

Thank you for your inquiry, your email has indeed found the correct department! My name is Kara, I am a Wetlands Permitting Specialist with the Department of Environmental Services (DES), focusing on the central region of NH. I believe this project is one we have coming in as an application in the near future and would fall within my region for review. Any project within 250 feet of a waterbody must apply for a permit through either the Shoreland or the Wetlands section of DES, depending on the project and impact areas. As part of the permitting process, we review materials from other agencies such as New Hampshire Fish and Game (NHFG), Natural Heritage Bureau (NHB), and the U.S. Fish and Wildlife Service (USFWS) to determine if endangered or threatened species will be impacted, as well as general impacts to the environment and abutting properties. Under our administrative rules, the applicants must demonstrate that no unnecessary destruction to wetlands will occur, and no adverse impacts will occur as a result of the work, including water quality to adjacent waterbodies. In general, there will always be some kind of impact related to altering the environment from its original state. However, it is stated in our rules that the applicants must avoid and minimize impacts as much as possible, otherwise the department will deny the application. The applicant must also submit these applications to the local Conservation Commission for review, and they have the authority to investigate the project and provide comments that must be addressed by the applicant before a permit would be approved. These are available for the public to review at your local town hall once the application has been submitted, or through a Right To Know request through DES (once the application has been received; it is currently in a pre-application phase). There have been scenarios in the past where concerned citizens attended the Conservation Commission meetings to voice concerns about projects within their jurisdiction, which are then shared with DES for review with the application, and again, must be addressed by the applicant as part of the application review. If unable to attend the meetings, the Conservation Commission will generally also accept feedback via emails or letters. If there are recorded endangered or threatened species on the project site, they must also coordinate with NHFG, NHB, and/or the USFWS to receive recommendations and requirements for avoiding impacts to these organisms that are then incorporated into the conditions of their permit. Projects of this size also have Federal requirements they must meet through coordination with the Army Corps of Engineers for avoiding wetland impacts and mitigation over a certain threshold of impacts. Rest assured that there are many hoops applicants must jump through to demonstrate that they are avoiding and minimizing impacts to the maximum extent. In terms of the retaining wall itself, there are two specific rules relating to this:

1. [Env-Wt 514.02(a)] states “the department shall not approve a hard-scape stabilization proposal such as...a retaining wall unless the applicant demonstrates that the bank or shoreline in that location cannot be stabilized by preserving or restoring natural vegetation, landscaping, or bioengineering”;
2. [Env-Wt 514.02(c)(5)] states “wall construction shall be allowed as the last available option, only where lack of space or other limitations of the site make alternative stabilization methods of bioengineering, semi-natural, and rip-rap impractical.”

In other words, they must demonstrate a need for the wall; they cannot just put a wall there for aesthetic purposes. I hope this information has been helpful. If you'd like to look through the administrative rules that govern our permitting process, they can be found at the following page:

[Administrative Rules | NH Department of Environmental Services](#)

Please feel free to reach out with any other questions or concerns. I would be happy to answer any questions you may have.

Thank you,

Kara Villone (she/her)

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