



Robert R. Scott, Commissioner

NOTICE TO APPLICANTS OF NHDES WETLANDS PERMITS

For activities regulated by New Hampshire Department of Environmental Services (NHDES) and within U.S. Army Corps of Engineers (USACE) jurisdiction, the Department of the Army General Permits for the State of New Hampshire (NHGP) serves to minimize duplication between NHDES regulatory wetland permit review and USACE regulatory review. The NHGP has been re-issued with modifications USACE provides a Self-Verification (SV) and Pre-Construction Notification (PCN) review process based on the NHDES threshold rules as set out in the tables below:

Table 1: Section 404 Thresholds for Non-tidal Wetlands

SV or PCN	NHDES	USACE
SV (Minimum)	< 3,000 square feet (SF)	< 3,000 SF
PCN (Minor)	≥ 3,000 SF to < 10,000 SF	≥ 3,000 SF to < 3 acres
PCN (Major)	> 10,000 SF	≥ 3,000 SF to < 3 acres

Table 2: Section 404 Thresholds for Tidal Wetlands/Waters

SV or PCN	NHDES	USACE
SV (Minimum)	No new fill	< 100 SF
PCN (Minor)	No new fill	< 1 acre
PCN (Major)	New fill	< 1 acre

Table 3: Section 404 Thresholds for Watercourses/Waterways

SV or PCN	NHDES	USACE
SV (Minimum)	< 50 linear feet (LF)	< 100 LF
PCN (Minor)	≥ 50 LF to < 200 LF	≥ 100 LF to < 500 LF
PCN (Major)	≥ 200 LF	≥ 100 LF to < 500 LF

In accordance with the [2022 NHGPs](#), USACE will require mitigation for the following projects:

- **Projects with 5,000 square feet or greater of non-tidal wetlands impact, impacts to tidal wetlands, stream work greater than 200 linear feet.**
- **Projects where a discharge of dredge or fill material is proposed within a vernal pool depression, as evaluated on a case-by-case basis.**

There are exceptions to these thresholds based on activity type and should be discussed with USACE. Projects that have a permanent impact greater than one acre to waters of the United States will be subject to USACE minimal impact determination before proceeding under the NHGP. This review is outlined in [Appendix B of the NHGP](#). Notwithstanding compliance with the terms and general conditions in the NHGP, USACE retains discretionary authority to require either a PCN (Minor/Major) review or an Individual Permit review for any project, including a higher-level review of an SV (Minimum) project, based on concerns for the aquatic

environment or for any of the other public interest factors. This authority is invoked on a case-by-case basis whenever USACE determines that the potential impacts of the proposal warrant additional review.

Please contact USACE at [1-978-318-8295](tel:1-978-318-8295), [1-978-318-8832](tel:1-978-318-8832) or by email at cenae-r-nh@usace.army.mil, if you have any questions regarding your project.