

NHDES Wetlands Program Rulemaking & Process Improvement Effort
2014 Spring Listening Session – Strafford
April 10, 2014

Comments from Participants

- 3,000 sq ft still seems like a big impact & could be significant; qualification for notification should depend on the nature of the resources being impacted (e.g., not a vernal pool, not a stream bank)
- Account for climate change when evaluating cumulative impacts (e.g., there will be increased value of wetlands with climate change for SW control, habitat, etc)
- Are additional protections needed when one considers the large losses from recent major storms (katrina, sandy) - there might need to be different standards & approaches for different parts of the state depending on risks
- Are there legal ramifications with grandfathering (or not grandfathering) - e.g., when does it become a taking?
- After-the-fact (ATF) applicants should not be given any leeway on meeting design requirements
- ATF applications should require a penalty (e.g., look for connections outside of wetlands program, such as to insurance rates: demonstrated noncompliance poses a higher risk to insurer and they should charge a higher rate)
- Consider low probability but high impact scenarios in evaluating projects (e.g., backflow out after flooding)
- Consider when dredging might have public benefit or value (e.g., to remove excessive sedimentation that occurs from an extreme storm event); excessive siltation can smother oyster beds (also requires better stormwater management and erosion controls to reduce)
- Develop an interactive map-based system to track notifications via website (e.g., seasonal dock notices) - would increase oversight by public and compliance
- Develop detailed mapping of wetland resources based on the collective information provided by individual projects (their detailed site info is added to a public map)
- Don't let "standardization" take-away from site-specific considerations
- Economic benefit & profitability should not be justification for "need"

- Ensure that work performed under a notification is truly minimal in terms of impacts (e.g., conduct more compliance inspections)
- Evaluate the use of "consensus standards" - standards that are defined & followed as standard industry practice (such as ISO, ANCI); can they be incorporated by reference into wetland rules?
- Evaluation process should consider and address cumulative impacts & the context of the project (i.e. the relationship of the wetland and direct impacts to the broader ecosystem)
- Is there an opportunity for regions or towns to maintain a more detailed resource mapping (collecting individual project data)? Would need to define roles and provide funding for RPCs/counties/or towns to do this work
- It is good to evaluate the 50- & 100-year storm events with project review & require better building to accommodate larger storm events)
- it would be OK to have additional design requirements (e.g., minimization measures) or inspections if there was also faster permitting of projects (e.g., additional fee to support local project oversight, such as stormwater management inspection)
- Need better tracking of multiple projects over time - and cumulative effects
- Permits-by-notification should REQUIRE projects to follow BMPs, not just "recommend" as Ag BMP manual currently does
- Pre-application review of a draft plan is a very helpful
- Removal of large trees and debris in rivers and tidal estuaries should be allowed when they impact navigability (e.g., kayak/canoe passage)
- Require applicants to submit amendments to the town also
- Setbacks from wetlands are useful for better stormwater management
- Standards should be protective of streams
- The effectiveness of environmental protection efforts depends on good state-local coordination; perhaps qualification for notification should depend on the availability of higher-level local oversight to ensure that a project complies with the requirements
- The interests of recreation seem to trump environmental protection in current permitting practices
- There may be privacy concerns with public sharing of individual parcel-level data (e.g., project-specific detailed wetlands mapping)

- There needs to be more education - particularly of target industries like realtors and builders/developers, particularly smaller developers, and the professionals involved - to support more effective enforcement (justification for "people should know" the rules - but most people don't!!) and to better advise on rules/restrictions (e.g., home buyers, property owners)
- There seems to be a default response that rip-rap is not appropriate without fully considering the site conditions (e.g., to stabilize an undercut bank resulting from wave action where there is already vegetation above that is at risk of falling into the water)
- Use paid land stewards to provide project oversight at the local level (confirm application info, visit site during construction)
- Wetlands that are part of a larger wetland/ecosystem complex should be considered an important resource