

Commission to Study the Effectiveness of the Current Statutes Related to Management of Non-tidal Public Waterways and the Construction or Placement of Structures Within Them

October 19, 2020 Meeting

Chair McConkey called the webinar/meeting to order at 2:00 pm. He then read the required checklist as per the Governor's Emergency Order #12

Present: Mark McConkey (Fish and Game), Donald Ware (NH Rivers Council), Thomas Quarles (PWAAB), Rep. Andy Renzullo (NH House), Nick Robbins (NH Camp Directors), Diane Hanley (Lakes over 1,000 acres), Paul Goodwin (Marine Trades), Tom O'Brien (NH LAKES), Tim Dunleavy (Dept. of Safety/Marine Patrol), Darlene Forst (DES), Tony Giunta (Lakes less than 1,000 acres), Rene Pelletier (DES), Cindy Balcus (NH Association of Natural Resource Scientists)

Guests: Tom Taggart, Joel Anderson

Minutes: Review of minutes of September 21 meeting. Tom Quarles suggested we clarify that the August 24 meeting was held as a webinar. A second clarification was to specify Tom Quarles on page 2. Motion was made by Tom Quarles to accept the minutes as amended. Diane Hanley seconded the motion. All concurred.

Members reviewed the proposed LSR which will correct the Dock Registration Law passed in June by the legislature. Rep. Smith will introduce this legislation during the November filing period.

Tom Quarles and members discussed the Streamlined (relacing EZ) Dock Permit Criteria presented by Tom Quarles and subcommittee.

Title change is because EZ is copyrighted.

5. Boat lift and PWC lifts information is clarified.

6. If more than 75 foot frontage /check spreadsheet for clarification. The spreadsheet is not finalized. Provisions in numbered areas were agreed on per Tom Quarles. Tom Q suggested we refer to spreadsheet as a draft spreadsheet.

3. Concern by Paul Goodwin that "A canopy over a boat lift does not count twice" 200 square feet is legal boatslip definition.

Beyond #6 discussion. Tom O'Brien does not agree with the first item about multiple docks if "all other requirements have been met."

Permanent docks/streamlined process: Paul expressed that the streamlined process should apply to permanent docks. The criteria for permanent docks are so stringent. At last meeting there was not consensus on this issue. Darlene stated that the first point is to get this process up and running and not make it controversial so that legislation will be voted inexpedient. In the future permanent docks may be inserted into the process, but she doesn't recommend it initially. Paul states that on islands you always get a permanent dock. Any island inaccessible by land qualifies owner to have a permanent dock.

After further discussion, a straw poll was taken on the question, "Should permanent docks qualify for the streamlined process if the dock meets the criteria of Env-Wt. 513.04?"

In favor: Cindy Balcius, Tom Quarles, Nick Robbins, Paul Goodwin, Mark McConkey, maybe Diane Hanley, maybe Don Ware , Rene Pelletier, Tony Giunta

No opinion yet Tom O'brien

Not in favor: Rep. Smith and Rep. Renzullo

Further rewrite and vote again at a future meeting.

No permanent docks can be installed on lakes under 1000 acres.

Streamlined Permit Application Requirements: At last meeting members agreed that Natural Heritage should remain in this document and that is deleted on criteria document.

Issues leftover from last meeting. (See 10/15/20 Streamlined Dock Permit Criteria document)

Should rectangular docks with closed off water space in the middle be allowed? And if so should the water space square footage count against the square footage allowance?

Paul Goodwin commented that unlimited fingers means that homeowners will keep their property whereas they might subdivide if limited number of fingers allowed.

Discussion between Tom Q and Paul about including closed off water space, number of fingers etc.

Tom O'Brien asked about the closed off area. Rep. Smith, Chair McConkey, Cindy Balcius, and Diane Hanley agreed that the closed off area should be counted because it is closing public water off.

Nick Robbins said that a U shaped area provides benefit of swimming area similar to swim line. Diane stated she would never go between 2 docks because it would feel like infringing on someone's private space even though it is open.

Paul doesn't think #1 applies to this streamlined process.

#2 U-shaped, T-shaped or L-shaped dock. Should U shaped be counted in first section and not T or L shaped.

Paul didn't count the impounded area because too complicated to figure out. He only used the dock square footage.

What is impoundment definition?

Tom Q believes that U shaped should go in 1st section as well as the rectangle and water would count.

Docks in the shape of an L or T water should not count as part of the dock allowance.

Diane asks if you can dock your boat at the end of the T even if dock is 50 feet long? Parking of boats is not regulated by DES but by Marine Patrol.

#1 Rectangle closed off count against allowed square footage. All except Rep. Renzullo vote yes.

#2 Do members support counting interior space on U shaped but not on T or L?

Cindy Balcius and Rep. Renzullo voted no. All else voted yes. Possibly finesse this so that the L shape could not be stretched out lengthwise parallel to the beach.

#3 More than 4 boat slips requires approval from Gov and Council. Paul states he cannot give a good answer to 3 or 4 because he would need to do the math.

Darlene stated that people want to install 5 boat slips with many PWCs. Slips do not always equate to the number of watercraft. Number of fingers irrelevant the question is number of watercraft.

Darlene says how to limit amount of congestion that could be produced by this process.

Some members did not receive the latest spreadsheet. Darlene shared it on her screen for review.

Tom O'brien made a motion to adjourn and Diane Hanley seconded the motion. All concurred. The meeting was adjourned at 4:05 pm.

Respectfully Submitted,
Rep. Suzanne Smith

Env-Wt 513.04 Approval Criteria for Permanent Docking Structures.

(a) In addition to meeting the conditions established in Env-Wt 300, the department shall not approve an application for a permanent docking structure unless the applicant establishes that:

- (1) The proposed permanent dock will be located on a surface water body of over 1,000 acres;
and
- (2) The proposed site for the dock is exposed to a design fetch of at least 1 mile between compass headings 245 to 340 degrees, or a design fetch of at least 2 miles between compass headings 341 to 0 or 0 to 244 degrees, as measured from true north.

(e) A permanent dock shall be approved regardless of the design fetch when at least one of the following criteria is met:

- (1) The dock will be located on an island accessible only by watercraft