

N.H. Lakes Management and Protection Program  
**N.H. Lakes Management Advisory Committee**

April 24, 2018

The Honorable Kevin Avard  
Chair, Senate Energy and Natural Resources Committee  
State House, Room 103  
Concord, NH 03301

RE: **HB 1233** *An act preempting local regulation of seeds and fertilizer.*

Dear Chair Avard and Members of the Committee:

The Lakes Management Advisory Committee (LMAC) appreciates the opportunity to comment on House Bill 1233, which preempts local authority to regulate seeds and the use of fertilizers. The LMAC opposes this bill.

The bill language relating to fertilizers that HB 1233 seeks to amend was enacted in 2013 as part of a broader effort to improve and clarify the use of household fertilizers. The clause in question preempted local authority for the “registration, sale, formulation, or transportation of fertilizer” (RSA 431:4-d), which are appropriate subjects for statewide regulation. HB 1233 as amended would prevent municipalities from regulating the use of fertilizers within their community for agricultural purposes. However, it has generally been the policy in New Hampshire that while the state sets a baseline environmental standard, municipalities may, with the support of their citizens, set a more rigorous standard. This policy allows local governments to manage the pollutant levels of their local lakes proactively to better protect drinking water sources, recreational waterbodies, and other community resources that are at greater-than-typical risk.

The LMAC is a legislatively created body charged to work with the New Hampshire Department of Environmental Services (NHDES) to administer RSA 483-A, the Lakes Management and Protection Program. The Governor and Council appointed Committee is comprised of 19 members representing academia, business, conservation organizations, lake associations, tourism, fish and game commission, marine trades, realtors, municipal government as well as several state agencies. Among its other responsibilities, the LMAC reviews legislation relevant to the Program and the state’s lakes and ponds, and advises the NHDES Commissioner on the merits of such legislation.

In conclusion, the LMAC opposes House Bill 1233 because it would take the control away from municipalities to determine the best use of fertilizers in their community.

Voting Members:

**David Packard**  
Chair  
NH Lakes Assn.

**Michael Hodder**  
Vice Chair  
Planning Boards

**Bruce Allen**  
Conservation  
Commissions

**Mark Borrin**  
Tourism Industry

**Shane Bratt**  
Scientific Community

**Linda Brownson**  
State Conservation  
Committee

**Frederick Clews**  
NH Fish & Game  
Commission

**Edmund Crawford**  
Marine Trades  
Association

**Tiffany Grade**  
Conservation  
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**Kimberly Hallquist**  
Municipal Official

**Frank Lemay**  
NH Business and Industry  
Association

**Richard Smith**  
Fishing Interests

**Mary Truell**  
NH Association of  
Realtors

Non-Voting Members:

**Capt. Tim Dunleavy**  
NH Dept. of Safety

**Eric Feldbaum**  
NH Dept. of Natural and  
Cultural Resources

**Jennifer Gilbert**  
NH Office of Strategic  
Initiatives

**Garret Graaskamp**  
NH Fish & Game Dept.

**Mark Hemmerlein**  
NH Dept. of Trans.

**David Rousseau/  
Bob Wolff**  
NH Dept. of  
Ag, Markets & Food

Staff:

**Tracie Sales**  
Rivers & Lakes Programs  
Manager, NHDES

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Rivers & Lakes Programs  
Assistant, NHDES

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Should you have further questions about this testimony, please feel free to contact me at (603) 634-2299 or [david.packard@graniteshorepower.com](mailto:david.packard@graniteshorepower.com).

Sincerely,

A handwritten signature in black ink that reads "David W. Packard". The signature is written in a cursive style with a horizontal line underneath.

David Packard  
Chair

cc: Rep. Stephen Darrow  
LMAC Representatives  
Governor Chris Sununu  
Robert R. Scott, Commissioner, NHDES  
Eugene Forbes, Director, Water Division, NHDES  
Ted Diers, Administrator, Watershed Mgmt. Bur., NHDES  
Tracie Sales, Rivers and Lakes Programs Manager, NHDES