

LAKES MANAGEMENT ADVISORY COMMITTEE
NH Lakes Management and Protection Program



New Hampshire Department of Environmental Services
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MEETING MINUTES
June 27, 2008
DES Conference Room
9:00 a.m. - 12:00 p.m.

Members present:

Phil O'Brien, Ph.D., Chair
Wendell Berry
Jim Haney, Ph.D.
Diane Hanley
Mark Hemmerlein
Fred Murphy
Shari Colby
Bo Quackenbos
Dari Sassan
Ken P. Wilson

Representing:

NH Lakes Association
NH Business and Industry Assn
Scientific Community, UNH
Conservation Commissions
Commissioner Rep, DOT
Planning Board
Commissioner Rep, DRED
NH Association of Realtors
Director Rep, Office of Energy & Planning
NH Marine Dealers Association

Term:

August 1, 2009
July 8, 2010
August 22, 2010
August 22, 2010
Indefinite
August 1, 2008
Indefinite
June 27, 2011
Indefinite
August 22, 2008

Members not present:

Mark Gallagher
Mitchell E. Kalter
Stephen Perry
Larry Sunderland, Vice Chair
Michele L. Tremblay
Vacant
Vacant
Vacant

Commissioner Rep, DOS
NH Fish & Game Commission
Ex. Dir. Rep, F & G
Conservation Community
State Conservation Committee
Tourism Industry
Elected Municipal Official
Commissioner, Dept. of Agr., Markets & Food

Indefinite
August 22, 2009
Indefinite
September 19, 2010
August 1, 2009
Expired
Expired
Indefinite

Staff Present

Jacquie Colburn
Laura Weit
Brenda Johnson
Lisa Fortier

Lakes Coordinator, Watershed Management Bureau (WMB)
Asst. Planner, WMB
Intern, WMB
Admin. Asst., WMB

Guests:

Don Kent
Joe Farrelly

NH Natural Heritage Bureau, DRED
Former LMAC member

I. Opening

Chairman O'Brien called the meeting to order at 9:05 am

Ken Jordan had planned to attend, but was unable to. This would have been his last meeting. An email was shared in which he said, "I wanted to say good-bye to the members in person. I have the utmost respect for their dedication and good work. You are a great bunch of people." A letter will be sent to Ken thanking him for his hard work on the LMAC.

Mark Gallagher and Jacquie will be going to the Ossipee Public Listening Session this evening.

Minutes

As no quorum was present, the minutes were not voted upon.

II. Key Discussion Issues

1) Updates:

HB710 Commission – Jacquie Colburn

Jacquie reported that the full commission met the previous Tuesday. A full report is due to the Legislature November 1, 2008. Jacquie noted that Chairman O'Brien's suggestion to start the development of the report now, so that issues come to the floor earlier rather than later was brought to the Commission's attention. Chairman Campbell said the report should only be three to four pages in length so it is easily accessible to the Legislature. He wants it to be concise and to the point.

The proposed recommendations that may be coming forward from the three sub-committees were reviewed.

1) Existing and Future Lease - Preliminary recommendations are:

Plan A:

a. New leases may be granted adjacent to residentially developed land in accordance with all existing statutes relative to the leasing of state owned lands until January 1, 2012 after which point no new leases shall be considered or executed for state owned real estate on the shores of public waters as defined by RSA 271:20.

Plan B:

a. Effective upon passage of legislation to this end, portions of real estate owned by the state that are on the shores of public waters as defined by RSA 271:20, may be leased for private, non-commercial use by owners of adjacent residentially developed properties that are either fully constructed and occupied or sub-division plat or site plan has been approved and a building permit has been issued and active or substantial development or building has begun on the site prior to January 1, 2010.

2) Pricing - none yet

3) Public Access and Water Quality – Preliminary recommendations are:

a. A lease should not be granted unless there is some provision for public access. The 1984-85 report to Governor Sununu also recommended a provision for public access if a lease is to be granted.

b. If the lease requested is on a water body that shows up on the DES 303(d) list, meaning an impaired waterbody, then possibly the lease should not be granted.

c. If there is a certain amount of existing development on the waterbody, to be determined by the GIS Granite System, then if there is "X" amount of development, leases would only be granted if there was a social or economic reason to do so.

Jacquie believes that when the draft report is prepared the LMAC should review it and make any suggestions prior to its submittal to the legislature on November 1st. There is no plan for a public hearing prior to submittal.

Chairman O'Brien introduced Brenda Johnson, intern for the Lakes and Rivers Program.

Shoreland Protection Act – Darlene Forst

The new standards will be online on July 1, 2008. Changes to the standards are minor. Interim rules will be in place on July 1st. Forms are updated and ready, they will be online soon. The database is up and running. The vacant positions will be posted on July 1st, with the intent of filling three positions soon.

Darlene then fielded questions from committee members relative to the interests they represent.

Guidelines to Coordinated Lake Management and Shoreland Protection Plans – Laura Weit/Jacquie Colburn

Laura reviewed the revisions made to *The Guidelines to Coordinated Lake Management and Shoreland Protection Plans*, which is part of *Jump into Lake Management (Guidelines)*, a two-part document that describes how-to develop a lake management plan. It consists of *The Guidelines to Coordinated Lake Management and Shoreland Protection Plans* and the *Comprehensive Lake Inventory*. Suggestions and comments were received from LMAC members and DES staff. Changes were made to the following sections: acknowledgements, the letter from the LMAC, the preface with regards to the grant information, the flow chart, a section was inserted for Shoreland Protection in the introduction, and other general information. A new section was added to "Organizing for Action – How to Develop a Lake Management Plan" describing "How to Run an Effective Meeting."

Upon acceptance of the Guidelines by the committee, the Lakes Coordinator and members of the committee shall hold public hearings. One hearing must be held in each of the Councilor Districts. There are five Executive Councilor Districts and the plan is to hold the hearings in July and August. Laura gave the Committee suggested dates, all of which fall on Tuesdays and Wednesdays. The meetings will be held in the evenings. Laura asked committee members to email Jacquie or Laura their availabilities, so that hearings could be scheduled. Mark Hemmerlein noted that securing a location to hold meetings can be difficult. The Councilors do not have to be in attendance. The LMAC will be hosting the meetings. Laura will verify if mileage reimbursement is available.

Chairman O'Brien thanked all the members for their suggestions and Laura for incorporating all of them.

Fred Murphy noted the importance of providing incentives at the local level for the development of lake management plans. Since the development of lake management plans is dependent on volunteers, ideas and suggestions are needed to encourage municipalities, conservation commissions and lake associations to engage in this process. It was decided to put this on the agenda to discuss possibilities for the future. It was mentioned to ask lakes associations for their ideas also.

Fred Murphy made a motion that the NH Guidelines for Coordinated Lakes Management and Shoreland Protection be accepted. Second by Diane Haney. Vote was unanimous.

Jim Haney asked for a tentative schedule of where the public meetings will be held so that plans can be made for travel time. Laura said it will be published in two newspapers within the area two-weeks before the meeting date.

Ossipee Lake Natural Area – Don Kent

Don began by thanking Jacquie for her valuable contributions to this process.

The draft is being rolled out to the public today. An open-house style meeting is being held in Ossipee from 3 – 6 pm today. Comments and feedback will be solicited concerning the plan. DRED is looking for a way to accommodate recreation and education, and provide an opportunity for the public, (i.e. the users) to use it responsibly. Over time, families have started to stay away, replaced by a hardcore party crowd.

Management Issues:

- 1) Damage to plants and natural communities
- 2) Damage to historical artifacts
- 3) Lack of bathroom facilities
- 4) Safety – people, boats and fire hazard
- 5) Water quality
- 6) Trash
- 7) Pedestrian access
- 8) Disturbance to abutters
- 9) Violation of DRED administrative rules

The preferred management plan is to close part of it and leave part of it open. Last year, 1500' of frontage was designated for public use with the remaining set aside for restoration of the exemplary natural communities. The intent is to determine the impacts for each area. Currently, there is a 200' buffer between Long Sands and the 1500' designated public use water frontage.

DRED is proposing an Ossipee Lake Natural Area working group, which would include stakeholders, to keep the process moving forward. The goal is to form a responsible partnership that allows use of the beach while maintaining the ecological/historical resources. Education in the communities is the primary goal. Moorings and swim ropes were discussed, but would require resources. Marine Patrol will be on the lake and Forest Rangers will be at the Natural Area this summer to enforce the 1500' public use area and to educate the public.

Bud Berry suggested moving the public input to the front of the plan to achieve greater buy-in sooner.

Jacquie asked about the surface water quality regulations and the need to reference the rules.

Spatially, the enforced area is the same as last year, but the mindset is different. Last year, the idea was DRED made a decision and is here to enforce it. This year, DRED is working with stakeholders to educate and inform them of the uniqueness of the natural communities in the area, the existing rules and regulations, and understand the perspective of the users in order to reach a solution.

Jim Haney asked that an eye be kept on the mussel population as it plays a vital role in the ecology of the lake. It was also suggested to add an educator to the working group. Lastly, it was suggested to change 'it' to 'our' resource and not 'their' when talking about the Natural Area.

There is no specific end date until the public has this chance to share their thoughts.

Sustainability Initiative (S.I.) – Jacquie Colburn

Handouts were distributed for the LMAC/RMAC Sustainability Initiative Interim Report and the LMAC/RMAC Sustainability Initiative-Recommendations June 2008 and the DES DRAFT Strategic Plan Goals. Jenn Rowden tied the Sustainability Initiative goals to the DES Strategic Plan Goals where applicable.

Kim Kimball (RMAC Chair), Phil O'Brien (LMAC Chair) and LMPP and RMPP staff met with Commissioner Burack on June 5th. The focus was on the recommendations specific to the lakes, rivers, and exotic species programs. The Commissioner suggested removing the recommendations concerning funding sources, specifically for the wastewater generation fee and the water-user fee. If any funding recommendations are proposed, DES should take the lead and then ask the LMAC and RMAC for their support. The Capitol Budget Requests were submitted as suggested. The Commissioner also asked for indicators to monitor success.

Jenn is already working on the next steps, which include applying the Commissioner's suggestions to the report and working with the DES Strategic Plan coordinator to dove-tail both initiatives. Additional information regarding lakes and rivers will be developed, such as goals, implementation requirements, descriptions of the outcomes if the recommendation is not implemented, timelines, and indicators to measure whether the goal is being met. A follow-up status report will be given to the Commission in early August.

This process is driven by the LMAC and RMAC and not by DES. Every six months Jenn will be putting together a report outlining what has been done, what the goals are, what has been implemented, and the indicators. New ideas can be added as time passes and discussions are held. Jenn is now working on what needs legislative attention this fall.

III. Other Business

Member Updates:

- 1) Jacquie reported there was a successful workshop on the Comprehensive Shoreland Protection Act on May 28th. There will be another on Monday, August 11th, at Church Landing in Meredith. The Shoreland staff is trying to find a venue in the Lebanon area for a rivers audience. Diane Hanley mentioned that the NH Association of Conservation Commissions has an annual meeting at the Rundlett Middle School. She suggested that a meeting could be held there for free, which would be better for homeowners. Jacquie noted having it on the waterfront is advantageous and an all-day workshop is going to require a lunch even if the venue is free. Laura noted that the property owners she spoke with at the May 28th workshop were very excited about the workshop and willing to pay the \$30.
- 2) Chairman O'Brien reported the Lakes Congress was very successful. Next year the Congress will be at the Colby-Sawyer College in New London. The Lakefest portion will still be in Meredith.

Legislation: Jacquie Colburn

HB 1581 – relative to the formation of stormwater utility districts has passed.

HB 1579 – establishing a commission to study issues relating to land development and land development regulation in New Hampshire and establishing a surcharge on certain documents related to real property has passed.

SB 358 – relative to mooring permits has passed.

SB 384 – relative to repair of septic systems prior to the sale of waterfront property has passed.

SB 158 – relative to review of activities affecting surface waters has passed.

SB 380 – relative to petitions for boating rules was laid on the Table in the Senate on March 20th and it is still there.

The speed limit bill was signed by the Governor, goes into effect in January and is a 2 year law.

Future Agenda Items:

The next meeting will be on July 25th with the location to be announced. It may be at Ossipee Lake or Mascoma Lake. Josh Carroll may be available to give an on-lake demonstration of the Water Recreation Opportunities Spectrum (WROS). Jim Haney offered to give a presentation on ALS if the meeting is held at Mascoma Lake.

- ***Diane Hanley made a motion to adjourn, second by Bud Berry. Vote was unanimous. Meeting adjourned at 12:08pm.***