

Lakeside

A Quarterly Publication of the New Hampshire Lakes Association (NHLA) Vol. XV, No. 4, March/April 2007

Watershed Districts and Ordinances

A portion of this article was taken from the NH Department of Environmental Services Fact Sheet WMB-16, which can be found at www.des.nh.gov/factsheets/wmb/wmb-16.htm.

What are Watershed Districts and Ordinances?

Watershed district and ordinances are methods of zoning that recognize watershed boundaries instead of political boundaries, as a means of regulating land uses that may affect surface water quality. A watershed district or ordinance may set rules or regulations that restrict certain activities within the watershed in order to protect surface water resources, such as lakes, ponds and rivers. Regulations could include setback requirements, buffer requirements, land use restrictions, implementation of best management practices (BMP) and implementation of low impact development (LID) techniques. Typically, a watershed district or ordinance is proposed by a town or city planning board and must be approved by the voters. Often, the ordinance or district modifies or amends zoning regulations already in place in the towns or cities involved. Watershed districts and ordinances may vary by town and can be tailored to suit the needs of the particular watershed.

How Can Watershed Districts and Ordinances Protect New Hampshire Lakes and Ponds?

This approach to watershed management is beneficial to New Hampshire's surface waters, especially those with expansive watersheds. Within a watershed district or ordinance, towns work together to protect their common water resource(s). A watershed district or ordinance may decrease sedimentation, and nutrient loading to surface waters by taking measures to reduce or eliminate stormwater runoff. In addition, reduction or elimination of the use of hazardous materials within the watershed may prevent dangerous substances from reaching lakes and ponds. In densely developed watersheds, this approach may help to improve water quality. In relatively



The Lake Sunapee Protective Association utilizes a watershed approach to protecting Lake Sunapee.

undeveloped watersheds, this approach may help to protect water quality in the face of future development.

How To Form a Watershed District or Ordinance in Your Community

Forming a watershed district or ordinance involves bringing a lot of different groups together under a shared goal. Often, DES will work with the interested communities and provide as much assistance as possible throughout the process. The first step is to determine which towns are included in the lake or pond's watershed. Town planning boards and conservation commissions should be included in the planning process. Watershed districts and ordinances formed to protect lakes and ponds often involve local lake associations as well. These groups, and any other interested groups or individuals, determine what activities will be regulated. Regulated activities may include agriculture, forestry and construction, and standards for septic systems. Standards for wetlands and surface water protection may also be included. Regulations or standards are set for the watershed district or ordinance, and put to a vote within each town. Once the voters of each town in the watershed accept the regulations and standards, the ordinance or district may go into effect.

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From the President...

January 2007 ushered in a new year with frigid winter weather, thoughts of a hopefully spring thaw and a vibrant discussion at our annual Board of Directors Retreat (see page 8). After several hours of good discussion with facilitator Jeffery Taylor, one clear message resonated with everyone — *we are a member supported organization, dedicated to protecting New Hampshire's lakes through education and legislation.* Our mission is our foundation and serves as a reminder of all the men and women who have contributed to our success as we move ahead into the fifteenth year anniversary of our organization.

It will be an exciting year, as we finally have the full-time staff to truly bring a state-wide approach to protecting New Hampshire's lakes. Derek Durbin, our Environmental Policy Director, is very busy advocating for our legislative agenda in the halls of the State House (see page 3). Of course, our advocacy is only as strong as our membership, and we hope you will continue to financially support NHLA, as we move to a new yearly renewal in April.

It is through such financial support that I enthusiastically announce the hiring of Andrea LaMoreaux as our new full-time Education Outreach Director (see page 7). Effective change often occurs at the grassroots level. With this in mind, it is expected that a key component of the Education Outreach Director's job will be making presentations to town planning boards, schools, conservation commissions and local lake and conservation associations to develop needed platforms for lake protection.

Through this outreach, we hope that more people will support NHLA and our initiatives like Lake Host, Lakes Congress and other new programs designed to protect and enhance our lakes. Together we will ensure the long-term ecological, aesthetic, recreational and economic viability of New Hampshire's lakes. If you are not a member, please consider joining. If you are a member, be sure to share your enthusiasm about NHLA with other lake enthusiasts and encourage them to share in our investment in the future (or perhaps provide them with a gift membership). As always, please call us or stop by with your questions or concerns. Thank you for your continued commitment to NHLA and have a wonderful spring.

The New Hampshire Lakes Association gratefully acknowledges the support of



whose generous contributions underwrite this issue of Lakeside.

LEGISLATIVE UPDATE

Leasing of State-Owned Waterfront Property (HB 710)

- ◆ Establishes a commission to study and recommend changes to the process of leasing state-owned shorefront property.
- ◆ The state is currently leasing shorefront property far below its market value with no consideration for the long-term economic and ecological ramifications of doing so. The process is open to abuse as there is an incentive for private individuals and corporations to lease the shorefront for a nominal fee, cut-off public access, and market their abutting land as shorefront, greatly increasing its value. It also opens the door to a number of different forms of development in and around the shorefront, including dock construction. These principles cannot be squared with the state's smart growth policy.
- ◆ HB 710 is currently before the House of Representatives.

Licensing of Rental Agents of Motorized Watercraft (HB 714)

- ◆ Creates a licensing mechanism for rental agents of motorized watercraft.
- ◆ Currently, rental agents in NH are only required to initial a checklist stating that they understand state boating laws.
- ◆ HB 714 will require that rental agents of motorized watercraft also ensure that their renters have proper safety instruction and knowledge of NH's boating laws and that they have a valid safe boating certificate in accordance with state law.
- ◆ This bill is currently before the House of Representatives and has already passed the Transportation Committee (12-0).



Board member Representative (Gilford) Alida Millham (left) enjoys NHLA's legislative brunch in January while chatting with other lawmakers about key NHLA legislative initiatives.

Out-of-State Boater Education and Lake Maintenance (HB 815)

- ◆ Requires that boaters that are exempt from registration requirements in NH, but benefit from use of the state's public waters, obtain a \$20.00 decal from the Department of Safety ("DOS") or its agents. The money would then be directed to educating out-of-state boaters on NH marine laws and watershed issues and providing funding for lake maintenance measures, including dam repair and inspection, milfoil prevention and control, and public access.
- ◆ It is estimated that between 30,000 and 60,000 out-of-state boaters use NH waters each year.
- ◆ Considering the benefit that out-of-state boaters derive from using many of our pristine lakes and ponds, it is fair and equitable to require that this segment of the New Hampshire boating population help to preserve our public waters.
- ◆ HB 815 is currently before the House of Representatives and has already passed the Resources, Recreation and Development Committee (16-4).

Speed Limit (HB 847)

- ◆ HB 847 seeks to establish a 45/25 statewide speed limit for NH's lakes and ponds, exempting tidal waters.

Comprehensive Shoreland Protection Act (House Bills: 857, 663, 665 and 383)

- ◆ Four bills will be heard before the legislature relative to changes to the CSPA. The changes are aimed at both clarifying many of its provisions, providing additional water quality protections and obtaining the funding necessary to more adequately enforce the Act.
- ◆ Some general changes you can expect to see:
 - The elimination of the basal area system for managing tree cuts in favor of a "point system."
 - Limitations on impervious surface.
 - The establishment of a statewide CSPA permit by notification for all development-related activity in the shoreland zone.
 - A prohibition on boathouse construction.
- ◆ These bills are currently before the NH House of Representatives. ◆

Established Watershed Districts/Ordinances in NH

In August 2004, the City of Franklin added the Webster Lake Overlay to their zoning ordinance. Specifically, performance standards for certain land use activities within the Webster Lake watershed were added to provide for increased long-term protection of Webster Lake. This overlay can be found at www.franklinnh.org/planzoning/ZBA/ARTICLE%20IV.pdf

On March 8, 2005, the Town of Deering adopted a Watershed Protection Overlay Zone and accompanying regulations to ensure the protection and preservation of Deering Reservoir. You may remember learning about the Deering overlay zone if you attended the "How Your Town Can Ensure Responsible Watershed Planning" presentation given by Jody Connor, NH Department of Environmental Services Limnology Center Director, and Bob Compton, Deering Planning Board Chairman, at the 2005 Lakes Congress. The Deering Watershed Protection Overlay Zone can be found at deering.nh.virtualtownhall.net/Public_Documents/DeeringNH_ZoningOrds/html/2005_section_12.htm.

Watershed Districts/Overlays Under Development

As of the writing of this article, NHLA has learned that the Pleasant Lake Watershed Ordinance in Deerfield was successfully passed at the March 2007 town meeting and we are awaiting the results of voting on the town of Sutton Watershed Ordinance. In addition, watershed districts/overlays are under development for at least two additional New Hampshire towns. We will report on the outcome of these initiatives in future issues of *Lakeside*.

What is NHLA Doing?

NHLA believes that the key to protecting the quality of New Hampshire's lakes and ponds is through the responsible stewardship of watersheds at the local level.

NEW HAMPSHIRE'S PUBLIC

As public waters, New Hampshire's lakes and rivers are owned by its residents for reasonable recreational use and enjoyment. Many waterfront property owners, boaters and other water-related users have heard of the Public Water Access Advisory Board but only have a general understanding of the Board's role and accomplishments.

What is "PWAAB"?

The Public Water Access Advisory Board, or "PWAAB," was created in 1992 as an outgrowth of a state government task force that created the first Public Access Plan for New Hampshire's lakes and rivers. The plan recommended changes in New Hampshire's public water access program including the creation of PWAAB and a public boating and fishing access program run by the Fish and Game Department.

The PWAAB consists of twenty members, with representatives from

the many of New Hampshire's state agencies with public water access sites and responsibilities, including the Fish and Game, Department of Resources and Economic Development, Department of Environmental Services, Department of Transportation, Marine Patrol from the Department of Safety, the Office of Energy and Planning and the Governor's Commission on Disability. There are four members from the Legislature, two representing the New Hampshire House of Representatives and two representing the Senate. The remaining nine members represent various user groups including: lake associations, river associations, hunting interests, fishing interests, powerboat users, non-motorized boating interests, coastal interests and two members representing the general public. The Board meets the first Monday of every month at Fish and Game headquarters in Concord. A list of meeting dates and past minutes is at: http://www.wildlife.state.nh.us/Inside_FandG/public_water_advisory_bd.htm.

What are the responsibilities of this Board?

The Board acts in an advisory capacity only. Its general charge is to coordinate public water access efforts within state government and make recommendations. This includes advising Fish and Game on its boat access program. However, the Board's scope and duties are broader and include all types of public water access, not just boat access. Generally, "public waters" include all navigable streams and rivers, lakes, ponds and impoundments of



Responsible watershed stewardship can be encouraged by towns implementing watershed zoning focused on protecting water resources. With the hiring of Andrea LaMoreaux as full-time Education Outreach Director, NHLA will be able to assist groups with local zoning issues, including the implementation of watershed zoning districts/ordi-

nances. If you would like to learn more about how NHLA can help your group with local zoning issues, please contact Andrea at 226-0299 or alamoreaux@nhlakes.org.

Attend the 2007 Lakes Congress to learn more about how to implement a watershed ordinance/district in your town to protect the quality of your lake or pond! 💧

WATER ACCESS ADVISORY BOARD

10 acres or more and tidal and marine waters. There are approximately 976 lakes and over 1,900 miles of rivers in New Hampshire that qualify as public waters. Public access includes not just motorized boat access but any opportunity for the public to access these water bodies for recreational purposes including swimming, viewing, hiking, picnicking and fishing from shore.

The Board's enabling statute, RSA Ch. 233-A, is very specific about the legal definition of "public access," limiting it to legal passage to public waters by land "owned or controlled by a state agency" and open to the general public for recreational purposes. This definition was a reaction to the State's prior public water access program. The "road to public waters" program allowed the State to lay out and build roads to public waters, but left the upkeep and maintenance responsibility to the local municipality. Over the years, in many instances such roads were allowed to deteriorate. Some became impassable from neglect or encroachment. Others were actively maintained by the municipalities but were improperly restricted to residents only. The strict definition of public access in RSA 233-A ensures that such problems will not occur under the current public access program.

One of the PWAAB's duties is to report on existing public access sites. The Board recognizes that meaningful public access can also be provided by municipally-owned access sites and even private marinas or launch sites, as long as they are open to the general public and charge a reasonable fee. Therefore, in preparing a list of existing public access sites, the Board and Fish and Game have gone beyond the strict definition of public access and have included municipally and privately owned sites that meet these criteria. The current list of such sites is found at: http://www.wildlife.state.nh.us/Outdoor_Recreation/access_sites_table.htm. That list is organized by municipality and gives detailed



A meeting to discuss public access. (Left to right) DES Lakes Coordinator, Jacquie Colburn; Tom Quarles, Chair of PWAAB, and Allen MacNeil, representing the public.

information about the water body; whether the site accommodates trailered boats or is limited to canoe/carp-top boats; amenities at the access site such as bathrooms; whether a fee is charged and general directions to the site. The Fish and Game Department issued a map with this information that was last published in 2003. A new edition with more sites is expected within a year. In addition, since the inception of the Board, the Office of Energy and Planning has been working on a comprehensive database that attempts to catalog all public water access opportunities of any type around the State. That database has approximately 650 listings. Those efforts are ongoing and currently involve entering that data into the State's GIS mapping and database system.

Fish and Game's boat access program is funded by donations and a \$5.00 surcharge on all motorized boat registrations. This money becomes a dedicated funding source that can be leveraged with federal funds from the U.S. Fish and Wildlife Service on a three to one match basis. If this funding method is used, the access site must be open 24 hours a day and no fee can be charged. Many adjacent property owners are understandably concerned when such a site is proposed because of this 24 hour accessibility requirement. Generally, this has not posed a problem, especially when the local police force makes regular patrols. In addition, Fish and Game checks up on the access sites through their conservation officer network around

the State. Fish and Game maintenance crews are responsible for trash removal and port-a-potties are serviced.

Why does it take so long to propose and develop new public access sites?

The process today, like most everything else, is more complicated and expensive than decades ago. It may take several months or even years to negotiate the lease, purchase or necessary easement required to make public access feasible. Appraisals must be done to make sure that the State is paying fair market value. In addition, numerous state and federal environmental permits are necessary for meeting detailed U.S. Fish and Wildlife requirements to obtain federal funding.

The most complex projects take years. Controversial projects can take decades and become political issues. It is unfortunate that these complex and controversial projects get the majority of public attention. They draw attention away from the approximately 100 other sites that Fish and Game currently controls and maintains and the additional 100 municipally or privately-owned sites that are readily accessible.

Some of the public also has a perception that Fish and Game's boat access program is too focused on trailer-boat sites and motorized boating. Again, this seems to stem from the skewed media attention paid to the complex and controversial sites. Of the approximately 100 current

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MORE VALUE FOR LAKES ASSOCIATIONS

The mission of the New Hampshire Lakes Association is to protect New Hampshire lakes through education and legislation. In order to deliver more value to local lake associations, NHLA has raised the minimum annual lake association fee to \$300. The minimum annual association fee has remained the same since the early nineties, and, as inflation and time have crossed paths with our desire to deliver additional quality services, the raise has become necessary. While some associations already donate more than \$300 annually, and a few donate up to \$7,500, we hope your association is willing to make this investment.

We assure you that the additional revenue generated by the implementation of the increased annual lake association fee will fund services that will be of direct benefit to your lake association. For example,



NHLA hopes to help protect North Country resources like Lake Umbagog.

NHLA has just hired an Education Outreach Director who will work with your association and your community to protect your lake at the local level (see page 7). In addition to providing additional services to lake associations that are already NHLA members, the staff is working to attract new lake association members throughout the state, and to implement NHLA programs, including the popular Lake Host program, on New Hampshire's most pristine lakes in the North Country.

Many lake associations have already told us that NHLA is worth far more than the \$300 minimum fee we are implementing in 2007. NHLA is available to your association to help attack local lake problems, shape statewide legislation and provide educational tools to keep your lake clean, clear and safe. Almost all of our Board Members are local association members and understand association needs. Join us in protecting New Hampshire lakes through education and legislation. ♦

MEMBERSHIP MATTERS

New Members — 10/14/2006 through 3/7/2007

Individuals

Arlene A. Arcand
Mr. Michael D. Bank
Mr. and Mrs. Randy Cail
Mr. and Mrs. Charles Clark
Dan and Joyce Curll
Evie Hammerman

Jane Leveroni Keny and
Richard D. Keny
Terri and Bud Lynch
Ms. S. McInnis
Lynn Merlone
Donna Metcalf
Dr. Jennifer Palmiotto

Jean Ritchie
Rick and Linda Roesch
Jared A. Teutsch
Charles Thorne
Jeff Thurston
Mr. and Mrs. Charles Wills

Lakes Legacy

Steve Kahl and Mary Ann McGarry • Ms. Joy Tarbell

Grants

Children's Fund of the Upper Valley — Robin Shield (Membership)
Dr. Victor and Mrs. Parsonnet Philanthropic Fund (Membership)
Fidelity Charitable Gift Fund Francis M. Blodgett (Membership)

Frederic and Granthia Preston Fund (Membership)
GZA GeoEnvironmental, Inc. Newsletter Sponsor
Margaret and Richard Margolis Philanthropic Fund (Membership)
New Hampshire Electric Co-op Foundation

Plum Creek Foundation
Tarleton Fund NHCF Upper Valley Community Foundation — Paul and Veronica Guyre (Membership)
ZNT Stevens Charitable Trust — Mr. Nathaniel Stevens (Membership)

Memorial

Gift from Priscilla Sorlien in memory of husband Kenneth Sorlien

Andrea LaMoreaux hired as Education Outreach Director

NHLA is a statewide, member-supported organization whose mission is to protect the state's lakes through education and legislation. We have a history of success with a "top down" approach of advocacy, with a full-time Environmental Policy Director reaching out to state law makers, the Governor's office, and state agencies. However, NHLA staff and members feel that, in order to fully complete our mission and succeed in developing a lake conservation "ethic" among New Hampshire residents, we need to expand our focus to include a "bottom up" approach with local residents, schools, associations, and municipalities.

To meet the challenge of protecting the state's lakes, NHLA has hired Andrea LaMoreaux as the new full-time Education Outreach Director. Many of you may already know Andrea, as she coordinated the popular NH Department of Environmental Services' (DES) Volunteer Lake Assessment Program (VLAP) for the past six years.

Andrea brings a comprehensive understanding of how to effectively work with volunteers, the quality of New Hampshire lakes, and what can be done to protect and improve lake quality throughout the state. Prior to working at DES, she worked at an environmental consulting firm in Massachusetts. Andrea holds a B.S. degree in



NHLA's new Education Outreach Director, Andrea LaMoreaux

Environmental Science and Public Policy from the University of North Carolina at Chapel Hill and a Master of Environmental Management degree in Water Resources from Duke University.

Andrea's primary role will be to educate local policy makers, (including select boards, planning/zoning boards, and conservation commissions), and lake and watershed associations to provide them with information and resources they need to actively promote responsible lake stewardship. Andrea will also oversee the Lake Host Program, implement an updated Watershed Steward™ Program, and develop new education programs for students, including the Lake Conservation Corps. You will learn more about these exciting education programs in future issues of *Lakeside*.

If you would like to discuss education initiatives NHLA should pursue, please feel free to contact Andrea at alamoreaux@nhlakes.org or 226-0299. ♦

North Country Neighbor



Good Neighbor, Tricia Quinn, Senior Resource Forester, Plum Creek Timber Company, Bingham, ME gives Jared Teutsch, NHLA President, a check for \$5,000 from The Plum Creek Foundation. The money will be used for New Hampshire Lakes Association's new education programs, including working with North Country towns to help protect their resources. NHLA is particularly excited to extend its mission above the Notch, working with the good people of Errol and Pittsburg concerned about protecting the pristine quality of their beautiful lakes. ♦

2006/2007 Annual Appeal Best Ever!

Early results of New Hampshire Lakes Association's 2006/2007 Annual Appeal's are excellent. By exceeding our ambitious goal of \$25,000, the Annual Appeal will provide needed operational support for the organization. Two hundred and fifty donors have stepped forward giving above and beyond their membership dues making this Annual Appeal the best ever. Thank you friends! ♦

PWAAB — from page 5

sites in Fish and Game's boat access program, 44 are limited to canoe/cartop or remote walk-in access.

In the years ahead, the Board will continue its work with New Hampshire state agencies to foster public access to all of the state's public waters. It will focus on helping solve public access needs and problems and will provide information on access opportunities around the State in as comprehensive and user-friendly a fashion as possible. ♦

Thomas Quarles, Jr., Esquire is currently the Chair of the Public Water Access Advisory Board. He has been a member of the Board since its inception in 1993, first representing non-motorized boaters and now the general public.



The entire Board of Directors attended the January retreat, showing a strong commitment to NHLA. (l to r) Rep. Alida Millham (Gilford), Bill Frago (Tuftonboro), Dave Birchenough (Nelson), Jeff Schloss (Strafford), Rob Tompkins Jr. (Derry), Fred Szmit (Spofford), Linda Landis (Concord), Ted Kramer (Silver Lake), Ralph Cadman (Wolfeboro), Gordon Cormack (Madison), Jeff Thurston (Gilford), Joy Tarbell (North Conway), Bill Smith (Moultonboro), Maynard Goldman (Grantham), Tom Deans (South Conway), and Mark Rouvalis (Concord). Seated in front (l to r) Shirley Green (Enfield), Patricia Sherman (Newbury), Priscilla Gemmill (Hebron), and Carol Granfield (Meredith)

Mark Your Calendars!

The Fourteenth New Hampshire Lakes Congress will be held on Friday, June 29, 2007, from 9 AM to 2 PM at the Audubon Society of NH McLane Center in Concord. The Theme is: *Protecting Our Lakes Through Enforcement & Action*. We will kick off our fifteenth year anniversary afterwards at our Annual Meeting, with an open house to follow! Watch for the flyer in May. ♦

NHLA Receives Grant Support for its Lake Host Program

Pending Governor and Council approval, NHLA expects to receive \$185,000 to help administer its popular Lake Host Program this summer. This grant, coupled with NHLA funds and another \$117,000 from NOAA (thanks to Sen. Judd Gregg), will enable NHLA to expand its program to more than 60 lakes and ponds in 2007.

The NHLA Lake Host Program, with its focus on education and courtesy boat inspections, has proven to be an effective approach to stopping the spread of exotic milfoil and other aquatic invasives in New Hampshire. Since the

program began in 2002, no lakes participating in the program have experienced an exotic aquatic plant infestation.

2007 Lake Host Program Applications Now Available

Application materials were mailed to lake associations, conservation commissions and others in mid-February. If you haven't received yours, please visit our website at www.nhlakes.org where you can print out an application and mail it! ♦



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