



IMPORTANT NOTICE RE: WETLAND MITIGATION RULES

The existing rules in Env-Wt 800, Compensatory Mitigation, establish the procedures and substantive requirements that apply when compensatory mitigation is required for unavoidable wetlands impacts. Specifically, the rules establish acceptable forms of mitigation, the amount of mitigation required, the information needed for a mitigation proposal to be deemed complete, the criteria used to evaluate mitigation proposals, the requirements for accepting an in-lieu payment, use of the ARM Fund, requirements for ARM Fund applicants, and ARM Fund project evaluation criteria. The rules were recently readopted with amendments to clarify existing requirements, improve the process for submitting and evaluating wetland mitigation proposals, and to align the rules with revisions to RSA 482-A:29 and federal requirements. The proposed changes clarify the permitting process when compensatory mitigation is required and better explain how the ARM Fund operates.

In conjunction with the readoption with amendment of Env-Wt 800 and certain sections in Env-Wt 500, three definitions were added to Env-Wt 100 (certified wetland scientist, service area, and wetland enhancement). Existing mitigation-related rules in Env-Wt 500 establish the review process for mitigation proposals, data requirements, the mitigation sequence process, items needed for a mitigation proposal to be deemed complete, and what is involved in the review of mitigation proposals. The adopted rules are now posted on the [NHDES Rulemaking page](#).

A Summary of the Amended Wetlands Mitigation Rules is available at:
<http://des.nh.gov/organization/divisions/water/wetlands/documents/amendment-summary.pdf>