

Wetlands Applications Decision Report

Decisions Taken
05/04/2020 to 05/10/2020

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

Any party aggrieved by a decision may file an appeal within 30 days of the date of this decision as specified in RSA 482-A:10, RSA 21-O:14, and the rules adopted by the Wetlands Council, Env-WtC 100-200.

The appeal must be filed directly with the Council, c/o the Council Appeals Clerk, who may be contacted at (603) 271-6072 or atappeals@des.nh.gov. The notice of appeal must set forth fully every ground upon which it is claimed that the decision complained of is unlawful or unreasonable. Only those grounds set forth in the notice of appeal can be considered by the council.

05/04/2020 to 05/10/2020

PERMIT CATEGORY: MAJOR IMPACT PROJECT

2018-03134 OWNER: NH DEPT OF TRANSPORTATION

CITY: DERRY WATERBODY: VARIOUS

Requested Action:

Dredge and fill a total of 287,289 square feet (SF), which includes 234,853 SF of palustrine forested, scrub shrub, or emergent wetlands and 9,333 SF/ 3,756 linear feet (LF) of impacts along intermittent and perennial streams for construction of a new interchange off of I-93 (known as I-93 Exit 4A Derry-Londonderry) and other transportation improvements along Tsienneto Road and State Route 102 (NH 102). Total impact area includes 43,103 SF/2,053 LF of temporary impacts. Compensatory mitigation includes a one-time payment in the amount of \$3,769,086.39 to the Aquatic Resource Mitigation (ARM) Fund, and construction of a tributary stream referred to as Trolley Car Stream Relocation.

Inspection Date: 02/06/2019 by GINO E INFASCELLI

APPROVE PERMIT

Dredge and fill a total of 287,289 square feet (SF), which includes 234,853 SF of palustrine forested, scrub shrub, or emergent wetlands and 9,333 SF/ 3,756 linear feet (LF) of impacts along intermittent and perennial streams for construction of a new interchange off of I-93 (known as I-93 Exit 4A Derry-Londonderry) and other transportation improvements along Tsienneto Road and State Route 102 (NH 102). Total impact area includes 43,103 SF/2,053 LF of temporary impacts. Compensatory mitigation includes a one-time payment in the amount of \$3,769,086.39 to the Aquatic Resource Mitigation (ARM) Fund, and construction of a tributary stream referred to as Trolley Car Stream Relocation.

With Conditions:

1. All work shall be done in accordance with plans by the State of New Hampshire Department of Transportation (NHDOT) for I-93 Exit 4A Derry-Londonderry, Federal Project IM 0931(201), NH Project 13065 dated February 6, 2020 received by NH Department of Environmental Services (NHDES) on February 14, 2020, and with Trolley Car Stream Relocation Plan and narrative dated April, 2020 received by NHDES on April 30, 2020.
2. Final engineered design plans and associated documentation shall be submitted to the NHDES for approval prior to construction. Final analysis and designs for the remaining stream crossings in the project area shall be completed for the final design developed by the Design-Builder of the project in accordance with Env-Wt 900. Any additional impacts for this project are subject to RSA 482-A jurisdiction and will require further permitting.
3. The permittee shall schedule a pre-construction meeting with the NHDES staff to occur at least 48 hours prior to the start of any work authorized by this permit to review the conditions of this wetlands permit. The meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), Environmental Compliance Manager, and the contractor(s) responsible for performing the work.
4. This permit is not valid until the applicant/owner obtains construction easements on abutting parcels or written permission from abutting property owners if work authorized under this permit is beyond the ROW. The permittee shall submit a copy of each recorded easement to the NHDES Wetlands Program prior to construction.
5. This approval is not valid until NHDES receives a one-time payment of \$3,769,086.39 to the NHDES ARM Fund. The approval includes a waiver for the applicant to remit payment to NHDES by February 28, 2021. If NHDES does not receive the funds by that time the application will be denied.
6. Impacts are proposed along 1,703 linear feet of stream, located along Trolley Car Lane/proposed SB off-ramp, that include stream relocation work. The associated stream compensatory mitigation payment value for the impacts equals \$739,285. A 50% credit will be considered by NHDES following review of the Trolley Car Stream Relocation Monitoring Plan reports over a period of three years. If NHDES determines the stream relocation has been successfully completed in accordance with the Trolley Car Stream Relocation Plan and narrative dated April, 2020, then the 50% credit will be applied towards compensatory mitigation. A balance total of \$369,643 would be due following review of the year three monitoring report to NHDES if the project has not successfully achieved the stream relocation plan success parameters.
7. All development activities associated with this project shall be conducted in compliance with applicable requirements of

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RSA 485-A:17 and Env-Wq 1500 during and after construction.

8. All development activities associated with this project shall be conducted in compliance with applicable requirements of RSA 483-B and N.H. Code Admin. Rules Env-Wq 1400 during and after construction.

9. No person undertaking any activity shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards in RSA 485-A and Env-Wq 1700.

10. Flocculants for sediment control shall only be used as specified in Env-Wq 1506.13.

11. Management of Contaminated Sites shall be in accordance with applicable rules, including Env-Or 600, general or site-specific NHDES waivers, and Soils Management Plans.

12. This permit is contingent on review and approval, by the NHDES, of final stream diversion/erosion control plans prepared by a Professional Engineer. Those plans shall detail the timing and method of stream flow and diversion during construction, and show temporary siltation/erosion/turbidity control and other stabilization measures and water quality controls to be implemented.

13. A Certified Wetland Scientist (CWS) or qualified professional, as applicable, shall monitor all construction activities, during and post-construction to verify that all work is done in accordance with the approved plans and narratives, adequate siltation, erosion and turbidity controls are properly implemented, vegetation is successfully established, and water quality standards are met pursuant to Env-Wq 1700.

14. The stream construction monitoring shall be performed by an individual(s) with a combination of education and experience, such as a fluvial geomorphologist or hydrologist, who has knowledge sufficient to enable the individual to evaluate stream systems. The permittee shall notify NHDES of the name and contact information of the qualified professional(s) and shall re-notify NHDES of any changes of qualified professional(s).

15. The final plan and management approach to environmental compliance, monitoring, and permitting, which includes a narrative description of schedule and sequence of construction, shall be provided to NHDES prior to the start of construction.

16. A narrative description of the methods to be used to assure communication, cooperation, and coordination between the project Environmental Compliance Manager with NHDES shall be provided to NHDES prior to the start of construction.

17. In accordance with recommendations by the NH Fish and Game Department (NHFG), searches for Northern black racers as well as other reptiles shall be conducted within the active project footprint immediately before any heavy machinery enters the work zone or soil alteration begins. Searches must be supervised by a qualified biologist, during appropriate weather conditions, and the effort must be sufficient to ensure that work area is thoroughly searched. Depending on the sequence and timing of ground-disturbing activities, some or all of the project area may require repeated sweeps.

18. In accordance with recommendations by the NHFG, all species encountered during the survey will be moved to an area outside of the active construction zone but nearby and in the direction construction operations are moving.

19. In accordance with recommendations by the NHFG, the following language must be included on final construction plans: "Contact NHFG immediately if state threatened or endangered species are encountered during site surveys or during project construction. Melissa Doperalski 603-479-1129 or NHFG Wildlife Administration at 603-271-2461. Photographs of animals should be taken if feasible to help in identification."

20. In accordance with recommendations by the NHFG, contact NHFG immediately if a potential Northern black racer hibernacula is found (this applies to spring surveys (April - May)). If project construction may occur prior to June, NHFG shall be contacted for additional information on potential hibernacula.

21. In accordance with recommendations by the NHFG, wildlife exclusionary fencing will be installed prior to September 15th to exclude snakes from returning to potential hibernacula. Wildlife exclusionary fencing will be installed to include the work area as well as any material storage areas. Wildlife exclusionary fencing will be maintained and kept on site through the duration of the project and removed once the project has been completed.

22. In accordance with recommendations by the NHFG, site personal shall be provided information that helps to identify Northern black racers and other species in addition to NHFG contact and communication during the life of the project. (flyer and factsheet information provided by NHFG that are currently available for use). New England cottontail information and reporting can be found on the NHFG website at <https://www.wildlife.state.nh.us/wildlife/profiles/ne-cottontail.html>. Smooth green snake information can be found at <https://wildlife.state.nh.us/wildlife/profiles/smooth-green-snake.html>.

23. In accordance with recommendations by the NHFG, if using a traditional silt fence for wildlife exclusionary purposes NOTE that the wood posts should be placed such that they are located on the INSIDE of the project site. This is opposite to how they are installed if they are used for water quality measures. In addition, the fencing should be buried 8-12 inches below grade as several animals can burrow underneath fencing.

24. In accordance with recommendations by the NHFG, all erosion control materials shall be 'wildlife-friendly'. The type of material shall be specified on final construction plans.

25. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that water quality standards are met pursuant to Env-Wq 1700.

26. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.

27. No excavation shall be done in flowing water and no construction equipment shall be operated in flowing water.

28. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once the

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cofferdam is fully effective, confined work can proceed without restriction.

29. Discharge from dewatering of work areas shall be in accordance with the EPA Construction General Permit, and Alteration of Terrain rules (Env-Wq 1500).

30. Dredged materials, whether to be stockpiled or disposed of, shall be dewatered in sedimentation basins lined with siltation and erosion controls, and located outside of areas subject to RSA 482-A jurisdiction.

31. The temporary cofferdam shall be entirely removed within 2 days after work within the cofferdam is completed and water has returned to normal clarity.

32. The contractor responsible for completion of the work shall use techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

33. Siltation, erosion, and turbidity control management measures, practices and devices shall be in place prior to construction, shall be maintained during construction so as to reduce erosion and retain sediment on-site during and after construction and ensure continued effectiveness and remain in place until all disturbed surfaces are stabilized.

34. Extreme precautions shall be taken within jurisdictional areas riparian areas under RSA 482-A to prevent unnecessary removal of vegetation during construction. Areas cleared of vegetation must be revegetated with like native species within three days of the completion of the disturbance.

35. Limits of authorized work within wetland areas along the Trolley Car Stream Relocation shall be identified and marked prior to construction.

36. Native material removed from the 'Trolley Car Stream' streambed shall be stockpiled separately and reused to emulate a natural channel bottom within the channel. Additional materials used to emulate a natural channel bottom must be consistent with the streambed materials identified in the reference reach, and shall not include angular riprap or gravel unless specifically identified on the approved plans. Any rip rap located across the stream channel bed shall be located subgrade with stream bed simulation at the channel bed surface in order to maintain low-flow and natural bed material conditions.

37. The permittee/permittee's contractor shall regrade temporary impacts to pre-construction conditions and plant native species similar to those within the wetland prior to impact. The permittee shall implement corrective measure promptly if needed to ensure the plantings survive.

38. Restoration of temporary impact areas, and Trolley Car Stream Restoration area, shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or they shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the NHDES Wetlands Program.

39. Within three days of the last activity in an area, all exposed soil areas, where construction activities are complete, shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack on slopes steeper than 3:1 or netting /matting and pinning on slopes steeper than 2:1.

40. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching or if temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching, mulching with tack on slopes steeper than 3:1 and stabilized by matting and pinning on slopes steeper than 2:1.

41. Construction equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid prior to entering surface waters or wetlands or operating in an area where such fluids could reach groundwater, surface waters, or wetlands.

42. The permittee's contractor shall maintain appropriate oil/diesel fuel spill kits on site that are readily accessible at all times during construction, and shall train each operator in the use of the kits.

43. All refueling of equipment shall occur outside of surface waters or wetlands during construction. Machinery shall be staged and refueled in upland areas only.

44. Faulty equipment shall be repaired immediately prior to entering areas that are subject to RSA 482-A jurisdiction.

With Findings:

1. This is a Major Project per New Hampshire Administrative Rule Env-Wt 303.02 (c) Projects that involve alteration of nontidal wetlands, nontidal surface waters, and banks adjacent to nontidal surface waters in excess of 20,000 square feet in the aggregate, Env-Wt 303.02 (p) Any project that includes a new or replacement stream crossing which meets the criteria for a tier 3 stream crossing as specified in Env-Wt 904.04(a), and Env-Wt 303.02 (i) Projects that alter the course of or disturb 200 or more linear feet of an intermittent or perennial nontidal stream or river channel or its banks .

Background and NEPA Alternative Review Process:

2. The purpose of the proposed Project is to reduce congestion and improve safety along NH 102 from I-93 easterly through downtown Derry and to promote economic vitality in the Derry-Londonderry area.

3. Planning for the Project began in 1985, with a public hearing was held in 2007 on the Draft Environmental Impact Statement (DEIS). In October, 2015, the NHDOT incorporated the Exit 4A project into the state's Ten Year Transportation Improvement Plan for 2017-2026. The NHDOT and the Towns of Derry and Londonderry entered into an agreement under which the NHDOT will provide administrative oversight to complete the environmental review process, then the Project will transition to the NHDOT control during final design and construction. Due to the amount of time that elapsed since the 2007 DEIS, the Federal Highway Administration requested updated studies to be included in a Supplemental Draft Environmental Impact Statement (SDEIS), and a Final Environmental Impact Statement (FEIS) in accordance with the National Environmental Policy Act (NEPA) which began in June 2016. The SDEIS provided an up-to-date assessment of the environmental effects of the Project and the evaluation of reasonable alternatives that will consider updated information

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including but not limited to, traffic, socioeconomic projections, land development proposals in the project area, and changes in environmental resources and regulatory requirements. After completion of the SDEIS in October 2018 and the presentation of a Preferred Alternative at a Public Hearing in December 2018, a Proposed Action and the selected alternative was chosen with input from State and federal Agencies; State, Town and local officials; and the public. The NHDOT and FHWA completed the NEPA environmental review process by issuing a Combined Final EIS (FEIS) and Record of Decision (ROD) issued in February 2020.

4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per New Hampshire Administrative Rule Env-Wt 302.03. Based on the NEPA process identified in # 3 above, five Build Alternatives were developed from conceptual corridors through an iterative process, which included substantive public involvement. The five build alternatives were identified as (A, B, C, D, and F) and the No Build Alternative.

5. Based on the information presented in the 2007 Draft Environmental Impact Statement (DEIS); 2018 Supplemental Draft Environmental Impact Statement/Section 4(f) Evaluation (SDEIS); the 2020 Final Environmental Impact Statement (FEIS); all technical reports and supporting documentation incorporated by reference in the DEIS, SDEIS, and FEIS; and consideration of input received from other agencies and the public, the Federal Highway Administration (FHWA) has selected Alternative A for implementation. Overall, Alternative A also was determined to have the least natural resource impacts out of the alternatives that address the purpose of the Project.

6. Alternative A represents a balance of traffic performance, economic development potential, and environmental impact considerations. In addition, the Selected Alternative was determined to be in the best overall public interest, in accordance with 23 U.S.C. 109(h).

Impact Analysis:

7. The applicant has demonstrated by plan and example that each factor listed in New Hampshire Administrative Rule Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.

8. The total permanent impact to vegetated wetlands is 5.39 acres. The majority of permanent impacts occur in forested wetlands (5.12 acres), which includes 1.4 acres of permanent vernal pool impacts. There will also be 0.05 acres of permanent impact to two scrub/shrub emergent prime wetlands; 0.20 acres of permanent impact to emergent wetlands; 0.02 acres of permanent impact to non-prime shrub wetland. There will be an additional 0.21 acres of permanent impact to perennial and intermittent stream channel. Temporary impacts include 0.49 acres of wetlands, and 0.50 acres of stream channel (including the relocated Trolley Car Lane stream). Temporary impacts by cover type are roughly proportional to the permanent impacts. Scrub-shrub and emergent wetland impacts would generally occur within previously disturbed wetlands and wetlands in powerlines where vegetation is maintained on a regular basis. Emergent wetland impacts would generally occur to wetlands situated within maintained powerlines and in areas adjacent to existing roads.

9. There will be 1.41 acres of permanent impacts to eight vernal pools, and an additional 0.076 acres of temporary impacts. Permanent direct vernal pool impacts are included in the wetland ARM fund calculator as these pools are also forested wetlands. It is expected that six vernal pools will cease to function as vernal pools due to this project. An additional ARM fund payment equivalent to 39,000 SF was calculated for each of the four medium value pools lost, and 65,000 square feet for the loss of each of the two high value pools (for a total of 286,000 square feet of vernal pool function loss). In addition, the proposed project will either or partially impact the pool or intersect the 750-ft federal buffer zone of 21 additional vernal pools, with potential secondary impacts. Following 2016 USACE guidance, these pools were re-evaluated to determine if post-construction value would drop in value due to the landscape changes. Based on this assessment, three vernal pools will drop in value from high to medium or low, and these were assigned a secondary impact equivalent of 26,000 square feet per pool (for total secondary vernal pool impact of 78,000 square feet).

10. The project will impact thirteen streams including eleven intermittent streams and two perennial stream crossings. Work includes two replacement Tier 3 stream crossing bridges located at Connector Road over Shields Brook, and Tsienneto Road over Tributary E. The applicant has provided a Hydraulic analysis and Type, Span, and Location Study prepared by a professional engineer for replacement structures at each location. The proposed replacement crossings include improvements in hydraulic compatibility, geomorphic compatibility, and aquatic organism passage provided by the replacement of these existing, undersized culverts with new bridge spans. The project engineer has determined that, based on the hydraulic modeling, the structures will pass 100-year flood frequency events. Final analysis and designs for the remaining stream crossings in the project area will be completed for the final design developed by the Design-Builder of the project in accordance with Env-Wt 900, with final plans approved by NHDES prior to construction.

11. The applicant has addressed the values set forth in RSA 482-A:1, Env-Wt 703.01, and Env-Wt 703.02. Two Town of Derry Prime wetlands (B-12 and A-01) will be directly impacted by the Exit 4A project. The applicant has identified the functions and values of wetland B-12 and confirmed the proposed crossing replacement with weir will have a negligible effect on the wetland habitat values, filtering capabilities, and public access, and will reduce road and property flooding. This crossing will maintain the public values of the marsh because a weir will be constructed to avoid draining the marsh. The project wetland scientist has confirmed the flood attenuation, sediment and nutrient reduction, shoreline stabilization and wildlife habitat will not be substantially altered at Prime Wetland A-01. The treatment of stormwater is also in the public interest and must be discharged back to surface water, as will occur at Wetland A-01. Therefore NHDES finds, considering

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the mitigation provided for this project, the proposed project, based on clear and convincing evidence does not cause a significant net loss to prime wetlands functions and values under RSA 482-A.

12. The proposed project includes development of new roadway in undeveloped areas or areas with non-roadway current land use as well as redevelopment of existing roadway that would result in new impervious surface within Upper Beaver Brook watershed. The project engineer has confirmed there is approximately 1,717,000 square feet of redeveloped and newly developed pavement areas that require treatment prior to discharge to surface waters. Of the 1,717,000 square feet approximately 1,528,000 square feet or 89% of the impervious surface is proposed to be treated at 18 water quality treatment areas. Existing pavement that will be redeveloped by this project accounts for 827,000 square feet of the pavement requiring treatment. Currently, none of that pavement has treatment; therefore, implementation of the proposed stormwater treatment should provide a significant improvement in the water quality of the existing watershed.

13. The project engineer has reviewed flood storage including the specific area located along proposed Southbound (SB) off-ramp adjacent to Trolley Car Lane. The volume of flow was determined to decrease as compared to existing conditions. In those locations the proposed water surface elevations are higher, the additional volume is contained within the limits of property proposed to be acquired for the project. Therefore, no increase in flood stages on abutting properties will be encountered from the proposed design. Flow and sediment transport characteristics will not be affected in a manner that could adversely affect channel stability and surface water quality based on the drainage area contributing to Stream S1 and the associated wetland areas at the stream culvert outlet pipe at Ash Street per a Hydrologic and Hydraulic Modeling summary of analysis showing Net Balance of Flood Storage included with the NHDOT Response to NHDES Request for More Information dated April, 2020.

14. The project applicant has provided Erosion and Sedimentation Control Plans dated February 6, 2020, stamped by a professional engineer on April 30, 2020, to ensure that the quantity and quality of surface water moving through the project area is protected during construction and managed post-construction.

15. The Department of Natural and Cultural Resources, Natural Heritage Bureau (NHB) report (NHB19-3453) dated October 25, 2019 submitted with the response to the NHDES Request for More Information package identified a threatened plant species and multiple animal species of concern in the vicinity of the project. The applicant has coordinated potential impacts with the NHB and NHFG. Recommendations have been included as conditions of the permit.

16. Based on information provided by US Fish and Wildlife Service, the project has the potential to affect the federally listed northern long-eared bat (NLEB; *Myotis septentrionalis*). A Presence/Absence survey compliant with the United States Fish & Wildlife Service (USFWS' 2016 Range-wide Indiana Bat Summer Survey Guidelines (USFWS, 2016), which are also applicable to summer survey for NLEB, was conducted, and this species was determined not to be present. The applicant has coordinated with the USFWS and concluded that the Exit 4A Project will have "no effect" on the NLEB.

17. This proposed project was reviewed at sixteen Natural Resource Agency Coordination Meetings between May 1997 to June 2018.

18. Through the Section 106 process (National Historic Preservation Act), the project's effect upon three districts and 23 individual properties that were determined eligible for the National Register of Historic Places was determined, and mitigation was proposed. This effort was conducted by the FHWA, NHDOT, Town of Derry, and State Historic Preservation Officer (SHPO). The result was a Section 106 MOA, which documented the Selected Alternative's effects on and mitigation for properties that were determined eligible for the NHRP, that was endorsed by the FHWA, NHDOT, Town of Derry, and SHPO. Mitigation Findings:

19. The applicant has reviewed on-site options for mitigation and the NHDES has determined that this project is acceptable for payment to the Aquatic Resource Mitigation (ARM) Fund.

20. Mitigation compensation is for 210,643 square feet of direct wetland impacts, 89,298 square feet of secondary wetland impacts (edge effects), 286,000 square feet of vernal pool loss, 78,000 square feet of vernal pool secondary (indirect) impacts, and 1,703 linear feet of stream mitigation.

21. The payment calculated for the proposed wetland loss equals \$3,769,086.39.

22. Impacts are proposed along 1,703 linear feet of stream, located along Trolley Car Lane/proposed SB off-ramp, that include stream relocation work. The associated stream compensatory mitigation payment value for the impacts equals \$739,285. A 50% credit will be considered by NHDES following review of the Trolley Car Stream Relocation Monitoring Plan reports over a period of three years. If NHDES determines the stream relocation has been successfully completed in accordance with the Trolley Car Stream Relocation Plan and narrative dated April, 2020, then the 50% credit will be applied towards compensatory mitigation. A balance total of \$369,643 would be due following review of the year three monitoring report to NHDES if the project has not successfully achieved the stream relocation plan success parameters and shall be submitted to the Aquatic Resource Mitigation (ARM) Fund within 120-days of notification from NHDES.

23. The applicant has submitted a waiver in accordance with Env-Wt 204 to rule Env-Wt 806.05(b) requiring submittal of in-lieu fee payment within 120 days of the date of the notice. The waiver has been requested due hardship caused by the inability of the NHDOT to make payment of the payment to the ARM Fund prior to the award of the construction contract, and prior to approval by the Governor and Executive Council. The NHDOT will not be able to receive Governor and Executive Council approval and remit payment to the NHDES within 120 days of the approval notice as required by rule. The NHDOT proposes to replace the 120-day timeframe with a date to remit payment of February 28, 2021.

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- 24. The NHDES grants NHDOT waiver request extending the submittal of in-lieu fee payment until February 28, 2021 based on Env-Wt 204.03(a)(5)a demonstration of hardship caused and the permit establishes mechanisms to ensure compliance with the NHDES mitigation requirements.
- 25. The Department decision is issued in letter form and upon receipt of the ARM fund payment, the Department shall issue a posting permit in accordance with Env-Wt 803.08(f).

2019-01736 OWNER: NH DEPT OF TRANSPORTATION

CITY: FITZWILLIAM WATERBODY: KEMP BROOK

Requested Action:

Retain a total of 1,015 square feet to slip line a failed existing 60 inch CMP with a new 48 inch plastic pipe and repairing the adjacent stone box culvert.

CONFIRM EMERGENCY AUTHORIZATION

Retain a total of 1,015 square feet to slip line a failed existing 60 inch CMP with a new 48 inch plastic pipe and repairing the adjacent stone box culvert.

2019-02573 OWNER: FRANKLIN, CITY OF

CITY: FRANKLIN WATERBODY: WINNIPESAUKEE RIVER

Requested Action:

Dredge and fill 68,324 square feet (SF) within the bed and banks of the Winnepesaukee River (impacting 1,414 linear feet [LF]) in order to install three artificial wave structures and all appurtenances for scour protection and fish passage and install two grade control structures for the purpose of constructing a whitewater kayaking park for public use, reshape the river channel to create a low-flow channel, and construct a pedestrian walking trail and amphitheater for public access and viewing. In addition, temporarily impact 25,952 SF within the bed and banks of the Winnepesaukee River (impacting 347 LF) for construction access and staging, and erosion, sedimentation, and turbidity controls. Compensatory mitigation for permanent and US Army Corps of Engineers impacts consists of the execution and recordation of a conservation easement(s) for four parcels of land equaling 20.9 acres to be held by the Lakes Region Conservation Trust (LRCT) or a one-time payment of \$367,699.59 into the Aquatic Resource Mitigation Fund (ARM).

APPROVE PERMIT

Dredge and fill 68,324 square feet (SF) within the bed and banks of the Winnepesaukee River (impacting 1,414 linear feet [LF]) in order to install three artificial wave structures and all appurtenances for scour protection and fish passage and install two grade control structures for the purpose of constructing a whitewater kayaking park for public use, reshape the river channel to create a low-flow channel, and construct a pedestrian walking trail and amphitheater for public access and viewing. In addition, temporarily impact 25,952 SF within the bed and banks of the Winnepesaukee River (impacting 347 LF) for construction access and staging, and erosion, sedimentation, and turbidity controls. Compensatory mitigation for permanent and US Army Corps of Engineers impacts consists of the execution and recordation of a conservation easement(s) for four parcels of land equaling 20.9 acres to be held by the Lakes Region Conservation Trust (LRCT) or a one-time payment of \$367,699.59 into the Aquatic Resource Mitigation Fund (ARM).

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With Conditions:

1. All work shall be completed in accordance with plans titled Franklin Whitewater Park by Recreation Engineering and Planning (REP) dated January 28, 2020, as received by the NH Department of Environmental Services (NHDES) on January 30, 2020.
2. Any revision of, deviation from, or addition to the approved plan set cited above, or any further alteration of area on this property that is subject to RSA 482-A jurisdiction, will require review and written approval by NHDES. Additional permitting or an amendment to this permit, pursuant to RSA 482-A:3 XIV(e), shall apply.
3. This permit is not valid until the permittee or permittee's contractors submit a final construction sequence and dewatering and diversion plan to NHDES for review and written approval. The plan shall include the relative timing and progression of all work and all proposed cofferdams, diversion and dewatering strategies, estimated maximum flow to be diverted, site stabilization provisions if capacity of diversion is exceeded, and measures to reduce turbidity. This plan shall be stamped by a licensed Professional Engineer (PE), in accordance with New Hampshire Administrative Rule Env-Wt 303.04(l).
4. All development activities associated with this project shall be conducted in compliance with applicable requirements of RSA 483-B and NH Administrative Rules Env-Wq 1400 during and after construction.
5. The permittee and permittee's contractor(s) shall schedule a pre-construction meeting with NHDES Land Resources Management Program and Watershed Management Bureau staff, the NH Fish and Game Department (NHF&G), US Army Corps of Engineers (ACOE), City of Franklin, to occur at least 48 hours prior to the start of any work authorized by this permit to review the conditions of this wetlands permit.
6. The preconstruction meeting shall be held on-site. The meeting shall be attended by the permittee; the professional engineer(s); wetlands scientist(s), environmental consultant(s) and qualified professional(s); and the contractor(s) responsible for performing the work.
7. If any work associated with the project authorized by this permit will encroach on an abutter's property or occur within 20 feet of the property line, then prior to starting work the permittee shall (1) obtain temporary construction easements or other written agreements from the owner of the abutting property, and (2) submit a copy of each agreement to the NHDES Wetlands Bureau.
8. This project shall not impair the ability of abutting dam owners to operate or maintain their structures in accordance with Federal Energy Regulatory Commission (FERC) during construction or operation.
9. This approval is contingent on the applicant/owner to execute and record a conservation easement(s) for four parcels of land (Tax Map 135 Lots 139, 140, and 401 and Tax Map 148 Lot 50) equaling 20.9 acres at the registry of deeds for the county in which the parcels are located; and submit a copy of each recorded document to the department by March 26, 2021. The approval is contingent on completion of the conservation easements by March 26, 2021 or a one-time payment of \$367,699.59 into the Aquatic Resource Mitigation ("ARM") Fund will be required to be submitted.
10. Following permit issuance and prior to recording of the conservation deed, the natural resources existing on the conservation parcel shall not be removed, disturbed, or altered without prior written approval of NHDES and the easement holder.
11. The conservation restrictions to be placed on the preservation areas shall be written to run with the land, and both existing and all future property owners shall be subject to the restrictions.
12. The plan noting the conservation area with a copy of the final deed language shall be recorded with the Registry of Deeds for each lot that is subject to the restrictions. The permittee shall submit a copy of the recording from the Registry of Deeds to the NHDES Wetlands Bureau prior March 26, 2021.
13. The conservation area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior March 26, 2021. If this survey determines the parcel is less than the size represented in the application, the permittee shall submit the completed survey to NHDES for review. As a result of this review, NHDES may require additional mitigation adjustments after coordination with the appropriate conservation commission, and state and federal agencies.
14. The permittee/permittee's contractor shall notify the NHDES Wetlands Bureau when the monuments are placed, and coordinate an on-site review of their location prior to March 26, 2021.
15. There shall be no placement of fill, construction of structures, or storage of vehicles or hazardous materials on the conservation parcels.
16. Activities in contravention of the conservation deed shall be deemed to be a violation of RSA 482-A, and shall be subject to enforcement under RSA 482-A.
17. All drawdown activities, including drawdown rates, timing, and minimum flow rates to be maintained throughout construction, shall be coordinated with the NH Fish & Game Department (NHF&G) and the NHDES Dam Bureau.
18. The permittee shall notify the NH Fish & Game Department as required by RSA 211:11 prior to drawing down or dewatering the resource.
19. Work shall be carried out in a time and manner to avoid disturbances to migratory waterfowl breeding and nesting areas.
20. Extreme precautions shall be taken within riparian areas to prevent unnecessary removal of vegetation during construction. Areas cleared of vegetation must be revegetated with like native species within three days of the completion of the disturbance in accordance with the approved planting plan.
21. Trees that are stabilizing slopes and banks of the stream shall not be disturbed or removed unless included in the

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approved plans. Mature pines or other mature trees measuring 12-inches diameter breast height or greater shall not be removed without prior approval from the NH Fish & Game Department.

22. Work authorized shall be carried out such that there are no discharges in or to spawning or nursery areas during spawning seasons. Impacts to such areas shall be avoided or minimized to the maximum extent practicable during all other times of the year.

23. The permittee shall coordinate with the NH Fish & Game Department, regarding the need for any additional monitoring for river herring and American eel required before and during construction.

24. The permittee shall coordinate with the NH Fish & Game, Nongame and Endangered Species Program, regarding the need for any additional monitoring for freshwater mussels required before and during construction.

25. The permittee/permittees contractor shall utilize Best Management Practices (BMPs) to protect freshwater mussels in the vicinity of the project and shall include a survey by a freshwater mussel expert as approved by the NH Fish & Game Department. The permittee shall coordinate with the NH Fish & Game Department regarding any potential relocation of freshwater mussels identified during construction.

26. The permittee shall complete the survey and implement monitoring for freshwater mussel as discussed in the NH Fish & Game Department, Nongame and Endangered Wildlife Program agreement dated January 27, 2020.

27. Any erosion control matting used shall consist of jute matting that is fully biodegradable and does not contain any plastic netting or thread. The use of welded plastic or 'biodegradable plastic' erosion control netting and matting with plastic mesh shall be avoided to limit mortality to wildlife.

28. A certified wetlands scientist, professional engineer, or qualified professional, as applicable, shall oversee and monitor the project during construction to verify that all work is done in accordance with the approved plans and narratives, adequate siltation and erosion controls are properly implemented, and no water quality violations occur. A follow-up report including photographs of all stages of construction and a final "as-built" plan that identifies all adaptive management strategies utilized during project construction shall be submitted to the NHDES Wetlands Bureau within 60 days of final site stabilization.

29. The permittee shall notify the NHDES Wetlands Bureau, in writing, of the qualified professional(s) that have been retained to ensure that the project is constructed in accordance with the approved plans. The permittee shall re-notify the NHDES Wetlands Bureau if the identity of the qualified professional(s) changes during the project.

30. This permit is not valid until the qualified professional submits a final Project Monitoring Plan to NHDES for review and written approval. The Project Monitoring Plan shall be comprised of 2 primary sections: Construction Monitoring Plan and Post-Construction Stability Monitoring Plan.

a. The Construction Monitoring Plan shall describe the methods, timing and frequency, responsibilities, and special conditions for monitoring all construction activities related to the conditions of this permit.

i. The qualified professional shall submit annual reports, by January 30th each year, of the Construction Monitoring Plan to the NHDES Wetlands Bureau during the duration of the project and submit a final Construction Monitoring Report to the NHDES Wetlands Bureau within 60 days of final site stabilization, following the completion of the project.

ii. The Construction Monitoring Plan shall include, but not be limited to, the following components:

1. A description of the regular monitoring that will occur to document the installation, maintenance and daily inspection of erosion, sediment, and turbidity control measures.

2. A description of photo documentation that will occur to depict all stages of construction. A map of photo station locations shall be included in the plan.

3. A description of the monitoring that will occur to document restoration planting success and potential colonization of the project impact areas by invasive species.

b. The Post-Construction Stability Monitoring Plan shall describe the parameters, methods, timing and frequency, responsibilities, and special conditions to document whether the Project achieved its goals for the first five (5) years following the completion of construction of each phase of the project.

i. Annual reports shall be submitted by January 30th each year to NHDES Wetlands Bureau, including technical memos, photographs, flow measurements and structure stability observations taken at predetermined location(s) and any notable changes to the project area.

ii. The Project Effectiveness Monitoring Plan shall include, but not be limited to, the following components:

1. A description of the recommended process to document the stability of all structures installed within the Winnepesaukee River and its banks and the pilot channel, including but not limited to recordation of any changes in channel geometry, observations of river flow, and scour observations.

2. A description of the water quality monitoring that will be enacted to document any changes in water quality in the Winnepesaukee River as a result of this project.

31. The qualified professional shall monitor the success of restoration plantings to ensure at least 75% successful establishment of vegetation after three (3) growing seasons, or they shall be replanted and re-established in a manner satisfactory to the NHDES Wetlands Bureau.

32. The qualified professional shall monitor the areas directly impacted by construction to ensure that the site has not become invaded by nuisance or invasive species during the first full growing season following the completion of construction.

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The qualified professional shall submit a remediation plan to NHDES that proposes measures to be taken to eradicate nuisance species during this same period.

33. The permittee, qualified professional, and permittee's contractor shall coordinate with NHDES and NHF&G, to adaptively manage the project within the project reach and take remedial actions as may be necessary to create functioning channel geometry, ensure stability of all installed structures and the pilot channel, and achieve fish passage. Remedial actions may include changing material gradation and depth or the location, shape, elevation or configuration of the thalweg. Adaptive management and remedial actions shall only be taken in accordance with the conditions as described below:

a. During the construction, the qualified professional and the contractor responsible for performing the work shall coordinate with biologists from the NHF&G on the placement and orientation of boulder clusters throughout the project reach.

b. The permittee shall allow personnel from NHDES and NHF&G to observe flow conditions, structure stability, and fish passage for 5 years after the completion of construction.

34. As necessary, weekly meetings with NHDES Wetlands Bureau staff shall be held on-site during construction to verify that all work is done in accordance with the approved plans and narratives, adequate siltation, erosion and turbidity controls are properly implemented, no water quality violations occur, and to discuss any adaptive management strategies that may be necessary to implement. The qualified professional shall prepare notes describing the topics discussed and action items determined during each on-site meeting. The meeting notes shall be distributed within one week of the on-site meeting.

35. Not less than 5 state business days prior to starting work authorized by this permit, the permittee shall notify the NHDES Wetlands Bureau and the local conservation commission in writing of the date on which work under this permit is expected to start.

36. No person undertaking any activity shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards in RSA 485-A and Env-Wq 1700.

37. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Temporary controls shall be removed once the area has been stabilized.

38. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and water at the work site has returned to normal clarity.

39. Erosion control products shall be installed per manufacturers recommended specifications.

40. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.

41. All dredged and excavated material and construction-related debris shall be placed outside of the areas subject to RSA 482-A. Any spoil material deposited within 250 feet of any surface water shall comply with RSA-483-B.

42. The contractor responsible for completion of the work shall use techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

43. Prior to commencing work on a substructure located within surface waters, the permittee or permittee's contractors shall construct a cofferdam to isolate the substructure work area from the surface waters.

44. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once the cofferdam is fully effective, confined work can proceed without restriction.

45. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow only. The permittee shall monitor local weather forecasts to avoid working during or following precipitation events.

46. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, with a preferred undisturbed vegetated buffer of at least 50 feet and a minimum undisturbed vegetative buffer of 20 feet.

47. Dredged materials, whether to be stockpiled or disposed of, shall be dewatered in sedimentation basins lined with siltation and erosion controls, and located outside of areas subject to RSA 482-A jurisdiction.

48. The temporary cofferdam shall be entirely removed within 2 days after work within the cofferdam is completed and water has returned to normal clarity.

49. No excavation shall be done in flowing water. No construction equipment shall be operated in flowing water.

50. Construction equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid prior to entering surface waters or wetlands or operating in an area where such fluids could reach groundwater, surface waters, or wetlands.

51. The permittee's contractor shall maintain appropriate oil/diesel fuel spill kits on site that are readily accessible at all times during construction, and shall train each operator in the use of the kits.

52. All refueling of equipment shall occur outside of surface waters or wetlands during construction. Machinery shall be staged and refueled in upland areas only.

53. Faulty equipment shall be repaired immediately prior to entering areas that are subject to RSA 482-A jurisdiction.

54. Any fill used shall be clean sand, gravel, rock, or other suitable material.

55. Materials used to emulate a natural channel bottom must be consistent with the streambed materials identified in the reference reach, and shall not include angular riprap or gravel unless specifically identified on the approved plans.

56. To prevent the introduction of invasive plant species to the site, the permittee's contractor(s) shall clean all soils and vegetation from construction equipment and matting before such equipment is moved to the site.

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57. Precautions shall be taken to prevent import or transport of soil or seed stock containing nuisance or invasive species such as multiflora rose, honeysuckle, Japanese Barberry, glossy buckthorn, and oriental bittersweet.
58. The contractor responsible for work shall appropriately address invasive species in accordance with the NHDOT Best Management Practices for the Control of Invasive and Noxious Plant Species (2018).
59. The permittee/permittee's contractor shall regrade temporary impacts to pre-construction conditions and plant native species in accordance with the approved planting plan. The permittee shall implement corrective measure promptly if needed to ensure the plantings survive.
60. Areas from which vegetation has been cleared to gain access to the site shall be replanted with similar native species in accordance with the approved planting plan.
61. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tackifiers on slopes less than 3:1 or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This project is classified as a Major Project per NH Administrative Rule Env-Wt 303.02(i) as the project will disturb more than 200 linear feet of a perennial nontidal river channel or its banks and Env-Wt 303.02(c), as the impacts will involve the alteration of over 20,000 square feet (SF) of nontidal wetlands, nontidal surface waters, and banks adjacent to nontidal surface waters in the aggregate.
2. This project is being constructed in a highly disturbed section of the Winnepesaukee River that contains large quantities of industrial debris such as masonry, penstock foundation, concrete, and rebar from failed former dam structures and mills.
3. 1,653 square feet within the Shoreland Urbanized Exemption Zone of the City of Franklin will be converted into a terraced amphitheater that will tie in to the existing retaining wall in order to provide public access and spectator seating.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. This project is being constructed in a highly disturbed stretch of the Winnepesaukee River that contains large quantities of man-made industrial debris including concrete, rebar, and other materials from failed abandoned mills and dams from past industrial activity. This project will improve public safety by removing existing hazards, providing safe public access to the river, and providing a safe and structured environment for what is an existing recreational use of the river. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. In accordance with RSA 482-A:8, NHDES finds that the requirements for a public hearing do not apply as the permitted project is being done in a highly disturbed section of the Winnepesaukee River that is not an important physical component of a wetland ecosystem.
6. NHDES and Army Corps of Engineers staff performed a site visit on August 20, 2019, to observe the existing conditions of the project site and discuss potential mitigation options.
7. Compensatory mitigation is required for the bank and bed impacts associated with the proposed project that totals 1,414 linear feet of impact.
8. The decision is contingent upon the applicant completing the conservation of land with the Lakes Region Conservation Trust (LRCT) according to the project timeline submitted by VHB on April 28, 2020. In the event the conservation cannot be accomplished, the applicant shall provide a one-time payment of \$367,699.59 into the ARM fund to be deposited in the NHDES fund for the Pemigewasset-Winnepesaukee River watershed per RSA 482-A:29.
9. The four parcels proposed for conservation total 20.9 acres of land located along 0.8-mile segment of the Winnepesaukee River. The parcels are located in a section mapped by the New Hampshire Fish and Game Wildlife Action Plan as Tier 1, highest ranked habitat in the state and will provide protection to the important riparian and floodway area.
10. The mitigation proposal includes completion of a conservation easement with LRCT and requires this to be completed by March 26, 2021 as requested by the easement holder.
11. The ARM Fund payment recognizes a reduction of the payment by \$5,240.08 for the successful restoration and revegetation of 1,210 sq.ft. within Area 3 as noted on the plans.
12. The applicant proposed several other measures as mitigation for the project impacts and NHDES deemed those measures project construction components and not compensation for project impacts.
13. In a review letter dated July 25, 2019, and received by NHDES on August 16, 2018, the NH Natural Heritage Bureau (NHB) identified that records of bald eagle (*Haliaeetus leucocephalus*) and brook floater (*Alasmidonta varicosa*), were recorded in the vicinity of the project.
14. In email correspondence dated December 5, 2019, NH Fish & Game Department (NHF&G) staff requested that wildlife friendly erosion control matting free of welded plastic or "biodegradable plastic" is used to limit wildlife mortality, and indicated that they had concerns regarding brook floater (*Alasmidonta varicosa*), river flow manipulation during drawdown, riparian tree removal, bank stabilization, and revegetation. VHB responded to these NHF&G concerns in a Memorandum dated December 10, 2019 and a Planting Plan from Franklin Final Design dated December 18, 2019 (Sheets 19-22 of the approved plans dated January 28, 2020).
15. In email correspondence dated December 5, 2019, NH Fish & Game (NHF&G) staff indicated that they had concerns regarding fish passage for river herring and American eel, sediment transport, stability of the proposed structures and pilot

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channel, and manipulation of river flows. REP responded to these NHF&G concerns in a Technical Memorandum dated December 10, 2019.

16. In a letter dated January 27, 2020, and received by NHDES on January 30, 2020, the NH Fish & Game Department (NHF&G) indicated that VHB and REP had sufficiently addressed their concerns regarding shore/bank vegetation, cutting of trees, downstream fish passage, and wildlife friendly erosion control measures in previous correspondence. NHF&G staff requested the use of Best Management Practices (BMPs) to protect freshwater mussels in the vicinity of the project including surveys by a freshwater mussel expert and potential relocation during construction. NHF&G also requested continued coordination with NHF&G staff during drawdown.

17. NHF&G recommendations were included as conditions in the permit at the request of NHF&G staff.

18. In a regulatory review dated July 18, 2019, the US Fish and Wildlife Service found that while Northern Long-eared Bats (*Myotis septentrionalis*) were present in the vicinity of the site, there were no critical habitats for this species at this location.

19. In a review letter dated October 29, 2018, and received by NHDES on August 16, 2019, the New Hampshire Department of Historical Resources (DHR) stated that additional information was necessary in order to complete the review and that additional archaeological study would be necessary.

20. In a letter dated December 20, 2018, and received by NHDES on August 16, 2019, the City of Franklin Heritage Commission stated that they were in full support of the project.

21. In a letter signed and dated August 12, 2019, and received by NHDES on September 23, 2019, the abutting property owners at Franklin Tax Map #117, Lot #160, granted the applicant authorization to do the work as described in this application on or within 20 feet of their property.

22. In a letter signed and dated August 17, 2019, and received by NHDES on September 23, 2019, the abutting property owners at Franklin Tax Map #117, Lot #321, granted the applicant authorization to do the work as described in this application on or within 20 feet of their property.

23. In a letter signed and dated September 26, 2019, and received by NHDES on October 03, 2019, the abutting property owners at Franklin Tax Map #117, Lot #320, granted the applicant authorization to do the work as described in this application on or within 20 feet of their property.

24. In a letter signed and dated December 31, 2019, and received by NHDES on January 30, 2020, Franklin Power, LLC., the abutting property owners at Franklin Tax Map #117, Lot #319, granted the applicant conditional authorization to do the work as described in this application within 20 feet of their property provided that the applicant acquire all necessary approvals from the Federal Energy Regulatory Commission (FERC) and that the construction and operation of the proposed project will not impair the abutter's ability to operate and maintain the dam in accordance with FERC requirements. In order to address abutter concerns, NHDES has included Franklin Power LLC's request as a condition in the permit.

25. In a letter dated January 27, 2020, and received by NHDES on January 30, 2020, Wescott Law P.A. offices stated that through their legal research, they have concluded that the ownership of the bed of the Winnepesaukee River by the landowners on either side of the river extends to the thread of the channel.

26. A Floodway "No-rise/No-impact" Certification dated July 26, 2019, and stamped by a Professional Engineer (PE) licensed in the State of New Hampshire, certified that the technical data contained within the Floodplain Report dated July 2019, as prepared by Recreation Engineering and Planning (REP), indicates that the project as proposed will not impact the base flood elevations, floodway elevations, and floodway widths on the Winnepesaukee River.

27. In a letter dated December 16, 2019, the NH Department of Transportation (NHDOT) stated that they anticipate that the project as proposed will have no adverse effect to the Sanborn Bridge (Bridge 164/121) or surrounding roadway infrastructure after review of the Floodplain Report prepared by Recreation Engineering and Planning (REP) dated July 2019 and the Scour Analysis developed by VHB, Inc. dated September 18, 2019.

28. In a New Hampshire Programmatic General Permit review dated September 17, 2019, the US Environmental Protection Agency (USEPA) determined that the project was eligible for a Programmatic General Permit through the US Army Corp of Engineers as proposed.

29. A NHDES Permit Application Review Extension Agreement Form until January 31, 2020, was executed on December 31, 2019, to allow the applicant additional time to provide a complete response to the Request for More Information Letter issued by NHDES on November 01, 2019.

30. A NHDES Permit Application Review Extension Agreement Form until March 27, 2020, was executed on February 27, 2020, to allow the applicant additional time to provide additional information that was missing from the original response to the Request for More Information Letter as received by NHDES on January 30, 2020.

31. A NHDES Permit Application Review Extension Agreement Form until May 04, 2020, was executed on April 24, 2020, to allow NHDES additional time to review the application and issue a decision as a result of challenges presented by the COVID-19 Pandemic.

32. As of May 04, 2020, no comments of concern have been received by NHDES from abutters or local governing organizations.

05/04/2020 to 05/10/2020

CITY: SANDWICH WATERBODY: WEED BROOK

Requested Action:

Dredge and fill a total of 5,096 square feet (SF), which includes 18 SF of palustrine forested wetlands and 260 SF within the bed and banks of Weed Brook (impacting 416 linear feet) to replace the downstream wingwalls, downstream masonry abutments, stone invert slabs, H-pile superstructure, and place rip rap stabilization of the existing 10-foot by 6-foot structure located along NH Route 25 in the Town of Sandwich, NH. Total impact area includes 4,836 SF/364LF of temporary impacts.

APPROVE PERMIT

Dredge and fill a total of 5,096 square feet (SF), which includes 18 SF of palustrine forested wetlands and 260 SF within the bed and banks of Weed Brook (impacting 416 linear feet) to replace the downstream wingwalls, downstream masonry abutments, stone invert slabs, H-pile superstructure, and place rip rap stabilization of the existing 10-foot by 6-foot structure located along NH Route 25 in the Town of Sandwich, NH. Total impact area includes 4,836 SF/364LF of temporary impacts.

With Conditions:

All work shall be in accordance with plans by the Department of Transportation for Project 99055Z, NH Route 25 Over Weed Brook, Bridge 203/029 dated April 310, 2019 received by NH Department of Environmental Services (NHDES) on December 4, 2019, and revised Construction Sequence narrative received by NHDES on April 22, 2020.

If any work associated with the project authorized by this permit will encroach on an abutter's property then, prior to starting work, the permittee shall obtain temporary construction easements or other written agreements from the owner of the abutting property.

All development activities associated with this project shall be conducted in compliance with applicable requirements of RSA 483-B and N.H. Code Admin. Rules Env-Wq 1400 during and after construction.

All in-stream work shall be conducted during annual low flow conditions and in a manner that will not cause or contribute to any violations of surface water quality standards in RSA 485-A or New Hampshire Administrative Rule Chapter Env-Wq 1700.

Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Temporary controls shall be removed once the area has been stabilized.

Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Temporary controls shall be removed once the area has been stabilized.

Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area and shall remain until suspended particles have settled and water at the work site has returned to normal clarity.

Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.

Prior to commencing work on a substructure located within surface waters, the permittee or permittee's contractors shall construct a cofferdam to isolate the substructure work area from the surface waters.

Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once the cofferdam is fully effective, confined work can proceed without restriction.

Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, with a preferred undisturbed vegetated buffer of at least 50 feet and a minimum undisturbed vegetative buffer of 20 feet.

The temporary cofferdam shall be entirely removed within 2 days after work within the cofferdam is completed and water has returned to normal clarity.

The contractor responsible for completion of the work shall use techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

Native material removed from the streambed shall be stockpiled separately and reused to emulate a natural channel bottom within the channel, between wing walls, and beyond. Any new materials used must be as similar to the natural stream substrate as practicable and shall not include any angular rock.

Any supplement of the dredged native material must be completed with clean material similar in size and gradation streambed material composition within the reference reach. The composition is 10% sand, 40% gravel, 45% cobble, and 5% boulder.

Any rip rap located across the stream channel bed shall be located subgrade with stream bed simulation at the channel bed surface in order to maintain low-flow and natural bed material conditions through the culvert.

No excavation shall be done in flowing water. No construction equipment shall be operated in flowing water.

05/04/2020 to 05/10/2020

Any fill used shall be clean sand, gravel, rock, or other suitable material.

Dredged materials, whether to be stockpiled or disposed of, shall be dewatered in sedimentation basins lined with siltation and erosion controls, and located outside of areas subject to RSA 482-A jurisdiction.

Extreme precautions shall be taken within riparian areas to prevent unnecessary removal of vegetation during construction. Areas cleared of vegetation must be revegetated with like native species within three days of the completion of the disturbance.

Area of temporary impact shall be regraded to original contours following completion of work.

Erosion control products shall be installed per manufacturers recommended specifications.

Construction equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid prior to entering surface waters or wetlands or operating in an area where such fluids could reach groundwater, surface waters, or wetlands.

The permittee's contractor shall maintain appropriate oil/diesel fuel spill kits on site that are readily accessible at all times during construction, and shall train each operator in the use of the kits.

All refueling of equipment shall occur outside of surface waters or wetlands during construction. Machinery shall be staged and refueled in upland areas only.

Faulty equipment shall be repaired immediately prior to entering areas that are subject to RSA 482-A jurisdiction.

With Findings:

This is a Major Project per NH Administrative Rule Env-Wt 903.01(g)(1), as the project is a repair of a Tier 3 stream crossing having a 2.6 square mile contributing drainage area.

The existing bridge is a 10-foot span by 6-foot high concrete box with concrete invert that extends from a masonry box culvert with concrete invert lining of the same size. The masonry box is significantly deteriorated. The project proposes replacement of the mortar rubble masonry portion of the 10-foot by 6-foot structure with a concrete box structure to match the existing concrete box.

The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Env-Wt 302.03. The applicant has considered alternatives including constructing a replacement structure in compliance with the NH Stream Crossing Guidelines, replacing the existing masonry block culvert portion with a concrete culvert, and no replacement. The applicant has determined a full replacement structure estimated to cost \$950,000. The proposed repair alternative was estimated to cost \$150,000 and includes replacement primarily within the existing culvert footprint.

The applicant has demonstrated by plan and example that each factor listed in Rule Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project. The project will not further degrade or improve hydraulic and geomorphic compatibility and aquatic organism passage of the stream crossing.

The existing crossing does not have a history of flooding or overtopping the banks of the stream. The project engineer has confirmed the proposed project will not increase the frequency of flooding or overtopping of banks, there is no increase in flood stages on abutting properties, and flow and sediment transport characteristics will not be affected in a manner which could adversely affect channel stability. The project will maintain the existing waterway opening. The 100-year headwater elevation of the proposed structure is about 2.5-feet below current the condition at the Q100 flow and the proposed outlet velocity (17.8 ft/s) is less than the current velocity of 18.26 ft/s at Q100 flow. At high flows, capacity is expected to be slightly higher and outlet velocity slightly lower than the model results.

The New Hampshire Natural Heritage Bureau NHB Datacheck Results letter (NHB19-1404) dated May 14, 2019 determined that although there was a NHB record present in the vicinity, the species is not expected to be impacted by the proposed project.

The United States Department of the Interior, Fish & Wildlife service IPaC Consistency letter dated November 14, 2019 determined the project action is not likely to result in an unauthorized take of the northern long-eared bat.

There was no potential to cause effect/No archaeological concerns identified for the project per NHDOT Cultural Resources Staff dated July 2, 2019.

The project was reviewed at the Natural Resource Agency Coordination Meeting on February 21, 2018.

Compensatory mitigation is not required for the project as the proposed permanent impacts are for the protection of existing infrastructure.

2019-03862 OWNER: LAKE HOUSES AT CHRISTMAS ISLAND LLC

CITY: LACONIA WATERBODY: LAKE WINNIPESAUKEE

05/04/2020 to 05/10/2020

Requested Action:

Remove a 9 foot x 36 foot concrete wharf, a 3-piling ice cluster, seven existing 2.5 foot x 23.5 foot seasonal finger piers, and a 3 foot x 110.5 foot piling pier; dredge 8 cubic yards from 435 square feet of lakebed; stabilize bank with 36 linear feet of retaining wall; and, construct a 3 foot x 104.5 foot piling pier, eight 2.5 foot x 23.5 foot piling-anchored finger piers, 14 tie-off piles A 3-piling ice cluster, and a separate "T" shaped dock consisting of a 4 foot x 25 foot piling supported wharf accessed by a 4 foot x 14 foot walkway on an average of 759 feet of shoreline frontage along Paugus Bay, Lake Winnepesaukee, in Laconia.

APPROVE PERMIT

Remove a 9 foot x 36 foot concrete wharf, a 3-piling ice cluster, seven existing 2.5 foot x 23.5 foot seasonal finger piers, and a 3 foot x 110.5 foot piling pier; dredge 8 cubic yards from 435 square feet of lakebed; stabilize bank with 36 linear feet of retaining wall; and, construct a 3 foot x 104.5 foot piling pier, eight 2.5 foot x 23.5 foot piling-anchored finger piers, 14 tie-off piles A 3-piling ice cluster, and a separate "T" shaped dock consisting of a 4 foot x 25 foot piling supported wharf accessed by a 4 foot x 14 foot walkway on an average of 759 feet of shoreline frontage along Paugus Bay, Lake Winnepesaukee, in Laconia.

With Conditions:

All work shall be in accordance with plans by Folsom Design & Construction Management dated December 10, 2019, and revised through March 30, 2020, as received by the NHDES on April 6, 2020.

This permit is not valid and effective until it has been recorded with the appropriate county Registry of Deeds by the applicant. Prior to starting work under this permit, the permittee shall submit a copy of the recorded permit to the NHDES Wetlands Program by certified mail, return receipt requested.

All portions of the existing docking structures including the 9 foot x 36 foot wharf shall be completely removed from Wetlands jurisdiction prior to the construction of any new docking structure.

All development activities associated with this project shall be conducted in compliance with applicable requirements of RSA 483-B and N.H. Code of Administrative Rules Env-Wq 1400 during and after construction.

Work shall be carried out in a time and manner to avoid disturbances to migratory waterfowl breeding and nesting areas.

Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and water at the work site has returned to normal clarity.

All dredged and excavated material and construction-related debris shall be placed outside of the areas subject to RSA 482-A. Any spoil material deposited within 250 feet of any surface water shall comply with RSA-483-B.

The contractor responsible for completion of the work shall use techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

Any subdivision of the property frontage will require removal of a sufficient portion of the docking structures to comply with the dock size and density requirements in effect at the time of the subdivision.

Only those structures shown on the approved plans shall be installed or constructed along this frontage. All portions of the structures shall be at least 20 feet from the abutting property lines or the imaginary extension of those lines into the water.

Pilings shall be spaced a minimum of 12 feet apart as measured piling center to piling center.

No portion of the pier shall extend more than 104.5 feet from the shoreline at full lake elevation (Elev. 504.32).

No person undertaking any activity shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards in RSA 485-A and Env-Wq 1700.

This permit shall not preclude the NHDES from initiating appropriate action if the NHDES later determines that any of the structures depicted as "existing" on the plans submitted by or on behalf of the permitted were not previously permitted or grandfathered.

The permittee/permittee's contractor shall revegetate the disturbed area with trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project, exclusive of any invasive or nuisance species.

Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tackifiers on slopes less than 3:1 or netting and pinning on slopes steeper than 3:1.

05/04/2020 to 05/10/2020

With Findings:

1. This project is classified as a major project per Rule Env-Wt 303.02(d), modification of a docking facility providing 5 or more slips.
2. The applicant has an average of 759 feet of frontage along Lake Winnepesaukee.
3. A maximum of 11 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
4. This structure was previously modified under Wetlands Permits #2016-00248 and #2017-03446.
5. The docking facilities as they existed prior to the modifications made under Wetlands Permit #2016-00248 and #2017-03446 provided 18 slips as defined per RSA 482-A:2, VIII and, therefore, they failed to conform to Rule Env-Wt 402.13 and were subject to Rule Env-Wt 402.21, Modification of Existing Structures.
6. The NHDES' review of Wetlands Permits #2016-00248 and #2017-03446 found that the modifications to the docking facilities would reduce the number of slips provided on the frontage by one and would result in less square feet of impact over public submerged lands than the pre-existing docking structures, therefore, the projects met Rule Env-Wt 402.21, Modification of Existing Structures.
7. The newly proposed modifications further reduce the construction surface area of the docking structures over public submerged lands by 66 square feet but do not further reduce the number of slips provided on the frontage.
8. The NHDES finds that had the newly proposed modifications been included in the project as proposed in Wetlands Application #2016-00248, the overall modifications to the docking facilities would still have reduced the number of slips provided on the frontage by one and would still result in less square feet of impact over public submerged lands than the pre-existing docking structures, therefore, the project meet Rule Env-Wt 402.21, Modification of Existing Structures.
9. The NHDES finds that project location does not satisfy the criteria described in Rule Env-Wt 402.06 for the construction of new or additional permanent docking structures.
10. In an effort to reduce the square feet of construction surface area over public waters as required per Rule Env-Wt 402.21, the Applicant proposed reducing the widths of the seasonal finger piers to 2.5 feet. The 2.5 foot wide seasonal piers have proven to be unstable and unsuitable for safe use in this community docking structure.
11. The Owner has requested a waiver of Rule Env-Wt 402.06, Permanent Docks, (a), (b), (c), (d), and (m) pertaining to establishing need for a permanent pier.
12. The driving of piling to support the seven finger piers will not have a more significant impact on the abutting property owners than the continued use of the seasonal finger piers and, while strict compliance with the rule will not provide public benefit it will result in somewhat unstable and less safe conditions for the Applicant. For these reasons a waiver of Rule Env-Wt 402.06 is granted pursuant to Part Env-Wt 204, Waivers.
13. The NHDES finds that because the project is not of significant public interest and will not significantly impair the resources of Lake Winnepesaukee a public hearing under RSA 482-A:8 is not required.

PERMIT CATEGORY: MINOR IMPACT PROJECT

2018-03694 OWNER: NH DEPT OF TRANSPORTATION

CITY: LISBON WATERBODY: AMMONOOSUC RIVER

Requested Action:

Impact a total of 8,350 square feet (SF), including 250 SF permanent and 8,100 SF temporary, of surface water and bank to replace an 18 inch CMP in-kind and stabilize an eroded bank with rip rap and vegetation.

CONFIRM EMERGENCY AUTHORIZATION

Impact a total of 8,350 square feet (SF), including 250 SF permanent and 8,100 SF temporary, of surface water and bank to replace an 18 inch CMP in-kind and stabilize an eroded bank with rip rap and vegetation.

With Conditions:

1. All work shall be in accordance with plans and all descriptive details by NHDOT, as received by the NH Department of Environmental Services (NHDES) on December 14, 2018.
2. Any further alteration of NHDES Wetlands Bureau jurisdictional areas on this property will require a new application and further permitting by the NHDES Wetlands Bureau.

05/04/2020 to 05/10/2020

With Findings:

1. This is a Minor impact project per New Hampshire Administrative Rule Env-Wt 303.03(h), projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands.
2. The project was necessary to repair a failed roadway slope adjacent to the Ammonoosuc River with rip rap and vegetation.
3. Emergency authorization for this work was issued by NHDES Wetlands Bureau Staff on September 20, 2018.
4. Review of the application submitted pursuant the emergency authorization indicates that work has been completed in accordance with the emergency authorization.

2019-02869 OWNER: KING, PETER L/JEAN M

CITY: MOULTONBOROUGH WATERBODY: LAKE WINNIPESAUKEE

Requested Action:

Impact 1,360 square feet of bank along 35 linear feet of shoreline to repair approximately 44 linear feet of dry-laid stone retaining wall and 2 foot wide stone steps on an average of 110 feet of frontage along Lake Winnepesaukee in Moultonborough.

APPROVE PERMIT

Impact 1,360 square feet of bank along 35 linear feet of shoreline to repair approximately 44 linear feet of dry-laid stone retaining wall and 2 foot wide stone steps on an average of 110 feet of frontage along Lake Winnepesaukee in Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by William J, McNair dated August 16, 2019, and revised April 16 2020, as received by NHDES on April 17, 2020.
2. All development activities associated with this project shall be conducted in compliance with applicable requirements of RSA 483-B and N.H. Code of Administrative Rules Env-Wq 1400 during and after construction.
3. This permit does not authorize the removal of trees or saplings within the waterfront buffer that would result in a tree and sapling point score below the minimum required per RSA 483-B:9, V, (a)(2)(D)(iv).
4. Work authorized shall be carried out such that there are no discharges in or to spawning or nursery areas during spawning seasons. Impacts to such areas shall be avoided or minimized to the maximum extent practicable during all other times of the year.
5. Work shall be carried out in a time and manner to avoid disturbances to migratory waterfowl breeding and nesting areas.
6. All construction-related debris shall be placed outside of the areas subject to RSA 482-A.
7. The contractor responsible for completion of the work shall use techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
8. No person undertaking any activity shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards in RSA 485-A and Env-Wq 1700.
9. This permit shall not preclude DES from initiating appropriate action if DES later determines that any of the structures depicted as "existing" on the plans submitted by or on behalf of the permitted were not previously permitted or grandfathered.
10. The repairs shall maintain the size, location, and configuration of the pre-existing structures.
11. The permittee/permittee's contractor shall revegetate the disturbed area with trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project, exclusive of any invasive or nuisance species.
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tackifiers on slopes less than 3:1 or netting and pinning on slopes steeper than 3:1.
13. All impacted areas shall be restored to original grade at the completion of the repairs.

05/04/2020 to 05/10/2020

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(c), repair of existing retaining walls in the dry resulting in no change in the size, location or configuration of the structures.
2. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
3. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2019-03030 OWNER: NICKERSON, LAURIE/STEPHEN

CITY: NOTTINGHAM WATERBODY: PAWTUCKAWAY POND

Requested Action:

Impact 632 square feet of bank along 15.8 feet of shoreline to construct a 632 square foot elevated beach with 4 foot wide stairs to the lake on an average of 80 feet of frontage along Pawtuckaway Lake in Nottingham.

APPROVE PERMIT

Impact 632 square feet of bank along 15.8 feet of shoreline to construct a 632 square foot elevated beach with 4 foot wide stairs to the lake on an average of 80 feet of frontage along Pawtuckaway Lake in Nottingham.

With Conditions:

All work shall be in accordance with plans by Scott Bailey dated March 5, 2020, as modified by the Applicant, and received by NHDES on April 28, 2020 and cross sections submitted by the Applicant on December 13, 2019.

All development activities associated with this project shall be conducted in compliance with applicable requirements of RSA 483-B and N.H. Code of Administrative Rules Env-Wq 1400 during and after construction.

This permit does not authorize the removal of any trees, saplings, shrubs, or ground cover vegetation from within the waterfront buffer.

Work shall be carried out in a time and manner to avoid disturbances to migratory waterfowl breeding and nesting areas.

Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Temporary controls shall be removed once the area has been stabilized.

Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area and shall remain until suspended particles have settled and water at the work site has returned to normal clarity.

All construction-related debris shall be placed outside of the areas subject to RSA 482-A.

The contractor responsible for completion of the work shall use techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

Stone placed along the beach front for the purpose of retaining sand shall be placed above and landward of those rocks currently located along the normal high water line. The rocks existing at the normal high water line shall remain undisturbed such that the natural shoreline remains visible and intact.

The steps installed for access to the water shall be located completely landward of the normal high water line.

No more than 10 cubic yards of sand shall be used and all sand shall be located above the normal high water line.

Any future beach replenishment shall require a new permit.

The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.

No temporary impacts have been requested or authorized for the construct of this 632 square foot beach.

Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tackifiers on slopes less than 3:1 or netting and pinning on slopes steeper than 3:1.

A combination of trees, shrubs and ground covers representing the density and species diversity of the vegetation present prior to construction shall be replanted beginning at a distance no greater than 5 feet landward from the beach area.

05/04/2020 to 05/10/2020

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(m) projects that disturb less than 50 linear feet, measured along the shoreline, of a lake or pond or its bank.
2. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
3. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
4. Revised plans were submitted by the applicant to settle the appeal of the previously issued denial filed with the NH Wetlands Council.

2019-03800 OWNER: MICHACHUNK DEVELOPMENT LLC

CITY: AMHERST WATERBODY: Unnamed Wetland

Requested Action:

Dredge and fill 3,742 square feet (SF) within palustrine forested wetland to install a 4 foot wide by 4 foot high by 43 foot long box culvert with associated grading for a phase III and IV access road of a 45 lot open-space residential subdivision on a 120.5 acre parcel of land with approximately 40 acres dedicated as open space (previously approved under file #2007-00315). Temporarily impact 491 SF of palustrine forested wetland and an intermittent stream (impacting 3 linear feet) for access, installation, and erosion, sediment and turbidity controls.

APPROVE PERMIT

Dredge and fill 3,742 square feet (SF) within palustrine forested wetland to install a 4 foot wide by 4 foot high by 43 foot long box culvert with associated grading for a phase III and IV access road of a 45 lot open-space residential subdivision on a 120.5 acre parcel of land with approximately 40 acres dedicated as open space (previously approved under file #2007-00315). Temporarily impact 491 SF of palustrine forested wetland and an intermittent stream (impacting 3 linear feet) for access, installation, and erosion, sediment and turbidity controls.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc., revised on April 10, 2020, as received by the NH Department of Environmental Services (NHDES) on April 15, 2020.
2. This permit is not valid unless an Alteration of Terrain permit or other method of compliance with RSA 485-A:17 and Env-Wq 1500 is achieved.
3. This permit is not valid unless a subdivision construction approval or other compliance with RSA 485-A:29-44 and Env-Wq 1000 is achieved.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or septic setback.
5. The deed that accompanies the sales transaction for each of the lots in the subdivision shall contain condition #4 of this approval.
6. This permit is not valid and effective until it has been recorded with the appropriate county Registry of Deeds by the applicant. Prior to starting work under this permit, the permittee shall submit a copy of the recorded permit to the NHDES Wetlands Program by certified mail, return receipt requested.
7. Not less than 5 state business days prior to starting work authorized by this permit, the permittee shall notify the NHDES Wetlands Program and the local conservation commission in writing of the date on which work under this permit is expected to start.
8. Prior to starting any work authorized by this permit, the permittee shall place orange construction fencing at the limits of construction to prevent unintentional encroachment on wetlands.
9. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
10. No person undertaking any activity shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards in RSA 485-A and Env-Wq 1700.
11. The contractor responsible for completion of the work shall use techniques described in the New Hampshire Stormwater

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Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

12. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Temporary controls shall be removed once the area has been stabilized.
13. Erosion control products shall be installed per manufacturers recommended specifications.
14. If needed due to seasonal wetland flooding adjacent to the work area, prior to commencing work on the substructure, the permittee or permittee's contractors shall construct a cofferdam to isolate the substructure work area.
15. The temporary cofferdam shall be entirely removed within 2 days after work within the cofferdam is completed.
16. If needed due to wetland ponding within the work area, discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, with a preferred undisturbed vegetated buffer of at least 50 feet and a minimum undisturbed vegetative buffer of 20 feet.
17. Dredged materials, whether to be stockpiled or disposed of, shall be dewatered in sedimentation basins lined with siltation and erosion controls, and located outside of areas subject to RSA 482-A jurisdiction.
18. Construction equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid prior to entering surface waters or wetlands or operating in an area where such fluids could reach groundwater, surface waters, or wetlands.
19. The permittee's contractor shall maintain appropriate oil/diesel fuel spill kits on site that are readily accessible at all times during construction, and shall train each operator in the use of the kits.
20. All refueling of equipment shall occur outside of surface waters or wetlands during construction. Machinery shall be staged and refueled in upland areas only.
21. Faulty equipment shall be repaired immediately prior to entering areas that are subject to RSA 482-A jurisdiction.
22. Any fill used shall be clean sand, gravel, rock, or other suitable material.
23. Topsoil in wetlands shall be stripped and segregated from subsoil during construction of the wetland crossing. Wetland topsoil shall be stockpiled separately from subsoil and shall be used as infill to embedded the culvert to promote vernal pool species movement through the culvert.
24. The permittee's contractor shall regrade temporary impacts to pre-construction conditions and plant native species similar to those within the wetland prior to impact, and shall implement corrective measure promptly if needed to ensure the plantings survive.
25. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tackifiers on slopes less than 3:1 or netting and pinning on slopes steeper than 3:1.
26. Proper headwalls shall be constructed within seven days of culvert installation.

With Findings:

1. This is a Minor Project per Administrative Rule Env-Wt 303.03(h), as it involves less than 20,000 square feet of alteration in the aggregate in non-tidal wetlands, non-tidal surface waters, or banks adjacent to non-tidal surface waters which exceed the criteria of Env-Wt 303.04(f).
2. Wetland impacts for "Founders Way Subdivision" were originally permitted under wetland file #2007-00315. This wetland permit was issued to Timothy Farris, Tim Chi Holdings Llc., on January 5, 2008, with an expiration date of January 5, 2013. On April 9, 2010, a permit name change was issued, and the permittee became Michachunk Development LLC.
3. This application is for re-permitting of a single wetland crossing not completed under lapsed permit (#2007-00315). All other impacts associated with the original permit were completed within the 5 year permit timeframe. This project will extend the existing access road to construct Phase III and IV of the subdivision.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. Wetland impacts for installation of a residential development roadway cannot be avoided as a wetland bisects the entire lot at this location. Meridian Land Services, Inc. application narrative states that "the crossing area was chosen to avoid the intermittent stream down gradient and the forested scrub shrub wetland up gradient, which has a vernal pool at the northern edge". The NHDES review of the Request for More Information Letter response finds that proposed roadway side slopes have been reduced to 2:1, the culvert length has been reduced by 17 feet, and headwalls have been pulled in, resulting in a further reduction of 963 SF of impact, and no permanent impact to the down-gradient intermittent stream.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
6. The Amherst Conservation Commission has not provided comments to NHDES regarding this Wetland Application.
7. NHDES received no comments from abutters.
8. A Subdivision Permit (#SA2008008473) was issued for this project, approved on February 13, 2008.
9. The New Hampshire Natural Heritage Bureau (NHB) has reviewed the proposed project (NHB19-0054) and determined that there are no recorded occurrences of sensitive species near the project area, per the letter dated January 2, 2019.
10. During the original two years of site evaluation and design, vernal pool evaluations were conducted over the entire site, and four vernal pools were identified. The highest ranking vernal pool is located approximately 400 feet north of the proposed crossing site. A 4 foot wide by 4 foot high concrete box culvert, embedded one-foot with natural substrate, was selected at the proposed wetland crossing location to provide crossing opportunities for small vertebrates.

05/04/2020 to 05/10/2020

11. The NHDES review of plans and application narrative finds that an intermittent stream channel initiates at the down gradient side of the crossing, approximately 7 feet south of the box culvert outlet.

PERMIT CATEGORY: MINIMUM IMPACT PROJECT

2020-00268 OWNER: ABERCROMBIE, SCOTT

CITY: SALEM WATERBODY: MILLVILLE LAKE

Requested Action:

Retain impacts to 32 linear feet of bank to construct a 32 linear foot retaining wall along frontage on Millville Lake in Salem.

Conservation Commission/Staff Comments:

01/30/2020 per ConCom... "is exercising it's right of intervention...wishes to advise that at the conclusion of it's investigation, will provide report.

02/10/2020 per ConCom..."has completed its review and voted to recommend approval...

APPROVE PERMIT

Retain impacts to 32 linear feet of bank to construct a 32 linear foot retaining wall along frontage on Millville Lake in Salem.

With Conditions:

All work shall be in accordance with plans by Beaver Brook Planning and Design dated January 10, 2020 and received by the NH Department of Environmental Services (NHDES) on February 14, 2020.

Pursuant to RSA 482-A:14, RSA 482-A:14-b, and RSA 482-A:14-c, NHDES is authorized to take appropriate compliance actions should it be determined that, based upon additional information which becomes available, any of the structures depicted as "existing" on the plans submitted by or on behalf of the permittee were not previously permitted or grandfathered.

With Findings:

This is a minimum impact project per Administrative Rule Env-Wt 514.07(a)(1), any bank stabilization project of less than 50 linear feet.

The Department finds that the project as proposed and conditioned meets the requirements of RSA 482-A and the Wetlands Program Code of Administrative Rules Chapters Env-Wt 100 - 900. No waivers of RSA 482-A or the Wetlands Program Code of Administrative Rules Chapters Env-Wt 100 - 900 were requested or approved under this permit action.

PERMIT CATEGORY: SHORELAND STANDARD

2018-02364 OWNER: PLANER, ROBERT/PAULA

CITY: SUNAPEE WATERBODY: SUNAPEE LAKE

Requested Action:

The applicant request that the permit be amended to allow minor design changes to approved structures including the re-alignment of the driveway and pathways and to include the construction of an additional deck and a pervious patio.

05/04/2020 to 05/10/2020

APPROVE AMENDMENT

Amend permit to read: Impact 16,164 square feet (SF) of protected shoreland in order to remove the existing primary structure and construct a new primary structure, reconfigure the walkways, remove a patio and replace with a pervious patio, reconfigure the driveway, and add a rain garden and infiltration trenches.

With Conditions:

1. All work shall be in accordance with plans by Pellettieri Associates, Inc., dated November 15, 2018, revised through April 7, 2020, and received by the NH Department of Environmental Services (NHDES) on April 22, 2020.
2. No modification, repair, or replenishment of the beach area is permitted without a Wetlands permit under RSA 482-A.
3. Orange construction fencing shall be installed at the limits of the temporary impact area as shown on the approved plans prior to the start of work and shall be maintained throughout the project in order to prevent accidental encroachment into areas in which impacts have not been approved.
4. No more than 27% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from NHDES.
5. Native vegetation within an area of at least 4,579 SF within the Woodland Buffer located between 50 and 150 feet landward of the reference line shall be retained in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. The proposed infiltration trenches and rain garden shall be installed and maintained to effectively absorb and infiltrate stormwater.
11. Photographs documenting the construction of the proposed infiltration trenches and rain garden shall be submitted to the Department prior to any party taking up occupancy of the new residential primary structure.
12. All pervious technologies used shall be installed and maintained to effectively absorb and infiltrate stormwater.
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. The individual responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
15. This permit shall not be interpreted as acceptance or approval of any impact that will occur within wetlands jurisdiction regulated under RSA 482-A including all wetlands, surface waters and their banks, the tidal-buffer zone, and sand dunes. The owner is responsible for maintaining compliance with RSA 482-A and Administrative Rules Env-Wt 100 - 900 and obtaining any Wetland Impact Permit that may be required prior to construction, excavation or fill that will occur within Wetlands jurisdiction.
16. This permit shall not preclude NHDES from taking any enforcement or revocation action if NHDES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2020-00330 OWNER: BLACKKEY COVE PARTNERS LLC

CITY: MOULTONBOROUGH WATERBODY: LAKE WINNIPESAUKEE

Requested Action:

Impact 19,030 square feet of protected shoreland in order to remove the detached garage and the primary structure wrap around decks, retaining walls, and a walkway to construct 2 additions to the primary structure, an attached garage, an attached shed, 2 decks, 2 patios, stairs, steps, and walkways, a retaining wall, and reconfiguring of the driveway.

05/04/2020 to 05/10/2020

APPROVE PERMIT

Impact 19,030 square feet of protected shoreland in order to remove the detached garage and the primary structure wrap around decks, retaining walls, and a walkway to construct 2 additions to the primary structure, an attached garage, an attached shed, 2 decks, 2 patios, stairs, steps, and walkways, a retaining wall, and reconfiguring of the driveway.

Temporary Waiver Granted: Temporarily reduce the area of the Natural Woodland below that which is required per RSA 483-B:9, V, (b) for the purposes of constructing additions to primary structure and reconfiguring the driveway. Post-construction restoration planting required is to return the area to the predevelopment vegetation flora and density.

With Conditions:

All work shall be in accordance with plans by Norway Plains Associates, Inc. dated February 2020 and revised as received by the NH Department of Environmental Services (NHDES) on April 30, 2020.

Orange construction fencing shall be installed at the locations shown on the approved plans and around the perimeter of all the impacted areas prior to the start of work and shall be maintained throughout the project in order to prevent accidental encroachment into areas in which impacts have not been approved.

No more than 19.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from NHDES.

Native vegetation shall be restored such that an area of at least 2,565 square feet within the Woodland Buffer located between 50 and 150 feet landward of the reference line shall be retained in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).

Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.

Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Wq 1700.

Any fill used shall be clean sand, gravel, rock, or other suitable material.

All pervious technologies used shall be installed and maintained to effectively absorb and infiltrate stormwater.

Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

The individual responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

This permit shall not be interpreted as acceptance or approval of any impact that will occur within wetlands jurisdiction regulated under RSA 482-A including all wetlands, surface waters and their banks, the tidal-buffer zone, and sand dunes.

The owner is responsible for maintaining compliance with RSA 482-A and Administrative Rules Env-Wt 100 - 900 and obtaining any Wetland Impact Permit that may be required prior to construction, excavation or fill that will occur within Wetlands jurisdiction.

This permit shall not preclude NHDES from taking any enforcement or revocation action if NHDES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

With Findings:

1. In accordance with RSA 483-B:9, V, (i) The commissioner shall have the authority to grant waivers from the Minimum Shoreland Protection Standards section (RSA 483-B:9). Such authority shall be exercised if the commissioner deems that strict compliance with RSA 483-B:9 will provide no material benefit to the public and have no material adverse effect on the environment or the natural resources of the state.
2. This property, identified as Lot 5 on the Moultonborough Tax Map 172, is located within the shorelands protected under RSA 483-B.
3. The project as proposed will result in 19.5% of the portion of the lot within protected shorelands being covered by impervious surfaces and therefore is not subject to the requirements of RSA 483-B:9, V, (g), (1) and (3).
4. The proposed plan shows limited impact to construct 2 stepped walkways the waterfront buffer while retaining the tree coverage required by RSA 483-B:9, V(a)(2)(D).
5. The proposed plan shows the unaltered area required by RSA 483-B:9, V(b)(1)(2)(A) is to be temporarily reduced below 25 percent of the woodland buffer as natural woodland.

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6. The proposed temporary removal of unaltered vegetation is necessary in order to remove the detached garage and the primary structure wrap around decks, retaining walls, and a walkway to construct 2 additions to the primary structure, an attached garage, an attached shed, 2 decks, 2 patios, stairs, steps, and walkways, construct a retaining wall, and reconfiguring of the driveway.

7. Post-construction the woodland buffer shall be restored with native plantings to maintain 25% unaltered vegetation between 50 and 150 feet from the reference line.

8. The waiver request submitted demonstrates that strict compliance with RSA 483-B:9, section waived will not provide material benefit to the public and will have no material adverse effect on the environment or the natural resources of the state, and therefore, the requirements for a waiver in accordance with RSA 483-B:9, V, (i) have been met.

9. The waiver request submitted for RSA 483-B:9, section waived is sufficient to demonstrate that the waiver is necessary to accommodate the individual's disability and therefore, the requirements for a waiver in accordance with RSA 483-B:9, V, (i) have been met.

2020-00494 OWNER: GLENNEY, SUSAN

CITY: NEW DURHAM WATERBODY: MERRYMEETING LAKE

Requested Action:

Impact 3,825 square feet of protected shoreland in order to remove a shed, to construct 2 additions to the primary structure, reconstruct patio with pervious materials, construct a retaining wall, and install a septic system.

APPROVE PERMIT

Impact 3,825 square feet of protected shoreland in order to remove a shed, to construct 2 additions to the primary structure, reconstruct patio with pervious materials, construct a retaining wall, and install a septic system.

With Conditions:

All work shall be in accordance with plans by Jones & Beach Engineers, Inc. dated July 11, 2019 and revised on May 1, 2020 as received by the NH Department of Environmental Services (NHDES) on May 7, 2020.

The proposed foundations for the additions shall not be constructed until any approval as may be required under RSA 485-A and Rules Env-Wq 1000 is obtained from NHDES Subsurface Systems Bureau.

Orange construction fencing shall be installed at the limits of the temporary impact area as shown on the approved plans prior to the start of work and shall be maintained throughout the project in order to prevent accidental encroachment into areas in which impacts have not been approved.

No more than 19.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from NHDES.

Native vegetation within an area of at least 2,544 square feet within the Woodland Buffer located between 50 and 150 feet landward of the reference line shall be retained in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).

Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.

Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Wq 1700.

Any fill used shall be clean sand, gravel, rock, or other suitable material.

All pervious technologies used shall be installed and maintained to effectively absorb and infiltrate stormwater.

Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

The individual responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

This permit shall not be interpreted as acceptance or approval of any impact that will occur within wetlands jurisdiction regulated under RSA 482-A including all wetlands, surface waters and their banks, the tidal-buffer zone, and sand dunes.

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The owner is responsible for maintaining compliance with RSA 482-A and Administrative Rules Env-Wt 100 - 900 and obtaining any Wetland Impact Permit that may be required prior to construction, excavation or fill that will occur within Wetlands jurisdiction.

This permit shall not preclude NHDES from taking any enforcement or revocation action if NHDES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2020-00528 OWNER: PAPE, CHRISTOPHER

CITY: WOLFEBORO WATERBODY: LAKE WINNIPESAUKEE

Requested Action:

Impact 5,690 square feet of protected shoreland in order to relocate a shed, reconstruct a retaining wall, construct 2 retaining walls with steps, construct pervious walkway and patio, with regrading and landscaping.

APPROVE PERMIT

Impact 5,690 square feet of protected shoreland in order to relocate a shed, reconstruct a retaining wall, construct 2 retaining walls with steps, construct pervious walkway and patio, with regrading and landscaping.

With Conditions:

All work shall be in accordance with plans by Fox Survey Company dated February 2020 and revised as received by the NH Department of Environmental Services (NHDES) on April 30, 2020.

Neither the new primary structure nor the proposed septic system may be constructed until the system is approved by the NHDES Subsurface Systems Bureau.

Orange construction fencing shall be installed at the limits of the temporary impact area as shown on the approved plans prior to the start of work and shall be maintained throughout the project in order to prevent accidental encroachment into areas in which impacts have not been approved.

No more than 16.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from NHDES.

Native vegetation within an area of at least 4,750 square feet within the Woodland Buffer located between 50 and 150 feet landward of the reference line shall be retained in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).

Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.

Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Wq 1700.

Any fill used shall be clean sand, gravel, rock, or other suitable material.

All pervious technologies used shall be installed and maintained to effectively absorb and infiltrate stormwater.

Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

The individual responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

This permit shall not be interpreted as acceptance or approval of any impact that will occur within wetlands jurisdiction regulated under RSA 482-A including all wetlands, surface waters and their banks, the tidal-buffer zone, and sand dunes.

The owner is responsible for maintaining compliance with RSA 482-A and Administrative Rules Env-Wt 100 - 900 and obtaining any Wetland Impact Permit that may be required prior to construction, excavation or fill that will occur within Wetlands jurisdiction.

This permit shall not preclude NHDES from taking any enforcement or revocation action if NHDES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

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2020-00630 OWNER: GRANITE ROOTS CONSTRUCTION LLC

CITY: WEBSTER WATERBODY: BLACK WATER RIVER

Requested Action:

Impact 17,000 square feet to construct a primary structure with attached garage, expand the driveway, and install the septic system.

APPROVE PERMIT

Impact 17,000 square feet to construct a primary structure with attached garage, expand the driveway, and install the septic system.

With Conditions:

All work shall be in accordance with plans by Granite Roots Construction LLC dated February 12, 2020 and revised on April 30, 2020 as received by the NH Department of Environmental Services (NHDES) on May 1, 2020.

Neither the new primary structure nor the proposed septic system may be constructed until the system is approved by the NHDES Subsurface Systems Bureau.

Per the direction of the NH Fish & Game maintain a minimum 50 feet no-cut wooded riparian buffer to preserve the travel corridor habitat of the wood turtle adjacent to the Blackwater River.

The use of erosion control netting, whether welded plastic or biodegradable, is prohibited.

Orange construction fencing shall be installed at the limits of the temporary impact area as shown on the approved plans prior to the start of work and shall be maintained throughout the project in order to prevent accidental encroachment into areas in which impacts have not been approved.

No more than 8.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from NHDES.

Native vegetation within an area of at least 7,145 square feet within the Woodland Buffer located between 50 and 150 feet landward of the reference line shall be retained in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).

Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.

Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Wq 1700.

Any fill used shall be clean sand, gravel, rock, or other suitable material.

Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

The individual responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

This permit shall not be interpreted as acceptance or approval of any impact that will occur within wetlands jurisdiction regulated under RSA 482-A including all wetlands, surface waters and their banks, the tidal-buffer zone, and sand dunes.

The owner is responsible for maintaining compliance with RSA 482-A and Administrative Rules Env-Wt 100 - 900 and obtaining any Wetland Impact Permit that may be required prior to construction, excavation or fill that will occur within Wetlands jurisdiction.

This permit shall not preclude NHDES from taking any enforcement or revocation action if NHDES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

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PERMIT CATEGORY: SHORELAND PBN

2015-01117 OWNER: HAGGAR, RANDY

CITY: FREEDOM WATERBODY: OSSIPEE LAKE

Requested Action:

Request permit time extension to impact 784 sq. ft. to remove the existing 441 sq. ft. garage and construct a new 784 sq. ft. garage with

APPROVE TIME EXTENSION

Impact 784 sq. ft. to remove the existing 441 sq. ft. garage and construct a new 784 sq. ft. garage with

With Findings:

- 1. The owner, authorized agent or applicant certifies that this permit qualifies for a permit extension in accordance with RSA 483-B:5-b, VI and Env-Wq 1406.19.
- 2. This permit has been extended in accordance with RSA 483-B:5-b, VI and Env-Wq 1406.19.

PERMIT CATEGORY: SEASONAL DOCK SPN

2020-00885 OWNER: WAGNER FAMILY LIVING TRUST, C/O TRACY NASON-WAGNER

CITY: SWANZEY WATERBODY: SWANZEY LAKE

Requested Action:

Install a seasonal pier not to exceed 6 foot x 30 foot on frontage along Swanzeay Lake in Swanzeay.

COMPLETE NOTIFICATION

Install a seasonal pier not to exceed 6 foot x 30 foot on frontage along Swanzeay Lake in Swanzeay.

PERMIT CATEGORY: FORESTRY SPN

2020-00900 OWNER: SHEA, MARY

CITY: CONWAY WATERBODY: Unnamed Stream

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COMPLETE NOTIFICATION
CONWAY; TAX MAP# 203; LOT# 119

2020-00926 **OWNER: CLARKE, DONALD**

CITY: CLAREMONT WATERBODY: Unnamed Stream

COMPLETE NOTIFICATION
CLAREMONT; TAX MAP# 169; LOT# 1

2020-00927 **OWNER: YEATON, MICHAEL & MARJORIE**

CITY: EPSOM WATERBODY: Unnamed Stream

COMPLETE NOTIFICATION
EPSOM; TAX MAP# R6; LOT(S)# 3,4

2020-00958 **OWNER: HOMESTEAD TRUST II**

CITY: OSSIPEE WATERBODY: Unnamed Stream

COMPLETE NOTIFICATION
OSSIPEE; TAX MAP# 227; LOT# 30

2020-00959 **OWNER: SMITH, HELEN**

CITY: SURRY WATERBODY: Unnamed Stream

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COMPLETE NOTIFICATION
SURRY; TAX MAP# 4A; LOT(S)# 14,15,22,23,7

2020-00963 OWNER: GREEN ACRES WOODLANDS INC

CITY: HILL WATERBODY: Unnamed Stream

COMPLETE NOTIFICATION
TAX MAP(S)# R13/R14; LOT(S)# 28/7,9,10

2020-00964 OWNER: GREEN ACRES WOODLANDS INC

CITY: ANDOVER WATERBODY: Unnamed Stream

COMPLETE NOTIFICATION
ANDOVER; TAX MAP(S)# 24/31; LOT(S)# 356/296; BLOCK(S)# 006/100

PERMIT CATEGORY: TRAILS SPN

2020-00901 OWNER: WENTWORTH WATERSHED ASSOCIATION

CITY: WOLFEBORO WATERBODY: Unnamed Stream

COMPLETE NOTIFICATION
Install bridge and walkway.

2020-00902 OWNER: MERRICK TRAILS LLC

CITY: DURHAM WATERBODY: Unnamed Stream

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COMPLETE NOTIFICATION
Replace bog bridges.

PERMIT CATEGORY: RR1: CULVERT REPLACEMENT OR REPAIR

2020-00939 OWNER: TOWN OF ALTON

CITY: ALTON WATERBODY: Unnamed Stream

COMPLETE REGISTRATION
RR-1: Replacement of a 15 inch diameter culvert.

2020-00940 OWNER: TOWN OF ALTON

CITY: ALTON WATERBODY: Unnamed Stream

COMPLETE REGISTRATION
RR1: Replace a 15 inch diameter culvert.

PERMIT CATEGORY: RR2: CULVERT EXTENSION

2020-00897 OWNER: NHDOT DISTRICT 4

CITY: HILLSBOROUGH WATERBODY: Unnamed Stream

COMPLETE NOTIFICATION
RR2: Culvert Extension

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2020-00898 OWNER: NHDOT DISTRICT 4

CITY: HILLSBOROUGH WATERBODY: Unnamed Stream

COMPLETE NOTIFICATION
RR2: Culvert Extension.

PERMIT CATEGORY: EXP - STANDARD TIMELINE

2020-00680 OWNER: NH DEPT OF TRANSPORTATION

CITY: MANCHESTER WATERBODY: Unnamed Stream

Requested Action:

The NH Dept. of Transportation is proposing to replace an existing water line that crosses a tier 2 perennial stream with a drainage area of 333 acres at the impact area. This water line begins at Groveland Avenue, crosses through a disturbed forested corridor, crosses the stream and then connects to the existing patrol shed located on the NHDOT owned lot. This project will require 193 square feet of temporary impact, with 89 square feet of impact being to the stream bed, and 104 square feet of impact being to adjacent wetland. a 12 foot wide trench will be dug to install the water line, resulting in 36 linear feet of impact to the perennial stream bed and both banks. The stream is approximately 7 feet wide at the area of impact.

Conservation Commission/Staff Comments:

Email to NHDOT and agent on 4/17/20 indicating Standard review timeframe due to lack of Con Com signature

APPROVE PERMIT

Dredge and fill a total of 89 square feet/36 linear feet of impacts to the bed and bank of an unnamed perennial stream and 193 square feet of palustrine forested wetland, to replace an existing water line between Groveland Avenue connecting to the existing NHDOT patrol shed.

With Conditions:

1. In accordance with Env-Wt 307.16, all work shall be done in accordance with the approved plans titled Manchester Patrol Shed dated January 16, 2020, by Smith, Alvarez, and Sienkiewicz, as received by the NH Department of Environmental Services (NHDES) on April 03, 2020.
2. All dredging activities shall meet all of the conditions listed in Rule Env-Wt 307.10(a) through (n).
3. In accordance with Env-Wt 307.03(a), no activity shall be conducted in such a way as to cause or contribute to any violation of surface water quality standards specified in RSA 485-A:8 or Env-Wq 1700; ambient groundwater quality standards established under RSA 485-C; limitations on activities in a sanitary protective area established under Env-Dw 302.10 or Env-Dw 305.10; or any provision of RSA 485-A, Env-Wq 1000, RSA 483-B, or Env-Wq 1400 that protects water quality.
4. In accordance with Env-Wt 307.03(c)(1), water quality control measures shall be selected and implemented based on the size and nature of the project and the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to jurisdictional areas.
5. In accordance with Env-Wt 307.03(c)(2), water quality control measures shall be comprised of wildlife-friendly erosion control materials if erosion control blankets are utilized; a protected species or habitat has been documented; the proposed

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work is in or adjacent to a priority resource area (PRA); if specifically requested by Natural Heritage Bureau of the NH DNCR (NHB) or NH Fish and Game Department (NHF&G); or any if combination of the above conditions apply.

6. In accordance with Env-Wt 307.03(c)(3), water quality control measures shall be installed prior to start of work and in accordance with the manufacturer's recommended specifications or, if none, the applicable requirements of Env-Wq 1506 or Env-Wq 1508.
7. In accordance with Env-Wt 307.03(c)(4), water quality control measures shall be capable of minimizing erosion; collecting sediment and suspended and floating materials; and filtering fine sediment.
8. In accordance with Env-Wt 307.10(g), subject to Env-Wt 307.10(h), in non-tidal waters, no dredging shall occur between October 1 and March 31 for any fish migration or larval settling area of cold water fish; or in March or April for any area that is habitat for rainbow smelt.
9. In accordance with Env-Wt 307.10(i), dredging shall not disturb contaminated sediment unless dredging of such sediment is specifically identified in the application, and implemented with such protective conditions as are necessary to ensure that the contaminated sediment is properly managed.
10. In accordance with Env-Wt 307.03(f)(1), a cofferdam or other turbidity control shall be used to enclose a dredging project conducted in or along the shoreline of a bog, marsh, lake, pond, stream, river, creek, or any other surface water, provided that a coffer dam shall not be installed during periods of high flow.
11. In accordance with Env-Wt 307.10(c), turbidity controls shall be installed prior to construction and maintained during construction such that no turbidity escapes the immediate dredge area; and remain in place until suspended particles have settled and water at the work site has returned to normal clarity.
12. In accordance with Env-Wt 307.10(f), dredged materials to be stockpiled in uplands shall be dewatered in sedimentation basins that are contained within turbidity controls that prevent turbid water from leaving the basins; and located outside of any jurisdictional area.
13. In accordance with Env-Wt 307.10(d), dredged materials shall be disposed of out of jurisdictional areas, unless other disposition is specifically permitted pursuant to Env-Wt 307.10(e).
14. In accordance with Env-Wt 307.05(b), equipment to be used in surface waters shall be completely free of all aquatic and terrestrial invasive plants and all exotic aquatic species of wildlife as defined in RSA 487:16, I-a.
15. In accordance with Env-Wt 307.05(e), to prevent the use of soil or seed stock containing nuisance or invasive species, the contractor responsible for work shall follow Best Management Practices for the Control of Invasive and Noxious Plant Species (Invasive Plant BMPs).
16. In accordance with Env-Wt 307.12(a), within 3 days of final grading or temporary suspension of work in an area that is in or adjacent to surface waters, all exposed soil areas shall be stabilized by seeding and mulching, if during the growing season; or mulching with tackifiers on slopes less than 3:1 or netting and pinning on slopes steeper than 3:1 if not within the growing season.
17. In accordance with Env-Wt 307.12(b), upon completion of construction, all disturbed wetland areas shall be stabilized with wetland seed mix containing non-invasive plant species only.
18. In accordance with Env-Wt 307.12 (c) any seed mix used shall not contain plant species that are exotic aquatic weeds.
19. In accordance with Env-Wt 307.12(d), mulch used within an area being restored shall be natural straw or equivalent non-toxic, non-seed-bearing organic material.
20. In accordance with Env-Wt 307.12(e), wetland soils from areas vegetated with purple loosestrife or other invasive plant species shall not be used in the area being restored.
21. In accordance with Env-Wt 307.12(f), if any temporary impact area that is stabilized with seeding or plantings does not have at least 75% successful establishment of wetlands vegetation after 2 growing seasons, the area shall be replanted or reseeded, as applicable.
22. In accordance with Env-Wt 307.12(g), a temporary impact area restored by seeding or plantings shall not be deemed successful if the area is invaded by nuisance species such as common reed or purple loosestrife during the first full growing season following the completion of construction; and a remediation plan shall be submitted to the department that proposes measures to be taken to eradicate nuisance species during this same period.
23. In accordance with Env-Wt 307.12(h), any trees cut in an area of authorized temporary impacts shall be cut at ground level with the shrub and tree roots left intact, to prevent disruption to the wetland soil structure and to allow stump sprouts to revegetate the work area.
24. In accordance with Env-Wt 307.12(i), wetland areas where permanent impacts are not authorized shall be restored to their pre-impact conditions and elevation by replacing the removed soil and vegetation in their pre-construction location and elevation such that post-construction soil layering and vegetation schemes are as close as practicable to pre-construction conditions.
25. All work shall be conducted and maintained in such a way as to protect water quality as required by Rule Env-Wt 307.03(a) through (h).
26. In accordance with Env-Wt 307.03(d), any sediment collected by water quality control measures shall be removed with sufficient frequency to prevent the discharge of sediment; and (2) Placed in an upland location in a manner that prevents its erosion into a surface water or wetland.
27. In accordance with Env-Wt 307.03(e), all exposed soils and other fills shall be permanently stabilized within 3 days following final grading.

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With Findings:

1. Per Rule Env-Wt 306.05, the applicant has addressed all of the required planning items that are used to determine the appropriate impact classification of a project and the type of approval required.
2. This is classified as a minimum impact project per Rule Env-Wt 521.06(a), A utility project shall be a minimum impact project if: (1) The project meets all applicable Utility BMPs, available as noted in Appendix B, and will have temporary impacts associated with inspection, maintenance, repair, replacement, or removal of existing utility facilities within existing rights-of-way.
3. The project is not located in an existing rights-of-way.
4. The applicant submitted a waiver request. The applicant indicates the project meets the requirements for a minimum impact project except the project is not located in a rights-of-way. The applicant is requesting a waiver of this section of Env-Wt 521.06(a)(1) requiring minimum impact utility projects to be located in a right-of-way. Per Rule Env-Wt 204.05(a), the department has granted a waiver to the requirement established in Rule Env-Wt 521.06(a)(1) that will not extend the duration of the wetlands permit. Granting the waiver will not result in an avoidable adverse impact on the environment or natural resources of the state, including but not limited to jurisdictional areas and protected species or habitat and any benefit to the public or the environment from complying with the rule is outweighed by the operational or economic costs to the applicant. The project has been designed to meet all other requirements to be classified as a minimum impact and to be eligible for a PBN.
5. The application included a letter from the NH Natural Heritage Bureau stating that although there is a NHB record present in the vicinity they do not expect that it will be impacted by the proposed project.

PERMIT CATEGORY: SMALL MOTOR MINERAL DREDGE

2020-00905 OWNER: PERRON, KEVIN

CITY: (ALL TOWNS) WATERBODY: Unnamed Stream

APPROVE PERMIT
100 MERIDEN HILL RD, COLUMBIUA,, LYMAN BROOK

2020-00928 OWNER: ROY, KRISTINA

CITY: (ALL TOWNS) WATERBODY: Unnamed Stream

APPROVE PERMIT
71 WILD AMMONOOSUC RD, BATH, WILD AMMONOOSUC RIVER

2020-00932 OWNER: ROY, CHADWICK

CITY: (ALL TOWNS) WATERBODY: Unnamed Stream

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APPROVE PERMIT
71 WILD AMMONOOSUC RD, BATH, WILD AMMONOOSUC RIVER

PERMIT CATEGORY: WETLAND PBN

2020-00893 OWNER: TRAVERS, SUE

CITY: BARNSTEAD WATERBODY: LOCKE LAKE

Requested Action:

Temporarily impact 265 square feet along 67 linear feet of bank in order to repair and existing retaining wall on 116 linear feet of frontage along Locke Lake in Barnstead.

PBN IS COMPLETE

Temporarily impact 265 square feet along 67 linear feet of bank in order to repair and existing retaining wall on 116 linear feet of frontage along Locke Lake in Barnstead.

With Conditions:

All work shall be in accordance with plans by Stoney Ridge Environmental LLC dated April 24, 2020, as received by the NH Department of Environmental Services (NHDES) on May 7, 2020 as required pursuant to Env-Wt 307.16.

Repair of the existing retaining wall shall be conducted in the dry and shall result in no change in height, length, location, or configuration in accordance with 514.07(a).

Pursuant to RSA 483-B:9,V, (a)(2)(d)(v), this permit does not authorize the removal of trees or saplings within the waterfront buffer that would result in a tree and sapling point score below the minimum required per RSA 483-B:9, V, (a)(2)(D)(iv).

All development activities associated with any project shall be conducted in compliance with applicable requirements of RSA 483-B and Env-Wq 1400 during and after construction as required pursuant to RSA 483-B:3.

Work shall be carried out in a time and manner such that there are no discharges in or to fish or shellfish spawning or nursery areas during spawning seasons as required pursuant to Env-Wt 307.04. Impacts to such areas shall be avoided or minimized to the maximum extent practicable during all other times of the year.

Work shall be carried out in a time and manner to avoid disturbances to migratory waterfowl breeding and nesting areas as required pursuant to Env-Wt 307.04. Impacts to such areas shall be avoided or minimized to the maximum extent practicable during all other times of the year.

Water quality control measures capable of minimizing erosion; collecting sediment and suspended and floating materials; and filtering fine sediment shall be selected and implemented as appropriate based on the size and nature of the project and the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to jurisdictional areas as required pursuant to Env-Wt 307.03(c).

Water quality control measures shall be installed prior to start of work and in accordance with the manufacturer's recommended specifications or, if none, the applicable requirements of Env-Wq 1506 or Env-Wq 1508, shall be maintained so as to ensure continued effectiveness in minimizing erosion and retaining sediment on-site during and after construction, and removed upon completion of work and the effective stabilization of disturbed surfaces as required pursuant to Env-Wt 307.03(c).

All dredged and excavated material and construction-related debris shall be placed outside of those areas subject to RSA 482-A or RSA-483-B unless a permit for for the deposition of materials within those areas has been obtained as required per RSA 482-A:3 or RSA 483-B:5-b respectively.

No activity shall be conducted in such a way as to cause or contribute to any violation of surface water quality standards specified in RSA 485-A:8 or Env-Wq 1700; ambient groundwater quality standards established under RSA 485-C; limitations

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on activities in a sanitary protective area established under Env-Dw 302.10 or Env-Dw 305.10; or any provision of RSA 485-A, Env-Wq 1000, RSA 483-B, or Env-Wq 1400 that protects water quality as required pursuant to Env-Wt 307.03(a). Pursuant to RSA 482-A:14, RSA 482-A:14-b, and RSA 482-A:14-c, NHDES is authorized to take appropriate compliance actions should it be determined that, based upon additional information which becomes available, any of the structures depicted as "existing" on the plans submitted by or on behalf of the permittee were not previously permitted or grandfathered.

With Findings:

The project is classified as a minimum impact per Administrative Rule Env-Wt 514.07(a)(3), repair of the existing retaining wall conducted in the dry and results in no change in height, length, location, or configuration. wall.