

# Bill as Introduced

SB 426 - AS AMENDED BY THE SENATE

01/27/2010 0227s

2010 SESSION

10-2822

08/09

SENATE BILL **426**

AN ACT relative to the classification of Pleasant Lake.

SPONSORS: Sen. Barnes, Jr., Dist 17; Sen. Fuller Clark, Dist 24; Sen. Cilley, Dist 6;  
Sen. Bradley, Dist 3; Sen. Odell, Dist 8; Sen. Merrill, Dist 21; Rep. Case, Rock 1;  
Rep. Reagan, Rock 1; Rep. Mann, Rock 1; Rep. Nord, Rock 1

COMMITTEE: Energy, Environment and Economic Development

---

ANALYSIS

This bill changes the classification of Pleasant Lake to Class A.

.....

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

SB 426 - AS AMENDED BY THE SENATE

01/27/2010 0227s

10-2822  
08/09

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Ten*

AN ACT relative to the classification of Pleasant Lake.

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

- 1       1 Pleasant Lake in Deerfield, New Hampshire; Classification Changed to Class A. On and after
- 2 the effective date of this act, the surface waters of Pleasant Lake in Deerfield and its tributaries in
- 3 New Hampshire shall be classified in accordance with the provisions of RSA 485-A:8, as Class A
- 4 waters..
- 5       2 Effective Date. This act shall take effect upon its passage.

# Amendments

Rep. Mann, Rock. 1  
February 5, 2010  
2010-0526h  
08/10

Amendment to SB 426

"Not Adopted"

1 Amend the bill by replacing section 1 with the following:

2

3 1 Pleasant Lake in Deerfield, New Hampshire; Classification Changed to Class A. On and after  
4 the effective date of this act, the surface waters of Pleasant Lake in Deerfield and Northwood and its  
5 tributaries in New Hampshire shall be classified in accordance with the provisions of RSA 485-A:8,  
6 as Class A waters.

# Speakers



# Hearing Minutes



HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

PUBLIC HEARING ON SB 426

**BILL TITLE:** relative to the classification of Pleasant Lake.

**DATE:** March 16, 2010

**LOB ROOM:** 305      **Time Public Hearing Called to Order:** 1:00 p.m.

**Time Adjourned:** 1:47 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, Kapple, Spaulding, Bolster, I. Howard and St. Cyr.

**Bill Sponsors:** Sen. Barnes, Jr., Dist 17; Sen. Fuller Clark, Dist 24; Sen. Cilley, Dist 6; Sen. Bradley, Dist 3; Sen. Odell, Dist 8; Sen. Merrill, Dist 21; Rep. Case, Rock 1; Rep. Reagan, Rock 1; Rep. Mann, Rock 1; Rep. Nord, Rock 1

TESTIMONY

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

**Senator Jack Barnes** - Prime sponsor of the bill. Wants to have Pleasant Lake declared an A lake.

**Greg Whitman, Speaking for Senator Fuller-Clark** - Supports the bill. Has an amendment to strike "in NH" on line 3. Supports bill.

**Rep. Maureen Mann** - Supports the bill. An amendment of two words. Read amendment to say "in Deerfield and Northwood".

Rep. Spaulding: please read beyond that...

**Rep. Mann:** At one time lake was a water supply and was classified A. It is not the water supply now but is a backup.

Rep. Christensen: Sounds like we have two amendments from the sponsors and could they get together to create one amendment and submit that.

Rep. Moody: Confused about tributaries in NH and taking that out. ANS: Don't really know as lake is quite a distance from other states.

Rep. Barnes: I am sponsor of bill and knew nothing about either amendment until a few moments ago. I am embarrassed and will correct it with one bill.

\* **Rene Pelletier, Department of Environmental Services (DES)** - In support of bill. Did have a recommendation to strike the words "in NH." Will sit down with the sponsor to get language that makes sense.

Rep. Tupper: What makes a lake Class A. ANS: Thought to be those that could be used for drinking water. Now have a good way to measure chemistry of water in large or small lakes. Pleasant meets or exceeds the standards. As time goes on, the system becomes more arcane and outdated. Now have a better way than in 1947 to determine quality.

Rep. Kappler: In current statute, Class A and Class B. Both say that within 60 day period you have to take three samples. How often does this have to be repeated? And who pays? ANS: Have a regular schedule for testing waters, usually three months in a row.

Rep. Kappler: If next biennium, you would like to make some changes, I would be glad to help you as they are outdated.

Rep. Christensen: At this point in time, are there an A list and a B list? Are there a significant number of B lakes that should be classified as A? ANS: Perhaps. Initially, based only on water quality. Could theoretically go back and make changes in all lakes.

Rep. Spaulding: How will the change from B to A interface with Shoreland Protection Act? ANS: No change.

Rep. Kepner: What does this reclassification do for Pleasant Lake? ANS: Historically what takes place is so highly regulated, should not make a big difference.

Rep. McClammer: Does it have anything to do with degradation standards? ANS: Parameters we now examine are far higher than in the past. If there was development that was going on, then the anti-degradation regs take place.

Rep. McClammer: Why are we doing this if it doesn't gain any greater protection? ANS: Can't answer that.

Rep. Gottling: Explain about tributaries being included. ANS: Classify a lake and its tributaries according to the limits of the municipalities in which it is located.

Rep. Christensen: What happens if you go out later and find Lake no longer meets the standards? Does the legislature have to take action? ANS: Seldom happens. But we might have to come back in and take action. DES does not spend a lot of time and energy on these classifications. We look at the many parameters now in use, in the chemical analysis. If we saw a lake degraded, don't know if we would make the effort to come back in and have classification changed.

**Jared Teutsch, President, NH Lakes Association** - Represent about 26,000 lake enthusiasts. It is a great example of encouraging a higher standard of local support. Used to be Classes A, B, C, and D. No one wanted to be a D. Dropped it. Then in 1970's dropped C. You can't have a B into an A so therefore the tributaries had to be included. They must also be Class A. Clarified the issues around the amendments.

Rep. Russell: Class A does not prohibit swimming. Why does Massabesic that supplies Manchester drinking water have swimming prohibited? ANS: It is prohibited on one side but not in Auburn.

Rep. Spaulding: Why does this matter? ANS: So that the community gets the recognition for the work they have put in to reach this standard.

Rep. Howard: Assume swimming is a municipal restriction. Are there any state regulations related to prohibiting swimming or boating? ANS: No, unless there is a health issue when beaches are closed.

Rep. Kappler: Read various standards that seemed to indicate that standards for Class B are stricter than Class A. ANS: Probably doing more testing on B because they have had a lower water quality and need to be tested for more items.

Rep. Kepner: Why isn't DES classifying lakes and making a list instead of making the legislature do this? ANS: Probably they don't have enough time to initiate this and instead these reclassifications come through local efforts.

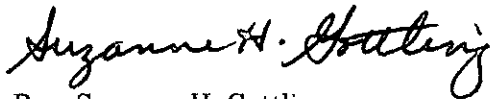
**Walter Hooker, Pleasant Lake Association** - Supports the bill. Including tributaries in both Deerfield and Northwood insures a greater level of compliance. The inclusion of Deerfield was to distinguish Lake from the one with same name in New London.

Rep. McClammer: Did you approach DES with request to change label? ANS: No, someone else did. The list used to be on website but after 911 list taken down for security concerns.

Jared Teutsch, Lakes Assoc. and residents and Sen. Barnes all consulted ahead of time with DES to be sure DES was in favor.

**Linda Brennan, Vice President, PLA** - Supports the bill. We are very proud of our lake and work hard to keep it that way. It is expensive to keep it weed-free and we also pay for the testing of the tributaries. The Association supports this because it would be a great resource for why we are doing the things we do such as supporting Lake Hosts and paying for testing.

Respectfully submitted,



Rep. Suzanne H. Gottling  
Clerk

**HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT**

**PUBLIC HEARING ON SB 426**

**BILL TITLE:** relative to the classification of Pleasant Lake.

**DATE:** March 16, 2010

**LOB ROOM:** 305      **Time Public Hearing Called to Order:** 1:00 p.m.

**Time Adjourned:**

(please circle if present)

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

**Bill Sponsors:** Sen. Barnes, Jr., Dist 17; Sen. Fuller Clark, Dist 24; Sen. Cilley, Dist 6; Sen. Bradley, Dist 3; Sen. Odell, Dist 8; Sen. Merrill, Dist 21; Rep. Case, Rock 1; Rep. Reagan, Rock 1; Rep. Mann, Rock 1; Rep. Nord, Rock 1

**TESTIMONY**

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

LOB 305, March 16, 2010, 1:00 p.m.

Hearing on SB 426

Introduced by Senator Jack Barnes: Wants to have Pleasant Lake declared an A lake.

Greg Whitman: Speaking for Sen. Fuller-Clark. Has an amendment to strike "in NH" on line 3. Supports bill.

Rep. Maureen Mann: an amendment of two words. Read amendment to say "in Deerfield and Northwood".

Rep. Spaulding: please read beyond that...

Mann: At one time lake was a water supply and was classified A. It is not the water supply now but is a backup.

Rep. Christensen: Sounds like we have two amendments from the sponsors and could they get together to create one amendment and submit that.

Rep. Moody: Confused about tributaries in NH and taking that out.

Ans. Don't really know as lake is quite a distance from other states.

Rep. Barnes: I am sponsor of bill and knew nothing about either amendment until a few moments ago. I am embarrassed and will correct it with one bill.

Rene Pelletier: DES: In support of bill. Did have a recommendation to strike the words "in NH." Will sit down with the sponsor to get language that makes sense.

Tupper: What makes a lake Class A. Thought to be those that could be used for drinking water. Now have a good way to measure chemistry of water in large or small lakes. Pleasant meets or exceeds the standards. As time goes on, the system becomes more arcane and outdated. Now have a better way than in 1947 to determine quality.

Rep. Kappler: In current statute, Class A and Class B. Both say that within 60 day period you have to take three samples. How often does this have to be repeated? And who pays?

Ans. Have a regular schedule for testing waters, usually three months in a row.

Kappler: If next biennium, you would like to make some changes, I would be glad to help you as they are outdated.

Christensen: At this point in time, are there an A list and a B list? Are there a significant number of B lakes that should be classified as A?

Ans. Perhaps. Initially, based only on water quality. Could theoretically go back and make changes in all lakes.

Spaulding: How will the change from B to A interface with Shoreland Protection Act.

Ans. No change.

Rep. Kepner: What does this reclassification do for Pleasant Lake?

Ans. Historically what takes place is so highly regulated, should not make a big difference.

McC. Does it have anything to do with degradation standards?

Ans. Parameters we now examine are far higher than in the past. If there was development that was going on then the anti-degradation regs take place.

McC. Why are we doing this if it doesn't gain any greater protection.

Ans. Can't answer that..

Gottling: Explain about tributaries being included

Ans. Classify a lake and its tributaries according to the limits of the municipalities in which it is located.

Christensen: What happens if you go out later and find Lake no longer meets the standards. Does the legislature have to take action?

Ans. Seldom happens. But we might have to come back in and take action. DES does not spend a lot of time and energy on these classifications. We look at the many parameters now in use, in the chemical analysis. If we saw a lake degraded, don't know if we would make the effort to come back in and have classification changed.

Jared Teutsch: Pres. NH Lakes Assoc. Represent about 26,000 lake enthusiasts. It is a great example of encouraging a higher standard of local support. Used to be Classes A, B, C, and D. No one wanted to be a D. Dropped it. Then in 1970's dropped C. You can't have a B into an A so therefore the tributaries had to be included. They must also be Class A. Clarified the issues around the amendments.

Rep. Russell: Class A does not prohibit swimming. Why does Massabesic that supplies Manchester drinking water have swimming prohibited?

Ans: It is prohibited on one side but not in Auburn.

Spaulding: Why does this matter?

Ans. So that the community gets the recognition for the work they have put in to reach this standard.

Rep. Howard: Assume swimming is a municipal restriction. Are there any state regs related to prohibiting swimming or boating?

Ans. No, unless there is a health issue when beaches are closed.

Kappler: Read various standards that seemed to indicate that standards for Class B are stricter than Class A.

Ans. Probably doing more testing on B because they have had a lower water quality and need to be tested for more items.

Kepner: Why isn't DES classifying lakes and making a list instead of making the legislature do this.

Ans. Probably they don't have enough time to initiate this and instead these reclassifications come through local efforts.

Walter Hooker: Pleasant Lake Association. Including tributaries in both Deerfield and Northwood insures a greater level of compliance. The inclusion of Deerfield was to distinguish Lake from the one with same name in New London.

McC: Did you approach DES with request to change label?

Ans. No, someone else did. The list used to be on website but after 911 list taken down for security concerns.

Teutsch: Lakes Assoc. and residents and Sen. Barnes all consulted ahead of time with DES to be sure DES was in favor.

Linda Brennan: In support. Vice President of PLA. We are very proud of our lake and work hard to keep it that way. It is expensive to keep it weed-free and we also pay for the testing of the tributaries. The Association supports this because it would be a great resource for why we are doing the things we do such as supporting Lake Hosts and paying for testing.

Adjourned 1:47 p.m.

# Testimony





Members dedicated to protecting lakes

March 16, 2010

*Officers*

Ted M. Kramer (Silver Lake)  
*Chairman*  
George Dana Bisbee (Concord)  
*Vice Chair*  
Philip J. O'Brien (New London)  
*Secretary*  
Christopher Devine (Holderness)  
*Treasurer*

*Board of Directors*

Jane Beaulieu (Manchester)  
Laurie Beeson (Holderness)  
Gordon W. Cormack (Madison)  
Kathleen DiFruscia (Windham)  
Joseph Goodnough (Sunapee)  
Susan Goodwin (Wolfeboro)  
Shirley Green (Enfield)  
J. Steve Kahl (Plymouth)  
J. "Woodie" Laverack (Ashland)  
Carl Lehner (Holderness)  
David W. Packard (Goffstown)  
Jeffrey Schloss (Strafford)  
William H. Smith (Moultonboro)  
Kenneth Warren (Lebanon)

*Honorary Directors*

Courtland Cross (New London)  
Joseph Farrelly (Concord)  
Anne Lovett (Holderness)  
Sidney Lovett (Holderness)  
James Moore (New London)  
Philip Parsons (Sandwich)  
H. Hallock Richards (Moultonboro)

*Staff*

Judy King (Alton)  
*Administrative Assistant*  
Andrea LaMoreaux (Bradford)  
*Education Director*  
Jared A. Teutsch (Northfield)  
*President*

Representative Judith Spang  
Resources, Recreation and Development Committee  
New Hampshire House of Representatives  
Legislative Office Building, Room 305  
Concord, New Hampshire 03301

**Subject: SB 426 Reclassification of Pleasant Lake**

Dear Madam Chair and Members of the Committee:

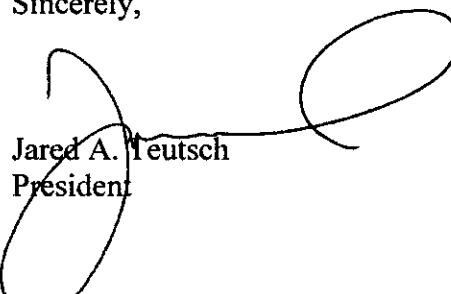
Thank you for the opportunity to testify about Senate Bill 426. On behalf of New Hampshire Lakes Association (NH LAKES), a 501(c)3 nonprofit organization representing over 26,000 lake enthusiasts, we strongly support SB 426 and urge the Committee to vote Ought to Pass.

NH LAKES supports SB 426 because the reclassification of Pleasant Lake and its tributaries from a Class B to a Class A is a welcome change toward recognizing the importance of a higher standard of water quality. Traditionally, Class A water bodies are, or were at one time, used for public drinking water supply. Similarly, Pleasant Lake at one time supplied the town of Allenstown with drinking water and was listed as a Class A waterbody.

This is a wonderful opportunity to enhance public perception and encourage wise lake stewardship among the residents and recreational users of Pleasant Lake. There are clear benefits for the residents of Deerfield and Northwood to protect the water quality of Pleasant Lake including the economic importance to the region. A recent economic study commissioned by NH LAKES on behalf of the Lakes, Rivers, Streams and Ponds Partnership and published in 2007 found that if visitors to surface waters in New Hampshire perceived a decline in water clarity and purity, this would result in a statewide loss of \$51 million in sales, \$18 million in lost income and 810 lost jobs.

For these reasons, NH LAKES supports SB 426, and urges the Committee to vote *Ought to Pass*. Thank you.

Sincerely,



Jared A. Teutsch  
President



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



**Thomas S. Burack, Commissioner**

March 16, 2010

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

**Re: Senate Bill 426, relative to the classification of Pleasant Lake**

Dear Chairman Spang:

Thank you for the opportunity to comment on SB 426, which would re-classify Pleasant Lake in Deerfield from Class B to Class A. The Department of Environmental Services (DES) supports this legislation.

For information, RSA 485-A:8 establishes two classifications of surface water: Class A and Class B. The legislature classifies and reclassifies surface waters, usually following the procedures in RSA 485-A:9 and 10 which provide for DES to hold a public hearing and make recommendation to the legislature. However, the legislature can propose bills, have hearings on bills and pass laws without following these procedures. The current classification system has been in use since 1947. All surface waters have previously been classified by the legislature. Class A is intended to have "higher" water quality than Class B, although there is little practical difference in water quality criteria or watershed protection requirements between the two classes. The Department has recently conducted a detailed review of the legislative history of surface water classification. A copy is provided for the committee's information. Historically, most classifications or reclassifications to Class A have been for waters that are or were used for public water supply. There have been few reclassifications from Class B to Class A in recent years, the most recent being Spofford Lake, Chesterfield in 2005.

Based on data available to DES, Pleasant Lake water quality meets or is better than the criteria for Class A waters: water quality analyses by the DES Beach Program and the Volunteer Lake Assessment Program reveal that Pleasant Lake meets Class A bacteria standards; there are no known direct discharges of sewage or waste, and; the water is suitable for drinking water supply after adequate treatment.

The Honorable Judith T. Spang, Chairman  
House Resources, Recreation and Development Committee  
March 16, 2010  
Page 2

We would recommend that the bill be amended to move the words in italics, so that the reclassification language reads: "Pleasant Lake *in Deerfield* and its tributaries ~~New Hampshire~~..." This language would reclassify all tributaries as Class A, without regard to political boundaries, to be consistent with the revised classification of the lake.

Thank you for the opportunity to comment. Please call me at 271-3449, Paul Currier at 271- 3289 or Jody Connor at 271-3414 if you have any questions or need additional information.

Sincerely yours,



Thomas S. Burack  
Commissioner

Enclosure

cc: Sen. Barnes  
Sen. Cilley  
Sen. Bradley  
Sen. Odell  
Sen. Merrill  
Rep. Chase  
Rep. Reagan  
Rep. Mann  
Rep. Nord

# Voting Sheets

**HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT**

**EXECUTIVE SESSION on SB 426**

**BILL TITLE:** relative to the classification of Pleasant Lake.

**DATE:** April 13, 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. Hubbard

Seconded by Rep. Gottling

Vote: 19-0 (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: NO**

(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 SB 426

BILL TITLE: relative to the classification of Pleasant Lake.

DATE: 4/13/10

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. *Hubbard*

Seconded by Rep. *Gottling*

Vote: *19-0* (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



# Committee Report

---



**REGULAR CALENDAR**

**April 15, 2010**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on RESOURCES, RECREATION AND  
DEVELOPMENT to which was referred SB426,**

**AN ACT relative to the classification of Pleasant Lake.**

**Having considered the same, report the same with the  
recommendation that the bill OUGHT TO PASS.**

**Rep. Pamela J Hubbard**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

Committee:	<b>RESOURCES, RECREATION AND DEVELOPMENT</b>
Bill Number:	<b>SB426</b>
Title:	<b>relative to the classification of Pleasant Lake.</b>
Date:	<b>April 15, 2010</b>
Consent Calendar:	<b>NO</b>
Recommendation:	<b>OUGHT TO PASS</b>

### STATEMENT OF INTENT

SB 426 reclassifies the waters of Pleasant Lake in Deerfield and its tributaries to Class A. This reclassification is in accordance with the provisions of RSA 485-A:8.

Vote 19-0.

Rep. Pamela J Hubbard  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

**REGULAR CALENDAR**

**RESOURCES, RECREATION AND DEVELOPMENT**

**SB426**, relative to the classification of Pleasant Lake. **OUGHT TO PASS.**

Rep. Pamela J Hubbard for RESOURCES, RECREATION AND DEVELOPMENT. SB 426 reclassifies the waters of Pleasant Lake in Deerfield and its tributaries to Class A. This reclassification is in accordance with the provisions of RSA 485-A:8. **Vote 19-0.**

Original: House Clerk  
Cc: Committee Bill File

SB 426

OTP

SB 426 reclassifies the waters of Pleasant Lake in Deerfield and its tributaries to Class A. This reclassification is in accordance with the provisions of RSA 485-A:8.

Pam Hubbard

A handwritten signature in black ink, appearing to be 'Pam Hubbard', located to the right of the printed name.

Blurb SB 426 Pamela J. Hubbard

SB 426 reclassifies the waters of Pleasant Lake in Deerfield and its tributaries to Class A. This reclassification is in accordance with the provisions of RSA 485-A:8.

VOTE 19-0

consent