



LAKES MANAGEMENT ADVISORY COMMITTEE
NH Lakes Management and Protection Program

New Hampshire Department of Environmental Services
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FINAL
LMAC MEETING NOTES

March 28, 2017

Dept. of Environmental Services, Concord, NH

9:30 – 11:30 am

Members Present

David Packard, Chair
Susan Slack, Vice Chair
Bruce Allen
Shane Bradt
Fred Clews
Bob Compton
Ed Crawford
Garrett Graaskamp
Kim Hallquist
Mark Hemmerlein
Frank Lemay
Dick Smith (phone)

Representing

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

Term

August 1, 2018 V
Indefinite NV
August 22, 2019 V
August 22, 2019 V
August 22, 2018 V
August 1, 2017 V
August 22, 2017 V
Indefinite NV
August 1, 2018 V
Indefinite NV
July 8, 2019 V
November 17, 2016 V

Members Absent

Mark Borrin
Linda Brownson
John Cooley
Capt. Tim Dunleavy
Eric Feldbaum
Mary Truell
Bob Wolff/David Rousseau

NH Travel Council
State Conservation Committee
Conservation Community
Commissioner, DOS
Commissioner, DRED
NH Association of Realtors
Commiss., Dept. of Agr., Markets & Food

August 1, 2019 V
August 1, 2018 V
September 19, 2016 V
Indefinite NV
Indefinite NV
June 27, 2017 V
Indefinite NV

Staff Present

Kathy Black Rivers and Lakes Programs
Melissa Doperalski Watershed Management Bureau
Wayne Ives Instream Flow Program
Amanda McQuaid Beach Inspection Program
Tracie Sales Rivers and Lakes Programs

The Meeting Was Called to Order

Chair Packard called the meeting to order at 9:00 am and welcomed all present.

I. Introductions/Minutes/Committee Business

1) Welcome, Introductions and Brief Announcements

Members and guests introduced themselves.

2) Acceptance of January 13, 2017 LMAC Meeting Minutes

➤ ***Fred Clews made a motion to accept the LMAC meeting minutes of January 13, 2017, second by Bruce Allen. Motion passed unanimously.***

- 3) Acceptance of January 13, 2017 Joint LMAC/RMAC Meeting Minutes
 - ***Fred Clews made a motion to accept the Joint LMAC/RMAC meeting minutes of January 13, 2017, second by Bruce Allen. Motion passed unanimously.***

II. LMPP Program Updates

1) LMAC Membership Update

Tracie reviewed the status of LMAC membership. Dick Smith said he will submit his application once he receives a letter from the Bass Federation. Two candidates for the Conservation Interests position were proposed, the NH Wildlife Federation nominated Ron Sowa and the Loon Preservation Committee nominated Tiffany Grade. The Society for the Protection of New Hampshire's Forests is working to gain consensus from the four nominating organizations to propose one candidate, and has proposed interviews of the candidates in April. If the four nominating conservation groups do not agree on one candidate, the governor will choose the representative. Bob Compton said he would like to continue as Planning Board representative. Tracie noted two other upcoming membership expirations: Mary Truell (June) and Ed Crawford (August).

2) Budget Update

Tracie stated that NHDES still does not have word on the new Commissioner. She also talked about the federal budget and how much we do not know about what will happen with the proposed cuts to EPA. Ninety percent of Watershed Management Bureau positions are federally funded, so changes might mean cuts of personnel in the coastal, non-point source, beaches, and monitoring programs. On the state level, the Rivers and Lakes Programs budget was approved with all of the program requests with the exception of the new hydrologist position for the ISF program and some ISF contract funds.

3) Instream Flow Program Update

Rule Development Status: Wayne hopes the next public information session will be held in late April or early May to discuss the last section of the rules, addressing waivers and compliance. Recently, the process has been delayed due to definition issues which the legal department is addressing. A final information session will be scheduled to present all the sections of the rules.

Flow Data Development and Target Fish Communities: Wayne is currently managing two projects, one to develop protected flow estimates and the other to establish target fish communities. Dr. Neil Fennessey is developing a method to estimate stream flow for areas with existing gage data to be used to predict flow in areas without gage data. Gomez and Sullivan have been awarded the contract to scientifically derive target fish communities in designated rivers by comparing them to fish communities in similar, unimpaired rivers.

Lake Level/Dam Management Projects: Pawtuckaway Lake releases water into the Lamprey River and due to the severe drought, the four lake releases dropped the level of the lake by less 3 inches. A fine balance is needed between positive effects for the river while limiting negative effects for the lake. This year the dam bureau fully implemented the reduced winter drawdown, reduced from 7 ft. to 4.8 ft., in order to maintain the lake at a higher level to allow for a winter pulse release if needed. The overall effect was the export of 168 pounds of phosphorus, which is about the same as last year (186 pounds), with water flowing out through the north end of the lake all winter. The lake is the clearest it has ever been. Wayne added that Mendums Pond Dam was repaired this year and will be available next year to supplement releases from Pawtuckaway Lake. Also, a capital budget request was received for the Souhegan River to add an outlet structure to one of the dams so it can be managed like the Lamprey River.

III. Beach Inspection Program

Amanda McQuaid, the new NHDES Beach Program Coordinator, spoke about the beach inspection program which monitors 16 coastal beaches and approximately 200 freshwater beaches. Staff typically sample beaches Monday through Thursday and sample Friday through Sunday only if there is in an advisory in place. A beach with an advisory is resampled until the values are below the standard of 104 counts of *Enterococci* per 100 ml of water (marine water) or 88 counts of *E. coli* per 100 ml of water (freshwater). The beach program posts advisories on the NHDES site using a map with different colored swimmers denoting the beach status. Advisory information is also stored on OneStop. Towns and municipalities make the decision to close a beach based on the data NHDES collects.

The beaches program also works collaboratively with the drinking water program, EPA and UNH to monitor cyanobacteria and post advisories. The beaches program and EPA are updating the cyanobacteria brochure. The state standard for cyanobacteria follows the World Health Organization guidelines of 70,000 cells per 1 ml of water, however NHDES is beginning to also test for microcystin toxins. VLAP will be participating in cyanobacteria monitoring this summer. Shane Bradt spoke about the dilemma of people swimming in cyanobacteria blooms and the fact that the health food industry adds cyanobacteria to food.

IV. 2017 Lake-related Legislation

Tracie presented the status of legislation relevant to lakes. The LMAC decided to continue to track the following bills: HB170, HB173, HB195, HB332, HB342, HB485, HB486, and SB30. The LMAC decided to track SB117 related to stormwater management and flood resilience grants; SB118 related to defining pervious surface; SB119 related to dock length; SB121 related to MS-4 permit system; and SB127 related to dissolved oxygen standards. The LMAC decided to remove the following bills from the tracking list: HB507, HB540, HB591, SB136, SB172, and SB186

The LMAC discussed concerns related to SB73 which eliminates the requirement for septic system plan review when converting bedrooms to an accessory dwelling unit and proposed language for letter of testimony to oppose the bill.

- ***David Packard requested a vote to accept the proposed Legislation Tracking positions as the group noted on the spreadsheet and to submit a letter of testimony opposing SB73. The vote passed unanimously.***

V. LMAC Quorums, Meeting Notices and Options for Timely Action

The group discussed how the LMAC can respond to legislation and SLRs within a short time frame and still meet the right to know requirements. The Policy and Legislation Subcommittee may review bills and present recommendations to the full committee. NHDES' Legal Department determined that the *de minimus* process outlined for dealing with SLRs followed RSA 91-A, so the possibility exists that if a proposed legislative action is considered *de minimus*, the Chair and/or Vice Chair may act on behalf of the LMAC. The LMAC may also set formal policy parameters to support or oppose a bill and the Chair and/or Vice Chair may act based upon that criteria without a formal meeting. Dave Packard encouraged LMAC members to individually act on bills and forward a copy of the action to the LMAC members. The group also decided that if urgent lake related legislation arises between meetings, they will hold an emergency meeting.

VI. Local Advisory Committees and Lakes

The LMAC is interested in the possibility of establishing committees on lakes similar to the Rivers Program Local Advisory Committees. The group briefly discussed potential issues including reviewing permits, designating lakes, and involving municipalities. It was recommended that the discussion continue as a top priority item at the next meeting.

VII. Member Comments and Updates

Largely postponed due to time constraints, but Tracie updated the group on the Squam Lake Contaminants Report. Harry Vogel informed her that the Loon Preservation Committee is still working on it because they have new data to incorporate, including another location of documented DDT as well as high levels of PCBs measured downstream of a contaminated dirt road where culvert work was recently done.

VIII. New Business and Action Item Review

- 1) New Business – None

- 2) Action Item Review
 - Tracie/Kathy will add the LACs and Lakes to the top of the next meeting's agenda.
 - Tracie will follow up on the results of the Conservation Interests representative.
 - Tracie will submit the Letter of Testimony for SB73 proposed by the LMAC.

- 3) Next LMAC Meeting – Doodle poll will be sent for late June to early-August meeting at a lake.

- 4) Agenda Items for Future Meetings – None proposed

Meeting Adjourned at 11:48 am