

LAKES MANAGEMENT ADVISORY COMMITTEE
NH Lakes Management and Protection Program



New Hampshire Department of Environmental Services
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MEETING MINUTES
May 20, 2011
DES Conference Room
9:00 a.m. – 12:00 p.m.

Members present:

Diane Hanley, Chair
Wendell Berry, Vice Chair
Jennifer Czysz
Mark Gallagher
Jim Haney, Ph.D.
Don Kent, Ph D.
Jeff King
Jim Morash
Fred Murphy
Bo Quackenbos

Representing:

NH Assn. of Conservation Commissions
NH Business and Industry Assn
Director Rep, Office of Energy & Planning
Commissioner Rep, DOS
Scientific Community, UNH
State Conservation Committee
Exec. Dir. Rep, F & G
Tourism Industry
Planning Boards
NH Association of Realtors

Term:

August 22, 2013
July 8, 2013
Indefinite
Indefinite
August 22, 2013
August 1, 2012
Indefinite
August 1, 2013
August 1, 2011
June 27, 2011

Members not present:

Bill Carpenter	Commissioner Rep. DRED	Indefinite
Vacant	NH Lakes Association	August 1, 2012
Eric Orff	Fish & Game Commission	August 22, 2012
Dennis Pavlicek	Municipal Officials	August 1, 2012
Dick Smith	Fishing Interests	November 17, 2013
Ken P. Wilson	NH Marine Dealers Association	August 22, 2011
Larry Sunderland	Conservation Community	September 19, 2010
David Rousseau	Commissioner, Dept. of Agr., Markets & Food	Indefinite

Staff Present

Jacquie Colburn	Lakes Coordinator, Watershed Management Bureau (WMB)
Carolyn Guerdet	Admin. Asst. Water Division
Laura Weit-Marcum	Principal Planner, Watershed Management Bureau (WMB)
Jody Connor	Limnology Center Director (WMB)

Opening

Chairman Hanley called the meeting to order at 9:03 a.m. and welcomed all those present.

Introductions and Committee Business

1) Review Minutes of the January, February, and March Meetings

- ***Bo Quackenbos made a motion to approve the minutes of January, February and March, second by Bud Berry. Motion passed unanimously.***

2) Committee Membership Update

NH Lakes Association – Jacquie has spoken with them but no name submitted to G&C at this time.

NH Marine Trades – Jacquie confirmed that John Irwin has volunteered to be their representative.

Conservation Interests – This representative is nominated by 4 organizations and they nominated Harry Vogel, Director of the Loon Preservation Center, but there is a glitch to be worked through first, Harry is a New Hampshire resident, but not a US Citizen. Jacquie thanked Larry Sunderland for staying until this position is filled. Bo Quackenbos and Fred Murphy's terms expire this summer, June 27, and August 1, respectively. They will move forward with their re-appointments with their respective associations.

3) Committee Business:

Budget: Program and Committee Status– Mark Gallagher and Jenn Czys have had their positions cut. Mark will be retiring June 1st, and Jenn will be laid off. Mark explained what will be happening at Marine Patrol with the repercussions of the legislation as to the positions. He has served the LMAC for 19 years. Jenn reported she is 1 of the 2 OEP planners eliminated. Participations in other committees and commissions may be left unfilled.

Laura and Jacquie are also being laid off and are applying for other positions in other areas of DES. Jacquie has served as a representative on the Public Water Access Advisory Board, since it was formed in 1994, and attended her last meeting on Monday as the Lakes Coordinator. Last Saturday was her final meeting with the Ossipee Lake working group. It remains to be seen if new DES representatives will be appointed.

Bud Berry is on the Ossipee Lake working group and Diane Hanley is on the Water Quality Standards Advisory Committee (WQSAC) from the LMAC. Chairman Hanley said statutorily LMAC can continue meeting as best as we can without the support. RMAC has voted to continue meeting. She asked how many would continue to work on this. Don Kent commented there is going to be a rivers coordinator so there are three options – 1) Meet without a DES representative, 2) not meet, or 3) join forces with RMAC to be Rivers and Lakes. Chairman Hanley, after discussion with Ken Kimball, may form a subcommittee with 2 groups. First, we must prioritize what needs to be done. If the groups join, how to have the coordinator help? If combine, the message is sent that that says there is not enough to do, so they can be joined, which is untrue. The groups can cooperate in some way but probably not join as one group. This is open for discussion in the next months. Bud believes once the commissioner hears both groups have taken a vote to keep going, he will take an active role in keeping these going. Don noted we will be relegated to making recommendations, but won't be generating the important documents. We should continue meeting in the hopes that there will eventually be staffing. Larry said there are things that can be done in combination, such as legislation. For the long run, the committees should maintain their status. Jim Morash noted politics started this, and politics took it away with the budget, but things could change. Important to maintain, to show that it is critical enough to continue. Fred – we should maintain our own identity, and maybe we just need to refocus for the next year or so. Make people aware that we are still around. Don noted this is a long term issue. What can we continue doing, and who should be doing it? Could NH Lakes Assoc. take on some things? Of the many things we've done, what do we have to continue doing?

There is one and ½ positions assigned to both lakes and rivers programs, and the rivers coordinator position will be put forward as the full position to remain. Jacquie thanked Jody, Laura, and others like Jenn Rowden for their help over the years as it is a collective effort. Bud Berry hears that what has been done is worthy of being taken forward. What we can best do is to maintain continuity so that the agenda would continue. Jim Morash said the best we could do now is to come out with a positive press release that this organization has voted to continue despite the budget cuts. More releases should continue as this would send a message that it is important to continue.

Mark G. said this is not purely about budget – it is also about philosophy – smaller government. No other committees he sits on works as hard as this committee. Bud added that all agencies involved working together in this committee is very important. Jacquie noted this is the only committee that brings together the stake holder groups and state agencies work for the water bodies of NH. She is very pleased to hear that the committee is choosing to continue. Don Kent reinforced Jim's idea to keep the pressure on with a number of press releases, talk to legislators, etc. Jacquie concurred with Don's statement that to get positions reinstated is very difficult.

Chairman Hanley said that she, along with others, spoke with Sen. Odell, who is on the finance committee, As soon as they mentioned environment, Odell cited the more urgent need to restore human services funds. It was turned back to the needs of people. Now it will be uphill to get the House to go along with what Senate has proposed. Jeb Bradley in regards to CSPA is all about business and property rights. There won't be support from the current politicians. This isn't going away quickly. We need some kind of staffing from somewhere to do some of the work of this committee. There is a need to be realistic about this moving forward. Next meeting is July 22nd and who will be responsible for what? For the state agencies: Are you still going to be able to come? They said yes. But agencies with cuts it is unknown.

- ***Jim Morash made a motion that this committee continue to go forward as a statutorily created committee, Second by???? Motion passed unanimously.***

Proposed 2011 Lake-Related Legislation

Jacque thanked Diane and Bud for their hours at the legislature this session. She especially thanked Diane as she has been stellar, speaking up for, and on behalf of, all the water quality programs. Don noted some of the narrative in the letters would fit nicely in a press release.

HB 612 – to allow for establishment of a commission for septic system technologies was killed by the House. They asked the LMAC to work on this issue. Jacque requested correspondence be sent to NH Lakes, that the committee voted not to move forward on this.

- ***Bud Berry moved to notify NH Lakes and the legislative committee that we are not going to be able to go forward with the technologies, second by Bo Quackenbos. Motion passed unanimously.***

SB 154 – reforming CSPA. The LMAC was opposed, as introduced, but it has been amended. House finance attached an amendment regarding RGGI which keeps Regional Greenhouse Gas Initiative (RGGI) alive. Most notable is the provision to extend the sunset date on the permitting and fees to support the program to 2016. If it doesn't pass, then the funding for the CSPA is in jeopardy. If tabled, the act continues, but funding source for staff would be cut. The current bill list is available on the blog. Bud and Diane agreed to continue representing LMAC with legislative matters.

State Level Lakes Management Criteria/Recommendation

They have been reviewing past discussions, the brainstorming with staff, and discussion with committee members. There are now 125 recommendations. The 1996 version had 108 recommendations. With amendments to RSA 483-A, it was recommended to revisit the document every 10 years. Laura has added the items that are in italics and are highlighted. This has started a good dialogue between programs such as Ground Water/Drinking Water program and the Watershed Management Bureau. With the funding cuts, the recommendations will need to be prioritized. Laura, Jacque and the committee then went through each finding and recommendation that has been added to the draft management criteria.

Several changes were suggested and made in the Management Criteria document based on comments and suggestions offered during the meeting.

<http://xml2.des.state.nh.us/blogs/lmac/wp-content/uploads/2011/05/2011519-Findings-and-Recommendations.pdf>

Jacque asked that the community representatives look the document over for additional things that need to be added to this version.

Lake classification system should be considered and possibly included. It should be based on the state's development. It is now a water quality point of view. If water quality standards are used, it gets to a common ground. Possibly go to a lakes designation like the rivers designation. Designation is advantageous for each lake. Also the importance of education such as the workshops held. Where legislation is now weak, maybe we can beef up the education. Promote the education services in the water quality section.

Jacque would like to get this to a point for the committee to vote on. Need to also talk about monitoring progress and implementation of the recommendations. This document will continue to get bigger. With the recommendations made today, whenever it is completed.

- Jim Morash made a motion to accept the document with the amendments as of today as the "next-to final" piece, second by Bo Quackenbos. Motion passed unanimously. Discussion. Jacque said she wants to be in compliance with the statute that says every 10 years something is produced that documents the issues that need to be addressed by the state agencies relative to these elements that are outlined in the statute. Mark H. noted this is our vision now as we walk out of the room. Based on the input received today Laura said she can tweak with the thoughts from today and add the introduction, background, and explanation and that it will be updated as needed on a 10 year basis. Diane felt voting on these changes will fulfill the substance of the statute's requirements. Jim H. read what he wants added and will give it to Laura concerning the loons. .

Updates, Review and discuss LMPP/LMAC Projects and Reports

Comprehensive Lake Inventory and Guidelines document – was revised 2011, will be finished and put on website when complete.

Sustainability Initiative – with Jenn Rowden's departure, work on the S.I. has halted. The Governor has created a Water Sustainability Commission with a focus on water supply. Jacquie suggested to the DES leadership team that the S.I. be used as a starting point for this new commission.

Public Trust and Lake Management in NH– Jenn had produced the discussion paper but did not develop the accompanying appendix. A legal unit intern, is working on developing the appendix document.

Proposed Administrative Rules regarding how grants would be distributed to the RPCs is on hold.

Recreational Management – carrying capacity has been discussed since the LMAC began in 1992. Some work has been done with the Water Recreation Opportunity Spectrum tool. Jacquie has met with Squam Lake Association and Plymouth State University to see if there was something that could be done cooperatively. There is a new graduate student at PSU who is moving forward with this effort. They have connected with a professor in Australia who has a P(Participatory) - GIS in Australia to develop a framework to address lake recreation management. May have them come to a meeting in the future to present what PSU is developing.

Surplus Land Reviews – the few that have been produced are not within our purview; the number of SLRs has dropped significantly..

Exotic Species - Management Plan

Fred had suggested a letter to the agencies involved, but Amy Smagula thought it better to wait until after the multi-state agency meeting. Amy reported to Jacquie the status of the group. She said a small working group has started reviewing the long-term management plans and will have to meet at a future date to finish their process. DES has drafted a new MOU for all 4 participating state agencies and the DES commissioner needs to review it.

Amy gave Jacquie the Danforth Pond Plan Management Plan for the LMAC to review. It will be a future agenda item for Amy to come back and discuss the management plan and give an update on the milfoil group.

Water Quality Standards Advisory Committee and Ossipee Lake Natural Area Update

WQSAC - Dianne H. reported that a subcommittee is working on designated uses.

OLNA - Bud reported they are doing well and working towards funding for floating toilet. This is a case where local people need to be involved. He is optimistic that they will go forward. Don commented on how well the stakeholders and state have put this together.

New England Interstate Water Pollution Control Commission Cyanobacteria Workshop Update -

Jim H. was a presenter and Diane attended. Beta-N-methylamino-L-alanine (BMAA) neurological disease connection is not yet resolved. They are trying to get a broader group together to continue studying. The EPA is now getting involved. The question is, are the clusters of ALS around certain lakes in NH meaningful? Working on analyzing the data and detection methods still being worked on. Received grant for scientist to come in on the BMAA analysis. He established a cyanobacteria monitoring program to assess whether the lake has changing levels of toxins in it, and where is it going. There have been about a 1,000 requests for toxin analysis to be done. Very few labs are doing this type of toxin testing. Trying now how to handle the amount of requests. **Jacquie will talk to Jim Haney about this.**

Diane thought the workshop was excellent. She sensed some disappointment that there wasn't discussion about the medical aspects of cyano blooms. She questioned why there doesn't seem to be a correlation between nutrients and the presence of the toxin, even though a cyano bloom might be occurring. What causes the DNA to be able to create the toxin; some bacteria can create the toxin and others can't?

Other Business and Action Item Review

Continue to learn about Cyano

Milfoil management plans

Working on Management Criteria

PSU work on Recreational Management Framework

Jacque thanked the committee members , for their work over the years. She also thanked Laura and Jenn for their help.

The next meeting will be July 22 on the M.S. Mount Washington.

Meeting was adjourned. 12:15