

Bill as Introduced

HB 205-FN - AS INTRODUCED

2011 SESSION

11-0636

03/10

HOUSE BILL ***205-FN***

AN ACT relative to notice to owners of upstream dams.

SPONSORS: Rep. B. Patten, Carr 4; Rep. Lockwood, Merr 6

COMMITTEE: Municipal and County Government

ANALYSIS

This bill eliminates requirements that planning board applicants identify and planning boards notify upstream dam owners.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to notice to owners of upstream dams.

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

1 1 Board's Procedure on Plats; Identification of Upstream Dams. Amend RSA 676:4, I(b) to read
2 as follows:

3 (b) The planning board shall specify by regulation what constitutes a completed
4 application sufficient to invoke jurisdiction to obtain approval. A completed application means that
5 sufficient information is included or submitted to allow the board to proceed with consideration and
6 to make an informed decision. A completed application sufficient to invoke jurisdiction of the board
7 shall be submitted to and accepted by the board only at a public meeting of the board, with notice as
8 provided in subparagraph (d). An application shall not be considered incomplete solely because it is
9 dependent upon the issuance of permits or approvals from other governmental bodies; however, the
10 planning board may condition approval upon the receipt of such permits or approvals in accordance
11 with subparagraph (i). The applicant shall file the application with the board or its agent at least 15
12 days prior to the meeting at which the application will be accepted. The application shall include the
13 names and addresses of the applicant, all holders of conservation, preservation, or agricultural
14 preservation restrictions as defined in RSA 477:45, and all abutters as indicated in the town records
15 for incorporated towns or county records for unincorporated towns or unorganized places not more
16 than 5 days before the day of filing. Abutters shall also be identified on any plat submitted to the
17 board. The application shall also include the name and business address of every engineer,
18 architect, land surveyor, or soil scientist whose professional seal appears on any plat submitted to
19 the board. [~~Since construction of any structure near streams or rivers downstream of a dam can
20 increase the hazard classification of the dam established by the department of environmental
21 services, the application shall identify the nearest dam upstream and include the name and address
22 of the dam owners.~~]

23 2 Board's Procedure on Plats; Notice to Upstream Dam Owners. Amend RSA 676:4, I(d) to read
24 as follows:

25 (d) Notice to the applicant, holders of conservation, preservation, or agricultural
26 preservation restrictions, abutters, [~~upstream dam owners, the department of environmental
27 services dam bureau,~~] and the public shall be given as follows: The planning board shall notify the
28 abutters, the applicant, holders of conservation, preservation, or agricultural preservation
29 restrictions, and every engineer, architect, land surveyor, or soil scientist whose professional seal
30 appears on any plat submitted to the board by certified mail of the date upon which the application
31 will be formally submitted to the board. [~~For those proposals near rivers and streams and~~

HB 205-FN - AS INTRODUCED

- Page 2 -

1 ~~downstream of a dam, the planning board shall also notify the owners of the upstream dam and the~~
2 ~~department of environmental services dam bureau by certified mail.]~~ Notice shall be mailed at least
3 10 days prior to submission. Notice to the general public shall also be given at the same time by
4 posting or publication as required by the subdivision regulations. The notice shall include a general
5 description of the proposal which is the subject of the application and shall identify the applicant and
6 the location of the proposal. For any public hearing on the application, the same notice as required
7 for notice of submission of the application shall be given. If notice of public hearing has been
8 included in the notice of submission or any prior notice, additional notice of that hearing is not
9 required nor shall additional notice be required of an adjourned session of a hearing with proper
10 notice if the date, time, and place of the adjourned session was made known at the prior hearing. All
11 costs of notice, whether mailed, posted, or published, shall be paid in advance by the applicant.
12 Failure to pay such costs shall constitute valid grounds for the planning board to terminate further
13 consideration and to disapprove the plat without a public hearing.

14 3 Effective Date. This act shall take effect 60 days after its passage.

LBAO
11-0636
01/14/11

HB 205-FN - FISCAL NOTE

AN ACT relative to notice to owners of upstream dams.

FISCAL IMPACT:

The Legislative Budget Assistant has determined that this legislation has a total fiscal impact of less than \$10,000 in each of the fiscal years 2011 through 2015.

Amendments

Amendment to HB 205-FN

1 Amend the bill by replacing section 2 with the following:

2

3 2 Board's Procedure on Plats; Notice to Upstream Dam Owners. Amend RSA 676:4, I(d) to read
4 as follows:

5 (d) Notice to the applicant, holders of conservation, preservation, or agricultural
6 preservation restrictions, abutters, [~~upstream dam owners,~~] the department of environmental
7 services dam bureau, and the public shall be given as follows: The planning board shall notify the
8 abutters, the applicant, holders of conservation, preservation, or agricultural preservation
9 restrictions, and every engineer, architect, land surveyor, or soil scientist whose professional seal
10 appears on any plat submitted to the board by certified mail of the date upon which the application
11 will be formally submitted to the board. For those proposals [~~near rivers and streams~~] *in which*
12 *any structure would be within 500 feet of the top bank of any river or stream* and
13 downstream of a dam, the planning board shall also notify [~~the owners of the upstream dam and~~] the
14 department of environmental services dam bureau by certified mail. Notice shall be mailed at least
15 10 days prior to submission. Notice to the general public shall also be given at the same time by
16 posting or publication as required by the subdivision regulations. The notice shall include a general
17 description of the proposal which is the subject of the application and shall identify the applicant and
18 the location of the proposal. For any public hearing on the application, the same notice as required
19 for notice of submission of the application shall be given. If notice of public hearing has been
20 included in the notice of submission or any prior notice, additional notice of that hearing is not
21 required nor shall additional notice be required of an adjourned session of a hearing with proper
22 notice if the date, time, and place of the adjourned session was made known at the prior hearing. All
23 costs of notice, whether mailed, posted, or published, shall be paid in advance by the applicant.
24 Failure to pay such costs shall constitute valid grounds for the planning board to terminate further
25 consideration and to disapprove the plat without a public hearing.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON HB 205-FN

BILL TITLE: relative to notice to owners of upstream dams.

DATE: February 3, 2011

LOB ROOM: 301 **Time Public Hearing Called to Order:** 10:00 am

Time Adjourned: 10:30 am

(please circle if present)

Committee Members: Reps. ~~Ferrante, Sterling, B. Patten, Lockwood, Accornero, Belanger, Burt, Coffey, Copeland, Moore, Munck, Shackett, Stroud, DeStefano~~, Roberts, Hooper and Tatro

Bill Sponsors: Rep. B. Patten, Carr 4; Rep. Lockwood, Merr 6

TESTIMONY

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

Rep. Patten -Upstream dam owner notification was added to statutes in 2010. Found a problem in that DES did not want to give out the names of such owners because of homeland security issues. NHMA suggested repeal. If the department and us can come up with an alternative, we might be able to come up with a solution other than complete repeal of notification requirement.

***Cordell Johnston** – NHMA – Asked for this bill at request of our members. The issue is that if a development is made downstream of a dam, it might increase the liabilities of that owner from failure of the dam. Also the statute says “development near a river or stream” but this is too vague.

Jim Gallagher – DES – We are talking about language that was added to a bill on a different issue in last session. Describes dam classifications which determine the frequency a dam is inspected based on its ability to cause damage to downstream property, not the condition of the dam. Potentially a dam could be reclassified because of downstream development. Ans. - Most other states do not have such a notification provision in state law.

Heidi Kroll – represent Granite State Hydropower Association, a non-profit trade association – Oppose - GSHA works closely with state agencies. Think it is important to participate in the planning process. Ans. - Have no suggestion for the resolution of this issue.

***Nancy Johnson** – NH Planners Association – Support – Very hard to find name of dam owner. Need definition of “near”. Ans. - Unclear about how a community knows there is an upstream dam. Upstream dam may not even be in New Hampshire.

Jane Taylor – representing City of Claremont. Support – Near in the Upper Valley that a dam may be 50 miles away. Unclear what level of development are impacted. Every dam has a different inundation area and have been told that information is not available to us. If the concept of “rear”

were replaced with some other measure. As it is now, it is completely unworkable. Ans. - Our planning board looks at development in the flood plain. Will generate some written comments for you.

Respectfully submitted,



Rep. Philip Munck

Clerk

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON HB 205-FN

BILL TITLE: relative to notice to owners of upstream dams.

DATE: 2/3/11

LOB ROOM: 301

Time Public Hearing Called to Order: 10:00

Time Adjourned: 10:30

(please circle if present)

Committee Members: Reps. Ferrante, Sterling, B. Patten, Lockwood, Accornero, Belanger, Burt, Coffey, Copeland, Moore, Munck, Shackett, Stroud, DeStefano, Roberts, Hooper and Tatro.

not here

Bill Sponsors: Rep. B. Patten, Carr 4; Rep. Lockwood, Merr 6

TESTIMONY

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

HB 205

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Testimony



New Hampshire Municipal Association

February 3, 2011

Hon. Beverly Ferrante, Chairman
House Municipal and County Government Committee
Room 301, Legislative Office Building
Concord, New Hampshire 03301

Re: HB 205

Dear Rep. Ferrante:

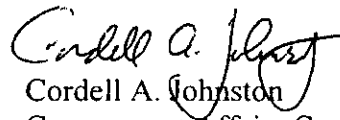
I write to express the support of the New Hampshire Municipal Association for **HB 205**, relative to notice to upstream dam owners. The bill repeals a 2009 law requiring that, for subdivision or commercial development proposals that are “near rivers and streams and downstream of a dam,” a planning board must notify the upstream dam owner of any hearing on the proposal. The repeal of this statute is one of the policies adopted at the Municipal Association’s legislative policy conference in September.

The existing law suffers from a couple of problems. First, it refers to developments that are “near rivers and streams,” but there is no definition of “near,” so it is unclear exactly when the requirement applies. Second, since the law went into effect, applicants and planning boards that have tried to comply with the law have sometimes been unable to do so, because they could not obtain the names of upstream dam owners. The Department of Environmental Services apparently has the necessary information but is prohibited from disclosing it because of homeland security concerns.

Because it is currently impossible to comply with this law, NHMA believes it needs to be either repealed or amended to make compliance possible. I believe municipalities would not object to complying with these notice requirements if (1) there were a clear definition in the statute of when the requirement applies; and (2) there were a reliable way to obtain the necessary information in all cases. An amendment that accomplishes those goals would be acceptable.

Thank you very much for your consideration.

Sincerely,



Cordell A. Johnston

Government Affairs Counsel

cc: Committee Members



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

February 3, 2011

The Honorable Beverly A. Ferrante, Chairman
Municipal and County Government Committee
Legislative Office Building, Room 301
Concord, NH 03301

RE: HB 205-FN, relative to owners of upstream dams.

Dear Chairman Ferrante:

Thank you for the opportunity to comment on HB 205-FN. The bill would repeal a 2009 amendment to RSA 676:4 that requires local planning boards to send notification of proposed developments near rivers and streams and downstream of a dam to the owner of the nearest upstream dam and to the Department of Environmental Services (DES) Dam Bureau. This notification is intended to inform these parties so that there is opportunity to perform an evaluation to consider whether the proposed new structures downstream of the dam would increase the public safety risk and the hazard classification of the dam.

While DES recognizes that there have been some practical concerns about the scope of the notification requirement, the agency does not support its repeal. Rather, DES believes that these concerns could most appropriately be addressed by improving the accessibility of information about dam locations and their owners.

There are currently 2,618 active dams in New Hampshire. Of these, 841 are classified as hazardous dams because the flooding produced by their failure would result in loss of life or property damage downstream. The hazard classification of a dam is based on the extent of development downstream within the potentially inundated area.

Of the 841 hazardous dams, 141 are classified as High Hazard Dams because their failure would inundate houses or other occupied structures downstream and likely cause loss of life. One hundred and sixty (160) dams are classified as Significant Hazard Dams because failure would cause major property damage downstream, and 540 are classified as Low Hazard Dams because failure would cause minor property damage downstream, such as damage to a town or city road. The remaining 1,777 active dams are classified as Non-Menace Dams. Because of the lack of development downstream, the failure or poor operation of these dams would not cause loss of life or property damage downstream.

New Hampshire's dam safety regulations establish performance standards for dams based on hazard classification. For example, an existing Low Hazard Dam must be able to safely pass a flood with an expected recurrence interval of once in 50 years, also known as the 50-year flood. However, an existing High Hazard Dam must be able to pass 250% of the 100-year flood. In addition, the Annual Dam Registration Fee that a dam owner must pay is based on the hazard

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) 271-2867 • TDD Access: Relay NH 1-800-735-2964



**NH PLANNERS
ASSOCIATION**

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Jennifer Czysz
Vice President

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Mikaela Engert
Sustainability Coordinator

David Brooks
NNECAPA Legislative Liaison

Julie LaBranche
*Ex-Officio
NNECAPA*

**P.O. Box 617
Concord, NH 03302-0617
603-224-7447
www.nhplanners.org**

February 2, 2011

The Honorable Beverly Ferrante, Chair
House Municipal & County Government Committee
Legislative Office Building, Room 301
Concord, NH 03301

Subject: HB 205: notice to owners of upstream dams.

Dear Representative Ferrante:

The New Hampshire Planners Association, representing over 200 land use planning professionals in our state, is pleased to express its support for HB 205, which proposes to eliminate the dam notification requirements for applications to local planning boards.

Under statutory language enacted in Chapter 31, Laws of 2009 (SB 28), planning board applicants are required to identify "the nearest dam upstream and include the name and address of the dam owners." For its part, the planning board is required to "notify the owners of the upstream dam and the department of environmental services dam bureau by certified mail." As set forth in the statute, these requirements are in place because "construction of any structure near streams or rivers downstream of a dam can increase the hazard classification of the dam." Indeed, there is a strong health, safety, and welfare rationale for having such requirements.

The NHPA strongly supports state legislative efforts in the area of hazard mitigation planning. Sensible dam notification requirements that are clearly defined would be a benefit to New Hampshire municipalities. Unfortunately, the current language of the statute is highly problematic and creates more confusion than it does address development impacts on dams and, in fact, is often ignored altogether by municipalities at a loss as to how to sensibly and effectively implement the requirements.

Of most concern is precisely which applicants are required to follow the dam notification procedures. Arguably, *all* planning board applicants must follow these procedures. This creates an extraordinarily unnecessary and difficult burden for both the applicants and the municipality. It may be that only those applicants "near" streams or rivers must comply. However, because there is no definition of "near" in the statute, municipalities expose themselves to significant liability for failure to properly identify which applications trigger the requirements. Furthermore, the applicant is required to identify the "nearest" dam upstream, however the statute does not define "nearest" which leaves this requirement also open to interpretation. The applicant is also required to provide the name and address of the dam owner. In many if not all cases, however, this information is now classified as a result of security protocols and unascertainable.

If the Committee is uncomfortable with eliminating all of the dam notification requirements, the NHPA believes that a sensible compromise would be to keep the requirement that the planning board notify the DES Dam Bureau of those applications for developments near streams or rivers downstream of a dam and eliminate the other dam notification requirements highlighted by HB 205. However, we reiterate our concern that "near" is undefined and will continue to create significant administrative difficulties and liability concerns for New Hampshire municipalities.

For these reasons, the New Hampshire Planners Association urges your committee to recommend the passage of HB 205. If you wish to pursue a clarifying amendment, we would be happy to assist you. Thank you for this opportunity to provide comment on the bill.

Sincerely,

Timothy J. Corwin, Esq.
Legislative Liaison

N.H. Rivers Management and Protection Program

N.H. Rivers Management Advisory Committee

February 3, 2011

Voting Members:

Kenneth D. Kimball
Chair
Recreational
Interests

Michele L. Tremblay
Vice Chair
Conservation
Community

VACANT
Agricultural
Community

Donald L. Ware
Public
Water Suppliers

James W. Ryan
NH Fish & Game
Commission

Allan G. Palmer
Business & Industry
Association

Gary L. Kerr
Granite State
Hydropower
Association

Larry T. Spencer
Conservation
Commissions

Anne Krantz
Historic/Archeological
Interests

Fredrick J. McNeill
Municipal
Officer

Kathryn P. Nelson
Local River
Management
Advisory Committees

Non-Voting Members:

Jennifer Czysz
NH Office of
Energy & Planning

Johanna Lyons
NH Department of
Resources and
Economic
Development

John Magee
NH Fish & Game
Department

Kevin Nyhan
NH Department of
Transportation

Gail McWilliam
Jellie
NH Department of
Agriculture,
Markets & Food

Lance Harbour
NH Department of
Safety

Staff:

Steven M. Couture
Rivers Coordinator
NH Department of
Environmental
Services

The Honorable Beverly A. Ferrante, Chair
House Municipal and County Government Committee
Legislative Office Building, Room 301
Concord, NH 03301

RE: HB 205- FN: An Act relative to notice to owners of upstream dams.

Dear Chair Ferrante and Members of the Committee:

The Rivers Management Advisory Committee (RMAC) is writing to express its opposition for House Bill 205, which seeks to eliminate requirements that planning board applicants identify and planning boards notify upstream dam owners.

The RMAC is a legislatively created body charged to work with the NH Department of Environmental Services (DES) on the administration of RSA 483, the RMPP. The Governor and Council appointed Committee is comprised of members from the business, agriculture, hydroelectric, municipal government, water supply, conservation, recreation, fish and game, and historical interests. Among its other responsibilities, the RMAC is charged with reviewing legislation relevant to the RMPP and with advising the DES Commissioner on the merits of such legislation.

The bill would essentially repeal a law, enacted in 2009 (Chapter 31), which amended RSA 676:4 to require that, for proposed developments near rivers and streams and downstream of a dam, the local planning board shall send notification of the proposed development to the owner of the upstream dam and the Department of Environmental Services (DES) Dam Bureau, in addition to abutters of the proposed development. This is because construction of any structure near streams or rivers downstream of a dam can increase the hazard classification of the dam, which would increase the performance standards, as well as the Annual Dam Registration Fee, for the dam. The RMAC understands that the notification of upstream dams owners for applicants and planning boards in the past has been difficult due to a lack of contact information for dam owners and misunderstanding as to how far the upstream notifications must be sent. Due to this difficulty the RMAC recommends this issue be further studied in order to clarify the notification process while ensuring dams hazard classifications are accurate.

In conclusion, the RMAC unanimously opposes HB 205 which seeks to eliminate requirements that planning board applicants identify and planning boards notify upstream dam owners, however, the RMAC does support further study of the issue this bill seeks to address.

If you have further questions, please feel free to contact me at (603) 466-8149 or kkimball@outdoors.org.

Sincerely,



Kenneth D. Kimball, Ph.D., Chairman
Rivers Management Advisory Committee

cc:

Representative Patten
Representative Lockwood
RMAC members (via email)
Tom Burack, Commissioner, DES (via email)
Mike Walls, Assistant Commission, DES (via email)
Harry Stewart, Director, Water Division, DES (via email)
Paul Currier, Administrator, WMB, DES (via email)
Steven M. Couture, Rivers Coordinator, DES (via email)

Charlie Ryan, Chair, Ammonoosuc River LAC (*via email*)
Barbara Skuly, Chair, Ashuelot River LAC
Rick Healey, Chair, Cochecho River LAC (*via email*)
Jenny Polcari, Co-Chair, Cold River LAC (*via email*)
Theresa Darling, Business Manager, Connecticut River Joint Commission (*via email*)
Michelle Hamm, Chair, Contoocook River LAC (*via email*)
Don Clement, Chair, Exeter River LAC (*via email*)
Liz Evans, Chair, Isinglass River LAC (*via email*)
Sarah Callaghan, Chair, Lamprey River LAC (*via email*)
Bob Robbins, Chair, Lower Merrimack River LAC (*via email*)
Max Stamp, Chair, Pemigewasset River LAC (*via email*)
Dick Ludders, Chair, Piscataquog River LAC (*via email*)
George May, Chair, Souhegan River LAC (*via email*)
Robert Parrish, Chair, Swift River LAC (*via email*)
Michele L. Tremblay, Chair, Upper Merrimack LAC (*via email*)

29 Hazen Drive; PO Box 95; Concord, NH 03302-0095; Tel: 271-8811; Fax 271-7894
<http://des.nh.gov/organization/divisions/water/wmb/rivers/rmac/index.htm>

Voting Sheets

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB 205

BILL TITLE: relative to notice to owners of upstream dams.

DATE: February 28, 2011

LOB ROOM: 301

Amendments:

Sponsor: Rep. OLS Document #: 2011 0521h
Sponsor: Rep. OLS Document #:
Sponsor: Rep. OLS Document #:

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

Moved by Rep. Patten

Seconded by Rep. Shackett

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

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

Moved by Rep. Patten

Seconded by Rep. Coffey

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

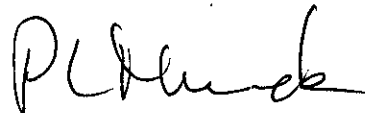
CONSENT CALENDAR VOTE: YES

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Philip Munck, Clerk



HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB 205-FN

BILL TITLE: relative to notice to owners of upstream dams.

DATE: 2/28/11

LOB ROOM: 301

Amendments:

Sponsor: ~~Rep. Patten~~ Mun. & County Govt. OLS Document #: 2011-0521h

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.) - on 0521h

Moved by Rep. Patten

Seconded by Rep. Shackett

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

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

Moved by Rep. Patten

Seconded by Rep. Coffey

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

CONSENT CALENDAR VOTE: Yes

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Philip Munck, Clerk

MUNICIPAL AND COUNTY GOVERNMENT

Bill #: HB205-FN Title: _____

PH Date: 2 / 3 / 11

Exec Session Date: 2 / 28 / 11

Motion: OTP on amendment

Amendment #: 2011-0521h

MEMBER	YEAS	NAYS
Ferrante, Beverly A, Chairman	✓	
Sterling, Franklin W, V Chairman	✓	
Patten, Betsey L	✓	
Lockwood, Priscilla P	✓	
Accornero, Harry	✓	
Belanger, James P	✓	
Burt, John A	✓	
Coffey, James E	✓	
Copeland, Timothy D	Absent	
Moore, Robert W	Absent	
Munck, Philip L	✓	
Shackett, Jeffrey S	✓	
Stroud, Kathleen M	✓	
DeStefano, Stephen T	✓	
Roberts, Kris E	✓	
Hooper, Dorothea D	✓	
Tatro, Bruce L	✓	
TOTAL VOTE:	15	0

MUNICIPAL AND COUNTY GOVERNMENT

Bill #: HB 205 Title: _____

PH Date: 2 / 3 / 11

Exec Session Date: 2 / 28 / 11

Motion: OTPA

Amendment #: _____

MEMBER	YEAS	NAYS
Ferrante, Beverly A, Chairman	✓	
Sterling, Franklin W, V Chairman	✓	
Patten, Betsey L	✓	
Lockwood, Priscilla P	✓	
Accornero, Harry	✓	
Belanger, James P	✓	
Burt, John A	✓	
Coffey, James E	✓	
Copeland, Timothy D		
Moore, Robert W		
Munck, Philip L	✓	
Shackett, Jeffrey S	✓	
Stroud, Kathleen M	✓	
DeStefano, Stephen T	✓	
Roberts, Kris E	✓	
Hooper, Dorothea D	✓	
Tatro, Bruce L	✓	
TOTAL VOTE:	15	0

Committee Report

CONSENT CALENDAR

March 2, 2011

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on MUNICIPAL AND COUNTY

GOVERNMENT to which was referred HB205-FN,

AN ACT relative to notice to owners of upstream dams.

Having considered the same, report the same with the

following amendment, and the recommendation that

the bill OUGHT TO PASS WITH AMENDMENT.

Rep. Betsey L Patten

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	MUNICIPAL AND COUNTY GOVERNMENT
Bill Number:	HB205-FN
Title:	relative to notice to owners of upstream dams.
Date:	March 2, 2011
Consent Calendar:	YES
Recommendation:	OUGHT TO PASS WITH AMENDMENT

STATEMENT OF INTENT

In 2010 an amendment to RSA 676:4, I(d) was enacted to require notification of upstream dam owners whenever a "near" development was proposed. There was difficulty in verifying the owners of the dams due to perceived homeland security issues. HB 205 was introduced to deal with those issues. The amendment clarifies that "near" is defined by any structure that will be within 500 feet of the top of the bank of any river or stream and now requires notification to the department of environmental services who will notify the upstream dam owners.

Vote 15-0.

Rep. Betsey L Patten
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

MUNICIPAL AND COUNTY GOVERNMENT

HB205-FN, relative to notice to owners of upstream dams. OUGHT TO PASS WITH AMENDMENT.

Rep. Betsey L Patten for MUNICIPAL AND COUNTY GOVERNMENT. In 2010 an amendment to RSA 676:4, I(d) was enacted to require notification of upstream dam owners whenever a "near" development was proposed. There was difficulty in verifying the owners of the dams due to perceived homeland security issues. HB 205 was introduced to deal with those issues. The amendment clarifies that "near" is defined by any structure that will be within 500 feet of the top of the bank of any river or stream and now requires notification to the department of environmental services who will notify the upstream dam owners. **Vote 15-0.**

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

✓ Patten

COMMITTEE: M+CG

BILL NUMBER: HB 205

TITLE: notice to relative to ~~assessment~~ owners of upstream dams

DATE: 2-28-11 CONSENT CALENDAR: YES NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2nd year of biennium)

Amendment No. 2011-0251h

STATEMENT OF INTENT:

See Attached

COMMITTEE VOTE: 15-0

- Copy to Committee Bill File
- Use Another Report for Minority Report

RESPECTFULLY SUBMITTED,
Rep. Betsy Patten
For the Committee

HB 205 relative to notice to owners of upstream dams

OTPA 15-0

Betsey Patten for the committee

In 2010 an amendment to RSA 676:4, I(d) was enacted to require notification of upstream dam owners whenever a “near” development was proposed. There was difficulty in verifying the owners of the dams due to perceived homeland security issues. HB 205 was introduced to deal with those issues. The amendment clarifies that “near” is defined by any structure that will be within 500 feet of the top of the bank of any river or stream and now requires notification to the department of environmental services who will notify the upstream dam owners.