

NOTE: The following sections AMEND Env-Wq 1400, as follows:

- Text marked as “Readopt with amendment” or “Amend” must be used **IN PLACE OF** the corresponding language in Env-Wq 1400 as effective July 1, 2008;
- Text marked as “Adopt” must be used **IN ADDITION TO** the existing language in Env-Wq 1400 as effective July 1, 2008;
- Text marked as “Readopt” is the same as language in Env-Wq 1400 as effective July 1, 2008.

Readopt with amendment Env-Wq 1402.05, eff. 7-1-08 (doc. #9188), to read as follows:

Env-Wq 1402.05 “Construction” means, for the purpose of RSA 483-B:5-b, I(a):

- (a) The erection, demolition, reconstruction, or alteration of any structure; or
- (b) Any activity that results in an increase in the impervious surface area on a property.

Adopt new Env-Wq 1402.08, and renumber the subsequent existing sections accordingly, to read as follows:

Env-Wq 1402.08 “Excavation” means, for the purpose of RSA 483-B:5-b, I(a), to dig, remove, or form a cavity or a hole in an area within the department’s jurisdiction, either as a preliminary step to construction as defined above or with the intent that the area not be allowed to return to a natural condition.

Adopt new Env-Wq 1402.09 and Env-Wq 1402.10, and renumber the subsequent existing sections accordingly, to read as follows:

Env-Wq 1402.09 “Fill” as a noun means any rock, soil, gravel, sand or other such material that has been deposited or caused to be deposited by human activity.

Env-Wq 1402.10 “Fill” as a verb means to place or deposit materials in or on a wetland, surface water body, bank or otherwise in or on an area within the jurisdiction of the department.

Readopt with amendment Env-Wq 1402.09, eff. 7-1-08 (doc. #9188), renumbered as Env-Wq 1402.12 due to the adoption of new Env-Wq 1402.08 through Env-Wq 1402.10, to read as follows:

Env-Wq 1402.12 “Footprint” means:

(a) When used in RSA 483-B:11, I, the area of land surface that lies directly beneath the limits of the exterior walls of a structure, whether the structure rests directly on the ground or is raised above the ground surface; and

(b) For all other purposes, the area outlined by the vertical projection of an impervious surface onto the ground surface where it is or will be located.

Readopt with amendment Env-Wq 1402.12, eff. 7-1-08 (doc. #9188), renumbered as Env-Wq 1402.15 due to the adoption of new Env-Wq 1402.08 through Env-Wq 1402.10, to read as follows:

Env-Wq 1402.15 “Impervious surface area” or “composed of impervious surfaces” means, for purposes of the impervious surface limitation specified in RSA 483-B:9, V(g), the sum total of the footprint of each impervious surface that is located within the protected shoreland.

Readopt Env-Wq 1402.15, eff. 7-1-08 (doc. #9196, Interim), renumbered as Env-Wq 1402.18 due to the adoption of new Env-Wq 1402.08 through Env-Wq 1402.10, to read as follows:

Env-Wq 1402.18 “Low phosphate, slow release nitrogen fertilizer” means fertilizer that is guaranteed, as indicated on the package label, to contain:

- (a) Not more than 2% phosphorus; and
- (b) A nitrogen component which is at least 50% slow release nitrogen components.

Adopt new Env-Wq 1402.20 and renumber subsequent existing sections accordingly, to read as follows:

Env-Wq 1402.20 “Natural condition” means, for the purposes of the definition of excavation, the condition resulting from not interfering with the natural regrowth of vegetation. The term does not include lawns or landscaped areas.

Adopt new Env-Wq 1402.31 and Env-Wq 1402.32, renumbered as Env-Wq 1402.33 and Env-Wq 1402.34 due to the adoption of new definitions, and renumber subsequent existing sections accordingly, to read as follows:

Env-Wq 1402.33 “Public benefit infrastructure (PBI)” means existing, legal, permanent structures within the protected shoreland that provide a benefit to the public in general, including but not limited to telephone or other utility poles, gas transmission lines, water lines, sewer lines, or any public road or other public right-of-way such as a public boat ramp.

Env-Wq 1402.34 “PBI maintenance permit” means a permit applied for and issued under RSA 483-B:5-b for the on-going maintenance, repair, or replacement in-kind of public benefit infrastructure within the protected shoreland, where such on-going maintenance, repair, or replacement in-kind necessitates construction, excavation, or filling activities that are not exempted under RSA 483-B or these rules.

Readopt with amendment Env-Wq 1403.41, eff. 7-1-08 (doc. #9188), renumbered as Env-Wq 1402.4547 due to the adoption of new definitions, to read as follows:

Env-Wq 1402.47 “Shoreland permit” means a permit issued under RSA 483-B:5-b, I(a) other than a permit by notification under Env-Wq 1406.05. Except where the context clearly indicates otherwise, the term includes a PBI maintenance permit.

Readopt with amendment Env-Wq 1403.44, eff. 7-1-08 (doc. #9188), renumbered as Env-Wq 1402.48 50 due to the adoption of new definitions, to read as follows:

Env-Wq 1402.50 “Structure” means “structure” as defined in RSA 483-B:4, XXII. The term does not include any item that can readily be moved from one location to another, including but not limited to picnic tables, lawn furniture, swing-sets, and poles used to support items such as clotheslines, bird houses, bird feeders, or lawn ornaments.

Readopt Env-Wq 1402.47, eff. 7-1-08 (doc. #9196, Interim), renumbered as Env-Wq 1402.51 53 due to the adoption of new definitions, to read as follows:

Env-Wq 1402.53 “Unaltered state” means “unaltered state” as defined in RSA 483-B:4, XXIV-a.

Readopt with amendment Env-Wq 1403.03, eff. 7-1-08 (doc. #9188), as amended eff. 7-1-08 (doc. #9196, Interim), to read as follows:

Env-Wq 1403.03 Construction Within the Protected Shoreland.

(a) All impacts related to construction shall be completely contained within the area of disturbance allowed by RSA 483-B:9, V(b)(2)(A)(i) or (ii) as appropriate given the area of the lot within the natural woodland buffer.

(b) Within 3 days of final grading or temporary suspension of work in an area that is in the protected shoreland, all exposed soil areas shall be stabilized by:

- (1) Seeding and mulching, if during the growing season;
- (2) If not within the growing season, by mulching with tack or netting; or
- (3) With an alternative method of temporary stabilization as specified in Env-Wq 1500.

(c) A retaining wall shall not be included in the calculation of impervious area if:

- (1) The wall has a footprint of less than 12 inches in width; and
- (2) The total footprint of all such walls is less than 150 square feet.

(d) Work undertaken pursuant to a PBI maintenance permit shall not:

- (1) Alter the footprint or impervious area of the structure(s) being maintained or repaired;
- (2) Disturb vegetation except on a temporary basis where all areas are stabilized as provided in (b), above; or
- (3) Result in an increase in loading to an onsite sewage disposal system.

Readopt with amendment Env-Wq 1403.04, eff. 7-1-08 (doc. #9196, Interim), to read as follows:

Env-Wq 1403.04 Removal of Dead, Diseased, Or Unsafe Vegetation.

(a) A property owner may remove, or may cause to have removed, dead, diseased, or unsafe trees, limbs, saplings, or shrubs from the waterfront buffer that are not included in the scoring described in RSA 483-B:9, V(a)(2)(D), subject to the conditions specified in (b) and (c), below.

(b) The cutting and removal shall be conducted so as to:

- (1) Prevent damage to surrounding healthy trees, limbs, saplings, and shrubs;
- (2) Minimize damage to ground cover;
- (3) Prevent soil erosion and sedimentation to the water body; and
- (4) Leave all stumps intact in accordance with RSA 483-B:9, V(a)(2)(B).

(c) In any enforcement action against a property owner or contractor for removal of trees, limbs, saplings, or shrubs in violation of RSA 483-B, the burden of proving that trees, limbs, saplings, or shrubs removed pursuant to this section were in fact dead, diseased, or unsafe shall be on the property owner or contractor, as applicable.

(d) Proof that removed trees, limbs, saplings, or shrubs were dead, diseased, or unsafe shall include, but not be limited to, the following:

- (1) Photographs of the property which clearly show the dead, diseased, or unsafe trees, limbs, saplings, and shrubs; and
- (2) Written certification signed by an individual with knowledge and experience in assessing tree health, such as a licensed forester, certified arborist, or licensed landscape architect, that the trees, limbs, saplings, and shrubs that were removed were dead, diseased, or unsafe, as applicable.

Change the heading of Env-Wq 1403.05 and amend Env-Wq 1403.05(a), eff. 7-1-08 (doc. #9188), to read as follows:

Env-Wq 1403.05 Removal of Trees or Saplings That Are Not Dead, Diseased, Or Unsafe.

(a) As provided in RSA 483-B:9, V(a)(2)(D)(iii), a property owner may remove, or may cause to have removed, trees or saplings from the waterfront buffer that are not dead, diseased, or unsafe if the sum of the scores of the remaining trees and saplings in that segment does not total less than allowed by RSA 483-B:9, V(a)(2)(D), subject to the conditions specified in (b) and (c), below.

Readopt Env-Wq 1404.02, eff. 7-1-08 (doc. #9188), as amended eff. 7-1-08 (doc. #9196, Interim), to read as follows:

Env-Wq 1404.02 Stormwater Management and Erosion Control.

(a) Pursuant to RSA 483-B:9, V(d)(1), all new structures, modifications to existing structures, and excavation or earth moving within the protected shoreland shall be designed and constructed in accordance with RSA 485-A:17 and Env-Ws 415 or successor rules in Env-Wq 1500, to manage stormwater and control erosion and sediment, before, during, and after construction.

(b) For projects for which a stormwater management system is required by RSA 483-B:9, V(g)(2), the department shall review the proposed stormwater management system as provided in Env-Wq 1500.

Readopt with amendment Env-Wq 1405.03, eff. 7-1-08 (doc. #9188), to read as follows:

Env-Wq 1405.03 Limitations on Accessory Structures within the Waterfront Buffer.

(a) The limitations in this section shall apply only to accessory structures located between the reference line and the primary building line.

(b) Accessory structures shall:

- (1) Not exceed 12 feet in height; or
- (2) Not exceed 20 feet in height if authorized by a permit under RSA 482-A, but located on the land rather than over public water, such as a dug-in boathouse.

(c) Subject to (d) and (e), below, accessory structures shall be:

- (1) No larger than 1.5 square feet per linear foot of shoreline; or

(2) No larger than 900 square feet per structure if authorized by a permit under RSA 482-A but located on the land rather than over the public water, such as a beach or a dug-in boathouse.

(d) The construction of the accessory structure shall not violate the point score requirement of RSA 483-B:9, V(a)(2).

(e) One walking path for access, up to 6 feet in width, with stairs over bank, shall not be counted when calculating the area of accessory structures under (c), above.

Readopt with amendment Env-Wq 1405.05, eff. 7-1-08 (doc. #9188), to read as follows:

Env-Wq 1405.05 Slope Limitation for Accessory Structures. No accessory structure shall be built on or into land having greater than 25% slope.

Readopt with amendment Env-Wq 1406.02, eff. 7-1-08 (doc. #9188), to read as follows:

Env-Wq 1406.02 Statutory Exemptions.

(a) The following are exempted by statute from the requirements of RSA 483-B:

(1) Agriculture performed in accordance with best management practices, as specified in RSA 483-B:3, III, and RSA 483-B:9, V;

(2) Forest management that is not associated with shoreland development or land conversion that is conducted in compliance with RSA 227-J:9, as specified in RSA 483-B:9, V; and

(3) Forestry conducted in compliance with RSA 227-J:9 by or under the direction of a water supplier for the purpose of managing a water supply watershed, as specified in RSA 483-B:9, V.

(b) The following are exempted by statute from the requirement to obtain a shoreland permit:

(1) Timber harvesting activities as permitted in accordance with RSA 485-A:17, IV, as specified in RSA 483-B:5-b, II;

(2) Impacts in the protected shoreland that are covered by a permit issued under RSA 482-A, as specified in RSA 483-B:5-b, IV; and

(3) Private water supply facilities, as specified in RSA 483-B:9, III.

(c) Construction of public roads, public utility lines and associated structures and facilities, and public water access facilities are exempted by statute from the permit fee, as specified in RSA 483-B:5-b, III.

Readopt with amendment Env-Wq 1406.03, eff. 7-1-08 (doc. #9188), amended eff. 7-1-08 (doc. #9196, Interim) to read as follows:

Env-Wq 1406.04 Activities in Protected Shoreland That Do Not Require a Shoreland Permit.

(a) A person shall not be required to obtain a permit under RSA 483-B:5-b, I(a) prior to undertaking any activity listed in (c) or (d), below, in the protected shoreland, provided that the activity is conducted in accordance with the conditions noted.

(b) In any enforcement action against a property owner or contractor for actions arguably covered by (a), above, the burden of proving that the exemption applies shall be on the property owner or contractor, as applicable.

(c) Activities exempt pursuant to (a), above, because the activity does not constitute construction, excavation, or filling shall be as follows:

- (1) Trimming, pruning, and thinning of branches to the extent necessary to protect structures, maintain clearances, and provide views, as allowed by RSA 483-B:9, V(a)(2)(D)(vi);
- (2) Removal of trees, limbs, saplings, or shrubs in accordance with Env-Wq 1403.04 or removal of trees or saplings in accordance with Env-Wq 1403.05;
- (3) Maintenance, repair, or modification of an existing, legal, primary structure that does not:
 - a. Alter the footprint or impervious area of the structure;
 - b. Require, or result in, the alteration of previously unaltered areas;
 - c. Result in an increase in loading to an onsite sewage disposal system;
 - d. Increase the number of residential units on the property; or
 - e. Require, or result in, any excavation or filling within the protected shoreland;
- (4) Maintenance, repair, or modification of an existing, legal, accessory structure that does not:
 - a. Alter the footprint or impervious area of the structure;
 - b. Require, or result in, the alteration of previously unaltered areas;
 - c. Result in an increase in loading to an onsite sewage disposal system;
 - d. Increase the number of residential units on the property;
 - e. Require, or result in any excavation or filling within the protected shoreland; or
 - f. Exceed the criteria of Part Env-Wq 1405, if it is located within the waterfront buffer;
- (5) Maintenance of a grandfathered or altered open area, such as by mowing a lawn, raking leaves or pine needles, or mulching landscaped areas;
- (6) Hand-pulling or use of hand tools to remove invasive species or other noxious or harmful plants such as poison ivy, including root systems, provided that any area exceeding 10 square feet left without vegetation shall be subject to replanting with non-invasive, non-harmful species;
- (7) Hand-removal or use of hand tools to remove rocks and stones beyond the 50-foot setback; and
- (8) Placement or installation of readily removed items, such as picnic tables, lawn chairs and swing sets.

(d) Activities exempt pursuant to (a), above, because the activity constitutes de minimis construction, excavation, or filling shall be as follows:

- (1) Use of hand-held tools, whether motorized or not, such as augers or tile spades, to install monitoring wells, piezometers, and flow meters, for:
 - a. Evaluating site conditions as necessary for the submittal of information required by a permit application under RSA 482-A relating to wetlands, RSA 485-A:29 relating to subdivisions or septic systems, or RSA 485-A:17 relating to alteration of terrain;
 - b. Educational or research purposes; or
 - c. Monitoring hydrology;
- (2) Planting of non-invasive vegetation or maintenance of existing gardens within the allowable disturbed or altered area using hand-held tools;
- (3) Placement of stepping stones, provided no root systems are removed to accommodate the placement;
- (4) Construction or installation of a fence using hand-held tools;
- (5) Digging test pits for the purposes of determining suitability for wastewater disposal under RSA 485-A:29 relating to subdivisions or septic systems, provided:
 - a. There is no disruption of groundcover within 50 feet of the reference line; and
 - b. No test pits are dug within 75 feet of the reference line unless required in order to evaluate eligibility for replacement under Env-Wq 1003.10;
- (6) Planting one or more trees within existing open areas more than 50 feet from the reference line using mechanized equipment;
- (7) Replacing utility poles and guy wires using mechanized equipment, provided that appropriate siltation and erosion controls are used and all temporary impacts are restored;
- (8) Replacement of a failed septic system, either in-kind as specified in Env-Wq 1003.10 or under a new approval, provided there is no increase in sewage loading from the structure(s) served by the system;
- (9) Placement of a single structure more than 50 feet from the reference line, provided that:
 - a. The footprint of the structure is less than 150 sq. ft.;
 - b. No excavation or filling using mechanized equipment will occur in conjunction with the construction or placement of the structure;
 - c. The structure will not be heated;
 - d. The structure will not have electricity or plumbing; and
 - e. The structure will not be used as living space for humans; and

(10) Activities required to abate an imminent threat to public safety or public health or to stabilize property during or immediately following an emergency, provided the procedures specified in Env-Wq 1407 are followed.

Amend Env-Wq 1406.05, eff. 7-1-08 (doc. #9188), by adding paragraph (d), so that Env-Wq 1406.05 intro and (d) read as follows:

Env-Wq 1406.05 Permits by Notification. The activities described in this section may be undertaken in the protected shoreland without submitting an application under Env-Wq 1406.06, provided the notice described is provided as specified:

(d) Site remediation activities approved by the department pursuant to Env-Or 600, subject to the following conditions:

- (1) The information submitted to the department on which the approval for the activities was issued shall have clearly identified the protected shoreland;
- (2) The information submitted to the department on which the approval for the activities was issued shall have clearly described the activities that will occur within the protected shoreland;
- (3) The entity undertaking the activities shall provide the department's wetlands bureau and the local governing body with written notification of the commencement of work as soon as practicable, but in no event later than 5 working days after commencing work;
- (4) Any vehicles used shall be operated in a manner that minimizes disturbance to the terrain;
- (5) All activities shall be managed so as to have no adverse impact on water quality;
- (6) Contaminated materials shall not be removed and returned to the site unless the materials are treated to the appropriate standards prior to being returned to the site; and
- (7) Equipment shall be operated and maintained to prevent spillage of fluids including, but not limited to, oil, gas, antifreeze, or hydraulic fluids.

Readopt with amendment Env-Wq 1406.07 and Env-Wq 1406.08, eff. 7-1-08 (doc. #9188), to read as follows:

Env-Wq 1406.07 Shoreland Permit Application Information.

(a) Subject to (b) and (c), below, an application for a permit under RSA 483-B:5-b, I(a) shall include the following information:

- (1) The legal name of each property owner as it appears on the deed of record and the registry and book and page number where the deed is recorded;
- (2) The regular mailing address and daytime telephone number of the property owner and, if available, an e-mail address;
- (3) The name, mailing address, and daytime telephone number of the applicant, if other than the property owner, and, if available, an e-mail address;
- (4) If the applicant is not the property owner and is not the authorized agent of the property owner for purposes of the application, documentation supporting the applicant's right to engage

in the proposed activity on the property, for example a long-term lease or purchase-and-sale agreement;

- (5) The street address of the proposed project site, if different from the property owner's mailing address;
- (6) The name of the water body that causes the property to be subject to RSA 483-B; and
- (7) A narrative description of the project.

(b) The application under RSA 483-B:5-b, I(a) for a PBI maintenance permit shall include the following information in lieu of the information specified in (a), above:

- (1) The name, mailing address, and daytime telephone number of the owner of the PBI that is the subject of the application;
- (2) The name, mailing address, and daytime telephone number of the PBI owner's representative who has been authorized to sign the application on behalf of the owner, and, if available, an e-mail address for the representative;
- (3) The street address(es) of the proposed project site(s);
- (4) The name of the water body/ies that causes the property to be subject to RSA 483-B; and
- (5) A narrative description of the type of work typically done to repair or maintain the PBI that is the subject of the application.

Env-Wq 1406.08 Signatures Required.

(a) Except as provided in (c) and (d), below, the property owner(s) and applicant, if other than the property owner, shall sign and date the application.

(b) The signature(s) shall constitute certification that:

- (1) The information provided is true, complete, and not misleading to the knowledge and belief of the signer; and
- (2) The signer understands that any permit, waiver, or variance granted based on false, incomplete, or misleading information shall be subject to revocation.

(c) For a PBI maintenance permit application, the PBI owner's representative shall sign and date the application.

(d) The signature on a PBI maintenance permit application shall constitute certification that:

- (1) The information provided is true, complete, and not misleading to the knowledge and belief of the signer;
- (2) The project meets the criteria specified in Env-Wq 1403.03(d); and
- (3) The signer understands that any permit, waiver, or variance granted based on false, incomplete, or misleading information shall be subject to revocation.

Readopt Env-Wq 1406.09 intro, (g), and (j), eff. 7-1-08 (doc. # 9196, Interim), cited and to read as follows:

Env-Wq 1406.09 Plans to be Submitted with All Shoreland Permit Applications. The plans required by Env-Wq 1406.06(b) shall show the existing conditions on the property, all proposed work, and all temporary impacts within 250 feet of the reference line, including the following:

...
 (g) The dimensions and locations of all existing and proposed structures, impervious areas, disturbed areas, areas to remain in an unaltered state, and all other relevant features necessary to clearly define both existing conditions and the proposed project;

...
 (j) A delineation of all existing and proposed disturbed and unaltered areas within the natural woodland buffer;

...

Readopt with amendment Env-Wq 1406.10, eff. 7-1-08 (doc. #9196, Interim), to read as follows:

Env-Wq 1406.10 Plans or Other Information Required for Certain Projects. If applicable, the following plans or other information shall also be submitted with the application:

(a) For any project proposing that the impervious area be at least 15% but not more than 20% within the protected shoreland, a statement signed by the applicant certifying that the impervious area is not more than 20%;

(b) For any project proposing that the impervious area be greater than 20% within the protected shoreland, plans for a stormwater management system that will infiltrate increased stormwater from development, in accordance with Env-Wq 1500;

(c) For any project that includes a waiver request for redevelopment or proposes the modification of a pre-existing non-conforming structure under RSA 483-B:11, II, the information required by Env-Wq 1408.04;

(d) For any project that includes a variance request under RSA 483-B:9, V(i), the information required by Env-Wq 1409;

(e) For any project involving pervious surfaces, a plan with specifications of how those surfaces will be maintained; and

(f) For any project involving work within the waterfront buffer, the following:

(1) A plan showing each segment of waterfront buffer that will be impacted by the project;

(2) The location and diameter of all existing trees and saplings, at least up to that which is sufficient to meet the point requirement specified in RSA 483-B:9, V(a)(2); and

(3) A designation of the trees to be cut during the project, if any, including:

a. The diameter of all trees and saplings at 4-½ feet from the ground; and

b. The names of the existing species, using either the Latin names or common names.

Readopt Env-Wq 1406.12 intro and (h), eff. 7-1-08 (doc. #9196, Interim), cited and to read as follows:

Env-Wq 1406.12 Attachments to Shoreland Permit Application. The attachments required by Env-Wq 1406.06(d) shall be as follows:

...

- (h) A copy of a completed shoreland application worksheet that includes:
 - (1) Square feet of the lot within 250 feet of the reference line;
 - (2) Square feet of the lot within 150 feet of the reference line;
 - (3) Square feet and percentage of the lot area constituting existing impervious surface(s) within 250 feet of the reference line
 - (4) Proposed amount of impervious surface(s) within 250 feet of the reference line;
 - (5) Total percentage of lot area within the protected shoreland which will be impervious upon completion of the project;
 - (6) The name of the person who completed the worksheet; and
 - (7) The date of the plan on which the worksheet is based.

Readopt with amendment Env-Wq 1406.19, eff. 7-1-08 (doc. #9188), amended eff. 7-1-08 (doc. #9196, Interim), to read as follows:

Env-Wq 1406.19 Duration of Shoreland Permit; Amendments.

(a) Except as specified in (h), below, a shoreland permit issued under RSA 483-B:5-b shall expire 5 years from the date of issuance as specified on the permit.

(b) The holder of a shoreland permit or a PBI maintenance permit who wishes to make changes to a project after the department has issued the permit shall:

- (1) Apply for an amended permit in accordance with (c), below, if the changes meet the criteria specified in (e), below; or
- (2) Apply for a new permit in accordance with Env-Wq 1406, if the changes do not meet the criteria specified in (e), below.

(c) A permit holder shall request an amendment to an issued shoreland permit or PBI maintenance permit by submitting the following to the department in writing:

- (1) A copy of the permit that is sought to be amended;
- (2) Those components of a complete original application that differ from the application originally submitted;
- (3) A list that identifies each specific change to the project, with a cross-reference to where on the submitted documents that change is reflected and how it is reflected; and
- (4) A statement signed by the permit holder certifying that the proposed changes meet all of the criteria specified in (e), below.

- (d) The department shall review an amendment request in accordance with RSA 483-B:5-b, V.
- (e) A shoreland permit shall be amended only if the proposed changes meet all of the following criteria:
 - (1) There is no increase in impervious area;
 - (2) There is no reduction in any set-back to the reference line;
 - (3) There is no increase in disturbed area or decrease in the area to be maintained in an unaltered state;
 - (4) The work can be completed prior to the expiration date of the original permit; and
 - (5) The project as revised would have been approved under Env-Wq 1406.15 if the revised project had been submitted originally.
- (f) A PBI maintenance permit shall be amended if the permit as amended would have been issued originally.
- (g) If the project as revised meets the criteria specified in (e) or (f), above, as applicable, the department shall issue an amended permit. The issuance of an amended permit shall not extend the expiration date.
- (h) A PBI maintenance permit shall expire 10 years from the date of issuance as specified on the permit.

Readopt Env-Wq 1412.03 intro and (e), eff. 7-1-08 (doc. #9196, Interim), cited and to read as follows:

Env-Wq 1412.03 Restoration Plan Contents. A restoration plan shall include the following:

- ...
- (e) A plan of the natural woodland buffer, shown with the amount of impervious surface, amount of disturbed area to be restored, and the amount of area allowed to revert to an unaltered state;
- ...

Appendix

Rule Section(s)	State Statute(s) Implemented
Env-Wq 1402.05; 1402.08 (new); 1402.09 (new); 1402.10 (new); 1402.12 (previously 1402.09); 1402.15 (previously 1402.12); 1402.18 (previously 1402.15); 1402.20 (new); 1402.33 (new); 1402.34 (new); 1402.47 (previously 1402.41); 1402.50 (previously 1402.44); 1402.53 (previously 1402.47)	RSA 483-B:4; RSA 483-B:17, VIII & IX
Env-Wq 1403.03; 1403.04; 1403.05(a)	RSA 483-B:9, V(a) & (b); RSA 483-B:17, III
Env-Wq 1404.02	RSA 483-B:9, V(d) & (g)
Env-Wq 1405.03; 1405.05	RSA 483-B:17, IV
Env-Wq 1406.02; 1406.04; 1406.05(d); 1406.07; 1406.08; 1406.09 intro, (g), & (j); 1406.10; 1406.12 intro & (h); 1406.19	RSA 483-B:5-b; RSA 483-B:17, I & X
Env-Wq 1412.03 intro & (e)	RSA 483-B:9, V(a) & (b); RSA 483-B:17, IX