



LAKES MANAGEMENT ADVISORY COMMITTEE
NH Lakes Management and Protection Program

New Hampshire Department of Environmental Services
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LMAC MEETING MINUTES
January 28, 2016
NHDES Conference Rooms 110-112
29 Hazen Drive, Concord, NH
9:00 am – 11:00 am

Members present

David Packard, Chair
Susan Slack, Vice Chair
Shane Bradt
Fred Clews
Bob Compton
John Cooley
Ed Crawford
Garrett Grasskamp
Kim Hallquist
Mark Hemmerlein
Frank Lemay
Mary Truell
Martha Twombly

Representing

NH Lakes Association
Director, Office of Energy & Planning
Scientific Community, UNH
Fish & Game Commission
Planning Boards
Conservation Community
Marine Dealers Association
Executive Director, F&G
Municipal Officials
Commissioner, DOT
NH Business and Industry Association
NH Association of Realtors
NH Assn. of Conservation Commissions

Term

August 1, 2018 V
Indefinite NV
August 22, 2016 V
August 22, 2018 V
August 1, 2017 V
September 19, 2016 V
August 22, 2017 V
Indefinite NV
August 1, 2018 V
Indefinite NV
July 8, 2016 V
June 27, 2017 V
August 22, 2016 V

Members not present

Linda Brownson
Capt. Tim Dunleavy
Eric Feldbaum
Jim Morash
Dick Smith
Bob Wolff/David Rousseau

State Conservation Committee
Commissioner, DOS
Commissioner, DRED
Tourism Industry
Fishing Interests
Commissioner, Dept. of Agr., Markets & Food

August 1, 2018 V
Indefinite NV
Indefinite NV
August 1, 2016 V
November 17, 2016 V
Indefinite NV

Staff Present

Ted Diers Watershed Bureau Administrator
Carolyn Guerdet NHDES Administration
Wayne Ives Instream Flow Specialist
Barbara McMillan Watershed Outreach Coordinator
Tracie Sales Rivers and Lakes Programs Watershed Planner

The Meeting Was Called to Order

Chair Packard called the meeting to order at 9:04 p.m. and welcomed all present.

I. Introductions/Minutes/Committee Business

1) Welcome and Introductions

Members and guests present introduced themselves. Ed Crawford, a new member representing the New Hampshire Marine Dealers Association, shared a little about himself.

2) Acceptance of the October 22, 2015 LMAC Meeting Minutes

- ***Fred Clews made a motion to accept the October 22, 2015 LMAC minutes, second by Shane Bradt. No discussion. Motion passed unanimously.***

II. LMPP Program Updates1) LMAC Membership Update

All members are current and all LMAC member seats are filled. Memberships up for renewal in 2016:

- i. July – Frank Lemay
- ii. August - Jim Morash, Shane Bradt, Martha Twombly
- iii. September – John Cooley
- iv. November – Dick Smith

Tracie will send reminders a month ahead of time to those who are up for renewal. Chair Packard reminded everyone to submit their financial interest statements to the Governor's office.

2) Status of Lakes Coordinator Position – Postponed to the Joint RMAC/LMAC at 11:15 AM.3) Instream Flow Update

Wayne Ives announced that the Instream Flow pilot program is complete after 15 years. The program report says that DES can move forward more quickly on additional rivers. The results were as expected, focusing on protecting flow patterns rather than on a single minimum flow. Legislation changes have been proposed to update the program from concepts prevalent in the 1990s, and rule updates are next. One statute/rule change will be to allow the ISF program to use water conservation rules under the drinking water and groundwater program. Now the program needs additional resources, staff as well as funding for consultants, to move forward. The plan is to have the protected instream flow studies, those that set the flow criteria, completed by consultants. Simultaneously, DES staff would be working on the water management plans, and the public outreach that will go into developing the plans. In the meantime, Ives will be working on how to prioritize the next rivers for ISF studies, rewriting the rules, and developing baseline data such as flow and target fish communities. The LMAC will work with the RMAC on determining the next rivers as well as reaching out to lake communities when ISF studies begin.

Chair Packard asked about the recommendations proposed by the LMAC in their comment letter on the draft ISF report. Wayne replied that interim standards had not worked previously largely because appropriate criteria on which to base management decisions could not be agreed upon. Implementing an interim approach would also distract limited staff resources from the primary task. The plan is to work on 2 rivers per year with each river taking about 2 years to complete. Packard also asked about the proposed stakeholder committees. Wayne responded that the LMAC and RMAC would oversee the program on a statewide basis, and that a local group would be established for each river at the onset of the river's ISF study. The local group would be based on the existing LACs, but would include additional interests and representatives. This will be discussed in more detail in the upcoming Joint RMAC/LMAC meeting.

Shane asked about bio-monitoring. Ives replied that bio-monitoring will be based on fish, not on macroinvertebrates because fish are most sensitive to stream flow. Monitoring will also be done for riparian species and wildlife along the riverbank to ensure their lifecycle needs are being met. Adaptive management has been incorporated into the program to adjust to changing conditions and needs. DES will track conditions each year as resources allow on the 18 designated rivers. Wayne hopes to conduct trend monitoring at particular locations to determine the success of the program, or to determine if adaptive management is necessary.

Martha asked about similar programs in other states. Ives noted that others have pieces of NH's ISF program, but NH's is most comprehensive for protecting instream uses and assessing water use impacts.

4) Shoreland Advisory Committee Final Report

SAC has officially sunsetted. Tracie noted that SAC's final report is only 1½ pages with extensive appendices. It summarizes SAC's 4 years of work. SAC endorsed the concept of separate standards for lakes and rivers, but did not take the next step to recommend what those standards should be or who should determine them. The SAC/RMAC/LMAC/PREP subcommittee had also determined there should be different standards for each waterbody type. This topic will be discussed this afternoon at the joint meeting, looking at how the LMAC and RMAC can work together to begin implementing a watershed approach. Chair Packard noted that this is a complicated topic, using the example of 1st – 3rd order streams versus larger rivers and how Shoreland should be applied to each.

Shane asked if other states have done this, so that we do not have to start from scratch. Chair Packard responded that we have the existing statues, plus the SAC report appendices list recommended changes. Tracie added an example where the RMAC has proposed a change to the application of the SWQPA for 1st – 3rd order streams designated into the Rivers Program in the future, where only the provisions of the SWQPA within the first 50' (the waterfront buffer) would apply, rather than the full 250'.

III. Lake-related Legislation

The LMAC Policy & Legislations subcommittee met January 11th and reviewed the list of 2016 legislation of potential interest. The subcommittee's recommendations were noted on the legislation spreadsheet.

Bills recommended to support:

HB 1461 – relative to instream flow. Support with amendment on Lamprey and Souhegan studies.
 HB 1589 – prohibiting the transportation of exotic aquatic weeds. Bill language being amended.
 SB 440 – repealing the repeal of certain fees in the shoreland protection act.

Bills recommended to track:

HB 1595 – relative to the Rivers Management and Protection Program. Primarily housekeeping changes.
 HB 1398 – establishing a commission to study septic sludge spreading.
 HB 1428 – making appropriations to DES for the state aid grant program.
 HB 1429 – use of microbeads in personal care products and over-the-counter drugs.
 HB 1514 – application of nitrogen and phosphorus content fertilizers. Law applies to residential use.
 HB 1517 – relative to temporary seasonal docks. Additional follow-up on this bill requested.
 HB 1686 – repealing the community heritage investment program.
 SB 317 – special fund at DES to be used for education of property owners on issues affecting waterways.
 SB 368 – capital appropriation for DES monitoring equipment
 SB 376 – relative to wildlife corridors

- ***John Cooley made a motion to support the decisions recommended by the Policy & Legislation subcommittee with the exceptions discussed for HB 1509 to delete rather than track and for HB 1514 to track rather than oppose it. Second by Martha Twombly. Motion passed unanimously.***

IV. Small Municipal Separate Storm Sewer System (MS4) Permits

Ted Diers introduced the EPA's MS4 program. This is a National Pollution Discharge Elimination System (NPDES) program, the same program that permits wastewater treatment plant discharges. Phase I addressed stormwater for large cities. Over 80% of the water quality problems in NH are associated with stormwater. In 2003, smaller urban communities started being regulated for stormwater. Sixty communities (all in southwestern NH) are eligible under MS4 General Permit, but only 40 communities participate as 20 have been granted waivers (town can request a waiver, and it is granted if it meets the requirements). The

2003 permit expired in 2008, and communities continue to be regulated under the expired permit. There have been multiple draft permits since 2008, but it should be finalized in 2016.

Barbara McMillan is the Watershed Outreach Coordinator at DES. This program is not new to NH communities, but there are some changes proposed. Responsibility for implementing stormwater management generally falls to public works staff. Three stormwater coalitions were formed (Seacoast, Manchester, and Nashua) for towns to help each other. They are meeting, networking, coordinating on projects, and looking at resources. The coalitions have cooperated on projects, grants, trainings, conferences, roundtables, legislation, legal actions, and outside partnerships.

Permit requirements: 6 Minimum Control Measures must be met by all of the regulated towns.

1. Public Education & Outreach – impaired waterbodies have to be targeted.
2. Public Participation/Involvement.
3. Illicit Discharge Detection and Elimination.
4. Construction Site Stormwater Runoff Control.
5. Post Construction Runoff Control.
6. Pollution Prevention/Good Housekeeping –must inventory municipal operations, including schools.

Ted noted that controversy exists where there are impaired waters or Total Maximum Daily Loads (TMDLs) because there are additional requirements which are hard for towns to budget for. DES is working with communities to help them figure out what they are going to have to deal with under the new standards. DES is organizing to be able to respond to communities and provide assistance when the permit roles out. Questions on the MS4 program should be sent to Barb. It is too early for the LMAC to help directly, but direct anyone with questions to DES.

V. Member Comments and Updates

1) Member Comments/Updates – none

2) WQSAC

WQSAC is working on the update to the Surface Water Quality standards, Env-Wq 1700, which expire in May, and the new draft rules will be available soon. A number of changes are being proposed, with the greatest change being made to the toxics list. The ammonia standard will be going down, which will have the largest effect on wastewater treatment plants. A hearing will be held on the draft rules in April. Most changes are based on aquatic life use criteria, and some on human health criteria. Cyanobacteria is not included on this list, however DES is developing in-house capacity in our lab to do testing and also working with the Health and Human Services lab to test for specific toxins.

VI. Other Business and Action Item Review

1) Action Item Review

- Members submit Financial Interest Form to Governor's Office.
- Tracie will notify members a month before their term expiration.
- Tracie and Chair Packard will submit letters of testimony on LMAC-supported legislation.

2) Next LMAC and/or Joint LMAC/RMAC Meeting

Tracie will send a Doodle Poll to schedule the next meeting.

3) Agenda Items for Future Meetings - Postponed

11:05 a.m. – Meeting Adjourned