



Connecticut River Joint Commissions
CRJC Office, 10 Water St., Lebanon, NH
Tuesday, June 14, 2016 2:00 – 4:00 PM
Meeting Minutes

Commissioners Present: Rick Hopkins, Jason Rasmussen, Steven Lembke, Dick Sanders, Jim McClammer, Elaine Levlocke, David Deen, Rick Walling, Mary Sloat, Jim Doig, Tara Bamford, Chris Company, Kurt Staudter.

Commissioners Absent: Rebecca Brown, Ken Niemczyk, Alison Low, Samuel Swope, Chris Thayer, Brendan Prusik.

Guests: Capt. Tim Dunleavy, NH Marine Patrol; George Twigg, Rep. Peter Welch's State Director. **Staff:** Patricia Crocker.

Convene and Welcome

Comm. Rasmussen welcomed the members and guests and initiated introductions at 2:03 PM.

Wake Speed Enforcement

Capt. Dunleavy of the NH Marine Patrol provided background on the broad responsibilities of the Marine Patrol including escorting tankers on the seacoast, patrol of Lake Winnepesaukee and a number of other lakes throughout the state. There are currently 8 full-time equivalent staff and has hired 42 of the 60 part-time seasonal staff that are needed over the summer. The Division is challenged to recruit all the staff needed to fulfill the mission during the summer.

Currently there is one boat that covers the Connecticut River from the north and then 3 others that cover some of the lakes including Mascoma, Sunapee, and Pleasant Lake in this region. Both day and night shifts are operated and often are responding to citizen calls for problems.

The River is a tricky enforcement in terms of wakes because of the varied topography of the river. They do their best to take a reasonable approach. Residents of the cities or towns can petition with 25 signatures to have the Department of Public Safety limit

activity in the regions and have areas of the river restricted to no wake zones regardless of the width of the River. However, this can pose a risk of the opposite of the desired action occurring. He offered the example of a petition to set a no-wake zone on the Magalloway River on the 13 miles between Lake Umbagog to the Maine border. Residents spoke against the petition and then went to the legislature and documented that there was more damage caused by spring high water, than boat wake speed. Over three years, there have been only four calls to Marine Safety; two were from Dartmouth College Security about the wake speeds in the area around Ledyard Bridge. Those who petition to lower the speed on the river must be residents within the communities that will be covered by the no - wake speed restrictions, they must hold public hearings in the summer months and notify all landowners within a specified distance from the river of the hearings by certified mail.

The Department prints several thousand boater education brochures and anyone operating a boat in excess of 25 HP is required to take a course on boating safety and must complete a proctored test before they are issued a license to operate. The exam is a proctored to assure that the individuals themselves are taking the test.

Open container laws don't apply to boats. But, if you are found to be under the influence while operating a boat, your boating privileges will be suspended for an entire calendar year which is more than the 90 days off the road for a first offense driving DUI. National recommendations exist for safety and operational standards, but state laws have precedence and the respective legislatures are charged with writing the laws and making the rules. There is no mandate to follow national recommendations.

Part of the certification for full-time fire fighters now includes water response training and safe boating courses. Not all volunteer firefighters are trained, but many are and more departments are taking the opportunity to receive more training. Marine patrol boats are generally marked, but they will use alternative methods if they feel that the public is aware of and trying to circumvent the enforcement pattern.

This year the emphasis is on clean, clear and dry. The direct line to Capt. Dunleavy's desk is 603-227-2110 if you need to report problems. Signs are posted on all the

state operated sites, but in order to install wake speed signs on a private landowner's launch-site there must be a kiosk and the property owner's written permission to install. They cannot install the signs in Vermont, but are happy to provide the signs. He noted that based on the topographical maps, some significant water on the Connecticut around the Moore and Comerford Dams is actually within the State of Vermont's jurisdiction.

George Twigg, Rep. Peter Welch's State Director

Congressman Welch wants us to know that his office considers the Connecticut River to be an important watershed resource and that he and all the members of the VT and NH Congressional delegations are keenly interested in the FERC relicensing process for the TransCanada dams. They are very interested, as pointed out in the letter to Gov. Hassan in the mitigation fund. With the restrictions on federal budgets and sequestration, the fund will be important to support the conservation activities on the southern end of the river.

Information on the earlier funds' operations and governance are of interest to them going forward within this current process. They are aware of TMDL within the watershed and into Long Island Sound, but the relicensing is the higher priority at this point in time. Comm. Walling noted that if there is going to be anything in the new license, it must be added prior to January 1, 2017. It will be easier to negotiate with FERC before the final license is issued. This has to be negotiated with stipulations before the formal applications. The status of the matter is pending while the joint letter by the VT and NH governors is being crafted. Comm. Deen explained that during the last go-around they wanted to make sure the funds are built into the price at the time of the sale. Twigg stated that whatever the delegations can do to be helpful in this effort, please contact them.

Comm. Sloat noted that in the past the earmarks were very helpful in providing funding for improvements and enhancements along the river. Small amounts of cash could be given to CRJC to help fund discretionary projects. Bamford noted that the 3 LRS were seeking funds to help support reductions in erosion along the river. Comm. Sanders suggested that the M & E fund also provide support for education of the

public. The Mitigation and Enhancement funding formula was based on a percentage of revenues. Comm. Hopkins will send the link with the references to Mr. Twigg. All agreed that stakeholders should be convened to discuss the parameters of a new fund.

Comm. Campany is concerned about the impact resulting from the VY decommissioning which should be a separate issue from the M&E and incorporated in a letter to Senator Shaheen and Congresswoman Anne Kuster. Governors Shaheen and Dean delivered the settlement for the 15 Mile Falls fund.

Rick McClammer noted that the CRJC also needs assistance with funding. Perhaps there are ways to assist with a more flexible arrangement with the M&E funds. Pat will send George Twigg's email to Commissioners.

Joint Commissions meeting was temporarily adjourned for State Caucuses

State Caucuses convened at 3:15 p.m.

VT Connecticut River Watershed Advisory Commission elections for 2016-17- Jason Rasmussen Chair, Steven Lembke, Vice Chair, David Deen Sec. Treasurer and Chris Campany at large.

NH Connecticut River Valley Resource Commission elections for 2016-17 - Rick Walling, Chair, Jim McClammer Vice Chair, Mary Sloat Treasurer, Dick Sanders at large.

CRJC Reconvened for Election of Joint Commissions Officers for FY 2017

Comm. Levlocke moved the election of the entire slate of officers for CRJC as presented. Officers are: President Rick Walling, Vice President Jason Rasmussen, Secretary Steve Lembke, and Treasurer Mary Sloat. Comm. Deen seconded the CRJC Slate. Vote: Unanimous

Adopt Budget and approve Administrative Agreement for FY 2017

Comm. Lembke moved that the budget and agreement be accepted as presented. Comm. Levlocke seconded. Vote: Unanimous with one abstention by Tara Bamford.

Approve Minutes of the April Meeting

Comm. Doig moved to approve the minutes with corrections noted. Comm. Deen seconded the motion. **Vote: Unanimous.**

Discussion – Wake Speed Signage Follow-up

Follow up discussion occurred on the wake speed signage. Comm. Hopkins explained that Vermont access points have their own protocol for where Fish & Wildlife may post signs on a kiosk. Signs were also given to TransCanada and they will also post the signs. Other locations that are private must be determined and cannot be used without written permission of the land owners. Comm. Doig noted the Invasive Species signs are separate and the kiosks are crowded and suggested it might be advisable to have separate signs. The general consensus of the meeting was that if the protocol needs to be changed, that is a separate issue, but CRJC is very grateful for VT ANR and F&W for promptly printing and installing the signs where permitted and according to their standard protocol.

Financial Report

The report as of April 30, 2016, was reviewed and accepted.

Subcommittee Reports

Local River Subcommittees

Tara Bamford provided an oral summation of the activities of the subcommittees. They have been very active in the FERC process. Headwaters – Northern Pass. Riverbend – has been focusing on the reverse pipe line. Upper Valley has many permits and does a very hands-on job reviewing them. The Mt. Ascutney group focus is on public education. Wantastiquet has been focusing on mitigation.

Local River Subcommittee Nominations

Comm. Deen moved and Comm. Campany seconded a motion to nominate David Burrel to the Upper Valley Sub Committee. **Vote: Unanimous.**

Communications Subcommittee

Comm. Lembke stated that they are going to make some housekeeping changes to

committee membership and would like to add Tara Bamford, who will become staff and stepping down from Commissioner in July, to the subcommittee. Comm. Walling moved that Tara Bamford be added to serve. Comm. Sanders seconded. Vote Unanimous. Commissioner Hopkins has been appointed by the President to serve on the Communications Committee.

Planning Subcommittee

Comm. Sanders noted that the creation of an educational exhibit and will take a commitment from each of the Commissioners. The draft he has proposed will be the focus of a future committee meeting. In the interim, the draft will be sent to every Commissioner for comments and review. Please provide comments no later than August 8, which is about a week prior to the August 15 full commission meeting. Staff will forward a copy of the proposal after the meeting.

Source to Sea Clean up

Comm. McClammer suggested that CRJC draft a press release to say CRJC supports the CRWC Source to Sea Clean up. Draft press release can be reviewed by Dave Deen and get it to CRWC. At this point, supplying the actual bags and gloves rather than money would be appreciated. Materials and supplies should be delivered to the local coordinator.

Comm. Company moved the donation of \$2,500 to be made to the support the clean up. Comm. Doig seconded. Discussion followed of the amount of cash on hand in the available fund balance. Comm. Bamford suggested that the donation was too high as it would have to be taken from our accrued operating budget and that a 6-month operating revenue surplus is a good thing to have in reserve. Vote: Motion Failed. Comm. Doig moved to contribute \$1,000 instead; Comm. Sloat seconded the motion to contribute to the support of the Source to Sea Clean up from the fund balance. Vote: Unanimous.

Comm. Walling moved to draft a letter to reach out to the Congressional delegations to assist with FERC jointly with the CRWC and CRJC. Deen seconded a motion. Letter is time sensitive. Comms. Deen and Walling will draft the letter and send the final copy to the Commissioners. Vote in favor: Unanimous.

Other Business

Comm. Rasmussen note that The Nature Conservancy (Katie Kennedy) and CRWC, have a hydro-model that could estimate the effect of raising and lowering water levels. If you look at the studies on embeddedness you can assess whether a level of flow reduces the sediment levels to 25%. Inflow is equal to outflow run of the river the model estimates a 7-9% reduction of power but in MASS it was 30% according to engineers from Univ. Mass and Corps of Engineers.

Comm. Rasmussen has the contract from VT. Staff will send Certificate of Insurance to him so that he can process and forward the contract.

The entire Board acknowledged and applauded the contributions and service of Comm. Bamford during her terms as Commissioner and the leadership of President Jason Rasmussen over this past year. The support of Pat Crocker and other staff was also acknowledged and appreciated.

Comm. McClammer moved to adjourn seconded by Comm. Lembke at 4:15 PM.