

**LAKES MANAGEMENT ADVISORY COMMITTEE**  
NH Lakes Management and Protection Program



New Hampshire Department of Environmental Services  
29 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
Phone: 603-271-2959 fax: 603-271-7894  
E-mail: jcolburn@des.state.nh.us



**MEETING MINUTES**  
**November 12, 2010**  
**DES Conference Room**  
**9:00 a.m. – 12:00 p.m.**

**Members present:**

Phil O'Brien, Ph.D., Chair  
Wendell Berry  
Jennifer Czysz  
Mark Gallagher  
Jim Haney, Ph.D.  
Diane Hanley  
Don Kent, Ph.D.  
Jeff King  
Jim Morash  
Fred Murphy  
Dennis Pavlicek  
David Rousseau  
Robert Spoerl  
Larry Sunderland, Vice Chair

**Representing:**

NH Lakes Association  
NH Business and Industry Assn  
Director Rep, Office of Energy & Planning  
Commissioner Rep, DOS  
Scientific Community, UNH  
NH Assn. of Conservation Commissions  
State Conservation Committee  
Exec. Dir. Rep, F & G  
Tourism Industry  
Planning Boards  
Municipal Officials  
Commissioner Rep, Agr., Markets & Food  
Commissioner Rep. DRED  
Conservation Community

**Term:**

August 1, 2012  
July 8, 2013  
Indefinite  
Indefinite  
August 22, 2010  
August 22, 2013  
August 1, 2012  
Indefinite  
August 1, 2013  
August 1, 2011  
August 1, 2011  
Indefinite  
Indefinite  
September 19, 2010

**Members not present:**

Mark Hemmerlein  
Eric Orff  
Bo Quackenbos  
Ken P. Wilson

Commissioner Rep., DOT  
Fish & Game Commission  
NH Association of Realtors  
NH Marine Dealers Association

Indefinite  
August 22, 2010  
June 27, 2011  
August 22, 2011

**Staff Present**

Jacquie Colburn  
Jenn Rowden  
Laura Weit-Marcum

Lakes Coordinator, Watershed Management Bureau (WMB)  
Asst. Planner, WMB  
Prin. Planner, WMB

**Guests:**

Dick Smith                                      Fishing Interests

**Opening**

Chairman Phil O'Brien called the meeting to order at 9:04 AM and welcomed all those present, including David Rousseau, the newest member representing the Dept. of Agriculture, Markets and Food.

**Minutes**

It was decided to vote on the September minutes at then next meeting to give the committee time to review them.

**Status of Committee Membership and Other Committee Business**

- 1) Marine Trades Association - representative, Ken Wilson, has indicated that he would like to continue on the committee.
- 2) NH Bass Federation and NH Wildlife Federation - Dick Smith's nomination as their representative is in process.
- 3) Jim Haney is working on his reappointment to represent academia.
- 4) Conservation Interests – Since the Loon Preservation Committee was added as one of conservation organizations to jointly nominate an individual to represent conservation interests, Larry Sunderland attended a recent meeting of the LPC Board to tell them about the LMAC. DES will send a letter to the four organizations requesting that they jointly nominate a member.

**LMAC Chair and Vice Chair Election**

At the September meeting, Chairman O'Brien said that he was stepping down as chair and since Vice Chair Larry Sunderland is not seeking reappointment, he too would be stepping down as vice chair. At that time, Chairman O'Brien had asked if other members would be willing to assume the chair and vice chair positions; Diane Hanley and Bud Berry had volunteered to do so, respectively. Prior to taking a vote at today's meeting, Chairman O'Brien asked if any other members were interested in serving as the chair or vice chair; no one else volunteered or nominated a member.

- ***Jim Morash made a motion to nominate Diane Hanley as LMAC chair, second by Dennis Pavlicek. Motion passed unanimously.***
- ***Larry Sunderland made a motion to nominate Bud Berry as LMAC vice-chair, second by Diane Hanley. Motion passed unanimously.***

Bud Berry recognized and thanked Phil and Larry for the time and effort that they have dedicated to the LMAC as chair and vice chair. The LMAC members concurred and also offered their thanks and appreciation.

#### 2011 Meeting Schedule

Jacque noted that the March 2011 meeting date needed to be changed to March 18th from March 25th as listed. The Water and Watershed Conference will be held on March 25<sup>th</sup> and March 26<sup>th</sup> at Plymouth State University. "From our Headwaters to the Sea, Living in a Changing Water World" is the theme for this year's conference.

#### LMAC Blog

Jenn reviewed the LMAC Blog electronically. There will be an email with the link to the blog site for the documents that will be used at each meeting. The current LMPP webpage will be linked to the blog. Comments can be posted, discussions can occur, but no votes can be take place on the blog because that would violate the right-to-know law. It will also be used for posting guidance documents, announcement of conferences, etc. Jenn said that if anyone has any suggestions for the blog to please let her know. It is accessible from the DES website so anyone is welcome to access it.

#### Update, Review and Discuss LMPP/LMAC Projects and Reports

##### Proposed Administrative Rules

Jenn explained that the rules pertain to the administration of grant funds and have been drafted to fulfill a requirement of RSA 483-A. The recommendations pertaining to the rules that were made by members at the last LMAC meeting have been incorporated into a revised draft which has been sent to the DES Legal Unit. We are waiting to hear back from the Legal Unit and hope to have the final rules available for distribution at the January meeting.

##### Sustainability Initiative

Regarding issue #1 pertaining to the lack of and availability and management of data, Jenn said that she and other DES staff involved with the department's strategic plan had hoped to submit a proposal for a grant to fund the development of environmental indicators, but unfortunately they didn't make the deadline; the good news is however, that a proposal has been developed and is ready for a future opportunity. She will continue to look for funds to support the development of education and outreach. For issue #5 pertaining to carrying capacity, Jenn said that she and Jacque had visited two lakes, Canobie Lake in Salem and Warren Lake in Alstead to further test the applicability of the Water Recreation Opportunity Spectrum (WROS) on smaller lakes in NH. The next step involves working with UNH, PSU and Squam Lakes Association to determine if the WROS, questions from the Comprehensive Lake Inventory, applicable water quality data and user surveys can be blended to develop a framework for the development of recreational management plans for lakes.

Fred Murphy requested that the LMPP staff provide an update to the LMAC at the next meeting regarding the entire Sustainability Initiative document and its progress since it was produced in 2008. The committee discussed briefly the need to collect, store and post data for the public's use and the department's efforts to accomplish this. Jim Haney said that EPA's Narragansett Lab is looking for a way to share data and they may produce this information using an Excel spreadsheet. Jacque said that she could ask Phil Trowbridge, DES Coastal Scientist and staff to the Water Quality Advisory Committee (WQSAC) to make a presentation to the LMAC regarding water quality trend data at a future meeting.

Requested Letter to DES and DOT re: Cobbett's/Canobie and Stormwater Runoff

Jacque explained that she had drafted a letter per the committee's request at the September meeting which included much of the discussion that took place at the meeting. She met with Assistant Commissioner Mike Walls to review and discuss the draft and he had suggested that she speak with other DES staff involved with this effort, including Ridge Mauck in the Alteration of Terrain Program. He also requested that senior leadership review the letter before it is distributed. Jacque said that she will do this and will also speak with Jocelyn Degler, Mark Hemmerlein and Fred Murphy as well.

Draft Public Trust White Paper

Committee members complimented Jenn on the paper; they said it was well-written and not biased or subjective. They also offered a few minor edits to the paper and then questioned and discussed the final sentence of the paper. Discussion continued about what the LMAC intends to use the paper for and what, if anything, the white paper is asking readers to do. Jenn explained that the intention is to create an appendix to the paper that will give readers additional information, including existing laws, regulations and court cases, on specific lake topics (i.e. mooring locations, shoreland use, public access) as they relate to the public trust doctrine. Committee members discussed the need to add a purpose section to the paper, to eliminate the last sentence, the need to create the appendix, and to insert that the paper is for "informational purposes only". Jenn indicated that a draft of the appendix would be ready in time for the January meeting.

- ✓ ***Jim Morash made a motion to make the public trust paper public with the proposed changes, second by Dennis Pavlicek. Motion passed unanimously.***

Draft LMPP/LMAC Biennial Report

Jenn went over the 2010 LMAC/LMPP Program Report that is the start to the program fulfilling the new requirement of a biennial report put into RSA 483-A last year. The report covers the 2010 state fiscal year, and outlines the basic program activities, LMAC activities, and sets forth future program goals and needs. The committee members discussed the future program goals, including adding additional emphasis to work with other organizations and universities in order to foster more leverage for funding for some goals. Jacque and Jenn will incorporate the suggestions into the report and send out the final version to the committee.

- ✓ ***Larry Sunderland made a motion to accept the program report, second by Fred Murphy. Motion passed unanimously.***

State Level Lakes Management Criteria

Jacque provided an overview and history of the Criteria to the committee. The original version was developed in 1996. As a result of the 2010 amendments made to the Lakes Program statute, the document needs to be reviewed and updated every ten years. Laura led the committee through a brainstorming process in an effort to get them thinking about the issues and what is working and what needs to be addressed. Given the time available, the committees' comments focused primarily on water quality and potential sources of pollution. A summary of the comments will be presented at the January meeting.

Jacque and Laura decided that it would be helpful to have the agency representatives' review and update the power point presentation that was made at the 2006 Governor's Lake Forum so this information can be reviewed with the full committee at the January meeting. Jacque said that she also would like to have the agencies review the list of *Agencies with Lake Related Responsibilities* that is available on the LMPP webpage. To accomplish these tasks, Jacque and Laura will send the 2006 Forum presentation and the web page link to each agency member.

Proposed 2011 Lake-Related Legislation

Jacque said at this point only the Legislative Service Requests (LSRs) are available and so far there isn't much pertaining to lakes; however, that will probably change. Captain Gallagher said that a bill will be coming forward regarding boat noise and that the Winnepesaukee speed limit law will be revisited. Jacque said that she expected to have a detailed spreadsheet of LSRs for the January meeting. Jacque also said that she would like to establish an LMAC legislative subcommittee at the January meeting.

Since it is anticipated the Legislature will start holding hearings in early January, the LMAC decided to meet on January 7<sup>th</sup>, not January 21<sup>st</sup> as indicated on the 2011 Meeting Schedule.

Other Program and Project Updates

Due to time constraints, Diane Hanley briefly explained that the Water Quality Standards Advisory Committee had met recently and discussed the proposed language for HB 1305 (2010 Session); they also reviewed and discussed the proposed revisions to the existing administrative rules pertaining to Surface Water Quality Regulations. A more detailed update of the work of the Water Quality Standards Advisory Committee, and the committee studying the Ossipee Lake Natural Area were delayed to the January meeting.

### **Other Business**

#### **Member Updates**

Jacque pointed out that everyone received a hard copy of a brief paper that Bud Berry wrote titled "The Conundrum of the Public Trust and Carrying Capacity as Well"; this is for future reference and discussion.

Jacque said that the LMAC had received two surplus land reviews; however they were not within the purview of the LMAC.

Jacque and Jenn made a presentation regarding the Comprehensive Lake Inventory and Lake Management Plans at the November 7, 2010 annual meeting of the NH Association of Conservation Commissions.

Jacque also mentioned that the *Commission Exploring the Monetization of Certain State Assets, Enterprises and Resources*, expressed interest in Ahern State Park and Opechee State Forest, both in Laconia. Jacque said that Ahern had been considered for disposal during the Shaheen administration and that the LMAC sent a letter to the Governor and Attorney General recommending against a sale or lease of the park.

Bud Berry said that one or two members of the Ossipee Lake Natural Area Committee had requested that DRED open other areas along the Natural Area shoreline for the public's use and that DRED had decided against the request. Bud made a motion that the LMAC support DRED's position and Diane seconded. Jacque suggested that since the LMAC members have not had a chance to familiarize themselves with the request and the decision that it would be best to wait till the January meeting when Don Kent could provide an overview of this issue. Bud and Diane concurred and withdrew their motion.

Phil O'Brien concluded the meeting by again welcoming David Rousseau from the Dept. of Agriculture to the LMAC. He also thanked the entire committee for their support and said that he would be happy to help Diane and Bud, if needed, with the transition.

- ***Jim Morash made a motion to adjourn the meeting, second by Don Kent. Motion passed unanimously.***

***The meeting concluded at 12:10 p.m.***