

The New Hampshire Groundwater Commission

**“Commission to Study Issues Relative
to Groundwater Withdrawals”**

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Ground Water Commission

- **Established by Legislature in 2003 (SB155) to consider a broad spectrum of issues related to ground water quantity and quality protection.**
- **Commission extended to 2008 and subsequently to 2010**



Commission Members

- **Co-Chairs:**
 - **Senator Jacalyn Cilley (D, District 6)**
 - **Representative Judith Spang (D, Strafford 7)**
- **21 members widely representative of water policy interests**
 - **Hydrologists, Geologists, Municipal Association, Land Planners, Farmers, Business and Industry, Conservation, Public Water Supply, and Recreation.**
 - **Three Senators, Three State Representatives**
 - **NHDES Groundwater Bureau Staff**
 - **Assistance from the Attorney General's Office**



Commission Duties

- Bring a balanced approach to water use.
- Improve the current process by which new water users may use state water resources.
- Consider regional impacts
- Consider local water management issues
- Protect and preserve an adequate supply of water for the state, with particular attention to groundwater.



Work Plan and Sub-Committees

- Issue 1 – Ground Water Withdrawal Permitting
- Issue 2 - Clarification of Ground Water Quantity Law and Legislative Authorities
- Issue 3 – Hierarchy of Ground Water Uses
- Issue 4 – Fee on the Commercial, Consumptive Use of Ground Water
- Issue 5 – Protecting Ground Water Quality to Ensure Availability
- Issue 6 – Groundwater Management Data Needs



Accomplishments and Activities

- **Issue 1: Ground Water Withdrawal Permitting**
 - Summary of NH Groundwater law
 - Evaluation of additional permitting needs



Accomplishments and Activities

- **Issue 1: Ground Water Withdrawal Permitting**
 - State permitting requirements largely sufficient
 - Question of “grandfathered” wells
 - Question of local control



Legislative Initiatives from Issue 1

- HB 457
 - Provides municipalities with the authority to implement restrictions on the watering of residential lawns during droughts.
- HB 458
 - Exempts backup/replacement wells from permitting
- HB 459
 - Requires well drillers to accurately report new well locations



Accomplishments and Activities

- **Issue 2: Clarification of Ground Water Quantity Law and Legislative Authorities**
 - Summary of NH Groundwater law
 - Summary of NH legislative authority to regulate
 - Issue of GW as a Public Trust
 - Issue of GW use and international trade agreements



Accomplishments and Activities

- **Issue 2: Clarification of Ground Water Quantity Law and Legislative Authorities**
 - Public Trust: court-based
 - International Trade
 - Broader than just water (applies to all resources)
 - Clear, consistent environmental regulations likely would be upheld
 - Remains issue of concern for some



Remaining Issues

- Issue 3: Hierarchy of Groundwater users
 - Summary of Eastern States' policies
 - Assessment of Drought Management Plan





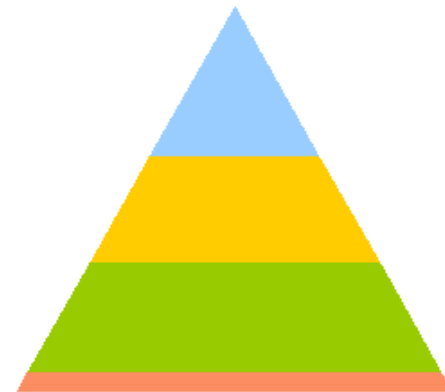
**STATES WITHOUT ESTABLISHED
HIERARCHIES**



STATES WITH ESTABLISHED HIERARCHIES

Remaining Issues

- Issue 3: Hierarchy of Groundwater users
 - Question of Need for Established Hierarchy in NH
 - Draft approaches developed for later consideration
 - Key considerations
 - Protection of Human Health and Safety
 - Economic Prosperity
 - Environmental Quality
 - Quality of Human Life
 - Food Supply



Remaining Issues

- Issue 4: Fees on Consumptive Use
 - Detailed summary on fees in other states
 - Summary of historic efforts to establish fees in NH
 - Subcommittee to meet after Issue 6
- Issue 5: Protecting GW Quality
 - No Subcommittee to form
 - Working with Advisory Group with DES on Source Water Protection Strategy
- Issue 6: GW Data Needs
 - Subcommittee only recently formed (Report in 2009)



NEXT STEPS

- HB1353: Extended Commission to 2010
- New Requirements

“Consideration of...appropriate roles for municipalities in the permitting and regulation of large groundwater withdrawals and include input from municipalities and other appropriate entities...”

“...design an appropriate statewide monitoring plan to ensure long term sustainability of groundwater resources...”

“...development and distribution of public educational materials on the municipal role in large groundwater permitting, including local and state regulations.”



Future Issues

- “Reasonable Use” currently defined narrowly. Expand to include “public benefit” and “future water needs”?
- Individual (and Corporate) Property Rights
- Protection of NH water resources within the context of international trade agreements.
- Water Hierarchy



Local Control



To Find Out More

- Members, schedule and reports of the “Commission to Study Issues Relative to Groundwater Withdrawals” can be seen on the DES web site:
- <http://www.gencourt.state.nh.us/statstudcomm/committees/1723/>

