

LAKES MANAGEMENT ADVISORY COMMITTEE
NH Lakes Management and Protection Program



New Hampshire Department of Environmental Services
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MEETING MINUTES
March 27, 2009
DES Conference Room
9:00 a.m. – 12:30 p.m.

Members present:

Phil O'Brien, Ph.D., Chair
Wendell Berry
Jennifer Czysz
Diane Hanley
Mark Hemmerlein
Mitchell Kalter
Dennis Pavlicek
Bo Quackenbos
Mike Racine
Larry Sunderland, Vice Chair

Representing:

NH Lakes Association
NH Business and Industry Assn
Director Rep, Office of Energy & Planning
Conservation Commissions
Commissioner Rep, DOT
NH Fish & Game Commission
Municipal Official
NH Association of Realtors
Ex. Dir. Rep, F & G
Conservation Community

Term:

August 1, 2009
July 8, 2010
Indefinite
August 22, 2010
Indefinite
August 22, 2009
August 1, 2011
June 27, 2011
Indefinite
September 19, 2010

Members not present:

Shari Colby
Mark Gallagher
Jim Haney, Ph.D.
Fred Murphy
Ken P. Wilson
Vacant
Vacant

Commissioner Rep, DRED
Commissioner Rep, DOS
Scientific Community, UNH
Planning Board
NH Marine Dealers Association
Tourism Industry
Commissioner, Dept. of Agr., Markets & Food

Indefinite
Indefinite
August 22, 2010
August 1, 2011
August 22, 2011
Expired
Indefinite

Staff Present

Jacquie Colburn
Laura Weit
Jenn Rowden
Darlene Forst
Carolyn Guerdet
Jocelyn Degler

Lakes Coordinator, Watershed Management Bureau (WMB)
Principal Planner, WMB
P.T. Asst. Planner, WMB
Shoreline Section Supervisor, Wetlands Bureau
Admin. Asst., Water Division
Specialist, Wetlands Bureau

Guests:

Valerie Thayer
Glenn Normandeau
Rich Cook
Rick Fink
Evan Mulholland

Woodard and Curran Consulting Firm
Fish and Game, Executive Director
Fish and Game, Land Agent
Fish and Game, Facilities Division
Attorney General's Office

I. Opening

Chairman O'Brien called the meeting to order at 9:05 am. Committee members and guests introduced themselves.

Minutes

- ***Dennis Pavlicek made a motion to approve the January 9, 2009 LMAC minutes, second by Mitch Kalter. Motion was passed unanimously.***
- ***Diane Hanley made a motion to approve the January 9, 2009 Joint LMAC/RMAC minutes, as corrected, second by Bo Quackenbos. Motion passed unanimously.***

LMPP/RMPP Program Status and Budget:**Staff**

Rivers Coordinator, Steve Couture, will be returning to Iraq for another tour of duty. While Steve is away, Laura Weit will be the Acting Rivers Coordinator. Jenn Rowden will continue to help with both programs. The normal hiring of summer interns is on hold until the budget is finalized. If interns are not allowed this year, there will be more field work required of the staff for monitoring, contracts and other obligations.

Budget

At this time the budget for the Rivers and Lakes Program is intact.

Governor's February Budget Presentation

The Governor is concerned about the number of advisory commissions that exist. He proposed sun-setting all commissions, committees, and non-regulatory boards by the end of fiscal year 2011. Only essential committees will be reinstated by the general court. It was suggested that a joint letter from the LMAC and RMAC chairs be submitted to the Legislature indicating why the 2 committees should stay intact.

II. Key Discussion Issues**1) Sustainability Initiative and Carrying Capacity- Jenn Rowden**

A data needs subcommittee composed of members from the LMAC and RMAC was proposed at the joint meeting in January. Jenn is currently working internally to work out how to combine this committee along with the DES strategic planning effort to fill in the data gaps and get information to the public. Work is also being done on updating the recommendations of the Sustainability Initiative that were put forth last year.

The carrying capacity subcommittee will be meeting this afternoon. We think we have a good pilot study with the System Dynamics methodology from Lori Siegel and the Water Recreation Opportunity Spectrum from Josh Carroll for Squam Lake. Legislative and legal aspects of implementing carrying capacity are being explored.

2) Lake-Related Legislation for 09 Session – Jacquie Colburn**House Bills:**

HB 58 – designating segments of the Cocheco River protected under the RMPP. A letter of support was submitted. Passed the House with an amendment.

HB 102 – relative to the rivers management and protection program & the rivers coordinator. Passed the House.

HB 150 – relative to removing invasive aquatic growth. Inexpedient to Legislate (ITL)

HB 290 – authorizing fluvial erosion hazard zoning. Ought to Pass with Amendment (OTPA)

HB 350 – prohibiting the sale and distribution of household cleaning products containing phosphorus. OTPA w/amendment to exclude restaurants, etc. where high temperatures are required.

- ***Bo Quackenbos made a motion to write a letter of support for HB 350 as amended. Second by Mitch Kalter. Motion passed unanimously.***

HB 452 – designating segments of the Ammonoosuc River under the RMPP. Passed the House.

HB 674 – relative to eliminating the Water Resources Council relative to dams and authorizing the Connecticut Lakes Headwater Citizen Committee to advise DES of the management of Lake Francis and associated properties. OTPA

- ***Mitch Kalter made a motion to send a letter of support for HB 674. Second by Bud Berry. Motion passed unanimously.***

HB 681- FN – relative to aquatic resource compensatory mitigation. Retained in the House Resources Recreation and Development Committee.

HB 205 -FN – relative to certain boating fees. Increases the boat registration fees. DES would now receive \$3.00 per boat and \$4.00 for the milfoil program and \$4.00 for the lake restoration fund.

- ***Larry Sunderland made a motion to write a letter of support HB 205 as amended. Second by Diane Hanley. Motion passed unanimously.***

Senate Bills:

SB 44 – establishing a commission to review all fees charged by the department of environmental services. Passed with an amendment.

SB 60 – establishing a committee to study water sustainability. This has an emphasis on infrastructure across the state. Going to the House RR & D.

SB 107 – relative to the leasing of state-owned real estate on public waters. The bill was amended by the Senate; it is now going to the House RR & D committee.

- ***Mitch Kalter made a motion to send a letter of support for SB 107 as amended to the Senate. Second by Bo Quackenbos. Motion passed unanimously.***

SB 139 – establishing a moratorium on the shoreland protection act and establishing a commission to study revision of the act. ITL

SB 134-FN – relative to the comprehensive shoreland protection act. This bill was still in the Senate Environment. There is no longer a fiscal note attached to it.

- ***Bo Quackenbos made a motion to write a letter of support for SB 134 contingent upon amendments proposed. Second by Diane Hanley. Motion passed unanimously.***

3) LMAC Review and Consideration of the Proposed Fish & Game Wild Goose Access Site

Evan Mulholland, Attorney General's Office, Richard Cook, Rick Fink and Glenn Normandeau of the NH Fish and Game Department arrive. Dennis Pavlicek excused himself from the discussion.

Chairman O'Brien reviewed some of the concerns regarding the proposed boat ramp facility that were presented by the Lake Sunapee Protective Association in their February 27th letter to Councilor Ray Burton. He asked the committee if it would like to take a position regarding the proposed boat access. Executive Director Glen Normandeau explained what Fish and Game has done to bring the proposal to this point in the review process. Rick Fink and Mike Racine described the attributes of the proposed boat access site. The pros and cons of developing the Wild Goose property to support the boat access facility versus constructing the facility at the Sunapee State Park Beach were questioned and discussed. Bo Quackenbos mentioned that DRED has filed an application to upgrade the beach, parking lot and the existing boat ramp at the State Park Beach. The committee discussed whether or not to take a position regarding the project; including, would a position then be part of any future appeals, and would the LMAC take a position on other future boat ramp projects. Chairman O'Brien said that he would not ask the committee to take a position.

4) Surplus Land Reviews (SLRs) and Process

Jocelyn Degler of the DES Wetlands Bureau arrived.

Revisions to the LMAC Review Process and Checklist

Jacque presented, reviewed and explained the suggested changes to be made to the "Procedure for LMAC Review of State Property Disposal" and to the "LMPP Staff Review Checklist." The committee briefly discussed the proposed revisions and concurred that they were appropriate.

- ***Mitch Kalter made a motion to accept the changes noted to the "Procedure" and to the "Checklist". Second by Larry Sunderland. Motion passed unanimously.***

SLR 09-001, Nottingham; SLR 09-002 and SLR 09-003, Belmont

Jacque explained that these three SLRs were received after the last meeting of the LMAC, that CORD requested a response before the next meeting of the LMAC and that the LMPP staff determined that these three SLRs would have no impact upon the nearby waterbodies. Jacque consulted with Chairman O'Brien and the LMAC determined that "the disposals do not have a potential impact under the LMPP checklist." This response was provided to CORD on January 28, 2009.

SLR 09-004, Danbury

Jacque thoroughly reviewed the LMPP checklist for this SLR. She also summarized the proposed cumulative project development and introduced Jocelyn Degler who is reviewing the Wetlands application.

Jocelyn explained the phasing or build-out of the entire project proposal and answered questions. Rich Cook, Land Agent for NH Fish and Game briefly discussed the land acquisitions and the future management of the dam and answered questions. The committee discussed some of the specifics of the dam management plan but decided that the approval of the dam management plan should not keep the lease from moving forward.

- ***Bo Quackenbos made a motion recommending disposal. Second by Bud Berry. Motion passed unanimously.***

Larry Sunderland reviewed a meeting held in January with representatives of NH Fish and Game, NH Audubon, the Loon Preservation Committee and DES to discuss how to better address wildlife concerns in the SLR process. The LMAC decided it would be appropriate to modify its Checklist to more specifically address wildlife issues. Mitch Kalter suggested that in item 3.c. that the words “specify type or species (if known)” be added.

- ***Diane Hanley made a motion that Item 3.c. of the LMPP Checklist be revised to read “Will there be shoreland and littoral zone modification that would degrade the environment, particularly for wildlife? If yes, specify type or species (if known)” Second by Mitch Kalter. Motion passed unanimously.***

III. General Updates:

- a. **Ossipee Lake Natural Area (OLNA)** - Bud Berry
Bud reported that the entities involved are working well together. They hope to have 2 more meetings before summer. The model is evolving for local entities and state agencies to work together for best management practices. The major issues still being worked on are: 1) enforcement, 2) floating toilets; and 3) fencing around the beach area.
- b. **May 15th Cyanotoxins Seminar** – Jacquie Colburn
This will be a half-day seminar to educate and work with the affected constituents group, health professionals, veterinarians, tourism industry, and municipal recreational directors, to make them aware of cyanotoxins and their potential impacts.
- c. **NH Water Resources Primer** – Jacquie Colburn
This is a compendium document of what is going on in New Hampshire with regards to the state’s water. There are public hearings being held around the state to introduce and share the information it contains. It is available online.
- d. **Jump Into Lake Management: Guidelines and CLI** - Jacquie Colburn
The guideline document is finished and now on the website. Jacquie reported it has been referred to by the NH Supreme Court in a recently published opinion.

III. Other Business:

Member Updates:

On April 10th there will be a DES and NH Marines Trades workshop with goals of: 1) developing a clean marina program, and 2) addressing marina storm water management.

On May 16th a VLAP refresher workshop will be held here at DES.

- ***Bo Quackenbos made a motion to adjourn. Second by Larry Sunderland. Motion passed unanimously.***

The meeting concluded at 12:00 PM.