
ENVIRONMENTAL Fact Sheet



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2020

Obtaining Authorization for Emergency Wetlands Impacts

On Private Property (Administrative Rule Part Env-Wt 315)

Work Performed During Natural Disasters

During emergency situations, private property owners can perform work in wetlands jurisdiction without receiving a permit or prior authorization from the New Hampshire Department of Environmental Services (NHDES) Land Resources Management Program, Wetlands Bureau, under the following circumstances:

- When emergency work is performed during a **federal- or state-declared natural disaster**; AND
- When work is strictly limited to that which is necessary to mitigate an immediate threat or stabilize the property.

Although no permit or prior authorization from NHDES is required under these circumstances, the property owner must submit the following information to NHDES, no later than 30 days after commencing the work:

1. Property owner's name.
2. Address where the emergency work was performed.
3. Name and daytime telephone number of the individual reporting the information, and, if available, an email address and fax number for that individual.
4. Description of the need for the work done on an emergency basis.
5. Description of what work was done, when it began and when it was completed.

When is an Emergency Authorization Needed from NHDES?

A private property owner must receive an emergency authorization (EA) from NHDES **before** performing work in wetlands jurisdiction when threat to public safety or health exists or significant damage to private property is imminent as a result of an occurrence beyond control of property owner. This covers work performed in response to events that may not necessarily qualify as a natural disaster. The appropriate wetlands permit will still be required for any permanent repairs after the emergency has ended, but an emergency authorization allows the private property owner to begin work before the permit is received to perform stabilization and mitigate threats. The following procedures must be followed:

1. The request for an EA must be made within two weeks of discovering the need for the EA.
2. Emergency work shall be completed within 30 days, or 60 days for emergencies requiring approval from the NHDES Waste Management Division.
3. Work is limited to stabilization of the site or other mitigation of the immediate threat that does not create any new permanent impacts to any Priority Resource Area or vernal pools.

To request an EA, property owners or their agents must provide NHDES, by telephone, email, or facsimile, with the following information:

1. The name of the property owner and the address of the property where the emergency work will be done.
2. The name and daytime telephone number of the individual requesting the authorization, and, if available, an email address and fax number for that individual.
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.

To request an EA, please call NHDES Land Resources Management, Wetlands Bureau at (603) 271-2147. Requests must also be followed up in writing no later than 24 hours after the initial request (by email or facsimile). NHDES provides a [Wetlands Emergency Authorization Request Form](#) (NHDES-W-06-085) by which you may provide the required information.

NHDES will issue the EA within three working days of receipt of a written request when necessary to mitigate an immediate threat to public health or safety or to private property.

Any permanent repairs, restoration or other activities proposed to be conducted after the emergency has ended must follow the proper permitting procedures.



Figure 1 – Example of a situation where an emergency authorization may be requested.

For Repairs to Public Infrastructures (Administrative Rule Part Env-Wt 315)

Work Performed During Natural Disasters

During emergency situations, a public agency can perform work in wetlands jurisdiction without receiving a permit or prior authorization from NHDES, under the following circumstances:

- When emergency work is performed during a **federal- or state-declared natural disaster**; AND
- When work is strictly limited to that which is necessary to mitigate an immediate threat or stabilize a property.

Although no permit or prior authorization from NHDES is required under these circumstances, the public agency must submit the following information to NHDES, no later than 10 days after commencing the work:

1. The name of the public agency.
2. The name and daytime telephone number of a contact individual, and, if available, an e-mail address and facsimile number for that individual.
3. An explanation of why the work had to be done without first filing for a Statutory Permit-by-Notification, Registration, Permit, or Emergency Authorization (EA).
4. The date when the work began and the date when the work was completed.

When is an Emergency Authorization Needed from NHDES?

A public agency must receive an EA from NHDES **before** performing work in wetlands jurisdiction when 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 a natural disaster. The following procedures must be followed:

1. The public agency must request an EA within two working days of discovering the need for the EA.
2. Work is limited to stabilization of the site or other mitigation of the immediate threat, and work that is necessary to prevent or minimize additional damage to public infrastructure.
3. Permanent repairs to public infrastructure may be made under an EA if:
 - a. Repairs to stream crossings 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 as long as 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.

The public agency shall request an EA by providing the following information to the department by telephone, email, or fax:

1. The name of the public agency and the name and daytime telephone number of a contact individual, and, if available, an email address and fax number for that individual.
2. A description of the reason the emergency authorization is being requested.
3. Identification of the location and type of infrastructure to be repaired.
4. A description of the work to be performed and a schedule for the work.

To request an EA, please call NHDES Land Resources Management, Wetlands Bureau at (603) 271-2147. Requests must also be followed up in writing (by email or fax). NHDES provides a [Wetlands Emergency Authorization Request Form](#) (NHDES-W-06-085) by which you may provide the required information.

NHDES will issue the EA within three working days of receipt of a **written** request. when necessary to mitigate an immediate threat to public health or safety or to private property.

Any permanent repairs, restoration or other activities proposed to be conducted after the emergency has ended must follow the proper permitting procedures.