

Permitting for Wetlands

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Wetland benefits and functions include flood storage, filtration, and wildlife habitat. Flood storage occurs mostly in the spring, when marshes and swamps store water from snow melt and early spring rains. Wetlands serve as filters which help keep brooks and streams clean. They support a diversity of habitat types, which in turn support a wide range of wildlife. The loss or destruction of wetlands harms the hunting and fishing industries because many animals depend on the vegetation found in wetlands. Ducks and geese nest in marsh grasses near the water's edge, and young fish hide among lily pads and arrowhead stems. Wetlands vegetation makes up a portion of the diet of deer and moose.

When wetlands or surface waters are dredged or filled, or structures are built in or adjacent to them, their functions may be impaired and their benefits diminished. To protect New Hampshire's wetlands, under state law RSA 482-A, the Department of Environmental Services (DES) requires a permit when dredging or filling, or constructing a structure in wetlands, surface waters, or other protected resources. If work is done without a permit a municipality might be fined. This summary of DES rules and procedures is from its "Guidebook for Wetlands Permits" and other information posted on its website.

What is a Wetland?

A wetland is any area inundated or saturated by water sufficiently to support a prevalence of vegetation typically adapted to grow in saturated soil. The water may be above or below the soil surface. Typical wetlands are swamps, marshes, or bogs. An area can become a wetland if water remains long enough to support wetland vegetation. The DES Wetlands Bureau also regulates seasonal and perennial streams, rivers and their banks, tidal buffer zones and sand dunes.

Prime wetlands are larger high value wetlands. Twenty municipalities have designated prime wetlands. Special restrictions apply to prime wetlands.

Work in wetlands, surface waters, or their banks requires a permit. Wetland permits are also required for work on bridges, culverts and ditches in water bodies such as streams, ponds, and lakes or their banks. A permit is required whether work is done when a seasonal stream is wet or dry or if a shoreline is full or drawn down.

Applications for Permits

DES has two application types. The Minimum Impact Expedited application is for repair or replacement of structures in wetlands or surface waters. Examples of structures are bridges, culverts, headwalls, and ditches. Municipalities can usually use this application when dredging or filling less than 3,000 square feet of a wetland.

The Standard Dredge and Fill application is required for dredging or filling more than 3,000 square feet of a wetland or new work that impacts a perennial stream or other surface water. This application is required if the project impacts prime wetlands.

How to Apply

Municipalities should apply for a permit well in advance of the planned work dates. Processing time is at least a month for Minimum Impact Expedited projects and often much longer. It is longest during the construction season when most

people apply. Application forms are available from DES at (603) 271-2147 or on its website www.des.state.nh.us/wetlands. Applicants should request or download the *Guidebook for Wetland Permits*.

Both application types require several attachments:

- A copy of the town tax map showing the property to be affected with the abutting landowners labeled.
- A copy of a U.S. Geological Survey map with the project area clearly marked.
- Plans of the project showing the location and area of surface waters or wetland areas subject to impact from the proposed project.
- Photographs showing the surface waters and wetlands in the proposed work area.
- An application fee.

Applicants must briefly describe general purpose and need for the project, and the type of work. They must describe impacts to wetlands (in square feet), impacts to the shoreline or stream bank (in linear feet and square feet), sizes of any structures, and their locations. Applicants must describe the planned construction sequence and methods.

Plans for road construction or maintenance must show:

1. All areas of temporary and permanent impacts to wetlands and surface waters.
2. Existing structures, as well as those proposed.
3. The proposed disposition of dredged materials.
4. Erosion prevention and sedimentation control methods.

The Standard Dredge and Fill application requires a more detailed proposed work description, and an explanation of the need for the impact. Applicants must also explain how the proposed plan avoids and minimizes impacts to surface waters and wetlands.

Five copies of the completed application and all attachments are submitted to the town or city clerk. He or she retains one copy and distributes one each to the planning board, local governing body conservation commission, and DES.

Helpful Shortcuts for Work on Public Roads

Except for public highway construction or repairs, applicants must notify (by certified mail) owners of abutting properties of their intent to file a wetlands application.

DES considers town roads as a single property. Therefore, it can permit under one application multiple minimum impact projects within the right-of-way of public roads. Each project must meet the minimum impact classification. All wetland permits are good for five years. By planning ahead, managers may receive a permit for all anticipated road maintenance projects with one application. Once approved, permits may be amended to reflect proposed changes in plans by submitting a written request and any revised plans to DES.

When a situation threatens public safety, health or private property a municipality may request authorization from DES at 271-2147 to perform work to stabilize the situation.

Source:

New Hampshire Department of Environmental Services, *Guidebook for Wetland Permits*, www.des.nh.us/wetlands/Guidebook Concord, NH, 2001.

New Hampshire Department of Environmental Services, *Environmental Fact Sheet WB-9 Obtaining Authorization for Emergency Wetlands Impacts*, www.des.nh.us/factsheets/wetlands/wb-9.htm, Concord, NH 2001.

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NHPWEA Spring Meeting

Plan to attend the New Hampshire Public Works Municipal Engineers Spring Meeting on May 10, 2001 at the Margate in Laconia. The focus of the meeting will be on utility and culvert cuts. Learn how municipalities are dealing with these issues and how the innovative technologies are working for them in the field.

Contact the Kathy at UNH T² Center for more information.