



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

New Hampshire Department of Environmental Services  
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**LMAC MEETING MINUTES**

**April 13, 2015**

**NH DES**

**9:30 am – 11:15 am**

**Members present**

David Packard, Chair  
 Susan Slack, Vice Chair  
 Shane Bradt  
 Linda Brownson  
 Fred Clews  
 Bob Compton  
 John Cooley  
 Eric Feldbaum  
 Garret Graaskamp  
 Kim Hallquist  
 Dick Smith  
 Mary Truell  
 Martha Twombly  
 Bob Wolff

**Representing**

NH Lakes Association  
 Director, Office of Energy & Planning  
 Scientific Community, UNH  
 State Conservation Committee  
 Fish & Game Commission  
 Planning Boards  
 Conservation Community  
 Commissioner, DRED  
 Exec. Dir., F&G  
 Municipal Officials  
 Fishing Interests  
 NH Association of Realtors  
 NH Assn. of Conservation Commissions  
 Commissioner, Dept. of Agr., Markets & Food

**Term**

August 1, 2015 V  
 Indefinite NV  
 August 22, 2016 V  
 August 1, 2015 V  
 August 22, 2015 V  
 August 1, 2017 V  
 September 19, 2016 V  
 Indefinite NV  
 Indefinite NV  
 August 1, 2015 V  
 November 17, 2016 V  
 June 27, 2017 V  
 August 22, 2016 V  
 Indefinite NV

**Members not present**

Capt. Tim Dunleavy  
 Mark Hemmerlein  
 Jim Morash  
 Vacant  
 Vacant

Commissioner, DOS  
 Commissioner, DOT  
 Tourism Industry  
 NH Business and Industry Assn.  
 NH Marine Trades Assoc.

Indefinite NV  
 Indefinite NV  
 August 1, 2016 V  
 July 8, 2016 V  
 August 22, 2014 V

**Staff Present**

Jacquie Colburn Rivers and Lakes Programs  
 David Rosengarten DES Watershed Bureau

**Others/Guests**

Frank Lemay Nominee, NH BIA  
 Ed Crawford Nominee, NH MTA

**The Meeting Was Called to Order**

Chair Packard called the meeting to order at 9:33 a.m. and welcomed all present.

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

Members and guests present introduced themselves.

1) Acceptance of the February 2015 LMAC Meeting Minutes

- *Linda Brownson made a motion to accept the February 2015 minutes, second by Bob Compton. Motion passed unanimously.*

2) Acceptance of the February 2015 Joint LMAC/RMAC Meeting Minutes

- *John Cooley made a motion to accept the February 2015 joint meeting minutes, second by Linda Brownson. Motion passed unanimously.*

3) LMAC Membership Update

NH Business & Industry Association - Frank Lemay, who has been nominated by the NH Business and Industry Association, told the committee that he owns Milestone Engineering, resides in Chichester and has a home on Lake Sunapee. He also told the committee that he used to play basketball with Jody Connor.

NH Marine Trade Associations – Ed Crawford, who has been nominated by the NH Marine Trades Association, told the committee that he owns Winnisquam Marine which is the largest marina on the lake. He grew up in the lakes region and used to water ski with Jody Connor.

Jacque stated that she was pleased to have both Frank and Ed join the committee and that upon their appointments by the Governor and Council that there would be no vacancies on the LMAC. She also shared with the committee that Jody used to attend the LMAC meetings and that he is very much missed.

Jacque announced those members whose terms will be expiring in 2015, including: David, Linda, Fred and Kim. She also informed the committee that the Governor's Office has established a different (shorter) process for re-appointments. Chair Packard asked that Jacque send this information to those members whose terms expire in 2015.

## **II. Lake-related Legislation Update (including HB2) – Jacque Colburn**

Jacque stated that many of the bills that the LMAC had been tracking had been killed; however, HB 281 was (AN ACT defining “exotic aquatic species of wildlife” and relative to the duties of the exotic aquatic weeds and species committee) still active. An amendment to this bill was proposed at the hearing held on 4/1/15. Since Jacque had not attended the hearing, she asked Amy Smagula, NHDES Exotic Species Program Coordinator, to speak to the committee. Amy said that the amendment that was introduced to HB 281 at the hearing was to study Best Management Practices in other states, conduct research and monitoring, and to add language to allow for non-native species that have been introduced by the state for management purposes.

This sparked a discussion with committee members asking about algae and didymo specifically, and if a benchmark date would be set for when a species would be considered native. Amy responded that algae is mentioned specifically in RSA 487:15, and a definite benefit of not coding a definition of invasive was discussed, that nuisance vs. native vs. introduced is a grey area and a hard one-size definition is not likely to be effective and may have side effects. A benchmark date set for plants has been 1950. An operational definition of invasive may be the most useful. Dick Smith raised the issue of aquarium stores and how they can contribute to the problem of invasives by selling prohibited species. Amy also explained that the existing Aquatic Exotic Species Committee meets regularly at the Legislative Office Building and discusses these issues and others related to non-native species and their control.

Chair Packard asked Jacque to update the committee on HB 2 - the State budget, specifically impacts to DES. Jacque stated that Rivers and Lakes Program budget remained intact; there was no increase in funds but no decrease either. Regarding the agency, the House did “unfund” 3 vacant General Fund positions for FY2015/FY2016 and 4 vacant General Fund positions for FY2016 only, and also reduced State Aid Grants by \$825,000. The vacant General Fund positions proposed by the House to be “unfunded” include 3 positions in the Solid Waste Management Bureau, 2 in the Wetlands Bureau, and 2 in the Dam Bureau. The department's budget moves to the Senate, where NHDES leadership will work with the Senators to restore funds for all of the NHDES positions and programs that were proposed to be cut by the House.

## **III. Squam Lake Loon Initiative – Tiffany Grade, Loon Preservation Committee**

Jacque explained that she is a member of the Board of the Loon Preservation Committee (LPC) and that for several years the Committee has been trying to determine what caused a decline in the loon population at

Squam Lake in the 2004/2005 timeframe. She then introduced Tiffany Grade who has been researching this issue ever since. Tiffany's presentation is available on the LMAC blog.

Following her presentation, several committee members had questions for Tiffany, including: if significant storm events (i.e. floods) could have deposited toxins into the lake; are eagles contributing to the loons' decline; has the LPC tried to determine if mercury is impacting the loons' ability to reproduce; what exactly is LPC looking for when conducting the proposed flyover of the watershed.

Tiffany responded that, given two different classes of contaminants from two different tributaries seemingly flushed into Squam at the same time, LPC suspects a storm event caused this and will be reviewing weather records from 2000-2003 looking for such an event. Tiffany stated that LPC does not believe that eagles are contributing to the loons' decline. She has seen several eagle attacks on loon families on Squam but has no evidence that an egg or chick has been taken by an eagle on Squam. While it certainly happens occasionally in the state, it is not a major factor affecting loon populations. Loons have evolved together with eagles and know how to cope with them. Mercury levels on Squam are somewhat elevated but much lower than levels from the Seacoast region of the state. Compared with other contaminants, mercury does not seem to be a major factor affecting loon reproduction on Squam. As far as the flyover, LPC recognizes that we may not see anything. Ideally, given that the flame retardants are from an electronic source, we may be looking for an electronics or appliance dump, and we have received a tip of such a dump in the watershed. While we may not see any potential dumps, we are trying to do due diligence in looking for potential contaminant sources.

#### **IV. CORD Surplus Land Review – Jacquie Colburn**

1) Meredith – SLR 15-003-A, 15-003-B, 15-003-C and 15-003-D

Since so many members are new to the committee, Jacquie provided a brief review of the LMAC's role in the surplus land review process and explained that they are authorized by statute to review and comment on state owned lake-front land that is being proposed for lease or disposal. She also pointed out that the committee has a procedure for the review of these disposals and that they also have a very detailed checklist, which is used to compile information about these requests when they first come before the committee. The procedure and the checklist are available on the LMAC blog.

The first SLR that Jacquie discussed with the committee was a request to CORD (Council on Resources and Development) from DOT to renew four leases of state owned railroad land water frontage to abutters at East Bluff Highlands, Grouse Point Club Community Association, Lake Ridge on Meredith Bay (all on Lake Winnepesaukee) and Paul and Emiliette Beaudoin (on Lake Waukegan) for use and maintenance of pedestrian crossings, docks and waterfront access per RSA 228:57-a. Jacquie said that all of these leases were historically reviewed and recommended for approval by the LMAC.

The abutters have historically crossed the RR to access the lakeshore and maintain their docks. DOT is willing to renew the leases of frontage (58-1351'), provided that the lessee construct and maintain a crossing facility in the RR corridor and install appropriate signs to alert pedestrians. The leases allowed the property owners to build and maintain their docks on the other side of a working railroad.

2) Laconia – SLR 15-005-A – H

The second SLR that Jacquie discussed with the committee was a request to CORD from DOT to renew eight leases of state-owned railroad land water frontage to abutters off Massachusetts Avenue on Paugus Bay for use and maintenance of pedestrian crossings, docks and waterfront access per RSA 228:57-a. This request from DOT did not arrive on time to be included on the agenda which had been sent to the committee but the SLR would be considered by CORD before the next LMAC meeting; that is why it was brought to the committee at this meeting.

Like the leases in Meredith, the abutters here too have historically crossed the RR to access the lakeshore and maintain their docks. DOT is willing to renew the leases of limited frontage (50-75'), provided that the lessee construct and maintain a crossing facility in the RR corridor and install appropriate signs to alert pedestrians.

Dick Smith raised a concern whether public access should be required with these leases. Vice Chair Slack pointed out that issues such as public access are handled on a case by case basis and documentations to address that concern exists in CORD's current procedures for reviewing new leases of state-owned waterfront land.

Jacque said that there is no guidance within the committee's existing procedure paperwork regarding how the LMAC should handle lease renewals, but that could and probably should be developed. Thus, there is no existing guidance regarding whether or not a vote should be taken on lease renewals.

Hearing no reason why the LMAC would object to these lease renewals, Jacque asked the committee if they had any concerns and none were raised. Jacque said that she would send an email to CORD indicating that based on the information provided, the LMAC had no concerns and the committee did not object to the DOT request to renew these leases in Meredith and Laconia.

## **V. Lakes Management and Protection Program (LMPP) Updates; Member Comments and Updates**

### 1) Program Budget

This was discussed earlier in the meeting.

### 2) Water Quality Standards Advisory Committee

Jacque explained that the Water Quality Standards Advisory Committee (WQSAC) was established in the fall of 2000 to assist the agency in drafting revised water quality regulations. The purpose of the committee is to facilitate public input, solicit advice and provide a forum for the discussion of focused issues. Unlike the LMAC, it is not a legislatively created committee; nonetheless, the stakeholder participants provide advice and guidance to NHDES. She said that former LMAC reps to the WQSAC have included Bud Berry and John Cooley. John added that he felt it was worthwhile for the LMAC to participate in the WQSAC. Jacque asked if anyone was interested in serving as the LMAC representative, however, no one volunteered.

### 3) Ossipee Lake Natural Area (OLNA) Committee – Jacque Colburn

Again, with so many new members, Jacque provided some background to this topic. The Natural Area is located at the sound end of Ossipee Lake and it is a popular area for boaters to picnic and recreate. The LMAC visited Ossipee in 2007.

Jacque explained that between 2007 and 2009, Dept. of Resources and Economic Development (DRED) held a series of meetings and convened a working group to develop a management plan to address the public's use of the Natural Area in an effort to protect the globally rare, threatened and endangered species that exist along the shoreline and that were being extirpated by overuse. She added that according to the NH Dept. of Cultural Resources, there are also significant Native American artifacts along the shoreline. Since 2009, the public members of the working group (boating community) have conducted significant education and outreach to inform users of the area why they should not trample the plants. DRED and Dept. of Safety have also been working to enforce the rules limiting the use of the shoreline to one dedicated area open to the public. Since these management measures have been put in place, field surveys by DRED staff have indicated that the plants are doing well and are getting re-established.

On 4/3/15, Jacque participated in a meeting that DRED held of the stakeholder group to discuss the request of the boating community to open 5 small "pocket" beach areas around the Pine River Delta for human use. At the meeting, DRED had not determined if it will open these additional areas and stated that they needed to survey these 5 proposed sites before making their decision.

### 4) Others Member Updates

Chair Packard asked if any members wished to share any updates. There were none.

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

### 1) Action Item Review

Jacque will send re-appointment process & forms to members whose terms expire in 2015.

Tiffany Grade's presentation will be posted to the LMAC blog.

2) Next Meeting

Since the meeting was running behind schedule, the committee briefly discussed that its next meeting should be a lake visit in July.

**Adjourn LMAC Meeting**

No additional business was discussed, meeting adjourned at approximately 11:20 am.