



# CITY OF CONCORD

*New Hampshire's Main Street™*  
**Conservation Commission**

January 18, 2019

Mary Ann Tilton  
N.H. Department of Environmental Services  
29 Hazen Drive  
P.O. Box 95  
Concord, NH 03302-0095  
[MaryAnn.Tilton@des.nh.gov](mailto:MaryAnn.Tilton@des.nh.gov)

Re: Comments on DES Proposed Wetlands Rules

Dear Ms. Tilton:

The Concord Conservation Commission (“Commission”) has reviewed the proposed wetlands rules published by DES and submits the following comments for consideration by DES during the rulemaking process.

### Permit-by-Notification (PBN) – Timing and Conservation Commission Notification

The proposed rules would shorten the time for review of PBN applications from 10 days to 5 days and eliminate required notification to the local conservation commission of the PBN application. We understand that DES is interested in streamlining the regulatory process governing wetlands impacts where appropriate, but we are opposed to these proposed changes for several reasons.

First, the current 10-day review period for minimum impact projects that fall within the PBN category is not unreasonable or burdensome on applicants. That time period allows applicants who submit administratively complete applications to proceed with their project in a little over a week provided there are no issues raised with respect to the proposal.

Second, DES should continue to require notification to the local conservation commission as part of the PBN process. Even where the notification of a PBN application for a proposed project in Concord does not result in a written response from the Commission, these applications provide important notification of projects with wetland impacts and provide an opportunity for the Commission to review and notify DES of any concerns. The Commission has local knowledge of the lands and wetland resources with the City of Concord that may not be fully reflected in a

desk review using GIS and other mapping resources available to DES. As with the 10-day period, the notification process and opportunity for local conservation commission review and comment is not unreasonable or unduly burdensome for the applicant or DES. We ask that the existing rule remain unchanged in this regard.

#### Projects Covered by PBN

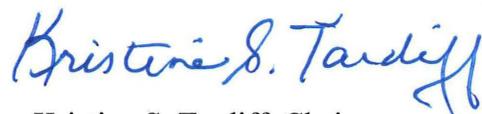
The proposed rule seeks to expand the list of projects that can be implemented under a PBN, including: residential access, commercial access, culvert maintenance, aquatic vegetation removal, bank stabilization and board walk construction. Under the current wetlands rules, these types of projects do come before the Commission for review and comment. We do review these proposals at our regularly scheduled monthly meetings and provide comments on minimizing wetlands impacts where there are options for doing so. For many such projects, prospective applicants will come to the Commission in advance of submitting their application to DES, which allows the applicant to consider our comments and make modifications to address any concerns raised by the Commission regarding wetlands impacts. We find that the current process works well, and are concerned that allowing these types of projects to proceed under a PBN will eliminate the ability of the Commission to work with prospective and actual applicants to minimize wetlands impacts. For these reasons, the Commission asks that the above-listed projects not be added to the PBN list.

#### Expedited Permit Timing

The proposed rule would reduce the time for review of expedited permits from 75 days to 30 days. The Commission meets for its regularly scheduled meeting once per month. The current 75-day time period allows time for the Commission to review expedited permits. Reducing that period to only 30 days will impede the ability of the Commission to provide meaningful review of permits that fall into this category.

We appreciate the work that DES does to protect the wetland resources of the State, and we appreciate the opportunity to provide comments on the proposed wetlands rules.

Sincerely,



Kristine S. Tardiff, Chair