



**PUBLIC WATER ACCESS ADVISORY BOARD
JANUARY 14, 2021 MEETING MINUTES**

THE BOARD MET BY TELECONFERENCE DUE TO THE GOVERNOR'S
CORONAVIRUS MEETING ORDERS/RESTRICTIONS.

Members Present: Thomas Quarles, Esq., Chairman (general public interest); Bill Gegas (DNCR); Rebecca Martin (DOT); Gary Clark (general public interest); Paul Van Blarigan, (Governor's Commission on Disability); Tracie Sales (for Jim Gallagher of DES); Richard Smith (fishing interest); Gene Porter (power boat interest); Michele Tremblay (river interest); B. David Bryan (coastal/marine interest); Garret Graaskamp (for Scott Mason, NHFG); Kris Harmon (Exec. Secretary).

Members Absent or Excused: Senator Ruth Ward; Senator Tom Sherman; Representative Roger Dontonville; Representative Chuck Grassie; Captain Timothy Dunleavy (DOS); Ken Gallagher (OSI); R. Andrew Robertson (non-motorized boating); Scott Biron (hunting interest); Tom O'Brien, Lake Assn. Interest.

Guests or Public: Representative Tim Lang (Chair of House Fish & Game Committee); Michelle Davis

MEETING CONVENED

The meeting was called to order by Chairman Quarles at 9:05 a.m. The Chairman explained this was the fourth meeting held under Covid protocols and the third meeting held via teleconference. The Chairman read the following statement:

As Chair of the Public Water Access Advisory Board (PWAAB), I find that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, this public body is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, I am confirming that we are:

- a) *Providing public access to the meeting by telephone or video, with additional possibilities to submit public comment via e-mail at: Kristin.Harmon@wildlife.nh.gov or by sending comments to: NH Fish & Game Department, Attn: PWAAB, PO Box 417, New Hampton, NH 03256. Comments will be accepted for three consecutive days after the January 14th PWAAB meeting.*

All Comments received during the comment period will be compiled into the January 14, 2021 PWAAB Minutes.

We are utilizing a video/audio webinar Internet platform for this electronic meeting. All members of the PWAAB have the ability to communicate contemporaneously during this meeting through this platform. The public also has access to contemporaneously listen to, and view the meeting proceedings through this platform. No public comment time is scheduled for this meeting, however the Chairperson, at his/her sole discretion, may recognize members of the public to speak on any agenda item.

b) Providing public notice of the necessary information for accessing the meeting:

We gave notice to the public of the necessary information for accessing the meeting telephonically and/or by video streaming. Instructions have been provided on the Fish and Game website on the PWAAB page at:

<https://www.wildlife.state.nh.us/access/meetings.html>

The instructions were also posted in the lobby of the Fish and Game headquarters, 11 Hazen Drive, Concord, NH.

c) Providing a mechanism for the public to alert the public body during the meeting if there are problems with access:

If anybody has a difficulty, please call (603)-271-1740 or email:

Nicola.L.Whitley@wildlife.nh.gov.

d) Adjourning the meeting if the public is unable to access the meeting:

In the event the public is unable to access the meeting, the meeting will be adjourned and rescheduled.

Please note that **all votes** that are taken during this meeting shall be done by **roll call vote**.

Chairman Quarles then took a roll call for attendance. Each member stated their presence and whether anyone was with them during the meeting. Twelve voting members were in attendance, satisfying the quorum requirement of eleven (see attached Vote Tally Sheet).

AGENDA ITEMS – [Note: Text in bold denotes action items or motions.]

Agenda Item 1: Approval of PWAAB Meeting Minutes – November 2, 2020

The Chair noted one correction on page 7. The 13th line from the top should read “compared to other access opportunities and are not within the constraints of available funding.” The motion to accept the minutes as amended was made by **Michelle Tremblay** and seconded by **Gene Porter**. **The motion was carried.**

The Chairman took a moment to read an email from Representative Roger Dontonville of the State House Fish and Game Committee, who has served on the PWAAB Board for 2 years. He explained he has received a Committee reassignment. Another Representative has not yet

been assigned to replace him on the Board. The Chair thanked Representative Lang for standing in today. **Rep. Lang confirmed replacements for Representatives Dontonville and Grassie would be in place for the March meeting.**

Agenda Item 2: 2019 Annual Reports

- **DNCR – Bill Gegas**

The Board reviewed and discussed the DNCR Annual Report to the PWAAB which outlined projects and work over 2019 at a variety of waterbodies around the state.

Chairman Quarles made a motion to accept the DNCR 2019 Annual Report the PWAAB, and **Gary Clark** seconded. **The motion passed unanimously.**

- **GCD – Paul Van Blarigan**

The Annual Report from the Governor’s Commission on Disabilities had not been received by the Board. Mr. Van Blarigan said he would follow up and get that submitted.

Agenda Item 3: Proposed Legislation

- **HB 186 – re: PWAAB**

The legislature had reviewed the various advisory boards and their membership. HB 186 will amend the statute outlining membership on the PWAAB, reducing the number of Senators on the Board to one, and retain two house members.

The Chair asked for comments from Michelle Davis of the Lakes Association on HB 115 and 229 and any other pending legislation not listed:

- **HB 115 – re: wake surfing**

This legislation is meant to bring this activity into line with existing statutes for safe operation of boats and water skiing including, for example, the mandatory use of personal floatation devices, mandatory use of a spotter, etc.

- **HB 229 – re: defining “wake boat”**

This bill would create a definition of a wake or “ballast” boat. Previously there has been no specific definition.

- **HB 99 – seasonal platforms on public waters**

Swim rafts (or inflatable rafts) on inland waters have become more popular and an ongoing study is reviewing statute language, safety and permitting issues. The Board will discuss this further when Captain Dunleavy is available at the March Meeting.

- **Other legislation from state agencies’ tracking lists?**

Mr. Gegas of DNCR suggested a couple of bills he thinks are deserving of the Board’s attention going forward: **HB 82**, relates to amending conservation easements between the

State and a landowner. Ms. Tremblay (River Assn. interest) also expressed concern for the potential of this bill rolling back easements on lakes and rivers. Ms. Davis (NH Lakes Assn.) concurred and noted this bill is trying to address the concerns, primarily, of an agricultural interest which seeks to augment agricultural activities. She noted this could have far reaching repercussions around the state for land trusts, agencies and conservation commissions as the wording of this legislation seems quite broad. **The Chairman asked representatives of the Lakes and Rivers interests to provide the Board any more information they can at the next meeting.**

Another bill of interest is **HB 177** relative to preventing siting a landfill near a state park which Mr. Gegas believed refers to a Dalton landfill and Forest Lake. He also mentioned **HB 446** which pertains to the effects of recreational vehicles and other vehicles on class 5 and 6 roads, which is sure to affect access to public waters.

HB 344 relates to administration, and regulation of seasonal docks on rivers. The original bill language sought to streamline registration of seasonal docks and was flawed. Among other issues, it moved up the grandfathering of non-compliant docks installed between September 1, 1978 and January 1, 2000. HB 344 also removes docks on rivers from this streamlined registration process.

HB 534 relates to the municipal control of certain frozen waterbodies. Towns would have the ability to restrict use of frozen waterbodies of less than 100 acres. **Mr. Graaskamp was asked to speak to this bill at the next meeting since NH Fish and Game currently has jurisdiction over activities on ice.**

- **PWAAB to propose legislation allowing public recreational facilities, such as boat access sites, to qualify as wetlands mitigation?**

This item has been a recurring discussion point for the Board, most recently with regard to the Amazon Distribution Center property along the Merrimack, including a proposed Hudson Fire Department access site to the river. Current DES statutes do not allow for recreational facilities to be counted as mitigation. Changing the mitigation standards would require legislative changes. **Tracie Sales (DES) was asked to delve further into the issue for the March meeting.**

Agenda Item 4: Public Access to Public Water Supplies – Gene Porter (Power Boat Interest)

State law directs DES to protect water supplies and it further directs that any local restrictions more restrictive than those of the State will take precedence. In reviewing 28 public community water supplies, general provision rules appear to have been adopted by DES with the town's approval, but will vary from one water supply to another, with some banning bathing, fishing, boating, etc. Mr. Graaskamp (NHFG) noted the restrictions access sites within the Fish and Game Boat Access Program have under RSA 233-A:11. Additionally he noted the Marine Patrol's web page shows additional restrictions on certain public water bodies pertaining mostly to petroleum motors and jet skis.

Agenda Item 5: Souhegan River, Merrimack, Watson Park – Bill Gegas (DNCR)

- **Was the Town's closure in compliance with LWCF?**

Due to Covid, increased pressure on outdoor resources caused damage, trash issues, etc., as the property at Watson Park was overwhelmed by visitors. The Town closed the park and then pursued the idea of making the park available to residents only. Because of its LWCF funding, Watson Park has a general public access requirement. There are, however, LWCF rules which allow protection of natural resources, or public safety. A fence was constructed along the river and there is pending review to determine for what purpose it was erected. **Mr. Gegas will report back to the Board whether access was unreasonably constricted; is there still access otherwise.**

Agenda Item 6: Fish and Game – Site Development Matrix – Garret Graaskamp.

Mr. Graaskamp shared the Site Development Matrix for the Board and noted that due to Covid, and winter conditions, there has not been much change since the last meeting. He reported the Downing's Landing project had nine bidders. He anticipates that after Governor and Council make their decision, work would commence in April and the Landing should be open about two months after that. Spring work includes leveling and paving the parking area. Work on a coffer dam for ramp improvements and runoff protection will follow.

Agenda Item 7: Connecticut River, Prospect Street, Hinsdale – DOT Project – Rebecca Martin. Progress continues, bridgework is still scheduled to begin this summer, but because of pauses in that work, some work on the old bridge (to be for pedestrians) will occur. The Prospect Street access will still be available for the most part.

Agenda Item 8: Baker River, Rumney and DOT Surplus Rest Area - Bill Gegas, Rebecca Martin. The Town has not decided to purchase the building and property for a new police station, but there are indications the project might be worked out if the new deed would include the Town's control of access if they acquire the property. DNCR and DOT are working on this with the Town. PWAAB provided proposed deed language some time ago and would like to participate in any further discussions. The language offered included dedicated parking for the residents and Bill Gegas advised that inclusion of the area in the DNCR state park system was not likely since it is a self-funded program and given the limitations of the site. The DNCR Trails Bureau has an interim chief who has not been able to delve into this as a Trails Bureau matter. Most of the site's use would be in the 3 seasons which do not include snow machines, so Trails Bureau funding opportunities would likely be limited. **This matter will be continued in the March meeting.**

Old Business

The following items are topics which are pending. Members were asked for any comment. None was offered.

Roads to Public Waters – Orphaned sites project

Beach Access Inventory and Review

River Access Review and Prioritization

Rocky Pond, Loudon

Great Bay, Glenn Cove Property (formerly Emery Farm), Greenland

Rust Pond, Wolfeboro

Public Comment: Accepted by email or letter for 3 consecutive days post meeting.

There were no members of the public attending this meeting. No public comment was received after the meeting.

Other Business:

Bill Gegas noted a recent article which reported the Town of Conway has voted to implement parking fees at several public water access sites. **Davis Park** (municipal park along the Saco River near a covered bridge on the south side of town); **Smith Eastman Landing** behind the Police Department (with river access on the Saco) **Conway Lake** has a large town beach. **East Bridge** on the north side of Conway near the Cathedral Ledge area, is also on the Saco.

There are no reports of prohibition of non-residents. Two of these sites have LWCF funding to some degree. Mr. Gegas believes the Town will seek a parking fee, not a usage fee. Mr. Graaskamp noted a phone call he received indicated that the boat launch at Conway Lake is a municipally owned site. Mr. Gegas explained any municipal site using LWCF money cannot prohibit public use. Fees are allowable but must be consistent with other similar state run areas. Reduced or free access for residents is possible, but a 1 to 2 ratio for non-resident fees must be maintained. The Town has not indicated what fees they are considering. **This item will be followed up at the next meeting.** Any town vote would potentially occur in March after the PWAAB meeting.

The next meeting is scheduled for March 1, 2021 at 9:00 a.m. via teleconferencing.

Chairman Quarles made a motion to adjourn at 11:21. Without objection the motion was passed unanimously.

Respectfully Submitted,

Kristin Harmon
Executive Secretary

PUBLIC WATER ACCESS ADVISORY BOARD												
Date: January 14, 2020		Quorum: 11										
Voting Members:		Present, Absent, or Advised in Advance Unable to Attend	VOTE 1 Yes / No	VOTE 2 Yes / No	VOTE 3 Yes / No	VOTE 4 Yes / No	VOTE 5 Yes / No	VOTE 6 Yes / No	VOTE 7 Yes / No			
1	Thomas Quarles, Esq., Chair, General Public Interest	Present	Y	Y								
2	Scott R. Mason, NH Fish and Game	Not Present										
3	Senator Tom Sherman	Not Present										
4	Senator Ruth Ward	Not Present										
5	Representative Roger Dontonville	Excused										
6	Representative Chuck Grassie	Excused										
7	Tracie Sales, DES, Rivers & Lakes Program	Present	Y	Y								
8	Capt. Timothy Dunleavy, NH DOS	Not Present										
9	Vasilios (Bill) Gegas, NH DNCR	Present	Y	Y								
10	Rebecca Martin, NH DOT	Present	Y	Y								
11	Ken Gallager, NH OSI	Excused	Y	Y								
12	Paul Van Blarigan, Governor's Commis. On Disability	Present	Y	Y								
13	Gary Clark, General Public Interest	Present	Y	Y								
14	R. Andrew Robertson, Non-motorized Boating	Not Present										
15	Richard Smith, Fishing Interest	Present	Y	Y								
16	Michelle Davis, Lake Association Interest	Present	Y	Y								
17	Gene Porter, Power Boat Interest	Present	Y	Y								
18	B. David Bryan, Coastal / Marine Interest	Present	Y	Y								
19	Michele Tremblay, River Association Interest	Present	Y	Y								
20	Scott Biron, Hunting Interest	Absent										
	Garret Graaskamp (NHFG Alternate designee)	Present	Y	Y								
	Kris Harmon, Executive Secretary	Present										
	Public 1:	Present	Vote #:	Vote description / reference								
	Public 2		Vote 1:	January Meeting Minutes: approved								
	Public 3		Vote 2:	Accept DNCR Annual Report: approved								
	Public 4		Vote 3:									
	Public 5		Vote 4:									
	Public 6		Vote 5:									
	Public 7		Vote 6:									
	Public 8		Vote 7:									