

January 18, 2019

NH Department of Environmental Services  
Attention: Mary Ann Tilton  
29 Hazen Drive  
Concord, NH 03302

Dear Ms. Tilton,

The Piscataqua Region Estuaries Partnership appreciates the opportunity to comment on the draft wetland rules released by the NH Department of Environmental Services (NHDES) for formal public comment. We want to commend NHDES for their efforts to engage multiple stakeholder groups across the state in this process.

As the National Estuary Program for New Hampshire and southern Maine, PREP's primary role is to promote efforts to improve water quality and overall wetland health within the Piscataqua Region watershed, in accordance with our 2010-2020 Comprehensive Conservation Management Plan. As such, it is our hope that the wetland rules continue to protect our valuable wetland resources and associated waterbodies in the region.

PREP commends NHDES's efforts to incorporate considerations for sea-level rise, coastal storm surge protection, flood storage, and the implications for public safety into the proposed wetland rules. Specifically, PREP supports the inclusion of sea level rise vulnerability assessments for any coastal application and recognition of risks to a proposed project from sea level rise, storm surge, and other coastal hazards. We also support the alignment of proposed rules with NH Coastal Risk and Hazards Commission (2016) and future STAP updates.

As they relate to the list of new expedited projects, PREP supports the addition of coastal living shoreline/soft bank stabilization projects into the process as it creates an incentive for landowners to explore these options over more traditional hardened shoreline options.

PREP recommends that all references to the 100-year floodplain should reference it as the 1% annual chance floodplain with 100-year floodplain in parentheses. This has become the common language among state and federal agencies and updating this in the proposed rules will maintain consistency with current and future publications and reduce confusion around the terms for applicants.

We recognize the reasoning behind broadening the list of eligible projects under the Permit by Notification (PBN) process, but are concerned with the inclusion of the following project types:

- Developed upland tidal buffer zones within the PBN process as currently proposed. The proposed process removes review from the Conservation Commissions, leaving opportunity to miss resources that need protection within a community.
- Allowing bank stabilization projects (up to 15 linear feet) to utilize the PBN process because these projects should be reviewed on a site-by-site basis and incorporate local knowledge from a community's Conservation Commission.
- Inclusion of aquatic vegetation removal in the PBN process because of the lack of Conservation Commission input. These projects, regardless of whether approved, would benefit from additional review and recommendations from the Conservation Commission.



It is our understanding that the NH Association of Conservation Commissions – and Conservation Commissions from across the state – are commenting on the removal of Conservation Commission review within the PBN process. PREP supports maintaining Conservation Commission oversight on all projects within a community.

Finally, PREP supports the addition of scrub shrub wetlands (in undisturbed areas) to minor impact projects because adding these areas has implications on buffer protection for water bodies, as well as protection for wildlife. We support the lower threshold from 20,000 square feet to 10,000 square feet to capture more projects under Major review. We also support the inclusion of floodplain wetlands in Major projects to consider increases in flooding, erosion to downstream properties, and potential for public safety impacts.

Thank you, again, for the opportunity to comment on the proposed wetland rules. If you have questions regarding the comments outlined in this letter, please contact Abigail Lyon ([Abigail.Lyon@unh.edu](mailto:Abigail.Lyon@unh.edu)) or Trevor Mattera ([Trevor.Mattera@unh.edu](mailto:Trevor.Mattera@unh.edu)).

Sincerely,

A handwritten signature in black ink, appearing to read "R. Rouillard", is positioned below the "Sincerely," text.

Rachel Rouillard, Director