

N.H. Rivers Management Advisory Committee

February 3, 2011

The Honorable Beverly A. Ferrante, Chair
House Municipal and County Government Committee
Legislative Office Building, Room 301
Concord, NH 03301

RE: HB 205- FN: An Act relative to notice to owners of upstream dams.

Dear Chair Ferrante and Members of the Committee:

The Rivers Management Advisory Committee (RMAC) is writing to express its opposition for House Bill 205, which seeks to eliminate requirements that planning board applicants identify and planning boards notify upstream dam owners.

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 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 bill would essentially repeal a law, enacted in 2009 (Chapter 31), which amended RSA 676:4 to require that, for proposed developments near rivers and streams and downstream of a dam, the local planning board shall send notification of the proposed development to the owner of the upstream dam and the Department of Environmental Services (DES) Dam Bureau, in addition to abutters of the proposed development. This is because construction of any structure near streams or rivers downstream of a dam can increase the hazard classification of the dam, which would increase the performance standards, as well as the Annual Dam Registration Fee, for the dam. The RMAC understands that the notification of upstream dams owners for applicants and planning boards in the past has been difficult due to a lack of contact information for dam owners and misunderstanding as to how far the upstream notifications must be sent. Due to this difficulty the RMAC recommends this issue be further studied in order to clarify the notification process while ensuring dams hazard classifications are accurate.

In conclusion, the RMAC unanimously opposes HB 205 which seeks to eliminate requirements that planning board applicants identify and planning boards notify upstream dam owners, however, the RMAC does support further study of the issue this bill seeks to address.

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:

Representative Patten
Representative Lockwood
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*)

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Max Stamp, Chair, Pemigewasset River LAC (*via email*)
Dick Ludders, Chair, Piscataquog River LAC (*via email*)
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<http://des.nh.gov/organization/divisions/water/wmb/river/rmac/index.htm>

