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The Honorable Sharon Carson, Chairman
Committee on Executive Departments and Administration
Legislative Office Building, Room 101
Concord, NH 03301

Dear Senator Carson and Members of the Committee:

Thank you for this opportunity to express the Forest Society's opposition to HB 1104, a bill which proposes --- among other things --- to reduce application processing time limits for DES to review applications for dredge and fill permits. While we recognize the bill is intended to bring regulatory reform to this process and other administrative processes in State government, we are concerned that the truncated review times may instead weaken the ability of the Department of Environmental Services to protect New Hampshire's wetland resources.

As you know, the Finding of Public Purpose for RSA 482-A highlights the reasons why the protection of wetlands is vital. The statute declares that it is in the public interest to minimize damage to wetland resources and further states that damaging them will "eliminate, depreciate or obstruct the commerce, recreation and aesthetic enjoyment of the public and will be detrimental to adequate groundwater levels." In other words, far from being obstacles to economic development, these natural areas actually enhance the quality of life we enjoy here, and in no small part contribute to safe drinking water supplies.

Unfortunately, HB 1104 as approved by the House does not appear to recognize these values. One of the most troubling provisions is the automatic permit approval if DES does not act within the shortened time frames the legislation proposes. Aside from questions of whether the Department currently has the staff capacity to meet the those proposed deadlines, this automatic approval section of the bill short circuits the ability of DES to ensure the statutory purpose of RSA 482-A is met.

Conversely, the bill's requirement for DES to develop a voluntary certified application preparer program does meet that responsibility and represents a constructive way to balance the need for regulatory certainty with the continued protection of wetlands resources. We would encourage the Committee to amend HB 1104 to remove the truncated time frames for DES review. We believe the only provision of HB 1104 consistent with the purposes of RSA 482-A is the section creating the certified application preparer program.

Thank you again for this opportunity. I will be happy to answer any questions you may have.

Sincerely,

Matt Leahy, Public Policy Manager
Society for the Protection of New Hampshire Forests