

# Senate Energy and Natural Resources Committee

## *Griffin Roberge 271-2878*

**HB 591-FN**, relative to suction dredging in the surface waters of the state.

**Hearing Date:** March 21, 2017.

**Time Opened:** 10:00 a.m.

**Time Closed:** 11:27 a.m.

**Members of the Committee Present:** Senators Avar, Bradley, Innis, Fuller Clark and Feltes.

**Members of the Committee Absent:** None.

**Bill Analysis:** This bill defines recreational prospecting.

This bill also prohibits the use of suction dredging for the purposes of recreational prospecting.

**Sponsors:**

Rep. Oxenham

Rep. Gottling

Rep. Messmer

Rep. Mangipudi

Rep. McConnell

Rep. Spang

Sen. Fuller Clark

Sen. Hennessey

Rep. Almy

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**Who supports the bill:** Lawrence Sunderland (NH Audubon), Collis Adams (NH DES), Representative Suzanne Smith (Grafton - District 8).

**Who opposes the bill:** John Dorval (Tri-State GPAA), John Clark (Tri-State GPAA), George Earl (Tri-State GPAA), Bryan Wilder, James Langelier, Jennifer Botbyl, Alfred Botbyl, Brian Paquette, Raymond Klinger, Chris Hall, Arthur Frenette, Mark Deangelis, Robert Woodhouse (Kingfield, ME), Lawrence Huff, Representative Herbert Richardson (Coos - District 4), Representative Troy Merner (Coos - District 7), Steven Sprague, Colette Withan (Deerfield, NH), Thomas Withan (Deerfield, NH), Scott Solinsky (Bath, NH), Dan Brown (Rochester, NH), Sarah Hastings (Monroe, NH), Greg Saulnier (Rumney, NH), Judy LaPointe, Sheila Ramo, Karen Silverman, Michael Demmons, Ryan Small, Lee Anderson, Nicholas Anderson, Hank Walther (Tri-State GPAA), William Hoover.

**Who is neutral on the bill:** NONE.

**Summary of testimony presented in support:**

*Representative Lee Oxenham  
Sullivan – District 1*

- Suction dredging is a process used to extract gold from NH's rivers and streams.

- The practice takes place in the water, dislodging stream bed materials.
- Describes the operation of the suction dredging machine.
- The dredge, or waste, released by these machines can cause environmental damage to the rivers – it affects the habitat for wildlife in these rivers.
- Suction dredging can impact communities, stream bank integrity, and water quality.
- HB 591-FN halts the destructive process of suction dredging. The bill does not end recreational panning.
- Other neighboring states like Vermont and Maine have imposed heavy restrictions on suction dredging.
- Senator Fuller Clark said there is a lot of information provided in opposition to this legislation. The opposition claims suction dredging is not that harmful to the environment. Some studies appear rather old, but some are relevant. It is important to understand these objections. Senator Fuller Clark was looking for Representative Oxenham to comment on the points.
  - Representative Oxenham said she will leave it to the NH DES to provide a better answer on the science of suction dredging.

### **Summary of testimony presented in opposition:**

#### *Alfred Botbyl*

- Those who support HB 591-FN have a lack of knowledge on the issue of suction dredging.
- Suction dredging is not as environmentally detrimental as the sponsor has said.
- Operating a suction dredge is a two person operation. It also requires a permit to operate.
- HB 591-FN focuses on a small area of northern New Hampshire. It targets people who are doing this as a recreational activity. It is not a full time job.
- In terms of environmental factors...
  - 95% of waste ejected from a suction dredge are sediments – they settle at the bottom of the river. These sediments do not spread far.
  - A river has a massive dissolution factor. Suction dredging does not have a substantial environmental impact. Clouding does not extend hundreds of feet.
- Provided pictures to the committee that illustrated what suction dredging looks like.
- There are already some limits imposed on suction dredging – it makes no sense to overregulate a recreational activity.
- Senator Avard asked if people who kick up dirt in the water causes a disturbance in the water.
  - Mr. Botbyl said there is a disturbance, but there is a very minimal environmental impact. It is not detrimental. In fact, disturbing the materials in the water helps the environment.

#### *George Earle*

*Treasurer, Tri-State GPAA Port Jervis NY Chapter of the Gold Prospectors Association of America*

- Provided written testimony.
- Members of the association must adhere to a strict code of ethics in regards to suction dredging.
- Suction dredgers are environmentally conscious. As active users of rivers and streams, they remove toxic metals, such as lead and mercury.
- In a way, suction dredging is cleaning up rivers and streams at no cost to the taxpayer.

- There are numerous published studies that prove suction dredging has a less than significant impact on the environment. These studies should be taken into consideration.

*John Dorval*

*Secretary, Tri-State GPAA, Port Jervis NY Chapter of the Gold Prospectors Association of America*

- Provided written testimony.
- The Tri-State GPAA seeks to promote best prospecting practices and etiquette.
- The GPAA is the world's largest and most respected prospecting organization.
- Mr. Dorval referenced studies done on suction dredging that detail how it does not adversely affect the environment and water quality.

*John Clarke*

*President, Tri-State GPAA, Port Jervis NY Chapter of the Gold Prospectors Association of America*

- Studies have found that suction dredging improves the quality of water and the environment.
- Suction dredging does not harm the environment as others have said.

*Bryan Wilder*

- Provided written testimony.
- The current dredging laws in place for NH are an excellent medium between the need for a clean environment and the recreation for NH's citizens.

*Brian Paquette*

*Rochester, NH*

- Provided written testimony.
- HB 591-FN is overly restrictive and detrimental to recreational prospectors in NH.

*Chris Hall*

- Brought in material he has extracted from prospecting – gold, artifacts.
- There is misinformation out there on the science of suction dredging. It does not harm the environment as others would argue.
- Prospectors police themselves and do not readily seek to harm NH's rivers and streams.

*Arthur Fernette*

- NH is not a gold state, but there is a very active community that looks for it.
- Brought his grandson in who also testified on suction dredging.
  - If fish go through the dredge, they do not get hurt.

*Scott Solinsky*

*Bath, NH*

- Owns property where many prospectors come to dredge. All people who dredge have their own permits.
- These prospectors are seasonal – they only really come up for the summer.
- HB 591-FN would lessen the practice and impact people coming to his property.

*Nicholas Andersen*

- Has a family that participates in recreational dredging.
- State guidelines are fine. If one wants to dredge on a private property, they need to seek

permission.

- The wildlife enjoy prospecting. When holes are dug, fish rush to the hole.

*Steven Sprague*

*Rochester, NH*

- Dredging does not heavily impact the environment.

*Robert Woodhouse*

*Vice President, Central Maine Gold Prospectors*

- Provided written testimony.
- HB 591-FN affects the NH prospecting community.
- The bill replaces the existing regulatory process with legislation that would greatly impact the prospecting community without regard to actual environmental impacts.
- Recreational motorized prospecting can only be performed with written permission from a landowner and a permit from the NH DES.

*Lawrence Huff*

- Dredging can remove milfoil from rivers and streams. It can pull up invasive weeds that are harmful to boating.

**Neutral Information Presented:** NONE.

**Future Action:** Inexpedient to Legislate.

GJR, edited by Aiden O'Brien.

Date Hearing Report completed: March 22, 2017.