



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

February 2, 2010

The Honorable Susan Almy, Chairman
House Ways and Means Committee
Legislative Office Building, Room 202
Concord, New Hampshire 03301

Re: HB 681-FN, relative to assessments for aquatic resource compensatory mitigation

Dear Chairman Almy:

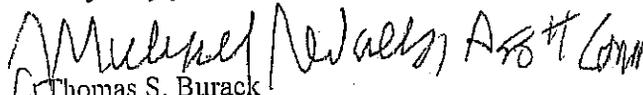
Thank you for the opportunity to comment on HB 681-FN that would temporarily increase the administrative fee from 5% to 20% for which payment may be accepted by the Department of Environmental Services (DES) for an unavoidable loss of aquatic resource functions in addition to requiring DES to report annually on the status of the fund. DES supports this bill.

As amended by the House (amendment #2010-0005H) this bill will also make the DES ARM program consistent with the Aquatic Resource Mitigation (ARM) Fund provisions of the U.S. Army Corps of Engineer's New Hampshire State Programmatic General Permit (SPGP).

Additionally, this bill, as amended broadens the statute to include all projects with impacts of less than three acres. Since the inception of the ARM Fund three years ago, DES has issued only ten permits for projects with impacts between one and three acres that were not public benefit projects. The average impacts of these projects were slightly more than one and a half acres. Therefore, this change is expected to apply to a relatively small number of projects.

Thank you for this opportunity to comment on this bill. Please feel free to call me at 271-2958, or Rene Pelletier at 271-2951, if you have any questions or need additional information.

Very truly yours,


Thomas S. Burack
Commissioner

cc: Senator Reynolds
Representatives E. Merrick, Russell, S. Merrick, and Sad