

**Shrestha, Rumi**

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**From:** Tilton, Mary Ann  
**Sent:** Tuesday, February 20, 2018 7:18 AM  
**To:** Tilton, Mary Ann  
**Subject:** 2018 RULE COMMENT DRAFT Wetland Rules Comments Professional  
**Attachments:** image001.jpg; image006.jpg; image007.jpg; image008.png; image009.png; image010.jpg

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**From:** Tilton, Mary Ann  
**Sent:** Tuesday, February 20, 2018 7:07 AM  
**To:** 'Allen Folsom'  
**Cc:** Forst, Darlene  
**Subject:** RE: DRAFT Wetland Rules Comments

Allen:

Thank you for your comments. We will review these comments carefully.

I hope that you will be able to attend one of the **Public Input Sessions** DES is hosting around the state.

<https://www.des.nh.gov/organization/divisions/water/wetlands/documents/listening-schedule-session.pdf>

## Public Input Sessions

A significant, multi-year effort to improve the technical standards, operation, and decision-making processes used by the NHDES Wetlands Bureau.

| Location                                       | Address                               | Date and Time           |
|--|---------------------------------------|-------------------------|
| Concord<br>NHDES Headquarters<br>Auditorium    | 29 Hazen Drive                        | February 26<br>6-8 pm   |
| NHDES Pease Field<br>Office – Room A           | 222 International<br>Drive, Suite 175 | February 28<br>6-8 pm   |
| Laconia City Hall                              | 45 Beacon Street East                 | March 1<br>6:30-8:30 pm |
| Keene Public Library                           | 60 Winter Street                      | March 5<br>6:30-8:30    |
| Lancaster, North<br>Country Resource<br>Center | 629B Main Street                      | March 7<br>5-7 pm       |

Do not hesitate to call if you have any other questions or comments.

Thank you

Mary Ann  
Mary Ann Tilton  
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Wetlands Bureau  
Land Resources Management Program  
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**From:** Allen Folsom [<mailto:advantagenhlakes@gmail.com>]  
**Sent:** Monday, February 19, 2018 9:11 PM  
**To:** Tilton, Mary Ann  
**Cc:** Forst, Darlene  
**Subject:** RE: DRAFT Wetland Rules Comments  
**Importance:** High

Hi MaryAnn and Darlene,

These are quite the changes. I wish I had more time to review but I would like to add my thoughts on a couple items.

**1.** Env-Wt. 311.05 Required project plans(b)(2) as located by NH licensed surveyor.

I would like to see this read "Licensed Professional" Possibly add a definition in the Env- Wt 100 rules to define a Licensed Professional as: A professional licensed by the State of NH and/ or another state that prepares professional plans for review by local and state agencies such as licensed subsurface systems designer, licensed wetlands scientist, licensed land surveyor, licensed engineer.

**2.** Env-Wt. 311.12 After the Fact Applications

(a)(3) I think this should read the same, "Licensed Professional" as noted in item #1.

**3.** In Env-Wt. 311.05 (a)(13) it states "The name and professional license number of the individual responsible for the delineation of jurisdictional areas, including but not limited to wetlands, streams, vernal pools, and top of bank, on the property " I think this should read "licensed professional" or in the case of shoreline structures "an individual that is in the practice of, and has a history of permitting for shoreline structures with the state". I don't believe the intent is to eliminate or not allow those permitting companies that are in the business of permitting shoreline structures to not be able to define the "top of bank" or reference line/shoreline. With this rule Env-Wt. 311.05 (b)(2) and (a)(13) it could be misinterpreted to no longer allow those who have much vested experience to be eliminated in preparing plans.

4. Why in the breakwater and dock criteria does it refer to Env-Wt. 311.03 (a)(4) and then Env-Wt. 311.03 (a)(4) reads "The project plans described in Env-Wt 311.05". Why not just refer to Env\_Wt. 311.05?
5. Env-Wt. 311.12 After the Fact Applications (a)(3) "A restoration plan for all impacted jurisdictional areas to be restored, prepared by a certified wetlands scientist". Here again I think the plan could be prepared by a "Licensed Professional" but delineated by a certified wetlands scientist." It would be nice to have a consistent "Licensed Professional" prepare the plans, whether it by an engineer, surveyor, wetland scientist, vested permitting company(which may not have a permit number), designer, etc.
6. Env-Wt. 515.05 ice cluster. (b) I think this should read 12' from docking structure. Sometimes these can be utilized as tie-offs/tie of pilings on the lakeward most end of a boat slip.
7. Env-Wt. 603.09 Design Plans (6)(a) Licensed Land Surveyor who determined elevations on plans. I work with Riverside and Pickering Marine on many coastal projects. Mr. Zachary Taylor has been doing this work for many, many years and has much knowledge with calculating tides. If these rules were to pass and would only allow surveyors to determine tide levels it would place an unnecessary hardship on these types of permitting professionals who have been in the business for many years. Here again I think it should read "Licensed professional" and include in a definition in Env-Wt. 100 "Licensed Professional" someone in the practice of preparing plans, whether it by an engineer, surveyor, wetland scientist, vested permitting company (which may not have a permit number), designer, etc.
8. 603.10 (a) Licensed Land Surveyor. I would like to see this read "Licensed professional" as well and define a Licensed Professional in the Env-Wt. 100 Definitions.

I hope this changes will be taken into consideration. Thank you for the opportunity to add my input. The only negative here that I would like to mention is I would have liked to see NHDES have open work group sessions/ discussions at NHDES with input from these professionals that prepare and submit these applications.

Should you have any questions on this comments let me know,  
Allen

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**From:** Tilton, Mary Ann [<mailto:MaryAnn.Tilton@des.nh.gov>]

**Sent:** Thursday, February 15, 2018 5:04 PM

**To:** Forst, Darlene; 'Michele Tremblay'; 'James Kennedy'; 'Bob Snelling ([snellg@roadrunner.com](mailto:snellg@roadrunner.com))'; 'George Pellettieri'; 'Paul Goodwin'; 'skiff@skiffingtonhomes.com'; 'Tom O'Brien' ([tobrien@nhlakes.org](mailto:tobrien@nhlakes.org)); 'June Fichter'; 'Ari Pollack'; 'David M. Dolan'; 'Eric'; 'Aaron Wechsler'; 'Rhonda Blackey'; 'Allen Folsom'; Day, Craig; 'Cindy Balcius'; 'Nicol Roseberry'; 'Daniel Bruzga'

**Subject:** FW: Shoreline Structures Workgroup - Wetland Rules Update - \*\*\*\*\*Portsmouth venue and location revised \*\*\*\*\*

**Importance:** High

Hello:

Just a note to let you know about some updates on the draft wetland rules.

- Please see some rule corrections and comments just posted:

<https://www.des.nh.gov/organization/divisions/water/wetlands/documents/corrections-comments.pdf>

- NEWIPCC has just published **Version 4 of the hydric soils manual** here:

[www.neiwpc.org](http://www.neiwpc.org) <http://neiwpc.org/2018/02/13/neiwpc-publishes-hydric-soils-identification-manual/>

<http://neiwpc.org/our-programs/wetlands-aquatic-species/wetlands/>

- Please spread the word that the **Portsmouth Public Input session** will be held at **Pease Field Office from 6-8 pm**

(Revised Schedule is posted here:) <https://www.des.nh.gov/organization/divisions/water/wetlands/documents/listening-schedule-session.pdf>

- Please see Comment Collector Sheets (optional) to submit rules and/or BMP comments.

We look to receiving your comments and hope to see you at one of the Public Input Sessions !

Do not hesitate to call me or email me if you have any questions.

Thank you

Mary Ann

Mary Ann Tilton

Assistant Bureau Administrator

Wetlands Bureau

Land Resources Management Program

NH Department of Environmental Services

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