

# Committee Report

**CONSENT CALENDAR**

**March 10, 2021**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on Resources, Recreation and  
Development to which was referred HB 269,**

**AN ACT relative to abandoned underwater cables.**

**Having considered the same, report the same with the  
following resolution: RESOLVED, that it is  
INEXPEDIENT TO LEGISLATE.**

**Rep. Suzanne Vail**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

Committee:	<b>Resources, Recreation and Development</b>
Bill Number:	<b>HB 269</b>
Title:	<b>relative to abandoned underwater cables.</b>
Date:	<b>March 10, 2021</b>
Consent Calendar:	<b>CONSENT</b>
Recommendation:	<b>INEXPEDIENT TO LEGISLATE</b>

### STATEMENT OF INTENT

This bill intends to address the existence of abandoned underwater cables that were at one time used to bring electricity and telecommunications to islands in lakes. While it is important environmentally to explore the impact of abandoned cables in lakes, it is not known what the environmental impact would be to lake bottoms during the removal of them. The committee was unable to determine the scope of the problem, how deep the cables might be, who they belong to, and whether or not these cables are still actually in service and/or could be put back into service. During the hearing the committee learned that the administration and enforcement mechanisms proposed needed rework. The committee hopes the bill will be brought back in the future, with the information needed to determine a course of legislative action.

Vote 21-0.

Rep. Suzanne Vail  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

Resources, Recreation and Development

**HB 269**, relative to abandoned underwater cables. **INEXPEDIENT TO LEGISLATE.**

Rep. Suzanne Vail for Resources, Recreation and Development. This bill intends to address the existence of abandoned underwater cables that were at one time

used to bring electricity and telecommunications to islands in lakes. While it is important environmentally to explore the impact of abandoned cables in lakes, it is not known what the environmental impact would be to lake bottoms during the removal of them. The committee was unable to determine the scope of the problem, how deep the cables might be, who they belong to, and whether or not these cables are still actually in service and/or could be put back into service. During the hearing the committee learned that the administration and enforcement mechanisms proposed needed rework. The committee hopes the bill will be brought back in the future, with the information needed to determine a course of legislative action. **Vote 21-0.**

Original: House Clerk

Cc: Committee Bill File

Committee Report of HB 269 – Relative to Abandoned Underwater Cables

ITL 21-0 Consent Calendar

Representative Suzanne Vail for the Majority of the committee

This bill intends to address the existence of abandoned underwater cables that were at one time used to bring electricity and telecommunications to islands in lakes. While it is important environmentally to explore the impact of abandoned cables in lakes, it is not known what the environmental impact would be to lake bottoms during the removal of them. The committee was unable to determine the scope of the problem, how deep the cables might be, who they belong to, and whether or not these cables are still actually in service and/or could be put back into service. During the hearing the committee learned that the administration and enforcement mechanisms proposed needed rework. The committee hopes the bill will be brought back in the future, with the information needed to determine a course of legislative action.

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# Voting Sheets

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**HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT**

**EXECUTIVE SESSION on HB 269**

**BILL TITLE:** relative to abandoned underwater cables.

**DATE:** March 3, 2021

**LOB ROOM:** Hybrid

**MOTIONS:** **INEXPEDIENT TO LEGISLATE**

Moved by Rep. Suzanne Smith

Seconded by Rep. Connors

Vote: 21-0

**CONSENT CALENDAR: YES**

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep Juliet Harvey-Bolia, Clerk

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

EXECUTIVE SESSION on

BILL TITLE: Underground cables 269

DATE: 03/03/21

LOB ROOM: \_\_\_\_\_

MOTION: (Please check one box)

- OTP
- ITL
- Retain (1<sup>st</sup> year)
- Adoption of Amendment # \_\_\_\_\_
- Interim Study (2nd year)
- (if offered)*

Moved by Rep. Smith      Seconded by Rep. Connors      Vote: 21/0

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1<sup>st</sup> year)
- Adoption of Amendment # \_\_\_\_\_
- Interim Study (2nd year)
- (if offered)*

Moved by Rep. \_\_\_\_\_      Seconded by Rep. \_\_\_\_\_      Vote: \_\_\_\_\_

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1<sup>st</sup> year)
- Adoption of Amendment # \_\_\_\_\_
- Interim Study (2nd year)
- (if offered)*

Moved by Rep. \_\_\_\_\_      Seconded by Rep. \_\_\_\_\_      Vote: \_\_\_\_\_

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1<sup>st</sup> year)
- Adoption of Amendment # \_\_\_\_\_
- Interim Study (2nd year)
- (if offered)*

Moved by Rep. \_\_\_\_\_      Seconded by Rep. \_\_\_\_\_      Vote: \_\_\_\_\_

CONSENT CALENDAR: X YES      \_\_\_\_\_ NO

Minority Report? \_\_\_\_\_ Yes      \_\_\_\_\_ No      If yes, author, Rep: \_\_\_\_\_      Motion \_\_\_\_\_

Respectfully submitted:   
Rep Juliet Harvey-Bolia, Clerk



OFFICE OF THE HOUSE CLERK



Roll Call Committee Registers Report

2021 SESSION

Resources, Recreation and Development

Bill #: 269 Motion: ITL AM #: \_\_\_\_\_ Exec Session Date: 03/03/21

	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
<u>Dutzy, Sherry</u> <b>Members</b>	✓		
Renzullo, Andrew Chairman	✓		
Gunki, Michael D. Vice Chairman	✓		
Gould, Linda R.	✓		
Horgan, James F.	✓		
Harb, Robert D.	✓		
Creighton, Jim L.	✓		
Dodge, Dustin	✓		
Harvey-Bolia, Juliet Clerk	✓		
Healey, Robert V.	✓		
Mayville, Mary L.	✓		
Post, Lisa C.M.	✓		
Smith, Suzanne J.	✓		
Spang, Judith T.	✓		
Grassie, Chuck W.	✓		
Gottling, Suzanne H.	✓		
Cohen, Bruce L.	✓		
Connors, Erika F.	✓		
Vail, Suzanne M.	✓		
Kelley, Eamon P.	✓		
Moran, Melbourne R.	✓		
<b>TOTAL VOTE:</b>	21		
	21		

# Hearing Minutes

The Hearing on HB 235 relative to community small groundwater withdrawal was opened at 10:01 AM.

Rep. M. Pearson of Hampstead, spoke in favor of HB 235 and gave testimony in support of the bill which intends to protect against an unmitigated impacts to an existing public or private water supply well.

Leonard Sarapas, a member of the A Member of the American Institute of Hydrology and a resident of Hampstead, spoke in favor of the bill.

Rep. Spang testified in favor of HB 235.

Brandon Kernen, representing the NH DES, spoke against HB 235. Mr. Kernen suggested that communities study their respective water supplies, rather than pass legislation. Members asked him questions

10:40 AM- the hearing was closed.

Rep. Smith asked a fiscal note will be attached to the HB 235. Rep. Renzullo stated that a fiscal note is warranted for HB 235.

11:01 AM the Hearing on HB 269 relative to abandoned underwater cables, was opened.

Rep. Norm Silber, the bill prime sponsor, spoke in favor of HB 269 which states that when any person who knowingly fails to remove a submerged or partially submerged underwater cable being abandoned shall be guilty of a class B felony.

Maura Weston, a lobbyist for New England Cable and Telecommunication Association spoke against HB 269 due to costs and unintended consequences.

Capt. Dunleavy speaks in opposition to HB 269, citing practical concerns with enforcement.

Rep. Renzullo read the list of those in favor and against and adjourned the hearing at 11:34 AM.

An executive session was opened at 11:35 AM.

Rep. Smith offered an amendment on HB 193, on timber trespass, to delete the word "or" before the words, "carry away" for paragraphs one and two.

Rep. Smith Motions to HB 193 OTP as amended. Rep. Harb seconded.

Vote on amendment number 0157H:

The vote was as follows:

	<u>Yes</u>	<u>No</u>
Rep. Renzullo,	X	
Rep. Gunski,	X	
Rep. Gould	X	
Rep. Horgan	X	
Rep. Harb	X	
Rep. Creighton	X	
Rep. Dodge	X	
Rep. Harvey-Bolia	X	
Rep. Healey	X	
Rep. Mayville	X	
Rep. Post	X	
Rep. Smith	X	
Rep. Spang	X	

Rep. Grassie	X
Rep. Gottling	X
Rep. Cohen	X
Rep. Connors.	X
Rep. Vail	X
Rep. Kelley	X
Rep. Moran	X

20 Yays, zero Nays for the amendment.

Rep. Smith Motions to HB 193 OTP as amended. Rep. Harb seconded.

A roll call vote was taken

The vote was as follows:

	<u>Yes</u>	<u>No</u>
Rep. Renzullo,	X	
Rep. Gunski,	X	
Rep. Gould	X	
Rep. Horgan	X	
Rep. Harb	X	
Rep. Creighton	X	
Rep. Dodge	X	
Rep. Harvey-Bolia	X	
Rep. Healey	X	
Rep. Mayville	X	
Rep. Post	X	
Rep. Smith	X	
Rep. Spang	X	
Rep. Grassie	X	
Rep. Gottling	X	
Rep. Cohen	X	
Rep. Connors.	X	
Rep. Vail	X	
Rep. Kelley	X	
Rep. Moran	X	

11: 49 AM The Chair recognized Rep. Smith to speak on HB 99 and discuss an amendment.

The amendment: replace HB 99 with HB 1609 from 2020.

Motion of OTP with amendment 203H by Rep. Post, seconded by Rep. Gunski. Rep. Post motioned to accept the amendment, seconded by Rep. Gunski.

12:01 PM hearing closed and meeting recessed.

1:00 PM the hearing for HB 271 was called to opened.

Rep. Rung, the prime sponsor, spoke in favor of the HB 271, AN ACT relative to standards for per and polyfluoroalkyl substances (PFAS) in drinking water and ambient groundwater.

Steve Risotto, residing in the state of Virginia and representing the American Chemistry Council, takes a neutral position, but suggests limiting the focus of the bill to substances likely to be found in water and to make other changes.

Hon. Mindi Messmer, supports the recent updates and offered her support of the bill.  
The Chair read the lists of supporters and those opposed.

# Testimony

## Karen Karwocki

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**From:** Ellen Scarponi <ellenscarp1@gmail.com>  
**Sent:** Tuesday, February 9, 2021 4:27 PM  
**To:** ~House Resources Recreation and Development; Bradley Greenland; Ellen Scarponi  
**Subject:** HB 269 abandoned underwater cables - concerns

Dear Chairman Renzullo and Committee Members,

My name is Ellen Scarponi and I represent Consolidated Communications. We are the communications company that now owns and operates the facilities that were previously owned by New England Telephone, Verizon and FairPoint. I am writing with concerns regarding HB 269, An act relative to abandoned underwater cables.

I listened to your hearing on 2/3 but did not sign in, as I was uncertain of the degree that this bill might affect Consolidated and wanted to fully understand the intent from the sponsors.

Now that I do, there are a few points that I share below and hope you will take into consideration before voting on this bill:

- Consolidated supports measures to preserve the natural resources of our state.
- We follow all laws, rules and regulations as pertain to water and land crossings. Telecommunications companies apply for these crossing licenses from the NH Public Utilities Commission.
- We, and we believe other utilities, do not haphazardly leave cables if they should be removed.
- When the removal of submarine cable is necessary, we work with multiple State agencies to coordinate.
- There are documented circumstances where different State agencies have **directed** the utility at the time (VZ, FairPoint) **to abandon in place** for a variety of reasons that may include obstructions and environmental damage that would occur. Two examples:
  - June 2006 - failed cable was abandoned in accordance with Solid Waste rules, DES Fact sheet #6, Meredith Pine Island Map U36, Lot 5A
  - April 2004 - Wolfeboro - a contractor damaged cable and was abandoned in place in accordance with the Solid Waste Rules, DES Fact Sheet #6
- We agree with an important point brought up by Maura Weston in her testimony for NECTA. There is a significant cost to run submarine cable to an Island to provide telephone and Internet service. Should an islander(s) invest in that but later decide they don't want the service or sell their property, it would be a terrible disservice to the next owner if the cable were taken out and then needed to be replaced - again, at a significant cost.

HB 269 is overly broad and does not take into consideration that responsible providers may not be able to comply for reasons totally out of their control. We do not feel there is such a problem that warrants the passage of this bill.

We respectfully ask that you vote HB 269 Inexpedient to Legislate.

Please let me know if you have any questions for me.  
Thank you for your consideration.

Sincerely,  
Ellen

Ellen G. Scarponi  
Director Government Relations NH

Bill as  
Introduced

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HB 269 - AS INTRODUCED

2021 SESSION

21-0234  
06/08

HOUSE BILL           **269**

AN ACT               relative to abandoned underwater cables.

SPONSORS:           Rep. Silber, Belk. 2; Rep. O'Hara, Belk. 9; Rep. Bean, Belk. 2; Rep. Howard, Belk. 8; Rep. Bordes, Belk. 3; Rep. Hough, Belk. 3; Rep. Terry, Belk. 5; Rep. Gay, Rock. 8

COMMITTEE:         Resources, Recreation and Development

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ANALYSIS

This bill prohibits the abandonment of underwater cables.

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



STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty One*

AN ACT relative to abandoned underwater cables.

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

1           1 New Subdivision; Merrill Fay Clean Lakes Act. Amend RSA 487 by inserting after section 43  
2 the following new subdivision:

3   Merrill Fay Clean Lakes Act

4           487:44 Title. This subdivision shall be known and may be cited as the Merrill Fay Clean Lakes  
5 Act.

6           487:45 Purpose and Finding. The general court finds that when an underwater cable running to  
7 any island in any lake in the state, whether from the mainland or from another island, is abandoned  
8 for any reason including, without limitation, when the cable being abandoned has been determined  
9 to be obsolete, defective, or inoperative in whole or in part and is being replaced by another cable,  
10 the failure or refusal to remove the obsolete, defective, or inoperative cable in connection with its  
11 replacement contaminates the lake bottom and surrounding environment and has the potential to  
12 interfere with boating near the location of the abandoned cable.

13           487:46 Definition. In this subdivision, "underwater cable" means a cable, however constructed  
14 and whether containing traditional electrical conductors or fiber optic conductors, laid, directly or  
15 indirectly, on the lake bottom and running to any island in any lake in the state, whether from the  
16 mainland or from another island, to carry electric service or telecommunication signals across  
17 stretches of the open lake, including without limitation telephone communication, cable television  
18 signals, and Internet traffic.

19           487:47 Cable Removal Required.

20           I. Any person or entity installing any underwater cable in replacement of, or as a  
21 supplement to, any existing underwater cable that has been determined to be obsolete, defective, or  
22 inoperative in whole or in part, or the abandonment of such an existing underwater cable for any  
23 other reason, shall remove the abandoned underwater cable, whether partially or totally submerged,  
24 as an integral part of the installation of the new cable at the expense of the person or entity causing  
25 the new cable to be installed.

26           II. Any person or entity causing any existing underwater cable to be abandoned without  
27 replacement for any reason whatsoever shall remove, or cause to be removed, the abandoned  
28 underwater cable whether partially or totally submerged at their own expense.

29           487:48 Penalty.

30           I. Any person who violates the provisions of this subdivision shall be guilty of a violation.  
31 Agents of the department of safety, division of state police, or any police officer of the municipality in

HB 269 - AS INTRODUCED

- Page 2 -

1 which the abandoned underwater cable is submerged may issue citations for a violation of this  
2 section and issue fines of \$500 for each day the abandoned cable remains in the water.

3 II. No citation or fine so issued shall preclude the department from taking action under RSA  
4 485-A:22 against any person or entity failing to remove an abandoned underwater cable, whether  
5 partially or totally submerged, such failure being deemed to constitute an impermissible and illegal  
6 contamination of the affected lake bottom; and no action initiated by the department of  
7 environmental services under RSA 485-A:22 shall preclude the issuance of citations and fines  
8 pursuant to paragraph I.

9 III. Any person who knowingly fails to remove a submerged or partially submerged  
10 underwater cable being abandoned as required by this subdivision shall be guilty of a class B felony  
11 if the surface water is the source, or a tributary to a source, from which the domestic water supply of  
12 a city or town is taken, in whole or in part.

13 2 Effective Date. This act shall take effect 180 days.