

N.H. Lakes Management Advisory Committee

[N.H. Lakes Management and Protection Program](https://www.lmac.des.nh.gov/)
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<https://www.lmac.des.nh.gov/>

March 16, 2023

The Honorable Kenneth Weyler, Chair
House Finance Committee
Legislative Office Building, Room 210
Concord, NH 03301

RE: HB 2 - AN ACT relative to state fees, funds, revenues, and expenditures.

Dear Chair Weyler and Members of the Committee:

The Lakes Management Advisory Committee (LMAC) is a stakeholder group of academia, business, conservation organizations, lake associations, tourism, fish and game commission, marine trades, realtors, municipal government as well as several state agencies. We are writing to comment on several provisions in HB 2:

- **Support** development of a PCB assistance fund.
- **Oppose** exempting existing highway rights-of-way from prime wetlands designations or their adjacent buffers.
- **Oppose** elimination of licensure requirements, associated licensure boards, and the apprenticeship program for natural scientists and foresters.

Support: PCB Assistance Fund (page 15, section 37): In New Hampshire, 104 waterbodies are impaired due to the presence of PCBs, including iconic locations like Squam Lake. PCBs affect animal and human health. They have been documented to occur in common loon eggs, showing they move through the food chain. PCBs were banned four decades ago but contamination persists in the environment. The PCB Assistance Fund would be an important step in cleaning up our environment and protecting the public from these dangerous chemicals. The LMAC supports the proposed creation of and \$6 million appropriation to the Fund.

Oppose: Exempting existing NHDOT rights of way from prime wetlands designations (page 44, section 125): Primary wetlands are designated based on the high-quality characteristics of the wetland. The LMAC opposes excluding some wetlands from this definition based solely on their location relative to NHDOT rights of way, particularly given that not all NHDOT rights of way are developed parcels. Wetlands serve important functions to protect infrastructure, human health, and ecological integrity, including providing flood protection and wildlife habitat, improving water quality, and protecting drinking water. The protections associated with prime wetlands should remain based on the outstanding characteristics of individual wetlands and not based on land ownership.

Oppose: Revoking licensure for natural scientists and foresters (page 130, section 367 and page 183, section 453): The LMAC opposes the elimination of licensure requirements, associated licensure boards, and the apprenticeship program for natural scientists (wetlands scientists and soil scientists) and foresters. Soil analyses and wetland delineations are complex and require expertise to perform. Improperly conducted delineations risk adverse impacts to wildlife and to homeowners' interests. The removal of licensure undermines public trust, creates confusion about how to select a qualified professional, and exposes homeowners to financial and other

LMAC VOTING MEMBERS: Jared Maraio, Chair, NH Travel Council • Shane Bradt, Scientific Community • Ryan Cardella, Marine Trades Association • Tiffany Grade, Conservation Community • Sara Holland, NH Association of Realtors • Janet Kidder, Planning Boards • Frank Lemay, NH Business & Industry Assoc. • Andrea LaMoreaux, NH LAKES • Lisa Morin, State Conservation Committee • Susan Price, NH Fish & Game Commission • Dick Smith, Fishing Interests • Meredith Smith, Municipal Official • Steve Wingate, Conservation Commissions

LMAC NON-VOTING MEMBERS: Garret Graaskamp, Vice Chair, NH Fish & Game Dept. • Capt. Tim Dunleavy, NH Dept. of Safety • Eric Feldbaum, NH Dept. of Natural and Cultural Resources • Jennifer Gilbert, NH Dept. of Business and Economic Affairs • Mark Hemmerlein, NH Dept. of Trans. • Shawn Jasper, NH Dept. of Ag, Markets & Food

The Honorable Kenneth Weyler
Chair, House Finance Committee
HB2, March 16, 2023
Page 2

losses. Many state regulations and municipal laws require surveys done by certified wetlands or soil scientists. Eliminating the licensure requirement would require significant changes to local and state regulations. It is difficult to summarize all of the unintended consequences of removing licensure requirements; this issue deserves a stand-alone hearing outside of what is possible within the tight timelines of the budget review process.

Licensure also ensures that state and local permitting officers have accurate and complete information. With less consistent or less reliable data, delays are introduced into the permit review process. Elimination of the licensure requirements thus would be counterproductive, as it would slow review times and adversely affect consumers. The LMAC urges removing this provision from the budget.

The LMAC is a legislatively created body charged to work with the New Hampshire Department of Environmental Services (NHDES) to administer RSA 483-A, the Lakes Management and Protection Program. The Governor and Council appointed Committee is comprised of 19 members.

Thank you for the opportunity to comment on HB 2. Should you have questions, please feel free to contact me at (603) 366-5531 or Jared@cruisenh.com.

Respectfully,

A handwritten signature in black ink, appearing to read 'Jared Maraio', written in a cursive style.

Jared Maraio, Chair

ec: LMAC Representatives
Robert R. Scott, Commissioner, NHDES