



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

January 25, 2011

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

Re: HB 27, relative to de minimis impact work in designated rivers.

Dear Chairman Renzullo:

Thank you for the opportunity to comment on HB 27. This bill is intended to provide the Department of Transportation (DOT) leeway in its maintenance options along natural rivers in the Rivers Management and Protection Program (RSA 483). This legislation was requested by the Department of Environmental Services (DES). However, HB 27, as introduced, does not meet its intended purpose as it implies that restoration will occur in every instance. We have requested the bill's primary sponsor, Representative Mike Kappler, to offer the attached amendment.

RSA 483 requires the DES Commissioner to approve channel alterations on natural segments of designated rivers. The law was amended in 2009 to provide clarity between temporary and permanent channel alterations. Permanent alterations are now only allowed if the channel's geomorphic characteristics are restored to a more natural condition. However, in practice, DOT has found that permanent channel alterations are often needed along natural rivers during the repair or maintenance of bridges, roads or riprap to protect infrastructure and prevent soil erosion. The proposed amendment, which is the result of conversations between DOT and DES staff, addresses this need. Enclosed, please find my letter dated November 19, 2010 to Commissioner Campbell presenting language to address the DOT's concerns.

Thank you for the opportunity to comment on this important legislation. If you have any questions or need additional information, please contact Steve Couture, Rivers Coordinator at 271-8801, or me at 271-2958.

Sincerely,

Michael A. Kelley, Ass't H. Comm.
for Thomas S. Burack
Commissioner

Enclosure
TSB/lwm

CC: Representative L. Mike Kappler
Representative Lucien Vita
Representative Carol Vita
Representative Judith Spang
Commissioner George Campbell
RMAC Members (via electronic mail)