

N.H. Rivers Management Advisory Committee

February 07, 2013

Voting Members:

Kenneth D. Kimball
Chair
Recreational
Interests

Michele L. Tremblay
Vice Chair
Conservation
Community

Roger Noonan
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:

Susan Slack
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

Vacant
NH Department of Safety

Staff:

Jacquie Colburn
Rivers Coordinator
NH Department of
Environmental Services

The Honorable Russell Prescott, Chairman
Energy and Natural Resources Committee
Legislative Office Building, Room 101
Concord, NH 03301

RE: SB 124 - AN Act establishing an integrated land development permit.

Dear Chairman Prescott and Members of the Committee:

The Rivers Management Advisory Committee (RMAC) is writing to express its conditional support for Senate Bill 124, which establishes a permit process for applicants seeking one or more land development permits from the department of environmental services (DES).

The RMAC supports this request by DES to modify its existing permitting process to improve efficiency; however, we are concerned that the proposed language will remove the Local River Management Advisory Committees (LACs) from the review process. The LACs provide a voice for their cities and towns as required in RSA 483. Specifically, the RMAC is concerned that SB 124 as introduced does not contain sufficient time allowances for the LACs to review applications and provide comments to DES within the permit review time frames as outlined in the bill. All municipal land use boards are composed of volunteers who meet once monthly and must follow right-to-know laws for meeting notifications. The time frames proposed in this bill would circumvent any notification. Additionally, the bill specifies that organizations will only be notified and included at the invitation of the applicant. This is contrary to the spirit of the public's right to know and transparency in government.

With the passage of RSA 483, the Rivers Management and Protection Act in 1988, the legislature put in place a unique and what has since proven to be a very worthwhile process, allowing the LACs to act as a voice for their cities and towns, by reviewing and commenting on proposed activities that are located within the designated river corridor; which is the land area within ¼ mile of river which has been designated under RSA 483. Currently, there are eighteen (18) rivers or river segments designated under the Rivers Management and Protection Program encompassing over 1,000 river miles rivers and more than half of the municipalities in New Hampshire. Once a river is designated, an LAC is established and according to RSA 483, all applications that are reviewed and approved by the DES Alteration of Terrain Program, the Wetlands Program, and/or the Shoreland Program must be submitted to the relevant LAC for review and comment before the permitting programs can issue the permit.

LACs are composed of volunteer representatives nominated by their cities and towns and appointed by the Commissioner of the NH Department of Environmental Services. The LACs, like other land use boards, typically only meet once per month. They are charged with developing a local river corridor management plan and reviewing and commenting on activities affecting the river. The LAC members have a thorough understanding of the natural and cultural characteristics of the river and its corridor; their knowledge can be extremely beneficial to an applicant when developing a project proposal. Pre-consultation with an LAC is very helpful and the earlier in the process the applicant can garner their input, the better.

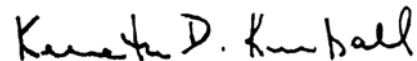
We understand and appreciate the pressure that DES is under to review and approve permit applications and that has been made even more difficult by the recent budget cuts. These reductions have further compounded the ability of staff to conduct thorough application reviews because the opportunity to perform site-specific on the ground reviews has been severely compromised. As written, SB 124 does not allow sufficient time for the review process to include input from the LACs. With this in mind, we need to ask ourselves if permitting efficiency should trump good long-term decision making based on reasonable information provided by the LACs. This local knowledge from the LACs has proven useful to the Department and should not be eliminated.

The RMAC and LACs want to express their thanks and appreciation to the staff of the DES Wetlands, Shoreland and Alteration of Terrain Programs, who have truly made an effort to secure the comments and recommendations of the LACs prior to issuing permits. The DES staff has proven time and again that they value and appreciate the knowledge that these volunteers possess regarding our rivers and the expertise they provide regarding proposed development within the designated river corridors across the state.

The RMAC is a legislatively created body charged to work with the NH Department of Environmental Services on the administration of RSA 483, the Rivers Management and Protection Program. 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.

In conclusion, the RMAC conditionally supports SB 124 as introduced and requests that the bill be sent to a study committee where the concerns of the RMAC and the LACs can be addressed. If you have further questions, please feel free to contact me at (603) 466-8149 or kkimball@outdoors.org.

Sincerely,



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

CC:
Sen. Odell
Sen. Hosmer
Sen. Watters
Sen. Carson
Sen. Reagan
Sen. Rausch
Sen. Stiles
Sen. Fuller Clark
Sen. Woodburn
Sen. Boutin
Sen. Bradley
Sen. Pierce
Rep. Grenier
Rep. Sad
Rep. Gottling
Rep. Renzullo
RMAC Members (via electronic mail)
LAC Chairs (via electronic mail)
Comm. Burack, DES