

Effective January 22, 2020, Env-Wt 309.07(d) is cited and reads as follows:

Env-Wt 309.07 PBN Application Requirements. ...

(d) A signed statement by the applicant certifying, in addition to the certifications specified in Env-Wt 311.11, that:

- (1) The proposed project meets the conditions and limits of Env-Wt 307 and the applicable minimum impact project rule;
- (2) If the project is to repair or replace a docking structure, the docking structure is an existing legal structure;
- (3) The proposal is the alternative with the least adverse impact to jurisdictional areas, as required by Env-Wt 313.03(a); and
- (4) The applicant is aware of the limits of the PBN and understands and will comply with all conditions in the PBN and all applicable conditions in Env-Wt 307;

Effective January 22, 2020, Env-Wt 310.01 intro is cited and reads as follows:

Env-Wt 310.01 EXP Submission Requirements. To obtain an EXP, the applicant shall submit to the department the following, on or with an EXP Application, NHDES W-06-052, dated January 2020: ...

Effective January 22, 2020, Env-Wt 311.07(b)(2) is cited and reads as follows:

Env-Wt 311.07 Demonstration of Avoidance and Minimization.

- (b)...(2) Except as provided in any project-specific criteria and except for any NHDOT project that qualifies for a categorical exclusion under the National Environmental Policy Act (NEPA) or that would qualify for a categorical exclusion if NEPA applied, for any project that proposes new permanent impacts of more than one acre or that proposes new permanent impacts to a PRA, or both, whether any other properties reasonably available to the applicant, whether already owned or controlled by the applicant or not, could be used to achieve the project's purpose without altering the functions and values of any jurisdictional area, in particular wetlands, streams, and PRAs;

Effective January 22, 2020, Env-Wt 312.02(b)(3) is cited and reads as follows:

Env-Wt 312.02 Administrative Completeness Determination.

- (b)...(3) The application package contains all information, plans, maps, and other attachments required by Env-Wt 311.03(b)(3)-(13), as applicable; and

Effective January 22, 2020, Env-Wt 312.03(a) is cited and reads as follows:

Env-Wt 312.03 Completeness Determination of Compensatory Mitigation Proposals.

(a) If the applicant submits preliminary information pursuant to Env-Wt 311.08(a), the department shall review the information to determine whether the information is sufficient for the department to understand the nature and appropriateness of the proposed mitigation.

Effective January 22, 2020, Env-Wt 513.24 reads as follows:

Env-Wt 513.24 Docking Structure Construction, Repair, or Replacement Project Classifications.

(a) The construction, repair, or replacement of a dock shall be a minimum impact project only if:

- (1) The project meets all of the following:
 - a. The proposed dock is a seasonal dock meeting all applicable criteria specified in Env-Wt 513.03, Env-Wt 513.10 through Env-Wt 513.12, Env-Wt 513.14, and Env-Wt 513.22;

- b. No more than 2 slips, including previously existing slips, are proposed;
 - c. Any anchoring pad is designed and installed as specified in Env-Wt 513.13; and
 - d. Any watercraft lift is designed and installed as specified in Env-Wt 513.05(a) and Env-Wt 513.21; or
- (2) The project is the repair or replacement of an existing legal structure.
- (b) The construction or modification of a docking structure shall be a minor project if the project does not meet the criteria specified in (a), above, for minimum impact projects and:
- (1) No more than 4 boat slips, including previously existing boat slips, are proposed; and
 - (2) The proposed docking structure will use no more than 100 feet of waterfront.
- (c) The construction of a new docking structure shall be a major project if:
- (1) The project does not meet the criteria for minimum impact projects specified in (a), above, or for minor projects specified in (b), above;
 - (2) The docking structure is a major docking system; or
 - (3) The dock is proposed to be adjacent to or attached to a breakwater.

Effective January 22, 2020, Env-Wt 517.06(b) is cited and reads as follows:

Env-Wt 517.06 Classification of Trail and Pathway Projects. ...

(b) A new trail or pathway project shall be a minor impact project if the requirements for minimum impact crossings in (a)(1)b.-c. and (2)-(6), above, are met and the total impact to wetlands is greater than 3,000 SF per crossing but does not exceed 10,000 SF per crossing;

Effective January 22, 2020, Env-Wt 610.17(c)(3) is cited and reads as follows:

Env-Wt 610.17 Project Classifications.

(c)...(3) Will disturb less than 3,000 SF.

APPENDIX A: STATE AND FEDERAL STATUTES, FEDERAL REGULATIONS IMPLEMENTED

Rule Section	State Statutes Implemented	Federal Statutes. Regulations Implemented
Env-Wt 309.06(d) Env-Wt 310.01 intro Env-Wt 311.07(b)(2) Env-Wt 312.02(b)(3) Env-Wt 312.03(a) Env-Wt 513.24 Env-Wt 517.06(b) Env-Wt 610.17(c)(3)	RSA 482-A:1 - 4, 6, 8 - 34 RSA 483-B; RSA 485-A; RSA 487; RSA 212-A	Clean Water Act, 33 U.S.C. Ch. 26, Subchapter IV, § 1344 (Permits for Dredged or Fill Material); 33 CFR Parts 322 & 323; USACE Gen. Permit No. NAE-2016-02415