Bill as Introduced

HB 543 – AS INTRODUCED

1999 SESSION

99-0183
03/09

HOUSE BILL ***543***

AN ACT relative to fill and dredge permits for breakwaters.

SPONSORS: Rep. D. Lawton, Belk 1; Rep. Cooney, Rock 26

COMMITTEE: Resources, Recreation and Development

ANALYSIS

This bill prohibits breakwaters on lakes smaller than 10,000 acres.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 543 - AS INTRODUCED

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord One Thousand Nine Hundred and Ninety-Nine

AN ACT relative to fill and dredge permits for breakwaters.

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

1 New Paragraph; Water Management and Protection; Fill and Dredge in Wetlands; Excavating and Dredging Permit; Breakwaters. Amend RSA 482-A:3 by inserting after paragraph XIII the following new paragraph:

XIV. Breakwaters shall not be permitted on lakes smaller than 10,000 acres.

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

Hearing Minutes

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

PUBLIC HEARING ON HB 543

BILL TITLE: relative to fill and dredge permits for breakwaters.

DATE: March 2, 1999

LOB ROOM: 305 **Time Public Hearing Called to Order:** 10:00 A.M.

Time Adjourned: 11:04 A.M.

(please circle if present)

Committee Members: Reps. Royce, D. Lawton, Whalley, Crowell, R. Lawton, Cooney, Kibbey, Lavoie, Mirski, O'Connell, Corbin, Roberts, Blanchard, Downing, Williams, Lefebvre, Robb-Theroux, Fortnam, Glines and Spang.

Bill Sponsors: Rep. D. Lawton, Belk 1; Rep. Cooney, Rock 26

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

REP. DAVID LAWTON – PRIME SPONSOR – Supports. Described the bill. Noted that it is based on HB 1187 from last year and on the study committee formed for that bill. He distributed a copy of proposed new rules, attached. These rules allow breakwaters on lakes greater than 10,000 acres only. The rules further restrict the usage of breakwaters according to certain criteria.

Rep. Kibbey: Why is this applied to lakes greater than 10,000 acres? ANS: Limits them to Winn. Only.

Rep. Downing: What is the effect on existing structures on other lakes? ANS: No new permits would be issued and those permitted would be allowed. If they are not permitted, it would be a problem.

Chairman Royce: Would reconstruction of existing breakwaters on other lake be allowed? ANS: If bill passes, probably.

Rep. Kibbey: What action would you suggest? ANS: Take a look at the proposed rules and act accordingly. Sub committee may amend.

* RENE PELLETIER, NH Department of Environmental Services – Supports. Written testimony attached. Noted the rules include boat traffic problems. The cost for most requested breakwaters are in the $15-20K range. They generally have a need. Repairs are allowed for existing breakwaters.

Chairman Royce: Stated feelings about existing breakwaters. Sunapee has some, maybe other lakes also. What is the rule timeline? ANS: May be done soon, then fiscal impact is done. Maybe a public hearing in April. Describe what a fetch and wave are? ANS: Waves must be greater than 2 feet and fetches must be 4-5 miles.

Rep. Cooney: Have other means been considered to fill the need, such as floating breakwaters and temporary breakwaters? ANS: They have not been ruled out.

Rep. Blanchard: What would be the cumulative effect of many structures? ANS: This has been given thought. A 6 foot opening is required. There is increased opportunity for fish habitat. However, esthetic concerns have been primary.

Rep. Spang: Is there migration problems? ANS: Sand migration is susceptible in the Governors Island area. Some past structures were problems? Don't small lakes have boat traffic problems also. ANS: Yes, but they have generally smaller boats. Winn. Has larger boats and bigger waves.

Rep. Kibbey: What if 10K acre restriction were removed? ANS: Requests from other lakes would cause problems. Ability would cause everyone a problem.

Chairman Royce: Would circumstances make a request legitimate? ANS: Does not know of any legitimate need on these other lakes. There are other ways to satisfy the need.

Rep. Whalley: Does the mapping show fetch and wind direction? ANS: Yes

Rep. Lefebvre: Do breakwaters protect the shore? ANS: Not really. The Dept. has approved rip racks for this purpose in Paugus Bay, but not breakwaters.

Rep. Spang: Is removal a problem and are communal breakwaters allowed? ANS: There are several cases like this, and it could be food for thought. In general individual ownership concept is the most popular.

Rep. Blanchard: Is there a public benefit? ANS: The right to wharf is pertinent. Should these permits go to G&C? ANS: Yes

REP. MARYELLEN MARTIN – SUPPORTS. She supports the bill as it stands, but if it is altered she could have a problem. Noted that this is a long time issue and the Public Trust Doctrine is involved. She described some history of property rights vs. the public trust. Noted that as time goes on, structures will proliferate. Property owners should recognize need when buying property. G&C approval is necessary. Breakwaters are privileges.

Rep. Robb-Theroux: Asked that the sub-committee address Rep. Martin's questions.

JULIAN ZELAZNY, AUDUBON SOCIETY. He has no stance, but has a wildlife concern. There may be more fish habitat, but it is not natural and may be good or bad. May pose a risk for wildlife.

JENNIFER PATTERSON, ATTORNEY GENERAL' S OFFICE.

Rep. Blanchard: Are breakwaters included in the right to wharf? ANS: They are different. DES has allowed breakwaters for a long time. There was some discussion about the 75 foot docking requirement.

Rep. Lefebvre: (to Mr. Pelletier) Could land be extended in this manner? ANS: It has never been approved, but it has been done.

Rep. Whalley: Does the 60 foot breakwater extend the land? ANS: The breakwater is not an extension of property.

Rep. Downing: Are Army Core of Engineers approval required? ANS: They have 30 days to review. Have they reviewed the proposed rules? ANS: No. These rules are more restrictive.

Rep. Kibbey: Are breakwaters for safe docking only? ANS: Yes. This statement should be put in the rules.

Respectfully submitted,

Richard Cooney, Clerk

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

PUBLIC HEARING ON HB 543

BILL TITLE: relative to fill and dredge permits for breakwaters.

DATE: March 2, 1999

LOB ROOM: 305 **Time Public Hearing Called to Order:** 10:08 ~~10:00~~ A.M.

Time Adjourned: 11:04

(please circle if present)

Committee Members: Reps. Royce, D. Lawton, Whalley, Crowell, R. Lawton, St. Hilaire, Cooney, Kibbey, Lavoie, Mirski, O'Connell, Corbin, Roberts, Blanchard, Downing, Williams, Lefebvre, Robb-Theroux, Fortnam, Glines and Spang

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Written testimony attached. Noted the rules include boat traffic problems. The cost for most requested breakwaters are in the $15-20K range. They generally have a need. Repairs are allowed for existing breakwaters.

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JENNIFER PATTERSON – AG'S OFFICE

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HEARING CLOSED AT 11:04 AM

Respectfully submitted,

Richard Cooney, Clerk

Sub-Committee Minutes

H. Charles Royce
Chairman
David M. Lawton
Vice Chairman

State of New Hampshire

HOUSE OF REPRESENTATIVES
Legislative Office Building, 33 North State Street
Concord, NH 03301-6328
TEL: (603) 271-3570
TDD Access: Relay NH 1-800-735-2964

COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

MEMORANDUM

TO: Subcommittee on HB 543
(relative to fill and dredge permits for breakwaters)
Rep. Lawton, Subcommittee Chair
Rep. O'Connell

FROM: Rep. H. Charles Royce, Committee Chairman

DATE: September 28, 2000

RE: Subcommittee Work Session

A final subcommittee work session has been scheduled for HB 543 on **Wednesday, October 18th, at 11:30 a.m. in Room 305 (LOB)**.

As you will see from the attached memo to the full committee, both interim study subcommittees will be meeting in the morning and then a full committee executive session is scheduled for 1:30.

Testimony

FILE

State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES
6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-3503 FAX (603) 271-2982

March 2, 1999

The Honorable H. Charles Royce, Chairman
House Resource, Recreation and Development Committee
Legislative Office Building - Rm 305
Concord, NH 03301

Re: HB 543 Relative to fill and dredge permits for breakwaters.

Dear Chairman Royce:

Thank you for the opportunity to comment on HB 543. This bill would limit the construction of breakwaters to Lake Winnipesaukee, which is the only lake in the state that has a surface area of more than 10,000 acres.

The Department supports this bill, and believes that this restriction is proper and justifiable. The purpose of a breakwater is to protect docks and boats from wave activity, and no other lake in New Hampshire has a sufficient expanse of open water to produce significant wind-generated waves. Similarly, there is no other lake in the state where boating traffic generates waves of sufficient magnitude and frequency to justify a breakwater.

It should be noted that the DES is about to initiate the formal rulemaking process for an amended set of rules concerning breakwaters. As currently written, the proposed rules include the requirement that breakwaters be limited to lakes of over 10,000 acres in size, and they are, therefore, consistent with HB 543. It is anticipated that the public hearing on the proposed rules will take place in early April.

Thank your for your consideration. Please feel free to call me at 271-3503 or Rene Pelletier at 271-2951 if you have any questions.

Sincerely,

Robert W. Varney | GDB

Robert W. Varney
Commissioner

cc: Rep. David M. Lawton
Rep. Richard T. Cooney

Adopt Wt 101.34, to read as follows and renumber successive sections so that, for example Wt 101.34 "Fill" becomes Wt 101.35.

Wt 101.34 "Fetch" means the length of uninterrupted water surface over which the wind blows in a constant direction.

Amend Wt 402.07, effective 4-23-97 (Document #6498), by inserting new paragraph (a), to read as follows:

Wt 402.07 Breakwaters.

(a) Breakwaters shall be considered major projects pursuant to Wt 303.02.

Amend Wt 402.07, effective 4-23-97 (Document #6498), by renumbering and amending paragraph (b), to read as follows:

(~~a~~*b*) Breakwaters shall be approved when an applicant ~~has provided dated photographic, wind velocity, and wave height field data taken throughout at least one boating season showing~~ *establishes that the following requirements are met:*

(1) ~~The applicant's inability to maintain the use of a piling or crib pier at the frontage, and~~ *The breakwater is located in a lake exceeding 10,000 acres in size;*

(2) ~~The occurrent of 3 foot high waves as measured from trough to crest in water at least 3 feet deep, at the location of the proposed breakwater at least 3% of the time from May 15 through October 15.~~ *The proposed site for the breakwater lies on a single radial fetch of at least 4 miles between compass headings 300 and 330 degrees, or at least 5 miles between 120 and 150 degrees. A map of Lake Winnipesaukee showing areas that meet these criteria is contained in Appendix A;*

(3) The breakwater is located in an area with no significant sand migration;

(4) The property associated with the breakwater contains a minimum of 100 feet of shoreline frontage; and

(5) The breakwater is designed in accordance with the design and construction criteria in Wt 402.07(d-j).

Amend Wt 402.07, effective 4-23-97 (Document #6498), by inserting new paragraph (c), to read as follows:

(c) When the applicant meets all requirements in paragraph (a) above except for

subparagraph (2), the department shall still approve the breakwater provided:

(1) The applicant documents the occurrence of 2 foot high waves as measured from trough to crest in water at least 3 feet deep, at the location of the proposed breakwater on at least 4 separate occasions, lasting 4 hours each, between the dates of May 15 and October 15;

(2) Documentation shall include:

a. Dated photographs and a summary of the wave heights measured, the dates measured, and the frequency of measurement during the 4 hour periods; or

b. Written site measurements completed during the relevant period by department staff or a designated agent; and

(3) The frequency of wave height measurements shall be high enough to show, in conjunction with the pictures, that the wave activity is essentially continuous throughout the four hour periods.

Amend Wt 402.07, effective 4-23-97 (Document #6498), by renumbering and amending paragraph (b), to read as follows:

(b*d*) Construction may be of stone, concrete, wood, or other approved materials consistent with the individual conditions of each site.

Amend 402.07, effective 4-23-97, (Document #6498-B), by deleting paragraph (c).

~~(c) Applications once approved shall be referred to Governor and Council under RSA 482-A:17 .~~

Amend 402.07(d), (e), (f), (g) and (h), effective 4-23-97, (Document # 6498-B), to read as follows:

(d*e*) ~~Standard~~ b*B*reakwaters, when measured at normal full lake elevation, shall ~~not exceed 50 feet in~~ *have:*

(1) No point more than 50 feet from the natural shoreline; and

(2) A total length of no more than 70 feet;

(e*f*) ~~Top width shall not exceed 3 feet~~. *Approvable configurations for breakwaters shall be the least impacting alternative of breakwater construction for that sight;*

(fg) No portion of the breakwater, *including any portion underwater,* shall be placed with ~~+~~20 feet of an abutting property line or its imaginary extension into the water;

(gh) ~~When conducting rock removal to obtain material for breakwater construction, the area of removal shall be limited to waters before the applicant's shore and shall not exceed a distance into the lake of more than twice the length of the approved breakwater.~~ *No stockpiling of rocks shall be allowed in jurisdiction;*

(hi) ~~Only when specifically approved by the department may rock removal as a source of breakwater material be conducted in any other area.~~ *Rocks from frontage may only be used as a source of breakwater material when specifically approved by the department;*

Amend Wt 402.07, effective 4-23-97 (Document # 6498-B), by inserting new paragraphs (i), (j) and (k), to read as follows:

(i) Toe of slope shall be 1:1 ½, rise to run, or greater;

(j) Breakwaters shall have an irregular face to diffuse wave activity;

(k) Applications for breakwaters shall include the following documentation in plan or cross section:

(1) Toe of slope dimensions;

(2) The dimensions visible at normal high water level;

(3) The direction of prevailing wave activity;

(4) A minimum gap of 6 feet between the breakwater and shoreline;

(5) A reference line identifying the 50 foot distance from the shoreline;

(6) All associated docking structures;

(7) Construction sequence; and

(8) Cross-sections showing:

a. The breakwater height;

b. The breakwater slope;

c. Normal high water level; and

d. A list of construction materials.

Amend Wt 202.03(d), effective 4-23-97 (Document # 6498), to read as follows:

Wt 202.03 Minimum Impact Projects.

(d) All minimum impact projects that do not meet *either* the expedited *review* criteria *for minimum impact projects under Wt 505 or the expedited review criteria for seasonal dock projects under Wt 506* shall be subject to regular review pursuant to Wt 501.

Amend Wt 303.02(d), effective 4-23-97 (Document #6498-B), to read as follows:

(d) Construction or modification of major docking systems defined by Wt 101.46, *and additional dock adjacent or attached to a breakwater*;

Amend Wt 303.03(d), effective 4-23-97 (Document #6498-B), to read as follows:

(d) Construction or modification of any docking system that:

(1) ~~Proposes work on no more than~~ *Provides for a maximum of* ~~four~~ *4* boat slips~~,~~ including ~~those~~ previously existing *boatslips*;

(2) ~~r~~*Requires* utilization of ~~no more than~~ *a maximum of* 100 ft of waterfront; ~~and~~

(3) Exceeds the *design and construction* criteria *discussed at Wt 402.01* for minimum impact *docks classified* under Wt 303.04.

PART Wt 402 DESIGN AND CONSTRUCTION CRITERIA

Amend Wt 402.01(a) and (b), effective 4-23-97 (Document # 6498-B), to read as follows:

(a) ~~The standard~~ *Approvable* configurations ~~of piers~~ *for all docks* shall ~~be~~:

(1) Be the least impacting alternative of dock construction;

(2) Include a standard configuration that is narrow, rectangular, and erected perpendicular to the shoreline~~.~~*; and*

~~(b)~~ *(3) Include* ~~A~~*a*lternative configurations, such as arrangements shaped like the letters L, T, F and U, ~~shall be considered~~ when evidence ~~has been~~ presented~~;~~ in writing by the applicant, ~~that~~ *establishes that:*

a. Enforcement of ~~(a) above~~ *the standard configuration* would represent a hazard to safety due to wind or other weather conditions;

b. ~~That o~~*O*ther natural conditions such as water depth would prevent the use of the waterfront by any motorized boat; or

c. ~~That t~~*T*he property has a unique physical hardship that requires an alternative configuration;

d. The configuration chosen for the dock ~~or wharf~~ provides the least environmental impact on shoreline and water body *through use of clustering*; and

e. When construction of a pier would interfere with boat traffic safety, construction of a wharf shall be allowed provided the structure likewise does not interfere with boat traffic safety.

Amend Wt 402.01, effective 4-23-97 (Document # 6498-B), by inserting new paragraphs (b), (c) and (d) to read as follows:

(b) Approvable standard dimensions for a seasonal dock shall include:

(1) A maximum deck width of 6 feet; and

(2) A maximum deck length of 40 feet from normal high water.

(c) Approvable standard dimensions for a permanent dock shall include:

(1) A maximum deck width of 6 feet, but in lakes and ponds of less than 1000 acres in size the maximum width shall be 4 feet;

(2) A maximum deck length of 30 feet from the normal high water, but in lakes and ponds of less than 1000 acres in size the maximum length shall be 20 feet;

(3) Larger dimensions when evidence presented in writing by the applicant establishes:

a. Application of the standard dimensions would represent a hazard to safety due to wind or other weather conditions;

b. Other natural conditions such as water depth would prevent the use of the waterfront by any motorized boat;

c. The property has a unique hardship, not shared generally by nearby properties, that requires larger dimensions; or

d. The applicant's use of the water is highly unusual and is not adverse to the public interest;

e. Exception from the standard maximum dimensions by use of clustering would result in less environmental impact to the shoreline and water body than standard dimensions;

(d) The proposed seasonal dock shall be at least 20 feet from an abutting property line or imaginary extension thereof over surface water unless it receives written agreement from the affected abutter concurring with any impact that may result relative to the abutter's interests.

Repeal Wt 402.02, Wt 402.03, and Wt 402.04, effective 4-23-97 (Document # 6498-B), as follows:

~~Wt 402.02 Width. The width of the deck of a pier shall not exceed 6 feet. In lakes and ponds of less than 1,000 acres in size the width shall be limited to 4 feet.~~

~~Wt 402.03 Length. The length of the deck of a pier shall not exceed 30 feet. In lakes and ponds of less than 1,000 acres in size the length shall be limited to 20 feet.~~

~~Wt 402.04 Exception to Dimensions. Larger dimensions than those stated in Wt 402.02, Wt 402.03 and Wt 402.07(b) shall be allowed when evidence has been provided, in writing by the applicant, that:~~

~~(a) Application of those standards would represent a hazard to safety due to wind or other weather conditions;~~

~~(b) Other natural conditions such as water depth would prevent the use of the waterfront by any motorized boat;~~

~~(c) The property has a unique hardship, not shared generally be nearby properties that requires larger dimensions; or~~

~~(d) The applicant's use of the water is highly unusual and is not adverse to the public interest.~~

Amend Wt 402.05, effective 4-23-97 (Document # 6498-B), to read as follows:

~~(a)~~ Seasonal piers *docks* shall:

(1) b*B*e designed to be installed at the beginning and removed at the end of the boating season~~;~~ *, resulting in the dock's removal from the water for a minimum of 4 months of every calendar year; and*

(2) Be designed and placed in the water so as not to obstruct navigation;

~~(b) Seasonal piers shall be the least impacting alternative of dock construction and shall be used wherever practicable;~~

~~(c) However if an applicant demonstrates with applicant photographic evidence or other field data that wind or wave conditions would prevent the use of a seasonal pier on the frontage, a permanent structure shall be permitted.~~

~~(d) Seasonal piers, once permitted, shall require no further action unless there is a change in size, location, or configuration;~~

Amend the introductory language of Wt 505.02, effective 4-23-97 (Document # 6498-B), to read as follows:

Wt 505.02 Expedited Review Procedures. Minimum impact projects identified for expedited review, *except for minimum impact seasonal docks processed under Wt 506,* shall be processed in the following manner:

Adopt PART Wt 506 to read as follows:

Wt 506.01 Application Completeness Requirements for Seasonal Docks. As part of the minimum impact application for docks classified under Wt 303.04(a), the applicant shall file with the department:

(a) The property owner's name, mailing address, telephone number and impacted water body;

(b) The street address of the proposed dock site, if different from the property owner's address in (a);

(c) The appropriate tax map and lot numbers for the property on which the proposed dock is to be located;

(d) A sketch plan of the lot frontage showing the proposed dock configuration, all dimensions and setbacks from property lines;

(e) A 50.00 application fee;

(f) A signed statement by the applicant certifying that the proposed seasonal dock meets the conditions and requirements as identified in Wt 402.01(c)

(g) A statement from the municipal conservation commission, or selectmen if there is no conservation commission, certifying that it waives its right to intervene pursuant to RSA 482-A:11, III; and

(h) A signed statement by the town clerk certifying that the applicant has provided 5 copies of the application and plans have been received and distributed as required by RSA 482-A:3,I.

Wt 506.02 Expedited Review Procedures for Seasonal Docks. Minimum impact seasonal docks qualifying for expedited review shall be processed in the following manner:

(a) Applications shall be reviewed by the wetlands bureau staff for completeness;

(b) An applicant may proceed with the proposed minimum impact seasonal dock project if (s)he has filed an application with the department and town clerk in accordance with Wt 506.01 and the application and plans meet the criteria of Wt 202.03 and Wt 302.03;

(c) Upon determining that an application is complete, the bureau shall send a notice of completeness to the applicant that must in turn be recorded by the applicant at the registry of deeds.

(d) Upon determining that an application is incomplete, the bureau shall send a notice of incompleteness to the applicant identifying any deficiencies;

(e) If the applicant fails to amend the application deemed incomplete within 20 days following

issuance of the written notice of incompleteness, the notice of incompleteness from the department as discussed in (c) above shall serve to disqualify the project from the expedited permit process provided the notice states in full the reasons why the project does not qualify for expedited review;

(f) Upon disqualification of the project from the expedited permit process, the applicant may refile a permit application in accordance with the Wt 506.01.

Wt 506.03 Expedited Permit Conditions for Seasonal Docks. The expedited minimum impact permits for seasonal docks shall have the following conditions:

(a) The seasonal dock shall be the only structure on the frontage;

(b) The seasonal dock shall be located on property of the dock owner that contains a minimum of 75 feet of frontage;

(c) The seasonal dock shall not impact wetlands along or adjacent to the shoreline;

(d) Completion of the review process as outlined in Wt 506.02 shall not preclude the department from taking any enforcement action if the department later determines that the application was incomplete or the applicant misstated the facts material to permitting of the project;

(e) Installation of seasonal docks shall not require modification, regrading, recontouring of the shoreline, for example, installation of a concrete pad for construction of a hinged dock;

(f) Stairways for access to or from legally constructed docks shall be allowed provided:

(1) Width does not exceed 6 feet; and

(2) Construction over the bank does not require regrading or recontouring; and

(g) Construction or modification shall be undertaken in compliance with the Comprehensive Shoreland Protection Act.

Adopted – 8-1-99

CHAPTER Wt 100 ORGANIZATIONAL RULES

Statutory Authority: RSA 482-A:11

PART Wt 101 DEFINITIONS

Wt 101.34 "Fetch" means the length of uninterrupted water surface over which the wind blows in a constant direction.

Adopted 8-13-99

CHAPTER Wt 400 SHORELINE STRUCTURES

Statutory Authority: RSA 482-A:11

PART Wt 402 DESIGN AND CONSTRUCTION CRITERIA

Wt 402.07 Breakwaters.

(a) Breakwaters shall be considered major projects pursuant to Wt 303.02.

(b) Breakwaters shall only be approved when an applicant establishes that the following requirements are met:

(1) The breakwater is located in lake Winnipesaukee;

(2) The proposed site for the breakwater is exposed to a single radial fetch of at least 4 miles between compass headings 300 and 330 degrees as measured from true north, as illustrated in a map of Lake Winnipesaukee showing areas that meet these criteria, in Appendix A, of which larger copies are available at the wetlands bureau or in the bureau's website;

(3) The breakwater is located in an area with no significant sand migration;

(4) The property associated with the breakwater contains a minimum of 100 feet of shoreline frontage pursuant to Wt 101.73; and

(5) The breakwater is designed in accordance with the design and construction criteria in Wt 402.07(d) through (l).

(c) When the applicant meets all requirements in paragraph (b) above except for subparagraph (2), the department shall approve the breakwater provided:

(1) The applicant documents the occurrence of 2 foot high waves as measured from trough to crest in water at least 3 feet deep, at the location of the proposed breakwater on at least 4 separate occasions, lasting 4 hours each, between the dates of May 15 and October 15;

(2) The applicant provides documentation, including:

a. Dated photographs and a summary of the wave heights measured, the dates measured, and the frequency of measurement during the 4 hour periods; or

CHAPTER Wt 500 PERMIT PROCEDURE

Statutory Authority: RSA 482-A:11

PART Wt 502 GENERAL CONDITIONS APPLICABLE TO ALL PERMITS

Amend Wt 502.01, effective 4-23-97 (Document # 6498-B), to read as follows:

Wt 502.01 Duration of Permit. Permits issued shall have a duration of 5 years except as follows:

(a) Public transportation projects that exceed the limits of the US Army Corps of Engineers' New Hampshire programmatic general permit shall receive one permit extension, to a total of 10 years, provided the applicant:

(1) Receives an individual federal permit from the US Army Corps of Engineers; and

(2) Requests such an extension in writing from the wetlands bureau prior to the expiration of the original permit.

(b) Minimum impact forestry notifications issued in accordance with RSA 482-A:3,V shall be valid until:

(1) July 1 of the current calendar year if issued before April 1; or

(2) July 1 of the following calendar year if issued after April 1.

(c) Gold Dredge Permits issued in accordance with RSA 482-A:3, XI expire at the end of the calendar year in which they are issued, as set forth in the statute.

10/22/99
FILE
COPY

DRAFT

WD-WB-13 1999

Breakwater Construction in New Hampshire

All projects involving dredge, fill, or placement of structures in, or within the banks of wetlands or surface waters require a permit from the Department of Environmental Services (DES) Wetlands Bureau. This fact sheet is designed to provide an overview of the rules and design criteria necessary for construction of breakwaters in New Hampshire.

Rules, which went into effect in the late summer of 1999, limit construction of breakwaters to Lake Winnipesaukee only and only to frontages which have at least 100 linear feet of shoreline frontage. A map has been developed that identifies portions of Lake Winnipesaukee where DES will consider approving breakwaters. This map was developed to depict the areas of the lake that are "exposed to a single radial fetch of at least 4 miles between compass headings of 300 and 330 degrees as measured from true north." In layperson's terms, this is an area of the lake that DES has identified as having the potential for wind generated wave action strong enough to warrant need for a breakwater. A copy of this map is attached.

In no case will breakwaters be approved in areas of the lake that have significant sand migration even if they are depicted on the map. In such areas, breakwaters can impede the natural currents of the lake resulting in sand accumulation behind the breakwater.

If you feel that the wave activity on your frontage is severe enough to warrant a breakwater but your frontage is not indicated as such on the map, you may still be able to have a breakwater if you are able to document that certain conditions exist on your property. You must be able to document the occurrence of 2 foot high waves as measured from trough to crest in water at least 3 feet deep, at the location of the proposed breakwater on at least 4 separate occasions, lasting 4 hours each, between the dates of May 15 and October 15. You can document these conditions in one of two ways: 1) with dated photographs and a summary of wave heights measured, the dates measured, and the frequency of measurement during the 4 hour periods; or 2) with written site measurements completed during the relevant period and verified as accurate by DES staff. In either case the frequency of wave height measurements must document, in conjunction with the pictures, that the wave activity is essentially continuous throughout the 4 hour periods.

Breakwater Design Guidelines

Breakwaters must be designed so that they extend into the water no more than 50 feet at any point, when measured at normal full lake elevation, from the natural shoreline. The total length cannot be more than 70 feet including any "L" or angled portion that may be proposed. The toe of slope of the breakwater must be 1:1 ½, rise to run, or greater.

The breakwater configuration must be the least impacting alternative for that particular site. For example, if a perpendicular breakwater measuring 30 feet from the shoreline will provide adequate protection, this should be requested rather than one measuring 50 feet from shore with an extended "L." Wind and wave direction and ice floes should be taken into account to decide on the appropriate size and configuration of the breakwater.

As with all shoreline structures, all portions of the breakwater, including any portion underwater, must be at least 20 feet from an abutting property line or its imaginary extension into the water.

It is important to remember when designing a breakwater that, if the structure causes significant adverse effects on abutting property owners, or on the public use, that the owner of the breakwater is responsible for modifying or removing it from the frontage.

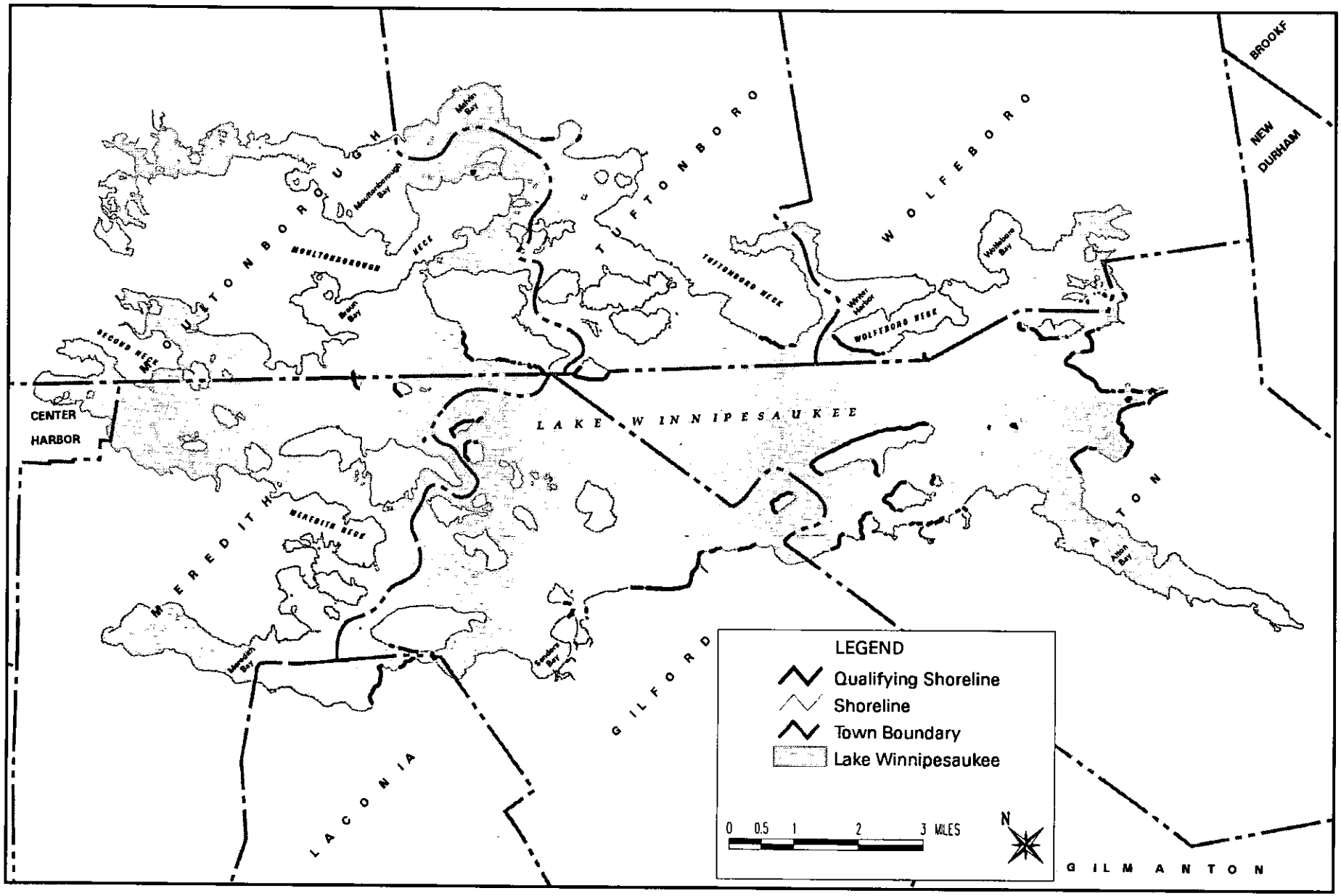
Construction Materials and Construction Guidelines:
Breakwaters should be constructed from stone, concrete, wood, or other inert materials and must have an irregular face to diffuse wave activity. Most breakwaters on Lake Winnipesaukee are constructed of large irregular-shaped stones.

Rocks from the frontage cannot be used as construction material unless they are being removed from another structure on the frontage. In addition, rocks may not be stockpiled, even temporarily, in the lake or on the bank during construction unless it can be documented that it is not possible to construct the breakwater otherwise.

Obtaining a Permit:
Projects involving breakwaters must be submitted on a *Standard Dredge and Fill Application* form. This form may be obtained from your local town clerk office, by calling the Wetlands Bureau at (603) 271-2147, or on the Internet at the Wetlands Bureau's home page: *www.des.state.nh.us/wetlands*. All applications for new breakwaters, or for modifications to existing breakwaters or attached structures, are classified as "major impact" and require approval by the Governor and Executive Council before a permit is issued. For additional information please contact the Wetlands Bureau at (603) 271-2147.

APPENDIX A

Shoreline Which Meets the Criteria in Wt 402.07(b)(2)



Authored by: NH Department of Environmental Services
Wetlands Bureau

CHAPTER Wt 400 SHORELINE STRUCTURES

Statutory Authority: RSA 482-A:11

PART Wt 402 DESIGN AND CONSTRUCTION CRITERIA

Wt 402.07 Breakwaters.

(a) Breakwaters shall be considered major projects pursuant to Wt 303.02.

(b) Breakwaters shall only be approved when an applicant establishes that the following requirements are met:

(1) The breakwater is located in lake Winnipesaukee;

(2) The proposed site for the breakwater is exposed to a single radial fetch of at least 4 miles between compass headings 300 and 330 degrees as measured from true north, as illustrated in a map of Lake Winnipesaukee showing areas that meet these criteria, in Appendix A, of which larger copies are available at the wetlands bureau or in the bureau's website;

(3) The breakwater is located in an area with no significant sand migration;

(4) The property associated with the breakwater contains a minimum of 100 feet of shoreline frontage pursuant to Wt 101.73; and

(5) The breakwater is designed in accordance with the design and construction criteria in Wt 402.07(d) through (l).

(c) When the applicant meets all requirements in paragraph (b) above except for subparagraph (2), the department shall approve the breakwater provided:

(1) The applicant documents the occurrence of 2 foot high waves as measured from trough to crest in water at least 3 feet deep, at the location of the proposed breakwater on at least 4 separate occasions, lasting 4 hours each, between the dates of May 15 and October 15;

(2) The applicant provides documentation, including:

a. Dated photographs and a summary of the wave heights measured, the dates measured, and the frequency of measurement during the 4 hour periods; or

b. Written site measurements completed during the relevant period and verified as accurate by department staff; and

(3) The frequency of wave height measurements shall be high enough to show, in conjunction with the pictures, that the wave activity is essentially continuous throughout the 4 hour periods.

(d) Construction shall be of stone, concrete, wood, or other inert materials consistent with the individual conditions of each site.

(e) Breakwaters, when measured at normal full lake elevation, shall have:

(1) No point more than 50 feet from the natural shoreline; and

(2) A total length of no more than 70 feet.

(f) The approved configuration for breakwaters shall be the least impacting alternative of breakwater construction for that site.

(g) No portion of the breakwater, including any portion underwater, shall be placed within 20 feet of an abutting property line or its imaginary extension into the water.

(h) No stockpiling of rocks shall be allowed in jurisdiction unless the applicant documents that the limited and difficult access to the site precludes stockpiling outside of jurisdiction and stockpiling is temporary.

(i) Rocks from frontage may only be used as a source of breakwater material when removed from another structure on the frontage for the purpose of constructing the breakwater.

(j) Toe of slope shall be 1:1 ½, rise to run, or greater.

(k) Breakwaters shall have an irregular face to diffuse wave activity.

(l) Applicants for breakwaters shall provide the following documentation in plan or cross section:

(1) Toe of slope dimensions;

(2) The dimensions visible at normal high water level;

(3) The direction of prevailing wave activity;

(4) A minimum gap of 6 feet between the breakwater and shoreline;

(5) A reference line identifying the 50 foot distance from the shoreline;

(6) All associated docking structures;

(7) Construction sequence; and

(8) Cross-sections showing:

a. The breakwater height;

b. The breakwater slope;

c. Normal high water level; and

d. A list of construction materials.

(m) The owner of a breakwater that causes significant adverse effects on abutting property owners or on public use of the water shall be responsible for modifying the breakwater so as to eliminate such adverse effects. If modification is impossible or ineffective, the owner of the breakwater shall remove the breakwater.

Adopted -- 8-1-99

CHAPTER Wt 100 ORGANIZATIONAL RULES

Statutory Authority: RSA 482-A:11

PART Wt 101 DEFINITIONS

Wt 101.34 "Fetch" means the length of uninterrupted water surface over which the wind blows in a constant direction.

FILE
COPY
10/18/00

Wt 402.07 Breakwaters.

(a) Breakwaters shall be considered major projects pursuant to Wt 303.02.

(b) Breakwaters shall only be approved when an applicant establishes that the following requirements are met:

(1) The breakwater is located in lake Winnipesaukee;

(2) The proposed site for the breakwater is exposed to a single radial fetch of at least 4 miles between compass headings 300 and 330 degrees as measured from true north, as illustrated in a map of Lake Winnipesaukee showing areas that meet these criteria, in Appendix A, of which larger copies are available at the wetlands bureau or in the bureau's website;

(3) The breakwater is located in an area with no significant sand migration;

(4) The property associated with the breakwater contains a minimum of 100 feet of shoreline frontage pursuant to Wt 101.73; and

(5) The breakwater is designed in accordance with the design and construction criteria in Wt 402.07(d) through (l).

(c) When the applicant meets all requirements in paragraph (b) above except for subparagraph (2), the department shall approve the breakwater provided:

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a. Dated photographs and a summary of the wave heights measured, the dates measured, and the frequency of measurement during the 4 hour periods; or

b. Written site measurements completed during the relevant period and verified as accurate by department staff; and

(3) The frequency of wave height measurements shall be high enough to show, in conjunction with the pictures, that the wave activity is essentially continuous throughout the 4 hour periods.

(d) Construction shall be of stone, concrete, wood, or other inert materials consistent with the individual conditions of each site.

(e) Breakwaters, when measured at normal full lake elevation, shall have:

(1) No point more than 50 feet from the natural shoreline; and

(2) A total length of no more than 70 feet.

(f) The approved configuration for breakwaters shall be the least impacting alternative of breakwater construction for that site.

(g) No portion of the breakwater, including any portion underwater, shall be placed within 20 feet of an abutting property line or its imaginary extension into the water.

(h) No stockpiling of rocks shall be allowed in jurisdiction unless the applicant documents that the limited and difficult access to the site precludes stockpiling outside of jurisdiction and stockpiling is temporary.

(i) Rocks from frontage may only be used as a source of breakwater material when removed from another structure on the frontage for the purpose of constructing the breakwater.

(j) Toe of slope shall be 1:1½, rise to run, or greater.

(k) Breakwaters shall have an irregular face to diffuse wave activity.

(l) Applicants for breakwaters shall provide the following documentation in plan or cross section:

(1) Toe of slope dimensions;

(2) The dimensions visible at normal high water level;

(3) The direction of prevailing wave activity;

(4) A minimum gap of 6 feet between the breakwater and shoreline;

(5) A reference line identifying the 50 foot distance from the shoreline;

(6) All associated docking structures;

(7) Construction sequence; and

(8) Cross-sections showing:

a. The breakwater height;

b. The breakwater slope;

c. Normal high water level; and

d. A list of construction materials.

(m) The owner of a breakwater that causes significant adverse effects on abutting property owners or on public use of the water shall be responsible for modifying the breakwater so as to eliminate such adverse effects. If modification is impossible or ineffective, the owner of the breakwater shall remove the breakwater.

Source. #2271, eff 1-10-83; ss by #2924, eff 12-11-84; amd by 3075, eff 7-26-85; ss by #5028, eff 12-20-90; amd by #6404, INTERIM, eff 12-21-96, EXPIRES: 4-20-97; amd by #6429, INTERIM, eff 1-18-97, EXPIRES: 5-18-97; ss by #6498-B, eff 4-23-97; ss by #7072, eff 8-13-99

(n) Breakwaters shall not exceed 3 feet above normal full lake elevation, and shall not exceed 3 feet in width at the highest point of the structure.

Wt 402.07 Breakwaters.

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(n) Breakwaters shall not exceed 3 feet above normal full lake elevation, and shall not exceed 3 feet in width at the highest point of the structure.

Voting Sheets

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

EXECUTIVE SESSION on HB 543

BILL TITLE: **relative to fill and dredge permits for breakwaters.**

DATE: March 11, 1999

LOB ROOM: 305

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep. Cooney

Seconded by Rep. Kibbey

Vote: 15-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 15-0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Richard T. Cooney, Clerk

Richard T Cooney

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

EXECUTIVE SESSION on HB 543

BILL TITLE: **relative to fill and dredge permits for breakwaters.**

DATE: 3/11/99

LOB ROOM: 305

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, (Re-Refer), Interim Study (Please circle one.)

Moved by Rep. COONEY

Seconded by Rep. KIBBEY

Vote: 15-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 15-0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Richard T. Cooney, Clerk

BLOCK
COOM C

RESOURCES, RECREATION AND DEVELOPMENT 1999 SESSION

Bill # HB 543

Public Hearings _____ Executive Session 3/11/99

COMMITTEE REPORT: RE REFER

	YEAS	NAYS
Royce, H Charles, Chairman	✓	
Lawton, David M, V Chairman	✓	
Whalley, Michael D	✓	
Crowell, Peter O		
Cooney, Richard T, Clerk	✓	
Kibbey, David D	✓	
Mirski, Paul M		
Lawton, Robert M	✓	
Lavoie, Gerard H		
O'Connell, Timothy D	✓	
Corbin, C David		
Roberts, William E	✓	
Fields, Dennis H		
Blanchard, MaryAnn N	✓	
Downing, Michael W	✓	
Williams, Carol A		
Lefebvre, Roland J	✓	
Robb-Theroux, Amy E	✓	
Fortnam, Janet W	✓	
Glines, Sara B	✓	
Spang, Judith T	✓	
TOTAL VOTE	15-0	

Appeared in Favor	Appeared in Opposition

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

EXECUTIVE SESSION on HB543

BILL TITLE: RELATIVE TO FILL AND DREDGE PERMITS FOR BREAKWATERS

DATE: 10/21/99

LOB ROOM: 305

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep. D. LAWTON

Seconded by Rep. ROBB THERIAULT

Vote: 13-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: {13-0}

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Richard T. Cooney, Clerk

Richard Cooney

Bill # HB 543

Public Hearings _____ Executive Session 10/21/99

COMMITTEE REPORT: INTERIM STUDY

	YEAS	NAYS
Royce, H Charles, Chairman	X	
Lawton, David M, V Chairman	X	
Whalley, Michael D	X	
Cooney, Richard T, Clerk	X	
Kibbey, David D		
Mirski, Paul M		
Lawton, Robert M		
Lavoie, Gerard H	X	
O'Connell, Timothy D	X	
Corbin, C David		
Roberts, William E	X	
Fields, Dennis H	X	
Czech, Stanley E	X	
Blanchard, MaryAnn N		
Downing, Michael W	X	
Williams, Carol A	X	
Lefebvre, Roland J		
Robb-Theroux, Amy E	X	
Fortnam, Janet W		
Glines, Sara B	X	
Spang, Judith T		
TOTAL VOTE	13-0	

Appeared in Favor	Appeared in Opposition

Committee Report

COMMITTEE REPORT

COMMITTEE: **Resources, Recreation and Development**

BILL NUMBER: **HB 543**

TITLE: relative to fill and dredge permits for breakwaters.

DATE: March 11, 1999 CONSENT CALENDAR YES ☒ NO ☐

☐ OUGHT TO PASS

☐ OUGHT TO PASS WITH AMENDMENT

☐ INEXPEDIENT TO LEGISLATE

☒ RE-REFER

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

This bill restricts breakwaters to lakes less than 10,000 acres. The Committee felt the permitting regulations being developed by DES need further review by the committee.

Vote 15-0.

Rep. H. Charles Royce
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

CONSENT CALENDAR

Resources, Recreation and Development
HB 543, relative to fill and dredge permits for breakwaters. RE-REFER
Rep. H. Charles Royce for **Resources, Recreation and Development:** This bill restricts breakwaters to lakes less than 10,000 acres. The Committee felt the permitting regulations being developed by DES need further review by the committee. Vote 15-0.

BREAKWATERS

THIS BILL RESTRICTS BREAKWATERS TO LAKES LESS THAN 10,000 ACRES. THE COMMITTEE FELT THE PERMITTING REGULATIONS ~~BUT THESE LAKES NEED MORE STUDY~~, BEING DEVELOPED BY DES NEED FURTHER REVIEW BY THE COMMITTEE. -

Okay C Royce

COMMITTEE REPORT

COMMITTEE: **Resources, Recreation and Development**

BILL NUMBER: **HB 543**

TITLE: relative to fill and dredge permits for breakwaters.

DATE: October 21, 1999 CONSENT CALENDAR YES ☒ NO ☐

☐ OUGHT TO PASS

☐ OUGHT TO PASS WITH AMENDMENT

☐ INEXPEDIENT TO LEGISLATE

☐ RE-REFER

☒ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

HB 543 would prohibit breakwaters on lakes other than Lake Winnipesaukee. The Department of Environmental Services has recently finalized rules relative to breakwaters that fulfill the intent of this bill. However, the committee did not have time to properly address other changes in the rules relative to breakwaters and would like to further study this important lakes issue.

Vote 13-0.

Rep. David M. Lawton
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

CONSENT CALENDAR

Resources, Recreation and Development
HB 543, relative to fill and dredge permits for breakwaters. REFER TO COMMITTEE FOR INTERIM STUDY
Rep. David M. Lawton for **Resources, Recreation and Development:** HB 543 would prohibit breakwaters on lakes other than Lake Winnipesaukee. The Department of Environmental Services has recently finalized rules relative to breakwaters that fulfill the intent of this bill. However, the committee did not have time to properly address other changes in the rules relative to breakwaters and would like to further study this important lakes issue. Vote 13-0.

DRAFT

COMMITTEE REPORT

COMMITTEE: **Resources, Recreation and Development**

BILL NUMBER: **HB 543**

TITLE: relative to fill and dredge permits for breakwaters.

DATE: October 21, 1999 CONSENT CALENDAR YES ☒ NO ☐

☐ OUGHT TO PASS

☐ OUGHT TO PASS WITH AMENDMENT

☐ INEXPEDIENT TO LEGISLATE

☐ RE-REFER

☒ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

HB 543 would prohibit breakwaters on lakes other than Lake Winnipesaukee. The Department of Environmental Services has recently finalized rules relative to breakwaters that fulfill the intent of this bill. However, the committee did not have time to properly address other changes in the rules relative to breakwaters and would like to further study this important lakes issue.

Vote 13-0

Rep. David M. Lawton
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

COMMITTEE REPORT

COMMITTEE: RR+D

BILL NUMBER: HB543

TITLE: relative to fill and dredge permits for breakwaters

DATE: 10/21/99 **CONSENT CALENDAR:** YES ☑ NO ☐

☐ **OUGHT TO PASS**

☐ **OUGHT TO PASS W/ AMENDMENT**

☐ **INEXPEDIENT TO LEGISLATE**

☐ **RE-REFER**

☑ **INTERIM STUDY** (Available only 2nd year of biennium)

Amendment No.

STATEMENT OF INTENT:

HB543 would prohibit breakwaters on lakes ~~gree~~ other than Lake Winnipesaukee. ~~D~~ The Dept. of Environmental Services has recently finalized rules relative to breakwaters which fulfill the intent ~~of~~ of this bill. However, the committee did not have time to properly address other changes in the rules relative to breakwaters and would like to further study this important lakes issue.

Okay to C/R

COMMITTEE VOTE: 13-0

- **Original to House Clerk**
- **Copy to Committee Bill File**
- **Use Another Report for Minority Report**

RESPECTFULLY SUBMITTED,

Rep. David M. Lawton
For the Committee

Rev. 08/24/98

INTERIM STUDY
COMMITTEE REPORT

COMMITTEE: RESOURCES, RECREATION AND DEVELOPMENT

BILL NUMBER: HB 543

TITLE: relative to fill and dredge permits for breakwaters.

DATE: October 18, 2000

☐ **RECOMMENDED FOR FUTURE LEGISLATION**

LSR No._____ **(If legislation is already filed, please list LSR no.)**

☒ **NOT RECOMMENDED FOR FUTURE LEGISLATION**

STATEMENT OF INTENT: (May be handwritten)

New rules relative to fill and dredge permits for breakwaters have been adopted at DES and have helped to clarify who is eligible to have a breakwater. The Resources, Recreation and Development Committee has carefully reviewed the new rules and the revised permitting process and the majority believe that no further legislation is needed at this time.

COMMITTEE VOTE: 14-1 (Attach Committee Voting Sheet)

PLEASE NOTE:
- Reports are due **November 1, 2000**, at the House Clerk's Office with the committee voting sheet attached.
- Place a copy of the committee report and all subcommittee work documents in bill file.

Rep. David M. Lawton
For the Committee

Rev. 6/5/00

INTERIM STUDY
COMMITTEE REPORT

COMMITTEE: RRD

BILL NUMBER: HB 543

TITLE: RELATIVE TO FILL AND DREDGE PERMITS FOR BREAKWATERS.

DATE: 10/18/00

☐ **RECOMMENDED FOR FUTURE LEGISLATION**

LSR No._____ **(If legislation is already filed, please list LSR no.)**

☒ **NOT RECOMMENDED FOR FUTURE LEGISLATION**

STATEMENT OF INTENT: (May be handwritten)

New rules relative to fill and dredge permits for breakwaters have been adopted at DES and have helped to clarify who is eligible (sp.) to have a breakwater. The Resources committee has carefully reviewed the new rules and the revised permitting process and the majority believe that no further legislation is needed at this time.

Ok C Royce

COMMITTEE VOTE: ~~12~~ 14-1 (Attach Committee Voting Sheet)

PLEASE NOTE:
- Reports are due **November 1, 2000**, at the House Clerk's Office with the committee voting sheet attached.
- Place a copy of the committee report and all subcommittee work documents in bill file.

Rep. D. LAWTON
~~HEWITT~~
For the Committee

Rev. 6/5/00

OFFICE OF THE HOUSE CLERK

2000 SESSION

RESOURCES, RECREATION AND DEVELOPMENT

Bill #: HB 543 Title: RELATIVE TO FILL & DREDGE PERMITS FOR BREAKWATERS.

PH Date: ____/____/____ Exec Session Date: 10/18/00

Motion: NOT RECOMMENDED FOR FUTURE LEGISLATION Amendment #: ____

MEMBER		YEAS	NAYS
Royce, H Charles, Chairman	X		
Lawton, David M, V Chairman	X		
Whalley, Michael D	X		
Cooney, Richard T, Clerk	X		
Kibbey, David D			
Mirski, Paul M	X		
Lavoie, Gerard H	X		
O'Connell, Timothy D	X		
Corbin, C David			
Roberts, William E			
Fields, Dennis H	X		
Czech, Stanley E	X		
Gallus, John T		A	X
Russell, David H	X		
Blanchard, MaryAnn N			
Downing, Michael W	X		
Lefebvre, Roland J	X		
Robb-Theroux, Amy E			
Fortnam, Janet W			
Glines, Sara B	X		
Spang, Judith T	X		

TOTAL VOTE: 14-1

Printed: 9/13/2000