

Mount Washington Commission  
10/28/22 (Approved 01/27/23)

Chair Bradley called the meeting to order at 10:05 a.m. with a quorum present at the Pope Memorial Library in North Conway. Present were Sen Jeb Bradley/MWC Chair, Ed Bergeron/Public, Phil Bryce/Public, Chris Ellms/Public, Derek Iburguen/WMNF, Rob Kirsch/MWObs, Wayne Presby/Cog Railway, Drew Scamman/TownSquare Media, Commr Sarah Stewart/DNCR, Chris Thayer/AMC, Rep Karen Umberger/House, and Howie Wemyss/Auto Road. Public attendees, summit partner staff members and MWC counsel Allen Brooks/AG Office were also present.

APPROVE MINUTES of 8/22&23 – Mr Iburguen requested a correction to the 8/22 minutes to reflect that comment about Lizzies Station should go to the Cog Railway and the Coos County Planning Commission rather than to the WMNF who has no jurisdiction for the project. Mr Kirsch **MOTIONED** to approve the minutes as amended; Mr Presby **SECONDED**. **The motion CARRIES, unanimously.**

MASTER PLAN – Sen Bradley provided background information on the Master Plan effort, including the public hearings held on 8/22&23; stylistic changes made to the plan by Mr Kirsch and other MWC members; and Mr Brook’s incorporation of the stylistic changes (green text) and substantive changes (yellow highlights), as shown in the draft Plan dated 10/20/22.

- Discussion, finalization and changes to the Master Plan were made, see below. Mr Brooks did not have any other additions. He agreed with the changes to make document more stylistic and to clarify the public’s concerns.
  - Pg. 5, that all future development will be subject to the Plan and shall address the recommendations of an assessment. Some public attendees asked that the plan be put on hold until after the assessment was complete.
  - Finance – Mr Kirsch read the two changes highlighted in yellow on pg. 8. Mr Bryce said that revenue from the communications leases is deposited to the Mt Washington Fund and is used to support Mt Washington State Park. Administrative staff costs are being offset by other DNCR funds. Rep Umberger wants the MWC to have a better understanding of the use of the Mt Washington Fund.
  - Safety – Park staff members “assist with assuring the safety of visitors within the Park,” pg. 9.
  - Water and waste – stronger statement that summit facilities are adequate to protect environment.
- Implementation – pg. 13. There was a long discussion about changes to this section, including:
  - Whether MWC’s review of the assessment “shall require” the modification of the Master Plan
  - The concern that elements of the assessment may conflict with other goals of the Master Plan
  - Mr Wemyss said that we need to understand that we are talking about a sensitive environment and may have to modify how we do business. Growth has to be modified to protect the mountain.
  - Mr Brooks said that this is a policy matter not just word choice.
  - The balance of competing goals: the alpine environment and access for the visiting public. The difficulty in controlling hiker access yet having some control of Auto Road and Cog Railway visitor access.
  - Chair Bradley suggested changing the text to “...shall review and modify as appropriate the Master Plan...” Mr Brooks clarified the revision to “The Commission shall incorporate recommendations of the Assessment to the extent that they are consistent with the other elements of the Master Plan.”
  - Discussion continued. Mr Kirsch said that the Commission must exercise judgement in making decisions for the mountain and must preserve its ability to act as Commissioners. The assessment will be done by a third party that may have a narrower scope. Mr Wemyss said that he was not afraid to impose the current will on future Commissioners.
  - A public attendee asked if the Commission was putting the “cart before the horse.” If the environment is not the main issue, then what is? The mountain is irreplaceable. Mr Jamie Sayen of No. Strafford said that without the assessment, it is hard to finalize a plan. You cannot change natural laws and limits and,

therefore, the environment will take a hit. He said that the master plan, if adopted today, will have zero credibility to the scientific community. Mr Bryce said that the plan is needed to request funding from legislature for the assessment work.

- Chair Bradley offered a revision to the text: **“The Commission shall review the assessment and shall modify the master plan based upon the recommendations in the assessment and the other recommendations of the master plan.”** Mr Bergeron **MOVED** to adopt the amended language; Mr Wemyss **SECONDED**. Discussion continued.
- A public attendee said that the Cog’s Lizzie’s Station might be built by then. Mr Brooks reminded the public that the Lizzie’s Station proposal is outside of the Commission’s jurisdiction.
- Ms Lucy Wyman of Lancaster asked that the Master Plan include a recommendation that someone be assigned to speak for the entire mountain and not just for the state park. Chair Bradley said that RSA 227-B, that established the MWC states that its jurisdiction is only on the state park. Legislative action would be required to change 227-B, or to establish a new movement. Mr Ibarguen is a fan of cross-jurisdictional discussion and said that we have been doing that for years: we are the voice for the mountain. Ms Wyman countered that this group needs to advocate for someone who will speak for the entire mountain.
- Mr Brooks said that a mechanism for change has been provided, but that the Commission cannot discuss additional bounds within the confines of its current statutory charge. Mr Sayen said that instead of adopting the plan, the Commission should be adopting new legislation to expand the commission’s duties. The assessment will find what we already know: that the alpine environment will be gone. There is no balance in that. Chair Bradley re-iterated the duties of the Commission to submit a Master Plan every 10 years.
- The Commission to a roll call vote of the amendment to the language offered by Chair Bradley. Voting **YES** were Mr Bergeron, Chair Bradley, Mr Bryce, Mr Ellms, Mr Ibarguen, Mr Kirsch, Mr Presby, Mr Scamman, Commr Stewart, Mr Thayer, Rep Umberger, and Mr Wemyss. The motion **CARRIES**, unanimously.
- Mr Kirsch **MOTIONED** to adopt the stylistic changes indicated in green text in the draft Master Plan dated 10/20/2022. Mr Bryce was concerned about the 2<sup>nd</sup> paragraph in the Real Property Management section, pg. 10, as it pertains to the potential conflicts between the parties regarding their rights, deeded and financial interests, and operations. Mr Brooks clarified that the Master Plan cannot override other statutory obligations. Mr Kirsch **AMENDED** his previous motion to rescind the edits on page 10; Rep Umberger **SECONDED**. Mr Bryce asks to remove the word “some” in the text. Rep Umberger thought the text was appropriate with public, legislature, park staff and tenants assigned. Mr Kirsch **RESTORED** his original motion; Rep Umberger **SECONDED**. The motion **CARRIES**, unanimously.
- Mr Bryce commented on the fire suppression effort in the Yankee Building. Mr Kirsch **MOTIONED** to restore the fire suppression reference in the text on pg. 11; Mr Wemyss **SECONDED**. The motion **CARRIES**, unanimously.
- Mr Kirsch **MOTIONED** to approve the amendments made to the changes in green text, excluding yellow highlighted text; Rep Umberger **SECONDED**. The motion **CARRIES**, unanimously.
- Mr Wemyss **MOTIONED** to approve the yellow highlighted changes, including the changes in Table 1; Mr Kirsch **SECONDED**. The motion **CARRIES**, unanimously.
- Rep Umberger **MOTIONED** to adopt the Master Plan with the approved amendments and changes; Mr Bergeron **SECONDED**. Rep Umberger said that the MWC worked hard on the plan and there is more work to do. The Governor and Executive Council may also have comments on the plan. Mr Ibarguen said the stewardship values are genuine and that the Commission may change course based on the assessments, but that completing the Master Plan was needed.
  - A public attendee asked what happens if a private owner does not want to go along with everyone else? Chair Bradley answered that the Harvard Mediation process encouraged dialogue between the

Commission members. There was consensus that an assessment was needed, and that public access to the publicly owned State Park is also important. Disagreements can end up in court, but the public could be the biggest loser. Collaborative interest not overriding the rights of an individual.

- It was remarked that during the public comment period 1.7% of public comments submitted agreed with plan and 98% disagreed with it.
- Mr Kirsch called for the vote on Rep Umberger's **MOTION** to adopt plan as amended that was **SECONDED** by Mr Bergeron. The Commission unanimously voted in favor of the motion and the motion **CARRIES**.
  - Mr Robert White of Intervale thought that it was too bad that the MWC has to confine itself to its statutory authority. Hampton Beach State Park is the main financial generator for the park system and parks must fund themselves. When the Hampton Beach capital improvement project went to Governor and Council for approval, it had to show an economic return that it would generate revenue to fund environmental projects and improvements.
  - The Master plan is living document and provides opportunities for partnership. It is always good that people are willing to take part in the public process and speak up.

STATE PARK REPORT Commr Stewart said that Brian Wilson was hired as the new Parks Director. Patrick Hummel provided her with a Park operations update: there were approx. 325,000 visitors to the Sherman Adams Building this season from May 27 through Oct 17; new lines and a tank were installed for the sewage treatment plant; Cameron Casey was hired as the assistant retail manager; staff worked on Tip Top House renovations that included major electric overhaul; they are working on bid documents and finances for additional renovations; the Governor and Council meeting held at the summit on Sept 7<sup>th</sup> went very well; there have been four fatalities this season; park staff continues to assist with rescues and transport; the sewage treatment project is a priority; a report on fees will be provided by Mr Hummel at the next meeting; and AARPA funds will be used for the water and sewer capital projects.

- The Commission will take up the Visitor Survey project after the election. A public attendee asked how global warming pertains to parks. Commr Stewart replied that all our offices and bureaus are working towards a more comprehensive way to address global warming.
- Mr Bryce clarified that the agenda follows the statutory duties of the MWC and does not necessarily mean that we have current business to report out at each meeting.

#### PARTNER REPORTS

- AMC – Mr Thayer said that their 31<sup>st</sup> edition of the White Mountains guide was released. Their annual trail maintenance crews accomplished many projects, including the first of 5 years of investments in Franconia Notch's Bridle Path. WMUR did a story on the MWOb's and AMC co-lab work on the climate. AMC has new tracking data, and they estimate that 1,300 incidents were prevented through hiker education, including 400 hiker contacts related to weather preparedness and 300 hikers staying at a hut overnight unexpectedly. Hut occupancy is strong and returning to the 2019 numbers.
- COG – Mr Presby said that they had a successful season, although ridership is down 6%. They finished their work at Waumbek Station. The debris along the summit was cleaned and the Franconia Ski Club came to help. The Cog is transferring much of its ownership to its employees through ESOP (Employee Stock Ownership Plan).
- OBS – Ms Donna Dunn is retiring and introduced Mr Drew Bush as her successor. The Obs is celebrating its 90<sup>th</sup> anniversary. Two observers have passed their exams. The wind sensors that the Obs designed for Mt Everest are transmitting data successfully. They have installed signs at trailheads with a QR code so that hikers can receive summit weather updates via text. Their snowcat is staged and is ready for use for school trips and EduTrips.
- TownSquare – Mr Scamman said that the WHOM is offline and on auxiliary power. The WHOM building is crumbling and needs to be addressed. WPKQ will be changing format from country to alternative rock as WCYY.

- WMNF – Mr Ibarguen said that Vinci Keeler has joined them as the new deputy forest supervisor. They are planning for investments and infrastructure improvement projects, including the contract for Glen Ellis Falls parking lot upgrades. Workforce and housing continue to be a struggle, but they hope to make seasonal permanent positions with benefits. WMNF is hiring for their Avalanche Center.
  - Public attendee Mr Rick Davis asked about the overuse and congestion at Diana’s Bath. Mr Ibarguen said that the municipality is assisting with the management of parking. Law enforcement is working on the signage vandalism issue.

Mr Presby suggest that everyone look at the study done by Carter and Woodruff, especially the last few pages. The study is available on the Mt Washington Master Plan website. The Parks Division decided to build the Sherman Adams building without increasing the public space from that of the original 1908 footprint.

The next MWC meeting are scheduled for Jan 27<sup>th</sup> and March 24<sup>th</sup> at 10 a.m., location TBD. The target date for G&C acceptance of the Master Plan is late Jan or early Feb, followed by the capital funding request to legislature for the assessment work.

Mr Bradley thanked everyone for their participation and work on the Master Plan despite the recent turnover in members and not being able to find a facilitator. The MWC pulled together to complete its work and things are moving forward. He and Rep Umberger serve at the will of the public and he will not be seeking reappointment to the Commission. Mr Bergeron, as Vice-chair will cover the upcoming meeting.

Rep Umberger said that she will continue to serve on the MWC and asked Chair Bradley to make sure his Senate replacement understands the importance of attending these meetings. Mr Kirsch thanked Chair Bradley for his leadership and love for the mountains. He hoped that Chair Bradley would reconsider his decision to step down, or otherwise, find an equal replacement.

Mr Thayer **MOTIONED** to adjourn; Mr Presby **SECONDED**. The meeting adjourned at 12:24 p.m.

*Submitted by Darienne Messer, DNCR – Div. of Parks and Recreation.*