



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

New Hampshire Department of Environmental Services  
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**FINAL**  
**LMAC MEETING MINUTES**  
**November 6, 2017**  
**NHDES Conference Rooms 112-113**  
**9:00 am – 12:00 pm**

**Members Present**

David Packard, Chair  
Susan Slack, Vice Chair  
Bruce Allen  
Mark Borrin  
Linda Brownson  
Fred Clews  
Tiffany Grade  
Kim Hallquist  
Mark Hemmerlein  
Michael Hodder  
Frank Lemay

**Representing**

NH Lakes Association  
Director, Office of Strategic Initiatives  
NH Assn. of Conservation Commissions  
NH Travel Council  
State Conservation Committee  
Fish & Game Commission  
Conservation Commission  
Municipal Officials  
Commissioner, DOT  
Planning Boards  
NH Business and Industry Association

**Term**

August 1, 2018 V  
Indefinite NV  
August 22, 2019 V  
August 1, 2019 V  
August 1, 2018 V  
August 22, 2018 V  
September 19, 2019 V  
August 1, 2018 V  
Indefinite NV  
August 1, 2020 V  
July 8, 2019 V

**Members Absent**

Shane Bradt  
Ed Crawford  
Capt. Tim Dunleavy  
Eric Feldbaum  
Garrett Graaskamp  
Dick Smith  
Mary Truell  
Bob Wolff/David Rousseau

Scientific Community, UNH  
Marine Dealers Association  
Commissioner, DOS  
Commissioner, DNCR  
Executive Director, F&G  
Fishing Interests  
NH Association of Realtors  
Commiss., Dept. of Agr., Markets & Food

August 22, 2019 V  
August 22, 2017 V  
Indefinite NV  
Indefinite NV  
Indefinite NV  
November 17, 2019 V  
June 27, 2020 V  
Indefinite NV

**Guests**

Larry Sunderland Former LMAC Member

**Staff Present**

Kathy Black Rivers and Lakes Programs  
Ted Diers Watershed Bureau Administrator  
Eli Herman Instream Flow Program  
Wayne Ives Instream Flow 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

New members Tiffany Grade and Mike Hodder were welcomed and the members and guests introduced themselves.

- 2) Acceptance of March 28, 2017 LMAC Meeting Minutes
  - ***Bruce Allen made a motion to accept the LMAC meeting minutes of March 28, 2017, second by Kim Hallquist. Motion passed with one abstention and none opposed.***

## II. LMPP Program Updates

### 1) LMAC Membership Update

Tracie Sales reported that Ed Crawford is in the process of renewing his membership. She will notify members of the need to renew a month prior to expiration. Tracie also announced that a new Subcommittee Membership page was added to the LMAC Forum under the “Members” tab located under the “About the LMAC” heading.

### 2) Budget Update

Tracie stated that the Rivers and Lakes budget passed as expected. We received what we asked for with the exception of a new Instream Flow hydrologist; however, we have a new employee, Eli Herman, to help the Instream Flow Program. The new full time Environmentalist III position is planned to start in July 2018 for the Rivers and Lakes Programs. On the federal side, we are still waiting for a budget.

### 3) Instream Flow Program (ISF) Update

*Env-Wq 1900 Rule Development Status* - Wayne Ives explained that the ISF Program has been hosting a series of informational meetings to solicit feedback from the public on the proposed ISF rules. The first four meetings discussed the rules by section and comments were incorporated into a draft rule set. The final meeting is scheduled for early January and the workgroup will review the complete draft rule set in preparation for beginning the formal rulemaking process.

*Target Fish Community Contract* - Work is ongoing with the Target Fish Community Assessment to develop baselines of fish species that should be in river segments assuming low anthropogenic impact on stream habitat. Once this list of fish species is generated for each river segment, the fish community is used in a habitat model to assess suitable flows for these species. The component of this project that delineates designated rivers into sections based on the river’s habitat characteristics is complete.

*Stream Flow Estimate Contract* - The Stream Flow Estimate project generates daily flow records at ungauged locations. These are required to develop the protected instream flows on ungauged designated rivers, or those with less than 30 years of flow records. A regression equation is developed using existing flow records on other rivers and parameters such as river slope and watershed size. Dr. Fennessey will test the equation focusing on its results in the medium to low-flow range. The project is ongoing, and part one is expected to be complete in 2018.

*Lamprey and Souhegan Rivers* - Mendum’s Pond dam was repaired this year and is ready for use in 2018 to augment flows in the Lamprey River. The Pawtuckaway Lake fall drawdown is now being limited to the 5 feet required for the Instream Flow Program instead of the historical 7 feet. Ted Diers added that the 2016 drought was the worst since the 1960s and the Lamprey River water users were notified a month before the rest of the state of the drought conditions. Users and dam owners implemented their water management plans and protected fish by proactively moving to alternate water sources and releasing water to minimize the impacts of the drought. The Souhegan River has three passive flood control dams which drain from pipes that allow flow when the water level is high. Plans are being developed to store and release water at these dams.

### 4) Surplus Land Reviews

Kathy Black summarized the three Surplus Land Reviews (SLRs) within LMAC jurisdiction received since the last meeting: DOT Lease of Railroad Property, Weirs Beach, Laconia; DOT Sale of Railroad Property, Andover; and NH Fish and Game Lease of Sugar Hill Property, Coffin Pond. All three were approved under the LMAC’s categorical exclusion procedure for SLRs with *de minimis* impact. Kathy also reviewed

SLRS not in the LMAC's jurisdiction, these SLRs consisted of one lease, two sales, and one easement of properties within the Rivers Management Advisory Committee's jurisdiction, three properties outside of rivers or lakes jurisdiction, and one sale and one easement within LAC jurisdiction.

5) NH Lake Priorities Report

Tracie informed the group that a Lakes Program Biennial Report has not been done since FY2008-2009 because the program has no funding. The LMAC is required by statute to submit a Biennial Report to NHDES and the Legislature. Tracie proposed that the report consist of a one to two page summary of lake concerns and priorities that the Lakes Program could address if the program were funded. Some examples include cyanobacteria (how it affects tourism and public health), water quality issues (Squam Lake contaminants killing loons), public access (Wild Goose boat ramp), over-use (Ossipee Lake Natural Area), wake boats and erosion, longer docks, Shoreland regulations (fertilizer runoff), and Instream Flow. Dave requested that LMAC members consult with their organizations to develop a list of lake management priorities.

### III. Lake Management in New Hampshire

1) Squam Lake

Tiffany Grade, LMAC member and Squam Lake Project Biologist with the Loon Preservation Committee (LPC) for the last 10 years spoke about the contaminants found at Squam Lake. In 2004-2005 Squam Lake lost 44 percent of its adult loon population, the largest loon population loss on any New Hampshire lake during the 42 years of recordkeeping. LPC sampled the unhatched eggs and found elevated PFOs, dioxins, furans, dioxin like PCBs, and DDE (the breakdown product of DDT when it metabolizes). LPC also collected sediment sample and identified three hot spots in the northeast tributaries. Even though the sample values are very high, they are not EPA Superfund level. LPC remains concerned about the cumulative effects of these contaminants on the loons, fish and the potential human health risk. LPC would like DES to conduct more fish tissue sampling to determine if the fish are safe for human consumption. The group also wants DES to collect more sediment samples to determine the extent of the contamination.

2) Ossipee Lake Natural Area

Susan Slack spoke about the state-owned Ossipee Lake Natural Area (OLNA) on Lake Ossipee. Public use of the shore had contributed to the apparent extirpation of two protected plant species, and significant reduction of the remaining plants and communities. The globally rare and state endangered Hairy Hudsonia grows along the heavily used pocket beaches of the OLNA shoreline. The Natural Heritage Bureau worked with stakeholders to protect the plants/habitat and allow recreational use. They restricted access to only one area and allow only boat mooring, not beaching, in this area. OLNA used fencing to deter use in other areas and as a result some plant regrowth has been noted. The LMAC has visited OLNA several times and helped write the Managing the Ossipee Lake Natural Area Report in 2009-2010. The group discussed visiting OLNA next summer. Tracie also mentioned that Green Mountain Conservation Group received a 319 grant to develop a watershed plan for Ossipee Lake.

### IV. Local Advisory Committees (LACs) 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 of the LACs reviewing permits. One of the major benefits of creating LACs is the improved communication between the local and state levels, however, lake associations traditionally have not worked with towns, but have focused on the lake itself. The milfoil problem is forcing the lake associations to communicate more with towns. In Wolfeboro, the Wentworth Lake Association is very active with the town and influences zoning ordinance changes. The LMAC discussed an education effort to let lake associations know that they can work with their local planning board and conservation commission to comment on permit applications or to target lake issues. It was noted that the Pawtuckaway Lake Association worked with DES and the ISF program to address phosphorus issues in the lake.

**V. Public Access: Wild Goose Boat Ramp at Lake Sunapee**

Fred Clews updated the group on the proposed Wild Goose boat ramp. Twenty years ago NH Fish and Game planned to put in a boat launch with kiosk on Lake Sunapee to provide the fishermen who buy licenses a place to access Lake Sunapee to fish. Governor Sununu created a special committee of 15 people to study the issue. Some argue that the proposed location will create traffic problems even though DOT found no problem with the location. Kim Hallquist noted that local fire chiefs are opposed to this location because they feel there is a safer site for access. Different locations are being discussed. Tracie commented that a former LMAC member is on the committee as well as Fred McNeil who is on the RMAC. It was decided that the LMAC will not take a position on the issue at this time.

**VI. 2018 Lakes Related Legislation**

Tracie reviewed the results of 2017 bills. HB258, formerly SB73 (which proposed to eliminate the requirement for a sewage plan) passed with modification resulting in the requirement for submitting an application for sewage disposal system when constructing an Accessory Dwelling Unit. HB195 proposed creating a committee to study temporary seasonal docks also passed. SB 119, the dock bill, was retained in committee and on October 18, 2017 the bill was amended to extend the length and depth of docks and passed. SB121, establishing a commission to determine if the NHDES should request delegation of the National Pollutant Discharge Elimination System from the EPA, passed and the committee drafted a bill (SB450) to extend the study commission for another year.

Tracie ran through the 2018 LSRs identified as being of potential interest to the LMAC, highlighting several that the LMAC would likely want to track. One of these is LSR 2791 to designate the Warner River as a protected river. Tracie also announced that the weekly Legislative Updates will resume in mid to late December. Dave proposed the idea that the LMAC and RMAC meet to discuss legislation.

**VII. LMAC Options for Timely Action on Legislation and SLRs**

The LMAC discussed how to respond to legislation and SLRs within a short time frame and still meet the Right-to-Know Law requirements. Lakes Program legal representatives determined that the categorical exclusion process outlined for dealing with SLRs followed RSA 91-A, so the possibility exists that if a proposed legislative action falls within pre-established policies on which the LMAC has approved action by a subset of the LMAC, that subset can act on the LMAC's behalf. For example, the LMAC may set formal policy parameters (standing positions) to support or oppose a bill or SLR and the Chair and/or Vice Chair may act based upon that criteria without a formal meeting. Dave encouraged LMAC members to individually act on bills and forward a copy of the action to LMAC members. The LMAC decided that if urgent lake related legislation arises between meetings, they will hold an emergency meeting.

**VIII. Member Comments and Subcommittee Updates**

The Joint RMAC/LMAC ISF Subcommittee has lost Bob Compton as a member and Bruce Allen volunteered to fill the vacancy. Tracie also noted that the Shoreland Program is developing a new section of rules involving stormwater and may need the help of the Joint RMAC/LMAC Shoreland Subcommittee as interest group representatives during this rulemaking process.

The Water Quality Standards Advisory Committee (WQSAC) and its Dissolved Oxygen (DO) subcommittee met October 12<sup>th</sup>. They are addressing recent legislative changes that eliminate DO saturation as a standard and 7Q10 as the flow used to calculate nutrient dilution requirements for discharge. WQSAC is working to find an alternate flow, such as August median, as well as revising the standard. WQSAC could use an LMAC representative. Please let Tracie know if you are interested. The next meeting will be held in January.

**IX. New Business and Action Item Review**

1) New Business – None

2) Action Item Review

- Elect a new Chair for the Joint RMAC/LMAC ISF subcommittee at next Joint meeting.
- Members will check with the organizations they represent to identify lake protection priorities.

3) Next LMAC Meeting – Doodle poll will be sent for mid-January.

4) Agenda Items for Future Meetings – None proposed

**Meeting Adjourned at 12:10 pm**