

Env-Wt 103.54 "Significant function wetland" means a wetland:

- (a) Having moderate to high characteristics as determined by a recognized and scientifically defensible functional wetland assessment method or best available science; or
- (b) Providing significant public benefit due to hydrologic integrity, water quality, or habitat functions, or any combination thereof.

Env-Wt 103.55 "Silt fence" means a barrier erected to allow water to flow through while preventing the passage of silt, sand, or fines, or any combination thereof.

Env-Wt 103.56 "Sluice" means an inclined trough to conduct water to a rocker box for separating gold and other minerals from lighter sediments.

Env-Wt 103.57 "Soft bank stabilization components" means deformable materials used in soft vegetative or bioengineered bank stabilization. The term includes but is not limited to coconut fiber rolls, jute mats, live plantings, and logs.

Env-Wt 103.58 "Special resource area" means a jurisdictional area that:

- (a) Is an exemplary natural community identified by the department of natural and cultural resources, natural heritage bureau (NHB);
- (b) Has documented occurrences of rare or protected species or habitat for such species;
- (c) Is a marsh with an area of one acre or larger;
- (d) Is a scrub shrub wetland on very poorly drained soils;
- (e) Is peatlands or bogs;
- (f) Is flood plain wetlands on alluvial very poorly drained soils;
- (g) Is a designated prime wetland or a duly established 100-foot buffer zone;
- (h) Is a sand dune, tidal wetland, tidal water, or undeveloped tidal buffer zone;
- (i) Is a tier 3 stream containing a cold water fishery; or
- (j) Is any combination of (a) through (i), above.

Comment [r1]: This will require soil mapping by a soil scientist. Check with Board of Natural Scientists.

Comment [r2]: Same comment as above.

Env-Wt 103.59 “Standard permit” means a permit issued under RSA 482-A based on an application filed pursuant to Env-Wt 311 or equivalent predecessor rules.

Env-Wt 103.60 “State general permits (SGPs)” means the general permits issued by the U.S. Army Corps of Engineers (US ACE) to authorize projects in New Hampshire that:

- (a) Meet the conditions stated therein; and
- (b) Do not meet the US ACE’s criteria for individual permitting.

Env-Wt 103.61 “Stream crossing” means a structure placed within a watercourse or on its associated upland or wetland approaches, or both, that is intended to provide human, animal, or vehicular passage over the watercourse.

Env-Wt 103.62 “Stream restoration” means the process of converting an unstable, altered, or degraded watercourse, including adjacent riparian zone and flood-prone areas, to a natural condition as found in reaches of the watercourse that have not been altered by human disturbances.

Env-Wt 103.63 “Subject property” means:

- (a) For projects in surface water for which any kind of permit is required, the parcel(s) of land adjacent to and associated with the area in which the project will occur or has occurred; or
- (b) For all other projects for which any kind of permit is required, the parcel(s) of land on which the project will occur or has occurred.

Env-Wt 103.64 “Substantial public interest” means the department has been contacted by individuals in the community or region where a project is proposed, who have voiced concerns that the project would impact jurisdictional areas having special value from a local, regional, or state perspective and raising issues such as those identified as adverse consequences in RSA 482-A:1.

Env-Wt 103.65 “Surface water” means those portions of waters of the state that have standing or flowing water at or on the surface of the ground. The term includes but is not limited to rivers, streams, lakes, ponds, and tidal waters.

Env-Wt 103.66 “Swamp” means a wetland that is dominated by trees or shrubs, or a combination thereof.

Env-Wt 103.67 “Temporary impacts” means adverse impacts that will be reversed when the authorized work has been completed. The term includes but is not limited to ruts caused by heavy machinery that are smoothed when the work is completed and the installation and subsequent removal of swamp mats, construction mats, corduroy roads, geotextile fabric, or other erosion or sediment control practices.

Comment [r3]: Temporary impacts should be defined as temporary impacts to both the wetland and wetland functions and values. Your example of “ruts.....” may in fact yield permanent impacts to functions and values and wetland hydrology and plant community. Also, I would like to see any temporary impact lasting more than 6 months to be considered permanent-you can find other jurisdictions that do this.

Env-Wt 103.68 “Top of bank” means the first break in slope above the ordinary high water mark of a surface water or wetland, usually identified by physical characteristics such as a change in topography or a change in vegetation type.

Env-Wt 103.69 “Trail activities” means activities necessary for public-access trail construction and management, including but not limited to cutting roads and pathways through forests, provided such activities are undertaken in compliance with RSA 482-A:3, XII(a) by conforming to the Best Management Practices for Erosion Control During Trail Maintenance and Construction published by the department of resources and economic development (Trail BMPs) and filing the required notice.

Env-Wt 103.70 “Turbidity curtain” means a silt fence designed to be used to surround a project being undertaken in a surface water, to prevent turbidity from the project from entering the surface water that is outside the enclosure.

Env-Wt 103.71 “Upland” means an area of land that is not a wetland.

Env-Wt 103.72 “Upland buffer” means an area of upland that is contiguous to a jurisdictional area and that contributes to the functions and values of the natural resources in that area.

Env-Wt 103.73 “Vernal pool” means a surface water or wetland, including an area intentionally created for purposes of compensatory mitigation, that provides breeding habitat for amphibians and invertebrates that have adapted to the unique environments provided by such pools and that:

- (a) Is not the result of on-going anthropogenic activities that are not intended to provide compensatory mitigation, including but not limited to:
 - (1) Gravel pit operations in a pit that has been mined at least every other year; and
 - (2) Logging and agricultural operations conducted in accordance with all applicable New Hampshire statutes and rules; and
- (b) Typically has the following characteristics:
 - (1) Cycles annually from flooded to dry conditions, although the hydroperiod, size, and shape of the pool might vary from year to year;
 - (2) Forms in a shallow depression or basin;
 - (3) Has no permanently flowing outlet;
 - (4) Holds water for at least 2 continuous months following spring ice-out;
 - (5) Lacks a viable fish population; and

- (6) Supports one or more primary vernal pool indicators, or 3 or more secondary vernal pool indicators.

Env-Wt 103.74 “Water quality control measures” means methods, practices, and devices that are designed and implemented to prevent or minimize erosion, siltation, or turbidity, or any combination thereof. The term includes but is not limited to phased construction, vegetated filter strips, geotextile silt fences, stormwater detention and infiltration systems, sediment detention basins, and any other method, practice, or device identified in Env-Wq 1506 through Env-Wq 1508.

Env-Wt 103.75 “Watercourse” means any surface water that:

- (a) Develops and maintains a defined scoured channel, with evidence of sediment transport, that:
- (1) Is greater than 75 feet in length; or
 - (2) Is of any length and connected to another jurisdictional area at one or both ends; and
- (b) Is not a drainage swale.

Env-Wt 103.76 “Watershed” means a geographical area in which all water drains to a given stream, lake, wetland, estuary, or ocean.

Env-Wt 103.77 “Wave attenuator” means a structure suspended from the underside of a docking structure for the purpose of dampening wave action.

Env-Wt 103.78 “Weephole” means a small opening that allows drainage from or through a retaining structure so as to prevent frost or ice damage to the structure.

Env-Wt 103.79 “Wet meadow” means an herb-dominated area typically with non-woody vegetation less than 3 feet in height, saturated for long periods during the growing season, but seldom flooded. Wet meadows develop on predominantly poorly drained soils as defined in Env-Wq 1000.

Env-Wt 103.80 “Wetland creation” means the transformation of upland to wetlands at a site where the upland was not created by human activity such as by filling or water diversion.

Env-Wt 103.81 “Wetland enhancement” means the manipulation of the physical, chemical, or biological characteristics, or any combination thereof, of an aquatic resource to heighten, intensify, or improve one or more specific aquatic resource functions. Wetlands enhancement results in the gain of selected aquatic resource functions, but does not result in a gain in aquatic resource area.

Env-Wt 103.82 “Wetland restoration” means the re-establishment of a filled, dredged, drained, or otherwise disturbed or disrupted wetlands to its historic condition, so as to restore lost functions to the greatest extent practicable, by removing fill, restoring hydrology, reestablishing native wetlands vegetation, or such other means as are necessary.

Comment [r4]: Unclear if this includes wet hayland and crop land

Env-Wt 103.83 “Wetlands rules” means all rules in subtitle Env-Wt.

Env-Wt 103.84 “Wharf” means a docking structure.

PART Env-Wt 104 MAINTENANCE OF AND ACCESS TO FILES

Env-Wt 104.01 Retention of Files.

- (a) The department shall retain files of applications for standard permits under Env-Wt 311 for:
 - (1) Not less than 4 years from the date of the final decision on the application if the application is denied, provided that if the denial is appealed, the file shall be maintained for at least 4 years from the final decision on appeal; and
 - (2) Not less than 10 years from the date of the final decision on the application if a permit is issued, provided that if the permit is appealed, the file shall be maintained for at least 10 years from the final decision on appeal.
- (b) The department shall retain notices filed under Env-Wt 308.05 to activate an SPN for at least 4 years from the date of the SPN.
- (c) The department shall retain registrations and notices filed under Env-Wt 309 for LSAs and applications filed under Env-Wt 310 for EXPs for at least 4 years from the date of the registration, notice, or decision on the application, as applicable.

Env-Wt 104.02 Access to Files.

- (a) Any person may request to review one or more files of the department pertaining to the department’s activities under RSA 482-A during normal working hours.
- (b) Upon receipt of a request to review a file pursuant to (a), above, the department shall proceed in accordance with RSA 91-A:4.

APPENDIX A: STATUTES IMPLEMENTED
[to be inserted]

APPENDIX B: INCORPORATED DOCUMENTS
[none in this chapter]

APPENDIX C: STATUTORY DEFINITIONS

482-A:2

- I. “Commissioner” means the commissioner of environmental services.
- I-b. “Department” means the department of environmental services.
- IV. “Mean high tide” shall be determined according to the published tables and standards of the United States Coast and Geodetic Survey, adjusted to the locality from such tables.
- V. “Municipality” shall include cities, towns, and village districts.

- VI. “Person” shall mean any natural person, firm, partnership, association, corporation, company, organization or legal entity of any kind including municipal corporations, governmental departments and agencies, or their subdivisions.
- VII. “Sand dune” shall mean a hill or ridge of sand piled up by the wind and commonly found on the seacoast.
- VIII. “Boat slip” means:
- (a) On water bodies over 10,000 acres, means a volume of water 25 feet long, 8 feet wide, and 3 feet deep as measured at normal high water and located adjacent to a structure to which a watercraft may be secured.
 - (b) On water bodies of 10,000 acres or less, a volume of water 20 feet long, 6 feet wide, and 3 feet deep as measured at normal high water mark and located adjacent to a structure to which a watercraft may be secured.
- IX. “Structure” means, notwithstanding any other provision of law, something installed, erected, or constructed, but shall not include a bench, landing with dimensions no larger than 10 feet wide by 10 feet long, or stairs with a width not exceeding 6 feet, provided that such benches, landings, or stairs are installed, erected, or constructed without regrading or recontouring of the shoreline and are not over water. Structures include, but are not limited to, the following: fence, dock, breakwater, post, pile, building, bridge, culvert, and wall.
- X. “Wetlands” means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.
- XI. “Wetland functions” means the practical measurable values of wetlands. The 12 primary wetland functions are ecological integrity, wetland-dependent wildlife habitat, fish and aquatic life habitat, scenic quality, educational potential, wetland-based recreation, flood storage, groundwater recharge, sediment trapping, nutrient trapping/retention/transformation, shoreline anchoring, and noteworthiness.

RSA 483:4

XVIII. “River corridor” means the river and the land area located within a distance of 1,320 feet of the normal high water mark or to the landward extent of the 100 year floodplain as designated by the Federal Emergency Management Agency, whichever distance is larger.

485-A:2

XIV. “Surface waters of the state” means perennial and seasonal streams, lakes, ponds, and tidal waters within the jurisdiction of the state, including all streams, lakes, or ponds bordering on the state, marshes, water courses, and other bodies of water, natural or artificial.

487:16

II. The term “exotic aquatic weeds” includes only those species of vascular aquatic plants which were not part of New Hampshire’s native aquatic flora before 1950. *Cabomba caroliniana* and *Myriophyllum heterophyllum* are examples of exotic aquatic weeds.

Other statutes

270:59, III. “Mooring” when used as a noun, means a mooring anchor, or other fixed object or stationary point, with or without a mooring buoy together with attached chains, cables, ropes, and pennants and related equipment used for the purpose of securing watercraft.

310-A:76, II-a “Certified wetland scientist” means a person who, by reason of his or her special knowledge of hydric soils, hydrophytic vegetation, and wetland hydrology acquired by course work and experience, as specified by RSA 310-A:84, II-a and II-b, is qualified to delineate wetland boundaries and to prepare wetland maps; to classify wetlands; to prepare wetland function and value assessments; to design wetland mitigation;

to implement wetland mitigation; to monitor wetlands functions and values; and to prepare associated reports, all in accordance with standards for identification of wetlands adopted by the New Hampshire department of environmental services or the United States Army Corps of Engineers or their successors, and who has been duly certified by the board.

672:6 Local Governing Body. – “Local governing body” means, in addition to any other appropriate title:

- I. Board of selectmen in a town;
- II. City council or board of aldermen in a city;
- III. Village district commissioners in a village district; or
- IV. County commissioners in a county in which there are located unincorporated towns or unorganized places.

672:8 Local Legislative Body. – “Local legislative body” means one of the following basic forms of government utilized by a municipality:

- I. Council, whether city or town;
- II. Mayor--council;
- III. Mayor--board of aldermen;
- IV. Village district or precinct;
- V. Town meeting; or
- VI. County convention.

