



LAKES MANAGEMENT ADVISORY COMMITTEE
NH Lakes Management and Protection Program

New Hampshire Department of Environmental Services
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LMAC MEETING MINUTES
April 2, 2013
DES Conference Rooms 213-214
1:00 pm – 3:00 pm

Members present

Wendell Berry, Chair
Dennis Pavlicek, Vice Chair
John Cooley
Jim Haney, Ph.D.
Jim Morash
David Packard
Martha Twombly
Mark Hemmerlein
Jeff King
Susan Slack

Representing

NH Business and Industry Assn.
Municipal Officials
Conservation Community
Scientific Community, UNH
Tourism Industry
NH Lakes Association
NH Assn. of Conservation Commissions
Commissioner, DOT
Exec. Dir., F&G
Director, Office of Energy & Planning

Term

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

Members not present

John Irwin	NH Marine Dealers Association	August 22, 2014	V
Eric Orff	Fish & Game Commission	August 22, 2012	V
Dick Smith	Fishing Interests	November 17, 2013	V
Lt. Tim Dunleavy	Commissioner, DOS	Indefinite	NV
David Rousseau	Commissioner, Dept. of Agr., Markets & Food	Indefinite	NV
Bob Spoerl	Commissioner, DRED	Indefinite	NV
Vacant	Planning Boards	August 1, 2014	V
Vacant	State Conservation Committee	August 1, 2012	V
Vacant	NH Association of Realtors	June 27, 2011	V

Staff Present

Jacquie Colburn	Rivers and Lakes Programs
Carolyn Guerdet	Water Division
Tracie Sales	Rivers and Lakes Programs
Sara Steiner	Volunteer Lake Assessment Program

Others/Guests

Larry Sunderland	Former LMAC Member
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The Meeting Was Called to Order

Chairman Berry called the meeting to order at 1:00 p.m. and welcomed all present.

I. Introductions/Minutes/Committee Business

Announcements:

- Jacquie noted the agenda had been modified to include 2 LSRs that were received on March 28th and fell within the LMAC's jurisdiction.
- Jacquie also pointed out the Rivers Program poster that has been created for the RMPP's 25th Anniversary. It shows the 18 rivers (1000 miles) that have been brought into the program since it started in 1988.

As there was no quorum the meeting moved to membership update.

LMAC Member Update:

There are 13 voting members; however there are 3 vacancies (Planning Boards, Realtors and State Conservation Commission), so 10 actual voting members. If there are 6 voting members present, the LMAC has a quorum.

- Planning Boards: With Fred Murphy's passing, Jacquie has contacted the NH Municipal Assn. but has not heard back from them.
- Realtors: Jacquie has called and emailed Bo Quackenbos and will send a letter to NH Realtors Assn. Jim Morash suggested she speak to Mark Borrin.
- State Conservation Committee: Jacquie received an email today from SCC staff, and they will hopefully name someone at their May 16th meeting.
- Fred Clews will be replacing Eric Orff. Fred represents the Coast on the F&G Commission. Fred's paperwork from F&G is forthcoming.
- LMAC upcoming term expirations for 2013:
 - July - Bud Berry will be stepping down but will stay on until a replacement is named. Bud talked about the need for a change in leadership, as he has been on the LMAC for 2/3 of its existence representing two different constituencies.
 - August - Jim Haney will be stepping down but Shane Bradt will be his replacement. Shane is a Geospatial Extension Specialist with the Natural Resources Program Team of the UNH Cooperative Extension. Other expiring terms in August: Jim Morash, Martha Twombly
- Dennis Pavlicek also needs to step down. He is working with the NH Municipal Assn. to find a replacement, possibly Kim Hallquist, Town Administrator from New London.

Two committee members jointed the meeting so a quorum was present.

1) Acceptance of the January 23, 2013 LMAC Meeting Minutes

It was noted that there was a typo on page 2, paragraph 3 of the minutes.

- ***Bud Berry asked for a motion on the January 2013 LMAC meeting minutes. David Packard made a motion to pass the January 23, 2013 meeting minutes as written with one change to correct the typographical error noted, seconded by Jim Morash. Motion passed unanimously.***

2) Acceptance of the January 23, 2013 Joint LMAC/RMAC Meeting Minutes

- ***Bud Berry asked for a motion on the January 2013 Joint LMAC/RMAC meeting minutes. David Packard made a motion to pass the January 23, 2013 Joint meeting minutes as written, seconded by Jim Morash. Motion passed unanimously.***

3) Acceptance of the December 18, 2013 Joint LMAC/RMAC Meeting Minutes

- ***Bud Berry asked for a motion on the December 2012 Joint LMAC/RMAC meeting minutes. David Packard made a motion to pass the December 18, 2012 Joint meeting minutes as written, seconded by Martha Twombly. Motion passed unanimously.***

II. Update Regarding LMPP Activities – Jacquie Colburn

1) LMPP Program Updates

Jacquie has focused primarily on the Rivers Program since the last meeting, though she has been responding to numerous lakes-related phone calls and e-mails.

2) RMAC/LMAC ISF Letter and Report to Commissioner

Ted, Wayne, Tracie and Jacquie were hoping to meet with the Commissioner regarding the Instream Flow Program and the RMAC/LMAC report before this meeting but schedules would not permit. Bud asked to hear directly from the Commissioner regarding his position on the Committees' request. Dave suggested that Ted Diers could report directly back to the committee if the Commissioner was unavailable. When Jacquie asked about hearing from the Commissioner at the next Joint RMAC/LMAC meeting, Bud responded that the committees were separate entities and that they would like to hear back separately.

3) Surplus Land Disposals

a. SLRs with *De Minimus* Impact:

Three SLRs were submitted by DOT and are essentially housekeeping matters allowing abutters who have historically encroached upon the RR corridor to continue to do so but now with the acknowledgement and approval of DOT and CORD. There doesn't appear to be opportunities to provide access with any of these SLRs, nor will any of these activities prevent access. All 3 SLRs are 5-year

leases of Concord to Lincoln Railroad Corridor land to the abutting property owners with 5-year renewal options. The SLRs do fall within the jurisdiction of the LMAC, but given the activities as proposed they would have a *de minimus* impact on the lake and therefore the LMAC has no concerns with following SLRs as presented:

- LACONIA – SLR 13-002: Lease ~ 200 square feet at Paugus Park Road to abutting property owner
- LACONIA – SLR 13-003: Lease ~ 1,200 square feet at Fair Street to abutting property owner
- LACONIA – SLR 13-004: Lease ~ 1,166 square feet at Paugus Park Road to abutting property owner

b. SLRs Requiring an LMAC Vote:

- WENTWORTH'S LOCATION – SLRs 13-005 and 13-006 (Greenough Pond F&G lease agreements)

Tracie provided a review of the SLRs. Jeff King reported that Fish & Game just purchased the 934 acres surrounding Little and Big Greenough Ponds from Plum Creek Timber Company. This is adjacent to the Umbagog National Wildlife Refuge. There are only these 2 properties on the lake, and 1 carry-in public boat access area. This is a natural reproducing trout lake and has been known to be a loon nesting location. The lake was oligotrophic in 2010, but there is no current water quality data on this lake. Lease fees will be approximately \$1300 - \$1400 per year. F&G is asking for an extension of the existing leases for 1 year then an option for a 3 year renewal (which will come to the LMAC again for a vote). Both leases have existing buildings.

The 1st property is the Couture piece which is a one acre lease of a seasonal camp. F&G needs to check to see if the docks are permitted on the Couture piece. The 2nd property leased to North County Outing Club is a 3 acre property; there is no functioning dock at this location.

Jim Haney asked if F&G is considering what else could be done with this lake. He suggested that the leases be approved unless F&G has other plans. Jeff King said there are no definitive plans at this time. He also mentioned that this is a unique situation with the leases, and the F&G has them for the time being. Attempts to terminate other similar leases in the past have not been successful.

John Cooley commented that the loon population on Greenough Ponds is marginal, and that they could work with the lessors to ensure compatible uses with the WMA and loon and fish populations.

Bud asked Jim Haney if the area was of interest to UNH. Jim responded that it was an interesting opportunity, especially as there are few places that equipment can be left out safely. Jeff added that the public access site would not be made any bigger due to the relatively pristine existing conditions.

- ***Jim Morash made a motion to pass it along with LMAC approval for one year for both leases, second by David Packard. Motion passed unanimously.***

c. SLR 13-001 Wentworth's Location

This one was not within LMAC jurisdiction, but it was within RMAC jurisdiction along the Magalloway River in Wentworth's Location and it prompted the procedure change that is being proposed to the LMAC and RMAC for review of SLRs. The proposal was for a conservation easement grant of 284 ac. to the US Fish & Wildlife Service for annexation to Umbagog National Wildlife Refuge. The state retains ownership of the property, and receives a 220 ac. property in exchange. No change in public access to the Magalloway River would occur, and no development of the property had been proposed. Staff recommended that a categorical exclusion due to the *de minimus* impact of the proposed conservation easement grant.

Like the LMAC, the RMAC has given the responsibility of categorical exclusions to the Chair/Vice Chair. In this instance, the RMAC chair had a lot of background information on the proposal that made the committee's recommendation very simple, but had that information been known by a member other than the Chair/Vice Chair, the committee would have missed out on that additional information.

d. Proposed Revisions to the LMAC SLR Policy

As Michele L. Tremblay suggested with regards to the RMAC's SLR procedure, LMPP staff are proposing to the LMAC the idea that when DES and the LMAC chair and vice chair recommend a categorical exclusion on a proposed disposal, that the proposal is also circulated to all committee members with instructions if they disagree/want to comment to notify the Chair by date x. Too much power is currently

vested in the chair/vice-chair to decide unilaterally and though all decisions to date have worked well, it only takes but a bad one to create a large problem.

Dave Packard suggested modifying the following text in the suggested procedure revision: “or, in the absence of a Lakes Coordinator, the Rivers Coordinator” to read “or, in the absence of a Lakes Coordinator, the individual assigned by the Watershed Management Bureau administrator to fulfill that role”

- **David Packard made the motion to accept the changes as presented and amended by David Packard, second by Dennis Pavlicek. Motion passed unanimously.**

Jacque will incorporate the changes.

III. New VLAP Lake Reports – Sara Steiner

Sara walked the committee through the process for the new VLAP reports. She commented that writing 180 40-page reports had become too time consuming. It was decided to do regional reports as well as very brief individual lake reports. Regional water quality assessment reports were developed in 2012 for each of the 7 geographical regions. Sara said that in the future she will use these to track water quality trends in the regions as well as the differences between the regions.

175 individual lake reports will be produced for 2012. They will be 2-page, user-friendly reports. The new report format makes it easier to understand the data for each lake and what is going on with that lake..

Sara went through each section of the report using the Robinson Pond (Hudson) report as an example. There are 6 categories to list a lake under according to data: No Data, Potentially Support/Not Support, Bad, Really Bad, Kind of Good, Really Good. She will be producing a key to help readers understand the reports.

Questions, comments and suggestions were shared by the committee. Mark Hemmerlein asked if each lake would have a habitat assessment. Sara responded that they would not because they had not developed a procedure to do the assessments. Jim Haney added that the assessments require a lot of training. Bud Berry suggested a format similar to the PREP report for consistency. Sara said that format would be more appropriate for the regional reports. Jeff King had asked if the DO profiles were based on 1 or more samples. Sara responded that they were based on 1 sample, but that adding a date would be a good idea. The committee felt the individual lake reports were a good idea and provided a lot of data in an easy to review format. Sara said that the final reports for 2012 would be up on web by April 13, 2013.

IV. Legislative Priorities – Jacquie Colburn

Jacque reviewed the legislation spreadsheet focusing on legislation the LMAC had tracked. Jacquie thanked Tracie for keeping it up to date. No letters of testimony went out this year.

Briefly discussed:

- The Exotic Weeds Committee is still meeting.
- SB 22 can be removed from the tracking spreadsheet.
- HB 428 (funds for dam maintenance) – request was made to add this as a bill being tracked by the LMAC.
- Carolyn informed the LMAC that funding for 8 Dam Bureau positions is moving from the Dam Fund to the General Fund.

Jacque did inquire with DES Legal Unit regarding the use of the LMAC blog as a forum for discussion (and voting) regarding proposed legislation. She read excerpts from Pete Demas' email and also informed the committee that Allen Brook's (AGs office) interpretation was similar to Pete's - the blog is not appropriate place for a position to be established on proposed or existing legislation.

V. Program and Statute Review – Tracie Sales

1) Review the RMPP/LMPP Survey Monkey Poll

As of the meeting date, 19 responses had been received overall, of which 9 were LMAC members. Tracie thanked those who have responded and encouraged those who haven't to please fill it out.

Overview of results:

- LMAC members said that “Protection of water quality and quantity of lakes” was the most important purpose of the LMPP.
- Opinion on the 2nd most important purpose of the LMPP was evenly split between “Development of lake management criteria for state agencies” and “Develop guidance for creating local lake management plans,” though management plan guidance overall was considered slightly more important.
- Overwhelmingly, “Advising the state on the disposal of state-owned land near lakes and ponds” was considered the least important aspect.
- The most important duties of the LMAC involve advising DES and the Rivers Coordinator, either on the implementation of the LMPP or on guidelines for lake and shoreland protection plans and lakes management criteria for state agencies.

2) Comparison of RSA 483 and 483-A

This topic was postponed due to time limitations.

VI. Lake Classification Scheme Update – Bud Berry

Bud requested 2 or 3 LMAC members join him on a subcommittee to discuss ideas for lake classification over the summer. This subcommittee would 1) discuss ideas, 2) determine if it would be appropriate for the LMAC to recommend a classification scheme to DES, and 3) determine if such a scheme could be implemented through RSA 483-A.

Bud noted that lake protection was not getting addressed, such as the example of carrying capacity on many lakes. Vermont’s Recreational Management study, which suggested using classification as a management tool, got his attention. However, Vermont has not yet implemented this type of management. Wisconsin, however, has instituted the WI Partnership Program. The WI program has more direct oversight and works at the county and town level, filtering down from there. It uses classification to address weaknesses in protection. The state contracts with the Wisconsin Association of Lakes for administration of the program (and funding). The University, WI DNR and the Wisconsin Association of Lakes work together. Their funding is from a single source.

Bud asked the group to think about what portions of the WI process could be used in NH, and how the LMAC can get involved. NH has DES, UNH and the NH Lakes Association to form the basis of a similar partnership. RSA 483-A talks about water quality without degradation, but the overall trend is not achieving our goals. Bud proposed that the LMAC seek a more proactive method that will result in a better outcome for our lakes.

David Packard, Jim Morash, John Cooley and Susan Slack volunteered for the LMAC Lakes Classification subcommittee. Jim Haney will assist as well. The goal is for the committee to offer a management tool to the DES Commissioner that will make the LMPP stronger.

VII. Member Comments and Updates

Jim Haney will be attending a May conference at EPA in Chelmsford, MA to help develop a monitoring approach for Cyanobacteria. Discussions will include water transparency, quality, and phosphorus. No states have a program that they are recommending for monitoring. All 7 NE states will be there.

Bud recommended reading *For Love of Lakes* by Darby Nelson. He mentioned that Mirror Lake at Hubbard Brook, located in Thornton NH was one of the lakes discussed in the book.

VIII. Other Business and Action Item Review

The next LMAC meeting was proposed for July 2013 at a lake. Potential lakes mentioned were Christine Lake in Stark, York Pond, and Greenough Ponds in Wentworth’s Location. The next Joint Meeting with the RMAC was proposed for November 2013.

- ***Jim Morash motioned to adjourn the meeting, second by David Packard. Motion passed unanimously.***

The Meeting adjourned at 3:20.