

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  
January 1, 2011 – March 31, 2011**

**Project Synopsis**

This quarter we continued to work with two pilot projects. We conducted technical review/pre-application meetings for each project and provided coordinated direction from several staff and programs. We worked with the pilot projects to resolve unusual circumstances that could have presented a greater challenge to the project without the added assistance of the Innovative Permitting Initiative coordinator.

IPI staff continued to provide input and support for legislation to establish a voluntary, alternative integrated land development permit program, based significantly on the work under this project.

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

**Narrative Discussion**

This quarter we continued working with our first two pilot projects. The experience with these pilot projects highlights the significant interplay that exists between the local/municipal role and the state/Department of Environmental Services role in reviewing and permitting projects. For both projects, the total timeframe for DES permit application review and approval, including pre-application discussions, was significantly extended and complicated by requirements and actions needed at the local level.

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.

**IPI Interactions this Quarter with Pilot 1:**

- Applicant submitted a state wetlands application on February 28, 2011, although the mitigation proposal was not yet resolved and the pre-application technical review meeting had not yet been conducted. Unfortunately, the applicant needed to submit the state application at this time to initiate the local review process for the project’s wetlands impacts, which involved meeting with several boards and was expected to take 6+ months. This event highlights the need to coordinate not only within state government, but also with local municipalities and boards on their procedures and requirements to allow key issues to be resolved without requiring applicants to submit a formal permit application prematurely.
- Worked with applicant and DES wetlands staff to identify an innovative mitigation approach that ensured appropriate mitigation for Phase 1 impacts,

but did not require full conservation of the remaining 223 acres until the full project was permitted by state, local, and federal entities. This was necessary to support the applicant's financing of the project and to allow construction of Phase 1 of the project to begin before Phase 2 was fully permitted.

- Conducted a joint technical application review and pre-application technical review for the wetland permit and alteration of terrain (AoT) permit, respectively, on March 31, 2011. Issued discussed included additional documentation and plans required, appropriate mitigation options, and preliminary approach for stormwater management for the site (to be covered by the AoT permit). The DES wetlands program's Request for More Information was sent out on April 1, 2011 and a detailed summary of the technical review meeting provided by IPI on April 8, 2011.
- We identified that erosion and sediment (E&S) control plans and information is an area of overlap between the two permits and that currently applicants are required to provide both an E&S control plan as part of the wetlands permit and a complete AoT plan set, including a detailed E&S control plan. IPI will explore the opportunity for DES to automatically waive the requirement to submit a separate E&S control plan with a wetlands permit when a project also requires an AoT permit.

Pilot 2 – Cotton Mill, Nashua: This project involves redevelopment of a historic mill building, for 120 affordable rental units, on a property of almost 6 acres adjacent to the Nashua River in downtown Nashua. This area was granted an "urban exemption" from the NH Comprehensive Shoreland Protection Act (CSPA), but is adjacent to a "prime wetland" in the Nashua River, which extends state wetlands jurisdiction to include a 100' buffer to the river. The site also has contaminated soils, groundwater contamination, and expected lead paint and asbestos issues in the building.

- Conducted a coordinated technical permit application review on February 3, 2011, involving a representative from NH Fish and Game and the City of Nashua Planning Department, as well as several DES program staff. This coordinated application review meeting was held instead of conducting a technical pre-application meeting. DES and Fish and Games comments required the applicant to reevaluate their plan and submit revised materials. A joint request for more information letter addressing all issues was prepared (using an IPI-prepared format) and sent out on February 8, 2011. We believe that many of the issues discussed and resolved at the application technical review could have been addressed during a pre-application review and avoided the need for re-design and multiple sets of "final" plans to be submitted to DES. This experience reinforced the need for the pre-application technical meeting, even for projects that appear to be well-thought out already (and in this case, permitted previously).
- DES staff conducted a loading analysis of the proposed stormwater management plan using the DES Simple Method and presented the results to the applicant as part of the technical application review along with a recommendation to fully evaluate opportunities to incorporate more naturalized, LID-type stormwater treatment at the site.

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- IPI staff worked with the City of Nashua, in coordination with the applicant, to suggest that the City reevaluate its designation of the Nashua River as a prime wetland within its urban core (i.e., the same area previously granted an “urban exemption” under the CSPA). The prime wetland designation extended the state wetland program jurisdiction to include a 100’ buffer to the bank of the river, resulting in a greater regulatory burden (including high fees for any ‘disturbance’ within this 100’ buffer) for applicants redeveloping property along the river in the urban core. The City acknowledged that it never intended for this area to be included in the prime wetland designation and immediately began the local process to remove the designation. This change was completed in March 2011.
- Following the technical permit application review meeting, the applicant indicated that they would not submit revised materials until after the City was able to remove the prime wetlands designation and additional financing arrangements were completed.

This quarter we also explored the opportunity and possible interest of pilot projects for DES to provide small grants or direct expert technical assistance on LID stormwater management through existing DES contracts with UNH Stormwater Center or direct small grants to applicants. It was determined that the low value of the potential grant (around \$2,000) was not significant enough to influence the project applicant and also not sufficient to justify the paperwork associated with a state agency providing such a grant. A similar conclusion was reached regarding the possibility of providing direct technical assistance from the UNH Stormwater Center. The existing contract was not adequate to accommodate such work, and a new contract agreement was not justified given the small total funds available. This option could be viable if greater funds were dedicated to such support.

This quarter we also put additional effort into developing a joint permit application form for use by IPI participants. This effort was abandoned, however, as it was determined that the variation in the technical requirements of the different permit programs, as specified by statute and rule, restricted our ability to combine and reduce the materials required to be submitted. The resulting draft joint application was therefore too complex and provided little benefit to applicants.

**Permit Program Coordination and Process Streamlining.** IPI staff continue to support process improvements within the Land Resources Management permit programs. Projects this quarter included updating several wetland permit application forms, supporting continuing efforts to streamline enforcement decision-making and document preparation, and finalizing changes to how complaints are handled.

**Legislation to Establish an Integrated Permit for Land Development.** IPI staff supported the Department’s effort to bring forward legislation to establish a new, integrated land development permit by convening a stakeholder meeting, collecting and coordinating input, and preparing revised draft legislation to provide to the Legislative Committee. The Legislative Committee re-referred the bill and the Department, and IPI staff, will continue to work with stakeholder to revise the bill over the next 9 months to be re-introduced next session (2012). The integrated permit will be a voluntary, alternative permit option for development projects that will supplant various individual program permits now issued by

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the department. The proposed legislation to create this new permit draws substantially from the lessons learned and procedures proposed under the Innovative Permitting Initiative. Although re-referred, there is broad support for the concept of this bill, partly due to the significant outreach conducted by IPI on the basic idea of an integrated/coordinated permit review process. A March 2011 poll of its members by the NH Planners Association found that, of the 53 members responding, 79% supported, 11% had no opinion, and 9% opposed the Integrated Permit Legislation as introduced.

**Outreach and Education.** IPI staff co-presented an educational session, at the annual NH Water Resources Conference, for municipal boards (particularly conservation commissions) and local river management advisory groups on effective engagement with land development project proponents and the state permitting process. Approximately 30 people attended. The session emphasized lessons learned during the IPI project, including the value of early engagement with project proponents to influence design, of relating comments on DES permit applications to the specific issues under DES jurisdiction, and the revised application receipt procedures at DES.

As mentioned last quarter, the role of the IPI staff as internal project coordinator is proving to be essential to providing assistance to the applicants and in resolving potential issues, both internally and with other organizations (e.g., municipalities, other agencies) – and likely exceeds the reasonable expectations for additional support that can be provided by existing permitting staff due to their competing work loads. This has been greatly reinforced this quarter and calls for reconsideration of how an approach to provide additional assistance to high-environmental performing projects can be continued and mainstreamed.

A request to modify our project budget will be submitted under separate cover to redirect funds previously budgeted for consultant services and indirect costs to personnel costs. This transfer will allow us to maintain our full time staff commitment to the IPI beyond the 18 month timeframe under the original workplan (continuing key staff support into October of 2011).

Because of the increased workload associated with the two initial pilot projects and the proposed Integrated Permit legislation, we were not able to complete some of the work slated for last quarter (e.g., finalizing the best practice guidance, updating the QAPP, and updating our Advisory Group). We expect to address these activities next quarter.

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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"> <li>Completed in prior quarters.</li> </ul>
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"> <li>No meeting or updates this quarter.</li> <li>Provided Advisory Group with information on proposed legislation to establish an Integrated Permit Option.</li> </ul>
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"> <li>Continued to work with DES staff teams selected for two pilot projects.</li> </ul>
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"> <li>No action this quarter. No additional outside consultant support anticipated. Some consultant funds budgeted to be transferred to personnel; remaining consultant funds expected to be put toward IT support to update/revise the existing permit database(s) to formally incorporate process improvements made under IPI within Land Resources Management Programs.</li> </ul>

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Task #	Task Name	Task Description	Start Date	End Date (bold = revised 10/10)	Task Status/Activity this Quarter
4	Develop a Coordinated Permitting Procedure	DES Permit Process Evaluation and Coordination Strategy Development	Project start	14 months for draft (4/10)/ <b>30</b> months for final (DES procedures defined earlier, 24 months, full DES-municipal process will require more time)	<ul style="list-style-type: none"> <li>Revised draft legislation to establish an Integrated Land Development Permit. Legislation is based on the work of IPI. Legislation was re-referred (i.e., retained) by the committee to revise it for next session (2012).</li> <li>Prepared a consolidated form to request more information on permit applications and ensure applicants respond to each issue by completing the form.</li> <li>Conducted a coordination technical permit application review meeting for Cotton Mill pilot project (replaced pre-application technical review).</li> </ul>
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)/ <b>24</b> months for final	<ul style="list-style-type: none"> <li>Conducted a technical pre-application meeting on AoT permit for Altaria pilot project (concurrent with technical wetlands permit application review meeting) and prepared meeting summary using excel template.</li> </ul>
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)/ <b>24</b> months for final	<ul style="list-style-type: none"> <li>Provided separate draft guidance on best practices and project evaluation/documentation to area experts within DES for review and comment.</li> </ul>

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Task #	Task Name	Task Description	Start Date	End Date (bold = revised 10/10)	Task Status/Activity this Quarter
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/ <b>30</b> months for final	<ul style="list-style-type: none"> <li>Explored opportunity and possible interest of pilot projects for DES to provide small grants or direct expert technical assistance on LID stormwater management through existing DES contracts with UNH Stormwater Center or direct small grants to applicants. Neither option was practical due to low funding available and high paperwork burden to implement.</li> </ul>
8	Develop Development Project Evaluation Procedures	Develop procedures for evaluating the environmental performance of development projects	8 months	15 months for draft (4/10)/ <b>24</b> months for final	<ul style="list-style-type: none"> <li>No action this quarter.</li> </ul>
9	Develop Pilot Program Materials and Outreach	Develop informational materials on the pilot program and procedures	4 months	14 months for drafts  <b>24</b> months for final/ongoing	<ul style="list-style-type: none"> <li>Continued and later abandoned effort to re-draft a joint application form for use by IPI projects.</li> <li>Marketing brochure drafted.</li> </ul>
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"> <li>No action this quarter.</li> </ul>



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Task #	Task Name	Task Description	Start Date	End Date (bold = revised 10/10)	Task Status/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"> <li>Co-presented an educational session for local commissions and advisory entities on lessons learned from IPI regarding effective engagement with proposed land development projects and how to improve interactions with the DES permit process.</li> </ul>
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"> <li>Conducted “technical” pre-application/application review meetings and prepared meeting summaries for Altaria and Cotton Mill pilot projects.</li> <li>Facilitated internal conversations and resolution of potential issues for both projects.</li> <li>Coordinated with local municipalities to provide information and resolve questions for both projects.</li> </ul>
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"> <li>No action this quarter.</li> </ul>
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"> <li>Progress report submitted January 22, 2011.</li> <li>Annual QA Self Assessment conducted.</li> <li>Funds Transfer Request submitted April 11, 2011.</li> </ul>

### Projection of Future Activities

Next quarter we expect to complete permitting for the initial pilot projects and begin formal evaluation of the alternative processes implemented. We will continue to reach out to potential developer and municipal partners and, in particular, to solicit additional pilot projects. We will continue efforts to finalize our best practices guidance, update our QAPP to reflect the identified approaches for measuring outcomes and environmental benefits, and provide information to our Advisory Group to update them on our implementation approach and early findings.

### Financial Report

Through March 31, 2011, we have expended about \$207,750 of the grant award (approximately 76% of the grant award). The breakdown of expenditures is reported in the table below.

Time expended by state-funded personnel on the project is being tracked using a specific timesheet code. Although we continue to work with staff to use the correct code, we are still not capturing all the of the match time toward this project formally through our timesheet system. This quarter, I am including the time of technical staff in attendance at IPI meetings even though they did not record this time separately on their timesheet. During this quarter, just over \$13,500 in match was provided (of which 89% was recorded on timesheets). The total value of match time to date is just over \$161,500 (which equals around 44% of total project cost to date).

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Expenditures and Match Totals to Date

Object Class Category	Approved Budget	Expended this Quarter	Total Expended to Date	Match this Quarter	Total Match to Date	Total Project Costs to Date
1. Personnel	\$236,848	\$13,977	\$117,226	\$8,603	\$104,256	\$221,482
2. Fringe Benefits	\$133,866	\$8,708	\$70,208	\$4,580	\$54,137	\$124,345
3. Travel	\$2,600	\$0	\$589	\$0	\$0	\$589
4. Equipment	\$1,800	\$0	\$1,716	\$0	\$0	\$1,716
5. Supplies	\$4,508	\$151	\$2,310	\$0	\$0	\$2,310
6. Contractual	\$51,500	\$0	\$12,200	\$0	\$0	\$12,200
7. Construction	\$0	\$0	\$0	\$0	\$0	\$0
8. Other	\$16,411	\$0	\$446	\$0	\$0	\$446
9. Total Direct Charges	\$447,533	\$22,836	\$204,695	\$13,183	\$158,393	\$363,088
10. Indirect Costs	\$12,186	\$0	\$3,054	\$390	\$3,157	\$6,211
11. Total	\$459,719	\$22,836	\$207,749	\$13,573	\$161,550	\$369,299
Share	Recipient: 40.18%; Federal: 59.82%)		56.3% share		43.75% share	80% Percentage of Total Budget