



LAKES MANAGEMENT ADVISORY COMMITTEE
NH Lakes Management and Protection Program

New Hampshire Department of Environmental Services
29 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
phone: 603-271-2959 fax: 603-271-7894
riversprogram@des.nh.gov



FINAL

LMAC MEETING MINUTES

July 31, 2018

NHDOS Marine Patrol Headquarters, 31 Dock Road, Gilford, NH
10:00 am – 2:00 pm

Members Present

David Packard, Chair
Bruce Allen
Mark Borrin
Shane Bradt
Linda Brownson
Capt. Tim Dunleavy
Eric Feldbaum
Garret Graaskamp
Jennifer Gilbert
Tiffany Grade
Michael Hodder
Frank Lemay
Ernest Millette
Mary Truell

Representing

NH Lakes Association
NH Assn. of Conservation Commissions
NH Travel Council
Scientific Community, UNH
State Conservation Committee
Commissioner, DOS
Commissioner, DNCR
Executive Director, F&G
Director, Office of Strategic Initiatives
Conservation Commission
Planning Boards
NH Business and Industry Association
Fish & Game Commission
NH Association of Realtors

Term

August 1, 2021 V
August 22, 2019 V
August 1, 2019 V
August 22, 2019 V
August 1, 2018 V
Indefinite NV
Indefinite NV
Indefinite NV
Indefinite NV
September 19, 2019 V
August 1, 2020 V
July 8, 2019 V
August 22, 2021 V
June 27, 2020 V

Members Absent

Ed Crawford
Kim Hallquist
Mark Hemmerlein
David Rousseau
Dick Smith

Marine Dealers Association
Municipal Officials
Commissioner, DOT
Commiss., Dept. of Agr., Markets & Food
Fishing Interests

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

Staff Present

Kathy Black Rivers and Lakes Programs
Darlene Forst Shoreland Program
Tracie Sales Rivers and Lakes Programs

The Meeting Was Called to Order

Chair Packard called the meeting to order at 9:02 am and welcomed all present. He thanked Captain Dunleavy for hosting the meeting at the New Hampshire Department of Safety (NHDOS) Marine Patrol Headquarters and organizing the boat tour.

I. Introductions/Minutes/Committee Business

1) Welcome, Introductions and Brief Announcements

New member Ernie Millette was welcomed and members introduced themselves.

- 2) Acceptance of February 22, 2018 LMAC Meeting Minutes
 - **Mike Hodder made a motion to accept the February 22, 2018 LMAC Meeting Minutes. Second by Bruce Allen. Motion passed unanimously.**

II. LMAC Business and LMPP Program Updates

1) LMAC and Subcommittee Membership Update

Tracie Sales explained that Dave Packard was reconfirmed on the LMAC, Linda Brownson was in the process of renewing, and Kim Halquist was stepping down. Rex Norman was nominated to fill Kim's position. Ed Crawford's term expired and he still plans to renew. Fred Clews was not reappointed to the NHF&G Commission so Ernie Millette is the new NHF&G Commission representative.

2) Elect Ossipee Lake Natural Area (OLNA) Representative

Tracie explained that OLNA is managed by the NH Department of Natural and Cultural Resources and occupies 400 acres at the south end of Ossipee Lake. The OLNA shoreline is home to rare and imperiled natural communities and boaters using the shoreline contributed to the loss of at least two rare plants and caused a significant reduction of the remaining plants and communities. As a result, OLNA developed a management plan and restricted use of part of the shoreline with fencing. Trespassing in this area is still an issue and the forest ranger is finding some success by educating boaters.

A proposed boat washing station for the new boat ramp was also discussed. Garret Graaskamp noted that there are several boat-washing station options available based on a recent study completed by the NH Lakes Association for the NH Department of Environmental Services. The stations range in cost from \$25,000 to over \$300,000. Little research data is available regarding the effectiveness of the various technologies. It is not clear at this time that spending \$25,000 on a volunteer-self-service wash station at a specific waterbody access would be more effective than the level of protection provided by appropriating that sum to the current Lake Host program of proactive inspection and education that leverages the value of the investment as each boat operator travels to unmonitored lakes. More information is needed to determine the conditions and application procedures, etc. for the most promising technologies under which they are most likely to optimize the removal of the multitude of invasive species that are currently found in New Hampshire or may establish a presence in the future.

Dave asked for a volunteer to represent the LMAC on the OLNA Work Group, and Tiffany Grade offered to serve. Tim Dunleavy offered to be the alternate because he often attends these meetings for Marine Patrol.

- **Dave Packard made a motion to nominate Tiffany Grade as the OLNA Representative. Second by Bruce Allen. Motion passed unanimously.**

3) Rivers and Lakes Programs Assistant

Many applications were received for this position and are currently being reviewed. Interviews will take place the second half of August and with an expected start date of mid-to-late September.

4) State Budget Process

The budget is expected to maintain staff positions and current funding level plus a two percent increase. It is unknown whether the new Instream Flow position will be approved in this budget.

5) Surplus Land Review (SLR)

Five SLRS were received since the last LMAC meeting including two within jurisdiction of the LMAC. The LMAC reviewed these leases on Greenough Pond in Wentworth's Location in 2013 and approved their renewal. The camps on these sites have had no negative impacts on the pond and continue to allow public access. Chair Packard and Vice Chair Hodder approved the SLRs under the LMAC's categorical exclusion procedure for disposals with *de minimis* impact on the pond or public access to it.

III. Lakes-related Legislation Recap

Tracie reported that SB445 designating the Warner River as a protected river was still waiting for the Governor's signature. HB1810, the dock study commission, passed. HB1104 passed and will shorten the wetland permit review timeframe, affect Conservation Commission response time, and change the types of responses Con Coms can make. The bill also reduces the timeframe NHDES has to respond to enforcement and compliance issues to two years. HB1101 and SB309 were both signed requiring standards for perfluorochemicals in drinking, groundwater, and surface water, and two new NHDES staff positions were authorized to develop the standards. The LMAC was concerned about HB1233 which would take away a municipality's right to regulate seeds and fertilizer near prime wetlands and lakes. The passed version of the bill allows municipalities to set additional fertilizer restrictions, but not when used for agriculture. SB410 passed and a commission will study creating a Boat Safe Card to fund the Search and Rescue and Aquatic Invasive Species Programs. Tim reported that 80 percent of boating fatalities result from capsizing and swamping of boats under 16 feet in length, most of which are paddlecraft. To address this, a federal tax may be assessed on paddlecraft purchases to help reimburse states for rescue costs. Mike Hodder discussed HB1371 which proposed eliminating the 75 foot frontage requirement for seasonal docks. The LMAC opposed this bill and it was referred to Interim Study. Mike believes this bill will still be a concern after the study is complete.

Tracie reported that the NH Lakes Association plans to introduce legislation to stop the feeding of geese and other waterfowl due to the water quality problems this causes. The bill would allow municipalities to regulate the feeding of waterfowl which is not currently regulated because waterfowl are considered wild animals. Some towns do not allow feeding of waterfowl on town land, but this does not extend to private property. Dave pointed out that the bill is a good way to educate the public about waterfowl and the pollution they cause. Garrett added that the legislation could also create a special take permit for nuisance situations similar to how beavers are handled. NHDES would like legislation that would fund investigation of surface water issues such as the contamination found in Squam Lake. Due to the serious erosion problem caused by wake boats, Frank Lemay would like legislation to increase the distance restriction for wake boats to 300 feet from shore. Tim noted that wake boats use a lot of water as ballast and there are no regulations on where, how, and when ballast water is drained to prevent larval invasive species transfer to other waterbodies. Filters are available to prevent accidental dispersal when ballast water is discharged, but most owners do not use these filters. Darlene Forst noted that the Wetlands Program is expecting more legislation related to reducing permit timeframes.

IV. Wetlands Rules Status Update

Darlene reported that the Wetlands group is currently reviewing the submitted comments as well as holding stakeholder meetings in order to develop the Initial (Rules) Proposal. Public hearings will be held after the Initial Proposal is published in the Fall/Winter. All changes to the docks rules are on hold until the legislative commission established by HB1810 submits a report on the effectiveness of the current statutes related to docks and provides guidance on the priority for docks (economic, boating, swimming, tourism, safety, etc.). The rules pertaining to beaches, decks, aquatic invasive removal, and bank stabilization will still move forward. The rules have returned to using the permit categories of major, minor, and minimum rather than the proposed CATs (categories). Also, the permit review process is being streamlined so that lower scrutiny applications will be approved if the fee and general project information including photo is provided, thus allowing staff to focus time on technical review for applications with greater potential impact. The proposed rules had required Conservation Commission and LAC review of a standard permit application before being sent to NHDES, but rule wording has changed and this is no longer the case.

V. Instream Flow Program and Drought Update

Tracie reported that the Instream Flow Program is in the final stages of editing the rules before publishing the Initial Proposal. The Joint RMAC and LMAC Instream Flow Subcommittee will be meeting in August to review the draft rules and develop recommendations for the LMAC to approve at the next meeting. The

Target Fish Community reports were submitted for all of New Hampshire's designated rivers. These fish population distributions will be used to determine instream flow requirements. Also, the QPPQ Report describing the process for estimating daily flows at ungaged stations for designated rivers is being finalized. Public information meetings are scheduled on August 27, 2018 to explain the results of these projects. In February of 2019, the USGS contract to look at former gaging stations on designated rivers to determine how staff gages might be used with models to provide stream flow data that can be used to manage rivers will be completed. Last, NHDES produced an ISF video and will post it on the NHDES website.

Tracie explained that we were still abnormally dry in most of New Hampshire, and in moderate drought for 44 percent of the state. She reported that Dr. Mary Stampone, the State Climatologist, felt drought conditions were not as bad as 2016. Dave asked if the ISF flow program would be managing the Lamprey and Souhegan rivers, but due to the recent rains, no ISF management is required.

VI. Subcommittee Updates and Member Comments

- 1) Squam Lake Loon Initiative – Tiffany emphasized the point brought up earlier regarding the need for legislation to allocate money to investigate lake issues such as the contamination in and around Squam Lake. The Loon Preservation Committee (LPC) has continued to meet with NHDES, the Squam Lake Association (SLA), and Plymouth State University (PSU) regarding the contamination. LPC will be sending unhatched loons eggs for analysis again this year. SLA will be focusing on the sediment and has hired a contractor, and PSU researchers are looking for DDT sites using LIDAR data. Later this summer, NHDES and LPC will be sampling fish to look at food web contamination and human health concerns.
- 2) Ossipee Natural Area – Please refer to Section II for more information.
- 3) WQSAC – None
- 4) Member Comments – None

VII. New Business and Action Item Review

- 1) New Business – None
- 2) Action Item Review
Staff will develop a draft list of standing legislative positions.
- 3) Next LMAC Meeting – Fall to review the proposed ISF rules and prioritization of rivers.

➤ ***Mike Hodder made a motion to adjourn. Second by Bruce Allen. Motion passed unanimously.***

Meeting Adjourned at 11:37 am

Following the business meeting, the LMAC participated in a boat tour of Lake Winnepesaukee hosted by Captain Tim Dunleavy, NHDOS Marine Patrol.