# Bill as Introduced

# SB 32 – AS INTRODUCED

### 2011 SESSION

11-0984 06/09

SENATE BILL 32

AN ACT relative to water withdrawals for snow making.

SPONSORS: Sen. Gallus, Dist 1

COMMITTEE: Energy and Natural Resources

### ANALYSIS

This bill provides for measurement of water withdrawn for snowmaking and requires record keeping for such withdrawals.

Explanation:

. ж Matter added to current law appears in **bold italics**. Matter removed from current law appears [<del>in-brackets and struckthrough.</del>] Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

### SB 32 - AS INTRODUCED

### STATE OF NEW HAMPSHIRE

### In the Year of Our Lord Two Thousand Eleven

AN ACT relative to water withdrawals for snow making.

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

1 New Section; Measurement of Withdrawals for Snowmaking. Amend RSA 488 by inserting 1  $\mathbf{2}$ after section 4 the following new section: 488:4-a Measurement of Withdrawals for Snowmaking. Water withdrawn for snowmaking shall 3 only be measured as it enters into the snowmaking system. It shall be measured by meter or a 4 technically appropriate and calculable method approved by the commissioner. 5 2 New Section; Recordkeeping for Snowmaking Withdrawals. Amend RSA 488 by inserting 6 after section 6 the following new section:  $\overline{7}$ 488:6-a Recordkeeping for Snowmaking Withdrawals. Ski areas shall maintain records that 8 include the amount of water used for snowmaking as well as how much water was withdrawn from 9 any water source. 10 3 New Paragraph; Rulemaking. Amend RSA 488:9 by inserting after paragraph VI the following 11 12 new paragraph:

VII. Criteria and methodology for snowmaking withdrawals.

14 4 Effective Date. This act shall take effect 60 days after its passage.

13

# SB 32 - AS AMENDED BY THE SENATE

02/23/11 0398s

## 2011 SESSION

11-0984 06/09

SENATE BILL 32

AN ACT relative to water withdrawals for snow making.

SPONSORS: Sen. Gallus, Dist 1

COMMITTEE: Energy and Natural Resources

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# SB 32 – AS AMENDED BY THE SENATE

02/23/11 0398s

11-0984 06/09

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In the Year of Our Lord Two Thousand Eleven

AN ACT relative to water withdrawals for snow making.

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

1 1 New Section; Measurement of Withdrawals for Snowmaking. Amend RSA 488 by inserting 2 after section 4 the following new section:

488:4-a Measurement of Withdrawals for Snowmaking. Notwithstanding RSA 488:4, water use 3 associated with snowmaking shall be measured at the point water is withdrawn from any natural 4 source of water for use by a snowmaking system and at the point that water is entering into the  $\mathbf{5}$ snowmaking system, and such water withdrawal and use shall be measured by an appropriate and 6 calculable method such as a weir, stream gauge, meter, or a technically appropriate and calculable 7 method utilizing the manufacturer's plated specifications as they relate to gallons of water pumped 8 per minute. Diversions from natural sources into storage reservoirs may be measured by using the 9 measurement of the amount of water entering a snowmaking system and by calculating the change 10 in the amount of water stored in the storage reservoir, provided separate records of the water 11 withdrawn from each natural source are maintained. 12

13 2 New Section; Record Keeping for Snowmaking Withdrawals. Amend RSA 488 by inserting
 14 after section 6 the following new section:

15 488:6-a Record Keeping for Snowmaking Withdrawals. Notwithstanding RSA 488:6, water use 16 records associated with snowmaking shall be maintained and documented monthly, and 24-hour 17 maximum volumes of water withdrawn from each natural water source and the water entering the 18 snowmaking system shall be maintained and documented monthly.

19 3 New Paragraph; Rulemaking. Amend RSA 488:9 by inserting after paragraph VI the
 20 following new paragraph:

VII. Forms and frequency for reporting to the department the records required under RSA
 488:6-a regarding snowmaking and water withdrawals for snowmaking.

23

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

# CHAPTER 142 SB 32 - FINAL VERSION

02/23/11 0398s

# 2011 SESSION

11-0984 06/09

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SENATE BILL 32

AN ACT relative to water withdrawals for snow making.

SPONSORS: Sen. Gallus, Dist 1

COMMITTEE: Energy and Natural Resources

# ANALYSIS

This bill provides for measurement of water withdrawn for snowmaking and requires record keeping for such withdrawals.

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

# CHAPTER 142 SB 32 – FINAL VERSION

02/23/11 0398s

11-0984 06/09

### STATE OF NEW HAMPSHIRE

### In the Year of Our Lord Two Thousand Eleven

AN ACT

relative to water withdrawals for snow making.

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

1 142:1 New Section; Measurement of Withdrawals for Snowmaking. Amend RSA 488 by 2 inserting after section 4 the following new section:

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13 142:2 New Section; Record Keeping for Snowmaking Withdrawals. Amend RSA 488 by
 14 inserting after section 6 the following new section:

15 488:6-a Record Keeping for Snowmaking Withdrawals. Notwithstanding RSA 488:6, water use 16 records associated with snowmaking shall be maintained and documented monthly, and 24-hour 17 maximum volumes of water withdrawn from each natural water source and the water entering the 18 snowmaking system shall be maintained and documented monthly.

19 142:3 New Paragraph; Rulemaking. Amend RSA 488:9 by inserting after paragraph VI the
 following new paragraph:

VII. Forms and frequency for reporting to the department the records required under
 RSA 488:6-a regarding snowmaking and water withdrawals for snowmaking.

23 142:4 Effective Date. This act shall take effect 60 days after its passage.

24 Approved: June 7, 2011

25 Effective Date: August 6, 2011

# Amendments

Sen. Gallus, Dist. 1 February 2, 2011 2011-0161s 06/09

## Amendment to SB 32

1 Amend the bill by replacing all after the enacting clause with the following:

 $\mathbf{2}$ 

New Section; Measurement of Withdrawals for Snowmaking. Amend RSA 488 by inserting
after section 4 the following new section:

5 488:4-a Measurement of Withdrawals for Snowmaking. Notwithstanding RSA 488:4, ski areas 6 shall only be required to measure water withdrawn from any natural water source for use by a 7 snowmaking system and water entering into the snowmaking system, and such water withdrawal 8 and use shall be measured only by meter or a technically appropriate and calculable method utilizing 9 the manufacturer's plated specifications as they relate to gallons of water pumped per minute.

2 New Section; Recordkeeping for Snowmaking Withdrawals. Amend RSA 488 by inserting
 after section 6 the following new section:

488:6-a Recordkeeping for Snowmaking Withdrawals. Notwithstanding RSA 488:6, ski areas
shall only be required to maintain daily records of the amount and source of water withdrawn from
any natural water source for use by a snowmaking system.

15 3 New Paragraph; Rulemaking. Amend RSA 488:9 by inserting after paragraph VI the16 following new paragraph:

VII. Forms and frequency for reporting to the department the records required under RSA

17

18 488:6-a regarding snowmaking and water withdrawals for snowmaking.

19 4 Effective Date. This act shall take effect 60 days after its passage.

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15 2 New Section; Record Keeping for Snowmaking Withdrawals. Amend RSA 488 by inserting
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17 488:6-a Record Keeping for Snowmaking Withdrawals. Notwithstanding RSA 488:6, water use 18 records associated with snowmaking shall be maintained and documented monthly, and 24-hour 19 maximum volumes of water withdrawn from each natural water source and the water entering the 20 snowmaking system shall be maintained and documented monthly.

21 3 New Paragraph; Rulemaking. Amend RSA 488:9 by inserting after paragraph VI the 22 following new paragraph:

23 24 VII. Forms and frequency for reporting to the department the records required under RSA 488:6-a regarding snowmaking and water withdrawals for snowmaking.

25

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

Energy and Natural Resources February 17, 2011 2011-0398s 06/09

### Amendment to SB 32

1 Amend the bill by replacing all after the enacting clause with the following:

 $\mathbf{2}$ 

1 New Section; Measurement of Withdrawals for Snowmaking. Amend RSA 488 by inserting
after section 4 the following new section:

488:4-a Measurement of Withdrawals for Snowmaking. Notwithstanding RSA 488:4, water use 5 associated with snowmaking shall be measured at the point water is withdrawn from any natural 6 source of water for use by a snowmaking system and at the point that water is entering into the 7 snowmaking system, and such water withdrawal and use shall be measured by an appropriate and 8 calculable method such as a weir, stream gauge, meter, or a technically appropriate and calculable 9 method utilizing the manufacturer's plated specifications as they relate to gallons of water pumped 10 per minute. Diversions from natural sources into storage reservoirs may be measured by using the 11 measurement of the amount of water entering a snowmaking system and by calculating the change 12 in the amount of water stored in the storage reservoir, provided separate records of the water 13 withdrawn from each natural source are maintained. 14

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21 3 New Paragraph; Rulemaking. Amend RSA 488:9 by inserting after paragraph VI the 22 following new paragraph:

- VII. Forms and frequency for reporting to the department the records required under RSA
  488:6-a regarding snowmaking and water withdrawals for snowmaking.
- 25 4 Effective Date. This act shall take effect 60 days after its passage.

# Committee Minutes

Printed: 01/19/2011 at 8:56 am

. . . . . ..... .. .

# SENATE CALENDAR NOTICE **ENERGY AND NATURAL RESOURCES**

Senator Bob Odell Chairman Senator John Gallus V Chairman Senator Jeb Bradley Senator Gary Lambert Senator Amanda Merrill	Of Bill Status Docket	oy Senate Clerk's fice ONLY
	Date: Janu	ary 19, 2011
HEAF	RINGS	
Thursday	1/27/2011	
ENERGY AND NATURAL RESOURCES	LOB 102	9:30 AM
(Name of Committee)	(Place)	(Time)
9:30 AM SB32 relative to water withdraws Sponsors: SB32 Sen. John Gallus	SION MAY FOLLOW als for snow making.	

START: 9:38 AM RECESSED: 9:40 AM

Richard Parsons 271-3076

Sen. Bob Odell

Chairman

# Energy and Natural Resources Committee

# **Hearing Report**

TO: Members of the Senate

**FROM:** Richard Parsons, Legislative Aide

**RE:** Hearing report on SB 32 – relative to water withdrawals for snow making.

HEARING DATE: January 27, 2011

**MEMBERS OF THE COMMITTEE PRESENT:** Senators Odell, Gallus, Bradley, Lambert, Merrill

# MEMBERS OF THE COMMITTEE ABSENT: No one

Sponsor(s): Sen. Gallus, Dist 1

What the bill does: This bill provides for measurement of water withdrawn for snowmaking and requires record keeping for such withdrawals.

Who supports the bill: Senator John Gallus, District 1

Who opposes the bill: No one.

# Summary of testimony received:

Senator John Gallus, District 1- Prime sponsor

- Hearing opened at 9:38 a.m.
- Senator Gallus introduced SB 32, a bill to address how record keeping is conducted and reported for snow making in NH.
- Current law has been interpreted to require a withdrawal record from a river or pond to a storage pond, and then another record keeping requirement for a withdrawal from the storage pond to the snow making system.
- This requires additional administrative work as well as the potential of costly water metering systems.
- Parties of interest have been working on the language and unfortunately they were not able to finalize it before the bill went to print or even before today's hearing.
- Senator Gallus asked that the chair recess the hearing.

• Senator Odell: How burdensome is this?

• Senator Gallus said it is over burdensome on recording standards and is something that should be addressed at this time.

Hearing recessed at 9:40 a.m.

Funding: Not applicable.

Future Action: None taken at time of report.

RMP [file: SB 32 report] Date: 1/27/11

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# AMENDED SENATE CALENDAR NOTICE ENERGY AND NATURAL RESOURCES

Senator Bob Odell Chairman Senator John Gallus V Chairman Senator Jeb Bradley Senator Gary Lambert Senator Amanda Merrill

For Use by Senate Clerk's Office ONLY				
Bill Status				
Docket				
Calendar				
Proof: Calendar Bill Status				

Printed: 01/27/2011 at 11:10 am

# Date: January 27, 2011

# HEARINGS

	Thursday		2/3/2011	
ENERGY AND	NATURAL RESOURCES		LOB 102	9:00 AM
(Name of Comm	ittee)		(Place)	(Time)
	EXECUTIVE SES	SSION M	AY FOLLOW	
5	Please note SB 32 was previously rec witched to 9:30 a.m. from its previou 18 has been switched to 9:45 a.m. fro relative to water withdra	usly schedul m its previo	ed time of 9:00 a.m ously scheduled time	. and the hearing time for SB
9:15 AM SB8'			-	systems.
9:30 AM SB2:				-
9:45 AM SB4		-		
Sponsors: SB32 Sen. John Gallus SB87 Sen. Jeb Bradley Sen. John Gallus Rep. Karen Umber SB22 Sen. Bob Odell SB48	Sen. John Barnes, Jr. Sen. Gary Lambert	Sen.	David Boutin Bob Odell	Sen. Sharon Carson Rep. Gene Chandler
Sen. Bob Odell	Sen. Gary Lambert	Sen.	Jim Luther	

STANTE 9:00AM ELOSE: 9:15AM

Richard Parsons 271-3076

Sen. Bob Odell

Chairman

# Energy and Natural Resources Committee

# **Hearing Report**

TO: Members of the Senate

**FROM:** Richard Parsons, Legislative Aide

**RE:** Hearing report on SB 0032 – relative to water withdrawals for snow making.

**HEARING DATE:** 02/03/2011

# MEMBERS OF THE COMMITTEE PRESENT: Senators Odell, Gallus, Bradley, Lambert,

# **MEMBERS OF THE COMMITTEE ABSENT:** Senator Merrill

**Sponsor(s):** Sen. Gallus, Dist 1

What the bill does: This bill provides for measurement of water withdrawn for snowmaking and requires record keeping for such withdrawals.

Who supports the bill: Senator John Gallus, District 1; Jay Gamble, Mount Sunapee and Ski NH; Greg Goddard, Gunstock and Ski NH;

Who opposes the bill: No one.

Neutral Position: Brandon Kernen, NHDES

# Summary of testimony received:

- Senator Odell reopened at 9:00 a.m.
- The Chair noted that Senator Gallus was distributing amendment #161s for the Committee's discussion.

Jay Gamble, Vice President and General Manager of Sunapee, Chairman of the Ski NH Legislative Committee

- Speaking to the amendment in support of the intent of both the original bill and the amendment.
- Ski NH supports the amendment and has been in talks with DES for several addition amendments that will be presented in the coming days
- A little background on snow making reporting:

- o Up until the 2006 ski
  - season, ski areas had been dutifully reporting their withdrawals to DES.
    - However, during the 2005 legislative session, a new law was passed relative to water withdrawals, transfers and discharges.
- o At the time, ski areas were told that DES was just codifying what had been their information collection practices.
- o Upon implementation, the process became more technical and complex than what their previous practices had been
  - Because there was not the latitude that the law and rules 0 suggested.
- The amendment is intended to bring more certainty to the 0 reporting process.
- Question from Senator Odell: Are these surface water withdrawals? Not major underground, right?
  - o To the best of my knowledge, but New Hampshire has many different waters used.
- Question from Senator Odell: Just so the Committee understrands, the amendment still needs changes in collaboration with the Department?
  - Yes, and they are very close with a little language needed.
- Senator Odell asking a question on behalf of Senator Merrill: Why in line 9 the phrase "approved by the commissioner" has been deleted and replaced with reference to "the manufacturer's plated specs..."? Also, not clear on whether "water entering into the snowmaking system" is a disposal or a transfer according to definitions of chapter.
  - o The Commissioner appeared to have broad discretion and changeable reporting, whereas if a pump has a name plate specs for the purposes of reporting we would stick to a quantifiable means of doing that whether it be flow meters or name plate data on pumps.
    - But, quantifiable data would be the words chosen for the bill rather than something that is at the discretion of because most of these systems have quantifiable capacities.

Greg Goddard, General Manager of Gunstock and past chair of Ski NH

- In support of the bill and its proposed amendment
- Believe close to an agreement with DES on additional amendment language.
- The existing law and rules have been interpreted to require ski 0 areas to record every water movement as it relates to snow making.
- As business, found that some of the recording requirements 0 were redundant because ski areas were counting the same water multiple times.
- Also, having to meter this process made it quite expensive as well.

- With the new language, ski areas will now be able to give DES more accurate information on water as it is withdrawn from a river or pond or as it is diverted from a natural source into the snow making system.
- Question from Senator Odell: Am I correct that this is all surface water withdrawals?
  - Not aware of any ground water withdrawals and to the best of knowledge it is all surface water.

Brandon Kernen, DES, Hydrology and Conservation Program

- The Department can support the amendment with a few clarifications that has to do with broadening some options for measuring water use beyond just the pump capacity or meter and that water from natural sources need to be reported.
- Since 1988, water reporting has been a requirement and rule in New Hampshire.
- What changed in 2005: changes were made to clarify that those requirements were legal to enforce.
  - o JLCAR hadn't supported the rules previously.
- So the changes that were made did not have to do with changing requirements but rather the ability to enforce those requirements.
- Question from Senator Odell: Do you agree with taking the language out that gives discretion to the commissioner and changing it to the manufacturers plated specs?
  - o That is allowed now under our current rules.
- Odell: What about the large surface water removal place like golf courses. Do they have the same requirements?
  - Ski areas use a much larger volume of water in a time of year when there is not a lot of free flowing water.
    - As they are in a mountainous region they often have multiple sources of water that they are pulling from to keep up with their high demands
  - Golf courses don't have to pull from as many sources because of the availability of water in the summer months and they use far less water than a ski facility.
- Question from Senator Odell: What happens to the data and why is it important?
  - Take the data and see how much water is available to estimate recharge for a given physical property and you can go out and create a map of the state that looks at your areas of stress, which let's us see if there is environmental problems or give that information to towns.
    - The towns often request this information.
  - Follow up on ground water: No one is using it for snow making at this time, there is some being used for cooling compressors which takes up a lot less water.
- Question from Senator Odell: How many gallons a day does it take to be a large?

o 56,600 gallons in a 24-Hearing closed at 9:15 a.m.

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hour period

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Funding: Not applicable.

Future Action: None taken at time of report.

RMP [file: SB0032 report] Date: 2/4/11

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Speakers

# Senate Energy and Natural Resources Committee: Sign-In Sheet

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Date: 1/27/2011

Time: 9:30 AM Public Hearing on SB 32

SB 32

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relative to water withdrawals for snow making.

Name	Representing					
SEN. GALLUS	DISTRICT 1	Support	Oppose	Speaking?	Yes	No □
		Support	Oppose	Speaking?	Yes	No
		Support	Oppose	Speaking?	Yes	No
		Support	Oppose	Speaking?	Yes	No
		Support	Oppose	Speaking?	Yes	No □
		Support	Oppose	Speaking?	Yes	No
		Support	Oppose	Speaking?	Yes	No
		Support	Oppose	Speaking?	Yes	No
		Support	Oppose	Speaking?	Yes	No
		Support	Oppose	Speaking?	Yes	No
		Support	Oppose	Speaking?	Yes	No
		Support	Oppose	Speaking?	Yes	No
		Support	Oppose	Speaking?	Yes	No
		Support	Oppose	Speaking?	Yes	No
		Support	Oppose	Speaking?	Yes	No
· · · · · · · · · · · · · · · · · · ·		Support	Oppose	Speaking?	Yes	No
		Support	Oppose	Speaking?	Yes	No □
		Support	Oppose	Speaking?	Yes	No
		Support	Oppose	Speaking?	Yes	No

# Senate Energy and Natural Resources Committee: Sign-In Sheet

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Date: 2/03/2011

Time: 9:00 AM

Public Hearing on SB 32

SB 32

relative to water withdrawals for snow making.

Name	Representing			···		
ER JAY GAMALE	MOUNT SUNAPET SKINH	Support	Oppose	Speaking?	Yes	
GREG GODDARD Banda Karen	Guistock/ SULI NH	Support	Oppose	Speaking?	Yes I	
Banda Kair	NHOES	Support	Oppose	Speaking?	Yes X	No
Marie Leanan	Attom	Support	Oppose	Speaking?	Yes	N° X
		Support	Oppose	Speaking?	Yes	No
		Support	Oppose	Speaking?	Yes	No
Annen an		Support	Oppose	Speaking?	Yes	No
		Support	Oppose	Speaking?	Yes	No
		Support	Oppose	Speaking?	Yes	No □
		Support	Oppose	Speaking?	Yes	No □
		Support	Oppose	Speaking?	Yes	No
		Support	Oppose	Speaking?	Yes	No
		Support	Oppose	Speaking?	Yes	No
		Support	Oppose	Speaking?	Yes	No
		Support	Oppose	Speaking?	Yes	No
		Support	Oppose	Speaking?	Yes	No
		Support	Oppose	Speaking?	Yes	
		Support	Oppose	Speaking?	Yes	No
		Support	Oppose	Speaking?	Yes	No

# Testimony

NHDES

The State of New Hampshire DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner February 10, 2011

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

Re: SB 32 relative to water withdrawals for snow making

Dear Chairman Odell:

Thank you for the opportunity to comment on SB 32, which would modify RSA 488 relative to Water Use Registration and Reporting by changing the measurement and reporting requirements for water use associated with snowmaking.

The Department of Environmental Services (DES) does not support SB 32 in its original form because it is not consistent with the requirements of RSA 488:4, which states in part that "each withdrawal, discharge, or transfer required to be registered under this chapter shall be metered or measured by a technically appropriate and verifiable method...." The bill proposes to add a section, RSA 488:4-a, in order to clarify how measurement of withdrawals may occur for snowmaking at ski areas. However, it fails to clearly require that all natural sources of water from which withdrawals occur need to be measured. This is necessary in order to provide a complete understanding of water use for snowmaking by the ski areas.

At the public hearing on February 3, 2011, SB 32 was amended and many of DES's concerns with the original bill were alleviated with the exception of some minor clarifications. DES has since collaborated with representatives from the ski industry to draft the attached language that could be used to further amend SB 32. This possible amendment addresses our concerns with the original bill and its subsequent amendment. We believe that it also reasonably addresses the concerns of the New Hampshire ski industry by further clarifying in statute how ski areas might comply with the monitoring requirements of RSA 488. DES supports this amendment.

Thank you for the opportunity to comment on this legislation. If you have any questions or need additional information, please do not hesitate to call Brandon Kernen at 271-0660 or me at 271-2958.

Sincerely. Zmarck

Thomas S. Burack Commissioner

cc: Senator Gallus

DES Web site: www.des.nh.gov P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095 Telephone: (603) 271-3503 • Fax: (603) 271-2982 • TDD Access: Relay NH 1-800-735-2964 RSA 488:4-a. Measurement of Withdrawals for Snowmaking. In lieu of RSA 488:4, skiareas-water use associated with snowmaking shall only-be required to-measured at the point water is withdrawn from any natural water-source of water for use by a snowmaking system and at the point that water is entering into-the snowmaking system, and such water withdrawal and use shall be measured only-by an appropriate and calculable method such as a weir. stream gauge, meter or a technically appropriate and calculable method utilizing the manufacturer's plated specifications as they relate to gallons of water pumped per minute. Diversions from natural sources into storage reservoirs may be measured by using the measurement of the amount of water entering a showmaking system and by calculating the change in storage in the storage reservoir. provided separate records of the water withdrawn from each natural source are maintained.

RSA 488:6-a. Record kKeeping for Snowmaking Withdrawals. In lieu of RSA 488:6, ski-areas water use records associated with snowmaking shall only-be required tomaintained -daily records of- and document monthly and monthly 24-hour maximum volumes the amount and source-of water withdrawn from any-each natural water source for use-by-a and the water entering the snowmaking system.

3 New Paragraph; Rulemaking. Amend RSA 488:9 by inserting after paragraph VI the following new paragraph:

VII. Forms and frequency for reporting to the department the records required under RSA 488:6-a regarding snowmaking and water withdrawals for snowmaking.

# Ski NH

Testimony of Jay Gamble on Senate Bill 32 Chair of Ski NH's Legislative Committee V.P. & General Manager, Mount Sunapee Resort

Senate Energy & Natural Resources Committee

Thank you Mr. Chairman,

For the record, I am Jay Gamble, VP and General Manager of Mount Sunapee Resort. Today, I appear before you with a slightly different hat as the chair of Ski NH's Legislative Committee. Ski NH is the state association here representing 37 alpine and Nordic ski resorts throughout NH.

Ski NH supports the intent of Senate Bill 32 and today's proposed amendment. In addition to today's proposed amendment, Ski NH has also been in talks with DES about a couple of minor changes to the amendment language before you today and I believe we are close to reaching an agreement.

But first, a little bit of background. Up until the 2006 ski season, ski areas had been dutifully reporting their withdrawals to DES. However, during the '05 legislative session, a new law passed relative to water withdrawals, transfers and discharges. At the time we were told that DES was just codifying what had been their information collection practices.

Upon implementation, the process became more technical and complex than what their previous practices had been as there was not the latitude that the law and rules suggested. Therefore, you have the bill and amendment before you today that is intended to bring more certainty to the reporting process.

It deals with withdrawals as well as natural diversions of water that does not involving pumping.

Greg Goddard from Gunstock is also here today and will address the specifics of the bill in terms of how it affects a ski area with multiple sources of water for snowmaking.

Thank you for your time and I would be pleased to try and answer any questions you may have of me on this issue.

# Parsons, Richard

From:	Merrill, Amanda
Sent:	Thursday, February 03, 2011 8:26 AM
То:	Parsons, Richard
Cc:	Odell, Bob

Subject: RE: Amendments for Energy and Natural Resources 2/3/2011

I am not going to be in Concord today, having just gotten an 11 am appt for a root canal, after a week of waiting to see if my toothache would go away...

I have looked over all the amendments.

Re. SB 21: I think lines 9 and 14-15 need a little tweaking to make the sentence read properly. As amended, you end up with "Maintenance....may be cleaned out...." Perhaps instead: "<u>The</u> maintenance of......" and then in lines 14-15 "storing and recycling water [may be cleaned out when necessary] to preserve their usefuleness <u>may be carried out</u> without a permit from the dept." Also wasn't sure if all references in chapter should be consistent in terms of referring either to "do not need a permit" "without a permit from the dept" or "shall be exempt from a permit under RSA 482-A."

# / Marine Contraction Contraction

Re. SB 32: One question I have is why in line 9 the phrase "approved by the commissioner" has been deleted and replaced with reference to "the manufacturer's plated specs....." Also not clear on whether "water entering into the snowmaking system" is a disposal or a transfer according to definitions of chapter.

Re. SB 22: Numerous general questions (also w/ the other telecom bill). One specific one, though: In line 12 of amendment (also in bill as introduced)-- not sure what "combination of" means; seems vague. Personally, I hope these aren't exec'd today.

I'm sorry to miss the meeting, but will catch up after I get out from under the drill....

NH State Senator Amanda Merrill District 21 State House 120 603-271-8567

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From: Parsons, Richard
Sent: Wed 2/2/2011 1:29 PM
To: Bradley, Jeb; Odell, Bob; Merrill, Amanda; Lambert, Gary
Cc: Taylor, Marlene; Cote, Marty; Cummings, Kathryn; Brown, L. Gail
Subject: Amendments for Energy and Natural Resources 2/3/2011

Attached are two amendments for Committee tomorrow for your review. There will be hard copies available for all members at the hearings in the morning. Senate Bill 21 has already had a public hearing and the amendment would be relevant for a possible executive session. Senate Bill 32 will return from recess and have the amendment presented at that time. Please let me know if you have any questions.

Thanks,

Rich

Richard M. Parsons Legislative Aide

2/3/2011

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Aide to the Senate Energy and Natural Resources Committee NH State Senate State House, Room 115 Concord, NH 03301 (603) 271-3076

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Senate Bill 32 - relative to water withdrawals for snowmaking. Proposed Amendment

## New paragraphs

1 New Section; Measurement of Withdrawals for Snowmaking. Amend RSA 488 by inserting after section 4 the following new section:

RSA 488:4-a. Measurement of Withdrawals for Snowmaking. In lieu of RSA 488:4, ski areas shall only be required to measure water withdrawn from any natural water source for use by a snowmaking system and water entering into the snowmaking system, and such water withdrawal and use shall be measured only by meter or a technically appropriate and calculable method utilizing the manufacturer's plated specifications as they relate to gallons of water pumped per minute.

2 New Section; Recordkeeping for Snowmaking Withdrawals. Amend RSA 488 by inserting after section 6 the following new section:

RSA 488:6-a. Recordkeeping for Snowmaking Withdrawals. In lieu of RSA 488:6, ski areas shall only be required to maintain daily records of the amount and source of water withdrawn from any natural water source for use by a snowmaking system.

3 New Paragraph; Rulemaking. Amend RSA 488:9 by inserting after paragraph VI the following new paragraph:

VII. Forms and frequency for reporting to the department the records required under RSA 488:6-a regarding snowmaking and water withdrawals for snowmaking.

# Committee Report

# STATE OF NEW HAMPSHIRE

# SENATE

# **REPORT OF THE COMMITTEE**

Date: February 17, 2011

THE COMMITTEE ON Energy and Natural Resources

to which was referred Senate Bill 32

AN ACT relative to water withdrawals for snow making.

Having considered the same, the committee recommends that the Bill:

# OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 0398s

Senator John T. Gallus For the Committee

Richard Parsons 271-3076

Bill\_Status

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# New Hampshire General Court - Bill Status System

# **Docket of SB32**

**Docket Abbreviations** 

Bill Title: relative to water withdrawals for snow making.

Official Docket of SB32:

Date	Body	Description
1/6/2011	S	Introduced and Referred to Energy and Natural Resources, SJ 2, Pg.25
1/19/2011	S	Hearing: 1/27/2011, Room 102, LOB, 9:30 a.m.; <b>SC8</b>
1/27/2011	S	Hearing: === RECONVENE === 2/3/2011, Room 102, LOB, 9:00 a.m.; <b>SC9</b>
2/17/2011	S	Committee Report: Ought to Pass with Amendment <b>#2011-0398s</b> , 2/23/11; <b>SC12</b>
2/23/2011	S	Committee Amendment 0398s, AA, VV; <b>SJ 7</b> , Pg.68
2/23/2011	S	Ought to Pass with Amendment 0398s, MA, VV; OT3rdg; SJ 7, Pg.68
2/23/2011	S	Passed by Third Reading Resolution; SJ 7, Pg.77
3/16/2011	Н	Introduced and Referred to Resources, Recreation and Development; HJ 28, Pg.882
3/22/2011	н	==CANCELLED== Public Hearing: 3/29/2011 1:45 PM LOB 305
3/23/2011	Н	==RESCHEDULED== Public Hearing: 4/5/2011 1:45 PM LOB 305
4/26/2011	Н	Executive Session: 5/3/2011 1:00 PM LOB 305
5/4/2011	H	Committee Report: Ought to Pass for May 18 (Vote 15-0; CC); HC 39, PG.1321
5/18/2011	н	Ought to Pass: MA VV; HJ 44, PG.1536
6/1/2011	Н	Enrolled; HJ 48, PG.1669
6/1/2011	S	Enrolled; <b>SJ 20</b> , Pg.547
6/7/2011	S	Signed by the Governor on 06/07/2011; Effective 08/06/2011; Chapter 0142

NH House

NH Senate

# Other Referrals

# COMMITTEE REPORT FILE INVENTORY

5B 0032 ORIGINAL REFERRAL

\_ RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.

2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.

3. The documents which have an "X" beside them are confirmed as being in the folder.

4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

- <u>X</u> DOCKET (Submit only the latest docket found in Bill Status)
- <u>∧</u> COMMITTEE REPORT
- X CALENDAR NOTICE
- <u>X</u> HEARING REPORT
- $\underline{\times}$  HANDOUTS FROM THE PUBLIC HEARING
- $\times$  PREPARED TESTIMONY AND OTHER SUBMISSIONS
- $\underline{X}$  SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

- <u>X</u> AMENDMENT # <u>1615</u> AMENDMENT # <u>03985</u>
- $\underline{\times}$  AMENDMENT # <u>2335</u> AMENDMENT # \_\_\_\_\_

ALL AVAILABLE VERSIONS OF THE BILL:

<u>X</u> AS INTRODUCED <u>AS AMENDED BY THE HOUSE</u>

 $\underline{\times}$  FINAL VERSION  $\underline{\times}$  AS AMENDED BY THE SENATE

\_\_\_\_\_ OTHER (Anything else deemed important but not listed above, such as amended fiscal notes):

IF YOU HAVE A RE-REFERRED BILL, YOU ARE GOING TO MAKE UP A DUPLICATE FILE FOLDER

DATE DELIVERED TO SENATE CLERK \_ 7/22/11\_

BY COMMITTEE AIDE