




GSDI
Annual Meeting
March 17, 2015
Radisson Hotel
Manchester, NH



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Wetlands Bureau
Assistant Administrator



NH Department of Environmental Services

Wetlands Program
Rulemaking and Process Improvement



Rules update
Spring 2015

Wetlands Program Rulemaking & Process Improvement Effort

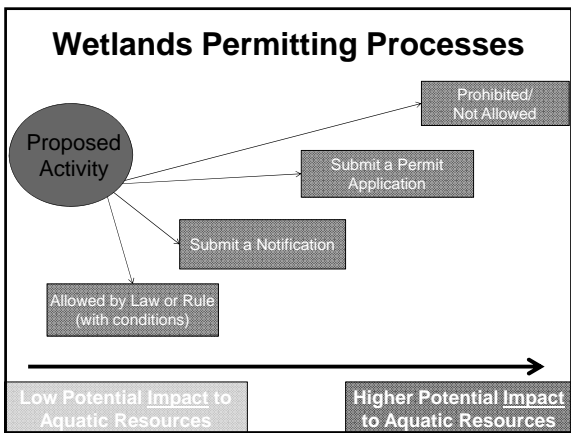
Overall Schedule

Oct 2014 – Feb 2015 Phase 2A DES Review of Comments & Develop Rule Concepts	March 2015 – Oct 2015 Phase 2B Stakeholder Review Incorporate suggestions & Draft Rules We Are Here!	Nov 2015 – Dec 2016 Phase 3 Prepare Initial Proposal & Commence Formal Rulemaking
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Wetlands Program Rulemaking & Process Improvement Effort

GOALS

- Enhance predictability and transparency
- Increase consistency and standardization
- Ensure scientifically-based decisions that are protective of New Hampshire's important natural resources



Listening Sessions

❖ 30 sessions:

- Community General Sessions:
Littleton, Concord, Peterborough, Keene, Nashua, Manchester, Portsmouth
- Private Sector Sessions:
Wetland scientists, Agriculture, Timberland owners, Lakes Assoc., AGC, NH Home Builders, Regional Planning Commissions, NH Farm Bureau, NHSPE. (And ...now BIA)

Partner Meetings

❖ 15 Initial Meetings:

State Agencies:

DRED, DOT, Fish and Game, Dept of Safety,
NH Port Authority, UNH T2, Dept of
Agriculture, DES Water Div. administrators

Federal Agencies:

NRCS, NOAA, USF&WS, ACOE, EPA

Summary of Comments

- Provide more streamlined process for maintenance projects
- Make emergency process more flexible
- Clone current forestry notice process
- Create incentives for rapid PBNs with certification and training
- Develop certification program(s)

Summary of Comments- Certification

Develop Certification program:

->Develop Certifications for
Contractors, Stream Geomorphology,
Water Quality



Clarify Terms

- "Need"
- "Project"
- "Minimization"
- "Avoidance"
- "Maintenance"
- "Rehabilitation"
- "Self-Mitigating"



Coastal issues



- Want Eelgrass bed surveys considered
- Consider projected sea level rise in project planning
- Consider soft armoring approaches to stabilization

- Improve Coordination between State and Federal agencies to provide clarity and consistency



Updating BMPs

- DRED Forestry
- DOT Roadway Maintenance
- NRCS Agriculture
- Eversource Utilities
- NTOA Timber Harvesting
- Other as identified and needed

Concepts

- Purpose adapted for wetland function
- Avoidance & Minimization
- Bank Stabilization (Bio-Engineering)
- Self-mitigating defined (function improved)
- Dock permitting strategy (sq ft envelope)
- Minimum impact process proposal

Avoidance Concept

“**Avoidance**” – a design strategy for a proposed project on the applicant’s preferred site where all on-site wetlands, surface waters or regulated areas were not impacted or were avoided.



Minimization Concept

After all practicable measures to avoid impacts, the applicant will implement all practicable measures to minimize adverse impacts to aquatic resources that would result in the loss of wetland or stream function(s).

NEW Streamlined Notice

- ❖ Create process to streamline review and approval of small projects e.g. repair and maintenance of docks & walls

Pre- Application Discussions

- ❖ Formalize state-federal joint processing meeting for projects requiring mitigation
- ❖ Applicant and agent present proposal so all design issues are considered and suggestions received at one time.
- ❖ Pre- submission review process; use remote access when appropriate
- ❖ Required application items identified

Workgroups Established

- Mitigation
- Docks and Shoreline Structures
- Coastal Resources
- Non-tidal Wetlands
- Streams and Rivers



Mitigation Workgroup

POC: Lori Sommer
271-4059

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|-------------------|---------------------------|
| January 20, 2015 | ❖ Invitations sent |
| February 13, 2015 | ❖ 1st meeting |
| February 20, 2015 | ❖ Draft rules |
| February 25, 2015 | ❖ 2 nd meeting |
| March 11, 2015 | ❖ 3 rd meeting |
| June 2015 | ❖ Initial proposal filed |

Mitigation Proposal

- "Wetlands enhancement" (such as removal of invasive species)
- "Self-Mitigating" (such as with stream crossings)
- "Service Area" (grouping of watersheds for funding)
- Mitigation payments for stream impacts

Non-tidal Shoreline Structures

POC: Darlene Forst: 271-4067

February 23, 2015; Initial Meeting

❖ Concept comments due March 20



Freshwater Docks

POC: Darlene Forst: 271-4067

❖ Dock construction envelope

❖ Private v. commercial docks



Coastal Resources

Tidal Docks & Dredging

POC: Dori Wiggin: 559-1507

April 2	1- 3	Pease
April 16	1- 3	Pease
May 4	1- 3	Pease

Final Thoughts?



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Points of Contact:
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Inland Docks: Darlene Forst 271-4067 Inland Wetland & Streams: M Tilton
