



LAKES MANAGEMENT ADVISORY COMMITTEE
NH Lakes Management and Protection Program

New Hampshire Department of Environmental Services
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LMAC MEETING MINUTES
November 7, 2013
DES Meeting Rooms
9:00 am – 11:30 pm

Members present

David Packard, Chair
Susan Slack, Vice Chair
Wendell Berry
Shane Bradt
Linda Brownson
Fred Clews
John Cooley
Capt. Tim Dunleavy
Mark Hemmerlein
Dick Smith
Martha Twombly
Bob Spoerl
Bob Wolff

Representing

NH Lakes Association
Director, Office of Energy & Planning
NH Business and Industry Assn.
Scientific Community, UNH
State Conservation Committee
Fish & Game Commission
Conservation Community
Commissioner, DOS
Commissioner, DOT
Fishing Interests
NH Assn. of Conservation Commissions
Commissioner, DRED
Commissioner, Dept. of Agr., Markets & Food

Term

August 1, 2015 V
Indefinite NV
July 8, 2013 V
August 22, 2016 V
August 1, 2015 V
August 22, 2015 V
September 19, 2013 V
Indefinite NV
Indefinite NV
November 17, 2013 V
August 22, 2016 V
Indefinite NV
Indefinite NV

Members not present

John Irwin	NH Marine Dealers Association	August 22, 2014	V
Jim Morash	Tourism Industry	August 1, 2013	V
Mary Truell	NH Association of Realtors	June 27, 2014	V
Vacant	Municipal Officials	August 1, 2015	V
Vacant	Planning Boards	August 1, 2014	V
Vacant	Exec. Dir., F&G	Indefinite	NV

Staff Present

Jacque Colburn	Rivers and Lakes Programs
Ted Diers	Watershed Bureau
Carolyn Guerdet	DES Administration
Tracie Sales	Rivers and Lakes Programs

Others/Guests

Kim Hallquist	Future LMAC Member, Municipal Official Rep.
Tom O'Brien	NH Lakes Association
Larry Sunderland	Former LMAC Member

The Meeting Was Called to Order

Chairman Packard called the meeting to order at 9:00 a.m. and welcomed all present.

I. Introductions/Minutes/Committee Business

1) Acceptance of July LMAC Meeting Minutes

- ***Fred Clews made a motion to accept the minutes, seconded by Dick Smith. No discussion. Motion passed unanimously.***

2) LMAC Membership Update

- Conservation Community Rep. – Letter to G&C for John Cooley renewal is in progress.
- Municipal Official and Planning Board reps. – Appointments for Bob Compton & Kim Hallquist are being processed at G&C.
- NH BIA – BIA is seeking a new appointee to replace Bud Berry.

- NH Travel Council – Jim Morash paperwork is in progress at G&C.
- Fishing Interests – Letter to G&C for Dick Smith renewal is in progress.
- F&G Dept. Rep – On hold until new employee hired replacing Jeff King.

3) LMAC Vice Chair

In Susan Slack's absence, Jacquie noted that Tracie had spoken with Susan after the July LMAC meeting, and Susan indicated that she was willing to be the Vice Chair. No other nominations were received.

- ***Chairman Packard made a motion to nominate Susan Slack as Vice Chair, seconded by Wendell Berry. Motion passed unanimously.***

II. Update Regarding LMPP Activities and Processes – Jacquie Colburn

1) LMPP Program Updates

Other than responding to email and phone inquiries, there are none. Again, the focus has been on the Rivers Program. Since the July LMAC meeting, the RMPP has accomplished the following:

- Hosted a 25th Anniversary Celebration (with G&C and guests) in Plymouth on August 14th;
- Met the deadline to adopt (and begin implementation) of the Lamprey and Souhegan River Water Management Plans for the ISF Program on August 30th;
- Held an RMAC meeting on October 3rd;
- Hosted a Workshop, in cooperation with the New Hampshire Rivers Council for the Local River Advisory Committees (LACs) on October 19th.

While Jim Haney no longer serves on the LMAC, Jacquie informed the committee that she wants to keep the LMAC informed of Harmful Algal Blooms (HABs). She showed the Blue Water Satellite website, noted the articles regarding HABs, the ongoing research being performed by the scientific community, and the impacts that HABs are having in the Great Lakes, in particular. Shane Bradt noted the US is behind the rest of the world as to HABs. He also cautioned the group to be wary of maps created with only remote sensing data – it is easy to create a map that looks like it is telling you something, but you need to know how people are doing the testing, their accuracy and how the maps are produced so you know the reliability. Remote sensing can not replace actual testing. Jacquie noted that Cyanobacteria blooms are continuing, and wants the LMAC to be aware of them. Chairman Packard asked what DES does when told of a suspected lake bloom. Jacquie responded that DES samples, posts signs, and samples again until the bloom is gone. The group agreed to her suggestion of having Jim Haney come to an upcoming LMAC meeting to discuss this topic.

2) Legal Questions – Meeting Quorums

The LMAC and RMAC often have extended vacancies of their voting member positions, the question has come up “what constitutes a quorum?” Per the AG: A quorum is a majority of the members. Vacant seats don't count. Vacant seats are not members because the G&C have not approved the person.

3) Surplus Land Disposals

Jacquie and Vice Chair Slack briefly explained what this is for the new committee members. If a piece of lake front property owned by the State is up for sale or lease, the proposed land disposal comes before this committee for recommendations to Council on Resources and Development (CORD). The LMAC is only advisory. G&C ultimately decides on the disposition of the property.

Since the July LMAC meeting, no SLRs have been received that fall within the jurisdiction of the LMAC.

III. Instream Flow Program Update – Ted Diers

1) Overview of Instream Flow Program Status

The Instream Flow (ISF) Program began in 1993. The program has been implemented via 2 pilot rivers – the Souhegan and Lamprey. The goal is to make sure that over the long term there is enough water in the rivers for the uses that are required of the river. The Legislature said to figure out the protected instream flow, and then enforce them through water management plans. The pilot programs were expected to take 2 years, but have taken about 8. After receiving another (final) two year extension from the Legislature, the protected instream flows and management plans were adopted for the 2 rivers on August 30, 2013. DES will provide an evaluation of the program to the Legislature in 2015.

The protected flows recognize that there are seasonal differences as well as occasional, naturally occurring, low flows. However, abnormally low flows should not happen too often or for too long. The plans require conservation measures from water users during periods of low flow, and can require 2 day releases of water from impoundments to provide relief flows to the rivers. DES has signed a partnership agreement with the Pawtuckaway Lake Improvement Association with regards to the Lamprey ISF program.

DES staff is now developing the questions we will need to answer in order to evaluate the effectiveness of the ISF Program for the Legislature, and would like the LMAC's help. What questions need to be answered about this program? Should the program be expanded to other rivers? Ted said he would send some questions to the committee to see if these are the kind of questions that need to be answered.

Chairman Packard asked about the available resources to both keep the existing program going, and expand it to other rivers. Ted replied that there is only one full time DES person working on this, with assistance from some others. The Dam Bureau has resources to manage these 2 rivers. However, the funding for much of the ISF work is from federal sources so it is dependent on the federal budget situation. One of the questions that needs to be considered is "What would it cost to do this in other rivers, especially given the significant outreach needs of the program?"

Tom O'Brien noted the real spin-off benefits to this program, especially in the interactions between lakes and rivers and the focus on a watershed approach. Ted agreed and noted that the bureau's move to watershed-based water quality monitoring has allowed the bureau to do more monitoring with the same resources, allowing us to begin doing trophic surveys again. Bradt noted it could be a good educational opportunity, to which Ted agreed and mentioned that staff was already talking to Jim Haney about coordinating with his classes.

Ted commented that new water users now have to take into account that there may be times of the year when very little water is available to them, which could affect business and business decisions. Jacquie added that NH may be breaking ground with this work, where minimum flows are based on fish spawning and balancing human and natural needs. Ted noted that NH has operationalized the natural flow paradigm. In response to Berry's question about high flows, Ted replied that the plans only look at low flows. Jacquie commented that PIRRT (Post Incident River Response Team) is looking at high flows, in the form of flood events.

Bob Spoerl asked about what to do about unused water flowage rights? Ted responded that dams can come into the plan a couple of different ways. If a hydro facility is using the water, they are a user and dam owner so are covered under both. Ted pointed out that the protected instream flows and the water management plans translate the narrative water quality standards for ecological integrity to specific numbers and requirements.

2) LMAC/LMAC Instream Flow Program Letter and Report to Commissioner

On October 9th, LMAC members received an email with the letter that was sent from Commissioner Burack to Chairmen Kimball and Packard regarding the Comprehensive Surface Water Resource Management paper. Ted said that DES Senior Leadership had an interesting discussion about the document, and that while they will use the guiding principals within the context of existing statutes and administrative rules, they could not make them policy. The bureau will use the principals to explain why/how we do our work. Chairman Packard asked if any legislation changes were required to utilize these guidelines, but Ted felt that no changes were needed yet. There is an effort going on, however, to evaluate all the rules and regulations that apply to water as it travels through a watershed.

IV. Update on Lake-Related Legislation – Jacquie Colburn

1) Review of 2013 Bills

Of the bills that the LMAC tracked in 2013, only a few that had been Retained in Committee remained outstanding. HB 256, regarding NH Fish & Game sustainability, received a study committee extension. HB 292, requiring milfoil decals on out-of-state vessels, began by suggesting a \$10 decal fee to out-of-state boaters, but is now being changed to possible \$2 in-state because the number of in-state boaters is known, while the number of out-of-state boaters is unknown. Capt. Dunleavy noted that there has been a lot of grumbling from motor boaters about how they support the F&G Search & Rescue fund but use very little of it. Regarding HB 545, relative to rafting of boats, Capt. Dunleavy suspected that the bill will die. He had taken committee members out to boat rafting areas under consideration.

2) Preview of 2014 LSRs

Jacquie reviewed the 2014 session LSRs. Tom O'Brien brought S-2701, regarding membership in the exotic aquatic weeds committee, to the LMAC's attention and thought both Fish & Game and NH Rivers Council, as well as NH Lakes, should be at the table. He added that discussion with Rep. Spang, DES and the RMAC determined that it was not yet time to put a watershed approach into legislation, so H-2099 was withdrawn.

Jacquie asked the LMAC if they felt they should establish an LMAC Legislative Subcommittee. The group decided to pool the resources of the groups represented in the committee, and those already tracking legislation for their own uses would forward reports to Tracie rather than make a new committee: Tom O'Brien – NH Lakes, Tim Dunleavy – Marine Patrol, Fred Clews – F&G Commission.

V. Proposed Lake Classification Update1) Update of the LMAC Subcommittee – David Packard

Chairman Packard shared that there is no funding to move this forward currently, though DES info already collected could be used for classification. Jacquie reminded the committee of their work on the Comprehensive Lake Inventory some years ago, which provides the lake classification system for our lakes.

Chairman Packard noted that he would like to move toward a watershed focus, but that he's not sure how that could be accomplished right now. Mark Hemmerlein wondered about a tiered system for lakes based on the 303(d) list, but Bud Berry replied that the purpose of the classification system was to use the inventories to develop bottom-up management on selected lakes. Berry continued that the LMAC should keep this idea alive should DES and the legislature want to move forward with it in the future.

Jacquie said that she would review the Comprehensive Lake Inventory at the next meeting.

2) Update of the RMAC Review of RSA 483 – Jacquie Colburn

Jacquie reviewed the "RMAC RSA 483 Review Discussion" spreadsheet and the process that the RMAC has undertaken to review the statute, with the idea that the LMAC could use a similar process for RSA 483-A. The RMAC is working to determine what parts of the 25 year old statute are working, and which are not, as well as whether the criteria used for the RMPP are still appropriate. Tom O'Brien asked if the LAC could be made watershed-wide, not just for rivers, and Berry added that this was one of the ideas behind the Lake Classifications. Chairman Packard thought this discussion should be deferred until after the joint December meeting, when the RMAC and LMAC will discuss some of these items together.

VI. Comments and Updates1) Re-adoption of Water Supply Watershed Rules – Jacquie Colburn

There are 49 surface waterbodies that are actively used as drinking water supplies and which may have administrative rules in-place; currently, the DES Administrative Rules cover 30 sources. This summer, DES proposed to re-adopt the water supply watershed rules for these supplies, only Lake Massabesic (WS for Manchester) and Bradley Lake (WS for Andover) decided to pursue any rule changes.

2) Water Quality Standards Advisory Committee (WQSAC) – John Cooley

John is the LMAC's representative on the WQSAC. The WQSAC, which has existed for 10-15 years, is a group of stakeholders and DES staff concerned about promoting water quality standards. Recent discussions have focused on how the EPA's updates to the water quality regulations may affect how NH works, particularly with respect to antidegradation. The new regulations would require smaller projects to go through antidegradation requirements. In addition, the state's water quality rules will be up for modification in 2016. Ammonia standards will be more stringent and copper discharge levels will be permitted on a case-by-case basis. WQSAC focuses on surface waters, but does consider Cyanobacteria standards. The next meeting is January 9, 2014.

3) LMAC Member Comments and Updates

As the group's new chair, Chairman Packard shared his ideas for the LMAC. He would like to see an increased emphasis on watershed-based solutions from the committee. In addition, he is concerned that so much of DES is federally funded. He would like to see a shift toward more state funding. Finally, he asked members to consider the priorities of the organizations each member is representing, with the hope

of finding solutions which further the goals of the LMAC's member organizations. Chairman Packard's requests to LMAC members:

- Between now and the beginning of December, please solicit your colleagues and/or organizations for their priorities/concerns relative to any lake-related work and/or concerns of their representative organizations and/or agencies. Feedback will be discuss at the 12/5 meeting.
- Appoint an alternate who will be able to represent your organization's interests when you are unable to attend. Note that the alternate would not be able to vote.

Several members suggested looking at some other successful organizations in the state for funding and program examples, including Great Bay, Lake Sunapee, Newfound Lake and the Acton-Wakefield Watershed Alliance. Jacquie warned members to be aware that some of these organizations' work has been funded through federal 319 grants, however, and these funds are rapidly dwindling. Linda Brownson noted that the watershed approach is consistent with the Conservation Districts' goals and their education initiatives.

Tom O'Brien announced that June 27th will be the annual Lakes Conference at Church Landing in Meredith. There will be a watershed management track.

Captain Dunleavy reported that the navigation safety fund, which is funded from boat registrations, was lapsing to the general fund. However, it will be re-established as a dedicated fund in 2015. He said that the Marine Patrol budget in pretty good shape, and that Coast Guard funds depend on NH match. He also noted increased competition for boat fee revenues, as boat fees from boats registered in towns can be kept in the town. This year 38 towns became boat registers.

Mark Hemmerlein announced that the I-93 project will be completed in the next 3 years. DOT has worked hard on turbidity controls making them integral to the project. Soil stabilizers using polyacrylamides (PAMs) are effective. Jacquie suggested a presentation on the project for a future meeting.

Bud Berry noted that there is more to a watershed than water, that there is a social aspect to this watershed emphasis. PSU's work on the Squam Lake PPGIS (public participatory geographic information system) project is an example.

Tom O'Brien noted that the Lake Host Program is working with fishing derbies and the High School Bass Fishing groups to educate about exotic species, including zebra mussels and asian clams.

Jacquie mentioned a discussion about power loading that took place at the recent Public Water Access Advisory Board (PWAAB) meeting. PWAAB will do more outreach to boaters and will consult with Capt. Dunleavy.

VII. Other Business and Action Item Review

- 1) Action Item Review
 - Chairman Packard's survey of organizations' interests/priorities pertaining to lakes?
 - Lake-related legislation to Tracie.
 - Review Comprehensive Lake Inventory document.
- 2) Next Meeting – Joint Meeting with the RMAC – December 5th
 - LMAC 9 – 11
 - Joint 11 – 1 (including Lunch)
 - RMAC 1 – 3
- 3) Proposed agenda items for next meeting
 - ISF Letter to Commissioner
 - Shoreland Advisory Committee presentation
 - Collectively looking at the statute
 - Dave Neils and the DES Water Monitoring Program
 - LMAC Member/Organization Priorities Survey
 - DES 2012 Report to PWAAB; draft is on LMAC blog.

Meeting Adjourned at 11:36am.