



State of New Hampshire

Department of Safety

James H. Hayes Safety Building, 33 Hazen Drive, Concord, NH 03305

JOHN J. BARTHELMES
COMMISSIONER

EARL M. SWEENEY
ASSISTANT COMMISSIONER

Report of the Hearings Examiner

In the Matter of:

Petition to Require Mooring Permits

Bow Lake
located within the towns of
Strafford and Northwood, New Hampshire

HISTORY:

The Department of Safety received a petition signed by at least twenty-five (25) residents and/or property owners ("Petition" or "Petitioners") from each of the towns of Strafford and Northwood, New Hampshire. The Petitioners requested the establishment RSA 270:61-a Petitions to Require Permits: Hearings on Bow Lake. This [petition] seeks that there be a hearing to regulate moorings pursuant to RSA 270:61-a. The Petition, submitted on September 2, 2008, offered the reasons for the requested public hearing. On September 15, 2009, Saf-C 412 Petitions to Require Permits Hearings became effective; this agency then commenced the procedure to schedule a date, time, and location for a public hearing.

Pursuant to RSA 541-A, a public hearing was held on Friday, November 6, 2009 at 2:00 p.m., at the Bow Lake Grange Hall, 569 Province Road, Strafford, New Hampshire. The scope of the hearing was to allow and consider public comment in accordance with RSA 270:61-a and Administrative rule Saf-C 412 on the Petitioner's application.

Curtis N. Duclos, Administrator, Bureau of Hearings, conducted the public hearing as designee on behalf of John J. Barthelmes, Commissioner, Department of Safety.

OPENING REMARKS:

Everyone present was informed of the following:

- The Notice of Hearing was read to the persons in attendance;
- the petition and all supporting documents will be available for review;
- the public hearing is recorded;
- the recording shall be preserved for seventy-five (75) days along with an explanation of the procedure by which to receive a copy of the recording;
- the opportunity to sign the appropriate "sign-up sheet" to present comment on the petition;
- the notification of public hearing was published in The Union Leader on October 20, 2009 and a clipping from the newspaper was displayed;
- the public may review the legal notice clipping from the newspaper, along with the original petition and any other documents; and,
- how and where to submit written comment which must be received by the Department of Safety within seven (7) calendar days following the hearing.

STATISTICS:

- Twenty-two (22) people testified at the public commentary hearing on November 6, 2009. A number of persons, after signing to speak, either left before their name was called or elected not to speak. Nineteen (19) people spoke in favor of the petition; two (2) spoke against and one (1) person spoke in general terms.
- Written public commentary was received from five (5) persons, the letters given to the fact-finder at the public hearing. The five letters contained commentary opposing the petition.
- Fifty-one (51) sources of public commentary have been received from persons, or multiple signers of written (in one case a recorded telephone commentary) statements either prior to, or after the hearing date. All have been received within seven (7) calendar days following the hearing. Forty (40) comments were in favor of the petition with eleven (11) opposing the petition.
- The fact-finder notes that some person's testimony and a number of submitted documents for consideration were representing the views of multiple persons, organizations, associations or boards.
- The hearing was closed to public comment at the close of the business day, Friday, November 13, 2009.

OFFICIAL NOTICE:

- Petition for the requirement of mooring permits on Bow Lake.
- Newspaper published announcement of public hearing.

EXHIBITS:

- 1: A presentation by Mr. DeTrude consisting of photographs, a chart, and graphic aerial views of Bow Lake along with two letters written by David Barrett, Director of Safety Services, Department of Safety, augmenting Mr. DeTrude's public commentary.
- 2: A printed copy of Ms. Kathleen Paine's public commentary.
- 3: A printed copy of Ms. Cheryl Mrozienski's public commentary.

SYNOPSIS OF TESTIMONY:

Mr. John DeTrude is in favor of the petition. He presented documents for the fact-finder, explaining the basis of the documents for the hearing record and were accepted and identified as Exhibit #1. At the conclusion of his remarks, Mr. DeTrude provided a printed copy of what he read into the record, augmenting his narrative by pointing out various portions of the chart and pictures within the exhibit.

Mr. DeTrude requests that Bow Lake be added to the current mooring law as petitioned, requiring a permit process for all moorings pursuant to RSA 270:61-a. He said for 12 years or more Bow Lake has been experiencing the same issues that caused these laws to be passed back in 1988 for Lake Winnepesaukee, Winnisquam, Squam Lakes, Newfound, Sunapee, and Ossipee. His family and he have watched as the lake becomes more and more crowded. He said that currently any person can drop a mooring using any means, anywhere they want to with no regard to the lake or anyone on it. These moorings present a number of navigational and safety issues including random placement, improperly maintained moorings where boats break free (for others to rescue while sometimes damaging other property), and abandoned moorings which can be run over by boats or stick through the ice causing hazards for winter sports enthusiasts. Mr. DeTrude reports the Division of Safety Services having documented 118 moorings on this 1,160 acre lake in 2004 and believes this number has increased since then. Access will in no way be restricted as there are two public launches, one at each end of the lake for boaters to use.

The Mary Waldron Beach and boat launch in Northwood is host to many moorings and, for all intents and purposes, has been turned into a 'parking lot' for boats. There have been as many as 15 boats moored in this small cove ranging in size from canoes to 24' pontoon boats. Many of these boats are seldom used, occasionally on the weekends or sometimes only once or twice a season. He said this is a very busy area because of the public beach and boat ramp which presents a number of safety hazards and navigational challenges. Moorings are randomly dropped throughout the cove which impede moorings normal operation while entering and exiting the cove. The Department of Safety Services recorded boats that were 549' from shore which is far above the 150' safe passage law, essentially placing them right in the middle of the channel. This presents a dangerous situation especially at night when they can't be seen. In addition, some people swim to their boats from the beach creating safety issues by putting themselves and other boaters in danger. Mr. DeTrude said that it is only a matter of time before someone is injured. The current situation also creates increased traffic and congestion to an already over crowded beach and boat ramp when boats are parked, canoes and row boats left permanently, and cars are parked to access the moored boats. The situation has become a nuisance, a hazard and takes from the recreational and scenic value of the lake.

Mr. DeTrude stated the majority of the moored-boat owners live across from the boat ramp, or within a few hundred yards of it, and can easily walk to the boat ramp from their camps. There are many others who live close to the lake but can't enjoy such accessibility from their homes. He remarked that this asks the question of how many more moorings will be placed when the housing market turns around and more people move to the area. Another section of the lake has the potential of creating more serious issues because there is a 22 lot subdivision located near Bennett's Bridge on the Northwood/Strafford line. The lots and homes are being advertised "with docks and moorings available". The development has a common piece of property on the waterfront where boats are kept. Based on the number of lots, if everyone had a boat Mr. DeTrude calculates that would be 22 moorings, adding to that a jet ski or sailboat for each home there would be a possibility of 44 additional moorings on the lake. He said there is no way the lake can handle that.

Mr. DeTrude testified the lake is for everyone to share and enjoy as it should be and the proposal does not affect access. Mr. DeTrude read an excerpt from a letter written to a House of Representatives Committee Chairperson from the Director of Safety Services when legislation was being put through to add this petition process for other lakes. Mr. DeTrude read as a quote the following excerpt: ... *"Since 1988 the existing moorings law has evolved into what I believe is a well-organized and efficient program which is consistent with the intent of the legislation pursuant to RSA 270:60, Statement of Intent. The program has matured to the point that it provides the safeguards outlined in the statute and offers a reasonable opportunity for waterfront, and on some occasions non-waterfront, property owners to apply for and be granted a mooring permit. It is clear that there are water bodies other than the six largest lakes in the State that could benefit from this"*.

Mr. Ed Kelly is in favor of the petition. He said that the previous speaker had done an excellent job. He discussed a house bill that in 1988 had resulted in a decision that it was inexpedient to legislate. Moorings are inevitable and needed on Bow Lake. He spoke of areas of the lake including a subdivision consisting of twenty-two lots.

Ms. Elizabeth Chadwick stated that she lives near Mary Waldron Beach and that a great deal of what she was going to speak about had been covered by the first speaker. Two main points are: yes, there should be limitations on the number of moorings and secondly that the public should have access to moorings even if they do not live on or near the water. Access should not be exclusive to those who own property on the lake. Hopefully, there will be responsible use by those who receive a mooring. Laying claim to a part of the lake is really not their "spot", they are really only using the spot.

Ms. Kathleen Paine is in favor of the petition. At the conclusion of her remarks, Ms. Paine provided a printed copy of what she read into the record. She is the liaison between the Bow Lake Camp Owners Association and the New Hampshire Lakes Association. Ms. Paine related a narrative that she heard at that program in 1998, about a distraught gentleman living at the Northwood end of the lake reporting over 15 boats moored in front of home. He had difficulty maneuvering to and from his dock, had constant noise from the boats and contacted the local police and marine patrol. He was informed that Bow Lake was not protected by a moorings law and nothing could be done. Ms. Paine read a quote from the Department of Safety Moorings program: ... "The lakes in New Hampshire are a valuable public resource to be preserved for the benefit of the public as well as fish and wildlife". (She emphasized the words "the lakes in NH".)

Ms. Paine continued by remarking that Bow Lake is the tenth largest lake in the State of New Hampshire at 1,160 acres, yet the moorings law only protects six of the larger lakes in the State. Over the past 15 years there have been an increased number of moorings on Bow Lake and she fears the 'trickle' affect is occurring. Ms. Paine said it is not legal for anyone to camp or park wherever we want to in our State Parks which protects our parks; our lakes, held in public trust, should be no different. She concluded saying the number of moorings along Water Street, Brown's Pasture, Bennett's Bridge and the Mary Waldron beach site continues to grow. A mooring regulation is needed before the situation gets worse. Public safety, preventing visual pollution, protecting fish and wildlife, and preserving water quality are all very clear reasons why mooring protection is needed on Bow Lake.

Ms. Gertrude Paine did not intend to testify.

Mr. James G. Paine provided a brief history of when his parents bought property on Bow Lake and mentioned that he and his wife have lived at that location since 1992. Mr. Paine agreed with Mr. DeTrude's testimony; he then spoke of the loons as an endangered species. The buoys should be placed to insure their safety.

Mr. Frank R. Mayo spoke on behalf of the Bow Lake Campers Association (BLCA) and himself. The BLCA has been trying for years to add Bow Lake to the other lakes that have a mooring program. There should not be unrestricted moorings because there could be many problems in the future. The BLCA has spent a good amount of money for improvements to the lake to keep it as clean as it is and also focusing on endangered wildlife and wants everybody to enjoy it.

Ms. Lynn Sweet represents the Town of Strafford as Chair of the Board of Selectmen. The Board of Selectmen are in favor of the petition. She reports that the Board has questions regarding what the criteria will be for how the moorings will be allocated. In addition, would existing moorings be given preference.

Mr. Derek Sawyer is in favor of the petition saying the information has been already discussed.

Ms. Cheryl Mrozienski is in favor of the petition. At the conclusion of her remarks, Ms. Mrozienski provided a printed copy of what she read into the record. She is a volunteer for the Loon Preservation Committee, New Hampshire Audubon, and the Bow Lake Camp Owner's Association Water Quality Group. Ms. Mrozienski is concerned with the increasing number of abandoned or neglected moorings that end up in the middle of boating channels due to improper installation and maintenance. She continued saying if a mooring is not properly installed, the spring ice out process tends to pick them up and move them. She has found a number of these moorings partially or completely submerged and has come very close to hitting them with her boat. Ms. Mrozienski said there is currently no way to identify the owner of such moorings because moorings are not regulated on Bow Lake. The moorings in question have been abandoned or severely neglected, since she has not seen them moved back into their proper place, or any boat attached to them, in a number of years.

Ms. Mrozienski stated that using Bow Lake as a boat parking lot is not a very good use of such a valuable lake resource. Swimmers, kayakers, wildlife watchers, and fisherman all use the same area where boats tend to be moored, so they can stay out of the way of the big boats 'flying around' the middle of the lake. In addition, there are a number of wildlife species living

on Bow Lake, some of which are considered threatened species, such as loons, eagles, and ospreys, (loons and eagles have recently built nests on the lake).

Ms. Mrozienski said a number of moorings have been installed recently along the only remaining wooded shoreline of the Bennett Island loon nursery area. These loons are very sensitive to disturbance and often voice their objection to boats that are not even very close to their young chicks. A new bald eagle nest has also been built on Bennett Island; no eggs have been laid in this nest yet and she is concerned that the eagles may find the nest site busier than they prefer due to increased boat traffic. Ms. Mrozienski asks to please add Bow Lake to the list of lakes requiring mooring permits, so the Department of Safety can start the process of identifying and cleaning up moorings in Bow Lake.

Mr. John Alberts is in favor of the petition. He is a member of an association within the new subdivision where there are presently twenty homeowners. There are six boat slips, but know there will be a desire for more as additional people move in. Placing 20 moorings within the area of access will not allow anyone to move in or out. There should not be unrestricted moorings, but predetermined amounts and locations of moorings.

Mr. P. Donald Arsenault is in favor of the mooring petition.

Mr. Michael Reid is in favor of the petition. He is not a waterfront owner and presently has a mooring in the lake. Mr. Reid agrees there is a need for regulation, but would like to keep the mooring he now has.

Mr. Robert Grant is in favor of the mooring petition.

Ms. Jennifer Roberts is in favor of the mooring petition. Ms. Roberts and her family have lived on the lake for a number of years. She said about ten years ago two moorings were placed in front of her dock that was impeding access to and from her dock. She hoped that early that next spring she would put her own mooring in, but found that the two were left in place over the winter. The following year she placed her mooring back in, but a young person took her anchor and tied his two ski craft to it. She ended up purchasing another for herself. This person rides the ski craft once a month and keeps no watch over the property left there. This is problematic and she reports it is similar on the Northwood side of the lake

Mr. Ralph J. Cutting is in favor of the mooring petition. He has property located on the Northeast side of the lake. He purchased the property about two and one half years ago. The property does not have a dock, but does include a mooring. He said the property's deed included mooring rights and he would like to keep that mooring to maintain property values and access to the main lake. To access the main lake, he needs to remove the boat's windshield, or travel to his mooring by kayak. He is not against paying a permit or annual fee for the mooring.

Ms. Rosemary Raynes is in favor of the mooring petition.

Ms. Bruce Donle is in favor of the mooring petition, agreeing with the Bow Lake Campers Association position.

Mr. Roger Richard is opposed to the petition. Mr. Richard stated that neither he nor the others speaking today have knowledge of the rules, and so are not informed as to exactly what the moorings outcome will be based upon. Mr. Richard drew an analogy between the

filled parking lot outside the meeting location and the thought of those many more vehicles with little area to park. He said people will have blocked driveways and this will become a safety issue. Mr. Richard sees no problem with mooring based upon the size of the lake, noting that there are 118 moorings on a lake of more than 1,000 acres (1 mooring per 10 acres). A water quality issue cannot be attributed any more to a boat being moored than it can for a boat that was docked. He said the same holds true for wildlife; are the boats traveling from a mooring or a dock? He said that cannot be determined.

Mr. Richard mentioned an earlier study and said the housing development is for persons 55 and older. He does not believe many of those people will be swimming to a mooring. He has spoken to a number of people involved with the law in place for the six lakes with a mooring program. He said people including State Representatives said the law was a travesty, especially Ossipee Lake. He said the State owns the lake and, waterfront owner or not we are all part of the State. He testified that we can't say one can have a mooring, and another cannot. Once this [mooring petition] passes; he said, where will it all end? Mr. Richards ended saying that he is a waterfront owner, however his property is on the other side of Bennett Bridge the size of which doesn't allow him access to the main lake. He said the present law allows lakefront owners to have a dock and two moorings. Most only need one mooring but have two to allow a friend to use it. He was told that a person rents the mooring out. Local people should not be shut out.

Mr. Curtis Naleid is in favor of the mooring petition. He has a State mooring in Great Bay. He discussed how he got the mooring and how it is organized for tidal waters. He believes if the mooring program is implemented in Bow Lake the moorings law will operate as it does elsewhere with homeowners have preference looking at shallow water, sailboat access and more to have mooring safely in an organized way.

Mr. Charles Law is in favor of the mooring petition.

Mr. Nicholas Koufugrzos is opposed to the petition. He had arrived late to the public hearing due to travel time from work. He remarked that there are about 60 people in the room; some were unable to park in the lot outside. Mr. Kouugrzos said people just coming for an afternoon at the beach to swim, or to use a kayak or canoe will not have access unless they arrive very early to find a parking space. He remarked that this scenario will make the problem much worse than what is in place now. He described access to Mary Waldron Beach as a very narrow road, with sharp turns and parking for about 10 vehicles.

SYNOPSIS OF LETTERS RECEIVED:

COMMENTARY SUBMITTED AT THE HEARING 11/6/2009:

Shannan F. Brown is opposed to the petition. Mr. Brown has resided in Northwood for 16 years. He would like the option of having a mooring on the lake as others do. He states that he pays taxes to the town and notes the people own land on the lake, but the do not own the water. He does not want a mooring program because it restricts some of the landowners who live near the lake. The program will exclude many tax-paying residents and affect the value of their homes.

Ben Davis is opposed to the petition.

Mr. Davis stating there are very few moorings on the lake and to his knowledge there have been no problems arising from the few moorings that are present. He believes that moorings should be for residents of NH, but does not believe that written regulations are needed for Bow Lake.

Anne Davis is opposed to the petition

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Scott Davis is opposed to the petition

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Heidi Klotz-Champagne is opposed to the petition.

COMMENTARY RECEIVED PRIOR TO END OF BUSINESS ON 11/13/2009

The information in this section, unless otherwise noted, is verbatim commentary submitted. The salutation and closing along with addresses, emails, and telephone numbers have been redacted. All of the emails and letters have been saved in a PDF format. One post-hearing commentary was allowed via telephone recording and has been preserved as an mp3 file.

Dick Allen is in favor of the petition.

As a resident of Bow View Drive in Strafford, NH I am writing to support the Bow Lake Mooring Bill.

Deborah Ames-Murphy is in favor of the petition.

My husband's family has owned an island in Bow Lake for the past 60 years and have always been concerned and in support of the preservation of the lake and wildlife. We are very fortunate to have a pair of nesting loons right near our island and they return every year. We are very much in support of a bill that would address mooring permits for Bow Lake!

Robert Bennett is in favor of the petition.

I would like to express my full support of the Moorings Bill to protect the waters of Bow Lake. As a taxpayer and longtime resident, I do not want to see our beautiful lake damaged by unrestricted moorings nor unsafe moorings.

Juliette Bonenfant is in favor of the petition.

Hi I am writing with regards to the mooring issues that have come up on Bow Lake As someone is only a summer resident and lakefront owner I have great concerns regarding safety issues on the lake. It has been what I feel extremely fortunate that no-one has been run-over by a boat at our end of the lake. People who are mooring their boats are SWIMMING out to their boat with no vests on or markers on themselves so that they may be seen by an oncoming boater,

granted that the speed limit is only 6 mph there, none the less being hit by a boat is a danger. When they swim and are "under water" it is impossible to see them. There are now so many boats that even if someone is barely coasting coming in the space between the buoys for the beach and the boats is so small it would make it almost impossible to see them if they are "just coming up for air" all of a sudden, or even worse under water while going by---my concern arose when the lake was choppy one day and a swimmer came out from behind the "yellow" boat moored on the lake we all held our breaths, as we approached. (we are by the Mary Waldron Beach area) If boats are to be moored and boat owners are to be swimming out one would think common sense would have them wear an orange vest so as to be seen. This is NOT the case, and while I imagine it wouldn't make a difference if I hit a swimmer or not if he was or was not wearing a vest I know I would be devastated and I am sure my life would change forever. The fact that he is wearing a vest would alert me to the fact someone was swimming in the water. If the laws change and moorings are allowed on the lake please make thought to a law to protect people who do NOT have the common sense to think about wearing an orange colored vest. More than I am concerned about the fact that I am being charged for taxes for lakefront view, (and no longer have it due to all the boats) I am concerned about the safety of children and swimmers from the beach going to their boats.
a truly concerned Bow Lake property owner.

James J. Boynton is in favor of the petition.

This message is concerning an upcoming discussion about adding Bow Lake to the list of 6 NH lakes to adopt a mooring law. My family owns 2 adjoining waterfront properties on Bow Lake (21 Fire Rd 22) and strongly support the permitting process for Bow Lake. Specifically, each year we register a number of sailboats and motorboats with the State of NH and have 2 boat lifts to store the two largest boats. One of these is a classic wooden sailboat , a 19 ft Lightning sailboat with hull/sail #2. Note hull/sail #1 is in the Mystic CT sailing museum and is awaiting a full restoration, while Hull #2 sails each weekend on Bow Lake. This boat not only requires a boat lift for storage, but a mooring for launching and landing to protect this piece of sailing history. Our family ski boat is likewise protected on a boat lift. We also have 2 sunfish for my young nephews to use and enjoy sailing on the lake, also with a number of other small craft.

In the last 4-5 years a resident of our town has moored his family 25 foot Pontoon boat 150+ ft off of our waterfront and within close proximity to other moorings and a swimming raft. This neighbor lives more than 10 houses away, but has chosen to place his mooring in front of our waterfront area so not to disturb the view/enjoyment of his closer neighbors, whom he has direct interactions. When asked to move the mooring to aid in the safety and navigation of sailboats landing at our moorings (on the difficult to land, windy lee side of the lake) he was disrespectful and also called the police indicating we were harassing him. we had only asked him to move his mooring or we would take other actions (e.g. call the marine patrol). The NH marine patrol was later called and examined the situation , but choose not to enforce a provision that 150' from shore is a navigational hazard or the proximity to our preexisting moorings/raft presents a safety concern. Each year he returns his mooring to a similar spot after our moorings/raft have been in place since ice out. In the more recent years we have applied for and received a swim lane permit from the state (as this is the only permit currently granted in the absence of a mooring law). Each year on our application we diagram out the exact placement of our moorings, the abutting neighbors moorings, the shoreline and the area for the swim lanes. Distances were carefully measured to allow for mooring chain movement in the wind and the length of a boat at mooring. Within days of ice out each year we reattach the mooring balls to the existing mooring locations and also have received the swim lane permit.

Although we have done these action to pontoon boat mooring returns each Memorial Day weekend. There are a number of other personal examples of safety, navigation or other concerns around Bow Lake which you may be aware of. We also know there are a number of people/ areas of Bow lake where existing moorings and boat lifts are effective and don't present concerns.

We support this mooring law not to add a burden to those who are currently in harmony, but rather for the cases where additional order, regulation and agreement would add to the safety and enjoyment of all on Bow Lake.

Elizabeth Cranley is in favor of the petition.

I would like to add my support to those in favor of establishing a mooring bill for Bow Lake. I believe regulations to be a positive step in safety and preservation of this beautiful lake. Thank you very much for your diligent consideration of this matter.

Bill & Kathy Cranley are in favor of the petition.

Both my husband and I attended the meeting at the Bow Lake Grange on Nov. 6, 2009. We were encouraged by the number of people speaking in favor of a mooring bill for Bow Lake. We have long been in support of the existing mooring bill including Bow Lake.

Mike Curtin is opposed to the petition.

I live on Lakeshore Drive in Strafford NH and moor my boat on Bow Lake. The boat is moored off the shore of a deeded right away that I share with my neighbors. The mooring was done with thought not to infringe with our neighbors. This issue came up I believe two summers ago and the mooring law seemed to be tabled at that time. There was a tour of the lake and pictures taken at this time. In the two years the number of moorings or their placements has not changed dramatically. I have not heard of or seen any situations which are unsafe due to the current mooring situation. Has there been an increase in accident reports from the New Hampshire Marine Patrol? Increasing the amount of boats trailer to the lake would greatly reduce lake usage. There is no where to park a trailer at the Northwood ramp and the Strafford ramp may be able to handle 10 trucks and trailers. Water Street boat ramp is busy with its current usage. Increasing it, in my opinion, would present a safety issue. The space they take would cut greatly into the families who come to the Dam to swim. When there is a fishing tournament on the lake, the majority of the lot is filled with their trucks and trailers. Bow Lake is a wonderful place and limiting it use would be a shame. It seems the main reason this petition is brought forth is visual pollution in the eyes of some, rather than a safety issue. I do not see a need for a mooring law on Bow Lake that his time.

Nancy Curtin is opposed to the petition.

I am writing to express my opinion against the mooring bill on Bow Lake. I do not see this as a major issue affecting this lake, but rather an exclusive "right" for a chosen few. Namely, the waterfront property owners. Please do not limit this wonderful, natural resource. Thank you.

David Darrah is opposed to the petition.

I do not support adding a mooring law to Bow lake. This public waterway has extremely restricted access and keeping the water open for all boaters to enjoy is important.

Wayne Donle is in favor of the petition.

I live with my wife on Bow lake in Strafford. I have been on Bow Lake, seasonally, since 1954 and year round since Nov `03. I have seen it develop for good and bad ever since. I am on the Isinglass River LAC, and advise the Dam Bureau on lake and weather conditions.

I feel that uncontrolled mooring is one of the biggest eyesores on the lake and contributes safety issues and pollution. I woke up one day to find a 24' foot pontoon boat right in front of my house over on my sailboat mooring. The owner then came to my door and informed me the he could leave it there as long as he wanted. I objected and he eventually moved it to the horror of other taxpayers with frontage. That same boat has drifted or dragged in heavy winds into other boats or my breakwater. The Strafford Police and Marine Patrol responded. There was nothing that they could do. There are a number of "mooring fields", rafts, swim floats and other flotsam intended to inhibit unwanted mooring. They are a navigation and kayaking safety issue, a fishing interference and a general eyesore. Just look at Water Street! It is also the biggest police requirement in Strafford. When unwanted boats are cut loose or drift the police are called and can do nothing about it except to prevent fights on land.

When a boat is moored in front of private property, and there is no one who owns it to watch it, anything can and does happen. Wind, rain, leaks, dead battery, collision, etc. Mooring is a big responsibility. I has been demonstrated that most people who don't have a stake in access or ownership do not care about others or the lake itself.

Please consider these comments.

George and Mary Lou Donatello are in favor of the petition.

I cannot attend the hearing on the Mooring Bill affecting Bow Lake. I have been a resident of Northwood and have lived on the water on Bow Lake for 15 years. I have seen the lake be increasingly polluted by all sorts of make shift moorings, many of which were never used, and just simply dumped into the water, hindering navigation and the beauty of this wonderful body of water.

I counted this morning, 16 "moorings in the Bennett Island area and of Northwood beach. Most of these were put here by folks who DO NOT even live on the lake. Some are just a few feet apart, many are cinder blocks attached by a rope to a plastic jug. There is little care on the distance between them, or whether they block anyone or anything. Boats break off and float around during rough wind storms, and their owners are seldom around to take care of the problem. We need to regulate this problem, which by no means restricts anyone from lake usage, BUT it does keep our lakes from being a mooring waste land, which could be used by anyone from any community and any State, with little regard for us the property owners and tax payers of this town, and the State of NH.

Please give our lake a break and add it to the other lakes with mooring laws that will keep Bow Lake beautiful and a pleasure to use.

Norman and Louise Dugas are in favor of the petition.

We reside in Strafford, NH on Bow Lake and strongly endorse having mooring permits on Bow Lake.

Bob Duggan is opposed to the petition.

I am writing to express my opinion against adding Bow Lake to the mooring list via the Bow Lake Mooring Bill. As you probably already know this issue was brought up about two years ago and it was found that there In the last two years I estimate that the number of boats moored on Bow Lake has in fact gone down and I personally inspect over a dozen moorings every 6 months on the lake for friends and neighbors letting th (not decipherable)

Nobody wants to see their boat come loose and cause injury or damage to others property or their own boat.

Bow Lake has two small beaches and a single boat ramp, all with very limited parking.

There are no public docks, private marinas, or refueling facilities on the lake. These fact limits the ability of the public to gain access to the lake as it is and already helps to preserve th however, adding Bow Lake to the mooring law list would further isolate this natural resource from the public and r [*nothing followed*]

There are mooring laws in affect that already apply to all bodies of water in the state, and when enforced, protect this precious natural resource and makes it safe for the public that enjoys it. In closing, I would just like to reiterate that I am against the Bow Lake mooring bill. In my opinion, the number a quality of the moorings currently in service on the lake are already very well self regulated I believe this bill will unjustly isolate the lake from the public and relegate it to the private use of a few w [*nothing followed*]

Kelli Duggan is opposed to the petition.

I am writing to express my opinion against adding Bow Lake to the mooring list via the Bow Lake Mooring Bill. As you probably already know this issue was brought up about two years ago and it was found that there really isn't a problem on Bow Lake. In the last two years I estimate that the number of boats moored on Bow Lake has in fact gone down and the quality of the moorings used are well regulated by the public. My husband is a certified professional diver and inspects over a dozen moorings every 6 months on the lake for friends and neighbors letting them know if maintenance is required. Nobody wants to see their boat come loose and cause injury or damage to others property or their own boat.

Bow Lake has two small beaches and a single boat ramp, all with *very limited* parking. There are no public docks, private marinas, or refueling facilities on the lake. These fact limits the ability of the public to gain access to the lake as it is and already helps to preserve the natural beauty of the lake, however, adding Bow Lake to the mooring law list would further isolate this natural resource from the public and relegate it to the private and exclusive use of the few water front property owners on the lake.

There are mooring laws in affect that already apply to all bodies of water in the state, and when enforced, protect this precious natural resource and makes it safe for the public that enjoys it. In closing, I would just like to reiterate that I am against the Bow Lake mooring bill. In my opinion, the number a quality of the moorings currently in service on the lake are already very well self regulated by the public. I believe this bill will unjustly isolate the lake from the public and relegate it to the private use of a few waterfront property owner.

Elizabeth Evans is opposed to the petition.

My family strongly opposes adding Bow Lake to the State of New Hampshire's mooring law for the following reasons: *New Hampshire considers our lakes to be a valuable public resource, for the benefit and enjoyment of the public. However, adding Bow Lake to the mooring law would further restrict public access to our lake, by further privileging waterfront landowners, who already have docks, at the expense of all others. This would turn our lake from a public recreational good into a private good, restricting boat access to those who are wealthy enough to pay taxes on waterfront property or to those who are willing to trailer their boats in and out of the water each day. I speak as a lifelong local Strafford resident who lives and works in this community, yet feels that I would further lose access to the lake, which lies only a few hundred feet from my home. And no, we do not have a mooring. *Public access to Bow Lake is already highly restricted by the fact that there are only two small ramps for launching boats, with poor and highly congested street access to each of these ramp locations. There are no designated boat trailer parking areas--many day boaters park along the narrow roads in Bow Lake Village

or at the Bow Lake Baptist Church. There is no boat trailer parking near the small Northwood ramp. Please check your departmental records--is there any evidence of moorings causing navigational hazards on our lake, and how does that compare to the traffic hazards caused by traffic around the small boat launch locations and congestion due to the boat trailer parking?

Nonetheless, many boaters do launch their boats for the day, for the simple reason that there are very few moorings around Bow Lake. But, for others, launching for the day is more difficult. Bow Lake has an active sailing fleet, which holds regular sailing races on the weekends. Should sailing be restricted to those who own waterfront property? Launching a sailboat every day--pulling up the mast, re-rigging the boat each day, is this reasonable? When a friend can offer a mooring? A mooring that will disappear if this law takes effect?

Bow Lake is not troubled by excessive unregulated moorings. I would urge you to take a tour of our lake during the height of the summer season. There are long stretches of shoreline where you will not find any moorings. Most moorings are congregated in a few locations--along Water Street, which is town-owned land (those moorings, most belonging to camp owners across the road, would thus disappear if the lake were added to the law--do their owners realize this? are not these camp owners part of the 'public'), a number near an older waterfront subdivision (most moorings belong to back lots, and would thus disappear as well), and a group near the small boat ramp at the Northwood end of the lake (again, belonging to lots across the road from the lake). Why should the ability to put in a mooring be restricted to those with waterfront property and denied to those located across the road? Bow Lakers are typically community-minded. We are not a large enough lake to attract out of town/out of state boaters who park their boats for the season. The few moorings that exist are used by local residents and taxpayers whose land may lie a few feet or a few miles from the waterfront, and most are located by agreement with the waterfront taxpayers whose property provides the access to the mooring.

Finally, from an environmental standpoint, increased trailering brings the risk of the spread of invasive aquatic organisms. So far, our lake has not had a problem with variable milfoil, for example. Turning our lake into a 'trailer access only' lake may increase the risk.

In closing, we strongly oppose adding Bow Lake to the moorings law. We feel that doing so would significantly impact public access to a beautiful lake that should serve as a shining example of a public natural resource and a public recreational good. We want Bow Lake to serve as an example of a strong community. We do not want to leave local people behind in favor of a handful of waterfront property owners who are complaining about a boat interrupting their view.

Douglas, Deborah, Allison and Gregory Fleming are opposed to the petition.

I'm writing this letter in response to the request to place Bow Lake under the law requiring mooring permits. Our family has had a house on Bow Lake Road in Northwood, NH since the 1940's. For approximately the last 20 years, we have maintained a mooring in a shallow, rocky area near our house which is close to Mary Waldron beach. My children are growing up learning to enjoy water sports, and to be responsible stewards of this shared public resource.

We have one of a small number of newer, good looking, well maintained boats in the area. Each boat owner with a mooring is a local tax paying resident, all of whom are within easy walking distance of the beach. The number of boats moored for the season varies; this year there were 5 boats, I believe the maximum for any prior year was 8. The boats tied to the docks of the waterfront property owners easily outnumber those on moorings. My boat is

purposely located in an area that would be dangerous to navigate. Never in 20 years has anyone indicated that my boat interferes with any navigation.

I am strongly opposed to this proposal for the following reasons:

- 1) Public safety - if moorings were required, and only waterfront property owners allowed to keep boats on the water, this in itself would cause a safety issue that is currently minimized. The boat ramp at the Mary Waldron beach is in a section of Bow Lake road that is partially obscured to traffic, and a frequent area for cars traveling in excess of the posted speed limits. The result of removing moorings would be a significant increase in the number of people using the boat ramp, which would increase the likelihood of an unfortunate accident. This would be true even if only the few local boat owners put their boats in on summer weekends. The ramp available in Strafford is already overused and the parking lot fills up in the summer fairly early in the day.
- 2) Maintenance of residential, recreational and scenic value - while beauty is in they eye of the beholder, a handful of boats bobbing in the water can hardly be considered unsightly from a scenic perspective.
- 3) Availability of moorings to the non-shorefront owning public - if I read the law correctly, there would be no right or privilege for a mooring except for those who have waterfront property. I understand there are exceptions for mooring fields and the like, but I believe it would be unlikely that any public moorings would ever be available on Bow Lake.
- 4) Other considerations - there is no impact to use of the lake, the environment, or to water quality from the very minor number of boats from those who have moorings.

To sum, there is no need for a mooring law to apply to Bow Lake. It is important to note that some of the moorings on Bow Lake were placed there by shorefront owners, whether or not they have boats moored to them. The boats on moorings for non-shorefront owners are from families who are local, pay taxes, and are good citizens. Forcing the removal of moorings owned only for non-shorefront residents wouldn't make a dent in the total number of boats on Bow Lake. Rather, it would reduce the enjoyment of this asset for a particular group of people while at the same time causing safety and traffic issues near the lake. The public interest and safety would not be served if Bow Lake had exclusionary mooring permits.

Jeannie Ferguson is in favor of the petition.

Please add Bow Lake to the list of lakes now protected with a mooring law. The lake is getting too busy now to not be protected. If Bow Lake is not protected the mooring law, then the number of moorings will increase and make an already dangerous situation worse.

Ian Gershuny is opposed to the petition.

On November 10, 2009 at 4:04 p.m., Mr. Gershuny presented via an agreed-to-recorded telephone interview to this fact-finder his public commentary. Mr. Gershuny had called earlier in the day seeking this opportunity citing a medical inability to submit written documentation. His verbal commentary and his reasoning for seeking this opportunity was more fully explained during his telephone conversation. His testimony included his name and address; he focused on the Bennett's Cove area within Bow Lake located within Northwood and he discussed his information regarding the area of the lake at or near Mary Waldron Town Beach. The length of time for the recording was just over sixteen minutes.

Ian Gershuny

On 11/13/2009, an email was received from this same person, and is published below.

I am under the firm belief that the use of mooring permits on Bow Lake, NH not necessary at this time. There does not appear to be a current requirement to regulate the lake and the

immediate impact would be that seven non-shorefront property owners would lose their access to the lake.

As there always is, there is an issue on Bow Lake with waterfront properties owners not wanting any moorings, but their own on the lake. Three years ago the NH Legislature turned down a bill to have Bow Lake added to the mooring controlled lakes. The situation has not changed – moorings are not a problem. Powerful, persistent shorefront owners want to close the lake to the public. Getting the bill passed to put this issue in the hands of the DOS was their way to take a second bite of the apple. They lost the first battle, and now they are fighting the second. Again, nothing has changed since the bill failed a few years ago. They have found a way to circumvent decisions that were already made – so now we go through a second round of hearings, a second round of anxiety that non-shorefront owners will lose access to their lake.

All major bodies of waters that have moorings and most have mooring fields have this issue. Shorefront owners do want moorings in their back yard. I am sure that the argument from lake to lake is the same. Let's all agree that the only group that would want moorings or mooring fields on their shorefront (that is not for their use) is a commercial or public that is charging for or providing a free service for the moorings. Northwood Lake does not have commercial or public mooring fields. This leave the handful of individuals (as I will document later) that will be at the mercy of their town government whether they can use the boats or not. With the political pressure put on by those wishing to restrict moorings, the chances are strong that they will lose their enjoyment of Bow Lake and their property values will also decline (if boating is restricted to shorefront only – non-shorefront properties values decline).Where should those go?

Bow Lake has two public boat ramps Water St., Strafford and Bow Lake Road, Northwood. The public ramps are open to the general public and not restricted to town residents. There are three beaches open to the residence – one in Strafford and two in Northwood. There are no commercial or public moorings or docks on the lakes. Water St. has a small dock that can be used by the public. The docking time must be short. The ramp on Bow Lake Road has room for one boat to pull up while one is using the ramp. This use is for a short duration to load and unload. Marine Patrol oversees that area and as ask people to remove the boats if they are there too long.

There are at minimum four areas of 'interest' when discussing moorings – Bow Lake Rd. off the Northwood Mary Waldron Town Beach, Bennett's Bridge off the Northwood Bennett's Bridge Beach, Water St. off the Strafford Town Beach, and a new subdivisions (near Trinity Point?). I have heard mention of an additional spot that is a cove down from Water St., but do not have any details about that. Each of these areas has unique issues and conversations about moorings on Bow Lake in general tend to get confused when looking at each area specifically. What applies to one of these areas, does not apply to them all. It is important to look at each area individually and then make a decision across them all.

This is an area of great contention on the Northwood side of the lake. This is the Cove behind Bennett's Island and is not visible to most of the lake. The town owns property on the water, Mary Waldron Beach. During the summer, a swimming area is roped off and used for town resident recreation. Off the Mary Waldron swimming area is a deeper area, this channel used by the seven or eight families to go to the main part of the lake and for those enjoying the town beach for sailboats/ boating/ canoeing/ kayaking/ large floats/ jet skis/... (anything that is not allowed in the swimming area). Just past the channel, the water is not as deep and there is a rock field with many rocks of varying heights. There are at least four or five large rocks in this area that are shallow enough to do damage to watercraft. Only one is marked by the State. Quite a bit further out is a pair of channel marker near Bennett's Island. There is an area

between the channel markers at Bennett's Island, the large marked rock, the channel near the beach and the shore at the cove that is not used for boating. Everyone familiar the area avoids boating there. There is one private swim slide (there is a sign on the slide to that effect), and five boats moored in this area (see the picture taken from maps.google.com). A number of moorings have been placed in the rock fields by shorefront owners that have never been used. We assume that is to inflate the numbers of moorings and make the area seem more out of control to the state. Some of the moorings have been there for 20 years or more. The number of mooring varies from year to year – people that own them move, find dock space with friends, or sell their boats. The summer of 2009 saw only five boats, 2008 had the high number of nine. This area is self policed and every mooring is owned by a Northwood property owner that has property that is walking distance from the town beach. Of course, unless you were one of those owning a mooring, it would appear that the area was out of control. People have been asked and have moved their mooring for a number of reasons (new / replacement mooring too close to other boats, mooring move into shore due to ice shifts, ...). Every time the request was made, the request was granted. Good pictures make this discussion a lot easier. At this point in time this area has not been used by non-residents of the town. There have been questions about safety of where the boats are moored, that people need to swim or paddle out to the boats. It is true that the six boats that go out that way need to be careful, but no more careful than watching for the public enjoying the town beach that use that area. There is only two places in Northwood that individuals can moor a boat without crossing private property, Mary Waldron Beach is one of them.

Safety – The mooring field is in a safe place. If the mooring were removed, that area would be unsafe for day boaters using the public ramp – they wouldn't realize that there were shallow rocks. Crossing the channel could be considered an issue, but the time it takes is a small fraction of the time the 'public' spends in that area. The six boats that need to go through that area still need to be careful and because of the swimming area must be a headway speed. There is a small number of people involved here. Seven shorefront owners and five to nine non-shorefront owners (depending on the year) that have moorings.

Parking – There is no trailer parking anywhere in this area. Beach parking is for Northwood residence vehicles only and the number is extremely limited.

Boat Ramp – The boat ramp is down a hill just after a dip in the road on a slight curve. Even though it is a 15 mph zone, 30 mph is normal and 50 mph is not unheard of. The area is an accident waiting to happen, but is also the only public access ramp in Northwood to Bow Lake. Below is a picture of my SUV pulling out from the ramp. Look carefully, my SUV is about 3 feet onto the road. This picture is taken from about 100 feet away!

All the moorings are non-shorefront Northwood town residence – no day boaters. There are no safety, navigation, water quality issues. That it comes down to on this side of the lake is what some consider visual unappealing to some, but summer enjoyment to others.

At the end of the Bridge is Northwood town beach, which gives access to these moorings. The bridge is too low to navigate by boat. If I read this picture correctly, there is the town swimming dock, a private swimming dock and it looks like one or two boats moored. Here too, the shorefront property owners dropped a number of moorings that are never used. We assume this is to inflate the number of moorings and make the 'problem' bigger than it really is. There is no boat ramp and the boats are in front of the bridge, and to the side of view of the properties to either side. They are not a safety or navigation hazard. My understanding is that the boats moored here are all owned by individuals on the other side of the bridge. Section 270:64 states - "VII. An owner of shorefront property separated from the main water body by a manmade structure shall be granted a permit for a mooring on the main body of water if the need for the

mooring is established and if the conditions of RSA 270:64, I are met.". This could be an area of concern in the future, but I am not aware of any issue here at this time that would change if this area was regulated. reported to having issues with a number of mooring. There is concern that with the increased boat traffic in such a small area and without mooring regulation, there are fears that it will become increasingly congested as additional moorings potentially 'dot' the area. I heard that people have that observed 'moorings' suddenly appear (across the way) in Water St. cove with folks swimming across from Water St to get to them. ...not currently impeding navigation but wonder the potential impact as the numbers of moorings increase over the years not to mention the danger of swimming across this most active cove waterway. On individual dropped a 5' diameter cement 'septic cover/cap' in the middle of the night, with a pontoon boat attached. When the non-resident boat owner was asked about the situation...he and the boat eventually disappeared only to drop another 'septic cap' further up on Water St. the following week.

I find that these comments are all very interesting. The only case that I am aware of that there was a real problem was one person putting a mooring in a bad spot – and then moved it a week later. I looked at maps.google.com for the picture above, it is interesting that on the two Northwood locations, the boats are clearly seen by the satellite that took the pictures, but none show in the picture above. Everyone I spoke with about Water St. has someone tell them that moorings are an issue, but when asked directly, could not identify one spot that there was a mooring causing problems. I have heard stories of bad behavior of boater – someone anchor in a bad spot overnight (no permanent mooring), individuals urinating of boats. None of these stories has anything to do with mooring problems or safety. The boil down to shorefront owners not wanting the general public to use the lake.

There is lots of speculation of what problems may happen in the future. Be no real documentation of a problem today. If the moorings are regulated, the Town of Strafford owns a lot of the land on the shorefront and will be able to put in a public mooring field. However, it looks like this is not an issue at this time.

Parking – There is a few spots for parking by the public beach. Most parking is at the Grange Hall, the owners of the organization the runs it are kind enough to allow parking to be open to the public. There are no designated boat trailer parking areas many day boaters park along the narrow roads in Bow Lake Village or at the Bow Lake Baptist Church.

Ramp – The Town of Strafford has a boat ramp on Water St. It is staff with an individual who inspect the boats for water contaminates. Access to the public ramp is poor and highly congested street access to each of these ramp locations. I personally have had to wait an hour for sailboats I was crewing to be put in and taken out of the water. With the ramp that congested, removing all non-shorefront owners moorings will just make the matter worse.

New subdivision It is difficult to speak to something that is in the future – why regulate not for something that may be a problem in the future. Taking away moorings from non-shorefront owners just in case this area may becomes a problem in the future – doesn't make sense to me. In addition, the mooring regulations allow for ""Congregate mooring field" means a mooring field dedicated to homogeneous use group, so the builder in subdivision can just apply for a Congregate mooring field. Regulation will not greatly effect this area.

In summary, there may be a time in the future when moorings are an issue on Bow Lake. There are a lots of stories about abuse and out of control mooring, but the hard facts don't bear this out. I would hope the decision to make Bow Lake one of the states mooring controlled lakes be put off until there are real problems with mooring on the lake. Letting a group of persistent shorefront 'close' the lake to non-shorefront owners. (*Mr. Gershuny submitted digital photographs*

within his email and he separately provided with digital pictures a sequence event of a vehicle approaching another as the second vehicle is entering the public roadway.)

Charlene and Patrick Gildea are in favor of the petition.

Unfortunately my husband and I will be unable to attend the hearing to be held at the Bow Lake Grange on November 6, 2009. However, this issue is of great importance to us. We own waterfront property on the Northwood side of Bow Lake and we are firmly in favor of any bill that will regulate or preferably eliminate moorings on the Lake. Of particular importance and concern is the cove in the Northwood end of the lake in front of Mary Waldron Beach. Over the last 12-15 years more and more boats of all sizes, from row boats and PWCs to large pontoon boats have been mooring alongside the sand bar that runs from the point out toward the Bennett Island channel markers. As the number of moored boats has increased, the moorings have started closing in the navigational channel between the sandbar and land making the channel narrower and narrower. There are a number of homes and camps in this cove, most of which have at least two boats. Pick any Saturday or Sunday during the summer and you will find many occupants of these dwellings out in boats, pulling kids on tubes, or skis, or fishing or swimming out from their homes. In addition, there are all those folks swimming from the public beach or launching their boats from the boat ramp. The congestion of boats and people has become a very real issue in recent years and as the navigational channel becomes more restricted because of the moored boats. Safety has become a critical issue as well as at times a navigational nightmare. It's only a matter of time before a serious accident happens.

There should be NO moorings in this area at all. But if the issue is only whether or not to have regulated moorings then that's the minimal there should be and any mooring field should be out much farther from land either over the sandbar or beyond it providing a much wider navigational channel from the cove out to the Northwood side of the lake.

Lynne Guerard is in favor of the petition.

I am writing to you in support of the protected (*sp.*) mooring law and ask to you add Bow Lake in Strafford NH to the list of lakes protected by this law. I am a homeowner on this lake and wish it to remain as safe and the wildlife as protected as possible.

Linda Harvey is in favor of the petition.

I'm writing to you today to ask that you inform the Commissioner that I'm in favor of the Bow Lake mooring bill. I'm a resident of Strafford and have seen how inappropriately moored boats can be a danger to other boats, people using the lake and the lake itself. I believe that a mooring bill would provide better guidance and restrictions on where individuals place moorings and how those moorings are used.

Marion H. Hinds is in favor of the petition.

Please add Bow Lake to the list for protection of moorings.

Matthew Huckins is in favor of the petition.

As a resident of Strafford, NH and owner of waterfront property on Bow Lake I support the Bow Lake Mooring bill.

Guillaume Allan Steward Joffres is in favor of the petition.

My parents are property owners on Bow Lake in Strafford, NH. Bow Lake is a beautiful and still relatively natural site which is not only quite large but is one of the few lakes in New Hampshire that is very open, permitting sailing regattas on a weekly basis all summer long. Bow Lake needs to be protected by a moorings law which would help maintain it's beauty and safety to

humans, animals and plant life. As one of the beautiful "parks" of the State of New Hampshire, Bow Lake may be used by all but it must be taken care of it as well. Just as the public can not camp, park, cook or hike anywhere they might want in a public park nor should they be able to park an unlimited number of boats anywhere they want on a public lake.

Bow Lake needs to be protected in order to remain safe from unnecessary traffic leading often to accidents and loss of life or property. An extension of this protection for summer water usage is the winter obstructions that are left in place by inappropriate moorings. This hazard is significant and again not only leads to pollution of the water and surrounding water and low level animal and plant life but also often contributes to human harm in the cold season when snow-mobiles use the lake.

BOW LAKE needs the protection by the mooring of boats on public waters law.

BOW LAKE is one of the lakes in NH which is a valuable public resource to be preserved for the benefit of the public as well as fish and wildlife. Boats not only should be moored safely but they must be cared for responsibly.

Thank you for supporting the Mooring Bill for BOW LAKE.

Joan Steward Joffres is in favor of the petition.

I am a property owner on Bow Lake. Bow Lake is a beautiful and still relatively natural site which is not only quite large but is one of the few lakes in New Hampshire that is very open, permitting sailing regattas on a weekly basis all summer long. Bow Lake needs to be protected by a moorings law which would help maintain it's beauty and safety to humans, animals and plant life. As one of the beautiful "parks" of the State of New Hampshire, Bow Lake may be used by all but it must be taken care of it as well. Just as the public can not camp, park, cook or hike anywhere they might want in a public park nor should they be able to park an unlimited number of boats anywhere they want on a public lake. Bow Lake needs to be protected in order to remain safe from unnecessary traffic leading often to accidents and loss of life or property.

An extension of this protection for summer water usage is the winter obstructions that are left in place by inappropriate moorings. This hazard is significant and again not only leads to pollution of the water and surrounding water and low level animal and plant life but also often contributes to human harm in the cold season when snowmobiles use the lake.

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Thank you for supporting the Mooring Bill for BOW LAKE.

Linda Karpeichik is in favor of the petition.

I'm sorry I was unable to attend your public 'Mooring' hearing at Bow Lake last week due to work commitments but do have a lifelong love for this beautiful lake and appreciate the opportunity to communicate with you.

Thank you for your time and consideration of Bow Lake under the current mooring law. I have been a summer resident of the Bow Lake community for 50+ years and live directly across from the public dock on Water St. The years have brought a dramatic change in boating traffic to and from the very public Water St. area...inclusive of two public beaches, state dam, public ramp and dock. With the increased boat traffic in such a small area and without mooring protection, I fear it will become increasingly congested as additional moorings 'dot' the area. I have observed 'moorings' suddenly appear (across the way) in our cove with folks swimming

across from Water St to get to them...not currently impeding navigation but wonder the potential impact as the numbers of moorings increase over the years not to mention the danger of swimming across this most active waterway. I've also witnessed the dropping of a 5' diameter cement 'septic cover/cap' in the middle of the night, with a pontoon boat attached (heard the splash and discovered the boat). When the non-resident boat owner was asked about the situation...he and the boat eventually disappeared only to drop another 'septic cap' further up on Water St. the following week...don't know just how many 'septic caps' this individual has actually deposited across the years but pretty sure they remain on the bottom of the lake to this day. Personally, I will be unable to secure a mooring for my sailboat as I've learned it would be too close to the public dock for folks to safely navigate. I understand fully and accept my responsibility but who will help to keep others from dropping septic caps? State regulation would be a comfort. I also feel we've had one death too many on Bow Lake...as a swimmer was killed by a boat in the ski cove a few years back. This wasn't caused by mooring issues but would like reassurance that already small coves aren't made even smaller with random, unregulated mooring placements. Also, as coordinator of our NH 'Ramp Host' grant program, I have observed and collected trends data on boaters for the last five years at the Water St. ramp. Interest in our beautiful lake is growing and access on a daily basis quite growing...data of boat activity at the ramp tripled this year from last. Bow Lake is a beautiful resource and should be available to all to enjoy but I do believe pro-active/reasonable control of 'moored boats' (residents and non-residents) is necessary to keep swimmers and boaters safe for generations to come.

Thank you for your time and consideration on behalf of Bow Lake community. Please include Bow Lake under the current mooring law.

Edward S. Kelly is in favor of the petition.

Follow up on the comments made during the Public Hearing of Nov 6th in regards to the proposed use of mooring permits within Bow Lake, I would like to clarify and provide some additional concerns for the potential mooring permit process:

- Boat moorings for non lake frontage boats shall be required.
- All access for these moorings shall be via public access.
- The placement of the actual mooring shall be determined by DOS (N.H. Department of Safety).
- The maximum number of approved mooring permits shall be one hundred (100).
- Approved moorings shall be within 200 yards from the said public access.
- There shall be a limit of one approved permit per family application.
- Approved permits shall be issued only to State of New Hampshire tax payers.

Thank you for the opportunity to contribute input to this decision.

Terri Kidder is in favor of the petition.

I own property (in) Northwood, NH. I have owned this summer residence since 1995. Every year there are usually 13-15 boats moored directly in front of my property. I have many concerns about this issue. I have had some of these boats come loose from their mooring and have had to secure them in order to protect my dock, my boat, and my property. I have seen some of the owners actually swim out to their boats in order to access them. This is clearly a big safety issue, and I worry every time I drive my boat in and out, especially at dusk or on busy days. I have children who come to my property and swim in the lake off of my beach. With the growing mooring field, boats are coming and going and many are forced to go around and into the areas where these children are swimming. I feel that the mooring field is causing an unsafe situation in many ways. I pay a very large amount of money in taxes in order to have my waterfront home. I do not use the schools or any of the services in the town during the week and the off season. I think that the least I deserve is to have the waters in front of my home safe and clear.

Nick and Susan Koufogazos are opposed to the petition.

We are writing to oppose the adoption of House Bill 186 for Bow Lake in Northwood and Stratford New Hampshire. We have extensive experience as boaters on Bow Lake and do not believe that the current moorings create any hazards or nuisance to the lake; we do, however, firmly believe that the adoption of House Bill 186 for Bow Lake would create serious impediments to public enjoyment of this body of water. By our count, there are approximately 25 public parking spaces around Bow Lake. There is one official public boat ramp in Stratford and one unofficial ramp at Mary Waldron Beach in Northwood. If Bow Lake were to adopt House Bill 186, those with current moorings will be forced to take up the available parking spaces and create long lines at the boat ramps, effectively shutting out those who travel a distance to enjoy this well stocked lake for fishing or boating recreation.

Our property has a deeded right of way to Bow Lake, to a section of the lake referred to as "The Head of Bow Lake" on maps but cut off from the main body of the lake by a man-made bridge, Bennett's Bridge. Our mooring is on the lake-side of the bridge, enabling us to utilize the lake without taking valuable parking spaces or constant usage of the boat ramps.

On November 6, 2009 there was a public meeting held at the Grange Hall in Stratford. We, along with approximately 60 other people attended that meeting. Not only was the parking lot full, but cars spilled out into the main road on both sides of the street. There is not enough space for trucks and boat trailers to accommodate those who want to access the lake. The ramp at Mary Waldron Beach in Northwood has parking for 8 cars only, not trucks with boat trailers. **The ramp is on sharp curve, on a narrow main road.**

The New Hampshire Fish and Game Department had taken a census of the number of boats moored on the lake and that number was 118 moorings. Bow Lake is 1160 acres. That averages out to 10 acres per mooring. Bow Lake does not have a mooring problem. It is our hope that before any decision is made in regard to this issue, that the Department of Safety comes out and tours the lake, sees the ramp access and lack of available parking at Mary Waldron and in Stratford, and considers the adoption of House Bill 186 on Bow lake in conjunction with the very real public safety issue it will create for two communities.

Thank you for your consideration,

Shirley Latham is in favor of the petition.

I am writing to ask you to please consider including Bow Lake as one of the NH lakes protected by the NH Mooring Regulations. I have been a summer resident for over 55 years on Water St. The number of boaters has increased with the boating traffic in our small cove quite constant. I have noticed moorings 'pop up' in the last few years across from us and along Water St. and boat owners will swim from the public beaches to get to them, so I assume they do not belong to the property owners across the way. I do wish for everyone to enjoy our most beautiful lake but would like to do so as safely as possible. I am in favor of regulating moorings to maintain a safe lake well into the future. At one time we did have a mooring in front of our property but because of our location near the public we removed it for public safety and navigation.

Thank you for your efforts on our behalf.

Bruce & Carol MacDonald are in favor of the petition.

We're writing this quick note to voice my opinion on the potential for a moorings law for Bow Lake. We own a seasonal property on Bow Lake, one which has a dock on Water Street. Many members of our extended family also own property in the same area and have for more than fifty years. We are concerned about the proliferation of transient moorings being placed on Bow Lake. In some cases, on the Water Street side of the lake, there are several moorings that

have the potential to impede traffic and leave the potential for injury. Luckily, I am unaware of anything happening thus far, but it is a concern. Bow Lake has always been a place of refuge, for waterfront and non-waterfront property owners, residents and non-residents for generations.

While the lake and its beauty should be made available to ALL people, to allow anyone the ability to drop a mooring wherever they please only increases the potential for injury or death. PLEASE support a moorings law for Bow Lake.

Mr. & Mrs. Eugene L MacDonald and Mrs. Melvin J Fleet are in favor of the petition.

We would like to lend our support to the proposed "Bow Lake Moorings" article before the Commissioner this date. Our concerns are about the indiscriminate placing of moorings throughout our lake and the dangers they can sometimes present. Regulations and Permitting would be the answer to prevent accidents to boaters and snowmobilers/skiers in the winter season when the lake is drawn down.

Thank you for your consideration

Susan MacKay-Higgins is in favor of the petition.

I was not able to attend the hearing but wanted to express my support of a mooring bill on Bow Lake. I have been on the lake for 52 years and each year there appears to be more and more moorings that are showing up on the lake. As land is developed in the immediate area moorings appear which impede navigation to those that have waterfront properties from easy access to their land.

Last year my son and I caught a boat that was floating in the cove so as to not damage that boat or others. In having the marine patrol run the boat it was learned that the person had put a mooring in the lake and did not even live in the town of Strafford. The boat remained tied to the highway guards at the boat ramp for two weeks before the owner even responded.

If each person that launches their boat on the weekend had a mooring we would have a severe problem. Right now we have over 50 boats a weekend some of which our boat ramp inspects and others that come in before and after our hours. Bow Lake does not have the capacity.

We as homeowners and longtime boaters on Bow Lake would like to see the Mooring Law in effect at Bow Lake.

Ernest & Doris Masiello, Ronald & Elaine Masiello, Charles Masiello and Jean & Andrew Powers are in favor of the petition.

We are unable to attend the mooring of boats meeting but would like to let you know that we are in favor of the mooring bill.

Diane Mayo is in favor of the petition.

I am writing to express my support for a Mooring Bill for Bow Lake in Strafford, NH. I attended the hearing today with Mr. Duclos and agree with the attendees who gave excellent reasons for the need of this bill. I FEEL IT IS FAR BETTER TO BE PROACTIVE THAN REACTIVE. We have a beautiful lake in our town. Let's not wait until we are over crowded, have debris left in our waters, and scare off our beautiful birds and then feel compelled to react. I firmly believe there is pride in ownership. We are constantly picking up trash in the water left by others. A friend and neighbor related how he saw and subsequently spoke to people in a boat moored near his house after they threw a bag of trash into the lake. It was easier said they, than to lug it to the shore and to their car. We had people dig up our surveyed land marker so they could get a boat more easily into the water.

The lake is growing and changing and we need laws in place now. We are not asking anything other lakes in NH already have.

Jim Milton is in favor of the petition.

This is a note about mooring in Bow Lake. It would be nice if mooring sites were coordinated and prevented from being a water traffic hazard. The small cove in Northwood on Bow Lake is located beside Bennett Island towards the South and a shallow area with rocks to the North. Boats are moored in this shallow area and along the shore in front of cottages. Being sheltered, the cove is a favorite for water skiers, canoeists, kayakers and kids in all types of floats. We think we have mostly eliminated wave runners from the cove by gentle persuasion. Swimmers from Mary Waldron beach are seen often swimming from the beach towards the moored boats. With all the water traffic, and the moored boats partially blocking the area by Mary Waldron Beach, any motorized traffic is a threat unless the boat operator is traveling slow and is attentive. The moored boats block the operator's view and a swimmer or small craft may not be seen.

During our cold 2009 summer there were 5 boats moored outside Mary Warden Beach and accessed from the ramp beside the beach. Other years there have been as many as 15 boats moored in this area. With the recent increase in town population there could easily be an explosion of moored boat population so long term planning on this issue is recommended.

Dave Mitchell is in favor of the petition.

Hello - as a frequent Bow Lake boater, I wanted to urge you to act to protect Bow Lake with a mooring law. The use of ad-hoc moorings has increased dramatically in recent years and they present a safety hazard - due to moorings not properly secured or of substandard design, and moorings not properly placed (obstructing navigation in rocky or shallow areas). In addition they are an eyesore both from land and from the water.

We have been boating Bow Lake for decades. There is a recently reengineered ramp for trailer boats that makes it very easy to trailer boats in and out of the lake for a day on the water.

Thank you for supporting this important law.

The Mitchell family

Jim Murphy is in favor of the petition.

I am sorry I was not able to attend the meeting at the Grange Hall last Friday. I had to work. I want to request that Bow Lake be added to the lakes that currently are regulated by the NH mooring statute.

Northwood Board of Selectmen are in favor of the petition.

On behalf of the Northwood Board of Selectmen, I am writing in support of the petition to add Bow Lake to the current list of lakes on which a permit is required from the State of New Hampshire to install a boat mooring. The Board of Selectmen voted on 11/10/09 to support the petition.

David L. Stack, Town Administrator

Jessica Sweeney-Platt is in favor of the petition.

I am writing to you in regards to the Mooring Laws as they apply to Bow Lake in Center Strafford. I am a property owner on Bow Lake, and I strongly support the application of the mooring law to the lake. It has been distressing to see the growing number of "fly-by-night" moorings that have popped up on the lake over the last few years. In many cases they are

directly off of someone's private property, they impinge upon children's swimming areas, and they are placed without respect to navigational needs or boating safety.

The mooring program prefaces its definition by stating that "the lakes in NH are a valuable public resource to be preserved for the benefit of the public as well as fish and wildlife" This means that unregulated moorings have the potential to disturb the beauty and the balance of our lake. I think of Bow Lake as a public park. Everyone may use it but they have to take care of it as well. You can not camp, park, cook or hike anywhere you want in a public park nor should you be able to park an unlimited number of boats anywhere you want on a public lake. I thank you for your consideration of this matter, and for the work that you are doing to protect these amazing natural assets.

Dennis G. Unger is opposed to the petition.

For the record I like Bow lake mooring just the way they are
Thank you very much

(In a second submitted email Mr. Unger forwarded a comment sent to him from Alex Jenkins. Mr. Jenkins, however did not submit public comment to the State. Mr. Walter Unger, analogous to Mr. Jenkins writes an email to Ian, but did not submit his commentary to the State.)

Ed Vaas is in favor of the petition.

My name is Ed Vaas and write to you in support of mooring permits being required on Bow Lake for the following reasons. My family has owned lake front property on Bow lake since 1966.

1.) Boater safety - Especially in the areas of Bennett bridge, Northwood beach, Browns Pasture and Water Street. Mooring congestion is becoming a major problem in these areas. Un-maintained moorings are very dangerous and should be registered. See John Detrude's testimony which I support.

2.) Boater Access – With the continuing number of moorings being placed on the lake one has to wonder where these folks are parking their cars. The roads around the lake are narrow and legal access to moorings is limited. We only have two access points on the lake one on Water Street in Strafford and one on Bow Lake Road in Northwood if you are a resident. Parking is limited in both areas.

3.) Wildlife concerns - We enjoy the wildlife on the lake, Loons, Eagles and Osprey are protected here. Increased congestion and boat traffic is very disturbing.

I would appreciate recommendation in support of registered mooring permits on Bow Lake.

Pamela Van Beaver is in favor of the petition.

This message in concerning an upcoming discussion about adding Bow Lake to the list of 6 NH lakes to adopt a mooring law. My family strongly support the permitting process for Bow Lake. There are a number of personal examples of safety, navigation or other concerns around Bow Lake which you may be aware of. We also know there are a number of people/areas of Bow lake where existing moorings and boat lifts are effective and don't present concerns.

We support this mooring law not to add a burden to those who are currently in harmony, but rather for the cases where additional order, regulation and agreement would add to the safety and enjoyment of all on Bow Lake.

Stephen Van Beaver is in favor of the petition.

I'm a waterfront property owner on Bow Lake. I writing in support of the mooring law on Bow Lake. The rationale is simply the moorings on Bow Lake have gotten out of hand resulting in much discourse. So, please view this letter as being strongly supportive of "Mooring of Boats on Public Waters, section 270:59".

Lee Walfield is in favor of the petition.

I am unable to attend your meeting at the Strafford Grange on November the 6th, 2009. I have asked my friend and neighbor John DeTrude to forward this letter to you. I have been active in the past about allowing controlled moorings on Bow Lake. I wasn't always against moorings until I realized they could take over a body of water, just as milfoil can, if not handled properly! Bow Lake is one of our states most pristine waters to enjoy by all. I would be in favor of Bow Lake joining the states six largest lakes by also having a mooring permit program. I am not sure if Spofford Lake is on that list now or not, I remember they were applying just as we have done so many times. I think since our last attempt to join the lakes with a program, approximately four years and ten months ago, a summers ride around Bow Lake would indicate the need more than ever for control of moorings. They are multiplying around the shoreline. They impede boat traffic in several places, they swing more than the legal length, they block what used to be nice water play areas, I personally think the operators on some of these boats are very rude. I enjoy talking with a boat driver to educate him or her about some rules, and they aren't always agreeable to listen. My approach is calm, I tell them I was no brain in my early days, I had to learn also, but that doesn't help me get my point across. I keep an eye on these boats, and most are moored someplace. Many points to think about, the beautiful Loons we have here, I am so protective about going too close with a speeding boat, you could talk to drivers all day long if you wanted. I know all these folks aren't driving moored boats, but, I find a lot are. I watch where they park just to be sure. I can come up with the issues of poorly secured boats on the moorings, I have rescued a few myself over the years during stormy weather, and we get it here! You know these points well I am sure, no need for me to emphasize. I would rescue a boat for anybody, hoping they would do the same for me. It was a slow summer, I only rescued one, got a great bottle of wine though! I am positive you know the issues for having a mooring permit program better than I, you have heard it all before. I was one of those boaters many years with no place for my boat other than to launch it at a public site. I made it, others can until they can do as my family did, buy on the lake. It wasn't easy for me, it won't be easy for them. But they can still enjoy the beautiful lakes just as my family did. I live close by Bennett Island, I can watch boaters all day go on the posted property because they have no other place to go. I have permission to ask them to leave by the Island owner and I do, but it gets tiring to keep going out there and doing that. I ask them where they live, they tell me they are day trippers and some will tell me they have moorings. I may be acting selfish, but I sincerely feel it is time to do something about the excessive moorings showing up on Beautiful Bow Lake. Thanks for your consideration on this very important issue. OH, I do have a mooring myself and if it has to go because of the new mooring bill, I will be ready to comply.

Richard D. Watson is in favor of the petition.

After planning on attending this hearing, a last minute business commitment prevented me from doing so. However, I want to be on the record as being in favor of including Bow Lake in the mooring of boats on public waters, section 270:59 of NH statutes. I am a full time resident of Strafford with water front property on Bow Lake.

Rob Watson is in favor of the petition.

As a resident of Bow Lake I would like to bring Bow Lake under the current law regulating moorings.

Glen and Sharon Whitehouse is in favor of the petition.

I am writing in support of adding Bow Lake in Strafford/Northwood to the list of lakes protected by the Mooring Law. With the increased population in the vicinity of the lake there is a sharp increase in the indiscriminate placement of moorings around the lake. We are concerned about the safety issues. There are many inadequate and poorly placed moorings. This needs to be controlled before more injuries and possibly deaths take place.

Patricia Wilder opposes the petition.

I am emailing this letter to you with concerns about instituting a statute for permitted moorings on Bow Lake, Strafford, NH. I would first like to address the time of the meeting on Nov. 6th. I do not think that 2:00 was the best time for a representation of opinions when many people could not attend.

The mooring laws were written for larger bodies of water with facilities Bow Lake does not have, public docks & marinas. I believe that to issue permits under these laws would have some real disadvantages. Right now to put boats in and out daily is a real nightmare. After people put their boat in the water they have to drive their car & trailer to an already crowded parking area because the Bow Lake Grange is having a function, or it's a hot day and you have people parking cars to go to the beach, and if that's not bad enough the fishermen park there early in the morning. Now the public is using the church parking lot when they can't find a place to park. I believe that if you stop letting people moor their boats the parking problem will get worse.

There is also no consideration for people with lake rights. Many have homes with deeded rights; they will not be allowed to moor their boats. There will be even more people having to trailer their boats & park.

It does seem a shame that the only people to be able to get a mooring are the very ones with the docks.

I strongly feel that those rules are not what Bow Lake needs. It is only one location on the entire lake that seems to have the problem with moorings.

David R. Whitcher is in favor of the petition.

I am a long time lakeshore resident on Bow Lake and have observed a great influx of uncontrolled moorings over the last 20 years. There are several which infringe on navigational channels and coves, a couple areas which are overcrowded, some which people place in front of occupied lots and others which are serving no purpose at all other than staking a claim around their property.

I fully support a mooring bill for this lake.

On November 3 a person sent in a comment via email for consideration, however specified that the State not divulge his personal information as the statements may be considered inflammatory. A reply was sent the same day informing this person that the statement could not be considered.

LEGAL ANALYSIS:

In gathering findings of fact, the following is given consideration:

RSA 270:1 Declaration of Policy. –

- I. In the interest of public safety and the protection of property, it shall be the duty of the commissioner of safety, in all cases not provided for by the United States inspection laws and in all cases in which inspections are not regularly made there under, to provide for the inspection on any public waters of the state of all commercial and private boats and the machinery, appliances, and equipment thereof, such inspections to be performed by said commissioner of safety or his duly authorized representative. Said commissioner of safety shall also supervise the safety of navigation and the establishment of aids to navigation, and all lights and

buoys maintained at public expense on the inland waters of the state shall be under the jurisdiction of said commissioner of safety. Said commissioner of safety shall make such alterations and improvements in existing lights and buoys as may be desirable, place additional lights and buoys where required to promote the safety of navigation, remove obstructions tending to impede navigation, and maintain all lights and buoys under its jurisdiction.

- II. In the interest of maintaining the residential, recreational and scenic values which New Hampshire public waters provide to residents of the state and to the promotion of our tourist industry, and in light of the fact that competing uses for the enjoyment of these waters, if not regulated for the benefit of all users, may diminish the value to be derived from them, it is hereby declared that the public waters of New Hampshire shall be maintained and regulated in such way as to provide for the safe and mutual enjoyment of a variety of uses, both from the shore and from water-borne conveyances. Such provisions shall take into consideration the following: the variety of special uses appropriate to our lakes, public safety, protection of environment and water quality, and the continued nurture of New Hampshire's threatened and endangered species.
- III. It is the intent of the legislature to recognize in RSA 270:42-46 that the cumulative effect of boats congregated as ""rafts" differs from that of the same number of boats scattered and, therefore, requires specific appropriate regulation.

270:67 Public and Congregate Mooring Fields; Permit Required. –

- I. Public Mooring Fields.
 - (a) The division of safety services shall identify suitable locations for public mooring fields and prioritize the need for the development of such sites. In determining said locations the division of safety services shall recommend each location size and the configuration of each public mooring field. Further, it shall be determined by the division of safety services that adequate access exists to serve the needs of the users of the public mooring field. Said site proposal shall then be transmitted to the respective political subdivision or subdivisions in which the proposed mooring field is to be located, where a public hearing on said site proposal may be conducted by the division of safety services. The division of safety services shall review all recommendations received and submit their final site proposal to governor and council for approval. All such recommendations shall be consistent with any existing master plans, zoning ordinances, wetlands conservation district ordinances, and capital improvement programs of the adjacent municipality.
 - (b) The division shall issue a permit to any applicant for a mooring in a public mooring field who fulfills the mooring requirements in this subdivision subsequent to approval under subparagraph (a).
 - (c) Each public mooring field applicant shall be assessed a fee of \$25 which shall be deposited in the navigation safety fund established under RSA 270-E:6-a.
 - (d) No mooring shall be sold or leased except as provided in this section.
- II. Congregate Mooring Fields.
 - (a) The division of safety services may identify suitable locations for congregate mooring fields. In determining said locations the division of safety services shall recommend each location size and the configuration of each congregate mooring field. Further, it shall be determined by the division of safety services that adequate access exists to serve the needs of the users of the congregate mooring field. Said site proposal shall then be transmitted to the respective political subdivision or subdivisions in which the proposed mooring field is to be located, where a public hearing on said proposal may be conducted by the division of safety services. The division of safety services shall review all

recommendations received and submit their final proposal to governor and council for approval. All such recommendations shall be consistent with any existing master plans, zoning ordinances, wetlands conservation district ordinances, and capital improvement programs of the adjacent municipality.

- (b) Subsequent to approval by the governor and council, the division shall issue a permit to any applicant for a congregate mooring field who shows that:
 - (1) The location and size of the congregate mooring field meet the criteria established pursuant to RSA 270:71; and
 - (2) Adequate access exists to serve the needs of the users of the congregate mooring field; and
 - (3) The congregate mooring field will comply with the provisions of RSA 270:64; and
 - (4) No mooring shall be sold or leased except as provided in this section.
- (c) Each congregate mooring field permitted by the director shall be assessed an annual mooring fee of \$25 for each mooring installed in the congregate mooring field which shall be deposited in the navigation safety fund established under RSA 270-E:6-a.
- (d) Operators in charge of maintaining congregate mooring fields may charge no more for the use of a mooring than an amount which reasonably covers the costs of mooring installations and maintenance. Said charges shall be reported to the division of safety services who shall submit an annual report to the governor and council and the general court on all congregate mooring fields.

II. Notwithstanding RSA 270:61, III, small mooring sites may be established without the approval of governor and council, but subject to the approval of the division. Such sites shall be only for the use of motels, cottages, condominiums, other rental property, or homogeneous use group.

RSA 270:59 Definitions. – In this subdivision:

- I. "Director" means the director, division of safety services, department of safety.
- II. "Division" means the division of safety services, department of safety.
- III. "Mooring" when used as a noun, means a mooring anchor, or other fixed object or stationary point, with or without a mooring buoy together with attached chains, cables, ropes, and pennants and related equipment used for the purpose of securing watercraft.
- IV. "Mooring anchor" means any anchor or weight which is designed to rest on the bed or to be buried in the bed of a navigable water body, which is designed to be attached by a chain, cable, rope, or other mechanism to a mooring buoy and which is designed to be left in position permanently or on a seasonal basis.
- V. "Mooring area" means an area which has been designated as an appropriate location for a concentration of individually permitted moorings to be placed.
- VI. "Mooring buoy" means any float or marker which is attached to a mooring anchor and either is suitable for attachment to a boat through the use of a pennant or other device or facilitates the attachment of the boat to the mooring anchor.
- VII. "Mooring field" means any group of 5 or more moorings with individual moorings located according to a plan and maintained by an individual, organization, business, or governmental entity which is responsible for assignment of mooring locations and general supervision of the mooring field.
- VIII. "Shorefront property" means any property recognized as a legal building lot by a municipality, having shore frontage on public waters. "Shorefront property" shall include:
 - (a) A lot on the public waters that is divided by a road so that the buildable portion of the lot is on the opposite side of the road from the public waters or divided by an exclusive right-of-way which has been acquired as a result of an eminent domain proceeding which resulted in the break or loss of property between the property owner's residence and shore frontage.

- (b) A lot of record with not less than 50 feet of frontage. A lot with less than 50 feet of frontage may be included if the lot owner obtains the written consent of the abutting property owner that the abutting property may be included in the footage calculation. Such consent shall be signed by both parties, notarized and filed with the mooring application. Shorefront property shall not mean a deeded right-of-way, nor shall it mean lots not contiguous to the shore with any other type of legal shorefront access. For the purposes of this subdivision, property owned in common by condominium associations or other groups shall be deemed owned by the group and shall not convey any rights under this subdivision to its individual members.
- IX. "Public mooring field" means a mooring field that is not a congregate mooring field.
- X. "Congregate mooring field" means a mooring field dedicated to homogeneous use group.
- XI. "Small mooring sites" means sites consisting of 2 to 4 moorings, inclusive.

RSA 270:60 Statement of Intent. –

- I. The general court finds that:
 - (a) Water is a public resource held in trust by the state and that the state maintains jurisdiction to control the use of public waters for the greatest public benefit; and
 - (b) The public waters are a significant asset which enhance the well-being and lifestyle of the state's citizens, benefit the state's substantial tourist industry and the environment, and are a habitat for many fish and wildlife; and
 - (c) That undue proliferation of moorings is detrimental to the integrity of the state's waters and the public's enjoyment thereof.
- II. The general court intends to establish through this subdivision a means of regulating the usage of moorings on public waters. Existing moorings may be permitted in their existing locations, provided such moorings comply with the provisions of this subdivision.
- III. The general court does not intend, by passage of this legislation, to convey to, create for, or recognize any rights of shorefront property owners.

RSA 270:61 Mooring Permit Required; Limitations. –

- I. Any person erecting, installing, maintaining, or exercising control over a mooring on Lake Winnepesaukee; Lake Winnisquam; Squam Lakes; Newfound Lake; Ossipee Lake; and Lake Sunapee shall obtain a mooring permit from the division as provided in this subdivision.
- II. Any person applying for a mooring permit shall:
 - (a) Demonstrate to the satisfaction of the director that a need for the mooring exists:
 - (1) Either by furnishing the director with proof of a boat registration for each mooring requested, or for persons owning boats not requiring registration, proof of boat ownership for each mooring requested; or by showing that circumstances exist which require that a mooring be available for intermittent or temporary use; and
 - (2) By verifying that no other viable and safe alternative exists for securing the boat in question; and
 - (b) Show to the satisfaction of the director that he has legal access over land to such mooring; and
 - (c) Show to the satisfaction of the director that such mooring will not be sold or leased except as provided in RSA 270:67; and
 - (d) Furnish any additional information required by the director to determine that a proposed mooring meets the requirements of this subdivision.
- III. Unless a special exception is granted under RSA 270:65, or a mooring field or mooring area has been permitted under RSA 270:67 or 270:68, no more than one mooring

shall be permitted adjacent to any shorefront property. This limitation shall apply regardless of the uses or permitted uses, number of owners or others with legal access, or type of ownership of that property, and shall not be construed to exempt any applicant from meeting all of the requirements of this subdivision.

- IV. After July 1, 1989, the director or the director's agents shall remove or cause the removal of any mooring, and any boat that may be moored to it, on the lakes cited in paragraph I if it does not have the appropriate decal. Such removal shall be without the right to a prior hearing and at the expense of the owner of the mooring pursuant to RSA 270:66, IV.
- V. It shall be illegal for a permittee, without approval of the division, to move or cause to be moved a mooring that has been approved in a particular location by the division.
- VI. The department shall not deny a mooring permit to any person, or place any limitations on the type of craft permitted at a mooring, when reasonable need exists, there is no opposition from abutters, there is no evidence that the mooring will interfere with navigation, and the mooring is in compliance with RSA 270:64.
- VII. An owner of shorefront property separated from the main water body by a manmade structure shall be granted a permit for a mooring on the main body of water if the need for the mooring is established and if the conditions of RSA 270:64, I are met.

RSA 270:61-a Petitions to Require Permits: Hearings.

- I. The commissioner of safety shall, after receiving a petition signed by 25 or more residents or property owners of each affected town or towns in which a lake, pond, or river is located and after notice and hearing at which it appears that the public interest requires the use of mooring permits, amend the rules adopted under this subdivision to require mooring permits on the body of water. The provisions of this subdivision and associated rules shall then apply to such water body.
- II. The commissioner of safety shall hold a public hearing to determine whether to grant a petition submitted under paragraph I. In determining whether to grant the petition, the commissioner shall take into consideration the following factors:
 - (a) The size of the body of water
 - (b) Public safety
 - (c) The maintenance of residential, recreational, and scenic values
 - (d) The variety of uses of the body of water
 - (e) The environment and water quality
 - (f) Threatened and endangered species
 - (g) The number of people affected, either directly or indirectly
 - (h) The availability of moorings to the non-shorefront owning public
- III. The commissioner of safety shall schedule the public hearing at a date and time which provides interested individuals with sufficient notice, and at a location in the vicinity of the body of water under consideration. If mooring permits are required under this section, the effective date of such requirement shall be no earlier than October 1 of any given year.

Selected Administrative Rules

Saf-C 412 PETITIONS TO REQUIRE PERMITS HEARINGS

Saf-C 412.01 Request for Hearing. Any group of 25 or more residents or property owners of each affected town or town in which a lake, pond, or river is located, pursuant to RSA 270:61-a, may petition the commissioner for a hearing to determine whether the public interest requires the use of mooring permits.

Saf-C 412.02 Scheduling of Hearing. The commissioner shall schedule a hearing within a reasonable period of time, but in no event more than 60 calendar days after the date he received the request. The commissioner shall provide at least 7 calendar days advance notice of the hearing. The hearing shall be held in a town in which the body of water under consideration is located, or in a contiguous town.

Saf-C 412.03 Conduct of Hearing.

- (a) The commissioner or his designee shall conduct the hearing as follows:
- (1) The commissioner/designee shall explain the purpose of the hearing, including:
 - a. The request made by the petitioners; and
 - b. The commissioner's authority under RSA 270:61-a to make rules regarding the requirement of mooring permits on the body of water;
 - (2) The commissioner/designee shall state that written comments shall also be accepted and considered. The commissioner/designee shall provide the address to which written comments may be sent and the date by which comments shall be received in order to be considered. Such date shall be 7 calendar days after the date of the hearing;
 - (3) The commissioner/designee shall request that all persons who wish to speak at the hearing sign a sign-up sheet provided by the commissioner/designee. This shall not bar any late arrivals from speaking if they do desire;
 - (4) The order in which persons speak shall be the same order in which their names appear on the sign-up sheet provided, however, that persons who wish to speak out of order shall be allowed to do so unless there is an objection by another speaker; and
 - (5) After all speakers have been heard, the commissioner/designee shall:
 - a. Establish a date by which the commissioner shall make a determination on whether to adopt rules pursuant to the authority granted by RSA 270:61-a;
 - b. State the means by which interested persons shall be informed of the commissioner's determination; and
 - c. Inform those present at the hearing that another opportunity for public comment will be possible, under RSA 541-A, if any rulemaking action is taken.

Saf-C 412.04 Criteria for Review.

- (a) The commissioner shall, after the hearing, adopt rules of the type authorized by RSA 270:61-a if it appears that, consistent with RSA 270:61-a, the public interest requires the use of mooring permits on the body of water.
- (b) In determining whether to adopt such rules the commissioner shall consider the factors set forth in RSA 270:61-a.

Selected Superior Court Decision(s)

Belknap County Superior Court (Barry, James J.) E-92-126 Helligmann et al vs. Bishop et al

LEGAL ANALYSIS ~ DISCUSSION:

The number of people in attendance at the hearing and the numbers of persons recorded for or against the proposed petition are given weight in determining findings; however, greater significance is given to the specific laws that govern the practice of mooring presently in other lakes within the State and the variety of uses by the public of Bow Lake within the towns of Strafford and Northwood. This fact-finder has carefully read the content of each submission measuring the discussed commentary with the scope of review listed within the published law and rule (*Supra*). In addition, this fact-finder considers the number of people each public comment represents.

The exhibits and public comments by reference to those exhibits at the hearing, along with all commentary submitted to the fact-finder after the hearing, provided more detailed information in reference to the size and configuration of the area being considered. The persons speaking or writing are a diverse group, either owning cottages and/or land along the shoreline; non-waterfront property within the towns; or, who have waterfront property, but cannot access the main lake. (This last category is due to a bridge that does not have sufficient clearance to pass beneath with a vessel.) The public comment and the many submitted documents for commentary received before the November 13 deadline were focusing on reasons why, or why not, the measures asked for should be granted. A modest amount of testimony, or comment was provided regarding maintenance of residential, recreational, and scenic values. Wide-ranging input was provided on the subject of the variety of uses, upon environment and water quality, or threatened and endangered species. Some commentary centered on accessing the lake, cited a lack of public access ramps and parking for the vehicles and trailers. This fact-finder weighs that information against the support of the Board of Selectmen from Strafford and Northwood, each supporting the Petition. The fact-finder takes into account that the Selectmen of each town have a awareness of not just the lake and its accessibility, but also a knowledge of the public roadways surrounding Bow Lake.

Evidence of safety concerns regarding blocking navigation to and from both public and private docking areas is clearly a safety matter to be addressed and not ignored. Specific safety concerns such as the described moorings being indiscriminately placed are not presently a violation, but unmistakably an enforcement issue that will be addressed by Marine Patrol Officers as they patrol the public waters by way of implementing a mooring rule for Bow Lake. Based upon the testimony and totality of public comment considered, including the eighty-six co-petitioners, and balanced with the intent of the legislation established within the reviewed laws, the Commissioner must measure the variety of uses that Bow Lake provides. That measurement takes into account the language within the statutes (*Supra*); emphasis is given to RSA 270:1, I, II. Accepting the petition shall introduce an administrative ruling to support safety to navigation in this lake. Bow Lake being so large, and with a diversity of uses within a great range of water surface configurations, calls for a reasonable and standardized rule with proper review of each submitted request for a mooring. The Petitioners provide supportive and convincing reasons under the law that meet a preponderance standard to permit the Department of Safety to issue a ruling that shall establish the requirement for the Mooring of Boats on public waters on Bow Lake pursuant to RSA 270:61-a.

The Commissioner of Safety is weighing the language of the law, (*Supra*) while bearing in mind the Petition submitted, along with the information to be considered specifically under the authority of the legislature explicitly RSA 270:61-a. Because this petition requests review of a law that will influence the entire lake, this fact-finder reviews within RSA 270:1 the language for deliberation speaking to competing uses for the enjoyment of the waters; regulating that use for the benefit of all users, keeping in mind what may diminish the value to be derived from them. In addition, the public waters of New Hampshire shall be maintained and regulated in such way as to provide for the safe and mutual enjoyment of a variety of uses, both from the shore and from water-borne conveyances. This law, and the others this fact-finder has listed, places the responsibility on the Commissioner of Safety to consider: the variety of special uses appropriate to our lakes, public safety, protection of environment and water quality, and the continued nurture of New Hampshire's threatened and endangered species. It illustrates to this fact-finder that the objective of RSA 270:61 and RSA 270:61-a is to recognize the cumulative effect of boats being moored (placed) or scattered without a guideline and, therefore, requiring specific and appropriate regulation.

New Hampshire law, RSA 270:61-a is a more recent statute that authorizes the Commissioner of Safety to add lakes to the six presently named within RSA 270:61 after a petition is submitted seeking review by public hearing and once adopting an administrative rule. The other clarification is RSA 270:61-a (h); the availability of moorings to the non-shorefront owning public. This law does not take the place of, or supersede RSA 270:61, although makes clear the intent of the legislature. However, to allow access without permission to private, or public lands for the purpose of either launching or going to/from a moored boat is not logical or legally recognized. RSA 270:61 was passed in 1988. The Mooring Supervisor, who's job is to look into and recommend placement and numbers of moorings has, since the laws implementation, provided the ability to non-shorefront owner's the opportunity to have a mooring for their use. This fact-finder is convinced this practice meets the intent of RSA 270:61-a (h).

This long-standing practice of twenty-one years has allowed non-shorefront owners to apply through a shorefront owner for a mooring permit. In that time there has been no recorded appeal or protest. One peripheral appeal regarding a non-shorefront mooring, Helligmann et al vs. Bishop et al has been carefully read. This Belknap County Superior Court judgment denied the petitioner's Writ of Certiorari seeking to overturn the revocation of a mooring by the New Hampshire Moorings Board (Board). The Board had decided that a mooring in place to a non-shorefront owner having deeded right-of-way access to the shorefront over another owner's property was not allowed. Although this Superior Court ruling is not binding on the department, it is measured in determining the outcome of this petition.

The Northwood and Strafford Selectmen support the petition. Each town presently makes use of a public boat ramp on Bow Lake and there are many boats moored at or near each town's launching area. In this application, for those persons not having accessibility over private land to access Bow Lake, there is available the use of a Public Mooring Field if applied for in Bow Lake by Strafford and Northwood. There is an application (DSSS 33) on the Department of Safety website <http://www.nh.gov/safety/divisions/ss/moorings/forms.html> for a Public Mooring Field. Once applied for and permitted, each town will have an approved Public Mooring Field with a preferred location along with a appropriate size and number of controlled moorings in accordance with RSA 270:67. Accepting the petition shall introduce an administrative ruling to support safety to navigation in this lake.

After carefully considered all of the evidence, exhibits, testimony and all public comment presented, Findings of Fact are issued.

FINDINGS OF FACT:

1. That pursuant to RSA 270:61-a, at least 25 residents and or property owners in the town of Strafford and at least 25 residents and or property owners in the town of Northwood submitted a petition requesting the establishment of mooring permits on Bow Lake.
2. That the petition, submitted on September 2, 2008, offered general reasons for the requested establishment of mooring permits and asked for a public hearing requesting that the Department of Safety conduct a public hearing.

3. That official notification for the public hearing was published in a newspaper of statewide circulation, The Union Leader, Manchester, New Hampshire on October 20, 2009.
4. That a public hearing was scheduled on Friday, November 6, 2009 at 2:00PM on the issue and conducted pursuant to RSA 541; RSA 270:61-a; and Administrative Rule, Saf-C 412 at the Bow Lake Grange Hall located in Strafford, New Hampshire.
5. That public comment was received in reference to the scope of review within RSA 270:61-a including:
 - (a) The size of the body of water
 - (b) Public safety
 - (c) The maintenance of residential, recreational, and scenic values
 - (d) The variety of uses of the body of water
 - (e) The environment and water quality
 - (f) Threatened and endangered species
 - (g) The number of people affected, either directly or indirectly
 - (h) The availability of moorings to the non-shorefront owning public
6. That although RSA 270:61 through and including RSA 270:68 along with New Hampshire Code of Administrative Rules, Saf-C 408 (*et seq.*) defines and regulates the practice of mooring of boats, and RSA 270:67 further delineates designation of locations and other specific criteria to consider, this petition is solely to review RSA 270:61-a; and Administrative Rule, Saf-C 412.
7. That Administrative Rule, Saf-C 412 was adopted September 14, 2009 and effective on September 15, 2009.
8. That Bow Lake is approximately 1,160 acres in size. There are two public launches, one at each end of the lake for boaters to use.
9. That Bow Lake has two public boat ramps; Water Street in Strafford and Bow Lake Road in Northwood. The public ramps are open to the general public and not restricted to town residents. There are three beaches open to the residents – one in Strafford and two in Northwood. There are no commercial or public moorings, or docks on the lake. Water Street has a small dock that can be used by the public. The ramp on Bow Lake Road has room for one boat to pull up while another is using the ramp. This use is for a brief duration to load and unload. Marine Patrol oversees that area and asks people to remove the boats if they are there too long.
10. That there are no public docks, private marinas, or refueling facilities on Bow Lake.
11. That there are no designated boat-trailer parking areas. Many 'day boaters' park along the narrow roads in Bow Lake Village, or at the Bow Lake Baptist Church. There is no boat-trailer parking near the Northwood ramp.
12. That Mary Waldron Beach and boat launch in Northwood is host to many moorings. There have been as many as 15 boats moored in the cove, ranging in size from canoes to 24' pontoon boats. Many of these boats are seldom used, occasionally on the weekends, or sometimes only once or twice a season.

13. That moorings within Bow Lake present a number of navigational and safety issues including random placement and improperly maintained moorings. Boats break free and abandoned moorings can be run over by boats, or rise through the ice causing hazards for winter sports enthusiasts.
14. That moorings are randomly dropped throughout the lake's coves which impedes normal operation while entering and exiting a cove. The Division of Safety Services recorded boats that were 549 feet from shore which is above the 150 foot safe passage law, essentially placing them in the middle of the channel.
15. That there is a 22 lot subdivision located near Bennett's Bridge on the Northwood/Strafford line which has the lots and homes being advertised with docks and moorings available.
16. That a member of an association within the 22 lot subdivision (Speaker #13), where there are presently twenty homeowners, testified there are 6 boat slips, but knows there will be a desire for more as additional people move in. Placing 20 moorings within the area of access will not allow anyone to move in or out.
17. That swimmers, kayakers, wildlife watchers, and fisherman all use the same area where boats tend to be moored within Bow Lake.
18. That some people swim to their boats from the beach creating safety issues by putting themselves and other boaters in danger.
19. That boats coming and going are forced to go around moored boats and travel into the areas where children are swimming.
20. That a number of moorings have been installed recently along the only remaining wooded shoreline of the Bennett Island loon nursery area.
21. That some moorings are located just a few feet apart; many are anchored with cinder blocks attached by a rope to a plastic jug. There is little care on the distance between them or whether the mooring is unsafely placed.
22. That due to moorings not properly secured or of substandard design and moorings not properly placed, a number of moorings obstruct navigation in rocky or shallow areas of Bow Lake.
23. That there is currently no way to identify the owner of such moorings because moorings are not regulated on Bow Lake.
24. That the effect which adopting or not adopting the petition would have upon the public safety is considered. There is sufficient information to support the request provided for consideration.
25. That the New Hampshire Department of Safety, Division of Safety Services enforces the statutes and rules governing the public waters within Bow Lake, in Strafford and Northwood, New Hampshire. The present navigational laws and any future moorings laws shall be enforced through that agency's Mooring Program and Bureau of Marine Patrol.

ANALYSIS CONCLUSION OF LAW:

The public interest requires the use of mooring permits. The petition for the requirement to have RSA 270:61-a implemented shall present a positive result on public safety and the maintenance of residential, recreational, and scenic values. In addition, petitions for moorings will present a positive result on the environment, the variety of uses of the body of water including the environment and water quality, threatened and endangered species, the number of people affected, either directly or indirectly, and the availability of moorings to the non-shorefront owning public on Bow Lake.

The information submitted was thoroughly taken into account within the petitioner's application; public testimony; and exhibits together with taking into consideration the public written/oral commentary submitted. Having done so, this fact-finder recommends supporting the Petition based upon these Findings of Fact; (*Supra*) and, that you reach the following Conclusion of Law.

I recommend that the following Conclusion of Law and Disposition be approved based upon the Findings of Fact listed within this report.

Respectfully,

[Signed]

C. N. Duclos, Administrator
Department of Safety
Bureau of Hearings



CONCLUSION OF LAW:

The Petitioners have presented satisfactory proof to sustain their request for the establishment requiring permits for moorings on Bow Lake in Strafford and Northwood in accordance with RSA 270:61-a; and Administrative Rule, Saf-C 412.

ORDER AND DISPOSITION:

The evidence demonstrates that the Petition is in the public interest fulfilling the purpose of law. There is sufficient proof that the Petitioners have met their burden, by a preponderance of the evidence, showing cause that a requirement to have mooring permits on Bow Lake in Strafford and Northwood New Hampshire be adopted pursuant to RSA 270:61-a; and Administrative Rule, Saf-C 412. Rulemaking shall commence forthwith. The effective date of such requirement shall be no earlier than October 1, 2010.

So Ordered.

[Signed]

John J. Barthelmes, Commissioner
Department of Safety

Date: January 13, 2010

APPEAL:

Please be advised of your right to appeal the decision of the Commissioner of Safety. You may apply for a rehearing within thirty days pursuant to RSA 541:3; and, if denied, may then appeal by petition to the New Hampshire Supreme Court within thirty days pursuant to RSA 541:6.

I certify that a copy of the order has been forwarded to the below named via first-class mail or electronic mailing (as applicable).

Date of mailing: January 13, 2010

[Signed]

C. N. Duclos, Administrator
Department of Safety'
Bureau of Hearings

cc: David Barrett, Director
Division of Safety Services
Department of Safety

Sharon Champagne, Moorings Supervisor
Division of Safety Services
Department of Safety

Petitioner Designee(s)

Mr. John Detrude (Northwood)
Ms. Kathleen Paine (Strafford)
(To be distributed to co-petitioners)

Town of Strafford

Town of Northwood

File