

Testimony from Paul Montrone, New Hampshire Shoreline Coalition
In favor of HB 1462, 483-B:21, establishing a Shoreland Advisory Council
House Resources, Recreation & Development Committee

January 20, 2010

I am Paul Montrone, Chairman of the NH Shoreline Coalition. I am sorry I could not be present at the hearing today, but I submit this testimony in favor of HB 1462. The CSPA is a well-intended law designed to protect our precious waterways. It has had a combination of positive and negative effects.

Our mutual goal, at this point, should be to make the appropriate modifications to the law and associated DES Administrative Rules that will enhance the positives and reduce the negatives.

NH shoreland property owners are the individuals most impacted by the law and have the most at stake in protecting our waterways. It is appropriate that they have a key role in assessing the impact of the CSPA and suggesting improvements. The establishment of the Advisory Council proposed in this HB 1462 is an excellent and progressive approach to accomplishing our goals.

As part of this testimony, we are submitting in writing some proposed amendments to HB 1462 that we believe will help the Council to operate more effectively.

Many thanks for your consideration,

Paul Montrone

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The New Hampshire Shoreline Coalition submits the following suggested Amendments to improve the effectiveness of HB 1462, 483-B:21 Shoreline Advisory Council.

III. The members shall serve until the repeal of the council, or for a maximum of four years.

Comment – In the event the council's life is extended, this will set term limits on members.

VI. Duties – The council shall consult with and advise the commissioner of the department of environmental services, on a continuing basis, with respect to the policy, programs, goals, and operations of the department as they relate to the impact and implementation of the comprehensive shoreland protection act under this chapter and the regulation of shoreline structures under RSA 482-A. In order to accomplish these purposes, the council may:

- (a) Perform field evaluation of particular situations and issues.
- (b) Identify issues that need clarification or modification in the rules and statutes.
- (c) Prepare written comment for the commissioner to suggest potential rules changes.
- (d) Prepare written comment for the commissioner and the chairperson of the appropriate committees of the house and senate to suggested statutory changes.

Comment – We believe suggestions for statutory changes should be submitted to the legislature – the Council is a body created by the legislature.

(f) Develop operation rules and procedures for carrying out its duties, including appointing other officers selected from council members and establishing committees made up of council members and others

Comment – We suggest adding this new section (f). This will make it clear that the Council is empowered to run itself as well as finance itself.

VII. The Commissioner of the department of environmental services shall present all proposed rules relative to shoreline structures under RSA 482-A and protected shoreland under this chapter to the council for consideration and comment prior to filing a notice of proposed rule making under RSA 541-A:6. The council shall present any objections to proposed rules to the commissioner in writing within ~~30~~ 90 days. The commissioner may adopt a rule to which the council has objected only after presenting a written reply to the council detailing the reasons for adopting the rule over the objections of the council.

Comment – 30 days seems rather pressured since the Council is scheduled to meet regularly only four times a year, unless a special meeting is called – which itself will take time to set-up and organize. It seems like 90 days would be better.

VIII. There is hereby established in the office of the state treasurer a fund to be known as the shoreland advisory council fund which shall be kept separate and distinct from all other funds and shall be continually appropriated to the council. Such fund shall be the depository for all financial gifts, grants, or donations made to the council. Expenses incurred shall be paid from such fund and will not exceed receipts. Any moneys in such fund shall lapse into the general fund at the repeal of the council, unless the Council is continued through legislation.

Comment – The Council Fund is a great idea for funding. We suggest the additional language to allow funds that have been raised to carry over if the Council is continued beyond 2015.

New Hampshire Shoreline Coalition
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