

N.H. Rivers Management Advisory Committee

April 11, 2011

The Honorable Andrew Renzullo, Chair
House Resources, Recreation and Development Committee
Legislative Office Building, Room 305
Concord, NH 03301

RE: HB SB 154: An Act reforming and renaming the comprehensive shoreland protection act.

Dear Chair Renzullo and Members of the Committee:

The Rivers Management Advisory Committee (RMAC) is writing to express its conditional support for Senate Bill 154, which seeks to reform and rename the Comprehensive Shoreland Protection Act, RSA 483-B (CSPA).

The RMAC is a legislatively created body charged to work with the NH Department of Environmental Services (DES) on the administration of RSA 483, the Rivers Management Protection Program (RMPP). The Governor and Council appointed Committee is comprised of members from the business, agriculture, hydroelectric, municipal government, water supply, conservation, recreation, fish and game, and historical interests. Among its other responsibilities, the RMAC is charged with reviewing legislation relevant to the RMPP and with advising the DES Commissioner on the merits of such legislation.

The RMAC's recent history with the CSPA dates back to providing oral and written testimony to the SB87 CSPA Study Commission on August 14, 2006. In that testimony, the RMAC outlined how the CSPA is a critical program to protect water quality from non-point sources and therefore the economic value of N.H.'s surface waters. The RMAC included recommended actions to improve the CSPA, several that were incorporated in the final legislation. Of importance the SB87 CSPA Study Commission, which included a broad range of stakeholders, did reach a consensus on i) the importance in protecting water quality through the proper stewardship of riparian lands, ii) the economic value of N.H.'s surface waters, and iii) how to implement the CSPA to achieve those goals. We encourage this committee to consider that consensus and not uncouple protecting water quality protection from proper riparian land stewardship requirements since declines in water quality and purity could have substantial economic impacts of up to \$51 million in lost sales, \$18 million in lost income and 800 lost jobs (see enclosure).

The Senate amended version of SB154 raised serious policy and implementation concerns with the RMAC membership. As such, the RMAC voted to support SB154 only if the following issues were stricken or amended by the bill sponsors and the House Resources, Recreation and Development Committee:

- 1) STRIKE: Land owners must give permission for DES to enter a property to perform an inspection and get a court order to do an inspection and for monitoring. This would greatly increase the cost for DES to just be able to determine if permits and the law were met. At stake here are not only private rights, but also how private actions can directly impair publicly owned resources – the waters of the State's rivers.
- 2) STRIKE: Refunding of fees when a permit is denied by DES. This means the taxpayer would carry the burden of funding DES for the review costs of what are deemed projects not complying with the law. This is unfair to the tax payer, NH DES and the general public good.
- 3) STRIKE: Waiver approval would be able to be given by Commissioner. This is a slippery slope where political pressure in individual applications could trump the science.
- 4) AMEND: Individual or cumulative impacts under a Permitting by Notification (PBN). The PBN should be limited such that the PBN process could not through cumulative separate PBN's exceed 1500 sq ft of construction impact, or for impervious surface 900 sq feet of or 20% of a lot, whichever is less. Without this cumulative provision limit a property owner could file consecutive PBN's to circumvent the intent of this provision and greatly degrade water quality.

Voting Members:

Kenneth D. Kimball
Chair
Recreational
Interests

Michele L. Tremblay
Vice Chair
Conservation
Community

VACANT
Agricultural
Community

Donald L. Ware
Public
Water Suppliers

James W. Ryan
NH Fish & Game
Commission

Allan G. Palmer
Business & Industry
Association

Gary L. Kerr
Granite State
Hydropower
Association

Larry T. Spencer
Conservation
Commissions

Anne Krantz
Historic/Archeological
Interests

Fredrick J. McNeill
Municipal
Officer

Kathryn P. Nelson
Local River
Management
Advisory Committees

Non-Voting Members:

Jennifer Czysz
NH Office of
Energy & Planning

Johanna Lyons
NH Department of
Resources and
Economic
Development

John Magee
NH Fish & Game
Department

Kevin Nyhan
NH Department of
Transportation

**Gail McWilliam
Jellie**
NH Department of
Agriculture,
Markets & Food

Lance Harbour
NH Department of
Safety

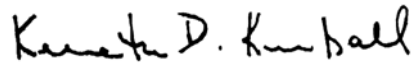
Staff:

Steven M. Couture
Rivers Coordinator
NH Department of
Environmental
Services

In conclusion, the RMAC unanimously voted to conditionally support SB154, which seeks to reform and rename the Comprehensive Shoreland Protection Act, with the above recommendations.

If you have further questions, please feel free to contact me at (603) 466-8149 or kimball@outdoors.org.

Sincerely,



Kenneth D. Kimball, Ph.D., Chairman
Rivers Management Advisory Committee

Cc:

Senator Bradley
Senator Boutin
Senator Carson
Senator Groen
Senator Gallus
Senator Stiles
Senator De Blois
Senator Forsythe
Senator White
Representative Patten
Representative Ahlgren
Representative Bettencourt
Representative Chandler
Representative Umberger
RMAC members *(via email)*
Tom Burack, Commissioner, DES *(via email)*
Mike Walls, Assistant Commission, DES *(via email)*
Harry Stewart, Director, Water Division, DES *(via email)*
Paul Currier, Administrator, WMB, DES *(via email)*
Steven M. Couture, Rivers Coordinator, DES *(via email)*
Charlie Ryan, Chair, Ammonoosuc River LAC *(via email)*
Barbara Skuly, Chair, Ashuelot River LAC *(via email)*
Rick Healey, Chair, Cochecho River LAC *(via email)*
Jenny Polcari, Co-Chair, Cold River LAC *(via email)*
Theresa Darling, Business Manager, Connecticut River Joint Commission *(via email)*
Michelle Hamm, Chair Contoocook River LAC *(via email)*
Don Clement, Chair, Exeter River LAC *(via email)*
Liz Evans, Chair, Isinglass River LAC *(via email)*
Sarah Callaghan, Chair, Lamprey River LAC *(via email)*
Kathryn Nelson, Chair, Lower Merrimack River LAC *(via email)*
Max Stamp, Chair, Pemigewasset River LAC *(via email)*
Dick Ludders, Chair, Piscataquog River LAC *(via email)*
George May, Chair, Souhegan River LAC *(via email)*
Robert Parrish, Chair, Swift River LAC *(via email)*
Michele L. Tremblay, Chair, Upper Merrimack LAC *(via email)*

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<http://des.nh.gov/organization/divisions/water/wmb/rivers/rmac/index.htm>