

Voting Members:

David Packard
Chair
NH Lakes Assn.

Bruce Allen
Conservation
Commissions

Mark Borrin
Tourism Industry

Shane Bradt
Scientific Community

Linda Brownson
State Conservation
Committee

Edmund Crawford
Marine Trades
Association

Tiffany Grade
Conservation
Community

Janet Kidder
Planning Boards

Frank Lemay
NH BIA

Rex Norman
Municipal Official

Dick Smith
Fishing Interests

Mary Truell
NH Association of
Realtors

Vacant
NH Fish & Game
Commission

Non-Voting Members:

Garret Graaskamp
Vice Chair
NH Fish & Game Dept.

Capt. Tim Dunleavy
NH Dept. of Safety

Eric Feldbaum
NH Dept. of Natural and
Cultural Resources

Jennifer Gilbert
NH Office of Strategic
Initiatives

Mark Hemmerlein
NH Dept. of Trans.

David Rousseau
NH Dept. of
Ag, Markets & Food

Staff:

Tracie Sales
Program Manager

Jen Drociak
Watershed Coordinator

Mariah Mitchell
Program Assistant

N.H. Lakes Management and Protection Program
N.H. Lakes Management Advisory Committee

March 26, 2019

The Honorable Martha Fuller-Clark, Chair
Senate Energy and Natural Resources
Legislative Office Building, Room 103
Concord, NH 03301

RE: HB 228 *Extending the commission to study the current statutes related to management of non-tidal public waterways and the construction or placement of structures within them.*

Dear Chair Fuller-Clark and Members of the Committee:

The Lakes Management Advisory Committee (LMAC) appreciates the opportunity to comment on House Bill 228 as amended, which will extend the reporting deadline of the study commission established in RSA 482-A:35, redefine the commission's quorum, and remove a member of the commission. The LMAC supports HB 228 as introduced, but opposes the redefinition of a quorum.

The LMAC understands that the Commission to Study the Current Statutes Related to Management of Non-tidal Public Waterways and the Construction or Placement of Structures Within Them has had difficulties getting started in its work. Because of the important nature of the issues being addressed by this commission, extending the study commission from November 30, 2019 to November 30, 2020 will allow the commission to reach a more thoroughly-considered decision. Regulations allowing privately owned structures on lakes and ponds, which are public property held in trust for all, must be considered carefully to ensure that the public's rights are upheld.

However, reducing the quorum requirement for this commission to eight, which is less than the majority of the current 18 or proposed 17 members, will result in decisions and recommendations being made by the commission that do not represent the opinions of a majority of the interests that the commission represents. This may lead to policy making that is not in the best interests of New Hampshire's lakes, ponds, and citizens, as relevant voices will not be heard. Reducing the quorum to less than half of the members also sets a poor precedent for other boards, commissions, and committees who make important decisions on behalf of New Hampshire's citizens. The LMAC therefore requests that the sentence "***Eight members of the commission shall constitute a quorum***" that has been added to HB 228 is eliminated.

The LMAC has no opinion on the elimination of the commission seat representing the recreational boating community that is not a waterfront property owner.

The LMAC is a legislatively created body charged to work with the New Hampshire Department of Environmental Services (NHDES) to administer RSA 483-A, the Lakes

The Honorable Martha Fuller-Clark
Chair, Senate Energy and Natural Resources
HB 228 March 26, 2019
Page 2

Management and Protection Program. The Governor and Council appointed Committee is comprised of 19 members representing academia, business, conservation organizations, lake associations, tourism, fish and game commission, marine trades, realtors, municipal government as well as several state agencies. Among its other responsibilities, the LMAC reviews legislation relevant to the Program and the state's lakes and ponds, and advises the NHDES Commissioner on the merits of such legislation.

In conclusion, the LMAC supports with amendment HB 228 to allow for a comprehensive review of all of the issues relating to the placement of docks and other structures in New Hampshire's lakes and ponds, but with commission decisions approved by a majority of the commission's members. The conclusions reached by this commission will have significant implications on the placement of private structures in our state's public waters.

Should you have further questions about this testimony, please feel free to contact me at (603) 867-9299 or appliedforce52@gmail.com.

Sincerely,



David Packard
Chair

ec: Rep. Suzanne Smith
Rep. Karen Ebel
LMAC Representatives
Robert R. Scott, Commissioner, NHDES
Tom O'Donovan, Director, Water Division, NHDES
Ted Diers, Administrator, Watershed Mgmt. Bur., NHDES
Tracie Sales, Rivers and Lakes Programs Manager, NHDES