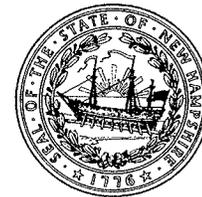




The State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**



**Thomas S. Burack, Commissioner**

February 10, 2015

The Honorable Chris Christensen, Chair  
Resources, Recreation and Development Committee  
Legislative Office Building, Room 305  
Concord, NH 03301

**RE: HB 349, *An act relative to state buffers for projects requiring wetland permits***

Dear Chairman Christensen and Members of the Committee:

Thank you for the opportunity to comment on HB 349. This bill would require the Department of Environmental Services (the Department) to consider impacts to wetland buffers before granting permits for filling and dredging in wetlands. The Department has concerns with the bill as introduced.

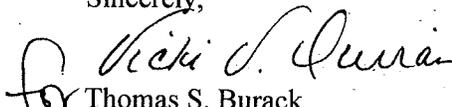
Although not specifically stated, the bill appears to rely on a document known as the NH Method ("the Method") for assessing project impacts that would then be used to determine the required wetland buffer. However, the Method clearly states that it is not designed for use as a specific method for impact analysis.

The Department also believes that the terms, definitions, and citations warrant closer scrutiny to ensure clarity and consistency with federal requirements under the US Army Corps of Engineers (ACOE) New Hampshire Programmatic General Permit (PGP). Failure to maintain consistency with the PGP could jeopardize a long-standing agreement with the ACOE that allows development projects in New Hampshire to move forward in an expedited manner.

For these reasons, DES recommends that the bill be referred for interim study so that a stakeholder group, including federal regulators, can fully examine these and other potential issues associated with the bill as introduced.

Thank you for your consideration in this matter. If you have questions or need additional information, please contact Collis Adams ([collis.adams@des.nh.gov](mailto:collis.adams@des.nh.gov) or 603-271-4054) or me ([Thomas.burack@des.nh.gov](mailto:Thomas.burack@des.nh.gov) or 603-271-2958).

Sincerely,

  
for Thomas S. Burack  
Commissioner

cc: Representative Judith Spang, Sponsor