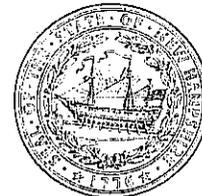




The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

February 9, 2010

The Honorable Judith T. Spang
House Resources, Recreation and Development Committee
Legislative Office Building, Room 305
Concord, New Hampshire 03301

Re: HB 1148, an act establishing the New Hampshire Great Ponds Study Commission

Dear Chairman Spang:

Thank you for the opportunity to comment on HB 1148, which proposes to establish the New Hampshire Great Ponds Study Commission. The Department of Environmental Services (DES) does not support this legislation because the proposed new commission's responsibilities are too broad and overlap with the responsibilities of an existing legislative study committee.

In the bill's proposed new RSA 487:30-a, the stated purpose of the Great Ponds Study Commission would be to "study the threat exotic species pose to underwater natural and man-made resources." This appears to directly-overlap with the Exotic Aquatic Weeds and Species Committee (Exotic Species Committee) established by RSA 487:30 (copy attached),

The duties of the commission as proposed in Section RSA 487:30-c would include studying the threat from zebra mussels, milfoil and other exotic species (Paragraph (a)), collecting information from other states on exotic species (Paragraph (b)), and considering taking a "tally" of New Hampshire's freshwater resources and suggest improvement in documentation and preservation and ways to deter invasive species. DES has the following concerns with these duties:

Paragraph (a): As noted above with respect to the proposed commission purpose, this appears to overlap in part with the duties of the existing Exotic Species Committee. Please also note that the Fish and Game Department (F&G) is responsible for evaluations for the presence of exotic animal species, such as zebra mussels, under other statutory authorities.

Paragraph (b): DES and F&G maintain a substantial amount of information on exotic plant and animal species in other states that is available upon request. Rather than data gathering, should this commission be formed, we suggest that a better duty would be the evaluation of data provided to the commission by state agencies.

Paragraph (c): This proposed duty is extremely broad considering the stated purposes of the proposed volunteer commission.

In summary, while HB 1148 seeks to address very important issues, DES believes that responsibilities of the commission proposed by the bill overlap with an existing legislative

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committee, the Exotic Species Committee, and the scope of the study proposed for the Commission is too broad to be addressed in a meaningful way by a volunteer study commission. Therefore, we do not support passage of this bill.

Thank you for the opportunity to comment on HB 1148. Please feel free to call me at 271-2958, or Jody Connor at 271-3414, if you have any questions or need additional information.

Sincerely,



Thomas S. Burack
Commissioner

cc: Representative Lindsey

TITLE L
WATER MANAGEMENT AND PROTECTION
CHAPTER 487
CONTROL OF MARINE POLLUTION AND AQUATIC GROWTH
Milfoil and Other Exotic Aquatic Plants Prevention

Section 487:30

487:30 Exotic Aquatic Weeds and Species Committee. –

I. There is established a committee to study exotic aquatic weeds and species in the state of New Hampshire.

II. (a) The members of the committee shall be as follows:

(1) Five members of the house of representatives, appointed by the speaker of the house.

(2) One member of the senate and one public member, appointed by the president of the senate.

(b) Members of the committee shall serve terms which are coterminous to their terms on the general court and shall receive mileage at the legislative rate when attending to the duties of the committee.

III. The committee shall:

(a) Study the spread of exotic aquatic weeds and exotic aquatic species in the waters of New Hampshire including education, management, and potential means to eliminate the spread of these weeds and species; and

(b) Aid the department in the control and eradication of milfoil.

III-a. The committee may solicit, hold, and expend gifts, grants, and donations from any source to carry out the purposes of the committee.

IV. The members of the committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

V. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1 of each year.

Source. 2004, 115:1, eff. May 17, 2004. 2005, 240:2, eff. July 14, 2005. 2009, 167:5, 6, eff. June 30, 2009.