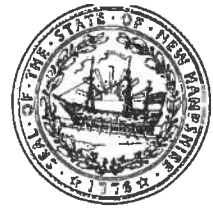




The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

April 23, 2019

The Honorable Martha Fuller Clark
Chair, Senate Energy and Natural Resources
State House, Room 103
Concord, NH 03301

RE: HB 682, An Act establishing a water resources fund for certain application and permit fees

Dear Chair Fuller Clark and Members of the Committee:

Thank you for the opportunity to comment on HB 682, as amended and passed by the House, which establishes a water resources fund and increases existing fees for the wetlands, shoreland, and alteration of terrain (AOT) programs.

The NHDES permit application fees for AOT, shoreland, and wetlands have not changed since they were set in statute in 2007. While at the same time, staffing for these programs has increased from 23 to 33 positions to keep pace with increasingly complex application reviews and to meet statutorily accelerated and mandated review timelines. Since 2007, the water resources programs have lost State General Funds and federal funds for eleven positions which has further increased reliance on fee funding. This bill is intended to allow NHDES to maintain current level of staffing and associated level of service and is not intended to support any additional expansion.

Each of our neighboring states administer water resources permitting in different ways. In Massachusetts and Connecticut wetland permitting is done at the municipal level. In Rhode Island, Vermont, and Maine wetland permitting is done at the state level. Comparisons between the state programs is very challenging – like comparing ‘apples versus oranges’. Some states have additional levels of review beyond the water resources programs (Act 250 in Vermont and Site Development Law and Natural Resource Protection Act in Maine); other states integrate stormwater/ water quality with wetland reviews (RI, MA, and CT); and some states separate coastal (RI) and rivers reviews (VT and CT) into separate permits. Each of the other state programs receive greater State General Fund support. Comparing project examples (while understanding structural differences) from these sister state programs illustrates that the fees requested in this bill put New Hampshire in line with the other New England states.

The NHDES supports this bill as amended by the House. It is only because of the cost sharing among the water resources accounts that NHDES will be able to maintain existing staffing at the reduced rate from the original bill.

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Thank you again for the opportunity to comment on HB 682. Should you have questions or need additional information, please feel free to contact either Assistant Water Division Director, Rene Pelletier (Rene.Pelletier@des.nh.gov, 271-2951) or me (Robert.Scott@des.nh.gov, 271-2958).

Sincerely,



Robert R. Scott
Commissioner

cc: Representative Spang; Senators D'Allesandro, Watters