



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

April 2, 2013

The Honorable Russell Prescott, Chairman
Energy & Natural Resources Committee
Legislative Office Building, Room 101
Concord, NH 03301

Re: HB 416: An Act shortening the appeals process for a permitting decision under RSA 482-A, relative to fill and dredge in wetlands.

Dear Senator Prescott:

Thank you for the opportunity to comment on House Bill 416, which would shorten the appeals process for fill and dredge permits issued by the Department of Environmental Services (DES). DES supports the bill as introduced.

Prior to 2008, the Wetlands Council (and its predecessor, the Wetlands Board) were required by RSA 482-A:10 to hold a record-based hearing on appeals from Department decisions under RSA 482-A. Because the opportunity to present testimony and evidence to the Council was limited, a reconsideration proceeding within the Department was needed to ensure that all relevant evidence was received and considered. In 2008, the Wetlands Council process was aligned with the other Councils associated with the Department, such that the Council now conducts evidentiary hearings in appeals under RSA 482-A. See Laws of 2008, 171:6. As such, there is no longer any need for the reconsideration process at the Department level, and the additional step simply adds two months or more to the appeals process.

Thank you for this opportunity to comment. Please contact Collis Adams at 271-4054, or me at 271-2958, if you have any questions or need additional information.

Sincerely,

Thomas S. Burack
Commissioner

cc: Representative Ahlgren