



STATE OF NEW HAMPSHIRE
DEPARTMENT of NATURAL and CULTURAL RESOURCES
DIVISION of PARKS and RECREATION
172 Pembroke Road Concord, New Hampshire 03301
Phone: (603) 271-3556 Fax: (603) 271-3553
Web: www.nhstateparks.org

February 12, 2019

The Honorable Cathryn Harvey
and the Fish and Game and Marine Resources Committee
Legislative Office Building, Room 307
Concord, NH 03301

RE: HB 276 permitting swimming at a fish and game department cartop boat launch access area.

Dear Chair Harvey and Members of the Committee,

Please accept this testimony on behalf of the Department of Natural and Cultural Resources, Division of Parks and Recreation regarding HB 276 permitting swimming at a fish and game department cartop boat launch access area. The agency currently does not have any position on this legislation as we understand it would only affect NH Fish and Game boat access areas and would not affect lands under the jurisdiction of the Department of Natural and Cultural Resources (i.e. state reservations, RSA 227-G:2). And many, if not all, of the lakes where we provide boat launches permit motorized boats.

Public boat access areas are defined in statute as follows (RSA CHAPTER 233-A ACCESS TO PUBLIC WATERS):

233-A:1 Definitions. –

IV. "Public boat access area" means an area adjacent to a public body of water which is owned or controlled by the state, accessible to the public, and has been designated by the fish and game department as a boat launching area under the statewide public boat access program.


If the intent of this bill is to apply to DNCR state reservations, we would be concerned that:

- The bill not be contrary to the requirements in our administrative rules for swimmers to swim within swim lines in our state parks;
- Where we have lifeguards, swimming that may occur outside the swim lines would not draw the attention of our lifeguards away from the park beach visitors for whom we have a higher duty of care; and
- The bill does not imply that people can enter our fee day use areas for free.

If there were concerns about how we are managing non-motorized boat access, we would like the opportunity to address those concerns in our administrative rules.

Thank you for the opportunity to testify on HB 276. Please let me know if I can answer questions or provide any additional information.

Sincerely,


Philip A. Bryce, Director
Cc: Sarah L. Stewart, Commissioner