



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

January 21, 2020

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

RE: SB 627-FN, AN ACT establishing a dock registration process.

Dear Chair Fuller Clark and Members of the Committee:

Thank you for the opportunity to comment on SB 627-FN. 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 and 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 this bill. While the NHDES supports the bill it has also heard concerns about its possible effect this legislation might have on pending compliance or legal actions and would request this Committee consider whether this bill should be amended address such concerns at this time. The concerns in question pertain to the language of proposed paragraph RSA 482-A:3, IV-a, (b), (4) as found in lines 1 and 2 on page 3 of SB 627-FN As Introduced. It has been brought to the NHDES' attention that this language may allow individuals use the registration process to undermine local, state, or civil proceedings which might already be pending. NHDES does not intend for the registration to be used for this purpose and would suggest that these concerns could be addressed by amending proposed paragraph RSA 482-A:3, IV-a, (b), (4) to read:

(4) Are not the subject of any municipal or state compliance action or pending civil action.

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 for paperwork and would allow landowners to simply schedule repairs when needed; saving them time, and potentially, consultant costs. Additionally, a significant 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 provided those structures were already subject of a pending compliance or civil action or to areas of fill placed in public waters.

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January 21, 2020
Page 2

Thank you again for the opportunity to comment on SB 627-FN. 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: Senators Bradley, Watters, Guida, Feltes, and Smith
Representatives Spang and Renzullo