

**JOINT MEETING**  
**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

**January 6, 2012**  
**DES Conference Rooms (112, 113, 114)**  
**10:45-12:45**

**RMAC**

**Members Present:**

Ken Kimball, Chair  
 Michele L. Tremblay, Vice Chair  
 Gary Kerr  
 Donald Ware  
 Frederick McNeill  
 Jim Ryan  
 Roger Noonan  
 Larry Spencer  
 John Magee  
 Kevin Nyhan  
 Susan Slack

**Representing:**

Recreational Interests  
 Conservation Interests  
 Granite State Hydropower  
 Public Water Suppliers  
 Municipal Government  
 NH Fish & Game Commission  
 Agricultural Community  
 NH Assn. of Conservation Commissions  
 NH Fish & Game Department  
 NH Department of Transportation  
 Office of Energy and Planning

**Term:**

Dec. 28, 2011 V  
 Dec. 28, 2011 V  
 Jan. 5, 2012 V  
 Sept. 28, 2013 V  
 Nov. 16, 2011 V  
 Sept. 29, 2012 V  
 March 22, 2012 V  
 Oct. 12, 2013 V  
 Indefinite NV  
 Indefinite NV  
 Indefinite NV

**Members Absent:**

Anne Krantz  
 Kathy Nelson  
 Allan Palmer  
 Johanna Lyons  
 Lance Harbour  
 Gail McWilliam Jellie

Historical & Archaeological Interests June 15, 2013 V  
 Local River Management Advisory Comm. Sept. 5, 2013 V  
 NH Business and Industry Association Sept. 28, 2013 V  
 NH DRED Indefinite NV  
 NH Department of Safety Indefinite NV  
 Dept. of Agriculture, Markets and Food Indefinite NV

**LMAC**

**Members present:**

Wendell Berry, Chair  
 Dennis Pavlicek, Vice Chair  
 Eric Orff  
 Don Kent, Ph.D.  
 Jim Haney, Ph.D.  
 Larry Sunderland  
 Dick Smith  
 Fred Murphy  
 David Packard  
 Jeff King  
 Bob Spoerl  
 Mark Hemmerlein  
 Robert Wolff  
 Susan Slack  
 Dave Ouellette

**Representing:**

NH Business and Industry Association  
 Elected Municipal Official  
 NH Fish & Game Commission  
 State Conservation Committee  
 Scientific Community, UNH  
 Conservation Community  
 Fishing Interests  
 Planning Board  
 NH Lakes Association  
 NH Fish & Game Department  
 NH DRED  
 NH DOT  
 NH Dept. Agriculture, Markets & Food  
 Office of Energy and Planning  
 Commissioner Rep. DOS

**Term:**

July 8, 2013 V  
 Aug. 1, 2012 V  
 Aug. 22, 2012 V  
 Aug. 1, 2012 V  
 Aug. 22, 2013 V  
 Sept. 19, 2010 V  
 Nov. 17, 2013 V  
 Aug. 1, 2014 V  
 August 1, 2012 V  
 Indefinite NV  
 Indefinite NV  
 Indefinite NV  
 Indefinite NV  
 Indefinite NV  
 Indefinite NV

**Members not present:**

VACANT	NH Assoc. Conservation Commissions	TBD
VACANT	NH Assoc. of Realtors	TBD
VACANT	NH Marine Dealers Association	August 22, 2012
Jim Morash	Tourism Industry	August 1, 2013

**Staff Present:**

Jacquie Colburn	Lakes Coordinator, WMB
Tara Johnson	Asst. Planner, WMB
Carolyn Guerdet	Admin. Asst., Water Division
Ted Diers	Administrator, WMB
Amy Smagula	Exotic Species Program Coordinator
Sara Steiner	VLAP/VRAP Coordinator

**Guests:**

June Fichter	Shoreland Advisory Committee
Tom O'Brien	NH Lakes Association President
John Cooley	Loon Preservation Committee

The Joint RMAC/LMAC Meeting was called to order at: 10:50am by RMAC Chairman Ken Kimball

**A. Introductions:** RMAC and LMAC members introduced themselves and the organizations they represent.

- ✓ Michele Tremblay made a motion to accept the Joint RMAC/LMAC meeting minutes from October. Seconded by Bob Spoerl. No discussion. Motion passed unanimously.

**B. Shared Committee Responsibilities:** Joint discussions about how to proceed knowing that a lot of what we are supposed to do is not going to happen with budget cuts. Immediate steps included modifying the LMAC and RMAC process to review surplus lands.

1) Surplus Land Review: The revised checklist was reviewed by the committee members. Ken Kimball suggested putting the checklists on separate letterhead for each of the committees. Staff will make the other changes requested and will send to committee members for review/approval at the March meeting. Two separate documents will go out; the RMAC will review and accept their version and the LMAC will review and accept their version.

2) Legislative and Regulatory Review: Jacquie reviewed the LMAC and RMAC legislative tracking spreadsheet. To compile the spreadsheet, Tara started with the DES spreadsheet and then did an additional search for LSRs for terminology of interest to both committees. This resulted in 22 House Bills and 9 Senate Bills of interest to the committees. Jacquie said we will try to update on a weekly basis in between meetings, but given our workloads, this is not guaranteed.

Chairman Kimball mentioned not only tracking but submitting testimony. If RMAC/LMAC position is similar, DES will only have to draft one letter and committees can tweak letters. How are we going to deal with the timeline? Michele mentioned an addition to the legislative spreadsheet to please add "the proposed bill pertaining to an oversight committee for the Department of Environmental Services"; she would like to provide a position.

RMAC and LMAC legislative sub-committees will meet (separately) to discuss current legislation and present findings to the rest of the committees. The committees will then vote on the bills and move forward with testifying.

Two bills Michele did not see in LSRs of concern to her: SB344-Why is DRED asking for permission to cut vegetation in shoreland areas for public safety? SB326- Michele does not think the states should be reimbursing municipalities for dam maintenance.

RSAs 483 and 483-A may need to be reviewed for possible future changes: Jacquie said we discussed this at the last meeting and we should look at the statutes to determine if there is anything that needs to be modified. Chairman Kimball's recommendation is to look at what's working versus what's not. This should be a separate discussion from funding and then make recommended changes to RSAs based on successes and failures over past decades.

Upcoming Legislative Breakfasts:

- 1/17/12 - Conservation New Hampshire - Green Eggs and New Hampshire – Legislative Kick-Off Breakfast
- 2/15/12 - NH Water Pollution Control Association and the New England Water Environment Association groups “Water Matters” Legislative Breakfast - Jim Gallagher, Tom Burack speaking

### 3) Maintaining the Long Term Viability of the Rivers and Lakes Programs:

Ted Diers discussed the Watershed Management Bureau reorganization. The Bureau has 45 FT and PT positions; 8-10 interns each summer. Twenty or so programs are responsible for many diverse activities.

- Funding is mostly federal. Specific funds to do specific things with specific deliverables. Federal budget is okay for 2012. Submit the 305(b) report every two years to EPA and to Congress re: what is the state of our water quality in the state relative to our water quality standards in the state. Of the 30,000 assessment units we have, approximately 3,500 units are not meeting water quality standards.
- Now we are collecting less data than 4 -5 years ago relative to the assessments we are doing.

Why the Reorganization?

- Changes in staff, heavy demands, many different programs, declining funding.
- Engaging in an effort to better organize ourselves.
- Maximize skills across the bureau.
- How do we handle opportunities and challenges better without deteriorating our core mission?
- Better define role of water management bureau within the state.
- What is needed of us?
- How do we better communicate what we have? Be more succinct.
- Where are we? Staff survey.
- How can we do things better, what can we do less of?

Michele - asked Ted to add a bullet to his list for external consultation.

Highly Important areas:

Ted explained that we have had in-house sessions to determine what success would look like. If we were to do monitoring really well what would that look like? Staff will be heading into more sessions in the next few weeks. Interviews with senior leadership will follow. A reorganization plan may include moving boxes on the org chart. Eventually, we will conduct some implementation and look at whether we did it right.

Focus areas:

- 1) Monitoring & Assessment
- 2) Planning
- 3) Education & Outreach
- 4) Restoration & Protection
- 5) Regulation

Initial impressions- there is a genuine interest in working across program areas. Current organization is largely driven by history and funding sources. EPA is requiring us to prioritize activities, i.e. watersheds, or issues (such as nutrients). Water quality is our "thing." We need to communicate analyses and data better within our organization and outside as well.

*What would a water quality action plan look like? Timeframes? Will begin over the next few weeks. Also things need to be done quickly especially summer activities/monitoring. Would like to report back at next meeting to give conceptual plan. Jim Haney - Are we looking for partnerships? Such as towns, nonprofits, university, to do the things we want to do, rather than say we can't do it and not look at outside sources. Ted mentioned that some things we do, may not be that important any longer. Michele – Can federal funds be redirected to rivers and lakes program? Indicators? Are we still working on them since Jenn Rowden left? Impaired Waterbodies List (303d list) as well as Beach Program, VLAP and VRAP can be used as indicators.*

Ted - What would make you scream the loudest if we stopped doing it tomorrow? What would you require to make you do your work better? What should we do MORE of? How do you spend 90% of your time dealing with 90% of the problem?

#### Sustainability Initiative:

Fred Murphy – Of the 8 issues in the S.I., we have not gotten a status report regarding the Management of the invasive species. Would like to see the issues in the initiative addressed in the reorganization. Ted - How many things do we do for just one purpose? Examine this carefully. How important is that one purpose, can it have a broader utility. For example, we are combining data from VLAP, invasives and beaches into one report.

These two agenda items were not addressed due to lack of time:

- Meeting Current LMAC/LMPP and RMAC/RMPP Objectives
- Developing a Strategy to Move Lake and River Stewardship Forward

4) Future LMAC and RMAC Meeting Dates and Times: Joint Meeting: March, 30, 2012

We will discuss lake levels and instream flow and legislation, and will check-in with the Shoreland Advisory Committee.

Independent Meetings: June 2012 for RMAC and July 2012 for LMAC

### **C. Shoreland Water Quality Protection Act** (formerly CSPA) and the Shoreland Advisory Committee:

1) The Shoreland Advisory Committee: June Fichter-sitting in for Mark Traeger

Established in 2010 by legislature. 20 members. 10 individuals representing waterfront property owners, the other 10 include individuals representing realtors, and various other organizations. The purpose of the SAC is to advise the commissioner.

*SAC Recommendations Regarding Future Amendments to RSA 483-B* - discussed purpose, reviewed what seems to be working and what is not working with respect to shoreland protection. June talked about scientific underpinnings regarding shoreland protection. One decision voted on unanimously in November was to separate the discussion into 2 parts.

1) "Process" which involves DES.

2) "Standards" - separated out to rivers, lakes and estuaries because a buffer that is appropriate for a lake is not appropriate for an estuary or salt water marsh. Three subcommittees will come up with standards for each. The group is trying to clear up ambiguities, i.e. "Unaltered state." What does it mean? One purpose of the subcommittees is to illicit opinions on shoreland regulations. How are they working or not working? Bud - What is the timeframe for getting input to the SAC committee? No hard timeline, however they would like to see input within 1 to 2 months. Ken-How are you parsing out buffers? Issue of buffers is more than just for water quality; it is for wildlife and other purposes as well. Michele - Is there hope to put in a bill in the future that can include enforcement? It is unenforceable

now. Currently, staff can access property with written notice. Will this be revised in the future to require a warrant?

*Working with the LMAC and RMAC:* Regulations say that SAC must meet 4 times/year. Established meetings, but are meeting monthly. Jacquie asked to be notified about meetings, including meeting minutes. She can convey to RMAC/LMAC information so work is not duplicated. June said she would like to be on the next RMAC/LMAC agenda to present feedback. Jacquie mentioned S.I. and the 8 issues - #3 states to protect shorelands and riparian buffers. This is equally, if not more important at this point with changes made to shoreland protection act. Ted - How are you tracking impacts on buffers? What is our baseline? June - this committee is not proposing how to track that.

D. Other Business/Action Item Review:

- 1) Jacquie - PIRRT update regarding work to date and future activities- Jacquie's work with PIRRT is winding down. PIRRT now absorbs about 10% of her time vs. 75% when the effort began. She gave an update on the issues and affected communities. Long-term goals: better outreach and education and understanding of river processes. She will be doing workshops in spring focusing on the North Country.
- 2) DES - 25th anniversary – Jacquie asked if anyone would like to participate in the DES's 25th anniversary celebrations or have one of their own. Michele said she will send the message at the NH Rivers council Wild and Scenic River Film Festival coming up March 31st.

Meeting Adjourned at: 12:55 p.m.