Please note these answers haven't been approved by N.H. Dept. of Environmental Services and are given for educational purposes only. For the law and rules:

- For more information, google “nh wetlands law” or visit [http://des.nh.gov/organization/divisions/water/wetlands/permit-forest-timber-harv.htm](http://des.nh.gov/organization/divisions/water/wetlands/permit-forest-timber-harv.htm)

The form uses the term “jurisdictional.” What does it mean?

In this context, jurisdiction means the NH Dept. of Environmental Services (NHDES) has the authority to enforce the laws of RSA 482-A. "Jurisdictional area" means an area that is subject to regulation under RSA 482-A. The following areas are regulated by NHDES under this law:

- Wetlands—e.g. wet meadows, scrub-shrub and forested wetlands
- Surface waters and their banks (The upper limit of which is usually defined by a break in slope).
  - lakes, ponds, marshes
  - rivers, perennial and seasonal (intermittent) streams
  - vernal pools
- Prime wetlands (for 33 towns) and a 100 feet upland buffer for (7 of those towns)

What does the wetlands law say?

No person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp in and adjacent to any waters of the state without a permit from the department (DES). The *Wetlands Minimum Impact Forestry Notification* is the permit mechanism for forest management projects meeting certain criteria.

What are some forest-harvest-related examples of dredge and fill?

- Dredge—excavation, rutting by a skidder, stumping, disturbance of soils, removing rocks
- Fill—placement of gravel, installation of a culvert, brush or tops in a stream, stumps or landing-debris, sedimentation from logging

What are some clues to identifying wetlands?

- Natural drainage channels with scouring
- Spongy ground during June to October
- Sphagnum moss
- Low spots or depressions which hold water for more than seven days during June to October
- Pit and mound topography
- Springs or seeps
- --but remember a wetland is determined by three parameters—wetland hydrology, hydric soils, and hydrophytic vegetation.
The forestry notification form says all loggers and foresters working on the proposed project will comply with BMPs. I heard the BMPS are being revised. What BMPS do I use?
Yes, they are being revised, but these are still the required BMPs: The NH Department of Resources and Economic Development’s Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire (Find online by googling the title).

I heard you don’t need to file any kind of permit if you span a stream or river from bank-to-bank with a bridge. Is this true?
If you go from “top of bank to top of bank” you don’t need to file a permit even for a permanent bridge of any size, as long as no work is done in, or fill placed in, the jurisdictional area. The new stream crossing rules are designed to encourage you to span streams—for public safety and to prevent the blockage of aquatic organisms.

When can I use the forestry notification?
If you can agree to the statements on the form (indicated with either the landowner/applicant or forester or logger’s initials) you can use the form. Also a copy of the NHB Datacheck Receipt from the Natural Heritage Bureau confirming review of the proposed project must be included.

Any proposed project can’t alter more than 3,000 square feet per crossing. An alteration is a “dredge or fill” in a stream, bank or wetland. For example, corduroy to cross a wetland is a common example of an allowable fill under this notification, as long as each crossing is less than 3,000 square feet.

The form steps you through the allowable criteria for (1) bridges, (2) streams and wetlands crossings and (3) roadway construction in winter months.

(1) In brief, these are the maximum limits for bridges (except as noted above):
• No work is done in the water or wetland
• No fill is placed in the water or wetland
• Impacts to the banks are less than 3,000 feet per crossing

(2) In brief, these are the maximum limits for stream and wetlands crossings:
• The roadway width to cross wetlands (including streams) is less than 20 feet
• The fill width, measured at toe of roadway side slopes is less than 50 feet
• Any single crossing doesn’t exceed 50 feet long
• The crossing of wetlands other than streams doesn’t impact these special types of wetlands—bogs, marshes, sand dunes, tidal wetlands or the undisturbed tidal buffer zone
• Wetlands can only be crossed if they have standing water less than 10 months of the year
• Permanent crossings of perennial or intermittent streams if the scoured channel of the stream doesn’t exceed 8 feet.

(3) In brief, these are the maximum limits for roadway construction during winter months:
• Construction is done during frozen conditions
• Roads are cleared by felling timber in and adjacent to the roadway
• The road base is constructed using snow pushed on and frozen over the road base, or stumps are inverted in places where support of the road base is necessary
• Minimum ditching only to get adequate drainage
• Each road crossing the wetland is less than 15 feet wide and no more than 200 feet long
- Stream crossings can incorporate poled fords but with no stumping within the stream banks
- Soil stabilization and drainage is required in the spring

**Can I use the minimum notification if I’m in a prime wetland or within the 100-foot buffer?**
- You can’t use the forestry notification for prime wetlands unless the project has either been granted a waiver or you include a copy of the prime wetland waiver request letter with the notification. (See the last question for more information about the prime wetlands waiver).
- You can’t start work until you receive the tyvek.
- The last legislative session eliminated all wetlands buffers except for those adopted between September 2009 and August 2012. While there are 33 towns with prime wetlands, there are only 7 towns with the 100-foot wetland buffer (Atkinson, Brentwood, Center Harbor, Hampton, Hampton Falls, Hillsborough, Portsmouth). This website has a complete listing of towns and maps showing prime wetlands locations: http://des.nh.gov/organization/divisions/water/wetlands/prime_wetlands.htm

**Can the form be used when non-timber harvesting forest management activities are being conducted?**
For example, can it be used to improved forest trails and roads being constructed for general forestry work, but not in conjunction with a current logging job?
Yes, as long as the proposed project is for forest management, including the transportation of forest products and that the access won’t be used for subdivision, development or other land conversion to non-forestry uses, except for normal agricultural operations and/or trail construction or maintenance.

**Can I use the forestry notification for permanent crossings?**
You can use the form for permanent crossings of perennial or intermittent streams if the scoured channel of the stream doesn’t exceed 8 feet.

**When do I have to remove temporary crossings?**
The crossings need to be removed within 2 years from the date the notification (on the tyvek) was issued, or until weather conditions allow the removal.

**In the past I was able to start the logging job as soon as I sent the forestry notification in? Am I able to do that? I was wondering because I sent in my notification and it was returned to me as incomplete. When the form is returned to me as incomplete, do I have to pay another $25.00 when I resubmit it? My forms were never returned in the past. I used to get called telling me what was missing and I would send what was missing. Why has this changed?**
If your form is returned as incomplete, the check is returned with it, so you don’t pay twice. DES is adapting to changes in personnel and no longer has enough people to provide the personalized service they have in the past. You can start your forestry project right away when you submit the notification (unless you are working in a prime wetland), but it needs to be complete.

**I know the notification is good for two years, but when does the two years start?**
The clock starts ticking as of the date on the tyvek permit you receive for posting.

**Can I use old forms?**
No. The new form and other information about its use is available at: http://des.nh.gov/organization/divisions/water/wetlands/permit-forest-timber-harv.htm
I see the application form says it is valid through 12/31/2102. Does that mean this form will change?
Yes, DES anticipates making changes based on what they learn this year and also from your feedback. However, DES doesn’t know when the form will be revised, so go to the DES website whenever you need the form in order to use the current form.

The old form required me to submit a copy of the BMP I planned to use at the crossing. Do I still need to do that?
No, just show us where the crossing will be and state what kind of crossing it will be.

Timber harvesting is full of surprises. What if I change my plans?
As of January 1, 2013, DES will no longer grant amendments to *Wetlands Minimum Impact Forestry Notifications*. Please be sure to carefully plan for all wetland and stream crossings with your initial notification. Once a notification has been processed, any changes will require submission of a new notification.

Why is there a new requirement that I have to ask the NH Natural Heritage Bureau look to for plants and animals?
This isn’t a new requirement, the procedures and forms have just been updated to assist applicants and ensure compliance with the law.

When shouldn’t I use the forestry notification?
- Non-forestry uses such as for subdivision
- Harvests in prime wetlands or within the 100 foot buffer if a waiver hasn’t been granted
- If the minimum criteria are exceeded
- For permanent crossings where the scoured channel is greater than 8 feet wide

How do I file a prime wetlands waiver?
There isn’t a prime wetlands waiver form. Use the minimum notification and include the following information:
- Sketch depicting approximate location of prime wetland, its 100-foot buffer, location of proposed work, including access roads
- Written description of work to be performed
- The notice of intent to cut (if applicable)
- A list of the prime wetland values as identified by the municipality in designating each prime wetland
- Applicant shall also submit a copy of the waiver to the local governing body, planning board, and Conservation Commission, in which any of the prime wetlands are located

Other relevant information:
- Per statute, DES shall wait at least 14 days before issuing the waiver.
- The Conservation Commission can request an extension, not to exceed 14 days
- If the prime wetland extends into an abutting property, the applicant shall provide notice to the abutter

More questions or comments: Linda Magoon, Compliance Supervisor, DES Wetlands Bureau, linda.magoon@des.nh.gov 271-4061