

GET THE RIGHT PERMITS FOR PROJECTS NEAR RIVERS AND STREAMS

Any work you do near a river or stream can affect other landowners and public values such as water quality, fish, wildlife, and flood control. To protect the public's interests, federal, state and local governments have developed laws, rules, and ordinances for projects in or near rivers and streams. Permits and approvals are necessary for streambank stabilization, construction, and other earth disturbances on the bank or in the bed of a stream. It is important that the necessary approvals and permits are obtained before any work is begun. Penalties exist for unauthorized work.

LOCAL CITY OR TOWN

Contact: Selectmen's Office/Town Manager/Zoning Administrator
Provides Information About: Local Zoning Regulations and/or Federal Emergency Management Agency (FEMA) regulations for work in the floodplain and wetland protection.

STATE OF NEW HAMPSHIRE

All projects in New Hampshire must be reviewed by the NH Wetlands Bureau, which has been charged by the legislature with protecting the State's submerged lands and wetlands from despoliation and unregulated alteration (RSA 482-A). A wetlands permit is required to excavate, remove dredge, fill, or build a structure in or on the bank of any surface waters or wetlands in the state. Surface waters include lakes, rivers, brooks and perennial or seasonal streams, but exclude sheet runoff in the absence of a defined channel or wetland vegetation. Projects that significantly expose raw earth may require an Alteration of Terrain permit.

I. Wetlands Permit

- A. *Obtain Application* from your Town Clerk or Wetlands Bureau
- B. *Primary Permit Requirements are explained in:* NHDES fact sheet, "Wetland Permits for Bank Stabilization" (Technical Bulletin #WRD-1991-5)
- C. *Contact for Information:* Wetlands Bureau, NH Dept. of Environmental Services, 6 Hazen Drive, P.O. Box 95, Concord, NH 03301 • Phone: (603) 271-2147— Fax: (603) 271-6588
- D. *Fee Schedule:* Minimum filing fee of \$50 for all Minimum Impact Projects. Additional filing fee may be required for Minor or Major Projects at \$.025/square foot of requested jurisdictional area impact.
- E. *Other Considerations:* Contact Rivers Coordinator at NHDES • Phone (603)271-1152
 1. *New Hampshire Rivers Management and Protection Act (RSA 483):* Projects on the Connecticut River and others designated under this program must meet the requirements of the law. Copies of all permit applications needing NHDES approval are also reviewed by the Rivers Coordinator and the local river management advisory committee. (Technical Bulletin NHDES-CO-95-2)
 2. *Comprehensive Shoreland Protection Act, (RSA 483-B):* Projects located on fourth order or higher rivers, except the Connecticut River and some others designated for protection under RSA 483 prior to January 1, 1993, must comply with the minimum standards of this law which are usually added as a condition of the Wetlands Permit. Phone: (603)271-6876.

II. Alteration of Terrain Permit

- A. *Obtain Permit Application and Information* from: Water Supply & Pollution Control Division (WSPCD), NH Dept. of Environmental Services, 6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
 • Phone: (603) 271-3503 Fax: (603) 271-2867
- B. *Primary Requirements for Permit:* Projects with significant alteration of 100,000 sq. ft. or more. Projects with significant alteration of 50,000 sq. ft. or more on rivers which fall under the jurisdiction of the Comprehensive Shoreland Protection Act (see above).
- C. *Fee Schedule:* 50,000 - 199,000 sq. ft of disturbance requires a fee of \$100. Add \$100 for each additional 100,000 sq. ft thereafter.
- D. *Other Considerations:* *New Hampshire Rivers Management and Protection Act:* (see above)

III. Federal Clean Water Act Section 404 Permit and Section 401 Water Quality Certification

New Hampshire implements a State Program General Permit (NHSPGP) through the U.S. Army Corps of Engineers for activities involving dredge or fill in waters of the state and work affecting navigable waters. The NHSPGP excludes certain activities and is generally limited to minor or controversial activities. Projects which require a Section 404 permit from the Corps must also obtain a Section 401 Water Quality Certificate from NHDES-WSPCD.

- A. *Contact for Information:* U.S. Army Corps of Engineers, Regulatory Division for Permits in NH, 696 Virginia Road, Concord, MA 01742-2751 • Phone: (800) 343-4789 Fax: (978) 318-8303
- B. *Obtain Water Quality Certificate and Information from:* Surface Water Quality Bureau, Water Division, NH Dept. of Environmental Services, 64 North Main St., Concord, NH 03301
Phone: (603) 271-2457 Fax: (603) 271-7894
- C. *Project Types:*

Minimum Impact Project: work can proceed following receipt of Wetlands Bureau permit (see above)

Minor Impact Project: work must wait 30 days after Wetlands Bureau approval for reply from Army Corps

Major Impact Project: work cannot proceed until after Wetlands Bureau approval and until Army Corps sends written confirmation that the project has been approved, or will not take jurisdiction.

STATE OF VERMONT

The Vermont Stream Alteration Law, Title 10, Chapter 41, requires that all stream alteration projects which seek “to change, alter or modify the course, current or cross-section of any water course having a drainage area greater than 10 square miles by movement, fill or by excavation of 10 cubic yards or more of material,” require a permit from the Stream Alteration Engineers of the VT Agency of Natural Resources.

I. Stream Alteration Permit

- A. *Obtain permit application and information from:* (For projects located on the Ompompanoosuc River and north AND the Winooski River and north): VT Agency of Natural Resources, 184 Portland Street, St. Johnsbury, VT 05819 • Phone: (802) 748-8787 Fax: (802) 748-6687
(For projects on the White River and south AND Lewis Creek and south): VT Agency of Natural Resources, 450 Asa Bloomer Bldg, Rutland, VT 05701-5903 • Phone: (802) 786-5906 Fax: (802) 786-5915
- B. *Fee Schedule:* \$100 per permit

II. Federal Clean Water Act Section 404 Permit and Section 401 Water Quality Certification

Water Quality Certification is required for all projects regarding discharge and dredged or fill materials in waters of the U.S., regardless of the size of the watershed. Contacts are same as for stream alteration permits, above.

III. Wetlands Permit

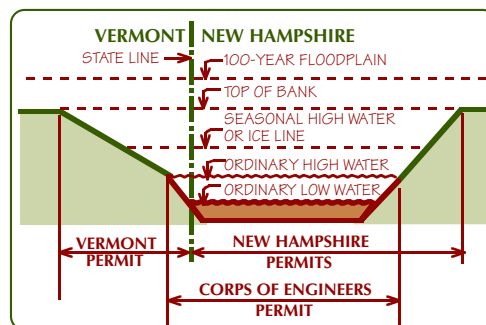
If the proposed project is located in or near a wetland, a site visit may be necessary. Impacts may be addressed under Title 10 VSA, Chapter 37, Section 905(a), 401 Water Quality Certification and Act 250.

- A. *Obtain permit application and information from:* Wetlands Coordinator, Water Quality Division, VT Agency of Natural Resources, Building 10N, 103 So. Main St., Waterbury, VT 05671 • (802) 241-3770

IV. Connecticut River Projects

The Ordinary Low Water mark (OLW) is the New Hampshire/Vermont state line. By agreement with the VT Agency of Natural Resources, permit applications involving the Connecticut River are reviewed by the local river management advisory subcommittee.

- A. *For projects on the Vermont side of the Connecticut River riverward of the Ordinary Low Water mark,* contact NHDES to see if additional permits are required at: Wetlands Bureau, NH Dept. of Environmental Services, 6 Hazen Drive, P.O. Box 95, Concord, NH 03301 • Phone: (603) 271-2147 Fax: (603) 271-6588
- B. *For projects on the Connecticut River landward of the Ordinary Low Water mark,* contact the U.S. Army Corps of Engineers for information about jurisdiction and application procedures at: U.S. Army Corps of Engineers, Regulatory Division. Camp Johnson, Bldg 10-18, Colchester, VT 05446 • Phone: (802) 655-0334 Fax (802) 655-0818



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