

# N.H. Lakes Management Advisory Committee

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

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January 29, 2024

The Honorable Michael Vose, Chair  
House Science, Technology, and Energy Committee  
Legislative Office Building, Room 304  
Concord, NH 03301

**RE: HB 1576 - AN ACT relative to allowing property owners to opt out of public utilities.**

Dear Chair Vose and Members of the Committee:

The Lakes Management Advisory Committee (LMAC) is writing to express its **opposition to House Bill 1576**, which will allow property owners to opt out of public utilities, including stormwater and sewer utilities.

The inclusion of stormwater and sewer utilities in this bill threatens water quality. Stormwater runoff and improperly functioning septic systems are two of the three largest contributors of nutrient pollution to New Hampshire lakes. Nutrient pollution in turn drives toxic cyanobacteria blooms, which harm public health, reduce property values, and adversely affect business revenue and tourism.

Reducing nutrient pollution, including through the creation of public utilities, is one of the four key strategies of the statewide strategy to address cyanobacteria blooms. That plan was recently developed by the New Hampshire Department of Environmental Services (NHDES) at the direction of the General Court, in recognition of the growing threat that blooms pose to public health and to the state's economy. Allowing homeowners to opt out of participation in public utilities increases the risk that private systems will contribute to the nutrient pollution that harms our lakes and contributes to cyanobacteria blooms.

Chronic cyanobacteria blooms have been demonstrated to cause home values to decline by as much as 33 percent. Consequently, investing in solutions like stormwater and sewer utilities to protect water quality ultimately is in homeowners' best financial interest. Such investments also protect the public trust in clean waterbodies. It is a mistake to undermine the financial feasibility of public stormwater and sewer utilities by allowing homeowners to opt out of them.

The LMAC is a legislatively created body charged to work with NHDES to administer RSA 483-A, the Lakes Management and Protection Program. The Governor and Council appointed Committee is comprised of 19 members representing academia, business, conservation organizations, lake associations, tourism, fish and game commission, marine trades, realtors, municipal government as well as several state agencies.

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

**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 • Mark Hemmerlein, NH Dept. of Trans. • Allen Wyman, NH Dept. of Ag, Markets & Food • Vacant, NH Dept. of Business and Economic Affairs

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**In conclusion, the LMAC opposes HB 1576 for the reasons stated above.** Thank you for the opportunity to comment. Should you have questions, please feel free to contact me at (603) 569-3114 or [stevewingate@roadrunner.com](mailto:stevewingate@roadrunner.com).

Respectfully,



Steve Wingate, LMAC Legislation Subcommittee

ec: Representatives Layton, Cushman, D. Kelley, and Sirois  
LMAC Representatives  
Robert R. Scott, Commissioner, NHDES