



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner
January 13, 2011

The Honorable Bob Odell, Chairman
Energy and Natural Resources Committee
Legislative Office Building, Room 102
Concord, NH 03301

RE: SB 20 relative to shoreland protection permits

Dear Senator Odell:

Thank you for the opportunity to comment on SB 20, which would exempt terrain alteration permit holders from also securing a permit under the Comprehensive Shoreland Protection Act (CSPA). The Department of Environmental Services (DES) does not have a position on this bill. However, we recommend that this bill be considered concurrently with the integrated permitting initiative bill that you also have sponsored, because the two programs that are the subject of SB 20 are integral to the discussions that will occur on that bill.

SB 20 proposes to make the requirements for terrain alteration permits equivalent to those for wetlands permits when a project is proposed for an area within the jurisdiction of the Comprehensive Shoreland Protection Act (CSPA), RSA 483-B, by eliminating the requirement for a CSPA permit when a terrain alteration permit is being issued for a project. A terrain alteration permit is required, under RSA 483-B:6, I (d) of the CSPA, for projects that cause a contiguous disturbed area that exceeds 50,000 square feet within the protected shoreland (that is, within 250 feet of the shoreline of a surface water). SB 20 would amend RSA 483-B:5-b, IV by eliminating the requirement for a CSPA permit when a terrain alteration permit is also required.

It is important to note that SB 20 would eliminate the requirement for a CSPA permit, but not the requirement for CSPA compliance. In practice, the DES review of terrain alteration permit applications for projects within CSPA jurisdiction would also include review for compliance with CSPA requirements. DES estimates that this proposed permit exclusion would cover about 10 projects in a typical year. It would cause a reduction in permit application fees to the CSPA program of approximately \$37,000 per year, thereby reducing the funds available to ensure adequate staffing levels to support the prompt processing of applications.

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 Rene Pelletier at 271- 2951 or me at 271-2958.

Sincerely,

Thomas S. Burack
Commissioner