Bill as Introduced

SB 20 - AS INTRODUCED

2011 SESSION

11-0956 08/03

SENATE BILL 20

AN ACT relative to shoreland protection permits.

SPONSORS: Sen. Odell, Dist 8

COMMITTEE: Energy and Natural Resources

ANALYSIS

This bill exempts terrain alteration permit holders from requiring certain shoreland protection permits.

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removed from current law appears [in brackets and struckthrough.]Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.





SB 20 - AS INTRODUCED

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eleven

AN ACT relative to shoreland protection permits.

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

- Shoreland Protection; Permit Required. Amend RSA 483-B:5-b, IV to read as follows:
 IV. Impacts in the protected shoreland that receive a permit in accordance with RSA 482-A
 or RSA 485-A:17 shall not require a permit under this section.
- 4 2 Effective Date. This act shall take effect 60 days after its passage.

SB 20 - AS AMENDED BY THE SENATE

02/23/11 0399s

2011 SESSION

11-0956 08/03

| SENATE BILL | 20 |
|-------------|----|
|-------------|----|

AN ACT relative to shoreland protection permits.

SPONSORS: Sen. Odell, Dist 8

COMMITTEE: Energy and Natural Resources

ANALYSIS

This bill exempts terrain alteration permit holders from requiring certain shoreland protection permits.

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removed from current law appears [in brackets and struckthrough.]Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

SB 20 - AS AMENDED BY THE SENATE

02/23/11 0399s

 $\mathbf{2}$

11-0956 08/03

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eleven

AN ACT relative to shoreland protection permits.

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

1 1 Shoreland Protection; Permit Required. Amend RSA 483-B:5-b, IV to read as follows:

IV. Impacts in the protected shoreland that receive a permit in accordance with RSA 482-A

3 and commercial or industrial redevelopment in accordance with RSA 485-A:17 shall not

4 require a permit under this section.

5 2 Effective Date. This act shall take effect 60 days after its passage.

CHAPTER 141 SB 20 – FINAL VERSION

02/23/11 0399s

2011 SESSION

11-0956 08/03

SENATE BILL 20

AN ACT relative to shoreland protection permits.

SPONSORS: Sen. Odell, Dist 8

COMMITTEE: Energy and Natural Resources

ANALYSIS

This bill exempts terrain alteration permit holders from requiring certain shoreland protection permits.

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.

CHAPTER 141 SB 20 – FINAL VERSION

02/23/11 0399s

11-0956 08/03

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eleven

AN ACT relative to shoreland protection permits.

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

- 1 141:1 Shoreland Protection; Permit Required. Amend RSA 483-B:5-b, IV to read as follows:
 - IV. Impacts in the protected shoreland that receive a permit in accordance with RSA 482-A

3 and commercial or industrial redevelopment in accordance with RSA 485-A:17 shall not

- 4 require a permit under this section.
- 5 141:2 Effective Date. This act shall take effect 60 days after its passage.
- 6 Approved: June 7, 2011

 $\mathbf{2}$

7 Effective Date: August 6, 2011

Amendments

Energy and Natural Resources February 17, 2011 2011-0399s 08/09

Amendment to SB 20

Amend RSA 483-B:5-b, IV as inserted by section 1 of the bill by replacing it with the following:
 IV. Impacts in the protected shoreland that receive a permit in accordance with RSA 482-A
 and commercial or industrial redevelopment in accordance with RSA 485-A:17 shall not

5 require a permit under this section.

Committee Minutes

Printed: 01/05/2011 at 11:57 am

SENATE CALENDAR NOTICE ENERGY AND NATURAL RESOURCES

| √Senator Bob Odell C | hairman | For I | se by Senate Clerk's |
|---|-------------------------------|-------------------|------------------------|
| √Şenator John Gallus | V Chairman | | Office ONLY |
| Senator Jeb Bradley | | Bill St | |
| Senator Gary Lambe | | | |
| VSenator Amanda Me | rrill | Docket | ; |
| | | Calend | lar |
| | | Proof: | Calendar 🚺 Bill Status |
| | | | |
| | | | nuary 5,2011 |
| | HEAF | RINGS | |
| | Thursday | 1/13/2011 | |
| ENERGY AND NATURA | AL RESOURCES | LOB 102 | 10:15 AM |
| (Name of Committee) | | (Place) | (Time) |
| | EXECUTIVE SESS | SION MAY FOLLOW | |
| 10:15 AM SB19 | relative to the definition of | "prime wetlands." | |
| 10:30 AM SB20 | relative to shoreland protec | ction permits. | |
| 10:45 AM SB21 | relative to the definition of | "wetlands." | |
| Sponsors: SB19 Sen. Bob Odell SB20 Sen. Bob Odell | Sen. Jim Rausch | | |
| SB21 Sen. Bob Odell | Scn. Chuck Morse | | |
| | START: 11:18 Am | | |

RELEISED: 11:19

Richard Parsons 271-3076

..

.

Sen. Bob Odell

Chairman

Energy and Natural Resources Committee

Hearing Report

TO: Members of the Senate

FROM: Richard Parsons, Legislative Aide

RE: Hearing report on SB 20 – relative to shoreland protection permits.

HEARING DATE: January 13, 2011

MEMBERS OF THE COMMITTEE PRESENT: Senators Odell, Gallus, Bradley, Lambert, Merrill

MEMBERS OF THE COMMITTEE ABSENT: No one

Sponsor(s): Sen. Odell, Dist 8

What the bill does: This bill exempts terrain alteration permit holders from requiring certain shoreland protection permits.

Who supports the bill: Michael Licata, BIA; Kendall Buck, Home Builders Association of NH; Jim Gove; Gary Abbott, AGC of NH; Erik Stevenson, Brox Industries, Inc.; Chris Albert, NHANRS; Jasen Stock, NH TOA;

Who opposes the bill: Michele Tremblay, New Hampshire Rivers Council; Jean Eno, Winnicut River Watershed Coalition; Larry Sunderland, Audubon Society of NH; Jane Beaulieu, PRLAC; Phil Cassista;

Others testifying: Rene Pelletier, DES; Representative Judith Spang supports the intent of the bill but believes it needs work.

Summary of testimony received:

Senator Odell, District 8 – Prime Sponsor

- Hearing called to order at 11:18am
- Senator Odell introduced the legislation and asked that the bill be recessed after indicating that the intent of the bill and the elements that are contained in it are part of a more substantial bill that will come from the Department of Environmental Services later in the session.

Hearing recessed at 11:19am

Funding: Not applicable.

Future Action: None.

RMP {file: SB0020 report} Date: 1/14/11

Printed: 02/10/2011 at 12:47 pm

SENATE CALENDAR NOTICE ENERGY AND NATURAL RESOURCES

Senator Bob Odell Chairman Senator John Gallus V Chairman Senator Jeb Bradley Senator Gary Lambert Senator Amanda Merrill

| For Use by Senate Clerk's Office ONLY |
|--|
| Bill Status |
| Docket |
| Calendar |
| Proof: Calendar Bill Status |

Date: February 10, 2011

HEARINGS

| | <u></u> | Thursday | 2/17/2011 | |
|--|--------------------|-------------------------------|-------------------------------|----------------------|
| ENERGY AND NATURAL RESOURCES | | L RESOURCES | LOB 102 | 9:00 AM |
| (Name of | Committee) | <u>,</u> | (Place) | (Time) |
| 1 | | EXECUTIVE SESS | SION MAY FOLLOW | |
| 9:00 AM | SB20 | relative to shoreland protec | tion permits. | |
| 9:15 AM | SB38 | relative to extensions for we | etland and shoreland permits. | |
| 9:30 AM | SB124-FN | relative to the comprehensi | - | |
| 9:45 AM | SB154-FN | reforming the comprehensiv | | |
| 10:00 AM | SB134-111 SB144 | relative to extending certain | | |
| SB20 Sen. Bob C SB38 Sen. Bob C | Odetl | | | |
| SB124-F Sen. John (| Gallus | Rep. Frank Sapareto | Rep. Stephanie Eaton | |
| SB154-F Sen. Jeb B: | | Sen. David Boutin | Sen. Sharon Carson | Sen. Tom De Blois |
| Sen. James | * | Sen. John Gallus | Sen. Fenton Groen | Sen. Nancy Stiles |
| Sen. Raym | | Rep. Betsey Patten | Rep. Christopher Ahlgren | Rep. Karen Umberger |
| Rep. Gene | Chandler | Rep. David Bettencourt | | |
| SB144 | n Carson | Sen. Bob Odell | Rep. Betsey Patten | Rep. Andrew Renzulle |

START: 9:01 AM END: 9:42 AM

Richard Parsons 271-3076

Sen. Bob Odell

Chairman

Energy and Natural Resources Committee

Hearing Report

TO: Members of the Senate

FROM: Richard Parsons, Legislative Aide

RE: Hearing report on SB 20 – relative to shoreland protection permits.

HEARING DATE: February 17, 2011

MEMBERS OF THE COMMITTEE PRESENT: Senators Odell, Gallus, Bradley, Lambert, Merrill

MEMBERS OF THE COMMITTEE ABSENT: No one

Sponsor(s): Sen. Odell, Dist 8

What the bill does: This bill exempts terrain alteration permit holders from requiring certain shoreland protection permits.

Who supports the bill: Michael Licata, BIA; Ari Pollack, Home Builders Association of NH; Jim Gove; Gary Abbott, Assoc. General Contractors of NH; Chris Albert, NH Assoc. National Resource Scientist; Jim Gove, Gove Environmental Services, Inc.; Ken Rhodes, CLD Consulting Engineers, NHAGC; Ed Dupont, The Dupont Group; Jared Teutsch, NH Lakes Association

Who opposes the bill: Amy Manzelli, New Hampshire Rivers Council; Isabel Parke, Lamprey River Watershed Association, Lamprey River Nominating Committee

Others testifying: Rene Pelletier, DES; Russ Wilder, ACEC

Summary of testimony received:
Senator Odell, District 8 – Prime Sponsor

Hearing reopened at 9:01am

Gary Abbott, Vice President of Assoc. General Contractors of NH

• Support of SB 20

- $\mathbf{2}$
- SB 20 is different than the other bills that are being heard on shoreland issues because those bills affect the Shoreland Protection Act and what it does and how it operates.
- SB 20 says that for commercial operations that go through the AoT process.
 - Alteration of Terrain permits are different permits that deal with water quality so they would not have to go through shoreland permitting.
- The reason it exempts commercial properties is because it has never really been intended or worked for these properties.
 - When the law was put in it was mostly focused on residential.
 - Things like impervious surface do not work for commercial properties.
 - Any business that is working on an impervious surface has to negotiate for a waiver and we think that is the wrong process for commercial properties.
 - That is why we AGC of NH is in support of the bill.
- There have been talks of an amendment to limit its scope and what would be exempt under the Shoreland Protection Act of not needing to meet all of those criteria.
 - Amendment was worked on with DES to limit its scope to redevelopment.
 - Sites that have already been developed within the Shoreland Protection Act for commercial properties.
 - The Department is working on changes for redevelopment permits under the AoT, so by the time this legislation goes through it should fit in with the new rules that are coming.
 - The amendment just says it is for "commercial or industrial redevelopment in accordance with RSA 485-A:17"
 - RSA 485-A:17 is the Terrain Alteration regulation.
- Question from Senator Odell: The term in here is redevelopment, so if I understand it correctly, in the business that word would be well understood? Within the shoreline protected area a developed area that wanted to redevelop would be exempt?
 - Right. It also has to be of size to meet the AoT regulations. So, it couldn't be a little small commercial development because it has to have a certain amount of square feet to trigger the regulation.
- Question from Senator Merrill: Would there be, or are there in other places of statute, limits on the size of the expansion within redevelopment?
 - o If that is not clear we can work to make that clear with DES.
 - Overall attempt is not really about the terrain alternation permit, but that under commercial you have to get a waiver every time.

3

- It already covers the water quality and those things you are trying to protect, but it is near impossible to meet the impervious surface and some of the other requirements especially when trying to redevelop.
- Question from Senator Merrill: Effective date of this bill is 60 days upon passage. How does that fit in with the AOT process being modified?
 - Open to working with the committee to make sure that process works.
- General of all the other bills that will be heard.
 - o We know there are problems with the Shoreland Protection Act.
 - In support of fixing the SPA because the association recognizes there are problems.
 - We checked off support for all of the shoreland bills.
 - Our organization voted and even supported a repeal and have the whole thing come back because we know it doesn't work for commercial.
 - It has an impact on the economy, construction and how much work is out there.
- Question from Senator Odell: How do you know about the magnitude of the problems? Who figures that all out in relation to the Shoreland Protection Act?
 - Poised the question to members of the association.
 - The association is made up of general contractors, subcontractors, attorneys, consultants.
 - Attorneys talked about cases were they couldn't get projects through.
 - Consultants talked about projects that didn't go further because the costs were running too high to try to get a permit.
 - It wasn't anecdotal, there were specific examples given by members.

Jim Gove, Gove Environmental Services, Inc.

- In support
- SB 20
 - As a consultant had to deal with the redevelopment portion quite a lot.
 - Projects all over the state in places like Manchester, Concord, Claremont.
 - Places that have existing development and want to do a little more.
 - One question is when does this requirement get triggered?
 - o Right now, the trigger is 50,000 square feet
 - McDonald's alone would be over 50,000 square feet.
 - That is a built-in trigger
 - Finding that when we come in for redevelopment projects the Department has been very good about granting waivers.

- However, it is another step and another process when we have already met the water quality requirements through the AoT.
 - Why put us through a shoreland waiver process that basically does the same thing.
- SB 38:
 - o It would be great to go into automatic extensions.
 - In this economy, clients have trouble getting financing and things done with the bank and they have to have extensions.
 - The problem is there is still a long process on how to get an extension.
 - It will save money in the long run for businesses.

• Shoreland bills:

đ

- o Have about 150 projects that have something to do with
- wetlands, and shoreland every year.
 - In the past year, maybe 20 projects about violations of shoreland act.
 - Can be difficult for homeowners to understand all the aspects of what they can and can't do.
 - There should be part were de minimis activity is allowed
- Question from Senator Odell: SB38: Asking for a 5-year extension beyond the first 5 years. That extension would be parallel to the extension offered by other DES permits. Correct?
 - o Correct.
 - The way it is setup you can extend up to 5 years, but often you need to be date specific.
 - The beauty is even if you think you need 3 years you can get the automatic 5 years extension to help a lot.

Ken Rhodes, CLD Consulting Engineers, NHAGC

- SB 20 and 38:
- In support
 - Support because the basic concept of the linkage of the AoT review gives a lot of protection for redevelopment projects in the arena of shoreland protection.
 - The department has been good about making a reasoned evaluation of how things are going, but it still does add time.
 - Sometimes when the project is in the beginning stages, the applicant, and particularly when they have to explain to financing organizations, the level of doubt can lead to a project being altered or not going forward as sometimes these are risk averse.
- Question from Senator Odell: When mentioned PSNH and other buildings in Manchester along the Merrimack River. The Department eventually gives the waiver for such facilities?
 - o They do.
 - The only caveat is that at times there comes the opportunity for a local conservation commission to get

comment and give another point to bring more questions.

involved and

- Example of project in the Lakes Region near exit 20.
 - The person wanted to put in parking spots in the Θ upland side.
 - Those six parking places created an additional permit.
- o Question from Senator Gallus: In a project of that nature what are the additional costs for those minor changes?
 - Doing the form, supporting the technical requests can add an extra day or two of time.
 - **Continued Lakes Region example** 0
 - Went to the planning board which had a member of the conservation commission on the board that recommended it go to the conservation commission.
 - The cost could have been higher after that commission.
 - You can't really put a price tag on the level of uncertainty that can occur project to project.

Rene Pelletier, DES

- Neutral
- One of the issues that have been brought to the Department's attention in the last 6-8 months was the redevelopment process, especially because of the down economy.
- Full support of the redevelopment concept.
 - We want to see these projects go forward.
- Currently, the Department is doing what it can to waive the AoT rules so those projects can go forward.
- This language will take them out of the shoreland act.
 - The main purpose of the shoreland act is to protect the water ways by addressing the impervious situation and the nutrient load.
 - That is what AoT does.
 - It looks at stormwater, which is the big contaminant in the next 10 years.
- Question from Senator Odell: Is everyone comfortable with the term redevelopment? Is it well understood?
 - o It is well understood.
 - Anything that already exists and is currently constructed.
- Question from Senator Odell: Can you speak to Senate Bill 38? o Full support.

Isabel Parke, Lamprey River Watershed Association, Lamprey River Nominating Committee

- In opposition
- Concerned that these bills will in some way affect the nominating process of the Lamprey River.

o 13 towns along the river that wanted the river to be nominated.

- Water quality and quantity
 - Modifying the buffers shouldn't happen without a lot of scientific data.

belongs to us all.

- Make sure the provisions are not weakened through these bills.
- Comment from Senator Merrill: By way of disclosure, Senator Merrill is a co-sponsor the legislation to designate the Lamprey to the rivers program.

Jared Teutsch, NH Lakes Association

- Represent 26,000 people across the state.
 - Support SB20
 - o Think it is an improvement.
 - Support the extension of the permits.
 - The general process at DES, even in a wetlands permit you can be exempted from the shoreland waiver or variance process.

Michael Licata, BIA

- In support
- The bill and the amendment seem like a simple common sense change to bring the AoT program in parity with the wetlands permits.

Hearing closed at 9:42 am

Funding: Not applicable

Future Action:

Senator Gallus made a motion that the bill ought to pass with amendment and the motion was seconded by Senator Lambert. The vote was 5-0 and Senator Gallus will report the bill to the floor.

RMP [file: SB0020 report] Date: 2/18/11 Speakers

Senate Energy and Natural Resources Committee: Sign-In Sheet

Date: 1/13/2011

Time: 10:30 AM Public Hearing on SB 20

SB 20

relative to shoreland protection permits.

| Name | Representing | <u></u> | . <u>.</u> | | | | - |
|-------------------|-------------------------------------|--------------|-------------|-----------|----------|---------|----|
| MICHAEL LICATA | BIA | Support | Oppose | Speaking? | Yes Z | No | |
| Kendall Buck | HOME BUILD GO, ADSOL OF NIA | Support Ø | Oppose | Speaking? | Yes 🛛 | No | |
| Jim Gove | My Sals | Support | Oppose | Speaking? | Yes Z | No | |
| Ga, Abbutt | ALL & NH | Support | Oppose | Speaking? | Yes I | No | |
| micele Liverthy | New Houghing King Caniel | Support | Oppose | Speaking? | Yes 2 | No | |
| Slan Eno | unnient River Innterster Galitin | Support | Oppose 2 | Speaking? | Yes | Nº M | |
| Leony Sunder Cand | A Labor Contra | Support | Oppose | Speaking? | Yes | No | |
| EQUE TELENSON | BROX INP. Inc. | Support | Oppose | Speaking? | Yes | No I | |
| Chais Albert | NHANRS | Support | Oppose | Speaking? | Yes | No | |
| Jasin Stock | NH TOA | Support | Oppose | Speaking? | Yes | No Z | |
| Em Beanhai | & PRLAC | Support | Oppose Ø | Speaking? | Yes | No D | |
| Rep Judith Spang | District 7 (needs work) | Support | Oppose | Speaking? | Yes | No | WA |
| Pene Pelletier | DES | Support | Oppose | Speaking? | Yes | No | |
| Phil Cassim | 5.l4 | Support | Oppose | Speaking? | Yes | No I | |
| | | Support | Oppose | Speaking? | Yes | No | |
| | | Support | Oppose | Speaking? | Yes | No | |
| | | Support | Oppose | Speaking? | Yes | No | |
| | | Support | Oppose | Speaking? | Yes | No □ | |
| | | Support | Oppose | Speaking? | Yes | No | |

Senate Energy and Natural Resources Committee: Sign-In Sheet

Date: 2/17/2011

.

Time: 9:00 AM Public Hearing on SB 20

SB 20

relative to shoreland protection permits.

| | Name | Representing | | <u> </u> | | ······································ | |
|-------------|--|--|--------------|----------|-----------|--|---------|
| ¥ | Gary Abbitt | Assoc Grand Contractors | Support | Oppose | Speaking? | Yes Z | No |
| ί | Jin Gouc | myself | Support Ø | Oppose | Speaking? | Yes X | No |
| $\langle [$ | then Rhooles | CLU CONSUTTING ENCONS & AGC | Support | Oppose | Speaking? | Ýes 🗵 | No □ |
| | Chris Albert | NH Assor. Natural Risovani Scindiat | Support | Oppose | Speaking? | Yes | No X |
| $\langle [$ | Amy Mantelli | NH Rivers Concil | Support | Oppose | Speaking? | Yes | No Ø |
| Į | ARE POLACK | the WEBAIT LOGES | Support | Oppose | Speaking? | Yes | No M |
| 4 | Russ Wilder | ACEZ | Support | Oppose | Speaking? | Yes | No 🗷 |
| ¥ | Ed pupont | Eupont Groap | Support | Oppose | Speaking? | Yes | No Z |
| ¥ | RENT PELLETIES | NHDES | Support | Oppose | Speaking? | Yes | - No |
| 4 | Isuld Parka | Lan pry Rhot | Support | Oppose | Speaking? | Yes | N₀ □ |
| / | Tax OTentsch | NHLARTES | Support- | Oppose | Speaking? | Yes | No |
| | | | Support | Oppose | Speaking? | Yes | No |
| | | | Support | Oppose | Speaking? | Yes | No |
| | | | Support | Oppose | Speaking? | Yes | No □ |
| | | | Support | Oppose | Speaking? | Yes | |
| | | | Support | Oppose | Speaking? | Yes | No |
| | and a second | | Support | Oppose | Speaking? | Yes | No □ |
| | <u>a (1993) - 1997 - 2997 - 2997 - 2997 - 2000 - 2000 - 2000 - 2000 - 2000 - 2000 - 2000 - 2000 - 2000 - 2000 - 2000</u> | | Support | Oppose | Speaking? | Yes | No D |
| | | | Support | Oppose | Speaking? | Yes | No |

Senate Energy and Natural Resources Committee: Sign-In Sheet

.

Date: 2/17/2011 Time: 9:00 AM Public Hearing on SB 20

relative to shoreland protection permits.

SB 20

| Name | Representing | | , ,, · · · · · · · | | | |
|--|--------------|---------|--------------------|-----------|-----|----|
| MICHAEL LICATOR | BIA | Support | Oppose | Speaking? | Yes | |
| | | Support | Oppose | Speaking? | Yes | No |
| | | Support | Oppose | Speaking? | Yes | |
| | | Support | Oppose | Speaking? | Yes | N |
| n - na an | | Support | Oppose | Speaking? | Yes | N |
| | | Support | Oppose | Speaking? | Yes | |
| | | Support | Oppose | Speaking? | Yes | N |
| | | Support | Oppose | Speaking? | Yes | N |
| | | Support | Oppose | Speaking? | Yes | N |
| | | Support | Oppose | Speaking? | Yes | N |
| | | Support | Oppose | Speaking? | Yes | N |
| | | Support | Oppose | Speaking? | Yes | N |
| | | Support | Oppose | Speaking? | Yes | N |
| na - nyana yana manana karana karana da sana da karana da ga karana ya da ji sa yana karaka da sabanya k | | Support | Oppose | Speaking? | Yes | N |
| | | Support | Oppose | Speaking? | Yes | N |
| , | | Support | Oppose | Speaking? | Yes | N |
| | | Support | Oppose | Speaking? | Yes | N |
| | | Support | Oppose | Speaking? | Yes | N |
| n an an an an ann an ann an ann an ann an a | | Support | Oppose | Speaking? | Yes | N |

Testimony



Business and Industry Association New Hampshire's Statewide Chamber of Commerce

122 North Main Street, Concord, NH 03301 Tel: 603.224.5388 • Fax: 603.224.2872 • Web: www.nhbia.org

February 17, 2011

The Honorable Chairman, Senator Bob Odell Senate Energy and Natural Resources Committee Legislative Office Building - Room 102 Concord, New Hampshire 03301

Testimony – SB 20, an act relative to shoreland protection permits

Mr. Chairman, Members of the Energy and Natural Resources Committee,

Thank you for the opportunity to discuss SB 20 before you today. My name is Michael Licata and I am a vice president at the Business & Industry Association (BIA), the state's leading business advocacy group. With more than 400 members throughout New Hampshire, we serve as the statewide chamber of commerce.

I come before you today to register the BIA's support for SB 20. This simple common sense bill will help streamline the state's environmental permitting process and encourage economic growth.

This bill would provide parity between alteration of terrain permits and wetlands permits with respect to the shoreland protection act. Under current law, a project that is required to obtain a wetlands permit from the Department of Environmental Services is exempted from having to obtain a shoreland protection permit as well. SB 20 would expand that exemption to projects that are required to obtain an alteration of terrain permits.

We believe that requiring a shoreland protection permit on top of an alteration of terrain permit is duplicative and unnecessary for the protection of our state's natural resources. Bringing the alteration of terrain permit into parity with the wetlands is a simple common sense reform that will ease the regulatory burden businesses face and will streamline state operations, making the Department of Environmental Services more efficient.

The BIA and our members applaud the chairman for bringing forth this pro-business piece of legislation.

Mr. Chairman, this concludes my testimony. I would be happy to try to address any questions the committee may have.

Respectfully submitted,

Michael Licata Vice President Business and Industry Association

GOVE ENVIRONMENTAL SERVICES, INC.

Bill: SB20 – relative to shoreland protection permits

Intent: "exempts terrain alteration permit holders from requiring certain shoreland permits"

The intent of this change to the shoreland protection permits is to streamline the permitting process for business interests during redevelopment. When the project is for redevelopment of an existing site within the protected shoreland, current requirements are that both a shoreland permit and an alteration of terrain permit be obtained.

The current alteration of terrain rules are very comprehensive and require both storm water quality and storm water quantity to be addressed. Under the current rules, a project cannot discharge polluted water and cannot discharge more water volume. These are very stringent rules.

Requiring that businesses that are redeveloping to also obtain a shoreland permit with restrictions on impervious surface is both overkill and redundant. The alteration of terrain will insure that businesses will be discharging clean water. The intent of the shoreland act is met by insuring that the adjacent waters are not subject to polluting discharges or to increased water volumes.

Often, business cannot meet the requirements of the shoreland act. Even when improvements are inade to storm water runoff quality and quantity, the redeveloping commercial site still cannot meet the shoreland act. DES has been very good about giving businesses waivers, but obtaining waivers just extends the permitting process that much longer.

These are not extensive areas in the state, and primarily occur along the fourth order streams that cut through the heart of Concord, Manchester, Nashua, Exeter, etc. We want to see redevelopment in these areas. So, we should make the climate friendlier to commercial interests that want to expand and redevelop sites.

Prepared by: James Gove, President, Gove Environmental Services, Inc.



[|] SB 20

Amend RSA 483-B:5-b, IV as follows:

IV. Impacts in the protected shoreland that receive a permit in accordance with RSA 482-A and commercial or industrial redevelopment in accordance with RSA 485-A:17 shall not require a permit under this section.

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Date: February 17, 2011

THE COMMITTEE ON Energy and Natural Resources

to which was referred Senate Bill 20

AN ACT relative to shoreland protection permits.

Having considered the same, the committee recommends that the Bill:

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

-

, · ·

AMENDMENT # 0399s

Senator John T. Gallus For the Committee

Richard Parsons 271-3076

New Hampshire General Court - Bill Status System

Docket of SB20

Docket Abbreviations

,

Bill Title: relative to shoreland protection permits.

Official Docket of SB20:

| Date | Body | Description |
|-----------|------|--|
| 1/4/2011 | S | Introduced 1/5/2011 and Referred to Energy and Natural Resources, SJ 1, Pg.20 |
| 1/5/2011 | S | Hearing: 1/13/2011, Room 102, LOB, 10:30 a.m.; SC6 |
| 1/14/2011 | S | Hearing: === RECESSED === 1/13/11, Room 102, LOB, 10:30 a.m. |
| 2/10/2011 | S | Hearing: === RECONVENE === 2/17/11, Room 102, LOB, 9:00 a.m.; SC11 |
| 2/17/2011 | S | Committee Report: Ought to Pass with Amendment #2011-0399s , 2/23/11; SC12 |
| 2/23/2011 | S | Committee Amendment 0399s, AA, VV; SJ 7, Pg.68 |
| 2/23/2011 | S | Ought to Pass with Amendment 0399s, MA, VV; OT3rdg; SJ 7, Pg.68 |
| 2/23/2011 | S | Passed by Third Reading Resolution; SJ 7, Pg.77 |
| 3/16/2011 | H | Introduced and Referred to Resources, Recreation and Development; HJ 28, Pg.882 |
| 3/29/2011 | н | Public Hearing: 4/6/2011 10:00 AM LOB 305 |
| 4/26/2011 | н | Executive Session: 5/3/2011 1:00 PM LOB 305 |
| 5/4/2011 | н | Committee Report: Ought to Pass for May 18 (Vote 15-0; CC); HC 39, PG.1321 |
| 5/18/2011 | н | Ought to Pass: MA VV; HJ 44, PG.1535 |
| 6/1/2011 | Н | Enrolled; HJ 48, PG.1669 |
| 6/1/2011 | S | Enrolled; SJ 20 , Pg.547 |
| 6/7/2011 | S | Signed by the Governor on 06/07/2011; Effective 08/06/2011; Chapter 0141 |

NH House

NH Senate

Other Referrals

COMMITTEE REPORT FILE INVENTORY

SB0120 ORIGINAL REFERRAL

_____ RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.

2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.

3. The documents which have an "X" beside them are confirmed as being in the folder.

4. The completed file is then delivered to the Calendar Clerk.

 \underline{X} DOCKET (Submit only the latest docket found in Bill Status)

 \underline{X} COMMITTEE REPORT

- \underline{X} CALENDAR NOTICE
- \underline{X} HEARING REPORT
- HANDOUTS FROM THE PUBLIC HEARING
- X PREPARED TESTIMONY AND OTHER SUBMISSIONS
- \underline{X} SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

<u>Χ</u> - AMENDMENT # <u>0399</u> - AMENDMENT # _____

_____ - AMENDMENT # ______ - AMENDMENT # ______

ALL AVAILABLE VERSIONS OF THE BILL:

 $\underline{\times}$ AS INTRODUCED ____ AS AMENDED BY THE HOUSE

 \times FINAL VERSION \angle AS AMENDED BY THE SENATE

____ OTHER (Anything else deemed important but not listed above, such as amended fiscal notes):

IF YOU HAVE A RE-REFERRED BILL, YOU ARE GOING TO MAKE UP A DUPLICATE FILE FOLDER

Date delivered to Senate Clerk $\frac{7/22/11}{2}$

BY COMMITTEE AIDE

Revised 2011