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- [How do I know if there are jurisdictional \(regulated\) areas, such as wetlands or surface waters, on my property?](#)

In New Hampshire, jurisdictional areas include: wetlands, surface waters, the prime wetland buffer, the tidal buffer zone and sand dunes.

wetlands are identified based on three criteria:

- hydric soils - A soil that formed under conditions of saturation, flooding or ponding long enough during the growing season to develop anaerobic conditions in the upper part
- hydrophytic vegetation - Vegetation typically adapted for life in saturated soil conditions
- hydrology - The area is inundated with water either permanently or periodically or the soil is saturated to the surface at some time during the growing season of the prevalent vegetation.

Examples of wetlands include, but are not limited to: [swamps](#), [bogs](#), [marshes](#), [forested wetlands](#), [wet meadows](#) and [vernal pools](#)

Helpful documents:

- [Hydric Soils and Wetland Basics for NH Landowners and Town Officials](#) 
- [Forested Wetland FACT SHEET](#) 
- [Recognizing Wetlands \(USACE\)](#) 

Surface Waters include, but are not limited to: lakes, ponds, tidal waters, rivers and streams, including their beds and banks.

Prime Wetland Buffer - The 100 foot upland buffer for wetlands that have been municipally designated as prime wetlands and at the time of their designation a 100-foot upland buffer was required

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

Sand Dune - A hill or ridge of sand piled up by the wind and commonly found on the seacoast

DES does not provide wetland delineation services. If you are unsure if there is a wetland or surface water on your property, we recommend contacting a [NH Certified Wetland Scientist](#)

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- [What are the wetlands setbacks?](#)

Prime Wetland Buffer and Tidal Buffer Zone

Authorized by the [Fill and Dredge in Wetlands](#) law, RSA 482-A, the Wetlands Bureau setbacks include the prime wetland buffer and tidal buffer zone. The prime wetland buffer is the 100 foot upland buffer for wetlands that have been municipally designated as [prime wetlands](#) and at the time of their designation a 100-foot upland buffer was required and the tidal buffer zone is the area extending landward 100 feet from the highest observable tide line. This area can contain wetlands, transitional areas, and natural and developed upland. Impacting areas within prime wetlands, prime wetland buffers and tidal buffer zones often requires a permit from NHDES Wetlands Bureau.

Primary Building and Accessory Structure Setback

Authorized by the [Shoreland Water Quality Protection Act](#), RSA 483-B, the NHDES Shoreland Program requires a 50 foot setback for all new primary structures on [protected surface waters](#) and a 20 foot setback for accessory structures such as sheds, gazebos and patios. There are also limitations on removing vegetation adjacent to many surface waters and this is explained within the [Vegetation Maintenance FACT SHEET](#) .

Septic Systems

Authorized by the [Water Pollution and Waste Disposal Act](#), RSA 485-A, the NHDES Subsurface Systems Bureau requires that septic systems are installed at least 75 feet from wetlands having very poorly drained soils and 50 feet from wetlands having poorly drained soils. When installing septic systems within the [protected shoreland](#), if the receiving soil of the septic system is a porous sand and gravel material with a percolation rate equal to or faster than 2 minutes per inch, the setback is at least 125 feet from the [reference line](#) of the waterbody.

Additionally, many municipalities have ordinances that are more stringent than state laws and often include wetland setbacks. Always ensure you meet local regulations when planning your proposed project.

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- Can I cut or remove vegetation within a jurisdictional wetland?

The mowing and cutting of vegetation, including trees, within wet meadows or forested wetlands such as red maple swamps, hemlock swamps, spruce/ fir swamps and white pine swamps is permissible without a wetlands permit provided of the following conditions are met:

- (1) The roots of the vegetation are not disturbed;
- (2) The ground is frozen or sufficiently dry to avoid making ruts;
- (3) The area is stabilized once thawed; and
- (4) The project is not located within a [prime wetland](#), [prime wetland buffer zone](#), or 100 foot tidal buffer zone.

There are limitations on removing vegetation adjacent to many surface waters of the state and this is explained within the [Vegetation Maintenance FACT SHEET](#) 

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- What activities require a wetlands permit?

A permit from the NHDES Wetlands Bureau is required for excavating, removing, filling, dredging or constructing structures within jurisdictional areas including:

- Wetlands, such as forested, scrub-shrub, emergent wetlands, marshes, wet meadows and bogs
- Surface waters, including the beds and banks of streams, rivers, lakes, ponds and tidal areas
- The tidal buffer zone, which is the area extending landward 100 feet from the highest observable tide line. This area can contain wetlands, transitional areas, and natural and developed upland
- The prime wetland buffer, which is the 100 foot upland buffer for wetlands that have been municipally designated as prime wetlands and at the time of their designation a 100-foot upland buffer was required
- Sand dunes, which is a hill or ridge of sand piled up by the wind and commonly found on the seacoast

Examples of common activities that require a wetlands permit include:

- Construction of roadways or driveways and the installation of culverts
- Driving through wetlands and/or removing vegetation when soils are rutted or the roots of vegetation are disturbed
- Maintenance, repair or replacement of culverts, bridges, dams and other structures
- Logging activities
- Trail construction
- Utility inspection, maintenance and repair (electric, gas, water)
- Pond construction and maintenance dredging
- Beach construction or replenishment of beach sand
- Constructing and repairing boat houses
- [Constructing and repairing breakwaters](#)
- [Construction, modification and repair of docking structures](#)
- [Installing watercraft lifts](#)
- Construction repair or modification of any retaining wall
- Removing sand dune vegetation

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- How long is a wetlands permit valid?

With the exception of Wetlands Minimum Impact Forestry Notifications, Recreational Mineral Dredging Permits and 10 year wetlands permits issued to repair or replace shoreline structures, wetlands permits are valid for 5 years.

- Wetlands Minimum Impact Forestry Notifications are valid for two years

- Recreational Mineral Dredging permits expire at the end of the calendar year in which they are issued
- Wetlands permits issued to repair or replace shoreline structures to maintain their safety and integrity such as, but not limited to: docks, sea walls, breakwaters, riprap, access ramps and stairs that are damaged by storms or ice are valid for 10 years provided any work performed after the initial permitted work is completed meets the following conditions:
 - The original permit has not been revoked or suspended without reinstatement;
 - All structures are repaired or replaced to the original permitted location and configuration; and
 - All significant work is reported to the department in accordance with the reporting requirements for the original permit.

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- Can a wetlands permit be extended?

With the exception of Wetlands Minimum Impact Forestry Notifications, Recreational Mineral Dredging Permits and 10 year wetlands permits issued to repair or replace shoreline structures, a single wetland "[permit extension](#)" , not exceeding 5 years may be granted, provided the applicant demonstrates all of the following:

- (1) The permit for which the extension is sought has not been revoked or suspended without reinstatement;
- (2) The extension does not violate a condition of law or rule;
- (3) The project is proceeding towards completion in accordance with plans and other documentation referenced by the permit; and
- (4) The applicant proposes reasonable mitigation measures to protect the public waters of the state from deterioration during the period of extension.

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