



WATER RESOURCE REGULATIONS

TASK

Help the local Fire Department and/or Planning Boards understand when and what kind of regulatory permits may be needed to implement a Fire Suppression Plan.

DESCRIPTION

Permits required by water resource regulations must be acquired prior to constructing water supply sites in lakes, streams, wetlands, or for building a dam. A brief overview of possible applicable regulations and sample application forms are included for information.

POTENTIAL BENEFITS

- ❑ A town can acquire all necessary permits ahead of time so construction can begin promptly when the weather conditions are ideal without waiting for a permit.
- ❑ The town can possibly avoid a fine for violation of regulations or higher costs of a permit or potential required restoration after-the-fact.
- ❑ Knowledge of the costs of permits at a particular location may cause the priority of installation at that site to be lowered.

GUIDELINES

- ❑ A wetlands permit is needed for any project to excavate, remove, dredge, fill, or construct a structure in or on the bank of any fresh or tidal surface waters or wetlands in the state.

- ❑ A wetland is defined as an area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions.
- ❑ The area of fill or disturbance should be calculated to include all areas in the stream or lake bed, bank, or other wetland which will be impacted by the construction activity.
- ❑ Minimum Impact Projects have an application fee and involve 3000 or less square feet of dredge or fill, or pond construction with less than 20,000 square feet of wetlands impacted provided no hydric "A" soil is disturbed and no streams exist within the proposed pond site.
- ❑ Minor and Major Projects are those that exceed the minimum impact restrictions and are billed per square footage of disturbed area, with a minimum fee.
- ❑ Maintenance type work requiring no new wetlands impact are classified as Minimum Impact Projects, even if the total impacted area exceeds 3000 square feet.
- ❑ A wetlands permit is good for two years and may be renewed twice on or near the expiration date for up to 6 years total.
- ❑ Dredge or fill operations in large streams and rivers may require a Corps of Engineers 404 permit if not covered by the states general permit authority.

- ❑ A state dam permit is required for any constructed dike or embankment over 4 feet high or if the impounded volume exceeds 2 acre-feet (651,000 gallons). Excavated pits are not considered dams unless built in combination with a dike or dam.
- ❑ The local Conservation Commission is involved in wetland permits by providing comments to the Wetlands Board and should be included in the planning and application preparation process to speed up the approval process.
- ❑ Each Wetland Board application is reviewed and evaluated based on need for proposed project, environmental impact, and whether the scope of the project has avoided or minimized impacts to wetlands/surface waters, and whether all alternatives have been considered.
- ❑ New expedited minimum impact applications will be processed by staff, and does not require Board approval if they meet specific minimum impact project descriptions. Applications shall be approved or returned (if incomplete) within 30 days from receipt.
- ❑ Application forms should be available from the town clerk or may be obtained from the N.H. Wetlands Bureau by calling 271-2147.

REFERENCES

- New Hampshire RSA 482-A, the principal NH statute protecting wetlands from “despoliation and unregulated alteration.”
- New Hampshire Wetlands Board and Surface Water Code of Administrative Rules, Chapters Wt 100 through Wt 800.
- New Hampshire Code of Administrative Rules, Chapters Env-Wr 100 through 800.

WHERE TO GET MORE INFORMATION AND ASSISTANCE

- County Conservation District and Natural Resources Conservation Service
(See Directory)
- Local Conservation Commission
(See Directory)
- N.H. Department of Environmental Services, Water Resources Division, Hazen Drive, Concord, N.H. 03301, (603) 271-3505
- N.H. Department of Environmental Services, Wetlands Bureau, (603) 271-2147

