

Bill as Introduced

HB 1266 - AS INTRODUCED

2010 SESSION

10-2478
06/09

HOUSE BILL **1266**

AN ACT relative to notification requirements for lowering the water level of a lake or pond.

SPONSORS: Rep. Kappler, Rock 2; Rep. Mack, Hills 1; Rep. Hatch, Coos 3

COMMITTEE: Resources, Recreation and Development

ANALYSIS

This bill adds an exception to the notification requirements for lowering the water level of a lake or pond.

This bill is a request of the department of environmental services.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struck through.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Ten

AN ACT relative to notification requirements for lowering the water level of a lake or pond.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Public Informational Meeting Required. Amend RSA 482:13, I to read as follows:

2 I. No owner shall breach any dam, lower any water body for the repair of any dam, or cause
3 any significant lowering of the water level in a pond or lake without first notifying the local
4 governing body in the cities or towns where said dam or water body is located at least 30 days prior
5 to any action specified above. The provisions of this section shall not apply to dams impounding
6 bodies of water less than 10 acres or to the normal scheduled lowering of water levels each fall, the
7 normal lowering of a water body by the exercise of water rights, *the lowering of water levels by*
8 *the department of environmental services to protect instream flows under RSA 483:9-c*, or
9 the lowering of water levels in any emergency situation.

10 2 Effective Date. This act shall take effect 60 days after its passage.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

PUBLIC HEARING ON HB 1266

BILL TITLE: relative to notification requirements for lowering the water level of a lake or pond.

DATE: February 9, 2010

LOB ROOM: 305 **Time Public Hearing Called to Order:** 12:30 p.m.

Time Adjourned: 12:37 p.m.

(please circle if present)

Committee Members: Reps. Spang, Tupper, Parkhurst, Moody, Aguiar, Gottling, Hubbard, Kepner, Thomas, C. Williams, McClammer, D. Russell, Renzullo, C. Christensen, Ahlgren, Kappler, Spaulding, Bolster, A. Howard and St. Cyr.

Bill Sponsors: Rep. Kappler, Rock 2; Rep. Mack, Hills 1; Rep. Hatch, Coos 3

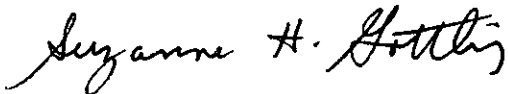
TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. L. Mike Kappler - Prime sponsor of the bill. Verbiage correction to RSA 483:9,c. Put into statute in 2009. Want to add protection of instream flows to other provisions.

* **Paul Currier, NH Department of Environmental Services** - Supports the bill. Department requested the bill. Bill provides minor change to dam statute to include changes of water level in dams to protect instream flows on protected rivers. Usually notice required ahead of time, but on two pilot streams, flows could be augmented by release of water from impoundments to protect aquatic life. Allows those release to take place without prior public notice.

Respectfully submitted,



Rep. Suzanne H. Gottling
Clerk

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

PUBLIC HEARING ON HB 1266

BILL TITLE: relative to notification requirements for lowering the water level of a lake or pond.

DATE: 2/9/10

LOB ROOM: 305

Time Public Hearing Called to Order: 12:30 p.m.

Time Adjourned:

(please circle if present)

Committee Members: Reps. Spang, Tupper, Parkhurst, Moody, Aguiar, Gottling, Hubbard, Kepner, Thomas, G. Williams, McClamm, D. Russell, Renzullo, C. Christensen, Ahlgren, Kappler, Spaulding, Bolster, P. Howard and St. Cyr.

Bill Sponsors: Rep. Kappler, Rock 2; Rep. Mack, Hills 1; Rep. Hatch, Coos 3

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Public Hearing on HB 1266

Relative to notification requirements for lowering the water level of a lake or pond.

2/9/10 LOB 305 12:32 p.m.

Introduced by Rep. Kappler: Verbiage correction to RSA 483:9,c. Put into statute in 2009. Want to add protection of instream flows to other provisions.

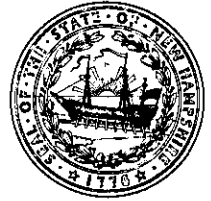
Paul Currier, DES: Department requested the bill. Bill provides minor change to dam statute to include changes of water level in dams to protect instream flows on protected rivers. Usually notice required ahead of time, but on two pilot streams, flows could be augmented by release of water from impoundments to protect aquatic life. Allows those release to take place without prior public notice.

Adjourned: 12:37 p.m.

Testimony



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 1266, an act relative to notification requirements for lowering the water level of a lake or pond

Dear Chairman Spang:

Thank you for the opportunity to comment on HB 1266 which would add an exception to the notification requirements for lowering the water level of a lake or pond, if necessary to protect instream flows under the Rivers Management and Protection Act (RMPP). This bill was requested by the Department of Environmental Services (DES).

RSA 483:9-c of the RMPP requires the Commissioner of DES to establish and enforce protected instream flows on designated rivers. Two pilot projects, on the Souhegan and Lamprey Rivers, are nearing completion. There are two management mechanisms that may be used to attain protected instream flows, once such protected flows have been established by the Commissioner. One is cessation of withdrawals by water users, and the other is release of stored water by dam owners. The proposed legislation would allow the release of stored water by dam owners in accordance with a Water Management Plan prepared for the watershed, and adopted by DES. This legislative change is needed in order to effectively implement instream flow protection as directed by the RMPP.

Thank you for the opportunity to comment on this bill. Please feel free to call me at 271-2958, or Paul Currier at 271-3289, if you have any questions or need additional information.

Very truly yours,

Thomas S. Burack
Commissioner

cc: Representatives Kappler, Mack and Hatch

Voting Sheets

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

EXECUTIVE SESSION on HB 1266

BILL TITLE: relative to notification requirements for lowering the water level of a lake or pond.

DATE: February 11, 2010

LOB ROOM: 305

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Moody

Seconded by Rep. Hubbard

Vote: 17-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 17-0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Suzanne H. Gottling, Clerk

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

EXECUTIVE SESSION on HB 1266

BILL TITLE: relative to notification requirements for lowering the water level of a lake or pond.

DATE: 2/11/10

LOB ROOM: 305

Amendments:

Sponsor: Rep.	OLS Document #:
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Sponsor: Rep.	OLS Document #:

Motions: OTP OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. *Moody*

Seconded by Rep. *Hubbard*

Vote: *17-0* (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Suzanne H. Gottling, Clerk

RESOURCES, RECREATION AND DEVELOPMENT

Bill #: 1266

Title: relative to notification requirements for lowering the water level of a lake or pond.

PH Date: / /

Exec Session Date: 2 / 11 / 10

Motion: _____

Amendment #: _____

MEMBER	YEAS	NAYS
Spang, Judith T, Chairman	✓	
Tupper, Frank A, V Chairman	✓	
Parkhurst, Henry A. L.	✓	
Moody, Marcia G	✓	
Aguiar, James D	✓	
Gottling, Suzanne H, Clerk	✓	
Hubbard, Pamela J	✓	
Kepner, Susan R	-	
Thomas, Yvonne D	✓	
Williams, Carol A	-	
McClammer, Jim U	✓	
Russell, David H	✓	
Renzullo, Andrew	✓	
Christensen, Chris	✓	
Ahlgren, Christopher J	✓	
Kappler, L. Mike	✓	
Spaulding, Jayne E	✓	
Bolster, Peter S	-	
Howard, Thomas J	✓	
St. Cyr, Jeffrey L	✓	
TOTAL VOTE:	17	0

Committee Report

CONSENT CALENDAR

February 11, 2010

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on RESOURCES, RECREATION AND DEVELOPMENT to which was referred HB1266,

AN ACT relative to notification requirements for lowering the water level of a lake or pond. Having considered the same, report the same with the recommendation that the bill OUGHT TO PASS.

Rep. L. Mike Kappler

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	RESOURCES, RECREATION AND DEVELOPMENT
Bill Number:	HB1266
Title:	relative to notification requirements for lowering the water level of a lake or pond.
Date:	February 11, 2010
Consent Calendar:	YES
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

In September 2009, RSA 482:13 established a program to address the protection of flow levels in the state protected rivers. There are two alternative ways to do this: reduce water withdrawals, or release water from dammed lakes and ponds. This bill allows for the latter when a water emergency arises.

Vote 17-0.

Rep. L. Mike Kappler
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

RESOURCES, RECREATION AND DEVELOPMENT

HB1266, relative to notification requirements for lowering the water level of a lake or pond.
OUGHT TO PASS.

Rep. L. Mike Kappler for RESOURCES, RECREATION AND DEVELOPMENT. In September 2009, RSA 482:13 established a program to address the protection of flow levels in the state protected rivers. There are two alternative ways to do this: reduce water withdrawals, or release water from dammed lakes and ponds. This bill allows for the latter when a water emergency arises. **Vote 17-0.**

Original: House Clerk
Cc: Committee Bill File

HB 1266

OTP

In September 2009, RSA 482:13 established a program to address the protection of flow levels in the state protected rivers. There are two alternative ways to do this: reduce water withdrawals, or release water from dammed lakes and ponds. This bill allows for the latter when a water emergency arises.

17-0

Lawrence Kappler

HB 1266

17-0
DTP consent

In September 2009, RSA 482:13 established a program to address the protection of flow levels in the state protected rivers. There are two alternative ways to do this: reduce water withdrawals, or release water from dammed lakes and ponds. This bill allows for the latter when a water emergency arises.

Lawrence Kappler



~~File~~
~~are there~~
~~changes?~~

AB-1266 SIMPLY ADDS "THE LOWERING OF WATER LEVELS BY DES TO PROTECT INSTREAM FLOWS" WHICH WAS PUT INTO LEGISLATION UNDER RSA 483:9-C, IN SEPTEMBER 2009, TO RSA 482:13 THIS WILL FACILITATE THE DEVELOPMENT OF SUBSEQUENT WATER MANAGEMENT PLANS.

In Sept 2009, RSA 492:13 established a program to address ^{the} protection of flow levels in the State Protected Rivers. ~~For~~ There are two alternative ways to do this: reduce ^{water} withdrawals, or release water from dammed lakes and ponds. This bill allows ~~it~~ for the latter when a ^{water} emergency arises.

Kappler

