



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF ENVIRONMENTAL SERVICES
LAND RESOURCES MANAGEMENT
WETLANDS BUREAU

29 Hazen Drive, PO Box 95, Concord, NH 03302-0095
Phone: (603) 271-2147 Fax: (603) 271-6588

Website: <http://des.nh.gov/organization/divisions/water/wetlands/index.htm>

Permit Application Status: <http://www2.des.state.nh.us/OneStop/Wetland Permits Query.aspx>



Instructions and Form for Using the Notification of Trail Development or Maintenance Activities

To apply for a wetlands permit using the Trail Notification, the information to be reviewed consists of three parts:

1. Instructions for the Notification of Trail Development Activities
2. Notification of Trail Development or Maintenance Activities Form
3. *Best Management Practices for Erosion Control During Trail Maintenance and Construction* (2004) <http://www.nhstateparks.org/uploads/BMPmanual2010.pdf>

When to use this form?

This form and notification process was developed to provide for those trail development or maintenance activities that qualify as minimum impact projects and involve the:

- Construction of trails in accordance with the *Best Management Practices for Erosion Control During Trail Maintenance and Construction*, N.H. Department of Resources and Economic Development (2004)
 - Provided there is **less than** 3,000 square feet of impact to wetlands per crossing, and
 - Any crossings of stream channels are less than 10 feet wide (base of bank to base of bank).
- The crossings:
 - Do not impact bogs, marshes, sand dunes, tidal wetlands, cedar swamps, or undisturbed tidal buffer zone.
 - Are not located in or within 100 feet of a municipally designated prime wetland.
 - Are not located in a wetland that is an exemplary natural community, as identified by the Department of Resources and Economic Development's Natural Heritage Bureau or that has documented occurrences of state or federally listed endangered or threatened plant or animal species.



To check the status of your notification, go to "OneStop Wetland and Shoreland Permit" query at www.des.nh.gov. Once DES considers your trails notification "complete," you will receive a "Complete Trails Notification" letter, which is effective for 5 years.

Checklist of Required Information/Documents to Provide

- Written permission of owner(s), easement documentation, or other proof of your right to access each property listed on which work is proposed. See attached sample “Landowner Permission” form.
- Obtain and attach the environmental review letter from the Department of Resources and Economic Development’s Natural Heritage Bureau (NHB) indicating that they have reviewed your project and the proposed activity is NOT in an area identified by the NHB as containing a threatened or endangered species or an exemplary natural plant community. For information on how to request the required documentation, go to www.nhnaturalheritage.org and click on “Services” or call (603) 271-2215 x 323.

If your project involves work in multiple locations on multiple properties, it is recommended that you obtain the hard copy review request form and attach maps of the multiple locations to be reviewed by NHB. There is a \$25 fee for NHB to do a review using the hard-copy form, as well as when an occurrence of a rare threatened or endangered species or exemplary natural community is identified.

- A list of the name(s), address(es) and phone numbers/email of owner(s), and the tax map and lot number(s) of all properties on which work is proposed.
- A copy of the USGS topographic map (at a scale of 1:24,000 or 1:25,000) on which the location of the proposed trail(s) and the type and location of all wetlands and surface water crossings have been clearly indicated.
- Plans or sketches of the type of proposed crossing(s) of wetlands or surface waters. Photographs of existing structures or copies of sketches from the *Best Management Practices for Erosion Control During Trail Maintenance and Construction* (2004) may be used (with dimensions added) if they accurately depict the proposed construction.
- If any construction, excavation, or filling is being done on property that is in the “protected shoreland” -- the area that is within 250 feet of a “fourth order” stream, a designated river, a lake or pond 10 acres or greater in size (on the DES *Official List of Public Waters*), or a tidal water -- you will need a DES Shoreland Permit, unless the work is limited to wetland-jurisdictional areas and specifically permitted under a Wetlands Permit, OR exempted under Rule Env-Wq 1406.03 (Vested Rights) or Env-Wq 1406.04 (Exempt activities) (see www.des.nh.gov/organization/commissioner/legal/rules/index.htm#envwq1400).
- For projects that involve land disturbance of more than 50,000 square feet, a DES Alteration of Terrain permit will be required if any disturbance is within the protected shoreland. For more information, see www.des.nh.gov/organization/divisions/water/aot/index.htm and RSA 485-A:17.
- For projects that involve land disturbance of more than 100,000 square feet, an Alteration of Terrain Permit will be required. For more information, see www.des.nh.gov/organization/divisions/water/aot/index.htm and RSA 485-A:17 (www.gencourt.state.nh.us/rsa/html/L/485-A/485-A-17.htm).

Definitions of Terms –
Notification of Trail Development or Maintenance Activities
(See Env-Wt 100 for complete definitions)

Best Management Practices for Erosion Control During Trail Maintenance and Construction (2004) – The manual developed by the New Hampshire Department of Resources and Economic Development (DRED) that addresses the best management practices for reducing soil erosion and controlling sedimentation from trail maintenance and construction activities. Copies are available at no charge from DRED, PO Box 1856, 172 Pembroke Road, Concord, NH 03302, (603) 271-3254, <http://www.nhstateparks.org/uploads/BMPmanual2010.pdf>, or from the DES Wetlands Bureau.

Bog – A wetland distinguished by stunted evergreen trees and shrubs, peat deposits, and acidic soil and water conditions. Bogs generally have no inlet or outlet. Sphagnum moss may be abundant. *The Notification form may not be used for any crossings or activities in bogs.*

Designated Prime Wetland – A wetland designated by a municipality as requiring special protection in accordance with RSA 482-A:11 & A:15 and Env-Wt 700. Any project in or within 100 feet of a prime wetland is classified as a **major project**. *The Trails Notification form cannot be used for any crossings or activities in or within 100 feet of a prime wetland (or other major project). If you are unsure whether or not the project is near a designated prime wetland, check with the municipal office or DES for the locations of these wetlands. As of November 2008, municipalities with one or more designated prime wetland are Andover, Barrington, Bow, Brookline, Derry, Enfield, Exeter, Fremont, Gilford, Goffstown, Holderness, Hooksett, Meredith, Nashua, New Ipswich, New London, Newington, Newmarket, Northwood, Pelham, Salem, Sanbornton, Sandwich, Tamworth, Weare and Wolfeboro. A current list of towns is on the DES Wetlands web page at des.nh.gov/organization/divisions/water/wetlands/index.htm.*

Exemplary natural community – A natural community is an assemblage of plant and animal species living together and having close interaction that has been largely undisturbed by humans. Exemplary natural communities are identified by the New Hampshire Natural Heritage Bureau (NHB) as either an example of a *rare* natural community (such as most alpine communities) or an example of a high-quality *common* natural community, which has relatively little human impact. Exemplary natural communities represent the best remaining examples of New Hampshire's flora, fauna, and underlying ecological processes. Check the NHB website at www.nhnaturalheritage.org for a current version of *Rare Plants, Rare Animals, and Exemplary Natural Communities in New Hampshire Towns* to see what exemplary natural communities may have been identified in your municipality. Review of this publication cannot substitute for a review by the NHB using the DataCheck tool, located under "Services" on the NHB website.

Forested wetland – A wetland where trees 20 feet and taller are the dominant plants. Typical trees are red maple, green ash, black willow, American elm, balsam fir, black spruce, tamarack and sometimes hemlock and white pine. Also called a swamp.

Marsh – A wetland distinguished by 1) the absence of trees and shrubs; 2) dominance of soft-stemmed herbaceous plants such as cattails, grasses, reeds and sedges; may have lily pads or pickerel weed; and 3) a water table at or above the surface, which may fluctuate seasonally. *The Notification form may not be used for any crossings or activities in marshes.*

Natural Heritage Bureau – The bureau within DRED that maintains information about rare, threatened, and endangered species and exemplary natural communities in New Hampshire.

Surface water – Those waters of the state, as defined by RSA 482-A:4, which have standing or flowing water at or on the surface of the ground during part or all of the year. This includes, but is not limited to, rivers, streams (perennial and seasonal/intermittent), lakes, ponds and tidal waters, marshes and vernal pools.

Swamp – A wetland dominated by trees or shrubs. Typical trees are red maple, green ash, black willow, American elm, balsam fir, black spruce, tamarack and sometimes hemlock and white pine.

Tidal buffer zone – The area extending landward 100 feet from the highest observable tide line. This area can contain wetlands, transitional areas, and natural and developed upland areas.

Toe of Slope – The bottom edge (base) of the road fill where it meets the flatter grade of the ground surface.

USGS (United States Geological Survey) topographic map – A map that uses contour lines to represent the three-dimensional features of a landscape on a two-dimensional surface. These maps use line and symbol representations of natural and artificially created features in an area.

Map must be at a scale of 1:24,000 or 1 inch = 2,000 feet (metric maps produced at a scale of 1:25,000 are acceptable). These maps are commonly known as 7.5-minute quadrangle maps. Do not reduce the scale of the topographic map on a copier. Please make sure that any computer-generated versions of the topographic map are at this scale and are not reduced.

Vernal pool – A surface water or wetland that provides breeding habitat for amphibians and invertebrates that have adapted to the unique environments provided by such pools and which typically has the following characteristics:

- (1) Cycles annually from flooded to dry conditions, although the hydroperiod, size, and shape of the pool might vary from year to year.
- (2) Forms in a shallow depression or basin.
- (3) Has no permanently flowing outlet.
- (4) Holds water for at least 2 continuous months following spring ice-out.
- (5) Lacks a viable fish population; and
- (6) Supports one or more primary vernal pool indicators, or three or more secondary vernal pool indicators.

Check the rule for the definitions of primary and secondary vernal pool indicators and description of excluded areas of on-going anthropogenic activities (except for mitigation). See the wetland rules for the complete definition (Env-Wt 100).

Wetland – An area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation (more than 50%) typically adapted for life in saturated soil conditions (hydric soils). Wetlands include (but are not limited to) swamps, bogs, marshes, wet meadows and similar areas.

Wetland Applications – Other forms (such as the *Standard Dredge and Fill* applications) are used to apply for permits to work in wetlands or surface waters if the answer to question 3 or 4 on the Trails Notification form is “Yes.” These forms can be obtained from town clerks, from the DES Wetlands Bureau, PO Box 95, Concord, NH 03302, (603) 271-2147, or from the DES web site. For projects that do not qualify for the *Notification of Trail Development Activities Having Minimum Wetlands Impact* (if there were any “Yes” answers to questions 2 or 3 or “No” to question 4), no work in wetland or surface water may begin without obtaining and posting a DES wetlands permit.

Wet Meadow – An area dominated by sedges, grasses, and non-woody vegetation less than 3 feet in height, which is saturated for long periods during the growing season and may be seasonally flooded.



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web site: www.des.nh.gov email: wetmail@des.nh.gov



Notification of Trail Development or Maintenance Activities

Please circle YES or NO to respond to each question. **Bold-faced terms** are defined on the attached page.

<p>1. Will the proposed trail construction or trail maintenance activity require disturbance in any wetland or surface water, on the bank of any surface water body, in uplands within 100 feet of a municipally designated prime wetland, or in a sand dune, flat, or undeveloped tidal buffer zone?</p> <p>If NO, then you do not need to file this form or any other wetlands application. If YES, continue.</p>	<p>Yes No</p>
<p>2. Will the proposed activity impact a bog, marsh, sand dune, flat, tidal wetland, undeveloped tidal buffer zone, or is the proposed activity in or within 100 feet of a municipally designated prime wetland or within a quarter mile of a New Hampshire designated river?</p> <p><i>If you answered YES, you must file a different wetlands application and no work in the above areas may begin until a permit is received. If you answered NO, continue to question 3.</i></p>	<p>Yes No</p>
<p>3. Does the letter from the Department of Resources and Economic Development, Natural Heritage Bureau indicate that the proposed activity is in an area identified by the NHB as containing a threatened or endangered animal species or exemplary natural plant community?</p> <p>If YES, you will need to consult with the Natural Heritage Bureau or the Fish and Game Department (as the NHB letter identifies) to identify if this notification can be used or if a different wetlands application and additional information will be required for this project.</p> <p>If NO, attach a copy of the NHB letter and attachments to this Notification form and continue to question 4. Enter NHB file number: _____</p>	<p>Yes No</p>
<p>4. Will the construction of all crossings follow the <i>Best Management Practices for Erosion Control During Trail Maintenance and Construction (2004)</i>?</p> <p>BMPs are mandatory [<i>Rule Env-Wt 303.04(y)</i>].</p>	<p>Yes No</p>
<p>5. For installation of a permanent culvert, fill, corduroy, boardwalk or similar construction:</p> <p>a) Does the area of impact for any single crossing exceed 3,000 square feet?</p> <p>b) Is the length of any forested wetland or wet meadow crossing (measured along the proposed access way) more than 50 feet?</p> <p>c) Is the length of any surface water crossing (measured from base of bank to base of bank) more than 10 feet?</p> <p>d) Do the wetlands that are being crossed have standing water for more than two months of the year?</p>	<p>Yes No Yes No Yes No Yes No</p>
<p>6. Will you be installing a bridge?</p> <p>a) Is any work proposed in the water?</p> <p>b) Does the fill for the abutment(s) exceed 3,000 square feet in the banks of the stream?</p>	<p>Yes No Yes No Yes No</p>
<p>If you answered <u>Yes</u> to any of the questions numbered 2 or 3, the project exceeds the criteria for minimum impact and you must file a different wetlands application (see Definitions of Terms - wetlands applications - for more information) and no work in wetlands or surface waters may be done until you receive a permit from the DES Wetlands Bureau. If you answered <u>Yes</u> to question 4, <u>and No</u> to questions numbered 5, 6 a) and 6 b), complete the remaining sections of the application (on the reverse side).</p>	

7. Please provide the address and daytime phone for the organization or contact person responsible for constructing or maintaining trails.

Organization	Contact person	Mailing Address (Street or PO Box), Town, State, Zip Code
Telephone #	Email address	In what town(s) is this work proposed?

Note: Use of the trail for non-recreational purposes now or in the future shall require different or additional permitting by DES.

8. Attach a list of the name(s), address(es) and phone numbers of owner(s), and the tax map and lot number(s) of all properties on which work is proposed.

9. Attach a landowner written permission form, easement documentation, or other proof of your right to access for each property listed above in item 8 (above). See attached Landowner Permission Form.

10. Attach a copy of the **USGS topographic map** (at a scale of 1:24,000 or 1:25,000) on which the *location* of the proposed trail(s) and the *type* and *location* of all wetlands and surface water *crossings* have been clearly indicated.

11. Attach plans or sketches of the type of proposed crossing(s) of wetlands or surface waters. Photographs of existing structures or copies of sketches from the ***Best Management Practices for Erosion Control During Trail Maintenance and Construction (2004)*** may be used if they accurately depict the proposed construction.

12. Attach a check for \$25 payable to the NHDES Wetlands Bureau.

Please sign below to certify that: a) Items 1 – 11 are correctly answered or represented; and b) all work shall conform to the ***Best Management Practices for Erosion Control During Trail Maintenance and Construction (2004)***, and all persons who will be working on the site have been instructed to install crossings only as indicated on the attached map and sketches.

Applicant's Signature _____ **Date** _____

Printed name: _____

You will need at least three sets of the application materials to distribute, as noted below.

- 1) Make two photocopies of the signed original form and attachments.
- 2) Mail the original set with all required attachments, including maps and plans and \$25 check to: **NHDES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.**
- 3) Send one photocopied set to DRED, Division of Parks and Recreation, Bureau of Trails, PO Box 1856, Concord, NH 03302-1856.
- 4) Provide the other photocopied set to the municipal conservation commission (or Board of Selectmen, if no conservation commission exists).

If answers to and information for any of Items 1-12 are not provided, this notification will be considered **INCOMPLETE** and all work in wetlands or surface waters **SHALL NOT PROCEED**. Work conducted without filing a complete notification may be cause for DES enforcement action. Work may proceed upon proper filing of a **COMPLETE** notification. DES will issue a ***Confirmation of Complete Trail Notification*** if the Notification that you submitted is complete. The ***Confirmation Letter*** **MUST BE POSTED AT THE WORK SITE.**

Landowner Permission Form
for DES Notification of Trail Development or Maintenance Activities
Under the Wetlands Dredge and Fill Law, RSA 482-A

Permission is hereby granted to: _____
(Name of Club or Organization)

I _____ do hereby give permission for the above organization/club to
Landowner's name
access Trail (name / #) _____ on my property in the City/Town of _____,
to install the following number of crossings on:

Tax Map _____ Lot # _____, culvert(s) _____, bridge(s) _____, other (describe) _____

Tax Map _____ Lot # _____, culvert(s) _____, bridge(s) _____, other (describe) _____

Tax Map _____ Lot # _____, culvert(s) _____, bridge(s) _____, other (describe) _____

Tax Map _____ Lot # _____, culvert(s) _____, bridge(s) _____, other (describe) _____

Landowner (1) Name (Print) Date

Landowner(2) Name (Print) Date

Landowner (1) Name (Signature)

Landowner(2) Name (Signature)

Mailing Address

Mailing Address

Town/City State

Town/City State

Phone #

Phone #

email address

email address

Club Contact Person (Print) Date

Club / Organization Name

Club Contact Person (Signature)

Club /Organization Address

Contact Address

Phone #

Phone #

email address

email address