

II. Key Discussion Issues

1) Ossipee Lake Natural Area – Don Kent, DRED

Chairman O'Brien welcomed Don Kent, Administrator of the National Heritage Bureau, who gave a presentation regarding the Ossipee Lake Natural Area. The majority of the Natural Area is characterized as a poor level fen bog. The Pine River is located on the western boundary of the Natural Area and the Ossipee Lake shoreline of the Natural Area is an extensive sandy shallow waterfront. The historical resources in the Natural Area are 500 – 11,000 years old; they are non-renewable, fragile and rare.

The sandy shore system has four exemplary natural communities. These communities start in the water and move up, across the sands. Since identified in 1971, three of the protected plants have been lost. The two left are the grassleaf goldenrod (*Euthamia caroliniana*) and the hairy hudsonia (*Hudsonia tomentosa*), which are not doing well.

The problems that are now being seen have been caused by how the beach has been used through the years and the number of people. Since most people don't know about these plants and the Natural Area, there is little to no concern regarding its use.

The areas of conflict are:

- 1) Damage to the exemplary natural communities, reduction in the rare plant species
- 2) Damage to historical artifacts
- 3) Lack of bathroom facilities
- 4) Violation of DRED administration rules
- 5) Pedestrian access

In late August of 2007, DRED closed most of the Natural Area's sandy shore waterfront to public use. A portion of the waterfront was designated as a Public Use Area and was available to the public. This closure remained in effect throughout the Labor Day holiday.

Mr. Kent explained that as a management plan is being developed it needs to be decided what is guiding the decision making. In 1969 the property was given to DRED with the condition "that the land will not be used for other than educational or recreational purposes." He reviewed the statutes that affect the decision making: RSA 483-A, Lakes Management and Protection; RSA 216-A, State Park System; RSA 227-H, Public Forest Lands; RSA 227-C, Historic Preservation; RSA 217- A, Native Plant Protection Act. In 1989, a zoning plan was made for the property which delineated three zones for the property, including: Natural Area, Forestry and Recreation.

To get the management plan process underway, DRED would like to establish a State Working Group to do the following:

- 1) Develop a list of management alternatives,
- 2) Determine the advantages & disadvantages,
- 3) Identify management needs for each alternative, and
- 4) Match alternatives to available resources

DRED suggested that the membership of the State Working Group include: Forest & Lands, Marine Patrol, Lakes Management, Parks & Recreation, and Historical Resources. Jacquie suggested to have someone from Wetlands Bureau staff (Shoreland Protection) participate in the process. The use of a facilitator was greatly encouraged. Mr. Kent said that Phil Bryce, Director of Forest and Lands has been charged by Commissioner Bald to resolve this issue. This is a state agency initiative to begin with and then will involve other stakeholders as a next step. Involvement will: 1) optimize in-house (state agencies) knowledge and resources; 2) identify stakeholder groups; and 3) engage community (stakeholders). This group will want to be sensitive to all issues and stakeholders and there are no intentions to get behind a particular alternative before going to the community. The community needs to be included in the process to offer ideas and solutions so there is less enforcement need and less money spent. Jacquie offered to host the first meeting of the State Working Group take during the March 28th LMAC meeting since many of the Working Group members are also members of the LMAC.

It was pointed out that there are features of the lake that are as important as the features of the Natural Area. We need to think beyond the beach area to the water quality and the community of organisms that are unique in this area, such as the mussel population. The "big picture" (the relationship between

Ossipee Lake and the Natural Area) should be presented to the public. Mr. Kent explained that the Natural Heritage jurisdiction ends at the waterline while the jurisdiction of other state agencies, and the LMAC's interest, begins at the waterline. This has to be a collaborative effort. Sanitation, education, responsibility of the stakeholders all have to be dealt with to have a plan that is going to work. Mr. Kent reviewed the preliminary short-term alternatives for the area, which include:

- 1) Unmanaged closure of the entire area
- 2) Managed closure of entire area, no alternative area
- 3) Managed partial close of the area
- 4) Managed use of the area
- 5) Unmanaged use of entire area

The preliminary long-term alternative for the area is:

- 1) Establish alternative recreation site
 - Enhance Constitution Park
 - Purchase and develop other property

Following Mr. Kent's presentation, the LMAC engaged in a discussion regarding the process to develop a management plan, for example, it was suggested that a social-based marketing approach concurrent with the resource process, be conducted. It was pointed out that people may automatically assume that the state has an agenda when there is a presentation by the state. Process and reasonable expectations need to be determined. Mr. Kent explained that financial and staff resources to develop this management plan are very limited. The LMAC suggested partnering with the existing stakeholder groups in the region, such as the Green Mountain Conservation Group and the Ossipee Lake Alliance, for possible funding sources, and/or to assist with space and facilitator needs. Chairman O'Brien said that in the January 11th letter to Commissioner Bald that DES, NHLAKES, and the LMAC all offered to assist DRED with this effort.

2) Shoreland Protection

Darlene Forst gave an update regarding the status of the Shoreland Protection Act. The Joint Legislative Committee on Administrative Rules (JLCAR) met February 15th and the proposed administrative rules were tabled until March 7th. Major points of contention were: 1) issue of emergency permits, and 2) vesting of existing permits. JLCAR will introduce a legislative solution which defines the vesting of projects so that is not an issue; this may be added to SB 417. The bill needs to pass by April 1st or before. If the rules are released on March 7th then application forms and the permit application process should be in place by April 1st. Logistically, the department feels it is pretty well set, the data base will handle it, the forms will be ready, and personnel are in place.

The NH Rivers Council has developed a brochure for the CSPA changes which will be distributed to towns, state agencies, the public, developers, landscapers, realtors, etc. The Department is conducting several outreach efforts, in addition to the four DES Land Management Workshops, there will be more workshops offered this spring in an effort to get information out to towns, surveyors, contractors, realtors, and shorefront property owners. Homeowners that don't know who to ask regarding the status of the Act, is the stakeholder group that the department needs to target. The message needs to be tailored to inform the public of all the things they can do without a permit. At this time, it appears that towns are uncertain of the permit process and will therefore send the public to DES for a permit, whether it is needed or not. DOT has been exempted from the fee but not the new shoreland permit process.

Jacque noted that Josh Cline of the NH Rivers Council is partnering with some of the environmental non-profit groups in an effort to hire staff at the Rivers Council who can work on CSPA outreach and education in cooperation with the state.

3) HB710 Commission

Mitch Kalter reported the February meeting of the Commission was canceled due to the legislative workload of the House. The next meeting is March 25, 2008. Mitch reported that the proposed recommendation developed by the LMAC and RMAC was distributed via email to the 710 Commission members with the chair's consent. Since the Commission's February meeting was cancelled, the timeline of the recommendation will have to be modified. Mitch will email the recommendation with the revised timeline to members of the Commission for their review prior to the next meeting. It is anticipated that it will be discussed at the March meeting.

4) Lake-Related Legislation

The NHLA legislation-tracking table from Derek Durbin, NH Lakes Association and the LMAC legislation-tracking table were distributed. The group reviewed and discussed the status of various bills. Michele T. thanked staff for drafting all the letters for this session.

The Legislature is on break next week and crossover is happening March 20, 2008. At the March meeting we will need to review and discuss the bills, determine an LMAC position, and the need for letters of testimony.

5) Sustainability Initiative (S.I.)

Referring to the handout, Laura explained that after the 1/23/08 meeting with the Commissioner, the issues that were selected for action (by June 30th) were chosen because of either potential budgetary needs and/or possible legislative actions. Of the eight issues identified in the S.I., the staff looked at them as to what was feasible and how they complemented or dovetailed with other on-going efforts in the state, such as the State Water Plan, the Land and Water Conservation Project, the proposed legislative Stormwater Commission, the DES Strategic Plan, the existing legislative Flood Management Study Commission, and the Governor's Climate Change Task Force. With the above in mind, the three issues chosen are: Lack of Coordinated Approach, Lack of Data and Improve Data Access and Management by Data Users, and Control Invasive Aquatic Species. In-house staff meetings were held to identify and discuss the needs and goals of these three issues. Jenn Rowden is the lead on this project and she is pulling everything together to develop a comprehensive list of the suggestions received so far and we will move forward from there.

Michele T. asked about the possible Watershed Management Bureau organization which is related to "lack of a coordinated approach". Laura explained that Paul Currier will be developing a white paper that justifies the bureau reorganization with more specifics and explanation of where people fit and why. This will be discussed at future bureau meetings to get staff input as the reorganization process and design moves ahead.

III. Other Business

1) Surplus Land Review - CORD SLR 08-002 Lake Opechee

Laura reviewed the Opechee Bay State Forest application. The property is located in Laconia and the SLR involves a Memorandum of Agreement between DRED and the Belknap County Conservation District (BCCD).

- ***Michele Tremblay moved that the LMAC recommend this disposal as written with the option of an additional 25 years and that we note that NH Fish and Game should be contacted about timing of mowing and other management activities that may affect wildlife habitat, second by Mitch Kalter. Vote was unanimous.***

2) Member Updates:

Bud Berry is no longer the NH Lakes Association representative to the WQSAC and has agreed to represent LMAC through June 2008 and will review his position with the LMAC at that time. Bud explained that there are two items that have been discussed at the WQSAC meeting that have real implications for lakes, they are: 1) anti-degradation, and 2) water transfers.

Bud said that the NH Lakes Association has taken the position that any deterioration of water quality in a lake is not acceptable in terms of a water transfer. The process to define an NPDES permit for a water transfer is not settled. It involves establishing applicable water quality parameters for a permit and the application of anti-degradation provision of the Clean Water Act. These issues are under discussion with a need to advance the process before the end of 2008. The anti-degradation provision of the Clean Water Act has yet to be enforced in NH. DES has put forth a proposal for establishing ambient water quality conditions relative to water transfers. The proposal is to identify a group of class A lakes that now best represent ambient water quality for class A lakes. The data for those parameters selected would become ambient conditions for future comparison.

It is the intent of DES to get the existing Water Quality Standards with some amendments approved by the June 2008 deadline. Some issues will remain to be addressed in as efficient manner as possible.

3) Future Items:

- 1) Visit the Chocorua Lake restoration project and public access work.
- 2) Michele T. presentation regarding the Beaver Lake Management Plan (Derry)
- 3) Michele T. presentation regarding the Highland/Webster Lakes Partnership (Andover/Franklin)
- 4) Jim H. presentation – lake vignette
- 5) LSPA presentation/update regarding the GLEON Buoy
- 6) Michael Simpson presentation regarding needed stormwater infrastructure change due to climate change
- 7) Presentation regarding the modeling to determine lake levels and predict flooding.

➤ ***Motion to adjourn made by Mitch Kalter and second by Bud Berry. Meeting was adjourned at 11:50 p.m.***