The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

Thomas S. Burack, Commissioner

March 31, 2011

The Honorable Bob Odell, Chairman
Senate Energy and Natural Resources Committee
Room 102
Legislative Office Building
Concord, NH 03301

Re: HB 63, extending the instream pilot program for one year.

Dear Senator Odell:

Thank you for the opportunity to comment on HB 63 as amended. This bill would extend for one year the reporting dates for the Instream Flow Pilot program of the Rivers Management and Protection Program. The Department of Environmental Services (DES) supports this legislation.

In 1990, RSA 483 was amended to require instream flow protection on rivers designated for protection under the Rivers Management and Protection Program. Reaching agreement on a method for applying instream flow protections in low flow situations proved to be a challenge. In 2002, a broad coalition of New Hampshire business and conservation interests joined together to enact Chapter 278, Laws of 2002 establishing pilot programs for instream flow protection on two Designated Rivers - the Lamprey River in the coastal watershed and the Souhegan River in the Merrimack watershed.

Laws of 2003, Chapter 319 provided initial funding, which was applied to the Souhegan pilot, and revised the reporting dates for various instream flow pilot activities described in Chapter 278. Federal funds were then secured for the Lamprey pilot. The field work and scientific analyses were completed for both pilot projects in 2009. However, the level of effort and time necessary for full stakeholder and legislative participation for development of final protected instream flows required greater time than originally anticipated.

DES believes that additional time to complete these pilot projects is warranted, so that the Water Management Plans needed for water use management and dam operation to protect instream flows can be finalized. The requested time will be used for additional meetings with the local advisory committees and individual water users as well as other stakeholders. This additional stakeholder involvement will be used to refine technical procedures for flow management in the water management plans and to consider and address concerns of specific water users and dam owners to build a consensus and ensure that both pilot projects are successful.

Thank you for the opportunity to comment on this important legislation. If you have any questions or need additional information, please contact Steve Couture, Rivers Coordinator at 271-8801, or me at 271-2958.

Sincerely,

for Michael Nikles, Asst. Comm.

Thomas S. Burack
Commissioner

TSB/lwm

cc: Representative L. Mike Kappler
Representative Lucien Vita
RMAC Members (via electronic mail)
Representative Carol Vita
Representative Judith Spang
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