

Peer Review Agreement
between Dover, Portsmouth, Rochester, NH (the "cities")
and
the Department of Environmental Services (DES)

1. The Peer Review shall be of the New Hampshire DES Great Bay Nutrient Criteria Proposal dated 2009.
2. Within 60 days, DES and the cities will jointly decide the method by which to select peer reviewers, consistent with accepted guidelines for avoiding undue bias or direct/indirect economic interest in the outcome.
3. Within 90 days, DES and the cities will select three independent peer reviewers. Those reviewers selected must be able to complete their review and issue their report or reports within 5 months of receipt of the parties' written submissions. The reviewers must have demonstrated expertise on nutrient fate and transport in aquatic systems, with particular expertise on estuarine systems, as well as accepted methodologies of environmental data assessment. The parties agree to mediate any issues involving selection of the peer review panel. The cost of such mediation shall be covered by the cities. DES will not subpoena or sue the peer reviewers in connection with the review.
4. Within 120 days, DES and the cities will propose charge questions to submit to the peer reviewers, and attempt to reach agreement on the same. If the parties are unable to reach agreement on appropriate charge questions to the peer reviewers, then a total of ten questions (five from DES and five from the cities) will be submitted and the peer reviewers will address each of the questions presented.
5. The peer review will be conducted in general compliance with the EPA Handbook subject to whatever modifications may be agreed to by the parties and peer review panel. In general, it is contemplated that the process will consist of written submissions to the peer review panel and a public comment period. Written comments will be accepted throughout the comment period. DES will provide all of the underlying data and analyses to the reviewers immediately upon selection of the panel. At the discretion of the panel, a public meeting may be convened in Concord, NH for the parties to respond to questions from the panel. The meeting, if one is convened, shall be open to the public. Appropriate notice of the time and place of the meeting shall be published pursuant to RSA 91-A:2.
6. The cities will pay all fees charged by the peer reviewers. The parties will otherwise bear their own costs associated with participation in the peer review.
7. If the parties agree on an alternate approach, this agreement and the peer review process may be set aside.

CITY OF PORTSMOUTH

By and through its attorneys,

NELSON KINDER + MOSSEAU PC

Dated: 4/1/13

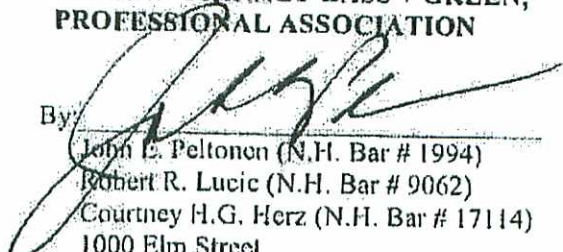
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CITY OF DOVER

By and through its attorneys,

**SHEEHAN PHINNEY BASS + GREEN,
PROFESSIONAL ASSOCIATION**

Dated: 3/29/13

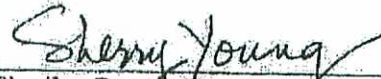
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By and through its attorneys,

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Dated: 3/28/13

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STATE OF NEW HAMPSHIRE
DEPARTMENT OF ENVIRONMENTAL
SERVICES

Dated: 4/29/2013

By: Thomas J. Bernack
Name
Commissioner
Title