



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Robert R. Scott, Commissioner

January 16, 2024

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

Re: HB 1121 An Act Relative to Creating Certain Wetlands Permit Exemptions After a Natural Disaster or Flooding Event.

Dear Chair Renzullo and Members of the Committee:

Thank you for the opportunity to testify on HB 1121. This legislation would allow work to be completed by various individuals within both seasonal and perennial streams, including rivers, for a period of 60 days following a flooding event or natural disaster. The NHDES opposes this bill because New Hampshire already has provisions for emergency response that are accepted by federal authorities.

The Administrative Rules adopted under RSA 482-A already provide for work in jurisdictional areas without permits and emergency authorizations in the immediate aftermath of events, such as natural disasters, with provisions for post-event reporting. Such work is limited to that necessary to mitigate threats to the safety of people and property. Additional applications are required for any additional long-term repairs that are needed. This allows for more coordinated planning and response to improve the success of overall repair efforts.

This legislation would encourage uncoordinated disaster response efforts. It advises that individuals should pursue technical advice from conservation officers. Conservation officers are law enforcement personnel not generally involved in any wetlands permitting or assessment processes. Most importantly any such work completed would not be covered by the General Permit issued to the State of New Hampshire by the US Army Corps of Engineers (USACE). This means an Individual Permit from the USACE would be needed or else the work would not be eligible to apply for any authorized Federal Emergency Management Administration funds and could lead to federal enforcement proceedings.

Thank you again for the opportunity to comment on HB 1121. 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 1121: Representatives Aron, Janvrin, T. Lekas, Wallace, J. Harvey-Bolia, Creighton, Cloutier, Bucu, and B. Sullivan, and Senators Ward, Avard, and Watters