State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES
6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588

LETTER OF DEFICIENCY
WET ~~2004-1682~~
05-002

January 10, 2005

Robert Sprague
65 Proctor St
Franklin, NH 03235

RE: DES Wetlands File #2004-01682 37 Patricia Ann Dr, Tilton

Dear Mr. Sprague:

On August 9, 2004 and November 9, 2004, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on the Town of Tilton Tax Map R11 as Lot 1A (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-700.

During the inspection on August 9, 2004 the following deficiencies were documented:

1. Slash, tree tops, and tree trunks from a logging operation left in jurisdictional wetlands.

During the inspection on August 9, 2004 the following actions were requested to be completed by August 16, 2004:

1. Remove tops of trees from around and in the beaver pond.
2. Remove the tree trunks from the drainage swale.

During the inspection on November 9, 2004 the following deficiencies were documented:

1. Creation of an access road and installation of a culvert in a wetland without a permit.
2. Large piles of slash and larger vegetative debris resulting from recent tree cutting left in a wetland.
3. No erosion controls to in place to manage stormwater runoff flowing down the new access road and into the wetland.

During the inspection on November 9, 2004 the following actions were requested:

1. Remove 4 large piles of vegetative debris out of jurisdictional wetlands and away from steep banks within 30 days.
2. If slash is to be burned, burn slash 30 feet away from the drainage swale leading to the wetland.
3. Install a silt fences and place hay bales on the uphill ends of the access road within one week.
4. Send photographs to DES by December 1, 2004 documenting the above actions.
5. No more work on access road and piping/culvert until further notice from DES.

On December 2, 2004 DES received photos documenting the removal of vegetative debris out of jurisdictional wetlands and installation of a silt fence and placement of hay bales on the uphill ends of the access road. The issue remaining is the installation of a culvert and crossing in a wetland for the access road without a permit. The access road is not permittable as there is other viable access to the property through uplands therefore you are requested to take the following actions:

1. Within 30 days of receipt of this Letter of Deficiency, submit a restoration plan to DES for review and approval. The restoration plan should include provisions to restore the wetland back to undisturbed conditions, excluding the removal of the vegetative debris for the beaver dam, and stabilization of the site. Submit the following with the restoration plan:

    a. A plan with dimensions, drawn to scale, showing:
        1. Existing conditions, with wetland boundaries; and
        2. Proposed conditions after reestablishing the jurisdictional areas;

    b. A detailed description of the proposed means of temporary erosion controls (silt fence, hay bales, etc), removal of fill, and permanent stabilization of the restoration area;

    c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area and control of invasive species such as purple loosestrife (Lythrum salicaria) and common reed (Phragmites australis);

    d. A description of the proposed construction sequence and methods for accomplishing restoration. Dates for the start of work, completion of work, and estimated date of completed restoration including vegetative growth and stabilization shall be included.

    e. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include provisions for submittal of monitoring progress reports to DES documenting restoration efforts and success of vegetative growth and stabilization of the site.

2. Implement the restoration plan only after receiving written approval and as conditioned by DES.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative

orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Stacey Herbold, Wetlands Specialist
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Stacey Herbold at (603) 271-4062.

Sincerely,

COPY

Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7002 3150 0001 5411 1388

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen R. Hamel, Administrator, DES Legal Unit
Tilton Conservation Commission
Tilton Board of Selectmen
USACOE