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MLC



State of New Hampshire

DEPARTMENT OF SAFETY
OFFICE OF THE COMMISSIONER
33 HAZEN DR. CONCORD, N.H. 03305
603-271-2791

ROBERT L. QUINN
COMMISSIONER OF SAFETY
May 15, 2020

His Excellency, Governor Christopher T. Sununu
and the Honorable Council
State House
Concord, NH 03301

Boat Moorings- LAKE WINNIPESAUKEE- THIRTEEN MOORINGS

Requested Action

To approve the permit application of **SOUTHERLEE SHORES ASSOCIATION, INC.** located on Lake Winnepesaukee in Moultonborough, NH, as recommended by the Department of Safety, Division of State Police for a Congregate Mooring Field of thirteen (13) moorings under the authority of RSA 270:67. **Southerlee Shores Association, Inc.** is requesting one (1) additional mooring to be added to the currently established twelve (12) moorings for a total of thirteen (13) moorings. **It is recommended that the application be approved for thirteen (13) moorings.**


Explanation

The petitioner has presented sufficient proof to sustain the request for the addition of one (1) mooring to the twelve (12) existing moorings previously approved for a total of thirteen (13) moorings in a Congregate Mooring Field in accordance with RSA 270:67 and New Hampshire Code of Administrative Rules Saf-C 408.

Public Hearing held March 26, 2020.

Enclosed are the Application, Map and Public Hearing Report.

Respectfully submitted,


Robert L. Quinn
Commissioner

enclosures

Application Number: _____

Permit Number: _____

Conditions: _____



DECAL # _____

OF MOORINGS APPROVED _____

FOR OFFICIAL USE ONLY

APPLICATION FOR A CONGREGATE MOORING FIELD PERMIT

Instructions: This application should be used for all non-public mooring fields consisting of five or more moorings. The application must be completed in its entirety with all the required documentation. Mail the completed application to: _____

Department of Safety - Division of State Police
Moorings Program
31 Dock Road, Gilford, NH 03249
Telephone: 603- 293-2037 Ext 3

Applicant's name: Southerlee Shores Association, Inc

Shorefront property location: Located on the south side of Long Island off of Southerlee Shores Rd.

Town/City: Moultonborough Phone #: N/A

NOTE: The applicant must be the owner or leaseholder, such as the Association, Corporation, Camp, etc., of the shore front property accessing the mooring field.

Contact Person: Kevin Del Rossi

Mailing Address: 15 Spring St City: Wakefield State: MA Zip: 01880

Phone #: (781) 246-4124 Cell Phone #: _____ Email: boude|@verizon.net

The proposed mooring field is located on Lake: Winnepesaukee

The town/city tax lot number of the shore front property is: Map 281 Lot 16

Number of moorings requested: 13 Applicant's shore frontage in feet: 200

The approximate area (size) of the mooring field in square feet: 30,000 sq ft

The distance from shore to the furthest proposed mooring in feet is: 130 ft

The number of docks at the property: 2 Docks, 1 dinghy dock. The number of boat slips: 0 Is there a swim line? NO

Is there a swim raft at the property? NO What is the square footage of the raft? N/A

Does the applicant have title ownership to the shore front property? Yes

Please describe the membership of the group that will have the use of the moorings. Include any membership requirements: Southerlee Shores Association is composed of thirteen (13) members. Each member has deeded rights to the common shorefront lot. Membership requirements for the association is ownership of one of the 13 lots. Additional lots cannot be added to the association.

Please explain how the moorings will be distributed within the group: Allocated to lot owners only when a need is generated by boat ownership. There is a limit of one mooring per lot.

Please state all proposed charges for the use of the moorings: **NOTE:** (The law requires that charges for moorings shall not unreasonably exceed the cost of mooring installation and maintenance (RSA 270:67,II(d)). There are no individual mooring charges to Association members. Association rules permit the use of a mooring by a non-member only when the non-member is renting an Association members house (See: Beach Rules, Section III, Item #4)

Please explain how the mooring users will get to and from the mooring field: Access is directly from the waterfront lot which has beach access. Owners can drive to the beach area via a driveway accessed directly from Southerlee Shores Rd.

Please give an explanation of support facilities such as public or private restrooms and parking for automobiles and trailers: Parking exists for automobiles. There are no public restrooms. Lot owners homes are in close proximity to the waterfront lot eliminating the need for public restrooms.

Please describe the mooring buoys, including the color, shape, size and material: The current mooring buoys are plastic, blue and white in color, and round. The diameters vary slightly from approximately 36" to 48". There is currently one round plastic red buoy with an attached mast buoy. Two perimeter lights are in place - Orange and white, 30" tall.

Please describe the mooring anchors, including the material used and the weight: The mooring anchors are concrete blocks weighing 200-300 lbs each. One anchor is a large rock, estimated to weigh 400 lbs. Perimeter light anchors are concrete blocks weighing approximately 50 lbs.

I, the applicant, certify that the petitioner shall indemnify and hold harmless the state, its officers and employees from all claims, liabilities or penalties resulting from the acts or omissions of the petitioner in maintaining, managing or operating the mooring field:


Authorized Signature

I, the applicant, certify that all abutters to the shore front property have been notified of this application by certified mail, (based on municipal tax data) return receipt requested, and have been provided copies of the application and grid map.

NOTE: Abutters: The record owner of land immediately adjacent to, and/or of any portion of land that is located within 300 feet of, the boundaries of the proposed mooring field, including properties adjacent to the water within 300 linear feet, such as in the case of coves.


Authorized Signature

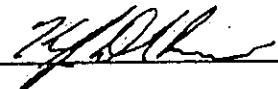
The applicant hereby gives permission for the director or his agents to enter the property for the purpose of performing a field investigation to review this application:


Authorized Signature

NOTE: This application may require a public hearing. The applicant and abutters will be notified as to the date, place and time of the hearing. The Department of Safety, Division of State Police will submit a recommendation to the Governor and Council who will approve or deny the application. The applicant and abutters will be notified in writing of the recommendation prior to the scheduled Governor and Council meeting.

Do not send any fee with this application. If approved, by Governor and Council, notification will be sent requesting the decal fee. Your annual mooring decal(s) will be forwarded to you upon receipt of payment of the current decal fee. Decals must be renewed annually and must be attached to each mooring above the waterline prior to using the moorings. Perimeter lighting, if required, must be installed prior to use.

I hereby certify that all statements on this application and all documentation supplied with this application are true. Supplying false information on this application will result in revocation of any permit issued and is punishable by imprisonment. This application is signed under penalty of unsworn falsification pursuant to RSA 641:3.

Authorized Signature:  Date: 6/1/2019

STATEMENT OF NEED

Southerlee Shores Association, Inc. is filing this application for thirteen (13) moorings (twelve are currently approved – permit #0091-C-012) because no reasonable alternative exists. The recent realty transfer of one lot has created the need for an additional mooring. The weather conditions on many days produce rough water in the docking area which can cause damage to both boats and docks. The existing docks are of a temporary nature and incapable of permanent use for boat storage. The docks are used for temporary tie ups and to pick up and discharge passengers. These docks do not provide enough space for our member's needs. There is no launch area in the common area, nor any space for dry storage. None of the boat registrations submitted are for small boats which could be easily removed from the water for storage.

The additional mooring will not change the size of the existing mooring field.

None of the moorings are located more than 150 feet from the shore.

[Handwritten Signature]
6/1/2019

NEW JERSEY
DIV. OF COASTAL & BAY MANAGEMENT

JUN 07 2019

MARINE PATROL
INITIAL _____



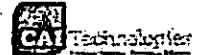
Congregate Mooring Field
 Moorings Requested: 13
 Current Moorings: 12
 Shorefront: 200'

Southerlee Shores Association Mooring Field

Contact: Kevin Del Rossi
 (781) 264-4124

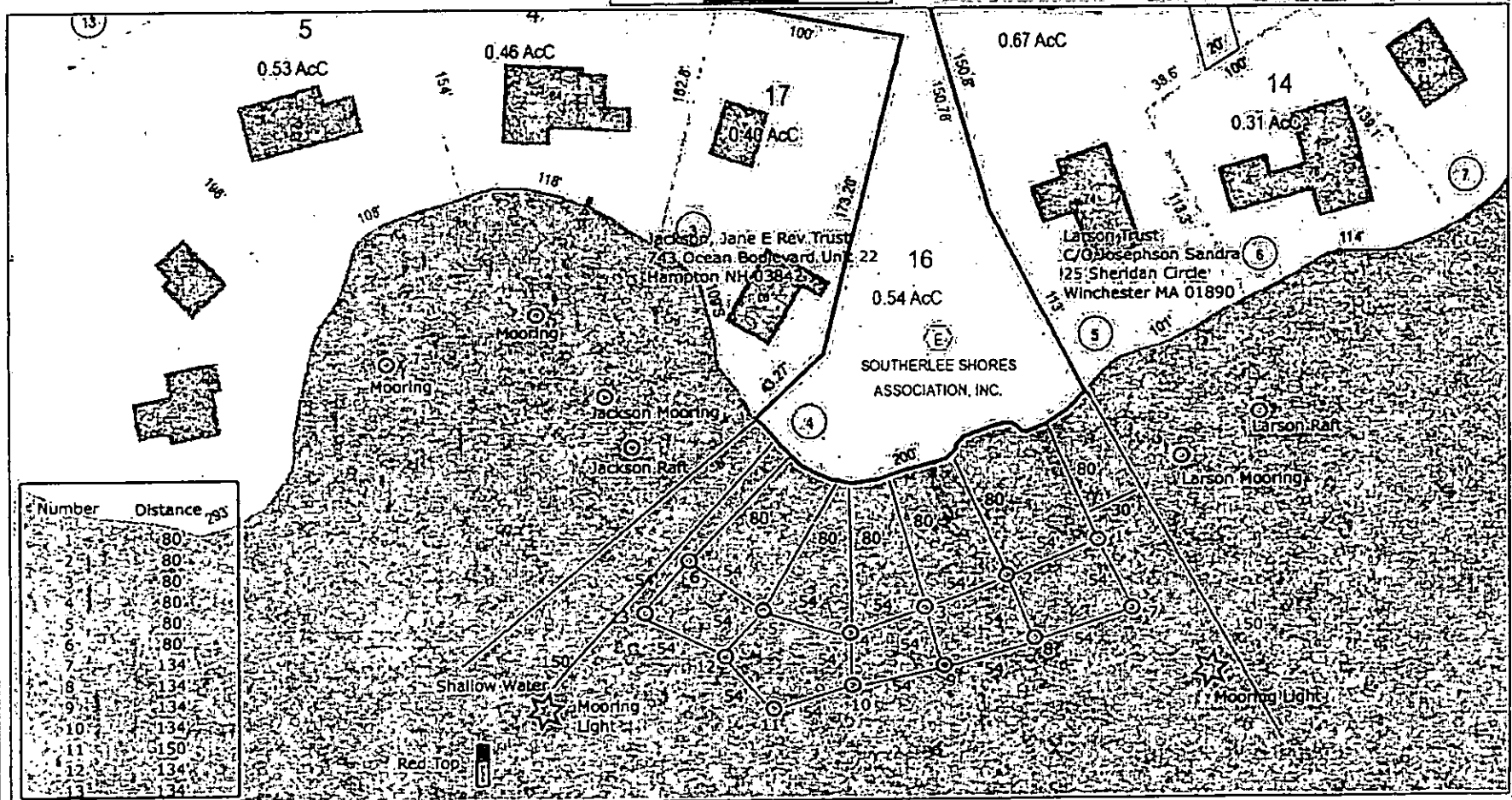
Moultonborough, NH

1 Inch = 50 Feet



www.cai-tech.com

September 23, 2019



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes of design or interpretation of the map.



State of New Hampshire
Department of Safety

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

ROBERT L. QUINN
COMMISSIONER

Report and Recommendation

Petition in the Matter of:

Southerlee Shores Association, Inc.
Lake Winnepesaukee in Moultonborough New
Hampshire

HISTORY:

The Department of Safety received a Petition from Southerlee Shores Association, Inc., requesting the establishment of one (1) additional mooring to an existing Congregate Mooring Field for a requested total of thirteen (13) moorings on Lake Winnepesaukee located in Moultonborough, New Hampshire. The Petition submitted presented the reasons for the requested Congregate Mooring Field supplemental mooring, and was assigned to and investigated by Ms. Mary Howe, Supervisor, Mooring Program, Division of Safety Services, Department of Safety.

Pursuant to RSA 541, a public hearing was held on Thursday, March 26, 2020, by video and phone teleconference from Concord, New Hampshire. The legal authority to conduct the hearing in this manner was provided by RSA 21-P:13, ¶ 3 as well as under Governor Sununu's Emergency Order No. 12 and Saf-C 203.36 which provided legal authority under an emergency rule to allow hearings to be done by telephone. Moreover, on the date and time of hearing there was an available room at 33 Hazen Drive where the original public notice indicated the hearing would be held. That room was open and available for any member of the public to appear and provide testimony by telephone to the Hearings Examiner who was off site. Consequently, this public hearing was held in this manner with proper legal authority.

The scope of the hearing was to accept and consider public comment in accordance with RSA 270:67, RSA 270:68 and New Hampshire Code of Administrative Rules Saf-C 408 on the proposal. Mr. Christopher Casco, Administrator, Bureau of Hearings, as designee of Robert L. Quinn, Commissioner, Department of Safety, conducted the public hearing as Hearings Examiner. Ms. Mary Howe, Moorings Supervisor, appeared by telephone representing the N.H. State Police, Marine Patrol Division at the public hearing.

OPENING REMARKS:

The Notice of Hearing was read into the record. The Petition, along with all supporting documents were saved electronically and available for review on the Bureau of Hearings portion of the Department of Safety website. In addition, notification of the public hearing was published in The New Hampshire Union Leader on February 25, 2020.

Everyone present by video conference and telephone was informed:

- The public hearing is recorded; and
- The recording would 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" electronically to present comment on the Petition; also public comment was permitted after the hearing and was allowed until the end of the business day on April 6, 2020, at 4:15 p.m.;
- They could review the legal notice, along with the original Petition and any other documents electronically as they were available on the Bureau of Hearings website; and,
- How and where to submit written comment that must be received within ten calendar (10) days from the hearing date by the Department of Safety and no later than April 6, 2020.

STATISTICS:

One (1) person provided public comment at the hearing in favor of the Petition. No one provided written comment on the Petition which was received within the ten (10) days following the hearing. The hearing was closed to public comment at the conclusion of the business day on April 6, 2020, at 4:15 p.m.

EXHIBITS:

- Response from Fish and Game to Request for Input
- Response from Department of Environmental Services to Request for Input
- Letter from Mary Howe
- Letter from Sgt. Seth Alie

SYNOPSIS OF TESTIMONY:

Ms. Mary Howe. She works for New Hampshire Marine Patrol and is the Mooring Supervisor. She provided notification to the Department of Environmental Services, N.H. Fish and Game, and Marine Patrol asking for input on this application to add one (1) mooring to an existing field of thirteen (13) moorings on Lake Winnepesaukee in Moultonborough. She received notification back from DES and Fish and Game that this proposal would present no significant impact on the environment. Therefore, they responded favorably to the request for input. In addition, the Marine Patrol through Sgt. Seth Alie was in agreement with the proposal to add one (1) mooring. She had worked with Sgt. Alie and the Petitioner on developing an appropriate mooring plan to add the additional mooring. They visited several times and did site inspections to get the mooring field to where it should be. The mooring field was updated with a new map that was presented with the application.

Mr. Stephen Hurst. He appeared by video conference, representing Southerlee Shores Association, Inc. (Petitioner). He testified in favor of the Petition. He indicated that the reason for the request for one (1) additional mooring is to allow all thirteen (13) residents the ability to have moorings. At the present time they have twelve (12) approved moorings in a congregate mooring field. They have thirteen (13) residents. Therefore, one resident is unable to have a mooring with their property. Granting the Petition will allow all thirteen (13) residences to have a mooring. One more is needed, and it is the last one that they will ever need. They will not have any new residents. Therefore, there will not ever be a need for additional moorings, or a request to make this mooring field larger.

Moreover, Mr. Hurst worked hard to be sure that the mooring field did not present any adverse consequences on abutting property owners. They were able to get the footprint of the entire mooring field to be the same even with the extra mooring. This was part of the process to reconfigure the mooring field so that it would have no adverse impact. He submits that they were successful in doing so.

SYNOPSIS OF LETTERS RECEIVED:

The department received no public comment either for or against the mooring field.

DISCUSSION:

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

RSA 270-D: 2 General Rules for Vessels Operating on Water.

"...Vessels shall be operated at headway speed only, while passing under all bridges.

VI. (a) To provide full visibility and control and to prevent their wake from being thrown into or causing excessive rocking to other boats, barges, water skiers, aquaplanes or other boats, rafts or floats, all vessels shall maintain headway speed when within 150 feet from: (1) Rafts, floats, swimmers; (2) Permitted swimming areas; (3) Shore; (4) Docks; (5) Mooring fields; (6) Other vessels. . . ."

RSA 270:60 Mooring of Boats on Public Waters

- 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.

Selected Administrative Rule Definitions

- | | |
|--------------|--|
| Saf-C 401.04 | "Congregate mooring field" means a mooring field dedicated to homogeneous use groups, such as, but not limited to clubs, associations and youth camps. |
| Saf-C 408.05 | Mooring Permit Application. |
| Saf-C 408.07 | Congregate Mooring Permit Application. |
| Saf-C 401.16 | "Mooring field" as defined in RSA 270:59, VII includes congregate and public mooring fields. |

Pursuant to 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. RSA 270:67 further defines designation of locations and other specific criteria to consider.

The number of people in attendance at the hearing and the number of persons recorded for or against the proposed mooring are given weight in determining findings. In this matter, there were no people against the

mooring. Abutting property owners had been notified, and there were no objections from abutting property owners. In addition, Town Administrator for the Town of Moultonborough, Walter Johnson, was provided the hearing notice by email. No information against the mooring was received from the Town of Moultonborough, which further evidences that no one objected to the Town to the addition of one (1) mooring in this mooring field.

In addition, substantial weight is given to the specific information submitted for review by testimony and exhibits in this case. No one testified against the moorings. This is indicative that the mooring field does not have any adverse consequences. This is further evidenced by the fact that Marine Patrol, Fish and Game and the Department of Environmental Services all agree that adding one (1) mooring would have no negative impact. In fact, the Marine Patrol recommends approving the additional mooring.

Consequently, the Petitioner has provided sufficient evidence, by a preponderance of the evidence, to add one (1) mooring to the existing Congregate Mooring Field. Both the Department of Environmental Services and Fish and Game responded to the request for input from Marine Patrol indicating that there is no significant impact as stipulated in RSA 270:64, I(c).

In addition, abutting property owners and the Town of Moultonborough were notified and did not object to the additional mooring. Finally, there is no negative environmental or safety impact. This is particularly true because the footprint of the overall mooring field remains the same even with one (1) mooring added. The Petitioner worked hard with Marine Patrol to arrive at the proposed configuration of the field. They had several meetings and site visits that included altering the moorings in a manner that would not have a negative impact.

After carefully considering the exhibits, testimony and public comment presented, findings of fact are issued.

FINDINGS OF FACT:

1. That pursuant to RSA 270:67, Southerlee Shores Association, Inc. (Petitioner), petitioned the Department of Safety to conduct a public hearing seeking that an existing Congregate Mooring Field be updated to add one (1) additional mooring to an approved mooring field.
2. That official notice for the hearing was published in a newspaper of statewide publication, The Union Leader, Manchester, New Hampshire, on February 25, 2020. Prior notice was given to the Town of Moultonborough on Lake Winnepesaukee where the mooring field is located. The public hearing notice was posted on the Department of Safety

website. Moreover, the website was updated due to the Covid-19 State of Emergency to inform the public that the hearing would be conducted by video and phone teleconference. In addition, the room where the hearing originally was supposed to be conducted, 33 Hazen Drive, Concord, New Hampshire, was open at the date and time of hearing. No member of the public appeared. Had a member of the public appeared at that location, they would have been permitted to provide oral comment by telephone during the public hearing. Finally, no one contacted the Bureau of Hearings requesting that the Webex meeting invitation be provided. Had they done so, any member of the public could have appeared and participated by Webex video teleconference.

3. Abutting property owners were notified of the application for additional moorings and the hearing date and time.
4. That a public hearing was held on Thursday, March 26, 2020, at 1:00 p.m. on the issue and conducted pursuant to RSA 541; RSA 270:67; RSA 270:68 and Administrative Rules Saf-C 408 and Saf-C 203.36, an emergency rule implemented to allow for a telephonic hearing, and RSA 21-P:13, ¶ 3 allowing video conference hearings in Concord, New Hampshire.
5. That the Petition seeks to allow adding one (1) mooring to an existing field of twelve (12) moorings for a total of thirteen (13) moorings within the existing Congregate Mooring Field within the public water located in Moultonborough, New Hampshire, at the property of Southerlee Shores Association, Inc. The specific location of the additional mooring is in a mooring field as shown on Tax Map 281, Lot 16.
6. That the effect which adopting or not adopting the Petition would have upon the public safety is considered. There is one (1) additional mooring requested for a total of thirteen (13) congregated moorings. There is no negative impact on public safety because the mooring field will not be extended any further out into the water, and therefore, will not impede boat traffic. In addition, the mooring field is entirely in front of the Petitioner's property and will not impact abutting property owners because even with another mooring the footprint of the mooring field will remain the same.
7. That public comment received in reference to recreational and scenic values indicated no negative impact. Had there been a negative impact to recreational and scenic values, the Marine Patrol would have noticed that and provided that in their comment letter from Sgt. Alie. The moorings are needed so that all thirteen (13) property owners within the Association will have

an accessible mooring. At the present time there are thirteen (13) property owners but only twelve (12) moorings.

8. That the Petitioner by testimony, application, and the chart/map submitted, has established sufficient data that the proposed addition to the congregate mooring field is in accordance with the law, and that adding one (1) mooring will not have any negative impact on the environment, public safety, or abutting properties. No abutting property owners objected to the additional mooring or the map as presented with the application. Abutting property owners were properly notified of the application and the hearing date.
9. That the New Hampshire Department of Safety, Marine Patrol enforces the statutes and rules governing the public waters within Lake Winnepesaukee in the Town of Moultonborough, New Hampshire, and navigational and moorings laws are enforced through that agency.
10. The Petitioner has demonstrated a sufficient present need for one (1) additional mooring.
11. The mooring field is properly maintained by the association.
12. The Marine Patrol approved one (1) additional mooring after reviewing the plan and conducting several site inspections and through a continued work process with the Petitioner in order to get the mooring field to where it needed to be to be optimal.
13. Both the NH Department of Environmental Services and Fish and Game indicated that the mooring field with one (1) additional mooring will not have any significant adverse impact.
14. The mooring field has support facilities available to property owners, the only users of the moorings.
15. Property owners access moorings by two available docks and one dingy dock. There are no boat slips or a swim line on the property. There is no swim raft on the property. The distance from shore to the furthest proposed mooring is 150 feet. The Petitioner's shore frontage is approximately 200 feet. The approximate size of the mooring field in square feet is 30,000 square feet. Sgt. Alie indicated that he is in favor of the site map as amended and that it does not have moorings placed too far from shore. Prior site diagrams had moorings that were going too far out from the shore, and therefore needed to be amended. The map that represents the final product for approval is adequate in

his view. Finally, the Marine Patrol will inspect the mooring field during the boating season of 2020 to ensure that the moorings are in their proper locations and take action if any is needed. No action is anticipated based on the thorough and thoughtful site map and plan that is part of the hearing record.

The information submitted was thoroughly considered within the Petition, along with the public commentary received.

CONCLUSION:

The Petitioner has presented sufficient proof to sustain the request for an additional mooring in accordance with RSA 270:67, RSA 270:68 and New Hampshire Code of Administrative Rules Saf-C 408 on the proposal.

Therefore, for the reasons as set forth I advise the Petition be **permitted** based upon the Findings of Fact listed (*supra*).

Respectfully submitted,



Christopher Casco, Administrator
Bureau of Hearings

Date: 5/13/20

RECOMMENDATION: NEW HAMPSHIRE GOVERNOR AND COUNCIL

The evidence **demonstrates** that the Petition is in the public interest fulfilling the purpose of law. There is sufficient proof that the Petitioner has met the burden of proof by a preponderance of the evidence showing cause that a "Congregate Mooring Field" be adopted pursuant to RSA 270:67, RSA 270:68 and Administrative Rule Saf-C 408.

Respectfully submitted,



Robert L. Quinn
Commissioner of Safety

Petitioner Designee, Stephen Hurst

Abutters as listed on site map

Town Clerk/Administrator, Walter
Johnson
Moultonborough, New Hampshire

CC: File

Colonel Nathan Noyes, Director
Division of State Police
Department of Safety

Mary Howe, Supervisor, Moorings
Program
Marine Patrol
Department of Safety

DEPARTMENT OF SAFETY
Division of State Police - Moorings
31 Dock Road
Gilford, NH 03249
Telephone: (603) 293-2037 Ext. 3
Fax: (603) 293-0096



41

MOORING APPLICATION NOTICE

TO: Fish & Game Department **DATE:** 10/25/2019
Director's Office
Glen Normandeau, Executive Director

FROM: Mary-Jo Howe, Supervisor – Moorings Program

SUBJ: Congregate Mooring Application

APPLICANT: Southerlee Shores Association, Moultonborough, NH

BODY OF WATER: Lake Winnepesaukee

Please respond no later than: 11/25/2019

Southerlee Shores Association is applying to add to their Congregate Mooring Field Permit. Currently they have 12 moorings. They are requesting an additional 1 mooring. Their total would be 13 moorings.

Pursuant to RSA 270:64, III, and RSA 270:64, I(c), the Division is seeking input from your Agency regarding this application.

Part of the approval process requires that the Division consider if the moorings "may present an unreasonable adverse effect on the environment, including, but not limited to water quality, wildlife habitats, or natural areas."

If you have any input specific to this, please submit your comments to this office no later than the respond date.

This Agency does not feel there is any significant impact as stipulated in RSA 270:64, I(c).

Attached please find this Agency's position regarding the impact of this application.

Signed by: MJL P. J. Director NH F&G 271-3511
Name Title Agency Phone

If we do not receive a response to this inquiry, we will conclude that there is no objection or concern.
Thank you for your consideration.

Mary-Jo Howe
NH Marine Patrol - Gilford
Supervisor, Moorings Program
Mary.Howe@dos.nh.gov

Enclosures: Application and Map

DEPARTMENT OF SAFETY
Division of State Police - Moorings
31 Dock Road
Gilford, NH 03249
Telephone: (603) 293-2037 ext. 3
Fax: (603) 293-0096



#2

MOORING APPLICATION NOTICE

TO: Department of Environmental Services **DATE:** 10/25/2019
Water Division
Rene Pelletier, Environmental Programs Administrator

FROM: Mary-Jo Howe, Supervisor – Moorings Program

SUBJECT: Congregate Mooring Application

APPLICANT: Southerlee Shores Association, Moultonborough, NH

BODY OF WATER: Lake Winnepesaukee

Please respond no later than: **11/25/2019**

Southerlee Shores Association is applying for a Congregate Mooring Field Permit of thirteen moorings. They have twelve approved moorings at this time and are requesting an additional one (1) mooring.

Pursuant to RSA 270:64, III, and RSA 270:64, I(c), the Division is seeking input from your Agency regarding this application. Part of the approval process requires that the Division consider if the moorings "may present an unreasonable adverse effect on the environment, including, but not limited to water quality, wildlife habitats, or natural areas."

If you have any input specific to this, please submit your comments to this office no later than the respond date.

This Agency does not feel there is any significant impact as stipulated in RSA 270:64, I(c).

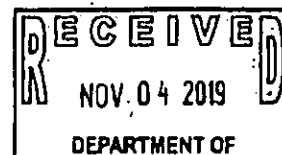
Attached please find this Agency's position regarding the impact of this application.

Signed by: Bene Pelletier Asst. Dir. NHDES 271-2951
Name Title Agency Phone

If we do not receive a response to this inquiry, we will conclude that there is no objection or concern. Thank you for your consideration.

Mary-Jo Howe
NH Marine Patrol - Gilford
Supervisor, Moorings Program
Mary.Howe@dos.nh.gov

Enclosures: Application and Map.





Colonel Christopher J. Wagner
Director

State of New Hampshire

DEPARTMENT OF SAFETY

Robert L. Quinn, Commissioner of Safety

Division of State Police

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



H 3

On October 25, 2019 a formal mooring application notice went to Department of Environmental Services, Fish and Game and Marine Patrol.

The notice advised the above agencies that Southerlee Shores Association was applying for an additional one mooring, for a total of 13 moorings.

Pursuant to RSA 270:64, III and RSA 270:64, I (c) Marine Patrol was seeking input from them. Part of the approval process requires that we consider if the moorings "may present an unreasonable adverse effect on the environment, including, but not limited to water quality, wildlife habitats, or natural areas."

I asked them if they had any input specific to this request to please submit their comments to me no later than 11/25/2019.

DES and Fish & Game responded back and advised that they do not feel there is any significant impact as stipulated in RSA 270:64, I (c).

Marine Patrol also responded to this request after doing a site visit and they agree that there is no significant impact.

Respectfully Submitted,

Mary-Jo Howe

Mary-Jo Howe
NH Moorings Supervisor



Colonel Christopher J. Wagner
Director

State of New Hampshire

DEPARTMENT OF SAFETY

Robert L. Quinn, Commissioner of Safety

Division of State Police

James H. Hayes Safety Building, 88 Hazen Drive, Concord, NH 03305



#4

December 26, 2019

To Whom It May Concern:

Upon the site inspection of Southerlee Shores Association in Moultonborough, New Hampshire; I found that the request to have 13 moorings be granted. Of the various diagrams submitted by Southerlee Shores Association, the one I am in favor of has the furthest most mooring being at 150 feet from shore. The other diagrams had the moorings going out too far from the shore. The concerns with a mooring going out too far, is that it could pose a navigational hazard to the boating public.

Should this application go into effect, the Department of Safety, Division of State Police-Marine Patrol will look to inspect the mooring field during the boating season of 2020. Should the moorings not be in the locations as displayed in the diagram, Marine Patrol will need to take actions to correct concerns. Marine Patrol has equipment to measure the distances from the shore and again these distance requirements must be met by the association.

Respectfully submitted,

Sgt. Seth Alie
NHSP-Marine Patrol