

State Assumption of §404 of the Clean Water Act

The Next Step in Streamlining
Land Development Permitting in
New Hampshire



What is 404 Assumption?

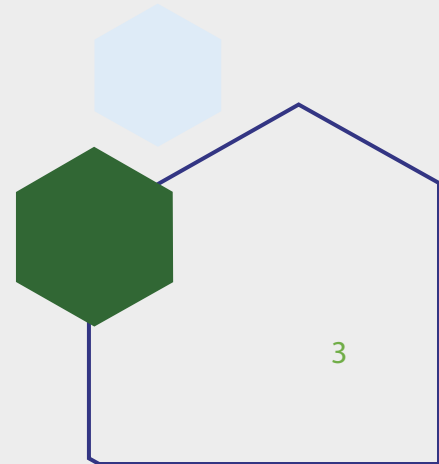
40 CFR 233 allows states to assume the federal wetlands permitting role if state regulations are equivalent to federal regulations



Benefits of 404 Assumption

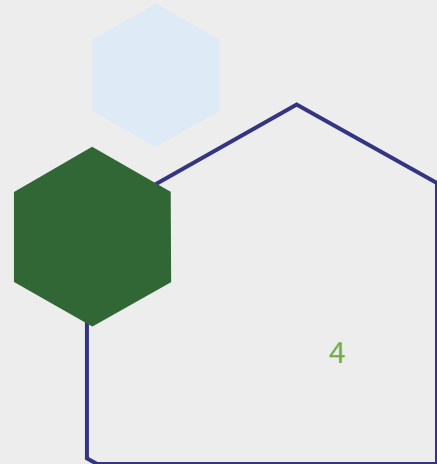
- State control of process
- Faster one-stop-shop for most applicants*
 - No separate federal application
 - No waiting for federal permits
- Simpler permitting process
- More predictable: insulates NH from swings in federal policy

***One caveat:**
USACE retains
jurisdiction over tidal
and inter-state
waters



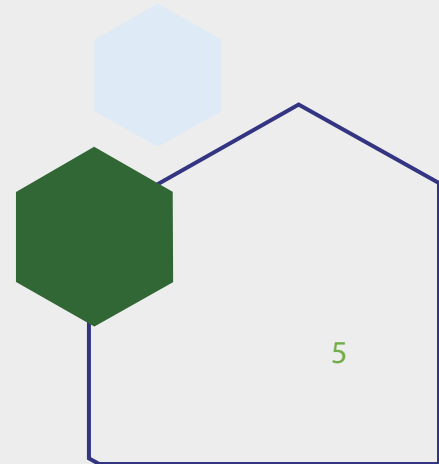
Due Diligence Underway

- Obtained lessons learned from other states
- Bi-weekly coordination calls with EPA
- Requested USACE decision on Retained Waters
- Legal review of state laws and rules relative to requirements
- Programmatic review of costs to assume the program and potential revenue



Timeline – 2 Years, effective in 2028

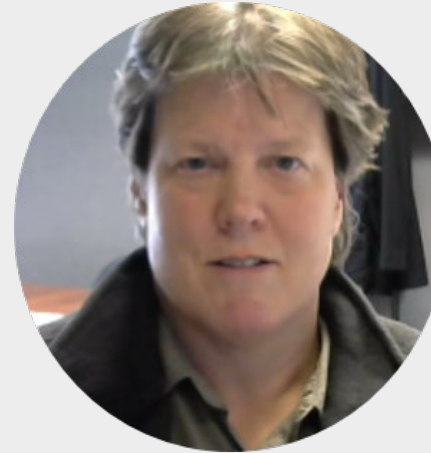
- December 2026: Retained Waters Decision
- June 2027: State law and rule updates
- September 2027: MOAs with federal agencies
- December 2027: Application to EPA
- June 2028: Approval by EPA



Give us a call!



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