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(f) Limit potential channel constriction;

(g) Incorporate bank stabilization criteria under Env-Wt 514 and shoreland standards for native species revegetation and species composition pursuant to Env-Wq 1412.05; and

(h) Where brook floater mussels or dwarf wedge mussels are identified in the DataCheck, provide for specific monitoring during construction as NHF&G may require.

Source. (See Revision Notes #1 and #2 at chapter heading for Env-Wt 500) #12805, eff 12-15-19

Env-Wt 516.05 Intake and Outflow Structure Construction Project Classification. The construction of an intake or outflow structure shall be classified in accordance with Env-Wt 407.

Source. (See Revision Notes #1 and #2 at chapter heading for Env-Wt 500) #12805, eff 12-15-19

Env-Wt 516.06 Maintenance and Repair of Intake and Outflow Structures.

(a) The permit holder shall monitor intake and outflow structures for effectiveness, water quality, and stability.

(b) If maintenance or repair of an intake or outflow structure is needed, the project shall be classified in accordance with Env-Wt 407.

Source. (See Revision Notes #1 and #2 at chapter heading for Env-Wt 500) #12805, eff 12-15-19

PART Env-Wt 517 TRAILS, PATHWAYS, AND BOARDWALKS

Env-Wt 517.01 Applicability. This part shall apply to the construction and maintenance of trails, boardwalks, and paths in jurisdictional areas used to provide access for outdoor recreational pursuits including but not limited to snowmobiling as defined in RSA 215-C:1, XV and off-highway recreational vehicle use as defined in RSA 215-A:1, VI.

Source. (See Revision Notes #1 and #2 at chapter heading for Env-Wt 500) #12805, eff 12-15-19; ss by #13124, eff 10-23-20

Env-Wt 517.02 Approval Criteria for Trail, Pathway, and Boardwalk Projects. In addition to meeting the applicable criteria established in Env-Wt 300, the department shall not approve an application for a trail, pathway, or boardwalk project unless the following criteria are met:

(a) The project:

(1) Avoids and minimizes impacts in accordance with Env-Wt 313.03;

(2) Is located away from lakes, rivers, river banks, tidal waters, marshes, and scrub-shrub wetlands to the greatest extent practicable, unless Env-Wt 517.06(a)(6) applies; and

(3) Will be conducted in accordance with the Trail BMPs, available as noted in Appendix B; and

(b) For coastal boardwalk projects:

(1) The project is located at municipal, county, state, or federally owned facilities only; and

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(2) The design is consistent with Env-Wt 600 and RSA 482-A:1.

Source. (See Revision Notes #1 and #2 at chapter heading for Env-Wt 500) #12805, eff 12-15-19

Env-Wt 517.03 Application Requirements for Trail, Pathway, and Boardwalk Projects. The project-specific information required by Env-Wt 310.01(c)(1) or Env-Wt 311.03(b)(11), as applicable, for a trail, pathway, or boardwalk project shall be as follows:

- (a) Boardwalk deck height, board spacing, and SF of impact;
- (b) Location of floodplains, wetlands, and watercourses in relation to the trail, pathway, or boardwalk; and
- (c) Construction sequence for installation of the trail, pathway, or boardwalk.

Source. (See Revision Notes #1 and #2 at chapter heading for Env-Wt 500) #12805, eff 12-15-19

Env-Wt 517.04 Design and Construction Requirements for Trail and Pathway Projects. A proposed trail or pathway project shall be designed and constructed to:

- (a) Use existing structures and pathways wherever practicable;
- (b) Maintain pathways no more than 20 feet wide; and
- (c) For trails, comply with the Trail BMPs, available as noted in Appendix B.

Source. (See Revision Notes #1 and #2 at chapter heading for Env-Wt 500) #12805, eff 12-15-19; amd by #12954, eff 12-24-19

Env-Wt 517.05 Design and Construction Requirements for Boardwalks. In addition to meeting the applicable design and construction criteria in Env-Wt 300, boardwalks shall meet the following design and construction requirements:

- (a) Boardwalks shall not be located in or through any PRA if the use associated with the boardwalk would jeopardize the continued existence of protected species or habitat;
- (b) To allow for circulation of air and water and penetration of light, boardwalks shall be designed and constructed:
 - (1) To be elevated not less than 4 feet for tidal wetlands and at least 2 feet for non-tidal wetlands above the ground surface or normal high water line, as applicable; and
 - (2) With grating, or slatted decking with boards no wider than 8 to 10 inches, spaced no less than 0.75 inches apart, or if necessary to meet ADA requirements, no less than 0.5 inches apart;
- (c) Boardwalks shall be at least 3 feet wide and no wider than 6 feet;
- (d) Boardwalks crossing wetlands shall be designed and located to:
 - (1) Allow for movement of wildlife and maintain density and vigor of vegetation; and
 - (2) Minimize interference with the natural hydrology of the area;

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- (e) Boardwalks shall incorporate features designed to educate users about the importance of wetlands, transition areas, and public waters;
- (f) Boardwalks shall be constructed using top-down construction methods, helical piles, and other methods to limit impacts to sensitive wetlands and surface waters;
- (g) A boardwalk shall not be supported by horizontal support timbers, otherwise known as sleepers, on or in the soil, except that on hiking trails, a log foot bridge may have timber sleepers on the soils; and
- (h) The root mat and soil under and around the boardwalk shall not be disturbed except to drive pilings.

Source. (See Revision Notes #1 and #2 at chapter heading for Env-Wt 500) #12805, eff 12-15-19; amd by #13124, eff 10-23-20; ss by #13776, eff 10-13-23

Env-Wt 517.06 Classification of Trail and Pathway Projects. Trail and path projects shall be classified as follows:

- (a) A trail project shall be minimum impact and eligible for an SPN if:
 - (1) For wetland crossings:
 - a. The project impacts less than 3,000 SF per crossing;
 - b. The trail width at each crossing does not exceed 20 feet;
 - c. The fill width is minimized and, measured at the toe of the trail side slope, does not exceed 50 feet per crossing; and
 - d. The fill length does not exceed 60 feet per crossing, measured along the centerline of the proposed trail;
 - (2) No impacts to a bog, marsh, sand dune, tidal wetland, cedar swamp, or undisturbed tidal buffer zone are proposed;
 - (3) The proposed crossing will not jeopardize the continued existence of protected species or habitat;
 - (4) The proposed crossing is not located within or adjacent to a designated prime wetlands or duly-established 100-foot buffer;
 - (5) For proposed culvert installations crossing a perennial or intermittent stream, the streams crossed have a scoured channel no more than 8 feet wide; or
 - (6) The proposed project that includes the installation of a new bridge or replacement of an existing bridge over a stream meets the following criteria:
 - a. No work will be performed in surface waters;
 - b. No fill will be placed in surface waters;
 - c. Impacts to the banks of the watercourse, including bridge structural supports, will not exceed 3,000 SF per crossing;
 - d. Bridges are not in a prime wetlands or duly-established 100-foot buffer;

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- e. Bridges are not in a bog, marsh, sand dune, or floodplain wetland adjacent to a tier 3 watercourse; and
 - f. The project site has not been identified by NHB as having occurrences of protected species or habitat or has been recommended for downgrade by NHB and NHF&G, where applicable;
- (b) A new trail or path project shall be a minor impact project if the requirements for minimum impact crossings in (a)(1)b.-d. and (2)-(6), above, are met and the total impact to wetlands is greater than 3,000 SF per crossing but does not exceed 10,000 SF in total;
- (c) A new trail or pathway project shall be a major impact project if:
- (1) The project proposes any crossing of a PRA, except as provided in Env-Wt 407;
 - (2) The total crossing impact to wetlands is greater than 10,000 SF; or
 - (3) The project would require a waiver of any approval, design, or construction criteria;
- (d) A project to maintain, repair, or replace an existing legal trail or pathway shall be a minimum impact project only if:
- (1) No change in location, configuration, dimensions, or construction type is proposed; and
 - (2) No work will be done in standing or flowing water;
- (e) A project to maintain, repair, or replace an existing legal trail or path shall be a minor impact project if it does not meet the criteria for either a minimum impact or a major impact project; and
- (f) A project to maintain, repair, or replace an existing legal trail or pathway shall be a major impact project if the project would require a waiver of any approval, design, or construction criteria, unless the only waiver needed is for prime wetlands or a duly-established 100-foot buffer and the waiver is obtained pursuant to Env-Wt 706.

Source. (See Revision Notes #1 and #2 at chapter heading for Env-Wt 500) #12805, eff 12-15-19; amd by #13124, eff 10-23-20; ss by #13776, eff 10-13-23

Env-Wt 517.07 Classification of Boardwalk Construction or Maintenance Projects.

- (a) A boardwalk construction or maintenance project shall be classified as minimum impact if the project:
- (1) Will have a total wetland impact area of not more than 3,000 SF as measured by the surface area of the boardwalk, except that log foot bridges on trails may have up to 3,000 SF of wetland impact per crossing;
 - (2) Disturbs not more than 50 LF of a surface water body, measured along the shoreline of a lake or pond at its bank; and
 - (3) Will have no adverse impacts to a marsh, scrub-shrub wetland adjacent to a surface waterbody, floodplain wetland adjacent to a water course, cedar swamps, or PRAs, except as provided in Env-Wt 407.
- (b) A boardwalk construction project shall be classified as a minor impact project if the project:
- (1) Will have a total area of more than 3,000 SF but less than 10,000 SF;

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- (2) Disturbs between 50 LF or more but less than 200 LF of a surface water body, measured along the shoreline of a lake or pond at its bank; or
 - (3) Disturbs between 50 LF or more but less than 200 LF of an intermittent or perennial non-tidal watercourse channel or banks, provided that:
 - a. For intermittent streams, the distance shall be measured along the thread of the channel; and
 - b. For perennial streams, the total disturbance shall be calculated by summing the lengths of disturbances to the channel or banks.
- (c) A boardwalk construction project shall be classified as a major impact project if the project:
- (1) Will have a total area of 10,000 SF or more;
 - (2) Disturbs 200 LF or more of a surface water body, measured along the shoreline of a lake or pond at its bank;
 - (3) Alters the course of or disturbs 200 LF or more of an intermittent or perennial non-tidal watercourse channel or banks, provided that:
 - a. For intermittent streams, the distance shall be measured along the thread of the channel; and
 - b. For perennial streams, the total disturbance shall be calculated by summing the lengths of disturbances to the channel or banks;
 - (4) Has any impacts in tidal marsh, tidal waters, tidal flats, or sand dunes; or
 - (5) Creates a pathway across public waters or new access way across surface waters that exceeds Env-Wt 400 criteria.

[Source.](#) (See Revision Notes #1 and #2 at chapter heading for Env-Wt 500) #12805, eff 12-15-19; amd by #13124, eff 10-23-20; ss by #13776, eff 10-13-23

Env-Wt 517.08 Maintenance and Repair of Boardwalks.

- (a) Out-of-water components of an existing legal boardwalk may be repaired or replaced without a permit pursuant to the statutory exemption established in RSA 482-A:3, IV(a).
- (b) Any maintenance or repair of a boardwalk that does not qualify under (a), above, shall be:
 - (1) Performed only after obtaining a permit; and
 - (2) Classified as specified in Env-Wt 517.06.

[Source.](#) (See Revision Notes #1 and #2 at chapter heading for Env-Wt 500) #12805, eff 12-15-19; amd by #13124, eff 10-23-20

Env-Wt 517.09 Removal of Boardwalks. A project to remove a boardwalk shall be classified as a minimum impact project if the work is done to minimize impacts to wetlands and surface waters.

[Source.](#) (See Revision Notes #1 and #2 at chapter heading for Env-Wt 500) #12805, eff 12-15-19