen, Marie Caduto for VTANR

**Commissioners Absent:** Peter Blodgett, Jim Doing, Chris Thayer, Rebecca Brown, Robert Harcke, Rick Walling, Peter Gregory, Kurt Staudter, Alison Low, Samuel Swope.

**Others Present:** Jim Kennedy, Upper Valley Subcommittee Chair; Mark Maghini, U.S. Fish & Wildlife Service; Pat Crocker, Staff.

Comm. Rasmussen called the meeting to order at 2:05 p.m.

Comm. Lembke moved that all standing committees meet 1-hour prior to the main Commissions meeting bi-monthly. The motion was seconded by Comm. Sloat. Motion carries.

Comm. Deen suggested that Comm. Sanders move to the planning committee for the purposes of the process of holding a meeting with both states' officers for enforcement of speeds in the river. In the meantime, Comm. Griffin volunteered to serve as the chair of the development committee.

### **Minutes of September 21, 2015**

The Minutes were moved for approval by Comm. Niemczyk and seconded by Comm. Levlocke. Corrections to the minutes included correcting the spelling of Nicole Cormen, changing date of meeting to October 19, and the addition of Comm. Deen to present as he was not listed at all. Motion to approve with corrections noted – unanimous.

## **August Financials**

Comm. Lembke moved, and Comm. Deen seconded a motion to accept the financial report for August. Motion to accept carried. Unanimous.

## **Subcommittee Reports**

### **Communications**

Comm. Steven Lembke reported that the group had identified three topics or areas of responsibility that the subcommittee could provide assistance with if the Commission was agreeable: Conduct a review all the existing publications, sharing background on topics and speakers, once obtained they would put contact information in the form of a public press release. They will also assist the Planning Committee with communications/outreach as their planning/implementation work rolls out. The members elected Comm. Levlocke Chair.

### **Planning**

Comm. Sanders said that they have been in touch with the US ARMY Corps and coastal labs on erosion as well as the primary contacts in NH and VT for regulation of wake-speeds on the Connecticut. Comm. Sanders will compose a letter to the two individuals. Comm. McClammer made the motion to move forward and to have the presentation at the February 22, 2015 meeting if the speakers were available, and to have the Communications Committee work with Planning to promote the meeting. Comm. Deen volunteered to work on the press release and share press contacts for this February event. Staff was asked to determine availability of the Lebanon City Council Chamber. Comm. Deen seconded the motion; motion carried - unanimous.

### **Draft Conte Plan**

Wildlife Refuge Manager from Conte Wildlife Refuge Mark Maghini introduced a presentation on the revised development plan for the Conte Refuge area. Conte is different than other national refuge areas in that it covers the entire Connecticut River watershed. It operates under a 1995 master plan. [A copy of the presentation is attached.]

The public comment period closes on November 16, 2015. The comments can be entered at Regulations.gov <http://www.regulations.gov/#!documentDetail;D=FWS-R5->

[NWRS-2015-0036-0001](#) . As soon as someone posts comments on the website they are published; the website also has instructions for posting comments by U.S. Mail. A number of presentations have already been held in the two states, but two public hearings are planned in St. Johnsbury, VT and Keene, NH. The Commissions can be helpful to comment on alternatives that may be different for those presented in the draft plan. A number of non-governmental organizations (NGOs) are also working on the refuge plan.

The plan overall is taking a watershed-wide view of the resilience of various species and their likelihood to survive or adapt with climate change. The plan is a tool, for conservation organizations to help to suggest where they can focus to get best bang for the buck in terms of land conservation.

Comm. Deen mentioned concerns expressed about (payments in lieu of taxes) PILOT payments at Windham Regional Commission's Natural Resource Committee as municipalities fear a loss of property tax revenue in face of expanded land acquisition by the government. The Federal Government doesn't pay property tax and it falls to the States to provide PILOT payments when land is out of commercial/private use. Maghini noted that the Conte Refuge does have a revenue sharing plan that provides \$0.42 cents on the dollar which is more than many municipalities can levy as property taxes and also added that typically, refuges don't necessarily require services such as education.

The hope is that the document can be used for guidance for other conservation organizations that may be working in the watershed. One of the foundational missions is to enhancing wildlife habit. Many of the most frequently asked questions are from Vermont, another is specifically for land acquisitions. Land acquisition is only in the identified areas on the maps shown within the Connecticut River watershed. [See attached presentation.]

### **Clean Water Act - (CWA) 404 Process**

Comm. David Deen explained that the surface waters of the state are included in what is known as the public trust doctrine. Comm. Deen noted that there are 50 different public waters doctrines - one for each state. However, the U.S Constitution in Article 1, Section 8 grants Congress the power to regulate interstate commerce and waterways have always been integral to commerce nationwide. In 1899 Congress passed the harbors protection act to regulate waterways for Commerce. Section 404 regulates

discharge of dredged or fill material into waters of the United States. The EPA extends jurisdiction out 13.8 miles covering "Territorial Seas" or all waters adjacent to the waters of the states. [See attached PowerPoint presentation prepared by Comm. Deen.]

### **Other Business**

Comm. Rasmussen asked whether there were comments on the Conte Refuge plan. Comm. Prusik explained a forestry position on further federal acquisition of land that sees it as detrimental to the forest products industry because their plans focus on wildlife more than sustainable harvesting for value added wood products. He inquired whether CRJC might include those concerns in its comments. The watershed is 7.2 million acres, the current plan is proposing to conserve 200,000 acres of that vast area noted Marie Caduto of Vermont ANR. Lembke noted he would oppose the Commission objecting to the entire plan. Discussion followed. Comm. Company said that the Corridor Management Plan should guide a Commission position on the Conte Plan. While comments are due on the current draft by November 16 there will be time to comment on a final plan expected to be published early spring or summer of 2016. The Commissions decided not to submit comments on the Plan at this time.

Comm. Sanders moved to adjourn seconded by Comm. McClammer at 4:15 p.m.

The Executive Committee will plan to meet on Monday, November 16 and the Joint Commissions will next meet at 2:00 p.m. December 21, 2015 at CRJC offices. Subcommittees will meet at 1:00 p.m. prior to the Joint Commissions meeting.