

Committee Report

CONSENT CALENDAR

March 12, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Resources, Recreation and Development to which was referred HB 397,

AN ACT relative to permitting fees under the shoreland protection act. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. Eamon Kelley

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Resources, Recreation and Development
Bill Number:	HB 397
Title:	relative to permitting fees under the shoreland protection act.
Date:	March 12, 2021
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2021-0609h

STATEMENT OF INTENT

As introduced, this bill would exempt projects funded solely by municipal, county, state, federal or non-profit entities from paying any Shoreland Water Quality Protection Act permitting fees. In 2019, a similar exemption law sunsetted. Department of Environmental Services testified in support of capping the fees for these projects at \$3,750, which had been the cap for all projects prior to 2019. Reduced fees will allow municipal water systems, wastewater treatment plants, and other projects solely funded by municipal, county, state, or federal entities to move forward more quickly on important infrastructure improvements. The amendment removes the full exemption but caps Shoreland Water Quality Protection Act permitting fees at \$3,750 for all projects solely funded by municipal, county, state, or federal entities.

Vote 21-0.

Rep. Eamon Kelley
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Resources, Recreation and Development

HB 397, relative to permitting fees under the shoreland protection act. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Eamon Kelley for Resources, Recreation and Development. As introduced, HB397 would exempt projects funded solely by municipal, county, state, federal or non-profit entities from paying any Shoreland Water Quality Protection Act permitting fees. In 2019, a similar exemption law sunsetted. Department of Environmental Services testified in support of capping the fees for these projects at \$3750, which had been the cap for all projects prior to 2019. Reduced fees will allow municipal water systems, wastewater treatment plants, and other projects solely funded by municipal, county, state, or federal entities to move forward more quickly on important infrastructure improvements. The amendment removes the full exemption but caps Shoreland Water Quality Protection Act permitting fees at \$3750 for all projects solely funded by municipal, county, state, or federal entities. **Vote 21-0.**

Original: House Clerk

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Rep. Pearl, Merr. 26
March 3, 2021
2021-0609h
08/06

Amendment to HB 397

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

2

3 1 New Paragraph; Shoreland Protection Act; Permitting Fees: Municipality, County, State,
4 Federal Projects. Amend RSA 483-B:5-b by inserting after paragraph IX the following new
5 paragraph:

6 X. Applications for projects solely funded by municipal, county, state, or federal entities
7 shall incur a permitting fee no greater than \$3,750.

2021-0609h

AMENDED ANALYSIS

This bill sets a limit on permitting fees for municipal, county, state, and federal projects under the shoreland protection act.

Voting Sheets

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

EXECUTIVE SESSION on HB 397

BILL TITLE: relative to permitting fees under the shoreland protection act.

DATE: March 3, 2021

LOB ROOM: Hybrid

MOTIONS: OUGHT TO PASS WITH AMENDMENT

Moved by Rep. E. Kelley

Seconded by Rep. Grassie

AM Vote: 21-0

Amendment # 2021-0609h

Moved by Rep. E. Kelley

Seconded by Rep. Grassie

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: 397

DATE: 03/03/21

LOB ROOM:

MOTION: (Please check one box)

OTP ITL Retain (1st year) Adoption of Amendment # 0609H (if offered)
 Interim Study (2nd year)

Moved by Rep. Kelley Seconded by Rep. Grassie Vote: 21/0

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 No If yes, author, Rep: Motion

Respectfully submitted: [Signature]
Rep Juliet Harvey-Bolia, Clerk

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK



1/27/2021 9:56:53 AM
Roll Call Committee Registers
Report

2021 SESSION

Resources, Recreation and Development

Bill #: 397 Motion: Amendment AM #: 0609M Exec Session Date: 03/03/21

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
<i>Dutzy, Sherry</i>	✓		
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.	✓		
Connors, Erika F.	✓		
Vail, Suzanne M.	✓		
Kelley, Eamon P.	✓		
Moran, Melbourne R.	✓		
TOTAL VOTE:	21		

21/0

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK



1/27/2021 9:56:53 AM
Roll Call Committee Registers
Report

2021 SESSION

Resources, Recreation and Development

Bill #: 397 Motion: OTP AM #: 0609H Exec Session Date: 03/03/21

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Dutzy, Sherry	✓		
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.	✓		
Connors, Erika F.	✓		
Vail, Suzanne M.	✓		
Kelley, Eamon P.	✓		
Moran, Melbourne R.	✓		
TOTAL VOTE:	<u>21</u>	<u>0</u>	

Rep. Pearl, Merr. 26
March 3, 2021
2021-0609h
08/06

Amendment to HB 397

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

2

3 1 New Paragraph; Shoreland Protection Act; Permitting Fees: Municipality, County, State,
4 Federal Projects. Amend RSA 483-B:5-b by inserting after paragraph IX the following new
5 paragraph:

6 X. Applications for projects solely funded by municipal, county, state, or federal entities
7 shall incur a permitting fee no greater than \$3,750.

2021-0609h

AMENDED ANALYSIS

This bill sets a limit on permitting fees for municipal, county, state, and federal projects under the shoreland protection act.

Hearing Minutes

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

PUBLIC HEARING ON HB 397

BILL TITLE: relative to permitting fees under the shoreland protection act.

DATE: March 3, 2021

LOB ROOM: Hybrid **Time Public Hearing Called to Order:** 11:00 a.m.

Time Adjourned: 11:20 a.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. Pearl
Sen. French

Rep. Lang
Sen. Gannon

Rep. Baldasaro

TESTIMONY

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

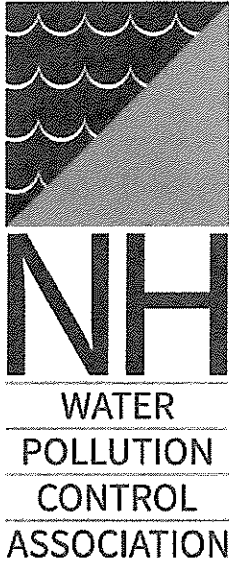
Rep. Howard Pearl spoke to: Amendment to HB 397 Amend the bill by replacing section 1 with the following: 1 New Paragraph; Shoreland Protection Act; Permitting Fees: Municipality, County, State, Federal Projects Exempt. Amend RSA 483-B:5-b by inserting after paragraph IX the following new paragraph: X. Permits for projects solely funded by municipal, county, state, or federal entities shall be exempt from the permitting fees of paragraph I. 0579H

Amend the bill "Applications for projects solely funded by municipal, county, state or federal entities shall incur a permitting fee no greater than \$3,750.

Respectfully submitted,

Rep. Juliet Harvey-Bolia
Clerk

Testimony



NEW HAMPSHIRE WATER POLLUTION CONTROL ASSOCIATION

February 5, 2021

Members of the Resources, Recreation and Development Committee
House of Representatives
Statehouse
Concord, NH 03301

Delivered by email

**Re: HB 397 – Shoreland Protection Act Permitting Fees
Ought to Pass**

Honorable Committee Members:

I am writing on behalf of the NH Water Pollution Control Association (NHWPCA) and our 300+ members who represent all of the wastewater treatment plants throughout the State.

Based on our careful reading of this bill, we are in support of HB 397. The bill will reinstate the exemption in permitting fees associated with the Shoreland Protection Act for municipal, county, state, federal or nonprofit organizations that was not renewed in the previous session. New Hampshire municipalities, public water and wastewater utilities and ratepayers, and ultimately all tax payers will benefit from this bill.

The Wastewater Treatment Plants, the Water Treatment Plants, and portions of their collection and distribution systems are located within the protection zone that is regulated under the Shoreland Protection Act. The government entities must comply with and obtain a permit under the Shoreland Protection Act when they try to make improvements. This bill does not ease any permit requirements, it just makes the entities exempt from the permitting fees.

The NHWPCA and its members are committed stewards of the environment. We will continue to comply with the permit requirements as outlined in the permit. We respectfully request that this bill be passed to ease the financial burden that the permit fees can impose on these governmental entities.

Respectfully submitted,

Mike Carle
President, NHWPCA

***Celebrating
54 Years
1967-2021***

Michael Carle
President

Robert Robinson
Vice President

David Mercier
Secretary

Mario Leclerc
Treasurer

Ryan Peebles
1st Director

Mike Theriault
2nd Director

Aaron Costa
3rd Director

Nate Brown
1st Director-at-Large

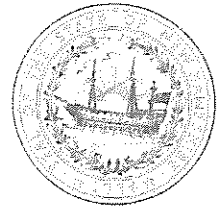
Peter Conroy
2nd Director-at-Large

Steve Clifton
NEWEA Director

Ken Conaty
Past President



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

February 24, 2021

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

RE: HB 397 – An Act relative to permitting fees under the shoreland protection act

Dear Chairman Renzullo and Members of the Committee:

Thank you for the opportunity to comment on HB 397. This bill proposes to exempt municipal, county, state, or federal entities as well as legally recognized non-profit organizations from the application filing fees required when applying for permits required under the Shoreland Water Quality Protection Act, RSA 483-B. The New Hampshire Department of Environmental Services (NHDES) does not support this bill.

The Shoreland Program at NHDES handles over 600 applications, 600 Permit by Notifications, and 80 compliance investigations per year. Processing these applications and associated field work requires significant staff time and effort with the goal to balance development with the protection of water quality in our lakes, rivers, and tidal waters. Applications from government entities and non-profit organizations require no less effort than those for private development. They still consume significant program resources and, therefore, should not be exempt from supporting this fee-for-service program.

Thank you again for the opportunity to comment on this legislation. Should you have questions, or need 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 397: Representatives Pearl, Lang, Baldasaro, and Senators French, Gannon



NH WATER WORKS ASSOCIATION

18 N. Main St., Suite 308 | Concord, NH 03301

www.nhwwa.org | info@nhwwa.org

(603) 415-3959

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

March 3, 2021

Subject: House Bill 397 – Shoreland Permit Fee Exemptions

Dear Chairman Renzullo and Committee Members:

I am writing to document our Association's support for HB397, as currently proposed.

Our mission is to serve the roughly 2,500 regulated public water supply systems in New Hampshire that provide clean, safe and affordable drinking water to approximately 550,000 residents. Many of these systems are owned and operated by governmental entities, such as municipalities, districts and precincts. We support HB397 as proposed for the following reasons:

- Excessive fees can be a financial burden on the applicant, with funds better spent on project implementation.
- A permit application fee exemption was in place from 2008 through 2018. The proposed bill restores that established and effective part of the shoreland permitting program.

We recognize that there are costs to the NH Department of Environmental Services related to permit application review and approval and are in favor of exploring alternate means to support their important and critical work.

Please do not hesitate to contact me if you should have any questions. Thank you for your consideration of our comments.

Sincerely,

Boyd Smith, Executive Director

Bill as
Introduced

HB 397 - AS INTRODUCED

2021 SESSION

21-0513
08/06

HOUSE BILL

397

AN ACT relative to permitting fees under the shoreland protection act.

SPONSORS: Rep. Pearl, Merr. 26; Rep. Lang, Belk. 4; Rep. Baldasaro, Rock. 5; Sen. French, Dist 7; Sen. Gannon, Dist 23

COMMITTEE: Resources, Recreation and Development

ANALYSIS

This bill exempts nonprofit organizations from permitting fees under the shoreland protection act.

.....

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.

HB 397 - AS INTRODUCED

21-0513
08/06

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to permitting fees under the shoreland protection act.

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

- 1 1 New Paragraph; Shoreland Protection Act; Permitting Fees: NonProfit Organizations Exempt.
2 Amend RSA 483-B:5-b by inserting after paragraph IX the following new paragraph:
3 X. Permits for projects solely funded by legally recognized nonprofit organizations,
4 municipal, county, state, or federal entities shall be exempt from the permitting fees of paragraph I.
5 2 Effective Date. This act shall take effect July 1, 2021.