

US EPA ARCHIVE DOCUMENT

**Superior Environmental Results Through Innovative Land Development Technical
Assistance and Permitting in New Hampshire
Cooperative Agreement # EI-97188001-0
Quarterly Progress Report
April 1, 2012 – June 30, 2012**

Project Synopsis

This quarter DES staff continued to work with the Legislature to authorize the new Integrated Land Development Permit program, which was defined based on the work under the Innovative Permitting Initiative. The amended bill was passed the NH House in May, but an unrelated amendment was added on the House floor that prevented the House and Senate conference committee from reaching agreement, so the bill died.

Preliminary arrangements were made for a multi-agency pre-application meeting for a dam modification required in connection to the Cotton Mill square pilot project, which was previously permitted.

Final research and revisions were made to the Best Development Practices guidance and a brief fact sheet on the practices prepared. An intern was brought on to assist in finalizing materials and summarizing public input in support of the presentation on the project and final report.

IPI staff continued to work with the Land Resources Management (LRM) programs, particularly the wetlands bureau, to improve and streamline procedures and increase consistency. This quarter new data entry protocols were distributed to staff to support performance measures and a consistent set of time codes was implemented to better track work functions across the programs.

Please see the Narrative Discussion below and the Task Status Table for task-by-task detail on progress to date.

Narrative Discussion

Only limited assistance was provided to the pilot projects this quarter:

Pilot 1 - Altaria Development, Lebanon: This project proposes to redevelop/develop about 66 acres as a mixed-use, high-density “downtown” node and attached housing and business park (in two phases) and place the remaining 223 acres into conservation. Although DES issued the wetlands and alteration of terrain permits for this project in July and September 2011, respectively, the fulfillment of the mitigation required under the wetlands permit is deferred pending full, final approval from the municipality for the project as proposed. DES received a progress report from the applicant indicating that the final municipal approval appears imminent, but no specific assistance was provided.

Pilot 2 – Cotton Mill/Jackson Falls Dam, Nashua: The primary project is the redevelopment of a historic mill building to create 120 affordable rental units on a property of almost 6 acres adjacent to the Nashua River in downtown Nashua. DES issued the final Alteration of Terrain permit for the project in October 2011 (the need for a wetlands permit was eliminated by a change in policy at the municipal level). The mill redevelopment is contingent on financing that

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requires a downstream dam to be modified to remove the property from the floodplain. The applicant indicated that they are now ready to proceed with the pre-application meeting and IPI staff coordinated with various DES staff as well as other state and Federal agencies to identify appropriate staff to participate and schedule the meeting for early August. In addition, IPI staff met with project lead to informally evaluate the work and processes under the IPI.

Pilot 3 – Pike Industries Quarry Expansion, Hooksett: Other wetlands program staff have taken over the coordinator role on this project because of the significant concerns regarding potential impacts to threatened/endangered species and habitat. The time period for preparation for a permit application will be significantly longer than previously expected given the need to understand if there is any potential impact to a threatened species in the broader vicinity of the project.

2011 Wetlands Program Improvement Grants: As noted, IPI staff continue to support activities under these 2011 grant awards pertaining to program integration, process evaluation, and streamlining. These activities will be reported on under those grants and not repeated here.

LRM Process Improvements & Integration: During this quarter, IPI staff assisted in finalizing new data entry protocols, including clarifying and standardizing the categorization of permit applications and associated entries to capture the timing of key process steps. Additional work on process SOPs is also underway. This will support more detailed and accurate reporting on performance regarding review timeframes and applicant response. Additionally, a single set of task codes was developed for use by all LRM staff to provide clearer measures of staff time required to perform various functions (e.g., field inspections, technical review of major and minor wetland applications).

Integrated Land Development Permit Legislation: Different versions of the legislation were approved by the NH Senate and NH House. Unfortunately, due to an unrelated amendment added to the bill on the House floor, the conference committee was not able to reach agreement and the bill died. DES is hopeful that the final version of the bill will be reintroduced in the following legislative session.

Projection of Future Activities

Over the next quarter, DES will continue the evaluation of the project, including additional debriefing meetings with our pilot project participants and DES staff involved with the effort. DES will finalize our outreach materials, including a webinar on the project and lessons learned, and draft the final report. We are working with EPA Region I to hold the webinar and involve other states undertaking permit program improvement efforts.

As noted previously, the final assessment of the IPI is expected to be largely qualitative in nature, particularly given that none of the pilot projects are expected to be constructed within the grant period. Given the small number of pilot projects and that none were followed from the earliest stages of design, we intend to forgo any quantitative assessment of the environmental benefits achieved and instead, focus on qualitative measures of the impact of the more involved pre-application discussions on applicant's understanding and receptiveness to the design best practice ideas.

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Project Tasks and Status

Task #	Task Name	Task Description	Start Date	End Date (bold = revised 10/10)	Task Status/Activity this Quarter
	Pre-Administration	Formal Acceptance of Grant by NH Governor and Executive Council	EPA grant award (approx. Oct 1, 2008)	Jan 14, 2009 (Approx 45-60 days after EPA grant award)	<ul style="list-style-type: none"> Completed in prior quarters.
1	Form Innovative Permitting Advisory Group	Establish and Support Core Advisory Group	Project start (officially is NH G&C approval on 1/14/09)	Formed April 2009/ On-going	<ul style="list-style-type: none"> No activity this quarter; work completed previously.
2	Recruit DES Pilot Staff	Identify and Solicit Participation of DES Project Staff (Permitting and Technical Assistance)	Project start	12 months (completed at 14 mos)	<ul style="list-style-type: none"> Completed in prior quarters.
3	Identify Needs and Recruit Consultants	Identify Needs and Secure Required Consultant Support	2-4 months	On-going/ grant completion	<ul style="list-style-type: none"> No action this quarter.
4	Develop a Coordinated Permitting Procedure	DES Permit Process Evaluation and Coordination Strategy Development	Project start	14 months for draft (4/10)/ 30 months for final	<ul style="list-style-type: none"> Completed in prior quarters.

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Task #	Task Name	Task Description	Start Date	End Date (bold = revised 10/10)	Task Status/Activity this Quarter
5	Develop DES Pre-application Meeting Process	Pre-Application Meeting Requirements and Processes (for DES and applicants)	Project start	15 months for draft (4/10)/ 24 months for final	<ul style="list-style-type: none"> Completed in prior quarters; continually revising based on experience with pilot projects.
6	Define Guidelines and Information on Best Practices	Identify standards for higher environmental performance of land development projects	Project start	15 months for draft (4/10)/ 24 months for final	<ul style="list-style-type: none"> Revised Best Development Practices guidance previously developed and prepared short fact sheet to accompany technical document.
7	Develop Enhanced Technical Assistance Process	Develop guidance and procedures for providing technical assistance on higher environmental performance standards	14 months	18 months for draft/ 30 months for final	<ul style="list-style-type: none"> Completed in prior quarters.
8	Develop Development Project Evaluation Procedures	Develop procedures for evaluating the environmental performance of development projects	8 months	15 months for draft (4/10)/ 24 months for final	<ul style="list-style-type: none"> Conducted follow-up debrief & evaluation meeting with one pilot project.

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Task #	Task Name	Task Description	Start Date	End Date (bold = revised 10/10)	Task Status/Activity this Quarter
9	Develop Pilot Program Materials and Outreach	Develop informational materials on the pilot program and procedures	4 months	14 months for drafts 24 months for final/ongoing	<ul style="list-style-type: none"> Prepared fact sheet on Best Development Practices identified by the IPI. Discussed EPA Region I sponsoring a webinar for outreach to other New England states. Conducting research on sample of NH projects illustrating application of Best Development Practices and developing case studies to promote broader use of these practices.
10	Identify and Recruit Participants	Solicit potential participant municipalities and developers (applicants) to participate in pilot	4 months	On-going	<ul style="list-style-type: none"> No activity this quarter.
11	Plan and Conduct Public Involvement	Develop and implement a plan to ensure broad public input to pilot program development and implementation (incorporates elements of other tasks)	Project start	On-going/ grant completion	<ul style="list-style-type: none"> Completed in prior quarters.

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Task #	Task Name	Task Description	Start Date	End Date (bold = revised 10/10)	Task Status/Activity this Quarter
12	Conduct Project Pilots	Process pilot program participants through pre-application meeting, provision of technical assistance, and coordinated permitting (target: 20 projects)	18 months - ongoing	On-going/ grant completion	<ul style="list-style-type: none"> Re-scheduled pre-application meeting for dam modification component of the Cotton Mill pilot project; consulted with additional state and Federal agencies to include in pre-application meeting.
13	Evaluate Pilot Program, Develop Case Studies, and Transfer Innovation	Evaluation and Reporting of Benefits, Challenges, and Opportunities of Pilot Program	6-8 months	On-going/ grant completion	<ul style="list-style-type: none"> Prepared preliminary draft case studies on pilot projects, the IPI process steps, and lessons learned. Attended hearings within the NH House on Integrated Permit legislation and discussed experience under IPI as related to proposed new Integrated Permit program.
14	Report Progress and Project Administration	Periodic reporting, recording keeping, quality assurance, and overall project management	3 months	On-going/ grant completion +120 days	<ul style="list-style-type: none"> Progress report submitted April 30, 2012.

Financial Report

In this quarter, we expended just over \$400 of the grant award; approximately 95% of the total grant award has been expended through June 30, 2012. Few funds were expended last quarter because of the delay in charges being posted for staff time due to the need to transfer expenditures to the grant. The breakdown of expenditures charged to the grant to date is reported in the table below.

We still anticipate exhausting the remaining budget for staff time and benefits for outreach and preparation of the final evaluation and report and for travel for outreach on the project. We have brought on an intern to assist in the final activities under the grant. It is still expected that any class overruns will fall within the limits of acceptable adjustment, but we will continue to monitor the budget and expenses and if we determine the need for, submit a formal request to modify the grant budget accordingly.

Time expended by state-funded personnel as match on the project is tracked using a specific timesheet code. No additional match is provided as we have fulfilled the match obligation under the grant. The total value of match time to date is just over \$195,000 (which equals around 42% of total project cost as budgeted, fully satisfying the match requirement for the grant of 40.2% and \$184,719).

Expenditures and Match Totals to Date

(Removed due to it being confidential business information.)