

**Exotic Aquatic Weeds and Species Committee
Meeting of 15 October 2012, LOB 308, 10:30 AM
Minutes of Proceedings**

Members present: Rep. Chris Christensen (Chair), Rep. Dick Drisko, Rep. Mike Kappler, Rep. David Russell (Vice Chair); Public Members Bob Reynolds (Clerk) and Ken Warren

NHDES Representative: Amy Smagula

Members Excused: Rep. Laurie Pettengill, Sen. Jeb Bradley, and Public Member Don Foudriat

Guests present: Marc Bellaud (Aquatic Control Technology, Inc.), Tom O'Brien (NH Lakes Association), Ken Marschner (Wolfeboro Milfoil Committee), David Rousseau (Division of Pesticide Control, NH Dept. of Agriculture, Markets, & Food), and Robert Wolff (Division of Pesticide Control, NH Dept. of Agriculture, Markets, & Food)

Chairman Christensen called the meeting to order at 10:35 AM. Members and guests introduced themselves.

Minutes of the April 9 meeting were discussed, and a revision was made to correct the date of the previous meeting minutes to February 13. Rep. Kappler moved that the minutes be approved as amended. Mr. Warren seconded. The motion passed 4-0-0 (Reps. Drisko and Russell had not yet arrived).

Rep. Christensen described EAWS Committee activities conducted during June and August in lieu of the regularly scheduled Committee meetings (refer to the Post Script in the minutes of the April 9 meeting).

Two guests were present to discuss the process to approve applications for the use of pesticides in New Hampshire water bodies: David Rosseau (Director of the Division Pesticide Control (DPC) of the NH Dept. of Agriculture, Markets, & Food) and Robert Wolff (member of the Pesticide Control Board, Division Pesticide Control of the NH DOAMF).

Mr. Rosseau presented an overview of the process of issuing special pesticide application permits, with a focus on how this process might be expedited (see Attachment A). Statute RSA 430 and Rules Pes 600 govern this process, and these rules are currently being re-adopted. A

special permit must be requested for a pesticide to be applied to water. The request for a special permit must specify a licensed pesticide applicator, the pesticide must be registered and approved by Federal agencies, a description of the location where the pesticide application is proposed, a description of the application and sampling protocols, a public notification plan, and the proposed final report. Requests are reviewed by the interagency Pesticide Control Board led by the DPC and include representatives from the DES, Fish & Game, and DRED.

He described the continuous process improvement activities including a major Rule revision in 2000; implementation of a review committee's recommendations in 2006; and a 5-day "LEAN" process review in 2011 by lake associations, pesticide applicators, public water suppliers, and State agencies. He also discussed potential methods to streamline the process by removing the 90-day response requirement, revising Long Term Management Plans, and considering multi-year permits. Problems with multi-year permits include requirements for public notice each time a pesticide is applied, and evolving pesticide technologies and methods.

Mr. Wolff commented that the process is very thorough, and that well-intended new steps are typically added to the process each year, resulting in cumulative increases in length and complexity of the process. A major bottleneck is the crushing workload of hundreds of pesticide permit requests that must be reviewed, corrected, and approved by the Board to meet April - June deadlines. Earlier submittal of permit requests would not significantly relieve this bottleneck, but a modest increase in staff resources would expedite the process by two weeks, and reductions in the public notification process would also expedite the process. He elaborated on the public notification and public hearing requirements and timetables. He also voiced concerns about 5-year permits including pesticide re-registrations and technology changes, but agreed that 2- or 3-year permits might not be as significantly impacted (see Attachment B for perspectives on this from a pesticide applicator). Mr. Marschner raised questions about reducing the abutter notification requirements regarding "condo" dock slip owners.

Mr. Wolff also updated the status of changes to the Notice of Intent requirements under the National Pollutant Discharge Elimination System (NPDES) permit process. This is important because, above certain pesticide levels, towns must sign a Notice of Intent that they intend to apply a pesticide to a water body as part of the permit application process. There was considerable misunderstanding about what this new requirement

meant, and several towns were reluctant to sign the NOI. He stated that this new requirement has been smoothly integrated into the process.

Rep. Christensen led a discussion of suggestions for future legislation. Mr. Wolff did not request any specific new legislation, preferring to allow the Board to evaluate Rule Pes 600 before making any recommendations. Rep. Christensen discussed the idea of a “milfoil sticker” program for boats similar to the one used in Maine. The current boat registration fee includes a surcharge of \$7.50 that goes exclusively to the DES Exotic Species Program, generating ~ \$750,000 per year, allocated as follows:

- \$0.50 to the Clean Lakes Program
- \$4.00 for prevention and research grants
- \$3.00 for control grants, administration, supplies, etc.

Mr. Warren inquired about boats used in New Hampshire waters, but registered in other states, that do not support the Exotic Species Program. There is currently no estimate of how many boats fall into this category. Concerns were expressed about potential impacts to tourism resulting from new fees on out-of-state boaters. There are also issues with eliminating “state reciprocity” and the resulting reductions in Federal revenues. Ms. Smagula noted that careful “packaging” of fees could avoid these impacts. Mr. O’Brien raised the issue of the legislature raiding dedicated funds to balance the general budget, and the potential impact on this approach.

Ms. Smagula presented the Financial and Activity Report for the DES Exotic Species Program (see Attachment C). She discussed problems with pesticide management practices and continuous process improvements. She noted two new variable milfoil infestations discovered this year in Otter Lake, Greenfield and Naticook Lake, Merrimack. These were discovered in June, and the ability to obtain a “rapid response” permit to treat them in August or September would have significantly reduced the effort to control these new infestations.

She also distributed the final Memorandum of Agreement (see Attachment D) between DES and the Departments of Agriculture, Fish and Game, and Resources and Economic Development. It outlines each agency’s responsibilities and the areas of agreement between the four agencies (e.g., that invasive species should be managed and not perpetuated in the State, that habitats should be protected, and that the focus will be on long-term integrated management plans), describes what activities each agency will

perform in this process, and includes improvements in the herbicide permitting process).

Ms. Smagula discussed the lack of an established process to temporarily quarantine a whole water body during periods of infestation and treatment. DES currently can establish a Restricted Use Area, using buoys to temporarily limit ingress and egress to certain areas. However, a statute that specifies procedures to allow DES to quarantine an entire water body would be useful in certain rare circumstances. This would be controversial, but the members agreed that this should be explored.

Rep. Christensen distributed the Annual Report of the EAWS Committee (see Attachment E). With no suggested revisions, Rep. Russell moved to accept the report as written. Mr. Reynolds seconded. The motion passed 6-0-0.

Rep. Kappler moved to adjourn the meeting at 12:15 PM. Mr. Warren seconded. The motion passed 6-0-0.

Respectfully submitted,
Bob Reynolds, Clerk

Attachments:

- A. EAWS Committee Meeting Presentation Outline by David Rosseau
- B. Letter from Aquatic Control Technology, Inc. dated October 14, 2012
- C. NH DES Exotic Species Program Updates for 10/15/12 Meeting
- D. MOA relative to Management and Control of Established Infestations of Exotic Aquatic Plants in New Hampshire Waters
- E. Annual Report of the Committee to Study Exotic Aquatic Weeds and Species

I. Division of Pesticide Control (DPC) Presentation

1. Introduction

2. Aquatic Special Permits

- a. Statute – RSA 430
- b. Rules – Pes 600

3. Special Permit

- a. Applicant
- b. Pesticide Applicator
- c. Pesticide Product
- d. Location
- e. Public Notice
- f. Sampling
- g. Final Report

(2012: Approximately 260 Special Permit requests, 32 issued for Public Water Aquatic)

4. Aquatic Special Permit – Interagency Review

- a. DPC lead agency
- b. DES/F&G included by rule to solicit recommendation
- c. Other entities included by proposal

5. Continuous Process Improvement

- a. Many gyrations over the years
- b. 2000 Major Rule Revision
- c. 2006 Committee Recommendations
- d. 2011 “LEAN” (Lake Association, Pesticide Applicator, Public Water Supply, State Agencies)

6. Current Consideration/Recommendation

a. DPC Review

1) Rule Revision

- a) For example, remove 90-day requirement allowing a response in less than 90 days if possible

2) Long Term Management Plan – original intention

3) Multi-year permits

a) Considerations

i. Adequate Public Notice

ii. Technology (pesticides, methods, etc.)

October 14, 2012

Exotic Aquatic Weeds and Species Committee
c/o Representative D.L. Chris Christensen, Chair
27 Greatstone Dr
Merrimack, NH 03054-2342

Re: Recommendations for Aquatic Special Permit Rule, Policy and Procedural Changes

Dear Representative Christensen:

As a lake management company actively involved in aquatic herbicide applications to control exotic aquatic weeds in New Hampshire water bodies, we would recommend that Exotic Aquatic Weeds and Species Committee support and help facilitate several changes to the current Aquatic Special Permit process and the Aquatic Pesticide Rules. The objective of these changes are to eliminate redundancy in the process, to accelerate and simplify the permitting process, to reduce costs, and to provide better protection of the State's freshwater resources. Our suggestions are based on our direct experience in New Hampshire, our experience chemically treating over 400 water bodies annually throughout New England and New York, and our involvement in numerous review committees in New Hampshire – most recently the LEAN process that occurred in August 2011. Some of the specific items that we believe should be addressed include:

- Issuance of multiple-year permits that follow the Long-Term Management Plans that are being prepared by DES
- Removal of the minimum 90-day permit review period, to allow for rapid-response activities when warranted
- Modifications to the notification of treatment requirements
- Modifications to the post-treatment herbicide residue sampling requirements

Multiple-Year Permits

Effectively managing exotic aquatic weeds requires ongoing management efforts over a several year period. Issuing multiple-year permits that follow long-term management plants would eliminate repetitive permit reviews, increase efficiency and reduce staff time that is allocated to the process by the numerous Departments involved in these permit reviews.

Several of the Northeastern states have in place or are moving towards the issuance of multiple-year permits or a simplified renewal process. Vermont is the best example to follow due to the similarities in its permit review process, similarities in permit conditions and its requirement for applicants to prepare long-term integrated management plans. Permit applications submitted in Vermont must detail anticipated chemical and non-chemical management activities over a five-year period. Each year under the permit, a comprehensive pre-treatment inspection is performed that identifies specific management areas. A map and concise narrative of the proposed treatment areas is submitted to the Vermont Agency of Natural Resources approximately one-month prior to the proposed treatment date. They review the treatment plan as proposed and then authorize the permittee to proceed with notification for treatment of approved areas. The required 15-day pre-treatment notification then precedes the treatment. Post-treatment permit compliance monitoring is performed as conditioned by the permit and a year-end report is provided that summarized management activities performed under the permit.

Removal of Minimum 90-Day Permit Review Period

While we realize that the rules requiring a minimum 90-day permit review period are in-place to allow time for permit review and to allow time to advertise and hold a public hearing, if requested, this requirement eliminates the possibility of a rapid-response treatment to target a newly discovered infestation. It also prevents modifications to proposed treatment areas, if pre-treatment surveys determine that the infestations have expanded or have shifted since the previous summer. Fortunately, public hearings are frequently requested, so removing the minimum 90-day permit review requirement will facilitate rapid-response and modifications of treatment areas when warranted.

Aquatic Control Technology, Inc.

11 John Road • Sutton, MA 01590-2509 • (508) 865-1000 • Fax (508) 865-1220 •
info@aquaticcontroltech.com

Modifications to Notification of Treatment Requirement

The rule requiring the “notification of treatment” be sent via certified mail-return receipt needs to be changed. This now costs almost \$6 in U.S. postage per letter and can be a significant expense. For example, the Town of Moultonborough has spent anywhere from \$1,500 to over \$5,000 per treatment for the five applications that have been performed since the fall of 2010. It is disheartening to see the amount of money that is wasted on postage when we look at the dozens of letters that are returned to our office and stamped as being “unclaimed.” There are other options that should be considered.

The simplest option would be to allow the applicant to send in a signed Affidavit that the mailing was sent via regular mail. This is how New York handles their notification requirements. Vermont allows for notifications via email provided that delivery receipts are maintained and people that cannot be reached via email must receive a certified letter. Massachusetts allows for the required mailings to be sent with a Certificate of Mailing, where the Post Office stamps and certifies a list of the addressees that are being sent the letter. Finally, a website could be maintained by the State or by Applicators that provides pertinent information for each treatment being performed. Any of these options would provide considerable cost savings and allow the money to be directed towards the management efforts instead of being used on postage.

Modifications to the Post Treatment Herbicide Residue Testing Requirements

The rule requiring an “independent” and “NELAC” certified laboratory collect and analyze the post-treatment herbicide residue samples following treatment, adds \$1,000 or more to the cost of each treatment program performed on a public lake in New Hampshire. In all of the other Northeastern states, the applicant or applicator collects the samples and delivers or ships them to a qualified laboratory. This step alone eliminates third party involvement and saves hundreds of dollars. There are also qualified laboratories that run an ELISA analytical process that would allow for 48-hour turnaround of sample results. The NELAC certified labs used in New Hampshire in past years all have a 10-14 day standard turnaround and requesting expedited turnaround carries a 50-100% surcharge. The ELISA testing is also less expensive than the standard laboratory testing. The other Northeastern states, including Vermont, allow for applicant/applicator sample collection and use of ELISA laboratory testing.

We believe that the recommended rule, policy and procedural changes listed above will reduce redundancy in the current permitting process, allow for more timely reviews, and save Departmental staff time and resources; without lessening oversight and the intended protection of the State’s freshwater resources. Thank you for taking these suggestions into consideration. Of course, I would be happy to discuss any of these issues or other concerns of the Committee in greater detail.

Sincerely,

Aquatic Control Technology, Inc.

Marc Bellaud
Vice President/Aquatic Biologist

cc: David J. Rousseau, Director, Division of Pesticide Control
Robert Wolff, Division of Pesticide Control
Amy Smagula, Exotic Species Program Coordinator, Department of Environmental Services

NH DES Exotic Species Program Updates for 10/15/12 Meeting

Prepared by Amy P. Smagula

Exotic Species Program Coordinator

Since the last meeting the Exotic Species Program, general exotic species program activities have included:

- Monitored 31+ 2012 exotic aquatic plant control projects across the state
- Mapped 70+ waterbodies for 2013 planning
- Prepared maps and bid guidance for 34 waterbodies for 2013 (still have a few more to go)
- Coordinated DES dive support at about a dozen waterbodies
- Trained about 15 new Weed Watcher groups
- Identified about 1500 plant specimens sent in to DES for identification
- Tracked 31 control grants, one research grant, and two prevention grants
- Made more progress on finalizing Exotic Species Program Report
- Finalized Long-Term Management Plan template for 2013, with comments from other agencies
- Worked on elements of MOA with other agencies
- Updated guidance documents for Prevention and Research Grants and posted to DES website
- Attended a regional symposium on hydrilla (another invasive aquatic plant) in the northern tier of the US
- Tracked two new infestations of variable milfoil (Otter Lake, Greenfield and Naticook Lake, Merrimack)
- Tracked new infestations of an invasive clam (Asian clam) and worked with Fish and Game to develop a fact sheet on the species. Meeting with F&G this fall to strategize on what to do about the problem.

Exotic Species Budget Updates

- Worked on SFY 2014/2015 budget preparation for Lake Restoration Fund (Exotic Species Program Funding). Budget was level-funded with SFY 12/13 budget, and all class lines were kept relatively similar.
- Transferred surplus funds from account (from liquidated contracts) into grant line item to increase available control funds for 2013. This should allow us to give higher match percentages (final match percentage to be determined based on total cost of projects and number of requests for funds, and how much we have to give out).

- Now working on obtaining bids for 2013 projects, and in November/December will determine grants and begin contract development for grants.

Problems encountered in 2012

- Some herbicide permitting issues (that can mostly be addressed with rule changes)
 - Timeframe of permits being issued (some were issued too late to follow plans for spring/fall treatment)
 - Need to work out some issues related to product use
 - Seeing some problems with needing to treat in areas just outside or near proposed treatment areas, but that were not originally proposed for treatment
 - Really need a multi-year permit
- Seeing some problems with one aquatic herbicide not providing longevity we'd like to see. We are working with scientists in the region and beyond to find some solutions, and have some options for 2013.

Memorandum of Agreement
Among and Between

New Hampshire Department of Agriculture, Markets and Food, New Hampshire
Department of Environmental Services, New Hampshire Fish and Game Department
and New Hampshire Department of Resources and Economic Development

relative to

The Management and Control of Established Infestations of Exotic Aquatic Plants
in New Hampshire Waters

WHEREAS, the New Hampshire Department of Agriculture, Markets and Food (DAMF), through the Pesticide Control Board acting under statutory authority established in RSA 430:31, adopted Administrative Rule Pes 601.01(b), which states that “applications for treatment of surface waters 10 acres or larger in area shall also have prior recommendations by DES and the Fish and Game Department”;

WHEREAS, the New Hampshire Department of Environmental Services (DES), through the Clean Lakes Program established pursuant to RSA 487:17, recognizes exotic aquatic plants as a threat to water quality and identifies the need for the preservation and restoration of New Hampshire lakes and ponds “to benefit the social and economic well-being of the state’s citizens”;

WHEREAS, it is the duty of the Executive Director of the New Hampshire Fish and Game Department (F&G), pursuant to RSA 206:10, to “protect, propagate and preserve the fish, game and wildlife resources of the state,” among other duties;

WHEREAS, the New Hampshire Department of Resources and Economic Development (DRED), pursuant to RSA Chapter 217-A, is charged with protecting and conserving native plants and natural communities; and

WHEREAS, the four agencies listed above (hereafter referred to collectively as “the agencies”) recognize the need to improve and streamline the process for decision-making on proposals for exotic aquatic plant control measures under RSA 487:17 such that effective control of exotic aquatic plants is obtained through the integrated use of Best Management Practices (BMPs), that are selected based on site-specific conditions and public input.

**NOW, THEREFORE, AND INCORPORATING THE RECITATIONS ABOVE, THE
UNDERSIGNED MUTUALLY AGREE AS FOLLOWS:**

- I. Actions to manage and control established infestations of exotic aquatic plants should be based on the following principles:
 - A. The most effective approach to manage exotic aquatic plants is through the use of integrated control techniques that are tailored to site specific conditions;
 - B. The development and implementation of Long-term Exotic Aquatic Plant Management Plans (LTMPs) for waterbodies that have exotic aquatic plant infestations is the primary tool for ensuring comprehensive and integrated control solutions;

- C. Coordination of data collection and analysis among the State agencies is key to improving long-term management of established infestations of exotic aquatic plants; and
- D. Timely and appropriate decisions on permit applications are required to ensure no undue delays in the implementation of appropriate exotic aquatic control techniques and mitigation measures.

II. The agencies will apply these principles to exotic aquatic plant management projects in an integrated fashion as follows:

A. By January 15, 2012, the agencies will fully implement the permit streamlining changes agreed to in the LEAN in Government Implementation Plan for *The Permitting of Herbicide Application in the Waters of the State*, dated August 23, 2011 (copy attached as Appendix I), including:

1. Reviewing, in a timely fashion, permit applications for control of exotic aquatic plants relative to applicable statutes and regulations, and providing comments and concerns to the other agencies;
2. Working cooperatively with the Pesticide Control Board to draft or amend regulations for the permitting process as appropriate; and
3. Meeting again in one year to discuss the effectiveness of the permit process changes.

B. By February 28, 2012, the agencies will develop and agree to a template for Long-term Exotic Aquatic Plant Management Plans (LTMPs) for water bodies that have infestations of exotic aquatic plants, and shall subsequently use this template to develop draft LTMPs for each affected waterbody which will be effective for calendar year 2013 onward. This process shall include:

1. LTMP template development based on information shared during inter-agency meetings and communications; and
2. Contribution of data and information from the agencies relative to the content of the individual LTMPs.

C. By February of each year, complete preparation or updates of draft LTMPs for projects taking place in that year's growing season, using the template developed pursuant to II.B. above, for all waterbodies that have infestations of exotic aquatic plants.

D. The agencies will review completed draft LTMPs as they are finalized and provide comments to DES within 15 calendar days of receipt of each draft so that the drafts can be finalized and sent to contractors for inclusion with permit applications.

E. LTMPs will be revised when necessary to reflect changes in site specific conditions, and/or the effectiveness of the integrated control techniques employed. The agencies will review and comment on all the proposed LTMP modifications.

F. By November 15 of each year, the agencies will review the annual list of potential exotic aquatic plant control projects (recognizing that this may not be a complete list at this date), to determine if there are any species, habitat, water supply or other concerns relative to the types of control practices, and then share that information with the other agencies. At least two weeks prior to this date, DES will submit an official Database check request to the Natural Heritage

Bureau (NHB) for information on known locations of protected species and exemplary natural communities in the vicinity of proposed exotic plant control project locations. If any concerns exist, the agency with data and experience with the topic of concern will make recommendations about suitable modifications or alternatives relative to the proposed control actions and LTMP recommendations for that waterbody and infestation (e.g., timeframes, approaches, setbacks).

G. In December of each year, agency program staff will meet and/or correspond to review project-specific areas of concern and to finalize suitable alternatives. Upon concurrence, suitable alternatives will be included in a revision of the LTMP for that waterbody and included, when appropriate, as conditions in any permit that may be issued for exotic aquatic plant management activities.

H. By April 2012, improve the process for monitoring and data sharing on water bodies undergoing exotic aquatic plant control techniques, which include the following:

1. Accessing data from the NHB plant and animal tracking database housed at the Natural Heritage Bureau Inventory.
2. Developing strategies or Standard Operating Procedures (SOPs) for mapping, surveying and monitoring of habitats, species and other natural resources related to control practices in infested waterbodies.
3. Agency coordination to complete field work and site inspections to address data needs required for addressing concerns relating to specific species or habitats. To use this information to inform the choice of appropriate methods and timeframes for management and control activities.

I. By May 2012, develop a working set of best management practices for the integrated control of exotic aquatic plants using the following:

1. Peer reviewed literature on aquatic plant management, with a specific focus on impacts to habitats, species and drinking water supplies, or other relevant issues.
2. Habitat and species data that are collected and shared by each of the agencies.
3. New and evolving management techniques for controlling exotic aquatic plants.

III. FURTHER, THAT THE DEPARTMENT OF AGRICULTURE, MARKETS AND FOOD WILL:

- Streamline the permit review process by working with the Pesticide Control Board to draft or amend regulations as appropriate.
- Perform reviews of permit applications for control of exotic aquatic plants relative to applicable statutes and regulations, and issue permits that reasonably address the concerns of other state agencies in an integrated fashion.
- When deviations from agency recommendations or draft LTMPs occur, provide information (via e-mail and within two weeks of permit issuance) to agencies explaining why the deviation occurred.
- Review completed draft LTMPs and provide comments to DES.

IV. FURTHER, THAT THE DEPARTMENT OF ENVIRONMENTAL SERVICES WILL:

- Review requests for exotic aquatic plant control actions to determine consistency with agency lake management policies, including waterbody-specific Long-Term Management Plans and water supply protection.
- By September 30 of each year DES will, via email, provide a list of potential projects for the next growing season to the agencies. This list will be based on requests received by DES by that date for funding assistance for control practices.
- In collaboration with the other agencies and interested parties, prepare or update (as appropriate) long-term Exotic Aquatic Plant Management Plans (LTMPs) for all waterbodies that have established infestations. DES will modify the plans on an ongoing basis to reflect changes in actual field conditions and guide future control efforts, with an emphasis on waterbodies that are slated for management action in that growing season.
- Coordinate and conduct field work to provide input and feedback for alternative methods or timeframes for control actions to limit impacts to species or habitats of concern and for use in LTMPs and permitting processes.
- Measure and report the results of control activities.



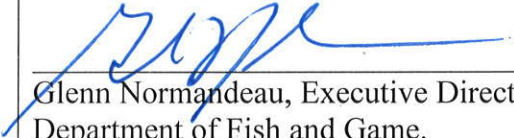
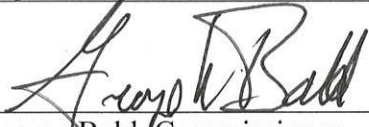
V. FURTHER, THAT THE DEPARTMENT OF FISH & GAME WILL:

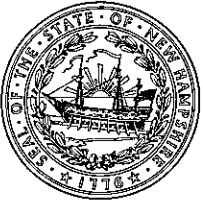
- Review requests for exotic aquatic plant control actions to determine consistency with agency wildlife protection and management policies.
- Assist in the development of LTMPs by identifying important fish and wildlife habitat, designated conservation zones and boat access sites, and by providing information on any wildlife species listed as rare, threatened or endangered species and/or species of greatest conservation need.
- Coordinate and provide input for alternative methods or timeframes for proposed control techniques to minimize impacts to species or habitats of concern and for use in LTMPs and permitting process.
- Review completed LTMPs and provide comments to DES.

VI. FURTHER, THAT THE DEPARTMENT OF RESOURCES AND ECONOMIC DEVELOPMENT WILL:

- Review requests for exotic aquatic plant control actions to determine consistency with agency efforts to protect and conserve native plants and natural communities.
- Assist in the development of LTMPs by identifying the presence of any rare, threatened or endangered species or sensitive habitats in or near proposed control activities.
- Coordinate and conduct field work to provide input and feedback for alternative methods or timeframes for control actions to limit impacts to species or habitats of concern and for use in LTMPs and permitting process.
- Review completed draft LTMPs and provide comments to DES.

IN WITNESS WHEREOF, the respective parties have hereunto set their hands on the dates indicated.

 _____ Lorraine Merrill, Commissioner Department of Agriculture	<u>2-21-2012</u> Date
 _____ Thomas S. Burack, Commissioner Department of Environmental Services	<u>2/16/2012</u> Date
 _____ Glenn Normandeau, Executive Director Department of Fish and Game.	<u>3/2/12</u> Date
 _____ George Bald, Commissioner Department of Resources and Economic Development	<u>2/27/12</u> Date



State of New Hampshire

GENERAL COURT

CONCORD

MEMORANDUM

DATE: November 1, 2012

TO: Honorable John H. Lynch, Governor
Honorable William L. O'Brien, Speaker of the House
Honorable Peter Bragdon, President of the Senate
Honorable Karen O. Wadsworth, House Clerk
Honorable Tammy L. Wright, Senate Clerk
Michael York, State Librarian

FROM: Representative Chris Christensen, Chairman

SUBJECT: Annual Report on RSA 487:30, 31, Laws of 2004, 2005

Pursuant to RSA 487:30, enclosed please find the Annual Report of the Exotic Aquatic Weeds and Species Committee.

I would like to thank those members of the committee who were instrumental in this study. I would also like to acknowledge all those who testified before the committee and assisted the committee in our study.

If you have any questions or comments regarding this report, please do not hesitate to contact me.

CC/dm
Enclosure

**ANNUAL REPORT OF THE COMMITTEE TO STUDY
EXOTIC AQUATIC WEEDS AND SPECIES**

RSA 487:30, 31 Laws of 2004, 2005

November 1, 2012

Members: Rep. Chris Christensen (Chair) Senator Jeb Bradley
 Rep. David Russell (Vice-Chair) Donald Foudriat
 Rep. R.B. Dick Drisko Kenneth Warren
 Rep. Laurie Pettengill Robert Reynolds (Clerk)
 Rep. L.M. Mike Kappler
Department of Environmental Services Representatives
 Amy Smagula, Exotic Aquatic Species Program Coordinator

In the 2011 legislative session HB55 was passed authorizing the President of the Senate to appoint an additional member of the public to the Committee. This bill also authorized a member from the NH Lakes Association, to be selected by that organization. The two Senate appointees were Don Foudriat and Robert Reynolds; Ken Warren was the appointee from NH Lakes. All three of these members have been active in lake management issues for some time, and they were very welcome additions to the Committee.

In the same legislative session, the Committee had favored HB439, relative to claiming an invasive species as a habitat. This bill passed the House but was eventually reported as "Inexpedient to Legislate" by the Senate, which favored the pending Memorandum of Agreement (MOA) between the Departments of Agriculture, Fish and Game and Environmental Services.

This MOA was signed to become operative at the start of 2012, with an evaluation meeting to occur in July of 2012. The expectation was that the application and permit process for herbicide use in the management and control of variable milfoil would be improved. Most permit applications take 90-120 days to be approved. Since the window for the most effective use of herbicides is a short time in the spring, applications are often filed based on the previous year's conditions. There is little flexibility when conditions change in the spring. This was particularly evident following a very mild winter in 2011-2012. Spring growth of milfoil was far greater in several locations than anticipated, and the control plan was difficult to update in a timely manner. One such location was Back Bay, a part of Lake Winnepesaukee in Wolfeboro, NH. As of the writing of this report,

that meeting has not taken place, and is tentatively scheduled for December 2012.

This section of the 2011 Annual Report remains valid:

"In summary, small infestations of milfoil are often successfully hand pulled by a trained diver. Larger areas usually require application of an herbicide such as 2, 4-D. These applications are carefully scrutinized before being permitted. However, 2, 4-D is most effective at certain times of year, primarily June, and a delayed permit may mean another several months, or a full year of weed growth before an effective application can be made. The balance is cautious use of herbicides with a timely application.

In many instances, successful follow up to an herbicide treatment is achieved with a diver assisted suction harvester (DASH)."

In the 2011 report, four goals were mentioned:

1. Relations with lake associations
2. Public education; press releases?
Online presence? (volunteer?)
3. Legislative education
4. Funding

Towards these ends, the committee started to better educate itself with Amy Smagula presenting financial and activity reports at each meeting. We note that this year, all requests for grant assistance were fulfilled. This was in part due to the financial cycle of revenues from boat registration surcharges. The \$7.50 surcharge (previously \$3.00) was part of 2009 legislation. By the time it was effective, and funds started being collected, grants for that year had already been awarded and the lengthy permit process precluded more awards that year. This cycle is also influenced by March Town Meetings when towns vote for their part of the match. Thus, grant applications in late 2011, early 2012, were able to be funded for 2012 control and management applications.

The addition of a member from NH Lakes has helped considerably in improving communications with lake associations. We have also benefitted from activity in a three town joint effort in Moultonborough, Tuftonboro and Wolfeboro. Ken Marschner, chair of that group, has attended several of our meetings. We have made efforts to reach out to other local organizations. DES, through Amy Smagula, has done an excellent job of meeting with local lake associations. In addition we have seen that direct contact with legislative members of the committee is very much appreciated by these organizations and gets good response from the press, helping to educate the public who may not be lakefront landowners, but have a vested interest in the quality of our lakes and water bodies.

One Committee member reports that putting out press releases, and guiding people to a local web site has drawn interest from the public, as measured by the number of hits. This same effort has resulted in more contact with members of the legislature and direct interest in related activities in their districts.

Another outreach was accomplished with appearances on "The Exchange" a NHPR radio talk show. Participating this year were DES Program Coordinator, Amy Smagula, Committee Chair, Rep. Chris Christensen and Committee Clerk, Bob Reynolds. We believe the public calls to the program indicated widespread interest in milfoil control and eradication. More generally, there is great interest in protecting our lakes and rivers.

On June 8, 2012, the Committee meeting was made coincident with the New England Chapter of the North American Lake Management Society (NEC NALMS). We conducted a 3.5 hour afternoon workshop with presentations on the activities of the EAWS Committee (Chris Christensen), program funding (Bob Reynolds), the Lake Host program (Andrea Lamoreaux, NH Lakes), multi-town efforts (Ken Marschner), and exotic aquatic plant control (Marc Bellaud, Aquatic Control Technology, Inc.).

Our August meeting was a field trip to Back Bay in Wolfeboro, NH, to observe Diver Assisted Suction Harvesting (DASH) in operation. This gave committee members some firsthand experience and knowledge that they can take back to their committees and constituents. Of equal importance, news articles were published in the *Granite State News* and the *NH Sunday News*. Both were on the front page.

Our final meeting before this report was October 15, 2012. It included a presentation by the Department of Agriculture, Pesticides Division, on the permit application process. One area of interest for the Committee is to expedite the process for groups that are in the follow up stages of a multi-year management plan.

There was also discussion about additional funding needs and how we might implement a "milfoil sticker" program similar to that in the State of Maine. They charge a \$10.00 fee which is part of the registration for residents and a \$20.00 fee for a special sticker for non-residents. For us, this compares to a \$7.50 fee for NH resident boat owners and no fee to non-residents.

Respectfully submitted,

Representative Chris Christensen, Chair