

Here is additional information about past SLRs, the LMAC jurisdiction for SLRs, questions that have arisen during the state lands subcommittee's work, and key outcomes to date.

#### **Potential questions for the LMAC:**

- What are the LMAC's desired outcomes from the subcommittee's work? Examples might include:
  - o A map of state lands, in context with other data like conservation lands, areas in the wildlife action plan, etc. **(done)**
  - o A list of criteria to guide parcel review, including for times when the LMAC is not available to meet before a response deadline. **(done)**
  - o Policy recommendations to state agencies, based on lessons learned.
    - Example: develop a GIS layer of lakes on the Official List of Public Waters
    - Example: have NHDOT and NHDES develop an MOU to guide the disposal of parcels near lakes, similar to as exists for rivers.
  - o Policy recommendations to G&C based on the subcommittee's work.
  - o Legislative recommendations based on the subcommittee's work.
  - o A recommendation to retain or dispose for every parcel within 250' of or providing access to a lake in LMAC jurisdiction, for times when the LMAC is unable to meet within the CORD deadline.
    - o Retain/dispose recommendations to G&C for every parcel in the state.
- Does the LMAC want the subcommittee to comment on lands outside of the LMAC's statutory jurisdiction for state lands disposals (i.e. lands that are not adjacent to or providing access to a lake on the List of Public Waters; see section below)?
- Does the LMAC want its representatives to make recommendations for every parcel in the state, for subsequent adoption by vote of the LMAC?
- Are there nuances to the LMAC's decisions when a disposal is not a sale to a private party but a lease, easement, land swap, or sale to a municipality which will retain public access, and how does that interact with the subcommittee's work?
- Does the LMAC want to continue to work as a joint subcommittee?

#### **Subcommittee accomplishments to date:**

- Creation of a map of all known state land parcels in the state that are within 250' of a river, stream, pond, or lake.
- Development of criteria of interest to the LMAC/RMAC when reviewing a parcel.
  - o Examples: public access, inclusion in the State Wildlife Action Plan, wetlands/floodplains, etc.
- Identification of data gaps in key variables of interest.
  - o Example: Lack of a GIS layer of Public Waters.
  - o Example: Variability between towns in how accurate the parcel mosaic is – parcels are missing in some towns.
- Developing recommendations (i.e. retain, dispose, no recommendation) for all known state land parcels within 250' of a river, stream, pond, or lake in Grafton County and Rockingham County. The RMAC members of the subcommittee additionally reviewed Sullivan County.

#### **Data about questions that have arisen to date:**

- For lakes-related parcels in Rockingham and Grafton Counties, subcommittee members recommended retaining 198 parcels and disposing of 36 parcels.

- The subcommittee has made recommendations for parcels near lakes that are outside of the jurisdiction of the LMAC as defined in RSA 483-A (see section of LMAC jurisdiction, below).
- Mark's analysis of lakes subcommittee members' recommendations for parcel retention/disposal in Rockingham and Grafton Counties shows that there is little to no correlation between the subcommittee's recommendations and any of the criteria developed to score parcels and guide review.
- The subcommittee has met approximately weekly for 1 hour/week since December of 2023, and met a couple of times a month between January 2022 and July 2023.

#### **SLR history:**

- In the past 15 years, Rivers and Lakes staff have been notified of 28 SLRs in LMAC jurisdiction:
  - o 17 leases (all leases were either for docks/access or to maintain existing use.)
  - o 2 easements
  - o 2 sales with significant conditions (e.g. limiting geographic scope)
  - o 2 sales with suggested BMPs (e.g. public access in deed)
  - o 2 sales that were deemed de minimus in impact
  - o 1 land swap
  - o 1 dam sale
  - o 1 sale to an encroaching abutter
- These fell into the following types of land use (*note there is some overlap across these categories, like when disposal to an abutter was maintaining existing use; I classified each disposal as one or the other, so not a perfect analysis*)
  - o 11 disposals maintained existing uses (mostly lease renewals)
  - o 8 disposals were deemed "de minimis" and not reviewed further
  - o 4 disposals were to an abutter
  - o 4 transfers were for something else/new use
  - o 1 transfer didn't fit in the other categories but was for a municipality for public use

#### **LMAC Jurisdiction:**

[483-A:2](#) Definitions. –

III. "Lake" means the bodies of fresh water as defined in RSA 271:20.

[RSA 271:20](#) State Water Jurisdiction; Published List of Public Waters; Rulemaking. –

I. All natural bodies of fresh water situated entirely in the state having an area of 10 acres or more are state-owned public waters, and are held in trust by the state for public use; and no corporation or individual shall have or exercise in any such body of water any rights or privileges not common to all citizens of this state; provided, however, the state retains its existing jurisdiction over those bodies of water located on the borders of the state over which it has exercised such jurisdiction.

II. The department of environmental services shall prepare, maintain, and publish an official list of all public waters in the state....

Excerpt from [Procedure for LMAC Review of State Property Disposal](#)

#### **Properties to be Considered**

All properties being considered for disposal by CORD and other state agencies in the State of New Hampshire lying adjacent to or providing access to a lake will be considered for review by the LMAC. The term "adjacent" is defined here as land directly abutting or within 250 feet of the

reference line (i.e., ordinary high water mark) of a lake. The term “providing access to” is defined here as land that serves an essential segment of any public access route, path, trail, or otherwise to a lake without which that access could be terminated.

It is hereby recognized by the LMAC that the term “disposal” can refer to the transfer of land ownership (i.e., fee simple acquisition), transfer of right-of-way, transfer of easement terms (e.g., conservation, utility easements), lease of land, or any other means that alters the status of ownership.

#### **Subcommittee’s original scope:**

- Notes from first subcommittee meeting (Jan. 3, 2022):
  - o goal is “to create a map layer and inventory list of state owned properties, with relevant details like land size, distance to river/lake, access points, etc., in order to inform RMAC review and prioritization of SLR properties.”
  - o Michele also added “be able to prioritize them to be more proactive in our review and recommendations. We could develop criteria, e.g., water access, and assign priority levels to each property that would help us review and form recommendation to each property.”
- Minutes from first LMAC meeting with information about the subcommittee (Jan. 13, 2022):
  - o “This subcommittee was initiated in order to make the process of state lands disposal reviews easier, and has as its goal to map the state-owned lands adjacent to waterbodies.”
  - o “The subcommittee is also working on developing a list of the characteristics that would be relevant criteria for assisting with surplus land review, such as a parcel’s distance to waterbodies.”
  - o “Garret asked whether the subcommittee would potentially propose legislation to assist in their objectives. David said that was not currently part of the vision.”
- Minutes from the first RMAC meeting after the subcommittee started to meet (Jan. 7, 2022):
  - o “The group aims to develop a statewide map layer of state-owned lands and conservation lands, with accompanying listed information. The subcommittee began work on a list of criteria to associate with each property to make it easier for the RMAC and LMAC to make recommendations on land disposals.”
- Minutes from the RMAC meeting immediately prior to the subcommittee’s first meeting (Oct. 26, 2021):
  - o “to create a map of all state-owned lands within river corridors or near lakes. The project’s objective was to create a systematic inventory, with associated values of interest, in order to assist the RMAC and LMAC with the process of surplus land reviews.”
  - o “Mark asked what resources would be available to conduct such an activity. Michele responded that she would anticipate having a conversation with OSI. Mark also asked if parcels would be ranked. Michele replied that the plan was to develop criteria to guide the RMAC’s review of parcels.”
  - o “The group collectively expressed support for invoking the joint subcommittee to begin to explore what data are available, as well as what criteria to use when the RMAC considers SLRs.”