

Bill as Introduced

HB 1462 - AS INTRODUCED

2010 SESSION

10-2146

06/05

HOUSE BILL **1462**

AN ACT establishing a shoreland advisory council.

SPONSORS: Rep. Stiles, Rock 15; Rep. Borden, Rock 18; Rep. Boyce, Belk 5; Rep. O'Neil,
 Hills 19; Sen. Fuller Clark, Dist 24; Sen. Bradley, Dist 3; Sen. Hassan, Dist 23;
 Sen. Odell, Dist 8

COMMITTEE: Resources, Recreation and Development

ANALYSIS

This bill establishes a shoreland advisory council.

Explanation: Matter added to current law appears in **bold italics**.
 Matter removed from current law appears ~~(in brackets and struckthrough.)~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Ten

AN ACT establishing a shoreland advisory council.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Subparagraph; Application of Receipts. Amend RSA 6:12, I by inserting after
2 subparagraph (299) the following new subparagraph:

3 (300) Moneys received from the shoreland advisory council fund established under
4 RSA 483-B:21.

5 2 New Section; Shoreland Advisory Council Established Amend RSA 483-B by inserting after
6 section 20 the following new section:

7 483-B:21 Shoreland Advisory Council. There is established a shoreland advisory council
8 appointed by the governor and council. All members shall be New Hampshire residents and the
9 governor and council shall request that nominating organizations select nominees representing
10 diverse geographic areas of the state who are also waterfront property owners, whenever possible.
11 The primary focus of this council is to address residential shorefront owner input and perspective
12 relating to shoreland development regulated under the comprehensive shoreland protection act
13 under this chapter and the regulation of shoreline structures under RSA 482-A.

14 I. The advisory council shall include:

15 (a) A planning board representative nominated by the New Hampshire Municipal
16 Association.

17 (b) A representative of the New Hampshire Association of Natural Resource Scientists
18 chosen from a list of 3 nominees.

19 (c) A representative of the Granite State Designers and Installers chosen from a list of 3
20 nominees.

21 (d) A representative of the New Hampshire Lakes Association chosen from a list of 3
22 nominees.

23 (e) A representative of the New Hampshire Rivers Council chosen from a list of three
24 nominees.

25 (f) A representative of the New Hampshire Association of Realtors chosen from a list of 3
26 nominees.

27 (g) Two representatives of the protected shoreland. These property owners shall be
28 chosen from a list of 4 nominees submitted by the commissioner of the department of environmental
29 services.

30 (h) Five representatives of the protected shoreland. These property owners shall be
31 chosen from a list of 10 nominees submitted by the president of the senate and the speaker of the

1 house of representatives. In their list, the president of the senate and the speaker of the house of
2 representatives shall consider including nominations submitted by the New Hampshire Shorefront
3 Association, the New Hampshire Shoreline Coalition, the New Hampshire Shoreline and Property
4 Rights Guardians, and other organizations whose membership includes owners of shoreline property.
5 There shall be one representative for lakes greater than 1,000 acres, one representative for lakes less
6 than 1,000 acres, one representative for rivers designated under RSA 483, one representative for
7 rivers greater than 4th order, and one representative of tidal areas.

8 (i) A representative of the New Hampshire Home Builders and Remodelers Association
9 chosen from a list of 3 nominees.

10 (j) A representative of the Granite State Landscape Architects chosen from a list of 3
11 nominees.

12 (k) A representative from the department of environmental services who shall serve as a
13 non-voting member of the council.

14 (l) A representative who is a marine contractor or dock builder from a list of 2 nominees
15 provided by the New Hampshire Marine Trades Association.

16 II. The council shall solicit information from other state agencies on an as needed basis.

17 III. The members shall serve until the repeal of the council.

18 IV. Any vacancy shall be filled in the same manner as the original appointment. Members
19 may hold office until their successors are appointed and confirmed.

20 V. The representative of the department of environmental services shall call the first
21 meeting 90 days after adoption as long as the majority of appointments have been confirmed. Nine
22 members shall constitute a quorum. At its first meeting the council shall elect a chairperson, vice
23 chairperson, and secretary. Subsequent meetings shall be at the call of the chair, or at the request of
24 5 or more council members.

25 (a) The council shall meet a minimum of 4 times per year.

26 (b) The council secretary shall contact the chair of the senate energy, environment and
27 economic development committee and the chair of the house resources, recreation and development
28 committee to post scheduled meetings and public hearing times and places in the legislative
29 calendars.

30 VI. The council shall consult with and advise the commissioner of the department of
31 environmental services, on a continuing basis, with respect to the policy, programs, goals, and
32 operations of the department as they relate to the impact and implementation of the comprehensive
33 shoreland protection act under this chapter and the regulation of shoreline structures under
34 RSA 482-A. In order to accomplish these purposes, the council may:

35 (a) Perform field evaluation of particular situations and issues.

36 (b) Identify issues that need clarification or modification in the rules and statutes.

37 (c) Prepare written comment for the commissioner to suggest potential rules changes.

1 (d) Prepare written comment for the commissioner to suggest statutory changes.

2 (e) Aid in the design and implementation of outreach strategies and guidance
3 documents.

4 VII. The commissioner of the department of environmental services shall present all
5 proposed rules relative to shoreline structures under RSA 482-A and protected shoreland under this
6 chapter to the council for consideration and comment prior to filing a notice of proposed rule making
7 under RSA 541-A:6. The council shall present any objections to proposed rules to the commissioner
8 in writing within 30 days. The commissioner may adopt a rule to which the council has objected only
9 after presenting a written reply to the council detailing the reasons for adopting the rule over the
10 objections of the council.

11 VIII. There is hereby established in the office of the state treasurer a fund to be known as
12 the shoreland advisory council fund which shall be kept separate and distinct from all other funds
13 and shall be continually appropriated to the council. Such fund shall be the depository for all
14 financial gifts, grants, or donations made to the council. Expenses incurred shall be paid from such
15 fund and will not exceed receipts. Any moneys in such fund shall lapse into the general fund at the
16 repeal of the council.

17 3 Repeal. RSA 483-B:21, relative to the shoreland advisory council, is repealed.

18 4 Effective Date.

19 I. Section 3 of this act shall take effect December 31, 2015.

20 II. The remainder of this act shall take effect upon its passage.

Amendments

Rep. Kappler, Rock. 2
January 22, 2010
2010-0247h
06/01

Amendment to HB 1462

"Not Adopted"

1 Amend RSA 483-B:21, I(h) as inserted by section 2 of the bill by replacing it with the following:

2

3 (h) Five representatives of the protected shoreland. These property owners shall be
4 chosen from a list of 10 nominees submitted by the president of the senate and the speaker of the
5 house of representatives. In their list, the president of the senate and the speaker of the house of
6 representatives shall consider including nominations submitted by organizations whose membership
7 includes owners of shoreline property. There shall be one representative for lakes greater than 1,000
8 acres, one representative for lakes less than 1,000 acres, one representative for rivers designated
9 under RSA 483, one representative for rivers greater than 4th order, and one representative of tidal
10 areas.

11

12 Amend RSA 483-B:21, I as inserted by section 2 of the bill by inserting after subparagraph (l) the
13 following new subparagraphs:

14

15 (m) A representative of the New Hampshire Timberland Owners Association chosen
16 from a list of 3 nominees.

17

(n) A member of the New Hampshire Farm Bureau chosen from a list of 3 nominees.

Amendment to HB 1462

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT establishing a shoreland advisory committee.

4

5 Amend the bill by replacing all after the enacting clause with the following:

6

7 1 New Section; Shoreland Advisory Committee Established Amend RSA 483-B by inserting
8 after section 20 the following new section:

9 483-B:21 Shoreland Advisory Committee. The department of environmental services shall
10 establish an ad hoc committee to address residential shorefront owner input and perspective relating
11 to the regulation of shoreland development under this chapter and the regulation of shoreline
12 structures under RSA 482-A.

13 I. The advisory committee shall consist of owners of property within the protected shoreland.

14 II. Membership shall represent lakes of under 1,000 acres, lakes of over 1,000 acres, rivers of
15 fourth order or above, and tidal shoreland. There shall be 2 members from each of the 10 counties.

16 III. The council shall meet at least 4 times per year.

17 2 Effective Date. This act shall take effect upon its passage.

Amendment to HB 1462
- Page 2 -

2010-0424h

AMENDED ANALYSIS

This bill requires the department of environmental services to establish a shoreland advisory committee.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

PUBLIC HEARING ON HB 1462

BILL TITLE: establishing a shoreland advisory council.

DATE: January 20, 2010

LOB ROOM: 305 **Time Public Hearing Called to Order:** 2:00 p.m.

Time Adjourned: 4:10 p.m.

(please circle if present)

Committee Members: Reps. Spang, Tupper, Parkhurst, Moody, Aguiar, Gottling, Hubbard, Kepner, Thomas, C. Williams, McClammer, D. Russell, Renzullo, C. Christensen, Ahlgren, Kappler, Spaulding, Bolster, T. Howard and St. Cyr.

Bill Sponsors: Rep. Stiles, Rock 15; Rep. Borden, Rock 18; Rep. Boyce, Belk 5; Rep. O'Neil, Hills 19; Sen. Fuller Clark, Dist 24; Sen. Bradley, Dist 3; Sen. Hassan, Dist 23; Sen. Odell, Dist 8

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Nancy Stiles - Prime sponsor of the bill. This bill has a sunset date and there would need to be new legislation to continue that when reached. Language of bill drafted by department. When brought to me by a constituent, I immediately consulted with DES to see how this could help DES in its operations. There would be no cost to the state.

Q. Rep. Tupper: What did the commissioner say? ANS: He has someone here who will speak in support.

Q. Rep. Russell: In going through appointments, there are two reps of protected shoreline and five reps of protected shoreline appointed. Can you combine these? ANS: Perhaps. Discussed how these members are nominated and then chosen

Q. Rep. Kappler: Need at least one state representative in the group to bring forth legislation when needed.

Q. Rep. Renzullo: Are there eighteen members? ANS: Oh seventeen.

Q. Rep. Hubbard: Looking at list of nominating pool and wondering about the discrepancies. ANS: Ask department.

Paul Goodwin - Supports the bill. We are always reactive and need to be proactive. Landowner needs to have input. Looking at B 21. Support that.

Greg Whitman for Senator Fuller-Clark. Fully support this.

*** Peter Rice, NH Shoreline Guardians** - Supports the bill. Very supportive of this advisory council that gives owners opportunity to give input. Many projects are backed up because of confusion over what can be done. Appreciate opportunity to testify.

Q. Why are there so many organizations trying to do the same thing? How do you differ? ANS: Maybe then we wouldn't need a council.

Q. Rep. Tupper: What does your group do? ANS: Represent property owners and their rights.

Don Lane, NH Native - Supports the bill. Resides in Bow. Love the land and now own 65 acres, some near a pond and a dam. Understand our stewardship role. Putney Meadow Pond does come under shoreland protection act. That act is unfair. Think this bill is a step toward a better process. Where is the office of planning? Lack of leadership in state toward planning is appalling. Need much more input. Good place to start. Need education more than regulation. Have adopted zoning regulations that prohibit the type of planning we need. Don't forget the role of appropriate planning in a bill such as this.

*** Jared Teutsch, President and CEO of NH Lakes Association** - Supports the bill. Predecessor began first shoreland protection legislation. Idea was to establish some sort of water quality standard. We have some of the most pristine waters in the country. Need to promote and protect what we have. Have continued to work over the years to refine and improve the act. Originally was idea to continue Shoreland Commission as a standing commission. Approve this concept but have problems. To run appointees through governor and council is awkward. Remove that part. Other issue is that two members come from DES and five from public. Why should DES appoint members from the public. Final issue is a fiscal note. How much DES staff time will be devoted to this council? DES always has problems because chronically understaffed.

Q. Rep. St Cyr: Concerned with slate of nominees, too many. Do you know difference between these shoreline organizations? ANS: I can't speak to that.

Q. Rep. Christensen: Appreciate concern about DES in from a manpower situation. What do we get from this that we couldn't get from folks just getting together? ANS: Appreciate your point. Good from a public relations standpoint. In support of idea to educate rather than legislate.

Q. Rep. Spang: Are you saying this bill is feel good legislation? ANS: Possibly. But does give folks the feeling that their voices will be heard.

Q. Lot of confusion about wetlands. When people have an issue, folks go to their legislator to bring forth a bill. ANS: DES probably prefers a council to facing legislation every year over shoreland act.

Q. Rep. Kappler: Paragraph h. Front-loading council with people who have vested interests. ANS: We feel we are a good organization that represents stakeholders statewide. Hard for me to argue that this representation is fair or unfair. It is up to governor and council to choose from the list.

Q. Rep. Bolster: Shoreland owners are the ones most directly affected. Could the language in this bill include Homeowners Association? ANS: There are 300 such Associations in the state.

Q. That means any of these could submit a name to the Speaker? ANS: Think the three separate ones are just listed.

Misunderstanding about language on four groups shall be considered. There is no given that they will be chosen. They are just those who have been vocal and concerned about treading on property rights. Not particularly geographic.

Q. So they each have a different guru? ANS: Well, yes.

Q. Rep. Kappler: Asked about group in c. ANS: Those are septic system designers.

Q. Rep. St Cyr: Why so many nominees? ANS: Patterned after other procedures. No other reason. Our role (DES) will be very limited which is why there is no fiscal note.

Gina Rotondi, NH Shorefront Association - Supports the bill. Currently has 200 private property and business owners around lakes. Active in 1980s, then dormant until recently when new bills surfaced. While we support the act, believe further improvements could be made. Council is one way regulated community could be heard.

Q. Rep. St Cyr. Do you know of any differences between your group and the others? ANS: Can't speak for them. But we all have similar concerns. Just have different leaders.

Bruce Tuekelsen: Representing self and another person who can't be here today. Supports the bill. I am not affected by legislation because I have a non-conforming lot. Mr. Montrone will provide a mission statement to the committee. Group was formed in response to the CSPA.

Darlene Forst, NH Department of Environmental Services, (DES) - Support the bill. Public should be heard and we are happy to serve that role.

Q. Rep. St Cyr: Are you likely to be the DES representative? ANS: Mr Pelletier says it shall be so.

Q. Rep. Spang: Is the CSPA worse than the wetlands when they were brought in? And wetlands does not have a group like this. ANS: This group will look at 482 A also. But only for structures. Only organization I know of that looks at a specific program.

Q. How are you envisioning this working? Would they go directly to the Commissioner and how much will be funneled through the legislature?

Ans. As written, this is just an advisory council. Submit written comments. As citizens any one of the members can ask someone to put in legislation. This may bring all those people together and ultimately reduce the number of bills.

Q. How about direct access to rules and bypassing the legislature? ANS: That is through the Wetlands Council? Why couldn't these things go through them? Department's position is going to be that we have no objection to showing rules to any group.

Q. Rep. Ahlgren: Why are there no legislators on to bridge the gap between group and legislation? ANS: This is not just a lake front bill but includes streams and other water bodies. Q. Bolster: Read from suggested amendments given by Montrone group.

Q. Rep. Kepner: On page 3, line 11, about funds. Are there other groups that can accept money?

Pellitier: Groups wanted to have ability to do outreach, print forms. It is unique.

Comment: Rep. McClammer: Rulemaking process is already slow and cumbersome so what will be the effect of input from this group? ANS: Think we can work around this.

Q. Rep. Howard: Aren't we just trying to give homeowners a little redress for what they see as problems and perhaps getting some legislation. ANS: Described makeup of previous CSPA commission. The groups in this bill are there because they felt they were left out. Not everyone was satisfied with what came out of previous bill. If this helps them feel they are now being heard, then that is okay with me. But nothing untoward was done in initial commission.

Pelletier: Before we even go to the rulemaking process, we vet things before many groups. Explained further for Rep. McClammer how groups might have input. Many questions asked about process of rulemaking and input from stakeholders.

Q. Rep. Kepner: DES can make variance and waivers. ANS: Have at least four or five exceptions available.

Goodwin: Department comes up with rules and wetlands group must comment in 15 days. Even if object to it, DES can still move forward. This commission can comment and will comment. Hopefully the rules will be developed from a landowner perspective.

Spang: This does not pretend to be a balanced group. It consists primarily of property owners who have found aspects of CSPA unacceptable. In terms of reducing legislation, I see more coming out of this group. Heavily weighted. Seems to me we are giving a special position to people who are opposed to the shoreland protection act. This is not balanced. I have a problem with creating in statute a special group. If composition of group more balanced, would those in favor of this still be in favor.

Darlene. We won't be picking and choosing from those commenting.

Q. Rep. McClammer: How would you feel if this was balanced between conservation groups and constituencies who promote landowner rights. ANS: We are not going to object to public input.

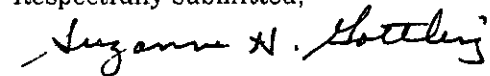
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Tom Thomson - Support idea of council where issues can be brought up and discussed with DES. Is DES providing the meeting rooms. Would encourage the room and a clerk to take minutes and distribute them. Main concern is the makeup of the 17 members. Important for true stakeholders to be part of council. However, left out a lot of the real true stakeholders, landowners and forest owners. Change g. I want NH Timberland Owners and NH Farm Bureau included. Members of these groups represent huge amounts of land in NH. More at stake than any of the other groups. Work the land daily and protect the water quality.

Respectfully submitted,



Rep. Suzanne H. Gottling
Clerk

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

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Establishing a Shoreland advisory council

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Many questions asked about process of rulemaking and input from stakeholders.

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Ans. Have at least four or five exceptions available.

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Ans. Many people want to preserve their property but not everybody intends to stay, or thinks about their neighbors or about future times.

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Sub-Committee Actions

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

SUBCOMMITTEE WORK SESSION ON HB 1462

BILL TITLE: establishing a shoreland advisory council.

DATE: January 27, 2010

Subcommittee Members: Reps: Gottling, McClammer, Kappler, Bolster, and Spang

Comments and Recommendations:

Amendments:

Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. Kappler

Seconded by Rep. McClammer

Vote: 4-1

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Gottling
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

SUBCOMMITTEE WORK SESSION ON HB 1462

BILL TITLE: establishing a shoreland advisory council.

DATE: 1-27-10

Subcommittee Members:

Reps.

present ✓

Gottling, McClammer, Kappler, Bolster, & Spang.

Comments and Recommendations:

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. *Kappler*

Seconded by Rep. *McClammer*

Vote: *4-1*

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep.

Subcommittee Chairman/Clerk

11:00 HB 1462

NO I.G.?

MK - Revenue Finance.

not statutory - could do

Fund's: Table One A-:

Purpose. mechanism -

Darius Frost . public getting caught up
no interest w/ change.

= Wetland Council

~~Local~~ Monroe ~~State~~ Comm.

Coastal Comm.:

St. Asilite ~~with~~ #

JS - 11:15

may need some flexibility

- Peter Belcher 11:25

MK - recovered ITC

JUN - 2nd

4-1 to ITC

HB1462

ARI POLLACK

Darlene Forst

Gina Rotardi

Jasen Stock

Robert Johnson

HOMEBUILDERS

NH DES

Radi; young/NHSA

NH Timberland Owners Assoc.

Farm Bureau

Testimony



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

January 20, 2010

The Honorable Judith Spang, Chairman
House Resources, Recreation and Development Committee
Legislative Office Building Room 308
Concord, NH 03301

RE: House Bill 1462 establishing a shoreland advisory council

Dear Madam Chairman and Members of the Committee:

Thank you for the opportunity to comment on HB 1462, which would establish a shoreland advisory council. The Department of Environmental Services (DES) supports the creation of an advisory council as a means to promote greater understanding and evaluation of RSA 483-B and its ongoing implementation.

As you know, effective July 1, 2009 there was a permit required to perform work on properties that were located within the 250 foot protected shoreland. As a result of this new statutory requirement and subsequent rulemaking, there was a significant amount of misunderstanding about what activities in the shoreland zone needed a DES permit. The primary focus of the council is to address residential shorefront owners concerns relative to the implementation of the law. It is DES' hope that the diverse makeup of this council will provide valuable perspective and feedback that will allow us to better serve the regulated public.

Again, thank you for the opportunity to comment on this issue. Please call me at 271-2958, or Rene Pelletier at 271-2951, if you have any questions or need additional information.

Sincerely,

Michael Wells, Ass't Comm.
Thomas S. Burack
Commissioner

cc: Representative Spang
Representative Borden
Representative Boyce
Representative O'Neil
Senator Fuller Clark
Senator Bradley
Senator Hassan
Senator Odell

DES Web site: www.des.nh.gov

P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095

Telephone: (603) 271-3503 • Fax: (603) 271-2982 • TDD Access: Relay NH 1-800-735-2964

Testimony from Peter Peirce Rice, New Hampshire Shoreline Guardians
In favor of HB 1462, 483-B:21, establishing a Shoreland Advisory Council
House Resources, Recreation & Development Committee

January 20, 2010

I am Peter Rice, Chairman of the NH Shoreline Guardians. I appreciate the opportunity to testify today on HB 1462. The Guardians are very supportive of the formation of the Shoreland Advisory Council that will give shoreland owners an opportunity to help with the implementation of this complicated law.

In the past, we have suggested many amendments to the Comprehensive Shoreland Protection Act that we believe will both help property owners and protect our waterways. Some of these have been adopted by the legislature and we appreciate your support in that regard. But additional amendments will be necessary to accomplish the noble goals of this Act.

The Shoreland Advisory Council will be a valuable entity to evaluate possible amendments to the law and changes to the DES Administrative Rules that will advance environmentally sound projects which are now backed up because of confusion and permitting costs.

Breaking this logjam will not only help improve the quality of our waterways, but it will create employment in various trades and professions that are now waiting for projects to be permitted during these difficult economic times.

Once again, we appreciate the opportunity to testify here today and hope you will give due consideration to the amendments proposed by the NH Shoreline Coalition which we support.

Thank you.

Peter Peirce Rice

HB 1462, 483-B:21 establishing a Shoreland Advisory Council
House Resources, Recreation & Development Committee

January 20, 2010

The New Hampshire Shoreline Coalition submits the following suggested Amendments to improve the effectiveness of HB 1462, 483-B:21 Shoreline Advisory Council.

III. The members shall serve until the repeal of the council, or for a maximum of four years.

Comment – In the event the council's life is extended, this will set term limits on members.

VI. Duties – The council shall consult with and advise the commissioner of the department of environmental services, on a continuing basis, with respect to the policy, programs, goals, and operations of the department as they relate to the impact and implementation of the comprehensive shoreland protection act under this chapter and the regulation of shoreline structures under RSA 482-A. In order to accomplish these purposes, the council may:

- (a) Perform field evaluation of particular situations and issues.
- (b) Identify issues that need clarification or modification in the rules and statutes.
- (c) Prepare written comment for the commissioner to suggest potential rules changes.
- (d) Prepare written comment for the commissioner and the chairperson of the appropriate committees of the house and senate to suggested statutory changes.

Comment – We believe suggestions for statutory changes should be submitted to the legislature – the Council is a body created by the legislature.

- (f) Develop operation rules and procedures for carrying out its duties, including appointing other officers selected from council members and establishing committees made up of council members and others

Comment – We suggest adding this new section (f). This will make it clear that the Council is empowered to run itself as well as finance itself.

VII. The Commissioner of the department of environmental services shall present all proposed rules relative to shoreline structures under RSA 482-A and protected shoreland under this chapter to the council for consideration and comment prior to filing a notice of proposed rule making under RSA 541-A:6. The council shall present any objections to proposed rules to the commissioner in writing within ~~30~~ 90 days. The commissioner may adopt a rule to which the council has objected only after presenting a written reply to the council detailing the reasons for adopting the rule over the objections of the council.

Comment – 30 days seems rather pressured since the Council is scheduled to meet regularly only four times a year, unless a special meeting is called – which itself will take time to set-up and organize. It seems like 90 days would be better.

VIII. There is hereby established in the office of the state treasurer a fund to be known as the shoreland advisory council fund which shall be kept separate and distinct from all other funds and shall be continually appropriated to the council. Such fund shall be the depository for all financial gifts, grants, or donations made to the council. Expenses incurred shall be paid from such fund and will not exceed receipts. Any moneys in such fund shall lapse into the general fund at the repeal of the council, unless the Council is continued through legislation.

Comment – The Council Fund is a great idea for funding. We suggest the additional language to allow funds that have been raised to carry over if the Council is continued beyond 2015.

New Hampshire Shoreline Coalition
603-929-2663

Testimony from Paul Montrone, New Hampshire Shoreline Coalition
In favor of HB 1462, 483-B:21, establishing a Shoreland Advisory Council
House Resources, Recreation & Development Committee

January 20, 2010

I am Paul Montrone, Chairman of the NH Shoreline Coalition. I am sorry I could not be present at the hearing today, but I submit this testimony in favor of HB 1462. The CSPA is a well-intended law designed to protect our precious waterways. It has had a combination of positive and negative effects.

Our mutual goal, at this point, should be to make the appropriate modifications to the law and associated DES Administrative Rules that will enhance the positives and reduce the negatives.

NH shoreland property owners are the individuals most impacted by the law and have the most at stake in protecting our waterways. It is appropriate that they have a key role in assessing the impact of the CSPA and suggesting improvements. The establishment of the Advisory Council proposed in this HB 1462 is an excellent and progressive approach to accomplishing our goals.

As part of this testimony, we are submitting in writing some proposed amendments to HB 1462 that we believe will help the Council to operate more effectively.

Many thanks for your consideration,



Paul Montrone



Members dedicated to protecting lakes

January 20, 2010

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Representative Judith Spang
Resources, Recreation and Development Committee
New Hampshire House of Representatives
Legislative Office Building, Room 305
Concord, New Hampshire 03301

Subject: HB 1462 Establishing a shoreland advisory council

Dear Madam Chair and Members of the Committee:

Thank you for the opportunity to testify about House Bill 1462. On behalf of New Hampshire Lakes Association (NH LAKES), a 501(c)3 nonprofit organization representing over 26,000 lake enthusiasts, we support HB 1462 if amended and urge the Committee to vote Ought to Pass as amended.

NH LAKES has long supported water quality protection as the basic means for promoting and enhancing the quality of life along our lakes. In 1992, NH LAKES worked to help create RSA 483-B, the Comprehensive Shoreland Protection Act (CSPA) as a way to proactively promote and protect our water quality. Currently, the CSPA is the premier water quality protection statute in NH. It has had some logistical problems and the funding of staff at the NH Department of Environmental Services (DES) to promote and regulate the CSPA has been a challenge. NH LAKES recognizes this and over the years, has long supported revisions and improvements to the CSPA.

HB 1462 seeks to create a shoreland advisory council to help advise DES on the practical administration and regulation of the CSPA. However, HB 1462 is somewhat redundant in the number of members appointed by the Governor and Council. It also leaves too much political opportunity to allow the Governor and Council to pick one member from a list of three or more choices.

In addition, NH LAKES is a membership organization created in 1992 and comprised primarily of shoreland property owners. Accordingly, NH LAKES should be the nominating authority instead of DES when suggesting two representatives of the protected shoreland, especially when considering we represent over 26,000 lake enthusiasts across the state of New Hampshire.

Also, the establishment of a new Shoreland Advisory Council will require DES staff time. Given the lack of an existing effective budget to administer and regulate the CSPA, NH LAKES requests that a FN-note be added to HB 1462 clarifying the cost associated with the added staff time of a proposed Shoreland Advisory Council. If these issues are addressed through amendments, NH LAKES will support HB 1462 as amended, and urges the Committee to vote *Ought to Pass as amended*. Thank you.

Sincerely,

Jared A. Teutsch
President

January 20, 2010

Good Afternoon Madame Chair and Committee Members

For the record I am Nancy Stiles, Rockingham 15, Hampton

I appear before you today to introduce HB 1462 an act establishing a shoreland advisory council.

I am aware that there currently is a committee to study committees, councils, and task forces. You will note that this bill has a sunset date and would need new legislation to be extended.

HB1462 comes forth in a co-operative effort of both my constituent and the Department of Environmental Services and would provide support to the department as the new Shoreland Protection Act is implemented. The language of this bill was drafted by the department. I need not remind the committee that this economic climate has required all of our department people to do more with less.

When my constituent brought this request to my attention I immediately made contact with Commissioner Burack and we convened a meeting inclusive of identified members of his department, the governor's office, my constituent and other stake holders, as well as Senator Clark to discuss if and how this would help the short staffed department as well as support the Shoreland Protection Act in moving forward in a smooth and effective implementation.

The Council would be composed of appointed volunteers identified in the bill and any costs attributed to the Council would be paid for by gift, grants or donations therefore not creating any cost to the state while providing support to the department.

I'm available to answer your questions.

Voting Sheets

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

EXECUTIVE SESSION on HB 1462

BILL TITLE: establishing a shoreland advisory council.

DATE: February 2, 2010

LOB ROOM: 305

Amendments:

Sponsor: Rep. Resources, Recreation & Dev. OLS Document #: 2010 0424h

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTL OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Gottling

Seconded by Rep. Parkhurst

Vote: 15-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 15-0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Suzanne H. Gottling, Clerk

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

EXECUTIVE SESSION on HB 1462

BILL TITLE: establishing a shoreland advisory council.

DATE: 1-21-10 recessed

LOB ROOM: 305

Amendments:

Sponsor: Rep.	OLS Document #: 0424 ^h 15-0
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. *Gottling*
Seconded by Rep. *Parkhurst*

Vote: 15-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.
Seconded by Rep.
Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:
(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: — Refer to Committee Report

Respectfully submitted,
Rep. Suzanne H. Gottling, Clerk

RESOURCES, RECREATION AND DEVELOPMENT

Bill #: 462 Title: establishing a phoneland advisory council
 PH Date: 1/120/10 Exec Session Date: 2/2/10
 Motion: OTR Amendment #: 0424h

MEMBER	YEAS	NAYS
Spang, Judith T, Chairman	✓	
Tupper, Frank A, V Chairman	✓	
Parkhurst, Henry A. L.	✓	
Moody, Marcia G	✓	
Aguiar, James D	—	—
Gottling, Suzanne H, Clerk	✓	
Hubbard, Pamela J <u>Porter</u>	✓	
Kepner, Susan R	✓	
Thomas, Yvonne D	✓	
Williams, Carol A	—	—
McClammer, Jim U	✓	
Russell, David H	✓	
Renzullo, Andrew	✓	
Christensen, Chris	✓	
Ahlgren, Christopher J	—	—
Kappler, L. Mike	✓	
Spaulding, Jayne E	✓	
Bolster, Peter S	✓	
Howard, Thomas J	—	—
St. Cyr, Jeffrey L	—	—

TOTAL VOTE: **15** **0**
 Printed: 12/18/2009

RESOURCES, RECREATION AND DEVELOPMENT

Bill #: HB 1462 Title: establishing a shoreland advisory council

PH Date: 1/1/10 Exec Session Date: 2/2/10

Motion: OTPA Amendment #: 0424h

MEMBER	YEAS	NAYS
Spang, Judith T, Chairman	✓	
Tupper, Frank A, V Chairman	✓	
Parkhurst, Henry A. L.	✓	
Moody, Marcia G	✓	
Aguiar, James D	—	—
Gottling, Suzanne H, Clerk	✓	
Hubbard, Pamela J <i>Porter</i>	✓	
Kepner, Susan R	✓	
Thomas, Yvonne D	✓	
Williams, Carol A	—	—
McClammer, Jim U	✓	
Russell, David H	✓	
Renzullo, Andrew	✓	
Christensen, Chris	✓	
Ahlgren, Christopher J	—	—
Kappler, L. Mike	✓	
Spaulding, Jayne E	✓	
Bolster, Peter S	✓	
Howard, Thomas J	—	—
St. Cyr, Jeffrey L	—	—
TOTAL VOTE:	15	0

Committee Report

CONSENT CALENDAR

February 3, 2010

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on RESOURCES, RECREATION AND DEVELOPMENT to which was referred HB1462,

AN ACT establishing a shoreland advisory council.

Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. Judith T Spang

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	RESOURCES, RECREATION AND DEVELOPMENT
Bill Number:	HB1462
Title:	establishing a shoreland advisory council.
Date:	February 3, 2010
Consent Calendar:	YES
Recommendation:	OUGHT TO PASS WITH AMENDMENT

STATEMENT OF INTENT

The Comprehensive Shoreland Protection Act has been in effect long enough now for its benefits and problems to emerge. Affected landowners feel they need an avenue for their criticisms of the Act to be heard so needed changes in statute and rule can be developed. The bill directs the Department of Environmental Services to form an ad hoc committee for this purpose. The agency supports the creation of this source of input as they consider revisions to the Act.

Vote 15-0.

Rep. Judith T Spang
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

RESOURCES, RECREATION AND DEVELOPMENT

HB1462, establishing a shoreland advisory council. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Judith T Spang for RESOURCES, RECREATION AND DEVELOPMENT. The Comprehensive Shoreland Protection Act has been in effect long enough now for its benefits and problems to emerge. Affected landowners feel they need an avenue for their criticisms of the Act to be heard so needed changes in statute and rule can be developed. The bill directs the Department of Environmental Services to form an ad hoc committee for this purpose. The agency supports the creation of this source of input as they consider revisions to the Act. **Vote 15-0.**

Original: House Clerk

Cc: Committee Bill File

HB 1462

The Comprehensive Shoreland Protection Act has been in effect long enough now for its benefits and problems to emerge. Affected landowners feel they need an avenue for their criticisms of the Act to be heard so needed changes in statute and rule can be developed. The bill directs the Department of Environmental Services to form an ad hoc committee for this purpose. The agency supports the creation of this source of input as they consider revisions to the Act.

Judith Spang

A handwritten signature in black ink, appearing to be 'JS' or similar initials, located below the typed name 'Judith Spang'.

HB 1462 - Shoreland Advisory Committee

Majority blurb

~~Landowners affected by the~~

The Comprehensive Shoreland Protection Act has been in effect long enough now for its ^{benefits} ~~institutions~~ and problems ~~to emerge~~ to emerge, ~~Landowners affected~~

Affected landowners ~~have~~ feel they need an avenue for their criticisms of the Act to be heard so needed changes in statute and rule can be ~~made to~~ developed, ~~DEES~~

supports this.

~~sees the advantages of this,~~
The bill directs ~~d-e-s~~ to form an ad hoc committee for this purpose, the agency ~~sup~~ supports the creation of this source of ~~input to their revision process~~ as they consider revisions to the Act.

Judith