



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

Robert R. Scott, Commissioner



February 20, 2024

The Honorable Andrew Renzullo
Chairman, Resources, Recreation and Development Committee
State House, Room 305-307
Concord, NH 03301

Re: HB 1503 An Act Relative to the Definition of Wetlands

Dear Chairman Renzullo and Members of the Committee:

Thank you for the opportunity to testify on HB 1503. This legislation would modify the definition of wetlands in RSA 482-A. The New Hampshire Department of Environmental Services (NHDES) is opposed to this bill because it will unnecessarily complicate wetland permitting for all projects and will require separate federal permitting for the newly unregulated wetlands.

The definition of “wetlands” as used in the statute and throughout the professional communities is based on an agreed upon set of physical characteristics: soils, vegetation, and hydrology. The proposed modification of the definition retains all those characteristics but then would add a fourth test regarding what caused the wetland to exist. This will lead to arguments and speculation on the cause of conditions on all sites that will result in increased costs to both the landowner and the NHDES. In addition, impacts to areas of wetlands that are no longer “wetlands” under the state definition would not be covered by the General Permit issued to the State of NH by the US Army Corps of Engineers (USACE). This means landowners would be responsible for requesting an Individual Permit from the USACE, which would likely increase costs and add delays for landowners when compared to current processes. Should a landowner fail to garner such a permit, they would be subject to federal enforcement proceedings.

Thank you again for the opportunity to comment on HB 1503. Should you have questions or need additional information, please feel free to contact Darlene Forst, Wetlands Bureau Administrator at Darlene.C.Forst@des.nh.gov or (603) 271-4054.

Sincerely,

Robert R. Scott
Commissioner

ec: Sponsors of HB 1503: Representatives Layon and Aron