CHAPTER 114
HB 1143 - FINAL VERSION

22Feb2024... 0369h

2024 SESSION

24-2105
10/08

HOUSE BILL ***1143***

AN ACT including control of cyanobacteria blooms under the New Hampshire clean lakes program.

SPONSORS: Rep. Rung, Hills. 12; Rep. J. MacDonald, Carr. 6; Rep. Crawford, Carr. 3; Rep. Coker, Belk. 2; Rep. Ebel, Merr. 7; Rep. Wolf, Merr. 7; Rep. Tanner, Sull. 5; Rep. Ball, Rock. 25

COMMITTEE: Resources, Recreation and Development

ANALYSIS

This bill requires the department of environmental services to provide remedial actions for cyanobacteria blooms under the New Hampshire clean lakes program.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT including control of cyanobacteria blooms under the New Hampshire clean lakes program.

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

114:1 New Hampshire Clean Lakes Program; Cyanobacteria Blooms. Amend RSA 487:17 to read as follows:

487:17 Program Established.

I. A program for the preservation and restoration of New Hampshire lakes and ponds eligible under RSA 487:20 shall be established and administered within the department of environmental services. Said program shall function to*:*

(a) Limit the eutrophication process in New Hampshire lakes by reducing nuisance growths of macrophyton and phytoplankton.

(b) Monitor, manage, and reduce the risk of cyanobacteria blooms.

I-a. [~~It~~] ***The program*** shall reinforce and complement the [~~program~~] ***programs*** authorized by the federal program and shall serve [~~3~~] ***the following*** basic purposes:

(a) To diagnose degraded lakes and ponds and implement long-term solutions for the purpose of restoring water quality where such solutions are feasible and cost effective.

(b) To diagnose lakes and ponds and implement methods for long-term preservation of the water quality when such measures can be shown to be feasible and cost effective.

(c) To provide short-term remedial actions which can effectively maintain water quality conditions adequate for public recreation and enjoyment, including, but not limited to, the control or eradication of exotic aquatic weeds pursuant to paragraphs II and III.

(d) To provide remedial actions which can effectively maintain water quality conditions adequate for public recreation and enjoyment, including, but not limited to, the control of cyanobacteria blooms pursuant to paragraphs III and IV.

II. The department is directed to prevent the introduction and further dispersal of exotic aquatic weeds and to manage, control, or eradicate exotic aquatic weed infestations in the surface waters of the state. The department is authorized to:

(a) Display and distribute promotional material and engage in educational efforts informing boaters of the problems with exotic aquatic weed control.

(b) Control or eradicate infestations of exotic aquatic weeds, according to the following criteria:

(1) The department shall have determined that the exotic aquatic weed can in fact be controlled or eradicated in the waterbody.

(2) The most environmentally sound treatment technique relative to the specific infestation will be used, which also meets the requirements of state rules, including rules adopted under

RSA 430. Notwithstanding any law or interagency agreement to the contrary, the department's recommendation to use herbicide applications shall be made in consultation with the fish and game department and shall be implemented only if the department of agriculture, markets, and food issues the permit pursuant to RSA 430:33, with or without the concurrence of the department of fish and game.

(c) Develop an emergency response protocol to control or eradicate small new infestations. The protocol may include contractual agreements with one or more licensed pesticide applicators that would enable the prompt treatment of exotic aquatic weeds with herbicides consistent with the criteria provided in subparagraph (b).

(d) Designate, in consultation with the department of fish and game and the division of state police, department of safety, restricted use of exotic aquatic weed control areas.

III. After notice and opportunity for hearing and comment, the department may make financial grants to lakefront associations, private businesses, citizens, and local governmental agencies for the management of exotic aquatic weeds *and/or the control of cyanobacteria blooms*. All applications for grants by such groups shall be approved by the department, in consultation with the fish and game department, and shall meet state rule requirements.

IV. The department is directed to reduce, control, and prevent the nutrient inputs which cause cyanobacteria blooms. The department may:

(a) Display and distribute promotional material and engage in educational efforts informing the public of the problems with cyanobacteria blooms.

(b) Control the level of phosphorus using chemical or physical in-lake treatments, according to the following criteria:

(1) The department shall have determined that the prevalence of cyanobacteria blooms may be controlled with chemical or physical in-lake treatments.

(2) The most environmentally sound treatment technique determined by water quality analysis shall be used, which also meets the requirements adopted in administrative rules, including rules adopted under RSA 430. Notwithstanding any law or interagency agreement to the contrary, the department's recommendation to use chemical applications or physical treatments shall be made in consultation with the fish and game department.

114:2 New Paragraph; New Hampshire Clean Lakes Program; Rulemaking. Amend RSA 487:24 by inserting after paragraph VII-c the following new paragraph:

VII-d. The issuance of permits for in-lake management projects including but not limited to the use of chemical or physical in-lake treatments for the specific purposes of preventing or remediating cyanobacteria blooms.

114:3 Effective Date. This act shall take effect 60 days after its passage.

Approved: July 03, 2024
Effective Date: September 01, 2024