



LAKES MANAGEMENT ADVISORY COMMITTEE
NH Lakes Management and Protection Program

New Hampshire Department of Environmental Services
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DRAFT

LMAC MEETING MINUTES
July 30, 2019
Squam Lakes Association
534 US Route 3, Holderness, NH
10:00 am to 2:00 pm

Members Present

David Packard, Chair
Garret Graaskamp, V. Chair
Bruce Allen
Mark Borrin
Tiffany Grade
Jennifer Gilbert
Janet Kidder
Frank Lemay
Lisa Morin
Rex Norman
Dick Smith
Bruce Temple

Representing

NH Lakes Association
Executive Director, F&G
NH Assn. of Conservation Commissions
NH Travel Council
Conservation Commission
Director, Office of Strategic Initiatives
Planning Boards
NH Business and Industry Association
State Conservation Commission
Municipal Officials
Fishing Interests
Fish & Game Commission

Term

August 1, 2021 V
Indefinite NV
August 22, 2019 V
August 1, 2019 V
September 19, 2019 V
Indefinite NV
August 1, 2020 V
July 8, 2019 V
August 1, 2021 V
August 1, 2021 V
November 17, 2019 V
August 22, 2021 V

Members Absent

Shane Bradt
Ed Crawford
Capt. Tim Dunleavy
Eric Feldbaum
Mark Hemmerlein
David Rousseau
Mary Truell

Scientific Community, UNH
Marine Dealers Association
Commissioner, DOS
Commissioner, DNCR
Commissioner, DOT
Commis., Dept. of Agr., Markets & Food
NH Association of Realtors

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

Staff Present

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

Guests

Rebecca Hansen Squam Lakes Association
Jared Nylund NH Department of Administrative Services

The meeting was called to order

Chair Dave Packard called the meeting to order at 10:00 am and welcomed all present.

I. Introductions/Minutes/Committee Business

1) Welcome, Introductions and Brief Announcements

LMAC members introduced themselves.

2) Consent Agenda

- ***Tiffany Grade motioned to accept the consent agenda consisting of the January 16, 2019 LMAC Meeting Minutes, the January 16, 2019 RMAC and LMAC Joint Meeting Minutes, and the March 27, 2019 LMAC Non-Meeting Summary. Seconded by Bruce Temple.***

Tiffany suggested two minor edits to the March 27, 2019 LMAC Non-Meeting Summary:

- II, section 3, paragraph 1: change the date 2014 to 2016
- II, section 3, paragraph 2: include DDT in the list of sediment testing performed by the Squam Lakes Association.

The LMAC voted all in favor with two abstentions to accept the consent agenda with the proposed changes to the March 27, 2019 LMAC Non-Meeting Summary.

II. LMAC Business and LMPP Program Updates

1) LMAC and Subcommittee Membership Update

Tracie Sales recommended that LMAC members whose memberships were soon expiring begin the process of membership renewal. Tracie asked if anyone who knew him could contact Ed Crawford, representing the Marine Trades Association, as his membership expired and the LMAC would benefit from an active representative of the Marine Trades Association.

2) Joint Subcommittee Activity Update

Mark Lombardi has become the lead for the Joint LMAC and RMAC Water Quality Indicators Study Subcommittee. A meeting will be scheduled for early October. This committee hopes to be able to assist in addressing questions regarding water quality for water bodies in New Hampshire. David Packard volunteered to be an additional member on the subcommittee.

3) LMPP Program Updates

- a) The Town of Windham closed the public boat access to Canobie Lake to non-town residents, and as a result NHDES has received a request from a Salem resident on Canobie Lake to construct a public boat access. There is currently kayak and fishing access from the Salem water pump station, but not motorized boat access. There are limited actions the state can take since the state does not own land on the lake. Canobie Lake is stocked with fish by New Hampshire Fish and Game Department, so it does need to have some form of public access. Garret Graaskamp explained that the required public access varies, and since Canobie Lake is not heavily stocked, not much public access is required. Rex Norman, a Windham resident, shared that the Windham selectmen have not yet banned the use of the ramp yet for Salem residents. Salem residents can use the boat ramp to remove their boats this fall, but they may not be able to use the ramp next spring.
- b) The 2018 NHDES report to the Public Waters Access Advisory Board has been drafted. This report is a summary of the activities NHDES has conducted relative to public water access. Tracie offered to post it on the LMAC Forum for members to view.

- c) The budget for all New Hampshire state agencies, including NHDES, was vetoed by the Governor. The agencies are operating under a “continuing resolution” until a budget is approved. The Rivers and Lakes Management and Protection Programs are only slightly impacted, primarily for the Instream Flow Program assistant.
- d) There is presently a lake level investigation occurring at Newfound Lake. There are requests for the lake to be both higher for easier navigation and lower for easier shoreline structure maintenance. The NHDES Dam Bureau is in charge of the investigation to determine the ideal lake level.

III. LMAC Member “Info-mercials”

Rex Norman is the Community Development Director for Windham, NH. The Community Development Department provides support to other town boards and committees, as well as oversees the building permit and code enforcement process. Windham regulates work beyond 250 feet of a waterbody as part of their municipal watershed protection ordinance, and recently discovered that the ordinance was misunderstood and therefore unintentionally ignored by town staff. As a result, Rex and his department are working to amend prior errors and ensuring that there are no continuing issues going forward. Rex stated that most people do not realize that work beyond the 250-foot boundary has an impact on waterbodies because most people do not think on a watershed scale. The Community Development Department is looking for better ways to advise other town boards and committees and to increase communication between the town and state departments. Tracie suggested that Rex connect with her so they can strategize ways of increasing this communication.

IV. Surplus Land Reviews

1) SLR 19-006 Hampton

Tracie summarized the proposed sale of 87-acres, excluding the footprints of both liquor stores, of the northbound and southbound Interstate-95 service areas in Hampton by the New Hampshire Liquor Commission (NHLC). The proposal is to sell the land to a developer to construct service areas similar to those provided along I-93 in Hooksett, including retail and fueling. Tracie showed maps of the wetlands throughout these properties and the habitat status of the area under the New Hampshire Fish and Game Wildlife Action Plan as well as an NHDES model that displays groundwater rise with expected sea-level rise in the coming years. The property on the southbound side of I-95 contains some wetlands and abuts the Taylor River and Taylor River Pond, while the properties along the northbound side contain prime wetlands and abut the Taylor River. The existing structures are likely constructed on fill that was placed there when the highway was constructed. Tracie stated that NHDES staff have expressed concerns about sea-level rise, groundwater intrusion from sea-level rise, marsh migration, salt water intrusion, and prime wetlands.

Jared Nylund of the New Hampshire Department of Administrative Services stated that his involvement with this project was to help NHLC dispose of state owned land. Jared pointed out that since this property will have sole access from the interstate, the New Hampshire Department of Transportation (DOT) and the Federal Highway Administration have oversight as to what types of uses are allowed on these properties. This could mean that recreational uses

such as a car top boat access to the Taylor River could be limited or not permitted. The properties were appraised for approximately \$26 million. DOT was not interested in purchasing the land along I-95 in Hampton as they did on I-93 in Hooksett. The NHLC is therefore looking to sell the land to a developer who will work with them to create the rest areas.

Garret Graaskamp asked Jared why the NHLC wanted to sell the property. Jared responded that the NHLC has debts and rather than trying to acquire funding from the legislature, the NHLC found that selling the land would be a more cost-effective way to acquire the needed funds. He added that the NHLC is not proposing to move development into the abutting wetlands.

Upon viewing the maps provided by NHDES, Garret noted that it would not be possible to construct a boat launch on the southbound side without placing fill in wetlands, and therefore should not be done. Garret suggested that the LMAC recommend that a traffic study be performed to estimate how many parking spaces would need to be added if these properties were to be developed further. Additionally, Garret pointed out that the LMAC should consider the value of the wetlands and any negative impacts should they become damaged or destroyed.

Multiple LMAC representatives expressed concern about the potential damage from development to the wetlands as well as concern about complications with rising groundwater levels in these properties. Garret stated that the biggest issue with this proposed sale is preserving the estuary wetlands as they are quite valuable.

Jared stated that the NHLC is working through the process to sell the land and determining any restrictions and requirements there will be for a future developer. This will allow the NHLC to develop a request for proposals for a real estate agent who can then find a buyer. The NHLC wishes to sell all 87 acres, excluding the building footprints, in one sale as they have no interest in retaining any of the remaining land.

David Packard had concerns that the NHLC did not have enough information to answer all of the questions and concerns presented by the LMAC, and that with so little information about what will happen to the land it is difficult for the LMAC to make decisions.

- ***David Packard motioned that the state pursue subdividing the property to keep the developable land separate from the non-developable land, as they currently exist, to move forward with the sale. Second by Bruce Allen.***

Discussion: Garret recommended amending the motion to say 'existing, contiguous developable land.' David and Bruce A. accepted the friendly amendment. David restated the amended motion:

- ***David Packard motioned that the LMAC recommend that the sale of the property be limited to existing, contiguous developable land with a subdivision made prior to the sale. Second by Bruce Allen. Motion passed unanimously.***

- ***David Packard motioned that the LMAC recommend that other agency recommendations be taken into account when developing the Request for Proposals for the broker and those agency recommendations be included as limitations and guidance on the development that will be allowed. Second by Frank Lemay. Motion passes unanimously.***

The LMAC thanked Jared for coming and sharing information with them.

- 2) SLRs Outside LMAC Jurisdiction – Postponed

V. Lake-related Legislation Review – Postponed

VI. New Business and Action Item Review

- 1) New Business - Postponed
- 2) Member Comments - Postponed
- 3) Action Item Review - Send letter to CORD regarding SLR 19-006 in Hampton.
- 4) Next LMAC Meeting - Send Doodle Poll for a meeting in October or early November.

Chair David Packard adjourned the meeting at 11:30 am.

Squam Lake Activities and Overview

- 1) Squam Lake Association

Rebecca Hansen presented during the Squam Lake Tour.

- 2) Squam Lake Loon Initiative

Tiffany Grade shared that this year Squam Lake has 12 loon pairs and four loon chicks have hatched and are currently surviving. Eleven unhatched loon eggs were collected to date with one additional egg expected to be collected. Typically, the Loon Preservation Committee tests four unhatched eggs from Squam with one or two additional eggs tested from other reference lakes. It costs approximately \$3,000 to test one egg. One egg that will be tested this year is from the eastern region of the lake, which is relatively close to one area of known contaminated sediments.

This year there were 20 documented dead adult loons in New Hampshire. Five deaths were from lead poisoning with a suspected sixth being tested. The second documented loon to have died of avian malaria was on Squam Lake this year. As a result of this loon dying there was an abandoned nest and two eggs failed to hatch. A loon collected from Kezar Lake around the same time as the Squam loon was subsequently determined to have also died from avian malaria. It is suspected that this could be a new emerging threat to loons due to changes in the climate allowing this disease to encroach into loon territory.