

Readopt with amendment Env-Wt 102.30, eff. 12-15-19 (doc. #12801), to read as follows:

Env-Wt 102.30 “Bog” means a wetland distinguished by stunted evergreen trees and shrubs, peat deposits, poor drainage, highly acidic soil conditions, highly acidic water conditions, or any combination thereof, as determined using ~~the federal classification method~~ “***Natural Communities of New Hampshire***”, 2nd edition, published by UNH Cooperative Extension dated 2011.

Readopt with amendment Env-Wt 103.27, eff. 12-15-19 (doc. #12801), to read as follows:

Env-Wt 103.27 “LAC jurisdiction” means the authority conferred by RSA 483:8-a, III upon a local river management advisory committee relative to activities within a designated river or river corridor, provided that for purpose of routine roadway maintenance activities conducted under an SPN, registration, PBN, or EXP, LAC jurisdiction shall be limited to activities ***located*** in or within 250 feet of a ~~Tier 2 or Tier 3~~ designated river ***where the activity will occur on a Tier 2 or Tier 3 stream*** that ~~have~~***has*** a direct surface water connection to the designated river.

Readopt with amendment Env-Wt 103.33, eff. 12-15-19 (doc. #12801), to read as follows:

Env-Wt 103.33 “Major docking system” means a docking structure that:

- (a) Is a commercial docking structure, a public docking structure, or a docking structure at a marina; ***or***
- ~~(b) Covers a surface area of more than 900 square feet excluding canopies and lifts;~~
- ~~(c) Provides 5 or more boat slips;~~
- ~~(d) Is located in a priority resource area as defined in Env Wt 103; or~~
- ~~(e) Requires a waiver of one or more requirements in order to be approved.~~

Readopt with amendment Env-Wt 103.27, eff. 12-15-19 (doc. #12801), to read as follows:

Env-Wt 103.49 “Normal high water line” for lakes or ponds means the ***natural*** full ~~lake~~***high*** elevation.

Readopt with amendment Env-Wt 103.27, eff. 12-15-19 (doc. #12801), to read as follows:

Env-Wt 104.39 “Turbidity control” means a water quality control measure, such as a ~~silt fence, coffer dam, or filter strip, used on land or in water to contain silt and sediment so as to prevent water cloudiness.~~

Readopt with amendment Env-Wt 104.47, eff. 12-15-19 (doc. #12801), as amended eff. 12-24-19 (doc. #12953), to read as follows:

Env-Wt 104.47 “Water access structure” means a structure without a roof or cover that typically would be an accessory structure under RSA 483-B and that, as a matter of operational necessity, is located adjacent to the shoreline because its purpose is to provide a means of entry to a surface water for swimming and similar water-related recreational activities other than boating or a location for the direct observation of swimmers or other individuals engaged in water-related recreational activities. The term includes ***beaches***, decks, and patios, but does not include docking structures.

APPENDIX A: STATE AND FEDERAL STATUTES, FEDERAL REGULATIONS IMPLEMENTED

Rule Section(s)	State Statutes Implemented	Federal Statutes, Regulations Implemented
Env-Wt 102.30, 103.33, 103.49, 104.39, 104.47	RSA 482-A:1 - 4, 6, 8 - 34	Clean Water Act, 33 U.S.C. Chapter 26, Subchapter IV, § 1344 (Permits for Dredged or Fill Material); 33 CFR Parts 322 & 323; USACE Gen. Permit No. NAE-2016-02415
Env-Wt 103.27	RSA 482-A:1 - 4, 6, 8 - 34; RSA 483:8-a, III	Clean Water Act, 33 U.S.C. Chapter 26, Subchapter IV, § 1344 (Permits for Dredged or Fill Material); 33 CFR Parts 322 & 323; USACE Gen. Permit No. NAE-2016-02415

APPENDIX B: INCORPORATED REFERENCES [CHANGES ONLY]

Rule	Name (Date)	Available from
Env-Wt 102.30	Natural Communities of New Hampshire, 2nd Edition (2011)	UNH Cooperative Extension Taylor Hall 59 College Road Durham, NH 03824 Phone: (603) 862-1520