

N.H. Rivers Management Advisory Committee

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NH Department of
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Patrick Hummel
NH Department of
Resources and
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John Magee
NH Fish & Game
Department

Gail McWilliam Jellie
NH Department of
Agriculture,
Markets & Food

Elizabeth Peck
NH Department of
Safety

Susan Slack
NH Office of
Energy & Planning

Staff:

Jacquie Colburn
Rivers and Lakes
Coordinator, NH DES

Tracie Sales
Watershed Planner
NH DES

April 15, 2015

Senator Jeb Bradley, Chairman
Energy and Natural Resources Committee
Room 100, State House
Concord, NH 03301

RE: HB 272 Ham Branch watershed nomination under RSA 483

Dear Chair Bradley and Members of the Committee:

The Rivers Management Advisory Committee (RMAC) is writing to express its support for the designation of the Ham Branch and thirteen of its tributaries into the Rivers Management and Protection Program (RMPP), RSA 483. However, the RMAC opposes the nomination's exemption from the provisions of the Shoreland Water Quality Protection Act (SWQPA).

The RMAC is a legislatively created body charged to work with the NH Department of Environmental Services (NHDES) on the administration of RSA 483. 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 NHDES Commissioner on the merits of such legislation.

The nomination to include the Ham Branch River Watershed into the RMPP was submitted for consideration on June 1, 2014. On June 23, 2014, the Ham Branch River Watershed Nominating Committee made a nomination presentation to the RMAC. The RMAC conducted a site visit of the river with the sponsors on September 29, 2014 and later that day, held a public meeting in Easton with the Rivers Coordinator to review and discuss the Rivers Program and the Ham Branch nomination. On November 10, 2014, the RMAC held a public hearing in Easton, again in cooperation with the Rivers Coordinator, to take official public comments on the nomination. The RMAC completed its review of the Ham Branch River Watershed nomination under RSA 483 at its November 18, 2014 meeting.

After deliberation, the RMAC voted to recommend that the Ham Branch River Watershed be designated into the RMPP as proposed in the nomination submitted to the RMAC on June 1, which did not include an exemption from the SWQPA. The RMAC is opposed to the exemption of the less than fourth order river segments from the SWQPA, whether that exemption is short-term as proposed in the amended bill or permanent as proposed in the original bill submitted to the House, and feels the amendment is bad precedent and spot legislation. Should the Ham Branch nominating committee decide to move forward with bill as amended by the House, which includes the request for the SWQPA exemption, the RMAC recommends that this bill be tabled until such time as the residents of Easton are supportive of the nomination including the existing provisions of the SWQPA, or until the SWQPA is amended to include provisions specific to all 1st through 3rd order streams in New Hampshire.

The RMAC was impressed with the level of public support demonstrated throughout the nomination process, and particularly at the public hearing. Approximately 39 people attended and all but one of the 20 people who testified were supportive of the designation of the Ham Branch watershed. Letters of endorsement were received from the Town of Easton Select Board and Conservation Commission.

In conclusion, the RMAC supports HB 272 but strongly opposes the exemption of the less than fourth order river segments from the SWQPA, recommending that the bill be tabled if the nominating group continues to oppose the application of the provisions of the SWQPA to the Ham Branch River watershed.

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

Sincerely,

A handwritten signature in black ink that reads "Kenneth D. Kimball". The signature is written in a cursive, slightly slanted style.

Kenneth D. Kimball, Ph.D., Chair

cc: Representative Ford
Representative R. Brown
Senator Woodburn
Thomas Burack, NHDES Commissioner
Eugene Forbes, Director, Water Division, NHDES (*via email*)
Ted Diers, Administrator, Watershed Management Bureau, NHDES
Jacquie Colburn, Rivers Coordinator, Watershed Management Bureau, NHDES
Roy Stever, Ham Branch River Nominating Committee (*via email*)
RMAC Members (*via email*)
Local River Management Advisory Committee Chairs (*via email*)