

Amendment to SB 146-FN

1 Amend the bill by replacing all after the enacting clause with the following:

2  
3 1 Sponsorship. This act consists of the following proposed legislation:

4 Part I. LSR 21-0255, establishing the coastal program administered by the department of  
5 environmental services, sponsored by Sen. Watters, Prime/Dist 4; Sen. Gannon, Dist 23; Sen. Gray,  
6 Dist. 6; Sen. Sherman, Dist 24; Sen. Perkins Kwoka, Dist 21; Rep. Edgar, Rock 21; Rep. Spang, Straf  
7 6.

8 Part II. LSR 21-0256, establishing a statewide solid waste disposal reduction goal,  
9 sponsored by Sen. Watters, Prime/Dist 4; Sen. D'Allesandro, Dist 20; Sen. Rosenwald, Dist 13; Sen.  
10 Prentiss, Dist 5; Sen. Perkins Kwoka, Dist 21; Sen. Whitley Dist 15; Sen. Sherman, Dist 24; Rep.  
11 Ebel, Merr 5; Rep. Grassie, Straf 11; and Rep. Murray, Hills 22.

12 Part III. LSR 21-0926, relative to the prevention of zoonotic disease transmission, sponsored  
13 by Sen. Watters, Prime/Dist 4; Sen. Sherman, Dist 24; Sen. Bradley, Dist 3; and Rep. Bixby, Straf  
14 17.

15 Part IV. LSR 21-0927, relative to tidal waters, sponsored by Sen. Watters, Prime/Dist 4;  
16 Sen. Sherman, Dist 24; Sen. Perkins Kwoka, Dist 21; Rep. Cushing, Rock 21; and Rep. Simpson,  
17 Rock 36.

18 Part V. LSR 21-0823, establishing a surcharge on certain saltwater licenses and establishing  
19 a fund for derelict fishing gear and coastal cleanup, sponsored by Sen. Watters, Prime/Dist 4; Sen.  
20 Perkins Kwoka, Dist 21; Sen. Sherman, Dist 24; and Rep. Spang, Straf 6.

21 Part VI. LSR 21-1062, relative to public use of coastal shorelands, sponsored by Sen.  
22 Sherman, Prime/Dist 24; Sen. Soucy, Dist 18; Rep. Murray, Rock 24; and Rep. Cushing, Rock 21.

23 2 Legislation Enacted. The general court hereby enacts the following legislation:  
24

25 PART I

26 Establishing the coastal program administered by the department of environmental services.

27 1 New Chapter; Coastal Program and Fund. Amend RSA by inserting after chapter 485-H the  
28 following new chapter:

29 CHAPTER 485-I

30 COASTAL PROGRAM AND FUND

31 485-I:1 Statement of Policy. The water and related land resources of New Hampshire's coastal  
32 and estuarine environments have significant ecological, commercial, cultural, and recreational

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1 values for the state and its citizens. Therefore, it is the policy of the state to ensure the continued  
2 viability and improved resiliency of these environments and communities in which they are located  
3 as valued ecologic, economic, public health and safety, and social assets for the benefit of current and  
4 future generations.

5 485-I:2 Program Established. There is established within the department of environmental  
6 services the New Hampshire coastal program to implement 16 U.S.C. section 1452, the Coastal Zone  
7 Management Act. It is the intent of the state to encourage and assist state and federal agencies and  
8 coastal zone municipalities in the sustainable use of the land and water resources of the coastal zone  
9 giving full consideration to ecological, cultural, historic, and esthetic values as well as the needs for  
10 compatible economic development. The coastal program should encourage and assist to support:

11 I. The protection of natural resources, including wetlands, floodplains, coastal and  
12 estuarine waters, beaches, sand dunes, and fish and wildlife and their habitat within the coastal  
13 zone.

14 II. The management of coastal development to minimize the loss of life and property caused  
15 by improper development in flood-prone, storm surge, geological hazard, and erosion-prone areas  
16 and in areas likely to be affected by or vulnerable to sea level rise, ground water rise, and saltwater  
17 intrusion, and by the destruction of natural protective features such as beaches, sand dunes, and  
18 wetlands.

19 III. The management of coastal development to improve, safeguard, and restore the quality  
20 of coastal waters, and to protect natural resources and existing uses of those waters.

21 IV. Public access to the coasts for recreation purposes.

22 V. The redevelopment of deteriorating urban waterfronts and ports, and sensitive  
23 preservation and restoration of historic, cultural, and esthetic coastal features.

24 VI. The coordination and simplification of procedures in order to ensure expedited  
25 governmental decision making for the management of coastal resources.

26 VII. Continued consultation and coordination with, and the giving of adequate  
27 consideration to the views of affected state and federal agencies.

28 VIII. The giving of timely and effective notification of, and opportunities for, public and  
29 local government participation in coastal management decision making.

30 IX. Comprehensive planning, conservation, and management for living marine resources,  
31 including planning for the siting of pollution control and aquaculture facilities within the coastal  
32 zone, and improved coordination between state and federal coastal zone management agencies and  
33 state and wildlife agencies.

34 X. The study and development of plans for addressing the adverse effects upon the coastal  
35 zone in accordance with the updating of storm surge, sea-level rise, precipitation and other relevant  
36 projections recommending in the coastal risks and hazards commission 2014 report "Sea-Level Rise,

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Storm Surges, and Extreme Precipitation in Coastal New Hampshire: Analysis of Past and Projected Trends" in RSA 483-B:22, I.

485-I:3 Federal Consistency. The coastal program established under this chapter shall be the entity charged with implementing 16 U.S.C section 1456 and 15 C.F.R. Part 930.

485-I:4 Coastal Fund.

I. There is hereby established in the state treasury the coastal fund which shall be kept distinct and separate from all other funds. All moneys in the fund shall be nonlapsing and continually appropriated to the department of environmental services for the purposes of this chapter.

II. The commissioner may apply for and accept, from any source, gifts; donations of money; grants; federal, local, private, and other matching funds and incentives; and interests in land for the purposes of this chapter. The moneys collected under this paragraph shall be deposited in the fund established under paragraph I.

III. The commissioner shall make rules relative to the distribution of money from the coastal fund for the New Hampshire coastal program established in RSA 485-I:2.

2 Effective Date. Part I of this act shall take effect July 1, 2021.

**PART II**

Establishing a statewide solid waste disposal reduction goal.

1 Solid Waste Disposal Reduction Goal. Amend RSA 149-M:2 to read as follows:

149-M:2 ***Solid Waste Disposal*** Reduction Goal.

I. The general court declares its concern that there are environmental and economic issues pertaining to the disposal of solid waste in landfills and incinerators. It is important to reserve landfill and incinerator capacity for solid wastes which cannot be reduced, reused, recycled or composted. ~~[The general court declares that the goal of the state, by the year 2000, is to achieve a 40 percent minimum weight diversion of solid waste landfilled or incinerated on a per capita basis. Diversion shall be measured with respect to changes in waste generated and subsequently landfilled or incinerated in New Hampshire. The goal of weight diversion may be achieved through source reduction, recycling, reuse, and composting, or any combination of such methods.]~~ The general court discourages the disposal of recyclable materials in landfills or processing of recyclable materials in incinerators.

II. ~~[In exercising any and all powers conferred upon the department under this chapter, the department shall use and consider criteria relevant to the waste reduction goal and disposal hierarchy established in RSA 149-M:2 and 149-M:3. The department shall not take any action relative to the 40 percent weight reduction goal which causes the municipalities organized under RSA 53-A and 1986, 139 or RSA 53-B to violate or incur penalties under legal obligations existing on June 26, 1990.]~~ ***The general court further declares a goal to reduce the quantity by weight of***

1 *solid waste disposed in landfills and incinerators by 25 percent by the year 2030, and by 45*  
2 *percent by the year 2050. For the purposes of this goal, disposal reduction targets shall*  
3 *apply, on a combined basis, to disposal of municipal solid waste and construction and*  
4 *demolition debris, and shall be measured against baseline quantities of these wastes*  
5 *disposed of in the year 2018. For the purposes of this goal only, municipal solid waste*  
6 *means solid waste generated at residences, commercial or industrial establishments, and*  
7 *institutions, but excludes automobile scrap and other motor vehicle waste, infectious*  
8 *waste, asbestos waste, contaminated soil and other absorbent media, sludge, industrial*  
9 *process waste, and ash other than ash from household stoves. Disposal reduction may be*  
10 *achieved through source reduction as well as diversion including but not limited to reuse,*  
11 *recycling, and composting. For the purposes of this section "goal" shall not establish a*  
12 *mandate.*

13 *III. In exercising any and all powers conferred upon the department under this*  
14 *chapter, the department shall use and consider criteria relevant to the disposal reduction*  
15 *goal and solid waste management hierarchy established in this section and RSA 149-M:3.*  
16 *The department shall not take any action relative to the reduction goal which causes the*  
17 *municipalities organized under RSA 53-A and 1986, 139 or RSA 53-B to violate or incur*  
18 *penalties under legal obligations existing on June 26, 1990.*

19 2 State Solid Waste Disposal Reduction Goal. Amend the introductory paragraph of RSA 149-  
20 M:29, II to read as follows:

21 II. ~~[At least every]~~ **Beginning** October 1, **2023** ~~[of every odd-numbered]~~ **and every odd-**  
22 **numbered** year **thereafter**, the department shall prepare a report on the level of achievement in  
23 reaching the ~~[40 percent diversion]~~ goal established in RSA 149-M:2 and on proposed strategies for  
24 achieving the goal and any proposed changes to the goal. The report shall contain information  
25 regarding:

26 3 State Solid Waste Plan. Amend RSA 149-M:29, I to read as follows:

27 I. Beginning October 1, ~~[1998]~~ **2022**, **in accordance with the state waste planning**  
28 **update schedule requirements of this section dating to October 1, 1998**, and every ~~[6]~~ **10** years  
29 thereafter, the department shall update the state's solid waste plan, **which shall be made**  
30 **available for public review and comment before final publication, and which shall**  
31 **contain, at minimum, the following elements:**

32 (a) **Goals, strategies, and actions to reduce solid waste generation through**  
33 **source reduction, to increase diversion through methods such as reuse, recycling and**  
34 **composting, and to achieve the state's solid waste disposal reduction goal, with such efforts**  
35 **incorporating the principles of the solid waste management hierarchy established in RSA**  
36 **149-M:3.**

*(b) Discussion of opportunities to reduce solid waste generation through source reduction and increase diversion through methods such as recycling and composting.*

*(c) Goals, strategies, and actions necessary to maintain and ensure adequate disposal capacity for management of waste generated in New Hampshire.*

4 Effective Date. Part II of this act shall take effect 60 days after its passage.

### PART III

Relative to the prevention of zoonotic disease transmission.

1 Findings. The general court finds:

I. Zoonotic disease can spread from animals to humans, with an estimated 3 out of 4 new or emerging diseases being zoonotic in nature. Evidence indicates that many of the worst epidemics and pandemics in recent decades have been zoonotic in origin, including COVID-19, ebola virus, avian influenza, swine influenza, Middle East respiratory syndrome, human immunodeficiency virus, and severe acute respiratory syndrome.

II. Wildlife trafficking and trade has been shown to contribute to the transmission and pervasiveness of zoonotic diseases. The COVID-19 pandemic has underscored the immense loss of human life and economic disruption that zoonotic disease can cause. The COVID-19 pandemic has spurred other states to introduce legislation to ban the importation of wildlife and live animal markets, which could shift those activities to New Hampshire.

III. New Hampshire needs to prepare for the emergence and management of novel zoonotic pathogens that may threaten public health, food security, biological diversity and economic security.

2 New Section; Prohibited Import of Animals and Fish; Risk of Zoonotic Disease Transmission. Amend RSA 207 by inserting after section 14-a the following new section:

207:14-b Prohibited Import of Animals and Fish; Risk of Zoonotic Disease Transmission. The fish and game department shall monitor available information on animals and fish, not currently restricted under state and federal wildlife trafficking laws, that if transported into the state, will risk zoonotic disease transmission. The department may consult as needed with the department of health and human services, the state veterinarian, and scientific and educational institutions. The department shall make recommendation to the legislature on any legislation or rules needed for import or other restrictions on identified species, and to the governor if an emergency order is deemed necessary.

3 New Chapter; Live Animal Markets. Amend RSA by inserting after chapter 428 the following new chapter:

### CHAPTER 428-A

#### LIVE ANIMAL MARKETS

428-A:1 Definitions. In this chapter:

I. "Animal" means a domestic animal, a household pet, or a wild animal in captivity.

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1           II. "Live animal market" means a retail food store or other site subject to RSA 143:2 and  
2 RSA 143:3 where, in the regular course of business, animals are stored alive and sold to consumers  
3 for the purpose of human consumption.

4           III. "Live wildlife market" means a market at which non-native wildlife is stored alive and  
5 sold for the purpose of human consumption, including but not limited to wholesalers, restaurants,  
6 online platforms, and other contexts where individuals offer to buy and sell non-native wildlife.

7           IV. "Taxon" means a taxonomic group, such as a species, family, or class, known or likely to  
8 be responsible for zoonotic transmission of a disease, as determined by the director under RSA  
9 207:14-b.

10         428-A:2 Operation of Live Animal Markets. During the operation of a live animal market:

11           I. No animal shall be offered for sale at a live animal market that is of a taxon known or  
12 likely to be responsible for zoonotic transmission of a disease, as determined by the director under  
13 RSA 207:14-b.

14           II. Wildlife species that are identified as known or likely carriers of zoonotic disease under  
15 RSA 207:14-b shall not be caged, handled, or transported with livestock or domestic animals, and  
16 shall not be sold in spaces near livestock or domestic animals.

17           III. Wildlife species that are identified as known or likely carriers of zoonotic disease under  
18 RSA 207:14-b shall not be permitted to be sold in a live animal market or a live wildlife market.

19           IV. In addition to wildlife covered by federal statutes on wildlife trafficking, no bat, rodent, or  
20 primate species shall be sold in live animal markets.

21         428-A:3 Regulation of Live Animal Markets. The department of agriculture, markets, and food  
22 shall adopt rules under RSA 541-A governing the storing and sale of animals for live animal markets  
23 and live wildlife markets.

24         428-A:4 Exceptions.

25           I. This chapter shall not prohibit livestock markets or the sale or offer for sale of livestock  
26 that are currently allowed under New Hampshire law.

27           II. This chapter shall not prohibit seafood or shellfish markets or the sale or offer for sale of  
28 seafood or shellfish that are currently allowed under New Hampshire law.

29         428-A:5 Penalties. Any person who violates this chapter:

30           I. Shall be issued a written warning in a language that is understood by the person receiving  
31 such warning for a first violation.

32           II. For any subsequent violation, shall be guilty of a class B misdemeanor, punishable by a  
33 fine of at least \$250, but not exceeding \$1,000.

34         4 Effective Date. Part III of this act shall take effect January 1, 2022.

35  
36           PART IV

37         Establishing the coastal program administered by the department of environmental services.

1        1 Tidal Waters. Amend RSA 485-A:8, V to read as follows:

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1 satisfactory participation in a coastal cleanup program and to account for licensees who are exempt  
2 from the surcharge each year.

3 4 Nonresident Commercial Salt Water License; Surcharge Added. Amend RSA 211:49-a, II to  
4 read as follows:

5 II. The fee for an annual license shall be set by the executive director pursuant to RSA  
6 206:10, I. The license shall be for the operator of the boat, vessel, flotation device, or gear, and  
7 helpers; provided, however, that helpers shall not be allowed for the taking of sea urchins or scallops  
8 by diving. *The executive director shall establish a surcharge on each license issued under*  
9 *this section of not more than \$25 nor less than \$10 to be deposited in the derelict fishing*  
10 *gear, coastal gear cleanup, and fishing for energy fund established in RSA 211:77, and*  
11 *shall adopt rules for implementing and collecting the surcharge. Any person who*  
12 *satisfactorily demonstrates to the executive director that he or she is participating in a*  
13 *coastal cleanup program shall not be required to pay the surcharge. The executive*  
14 *director shall adopt rules pursuant to RSA 541-A to determine satisfactory participation in*  
15 *a coastal cleanup program and to account for licensees who are exempt from the surcharge*  
16 *each year.*

17 5 Resident Commercial Salt Water License; Surcharge Added. Amend RSA 211:49-b, II to read  
18 as follows:

19 II. The fee for such annual license shall be set by the executive director pursuant to RSA  
20 206:10, I. The license shall be for the operator of the boat, vessel, flotation device, or gear, and  
21 helpers; provided, however, that helpers shall not be allowed for the taking of sea urchins or scallops  
22 by diving. *The executive director shall establish a surcharge on each license issued under*  
23 *this section of not more than \$25 nor less than \$10 to be deposited in the derelict fishing*  
24 *gear, coastal gear cleanup, and fishing for energy fund established in RSA 211:77, and*  
25 *shall adopt rules for implementing and collecting the surcharge. Any person who*  
26 *satisfactorily demonstrates to the executive director that he or she is participating in a*  
27 *coastal cleanup program shall not be required to pay the surcharge. The executive*  
28 *director shall adopt rules pursuant to RSA 541-A to determine satisfactory participation in*  
29 *a coastal cleanup program and to account for licensees who are exempt from the surcharge*  
30 *each year.*

31 6 Commercial Shrimp License; Surcharge Added. Amend RSA 211:49-e, II to read as follows:

32 II. The fees for the northern shrimp resident and nonresident licenses shall be set by the  
33 executive director pursuant to RSA 206:10, I. *The executive director shall establish a*  
34 *surcharge on each license issued under this section of not more than \$25 nor less than \$10*  
35 *to be deposited in the derelict fishing gear, coastal gear cleanup, and fishing for energy*  
36 *fund established in RSA 211:77, and shall adopt rules for implementing and collecting the*  
37 *surcharge. Any person who satisfactorily demonstrates to the executive director that he or*



1 *she is participating in a coastal cleanup program shall not be required to pay the*  
2 *surcharge. The executive director shall adopt rules pursuant to RSA 541-A to determine*  
3 *satisfactory participation in a coastal cleanup program and to account for licensees who*  
4 *are exempt from the surcharge each year.*

5 7 Aquaculture; Surcharge Added. Amend RSA 211:62-e, II-b to read as follows:

6 II-b. The executive director shall adopt rules, pursuant to RSA 541-A, for the issuance of 5-  
7 year licenses under this section to oyster aquaculture operations in the Great Bay estuary, and the  
8 fees, terms, and conditions therefor as authorized under paragraph II-a. *The executive director*  
9 *shall establish a surcharge on each license issued under this section of not more than \$25*  
10 *nor less than \$10 to be deposited in the derelict fishing gear, coastal gear cleanup, and*  
11 *fishing for energy fund established in RSA 211:77, and shall adopt rules for implementing*  
12 *and collecting the surcharge. Any person who satisfactorily demonstrates to the executive*  
13 *director that he or she is participating in a coastal cleanup program shall not be required*  
14 *to pay the surcharge. The executive director shall adopt rules pursuant to RSA 541-A to*  
15 *determine satisfactory participation in a coastal cleanup program and to account for*  
16 *licensees who are exempt from the surcharge each year.*

17 8 New Subdivision; Derelict Fishing Gear, Coastal Cleanup, and Fishing for Energy Fund.  
18 Amend RSA 211 by inserting after section 76 the following new subdivision:

19 Derelict Fishing Gear, Coastal Cleanup, and Fishing for Energy Fund

20 211:77 Derelict Fishing Gear, Coastal Cleanup, and Fishing for Energy Fund Established.  
21 There is hereby established in the state treasury a separate fund to be known as the derelict fishing  
22 gear, coastal gear cleanup, and fishing for energy fund. The fund shall be administered by the  
23 executive director and shall be nonlapsing and continually appropriated to the executive director for  
24 the purposes of this section. The executive director shall credit to this fund all federal moneys, state  
25 funds appropriated, fines or settlements for derelict fishing gear or other items, and fines for  
26 littering in coastal waters or beaches collected under RSA 163-B:4. The executive director may  
27 accept and expend all funds, including any gifts, grants, or donations made to the fund. The moneys  
28 in the fund shall be used establish and support new and existing programs to retrieve and dispose of  
29 derelict fishing gear, to conduct periodic coastal cleanup programs for the removal of derelict fishing  
30 gear and marine trash, and to support recycling efforts for fishing gear and other marine trash. In  
31 this section, "derelict fishing gear" means lost, discarded, or abandoned fishing gear.

32 9 Effective Date.

33 I. Sections 3-7 of part V of this act shall take effect January 1, 2022.

34 II. The remainder of part V of this act shall take effect upon its passage.

35  
36 PART VI

37 Relative to public use of coastal shorelands.

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1       1 Public Trust Shorelands; Mean High Tide Line. Amend RSA 483-C:1, V to read as follows:

2           V. The high water mark which bounds the shoreward extent of the public trust shorelands  
3 in New Hampshire, excluding abnormal storm events, means ~~[the furthest landward limit reached~~  
4 ~~by the highest tidal flow, commonly referred to as the highest spring or highest "syzygy" tide~~  
5 ~~occurring during the 19-year Metonic cycle]~~ ***the average height of all the high waters over a***  
6 ***complete tidal cycle commonly referred to as the mean high tide line.*** The landward trace of  
7 the high water mark in New Hampshire is established by the tidal station data within the  
8 contemporary 19-year "National Tidal Datum Epoch" for Portland, Maine, Casco Bay (NOS MAINE  
9 841 8150) as that data is transposed to New Hampshire tidal stations by the "differences" tidal  
10 constant established by the National Ocean Service (NOS) of the National Oceanic and Atmospheric  
11 Administration (NOAA) for New Hampshire tidal stations and published in the annual "Tide Tables  
12 High and Low Water Predictions, East Coast of North and South America, Including Greenland".  
13 The contemporary 19-year National Tidal Datum Epoch is the national tidal database maintained by  
14 NOS of NOAA.

15       2 Effective Date. Part VI of this act shall take effect upon its passage.

2021-0791s

AMENDED ANALYSIS

This bill adopts legislation relative to:

I. Establishing the coastal program administered by the department of environmental services.

II. Establishing a statewide solid waste disposal reduction goal.

III. The prevention of zoonotic disease transmission.

IV. Tidal waters.

V. Establishing a surcharge on certain saltwater licenses and establishing a fund for derelict fishing gear and coastal cleanup.

VI. Public use of coastal shorelands.