



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

February 17, 2011

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

RE: SB 38 relative to extensions for wetland and shoreland permits

Dear Senator Odell:

Thank you for the opportunity to comment on SB 38, which provides for extensions of permits for excavating and dredging in wetlands and activities within the protected shoreland. DES supports this bill with one suggested correction. We also request one clarification to ensure no future confusion if SB 38 is enacted

In Section 2, New Paragraph; Rulemaking, the statutory authority for rulemaking is found in RSA 482-A:11 not RSA 482-A:31 as stated in the bill.

DES is not clear what is intended by the proposed language: "The project is proceeding towards completion ..." under XIV-a (c) and VI (c). We are concerned that this could be interpreted to mean either construction must continue through to project completion once started or that construction may stop and start again at the discretion of the permit holder so long as the conditions specified in the bill are met. DES requests that this language be clarified to ensure no future confusion if SB 38 is enacted.

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