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Community

Larry T. Spencer
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Conservation
Commissions

Christopher Hodgdon
NH Fish & Game
Commission

Mark Lombardi
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Association

Frederick J. McNeill
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Allan G. Palmer
Business & Industry
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Norman Sims
Recreational Interests

Ruth Ward
Local River Management
Advisory Committees

Donald L. Ware
Public Water Suppliers

Vacant
Agricultural Community

Vacant
Historic/Archeological
Interests

Non-Voting Members:

Peter Bowman
NH Department of
Natural and Cultural
Resources

Jennifer Gilbert
NH Office of
Strategic Initiatives

Mark Hemmerlein
NH Department of
Transportation

Shawn Jasper
NH Department of
Agriculture,
Markets & Food

John Magee
NH Fish & Game
Department

Vacant
NH Department of
Safety

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

January 21, 2020

The Honorable Martha Fuller Clark, Chair
Senate Energy and Natural Resources Committee
Senate House, Room 103
Concord, NH 03301

RE: SB 428 *relative to notifications to the rivers coordinator of state agency actions affecting rivers.*

Dear Chair Fuller Clark and Members of the Committee:

The Rivers Management Advisory Committee (RMAC) appreciates the opportunity to comment on Senate Bill 428 which proposes to exclude utility providers from the requirements to obtain a signature from a local river management advisory committee (LAC) on the notification form for utility maintenance projects in wetlands located in designated river corridors. We ask the committee to recommend that this bill be voted Inexpedient to Legislate, as the issue is being addressed in rule.

The RMAC does not object to the concept of this bill, but understands that the New Hampshire Department of Environmental Services (NHDES) is assembling a rule amendment package for Env-Wt 100 and 300 which will achieve the result sought by the utility industry to eliminate the requirement for LAC sign off on utility maintenance statutory permits-by-notification. This rule change will also eliminate the need for LAC sign-off for many other types of minimum-impact projects, including seasonal dock permits-by-notification and many other dock, beach, deck, forestry, and utility activities that qualify for lower scrutiny approvals. This will eliminate potential permitting delays resulting from the LACs' monthly meeting schedules.

It was only when the final version of the wetlands rules that would go into effect on December 15, 2019 were published and the accompanying permit application forms were made available to the public that the RMAC understood the process change for LACs with respect to permits for minimum impact activities. In response, the RMAC worked with Rivers Management and Protection Program staff to host a conference call open to all of the 200+ volunteer LAC members to discuss the rule changes and find out the LACs' preferences on handling wetland minimum impact permit applications. Consensus was that LACs did not need to see the permit applications for most of these low impact projects, though they would like to be notified of the approved application. This can be done by NHDES staff without requiring the applicant to obtain a signature from the LAC prior to submitting the application to NHDES.

The RMAC is a legislatively created body charged to work with 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.

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<http://des.nh.gov/organization/divisions/water/wmb/rivers/rmac/index.htm>

Thank you for the opportunity to comment on SB 428. 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

cc: Sen. Lou D'Allesandro
Sen. Jon Morgan
Sen. Shannon Chandley
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