

15 January 2009

The Honorable Judith Spang, Chairperson
Resources, Recreation and Development Committee
New Hampshire House of Representatives
Municipal and County Government
Legislative Office Building, Room 305
Concord, New Hampshire 03301

Re: HB 150-FN – An Act relative to removing invasive aquatic growth

Dear Chairperson Spang and Members of the Committee:

Thank you for the opportunity to provide information regarding HB 150-FN. The Department of Resources and Economic Development Division of Forests and Lands neither supports nor opposes HB 150-FN. Managing aquatic environments, including exotic, invasive, and nuisance aquatic plants, is an important issue. The Department of Environmental Services is presently leading an interagency effort to develop a policy for the management of native aquatic plants.

The Department of Resources and Economic Development has several suggestions for, and concerns about, HB 150-FN.

Definitions

The definitions in HB 150-FN should be consistent with definitions in existing laws and rules. “Exotic aquatic weeds includes only those species of vascular aquatic plants which were not part of New Hampshire’s native aquatic flora before 1950” (RSA 487:16 III). “Invasive species means an alien species whose introduction causes or is likely to cause economic or environmental harm or harm to human health” (RSA 430:52 VII). This definition is consistent with other state, federal, and scientific definitions. “Nuisance species means any species of flora or fauna living in or near the water whose noxious characteristics or presence in sufficient number or mass prevent or interfere with a designated use of those surface water standards” (Env-Wq 1702.34).

The term “invasive aquatic growth” as defined in HB 150-FN appears to encompass native plants. Native plants can be “nuisance plants”, but cannot be “invasive”.

Existing Authority

The Department of Environmental Services has the authority to manage exotic, invasive, and nuisance aquatic plants. The Departments of Environmental Services, Resources and Economic Development, Fish and Game, and Agriculture, Markets and Food have responsibility for managing native aquatic plants.

Designated Use

The only designated use addressed by HB 150-FN is recreation, and delegates authority currently held by the Department of Environmental Services to local assessors. The Department of Environmental Services Surface Water Quality Regulations authorizes the assignment and protection of designated uses. “All surface waters shall provide, where attainable, for the protection and propagation of fish, shellfish and wildlife, and for recreation in and on the surface waters” (Env-Wq 1703.01(c)).

Navigable Waters

HB 150-FN delegates authority to designate navigable waters currently held by the U.S. Army Corps of Engineers to local safety responders.

The Department of Resources and Economic Development neither supports nor opposes HB 150-FN. We support the existing interagency effort, led by the Department of Environmental Services, to complete its work. If we can provide any further information, please let us know.

Respectfully,

Brad Simpkins
Interim Director Forests and Lands

cc: George M. Bald, Commissioner, DRED
Susan Francher
Donald M. Kent, Ph.D.