



LAKES MANAGEMENT ADVISORY COMMITTEE
NH Lakes Management and Protection Program

New Hampshire Department of Environmental Services
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LMAC MEETING MINUTES

April 3, 2020

Conference Call

9:00 am to 10:00 am

Members Present

David Packard, Chair
Garret Graaskamp, V. Chair
Mark Borrin
Shane Bradt
Capt. Tim Dunleavy
Jennifer Gilbert
Tiffany Grade
Frank Lemay
Lisa Morin
Rex Norman
Mary Truell

Representing

New Hampshire Lakes
Executive Director, F&G
NH Travel Council
Scientific Community, UNH
Commissioner, DOS
Director, Office of Strategic Initiatives
Conservation Commission
NH Business and Industry Association
State Conservation Commission
Municipal Officials
NH Association of Realtors

Term

August 1, 2021 V
Indefinite NV
August 1, 2019 V
August 22, 2019 V
Indefinite NV
Indefinite NV
September 19, 2019 V
July 8, 2022 V
August 1, 2021 V
August 1, 2021 V
June 27, 2020 V

Members Absent

Bruce Allen	NH Assn. of Conservation Commissions	August 22, 2022	V
Eric Feldbaum	Commissioner, DNCR	Indefinite	NV
Mark Hemmerlein	Commissioner, DOT	Indefinite	NV
Shawn Jasper	Commiss., Dept. of Agr., Markets & Food	Indefinite	NV
Janet Kidder	Planning Boards	August 1, 2020	V
Dick Smith	Fishing Interests	November 17, 2019	V
Bruce Temple	Fish & Game Commission	August 22, 2021	V
Vacant	Marine Dealers Association	August 22, 2017	V

NHDES Staff Present

Jen Drociak Rivers and Lakes Programs
Tracie Sales Rivers and Lakes Programs

Guests Present – None

I. Welcome, Roll Call, and Introductions

Chair David Packard called the meeting, conducted via conference call, to order at 9:06 am under the emergency provisions of RSA 91-A, New Hampshire's Right-to-Know law, as allowed by Emergency Order 11 under Executive Order 2020-04 in light of the COVID-19 outbreak. Chair Packard conducted a roll call of LMAC members, invited any guests to introduce themselves, and welcomed all present.

II. Consent Agenda

- Acceptance of October 30, 2019 LMAC Meeting Minutes.
- Acceptance of January 16, 2020 LMAC Non-Meeting Notes.
- Notice of CORD 2020 SLR 002 Milford (Not within 250 of a lake).
- Notice of DOT SLR Rumney Rest Area (Not within 250 of a lake).

➤ ***Tiffany Grade motioned to accept the Consent Agenda as presented. Seconded by Frank Lemay. The motion passed unanimously via roll call.***

		Yea	Nay
David Packard	NH Lakes	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mark Borrin	NH Travel Council	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Shane Bradt	Scientific Comm. UNH	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Tiffany Grade	Conservation Comm.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Frank Lemay	NH BIA	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lisa Morin	State Conservation Comm.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rex Norman	Municipal Official	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mary Truell	NH Assn. of Realtors	<input checked="" type="checkbox"/>	<input type="checkbox"/>

III. Lake-Related Legislation

The LMAC voted on a position for each bill listed on the tracking spreadsheet, with the exception of those that were determined not to be relevant to lake management or had already been voted Inexpedient to Legislate by the legislature. A table summarizing the results is on the following page.

HB 150: Tracie Sales explained that the amended version of this bill was significantly less burdensome on LMAC members than the introduced version, but could still impose a fine on members who did not comply with the financial disclosure requirement.

HB 640: Amended version of the bill makes the proposed program voluntary.

HB 1124: Tracie reported that the RMAC was concerned about the removal of prime wetlands from new and existing state highways and their right-of-ways proposed in this bill.

HB 1245: The amended version of this bill is now specific to listed boards and commission, and removes some legislative members from some committees.

HB 1609: Captain Tim Dunleavy stated that the Department of Safety supports this bill as it would authorize Marine Patrol to regulate the placement of moored platforms and inflatables. These temporary structures are being installed in public waterbodies by people without water frontage, and Marine Patrol cannot regulate them. This bill is modeled after the Moorings law and would control the placement of these structures to prevent them from being placed directly in front of a neighbor’s property, obstructing a view, or obstructing navigation. Tiffany suggested that the LMAC support this bill, as the Loon Preservation Committee has concerns placement of these structures and their effect on loon nesting habitat and other wildlife.

HCR 10: This bill, if passed, would result in a resolution sent to Congress.

(T = Track; S = Support; O = Oppose)

Bill Number									
Voting Member	HB150	HB640	HB1124	HB1245	HB1310	HB1325	HB1559	HB1609	HB1673
David Packard	T	T	S	T				S	
Bruce Allen	Absent	Absent	Absent	Absent	Absent	Absent	Absent	Absent	Absent
Mark Borrin	T	T	T	T				S	
Shane Bradt	T	T	T	T				S	
Tiffany Grade	T	T	T	T				S	
Janet Kidder	Absent	Absent	Absent	Absent	Absent	Absent	Absent	Absent	Absent
Frank Lemay	T	T	T	T				S	
Lisa Morin	T	S	T	T				S	
Rex Norman	T	T	T	T				S	
Dick Smith	Absent	Absent	Absent	Absent	Absent	Absent	Absent	Absent	Absent
Bruce Temple	Absent	Absent	Absent	Absent	Absent	Absent	Absent	Absent	Absent
Mary Truell	T	T	T	T				S	
Marine Trade-Vacant	Absent	Absent	Absent	Absent	Absent	Absent	Absent	Absent	Absent
DECISION	TRACK	TRACK	TRACK	TRACK	DROP	DROP	DROP	SUPPORT	DROP

Bill Number										
Voting Member	HB1689	HCR10	SB428	SB476	SB491	SB496	SB589	SB627	SB641	SB713
David Packard		T	T	T	T	T	T	T		S
Bruce Allen	Absent	Absent	Absent	Absent	Absent	Absent	Absent	Absent	Absent	Absent
Mark Borrin		T	T	T	T	T	T	T		T
Shane Bradt		T	T	T	T	T	T	T		S
Tiffany Grade		T	T	T	T	T	T	T		S
Janet Kidder	Absent	Absent	Absent	Absent	Absent	Absent	Absent	Absent	Absent	Absent
Frank Lemay		T	T	T	T	T	T	T		S
Lisa Morin		T	T	T	T	T	T	T		S
Rex Norman		T	T	T	T	T	T	T		S
Dick Smith	Absent	Absent	Absent	Absent	Absent	Absent	Absent	Absent	Absent	Absent
Bruce Temple	Absent	Absent	Absent	Absent	Absent	Absent	Absent	Absent	Absent	Absent
Mary Truell		T	T	T	T	T	T	T		S
Marine Trd-Vac.	Absent	Absent	Absent	Absent	Absent	Absent	Absent	Absent	Absent	Absent
DECISION	DROP	TRACK	TRACK	TRACK	TRACK	TRACK	TRACK	TRACK	DROP	SUPPORT

SB 428: This is a Rivers Program bill to eliminate the requirement for utility companies to notify Local Advisory Committees (LACs) on utility maintenance wetlands applications. The bill is not relevant to the LMAC. David Packard asked if LACs have approval or denial rights with regards to these applications. Tracie responded that they do, but they do not want it and NHDES is attempting to address this issue in rule.

SB 476: Garret Graaskamp stated that from a public access standpoint, this bill would “level the playing field” by ensuring that municipalities cannot keep people from parking adjacent to a public boat access point if they are from out of town. He believes the NH Fish and Game Department is supporting this bill but is not certain. David Packard stated that Goffstown has done this at Glen Lake whereas since there are very few parking spaces adjacent to the boat ramp, the town has restricted those spaces to town residents only.

SB 491: This bill would require additional Natural Woodland Buffer area to remain intact for parcels within the protected shoreland. The bill was amended but was then laid on the table.

SB 496: David Packard noted that one of the LMAC's standing legislative positions is to support funding mechanisms such as this. Tracie stated that NHDES supports this bill but asks where the funding would come from. The RMAC supported this bill because removing PFAS from drinking water sources and wastewater discharges would also remove it from New Hampshire's rivers.

SB 589: This bill would eliminate the frontage requirements and property line setbacks for docks at Spindle Point on Ossipee Lake. Tim Dunleavy stated that Marine Patrol is watching this one closely and had concerns about the state-wide implications of the bill as introduced. He stated that this small group of property owners on this point on Ossipee Lake are in agreement with one another. Tiffany Grade asked what the chance is that this would set a precedent. Tim stated that it could, but it is a bill the shoreland structures committee is discussing.

SB 627: This is an NHDES driven bill to establish a dock registration procedure in order to properly document the location of grandfathered and unpermitted docks. Tim Dunleavy added that property owners would voluntarily register seasonal and permanent docks with NHDES. Lisa Morin asked what the RMAC's concerns with this bill are. Tracie replied that it could legalize non-compliant existing docks on rivers, which could be unsafe.

SB 713: This bill would extend the existing Green Snow Pro program to municipalities, including the training, application of salt in the most efficient methods, use of the least amount of salt necessary, and the liability waiver. David Packard stated that the intent is to minimize the impact of salt to waterbodies. Rex Norman stated that municipalities support this bill. Lisa Morin asked how important it is for municipalities to have an insurance waiver. Tracie stated that she is not sure of the details and some of it may be written into the rules. She stated that for private entities, if they follow the rules, it is not that someone cannot bring forth a lawsuit, but it provides them a certain level of protection. She stated that if someone is grossly negligent that is another thing. David suggested supporting this bill.

Note: Mark Borrin left the call at 10:00 am.

IV. Surplus Land Review, Laconia

Jen Drociak provided an overview of 2020 SLR-003, Laconia. Tim Dunleavy stated that Long Bay is along the South Down Shores Development and that the railroad corridor is adjacent to the shoreline of Paugus Bay. He added that the development already has a significant dock system and multiple mooring fields, but this is a different group of individuals within that development that is requesting a separate set of moorings, and thus must own or lease lake-front property to be allowed the moorings. He stated that with a proposed mooring field of this size, DOS may make recommendations, but the Governor and Executive Council must approve 4+ moorings in a field.

Tim informed the LMAC that residents of the development oppose a proposed public walking trail along this railroad property. Garret Graaskamp confirmed this opposition by the residents to other public organizations desiring to use the railroad property for access to the lake, emphasizing that

the residents want to use it for themselves for private access. He asked if the LMAC has any reason or obligation to take that into consideration if they decide to support this use of the railroad bed. David Packard stated that granting exclusive use may shut out the public for a passage way and recommended the LMAC support this SLR and include in the letter that others are not restricted in using the state property.

➤ **Frank Lemay motioned that the LMAC support the SLR with the provision that the railroad bed is still maintained for access to the public. Seconded by Shane Bradt. The motion passed unanimously, via roll call.**

		Support	Oppose	Abstain
David Packard	NH Lakes	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Shane Bradt	Scientific Comm. UNH	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tiffany Grade	Conservation Comm.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Frank Lemay	NH BIA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lisa Morin	State Conservation Comm.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rex Norman	Municipal Official	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mary Truell	NH Assn. of Realtors	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(Other voting members were not present.)				

V. New Business and Action Item Review

1) New Business – None.

2) Action Item Review

David Packard will formalize his notes and send them to staff. Staff will draft letters to CORD for the SLRs. Staff will draft letters of support for HB 1609 and SB 713 for the chair’s review should the Legislature return to session in 2020.

3) Next LMAC Meeting

The LMAC will forgo scheduling a lake tour and summer meeting right now based on the current health pandemic. Tracie requested that if anyone has ideas for a lake to visit to let her know.

Chair Packard adjourned the meeting at 10:13 am.