



**PUBLIC WATER ACCESS ADVISORY BOARD  
MARCH 1, 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); Jim Gallagher (DES); Capt. Timothy Dunleavy (DOS); Bill Gegas (DNCR); Rebecca Martin (DOT); Ken Gallagher (OSI); Gary Clark (general public interest); Richard Smith (fishing interest); Gene Porter (power boat interest); Michele Tremblay (River Assoc. interest); Garret Graaskamp (for Scott Mason, NHFG); Kris Harmon (Exec. Secretary).

Members Absent or Excused: Senator Ruth Ward; Senator Tom Sherman; Representative Chuck Grassie; Paul Van Blarigan (Governor's Commission on Disability); R. Andrew Robertson (non-motorized boating interest); B. David Bryan (coastal/marine interest); Scott Biron (hunting interest); Tom O'Brien (Lake Assoc. interest).

Guests or Public: Michelle Davis (Lake Assoc. interest).

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**MEETING CONVENED**

The meeting was called to order by Chairman Quarles at 9:06 a.m. The Chairman explained this meeting was held under Covid protocols and was the fourth 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 March 1, 2021 PWAAB meeting. All Comments received during the comment period will be compiled into the March 1, 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 problem, please call (603)-271-1748 or email:  
[Garret.Graaskamp@wildlife.nh.gov](mailto:Garret.Graaskamp@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 – January 14, 2021**

The Chair asked for comments or corrections. Michelle Davis was listed as a member in the minutes. This was amended to reflect her attendance as a guest pending her formal appointment to replace Tom O'Brien as our representative from a lake association. **The motion to accept the minutes as amended was made by Michele Tremblay, seconded by Gene Porter, and approved unanimously.**

**Agenda Item 2: 2019 Annual Reports**

Chairman Quarles reviewed the Board's draft of the final 2019 PWAAB Annual Report. He noted that the Governor's Council on Disabilities (GCOD) did not submit a 2019 Annual Report specific to the PWAAB and so the GCOD would not be represented in the 2019 PWAAB Annual Report under final review at this meeting. **A motion to accept the PWAAB 2019 Annual Report with amendments was made by Gene Porter, seconded by Capt. Dunleavy, and approved unanimously.** The report along with all its supporting reports from the other member state agencies will be sent to the Governor and legislative leaders as our statute requires.

### **Agenda Item 3: Proposed Legislation**

- HB 82 - re: amending conservation easements – Previous discussion established this proposal responds to issues specific to a particular parcel and landowner. Indications are this proposal faces considerable opposition and is going to a study commission.
- HB 99 - re: seasonal platforms on public waters – legislative tracking shows it was amended in committee last year. It is on track to be passed as it goes on to the Senate. Capt. Dunleavy indicated this legislation proposed to provide Marine Patrol the authority over the placement of such devices on public waters.
- HB 115 - re: wake surfing – This was listed “ought to pass” and seeks to define the activity and regulate wake surfing in line with other towed activities such as water skiing.
- HB 186 - re: PWAAB membership – one Senator only – This legislative proposal affects all State board memberships and commissions. Specific to PWAAB, it would reduce membership from 2 senators to 1. It appears this will go forward and be passed.
- HB 229 - re: defining “wake boat” – This bill defines a wake or “ballast” boat. Capt. Dunleavy noted there is opposition from enthusiasts who believe this legislation is a first step to restrict the activity on many lakes. He believes this will be judged inexpedient to legislate, and will not restrict the forward momentum on HB 115.
- HB 344 - re: temporary docks – Introduced with “ought to pass.”
- HB 534 - re: municipal control and frozen water bodies – This bill's public hearing was on 2/10/21. Mr. Graaskamp stated Fish and Game was opposed to this bill because of (1) safety issues; (2) search and rescue protocols could be compromised; (3) Fish and Game did not possess authority to enforce local regulations; and (4) the bill could conceivably lead to the banning of bob houses on public lakes by local municipalities. When asked if this bill was tied to a specific waterbody or activity, Ken Gallager believed it was tied to motorcycle activity on ice on a pond in Bow. He explained the constituent and the representative who brought up the bill were the only ones speaking to the bill's support and there was considerable comment against the proposal. Capt. Dunleavy, who was present at the hearing, advised that residents on Turee Pond in Bow were upset with OHRV activity on ice. He noted the hearing had considerable discussion of permitting when a body of water is not frozen. He also explained when a body of water is frozen it becomes a public way and falls under the jurisdiction of NH Fish and Game. Capt. Dunleavy noted Fish and Game and the Marine Patrol do have permitting processes in place for when waters are not frozen. Mr. Graaskamp also advised the Board that a couple years ago there was motorcycle activity on Hoyt Road Marsh in Concord. At that time a bill had been passed to prohibit OHRV activity on that body of water. He believes that bill will probably be repealed this year. **Chairman Quarles requested Mr. Graaskamp report to the Board the bill number to repeal the Hoyt Road Marsh legislation so it can be tracked by the Board in addition to HB 344.**

- Other legislation from State agencies' tracking lists – There was none heard.
- Washington State pending legislation to require non-motorized boater certification – Captain Dunleavy noted most states are seeing a huge up-tick in paddlesports, and a huge uptick in the expenditures for search and rescue and/or recovery. There is a national discussion regarding safety education for the paddlesport community, but there is also a huge concern this community does not contribute to costs of public access or for search and rescue costs.
- Potential to propose legislation allowing public recreational facilities, such as boat access sites, to qualify as wetlands mitigation - This discussion rose from the proposed Logistics Center Park in Hudson and the potential emergency boat ramp access to the Merrimack River offered by the developer and the question of wetlands mitigation. The PWAAB asked DES if legislative changes to amend DES mitigation rules might allow public boat access sites, as an alternative to an offsite wetlands property purchase, to provide required mitigation. DES researched and reported it is not reasonably possible, as wetlands mitigation is a federally required and administered program through the Army Corps of Engineers. On both state and federal levels, there would be very significant challenges to meet wetlands mitigation goals via installation of a boat access site. While this idea was not workable, the Chairman encouraged all Board members to keep up the creative thinking, to get private developers to provide public water access.

#### **Agenda Item 4: New Virginia Law Charging Boaters for River Access**

Mr. Graaskamp reported Virginia has approximately 50 “fishing lakes” that are managed by their DNR similarly to NH’s Wildlife Management Areas. Maintenance and management of these properties is funded through Virginia fishing or hunting licenses. Historically, non-motorized watercraft use these lakes, but do not contribute to their upkeep. VA chose to establish a “license fee” approach to collect revenue from the non-motorized boaters who wish to use these fishing lakes. Under VA law a “registration fee” connotes property ownership, and would have triggered a property tax too. NH’s registration system is based on boat length, presence of, and size of motors. Mr. Graaskamp noted NH does have existing infrastructure for issuing hunting and fishing licenses and it is possible something could be developed to allow both seasonal and day pass options similar to VA. Michelle Tremblay spoke to the need for consensus with the motorized boating and paddling communities and hoped to avoid any adversarial tone. Gene Porter concurred with Marine Patrol that canoeists and kayakers do create an increased burden on resources, but contribute at a minimal level. Mr. Gegas noted the DNCR Parks Division will be reviewing its fee structure in the near future. **The Chairman asked Board members to ask their component agencies about this topic, particularly the Lakes and Rivers interests, for follow up at the next meeting.**

#### **Agenda Item 5: Souhegan River, Merrimack, Watson Park**

Mr. Gegas noted a portion of the river access had been closed due safety, trash and use impacts on the property. Non-residents were initially barred, but it was pointed out early to the

town that this would constitute a non-compliance issue, and was adjusted by the Town to a resource restriction. The area of the swift water and ledge on the Souhegan River was fenced, but Mr. Gegas believes there is still access to other areas along the river. **Mr. Gegas was asked to provide the Board with additional information (photos/plans) as to what access was restricted on the property, and any information regarding the Town's plans for the property this spring and summer.**

#### **Agenda Item 6: Baker River, Rumney, DOT's Surplus Rest Area**

Ms. Martin advised that the Bureau of ROW is still working with the Town to acquire the property. The current understanding of town plans is to subdivide the property with the building to be used by the Police Department. The balance of the property would go to another owner so the town would not be responsible for "policing and insurance" on that portion of the property. She was told this will be on the Town's meeting agenda in March. Deed language to protect public access had been offered in 2019 by PWAAB to the DOT. The wording is under review and must be acceptable to voters. **Ms. Martin was asked to follow up for further discussion at the next PWAAB meeting.**

#### **Agenda Item 7: Saco River, Conway – Town's proposed parking fees at town access sites**

Bill Gegas advised there was not a great deal new to report as the Town has not communicated on this topic as yet. Most sites proposed for fees are along the Saco River, with one on Conway Lake's public beach. Comparative DNCR sites around the state run roughly \$4-\$5 per person or per car with discounts for children 6 to 11 years old and free for NH residents over 65. The two seacoast beach sites charge a bit more, but have comparatively greater use. Mr. Gegas explained LWCF funding does not prohibit charging a reasonable fee, but it does prohibit residency restrictions. **Mr. Gegas will contact the Town of Conway and report back to the Board at the next Board meeting.**

#### **Agenda Item 8: Dublin Lake, Dublin – New parking restrictions**

Previously the Board has provided input on this site twice, most recently in 2020 when landowners sought to restrict parking on a town road on the south side of the lake. There are 3 or 4 pull-offs on Route 101 on DNCR protected properties on the north side of the lake which allow vehicles to be completely off the right of way, in a scenic area. The steepness of the banking on the south shore road allows shore-bank fishing and some car top boat launching. The town's public water access site at the southwest area of the lake provides parking for perhaps two car/trailer rigs, so parking adjacent to the site on both sides of the road is needed. Now town signage is being considered to restrict parking on the entire south shore road. The Chairman assumes the Town probably has the general authority to do so on a town road, but he noted the current effort to restrict parking and access could violate the deed giving the town the access site and could have repercussions for public access sites around the state. Recent discussion regarding access at Rocky Pond in Loudon touched on this issue as well. **Ms. Martin (DOT) was asked to discuss existing DOT regulations for parking on or along public roads for the next Board meeting.**

The OSI All-Sites listing will also be discussed at the next meeting (the list being available at:

<https://nhfg.maps.arcgis.com/apps/webappviewer/index.html?id=2243091f322449819c244c0c3b2f3f43>)

**Agenda Item 9: Ammonoosuc River, Bethlehem – SPNHF-LCHP land acquisition and proposed access site**

This large tract of land was recently acquired for conservation and public water access. Bill Gegas noted there is no information on the SPNHF website yet. **Bill Gegas will report to the Board if further information becomes available.**

**Agenda Item 10: Contoocook River, Hopkinton – Potential cartop site across from Bohanan Farm site**

Chairman Quarles saw an article in the newspaper indicating a desire by the Town to develop a cartop site across from the existing Bohanan Farm site, with the idea of then closing the Bohanan Farm site. Informal discussion with locals and the Town indicate there is no intent to reduce public access, but officially little information is forthcoming from the Town at this point.

**Agenda Item 11: Fish and Game site development matrix**

Mr. Graaskamp outlined the ongoing progress on various projects, particularly on the work at Success Pond and Downing's Landing. He noted Downing's Landing will not open until the project is completed; perhaps in August 2021. A communication will be released when the Construction Contract is approved at the Governor and Executive Council meeting on April 21th.

**New Business**

**Spofford Lake, Chesterfield** – A recent article referenced in the NHLA newsletter discussed the low lake level in the Summer of 2020 due to drought and dam flow adjustments has created difficulties for residents, boaters and swimmers on Spofford Lake. The article referenced a study by DOT that described the historic lake levels and dam operation policies and effects. Some lakes have their drawdowns set by statute (i.e., Lake Winnepesaukee), while others are set by DES or other public entities and hydroelectric utilities for hydrodams. **Michelle Davis and Jim Gallager were asked to speak to the Board at the May meeting regarding control of N.H. lake levels, user groups and issues.**

**Old Business – Pending**

**The Mooney Clark Landing, Pemigewasset River, on Route 104, in Bristol** and its need for repair/maintenance led to a discussion of the history of the site. The site is on the impoundment behind the Ayers Island Dam operated by Central Rivers Power. FERC paperwork shows the property was sold by Public Service of NH to the State for \$1.00 in 1971 to become a Road to

Public Waters access. Mr. Graaskamp noted deeds were filed in both Belknap and Grafton County Registries of Deeds, but the property is only in Grafton County. This recording error led to a false understanding that the property was under the control of the power company and not the Town. While the launch/ access site is not listed in Bristol's recreational inventory, the property is controlled by Bristol under the Road to Public Water statutes. The Pemi Rivers Council had approached the power company regarding maintenance of the area when the registry of deeds filing error was discovered. Mr. Graaskamp noted the power company has been a good neighbor and recently removed hydraulic oil containers that had been abandoned there. **Mr. Grasskamp and a representative from Central Rivers Power will be meeting with the Town of Bristol regarding the site in March.** Mr. Gegas noted an AG's opinion on ownership for the property might be required, but LWCF assistance can be available to municipal authorities. Mr. Gegas will do follow up on any LWCF requirements which may apply to this site.

Public Comment – There was none.

**The next meeting is scheduled for May 3, 2021 at 9:00 a.m. via teleconferencing.**

**Chairman Quarles asked for a motion to adjourn.** Gene Porter made the motion to adjourn at 11:29 a.m. and by consensus the motion was passed unanimously.

Respectfully Submitted,

Kristin Harmon  
Executive Secretary

	Meeting: PWAAB									
	Date: <b>March 1, 2021</b>	Quorum: 12								
	<b>Voting Member:</b>	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	Absent								
3	Senator Tom Sherman	Absent								
4	Senator Ruth Ward	Absent								
5	Representative Roger Dontonville	Absent								
6	Representative Chuck Grassie	Absent								
7	Jim Gallagher, NH DES	Present	Y	Y						
8	Capt. Timothy Dunleavy, NH DOS	Present	Y	Y						
9	Vasilios (Bill) Gegas, NH DNCR	Present	Y	Y						
10	Rebecca Martin, NH DOT	Present	Y	Y						
11	Ken Gallager, NH OSI	Present	Y	Y						
12	Paul Van Blarigan, Governor's Commis. On Disability	Absent								
13	Gary Clark, General Public Interest	Present	Y	Y						
14	R. Andrew Robertson, Non-motorized Boating	Absent								
15	Richard Smith, Fishing Interest	Present	Y	Y						
16	Tom O'Brien, Lake Association Interest	Unable to Attend								
17	Gene Porter, Power Boat Interest	Present	Y	Y						
18	B. David Bryan, Coastal / Marine Interest	Absent								
19	Michele Tremblay, River Association Interest	Present	Y	Y						
20	Scott Biron, Hunting Interest	Absent								
	Garret Graaskamp (NHFG Alternate designee)	Present	Y	Y						
	Michelle Davis (Lakes Assoc. Alternate designee)	Present	Y	Y						
	Kris Harmon, Executive Secretary	Present								
	Public 1:		<b>Vote #:</b>	<b>Vote description / reference</b>						
	Public 2		Vote 1:	January 14, 2021 Minutes: approved as amended						
	Public 3		Vote 2:	PWAAB Cover Report for 2019: approved as amended						
	Public 4		Vote 3:	Adjournment: passed by consensus						
	Public 5		Vote 4:							
	Public 6		Vote 5:							