

# TITLE L

## WATER MANAGEMENT AND PROTECTION

### CHAPTER 487

#### CONTROL OF MARINE POLLUTION AND AQUATIC GROWTH

##### Marine Toilets and Disposal of Sewage From Boats

###### Section 487:1

###### **487:1 Definitions.** –

As used in this chapter:

- I. "Boats" means any vessel or watercraft whether moved by oars, paddles, sails or other power mechanism, inboard or outboard, or any other vessel or structure floating upon the water whether or not capable of self locomotion, including but not limited to house boats, barges and similar floating objects.
- I-a. "Commissioner" means the commissioner of the department of environmental services.
- II. "Department" means the department of environmental services.
- III. "Graywater" means galley, bath, and shower water.
- IV. "Marine toilet" means any toilet on or within any boat as that term is defined herein.
- V. "Sewage" means human body wastes and graywater, plus wastes from toilets, sinks, showers, and other receptacles intended to receive or retain body wastes or graywater.
- VI. "Waters of this state" means waters classified, or unclassified, as defined in RSA 485-A.

**Source.** 1989, 339:1. 1996, 228:95, 96, eff. July 1, 1996.

###### Section 487:2

**487:2 Restrictions on Marine Toilets.** – No marine toilet on any boat operated upon waters of the state shall be so constructed and operated as to discharge any sewage into said waters either directly or indirectly, nor shall any sewage or container of sewage be placed, left, discharged or caused to be placed, left or discharged in or near any waters of the state by any person at any time whether or not the owner, operator, guest or occupant of a boat; provided, however, that nothing in this section shall prohibit such discharge to a municipal sewerage system or to any adequate sewage disposal system on shore.

**Source.** 1989, 339:1, eff. Jan. 1, 1990.

###### Section 487:3

**487:3 Restrictions on Sinks and Showers.** – No sink or shower on any boat operated upon the fresh waters of the state shall be so constructed or operated as to discharge any graywater into said waters either directly or indirectly.

**Source.** 1989, 339:1, eff. Jan. 1, 1990.

###### Section 487:4

###### **487:4 Responsibility of Marinas and Shore Property Owners.** –

- I. All owners and operators of any marina or shore property located on fresh waters of the state shall cooperate with the department by publicizing the requirements of this chapter among the boating fraternity and other

interested parties.

II. The provisions of this chapter shall not apply to new boats held in inventory by marine dealers which are placed in fresh waters of the state for demonstration purposes only; provided that toilets, sinks, or showers on said new boats shall not be placed in commission and shall be sealed and clearly posted to preclude their use.

**Source.** 1989, 339:1. 1996, 228:106, eff. July 1, 1996.

### **Section 487:5**

**487:5 Rulemaking.** – [Repealed 2007, 138:6, IV, eff. Aug. 17, 2007.]

### **Section 487:6**

**487:6 Compliance.** – No person shall knowingly launch into the fresh waters of the state any boat which is not equipped in compliance with the provisions of this chapter.

**Source.** 1989, 339:1, eff. Jan. 1, 1990.

### **Section 487:7**

**487:7 Penalty; Administrative Fines.** –

I. Any person who violates any of the provisions of this chapter or of rules of the department adopted under this chapter shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person. If any fine is imposed it shall constitute a lien against the boat on which the offense was committed whether or not the defendant is also the registered owner or operator of said boat unless said boat was used without permission of the owner.

II. The commissioner of environmental services, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense, upon any person who violates any provision of this chapter, any lawful rule of the department adopted under this chapter, or any lawful order issued by the department pursuant to this chapter. Rehearings and appeals from a decision of the commissioner under this paragraph shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties under this chapter. The proceeds of administrative fines levied pursuant to this paragraph shall be deposited by the department in the general fund. The commissioner shall adopt rules, under RSA 541-A, relative to:

(a) A schedule of administrative fines which may be imposed under this paragraph for violations of this chapter.

(b) Procedures for notice and hearing prior to the imposition of an administrative fine.

III. Any person who shall violate any provisions of this chapter, or any lawful rule of the department adopted under this chapter, or who shall fail, neglect, or refuse to obey any order lawfully issued pursuant to this chapter, shall be subject to a civil penalty not to exceed \$10,000 per day of such violation.

IV. The department shall issue a written cease and desist order against any act in violation of this chapter or lawful rule of the department adopted under this chapter, and any such act may be enjoined by the superior court upon application of the attorney general.

**Source.** 1989, 339:1. 1991, 63:1. 1996, 228:106. 1999, 204:1, 2, eff. Jan. 1, 2000.

### **Section 487:8**

**487:8 Enforcement.** – All boats located upon waters of this state shall be subject to inspection by the department or any lawfully designated agent or inspector of the department at any time for the purpose of determining whether such boat is equipped in compliance with this chapter. The members of the department, its agents and inspectors, for these purposes shall have all the powers of a deputy sheriff throughout the state.

**Source.** 1989, 339:1. 1996, 228:106, eff. July 1, 1996.

## Section 487:9

**487:9 Required Registrations.** – No boat shall be operated upon waters of this state having within or on it a marine toilet without a certificate of registration from the department of safety, division of motor vehicles, as required by RSA 270 and RSA 270-E.

**Source.** 1989, 339:1. 1990, 229:22, eff. Jan. 1, 1991.

## Section 487:10

**487:10 Suspension of Registration.** – If, upon said inspection it shall appear that any marine toilet, sink, or shower within or on a boat in operation on fresh waters of the state is so constructed as to permit the discharge of any sewage to a surface water of the state contrary to the provisions of this chapter, the member, agent, or inspector is directed not later than 48 hours after such finding to require from the owner, operator, or any person on board said boat, production and surrender of its certificate and plate of registration. The owner, operator, or any person on board shall have 48 hours from said production and surrender of certificate and plate of registration within which to remedy the defect. If, within said period the defect is remedied, the certificate and registration shall be returned. If, at the expiration of the 48 hours, the defect is not remedied, said member, agent, or inspector shall then endorse in ink upon said certificate of registration a brief statement of the nature of the violation and shall forward it forthwith by mail or in person to the department of safety, division of motor vehicles, where it shall be held by said division until receipt of written authority from the commissioner for its return. Such authority shall include a statement that the specified violation has been remedied in accordance with the provisions of this chapter and the rules of the department adopted under this chapter.

**Source.** 1989, 339:1. 1996, 228:97, eff. July 1, 1996.

## Section 487:11

**487:11 Appeal to Division; Notice and Hearing.** – Whenever the person or occupant producing a certificate of registration which is taken up for violation of this chapter is not also the registered owner, that fact shall be made known to the department of safety, division of motor vehicles, at the time of its delivery to said division, whereupon it shall be the duty of the department of safety, division of motor vehicles, to give notice in writing of the fact of suspension and the reason for such suspension to the registered owner at the address appearing upon said registration. Such notice shall be by registered mail. Any registered owner whose certificate is suspended for violation of this chapter shall have 10 days from receipt of actual notice of said suspension to appeal to the division in protest of such suspension and to request a hearing on the question of such suspension. In such hearings the division shall have authority to compel the attendance of witnesses and the taking of testimony under oath and shall preserve in writing a summary of substantial evidence produced before it upon which any decision in such cases is rendered. Decisions of the division under this section shall be appealable pursuant to RSA 21-O:14. Nothing in this section shall operate to reinstate any certificate of registration pending a decision of the division other than by proof before it that the violation of this chapter for which the registration certificate was suspended no longer continues or by proof that no violation in fact occurred.

**Source.** 1989, 339:1, eff. Jan. 1, 1990.

## Section 487:12

**487:12 Operation After Suspension.** – No boat shall be operated upon any waters of this state after its certificate of registration has been taken up for violation of this chapter other than from the point at which said certificate was taken up to a permanent mooring. For violation of this section said certificate of registration shall be revoked by the department of safety, division of motor vehicles, for a period of not less than 12 months.

**Source.** 1989, 339:1, eff. Jan. 1, 1990.

## Section 487:13

**487:13 Transfer of Title in Fraud of or After Suspension.** – Any transfer of a boat, the registration certificate of which has been suspended pursuant to this chapter, shall not operate to entitle the transferee to a new registration certificate free of the restrictions lawfully imposed under the provisions of this chapter, and any transferee requesting a new registration for the same boat shall be required to produce, as a condition precedent to such issuance, the registration certificate of the transferer.

**Source.** 1989, 339:1, eff. Jan. 1, 1990.

## Section 487:14

**487:14 Subsequent Registrations.** – Applications for original or renewal of certificates of registration from the department of safety, division of motor vehicles, shall contain a statement subject to the penalties of perjury that the boat described in such application is equipped in compliance with this chapter.

**Source.** 1989, 339:1, eff. Jan. 1, 1990.

# New Hampshire Clean Lakes Program

## Section 487:15

**487:15 Purpose.** – The general court recognizes that rapidly escalating pressures of shorefront development and recreational uses of public waters have placed increasing strains upon the state's lake resources, thereby accelerating the eutrophication process in many of our public lakes through nuisance growths of aquatic macrophytes (aquatic plants) and phytoplankton (algae) and thus posing a threat to water quality. The general court further recognizes that transporting boats from one water body to another increases the risk of inadvertent transport of aquatic nuisance species, some of which are invisible to the unaided eye. This risk can be reduced by inspecting and draining all boats and water-related equipment upon leaving state waters. The general court further recognizes the need to restore, preserve and maintain the state's lakes and ponds in order that these significant environmental, aesthetic and recreational assets will continue to benefit the social and economic well-being of the state's citizens.

**Source.** 1990, 143:2, eff. June 18, 1990. 2016, 227:1, eff. Jan. 1, 2017.

## Section 487:16

### **487:16 Definitions.** –

In this subdivision:

I. "Department" means the department of environmental services.

I-a. "Exotic aquatic species of wildlife" means wildlife, as defined in RSA 207:1, XXXV, that:

(a) Depend on a freshwater aquatic environment; and

(b) Are not naturally occurring in New Hampshire or have not become established in New Hampshire as a result of an intentional introduction program by a state agency.

II. The term "exotic aquatic weeds" includes only those species of vascular aquatic plants which were not part of New Hampshire's native aquatic flora before 1950. *Cabomba caroliniana* and *Myriophyllum heterophyllum* are examples of exotic aquatic weeds.

III. "Federal program" means the federal Water Pollution Control Act, 33 U.S.C.A. 1324, the federal clean lakes program (P.L. 92-500, section 314), as amended, now known as the Water Quality Act of 1987 (P.L. 100-4), as amended.

IV. "Commissioner" means the commissioner of the department of environmental services.

V. "Aquatic plants" means plants that are adapted to live in freshwater aquatic environments, also referred to as aquatic macrophytes.

**Source.** 1990, 143:2. 1996, 228:98, 99. 1997, 185:2, eff. Jan. 1, 1998. 2015, 164:1, eff. Aug. 25, 2015. 2016, 227:2, eff. Jan. 1, 2017.

### **Section 487:16-a**

**487:16-a Exotic Aquatic Weed Prohibition.** – No exotic aquatic weeds shall be offered for sale, distributed, sold, imported, purchased, propagated, transported, or introduced in the state. The commissioner may exempt any exotic aquatic weed from any of the prohibitions of this section consistent with the purpose of this subdivision.

**Source.** 1997, 185:3, eff. Jan. 1, 1998.

### **Section 487:16-b**

**487:16-b Exotic Aquatic Weed Penalties.** – It shall be unlawful to offer for sale, distribute, sell, import, purchase, propagate, negligently transport, or introduce exotic aquatic weeds into New Hampshire waterbodies. Notwithstanding RSA 487:7, any person engaging in such an activity shall be guilty of a violation.

**Source.** 1999, 204:3, eff. Jan. 1, 2000. 2016, 227:3, eff. Jan. 1, 2017.

### **Section 487:16-c**

**487:16-c Transport of Aquatic Plants or Exotic Aquatic Weeds On Outside of Boats, Vehicles, and Equipment.** – No person shall negligently transport any aquatic plants or plant parts or exotic aquatic weed or weed parts to or from any New Hampshire waters on the outside of a vehicle, boat, ski craft as defined in RSA 270:73, trailer, or other equipment.

**Source.** 2016, 227:4, eff. Jan. 1, 2017.

### **Section 487:16-d**

**487:16-d Draining of Water Conveyances.** –

- I. When leaving waters of the state, a person shall drain his or her boat and other water-related equipment that holds water, including live wells and bilges.
- II. Drain plugs, bailers, valves, or other devices used to control the draining of water from ballast tanks, bilges, and live wells shall be removed or opened while transporting boats and other water-related equipment, if the vessel is so equipped.
- III. Commercial enterprises transporting boats for off-site storage, maintenance, or repairs, and emergency response vehicles and their related equipment are exempted from paragraphs I and II, however all such exempt commercial enterprises shall drain all water-related equipment holding water and live wells and bilges prior to transporting the equipment to another water body.

**Source.** 2016, 227:4, eff. Jan. 1, 2017.

### **Section 487:16-e**

**487:16-e Penalties.** – Notwithstanding RSA 487:7, any person who violates RSA 487:16-c through 487:16-d shall be guilty of a violation punishable by a fine of \$50 for a first offense, \$100 for a second offense, and \$250 for any subsequent offense. The authority to enforce these sections shall extend to all peace officers in the state of New Hampshire.

Source. 2016, 227:4, eff. Jan. 1, 2017.

## Section 487:17

### **487:17 Program Established. –**

I. A program for the preservation and restoration of New Hampshire lakes and ponds eligible under RSA 487:20 shall be established and administered within the department of environmental services. Said program shall function to limit the eutrophication process in New Hampshire lakes by reducing nuisance growths of macrophyton and phytoplankton. It shall reinforce and complement the program authorized by the federal program and shall serve 3 basic purposes:

(a) To diagnose degraded lakes and ponds and implement long-term solutions for the purpose of restoring water quality where such solutions are feasible and cost effective.

(b) To diagnose lakes and ponds and implement methods for long-term preservation of the water quality when such measures can be shown to be feasible and cost effective.

(c) To provide short-term remedial actions which can effectively maintain water quality conditions adequate for public recreation and enjoyment, including, but not limited to, the control or eradication of exotic aquatic weeds pursuant to paragraphs II and III.

II. The department is directed to prevent the introduction and further dispersal of exotic aquatic weeds and to manage, control, or eradicate exotic aquatic weed infestations in the surface waters of the state. The department is authorized to:

(a) Display and distribute promotional material and engage in educational efforts informing boaters of the problems with exotic aquatic weed control.

(b) Control or eradicate infestations of exotic aquatic weeds, according to the following criteria:

(1) The department shall have determined that the exotic aquatic weed can in fact be controlled or eradicated in the waterbody.

(2) The most environmentally sound treatment technique relative to the specific infestation will be used, which also meets the requirements of state rules, including rules adopted under RSA 430. Notwithstanding any law or interagency agreement to the contrary, the department's recommendation to use herbicide applications shall be made in consultation with the fish and game department and shall be implemented only if the department of agriculture, markets, and food issues the permit pursuant to RSA 430:33, with or without the concurrence of the department of fish and game.

(c) Develop an emergency response protocol to control or eradicate small new infestations. The protocol may include contractual agreements with one or more licensed pesticide applicators that would enable the prompt treatment of exotic aquatic weeds with herbicides consistent with the criteria provided in subparagraph (b).

(d) Designate, in consultation with the department of fish and game and the division of state police, department of safety, restricted use of exotic aquatic weed control areas.

III. After notice and opportunity for hearing and comment, the department may make financial grants to lakefront associations, private businesses, citizens, and local governmental agencies for the management of exotic aquatic weeds. All applications for grants by such groups shall be approved by the department, in consultation with the fish and game department, and shall meet state rule requirements.

Source. 1990, 143:2. 1996, 228:100, 106. 1997, 185:4. 2002, 201:4. 2006, 144:1. 2007, 263:102. 2011, 224:273, eff. July 1, 2011.

## Section 487:18

**487:18 Project Prioritization. –** Project approval shall be based upon prioritization factors to be established by rules adopted under RSA 541-A. Such rules shall give first priority for expenditure of available funds to the control or eradication of new infestations of exotic aquatic weeds pursuant to RSA 487:17, II(b). Otherwise, preference shall be given to lakes that have public access or that serve as a public drinking water supply. Implementation measures shall be based upon an assessment of potential success, technical feasibility, practicability, and cost effectiveness. Restoration and preservation projects shall include watershed management plans to control and reduce incoming nutrients wherever possible through best management practices. Repeated

short-term solutions shall be discouraged where long-term solutions are feasible and cost effective. Treatments shall be designed to minimize any adverse effect upon fish and wildlife, their habitats, and the environment.

**Source.** 1990, 143:2. 2002, 201:5. 2007, 263:103, eff. July 1, 2007.

### **Section 487:19**

**487:19 Public Hearings.** – No project for the implementation of a lakes restoration or preservation program shall be approved or initiated until at least 2 public hearings have been held on the project. Said hearings shall be held in one or more of the affected municipalities.

**Source.** 1990, 143:3, eff. June 18, 1990.

### **Section 487:20**

**487:20 Eligibility.** – To be eligible for funding under this subdivision, a body of water shall be any freshwater lake or pond which meets priorities established under RSA 487:18. Lakefront associations, private businesses, citizens and local government agencies shall be eligible to apply for funding under this subdivision.

**Source.** 1990, 143:3, eff. June 18, 1990.

### **Section 487:21**

#### **487:21 Cost Sharing.** –

I. For diagnostic and feasibility studies where the federal government has made financial assistance available in the amount of 70 percent of the cost, the department may provide an amount not exceeding 30 percent of the total eligible costs as determined by the department. Where no federal funding is available, the department may provide an amount not exceeding 80 percent of the total eligible costs.

II. For implementation of restoration or preservation projects where the federal government has made financial assistance available in the amount of 50 percent of the costs, the department may provide an amount not exceeding 35 percent of the total eligible costs, as determined by the department. Where no federal funding is available, the department may provide an amount not exceeding 80 percent of the total eligible costs.

III. For water quality maintenance programs, the department may provide an amount of funding not to exceed 80 percent of the total eligible costs, as determined by the department, except that for the control of new infestations of exotic aquatic weeds the state may assume 100 percent of the cost.

IV. The local cost share shall be the cost of a project remaining after taking into account any state and federal funding.

V. An amount up to 10 percent of the total available funding may be expended on research that addresses the problems of lake eutrophication and exotic aquatic weeds.

**Source.** 1990, 143:3. 1996, 228:106. 2002, 201:6, eff. Jan. 1, 2003.

### **Section 487:22**

**487:22 Municipal Agreements.** – Whenever a project requires a commitment of cooperative action or local cost sharing involving 2 or more municipalities, all participating municipalities shall execute an intermunicipal agreement relative to their respective obligations. No project which requires a local match shall be initiated with state funding until such an agreement, if applicable, has been approved by the legislative bodies of all the involved municipalities.

**Source.** 1990, 143:3, eff. June 18, 1990.

### **Section 487:23**

**487:23 Agency Cooperation.** – The department shall make a concerted effort to integrate and coordinate the clean lakes program with other environmental management programs involving lakes and their watersheds, whether such programs fall within the jurisdiction of the department of environmental services or within that of another state department. The university system and the department shall maintain regular communication for the purpose of sharing data bases and other relevant information.

**Source.** 1990, 143:3. 1996, 228:101, eff. July 1, 1996.

## **Section 487:24**

### **487:24 Rulemaking.** –

The commissioner shall adopt rules, under RSA 541-A, relative to:

- I. The criteria to be used in the prioritization of grants for diagnostic or feasibility studies.
- II. The criteria used to determine the priority of implementation projects and maintenance projects.
- III. Contracting procedures with local governments or private businesses.
- IV. Application procedures to participate in the program.
- V. Criteria for the determination of project eligibility.
- VI. Criteria governing the conduct of and reporting requirements on diagnostic and feasibility studies, implementation projects and maintenance projects.
- VII. Designation of plants as exotic aquatic weeds as defined in RSA 487:16, II.
- VII-a. Administration and enforcement of, and exemptions to, the exotic aquatic weed prohibition under RSA 487:16-a.
- VII-b. Criteria governing the emergency response protocol under RSA 487:17, II(c).
- VII-c. Designation of restricted use exotic aquatic weed control areas under RSA 487:17, II(d).
- VIII. Any other matters that are necessary to implement the provisions of this subdivision.

**Source.** 1990, 143:3. 1997, 185:5. 1999, 204:4, eff. Jan. 1, 2000.

## **Section 487:25**

### **487:25 Lake Restoration and Preservation Fund; Addition to Boat Fee.** –

- I. The fee of \$9.50 collected under the provisions of RSA 270-E:5, II(a) shall be paid to the director of the division of motor vehicles. The director of the division of motor vehicles shall pay over said fee to the state treasurer who shall keep the fee in a special fund to be expended by the department of environmental services. The department shall use \$.50 of the fee for lake restoration and preservation measures, exclusive of exotic aquatic weed control, \$5 of the fee for the control of exotic aquatic weeds, and \$4 of the fee for the milfoil and other exotic aquatic plants prevention program. The department shall deposit the \$4 into a special account within the lake restoration and preservation fund which shall be used to administer the milfoil and other exotic aquatic plants prevention program. The special fund shall be nonlapsing. All funds received under this section are continually appropriated to the department for the purposes of this subdivision.
- II. The department is authorized to utilize such methods of control and to employ such personnel, consultant services, and equipment as, in its judgment, will control aquatic nuisances in the surface waters of the state as defined in RSA 485-A:2.
- III. The department shall be the agency to receive and utilize federal funds, gifts, or grants from any person or association, which may be made available for the purposes of this subdivision.

**Source.** 1990, 143:3. 1996, 228:102, 106. 1997, 185:6. 2002, 201:2. 2009, 144:149, eff. Aug. 28, 2009. 2014, 231:2, eff. Jan. 1, 2015.

## **Milfoil and Other Exotic Aquatic Plants Prevention**

### **Section 487:26**



**487:26 Grant Program Established.** – There is hereby established a grant program to be administered by the department of environmental services for the allocation of money to state agencies, non-profit organizations, and municipalities or political subdivisions of the state which seek to administer a milfoil and other exotic aquatic plants prevention program, and to institutions of higher learning which seek to conduct research on milfoil and other exotic aquatic plants remediation techniques. The grant program shall be funded by the portion of the lake restoration and preservation fund, established in RSA 487:25, and allocated to the milfoil and other exotic aquatic plants prevention program. Approximately 3/4 of the moneys distributed from the fund to the milfoil and other exotic aquatic plants prevention program shall be allocated for the purposes of milfoil and other exotic aquatic plants prevention and the remainder shall be allocated to milfoil and other exotic aquatic plants remediation research, as appropriate, based on grant requests. Of the moneys in the milfoil and other exotic aquatic plants prevention program, the moneys allocated specifically for the purposes of the milfoil and other exotic aquatic plants prevention shall be distributed upon approval of the commissioner of the department of environmental services and the commissioner of safety. Of the moneys in the milfoil and other exotic aquatic plants prevention program, the moneys allocated specifically for the purposes of milfoil and other exotic aquatic plants remediation research shall be distributed upon approval of the commissioner of the department of environmental services.

**Source.** 2002, 201:3. 2010, 352:1, eff. Sept. 18, 2010.

### **Section 487:27**

#### **487:27 Management Plan.** –

The commissioner of the department of environmental services, or designee, in consultation with the commissioner of safety, or designee, shall establish a management plan to implement the grant program. The management plan shall include, but not be limited to:

- I. Eligibility determination criteria and procedures.
- II. Application requirements and procedures.
- III. Project selection and prioritization requirements and procedures.
- IV. Stewardship requirements and procedures, including annual reporting to the department by the grantee.

**Source.** 2002, 201:3, eff. Jan. 1, 2003.

### **Section 487:28**

#### **487:28 Eligible Applicants; Matching Funds.** –

I. The department of environmental services shall distribute funds for projects to further the purposes of this program only to eligible applicants. Eligible applicants shall include:

- (a) Publicly-supported nonprofit corporations exempt from federal income taxation under Section 501(c) of the Internal Revenue Code.
- (b) Municipalities or other political subdivisions of the state.
- (c) Institutions of higher learning.
- (d) State agencies.

II. All eligible applicants shall provide a minimum level of matching resources equal to 50 percent of the proposed program budget. The department may exempt institutions of higher learning from the required match. The cost-sharing match may be met through the use of in-kind services. Qualifying matching funds from the applicant may include, but are not limited to, municipal appropriations, private donations, federal funds, and the value of goods and services provided by the applicant.

**Source.** 2002, 201:3, eff. Jan. 1, 2003.

### **Section 487:29**

**487:29 Milfoil and Other Exotic Aquatic Plants Prevention; Grant Fund Report and Budget.** – The department of environmental services shall submit an annual report, beginning on January 1, 2004, to the speaker of the house, president of the senate, and the governor and council which shall include, but not be limited to, a description of prevention and research projects funded by the milfoil and other exotic aquatic plants prevention program and the extent of aid to municipalities or subdivisions of the state, non-profit corporations, and research institutions.

**Source.** 2002, 201:3, eff. Jan. 1, 2003.

## **Section 487:30**

### **487:30 Exotic Aquatic Weeds and Species Committee.** –

I. There is established a committee to study exotic aquatic weeds and exotic aquatic species of wildlife in the state of New Hampshire.

II. (a) The members of the committee shall be as follows:

(1) Five members of the house of representatives, appointed by the speaker of the house.

(2) One member of the senate and 2 public members, appointed by the president of the senate.

(3) One member of the New Hampshire Lakes Association, appointed by the chairman of the board of that association with the concurrence of the chairperson of the committee.

(4) One member of the New Hampshire Rivers Council, appointed by the president of that organization.

(5) The executive director of the fish and game department, or designee.

(6) One member of the Connecticut River Watershed Council, appointed by the executive director of that organization.

(7) One member of the New Hampshire Marine Trades Association, appointed by the president of that organization.

(8) The commissioner of the department of environmental services, or designee.

(9) The commissioner of the department of agriculture, markets, and food, or designee.

(10) One member of the Northeast Aquatic Plant Management Society, appointed by the president of that organization.

(b) Legislative members of the committee shall serve terms which are coterminous to their terms on the general court and shall receive mileage at the legislative rate when attending to the duties of the committee.

III. The committee shall:

(a) Study the spread of exotic aquatic weeds and exotic aquatic species of wildlife, as defined in RSA 487:16, I-a, in the waters of New Hampshire including education, management, and potential means to eliminate the spread of these weeds and wildlife.

(b) Aid the department of environmental services in the control and eradication of milfoil.

(c) Study the best management practices used in other states to prevent the introduction of, and to research, monitor, control, and eradicate exotic aquatic weeds and wildlife.

(d) Recommend to the department of fish and game a program for research, monitoring, control, or eradication if an invasive exotic aquatic species of wildlife is discovered in the state.

III-a. The committee may solicit, hold, and expend gifts, grants, and donations from any source to carry out the purposes of the committee.

IV. The members of the committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

V. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1 of each year.

**Source.** 2004, 115:1. 2005, 240:2. 2009, 167:5, 6. 2011, 90:1, 2, eff. May 27, 2011. 2014, 133:1, eff. June 16, 2014. 2015, 164:2, 3, eff. Aug. 25, 2015.

## **New Hampshire Volunteer Lake Assessment Program**

## Section 487:31

### **487:31 Volunteer Lake Assessment Program Established. –**

I. There is established within the department of environmental services the New Hampshire volunteer lake assessment program to provide water quality data to the state and federal governments to define water quality trends; provide data for lake protection, management, and remediation programs; provide information to classify New Hampshire waters; and supply data for surface water quality reports.

II. To the extent that funds are available, the department shall:

- (a) Assist volunteer organizations to monitor the water quality of public lakes and ponds and tributaries to said lakes and ponds;
- (b) Provide technical assistance to lake associations, municipalities, educational facilities, and the general public for the purpose of monitoring lake water quality;
- (c) Educate citizens in the need and methods to sample lakes and ponds and the importance of keeping the state's waters clean;
- (d) Provide the water quality data obtained by volunteers to other state programs that administer water quality programs, the federal government, including the Environmental Protection Agency, and municipalities;
- (e) Provide volunteer monitoring organizations with an annual monitoring report that includes historical data and trends and recommendations to keep a lake or pond within the water quality standards; and
- (f) Loan sampling equipment to volunteer monitoring organizations as needed.

**Source.** 2005, 114:1, eff. Aug. 14, 2005.

## Section 487:32

**487:32 Volunteer Lake Assessment Program Coordinator. –** There is established in the department of environmental services a state volunteer lake assessment program coordinator who shall be a classified employee qualified by reason of education and experience and who shall administer the New Hampshire volunteer lake assessment program.

**Source.** 2005, 114:1, eff. Aug. 14, 2005.

## Section 487:33

### **487:33 Acceptance and Expenditure of Funds. –**

I. The commissioner may apply for and accept gifts, donations of money, federal, municipal, or private grants, or other funds or incentives from any source for the purposes of this subdivision. The funds accepted under this paragraph shall be paid into the lake restoration and preservation fund established under RSA 487:25. All funds received shall be continually appropriated to the department for the purposes of this subdivision.

II. The commissioner may expend any funds received under paragraph I for the purposes of this subdivision.

**Source.** 2005, 114:1, eff. Aug. 14, 2005.

## **New Hampshire Healthy Tidal Waters and Shellfish Protection Program**

## Section 487:34

### **487:34 Healthy Tidal Waters and Shellfish Protection Program Established. –**

I. There is established within the department of environmental services the New Hampshire healthy tidal waters and shellfish protection program. This program ensures that water quality in coastal waters supports the propagation, conservation, and harvest of shellfish.

II. To the extent that funds are available, the department shall:

(a) Exercise and administer the classification of coastal waters under New Hampshire shellfish sanitation control authority, pursuant to RSA 143:21 and RSA 143:21-a, so that all waters suitable for shellfish propagation and harvest are classified, and, to the maximum extent possible, classified areas are approved for harvest of shellfish, in accordance with the National Shellfish Sanitation Program.

(b) Identify impaired water quality for shellfish harvesting and work with cooperating agencies and the public to mitigate impairments.

(c) Educate citizens about the need for watershed stewardship to keep coastal waters clean for harvest of shellfish and other designated uses that depend upon safe and clean water.

(d) Conduct strategic planning, together with cooperating agencies and organizations, for New Hampshire's shellfish program, to enhance recreational shellfish harvest and establish commercial aquaculture harvest potential.

**Source.** 2006, 293:1, eff. July 1, 2006.

### **Section 487:35**

**487:35 Finding of Public Purpose.** – The general court finds that it is for the public good and welfare of this state to protect and preserve its tidal waters for propagation and harvest of shellfish and for other beneficial uses. Shellfish propagation and harvest is a primary indicator of the overall ecological and water quality health of coastal waters. As such, the general court further recognizes the need to restore, preserve, and maintain the state's tidal waters in order that these significant environmental, aesthetic, and recreational assets will continue to benefit the social and economic well-being of the state's citizens.

**Source.** 2006, 293:1, eff. July 1, 2006.

### **Section 487:36**

#### **487:36 Definitions.** –

In this subdivision:

I. "Commissioner" means the commissioner of the department of environmental services.

II. "Coastal waters" means surface waters of the state, as defined in RSA 485-A:2, XIV, that are subject to the influence of the tides.

III. "Department" means the department of environmental services.

**Source.** 2006, 293:1, eff. July 1, 2006.

### **Section 487:37**

#### **487:37 Healthy Tidal Waters and Shellfish Protection Fund Established.** –

I. A special healthy tidal waters and shellfish protection fund is established for exclusive use by the department to accomplish the purposes of this subdivision. This fund shall be nonlapsing and continually appropriated to the department for the purposes of this subdivision.

II. The commissioner may apply for and accept, from any source, gifts; donations of money; federal, municipal, or private grants; legislative appropriations; and other funds and incentives for the purposes of this subdivision. The funds accepted under this paragraph shall be paid into the healthy tidal waters and shellfish protection fund established under paragraph I.

**Source.** 2006, 293:1, eff. July 1, 2006.

### **Section 487:37-a**

#### **487:37-a Lease of State-Owned Land for Shellfish Restoration.** –

I. The commissioner, jointly with the executive director of the fish and game department, shall make

recommendations pursuant to RSA 4:40 concerning the leasing of state-owned submerged lands in the Great Bay estuary for the purpose of shellfish restoration.

II. Leases granted under this section shall be for noncommercial shellfish restoration purposes only, in areas where restoration will not unduly interfere with existing or anticipated commercial or recreational activities.

III. The executive director of the fish and game department, jointly with the commissioner, shall determine the terms of any such lease, including the amount of acreage and duration.

IV. No fee shall be charged for any lease granted under this section.

V. Any person seeking a lease under this section shall obtain a permit under RSA 482-A:3.

**Source.** 2015, 32:1, eff. July 6, 2015.

## **New Hampshire Volunteer River Assessment Program**

### **Section 487:38**

#### **487:38 Volunteer River Assessment Program Established. –**

There is established within the department of environmental services the New Hampshire volunteer river assessment program to provide:

I. Water quality and related environmental data to the state and federal governments to define water quality trends;

II. Data for river protection, management, and restoration programs;

III. Information to classify New Hampshire waters; and

IV. Data for surface water assessment reports.

**Source.** 2009, 201:18, eff. July 15, 2009.

### **Section 487:39**

**487:39 Purpose. –** The general court finds that landscape changes and recreational and other uses of rivers and their watersheds have placed increasing stress upon the state's rivers, posing a threat to water quality and the continued support of designated uses. The general court recognizes the need for adequate data to identify the status of and trends in water quality as a basis for action, to restore, preserve, and maintain the state's rivers so that these significant environmental, recreational, and economic assets will continue to benefit the social and economic well-being of the state's citizens and support healthy ecosystems.

**Source.** 2009, 201:18, eff. July 15, 2009.

### **Section 487:40**

#### **487:40 Duties of the Department. –**

To the extent that funds are available, the department shall:

I. Assist volunteer organizations in monitoring the water quality of rivers and streams;

II. Provide technical assistance to local river management advisory committees, watershed organizations, municipalities, educational facilities, and the general public for the purpose of monitoring river water quality;

III. Educate citizens about the need for and the methods of sampling river and stream waters and the importance of keeping the state's waters clean;

IV. Provide the water quality data obtained by volunteers to other state programs that administer water quality programs; the federal government, including the Environmental Protection Agency; and municipalities;

V. Provide volunteer monitoring organizations with an annual monitoring report that includes historical data, trends, and recommendations to keep a river or stream within the water quality standards; and

VI. Lend sampling equipment to volunteer monitoring organizations as needed.

**Source.** 2009, 201:18, eff. July 15, 2009.

## **Section 487:41**

**487:41 Volunteer River Assessment Program Coordinator.** – There is established in the department of environmental services a state volunteer river assessment program coordinator who shall be a classified employee qualified by reason of education and experience and who shall administer the New Hampshire volunteer river assessment program.

**Source.** 2009, 201:18, eff. July 15, 2009.

## **Section 487:42**

**487:42 Acceptance and Expenditure of Funds.** – The commissioner may apply for and accept gifts, donations of money, federal, municipal, or private grants, or other funds or incentives from any source. The funds accepted under this section shall be paid into the rivers management and protection fund established under RSA 483:13. The commissioner may expend such funds for the purposes of this subdivision.

**Source.** 2009, 201:18, eff. July 15, 2009.