



LAKES MANAGEMENT ADVISORY COMMITTEE
NH Lakes Management and Protection Program

New Hampshire Department of Environmental Services
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MINUTES
April 28, 2006 Meeting
DES Conference Room
9:30 a.m. - 1:00 p.m.

Members present:

Jim Haney, Ph.D., Chair
Joanna Pellerin, Vice Chair
Bill Carpenter for J. Lyons
Joe Farrelly, telephonically
Mark Hemmerlein
Ken Jordan
Mitchell E. Kalter
Marsha LaVallee Huntoon
James S. Morash
Fred Murphy
Larry Sunderland
Rich Tichko
Kenneth P. Wilson

Representing:

Scientific Community, UNH
State Conservation Committee
Commissioner, DRED
NH Lakes Association
Commissioner, DOT
NH Association of Realtors
NH Fish & Game Commission
Conservation Commissions
Tourism, NH Travel Council
Member, Planning Board
Conservation Community
Exec. Dir., Fish & Game Dept.
NH Marine Trades Association

Term:

August 22, 2007
August 1, 2006
Indefinite
August 1, 2006
Indefinite
June 27, 2008
August 22, 2006
August 22, 2007
August 1, 2007
August 1, 2008
September 19, 2007
Indefinite
August 22, 2008

Members not present:

Wendell Berry
Ken Gallagher
Mark Gallagher
Vacant
Vacant

NH Business and Industry Assn
Office of Energy and Planning
Commissioner, DOS
Elected Municipal Official
Commissioner, Agr. Markets and Food

July 8, 2007
Indefinite
Indefinite
August 22, 2003
Indefinite

Staff Present

Jacquie Colburn
Laura Weit
Bobbi Benedict

Lakes Coordinator, Watershed Management Bureau
Asst. Planner, Watershed Management Bureau
Admin. Asst., Water Division

The Meeting Was Called to Order

Dr. Haney, Chairman, called the meeting to order at 9:30 a.m.

I. Introductions/Minutes/Committee Business

1) Meeting Minutes: March 24, 2006

K. Jordan made a motion to adopt the minutes as presented. J. Pellerin seconded the motion and it was unanimously voted.

2) Committee Business

Introductions:

Kenneth Wilson was introduced to the committee. Mr. Wilson has been appointed to the LMAC to represent the New Hampshire Marine Trades Association.

Bill Carpenter, Administrator of the Lands Bureau, Division of Forest and Lands, is representing DRED in Johanna Lyons' absence.

Updates to LMAC Binder - Laura Weit distributed and discussed updates to the LMAC binders.

Travel Vouchers - J. Colburn distributed travel vouchers to members eligible for reimbursement. Vouchers will be submitted monthly through the end of the fiscal year.

Stream Gage Task Force - The task force is meeting on May 2, 2006 at 9:30 a.m. at DES. Since LMAC's delegates are unable to attend that day, Laura Weit and/or Jacquie Colburn will attend. J. Colburn will include this item on future LMAC agendas to keep the committee informed of developments.

3) LMAC Meetings: 6/year with 2 lake visits

Meetings to Date: 1/27/06, 2/24/06, 3/24/06, 4/28/06

Proposed Lake Visits: J. Colburn suggested that the committee may want to consider a visit to a lake with a stream gage nearby in addition to the list compiled at the March meeting. F. Murphy added that a repeat visit to 18-Mile Point would be helpful to see how the project has evolved.

The committee asked J. Colburn to plan site visits as follows:

- July: Lake Winnisquam/Lake Winnepesaukee. It is important for the committee to be familiar with these areas to be able to assess cumulative impacts and other issues related to SLRs which come before the committee.
- September: Lakes in the Berlin area. This may be an overnight trip and may include York Pond and Lake Umbagog.

Next Meeting: May 19, 2006

4) Future Agenda Items

- Follow up to Lakes Forum
- SPNHF - New Hampshire's Changing Landscape
- DES, Carolyn Russell - Sprawl and Water Quality
- Steve Kahl, Director for the Center of Environment, Plymouth State University - Relationship of impervious surface on water quality.

5) State Agency/Member Updates

J. Lyons suggested at the lakes forum that the state agencies update the LMAC on lake-related issues which they are working on. It was suggested that agencies and member groups be contacted periodically and if they have pertinent issues to come before the LMAC, that presentations be added to the LMAC agenda.

10:20 a.m. *Joe Farrelly joined the meeting via telephone.

II. Lakes Forum (Continuation of 2/24/06 Meeting and 3/24 Discussion)

J. Colburn briefly reviewed with the committee a draft document which she and Laura Weit created from the meeting minutes of the Lakes Forum. The document contains a summary of approximately fifty (50) action items for follow up by various participants of the forum and is intended to assist the state with moving forward on the issues discussed. J. Colburn stated that she will continue working on the document and bring a revised draft to her meeting with Alice Chamberlin next week.

J. Morash and Dr. Haney complimented Jacquie and thanked her and Laura for the excellent work that went into the coordination of this information.

J. Farrelly made a motion that J. Colburn e-mail the revised draft document to the committee members for review and comment and that it be brought forward for discussion at the next committee meeting. J. Pellerin seconded the motion and it was unanimously voted.

J. Colburn will send the revised document and summary update of the lakes management criteria for discussion at the next LMAC meeting.

III. Surplus Land Reviews

1) Status of AG comments/response to CORD & LMAC/RMAC letters

Laura Weit received a request from Attorney Allen Brooks of the Environmental Bureau of the Department of Justice for background information on SLRs. Laura e-mailed the 2001 paper prepared by the DES legal unit and suggested that Mr. Brooks call Dr. Kimball, Chairman of the RMAC, and Dr. Haney, Chairman of the LMAC. Dr. Haney has not heard from Mr. Brooks as yet, and will try to reach him later this week.

2) Review and Vote - MOA between LMAC and DOT

The MOA was reviewed at the March meeting and revisions were made as discussed. A condition was added as A.4. that DOT agrees to copy the Lakes Coordinator on any correspondence regarding all surplus land disposals that fall within the jurisdiction of the LMAC. J. Colburn indicated that the RMAC approved its MOA with minor changes at its April 12, 2006 meeting.

J. Farrelly confirmed with J. Colburn that all surplus land requests except properties owned by DOT go through CORD.

J. Farrelly suggested that the Lakes Coordinator or the Lakes Coordinator in collaboration with DOT personnel should determine if SLRs meet the criteria to come under the jurisdiction of the LMAC. Mr. Farrelly indicated that there should be a safeguard to make sure that the LMAC is not excluded from decisions on SLRs within its jurisdiction in the future and that the MOA does not clearly define how that determination is made. J. Colburn explained that the criteria that the Lakes Coordinator uses to determine if an SLR falls within the Lakes Program jurisdiction is included in the Procedure for LMAC Review of State Property Disposal and that DOT will use that criterion to make the determination.

J. Morash made a motion to accept the MOA as presented. Jody Pellerin seconded the motion and it was unanimously voted with J. Farrelly abstaining.

3) Review and Vote - SLR 06-004 - Town of Weare

Laura Weit reviewed SLR 06-004 with the committee. The property is currently held by DES. The Town of Weare is proposing to widen an existing bridge and straighten the road. The property falls within the jurisdiction of both the RMAC and the LMAC. The Piscataquog River Local Advisory Committee has supported this project because this is the first step of a water control structure that will benefit prime wetlands upstream from this site. The RMAC approved this property for disposal. B. Carpenter added that CORD has approved this SLR for disposal subject to comments from the LMAC. R. Tichko commented that this project has tremendous habitat value since the prime wetlands would remain flooded when the lake is drawn down. J. Pellerin noted that the GIS analysis indicates that the surrounding soil type is listed as potentially highly erodible.

F. Murphy made a motion to recommend for disposal SLR 06-004. Jody Pellerin seconded the motion and it was unanimously voted.

J. Farrelly added that the Horace Lake Association should have been contacted for comment and requested that in the future Lake Associations be contacted by the Lakes Coordinator rather than rely upon the towns to make contact.

4) Review and Discuss - DRAFT Position Paper

Larry Sunderland gave the committee a brief overview of the draft position paper on the disposal of state-owned property prepared by the subcommittee composed of J. Farrelly, K. Jordan, J. Morash, and L. Sunderland.

11:35 - Break for Lunch

11:55 - Meeting Reconvened

L. Sunderland continued with his presentation of the draft position paper. He commented that the subcommittee purposely did not use the term "surplus" in the title since property may be surplus to the needs of a department, but from a broader perspective, it may not be surplus to the needs of the public or other entities within the state.

The committee discussed the document and made the following suggestions:

- Page 1 - 1st paragraph - change the term "leasing" to "disposal."
- Page 2 - last paragraph - specify that the Memorandum of Agreement has been approved.
- Page 2 - 1st paragraph - clarify that the lease is from DOT.
- Page 2 - 2nd paragraph - refer to the February 24 conference as "state agency lakes forum."
- Page 2 - 3rd paragraph - add "2006 legislative session."
- Page 2 - Historical Perspective - include the fact that the G&C policy was changed in 2003, which triggered the change to the administrative rules of the DES Wetlands Bureau. J. Colburn will provide additional information to the subcommittee.
- Page 3 - Administrative Problems - note that the request for clarification to the Attorney General's Office was made in September 2005.
- Page 3 - Recreation - replace "canoes or kayaks" with "watercraft."
- Page 4 - Tourism - insert "safe and" prior to "enjoyable."
- Page 4 - Water Quality - add statement that the littoral zone is the most productive and most susceptible to impairment.
- Page 5 - Recommendations - Item 1 - concern was expressed about the use of the term "moratorium."
- Page 5 - Recommendations - Item 2 - specify that the inventory of state-owned lands should be in a map-based format or, at a minimum, include the characteristics of properties so their value for public benefit can be assessed.
- Page 5 - Recommendations - add item to state that the 2003 G&C policy change should be rescinded or repealed to reinstate the requirement that land be owned rather than leased in order to get a permit for a docking structure. Make this recommendation No. 3 and move the current No. 3 to No. 4.
- Page 5 - 5th paragraph - add "and the state economically" after benefits the public at large.
- Page 5 - 6th paragraph - change "petition" to "recommendations."
- Page 5 - add a note of thanks to the Governor.

J. Farrelly commented that the specifics of the recommendations in the document should be discussed at a meeting with the Governor and/or staff.

J. Pellerin and Dr. Haney thanked the subcommittee for their hard work and outstanding effort in producing a quality position paper on behalf of the LMAC.

J. Farrelly commented that Larry Sunderland had assumed the chairmanship of the subcommittee in Mr. Farrelly's absence. He noted that many hours of work have gone into the project to date. Mr. Farrelly requested that the document be considered confidential until it is completed and sent to the Governor and Council.

K. Jordan made an amended motion to move forward with presenting the position paper to the Governor and Council with a cover letter from the LMAC chairman after it has been approved in its final version by e-mail to the subcommittee members. J. Pellerin seconded the motion and it was unanimously voted.

IV. Lake-Related Legislation and Other Items and/or Issues

1) Lake-Related Legislation

J. Colburn advised that two amendments were added by the Senate to HB 1343 (New Title) relative to the duties of the council on resources and development, the amendments are: (1) Veterans home appropriations; and (2) DES e-permitting appropriations.

2) Discuss LMAC Position Paper for the SPA Commission

Jacque told the committee that Alice Chamberlin had asked her if the LMAC would be submitting a paper to the SPA Study Commission. J. Colburn distributed a draft document for review by the committee. F. Murphy asked if a summary of the white papers submitted by other groups could be put in a PowerPoint presentation and discussed at the committee's next meeting. Laura and Jacque will work on this for the May 19th meeting.

3) J. Morash invited the committee members to the Shakedown Cruise of the Mount Washington on Monday, May 1, 2006 at 10:00 a.m.

F. Murphy made a motion to adjourn the meeting. K. Wilson seconded the motion and it was unanimously voted.

The meeting adjourned at approximately 1:00 p.m.