# STATE OF NEW HAMPSHIRE
# INTRA-DEPARTMENT COMMUNICATION

**FROM** Matt Urban
Wetlands Program Manager

**DATE** October 5, 2016
**AT (OFFICE)** Bureau of Environment

**SUBJECT** Wetland Bureau Permit # 2016-00603
Seabrook/Hampton Falls/Hampton, 40424

**TO** Tobey Reynolds, Bureau of Highway Design

Forwarded herewith, for your files and further use as appropriate, is a copy of the subject permit as approved by the Wetlands Bureau and the Water Division on 08/08/2016.

**Please note specific conditions on permit.**

TERRAIN ALTERATION
Note that the non-site specific permit (RSA 485-A: 17 "Terrain Alteration") is part of this Wetlands Bureau Permit.

WATER QUALITY CERTIFICATION
☒ This permit covers the project's consideration for Water Quality protection and no further action is required by this office.
☐ This permit does not cover the Water Quality protection for this project. However, a Water Quality Permit will be obtained for this project.

CORPS PERMIT STATUS
☐ No Corps Jurisdiction
☐ SPGP (Minimum Impact) - No waiting period; no Corps approval required
☐ SPGP (Minor Impact)-Wait 30 days from NHWB issuance date; no written approval from Corps required
☒ SPGP (Major Impact)-Wait 30 days from NHWB issuance date; written approval from Corps required
☐ Emergency - No waiting period; No written approval from Corps required
☐ Amendment - No waiting period; No written approval from Corps required
☐ Corps Individual Permit Required

COASTAL ZONE MANAGEMENT (CZM) STATUS
☐ Outside of Coastal Zone-consistency finding not necessary from OSP
☐ Within Coastal Zone (Non-Federal Action)-consistency finding not necessary form OSP
☒ Within Coastal Zone (Federal Action)-if covered by SPGP, or no Corps' jurisdiction, consistency finding is automatic from OSP
☐ Within Coastal Zone (Federal Action)-if individual Corps permit, written consistency finding is necessary from OSP

EROSION CONTROL PLAN STATUS
☐ Erosion Control Plan Required; Submit Erosion Control Plan to DES Wetlands Bureau

If you have any questions, please call 271-3226.

MRU:sel
Encl.

cc:
BOE Original
Darrel Elliott, Environmental Coordinator (Via Electronic Notification)
Meli Dube, Environmental Manager (Via Electronic Notification)
Kathleen Corliss, Bureau of Highway Design (Via Electronic Notification)
Lysa Bennett-Crouch, Bureau of Highway Design (Via Electronic Notification)

The State of New Hampshire

**DEPARTMENT OF ENVIRONMENTAL SERVICES**

**Thomas S. Burack, Commissioner**

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**WETLANDS AND NON-SITE SPECIFIC PERMIT 2016-00603**

**Permittee:** **NH Dept. of Transportation**
**PO Box 483**
**Concord, NH 03302-0483**

**Project Location:** **US Route 1, Hampton**
**Hampton Tax Map/Lot No. 189, 202-204 /**

**Waterbody:** **Taylor, Hampton Falls & Drakes Rivers & Landing Br**

NOTE--
CONDITIONS

**APPROVAL DATE: 08/08/2016** **EXPIRATION DATE: 08/08/2021**

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Based upon review of the above referenced application, in accordance with RSA 482-A and RSA 485-A:17, a Wetlands Permit and Non-Site Specific Permit was issued. This permit shall not be considered valid unless signed as specified below.

**PERMIT DESCRIPTION:** Rehabilitate pavement, bridge deck maintenance and joint repairs; guardrail upgrades; slope stabilization for a single slope failure; and one 60 inch culvert with an inlet headwall repair and outlet headwall replacement impacting 19,880 sq. ft. (17,752 sq. ft. temporary) of estuarine, riverine and palustrine wetlands and 344,920 sq. ft. (330,530 sq. ft. temporary) of buffer zones. **NHDOT project #40424**

Mitigation for the proposed impacts is through a payment into the Aquatic Resource Mitigation Fund.

**THIS APPROVAL IS SUBJECT TO THE FOLLOWING PROJECT SPECIFIC CONDITIONS:**

1. All work shall be in accordance with plans by NHDOT Bureau of Highway Design, dated July 2016 as received by the NH Department of Environmental Services (DES) on August 1, 2016.
2. This approval is not valid until DES receives a one-time payment of $20,545.07 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.
3. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site, at the NHDES Office in Concord, N.H. or other mutually agreed upon location to review the conditions of this wetlands permit.
4. It shall be the responsibility of the permittee to schedule and coordinate the pre-construction meeting providing at least 5-day notice to the NHDES Wetlands Bureau and / or other Land Resources Management Program staff, and the meeting shall be attended by the permittee, the contract administrator(s), wetlands scientist(s), erosion control monitor, and the contractor(s) responsible for performing the work.
6. Construction monitoring reports shall be provided to the Wetlands Bureau file.
5. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
7. Construction equipment shall not be located within surface waters.
8. 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 ft, of undisturbed vegetated buffer.
9. 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.

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NH DEPARTMENT OF TRANSPORTATION

10. 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.
11. 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.
12. 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).
13. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be re-vegetated as quickly as possible.
14. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
15. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
16. The impacts associated with the temporary work shall be restored immediately following construction.
17. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
18. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
19. Temporary cofferdams shall be entirely removed immediately following construction.
20. Conservation Commissions shall be notified in writing of the beginning and end of the project.
21. No work shall be conducted in tidal water between April 15 and June 30.
22. The NHDOT shall commit to the recommendations provided by the Natural Heritage Bureau.
23. Prior to commencing work the NHDOT shall submit to the file the subsequent coordination e-mail / commitments with the Natural Heritage Bureau and shall adhere to those commitments.

**GENERAL CONDITIONS THAT APPLY TO ALL DES WETLANDS PERMITS:**

1. A copy of this permit shall be posted on site during construction in a prominent location visible to inspecting personnel;
2. This permit does not convey a property right, nor authorize any injury to property of others, nor invasion of rights of others;
3. The Wetlands Bureau shall be notified upon completion of work;
4. This permit does not relieve the applicant from the obligation to obtain other local, state or federal permits, and/or consult with other agencies as may be required (including US EPA, US Army Corps of Engineers, NH Department of Transportation, NH Division of Historical Resources (NH Department of Cultural Resources), NHDES-Alteration of Terrain, etc.);
5. Transfer of this permit to a new owner shall require notification to and approval by DES;
6. This project has been screened for potential impacts to **known** occurrences of rare species and exemplary natural communities in the immediate area. Since many areas have never been surveyed, or have received only cursory inventories, unidentified sensitive species or communities may be present. This permit does not absolve the permittee from due diligence in regard to state, local or federal laws regarding such communities or species.

Conditions Cont'd

7. Review enclosed sheet for status of the US Army Corps of Engineers' federal wetlands permit.

APPROVED: _____
for Gino Infascelli
DES Wetlands Bureau

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**BY SIGNING BELOW I HEREBY CERTIFY THAT I HAVE FULLY READ THIS PERMIT AND AGREE TO ABIDE BY ALL PERMIT CONDITIONS.**

_____ _____
OWNER'S SIGNATURE (required) CONTRACTOR'S SIGNATURE (required)

The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

Thomas S. Burack, Commissioner

# NOTICE TO RECIPIENTS OF MAJOR IMPACT NH WETLANDS PERMITS

Your permit was approved by the New Hampshire Wetlands Bureau as a major impact project, and your project will be reviewed by the US Army Corps of Engineers for possible approval under the Army Corps New Hampshire State Programmatic General Permit – SPGP. The Army Corps will notify you within thirty (30) days as to whether you qualify.

********NO WORK SHOULD BE DONE IN WETLANDS UNTIL YOU RECEIVE THAT NOTICE*******

If you do not hear from the Army Corps within thirty (30) days, you should call them at 1-800-343-4789 (ME, NH, VT, CT, RI); 1-800-362-4367 (MA).

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cc: US Army Corps. of Engineers

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) 271-6588 • TDD Access: Relay NH 1-800-735-2964

# *NEW HAMPSHIRE*
# *DEPARTMENT OF STATE*

*I, David M. Scanlan,* Deputy Secretary Of State, of the State of New Hampshire, do hereby certify that the Governor and Executive Council, at their meeting on September 21, 2016 approved **ITEM** #60 the NH Department of Transportation's request to perform work on Taylor, Hampton Falls and Drakes Rivers and Landing Brook, in Hampton.

**In Testimony Whereof** , I hereto set my hand and cause to be affixed the Seal of the State of New Hampshire, this twenty-first day of September, in the year of Our Lord, two thousand and sixteen.

Deputy Secretary of State

The State of New Hampshire
**DEPARTMENT OF ENVIRONMENTAL SERVICES**

**Thomas S. Burack, Commissioner**

September 27, 2016

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NH DEPARTMENT OF
TRANSPORTATION

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

RE: New Hampshire Department of Environmental Services (NHDES)
Wetlands Bureau File #2016-00603, 40424, US ROUTE 1, HAMPTON

Dear Sir or Madam:

This letter confirms the receipt of $20,545.07 for the roadway improvement project (NHDOT Project #40424) for the sale of 0.05 credits to compensate for the following impacts to habitats in the Salmon Falls - Piscataqua Rivers watershed/service area. These impacts are authorized by NHDES and the Corps permits as follows:

| # of Credits | Wetland Type | Service Area |
|---|---|---|
| 0.05 | Tidal Buffer Zone Impacts (Estuarine-Subtidal Unconsolidated Bottom (E1UN) -permanent impacts | Salmon Falls - Piscataqua Rivers |

By making this payment, the Permittee permanently transfers responsibility for the mitigation liability to DES, Aquatic Resource Mitigation (ARM) Fund Program. By accepting the mitigation payment, DES is solely responsible for use of these funds, less an administrative fee, to provide compensatory mitigation for the above-described impacts.

Sincerely,
Melinda S. Bulen
for Lori L. Sommer
DES Wetland Mitigation Coordinator

ec: Ruth Ladd,USACOE (Ruth.M.Ladd@usace.army.mil)