



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF ENVIRONMENTAL SERVICES
LAND RESOURCES MANAGEMENT
WETLANDS BUREAU
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Website: <http://des.nh.gov/organization/divisions/water/wetlands/index.htm>
Status Search: <http://des.nh.gov/onestop/index.htm>
(Copy links to your web browser)



ATTACHMENT A:

DETERMINATION FOR IMPACT CLASSIFICATION & REVIEW TIME

EXEMPTIONS:

The questions and criteria listed in this attachment do not apply to projects that qualify for review by the following applications and notifications:

1. Notification of Trail Development or Maintenance Activities (Env-Wt 303.04(y) & Env-Wt 303.04(h))
2. Permit by Notification (Env-Wt 506)
3. Recreational Mineral Dredging Application (Env-Wt 303.04(s))
4. Seasonal Dock Notification Form for Lakes and Ponds (RSA 482-A:3 XIV)
5. Shoreland Permit Application (RSA 483-B)
6. Utility Maintenance Notification (Env-Wt 303.04(af), Env-Wt 303.04(i) & RSA 482-A:3 XV)
7. Wetlands Permit Application for Minimum Impact Agricultural Projects (Env-Wt 303.04(u))
8. Wetlands Minimum Impact Forestry Notification (Env-Wt 303.04(e) & (g))
9. Wetland Routine Roadway and Railway Maintenance Activities Notification (Env-Wt 303.05(q))

To determine if the project complies with any of the above project types, see the relevant application / notification forms online at: <http://des.nh.gov/organization/divisions/water/wetlands/categories/forms.htm>

PURPOSE:

Completion of this attachment will determine:

1. The Project's Impact Classification, either:
 - a. Minimum Impact; or
 - b. Minor or Major Impact.

Knowing the projects impacts classification is useful because the impact classification determines the information required to support the application, as outlined on pg.'s 3 - 5 of the Wetlands Permit Application.

2. The Review Time:
 - a. All Minor and Major Impact projects AND projects outlined in the Section 1: Exceptions table on pg. 2 are subject to a Standard Review Time. Standard reviews are completed within 75 days from the date of the Notice of Acceptance Letter for projects that propose less than 1 acre of impact and 105 days from the date of the Notice of Acceptance Letter for projects that proposed greater than 1 acre of impact;
 - b. The majority of Minimum Impact projects are subject to an Expedited Review Time. Expedited reviews are completed within 30 days of the date of receipt of an accepted application.
 - c. A minority of Minimum Impact projects are subject to a Standard Review. These projects are outlined in Section 1: Exceptions table, no.'s 11-15, on pg. 2.

SECTION 1: EXCEPTIONS

If you answer "Yes" to any of the following questions, follow the directions provided for that question. If you answer "No" to all the questions proceed to Section 2.

1.	Impact areas in or within 100 feet of a designated prime wetland (Env-Wt 303.02(f))? Link: http://des.nh.gov/organization/divisions/water/wetlands/prime_wetlands.htm	<input type="checkbox"/> No	<input type="checkbox"/> Yes. If you answer "Yes" to any questions numbered 1 – 10, you do not need to complete the remainder of this form. Check Standard Review, Major/Minor Impact on pg.1, no. 1 of the Wetlands Permit Application form. Confirm information outlined in the Wetlands Permit Application for Major/Minor Impact projects is provided.
2.	The Natural Heritage Bureau (NHB) report identified a positive result for an exemplary natural community tracked as rare by NHB <u>AND</u> the required additional communication with NHB has confirmed that the project will impact the identified community (Env-Wt 303.02 (k))? Link: https://www2.des.state.nh.us/nhb_datacheck/	<input type="checkbox"/> No	
3.	The NHB report identified a positive result for a species tracked as rare by NHB <u>AND</u> the required additional communication with the NH Fish and Game Department or the US Fish and Wildlife Service has confirmed that the project will impact the identified species (Env-Wt 303.02 (k))? Link: https://www2.des.state.nh.us/nhb_datacheck/	<input type="checkbox"/> No	
4.	Impact a Tier 3 stream crossing (watershed size greater than 640 acres), new, replacement or repair?	<input type="checkbox"/> No	
5.	Impact greater than 20,000 sq. ft. of wetlands that is not for restoration supported and supervised by a federal agency?	<input type="checkbox"/> No	
6.	Involve ANY work within 50 feet of a salt marsh (Env-Wt 303.03(b))?	<input type="checkbox"/> No	
7.	Involve construction or modification of a permanent dock that is not in-kind repair or replacement?	<input type="checkbox"/> No	
8.	Involve construction or modification of a docking system that provides more than 2 boat slips, including those previously existing and proposed?	<input type="checkbox"/> No	
9.	Involve installation of new tie-off piles, ice clusters, or dolphins which do, by their presence, add boat slips to an existing docking system (Env-Wt 303.03(m))?	<input type="checkbox"/> No	
10.	Involve construction or modification of any dock adjacent or attached to a breakwater or involve construction of a new breakwater in public waters (Env-Wt 303.02(j))?	<input type="checkbox"/> No	
11.	Involve after-the-fact impacts, meaning the application will be received after ANY work in jurisdictional areas (tidal wetlands, sand dunes, tidal buffer zone, freshwater wetlands, surface waters, streams and their banks and prime wetland buffer) has started (Env-Wt 501.04(f))?	<input type="checkbox"/> No	<input type="checkbox"/> Yes. If you answer "Yes" to any of the questions numbered 11 – 15, your review time is STANDARD. Proceed to Section 2 to determine your impact classification.
12.	Involve fill for lot development, which includes fill in jurisdictional areas to create useable land for the construction of a structure, building, yard, parking lot, land to meet required setback or for construction of a storm water structure (Env-Wt 505.03(f))?	<input type="checkbox"/> No	
13.	Involve fill to achieve septic setback or dredging that would create violations of any set-backs specified in Env-Wq 1000 (Env-Wt 505.03(e))?	<input type="checkbox"/> No	
14.	Involve fill in an Atlantic white cedar swamp (Env-Wt 505.03(g))?	<input type="checkbox"/> No	
15.	Occur in a town/city that does NOT have a conservation commission or the conservation commission has NOT signed the application form?	<input type="checkbox"/> No	

SECTION 2: MINIMUM IMPACT PROJECTS

INSTRUCTIONS:

1. Find the resource type(s) your project will impact from the five resource type headings below:
 - a. Multiple (minimum impact rules that reference more than one resource),
 - b. Wetlands,
 - c. Streams & Rivers,
 - d. Shoreline, and/or
 - e. Tidal.
2. Beneath your resource type heading(s), find the minimum impact rule(s) that describe your project. Note: If your project is impacting multiple resources, for your project to be considered minimum impact:
 - a. Each resource must be named and impacts described in a single rule under the Multiple Resources heading; or
 - b. The impacts to each resource must meet a combination of minimum impact rules in this document.
3. If you DO NOT see a minimum impact rule that describes your project under your resource heading(s) OR your project DOES NOT meet the specifications listed for the applicable minimum impact rule, your project is STANDARD REVIEW, MINOR OR MAJOR IMPACT. Check the appropriate box on pg. 1, no.1 of the Wetlands Permit Application form.
4. If after finding and reviewing your minimum impact rule, your project DOES meet the listed criteria, your project is EXPEDITED REVIEW, MINIMUM IMPACT, UNLESS the Section 1, Exceptions table on pg. 2 indicated your review time is Standard, in which case your project is STANDARD REVIEW, MINIMUM IMPACT. Check the appropriate box on pg. 1, no.1 of the Wetlands Permit Application form.

MULTIPLE RESOURCES

Maintenance, Repair or Replacement of a Non-Docking Structure: Env-Wt 303.04(x) Maintenance, repair, or replacement of a nondocking structure such as a culvert, headwall, bridge, dam, residential utility line, or rip-rap slope of less than 50 linear feet, provided:

1. No change in location, configuration, construction type, or dimensions is proposed;
2. Any stream crossing work qualifies as minimum impact under Env-Wt 903.01(e); or
3. The applicant certifies in writing that the structure, in its current location, configuration, construction type and dimensions was previously permitted by the department and has not been abandoned; or would be considered grandfathered under Env-Wt 101.43 and has not been abandoned.

Residential Utility Line Installation: Env-Wt 303.04(ae) Installation of residential utility lines and associated temporary impacts to bring utility services to a single family building lot, provided:

1. The total jurisdictional impact shall not exceed 3,000 square feet;
2. The impact width at the crossing shall not exceed 20 feet;
3. Such projects shall be limited to those that:
 - a. Do not impact bogs, marshes, sand dunes, tidal wetlands, cedar swamps, or undisturbed tidal buffer zone;
 - b. Are not located in or within 100 feet of prime wetlands, unless a waiver has been granted pursuant to RSA 482-A:11, IV(b);
 - c. Do not meet the criteria of Env-Wt 303.02(k);
 - d. If crossing a stream, cross channels less than 8 feet wide measured bank to bank;
 - e. If crossing swamps or wet meadows, cross those that have no standing water for 10 months of the year; and
 - f. All disturbed areas are regraded to original contours and stabilized within 72 hours following completion of work.

Public Road Right-of-Way: Env-Wt 303.04(j) Any project that is located within the right-of-way of a public highway, provided the project:

1. Does not impact bogs, marshes, sand dunes, tidal wetlands, or undisturbed tidal buffer zone;
2. Is not in or within 100 feet of prime wetlands, unless a waiver has been granted pursuant to RSA 482-A:11, IV(b);
3. Does not meet the criteria of Env-Wt 303.02(k);
4. Meets the following criteria
 - a. Drainage structures do not exceed 3,000 square feet of dredge or fill in area;
 - b. Stream crossings qualify as minimum impact under Env-Wt 903.01(e);
 - c. Only a single new Tier 1 stream crossing is proposed (Env-Wt 303.03(n));
 - d. Swamps or wet meadows crossed that have no standing water for 10 months of the year;

- e. Fill for any single crossing shall not exceed 50 feet in length, measured along the roadway;
- f. The fill width, measured at the base of the roadway side slopes, shall be minimized, and shall not exceed 50 feet; and
- g. Shoulder widening shall not exceed 3 cubic yards of fill per linear foot in wetlands that have no standing water for 10 months of the year, and shall not exceed 10 feet of additional encroachment measured from base of slope.

Maintenance Dredging of Man-Made Structures: Env-Wt 303.04(k) Maintenance dredging, when necessary to provide continued usefulness of nontidal drainage ditches, man-made ponds, and spillways, provided that:

1. The work is done within the original bounds of a legally-constructed project;
2. The project is not located in or adjacent to prime wetlands;
3. The work does not exceed 20,000 square feet; and
4. For man-made ponds, the pond has not been abandoned as defined in Env-Wt 101.01.

Dry Hydrant: Env-Wt 303.04(w) Excavation of less than 10 linear feet within the bank and bed of a surface water that does not exceed 200 square feet in total jurisdictional impact to the bed, for installation of a dry hydrant.

Cofferdam Installation: Env-Wt 303.04(l) Installation of temporary cofferdams (Temporary cofferdams means temporary watertight enclosures built in the water and pumped dry to expose the bottom so that construction may be undertaken) and other water control devices constructed in flowing water or adjacent to dams, provided:

1. Work occurs in conjunction with the repair or maintenance of existing structures;
2. All such work shall be designed and supervised by a professional engineer; and
3. Water control devices are removed upon completion of repair and/or maintenance.

Restoration: Env-Wt 303.04(t) Restoration of altered or degraded wetlands provided the project:

1. Receives financial support and direct supervision of a New Hampshire state agency, the US Environmental Protection Agency, the US Army Corps of Engineers, the US Natural Resources Conservation Service, or the US Fish and Wildlife Service;
2. Shall not be used to perform restoration in cases where the applicant is subject to a removal or restoration order;
3. Is not located in or adjacent to prime wetlands; and
4. Does not meet the criteria of Env-Wt 303.02(k).

WETLAND RESOURCES

Less than 3,000 square feet of Swamp or Wet Meadow Impact: Env-Wt 303.04 (f) Projects involving alteration of less than 3,000 square feet in swamps or wet meadows, provided that no previous department permit has placed restrictions on the property of the applicant.

Pond Construction: Env-Wt 303.04(p) Construction of a pond with less than 20,000 sq. ft. of wetlands impact, provided:

1. None of the wetlands have very poorly drained soil as defined in Env-Ws 1002.84;
2. There are no streams into or out of the proposed pond site;
3. The project is not located in prime wetlands; and
4. The project does not meet the requirements of Env-Wt 303.02(k).

STREAM & RIVER RESOURCES

Non-Crossing: (e.g. stream bank stabilization)

Note: This rule does NOT apply to stream crossings, e.g. culverts, bridges, fords, etc...

Env-Wt 303.04(n) Any project that alters the course of or disturbs less than 50 linear feet, measured along the thread of the channel, of an intermittent nontidal stream channel or its banks provided construction is performed during periods of non-flow.

New Single Family Residential, Noncommercial, Conservation or Agricultural Access:

Note: Stream rule information is NOT required for this project type.

Env-Wt 303.04(z) Installation of a stream crossing and associated fill to permit vehicular access to a piece of property for a single family building lot, for noncommercial recreational uses including conservation projects, or for normal agricultural operations, provided:

1. The lot is not a result of a recent subdivision and subdivision of the lot is not proposed;
2. The total jurisdictional impact shall not exceed 3,000 square feet;
3. The roadway width at the crossing shall not exceed 20 feet;

4. The fill width, measured at toe of roadway side slopes, shall be minimized, for example, by making the sideslopes steeper and constructing walls, and not exceed 50 feet;
5. Fill for any single wetland crossing shall not exceed 60 feet in length, measured along the centerline of the proposed access way; and
6. Such projects shall be limited to crossings that:
 - a. Do not impact bogs, marshes, sand dunes, tidal wetlands, cedar swamps, or undisturbed tidal buffer zone;
 - b. Are not located in or within 100 feet of prime wetlands, unless a waiver has been granted pursuant to RSA 482-A:11, IV;
 - c. Do not meet the criteria of Env-Wt 303.02(k);
 - d. If crossing streams, the contributing watershed size of the streams are Tier 1 (less than 200 acres) or Tier 2 (greater than 200 acres and less than 640 acres); and
 - e. If crossing swamps or wet meadows, cross those that have no standing water for 10 months of the year.

Stream Crossing Replacement: Env-Wt 303.04(ag) Replacement of an existing stream crossing to access a piece of property for a single family residence or building lot, for noncommercial recreational uses including conservation projects, or for normal agricultural operations, where the contributing watershed is 25 acres or less.

New Tier 1: Note: Stream rule information for Tier 1 crossings is required.

Env-Wt 303.04(ah) Tier 1 (less than 200 acres) stream crossings shall be:

1. A crossing located on a watercourse where the contributing watershed is less than or equal to 200 acres;
2. Meet the general design considerations specified in Env-Wt 904.01; and
3. Be sized so as to accommodate the greater of the 50-year frequency flood; or applicable federal, state, or local requirements.

Tier 1 or Tier 2 Repair or Replacement: Note: Applicable stream rule information for Tier 1 & 2 crossings is required

Env-Wt 303.04(ah) Propose a Tier 1 (less than 200 acres) or Tier 2 (greater than 200 acres and less than 640 acres) stream crossing repair or replacement that:

1. Does not have a history of causing or contributing to flooding that damages the crossing or other human infrastructure;
2. Meets the general criteria specified in Env-Wt 904.01;
<http://des.nh.gov/organization/commissioner/legal/rules/documents/env-wt100-900.pdf>
3. Does not diminish the hydraulic capacity of the crossing; and
4. Does not diminish the capacity of the crossing to accommodate aquatic life passage.

Utility Line Installation: Note: Stream rule information is NOT required for this project type.

Env-Wt 303.04 (i) Construction of a temporary crossing of a brook, stream, or river for the construction or maintenance of utility pipes or lines, provided the crossing:

1. Is not in or within 100 feet of prime wetlands, unless a waiver has been granted pursuant to RSA 482-A:11, IV(b);
2. Is not within 100 feet of the highest observable tide line;
3. Is removed within 2 years of the date the permit by notification under RSA 482-A:3, XV is issued by the department, provided that if weather conditions preclude the removal of the crossing when the work is completed, the crossing may remain in place until weather conditions allow its removal;
4. Does not meet the criteria of Env-Wt 303.02(k); and
5. Does not access property that has been converted from forestry uses to non-forestry uses, except that forestry uses may be combined with normal agricultural operations or trail construction or maintenance, or both;

Bridge Installation: Note: Stream rule information for the applicable Tier is required.

Env-Wt 303.04 (h) Installation of a new bridge or replacement of an existing bridge that:

1. No work is done in the water or in a wetland;
2. No fill is placed in the water or in a wetland;
3. Impacts to the banks of the watercourse, including bridge structural supports, do not exceed 3,000 square feet;
4. The bridge is not in a prime wetland, prime wetland buffer, bog, marsh, sand dune, or undisturbed tidal buffer zone; and
5. The project does not meet the criteria of Env Wt 303.02(k).

SHORELINE RESOURCES

Shoreline: This rule does not apply to docking structures.

Env-Wt 303.04(m) Projects that disturb less than 50 linear feet, measured along the shoreline, of a lake or pond or its bank and do not meet the criteria of Env-Wt 303.03 or Env-Wt 303.02.

Retaining Walls: Env-Wt 303.04(c) Repair or replacement of existing retaining walls provided:

1. That work is performed entirely "in the dry" during drawdown of waters;
2. That results in no change in height, length, location, or configuration;
3. If a wall is to be refaced such additional width shall not exceed 6 inches.

Seasonal Dock: Env-Wt 303.04(a) Construction or modification of a seasonal dock that meets the below criteria (Env-Wt 402):

1. Located in a lake or pond;
2. Provides no more than two slips, including previously existing slips;
3. Is standard configuration that is narrow, rectangular, and erected perpendicular to the shoreline;
4. Is designed and constructed to allow for a maximum of 2 feet of navigation space between a boat slip and any other structure or boat slip;
5. In lakes and ponds of 1,000 acres or more a seasonal dock with a deck width of 6 feet and deck length of 40 feet, measured from normal high water mark;
6. In lakes and ponds of less than 1,000 acres, for all docks a deck width of 6 feet and deck length of 30 feet, measured from normal high water mark;
7. The dimensions in 4 & 5 above may be exceeded when the department determines, based on information provided by the applicant, that:
 - a. Application of the standard dimensions would represent a safety hazard due to wind or other weather conditions;
 - b. The property has a unique physical hardship, such as, insufficient water depth, not shared generally by nearby properties, that requires larger dimensions;
 - c. The applicant has a permanent disability that requires larger dimensions in order to safely use the water; or
 - d. Exception from the standard maximum dimensions by use of clustering of structures in one location would result in less environmental impact to the shoreline and water body than would standard dimensions.
8. If the property has less than 75-feet of shoreline frontage, the dock is no larger than 4 feet x 24 feet.
9. Meets setback of submits waiver Env-Wt 402.04 Setbacks. As required by RSA 482-A:3, XIII(a), all docks shall be located at least 20 feet from any abutting property line or imaginary extension of the property line over surface water, unless the provisions of RSA 482-A:3, XIII(c) or (d) are met.
10. Designed to be installed at the beginning and removed at the end of the boating season;
11. Removed from the water for a minimum of 5 months of every calendar year;
12. Designed and placed in the water so as not to obstruct navigation;
13. Removed from the water for the purpose of applying paint, stain, or other preservatives; and
14. Installed only if in compliance with RSA 482-A:3, IV-a or otherwise permitted under RSA 482-A.

Docking Structure Maintenance, Repair or Replacement: Env-Wt 303.04(v) Maintenance, repair, and replacement in-kind of existing docking structures, such as breakwaters, docks, boat houses, piers, wharves, walkways, boat ramps, tie-off pilings, ice clusters, dolphins, or other docking facilities, provided:

1. No work is proposed that would be prohibited under RSA 482-A:26;
2. No change in location, configuration, construction type, or dimensions is proposed; and
3. The applicant certifies in writing that the existing structures would be considered grandfathered in their current configuration pursuant to Env-Wt 101.44 and have not been abandoned pursuant to Env-Wt 101.01 or Env-Wt 303.05(a)(4); or the existing structures have been constructed in accordance with a previously-issued wetlands permit and have not been abandoned pursuant to Env-Wt 101.01 or Env-Wt303.05 (a)(4).

Anchoring Pad: Env-Wt 303.04(ab) Construction of an anchoring pad for a seasonal dock provided:

1. The pad shall be constructed landward of the high water line or full pond elevation;
2. The pad shall not exceed 7 feet in width or impact more than 10 linear feet along the bank, with the bank fully stabilized upon completion of construction;
3. Appropriate erosion, siltation, and turbidity control measures shall be installed and maintained to prevent any impacts to adjacent surface waters and those controls maintained until the site has stabilized; and
4. The pad shall not be constructed in or adjacent to prime wetlands, and does not meet the requirements in Env-Wt 303.02(k).

Boatlift: Env-Wt 303.04(ac) Installation of a seasonal boatlift in an existing grandfathered or legally-existing, permitted boat slip, provided the boatlift is:

1. Installed such that no additional boat slip is created by installation of the lift;
2. Removed during the non-boating season;
3. Located at least 20 feet from an abutting property line or the imaginary extension of the property line over the water; and
4. Installed in a manner which requires no impact that would necessitate further permit action.

Watercraft Lift: Env-Wt 303.04(ad) Installation of a seasonal personal watercraft lift, provided the personal watercraft lift is:

1. Installed immediately adjacent to a dock, and in a legally-existing boat slip, or, if there are no other personal watercraft lifts on the frontage, a maximum of 2 lifts installed immediately adjacent to one another and along the owner's shoreline;
2. Removed during the non-boating season; and
3. Located at least 20 feet from an abutting property line or the imaginary extension of the property line over the water.

Beach Construction: Env-Wt 303.04(d) Construction of a beach provided:

1. The beach shall serve a privately-owned single family residence;
2. No fill or dredge shall occur below the high water line or full pond elevation;
3. The total amount of dredge or fill shall not exceed 900 square feet;
4. No work shall be conducted in a swamp, marsh, tidal buffer zone, bog, or in or adjacent to a prime wetland;
5. The work shall not alter more than 20 percent of the applicant's contiguous shoreline up to a maximum of 50 feet; and
6. No more than 10 cubic yards of sand shall be used.

Beach Replenishment: Env-Wt 303.04(aa) Replenishment of sand on an existing beach, provided:

1. No sand shall be placed below the high water line or full pond elevation;
2. No work shall be conducted in or adjacent to prime wetland;
3. No more than 10 cubic yards of sand shall be used; and
4. The beach replenishment shall not exceed the limit of one replenishment in any 6 year period.

Aquatic Weeds:

Env-Wt 303.04(q) Projects to control aquatic weeds by cutting above the roots and harvesting, provided:

1. There is no mobilization of bottom sediments;
2. The project is not located in prime wetlands, marshes, or bogs; and
3. The project does not meet the requirements of Env-Wt 303.02(k).

Env-Wt 303.04(r) Projects to control exotic aquatic weeds *Cabomba carolina* (fanwort) and/or *Myriophyllum heterophyllum* (exotic milfoil) as authorized by RSA 487:17, provided:

1. Work is conducted under the supervision of the department unless included in Env-Wt 303.05;
2. The project is not located in prime wetlands, marshes, bogs, or tidal wetlands; and
3. The project does not meet the requirements of Env-Wt 303.02(k).

TIDAL RESOURCES

Previously-Developed Upland Tidal Buffer Zone: Env-Wt 303.04 (b) Projects in previously-developed upland areas within 100 feet of the highest observable tide line unless they are major or minor as defined in Env-Wt 303.02 or Env-Wt 303.03, respectively.

Maintenance, Repair or Replacement: Env-Wt 303.04(v) Maintenance, repair, and replacement in-kind of existing docking structures, such as breakwaters, docks, boat houses, piers, wharves, walkways, boat ramps, tie-off pilings, ice clusters, dolphins, or other docking facilities, provided:

1. No work is proposed that would be prohibited under RSA 482-A:26;
2. No change in location, configuration, construction type, or dimensions is proposed; and
3. The applicant certifies in writing that the existing structures would be considered grandfathered in their current configuration pursuant to Env-Wt 101.44 and have not been abandoned pursuant to Env-Wt 101.01 or Env-Wt 303.05(a)(4); or the existing structures have been constructed in accordance with a previously-issued wetlands permit and have not been abandoned pursuant to Env-Wt 101.01 or Env-Wt 303.05 (a)(4).