



The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner



April 10, 2023

The Honorable Andrew Renzullo
Chair, House Resources, Recreation and Development Committee
LOB, Room 305
Concord, NH 03301

Re: SB 56-FN, AN ACT relative to payment for upland resource losses.

Dear Chairman Renzullo and Members of the Committee:

Thank you for the opportunity to comment on SB 56, which would expand the availability of the existing in-lieu fee payment option used to meet mitigation requirements based upon project impacts. NHDES supports this legislation.

Wetlands jurisdiction under RSA 482-A includes some upland areas that are inherently associated with wetlands, such as undeveloped portions of the 100-foot tidal buffer zone and coastal sand dunes. Major impact projects impacting these resources are required to provide mitigation for project impacts. However, the option to use the Aquatic Resource Mitigation Fund Program's in-lieu fee payment to cover the mitigation requirement is only available for impacts to surface waters, shorelines, and wetlands. This limitation means that applicants impacting regulated upland resources can only use permittee-responsible mitigation projects to offset impacts. The identification of appropriate mitigation projects can add considerable time and difficulty to the overall project planning and application process. The ability to use the in-lieu fee payment option for these impacts would be consistent with existing practice for aquatic resource impacts.

Thank you again for the opportunity to comment on SB 56. If you have any questions or require further information, please contact Darlene Forst, Wetlands Bureau Administrator, (Darlene.C.Forst@des.nh.gov or (603) 271-4054) or Phil Trowbridge, Land Resources Management Programs Manager (Philip.R.Trowbridge@des.nh.gov (603) 271-4898).

Sincerely,

Robert R. Scott
Commissioner

cc: Senator Watters