



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

February 19, 2013

The Honorable Marjorie Porter, Chairman
House Municipal and County Government Committee
Legislative Office Building Room 301
Concord, New Hampshire 03301

RE: HB 634 – Relative to water resource management and protection plans in municipal master plans

Dear Chairman Porter:

Thank you for the opportunity to comment on HB 634 relative to water resource management and protection plans in municipal master plans. The Department of Environmental Services (DES) supports the intent of HB 634, but requests that the bill be amended to clarify that its provisions are not meant to enable the municipal regulation of groundwater or surface water withdrawals already regulated by DES. An amendment that incorporates this recommendation is attached for your consideration.

RSA 674:2, II and III, respectively, stipulate the information that a municipal master plan must include and the information it may include. Since modifications were made to the Office of Energy and Planning in section 224:117 of HB 2 in 2011, state law no longer explicitly stipulates that water resources be addressed in local master plans. HB 634 clarifies that a municipal master plan may include a local water resources management and protection plan either as part of its natural resources plan or as a stand-alone section of the municipal master plan. HB 634 enables municipalities to appropriately plan for the protection of water quality and quantity, and to plan for future water supply needs. HB 634 also enables municipalities to develop and implement inter-municipal water resources management and protection plans in which intermunicipal planning is required for the protection and management of water resources (such as aquifers or watersheds) that cross municipal boundaries.

Thank you for this opportunity to comment on this bill. Please feel free to call Sarah Pillsbury of the Water Division at 271-1168 or me at 271-2958, if you have any questions or need additional information.

Very truly yours,

Thomas S. Burack
Commissioner

cc: Representative Spang, Representative Beaulieu, Representative Schlachman,
Representative Borden, Senator Watters, Senator Reagan, Senator Fuller Clark

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Department of Environmental Services Suggested Amendment to HB 634 – relative to water resource management and protection plans in municipal master plans

Suggested **Amendment in Bold Underline**

674:67 Water Resources Management and Protection Plans.

I. A municipality may include in its master plan a local water resource management and protection plan to protect the quantity and quality of water resources. A local water resource and management plan may:

(a) Assess the adequacy of water resources by assessing the quality of the resource as compared to state standards, the amount of water available for consumption in a municipality, the amount of water currently being consumed or displaced in the municipality, and future water use needs based on local, regional, and state planning or population projection studies.

(b) Encourage the integration of comprehensive land use planning with planning for the protection and management of surface and groundwater resources.

(c) Provide statistical and scientific data to support proposed municipal ordinances intended to protect and manage water resources.

II. Local water resources management and protection plans shall be implemented through the adoption and enforcement of municipal ordinances consistent with the plan and through such other measures as are appropriate and legally available to municipal government for the furtherance of the objectives set forth in the plan.

III. This subdivision does not enable municipalities to regulate surface or groundwater withdrawals regulated by the department of environmental services pursuant to RSA 485, RSA 485-C and 485-A:12, III and IV.

IV. Once a local water resources management and protection plan has been adopted, it shall be placed on file with the department of environmental services. The plan shall be made available to the public upon reasonable request and payment for any costs incurred in the duplication of the report.