

HB 645-FN - AS INTRODUCED

2019 SESSION

19-0768
08/03

HOUSE BILL **645-FN**
AN ACT establishing a dock registration procedure.
SPONSORS: Rep. Renzullo, Hills. 37
COMMITTEE: Resources, Recreation and Development

ANALYSIS

This bill establishes a procedure for voluntarily registering docks with the department of environmental services.

.....

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT establishing a dock registration procedure.

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

1 1 Excavating and Dredging Permit; Registration for Seasonal Docks. Amend RSA 482-A:3, I(d)-
2 (e) to read as follows:

3 (d) ***If an applicant chooses to register a seasonal dock, at the time the applicant***
4 ***registers with the department, he or she shall also submit a nonrefundable fee of \$200.***

5 (e) At the time the applicant files the application with the department, the applicant
6 shall provide written notice of the proposed project to:

7 (1) All abutters, as defined in the rules of the department, unless exempted in such
8 rules, which shall be provided by certified mail or other delivery method that provides proof of
9 receipt. The applicant shall retain such receipts and provide copies to the department upon
10 request. The department shall have no obligation to verify the identity of abutters or their receipt
11 of notice. Any abutter who has actual notice of the filing of an application shall have no cause to
12 challenge the application based on failure to receive written notice. Nothing in this subparagraph
13 shall prevent the department from taking appropriate action in the event an applicant fails to
14 provide the required notice or provides false information.

15 (2) The local river management advisory committee if the project is within a river
16 corridor as defined in RSA 483:4, XVIII, or a river segment designated in RSA 483:15. Such notice
17 shall be sent by certified mail or other delivery method that provides proof of receipt. The applicant
18 shall retain such receipts and provide copies to the department upon request. The local river
19 management advisory committee shall, under RSA 483:8-a, III(a)-(b), advise the commissioner and
20 consider and comment on the permit application.

21 ~~{(e)}~~ (f) Beginning October 1, 2007, the department shall submit an annual report to the
22 house and senate finance committees, the house resources, recreation and development committee,
23 and the senate energy and natural resources committee relative to administration of the wetlands
24 fees permit process established by this section.

25 2 Excavating and Dredging Permit; Certain Exemptions. Amend RSA 482-A:3, IV-a to read as
26 follows:

27 IV-a.(a) ~~[Temporary]~~ Seasonal docks ~~[installed on any lake or pond]~~ shall be exempt from
28 the permitting requirements of this section, provided that ~~[a notification is sent to]~~ ***the structure***
29 ***has a valid registration filed with*** the department by the owner of property ***in accordance***
30 ***with RSA 482-A:11, XI*** that includes the name and address of the property owner, ***a copy of the***
31 ***deed for the property on which the dock is to be installed,*** the municipality, the waterbody,

1 ~~and~~ tax map and lot number on which the proposed dock will be located, *and plans of the*
2 *waterfront and structure to be installed showing that the requirements of this paragraph*
3 *will be met. Such registration is voluntary. However a seasonal dock without a*
4 *registration shall be subject to the permitting requirements of this section.* To qualify for an
5 exemption under this paragraph, a ~~temporary~~ seasonal dock shall be:

6 ~~(a)~~ (1) The only docking structure on the frontage;

7 ~~(b)~~ (2) Constructed to be removed during the non-boating season;

8 ~~(c)~~ (3) Removed from the lake bed for a minimum of 5 months of each year;

9 ~~(d)~~ (4) Configured to be narrow, rectangular, and erected perpendicular to the
10 shoreline *of a lake or pond or parallel to the bank of a river*;

11 ~~(e)~~ (5) No more than 6 feet wide and no more than 40 feet long if the water body is
12 1,000 acres or larger, or no more than 30 feet long if the water body is *a river or* less than 1,000
13 acres *in size*;

14 ~~(f)~~ (6) Located on a parcel of land that has 75 feet or more of shoreline frontage;

15 ~~(g)~~ (7) Located at least 20 feet from an abutting property line or the imaginary
16 extension of the property line over the water;

17 ~~(h)~~ (8) Installed in a manner which requires no modification, regrading, or
18 recontouring of the shoreline, such as installation of a concrete pad for construction of a hinged
19 dock;

20 ~~(i)~~ (9) Installed in a manner which complies with RSA 483-B; and

21 ~~(j)~~ (10) Installed in a location that is not in, or adjacent to, an area that has been
22 designated as a prime wetland in accordance with RSA 482-A:15.

23 *(b) Registrations for the installation of seasonal docks and for the repair or*
24 *replacement of legally existing docking structures shall be valid for a period of 2 years*
25 *from the date of issue or until ownership of the property changes, whichever occurs first.*

26 *(c) Within 10 business days of receipt of a registration filing, the department*
27 *shall issue a written notice to the property owner stating that the registration has either*
28 *been accepted and issued a registration number, or rejected. If the department does not*
29 *respond within the 10-day period, the property owner or agent may submit to the*
30 *department a written request for a response. If the department fails to respond to the*
31 *written request within an additional 5 days the property owner or agent shall be deemed*
32 *to have submitted a complete and qualifying registration and may proceed with the*
33 *installation of the seasonal dock or repair or replacement of the legally existing docking*
34 *structures as presented in the registration filing. The authorization provided by this*
35 *subparagraph shall not relieve the applicant of complying with all requirements*
36 *applicable to the project, including but not limited to requirements established in or*
37 *under this chapter and RSA 485-A relative to water quality.*

38 *(d) Docking structures registered and maintained in accordance with this*

1 *section shall be considered to be in compliance with the permitting requirements of this*
2 *chapter.*

3 3 New Paragraph; Administrative Provisions. Amend RSA 482-A:11 by inserting after
4 paragraph X the following new paragraph:

5 XI. The commissioner shall adopt rules pursuant to RSA 541-A, establishing registration
6 forms, the registration renewal process, and the display of registration number and the registration
7 process for the installation of seasonal docking structures and the repair or replacement of legally
8 existing docking structures pursuant to RSA 482-A:3, IV-a.

9 4 Posting of Permits; Display of Registration Numbers. Amend RSA 482-A:12 to read as
10 follows:

11 482-A:12 Posting of Permits, ***Display of Registration Numbers***, and Reports of Violations.
12 Project approval by the department shall be in the form of a permit, a copy of which the applicant
13 shall post in a secured manner in a prominent place at the site of the approved project. The
14 department shall mail a copy of such permit to the local governing body of the municipality where
15 the project is located. ***Any registration number issued by the department pursuant to RSA***
16 ***482-A:3, IV-a(c) shall be prominently displayed on the lakeward face of the docking***
17 ***structures.*** Any person proceeding without a posted permit shall be in violation of this chapter.
18 All state, county, and local law enforcement officers are directed to be watchful for violations of the
19 provisions of this chapter and to report all suspected violations to the department.

20 5 Effective Date. This act shall take effect 60 days after its passage.

**HB 645-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT establishing a dock registration procedure.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2020	FY 2021	FY 2022	FY 2023
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$50,400	\$50,400	\$50,400	\$50,400
Expenditures	Indeterminable	Indeterminable	Indeterminable	Indeterminable
Funding Source:	<input type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Wetlands and shorelands review fund.			

METHODOLOGY:

The Department of Environmental Services states this bill would convert the existing seasonal dock notification process to a voluntary registration process and expand that process to include docks on rivers. The registrations would be valid for two years and include a \$200 fee. The Department assumes the bill would have no effect on the number of individuals seeking a seasonal dock on a lake or a pond in any given year. The Department indicates existing computer systems and staff could implement these changes with a minimal increase in expenditures. The Department has received an average of 126 annual seasonal dock notifications in the previous 4 years. The Department assumes there would be an equal number of dock registrations on rivers, for a total of 252 registrations annually. The registration process would generate additional annual revenue to the wetlands and shorelands review fund of \$50,400 (252 x \$200). The funds would be used for the review of registrations, maintenance of registration records and to provide public information on structures located in public waters.

AGENCIES CONTACTED:

Department of Environmental Services