

STATE OF NEW HAMPSHIRE  
INTER-DEPARTMENT COMMUNICATION

KTN

**DATE:** December 17, 2021

**FROM:** Kevin T. Nyhan  
Administrator

**AT (OFFICE):** Department of  
Transportation

**SUBJECT:** Update Wetlands Permitting Timeline  
(Supersedes previous guidance)

Bureau of  
Environment

**TO:** Project Development & Operations Bureaus Administrators

The purpose of this memo is to communicate and clarify a consistent and realistic timeline necessary for application and receipt of a Department of Environmental Services (DES) Standard Dredge and Fill permit (wetlands permit) at least 30 days in advance of a project advertising date (Project Development) or anticipated work start date (Operations). This memo builds on the December 17, 2019 Agreement between NHDOT and NHDES regarding wetlands permitting timeframes (RSA 482-A) (MTS Item #DPD-BE-12-2019-02).

In order to obtain a wetlands permit in a timely manner, the draft permit application should be submitted to the Bureau of Environment **210 days** (calendar days) prior to the advertising/work start date. The following should be considered when understanding and factoring in the 210-day wetland permit application review and approval process:

1. Draft permit application submitted by the project team to the Bureau of Environment Wetlands Program for a 30 day initial review period;
2. The Bureau of Environment Wetlands Program will return revisions and comments back to the project team within **30 days**;
3. The project team incorporates necessary revisions, makes final edits to the permit application and returns it as a completed .pdf application document to the Wetlands Program within **30 days**;
4. The Bureau of Environment will process the final permit application and payment voucher to the DES Wetlands Bureau within **5 days**;
5. DES will determine the application administratively complete within **5 days**;
6. If DES has no questions and the permit application is in order, the wetlands permit will be issued within **50 days** of the determination of administrative completeness. If not, then:
  - a. Within **50 days** of the determination of administrative completeness, DES will issue a Request for More Information (RFMI);
  - b. While there is no requirement to respond within a prescribed timeframe, DOT will respond within **30 days** of receipt of the RFMI;
  - c. Within **30 days** of receipt of a complete response to the RFMI, DES will issue the wetlands permit;
7. Project advertising/anticipated work start within **30 days** of receipt of the wetlands permit.

It is important to note the following:

- A. If the draft permit application submitted for initial review is complete and includes all necessary information, subject to the workload of the Wetlands Program, the process **could** be shortened by up to 46 days (still giving the Bureau of Environment 14 days to review and process the permit application). It is important that an application is thorough and complete initially. Including all recommended checklists, calculations, forms, and details reduces the risk of DES requesting more information later on.
- B. Should DES not request additional information in a RFMI, their review would be concluded within 55 days of receipt of the permit application.
- C. If DOT receives a RFMI, the quicker we respond to it, the quicker the permit will be issued. Incomplete responses could trigger additional RFMIs, and additional review time.
- D. Should DOT delay in any of the timeframes requiring action/response, permit issuance would also be delayed, potentially affecting the project's advertising date/work start date.
- E. In a best case scenario, when a permit application is complete on first submittal to the Bureau of Environment, and DES does not issue a RFMI, a permit **COULD** be in-hand within 70 days.

In summary, please consider the two (2) scenarios below:

**No RFMI Requested**

<b><u>Steps in Process</u></b>	<b><u>Time (days) per step</u></b>	<b><u>Total Time (days)</u></b>
1. Draft permit application to BOE	0	0
2. BOE draft application review	30	30
3. Design/Operations revisions & resubmit	30	60
4. BOE process final application	5	65
5. DES determines administratively complete	5	70
6. DES issues wetlands permit	50	120
7. Project advertising/work start	30	<b>150</b>

**RFMI Requested by DES**

<b><u>Steps in Process</u></b>	<b><u>Time (days) per step</u></b>	<b><u>Total Time (days)</u></b>
1. Draft permit application to BOE	0	0
2. BOE draft application review	30	30
3. Design/Operations revisions & resubmit	30	60
4. BOE process final application	5	65
5. DES determines administratively complete	5	70
6. DES issues RFMI	50	120
7. DOT response to RFMI	30	150
8. DES response/permit issuance	30	180
9. Project advertising/work start	30	<b>210</b>

Encl.

c.c. M. Urban, J. Evans, A. O'Sullivan

S:\Environment\WETLANDS\000 Wetland Procedures\Wetlands Timeline Clarification Memo 12172021.DOC.docx