

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
July 1, 2010 – September 30, 2010**

Project Synopsis

This quarter we reviewed comments received on the proposed pilot program. Based on the comments and general reluctance of developers and municipalities to participate in the pilot program as proposed, we needed to identify an alternative approach for engaging pilot projects and evaluating approaches identified under the Innovative Permitting Initiative (IPI). We had initial interactions with two potential pilot projects.

We also invested significant effort this quarter to implement changes to existing permit program procedures for the initial review and acceptance of permit applications under the four Land Resources Management permit programs. This new procedure represents a first step toward greater process coordination between these programs and allowed us to learn a lot about the difficulties that will be faced in future implementation of both the pilot program and broader coordination efforts.

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

Narrative Discussion

We received hundreds of comments through five focus groups with municipal, environmental, and developer representatives as well as from a detailed review by each of the nine Regional Planning Commissions and representatives of several communities. While most respondents indicated support for the overall purpose of the initiative, they were concerned about various aspects of the pilot program as proposed and were generally very leery of participation. Participants specifically commented that the requirements for participation were too stringent and likely too costly for both developers and municipalities. Others felt that this program was creating additional steps and activities that would likely lengthen rather than streamline the review and approval process. No developers or municipalities expressed interest in participating in the pilot program as initially proposed.

In response to the significant concerns expressed by focus group participants and commenters, we have decided to pursue an alternative approach to implementing and evaluating the various components of the Innovative Permitting Initiative pilot program. Initially we will focus on improved and coordinated pre-application assistance and permit review within DES's programs. As opportunities arise, we will pursue improved communication and coordination with federal agencies and our sister NH agencies to the extent that they are engaged in the DES permit process (e.g., wetlands permits under the PGP, other agency's comments on DES wetlands permit reviews). We hope to extend our communication and coordination efforts to municipalities in the future. Additionally, we will implement and evaluate components of the proposed pilot program. For example, we will conduct an "IPI Pre-application Meeting" involving appropriate DES staff with willing applicants following the structure defined in the

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proposed pilot program (April 2010); prepare summaries of pre-application meetings and evaluate their usefulness to the project and DES staff; and coordinate DES staff involvement during pre-application activities and final permit review. We will use and evaluate a central electronic repository for project information and application submission materials. Finally, we propose to prepare a formal DES guidance document on the identified best practices and techniques for measuring performance, but not specifically require pilot projects to commit to implementing any specific design elements.

This quarter we began to more formally interact with the NH Customer Service Initiative. This initiative, undertaken at the behest of the Governor, is intended to provide for greater coordination among the multiple state agencies that may be involved in the development and/or permitting of larger scale projects. DES staff heading up the CSI and IPI staff participated in a joint site visit for a potential pilot project located in Lebanon. It was determined that for projects involved with both the CSI and IPI efforts, CSI would facilitate cross-agency coordination and IPI would focus on internal-DES coordination, coordination between DES and municipalities, and coordination with EPA and ACOE, when applicable.

The IPI has begun to work with two potential pilot projects. Although not a formal IPI pilot project, IPI staff, along with other specific DES permit program representatives, participated in two pre-application planning meetings (i.e., a planning Charettes) for a very large multi-use development proposed in Londonderry. This project envisions creating a substantial urban center connecting to a series of walkable village squares and surrounded by a mix of residential, commercial, healthcare, and retail developments on over 600 acres. IPI staff provided a summary of DES staff input provided at the initial charrette, implementing a modified recommendation identified as part of the IPI pilot program design. In the future, as part of IPI, we will evaluate the usefulness of this summary and evaluate the appropriateness of this project participating as a formal IPI pilot project.

IPI staff also participated in a pre-application site visit for another mixed-use conservation-designed development proposed for 66 acres in Lebanon (noted above), with about 223 acres being put into permanent conservation. The project as proposed calls for energy-efficient building designs, LID stormwater management, provides for efficient use of land through the use of conservation-design strategy, and is located in close proximity to an existing community center and to major regional-scale employers. IPI has invited this project to become a formal IPI pilot project.

Although we have had limited opportunities to date to pilot the proposed IPI processes with specific applicants, a couple of projects and communities have expressed some interest and we will continue to work with these individuals and communities to evaluate the IPI concepts. The reluctance of municipalities and developers to participate in the IPI as initially proposed has resulted in our extending the roll-out and evaluation period. In expanding the testing phase of the project we can conduct and evaluate parts of the overall process as municipalities and applicants are comfortable. A longer roll-out and evaluation timeframe will also provide opportunities to make additional immediate program and process improvements to our existing permit programs based on the work under IPI to date. Despite extending our implementation phase (see revised dates for final products under several tasks), we still expect to complete the project within the specified period of performance.

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The scope of work under the IPI has expanded from the design of a pilot program to direct implementation of identified improvements to existing permit programs. This quarter we did substantial work to implement procedural changes to establish one standardized approach for the initial steps of DES permit application review (the determination that an application is “complete” and to accept it into the technical review queue) under four different Land Resources Management permit programs. Other immediate improvement opportunities have also been identified and many addressed.

- **Revised Permit Acceptance and Administrative Review Processes.** IPI staff has invested significant time in resolving issues that emerged during the implementation of the new coordinated and standardized permit acceptance and administrative review processes. These efforts have included responding to issues raised during legal review of the new proposed procedures, training staff on new, consistent procedures, developing and revising standard operating procedures and supporting materials (e.g., standardized letters), and streamlining/fixing ancillary processes and activities. IPI staff will continue to support implementation and evaluation of the new process through early 2011, at which time oversight of the new process will reside with Land Resources Management administrators.
- **Permit Program Coordination and Process Streamlining.** IPI staff continue to work with the various permit programs within Land Resources Management (LRM) to implement immediate process improvements and implement initial steps toward greater permit coordination and integration. Over 60 specific process improvements have been identified through work undertaken with the Land Resources Management permit programs as part of or in relation to the development of procedures to implement the IPI; of these 45 changes are fully implemented or underway. These improvements range from small changes, such as eliminating redundant spreadsheets used to track various activities, to larger scale endeavors, such as revising various permit applications for increased consistency, to changing fields and generating new reports from the permit tracking database to increase measurement of performance and environmental outcomes.

These efforts have highlighted the significant number of details and complications that have to be resolved in developing a coordinated permit process for land development projects under the IPI and more broadly.

The research, development, and implementation efforts under the IPI also greatly informed DES’s input to a Legislative Land Use Commission, which was tasked with examining the extent of coordination and effectiveness of land development project permitting at federal, state, and local levels within New Hampshire at protecting natural resources at the landscape scale. A number of recommendations based on the work conducted under the IPI were brought forward by the Land Use Commission in their final report. As a result of the work under the IPI, DES anticipates that legislation will be pursued in 2011 to authorize our continued efforts to standardize procedures across programs in working toward more fully integrated and coordinated reviews.

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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 meeting this quarter.
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"> No action this quarter.
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.

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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)/ 30 months for final (DES procedures defined earlier, 24 months, full DES-municipal process will require more time)	<ul style="list-style-type: none"> Reviewed comments received on proposed coordinated permit process. Continued work to develop supporting materials (e.g., SOP, joint IPI application, MOA for applicants). Continued work to implement a coordinated application receipt and preliminary review process to combine and standardize the process across Land Resources Management permit programs. Work of IPI regarding process improvements and permit coordination identified in recommendations by the Legislative Land Use Commission.
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"> Reviewed comments received on proposed pre-application process. Explored options for coordinating IPI pre-application activities with the NH Customer Service Initiative (CSI) pre-application activities. The CSI is state-level effort to better coordinate among state agencies involved in permitting or providing assistance to large-scale projects. Attended pre-application design charrette held by a potential IPI pilot project; prepared summary of DES staff input and guidance.
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"> Reviewed comments received on April draft.

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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
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"> No action this quarter.
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"> No action 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"> Drafted an informational flyer on the IPI. Continued work on pilot program supporting materials (e.g., application forms, MOAs, SOPs)
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"> Discussed opportunities under IPI with several individual developers and developer representatives.

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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"> Updated IPI stakeholders via direct email and through various DES communication venues on upcoming modifications to the DES permit application & review process, which resulted from the IPI's interactions with Land Resources Management programs. Accepted requests for two speaking engagements for Fall 2010 (BuildGreen NH conference and DES/Business and Industry Association Water Symposium).
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"> Attended pre-application design charrette for potential IPI pilot project; prepared summary of DES staff comments and follow-up recommendations in keeping with IPI procedures for improved documentation of pre-application discussions. Participated in joint site visit for second potential pilot project.
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"> No action this quarter.
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 July 20, 2010.

Projection of Future Activities

Next quarter we will continue to test specific parts of the proposed Innovative Permitting Initiative approach working with applicants during the pre-application phase. We will continue to reach out to potential developer and municipal partners as well as discuss our initiative at various venues in an effort to attract additional pilot partners. We will finalize our best practices guidance and update our QAPP to reflect the identified approaches for measuring outcomes and environmental benefits. In the coming months, we will meet with our Advisory Group to update them on our implementation approach and early findings.

In addition, we expect that the work of the IPI will continue to influence DES's interactions with the Legislature as well as broader permit program process improvements and the department's strategic planning activities. Specifically, we will continue to assist staff to implement the new combined administrative review process and resolve other coordination issues for the Land Resources Management permit programs.

Financial Report

Through June 30, 2010, we have expended just under \$160,000 of the grant award (approximately 55% 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. During this quarter, just over \$10,000 in match was recorded. The total value of match time to date is close to \$131,000 (which equals around 45% 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	\$15,638	\$86,942	\$6,525	\$84,883	\$171,826
2. Fringe Benefits	\$133,866	\$8,821	\$52,709	\$3,518	\$43,822	\$96,531
3. Travel	\$2,600	\$101	\$475	\$0	\$0	\$475
4. Equipment	\$1,800	\$0	\$1,716	\$0	\$0	\$1,716
5. Supplies	\$4,508	\$36	\$2,091	\$0	\$0	\$2,091
6. Contractual	\$51,500	\$0	\$12,200	\$0	\$0	\$12,200
7. Construction	\$0	\$0	\$0	\$0	\$0	\$0
8. Other	\$16,411	\$25	\$446	\$0	\$0	\$446
9. Total Direct Charges	\$447,533	\$24,621	\$156,580	\$10,043	\$128,705	\$285,285
10. Indirect Costs	\$12,186	\$0	\$3,054	\$297	\$2,278	\$5,332
11. Total Share	\$459,719	\$24,621	\$159,634	\$10,340	\$130,984	\$290,618
	Recipient: 40.18%; Federal: 59.82%)		54.9% share		45.07% share	63% Percentage of Total Budget