



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

New Hampshire Department of Environmental Services  
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**LMAC MEETING MINUTES**  
**July 25, 2013**  
**Hebron Town Offices – Land Use Meeting Room**  
**10:00 am – 12:00 pm**

**Members present**

Wendell Berry, Chair  
Fred Clews  
John Cooley  
Jim Haney, Ph.D.  
David Packard  
Dick Smith  
Martha Twombly  
Susan Slack  
Bob Spoerl

**Representing**

NH Business and Industry Assn.  
Fish & Game Commission  
Conservation Community  
Scientific Community, UNH  
NH Lakes Association  
Fishing Interests  
NH Assn. of Conservation Commissions  
Director, Office of Energy & Planning  
Commissioner, DRED

**Term**

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

**Members not present**

John Irwin  
Jim Morash  
Lt. Tim Dunleavy  
Mark Hemmerlein  
Jeff King  
Bob Wolff/David Rousseau  
Vacant  
Vacant  
Vacant  
Vacant

NH Marine Dealers Association  
Tourism Industry  
Commissioner, DOS  
Commissioner, DOT  
Exec. Dir., F&G  
Commissioner, Dept. of Agr., Markets & Food  
Municipal Officials  
Planning Boards  
State Conservation Committee  
NH Association of Realtors

August 22, 2014 V  
August 1, 2013 V  
Indefinite NV  
Indefinite NV  
Indefinite NV  
Indefinite NV  
August 1, 2015 V  
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

**Others/Guests**

Sheara Bailey Potential Future LMAC Member, NH Realtors Assn.  
Shane Bradt Future LMAC Member, Scientific Community  
Linda Brownson Future LMAC Member, State Conservation Committee  
Bob Craycraft UNH LLMP  
Tom O'Brien NH Lakes Association  
Boyd Smith Newfound Lake Region Association

**The Meeting Was Called to Order**

Chairman Berry called the meeting to order at 10:05 a.m. and welcomed all present.

**I. Introductions/Minutes/Committee Business**

As there was no quorum present, the meeting began with the membership update.

2) LMAC Membership Update

Jacquie welcomed new member Fred Clews, representing the Fish & Game Commission. She also welcomed potential new members Sheara Bailey (NH Realtors Association), Shane Bradt (Scientific Community), and Linda Brownson (State Conservation Committee). She mentioned that Bob Compton was interested in joining as the Planning Board member representative. This would leave only the Municipal Official position and, with Bud Berry not seeking reappointment, the Business & Industry Association positions vacant.

Two committee members joined the meeting, creating a quorum.

3) LMAC Representative to the OLNA

Chairman Berry noted that with Don Kent no longer a member of the LMAC, the LMAC no longer had a representative to the Ossipee Lake Natural Area (OLNA). He noted that despite increased boat activity, endangered species were returning to Ossipee and that there was a positive working situation with the public on the lake. Susan Slack indicated that she would be willing to serve as the LMAC representative to the OLNA as she lives in that area. No other nominations for the OLNA representative were received.

- **Chairman Berry motioned to appoint Susan Slack as the LMAC's representative to the Ossipee Lake Natural Area. David Packard seconded the motion. Motion passed unanimously.**

4) LMAC Chair and Vice Chair

Chairman Berry asked the committee for members interested in becoming Chair of the LMAC. David Packard indicated that he would be willing to serve as the LMAC Chair. No other nominations for Chair were received.

- **Chairman Berry motioned to appoint David Packard as the LMAC's new Chair. Martha Twombly seconded the motion. Motion passed unanimously.**

Bud Berry asked the committee for members interested in becoming Vice Chair of the LMAC, noting that both voting and non-voting members were eligible for the Chair and Vice Chair positions. As no nominations for Vice Chair were received, Mr. Berry postponed the discussion until the next meeting.

1) Acceptance of the April 2, 2013 LMAC Meeting Minutes

- **David Packard made a motion to pass the April 2, 2013 LMAC meeting minutes as written, seconded by Martha Twombly. Motion passed unanimously.**

## II. Update Regarding LMPP Activities – Jacquie Colburn

1) LMPP Program Updates

Jacquie noted that other than the work done by the Lakes Classification subcommittee and numerous responses to lakes-related emails and calls by the public, she had no LMPP updates. Her work has been focused on the RMPP and its 25<sup>th</sup> anniversary, as well as on meeting the 9/1/2013 Instream Flow Program deadline.

David Packard asked if there was any hope of getting the Lakes Coordinator position funding reinstated. Jacquie replied that it required state funding, which is not expected in the near future. She added that DES fared OK in the last state budget, with only vacant positions cut, but there is a concern regarding cuts at the federal level which would affect funding via EPA, 604(b) grants, the Beach Program and others. Jim Haney suggested using the cuts to look at other opportunities, especially at the grassroots level. Martha Twombly suggested working more closely with Lake Associations, and Sheara Bailey thought money could be acquired through the Conservation License Plate Program.

2) RMAC/LMAC ISF Letter and Report to Commissioner Update

Rivers and Lakes Program staff and administration, including Wayne Ives and Ted Diers, met with Commissioner Burack in May regarding the Instream Flow Program and the RMAC/LMAC report. The Commissioner sent the letter and report to the Attorney General's office for an opinion regarding adopting the recommendations as policy, and is waiting for a response. He is aware that the LMAC and RMAC would like a response before the late fall Joint RMAC/LMAC meeting.

3) Surplus Land Disposals

None for lakes since the last meeting.

4) Squam Lakes Recreation Mapping Survey Results

Jacquie attended a recent event at PSU during which this project was highlighted. The project used public opinion acquired via the public's electronic self-mapping of lake use and areas of concern to generate data for prioritizing management actions on Squam Lake. She summarized the report (which can be found at [https://www.plymouth.edu/center-for-the-environment/files/2011/10/Squam-Mapping-Project-Veilleux\\_2013.pdf](https://www.plymouth.edu/center-for-the-environment/files/2011/10/Squam-Mapping-Project-Veilleux_2013.pdf)) and the interactive mapping results (<http://www.landscapemap2.org/plymouth/mapviewer.php#>), and asked for ideas on how the data can be used.

Jacque commented that she had spoken with Amy Smagula, Exotic Species Program Coordinator at DES, who had looked at the data created by the public and noticed discrepancies between locations where the public perceived invasive species to exist and where they actually exist. Amy said this type of data should be used with caution. Jim Haney agreed that a filter should be applied to the data before publishing. Shane Bradt noted that metadata about the maps was missing, and that perhaps yellow points could be used for unconfirmed data and green points used for confirmed data. Tom O'Brien asked if a temporal filter could be added for invasive species, but Jacque did not think it would be possible.

It was suggested that Andrew Veilleux, PSU graduate student, present the results of this study at a future LMAC meeting.

### III. Review of 2013 Lake-Related Legislation – Tracie Sales

Tracie focused this discussion on the changes made to the Shoreland Act (RSA 483-B), which became effective August 27, 2013 and restored many of the 2008 buffer requirements that had since been removed from the Act:

- Ground Cover Becomes “Natural” – The old natural groundcover definition was restored. This was done to remove conflicts in the definition of similar terms introduced in previous legislation.
- No Cutting Native Vegetation except to improve health – Better protects native species and limits the activities allowed to those beneficial to the vegetation.
- DES Again Has Limited Property Access – If DES sees a violation or receives a credible complaint, they can investigate immediately.
- Limestone – No longer allowed within 25 feet of the waterbody.
- Tree Cover – The points for given tree diameters are lowered thus requiring more trees to be kept within the 50 ft waterfront buffer.
- Shrubs Only Count for Planting – Points are only awarded for shrub and ground cover when there is a need to replant or restore a previously disturbed shoreline. Previously, 25 points could be made up using 100 sq ft of pre-existing shrubs, meaning only 25 points worth of trees were needed. Now when counting existing vegetation for the purpose of cutting or determining compliance, all 50 points must be obtained using trees.
- Stormwater Management Defined – While the ability to exceed 30% impervious surface coverage remains, this puts significant stormwater management requirements in place where before there were none.

David Packard asked why limestone was now being banned within 25 feet of the water where it had not been previously. No one present knew for sure. Jim Haney asked what changed that allowed these changes to be made to the statute. Jacque replied that the legislature changed. Tom O'Brien noted that the permit by notification remained in the statute, which relieves a burden on DES staff. Susan Slack commented that several towns were already restoring the 2008 shoreland protections locally.

### IV. Lake Classification Scheme Update – Bud Berry

Bud Berry reviewed the progress of the Lakes Classification sub-committee, which has looked at a lake classification scheme instituted in Wisconsin, and evaluated how it could be adapted in NH. Wisconsin has instituted the WI Partnership Program, where the University, WI DNR and the Wisconsin Association of Lakes work together to implement a bottom-up approach to lake classification at the county level. NH has similar groups to those in WI, and the LMAC itself has established and grown relationships between organizations.

Berry summarized the one-page document posted for members prior to the meeting, describing how a partnership could be formed by DES between the DES LMPP, the UNH CFB and Cooperative Extension lakes programs and NH Lakes, with the LMPP providing the legal foundation and the RPCs providing technical guidance to the towns enacting zoning and land use ordinances. These potential partners are all existing organizations. Berry suggested using a pilot project in NH with one RPC to test the concept.

To fund the project, Berry recommended looking outside of state-based resources but also coming to the state with accomplishments, successes and new ideas for later state funding.

Berry thanked the sub-committee members for their work.

David Packard asked if the lake classifications were generic. Berry replied that there were 4 levels from “pristine” to “heavily developed”. Haney added that he liked simplicity in classifications, but not ones that are overly simple. A NH classification is not a barrier, as a system already exists. Berry commented that the

LMAC has looked at classification in the past (1999), as has Fish & Game, but neither organization has gone anywhere with it.

Tom O'Brien commented that he was intrigued by the idea, but wanted to know what the next step would be. He noted that the Class A/Class B categorizations are confusing and require clarification. He also asked what the role of NH Lakes Association would be. Haney responded that the focus is not on the classification, but using it as a tool for management. The idea is to bring elements together to protect the lakes based on management procedures. It is important for UNH, NH Lakes, etc. to work together.

Haney asked "What will this program do?" Berry replied that the purpose is to better protect lakes, because the one-size-fits-all protections of the Shoreland Act is not working for all lakes, and that the Lakes statute (RSA 483-A) sets high standards for lakes that are not being met in reality. He continued by asking, rhetorically, if the legislature still concurs with the objectives of RSA 483-A. The LMPP could bring many groups together for education across the state, including PREP, Squam, Sunapee and others. Sunapee, for example moved from a lake focus to a watershed focus, and has a ½ million dollar budget along with the necessary political will. Berry noted at the end that PSU should also be a partner in the University portion of the project.

#### **V. Member Comments and Updates**

Postponed as the meeting was running behind schedule.

#### **VI. Other Business and Action Item Review**

Postponed as the meeting was running behind schedule.

#### **VII. Newfound Lake Presentations**

##### Newfound Water Quality Sampling – Bob Craycraft, UNH Lakes Lay Monitoring Program

Newfound Lake has a 56,000 acre, steeply sloped, and mostly forested watershed. Sampling program began in 1986 and includes 8 historical in-lake sampling locations. Both near-shore and substrate sampling is conducted, and they are very concerned about phosphorus in the lake, particularly due to increased storm events carrying phosphorus into the lake in particulate form. While water quality is generally good, localized WQ variations are evident and the lake is beginning to show symptoms of becoming mesotrophic, and they are seeing this change accelerating.

The watershed is very "flashy," and bank undercutting has become a problem, so buffers are critical. Tributary sampling was added as an expansion of the 2006/2007 Water/Nutrient Budget. With transparency decreasing in general and significant decreases in transparency due to storms (Newfound Lake took 2 months to recover its normal transparency after TS Irene), the headwaters have become critically important to protect.

##### Newfound Lake Region Association: Protecting the Watershed – Boyd Smith, Executive Director NLRA

NLRA has found that using the water quality data collected by Bob Craycraft and his team from UNH when talking to local planning boards about watershed planning is highly valuable. The towns appreciate having the data and use it when setting policy. The UNH team is also using the data to develop a model to answer "what if" questions regarding development in the watershed. This information is used to communicate to the public, particularly for prioritizing watershed management, grant applications, zoning discussions, and risk-based policy and regulation decision-making.

Threats to the lake include stormwater, incremental degradation and a lack of planning and enforcement in the towns. For example, the 5 towns that comprise the majority of the watershed have very different levels of zoning. Solutions to these threats are preventing stormwater runoff and supporting sustainable zoning in watershed towns, with effort focused on most sensitive areas. NLRA is working in both a top down direction with the planning boards as well in a bottom up direction, for example with local camps to improve buffers along the lake to reduce pollutant entry into the lake. They are also looking to implement tiered riparian buffers with stream-order based setbacks to protect WQ and wildlife habitat, and include wetlands and floodplains in their planning recommendations.

The meeting adjourned at 12:15 PM and those present acknowledged the outstanding contributions of Jim Haney and Bud Berry while enjoying a special celebratory cake made in their honor. The members then toured Newfound Lake stopping in several locations to test and analyze the water quality of the lake as well as discuss the development that has occurred throughout the watershed and its impact on water quality.