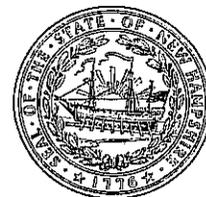




The State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

January 25, 2010

The Honorable Lucy Weber, Chairman  
House Legislative Administration Committee  
Room 104  
Legislative Office Building  
Concord, NH 03301

**Re: HB 1451, relative to the expiration dates of certain committees.**

Dear Chairman Weber:

Thank you for the opportunity to comment on HB 1451, which would exempt the Rivers Management Advisory Committee (RMAC), the Local River Management Advisory Committees (LACs), the Lakes Management Advisory Committee (LMAC), and the Oil Fund Disbursement Board from the expiration dates under Laws 2009, Chapter 144:87. The Department of Environmental Services (DES) strongly supports the continuation of these important state committees, either through this legislation or the process established in Chapter 144:87.

The Rivers Management and Protection Act of 1988 (RSA 483) established a statewide rivers program based on a two-tiered approach to river management and protection: *state* designation of significant rivers and protection of instream values and *local* development and adoption of river corridor management plans. An important feature of the program is the establishment of Local River Management Advisory Committees (LACs) for each designated river. There are currently 16 designated rivers in the program.

Each LAC is comprised of representatives from all riverfront towns and cities and is responsible for developing a local river corridor management plan and commenting on activities affecting the river that require state or federal permits. Representatives come from a broad range of interests, including but not limited to local government, business, conservation, recreation, agriculture, and riparian landowners. This diversity helps bring a variety of perspectives to bear on resource protection and development issues.

The LACs are an irreplaceable component of the NH's river management and protection efforts. They are New Hampshire's only river-based, municipally nominated and DES appointed committees. They provide a vital link between state government and local communities through the development of local river corridor management plans. The local plan addresses the management and protection of shorelines and adjacent lands that make up the river corridor. Because the plan is locally developed, adopted, and implemented, it reflects the specific needs, interests and concerns of local citizens. If the LACs cease to exist, the implementation of the recommendations in these plans would also cease.

With the passage of RSA 483-A in 1990, the General Court established the New Hampshire Lakes Management and Protection Program (LMPP) to be administered within DES. To implement the

program, the Legislature created a Lakes Coordinator position within the department and established a Lakes Management Advisory Committee (LMAC).

The LMAC is charged to advise DES in carrying out the purposes of RSA 483-A. "It is the policy of the state to insure the continued vitality of New Hampshire lakes as key environmental, social, and economic assets for the benefit of present and future generations." The LMAC is made up of representatives from academia, business, conservation organizations, lake associations, tourism, fish and game commission, marine trades, realtors, municipal government and state agencies who work together to ensure that state actions affecting our lakes are well thought-out and appropriate for the resource and its users. According to the Public Trust doctrine, the waters of the state are held in trust by the State. As an entity of the state, the LMAC has an obligation to the public at large to maintain and support the public trust.

The Legislature created the LMAC to objectively study, review, and address issues facing the state's lakes and ponds, in conjunction with DES since it is the agency responsible for maintaining and improving water quality. The committee, due to the breadth and expertise specified in its composition, can examine the state's performance regarding lake management and suggest improvements where necessary. In 1996, the advisory committee and the lakes coordinator developed state level management criteria for the state's lakes as required by RSA 483-A:5. During the past 14 years, many of the 106 recommendations that were included in the document developed by the committee have been implemented, some have not. The committee has revisited the document twice (approximately every 5 years) and should do so in the near future to be sure that the State is meeting the recommendations; at the same time, the committee needs to develop new recommendations to respond to lake management issues since they change with increased human use.

If the LMAC were repealed or ceased to exist, the mission and duties of the committee outlined in the statute would still apply, however, issues regarding lake management (e.g., water quality, public drinking water supplies, and the value of lakes and ponds to the state's economy) would not be as effectively addressed. Responsibilities for or relating to lake use and management exist in several state agencies in New Hampshire; the LMAC provides the opportunity for these agencies to come together under one umbrella to discuss and address lake management and protection issues in a coordinated, efficient fashion. In addition, those committee members representing specific stakeholder groups provide those groups with a voice regarding lake issues and concerns. If the committee was repealed, the opportunity for these groups and their respective membership to be heard would no longer exist.

The Oil Fund Disbursement Board is responsible for the administration of four petroleum spill cleanup funds which serve vital environmental protection purposes, including provision of federally-mandated insurance coverage for releases from underground storage tanks.

In accordance with Section 144:87 of Laws 2009, each state agency was requested to develop a list of all non-regulatory boards, commissions, councils, advisory committees and task forces in state government created by statute or administrative rule, as these committees will expire on June 30, 2011, unless reinstated by the General Court. In a letter dated July 22, 2009, DES submitted that the "Rivers Management Advisory Committee (RMAC) and the Local River Management Advisory Committees

(LACs) should be reinstated “due to their integral consultation role in the regulatory process established under RSA 483:12-a.” In addition, the Oil Fund Disbursement Board (RSA 146-D:4) was identified as regulatory, in the sense that it has rulemaking authority, otherwise controls or affects the conduct of New Hampshire citizens, decides appeals, and as such should be reinstated. Lastly, the Lakes Management Advisory Committee (LMAC) (RSA 483-A:6) is an advisory committee which is administratively attached to the DES Lakes Management and Protection Program, should also be reinstated.

We believe that the RMAC, LACs, LMAC and the Oil Fund Disbursement Board are integral to achieving the mission of DES and should be retained through the appropriate legislative process.

Thank you for the opportunity to comment on this important legislation. If you have any questions or need additional information, please contact me at 271-3503 or Assistant Commissioner Mike Walls at 271-8806.

Sincerely,

  
Thomas S. Burack  
Commissioner

Enclosures  
TSB/lmw

cc: Representative L. Mike Kappler  
Mike Walls, Assistant Commissioner, DES (via email)  
Harry Stewart, Director, Water Division, DES (via email)  
Michael Wimsatt, Director, Waste Division, DES (via email)  
Paul Currier, Administrator, Watershed Management Bureau, DES (via email)  
Jacquie Colburn, Lakes Coordinator, DES (via email)  
Laura Weit, Acting Rivers Coordinator, DES (via email)  
RMAC Members (via electronic mail)  
Charlie Ryan, Chair, Ammonoosuc River LAC (via email)  
Barbara Skuly, Chair, Ashuelot River LAC (via email)  
Jenny Polcari, Co-Chair, Cold River LAC (via email)  
Adair Mulligan, Conservation Director, CRJC (via email)  
Michelle Hamm, Chair Contoocook River LAC (via email)  
Don Clement, Chair, Exeter River LAC (via email)  
Liz Evans, Chair, Isinglass River LAC (via email)  
Sharon Meeker, Chair, Lamprey River LAC (via email)  
Bob Robbins, Chair, Lower Merrimack River LAC (via email)  
Max Stamp, Chair, Pemigewasset River LAC (via email)  
Dick Ludders, Chair, Piscataquog River LAC (via email)  
George May, Chair, Souhegan River LAC (via email)  
Robert Parrish, Chair, Swift River LAC (via email)  
Michele L. Tremblay, Chair, Upper Merrimack LAC (via email)