

ARTICLE 3. DEFINITIONS

Vernal pool: a body of water that provides essential breeding habitat for certain amphibians and invertebrates, does not support fish, and meets the criteria established by the New Hampshire Fish & Game Department, Nongame & Endangered Wildlife Program, Identifying and Documenting Vernal Pools in New Hampshire, current edition.

The following definitions adopt the NHDES definitions in Env-Wt 100 for vernal pool, primary vernal pool indicator and secondary vernal pool indicator. As of the date of adoption the definitions are:

Vernal pool: A surface water or wetland, including an area intentionally created for purposes of compensatory mitigation, that provides breeding habitat for amphibians and invertebrates that have adapted to the unique environments provided by such pools and that:

- (a) Is not the result of on-going anthropogenic activities that are not intended to provide compensatory mitigation, including but not limited to:
 - (1) Gravel pit operations in a pit that has been mined at least every other year; and
 - (2) Logging and agricultural operations conducted in accordance with all applicable New Hampshire statutes and rules; and
- (b) Typically has the following characteristics:
 - (1) Cycles annually from flooded to dry conditions, although the hydroperiod, size, and shape of the pool might vary from year to year;
 - (2) Forms in a shallow depression or basin;
 - (3) Has no permanently flowing outlet;
 - (4) Holds water for at least two continuous months following spring ice-out;
 - (5) Lacks a viable fish population; and
 - (6) Supports one or more primary vernal pool indicators, or three or more secondary vernal pool indicators.

Primary vernal pool indicators: the presence or physical evidence of breeding by marbled salamander, wood frog, spotted salamander, Jefferson-blue spotted salamander complex, or fairy shrimp.

Secondary vernal pool indicators: the physical evidence used by wildlife biologists or certified wetland scientists who are familiar with vernal pool habitats as evidence of the presence of a vernal pool, if primary vernal pool indicators are absent and other vernal pool characteristics suggest vernal pool habitat. Secondary vernal pool indicators include but are not limited to caddisfly larvae and case (Limnephilidae, Phryganeidae, or Polycentropodidae), clam shrimp and their shells (Laevicaudata, Spinicaudata), fingernail clams and their shells (Sphaeriidae), aquatic beetle larvae (Dytiscidae, Gyrinidae, Haliplidae, and Hydrophilidae), dragonfly larvae and exuviae (Aeshnidae, Libellulidae), spire-shaped snails and their shells (Physidae, Lymnaeidae), flat spire snails and their shells (Planorbidae), damselfly larvae and exuviae (Coenagrionidae, Lestidae), and true fly larvae and pupae (Culicidae, Chaoboridae, and Chironomidae), and those identified in the *third* or most current edition of *Identifying and Documenting Vernal Pools in New Hampshire* published by the NH Fish and Game Department.