

Env-C 800 ECOLOGICAL REVIEW RELATED TO THREATENED AND ENDANGERED SPECIES

PART Env-C 803 DATACHECK TOOL REQUESTS

Readopt with amendment Env-C 803.03, effective 01-19-26 (Document #14473), to read as follows:

Env-C 803.03 DataCheck Tool Requests.

(a) To request results from the DataCheck Tool, each applicant shall submit to the department:

(1) A complete form either electronically using the online screening tool at ~~<https://www4.des.state.nh.us/NHB-DataCheck/>~~<https://datacheck.des.nh.gov> or in writing using the "DataCheck Tool Request" form, NHDES-W-11-001, ~~January~~***December*** 2026, available at: <https://onlineforms.nh.gov/?formtag=NHDES-W-11-001>;

(2) A map that sufficiently shows the project site location, project size, and property boundaries, ~~either if not submitted or electronically if the form is submitted through~~ the online mapping tool ***or as a hard copy along with the form referenced in (a)(1), above;*** and

(3) The ~~\$50 fee required pursuant to (c), below~~, along with the corresponding identification number (DCT ID#) ***if paying by check from completion of the form using the online screening tool, as applicable.***

(b) Written requests and other required information not submitted online shall be emailed, mailed, or hand-delivered to:

Department of Environmental Services
Ecological Review Section
P.O. Box 95
29 Hazen Drive
Concord, New Hampshire 03302-0095
EcologicalReviews@des.nh.gov

(c) ~~The following fees shall apply as cited in Table 803-1:~~

Table 803-1 DataCheck Tool Request Fees

DataCheck Request, Online Screening Tool (Records Found)	\$50
DataCheck Request, Online Screening Tool (No Records Found)	No fee
DataCheck Request, No Online Mapping Tool (Map Mailed or Emailed)	\$50
Hardcopy Request	\$50

~~(d)~~—Except as allowed in ~~(ed)~~, below, a DataCheck Tool request shall be considered administratively complete when the department has received all of the information required by (a), above.

(ed) A DataCheck Tool request from a state or federal agency shall be considered administratively complete when the department has received the information required by (a)(1) and (2), above, and information regarding how and when the department will receive the required fee per ~~(e)(a)(3)~~, above.

(~~f~~**e**) After receiving a DataCheck Tool request letter, applicants shall qualify to receive additional information about critical habitats, exemplary natural communities, or protected species listed in the DataCheck Tool results letter, as applicable, only if the request is submitted in writing to the department at the contact information listed in (b), above, and the applicant signs a written document agreeing not to disclose any additional information provided by the department other than as necessary for completion of the project.

(~~g~~**f**) The department shall not provide an applicant with the exact location data of known occurrences of threatened and endangered species due to not having the authority to do so. The only agencies with authority to release the exact location data are the natural heritage bureau within the department of natural and cultural resources for species and the non-game program within the fish and game department.

PART Env-C 804 ECOLOGICAL REVIEWS FOR PROTECTED SPECIES, EXEMPLARY NATURAL COMMUNITIES, AND CRITICAL HABITAT

Readopt with amendment Env-C 804.02, effective 01-19-26 (Document #14473), to read as follows:

Env-C 804.02 Ecological Review Requests.

(a) No applicant shall request an ecological review from the department unless a DataCheck Tool request has been made and a valid DataCheck Tool results letter has been received.

(b) ~~The department shall accept a DataCheck Tool results letter previously issued by the natural heritage bureau if:~~

~~(1) It was issued within one year of the submission of a request for an ecological review; and~~

~~(2) It was issued for the same project site, project description, and project size, and the permits listed in the request for the DataCheck Tool results remain the same.~~

(~~e~~)—Subject to (~~d~~**c**), below, there shall be a fee of \$500 for ecological reviews required pursuant to Env-C 804.01 for the following projects:

(1) Projects that will disturb an area greater than 250,000 square feet as reported on the request form referenced in (f)(1), below;

(2) Linear projects longer than one mile in length; and

(3) Segmented projects with segments of any size separated by one mile or more.

(~~d~~**c**) There shall be no fee for:

(1) Applicants who are not required to proceed with the ecological review pursuant to Env-C 804.01;

(2) Applicants that only need an ecological review for the purposes of applying for a minimum impact project pursuant to RSA 482-A;

(3) Applicants requesting an ecological review pursuant to Env-C 803.05; or

(4) Any state agency that has a memorandum of understanding or agreement with the department regarding the cost of ecological reviews.

(ed) If the DataCheck results letter indicated, pursuant to Env-C 803.04(c)(4), that a site survey is required, the applicant shall not submit a request for an ecological review until the site survey and corresponding report are complete, unless the applicant contacts the ecological review section at the department and obtains permission to proceed without a site survey based on the applicant providing justification for why a site survey would not provide information relevant to the ecological review.

(fe) To ~~proceed~~***request*** with an ecological review ~~pursuant to (b) or (c), above,~~ the applicant shall submit to the department the following information:

(1) A complete ***form either electronically using the online screening tool at <https://datacheck.des.nh.gov> or in writing using the "Ecological Review Request" form,*** NHDES-W-11-002, ~~January~~***December*** 2026, available at: <https://onlineforms.nh.gov/?formtag=NHDES-W-11-002;>

(2) The information indicated in the DataCheck Tool results letter as needing to be submitted, if applicable;

(3) A detailed written description of the proposed project including but not limited to purpose and proposed land alterations and actions, information about the area to be affected by the project, the activities that require permits or other authorizations, the current status of the project site, any known previous alterations of the site, and any remaining features;

(4) ~~Site photographs that are an example of current conditions with dates and a photograph location plan, showing existing conditions, habitat features, and possible locations of identified threatened and endangered species, if known~~***Dated site photographs showing existing conditions and habitat features and a photograph location plan consisting of a plan sheet or map with labeled points corresponding with provided photos;***

~~(5) Whether any portion of the project has already begun or been completed;~~

(65) Any required fee in (eb), above, if applicable;

~~(76) An aerial or topographic map identifying the project area at a scale of 1:24,000 or closer, and which shows property lines and the limits of proposed disturbance~~***of the project area with associated coordinates of the approximate center of the site;***

~~(8) An aerial photograph identifying the current condition of the action area at a scale of 1:24,000 or closer and which shows property lines and the limits of proposed disturbance;~~

(97) Project site plan sheets showing the area of proposed disturbance, habitat features on the property, location of any proposed new or modified structures, and any delineated wetland or surface waters, along with the estimated total square feet of disturbance;

~~(108)~~ Any reports created to assess the site, including but not limited to wetland assessments, vernal pool surveys, wildlife or plant surveys, and other site visit observations;

(~~11~~**9**) Any other available information, from whatever source, that describes the potential ~~harm~~**impacts** of the proposed action on listed species or habitat; and

(~~12~~**10**) The conservation measures proposed by the applicant, if known.

(~~g~~**f**) ~~Unless an online option is provided by the department, r~~Requests shall be submitted ~~by~~**either:**

(1) ***Through the online tool at <https://datacheck.des.nh.gov>; or***

(2) ***By*** email, mail, or hand-delivery to:

Department of Environmental Services
Ecological Review Section
P.O. Box 95
29 Hazen Drive
Concord, New Hampshire 03302-0095
EcologicalReviews@des.nh.gov

APPENDIX A: STATE STATUTES IMPLEMENTED

Rule Section(s)	State Statute(s) Implemented
Env-C 803.03	RSA 217-A:7
Env-C 804.02	RSA 217-A:7; RSA 212-A:9