



LAKES MANAGEMENT ADVISORY COMMITTEE
NH Lakes Management and Protection Program

New Hampshire Department of Environmental Services
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LMAC MEETING MINUTES
January 23, 2013
DES Conference Rooms 213-214
9:15 am – 10:30 am

Members present

Wendell Berry, Chair (phone)
John Cooley
John Irwin (phone)
Jim Morash
David Packard
Dick Smith
Jeff King
Bob Spoerl
David Rousseau

Representing

NH Business and Industry Assn.
Conservation Community
NH Marine Dealers Association
Tourism Industry
NH Lakes Association
Fishing Interests
Exec. Dir., F&G
Commissioner, DRED
Commissioner, Dept. of Agr., Markets & Food

Term

July 8, 2013 V
September 19, 2013 V
August 22, 2014 V
August 1, 2013 V
August 1, 2015 V
November 17, 2013 V
Indefinite NV
Indefinite NV
Indefinite NV

Members not present

Dennis Pavlicek, Vice Chair
Jim Haney, Ph.D.
Eric Orff
Martha Twombly
Lt. Tim Dunleavy
Mark Hemmerlein
Susan Slack
Vacant
Vacant
Vacant

Municipal Officials
Scientific Community, UNH
Fish & Game Commission
NH Assn. of Conservation Commissions
Commissioner, DOS
Commissioner, DOT
Director, Office of Energy & Planning
Planning Boards
State Conservation Committee
NH Association of Realtors

August 1, 2015 V
August 22, 2013 V
August 22, 2012 V
August 22, 2013 V
Indefinite NV
Indefinite NV
Indefinite NV
August 1, 2014 V
August 1, 2012 V
June 27, 2011 V

Staff Present

Jacquie Colburn Rivers and Lakes Programs
Tracie Sales Rivers and Lakes Programs

The Meeting Was Called to Order

Chairman Berry and Jacquie Colburn called the meeting to order at 9:22 a.m. and welcomed all present. Jacquie noted that Carolyn Guerdet was away and unavailable to help with the meeting minutes.

I. Introductions/Minutes/Committee Business

1) Acceptance of October LMAC Meeting Minutes

Jacquie noted that there are 13 voting LMAC members; however there are 3 current vacancies, so 10 active voting members. Therefore, if there are 6 voting members present, the LMAC has a quorum. There was no quorum present at the beginning of the meeting, but John Cooley's arrival a few minutes later created a quorum.

- ***Bud Berry asked for a motion on the October 2012 LMAC meeting minutes. Jim Morash made a motion to accept the October 2012 meeting minutes with no changes, seconded by Dave Packard. Motion passed unanimously with no discussion.***

2) Acceptance of December LMAC Meeting Minutes

- ***Bud Berry asked for a motion on the December 2012 LMAC meeting minutes. John Cooley made a motion to accept the December 2012 meeting minutes with no changes, seconded by Dick Smith. Motion passed unanimously with no discussion.***

3) LMAC Member Update:

Fred Murphy has resigned due to declining health. Jacquie has contacted the NH Municipal Assn. but has not heard back from them. She suggested that the LMAC needs to send a thank you letter to Fred ASAP.

Jacquie said the LMAC now has 3 vacancies: Planning Boards, Realtors and State Conservation Commission. She has not made any progress on filling the positions since the last meeting. Jim Morash suggested contacting Mark Borrin for the Realtors position. Jacquie said she also had a potential candidate in the Pawtuckaway Lake area and would follow up.

Jacquie said that she had heard from Eric Orff and that he had indicated that Fred Clews will be replacing Eric as the new representative of the Fish & Game Commission. Fred represents the Coast on the F&G Commission.

LMAC upcoming term expirations for 2013: July - Bud Berry; August - Jim Haney, Jim Morash, and Martha Twombly; September - John Cooley; November - Dick Smith

Jacquie surveyed the members present about their submission of the Financial Interest Form. Some had submitted it, and others had not. Jacquie will send hardcopy to Bud due to computer complications.

II. Update Regarding LMPP Activities

1) LMPP Program Updates – Jacquie Colburn

The LMPP Biennial Report has not yet been completed for FY 2009 – 2011. This has become a high priority. The report will be written in a new 2-3 page program summary format to save time and make them more readable. Program staff will distribute the summary to the committee or chairs for review.

604(b) grant administration has been turned over to another group within Watershed Management for the new 2013 grants. However, Rivers and Lakes Program staff are still administering existing older grants: reviewing deliverables, monitoring project progress, and reviewing and approving invoices. Since two of the RPCs would not meet the 2012 grant deadline, Jacquie had to submit a time extension request to the Governor and Council; fortunately, the extension was granted.

The partnership agreement with the Marine Trades Association (MTA) needs to be updated. In response to Jacquie's question about who to contact at MTA, John Irwin, who signed the original partnership agreement, suggested MTA President Ryan Crawford from Winnisquam Marine. Jacquie will put together an updated agreement.

Jacquie is the DES representative to the Public Water Access Advisory Board (PWAAB), working with other agencies to improve public access. For example, she has an upcoming meeting with Mark Stevens, Jeff King, Tom Quarles and others regarding access off of a private road to Suncook Lake and Pine River Pond. Jacquie also coordinates the DES portion of the PWAAB Annual Report, which gets submitted to the legislature. Jacquie and Tracie will be working on the 2012 Draft Report. The 2010 and earlier reports can be found at http://www.wildlife.state.nh.us/Inside_FandG/public_water_advisory_bd.htm.

Jacquie and Teresa Ptak, who administers the Clean Vessel Act Program were working together to update the section regarding marinas for the 2013 Non-Point Source Report, that is being produced by the Watershed Assistance Section within the Watershed Management Bureau at DES.

Jacquie is still taking lakes related technical assistance requests even though she is no longer the Lakes Coordinator. One such recent request involves Kezar Lake in Sutton where she will be meeting with the Conservation Commission and other stakeholders around the lake.

2) Surplus Land Disposals – Jacquie Colburn

There are no surplus land disposals to review. However, there is a bill in the legislature related to surplus land disposals that the LMPP is tracking.

III. New VLAP Lake Reports – Jacquie Colburn on behalf of Sara Steiner

Sara Steiner was out sick and unable to present the new VLAP Lake Reports. Jacquie reported on Sara's behalf that due to staff reductions, DES no longer produces the lengthy reports it had done for each lake in the past. Now DES is doing a longer regional report and one to two page reports for each individual lake. The new report for Canobie Lake was passed out as an example. Sara had previously requested feedback from

Lakes Program staff on the new format, and Jacquie had especially noted the small font, though unfortunately changing the font size messed up the format. Sara had said she would work on that for next year's reports. Jacquie highlighted some of the features of the new format including the morphometric data, the percent cover data and map, the temperature and dissolved oxygen profiles, and the summary of 2012 data. She also noted the historical trends sections, which is presumably the trends in Canobie Lake, though the title does not specify.

When asked if they liked the new format and thought it would be helpful, committee members were positive. Jeff King asked if the temp./DO profile was one sample or an average of many, and when the data was collected. Jacquie did not know, but will forward the question. Bud Berry commented that this format was similar to what had been done in the Great Bay. Jacquie commented that DES has similar summary sheets for the Beach Program, which she showed online and are easy for the public to understand. Dick Smith approved of having all of the information together in one piece. He also commented that there are complete maps of milfoil and docks for Danforth Ponds.

Committee members were interested in having Sara present the VLAP reports in more detail at the next LMAC meeting. Jacquie will check with her about attending.

IV. Legislative Priorities – Dick Smith

The LMAC Legislative subcommittee is Bud Berry, Dennis Pavlicek, Dick Smith and Larry Sunderland (former LMAC member).

Dick commented that he had had the idea of tracking all of the lakes related legislation and attending all of the hearings, but that it is really hard to do. The LMAC needs people to attend the hearings, and if a bill is amended the process may start over. He will continue to try to track and report on important legislation. Fish & Game have some they are following, and tourism groups are following others like the milfoil stickers (HB292).

The committee looked at the lists of lakes related bills and LSRs, one put together by the Rivers and Lakes Program and the other provided by Dick. John Irwin said he had reviewed SB22 relative to small trailers and thought it might not be relevant as trailer inspections have not been enforced historically. Jacquie suggested removing it from the list, and John replied that he will continue to track it if anyone has questions.

Jim Morash asked how the removal of submerged logs proposed in LSR S-850 (SB131) harms the lake bottom. Many of the logs are virgin forest logs and therefore valuable. The state had stopped removal in the past because the state owns them; it came down to a tax. Dick said that from a fish perspective, we don't want to remove habitat. Jim commented that the state does not allow logs to be put in the lakes to create habitat, either.

John Irwin was not sure what the text of LSR S-911(SB103) regarding houseboats was going to be, but said he would be keeping an eye on it.

Tracie pointed out LSR S-509 (SB124) regarding an integrated land development permit. In an effort to improve permitting efficiency, DES recommends putting related individual permits together as one permit.

John Irwin pointed out relative to LSR H-551 (HB527, repealing the exotic weeds and species committee) that boat registration fee rates sunset this year. There has been talk of letting the fees go back to where they were. How would that affect the exotic species program? John will also keep this bill on his radar, and suggested adding the boat registration fee bill to the list; which is HB411.

Dick brought up HB256 regarding Fish and Game rescue fees and a proposed \$10 surcharge, a flat fee and a hike safe card. There are 2 related bills. LMAC should track this. HB199 prohibits use of funds for regular pay. Dick will track HB199 as its becoming a larger problem due to the cost and danger for rescuers.

Bob Wolff will follow HB393 relative to effluent limitations with regards to nitrogen and phosphorus.

HB513, relative to the Shoreland Protection Act is out and it modifies several provisions of the act. HB507 creates a maximum permit application fee for municipalities of \$5000. Tracie will add this bill to the list.

Jacquie noted that the full committee will not meet for awhile (March or April). The subcommittee will watch the legislation, and John I. will keep an eye out from the MTA perspective. A comment was made that he should be included on the legislation subcommittee. John I. made a follow-up note regarding the boat rafting LSR (now HB545) saying that he did not know what the LSR would be.

V. Member Comments and Updates

Bud Berry mentioned work on a lake in Florida where water flows through lagoons and is treated with alum to control the phosphorus levels. He said this has been done for 25 years and is an example of how human activity has affected lakes. Bud also mentioned that he has an appointment with the lab that does Cyanobacteria testing for much of the country.

VI. Other Business & Updates/Action Item Review

1) Action Item Review – Jacquie Colburn

- Jacquie will send term expiration reminders to those members whose terms expire this year.
- Program staff will invite Sara Steiner to the next LMAC meeting to present the new VLAP reports.
- The legislative subcommittee will advise the LMAC regarding legislation. The full committee had previously given the subcommittee authority to take positions on behalf of the full committee, but some members were uncomfortable with this.

➤ ***Dave Packard made a motion to authorize the LMAC legislative sub-committee to take a position on legislation, but only on notification to the full committee of the position taken. The motion was seconded by Jim Morash. Bud Berry opened the floor for discussion.***

Discussion: Jim M. expressed concern that the LMAC legislative sub-committee might have its own interests. Dick S. added that he did not feel that the LMAC should take a position on bills or testify. Jacquie responded that the LMAC has taken positions in the past and feels that the LMAC should take a position on some legislation, such as the Shoreland Protection bill. She asked the committee if a February meeting was needed to address legislation topics. Jim M. asked if any of the bills this year are critical, such as the Shoreland bill? He proposed using either a Doodle Poll or a conference call to discuss a proposed position with the full committee. Dick S. proposed using Survey Monkey or a forum for this purpose, particularly if a forum could be added to the LMAC blog.

➤ ***No vote was taken on the LMAC legislative sub-committee's authority due to meeting time constraints.***

- Jacquie was asked and will look into the possibility of using the LMAC blog as a discussion forum for legislation and whether this would meet the public's "Right to Know."

2) Next Meeting

Jacquie proposed March 2013 for the next LMAC meeting. John Irwin noted that he will be away during early March. Lakes Program staff will send out a Doodle Poll to LMAC members to determine the best date in late March or early April for the next meeting.

The meeting adjourned at 10:42 a.m.