

When are NHDES Permits Required?

Gravel and Dirt Road Maintenance Workshop
September 29, 2017



General Requirements/ Thresholds for State Permits

NHDES Water Division

Land Resources

Management Programs

Shoreland Program

Wetlands Bureau

Shoreland Program

The Shoreland Water Quality Protection Act
(SWQPA)

RSA 483-B

Permit Requirements

Shoreland Program

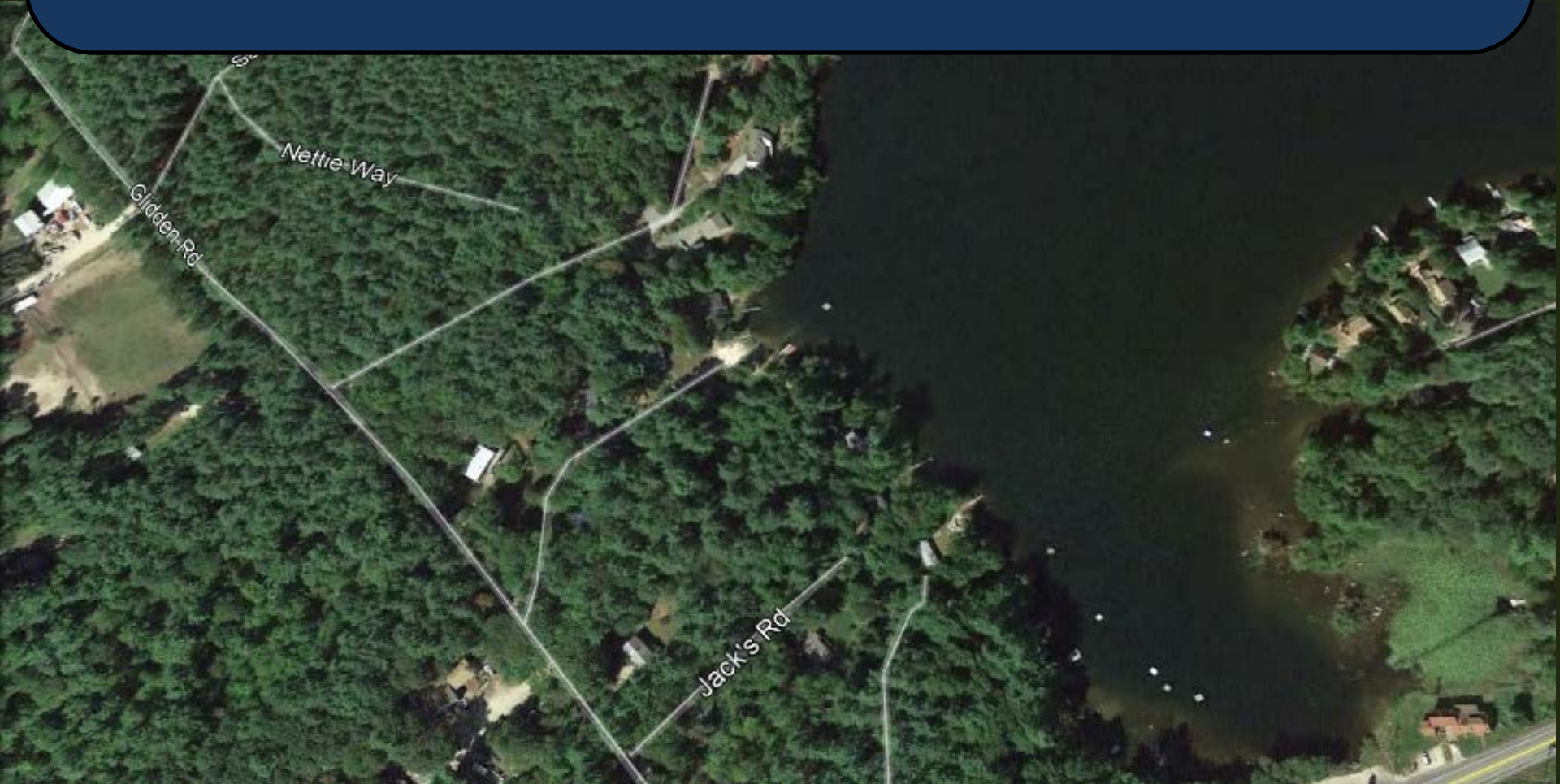
The Shoreland Water Quality Protection Act
(SWQPA)

RSA 483-B

Permit Requirements

A **Shoreland Permit** is Required to **impact**
the Protected Shoreland

Impacts within 250 feet of All Protected Waterbodies



Which waterbodies are protected?

1. Lakes and Ponds greater than 10 Acres

2. 4th order and greater streams and rivers

3. Most Designated Rivers

4. Waterbodies subject to the ebb and flow of the tide

Always refer to the *Consolidated List of Waterbodies Jurisdictional under the Shoreland Water Quality Protection Act (SWQPA)*

Town	Rivers and Streams		Lakes and Ponds			
	River / Stream Name	Where River/ Stream becomes jurisdictional under the CSPA	Lake / Pond Name	a.k.a.	Size in Acres	Surface Elevation
Acworth	Cold River - Designated Segment	From the outlet of Crescent Lake Dam in Acworth to its confluence with the Connecticut River in Walpole.	Crescent Lake		116.2	1215
	Cold River - 4th Order	Juncture of Dodge Brook				
	Dodge Brook	Juncture of unnamed 3 rd order stream in Lempster.				
Albany	Pequawket Brook	Juncture of Banfield Brook in Madison	Back Pond		10.3	808
	Swift River - Designated Segment	From its headwaters in Livermore to its confluence with the Saco River in Conway.	Iona Lake	Knowles Pond	74.2	677
	Swift River - 4th Order	Juncture of Paugus Brook and Wonalancet River in Tamworth.	Big Church Pond	Big Deer Pond	16	1243
			Whitton Pond		142.6	808
Alexandria	Smith River	Juncture of Manteltree Brook in Grafton	Goose Pond		11.9	701
	Fowler River	Juncture of Bog Brook	Newfound Lake		4106	589.12
Allenstown	Merrimack River	Juncture of Pemigewasset & Winnepesaukee Rivers in Franklin.	Bear Hill Pond		33	666
	Suncook River	Outflow of Suncook Lake in Gilmanton	Buck Street Dam (East)		43	287
	Bear Brook	Juncture of Catamount Brook	Catamount Pond	Bear Brook Pond	18	500
			Hall Mountain Marsh Dam		23	700
			Hayes Marsh		120	500
Alstead	Cold River - Designated Segment	From the outlet of Crescent Lake Dam in Acworth to its confluence with the Connecticut River in Walpole.	Caldwell Pond		28.4	1271
	Cold River - 4th Order	Juncture of Dodge Brook in Acworth	Cranberry Pond		18.5	1135
			Newell Pond		13.6	1399
			Warren Lake		185.5	1200
Alton	Merrymeeting River	Juncture of Coffin Brook	Alton Power Dam	Wentworth Pond	500	526
			Bear Pond		13	890
			Gilman Pond		32.1	755
			Halfmoon Lake		253	640
			Hills Pond		137.6	809
			Knights Pond		30.9	655
			Marsh Pond		15	590
			Meadows Pond	Meadow Mountain Pond	13.6	681
			Sunset Lake	Places Pond	205	808
			Winnepesaukee Lake		44586	504.32

9/19/2009
1998 2009

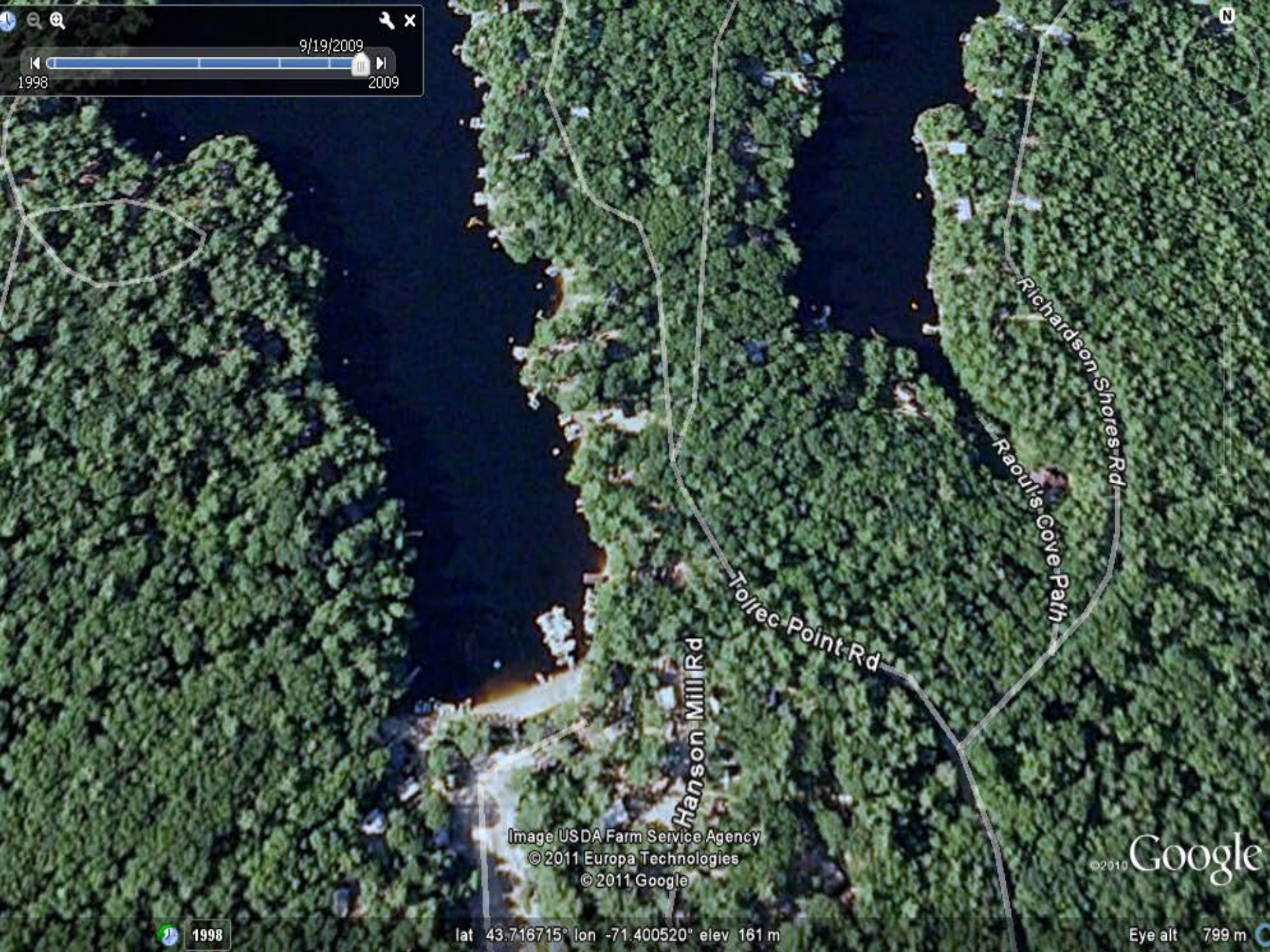


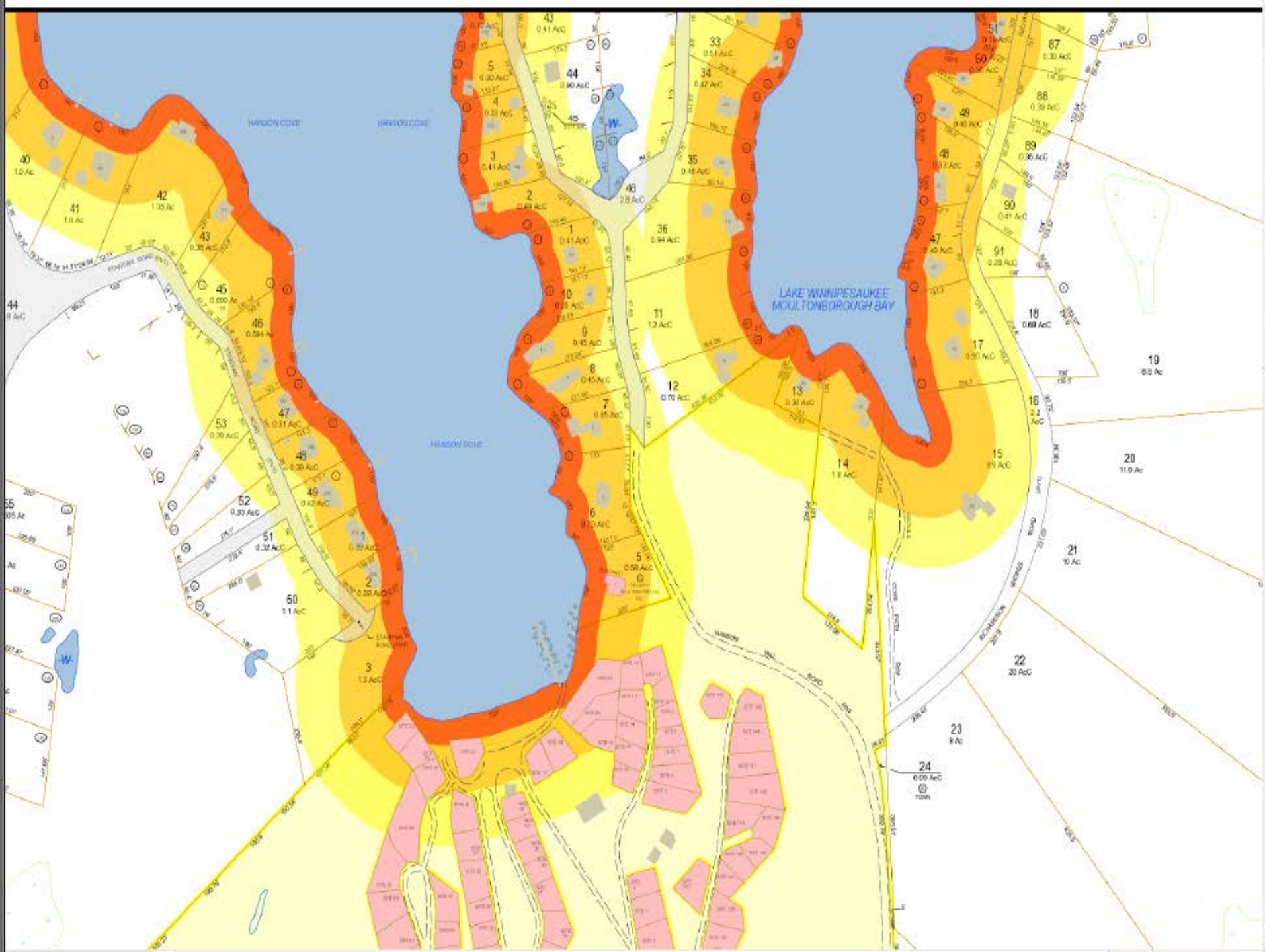
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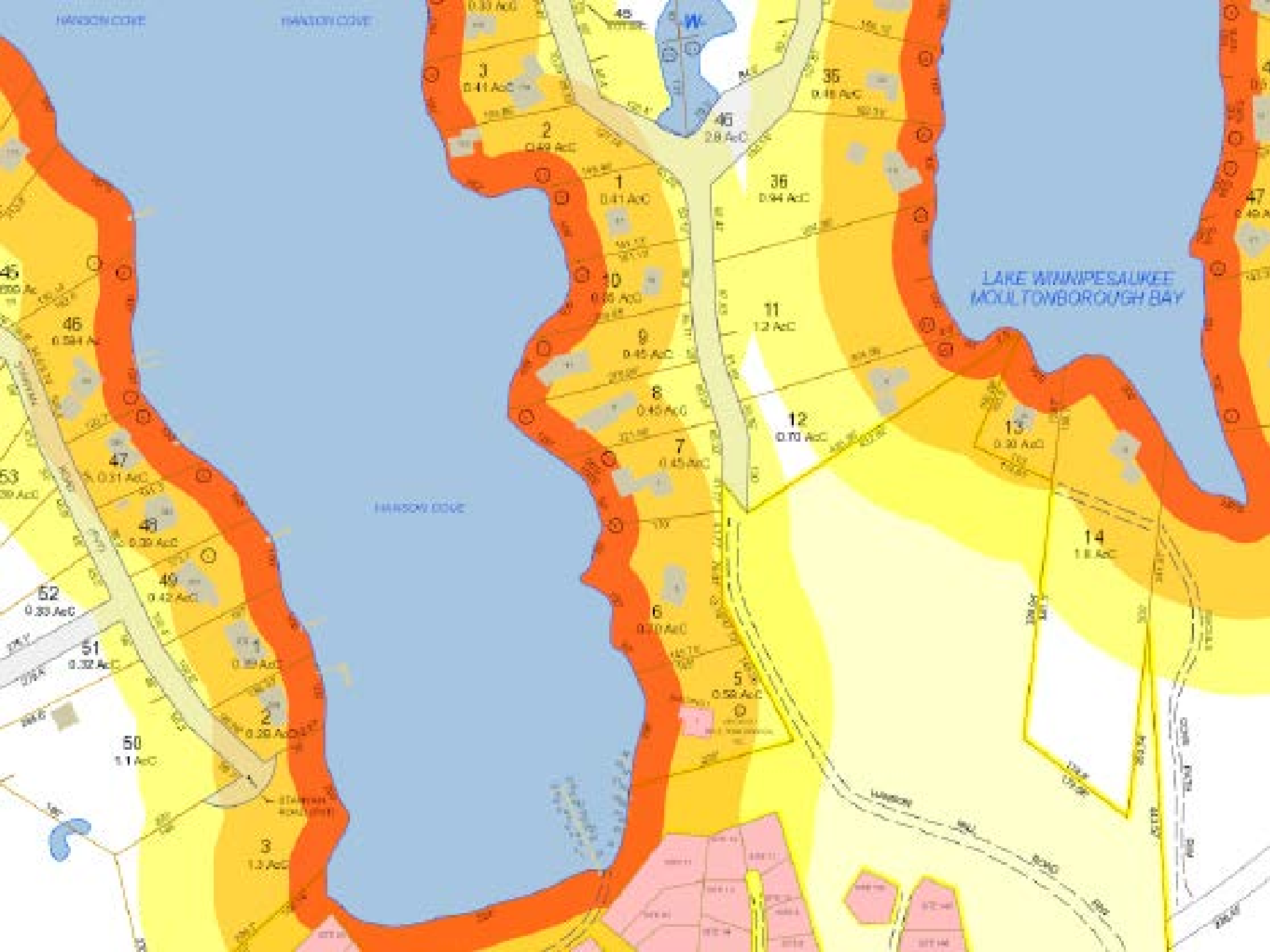
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1998

lat 43.716715° lon -71.400520° elev 161 m

Eye alt 799 m









Sawyer Point Rd

109

Red Gate Rd

Greenwood Rd

Nutwood Rd

Rocky Point Rd

What is an **impact**?

- 1.** Excavation with mechanized equipment
- 2.** Adding Filling, Re-contouring the land
- 3.** Constructing new structures, increases in impervious area

1. Excavation with mechanized equipment



Regrading existing gravel roads *is not* considered excavation



2. Adding Filling, Re-contouring the land



Adding gravel or material to existing gravel roadways *is not* considered adding fill



3. Constructing new structures, increases in impervious area



**Paving existing gravel roadways does not
require a permit**



Shoreland Permitting Process

Shoreland Permit by Notification

- Exempt from permitting fees

Treatment Swale



Bioretention Basin



Shoreland Permitting Process

Shoreland Permit by Notification

- Exempt from permitting fees

Wetlands Bureau

RSA 482-A

Permit Requirements

Wetlands Bureau

RSA 482-A

Permit Requirements

A **Wetlands Permit** is Required to Dredge
and Fill Wetlands

What is a **Wetland**?



Water at, or near, the surface



Hydric Soils



Presence of Wetland Vegetation





What is Dredging and Filling?



Filling



Dredging

Installing culverts within streams or wetlands *is* considered dredging and filling wetlands

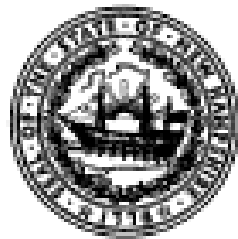


Wetlands Permitting Process

Wetlands Routine Roadway and Railway Maintenance Notification Form

- culvert replacement
- culvert extension
- changing orientation of culverts
- headwall repair

BEST
MANAGEMENT
PRACTICES for



ROUTINE
ROADWAY
MAINTENANCE
ACTIVITIES
IN
NEW HAMPSHIRE

August 2001

NHDES Culvert Installers Certification Program

Maintain, repair, replace, or modify culverts up to a maximum diameter of 48 inches, or the hydraulic equivalent, as long as the structure can pass flows from the contributing watershed without causing damage to upstream or downstream properties **without prior notification to NHDES.**




Technology Transfer Center

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Culvert Maintainer Certification Training Information

New Hampshire Culvert Certification

The UNH T² Center offers a full day Culvert Maintainer Certification Training class held in various locations throughout New Hampshire. The course covers the basics of the NH culvert legislation that became effective December 21st, 2013. These [rules](#)  were adapted in compliance with [RSA 482-A:3, XVII - XIX](#). The course will cover these basics:

- Certification Legislation
- Certification Requirements
- Process
- Culvert Criteria
- Responsibilities
- Staying Certified



****It is important to note that although the culvert training is through the Technology Transfer Center, certification is provided by the NHDES.**

Roadside Ditches

Can be **maintained, repaired, replaced, or modified** as necessary to preserve their usefulness without a wetlands permit.



NHDES Land Resources Management webpage

- DES Home
- A to Z List
- About DES
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- Public
- Government
- Business
- Programs
- Rules/Regulatory
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Beach Advisory
Drinking Water Advisory



[Divisions](#) > [Water Division](#) > [Programs/Bureaus/Units](#) >

Land Resources Management

Land Resources Management coordinates communication and resources across permit programs that regulate land development activities throughout the state. Land Resources Management includes the Alteration of Terrain Bureau, Subsurface Systems Bureau, Wetlands Bureau and the Shoreland Program.

Hot Topics

- NEW! [Summary of Public Comments Relative to the Proposed LRM Reorganization](#)
- NEW! [Land Resources Management Reorganization Presentation](#)
- NEW! [Subsurface ePermitting](#)
- [Permit Application Changes](#)
- [New Land Resources Management Application Return Process](#)

Publications

- [Got Permits Poster](#)

Technical Assistance

- [Determine if an Alteration Terrain Permit is Required](#)
- [Determine if a Permit is Required to Repair or Install a new Dock](#)
- [Determine if a Shoreland Permit is Required](#)
- [Determine if Septic Approval is Required](#)
- [Determine if Subdivision Approval is Required](#)
- [Determine if a Wetlands Permit is Required](#)

Permits - Permit Application Status Check

- [AOT Permit Applications](#)
- [Shoreland Permit Applications](#)
- [Wetlands Permit Applications](#)
- [Septic and Subdivision Approvals](#)

Related Programs ([Complete List](#))

- [Alteration of Terrain Bureau](#)
- [Innovative Permitting and Technical Assistance Initiative](#)

➡ **Technical Assistance**

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