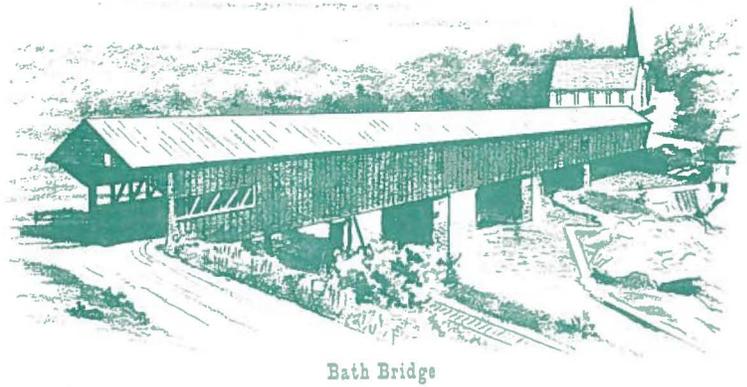


# Town Of Bath

## CONSERVATION COMMISSION

P.O. Box 88

Bath, N.H. 03740



Mary Ann Tilton, Wetlands Bureau Assistant Administrator  
NH Department of Environmental Services  
29 Hazen Drive, PO Box 95  
Concord, NH 03302-0095

January 11, 2019

Dear Ms Tilton;

Thank you for the opportunity to comment on the proposed updates to the New Hampshire wetlands rules. We would like to address our comments to the section **Env-Wt 310.04 Permit Required for Small Motor Mineral Dredging (SMMD)**. The town of Bath has had a long history of trying to eliminate the negative environmental impacts that can be caused by the motorized dredging for gold in the Wild Ammonoosuc River. We have also had trespassing issues suffered by the landowners. Our local law enforcement have been unclear how to enforce the regulations.

We have the following concerns and comments about the new rules:

*Under Section 310.04:*

(b) *As provided in RSA 482-A:3, XI(a), SMMD shall be **limited to minimum impact** projects that do not exceed the following limits:*

- (1) *Power equipment shall be limited to 5 horsepower;*
- (2) *Suction dredges shall be limited to a single 4-inch diameter intake nozzle; and*
- (3) *Shuice and rocker boxes shall be limited to 10 SF.*

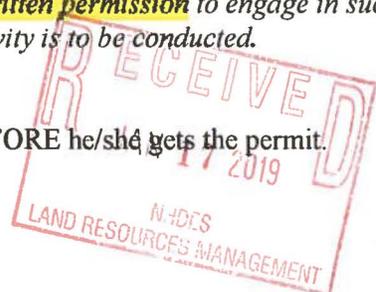
Bath CC comments:

- ✓ How does this get enforced at the local level. What happens if someone violates those requirements?
- ✓ Can NHDES attach a fact sheet to the permit about the other dredging rules, pertinent to Section 307.10. I think we can be sure that no one checks the other regulation sections on their own to see if they need an additional permit.

(d) *As required by RSA 482-A:3, XI(f), any person who has obtained a SMMD permit from the department shall, prior to engaging in any SMMD, **obtain the written permission** to engage in such activity from the riverbed landowner on whose property the activity is to be conducted.*

Bath CC comments:

- ✓ Have the permittee obtain written landowner permission BEFORE he/she gets the permit.



January 11, 2019

**Env-Wt 310.05 Notice Required for Panning.**

*(c) As required by RSA 482-A:3, XI(f), any person who intends to engage in any panning activity shall obtain prior written permission to engage in such activity from the riverbed landowner on whose property the activity is to be conducted.*

Bath CC comments:

- ✓ How do we establish if this has been done by panners?

**Env-Wt 310.06 Applications for SMMD Permits**

(6) The location(s) where the dredging will occur;

Bath CC comments:

- ✓ Make this specific to include town and river.

**Env-Wt 310.07 Submission to Municipality and Conservation Commission Review Not Required. As provided in RSA 482-A:3, XI(b):**

Bath CC comments:

- ✓ The conservation commission needs to be allowed to give input about how many permittees should have access to the river at the same time or be allowed to assess the scope of the impact the dredgers may have on the habitat in the river.
- ✓ Because they are dredging in a cold water fishery (Wild Ammonoosuc River for example), season limits for dredging need to be set so they are not dredging during the spawning season. They also should not be given permits to dredge where they are causing turbidity or removing rocks from the spawning areas; so far they are being allowed to.

Sincerely,



Bruce Barnum, Chair

Bath Conservation Commission