

PUBLIC WATER ACCESS ADVISORY BOARD

MEETING MINUTES

March 1, 2018

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

Members Present: Thomas Quarles, Esq., Chairman (general public); Glenn Normandeau, NHFG; Jim Gallagher, DES; Michael Klass (sitting in for Ken Gallagher), OEP; Bill Gegas, DNCR; Joseph Goodnough, NHLA; Garret Graaskamp, NHFG; Rep. Bob L’Heureux; Rebecca Martin, NHDOT; Gene Porter (power boat interests); Dick Smith (fishing interests); Ronald Sowa (hunting interests); Michele Tremblay (river interests); Senator Ruth Ward.

Members Absent: B. David Bryan (coastal interests); Rep. Chris Christensen; Gary Clark (general public); Timothy Dunleavy, DOS; Senator Dan Innis; R. Andrew Robertson (non-motorized boating interests); Rep. James Webb; Paul Van Blarigan, GCD.

Audience Members: Betsey McNaughten, Land Agent, NHFG; Tom O’Brien, President, NH Lakes Association, Andrea LaMoreaux, Vice President, Kelly Buchanan, Research Assistant, both of the NH Lakes Association.

MEETING CONVENED

Chairman Tom Quarles welcomed everyone and called the meeting to order at 9:04 a.m.

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

1. Approval of November 6, 2017 & January 4, 2018 Meeting Minutes

Joe Goodnough moved to approve the November 6, 2017 PWAAB minutes as written and Gene Porter seconded. The board unanimously approved.

Michael Klass, OEP, reported that he was in attendance to monitor on behalf of Ken Gallagher and would not be a voting member.

Michele Tremblay and Rebecca Martin requested amendments to the January 4, 2018 minutes, per the attached revisions (see attached).

Rebecca Martin moved to approve the January 4, 2018 amended minutes and Bill Gegas seconded. The motion carried with 1 abstention (Rep. L’Heureux).

2. Mascoma Lake, DOT proposed land disposal and other access – Board vote

Michele Tremblay moved that the PWWAB approve the DOT surplus land disposal of 2 lots adjacent to Mascoma Lake; and the parcel remain open to the general public for passive recreational use without charge, with potential future use for snowmobiles, and at no charge to the public and Representative L’Heureux seconded. The board unanimously approved.

3. CT River, Hindsale to Brattleboro bridges – Board vote

Representative L'Heureux moved that the PWAAB support DOT's conceptual plan for a direct access to the CT River as part of this project and Dick Smith seconded. The board unanimously approved.

4. NH Lakes Association – AI and boat washing – Tom O'Brien

Tom O'Brien, President, NH Lakes Association, Andrea LaMoreaux, Vice President, and Kelly Buchanan, Research Assistant, came before the PWAAB and provided an overview of the many options for preventing the spread of aquatic invasive species.

Ms. LaMoreaux reported that the spread of aquatic invasive species into waterbodies threatens recreation, tourism, biodiversity, ecological health, property values, economic development, and is expensive to control after being introduced into a waterbody.

She further reported that while aquatic invasive species plant and animal infestations exist in approximately 85 waterbody systems in New Hampshire, the rest of New Hampshire's 950+ lakes and several thousand miles of rivers and streams in the public domain have, thus far, evaded the introduction of undesirable species of aquatic invasive plants and animals.

She further reported that based on the spread of aquatic invasive species to date, it is essential to act now to prevent the spread of aquatic invasive species that are already found within New Hampshire waterbodies and in those of adjacent states, and to prevent new and potentially more damaging invasive species from being introduced into our waters as a result of transient boat traffic from waterbody to waterbody.

Ms. Buchanan provided statistics from other states with similar invasive species issues and what they have done to better protect the water with high pressure, cold and hot water washing stations for the public to use.

Ms. Buchanan described the potential for a pilot program relative to wash stations. The NH Lakes Association recommends a pilot program using cleaning and wash stations to help prevent the spread of aquatic invasive species be implemented over a three year period (2018-2020). The number of pilot project sites, types of stations, and staffing plans, would be largely determined by the funding available to support the program. Discussion among those present indicated a consensus that there is a need for additional information and research to develop a benchmark of expected effectiveness in the field prior to starting a pilot program. The expected effectiveness would be compared to the in the field results. Baseline examples included water temperature, water pressure and contact time, spray geometry and coverage area, effectiveness by species, etc..

On behalf of the Public Water Access Advisory Board, Chairman Quarles thanked the NH Lakes Association for their informative presentation.

5. State Agency Annual Reports for 2016

Michele Tremblay moved to approve the Fish & Game report and Gene Porter seconded. The board unanimously approved.

Senator Ward moved to approve the D.O.T. report and Jim Gallagher seconded. The board unanimously approved.

Michele Tremblay stated that she would like the 2017 boat registration numbers included in the Marine Patrol report. Joe Goodnough moved to approve the Marine Patrol report as submitted and Gene Porter seconded. The board unanimously approved.

Joe Goodnough moved to approve the DRED (now Department of Natural & Cultural Resources) report and Commissioner Jim Gallagher seconded. The board unanimously approved.

Michele Tremblay moved to approve the DES report and Gene Porter seconded. The board unanimously approved.

Chairman Quarles reported that he has not yet received the report from the Governor's Commission on Disability. He reported that they are working on the 2016/2017 report and will get it to him by the end of March.

6. Pending Legislation and new wetlands rules

Representative L'Heurux reported that SB410 requiring a registration fee for canoes and kayaks was killed. From among the members it was suggested to make this a voluntary program to donate to the access program, similar to the hike safe card. Director Normandeau reported that there has been no discussion within the department on this subject to date.

HB1794 requiring a portion of rental fees for canoes, kayaks, and personal watercraft to be deposited in the fish and game search and rescue fund was changed to establish a study committee to investigate establishing a voluntary boat safe card to support Fish and Game search and rescue and NHDES's protection efforts against aquatic invasive species. This bill is still in committee.

Chairman Quarles reported that he would like to see this progress, perhaps make it more formal, as he feels boating groups and non- motorized & motorized users would voluntarily make contributions.

Michele Tremblay reported that the rivers council has mostly been tracking HB-1104, relative to dredge and fill permit time limits; relative to time limits under the administrative procedure act; and relative to online filing with the secretary of state's office. She reported that she believes it could be going to study committee.

Jim Gallagher reported that the wetland rules are undergoing revisions, in part to clarify what specific information is required from the applicant, and to reduce the requests for additional information. He reported that the public hearing process would be taking place soon. He stated, "The rules are a work in progress."

7. Lake Sunapee – Wild Goose & Governor's Commission - T. Quarles

Chairman Quarles reported that there were 3 members present today that sat on the Governor's Study Commission on Sunapee, himself, Director Normandeau and Senator Ruth Ward. He reported that he e-mailed the entire report to the board yesterday, to include the Majority report, Minority report and a letter from the NH Wildlife Federation stating their position of abstention. He further reported that the press coverage has not mentioned the abstentions from DNCR (Department of Natural & Cultural Resources), DES (Department of Environmental Services), and The Wildlife Federation. He reported that the official vote was 9 for the Majority report, 3 abstentions and 3 for Minority report. He thought it was significant to point out that all state agencies positions were either in the minority or abstaining. He reported that the process was rushed at the very end to get the report out. The Commission came to a consensus of 7 findings. The Commission believes that the current boat access situation is not adequate, does not meet the requirement of RSA 233-A, and that the Sunapee State Beach site is not a solution. He further reported that the only suggested effort was to encourage DNCR to add more trailered boat parking at the State Beach, and/or turn over the Wild Goose site to DNCR for any use they see fit, other than a trailered boat access site.

Michele Tremblay inquired, "Chairman, are you saying that the Commission voted outside of a meeting, via e-mail or otherwise? I have an issue with this, as I feel it was not a legal vote, it's invalid and unlawful."

Senator Ward responded, "I agree with you [i.e., Ms. Tremblay] regarding the Right-to-know on the vote, the Study Commission members should have actually been present for the vote."

Director Normandeau stated, "I think at this point we have exhausted all avenues on the subject."

Dick Smith stated, "This Commission was stacked badly! I want to know why there wasn't a representative from the Department of Transportation on the Commission to address the safety issues if it was such a concern for the project? Who represented the

95,000 of us who have registered motor boats? This is a travesty! This is the reason why so many of us have lost faith in our government!"

Gene Porter thanked Chairman Quarles for his involvement in drafting the Minority report, which he found much clearer and persuasive than the Majority report.

Chairman Quarles thanked Gene and stated, "I think what we have learned is that there is no perfect site and we are limited as to what's available."

Joe Goodnough stated, "If the boat access had gone through it would have materially changed the ambiance & character of that lake." He encouraged Garret (Graaskamp) to meet with the Lake Sunapee Protective Association (LSPA) & have the discussion on other potential sites. He reported that the people on Sunapee are 100% in favor of better boat access on Sunapee.

Dick Smith stated, "It's a large, large lake, I don't think the access would affect the ambiance or character of the lake."

Mr. Graaskamp stated, "There are no other suitable sites on that lake. There are only 4 or 5 sites that are greater than 1 acre in size without a building on it now." He agreed to meet with members of the LSPA if and when they had a property to offer for a trailered boat access site. Mr. Goodnough, as a member of the LSPA, agreed to approach the organization to explore their interest and effort in such a possibility.

Chairman Quarles stated, "In my best estimation, the Lake Sunapee Protective Association, up to and at this point, were of the mindset, "let's just move this to the state beach and improve access at the state beach." The conceptual plan was reviewed and LSPA's own engineer said that it needs to be dredged, and that there was no way in 2018 that dredging would be approved due to a viable smelt run nearby. Chairman Quarles stated, "I think this Commission's report has put the death nail to the state beach as a viable alternative to Wild Goose, leaving us with no option, other than condemnation." In the past, Director Vetter at the time, went to legislature and informed them that he was tired of LSPA buying property out from under F&G for an adequate boat ramp on Sunapee. He informed them that he wanted condemnation authority to take land at fair market value for a public boat access site & the next time there was a purchase & sales agreement in place, it went through.

Bill Gegas inquired as to the condemnation route & the process for the state to enact that.

Chairman Quarles responded that condemnation is already on the books, it requires a review, an independent appraisal and negotiations with the landowner.

8. Fish and Game Boat Access Site Rules – Garret Graaskamp

Mr. Graaskamp reviewed the boat access rules with the board. He reported that there are approximately 132 boat access sites in the Statewide Public Boat Access program under Fish and Game control.

9. Coffin Pond, Sugar Hill Lease – Garret Graaskamp

Mr. Graaskamp described a new 10-year lease arrangement between the Town of Sugar Hill and the NH Fish and Game Department. Under the lease the Town will improve the parking and landscaping of a previously unimproved cartop access to Coffin Pond, and conduct appropriate maintenance of same, for the benefit of the general public. Coffin Pond is a former gravel pit that was operated in the late 1950s to supply aggregate for the construction of I-93. It was originally taken over in fee by NHFG as a fishery, not a cartop access.

Old Business

At this time, Director Normandeau clarified for the board that the Fish & Game Commission has a policy on stocking fish, it reads: *Public fishing access in lakes, ponds, rivers and streams means legal passage to any of these waters of the state by way of designated contiguous land owned or controlled by a state or federal agency, municipality or private citizens, assuring that all members of the public shall have reasonable access to and use of these waters for recreational purposes. The New Hampshire Fish & Game Department shall not stock any waters of the State with cultured trout unless reasonable public access is provided. If the type or status of access to a waterbody changes, in any way, stocking consideration, densities or management may be re-evaluated at that time by Department personnel.*

These items were not discussed due to time constraints and are deferred until next meeting.

- Road to Public Waters – orphaned sites project.
- River Access Review and Prioritization.
- DES Beach Inventory and OEP database
- Lower Beech Pond, Tuftonboro right of way access – boulders removed?

Public Comment

None at this time.

Adjournment

Meeting adjourned at 12:03 p.m. Motion to adjourn was made by Jim Gallagher and seconded by Gene Porter. The Board unanimously approved.

Next Meeting

Next meeting is set for **Monday, May 7, 2018, at Marine Patrol, 31 Dock Rd., Gilford, NH**, beginning at **9:30 a.m.**