



MINUTES

Connecticut River Joint Commissions Meeting

Monday, September 19, 2011

10:00 am - 12:00 pm

CRJC/UVLSRPC Offices, 10 Water Street, Suite 225, Lebanon, NH

Present: Bob Ball, Dr. Robert Christie, Donna Drouin, Glenn English, Robert Harcke, Cleve Kapala, Joan Monroe, Mary Sloat, Chris Company, Beverly Major, Gary Moore, Norm Wright

Administrative Staff/Consultant: Rachel Ruppel, Upper Valley Lake Sunapee Regional Planning Commission

Guests: Bernie Folta, Claremont; Jay Aube, NH Department of Environmental Services; John Bennett, Windham Regional Commission

President Chris Company called the meeting to order. A Vermont quorum was not present so the acceptance of minutes of June 21, 2011 and August 1, 2011 were tabled to the next meeting, as was the Vermont caucus to vote for the Executive Committee's VT Member At-Large and proposed revision to the bylaws.

Company reported on the most recent meeting of the Executive Committee, held August 1st. The Executive Committee is working on wrapping up two open grant-funded contracts with NH Department of Environmental Services: Ammonoosuc River and Lower Mohawk River/Colebrook Business Park. The Executive Committee also has looked at the bylaws and prepared a revision to clarify what the role and responsibilities of the Executive Committee should be. Also, the Executive Committee discussed starting the strategic planning process to identify CRJC's mission and priorities.

Company raised the question of a need for bylaws or rules of procedure for the local river subcommittees. English noted that all CRJC and subcommittee meetings should be run according to Roberts Rules of Order and the NH and VT public meeting laws. This will be placed on the agenda for the next Executive Committee meeting.

Ruppel announced that New Hampshire is updating its State Comprehensive Outdoor Recreation Plan and is holding listening sessions on October 5th to hear from stakeholders. Franklin Regional Council of Governments is sponsoring a day-long workshop/boat tour on riverbank stabilization projects on the Connecticut River in Northfield, MA of Sept. 30th. Ruppel will distribute information via email on these events.

Jay Aube from NH Department of Environmental Services made a presentation on recent changes to the Shoreland Water Quality Protection Act, previously named the Comprehensive Shoreland Protection Act. First enacted in 1994, the Act's intent and purpose is to maintain shoreland vegetation to protect water quality, with a focus on preserving vegetation and minimizing impervious surfaces. The latest version of this act went into effect on July 1, 2011.

Jay Aube will distribute his slideshow to CRJC members, but the main points are summarized here: The Protected Shoreland extends 250-ft from the water's edge (known as the Reference Line). There is a 50-ft primary building setback where there are also restrictions on how many trees can be removed according to a grid and point system. The new law now includes shrubs and ground cover in the point system (formerly just trees were counted), and it is also permissible now to remove stumps and rocks and replace them with vegetation (formerly stumps and rocks were required to remain in place). The implication of the change in the point system is that on many sites more vegetation would now be permitted to be removed than under the previous law.

Kapala asked whether the law takes into account the erosional and depositional forces of a river, and that whether the law should favor maintaining shrubs and smaller trees as large trees on a riverbank can actually create more of an erosion problem. Aube responded that the law has been amended to reflect the Legislature's priority for keeping larger trees and allowing removal of shrubs and groundcover.

Ball asked about how the law handles agriculture. Aube replied that agricultural activities are exempt but Best Management Practices should be followed.

English asked if the scientific evidence about riverbank stabilization and adequate shoreland buffers was presented to lawmakers. Aube responded that there was substantial testimony about the science of water quality protection during the legislative process.

Christie asked if any studies have been done looking at the percentage of shoreline that has been developed and how much is still undeveloped. Aube said that NHDES is focused on the management of shoreland whether developed or undeveloped, but that this would be interesting and useful information.

Wright asked if the 50-ft setback is a scientifically-based number. Aube replied that this number was a compromise.

Aube also described the changes to the restrictions on impervious surfaces. Prior to July 1, 2011, any development where impervious surfaces would cover more than 20%, a stormwater management plan and restoration of vegetation were required. Now, only a stormwater management plan is required. In addition, there is no upper limit to the amount of impervious surface allowed; previously, it was 30%. Aube noted that now there is less incentive for a landowner to use pervious technology.

Aube explained that for existing non-conforming structures that do not meet the 50-ft setback, if that structure is torn down and rebuilt, the new building no longer has to meet the 50-ft setback.

Aube also noted that a Shoreland Permit By Notification has been created to quickly process projects with less than 1500-square-feet of impact and no more than 900-square-feet of impervious surfaces. This is a streamlined process for small projects. In terms of enforcement, the fines have been substantially reduced and a violation is no longer a criminal offense.

English asked if the revisions to the Act were based on scientific evidence. Aube reported that the scientific evidence shows that an ideal buffer is substantially greater than 50 feet.

Drouin noted that this Act does not address non-point source pollution from agriculture. Sloat noted that Vermont does not have any shoreland regulations similar to NH's law, and she has seen a difference in shoreland development patterns between the two states in her canoe trips on the river. Aube suggested that the CRJC could be a leader in promoting adequate buffers on both sides of the Connecticut River.

Campany remarked that he has previously worked in Maryland where there is a 100-ft buffer, but that they struggle with enforcement of the law in the courts.

Ball asked about regulations on land application of sludge near the river. Aube responded that this falls under the Solid Waste Bureau at NHDES.

Monroe remarked that awareness is often raised after the fact, or after water quality declines occur, and that lake homeowners' associations are often quite involved in protection of water quality in their particular waterbody.

CRJC thanked Jay Aube for his presentation and requested that six copies of the slideshow be sent to Rachel Ruppel for distribution to CRJC members.

Ruppel made a brief financial report, remarking that there has been minimal activity and no cashflow from the annual state contracts yet. The Vermont annual contract is in the mail to CRJC to be signed, so there should be cash flow from that contract soon. The New Hampshire annual contract paperwork is being processed to go before Governor and Council for approval. English asked whether CRJC needs to be active in promoting this contract before Governor and Executive Council to ensure that this contract moves smoothly through the confirmation process. Kapala noted that Ray Burton, a long-standing member of the Executive Council, has been a strong supporter of the Connecticut River. Folta noted that Yutian Zhang, who is serving as finance manager for CRJC, is a Certified Public Accountant.

Campany presented a draft mission statement, in order to start the CRJC thinking about a strategic plan for the organization: "New Hampshire's Connecticut River Valley Resource Commission and Vermont's Connecticut River Watershed Advisory Commission together form the Connecticut River Joint Commissions. The purpose of the CRJC is to provide a forum for cooperation between the two state Commissions through which they shall work together towards a common mission. The mission of the CRJC is to preserve and protect the resources of the Connecticut River Valley, and to guide its growth and development. To ensure local leadership on river issues, the CRJC established five Local River Subcommittees: Headwaters, Riverbend, Upper Valley, Mount Ascutney, and Wantastiquet." Major

recommended adding “visual, ecological and agricultural integrity” to the mission; Monroe and others recommended changing “agriculture” to “sustainable working landscape” to reflect farming and forestry. Christie presented a mission-based funding document that he prepared, formulating how to seek funding and partnerships based on the mission of the CRJC found in the current bylaws – see attached document at end of minutes. Wright remarked that the mission statement needs to be one sentence and then the CRJC can expand upon it with specific strategies like what Christie presented. Drouin gave an analogy of a slogan “Kids First” that was used in developing a mission statement for a school system. Sloat recommended adding language about “working from the grassroots up” which was discussed and distilled into “grassroots leadership.” Drouin asked if the mission should reflect that CRJC works in the upper Connecticut River valley; several members noted that CRJC has been involved in basin-wide projects, including the Conte Refuge. The CRJC concluded the discussion with the draft wording: “The mission of CRJC is to preserve and protect the visual and ecological integrity and sustainable working landscape of the Connecticut River Valley, and to guide its growth and development through grassroots leadership.” The CRJC will review this again before it is finalized.

Kapala noted that CRJC completed a Strategic Plan in 2007 for 2008-2013 and recommended that this be a starting point for the current effort. Ruppel will distribute this to Commissioners.

Kapala welcomed Bob Ball as a new Commissioner and noted that Rebecca Brown is in the process of being appointed.

Folta made the following comments: recommending that CRJC look to NH RSA 227:E for their mission statement and what the Legislature intended for the NH Commission; noting that CRJC and the Connecticut River Byway Council have now separated and questioned whether the two organizations should recombine in light of the scarcity of public funding; asking whether there are other multi-state river organizations that CRJC could use as resources for similar strategic planning efforts; and noting that there has been a trend toward direct democracy in other public meetings where the public may comment on any agenda item.

Christie noted that the CRJC has been advocating for no building in the floodplain for years, and in light of recent flooding, the consequences are apparent. Moore remarked that the states need to set the example, and noted that the Vermont State Emergency Operations Center was built in the floodplain. Monroe noted that there have been two editorials in the Valley News about floodplain development; Ruppel will distribute to CRJC members.

CRJC members reviewed the meeting dates for the rest of the year. As January 16, 2012 is a holiday, the meeting will be held on Tuesday January 17, 2012. Meeting dates are: Nov. 21, 2011; Jan. 17, 2012; Mar. 19, 2012; Apr. 16, 2012; and June 18, 2012. The Montshire Museum is a preferred VT meeting location.

Meeting adjourned at 12:00 pm.

Attachment: Commentary on Mission-based funding for CRJC (3 pages)

*presented by Bob Christie
09/19/11*

Commentary on Mission-based funding for CRJC.

Strict adherence to the missions of CRJC as stated in its by-laws makes it possible to focus budgetary support largely from those departments within the two states whose activities the CRJC supports and complements. By focusing on sources of operational revenue from established state governmental departments within both NH and VT, and developing private and public foundation sources where appropriate, obviates the many problems, exigencies and dangers associated with broadly-based federal funding to support all missions. While Mission V could benefit from a federal source of funding, foundational funding could as well serve to accomplish this mission.

CRJC is a respected and known functioning organization with a record of outstanding accomplishments; it has the ears of the governors of the two states, their legislative bodies, and those officials leading departments within the states capable of supporting CRJC activities related to their charge.

Using these diverse state and foundational sources primarily should not only make the budgeting process easier, but also prevent CRJC from straying into activities over which it has little control and that have brought it to the brink of economic disaster in the past.

Mission I.

Assessing and monitoring **water quality, adequacy and dynamics of river flow, preservation of indigenous and historic flora and fauna, protection from invasive species**, and other related responsibilities have been well-established activities of the NH DES. Line items in the NH Department of Environmental Services budget in support of this mission are realistic, since New Hampshire's western political boundary follows the low-water level of the CR throughout its entire course from the US-Canadian line to the Massachusetts border. This establishes ownership by NH of the river's waters and the responsibilities associated with that ownership.

Although ownership of the river is well established, through cooperative political agreements between the two states costs could be shared. NH DES could encourage VT DES to join cooperatively in continuing and promoting these activities through line items in its budget; establishing cost-sharing with VT would be helpful to NH DES during the budgetary process.

Mission II.

Line items in the budgets of both NH and VT state agencies for **managerial support** of this mission would guarantee continuance of CRJC office staff, a central office, communications and publications, Subcommittee development, and the expenses associated with the support of each of these. When equally divided between the two states, each line item expense becomes halved, and thus more easily presented and sustained.

Mission III.

Establishing and communicating **best river and river watershed management practices**, with emphasis on preserving agricultural lands, maintaining adequate and equitable use of all water in the rivers in the United States should be a national goal. CRJC's established experience and leadership in developing and continually improving a wide and comprehensive management practices deserves support from a federal source such as the Environmental Protection Agency within the Dept. of the Interior.

Mission IV.

Environmental and ecological education, long neglected in public schools, begins in childhood. Departments of Education in each state need to mandate these in curricula if long-range goals of protection and sustainability of the CR and the nation's resources in general are to be achieved for future generations in the United States and the world. Educational programs related to the river and watershed environment have been a continuing activity of the CRJC, and thus deserve the support of each state's Dept. of Education.

Mission V.

The wide variety of **organizational inter-relationships** necessary to coordinate programs and activities involving the entire Connecticut River in its course bordering or within four New England states make local and national foundation grants a realistic source of funding for CRJC activities in developing and nurturing such relationships.

Mission VI.

Searching and applying for **foundation support** is an in-house function of Mission VI, and requires no additional source of funding.

Mission VII.

Addressing **hydroelectric issues and economic development**, including tourism, in both VT and NH justifies support of CRJC's activities in gaining and assembling special knowledge and experience related to these issues by the Department of Economic Development in each of these states.

Mission VIII.

Recruiting, training and supporting a **strong and effective CRJC staff** is a responsibility of the Board of Directors, and requires no outside funding.