

**LAKES MANAGEMENT ADVISORY COMMITTEE**  
NH Lakes Management and Protection Program



New Hampshire Department of Environmental Services  
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**MEETING MINUTES**  
**May 18, 2007**  
**DES Conference Room**  
**9:30 a.m. - 1:00 p.m.**

**Members present:**

Wendell Berry  
Jennifer Czysz  
Mark Gallagher  
Mark Hemmerlein  
Ken Jordan  
Mitchell E. Kalter  
Phil O'Brien  
Larry Sunderland  
Rich Tichko  
Michele L. Tremblay

**Representing:**

NH Business and Industry Assn  
Office of Energy & Planning  
Commissioner, DOS  
Commissioner, DOT  
NH Association of Realtors  
NH Fish & Game Commission  
NH Lakes Association  
Conservation Community  
Exec. Dir., Fish & Game Dept.  
State Conservation Committee

**Term:**

July 8, 2007  
Indefinite  
Indefinite  
Indefinite  
June 27, 2008  
August 22, 2009  
August 1, 2009  
September 19, 2007  
Indefinite  
August 1, 2009

**Members not present:**

Jim Haney, Ph.D., Chair  
Marsha LaVallee Huntoon  
Johanna Lyons  
James S. Morash, Vice Chair  
Fred Murphy  
Ken P. Wilson  
Vacant  
Vacant

Scientific Community, UNH  
Conservation Commissions  
Commissioner, DRED  
Tourism Industry  
Planning Board  
NH Marine Dealers Association  
Elected Municipal Official  
Commissioner, Dept. of Agr., Markets & Food

August 22, 2007  
August 22, 2007  
Indefinite  
August 1, 2007  
August 1, 2008  
August 22, 2008  
Expired  
Indefinite

**Staff Present**

Jacquie Colburn  
Laura Weit  
Jody Connor  
Darlene Forst  
Paul Currier  
Paul Susca  
Carolyn Guerdet

Lakes Coordinator, Watershed Management Bureau (WMB)  
Asst. Planner, WMB  
Director, Limnology Center, WMB  
Shoreline Section Supervisor, Wetlands Bureau  
Administrator, WMB  
Environmental Program Manager, Drinking Water Source Protection Program  
Admin. Asst., Water Division

**Guests**

Joe Farrelly  
Anne Nordstrom  
Dave Fowler  
Bill Carpenter

Formally the NH Lakes Association representative to the LMAC  
Lakes, Ponds, Streams, and Rivers Partnership, Presenter  
DOT Trainee  
DRED, Division of Forest and Lands for Johanna Lyons

**The Meeting Was Called to Order**

- **As neither Jim Haney nor Jim Morash were able to attend, Jacquie Colburn, called the meeting to order at 9:35 a.m.**

**I. Introductions/Minutes/Committee Business**

1) Meeting Minutes

- **Mitch Kalter made a motion to accept the March 23, 2007 minutes as presented. Ken Jordan seconded the motion and the vote was unanimous.**

- **Michele L. Tremblay made a motion to accept the April 27, 2007 minutes as presented. Mitch Kalter seconded the motion and the vote was unanimous, with Phil O'Brien and Bud Berry abstaining.**

2) Committee Business:

Bud Berry, Jim Haney, Jim Morash, Marsha Lavallee Huntoon, and Larry Sunderland's terms will expire in the next few months and all need to start the reappointment process if they wish to continue to serve on the LMAC.

Budget - A letter was sent to the Senate Finance Committee requesting that the full \$26,000 be put back into the LMPP/RMPP budget.

Jacque mentioned there may be the opportunity to reimburse those eligible for mileage in the future. She will keep the committee posted.

Discussion was held as to the preference of how often the Committee would like to meet and how long the meetings should be.

- **An email survey will be sent out to Committee members seeking their input on how often meetings should take place and how long the meetings should be.**

3) Next meeting will be June 22, 2007.

4) Future Agenda Items:

a. Public Trust – may ask Allen Brooks from the Attorney General's Office to join us for a future meeting.

b. Sustainability Initiative

c. Global Lake Ecological Observatory Network (GLEON) program. Have someone come who has worked on this at Lake Sunapee.

d. Lake Visits – At a previous LMAC meeting, Johanna Lyons suggested visiting Ossipee Lake in September. Ossipee would be a good encapsulated example of the issues that the LMAC has been discussing. Bill Carpenter noted DRED would be monitoring the 3,600 feet of beach on Memorial Day Weekend. A Public Hearing was held regarding DRED's management of the Ossipee Lake Natural Area. The property has been in state-ownership for approximately 40 years. This may be a July visit, Jacque will coordinate with Johanna.

Another option is Perkins Pond, since it has had the AVGWLF model assessment applied to its waters and Lori Siegel could possibly do a Systems Dynamic model on it.

Lake Umbagog was discussed and it was decided that September may be a possibility.

- **The majority of the Committee would like to visit Ossipee Lake. The Committee felt that it did not have enough information to decide between Perkins Pond and Lake Umbagog. The Committee requested a list of pros and cons for each site be distributed via email prior to the next meeting so they could make a decision.**

5) State Agency/Member Updates:

This portion of the meeting was postponed to later in the meeting to accommodate the next presenter.

Michele noted there will be a memorial service at 11 a.m. tomorrow at the Capitol Center for the Arts for Marj Swope. (Note: Marj was the Director of the NH Association of Conservation Commissions.)

## II. Study of the Economic Value of NH Lakes, River, Streams, and Ponds

A presentation was given by Anne Nordstrom, who conducted the fourth and final phase of the Economic Value Study.

The goal of the study was to describe the economic value that freshwater swimming, boating, and fishing bring to the state, and how that value might be affected by the quality of water resources, as perceived by the visitors who use them. To answer this question, recreationalists' were surveyed to determine their current satisfaction and usage of New Hampshire freshwater recreational sites and how their usage might change if they perceived a decline in water quality and also how that change might affect their spending and, in turn, the New Hampshire economy.

The findings from the study confirm that freshwater fishing, boating, and swimming bring significant revenue to the New Hampshire economy. About \$379 million in total sales is generated by those who are fishing, boating, or swimming in New Hampshire freshwaters or about 26% of all summer spending in New Hampshire. This revenue figure would be considerably higher if ocean fishing, boating and swimming were included in the study.

The \$379 million total sales contributed to the New Hampshire economy by fishing, boating, and swimming exceeds that of many other revenue makers in New Hampshire, including Laconia's Bike Week, two annual NASCAR events, Off-Highway Vehicle spending and spending at Agricultural Fairs. Fishing, boating, and swimming have about the same economic impact as Downhill skiing, Cross-country skiing, snowmobiling, and ice-fishing combined.

As was found in an earlier phase of this project, the vast majority of visitors report being "satisfied" or "very satisfied" with the overall quality of New Hampshire freshwaters, as well as with the clarity and purity, water levels and flows, natural beauty and scenery and crowding levels. Nonetheless, almost half to two-thirds of swimmers, boaters, and anglers say they would decrease or cease their visits to a particular freshwater site if they perceived any degradation to the resource. More than two-thirds (69%) responded they would decrease the number of intended visits they make to a particular site if they perceived a change in water clarity and purity; 56% would decrease visits if natural beauty and scenery declined; 46% would decrease visits if crowding became an issue; and 43% would decrease visits if water levels or flows became less than adequate.

The New Hampshire economy is heavily dependent on traveler and tourism revenue, and is one of the top ten states in the nation in terms of the contribution of tourism to the economy. The efforts to protect waters are widespread and ongoing in New Hampshire, but protecting water for the sake of water is not always a compelling argument in itself. The results from this study should make it possible to discuss surface waters issues from a perspective of benefits to the economic bottom line, as well as from a perspective of environmental quality and public health.

Notable findings from the study include:

- The total annual visitor days made by anglers, boaters and swimmers is 14.0 million; about 29% of the 51.4 million days for the entire year in New Hampshire.
- The total sales generated by anglers, boaters, and swimmers combined is nearly \$380 million, or 26% of summer spending in New Hampshire.
- The total household income generated from these sales is about \$134 million.
- Just under 6,000 jobs (full-time and part-time) are generated by fishing, boating, and swimming visits to New Hampshire.
- A range of 79% to 94% of recreationalists report high levels of satisfaction with the water quality, clarity and purity, natural views and scenery, crowding levels and water levels and flows.
- Half to two-thirds of visitors would decrease or cease their visiting days to a particular site if they perceived a decline in water clarity and purity, natural views and scenery, crowding levels and water levels and flows.
- Overall, perceived degradation to water clarity and purity will result in the greatest economic loss to New Hampshire. Perceived declines in water clarity and purity would result in about \$51 million of lost sales, \$18 million in lost income and more than 800 lost jobs statewide.
- The Lakes Region generates the most revenue from summer recreation, and would also suffer the greatest absolute loss if water clarity and purity were perceived to decline. A perceived decrease in water clarity and purity in the Lakes Region would result in a loss of almost 400 jobs, over \$8 million in personal income and approximately \$23 million in business sales.

- In all regions, the greatest economic losses would be suffered if anglers, boaters and swimmers perceive a decline in water clarity and purity. Perceived increases in crowding produce the least negative economic consequences in every region.

The full report will be released to the press around Memorial Day and will be posted on the NH Lakes website, the NH Rivers Council website, and a link from DES.

### III. **Strategic Plan/ "Sustainability Initiative"**

- 1) LMAC and RMAC documents: Recommended Next Steps Justification Paper; and Resolution

The handouts included "*Summary of Progress and Recommended Next Steps*" and "*Resolution to Establish a Watershed Sustainability Initiative*".

Sarah Pillsbury, Administrator of the Drinking Water Groundwater Bureau, is responsible for the State Water Plan that is being developed. Sarah introduced this effort to the subcommittee at their meeting on April 13th. They are determining the status of the water quality and water quantity of the state's lakes and rivers. It is important not to have a duplication of effort, therefore the next steps in the sustainability initiative are:

- 1) Finalize the *Justification Paper* and the *Resolution to the Commissioner*
- 2) Secure grant money to hire consulting services if possible

The RMAC has reviewed and approved that these are appropriate next steps. The Resolution and Justification Paper go together to the Commissioner (and the Governor).

- **Michele L. Tremblay made a motion to endorse the *Summary of Progress and Recommended Next Steps* with the insertion of 'and to the Governor' after 'to the Commissioner' on item no. 1. Second by Ken Jordan. Vote was unanimous.**

The revised document will be sent to the RMAC to see if they agree with the addition of "and to the Governor."

Larry suggested adding 'value generated by our lakes' in the third "Whereas" statement of the *Resolution* document.

Jacque explained that Steve Couture has been investigating potential in-house sources of funding but options are not viable at this time. Other sources are being investigated and calls to EPA will be necessary.

During further discussion of the three documents related to this effort, which includes the *Summary of Progress and Recommended Next Steps*, the *Justification Paper* and the *Resolution* (whereas statements), Michele said that her prior motion was intended to include the *Summary of Progress and Recommended Next Steps* and the *Resolution* documents. Jacque responded that she had intended to have the vote only apply to the *Summary of Progress and Recommended Next Steps* and not the *Resolution*, since it needs further review and editing.

- **Mitch Kalter made a motion to rescind the previous motion, second by Phil O'Brien. Motion died upon discussion and clarification.**

Two versions of the Justification Paper were distributed and it was decided that the subcommittee (Bud, Mitch, Larry, and Phil) would meet the morning of June 13<sup>th</sup> to review the Resolution and the Justification papers and bring it back to the full Committee for a vote. The goal is to get these to the Commissioner and the Governor by the end of July.

Phil and Jacque informed the committee that Jennifer Patterson has left the Attorney General's Office and Attorney Richard Head will now be the Administrator of that Bureau.

In regards to Allen Brook's visit and Public Trust, Rich shared that the state does have an obligation to preserve and maintain the public trust, however, the state can consider something else to be in the

best interest for the society at large. There is no real definitive, one-stop answer to the public trust. Each proposed action needs to be weighted to determine if that action would benefit the greater good as compared to not doing anything at all. An action must be proposed and then the Attorney General's office will react to it. The measures of equity, fairness, greater good, and reasonableness are the four criteria that Allen Brooks would use as the litmus. It is a case-by-case analysis. Public trust does have end points with shades of grey. But, specific issues would need to be determined through the courts.

2) Related Efforts: PWAAB Subcommittee - Water Recreation Opportunity Spectrum

The PWAAB subcommittee is studying what is appropriate public access. Glenn Haas is one of the authors of the "Water Recreation Opportunity Spectrum" (WROS), and he has been asked to come for a couple of days to explain this tool and demonstrate how to use it. Jacquie distributed the Executive Summary of the document. Jacquie asked the committee of their willingness to partner with the PWAAB, OEP, possibly NH Lakes Assoc., and perhaps the NH Rivers Council to have Glenn hold a summit on the WROS. She suggested holding a seminar in August instead of holding the August meeting, with one day learning about the WROS and the second day on a lake applying what we've learned and analyzing its potential as a management tool. Hard copies of this report were distributed.

Jacquie asked for responses by June 1<sup>st</sup> to determine if we should pursue this. She will send a follow up email.

Laura reported that the Comprehensive Lake Inventory is on the DES website. The big change is that a number of web links have been inserted so it is now interactive. There is a total of 96 questions, but they are broken into three categories: 1) Recreation Value, 2) Unique or Outstanding Value, and 3) Susceptibility to Impairment. Students at UNH are currently using it for a class.

**At 12:00 pm the Committee broke for lunch.**

**The meeting reconvened at 12:20 pm.**

#### IV. Legislation

HB 383 – The hearing held by Senate Energy, Environment and Economic Development Committee was recessed prior to everyone having an opportunity to speak. Committee chair, Senator Fuller Clark asked DES to host a public forum concerning the proposed amendments and the changes that have been presented at the hearing; this forum took place on May 17<sup>th</sup> at DES. It was pointed out that the amendments the legislature are considering were developed by the SPA commission, a diverse group of stakeholders that worked together for over a year to develop a list of 17 recommendations. There was an opportunity for all of the stakeholder groups to participate and voice their concerns during this process. The hearing is to continue on Tuesday, May 22<sup>nd</sup> at 4:30 p.m. Jacquie expressed the importance of someone from the LMAC to be there and comment.

Derek Durbin reviewed the key points on the proposed changes to lake-related legislation. He also discussed required timelines needed for approvals. One of the significant changes to HB 383 is to delay the inclusion of third order streams until 2011. Darlene noted that the SPA Commission would like the state to take more of a watershed approach in the future, but they did not feel that the CSPA was the vehicle to do this. She also noted that a select stakeholder group considered the proposed changes as a "takings", which is not the case. Commissioner Burack will be addressing this concern at the upcoming hearing, due to his legal background. This legislation is considered mitigation legislation and is not a "takings", because it still allows for reasonable use of the property. As it relates to the impervious surface limitations, Jennifer noted that the Act would encourage innovative building technologies so home owners can get up to 30% impervious surfaces while still meeting the requirements of the Act. Rep. Brueggeman has been very supportive on the House side, but there has not been a Senator who has shown support. The most active groups in opposition to the bill are the contractors and home builders.

HB 663 passed the Senate subcommittee with an amendment and ought to pass.

Jacquie requested the Committee submit a letter of testimony in support of the Comprehensive Shoreland Protection Act as amended. The letter will point out the water quality concerns the Committee has and how the amendments will address them. The letter will be sent via email for concurrence.

- **Michele L. Tremblay made a motion to submit a new letter of testimony that supports the legislation for the hearing on Tuesday. Phil O'Brien seconded the motion. The vote was unanimous.**

Phil will testify at the hearing on Tuesday for the LMAC. Larry will be there as a waterfront-owner and to represent the conservation community.

HB 710 had a hearing in the Senate but it has not been brought to the floor.

HB 722, 663, 665, 857 were heard on the same day and Larry testified for all four of them. Jacquie and Michele thanked him for his representation.

HB 722 will be heard on May 22<sup>nd</sup> and a letter of testimony in support will be sent.

Jacquie distributed the list of bills that the NH Lakes Association is tracking. Michele asked if these could be sent weekly to the LMAC membership and Derek agreed to do this.

#### State Agency/ Member Updates

Rich with Fish & Game, reported that the parking lot at Pleasant Lake in Deerfield is being built.

Jennifer with OEP, reported CODR has looked at the comments received on the surplus land review application and are working on making it more user-friendly. The tracking sheet was distributed.

Jody Connor with DES, reported the Volunteer Lake Assessment Program workshop will be held on May 19<sup>th</sup> at DES. DES also has a new Clean Vessel Act (CVA) metal pump-out boat which is being built and will be on the coast in August. Weekly treatments have begun on the Suncook River for milfoil. This is the first river treated for milfoil. Amy Smagula and Jody have produced a publication entitled "Aquatic Plants and Algae of New Hampshire"; the book can be purchased for \$5.

There is also a new program in the milfoil and exotic plant program. Amy, Jody and a diver have put together a scuba course on how to environmentally pick milfoil and other exotic plants.

#### **IV. Other Items and/or Issues**

##### 1) To do assignments:

- Post approved March and April meeting minutes to the web.
- Bud B., Jim H., Jim M., and Larry S. will follow up with their respective nominating organizations for reappointment if they would like to continue to be involved.
- Jacquie will keep the Committee informed of the possibility of reimbursement of travel.
- An email survey will be sent out to the Committee regarding how often and how long meetings should be.
- Jacquie will follow up with Johanna to coordinate a visit to Ossipee Lake.
- A list of pros and cons will be developed and distributed via email for Perkins Pond and Lake Umbagog prior to the next meeting.
- The revised Summary of Progress and Recommended Next Steps will be sent to the RMAC for their review.
- The Sustainability Initiative Subcommittee will meet to review and edit the Justification Paper. The Subcommittee will then submit it to the full Committee for their review.
- Jacquie will send out an email to determine if the Committee would like to host a seminar on the WROS.
- A letter of testimony in support of HB 383 as amended will be drafted and distributed via email for review.
- Phil will testify on behalf of the LMAC for HB 383.
- Larry will attend the hearing for HB 383 as a waterfront-owner and a representative of the conservation community.
- A letter of testimony in support of HB 722 will be submitted.
- Derek agreed to forward his legislative tracking sheet to the LMAC members on a weekly basis.

- **Mitch Kalter made a motion to adjourn, second by Phil O'Brien. The vote was unanimous. The meeting was adjourned at 1:00 p.m.**