

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, 2012 – March 31, 2012**

Project Synopsis

Work this quarter was limited due to a staff injury that resulted in an extended absence. Nonetheless, other DES staff met with a new applicant along with staff from other state and federal agencies, to provide detailed pre-application guidance to resolve concerns regarding potential impacts to a threatened species. DES staff also 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 voted Ought-to-Pass by 15-0 by the NH House Resources and Economic Development Committee in April.

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 work continued on defining data entry protocols to support a new set of performance measures and to revise forestry and utility wetland notification procedures.

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, 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 requires a downstream dam to be modified to remove the property from the floodplain. The applicant requested that the pre-application meeting regarding the proposed modification to the dam be postponed until they are ready to proceed.

Pilot 3 – Pike Industries Quarry Expansion, Hooksett: Although this project is not a land development project, IPI staff have taken on a coordinator role because this project provided an opportunity to work with a project from the very start of the conceptual design process, to

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coordinate several DES programs as well as with other state and federal entities, and to coordinate and communicate closely with the municipality as well. An initial pre-application meeting for the project involving multiple state agencies, federal agencies as well as municipal representatives was held in January 2012. All involved expressed appreciation for the opportunity and information shared. Follow up conversations continued between the environmental regulatory agencies, with additional information and guidance then provided to the applicant and their consultants. Of particular concern is 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 are now involved in supporting activities under these 2011 grant awards. These activities will be reported on under those grants and not repeated here.

LRM Process Improvements & Integration: During this quarter, IPI staff assisted in preparing a formal IT plan and capital budget request to upgrade existing and implement new data management systems within LRM to further facilitate integration and information sharing across programs and with the public. In addition, staff worked on revising the utility and forestry permit-by-notification requirements and procedures. Staff also worked to define data entry protocols, including clarifying and standardizing the categorization of permit applications and associated entries to capture the timing of key process steps. This will support more detailed and accurate reporting on performance regarding review timeframes and applicant response.

Integrated Land Development Permit Legislation: The legislation was approved by the NH Senate and referred to the NH House. IPI staff continued to work with the NH House to revise the proposed legislation further and received a favorable response from the NH House Resources and Economic Development Committee, which voted 15-0 Ought-to-Pass as amended. Unfortunately, funding for new positions to implement the program was removed from the bill. DES is hopeful that the concept will receive approval and financial support for its implementation can be sought through the upcoming budget process.

Projection of Future Activities

Over the next quarter, DES will evaluate the project, beginning with debriefing our pilot project participants and DES staff involved with the effort. DES will also work to prepare our outreach materials and draft the final report. We are hopeful that EPA Region I will sponsor a webinar to allow us to share our lessons learned with others in the region along with hear from other states undertaking permit process improvement work.

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"> Distributed revised Integrated Land Development Permit proposed legislation.
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. No additional outside consultant support anticipated. Remaining consultant funds will be put toward staff time to finalize the project materials.
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"> No Action 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/ 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"> Scheduled 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"> Discussed having EPA Region I sponsor a webinar for outreach to other New England states.
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.
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"> Planned, but postponed (at applicant's request) pre-application meeting for dam modification component of the Cotton Mill pilot project. Consulted with sister environmental agencies and provided additional information and guidance to applicant for Pike Industries Quarry Expansion project.

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Task #	Task Name	Task Description	Start Date	End Date (bold = revised 10/10)	Task Status/Activity this Quarter
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"> Discussed having EPA Region I sponsor a webinar for outreach to other New England states. Presented revised legislation and discussed experience under IPI as related to proposed new Integrated Permit program to NH House Resources and Economic Development Committee. (March 2012)
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 January 25, 2012.

Financial Report

Through March 31, 2012, we have expended about \$261,150 of the grant award (approximately 95% of the grant award). The breakdown of expenditures charged to the grant to date is reported in the table below.

As noted previously, expenditures for staff time and benefits are now delayed in being charged to the grant as additional accounting steps are now required to transfer expenses. We 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. It is now 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 being tracked using a specific timesheet code. During this quarter, just over \$4,550 in match was provided. 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).

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Expenditures and Match Totals to Date

Object Class Category	Object Class Category	Approved Budget (Revised 5/11)	Expended this Quarter	Total Expended to Date	Match this Quarter	Total Match to Date
1. Personnel	\$266,688	\$9,737	\$145,599	\$2,884	\$125,576	\$271,174
2. Fringe Benefits	\$152,606	\$6,033	\$91,393	\$1,675	\$65,599	\$156,992
3. Travel	\$2,600	\$0	\$736	\$0	\$0	\$736
4. Equipment	\$1,716	\$0	\$1,716	\$0	\$0	\$1,716
5. Supplies	\$3,627	\$211	\$2,941	\$0	\$0	\$2,941
6. Contractual	\$18,200	\$0	\$12,200	\$0	\$0	\$12,200
7. Construction	\$0	\$0	\$0	\$0	\$0	\$0
8. Other	\$2,096	\$8	\$681	\$0	\$0	\$681
9. Total Direct Charges	\$447,533	\$15,989	\$255,265	\$4,558	\$191,175	\$446,440
10. Indirect Costs	\$12,186	\$0	\$5,888	\$135	\$4,128	\$10,015
11. Total	\$459,719	\$15,989	\$261,154	\$4,693	\$195,303	\$456,456
Share	Recipient: 40.18%; Federal: 59.82%)		57.2%		42.48%	99%