



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

January 23, 2023

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

RE: HB 276, An Act relative to establishing the cyanobacteria mitigation loan fund.

Dear Chairman Renzullo and Members of the Committee:

Thank you for the opportunity to testify on HB 276. The bill, as written, is designed to provide loans to community water systems and non-profit watershed organizations for waterbodies that have had chronic cyanobacteria blooms. The bill would establish a \$25 million loan fund to mitigate cyanobacteria blooms in order to reduce public health risks or restore water quality. Up to \$1 million of these funds could be used annually to support projects that meet specific criteria as outlined in the bill. The loan fund would be administered by NHDES and require administrative rules to be developed.

The New Hampshire Department of Environmental Services (NHDES) takes no position on this bill at this time. However, we offer the following facts and comments for consideration.

NHDES has tracked cyanobacteria blooms since the early 2000s. Their prevalence, severity, and duration appear to be increasing. Since 2018, NHDES, on average, has issued 34 advisories annually. Each advisory lasts around 25 days with some lasting over 100 days. In total, cyanobacteria advisories are in place on New Hampshire surface waters approximately 700 days per year. The purpose of the advisories is to protect the public from the potential harmful effects cyanotoxins can produce. Effects can range from short term skin irritation or gastroenteritis to severe acute neurologic effects and even long-term neurological degenerative disease.

Mitigation of cyanobacteria blooms is complex and requires a combination of actions. Watershed planning that includes recommendations for nutrient reduction strategies is a critical step. Additionally, well planned and executed in-lake management practices can remedy cyanobacteria blooms in specific instances. As written, HB 276 is targeted to fund cost-effective and appropriate cyanobacteria mitigation projects.

HB 276 comes on the heels of the HB 1066 from the 2022 session which requires NHDES to prepare a plan relative to cyanobacteria blooms. NHDES is on track to complete this plan by November 2023. The plan will include many recommendations, some of which will, without doubt, include suggestions for cyanobacteria bloom mitigation strategies including the resources needed for implementation.

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Relative to the legislation itself, one item that could be problematic is the focus on loans. It is unlikely that a lake association or watershed group would be in a position to take on debt. This would mean that the program would fall primarily to municipalities. Presently, many lake management activities are taken on by nonprofit organizations.

Thank you again for the opportunity to comment on HB 276. Should you have further questions or need additional information, please feel free to contact either David Neils, Chief Aquatic Biologist (david.e.neils@des.nh.gov, 271-8865) or Ted Diers, Assistant Water Division Director (Ted.diers@des.nh.gov, 271-2951).

Sincerely,

A handwritten signature in black ink, appearing to read "Robert R. Scott", written in a cursive style.

Robert R. Scott
Commissioner

ec: Sponsors of HB 276: Representatives Rung, N. Murphy, Darby, Coker, J. MacDonald, and Crawford.