

CHAPTER 159
SB 388 – FINAL VERSION

03/28/12 1402s
03/28/12 1453s
9May2012... 1914h

2012 SESSION

12-2993
08/03

SENATE BILL **388**

AN ACT relative to the use of land along Silver Lake that is below the public trust boundary.

SPONSORS: Sen. Forsythe, Dist 4; Sen. Sanborn, Dist 7; Sen. Bradley, Dist 3; Rep. Fields, Belk 2; Rep. Swinford, Belk 5; Rep. Comtois, Belk 5; Rep. Malone, Belk 5

COMMITTEE: Energy and Natural Resources

AMENDED ANALYSIS

This bill:

I. Permits certain landowners of properties along Silver Lake that are below the public trust boundary to use such property for certain purposes.

II. Prohibits construction of new structures on public trust land.

III. Requires the department of environmental services to reassess the high water mark of Silver Lake, and report its determination to the senate energy and natural resources committee and the house resources, recreation and development committee.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twelve

AN ACT relative to the use of land along Silver Lake that is below the public trust boundary.

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

1 159:1 Silver Lake; Definition. In this act, "Silver Lake" means the body of water located in the
2 towns of Belmont and Tilton bounded on the north and south by the Winnepesaukee River.

3 159:2 Use of Land Below the Public Trust Boundary. To the extent that deeds related to certain
4 properties along Silver Lake purport to convey interests in land that may be located below the public
5 trust boundary, the state hereby grants to any owner of such property along Silver Lake, and any
6 successor in interest, the right to use such property to the boundaries as set forth in any pre-existing
7 deeds for any purpose that does not negatively impact public trust uses subject to the restrictions of
8 this section. No new structures shall be constructed on public trust land other than water-related
9 structures. Existing structures may be repaired and replaced in-kind. Nothing in this section shall
10 impact any right of the state to flow water in or near Silver Lake. Nothing in this section shall
11 relieve a property owner of the need to obtain any required state, local, or federal permit or other
12 authorization.

13 159:3 Report. The department of environmental services shall reassess the current high water
14 mark for Silver Lake as set by the department, taking into consideration existing structures that are
15 below such high water mark and evidence given to the senate energy and natural resources
16 committee. The department of environmental services shall report its determination to the senate
17 energy and natural resources committee and the house resources, recreation and development
18 committee by December 1, 2012.

19 159:4 Effective Date. This act shall take effect 60 days after its passage.

20 Approved: June 7, 2012

21 Effective Date: August 6, 2012