

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.

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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.

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