Permit Application Review Guidance

for Local Advisory Committees and Local River Subcommittees

April 2026

NEW HAMPSHIRE DEPARTMENT OF Environmental Services

New Hampshire Department of Environmental Services

Rivers Management and Protection Program

Permit Application Review Guidance

For Local Advisory Committees and Local River Subcommittees

New Hampshire Department of Environmental Services

Rivers Management and Protection Program

29 Hazen Drive/PO Box 95, Concord, NH 03302-0095

des.nh.gov

(603) 271-2959

Robert R. Scott
Commissioner

Craig Wright
Acting Assistant Commissioner

Rene Pelletier
Water Division Direction

April 2026

Cover page images top to bottom: Mascoma River by Sarah Riley, Upper Merrimack River, Piscataquog River, Connecticut River Upper Valley by Ted Cooley and Lamprey River by Ecophotography.

NEW HAMPSHIRE DEPARTMENT OF Environmental Services

Table of Contents

Acronyms and Definitions

AoT: Alteration of Terrain.

ARM: Aquatic Resource Mitigation.

AST: Aboveground Storage Tank.

CRJC: Connecticut River Joint Commissions.

CWA: Clean Water Act.

CWSRF: Clean Water State Revolving Fund.

DWSRF: Drinking Water State Revolving Fund.

EPA: Environmental Protection Agency.

EXP: Expedited Minimum Impact.

FEMA: Federal Emergency Management Agency.

LAC: Local River Management Advisory Committee.

LF: Linear Feet.

LRS: Local River Subcommittee of the Connecticut River Joint Commissions.

NHDES: New Hampshire Department of Environmental Services.

NHDAMF: New Hampshire Department of Agriculture, Markets and Food.

NPDES: National Pollutant Discharge Elimination System.

PBN: Permit by Notification.

PMA: Permit Modification Application.

RFMI: Request for More Information.

RMAC: Rivers Management Advisory Committee.

RMPP: Rivers Management and Protection Program.

RPOT: Reasonable Period of Time.

RRMR: Routine Roadway Maintenance Registration.

SMMD: Small Motor Mineral Dredging.

SPN: Statutory Permit by Notification.

SF: Square Feet.

SCM: Stormwater Control Measures.

UST: Underground Storage Tank.

WQC: Water Quality Certification.

Day: refers to calendar days unless otherwise specified.

Designated Corridor: the land within a quarter mile of the highwater mark of a state designated river or the extent of the 100-year flood plain, whichever is greater.

Protected Shoreland: the area within 250 feet of most designated rivers, rivers of fourth order or greater, lakes and ponds greater than 10 acres in size and tidal waters.

Riparian: related to or situated on the banks of a river.

Watershed: an area or region drained by a river, river system or other body of water.

Wetlands: areas where water covers the soil or is present at or near the surface for varying periods, creating unique ecosystems.

Introduction

Local River Management Advisory Committees (LACs) and the Connecticut River Joint Commissions Local River Subcommittees (LRSs) have the duty under RSA 483 to review permit applications at the town, state and federal level for projects that may impact designated rivers. These LACs/LRSs are comprised of dedicated volunteers who may or may not have experience with permit applications. This document is intended to provide LAC/LRS members with background on the permit application process, the LAC/LRS role in that process and how committee members review applications. Each LAC/LRS is different and may have an established permit application review process that differs from the suggestions made in this document. In addition, LRSs may wish to consult with the Connecticut River Joint Commissions regarding large-scale projects that have implications for the Connecticut River as a whole. If you have any questions regarding the permit application review process that are not addressed in this document, please contact New Hampshire Department of Environmental Services (NHDES) Rivers Management and Protection Program (RMPP or Rivers Program) staff at riversprogram@des.nh.gov.

LAC/LRS Jurisdictions

LACs and LRSs review plans and applications for projects "that may alter the resource values and characteristics for which the river or segment is designated." (RSA 483:8-a III(b)) Typically, this is interpreted to mean activities within the designated river corridor which may impact the river. The designated river corridor extends to a quarter mile from the normal high-water mark or the landward extent of the 100-year floodplain as determined by the Federal Emergency Management Agency (FEMA), whichever is greater (RSA 483:4 XVIII). The New Hampshire Designated River Corridor Map or the Land Resources Management Permit Planning Tool can be utilized to confirm whether a project is located within your designated river corridor. Occasionally, a large project that is outside the river corridor but within the watershed may have the potential to impact a designated river; for example, projects a short distance upstream of the start of the designated river segment or located on a major tributary to a designated river. The LAC/LRS may learn of projects such as these by word-of-mouth, attending a municipal meeting or by seeing the project site. The LAC/LRS will not be directly notified but may comment as a member of the public. For projects outside of the designated river corridor, the LAC/LRS will have to seek out the permit application information. This can be done by using OneStop, NHDES' database for documents, permits, data and reports. For wetlands or shoreland permits, use the OneStop Wetlands/Shoreland Query and for other permit types, use the OneStop Basic Search. If the LAC/LRS can obtain a copy of the application, the committee may review it.

In some cases, LAC/LRS jurisdiction is restricted to a smaller area within the river corridor if projects are expected to have little or no impact on a designated river, such as for Routine Roadway Maintenance Registration permits. Similarly, LACs/LRSs are not able to comment on certain permit types, like Shoreland Permits-by-Notification (PBNs), even if the project occurs within the designated river corridor. This is generally because the required timeline for NHDES permit review staff is too short to accommodate LAC/LRS meeting schedules but also because the expected impact of the project should be minimal on the river. If a permit is not within LAC/LRS jurisdiction to review, this will be distinguished in the weekly permit application notification email sent to LAC/LRS chairs. The note, "For informational purposes only. Not subject to LAC review." will be included in the permit description. The applicable jurisdictional areas and review timelines for each type of permit are detailed in the Permit Application

Types section of this document. If you have any questions regarding whether or not a permit is within your LAC's/LRS' jurisdiction to review, please contact to Rivers Program staff for assistance at riversprogram@des.nh.gov.

LACs/LRSs are advisory and do not hold regulatory power. Therefore, LACs/LRSs should not visit permit subject sites, unless they are on public property such as a municipal park, without explicit permission from the property owner. LACs/LRSs can request a site visit with the owner or view the property from public roadways, the river or from a neighboring public property or one on which they have received permission to enter. If LACs/LRSs are denied access to a proposed project, they should inform the application reviewer, who then may want to inspect such a project site themselves. In addition, LACs/LRSs do not have the right to inspect project sites during or after permit implementation. If your LAC/LRS suspects there is variance from the permitted activities, the LAC/LRS may submit a Land Resources Management Program Complaint Form. When available, include the permit number and copy the permit reviewer when submitting the form. Rivers Program staff can assist with the process if needed.

Permit Application Review Processes

LACs/LRSs will usually receive copies of permit applications and permit planning documents directly from permit applicants. In the past, most applications were sent via certified mail. Now, however, NHDES is gradually switching to online submission of applications and rules are being modified to allow applications to be sent via email. Eventually, most permit applications will be available to download from the NHDES website. LAC/LRS Chairs also receive a weekly permit application notification email from Rivers Program staff listing most state permit applications that have been received by NHDES within designated river corridors during the prior week. **Once the application or notice of the application has been received, the LAC/LRS should notify the NHDES permit reviewer, if one has been assigned, whether they intend to review the application and when comments can be expected.** If the committee does not notify the reviewer, the reviewer may approve the application without waiting for LAC/LRS comments. If the LAC/LRS has received a notification that the permit application has been submitted but has not received the application and planning documents, please take the following steps:

1. Contact the permit applicant and request copies of the application and project plans.
2. If you are unable to contact the applicant due to a lack of contact information, reach out to the NHDES permit reviewer.
3. If you are unable to contact the permit reviewer, reach out to the Rivers Program staff for assistance.

Permit Application Review Checklists

Some LACs/LRSs find it helpful to create permit review checklists to create an organized and consistent permit review process. These checklists can detail a standard procedure for receiving, reviewing and commenting on permits. They can also list items that the LAC/LRS can recommend that are outside of the scope of the permit but would be beneficial for the river. If your LAC/LRS creates a permit review checklist, keep in mind that the amount of time your committee will have to review a permit during each meeting will vary depending on the number and complexity of the permits received. It may be helpful to

include scaled checklists, with priority items that are always reviewed and included in comments and secondary items that are reviewed if time allows. For example, the LAC/LRS may always review changes in impermeable surfaces but only review snow storage plans if time allows.

Permit Application Review Subcommittees

In addition to permit review checklists, some LACs/LRSs create permit review subcommittees. These subcommittees conduct a primary review of the application and present concerns and/or areas of improvement to the committee at the full meeting. As long as this subcommittee does not reach the full committee quorum, the subcommittee is not required to hold public meetings. This means the subcommittee can meet virtually. Suggested comments and requests for signatures waiving the right to intervene must be brought before the whole committee for a vote, following RSA 91-A public meeting requirements. If at any time the number of subcommittee members meets or exceeds the full committee quorum, the subcommittee must conduct a public meeting. Refer to the Public Meeting Guidance for Local Advisory Committees document to learn more about public meeting requirements for LACs/LRSs.

Key Elements of Permit Applications

Permit applications contain a lot of information and LACs/LRSs have limited time to complete their reviews of these applications. It is important for LACs/LRSs to determine their primary concerns related to development around the river and how to identify if those concerns may be impacted by the proposed project. For example, a LAC/LRS may find that runoff from impermeable surfaces is contributing to water quality concerns in their river. Therefore, when reviewing an application, they should determine if impermeable surfaces are increasing and if so, make recommendations to reduce impermeable surfaces or suggest tools to limit their impact. This may appear as a recommendation for a rain garden, riparian buffers, vegetated traffic islands, permeable pavement, an infiltration ditch along the paved area or other state of the science and industry stormwater control measures (SCMs). Many recognized and recommended SCMs can be found in the 2025 New Hampshire Stormwater Manual hosted on the University of New Hampshire Stormwater Center website.

Sometimes, permit applications can be highly technical or at such large scales that the LACs/LRSs may need guidance to understand the proposed project. LACs/LRSs may request that the permit applicant provide a presentation on the proposed project and address their questions at a meeting. Or, the LAC/LRS may submit questions with their permit comments, noting that the LAC/LRS could not properly review the project without those questions being addressed. This may trigger a Request for More Information (RMFI) from the NHDES permit reviewer. The RFMI will require the permit applicant to address questions raised by NHDES, some of which may have been pointed out by the LAC/LRS.

Key elements of most permit applications are the figures, such as maps and site plans, and summary tables included in the application. For example, Section 11 of a Standard Dredge and Fill Wetlands Permit application comprises a table that summarizes the types and amount of wetland impacts proposed for the project. Using this table as a reference, locate the areas of proposed impact on the figures. Highlight them by type if they do not stand out well on the plan. Then, look at the overall project and see if you can find places where the impacts could be reduced or even eliminated. "Wetlands Best Management Practice Techniques for Avoidance and Minimization" is a helpful reference on the types of changes an applicant may make to reduce their impact.

What NHDES Wants to Know

In addition to being informed of environmental concerns, potential impacts and recommendations for project improvement, NHDES wants to know the local perspective on the project. LACs/LRSs can act as the eyes for NHDES when reviewing these permits. Some NHDES permit programs receive hundreds of applications and reviewers may not able to visit some permit application project sites prior to the project being started. In this case, the local knowledge of the committee is invaluable and informs NHDES permit reviewers of features of the project site of which they would otherwise be unaware. In addition, the LAC/LRS can provide historical knowledge of the project area such as if there has been recurring flooding at the project site or excessive run off during significant storm events. When reviewing permit applications, consider what information about the site would be helpful for the NHDES permit reviewer to know. Some examples of items to note in your permit review comments are listed below. **We recommend printing this page to use as a reference when conducting reviews.**

- Did work begin prior to the issuance of the permit?
- Are there local ordinances that are stricter than state level rules?
- Would a drinking water source be impacted by this project?
- Does this project require more than one permit type? For example, if your LAC/LRS receives an Above Ground Storage Tank (AST) application for a site near the river, it may also require a shoreland permit.
- Are there existing stormwater and/or drainage issues? Is the project area prone to flooding?
- Have similar projects been attempted in the past that have been successful or unsuccessful?
- Have other projects occurred recently in this area that may cause a compounding impact? For example, the impact of a project individually may be minimal, but recent projects in the area can cause changes such as increases in impervious surfaces or thinning of buffers that may result in greater impacts together. Consider how neighboring properties are changing around the project site and what that might mean for the risks of this project.
- Are there steep grades that are not shown on the project plans?
- Is the property vegetated? If so, what type of vegetation (i.e. lawn, wooded, gardens, etc.) and will the post-project vegetation slow runoff and nutrient flow into the river as well the pre-project vegetation? If vegetation will require time to become re-established, are there stormwater controls that can be used in the interim that will decay naturally over time?
- Are invasive species present on the property, in the river or in the immediate area?
- Are there compacted surfaces that are not accounted for as impervious surfaces? (i.e. gravel driveways).
- Will the proposed lighting plan interfere with nocturnal patterns of wildlife within the river corridor or conflict with local dark skies ordinances?
- Would the permit activities be approved at the local level?
- Are the actual site conditions along the river and/or within the river corridor accurately reflected in the application and plans?
- Are there alternative ways to accomplish the objectives of the project that would reduce or eliminate project impacts on the river?

When evaluating alternatives and ways to reduce impacts, your local observations are essential for the NHDES permit reviewer, especially if the LAC is granted a site visit. For example, you may notice that a stream is narrower downstream of where a crossing was suggested and recommend the crossing be moved to that area to limit impact. The NHDES permit reviewer may not be able to identify opportunities like that from the application contents.

It is also important to let the NHDES permit reviewer know if the project has already begun. While you cannot visit the project site without permission, you may be able to notice land clearing, groundbreaking or even active construction by driving by or looking onto the site from a neighboring property you have legal access to. This can even be done by boating near the project site, as shown in the image below. This is important information for NHDES because beginning a project before a permit has been issued, except in the case of emergency authorizations, is a compliance issue. This will change the permit application review process.

LACs/LRSs have the ability to make recommendations to permit applicants that NHDES cannot. NHDES is bound by legislation, meaning that NHDES can request no more than the legal requirements of an applicant. When reviewing permit applications, keep in mind that NHDES reviewers will ensure that the application meets those legal requirements. It is the role of the LAC/LRS to use their local knowledge to not only point out discrepancies and risks associated with the project but also share ideas on how to make the project more beneficial to the river. For example, NHDES cannot ask an applicant to use downturned lighting shades or to utilize NHDES Green SnowPro Certified commercial snow and ice maintenance contractors, but an LAC/LRS can provide recommendations for these extra actions as seen in letter examples 3 and 4 in Appendix B. When reviewing these applications, look for areas of opportunity as well as risks. If your committee has an idea on how to improve the project, please share this with the permit applicant or NHDES reviewer. Remember, the permit applicant is not required to comply with any requests beyond what is in regulations, but recommendations from your LAC/LRS may help them choose to incorporate more river-friendly actions into their project plan. To articulate this clearly, use language such as “The LAC/LRS recommends…” or “This project could be improved by…” when submitting these types of recommendations in comments.

Remember to compliment the applicant on aspects of the project that are done well. Noting the committee’s approval of items such as the use of open bottom culverts, planting of native shrubs and installation of jute erosion control netting will encourage designers to use them again in the future. See Appendix B for an example of this in a comment letter.

Submitting Comments

Once a permit application or notice of a permit application has been received, the LAC/LRS should notify the permit reviewer whether they intend to review the application and when. If you do not know who the permit reviewer is, contact Rivers Program staff.

LACs/LRSs should submit comments on **all** permit applications within their jurisdiction, including to indicate committee support or "no comment/concerns." For some permit types, an application is considered incomplete if LAC/LRS comments are not provided to the NHDES permit reviewer. In addition, this consistency encourages greater communication between permit applicants, NHDES reviewers and the LAC/LRS. Permit comments should be submitted directly to the permit applicant via email with the NHDES permit reviewer copied, when applicable. Please copy the Rivers Program staff on all permit comment submissions. Not only does this keep Rivers Program staff informed, but staff can also assist in communications if an NHDES permit application reviewer is out of the office or a new NHDES reviewer has been assigned to the application.

LACs/LRSs can determine their own style and voice for their permit application comments. Some committees utilize a formal letter format attached to an email; others simply dictate their comments in the email body text. Whatever format an LAC/LRS chooses, it is recommended that they remain consistent. Create a permit application comment template that is used for every submission to the applicant and NHDES. This template should determine a consistent look for the LAC's/LRS' comments and what information will be included in the comments. A few key items should be included in all permit comments:

- The NHDES permit number.
- What materials the committee reviewed and which version.
- The concerns and recommendations identified for the project.

A permit applicant may seek LAC/LRS review prior to submitting their application to NHDES. In this case, there will be no permit application number or NHDES permit reviewer assigned to the application. When submitting comments, be sure to include the project site address, including the tax map and lot number, to distinguish the project on which the LAC/LRS is commenting. These permit comments should be submitted directly to the applicant with Rivers Program staff copied since permit program staff will not yet be aware of the proposed project.

Refer to the permit comment examples in Appendix B to see how different LACs/LRSs choose to structure and present their comments to the applicants and NHDES.

Consider creating generic comment letters:

Occasionally, an LAC/LRS may find that it is unable to meet with a quorum to discuss a permit application. Rather than just telling the applicant or reviewer that they were unable to meet, the LAC/LRS could consider creating a generic letter to be sent in situations such as this. This letter could contain common questions and concerns from the LAC/LRS and general recommendations that are typically included in the relevant permit application review and response. See Example 1 in Appendix B for an example generic comment letter for Shoreland Permit applications.

Key Take Aways

- ✓ Always alert the NHDES permit reviewer as soon as possible to inform them that the committee will be reviewing the application and when to expect comments.
- ✓ Consider both the risks and opportunities of the proposed project.
- ✓ Never trespass on private property to observe the permit application project site; get permission first or use other legal avenues.
- ✓ Contact the permit applicant well in advance of the next meeting to request a presentation if the LAC/LRS has questions about the permit application.
- ✓ Be sure to include the NHDES permit number or address of the permit application project in all permit comments.
- ✓ Send permit comments to the permit applicant and permit reviewer (when applicable) and copy NHDES Rivers Program staff.
- ✓ Submit comments on all permit applications within jurisdiction, even to say, "no comment."
- ✓ Share ideas for project improvements or suggested resolutions for perceived project flaws.

Application Types

LACs/LRSs are asked to comment on several types of permit applications and funding applications. In addition, LACs/LRSs are notified of some permit types on which they are unable to comment despite the project being located within the designated river corridor. The following subsections detail each permit type on which the LACs/LRSs are notified, explaining the LAC's/LRS' jurisdiction, comment deadline and where to get more information. For a quick reference of this information, see the Permit Types and Local River Management Advisory Committee Comment Deadlines table.

- Wetlands Permit Applications.
- Alteration of Terrain Permit Applications.
- Shoreland Permit Applications.
- Solid Waste Permit Applications.
- Dam Permit Applications.
- Other Permit Applications.
- Funding Applications.

Wetlands Permit Applications

Wetlands permit applications are categorized as minimum, minor or major impact projects and are generally differentiated based on the size and type of the proposed impacts:

Type of Jurisdictional Area	Minimum Impact	Minor Impact	Major Impact
Other than watercourse	< 3,000 square feet (SF)	≥ 3,000 SF and < 10,000 SF	≥ 10,000 SF
Watercourse	< 50 linear feet (LF)	≥ 50 LF and < 200 LF	≥ 200 LF

Watercourse refers to any surface water that develops and maintains a defined scoured channel, with evidence of sediment transport or that is a continuous channel that flows to or from a wetland or other surface water as defined by Env-Wt 104.48. The term includes rivers and streams. Impacts to perennial watercourses are measured in linear footage and comprise the sum of the length of both banks plus the length of the channel itself, such that impacts to 25 feet of a perennial stream add up to 75 linear feet of impact. For projects only impacting one bank of the river, impacts are comprised of the length of the impacted bank and the length of the channel if impacts are below the ordinary high water mark. Impacts to intermittent stream are measured singly along their thread, such that impacts to 25 feet of intermittent stream length equals 25 linear feet of impact.

Additional information can be found on the Wetlands program webpage.

Standard Dredge and Fill (Standard)

Background: Standard Permits are used for minimum, minor and major impact projects. Applicants may still submit a Standard Permit application even if their project qualifies for a Permit-by-Notification or an Expedited Permit.

Permit Staff Processing Time: NHDES processing time is based on RSA 482-A. For projects with impacts totaling less than one acre, NHDES staff must process the applications within 50 days of issuing an Administrative Completeness Notice to the applicant. For projects with impacts totaling greater than one acre, staff must process the applications within 75 days of issuing an Administrative Completeness Notice. If the NHDES reviewer sends a "Request for More Information" letter (RFMI), the applicant has 60 days to respond with the requested information. During that time, the applicant may request additional time to respond. Per RSA 482-A, NHDES shall grant an extension upon request of the applicant. When a complete response to the RFMI is received, NHDES has 30 days from receipt to review the response, render a decision or schedule a public hearing.

LAC/LRS Comment Deadline: Permit applicants *should* seek LAC/LRS comments prior to submitting their application to NHDES and include the comments in the application. However, this does not happen often. If the applicant submits the permit application to the LAC/LRS at the same time it is submitted to the municipality or municipalities and NHDES, the LAC/LRS has 40 days from NHDES receipt to review and submit comments. However, if the LAC/LRS does not notify the NHDES permit reviewer that they wish to submit comments on the project within 14 days of municipal receipt , then NHDES does not need to provide 40 days for review. Comments should be submitted directly to the applicant and NHDES reviewer, when applicable. A copy sent to Rivers Program staff is appreciated.

Expedited Minimum Impact (EXP)

Background: EXP Permits are used for minimum impact projects that do not qualify for Statutory Permits by Notification (SPN) or Permits by Notification (PBN). Minimum impact projects are those that impact less than 3,000 square feet of non-watercourse area or less than 50 linear feet of a watercourse. EXP Permits may also be used for the following project types under the conditions listed in the EXP Project Classification Guidance Document:

- Aquatic vegetation control projects.
- Water access structure construction projects.

- Beach replenishment projects.
- Deck or patio repair projects.
- Breakwater maintenance and repair projects.
- Docking and accessory docking structure construction, repair and replacement projects.
- Docking structure modification projects.
- Accessory docking structure installation, construction, modification, repair and replacement projects.
- Canopy projects.
- Bank/shoreline stabilization construction projects.
- Dug-in basins and boathouse construction, modification, maintenance or repair projects.
- Intake and outflow structure construction, maintenance and repair projects.
- Trail or pathway projects.
- Boardwalk projects.
- Dry hydrants and other non-docking structure projects.
- Pond construction, maintenance and repair projects.
- Residential utility installation projects.
- Non-tidal dredging projects.
- Residential, commercial and industrial development projects.
- Restoration/enhancement projects.
- Dam construction, reconstruction or replacement projects.
- Dam modification, repair or maintenance projects.
- Public highway projects.
- Coastal projects.
- Stream crossing projects.

Permit Staff Processing Time: NHDES must review EXP permit applications within 30 days of receipt if the application has been signed by:

- The municipal conservation commission or local governing body waiving its right to intervene on the project.
- The LAC/LRS if the project is within jurisdiction, waiving its right to intervene on the project.

Without these signatures, NHDES will review the project in accordance with Standard Wetlands permit application deadlines.

LAC/LRS Comment Deadline: Applicants must seek LAC/LRS signature to waive the LAC's/LRS' right to intervene prior to submitting the application to NHDES. A decision to waive the right to intervene must be approved at a public meeting of the LAC/LRS just like comments, unless the LAC/LRS has standing positions that allow the Chair or permit review subcommittee to sign under defined circumstances. If the LAC/LRS does not waive their right to intervene, the EXP will be reviewed in the timeframe of a Standard Wetlands permit application, and the LAC/LRS will have 40 days from NHDES receipt to submit comments. Comments should be submitted directly to the applicant and NHDES reviewer, when applicable. A copy sent to Rivers Program staff is appreciated.

Wetlands Permit-by-Notification (PBN)

Background: Wetlands PBNs can be used for 22 types of minimum impact projects. LACs/LRSs can comment on three types of PBNs:

- Repair of an existing legal tier 2 stream crossing.
- Repair of an existing legal tier 3 stream crossing.
- Installation of a temporary tier 2 stream crossing.

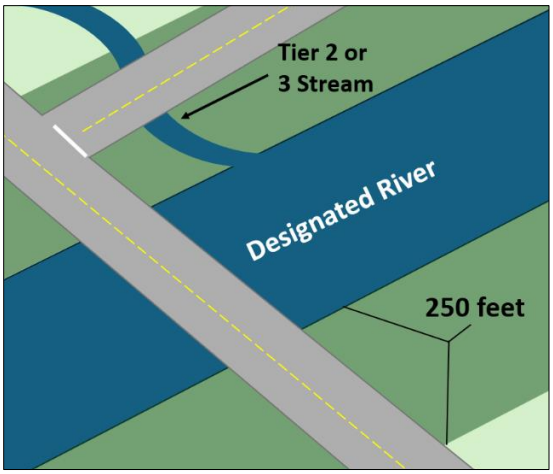
Stream crossing tiers are defined in Env-Wt 900 as:

Stream Crossing Tier	Criteria
Tier 1	Contributing watershed is less than or equal to 200 acres.
Tier 2	Contributing watershed is greater than 200 acres and less than 640 acres.
Tier 3	Contributing watershed is 640 acres or greater. Or a Tier 2 stream crossing or higher within a designated river corridor with a direct surface water connection to the designated river. Or within a 100-year floodplain. Or in a jurisdictional area having any protected species or habitat. Or in a prime wetlands or within a duly-established 100 ft buffer.
Tier 4	Located on a tidal watercourse.

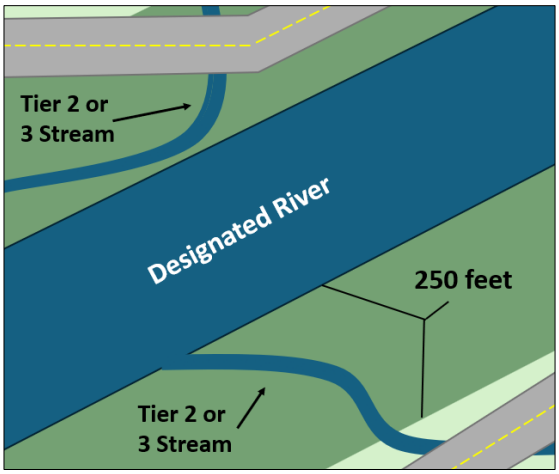
There is a distinction between a repair versus a rehabilitation. If something does not meet the criteria of a repair, it does not qualify for a Wetlands PBN. As defined by Env-Wt 902.24, "repair" means work on an existing legal structure to allow the structure to remain in place where the necessary work does not include the installation of new structural components. "Rehabilitation" is defined in Env-Wt 902.23 as installation of new structural components in or on an existing legal structure to allow the structure to remain in place that does not qualify as a repair or replacement.

LAC/LRS jurisdiction to comment on these projects is restricted to project occurring within 250 feet of the designated river where the tier 2 or 3 stream has a direct surface water connection to the river. In the diagrams below, stream crossings are shown in relation to these criteria. The stream crossings within LAC/LRS jurisdiction either directly cross the designated river or involve a tier 2 or 3 stream with a surface water connection within 250 of the river. The stream crossings outside of LAC/LRS jurisdiction involve tier 2 or 3 streams either lacking a direct surface water connection with the designated river or with its stream crossing more than 250 feet from the river. Stream crossings on tier 1 streams are never within LAC/LRS jurisdiction. See the diagrams on the following page for a visual representation of these jurisdictional rules.

LACs/LRSs will receive notification of the remaining projects outside of jurisdiction but within the river corridor, but NHDES cannot accommodate the LAC/LRS if they desire to submit comments. If the LAC/LRS is able to submit comments on the project within the 10 day NHDES review timeline, they may do so. However, NHDES is not required to respond to or incorporate those comments and cannot extend the review period beyond 10 days to allow for LAC review.



Stream crossings within LAC/LRS jurisdiction.



Stream crossings not within LAC/LRS jurisdiction.

Permit Staff Processing Time: Applicants are asked to acquire signatures from the local conservation commission and LAC/LRS (when in jurisdiction) prior to submitting their application. If they do so, NHDES has 10 days to review the application. If signatures are not received, the department has 25 days to review the application.

LAC/LRS Comment Deadline: Applicants must seek LAC/LRS signature to waive the LAC's/LRS' right to intervene prior to submitting the application to NHDES. A decision to waive the right to intervene must be approved at a public meeting of the LAC/LRS just like comments, unless the LAC/LRS has standing positions that allow the Chair or permit review subcommittee to sign under defined circumstances. In the event that the applicant did not seek a signature from the LAC/LRS prior to submittal, the LAC will have 25 days from NHDES receipt to provide comments and/or signature. Comments or signature should be submitted directly to the applicant and NHDES reviewer, when applicable.

Wetlands Statutory Permit-by-Notification (SPN)

The following are the five minimum impact activities that may qualify for a Wetlands SPN. Wetlands SPNs have a shorter review period than a standard or EXP permit application and most do not require LAC/LRS review. However, if the LAC/LRS receives notice of an SPN and is able to review and submit comments within the NHDES review period, they are welcome to do so. The NHDES permit reviewer, however, cannot delay the processing of the application beyond the review period even if the LAC/LRS notifies them that they are intending to review the application. Notice of Wetlands SPNs are included in the weekly permit application notification to LAC/LRS chairs or they can be viewed in the OneStop Wetland/Shoreland query.

Culvert Repair-Replacement SPN

Background: A Culvert SPN can be used for minimum impact projects involving the repair or replacement of culverts or stream crossing structures up to and including 48 inches in diameter or the functional hydraulic equivalent. LAC/LRS jurisdiction to comment on these projects is restricted to projects occurring within 250 feet of the designated river where the tier 2 or 3 stream has a direct surface water connection to the river.

Permit Staff Processing Time: NHDES staff must review Culvert SPN applications within 5 business days of receipt.

LAC/LRS Comment Deadline: Applicants must seek LAC/LRS signature to waive the LAC's/LRS' right to intervene prior to submitting the application to NHDES. A decision to waive the right to intervene must be approved at a public meeting of the LAC/LRS just like comments, unless the LAC/LRS has standing positions that allow the Chair or permit review subcommittee to sign under defined circumstances.

Forestry SPN

Background: Forestry SPNs can be used for forest management or timber harvesting activities that impact wetlands, surface waters or other areas of jurisdiction that fall under RSA 482-A. The permits are available for projects that qualify as minimum impact and that comply with Forestry Best Management Practices.

Permit Staff Processing Time: NHDES must review these permit applications within 5 business days of receipt.

LAC/LRS Comment Deadline: Forestry SPNs are not within LAC/LRS jurisdiction to review. LACs/LRSs will only receive notification of the permit application.

Trails SPN

Background: Trail SPNs can be used for minimum impact projects involving the construction or maintenance of recreational trails. These projects must be carried out in accordance with the Best Management Practices for Erosion Control During Trail Maintenance and Construction.

Permit Staff Processing Time: NHDES must review these permit applications within 5 business days of receipt.

LAC/LRS Comment Deadline: Trail SPNs are not within LAC/LRS jurisdiction to review. LACs/LRSs will only receive notification of the permit application.

Utility SPN

Background: Utility SPNs are used for minimum impact projects associated with the maintenance, inspection and repair of existing utility services within existing rights-of-way. These projects must be done in accordance with the Best Management Practices Manual for Utility Maintenance in and Adjacent to Wetlands and Waterbodies in New Hampshire.

Permit Staff Processing Time: NHDES must review these permit applications within five business days of receipt.

LAC/LRS Comment Deadline: Utility SPNs are not within LAC/LRS jurisdiction to review. LACs/LRSs will only receive notification of the permit application.

Seasonal Dock Notification for Lakes and Ponds SPN

Background: The Seasonal Dock Notification for Lakes and Ponds allows for the installation of a temporary dock that is made to be removed from the water for non-boating season on lakes and ponds. The seasonal dock must be:

- Located on a lake or pond.
- The only docking structure on the shoreline frontage.
- Constructed to be removed during the non-boating season.
- Removed from the lake bed for a minimum of five months each year.
- Configured to be narrow, rectangular and erected perpendicular to the shoreline.
- No more than six feet wide and no more than 40 feet long if the waterbody is 1,000 acres or larger or no more than six feet wide and 30 feet long if the waterbody is less than 1,000 acres.
- Located on a parcel of land that has 75 feet or more of shoreline frontage.
- Located at least 20 feet from an abutting property line or the imaginary extension of the property line over the water.
- Installed in a manner which requires no modification, regrading or recontouring of the shoreline.
- Installed in a manner that complies with RSA 483-B.
- Installed in a location that is not within 100 feet of a municipality designated prime wetland.

Permit Staff Processing Time: NHDES must review these applications within five business days of receipt.

LAC/LRS Comment Deadline: Seasonal Dock Notification for Lakes and Ponds applications are not within LAC/LRS jurisdiction to review. LACs/LRSs will only receive notification of the permit application.

Small Motor Mineral Dredge (SMMD)

Background: Small Motor Mineral Dredge permits apply to minimum impact mineral dredging work within RSA 482-A jurisdiction that does not exceed the following limits:

- Power equipment limited to five horsepower.
- Suction dredges limited to a single four-inch diameter intake nozzle.
- Sluice and rocker boxes limited to 10 square feet.

Permits are valid for one year. A permit is not required for panning for gold or other minerals in sand or gravel stream beds.

Permit Staff Processing Time: NHDES must review these applications within seven to 10 business days of receipt.

LAC/LRS Comment Deadline: Small Motor Mineral Dredge permit applications are not within LAC/LRS jurisdiction to review. LACs/LRSs will only receive notification of the permit application.

Routine Roadway Maintenance Registration (RRMR)

Background: RRMRs may be used for the following nine types of minimum impact projects:

- Culvert replacement or repair.
- Culvert extension.
- Culvert relocation.
- Embankment stabilization.
- In-kind headwall repair only, on any size culvert.
- Headwall construction, repair or replacement.
- Roadside ditch maintenance.
- Culvert inlet and outlet maintenance.
- Temporary scaffolding.

All projects completed under a RRMR must meet the conditions set in the Best Management Practices for Routine Roadway Maintenance Activities in New Hampshire.

Permit Staff Processing Time: NHDES must review these permit applications within five business days of receipt.

LAC/LRS Comment Deadline: LAC/LRS jurisdiction is restricted to projects occurring within 250 feet of the designated river where the tier 2 or 3 stream has a direct surface water connection to the river. When in jurisdiction, applicants must seek LAC/LRS signature to waive the LAC's/LRS' right to intervene prior to submitting the application to NHDES. A decision to waive the right to intervene must be approved at a public meeting of the LAC/LRS just like comments, unless the LAC/LRS has standing positions that allow the Chair or permit review subcommittee to sign under defined circumstances.

Emergency Authorization Request

Background: An Emergency Authorization Request may be submitted to NHDES during a natural disaster, in the aftermath of a disaster or during a local emergency by private property owners and/or public agencies to conduct work in wetlands to mitigate immediate threats or to stabilize property without permits or prior authorization. There are some variations of Emergency Authorizations for private property, public infrastructure and in the case of natural disasters. These nuances are detailed in Env-Wt 315. In all cases, the work performed under Emergency Authorization must be limited to stabilization of the site or other mitigation of the immediate threat that does not create any new permanent impacts. This work must be limited to what is necessary to prevent further damage and must comply with Env-Wt 900 for stream crossings. Permanent impacts to wetlands must remain within the footprint of the existing infrastructure unless additional impacts are needed to meet Env-Wt 900 standards. Channel blockages may also be cleared if sediment disturbance is minimized.

Permit Staff Processing Time: NHDES shall issue the emergency authorization no later than three working days after the written request is received.

LAC/LRS Comment Deadline: LACs/LRSs are not able to comment on Emergency Authorizations. However, after the work is complete, property owners are required to apply for the respective Wetlands Permits for any work completed beyond addressing the immediate threat, such as permanent repairs or restoration. LACs/LRSs are then able to comment on these permit applications. Even though some of the work has already been completed, the LAC/LRS should comment as they would on any other permit application. If the LAC/LRS notices that work is continuing at the site beyond the allowance of the

Emergency Authorization and no additional permits have been granted, the LAC/LRS should submit a Land Resources Management Complaint Form.

Alteration of Terrain Permit Applications

Alteration of Terrain (AoT) permitting intends to manage stormwater and stormwater treatment at large project sites. Projects that involve large scale earth moving or earth moving in sensitive environments require AoT permits. Examples of projects that would require AoT permitting include gravel pits, solar field installations, large residential subdivisions and large commercial/industrial construction.

Additional information can be found on the Land Development webpage.

Alteration of Terrain Standard (AoT Standard)

Background: AoT Standard permits are required if a project results in one of the following:

- Disturbs more than 150,000 square feet of terrain.
- Disturbs more than 50,000 square feet of terrain within the Protected Shoreland.
- Disturbs any area having a 25 percent or steeper land slope and is within 50 feet of any surface water.

Permit Staff Processing Time: NHDES staff must process AoT Standard applications in no more than 50 days.

LAC/LRS Comment Deadline: The LAC/LRS has 40 days from notification to review and submit comments on AoT standard permits. Comment should be submitted directly to the applicant and NHDES reviewer. A copy sent to Rivers Program staff is appreciated.

Alteration of Terrain Permit-by-Notification Addendum (AoT PBN)

Background: AoT PBNs can be used for projects that are not within the protected shoreland and disturb between 50,000 and 150,000 square feet of terrain. AoT PBNs can also be used for solar projects that generate less than five megawatts; however, these solar projects may entail disturbance greater than 150,000 square feet of terrain. For all projects seeking AoT PBN approval, applicants must submit both a full AoT application and an AoT PBN Addendum.

Permit Staff Processing Time: NHDES staff must process AoT PBN applications within 14 days of receiving a complete application.

LAC/LRS Comment Deadline: Applicants must send the LAC/LRS a copy of the application at least 40 days before they plan to file the application with NHDES. The applicant may submit the application when:

- The applicant receives written communication from the LAC/LRS that the group supports the application or has no comments.
- The applicant has received comments from the LAC/LRS and can include in the application the response back to the LAC/LRS on how the group's comments were addressed.

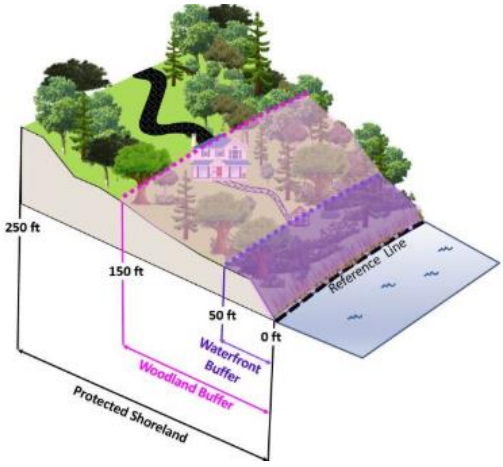
- When at least 40 days have passed since the LAC/LRS was sent the application. In this situation, comments are due from the LAC/LRS upon notification that NHDES has received the application and should be submitted directly to the applicant and NHDES reviewer.

Shoreland Permit Applications

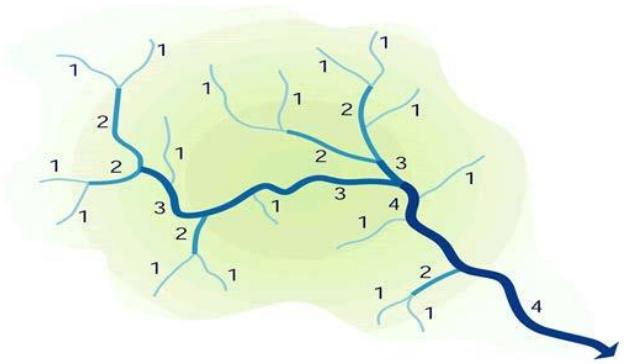
Shoreland permits are utilized for projects within the protected shoreland, which is within 250 feet of most designated rivers, rivers of fourth order or greater, lakes and ponds greater than 10 acres in size and tidal waters. Designated rivers which are exempted from shoreland permits are the first, second and third order sections of the Lamprey watershed rivers and the Oyster River as specified in RSA 483:15. Stream order is a classification system for streams and rivers. First order streams are those which have no other streams feeding them. When two first order streams merge, they form a second order stream. When two second order streams merge, they form a third order stream, and so on. Note that the confluence of second and third order streams remains a third order stream.

The protected shoreland encompasses the waterfront buffer zone (50 feet from the reference line) and the woodland buffer zone (150 feet from the reference line). Within the waterfront buffer zone, groundcover and shrubs may not be removed and replaced with landscaping or lawn. They may only be removed to provide a single six-foot-wide footpath to the water or to structures in the buffer. Ground cover and shrubs may only be trimmed to no less than three feet. While trees may be pruned and removed, there are requirements for proper removal. Within the woodland buffer, at least 25 percent of the area must be managed as natural woodland. This area does not have to be contiguous and is up to the discretion of the property owner. For more information on the different protected shoreland zones, please reference this Vegetation Management for Water Quality factsheet and explore these other shoreland protection fact sheets.

Additional information can be found on the Protected Shoreland webpage.



Shoreland Water Quality Protection Act zones



Stream order diagram.

Shoreland Standard

Background: The shoreland standard permit is used for projects involving construction, excavation or fill within the protected shoreland that do not qualify for a shoreland Permit-by-Notification.

Permit Staff Processing Time: NHDES staff must review shoreland standard permit applications within 30 days of receipt.

LAC/LRS Comment Deadline: LACs/LRSs are given 25 days from NHDES receipt to review and submit comments on shoreland standard permits. The applicant is required to notify the LAC/LRS via certified mail at the time of the permit application. Comments should be submitted directly to the applicant and NHDES reviewer, when applicable. A copy sent to Rivers Program staff is appreciated.

Shoreland Permit-by-Notification (Shoreland PBN)

Background: Shoreland PBNs are used for projects in the protected shoreland that meet one of the following criteria and do not require any waivers or propose to make a grandfathered, nonconforming structure more conforming:

- Impact less than 1,500 square feet in total, with a net increase in impervious area of no more than 900 square feet.
- Are for the purpose of stormwater management improvements, erosion control or environmental restoration or enhancement.
- Are for the maintenance, repair and improvement of public utilities, public roads and public access facilities.
- Consist of geotechnical borings, test wells, drinking water well or is a site remediation project that meetings the requirements of Env-Wq 1406.05.

Permit Staff Processing Time: NHDES must review these applications within five business days of receipt.

LAC/LRS Comment Deadline: Shoreland PBN applications are not within LAC/LRS jurisdiction to review. The LAC/LRS will not be notified of these projects.

Solid Waste Permit Applications

Solid Waste is defined in RSA 149-M:4 and includes discarded materials ranging from household trash to end-of-life motor vehicles. Solid Waste permits aim to regulate the collection, processing, treatment, recycling, re-use and disposal of waste.

Additional information can be found on the Solid Waste Permitting webpage. See Env-Sw 300 for Solid Waste Permitting Rules.

Solid Waste Standard

Background: Solid Waste Standard permits are available for almost all types of solid waste management facilities.

Permit Staff Processing Time: NHDES staff must determine whether an application is complete within 60 days of receipt. Once complete, NHDES has up to 180 days to hold a public hearing, review the application and issue a decision on the application.

LAC/LRS Comment Deadline: LACs/LRSs are requested to review and submit comments on these permit applications within 30 days of receipt of the notice of filing from NHDES. Comments should be submitted directly to the applicant and NHDES reviewer. Additionally, opportunity to comment is available during the public hearing.

Solid Waste Permit-by-Notification

Background: Solid Waste PBNs are available for certain types of small-scale solid waste facilities receiving 30 tons of waste or less per day. Solid Waste PBNs are available for the following types of facilities:

- Asbestos waste holding facilities for abatement entities.
- Asbestos waste holding facilities for asbestos disposal site contractors.
- Collection centers for non-select recyclable materials.
- Collection centers for select recyclable materials.
- Infectious waste treatment facilities.
- Limited public solid waste transfer stations.
- Processing/treatment facilities producing certified waste-derived products using processed non-select recyclable materials.
- Scrap metal collection and recycling centers.
- Small food waste composting facilities.
- Truck transfer stations.

Permit Staff Processing Time: NHDES staff must review and issue a decision on these permit applications within 60 days of receipt.

LAC/LRS Comment Deadline: LACs/LRSs are requested to review and submit comments on these permit applications within 30 days of receipt of the notice of filing from NHDES. Comment should be submitted directly to the applicant and NHDES reviewer.

Solid Waste Research and Development Projects

Background: Solid Waste Research and Development Project permits are for facilities at which research and development projects that involve the use of solid waste are proposed, except for those which are exempted by Env-Sw 302.03.

Permit Staff Processing Time: NHDES staff must determine whether an application is complete within 60 days of receipt. Once complete, NHDES has up to 120 days to review the application and issue a decision.

LAC/LRS Comment Deadline: LACs/LRSs are requested to review and submit comments on these permit applications within 30 days of receipt of the notice of filing from NHDES. Comments should be submitted directly to the applicant and NHDES reviewer.

Solid Waste Emergency Facility Permits

Background: Solid waste emergency permits are for facilities that operate for a limited period of time in response to any emergency for which no other readily available response exists and for which a delayed response to obtain another type of permit will result in unnecessary risk to public health, safety or the environment.

Permit Staff Processing Time: Prior to filing an application, NHDES makes a preliminary determination that an emergency permit is warranted. Following receipt of the application and if NHDES determines it shall issue a permit, NHDES shall verbally authorize the facility and must issue a written permit within 10 working days.

LAC/LRS Comment Deadline: There is typically insufficient time for an LAC/LRS to comment on the application.

Additional Information: Solid Waste Permitting webpage. See Env-Sw 300 for Solid Waste Permitting Rules.

Solid Waste Permit Modifications

Background: Solid waste permits may be modified. There are multiple types of solid waste permit modification applications (PMAs) available.

- Type I-A PMAs are for seeking approval of a change or changes that have the potential to adversely affect the state's ability to achieve waste reduction goals, consistency with the waste management hierarchy and provide a substantial public benefit, including: increasing facility capacity, changing a permit expiration date, reducing the operating life expectancy of a landfill, expanding a permitted service area, changing from a limited to unlimited service type and changing facility operations to include a waste management method less preferred in the hierarchy.
- Type I-B PMAs are for seeking approvals that do not fit the Type I-A or Type II through Type V PMAs.
- Type II PMAs are for seeking approval of final or updated design plans and specifications, financial assurance, operating plans and closure plans based on previously approved preliminary or final plans.
- Type III PMAs are for seeking approval of minor changes at an existing permitted facility, including changes in days and hours of operation, facility address (without a re-location), above-ground site features, select recyclables collection, typographical or contact information in operating and closure plans, authorized waste types for permit-by-notification facilities, landfill cover types, landfill gas management systems (expansions), facility or permittee name, organizational structure and property ownership.

- Type IV PMAs are for seeking approval of changes in operational control or ownership of a facility.
- Type V PMAs are for seeking changes in facility records storage.

Permit Staff Processing Time: Except for Type III PMAs, NHDES staff have 60 days to determine if an application is complete. For complete Type I-A and Type IV PMAs, NHDES has up to 180 days to hold a public hearing, review the application, and issue a decision on the application. For Type I-B, Type II, Type V PMAs, NHDES has up to 120 days to review the application and issue a decision. For Type III PMAs, NHDES has up to 60 days to review the application and issue a decision.

LAC/LRS Comment Deadline: LACs/LRSs are requested to review and submit comments on these permit modification applications within 30 days of receipt of the notice of filing. Comments should be submitted directly to the applicant and NHDES reviewer. An additional opportunity to comment is available when a public hearing is required.

Dam Permit Applications

New Hampshire is home to over 2,600 dams with the state managing about 275 of these dams. These dams require regular maintenance and updating to preserve their efficacy and safety. Dam permit applications are required for the construction, reconstruction or removal of dams.

Additional information can be found on the Dam Safety, Maintenance and Management webpage and the Dam Removal and River Restoration webpage.

Construction or Reconstruction of Dams

Background: These permits apply to the construction of new dams or the reconstruction of existing dams. Reconstruction is defined as the following:

- A change in the height, length or discharge capacity of the structure.
- Restoring a breached dam or one in ruins.
- Modification of flashboards which either increases their height or increases the headwater elevation at which the flashboards will fail.
- A change in the structural configuration of a dam.

Permit Staff Processing Time: NHDES aims to review these application within 60 to 180 days of receipt of all information and documents required by program regulation. There is no statutory obligation to review these applications within a specified timeframe.

LAC/LRS Comment Deadline: These permit applications will be sent to LACs/LRSs by Rivers Program staff. LACs/LRSs must review and submit comments on these permits within 50 days of NHDES receipt. Comments should be submitted directly to the applicant and NHDES reviewer. Note that dam construction or reconstruction projects usually require a wetlands permit as well.

Attachment to the Standard Wetlands Permit Application for Dam Removal Projects

Background: The attachment to the Standard Wetlands Permit Application for Dam Removal Projects should be used by any dam owner who seeks to remove a dam.

Permit Staff Processing Time: As this is an attachment to the Standard Wetlands Application, NHDES processing time is based on the acreage of project impact. For projects with impacts totaling less than one acre, staff must process the applications within 50 days of issuing an Administrative Completeness Notice. For projects with impacts totaling greater than one acre, staff must process the applications within 75 days of issuance of the notice.

LAC/LRS Comment Deadline: Applicants should have sought LAC/LRS comments prior to application submission. If applicants did not do so, the LAC/LRS has 40 days from NHDES receipt to provide comments. Comments should be submitted directly to the applicant and NHDES reviewer, when applicable.

Other Permit Applications

Groundwater Discharge

Background: Groundwater discharge permits are used for all discharges to the ground or groundwater that are not permitted by the NHDES Subsurface Systems Bureau, meaning they are:

- Over 20,000 gallons per day from a single source.
- Discharges using other methods than subsurface leaching.
- Aquifer recharge.
- Discharging treated contaminated wastewater.

Additional information can be found on the Groundwater Discharge webpage.

Permit Staff Processing Time: NHDES staff have 90 days to review these permit applications.

LAC/LRS Comment Deadline: LACs/LRSs have 40 days from NHDES receipt to review these permit applications but should contact the permit reviewer to confirm the deadline. Comments should be submitted directly to the applicant and NHDES reviewer.

Underground Storage Tanks (UST)

Background: UST permits are required for new and replacement UST systems or any substantial modification of a UST system. Gas stations are common users of USTs.

Additional information can be found on the Fuel Storage Tanks webpage.

Permit Staff Processing Time: NHDES staff have 90 days to review these permit applications.

LAC/LRS Comment Deadline: LACs/LRSs have 35 days from NHDES receipt to review and submit comments on these permit applications. Comments should be submitted directly to the applicant and

NHDES reviewer. UST applications require LAC/LRS comments to be considered complete. Be sure to submit comments when your LAC/LRS receives a UST application, even to say, “no concerns” or “did not review.”

Aboveground Storage Tanks (AST)

Background: An AST permit is required for a new or replacement AST system that has an oil storage capacity greater than 660 gallons or for a new or replacement underground or over-water oil piping systems.

Additional information can be found on the Fuel Storage Tanks webpage.

Permit Staff Processing Time: NHDES staff have 45 days to review these permit applications.

LAC/LRS Comment Deadline: LACs/LRSs have 35 days from NHDES receipt to review and submit comments on these permit applications. Comments should be submitted directly to the applicant and NHDES reviewer. AST applications require LAC/LRS comments to be considered complete. Be sure to submit comments when your LAC/LRS receives an AST application, even to say “no concerns” or “did not review.”

Hazardous Waste – Limited

Background: A Hazardous Waste Limited permit authorizes the treatment of hazardous waste by one or more of the following methods:

- Use of elementary neutralization units to remove the corrosive characteristics of a waste.
- Use of wastewater treatment units to remove hazardous waste constituents from processed wastewater.
- Use of wastewater evaporation units to reduce or consolidate hazardous waste constituents.

Additional information can be found on the Hazardous Waste Permitting webpage.

Permit Staff Processing Time: NHDES staff have 30 days to review applications for administrative completeness and for the first set of questions to be issued.

LAC/LRS Comment Deadline: LACs/LRSs have 35 days from NHDES receipt of the application to submit comments. Comments should be submitted directly to the applicant and NHDES reviewer.

Sludge or Septage Land Application (Site)

Background: Sludge is a semi-solid material produced by water and wastewater treatment processes. Septage refers to liquid and solid material removed from septic tanks, cesspools, holding tanks or other sewage treatment/storage units. When treated, tested and certified for use, sludge and septage may be applied to agricultural lands as a form of fertilizer. Any land application within the river corridor of septage or sludge that is not manure, lime or wood ash used for agricultural purposes shall be set back a minimum of 250 feet from the normal high water mark and shall be immediately incorporated into the soil. However, some locations have been grandfathered with respect to application of septage and sludge

as the use of septage and sludge at these sites predates the designation of the rivers. This use authorization was made permanent in 2017 under House Bill 258. A list of these locations can be found in Appendix C.

Additional information can be found on the Sludge and Septage webpage.

Permit Staff Processing Time: NHDES staff must process applications within 90 days of receipt of complete application.

LAC/LRS Comment Deadline: For sites proposed within designated river corridors, applicants must copy the LAC on permit applications. Once NHDES has deemed an application complete, a notice of completeness and public comment period is sent to the LAC/LRS. The details of the public comment period are posted on the NHDES Public Comment Opportunities webpage. Comments from the LAC/LRS are due within that comment period. If the LAC/LRS wishes to receive notices of subsequent permitting steps, they must notify NHDES Residuals Management Section and provide an email address for such notices to be sent.

Sludge or Septage Facility

Background: Sludge or Septage Facility permits are required for any entity processing or disposing of septage or sludge, excluding transport, who does not already have a wastewater treatment plant permit or a solid waste facility permit.

Permit Staff Processing Time: NHDES staff must process applications within 90 days of receipt of complete application.

LAC/LRS Comment Deadline: For facilities proposed within designated river corridors, applicants must copy the LAC on permit applications. Once NHDES has deemed an application complete, a notice of completeness and public comment period is sent to the LAC/LRS. The details of the public comment period are posted on the NHDES Public Comment Opportunities webpage. Comments from the LAC/LRS are due within that comment period. If the LAC/LRS wishes to receive notices of subsequent permitting steps, they must notify NHDES Residuals Management Section and provide an email address for such notices to be sent.

Herbicide and Pesticide Application

Background: Herbicide and Pesticide Application permits allow for the application of chemicals, including herbicides and pesticides, within 50 feet of the reference line of protected shorelands or within 250 feet of surface waters and tributaries used for public drinking water supply.

Additional information can be found on the New Hampshire Department of Agriculture, Markets and Food (NHDAMF) Pesticides webpage.

Permit Staff Processing Time: Staff of the Division of Pesticide Control within the NHDAMF have 60 days from receipt of the application to review.

LAC/LRS Comment Deadline: LACs/LRSs have 30 days to review and submit comments on these applications after receiving them from the NHDAMF. Comments should be submitted directly to the

NHDAMF Division of Pesticide Control. The appropriate agency contact information will be provided when the permit application is sent to the LAC/LRS by Rivers Program staff.

Water Quality Certification (WQC)

Background: WQCs are used to indicate whether NHDES finds that a proposed activity would, would not, or would require additional conditions in order to meet New Hampshire's Surface Water Quality Standards (Env-Wq 1700). NHDES can issue a certification decision to grant certification, grant certification with conditions, deny certification or waive certification.

There are two types of WQCs issued by NHDES Watershed Management Bureau with different statutory triggers:

- Any activity that requires certification under §401 of the federal Clean Water Act (CWA), (33 U.S.C. 1341):
    - A certification or a waiver is required for any federal license or permit that authorizes any activity that may result in any discharge from a point source into waters of the United States.
    - The federal license or permit cannot be granted without a WQC or a waiver of the certification (see 40 CFR 121 and RSA 485-A:12, III).
- Any surface water withdrawal that:
    - Exceeds 20,000 gallons per day, averaged over a 7-day period.
    - Exceeds 600,000 gallons over a 30-day period.
    - Did not exceed those withdrawal rates prior to September 5, 2008.
    - Must be registered with NHDES under RSA 488:3 (see RSA 485-A:12, IV).

Additional information can be found on the Water Quality Certification webpage.

Permit Staff Processing Time: Under both types of WQC, NHDES staff must notify an applicant that an application is complete or request any additional information required to complete NHDES' evaluation within 50 days of receipt of the request for certification. An applicant must submit any such information within 120 days of NHDES' request or NHDES must deny the WQC. An applicant may request, in writing, a maximum of two 30-day extensions to the 120-day response period.

Certification decisions issued in accordance with §401 of the CWA must be sent to the appropriate federal agency within the established Reasonable Period of Time (RPOT), (40 CFR 121.6). The RPOT cannot exceed one year, and if the Federal agency and NHDES do not agree in writing on the length of the RPOT, the RPOT defaults to six months. This establishes a typical range of 6-12 months for §401 certification decisions to be issued by NHDES after receiving an application.

Certification decisions issued in relation to surface water withdrawals must be made within 90 days of NHDES' receipt of a complete application, unless the time limits are extended with written agreement from the applicant. If a certification decision is not made within the above time frames, the WQC shall be considered waived (see 40 CFR 121.9, RSA 485-A:12, III-a(e) and V(e)).

LAC/LRS Comment Deadline: LACs/LRSs may comment on a draft WQC during the public comment period or at the public hearing, if held. The public comment period cannot exceed 30 days. Public notices are posted on the NHDES Water Quality Certification webpage. Instructions for comment submission will be included in the public notice and comments that are received during the public comment period will receive a written response from NHDES. Responses to comments associated with a certification decision are publicly posted on the WQC webpage.

In the instance of §401 WQCs, the federal license or permit is likely to also have its own comment period in accordance with the federal agency's rules. Comments submitted prior to a request for WQC (i.e., as part of any federal procedures) or prior to the WQC's public comment period, if made available to NHDES, are considered in the certification decision and any conditions necessary to ensure that the activity will meet water quality standards. While NHDES' public comment period cannot exceed 30 days, applications for WQC will be publicly available for review on the NHDES WQC webpage until a final certification decision is issued.

For activities taking place within designated river corridors, NHDES requires documentation from applicants showing that they have provided a copy of the WQC application to LACs/LRSs for that WQC application to be considered complete.

National Pollutant Discharge Elimination System (NPDES)

Background: Any facility that discharges directly into surface water is required to obtain a federal NPDES permit. Individual NPDES permits reflect site-specific conditions of a single discharger, while general NPDES permits cover multiple dischargers with similar operations and types of discharges. These permits are administered by the EPA and certified by NHDES.

Additional information can be found on the NPDES Permits and Compliance webpage and the EPA New Hampshire NPDES Permits webpage.

Permit Staff Processing Time: This is a federal permit drafted by the EPA with input from NHDES staff.

LAC/LRS Comment Deadline: The EPA will issue a public notice period of at least 30 days, forwarded to the LAC/LRS by Rivers Program staff. During this period, an LAC/LRS may submit written comments on the draft permit and accompanying fact sheet and/or request a public hearing on the draft permit. Instructions for comment submission will be included in the public notice available on the EPA's website. NPDES permits also require 401 Water Quality Certifications, described in the previous section. Shortly after EPA's public notice of the draft permit, NHDES will post the draft certification of the permit for public notice with a public comment period not to exceed 30 days. The draft certification public notice will be available on NHDES' website.

Funding Applications

Drinking Water State Revolving Fund (DWSRF)

Background: The NHDES DWSRF provides low-interest loans to finance the cost of drinking water infrastructure. LACs submit comments through RMPP staff on the Environmental Review portion of DWSRF applications.

Additional information can be found on the Drinking Water State Revolving Fund webpage.

Funding Staff Processing Time: The timeline for NHDES staff Environmental Reviews on DWSRF application varies based on the complexity of the project. Simple projects which yield Categorical Exclusion from Environmental Review typically take 30 days, while complex projects yielding a Finding of No Significant Impact can take up to 90 days. Request for comments from NHDES programs like RMPP, however are limited to 10 business days.

LAC/LRS Comment Deadline: LACs/LRSs typically have 10 business days from when staff receive a comment request to review these applications. However, if the LAC/LRS is meeting soon after the comment deadline, RMPP staff can request an extension. Any comments should be submitted directly to RMPP staff.

Clean Water State Revolving Fund (CWSRF)

Background: The NHDES CWSRF provides low-cost financial assistance for planning, design and construction projects to communities, nonprofits and other local government entities for wastewater infrastructure projects and other water pollution control projects. LACs submit comments through RMPP staff on the Environmental Review portion of CWSRF applications.

Additional information can be found on the Clean Water State Revolving Fund webpage.

Funding Staff Processing Time: The timeline for NHDES Staff Environmental Reviews on CWSRF applications is typically 90 days. Request for comments from NHDES programs like RMPP, however are limited to 10 business days.

LAC/LRS Comment Deadline: Applicants are advised to contact the LAC prior to submission. If they do not, LACs/LRSs typically have 10 business days from when staff receive a comment request to review these applications. However, if the LAC/LRS is meeting soon after the comment deadline, RMPP staff can request an extension. Any comments should be submitted directly to RMPP staff.

Aquatic Resource Mitigation (ARM) Fund

Background: The NHDES ARM Fund allows permittees to make payments in lieu of mitigation when there are unavoidable impacts to streams and wetlands from permitted activities. Funds are then pooled geographically and made available as competitive grants for restoration, enhancement and preservation activities.

Additional information can be found on the Aquatic Resource Mitigation Fund webpage.

Funding Staff Processing Time: The ARM Fund application process occurs over a few months, with applications due in September and awardees announced the following January.

LAC/LRS Comment Deadline: LACs/LRSs are given 30 days, typically starting in mid-September to early October, to review and submit comments on these applications.

Appendix A: Permit Checklist Examples

Example 1: Souhegan River LAC Permit Review Wish List

Souhegan River Local Advisory Committee (SoRLAC)
Permit Review Wish List

SoRLAC will look for the following topics on all permit requests and comment accordingly. If any permit applications have reasons not to follow the suggestions, they should explain this in the application.

1. **Stream Crossings:** SoRLAC recommends stream crossings, culverts and bridges incorporate open-bottom bridge and culvert structures whenever possible with appropriate channel alignment to facilitate aquatic organism passage and conveyance of other wildlife species throughout the system.
2. **Outdoor Lighting:** Whenever buildings, bridges, parking lots or other structures are proposed for construction within sight of the river and outdoor lighting fixtures are proposed, SoRLAC requests:
    a. Any lighting fixtures affixed to the exterior of buildings should be designed with down-shaded light shields to minimize disturbances to wildlife within the river corridor. Excessive lighting at night interrupts nocturnal life cycles of many organisms and leads to mortality in many cases.
    b. Any parking lot fixtures should incorporate down-shaded hoods to minimize impacts on the river and associated species in the corridor.
    c. Any bridges being rehabilitated or replaced over the river should eliminate outdoor lighting all together.
3. **Parking Lot Islands:** SoRLAC discourages the construction of traditional, closed-curb parking lot islands and urges curb-cut, inverted parking lot islands that allow for infiltration of stormwater. These bio-infiltration islands support a mix of trees and shrubs that mature over time and provide critical shading to reduce temperatures of stormwater runoff and the harmful effects of thermal pollution to receiving waters.
4. **Dump No Waste Markers:** SoRLAC recommends that all catch basins be marked with metal tags that remind the public that catch basins are not connected to wastewater treatment facilities. Metal catch basin tags should be installed with messaging like “Dump No Waste – Drains to River.”
5. **Snow, Salt and Sand Storage Areas:** The storage of snow and ice-managing materials onsite should be noted on all plans with notes about how the sand and salt are contained and covered to eliminate runoff. The storage areas for snow should be depicted on plans away from wetlands and preferably not located on or in stormwater Best Management Practices (BMPs) that are not designed to accommodate snow loads.
6. **New Hampshire Certified Green SnowPro Program**: When reviewing plans for commercial properties or sub-divisions that will require snow and ice management by contractors, SoRLAC encourages owners/managers to consider only hiring Green SnowPro certified contractors. If

owners have long-standing relationships with their snow and ice management contractor, SoRLAC recommends that the owner urges the contractor to become certified, as they will benefit from limited liability protection granted through the certification and save resources and money in the short and long term.

7. **Wildlife-friendly Erosion Control Products:** SoRLAC recommends the use of wildlife-friendly erosion control products that eliminate mortality among reptiles, amphibians and mammals that often get strangled or smothered in traditional, plastic based, non-biodegradable, non-natural material erosion control blankets or similar products. New Hampshire Fish and Game requires use of these products at all their public access construction sites and SoRLAC urges the same for all construction projects within the corridor.
8. **Seed Mix and Wetland Plantings:** During review of permit applications that involve seed mix and/or wetland seed mixes for slope stabilization and/or mitigation on-site, SoRLAC urges the use of New England Seed Mix and New England wetlands species or their equivalent to reduce the spread of invasive species and to increase viability of what is planted.
9. **Trees and Shrubs Instead of Managed Turf:** Whenever managed turf areas are the recommended finished site condition, SoRLAC encourages consideration of more natural areas with mixtures of shrubs, trees and less maintenance intensive landscaping practices. Managed turf requires mowing, watering and far more resources than shrubs and trees. Trees mature and provide habitat and shaded areas that reduce temperatures of runoff and make for a more comfortable and desirable employee/customer destination on the property for taking breaks or having outdoor lunches, etc.
10. **Gravel Wetlands:** Many site development plans incorporate detention or retention basins to store and treat stormwater. When those systems store water for extended periods of time, the resulting pool of water heats up, loses oxygen and leads to thermal pollution and other negative impacts to receiving surface waters and the biological communities within them. SoRLAC urges the incorporation of gravel wetlands as a preferred best management practice that infiltrates stormwater rather than storing it and releasing it over time. Gravel wetlands reduce stormwater runoff temperatures and the infiltration through the wetland media removes nutrients and other pollutants before the stormwater reaches rivers, lakes, wetlands and ponds. The UNH Stormwater Center has reference materials for gravel wetlands on their website.

Example 2: Upper Merrimack River LAC Permit Application Review Guidance

Upper Merrimack River Local Advisory Committee
Permit Application Review Guidance
June 12, 2017

Overview

According to purpose and duties outlined in RSA 483:8-a, the Upper Merrimack River Local Advisory Committee (UMRLAC) is:

- To advise the Commissioner of the New Hampshire Department of Environmental Services (NHDES), the advisory committee and the municipalities through which the designated river or segment flows on matters pertaining to the management of the river or segment and municipal officials, boards and agencies shall inform such committees of actions which they are considering in managing and regulating activities within designated river corridors.
- To consider and comment on any federal, state or local governmental plans to approve, license, fund or construct facilities that may alter the resource values and characteristics for which the river or segment is designated and to develop or assist in the development and adoption of local river corridor management plans.
- To report annually to the advisory committee and the commissioner on the status of compliance with federal and state laws and regulations, local ordinances and plans relevant to the designated river or segment and corridor.

The UMRLAC receives notification of permit applications submitted to NHDES on a regular basis. Applications for Alteration of Terrain (AoT), Dredge and Fill (Wetlands) and Shoreland permits are most common. UMRLAC also reviews Federal Energy Regulatory Commission (FERC) facility relicensing related documents and operational plan revisions/improvements to wastewater processing facilities along the designated river corridor.

Once a permit application or other document requiring review and comments is received, a lead representative from the committee is identified to conduct an initial review of the document(s) and provide the full committee with relevant portions of each package prior to an upcoming meeting where the materials will be discussed by the full committee. The lead representative on UMRLAC compiles materials for review and has them posted to the UMRLAC webpage for committee members to download prior to the next scheduled meeting. If electronic documents are not provided by the applicant or their agent, the lead UMRLAC reviewer scans relevant portions of the package(s) to create PDFs for posting to the UMRLAC website.

The UMRLAC representatives access the files on the committee website, download the UMRLAC permit application pre-review form, perform individual reviews prior to the next scheduled meeting and bring their comments and questions for discussion and consideration by the full committee. The UMRLAC reviews full size plan sheets (when available) at the meeting, discusses review outcomes by individual members and generates a list of questions and comments (if appropriate) in response to the application for consideration by the applicant, their agent and NHDES. The UMRLAC lead reviewer and/or Chair

prepares a response letter and provides it to the full committee for final review prior to transmittal to the applicant and/or NHDES as directed in the application package. Even if no questions or comments are generated during the UMRLAC review process, the committee sends a letter to the applicant and/or NHDES indicating that the materials were reviewed and the committee had no questions or comments. This creates a record of receipt and review for a particular application or notification that can be added to the project files for future reference.

UMRLAC Review Guidelines (the NHDES permit application review and comment process is documented here as they form the bulk of UMRLAC reviews):

1. UMRLAC Chair picks up permit application package from PO Box and date stamps it as received by the committee.
2. Given the content of the package, the Chair of UMRLAC seeks a volunteer to serve as lead reviewer and distributes materials accordingly.
3. The lead reviewer verifies that the proposed work occurs within the designated corridor of the Merrimack River. Google Earth is often the verification tool.
4. The lead reviewer confirms the following information to ensure the application package is complete:
    a. Cover letter and letter of transmittal includes NHDES File Number (if one has been assigned at this time).
    b. Appropriate NHDES permitting program is referenced with staff contact information for follow-up.
    c. Agent and/or applicant contact information is included for additional information requests.
    d. Application package includes all referenced documents listed on the Letter of Transmittal (Copy of cover letter to NHDES, NHDES application and checklist, drainage reports, New Hampshire Natural Heritage Bureau (NHNHB) query and results, site plans, operation and maintenance plans, etc.).
5. The lead reviewer determines the comment submittal date established by NHDES in the cover letter.
    a. If the comment submittal date is after the upcoming UMRLAC meeting, the lead reviewer continues to Step 6.
    b. If the comment submittal date is before the upcoming UMRLAC meeting, a course of action needs to be discussed with the Chair relative to requesting an extension or calling a special meeting to provide review and comments if warranted.
6. The UMRLAC lead reviewer prepares a PDF of the consolidated review package for UMRLAC members to be posted on the UMRLAC website prior to the next meeting. Best professional judgment is used by the lead review as to what content will be posted for download prior to the meeting.
7. Individual reviews by committee members are brought to the UMRLAC meeting and brought forth for discussion and consideration as a full committee. UMRLAC members are encouraged to use the Permit Application pre-review form during their pre-meeting review of documents. Full

plan sets are reviewed (when applicable) by UMRLAC and the lead reviewer facilitates discussion and records all UMRLAC questions and comments relative to the review process.

8. The lead UMRLAC reviewer or the Chair prepares a draft response letter and prepares it for final layout on letterhead and distribution to the committee for final review and approval.
9. The Chair of UMRLAC submits a response letter to NHDES and/or the applicant (with copies to the Rivers Management and Protection Program and any other relevant parties) by the deadline date listed on the application cover letter provided to UMRLAC by NHDES.

Common Permit Application/Proposal elements noted by UMRLAC in response letters:

Stormwater Management and Treatment (Alteration of Terrain Permit Applications)

Note: The following permit application components/requirements are typically considered by the New Hampshire Department of Environmental Services Land Resources Management Bureau.

- Design storm frequencies of 2-year, 10-year, and 50-year events with respect to runoff calculations and stormwater management device designs.
- Both runoff volume and peak runoff are considered when comparing predevelopment and post-development conditions.
- Infiltration of newly created runoff is encouraged whenever possible, but as a general point, NHDES acknowledges that there is a certain amount of predevelopment stormwater runoff that NHDES considers when looking at runoff calculations.

Typical Questions and Comments Relative to Alteration of Terrain Permit Applications:

- Are the post-development runoff calculations less than pre-development conditions for the appropriate design storm? NHDES typically looks at several size design storms, including the 2-year, 10-year and 50-year events when comparing runoff calculations.
- Does the post-development condition infiltrate 100% of the newly created stormwater runoff? Keep in mind that NHDES looks at both runoff volume and peak runoff when comparing pre-development and post-development conditions and that NHDES encourages infiltration of newly created runoff whenever possible.
- Do the proposed stormwater management practices and conveyance system promote infiltration whenever possible if site conditions permit?
- If standard catch basins are proposed, has the applicant considered deep sump and/or infiltrating catch basins to reduce treatment/storage volumes on site?
- If detention/retention basins are proposed, has the applicant considered integration of gravel wetlands or other innovative Best Management Practices (BMPs) instead to reduce the impacts of thermal pollution to receiving waters?
- Do the proposed catch basins integrate “T” or “elbow” orifices on overflow outlets from catch basins to trap debris, trash, oils and greases before discharging?
- When and where appropriate, will catch basin grates be marked with “dump no waste – drains to wetlands, river or stream”?

- What is the scheduled inspection program for catch basins and other stormwater BMPs on the site?
- Who is responsible for ensuring that regular BMP inspections occur?
- What is the fate of sediments removed from the stormwater treatment system?
- Has an Operations and Maintenance Plan been drafted for the stormwater system?
- Have BMP inspection forms been included with the application?
- The UMRLAC promotes the use of porous pavement/concrete products in the corridor where appropriate. Has this option been explored for the site?

Site conditions, general comments, questions and recommendations:

- Has everything been done to minimize encroachment into riparian buffer areas?
- During construction, the UMRLAC recommends that access roads to the construction site have transition strips installed for heavy equipment/vehicles to shed mud and sediments prior to entering town/state roads.
- What measures will be taken to eliminate the risk of invasive species becoming established when seeding and mulching disturbed areas?
- New England seed mixes are recommended for revegetation of disturbed areas.
- When culverts are being replaced, has the applicant considered the drainage area upstream and whether or not the proposed culvert is appropriately sized at 1.2 times the bankfull width plus two feet? See NHDES guidelines for Stream Crossing Rules below.
- Does the new stream crossing meet the New Hampshire Stream Crossing Guidelines?
- The UMRLAC promotes open-bottom bridge and culvert structures whenever possible to provide proper geomorphic connectivity, habitat maintenance and aquatic organism passage (AOP).
- Proposed culverts should typically be no less than 6 feet in diameter and no more than 16 feet for practical/constructability reasons.
- If riprap is proposed for stream or riverbank stabilization, has the applicant considered the option of fabric encapsulated lifts (FEH) or a combination of riprap toe stabilization with FEHs above to top of bank?
- The UMRLAC promotes the integration of floodplain culverts where appropriate to convey flood flows when existing culverts are undersized during higher frequency flow events.
- The UMRLAC requests that all outdoor lighting be installed with down-facing shields to minimize light pollution that has negative impacts upon wildlife in the corridor.
- The UMRLAC recommends the use of salt resistant and native plantings for revegetation.
- Where are the designated snow storage areas going to be situated on the property? Will they interfere with the function of installed BMPs?
- Does the applicant have a salt reduction strategy for this property?

- The UMRLAC requests that if the applicant contracts for snow removal, sanding and/or salting that they consider selecting those contractors that have successfully completed the New Hampshire Green SnowPro Certification Program.
- The UMRLAC recommends that any proposed parking areas with parking "islands" incorporate curb cuts and rain gardens and/or bio-infiltration techniques to store and treat runoff and provide functional vegetation and green space.
- The UMRLAC promotes the separation of impervious cover (roofs, sidewalks, parking areas, etc.) and urges applicants to consider incorporation of green roof technologies, rain gardens, rain barrels, dry wells and other management practices that eliminate effective impervious cover on the property.

Erosion control and slope stabilization:

- The UMRLAC promotes the use of wildlife-friendly erosion control and slope stabilization practices within the designated river corridor and beyond. The UMRLAC has often noted that "temporary" erosion and sediment control products are commonly left in place permanently, particularly if vegetation has grown up through the netting. The UMRLAC urges prompt removal of these products when they are no longer needed in the project area, if it is possible to do so without damaging the new vegetation.
- The UMRLAC encourages the use of truly biodegradable netting used in erosion and sediment control that is manufactured with natural fibers such as jute and coir (coconut husk fibers). Biodegradable products mean that the material decomposes into an element found in nature within a reasonable short period of time. In contrast, degradable plastics break down into plastic fragments that remain in the environment after degradation.
- Examples of language that can be cut and pasted into an UMRLAC comment letter relative to wildlife and environmentally friendly erosion control and slope stabilization control products are provided below:
    - To minimize wildlife entanglement and plastic debris pollution, the UMRLAC recommends temporary erosion and sediment control products that either do not contain netting or that contain netting manufactured from 100% biodegradable non-plastic materials such as jute, sisal or coir fiber. Degradable, photodegradable, UV-degradable, oxo-degradable or oxo-biodegradable plastic netting (including polypropylene, nylon, polyethylene and polyester) are not acceptable alternatives. Netting used in these products should have a loose-weave wildlife-safe design with movable joints between the horizontal and vertical twines, allowing the twines to move independently and thus reducing the potential for wildlife entanglement.
    - The UMRLAC recommends that applicants avoid the use of silt fences reinforced with metal or plastic mesh or if possible recommend the use of erosion control berms.
    - When no longer required, temporary erosion and sediment control products should be removed promptly from the project site.
    - The UMRLAC recommends the use of nonwoven coir fabric when a surface fabric treatment is required for erosion control and stabilization. The recommended product

should be North American Green (NAG) style C125BN-100% biodegradable coconut fiber mat or equal as reviewed and approved by the project design engineer.

- The UMRLAC recommends the use of woven coir fabric when site conditions warrant. The outer layer of woven coir fabric shall be a high strength, continuously woven mat (i.e., without seams) and made of 100% coconut fiber. The product shall be Bon Terra CF-7, DeKoWe 700, Nedia KoirMat 700, or equal.

Appendix B: Permit Comment Examples

Example 1: Upper Merrimack River LAC Generic Comment Letter for Shoreland Permit Applications

The Upper Merrimack River LAC has created a generic comment letter for Shoreland permit applications which is utilized when the LAC cannot meet with a quorum to review a Shoreland permit application before the review deadline. The LAC has determined standard comments for Shoreland permit applications, including questions and suggestions on how to improve the project.

Upper Merrimack River
Local Advisory Committee

December 2, 2025

Salvatore A. Ferragine
Shoreland Permitting Specialist, Land Resources Management
Water Division
New Hampshire Department of Environmental Services
PO Box 95
Concord, NH

Re: Shoreland Permit Application 2025-03045: Radius Recycling Sandquist Facility, Concord

Dear Mr. Ferragine,

The Upper Merrimack River Local Advisory Committee (UMRLAC), pursuant to its statutory duty to review and provide input on new and ongoing projects within the designated corridor surrounding the Upper Merrimack River from Bow to Franklin, is providing this categorical response letter to the above-mentioned project. The UMRLAC typically meets on the second Monday of every month to review and provide input on applicable new and ongoing projects. However, due to the timing of this project's review period and the numerous unsuccessful attempts to acquire an electronic and/or hard copy of this application for review, the UMRLAC has not had the ability to hold a meeting to review and comment on this specific project.

In lieu of project-specific comments, please note several common questions and comments the UMRLAC typically submits when reviewing Shoreland permit applications. Please notify me should an RFMI letter be issued. The UMRLAC will, at that time, submit additional and specific comments based on its review on December 8, 2025.

- Has everything been done to minimize encroachment into riparian buffer areas?

- During construction, the UMRLAC recommends that access roads to the construction site have transition strips installed for heavy equipment/vehicles to shed mud and sediments prior to entering town/state roads.
- If lighting is proposed for the project, the UMRLAC requests that all outdoor lighting be installed with down-facing shields to minimize light pollution that has negative impacts upon wildlife in the corridor.
- What measures will be taken to eliminate the risk of invasive species becoming established when seeding and mulching disturbed areas?
- New England seed mixes are recommended for revegetation of disturbed areas.
- If riprap is proposed for stream or riverbank stabilization, has the applicant considered the option of fabric encapsulated soil (FES) lifts or a combination of riprap toe stabilization with FESs above to top of bank?
- The UMRLAC promotes open-bottom bridge and culvert structures whenever possible to provide proper geomorphic connectivity, habitat maintenance and aquatic organism passage (AOP).
- The UMRLAC recommends a review of the latest information provided in the 2025 New Hampshire Stormwater Manual to select appropriate erosion and sediment controls.
- The UMRLAC promotes the use of wildlife-friendly erosion control and slope stabilization practices within the designated river corridor and beyond. The UMRLAC has often noted that "temporary" erosion and sediment control products are commonly left in place permanently, particularly if vegetation has grown up through the netting. The UMRLAC urges prompt removal of these products when they are no longer needed in the project area, if it is possible to do so without damaging the new vegetation.
- The UMRLAC encourages the use of truly biodegradable netting used in erosion and sediment control that is manufactures with natural fibers such as jute and coir (coconut husk fibers). Biodegradable products mean that the material decomposes into elements found in nature within a reasonably short period of time.
- To minimize wildlife entanglement and plastic debris pollution, the UMRLAC recommends temporary erosion and sediment control products that either do not contain netting or that contain netting manufactured from 100% biodegradable non-plastic materials such as jute, sisal or coir fiber. Degradable, photodegradable, UV-degradable, oxo-degradable or oxo-biodegradable plastic netting (including polypropylene, nylon, polyethylene and polyester) are not acceptable alternatives. Netting used in these products should have loose-weave wildlife-safe design with movable joints between the horizontal and vertical twines, allowing the twines to move independently and thus reducing the potential for wildlife entanglement.
- The UMRLAC recommends that applicants avoid the use of silt fences reinforced with metal or plastic mesh or if possible recommend the use of erosion control berms.
- When no longer required, temporary erosion and sediment control products should be removed promptly from the project site.
- The UMRLAC recommends the use of nonwoven coir fabric when surface fabric treatment is required for erosion control and stabilization. The recommended product should be North

American Green (NAG) style C125BN-100% biodegradable coconut fiber mat or equal as reviewed and approved by the project designer.

- The UMRLAC recommends the use of woven coir fabric when site conditions warrant. The outer layer of woven coir fabric shall be a high strength, continuously woven mat (i.e. without seams) and made of 100% coconut fiber. The product shall be Bon Terra CF-7, DeKoWe 700, Nedia KoirMat 700 or equal.

The UMRLAC appreciates the opportunity to submit these comments based upon the review and nature of this application and looks forward to a response from you and/or the applicant. As committee time and regulatory review periods allow, the UMRLAC may further review and provide additional project-specific comments.

While the committee would greatly prefer to review each project individually and then respond with site-specific relevant comments, we hope this letter will provide useful input toward your permit application. Thank you.

Sincerely,

Michele L. Tremblay
Chair

Example 2: Lamprey River Advisory Committee Comment Letter on Alteration of Terrain Permit Application

The Lamprey River Advisory Committee utilizes a bulleted format for this comment letter on an Alteration of Terrain application. Notice how the Lamprey River Advisory Committee first lists the materials received, including when the materials were dated, and a brief description of the project.

Lamprey River Advisory Committee

c/o 71 Allen Farm Road
Northwood, NH 03261
www.lampreyriver.org

Protecting the Lamprey, Little, North, North Branch, Pawtuckaway and Piscassic rivers that connect our fourteen communities.

Barrington, Brentwood, Candia, Deerfield, Durham, Epping, Exeter, Fremont, Lee, Newfields, Newmarket, Northwood, Nottingham, Raymond

September 17, 2025

Mr. Michael Schlosser
NHDES
PO Box 95
Concord, NH 03302-0095

Re: Epping Wastewater Treatment Facility Solar Field
40 Lagoon Road
Epping, NH
File Number: 20250829-155

Dear Mr. Schlosser:

The above-referenced project is within the designated corridor of the Lamprey River and is, therefore, subject to review by the Lamprey River Advisory Committee (LRAC) in accordance with NHRSA 483. Upon final review, we offer the following comments:

1. Materials reviewed were Alteration of Terrain Application signed and dated 8-28-2025, engineering plans dated 7-9-2025, Natural Heritage Bureau Report dated 7-2-2025 and other supporting materials.
2. The applicant desires to install a 200kW solar array consisting of 5 rows of solar panels in the northern corner of the filled Lagoon No. 2. This array will be installed on existing grassland and it is not proposed to install gravel or paved access roads. The solar arrays will be anchored via proprietary concrete filled ballasts and therefore, the only excavation required will be to dig a shallow 18” to 24” deep trench from the panels to the existing Process/Control Building.
3. The existing southern embankment (along the Lamprey River) will be cut down to elevation 108.2 which is 1-foot above the 100-year flood elevation. What safety provisions, if any, will take place if the river rises to this level?

4. The Natural Heritage Bureau (NHB) Report indicates that Blanding's turtle, eastern box turtle, spotted turtle, and wood turtle have been documented in or near the property. We are aware that this section of the Lamprey River has been identified as among the best turtle nesting areas in the Great Bay region. Temporary erosion control is required for the conduit trench excavation and to act as a wildlife barrier for turtle species identified in the attached NHB report. Silt fence is proposed to be installed along the Lamprey River and will be maintained throughout the project. The applicant reports that New Hampshire Fish and Game review comments are still in process and will be incorporated in the drawings and specifications when received.
5. The applicant reports that a New England Conservation/Wildlife Mix will be used to revegetate the area. We are pleased that this will be used rather than lawn seed. We recommend that mowings be done annually to allow wildlife to utilize the field area while preventing the establishment of trees.
6. We note that straw is proposed to help stabilize the disturbed soil. Would shredded wood be better for erosion control close to the river?

Thank you for the opportunity to comment on this project.

Grace Levergood, PE, chair

cc: Tracie Sales, NHDES
Epping Planning Board
Epping Conservation Commission
Underwood Engineers

Example 3: Souhegan River LAC Comment on Town Development Project Outside of Corridor

The Souhegan River LAC provided comments on a town development project outside of the designated river corridor but describes the importance of the tributary to the designated river. Notice how this comment letter utilizes image, maps and site plans to accurately demonstrate the impacts of the suggested project. This comment letter also provides an analysis of the project plans and organizes comments by focusing on three key topics.

SoRLAC
Souhegan River Local Advisory Committee

11/18/2024

Report to the Town of Temple from Souhegan River Local Advisory Committee (SoRLAC)
Re: All Purpose Storage Site Plan Review
Location: 103 NH Route 101, Temple NH
Tax Map: 8A Lot 7-3
Owner: Jeremiah Boucher
Engineer: Fieldstone Land Consultants

SoRLAC appreciates the opportunity to provide feedback on the proposed development as an interested party. While the project planners are not required to submit plans to SoRLAC for review, we believe our input can support alignment with development best practices, regional challenges and conservation goals. This is especially true considering Blood Brook's significance as a Town resource, potential for ecological impact from the project and Blood Brook is a named tributary of the designated Souhegan River.

Figure 1: Blood Brook from town website.

Figure 2: Representative overlay of project construction and Google Earth. Blue line represents Blood Brook.

Blood Brook holds much environmental and aesthetic importance due to its unspoiled nature (Figure 1) and role as a habitat for brook trout, box turtle nesting sites and nearby long-eared bat nesting areas (Survey Completed for United States Department of Agriculture Conservation Easement Program). While Blood Brook does not meet Shoreland Protection criteria for permitting, its value emphasizes the need

for cautious development within the stream corridor, particularly within ~75 feet of the brook (Figure 2 and 3). Generally, we appreciate the owner's efforts to improve stormwater management for this project, particularly through the planned overall reduction in stormwater releases, identified snow storage areas and use of bioretention best management practices. However, SoRLAC recommends additional engineering review and improvement or location change to the bioretention basin considering the basin's elevated and perched position relative to the brook. Potential spillover or groundwater seepage due to the porous soils could impact natural habitats. The area of the basin appears to need fill and terrain alteration which could alter the flow of runoff and impact stream health. Additionally, SoRLAC recommends the use of Green SnowPro certified professionals to minimize salt use and reliance.

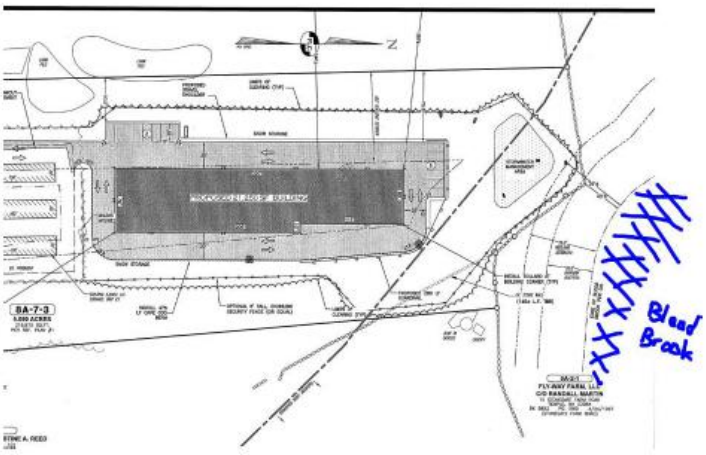


Figure 3: Plans and proximity to Blood Brook.

Analysis Details

Watershed and Stream Background:

- Blood Brook watershed area is approximately 16.15 square miles (accounting for about seven percent of the Souhegan River watershed). The brook is likely a third order stream thus does not qualify for Shoreland Protection.
- Blood Brook contains brook trout and provides nesting habitat for box turtles and nearby long eared bat nesting areas.
- The project appears adjacent to an aquifer.

Project Proximity and Buffer Zones:

- The project's disturbance area is within ~75 feet of Blood Brook.
- Plans include a 50-foot riparian buffer and a 75-foot wetland setback.

Stormwater and Drainage Management:

- Plans indicated the proposed project results in a decrease in stormwater runoff, with a 50-year stormwater reduction of -9.20 cubic feet per second (cfs).
- The bioretention storage area is situated on a sloped area with an approximate 10-foot elevation change. The 3.5-foot difference between the bottom of the basin (869.5 ft) and the emergency spillway (873 ft) suggests the basin could hold a substantial amount of water. Blood Brook's elevation is 840 feet—about 29.5 feet lower than the basin bottom at 869.5 feet.
- Snow storage areas are planned adjacent to the paved areas.

Changes in Climate:

- "Climate Change within the Southwest Region: climate change is expected to put new pressures on water resources in a number of ways. A wetter Southwest New Hampshire will change the quantity of storm water flowing into water bodies, change water depths, and the time period in which water is introduced, stored and filtered in wetland environments… New wetland environments may occur naturally to respond to a wetter climate or they may need to be engineered to accommodate more direct precipitation and storm water runoff. Water quality in wetlands, lakes, ponds, rivers and streams are expected to be threatened by insufficient storm water design and increasing runoff. With more anticipated heavy rains, some rivers and streams are anticipated to change course and impact existing developed lands and cause severe erosion problems." (Southwest New Hampshire Natural Resources Plan, SWRPC 2014).

Key Observations, Concerns, and Recommendations

1. Proximity to Blood Brook
    a. Observation: The bioretention basin is within 75 feet of Blood Brook and perched 29.5 feet above the brook. Google Earth change in elevation shows a drop from 901 feet to 933 feet. However, engineering drawing has this considerably lower.
    b. Concern: This proximity and position raise the risk of overflow or seepage. Extreme weather, such as heavy rainfall or early season snowmelt could trigger overflow into Blood Brook which could introduce contaminants to the brook. This is especially concerning if maintenance isn't consistent or extreme weather impacts capacity or structure integrity.
    c. Recommendations:
        i. Improved overflow management. Reevaluate the basin's location and the spillway's design and overflow path to ensure that excess water is directed away from Blood Brook. This could involve constructing a controlled channel for overflow that leads to a secondary detention area or swale before the water can reach the brook.
        ii. Produce a before and after cross section from the brook to the retention area. Changes seem significant and difficult to understand terrain via plan view. Request additional review of these plans.
        iii. Require a seasonal maintenance schedule, especially before and after the winter, to check for debris, sediment buildup and storm impacts. Regular inspections ensure the basin functions effectively, particularly after heavy rainfall or storm events.
        iv. Additional or enhanced filtration layers in the basin. For example, biochar to bind contaminants.
2. Risk to Aquatic Habitat
    a. Observation: Blood Brook supports sensitive species including brook trout and box turtles. Given the elevation differential, it is possible that contaminated overflow water could enter the brook or water could seep from the bioretention basin toward the stream through overflow or subsurface flow. If groundwater flows are already moving toward the brook, contaminants from the basin could migrate in this direction, especially if the basin receives untreated stormwater or contaminants accumulate over time.

b. Concern: Any unfiltered runoff, contaminated subsurface flow or altered flow could affect sensitive habitats.

c. Recommendations: Consider moving the retention basin and/or an additional filtration layer in the bioretention basin to further reduce pollutants before runoff reaches the brook.

3. Winter Conditions and Snowmelt

    a. Observation: Adjacent snow storage areas may exacerbate runoff issues during rapid spring snowmelt.

    b. Concern: Snowmelt increases the likelihood of an abrupt water surge into the bioretention basin, raising the potential for overflow and impacts on Blood Brook. Conditions at these times often include partially frozen standing water areas such as within the retention basin.

    c. Recommendations:

        i. Use Green SnowPro-certified winter maintenance professionals to manage snow removal and minimize salt use, reducing chloride contamination in meltwater runoff.

        ii. Review potential for a controlled overflow structure to manage the snowmelt, directing excess water away from Blood Brook or routing it through additional filtration.

Cory Ritz
Souhegan River LAC Chair

Example 4: Upper Merrimack River LAC Comment on NHDES Shoreland, Wetlands and Alteration of Terrain Applications.

This comment letter by the Upper Merrimack River LAC is in response to three separate permit applications submitted for one large project. Notice in comment 6 how the LAC commends the applicant for their use of sediment minimization devices. It is important to recognize actions that the applicant is taking to protect the river, in addition to making comments about how the applicant could further improve the project.

Boscawen
Bow
Canterbury
Concord
Franklin
Northfield

February 18, 2015

Mr. Craig Day
Wetlands Bureau
DES File Number 2015-00241

Mr. Ridgely Mauck
Alteration of Terrain Bureau
DES File Number 150129-010

Mr. William Thomas
Wetlands Bureau
DES File Number 2015-00260

Dear Messrs. Day, Mauck, and Thomas,

On February 16, the Upper Merrimack River Local Advisory Committee (UMRLAC) reviewed the three referenced permit applications relating to the filling of a manmade fire pond and expansion of a stormwater detention practice at the Amoskeag Beverage property in Bow and Concord, NH. Based upon the UMRLAC review of the plan, we submit the following comments, questions and recommendations relative to the proposed scope of work.

1. The UMRLAC noted that 875 square feet of disturbance is proposed within the protected shoreland. Are these disturbances limited to construction rights-of-way or are there other areas of disturbance proposed?
2. The UMRLAC recommends that the applicant consider shade trees and woody shrubs as re-vegetation alternatives within the protected shoreland when restoring disturbed areas. These woody shrubs and trees will have significant values and functions compared to grass and turf that need to be maintained.
3. The UMRLAC encourages the applicant to consider changing the overall re-vegetation approach for the site from grass and managed turf to plantings that would include shade trees and bushes that provide cooler stormwater runoff temperatures, habitat for wildlife and little to no maintenance and application of herbicides or pesticides once established.
4. The UMRLAC had a difficult time envisioning the proposed disturbances within the protected shoreland in scope and scale. A brief narrative that explains the proposed activities would be appreciated.

5. The UMRLAC noted that the narrative portion of the application indicates that seven truck unloading bays will be created but the full plan sheets show eight bays under proposed conditions and would appreciate clarification on the number of bays and in what areas they will be constructed.
6. The UMRLAC noted the use of "Dandy Bags" for catch basin inserts during construction and applauds the use of these devices to minimize silt and sediment from reaching the Merrimack River.
7. The UMRLAC questions whether or not the applicant needs a waiver for Env-Wq 1507.4 (b) Groundwater Recharge Requirements as the soil types at this location should be amenable to infiltration. The soil types listing in the application are Class B and should be able to handle any increased infiltration generated from the site. Have the soils been catalogued correctly or are there other circumstances that warrant the waiver request?
8. The UMRLAC is concerned about the proposed management plan element for invasive species that includes burning and/or burying identified nursery areas on the site. Some invasive species' seeds thrive after burning. Burying nursery areas may not kill certain invasive terrestrial and aquatic species. The UMRLAC encourages the applicant to contact exotic aquatic/terrestrial invasive species experts, including Amy Smagula, NHDES, to ensure this management plan is appropriate for the identified invasive species.
9. The applicant notes that fish species exist in the fire pond and it is therefore likely that amphibians and reptiles also inhabit the pond. The UMRLAC recommends that the applicant work with biologists from the New Hampshire Fish and Game Department to conduct a combination of fixed netting and electrofishing within the fire pond to transplant as many organisms as possible before this habitat is filled in completely. Collected species could be transferred into the South End Marsh complex or the Merrimack River under the guidance of wildlife biologists from the Department. UMRLAC volunteers are willing to assist in these efforts.
10. On full plan sheet Page 10 of 12, the applicant indicates that wetland habitat currently exists within the stormwater detention pond on the Concord portion of the property. This application is based upon 9,550 square feet of permanent wetland impact to fill in the fire pond, but the existing wetland habitat in and around the stormwater detention pond will be disturbed to expand capacity. Why is that disturbed area not included in the application calculations?
11. If the temporary and/or permanent impacts should increase to include the proposed wetland disturbances within the detention pond, is the applicant required to perform any wetland mitigation or submit an in-lieu fee to the Aquatic Resources Mitigation Program?
12. Given the large amount of impervious surfaces on the site, the UMRLAC encourages Amoskeag Beverages to have their snow management contractor(s) become certified under the Green SnowPro Program in New Hampshire.

The UMRLAC appreciates the opportunity to submit these comments based upon the review of this application and looks forward to a response from you and/or the applicant. Thank you.

Michele L. Tremblay
Upper Merrimack River LAC Chair

Example 5: Saco-Swift Rivers LAC Comment on NHDES Expedited Wetlands Permit Applications

The Saco-Swift Rivers LAC submitted comments on four Expedited Wetlands permit applications via email. Notice how comments were kept organized by providing the permit application number and clearly stating the LAC's position on each application. The comments incorporate LAC members' knowledge of the river and its flooding history to assist the NHDES reviewer.

Hello Amanda,

A quorum of the Saco & Swift Rivers Local Advisory Committee (SSRLAC) met last Tuesday February 25th, 2025 to review and provide commentary on the four Expedited Wetlands Impact Permit applications submitted by HEB engineers on behalf of the Town of Bartlett on February 11, 2025.

Here is a detailed summary of our comments in the order in which the permit applications were reviewed.

Permit application 2025-00340: Subject Property: River St, Bartlett:

In general, the river dynamics in the immediate vicinity of the project area are complex with a variety of contributing factors. Just downstream of the project site is the Town of Bartlett's River St. Bridge, which was upgraded after Tropical Storm Irene but still represents a flow constriction during flooding events.

That dynamic contributed to bank erosion on the north bank of the river after the October 2017 flood and more recently the December 2023 flood event.

The committee expressed concern about continued upstream bank erosion in the vicinity of the confluence of Razor Brook and noted the potential threat to Cobb Farm Rd and the Razor Brook bridge if that upstream bank erosion were to continue.

The proposed rip rap armoring and berm repair at the project site may also lead to a reduction of flood storage capacity in the historical floodplain. While the committee acknowledges that residential properties along River Street and US Route 302 have been impacted by past flooding events and that this project proposal may provide some relief from that impact, the lack of access to flood storage in this area contributes to increased turbulence and bank erosion upstream of the River St. Bridge and also contributes to an increase in downstream river velocity, which has resulted in considerable bank erosion problems downstream of the River Street bridge.

There was also general concern that the proposed project does not take into account the bigger picture of the river hydrology in this area as analyzed in a 2020 analysis report commissioned by the Town of Bartlett and produced by Ripple Associates and that any river bank restoration and repair in this area should reflect the big picture solutions recommended in that report.

The SSRLAC was opposed to this proposal due to the stated concerns.

Project 2025-00338 Subject Property Cobb Farm Rd, Bartlett:

The proposed rip rap armoring needs to be keyed in upstream and downstream at the project site. The placement of large boulders at either end is not the same as keying in the rip rap at a 45-degree angle at the upstream and downstream terminus of the armoring.

One LAC member expressed concern based on this apparent oversite that the design consultants may not have extensive experience with rip rap armoring which calls all of these project proposals into question. The LAC member stated that what is needed is angulated rock in excess of class 5 rip rap and not large boulders, which tend to be rounded and less effective.

There is concern that this proposed project could have an unintended consequence of increasing vulnerability of the south riverbank along US Route 302. That section of highway was raised in 2003 and that project may have led to the bank erosion issues at the project site. The concern now is that the same thing will happen to the Rte. 302 embankment in the aftermath of this project.

There is concern about possible bank degradation upstream and downstream of the proposed project area.

The LAC questioned whether a bioengineered approach was considered as a possible alternative to rip rap armoring.

There does not appear to be any riparian buffer vegetation planting included in this proposal and the LAC advises riparian buffer planting with native plants where possible to protect the bank between the armoring and Cobb Farm Rd.

If the stated concerns are addressed, the SSRLAC was not opposed to this proposal.

Permit Application 2025-00337 Subject Property Hills Ave / Marsden Rd, Bartlett

There does not appear to be any riparian buffer vegetation planting included in this proposal and the LAC advises riparian buffer planting with native plants where possible to protect the bank beyond the armoring and to promote a more natural aesthetic along the riverbank.

The LAC questioned whether a bioengineered approach was considered as a possible alternative to rip rap armoring.

There was concern expressed about the lack of downstream keying in of the rip rap armoring in the project proposal. Upstream keying in is included but there is no reference to downstream keying in.

The LAC questions whether the project area extends far enough and notes that a similar proposal was put forward and implemented after Tropical Storm Irene and yet further bank erosion and riverbank degradation has occurred upstream of the previous project area necessitating this current repair proposal.

There was concern expressed about the potential downstream impact of the project proposal.

There is a general concern that all of these proposals may have been rushed through the planning phase without adequate consideration of the big picture view.

If the stated concerns are addressed, the SSRLAC was not opposed to this proposal.

Project 2025-00339 Subject Property Town of Bartlett, Waterfront Rd.

This project site is not on the designated river corridor that the SSRLAC holds jurisdiction over; however, it is on a tributary of the designated river, and it is our understanding that we can still submit commentary.

The SSRLAC is opposed to this proposal to destroy the two boulders which are natural features of the river to protect a gravel road running immediately adjacent to the riverbank.

In our opinion, the sanctity of the river in its natural state is more important than protecting a gravel road located immediately adjacent to the riverbank. If the town wants to protect the road, it should reposition the road away from the riverbank rather than destroy two naturally occurring boulders because the hydraulics around them are impacting the riverbank. In our opinion, the placement of the road was short sighted and the boulders should be left undisturbed.

General Commentary: The SSRLAC questions why rip rap armoring is the only proposed solution for three out of four of these proposals and why bioengineered alternatives were not considered or explored further.

The SSRLAC advocates for riparian buffer vegetation planting using native plants whenever rip rap armoring is recommended.

As stated earlier, there is a general concern that all of these proposals may have been rushed through the planning phase without adequate consideration of the big picture view.

Mark Dindorff
Saco-Swift Rivers LAC Chair

Example 6: Warner River LAC Comment on NHDOT Permit Application to NHDES

The Warner River LAC provided comments on a Wetlands Standard application submitted by the New Hampshire Department of Transportation. The LAC recognized the need for the project prior to providing suggestions on how to improve the project to protect scientific research uses of the river and aquatic species. The LAC's comments are specific and supported by contextual facts.

Warner River Local Advisory Committee
5 East Main Street, P.O. Box 265
Warner, New Hampshire 03278

September 23, 2025

Rhona Thomson
Wetlands Program Analyst
Bureau of Environment, NH Department of Transportation
P.O. Box 483 – 7 Hazen Drive
Concord, New Hampshire 03302-0483

RE: Standard Dredge and Fill Wetlands Permit Application (RSA 482-A)
NHDES File Number 2025-02120
Subject Property: NH Route 127 & Dustin Road, Warner

Dear Ms. Thomson:

The purpose of this letter is to provide comments on the above-mentioned project from the Warner River Local Advisory Committee (WRLAC). As you are probably aware, the Warner River is a Designated River under the New Hampshire Rivers Management and Protection Program. As a result of this classification and program the WRLAC is tasked with providing comments on any federal, state or local government plans to approve, license, fund or construct facilities or applications for permits, certificates or licenses that may alter the resource values and characteristics of the river.

The New Hampshire Department of Transportation (NHDOT) has applied for a dredge and fill permit that involves replacement of the New Hampshire Route 127 bridge near the intersection with Dustin Road in Warner. This project will involve removal of two existing piers, replacement of the abutments and widening the bridge with a single span structure. WRLAC appreciates the need to replace the existing structure for purposes of public safety but would like to emphasize the need to protect the river and associated riparian environment from undue damage during demolition and reconstruction. We have reviewed documents provided to us by the NHDOT dated August 7, 2025, and based upon that review submit the following comments.

During demolition and reconstruction, and after project completion, hydraulic conditions will be altered to the extent that data from the adjacent US Geological Survey gaging station may be adversely affected.

More specifically, the existing stage discharge relationship for the gaging station will most likely be affected by channel alterations.

The gaging station is jointly funded by the US Geological Survey National Streamflow Information Program and the US Army Corps of Engineers, New England District and is maintained by the local office of the US Geological Survey in Pembroke, New Hampshire. Data from this gaging station are utilized by the National Weather Service Northeast River Forecast Center (NERFC) for issuing river forecasts and warnings in New Hampshire. The U.S. Army Corps of Engineers Reservoir Regulation Team uses data from the Warner River gage for managing their flood control reservoirs in the Merrimack and Contoocook River Basins. Furthermore, data from the gage are utilized by the New Hampshire Department of Environmental Services to administer the Instream Flow Management Program that has been recently implemented for the Warner River.

Because of the importance of this gaging information, careful consideration should be given to coordinate proposed project activities with the local office of the US Geological Survey which maintains and operates the gage. If additional monitoring and data collection are required during the project implementation to ensure data integrity and to reestablish the stage discharge relationship after project completion, funding for those efforts should be addressed.

Sediment released into the river can adversely affect benthic invertebrates and organisms that rely on them. Although the project may be designed to minimize release of sediment into the river, we suggest that field measurements of turbidity be collected during project operations to ensure that best management practices are effective.

The Bureau of Environment Conference Report dated April 16, 2025, states on page 13 that the “project area is not a cold-water fishery so there will be no impacts to cold water species.” However, the New Hampshire Fish and Game Department annually stocks the Warner River with cold water species including Rainbow and Brook trout that can migrate to the project area. Furthermore, the stream channel just below the project area consists of riffles and runs that are conducive to cold water species. Because of this, a time-of-year restriction for this project should be reconsidered.

Please feel to contact me with any questions regarding our comments.

Warner River Local Advisory Committee
Daniel Morrissey
Warner River LAC Chair

Appendix C: Grandfathered Sludge and Septage Land Application Sites

The following sites are permitted to spread septage or sludge within 250 feet of a designated river. If your LAC/LRS would like to receive email notifications regarding planned land applications for one or more of these sites, please contact the NHDES Residuals Management Section and provide an email address for such notices to be sent.

Permit Number	Application Type	Site Name	Site Location	Designated River	Status*
SES-97-002	Septage	Naughtaveel Farm (Hussey)	Westside Road, Conway	Saco River	Spreading approved for 2025.
SLS-00-002	Sludge	Highway View Farm – Agricom fields	River Road, Boscawen	Upper Merrimack River	Last land application: 2020.
SLS-00-024	Sludge	Highway View Farm – Home fields	River Road, Boscawen	Upper Merrimack River	Last land application: 2016. Permit will likely be surrendered.
SLS-00-023	Sludge	Green Gold Farm Crops, Inc. – Hall Street field	Hall Street, Concord	Upper Merrimack River	Last land application: 2021.
SLS-01-011	Sludge	Green Gold Farm Crops, Inc. – King Plaza	Route 9 (Louden Road), Concord	Upper Merrimack River	Last land application: 2019.
SLS-02-003	Sludge	Daniel Webster Farm	River Street, Franklin	Pemigewasset River	Spreading approved for 2025.
SLS-01-007	Sludge	Dale Lewis – Underhill field	Routes 10 and 25, Piermont	Connecticut River – Upper Valley	Last land application: 2013. Permit will likely be surrendered.

*as of December 10, 2025.

Appendix D: Enabling Statutes

The authority for LACs/LRSs to review permit applications is described in RSA 483. The relevant sections of the statute describing the duties of the LACs/LRSs, as well as the duties of state agencies to inform the LACs/LRSs of activities that might affect a designated river are as follows:

483:8-a Local River Management Advisory Committees; Establishment; Duties. –
IIII. The duties of such committees shall be:

> (a) To advise the commissioner, the advisory committee, the municipalities through which the designated river or segment flows, and municipalities within tributary drainage areas on matters pertaining to the management of the river or segment, tributary drainage areas, and disposal of state-owned lands. Municipal officials, boards, and agencies shall inform such committees of actions which they are considering in managing and regulating activities within designated river corridors.
>
> (b) To consider and comment on any federal, state, or local governmental plans to approve, license, fund, or construct facilities or applications for permits, certificates, or licenses, that may alter the resource values and characteristics for which the river or segment is designated.

483:12-a State Action; Notification of Rivers Coordinator; Petition for Review. –
I. Any state agency considering any action affecting any river or segment designated under this chapter shall notify the rivers coordinator and the local river management advisory committee prior to taking any such action. Such agency shall forward to the rivers coordinator and the local river management advisory committee for review and comment copies of all notices of public hearings, or, where a public hearing is not required, a copy of the application for issuance of a permit, certificate, or license within the designated river or corridor under RSA 485-C, RSA 485-A, RSA 483-B, RSA 12-E, RSA 270:12, RSA 482, RSA 482-A, except notifications for minimum impact activities under RSA 482-A:3, V and XII and for routine roadway maintenance under RSA 482-A:3, XVI on land used for agricultural purposes, RSA 149-M, RSA 430, or RSA 147-A. If an agency is notified by the rivers coordinator that a proposed activity would violate a protection measure under RSA 483:9, 483:9-a, 483:9-aa, or 483:9-b, such agency shall deny the application.

I-a. State agencies shall develop, in conjunction with the rivers coordinator and the local river management advisory committees, the procedure by which the state shall notify the appropriate local river management advisory committee when state action is being considered which affects a designated river.

Appendix E: Additional Resources

- LAC Website Permit Review Webpage.
- LAC Website Resources Webpage.
- NHDES OneStop Basic Search (Search Alteration of Terrain, Aboveground Storage Tank, Underground Storage Tank, Groundwater, Hazardous Waste and Solid Waste permits).
    - How to Find a Document on OneStop.
- NHDES OneStop Wetland/Shoreland Query.
- NHDES OneStop Data Mapper.
- New Hampshire Designated River Corridor Map.
- NHDES Permit Applications Webpage.
- NHDES Wetlands Permitting Regional Contacts.
- NHDES Administrative Rules.
- NHDES Rulemaking and Enforcement Webpage.