

# Committee Report

**CONSENT CALENDAR**

**February 4, 2021**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on Fish and Game and Marine Resources to which was referred HB 192,**

**AN ACT relative to pistols permitted for the taking of deer. Having considered the same, report the same with the recommendation that the bill OUGHT TO PASS.**

**Rep. David Love**

**FOR THE COMMITTEE**

## **COMMITTEE REPORT**

Committee:	<b>Fish and Game and Marine Resources</b>
Bill Number:	<b>HB 192</b>
Title:	<b>relative to pistols permitted for the taking of deer.</b>
Date:	<b>February 4, 2021</b>
Consent Calendar:	<b>CONSENT</b>
Recommendation:	<b>OUGHT TO PASS</b>

### **STATEMENT OF INTENT**

This is a modernization and housekeeping bill for Fish and Game laws. It modernizes the current law by extending the calibers allowed, to include newer and the more common calibers for the taking of deer. It also increases the rounds to six for the number of rounds allowed in a pistol. Having five rounds here, in pistols like revolvers, created an enforcement issue for Fish and Game and was making accidental criminals out of some hunters. You see, you can have six rounds in a revolver for personal protection while hunting, however only five rounds in the same revolver if used for hunting. Fish and Game Enforcement division agreed with the change, and also the change in HB 342, which brought all firearms to the same level, six rounds. This bill makes for more uniformity in law.

Vote 17-3.

Rep. David Love  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

Fish and Game and Marine Resources

**HB 192**, relative to pistols permitted for the taking of deer. **OUGHT TO PASS.**

Rep. David Love for Fish and Game and Marine Resources. This is a modernization and housekeeping bill for Fish and Game laws. It modernizes the current law by extending the calibers allowed, to include newer and the more common calibers for the taking of deer. It also increases the rounds to six for the number of rounds allowed in a pistol. Having five rounds here, in pistols like revolvers, created an enforcement issue for Fish and Game and was making accidental criminals out of some hunters. You see, you can have six rounds in a revolver for personal protection while hunting, however only five rounds in the same revolver if used for hunting. Fish and Game Enforcement division agreed with the change, and also the change in HB 342, which brought all firearms to the same level, six rounds. This bill makes for more uniformity in law. **Vote 17-3.**

Original: House Clerk

Cc: Committee Bill File

# Voting Sheets



2021 SESSION

Fish and Game and Marine Resources

Bill #: SB129 Motion: OTP AM #: \_\_\_\_\_ Exec Session Date: April 28, 2021

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Lang, Timothy P. Chairman	10		
Khan, Aboul B. Vice Chairman	1		
Klose, John F.	2		
Spillane, James A.	3		
Howard, Raymond J.	4		
Craig, Kevin B.	5		
Love, David C.	6		
<del>Wolf, Dan H.</del> McConkey, Mark	7		
Kittredge, Mac	8		
Dostie, Donald	9		
<del>Smith, Jonathan H.</del>			1
Harvey, Cathryn A.		1	
Laflamme, Larry L.		2	
Dontonville, Roger W.		3	
King, Mark R.		4	
Read, Ellen D. Clerk		5	
Egan, Timothy T.		6	
<del>Ruprecht, Denny M.</del>			2
Shurtleff, Steve J.		7	
Ellis, Donna R.		8	
<del>Oxaal, Ariel</del>			3



1/22/2021 10:00:16 AM  
Roll Call Committee Registers  
Report

2021 SESSION

Fish and Game and Marine Resources

Bill #: SB129 Motion: OTP AM #: \_\_\_\_\_ Exec Session Date: April 28, 2021

<b>TOTAL VOTE:</b>	10	8	3 absent
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Majority Spillane  
Minority Harvey

Sub-  
Committee  
Actions



HOUSE COMMITTEE ON FISH AND GAME AND MARINE RESOURCES

**SUBCOMMITTEE WORK SESSION** on

**BILL TITLE:** HB 129

**DATE:** April 28, 2021

**Subcommittee Members:** Reps. Lang, Khan, Read, Klose, Spillane, Howard, Craig, Love, Wolf McConkey, Kittredge, Dostie, J. Smith, Harvey, Laflamme, Dontonville, M. King, Egan, Ruprecht, Shurtleff, Ellis and Oxaal

**Comments and Recommendations:**

Shurleff: If we remove appreciable I will support it

Howard: I have issues but will support it

Spillane: This gives FG flexibility to define what that word means

Harvey: I support concept of bill in that it is supporting decisions in timely fashion but the backlog is being worked through so we need to take our time with this and appreciable is too wishy washy but I will support bill with removal of appreciable. Also have a problem with sections of FG reimbursed for unavoidable harm but it is entirely voluntary. We are FG committee not realtors and developers committee, and harm to fish and game is harm

Craig: I understand appreciable is subjective but most language is subjective, everything about this requires good faith and I have good faith

Egan: I concur with Harvey and Shurtleff about appreciable, and concern about demand it puts on FG which is underfunded and voluntary donations bother me. NHFG does so much for us but we underfund them, and now they would be working on behalf of realtors and contractors, and they aren't funded for. This bill is supported by industry, so we should look at what they should pay, just like FG comes out to people's homes

Chair: Either way FG is doing this, already ordered to review every AOT permit, regardless of bill. Took a look at revenue, and those projects are happening but we haven't given FG a way to manage it, as they are currently court ordered to do it

Khan: I am convinced nothing will change on the local level, and that nothing will change in my district where we preserve piping plovers and pristing 16 mile seacoast so I support this

Love: Concur with Howard, everything has a price, the word appreciable stops frivolous litigation. What if someone said a project was affecting deer ticks. Agree with Egan's concern about FG manpower but without this basically they have an unfunded mandate

Chair: Unfunded mandate only applies to towns and cities

McConkey: Speaking as a practitioner, the talk on backlog, but started with DES rule change that caused all applications to go to NHFG, problem started with DES. People did not think impact would be so severe but it turned out to be. This will allow things to move forward, support without amendment.

King: I have trouble with appreciable, not exact

Kittredge: What about overloading courts? Analysis paralysis is a problem, this allows people to make decisions

Spillane: Will the chair allow Sanderson to come back on to talk about the term voluntary, as I believe it is voluntary on the part of the permitting agency. This is also not increasing the work load since they have to do every permit now, but this allows them to not to every one

Sanderson: NHFG makes recommendations to other permitting agencies and we have no authority to stop a permit. The permitting agency may have an ability to oppose fee or action according to their rules. Applicants may voluntarily donate based on their own determination.

Chair: Sounds like you are saying DES can create a payment structure, but contractors can always donate.

Sanderson: Correct

Laflamme: At the current time after court case, all applications going through NHFG. Under this bill the ED can decide if a project appreciably harms habitat, and his recommendation would be NHFG recommendation that goes to permitting agency.

Sanderson: Yes, but the fact that all applications go to NHFG is only because of new rule from DES regarding AOT.

Laflamme: How would this bill reduce the backlog?

Sanderson: What is happening in our agencies, going back to natural heritage database, it would allow us to reduce the reviews by allowing NHD. The economic condition is increasing the projects and applications for permits and the number that come to us for review. The current efforts are temporary, not long term solution

Harvey: The ED would have sole authority to decide which permits are recommended to permitting agency, his decision is considered the dept decision

Sanderson: We work with many agencies with many programs, like MOU with DOT, so not solely under ED. This is working cooperatively with DES on AOT. We advances request for comment on rulemaking jointly. Two departments working together so both sets of rules go to JALCAR together

Chair: having served on JALCAR, rulemaking is an entire process with hearings and input, and after that process the rule goes to JALCAR. It is a significant process.

Harvey: Who at NHFG when there is a request, reviews it and decides it is harmful or not and moves it forward

Chair: Is it a biologist or someone and how is that determination made

Sanderson: It comes to wildlife division and non game program who has 1 fulltime wildlife biologist and one biologist working half time on this program, so these three people.

Harvey: So ED has nothing to do with it?

Sanderson: We all work for ED

Spillane: Where the ED comes in is kicking off rulemaking process, which will then define the bar...biologists determine whether that bar is met

Sanderson: Correct, all authorities flow through ED

Chair: My position is this is a bill of trust, wildlife group, development of rules, or if we want legislative authority. Not a fan of absolutes, removing appreciably makes it absolute, leaving it allows wiggle room. Trust agency, chicken and egg problem...can't create rule until there is a law but we haven't made law because of no rule, so I trust them and the JALCAR process.

**MOTIONS:**          OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr)  
(Please circle one)

Moved by Rep. \_\_\_\_\_          Seconded by Rep. \_\_\_\_\_          AM Vote: \_\_\_\_\_  
Adoption of Amendment # \_\_\_\_\_

Moved by Rep. \_\_\_\_\_          Seconded by Rep. \_\_\_\_\_          Vote: \_\_\_\_\_  
\_\_\_\_\_ Amendment Adopted          \_\_\_\_\_ Amendment Failed

**MOTIONS:**          OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr)  
(Please circle one)

Moved by Rep. \_\_\_\_\_          Seconded by Rep. \_\_\_\_\_          AM Vote: \_\_\_\_\_  
Adoption of Amendment # \_\_\_\_\_

Moved by Rep. \_\_\_\_\_          Seconded by Rep. \_\_\_\_\_          Vote: \_\_\_\_\_  
\_\_\_\_\_ Amendment Adopted          \_\_\_\_\_ Amendment Failed

Respectfully submitted,

Rep. *Ellen Delana Read*  
Subcommittee Chairman/Clerk

# Public Hearing

**HOUSE COMMITTEE ON FISH AND GAME AND MARINE RESOURCES**

**PUBLIC HEARING ON**

**BILL TITLE:** SB129

**DATE:** April 28, 2021

**ROOM:** LOB 201-203/remote hybrid Time Public Hearing Called to Order: 9:02

**Time Adjourned:** 10:22

(please circle if present)

**Committee Members:** Reps. Lang, Khan, Read, Klose, Spillane, Howard, Craig, Love, Wolf, McConkey, Kittredge, Dostie, J. Smith, Harvey, Laflamme, Dontonville, M. King, Egan, Ruprecht, Shurtleff, Ellis and Oxaal

**Bill Sponsors:** Sen. Bradley

**TESTIMONY**

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

Sen Bradley – 21-3 passed senate, court case that changed alteration of terrain permits judged by DES and FG, and a rigid reading of statute created backlog of alteration of terrain permits for 1000sqft and larger projects, negative impact on projects. Approached by contractors and developers to sponsor and worked with NHFG and DES. “Appreciable” is important to bill, line 7. Current language is “do not jeopardize”, this adds “appreciably jeopardize” to make it the way these permits already have been judged. Also calls to minimize harm and FG to implement statute through rulemaking. Balanced approach. Contractor and builder industries agree with bill, and Nature Conservancy and other conservation groups have made it so that a mitigation fund would be set up, based on species that are threatened and endangered versus not. Contractor and building industry signed off. Legislative oversight over funds. Approach has gotten broad support and is essential to protect jobs that are threatened by logjam created by court.

Q Shurtleff: “Appreciably” came from endangered species act of 1973, was it in original act or amendment from last Congress?

A: I don’t know, was told that that word was used in the ESA, but do not know when

Q Shurtleff: This bill gives sole authority to ED of NHFG to determine which projects cause unacceptable harm?

A: The department would have to create rules but the department would have to determine, participation with DES

Q Shurtleff: I read court case, their concern was the definition of habitat and critical habitat, do we in NH have a definition in law between habitat and critical habitat

A: That question is best for FG Dept but I would stress how important it is for contractors who will testify about the balanced approach, what is happening right now is going to upend hard working men and women and their employers

Q Dantonville: I cannot hear people in the committee room  
Chair: asks Ms. Foor to address

Q Eagan: rejoined through telephone  
Chair: need video for exec

Q Harvey: Some of the definitions would be handled through rules, but is there anything in bill that mandates rulemaking?

A: Lines 10, 11, and 12 says "shall be in rules adopted by ED"

Q Harvey: Shall is what you're pointing too

A: That is strong in intent

Q Harvey: Does that apply to "appreciable"

A: Lines 9-12 clarifies that is the intent, that the ED take them through the normal rule process in JALCAR

Q: McConkey: Thank you, logjam is a kind word for what is happening.. My concern is about rulemaking, because I would use the work crippling,

A: Rep McConkey is very familiar with the situation and is right, it is my hope that this is a top priority for JALCAR

Q Laflamme: I understand that it would be up to the FG ED to decide which habitat would be critical, and I am questioning DES's role for deciding what is appreciable

A: My understanding is that alteration of terrain is a DES process but they consult with FG about critical wildlife and habitat, but the way the statue is constructed the ED of FG must bring the habitat rules before JALCAR

CHAIR: The number of permits pending is 85 and FG has taken action on half of those and should be done in a month, that is the logjam, 90 permits requiring aAOT. Q: If I understand this it is taking this process that did not have good boundaries and this is creating that and creating a fund to rehabilitate habitat

A: Correct, and the court case made the process crippling for permits and jobs are at stake, the process outlined in bill is a balance of protecting and mitigate with prompt adjudication of permits to get work through the system. The permits used to be more timely before court case, now these projects are being financed and putting jobs at stake and is unacceptable when so much is dependent on construction

Q Howard: Do you know what year this permitting process went into effect

A: 2019 was the court case I think

Q Howard: I remember it from 20 years ago, this bill increases fees for applicants?

A: If there are unavoidable impacts yes for mitigation? This is a cost of doing business for them, so much more costly for wait for process currently so this is acceptable

Q Howard: My question is whether there a sliding scale or is it set

A: Better asked of Depts

Q Love: Thank you, I am concerned about costs to FG to have someone inspect and do paperwork

A: Could not hear

CHAIR REPEATS

A: That would be a question for Director Mason

\*Paul Sanderson NHFG – Legal Coordinator, thank Sen Bradley. I don't have much to add other than answering previous questions. Shurtleff's question, Federal Endangered Species Act is Federal, this affects the state statute that is the counterpart, do not have to be identical but trying to move closer so that federal law can be used as support in court cases including the meaning of habitat and critical habitat, so that is why these words are important. Harvey's question regarding rules, these are the highest priority, there is a working group with DES that meets and we have already drafted some pre-rulemaking proposals and we are moving on to next draft after input from the regulated community and conservation community. Regarding resources at FG, there are no fees that currently come to FG for assessments so we have been doing work using existing staff, we do not receive anything from another department. Resources are an issue and the process to address that continues. Laflamme's issue about appreciability being determined by DES, the answer is no, would be in NHFG because the definition would impact other departments. Happy to answer any other questions

Q Khan: Thank you, is there a big difference between federal and state lists of species.

A: They are already contained in rules, they are different species and the programs are not administered in lockstep, We work with federal about anything on their list

Q Shurtleff: Did not get an answer, regarding "applicability", was it in revisions last year

A: Not in the original, part of changes last year

Q Egan: Absent the word "appreciable" would Dept support?

A: The language chosen by legislature is what we will implement, and we will accept input

Q Egan: Does that word make the rulemaking process more difficult?

A: The word is important because if you want a project the word helps you understand what may be acceptable, and without it any change may be a problem. There is a balance between impact on threatened species and impact on private property rights

Q Harvey: Chair said that the cases were 85 backlogged, but action has been taken on over half and rest will be shortly...what caused the backlog. Yes a court case, but would hiring more staff prevented it, instead of SB129

A: DES enacted rule after court case which made a change, so instead of past practice that demonstrated impact to FG, now all cases came to FG, so the increase in workload caused the problem because we got no new resources, so now we have returned to past practice by not reviewing every project so that reduced time

Q: So with those changes you are using, why do you foresee another backlog in the future

A: Because there is more development in our state, there are many more opportunities for development because there is a housing shortage in the state, so as development increases there are more requests for reviews

\*Jim O'Brien – Nature Conservancy, NH Audubon, NH Forests, NH Rivers Council, Appalachian Club – Thank DES and NHFG working with for past year, and thank Sen Bradley. We are in support, and support concept of bill and very supportive of mitigation fund. Regarding "appreciability" but we oppose the inclusion of that word, and believe that confuses the issue and leads to increased litigation. Dept is undergoing rulemaking, and these terms are being defined and we feel that is a better place to make qualifiers with input from biologists. Pleased that FG is moving forward with rules and enforcement on ESA, currently has no rules on defining terms, so the rulemaking in the bill is important. Expectation is within a year this will be moving forward and the rulemaking process has been in place for years with no clarification.

Q Shurtleff: thank you, "appreciable" if removed, would you all support? "Appreciable" is like beauty, in eye of beholder.

A: Yes, that word is a qualifier and it is hard qualify it when you are talking about threatening the continuing existence of a species. The federal definition uses the word without qualifying the protection. Yes we would support it, and hope rule making would make it clear.

Ralph Valentine – Chair of Public Policy committee of NH Board of realtors, testifying on behalf of over 7000 realtors in support. The current permit requires applicant to report on any impact on endangered species. Prior to court case, process 6-10 weeks, now double. The bill provides balance, without it new jobs will be delayed, and more important there is a cost to delay that would exasperate housing shortage.

\*Suzanne Fournier – Milford, Coordinator of Brox Environmental Citizens, ask you to oppose. Weakens protections for endangered species already in jeopardy. Statue says all departments must cooperate with NHPG for the protection of species, but this bill allows harm to species already in jeopardy. “Minimized” harm just means regulated harm, but does not mean harmless. NHPG recently defined harm that is experienced by endangered species, like the permits provided by DES, any act that kills or harms individuals or acts to adversely modify the habitat and affects normal lifecycle and essential to survival. That is exactly the kind of harm that is allowed in bill. NHPG Commissioners voted to support this bill, but that is the Fish and Game commission, they are not known as the non game commission or endangered animal commission. Please support the act as it is and reject this bill.

\*Kurt Ehrenburg – Director of HSUS – Our Wildlife Land Trust in HSUS protects many acres in NH. We support the concept of the bill, but vital changes are needed. If passed it would allow departments to authorize projects that would harm wildlife. Dept should hire more staff rather than legalize harm to species currently prohibited. No current rules or process for NHPG Director to create rules and does not mandate rule making process. This would allow harm to endangered wildlife

\*Gary Abbott – VP of Assoc of Contractors on NH, in support of bill. Represent large developers. In 2019 you would go through DES and get referred to NHPG if you got a hit in Heritage Database who would look over it, small percentage of projects got held up. The language in this mirrors the process then. Court case highlighted statute needed addressing. “Appreciably”, if you remove the word there would be more court cases, does not give NHPG leniency. That is why the bill fits with departments updating rules. We supported temporary rules in DES and rules in June, asked developer to hire wildlife biologist, but I never thought it would be every project, only those threatening endangered species. Most permits that were 90 day turnaround lengthened by months. Contractors hoping to start this spring are delayed. Appreciate DES and NHPG pre rule making process. This statute is so FG director can do judgement calls. Shurtleff asked good question about definition of habitat. Currently grey area, should be clarified through rule making process. Worked on by many groups. We have been working for 6 months on this, would not remove language.

Q Harvey: You said not everything in legislation, can be in rules, why shouldn't this be in rules

A: Depts have to comply with legislation, this gives clear legislative intent. A lot of things need to be rules but this is a guideline, if you say do not jeopardize everything will be in court. Statute guides agencies



Ari Pollack – Attorney, registered lobbyist with Homebuilders Association, in support of bill. Addresses critical backlog. 20 plus year NH land use attorney, appreciate the need for balance. When it goes too far to protection, economy suffers, when leans too far away, habitat suffers. Question about removing appreciably, that would be a tremendous mistake, that language led to critical backlog. This provides important legislative reset of pendulum so next time court interprets law it will be more balanced. Natural heritage database provided this for us, like a triage system for whether FG needed to discuss project. “Appreciably” installs that triage into statute, where fallout from litigation made it so every application needed to be reviewed. Contractors can’t deliver projects our economy needs and can’t hire. This returns us to balance. Policy is set at state house, rules must fit within statute. Already one case and likely more that that word will be important for, please support as this is urgent as we are in midst of construction season.

Amy Charbonneau – We are contractors. Everyone keeps talking about backlog- this is what it means to us. We lay off 25% for winter, but what happened this year so we could not keep people working, 4 shovel ready projects that allowed for 20-80 jobs, but now I cannot shuffle them to those jobs, delay of up to 9 months. Backlog isn’t just papers, it is unemployment.

Linda Dionne – President of Voices of Wildlife, asking you to oppose. This came because of backlog. Part of backlog was because of covid, this bill weakens NH endangered species act. We need nature, and we see the importance of nature because of the pandemic. Developers could donate to nongame fund so FG could hire more staff to take care of backlog.

CHAIR calls on Paul Sanderson for another question:

The non lapsing fund in the bill created in bill allows for mitigation of damage to endangered species, correct?

A: Paul Sanderson: We do not permit but this would allow us to receive funds from permitting process

Q CHAIR: “Appreciably”, we are asking NHFG to do what the normally do for deer herds, we ask you to manage by rules what you understand needs to happen, correct?

A: Yes, and this imposes a standard across all departments and applicants

Q Harvey: Section 2 and 3 there are ways for funds to go to NHFG, how the fees are determined, would that also be in rules? How do we know who gets charged what?

A: The definitions of mitigation program would not be in FG rulemaking, because that is adopted by the agencies administering other department programs. Determining which department is the job of JALCAR

Q Harvey: These funds would be voluntary...would that lead to developers volunteering more to buy approval?

A: JALCAR has already dealt with these kinds of issues and has made determinations like this

Q Khan: Is anything going to change regarding local planning process or control?

A: Nothing in bill that does that, local conservation commissions, planning board, zoning makes their approvals after permits issued, this does not impact that or change municipality costs

Respectfully submitted:

*Ellen Delana Read*

Rep Ellen Read, Clerk

# House Remote Testify

## Fish and Game and Marine Resources Committee Testify List for Bill SB129 on 2021-04-28

Support: 13 Oppose: 147 Neutral: 0 Total to Testify: 8

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<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
Abbott, Gary	Bow, NH gabbott@agcnh.org	A Lobbyist	Associated General Contractors of NH	Support	Yes (6m)	No	4/25/2021 7:10 PM
Pollack, Ari	Concord, NH pollack@gcglaw.com	A Lobbyist	NH Homebuilders	Support	Yes (5m)	No	4/21/2021 1:54 PM
Sanderson, Paul	Concord, NH paul.sanderson@wildlife.nh.gov	State Agency Staff	NH Fish and Game Department	Support	Yes (5m)	No	4/27/2021 3:50 PM
Ehrenberg, Kurt	Rye, NH kurtehrenberg@humanesociety.org	A Lobbyist	Humane Society of the United States	Oppose	Yes (5m)	No	4/27/2021 8:55 PM
OBrien, Jim	Hopkinton, NH jim_obrien@tnc.org	A Lobbyist	The Nature Conservancy + 5 conservation organizations	Support	Yes (3m)	No	4/28/2021 6:41 AM
O'Brien, Joan	Amherst, NH Joanlobrien@yahoo.com	A Member of the Public	Myself	Oppose	Yes (0m)	No	4/23/2021 5:56 PM
Valentine, Ralph	Windham, NH bob@nhar.com	A Member of the Public	NH Association of REALTORS	Support	Yes (0m)	No	4/27/2021 5:18 PM
Fournier, Suzanne	Milford, NH BroxEnvironCitizens2@comcast.net	A Member of the Public	Brox Environmental Citizens, Milford NH	Oppose	Yes (0m)	No	4/22/2021 7:04 AM
McManus, Wendy	ATKINSON, NH wendyzez@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/22/2021 10:58 AM
McManus, Jacob	Atkinson, NH Jakemcmanus@icloud.com	A Member of the Public	Myself	Oppose	No	No	4/22/2021 10:59 AM
McFadden, Karen	Atkinson, NH MCFADKAREN@GMAIL.COM	A Member of the Public	Myself	Oppose	No	No	4/22/2021 11:07 AM
Andrews, Denise	Atkinson, NH d.nmn.andrews@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/22/2021 3:59 PM
Nenart, Carolyn	Atkinson, NH calsedu34@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/22/2021 4:33 PM

Cunningham, Paul	Milford, NH pfcunning@comcast.net	A Member of the Public	Myself	Oppose	No	No	4/23/2021 8:51 AM
Blais, Daniel	Bedford, NH drblais@comcast.net	A Member of the Public	Myself	Support	No	No	4/23/2021 11:12 AM
Rose, Art	Manchester, NH art@awroseconstruction.com	A Member of the Public	A. W. Rose Construction	Support	No	No	4/23/2021 11:34 AM
Erika, Payne	Winchester, NH erika@surconstructionwest.com	A Member of the Public	S.U.R. Construction West, Inc.	Support	No	No	4/23/2021 11:37 AM
McDowell, Susan	Nashua, NH weebitoblarney@myfairpoint.net	A Member of the Public	Myself	Oppose	No	No	4/23/2021 12:34 PM
Wahl, BJ	Sullivan, NH bjwahl@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/23/2021 12:35 PM
Switzer, Bob	Sullivan, NH Macswitz@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/23/2021 12:36 PM
Dionne, Denis	Laconia, NH dens57belair@yahoo.com	A Member of the Public	Myself	Oppose	No	No	4/23/2021 12:50 PM
Dempsey, Ellyn	Atkinson, NH Edempsey46@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/22/2021 2:26 PM
Della Selva, Deb	Hampstead, NH Deb_in_nh@hotmail.com	A Member of the Public	Myself	Oppose	No	No	4/22/2021 2:40 PM
Shields, Nancy	Atkinson, NH nmenasian@yahoo.com	A Member of the Public	Myself	Oppose	No	No	4/22/2021 2:41 PM
Chevalier, David	Atkinson, NH Default_32@yahoo.com	A Member of the Public	Myself	Oppose	No	No	4/23/2021 7:32 AM
Doyle, Kathryn	Concord, NH kathryn.doyle@nh.gov	A Member of the Public	Myself	Oppose	No	No	4/23/2021 1:03 PM
Dionne, Linda	Raymond, NH lindld@comcast.net	A Member of the Public	Myself	Oppose	No	No	4/23/2021 3:24 PM
Major Jr, Larry	Loudon, NH lmajor@pikeindustries.com	A Member of the Public	Pike Industries	Support	No	No	4/23/2021 4:07 PM
Francis, Deborah	Atkinson, NH Dpfrancis1030@comcast.net	A Member of the Public	Myself	Oppose	No	No	4/22/2021 1:19 PM
Cole, Ellen	Bradford, NH ecole@orr-reno.com	A Member of the Public	Myself	Oppose	No	No	4/23/2021 1:56 PM
doyle, maralyn	Newbury, NH maralynruth@hotmail.com	A Member of the Public	Myself	Oppose	No	No	4/23/2021 1:56 PM

DUNLAVEY, Paula	Derry, NH celtic234@comcast.net	A Member of the Public	Myself	Oppose	No	No	4/25/2021 10:30 AM
Fransen-Conroy, Michelle	Concord, NH mshellfc@comcast.net	A Member of the Public	Myself	Oppose	No	No	4/25/2021 3:08 PM
Gardner, Tom	Milford, NH td503@juno.com	A Member of the Public	Myself	Oppose	No	No	4/23/2021 8:05 PM
Seligman, Leaf	Hancock, NH leaf1231@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/23/2021 8:10 PM
Quilici, Michael	Concord, NH mquilici@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/23/2021 1:47 PM
Eber, Jennifer	Deering, NH jeber@orr-reno.com	A Member of the Public	Myself	Oppose	No	No	4/23/2021 1:48 PM
Michelson, NATASHA	FITZWILLIAM, NH natasha@hutterconstruction.com	A Member of the Public	Hutter Construction Corp.	Support	No	No	4/23/2021 12:15 PM
Hummel, michael	springfield, NH fatdog79@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/23/2021 12:25 PM
Hummel, Laura	springfield, NH fatdog79@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/23/2021 12:27 PM
Isaks, Ruth tanner	Salem, NH Ruth_tanner@uml.edu	A Member of the Public	Myself	Oppose	No	No	4/25/2021 1:23 PM
GLOVER, JAMES	RAYMOND, NH glover31188@yahoo.com	A Member of the Public	Myself	Oppose	No	No	4/23/2021 11:55 AM
Glenn, Cynthia	Merrimack, NH cglenn410@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/23/2021 11:56 AM
Churchman, Linda	Atkinson, NH lindamchurchman@outlook.com	A Member of the Public	Myself	Oppose	No	No	4/23/2021 12:05 PM
Finos, Patricia	Meredith, NH pattifinos@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/23/2021 1:35 PM
Fritts, David	Meredith, NH davefritts68@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/23/2021 1:36 PM
Quinlan, Debra	Mont Vernon, NH dquinlan8@yahoo.com	A Member of the Public	Myself	Oppose	No	No	4/23/2021 3:57 PM
Greiner, NancyLee	Harrisville, NH nl.greiner@yahoo.com	A Member of the Public	Myself	Oppose	No	No	4/23/2021 4:01 PM
Rauter, Linda	Chichester, NH lcr80@tds.net	A Member of the Public	Myself	Oppose	No	No	4/24/2021 9:01 PM

Burns, Robert	Keene, NH lnheb55@yahoo.com	A Member of the Public	Myself	Oppose	No	No	4/23/2021 5:07 PM
Stave, Cynthia	New Boston, NH cindy@weberstave.com	A Member of the Public	Myself	Oppose	No	No	4/27/2021 4:21 PM
Akerley, Paula	Newington, NH jaker54047@comcast.net	A Member of the Public	Myself	Oppose	No	No	4/27/2021 4:30 PM
Leary, Lisa	Holderness, NH vtleary@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/27/2021 4:45 PM
Ourusoff, Nicholas	New London, NH nourusoff1@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/27/2021 4:50 PM
Tam-Semmens, Helen	Stoddard, NH HTAMSEMMENS@GMAIL.COM	A Member of the Public	Myself	Oppose	No	No	4/28/2021 2:44 AM
Tam, Mimi	Brookline, NH mimiktam@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/28/2021 2:46 AM
Contois, James	Claremont, NH jcontois48@gmail.com	An Elected Official	Myself	Oppose	No	No	4/27/2021 6:55 PM
Zeller, Anne	Dunbarton, NH Memastreehome@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/27/2021 8:36 PM
Zeller, William	Dunbarton, NH Anbzeller@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/27/2021 8:38 PM
Shaw, ANN	MILFORD, NH nhhome11@aol.com	A Member of the Public	Myself	Oppose	No	No	4/27/2021 8:59 PM
Couchman, Edith Pucci	HOLLIS, NH epcouchman@aol.com	A Member of the Public	Myself	Oppose	No	No	4/27/2021 9:43 PM
Rubarsky, Mary	Lyndeborough, NH rubarbiz@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/28/2021 4:38 PM
Cummings, Nicole	Atkinson, NH Nikkirey510@yahoo.com	A Member of the Public	Myself	Oppose	No	No	4/27/2021 10:41 PM
Ray, Joyce	Dunbarton, NH Joyceray@gsinet.net	A Member of the Public	Myself	Oppose	No	No	4/28/2021 7:42 AM
Bracy, Sue	Dunbarton, NH marysuebracy@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/28/2021 7:04 AM
Shofner, Melinda	Barrington, NH mdshofner@yahoo.com	A Member of the Public	Myself	Oppose	No	No	4/28/2021 8:08 AM
Muccioli, Denise	Nashua, NH naughtyrotty42@msn.com	A Member of the Public	Myself	Oppose	No	No	4/24/2021 12:13 AM

O'Brien, Tom	Nashua, NH obrientm24@yahoo.com	A Member of the Public	Myself	Oppose	No	No	4/24/2021 12:14 AM
Thompson, Susan	Manchester, NH ginsu@comcast.net	A Member of the Public	Myself	Oppose	No	No	4/24/2021 10:14 AM
Smith, Ginny	Manchester, NH ginsu1@comcast.net	A Member of the Public	Myself	Oppose	No	No	4/24/2021 10:18 AM
Caplan, Elise	Granthsm, NH elisegrila@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/24/2021 10:19 AM
FURNESS, PATRICIA	bradford, NH pfurness@tds.net	A Member of the Public	Myself	Oppose	No	No	4/28/2021 9:58 AM
Bartnicki, Marilyn	Derry, NH mjbartnicki@icloud.com	A Member of the Public	Myself	Oppose	No	No	4/25/2021 8:18 PM
Freilich, Pam	Dunbarton, NH pam@gmavt.net	A Member of the Public	Myself	Oppose	No	No	4/25/2021 2:26 PM
Moore, Trois	Goffstown, NH mooretrois@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/26/2021 8:52 AM
Charbonneau, Amy	Litchfield, NH acharbonneau@continentalpaving.com	A Member of the Public	Continental Paving	Support	No	No	4/26/2021 9:19 AM
Cloutier, Jeff	BELMONT, NH jcloutier@pikeindustries.com	A Member of the Public	Pike Industries	Support	No	No	4/26/2021 9:46 AM
Cranage, Amy	Grantham, NH cranhan@comcast.net	A Member of the Public	Myself	Oppose	No	No	4/26/2021 1:54 PM
Cranage, David	Grantham, NH david.cranage@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/26/2021 1:55 PM
Hurley, John	Claremont, NH jrhurjd@aol.com	A Member of the Public	Myself	Oppose	No	No	4/26/2021 1:59 PM
McPhillips, Lorraine	Bethlehem, NH lwhite303@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/26/2021 2:04 PM
Joly, Cathy	NH, NH cathyjoly@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/26/2021 2:10 PM
Aaron, Mona	Londonderry, NH monaeaaron@yahoo.com	A Member of the Public	Myself	Oppose	No	No	4/26/2021 1:05 PM
Miller, Virginia Lee	Peterborough, NH smsharps@comcast.net	A Member of the Public	Myself	Oppose	No	No	4/26/2021 1:08 PM
Pendlebury, Pamela	New Boston, NH pamela.pendlebury@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/26/2021 1:11 PM

Denis, Frances	West Chesterfield, NH fmdenis67@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/26/2021 1:13 PM
Corkery, Catherine	CONCORD, NH catherine.corkery@sierraclub.org	A Lobbyist	NH Sierra Club	Oppose	No	No	4/26/2021 1:17 PM
Fife, Kathie	Canterbury, NH Kathie@kathiefife.com	A Member of the Public	Myself	Oppose	No	No	4/26/2021 1:17 PM
Morin, Emma	Dover, NH emma.a.morin@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/26/2021 1:18 PM
Kouyoumjan, Kim	Goffstown, NH can.am@comcast.net	A Member of the Public	Myself	Oppose	No	No	4/26/2021 1:20 PM
clarke, douglas	Raymond, NH squeeks13@comcast.net	A Member of the Public	Myself	Oppose	No	No	4/26/2021 1:21 PM
Kapala, Cleve	Contoocook, NH cleve.kapala@comcast.net	A Member of the Public	Myself	Oppose	No	No	4/26/2021 1:22 PM
White, Cynthia	Sandwich, NH cc.alchemy@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/26/2021 1:35 PM
Lukiewski, David	Moultonborough, NH Daveluke2@me.com	A Member of the Public	Myself	Oppose	No	No	4/26/2021 1:38 PM
henneke, judy	NEW BOSTON, NH judyhenneke@comcast.net	A Member of the Public	Myself	Oppose	No	No	4/26/2021 7:13 PM
Greiner, Noel	Harrisville, NH ngreiner@myfairpoint.net	A Member of the Public	MyselfNoel Greiner	Oppose	No	No	4/26/2021 7:30 PM
Campbell, Kay	Epsom, NH kkcampbell43@yahoo.com	A Member of the Public	Myself	Oppose	No	No	4/26/2021 2:18 PM
Courchesne, Robert	NH, NH chezcour@comcast.net	A Member of the Public	Myself	Oppose	No	No	4/26/2021 2:29 PM
Kent, Johanna	Marlow, NH johannakent@yahoo.com	A Member of the Public	Myself	Oppose	No	No	4/26/2021 2:32 PM
Vogt, Eleanor	NH, NH cleco@comcast.net	A Member of the Public	Myself	Oppose	No	No	4/26/2021 2:38 PM
Sypher, Tracy	New Hampton, NH Firetracy@aol.com	A Member of the Public	Myself	Oppose	No	Yes	4/26/2021 2:41 PM
Sharples, Phil	Barrington, NH pesharples@msn.com	A Member of the Public	Myself	Oppose	No	No	4/26/2021 2:54 PM
Pendlebury, Graham	New Boston, NH pendleburymasonry@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/26/2021 3:04 PM

Kouyoumjian, Mark	Goffstown, NH mkcsco@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/26/2021 3:06 PM
Halsted, Michele	Bradford, NH michelehalsted@ymail.com	A Member of the Public	Myself	Oppose	No	No	4/26/2021 3:11 PM
Pinard, Virginia	Penacook, NH Ecoute@comcast.net	A Member of the Public	Myself	Oppose	No	No	4/26/2021 3:16 PM
David, Halsted	Bradford, NH zorilla1@earthlink.net	A Member of the Public	Myself	Oppose	No	No	4/26/2021 3:17 PM
Kehas, Stephanie	Manchester, NH Smkehas@aol.com	A Member of the Public	Myself	Oppose	No	No	4/26/2021 3:25 PM
mckee, shelley	Pataskala, OH shelleymmc@aol.com	A Member of the Public	Myself	Oppose	No	No	4/26/2021 3:28 PM
Schwartz, Nancy	Washington, NH nan@jedschwartz.com	A Member of the Public	Myself	Oppose	No	No	4/26/2021 4:18 PM
Stamatelos, Kara	Belmont, NH kara.ocon@yahoo.com	A Member of the Public	Myself	Oppose	No	No	4/26/2021 4:52 PM
Fournier, Jeanette	Littleton, NH jfournier16@myfairpoint.net	A Member of the Public	Myself	Oppose	No	No	4/26/2021 4:59 PM
MacKay, Kathleen	Thornton, NH kmackaypt@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/26/2021 5:40 PM
Van de Poll, Rick	Center Sandwich, NH rickvdp@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/26/2021 6:16 PM
Bezanson, Sherry	Chester, NH sherry.bezanson@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/26/2021 6:25 PM
Bogard, Chris	Fremont, NH denuchi@comcast.net	A Member of the Public	Myself	Oppose	No	No	4/26/2021 6:25 PM
Krikorian, Linnell	Manchester, NH linnkrik@comcast.net	A Member of the Public	Myself	Oppose	No	Yes	4/26/2021 6:35 PM
Patti, Peggy	Rochester, NH lovelllaker@verizon.net	A Member of the Public	Myself	Oppose	No	No	4/26/2021 6:48 PM
Patti, DICK	rochester, NH lovelllaker@verizon.net	A Member of the Public	Myself	Oppose	No	No	4/26/2021 6:51 PM
Cherry, Don	LITTLETON, NH thruhiker83@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/26/2021 8:16 PM
Eldridge, Judith A.	Bradford, NH ann@jaeldridge.com	A Member of the Public	bradford conservation commission	Oppose	No	No	4/26/2021 8:35 PM



Collopy, Elizabeth	Barrington, NH eehlert33@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/26/2021 8:39 PM
Buder, Rebecca	Carroll, NH Thunderstormskies@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/26/2021 8:41 PM
Briggs, Doris	Wolfeboro, NH caramia101@mac.com	A Member of the Public	Myself	Support	No	No	4/26/2021 8:45 PM
Meise, Carol	Bradford, NH Carol.meise@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/26/2021 9:37 PM
Linnane, David	salisbury, NH dlinnane@tds.net	A Member of the Public	Myself	Oppose	No	No	4/26/2021 9:44 PM
Kauhl, Lisa	Windham, NH lbck16@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/26/2021 10:30 PM
Murphy, Joanna	Sutton, NH shepmurphy@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/27/2021 5:28 AM
Pynes, Caroline	Concord, NH cepynes@gmail.com	A Member of the Public	Myself	Oppose	No	Yes	4/27/2021 8:34 AM
Faulkner, Anne	Keene, NH annefaulkner62@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/27/2021 8:48 AM
Martin, Nancy	Warner, NH nancyrobinettemartin@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/27/2021 8:54 AM
Hawkes, Lydia	Goshen, NH lydiahawkes@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/27/2021 6:35 AM
Blanchard, Sandra	Loudon, NH sandyblanchard3@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/27/2021 6:36 AM
Sinclair-Pappas, Barbara	Chichester, NH bespappas@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/27/2021 1:19 AM
Francis, Karen	Manchester, NH karenfrancis99@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/27/2021 7:10 AM
Williamson, Jane	Sutton, NH Jwilliamson@conknet.com	A Member of the Public	Myself	Oppose	No	No	4/27/2021 7:36 AM
Slitt, Laura	Bartlett, NH lslitt@roadrunner.com	A Member of the Public	Myself	Oppose	No	No	4/27/2021 7:39 AM
beaton, george	bradford, NH beaton102@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/27/2021 8:05 AM
Robidoux, Barbara	Candia, NH barbidoux@comcast.net	A Member of the Public	Myself	Oppose	No	No	4/27/2021 10:05 AM

Lindsey, Judith	Candia, NH judilindsey@comcast.net	A Member of the Public	Myself	Oppose	No	No	4/27/2021 9:26 AM
Coffey, Gail	Wilton, NH gcoffeywriter@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/27/2021 9:47 AM
Coffey, Gerry	Wilton, NH gerrycoffey123@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/27/2021 9:49 AM
Snyder, Kristina	Chester, NH khsnyder22@yahoo.com	A Member of the Public	Myself	Oppose	No	No	4/27/2021 9:52 AM
Doane, Mary	Dover, NH marydoane62@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/27/2021 10:34 AM
Kornhauser, Eve	Durham, NH evekornhauser@hotmail.com	A Member of the Public	Myself	Oppose	No	No	4/27/2021 10:44 AM
Shields, Melanie	Exeter, NH Bingleaph@yahoo.com	A Member of the Public	Myself	Oppose	No	No	4/27/2021 10:53 AM
Amaral, Michael	Warner, NH tdsmichael@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/27/2021 11:50 AM
Richter, Barbara	Concord, NH Barbara@NHACC.org	A Lobbyist	NH Assoc of Conservation Commissions	Oppose	No	No	4/27/2021 11:55 AM
Destrempes, Christine	Harrisville, NH cdestrempes@myfairpoint.net	A Member of the Public	Myself	Oppose	No	No	4/27/2021 12:01 PM
Kouyoumjian, Kyle	Goffstown, NH the.turtle@comcast.net	A Member of the Public	Myself	Oppose	No	No	4/27/2021 1:27 PM
Shearin, Patricia	Dunbarton, NH pshearin@gsinet.net	A Member of the Public	Myself	Oppose	No	No	4/27/2021 1:32 PM
Marino, Elizabeth	Goffstown, NH bethmarino@comcast.net	A Member of the Public	Myself	Oppose	No	No	4/27/2021 1:36 PM
Miller, Robert	Lebanon, NH deibob@comcast.net	A Member of the Public	Myself	Oppose	No	No	4/27/2021 1:59 PM
Mower, Robin	Durham, NH melodyofharpists@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/27/2021 11:01 AM
Hughes, Heather	Dover, NH scottheatherhughes@comcast.net	A Member of the Public	Myself	Oppose	No	No	4/27/2021 11:03 AM
Reeder Moss, Susan	Bradford, NH srross1@comcast.net	A Member of the Public	Myself	Oppose	No	No	4/27/2021 11:17 AM
Clark, Lisa	Candia, NH PodunkgirlLisa@comcast.net	A Member of the Public	Myself	Oppose	No	No	4/27/2021 11:23 AM

Merriam, Karen	Epping, NH yokaren@comcast.net	A Member of the Public	Myself	Oppose	No	No	4/27/2021 12:37 PM
Lovett, Barbara	Somersworth, NH barb124_124@yahoo.com	A Member of the Public	Myself	Oppose	No	No	4/27/2021 12:47 PM
Sherrill, Mike	Bradford, NH msherrill@tds.net	A Member of the Public	Myself	Oppose	No	No	4/27/2021 3:15 PM

# Testimony



# **The Associated General Contractors of New Hampshire, Inc.**

**48 Grandview Road ▼ Bow, New Hampshire 03304  
603/225-2701 ▼ Fax 603/226-3859**

**In support of Senate Bill 129  
Relative to minimizing environmental impacts  
on the habitats of endangered or threatened species.**

April 28, 2021

The Associated General Contractors of New Hampshire (AGC of NH) strongly supports Senate Bill 129, which clarifies the statute regarding NH Fish & Game's review of impact to endangered species. We believe this language will give Fish & Game more flexibility in avoiding and minimizing harm. Currently, an increasing number of projects are being referred to NH Fish & Game for wildlife impact reviews, causing extensive delays. This bill would allow for the necessary clarification that would help keep projects on schedule. We look forward to working with DES and Fish & Game further on this issue.

**The AGC of NH requests that the House Fish & Game Committee vote in favor of Senate Bill 129 as amended by the Senate.**

Respectfully submitted,

Gary Abbott  
Executive Vice President

**Archived:** Wednesday, April 28, 2021 2:14:21 PM  
**From:** [Helen Tam-Semmens](#)  
**Sent:** Wednesday, April 28, 2021 3:00:46 AM  
**To:** [~House Fish and Game Committee](#)  
**Subject:** Oppose SB129 which threatens Threatened & Endangered wildlife species  
**Importance:** Normal

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As a member of my town's Conservation Commission, I see this SB129 which weakens the protection of threatened and endangered species as costly and irresponsible. All my neighbors I spoke to are opposed to it as strongly as I. We urge you to oppose this bill.

This bill favors developers and the like, but costly to the environment and hence very costly to NH residents and homeowners. It is well-documented that the protection of one endangered or threatened species means the protection of countless other species, and is touted as one of the most important ways in protecting our degrading environment in our present era of climate crisis and 6th Mass Extinction.

The lake I live on has unprecedented toxic cyanobacteria bloom the past few years. This is an increasing problem in many lakes in NH. Many big hemlock trees in my neighborhood are dying/dead and costing us a fortune to remove. I noticed insects and birds and other wildlife are disappearing. All these are related to the degradation of the environment, with the web of life further broken everyday.

At this crucial juncture we **NEED** to strengthen our ecosystems, to make it more resilient. The last thing we want is to weaken it further through this bill.

SB 129 may save developers a few bucks, but the cost to every NH homeowner and resident down the road is tremendous. For instance, cutting trees alone will cost me a few thousand dollars or more. Continued cyanobacteria bloom will decrease my lake property value by about 25%, and hence increase everybody else's tax bill by a painful amount. These and many other environmental costs are not counted in your evaluations. I am asking that you must. Moreover, we have the responsibility to leave NH a livable place to our kids and grandkids.

Please work to protect, not destroy, our most important resources. Endangered and threatened species are important links in the web of life that constitutes our natural resources. When enough strands on the web are cut, one day it will all of a sudden collapse. Such is systems theory. Scientists know it will happen. We just don't know when. So we must slow down this runaway train as much as possible. Please vote no on this bill.

Sincerely,  
Helen Tam-Semmens  
Stoddard, NH

**Archived:** Wednesday, April 28, 2021 2:14:21 PM  
**From:** Cathy Joly  
**Sent:** Monday, April 26, 2021 2:18:51 PM  
**To:** ~House Fish and Game Committee  
**Subject:** NH House Remote Testify: 9:00 am - SB129 in House Fish and Game and Marine Resources  
**Importance:** Normal

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Greetings,

I am writing in opposition of this SB129 bill.

I hope a realization is dawning on everyone that humans have made a disgusting mess of our home - air, water, land - nothing has been spared, and some damage is irreversible. Once a species is extinct, that's it.

So from this day forward, we need to be making decisions that heal, protect, and conserve all of our natural resources.

My children, who are young adults, do not want to plan their future because they don't know whether the earth will be inhabitable much longer. That makes me incredibly sad. It should make you sad, too.

Kind regards,  
Cathy Joly  
Temple, NH

~~~~~

I reside on N'dakinna, which is the traditional ancestral homeland of the Abenaki, Pennacook and Wabanaki Peoples past and present. I acknowledge and honor with gratitude the land and waterways and the alnobak (people) who have stewarded N'dakinna throughout the generations.

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# New Hampshire Fish and Game Department

**HEADQUARTERS:** 11 Hazen Drive, Concord, NH 03301-6500  
(603) 271-3421  
FAX (603) 271-1438

[www.WildNH.com](http://www.WildNH.com)  
e-mail: [info@wildlife.nh.gov](mailto:info@wildlife.nh.gov)  
TDD Access: Relay NH 1-800-735-2964

**New Hampshire Fish and Game Department  
Testimony on SB 129  
House Fish and Game and Marine Resources Committee  
April 28, 2021**

We write on behalf of the NH Fish and Game Department and the NH Fish and Game Commission to support the bill, as amended by the Senate, and urge that it receive a report of “Ought to Pass”.

Section 1 of the bill amends the standard of review used by all state agencies as they determine whether their actions could result in negative impacts to threatened and endangered species as required by RSA 212-A:9. The proposed new language is designed to move state law closer to the standards used by federal agencies as they implement the federal Endangered Species Act of 1973, as well as the implementing regulations of this law found at 50 C.F.R. Part 17, as revised December 18, 2020 at 85 F.R. 244, Page 82376 and 50 C.F.R. Part 424, as revised December 16, 2020 at 85 F.R. 242 Page 81411. These regulations were revised to implement Weyerhaeuser Co. v. U.S. F.W.S., 139 S.Ct. 361 (2018). This would allow our New Hampshire Courts to use the considerable body of jurisprudence that has arisen around this language to assist in adjudication of the difficult questions of fact and law arising under state law applicable to state listed threatened and endangered species.

Section 2 of the bill provides authority to the executive director to accept funds paid as mitigation for unavoidable impacts to wildlife or habitats of wildlife in the state, and directs how such funds will be held and used by the department. It does not authorize the department to require the payment of such funds as a condition of any permit sought from any agency of state government, and is merely enabling legislation that assures that any such funds that are so offered shall be restricted as to their future use. Whether such funds will be offered is a decision to be made by applicants and other state agencies as they review requests for issuance of permits or other approvals administered by those agencies.

Section 3 of the bill creates a new dedicated fund to be known as “The Threatened and Endangered Species Compensatory Mitigation Fund” to accept payments offered to the department as mitigation for unavoidable impacts to wildlife or habitats of wildlife in the state. The purpose of the funds is set forth in section 3 of the bill, and requires a net conservation benefit to threatened and endangered species. We support the creation of this new dedicated fund, and the purposes set forth in the proposed new section.

Sincerely,

Paul G. Sanderson  
Legal Coordinator  
NH Fish and Game Department

**REGION 1**

629B Main Street  
Lancaster, NH 03584-3612  
(603) 788-3164  
FAX (603) 788-4823  
email: [reg1@wildlife.nh.gov](mailto:reg1@wildlife.nh.gov)

**REGION 2**

PO Box 417  
New Hampton, NH 03256  
(603) 744-5470  
FAX (603) 744-6302  
email: [reg2@wildlife.nh.gov](mailto:reg2@wildlife.nh.gov)

**REGION 3**

225 Main Street  
Durham, NH 03824-4732  
(603) 868-1095  
FAX (603) 868-3305  
email: [reg3@wildlife.nh.gov](mailto:reg3@wildlife.nh.gov)

**REGION 4**

15 Ash Brook Court  
Keene, NH 03431  
(603) 352-9669  
FAX (603) 352-8798  
email: [reg4@wildlife.nh.gov](mailto:reg4@wildlife.nh.gov)





April 28, 2021

Hon. Timothy Lang  
Chair, Fish and Game and Marine Resources Committee  
State House  
Concord, NH 03301

**RE: SB 129, AN ACT relative to minimizing environmental impacts on the habitats of endangered or threatened species.**

Dear Representative Lang and Members of the Committee,

Thank you for this opportunity to provide testimony in support of SB 129. We support the concept of the bill and believe that the rulemaking requirements in the legislation will provide needed transparency into the Fish and Game Department's decision-making process concerning project impacts to threatened and endangered species, and how a mitigation fund would advance the protection of these species.

We do **oppose** inclusion of the word "appreciably" on page 1 line 9 of the legislation. The Department is required to determine whether an action will or will not jeopardize the continued existence of a species. Inclusion of the term "appreciably" only confuses the issue and may lead to increased litigation of Department decisions.

The Fish and Game Department needs to define clearly how it determines if an action will "jeopardize the continued existence of" a species. We believe that the professional wildlife staff at the Department are the most qualified to determine the degree of impact to a species. This should be articulated in the Department's administrative rules. We don't believe that the Legislature is best positioned to add qualifiers to a determination of whether or not a species existence is jeopardized.

Currently, there are no administrative rules or other publicly available documents that establish a clear process, guidelines, criteria, or other replicable method for the Director of Fish and Game to use to reach conclusions under RSA 212-A. Without such criteria, applicants, the public, and the Department have no clear and consistent understanding of how these decisions are made. Department staff are *using* a process and guidelines, but without a clear, *publicly articulated* process and guidelines there is no assurance of consistent practice over time, adding to the potential for litigation of a decision.

We are pleased that the Department of Fish and Game recently took a first step to develop rules on this topic. We strongly support the requirement in SB 129 for the Department to undertake a rulemaking

process to define the terms and decision-making process in RSA 212-A. We believe that this rulemaking should be completed within the first year following passage of the bill.

It is critical that the Department develop rules to clearly explain how it interprets “critical habitat” for threatened and endangered species, and how the Department will decide whether or not projects have sufficiently avoided or minimized impacts to these habitats. We believe this level of transparency is essential if the legislature chooses to create policy that allows project developers to mitigate impacts through a cash payment. The public needs assurances that the mitigation hierarchy – avoid, minimize, mitigate – is being applied consistently and in a way that prioritizes protection of these imperiled species held in the public trust.

Mitigation payments are a last resort when discussions with an applicant fail to identify project modifications that could fully avoid or minimize impacts to a threatened or endangered species. We believe that avoidance is the best option for the protection of these species. Mitigation payments should only be considered for applicants after all other avoidance and minimization measures have been considered and reviewed by the Department.

Section 2 of the bill authorizes the Department to accept such payments where full avoidance and minimization of impacts cannot be achieved. We appreciate and support the language included that segregates mitigation payments from or within the non-game species account. This will ensure that these funds will be used only to advance the protection of threatened and endangered species.

We also support the language in section 2 that requires the Department to engage in rulemaking to establish this mitigation fund so that the public is aware of how decisions will be made directing the use of these funds. Again, we believe that this rulemaking should begin as soon as possible and be completed within the first year following passage of the bill.

The NH Fish and Game Department has successfully managed several large mitigation payments to date, including the Karner Blue Butterfly restoration project in Concord and the Granite Reliable wind farm mitigation in Coos County. Articulating clear guidelines for use of mitigation funds will ensure successful efforts in the future.

Thank you for this opportunity to provide testimony on SB 129. We look forward to working with the Committee, the Department, and other stakeholders to ensure appropriate protections for T&E species and habitat under this bill.

Sincerely,

Susan Arnold  
Vice President for Conservation  
Appalachian Mountain Club

Carol R. Foss  
Senior Advisor for Science and Policy  
New Hampshire Audubon

Matt Leahy  
Public Policy Manager  
Society for the Protection of NH Forests

Jim O’Brien  
Director of External Affairs  
The Nature Conservancy

Barbara Richter  
Executive Director  
NH Association of Conservation Commissions

Michele L. Tremblay  
President, Board of Directors  
New Hampshire Rivers Council

From: SFournier - B.E.C. <[broxenvironcitizens2@comcast.net](mailto:broxenvironcitizens2@comcast.net)>  
Date: 4/22/2021 7:06:31 PM  
Subject: Please oppose SB 129 that legalizes harm to endangered wildlife  
To: [housefishandgamecommittee@leg.state.nh.us](mailto:housefishandgamecommittee@leg.state.nh.us)

April 22, 2021

RE: Please oppose SB 129 that legalizes harm to endangered wildlife; should not become law

Dear Chairman Lang & Honorable Representatives of the Fish & Game & Marine Resources Committee:

Too many species, unfortunately, qualify for being on NH's threatened & endangered species list. The future of these species in NH is uncertain and would be made more uncertain if the protections currently afforded to them under RSA 212-A – our Endangered Species Conservation Act – are weakened.

The purpose of Senate Bill 129 is to make things easier for agencies, like the Department of Environmental Services, when permit applications are for areas that involve endangered wildlife. But the effect of SB 129 on endangered wildlife is to decrease their protection and expose them to activities that would further threaten their existence. That is too high a price to pay for convenience of DES.

Below I provide a more detailed analysis of how SB 129 legalizes harm to NH's endangered wildlife species that I hope you will read. It explains better the reasons why I'm asking you to stop SB 129 from becoming the new law.

Thank you for your thoughtful consideration.

Respectfully yours,

*Suzanne L. Fournier*

Suzanne Fournier, Coordinator

Brox Environmental Citizens

Working to Protect Wetlands & Wildlife at Special Places

9 Woodward Dr.

Milford, NH

## Analysis of what SB 129 does to our Endangered Species Conservation Act

1 – SB 129 would change RSA 212-A – NH’s Endangered Species Conservation Act by allowing harm to endangered species that is currently illegal. The changes are being promoted by the NH Department of Environmental Services (DES) because of conflicts encountered by DES with respect to issuing permits for development projects. The NH Fish & Game Department (F&G) through the F&G Commission has voted to support SB 129, thereby assisting in the weakening of protections for endangered species that F&G is charged with protecting.

2– Current 212-A requires all state departments and agencies to assist F&G in the furtherance of the purposes of 212-A that includes this powerful goal: “*Species of wildlife normally occurring within this state which may be found to be in jeopardy should be accorded such protection as is necessary to maintain and enhance their numbers.*” Therefore, actions that cause endangered species to lose individuals and the ability to grow their populations are counter to 212-A’s purpose, essentially illegal.

3 – Under current 212-A all state departments and agencies must insure that actions taken by them do not jeopardize the continued existence of T&E species. In contrast, the proposed SB 129 allows the jeopardizing of T&E species if the harm can be determined to be less than “appreciable.” Therefore, if harm that jeopardizes T&E species goes unnoticed or unmeasured (i.e., def. of appreciable), then the harm would be legal under 212-A. In F&G’s companion rulemaking to SB 129 that it is currently undertaking along with DES, for an action to be forbidden, it would need to *appreciably* reduce “the likelihood of both the survival and recovery of a threatened or endangered species’ population by reducing the reproduction, numbers, or distribution of that species.” There is a huge difference between Do Not Jeopardize that forbids harm and Do Not Appreciably Jeopardize that allows harm up to the point of being noticed and measured.

4 – SB 129 sets a new, weaker, standard for departments and agencies to follow when it comes to T&E. Under current 212-A, there is no legal jeopardizing of species and no “take” in any form is legal, including, killing, wounding, disturbing, and harassing. F&G’s companion rulemaking goes further to define “harm” as: any act “*which acts to destroy, degrade, or adversely modify the habitat supporting the species by interfering with breeding, hibernation, reproduction, feeding, sheltering, migration or overwintering behaviors that are a part of its normal or traditional life cycle and that are essential to its survival and perpetuation.*” F&G also defines “critical habitat” as follows: “*a geographical area that currently or historically provide(s) physical or biological features essential to the conservation of an endangered or threatened species, and may require specific management considerations.*”

Having defined both “harm” and “critical habitat,” F&G’s Nongame & Endangered Wildlife Program ironically goes on to support harm to both the animals and their habitat: SB 129 allows actions that “*minimize harm to such species and habitat designated as critical.*” [see line 10 of SB 129] Everyone would object to “maximizing”

harm, but “minimizing” harm sounds like something nice is happening, but in reality it is harmful to T&E and is often substantial harm to species that are already struggling to remain in New Hampshire. The existing prohibition of harm is what is needed for the purpose of 212-A to be met – that is, so that T&E species can have a decent chance to maintain and increase their population sizes.

5 – Lastly, SB 129 along with F&G’s companion rulemaking create a type of incentive-situation where what is referred to as “unavoidable impacts” (i.e. harm) is allowed. The project developer who is doing the harm might be given the choice to pay into a fund to compensate F&G for the harm. [see lines 16-24 of SB 129]

### **Summary of SB 129’s Changes to RSA 212-A**

Line 7 ---- allows jeopardizing the endangered species if the jeopardizing is less than appreciable.

Line 10 ---- harms endangered species and critical habitat as long as it is harm that has been “minimized.”

Line 16 ---- creates a “mitigation fund” option for developers to pay for their projects that cause harm to endangered species.

Line 19 ---- allows impacts that are called “unavoidable,” without defining “unavoidable” for example, as true emergencies or necessities for the public good.

Conclusion: The above analysis of SB 129 all adds up to serious harm to T&E species that are by definition already in serious trouble. Therefore, the only reasonable choice is to keep 212-A strong and make it stronger, not to weaken its protections.

As development pressures continue in New Hampshire, SB 129 would put T&E species at greater and greater risk after one development project after another impacts them.

I request that the House Fish & Game & Marine Resources Committee reject what DES is trying to do to NH’s wonderful, protective Endangered Species Conservation Act. Oppose SB 129 please. Thank you.

**Archived:** Tuesday, May 11, 2021 10:11:39 AM

**From:** [Kathie Fife](#)

**Sent:** Sunday, May 9, 2021 2:00:53 AM

**To:** ~House Fish and Game Committee

**Subject:** SB 129

**Importance:** Normal

---

Dear Representatives,

I'm writing today to ask you to vote against SB 129. This bill as amended in the Senate is essentially a payoff to NH Fish and Game to allow critical habitats to be destroyed. Mitigation is a misnomer — man can not displace a species and assume it will find a new place, or that man can create a space somewhere else for the species to go. The species is in that specific location because the unique and rare habitat serves a ecological niche that supports the species.

Once it is gone - it's gone forever.

This bill is an embarrassment and needs to be killed.

Please vote no.

Thank you,

Kathie Fife  
Canterbury  
783-9334

Member NH Lyme Study Commission appointed by Governor Chris Sununu

**Archived:** Tuesday, May 4, 2021 1:07:34 PM  
**From:** [Jim OBrien](#)  
**Sent:** Wednesday, April 28, 2021 6:34:00 AM  
**To:** ~House Fish and Game Committee  
**Subject:** Testimony on SB 129  
**Importance:** Normal  
**Attachments:**  
4-28-21\_SB129\_TE\_joint\_testimony-final.pdf ;

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Good morning –

Please find attached the written testimony from 6 conservation organizations – Appalachian Mountain Club, NH Association of Conservation Commissions, NH Audubon, The Nature Conservancy, Society for the Protection of NH Forests, and New Hampshire Rivers Council - regarding SB 129.

Thank you for your service –

Jim

---

**Jim O'Brien**  
*Director of External Affairs*  
*@jim\_obrienNH*  
(603) 224-5853 Ext. 228 (Phone)  
(603) 856-5378 (Mobile)  
(603) 228-2459 (Fax)

[jim\\_obrien@tnc.org](mailto:jim_obrien@tnc.org)

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**The Nature Conservancy**  
**New Hampshire**  
22 Bridge Street  
4th Floor  
Concord, NH 03301  
[nature.org](http://nature.org)



**Archived:** Tuesday, May 4, 2021 1:07:34 PM  
**From:** William Thomas  
**Sent:** Tuesday, May 4, 2021 12:34:38 PM  
**To:** ~House Fish and Game Committee  
**Cc:** Eugenr  
**Subject:** SB 129  
**Importance:** Normal

---

Dear Committee Members,

I only recently heard about SB 129 and the vote by this committee to recommend it by a 10 to 8 vote, despite the strong opposition by those who registered their opinions (147 to 13).

When the full House votes on this bill, I would hope that after some reflection, those of you who voted to pass this bill, would ultimately vote it down when the House meets.

Our wildlife, each and every passing year, loses more and more of their natural habitat. Wouldn't it be wonderful if our children and grandchildren could enjoy our wonderful outdoors, our forests, lakes, and the hiking trails in our state, including our endangered wildlife?

If you voted for SB 129, please reconsider and vote against the final version of SB 129 when it comes before the entire House.

Thank you for your consideration.

Respectfully,

William Thomas  
Auburn, NH 03032



**Archived:** Tuesday, May 4, 2021 1:07:34 PM  
**From:** [Helen Tam-Semmens](#)  
**Sent:** Wednesday, April 28, 2021 3:00:46 AM  
**To:** [~House Fish and Game Committee](#)  
**Subject:** Oppose SB129 which threatens Threatened & Endangered wildlife species  
**Importance:** Normal

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As a member of my town's Conservation Commission, I see this SB129 which weakens the protection of threatened and endangered species as costly and irresponsible. All my neighbors I spoke to are opposed to it as strongly as I. We urge you to oppose this bill.

This bill favors developers and the like, but costly to the environment and hence very costly to NH residents and homeowners. It is well-documented that the protection of one endangered or threatened species means the protection of countless other species, and is touted as one of the most important ways in protecting our degrading environment in our present era of climate crisis and 6th Mass Extinction.

The lake I live on has unprecedented toxic cyanobacteria bloom the past few years. This is an increasing problem in many lakes in NH. Many big hemlock trees in my neighborhood are dying/dead and costing us a fortune to remove. I noticed insects and birds and other wildlife are disappearing. All these are related to the degradation of the environment, with the web of life further broken everyday.

At this crucial juncture we **NEED** to strengthen our ecosystems, to make it more resilient. The last thing we want is to weaken it further through this bill.

SB 129 may save developers a few bucks, but the cost to every NH homeowner and resident down the road is tremendous. For instance, cutting trees alone will cost me a few thousand dollars or more. Continued cyanobacteria bloom will decrease my lake property value by about 25%, and hence increase everybody else's tax bill by a painful amount. These and many other environmental costs are not counted in your evaluations. I am asking that you must. Moreover, we have the responsibility to leave NH a livable place to our kids and grandkids.

Please work to protect, not destroy, our most important resources. Endangered and threatened species are important links in the web of life that constitutes our natural resources. When enough strands on the web are cut, one day it will all of a sudden collapse. Such is systems theory. Scientists know it will happen. We just don't know when. So we must slow down this runaway train as much as possible. Please vote no on this bill.

Sincerely,  
Helen Tam-Semmens  
Stoddard, NH

**Archived:** Monday, June 7, 2021 11:04:09 AM

**From:** Voices of Wildlife NH

**Sent:** Tuesday, May 25, 2021 7:16:41 PM

**To:** ~House Children and Family Law Committee; ~House Commerce Committee; ~House Criminal Justice and Public Safety; ~House Education Committee; ~House Election Law Committee; ~House Environment and Agriculture Committee; ~House Executive Departments and Administration; ~House Finance Committee; ~House Finance Division I; ~House Finance Division II; ~House Finance Division III; ~House Fish and Game Committee; ~House Health Human Services and Elderly Affairs; ~House Judiciary Committee; ~House Labor, Industrial and Rehabilitative Services; ~House Legislative Administration; ~House Municipal and County Govt; ~House Public Works and Highways; ~House Resources Recreation and Development; ~House Rules Committee; ~House Science Technology and Energy; ~House Special Committee on Redistricting; ~House State-Federal Relations and Veterans Affairs; ~House Transportation Committee; ~House Ways & Means Committee

**Subject:** Please oppose SB 129

**Importance:** Normal

**Attachments:**

SB 129 to House Representatives.docx 

---

May 25, 2021

Dear Honorable Representative:

Soon a bill that would weaken NH's protection of endangered wildlife species – Senate Bill 129 – will be up for a vote by you and your fellow House members. Voices of Wildlife respectfully requests that you consider voting in opposition to SB 129.

Despite the bill's language impression, **harm will increase to NH's endangered species habitats** if SB 129 passes. Species already in danger cannot afford to be harmed by the loss of habitat essential to their existence.

The importance of protecting NH's threatened & endangered wildlife species is a non-partisan issue. Through the decades, NH's representatives have most often been bipartisan when passing wildlife legislation.

Please read the enclosed Minority Report of the Fish & Game & Marine Resources Committee, followed by a published letter to the editor that succinctly frames the issue.

Email us if we can answer any of your questions. Thank you for your support of NH's wildlife with a no vote on SB 129.

Sincerely,

*Elizabeth Marino*

Elizabeth Marino, Secretary

Voices of Wildlife in NH

PO Box 5802

Manchester, NH 03102

Enclosures:

1. NH Fish & Game & Marine Resources Committee Minority Report (8 votes out of 18)
2. Letter to the Editor by Jack Hurley, Claremont, NH

### **House Fish & Game & Marine Resources Committee's MINORITY REPORT:**

SB 129 is a bill that impacts the habitats of endangered or threatened species. The minority believes that by adding the undefined word "appreciable" when determining the results of the destruction or modification of habitats of such species weakens the endangered species act RSA 212. The minority further believes the bill provides a mechanism in which realtors and developers may bypass the endangered species act by making a donation to the nongame species account, the threatened and endangered species account, or the threatened and endangered species compensatory mitigation fund established in this bill.

May 8, 2021

### **Letter to the Editor: A threat to wildlife**

Are New Hampshire legislators trying to fool us? SB 129, now under consideration by the NH House of Representatives, is ironically and misleadingly, officially described as "designed to minimize environmental impacts to endangered or threatened species habitats." Sounds good doesn't it?

Yet, this developer-inspired bill would actually decrease the protection of such habitats. Currently, developers must show in their permit applications that their plans "will not result in adverse impacts" on threatened or endangered species of animals.

But, SB 129 proposes that developers' plans "not appreciably jeopardize the continued existence of such species or result in the destruction or modification of habitat of such species which is determined by the executive director to be critical, by requiring that all such action is designed to avoid and minimize harm to such species and habitat designated as critical." This is a much lower standard and, because of its vagueness, much more difficult to enforce. Tragically, it would result

in increased risk to a wide range of wildlife whose existence has already been deemed threatened or endangered — like the spotted turtle, the peregrine falcon, and several species of butterflies.

At a hearing of the House Fish and Game and Marine Resources Committee, 147 citizens opposed SB 129, while only 13 supported it. Yet the committee voted to pass the bill despite this strong opposition to SB 129.

Please contact your representatives and tell them to vote against this anti-wildlife bill.

Jack Hurley

Claremont, NH

--

**Voices of Wildlife in NH (VOW)**  
**PO Box 5862**  
**Manchester, NH 03108**  
[www.voicesofwildlifeinnh.org](http://www.voicesofwildlifeinnh.org)  
[www.facebook.com/VOWNH](https://www.facebook.com/VOWNH)

**VOW**, a registered NH non-profit 501(c)(4), works to protect NH's wildlife by advocating for legislation and regulations and conducts research into elected official's positions and voting records regarding these issues and to publicize those results.

**Archived:** Wednesday, April 28, 2021 2:28:47 PM  
**From:** [LSLITT@roadrunner.com](mailto:LSLITT@roadrunner.com)  
**Sent:** Tuesday, April 27, 2021 8:10:53 AM  
**To:** ~House Fish and Game Committee  
**Subject:** OPPOSE HB 129  
**Importance:** Normal

---

Dear Members,

Please read these wise quotes and facts from those who understand the broadest implications of man's inhumanity to other beings we share this finite earth with!

<https://www.animalmatters.org/quotes/wildlife/>  
<https://www.animalmatters.org/facts/wildlife/>

HB 129 is a further attack on other creatures habitats when we've already taken WAY TOO MUCH, and suffer the moral, health and environmental consequences.

Land and animals should not be treated like tools to bribe government agencies to enable more unsustainable development. Where I live, the north country, the carnage is shocking, This valley is turning into a disaster of growth and the natural wonders that existed here are being destroyed.

Will man ever realize the err of his arrogance in degrading our own environment which eventually will be our own demise!

I hope the animals have their say and day in court about this disastrous, inhumane bill as animal law emerges as the fastest growing sector of law.

It's time the animals got legal protections anyway, as improving the lives and habitats for animals improves the conditions in humanity, currently suffering from our unbridled, unmitigated violence to both wild beings and their habitats,

Part of Fish and Game's stated task is PROTECTING HABITAT and HB 129 is in stark contradiction with that important obligation.

Laura Slitt  
Bartlett, NH

**Archived:** Wednesday, April 28, 2021 2:28:47 PM

**From:** [Alexandra Moffat](#)

**Sent:** Monday, April 26, 2021 3:57:27 PM

**To:** ~House Fish and Game Committee

**Subject:** 129

**Importance:** Normal

---

My family and I totally oppose Senate Bill 129 for all the obvious reasons that any caring, science-educated, wild-life admirer and respecter, humane-oriented person would. I have 2 great granddaughters and very much hope that their world will cherish and enjoy the wild life in NH and the world. Wildlife is under extreme threat from global heating, climate change and DEVELOPMENT. We cannot continue forcing wild animals off their space ; it puts them -and us - in great peril. Letting developers have their way in exploiting land is a recipe for promoting suffering animals, threatened animals and extinctions. We must be wise and consider what has already been proved about the harms that come when humans encroach on wild ecologies. There must be rules to guide any development and fierce penalties for those who disregard the demands of nature.

Alexandra Moffat 77 Stonehouse Mt Rd Orford NH 03777 <samoffat28@gmail.com> 603  
353 4747

**Archived:** Wednesday, April 28, 2021 2:28:47 PM  
**From:** Cathy Joly  
**Sent:** Monday, April 26, 2021 2:18:51 PM  
**To:** ~House Fish and Game Committee  
**Subject:** NH House Remote Testify: 9:00 am - SB129 in House Fish and Game and Marine Resources  
**Importance:** Normal

---

Greetings,

I am writing in opposition of this SB129 bill.

I hope a realization is dawning on everyone that humans have made a disgusting mess of our home - air, water, land - nothing has been spared, and some damage is irreversible. Once a species is extinct, that's it.

So from this day forward, we need to be making decisions that heal, protect, and conserve all of our natural resources.

My children, who are young adults, do not want to plan their future because they don't know whether the earth will be inhabitable much longer. That makes me incredibly sad. It should make you sad, too.

Kind regards,  
Cathy Joly  
Temple, NH

~~~~~

I reside on N'dakinna, which is the traditional ancestral homeland of the Abenaki, Pennacook and Wabanaki Peoples past and present. I acknowledge and honor with gratitude the land and waterways and the alnobak (people) who have stewarded N'dakinna throughout the generations.

~~~~~

**Archived:** Monday, April 26, 2021 11:11:31 AM  
**From:** Gary Abbott  
**Sent:** Sunday, April 25, 2021 7:17:02 PM  
**To:** ~House Fish and Game Committee  
**Subject:** NH House Remote Testify: 9:00 am - SB129 in House Fish and Game and Marine Resources  
**Importance:** Normal  
**Attachments:**  
SB 129 Wildlife Review - House version.docx ;

---

Dear Fish and Game Committee,

Attached is my written testimony in support of Senate Bill 129 as amended by the NH Senate. If you have any questions please feel free to contact me.

Sincerely,



**Gary Abbott**

Executive Vice President  
Associated General Contractors of NH

✉ [gabbott@agcnh.org](mailto:gabbott@agcnh.org)

☎ [603-225-2701](tel:603-225-2701)

📍 48 Grandview Road  
Bow, NH 03304

🌐 [agcnh.org](http://agcnh.org)



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**Archived:** Monday, April 26, 2021 11:11:31 AM  
**From:** Paul Cunningham  
**Sent:** Sunday, April 25, 2021 9:11:32 PM  
**To:** ~House Fish and Game Committee  
**Subject:** Senate Bill 129  
**Importance:** Normal

---

Dear House Fish and Game Committee:

I am writing to register my opposition to Senate Bill 129 for the following four reasons.

SB 129 allows jeopardizing the endangered species if the jeopardizing is less than “appreciable.”

SB 129 harms endangered species and critical habitat as long as it is harm that has been “minimized.” Just because harm is not maximized or out-of-control, does not mean it is safe for the endangered animals. Minimized harm should remain illegal.

SB 129 creates a “mitigation fund” option for developers to pay for their projects that cause harm to endangered species. It’s an immoral idea for F&G’s Nongame & Endangered Wildlife Program to receive funding from the harm to endangered species.

SB 129 allows negative impacts to endangered wildlife that are called “unavoidable,” without defining “unavoidable.” If a project is not a true emergency or necessity for the public good, then the project must avoid all harm to endangered wildlife.

Respectfully,

Paul F. Cunningham, Ph.D.  
9 Woodward Drive  
Milford, NH 03055

**Archived:** Monday, April 26, 2021 11:11:31 AM  
**From:** Margaret daiss hurley  
**Sent:** Saturday, April 24, 2021 5:06:22 PM  
**To:** ~House Fish and Game Committee  
**Subject:** OPPOSE SB129  
**Importance:** Normal

---

I oppose Senate Bill 129 because:

SB 129 allows jeopardizing the endangered species if the jeopardizing is less than "appreciable." Why should the species be jeopardized at all?

SB 129 harms endangered species and critical habitat as long as it is harm that has been "minimized." Just because harm is not maximized or out-of-control, does not mean it is safe for the endangered animals. Minimized harm should remain illegal.

SB 129 creates a "mitigation fund" option for developers to pay for their projects that cause harm to endangered species. It's an immoral idea for F&G's Nongame & Endangered Wildlife Program to receive funding from the harm to endangered species.

SB 129 allows negative impacts to endangered wildlife that are called "unavoidable," without defining "unavoidable." If a project is not a true emergency or necessity for the public good, then the project must avoid all harm to endangered wildlife.

Sincerely,

Margaret Hurley

Claremont, NH

**Archived:** Monday, April 26, 2021 11:11:31 AM  
**From:** [Elise Caplan](#)  
**Sent:** Saturday, April 24, 2021 10:25:58 AM  
**To:** [~House Fish and Game Committee](#)  
**Subject:** NH House Remote Testify: 9:00 am - SB129 in House Fish and Game and Marine Resources  
**Importance:** Normal

---

All,

I strongly urge you to oppose HB 129. We need to be strong stewards of our wildlife not trappers and hunters decimating any population of species. We need them all. There is much more national outcry for the better treatment of all our wildlife. Take head. Now is the time.

I oppose Senate Bill 129 because:

SB 129 allows jeopardizing the endangered species if the jeopardizing is less than "appreciable." Why should the species be jeopardized at all?

SB 129 harms endangered species and critical habitat as long as it is harm that has been "minimized." Just because harm is not maximized or out-of-control, does not mean it is safe for the endangered animals. Minimized harm should remain illegal.

SB 129 creates a "mitigation fund" option for developers to pay for their projects that cause harm to endangered species. It's an immoral idea for F&G's Nongame & Endangered Wildlife Program to receive funding from the harm to endangered species.

SB 129 allows negative impacts to endangered wildlife that are called "unavoidable," without defining "unavoidable." If a project is not a true emergency or necessity for the public good, then the project must avoid all harm to endangered wildlife.

Thank you for your attention to this grave and critical matter.

Elise Caplan  
NH, USA

Sent from my iPhone

**Archived:** Monday, April 26, 2021 11:11:31 AM  
**From:** [Katrina Yurenka](#)  
**Sent:** Friday, April 23, 2021 1:06:52 PM  
**To:** ~House Fish and Game Committee  
**Subject:** SB 129  
**Importance:** Normal

---

SB 129 creates a "mitigation fund" option for developers to pay for their projects that cause harm to endangered species. It's an immoral idea for F&G's Nongame & Endangered Wildlife Program to receive funding from the harm to endangered species.

I am opposed to this bill.

Katrina Yurenka  
Jaffrey, NH

**Archived:** Monday, April 26, 2021 11:11:31 AM  
**From:** SFournier - B.E.C.  
**Sent:** Thursday, April 22, 2021 7:07:03 PM  
**To:** ~House Fish and Game Committee  
**Subject:** Please oppose SB 129 that legalizes harm to endangered wildlife  
**Importance:** Normal

---

April 22, 2021

RE: Please oppose SB 129 that legalizes harm to endangered wildlife; should not become law

Dear Chairman Lang & Honorable Representatives of the Fish & Game & Marine Resources Committee:

Too many species, unfortunately, qualify for being on NH's threatened & endangered species list. The future of these species in NH is uncertain and would be made more uncertain if the protections currently afforded to them under RSA 212-A – our Endangered Species Conservation Act – are weakened.

The purpose of Senate Bill 129 is to make things easier for agencies, like the Department of Environmental Services, when permit applications are for areas that involve endangered wildlife. But the effect of SB 129 on endangered wildlife is to decrease their protection and expose them to activities that would further threaten their existence. That is too high a price to pay for convenience of DES.

Below I provide a more detailed analysis of how SB 129 legalizes harm to NH's endangered wildlife species that I hope you will read. It explains better the reasons why I'm asking you to stop SB 129 from becoming the new law.

Thank you for your thoughtful consideration.

Respectfully yours,

*Suzanne L. Fournier*

Suzanne Fournier, Coordinator

Brox Environmental Citizens

Working to Protect Wetlands & Wildlife at Special Places

9 Woodward Dr.

Milford, NH

Analysis of what SB 129 does to our Endangered Species Conservation Act

1 – SB 129 would change RSA 212-A – NH's Endangered Species Conservation Act by allowing harm to endangered species that is currently illegal. The changes are being

promoted by the NH Department of Environmental Services (DES) because of conflicts encountered by DES with respect to issuing permits for development projects. The NH Fish & Game Department (F&G) through the F&G Commission has voted to support SB 129, thereby assisting in the weakening of protections for endangered species that F&G is charged with protecting.

2– Current 212-A requires all state departments and agencies to assist F&G in the furtherance of the purposes of 212-A that includes this powerful goal: *“Species of wildlife normally occurring within this state which may be found to be in jeopardy should be accorded such protection as is necessary to maintain and enhance their numbers.”* Therefore, actions that cause endangered species to lose individuals and the ability to grow their populations are counter to 212-A’s purpose, essentially illegal.

3 – Under current 212-A all state departments and agencies must insure that actions taken by them do not jeopardize the continued existence of T&E species. In contrast, the proposed SB 129 allows the jeopardizing of T&E species if the harm can be determined to be less than “appreciable.” Therefore, if harm that jeopardizes T&E species goes unnoticed or unmeasured (i.e., def. of appreciable), then the harm would be legal under 212-A. In F&G’s companion rulemaking to SB 129 that it is currently undertaking along with DES, for an action to be forbidden, it would need to *appreciably* reduce “the likelihood of both the survival and recovery of a threatened or endangered species’ population by reducing the reproduction, numbers, or distribution of that species.” There is a huge difference between Do Not Jeopardize that forbids harm and Do Not Appreciably Jeopardize that allows harm up to the point of being noticed and measured.

4 – SB 129 sets a new, weaker, standard for departments and agencies to follow when it comes to T&E. Under current 212-A, there is no legal jeopardizing of species and no “take” in any form is legal, including, killing, wounding, disturbing, and harassing. F&G’s companion rulemaking goes further to define “harm” as: any act *“which acts to destroy, degrade, or adversely modify the habitat supporting the species by interfering with breeding, hibernation, reproduction, feeding, sheltering, migration or overwintering behaviors that are a part of its normal or traditional life cycle and that are essential to its survival and perpetuation.”* F&G also defines “critical habitat” as follows: *“a geographical area that currently or historically provide(s) physical or biological features essential to the conservation of an endangered or threatened species, and may require specific management considerations.”*

Having defined both “harm” and “critical habitat,” F&G’s Nongame & Endangered Wildlife Program ironically goes on to support harm to both the animals and their habitat: SB 129 allows actions that *“minimize harm to such species and habitat designated as critical.”* [see line 10 of SB 129] Everyone would object to “maximizing” harm, but “minimizing” harm sounds like something nice is happening, but in reality it is harmful to T&E and is often substantial harm to species that are already struggling to remain in New Hampshire. The existing prohibition of harm is what is needed for the purpose of 212-A to be met – that is, so that T&E species can have a decent chance to maintain and increase their population sizes.

5 – Lastly, SB 129 along with F&G’s companion rulemaking create a type of incentive-situation where what is referred to as “unavoidable impacts” (i.e. harm) is allowed. The project developer who is doing the harm might be given the choice to pay into a fund to compensate F&G for the harm. [see lines 16-24 of SB 129]

## Summary of SB 129's Changes to RSA 212-A

Line 7 ---- allows jeopardizing the endangered species if the jeopardizing is less than appreciable.

Line 10 ---- harms endangered species and critical habitat as long as it is harm that has been "minimized."

Line 16 ---- creates a "mitigation fund" option for developers to pay for their projects that cause harm to endangered species.

Line 19 ---- allows impacts that are called "unavoidable," without defining "unavoidable" for example, as true emergencies or necessities for the public good.

Conclusion: The above analysis of SB 129 all adds up to serious harm to T&E species that are by definition already in serious trouble. Therefore, the only reasonable choice is to keep 212-A strong and make it stronger, not to weaken its protections.

As development pressures continue in New Hampshire, SB 129 would put T&E species at greater and greater risk after one development project after another impacts them.

I request that the House Fish & Game & Marine Resources Committee reject what DES is trying to do to NH's wonderful, protective Endangered Species Conservation Act. Oppose SB 129 please. Thank you.

**Archived:** Wednesday, April 28, 2021 2:25:35 PM  
**From:** [Helen Tam-Semmens](#)  
**Sent:** Wednesday, April 28, 2021 3:00:46 AM  
**To:** [~House Fish and Game Committee](#)  
**Subject:** Oppose SB129 which threatens Threatened & Endangered wildlife species  
**Importance:** Normal

---

As a member of my town's Conservation Commission, I see this SB129 which weakens the protection of threatened and endangered species as costly and irresponsible. All my neighbors I spoke to are opposed to it as strongly as I. We urge you to oppose this bill.

This bill favors developers and the like, but costly to the environment and hence very costly to NH residents and homeowners. It is well-documented that the protection of one endangered or threatened species means the protection of countless other species, and is touted as one of the most important ways in protecting our degrading environment in our present era of climate crisis and 6th Mass Extinction.

The lake I live on has unprecedented toxic cyanobacteria bloom the past few years. This is an increasing problem in many lakes in NH. Many big hemlock trees in my neighborhood are dying/dead and costing us a fortune to remove. I noticed insects and birds and other wildlife are disappearing. All these are related to the degradation of the environment, with the web of life further broken everyday.

At this crucial juncture we **NEED** to strengthen our ecosystems, to make it more resilient. The last thing we want is to weaken it further through this bill.

SB 129 may save developers a few bucks, but the cost to every NH homeowner and resident down the road is tremendous. For instance, cutting trees alone will cost me a few thousand dollars or more. Continued cyanobacteria bloom will decrease my lake property value by about 25%, and hence increase everybody else's tax bill by a painful amount. These and many other environmental costs are not counted in your evaluations. I am asking that you must. Moreover, we have the responsibility to leave NH a livable place to our kids and grandkids.

Please work to protect, not destroy, our most important resources. Endangered and threatened species are important links in the web of life that constitutes our natural resources. When enough strands on the web are cut, one day it will all of a sudden collapse. Such is systems theory. Scientists know it will happen. We just don't know when. So we must slow down this runaway train as much as possible. Please vote no on this bill.

Sincerely,  
Helen Tam-Semmens  
Stoddard, NH



**Archived:** Wednesday, April 28, 2021 2:25:35 PM

**From:** [Melanie Shields](#)

**Sent:** Tuesday, April 27, 2021 1:50:27 PM

**To:** [~House Fish and Game Committee](#)

**Subject:** SB 129

**Importance:** Normal

---

To the Committee,

I speak as a 45 year resident of NH. I believe it is up to us to speak for the animals, and this bill does not. Please do not weaken the rules that apply to our silent neighbors who cannot vote.

Sincerely,

Peter M Waltz

84 Brentwood Rd

Exeter, NH

**Archived:** Wednesday, April 28, 2021 2:25:35 PM

**From:** [judi lindsey](#)

**Sent:** Tuesday, April 27, 2021 9:35:15 AM

**To:** [~House Fish and Game Committee](#)

**Subject:** Judi - SB 129

**Importance:** Normal

---

Here are my comments about this bill. I oppose SB 129. You can't minimize harm! It is harmful and we must not allow it at all. We can't allow payment to make harming animals acceptable. That is truly unethical. It is inhumane to make it OK to harm wildlife if the price is right! We've certainly done enough world wide destruction of animal (and therefore human) habitats. It is no longer reasonable to use the word 'avoidable' in these development practices. We are smarter and kinder than that!

Sincerely,

Judi Lindsey

**Archived:** Wednesday, April 28, 2021 2:25:35 PM

**From:** [patti](#)

**Sent:** Monday, April 26, 2021 6:57:05 PM

**To:** ~House Fish and Game Committee

**Subject:** SB 129

**Importance:** Normal

---

*Good Morning: many NH Residents are Opposed to this bill which will weaken our NH Endangered Species Conservation Act. NH's Act was enacted in 1979, just a few years after the federal Endangered Species Act.*

*Fifty years later, with everything we now know about how important wildlife and wildlife habitat is for a healthy planet, if we do anything at all we should be adding more protections to our wildlife and their habitats and not less, as SB 129 does.*

*Peggy and Dick Patti*

**Archived:** Wednesday, April 28, 2021 2:25:36 PM  
**From:** louis gauci  
**Sent:** Monday, April 26, 2021 2:30:04 PM  
**To:** ~House Fish and Game Committee  
**Subject:** Please Oppose SB 129  
**Importance:** Normal

---

***Dear Members of Committee,***

***Bill 129 would legalize harmful impacts to Threatened & Endangered wild animals, like the lynx, the golden eagle, the spotted turtle, the New England Cottontail rabbit, and all the species on the state's list, by weakening protections they are currently afforded when faced with development projects.***



***We cannot allow profits destroy our environment and with it the wildlife we so much admire.***

***So please for the sake of animals and ourselves vote against this bill SB 129.***

***Thank you for your attention,***

***Louis***

**Archived:** Wednesday, April 28, 2021 2:25:36 PM

**From:** [Judith Ierlan](#)

**Sent:** Monday, April 26, 2021 1:40:31 PM

**To:** [~House Fish and Game Committee](#)

**Subject:** SB 129

**Importance:** Normal

---

I am a member of the public, representing myself! The State of NH needs to protect our Endangered species and all other Wildlife in our State! I so wish to be able to come to the meeting on the 28th, but unable to. The cruelty towards all wildlife needs to stop!! How many ways? The Fish and Game have seen it all! Why, they are not fighting for them, by eliminating all these cruel acts, like the snowshoe rabbit chase!! Please oppose this bill SB 129 Judith Ierlan Greenfield, NH

**Archived:** Wednesday, April 28, 2021 2:12:51 PM  
**From:** Jim OBrien  
**Sent:** Wednesday, April 28, 2021 6:34:00 AM  
**To:** ~House Fish and Game Committee  
**Subject:** Testimony on SB 129  
**Importance:** Normal  
**Attachments:**  
4-28-21\_SB129\_TE\_joint\_testimony-final.pdf ;

---

Good morning –

Please find attached the written testimony from 6 conservation organizations – Appalachian Mountain Club, NH Association of Conservation Commissions, NH Audubon, The Nature Conservancy, Society for the Protection of NH Forests, and New Hampshire Rivers Council - regarding SB 129.

Thank you for your service –

Jim

---

**Jim O'Brien**  
*Director of External Affairs*  
*@jim\_obrienNH*  
(603) 224-5853 Ext. 228 (Phone)  
(603) 856-5378 (Mobile)  
(603) 228-2459 (Fax)

[jim\\_obrien@tnc.org](mailto:jim_obrien@tnc.org)

Find us on [facebook!](#)

**The Nature Conservancy**  
**New Hampshire**  
22 Bridge Street  
4th Floor  
Concord, NH 03301  
[nature.org](http://nature.org)



**Archived:** Wednesday, April 28, 2021 2:12:51 PM  
**From:** [Kurt Ehrenberg](#)  
**Sent:** Tuesday, April 27, 2021 9:03:18 PM  
**To:** ~House Fish and Game Committee  
**Subject:** SB 129 Testimony in Opposition /Humane Society  
**Importance:** Normal  
**Attachments:**  
SB 129 Testimony.pdf ;

---

Dear Chairman Lang and Committee members,

Please accept the attached written testimony on SB 129.

Do not hesitate to call as necessary.

Thank you,

**Kurt Ehrenberg**

New Hampshire State Director, State Affairs

[kehrenberg@humanesociety.org](mailto:kehrenberg@humanesociety.org)

C 603 312 5988

[humanesociety.org](http://humanesociety.org)



**Fight for all animals.** The Humane Society of the United States is the nation's most effective animal protection organization, fighting for all animals for more than 65 years. To support our work, please make a [monthly donation](#), give in [another way](#) or [volunteer](#).



**Archived:** Wednesday, April 28, 2021 2:12:51 PM

**From:** Sanderson, Paul

**Sent:** Tuesday, April 27, 2021 3:54:05 PM

**To:** ~House Fish and Game Committee

**Subject:** NH House Remote Testify: 9:00 am - SB129 in House Fish and Game and Marine Resources

**Importance:** Normal

**Attachments:**

[Testimony SB 129 in H F&G 4-28-21Rev.docx](#) 

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Testimony of the Fish and Game Department

Paul G. Sanderson  
Legal Coordinator  
NH Fish and Game



**Archived:** Wednesday, April 28, 2021 2:12:51 PM  
**From:** [Helen Tam-Semmens](#)  
**Sent:** Wednesday, April 28, 2021 3:00:46 AM  
**To:** [~House Fish and Game Committee](#)  
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**Importance:** Normal

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Sincerely,  
Helen Tam-Semmens  
Stoddard, NH

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**Sent:** Tuesday, April 27, 2021 1:50:27 PM

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**Subject:** SB 129

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**Sent:** Tuesday, April 27, 2021 9:35:15 AM

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**Subject:** Judi - SB 129

**Importance:** Normal

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**Sent:** Monday, April 26, 2021 6:57:05 PM

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**Subject:** SB 129

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***Louis***

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**Sent:** Monday, April 26, 2021 1:40:31 PM

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**Subject:** SB 129

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**RE: SB 129 – An Act Relative to Minimizing Environmental Impacts on the Habitats of Endangered or Threatened Species**

Dear Chairman Lang, Vice Chairman Khan and members of the Fish and Game and Marine Resources Committee,

On behalf of the Humane Society Wildlife Land Trust and our supporters who live in New Hampshire, we urge you to oppose SB 129 - An Act Relative to Minimizing Environmental Impacts on the Habitats of Endangered or Threatened Species. While we support the concept of the bill, we believe vital changes are needed so that the original intent of the legislation is fulfilled.

Formed in 1993, the Wildlife Land Trust is an affiliate of the Humane Society of the United States. We are a national land conservation organization, protecting over 21,000 acres in 32 states, including over 1,000 acres in New Hampshire.

If passed, SB 129 would allow state agencies such as the Department of Environmental Services to authorize development projects that could cause harm to wildlife. This is a bill designed to speed up the authorization process of development permit applications that are backed up for review by the NH Fish & Game Department. Rather than choose to allow possible destruction of wildlife habitat, the Department should be hiring more staff to carefully review permit applications. Ultimately, this bill would legalize harm to threatened & endangered wildlife species that is prohibited by existing law.

As it stands, there are no administrative rules or other public documents that establish a clear process or criteria for the Director of Fish and Game to reach conclusions under RSA 212-A. It also does not require the Fish and Game Department undertake a rulemaking process to define the terms. The Fish and Game Department must develop rules to clearly show how they define “critical habitat,” how they will decide if projects avoided impacts to wildlife habitats and how they will determine the penalty when wildlife harm is done.

Thank you for this opportunity to provide testimony on SB 129.

Sincerely,  
Cary Smith  
Program Specialist  
The Humane Society Wildlife Land Trust



[www.voicesofwildlifeinnh.org](http://www.voicesofwildlifeinnh.org)  
[voicesofwildlifeinnh@gmail.com](mailto:voicesofwildlifeinnh@gmail.com)

May 25, 2021

Dear Honorable Representative:

Soon a bill that would weaken NH's protection of endangered wildlife species – Senate Bill 129 – will be up for a vote by you and your fellow House members. Voices of Wildlife respectfully requests that you consider voting in opposition to SB 129.

Despite the bill's language impression, **harm will increase to NH's endangered species habitats** if SB 129 passes. Species already in danger cannot afford to be harmed by the loss of habitat essential to their existence.

The importance of protecting NH's threatened & endangered wildlife species is a non-partisan issue. Through the decades, NH's representatives have most often been bipartisan when passing wildlife legislation.

Please read the enclosed Minority Report of the Fish & Game & Marine Resources Committee, followed by a published letter to the editor that succinctly frames the issue.

Email us if we can answer any of your questions. Thank you for your support of NH's wildlife with a no vote on SB 129.

Sincerely,

*Elizabeth Marino*

Elizabeth Marino, Secretary  
Voices of Wildlife in NH  
PO Box 5802  
Manchester, NH 03102

Enclosures:

1. NH Fish & Game & Marine Resources Committee Minority Report (8 votes out of 18)
2. Letter to the Editor by Jack Hurley, Claremont, NH

### **House Fish & Game & Marine Resources Committee's MINORITY REPORT:**

SB 129 is a bill that impacts the habitats of endangered or threatened species. The minority believes that by adding the undefined word "appreciable" when determining the results of the destruction or modification of habitats of such species weakens the endangered species act RSA 212. The minority further believes the bill provides a mechanism in which realtors and developers may bypass the endangered species act by making a donation to the nongame species account, the threatened and endangered species account, or the threatened and endangered species compensatory mitigation fund established in this bill.



May 8, 2021

**Letter to the Editor: A threat to wildlife**

Are New Hampshire legislators trying to fool us? SB 129, now under consideration by the NH House of Representatives, is ironically and misleadingly, officially described as "designed to minimize environmental impacts to endangered or threatened species habitats." Sounds good doesn't it?

Yet, this developer-inspired bill would actually decrease the protection of such habitats. Currently, developers must show in their permit applications that their plans "will not result in adverse impacts" on threatened or endangered species of animals.

But, SB 129 proposes that developers' plans "not appreciably jeopardize the continued existence of such species or result in the destruction or modification of habitat of such species which is determined by the executive director to be critical, by requiring that all such action is designed to avoid and minimize harm to such species and habitat designated as critical." This is a much lower standard and, because of its vagueness, much more difficult to enforce. Tragically, it would result in increased risk to a wide range of wildlife whose existence has already been deemed threatened or endangered — like the spotted turtle, the peregrine falcon, and several species of butterflies.

At a hearing of the House Fish and Game and Marine Resources Committee, 147 citizens opposed SB 129, while only 13 supported it. Yet the committee voted to pass the bill despite this strong opposition to SB 129.

Please contact your representatives and tell them to vote against this anti-wildlife bill.

Jack Hurley  
Claremont, NH

Bill as  
Introduced

SB 129 - AS AMENDED BY THE SENATE

02/18/2021 0416s

2021 SESSION

21-1076

04/05

SENATE BILL **129**

AN ACT relative to minimizing environmental impacts on the habitats of endangered or threatened species.

SPONSORS: Sen. Bradley, Dist 3

COMMITTEE: Energy and Natural Resources

---

AMENDED ANALYSIS

This bill requires all state departments and agencies to take actions designed to minimize environmental impacts to endangered or threatened species habitats. The bill also authorizes the executive director of fish and game to accept payment for the unavoidable loss of such habitat and establishes a threatened and endangered species compensatory mitigation fund.

-----

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 minimizing environmental impacts on the habitats of endangered or threatened species.

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

1 1 Endangered Species Conservation Act; Conservation Programs. Amend RSA 212-A:9, III to  
2 read as follows:

3 III. All other state departments and agencies, to the extent possible, consistent with their  
4 authorities and responsibilities, shall assist and cooperate with the executive director in the  
5 furtherance of the purposes of this chapter for the conservation of endangered or threatened species.  
6 They shall take such action as is reasonable and prudent to insure that actions authorized, funded,  
7 or carried out by them do not **appreciably** jeopardize the continued existence of such species or  
8 result in the destruction or modification of habitat of such species which is determined by the  
9 executive director to be critical, **by requiring that all such action is designed to avoid and**  
10 **minimize harm to such species and habitat designated as critical. For the purpose of this**  
11 **statute, “appreciably jeopardize the continued existence of such species” shall be defined in**  
12 **rules adopted by the executive director pursuant to RSA 541-A.** The provisions of RSA 212-A  
13 or any rule promulgated under this chapter shall not be applicable to a state department or agency  
14 when that state department or agency, in the process of undertaking an action, is required by federal  
15 law or regulation to address the environmental impact on wildlife or wildlife habitat, of that action.

16 2 New Section; Fish and Game Fund; Funds Paid as Mitigation for Unavoidable Impacts to  
17 Wildlife or Habitat of Wildlife. Amend RSA 206 by inserting after section 33-f the following new  
18 section:

19 206:33-g Funds Paid as Mitigation for Unavoidable Impacts to Wildlife or Habitat of Wildlife.  
20 The executive director may accept funds paid as mitigation for unavoidable impacts to wildlife or  
21 habitat of wildlife within the state of New Hampshire. Notwithstanding any other provision of law  
22 to the contrary, the executive director may accept and receive such funds without the approval of the  
23 governor, the governor and council, or the commission. All moneys received under this section for  
24 mitigation of impacts shall be deposited as follows:

25 I. For impacts to nongame species or the habitat of nongame species that are not considered  
26 threatened or endangered, moneys shall be deposited in the nongame species account established  
27 under RSA 212-B:6 and used solely for the purposes set forth in that section.

28 II. For impacts to threatened and endangered species or the habitats of threatened and  
29 endangered species, moneys shall be deposited in the threatened and endangered species

**SB 129 - AS AMENDED BY THE SENATE**

**- Page 2 -**

1 compensatory mitigation fund established under RSA 212-A:16 and used solely for the purposes set  
2 forth in that section.

3 III. All other moneys received under this section shall be deposited into the fish and game  
4 fund established under RSA 206:33 and used solely for the purposes set forth in RSA 206:34-a.

5 3 New Section; Endangered Species Conservation Act; Threatened and Endangered Species  
6 Compensatory Mitigation Fund. Amend RSA 212-A by inserting after section 15 the following new  
7 section:

8 212-A:16 Threatened and Endangered Species Compensatory Mitigation Fund. There is hereby  
9 established in the state treasury a separate fund to be known as the threatened and endangered  
10 species compensatory mitigation fund into which payments made pursuant to this section shall be  
11 credited. The fund shall be non-lapsing and continually appropriated to the department, for the  
12 purpose of funding projects that facilitate a net conservation benefit to threatened and endangered  
13 species, including, but not limited to critical habitat creation or restoration and the monitoring and  
14 maintenance of such areas. The state treasurer shall invest the fund as provided by law and any  
15 interest received on such investment shall be credited to the fund. Notwithstanding any other  
16 provision of law to the contrary, the executive director may accept payment for deposit into the fund  
17 for an unavoidable loss of critical habitat from a proposed activity without the approval of the  
18 governor, the governor and council, or the commission. The executive director shall approve  
19 disbursements from the fund following consultation with the commissioner of the department of  
20 environmental services. The department shall submit an annual report by October 1, 2022, and  
21 every year there after, to the fiscal committee, the speaker of the house of representatives, the  
22 president of the senate, the house clerk, the senate clerk, the governor, and the state library,  
23 summarizing all deposits and expenditures from the fund. The report shall include, but not limited  
24 to a description of all projects undertaken. The executive director shall adopt rules under RSA 541-  
25 A for the threatened and endangered species compensatory mitigation fund no later than one year  
26 following the effective date of this section.

27 4 New Subparagraph; Application of Receipts; Threatened and Endangered Species  
28 Compensatory Mitigation Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (364) the  
29 following new subparagraph:

30 (365) Moneys credited to the threatened and endangered species compensatory  
31 mitigation fund established in RSA 212-A:16.

32 5 Effective Date. This act shall take effect 60 days after its passage.