

New Hampshire Council on Resources and Development

NH Office of Strategic Initiatives
107 Pleasant Street, Johnson Hall
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TDD Access: Relay NH
1-800-735-2964

DRAFT Minutes – November 14, 2019

MEMBERS PRESENT

Jared Chicoine, Chair, Director, NH Office of Strategic Initiatives
Glen Normandeau, Executive Director, NH Fish and Game Department
Tracy Boisvert, Designee, NH Department of Natural and Cultural Resources
Stephen McLocklin, Designee, NH Department of Administrative Services
John B. Martin, Designee, NH Department of Health and Human Services
Marta Modigliani, Designee, NH Department of Safety
Tim Drew, Commissioner, NH Department of Environmental Services
Amy Clark, Designee, NH Department of Education
Christopher Miller, Designee, NH Housing Finance Authority
Shawn Jasper, Commissioner, NH Department of Agriculture, Markets & Food

OTHERS PRESENT

Michael Klass, NH Office of Strategic Initiatives
Danielle Craver, NH Office of Strategic Initiatives
Stephen Walker, NH Office of Strategic Initiatives
Amanda Hollenbeck, NH Office of Strategic Initiatives
Andrew Davis, Real Estate and Leasing Administrator, NH Liquor Commission
Allen Brooks, NH Department of Justice
Jared Nylund, Real Property Asset Manager, Department of Administrative Services

I. ROLL CALL AND INTRODUCTIONS

The meeting was opened at 9:32 AM by Chairman Chicoine. CORD members and guests then introduced themselves.

II. MINUTES

A. Approval of July 11, 2019 draft minutes

Chairman Chicoine reminded members that a member of the public had submitted a question about the July 11, 2019 minutes and felt that something additional should have been included. Michael Klass was tasked with reviewing the minutes. Mr. Klass stated that he compared the audio to the minutes as they were drafted. He noted that there was a conversation about the issue

but that the speculation and commentary during the meeting was not included in the minutes. The takeaway was that Fish & Game was clear that it wanted to sell the property in fee; they were moving to Long Range; and that details would be worked out by those parties down the road. Mr. Klass noted that all the material summary is contained in the minutes as drafted and that he, as the staff member, is not inclined to include additional details in the minutes. Mr. Klass mentioned that the audio is still available if any of the CORD members wish to review it.

MOTION: On a motion by Commissioner Jasper, seconded by Director Normandeau, the July 11, 2019 minutes were approved unanimously by the Council (with Mr. Martin and Mr. Miller abstaining).

B. Approval of Sept 12, 2019 draft minutes

MOTION: On a motion by Ms. Modigliani, seconded by Ms. Boisvert, the September 12, 2019 minutes were approved unanimously by the Council (with Mr. Martin, Mr. Miller, and Ms. Clark abstaining).

III. LAND CONSERVATION INVESTMENT PROGRAM (LCIP)

A. 2019 LCIP Annual Report - Steve Walker, Conservation Land Stewardship Director

Mr. Walker began by acknowledging and thanking various people for their assistance with the report.

He explained that main goals of the CLS program is to communicate with land owners in an effort to prevent issues before they come up, or to prevent an issue from escalating, and to help people do what they can do for conservation easement properties. CLS is always trying to improve the way they do their work – staying current, maintaining high quality, and trying to be efficient all at the same time. Mr. Walker noted that they had added Gaia Pro, a tracking/mapping phone app, onto their newly issued work cell phones, which has been helpful in the field.

Regarding the LCIP Annual Report, Mr. Walker explained that it does not change much from year to year, due to the amount of background material in the report. Mr. Walker noted that on page seven of the LCIP Annual Report there is a reference to the Fidelity Investment Review, and that there was an upcoming meeting regarding the investment review at the NH Treasury business office. This review is tied to the fiscal year and will be used as a benchmark, and if anyone would like to read about the review Mr. Walker would be happy to share it with them. Mr. Walker went on to briefly touch on a few of the Investment Review findings. Mr. Walker then summarized that the investment is meant to grow and produce income, but not be too risky.

Mr. Walker explained that the more important data is found in the report appendices, which he listed, and that the goal of the report is to convey the status of all the LCIP properties. Appendices C and D are properties that Fish & Game and DNCR own that were acquired through LCIP. They have not had many issues with these, with Wild Goose being an exception.

Mr. Walker pointed out that everyone received the annual report document electronically and to feel free to ask questions even after the presentation was over via email. Mr. Walker noted that the report contains data through July 2019.

Mr. Walker stated that they tried to go out annually for State-Held Conservation Easements. Mr. Walker then spoke about the Municipal-Held properties stating that Ms. Hollenbeck communicates with the 78 municipalities and that they do well at managing the properties, but are sometimes not always prepared to deal with an issue when it come up, so the CLS program is always there as a back-up and the NH DOJ has also provided assistance in the past. Mr. Walker again touched on the State Fee-Owned properties, which are managed by Fish & Game and DNCR – Div. of Forest and Lands. He went on to say that the properties are very well managed by those agencies and not many issues arise.

Mr. Walker then continued with Appendix E: Land Conservation Endowment. He stated that it has grown in and of itself by virtue of the market, as most investments are up 13-15% this calendar year. He went on to say that occasionally they do add to the endowment if a new non-LCIP property comes through, and as many as three new properties could be added next year. Mr. Walker has provided graphs to help CORD members better understand the CLS program, and to help CLS staff track changes over time so future staff can review those changes. In conclusion, Mr. Walker welcomed anyone to ask questions, make comments or suggest improvements by reaching out to him or Director Chicoine via email.

Ms. Boisvert, DNCR, Division of Forest and Lands, reiterated that if issues become elevated enough to reach this table they are usually very important and typically controversial and will likely involve legal counsel. She also clarified that Surplus Land Review and LCIP are completely different processes.

Mr. Miller, NH Housing Finance Authority, asked what kinds of things CORD acts on. A conversation ensued regarding various LCIP items that have been addressed by CORD. Allen Brooks, NH Department of Justice then summarized that CORD was legally appointed as the manager of the LCIP programs and while state agencies like OSI, Fish & Game, and DNCR manage the programs day-to-day they all function under the umbrella of CORD and therefore CORD has deciding power over those programs. Mr. Walker added that each issue taken to CORD is entirely unique, and that usually it is necessary to go to other agencies to assist with the problem.

Commissioner Normandeau added that time is an issue. He stated that Fish & Game has thousands of acres of easements that do not fall under LCIP umbrella and as private ownerships change over time there is less fidelity to the easements because they are not the ones that got the money for them. Mr. Walker then pointed out how important it is to build those relationships with land owners because properties are changing hands regularly.

Mr. Miller asked how many total properties CLS manages. Mr. Walker answered that as of July 2019 there were 445 properties and 92,000 acres. Mr. Walker went on to suggest referencing the

charts provided in the annual report for more data, and that state-held properties are visited every year and municipal-held properties are visited about every five years. State fee-owned properties, managed by Fish & Game and DNCR, are visited regularly.

MOTION: On a motion by Commissioner Jasper, seconded by Mr. Miller, the Council unanimously approved the adoption of the LCIP Annual Report.

IV. OTHER BUSINESS

A. Acknowledgement of RMAC Correspondence received on November 5, 2019.

Chairman Chicoine acknowledged receipt of RMAC correspondence regarding the Hampton SLR. It will be added as an agenda item for the next CORD meeting, currently scheduled for January 2020. Today it was on the agenda for informational purposes, and the letter was included in the meeting packet.

B. Proposed 2020 meeting dates

Mr. Klass stated that the same formula was used to select the dates for the 2020 CORD meetings.

C. Non-Meeting For Purpose of Consultation with Legal Counsel
Chairman Chicoine then stated that Allen Brooks, NH DOJ, was in attendance and that he would like to enter a non-meeting for the purposes of consulting with legal counsel.

MOTION: On a motion by Ms. Modigliani, seconded by Commissioner Jasper, the Council unanimously approved temporary adjournment for the purposes of a non-meeting to consult with legal counsel.

Meeting temporarily adjourned for the purposes of consultation with legal counsel at 10:06 AM.

MOTION: On a motion by Commissioner Jasper, seconded by Ms. Boisvert, the Council unanimously approved leaving the non-meeting and return to public session.

The public session was reconvened at 10:15 AM.

MOTION: With business completed, Director Normandeau moved to adjourn the meeting, which Commissioner Jasper seconded. The motion was approved unanimously by the Council.

Meeting adjourned at 10:15 AM.

Reminder – 2020 CORD Meeting Dates:

January 9
July 9

March 12
September 10

May 14
November 12

Klass, Michael

From: Drociak, Jen
Sent: Tuesday, November 5, 2019 9:52 AM
To: Chicoine, Jared; Klass, Michael
Cc: 'jocloutier@comcast.net'; 'jdiener@town.hampton.nh.us'; Sununu, Christopher; Cryans, Michael; Volinsky, Andru; Prescott, Russell; Gatsas, Theodore; Pignatelli, Debora; Aslin, Christopher; Scott, Robert; O'Donovan, Thomas; Drew, Tim; Sales, Tracie; Monastiero, Alexandre; Allan G. Palmer (allan.palmer@graniteshorepower.com); Christopher Hodgdon (chris_hodgdon@comcast.com); Donald Ware (donald.ware@pennichuck.com); Fred McNeill (fmcneill@manchesternh.gov); Gilbert, Jennifer; Magee, John; Henderson, Kayla; Larry T. Spencer (lts@mail.plymouth.edu); Hemmerlein, Mark; Mark Lombardi; 'Michele L Tremblay'; Norman Sims (normansims1@gmail.com); Bowman, Peter; ruthward@myfairpoint.net; Jasper, Shawn
Subject: CORD 2019 Surplus Land Review 006 (Hampton) - Letter from Rivers Management Advisory Committee
Attachments: 20190802 RMAC Ltr SLR 19-006 Hampton.pdf; 20191021 RMAC Ltr SLR 19-006 to LongRange.pdf; 20191021 RMAC Ltr SLR 19-006 to CORD.pdf
Follow Up Flag: Follow up
Flag Status: Flagged

Dear Chair Chicoine and members of the New Hampshire Council on Resources and Development:

The New Hampshire Rivers Management Advisory Committee (RMAC) is submitting the attached letter relative to 2019 SLR 006 (Hampton), requesting that CORD reconsider its recommendation to approve the sale of the state-owned liquor store properties on Interstate 95 in Hampton without the wetland conservation easements requested by the RMAC. Please also find attached the RMAC's original letter to CORD dated August 2, 2019 as well as a letter to the Long Range Capital Planning and Utilization Committee dated October 21, 2019 requesting that they take the RMAC's recommendation on 2019 SLR 006 into consideration in their decision.

Please contact RMAC Chair Michele L. Tremblay at 603.796.2615 or MLT@naturesource.net with any questions regarding these letters.

Thank you,

Jen Drociak
Watershed Coordinator
Rivers and Lakes Management and Protection Program
Watershed Management Bureau
Water Division / NH Department of Environmental Services
29 Hazen Drive / PO Box 95
Concord NH 03302-0095
(603) 271-8811
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[Rivers Management Protection Program](#)
[Lakes Management Protection Program](#)

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[Rivers Management Protection Program](#)

[Lakes Management Protection Program](#)

Voting Members:

Michele L. Tremblay
Chair
Conservation
Community

Larry T. Spencer
Vice Chair
Conservation
Commissions

Edna Feighner
Historic/Archeological
Interests

Christopher Hodgdon
NH Fish & Game
Commission

Mark Lombardi
Granite State
Hydropower
Association

Frederick J. McNeill
Municipal Officer

Allan G. Palmer
Business & Industry
Association

Norman Sims
Recreational Interests

Ruth Ward
Local River Management
Advisory Committees

Donald L. Ware
Public Water Suppliers

Vacant
Agricultural Community

Non-Voting Members:

Jennifer Gilbert
NH Office of
Strategic Initiatives

Mark Hemmerlein
NH Department of
Transportation

John Magee
NH Fish & Game
Department

Gail McWilliam Jellie
NH Department of
Agriculture,
Markets & Food

Alexx Monastiero
NH Department of
Safety

Vacant
NH Department of
Natural and Cultural
Resources

Staff:

Tracie Sales
Program Manager

Jen Drociak
Watershed Coordinator

Mariah Mitchell
Program Assistant

N.H. Rivers Management and Protection Program

N.H. Rivers Management Advisory Committee

August 2, 2019

Michael A. Klass
NH Office of Strategic Initiatives
107 Pleasant Street, Johnson Hall
Concord, NH 03301

RE: CORD Surplus Land Application - 2019 SLR 006 (Hampton)

Dear Mr. Klass:

The Rivers Management Advisory Committee (RMAC) appreciates the opportunity to comment on the New Hampshire Liquor Commission's proposed sale of approximately 87 acres, minus the area required for the footprints of new liquor store buildings, associated with the Interstate 95 northbound and southbound state liquor and wine outlet stores in Hampton, New Hampshire. According to the information provided in the Request for Surplus Land Review Action, land would be sold for development of additional traveler services, including fueling, with the redeveloped liquor stores remaining in state ownership. Of the lots proposed for sale, the parcel on the southbound (west) side of I-95 and two of the three parcels on the northbound (east) side of I-95 lie immediately adjacent to the Taylor River and therefore within the RMAC's area of interest for disposals of state owned land.

On August 2, 2019, the RMAC met to consider 2019 SLR 006 in Hampton, with representatives of the Liquor Commission and its consultants, New Hampshire Administrative Services, and New Hampshire Department of Environmental Services (NHDES) senior leadership attending the meeting. After extensive discussion regarding the potential impact of development at these sites on the adjacent river, pond, prime wetlands, and other wetlands, as well as concerns about future sea level rise, salt marsh migration, and groundwater rise, the following two motions were made:

Larry Spencer moved that the RMAC recommend the sale of the property (lots 171-001-000, 172-009-000, 199-002-000, and 199-001-000) with a conservation easement placed on the wetlands. The motion was seconded by Ruth Ward. The RMAC voted 5-2 in favor of the disposal, with no abstentions.

Larry Spencer moved that the RMAC request participation in the development of the Request for Proposals of the sale and development of the subject property. The motion was seconded by Ruth Ward. The RMAC voted 6-0 in favor of this condition on the disposal, with no abstentions.

The RMAC is a legislatively created body charged to work with NHDES to administer RSA 483, the Rivers Management and Protection Program. The Governor and Council appointed Committee is comprised of members from business, agriculture, hydroelectric, municipal government, water supply, conservation, recreation, fish and game, and historical interests. Among its other responsibilities, the RMAC is charged with reviewing proposed disposals of state-owned land near, or providing access to, rivers and with advising the NHDES Commissioner and the Council on Resources and Development on the merits of such disposals.

Should you have any questions regarding this letter, please feel free to contact me at 603.796.2615 or MLT@naturesource.net.

Sincerely,



Michele L. Tremblay
Chair

cc: RMAC Representatives

Robert R. Scott, Commissioner, NHDES
Tom O'Donovan, Director, Water Division, NHDES
Timothy Drew, Public Information Office, NHDES
Tracie Sales, Rivers and Lakes Programs Manager, NHDES

Voting Members:

Michele L. Tremblay
Chair
Conservation
Community

Larry T. Spencer
Vice Chair
Conservation
Commissions

Christopher Hodgdon
NH Fish & Game
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Mark Lombardi
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Municipal Officer

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Non-Voting Members:

Peter Bowman
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Jennifer Gilbert
NH Office of
Strategic Initiatives

Mark Hemmerlein
NH Department of
Transportation

Shawn Jasper
NH Department of
Agriculture,
Markets & Food

John Magee
NH Fish & Game
Department

Alex Monastiero
NH Department of
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Staff:

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Program Manager

Jen Drociak
Watershed Coordinator

Mariah Mitchell
Program Assistant

N.H. Rivers Management and Protection Program

N.H. Rivers Management Advisory Committee

October 21, 2019

Jared Chicoine
Chair, Council on Resources and Development
New Hampshire Office of Strategic Initiatives
107 Pleasant Street, Johnson Hall
Concord, NH 03301

RE: CORD Surplus Land Application - 2019 SLR 006 (Hampton)

Dear Chair Chicoine and Members of the Council:

The Rivers Management Advisory Committee (RMAC) is writing to request that the New Hampshire Council on Resources and Development (CORD) reconsider its recommendation to approve the sale of the state-owned liquor store properties on Interstate 95 in Hampton, 2019 SLR 006, without the wetland conservation easements requested by the RMAC.

RSA 483:8 VII states "No state-owned property adjacent to or providing access to a river or river segment shall be recommended for disposal by the council on resources and development or the long range capital planning and utilization committee, whichever is the first point of review, except upon the review and recommendation of the advisory committee established under this section."

The RMAC's recommendation to approve the sale, as stated in the attached letter from the RMAC to CORD dated August 2, 2019, was conditional on the addition of conservation easements placed on the wetland areas, both prime and other wetlands, of the land to be sold under 2019 SLR 006, and the RMAC feels that this counsel was not considered in CORD's decision. The conservation easement would ensure that the wetlands surrounding the existing developed areas are guaranteed protection, and would also support the findings outlined in RSA 9-B that clean water, wildlife habitat, and open space are among the state's most valuable assets.

This request to CORD for a reconsideration of its decision on 2019 SLR 006 in Hampton was approved unanimously, with one abstention, by the RMAC on October 21, 2019. In addition, the RMAC will be sending the attached letter to the Long Range Capital Planning and Utilization Committee requesting that their decision consider the RMAC's recommendation for conservation easements to be placed on these wetlands.

The RMAC is a legislatively created body charged to work with NHDES to administer RSA 483, the Rivers Management and Protection Program. The Governor and Council appointed Committee is composed of members from business, agriculture, hydroelectric, municipal government, water supply, conservation, recreation, fish and game, and historical interests. Among its other responsibilities, the RMAC is charged with reviewing proposed disposals of state-owned land near, or providing access to, rivers and with advising the NHDES Commissioner and the Council on Resources and

Jared Chicoine
Chair, Council on Resources and Development
2019 SLR 006, October 21, 2019
Page 2

Development or the Long Range Capital Planning and Utilization Committee, whichever is the first point of review, on the merits of such disposals.

Should you have any questions regarding this letter, please feel free to contact me at 603.796.2615 or MLT@naturesource.net. We look forward to your response.

Sincerely,



Michele L. Tremblay
Chair

cc: John Cloutier, Chair, Long Range Capital Planning and Utilization Committee
Jay Diener, Chair, Hampton Conservation Commission
Governor Chris Sununu
Michael J. Cryans, Councilor, New Hampshire Executive Council
Andru Volinsky, Councilor, New Hampshire Executive Council
Russell E. Prescott, Councilor, New Hampshire Executive Council
Theodore L. Gatsas, Councilor, New Hampshire Executive Council
Debora Pignatelli, Councilor, New Hampshire Executive Council
Chris Aslin, Senior Assistant Attorney General, Attorney General's Office
RMAC Representatives
Robert R. Scott, Commissioner, NHDES
Tom O'Donovan, Director, Water Division, NHDES
Timothy Drew, Public Information Office, NHDES
Tracie Sales, Rivers and Lakes Programs Manager, NHDES

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John Magee
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NH Department of
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Staff:

Tracie Sales
Program Manager

Jen Drociak
Watershed Coordinator

Mariah Mitchell
Program Assistant

N.H. Rivers Management and Protection Program

N.H. Rivers Management Advisory Committee

October 21, 2019

The Honorable John Cloutier, Chair
Long Range Capital Planning and Utilization Committee
Legislative Office Building, Room 201
Concord, NH 03301

RE: CORD 2019 Surplus Land Review 006 Hampton

Dear Chair Cloutier and Members of the Committee:

The Rivers Management Advisory Committee (RMAC) is writing to express its concern with the recommendation made by the New Hampshire Council on Resources and Development (CORD) to approve the sale of the state-owned liquor store properties on Interstate 95 in Hampton without ensuring that the wetlands surrounding the existing developed areas are guaranteed protection.

The RMAC transmitted the attached letter to CORD based on thoughtful deliberation and subsequent vote at its August 2, 2019 meeting pursuant to RSA 483:8 VII and RSA 483:14 regarding the proposed sale. RMAC representatives were concerned about the impact of additional development on the adjacent Taylor River, prime wetlands, and other wetlands particularly in light of future sea level rise, salt marsh migration, and groundwater rise. *The RMAC therefore voted to approve the sale with a conservation easement placed on the wetlands.*

Having read the CORD meeting summary and having been provided with a synopsis of the meeting by RMAC staff who attended, the committee is not confident that its conditional recommendation was considered in CORD's recommendation to the Long Range Capital Planning and Utilization Committee. The RMAC has sent a letter to CORD asking them to reconsider its decision based on the RMAC's original letter, and have attached it for your reference.

We respectfully request that the Long Range Capital Planning and Utilization Committee consider the RMAC's recommendation. The subject property includes a large area of sensitive tidal wetlands which provide important flood storage and natural stormwater treatment. It is the RMAC's understanding that these wetlands provide vital habitat for wildlife. Given the state's response to climate change with a number of resiliency strategies which move development away from flood prone areas and protect wetlands that provide storage and treatment, as well as New Hampshire's finding outlined in RSA 9-B that clean water, wildlife habitat, and open space are among the state's most valuable assets, the RMAC believes strongly that its recommendation to require a conservation easement is in the best interests of these important natural areas, wildlife, and public safety.

The RMAC is a legislatively created body charged to work with the New Hampshire Department of Environmental Services (NHDES) to administer RSA 483, the Rivers

Management and Protection Program. The Governor and Council appointed Committee is composed of members from business, agriculture, hydroelectric, municipal government, water supply, conservation, recreation, fish and game, and historical interests. Among its other responsibilities, the RMAC is charged with reviewing proposed disposals of state-owned land near, or providing access to, rivers and with advising the NHDES Commissioner and the Council on Resources and Development or the Long Range Capital Planning and Utilization Committee, whichever is the first point of review, on the merits of such disposals.

Should you have any questions regarding our recommendation, please feel free to contact me at 603.796.2615 or MLT@naturesource.net.

Sincerely,



Michele L. Tremblay
RMAC Chair

cc: Jared Chicoine, Chair, CORD
Jay Diener, Chair, Hampton Conservation Commission
Governor Chris Sununu
Michael J. Cryans, Councilor, New Hampshire Executive Council
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Theodore L. Gatsas, Councilor, New Hampshire Executive Council
Debora Pignatelli, Councilor, New Hampshire Executive Council
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