



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

New Hampshire Department of Environmental Services  
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**MEETING MINUTES**  
**February 4, 2011**  
**DES Conference Room**  
**9:00 a.m. – 11:00 a.m.**

**Members present:**

Diane Hanley, Chair  
Wendell Berry, Vice Chair  
Mark Gallagher  
Don Kent, Ph D.  
Jeff King  
Jim Morash  
Fred Murphy  
Eric Orff  
Dennis Pavlicek  
Dick Smith  
Larry Sunderland  
Bill Carpenter

**Representing:**

NH Assn. of Conservation Commissions  
NH Business and Industry Assn  
Commissioner Rep, DOS  
State Conservation Committee  
Exec. Dir. Rep, F & G  
Tourism Industry  
Planning Boards  
Fish & Game Commission  
Municipal Officials  
Fishing Interests  
Conservation Interests  
Commissioner Rep. DRED

**Term:**

August 22, 2013  
July 8, 2013  
Indefinite  
August 1, 2012  
Indefinite  
August 1, 2013  
August 1, 2011  
August 22, 2012  
August 1, 2011  
November 17, 2013  
September 19, 2010  
Indefinite

**Members not present:**

Jennifer Czysz  
Jim Haney, Ph.D.  
Mark Hemmerlein  
Bo Quackenbos  
Ken P. Wilson  
David Rousseau/Robert Wolfe  
Vacant

Director Rep, Office of Energy & Planning  
Scientific Community, UNH  
Commissioner Rep., DOT  
NH Association of Realtors  
NH Marine Dealers Association  
Commissioner, Dept. of Agr., Markets & Food  
NH Lakes Association

Indefinite  
August 22, 2013  
Indefinite  
June 27, 2011  
August 22, 2011  
Indefinite

**Staff Present**

Jacquie Colburn Lakes Coordinator, Watershed Management Bureau (WMB)

**Opening**

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

**Proposed 2011 Lake-Related Legislation**

Jacquie reported the LMAC Legislative Subcommittee comprised of Diane, Dick, Dennis, Bud and Jacquie had met via a phone call and had reviewed the proposed legislation to come up with recommendations. Based on that discussion, Jacquie had 5 bills she was recommending the full committee take a position on.

**HB 202** – relative to road salt applicators; it was selected by the subcommittee because it pertains to the chloride issue. This bill calls for a certification of commercial road applicators and provides limits of liability to land owners who employ these applicators. A hearing was held on February 1<sup>st</sup> and a Letter of Testimony (LoT) signed by Commissioners Burack, DES; Bald, DRED; Campbell, DOT; and Barthelmes, Safety was submitted at the hearing. This bill is in response to the work by DES to determine who is applying the largest quantity of road salt (chloride) to roads and parking lots. The intent of the bill is to encourage applicators to apply an amount that is reasonable but that doesn't over burden and result in toxicity of water bodies. Eric Williams of DES was invited to the meeting; he explained the bill in detail and answered questions. Following the discussion with Eric, the committee decided to support the bill.

➤ ***Don Kent made a motion to support HB 202, second by Jim Morash. Motion passed unanimously.***

**SB 124** - relative to the Comprehensive Shoreland Protection Act. Darlene Forst explained that if this bill passed, as introduced it would restore the Shoreland Protection Act to the language that was enacted July 1, 2008. Impervious surfaces and buffer standards will be the same as now, but the "Consolidated List of Waterbodies" would go away and we would go back to using the "Official List of Public Waters". It would affect some of the

urban exemption standards and repeal some of the redevelopment waivers. DES has not taken a position on this bill at this time.

**SB 154** – relative to reforming the Comprehensive Shoreland Protection Act. Darlene Forst noted a few concerns with the bill, as introduced. It would de-fund the shoreland program which would mean the program would cease to exist. Some of the definitions needed clarification and could cause problems regarding the enforcement of the Act. DES has not taken a position on the bill at this time. A mechanism is needed to continue the funding fees for the Program which will sunset on July 1, 2011. This bill may be the platform to make compromises to the Act.

**HB 470** – repealing the Comprehensive Shoreland Protection Act. If this bill passed it would mean that the Program would be eliminated in its entirety.

These 3 bills regarding the CSPA were chosen by the legislative subcommittee because the intent of the CSPA is to protect water quality.

- ***Dennis Pavlicek made a motion to oppose SB 124 and SB 154 and HB 470 as introduced, second by Jim Morash. Further discussion took place. Motion passed unanimously.***

**HB 612** – an act to establishing a commission to study existing septic systems and potential new septic technologies. This bill was introduced at the request of the NH Lakes Association. Jacquie explained that we know that septic systems can impact water quality. That many properties surrounding our waterbodies, especially those in the southern portion of the state were historically developed and it is possible that the systems serving these properties are no longer fully effective at treating wastewater. Establishing a commission to assess the viability, effectiveness, and cost of these new technologies and issue a report of its findings and recommendations, would be worth undertaking.

- ***Don Kent made a motion to support HB 612, second by Eric Orff. Motion passed unanimously.***

**HB 439** – relative to invasive species as a habitat. Discussion was held as to the pros and cons of this legislation. It would hinder the opportunity to bring an endangered plant or animal population, which is dependent on the invasive species to support its existence, back to healthy and stable levels. The primary state agencies that are charged with the management of invasive species and the management of endangered species, being DES, DRED, Fish and Game, and Agriculture Markets and Foods, should work cooperatively to address this issue.

- ***Dick Smith made a motion we oppose as introduced and recommend that the agencies and others work together to find a more successful resolution to the issue, second by Eric Orff. Motion passed unanimously.***

Many other bills on the LMAC Legislative Spreadsheet are of interest and are being tracked, including the river nominations and the bills relative to boating. The speed limit bill for Lake Winnepesaukee will also be tracked, as will the bills relative to dams and the Wetlands program. Of interest is HB 321, regarding the classification of wetlands as contributing or non-contributing; the criteria used to classify could affect wetlands that are part of a lake system. This bill would require DES to develop the criteria but the legislature will decide if they are going to use it.

A bill regarding the state review and approval of septic systems, HB 530, would allow plumbing inspectors to do the final inspection and would remove DES oversight. There are concerns as to whether or not plumbing inspectors have the qualifications to do this. SB 38 would extend the time period that wetland permits are valid. HB 645 & HB 646 would significantly impact DES and other state agencies as it would roll back fees to 2006 and 2007 rates, respectively.

The group discussed how to proceed with future correspondence regarding legislation. Crossover is March 31<sup>st</sup>.

- ***Jim Morash made a motion to empower the Legislative Subcommittee with authority to continue the review of legislation between now and March 18<sup>th</sup>. Discuss, develop and distribute proposed positions for the full committee. LMAC members could send replies, but would not vote, to Diane Hanley. Second by Don Kent. Motion passed unanimously.***

Jacque added a couple of quick but important announcements regarding LMPP staff. Laura Weit-Marcum hasn't had her baby. She will be out to April 7<sup>th</sup>. Jenn Rowden has accepted another position within DES, she will work full-time with the Drinking Water Program starting later in February.

The meeting adjourned at 11:00 am.