

TILTON CONSERVATION COMMISSION

February 20, 2023

MINUTES

Members present: Chuck Mitchell, Chair; Bob Hardy, Vice-Chair; Helen Hanks, Vice-Chair; Jim Cropsey; Ken Norton; Paul Rushlow; Jon Scanlon; Ben Wadleigh; and Kathi Mitchell

Guest: Emmalee Garvin

Meeting was called to order by the Chair at 7:00 p.m.

- 1. Emmalee Garvin from WRSD CTE Program** - Ms. Garvin spoke about forest management in an upland area near the WRSD baseball field. She wants to remove a downed tree, clean up the area, and plant trees. Bob explained that deer are eating many small trees and suggested white or red spruce might be a good choice. Emmalee made it clear that students would be removing dead trees with adult supervision. The chainsaw program will begin in the spring. Her students will also be working on a pollinator garden at the Franklin Falls Dam. Commission members suggested that the boundaries for the area in question (with downed trees) need to be identified since there is private property abutting the school property. Removal of dead trees is permitted, but there can be no motorized vehicles involved. It will be important for the students to learn tree identification, and only dead trees can be removed. It was also a suggestion that the students clear the invasives first, with the understanding that the district may need to contract with a company such as Vegetative Control Services in Franklin to spray the area after the hand-pulling of invasives has been completed. It was also suggested that Emmalee may want to contact the Belknap County Conservation District which offers plants, trees, bulbs, and shrubs at reduced prices. The possibility of having students involved with easement monitoring of the WRSD parcels.
- 2. Minutes:** The minutes from January were reviewed. Jim made a **motion** to approve the minutes as presented and Bob seconded the motion. All were in favor.
- 3. Old Business:**
 - a) December 8 Zoom meeting with NH DOT** – The secretary received minutes from that meeting and emailed them to the commissioners in late January. The TCC continues to be concerned about DOT plans for installing guardrails which could narrow the river and increase the flow. Ken has a video of flowage, particularly in an area DOT referred to as “backwater”. The TCC believes that placing utility poles on the Tilton School side of the property would be the best practice. There was some confusion about why that concept had been dismissed. Helen will contact Scott Ruggles from Tilton School to find out more information. The secretary was directed to contact NH DOT to find information about future meetings and to continue to ask for recordings of all meetings.

b) Silver Lake Dam project/proposal – NH DES has scheduled an informational meeting for February 28 in Belmont. The TCC and Selectboard members have been contacted by a representative from the Silver Lake Association to explain why the TCC is in opposition to the project. There was an extensive discussion about the 1985 historical actions and the current information which is available. Several members will attend the meeting in Belmont. The following items were reviewed:

1. On February 13, 1985, the Tilton Conservation Commission sent a letter to the US Army Corps of Engineers stating their opposition to the ACE's proposed flood management plan for Lake Winnepesaukee and the Winnepesaukee River. Two members of the Tilton Conservation Commission at the time of that vote are current members of the Commission.
2. The Silver Lake Association has resurrected part of the Army Corps of Engineers plan and are requesting Belknap County provide over \$500,000 in American Rescue Plan funding for the purpose of studying construction of a dam at Route 140 and the dredging of the Winnepesaukee River between Silver Lake and Rt. 140.
3. As proposed, the plan calls for dredging 6,000 feet (*page 35) of the Winnepesaukee River between Silver Lake and the Route 140 bridge.
4. The report states that 38,600 cubic feet of material (*page 35) will need to be removed as part of the dredging process.
 - This amounts to over 2,700 dump truck loads of material (approximately 14 cubic feet per construction vehicle).
 - There is no plan stated for how or where this material will be disposed of.
 - It is not known what if any contaminants the soil may contain.
 - The former Johns Manville plant in Tilton, NH has two known asbestos dumps immediately abutting this section of the Winnepesaukee River. It is not known if material was dumped into the river itself, or on the banks of the river. The NH Department of Environmental Services (NH DES) acknowledges the possibility that other dumping occurred. In identifying the asbestos dumps in Tilton, the NH DES website states "The existence of other dump sites in Tilton (and Meredith) if any, is not known." <https://www.des.nh.gov/waste/asbestos/disposal-sites/faqs#faq32371>
 - Dredging is not a one-time fix. Over time, sediment will naturally fill back in areas that have been dredged. NH DES indicates that any further studies should address the need for periodic dredging.**
5. The proposed project will have significant impact on wetlands. The NH DES indicates that IF the project were approved, mitigation fines paid to the Aquatic Resources Management fund due to wetlands impact, could be between \$2 million and 5.5 million dollars.**
6. The NH Department of Environmental Services has indicated the project may result in the possibility of increased flooding in downstream communities of Tilton and Franklin.**

7. The proposed installation of a hinge dam just downstream of the Route 140 bridge will eliminate upstream access to the Winnepesaukee River and Silver Lake via the Department of Transportation boat ramp on Shaker Road in Northfield. (Although there is walk in/carry boat access at Silver Lake, the Shaker Road facility is the only public access boat ramp to Silver Lake).

8. Establishing a hinge dam on Route 140 and the subsequent rise in water level upstream on the Winnepesaukee River and Tioga River and wetlands will have significant negative impacts

- Charles Barry, the then Executive Director of NH Fish and Game, articulated this clearly in his letter to the Army Corps of Engineers on February 25, 1985. *“The operation of the Bascule gate [hinge dam] to satisfy recreational needs of people at Silver Lake will be to the detriment of the Tioga Wetland, inundating a shallow marsh by an average of (2) two feet. The New Hampshire Fish and Game would oppose any level that would alter the existing Tioga Wetland.”*
- In recent years, this section of the Winnepesaukee River and Tioga Wetland have become prime Bald Eagle habitat, and there is concern the addition of the dam and subsequent raising the level of the Tioga Wetlands will have a negative impact on this habitat.
- A survey published by NH Fish and Game in 2020, identifies the Tioga River as having the highest ranked wildlife habitat in the state.
<https://www.wildlife.state.nh.us/maps/wap/belmont8x11scoring.pdf>
- The same survey identifies the Tioga Wetland, and Winnepesaukee River between Route 140 and Silver Lake as having the highest ranked wildlife habitat in the *region*.
- The proposed dam, and increased water level of the Tioga Wetlands, will significantly decrease the natural ability of the Tioga wetlands to absorb water and prevent flooding.

9. The Tioga River has been known to flood in the area where it crosses and briefly goes alongside Route 140. Altering the water level may increase flooding in this area.

10. The area near the Route 140 bridge and the proposed hinge dam has been identified as being an archaeological and culturally sensitive area. (*page 48)

11. NH DES acknowledges that the Environmental and Permitting process has changed significantly since the Army Corps of Engineers’ report of 1985 and “the project may be difficult to permit.”**

12. NH DES also indicates they recently spoke with the Army Corps of Engineers regarding the proposed project and “they may not make the same recommendations they made nearly 40 years ago.”**

*Army Corps of Engineers Winnepesaukee River Basin Report Sept. 1985

** Letter to Belknap County Commissioners of 12/22/2022 from NH Dept of Environmental Services Commissioner Robert Scott

Helen made a **motion**, seconded by Ben, that the Tilton Conservation Commission reaffirms its opposition to dredging the Winnepesaukee River and installing a dam near the Tilton-Northfield

town line on Route 140, as proposed, for reasons listed above, but not limited to those reasons.
The vote was unanimous.

c) Removal of soils – The members were relieved to know that the town zoning ordinance (3.2.2) would be followed in regard to soil excavation in the town.

3. New Business:

4. Correspondence:

5. Other:

Paul made the **motion** to adjourn at 8:15 pm. Helen seconded the motion. All were in favor.

Respectfully submitted by Kathi Mitchell, secretary