

Wetlands Permits

Notification Process Saves Time



Effective March 21, 2003, NHDES adopted Administrative Rule: Wt 303.05(q). It introduces a Notification Process versus Wetlands Permits for certain routine maintenance activities. It applies to routine roadway maintenance activities, including but not limited to

- Existing culvert replacements, extensions, or orientations;
- Headwall construction, repair, replacement, or stabilization; and
- Roadside ditch maintenance.

The NHDOT and NHDES have developed *Best Management Practices for Routine Maintenance Activities in New Hampshire*. The manual has a menu of BMPS specific sites and conditions. Other environmental protection methods might be more appropriate in certain circumstances. If one or more BMP applies, the road manager fills in a "Notification of Routine Roadway and Railway Maintenance Activities" form. Completion of the form requires:

1. The name and address of the activity sponsor;
2. The name and telephone number of an authorized representative;
3. The location of the proposed activity;
4. A description of the proposed activity;
5. Reference to the applicable BMP from the NHDOT manual;
6. A copy of the USGS topographical map identifying the location of the proposed project;
7. Sketches of the proposed construction design;

8. Color photographs of the proposed work site showing existing structures, surrounding land, and the subject waterbody; and
9. A signed certification that the information provided is accurate and correct.

The road manager must provide a copy of the completed form to NHDES, the governing body, and to the conservation commission at least 5 days prior to beginning work. (A typical wetlands permit can take up to 3 months.) A copy of the notification must be posted in a prominent location at the worksite prior to starting work.

All work must be completed on land owned by the activity sponsor. If on other land, the sponsor must receive a written release from the owner, or submit the form to the owner 5 days prior to beginning work.

To qualify for the notification process, work shall not involve moving tracked or wheeled equipment into or through surface waters or wetlands. Work within surface waters shall be done "in the dry," either during periods of low water or behind temporary diversions, such as sandbag cofferdams. Dredged materials shall be placed outside a wetland. Work must be completed in accordance with the Comprehensive Shoreland Protection Act. No work shall be done:

- In or adjacent municipally-designated wetlands;
- Within ¼ mile of a New Hampshire designated river
- In bogs, marshes, tidal wetlands, undisturbed tidal buffer zones, or in sand dunes.

For forms and additional information see, <http://www.des.state.nh.us/wetlands/rule-law.htm#rules>

Best Management Practices for Routine Maintenance Activities in New Hampshire is available on the web.

<http://www.des.state.nh.us/wetlands/pdf/RoadwayBMPManual.pdf>