

LAKESIDE

A QUARTERLY PUBLICATION OF NEW HAMPSHIRE LAKES ASSOCIATION

Limiting Imperviousness: The new tool to protect our lakes.



Members dedicated to protecting lakes

Volume XVI, No. 4, Winter 2008

Steve Kabl, Plymouth State University Center of the Environment Founding Director and NH LAKES Board Member

The new Comprehensive Shoreland Protection Act amendment signed by Governor Lynch at the NH LAKES 2007 Lakes Congress includes a provision limiting the amount of surfaces that do not allow water to pass through into the ground within the 250-foot shoreland zone to our state's lakes and ponds and major rivers and streams. Here's why...

The Problem

With its clear blue waters, New England is unique relative to much of the United States. However, land development and the expansion of existing properties in the shoreland zone poses a serious threat to blue waters in New England, including New Hampshire. Unpleasant and potentially toxic algal blooms in our lakes and ponds are usually the result of inappropriate development around these bodies of water and the streams that drain into them. Ironically, decreased water quality caused by waterfront development has been shown to decrease the property values of waterfront property, but development continues, seemingly unabated. Humans are killing the goose that has provided them with the golden egg!

While narrow strips of vegetated land, commonly known as buffer strips, along the edges of developed land remain the first line of defense to protect water quality and wildlife habitat, recent research has identified a new impact that needs to be addressed: **imperviousness**. Imperviousness is measured as the portion of the watershed (drainage area) to a water body that is covered by surfaces that do not allow water to infiltrate through it and into the ground, such as driveways, streets, highways, parking areas, walkways, roof tops, patios, decks or any excavated or compacted material. Interestingly, shorefront lawns are increasingly being considered to be the equivalent of impervious surfaces because they *limit* infiltration of water, which often contains pollutants such as pesticides and fertilizers. It is true that a lawn, by allowing some water to sink in, is more pervious than a driveway, but pesticides and fertilizers are not spread on the driveway!

Suburbanization and development change the physical landscape and permanently alter the way that water flows across it. By removing vegetation, compacting soils, and replacing naturally pervious surfaces that absorb and filter water and pollutants with impervious surfaces that do not, suburbanization and development negatively impact the water quality of our lakes and ponds, and also contribute to the frequency and severity of floods.

Imperviousness Research

Studies from New Hampshire, southern Maine, and many other areas in the U.S., have shown that the percent of watershed imperviousness is a strong predictor of the environmental condition of lakes and streams. Specifically, these studies have shown that as the amount of impervious surfaces within a watershed increases, the ability of the water body to support fish and other aquatic life decreases, the amount of undesirable bacteria, nutrients, and other pollutants increases in the water body, and the amount of dissolved oxygen (a vital compound used by aquatic life) in the water body decreases. In the northeast, studies have almost universally identified a threshold for impervious development of 6%–10%. Above this threshold, negative impacts to a water body increase rapidly.

Limiting Imperviousness, Continued on page 3

Protecting NH's lakes through education and legislation.

From the President...

LAKESIDE

published quarterly by the

NEW HAMPSHIRE LAKES ASSOCIATION

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NH LAKES office at (603) 226-0299.



January 2008 ushered in a new year with a reminder of winter in New England—and the things we can do to enjoy and

celebrate our lakes. Whether your preference is ice fishing or ice sailing, or one of many other activities, our lakes in winter offer numerous opportunities to get outside and enjoy them.

However, please be mindful this winter of the activities conducted on and around our lakes that can negatively impact lake quality and the lake experience for you and for others. As stewards of our lakes, there is no “off-season” for NH LAKES and its members. Winter provides us with another season of opportunity to encourage responsible lake stewardship through education while advocating for regulatory protection through legislation. We continue to educate and advocate for our lakes and the recreational opportunities they provide, while balancing the critical importance of maintaining high water quality, purity, and safety.

NH LAKES is taking the lead at combating some of the most pressing threats to our lakes, including the increasing impervi-

ousness of the land that surrounds our lakes (page 1). NH LAKES is working in the legislature to identify sources of pollution to our lakes (page 4) and is developing the Lake Conservation CorpsSM, a new education program that involves students in hands-on land restoration projects to minimize pollution to lakes in individual watersheds. And, NH LAKES continues to work statewide through its highly successful Lake HostTM Program, to prevent infestations of exotic aquatic plants that can harm the ecology of our lakes and result in the reduced enjoyment of lakes for everyone (page 5).

Drop by drop, and lake by lake, NH LAKES and its members are making a difference. For 2008, I challenge each member to share his or her enthusiasm about NH LAKES with at least one other person—encourage this individual to invest in the future of our lakes by joining or donating to our important organization, or provide him or her with a gift membership. And, as always, please call us or stop by with your questions or concerns. Thank you for your continued commitment to NH LAKES and have a wonderful winter and new year!

NH LAKES gratefully acknowledges the support of:



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**Public Service
of New Hampshire**

whose generous contributions underwrite this issue of *Lakeside*.

Limiting Imperviousness, Continued from page 1

As a reference point, a typical ranch house, garage, and driveway on a one-acre lot would have 5%–12% impervious area. For the protection of aquatic resources, the important factor is not that each *acre* should have less than 6%–10% impervious area, but rather that each *watershed* (drainage area) should have less than a target of 6%–10% imperviousness, unless the impact is otherwise reduced. **The bottom-line is that the developed landscape should be designed to slow water flowing across it, maximize the infiltration of water, and prevent the erosion of soils.**

This research result identifying a threshold for imperviousness provides a simple tool for protection of aquatic resources and for the prediction of future environmental impacts. Citizens, legislators, municipal officials, land-use decision makers, and developers can apply the index of watershed imperviousness as a planning guide to manage the impacts of development and protect lakes and ponds and rivers and streams for future generations.

What Can You Do?

The newly revised Comprehensive Shoreland Protection Act caps imperviousness at 20%, with some flexibility in the law to exceed the 20% if homeowners maintain or create appropriate vegetated buffer strips to compensate for the excess imperviousness. This author urges towns and lake associations to use this 20% imperviousness cap as a maximum guideline and implement regulations that cap new construction at no more than 10% imperviousness, meaning that no more than 10% of the lot area can be covered with impervious surfaces. When existing development on a lot exceeds 10% imperviousness, homeowners should be offered incentives to



Left: Since most of the water that flows off this roof top is not able to sink into the hard compacted lawn and soil below, it flows across the lot picking up soil and other pollutants before flowing into the lake.

Right: A dripline trench was installed to catch water that runs off the roof allowing it to sink into soil below instead of running downhill and picking up pollutants before flowing into the lake.



*Photos provided courtesy of the Acton Wakefield Watershed Alliance Youth Conservation Corps.
For more information and photos, visit www.greastlake.org/AWWA.html.*

increase the effectiveness of their buffer strips. If one town implements stricter guidelines to protect water quality, other towns will follow!

The best and least expensive method to protect surface waters is simply to disturb as little soil as possible and to maximize the infiltration of rain and snowmelt into the ground. A grandfather clause in the law may mean that a shoreland homeowner doesn't have to do the right thing to protect their lake, but it is in the homeowner's long-term interest to decrease imperviousness and increase buffer strips to protect their investment in lake water quality.

For More Information

If you would like to learn more about impervious surfaces, visit:

- The Center for Watershed Protection at www.cwp.org

- The U.S. Environmental Protection Agency at www.epa.gov/owm
- The University of Washington Center for Urban Water Resources at depts.washington.edu/cuwrm
- The Nonpoint Education for Municipal Officials Program at www.nemo.uconn.edu

References

- Deacon et al., 2005. Effects of urbanization on stream quality in the seacoast region of NH. USGS report 2005-5103. 18p.
- Morse, C., and S. Kahl, 2003. Measuring the impact of development on Maine surface waters. Information Digest, Senator George Mitchell Center, 12 p. (Available as a PDF from the Center for the Environment at PSU at www.plymouth.edu/cfe/docs/StreamDigestImperviousness.pdf)

Corporate Sponsor Makes Extra Effort for NH LAKES

Wastewater Alternatives Inc. (WAI), the manufacturer of THE CLEAN SOLUTION™ alternative septic system, is pleased to announce its **2008 NH LAKES Awareness and Good Steward Campaign** for owners of lake property in New Hampshire. Studies have shown that waterfront septic systems are a significant source of water quality pollution and degradation to lakes. Upgrading an onsite septic system with an advanced treatment system, such as THE CLEAN SOLUTION™, helps improve water quality. Each time THE CLEAN SOLUTION™ system is used on a waterfront property, WAI will sponsor the homeowner with a one-year individual membership in NH LAKES. WAI feels that NH LAKES and its members are dedicated to protecting New Hampshire's lakes for future generations.

2008 Legislative Session

The 2008 legislative session is upon us! As part of our ongoing effort to provide greater protection to our state's lakes and ponds, NH LAKES has collaborated with the legislature to initiate two new pieces of legislation. NH LAKES has also continued to work closely with the legislature on several other key legislative proposals and policy initiatives. **We strongly encourage your support of these legislative proposals, as discussed below, and hope that you will encourage your local legislator(s) to do so as well!**

Non-Point Source Water Pollution

Waterfront Septic Systems

Due to the combined efforts of NH LAKES and the New Hampshire Rivers Council, Senator Kathy Sgambati (D-Tilton) has filed Legislative Service Request (LSR) 2674 to develop an informational mechanism for state and municipal officials to better track failed and substandard waterfront septic systems. Septic systems, if not properly maintained and monitored, can cause non-point source pollution (pollution discharged over a wide land area) which degrades the quality of our state's surface waters. LSR 2674 would require permitted septic system designers and installers to file a notification with state and local authorities when a failing or substandard waterfront septic system is discovered during a site assessment required by state law. RSA 485-A:39 requires a septic system site assessment to be performed during the purchase and sale of developed waterfront property with a septic disposal system.

Boating Safety and Enforcement

Boat Moorings

While it has yet to have been assigned an LSR number, NH LAKES has initiated legislation that would establish a citizen-driven petition process within the Department of Safety to regulate boat moorings on individual lakes. Currently, boat moorings are only regulated on the six "big lakes" (Sunapee, Newfound, Ossipee, Winnepesaukee, Squam and Winnisquam). Moorings, if not properly regulated, may pose a threat to both humans and the environment as boats, in some cases in very large numbers, become sporadically placed and grouped in various areas of a water body.

In these situations, moorings can be a navigational hazard and can even prevent some property owners from fairly accessing public water.

Boat Speeds

In collaboration with the Winnepesaukee Family Alliance for Boating Safety, NH LAKES continues to advocate for the passage of House Bill (HB) 847. This Bill would establish a boating speed limit of 45 mph during the daytime and 25 mph at night on Lake Winnepesaukee. Comprising roughly half the surface water area of lakes and ponds in New Hampshire, Lake Winnepesaukee is a true natural gem which must be protected from the few, yet tremendously disruptive, boaters who have sought to jeopardize the varied use of this resource. HB 847 is scheduled to be voted on by the House of Representatives on January 2, 2008.

Do you know?

Question: Do you know the difference between a Legislative Service Request (LSR) and a Bill?

Answer: To commence the legislative process, New Hampshire requires that its legislators first submit a Bill title and a draft of their legislation to the Office of Legislative Services (OLS). Once received, the OLS attorneys review the LSR to ensure the language of a given proposal conforms to New Hampshire law and to the legislator's intent. During this process, changes to the proposal may occur or the legislative sponsor may withdraw the LSR. When the language is finalized, the LSR becomes a Bill and is formally introduced to a legislative committee in the chamber, either the House or Senate, within which it was submitted.

Other 2008 Policy Initiatives

Lake Classification

What is being proposed and why?: In partnership with a research team at the University of New Hampshire, NH LAKES is seeking to pilot a study within a watershed for purposes of creating a comprehensive lake classification model, a key component to determining lake carrying capacity. Lake carrying capacity, which can be defined as the level or types of uses beyond which the impacts to a lake itself or the visitor experience to the lake exceeds acceptable limits, is an issue NH LAKES hopes to address in the future. It is envisioned that the lake classification model would be used by local and state government for making better informed lake management decisions. The study would also establish a precedent for designating certain lakes and ponds, or areas of lakes and ponds, as "primitive" or "wild." Currently, no such precedent exists in New Hampshire. This study would go beyond classifying water bodies based only upon their water quality and/or biological characteristics, by looking at their existing physical, social, and managerial conditions. This would truly be a one-of-a-kind study!

We need your support!: NH LAKES is soliciting donations to fund the lake classification study. If you would like to contribute, we strongly encourage you to do so by visiting our website at www.nhlakes.org and directing your donation to "Legislative Action." If you would like to submit a donation through the mail, please indicate that your donation is for "Legislative Action" and send it to NH LAKES at 3 Silk Farm Road, Concord, New Hampshire, 03301. **Thank you!**



Merrymeeting Lake, New Durham. (Photo donated to NH LAKES by Charles Berube.)

The Lake Host™ Program: Six successful summers!

"I have talked to boaters all summer, and by the end they would get involved in conversations with other boaters while I was inspecting a boat, and they would educate the people on what I had taught them earlier." It is stories like this told by Lake Hosts which proves that the NH LAKES Lake Host™ Program is successfully educating boaters about exotic aquatic plants and how to prevent the spread of these nuisance species!

What is the Lake Host™ Program?

The Lake Host™ Program is a courtesy boat inspection program implemented by NH LAKES in cooperation with local participating groups to prevent the introduction and spread of exotic aquatic plants, like variable milfoil, from lake to lake. Exotic aquatic plant infestations in lakes and ponds are undesirable because they make recreation in and on the water dangerous and unpleasant, disrupt the ecological balance of these water bodies, reduce shoreline property values, and are difficult and expensive to control. In some cases, exotic aquatic plants can take over a bay, cove, or even an entire lake or pond, devastating the water body and eliminating recreational opportunities.

Through the Lake Host™ Program, trained paid and volunteer Lake Hosts at public motorized boat launch sites do the following: educate visiting boaters about exotic aquatic plants by distributing brochures, answering questions, and completing a brief boater survey; conduct courtesy boat and trailer inspections of vessels both entering and leaving public waters; show boaters where to look for hitchhiking plant fragments on boats and trailers and encourage boaters to conduct self-inspections; remove and properly dispose of all plant fragments found; send samples of suspicious plants removed from vessels to the New Hampshire Department of Environmental Services for identification.

What has the program accomplished?

Since the beginning of the Lake Host™ Program in 2002, hundreds of trained volunteer and paid Lake Hosts have conducted a total of 187,724 courtesy boat inspections and have made 292 "saves" of exotic aquatic plant fragments that were attached to a boat or trailer that was about to enter or had just departed from a lake or pond. During the six year history of this highly successful program, \$624,400 in federal funding and \$870,000 in state funding has enabled NH LAKES to provide payroll grants to lake associations, conservation commissions, and other eligible groups to implement the program at public boat launch sites. Payroll grant awards have motivated and enabled local groups to protect the individual lake or pond that they care about from the spread of exotic aquatic plants. As a result, since 2002, local groups have contributed a total match of \$976,727 in the form of hard cash, cash-equivalent of volunteer time, and out-of-pocket expenses towards the Lake Host™ Program.

While participation in the Lake Host™ Program has increased steadily since it began, the 2007 Lake Host™ Program was truly a record-breaking success as overall program records were set for the number of courtesy boat inspections conducted, "saves" of exotic plants made, ramps staffed, and organizations and Lake Hosts participating, as show in the table below.

Lake Host™ Program Statistics (2002 – 2007)

	2002	2003	2004	2005	2006	2007
Number of Participating Organizations	38	46	51	56	57	68
Number of Trained Paid Lake Hosts	102	149	190	175	204	221
Number of Trained Volunteer Lake Hosts	59	167	216	318	353	429
Number of Lakes and Ponds with Lake Hosts	37	45	50	56	56	64
Number of Ramps Covered	45	59	61	61	66	83
Number of Boats Inspected	15,878	26,583	31,629	34,878	34,573	44,183
Number of "saves" (exotic plants found)	4	7	16	54	54	157
Federal Funds	\$260,100	\$10,000	\$85,300	\$35,000	\$117,000	\$117,000
State Funds	\$0	\$165,000	\$150,000	\$185,000	\$185,000	\$185,000
Local Funds (hard cash and cash-equivalents)	\$37,155	\$112,382	\$151,238	\$200,756	\$183,179	\$292,017
TOTAL PROGRAM	\$297,255	\$287,382	\$386,538	\$420,756	\$485,179	\$594,017

The 2008 Lake Host™ Program

If your group would like to participate in the 2008 Lake Host™ Program, please visit the NH LAKES website at www.nhlakes.org after February 15, 2008, to download a grant application. If you have any questions about the application or your group's eligibility to participate in the grant program, please contact NH LAKES at lakehost@nhlakes.org or (603) 226-0299.



Craig Eldridge (right), Lake Host at Kingston Lake, convinced this boater to complete a thorough inspection of his boat and trailer to remove all hitchhiking plant fragments before launching into the lake. The Kingston Lake Association, during 2007—its first year of participation in the Lake Host™ Program, conducted 984 courtesy boat inspections!

Planned Giving Vehicles: Charitable Remainder Trusts

“Income for today; a gift for tomorrow.”

In previous *Lakesides*, we have discussed two methods of planned giving to NH LAKES: the charitable IRA rollover for individuals aged 70-½ and life insurance. This article discusses a third method of planned giving: charitable remainder trusts. By establishing a charitable remainder trust, you will receive income for life from the trust and give a gift that helps NH LAKES protect New Hampshire's lakes for tomorrow. In addition to receiving income, possibly more than you would have earned otherwise, you will receive an immediate income tax deduction and other tax benefits. Since these are complex gifts to handle, NH LAKES has set a minimum of \$100,000 to establish a charitable remainder trust.

During the lifetime of a charitable remainder trust donor, he or she creates a formal trust agreement under which assets, such as cash, appreciated securities, or both, are irrevocably transferred to a bank or trust company appointed by NH LAKES that invests for the donor. The bank or trust company then pays the donor, or a person specified by the donor, income for life. NH LAKES receives the remainder of the trust upon the passing of the beneficiary.

There are two principal types of charitable remainder trusts.

Annuity Trust: Also called a fixed life income trust, the annuity trust allows the donor to receive an income for life while also providing a lasting benefit to NH LAKES. The donor will also receive immediate tax deductions that can be carried forward for five subsequent years.

Unitrust: Also called a variable life income trust, the unitrust is appropriate for a donor who likes the idea of an annuity during his/her lifetime but is concerned that inflation will diminish the value of the income. Establishing a unitrust instead of an annuity trust allows the donor to specify a percentage of the trust's assets to be paid-out each year rather than receiving a fixed dollar amount. Should the asset grow, the income will grow.

There is a third charitable remainder trust option.

Lead Trust: Lead trusts provide immediate income for NH LAKES. The donor's assets are placed irrevocably in trust for ten years or more. NH LAKES receives the income, and, after the designated time period, the assets transfer back to the donor or beneficiary.

Here's an example of how a charitable remainder trust works.

Harry and Louise are both 75 years old, and together they fund a charitable remainder

trust with \$250,000 of public securities that have a value of \$100,000. According to the terms of the trust agreement, the trust will make annual income distributions equal to 6.5 percent of the trust's market value to Harry and Louise for the rest of their lives. As result, Harry and Louise will avoid the upfront \$22,500 in capital gains tax and receive an income tax deduction of approximately \$103,000. The portion that remains at the death of the survivor will establish a gift to NH LAKES to help protect New Hampshire's lakes for future generations.

Trustees have options.

Donors have several options for naming a trustee. A donor may act as his/her own trustee of the charitable remainder trust or may appoint a professional advisor or a corporate trustee to serve in this capacity.

Are you interested?

NH LAKES is ready to work with you and your professional advisor in setting up a charitable remainder trust as a planned gift to NH LAKES. If you are interested or have any questions, please call Ted Gillan, Development Director, at (603) 226-0299. Thank you for your consideration.

SAVE THESE DATES!

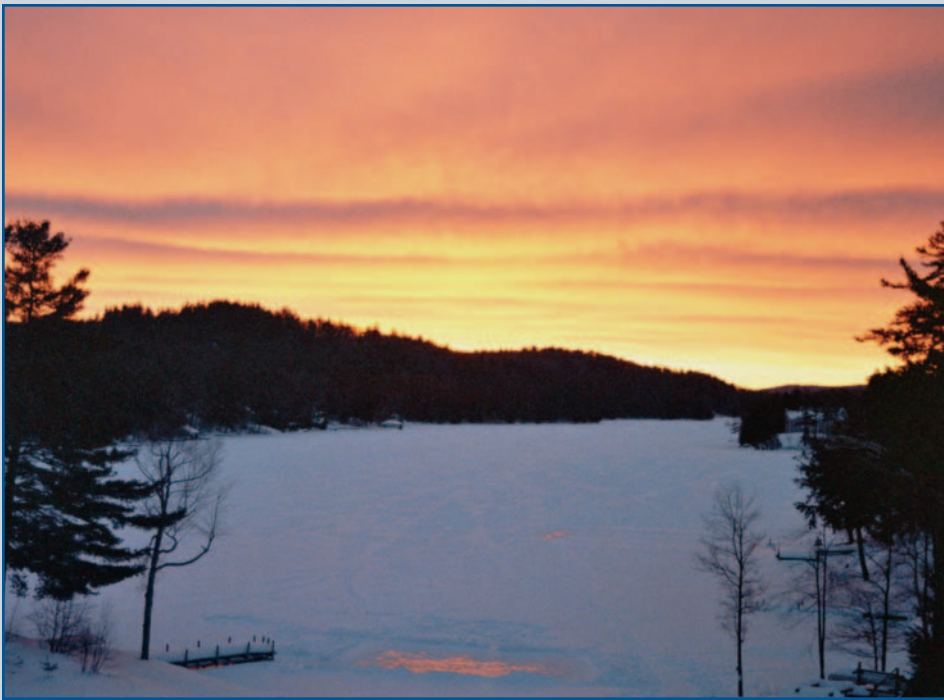
June 25 and 26, 2008: Lake Fest

Join NH LAKES at the Inn at Church Landing in Meredith to help celebrate and protect New Hampshire's lakes!

NH LAKES is holding its first annual **Lake Fest** on June 25 and 26, 2008, at the Inn at Church Landing in Meredith, New Hampshire. On the evening of Wednesday, June 25, from 6 p.m. until 10 p.m., this spectacular event will kick-off with a gala celebration of the state's lakes and the New Hampshire lake-experience. Premier restaurants of the Lake Winnepesaukee region will provide **tastings** and New Hampshire wine brokers will serve **wines** from around the world. **Live** and **silent auctions** will follow and **live entertainment** will be on hand throughout the evening.

On Thursday, June 26, from 8 a.m. until 4 p.m., the **Lakes Congress**, an educational conference and networking event, will be held. The theme of the congress is "**Back to the Basics: Protecting New Hampshire's Lakes.**" Lake professionals will highlight successful lake protection efforts and will provide information and resources to attendees about how they can help protect New Hampshire's lakes.

We hope you will join NH LAKES at the first annual Lake Fest celebration on June 25 and 26, 2008! For more information, contact NH LAKES at (603) 226-0299 or info@nhlakes.org.



2007 Watershed Conference Proceedings Available!

One hundred and ninety-two people attended the 2007 Watershed Conference held on November 17, 2007, at the New Hampshire Technical Institute in Concord. NH LAKES, the New Hampshire Rivers Council and the New Hampshire Department of Environmental Services cosponsored the event which was rated overall by attendees as “great!”

If you missed this event, don't miss the opportunity to view the informative presentations given at the conference from the comforts of your home or office. Twenty-two presentations can be viewed easily and free of charge by visiting www.des.nh.gov/WMB/WatershedConference/2007/index.html.

There is sure to be at least one presentation that is relevant to your interests in protecting the quality of your lake or pond!

Winter sunrise over Lake Sunapee.

Annual Appeal Approaching Record!

We're almost there—we have a chance to celebrate a record-breaking Annual Appeal! But, we still need you to make it happen. If you haven't given yet, please give now! We know you care about New Hampshire's lakes and the need to protect them! We know you rely on NH LAKES to do the work that makes protection happen. Your donation is necessary to support our operational needs. Thanks to all of you who have already given so generously to the 2007/2008 Annual Appeal.



Development Director Ted Gillan (left) gives Phil Parsons, one of NH LAKES' founding fathers, a framed picture of the original story and his family pictures used in 2007/2008 Annual Appeal. For Annual Appeal donations of \$500 and above, NH LAKES still has a very few museum-quality P.B. Parsons prints available.

Membership Matters

New Members – September 22, 2007, through December 13, 2007

Individuals

Mr. & Mrs. Peter Ascher • Ms. Averill Babson • Shelley Bobowski
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Grants

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Have a safe and enjoyable experience on our lakes this winter!

Whether you enjoy walking, snowshoeing, ice skating, cross-country skiing, ice fishing, snowmobiling, or even ice sailing on New Hampshire's frozen lakes and ponds, we hope that you have a safe and enjoyable experience!

Well-frozen ice covering a lake or pond can support a great deal of weight and recreation activity. However, when the ice is in a transitional state between freezing and thawing, recreation activities on the ice can become life-threatening. If you go out onto a lake or pond that appears to be frozen, it is extremely important that you follow basic ice-safety guidelines. For a copy of the "Safety on Ice" brochure, visit the New Hampshire Fish and Game Department's website at www.wildlife.state.nh.us/Fishing/Fishing_PDFs/Safety_on_ice.pdf or call the Public Affairs Division at (603) 271-3211.

Check it! Never assume the ice on any water body is thick enough to support your weight. Start at the shoreline, and, using an auger, spud or ax, make test holes at intervals as you proceed away from the shoreline. As a rule of thumb, for new, clear ice, there should be a minimum of four to six inches of ice to support a few, well-

dispersed people; six to seven inches for small, on-foot group activities; and at least eight to ten inches for snowmobiles. (Ice thickness recommendations are based on information from the Cold Regions Research Laboratory in Hanover, N.H. For more detailed guidelines, visit www.crrel.usace.army.mil/ierd/ice_safety/safety.html.)

Shoreline ice: If the ice along the shoreline is cracked or squishy, stay off. Don't go on the ice during thaws. Avoid areas with honeycombed ice, dark snow, or dark ice.

Moving water: Ice is generally thinner at inlets and outlets, around docks, bridge abutments, islands, and objects, such as rocks, that protrude through.

Know what to do if you do fall through the ice: Before heading out onto the ice this winter, NH LAKES

recommends that you watch an unforgettable video produced by The Discovery Channel Canada that will teach you how to survive a fall through the ice. You can watch this video on your computer by visiting www.exn.ca/video/?Video=exn20020325-icewater.asx.



Meredith Bay, Lake Winnepesaukee.

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