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# ENVIRONMENTAL Fact Sheet

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## Wetlands Emergency Authorizations (EAs)

### On Public Infrastructure

During a natural disaster, public agencies can work in wetlands to mitigate immediate threats to public safety or stabilize public infrastructure that has been damaged without permits or prior authorization. Additional details are available in Env-Wt 315 (Procedures to Address Emergencies). Public agencies must submit the following information no later than 10 days after starting work:

1. Public agency name plus name and daytime phone of a contact and, if available, contact email address and fax.
2. Identification of the location and type of work done on an emergency basis.
3. Explanation of why the work had to be done without first filing for a Statutory Permit-by-Notification (SPN), registration, permit or Emergency Authorization (EA).
4. Start date and completion date of work.
5. Photos are extremely helpful to illustrate the threat(s) but not required.

### Emergency Authorization (EA) for Public Infrastructure

In the aftermath of a disaster or during a local emergency, a public agency must receive an EA from NHDES before performing work in wetlands jurisdiction when a threat to public safety exists due to public infrastructure being damaged. This covers work performed in response to events that may not necessarily qualify as natural disasters. Public agencies must follow the following procedures:

1. Request an emergency authorization within two working days of discovering the need for it.
2. Limit work to site stabilization or other mitigation of the immediate threat. Include only work necessary to prevent or minimize additional damage to public infrastructure.
3. Public agencies may permanently repair public infrastructure under an emergency authorization if:
  - a. Stream crossing repairs meet all applicable requirements of Rule Env-Wt 900.
  - b. Permanent wetland impacts do not go beyond the footprint of the infrastructure being repaired, unless necessary to comply with Env-Wt 900.
  - c. Channel blockages may be removed if sediment disturbance is minimized.
  - d. The public agency submits the appropriate notification, registration or application for the permanent repairs within 30 calendar days of completing the work.

To request EAs for public infrastructure, email [lrm@des.nh.gov](mailto:lrm@des.nh.gov) or call (603) 271-2147. Include the following information:

1. Public agency name plus name and daytime phone of a contact and if available, contact email address and fax.
2. Description of the reason the emergency authorization is being requested.
3. Identification of the location and type of infrastructure to be repaired.
4. Description of the work to be performed and a schedule for the work.
5. Follow up in writing using the [Wetlands Emergency Authorization Request Form](#) (NHDES-W-06-085).

## On Private Property

During a natural disaster, private property owners can work in wetlands to mitigate immediate threats or stabilize property without permits or prior authorization. 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. Additional details are available in Env-Wt 315.05 (Work During Emergencies Without Prior Authorization). Property owners must submit an after-action report containing the following information to NHDES no later than 30 days after the disaster event to comply with state law:

1. Property owner's name plus address where the emergency work was performed.
2. Name and daytime phone of the person reporting and, if available, that person's email address and fax number.
3. Description of the need for the work done on an emergency basis.
4. Description of work performed, start date and completion date.
5. Photos are extremely helpful to illustrate the threat(s) but not required.

## Emergency Authorization (EA) for Private Property

Private property owners can request an EA in cases of threats to public safety or health, or when significant private property damage is imminent due to occurrences beyond the property owner's control. These may include events that do not qualify as natural disasters. After the imminent threat is addressed, appropriate wetlands permits are required for any additional work needed for permanent repairs. Owners must follow the procedures below:

1. Request emergency authorization within two weeks of discovering the threat to safety, health or property.
2. Complete emergency work within 30 days.
3. Limit work to only what is necessary to stabilize the site or mitigate the immediate threat. Avoid creating any new permanent impacts to any Priority Resource Area or vernal pools.

To request EAs for private property, email [lrn@des.nh.gov](mailto:lrn@des.nh.gov) or call (603) 271-2147. Include the following:

1. Name of property owner and the address of the property where the emergency work will be done.
2. Name and daytime phone of the person reporting and if available, that person's email address and fax number.
3. A description of the reason the emergency authorization is being requested.
4. A list of structures proposed to be repaired or otherwise stabilized.
5. A description of the work to be performed and a schedule for the work.
6. Follow up in writing no later than 24 hours after the initial request using the [Wetlands Emergency Authorization Request Form](#) (NHDES-W-06-085).

*NHDES will issue Emergency Authorizations within three working days of receipt of written requests when necessary to mitigate an immediate threat to public health or safety or to private property. Any proposed repairs, restoration or other activities after the emergency must follow proper permit procedures.*