

**JOINT MEETING of the  
LAKES MANAGEMENT ADVISORY COMMITTEE**  
NH Lakes Management and Protection Program  
**AND**  
**RIVERS MANAGEMENT ADVISORY COMMITTEE**  
NH Rivers 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

**MEETING MINUTES**  
**October 14, 2011**  
**DES Conference Rooms**  
**11:00 a.m. - 1:00 p.m.**

**LMAC:**

**Members present:**

Wendell Berry, Vice Chair  
Diane Hanley, Chair  
Mark Hemmerlein  
Eric Orff  
Don Kent, Ph.D.  
Jeff King  
Bob Spoerl  
Larry Sunderland  
Robert Wolff

**Representing:**

NH Business and Industry Association  
NH Assoc. Conservation Commissions  
Commissioner, DOT  
NH Fish & Game Commission  
State Conservation Committee  
Exec. Dir., NH Fish & Game Dept.  
Commissioner, DRED  
Conservation Community  
Commissioner, Dept. Agr. Markets & Food

**Term:**

July 8, 2013  
August 22, 2013  
Indefinite  
August 22, 2012  
August 1, 2012  
Indefinite  
Indefinite  
September 19, 2010  
Indefinite

**Members not present:**

Jim Haney, Ph.D.  
Fred Murphy  
Dennis Pavlicek  
Bo Quackenbos  
Jim Morash  
Tim Dunleavy  
Dick Smith  
Joanne Cassulo  
Vacant  
Vacant

Scientific Community, UNH  
Planning Boards  
Elected Municipal Official  
NH Assoc. of Realtors  
Tourism Industry  
Commissioner, DOS  
Fishing Interests  
Director, Office of Energy and Planning  
NH Marine Dealers Association  
NH Lakes Association

August 22, 2013  
August 1, 2011  
August 1, 2012  
June 27, 2011  
August 1, 2013  
Indefinite  
November 17, 2013  
Indefinite  
August 22, 2012  
August 1, 2012

**RMAC:**

**Members Present**

Ken Kimball, Chair  
Michele L. Tremblay, Vice Chair  
Donald Ware  
Anne Krantz  
John Magee  
Frederick McNeill  
Jim Ryan  
Kevin Nyhan  
Larry Spencer

**Representing**

Recreational Interests  
Conservation Interests  
Public Water Suppliers  
Historical & Archaeological Interests  
Exec. Dir, NH Fish & Game Dept  
Municipal Government  
NH Fish & Game Commission  
Commissioner, DOT  
NH Assn. of Conservation Commissions

**Term:**

Dec. 28, 2011 V  
Dec. 28, 2011 V  
Sept. 28, 2013 V  
June 15, 2013 V  
Indefinite NV  
Nov. 16, 2011 V  
Indefinite V  
Indefinite NV  
October 12, 2013

**Members Absent**

Gary Kerr  
Gail McWilliam Jellie  
Kathy Nelson  
Allan Palmer  
Johanna Lyons  
Lance Harbour  
Joanne Cassulo  
Vacant

Granite State Hydropower  
Comm., Dept. of Agr. Markets and Food  
Local River Management Advisory Comm.  
NH Business and Industry Association  
Comm., DRED  
Comm., NH Department of Safety  
Dir., NH Office of Energy and Planning  
Agricultural Community

Jan. 5, 2012 V  
Indefinite NV  
Sept. 5, 2013 V  
Sept. 28, 2013 V  
Indefinite NV  
Indefinite NV  
Indefinite NV  
March 22, 2010 V

**Staff Present**

Jacquie Colburn	River and Lakes Coordinator, WMB
Tara Johnson	Asst. Planner, WMB
Shane Csiki	Fluvial Geomorphology Specialist, NH Geological Survey
Carolyn Guerdet	Admin. Asst., Water Division
Ted Diers	Administrator, WMB

**Guests**

Thomas Burack	Commissioner, DES
John Irwin	NH Marine Trades Assn.
Charlie Ryan	Chair, Ammonoosuc LAC

**The Meeting Was Called to Order**

Ken Kimball, RMAC Chair, called the joint meeting to order at 11:15 am.

**A. Introductions**

Members of the RMAC, LMAC, and staff introduced themselves and who they represented.

**B. Shared Committee Responsibilities**

Chairman Kimball shared both committees are challenged with this reduction in support from DES with the legislative budget cuts. The chairs & vice chairs, based on an earlier phone call outlined concepts to bring before the Commissioner and Ted Diers based on two timeframes:

- 1) Immediate – Put forth strategies to streamline certain processes and meetings for efficacy and to prevent backsliding in the program with the limited resources.
- 2) Future – Implement a review of the programs and develop a framework to provide better protection for our lakes and rivers.

**Concepts:**

- 1) Surplus Land Review – Overlap of surplus land review process for both committees, but not full continuity in the process. To simplify for DES staff preparation take the best parts of both programs and build a common review process so that staff do not have to work with 2 different review schemes. A subcommittee should be formed to complete this task.
- 2) Stream Gage/Water Quality Sampling – Cuts have affected both programs. Should prioritize needs and develop a campaign for funding restoration since monitoring is essential.
- 3) Legislation & Regulatory Review – There are Legislative sub-committees for both committees. Can merge this sub-committees to take prospective ideas (similar at most times) to write the Committees' respective position letters.
- 4) The Relationships/Conflicts of Lake and River Issues (Instream flows versus lake levels) –The Committees may vary in perspective/positions on lake level versus protected instream flow competition for water. Will discuss at joint March meeting.
- 5) DES Support to RMAC, LMAC, LACs and Lake Associations - Both programs previously had DES support to give to LACs and the lake associations.
- 6) Proposed LMAC and RMAC Meeting Dates and Times
  - a. Joint Meetings: January (discuss legislation) and March (ISF Water Management Plans)
  - b. Independent Meetings: RMAC to Discuss and Vote on Suncook River Nomination  
We should hold 2 of 4 meetings together and the other 2 separately.
- 7) Priorities for Rivers/Lakes Coordinator and PT Watershed Planner
  - River/Lakes Coordinator: major policy and implementation
  - Watershed Planner: LMPP and RMPP logistical program support to the RMAC and LMAC Committees and DES and provide support to LAC's and Lake Associations
  - Other DES commitments on LMPP/RMPP staff

**C. Lunch and Discussion with Commissioner Burack**

The Commissioner welcomed everyone and the committee members introduced themselves. The reality is that there is less money – we can't do everything we used to do. We need to document what we can't do compared to what we used to do. A baseline was determined of the impacts of the cuts that were taken. RMAC/LMAC need to make a list of what support DES can't do that was done in the past– need to make case to restore funding. We want communities to still need and want our help, and this needs to be conveyed to the Legislature. Other challenge – what are we being asked to do, that we didn't do as much in the past? For example: Tropical Storm Irene preparedness and relief afterwards. On Thursday, October 13<sup>th</sup>, a meeting with other departments/agencies

was held that mapped a customer service approach to respond to Tropical Storm Irene. Jacquie was appointed as team lead for PIRRT (Post Irene River Response Team). This is a multi- state and federal agency effort and it will take a significant portion of Jacquie's time.

Ideas shared between Commissioner Burack and members of the LMAC/RMAC:

Concerns

- 1) Keeping the blog updated difficult with staff reductions
- 2) LACs needing to look for funding
- 3) Consequences of professional leadership missing and staff services unavailable
- 4) Breakdown of water quality sampling network
- 5) Environmental quality degradation

Focus:

- 1) Document complaints from communities, associations, and LACs from across the state
- 2) Develop a tracking system of work accomplished and what is not being done
- 3) LMAC and RMAC sharing what is being said out in the public
- 4) Develop a strong strategy regarding the environmental degradation so everyone is working on the same page
- 5) Develop a good set of indicators to be tracking long-term degradation
- 6) Need of reliable information
- 7) State waters are fundamental and managed for the long-term; Legislature needs to be informed as to all the ramifications.
- 8) Focus the vision, so we know exactly what we need.

Fred McNeill recommended that the committees join in the NH Water Pollution Control Legislator Breakfast on February 15, 2012 to speak with and to educate Legislators about the programs.

**D. Possible Statutory Changes**

Prior to today's meeting, the LMAC and RMAC Chairs and Co-Chairs met and discussed:

- 1) Having the two committees look at current regulations
- 2) Are there statutory changes in our own legislation that might make us more efficient and effective at achieving what we want to achieve?
- 3) How can we improve moving legislation through, when possible work together rather than separately?

Bud Berry will meet with the LMAC sub-committee to have an initial review of proposed legislation and statutory changes.

**E. The Shoreland Advisory Committee (SAC)**

Conference call/discussion with Mark Traeger (Shoreland Advisory Committee Chair)

Committee formed during last legislative session to review SB 154. There are 18 members including landowners impacted by the Act to people that make their living changing the shoreland. The 2 SAC meetings held thus far have been primarily educational meetings including presentations/discussion pertaining to property rights, Great Bay update, financial and lake impacts and the value of vegetated buffers. The upcoming meeting will cover the new Surface Water Quality Protection Act (SWQPA). River and lake individuals have some similar and some different issues and concerns. The SAC will be sending recommendations up to the Commissioner regarding Legislation.

The LMAC/RMAC need to be kept aware of what SAC is doing and the approach being taken by the SAC to possibly modify the statute. A more formal communication was suggested between the LMAC, RMAC and SAC, including a possible presentation from the SAC. Mark Traeger will have agendas and notices sent to LMAC and RMAC.

It was noted that federal legislation is being proposed that will affect rivers and lakes and this should be watched.

**F. Overview of the SWQPA (formerly the CSPA) – Darlene Forst, DES**

A summary of changes was distributed along with a photographic representation of what vegetation can be cut within the shoreland zone under the old system and now the new system. Clearly, there is less protection for rivers and lakes under the new system.

## Changes:

- 1) Permit-by-Notification (PBNs) - Received 57 new PBNs by July 1 and only rejected 6. It is now a much more simplistic process. No notices need to go to anyone else (towns, abutters, etc.).
- 2) Unaltered areas – there was a change in definition. Term ‘native’ was removed. Unaltered now means areas where there are plants that aren’t pruned unless it is for health, normal maintenance, environmental benefit, and other.
- 3) Ability to do compliance – no criminal penalties any longer, and a decrease in fines.
- 4) Ability to respond to complaints – We now must notify in writing and via certified letter to do a field inspection. So there is no longer immediate response on shoreland protection issues.

The Wetlands Bureau is in the process of a complete re-write of its administrative rules. Chairman Kimball asked Darlene to stay on top of informing us during this upcoming legislative season. She will lay out problem areas and get ideas for replacement language.

**G. Green SnowPro Certification** Eric Williams, DES – see presentation at the LMAC/RMAC blogs.

***12:55pm Joint LMAC/RMAC Meeting Adjourned***