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**Connecticut River
Conservancy**



January 20, 2026

The Honorable Robert Harb
House Resources, Recreation and Development Committee
Granite Place Room 228
Concord, NH 03301

Re: Opposition to HB 1603 requiring state agencies to provide current and verifiable evidence of a species presence before imposing any land use restriction related to that species' habitat.

Dear Chair Harb and Members of the Committee:

The seven undersigned organizations appreciate this opportunity to provide testimony in opposition to HB 1603. HB 1603 requires state agencies to provide current and verifiable evidence of an endangered or threatened species presence before imposing any land use restriction related to that species' habitat.

The effect of this bill is to essentially end protection for threatened and endangered species and their habitats in New Hampshire. We sincerely hope that this is not the intent of the sponsors. HB 1603 mandates requirements that are essentially impossible to fulfill and then states that these requirements are unnecessary for either submission or approval of permit applications. This provision is in direct conflict with RSA 212-A:9.

During the 2025 legislative session, the General Court enacted House Bill 2, which reorganized the environmental review process for activities requiring a permit from the Department of Environmental Services (DES). In the months since the effective date of that bill, staff from DES, the NH Fish and Game Department, and the Department of

Natural and Cultural Resources have invested countless hours in planning and implementing an efficient and effective transition. HB1603 would completely upend the resulting process. Additional problems with this bill are too numerous to list in detail, but we provide some examples below.

A number of issues stem from the bill's vague and confusing language.

- There is no definition of the time frame to which "current" refers.
- There is no indication of to whom any evidence is to be submitted.
- There is no indication of who makes the decisions as to whether submitted evidence is sufficient.
- Paragraph I refers to providing "evidence of the presence of specific species or habitat" but Paragraph II appears to require photographs of the species on the property as the only acceptable evidence.

Practical realities render implementation of this bill impossible. Strategies for collecting evidence of different species occurrence vary widely and are seasonally dependent. Documenting use of a property by a species that migrates or hibernates would be impossible for much of the year.

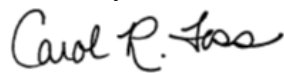
Animals move about the landscape unpredictably, often under the cover of darkness. One cannot expect to photograph a particular animal on any given visit to its habitat. If outdoor night vision trail cameras were used, the long deployments and accompanying analysis time needed would be prohibitive.

Some of New Hampshire's threatened and endangered species maintain large home ranges. For example, New England cottontails maintain home ranges of half an acre to 8 acres, and a typical Canada Lynx ranges over approximately 3.9 to 20 square miles (10 to 50 km²). The odds of capturing a photograph even with a trail camera within a reasonable period of time are low.

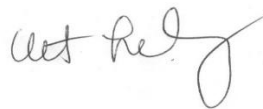
Many wildlife species use multiple habitat types over the course of a year, each being critical to the survival of the species. For example, turtles spend most of their time in wetlands, but lay their eggs in loose, sandy soil. Opportunities to document an individual during egg-laying are limited to a very brief period of time.

We appreciate the opportunity to provide testimony regarding HB 1603. As the above examples demonstrate, this bill subverts existing law and is impossible to implement. We strongly urge the Committee to consider vote this bill **Inexpedient to Legislate**.

Sincerely,



Carol R. Foss, Ph.D.
Senior Advisor for Science and Policy
New Hampshire Audubon



Matt Leahy
Public Policy Director
Society for the Protection of NH Forests



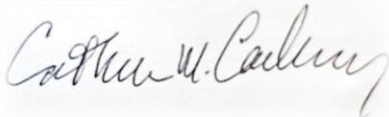
Jim O'Brien
Deputy State Director



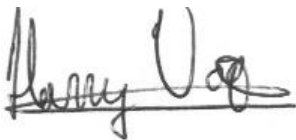
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