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VERNAL POOL PROTECTION

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REGULATORY STATUS

There are no state or federal regulations which specifically name vernal pools. However, the New Hampshire Department of Environmental Services' Wetlands Bureau has jurisdiction within a delineated boundary of a wetland. If a vernal pool occurs in a wetland, then the Wetlands Bureau has regulatory authority over what may take place in that area.

The purpose of the N.H. Wetlands Bureau rules is "...to afford the maximum degree of protection for the natural environment while allowing individual landowners the freedom to use and enjoy their land as is consistent with this public purpose." (Wt 102.01, New Hampshire Code of Administrative Rules)

The "Requirements for Application Evaluation" (Wt 302.04(a)) requires that for all major and minor impact projects the applicant consider the impact of the proposed project on wetlands. Among the 20 factors listed (Wt 302.04(a)1-20), the following possibly apply to vernal pools:

Wt 302.04(a)

(2) the alternative proposed by the applicant is the one with the least impact to wetlands or surface waters on site;

(4) the relationship of the proposed wetlands to be impacted relative to nearby wetlands and surface waters;

(5) the rarity of the wetland;

(7) the impact on plants, fish and wildlife including:

a. rare and special concern species

b. state and federally listed threatened and endangered species

c. species at the extremities of their ranges

(17) the impact of the proposed project on the values and functions of the total wetland or wetland complex.

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When an applicant proposes a minor or major impact project that may affect a vernal pool, consideration of these five factors may be required for complete review of the proposed project by the Wetlands Bureau.

Vernal pools do not fit neatly into the definitions of a wetland. Hydrophytes (plants adapted for life in water or saturated soils) may occur in vernal pools; however, there are no plants or assemblage of plants particularly associated with vernal pools and some pools are totally lacking in vegetation. Though soils underlaying the middle of a vernal pool typically exhibit hydric characteristics, soils on the periphery may not exhibit the hydric morphology found in wetland soils. Some vernal pools may be overlooked because of their small size, isolated setting and ephemeral nature.

MUNICIPAL INVOLVEMENT

It appears at present that vernal pool protection will best be accomplished at the municipal level by combined efforts of the town conservation commission and planning board. Town conservation commissions have statutory responsibility to advise state and municipal officials on the protection of all natural resources. They provide a local source of information and assistance to the New Hampshire Wetlands Bureau and municipal officials. A pro-active approach by conservation commissions is recommended, including a systematic search for and mapping of vernal pools and involvement with the planning board in directing future land use. Possible methods of incorporating vernal pool protection into current municipal activities include the following:

• A municipal Master Plan provides direction and guidance for the future growth and development of a town or city. Conservation commissions should be intimately involved in the development of the natural resource portions of the plan. Vernal pools should be identified as important wildlife habitat and wetlands of significance. Goals developed for future natural resources protection should include the documentation of important vernal pools and the protection of these natural resources to help ensure the biodiversity of the area

• Conservation commissions are encouraged to work with the local planning board to develop mechanisms that will ensure the consideration of vernal pools and other significant wildlife habitats in projects such as site plan reviews and subdivision regulations. Many times small isolated wetlands are considered low value wetlands. The identification and mapping of vernal pools on site plans and subdivision plans will provide an opportunity to mitigate the impacts to these sensitive habitats. The Innovative Land Use Controls (RSA 674:21) law allows the development of standards which guide the planning board or its designate. This RSA empowers town planning boards to delegate responsibilities. Zoning ordinances, including Environmental Characteristics Zoning, can be adopted.

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• Conservation commissions, working with other local officials responsible for the management of town lands, should map all vernal pools on town property and integrate the protection of these areas into management plans.

• Conservation commissions are encouraged to work with landowners interested in managing their land for wildlife habitat to locate and document vernal pools and integrate protection of these areas into management plans.

AWARENESS IS KEY

Most importantly, vernal pools cannot be protected unless their location is documented. Once members of the community know where vernal pools are located, and their importance to wildlife, it will be a giant step forward in their protection.
Incorporating this information into a central repository at the New Hampshire Fish and Game Department will provide broader access to the information for a wide range of planning purposes.

This manual is intended to aid individuals in the documentation of vernal pools. It does not specifically address the conservation strategies needed to maintain these pools and the species that require them to live.

It is important to remember that although vernal pools provide crucial breeding and foraging habitat for a variety of species, populations of these species will NOT be maintained without adequate protection of surrounding uplands.