



# State of New Hampshire

HOUSE OF REPRESENTATIVES

CONCORD

April 10, 2018

Senator Kevin Avard, Chair  
Senate, Energy and Natural Resources Committee  
NH State House, Room 105A  
Concord, NH 03301

Re: HB 1810 AN ACT establishing a commission to study the effectiveness of the current statutes related to management of non-tidal public water ways and the construction or placement of structures within them.

Dear Chair Avard and Members of the Committee:

Thank you for the opportunity to introduce House Bill 1810 which proposes to establish a commission to study the current statutes and management of non-tidal water ways on which structures are placed.

This bill is a result of recommendations put forth by the Committee to Study Temporary Seasonal Docks establish last session by HB 195. That Committee met weekly from the beginning mid September 2017 through the end of October 2017. Testimony was presented by the NH Lakes Association, Department of Safety-Marine Patrol and NH DES on Temporary Docks and the impact they have of safety and Lake Environment.

The dock issue has been before the legislature several times over the past few years attempting to clarify the current statutes to no avail. The Study Committee made an attempt to resolve these issues, but with the time allotted and only four members for the committee it was unable to find a workable solution to seasonal docks and its impact on property rights safety and the environment.

As the Study Committee examined the seasonal dock issue it became apparent that it was part of a larger problem in the management of structures on non-tidal waters. That included permanent docks, boat houses, seasonal docks, platforms and mooring to mention a few.

The committee looked at three possible solutions:

1. Keep existing statutes including the permit process
2. Keep existing requirements, including setbacks but make permits voluntary.
3. Change management of seasonal docks from DES to Marine Patrol .

All three possible remedies had problems and thus the committee could not make a recommendation on those proposals. It was therefore, the belief that more study was needed. The concern of property rights, the issue of personal property, the safety of bathers

and boaters, the concern of maintaining the public trust the state has for waters and how they can be used and the public right to use state waters led the committee to recommend this legislation.

I ask the committee support HB 1810 as OTPA.

Respectively,

John A. Mullen, Jr.  
NH State Representative  
Strafford County, District 1