

VOTING MEMBERS

Michele L. Tremblay
Chair
Conservation
Community

Larry T. Spencer
Vice Chair
Conservation
Commissions

Christopher Hodgdon
NH Fish & Game
Commission

Frederick J. McNeill
Municipal Officer

Madeleine Mineau
Granite State
Hydropower Assoc.

Cory Ritz
Local River Management
Advisory Committees

Robert M. Roseen
Recreational Interests

Donald L. Ware
Public Water Suppliers

Vacant
Agricultural Community

Vacant
Business & Industry
Association

Vacant
Historic/Archeological
Interests

NON-VOTING MEMBERS

Peter Bowman
NH Dept. of Natural and
Cultural Resources

Natasha Cole
NH Department of
Safety

Jennifer Gilbert
NH Dept. of Business
and Economic Affairs

Mark Hemmerlein
NH Department of
Transportation

Shawn Jasper
NH Dept. of Agriculture,
Markets & Food

John Magee
NH Fish & Game
Department

STAFF

Tracie Sales
Program Administrator

Vacant
Program Assistant

NH Rivers Management Advisory Committee

NH Rivers Management and Protection Program



April 18, 2023

The Honorable Kevin Avard, Chair
Senate Energy and Natural Resources Committee
State House, Room 103
Concord, NH 03301

RE: HB 214 *An act relative to limitations on the designation of a portion of the Merrimack River.*

Dear Chair Renzullo and Members of the Committee,

The Rivers Management Advisory Committee (RMAC) is writing to express its **support with amendment of House Bill 214**, which deletes archaic text relative to water withdrawals from the lower segment of the Merrimack River.

The RMAC supports this bill as introduced because

- The water withdrawal limitations established when the lower Merrimack River was designated in 1990 were designed to ensure that all of the river's historical uses could be maintained, not just as a drinking water source but also for hydropower, waste assimilation, recreation, irrigation, and wildlife habitat. Since 1990, NHDES has developed a permitting process for large water withdrawals which takes into account minimum river flows and other water uses to determine how much water can safely be withdrawn. This permitting process eliminates the need for the existing withdrawal limit.
- In addition, since 1990 the Instream Flow Program has been established under the Rivers Management and Protection Program, the same program under which the lower Merrimack River was designated. While the Instream Flow Program has not yet been implemented on the lower Merrimack River, the program will eventually scientifically determine how much water must remain in the river on a seasonal basis to ensure that the river's existing uses, including drinking water and wildlife, are supported to the maximum extent possible even during droughts. This program may well determine that withdrawals of more than 30 million gallons per day by Pennichuck Water Works will have no significant impact on the river or its users, especially during periods of high flows. Thus, the current limit on withdrawals is no longer necessary.

In addition, the RMAC proposes a non-germane amendment to HB 214 which would establish a process by which the local river management advisory committees (LACs) authorized under RSA 483:8-a could remove appointed members who are not attending meetings and are not responding to communication requests. LACs are public bodies under RSA 91-A, and when appointed members are not participating, the committees struggle to meet quorum requirements. In addition, the municipalities that the absent members are supposed to represent are not being heard with regard to management of the rivers that flow through their communities. The RMAC therefore proposes the following amendment to RSA 483:8-a:

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 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 advisory committee shall appoint members to one, 2, or 3 year terms to create staggered terms. ***A representative may be removed from the local river management advisory committee at the request of that committee if a representative has three (3) or more sequential unexcused absences or if a representative is not present for 70 percent or more of meetings. Local river management advisory committees must petition, in writing, the state rivers management advisory committee with notice to the nominating municipality and state the number of sequential meetings with dates or the meetings with dates in the year and how many at which the member was not present for more than 70 percent. A representative will be removed from the local river management committee after thirty days from the date of the petition.***

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 composed of members from business, agriculture, hydroelectric, municipal government, water supply, conservation, recreation, fish and game, and historical interests.

Should you have any questions regarding our testimony in support of HB214 or the proposed amendment, feel free to contact me at 603.796.2615 or MLT@naturesource.net.

Sincerely,



Michele L. Tremblay, Chair

ec: Representatives Rung and N. Murphy
Senator Chandley
RMAC Representatives
Robert R. Scott, Commissioner, NHDES