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State of New Hampshire FEB 23 '22 PM 3:18 RCVD



ROBERT L. QUINN
COMMISSIONER

DEPARTMENT OF SAFETY
JAMES H. HAYES BLDG. 33 HAZEN DR.
CONCORD, N.H. 03305
603-271-2791

RICHARD C. BAILEY, JR.
ASSISTANT COMMISSIONER

EDDIE EDWARDS
ASSISTANT COMMISSIONER

February 15, 2022

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

Boat Moorings- LAKE WINNIPESAUKEE- RECONFIGURE 14 MOORINGS

Requested Action:

To approve the permit application of Cedar Cove Association located on Lake Winnepesaukee in Alton, NH, as recommended by the Department of Safety, Division of State Police Marine Patrol to reconfigure a Congregate Mooring Field of fourteen (14) moorings under the authority of RSA 270:67. It is recommended that the application be approved to reconfigure fourteen (14) moorings.

Explanation

The petitioner has presented sufficient proof to sustain the request to reconfigure fourteen (14) 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 January 13, 2022.

Enclosed are the Application, Maps and Public Hearing Report with exhibits.

Respectfully submitted,

Robert L. Quinn

/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**

NEW HAMPSHIRE
DIV. OF STATE POLICE
OCT 28 2021
MARINE PATROL

Applicant's name: Cedar Cove Association

Shorefront property location: DeWitt Drive in Roberts Cove, Lake Winnepesaukee

Town/City: Alton Phone #: (330) 221-7237

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: Joseph Andersen

Mailing Address: 14 DeWitt Drive City: Alton State: NH Zip: 03809

Phone #: _____ Cell Phone #: (330) 221-7237 Email: joe.andersen1@gmail.com

The proposed mooring field is located on Lake: Winnepesaukee

The town/city tax lot number of the shore front property is: Alton Tax Map 18 Lot 29-55

Number of moorings requested: 14 Applicant's shore frontage in feet: 360 ft

The approximate area (size) of the mooring field in square feet: 90,000 sf (225'x400')

The distance from shore to the furthest proposed mooring in feet is: 480 ft

The number of docks at the property: 1 The number of boat slips: 4 Is there a swim line? Yes

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:

Moorings are reserved for homesites/lots without water frontage, this includes lots 1 and 25 through 54, to the extent there are moorings available, also see attached Mooring Regulations, which are part of the Cedar Cove Association covenants.

Please explain how the moorings will be distributed within the group: Moorings are assigned on a seniority basis as they become available, currently, all 14 moorings are assigned. There is a waiting list as the mooring become available. The mooring assignments run with the property owner, see the attached Mooring Regulation

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)).

Some of the moorings are currently owned by the Cedar Cove Association (CCA) and some are owned by the mooring holders, the charges for CCA owned moorings are \$400/yr plus the NH permit fee, the fee for mooring holder owned mooring is the \$50 plus the NH permit fee plus. See the attached Mooring Regulations.

Please explain how the mooring users will get to and from the mooring field: Moorings users provide their own access to their assigned mooring via canoe, raft, dingy, walking along the bottom or swimming. The CCA provides a storage area along the water frontage for crafts to be stored to access moorings.

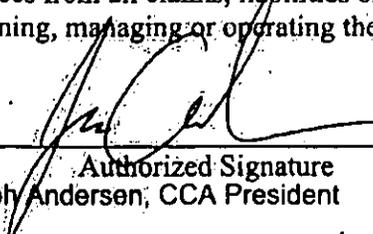
Please give an explanation of support facilities such as public or private restrooms and parking for automobiles and trailers:

The CCA provides a full bath house at the docking facility for CCA members only, which includes the mooring holders. The bath house has full restroom facilities. CCA has a paved parking area adjacent to the mooring field as well as a gravel roadway leading to the bath house facility for vehicle parking.

Please describe the mooring buoys, including the color, shape, size and material: Both CCA and privately owned mooring equipment will consist of a minimum diameter 12" white mooring ball with stainless steel hardware.

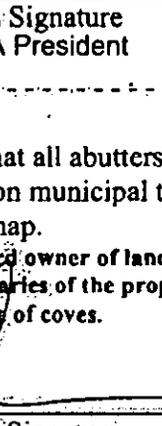
Please describe the mooring anchors, including the material used and the weight: Both CCA and privately owned mooring anchors will consist of 1,000 lb pancake type concrete anchors with stainless steel hardware. See the attached Mooring Regulations.

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:

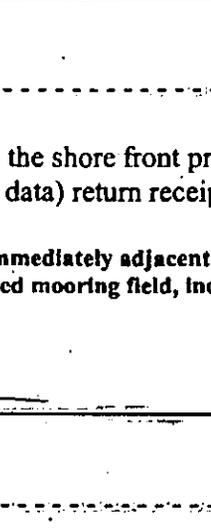

Authorized Signature
Joseph Andersen, CCA President

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
Joseph Andersen, CCA President

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
Joseph Andersen, CCA President

NEW HAMPSHIRE
DIV. OF STATE POLICE

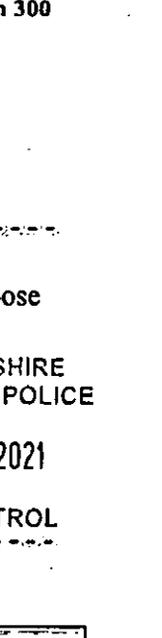
NOV 09 2021

MARINE PATROL

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: 
Joseph Andersen, CCA President

Date: October 15, 2021

MOORING TABLE		
Mooring Number	Distance from Shore (FT)	Depth ¹ of Water (FT)
M1	250	4.25
M2	330	6.0
M3	410	5.5
M4	485	7.5
M5	360	6.0
M6	250	4.0
M7	330	6.5
M8	415	5.75
M9	485	7.5
M10	170	6.5
M11	250	5.0
M12	350	7.0
M13	430	7.0
M14	485	8.25

¹ Water depths as of August 1, 2021

NOTE:
DIMENSIONS SHOWN
ARE BETWEEN MOORINGS

LIGHT #1 *

NO RAFTING

CONGREGATE MOORING FIELD
MOORINGS REQUESTED: 14
SHORE FRONTAGE: 360 FT

NEW HAMPSHIRE
DIV. OF STATE POLICE
OCT 28 2021
MARINE PATROL

MAP 18
LOT 29-12
124 DEWITT DRIVE
WILLIAM A LITTLE REVOCABLE TRUST

MAP 18
LOT 29-13
112 DEWITT DRIVE
MACISAAC DONALD A 1995 REV IND TRUST

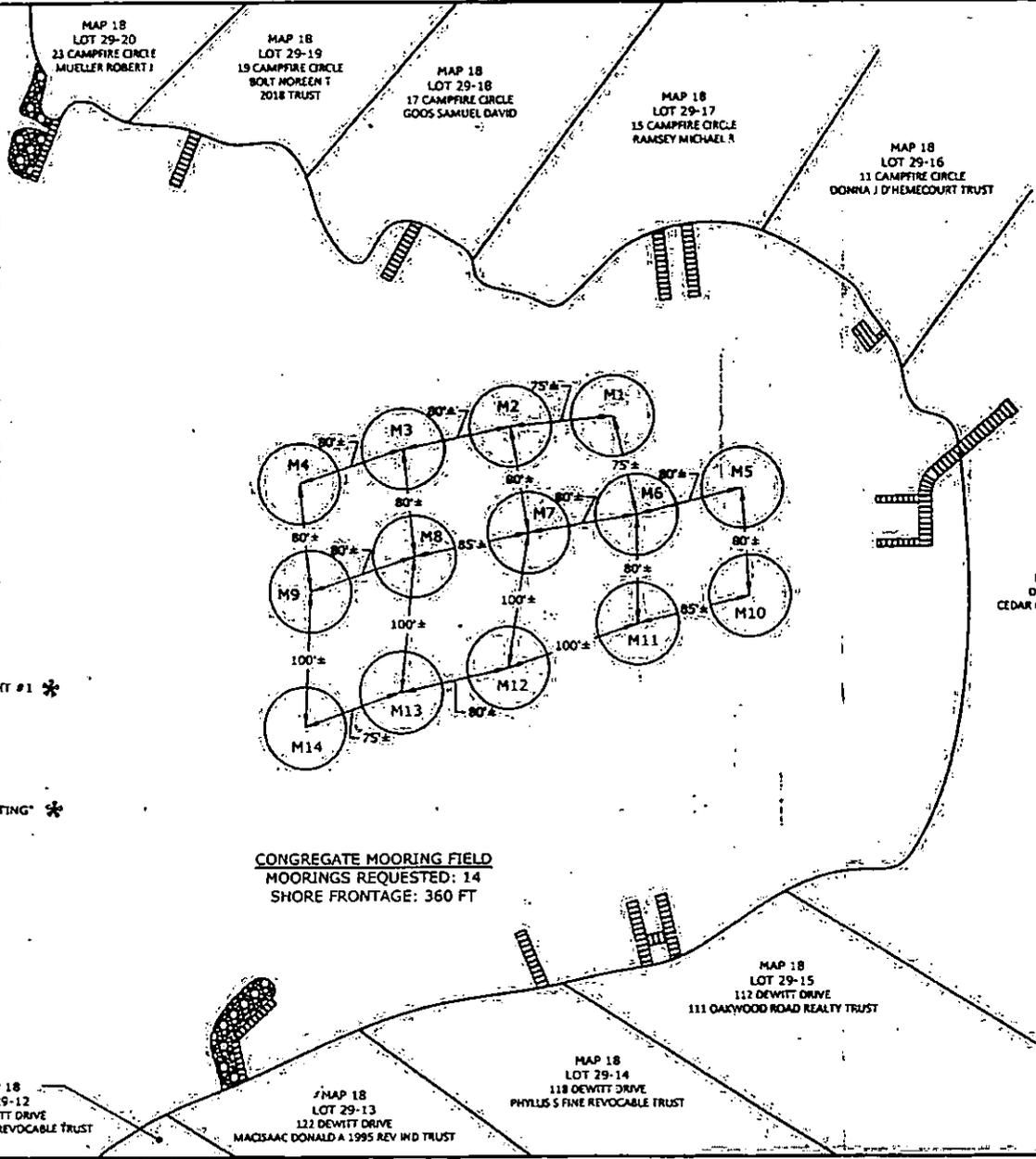
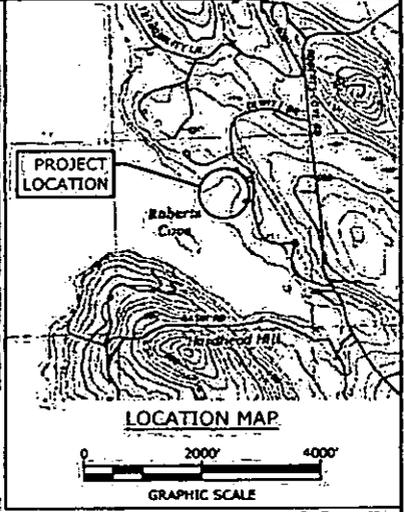
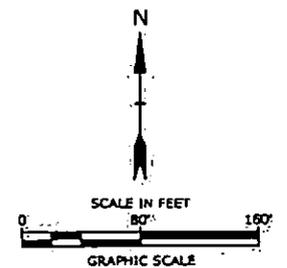
MAP 18
LOT 29-14
118 DEWITT DRIVE
PHYLLIS S FINE REVOCABLE TRUST

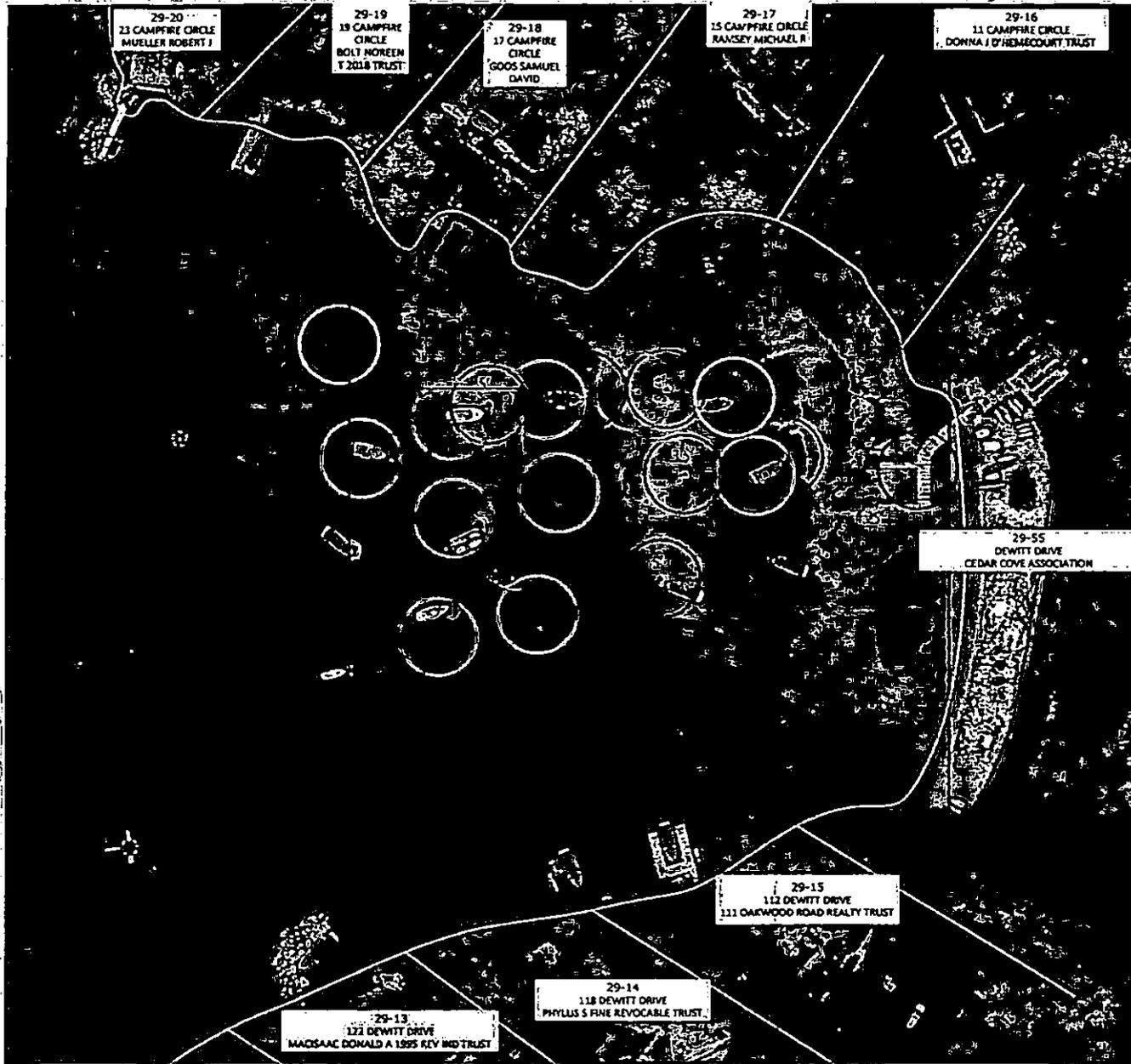
MAP 18
LOT 29-15
112 DEWITT DRIVE
111 OAKWOOD ROAD REALTY TRUST

MAP 18
LOT 29-55
DEWITT DRIVE
CEDAR COVE ASSOCIATION

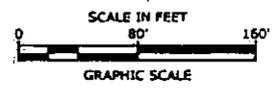
CEDAR COVE ASSOCIATION
DEWITT DRIVE
ALTON, NH 03809

CONTACT: JOSEPH ANDERSEN
(330) 221-7237
DATE: OCTOBER 15, 2021





NEW HAMPSHIRE
 DIV. OF STATE POLICE
 OCT 28 2021
 MARINE PIERCE





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

Petition in the Matter of

Cedar Cove Association Lake Winnepesaukee, Alton, N.H. Congregate Mooring Field

HISTORY:

The Department of Safety received a petition from Joseph Anderson which was prepared and submitted to reconfigure a congregate mooring field on behalf of Cedar Cove Association, hereafter Petitioner.

The Petitioner is requesting to reconfigure an existing congregate mooring field of 14 moorings. The petition, dated 10/15/21, provided all of the necessary information in order to conduct a public hearing to review the request.

The Petitioner verified before the hearing and signed the application to verify that he had sent certified mail notice to all abutters of the petition, which allowed the requested hearing to move forward.

Notification of the January 13, 2022 public hearing was published in a newspaper of statewide circulation on December 17, 2021; in addition, it was sent to the Town of Alton for posting. Finally, the Notice of Hearing and Application for a Congregate Mooring Field Permit were placed on the Department of Safety web site on December 14, 2021 in accordance with RSA 270:12, III.

Pursuant to RSA 541-A, a public hearing was held on Thursday, January 13, 2022 at 1:00 p.m. at the New Hampshire Department of Safety, 33 Hazen Drive, Concord, New Hampshire. The scope of the hearing was to allow for and consider public comment in accordance with RSA 270:62, VI, RSA 270:67, RSA 270:68 and New Hampshire Code of Administrative Rules, Saf-C 408 (et seq.) on the Petitioner's request.

Hearings Examiner Christopher Casco, Esq., Administrator of Hearings, as my designee, conducted the public hearing.

OPENING REMARKS:

Everyone present was informed of the following:

- the Notice of Hearing was summarized to the persons in attendance;
- the Petition and all supporting documents, including a map of the proposed mooring field, were available for review;
- the public hearing was recorded;
- the recording will be preserved for seventy-five (75) days along with an explanation of the procedure by which to receive a copy of the recording;
- their opportunity to sign the appropriate "sign-up sheet" to present comment on the petition;
- notification of the public hearing was published in The Union Leader on December 17, 2021 which is a newspaper of statewide circulation;
- any person in attendance could review the legal notice, along with the original petition and any other documents; and,
- the procedure and addresses for where to submit written comment that must be received by the Department of Safety within ten (10) calendar days following the hearing.

STATISTICS:

- On January 13, 2022, (1) person spoke at the public commentary hearing. Within the ten days following, no public comment was received. No one spoke against the petition. On Monday, January 24, 2022, at the end of the business day, the hearing was closed to public comment. The department did not receive written public comment.

EXHIBITS:

1. Notice to Department of Environmental Services (DES)
2. Notice to NH Fish & Game Department & email from Garrett Graaskamp
3. Report of Captain Timothy Dunleavy

OFFICIAL NOTICE:

- The petition for hearing, application and attached exhibits dated October 15, 2021, and received by the Marine Patrol on or about October 28, 2021 requesting to reconfigure an existing mooring field of 14 moorings. The attached and updated diagram of the area depicting the proposed reconfigured moorings and their locations;
- the Division of State Police, Marine Patrol Unit, Mooring Program Supervisor Mary-Jo Howe's submission of documents on behalf of Marine Patrol;
- notification of the January 13, 2022 hearing to the public was published in a newspaper of statewide circulation on December 17, 2021; in addition, it was sent by email to the Town of Alton for posting. The Notice of Hearing was placed on the Department of Safety web site in accordance with RSA 270:12, III; and,

- public commentary received in written or electronic form before the end of public comment at the end of the business day on Monday, January 24, 2022, although the department received no public comment; and the testimony received at the hearing. The mailing and email addresses were provided to the public.

SYNOPSIS OF TESTIMONY:

Mary-Jo Howe testified on behalf of the Marine Patrol. She sent notifications to the DES and Fish and Game to determine whether either agency had an objection to the reconfigured mooring field. Both agencies responded that the moorings would not have any significant impact under RSA 270:64-I(c). Furthermore, Captain Timothy Dunleavy of the Marine Patrol provided written, expert opinion that the reconfigured congregate mooring field will not have an adverse impact on navigation or the use of the waters by other members of the public in Cedar Cove.

Dana Huff testified representing Petitioner. They are requesting to reconfigure 14 moorings in a congregate mooring field. They are moving some of the 14 existing moorings within the congregate mooring field. In addition, they are transitioning from private ownership of the moorings to association ownership of the moorings. They presented a map depicting in black the existing moorings with the proposed new sites colored in red.

SYNOPSIS OF COMMENTARY: RECEIVED PRIOR TO OR AFTER THE HEARING

No public comment was received.

LEGAL ANALYSIS:

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

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.
- I. 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.
- II. 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 270:64 Moorings Prohibited.

- I. No mooring shall be located:
 - (a) In such a manner that it constitutes a hazard to the public safety because it interferes with or impedes, or could potentially interfere with or impede, navigation; or
 - (b) In such proximity to other moorings as to constitute a hazard to public safety; or
 - (c) In such a manner that it presents an unreasonable adverse effect on the environment, including but not limited to water quality, wildlife habitats, or natural areas; or
 - (d) In such a manner that it unreasonably interferes with other recreational uses of the water and adjacent land.
- II. The director shall develop rules to carry out the purposes of this subdivision pursuant to RSA 270:71 and RSA 541-A.
- III. The director shall consult with the fish and game department, the department of environmental services, or the office of energy and planning to assist in the assessment required under subparagraph I(c).

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

- I. Public Mooring Fields.
 - (a) The division of state police 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 state police shall recommend each location size and the configuration of each public mooring field. Further, it shall be determined by the division of state police 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 state police. The division of state police 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 state police may identify suitable locations for congregate mooring fields. In determining said locations the division of state police shall recommend each location size and the configuration of each congregate mooring field. Further, it shall be determined by the division of state police 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 state police. The division of state police 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.¹
- (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 state police who shall submit an annual report to the governor and council and the general court on all congregate mooring fields.

¹ See also RSA 270:62-V, which provides for a \$50 annual mooring fee for the decal for each mooring in a congregate mooring field.

III. 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.

270:68 Mooring Areas; Designation

- I. The division shall determine the need and suitable locations, size, and configuration for mooring areas. The director shall designate appropriate mooring areas and assign mooring sites within such designated areas to individuals who meet all other requirements of this subdivision and can demonstrate a need for a site in such area. All designated mooring areas shall be consistent with any existing master plans, zoning ordinances, wetlands conservation district ordinances, and capital improvements programs of the adjacent municipality.
- II. Any mooring which does not comply with the specifications of this section may be subject to removal at the owner's expense.

Selected Administrative Rules

- 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 401.16** "Mooring field" as defined in RSA 270:59, VII includes congregate and public mooring fields.
- Saf-C 408.05** Mooring Permit Application.
- Saf-C 408.07** Congregate Mooring Permit Application.

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 delineates designation of locations and other specific criteria to consider.

LEGAL ANALYSIS & DISCUSSION:

The number of people in attendance at the hearing and the numbers of persons recorded for or against the proposed petition is given weight in determining findings; however, greater significance is given to the specific information submitted for review by testimony and the information within the petition. The Petitioner is asking to reconfigure an existing congregate mooring field. The map proves that the new mooring field will not impede navigation, or otherwise cause any negative public impact on the boating public, and the comments received from DES, Fish and Game, and Captain Dunleavy further support that conclusion. In addition, moving some of the moorings will keep the field within the previously approved area, and will not result in any moorings being closer to abutting property.

In my evaluation, there was appropriate information in the application supplied by the petitioner on the topics specifically required under statute and rule when applying to alter a mooring field. The abutters and the public were notified in accordance with RSA 270:12. After the hearing and the ten days following, once all public commentary was received, I carefully weighed the request within the petition, all of the public commentary along with the Marine Patrol investigation in my determination of facts to consider. The hearing record included an investigative report from Marine Patrol Captain Timothy Dunleavy that indicated that the reconfigured mooring field presents no hazard to the boating public. He wrote, "Based upon the proposed new location of the congregate mooring field, it is Marine Patrol's opinion that there are no adverse impacts on navigation or the use of the waters by other members of the public." Exhibit 3.

Furthermore, by reconfiguring the congregate mooring field, the petitioner will accomplish three compelling objectives. First, several of the moorings have shifted and are not in the originally approved locations. By redoing them, the field will be in better alignment. Next, the repositioned moorings will provide better boat access to the docks by creating a clearer path from the lake to the docks. Third, several of the moorings are in shallow water or are closer to other objects or moored boats than is desirable. Shifting the location of some of them will give all moorings sufficiently deep water and better clearance.

Finally, no one testified or submitted public comment against the petition. This suggests that reconfiguring this mooring field is well supported by the record evidence, and presents no negative public impact.

After carefully considering the exhibits, testimony and public comment presented, Findings of Fact are issued (*Infra*).

FINDINGS OF FACT:

1. Pursuant to RSA 270:67, Cedar Cove Association requested the Department of Safety to conduct a public hearing seeking to reconfigure a congregate mooring field of 14 moorings.
2. Official notification to the public of the January 13, 2022 hearing was published in a newspaper of statewide circulation, the N.H. Union Leader on December 17, 2021. In addition, notice of the hearing was sent to the Town of Alton. Finally, the Notice of Hearing was placed on the Department of Safety web site in accordance with RSA 270:12, III on or about December 14, 2021, and it remained on the web until after the comment period closed.
3. A public hearing was scheduled on Thursday, January 13, 2022 at 1:00 PM on the issues and conducted pursuant to RSA 541; RSA 270:67; RSA 270:68; and Administrative Rule, Saf-C 408, at the Department of Safety, 33 Hazen Drive, Concord, New Hampshire.

4. The Petitioner seeks approval to reconfigure an existing mooring field on Lake Winnepesaukee, located in the Town of Alton, of 14 moorings in a congregate mooring field. The described area, shown on a diagram submitted by the Petitioner, encompasses the shorefront property on Shorefront Drive and depicted in the diagram included with the petition, Alton Tax Map 18 Lots 29 through 55.
5. The condominium association owns 360 feet of shorefront property and the moorings are in front of that property.
6. The diagram provides satisfactory placement and distances referenced within the Petitioner's application, testimony at the public hearing, and submitted plan.
7. The approximate size of the mooring field is 90,000 square feet.
8. The Department of Safety, Division of State Police, Field Operations Bureau, Marine Patrol Unit enforces the statutes and rules governing Lake Winnepesaukee in Alton, New Hampshire and navigational laws are enforced through that agency.
9. Based on the evidence presented, it is appropriate to reconfigure the existing mooring field of 14 moorings.
10. Captain Timothy Dunleavy of the Marine Patrol met with members of Cedar Cove Association and determined that the proposed reconfigured mooring field will not have any adverse impacts on navigation or impede the use of the water by the public. His report provides strong support for the approval of the petition.
11. There are adequate support facilities for this mooring field.
12. Each mooring holder is a condominium owner. The moorings are awarded based on seniority and there is a waiting list because all 14 moorings are assigned.
13. The property has a bathhouse on site with full restroom facilities.
14. The mooring field is accessible by public roads.
15. One dock and four boat slips are available on the property.
16. The association provides a storage area along the waterfront for small boats.
17. The moorings are accessible by use of canoe, raft, dingy and by swimming or walking to the mooring.
18. There are parking spaces on the property to support the mooring field.
19. There is no water taxi service but such is unnecessary because mooring holders use other small vessels to access their moorings.

20. There are no sanitary waste disposal facilities, public restrooms or boat-holding tank pumping out facilities but there is a full restroom in the bathhouse on the property.
21. There is no environmental impact as is evidenced by the position of the Department of Environmental Services that the plan does not present any significant impact as defined in RSA 270:64, I(c) in that it does not present an unreasonable adverse effect on the environment including water quality, wildlife habitats, or natural areas. Moreover, Fish and Game indicated no adverse environmental impact.

DISCUSSION - DISPOSITION:

The submitted information has been thoroughly taken into account within the Petitioner's application and testimony, along with an opportunity to provide public comment. I recommend supporting the Petition based upon the Findings of Fact listed (*Supra*) and that you reach the following Conclusion of Law.

CONCLUSION OF LAW:

The Petitioner has presented sufficient proof to sustain the request to reconfigure 14 moorings in a Congregate Mooring Field in concurrence with RSA 270:67, RSA 270:68 and New Hampshire Code of Administrative Rules, Saf-C 408.

RECOMMENDATION: New Hampshire Governor and Council

I respectfully recommend this Petition submitted by Cedar Cove Association **be granted**. 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 by a preponderance of the evidence, therefore showing cause to reconfigure 14 moorings in a Congregate Mooring Field, be allowed pursuant to RSA 270:67, RSA 270:68 and Administrative Rule, Saf-C 408.

Very truly yours,



Robert L. Quinn, Commissioner
Department of Safety

Date: 02-10-2022

cc: Dana Huff, Petitioner's representative

Town of Alton

Colonel Nathan Noyes,
Division of State Police

Captain Timothy Dunleavy
Division of State Police
Marine Patrol Unit

Mary-Jo Howe, Moorings Supervisor

File

DEPARTMENT OF SAFETY

Division of State Police - Moorings

31 Dock Road

Gilford, NH 03249

Telephone: (603) 293-2037 Ext. 3

Fax: (603) 293-0096



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MOORING APPLICATION NOTICE

TO: Fish & Game Department **DATE:** 11/05/2021
Director's Office
Scott Mason, Executive Director

FROM: Mary-Jo Howe, Coordinator – Moorings Program

SUBJ: Congregate Mooring Application

APPLICANT: Cedar Cove Association, Alton, NH

BODY OF WATER: Lake Winnepesaukee

Please respond no later than: **December 6, 2021**

Cedar Cove Association is re-applying for a Congregate Mooring Field Permit. Currently they have 14 moorings and they are requesting a change in their mooring layout. The total moorings will remain at 14.

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:

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

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Howe, Mary

From: Graaskamp, Garret
Sent: Wednesday, December 1, 2021 9:10 AM
To: Howe, Mary
Subject: Cedar Cove Assoc.- Alton/Roberts Cove- Mooring Application

Mary-Jo Howe
Supervisor, Moorings Program
NH Marine Patrol – Gilford

Good Morning Mary-Jo:

The subject mooring site is not near any boat ramps managed by the NH Fish and Game Department so we have no concerns in that context.

Please send all future mooring applications that require comment by NHFG directly to me. Thank you:

Sincerely,

Garret Graaskamp, P.G.
Coordinator
Statewide Public Boat Access Program
NH Fish and Game Department
11 Hazen Drive, Concord, NH 03301
Direct: 603-271-1748
Garret.Graaskamp@wildlife.nh.gov
NH Fish and Game.....connecting you to life outdoors
www.wildnh.com
www.facebook.com/nhfishandgame

Did you know? New Hampshire Fish and Game manages 135 free public boat access sites to NH's 930 lakes and Great Ponds, 12,000 miles of rivers and 13 miles of coastline and of the 9,349 square miles within the state boundary of New Hampshire, 397 square miles (4.2%) are covered by water.



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



Colonel Nathan A. Noyes
Director

In August 2021, Cedar Cove Association met with Marine Patrol to discuss the possibility of rearranging their current congregate mooring field. The members of the Committee have taken considerable time to ensure that the placement of the moorings will not impact the cove or the area residents.

Based upon the proposed new location of the congregate mooring field, it is Marine Patrol's opinion that there are no adverse impacts on navigation or the use of the waters by other members of the public.

Respectfully,

Captain Timothy C. Dunleavy
Marine Patrol