

Amendment to HB 1530-FN

1 Amend RSA 210:9, II-V as inserted by section 1 of the bill by replacing it with the following:

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3 II. Notwithstanding paragraph I or any other provision of law or rule, a landowner, the
4 landowner's agent, or any town or municipal or state official or employee, may destroy beaver,
5 **completely or partially** remove beaver dams, or install one or more flow devices on property under
6 their control to protect property, public highways, **public trails**, or bridges from damage or
7 submersion. The landowner, ~~or~~ property owner, **or landowner's agent** shall be responsible for
8 maintaining the flow device. Complete or partial dam removal or the installation or removal of a
9 flow device shall be allowed without a permit under RSA 482-A if machinery does not enter the
10 water and filling or dredging in or adjacent to surface water, wetlands, or their banks does not occur
11 and shall be done in a gradual manner that does not allow a sudden release of impounded water so
12 as to cause erosion, siltation, or a safety hazard downstream.

13 II-a.(a) *Except in the case of an immediate threat to life or property, no landowner*
14 *shall completely or partially remove any beaver dam in a shared beaver impoundment*
15 *without first notifying the conservation commission or local governing body if the*
16 *municipality does not have a conservation commission in the municipality where such dam*
17 *or beaver impoundment is located, as well as all abutters at least 30 days prior to any*
18 *action specified above.*

19 (b) *The conservation commission or governing body if the municipality does not*
20 *have a conservation commission shall hold a public informational meeting at least 15 days*
21 *prior to the complete or partial dam removal. The municipality shall publish a notice of*
22 *the public informational meeting in 2 public places, and on the municipality's website or*
23 *by publication in a newspaper of general circulation in the municipality at least 7 days*
24 *before the time set for the meeting.*

25 (c) *Such notice and public informational meeting are not required when*
26 *installing a flow device.*

27 (d) *Such notice and public informational meeting are not required when the*
28 *conservation commission or governing body if the municipality does not have a*
29 *conservation commission receives written notification of agreement for all abutters of the*
30 *complete or partial dam removal.*

1 **II-b.** For purposes of ~~paragraph II~~ **paragraphs II and II-a**, the term "flow device" means
2 one or more fence structures or other combination of fencing and piping used to discourage beaver
3 damming, maintain water flow through an existing beaver dam, or minimize the risk of flooding by
4 preventing the further impoundment of water behind a beaver dam. *The term "beaver*
5 *impoundment" means a pond or wetland created by beavers building a dam across a*
6 *stream or waterway. The term "shared beaver impoundment" means a beaver*
7 *impoundment that adjoins the property of two or more landowners, as judged by a*
8 *reasonable person or a beaver impoundment on public property not owned or managed by*
9 *the state or federal government. The term "abutter" means a person whose property is*
10 *located in New Hampshire and adjoins a shared beaver impoundment.*

11 III. The executive director may require the reporting of beaver taken pursuant to paragraph
12 II by rules made in accordance with RSA 541-A.

13 IV. Skins or unskinned carcasses taken under this section shall be sealed pursuant to RSA
14 210:8 before such skins or unskinned carcasses are sold or given away.

15 V. The executive director or his *or her* agents shall provide advice relative to beaver control
16 techniques when requested.

17 **VI.** *Nothing in this section shall be construed to restrict the responsibilities to*
18 *maintain culverts as specified in RSA 236:13.*