

Bill as Introduced

HB 321-FN - AS INTRODUCED

2011 SESSION

11-0886
06/09

HOUSE BILL **321-FN**

AN ACT relative to the classification of wetlands as contributing or noncontributing.

SPONSORS: Rep. Mirski, Graf 10; Rep. Parison, Hills 3; Rep. Avard, Hills 20; Rep. LeBrun,
Hills 26; Rep. Lambert, Hills 27; Rep. Huxley, Hills 3; Rep. Warden, Hills 7

COMMITTEE: Resources, Recreation and Development

ANALYSIS

This bill requires the department of environmental services to develop criteria for classifying wetlands as contributing or noncontributing and makes noncontributing wetlands exempt from regulation.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

LBAO
11-0886
12/15/10

HB 321-FN - FISCAL NOTE

AN ACT relative to the classification of wetlands as contributing or noncontributing.

FISCAL IMPACT:

The Department of Environmental Services states this bill will decrease state restricted revenues and may decrease state restricted expenditures by indeterminable amounts in FY 2012 and each fiscal year thereafter. There will be no fiscal impact on county and local revenues or expenditures.

METHODOLOGY:

The Department states this bill would establish a classification for wetlands, which would exempt certain wetlands from regulation. The Department states this bill would decrease state revenues as some existing wetlands would become exempt from the regulation fees currently assessed and collected. The Department states they are unable to estimate the fiscal impact to state revenues as the definition of noncontributing wetlands has not been established and a determination of wetlands becoming exempt under this bill has not been made.

The Department states this bill could also result in a decrease in state expenditures, as the Department may have reduced regulatory responsibilities. The Department is unable to estimate a potential decrease to state expenditures as it is unclear if exempting certain wetlands from regulation would decrease the Department's costs and by how much.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

PUBLIC HEARING ON HB 321-FN

BILL TITLE: relative to the classification of wetlands as contributing or noncontributing.

DATE: February 3, 2011

LOB ROOM: 305 **Time Public Hearing Called to Order:** 1:45 p.m.

Time Adjourned: 2:30 p.m.

(please circle if present)

Committee Members: Reps. Renzullo, Kappley, C. Christensen, Russell, Ahlgren, Morrow, Bolster, Howard, Hutchinson, Lovett, Pettengill, Schroadter, Spang, Parkhurst, Moody, Aguiar and Thomas.

Bill Sponsors: Rep. Mirski, Graf 10; Rep. Parison, Hills 3; Rep. Avard, Hills 20; Rep. LeBrun, Hills 26; Rep. Lambert, Hills 27; Rep. Huxley, Hills 3; Rep. Warden, Hills 7

TESTIMONY

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

Rep. Paul Mirski - Prime sponsor of the bill. Need to look at wetlands as contributing or non-contributing. Wants DES to identify types of wetlands. Towns are inconsistent and often are over concerned with non-contributing wetlands. Provided letter of testimony from Rep. Mark Warden.

* **Lawrence Morse, NHANRS** - Opposes the bill. Under State Programmatic General Permit (SPGP) certain parcels < 3 acres can be approved by the state and that meets Federal muster.

* **Collis Adams, NH Department of Environmental Services (DES)** - Opposes the bill. SPGP works because New Hampshire definitions and Federal definitions are identical. Don't want to mess with this which could jeopardize SPGP reviewed in 2012. Most towns use same (DES) definition; problems exist with towns that have their own definition.

Respectfully submitted,



Rep. D. L. Chris Christensen
Clerk

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

PUBLIC HEARING ON HB 321-FN

BILL TITLE: relative to the classification of wetlands as contributing or noncontributing.

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LOB ROOM: 305 **Time Public Hearing Called to Order:** 1:45 p.m.

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Committee Members: Reps. Renzullo, Kappler, C. Christensen, Russell, Ahlgren, Morrow, Bolster, Howard, Hutchinson, Lovett, Pettengill, Schroadter, Spang, Parkhurst, Moody, Aguiar and Thomas

Bill Sponsors: Rep. Mirski, Graf 10; Rep. Parison, Hills 3; Rep. Avard, Hills 20; Rep. LeBrun, Hills 26; Rep. Lambert, Hills 27; Rep. Huxley, Hills 3; Rep. Warden, Hills 7

TESTIMONY

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

2/3/11

pg 1 of 2

HB 321

Rep. Mirski - Wetlands as contributing
or non-contributing.

wants DES to identify types of
wetlands.

Taxers are inconsistent and often
are over concerned with non-contributing
wetlands.

Provided letter of Test. may from
Rep. Mark Warden

2 * Lawrence Mone - N/A/N/R/S. OPPOSE

SPGTP = State Programmatic General Permit
certain parcels < 3 acres can be approved
by the state and that meet Federal muster.

2/3/11
HB321

pg 2 of 2

3* Colis Adams - DES OPPOSE
SPQP works because NM definitions
& Federal definitions are identical.

Don't want to mess with this which
could jeopardize SPQP renewal in 2012.

Most towns use same (DES) definition
Problem first with towns that have their
own definitions.

Sub-Committee Minutes

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

SUBCOMMITTEE WORK SESSION ON HB 321-FN

BILL TITLE: relative to the classification of wetlands as contributing or noncontributing.

DATE: August 9, 2011

Subcommittee Members: Reps. ~~Renzullo~~, ~~Kappler~~, ~~Christensen~~, ~~Russell~~, Ahlgren, ~~Morrow~~, ~~Bolster~~, Howard, ~~Hutchinson~~, ~~Lovett~~, ~~Pettengill~~, ~~Schroader~~, ~~Spang~~, Parkhurst, ~~Moody~~, Aguiar, and ~~Thomas~~

Comments and Recommendations: Need to review Land-Use Commission (HB 1579) report and revised NH method. Subcommittee will also do SB 19. Subcommittee members: Renzullo, Chair, Morrow, Christensen, Spang, Thomas, Bolster, and Lovett

Amendments:

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

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

Moved by Rep.
Seconded by Rep.
Vote:

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

Moved by Rep.
Seconded by Rep.
Vote:

Respectfully submitted,
Rep. Chris Christensen
Subcommittee Chairman ~~Clerk~~

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

SUBCOMMITTEE WORK SESSION ON HB 321-FN

BILL TITLE: relative to the classification of wetlands as contributing or noncontributing.

DATE: August 9, 2011

Subcommittee Members: Reps. Renzullo, Kappeler, Christensen, Russell, Ahlgren, Merrow, Bolster, Howard, Hutchinson, Lovell, Pettengill, Schroadt, Spane, Parkhurst, Moody, Aguiar, and Thomas

Comments and Recommendations:

Amendments:

Sponsor: Rep. . OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

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

Moved by Rep.

Seconded by Rep.

Vote:

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

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep.
Subcommittee Chairman/Clerk

8/9/11

HB 321 - Contributing Wetlands

Need to review Land-use Comm

(HB 1579) report & Revised NH

Method.

Subcommittee will also do SB 19

Appoint: Chair Renzullo
Merrill Christensen
Spang - Thomas
Balster Lovett

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

SUBCOMMITTEE WORK SESSION ON HB 321-FN

BILL TITLE: relative to the classification of wetlands as contributing or noncontributing.

DATE: September 27, 2011

Subcommittee Members: Reps. Renzullo, Morrow, Christensen, Spang, Thomas, Bolster, and Lovett

Comments and Recommendations: Non-regulation would kill SPGP. Definition must be same as Army Corps. New Hampshire first in nation for SPGP. SPGP renews in 2012. Good time to start discussion. Present: Renzullo, Christensen, Spang, Bolster, Morrow, Lovett, and Thomas.. Morrow, Spang - ITL - Aye: Lovett, Morrow, Thomas, and Spang. Nay: Bolster, Christensen, and Renzullo. Minority wants - Interim Study.

Amendments:

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

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

Moved by Rep. Morrow
Seconded by Rep. Spang
Vote: 4-3

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

Moved by Rep.
Seconded by Rep.
Vote:

Respectfully submitted,

Rep. Chris Christensen
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

SUBCOMMITTEE WORK SESSION ON HB 321-FN

BILL TITLE: relative to the classification of wetlands as contributing or noncontributing.

DATE: September 27, 2011

Subcommittee Members: Reps. Renzullo, Merrow, Christensen, Spang, Thomas, Bolster, and Lovett

Comments and Recommendations:

Amendments:

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

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

Moved by Rep. Merrow, Spang
Seconded by Rep.
Vote: 4-3

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

Moved by Rep.
Seconded by Rep.
Vote:

Respectfully submitted,

Rep.
Subcommittee Chairman/Clerk

9/27 SWB committee

HB321-

Non-regulation would kill SPGP.

Definition must be same as Army Corps.
NH 1st in nation for SPGP.

SPGP renews in 2012. Good time
to start discussions.

Present: Ranzullo, Chuteau, Spang,
Balote, Merrow, Lovett, Thomas.

AUSEROW, Spang I T L

Aye: Lovett, Merrow, Thomas, Spang

Nay: Balote, Chuteau, Ranzullo.

Minority want Federal Study.

Testimony

New Hampshire Association of Natural Resource Scientists

Post Office Box 110 • Concord, NH 03302



HB321

February 3, 2011

Representative Andrew Renzullo, Chair
Committee on Resources, Recreation and Development
107 N. Main Street, LOB 305
Concord, NH 03301

RE: HB 321-FN, AN ACT relative to the classification of wetlands as contributing or noncontributing.

Dear Rep. Renzullo and Members of the Committee:

The NH Association of Natural Resource Scientists ("NHANRS") is a state-wide non-profit professional organization whose membership includes wetland scientists, soil scientists, and wildlife biologists from the consulting community, as well as from the academic and public sectors. Our Legislative Committee has considered HB 321-FN, and wishes to offer our comments.

HB 321-FN directs the NH Department of Environmental Services ("NHDES") to classify the non-tidal wetlands of the state as "contributing" or "noncontributing" under the supervision of the legislature, and would then exempt non-contributing wetlands from protection under state and local regulations.

NHANRS is supportive of efforts to clarify the reasonable limits of wetlands jurisdiction. We have worked over the years to improve the standards by which wetland scientists and NHDES make jurisdictional determinations. Under the current system, nearly all of the wetlands which are regulated by the NHDES and municipalities provide important wetland functions which justify regulatory protection. There remains some confusion as to the jurisdictional status of areas such as man-made drainage ditches and basins, wash ponds, farm ponds and similar areas. NHANRS would support a system that exempts these types of man-made areas from regulation, so long as it can be accomplished clearly and simply without providing additional work to the NHDES.

However, NHANRS is concerned that the system proposed by HB 321-FN is more complex than is needed to clarify the limits of jurisdiction. We do not support adding yet another task to NHDES's current list of responsibilities (i.e., development a new wetland classification system). We have no doubt that such an effort would create controversy and consume many hours of the Department's time – time that would be better spent serving the public by reviewing and processing existing permit applications. Further, we do not believe that a new classification system is necessary to improve the current system and ensure balance between environmental protection and property rights.

We are also concerned that a new system of "contributing" and "non-contributing wetlands could impact New Hampshire's existing streamlined permitting program with the US Army Corps of Engineers. The current RSA 482-A wetland definition is purposefully consistent with the definition

New Hampshire Association of Natural Resource Scientists

Post Office Box 110 • Concord, NH 03302



used by the Corps in administering the federal Clean Water Act. Currently, most projects in New Hampshire are permitted by the US Army Corps of Engineers at the federal level through a "Statewide Programmatic General Permit" ("SPGP") – a process that is greatly expedited and simplified over the alternative "Individual Permit." This federal SPGP is directly related to the fact that the NHDES has historically maintained an effective state wetlands regulatory program. Changing the state's jurisdictional definitions could lead to inconsistencies between the state and federal programs, which could ultimately lead the Corps to determine that fewer and fewer NH projects will qualify for the simplified federal SPGP process, which would cost project proponents additional time and money.

Currently, NHANRS is working with the sponsors of SB 21 to better define the limits of wetland jurisdiction in NH. SB 21 takes a simple and clear approach which we believe will successfully address the issues that Rep. Mirski and his co-sponsors intend to deal with in HB 321-FN.

If the bill is to move forward, NHANRS is prepared to work with the Committee, the bill's sponsors and its proponents to help provide reasonable and clear language to address the policy and technical issues related to wetlands jurisdiction. In the meantime, we can be contacted through our lobbyist, Dana Bisbee, Devine Millimet & Branch, at 226-1000.

We thank the Committee for your time and consideration in hearing our comments.

Sincerely,

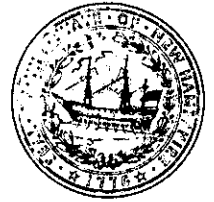
A handwritten signature in black ink, appearing to read "Lawrence E. Morse". The signature is fluid and cursive, with a long horizontal line extending to the right.

Lawrence E. Morse
Chair, Legislative Committee



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

HB 321



Thomas S. Burack, Commissioner

February 3, 2011

The Honorable Andrew Renzullo, Chairman
Resources, Recreation and Development Committee
Legislative Office Building, Room 305
Concord, New Hampshire 03301

Re: HB 321, relative to classification of wetlands as contributing or noncontributing

Dear Chairman Renzullo:

Thank you for the opportunity to comment on HB 321, which would require the Department of Environmental Services (DES) to develop criteria for classifying wetlands as contributing or noncontributing and would make noncontributing wetlands exempt from state regulation. DES does not support this legislation for the reasons described below.

HB 321 would require DES to classify non-tidal wetlands as either "contributing" or "noncontributing." "Contributing wetlands" are defined in the bill as "wetlands that have considerable environmental value or that provide a positive environmental benefit." The bill requires that DES develop a comprehensive method for classifying wetlands as either contributing or noncontributing, present this method to the legislature for affirmation of compliance with legislative intent and then, upon affirmation, to adopt regulations. The bill then establishes that activities in "noncontributing wetlands" would be unregulated. This would result in a state wetlands classification system that is less stringent than the federal wetlands classification system. The development of noncontributing wetlands would be unregulated under state law, but would still be regulated under federal law, which does not recognize a distinction between contributing and noncontributing wetlands.

If this change were to occur, it would cause a dramatic change in wetlands permitting processes in New Hampshire because the benefits of the United States Army Corps of Engineers State Programmatic General Permit (SPGP) would likely be invalidated for most projects. The SPGP is a permit issued by the US Army Corps of Engineers to the State of New Hampshire to enable streamlined permitting processes. Under the SPGP, DES performs reviews for most projects with wetlands impacts of less than three acres, then issues permits that cover both the state and federal requirements. If the state program were to become less stringent, individual permit applications to the Corps of Engineers would be required for all proposed impacts in federally-regulated wetlands. This would result in substantial delays (often 6 to 9 months) for applicants to receive federal wetlands permits, as well as additional costs for applicants. By way of contrast, DES is currently issuing standard wetlands permits within 30 to 60 days from the date that a complete application is received, well ahead of the maximum 105 day statutory deadline.

DES believes that the existing state wetlands program, in conjunction with the Army Corps of Engineers SPGP for New Hampshire, provides substantial benefit to New Hampshire's

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

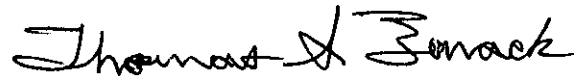
The Honorable Andrew Renzullo, Chairman
Resources, Recreation and Development Commission
February 3, 2011

Page 2 of 2

valued wetlands resources. The issuance of a state wetlands permit allows citizens and businesses to avoid the additional regulatory burden of obtaining a federal wetlands permit in all but the largest projects. If enacted, HB 321 would reduce the scope of environmental protection for New Hampshire's wetland resources, and it would likely increase the overall regulatory burden on New Hampshire citizens.

Thank you for this opportunity to comment. Please call Collis Adams at 271-4054, Rene Pelletier at 271-2951, or me at 271-2958, if you have any questions or need additional information.

Very truly yours,



Thomas S. Burack, Commissioner

cc: Representative Mirski
Representative Parison
Representative Avar
Representative LeBrun
Representative Lambert
Representative Huxley
Representative Warden

HB 321

HB 321 – AN ACT relative to classification of wetlands

Co-sponsor Mark Warden, State Rep - Goffstown/Weare, testifying in favor.

Feb. 03, 2011

Please consider the following points as you deliberate this bill.

- Because of the high level of precipitation and high water tables in New Hampshire, there is a proliferation of wetlands. Many do not have special value in any economic, cultural, aesthetic, or environmental sense.
- Extensive DES regulations have a chilling effect on development in New Hampshire, raising the cost of development through additional study requirements, regulatory burden, and project delays. In today's economic crisis, the state should ease barriers to economic activity and encourage job-creating development.
- The fiscal note does not consider the opportunity costs of wetlands regulation, i.e. the tax and job-producing projects that never get built because of regulation.
- Man is a part of nature, and the social and economic health of New Hampshire residents must be considered before implementing far-reaching environmental regulations. It is time to tip the balance back towards the value of human beings. As stated in Article 2, Part I of the NH Constitution [Natural Rights], "All men have certain natural, essential, and inherent rights - among which are, the enjoying and defending life and liberty; acquiring, possessing, and protecting, property; and, in a word, of seeking and obtaining happiness...." Let us always honor the constitution before limiting the rights of the people we were sent here to represent.

Mark Warden
State Rep - Goffstown/Weare
603-391-2888

Voting Sheets

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

EXECUTIVE SESSION on HB 321-FN

BILL TITLE: relative to the classification of wetlands as contributing or noncontributing.

DATE: February 8, 2011

LOB ROOM: 305

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

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

Moved by Rep. Kappler

Seconded by Rep. Spang

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. Chris Christensen, Clerk

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

EXECUTIVE SESSION on HB 321-FN

BILL TITLE: relative to the classification of wetlands as contributing or noncontributing.

DATE: 2/8/11

LOB ROOM: 305

Amendments:

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

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

Moved by Rep. Kappler

Seconded by Rep. Spang

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. Chris Christensen, Clerk

David Russell, acting clerk

RESOURCES, RECREATION AND DEVELOPMENT

Bill #: FR1-FN Title: relative to classification of wetlands as contributing or non-contributing
 PH Date: 2/3/11 Exec Session Date: 2/18/11

Motion: retain Amendment #: _____

MEMBER	YEAS	NAYS
Renzullo, Andrew, Chairman	✓	
Kappler, Lawrence M, V Chairman	✓	
Christensen, D.L. Chris		
Russell, David H	✓	
Ahlgren, Christopher J	✓	
Merrow, Harry C	✓	
Bolster, Peter S	✓	
Howard, Thomas J		
Hutchinson, Winfred O	✓	
Lovett, Charlene M	✓	
Pettengill, Laurie P	✓	
Schroadter, Adam R	✓	
Spang, Judith T	✓	
Parkhurst, Henry A. L.	✓	
Moody, Marcia G	✓	
Aguiar, James D	✓	
Thomas, Yvonne D	✓	

TOTAL VOTE: 15 0
 Printed: 1/4/2011

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

EXECUTIVE SESSION on HB 321-FN

BILL TITLE: relative to the classification of wetlands as contributing or noncontributing.

DATE: October 25, 2011

LOB ROOM: 305

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

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

Moved by Rep. Bolster

Seconded by Rep. Hutchinson

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: YES

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Chris Christensen, Clerk

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

EXECUTIVE SESSION on HB 321-FN

BILL TITLE: relative to the classification of wetlands as contributing or noncontributing.

DATE: October 25, 2011

LOB ROOM: 305

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

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

Moved by Rep.

BOLSTER Hutchison 15-0

Seconded by Rep.

Vote: (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.)

15-0

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Chris Christensen, Clerk

OFFICE OF THE HOUSE CLERK
 RESOURCES, RECREATION and DEVELOPMENT

Bill# H13321 Title Wetlands classification

PH Date 2/3/11 Exec Date 10/25/11

Motion _____ Amendment # _____

Member	Yea	Nay
RENZULLO, Chair	✓	
KAPPLER Vice-Chair	✓	
CHRISTENSEN	✓	
RUSSELL	✓	
AHLGREN	✓	
MERROW	✓	
BOLSTER	✓	
HOWARD	✓	
HUTCHINSON	✓	
LOVETT	✓	
PETTENGILL	✓	
SCHROADTER	ABSENT	
SPANG	✓	
PARKHURST	✓	
MOODY	✓	
AGUIAR	ABSENT	
THOMAS	✓	

TOTAL 15 0

Committee Report

CONSENT CALENDAR

November 2, 2011

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on RESOURCES, RECREATION AND DEVELOPMENT to which was referred HB321-FN,

AN ACT relative to the classification of wetlands as contributing or noncontributing. Having considered the same, report the same with the following

Resolution: RESOLVED, That it is INEXPEDIENT TO LEGISLATE.

Rep. Peter S Bolster

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	RESOURCES, RECREATION AND DEVELOPMENT
Bill Number:	HB321-FN
Title:	relative to the classification of wetlands as contributing or noncontributing.
Date:	November 2, 2011
Consent Calendar:	YES
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

While the issue of determining whether “contributing” and “non-contributing” should receive different regulatory attention is an important subject to consider, the committee found that the science to make this determination was not fully enough available to create careful legislation at this time. NHDES offered that the new NH method for wetland delineation and upcoming discussions with the US Corps of Engineers should provide a basis for addressing this issue in the next legislative session.

Vote 15-0.

Rep. Peter S Bolster
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

RESOURCES, RECREATION AND DEVELOPMENT

HB321-FN, relative to the classification of wetlands as contributing or noncontributing.
INEXPEDIENT TO LEGISLATE.

Rep. Peter S Bolster for **RESOURCES, RECREATION AND DEVELOPMENT**. While the issue of determining whether "contributing" and "non-contributing" should receive different regulatory attention is an important subject to consider, the committee found that the science to make this determination was not fully enough available to create careful legislation at this time. NHDES offered that the new NH method for wetland delineation and upcoming discussions with the US Corps of Engineers should provide a basis for addressing this issue in the next legislative session.
Vote 15-0.

Original: House Clerk
Cc: Committee Bill File

SB 19

This bill seeks to correct agreed upon flaws in the Prime Wetlands statutes, which have both stalled its utilization and unfairly restricted the rights of land owners to use their own land. The Bill provides for greater notification and input from landowners, before important local wetlands are enrolled in the program. It also addresses a more accurate delineation of the poorly drained and very poorly drained soil, which comprises the Prime wetland, while leaving the issue of upland buffer to the local voters. The bill received widespread support from property owners, wetlands scientists, local government officials, developers, loggers, farmers, the NH Department of Environmental Services and the environmental community. With the changes in this bill any future Prime Wetland designations by local communities will be fairer, more accurate and more in keeping with the wishes of the people of local communities

Rep. Peter Bolster

HB 568

The intent of this Bill was to encourage the NH Parks Department to address the issue of conflict between smokers and non-smokers and smoking related litter at our State Parks. The committee became satisfied that the State Park Department could address this issue in a sensitive and non-coercive manner through education and more convenient disposal availability and that legislation was not necessary in this matter.

Rep. Peter Bolster

HB 321-FN

While the issue of determining whether "contributing" and "non-contributing" should receive different regulatory attention is an important subject to consider, the committee found that the science to make this determination was not fully enough available to create careful legislation at this time. NHDES offered that the new NH method for wetland delineation and upcoming discussions with the US Corps of Engineers should provide a basis for addressing this issue in the next legislative session.

Rep. Peter Bolster

6-06^d