



LAKES MANAGEMENT ADVISORY COMMITTEE
NH Lakes Management and Protection Program

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DRAFT

LMAC MEETING MINUTES
March 27, 2019
NH DES Conference Rooms 112 and 113
1:00pm – 3:30pm

Members Present

David Packard, Chair
Garret Graaskamp, V. Chair
Shane Bradt
Capt. Tim Dunleavy
Eric Feldbaum
Tiffany Grade
Janet Kidder
Mary Truell

Representing

NH Lakes Association
Executive Director, F&G
Scientific Community, UNH
Commissioner, DOS
Commissioner, DNCR
Conservation Commission
Planning Boards
NH Association of Realtors

Term

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

Members Absent

Bruce Allen
Mark Borrin
Linda Brownson
Ed Crawford
Jennifer Gilbert
Mark Hemmerlein
Frank Lemay
Rex Norman
David Rousseau
Dick Smith
Vacant

NH Assn. of Conservation Commissions
NH Travel Council
State Conservation Commission
Marine Dealers Association
Director, Office of Strategic Initiatives
Commissioner, DOT
NH Business and Industry Association
Municipal Officials
Commiss., Dept. of Agr., Markets & Food
Fishing Interests
Fish & Game Commission

August 22, 2019 V
August 1, 2019 V
August 1, 2021 V
August 22, 2017 V
Indefinite NV
Indefinite NV
July 8, 2019 V
August 1, 2021 V
Indefinite NV
November 17, 2019 V
August 22, 2021 V

Staff Present

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

Guests

Lisa Morin Future State Conservation Commission Representative
Thomas O'Donovan NHDES Water Division Director
Peter MacCallum Marine Trades Association
Jodi Grimbilas Water Sports Industry Association
Kelly Buchannan NH Lakes

The meeting was called to Order

Chair Dave Packard called the meeting to order at 1:05 pm and welcomed all present.

I. Introductions/Minutes/Committee Business**1) Welcome, Introductions and Brief Announcements**

LMAC members introduced themselves. Future State Conservation Commission Representative, Lisa Morin, was welcomed.

Thomas O'Donovan, the new NHDES Water Division Director, introduced himself to the LMAC. Tom is an engineer who brings a wealth of experience to NHDES, having held senior management roles in dam and reservoir operations, environmental regulation and enforcement, and public policy development. David congratulated Tom on his new position and welcomed him to future LMAC meetings.

2) Acceptance of January 16, 2019 LMAC Meeting Minutes

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

3) Acceptance of January 16, 2019 RMAC/LMAC Joint Meeting Minutes

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

II. LMAC Business and LMPP Program Updates**1) LMAC and Subcommittee Membership Update**

The LMAC Policy and Legislation Subcommittee has only three members and is looking for other LMAC members to join. The subcommittee will not need to meet in the upcoming months as the 2019 legislation season is ending. Seven LMAC members will need to renew their memberships this year: Bruce Allen, Mark Borrin, Shane Bradt, Tiffany Grade, Janet Kidder, * Frank Lemay, and Dick Smith. Tracie will follow-up with each of these members individually about membership renewal. Linda Brownson has officially stepped down as the Conservation Committee Representative, and has nominated Lisa Morin for the position. Once Lisa's nomination is approved by G&C she will be an official LMAC member. Staff has been unable to reach Ed Crawford to help him renew his membership or nominate a replacement. The LMAC is seeking a Marine Trades Association Representative and would be happy to welcome back Ed or a new representative. Additionally, Bob Wolff, Department of Agriculture, Markets and Food representative, has retired. David Rousseau is also a LMAC Representative for the Department of Agriculture, so there is no need for a new appointee to replace Bob.

** Janet Kidder's term date was mis-reported as 2019. It is actually 2020.*

2) Surplus Land Reviews

Tracie Sales informed the LMAC of all of the SLRs that had come up since the last meeting, none of which were within LMAC jurisdiction. The list consisted of a proposed lease in Lebanon and proposed sales in Ossipee, Charlestown, Winchester and Franklin.

3) Squam Lake Loon Initiative

Tiffany Grade reported that the Loon Preservation Committee tested four loon eggs from Squam Lake and five loon eggs from other NH lakes for contaminants such as dioxins, furans, PCBs, PFOS, DDE, chlordane, PBDE, etc. The results from Squam Lake eggs indicate that DDE,

PCB, chlordane, furans, and dioxins have remained at similar levels since 2008. Unfortunately, there has been a noticed increase in PBDE (flame retardants), and PFOS. The eggs from the other lakes yielded lower contaminate levels than those of Squam with the exception of: 1) a Canobie Lake egg confirming the high PFOS levels found there in a 2014 egg, 2) a Lake Francis egg with a 50% increase in PCB levels since a previous test in 2014 combined with extremely high dioxin, furans, and dioxin-like PCBs, and 3) one egg from Lake Winnepesaukee that had high levels of DDT and PFOS. Reference sites are tested not just to compare Squam Lake to other lakes, but also to help determine contaminate levels in other lakes in the state. Since the initiative was founded in 2007, LPC has tested 30-35 unhatched eggs from 25-30 waterbodies around NH. Each egg analysis costs \$3000.

A Plymouth State University graduate student is sampling sediment around Squam Lake for DDT and has confirmed finding DDT in the areas where it was found by LPC. Squam Lakes Association has done sediment testing for PCBs and dioxins and has confirmed some of the results found by LPC, and Tiffany is expecting a detailed report soon. Tiffany also thanked David Neils and others who assisted with fish collection for fish tissue sampling from Squam Lake. The fish tissue is currently with EPA and the results are expected by the end of the summer. Tiffany thanked NHDES for all of their assistance with the Squam Lake Loon Initiative, especially for coordinating the assistance of concerned groups and arranging for the fish tissue testing. She urged LMAC members to talk to their organizations and encourage other groups/individuals to speak to their legislators to provide NHDES with more funding for situations like this where a contamination point source cannot be identified.

III. LMAC Member “Info-mercials”

Chair Packard presented recent activities of the NH LAKES, their long term goals, the importance of the organization, and reasoning for being present on the LMAC. NH LAKES has taken some time recently to update their logo, mission statement, and slogan. The new NH LAKES logo is designed to emphasize on the lakes and watersheds around the lakes as the organization wants to have a watershed approach to the health and wellbeing of over 1,000 lakes and ponds in the state. NH LAKES supports lakes issues at the state level and they are happy to work with all groups and individuals. They work year round and they now have a full time staff. The organization runs several programs such as lake health advocacy and the NH Lake Host program.

Rex Norman was absent from the meeting but will present at the next LMAC Meeting. Shane Bradt also volunteered to present for the UNH Scientific Community at the next LMAC Meeting.

IV. Current Lake Issues: Wake Boats and Rafting

1) Rafting:

Captain Tim Dunleavy explained that rafting is currently defined as tying three or more boats together. This can be difficult to police as there are different rules for different sized boats, and many areas where rafting is allowed it can quickly become crowded and difficult to manage. The most frequent complaints about rafting are from landowners near popular rafting spots who report littering, foul language, safety concerns, loud music, and generally excessive noise. Senate Bill 162 would exempt commercial vessels from the spacing requirements in rafting areas. Advantages include providing restrooms to those anchored on the sandbar, disadvantages revolve around emergency access and allowing practices on the water that would not be allowed on land under zoning laws.

2) Wakeboats:

Captain Dunleavy reported that wake boarding is currently the fastest growing watersport in the country. Concerns about wakeboats are the large wakes that can damage docked vessels and cause erosion, the potential transfer of invasive species from lake to lake in the water bladders used to weight the boats, and the loud music and excessive noise from some boaters.

Wakeboats are the main boating issue throughout the country and most states have or are considering legislation regarding wakeboat regulation. Some states have bills which increase boat cleaning regulations while others could potentially ban all wake boating activity. New Hampshire legislators are proposing a study committee on wake boats in House Bill 137.

Peter MacCallum, a member of the Marine Trades Association and owner of MacCallum's Boathouse, thanked Captain Dunleavy for his service and the NH Department of Safety's work. Peter's business works to educate all of their customers about the details of the boats, including wakeboats, and other devices they are purchasing. This includes boater safety, boat maintenance, and details about invasive species spreading potential. Peter offered for LMAC members to visit his business where he would demonstrate what his store does to teach new boat owners about controlling and managing their boats, as well as providing information about boating safety.

Lisa Morin inquired as to how this information was being distributed to the public. Tracie responded that one of the roles of the LMAC is to share information such as this with their representative groups, who could then distribute it as appropriate.

David thanked Capt. Dunleavy for his presentation and sharing his knowledge.

V. Lake-Related Legislation

David thanked staff for managing the legislative tracking spreadsheet. Without a quorum, no changes were approved on LMAC legislative positions. Prior to the meeting, staff and LMAC officers amended the LMAC's position on HB 228 from 'Support' to 'Support with Amendment,' for the letter of testimony submitted on March 26, 2019. The new position better reflected the LMAC's discussion in January relative to the amended bill. Based on the earlier rafting discussion, staff will add SB 162 to the legislation tracking spreadsheet.

VI. Structures and Activities in and Adjacent to Public Waters

1) Shorefront Accessory Structures in the New Rules

Darlene Forst, Shoreland Supervisor within the NHDES Wetlands Bureau, summarized the changes for shoreland accessory structures in the proposed wetland rules, which will integrate requirements under the Shoreland and Wetland programs. The updated Shoreland rules increase the allowed size of an accessory structure, but no longer allow separate shoreland- and wetland-permitted accessory structures, resulting in a net decrease in allowed accessory structure area.

2) Docks and Public Trust

Darlene provided a historical background as to why NHDES permits docks and how the permitting process has changed and developed over time. NHDES permits docks because the common law of New Hampshire says that the state holds public waters in trust for the public interest. This means that riparian landowners have equal access to the water and that no

individual can utilize it in such a way that it inhibits the use and enjoyment by others. Docking structures, or the right to wharf out, have historically been governed using the Rule of Reasonableness, which was initially created by the legislature to ensure that there will be no substantial infringement on public or private interests within NH waters. However, this definition has changed over time both via legislative law changes and through interpretation in case law. Currently it is unclear as to what role NHDES is intended to have with the regulation of docks and ensuring that the Public Trust of the state waters is upheld. Darlene suggested that LMAC members consult with their representative groups to encourage them to voice their opinions on these matters and make their positions as public interests known.

David Packard thanked Darlene for her presentation and for sharing her knowledge.

VII. New Business and Action Item Review

- 1) New Business – None
- 2) Member Comments – None
- 3) Action Item Review – None
- 4) Next LMAC Meeting – Lake Visit

Staff will email members, asking for a suggestion of what lake to visit in the next meeting. Winnepesaukee was suggested but the LMAC is open to suggestions for other NH lakes to visit. Once the location is decided a Doodle Poll will be sent out to determine the day and time of the meeting.

David Packard adjourned the meeting at 3:43 pm.