



New Hampshire Fish and Game Department

HEADQUARTERS: 11 Hazen Drive, Concord, NH 03301-6500
(603) 271-3421
FAX (603) 271-5829

JS

FIS 22 166

wildnh.com
e-mail: info@wildlife.nh.gov
TDD Access: Relay NH 1-800-735-2964

April 19, 2022

The Honorable Karen Umberger, Chairman
Fiscal Committee of the General Court
State House
Concord, New Hampshire 03301

His Excellency, Governor Christopher T. Sununu
and the Honorable Council
State House
Concord, New Hampshire 03301

REQUESTED ACTION

1. Pursuant to the provisions of RSA 206:33-b, authorize the transfer of \$200,000 from the New Hampshire Fish and Game Fund Reserve to the Fish and Game FY 2022 Operating Budget effective upon Fiscal Committee and Governor and Council approval through June 30, 2023.
2. Pursuant to RSA 124:15 and contingent upon approval of Requested Action #1, authorize the New Hampshire Fish and Game Department, Office of the Director, to establish Class 046-Consultants for the purpose of performing a phosphorus assessment and remediation study in the Merrymeeting River effective upon Fiscal Committee and Governor and Council approval through June 30, 2023. 100% Fish and Game Funds.

OFFICE OF THE DIRECTOR						
03-75-75-750020-11710000						
Fiscal Year 2022						
	Expense	Class Description	Revenue	Current		Adjusted
000		FEDERAL FUNDS	404650-16	\$185,674	\$0	\$185,674
005		FISH and GAME FUNDS	000020	792,239	200,000	992,239
Total				\$977,913	\$200,000	\$1,177,913
Expense						
010	500100	PERSONAL SERVICES -		\$495,248	\$0	\$495,248
011	500126	PERSONAL SERVICES - UNCLASS		112,693	0	112,693
020	500200	CURRENT EXPENSES		3,000	0	3,000
041	500801	AUDIT FUND SET ASIDE		185	0	185
046	500464	CONSULTANTS	000020	0	200,000	200,000
060	500602	BENEFITS		288,612	0	288,612
070	500704	IN STATE TRAVEL		250	0	250
080	500710	OUT OF STATE TRAVEL		3,000	0	3,000
103	502507	CONTRACTS FOR OPER. SERVICES		74,925	0	74,925
Total				\$977,913	\$200,000	\$1,177,913

REGION 1
629B Main Street
Lancaster, NH 03584-3612
(603) 788-3164
FAX (603) 788-4823
email: reg1@wildlife.nh.gov

REGION 2
PO Box 417
New Hampton, NH 03256
(603) 744-5470
FAX (603) 744-6302
email: reg2@wildlife.nh.gov

REGION 3
225 Main Street
Durham, NH 03824-4732
(603) 868-1095
FAX (603) 868-3305
email: reg3@wildlife.nh.gov

REGION 4
15 Ash Brook Court
Keene, NH 03431
(603) 352-9669
FAX (603) 352-8798
email: reg4@wildlife.nh.gov

The Honorable Karen Umberger, Chairman
Fiscal Committee of the General Court

His Excellency, Governor Christopher T. Sununu
and the Honorable Council
April 19 2022
Page 2 of 2

EXPLANATION

In Accounting Unit 11710000, class 046, Consultants, Fish and Game is requesting \$200,000 to cover the cost to hire a consultant to perform a phosphorus assessment and remediation study in the Merrymeeting River.

In 2018, the Conservation Law Foundation (CLF) brought suit against New Hampshire Fish and Game (NHFG) under the Clean Water Act alleging phosphorus discharges from the Powder Mill State Fish Hatchery in the town of New Durham were causing downstream water quality standard violations in violation of the Hatchery's National Pollutant Discharge Elimination System (NPDES) permit. In 2020, the United States Environmental Protection Agency (USEPA) issued a new NPDES permit for the Hatchery imposing strict new phosphorus effluent limitations that the Hatchery cannot satisfy without significant capital improvements. In early 2021, USEPA indicated its intent to join the litigation against NHFG in order to enforce the new phosphorus limits and address water quality issues in the Merrymeeting River downstream from the Hatchery.

The State has been in negotiations with CLF and USEPA to resolve the pending CLF litigation and the threatened USEPA litigation, and has reached an agreement in principle. However, before NHFG can enter into the proposed settlement, the requested transfer is necessary to allow NHFG to agree to spend funds to retain an environmental consultant (through a competitive RFP process) to conduct a study of phosphorus contamination in the receiving waters below the Hatchery. The study will assess phosphorus loading, transport and dynamics, including identification of the sources of phosphorus contamination. Following the assessment, the consultant will identify potential remedial options for addressing phosphorus-related water quality standard impairments and assess the risks and benefits of each of the identified remediation options, including a no action option. Without the requested transfer, NHFG is unable to settle the pending and threatened litigation.

This expense was not included in the agency's budget as it was not known that a study would be necessary at the time the agency established its FY22/FY23 biennial budget.

The following information is provided in accordance with the budget Officer's instructional memorandum dated April 17, 1985 to support the before written requested actions.

1. Does this transfer involve continuing programs or one-time projects? **Continuing programs.**
2. Is this transfer required to maintain existing program levels or will it increase the program level? **Maintain existing program levels.**
3. Cite any requirements that make this program necessary. **No Requirements.**
4. Identify the source of the funds on all accounts listed on this transfer. **Unrestricted Fish and Game Funds.**
5. Will there be any effect on revenue if this transfer is not approved or disapproved? **Unknown**
6. Are funds expected to lapse if this transfer is not approved? **Yes.**
7. Are personnel services involved? **No.**

Respectfully submitted,



Scott R. Mason
Executive Director



Kathy Ann LaBonte, Chief
Business Division

**Fiscal Situation
Fish and Game Fund 2022**

Beginning Balance 07/01/2021	11,080,081	
Total Additions (Revenue Estimate)	13,334,500	
Less Operating Budget Appropriations	(15,398,298)	
Total	9,016,283	
Lapses	461,949	* Estimated at 3%
Ending Balance	9,478,232	
Less This Request	<u>(200,000)</u>	
Ending Balance June 30, 2022 (Budgetary)	<u>9,278,232</u>	