



The State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**



**Robert R. Scott, Commissioner**

**FP 2018-89, Env-Wt 901.03, Env-Wt 902-904  
Stream Crossing Rules Scheduled To Expire May 12, 2018  
Summary of Comments on Initial Proposal with DES Responses  
June 28, 2018**

Env-Wt 900 contains consolidated requirements for stream crossings that impact jurisdictional areas under RSA 482-A, as well as the requirements for the certified culvert maintainer program. The Department is working with stakeholders to substantially revise all of the rules in subtitle Env-Wt, but was not ready to commence formal rulemaking on those revisions prior to the scheduled expiration of Env-Wt 901.03 and Env-Wt 902-904 on May 12, 2018. The Department thus is proposing to readopt Env-Wt 901.03 and Env-Wt 902-904 without amendments, to maintain the existing rules in place while work on the broader revisions continues. (Existing Env-Wt 901.03 and Env-Wt 902-904 have remained in effect pursuant to RSA 541-A:14-a, I, subject to the conditions therein.) All of Env-Wt 900 will be included in the rulemaking that is expected to commence later this year.

At the public hearing held on June 7, 2018, the Department received comments from a stakeholder that focused on the larger effort that is underway rather than the initial proposal (IP) for this rulemaking. The Department did not receive written comments from stakeholders on the IP. Written comments were received from the Office of Legislative Services, Administrative Rules; those comments identified recommended edits and the need for an Incorporation by Reference Statement.

Because the Department made a commitment to stakeholders that no changes would be made to the rules in this rulemaking proceeding, the Department has not incorporated any of the suggested edits into the final proposed rules. However, the Department is filing the requested Incorporation by Reference Statement as part of the FP package, and is willing to make edits prior to adopting the rules or as part of the certification process if OLS deems them to be necessary.