



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

January 20, 2010

The Honorable Martha Fuller Clark, Chairman
Energy, Environment and Economic Development Committee
Legislative Office Building, Room 102
Concord, NH 03301

RE: SB 441: An act relative to the lakes management and protection program.

Dear Chairman Fuller Clark:

Thank you for the opportunity to comment on Senate Bill 441, which would: allow for the deposition of funds for the Lakes Management and Protection Program (LMPP) into the existing rivers management and protection fund; add definitions for the terms "carrying capacity" and "valued characteristics" and create the authority for the Department of Environmental Services (DES) to develop a carrying capacity methodology. The bill also clarifies and updates certain provisions of the Lakes Management and Protection Program (RSA 483-A). The department supports this bill, which was requested by the Lakes Management Advisory Committee (LMAC).

Regarding the acceptance and expenditure of funds, both the LLMP and the Rivers Management and Protection Program (RSA 483) are administered by DES. Allowing the Commissioner to accept and expend funds in the existing Rivers Management and Protection Program account for use when implementing the purposes of the Lakes Program is most efficient from an accounting and record keeping perspective.

The department concurs that "carrying capacity" should be defined and that a carrying capacity methodology should be studied and developed. Given its membership, the LMAC is the appropriate statewide committee to take on this duty. In the 2008 New Hampshire Water Primer, one of the stakeholder recommendations pertaining to the state's lakes and ponds included: "determine carrying capacity and provide adequate public access". Since the term "carrying capacity" was included in original language of RSA 483-A enacted in 1990, it is appropriate that the LMAC and the department bring the stakeholders together to establish a methodology which can be applied to waterbodies across the state. Determining how best to optimize the use of our surface waters, while minimizing the impacts to the resource and conflicts among users is an issue that the State should address.

The LMAC has indicated that the effort to develop a carrying capacity methodology will involve a significant stakeholder process covering an 18-24 month period. DES believes that this can be accomplished within the current LMPP program budget. DES will work with the LMAC to seek out and secure grant opportunities, and will not request any additional general funds for this process.

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The department also supports the other suggested revisions to the statute pertaining to committee composition, adding the requirement that the LMAC prepare and submit a biennial report of its activities, and adding a provision which would allow local governing bodies to adopt management plans developed under RSA 483-A:7, into local master plans.

In summary, we believe that the changes and additions proposed by SB 441 are reasonable and appropriate improvements to the Lakes Management and Protection Program.

Thank you again for this opportunity to comment on this bill. Please feel free to call me at 271-2958, or Jacquie Colburn at 271-2959, if you have any questions or need additional information.

Very truly yours,

for Thomas S. Burack
Commissioner

cc: Senator Merrill
Senator Sgambati
Senator Reynolds
Senator Odell
Rep. Tupper
Rep. Millham
Katherine Peters, Governor's Office
LMAC Members (*via electronic mail*)