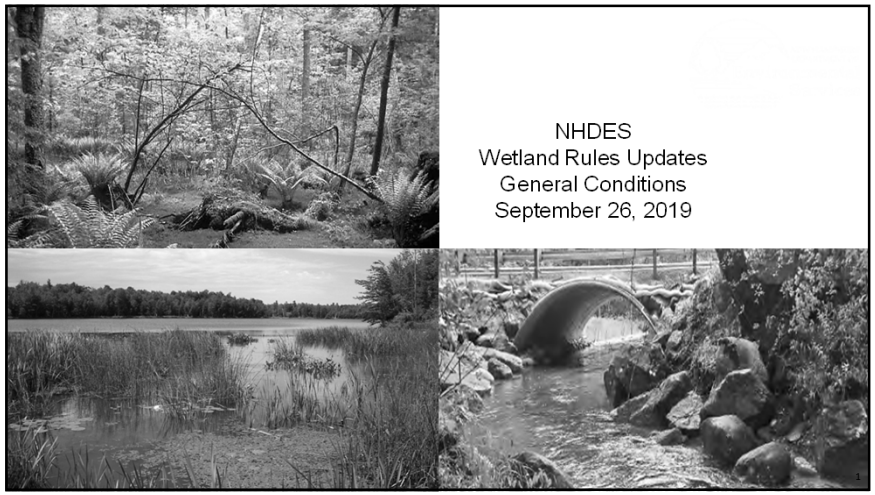


NHDES
Wetland Rules Updates
General Conditions
September 26, 2019

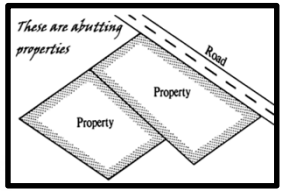
1

Env-Wt 307.01 Purpose and Applicability

- (a) The purpose of this part is to establish conditions that apply to all dredging, filling, and construction activities in jurisdictional areas, regardless of the primary purpose of such activities.
- (b) This part shall apply to any activity being conducted in any jurisdictional area, whether or not a standard permit, LSA, EXP, PBN, SPN, registration, or waiver is required or has been obtained for the activity.

3

Env-Wt 307 Agenda



2

Env-Wt 307 Conditions Applicable to All Activities in Jurisdictional Areas

- 307.02 Coverage under State General Permits
- 307.03 Protection of Water Quality Required
- 307.04 Protection of Fisheries and Breeding Areas Required
- 307.05 Protection Against Invasive Species Required
- 307.06 Protection of Rare, Threatened or Endangered Species
- 307.07 Consistency Required with Shoreland Water Quality Protection Act
- 307.08 Protection of Designated Prime Wetlands and Duly-established 100-Foot Buffers
- 307.09 Shoreline Structures
- 307.10 Dredging Activity Conditions
- 307.11 Filling Activity Conditions
- 307.12 Restoring Temporary Impacts: Site Stabilization
- 307.13 Property Line Setbacks
- 307.14 Rock Removal
- 307.15 Use of Heavy Equipment in Wetlands
- 307.16 Adherence to Approved Plans Required
- 307.17 Unpermitted Activities
- 307.18 Reports

4

Env-Wt 307.02

In order to be in compliance with federal requirements, all work in areas under the jurisdiction of the U.S. Army Corps of Engineers (USACE) shall comply with all conditions of the applicable state general permit.

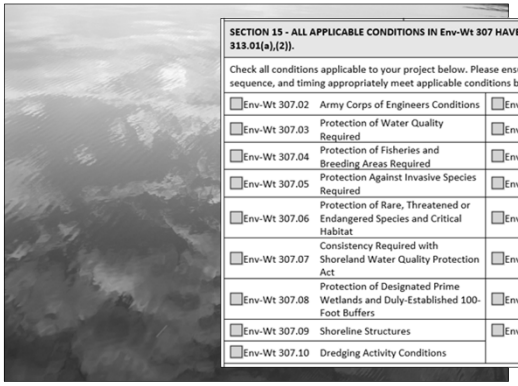
5

Part Env-Wt 307

CONDITIONS APPLICABLE TO ALL ACTIVITIES IN JURISDICTIONAL AREAS

6

Env-Wt 307.03 **Protection of Water Quality Required**



SECTION 15 - ALL APPLICABLE CONDITIONS IN Env-Wt 307 HAVE BEEN MET (Env-Wt 311.04(j); Env-Wt 313.01(a),(2)).

Check all conditions applicable to your project below. Please ensure that your plan design and access, construction sequence, and timing appropriately meet applicable conditions below:

☐ Env-Wt 307.02	Army Corps of Engineers Conditions	☐ Env-Wt 307.11	Filling Activity Conditions
☐ Env-Wt 307.03	Protection of Water Quality Required	☐ Env-Wt 307.12	Restoring Temporary Impacts: Site Stabilization
☐ Env-Wt 307.04	Protection of Fisheries and Breeding Areas Required	☐ Env-Wt 307.13	Property Line Setbacks
☐ Env-Wt 307.05	Protection Against Invasive Species Required	☐ Env-Wt 307.14	Rock Removal
☐ Env-Wt 307.06	Protection of Rare, Threatened or Endangered Species and Critical Habitat	☐ Env-Wt 307.15	Use of Heavy Equipment in Wetlands
☐ Env-Wt 307.07	Consistency Required with Shoreland Water Quality Protection Act	☐ Env-Wt 307.16	Adherence to Approved Plans Required
☐ Env-Wt 307.08	Protection of Designated Prime Wetlands and Duly-Established 100-Foot Buffers	☐ Env-Wt 307.17	Unpermitted Activities
☐ Env-Wt 307.09	Shoreline Structures	☐ Env-Wt 307.18	Reports
☐ Env-Wt 307.10	Dredging Activity Conditions		

7

(a) No activity shall be conducted in such a way as to cause or contribute to any violation of:

(1) Surface water quality standards specified in RSA 485-A:8 or Env-Wq 1700

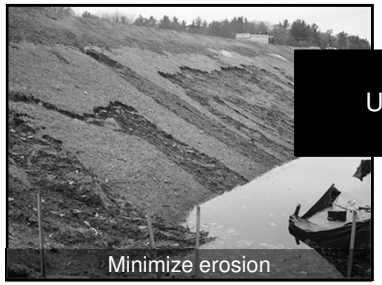
(2) Ambient groundwater quality standards established under RSA 485-C;

(3) Limitations on activities in a sanitary protective area established under Env-Dw 302.10 or Env-Dw 305.10; or

(4) Any provision of RSA 485-A, Env-Wq 1000, RSA 483-B, or Env-Wq 1400 that protects water quality.

8

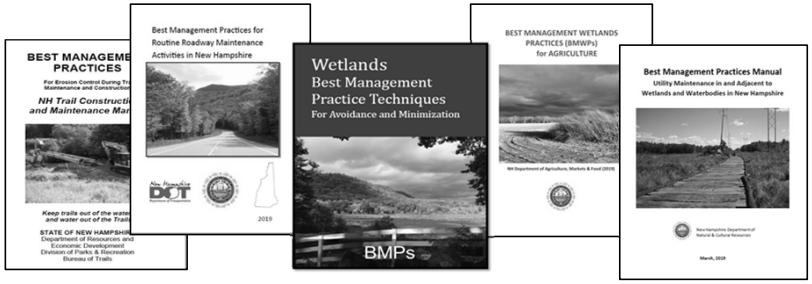
NEW - Protection of Water Quality (Env-Wt 307.03(b))



Use BMPs

9

Applicable BMP Manuals



Env-Wq 1505.02, Env-Wq 1505.04, Env-Wq 1506, and Env-Wq 1508

10

NEW - Protection of Water Quality Required (Env-Wt 307.03(c))

New definition!
(Env-Wt 104.47)

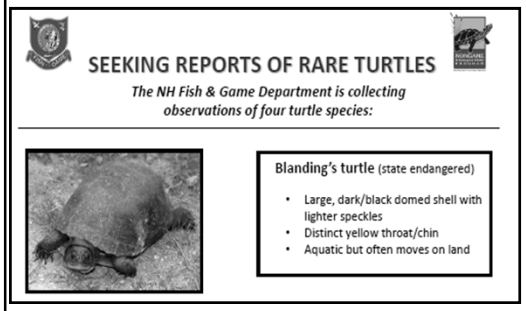
Water quality control measures

(c)(1) Based on:

- Size/nature of project
- Physical characteristics of the site

11

NEW - Protection of Water Quality Required (Env-Wt 307.03(c) (Cont'd)



Water quality control measures

(c)(2) Wildlife friendly when:

- Erosion control blankets
- Protected species/habitat
- PRA in/adjacent to work
- NHB/NHF&G request

12

Water quality control measures

(3) Be installed prior to start of work and in accordance with the manufacturer's recommended specifications or, if none, the applicable requirements of Env-Wq 1506 or Env-Wq 1508;

13

NEW - Protection of Water Quality Required (Env-Wt 307.03(c)) (Cont'd)

Water quality control measures

(c)(4) Be capable of:

a. Minimizing erosion.

b. Collecting sediment and suspended and floating materials, and

c. Filtering fine sediment.

14

NEW - Protection of Water Quality Required (Env-Wt 307.03(c)) (Cont'd)

Water quality control measures

(c)(5) Be maintained.

15

NEW - Protection of Water Quality Required (Env-Wt 307.03(c)) (Cont'd)

Water quality control measures

(c)(6) Remain in place until site is stabilized.

16

NEW - Protection of Water Quality Required (Env-Wt 307.03(c)) (Cont'd)

Water quality control measures

(c)(7) Removed once site is stabilized.

17

NEW - Protection of Water Quality Required (Env-Wt 307.03(e))

(e) Exposed soils and other fills shall be permanently stabilized within 3 days following final grading.

19

NEW - Protection of Water Quality Required (Env-Wt 307.03(d))

(d) Collected sediments.

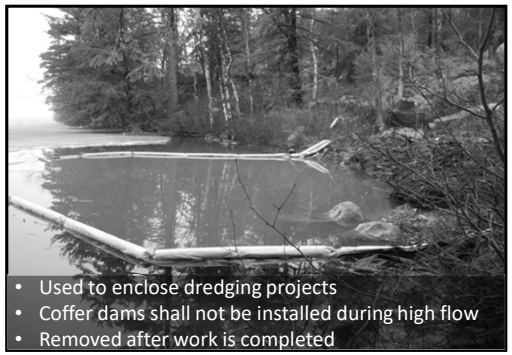
(1) Removed with sufficient frequency to prevent this

(2) Placed upland in a manner to prevent its erosion into surface water/wetland.

18

NEW - Protection of Water Quality Required (Env-Wt 307.03(f))

(f) Turbidity control

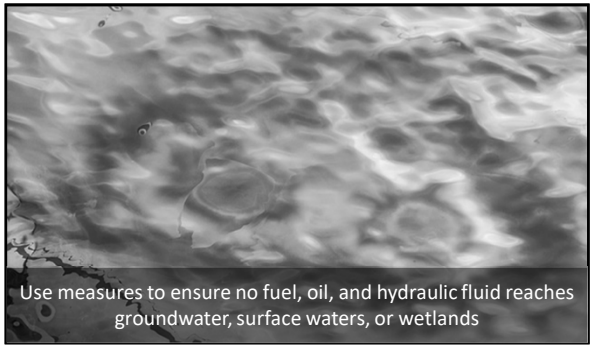


- Used to enclose dredging projects
- Coffer dams shall not be installed during high flow
- Removed after work is completed

20

NEW - Protection of Water Quality Required (Env-Wt 307.03(g)&(h))

(g)&(h) Construction equipment.



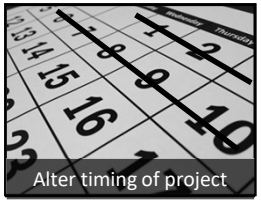
21

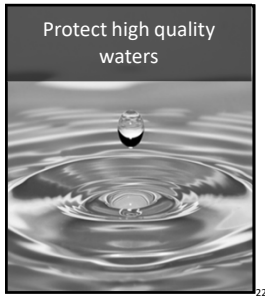
NEW - Protection Against Invasive Species (Env-Wt 307.05)

23

NEW - Protection of Fisheries and Breeding Areas (Env-Wt 307.04)

If work produces suspended sediments in areas valuable for bird migration, fish and shellfish spawning, or in nursery area:





22

NEW - Protection of Rare, Threatened or Endangered Species (Env-Wt 307.06)

No activity shall jeopardize the continued existence of species protected under the:

- (a) Federal Endangered Species Act, 16 U.S.C. §1531 et seq.
- (b) State Endangered Species Conservation Act, RSA 212-A, or
- (c) New Hampshire Native Plant Protection Act, RSA 217-A.

New Hampshire FISH AND GAME
Connecting you to life outdoors
Guardian of the state's fish, wildlife, and marine resources.

U.S. Fish & Wildlife Service Endangered Species

NOAA FISHERIES

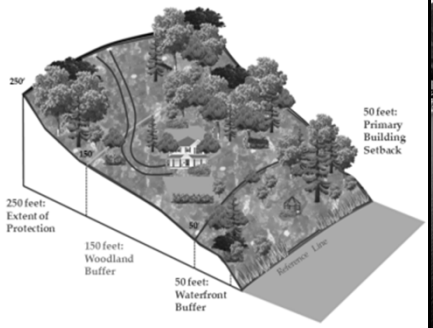
NH DIVISION OF FORESTS AND LANDS

24

Env-Wt 307.06 Protection of Rare, Threatened or Endangered Species and Critical Habitat.

25

The Protected Shoreland



Env-Wt 307.07 Consistency Required with Shoreland Water Quality Protection Act.

https://www.des.nh.gov/organization/divisions/water/wetlands/cspa/index.htm

26

Env-Wt 307.08 Protection of Designated Prime Wetlands and Duly-Established 100-Foot Buffers

Andover	Gilford	Newington
Atkinson	Goffstown	Newmarket
Barrington	Hampton	Northwood
Bow	Hampton Falls	Pelham
Brentwood	Hillsborough	Portsmouth
Brookline	Holderness	Salem
Center Harbor	Hooksett	Sanbornton
Derry	Meredith	Sandwich
Enfield	Nashua	Tamworth
Exeter	New Ipswich	Weare
Fremont	New London	Wolfeboro

27

Env-Wt 307.09 Shoreline Structures

No structure shall be built over public trust surface waters, except:

Env-Wt 307.10 Dredging Activity Conditions

29

Env-Wt 307.10 Dredging Activity Conditions

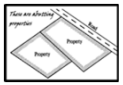
30

Env-Wt 307.11 Filling Activity Conditions

31

Env-Wt 307.12 Restoring Temporary Impacts; Site Stabilization.

32



Env-Wt 307.13 Property Line Setbacks

Per Abutting Property Definition Env-Wt 102.04

And

Abutter Notification Env-Wt 306.06

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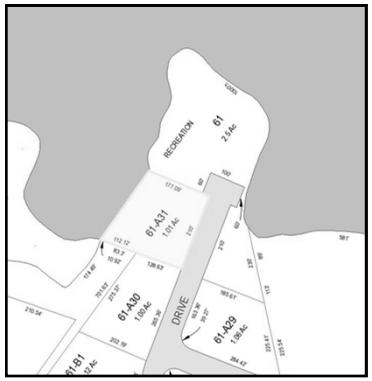
Env-Wt 307.13 Property Line Setbacks
Per Abutter Notification Env-Wt 306.06



Provided in writing by certified mail or other
delivery method that provides proof of receipt

34

Per Env-Wt 102.04 Abutting Property Means:

Any property immediately contiguous to the property on which a project has occurred or is proposed, provided that:

- It is Not separated by a Public Road.
- It is Not more than ¼ mile away from the limit of work.

35

Per Env-Wt 102.04 Abutting Property Also Includes:

- On shoreline any property within 100 feet of the shoreline impact in any direction.
- On a watercourse, the term includes any property within 100 feet upstream or downstream of the impact area.

36

Abutter Notification is **NOT** needed for: (Env-Wt 306.06(c))

37

Env-Wt 313.01 (a)(5) Criteria for Approving Standard Permit Applications.

A) Be located entirely within the boundary of the applicant's property interest

B) Not result in any observable change in off-site surface water levels or flows

38

Env-Wt 307.14 Rock Removal.

39

Env-Wt 307.15 Use of Heavy Equipment in Wetlands

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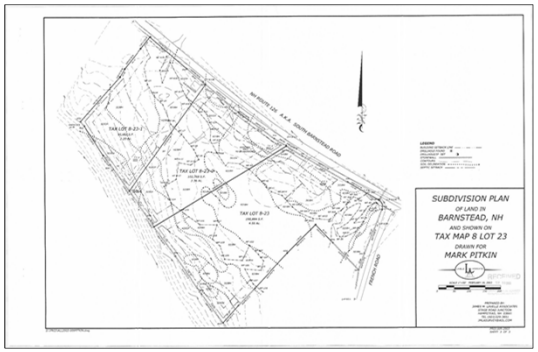

Env-Wt 307.16 Adherence to Approved Plans Required

41

Env-Wt 307.17 Unpermitted Activities

The following activities shall be deemed to be work done without a permit in violation of RSA 482-A:3:

(a) Any work done that:

(1) Is not covered by an SPN under Env-Wt 308, a registration under Env-Wt 309, or an SMMD permit under Env-Wt 310.04 through Env-Wt-310.09;

(2) Is in an area that is subject to the jurisdiction of the federal Clean Water Act for which an LSA, EXP, or standard permit has not been obtained; or

(3) Causes impacts to jurisdictional areas that are not authorized by an SPN, registration, LSA, EXP, SMMD permit, or standard permit;

(b) Any work that is subject to an LSA, EXP, SMMD permit, or standard permit that is carried out prior to receiving the applicable authorization; and

(c) Any work that is subject to an SPN that does not comply with all requirements for the SPN.

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Env-Wt 307.18 Reports

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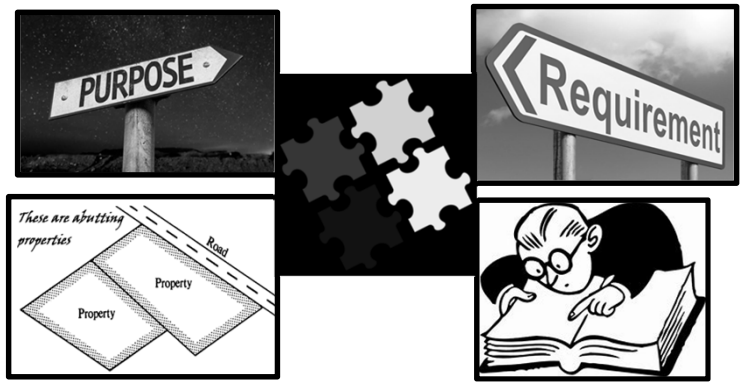
Env-Wt 307 Review



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Any Questions?

Rosemary Aures
Shoreline Specialist
603.271.2147

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