

# Senate Energy and Natural Resources Committee

## Griffin Roberge 271-3042

**HB 344**, relative to temporary docks.

**Hearing Date:** March 29, 2021.

**Time Opened:** 2:00 p.m.

**Time Closed:** 2:06 p.m.

**Members of the Committee Present:** Senators Avard, Giuda, Gray, Watters and Perkins Kwoka.

**Members of the Committee Absent:** None.

**Bill Analysis:** This bill renames certain docks as temporary seasonal docks, and changes provisions about such docks on rivers.

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**Sponsors:**

Rep. Suzanne Smith

Rep. Renzullo

Rep. McConkey

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**Who supports the bill:** Darlene Forst, NH Department of Environmental Services; Representative Mark McConkey, Carroll - District 3; Representative Andrew Renzullo, Hillsborough - District 37; Representative Suzanne Smith, Grafton - District 8; Michele Tremblay, Rivers Management Advisory Committee.

**Who opposes the bill:** None.

**Who is neutral on the bill:** Robin Vogt.

**Summary of testimony presented in support:**

*Representative Suzanne Smith*

*Grafton – District 8*

- HB 344 addresses three different issues pertaining to seasonal docks. These changes came at the request of the NH Department of Environmental Services (NHDES) or the Commission to Study the Effectiveness of Current Statutes Related to Management of Non-Tidal Public Waterways and Construction or Placement of Structures Within Them (Commission).
  - Section 1 makes it clear that an individual installing a temporary seasonal dock on a lake or pond is exempt from usual dock permitting process. All that is required of that individual is to file a permit by notification.
  - Section 2 clarifies that if an individual wants to place a temporary seasonal dock on a river, that individual will have to go through NHDES' permitting process. These docks are not anchored and when installed on rivers, these floating docks are a health and safety hazard as river currents and storms may dislodge them. This change removes the current practice of permit by notification for temporary seasonal docks on rivers.
  - In 2020, SB 627-FN sought to establish a voluntary dock registration procedure with NHDES. SB 627-FN was tabled in the House and died there due to the COVID-19 pandemic and the suspension of legislative activity. SB 627-FN's language was later rolled into HB 1245 (2020), which was signed into law. After HB 1245 was signed into law, NHDES and the Commission both recognized an error in the dock registration criteria. Section 3 specifies that the voluntary dock registration process is

not applicable in cases where there is a pending or final adverse municipal or state compliance action or pending civil action.

*Darlene Forst – provided written testimony*

*Shoreland Section Supervisor, Water Division, NHDES*

- NHDES supports HB 344, but is in strong support of Section 2. Section 2 is an important public safety measure. This section restores the pre-existing limitation on the exemption from permitting to exclude seasonal piers on rivers and streams. In riverine environments, such structures may break free during flood events and present hazards to downstream dams. Many landowners located upstream of federally licensed hydropower facilities are unaware of the need to obtain permission from those facilities prior to installing docking structures. NHDES, through its own permitting requirements, has helped both landowners and hydropower generators maintain compliance with federal regulations by facilitating communication where needed.

**Summary of testimony presented in opposition:** None.

**Neutral Information Presented:** None.

GJR

Date Hearing Report completed: March 29, 2021.