

New Hampshire Council on Resources and Development

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FINAL Minutes – January 9, 2020

MEMBERS PRESENT

Jared Chicoine, Chair, Director, NH Office of Strategic Initiatives
Glenn Normandeau, Executive Director, NH Fish and Game Department
Tracy Boisvert, Designee, NH Department of Natural and Cultural Resources
John B. Martin, Designee, NH Department of Health and Human Services
Marta Modigliani, Designee, NH Department of Safety
Tim Drew, Designee, NH Department of Environmental Services
Christopher Miller, Designee, NH Housing Finance Authority
Christopher Way, Designee, NH Department of Business and Economic Affairs
Adam Smith, Designee, NH Department of Transportation

OTHERS PRESENT

Lisa Cota-Robles, NH Office of Strategic Initiatives
Michael Klass, NH Office of Strategic Initiatives
Danielle Craver, NH Office of Strategic Initiatives
Stephen Walker, NH Office of Strategic Initiatives
Andrew Davis, NH Liquor Commission
Allen Brooks, NH Department of Justice
Jared Nylund, Department of Administrative Services
Paul Godfrey, HNTB
Dijit Taylor, LCHIP
Betsey McNaughten, NH Fish & Game Department
Larry Spencer, NH Rivers Management Advisory Committee

I. ROLL CALL AND INTRODUCTIONS

The meeting was opened at 9:36 AM by Chairman Chicoine. CORD members and guests then introduced themselves.

II. MINUTES

A. Approval of November 14, 2019 draft minutes

Mr. Klass stated that Mr. Drew found two errors (misspelled Director Normandeau's first name and used Mr. Drew's incorrect title) and that those errors will be corrected.

MOTION: On a motion by Director Normandeau, seconded by Mr. Drew, the November 14, 2019 minutes, as amended, were approved unanimously by the Council.

III. LAND CONSERVATION INVESTMENT PROGRAM (LCIP)

A. Dijit Taylor - Executive Director, LCHIP. Request for 2020 distribution of Community Conservation Endowment monitoring funds

Ms. Taylor gave a brief overview of LCHIP and what the Community Conservation Endowment does for LCHIP protected properties. Ms. Taylor stated she is required to come to CORD annually for permission to draw money from the Community Conservation Endowment for the incentive payments that are given to land owners who correctly submit a monitor report of their LCHIP protected properties. She went on to say that they will need \$87,200 for the 2019 incentive payments.

Mr. Drew asked if there were one or more reasons why the program appears to be growing, stating that there are more units reported every year. Ms. Taylor answered that it was because LCHIP has given out more grants for land conservation and historic preservation in NH, and that it was an indication of the success of the program.

MOTION: On a motion by Mr. Way, seconded by Mr. Miller, the Council unanimously moved to endorse an expenditure of \$200 per unit up to \$87,200 from the LCHIP Community Conservation Endowment fund as incentive payments for LCHIP grant recipients who submitted annual reports documenting timely monitoring and acceptable conditions of LCHIP-assisted resource conservation and protection projects in calendar year 2019.

IV. SURPLUS LAND REVIEW

A. 2019 SLR 06 (Hampton) New Hampshire Rivers Management Advisory Committee's request for reconsideration

Chairman Chicoine noted that CORD received a letter from RMAC dated October 21st requesting reconsideration of CORD's recommended disposal that took place on September 12, 2019. He further noted that CORD does not have a process for reconsideration and asked Mr. Brooks to speak to the point. Mr. Brooks stated again that here is no formal process for a CORD reconsideration, especially for this type of decision, as it is a recommendation and not an

adjudicatory hearing under RSA 541. CORD could take the request from RMAC and decide to revisit the issue and address the concerns stated in the October 21, 2019 letter from RMAC.

After asking for and hearing no questions for Mr. Brooks, Chairman Chicoine stated that it was not CORD's intention to give the impression that CORD omitted RMAC's concerns and that there was a strong environmental protection statement included in CORD's recommendation for disposal. Chairman Chicoine then proposed that CORD send a letter to Long Range, including the original letter from RMAC dated August 2, 2019 so they have it.

Mr. Way asked if such letter would change CORD's original recommendation. Chairman Chicoine said that it would not, but would make Long Range aware of the RMAC letter to CORD.

Mr. Spencer stated that RMAC is concerned that the parcel has sensitive environmental properties and they were concerned that the wetlands, sea level rise and ground water changes should be taken under consideration when delivering this piece of property to an individual who may not know about these concerns. Mr. Spencer then asked if the conservation easement recommendation would be imposed by Long Range.

Chairman Chicoine noted that Long Range ultimately makes the decision on these issues of disposal. CORD makes a recommendation and then it is up to them. Today CORD is forwarding the August 2, 2019 letter RMAC sent to CORD as part of the final action packet that CORD sent to Long Range.

Mr. Way reiterated that he felt that CORD gave this issue due consideration when recommending disposal and is satisfied with the outcome. Commissioner Normandeau agreed and stated that whoever ends up in the fee ownership will be required to go through a typical wetlands permitting process, and conservation commission review, so he doesn't believe there is a large risk that these environmental concerns will not be addressed. Mr. Drew then added that NH DES feels that these issues will be worked out through the RFP process and if the NH Liquor Commission can find an environmentally sensitive contractor it may have a better outcome than the original recommendation and that he also agrees with Mr. Way and Commissioner Normandeau.

MOTION: On a motion by Mr. Miller, seconded by Mr. Way, the Council unanimously approved sending a letter to Long Range stating the following, and including a copy of the August 2, 2019 RMAC letter to CORD:

Pursuant to RSA 483:8, VII, the Council on Resources and Development ("CORD") can only recommend land for disposal upon recommendation of the Rivers Management Advisory Committee ("RMAC"). On September 12, 2019, CORD recommended disposal of land identified in 2019 SLR 006. This recommendation explicitly included conditions developed by CORD. CORD hereby clarifies that, consistent with RSA 483:8, VII, its recommendation includes by reference the contents of the letter from RMAC to CORD dated August 2, 2019.

V. OTHER BUSINESS

A. Land Conservation Investment Program - Receipt of 12/12/19 NHF&G letter re:
Notice of Land Interest Merger (Cascade Marsh, Sutton)

Ms. McNaughten explained that the land is under this LCIP easement was put up for sale and the land owner contacted NH Fish & Game to see if they were interested in purchasing fee, which they were. She went on to say that the fee and easement are now owned by NH Fish & Game, and the easement, which is monitored by the Conservation Land Stewardship, will remain intact. This is the notification to CORD of this fee purchase.

B. 2019 SLR 004 (Brentwood) - Receipt of 12/11/19 DHR letter re: eligibility

Chairman Chicoine stated that this is acknowledgement that the evaluation has happened and the determination was eligible. Mr. Drew asked Ms. Boisvert what the next step is after it is deemed to be eligible. Ms. Boisvert did not have the immediate answer to that on hand, but will find out.

C. Annual Nash Stream Forest Reports

Ms. Boisvert reviewed the decision that allowed ATV use at Nash Stream State Forest. She went on to say that under the agreement there is a condition that monitoring reports are to be submitted annually regarding the condition of Kelsey Knot Trail in Nash Stream State Forest and that NH Fish & Game also includes enforcement issues in this report. Ms. Boisvert has submitted the findings from the Nash Stream Forest annual monitoring report.

Mr. Drew noted that he was pleased to see the great work up there with almost no violations and the high level of trail maintenance. Director Simpkins, Chief Gamache, and Lt. Ober deserve special recognition and are making CORD's job easier. He went on to observe that the ATV users have been very responsible, and he was pleased to see the low number of instances this year.

Chairman Chicoine informed members that at some point CORD would need to further discuss the Kelsey Notch trail. Pursuant to Section 3 of CORD's Findings (found at page 38 of the meeting packet), after three years of assessment which began in 2017, CORD is required to make a determination concerning use of Kelsey Notch Trail. At next meeting we should talk about this further.

Ms. Boisvert added that there is a proposed house bill that is related to Nash Stream and ATV's (HB 1316). Mr. Klass said that he would circulate that language for everyone after the meeting.

D. 2020 Smart Growth Report reminder

Mr. Klass stated that state statute requires for CORD to issue a Smart Growth Report every four years and that the last one was in 2016, which means this will be on CORD's 2020 agenda.

Mr. Walker then added that the difference between LCIP and LCHIP can be confusing and he has copies of the LCIP annual report for anyone that would like to read it.

MOTION: With business completed, Mr. Way moved to adjourn the meeting, which Mr. Miller seconded. The motion was approved unanimously by the Council.

Meeting adjourned at 10:08 AM.

Reminder – 2020 CORD Meeting Dates:

~~January 9~~

March 12

May 14

July 9

September 10

November 12