



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

February 5, 2019

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

RE: HB 557-FN-A – AN ACT creating a fund for dredging the seacoast.

Dear Chair Smith and Members of the Committee:

Thank you for the opportunity to comment on HB 557-FN-A. This bill proposes to create a fund to support dredging projects on the seacoast to be administered by the Department of Environmental Services (NHDES). While NHDES supports funding for this purpose, we oppose the bill in its present form.

Since 1993, the New Hampshire Coastal Program, which is part of NHDES, has served as chair and convener of the New Hampshire Dredge Management Task Force (DMTF). The DMTF is an interagency work group which reviews dredging projects in New Hampshire's coastal waters. Dredging supports the region's economy by keeping channels at adequate depths to ensure safe passage for commercial and recreational users. The DMTF provides technical and regulatory expertise to ensure that dredging projects are conducted in a manner consistent with state and federal rules and regulations. The DMTF is currently reviewing a number of proposed projects, including widening the uppermost turning basin in the Piscataqua River, maintenance dredging of Hampton-Seabrook Harbor, and maintenance dredging of Rye Harbor. The DMTF is also working to identify potential onshore and offshore sites to accommodate future dredge material disposal needs.

There are two state funding needs for dredging in tidal waters. The first is to cost share the Federal dollars used by the U.S. Army Corps of Engineers (ACOE) to conduct improvement dredging of Federal Navigation Projects. For example, the proposed expansion of the uppermost turning basin in the Piscataqua River will require a state cost share of approximately \$7.6 million. The second is for funds to conduct maintenance dredging in state waters that are not part of a Federal Navigation Project. For example, the proposed maintenance dredging of the state anchorage in Hampton Harbor will cost the state approximately \$250,000, while the proposed maintenance dredging of the state anchorage in Rye Harbor will cost the state approximately \$550,000. The first need is difficult to plan for since Federal funding is dependent upon the national budget process. Therefore, it may be helpful to find funding sources for the federal cost share component and for state dredging projects, such as the state anchorages in Hampton and Rye Harbor.

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We understand that the impetus behind this bill was to secure state funding prior to the allocation of federal funding to dredge Federal Navigation Projects. Projects to both improve and maintain Federal Navigation Projects here in New Hampshire often take years to receive Federal appropriations, in part, due to delays and continuation in the Federal budget. The writers of this bill appear to want to secure funds so that the ACOE could move ahead with contracting and final approvals, but not actually use the funds, or get reimbursed by the ACOE. We do not believe that it is possible under Federal law to do either. This is why using funds to pay for state dredging projects and to cost share Federal dollars for improvement of Federal Navigation Projects is probably a better option.

That said, this fund should be administered by the Pease Development Authority – Division of Ports and Harbors (PDA-DPH), and not by NHDES. The PDA-DPH is the appropriate dredging authority under RSA 12-G. A similar fund already exists under RSA 12-G:46 Harbor Dredging and Pier Maintenance Fund. We suggest adding language to the existing RSA to give PDA-DPH the ability to accept private and other funding for the same purpose. The line “Grants and donations from federal and private sources may be deposited in this fund,” could be added to RSA 12-G:46, II and achieve the same purpose. NHDES has no other similar fund so adding this to NHDES’ responsibilities would be an unnecessary administrative burden.

Thank you again for the opportunity to comment on HB 557-FN-A. Should you have further questions, or need additional information, please feel free to contact either Ted Diers, Watershed Management Bureau Administrator, at 603-271-3289 or me at 603-271-3449 or Robert.Scott@des.nh.gov.

Sincerely,



Robert R. Scott
Commissioner

cc: Sponsors of HB 557: Representatives Abramson, Khan, Janvrin, and Fowler