

N.H. Rivers Management and Protection Program

N.H. Rivers Management Advisory Committee

February 26, 2013

The Honorable Shannon Chandley, Chairperson
Resources, Recreation and Development
Legislative Office Building, Room 305
Concord, NH 03301

RE: HB 588 – An Act extending the instream flow pilot program for 2 years

Dear Chairperson Chandley and Members of the Committee:

The Rivers Management Advisory Committee (RMAC) is writing to express its unanimous support for House Bill 588, which would extend the instream flow pilot program for 2 years.

The NH Instream Flow Program was established in 1990 with the goal to protect rivers while managing for use of the water. As directed by the Legislature, the RMAC was instrumental in the creation of the Instream Flow Program and was charged with specifying the standards, criteria, and procedures by which a protected instream flow was established and enforced for each designated river or segment. In 2002, the General Court authorized DES to move forward with two instream flow pilot studies, one for the Lamprey River and one for the Souhegan River. Since then, draft Water Management Plans have been produced for both rivers; however they have not yet been finalized and implemented.

A protected instream flow is the amount of water needed to support human and natural instream uses that depend on the river. Balancing the competing demands of water users while providing for the appropriate uses of water, both natural and cultural, is an extremely complex process but vitally important for the State to accomplish. As was recently acknowledged by the New Hampshire Water Sustainability Commission, flexible and coordinated water management programs and practices should be designed and implemented to ensure that we have an adequate quantity and quality of water to support ecological and human health and economic activity. The Instream Flow Program is one such program.

The RMAC understands that developing and implementing protected instream flows for our rivers is an important and very difficult issue. The state has invested several decades of work on this complex issue and examined numerous strategies, including the two ongoing pilot studies. The RMAC supports this extension to add two more years to the Instream Flow Program with the caveat that it is also imperative to draw this long process to a successful conclusion. The RMAC is not inclined to be favorable to yet more extensions. With the pilot studies nearing completion, the complex issues are now well defined and the options known. Furthermore, the RMAC and the Lakes Management Advisory Committee (LMAC) jointly spent one year on one of the more difficult components of the program. The Instream Flow Program has the potential to affect lake operations in its management of stream flows and conversely, lake level management can impact stream flows. The committees recognized that conflicts will arise when management to improve conditions for one waterbody may negatively impact another waterbody. Together, the committees will submit a joint policy recommendation to DES on how procedurally to approach the inherent conflicts that can arise between lake storage versus instream flow needs based on lessons learned from one of the two pilot studies.

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 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

Voting Members:

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Chair
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Interests

Michele L. Tremblay
Vice Chair
Conservation
Community

Roger Noonan
Agricultural Community

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Public
Water Suppliers

James W. Ryan
NH Fish & Game
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Allan G. Palmer
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Anne Krantz
Historic/Archeological
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Fredrick J. McNeill
Municipal
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Local River
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Non-Voting Members:

Susan Slack
NH Office of
Energy & Planning

Johanna Lyons
NH Department of
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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:

Jacque Colburn
Rivers Coordinator
NH Department of
Environmental Services

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 unanimously supports HB 588 which would extend the instream flow program for two years, but no more. 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: Rep. Spang
Rep. Beaulieu
Rep. Smith
Rep. Ginsburg
Sen. Reagan
Sen. Watters
RMAC Members (via electronic mail)
LAC Chairs (via electronic mail)
Comm. Burack, DES