

# New Hampshire Council on Resources and Development

NH Office of Strategic Initiatives  
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## **Final Minutes – November 8, 2018**

### **MEMBERS PRESENT**

Jared Chicoine, Chair, Director, NH Office of Strategic Initiatives  
Stephen McLocklin, Designee, NH Department of Administrative Services  
Tracy Boisvert, Designee, NH Department of Natural and Cultural Resources  
Timothy Drew, Designee, NH Department of Environmental Services  
Amy Clark, Designee, NH Department of Education  
Christopher Way, Designee, NH Department of Business and Economic Affairs  
William Ray, Designee, NH Housing Finance Authority  
Steve LaBonte, Designee, NH Department of Transportation  
Glenn Normandeau, Executive Director, NH Fish and Game Department  
Lori Weaver, Designee, NH Department of Health and Human Services  
Elizabeth Muzzey, non-voting member, Department of Natural and Cultural Resources

### **OTHERS PRESENT**

Michael Klass, NH Office of Strategic Initiatives  
Noah Hodgetts, NH Office of Strategic Initiatives  
Philip Bryce, Director, NH Division of Parks and Recreation  
Chris Skoglund, NH Department of Environmental Services  
Sarah Stewart, Commissioner, NH Department of Natural and Cultural Resources  
Steve Walker, Conservation Land Stewardship Director, NH Office of Strategic Initiatives  
Matt Leahy, Society for the Protection of New Hampshire Forests  
June Fichter, Lake Sunapee Protective Association  
Garret Graaskamp, Public Boat Access Coordinator, NH Fish and Game Department  
Christopher Gamache, Chief, NH Bureau of Trails  
Kelly Buchanan, New Hampshire Lakes Association  
Allen Brooks, NH Department of Justice  
Ray Carbone, Reporter  
Joan Burritt, Business Owner  
Teanna Spence, Abutter  
Art Burritt, Newbury Resident

**Location:** New Hampshire Department of Education, Londergan Hall (Conference Room 15)  
101 Pleasant Street, Concord, NH 03301

## **I. ROLL CALL AND INTRODUCTIONS**

The meeting was opened at 1:33 PM by Chairman Chicoine. CORD members and staff introduced themselves.

## **II. LAND CONSERVATION INVESTMENT PROGRAM (LCIP)**

### **A. Lake Sunapee Public Boat Access**

Opportunity for comment from the New Hampshire Fish and Game Department and the New Hampshire Division of Parks and Recreation concerning Recommendation 1 of the report of the Chair and Majority of the Lake Sunapee Public Boat Access Development Commission.

Commissioner Sarah Stewart presented comment on behalf of the Department of Natural and Cultural Resources (DNCR). A copy of Commissioner Stewart's comments are attached behind **Exhibit 1**.

Executive Director Glen Normandeau presented comment on behalf of the NH Fish and Game Department (NHFG), articulating NHFG's position that it wishes to retain the Wild Goose site pending an adequate alternative site being found on Lake Sunapee for public boat access. Director Normandeau provided members, with a series of handouts, which are also attached behind **Exhibit 1**:

- (a) a letter from the City of Claremont dated November 8, 2018 in support of the Wild Goose site being utilized for deep-water public boat access
- (b) memo summarizing NHFG's analysis of alternative sites around Lake Sunapee for a deep-water public boat launch and finding of no adequate alternatives
- (c) satellite image of the Wild Goose site in relation to Route 103
- (d) LCIP Board vote on June 7, 1991 assigning the Wild Goose site to NHFG

Director Normandeau oriented members to the location of the Wild Goose site and gave a brief history of the property noting that on both occasions that Wild Goose had come before CORD in the past, the Council supported the development of a public boat access ramp on the site. Director Normandeau highlighted that the NH Fish and Game Commission voted 11-0 and the Public Water Access Advisory Board (PWAAB) voted 9-1 in support of NHFG retaining ownership of the Wild Goose site. Director Normandeau noted that it would be unprecedented for another state agency to take ownership from another state agency that seeks to retain ownership of a property.

Director Normandeau stated that NHFG is currently in the process of identifying alternative sites around Lake Sunapee for a public boat launch, but noted that even if an adequate site was identified it would likely cost a significant amount to acquire. Therefore, NHFG would consider going to the Legislature to sell the Wild Goose property at market value and use the money from the sale to purchase the alternative site. Director Normandeau also noted that the only access on the lake other than the state beach site is controlled by the towns, which the towns could vote to shut down at any time. He further stated that even if Wild Goose was never used for public boat

access, by NHFG retaining ownership of the site, it could possibly be included in the NHFG land bank to match Pitman-Roberts federal grant funds. NHFG can utilize the value of undeveloped properties not acquired with federal funds such as Wild Goose, which was appraised for \$1.2 million, to access the 25%/75% Pitman-Robert fund match, which could be utilized for acquisition of another site on Lake Sunapee.

Mr. Way asked whether the Lake Sunapee Public Boat Access Development Commission (“the Commission”) put a timetable on the Wild Goose issue resolving itself. Director Normandeau replied that the Commission discussed allowing two years to find an alternative site before developing the Wild Goose property, but that this recommendation was not included in the final report; otherwise he may have supported the majority report. Director Normandeau further noted that currently there are no properties for sale that are remotely suitable for a public boat launch. He stated that NHFG is not in favor of utilizing its eminent domain power to acquire an alternative site at this time. He concluded that the Commission did not vote on a timeline, but that NHFG would continue to look for a way to acquire an alternative site along with creating agreements with individual towns around Lake Sunapee.

Ms. Muzzey asked for a summary of the state’s policy for the public’s access to lakes such as Sunapee. Director Normandeau responded that the state policy regarding public access has been codified in statute and the state is responsible for public access to lakes, which is defined as being open to the public, state owned and controlled, and being free. The state maintains over a hundred access points across the state including 60 power-boat ramps. PWAAB has focused attention on providing power boat ramp access on the state’s larger lakes. In recent years the state has acquired sites for power-boat public access on Lake Winnepesaukee, Ossipee Lake, lake Winnisquam, Newfound Lake, and Squam Lake. Lake Sunapee is the only remaining major lake in the state which lacks public access for motorized boats. NHFG receives \$800,000 to \$1 million per year to complete public access projects, which is derived in part from the NHFG \$5 annual power boat registration fee.

Mr. Way asked what resources DNCR would need if it acquired the Wild Goose property. NH Director of Parks and Recreation Bryce responded on behalf of DNCR Commissioner Stewart that at a minimum DNCR would need a parking lot, a pit toilet, and to clear vegetation on the site. He stated that the biggest issue would be the long-term upkeep of the site as some parks, which lack adequate upkeep receive 40% of a town’s police calls while others have required tree removal costing hundreds of thousands of dollars. However, there is a lack of resources to ensure adequate upkeep at all parks, which has resulted in hundreds of thousands of dollars in deferred maintenance across the state’s park system. The community may also desire additional amenities.

Chairman Chicoine thanked Director Normandeau, Commissioner Stewart, and Director Bryce and noted that CORD members may discuss the comments regarding the Wild Goose site received from NHFG, DNCR, and the public at its January 10<sup>th</sup> CORD meeting.

**B. LCIP Annual Report**

Steve Walker, Conservation Land Stewardship Program Director

Mr. Walker presented a summary of the LCIP annual report, which he noted is currently in draft form. He stated that the largest change is that Tracy Boisvert, former CLS Program Director left at the end of fiscal year '17 and that he became CLS Program Director in August 2018 and subsequently hired a Stewardship Specialist to fill his former position. Mr. Walker noted that as a result of the staff changes there have been payroll savings, which have resulted in a reduced draw on the LCIP endowment from 5.5% to 4.5% for the biennium. Mr. Walker also stated that LCIP continues to grow as it takes on monitoring responsibility for one or two properties per year from NHFG and the Division of Forests and Lands. He noted that for the third consecutive summer, CLS had an intern who created a guide for new land owners of existing conservation easements who may be unfamiliar with the responsibilities of owning a property with an easement. He reiterated that the program is emphasizing communication with land owners more to stop problems as they arise. He also noted that Appendices C and D at the end of the report are NHFG and Division of Forests and Lands fee-owned LCIP properties, which CLS monitors.

Mr. Normandeau noted that he appreciates the efforts of CLS because NHFG lacks the resources to monitor easements for its LCIP properties. He noted that NHFG won't accept a new easement unless there is money attached for the LCIP endowment for monitoring and that NHFG has 13-17,000 acres across the state under easement. Ms. Boisvert also praised CLS for its monitoring of easements of other state agencies and noted that the monitoring contracts which DNCR and NHFG have are equally important.

Mr. Drew asked if there is a need to develop a policy statement for alternative uses such as wind turbines and solar arrays. Mr. Walker replied that with new easements these alternative uses can be addressed in how the easement is written, but that land owners must adhere to the language of existing easements noting as reference a case where a land owner tried to disguise a commercial use as an agricultural use, which was clearly outside the bounds of the easement's allowed uses. Mr. Drew subsequently asked if the decreased draw on the LCIP endowment was due to a decrease in demand. Mr. Walker replied that the decreased draw on the endowment was due entirely to payroll savings, which will result in more of the principal remaining in the endowment fund. Mr. Drew then asked why the Wild Goose property was cited in both Appendix C and D of the annual report. Ms. Boisvert replied that the two mentions of Wild Goose were in fact two different properties – one is a three-acre parcel along the water which LCIP assigned to NHFG and the other is a 130-acre parcel on Route 103, which LCIP assigned to DRED (now DNCR), as part of the Sunapee State Park. Mr. Walker also noted that each of the 86 state-held LCIP properties is assigned a management agency. For example the Amy Easement in Pittsburg (on the cover of the annual report) is assigned to the Department of Agriculture, Markets, and & Food. He also noted that the program is unlikely to grow in acreage, but there may be additional land owners by virtue of subdivision. Mr. Way asked whether the guide was for existing or new land owners. Mr. Walker clarified that while the guide's intended audience was new land owners it could also be beneficial for existing land owners to have a better understanding of different aspects of the CLS program.

**MOTION:** Mr. Way moved to recommend adoption of the LCIP Annual Report. The motion was seconded by Ms. Boisvert. The council voted unanimously to approve the motion.

### **III. SMART GROWTH UPDATE**

#### **A. Chris Skoglund, NH Department of Environmental Services**

Mr. Skoglund, the Climate Energy Program Manager at the Department of Environmental Services (DES) presented about DES's ongoing Department Climate Initiative. His presentation slides will be available online.

Mr. Drew asked Mr. Skoglund to discuss the Coastal Adaptation Initiative and effect of rising sea-levels on increased ground water intrusion. Mr. Skoglund noted that DES and other agencies are supporting the Coastal Adaptation Working Group (CAW), which is separate from the Upper Valley Adaptation Working Group. The CAW was formed to address coastal communities being pinched by water coming downstream from increased precipitation and increased flooding and sea level rise. SB 452, which was passed in 2016, requires state agencies to look at coastal rules compared to predicted sea-level rise under a series of different scenarios. As a result of SB 452, state agencies went through a meticulous process about how to modify rules to adapt to sea level rise. The report with updated sea level rise projections was just finalized for September 1, 2018 and will result in subsequent rule changes. Mr. Skoglund also noted that sea-level rise is pushing up ground water levels and is already leading to salt water intrusion in wells in Newmarket.

Mr. Ray asked if FEMA is adopting flood maps. Mrs. Skoglund responded that FEMA is updating flood maps on a case by case process. As the flood maps are updated, flood zones are expanding which has created increased pushback from some communities about more of their homeowners being included in flood zones and requiring flood insurance. Mr. Skoglund referred additional questions to Jennifer Gilbert, State Flood Management Coordinator at OSI. He also noted that there has increased attention in the last six months about whether vulnerable coastal properties should be protected or bought out. He stated that coastal property's being abandoned or bought out could result in a shift of the tax burden onto other non-coastal property owners and could prove problematic.

Mr. Klass thanked Mr. Skoglund and invited other CORD members to present on smart growth issues to fulfill the Council's responsibility under RSA 9-B.

### **IV. MINUTES**

#### **A. Approval of September 21, 2018 draft minutes**

Mr. Drew commented that on the bottom of page two, under the motion for Item II.A (LCIP) and the top of Page 3, under the motion for Item III.A (Approval of July 12, 2018 minutes), Glenn Normandeau's name was misspelled. Mr. Drew also commented that Mr. Klass's name in the motion for Item III.A should not have an "s" after the apostrophe.

**MOTION:** On a motion by Mr. Drew, seconded by Mr. Ray, the September 21, 2018 minutes with Mr. Drew's proposed amendments were approved unanimously by the council with Mr. Way, Mr. LaBonte, and Ms. Weaver abstaining.

**V. OTHER BUSINESS**

**A. Annual Nash Stream Forest reports**

Ms. Boisvert stated that as part of the Nash Stream Forest Management Plan there was an MOA put into place between NHFG, the Trails Bureau, and the Division of Forest and Lands regarding the management of public ATV use in the Nash Stream Forest. CORD asked for two different annual reports: (1) a report from NHFG and DNCR assessing the environmental impact of trails in the Nash Stream State Forest and (2) a report on ATV enforcement in the Nash Stream, which are included in the November 8, 2018 CORD meeting packet.

Mr. Drew asked whether the erosion lines, which line up with vehicle tires, in slides 4 and 5 of the report have been repaired. Mr. Gamache of the Trails Bureau replied that all fascia boards in the area have been fully repaired. Ms. Muzzey asked whether the Trails Bureau or local ATV clubs were maintaining the trails. Mr. Gamache noted that the Metallak ATV Club bought the materials and the Trails Bureau provided the labor including rebuilding the ditch lines, putting in additional culverts in Kelsey Notch and the adjacent Wagner Forest, but that this arrangement was dependent on the work load of the Trails Bureau which may vary year to year. Mr. Drew credited DNCR and the Trails Bureau with having no enforcement actions for the Kelsey Notch Trail especially since it's a pilot trail.

Chairman Chicoine noted that the Union Leader article at the end of the November 8, 2018 Meeting Packet about the ATV lawsuit was not part of the Nash Stream report, but was provided to members for information purposes only. Ms. Boisvert clarified that the article references Gorham and is entirely separate from the Nash Stream State Forest.

Ms. Muzzey asked when the Kelsey Notch trail would transition from pilot to permanent trail status. Mr. Gamache stated that CORD had instituted a three-year pilot, and that we were just finishing up the first year of the pilot.

**B. Proposed 2019 meeting dates (Second Thursday of the month; every other month beginning at 9:30 A.M.)**

- January 10, 2019
- March 14, 2019
- May 9, 2019
- July 11, 2019
- September 12, 2019
- November 14, 2019

**MOTION:** With business completed, Director Normandeau moved to adjourn the meeting, which Mr. Ray seconded. The motion was approved unanimously by the Council (except for Ms. Weaver who left the meeting shortly before the meeting adjourned).

Meeting adjourned at 2:48 PM