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Staff:

Vacant
Rivers and Lakes
Coordinator, NHDES

Tracie Sales
Watershed Planner,
NHDES

N.H. Rivers Management and Protection Program

N.H. Rivers Management Advisory Committee

January 26, 2016

The Honorable Chris Christensen, Chair
Resources, Recreation and Development Committee
Legislative Office Building, Room 305
Concord, NH 03301

RE: **HB 1461** *An act relative to the definition of and criteria for protection instream flow.*

Dear Chair Christensen and Members of the Committee:

The Rivers Management Advisory Committee (RMAC) is writing to express its support, with one recommended change, for House Bill 1461, relative to the definition of and criteria for protection of instream flow. This bill makes changes to RSA 483, the New Hampshire Rivers Management and Protection Program, regarding the implementation of the Instream Flow Program and as recommended by the Impact of Water Withdrawals on Instream Flows Study Committee.

Protection of flows for rivers designated under RSA 483 is a major component of the Rivers Program. The bill makes changes to the statute language which will support full implementation of instream flow protection on all designated rivers. The language modifications include a definition of instream flow that incorporates current scientific knowledge as well as additional requirements for local, broad-based stakeholder input before and during the development of protected instream flows and water management plans.

A portion of the new language proposed by HB 1461 for RSA 483:9-c II should be removed as indicated by the struck-through text below:

II. *No less than 60 days prior to commencing a protected instream flow study on any designated river [~~other than the Lamprey or Souhegan designated rivers~~], the department shall hold a public hearing jointly with the senate committee with jurisdiction over river management issues and the house committee with jurisdiction over river management issues and provide a public comment period of 30 days. The department shall consider the public comments received before commencing the study.*

Protected instream flows were only developed on a portion of the now designated river reach of the Lamprey River. Therefore, as protected instream flows are applied to the entire designated portion of the Lamprey River and its tributaries, the outreach required by this paragraph of the legislation should be completed for that effort.

The RMAC is a legislatively created body charged to work with the New Hampshire Department of Environmental Services (NHDES) to administer RSA 483, the Rivers Management and Protection Program. The Governor and Council appointed Committee is comprised of members from business, agriculture, hydroelectric, municipal government, water supply, conservation, recreation, fish and game, and historical interests. Among its other responsibilities, the RMAC is charged with

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reviewing legislation relevant to the Program and with advising the NHDES Commissioner on the merits of such legislation.

In conclusion, the RMAC supports, with one recommended change, HB 1461, which modifies the Rivers Management and Protection Program to implement the protection of stream flows for multiple uses on designated rivers.

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

Sincerely,



Kenneth D. Kimball, Ph.D., Chair

cc: Rep. John Mullen
Rep. Judith Spang
Sen. Martha Fuller Clark
Sen. John Reagan
RMAC Members

Thomas Burack, Commissioner, NHDES
Eugene Forbes, Director, Water Division, NHDES
Ted Diers, Administrator, Watershed Mgmt. Bur., NHDES
Tracie Sales, Watershed Planner, NHDES
Local River Management Advisory Committee Chairs