



**PRIME WETLAND WAIVER
FORESTRY AND OTHER ACTIVITIES**
Water Division/Land Resources Management
Wetlands Bureau



RSA/Rule: RSA 482-A:11/ Env-Wt 706

APPLICANT LAST NAME, FIRST NAME, M.I.:

Administrative Use Only	Administrative Use Only	Administrative Use Only	File No.:
			Check No.:
			Amount:
			Initials:

As provided in RSA 482-A:11, IV(b)(1), to be eligible for the [Forestry Statutory Permit-by-Notification \(Forestry SPN\)](#), a property owner must obtain a waiver to perform any forest management work and related activities in the forested portion of a designated **prime wetland*** or **duly-established 100-foot buffer†** from the department. *For a waiver request for Forestry Activities within a designated prime wetland or duly-established 100-foot buffer, please complete Part I of this form.*

As provided in RSA 482-A:11, IV(c), a property owner may request a waiver from the department to perform work not addressed above within a portion of any **duly-established 100-foot buffer†** of a prime wetland on his or her property. Please note that waivers for such activities may only be requested for work within a duly-established 100-foot buffer, not for work within prime wetlands. *For a waiver request for Activities Other than Forest Management within a duly-established 100-foot buffer, please complete Part II of this form.*

A waiver request for work in a prime wetland or duly-established 100-foot buffer must be submitted to the department at the same time as a notification for an SPN or other application, as applicable.

*Prime Wetlands: Any contiguous areas falling within the jurisdictional definitions of RSA 482-A:2, X and RSA 482-A:4 that, because of their size, unspoiled character, fragile condition, or other relevant factors, make them of substantial significance (482-A:15, I-a).

†Duly-Established 100-foot Buffer: The buffer recognized in RSA 482-A:11, IV for prime wetlands designated on or after September 11, 2009 but before August 17, 2012 (Env-Wt 102.63).

lrn@des.nh.gov or (603) 271-2147

NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095
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PART I: WAIVER REQUEST FOR FORESTRY ACTIVITIES

SECTION 1 - REQUESTED WAIVER AND FILING FEE (Env-Wt 706.02(b)(3))

Check or money order for the applicable filing fee payable to "Treasurer – State of NH" (RSA 482-A:3, I(c)).

- \$200 for a project that would otherwise qualify for a Forestry SPN if it was not located in or near a designated prime wetland or duly-established 100-foot buffer.
- \$500 for a minor impact project that does not otherwise qualify as minimum or major impact project.
- \$1,250 for a major impact project classified regardless of prime wetlands designation.

SECTION 2 - PROPOSED WORK (Env-Wt 706.02(b); RSA 482-A:11, IV(b)(1))

Provide a brief written description of the work to be performed.

SECTION 3 - PRIME WETLANDS VALUES (Env-Wt 706.02(b); RSA 482-A:11, IV(b)(1))

Provide a list of the prime wetlands values as identified by the municipality when the prime wetland or duly-established 100-foot buffer was designated. Demonstrate that the project will not create a significant net loss of these wetland values.

SECTION 4 - REQUIRED ATTACHMENTS (Env-Wt 706.02; RSA 482-A:11, IV(b)(1))

- A sketch of the property depicting the best approximate location of each prime wetlands/buffer in which work is proposed and the location of proposed work, including access roads.
- A copy of the notice of intent to cut, if applicable.
- Other information to demonstrate that there will be no significant net loss of wetland values identified by the municipality when the prime wetland/buffer was designated.

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SECTION 5 - ADDITIONAL INSTRUCTIONS (Env-Wt 706.02; RSA 482-A:11, IV(b)(3))

- At the time the applicant submits the waiver request to the department, the applicant also shall submit, *via certified mail*, a copy of the waiver request and all supporting documentation to the local governing body, the planning board, if any, and the conservation commission, if any, of the municipalities in which any prime wetlands/buffers associated with the application are located.
- If a prime wetland/buffer associated with the application extends into an abutting property, the property owner requesting the waiver shall provide a copy of the waiver request and all supporting documentation to the owner of that abutting property. The applicant shall send the notice required *by certified mail*.

Please note:

- As provided in RSA 482-A:11, IV(b)(3), the department shall not issue a waiver for forestry activities prior to 14 days after receipt of the waiver request, provided however that a municipal conservation commission may request an extension on such waiver issuance, not to exceed 14 days, which the department shall grant if requested.
- As provided by RSA 482-A:11, IV(b)(2), the department shall not issue a waiver unless the department determines that there will be no significant net loss of wetland values as identified by the local conservation commission/local governing authority or in RSA 482-A:1.
- If the department determines that the criteria for issuing a waiver are met, the waiver shall be issued as part of the Forestry SPN or permit, as applicable.
- If the department is unable to determine, based on the information submitted, that the proposed work will not cause a significant net loss of wetland values, the department shall notify the applicant of what additional information is needed and establish a deadline in consultation with the applicant for the submission of the additional information.
- If the department determines that the project would not cause a significant net loss of wetland values if certain conditions were met, the department shall place such conditions on the waiver as are necessary to protect the prime wetland resource.
- Any waiver issued shall be valid for the term of the permit or SPN with which it is associated, but may be extended.

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PART II: WAIVER REQUEST FOR ACTIVITIES OTHER THAN FOREST MANAGEMENT

SECTION 1 - REQUESTED WAIVER AND FILING FEE (Env-Wt 706.04(b)(5))
Check or money order for the applicable filing fee payable to “Treasurer – State of NH” (RSA 482-A:3, I(c)).

- \$200 for projects that would otherwise qualify as a minimum impact project if it was not located in a designated prime wetlands buffer.
- \$500 for a minor impact project that does not otherwise qualify as minimum or major impact project.
- \$1,250 for a major impact projects.

SECTION 2 - PROPOSED WORK (Env-Wt 706.04(b)(2))

Provide a written description of the work to be performed.

SECTION 3 - PRIME WETLANDS VALUES (Env-Wt 706.04(b))

Provide a list of the prime wetlands values identified by the municipality when the prime wetlands associated with the buffer was designated. Demonstrate that the project will not create a significant net loss of these wetland values.

SECTION 4 - REQUIRED ATTACHMENTS (Env-Wt 706.04)

- A sketch of the property depicting the best approximate location of the duly-established 100-foot buffer in which work is proposed and the location of proposed work, including access roads.
- Other information to demonstrate that there will be no significant net loss of wetland values identified by the municipality when the prime wetlands associated with the buffer was designated.

SECTION 5 - ADDITIONAL INSTRUCTIONS (Env-Wt 706.04; RSA 482-A:11, IV(c))

- At the time the applicant submits the waiver request to the department, the applicant also shall notify, **by certified mail**, the local governing body, the planning board, if any, and the conservation commission, if any, of the municipalities in which the waiver is being sought that the waiver is being requested.
- If the buffer associated with the application extends onto an abutting property, the property owner requesting the waiver shall provide notice that the waiver is being requested to the owner of that abutting property.

Please note:

- As provided in Env-Wt 706.05, the department shall not issue a waiver under Env-Wt 706.01(b) prior to 14 days after receipt of the waiver request, provided however that a municipal conservation commission may request an extension on such waiver issuance, not to exceed 14 days, which the department shall grant if and as requested.
- The department shall not issue a waiver unless the department determines that there will be no significant net loss of wetland values as identified by the local conservation commission/local governing authority and in RSA 482-A:1.
- If the department determines that the criteria for issuing a waiver are met, the waiver shall be issued as part of the SPN or permit, as applicable.
- If the department is unable to determine, based on the information submitted, that the proposed work will not cause a significant net loss of wetland values, the department shall notify the applicant of what additional information is needed and establish a deadline in consultation with the applicant for the submission of the additional information.
- If the department determines that the project would not cause a significant net loss of wetland values if certain conditions were met, the department shall place such conditions on the waiver as are necessary to protect the prime wetlands resource.
- Any waiver issued shall be valid for the term of the permit or SPN with which it is associated, but may be extended.

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