Effective June 2, 2020, Env-Wq 1503.19 intro and (h) are cited and read as follows:

Env-Wq 1503.19 Criteria for Issuance of AOT Permits. The department shall not issue an AOT permit unless the applicant demonstrates that all of the following criteria are met:

(h)   As required by RSA 212-A:9, III, the project has been designed in a manner that will not "jeopardize the continued existence of [state- or federally-listed threatened or endangered] species or result in the destruction or modification of habitat of such species which is determined by the executive director [of the New Hampshire fish and game department (NHF&G)] to be critical", as demonstrated by the report of a study of the proposed project site that is performed by a wildlife biologist who has education and experience in performing property surveys for threatened or endangered species, using an accepted process such as that established in EPA's ecological risk assessment methodologies (https://www.epa.gov/ecobox), that is:

(1)   Submitted to the department with the application and which demonstrates that:

a. No threatened or endangered species, designated critical habitat for threatened or endangered species, or travel corridors for threatened or endangered species is present on the site or potentially impacted by the project; or

b. If any threatened or endangered species, designated critical habitat for threatened or endangered species, or travel corridors for threatened or endangered species is present on the site or potentially impacted by the project, the applicant has coordinated with NHF&G on potential impacts of the proposed project thereon, such that the proposed project, including any conservation measures recommended by NHF&G to the benefit of the affected species, cannot reasonably be expected to jeopardize the continued existence of such species or result in the destruction or modification of designated critical habitat; and

(2)   Reviewed by the department in consultation with NHF&G.

APPENDIX A: STATE STATUTES IMPLEMENTED

Rule Section(s)	State Statute(s) Implemented
Env-Wq 1503.19 intro & (h)	RSA 485-A:1; RSA 485-A:17; RSA 212-A:9, III