



LAKES MANAGEMENT ADVISORY COMMITTEE
NH Lakes Management and Protection Program

New Hampshire Department of Environmental Services
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FINAL
LMAC MEETING MINUTES
January 19, 2018
NH Fish and Game Conference Room
9:00 am – 11:00 am

Members Present

David Packard, Chair
Linda Brownson
Capt. Tim Dunleavy
Jennifer Gilbert
Garrett Graaskamp
Tiffany Grade
Kim Hallquist
Michael Hodder
Frank Lemay

Representing

NH Lakes Association
State Conservation Committee
Commissioner, DOS
Director, Office of Strategic Initiatives
Executive Director, F&G
Conservation Commission
Municipal Officials
Planning Boards
NH Business and Industry Association

Term

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

Members Absent

Bruce Allen
Mark Borrin
Shane Bradt
Fred Clews
Ed Crawford
Eric Feldbaum
Mark Hemmerlein
Dick Smith
Mary Truell
Bob Wolff/David Rousseau

NH Assn. of Conservation Commissions
NH Travel Council
Scientific Community, UNH
Fish & Game Commission
Marine Dealers Association
Commissioner, DNCR
Commissioner, DOT
Fishing Interests
NH Association of Realtors
Commis., Dept. of Agr., Markets & Food

August 22, 2019 V
August 1, 2019 V
August 22, 2019 V
August 22, 2018 V
August 22, 2017 V
Indefinite NV
Indefinite NV
November 17, 2019 V
June 27, 2020 V
Indefinite NV

Staff Present

Kathy Black Rivers and Lakes Programs
Tracie Sales Rivers and Lakes Programs

The Meeting Was Called to Order

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

I. Introductions/Minutes/Committee Business

1) Welcome, Introductions and Brief Announcements

New member Jennifer Gilbert was welcomed and the members introduced themselves.

2) Acceptance of November 6, 2017 LMAC Meeting Minutes

As there was no quorum, the vote was postponed until the next LMAC meeting.

II. LMPP Program Updates

1) LMAC Membership Update

Tracie reminded members that financial disclosure forms are due. LMAC membership is current

with the exception of Ed Crawford, who is working on his renewal. Four members have terms which expire in August– David Packard, Linda Brownson, Kim Hallquist, and Fred Clews. In June, Tracie will notify these members to submit the required information for renewal.

a. LMAC Policy and Legislation Subcommittee

At Dave's request, Tracie explained that the RMAC's Policy and Legislation (P&L) subcommittee of 5 voting members meets by a publicly noticed conference call conducted in a meeting room at NHDES. The group discusses river related legislation and recommends policy positions. The positions are then presented to the RMAC for discussion and vote. The LMAC P&L Subcommittee consists of Dave, Linda Brownson and Mary Truell. Mike Hodder volunteered to join the subcommittee. The group will meet in early February.

b. Joint Instream Flow Subcommittee

This subcommittee consists of three RMAC members, and two LMAC members, Dave and Bruce Allen. The subcommittee has not met recently, but will be meeting soon to discuss the draft Instream Flow rules that are being revised and to participate in the decision making process for choosing the next set of designated rivers on which to apply protected instream flows.

c. Joint Shoreland Subcommittee

Four RMAC members and Bruce Allen, Shane Bradt, and Kim Hallquist make up this group. The committee was created when the legislatively appointed Shoreland Advisory Committee sunsetted. This committee will be meeting once the Wetlands rules are completed and work begins on the Shoreland rules revision.

2) LMAC Vice Chair Vacancy

Susan Slack recently left her position at the Office of Strategic Initiatives, leaving the vice chair position vacant. No nominations for vice chair were presented, and no vote taken due to the lack of a quorum. It was also noted that Dave has exceeded his three year term as chair, so the LMAC will need to vote on the chair at its next meeting.

3) New Lake Management Plans

Tracie explained that the Watershed Assistance Section at NHDES manages the 604(b) grants, which fund the pre-planning for projects, and 319 grants, which fund up to \$100,000 for implementation of projects. Five watershed-based plans for lakes have been completed since 2016. Current efforts include Ossipee Lake, which is completing a plan for the larger portion of lake, and Newfound Lake, which is assessing the potential BMPs from the 2014 plan. Dave requested that Jeff Marcoux present an overview of the 604b and 319 grants. Tracie gave an example of the process. The Nippo Lake Association was concerned about the poor lake water quality and with the assistance of NHDES obtained funding to address some of the issues. Dave suggested that Kirsten Nelson present the Nippo Lake Project when Jeff presents.

4) Wilcomb Island Lake Winnepesaukee Wetlands Act Violation 2009 to Present

The homeowner, a marine contractor on the lake, tore down the existing structure on the island and built a very large home with additional covered slip space without obtaining wetlands permits prior to the activity. This violation was heard by a judge who ruled the homeowner must pay a large fine. The group discussed this issue in relation to HB1797 which

proposes to add a 50 percent surcharge beyond the costs of remediation in order to deter this type of activity from occurring. Frank stated that in the Wilcomb case the owner did not pay the fines and is using local legislators to plead the case with NHDES. Mike commented that he thought the bill was more punitive than constructive and that a 50 percent fine won't stop people who are willing to break the law. Tracie explained that main way these issues are brought to NHDES' attention is by concerned citizens, and lake local advisory committees would play a key role in being a lake's eyes and ears. Tim Dunleavy offered a 15-person Marine Patrol boat for a tour of Lake Winnepesaukee and Wilcomb Island for the summer meeting.

III. 2018 Lake-related Legislation

1) LMAC Positions on 2018 Legislation

Tracie led a discussion on recent dock-related legislation. HB195 from 2017, a study committee on temporary seasonal docks passed and the group requested a more comprehensive study and is now proposed this year as HB1810. HB527 relative to the length docks on a water body was not signed in Committee of Conference. Also, SB119 relative to the length of docks on a water body and boat slips passed the Senate with an amendment. The maximum length and width allowed is increased and temporary seasonal boat lifts will qualify for permit by notification. Darlene Forst of NHDES' Shoreland Program sent a Letter of Testimony on 1/17/18 encouraging the Committee of Conference to vote inexpedient to legislate in favor of HB1810 which proposes forming a committee to study all issues related to docks. Tim stated that the Marine Patrol is opposed to SB119 because they address a lot of neighbor complaints and he predicts that residents will use docks, swim areas, and moorings to irritate a neighbor which will only make matters worse. Tim is also concerned that if docks can be extended on narrow coves that they will reduce navigable waters and block channels. HB1371 proposes to repeal certain exemptions from permitting requirements for temporary seasonal docks. This bill attempts to repeal the dock setbacks and allows twice as much dock be installed without a permit as would have been allowed under a permit. Mike recommended opposing this bill for the reasons Tim noted.

Tim introduced HB1794, which proposes a surcharge on rentals of canoes, kayaks, and human powered craft with money going to the Lake Restoration and the Search and Rescue funds. The group discussed both canoe/kayak bills and whether a user group should have to pay fees to funds from which they derive no benefit. Garret provided a rough estimate of human water craft users to be around 200,000 in New Hampshire although there is no real data because the industry will not share the numbers.

2) LMAC Policy and Legislation Procedures

Vote postponed due to lack of quorum.

IV. Lake Management Priorities

1) NH Lake Priorities Report

Tiffany Grade reported her sponsoring group's lake priorities include potential impacts of climate change, legacy and emerging contaminants of concern, shoreline use and development, and the Lake Sunapee bill. Tracie presented the top issues identified in the NH Lakes Association survey including aquatic invasives, protecting water quality, and septic systems. Dave reminded the group that the LMAC opposed a septic system bill which proposed to eliminate the need for a septic review when converting to an accessory dwelling. The group

discussed invasives, cyanobacteria, the increased number of wake boats, the erosion created by these boats, and the moving of vegetation from lake to lake in the ballast water from wake boats. Tim noted that wake boats use several hundred gallons of water to create a wake and that is not a violation; however, owners are civilly liable for any damage their wake causes.

- 2) Local Advisory Committees and Lakes – This topic will be discussed at the next meeting.

V. Subcommittee Updates and Member Comments

- 1) WQSAC

EPA is updating the criteria for aluminum which will be published this year. The DO percent saturation standard was eliminated in statute. EPA is reviewing the Great Bay DO data for concerns to aid in developing the marine standard. NH Fish and Game is compiling data on sensitive species in Great Bay. The DO subcommittee will meet April 18th. 7Q10 is no longer the flow used to calculate effluent limits for nutrients and the group is researching other options. The next regular WQSAC meeting is April 12th.

- 2) Member Comments – None

VI. New Business and Action Item Review

- 1) New Business – None

- 2) Action Item Review

- P&L Subcommittee will meet to recommend legislative positions.
- Staff will post the NH Lakes survey results on the LMAC forum.

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

- 4) Agenda Items for Future Meetings

- Elect a new Vice Chair.
- Elect Chair.
- Presentation on 604(b) and 319 grants.
- Presentation on Nippo Lake.

Meeting Adjourned at 11:00 am