



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

April 7, 2011

The Honorable Bob Odell, Chairman
Senate Energy and Natural Resources Committee
Room 102
Legislative Office Building
Concord, NH 03301

Re: HB 27, relative to the classification of rivers, de minimis impact work in designated rivers, and protected instream flows, and extending the time for septage and sludge land application restrictions.

Dear Senator Odell:

Thank you for the opportunity to comment on HB 27 as amended. The original bill was requested by the Department of Environmental Services (DES) to provide the Department of Transportation (DOT) leeway in its maintenance options along natural rivers in the Rivers Management and Protection Program (RSA 483). The original bill was further amended to reflect changes requested by the House Resources, Recreation and Development Committee and to extend the temporary use authorization for septage and sludge land applications in designated river corridors. DES supports this legislation.

RSA 483:9, III 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 legislation, 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.

HB27 as amended will also require nominating entities to notify all riparian landowners prior to submitting a river nomination to DES for consideration, and also clarifies that a designated river's outstanding characteristics shall be protected when DES establishes protected instream flows per RSA 483:9-c. It also clarifies how designated rivers are annotated in RSA 483:15 and extends the temporary use authorization for five additional years for twelve sludge and septage land application sites. All of the proposed changes increase transparency, clarify the statute or continue an existing use in the Rivers Management and Protection Program.

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,

Thomas S. Burack
Commissioner

Honorable Bob Odell, Chairman

HB 27 – classification of rivers, de minimis impact work in designated rivers, and protected instream flows, and extending the time for septage and sludge land application restrictions

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Enclosure

TSB/lwm

cc: House Resources, Recreation and Development Committee (via electronic mail)

Representative L. Mike Kappler

Representative Lucien Vita

Representative Carol Vita

Representative Judith Spang

Commissioner George Campbell

RMAC Members (via electronic mail)

Barbara Skuly, Chair, Ashuelot River LAC (via email)

Rick Healey, Chair, Cocheco River LAC (via email)

Theresa Darling, Business Manager, CRJC (via email)

Don Clement, Chair, Exeter River LAC (via email)

Sarah Callaghan, Chair, Lamprey River LAC (via email)

Max Stamp, Chair, Pemigewasset River LAC (via email)

George May, Chair, Souhegan River LAC (via email)

Michele L. Tremblay, Chair, Upper Merrimack LAC (via email)

Charlie Ryan, Chair, Ammonoosuc River LAC (via email)

Jenny Polcari, Co-Chair, Cold River LAC (via email)

Michelle Hamm, Chair, Contoocook River LAC (via email)

Liz Evans, Chair, Isinglass River LAC (via email)

Kathryn Nelson, Chair, Lower Merrimack River LAC (via email)

Dick Ludders, Chair, Piscataquog River LAC (via email)

Robert Parrish, Chair, Swift River LAC (via email)