



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

April 23, 2019

The Honorable Martha Fuller Clark
Chair, Senate Energy and Natural Resources Committee
State House, Room 103
Concord, NH 03301

RE: HB 645, AN ACT establishing a dock registration procedure.

Dear Chair Fuller Clark and Members of the Committee:

Thank you for the opportunity to comment on HB 645. The language of this bill is intended to create an optional registration process for existing non-tidal docks that would allow owners that opt into a new registration process to be exempted from the requirement to obtain permits for any necessary docking structure repairs so long as the structure remains registered. The New Hampshire Department of Environmental Services (NHDES) supports the intent of this bill but would call attention to a flaw in the language of the current draft which still must be changed if this legislation is to have its intended effect.

As currently drafted this legislation would amend RSA 482-A:3, I, to insert new language in paragraph (d) that would create a new \$200 fee for seasonal dock legislation. This language was not the language that was submitted discussed during the House Resource, Recreation, and Development hearing on this bill on March 5, 2019. The amendment request language that was submitted for this section during the hearing in fact read:

“(d) If an owner chooses to register existing docking structures, at the time the owner registers the structures with the department, he or she shall also submit a nonrefundable fee of \$200.

(e) At the time the applicant files the application with the department, the applicant shall provide written notice of the proposed project to: ...”

The intent of this proposed language was to carry forward the existing \$200 fee for a dock repair permit to the newly created registration process so that the procedural changes would result in no effect on the fees received by the NHDES. The NHDES requests that the legislation be amended to reflect the language provided above to maintain the current \$200 fee for repairs instead of moving forward with the current language which would create a new seasonal dock fee.

Notwithstanding the current flaws within the fee language the NHDES would like to call attention to significant benefits that this legislation could provide for waterfront property owners. Owners that opt into this new registration process would be exempted from the requirement to obtain permits for any necessary docking structure repairs so long as the structure remains registered. This reduces the need

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

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for paperwork and would allow them to simply schedule repairs when needed; saving them time, and potentially, consultant costs. An additional benefit to property owners that opt into this new registration process would be to provide a mechanism for the owners of existing non-tidal docking structures that had existed prior to January 1, 2000, but for which no permitting records could be found, to obtain legal status for those structures by registering them with the NHDES. This would not apply to docking structures that are the subject of pending compliance actions or to areas of fill placed in public waters. As stated previously, the \$200 registration fee proposed in the requested amendment is equal to the current minimum impact fee required with the submittal of repair permit applications pursuant to RSA 482-A:3. The NHDES respectfully requests that this Committee consider amending this legislation as suggested above. The NHDES supports this legislation provided that it is amended as requested.

Thank you again for the opportunity to comment on HB 645. Should you have any questions, or need additional information, please feel free to contact either Rene Pelletier, Assistant Director, Water Division, at 603-271-2951 or Rene.Pelletier@des.nh.gov, or Darlene Forst, Shoreland Section Supervisor at 603-271-4067 or Darlene.Forst@des.nh.gov.

Sincerely,



Robert R. Scott
Commissioner

cc: Representative Renzullo