

2011 NHPA Legislative Survey Results

Question 1: HB321 - Relative to the classification of wetlands as contributing or noncontributing, requiring DES to develop criteria for classifying wetlands as contributing or noncontributing and makes noncontributing wetlands exempt from regulation. (Current NHPA position: *oppose* because this bill would create a state wetlands classification system that is less stringent the federal system and would result the US Army Corps of Engineers State Programmatic General Permit would be invalidated for most projects.)

Answered Question: 57

Skipped Question: 0

| | Response Percent | Response Count |
|------------|------------------|----------------|
| Support | 12.3% | 7 |
| Oppose | 82.5% | 47 |
| No Opinion | 5.3% | 3 |

Question 2: HB459 - Placing *restrictions* on the placement of political advertising on public property as follows: “political advertising may be placed within public rights-of-way as long as the advertising does not obstruct the safe flow of traffic; is placed within 400 feet of the intersection of 2 or more ways, excluding rotaries and traffic circles; and is placed at least 150 feet from any residence or business.”

Answered Question: 56

Skipped Question: 1

| | Response Percent | Response Count |
|------------|------------------|----------------|
| Support | 30.4% | 17 |
| Oppose | 41.1% | 23 |
| No Opinion | 28.6% | 16 |

Question 3: HB519 - Repealing New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions.

Answered Question: 56

Skipped Question: 1

| | Response Percent | Response Count |
|------------|------------------|----------------|
| Support | 5.4% | 3 |
| Oppose | 87.5% | 49 |
| No Opinion | 7.1% | 4 |

Question 4: SB 20 - Exempts certain terrain alteration permit holders from obtaining shoreland protection permits. The bill provides that “impacts in the protected Shoreland that receive a permit in accordance with RSA 482-A AND COMMERCIAL OR INDUSTRIAL REDEVELOPMENT IN ACCORDANCE WITH RSA 485-A:17 shall not require a permit under this section.” (capitalized words are language proposed by the bill)

Answered Question: 55

Skipped Question: 2

| | Response Percent | Response Count |
|------------|------------------|----------------|
| Support | 12.7% | 7 |
| Oppose | 61.8% | 34 |
| No Opinion | 25.5% | 14 |

Question 5: SB21 - Relative to exemptions from excavating and drainage permits, the core provision of the bill being as follows: “Any modification to man-made roadside and railroad ditches, gullies, farm ponds, fire ponds, detention basins, wetlands made specifically for stormwater treatment or control, aggregate wash ponds, or sluice ways shall be exempt from a permit under RSA 482-A. No such modification shall be extended into any area of wetlands jurisdiction of the department or to wetlands or surface waters outside of the limits of the constructed drainage facility, roadside or railroad ditches, gullies, farm ponds, fire ponds, or man-made water conveyance system.” (Current NHPA position: *oppose* because New Hampshire’s US Army Corps of Engineers State Programmatic General Permit, under which projects that propose wetlands impacts can receive federal approval through an expedited review process that involves a concurrent review by DES, would be at risk if the state review was based on criteria that is less stringent than federal law.)

Answered Question: 55

Skipped Question: 2

| | Response Percent | Response Count |
|------------|------------------|----------------|
| Support | 27.3% | 15 |
| Oppose | 65.5% | 36 |
| No Opinion | 7.3% | 4 |

Question 6: SB142 - Relative to reorganizing the permitting process within DES. The bill establishes an integrated land development permit and provides, in part, that “municipalities shall participate in all phases of an integrated land development permit program as implemented by the department as part of, in conjunction with, or in lieu of municipal subdivision or site plan review requirements, in whole or in part” and that “[DES] shall adopt rules ... relative to requirements and procedures for pre-application meetings, including procedures for pre-application coordination with municipalities[.]” (Current NHPA position: *support*.)

Answered Question: 53

Skipped Question: 4

| | Response Percent | Response Count |
|------------|------------------|----------------|
| Support | 79.2% | 42 |
| Oppose | 9.4% | 5 |
| No Opinion | 11.3% | 6 |

Question 7: SB144 - The NHPA has lent its support to this bill which extends the deadline for subdivisions and site plans approved prior to July 1, 2011 to achieve active and substantial development until July 1, 2012 or for 36 months after the date of approval, whichever is greater, and extends the deadline for subdivisions and site plans approved prior to July 1,

2011 to achieve substantial completion of the improvements until 6 years after the date of approval. As a general matter, we would like to know if you would support a permanent amendment to the deadlines set forth in RSA 674:39 to give applicant's more time to achieve active and substantial development and substantial completion of the improvements. Would you support permanently changing these deadlines to:

Answered Question: 50

Skipped Question: 7

| | Response Percent | Response Count |
|----------------------------|------------------|----------------|
| 3 and 6 years respectively | 26.0% | 13 |
| 2 and 5 years respectively | 38.0% | 19 |
| No changes | 36.0% | 18 |

Question 8: SB 154 - Makes substantial alterations to the CSPA. (Current NHPA position: *oppose certain provisions* including the bill's elimination of "individual" from the definition of "person" which would make individual property owners wholly exempt from the CSPA; the elimination of any upper limit on impervious surfaces; and the changes in the scoring and natural woodland buffer sections will effect a significant decrease in vegetation within the shoreland setback).

Answered Question: 54

Skipped Question: 3

| | Response Percent | Response Count |
|------------|------------------|----------------|
| Support | 5.6% | 3 |
| Oppose | 83.3% | 45 |
| No Opinion | 11.1% | 6 |

Question 9: CSPA - There are a number of bills this year that deal with the CSPA. HB 470 repeals the comprehensive shoreland protection act (current NHPA position: *oppose*), SB 20 exempts certain terrain alteration permit holders from obtaining shoreland protection permits, and SB 154 (see Question 8 of this survey) makes substantial alterations to the CSPA. As a general matter, do you support:

Answered Question: 52

Skipped Question: 5

| | Response Percent | Response Count |
|--|------------------|----------------|
| Reforming the CSPA | 7.7% | 4 |
| Reforming the CSPA without compromising existing environmental protections | 53.8% | 28 |
| Reducing or limiting application of the CSPA | 9.6% | 5 |
| Repealing the CSPA | 0.0% | 0 |
| Opposing any modifications | 34.6% | 18 |