

NHDES Wetlands Program Rulemaking & Process Improvement Effort
2014 Spring Listening Session – Manchester
April 24, 2014

Comments from Participants

- "Good stewards" of the land should not be overly regulated - don't make it more difficult for those doing things right to get through the process in trying to weed out a few bad actors
- A pre-application meeting should NOT increase the overall timeframe for approval
- Address the possibility of creating new dams or preserving/restoring/expanding existing dams (e.g., old mill ponds) for the possibility of flood control or maintaining water supply
- All levels of development, communities, and government need to be more efficient in the control of stormwater pollution to use public monies well to protect water resources
- Balance environmental protection with the ability to develop appropriately at reasonable cost
- Balance protection of natural resources with protection of private property rights (e.g., no property inspection without notice)
- Clarify terminology & application of decision factors (e.g., why is X-approach the least impacting)
- Consider possibility of micro-hydro power being installed on smaller brooks - how will that be handled?
- Decision trees are useful for determining the applicability of requirements - but they need to be easy to find, very visible on the webpage
- Don't add additional stormwater management review in Wetlands when covered by Federal permit or other permit
- Ensure good communication with municipalities on projects as they are reviewed and approved
- Get all notifications on-line - e.g., cloud server, by tax maps

- Identify more cooperative and streamlined approaches - especially for DOT and public works related activities and maintenance (e.g., programmatic review with Division of Historic Resources to remove certain types of projects from individual Section 106 review requirements)
- If require a "certified individual" need to train for a high level of skill as well as general understanding of when a more qualified individual is needed across the regulated community (e.g., identify conditions or criteria or thresholds where a "qualified" person is needed)
- Improve coordination between local and state and various review processes
- It is currently pretty clear what qualifies for notification
- It is good that the Federal permitting is accomplished within the state permit process - keep that!
- It is helpful to confer with multiple bureaus at a pre-application meeting, but the staff involved need to be very well informed on their programs and understand jurisdiction and requirements
- Provide an incentive to encourage projects to go through a pre-application review (e.g., reduced timeframe for decision)
- Replacement of failing bridge and culvert infrastructure should not also require mitigation (is too much extra expense)
- See inconsistency in the review of applications (particularly minimums) - although try hard to submit everything that is required, DES usually requires additional information to process
- Seems like water quality protection is outside the scope of the wetlands program
- Sometimes it is not necessary to have a certified scientist involved to be able to minimize impacts (e.g., bank-to-bank crossing)
- Stormwater management requirements should be consistent at the state and Federal levels (i.e., state requirements should mirror MS4 requirements). Educate the public on why stormwater management is important and that it is a watershed problem not an end-of-pipe problem, and that it crosses community boundaries
- The list of species checked by Natural Heritage Bureau needs to be updated and confirmed (match Federal concerns, remove unconfirmed data, identify where more data is needed or new data is needed to make a good decision)
- The NH Farm Bureau should be involved in discussions regarding the regulation of agricultural activities
- The wetlands program and wetlands application review should not involve review of stormwater management - beyond jurisdiction
- There are too many "agencies" involved - there needs to be "one stop shopping!" Should be working to reduce regulation - don't add new layers of government regulation!
- There are too many "certifications" required - some people who are "certified" are totally inept!

- There seems to be a lot of redundancy within the program
- Training is essential to help people know what is required. "Certified" individuals should have a different process available to them, but certifications must be current and "real" - like DOT's Local Public Agency program (allows a certified local entity to manage a federally-funded transportation project)