

97 Stocker Pond Road
PO Box 486
Grantham, NH 03753
June 27, 1999

Dear Stocker Pond Neighbor,

As you are probably aware, the issue of gasoline-powered boats will be one of the topics to be discussed at our July 3rd annual property owner's association meeting at the Woolson's home at 9 am. As I understand it, Bob Schwartz and I will each have five minutes to present our respective views of this issue. This is fair. Everyone attending the meeting should have a chance to speak. None of us wants our meeting to go into the afternoon.

I've spent many hours researching the proposed gasoline-powered boat banning and have prepared the enclosed report. Obviously, in my five minute presentation, I won't have time to go into the details. Whether you plan to attend, or find that you cannot be present, please take the time this week to read this report, which hopefully you will find informative. It should help you understand better some of the issues that are being discussed among you and your friends and in the community.

Most of us do not understand the difference between the protocols mandated by the state regarding boat banning and boat restricting. Please read this section carefully.

Please make every attempt to make this very important meeting. If you cannot attend, I urge you to fill out a proxy and return it with your five dollar dues to David Szczesiul BEFORE the Saturday meeting. You may make a statement on the bottom of the proxy or write a separate letter. These will be read aloud at the meeting so that others will know how YOU feel about this issue. Please do keep any letter as brief as possible so that we may adjourn before lunch.

Both Alan and I hope to see you July 3rd at the meeting.

Please don't hesitate to contact Pat Woolson, our president, or David Szczesiul, our Secreatry/Treasurer, or myself, if you have any questions. I may be reached at 863-2031 or by e-mail at b.eckbreth@worldnet.att.net.

Sincerely yours,

Barbara

Barbara Eckbreth

**Considerations regarding the Proposed Banning of
All Gasoline-Powered Boats on Stocker Pond**

**Barbara Hocking Eckbreth
Property Owner's Association of Stocker Pond Annual Meeting
July 3, 1999**

Introduction

According to a 1996 annual report from the New Hampshire Department of Environmental Services, there is no hotter lake issue than discussion of proposed limits on boating activities on New Hampshire waterways. When I learned that certain residents of Stocker Pond would be promoting the banning of all gasoline powered boats on Stocker Pond at the July 3, 1999 annual meeting of the property owner's association, I undertook the task of researching the issue and writing this report. My family has a serious interest in the outcome of that proposal since we have had a boathouse and powerboat on the pond for seventeen years.

I felt that many aspects of the possible banning situation needed to be addressed and the information subsequently distributed to the 35 families, plus Cote and Reney Lumber Co., who own waterfront on the pond or have deeded access to it. What do the state officials who monitor our lakes say about the environment here at Stocker Pond? What do the previous water quality testing reports show us? What are the real environmental issues of our pond? How would the real estate value of my property in particular, (and possibly that of others) be affected? What would be the difficulties associated with attempting to ban gas powered boats on our lake? What do the local residents who have been here for generations feel about this issue, because it does affect them, and how might they react? Let us consider these points.

Stocker Pond Water Quality

I spoke recently with Jody Connor, Chief Limnologist for the state of New Hampshire, and I asked him whether he still supported his statements made in that aforementioned 1996 report. Mr. Connor said yes. This is an excerpt from his report:

"We love living around lakes and playing on and in the water," states Mr. Connor, " but much of what we do is damaging to those lakes. **Septic systems are THE major problem.** It doesn't matter whether septic systems are old or are new," (constructed in the 1930s or as late as 1997 which is the situation around Stocker Pond), " eventually the phosphorus from those septic systems will get into the lake. While septic systems are designed to deal with bacteria, phosphorus passes right through them, into the ground, and eventually into the lakes and rivers. Two thirds of the phosphorus in septic systems comes from soaps and detergents used around the home. **Phosphorus is THE major contributor to the aging of our waterways.**"

" In addition, soil erosion takes phosphorus from leaves, pine needles and sand and other material and carries it into the lakes and rivers. Heavy rain will load phosphorus into lakes."

When I asked Mr. Connor about the environs at Stocker Pond and the pine forest and sand which borders it, he agreed that we have a natural situation for lake aging which restricting boats will not solve.

I discussed with Mr. Connor the boating situation as I saw it on Stocker Pond. During the months of April through October (six months), there is minimal boating activity on the pond. I've never seen more than two speedboats out at the same time **and this situation is rare**, and, local residents or fisherman are seen infrequently. There are many weekdays during the summer when there is virtually no boat activity on the pond.

Both Jack Heinlein and my family own the two "resident" speedboats used for water skiing on the pond. Each of us uses these boats no more than fourteen days in a 365 day year. Mr. Connor then stated to me that if there are only two or three speed boats (50-75 H.P.) now and then and an

occasional small gas powered boat on the pond, (and I quote him) **“ that it would be hard to make the case that gas-powered boating makes significant environmental damage to Stocker Pond.”**

Let's look at the evidence. Stocker Pond has had its lake water tested for more than fifteen years.

July 12, 1983. Data available from water quality testing. No observations and recommendations were contained in the report.

1988-1995: In an “Observations and recommendations “section of the water quality report for 1995: **“Overall (Stocker Pond) has maintained its quality since 1988. This is a positive sign.”**

1996: From the July 6, 1996 annual meeting minutes of the Stocker Pond Association: Thain Allan President, Fred Parsons Secretary: **“ Basically the pond was again found to be in good condition since the last testing a year ago, all items were positive, the indications are the pond is very stable, and we should be all encouraged with this report”**

1997: From the state's water quality testing report:” **Stocker Pond shows a stable trend in phosphorus.** The only negative aspects of this report indicated that (1) conductivity appears to be slowly on the increase, potentially indicating impacts from the local road maintenance and (2) beavers could have caused mild elevation in bacteria concentrations.”

1998: From the state's water quality testing report: “Chlorophyll-a levels in the lake appear to be slightly improving, indicating a decrease in algae concentrations. Despite heavy June rains, there was a stabilizing trend in transparency. **There is a stable trend in phosphorus in this lake.”**

Comments: Overall the reports generated by the state have indicated that Stocker Pond is doing well in regards to its water quality. Any negative aspects of these reports are caused by nature and its inhabitants, or by necessary road maintenance. **There is no evidence to support the position that gas powered boats on Stocker Pond are measurably damaging our watershed.**

What are the real environmental issues surrounding Stocker Pond?

The real environmental issues surrounding Stocker Pond include the following:

1. **Septic systems.** These are not going away, nor are the families who use them. Jody Connor, the state expert, says septic systems are THE biggest environmental issue for us. The state of New Hampshire now has guidelines for septic system construction which will help protect the watershed but will not stop the natural damage done by the phosphorus that septic, be they new or old, produce.

2. **The iron and manganese run off.** Since the blasting and construction of I 89, rainwater continually washes iron and manganese from the rock formations down into our watershed. So says John Cotton, hydrogeologist for the state. Mr. Cotton (603-271-2925) is very knowledgeable about Stocker Pond since he did the maps for this area, including the land upon which the town transfer station sits. Already at least two families have reported finding higher than desirable elevations of these two elements in their drinking water. Fortunately, subsequent testing showed that these elements were not a permanent problem.

3. **The pine trees and sand.** These naturally occurring elements in nature border Stocker Pond. They will always be here and are an aging component of our watershed. Heavy rains will continually wash phosphorus from these elements into our water. There is little we can do here either, other than follow the Shoreline Protection Guidelines established by the state for protecting our watershed.

4. **The beavers.** These beautiful creatures of nature continue to build their lodges at the outlets and inlets of Stocker Pond, and, continue to contribute fecal bacteria to our watershed. This situation can be partially controlled by our "beaver patrols" and the state game wardens.

5. **The activities of our neighbors to our south.** Reports have been made that livestock is being raised by two families to the south of Stocker Pond and that the livestock pens are extremely close to the wetlands which feed into our pond. We need to monitor this situation closely, and, if we find evidence that our water is being contaminated in any way by these residents, to contact the appropriate health official.

Property Value Impact

How would my property value (and possibly that of others) be impacted by the banning of gas powered boats on Stocker Pond? I contacted five area realtors at random, Ed MacNeill, John Chiarella, Art Zerbel, Mary Hutchins, and John Howard, and asked them what they thought banning gaspowered boats on Stocker Pond would do to real estate values here. Chiarella and Zerbel specialize in the sale of waterfront properties. All five of them agreed that **when prospective buyers are choosing a water front property to purchase, the majority of them have the intention of using that water for boating purposes.** Yes, there will be those that will wish to purchase waterfront property just to enjoy the natural habitat, but those individuals are in the minority. Yes, lakefront will always sell at some price, but, if prospective lakefront property buyers have more than one lake front parcel from which to choose, the majority of them will give less favor to the one that would limit their boating capabilities.

Mr. Howard stated to me that only about 20-25 per cent of all prospective buyers are interested in a waterway which offers only non- motorized boating. The other 75-80 percent desire properties that offer broader boating choices.

When I asked Mrs. Hutchins specifically about my boathouse and the possible loss of its use in its intended capacity, she stated, and I quote, "Having a boathouse and not being able to use it would be a deterrent to the property's resale value. It takes away a certain amenity and thus its intrinsic value."

Mr. Robert Hill, a respected area appraiser, agrees with Mrs. Hutchins. Mr. Hill could not give me numbers to quote because he said it would be very time consuming (and expensive) to do the research to find a property similar to mine with which to compare. He agrees that the intrinsic value of my boathouse would be lost if gas powered boats are banned on Stocker Pond.

Boat banning versus boat restricting in the state of New Hampshire

It is important to understand that the process for boat banning and the process for boat restricting on water in the state of New Hampshire are different. **In order to RESTRICT boating, twenty-five adults must sign a petition and attest to there being safety issues on their waterway.** This petition is sent to New Hampshire's Department of Safety and a hearing is scheduled. This hearing by law must be held between the months of June and September, according to Thomas McCabe, the marine department bureau chief. Padding petitions with names is frowned upon and becomes blatantly obvious at these hearings, because it's been tried before, he says. At the hearing anyone with knowledge of the matter may testify. After the hearing a recommendation **may** be made to the state for action, or, the department can decide that the petition is frivolous and refuse to act. Just as with boat banning, there must be a justifiable reason to go forward.

Since the proposal at this meeting is to **ban ALL** gaspowered boats on Stocker Pond, let us consider the banning process.

The process for BANNING boats on New Hampshire lakes that are greater than 35 acres

The state of New Hampshire does not have a law which enables boat banning. **In fact, if the body of water is greater than 35 acres, only a bill sent through the state's House of Representatives would be effective in legally ending gaspowered boat activity on any given waterway.** The process for banning watercraft on waterways is not an easy process. So says Captain Thomas J. McCabe, Marine Patrol Bureau Chief of the state's Department of Safety. Considerable time, effort and expense goes into this process.

The reason for wanting the banning has to be a sound one and have solid backing by the people it affects. Getting the approval of the state's House of Representatives, some 400 plus strong, is no 'slam dunk'. Tourism, according to McCabe, is the number one industry in the state of New Hampshire and the politicians know that giving outsiders reason to not come here is not prudent. It is reasonable to believe that anyone trying to ban boats on waterways for any reason would have to make a very strong case against the boating activity in order for the banning to take place.

Attorney Jim Bianco of Bianco Professional Associates in Concord (603-225-7170) is a lobbyist for the thousands of boaters in the state of New Hampshire and has had considerable experience dealing with the state legislature and its bill process. Mr. Bianco states, and I quote, "Committees that hear complaints on waterway issues are reluctant to ban anything in the "Live Free or Die" state of New Hampshire. I've seen the legislature tell homeowner associations to go "jump in the lake." **The New Hampshire Supreme Court has repeatedly made it clear that the people of New Hampshire own the lakes in this state and people who were born here don't look kindly at people who come from other states and attempt to ban locals from the water."**

Yes, according to the New Hampshire Department of Safety, there are approximately fifty lakes in this state which ban gas powered boats on them, but they are fifty acres or less in size, and some are public water supplies. **Stocker Pond is officially 76 acres according to New Hampshire's Official List of Public Waters and is not a public water supply.**

There is a story behind every New Hampshire waterway that has boating banned or restricted on it. The situation for each waterway is different and thus must be evaluated on an individual basis.

Representative Leone e-mailed me that he was involved with the continued banning of boats on Ledge Pond because there was a public water supply issue involved. Ledge Pond had been a water supply for Georges Mills. When the town voted to drill an artesian well in Georges Mills in order to meet the Federal Clean Water Act, rather than put a filtration plant in Ledge Pond, the boat ban could have been removed. However, the majority of Ledge Pond residents desired that the waterway remain restricted because of health issues and the fact that it might be needed again someday as a water supply. Ledge Pond is also very small for boating, only 14.8 acres and has five small islands on which loons nest. Therefore the boat banning on Ledge Pond was a reasonable move.

When there are various issues regarding the use of a pond, and compromises are prudent, agreements can be reached which benefit the majority of the pond's users.

Individuals on Spectacle Pond in Groton, for example, banded together to try to ban gas powered boats on their pond. The resulting action was a compromise, permitting certain families to continue the use of their gaspowered boats.

Rocky Bound Pond in Croyden is another example. It is only 64.6 acres in size and has many small camps/cottages and many boats, both large engine and small. According to their association president, Claire Foulsham (603-863-7966), in order to accommodate as many property owners on that pond as possible, the people there decided to limit speedboat activity to two hours in the am and two hours in the pm. Access for boaters from outside that pond is very difficult so their restrictions only affect the people there. People who rent their cottages post signs announcing the boating hours so that their restrictions are followed by all. Mrs. Foulsham says that the boat management of their pond has been successful. Despite the continuation of powered boating activity, their yearly water quality testing has shown an improvement.

The problems with this scenario are as one might suspect. Too many powerboats on the water at one time creates more noise and more of a safety hazard than if these same boats used the water at various times. Yes, we could attempt to manage our pond in a similar manner, but who would be responsible for "policing" the situation?

Local Resident Reaction and Rights

What do the local residents who have been here for generations feel about this issue, because it does affect them, and how might they react? Since the word about the possible banning of gaspowered boats on Stocker Pond was received by local Grantham boaters, I can tell you that they are not happy with us. That fact that some of us 'flatlanders' would attempt to take away their privilege to fish/boat on Stocker Pond makes many of them angry. Should those of us who have bought up the prime lake front property on the pond tell those that have lived here for generations that they can't boat on Stocker any more?

"I can tell you what happened on Eastman Lake years ago," says 'town father' Bill Hutchins. "The local fish and gun clubs heard about the Eastman people trying to ban gaspowered boats on the water that their great- great-grandfathers had fished and there was an uproar, he says. The club organizers actually threatened to call every boat owner out in the area to protest the action. Today, local residents who have gaspowered boats can still enjoy the fishing on Eastman Lake."

"Everyone who wants to use Stocker Pond should have that right," he stated, "unless there is very strong reason to alter the pond's use."

Before this meeting I was approached by two local residents who have heard about our discussion regarding the possible banning of all gaspowered boats on our pond and I can tell you that they are upset. They are ready to call all the local fishermen to take action to show the strong pro-boating support in this community. They see this proposed banning as taking away one more of their rights and they will fight it.

Conclusions

Septic systems, be they new or old, are THE major contributor of phosphorus which is THE major element for aging of any waterway. So says Jody Connor, chief limnologist for the state of New Hampshire.

The state water quality testing reports that have been generated the last fifteen years show that Stocker Pond is a stable pond.

The boat "traffic" on Stocker Pond is minimal. There are only two 'resident' speedboats that are used fourteen days or less each year, and an occasional small gasoline powered fishing boat.

There is no conclusive evidence that gas powered boats are doing measurable environmental damage to Stocker Pond. So says Jody Connor whom we all respect.

Our pond will continue to age because we have naturally aging elements here that we can't control. Just as our own bodies will age and die, so will Stocker Pond. Banning the few gaspowered boats that use Stocker Pond won't significantly change this.

During the seventeen years my family and I have been here, Stocker Pond has been accident free, because the resident boaters, be they partial to a canoe or sailboat, or taking their children water skiing, practice safe boating skills, and know how to share the pond.

The opposition says that "speeding boats may kill fish and other wild life." The only fish I know of that may have been killed in Stocker Pond are the six pounders the local fishermen tell me they catch. And sometimes those are thrown back, according to the last fisherman to whom I spoke!

We occasionally see a loon or two and other beautiful birds of nature, but, to my knowledge, they do not nest here. It is always delightful when these fowl choose to make an appearance on Stocker Pond, and they are always treated with respect. Those of us who are out on the water at the time of the appearance will tell others boaters to move away from the fowl and people **always** comply.

My property, in particular, may well lose some of its value with boat banning in place. Other properties that are lakefront may become less desirable for resale if boating is limited. Five area realtors, picked at random, all agree that this is true. One realtor remarked that it is his opinion that only 20-25% of all prospective buyers for waterfront would be interested in a pond with non-motorized boating.

The whole boat banning process will not be an easy one and will take much time, effort and expense; i.e. hard earned taxpayer dollars which could be used constructively elsewhere will be wasted.

Local pro-boaters intend to fight those who will take away their right to use their gaspowered boats on Stocker Pond.

This is an issue that will pit neighbor against neighbor and may inevitably sour the relationships in our neighborhood for years to come.

Those of us who live on Stocker Pond have been responsible stewards of this watershed. I encourage all of us to keep the boating situation the way it has been for years now and to defeat this proposal to ban all gaspowered boats on Stocker Pond.