



January 4, 2019

Mary Ann Tilton  
NH Department of Environmental Services  
29 Hazen Drive  
Concord, NH 03301

RE: Draft Wetlands Administrative Rules

Dear Ms. Tilton,

As a statewide non-profit organization dedicated to keeping New Hampshire's lakes clean and healthy, NH LAKES advocates for laws and other public policies and programs designed to achieve this mission. We work with partners, promote clean water policies and responsible use, and inspire the public to care for our lakes. We also consider ourselves advocates not only for clean and healthy lakes, but also for your agency, the New Hampshire Department of Environmental Services (NHDES), in the fulfillment of your charge to appropriately regulate and safeguard our lakes, at least in part through the Wetlands Administrative Rules.

Despite a lengthy stakeholder review process, we strongly oppose the draft rules in their current form. We have concerns with the following items:

1. The draft rules allocate an insufficient period of time for NHDES to thoroughly and effectively review and approve permits. We are especially concerned with the changes to Lower Scrutiny Approvals, more projects eligible for quick 5-day reviews, and Permits by Notification for commercial access and residential access. The timelines proposed in these draft rules are arbitrary and place too much emphasis on quick turnaround for the applicant at the expense of important natural resources. We are deeply concerned applications will be reviewed in haste and poor decisions will be made at the detriment of wetlands, aquatic habitat, lakes and rivers, and public health and safety.
2. The reduction of local review and communication has gone too far. Conservation commissions and local government officials support NHDES staff by informing the state of unauthorized activities and assisting with information gathering. Their local input and knowledge are

invaluable to the wetlands permitting process. Cutting their participation will negatively affect communities and their natural resources.

3. The "Priority Resource Area" definition should remain inclusive:
  - a. This section should include marsh of one acre or larger and exemplary Natural Communities identified by NH Department of Natural Heritage Bureau. It is important to include Prime Wetlands because of their size, unspoiled character, fragility or uniqueness.
  
4. The draft rules revise Chapter 500, including sections relative to non-tidal structures.
  - a. NH LAKES understood NHDES intended to send Chapter 500 rules to the study commission established by House Bill (HB) 1810 for review. The HB1810 study commission should have the full opportunity to review the draft rules before they are formally proposed. The HB1810 study commission received a new first-appointed member of the House who will ensure the study commission does effective, thorough recommendations on this subject matter. Furthermore, Representative Renzullo, in conjunction with NHDES staff, submitted a bill to establish a dock registration program. Revising the Chapter 500 rules at this time is preemptive at best. We recommend Chapter 500 be withheld until the HB1810 study commission has a chance to participate in the review process.

Although we have a great deal of respect for the work done by the NHDES on the Draft Wetland Rules, we do not support them in their current form. The expedited review process, lack of local input, and inclusion of the Chapter 500 revisions are especially concerning to NH LAKES.

Lastly, we encourage NHDES to further consider the qualitative and quantitative effects of reducing regulations in order to streamline wetlands permitting. Transparency, consistency, and timeliness are all laudable goals in a permitting process, but please do not reduce agency oversight, inadvertently allowing our lake shorelines to become overdeveloped or to incrementally degrade or encroach upon waters held in public trust.

We look forward to staying involved in this review of the Wetlands Administrative Rules.

Respectfully,



Thomas W. O'Brien, President  
New Hampshire Lakes Association