

NHDES Wetlands Program Rulemaking & Process Improvement Effort

2014 Spring Listening Session – Littleton

March 27, 2014

Comments from Participants

- Bank stabilization needs to take the meandering process into account...the natural movements that rivers make.
- Can there be better coordination with FEMA in emergency authorization (and faster approval of bank stabilization to protect property). When can emergency action be approved to prevent damage (e.g., FEMA would not authorize payment for any work to prevent erosion until the barn fell in the stream).
- Can you elaborate on the newly available science that you hope to incorporate
- Climate change should be addressed
- Consider reactivation of dams for small scale hydroelectric power generation – how will that be handled?
- Consider safety issues and doing more erosion hazard mapping.
- Emergency permits should be easier/faster to get.
- Forms located on the website are difficult to find. Instructions next to the form is an improvement. Website should be easily navigated.
- Glad to see status check online so you can look up if project is being worked on...don't have to wait for a letter.
- Good to establish specific standards for stormwater management – can help to reduce cumulative impacts.
- How can you base a process on the identification or presence of a “species of concern” where there is no documentation (i.e., no record in NHB) only because there has been no assessment? The process won't be fair unless everyone is held to the same standard.
- How can you require more mitigation based on the presence or impact to a “species of concern” when we don't have comprehensive information (i.e., there is no documentation, and hence no record in NHB, only because there has been no assessment)? The process won't be fair unless everyone is held to the same standard. Mitigation should be equivalent to the impacts and should be permanent. Too often created wetlands are not sustainable in the long-term, and not a permanent replacement for what has been impacted/taken.

- Idea of having projects that require mitigation go through a “pre-qualification” process, where the applicant’s proposed mitigation for their project is reviewed in advance of submitting an application, is a good one. Should promote better mitigation and reduce “last minute” pressures on DES and Land Trusts to accept sub-standard projects and easements.
- Need to do a better job of accounting for cumulative impact (and tracking small permitted actions over time).
- Notifications, sometimes geographic area is not specific enough for LACs to be eyes/ears...like gold dredge.
- Public benefit should factor into determination of “need” and should be a consideration, but not throw out the intent of the wetlands statute.
- Should be state policy to discourage development in floodplains and state should ask/encourage municipalities to implement restrictions locally.
- Should require better, and more creative mitigation. Consider the public benefit of the mitigation – are there other public benefits that could be incorporated, such as recreation, bird houses, public education opportunities, along with the direct protection of the wetlands themselves, or maybe even be better than trying to replace the wetlands you are mitigating.
- Silting behind dams when pools fill up with silt has significant water quality impacts, including thermal impacts. How many square feet of wetlands have been taken out.
- The forms (particularly trail notification form) have changed so they’ve gotten “worse.” Can only say yes to every question – is misleading. Wording matters. Take into account the way questions are worded.
- There needs to be more enforcement on dredging gold (Ammonoosuc). Particularly to ensure that permittees are getting permissions from landowners. (Note: DES staff noted that DES has done spot checks and found a high-level of compliance; believed it was helpful that the town area has been posted off limits and that the area near campground has been posted with rules).
- There should be a better way to keep track of and evaluate cumulative impacts of projects over time.
- There should be better coordination with SWQPA, particularly on bank stabilization. During the review, avoid/resolve conflicts (are wetland permit applicants required to follow SWQPA?)
- We are seeing more developers come into the LACs with their project before they submit their application than they did before, which is a good thing and should continue to be encouraged.
- Why isn’t Good Forestry in the Granite State referenced in the rules?

- Would be good to communicate directly to boards in communities on permits issued (notices to clerks may not make it to boards or not in timely fashion)
- Would be good to get something back for PBNs, trails – some sort of documentation of approval (available on line, or emailed). Doesn't have to be mailed hard copy (it is often directed to the wrong place anyway).
- Would be good to provide education and clearer communication to local boards (e.g., guidebook or fact sheet for planning boards) on the new wetlands rules so that they can better advise applicants of processes and rules.
- Would be helpful if applicants or DES provided copies of applications and attachments electronically as well as in hard copy to Local Advisory Committees and local boards to facilitate a timely review. LACs see project on the list that is circulated, but it does not include the full application package.
- Would be helpful to receive electronic copies of approved notifications and permits along with the hard copy. Would be great if notification approvals were also posted on line. (Note: not everyone in the audience knew that permits were posted to OneStop within 24 hours.)