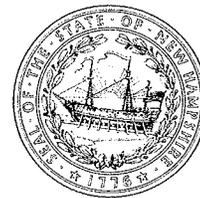




The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

February 17, 2011

The Honorable Andrew Renzullo, Chairman
Resources, Recreation, and Development Committee
Legislative Office Building, Room 305
Concord, NH 03301

RE: SB 19 relative to the definition of prime wetlands

Dear Chairman Renzullo:

Thank you for the opportunity to comment on SB 19 as amended by the Senate, which would amend RSA 482-A:15, I by modifying the definition of prime wetlands and the criteria for designation of wetlands as prime. The Department of Environmental Services (DES) does not have a position on SB 19 as amended.

RSA 482-A:15 provides authority to municipalities to “undertake to designate, map, and document prime wetlands”, provides a definition of prime wetlands for this purpose, establishes procedures for local approval of prime wetlands designations and establishes procedures for acceptance of these designations by DES. DES has existing rules adopted pursuant to RSA 482-A:15 that provide municipalities with guidance on the form, criteria and methods for municipalities to implement a local prime wetlands program and receive acceptance by DES. Thirty-one communities currently have designated prime wetlands that have been accepted by DES through this process.

SB 19 as amended proposes to narrow the statutory criteria under which municipalities may designate prime wetlands to those wetland areas that contain very poorly drained soils that also possess other values already specified in RSA 482-A. The amendment also makes it clear that the 31 municipalities with programs already accepted by DES would not be affected by SB 19.

The bill would have no impact on the procedures under which proposed designations are reviewed and accepted by DES. However, it would potentially reduce the number of applications that DES would be required to review under the statutory criteria for evaluating prime wetlands impacts in RSA 482-A:11, IV by reducing the potential number and extent of new prime wetlands.

Thank you for the opportunity to comment on this legislation. If you have any questions or need additional information, please do not hesitate to call Collis Adams at 271-4054 or me at 271-2958.

Sincerely,

Thomas S. Burack
Commissioner

cc: Senator Rausch