



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

March 26, 2019

The Honorable Martha Fuller Clark
Chair, Senate Energy and Natural Resources Committee
State House, Room 103
Concord, NH 03301

RE: HB 228, *an Act extending the term of the Structures on Non-tidal Public Waterways Commission.*

Dear Chair Fuller Clark and Members of the Committee:

Thank you for the opportunity to comment on HB 228. This bill would extend the term of the Structures on Non-tidal Public Waterways Commission by one year to November 30, 2020, remove the representative of the recreational boating community that was to be appointed by the United States Coast Guard Auxiliary from the membership of the Commission, and reduce the number of members needed to achieve a quorum during meetings to eight. The New Hampshire Department of Environmental Services (NHDES) supports this bill.

The Department recognizes the breadth and depth of issues that need to be reviewed by the Commission and the complexity of developing a plan for managing structures on the state's non-tidal public waterways and believes that the additional time granted will be necessary for the Commission to fulfill the responsibilities they have been assigned. With regard to the removal of the representative of the recreational boating community from the Commission, while the Department values the opinion of this stakeholder group on public water use issues, we understand that the Commander of Flotilla 2-8, station Portsmouth Harbor, United States Coast Guard Auxiliary is prohibited from appointing this member to the Commission. If this member cannot be appointed, it seems there is no alternative other than to remove this seat from the Commission.

The Department understands that the Rivers Management Advisory Committee will be submitting an amendment to this bill to modify the current method by which members are appointed to local river management advisory committees under RSA 483:8-a. These members are currently nominated by their municipalities and appointed by the Commissioner of the Department of Environmental Services. The Department supports the concept of local river management advisory committee members being appointed by the Rivers Management Advisory Committee instead of NHDES.

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Thank you again for the opportunity to comment on HB 228. Should you have further questions, or need additional information, please feel free to contact either Rene Pelletier, Assistant Director, Water Division, at 603-271-2951 or Rene.Pelletier@des.nh.gov, or Darlene Forst, Shoreland Section Supervisor at 603-271-4067 or Darlene.Forst@des.nh.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert R. Scott", with a large, sweeping flourish extending to the right.

Robert R. Scott
Commissioner

cc: Representatives Smith and Ebel