

N.H. Lakes Management Advisory Committee

[N.H. Lakes Management and Protection Program](#)

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LMAC MEETING MINUTES

January 11, 2021

Conference Call

8:30 am to 10:45 am

Members Present	Representing	Term	
David Packard, Chair	New Hampshire Lakes	August 1, 2021	V
Garret Graaskamp, V. Chair	Executive Director, F&G	Indefinite	NV
Shane Bradt	Scientific Community, UNH	August 22, 2019	V
Capt. Tim Dunleavy	Commissioner, DOS	Indefinite	NV
Eric Feldbaum	Commissioner, DNCR	Indefinite	NV
Tiffany Grade	Conservation Commission	September 19, 2022	V
Shawn Jasper	Commiss., Dept. of Agr., Markets & Food	Indefinite	NV
Janet Kidder	Planning Boards	August 1, 2023	V
Frank Lemay	NH Business and Industry Association	July 8, 2022	V
Jared Maraio	NH Travel Council	August 1, 2022	V
Dick Smith	Fishing Interests	November 17, 2019	V

Members Absent			
Bruce Allen	NH Assn. of Conservation Commissions	August 22, 2022	V
Jennifer Gilbert	Director, Office of Strategic Initiatives	Indefinite	NV
Mark Hemmerlein	Commissioner, DOT	Indefinite	NV
Lisa Morin	State Conservation Commission	August 1, 2021	V
Rex Norman	Municipal Officials	August 1, 2021	V
Bruce Temple	Fish & Game Commission	August 22, 2021	V
Mary Truell	NH Association of Realtors	June 27, 2020	V
Vacant	Marine Dealers Association	August 22, 2017	V

NHDES Staff Present

Wayne Ives	Instream Flow Program
Tracie Sales	Rivers and Lakes Programs
Joe Schmidl	Instream Flow Program

Guests Present

Peter Bowman	NH Department of Natural and Cultural Resources
Michelle Davis	NH LAKES

I. Welcome, Roll Call, and Introductions

Chair David Packard called the meeting, conducted via online meeting and conference call, to order at 8:40 am under the emergency provisions of RSA 91-A, New Hampshire's Right-to-Know law, as allowed by Emergency Order 11 under Executive Order 2020-04 in light of the COVID-19 outbreak.

Chair Packard conducted a roll call of LMAC members, invited any guests to introduce themselves, and welcomed all present.

II. Consent Agenda

- 1) Acceptance of April 3, 2020 LMAC Meeting Minutes.
- 2) Notice of Surplus Land Disposals not near any lake:
 - CORD 2020 SLR 004 Rochester
 - CORD 2020 SLR 005 Portsmouth
 - DOT SLR Antrim Rte. 9 Rest Area
 - CORD 2021 SLR 001 Lancaster
 - CORD 2021 SLR 002 Concord

➤ ***Tiffany Grade motioned to accept the Consent Agenda as presented. Seconded by Frank Lemay. The motion passed unanimously via roll call.***

A record of roll call results is listed at the end of the minutes.

III. Ossipee Lake Natural Area Update – Peter Bowman, New Hampshire Natural Heritage Bureau

The Natural Heritage Bureau (NHB) is an office within the Division of Forest and Lands, Department of Natural and Cultural Resources whose primary role is to protect rare and endangered plants. One of NHB's responsibilities is the Ossipee Lake Natural Area (OLNA) located on Ossipee Lake in Freedom. OLNA is 444 acres on sandy outwash plain with 1.5 miles of lake shoreline, and no access to the beach except from the water.

OLNA contains a sandy pond shore system with several rare natural communities, one of which, the hudsonia inland beach strand, only exists at OLNA. Consistent water levels, wave scour from wind and boats, and impacts from large number of summer beach users have degraded these natural communities. Ten rare plant species had previously been found at OLNA, but only three have been found recently (coastal plain grass-leaved goldenrod, hairy hudsonia, and small-flowered dwarf-bulrush).

In 2008 a working group was established to address the degradation at OLNA, and a management plan was developed with stakeholder input. A portion of OLNA was designated for public use with the rest retained for resource protection, but encroachment continues and enforcement is a challenge. Despite these challenges, two rare species are increasing, and one rare species was recently rediscovered.

In response to a question about enforcement, Pete said that there is only one ranger who covers this part of state, and he is out at OLNA a couple weekends a year. He will ticket or give a warning to trespassers or those who have pulled boats on shore. Marine Patrol does not enforce trespass on shore. Garret Graaskamp asked why access was allowed at all, and Pete responded that the land was donated to the state for research and recreation, so a compromise was best. Currently, NHB maintains the fencing and signs, conducts sporadic enforcement, hosts annual stakeholder meetings, and monitors the vegetative communities.

IV. Lake-Related Legislation

1) 2021 Legislative Positions

The LMAC discussed and proposed a position for each bill listed on the tracking spreadsheet, combining the list of proposed positions into a single consent agenda vote. Those bills with LSR (Legislative Service Request) numbers listed below did not have bill numbers or text available at the time of the meeting.

- HB 73, Delete: Electronic notice of NHDES Waste Division permits, not relevant to LMAC.
- HB 82, Oppose: Amending conservation easements. Commissioner Jasper explained that this bill was the result of a farm in Westmoreland with a pancake house, car show, and airplanes landing on the property to increase income, but in violation of a conservation easement for at least 10 years. He had told landowner that the only way to amend the easement was legislatively, but this is a very far reaching bill impacting more than just this property. Tracie Sales explained that this would allow landowners to void conservation easements, which the LMAC sometimes recommends in conjunction with disposals of state-owned land.
- HB 99, Support: Captain Tim Dunleavy stated that this bill would authorize Marine Patrol to regulate the placement of moored platforms and inflatables. These temporary structures are being installed in public waterbodies by people without water frontage and in areas that obstructing navigation.
- HB 108, Delete: Non-public sessions under RSA 91-A. Not relevant to LMAC.
- HB 115, Support: Wake surfing safety (including motor type) regulations.
- HB 158, Track: Definition of prime wetland.
- HB 186, Delete: Repealing inactive committees. Not relevant to LMAC.
- HB 216, Support: Electronic meeting access.
- HB 229, Track: Defining “wake boat.”
- HB 232, Delete: Non-public sessions under RSA 91-A. Not relevant to LMAC.
- HB 344, Delete: No permits-by-notification for docks on rivers. Not relevant to LMAC.
- HB 379, Delete: Electronic notice under RSA 91-A. Not relevant to LMAC.
- HB 386 (LSR 408), Track: Motorboats on Wachipauka Pond.
- HB 398, Support: Funding for wastewater projects.
- HB 412, Delete: Funding for drinking water projects.
- HB 426, Support: Site assessments on sale of waterfront property.
- HB 534 (LSR 763), Track: Municipalities may restrict use of ponds < 100 acres.
- HB 566 (LSR 239), Delete: Non-public sessions under RSA 91-A. Not relevant to LMAC.
- HB 630 (LSR 135), Track: Remote board meeting under RSA 91-A.
- SB 95 (LSR 911), Track: Remote board meeting under RSA 91-A.
- SB 131 (LSR 523), Support: Municipal winter road maintenance, similar to 2020 bill to extend the existing Green Snow Pro program to municipalities, including the training, application of salt in the most efficient methods, use of the least amount of salt necessary, and the liability waiver.
- SB 127 (LSR 1027), Delete: Funding for drinking water projects.
- SB 127 (LSR 1028), Support: Funding for wastewater projects.
- LSR 756, Track: Shoreland and wetland permits. (Withdrawn as of 1/13/21)

- ***Frank Lemay motioned that the LMAC approve the slate of proposed 2021 legislative positions. Seconded by Shane Bradt. The motion passed unanimously, via roll call.***

2) Review and Approve LMAC Standing Legislative Positions – Postponed

V. Instream Flow Program Study Prioritization – Joe Schmidl, NHDES Instream Flow Program
Joe Schmidl provided a brief summary of Instream Flow Program progress. The Souhegan and lower Lamprey river studies have been completed and those rivers are under management for instream flow. The Cold River protected instream flow study is underway and is expected to be finished late in 2021. The Warner River study has been started, and the bulk of the contractor’s work on that river will be conducted during the summer of 2021, with the expectation that the study will be complete in 2022. Background data collection has begun on the upper Ashuelot River.

Joe then presented the list of designated rivers not yet started, explaining that, based on their position in the watershed, the availability of stream flow gage data, and public interest in having the study completed, the lower Ashuelot, Isinglass, and Pemigewasset rivers were the next three highest priority rivers on which to develop protected instream flow criteria.

- ***Frank Lemay motioned that the LMAC support the proposed prioritization of the lower Ashuelot, Isinglass, and Pemigewasset rivers as the next three designated rivers on which to conduct Protected Instream Flow studies. Seconded by Tiffany Grade. The motion passed unanimously with one abstention via roll call.***

VI. LMPP Updates

Tracie Sales reminded members that their financial interest forms were due Friday, January 15, 2021. She also mentioned that the new NHDES website was up and running with a very different look and organization than the prior website, but with a much better search engine. The LMAC Forum was not affected by the website update. On other NHDES administrative news, Tracie announced that Jen Drociak had taken a position with the Land Resources Management compliance group, and will be working in the central region of the state, including the lakes region. Finally, she let the group know that the NHDES budget had been submitted for the governor’s review, incorporating the 15% budget cut requested by governor. The final budget is still pending.

VII. New Business and Action Item Review

- 1) New Business – None.
- 2) Action Item Review
Staff will draft letters of testimony on bills on which the LMAC has taken a Support or Oppose position.
- 3) Next LMAC Meeting – Call of the Chair

Chair Packard adjourned the meeting at 10:45 am.

Record of Roll Call Votes

LMAC Voting Members:	Consent Agenda	Legislative Positions	Instream Flow Priority Rivers
David W. Packard, Chair	Yes	Yes	Yes
Bruce Allen			
Shane R. Bradt	Yes	Yes	Yes
Tiffany Grade	Yes	Yes	Yes
Janet Kidder	Yes	Yes	Yes
Frank Lemay	Yes	Yes	Yes
Jared Maraio	Yes	Yes	Yes
Lisa Morin			
Rex Norman			
Richard D. Smith	Yes	Yes	Abstain
Bruce Temple			
Mary D. Truell			
Marine Trades - Vacant			