

January 18, 2019

Mary Ann Tilton
Wetland Bureau
NH Department of Environmental Services
29 Hazen Drive
Concord, NH 03302

MaryAnn.Tilton@des.nh.gov

Dear Ms. Tilton,

As a current member of the Shelburne Conservation Commission and a retired forester and district ranger of the USDA Forest Service-White Mountain National Forest, I am writing to oppose the draft NH DES Wetland Rules. I see these stream-lined efforts as a roll-back on environmental restrictions with the objective of enabling more economic development at the cost of good environmental policy and protection.

While I have been and have worked with DES Rules on both sides of the issue, from the aspect of forestry and now as a member of the local conservation commission, trail club, and a local land trust, I view the current draft rules, many that take out local notification and input from conservation commission input, as detrimental to our land and waters. Considering that we have emerging contaminants in our drinking water and more intense flooding and storms from climate change, now is not the time to roll back protections. At our last conservation commission meeting, one of our elderly selectman noted that he had seen places in our town under flood waters that he had never seen under water in 60 years. NH DES should be increasing their evaluations on proposed projects to counteract the permanent and lasting effects of development, pollution, and severe weather, and not reducing the critical work of protecting our state's waters, wetlands, and natural resources.

I agree with with the NHACC that Permit-by-Notification (PBN) applications should require a signed statement certifying that conservation commissions and abutters have been notified in a timely manner. New Hampshire conservation commissions are often the "eyes and ears" for NH DES and can help with verification of information to ensure applications are accurate.

I am especially provoked by reduced timelines. In particular, I am incensed that the PBN review time has been considerably shortened. A PBN notification should allow for a minimum review time of 15 days, not 5 days, the latter which is ridiculous by any reasonable estimation. I would further note that expedited permits should be given at least 30 days, which is still a significant decrease from the current 75 days. Your best stakeholders are the conservation commissions and choosing to cut them out of the loop or minimizing their capability when you should be soliciting conservation commissions as extended volunteer staff is illogical. I would add that many conservation commission members could use more education and your reaching out and providing more education on NH DES rules and policy is in the best interest of NH DES and the land and waters of this state.

The pre-application review process, as proposed, while an interesting idea, is vague and does not address how the process should occur. There is no incentive for an applicant to

reach out to the conservation commission, nor do the rules address site visits and access to properties proposed for development. Nor does it address how to deal with conflicts with the landowner or if the landowner has no interest in entertaining recommendations from the conservation commission. Leaving the proposal vague and indefinite almost ensures that it will not be a viable concept. Conservation commissions are one of the best hopes for interpretation of permit language and requirements. Further, if an applicant doesn't have to check a box, they won't. They also won't read a manual or consult the website because they have no incentive to do so.

I understand that you need to take reasonable steps to streamline your processes in the name of efficiency and the reasoning is lack of funding and staff time. Please tell me how that goal is served by decreasing turnaround timeframes to absurd levels and cutting out the local knowledge and boots on the ground. Rather it puts more pressure on both you and conservation commissions to meet specious deadlines and with less oversight that allows bad things to happen. And once again, many developments are of permanent and potentially detrimental consequences and this roll back could leave to long term and disastrous consequences that ensure towns will be dealing with impaired waters.

I went back to your mission statement:

The mission of the New Hampshire Department of Environmental Services is to help sustain a high quality of life for all citizens by protecting and restoring the environment and public health in New Hampshire.

The protection and wise management of the state of New Hampshire's environment are the important goals of the NH Department of Environmental Services (NHDES). The department's responsibilities range from ensuring high levels of water quality for water supplies, ecological balance, and recreational benefits, to regulating the emissions of air pollutants, to fostering the proper management of municipal and industrial waste, to managing water resources for future generations.

I hope you reconsider and take more time to work with NHACC, conservation commissions, and the public to get more meaningful and robust efficiencies while maintaining the level of quality and care that must be done to ensure our environment. The current proposed rules do not offer adequate protection and I urge you to take more time and not rush to a final decision. Your actions are not just for the now but for future generations and I hope you take steps to ensure that the proposed rule does just that.

Sincerely,

/s/ Katherine W. Stuart

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