

LAKES MANAGEMENT ADVISORY COMMITTEE
NH Lakes Management and Protection Program



New Hampshire Department of Environmental Services
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MEETING MINUTES
December 15, 2006 Meeting
DES Conference Room
9:30 a.m. - 1:00 p.m.

Members present:

Jim Haney, Ph.D., Chair
Jennifer Czysz
Mark Hemmerlein
Ken Jordan
Mitchell E. Kalter
Marsha LaVallee Huntoon
Fred Murphy
Larry Sunderland
Rich Tichko
Kenneth P. Wilson
Phil O'Brien

Representing:

Scientific Community, UNH
Office of Energy & Planning
Commissioner, DOT
NH Association of Realtors
NH Fish & Game Commission
Conservation Commissions
Member, Planning Board
Conservation Community
Exec. Dir., Fish & Game Dept.
NH Marine Trades Association
NH Lakes Association

Term:

August 22, 2007
Indefinite
Indefinite
August 1, 2008
August 22, 2009
August 22, 2007
August 1, 2008
September 19, 2007
Indefinite
August 22, 2008
August 1, 2009

Members not present:

James S. Morash, Vice Chair
Wendell Berry
Mark Gallagher
Johanna Lyons
Michele Tremblay
Vacant
Vacant

Tourism, NH Travel Council
NH Business and Industry Assn
Commissioner, DOS
Commissioner, DRED
State Conservation Committee
Elected Municipal Official
Commissioner, Agr. Markets and Food

August 1, 2007
July 8, 2007
Indefinite
Indefinite
August 1, 2009
Indefinite

Staff Present

Jacquie Colburn
Laura Weit
Jody Connor
Paul Currier
Amy Smagula
Carolyn Guerdet

Lakes Coordinator, Watershed Management Bureau
Asst. Planner, Watershed Management Bureau
Director, Limnology Center
Administrator, Watershed Management Bureau
Environmentalist, Limnology Center
Admin. Asst., Water Division

Guest

Derek Durbin NH Lakes Association

The Meeting Was Called to Order

- Jim Haney, Chair, called the meeting to order at 9:33 a.m.

I. Introductions/Minutes/Committee Business

1) Meeting Minutes: November 17, 2006

- Mitch Kalter made a motion to accept the minutes as presented. Corrections presented were: on page 4 "more than" should be added to sentence containing '250 ft. from Lake Sunapee'; on page 2 insert 'research' between dollar and grant; replace 'after' with 'based on' in last sentence of same paragraph; add 'demographics' to Jacquie's paragraph; correct Mitch's term to 2008 instead of 2006. Larry Sunderland seconded the motion with corrections and the vote was unanimous.

Ken Wilson presented some information to Jacquie and then told the LMAC that the NH Marines Trade Association has a shrink-wrap recycling program in NH.

2) Committee Business:

a. Travel vouchers were distributed.

b. Establishing formal correspondence process between LMAC and DES.

Jacquie stated that Paul Currier and Steve Couture discussed developing a process to communicate more formally and directly with the Commissioner. As the LMAC is in the position to advise the Commissioner on various matters it would be good to have documented communication flowing from the Chairman to the Director's office, Watershed Bureau and then to the Commissioner. This may be in the form of a memo. Jacquie will work with Steve and will draft a generic memo that would be formal and consistent in format and content for both RMAC and LMAC.

Handouts were distributed to update the LMAC binders. Jacquie thanked Laura for all her work on this.

3) LMAC Meetings: 6/year with 2 lake visits

Next meeting is January 26th; this meeting will be held at DES.

4) State Agency/Member Updates:

Jody Connor/DES

Cyanobacteria blooms have occurred on Lake Waukewan in the last 2 weeks. Nothing has showed up in the water treatment system; it has only washed up on shore. Jim Haney explained that our simplified view of algae blooms and cyanobacteria blooms is not correct. Things continue to grow in the sediment although invisible. Jim also spoke to the problem of the effect of this on the loons. Jody reported the concentrations found were such that they could make an animal or human sick. Jacquie reported that the Town of Meredith does have signs prepared to post in cases like this. Jody said they went around to houses in the area of the blooms giving a warning. Jim shared an article that Jacquie had sent that stated the EPA has found the minimum concentrations for no observable chronic affect is almost 8 – 10 times lower than what the WHO has held before that. This will probably result in a change in our standard, 1 microgram/liter. The extra rain and the warmer weather most likely have contributed to having twice as many cyanobacteria blooms.

10:00 AM - Commissioner Burack joined the meeting. Introductions were made and the Commissioner addressed the Committee. The Commissioner complimented the LMAC for its work; he also looks forward to future collaborations between the department and the committee.

Jody reported on the upcoming beach grant. One of the goals is to look at bacteria and E. coli. in the sediment. Research shows that there are bacteria in coastal beach sand. Equipment is being developed to extract bacteria out of the sand. This process can also be used for fresh water sand. Genetic probes can now track the source. Coastal beach grants have been received since 2004 for doing beach modeling to determine where bacteria are coming from within the watershed. The grant is applied to different phases of studies on the coast; it is limited to salt water.

Mark Hemmerlein/DOT

DOT is working on cleaning up an outfall on Haverhill in Hampton Beach. They are working on finding the source.

More surplus lands reviews will be coming due to the Laconia By-Pass Project.

DOT is working on geo-referencing their database as requested by the Governor. Jacquie reported the DES Lands Database is responding to the same request. Taking a close look DES records indicate that DES data layer needs some work.

Jennifer stated OEP has volunteered Ken Gallagher in their office to be the coordinating person to collect each of the 4 agencies GIS data to be compiled into one data source.

5) Future Agenda Items

SPNHF - Jacquie has Carolyn Russell of DES and Dan Sundquist of SPNHF confirmed for the January 26th meeting for back-to-back complimentary presentations.

It was suggested that the February meeting be devoted to a discussion of public trust. Committee members suggested inviting Allen Brooks or Jennifer Patterson of the Attorney General's Office to discuss this issue in more detail. Paul Currier suggested that the Committee might be interested in hearing about what the Water Quality Standards Advisory Committee has been working on in the spring, since they have been focusing on public trust in the context of anti-degradation.

II. Possible legislation for the 06/07 session

LSRs to be watching:

209 – Relative to public access on Big Island Pond and public access to public waters.

520 - Relative to the Shoreland Protection Act, to address recommendations #1 from the SPA Commission report.

536 - Relative to the Shoreland Protection Act, to address recommendations #10, 11, 12, 15, 16, & 17 from the SPA Commission report.

538 Relative to the Shoreland Protection Act, to address recommendations # 3, 4, 5, 6 and 14 from the SPA Commission report.

539 - Relative to the Shoreland Protection Act, to address recommendations # 2, 8, 9 & 13 from the SPA Commission report.

716 - Establishing a commission to study issues relative to the practice of leasing state owned real estate on the shores of public waters.

837 - Relative to lease agreements entered into by certain state departments.

Laura reported that the recommendations from the SPA Commission Report were grouped into separate LSRs to have them go through smoothly.

Derek Durbin of NHLA reported that the proposed bill regarding the leasing study commission (LSR 716) is similar to the bill that was killed last year, but does not contain any moratorium language.

10:32 AM Darlene Forst joined the meeting.

Darlene explained that recommendation #7 was not mentioned in the LSRs, but it is part of LSR 539.

Jennifer Czysz said that recommendation #7 is very important in that it replaces the basal area methodology with a point system and with additional limitations. Timothy O'Connell is the prime sponsor for the 4 LSRs for the Shoreland Protection bills. Darlene reported the full report of the SPA Study Commission is on the CSPA website. It is not expected that the final bills will look exactly like what was drafted.

A bill has also been introduced regarding speed limits. Derek reported on the bill submitted by the WINFABS (Winnepesaukee Families for Boating Safety), it proposes a statewide speed limit restriction. No decision has been made on the speed limit petition which is before the Department of Safety.

Jacquie will check the membership of the Long-Range Capital Planning and Utilization Committee. She asked Derek to see if NHLA could continue compiling a synopsis of legislation as it is very helpful. Phil asked if letters of testimony could be distributed to other agencies or organizations that are also following the LSR. It would be courteous to circulate the letters via email before the hearing so other interested agencies or organizations are aware of each other's arguments and/or opinions.

III. Surplus Land Reviews

Newspaper Articles – To date, about 12 articles have been written by Michael Kitch of the Laconia Daily Sun. These articles provide a good historical review, status of each land review, and the varying perspectives of the people involved with the SLRs.

Subcommittee Update – The group including Phil, Larry, Joe, Jacquie, Jared, Derek, Carl Paulson (NH Rivers), Jennifer, and Ken Kimball (RMAC) via phone, met after the last LMAC meeting. Phil and Jacquie have put together a draft Executive Order and Scope of Work for a task force. Hard copies with cover memo addressed to Alice Chamberlin were delivered to the Governor's Office on December 1st. Alice was asked for her review and comment, especially in regards to membership of the task force. It is understood that apparently she has taken this and discussed it with the Governor. No word back has been received.

IV. Lakes Management Criteria and Lakes Forum

1) Lakes Management Criteria

Laura put the Lakes Management Criteria into the same format that was used for the Lakes Forum and the spreadsheet now has all the information that is available.

Priority #1: Page 1: (1.0) The General Court should promulgate legislation to address this issue and thereby set forth a policy for the Wetlands Board. *It should also be noted that this recommendation was incorporated into Lakes Forum Action Item 7.1.

Key partners and Proposed Actions were reviewed.

Finding #2: Page 5: (3.1) DES working in cooperation with UNH and Fish and Game should investigate and jointly issue a report outlining the effects of fluctuating water levels. *It should also be noted that this recommendation is related to Lakes Forum Action Item 3.5.

Key Partners, Actions Underway, Scheduled Actions and Proposed Actions were reviewed.

These are the 2 items that were reviewed as a committee last month. Laura and Jacquie then worked on the spreadsheet for the committee.

Priority #1: Page 5: (1.1) A review of applicable state laws should be conducted by DES, OSP (now OEP), and other appropriate agencies and organizations. Revisions to existing state laws or new laws to address cumulative impacts should be developed. *It should be noted that this recommendation is related to Lakes Forum Action Item 4.6 "The way the state's lakes are currently managed is extremely difficult from a watershed management perspective."

Leads, Key Partners, Proposed Actions were reviewed.

Jim Haney spoke to cumulative impacts and what it means: to make a law, to evaluate, as an impact on nutrient budget, habitat structure, etc. What are we expecting to happen? We need to come up with some ideas. Mark Hemmerlein noted cumulative impacts need to be real specific.

Laura proposed adding "at an upcoming LMAC meeting the committee should discuss what cumulative impact should address" to this priority item. And how do we address it in our realm of water. It was decided to discuss it after Carolyn Russell's presentation next month. Paul Currier pointed out that Jillian McCarthy of the Watershed Bureau is working with the Site Specific Program staff to write regulations to include something to this effect.

Page 5: (1.2) The Legislature should consider the revisions proposed by the agencies and should amend state laws to address cumulative impacts. *It should be noted that this recommendation is related to Lakes Forum Action Item 4.6 "The way the state's lakes are currently managed is extremely difficult from a watershed management perspective".

This should be incorporated into the one above as it is an out-growth of the first one. Once we decide how to address cumulative impacts, then legislation could be drafted and taken through the legislative process.

Page 16 (1.1): The state should provide funding to DES to study and implement a method and process which would assess recreational uses and their impacts to the character and quality of each lake. *It should be noted that this recommendation is related to Lakes Forum Action Item 8.5 “Secure some outside funding” was incorporated into Lakes Forum Action Item 1.1 “The LMAC should be charged with developing a strategic plan that would determine how we manage our lakes in a way that will respond to the pressures that are coming in so many ways to the lakes.

Jacque noted that when looking at the spreadsheet of the 1996 *Lakes Management Criteria for NH State Agencies* there are many empty cells. Only the top five recommendations that the Committee decided to focus on contain additional information. These recommendations are categorized as “Not Yet Addressed”. The abbreviations in the 2004 status column indicate whether the recommendation is complete, on-going, or still needs to be addressed. There are currently 33 recommendations that have not yet been addressed.

2) Lakes Forum

Laura reported that the Lakes Forum Action Items spreadsheet is nearly complete. Fish and Game submitted a response and their information has been incorporated into the spreadsheet. Jacque met with NHLA for clarification on their items and their information has been included. Jacque will now set up a meeting with Alice Chamberlain to review with her the status of the Lakes Forum Action Items. Laura asked Phil O'Brien to review the additions that she added and asked him to notify her of any changes that are needed. Phil noted that 1.1 says, “LMAC should be charged with the strategic plan, how we manage lakes, etc.” A strategic plan by LMAC can only be done in the context of the agencies. He suggested that coordination of state agencies is needed to implement the plan.

Fred Murphy asked whether the Committee should involve the state agencies during the process or if the LMAC should just develop the plan and inform all of the state agencies once it was complete. Jennifer Czysz noted a successful plan must include all of the stakeholders in the process. Otherwise, the stakeholders, when they receive it, will dismiss it since they were not included in the process and have no reason to implement the plan being imposed upon them. It may be more difficult and take more time, but all stakeholders must be involved in the process.

Mark Hemmerlein noted that many agencies have conflicting missions, which makes reaching consensus difficult. Phil O'Brien suggested using a strategic review instead. Due to the inherent differences with agency missions, a strategic review could analyze both the strengths and weaknesses of each of the different agencies by comparing the different objectives and missions being served.

Jim Haney suggested that the LMAC should devote a meeting to discuss this in greater detail. One of the questions he proposed was: “What do we want the lakes to look like 100 years from now?” To accomplish this, he suggested that the Committee work backwards by describing what the lakes should look like and then figure out a way to get them to look like that. He also pointed out that the Committee should keep in mind the amount of effort it wants to expend to accomplish this task. He also noted that the Committee should discuss the threats to our lakes and ponds, such as sprawl.

Fred Murphy suggested that the LMAC might want to seek grant funds. He also suggested calling the strategic plan a “sustainability initiative” instead. Laura Weit mentioned that it might be helpful to frame what the strategic plan should entail, to guide the process.

Mark Hemmerlein noted that state agencies need specific recommendations on current activities that are harmful to lakes and ponds. Then, agencies are more apt to take action. He also noted that it should be agency specific, topic specific, and something that each agency can address. Rich Tichko noted that the strategic plan should be a “Best Management Practices” guide for state agencies.

Jacque Colburn added that if the Committee embarks on a “sustainability initiative”, the Committee should ask for input from all of the public member stakeholder groups. She suggested developing something in writing that each appointed Committee member could take back to its membership.

Jim Haney suggested developing a standardized survey so the same issues could be reviewed and ranked. Fred Murphy noted that the LMAC should provide the management role in this process. Mark Hemmerlein noted that the Committee needs a vision to keep the process moving forward. He also noted one stakeholder group that is a large part of lake management, but not a part of the LMAC is developers. He suggested that they should be included in this process, since they present a different perspective, but could be an adversary if ignored and disengaged.

Ken Wilson suggested that the homebuilder association should be involved as well.

- **Paul Currier, Jacquie Colburn, Laura Weit, Phil O'Brien, Fred Murphy, and Mitch Kalter agreed to form a subcommittee to discuss this topic in greater detail. They will meet before January 20th to develop a survey for distribution to the LMAC's public membership. At the January 26th LMAC meeting, the subcommittee will present a summary of their discussion and provide the Committee with a draft survey for their review.**

V. Other Items and/or Issues

At 12:00 pm the Committee broke for lunch.

Amy Smagula and Jody Connor gave a presentation on the Milfoil Project Success Story.

The meeting reconvened at 12:20 pm.

Jacquie suggested a list of things "to do" be compiled:

- 1) Laura Weit will amend minutes as suggested and post to web.
 - 2) Laura Weit will fill out travel vouchers for eligible members.
 - 3) Jacquie Colburn will ask Jennifer Patterson if she can give a presentation to the LMAC at its February 23rd meeting relative to public trust.
 - 4) Jacquie Colburn will include anti-degradation as an agenda item at a future meeting date (sometime in the spring.)
 - 5) Derek Durbin will send Jacquie Colburn a synopsis of any pertinent LSRs and/or bills a few days before the January 26th meeting.
 - 6) Laura Weit will make copies of all the newspaper articles relative to surplus land disposals for Jim Haney.
 - 7) Jacquie Colburn will send out the DRAFT Executive Order that the subcommittee sent to the Governor to the Committee.
 - 8) Jacquie and Laura will meet with Commissioner Burack to discuss the Lakes Forum spreadsheet.
 - 9) Jacquie will call Alice to set up an appointment to go over the Lakes Forum spreadsheet and schedule Lakes Forum #2.
 - 10) Jacquie will send out an email to Mitch, Phil, Fred, and Laura with proposed dates to develop a "public survey" to gather input on developing a strategic plan.
 - 11) This subcommittee will meet prior to January 20th to develop a DRAFT "public survey" for the Committee to review on January 26th.
 - 12) Jacquie will set aside the bulk of an upcoming meeting (possibly March) to develop a vision for a strategic plan AKA "sustainability initiative".
- **Ken Jordan brought forward a motion to adjourn at 12:50 pm. Marsha LaVallee Huntoon seconded the motion. All were in favor.**