

Ms. Tilton,

As a member of the Town of Warner's Conservation Commission, I am contacting you regarding the following NHDES proposed changes to its existing Wetland Rules:

The proposed process doesn't allow local conservation commissions proper review of LSA permits. LSA eligibility will be determined by square or linear footage, type of resource impacted in the PRA, and will only have a 5-day time frame for approval. The 5-day process seems very short to determine accuracy and completeness, risking the creation of decisions made more to meet construction deadlines. The new project categories eligible for Permit By Notification (i.e. residential and commercial access), do not allow enough time to examine these projects.

Without a more thorough review by local CC's for these LSA permits, communities will not be informed about permitted activities. Volunteer CC's like in our town will need to constantly check the NHDES one-stop data base to discover these lower threshold wetland permits. CC's probability of not accessing this data base in time will most likely miss the reporting of unauthorized activities to NHDES.

Originally, the Draft PRA included a lengthy list of unique wetlands. The current list appears to have been limited during the review process. This section should be revised to include marsh of 1 acre or more, along with exemplary Natural Communities identified by the NH Natural Heritage Bureau.

The proposed Pre-Application process prior to applications submitted to NHDES needs clarification(s). Besides being changed to a voluntary procedure, with no time frame, the Draft rules don't spell out in detail the process, including site visits, and how concerns are to be addressed. The proposed rules do not provide how to resolve potential conflicts, or what recourse CC's have if the applicant does not want to consider recommendations or suggestions. In addition, the Draft should reference clearly that any Pre-Application procedure does not bypass the 40-day review defined in RSA 482-A.

The Warner Conservation Commission realizes that lack of sufficient resources and staffing have led to this shortening of the wetland review for minor projects. However, further consideration and resolution of the issues stated above need to be taken before adopting such changes. CC's like ours that have access to essential information in a timely manner assist NHDES staff with early reporting of unauthorized activities, enhances inspections, maintains CC's as an effective community resource, and allows intervention when necessary before impacts become costly to mitigate.

Thank you for addressing our concerns,

Ken Cogswell

Warner, NH