

Voting Members:

Michele L. Tremblay
Chair
Conservation
Community

Larry T. Spencer
Vice Chair
Conservation
Commissions

Edna Feighner
Historic/Archeological
Interests

Christopher Hodgdon
NH Fish & Game
Commission

Mark Lombardi
Granite State
Hydropower
Association

Frederick J. McNeill
Municipal Officer

Allan G. Palmer
Business & Industry
Association

Norman Sims
Recreational Interests

Ruth Ward
Local River Management
Advisory Committees

Donald L. Ware
Public Water Suppliers

Vacant
Agricultural Community

Non-Voting Members:

Jennifer Gilbert
NH Office of
Strategic Initiatives

Mark Hemmerlein
NH Department of
Transportation

Kayla Henderson
NH Department of
Safety (Interim)

John Magee
NH Fish & Game
Department

Gail McWilliam Jellie
NH Department of
Agriculture,
Markets & Food

Vacant
NH Department of
Natural and Cultural
Resources

Staff:

Tracie Sales
Program Manager

Jen Drociak
Watershed Coordinator

Mariah Mitchell
Program Assistant

N.H. Rivers Management and Protection Program

N.H. Rivers Management Advisory Committee

March 26, 2019

The Honorable Martha Fuller Clark, Chair
Senate Energy and Natural Resources
Legislative Office Building, Room 103
Concord, NH 03301

RE: HB 228 *Extending the commission to study the current statutes related to management of non-tidal public waterways and the construction or placement of structures within them.*

Dear Chair Fuller-Clark and Members of the Committee:

The Rivers Management Advisory Committee (RMAC) appreciates the opportunity to comment on House Bill 228 as amended, which will allow more time for the commission established in RSA 482-A:35 to review the issues surrounding docks and other structures placed in New Hampshire's non-tidal waterways, redefines the quorum of this commission, and removes a commission member. The RMAC supports the extension of the committee, but opposes the redefinition of a quorum and the elimination of the member representing the recreational boating community that is not a waterfront property owner.

In light of the challenges it has experienced getting underway, extending the study commission from November 30, 2019 to November 30, 2020 will allow the commission to reach a more thoroughly considered decision. Regulations allowing privately owned structures on rivers and lakes, which are public property held in trust for all, must be considered carefully to ensure that the public's rights are upheld.

The RMAC opposes the redefinition of a quorum to a number that represents less than half of the members on the Structures on Non-tidal Public Waterways Commission. A better approach would be to appoint members to the commission who will commit to participating in the process. Redefining the accepted norm of a quorum is not consistent with public policy. This change would result in decisions being made by a group that does not fully represent all of the interested parties, and sets a precedent for redefining a quorum for other policy-making bodies.

The RMAC understands that the U.S. Coast Guard is not allowed to appoint a representative to this state study commission. However, the Committee feels that recreational boaters who are not waterfront property owners should be represented on the commission, and recommends amending HB 228 such that this seat is appointed by the Appalachian Mountain Club or another similar organization.

The Rivers Management Advisory Committee voted unanimously on March 25, 2019 to request an amendment to this bill that would shift the authority from the Commissioner of the Department of Environmental Services to the Rivers Management Advisory Committee to appoint local river management advisory

committee members. This change to RSA 483:8-a is consistent with the RMAC's role in appointing members to other committees including those for the instream flow pilot. The change would streamline the process, reduce the workload in the Commissioner's office, and further integrate the state and local committees. The RMAC and the Department have informed the prime sponsor, Rep. Suzanne Smith, who has no objections to the amendment. The draft language is attached to this letter.

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

In conclusion, the RMAC supports HB 228 with amendment to allow more time for fully considered policy recommendations on docks and similar structures but with the same representative seats and a quorum defined as a majority of the commission's members.

Should you have any questions regarding our testimony, please feel free to contact me at 603.796.2615 or MLT@naturesource.net.

Sincerely,



Michele L. Tremblay
RMAC Chair

ec: Rep. Suzanne Smith
Rep. Karen Ebel
RMAC Representatives
Robert R. Scott, Commissioner, NHDES
Tom O'Donovan, Director, Water Division, NHDES
Ted Diers, Administrator, Watershed Mgmt. Bur., NHDES
Tracie Sales, Rivers and Lakes Programs Manager, NHDES
Local River Management Advisory Committee Chairs

Attachment

HB 228 Proposed Amendment
March 26, 2019

Amendment to RSA 483:8-a New Hampshire Rivers Management and Protection Program

Analysis: This amendment changes the appointing body for local river management advisory committee members from the commissioner of the Department of Environmental Services to the Rivers Management Advisory Committee.

483:8-a Local River Management Advisory Committees; Establishment; Duties. –

I. The ~~commissioner~~ **advisory committee** shall appoint a local river management advisory committee for each designated river or segment. Committee members shall be chosen from lists of nominees submitted by the local governing bodies of the municipalities through which the designated river or segment flows. All members of such committees shall be New Hampshire residents.

II. Each committee shall be composed of at least 3 members who represent a broad range of interests in the vicinity of the designated river or segment. These interests shall include, but not be limited to, local government, business, conservation interests, recreation, agriculture, and riparian landowners. If an interest is not represented by the local governing bodies' nominations, the ~~commissioner~~ **advisory committee** may appoint a member from the vicinity of the designated river or segment, to the local river management advisory committee who will represent that interest. County commissioners shall be permitted to nominate members to the local river management advisory committee in unincorporated towns or unorganized places. Upon the request of the committee, local governing bodies or county commissioners within tributary drainage areas may submit nominees for appointment. Each member shall serve a term of 3 years, except when the committee is first established. When the committee is first established the ~~commissioner~~ **advisory committee** shall appoint members to one, 2, or 3 year terms to create staggered terms.