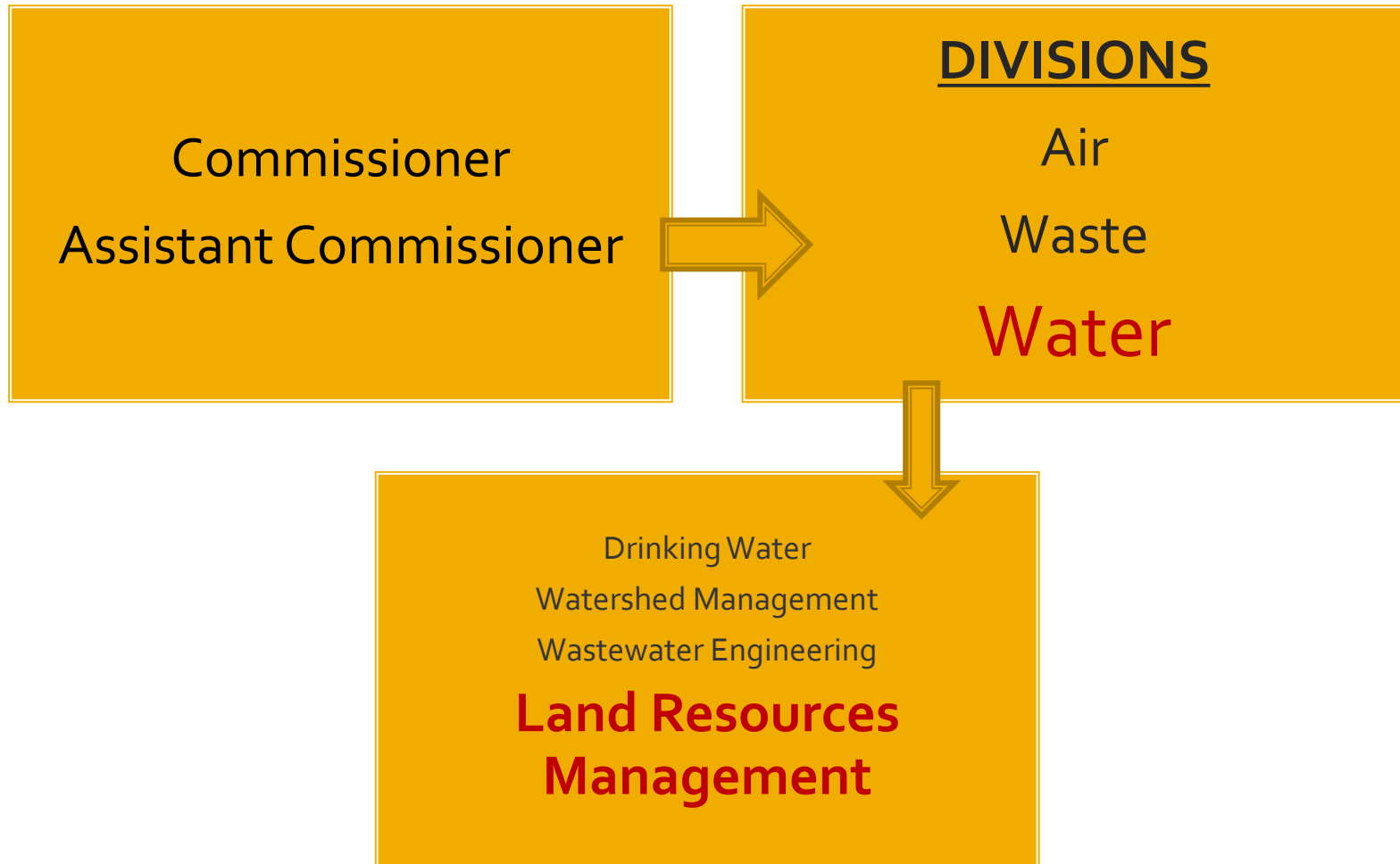




Land Resources Management Program

*Wetlands Permitting and Tidal
Shoreline Stabilization*

DES Organization



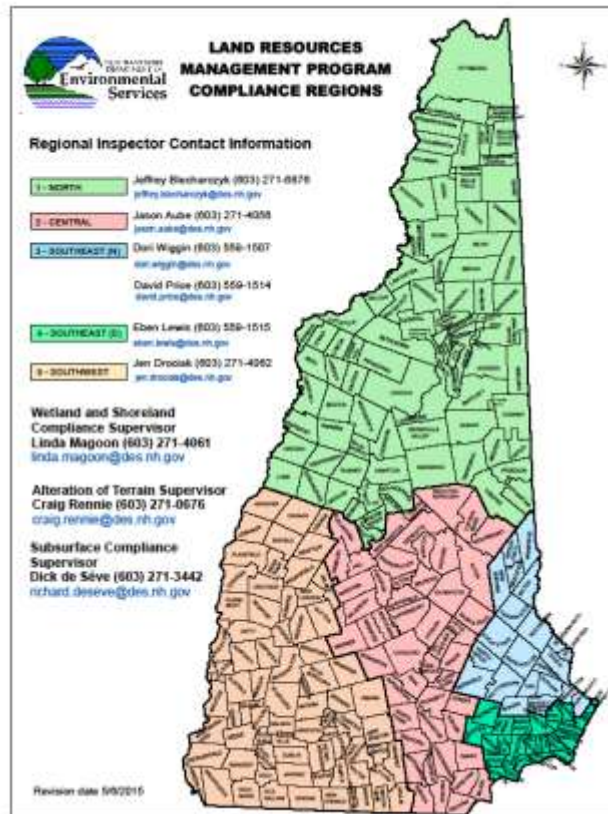
Land Resources Management Program

Has united:

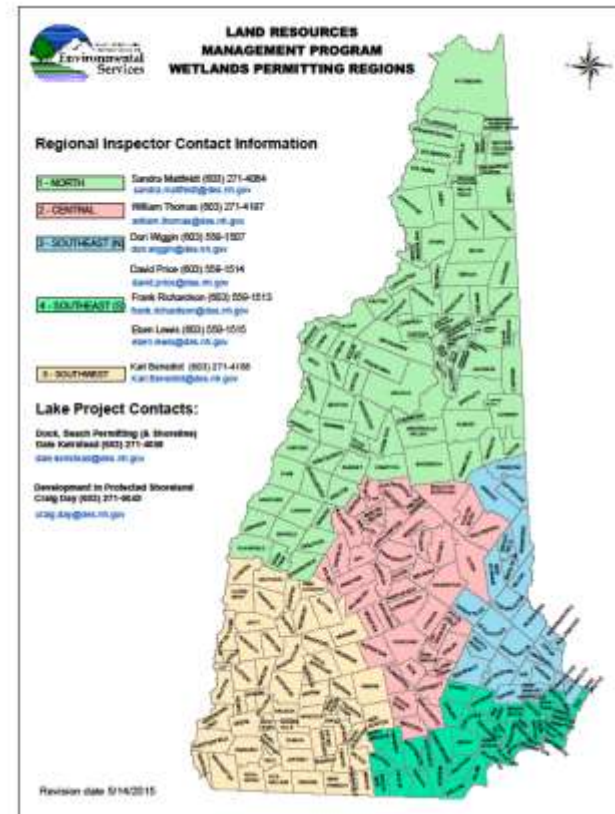
- Wetlands Bureau
- Shoreland Section
- Sub-Surface Bureau
- Alteration of Terrain Bureau

Regional Inspectors

COMPLIANCE



PERMITTING



Wetlands Bureau

- Authorized by RSA 482-A & Env-Wt 100-900
- Regulates :
 - dredge /excavation
 - fill
 - structure construction

Jurisdiction Areas:

- Tidal Wetlands & Surface Waters
- Sand Dunes
- Upland Tidal Buffer Zone

- Freshwater Wetlands & Surface Waters
- Vernal Pools
- Uplands Adjacent to Prime Wetlands

- Banks or Shoreline

Permit Project Classification Levels

- EXEMPT from permitting
- MINIMUM Impact
- MINOR Impact
- MAJOR Impact

Types of Application Processes

- Permit by Notification “PBN”
- Expedited Minimum Review
- Standard Review

Criteria for Review

- Protection Goals:

- Resource

- Public Purpose

- Property

- Ownership
 - Abutters

Criteria for Review

- 3 “ACID TESTS”:
 - DEMONSTRATED NEED
 - AVOIDANCE/MINIMIZATION
 - LEAST IMPACTING ALTERNATIVE

Criteria for Review

- Technical Spec's & other Requirements
 - Administrative Requirements
 - Applicable “20 questions” - qualitative
 - Project-specific requirements

External Comments

- Can come from:
 - Conservation Commissions – statutory comment period
 - Municipal & Other Elected officials;
 - State Partners – NHB; NHFG; DPH
 - Federal Partners – PGP Joint Processing Review
 - Abutters
 - Interested members of the public

Process Constraints

- Mandatory Statutory Time Frames
 - 75 days to first review -> Standard Applications
 - 30 days to first review -> Expedited Minimum
 - 30 days to review add'l info requested by DES
 - 20 days PBN not signed by Con. Com.
 - 10 days PBN signed by Con. Com.
- SOP 201 Expedited Review approved by Commissioner
- Stay within Agency Authority under statute

Decision Outcomes

- Request More Information
 - Approval
 - Denial
 - Governor & Executive Council Approval
 - Appeals -> Wetlands Council
 - Wetland Council decision appeal-> Supreme Court
-
- Where do you find the basis for the permit approval or denial or other info?

Myth-buster Session

- I always heard that....

Project Types:

- BANK & SHORELINE STABILIZATION



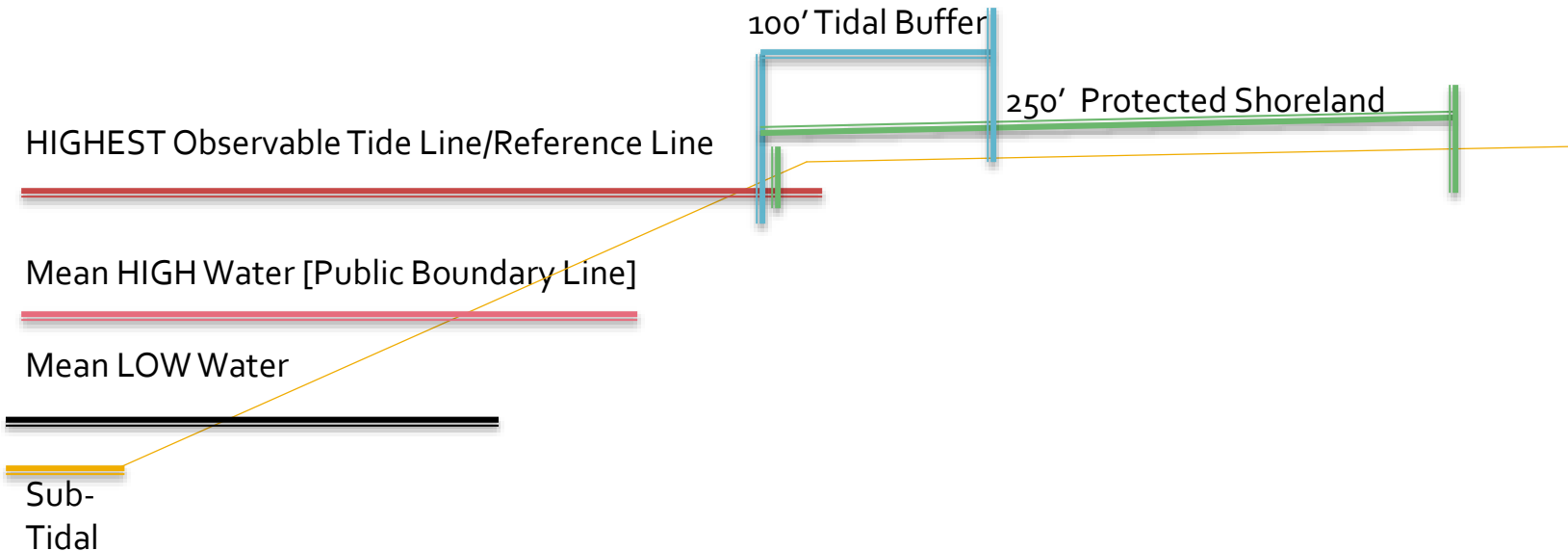
Shoreline Jurisdiction

- Maybe now...



Permitting Shoreline Stabilization

- Shoreline/ Shoreland Jurisdiction : Overlap





Project Classification ?

- MINIMUM

- or

- MAJOR

Minimum Impact

- Permitted by PBN or Expedited Review:
 - REPAIR
 - In-kind – no change in footprint, nature of material
 - No work in the water – means work done above MHW or can be done during low tide where MLW is seaward of the repair
 - Above the Highest Observable Tide Line in the Developed upland Tidal Buffer Zone.
 - NEW
 - Above the Highest Observable Tide Line in the Developed upland Tidal Buffer Zone.

Major Impact

- NEW
 - Where artificial stabilization has never been used
 - NEED – is the impact justified by a threat to the resource or property?
 - If work will occur below Mean High Tide then Governor & Council approval will be needed also
 - Compensatory Mitigation may be required but NOT if bio-engineering is only method used

Replacement in-kind, almost



Water quality protection



Technical Criteria

- Resource Protection:
 - Protect the integrity of the bank & its vegetation for functions of shading, prevent sediment loading into the water, maintain this transitional interface of the system in a natural & *self-sustaining* manner.

Technical Criteria ...

- Bank Stabilization Hierarchy:
 - 1. Vegetative Stabilization
 - 2. Rip Rap
 - 3. Walls
 - Or a combination of the above = Least Impacting

Who's got vegetation? Who will be protected?



Wrong



Better



Why walls are not the best...

3 MANZI, Phillip/MAYNA JENNESS BCH, RYE

(12) PHOTOS SUBMITTED BY PHILLIP MANZI



PHOTO #1 (OF 12)



PHOTO #3 (OF 12)



PHOTO #2 (OF 12)



PHOTO #4 (OF 12)

12/10
R+1

(P)

DATE OF PHOTO - 12/10/2010

PHOTO #5 (OF 12)



PHOTO #7 (OF 12)



PHOTO #6 (OF 12)



PHOTO #8 (OF 12)



Least Impacting Alternative?
Self-sustaining?
Providing Shoreline functions?



Technical Criteria

- Must OWN the property or receive written permission to work on land of others
- Cannot negatively affect the abutting property
- Must be 20' from abutting property line unless written authorization is received from abutter or a waiver to that Rule is granted.



available distance for dune const/
passage space if wall remains.

additional
distance for
dune const.
if wall is
removed & new
dune is incorp.
into Fantini
dune.



Close ups of damage to vegetation &
erosion of dune sand despite
extensive root systems of the amonophila
due to wave energy from deflection
off adjacent wall.

Tech Criteria...

- If a rip rap slope of 50' or more, must have PE stamp
- Must meet the relevant review criteria in Rules:
 - The potential of a proposed project to cause or increase flooding, erosion, or sedimentation;
 - The extent to which a project that is located in surface waters reflects or redirects current or wave energy which might cause damage or hazards

Challenges that we face:

- ABUTTERS
 - Property protection, from storms, from each other
 - How to get people to work together
- Long-term, low-maintenance, self-sustaining solutions

Challenges ...

- Education: protect the resource and the resource will protect you
- How do we design resilient shorelines that will handle sea level rise
- Participate in change: engage in on-going tidal wetlands rule writing effort.

For More Information..

- des.nh.gov
- Tidal Resources Rulemaking Effort
- Wetlands Permit Process Improvement Effort



