



LAKES MANAGEMENT ADVISORY COMMITTEE
NH Lakes Management and Protection Program

New Hampshire Department of Environmental Services
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LMAC MEETING MINUTES
March 31, 2014
DES Meeting Rooms
9:00 am – 11:00 am

Members present

David Packard, Chair
Susan Slack, Vice Chair
Shane Bradt
Linda Brownson
Fred Clews
Robert Compton
John Cooley
Capt. Tim Dunleavy
Eric Feldbaum
Mark Hemmerlein
Mary Truell
Martha Twombly

Representing

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

Term

August 1, 2015 V
Indefinite NV
August 22, 2016 V
August 1, 2015 V
August 22, 2015 V
August 1, 2014 V
September 19, 2013 V
Indefinite NV
Indefinite NV
Indefinite NV
June 27, 2014 V
August 22, 2016 V

Members not present

Wendell Berry
Kimberly Hallquist
John Irwin
Jim Morash
Dick Smith
Bob Wolff
Vacant

NH Business and Industry Assn.
Municipal Officials
NH Marine Dealers Association
Tourism Industry
Fishing Interests
Commissioner, Dept. of Agr., Markets & Food
Exec. Director, F&G

July 8, 2013 V
August 1, 2015 V
August 22, 2014 V
August 1, 2016 V
November 17, 2013 V
Indefinite NV
Indefinite NV

Staff Present

Jacquie Colburn Rivers and Lakes Programs
Tracie Sales Rivers and Lakes Programs
Carolyn Guerdet DES Administration
Amy Smagula Exotic Species Program
Jillian McCarthy Stormwater Coordinator

Others/Guests

Michael Summerlin Future NH Business and Industry Assn. Rep
Larry Sunderland Former LMAC Member
Rep. John Mullen

The Meeting Was Called to Order

Chairman Packard called the meeting to order at 9:05 a.m. and welcomed all present.

Jacquie Colburn announced that there would be a Wetlands Bureau listening session regarding the Wetlands rules re-write immediately following the LMAC meeting. The LMAC is one of the stakeholder groups from which Wetlands Bureau staff hopes to receive input during the development of the new rules.

I. Introductions/Minutes/Committee Business

Introductions were made of members and guests around the table. Michael Summerlin introduced himself as the NH Business and Industry Association's nominee to the committee to replace Bud Berry.

- 1) Acceptance of December 5, 2013 LMAC Meeting Minutes

- **Chairman Packard made a motion to accept the December 5, 2013 minutes, second by Linda Brownson. Two corrections were noted. Motion passed unanimously with noted amendments.**

2) Acceptance of December 5, 2013 Joint LMAC/RMAC Meeting Minutes

- **Chairman Packard made a motion to accept the Joint LMAC/RMAC minutes of December 5, 2013, second by John Cooley. Corrections were noted. Motion passed unanimously with noted amendments.**

3) LMAC Membership Update

Membership renewals for John Cooley and Dick Smith are in progress. Michael Summerlin has been nominated as the BIA's representative to the LMAC, filling Bud Berry's position. A new representative of the NH Fish & Game Dept. is on hold until a new employee is hired to replace Jeff King. LMAC members with 2014 membership renewals are Mary Truell (June), Bob Compton (August), and John Irwin (August).

II. Update Regarding LMPP Activities – Jacquie Colburn

1) LMPP Program Updates

Jacquie and Tracie are spending 90% of their time on the Rivers Program. However, Jacquie asked members to review RSA 483-A and consider: If there is one thing you would like to see changed in the statute or relative to the program, what would it be? The LMAC will discuss the feedback at the next meeting.

2) Surplus Land Reviews (SLRs)

Jacquie explained that, according to the statute, the LMAC has the opportunity to review and make recommendations regarding state-owned property proposed for sale or lease.

Recently, NH Fish & Game proposed to sell 1.5 acres on Laurel Lake in Fitzwilliam to the town, which would build a parking lot for those using the adjacent boat ramp. The LMAC approved the sale, with conditions, through its categorical exclusion process. LMAC's conditions were that the parking area must be open to the public and that stormwater BMPs be employed to eliminate polluted runoff from the parking area to the lake.

Vice Chair Slack explained the surplus land disposal process through the Council on Resources and Development (CORD). CORD consists of 12 members representing state agencies and is staffed by the NH Office of Energy and Planning (OEP). When CORD receives an application for property disposal, it then seeks recommendations from the LMAC, the RMAC and the Public Waters Access Advisory Board, and others as appropriate, for properties within the jurisdiction of each group. Once approved by CORD, the recommendation goes to the Long Range Planning Committee, which is a legislative committee, and if approved there, to Governor and Council.

Chairman Packard asked if the LMAC was allowed to vote on a proposed disposal via e-mail. Jacquie replied that e-mail votes are not allowed because of the Right-to-Know Law. However, there is a process, described on the LMAC blog that allows the LMAC to approve a proposed disposal when the impact of the disposal will be *de minimis* and no objections are received from LMAC voting members. Susan also noted that all SLRs are posted on the OEP website and that comments from the LMAC and RMAC have been helpful in the past.

III. Member Organization Priority Survey – David Packard

Chairman Packard asked members to submit their organization's priorities relative to lakes management to him. He noted that one of his priorities was funding. Linda Brownson reported that she had inquired about getting funding for the Lakes Program, but found that there was not much that could be done unless it came as a line item on the budget. Linda was told to talk to the Governor's office, but Jennifer Kuzma in the Governor's office said the request would have to come from the DES Commissioner. Chairman Packard has also looked into other means of getting funding back for lakes at DES. He encouraged members to contact him with thoughts or questions.

IV. Rivers Program Statute and Program Review

Jacquie shared that the Rivers Program had celebrated its 25th anniversary in 2013. After 25 years, the RMAC determined that the River Program statute, RSA 483, should be reviewed for relevancy and updated

as necessary. Jacquie noted that one of the unique aspects of the Rivers Program is the establishment of local river management advisory committees (LACs) for each state designated river, which allows for state-local interaction with respect to river management issues. There are 21 LACs and 18 designated rivers (the Connecticut River has multiple LACs). This winter, Jacquie and RMAC representatives hosted 6 regional LAC meetings around the state, seeking feedback on program successes and areas that should be improved. LAC members provided good feedback, and program staff is distilling the information received and will use the points made during the sessions in the statute review process.

V. Review of 2014 Lake-Related LSRs – Tracie Sales

1) LMPP Program Updates

LMAC members are receiving weekly legislation update of 20-30 bills that the committee is tracking. A number of bills have been voted “Inexpedient to Legislate” by the legislature. However, now that bill language is available, the LMAC may wish to take a position on a few.

SB 266 – Amy Smagula gave a brief overview, describing the new members proposed for the Exotic Aquatic Weeds and Species Committee. Proposed new members include: NH Rivers Council, NH F&G, Connecticut River Watershed Assoc., Marine Trades Assoc., DES, and Dept. of Agriculture Markets and Food.

- **Chairman Packard made a motion to support SB266, second by Bob Compton. Discussion was held. Motion passed unanimously.**

SB 337 – Recovery of submerged vehicles by DES. Captain Dunleavy explained that the bill addresses administrative issues and clarifies the process. He said that there is a tremendous expense removing vehicles from the water. The bill as proposed protects the state agencies and helps to recoup expenses.

- **Chairman Packard made a motion that the LMAC support SB 337, second by Linda Brownson. Discussion was held. Chairman Packard withdrew the original motion and motioned that the LMAC monitor SB 337, second by John Cooley. Revised motion passed unanimously.**

SB 408 – Relative to aid for regional agreements of watershed municipalities. Chairman Packard noted that he thought the LMAC could support this bill, but it was not a high priority. Vice Chair Slack commented that OEP had no position on this bill, but there was a concern that the bill would dilute the limited funds available for wastewater and similar projects.

- **Chairman Packard made motion to support SB 408 as presented, second by Fred Clews. Discussion was held. Chairman Packard withdrew the original motion and motioned that the LMAC monitor SB 408, second by Linda Brownson. Revised motion passed unanimously.**

HB 292 – Registration fees for vessels. This bill was held over from last year and the LMAC voted last year to track it. Amy Smagula explained that the bill increased in-state boat registration fees by \$2, which would provide \$180,000 - \$200,000 in additional revenue to the Exotics Program and fund 10-12 new projects. The bill passed through House Ways and Means and has crossed over to the Senate.

- **Chairman Packard made a motion to support HB 292, second by Linda Brownson. Discussion was held. Motion passed unanimously.**

2) Review and Discuss Draft SOP for a Policy and Legislation Subcommittee Discussion postponed until later in the meeting.

VI. Update on DES Lake Assessment Program – Amy Smagula

Amy Smagula distributed a handout “Lake Assessment Program – Revamped and Reinvigorated” and then reviewed the process that the Watershed Management Bureau will implement over the next several years to once again conduct lake trophic surveys. She explained that the program was initiated in 1975 to assess water quality. In 2008 the program was discontinued due to lack of funding. There are other programs that continue to monitor lakes: DES VLAP monitors about 180 lakes per year and UNH LLMP monitors about 125 lakes, so there are approximately 300-350 lakes being monitored now. New Hampshire contains about 900

lakes and great ponds, and about 780 of them used to be monitored. Going forward, the Bureau will monitor within its existing capabilities, for example collecting data on fewer parameters than in the past and only monitoring during the summer, but the monitoring will complement other existing programs.

In 2013, 10 lakes from 8 medium-sized watersheds across the state were sampled. In 2014 this number increases to 20 lakes and in 2015 and beyond, 30 lakes will be sampled each year as funding permits. Amy added that the revised lake survey program will draw heavily from the field protocols and trophic rating process used in the past by the biology section to maintain a consistent data collection and analysis process, though there is an increased focus on nutrient monitoring. Data is recorded in the DES Environmental Monitoring Database (EMD).

Shane Brandt talked about the data sharing that has and has not occurred between DES and UNH. Amy responded to questions and the committee members indicated their approval that trophic surveys were being conducted by the department.

VII. Draft NH NPS Management Plan – Jillian McCarthy

Jillian McCarthy distributed a handout “New Hampshire’s NPS Management Plan” summarizing the state’s effort to update the non-point source (NPS) program. The program provides technical assistance and funding through 319 grants (EPA funds passed through the state) to restore and protect waters and watersheds. NH’s NPS plan had not been updated since 1999, but plans now need to be updated every 5 years and EPA will be more stringent with ensuring that 319 funding is tied directly to plan implementation. The handout summarizes the changes made in the Draft Plan.

DES is accepting comments through May 31, 2014 and invites LMAC members to comment. Jillian noted that priority waters or pollutants might be areas of greatest interest to the LMAC. She asked the LMAC “What are the action drivers? What are the goals, objectives, and milestones of the NPS Management Plan?” She also noted that this plan only provides guidance, and is not law. The final plan is due to EPA September 30, 2014 and will be in effect 2015 – 2019. A link to the Draft Plan is on the LMAC blog.

V. Review of 2014 Lake-Related LSRs (continued from earlier in the meeting)

- 2) Review and Discuss Draft SOP for a LMAC Policy and Legislation Subcommittee – Tracie Sales
Tracie explained that the RMAC had developed and accepted a similar document which outlines the responsibilities and procedures for the RMAC’s Policy and Legislation Subcommittee. This Draft SOP for an LMAC Policy and Legislation Subcommittee provides suggested guidance on what types of legislation the LMAC may wish to track, membership requirements for a LMAC Policy and Legislative Subcommittee, and procedures for LMAC submission of testimony letters to the legislature. Further discussion of this document was tabled until the next meeting due to time constraints.

VIII. Member Comments and Updates

- 1) Ossipee Lake Natural Area Committee – Susan Slack
Vice Chair Slack spoke about the Ossipee Lake Natural Area, a protected area managed by Natural Heritage Bureau at DRED. The area is comprised of globally rare plants and habitats which have been trampled and significantly impacted by human activity. Several years ago, DRED formed a working group to come up with a way to maintain some public access and provide recreation while protecting the area. The compromise that the working group forged and implemented has proven successful; the plants are making a comeback, but continued enforcement by DRED and Marine Patrol is needed. For the last three years, the working group has met in May to discuss the success of this multi-stakeholder effort, to determine if any changes are warranted, and to conduct an annual spring clean-up of the natural area. The boating community on the lake wants more of the natural area opened for use but DRED is hesitant to do so at this time. The working group will meet in May 2014.
- 2) SAC/LMAC/RMAC Ad Hoc Committee – David Packard
Chairman Packard reported that this ad hoc committee was formed to look at potential changes to the Shoreland Water Quality Protection Act because rivers, lakes and estuaries are very different water resources that behave differently. Are there science-based findings that should be factored into the legislation to address these types of water bodies separately? Any recommendations will be brought back to the LMAC for discussion.

3) Water Quality Standards Advisory Committee

The LMAC representative to the WQSAC, John Cooley, needs to step down from this commitment; therefore the LMAC will need to appoint a new representative to the WQSAC. This will be discussed at the next meeting.

4) 2014 PSU Report – “NH Citizens Value and Use Water in Many Ways”

Jacque reported that Plymouth State University, working in cooperation with the Piscataquog Region Estuaries Partnership (PREP), has conducted a survey of residents in Maine and New Hampshire that reside in the Piscataqua (coastal) Region Watershed. She asked the committee members to review the executive summary of the report because she would like to briefly discuss the results of the survey at the next meeting.

IX. Other Business and Action Item Review1) Action Item Review

Staff will develop letters of testimony on behalf of the committee and submit them to the General Court.

2) Next LMAC Meeting

The next meeting may be on a lake where a lake assessment is being conducted. Agenda items will include a final update regarding legislation, a discussion of the PSU report, and a discussion of the Dartmouth Watershed Approach report.

11:02 – Meeting Adjourns