

LAKES MANAGEMENT ADVISORY COMMITTEE
NH Lakes Management and Protection Program



New Hampshire Department of Environmental Services
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MEETING MINUTES
February 23, 2007
DES Conference Room
9:30 a.m. - 1:00 p.m.

Members present:

Jim Haney, Ph.D., Chair
Jennifer Czysz
Mark Hemmerlein
Mitchell E. Kalter
Johanna Lyons
James S. Morash, Vice Chair
Phil O'Brien
Larry Sunderland
Rich Tichko
Michele L. Tremblay

Representing:

Scientific Community, UNH
Office of Energy & Planning
Commissioner, DOT
NH Fish & Game Commission
Commissioner, DRED
Tourism Industry
NH Lakes Association
Conservation Community
Exec. Dir., Fish & Game Dept.
State Conservation Committee

Term:

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

Members not present:

Wendell Berry
Mark Gallagher
Marsha LaVallee Huntoon
Fred Murphy
Ken Jordan
Ken Wilson
Vacant
Vacant

NH Business and Industry Assn
Commissioner, DOS
Conservation Commissions
Planning Board
NH Association of Realtors
NH Marine Dealers Association
Elected Municipal Official
Commissioner, Dept. of Agr., Markets & Food

July 8, 2007
Indefinite
August 22, 2007
August 1, 2008
June 27, 2008
August 22, 2008
Expired
Indefinite

Staff Present

Jacquie Colburn
Laura Weit
Laura Hayes
Jody Connor
Steve Couture
Darlene Forst
Carolyn Guerdet

Lakes Coordinator, Watershed Management Bureau (WMB)
Asst. Planner, WMB
Asst. Planner (PT), WMB
Director, Limnology Center, WMB
Rivers Coordinator, WMB
Shoreline Section Supervisor, Wetlands Bureau
Admin. Asst., Water Division

Guests

Derek Durbin
Erica Anderson
Steve Preston
Ralph Cadman
Joe Goodnough
Steve Kahl

NH Lakes Association
Lakes Region Planning Commission
President, Lake Winnepesaukee Watershed Assoc.
NH Lakes Association
NH Lakes Association
Plymouth State University

The Meeting Was Called to Order

- Jim Haney, Chair, called the meeting to order at 9:35 a.m.

I. Introductions/Minutes/Committee Business

- 1) Minutes were not reviewed due to a lack of a quorum.

Jacquie introduced Laura Hayes, who is working part-time for DES for both Lakes and Rivers Management and Protection Programs. She also introduced Erica Anderson with the Lakes Region Planning

Commission, Steve Preston, President of Lake Winnepesaukee Watershed Association, Ralph Cadman and Joe Goodnough with the NH Lakes Association, Boating and Recreation Committee and Steve Kahl, Director, Center for the Environment at PSU.

2) Committee Business:

Travel vouchers were completed by those who qualify for reimbursement. It was decided that the Committee would prefer refreshments over mileage reimbursement if there are budget reductions in the future.

3) Next meeting is March 23rd.

4) Future Agenda Items:

a. Johanna Lyons would like to do a presentation on DRED's Ossipee Lake Natural Area on March 23rd as there are some very rare and endangered species on the shoreline of the natural area. The conflict is between accommodation of users and protection of the resource.

b. Public Trust – Jacquie pointed out that when we discuss this, someone from Attorney General's Office should attend.

c. Sustainability Initiative – Jacquie mentioned that she provided the LMAC with a 2 page outline of this proposed effort at the January meeting.

d. Water Quality Standards Advisory Committee Update – Paul Currier will do a presentation later in the year.

e. AVGWLF-NEIWPC (Generalized Watershed Loading Function with an Arc-View Geographic Information Systems Interface) – Penn State University has developed a model that estimates loading from watersheds. New England Interstate Water Pollution Control Commission (NEIWPC) is working in cooperation with Penn State University to bring this model to the Northeast. They will be calibrating the model to be applicable to New England watersheds, using the Ashuelot River watershed in southeastern New Hampshire. Jody Connor noted that AVGWLF is being used in studies now and NH will have first lake model done in the next few weeks.

f. EPA is conducting a National Lakes Assessment in all 50 states this summer and 13 water bodies in NH have been selected. Because the testing protocol is very precise it may not be conducive to LMAC participation or observation of the testing.

g. Jacquie will be gone during the June meeting and Laura W. has agreed to head the meeting.

h. Phil O. noted that Lake Sunapee Protective Association (LSPA) is involved in a Global Lake Ecological Observatory Network (GLEON) program. There will be a special buoy out on the lake measuring various lake parameters. This information is put into a national network in Colorado. We may want to invite someone from LSPA to come in and talk about this program.

5) State Agency/Member Updates:

Mitch Kalter/Fish & Game Commission:

Their policy committee met last week on exotic aquatic weeds to ensure a good working relationship and that the current policy is not a hindrance. They are also reexamining their mosquito control policy; present policy is against spraying on the controlled lands with the exception of a health emergency. The RSA on this has been repealed requiring policy revision.

Jody Connor/DES:

Jody noted there is new research that's been done on beach sand. It is showing the sand is contributing *E. coli* to the water and in some places the *E. coli* in the sand may be the reason why the closing is necessary. The bird droppings get in the sand and the bacteria incubates and then runs off into the water.

DES received 14 requests for funding the treatment of milfoil and exotic plants. DES is developing management plans for the lakes where herbicide applications have been requested. There is a 90 day management plan waiting period.

Michele Tremblay/State Conservation Committee:

The State Conservation Committee went live with its website about 2 weeks ago. www.nh.gov/scc.

Jacquie Colburn/DES:

Jacquie asked the LMAC members to review the handout titled: "2006 Annual Report to the Public Water Access Advisory Board, Program and Activities of the NH Department of Environmental Services." Member agencies of the PWAAB must submit a compilation of all the work done related to public access. Jacquie is the DES representative to PWAAB. She said that this is a good summary of all the work done this past year. Jacquie will present this to the Advisory Board in March. Phil asked that the final report be distributed to this committee.

Referring to the DES report to PWAAB, Jim H. asked about the lakes diagnostics program. Jody C. reported that every lake on the list is basically done; just the cleanup work is to be finished. Hydrologic and phosphorus studies are difficult for volunteers to do. Jim H. suggested looking at some private groups that are qualified to take this over and conduct these studies.

Michele T. noted that a quorum had now been reached since there are 11 members on the committee and 6 voting members were now in attendance. Phil O. noted that Andrea LaMoreaux, who was with DES, has now joined the NH Lakes Assoc. as Education Director.

- **Michele T. made a motion to approve both the December and January minutes, seconded by Phil O. Michele asked that the December meeting summary corrections be noted as they are outlined in the January summary. Vote was unanimous.**
- **Michele T. moved that should there be a budgetary constraint in the future, that a decision go in favor of food over travel vouchers, seconded by Mitch K. Vote was unanimous.**

Committee took a break at 10:05 and resumed at 10:10.

II. Strategic Plan/"Sustainability Initiative" Subcommittee Update

Jacquie noted there is much discussion around the State regarding carrying capacity. Jacquie introduced the guests and explained their interests and roles relative to carrying capacity. Jacquie wanted other groups to be aware of what the LMAC is doing in relative to a possible Sustainability Initiative. Jacquie would like the various groups to meet and exchange ideas, ask each other questions, and work together when appropriate so efforts aren't duplicated. The LMAC Sub-Committee met on February 7th and heard Paul's ideas for the Sustainability Initiative.

Presentation: System Dynamics Model – Carrying Capacity Analysis

Paul Currier, WMB Administrator

Paul gave an overview of the relationship between Sustainability and Carrying Capacity. (Note: Paul's presentation was emailed to the LMAC members on 2/26)

Lori Siegel, Environmental Risk Assessor

Lori's gave a presentation regarding the system dynamics model. Lori was not at the meeting, but narrated her presentation over the phone. (Note: Lori's presentation was emailed to the LMAC members on 2/26)

Lori explained that the examples shown in the presentation are for demonstration purposes. Complexity can be gauged depending on the needs of the decision makers and stake holders. A general model that can be applied universally to all the lakes and rivers, but lake specific issues should be considered with each application.

There was a Question and Answer period following the presentations.

Jim M. asked about the economic side and what relationship that would have with the outcomes of the decisions on carrying capacity. Lori stated that would be sub-model within the model as it is a critical component.

Rich T. asked what the focus is; the whole thing or smaller bites, indicators, and analysis of the issue.

Johanna L. noted we have no control of land use and it does affect carrying capacity.

Paul C. suggested that to simplify it, we should separate the effort into 2 parts – a watershed carrying capacity idea and an in-lake carrying capacity idea. Lori S. noted that what can be incorporated is a sensitivity analysis of how carrying capacity will be affected by ranges of the landscape changes. You can get a sense of how the carrying capacity will vary with the specific changes. The level of effort is adaptable to the scale of interest that is going to be tackled. It needs to be done in manageable components.

Mark H. asked what the inputs are at this point and what is the metric at the end? How is carrying capacity scaled at the end – zero to one? Can you identify examples in the field, say looking at a certain lake and say that should scale out as a 1....? Lori replied that there are many factors, as Mark has pointed out, and some have been noted. There can also be adjustments as to what the final indicator is; have we achieved carrying capacity or not?

Jim H. noted that the biological integrity is controversial and often discussed yet it's hard to find a single indicator. Output of the model is going to be dependent on how good the information is going in. We don't want to look at something that is already being managed. He said that the inputs are very important in the model – check with a number of people. Generally, we think the committee (LMAC) is about the protection of lakes, but now are we talking about maximizing use as well as optimizing it. Are we leaning towards trying to push our lakes to the limit? Any mistakes in calculations will be critical. Need quantifiable information as to how far we are going to allow degradation.

Rich T. asked are we trying to optimize to a level of a certain baseline of enjoyment – personal desires will influence this. The social carrying capacity is usually hit very early, before you get to environmental carrying capacity; social carrying capacity changes over time. It is a constant moving dynamic. Are we trying to re-establish the baseline – regardless of what perceptions are?

Johanna L. noted this is the danger – it is a public access. Who gets the access?

Paul C. said that we need to separate the loadings that would affect water clarity from in-lake uses. The carrying capacity for things that involve lake productivity and the human factors are different discussions. Separate these and quantify them separately using system dynamics for in-lake factors and using the traditional lake assessments for the watershed effect.

Jim H. noted this is a more like a visitor impact approach. Paul responded that visitor impact management examines the interactions between visitors/users and various uses and between the biology that is important for the lake itself. Visitor is defined as anyone who uses the lake.

Derek Durbin arrives at 11:10.

Jim H. noted the Vermont analysis classifies the lakes: Wilderness in contrast to High-Use lakes. The model would run differently with different standards. We need to talk about a classification system. Lori S. said the model could be helpful as it could be adapted to each of the requirements, demands of the classifications.

Jim M. asked about what happens when you have a lake that is large enough to have different water quality levels in different parts of the lake? Then you zone it?

Paul C. said you would have to break the lake up into separate zones.

III. Update – Meeting with Alice Chamberlin

- 1) **Surplus land review** – Jacquie informed the committee that she had met with Alice and the Governor prefers to allow HB 710 to proceed through the Legislature and does not want to establish a Task Force. Phil O. noted the Executive Order was sent over December 6th and would suggest next time we give it more attention.
- 2) **Lakes Forum** - Jacquie provided Alice with the Ranking Sheet of the Lakes Forum Action Items. Jacquie told the committee that Alice suggested that the LMAC hold a press event with the Governor to celebrate Earth Day in the Lakes Region. Alice said that the press event should focus on the Action Items for the Lakes Forum.

IV. Lunch - Legislation

At 12:08 pm the Committee broke for lunch. The meeting reconvened at 12:22 pm.

Jacquie requested the LMAC review and comment on 6 proposed lake-related bills. Darlene Forst joined the meeting to answer questions regarding the proposed legislation.

HB 383: relative to waterfront buffer and woodland buffer requirements in the comprehensive shoreland protection act.

While the intent of this bill is good, as introduced it is poorly written. Darlene explained that DES is going to request that the bill be rewritten but keeps moving through the legislative review process.

- **Jim M. moved to support the bill, with the recommendation that it be rewritten with the assistance of DES, with a second by Michele T. Vote was unanimous.**

HB 663-FN: (New Title) relative to the comprehensive shoreland protection act and making an appropriation therefore.

On February 22nd, the House RR&D committee voted “Ought to Pass with Amendment for March 6th vote”. The amendment made sure there was alternate revenue and did not remove the appropriation of \$750,000; it will go to House Ways and Means.

- **Jim M. moved to support this bill, with a second by Michele T. Vote was unanimous.**

HB 857-FN: relative to permitting responsibilities under the comprehensive shoreland protection act.

Michele noted the capacity doesn't exist. Is DES going to get this through? Darlene noted it was directed to the towns. DES is very supportive of establishing standards for all applications whether they are DES issued or not. If a minimum level of information is required, the towns then have it available to them and should be able to review it.

- **Michele T. made a motion in support of HB 857 with the exception of the way item G is written indicating that our specific concern that the municipalities are not necessarily able to handle this. They need to be consulted and work with Local Government Center and craft this more carefully to determine exactly how the process would work, with a second by Jim M. Vote was unanimous.**

Darlene noted that this affects every permit issued under the Shoreland Protection Act and that no where in this part of the law does it mention that DES might collect fees when they're processing all these applications.

HB 722: relative to the Rivers Management and Protection Program.

Laura noted and explained the changes that would be made to the RMPP if the bill passes. Jacquie suggested that the LMAC request an amendment to the bill to affect the membership of the LMAC. Specifically, remove the word “elected” from the elected municipal official nominated by the NH

Municipal Association. Hopefully, this would give the Association a larger group from which to select a nominee and would in turn mean that the position on the LMAC would no longer be vacant.

- **Michele T. made a motion to support HB 722 with the addition of an amendment to add under 2b, that municipal officer be “A” municipal officer rather than “An Elected” municipal officer. Motion seconded by Phil O. Motion passed unanimously.**

HB 710: establishing a study commission regarding leasing of state-owned real estate.

Derek D. explained that this is an NHLA bill and that the commission membership would be limited to the entities that are directly involved in the process. Duties to be done are listed. Jim M. noted that there are no citizens represented. He would like someone outside of government. Derek noted there will be citizen input in the actual public process. Jenn C. suggested one lake-front property owner assigned to the committee as well as one member of a municipality. CORD sends out the packet to municipalities, agencies, RMAC & LMAC all at the same time, up front. Municipalities then aren't notified when it leaves Long Range Planning and Utilization Committee and goes to G & C. It was noted Long-Range Planning should be represented in the membership also. It was noted it needs to be decided how to find the Riparian owner. Jennifer C. offered that of the 2 members of the Senate and the 2 members of the House, one must be a Riparian owner and one must be part of a long-range and a person identified by the NH Municipal Association.

- **Michele T. moved to support HB 710 with the following changes: relative to the House of Representatives and the Senate, at least one of those 4 will be a riparian owner and at least one of those 4 will be a member of the Long-Range Capitol Planning and Utilization committee. There will be an additional representative who is nominated by the NH Municipal Association who is a municipal elected official that would be a Selectman, a Town or City Councilor, or a member of the Board of Alderman, or a Town Clerk. Seconded by Jim M. Vote was unanimous**

Michele expressed her concern regarding another non lake-related bill - SB 174-FN; it establishes a proposed development authority in Coos, Grafton and Carroll counties with a 5 member board. Three (3) affirmative votes can pass anything and the authority can itself acquire property. It will be exempt from local taxes or other assessments. This bill needs to be watched and is through Senate committee the first time around.

IV. Other Items and/or Issues

There were none. The meeting adjourned at 1:35 pm.