



PUBLIC WATER ACCESS ADVISORY BOARD  
MAY 4, 2020 MEETING MINUTES

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

Chairman Quarles read aloud the Governor's 91-A Meeting Requirements:

Governor Sununu's Checklist to Ensure Meetings Are Compliant with the Right-to Know Law During the State of Emergency:

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, with additional access possibilities by video or other electronic means:

We are utilizing a telephone conference call service for this electronic meeting. All members of the PWAAB have the ability to communicate contemporaneously during this meeting through this platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through dialing the following phone # 1-866-678-6823 and password 4560899.

b) Providing public notice of the necessary information for accessing the meeting: We previously gave notice to the public of the meeting, including how to access the meeting telephonically. Instructions have also been provided on the website of the PWAAB at: <https://www.wildlife.state.nh.us/access/meetings.html>.

c) Providing a mechanism for the public to alert the public body during the meeting if there are problems with access, please call (603)-271-1740 or email at: [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.

Tom Quarles started the meeting by taking a roll call attendance. When each member stated their presence, and whether there was anyone in the room with them during the meeting. This disclosure is required under the Right-to-Know law.

A roll call vote was taken of all members participating on the call as follows: Thomas Quarles, Esq., Chairman (general public) "Present and alone" ; Senator Ruth Ward, "Present and alone"; Rep. Roger Dontonville, "Present and alone"; Jim Gallagher, DES, "Present and alone"; Timothy Dunleavy, DOS, "Present and alone"; Bill Gegas, DNCR, "Present and alone"; Rebecca Martin, DOT, Present with infant daughter"; Ken Gallagher, OSI, "Present and alone"; Garret Graaskamp, (designee for Director Normandeau), NHFG, "Present and alone"; Gary Clark (general public), "Present and alone"; Dick Smith (fishing interests), "Present and alone"; Tom O'Brien, NH Lakes, "Present and alone"; Gene Porter (power boat interests), "Present and alone"; David Bryan (coastal interests), "Present and alone"; Michele Tremblay, (river interests), "Present and alone".

Members Absent: Glenn Normandeau, NHFG; R. Andrew Robertson (non-motorized boating interests); Paul Van Blarigan, GCD; Rep. Chuck Grassie; Senator Thomas Sherman; Scott Biron, (hunting interests).

Guests listening to call: Tracy Sales, DES

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**MEETING CONVENED**

Chairman Quarles welcomed everyone participating on the teleconference call and called the meeting to order at 9:07 a.m. He announced that the board would be meeting via conference call under the emergency provisions of RSA 91-A, as stated above.

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

**1. Approval of PWAAB Meeting Minutes – March 2, 2020  
Michele Tremblay made a motion to approve the March 2, 2020 minutes and Gene Porter seconded.**

A roll call vote on the above motion was taken at this time: Thomas Quarles, Esq., Chairman (general public), "Yes"; Senator Ruth Ward, "Abstained"; Rep. Roger Dontonville, "Yes"; Jim Gallagher, DES, "Yes"; Timothy Dunleavy, DOS, "Yes"; Bill Gegas, DNCR, "Yes"; Rebecca Martin, DOT, "Yes"; Ken Gallagher, OSI, "Yes"; Garret Graaskamp, (designee for Director Normandeau), NHFG, "Yes"; Gary Clark (general public), "Yes"; Dick Smith (fishing interests), "Yes"; Tom O'Brien, NH Lakes, "Yes"; Gene Porter (power boat interests), "Yes"; David Bryan (coastal interests), "Yes"; Michele Tremblay (river interests), "Yes". **The motion carried with 14 in favor, 1 abstention (Sen. R. Ward).**

**2. Beach Access – DES and Allsites spreadsheets – T. Quarles and Ken Gallager.**

Chairman Quarles reported that DES would update water quality testing and signage information at beaches. The board discussed the Allsites spreadsheet access sites identified as beaches only. There are 38 beaches listed that are open to the general public. He further reported that Ken Gallager would update the list over the next few months.

**3. Fish and Game's change in statewide Public Boat access Program due to Covid-19 emergency – G. Graaskamp.**

Garret reported that in adhering to the new guidelines of the Governor, department owned ramps would remain open, all docks will be put in, except Downing's Landing on Lake Winnepesaukee in Alton, NH. He further reported that portable toilets would be delivered to 28 access sites and hand sanitizer will be provided in all such toilets.

In addition, Garret reported that due to the Governor's hiring freeze, the department is not able to hire 9 needed grounds workers to tend to the access sites, therefore, 7 full-time employees will cover maintenance duties at Fish & Game's access sites.

**At this time, Michele Tremblay made a motion to authorize the Public Water Access Advisory Board, through the PWAAB Chairman, and other members the Chair may include, to advocate on behalf of the public about the financial, environmental, social value of maintaining public access to New Hampshire's lakes, ponds rivers and seacoast resources by providing information and testimony to the attention of legislative**

**decision makers, or any of its committees as circumstances may require. Chairman Quarles seconded.**

A roll call vote on the above motion was taken at this time: Thomas Quarles, Esq., Chairman (general public), "Yes"; Senator Ruth Ward, "Yes"; Rep. Roger Dontonville, "Yes"; Jim Gallagher, DES, "Yes"; Timothy Dunleavy, DOS, "Yes"; Bill Gegas, DNCR, "Yes"; Rebecca Martin, DOT, "Yes"; Ken Gallagher, OSI, "Yes"; Garret Graaskamp, (designee for Director Normandeau), NHFG, "Yes"; Gary Clark (general public), "Yes"; Dick Smith (fishing interests), "Yes"; Tom O'Brien, NH Lakes, "Yes"; Gene Porter (power boat interests), "Yes"; David Bryan (coastal interests), "Yes"; Michele Tremblay (river interests), "Yes". **The board unanimously approved.**

#### **4. 2019 Annual Reports**

##### **Fish & Game report –**

Garret Graaskamp reported that work was scheduled to take place in July to replace the ramp at Downing's Landing with a double lane ramp, which should take approximately 3 months to complete. Various questions were raised by Board members and answered by Garret.

**Chairman Quarles made a motion to approve the 2019 Fish & Game Report as presented, and Jim Gallagher seconded.**

A roll call vote on the above motion was taken at this time: Thomas Quarles, Esq., Chairman (general public), "Yes"; Senator Ruth Ward, "Yes"; Rep. Roger Dontonville, "Yes"; Jim Gallagher, DES, "Yes"; Timothy Dunleavy, DOS, "Yes"; Bill Gegas, DNCR, "Yes"; Rebecca Martin, DOT, "Yes"; Ken Gallagher, OSI, "Yes"; Garret Graaskamp, (designee for Director Normandeau), NHFG, "Yes"; Gary Clark (general public), "Yes"; Dick Smith (fishing interests), "Yes"; Tom O'Brien, NH Lakes, "Yes"; Gene Porter (power boat interests), "Yes"; David Bryan (coastal interests), "Yes"; Michele Tremblay (river interests), "Yes". **The board unanimously approved.**

##### **DES report –**

Various questions and comments were raised by Chairman Quarles and responded to by Jim Gallagher.

**Chairman Quarles made a motion to approve the DES report with amendments and follow ups, and Jim Gallagher seconded.**

A roll call vote on the above motion was taken at this time: Thomas Quarles, Esq., Chairman (general public), "Yes"; Senator Ruth Ward, "Yes"; Rep. Roger

Dontonville, "Yes"; Jim Gallagher, DES, "Yes"; Timothy Dunleavy, DOS, "Yes"; Bill Gegas, DNCR, "Yes"; Rebecca Martin, DOT, "Yes"; Ken Gallagher, OSI, "Yes"; Garret Graaskamp, (designee for Director Normandeau), NHFG, "Yes"; Gary Clark (general public), "Yes"; Dick Smith (fishing interests), "Yes"; Tom O'Brien, NH Lakes, "Yes"; Gene Porter (power boat interests), "Yes"; David Bryan (coastal interests), "Yes"; Michele Tremblay (river interests), "Yes". **The board unanimously approved.**

## **5. Roads to Public Waters – orphaned sites project – T. Quarles, Ken G, and G. Graaskamp.**

The current status of this project was reviewed. We have determined that there are 82 "orphaned" RTPW sites, meaning that there are 82 such sites that have not been taken over by Fish and Game for Fish and Game's boat access program. Therefore these 82 sites are "orphaned," meaning no state agency has responsibility for them. Under the RTPW statutes these remain state roads, but the towns they are in have to keep them open and maintain them for general public access. Our goal in this review process is to check the "layout" (i.e. state road creation) documents for each of these sites and where an RTPW's proper creation is documented, have the site field checked for open public access, signage, usability and other features.

In this process we have identified 16 RTPWs we marked in salmon color on our RTPW spreadsheet which have some missing creation documentation or other problems that raise questions about whether the layout process was done right or completed. These 16 sites will be investigated next to see if these questions can be answered.

## **6. Baker River, Rumney, DOT'S surplus rest area – T. Quarles.**

Chairman Quarles reported that the Rivers Management Advisory Committee supported the sale of the Rumney, NH, rest area to the Town of Rumney, NH, with certain restrictions outlined in the deed, particularly language to allow public access for recreational purposes.

There was brief discussion about the potential of placing a porta-toilet on site and Department of Natural & Cultural Resources (DNCR) would absorb the fees, however, DNCR only utilizes the property 3 or 4 months out of the year, winter only to access the nearby rail trail/snowmobile trail.

**Jim Gallagher made a motion that the PWAAB support the sale of the Rumney, NH Rest Area, to the Town of Rumney, NH, keeping the**

**property open to the public for recreational purposes. Representative Dontonville seconded.**

A roll call vote on the above motion was taken at this time: Thomas Quarles, Esq., Chairman (general public), "Yes"; Senator Ruth Ward, "Yes"; Rep. Roger Dontonville, "Yes"; Jim Gallagher, DES, "Yes"; Timothy Dunleavy, DOS, "Yes"; Bill Gegas, DNCR, "Yes"; Rebecca Martin, DOT, "Abstained"; Ken Gallagher, OSI, "Yes"; Garret Graaskamp, (designee for Director Normandeau), NHFG, "Yes"; Gary Clark (general public), "Yes"; Dick Smith (fishing interests), "Yes"; Tom O'Brien, NH Lakes, "Yes"; Gene Porter (power boat interests), "Yes"; David Bryan (coastal interests), "Yes"; Michele Tremblay (river interests), "Yes". **The motion carried with 14 in favor, 1 abstention (R. Martin).**

**7. Rust Pond, Wolfeboro – Garret G.**

Garret Graaskamp described two potential boat ramp opportunities. There is a small property next to the dam on this lake that might be acceptable for kayak access. The land and the dam are owned by the Rust Pond Association. The second property at the south end of the lake is held in conservation by the town. It is accessed by a private road. Guaranteed public access along this road would be needed before the NHFG could expend state and federal funds to develop it as an access point.

**Chairman Quarles moved to add Rust Pond to the PWAAB list of NH Lakes that require full trailer boat access and Senator Ward seconded.**

A roll call vote on the above motion was taken at this time: Thomas Quarles, Esq., Chairman (general public), "Yes"; Senator Ruth Ward, "Yes"; Rep. Roger Dontonville, "Yes"; Jim Gallagher, DES, "Yes"; Timothy Dunleavy, DOS, "Yes"; Bill Gegas, DNCR, "Yes"; Rebecca Martin, DOT, "Yes"; Ken Gallagher, OSI, "Yes"; Garret Graaskamp, (designee for Director Normandeau), NHFG, "Yes"; Gary Clark (general public), "Yes"; Dick Smith (fishing interests), "Yes"; Tom O'Brien, NH Lakes, "No"; Gene Porter (power boat interests), "Yes"; David Bryan (coastal interests), "Yes"; Michele Tremblay (river interests), "Yes". **The motion carried with 14 in favor, 1 objection (T. O'Brien).**

**8. Indian Pond, Orford –** Chairman Quarles will write a letter to the Town of Orford, NH, informing them that the site must be open to the public.

**9. Purgatory Pond, Dunbarton –** Chairman Quarles reported that there was no issue of denied access.

**10. Rocky Pond, Loudon** – Chairman Quarles reported that he would like to see cartop boat access restored to this pond, however, there is a cultural resources issue with DOT’s one-acre site, per Rebecca Martin, DOT. DNCR owns the island in the middle of the lake.

**11. Dublin Lake, Dublin fishing access issue** – Chairman Quarles reported that he was contacted by Steve Baldwin, the former law enforcement official who had earlier brought to the PWAAB’s attention the Town’s attempt to restrict uses at the public boat launch at the southwest corner of this lake a number of years ago. His and the PWAAB’s efforts there resulted in the Town’s recognition that swimming was also an intended use of this launch site and could not be prohibited.

In the current matter, a landowner whose deeded property description went across the south shore road to the high water mark of the lake, decided to post a traditional shorebank swimming and fishing area called “Brown’s Cove” with “No Trespassing” signs. Chairman Quarles shared the proper legal analysis with the Dublin Police Chief and with Mr. Baldwin. Mr. Baldwin gave interviews to local media and presented to the Dublin Selectmen. Because the south shore road easement over the landowner’s property extended to the high water mark and public water access is a recognized proper “viatic use” of any public road, the traditional swimming and shorebank fishing uses were legal and could continue. The Town agreed not to enforce the landowner’s “No Trespassing” signs. On that basis and facing public pressure, the landowner relented and removed his “No Trespassing” signs.

During this process Bill Gegas of DNCR added that his agency in 1994 acquired deeded property through the LWCF program to preserve public access along more than 2,000 feet of shoreline adjacent to Route 101 in the northeast area of the lake. This area has a number of roadside turnoffs and is heavily used throughout the summer for public water access. It also provides good views of the lake and Mt. Monadnock behind it.

**12. Greeley Park, Merrimack River, Nashua – Construction Update – G. Porter**

Gene Porter reported that the City of Nashua hopes to open the ramp by July 4, 2020. He also thanked Chairman Quarles and the Board for identifying this as a high priority project in providing public access to this body of water. He further reported that the federal Land and Water Conservation Fund, (LWCF), through the responsible state agency, DNCR, would be monitoring the project.

### **13. Fish and Game site development matrix.**

Discussion was deferred to next meeting.

#### **Public Comment**

No comments heard.

#### **Adjournment**

**At 12:00 p.m., Gene Porter made a motion to adjourn and Jim Gallagher seconded.**

A roll call vote on the above motion was taken at this time: Thomas Quarles, Esq., Chairman (general public), "Yes"; Senator Ruth Ward, "Yes"; Rep. Roger Dontonville, "Yes"; Jim Gallagher, DES, "Yes"; Timothy Dunleavy, DOS, "Yes"; Bill Gegas, DNCR, "Yes"; Rebecca Martin, DOT, "Yes"; Ken Gallager, OSI, "Yes"; Garret Graaskamp, (designee for Director Normandeau), NHFG, "Yes"; Gary Clark (general public), "Yes"; Dick Smith (fishing interests), "Yes"; Tom O'Brien, NH Lakes, "Yes"; Gene Porter (power boat interests), "Yes"; David Bryan (coastal interests), "Yes"; Michele Tremblay (river interests), "Yes". **The board unanimously approved.**

#### **Next Meeting**

Chairman Quarles thanked everyone for participating and announced that the next PWAAB meeting scheduled is a field trip to be scheduled in September.