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**Tracie Sales**  
Program Manager

**Vacant**  
Watershed Coordinator

**Vacant**  
Program Assistant

N.H. Rivers Management and Protection Program

# N.H. Rivers Management Advisory Committee

February 10, 2021

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

**RE: HB 158** *An act relative to the definition of prime wetland.*

Dear Chair Renzullo and Members of the Committee:

The Rivers Management Advisory Committee (RMAC) appreciates the opportunity to comment on House Bill 158, which further defines prime wetland for local protection in fill and dredge permits. The RMAC supports this bill with the following amendment in lines 21 - 23:

***~~“I.d. For the purposes of this paragraph existing state highway rights-of-way, including associated permanent easements, shall not include prime wetlands or their adjacent buffers.”~~***

The RMAC agrees that narrow sections of wetland should qualify for prime wetland status, particularly when connecting two or more larger prime wetland segments. However, the RMAC also believes that the bill, as introduced, will negate prime wetlands previously designated by cities and towns when located near state highways, which they were enabled to do under RSA 482-A:15. Currently, those prime wetlands were and may be designated by municipalities after thorough analysis, determining that high-quality wetlands are present. Typically, a wetland receives this designation because of its large size, unspoiled character and ability to sustain populations of rare or threatened plant and animal species. Mapping analysis and field work are used for the evaluation. After high value wetlands are identified, municipalities hold a public hearing for residents to vote on the designation. Once a municipality approves wetlands for designation as prime, they provide to the New Hampshire Department of Environmental Services (NHDES) Wetlands Program a copy of the study and tax maps with the designated prime wetlands identified. The Department reviews the submission from the municipality to ensure that it is complete and in accordance with Env-Wt 702.03. Once the town's prime wetland submission is considered complete and approved, NHDES will apply the law and rules that are applicable to any future projects that are within the prime wetland or the 100-foot prime wetland buffer. The RMAC feels that this level of scrutiny should not be negated by the presence of a state highway.

The RMAC is a legislatively created body charged to work with NHDES to administer RSA 483, the Rivers Management and Protection Program. The Governor and Council appointed Committee is comprised of members from business, agriculture, hydroelectric, municipal government, water supply, conservation, recreation, fish and game, and historical interests. Among its other responsibilities, the RMAC is charged

with reviewing legislation relevant to the Program and with advising the NHDES Commissioner on the merits of such legislation.

In conclusion, the RMAC supports HB 158 with the amendment contained in this letter. This amendment strikes proposed section 482-A:15, I-d in the bill to ensure that previously-designated prime wetlands do not lose their prime wetland designation as a result of a nearby highway.

Should you have any questions regarding our testimony, please feel free to contact me at 603.796.2615 or [MLT@naturesource.net](mailto:MLT@naturesource.net).

Sincerely,



Michele L. Tremblay  
RMAC Chair

cc: Rep. Chuck Grassie  
RMAC Representatives  
Robert R. Scott, Commissioner, NHDES  
Tom O'Donovan, Director, Water Division, NHDES  
Ted Diers, Administrator, Watershed Mgmt. Bur., NHDES  
Tracie Sales, Rivers and Lakes Programs Manager, NHDES  
Local River Management Advisory Committee Chairs