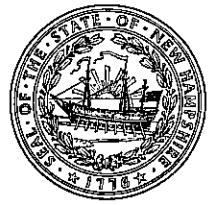




The State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**



**Thomas S. Burack, Commissioner**  
April 16, 2009

The Honorable Martha Fuller Clark, Chairman  
Energy, Environment and Economic Development Committee  
Legislative Office Building, Room 102  
Concord, New Hampshire 03301

**Re: HB 102 relative to the rivers management and protection program**

Dear Chairman Fuller Clark:

Thank you for the opportunity to comment on HB 102, as amended, which establishes a rivers management and protection fund, amends the definition for channel alterations for natural rivers, and clarifies certain provisions of the rivers management and protection program. The Department of Environmental Services (DES) supports HB 102, which was initiated by the Rivers Management Advisory Committee (RMAC) to clarify and improve RSA 483, Rivers Management and Protection Program.


HB 102 makes a number of improvements to RSA 483. For example, in Paragraph 1, the Statement of Policy for RSA 483 is enhanced by adding "ecologic" assets and "public health and safety" as benefits of rivers and "hydropower" as a potential outstanding river characteristic. Paragraph 1 also provides clear priority for attainment of state water quality standards when conflicts arise. Paragraph 4 includes a number of proposed modifications to the RMAC membership criteria and Paragraph 5 proposes to add the Commissioner of the Department of Safety or designee to the RMAC. And, Paragraph 7 expands the channel alterations that could be approved by DES in natural rivers to include temporary alterations for bridge maintenance and repair and "*permanent alterations that restore the channel's geomorphic characteristics to its more natural condition.*" This enables approval of channel alterations that make river channels more natural.

In Paragraph 11, HB 102 proposes to establish a new Rivers Management and Protection Fund, as a nonlapsing and continually appropriated account, to provide a dedicated account. Monies received by DES to support the Rivers Management and Protection Program would be deposited in this account for use by the program through approved budgets. And, a biennial report to the Legislature is proposed to be required.

In summary, we believe that the changes proposed by HB 102 will provide sound improvements to the Rivers Management and Protection Program.

Thank you again for this opportunity to comment on this bill. Please feel free to call me at 271-3503, or Steve Couture at 271-8801, if you have any questions or need additional information.

Very truly yours,

  
Thomas S. Burack  
Commissioner

cc: Representative Mike L. Kappler  
Senator Martha Fuller Clark