



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

April 5, 2011

The Honorable Andrew Renzullo Chairman
Resources, Recreation and Development Committee
Legislative Office Building, Room 305
Concord, NH 03301

RE: SB 21 relative to exemptions from excavating and dredging permits

Dear Chairman Renzullo:

Thank you for the opportunity to comment on SB 21, which would clarify those activities within jurisdictional wetlands that would be exempt from a permit under RSA 482-A. The Department of Environmental Services (DES) supports the bill as amended in the Senate.

The amended bill leaves the existing state definition of wetlands intact and consistent with the federal definition. By doing so, the US Army Corps of Engineers (ACOE) State Programmatic General Permit (SPGP) that is issued to the State of New Hampshire every 5 years would not be affected.

Under the SPGP, projects that propose wetlands impacts may receive federal approval through an expedited review process that essentially involves a concurrent review by DES for state and federal requirements, with subsequent audit by the ACOE. Without the SPGP, applicants would be required to apply separately for both state and federal permits to two separate agencies, DES and the ACOE, for all projects located in federal jurisdiction. Based on the experience of New Hampshire and other states that do not have a SPGP, this would likely cause a delay of many months in the issuance of wetlands permit decisions. Such delays would have detrimental effects not only on applicants but also on the New Hampshire economy as a whole.

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 Collis Adams at 271-4054 or me at 271-2958.

Sincerely,

Thomas S. Burack
Commissioner

cc: Senator Odell
Senator Morse