



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



**Robert R. Scott, Commissioner**

January 18, 2018

The Honorable Kevin Avard  
Chair, Energy and Natural Resources Committee  
State House, Room 103  
Concord, NH 03301

**RE: SB 119, AN ACT relative to the length of a dock on a water body.**

Dear Chair Avard and Members of the Committee:

Thank you for the opportunity to testify on SB 119 as amended and approved by the House of Representatives. This bill, as amended, would increase the length of docks installed under the wetland permit exemption provision RSA 482-A:3, IV-a (e), expand the exemption to cover certain seasonal watercraft lifts, and to increase the depth of a "boat slip" as defined in RSA 482-A:2, VIII, from three feet to four feet. The New Hampshire Department of Environmental Services (NHDES) opposes this bill as amended.

The bill, as amended, will increase the length of structures that can be installed without a permit on small ponds from 30 feet to 40 feet, increase the length of structures that can be installed without a permit on large ponds (greater than 1,000 acres in size) from 40 feet to 50 feet, and would expand the permitting exemption to include a single seasonal boatlift or pair of seasonal watercraft lifts. Unfortunately, the amended bill also proposes to increase the minimum water depth in the definition of "boat slip" as it applies to all lakes and ponds. This will result in increased permissible length for all docking structures to well beyond 40 and 50 feet as the length limit only affects those docks installed under the seasonal dock permitting exemption. The permitting of 50-60 foot long piers became common after legislation increased the slip depth from two feet to three feet in 2002. The proposed change will result in pier lengths greater than 70 feet in some areas. Under the current dock permitting rules, approvable dock length is a direct function of the defined boat slip depth. In order to provide the number of slips allowed on a given length of frontage a dock is extended out until the defined slip depth is reached and then continues further by the length of the defined slip. Thus, under this revised slip definition, on a smaller, more shallow pond, if a water depth of four feet is not reached until 50 – 60 feet off shore the final dock length will be 75 – 85 feet in order to allow for the 25 foot long slip having four feet of depth. These small ponds and coves are precisely the areas in which longer facilities will cause adverse impacts on navigation and the safety of abutters and the boating public. The HB 195 Study Committee found that dock and dock permitting issues require thorough consideration by a broad group of stakeholders leading to the introduction of HB 1810 which calls for a Commission to study such issues. NHDES requests that this legislation be set aside as inexpedient to legislate so that the underlying issues can be addressed by the Commission to be formed under HB 1810.

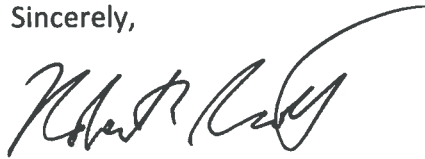
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Thank you again for the opportunity to comment on SB 119. If you have further questions or need additional information, please contact Darlene Forst ([Darlene.Forst@des.nh.gov](mailto:Darlene.Forst@des.nh.gov) 271-4067) or Eugene Forbes ([Eugene.Forbes@des.nh.gov](mailto:Eugene.Forbes@des.nh.gov) 271-3308).

Sincerely,

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

Robert R. Scott  
Commissioner

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cc: Senators Sanborn, Avard, French, Gannon, Giuda, Reagan, and Representatives Vadney and Christensen