



The State of New Hampshire  
**Department of Environmental Services**



**Clark B. Freise, Assistant Commissioner**

April 14, 2017

The Honorable James Gray  
Chair, Public and Municipal Affairs Committee  
Legislative Office Building, Room 102  
Concord, NH 03301

**RE: HB173, AN ACT relative to regulations restricting the use of water for outdoor usage**

Dear Chair Gray and Members of the Committee:

At the public hearing for HB 173 on April 11<sup>th</sup>, an amendment (2017-1356h) to the bill was proposed by Representative Graham to add the following language:

*"I-a. This section shall not apply to any person who registers the withdrawal or discharge of water with the department of environmental services under RSA 488."*

The New Hampshire Department of Environmental Services (NHDES) understands the amendment addresses concerns from the New Hampshire Golf Course Superintendents Association that commercial lawn watering restrictions implemented by municipalities during a drought pursuant to RSA 41-11-d could apply to watering turf at a golf course.

RSA 488 requires all water users to register and report water use to NHDES that exceed 20,000 gallons a day on average. NHDES has no authority to limit water use under RSA 488. Referencing RSA 488 in RSA 41-11-d is problematic because registered water users include public water systems that serve residences with lawns and other entities with lawns that are not critical to the functionality of a business or property and where it is appropriate to restrict water use during a drought.

NHDES recommends that the following language be used to accomplish the objective of Representative Graham's amendment:

***"I-a Turf at golf courses shall not be considered lawn under this statute."***

If you have questions or need additional information, please contact Sarah Pillsbury, Drinking Water and Groundwater Bureau Administrator ([Sarah.Pillsbury@des.nh.gov](mailto:Sarah.Pillsbury@des.nh.gov) or 271-1168) or Brandon Kernen ([Brandon.Kernen@des.nh.gov](mailto:Brandon.Kernen@des.nh.gov) or 271-0660).

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Sincerely,

A handwritten signature in black ink, appearing to read 'C. Freise', written over a horizontal line.

Clark B. Freise  
Assistant Commissioner

cc: Representative Graham  
Representative Danielson  
Representative Gould