

PUBLIC WATER ACCESS ADVISORY BOARD

MEETING MINUTES

November 7, 2016

9:00 a.m. – NH Fish and Game Headquarters

Members Present: Thomas Quarles, Esq., Chairman (general public); Glenn Normandeau, NHFG; B. David Bryan (coastal interests); Gary Clark (general public); Jim Gallagher, DES; Ken Gallagher, OEP; Bill Gegas, DRED; Joseph Goodnough, NHLA; Garret Graaskamp, NHFG; Rebecca Martin, NHDOT; Gene Porter (power boat interests); Dick Smith (fishing interests); Paul Van Blarigan, GCD

Members Absent: Rep. Chris Christensen; Timothy Dunleavy, DOS; Sen. Jeannie Forrester; Sen. Jerry Little; R. Andrew Robertson (non-motorized boating interests); Michele Tremblay (river interests); Rep. James Webb; Hunting Interests (position vacant)

Audience Members: None

MEETING CONVENED

Chairman Tom Quarles called the meeting to order at 9:03 a.m.

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

1. Approval of PWAAB minutes – May 2, 2016

Gene Porter followed up on a previous question regarding the access to Veteran’s Park in Merrimack and determined that there is public access for boats, but there is a 10 MPH restriction. A motion was made by Joe Goodnough to approve the minutes of the May 2, 2016 meeting with minor edits, seconded by Ken Gallagher. The Board approved unanimously.

2. Approval of PWAAB minutes – September 19, 2016

A motion was made by Gene Porter to approve the minutes of the September 19, 2016 field trip as written, seconded by Gary Clark. The Board approved unanimously.

3. New Member, Paul Van Blarigan, Governor’s Commission on Disability

Paul is an advocate for anyone with a disability and is very active as the Chair of the Governor’s Commission on Disability. He looks forward to working with PWAAB on access issues. Garret Graaskamp noted that anytime a dock is put in as part of a public access site, it must be ADA accessible although the ramp structure itself does not have to meet ADA guidelines.

4. Members with Expiring Terms, Reappointments and Vacant Positions

A new member roster was distributed to members in attendance. Chairman Quarles noted that there is still a vacant position for hunting interests. If you know of anyone who may

be interested, please encourage them to consider filling the vacancy. Many member's terms expired in late October so they should speak to the Chairman regarding reappointment. (Paul Van Blarigan, Gary Clark, Andy Robertson, Dick Smith, Joe Goodnough, Gene Porter, B. David Bryan, and Chairman Quarles are all in need of renewal.)

Legislative appointments will be changing in January as well.

5. Nissitissit River, Brookline Public Access Project: Drew Kellner, BCC

Drew Kellner has been on the Brookline Conservation Commission for about two years and has been working on this project, called the Nissitissit River Park, for quite some time. The Nissitissit is a fairly small river suitable only for non-motorized boating.

Drew presented on the project which began as a small land acquisition and has grown into a larger, more encompassing project. A technical grant from the National Park Service has helped to develop this project into a proposed rail trail segment, river bank trail, fishing platform and cartop launch. A grant from the State's Aquatic Resource Mitigation fund has been applied for to assist with repairs to the eroding riverbank. Funds from LWCF and LCHIP have also been applied for.

Gene Porter questioned whether any of the park would be wheelchair accessible. Drew noted that several look-out spots and approximately 2600 feet of the trail will be accessible, but that not all of the park would be.

A motion was made by B. David Bryan to approve the plans for public access development at the Nissitissit River as presented by Drew Kellner of the Brookline Conservation Commission, seconded by Gene Porter. The Board unanimously approved.

6. Greeley Park, Nashua: Gene Porter

There is a hearing with the NHDOT Rail and Transit Bureau scheduled for November 20, 2016, unless an agreement is reached prior. The city has submitted the grant application to LWCF for ramp improvements. Bill Gegas noted that approval of the railroad crossing would be a contingency for receiving LWCF funds, given that public access must be guaranteed in perpetuity. **Gene will notify Board members of the time and place of the hearing once it is known.**

7. Road Right of Way Access:

Chairman Quarles noted that in legal terms, a road right of way may extend beyond the paved portion of the road. Road right of ways are typically either about 50 or 66 feet wide. There is no distinction between access rights over a state versus a municipally held right of way. There are viatic uses, which are not just the right to travel, but include access to public resources such as water bodies (streams, rivers, ponds, and lakes). Parking,

launching and retrieval of boats, swimming and fishing are all viatic rights. Below are three instances where this type of access came into play in the last few months.

Herrick Cove, Lake Sunapee – Garret – Here state Route 103A ROW intersects the official lake boundary (i.e., high water mark) creating a public access for canoes and kayaks to the lake, although the area is too small to also accommodate parking or launching trailer-boats.

Conway Lake, Eaton – Ken Gallager – On the south end of the lake, there is a roadside pull-off that a nearby landowner was claiming as his own. Tax maps show the right of way extends into the water so public access is allowed.

Lower Beech Pond, Tuftonboro – Garret – a member of the public questioned whether the right of way extended to the water. In this case the tax map was not clear.

8. Roads to Public Waters (RTPW) Orphaned Sites Project – T. Quarles

There are approximately 75-100 “road to public water” sites in the state. Once under the control of NHDOT, many have now been taken over by towns/municipalities, while about 25 are under the purview of Fish and Game. Chairman Quarles would like to inventory these sites and create a separate database of this information so that the Board can determine their status as useable public access sites and prioritize where improvements are necessary. **Anyone wishing to assist in this project should contact Chairman Quarles directly.**

9. Pemi River, Woodstock – NHDOT Access over Railroad – R. Martin

A constituent called to report that he had been stopped by police for crossing at the Hobo Railroad site due to a “No Trespassing” sign being present. This issue was dealt with and resolved by the PWAAB back in 2007, when NHDOT Rail and Transit secured public pedestrian access at this site. That work included removal of the cable that had been in place near the main road and installation of a gate closer to the railroad tracks. Parking is not allowed in front of the gate, but is available alongside. The “No Trespassing” sign at the main road will be removed and a new sign will be designed by NHDOT and will be put up in its place this spring. **Rebecca will follow up with Chairman Quarles as necessary.**

10. Vehicle Gates at NHFG Sites (Hubbard WMA (Westmorland)/Morril Pond (Concord)) – G. Graaskamp

Gates to block vehicle access have been installed at a few Fish and Game owned access areas in order to protect the habitat areas from vandalism and unauthorized uses. Unfortunately this makes access more difficult for cartop users, but is necessary to deter those who are looking to use the areas for mudding, fires, and other unauthorized uses that are in conflict with their governing conservation easements. These are at Wildlife

Management Areas where public access is a secondary component of the easement and agricultural interests need to be protected.

The F+G Executive Director approves the installation of each of these gates as needed. Locking and unlocking daily would put undue hardship on the local Conservation Officers and is unlikely to happen. Gate removal could be considered at a later date if the situation changes.

11. NHFG Annual Report for 2015 – G. Graaskamp

Garret reviewed the Fish and Game Annual Report for 2015. A motion was made by Gene Porter to approve as amended, seconded by Joseph Goodnough. The Board unanimously approved.

12. NHFG Project Matrix Update – G. Graaskamp

Garret briefly reviewed highlighted projects from the NHFG boating access matrix provided to attendees.

- Merrimack River, Allenstown: The Sewer Commission is in support of renovating their existing ramp and the Town Administrator and Select Board are in the public phase of a recreation study plan for the river front, including the option for a ramp.
- Lake Sunapee, Newbury: Updating NEPA for USFWS consideration.
- Umbagog Lake, Cambridge: Funding approved, FHWA authorized budget. Proceeding with procurement of Wetlands, Shoreland and NEPA permits.
- Ossipee Lake via Pine River, Ossipee: Construction is proceeding. **Garret to give presentation at January meeting of completed project.**
- Newfound Lake, Bristol: Seasonal dock and pilings have been removed for onsite winter storage.
- Ashuelot River, Winchester: **Rebecca Martin will confirm with NHDOT that repairs to highway drainage system are complete and will be maintained by NHDOT.**

New Business

Mascoma Lake – Mascoma Lakeside Park – new cartop access per NH Lakes Newsletter

Jenness Beach, Rye – new bathhouse and other improvements proposed by DRED; opposition and lawsuit. (Bill Gegas) **Presentation postponed until January meeting.**

Old Business

River access review and prioritization – Isinglass River – Postponed until January

DES Beach Inventory and OEP Database – Postponed until January

Public Comment

None at this time.

Adjournment

Meeting adjourned at 11:55 a.m. Motion to adjourn was made by Gene Porter.

Next Meeting

Next meeting is set for **Monday, January 9, 2017** and will be held at NHFG Headquarters, 11 Hazen Drive, Concord, NH 03301 beginning at **9:00 a.m.**