



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

January 23, 2018

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

RE: HB 1104-FN, An Act relative to certain regulatory permits and forms and relative to time limits under RSA 541-A.

Dear Chairman Christensen and Members of the Committee:

Thank you for the opportunity to testify on HB 1104-FN, relative to certain regulatory permits and forms and relative to time limits under RSA 541-A. The Department of Environmental Services (NHDES) supports this bill as amended but wishes to highlight some concerns.

NHDES supports the establishment of a voluntary Certified Application Preparer Program as it would provide benefits to both applicants and NHDES by creating an expedited approval process for projects having only minimal environmental impacts. The associated language in this amended bill was requested by NHDES after consultation with the NH Association of General Contractors.

Other language in this bill would reduce the maximum time for NHDES to process applications for permits under RSA 485-A:17 (Alteration of Terrain or AoT) from 50 days to 30 days. Based on current staffing levels, the review time for these types of applications runs approximately 45 to 47 days. Given the complexity of these applications, it is typical that more information is needed resulting in numerous follow-up communications and exchanges of information. Such open communications allow for technical issues to be resolved and applications to move towards issuance of permits, but it is time-consuming for NHDES staff. Meeting a 30-day timeframe for the initial review of permit applications would be problematic given the often complex nature of these applications. NHDES would need to base and render its decision without the benefit of clarifying additional information. This could lead to more denials of permit applications, which could cause increased costs to applicants for lost time and additional fees for the re-submittal of applications. Given the reduced timeframes proposed in the amendment, this change could have little positive

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impact as we expect that few applicants will invoke RSA 485-A:17 II-b (d)(1) asking that the permit be issued within 30 days.

NHDES welcomes efforts to improve our processes in order to better accomplish our mission of protecting public health and the environment and thanks the bill's sponsors. If you have further questions or need additional information, please contact Collis Adams, Wetlands Bureau Administrator, Water Division, (collis.adams@des.nh.gov 271-4054) or Eugene Forbes, Director, Water Division, (Eugene.Forbes@des.nh.gov 271-3308).

Sincerely,

A handwritten signature in black ink, appearing to read "Robert R. Scott", with a large, sweeping flourish extending to the right.

Robert R. Scott
Commissioner

cc: Representatives Hinch, Leishman, McConkey, Avellani
Senators Bradley, Daniels, Giuda