



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

February 3, 2015

The Honorable Chris Christensen, Chair
Resources, Recreation and Development Committee
Legislative Office Building, Room 305
Concord, NH 03301

RE: HB 565FN, *An act relative to banning the use of boats on certain waters with a confirmed exotic aquatic species infestation.*

Dear Chairman Christensen and Members of the Committee:

Thank you for the opportunity to comment on HB 565. This bill would establish a quarantine provision to allow key state agencies to determine if it is necessary to quarantine all or part of a waterbody as the result of an aquatic invasive species infestation. The Department of Environmental Services (DES) supports the concept but has a number of questions that we feel should be addressed prior to the full legislature taking up the bill.

The establishment of a quarantine on a waterbody should involve a strategic review of a multitude of factors and impacts on a number of stakeholders. Some of these factors include: whether boats owned by shorefront property owners will be affected; the species that could trigger a quarantine; authority to designate a quarantine; duration of quarantines; exemptions from quarantines; authority to remove boats from a waterbody; and stakeholder concerns. Each of these issues needs to be better understood before such a bill becomes law.

For this reason, DES believes that a careful public review of the quarantine provision language is needed, and respectfully suggests that the committee refer this bill to a study committee for further evaluation and discussion. We suggest that the standing Exotic Aquatic Weeds and Species Committee (established under RSA 487:30) be charged with further defining the scope of a quarantine provision.

In the interim, the existing statutory provisions and administrative rules define a means for establishing Restricted Use Areas (RUAs) to cordon off portions of waterbodies for containment and control of exotic aquatic plants. Specifically, RSA 487:17, II(d) outlines the designation of "restricted use areas" and Part Env-Wq 1304 of the administrative rules outlines provisions for designating and delisting RUAs. A duty of the study committee could also be to evaluate the concept of a quarantine compared to expansion of existing Restricted Use Area provisions (both in size and for target species), to accomplish the same goal.

Thank you for your consideration in this matter. If you have questions or need additional information, please contact Amy Smagula (Amy.Smagula@des.nh.gov or 603-271-2248) or me (Thomas.burack@des.nh.gov or 603-271-3449).

Sincerely,

Thomas S. Burack
Commissioner

CC: Representative Spang
Representative Grenier
Representative Kidder