

Committee Report

CONSENT CALENDAR

February 16, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Resources, Recreation and Development to which was referred HB 344,

AN ACT relative to temporary docks. Having considered the same, report the same with the recommendation that the bill OUGHT TO PASS.

Rep. Suzanne Smith

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Resources, Recreation and Development
Bill Number:	HB 344
Title:	relative to temporary docks.
Date:	February 16, 2021
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

This bill, which was a request of the Commission to Study Structures in and on Non-tidal Waters, amends RSA 482-A:3, IV-a (a) which relate to temporary seasonal docks, in three places. First, the word "seasonal" was inadvertently removed in previous legislation and has been replaced. Second, temporary seasonal docks on rivers may no longer be permitted by notification to the department. These docks are not anchored and when installed on rivers, these floating docks are a health and safety hazard as current and storms may dislodge them. Third, Part 3 of the bill addresses a flaw in the dock registration criteria which was signed into law in 2020. It specifies that in cases where there is pending or adverse municipal or state compliance action or pending civil action, the new dock registration process is not applicable.

Vote 20-0.

Rep. Suzanne Smith
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Resources, Recreation and Development

HB 344, relative to temporary docks. **OUGHT TO PASS.**

Rep. Suzanne Smith for Resources, Recreation and Development. This bill, which was a request of the Commission to Study Structures in and on Non-tidal Waters, amends RSA 482-A:3, IV-a (a) which relate to temporary seasonal docks, in three places. First, the word "seasonal" was inadvertently removed in previous legislation and has been replaced. Second, temporary seasonal docks on rivers may no longer be permitted by notification to the department. These docks are not anchored and when installed on rivers, these floating docks are a health and safety hazard as current and storms may dislodge them. Third, Part 3 of the bill addresses a flaw in the Dock Registration criteria which was signed into law in 2020. It specifies that in cases where there is pending or adverse municipal or state compliance action or pending civil action, the new dock registration process is not applicable. **Vote 20-0.**

Original: House Clerk

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Voting Sheets

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

EXECUTIVE SESSION on HB 344

BILL TITLE: relative to temporary docks.

DATE: January 27, 2021

LOB ROOM: Hybrid

MOTIONS: OUGHT TO PASS

Moved by Rep. Horgan

Seconded by Rep. Healey

Vote: 20-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Juliet Harvey-Bolia, Clerk

Resources, Recreation and Development Committee

Committee Report HB344 -- Rep. Suzanne Smith

Motion OTP VOTE: 20-0

Consent Calendar

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HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

EXECUTIVE SESSION on

BILL TITLE: HB 344

DATE: 1/27/21

LOB ROOM: 306/308

MOTION: (Please check one box)

☒ OTP ☐ ITL ☐ Retain (1st year) ☐ Adoption of
Amendment # _____
(if offered)
☐ Interim Study (2nd year)

Moved by Rep. Horgan Seconded by Rep. Healey Vote: 20/0

MOTION: (Please check one box)

☐ OTP ☐ OTP/A ☐ ITL ☐ Retain (1st year) ☐ Adoption of
Amendment # _____
(if offered)
☐ Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

☐ OTP ☐ OTP/A ☐ ITL ☐ Retain (1st year) ☐ Adoption of
Amendment # _____
(if offered)
☐ Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

☐ OTP ☐ OTP/A ☐ ITL ☐ Retain (1st year) ☐ Adoption of
Amendment # _____
(if offered)
☐ Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

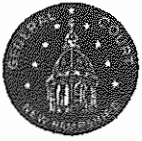
CONSENT CALENDAR: X YES _____ NO

Minority Report? _____ Yes X No If yes, author, Rep: _____ Motion _____

Respectfully submitted: _____

Juliet Harvey-Bolia
Rep Juliet Harvey-Bolia, Clerk

OFFICE OF THE HOUSE CLERK



1/22/2021 10:09:09 AM
Roll Call Committee Registers
Report

2021 SESSION

Resources, Recreation and Development

Bill #: HB344 Motion: OTP AM #: _____ Exec Session Date: 01/22/21

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Renzullo, Andrew Chairman	✓		
Gunski, 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.	✓		
Rung, Rosemarie	<i>not present</i>		
Connors, Erika F.			
Vail, Suzanne M.	✓		
Kelley, Eamon P.	✓		
Moran, Melbourne R.	✓		
	20	0	

Hearing Minutes

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

PUBLIC HEARING ON HB 344

BILL TITLE: relative to temporary docks.

DATE: January 27, 2021

LOB ROOM: Hybrid **Time Public Hearing Called to Order:** 1:00 p.m.

Time Adjourned: 1:17 p.m.

Committee Members: Reps. Renzullo, Harb, Harvey-Bolia, Gould, Horgan, Creighton, Dodge, Healey, Mayville, Post, Suzanne Smith, Spang, Grassie, Gottling, Cohen, Connors, Vail, E. Kelley, Moran and Hall

Bill Sponsors:

Rep. Suzanne Smith

Rep. Renzullo

Rep. McConkey

TESTIMONY

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

Rep. Gunski has the Chair and called the hearing to order.

Rep. Smith introduced HB 344 regarding temporary seasonal docks. HB 344 excludes river use from temporary seasonal dock statute.

Darlene Forst, Shoreline Services, Dept. of Environmental Services expressed support of this bill. seasonal river docks have no anchor is unstable and likely to break free in times of flood and becomes a hazard.

There is no one online.

Respectfully submitted,

Rep. Juliet Harvey-Bolia, Clerk

HB 344

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There is no online online

Hearing closed at 1:17pm.

Executive session was opened at 1:18pm

Rep. Renzullo expressed that he supports the bill and is a co-sponsor.

Rep Renzullo read the remote testify report and asked Rep. Smith to write the blurb.

Testimony

Archived: Thursday, April 22, 2021 1:06:12 PM
From: Forst, Darlene
Sent: Wednesday, January 27, 2021 10:16:59 AM
To: ~House Resources Recreation and Development
Cc: Pelletier, Rene
Subject: HB 344 Letter of testimony - NH Dept of Environmental Services
Importance: Normal
Attachments:
HB 344.pdf ;

Please accept the attached written testimony on HB 344 from the Commissioner of Environmental Services to supplement our oral testimony at the House Resources, Recreation and Development Committee on January 27, 2021 at 1:00 pm

D. Forst
Shoreland Section Supervisor
Shoreland Program, Land Resources Management
Water Division, NH Department of Environmental Services
P.O. Box 95
Concord, NH 03302-0095
Phone: (603) 271-4067
Email: Darlene.forst@des.nh.gov



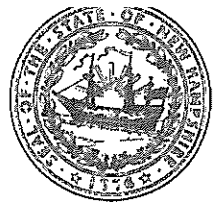
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The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

January 27, 2021

The Honorable Andrew Renzullo
Chair, House Resources, Recreation and Development Committee
Legislative Office Building, Room 305
Concord, NH 03301

RE: HB 344 – An Act relative to temporary docks

Dear Chair Renzullo and Members of the Committee:

Thank you for the opportunity to comment on HB 344. This bill proposes modifications to the availability of the permitting exemption for certain seasonal dock piers and the eligibility criteria for the registration of existing docking structures. The NH Department of Environmental Services (NHDES) supports this bill.

Specifically, NHDES supports this legislation because it restores the pre-existing limitation on the exemption from permitting to exclude seasonal piers on rivers and streams. In riverine environments, such structures may break free during flood events and present hazards to downstream dams. Many landowners located upstream of federally licensed hydropower facilities are unaware of the need to obtain permission from those facilities prior to installing docking structures. NHDES, through its own permitting requirements, has helped both landowners and hydropower generators maintain compliance with federal regulations by facilitating communication where needed. NHDES believes that these are important public safety measures and thus looks forward to the passage of this legislation.

Should you have questions, or would like additional information, please feel free to contact either Darlene Forst, Shoreland Section Supervisor, at 603-271-4067 or Darlene.c.forst@des.nh.gov or Rene Pelletier, Assistant Director, Water Division at 603-271-2951 or Rene.j.pelletier@des.nh.gov.

Sincerely,

Robert R. Scott
Commissioner

cc: Sponsors of HB 344: Representatives Suzanne Smith, Andrew Renzullo, and Mark McConkey

Bill as Introduced

HB 344 - AS INTRODUCED

2021 SESSION

21-0329
08/06

HOUSE BILL **344**

AN ACT relative to temporary docks.

SPONSORS: Rep. Suzanne Smith, Graf. 8; Rep. Renzullo, Hills. 37; Rep. McConkey, Carr. 3

COMMITTEE: Public Works and Highways

ANALYSIS

This bill renames certain docks as temporary seasonal docks, and changes provisions about such docks on rivers.

.....

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 Twenty One

AN ACT relative to temporary docks.

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

1 1 Temporary Seasonal Docks. Amend the introductory paragraph of RSA 482-A:3, IV-a(a) to
2 read as follows:

3 IV-a.(a) **Temporary seasonal** ~~[Seasonal]~~ docks **installed on any lake or pond** shall be
4 exempt from the permitting requirements of this section, provided that a notification is sent to the
5 department by the owner of property that includes the name and address of the property owner, a
6 copy of the deed for the property on which the dock is to be installed, the municipality, the
7 waterbody, tax map and lot number on which the proposed dock will be located, and plans of the
8 waterfront and structure to be installed showing that the requirements of this paragraph will be
9 met. To qualify for an exemption under this paragraph, a seasonal dock shall be:

10 2 Temporary Seasonal Docks; Rivers Removed. Amend RSA 482-A:3, IV-a(a)(4)-(5) to read as
11 follows:

12 (4) Configured to be narrow, rectangular, and erected perpendicular to the shoreline
13 of a lake or pond ~~[or parallel to the bank of a river]~~;

14 (5) No more than 6 feet wide and no more than 40 feet long if the water body is 1,000
15 acres or larger, or no more than 30 feet long if the water body is ~~[a river or]~~ less than 1,000 acres in
16 size;

17 3 Dock Registration Criteria; Adverse Actions. Amend RSA 482-A:3, IV-a(b)(4) to read as
18 follows:

19 (4) Are not the subject of any **pending or final adverse** municipal or state
20 compliance action or pending civil action.

21 4 Effective Date. This act shall take effect January 1, 2022.