

CHAPTER 96
SB 131-FN-LOCAL – FINAL VERSION

03/14/13 0780s

2013 SESSION

13-0850
06/09

SENATE BILL ***131-FN-LOCAL***

AN ACT relative to a permitting process for the removal of submerged logs from certain great ponds.

SPONSORS: Sen. Bradley, Dist 3

COMMITTEE: Energy and Natural Resources

ANALYSIS

This bill establishes a permitting process for the removal of submerged logs from certain great ponds.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to a permitting process for the removal of submerged logs from certain great ponds.

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

1 96:1 New Section; Grant in Right for Submerged Logs. Amend RSA 482-A by inserting after
2 section 22 the following new section:

3 482-A:22-a Grant in Right for Submerged Logs; Exemption.

4 I. The governor and council, upon petition and upon the recommendation of the department,
5 may grant to the governing body of a municipality the right to remove submerged logs from the
6 portion of the bed of any great pond that is located within the municipality's boundaries as
7 delineated in the NH Granit database, Complex Systems Research Center, University of
8 New Hampshire.

9 II. Every petition to remove such submerged logs shall be filed by the governing body of the
10 municipality with the department as an application under RSA 482-A:3, I, and shall demonstrate
11 that:

12 (a) Removing the submerged logs will have minimal or no adverse environmental
13 impact, based on considerations including whether the logs were treated with hazardous or toxic
14 chemicals and whether the logs are providing important aquatic habitat as determined by the
15 department of fish and game; or

16 (b) The submerged logs to be removed are interfering with navigation or otherwise
17 adversely affecting public safety or the environment.

18 III. The application filed pursuant to paragraph II shall:

19 (a) Identify the manner in which the logs will be removed, the measures to be taken to
20 minimize any adverse environmental impact, and the formula by which the net proceeds of the use or
21 sale of the removed logs will be determined; and

22 (b) Include the results of such testing as the department may require to determine the
23 environmental impact of the logs in place and of removing the logs.

24 IV. A municipality that receives a permit under this section may enter into a commercially
25 reasonable private contract to undertake the log removal after publicly requesting bids for such
26 work.

27 V. The net proceeds of any use or sale of the removed logs shall accrue directly to the benefit
28 of the municipality.

29 VI. The municipality shall hold a public hearing on the application in conjunction with the

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1 department. The municipality shall send direct notice of the application and the public hearing to
2 the department of fish and game and to each person owning land within 150 feet of the area from
3 which the logs will be removed. The municipality also shall post notice of the hearing in 2 public
4 places in the municipality, one of which may be the municipality's website, and shall publish notice
5 of the hearing twice in 2 different weeks, the last publication to be 7 days before the hearing, in one
6 newspaper of general circulation throughout the state and another newspaper of general circulation
7 in the municipality. The department shall post notice of the hearing and of the deadline for
8 submission of written comments on the department's website, which deadline shall be not less than
9 10 days following the public hearing.

10 VII. After appropriate consideration of the application and any comments received, the
11 department shall make its recommendations to the governor and council with regard to such
12 petition. If the department recommends that the petition be granted, in whole or in part, such
13 recommendation shall include appropriate specifications and conditions necessary to protect public
14 rights and the rights and privileges of persons owning land within 150 feet of the area from which
15 the logs will be removed, which shall include requirements for testing the submerged logs prior to
16 and during removal to determine proper handling and disposal.

17 VIII. Notwithstanding the provisions of this section, if a submerged log presents a safety
18 hazard, the state police may remove the submerged log or logs.

19 96:2 Effective Date. This act shall take effect 60 days after its passage.

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21 Approved: June 20, 2013

22 Effective Date: August 19, 2013