

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

CHAPTER Env-Wt 1000 REGISTRATION OF LEGALLY EXISTING DOCKING STRUCTURES IN NON-TIDAL WATERS

Statutory Authority: RSA 482-A:11, XI

PART Env-Wt 1001 PURPOSE; APPLICABILITY

Env-Wt 1001.01 Purpose. The purpose of this chapter is to establish the requirements and process for registering and renewing registrations for legally existing docking structures in non-tidal waters in order to exempt the repair and replacement of such structures from the permitting requirements of RSA 482-A:3.

Source. #13210, INTERIM, eff 6-15-21; ss by #13314, eff 12-21-21

Env-Wt 1001.02 Applicability. This chapter shall apply to the registration of legally existing docking structures, the renewal of registrations issued for such structures; and the display of registration numbers as provided in RSA 482-A:12.

Source. #13210, INTERIM, eff 6-15-21; ss by #13314, eff 12-21-21

PART Env-Wt 1002 DEFINITIONS

Env-Wt 1002.01 “Owner” means the owner of the structures to be registered.

Source. #13210, INTERIM, eff 6-15-21; ss by #13314, eff 12-21-21

PART Env-Wt 1003 REGISTRATION REQUIREMENTS

Env-Wt 1003.01 Fee and Registration Information Required. To register a docking structure under this chapter, the owner shall submit the following to the department:

- (a) The nonrefundable registration fee of \$200 as required by RSA 482-A:3, I(d); and
- (b) Form NHDES-W-06-096, “Non-Tidal Docking Structures Registration Form”, November 2021, that contains the following information:
 - (1) The name and address of the owner;
 - (2) An email address and phone number of the owner, if any;
 - (3) The municipality, water body, tax map, lot number, and block number, if any, where the docking structure is located;
 - (4) A statement that the docking structure to be repaired or replaced is not the subject of any municipal or state compliance action or pending civil action; and
 - (5) A statement that the owner’s signature(s) shall constitute certification that:
 - a. The information submitted is true, complete, and not misleading;
 - b. The signer understands that the submission of false, incomplete, or misleading information is grounds for denying the registration request or revoking any registration that is issued based on the information;

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c. The signer is subject to the penalties established in New Hampshire law for making unsworn false statements; and

d. The signer has a legal right to attach and access the docking structure to and over the abutting shoreline.

(c) In addition to the information required in (b) above, the owner may also provide the following information on the form:

(1) The street address for the location of the docking structure;

(2) The name and contact information for an agent, if any; and

(3) The approximate location of the docking structures in latitude and longitude as decimal degrees to 5 decimal places (D.ddddd).

Source. #13210, INTERIM, eff 6-15-21; ss by #13314, eff 12-21-21

Env-Wt 1003.02 Registration Fee and Documents Required. The following documents and evidence shall be considered evidence that the docking structure(s) meets the qualifying criteria in RSA 482-A:3, IV-a,(b)(1):

(a) The permit number issued under RSA 482-A or its predecessor statutes and a copy of the approved plan authorizing the construction of the docking structures being registered;

(b) Professionally prepared plans showing that the docking structures existed in the same size, location, and configuration since January 1, 2000;

(c) Any combination of documents, including but not limited to dated photographs, tax cards, deeds, aerial images, or invoices, that clearly demonstrate that the docking structure has existed in its current size, location, and configuration since January 1, 2000; or

(d) The registration number issued to the previous owner of the docking structures if the registration has been invalidated by the transfer of the property.

Source. #13210, INTERIM, eff 6-15-21; ss by #13314, eff 12-21-21

Env-Wt 1003.03 Specifications for Plans and Photographs of Current Conditions; Information, Details, and Quality.

(a) In addition to the documents and evidence required in Env-Wt 1003.02, the owner shall demonstrate existing conditions by submitting plans that:

(1) Show all docking structures currently within the owner's docking facility;

(2) State the scale, if any, used on the plan;

(3) If the plans are to be submitted electronically, are in portable document format (pdf), created in a manner that preserves the scale used on the plan, if any;

(4) Either label all dimensions of all docking structures along with the shoreline length and setbacks to property lines or are drawn to a scale of 1 inch equals 10 feet, 1 inch equals 20 feet, or 1 inch equals 30 feet;

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- (5) Identify the location of the normal high water line as defined in Env-Wt 103.49, or the ordinary high water mark as defined in Env-Wt 103.50, as applicable;
 - (6) Identify the locations of the property lines at the shoreline;
 - (7) Show the type, location, and dimensions of all structural supports including but not limited to cribs and piles;
 - (8) Show that the docking structure is seasonal or permanent;
 - (9) If the docking structure is a breakwater, submit plans that demonstrate the:
 - a. The size, location, and configuration of the footprint of the breakwater at both the limits of the toe of slope and the limits as measured at the natural mean high water line; or
 - b. The water line which results from the exercise of any private or public owned flowage rights that exist where a waterbody has been raised by damming; and
 - (10) If the docking structure is a boathouse, no portion of which has been made suitable for use as a dwelling over water as defined in RSA 482-A:26, submit plans that document the:
 - a. The size, location, and configuration of the footprint of all dock surfaces;
 - b. The footprint at the limits of the boathouse walls, and the footprint of the roof of the boathouse; and
 - c. Profile and ridgeline height of the boathouse.
- (b) For all docking structures, the owner shall submit dated photographs that:
- (1) Document the current size, location, and configuration of the docking structure being registered; and
 - (2) Show all existing structures to be registered are constructed or installed as shown on plans submitted in accordance with (a) above.

[Source.](#) #13210, INTERIM, eff 6-15-21; ss by #13314, eff 12-21-21

PART Env-Wt 1004 PROCESSING OF REGISTRATION

Env-Wt 1004.01 Review of Registration Requests.

- (a) Within 10 business days of the receipt of the request to register a docking structure, the department shall determine whether:
- (1) The information submitted meets the requirements of Env-Wt 1003.01; and
 - (2) The information submitted demonstrates that the docking structures satisfy the criteria in Env-Wt 1003.02 and Env-Wt 1003.03.

[Source.](#) #13210, INTERIM, eff 6-15-21; ss by #13314, eff 12-21-21

Env-Wt 1004.02 Notification of Department Determination.

- (a) Within 10 business days of the receipt of a request to register a docking structure, the department shall:

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(1) Determine that the owner has satisfied all of the requirements of Env-Wt 1004.01 and notify the owner in writing of the following:

- a. The registration has been accepted;
- b. The registration number assigned to the structure(s);
- c. The method of displaying the registration numbers on the lakeward end of the registered structures; and
- d. The expiration date of the registration; or

(2) Determine that the owner has not satisfied the requirements of Env-Wt 1004.01, and notify the owner in writing of the following:

- a.- The registration has been rejected; and
- b.- The reason(s) that the registration has been rejected.

Source. #13210, INTERIM, eff 6-15-21; ss by #13314, eff 12-21-21

Env-Wt 1004.03 Failure to Timely Process Registration Submittal.

(a) If the department does not respond within the time period specified in Env-Wt 1004.02, the owner may submit a written request to the department requesting a response.

(b) If the department fails to respond to the request in (a) above within an additional 5 business days, then the following shall apply:

- (1) The owner shall be deemed to have submitted a complete and qualifying registration; and
- (2) The owner may proceed with the repair or replacement of the legally existing docking structures as presented in the registration filing.

(c) A valid registration issued pursuant to Env-Wt 1004.02 or granted pursuant to Env-Wt 1004.03 shall not relieve the owner of any obligation to comply with all requirements applicable to the project, including but not limited to requirements established in or under RSA 482-A and RSA 485-A relative to water quality.

Source. #13210, INTERIM, eff 6-15-21; ss by #13314, eff 12-21-21

Env-Wt 1004.04 Display of Registration Numbers on Docking Structures.

(a) The owner shall ensure that the registration number is located on the vertical face of the pier projecting furthest into the surface water in a such a manner that each registration number:

- (1) Is at least 3 inches high;
- (2) Is prominently displayed in a color that contrasts with the surface of the docking structure;
- (3) Faces outward towards navigable waters; and
- (4) Will not be obscured by any watercraft, ladder, or other object secured to the docking structure.

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(b) During maintenance of the registered structures, the registration number may be temporarily relocated to a prominent location immediately adjacent to the structure's location and displayed in a manner that meets the requirements in (a) above, until such time as the maintenance is completed.

[Source.](#) #13210, INTERIM, eff 6-15-21; ss by #13314, eff 12-21-21

Env-Wt 1004.05 Period of Validity and Modifications.

(a) Pursuant to RSA 482-A:3, IV-a(c), registrations shall:

- (1) Be effective on the date they are issued by the department; and
- (2) Be valid:
 - a. For a period of 5 years from the date of issuance; or
 - b. Until ownership of the property changes, whichever occurs first;

(c) Modification of any portion of a registered docking structure completed in accordance with a permit issued pursuant to RSA 482-A:3 shall not invalidate the registration as it applies to those portions of the registered structures that remain as shown on the registered plans on file with the department;

(d) Modification of any portion of a registered docking structure, or construction of new structures, completed without a permit required pursuant to RSA 482-A:3, shall invalidate the registration; and

(e) The repair and replacement of docking structures shall be exempt from permitting requirements of RSA 482-A:3, as long as the registration is valid.

[Source.](#) #13210, INTERIM, eff 6-15-21; ss by #13314, eff 12-21-21

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PART Env-Wt 1005 REGISTRATION RENEWALS

Env-Wt 1005.01 Registration Renewal Information and Timing.

(a) To renew a registration for docking structures, the owner shall submit to the department a signed registration renewal form NHDES-W-06-097, "Non-Tidal Docking Structures Registration Renewal Form", November 2021, that includes the following:

- (1) The information required in Env-Wt 1003.01(b);
- (2) The previous registration number that is the subject of the renewal;
- (3) If the docking structures have been modified in accordance with a permit issued pursuant to RSA 482-A:3, the permit number; and
- (4) A signed certification statement in accordance with Env-Wt 1003.01(b)(5).

(b) In addition to the information required in (a) above, the owner may also provide the following information on the form:

- (1) The street address for the location of the docking structure;
- (2) The name and contact information for an agent, if any; and
- (3) The approximate location of the docking structures in latitude and longitude as decimal degrees to 5 decimal places (D.ddddd).

(c) The registration renewal information shall be submitted to the department at least 15 days prior to the expiration of the registration.

Source. #13210, INTERIM, eff 6-15-21; ss by #13314, eff 12-21-21

Env-Wt 1005.02 Filing Fee and Documents Required. The following shall be submitted with the registration renewal form:

(a) The nonrefundable registration fee of \$200 as required by RSA 482-A:3, I(d);

(b) Photographs that meet the requirements of Env-Wt 1003.03(b), demonstrating that:

- (1) The docking structures comply with the previously registered plan(s) on file with the department; or
- (2) If the docking structures have been modified pursuant to a permit issued in accordance with RSA 482-A:3, then information demonstrating that the docking structures comply with the previously registered plan and the permitted modifications; and

(c) For newly constructed or modified structures, revised plans that meet the requirements of Env-Wt 1003.03(a).

Source. #13210, INTERIM, eff 6-15-21; ss by #13314, eff 12-21-21

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Env-Wt 1005.03 Processing of Registration Renewal Requests. Renewal requests shall be processed in accordance with Env-Wt 1004.

[Source.](#) #13210, INTERIM, eff 6-15-21; ss by #13314, eff 12-21-21

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APPENDIX: STATE STATUTES IMPLEMENTED

Rule(s)	State Statutes Implemented
Env-Wt 1000	RSA 482-A:3, I(d), RSA 482-A:3, IV-a(b)-(e), RSA 482-A:12