



The State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**



**Thomas S. Burack, Commissioner**

February 10, 2011

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

Re: SB 32 relative to water withdrawals for snow making

Dear Chairman Odell:

Thank you for the opportunity to comment on SB 32, which would modify RSA 488 relative to Water Use Registration and Reporting by changing the measurement and reporting requirements for water use associated with snowmaking.

The Department of Environmental Services (DES) does not support SB 32 in its original form because it is not consistent with the requirements of RSA 488:4, which states in part that "each withdrawal, discharge, or transfer required to be registered under this chapter shall be metered or measured by a technically appropriate and verifiable method..." The bill proposes to add a section, RSA 488:4-a, in order to clarify how measurement of withdrawals may occur for snowmaking at ski areas. However, it fails to clearly require that all natural sources of water from which withdrawals occur need to be measured. This is necessary in order to provide a complete understanding of water use for snowmaking by the ski areas.

At the public hearing on February 3, 2011, SB 32 was amended and many of DES's concerns with the original bill were alleviated with the exception of some minor clarifications. DES has since collaborated with representatives from the ski industry to draft the attached language that could be used to further amend SB 32. This possible amendment addresses our concerns with the original bill and its subsequent amendment. We believe that it also reasonably addresses the concerns of the New Hampshire ski industry by further clarifying in statute how ski areas might comply with the monitoring requirements of RSA 488. DES supports this amendment.

Thank you for the opportunity to comment on this legislation. If you have any questions or need additional information, please do not hesitate to call Brandon Kernan at 271-0660 or me at 271-2958.

Sincerely,

Thomas S. Burack  
Commissioner

cc: Senator Gallus

RSA 488:4-a. Measurement of Withdrawals for Snowmaking. In lieu of RSA 488:4, ~~ski areas water use associated with snowmaking shall only be required to be measured at the point~~ water is withdrawn from any natural water source of water for use by a snowmaking system and ~~at the point that water is entering into the snowmaking system,~~ and such water withdrawal and use shall be measured ~~only by an appropriate and calculable method such as a weir, stream gauge, meter or a technically appropriate and calculable method utilizing the manufacturer's plated specifications as they relate to gallons of water pumped per minute.~~ Diversions from natural sources into storage reservoirs may be measured by using the measurement of the amount of water entering a snowmaking system and by calculating the change in storage in the storage reservoir, provided separate records of the water withdrawn from each natural source are maintained.

RSA 488:6-a. Record ~~Keeping~~ for Snowmaking Withdrawals. In lieu of RSA 488:6, ~~ski areas water use records associated with snowmaking shall only be required to be maintained - daily records of - and document monthly and monthly 24-hour maximum volumes the amount and source of water withdrawn from any - each natural water source for use by a~~ and the water entering the snowmaking system.

3 New Paragraph; Rulemaking. Amend RSA 488:9 by inserting after paragraph VI the following new paragraph:

VII. Forms and frequency for reporting to the department the records required under RSA 488:6-a regarding snowmaking and water withdrawals for snowmaking.