The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

Thomas S. Burack, Commissioner

August 10, 2016

Matt Urban
NH Dept. of Transportation
PO Box 483
Concord, NH 03302-0483

RE: NH Dept. of Transportation- - File # 2016-01493 - Stewartstown Route 145

Dear Mr. Urban:

The Department of Environmental Services (DES) Wetlands Bureau has concluded its review of file 2016-01493. DES issues this approval notice for the application to: Replace bridge on NH Route 145 over Bishop Brook, widening the span from 36 ft. to 50 ft., replace a culvert with a 24 in. culvert and construct swales to treat stormwater impacting 9,605 sq. ft. (4,185 sq. ft. temporary) of riverine and palustrine wetlands. NHDOT project #16312

Compensatory mitigation includes a one-time payment of $22,800.00 to the Aquatic Resource Mitigation Fund. The application has been deemed eligible for payment into the Aquatic Resource Mitigation fund as the form of compensatory mitigation.. The application has been deemed eligible for payment into the Aquatic Resource Mitigation fund as the form of compensatory mitigation.

The decision to approve this application was based on the following conditions being met:
1. All work shall be in accordance with plans by NHDOT Bureau of Bridge Design dated 11/15, 23-MAY-16, and 3-MAY-16 as received by the Department on May 26, 2016.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction unless specifically allowed.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Construction equipment shall not be located within surface waters.
5. 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; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
6. 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.
7. 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.

DES Web site: **www.des.nh.gov**
P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095
Telephone: (603) 271-3503 • Fax: (603) 271-2982 • TDD Access: Relay NH 1-800-735-2964

8. The contractor 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).
9. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
10. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. Work shall be done during low flow.
13. This approval is not valid until DES receives a one-time payment of $22,800.00 to the DES Aquatic Resource Mitigation (ARM) Fund.
The applicant shall remit payment to DES. If DES does not receive payment within 120 days of the date of this approval letter, DES will deny the application.

The decision to approve this application was based on the following findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(p), replacement of a tier 3 stream crossing.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. 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.
4. 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. Although there were some Natural Heritage Bureau records it was determined that none are within the limits of the work area.
6. The project was discussed and coordinated through discussions on May 20, 2015, October 21, 2015 and March 16, 2016 at the monthly Natural Resource Agency Meeting held at the NH Dept. of Transportation.

Mitigation Findings:

7. The applicant has reviewed on-site options for mitigation and the department has determined that this project is acceptable for payment to the Aquatic Resource Mitigation (ARM) Fund.
8. The payment calculated for the proposed wetland loss equals $22,800.00.
9. 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).

Any person aggrieved by this decision may appeal to the N.H. Wetlands Council ("Council") by filing an appeal that meets the requirements specified in RSA 482-A:10, RSA 21-O:14, and the rules adopted by the Council, Env-WtC 100-200. The appeal must be filed **directly with the Council within 30 days** of the date of this decision and 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.

Information about the Council, including a link to the Council's rules, is available at <http://nhec.nh.gov/> (or more directly at <http://nhec.nh.gov/wetlands/index.htm>.) Copies of the rules also are available from the DES Public Information Center at (603) 271-2975.

This permit is contingent on receipt of a one time payment of $22,800.00 dollars to the DES Aquatic Resource Mitigation (ARM) Fund. **The payment should be received after the 30-day reconsideration period or after September 9, 2016. If the payment is not received by DES by December 8, 2016 or 120 days from the approval decision, DES will deny the application. Please include a copy of this letter with the payment.**

If you have any questions please contact me at (603) 271-4059 or via e-mail, lori.sommer@des.nh.gov.

Sincerely,

Gino Infascelli

Gino Infascelli
Public Works Supervisor
DES Wetlands Bureau

cc: Stewartstown Conservation Commission
Stewartstown Board of Selectmen
Stewartstown Municipal Clerk