

HB 158 - AS INTRODUCED

2021 SESSION

21-0291

08/04

HOUSE BILL **158**

AN ACT relative to the definition of prime wetland.

SPONSORS: Rep. Grassie, Straf. 11; Rep. Vail, Hills. 30; Rep. Stevens, Hills. 34

COMMITTEE: Resources, Recreation and Development

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ANALYSIS

This bill further defines prime wetland for local protection in fill and dredge permits.

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Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears [~~in brackets and struckthrough.~~]  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty One*

AN ACT relative to the definition of prime wetland.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 1 Prime Wetlands; Definition. Amend RSA 482-A:15, I-a and I-b to read as follows:

2 I-a. For the purposes of this chapter, "prime wetlands" shall mean any contiguous areas  
3 falling within the jurisdictional definitions of RSA 482-A:2, X and RSA 482-A:4 that, because of their  
4 size, unspoiled character, fragile condition, or other relevant factors, make them of substantial  
5 significance. A prime wetland shall be at least 2 acres in size, ***excluding those areas described***  
6 ***in paragraph I-b***, shall not consist of a water body only, shall have at least 4 primary wetland  
7 functions ***within the 2 acre or greater area***, one of which shall be wildlife habitat. ***A prime***  
8 ***wetland*** [~~and~~] shall have a width of at least 50 feet at its narrowest point ***across and***  
9 ***perpendicular to its longitudinal axis***.

10 ***I-b. A prime wetland may include additional connected narrower wetland areas***  
11 ***less than 50 feet at their narrowest point across and perpendicular to their longitudinal***  
12 ***axis if the municipality can demonstrate that any such narrower portion provides a***  
13 ***significant contribution to the primary wetland functions of the prime wetland. To***  
14 ***qualify as a significant contribution, a narrower portion shall contain 4 or more primary***  
15 ***wetland functions as defined in RSA 482-A:2, XI and shall not include any man-made***  
16 ***structures under RSA 482-A:3, IV(b). The municipality shall consider any potential***  
17 ***adverse effects on the landowner from including any narrower portion.***

18 ***I-c.*** The boundary of a prime wetland shall coincide, where present, with the upland edge of  
19 any wetland, as defined in RSA 482-A:2, X, that is part of the prime wetland. On-site verification of  
20 proposed prime wetland boundaries shall be performed where landowner permission is provided.

21 ***I-d. For the purposes of this paragraph existing state highway rights-of-way,***  
22 ***including associated permanent easements, shall not include prime wetlands or their***  
23 ***adjacent buffers.***

24 [~~I-b.~~] ***I-e.*** The commissioner shall adopt rules under RSA 541-A relative to the form,  
25 criteria, and methods that shall be used to designate, map, and document prime wetlands, determine  
26 boundaries in the field, and amend maps and designations once filed and accepted by the  
27 department under paragraph II.

28 2 Effective Date. This act shall take effect 60 days after its passage.