

CENTER HARBOR CONSERVATION COMMISSION
MEETING MINUTES
WEDNESDAY, AUGUST 11, 2021

Commissioners present: Maureen Criasia, Chair
Karin Karagozian
George Gurney
Don Carey
Barbara Picard

Commissioner absent: Harry Viens, Selectmen's Representative

Invited guest: David J. Rousseau
Director
NH Division of Pesticide Control
NH Department of Agriculture, Markets and Food

Attending from the public: Lorraine Paul, resident of Center Harbor

Call to Order: The meeting was called to order at 8:03 a.m. by Chairman of the Commission, Maureen Criasia.

Approval of Minutes: Several sets of draft minutes were approved:

- Commissioner Gurney made a motion to approve the minutes of *February 13, 2020*, Commissioner Karagozian seconded; all in favor.
- Commissioner Gurney made a motion to approve the minutes of *November 12, 2020*, Commissioner Carey seconded; all in favor.
- Commissioner Gurney made a motion to approve the minutes of *May 12, 2021*, Commissioner Carey seconded; all in favor.
- Commissioner Gurney made a motion to approve the minutes of *June 8, 2021*, Commissioner Karagozian seconded; all in favor.

Introduction of New Commissioner: Newly appointed Commissioner Barbara Picard was introduced to the Commissioners by Chair, Maureen Criasia.

Old Business:

- a.) The Commission has a new email address: conservationcomm@centerharbornh.org
- b.) There are currently staggered terms for commissioners with terms expiring as follows:

Commissioner Criasia	2022
Selectmen's Rep. Viens	2022 (renews yearly)
Commissioner Gurney	2023
Commissioner Karagozian	2023

Commissioner Carey	2024
Commissioner Picard	2024

Criasia states that under RSA Chapter 36-A, the Commission is allowed between 3-7 full commissioners and alternates.

Criasia mentioned she distributed an updated Commissioner Contact List to the Commission prior to the meeting. Commissioners stated they received the list and the information contained within was correct.

New Business:

New Hampshire Electric Coop (NHEC) and Vegetation Control Service (VCS) Herbicide Spraying in Center Harbor - Conservation Commission's role and involvement:

Introduction of David J. Rousseau of the NH Division of Pesticide Control by Commission Chair, Criasia. Mr. Rousseau is an environmentalist with a degree in Planning and currently director of NH Division of Pesticide Control.

Mr. Rousseau was previously called by Commissioner Criasia to gather more facts after learning of a written notification from the NHEC and VCS, received by the Town of Center Harbor, that they would commence application of herbicides on approximately August 1st along areas where clear cutting had already taken place in an effort to control growth around electrical lines, (NHEC Herbicide and Stump Treatment). The Town was notified with a letter from VCS dated March 1, 2021; notification (letter and other documents) was placed on the Town's website on July 19, 2021. It was the hope of the Commission to get clarification from Mr. Rousseau about his agency's role in overseeing application of herbicides in our municipality and to address many questions raised by commissioners as discussed below. The NH Division of Pesticide Control is an environmental as well as enforcement agency.

As it reflects the purpose of the Commission to interface with the public on matters impacting the local environment, upon learning of the planned spraying, Commissioner Criasia consulted several NHEC & VCS individuals regarding landowners' rights in regards to the spraying and attempted to ascertain names of the specific herbicides to be used and precise areas where they would be applied. Commissioner Criasia learned that individuals can determine whether spraying is planned for their area by consulting NHEC line numbers on nearby utility poles, however, most often people don't know their line number. She subsequently requested and received a list of streets where spraying would be done from John Geronaitis, utility arborist for this project at NHEC, to make impact areas clearer to the public. This information was put on the Town website. Locally, it is possible to obtain signs from a resident in Holderness to opt out of the spraying; they should be placed by the landowner in the area designated for treatment.

According to Mr. Rousseau, a license is necessary in order to use pesticide on the property of another. A special permit is required along with the license for pesticide use in public rights-of-way and NHEC meets the qualifications (At this point, a copy of the state permit for this project was circulated by Chair Criasia, and reviewed by the Commission). A proposal comes to the State to use pesticides; environmental concerns are addressed. In this case since there is a lot of concern the Town needed to be notified and anyone within 200 feet of spraying was supposed to have been notified. Commissioner Criasia noted that there is a Town ordinance stating that a 100-foot distance needs to be observed when spraying herbicide, pesticide or

fertilizer adjacent to a water body. What follows is a summary of questions raised and Mr. Rousseau's responses:

Q. Cutting is done every 15 years, application every 3 years. Does this have an effect on animals, pollinators, habitat? Japanese knotweed has not been eliminated and there is concern about hatching of monarch butterflies and whether or not the herbicide will kill the milkweed?

A. Properly used, registered pesticides should not cause undue harm. Pesticides include a number of different types such as herbicides, insecticides, acaricides, fungicides and many others. This right-of-way discussion is relative to herbicides to control specific vegetation, not animals or insects. Certainly, pesticides are poisons and need to be properly used. If misused, herbicides may adversely impact the environment. Applications to rights-of-way are conducted to avoid flowers in bloom.

Q. Has there been a financial evaluation re cutting vs. spraying? Can we ask to cut and not spray?

A. Requests for this information must be made directly to the NHEC.

Q. Is it just stumps being treated?

A. This project identifies both stump treatments and foliar treatment of vegetation using pesticide application equipment such as backpack sprayers. The type of pesticides scheduled for use are herbicides, not insecticides.

Q. What are concerns of the Division of Pesticide Control?

A. Our job is to make sure regulations are being met. There are pesticide inspectors from the Division in the field inspecting people who are applying herbicides, for example, including inspection activity such as taking pesticide samples from backpack sprayers to check the levels of herbicides. It is also the Division's responsibility to make sure people applying herbicides are licensed and to enforce the law. Anyone going on someone else's property to use a pesticide is required to have a license. Relative to this right-of-way discussion, there is a "high level of confidence" that the licensed individuals working under a special permit are making an effort to apply pesticides correctly.

Q. Is it an option to ask that notifications be put on each street that spraying will take place?

A. It is on the property owner to take appropriate action concerning their personal property.

Q. Can an individual put a permanent sign on their property to stop any spraying?

A. Individuals are encouraged to review the right-of-way easement language to determine whether a sign can be posted permanently in a right-of-way.

Q. Holderness is putting up signs about Krenite which supposedly increases phosphorous and could be affecting our waterways. Is this true?

A. The active ingredient in Krenite is ammonium salt of fosamine, not phosphorous, and it is unlikely it would result in an increase of phosphorous in water.

Q. Do the herbicides being used have an effect on water? For the lay person it is difficult to understand exactly what they are and the effect they might have on the environment.

A. Based on the special permit for this treatment proposal, there are five available products; all five are herbicides registered at the federal and state level. The special permit process provides the state with an opportunity to review the pesticides proposed for use. In addition, the Division conducts a significant amount of water sampling to determine the fate of a pesticide. It may be helpful to invite NHEC to meet with the Commission to explain their right-of-way maintenance approach, including a discussion of mechanical control, the concerns with the impact of heavy equipment, the use of gas powered equipment, such as chain saws and the potential for gas and bar chain oil spills, the different methods of pesticide use, for example, stump-cut and foliar application, target species, consideration of non-target species, drift control, and equipment used to apply pesticides.

Mr. Rousseau left brochures with commissioners about pesticide setback distances from wells and surface waters published by his agency.

Additional concerns addressed, not resolved:

All commissioners & Lorraine Paul: None of us were ever notified by NHEC of any upcoming spraying. That is supposed to be required and it seems to be falling through the cracks.

Commissioner Gurney: What do we do about all the land in conservation?

Plan of Action proposed:

A problem has been identified concerning notification to the Commission and to the public of any upcoming spraying of herbicides, cutting of trees, etc.

Commissioner Criasia stated that she would attend the Select Board meeting tonight (8/11/21) and ask that the Conservation Commission be notified by the Select Board immediately upon notification of any type of project that could potentially affect the environment. Despite the fact that the Select Board was notified about the upcoming application of herbicides by the VCS in a letter dated March 1, 2021, notification was not placed on the Town's website until July 19, 2021.

Commissioner Gurney suggested the Commission propose a plan to NHEC to clearly apprise the public prior to any upcoming spraying/cutting of this sort going forward. Every month we receive a bill from NHEC. NHEC could notify the public through their billing process with a newsletter or special notice accompanying the bill. All commissioners agreed that the Conservation Commission will write a letter to the NHEC suggesting notification of the public through monthly bills. The Commission will ask that we be cc'd on any information that will be disseminated to the public and would post the information in public places as well as on the Town website.

Commissioner Karagozian will compose the letter to be approved by the Commission prior to sending.

Additional Business

- a.) There is a Conservation Fund balance of \$88,618.07 (statement date 7/30/21).
- b.) Commissioner Karagozian proposed possibility of putting a couple of informative articles in the paper from time to time with news from the Conservation Commission.
- c.) On Monday, August 9, 2021, the Zoning Board of Adjustment (ZBA) reviewed an application from a homeowner who wants to expand his structure's footprint that is located within the Snake River Prime Wetlands buffer area. Commissioner Criasia wanted for us to know that she attended the ZBA meeting and provided information at that meeting pertaining to buffer zone attributes and value. The state designated prime wetlands buffer for the Snake River Prime Wetlands is 100', and by town ordinance is 125'. Even though the homeowner was granted a variance by the ZBA, he will need to submit wetlands and shoreland applications to NHDES. At the local level, we may be asked to weigh in on the applications as a commission.

Adjournment: Having heard no further business to come before the Commission, the meeting was unanimously adjourned at 9:40 a. m.

Next meeting of the Conservation Commission will be at 8 a.m. on Wednesday, November 10, 2021