

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

Monday August 3, 2020 Webinar

2 pm - 4 pm

Present: Rep. Suzanne Smith, Rep. Andrew Renzullo, Darlene Forst (DES), Tom Quarles (PWAAB), Mark McConkey-chair (F&G), Diane Hanley (lakes over 1000 acres), Tim Dunleavy (Department of Safety-Marine Patrol), Nick Robbins (NH Camps), Tom O'Brien (NHLAKES), Rene Pelletier (DES)

9 members; so quorum present

Guests: Joel Anderson and Tom Taggart

Mark McConkey called the meeting to order at 2:10 pm. He read rules for remote meeting related to the Governor's Emergency Order #12.

Minutes of June 22 meeting were reviewed. Tom Quarles noted corrections. Diane Hanley made a motion to accept minutes as amended. Mark seconded. All concurred by roll call vote. Rep. Smith and Nick Robbins abstained due to absence.

E-Z Dock Permit Criteria - Tom Quarles began review of criteria. (see attached) and members discussed his questions and recommendations. Darlene noted that if dock supports are not on a pad or base, it initiates review by Army Corps of Engineers.

Question raised as to whether the proposed "New radius method" to determine required 20' side setback can be implemented in rules or if statute change is necessary.

Canopies over docks will count against square footage allowance in proposed criteria. Members discussed canopies and whether they may only be over the boat or over the docks too and how that will affect square footage of dock.

Administrative rules regulate activities on docks. Up until the 1980s you could fish and picnic on a dock. Now, docks are only to be used to load and unload boats--no land based activities permitted. Consensus on changing this but must be careful to not get too specific-general rules.

Since docks are on/in public waters, are we extending private property rights in the water held in public trust for all the people?

DF - seasonal take it out of public trust every fall- height limit of canopy. No enclosed storage on dock. no chemicals or portapotty on dock. (environmental concerns) (navigational concern) no sides b/c impedes vision. no bobhouse on a dock - impedes vision.

there is a definition of canopy in rules or statute?

Lengthy discussion of canopies over boats and possibly docks. Capt. Dunleavy reminded members that the purpose of canopies is to protect the boat in which case, why would canopy extend over dock? Members agreed. He suggests that an umbrella which is taken down each evening or an EZ-UP also taken down at night should be sufficient for sun protection.

Members reviewed again the Simple Docking Structure Allowances which Paul Goodwin put together. Darlene stated that this is a starting point and these numbers which we discussed at a previous meeting, need more work.

Further discussion about whether much of what has been discussed regarding E-Z Dock Permit Criteria can be done in Rules or whether legislation is needed. The department believes they have the authorization to do this in rules. Further discussion needed related to rules or statute.

Darlene clarified that the numbers in the proposed rule changes which were sent to members were developed in 2013 and were a draft. never finalized.

On the Goodwin chart, (lakes over 1000 acres) a 2000 sq foot upper limit would require mitigation of wetland rules. This upper limit could be changed in rules. But how much square footage does a family need?

Docks on rivers: A PWAAB member thinks docks on rivers need to be determined on an individual basis. Most impounded rivers - artificial impoundments are treated as lakes and ponds. FERC regulates docks near Hydroelectric dams. DES does not get requests for docks on any of these hydro dam impoundments.

Since Don Ware who represents NH Rivers Council not present, this discussion will be continued. Additionally, input from Dam Bureau and dam operators may be desired.

Tom Quarles made a motion to adjourn. Diane Hanley seconded. Meeting was adjourned at approximately 4 p.m.