



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

April 17, 2023

The Honorable Kevin Avar
Chairman, Energy and Natural Resources Committee
State House, Room 103
Concord, NH 03301

RE: HB 214, An Act relative to limitations on the designation of a portion of the Merrimack River.

Dear Chairman Avar and Members of the Committee:

Thank you for the opportunity to testify on HB 214. The New Hampshire Department of Environmental Services (NHDES) supports this bill.

The Rivers Management and Protection Program was established in 1988 as a grassroots program to help local communities work across municipal borders and with the state to better protect the natural resource that they share. In 1990, the segments of the Merrimack River from Merrimack and Litchfield south and from Garvins Falls in Bow north were two of the first five rivers or river segments designated into the program.

HB 214 proposes to remove water use limitations in the Lower Merrimack River. This language dates back to the origination of the Merrimack River into the Rivers Management and Protection Program. As one of the first Designated Rivers, there were many unknowns about how the program would work over time. This language was in response to concerns about overuse of the river. Since that time, the program has matured and the regulation of surface water withdrawals has become much more sophisticated. In addition, the impacts of MTBE and PFAS on water supplies are new phenomena since 1990. The issue of this relic language in the Merrimack River Designation was made apparent in the discussion of HB 1620 in the 2022 legislative session. There was consensus about its removal but the RR&D committee ran out of time to act. NHDES believes that this language is not necessary and may limit flexibility to address future water supply issues in a sustainable way.

Should you have further questions or need additional information, please feel free to contact either Ted Diers, Assistant Water Division Director (Ted.diers@des.nh.gov, 271-2951) or Tracie Sales, Rivers and Lakes Programs Administrator (tracie.j.sales@des.nh.gov, 271-2959).

Sincerely,

Robert R. Scott, Commissioner

cc: Sponsors of HB 247: Representatives Rung and Murphy, and Senator Chandley.