

N.H. Lakes Management Advisory Committee

N.H. Lakes Management and Protection Program
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<https://www.des.nh.gov/water/rivers-and-lakes/lakes-management-and-protection>

DRAFT

LMAC MEETING MINUTES

March 31, 2022

9:30 – 11:30 am

NHDES Room 112

29 Hazen Drive, Concord, NH

Members Present	Representing	Term	
David Packard, Chair	New Hampshire Lakes Association	August 1, 2024	V
Garret Graaskamp, V. Chair	Executive Director, F&G	Indefinite	NV
Shane Bradt	Scientific Community, UNH	August 22, 2019	V
Ryan Cardella	Marine Dealers Association	August 22, 2023	V
Eric Feldbaum	Commissioner, DNCR	Indefinite	NV
Tiffany Grade	Conservation Community	September 19, 2022	V
Mark Hemmerlein	Commissioner, DOT	Indefinite	NV
Sara Holland	NH Association of Realtors	June 27, 2023	V
Janet Kidder	Planning Boards	August 1, 2023	V
Frank Lemay	NH Business and Industry Association	July 8, 2022	V
Steve Wingate	NH Assn. of Conservation Commissions	August 22, 2022	V

Members Absent

Jennifer Gilbert	NHBEA Office of Planning & Development	Indefinite	NV
Shawn Jasper	Dept. of Agriculture, Markets & Food	Indefinite	NV
Jared Maraio	NH Travel Council	August 1, 2022	V
Lisa Morin	State Conservation Commission	August 1, 2024	V
Dick Smith	Fishing Interests	November 17, 2022	V
Meredith Smith	Municipal Officials	August 1, 2024	V
Bruce Temple	Fish & Game Commission	August 22, 2021	V
Vacant	Commissioner, DOS	Indefinite	NV

NHDES Staff Present

Nisa Marks	Rivers and Lakes Management and Protection Programs
Tracie Sales	Rivers and Lakes Management and Protection Programs

Guests Present

Michelle Davis	NH LAKES
Rob Miller	Sheehan Phinney

I. Welcome, Introductions and Brief Announcements

Chair David Packard called the meeting to order at 9:33 am. Chair Packard invited members and guests to introduce themselves and welcomed all present.

David pointed out to members that the LMAC has new letterhead. The LMAC Forum has been having technical problems. Please let staff know if you have difficulties accessing it.

David received a phone call from a member with concerns that the votes taken on legislation were not unanimous. David reminded members that each representative is selected for their expertise and to represent their organization. The goal is not unanimous action, but rather information exchange and consensus building where possible. If members are concerned about the LMAC's decisions or actions, please reach out to David.

II. Acceptance of January 13, 2022 Draft LMAC Meeting Minutes

Sara Holland made a motion to accept the January meeting minutes. Tiffany seconded the motion, which passed by unanimous voice vote without discussion.

III. LMAC Administrative Updates

- 1) Nisa Marks welcomed Steve Wingate as a newly appointed member. Lisa Morin and Dick Smith have been reappointed. Reappointments are for three years since term expiration date, regardless of when an appointment occurs. Tim Dunleavy has retired from the Department of Safety, so that seat is currently vacant.
- 2) Staff are working with Chair Packard on the transition of the LMAC Forum. The LMAC will have its own website hosted by the state, not just a page on the NHDES website as previously described to the LMAC. The navigation structure on which the Chair and staff are currently working will be similar to that of the existing Forum.

IV. Notice of Surplus Land Disposals not near any lake

Surplus land disposals CORD SLRs 005, 006, and 007, and DOT SLRs Lisbon and Concord were accepted as not near any lake.

Current policy requires that members be notified at the next meeting of SLRs not near or providing access to a lake. Dave asked if anyone wanted to remove that requirement. All but one person voted to continue notification of SLRs not near a lake.

V. 2022 Lake-related Legislation

Dave provided a general update about the status of bills the LMAC previously supported. The body adopted the following positions, based on current bill text:

Track: HB1014, HB1073, HB1220, HB1227, HB1641, SB322, SB344, SB378
Support: HB1066, HB1293, HB1316, HB1528

Oppose: HB1167, HB1440

Remove from Tracking: HB1195

The LMAC had further discussion regarding HB1066, which has been amended to have NHDES develop a response plan to cyanobacteria blooms, rather than have a stakeholder commission. Shane said he has many inquiries from partners about this bill. Tracie said that NHDES supports the bill as amended and is starting to plan for how to accomplish its tasks if it passes. Tracie has shared with Ted that some partners have expressed a preference to have an inclusive stakeholder process. Ted has said that NHDES plans to reach out to partners. David made a motion to support HB1066 as amended, which passed with unanimous support.

Garret gave an overview of HB1528, which would establish a public boat access donation program for operators of non-motorized boats. The House's amendment removed the requirement for Fish and Game to report to the legislature about the program. Fish and Game supports the bill as amended. Shane vocalized support for the amendment given how much time reporting takes. Eric asked if the funding is dedicated to a particular use. Garret said it will go to the existing boat access program, and the money will not be divided into non-motorized vs. motorized access. The LMAC voted to support the bill as amended.

David brought up that the committee is not currently taking roll call votes on legislation, which sometimes causes confusion when members later change their vote or ask for more information about votes. Garret reminded the group that if any member wants a roll call vote, they can call for one. Tracie suggested a roll call for those cases where the vote is not unanimous. Frank and Shane seconded that idea. David said he will draft language for the LMAC's policy on reviewing legislation to reflect ability to take roll calls at the request of a member or when votes are close.

VI. State Land Mapping Joint Subcommittee Update

Mark Hemmerlein presented an update on the Joint Subcommittee's work to date. The subcommittee aims to create a screening tool to proactively evaluate state owned lands and assist with SLRs. The group will rate parcels based on a set of criteria that include adjacency, public access, aesthetics, biological integrity, cultural resources, and water quality protection. Work is based on parcel data and a map of conservation lands. State-owned parcels will be compared for overlap with data sources such as the state wildlife action plan. The subcommittee is still determining what these additional data sources will be. The end product will be a publicly-accessible web-based interface that can present GIS data in map or tabular form.

The subcommittee plans to develop a prioritization system for whether to retain a parcel. The mechanics of that are still undetermined. Garret brought up that there are many private lands with state-owned easements on them. Mark said those properties are sometimes in the conservation lands layer.

Eric asked what filters DOT currently uses when considering disposal. Mark said they consider the parcel's potential for future transportation use, review the parcel for legal encumbrances and cultural resources, and solicit input from the RMAC and LMAC. In some cases, a parcel is proactively put up for sale, and in other cases DOT reacts to landowners expressing interest in the parcel. DOT parcels bought with federal highway funds do not go through CORD. Municipalities have first right of refusal on any DOT SLR parcel. Tracie asked if DOT ever actively looks for encroachments by abutters. Mark said that

DOT has three land managers who visit properties to assess their condition. Encroachments that do not threaten a transportation use usually are resolved by DOT going through the surplus land process to sell the land to the abutter.

Shane mentioned that the vast majority of state-owned lands within the parcel mosaic are within 250' of a waterbody. Not all parcels will have data available. Steve commented that the subcommittee's process is similar to the one conservation commissions use to evaluate the fate of lands in municipal forfeiture. Ryan mentioned that analytics (e.g. Google analytics) can provide a lot of information about communities of interest. Shane expressed concerns about restrictions on sharing analytics data.

VII. LMAC Strategy: Poll Results

David Packard gave a brief presentation of the results of a poll sent to LMAC members in March to solicit member interests and determine potential future projects for the LMAC. Responses were nearly evenly split among five topics as people's subject of top interest: challenges in regulation and permitting (2 responses), access and recreation on lakes (2 responses), protection of shoreland and aquatic habitat (2 responses), lakes water quality (1 response), and manmade/emerging contaminants (1 response). David asked that members be prepared to discuss potential priorities or projects at a future meeting.

VIII. LMPP Updates

- 1) Tiffany Grade described that the Loon Preservation Committee and NHDES are in the final stages of a proposal to look at PFAS bioaccumulation across the state. 155 inviable loon eggs from 64 lakes and 82 loon territories will be tested. The purposes of the study are to identify potential PFAS hotspots for further investigation, investigate how PFAS moves through aquatic food webs, and investigate the effects of PFAS on loons.
- 2) Tracie Sales provided an update on the New Hampshire Water and Watershed Conference, last held in 2020. The former organizer is no longer at Plymouth State University, and no one else has stepped up to organize it. If anyone knows someone who may be interested in helping organize it, reach out to Tracie to be put in touch with Michelle Shattuck at UNH. The conference originated in the Rivers Program, but has become much broader. Steve mentioned that the conferences have been helpful for teaching lay people the science of water issues. The audience has been LAC members, students, lake association members, conservation commissioners, and other volunteers involved in rivers and lakes issues.
- 3) The Hampton Liquor Stores SLR, which the RMAC and LMAC previously reviewed and recommended against disposal, has reemerged as an active project. The initial request for proposals (RFPs) received no responses. The second round of RFPs is out now. Tracie has communicated the RMAC and LMAC interest in the sites to Phil Trowbridge in NHDES Land Resources Management, but has not heard further about plans to involve the Committees in the review process. There are discrepancies in the prime wetlands maps used by the state and those desired by developers, leading to a smaller developable area than some developers are seeking. Garret mentioned that there may be a Fish and Game easement on some of that land.
- 4) Dave Niels (NHDES) is working on a trend analysis for chloride levels in rivers and lakes. Of the 43 VLAP sites with 10 or more years of data, 33 show increasing trends with an average change

of 54% in chloride levels. For rivers, 59 of 124 stations had increasing trends in chloride concentration, with an average change of 91%. Dave is in the process of compiling a statewide report and has invited comments from stakeholders. David Packard asked if regional trends could be compiled. Mark recommended reaching out to Greg Granado at USGS (Massachusetts office), who has a model of salt trends. Garret asked if any groundwater analyses are being done. Shane expressed interest in integrating the data into a model with variables like number of days with measurable snow, or the number of roads and their distance to water. Mark said such a model exists. Garret asked about seeing the effects of DOT's change to using brine and other best practices. Tracie will pass these comments along to Dave Neils. David suggested that Mark Hemmerlein present about salt use or impacts on water quality at a future LMAC meeting.

IX. New Business and Action Item Review

1) New Business – none

2) Action Item Review:

- i. All Members: review the strategy poll results and come prepared to discuss ideas at the next meeting.
- ii. All Members: let Tracie know if you know anyone who may be interested in organizing the Water and Watersheds Conference.
- iii. All Members: let Nisa know if you have ideas for a lake to meet at for the June meeting. An ideal host site has some type of current issue where members could see work in progress to address the issue.
- iv. Nisa and David: Submit Letters of Testimony.
- v. David: draft language about roll call votes to include in the LMAC's legislation review policy document.
- vi. State Lands Mapping RMAC-LMAC Joint Subcommittee will continue its work.

3) Future Meetings:

- i. Presentation on DOT salt use and its impacts on waterways.
- ii. Presentation of NHDES salt study results.
- iii. Next meeting likely sometime in June, potentially at a lake site. Ryan offered use of his marina.

Chair Packard adjourned the meeting at 11:25 am.