

New Hampshire Department of Environmental Services
Substantive and Minor Revisions
Water Quality Certification No. WQC 2022-485A12IV-002
Jackson Ski Touring Foundation Wentworth Golf Course Snowmaking Project - Ellis River Withdrawal
February 3, 2023

From January 10, 2023, to February 1, 2023, the New Hampshire Department of Environmental Services (NHDES) posted for public comment a draft version of Water Quality Certification No. 2022-485A12IV-002 (Certification) for the Jackson Ski Touring Foundation's (Applicant) proposed activity to to withdraw up to 150 gallons per minute (gpm) of water from the Ellis River for snowmaking in the town of Jackson, New Hampshire (the Activity). The Certification is required under NH RSA 485-A:12, IV to provide reasonable assurance that the Activity would comply with New Hampshire surface water quality standards, which are specified under NH RSA 485-A:8 and NH Code of Administrative Rules Env-Wq 1700 (Surface Water Quality Standards). On February 3, 2023, NHDES granted the Certification with conditions for the Activity.

During the public comment period, NHDES received did not receive comments. However, NHDES made substantive and minor revisions to the draft Certification prior to finalizing the Certification. In this document, NHDES describes other substantive and minor revisions that NHDES made to the Certification after the public comment period.

If you have questions or concerns about the revisions described in this document, please contact James Tilley, Supervisor of the NHDES Water Quality Certification Program, at (603) 271-0699 or james.w.tilley@des.nh.gov.

Substantive Revisions to the Certification

1. In the tables on page 1 and paragraphs D-10 and D-14, NHDES added six potentially affected surface waters that are downstream of the Activity and located on the Ellis River or Saco River. NHDES added those surface waters because NHDES asserts that those surface waters could be potentially affected by the Activity.
2. NHDES added paragraphs C-42 through C-55 to summarize certain requirements under RSA 483, titled "New Hampshire Rivers Management and Protection Program" and associated rules under New Hampshire Code of Administrative Rules Chapter Env-Wq 1900, titled "Rules For The Protection Of Instream Flow On Designated Rivers" that are applicable to the Activity and the Applicant.

NHDES added paragraph D-25 to describe NHDES' findings of the applicability of RSA 483 and Env-Wq 1900 to the Activity and the Applicant.

NHDES staff who produced the draft Certification were unaware of the applicability of RSA 483 and Env-Wq 1900 to the Activity and the Applicant when NHDES published the draft Certification for public comment. During the public comment period, NHDES became aware that the Activity and the Applicant are subject to those requirements. However, the Applicant and Activity will not be affected by the requirements of RSA 483 and Env-W 1900 until NHDES begins its study of the watershed where the Activity is located, which will likely not begin for several years.

Substantive and Minor Revisions

Water Quality Certification No. WQC 2022-485A12IV-002

Jackson Ski Touring Foundation Wentworth Golf Course Snowmaking Project - Ellis River Withdrawal

February 3, 2023

Minor Revisions to the Certification

In addition to the changes noted in the above, NHDES made other minor changes not considered substantive to the final Certification since the draft Certification was issued for public notice. Examples include minor format revisions, grammatical and spelling corrections, removing the word "DRAFT" in the header and watermark, adding the date the Certification is granted, updating cross-references to paragraphs due to substantive changes, etc.