



Permit By Notification (PBN)

Booklet for Shoreline Structure Projects

<u>Project #</u>	<u>Project Type</u>
7	Construction of a Seasonal Dock in Nontidal Waters
8	Construction of an Anchoring Pad for a Seasonal Pier
9	Installation of a Seasonal Boatlift
10	Installation of a Seasonal Personal Watercraft Lift
11	Repair of Existing Docking Facilities
12	Repair of Existing Retaining Walls
13	Beach Replenishment (existing nontidal beach)
14	Installation or Repair of Dry Hydrant

Retain this booklet for future reference.

DES File Number: _____*

*DES will assign a file number that can be obtained from the DES Wetlands Bureau's website or by calling the phone number listed below. The file number will be a helpful future reference.

**N.H. DEPARTMENT OF ENVIRONMENTAL SERVICES
WETLANDS BUREAU**

29 Hazen Drive
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CONTENTS

INTRODUCTION & OVERVIEW

- Purpose of the PBN Process
- Submitting the PBN Form
- Timeframes for Review and Permit Duration
- If DES Disqualifies Your Project or Considers It Incomplete
- Posting the Permit and Follow-Up
- Avoiding Violations
- Definitions

GENERAL SUBMISSION REQUIREMENTS

- Completing the Notification Form
- Tax Map and USGS map
- Photographs
- Abutter Notification
- Plans
- Erosion and Turbidity Controls and Construction Sequence
- Shoreland Protection Certification
- Sample Letter to Abutters

Project-Specific Information (See project-specific sheets within this booklet)

INTRODUCTION AND OVERVIEW

Purpose of the Permit By Notification (PBN) Process

The PBN process allows certain minimum impact projects listed in Wt. 506.01 to proceed after a specified number of days with minimal review by DES. The projects listed for inclusion in the PBN process will normally result in minimal environmental impact if they are completed as specified and conditioned in the rules and *Project-Specific Booklets*. Only those activities listed in Wt 506.04 and further described within the *Project-Specific* sheets may proceed under the PBN process.

NOTE: A project that has already been started or completed will automatically be disqualified from the PBN process.

Submitting the PBN Form

- Thoroughly review this booklet to ensure that your project qualifies for PBN **and** that you will be able to comply with **all** of the Notification conditions.
- Fill out the PBN form, prepare necessary attachments, and plans.
- Meet with your local Conservation Commission to discuss the project and obtain its authorizing signature.
- Bring the original and 4 copies (5 sets) of the PBN Form and attachments along with the DES filing fee to the Town Clerk (The Town Clerk may require an additional fee of up to \$10 plus postage fees). **The Town Clerk will forward a copy to DES for review.** (The original PBN form with original signatures of the Town Clerk and the property owner is recorded with the Registry of Deeds.)

Timeframes for Review and Permit Duration

After filing the original and 4 copies (5 sets) of the **completed** PBN forms (and **all** necessary attachments) with the Town Clerk, and after the Town Clerk has signed all 5 copies, you may proceed with the project **after**:

- 10 calendar days, provided the application contains a waiver of intervention from the Conservation Commission (or if none, the local governing body) **and DES has not**

disqualified the project from the PBN process; or

- 25 calendar days, if the Conservation Commission has not signed the PBN **and DES has not disqualified the project from the PBN process.**

After the appropriate review time has passed, and if DES has not disqualified the PBN, the effective Permit By Notification is valid for 5 years from the Town Clerk signature date.

NOTE: Some projects described within this booklet may be completed only once during the life of the permit. Please read the conditions specific to your project to determine if the permit will allow annual repairs.

You will **NOT** receive any correspondence from DES **UNLESS** the form is incomplete or the project is disqualified from the PBN process. If you need confirmation that the notification is complete, please use the Wetland Permits Query on the bureau's website at <http://www.des.nh.gov/wetlands> or call the bureau at (603) 271-2147. It is recommended that you record the Wetlands Bureau file number in the space provided on the PBN form after the PBN is effective for easy reference when communicating with state or local officials regarding the project.

The PBN is **NOT** transferable and **MAY NOT** be amended.

If DES Disqualifies Your Project or Considers It Incomplete

DES will review the PBN Form, required attachments, and plan within the timeframes specified above.

- If DES determines that the PBN Form is incomplete or does not qualify, DES will send a **Notice of Incompleteness** to you, the local governing body, and conservation commission, identifying any deficiencies and notifying you that **you shall not proceed with the project.**
- **The deficiencies cited in Notice of Incompleteness shall be addressed within 20 days.**
- If you provide DES, the local governing body, and the conservation commission with the information necessary to correct all

deficiencies cited in the Notice of Incompleteness **within 20 calendar days following issuance of the DES notice**, you may proceed with the project in accordance with the following:

- 10 calendar days **after DES receives the information**, provided the original PBN Form contained a waiver of intervention from the Conservation Commission (or if none, the local governing body) **and DES has not continued to disqualify the project from the PBN process**; or
- 25 calendar days after DES receives the information by DES, **and DES has not continued to disqualify the project from the PBN process**.

If you fail to provide DES, the local governing body, and conservation commission with the information necessary to correct all deficiencies cited in the Notice of Incompleteness within 20 calendar days, **the DES shall issue a final Notice of Incompleteness and you may not proceed with the project**. At this time you should contact DES for guidance relative to the appropriate permitting of your specific project.

Posting the Permit and Follow-Up

In accordance with RSA 482-A:3, any permit for work associated with a docking structure must be recorded with the appropriate county Registry of Deeds Office prior to the start of work. For those project types affected by this requirement, the **Notification Conditions** section of the Project Type sheet includes a specific condition about recordation.

After the PBN has become “effective” as described above in the introduction, you will need to have it recorded. Bring (or mail) the original Permit by Notification Form, which has been signed by at least the Town Clerk and the landowner, to the Registry of Deeds Office for the county in which the work will be done. Once it has been recorded, it is a fully effective permit and work may begin.

The signed PBN Form must be posted at the construction site. You should review the details of the plans as well as all of the information contained in the Project-Specific Booklet with your contractor. Both you and your contractor are responsible for ensuring that the work is carried out as approved. In addition, monitoring of the project should continue throughout the construction to ensure that the project

remains in compliance with the general and project-specific conditions.

Within 10 calendar days following the completion of the project, photographs that depict the areas where the impact occurred shall be submitted to DES. Mount or print dated and labeled photos on 8-1/2” x 11” sheets of paper and mail or send electronically to the DES Wetlands Bureau (a *Confirmation of Project Completion* form is available for your use).

Avoiding Violations

A violation occurs when a land owner, his or her agent, or contractor, performs or causes to be performed any activity within the jurisdiction of the DES Wetlands Bureau without first obtaining a permit from DES, or acts contrary to the provisions of a permit. The person, his or her agent, or contractor, may be held responsible for the violation. **A violation occurs when:**

1. An activity occurs that is not allowed under PBN, whether or not a PBN form has been filed with and/or approved by DES;
2. An activity occurs that is allowed under PBN, but the activity has commenced prior to the effective date of the PBN;
3. An activity occurs that is allowed and approved under the PBN process but the conditions specified for the project are not met.

By signing the PBN form you are certifying that your project type qualifies for the PBN review process, that the information submitted with your application is complete and accurate, that all of the standards and conditions will be adhered to during construction, and that you will notify DES upon completion of the project.

DES reserves the right to pursue enforcement against you, your agent, and/or your contractor, should any of the provisions of RSA 482-A, RSA 483-B, Administrative Rules Wt 100-800, Env-Ws 1400, or Env-Ws 1700 be violated.

Definitions

Abandoned/Abandonment - The failure, for a period of 5 years, to maintain an existing structure in a condition so that it is functional and intact. (Wt 101.01)

Abutter - Any person who owns property immediately adjacent and contiguous to the property on which the project will take place. This excludes owners of those properties across a public road. An abutter includes an owner of any flowage rights on or immediately adjacent to the property on which the project will take place. If the project is located on waterfront or another area, which by its configuration brings non-contiguous properties into close proximity to the project, owners of those properties are considered as abutters. If the owner of a parcel of land is located more than one-quarter mile from the limits of the proposed project, that property owner is not considered an abutter. (Wt 101.02)

Bank - The transitional slope immediately adjacent to the edge of a surface water body, the upper limit of which is usually defined by a break in slope... (Wt 101.04)

Department - The N.H. Department of Environmental Services (Wt 101.22).

Dewatering – Use of a system of pumps, pipes and temporary holding dams to drain or divert waterways or wetlands before excavation of soils and sediments can occur.

Drawdown - The intentional lowering of a lake's water surface elevation. Drawdown of lakes with dams are conducted each fall to reduce winter ice damage to shoreline properties and to reduce spring flooding. Drawdown also gives property owners an opportunity to conduct any necessary repairs to their waterfront properties (with proper DES permits).

Dredge - To dig, excavate, or otherwise disturb the contour or integrity of sediments in the bank or bed of a wetland, a surface water body, or other area within the department's jurisdiction (Wt 101.29).

Dredge spoils - Material removed as the result of dredging (Wt 101.30).

Erosion control - Methods to contain soil particles and to prevent them from being displaced or washed down slopes by rainfall or run-off and include, but are not limited to:

- (a) Seeding
- (b) Mulching
- (c) Using hay bales, siltation fences, or impermeable material (Wt 101.33)

Fill (n.) - Any rock, soil, gravel, sand or other such material that has been deposited or caused to be deposited by human activity (Wt 101.36).

Fill (v.) - To place or deposit materials in or on a wetland, surface water body, bank or otherwise in or on an area within the jurisdiction of the department (Wt 101.37).

Grandfathered Status - A project that (a) Was completed before permit jurisdiction under RSA 482-A:3, I or its predecessor statute, RSA 483-A:1, I, took effect; or (b) Was granted a permit by the DES Wetlands Bureau, or its predecessor, the Wetlands Board. Permit jurisdiction took effect as follows: for structures in tidal wetlands and waters, June 22, 1967; for structures in freshwater wetlands and surface waters, July 2, 1969; and for seasonal structures not included above, September 4, 1978; and for structures in the upland tidal buffer zone, July 23, 1989.

In the dry - Work done either during periods of low water or behind temporary diversions, such as sandbag cofferdams designed and installed in accordance with best management practices. See NH Department of Transportation's *Best Management Practices for Routine Roadway Maintenance Activities in New Hampshire, August 2001*. Available from the Internet at: <http://www.nh.gov/dot/environment/pdf/BMPManual.pdf>

Intermittent stream - A stream that flows for sufficient time to develop and maintain a defined channel, but which might not flow during dry portions of the year (Wt 101.44).

Jurisdiction - The regulatory authority under RSA 482-A (Wt 101.46).

Legally constructed project – See **Grandfathered status**.

Low Flow Conditions - Seasonal low water flow that generally occurs during the period from July 1 - September 30, as a result of decreased precipitation and the removal of water by increased evaporation and evapotranspiration by vegetation. Work done under low-flow conditions minimizes the potential for environmental damage.

Minimum impact project - A project that by virtue of its size and nature is likely to have a negligible impact by itself or in the aggregate pursuant to Wt 303.04, provided adequate measures are employed to protect the environment (Wt 101.52).

Natural Woodland Buffer - A forested area consisting of various species of trees, saplings, shrubs, and ground covers in any combination and at any stage of growth as defined in the [Comprehensive Shoreland Protection Act](#). A woodland buffer must be maintained within 150 feet of public waters. For more information about Shoreland Protection see www.des.nh.gov/cspa.

Normal high water line – For lakes or ponds, the full lake elevation as determined by DES.

Pier - A docking structure built generally perpendicular to the shore intended for securing watercraft and/or for discharging and loading passengers, freight, and other goods. (Wt 101.61)

Protected shoreland - All land located within 250 feet of the reference line of public waters as defined in RSA 483-B:4 XV of the Comprehensive Shoreland Protection Act.

Public Waters - Waterbodies that are subject to the Comprehensive Shoreland Protection Act (RSA 483-B) including, all fresh water bodies (lakes and ponds) that are listed in the *official list of public waters*, all coastal waters, and all rivers listed as listed as fourth order or higher. To view these lists and obtain further information about Shoreland Protection see www.des.nh.gov/cspa

Reference Line - The boundary between the Public Water and the Protected Shoreland. The procedure for determining the reference line is unique to each type of waterbody. For more information about Shoreland Protection see www.des.nh.gov/cspa

1. **For natural fresh water bodies** are lakes and ponds that do not have a dam or other kind of control structure, the reference line is the average high water mark
2. For artificially impounded fresh water bodies, or **lakes or ponds that are raised, created, or controlled by a dam** or other kind of control structure, the reference line is the limit of the flowage rights deeded to the owner of the dam or the full pond elevation as determined by the elevation of the spillway crest.

3. **For coastal waters** are any waters subject to the ebb and flow of the tide, the reference line is the highest observable tide line.

4. **For rivers and streams listed as fourth order** or higher, the reference line is the ordinary high water mark.

Repair - The restoring of an existing legal structure by partial replacement of worn, broken, or unsound parts. (Wt 101.65)

Replacement - The substitution of a new structure for an existing legal structure with no change in size, dimensions, location, configuration, construction, or which conforms in all material aspects to the original structure. (Wt 101.66)

Seasonal dock or seasonal structure - A dock and any associated supports designed to be completely removed from the water during the non-boating season. Includes pipe docks or floating docks. (Wt 101.71)

Sedimentation controls - Silt fences, hay bales, and other methods utilized to trap water-borne sediment and provide protection against erosion until properly installed erosion controls can take effect (Wt 101.74).

Shoreline frontage - The average of the distances of the length of the natural navigable shoreline and a straight line drawn between property lines, both of which are measured at the normal high water line. (Wt 101.74)

Siltation curtain - An impervious barrier erected to prevent silt and sand and/or fines from being washed into a wetland, surface water body or other area of concern (Wt 101.78).

Turbidity – The condition in which solid particles suspended in water makes the water cloudy or even opaque in extreme cases.

Wetland - An area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include, *but are not limited to* swamps, marshes, bogs and similar areas (Wt 101.90).

Wharf - A docking structure built generally parallel to the shore and used to secure watercraft and/or to discharge and load passengers, freight and other goods. (Wt 101.90)

Wt 301.01(a) - Wetlands shall be delineated on the basis of hydrophytic vegetation, hydric soils, and wetlands hydrology in accordance with the techniques outlined in the *Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1*, (January 1987).

Wt 303.02(k) - Projects in a wetland that have been identified by Natural Heritage Inventory - Department of Resources and Economic Development as an exemplary natural community, and/or that has documented occurrences of state or federally listed endangered or threatened species. Visit the Natural Heritage Bureau website at: www.nhdf.org/formgt/nhiweb/ to get more information about rare plants and animals resources documented in your town or city in *Rare Plants, Rare Animals, and Exemplary Natural Communities in New Hampshire Towns*.

GENERAL SUBMISSION REQUIREMENTS

All PBN projects shall include and comply with the following general requirements as well as the Project-Specific Submission Requirements and Notification Conditions found on the Project-Specific sheet(s).

Completing the PBN Form

It is important that the form is filled out completely and that all necessary attachments are included. Otherwise the PBN Form will be considered incomplete and invalid, and your project will be delayed.

You may use one form for multiple project types if applicable for your specific project(s). **If any individual part of the project does not qualify for PBN, then the PBN process cannot be used and a permit should be applied for using the appropriate alternative application.** However, you need to obtain the appropriate Project-Specific Booklet for each project type.

By signing the PBN Form you will be certifying that you have obtained and read the appropriate Project-Specific Booklet(s) and will abide by all of the requirements and conditions listed

therein. It is therefore critical that you keep the booklet(s) for reference before, during, and after construction.

You do not need to have an agent to complete the form (or use the PBN process). Leave this area of the form blank if you don't have an agent.

Please check all resource types to which impacts are proposed. If the type of wetland or surface water that you are working in is not listed please contact the bureau. **If your project involves work in a bog, marsh, sand dune, undisturbed tidal buffer zone, in wetlands identified by the Natural Heritage Inventory, or is located in or adjacent to designated prime wetlands, it does not qualify for PBN.**

On the PBN form, you will need to **describe your project.** Because the form will be your permit, it is required that the description is written on the form. It cannot be provided as an attachment.

You will need to check off **all** of the project types for projects you intend to complete using the PBN Form. The project numbers listed correspond to numbered project-specific sheets (or booklets). This will help you identify and become familiar with the requirements specific to your project. This booklet contains project-specific sheets appropriate for most types of shoreline projects eligible for the PBN process. (Check the Project-Specific Booklet for Project Type # 4, Maintenance and Repair of Non-Docking Structures, for examples of some shoreline projects not included here, such as repair of stairs in the bank or repair of an existing boat ramp.)

On the back of the PBN Form (available separately from this booklet) is a checklist of required attachments. These are items that you are required to submit to the DES Wetlands Bureau with the PBN form. These include the **fee, photos, sketch plan, photocopies of the tax map and USGS topographic map.**

The PBN form also will need to be recorded at the county Registry of Deeds for any dock-related project. For this reason, it is important that **for dock-related projects, you keep the original form bearing all the original required signatures, and the town clerk will send a copy of the PBN Form with all the required signatures to the DES Wetlands Bureau.**

Tax Map and USGS Map

You can obtain a copy of the tax map at your town office. A USGS map may be found at your local library, bookstores, or sporting goods stores. USGS maps (7.5 minute) may be available on the Internet or from map software.

You do not need to send in the entire map. Photocopy the section with the location of the property and clearly mark the project location.

The “abutter agreement” refers to obtaining a waiver of the 20-foot setback requirement. Because this abutter’s agreement is not always required and may vary depending on the project type, further guidance can be found on the project-specific sheets.

The last part of the PBN Form has signature blocks. Both your signature and the Town Clerk’s signature are required. The Conservation Commission’s signature is not required but its absence will increase the waiting period required before your PBN can become effective.

You will need to initial each of the statements on the PBN form, in addition to signing the form. Please be certain that you fully understand each statement before initialing it. **Failure to initial all the statements listed or sign the form will disqualify you from the PBN process.**

Photographs

The photographs that accompany your PBN Form must clearly show the area where the impact is proposed. The copy sent to DES must be the original photographs, good quality color copies or printed digital photos. Photos shall be dated, labeled and mounted or printed (if digital photos) on 8-1/2 “ x 11” sheets of paper.

The Comprehensive Shoreland Protection Act (CSPA) requires the submission of a photographic inventory of the natural woodland buffer with any application for a permit to conduct work within protected shoreland. Please attach original photographs, good quality color copies or printed digital photos, mounted on 8-1/2” x 11” sheets of paper, documenting the type and prevalence of vegetation within 150 feet of the reference line.

Abutter Notification

The Town Clerk will not sign your application unless you provide copies of the certified mail

postal receipts showing that you have notified your abutters of the proposed project. The definition of abutter is listed in the definitions section of this Project-Specific Booklet. A sample abutter notification letter is provided for your reference. If your project is located within 20 feet of a property boundary, you will need to submit written authorization from the affected abutter.

Plans

Each PBN Form shall be accompanied by plans that provide the following information:

- The normal high water line, if the project is on a lake or pond;
- The normal water line, if the project is on a river or stream;
- The top of the bank of the waterbody;
- Property lines and the extensions of those lines over the water; (Work within 20 feet of a property line may require a setback waiver. Please see the **Submission Requirements** in the project-specific sheet for more information.)
- The shoreline frontage of the lot (see **Definitions** in this booklet);
- A labeled north arrow;
- All existing and proposed structures, within the surface water and its banks, either completely dimensioned or to scale;
- The location and dimensions of all structural supports such as cribs, pilings, or posts;
- Siltation erosion and turbidity control measures;
- Name of the plan’s author and date plan was drawn

Erosion and Sedimentation Control Practices

Why Control Erosion?

Erosion is the loosening (and movement) of the soil from its original location by water, wind or gravity. Sedimentation is the deposition of the eroded material. Large sediment particles are usually sand, smaller sediment particles are silt. Turbidity, the mixing of sediment with surface water, is the most visible effect of sediment deposition into a water resource.

By minimizing the potential for erosion, the potential for sedimentation, siltation or turbidity is virtually eliminated.

- Soil particles carry phosphorus, a nutrient that can cause contribute to algae blooms and water quality problems. The sediment can smother fish eggs and small aquatic animals (invertebrates).
- The bed of a lake or pond that has been coated with sediment may be more susceptible to the growth of some aquatic weeds, such as milfoil.
- If you lose your topsoil, replacing it is expensive.
- Sedimentation of wetlands and surface waters is a violation!

The following provides information about what you or your contractor needs to do to ensure that appropriate steps have been taken to minimize the potential for erosion and prevent sediment from leaving the immediate work area.

Before Construction

If you have hired a contractor, make sure you have discussed your Permit By Notification with him or her. Talk about what measures are planned to control erosion.

Everybody involved should understand what the resource is and where it is located. Most people can identify the edge of a lake or a river. The edges of wetlands often are not obvious. Your contractor may be the person pushing the dirt around, but both of you are responsible for complying with the Permit By Notification.

Discuss clearing limits with your contractor in advance. Mark these limits with ribbons or flagging or installation of orange construction

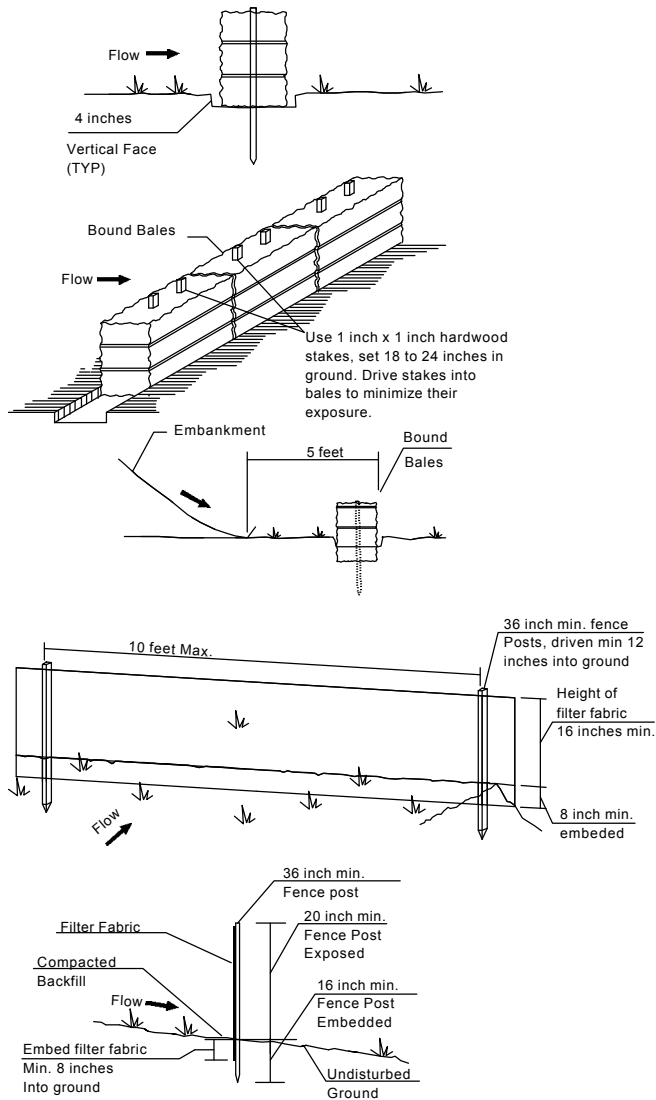
fencing. Identify and mark particular trees and shrubs that you want protected. Heavy machinery must be kept well away from trees to avoid compacting their roots; otherwise, they will die a few years later. Trees roots also may smother if excess fill is regraded around them. Wide buffer strips of undisturbed vegetation along stream and lakeshores protect water quality. Don't allow heavy machinery to operate in these areas.

Call around and find sources for your erosion control materials. If you will be working in wetlands, you will probably need silt fence, hay bales and grass seed or conservation mix. Some good places to check are feed stores, hardware stores, landscapers and contractor supply houses. It is not always easy to find hay or straw during late winter and early spring. It may also be expensive during those times of the year. Plan ahead. Purchase a supply early and keep it under a tarp.

Prefabricated silt fence (that comes attached to the wood posts) may be available. Silt fence usually has a colored stripe a certain distance from the edge to indicate the depth to which is needs to be dug in.

Before any soil is disturbed, make sure an erosion control barrier has been installed. The barrier can be a silt fence, a row of staked hay bales, or both. In some areas, you may need a wire mesh to support the silt fence. The diagrams on the next page show the correct method to install silt fence and hay bales. Both silt fence and hay bales must be trenched into the ground be effective. The barrier should be placed as close as possible to the activity.

If a contractor is installing the barrier, double-check it as a precaution. Erosion control barriers should be installed on the contour, meaning at the same level across the land slope, whenever possible. This prevents stormwater from flowing to the lowest point of the barrier where it builds up and overflows or destroys it.



Consult with your construction contractor(s). Make sure everyone understands exactly what the job is, when it will be done, how long it will take, and what erosion control measures will be used.

Plan earth-moving activities early enough in the year so that you can revegetate the site by October 15th. Plan to mulch disturbed areas over winter if construction is delayed past October 15th. This will protect bare soil from spring runoff.

Machinery must not be allowed to cross streams. Major damage to stream banks occurs when heavy equipment is carelessly run in stream channels. If access across a stream is needed, plan for a temporary culvert and stream crossing that can be removed later.

Before doing anything else, install a filter barrier on the down slope side of the construction area. *This barrier can be a silt fence, an embedded hay bale barrier, or a combination of the two.* Silt fence is better at filtering out soil from water, but is easily pushed over by construction equipment. Hay bales don't filter dirty water as well, but are more rugged in the field. Trench in silt fencing about 8 inches. Trench and stake hay bales (4-inch trench, 2 stakes per bale).

REMEMBER! Hay bales and silt fence don't work unless they are installed properly and maintained!

During Construction

Use lots of hay or straw mulch on disturbed soil. The purpose of mulch is to prevent rain from striking the soil directly. It is the force of raindrops striking the soil that causes a lot of erosion. Keeping the soil covered can prevent most erosion.

Inspect your erosion control barriers frequently **and** after each rainfall. If there is muddy water leaving the project site, your erosion controls are not working! In that situation, stop work and figure out where (specifically) the erosion is occurring, identify what needs to be done to prevent the erosion, and what can be done to prevent more soil from getting past the barrier.

When earth moving, separate topsoil so it can be spread back on top of the site. You will have greater success in establishing a new lawn or buffer strip area, and you won't have the added expense of buying topsoil. Ring the down slope edge of topsoil stockpiles with silt fencing or embedded hay bales.

Use mulch hay liberally on disturbed soil during the construction period to avoid creating an erosion problem. Hay mulch is the cheapest and most effective way of protecting the soil. Be aware of the weather forecast and be sure to get your mulch spread if rains are expected. Don't let a week pass without mulching.

Construct suitable runoff and erosion control structures. Consult with an engineer for sites with very erodible soils, steep slopes, natural springs and seeps, and spring runoff channels and streams.

After Construction

When the earthmoving is completed, replant the area. Don't automatically plant the area with grass - consider replanting the native trees and shrubs. These species are generally better at taking up pollutants and nutrients in storm runoff water. A mix of creeping red fescue and Kentucky bluegrass is a good choice for lawns and other high maintenance areas. The same mix would not be a good choice for stabilizing a road shoulder, berm, or cut bank that you don't plan to mow.

Be extremely careful when using fertilizers near streams, lakes and ponds. Don't apply fertilizer before a storm. The Comprehensive Shoreland Protection Act prohibits the use of all fertilizers except limestone (also known as "lime") within 25 feet of the reference line of public waters. From 25 feet to 250 feet beyond the reference line, low phosphate, slow-release nitrogen fertilizer or limestone may be used (see DES fact sheet WD-SP-4 *Shorelands Under the Jurisdiction of the Comprehensive Shoreland Protection Act*).

Always mulch new seeding. Apply mulch hay or straw at a rate of two bales per 1,000 square feet. Wet down the mulch with water to hold it in place in flat areas. To hold the mulch down on steep slopes or in the bases of ditches, tack biodegradable netting over it and staking it with baling twine. On very steep slopes, you may need erosion control mats such as excelsior. **REMEMBER!** Your mulch is only as **effective as your mulch anchoring. If mulch isn't anchored properly, the soil and seed will wash away. When using erosion control nets and mats, be sure to install them according to**

the manufacturer's recommendations. Otherwise, they generally won't work and your money is wasted.

Check before storms to see that your silt fencing and hay bales are in good condition and ready for action. Check and repair them again after storms. Remove sediment that has accumulated. Replace silt fencing that no longer allows water to filter through it.

If you finish your project after October 15th, spread grass seed and mulch the site with a thick layer of hay or straw. The following spring, you may need to mulch again to hold in moisture and prevent the seed from washing away.

Maintain your erosion control barrier until the area is permanently stabilized by vegetation.

Resources:

NHDOT Guidelines For Temporary Erosion and Sediment Control and Stormwater Management, 2002

www.nh.gov/dot/business.htm#municipalities

Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire, August 1992.

Vermont Handbook for Erosion Prevention and Sediment Control (2003)

www.anr.state.vt.us/dec/waterq/DOCSoilErosion.htm

Credits: Graphics from NH Office of Energy and Planning

Shoreland Protection Certification

RSA 483-B, the Comprehensive Shoreland Protection Act (CSPA), requires that all persons obtaining a permit for work under RSA 482-A, certify that they are familiar with, and will comply with the requirements of the CSPA. **Please read the following Shoreland Protection Certification thoroughly. By signing the PBN form, you are certifying that you are aware of the CSPA and that all work will meet its requirements.**

The reference line means:

- a. For natural fresh water bodies without artificial impoundments - the natural mean high water level as determined by the DES Water Division.
- b. For artificially impounded fresh water bodies - the waterline at full pond as determined by the elevation of the top of the impoundment structure.
- c. For coastal waters - the highest observable tide line, which means a line defining the furthest landward limit of tidal flow, not including storm events, which can be recognized by indicators such as the presence of a strand line of flotsam and debris, the landward margin of salt tolerant vegetation, or a physical barrier that blocks further flow of the tide.
- d. For rivers - the ordinary high water mark. In the case of rivers, the law applies to all fourth order or higher streams of the state with the exception of certain segments of the Pemigewasset, and Saco rivers designated for management and protection under RSA 483. Lists of fourth order and higher streams and river segments designated under RSA 483 are available at no cost from the Department of Environmental Services or on the DES website at www.des.nh.gov/cspa

1. Will the project for which a permit is hereby requested involve construction, land clearing, or other development within the protected shoreland as defined above? **Yes/No**

2. If the project involves construction, land clearing, or other development within the protected shoreland, will it meet or exceed the development standards of RSA 483-B? **Yes/No**

If not applicable, state why:

NOTE: The CSPA development standards are not applicable only in three situations: (1) the project is not located in the protected shoreland zone, (2) the activities are exempted under section 483-B:9,V or section 483-B:19 of the CSPA, or (3) the Commissioner of the N.H. Department of Environmental Services has granted a variance from a specific standard of the CSPA.

Certification

As owner or agent for the owner of the subject property, by signing the Permit by Notification form, I certify that:

- a) I am familiar with the requirements of RSA 483-B and have knowledge of the development activities that will be undertaken,
- b) Any construction, land clearing, or other development within the protected shoreland will meet or exceed [comply with] the development standards of RSA 483-B,
- c) The plans and other information submitted with this permit application provide a complete description of the project and demonstrate how compliance will be accomplished, and
- (d) I understand that false information submitted with the PBN Form may result in revocation of any permit granted by the Department of Environmental Services, liability for remediation or restoration of the land affected, fines up to \$20,000 per day of continuing violation, imprisonment or other penalties.

By signing the PBN form, you are certifying that you are aware of the CSPA and that all work will meet its requirements. See www.des.nh.gov/cspa or contact DES at (603) 271-2147 for more information about the CSPA development standards.

Sample Letter to Abutters for Permit By Notification

RSA 482 A:3 requires that applicants notify abutters by certified mail of applications for wetlands permits from the NH Department of Environmental Services (DES) Wetlands Bureau. Applicants are required to send a letter (sample provided below) to owners of all abutting properties. Postal receipts or copies should be kept and presented to the town clerk when the application form is submitted. **Abutters** are those who own property adjacent to the subject property, but not those whose property is greater than one-quarter mile from the proposed work site, nor those who own property across a public road. In the case of shorefront owners, abutters include those who own neighboring properties that, by virtue of the configuration of the shoreline, come into close contact with the subject property. See rule Wt 101.02 for a complete definition of abutters.

[date]

[name of abutter]

[address]

Re: Tax Map [], Lot []

 [street address:]

 [town:], New Hampshire

By Certified Mail

Dear Abutter:

Under RSA 482-A, I am required to notify you that I am filing a notification to the N.H. Department of Environmental Services (DES) Wetlands Bureau for authorization to impact [_____] square feet of [wetlands, surface water, bank, resources] for work to [describe project]. This letter is to inform you, as an abutter to the above-referenced property, that an application for a Permit By Notification is being filed with the NH DES Wetlands Bureau.

[Since my project will occur within 20 feet of my property line, I am seeking written agreement from you concurring with any impact that may result.]

The plans that show the proposed project and wetlands impacts are available for viewing during normal business hours at the office of the Town/City Clerk, Town/City Offices, [town/city: _____], New Hampshire, or at the office of the DES Wetlands Bureau, 29 Hazen Drive, Concord, N.H. (8 a.m. to 4 p.m.) (603) 271-2147.

If you have questions, you may contact me/my agent at: [_____].

Sincerely,

Applicant [name]

Address

Permit By Notification for Project #7

CONSTRUCTION OF A SEASONAL DOCK IN NONTIDAL WATERS

DOES YOUR PROJECT QUALIFY FOR PBN?

If the only work you are proposing is the installation of a single seasonal pier on a property having at least 75 feet of frontage on a **lake or pond, and** which meets the following conditions:

- there are no other structures on the frontage,
- the dock does not exceed the dimensions outlined in Notification Condition 10 below
- involves **no** alteration of the bank,
- will be removed from the lake or pond for at least 5 months during the non-boating season

...you only need to file the Seasonal Dock Notification for Lakes and Ponds (which has no fee).

A project involving the construction and installation of a seasonal pier or wharf will qualify for PBN only if it meets all of the requirements outlined in Rule Wt 303.04 (a):

Construction or modification of a nontidal seasonal pier or wharf if no more than two slips including previously existing slips are proposed and all criteria of Wt 402 are met.

If your project does not meet **all** of the criteria of this rule, the project does not qualify for PBN. Please contact DES for additional guidance relative to appropriate permitting process. **By signing the PBN Form you are certifying that your project meets all of these criteria.**

If you are proposing an additional PBN project on the PBN Form, you may use the PBN process for the pier on a lake or pond and the other PBN project

Removal, repair, or re-installation of a legally existing seasonal pier requires no DES permit, provided there is no change in size location or configuration.

SUBMISSION REQUIREMENTS

In addition to the required general attachments itemized on the PBN form, the following information is required for projects involving construction of a seasonal pier. Failure to provide this information may result in the disqualification of your project from the PBN process. Please contact DES at (603) 271-2147 if you need clarification.

- ❑ **Setback waivers:** If any portion of the pier or wharf will be located within 20 feet of a property line or its extension over the water, you will need to obtain a signed **notarized** waiver of the 20-foot setback from the affected abutter. Regardless of whether or not a waiver is obtained, no portion of a seasonal pier may extend over the property line or its imaginary extension over water.

Example plans may be available for your project type.

NOTIFICATION CONDITIONS FOR PBN PROJECT # 7
Seasonal Pier in Nontidal River/Stream or Lake /Pond

If you are not able to comply with all of the conditions listed below, your project does not qualify for the PBN process. **We strongly recommend that you discuss this information with your contractor. By signing the PBN form you are certifying that you understand all of these conditions and will adhere to them.** Failure to adhere to these conditions may result in DES pursuing enforcement against you and/or your contractor. If you need clarification, please contact DES at (603) 271-2147.

1. The completed and signed PBN form shall be posted at the site prior to commencement of the project.
2. All work shall be conducted in accordance with plans dated ___/___/___*, submitted with the PBN Form (* record the date of the plan here for future reference).
3. **This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.**
4. Machinery shall not be located within surface waters. All work must be conducted from the top of the bank.
5. Work shall not cause violations (sedimentation and turbidity) of surface water quality standards, in accordance with Env-Ws 1700.
6. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and fish spawning areas shall be avoided.
8. These shall be the only structures on this water frontage and all portions of the structures shall be at least 20 feet from abutting property lines or the imaginary extension of those lines into the water. Except as authorized in the notarized waiver from _____ [abutter's name] on ___/___/___ (Fill in this information for future reference).
9. All seasonal structures shall be removed from surface waters for the non-boating season (a minimum of 5 months for seasonal piers).
10. No portion of the pier shall extend more than 30 feet from the shoreline at full lake elevation if the pier will be installed on a river or lake or pond less than 1,000 acres in size, or more than 40 feet from the shoreline at full lake elevation if the pier will be installed on a lake or pond greater than 1,000 acres in size. Pier width shall not exceed 6 feet.
11. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
12. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
13. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B.
14. Within 10 calendar days following the completion of the project, photographs shall be submitted to DES, which depict the areas where the impact occurred. Mount or print dated and labeled photos on 8-1/2" x 11" sheets of paper and mail or send electronically to the DES Wetlands Bureau (a Confirmation of Project Completion form is available for your use).

Permit By Notification Project #8

CONSTRUCTION OF AN ANCHORING PAD FOR A SEASONAL PIER

DOES YOUR PROJECT QUALIFY FOR PBN?

If your project involves work in a bog, marsh, sand dune, undisturbed tidal buffer zone, in wetlands identified by the Natural Heritage Inventory, or is located in or adjacent to designated prime wetlands, it does not qualify for PBN. Certain projects in tidal wetlands do not qualify for the PBN process.

A project involving the construction of a concrete pad to anchor a seasonal pier will qualify for PBN only if it meets all of the requirements outlined in Rule Wt 303.04 (ab):

Construction of an anchoring pad for a seasonal dock provided:

1. **The pad shall be constructed landward of the normal high water line or full pond elevation;**
2. **The pad shall not exceed 7 feet in width, not impact more than 10 linear feet along the bank, with the bank fully stabilized upon completion of construction;**
3. **Appropriate erosion, siltation, and turbidity control measures shall be installed and maintained to prevent any impacts to adjacent surface waters and those controls maintained until the site has stabilized; and**
4. **The pad shall not be constructed in or adjacent to prime wetlands, and does not meet the requirements in Wt 303.02(k);**

If your project does not meet **all** of the criteria of this rule, the project does not qualify for PBN.

Please contact DES for additional guidance relative to appropriate permitting process. **By signing the PBN form you are certifying that your project meets all of these criteria.**

SUBMISSION REQUIREMENTS

In addition to the general attachments required on the PBN form the following information is required for projects involving construction of a concrete anchor pad. Failure to provide this information may result in the disqualification of your project from the PBN process. Please contact DES at (603) 271-2147 if you need clarification regarding any of this. Example plans may be available for your project type.

- ❑ **Setback waivers:** If any portion of the pier or pad will be located within 20 feet of a property line you will need to obtain a signed notarized waiver of the 20 foot setback from the affected abutter. Please note that regardless of whether or not a waiver is obtained, no portion of a seasonal pier may extend over the property line or its extension.
- ❑ **Cross section:** Please submit a cross section showing:
 - a. Existing and proposed grades at the proposed pad location;
 - b. The location of the proposed pad relative to the normal high water line.

NOTIFICATION CONDITIONS FOR PBN PROJECT # 8

Construction of an Anchoring Pad for a Seasonal Dock

If you are not able to comply with all of the conditions listed below, your project does not qualify for the PBN process. **We strongly recommend that you discuss this information with your contractor. By signing the PBN form you are certifying that you understand all of these conditions and will adhere to them.** Failure to adhere to these conditions may result in DES pursuing enforcement against you and/or your contractor. If you need clarification, please contact DES at (603) 271-2147.

1. The completed and signed PBN form shall be posted at the site prior to commencement of the project.
2. All work shall be conducted in accordance with plans dated ___/___/___*, submitted with the PBN Form (*record the date of the plan here for future reference).
3. **This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.**
4. Machinery shall not be located within surface waters. All work must be conducted from the top of the bank.
5. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
6. Appropriate siltation and erosion controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. Work shall not cause violations (sedimentation and turbidity) of surface water quality standards, in accordance with Env-Ws 1700.
8. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
9. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and fish spawning areas shall be avoided.
10. These shall be the only structures on this water frontage and all portions of the structures shall be at least 20 feet from abutting property lines or the imaginary extension of those lines into the water, except as authorized in the notarized waiver from _____ [abutter's name] on ___/___/____. (Record this information for future reference.)
11. All seasonal structures shall be removed from the lake for the non-boating season (a minimum of 5 months for seasonal piers).
12. No portion of the pier shall extend more than 30 feet from the shoreline at full lake elevation if the pier will be installed on a river or lake or pond less than 1,000 acres in size, or more than 40 feet from the shoreline at full lake elevation if the pier will be installed on a lake or pond greater than 1,000 acres in size.
13. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
14. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
15. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B.
16. Within 10 calendar days following the completion of the project, photographs shall be submitted to DES, which depict the areas where the impact occurred. Mount or print dated and labeled photos on 8-1/2" x 11" sheets of paper and mail or send electronically to the DES Wetlands Bureau (a Confirmation of Project Completion form is available for your use).

Permit By Notification Project #9 INSTALLATION OF A SEASONAL BOATLIFT

DOES YOUR PROJECT QUALIFY FOR PBN?

A project involving the installation of a seasonal boatlift will qualify for PBN only if it meets all of the requirements outlined in Rule Wt 303.04 (ac):

Installation of a seasonal boatlift in an existing grandfathered or legally existing, permitted boatslip, provided the boatlift is:

- 1. Installed such that no additional boatslip is created by the lift;**
- 2. Removed during the non-boating season;**
- 3. Located at least 20 feet from an abutting property line or the imaginary extension of the property line over the water; and**
- 4. Installed in a manner which requires no impact that would necessitate further permit action;**

If your project does not meet **all** of the criteria of this rule, the project does not qualify for PBN. Please contact DES for additional guidance relative to appropriate permitting process. **By signing the PBN form you are certifying that your project meets all of these criteria.**

The removal, repair or replacement, and re-installation of legally existing seasonal structures do not require a DES permit, provided there is no change in size, location or configuration.

SUBMISSION REQUIREMENTS

In addition to the general attachments required on the PBN Form, the following information is required for projects involving installation of a seasonal boatlift. Failure to provide this information may result in the disqualification of your project from the PBN process. Please contact DES at (603) 271-2147 if you need clarification regarding any of this.

- Setback waiver:** If any portion of the boatlift will be located within 20 feet of a property line your project does not comply with condition 3 above (in the Does Your Project Qualify for PBN?), and is therefore disqualified from the PBN process. You may apply for a permit

using a Minimum Impact Expedited Application.

Example plans may be available for your project type.

NOTIFICATION CONDITIONS FOR PBN PROJECT # 9

Installation of Seasonal Boatlift

If you are not able to comply with all of the conditions listed below, your project does not qualify for the PBN process. **We strongly recommend that you discuss this information with your contractor. By signing the PBN form you are certifying that you understand all of these conditions and will adhere to them.** Failure to adhere to these conditions may result in DES pursuing enforcement against you and/or your contractor. If you need clarification, please contact DES at (603) 271-2147.

1. The completed and signed PBN form shall be posted at the site prior to beginning the project.
2. All work shall be conducted in accordance with plans dated ___/___/___*, submitted with the PBN Form (* record the date of the plan here for future reference).
3. **This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.**
4. Machinery shall not be located within surface waters. All work must be conducted from the top of the bank.
5. Work shall not cause violations (sedimentation and turbidity) of surface water quality standards, in accordance with Env-Ws 1700.
6. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and fish spawning areas shall be avoided.
8. These shall be the only structures on this water frontage and all portions of the structures shall be at least 20 feet from abutting property lines or the imaginary extension of those lines into the water.
9. All seasonal structures shall be removed from the lake for the non-boating season (a minimum of 5 months for seasonal piers).
10. No portion of the lift shall be located more than 30 feet from the shoreline at full lake elevation if the lift will be installed on a river or lake or pond less than 1,000 acres in size, or more than 40 feet from the shoreline at full lake elevation if the lift will be installed on a lake or pond greater than 1,000 acres in size.
11. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
12. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
13. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B.
14. Within 10 calendar days following the completion of the project, photographs shall be submitted to DES, which depict the areas where the impact occurred. Mount or print dated and labeled photos on 8-1/2" x 11" sheets of paper and mail or send electronically to the DES Wetlands Bureau (a form is included for your use).

Permit By Notification Project #10

INSTALLATION OF A SEASONAL PERSONAL WATERCRAFT LIFT

DOES YOUR PROJECT QUALIFY FOR PBN?

A project involving the installation of a seasonal personal watercraft lift will qualify for PBN only if it meets all of the requirements outlined in Rule Wt 303.04 (ad):

Installation of a seasonal personal watercraft lift, provided the personal watercraft lift is:

1. **Installed immediately adjacent to a dock, in a legally existing boat slip, or if there are no other personal watercraft lifts on the frontage, a maximum of 2 lifts installed immediately adjacent to one another and along the owner's shoreline.**
2. **Removed during the non-boating season.**
3. **Located at least 20 feet from an abutting property line or the imaginary extension of the property line over the water.**
4. **Installed in a manner that creates no impacts that would require further permit action; and**
5. **Located on a parcel of land that has at least 75 feet of shoreline frontage.**

If your project does not meet **all** of the criteria of this rule, the project does not qualify for PBN. Please contact DES for additional guidance relative to appropriate permitting process. **By signing the PBN form you are certifying that your project meets all of these criteria.**

The removal, repair or replacement, and re-installation of a legally existing seasonal structures do not require a DES permit provided there is no change in size, location or configuration.

seasonal personal watercraft lifts. Failure to provide this information may result in the disqualification of your project from the PBN process. Please contact DES at (603) 271-2147 if you need clarification regarding any of this. Example plans may be available for your project type.

- ❑ **Setback waiver:** If any portion of the boatlift will be located within 20 feet of a property line your project does not comply with requirement # 3 in "Does Your Project Qualify for PBN?" and is therefore **disqualified from the PBN process**. You may apply for a permit using a Minimum Impact Expedited application.
-

SUBMISSION REQUIREMENTS

In addition to the general attachments required on the PBN form the following information is required for projects involving installation of

NOTIFICATION CONDITIONS FOR PBN PROJECT #10

Installation of Seasonal Personal Watercraft Lift

If you are not able to comply with all of the conditions listed below, your project does not qualify for the PBN process. **We strongly recommend that you discuss this information with your contractor. By signing the PBN form you are certifying that you understand all of these conditions and will adhere to them.** Failure to adhere to these conditions may result in DES pursuing enforcement against you and/or your contractor. If you need clarification, please contact DES at (603) 271-2147.

1. The completed and signed PBN form shall be posted at the site prior to commencement of the project.
2. All work shall be conducted in accordance with plans dated ___/___/___*, submitted with the PBN Form (*Record the date of the plan here for future reference).
3. **This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.**
4. Machinery shall not be located within surface waters. All work must be conducted from the top of the bank.
5. Work shall not cause violations (sedimentation and turbidity) of surface water quality standards, in accordance with Env-Ws 1700.
6. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and fish spawning areas shall be avoided.
8. These shall be the only structures on this water frontage and all portions of the structures shall be at least 20 feet from abutting property lines or the imaginary extension of those lines into the water.
9. All seasonal structures shall be removed from the lake for the non-boating season (a minimum of 5 months for seasonal structures).
10. No portion of the lift shall be located more than 30 feet from the shoreline at full lake elevation if the lift will be installed on a river or lake or pond less than 1,000 acres in size, or more than 40 feet from the shoreline at full lake elevation if the lift will be installed on a lake or pond greater than 1,000 acres in size.
11. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
12. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
13. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B.
14. Within 10 calendar days following the completion of the project, you shall submit photographs to DES, which depict the areas where the impact occurred. Mount or print dated and labeled photos on 8-1/2" x 11" sheets of paper and mail or send electronically to the DES Wetlands Bureau (a Confirmation of Project Completion form is included for your use).

Permit By Notification Project #11

REPAIR OF EXISTING DOCKING FACILITIES

DOES YOUR PROJECT QUALIFY FOR PBN?

A project involving the repair or replacement of existing docking facilities will qualify for PBN only if it meets all of the requirements outlined in Rule Wt 303.04 (v):

Maintenance, repair, and replacement in-kind of existing docking structures such as breakwaters, docks, boat houses, piers, wharves, walkways, boat ramps, tie-off pilings, ice clusters, dolphins, or other docking facilities provided:

1. **No work is proposed that would be prohibited under RSA 482-A:26 [dwellings over water],**
2. **No change in location, configuration, construction type, or dimensions is proposed; AND**
3. **The applicant certifies in writing that:**
 - a. **The existing structures would be considered grandfathered in their current configuration and have not been abandoned OR**
 - b. **The existing structures have been constructed in accordance with a**

previously issued wetlands permit and have not been abandoned;

See the Definitions section for the terms **abandoned** and **grandfathered**.

If your project does not meet **all** of the criteria of this rule, the project does not qualify for PBN. Please contact DES for additional guidance relative to appropriate permitting process. **By signing the PBN form you are certifying that your project meets all of these criteria.**

The removal, repair, and re-installation of a legally existing seasonal pier does not require a DES permit, provided there is no change in size location or configuration.

Repairs that result in no change in size, location, or configuration and involve **no work below the waterline** do not require a DES permit.

SUBMISSION REQUIREMENTS

No additional information is required besides the items noted in the checklist on the PBN Form.

NOTIFICATION CONDITIONS FOR PBN PROJECT #11

Repair of Existing Docking Facilities

If you are not able to comply with all of the conditions listed below, your project does not qualify for the PBN process. **We strongly recommend that you discuss this information with your contractor. By signing the PBN form you are certifying that you understand all of these conditions and will adhere to them.** Failure to adhere to these conditions may result in DES pursuing enforcement against you and/or your contractor. If you need clarification, please contact DES at (603) 271-2147.

1. The completed and signed PBN form shall be posted at the site prior to commencement of the project.
2. All work shall be conducted in accordance with plans dated ___/___/___*, submitted with the PBN Form (* record the date of the plan here for future reference).
3. **This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.**
4. Machinery shall not be located within surface waters. All work must be conducted from the top of the bank.
5. Work shall not cause violations (sedimentation and turbidity) of surface water quality standards, in accordance with Env-Ws 1700.
6. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and fish spawning areas shall be avoided.
8. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
9. Appropriate siltation and erosion controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
10. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
11. Repair shall maintain existing size, location and configuration.
12. **Repairs to these structures may be conducted, as necessary, throughout the duration of this permit**, provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
13. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if DES later determines that these "existing structures" were not previously permitted or grandfathered.
14. All construction related debris and material shall be placed outside of the DES Wetlands Bureau jurisdiction.
15. Work shall be done during low water conditions.
16. This permit does not allow for maintenance dredging.
17. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B.
18. Within 10 calendar days following the completion of the project, photographs shall be submitted to DES, which depict the areas where the impact occurred. Mount or print dated and labeled photos on 8-1/2" x 11" sheets of paper and mail or send electronically to the DES Wetlands Bureau (a Confirmation of Project Completion form is available for your use).

Permit By Notification Project #12

REPAIR OF EXISTING RETAINING WALL

DOES YOUR PROJECT QUALIFY FOR PBN?

A project involving the repair of existing retaining walls will qualify for PBN only if it meets all of the requirements outlined in Rule Wt 303.04(c) and others:

Repair or replacement of existing retaining wall performed "in the dry" during drawdown of waters, or at low tide in areas devoid of vegetation, and resulting in no change in height, length, location, or configuration.

If a wall is to be refaced, such additional width shall not exceed 6 inches.

If your project does not meet **all** of the criteria of this rule, the project does not qualify for PBN. Please contact DES for additional guidance relative to appropriate permitting process. **By signing the PBN form you are certifying that your project meets all of these criteria.**

SUBMISSION REQUIREMENTS

In addition to the general attachments required on the PBN form the following information is required for projects involving retaining wall repair. Failure to provide this information may result in the disqualification of your project from the PBN process. Please contact DES at (603) 271-2147 if you need clarification regarding any of this.

- ❑ **Setback waivers:** If any portion of wall to be repaired is located within 20 feet of a property line you will need to obtain a signed waiver of the 20-foot setback from the affected abutter.
- ❑ **Cross section:** Please submit a cross section showing:
 - a. Existing grades, wall height, width, and footing;
 - b. The location of the wall relative to the normal high water line.

Example plans may be available for your project type.

NOTIFICATION CONDITIONS FOR PBN PROJECT # 12

Repair of Existing Retaining Wall

If you are not able to comply with all of the conditions listed below, your project does not qualify for the PBN process. **We strongly recommend that you discuss this information with your contractor. By signing the PBN form you are certifying that you understand all of these conditions and will adhere to them.** Failure to adhere to these conditions may result in DES pursuing enforcement against you and/or your contractor. If you need clarification, please contact DES at (603) 271-2147.

1. The completed and signed PBN form shall be posted at the site prior to commencement of the project.
2. All work shall be conducted in accordance with plans dated ___/___/___*, submitted with the PBN Form (* record the date of the plan here for future reference).
3. Repair shall maintain existing size, location and configuration.
4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
5. All impacts shall be at least 20 feet from abutting property lines. Except as authorized in the waiver from _____ [insert name of abutter], on ___/___/___ (record this information for future reference).
6. Appropriate siltation and erosion controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
8. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
9. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and fish spawning areas shall be avoided.
10. All excavated material and construction related debris shall be placed outside of the DES Wetlands Bureau jurisdiction.
11. Work shall be done in the dry.
12. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
13. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B.
14. Within 10 calendar days following the completion of the project, photographs shall be submitted to DES, which depict the areas where the impact occurred. Mount or print dated and labeled photos on 8-1/2" x 11" sheets of paper and mail or send electronically to the DES Wetlands Bureau (a Confirmation of Project Completion form is available for your use).

Permit By Notification Project #13

BEACH REPLENISHMENT (Existing Nontidal Beach)

DOES YOUR PROJECT QUALIFY FOR PBN?

A project involving beach replenishment will qualify for PBN only if it meets all of the requirements outlined in Rule Wt 303.04 (aa):

Replenishment of sand on an existing nontidal beach provided:

1. **No sand shall be placed below the normal high water line or full pond elevation;**
2. **No work shall be conducted in or adjacent to a prime wetland;**
3. **No more than 10 cubic yards of sand shall be used; and**
4. **Beach replenishment shall not exceed the limit of one replenishment in any 6-year period.**

If your project does not meet **all** of the criteria of this rule, the project does not qualify for PBN. Please contact DES for additional guidance relative to appropriate permitting process. **By signing the PBN form you are certifying that your project meets all of these criteria.**

NOTE: Hand raking of leaves or other organic debris from the shoreline or lakebed does not require a DES permit, provided that all of the following apply:

- a) At the time the raking is done, the area to be raked is dry;
 - b) Raking does not disturb vegetative roots; and
 - c) Is limited to 900 square feet.
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SUBMISSION REQUIREMENTS

In addition to the general attachments required on the PBN form the following information is required for projects involving maintenance dredging. Failure to provide this information may result in the disqualification of your project from the PBN process. Please contact DES at (603) 271-2147 if you need clarification regarding any of this. Example plans may be available for your project type.

- Footprint of sand placement:** Plans shall show the area, with dimensions of the area on which sand will be placed.
 - Volume of sand to be used.**
 - Surface water diversion:** Plans shall include methods to intercept and divert surface run-off away from the beach area to reduce potential erosion of the beach sand.
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NOTIFICATION CONDITIONS FOR PBN PROJECT TYPE # 13 Beach Replenishment (Existing Nontidal Beach)

If you are not able to comply with all of the conditions listed below, your project does not qualify for the PBN process. Please discuss these conditions with your contractor prior to beach replenishment. **We strongly recommend that you discuss this information with your contractor. By signing the PBN form you are certifying that you understand all of these conditions and will adhere to them.** Failure to adhere to these conditions may result in DES pursuing enforcement against you and/or your contractor. If you need clarification, please contact DES at (603) 271-2147.

1. The completed and signed PBN form shall be posted at the site prior to commencement of the project.
2. All work shall be conducted in accordance with plans dated ___/___/___,* submitted with the PBN form (* record the date of the plan here for future reference).
3. This permit to replenish an existing beach shall not preclude the DES from taking any enforcement action or revocation action if DES later determines that the "existing beach" was not previously permitted or grandfathered.
4. Appropriate siltation and erosion controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
5. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and fish spawning areas shall be avoided.
7. No more than 10 cubic yards of sand may be used.
8. All sand shall be located above and landward of the normal high water line.
9. **This permit shall be used only once, and does not allow for annual beach replenishment.**
10. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
11. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B.
13. Within 10 calendar days following the completion of the project, photographs shall be submitted to DES, which depict the areas where the impact occurred. Mount or print dated and labeled photos on 8-1/2" x 11" sheets of paper and mail or send electronically to the DES Wetlands Bureau (a Confirmation of Project Completion form is available for your use).

Permit By Notification Project #14 INSTALLATION OR REPAIR OF DRY HYDRANTS

DOES YOUR PROJECT QUALIFY FOR PBN?

A project involving the installation or repair of a dry hydrant will qualify for PBN only if it meets all of the requirements outlined in Rule Wt 303.04 (w):

Installation or repair of a dry hydrant that requires:

Excavation of less than 10 linear feet along the bank and bed of a surface water that does not exceed 200 square feet in total jurisdictional impact.

If your project does not meet **all** of the criteria of this rule, the project does not qualify for PBN. Please contact DES for additional guidance relative to appropriate permitting process. **By signing the PBN form you are certifying that your project meets all of these criteria.**

NOTE: Dry hydrants located in man-made fire ponds that do not have out-flowing streams may be maintained without a DES permit provide the maintenance is authorized by the local fire chief and will not result in an expansion of the hydrant's impact on adjacent wetlands.

SUBMISSION REQUIREMENTS

In addition to the general attachments required on the PBN form the following information is required for projects involving the installation or repair of dry hydrants. Failure to provide this information may result in the disqualification of your project from the PBN process. Please contact DES at (603) 271-2147 if you need clarification. Example plans may be available for your project type.

- ❑ **Setback waivers:** If any portion of the work will be located within 20 feet of your property line, you will need to obtain a signed waiver of the 20-foot setback from the affected abutter.
 - ❑ **Cross section:** Submit a cross section showing:
 - a. The existing grades to be disturbed;
 - b. The depth, length, and diameter of the intake pipe.
 - ❑ **Temporary impacts:** Plans shall show the limits of dredge and backfill necessary to install or replace the hydrant.
 - ❑ **Cofferdam:** If a cofferdam is to be constructed, please attach plans that comply with those explained in the PBN Project-Specific Booklet for Cofferdam Construction (project type #5).
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NOTIFICATION CONDITIONS FOR PBN PROJECT TYPE #14

Installation or Repair of Dry Hydrants

If you are not able to comply with all of the conditions listed below, your project does not qualify for the PBN process. Please discuss these conditions with your contractor prior to construction. **We strongly recommend that you discuss this information with your contractor. By signing the PBN form you are certifying that you understand all of these conditions and will adhere to them.** Failure to adhere to these conditions may result in DES pursuing enforcement against you and/or your contractor. If you need clarification, please contact DES at (603) 271-2147.

1. The completed and signed PBN form shall be posted at the site prior to commencement of the project.
2. All work shall be conducted in accordance with plans dated ___/___/___*, submitted with the PBN Form (*record the date of the plan here for future reference).
3. Machinery shall not be located within surface waters. All work must be conducted from the top of the bank.
4. Machinery shall be staged and refueled in upland areas.
5. Repairs shall maintain existing size, location and configuration.
6. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if DES later determines that these "existing structures" were not previously permitted or grandfathered.
7. Appropriate siltation and erosion controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
8. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
9. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
10. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and fish spawning areas shall be avoided.
11. All construction-related debris and dredged material not used to backfill the dry hydrant pipe trench shall be placed outside of the DES Wetlands Bureau jurisdiction.
12. Any portion of the bank disturbed as part of installation of the dry hydrant pipe shall be regraded to original contours, seeded and stabilized immediately following completion of work.
13. Work shall be done in low water conditions.
14. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
15. The dry hydrant pipe, intake structure and support platform shall be installed so as not to pose a navigational hazard.
16. Discharge from dewatering of work areas shall be to sediment basins that are located in uplands, lined with hay bales or other acceptable sediment trapping liners, or set back as far as possible from wetlands and surface waters -- in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
17. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B.
18. Within 10 calendar days following the completion of the project, photographs shall be submitted to DES, which depict the areas where the impact occurred. Mount or print dated and labeled photos on 8-1/2" x 11" sheets of paper and mail or send electronically to the DES Wetlands Bureau (a *Confirmation of Project Completion* form is available for your use).