



The State of New Hampshire  
**Department of Environmental Services**



**Robert R. Scott, Commissioner**

January 16, 2018

The Honorable John Mullen, Vice-Chair  
House Resources, Recreation and Development Committee  
Legislative Office Building, Room 305  
Concord, NH 03301

**RE: HB 1371**, An Act repealing certain exemptions from permitting requirements for temporary seasonal docks

Dear Vice-Chairman Mullen and Members of the Committee:

Thank you for the opportunity to testify on HB 1371, repealing certain criteria necessary to qualify for exemptions from permitting requirements for temporary seasonal docks. The Department of Environmental Services is opposed to this bill.

This proposal removes the language requiring all docks to maintain a 20 foot setback to property lines in order to qualify for the seasonal permitting exemption outlined in RSA 482-A:3, IV-a. The 20 foot setback is established in RSA 482-A:3, XIII and applies to "All boat docking facilities..." Repealing RSA 482-A:3, IV-a (e), does not remove the 20 foot setback requirement. It will only create a situation in which those who wish to install a seasonal pier may fail to adhere to the universal 20 foot setback requirement and unwittingly find themselves in violation of another part of the law.

In addition, Wetlands Program Rules currently limit the size of a pier on property having less than 75 feet of shorefront to 4 feet x 24 feet. This bill would allow an individual to install a pier measuring at least 6 feet x 30 feet, nearly twice the size, without obtaining a permit. This legislation, as proposed, would allow shorefront owners that choose to utilize the exemption provision in RSA 482-A:3, IV-a to install nearly twice the amount of docking than would allowed under the permit processes.

NHDES notes that HB 1810 proposes to form a formal study commission to review the use of public waters and the placement of structures within them. The duties of that commission, should HB 1810 be adopted, specifically include among other things reviewing standards as they pertain to setbacks, locations of structures, and structure sizes. NHDES requests that HB 1371 be found to be inexpedient to legislate and set aside in favor of the formation and subsequent recommendations of the commission to be formed by HB 1810.

[www.des.nh.gov](http://www.des.nh.gov)

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095  
(603) 271-3503 • Fax: 271-2867 TDD Access: Relay NH 1-800-735-2964

The Honorable Chris Christensen, Chair  
House Resources, Recreation and Development Committee  
January 16, 2018  
Page 2

Thank you again for the opportunity to comment on HB 1371. If you have further questions or need additional information, please contact Darlene Forst ([Darlene.forst@des.nh.gov](mailto:Darlene.forst@des.nh.gov) 271-4067) or Eugene Forbes ([Eugene.Forbes@des.nh.gov](mailto:Eugene.Forbes@des.nh.gov) 271-3308).

Sincerely,

A handwritten signature in black ink, appearing to read "Robert R. Scott", with a large, sweeping flourish extending to the right.

---

Robert R. Scott  
Commissioner

cc: Rep. Christensen, Rep. McConkey