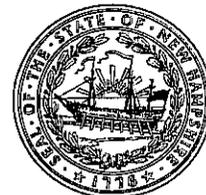




The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

February 9, 2010

The Honorable Judith T. Spang
House Resources, Recreation and Development Committee
Legislative Office Building, Room 305
Concord, New Hampshire 03301

Re: HB 1266, an act relative to notification requirements for lowering the water level of a lake or pond

Dear Chairman Spang:

Thank you for the opportunity to comment on HB 1266 which would add an exception to the notification requirements for lowering the water level of a lake or pond, if necessary to protect instream flows under the Rivers Management and Protection Act (RMPP). This bill was requested by the Department of Environmental Services (DES).

RSA 483:9-c of the RMPP requires the Commissioner of DES to establish and enforce protected instream flows on designated rivers. Two pilot projects, on the Souhegan and Lamprey Rivers, are nearing completion. There are two management mechanisms that may be used to attain protected instream flows, once such protected flows have been established by the Commissioner. One is cessation of withdrawals by water users, and the other is release of stored water by dam owners. The proposed legislation would allow the release of stored water by dam owners in accordance with a Water Management Plan prepared for the watershed, and adopted by DES. This legislative change is needed in order to effectively implement instream flow protection as directed by the RMPP.

Thank you for the opportunity to comment on this bill. Please feel free to call me at 271-2958, or Paul Currier at 271-3289, if you have any questions or need additional information.

Very truly yours,

Thomas S. Burack
Commissioner

cc: Representatives Kappler, Mack and Hatch