

**DRAFT**

Meeting Minutes for 6-5-09

Meeting of the Definitions Subcommittee with Representatives of NH Fish & Game and NH DES at the Conference Room of NH Fish & Game

Prepared by Jim Gove

Attendees:

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Peter Stanley	NH Assoc RPCs	<a href="mailto:zoning@nl-nh.gov">zoning@nl-nh.gov</a>

Gove made presentation giving the history of the commission and the direction that is being taken to define secondary impacts. Comments and observations as best I was able to record (and I apologize to all for what I missed or mangled) are as follows:

Mike Marchand – Why is the Commission using only wetlands, when there should be a broad landscape approach?

Paul Currier – A 300-foot buffer to all wetland and water bodies would meet all water quality standards, but does not leave much land left.

Peter Stanley – The Commission is using wetlands and wildlife setbacks as a practical approach.

Sue Gottling – Using wetlands is a start and will address HB 222. NH does not have an overall environmental policy act.

Mike Marchand – The wetland approach may be okay for short-term but not for long-term.

Lori Sommer – This approach using wetland would be something like the shoreland protection act. Low value wetland have less setback, and high value wetlands have more setback.

Gove/Stanley – To address the values of wetlands, we like the NH Method.

Sue Gottling – We need a method of valuing the wetlands. The difficult part is the question of what do with a wetland that ranks either one under a cut off value or one over a cut off value. The system needs to add professional judgment to determine if the wetland value should be modified to fit the correct ranking..

Steve Weber – We don't know where all the endangered species are located.

Lori Sommer – There has been an update to the NH Method and DES can get the Commission a copy. DES has been working with Amanda Stone, and "new" NH Method appears ready to be field tested.

Mary Ann Tilton – The "new" NH Method need to be field tested and used in conjunction with Wildlife Action Plan (WAP).. There is also a program developed by Scott Jackson that evaluates wetlands at a landscape level, and is used on important wildlife areas in MA. There is a grant in process to have similar analysis tool in NH.

Paul Currier – The water quality standards and the anti-degradation policy must be maintained to protect water quality. The difficulty is quantification of the standards in this context.

John Doran – How do you come up with the numbers?

Paul Currier – DES needs a rapid assessment system, like the NH Method. DES also has available the Macro Invertebrate Index which is very good at determining if a stream is good or has been completely trashed. Section 401 of the Clean Water Act gives the state power to ask what is the impact to water quality. Under an SPGP, Section 401 is automatic. We need to pick numbers with what we have available for data, even if it is not complete.

Mike Marchand – There are some positive aspects to the approach that is being proposed. Currently F&G will look at all resources on site, all wetland functions and what habitats that are connected. But this is not happening on small sites. F&G needs to look at the NH Method new version to see if it can address some of the habitat resource issues that are being missed on small sites. I have a concern with some TE (Threatened/Endangered) species not linked to wetlands. Hognose snakes in gravel pits are an example that may be neglected. Very few TE species live in wetlands only.

Sue Gottling – It is part of our charge to cover TE species.

Peter Stanley – We still need to have an assessment tool that everyone can use. Let's change the NH Method to cover TE species.

Charlie Bridges – Agencies prefer not to deal with developers, and developers prefer not to deal with agencies. Upfront pro-active analysis will lead to avoidance of wetlands and

proximity effects. At F&G, we have the staff to analyze the impacts to resources, but have two issues: do not have the money and must respect land owner rights.

John Doran – Can some sort of inventory be created on a broad basis? Developers would perceive that any type of onsite analysis as an obstacle and would find a broad base inventory more valuable. Developers need to understand what and why something is valuable. While F&G may do an assessment, there is a need to respect the property rights for protection.

Charlie Bridges – The F&G needs to have the ability for the information to be public.

Sue Gottling – We are not looking for the accumulation of information. The Commission is looking for long term standards that will provide a valuation system for wetlands. If a project comes up, there needs to be a consistent way of evaluating the impact to the wetlands..

Paul Currier – We need to have a streamlined process, and we are not that far away.

Charlie Bridges – It would be helpful to have natural resource planning for communities to understand what might be a good site for development but might not be a good for TE species. WAP is one tool that can be used to direct communities. We need to keep in mind that all TE species locations are not known. The F&G has no regulatory authority and only is part of a DES process. We can't tell people what to do. We may have information on what will impact TE species, but F&G may not have distances for setbacks. We need to look a holistically to see if proximity approach will work in general. We also want to keep common species common, because once they become TE species, they may never come back as viable communities.

Steve Weber – To have F&G involved, we need to look at public resources under RSA 91A. A possible start would be the process of classifying wetlands by the NH Method and would it provide an inventory of habitat resources? F&G needs to review this possibility and look at issues.

Mike Marchand – We have limited knowledge of TE species, but over time information will be upgraded. In absence of information, the NHB check is there. The check provides “a high likelihood” of a species being present, but it is not a certainty. NH has no certification process for wildlife discipline, so there might be misses of species if you have analysis done by less qualified consultants. Some of these TE species are hard to find.

Sue Gottling – We need a consistent approach. We are not looking to stop projects and not a cut off of work. We are looking at a process to evaluate the wetlands and determine if they are affected by the project. This process would have the complexity of the shoreland bill.

Paul Currier – We have some of this in place. Cold water fisheries need a certain amount of stream cover. But we are not saying that you can't cut the trees. It becomes a decision as to if you want trout or not have trout.

John Doran – When is the quality such that it would trigger an inventory? “Likely to have” is an inexact term that is difficult for the developer. Speaking on behalf of some of the membership, why is it even important?

Sue Gottling – We need to have an inventory at the start of the process.

Paul Currier – It needs to be based on science.

Mike Marchand – There are models that can be done, science-based, that will be predictive.

Steve Weber – When you take the step out of the water, terrestrial wildlife is much more difficult to predict.

Mike Marchand – It is really tough to find some of these TE species. “Likely to have” is about the best we can do right now.

John Doran – Some of my membership may question why we even care about TE species.

Lori Sommer – DES needs to get information out to communities and public about the value of TE species, like a circuit rider approach.

Peter Stanley – We need wildlife including TE species for the quality of NH life. It is why people come to NH.

Sue Gottling – We need to have consistent standards for all communities, which will also help the developer.

Peter Stanley – Everyone should have similar approach.

John Doran – Consistency would be good.

John Kanter – It is a positive step in having this discussion. Ideally, everything should not hinge on wetlands. Pine Barrens are not protected by anything. However, the NH Method makes a lot of sense. Also, there is a need for education and to upgrade the consultants to become proficient in identification of TE species.

Mary Ann Tilton – We have an upgrade on the NH Method.

Chuck Miner – We need to provide education to John Doran's group.

Conclusions:

- 1- DES to get new NH Method to F&G and Land Use Commission to evaluate.
- 2- F&G to evaluate classification by NH Method for habitat proximity effects.
- 3- Paul Currier look at NH Method for water quality proximity effects.
- 4- Peter Stanley offering New London as a test area for new NH Method.
- 5- Lori Sommer will separate out on the NH Method the wildlife sections from the water quality/quantity sections.
- 6- Sue Gottling :
  - a. Review the “new” NH Method to see if it will provide numerical divisions.
  - b. Numerical Divisions – assign the divisions such that three or four classes of wetlands are identified.
  - c. Numerical Setbacks – assign proximity distances for each of the classes of wetlands.
  - d. Statewide Standards – develop legislation that codifies the method, classes and distances.

August 7<sup>th</sup> at F&G (9-11) a meeting with the above to review findings and prepare report of August Land Use Commission.