



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

January 30, 2024

The Honorable Andrew Renzullo
Chairman, House Resources, Recreation and Development Committee
Legislative Office Building, Room 305
Concord, NH 03301

RE: HB 1143 – AN ACT relative to the control of cyanobacteria bloom under the New Hampshire Clean Lakes Program

Dear Chairman Renzullo and Members of the Committee:

Thank you for the opportunity to comment on HB 1143. This bill proposes to expand the New Hampshire Clean Lakes Program as defined in RSA 487:17 to support the actions necessary to remediate cyanobacteria blooms. The New Hampshire Department of Environmental Services (NHDES) supports the purpose of the bill and provides the following information for the Committee's consideration.

This bill could be improved with a couple of minor changes. The first change is to ensure consistent interagency consultation with NH Fish and Game. The amended language below is more consistent with other state statutes and administrative rules. We suggest the following ~~strikeout~~ in the new language in 487:17. IV. b (2):

(2) The most environmentally sound treatment technique determined by water quality analysis shall be used, which also meets the requirements adopted in administrative rules, including rules adopted under RSA 430. Notwithstanding any law or interagency agreement to the contrary, the department's recommendation to use chemical applications or physical treatments shall be made in consultation with the fish and game department ~~and shall be implemented with or without the concurrence of the department of fish and game.~~

The second suggestion is to add specific authority (rather than the current implied authority) for NHDES to issue permits for physical and chemical in-lake treatment, such as alum treatments. These activities are currently permitted under 485-A but it makes sense to consolidate that authority in the same place as the other cyanobacteria and lake management provisions. The following language could be added to 487:24 Rulemaking:

VII-d. The issuance of permits for in-lake management projects including but not limited to the use chemical or physical in-lake treatments for the specific purposes of preventing or remediating cyanobacteria blooms.

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The state's lakes face an increasing threat posed by more frequent occurrence of cyanobacteria blooms, a potentially harmful organism to humans, pets, and livestock. Cyanobacteria can produce toxins that have mild to severe, acute, or long-lasting health effects. To date, cyanobacteria blooms have been documented in 113 waterbodies statewide and account for 64 water quality impairments to recreational use. In the 2023 monitoring season, NHDES recorded the highest number of bloom events on record, 69 advisories were issued across 47 lakes (some lakes had multiple advisories). Four waterbodies had advisories issued for more than 100 days and ten waterbodies had advisories longer than 50 days. Collectively, the impacts over the past year restricted recreational use of 47 waterbodies for 1,400 days.

The [New Hampshire Cyanobacteria Plan: A Statewide Strategy](#) (cyanobacteria plan) submitted to the legislature this past November, identifies that significant efforts must be made to reduce nutrient inputs into surface waters and identifies a strategy to develop the policies and practices to reduce, control, and prevent nutrient inputs that cause cyanobacteria. One of the recommendations in the cyanobacteria plan is the expansion of NHDES' authorities under the New Hampshire Clean Lakes program in order to diagnose the cause of cyanobacteria blooms and permit remedial actions focused on controlling nutrient inputs into waterbodies and completing lake management projects to reduce the occurrence of cyanobacteria blooms.

The New Hampshire Clean Lakes program was established in 1990 under RSA 487:17 with the intent of "preservation and protection for New Hampshire's lakes and ponds". The expansion of this program to include the actions necessary to control and remediate cyanobacteria blooms is consistent with the original intent of the statute and needed to reduce public health risks.

Thank you again for the opportunity to comment on HB 1143. Should you have questions, or need additional information, please feel free to contact Dave Neils, Limnology Center Director, at 603-271-8865 or david.neils@des.nh.gov.

Sincerely,



Robert R. Scott
Commissioner

ec: Sponsors of HB 1143: Representatives Rung, MacDonald, Crawford, Coker, Ebel, Wolf, Tanner, Ball