

Voting Members:

**David Packard**  
Chair  
NH Lakes Assn.

**Bruce Allen**  
Conservation  
Commissions

**Mark Borrin**  
Tourism Industry

**Shane Bradt**  
Scientific Community

**Edmund Crawford**  
Marine Trades  
Association

**Tiffany Grade**  
Conservation  
Community

**Janet Kidder**  
Planning Boards

**Frank Lemay**  
NH BIA

**Lisa Morin**  
State Conservation  
Committee

**Rex Norman**  
Municipal Official

**Dick Smith**  
Fishing Interests

**Bruce Temple**  
NH Fish & Game  
Commission

**Mary Truell**  
NH Association of  
Realtors

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**

May 1, 2019

The Honorable Sharon Carson, Chair  
Senate Executive Departments and Administration Committee  
Legislative Office Building, Room 101  
Concord, NH 03301

**RE: HB 244** *An act repealing the moorings appeals board.*

Dear Chair Carson and Members of the Committee:

The Lakes Management Advisory Committee (LMAC) appreciates the opportunity to comment on House Bill 244, which eliminates the current moorings appeals board and instead assigns mooring appeals directly to the commissioner of the department of safety. The LMAC supports this bill with the following comments and concerns.

The LMAC understands that there has not been an appeal to the moorings appeals board in 12 years and that all three members of the moorings board are now deceased. Based on testimony presented at the January 16 LMAC meeting from persons believed to be knowledgeable of the bill's language and intent, it was the LMAC's understanding that HB 244 would assign mooring appeals to the Department of Safety's adjudicative appeals board. In this context the LMAC members voted for, and previously issued a letter in support of HB244.

The LMAC supports language in HB 244 to eliminate an inactive board. The LMAC supports replacing that board with an appeals process that recognizes and considers the wide range of issues that play a role in the safe, equitable, and potentially environmentally sensitive conditions associated with mooring fields. To this end, the LMAC understands that a mechanism for moorings permits, hearings, and appeals already exists at the Department of Safety which conducts its hearings according to provisions of RSA 541-A for adjudicative hearings.

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 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.

The Honorable Sharon Carson  
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In conclusion, the LMAC supports language in HB 244 to eliminate an inactive board, and requests that HB 244 clearly delegate the appeals process to the Department of Safety adjudicative hearings process.

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

Sincerely,



David Packard  
Chair

ec: Rep. James Webb  
LMAC Representatives  
Robert R. Scott, Commissioner, NHDES  
Thomas O'Donovan, Director, Water Division, NHDES  
Ted Diers, Administrator, Watershed Mgmt. Bur., NHDES  
Tracie Sales, Rivers and Lakes Programs Manager, NHDES