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Larry T. Spencer
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Ruth Ward
Local River Management
Advisory Committees

Donald L. Ware
Public Water Suppliers

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Mark Hemmerlein
NH Department of
Transportation

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
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Susan Slack
NH Office of
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Staff:

Tracie Sales
Watershed Planner,
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Vacant
Rivers and Lakes
Coordinator, NHDES

N.H. Rivers Management and Protection Program

N.H. Rivers Management Advisory Committee

March 30, 2016

The Honorable Jeb Bradley, Chair
Senate Energy and Natural Resources Committee
State House, Room 100
Concord, NH 03301

RE: **HB 1595-FN** *An act relative to the rivers management and protection program.*

Dear Chair Bradley and Members of the Committee:

The Rivers Management Advisory Committee (RMAC) appreciates the opportunity to express its unanimous support for House Bill 1595 as amended by the House, relative to updating New Hampshire's Rivers Management and Protection Program (RMPP) which was created by Chapter RSA 483 in 1988. This bill, HB1595-FN, had its genesis during the twenty-fifth anniversary of the RMPP, when the RMAC determined it an appropriate time to conduct a thorough review of the statute to assess what was or was not still relevant, or might procedurally be improved upon, based on the more than twenty-five years of history and experience of the RMPP. This review, over a year in duration, included outreach to constituency groups, including the Local River Management Advisory Committees of rivers designated under RSA 483. The statute required administrative updates to incorporate changes in organizational names, responsibilities, and capacity.

As a shortened overview, the proposed changes to RSA 483 in HB 1595 include the following revisions.

- It reduces the requirement to nominate three individuals for each seat on the RMAC to only one, reflecting the challenge that organizations face finding qualified representatives willing to volunteer their time, and if they do, two of three individuals willing to volunteer become failure candidates. Like many similar legislatively created, volunteer committees (most of which do not require multiple names to be submitted by representative organizations for a single position), the Governor and Executive Council still would retain the right to reject a nomination and request the legislatively appointed organization to nominate a new individual. In addition, the RMAC supports the House amendment to replace the New Hampshire Wildlife Federation with the New Hampshire Council of Trout Unlimited as one of the nominating organizations for the RMAC's conservation community representative seat.
- Similarly, the requirements for finding and maintaining volunteer representation on the local river management advisory committees are simplified to make it more flexible and realistic for both small and large designated rivers. It also allows different local river management advisory committees to merge if it is deemed more useful and effective, e.g. if a tributary river to a designated major river is subsequently designated.
- It incorporates important enhancements in our scientific knowledge since 1988 about rivers and their effects. One significant aspect of the bill will add a requirement to consider the effect that fluvial geomorphology may have on river processes, natural meandering, and flooding in the river corridor management

plans written for each river designated under RSA 483.


- It updates some of the definitions based on new science and adds several missing definitions.
- It brings into conformance several lists referred to in various parts of the RSA and it slightly modifies the minimum mileage used to classify *natural* and *community* designated sections based on lessons learned and variances granted in past river nominations and designations (e.g. community from 1 to ½ mile).
- It removes outdated references to other agencies that no longer have a role since the legislation was originally passed in 1988, due to other legislative changes.
- It consolidates RSA 483's requirement in 1988 for two river management plans (Long Range River Management Plans and a River Corridor Management Plan) into one River Corridor Management Plan. This reflects the fact that the 1988 legislation required the New Hampshire Department of Environmental Services (NHDES) to develop "Long Range River Management Plans," but due to the elimination of two positions in the program, there were insufficient resources to complete this work.
- The bill includes a change to the Shoreland Water Quality Protection Act (RSA 483-B), recommended by the RMAC, which takes into consideration that the one-size-fits-all aspect of the Shoreland Water Quality Protection Act does not function as well with small streams. This change would apply only the waterfront buffer protections—those which limit vegetative cutting, building, fertilizer application, and other activities within 50 feet of the high water mark—of the Shoreland Act to newly designated first through third order streams.

The RMAC is a legislatively created body charged to work with the NHDES to administer RSA 483. 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 reviewing legislation relevant to the Program and with advising the NHDES Commissioner on the merits of such legislation.

In conclusion, the RMAC unanimously supports HB 1595 as amended, which implements changes to the Rivers Management and Protection Program to make management of New Hampshire's rivers more effective and the Program up-to-date.

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

Sincerely,



Kenneth D. Kimball, Ph.D., Chair

cc: Rep. Judith Spang
Rep. Jane Beaulieu
Rep. Susan Ford
Rep. Suzanne Gottling
Sen. Martha Fuller Clark
Sen. John Reagan

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