



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

May 05, 2020

NH DEPT OF TRANSPORTATION
ANDREW O'SULLIVAN
PO BOX 483
CONCORD NH 03302-0483

Re: NHDES File #2018-03134
Subject Property: Various, Derry, Londonderry, Tax Map #ROW, Lot #ROW

Dear Mr. O'Sullivan:

The New Hampshire Department of Environmental Services (NHDES) Wetlands Bureau has concluded its review of file #2018-03134. NHDES issues this approval notice for the application to 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.

The decision to approve this application was based on the following conditions being met:

1. All work shall be done in accordance with plans by the State of New Hampshire Department of Transportation (NH DOT) 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.

www.des.nh.gov

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NHDES Main Line: (603) 271-3503 • Subsurface Fax: (603) 271-6683 • Wetlands Fax: (603) 271-6588
TDD Access: Relay NH 1 (800) 735-2964

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 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 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.

The decision to approve this application was based on the following 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 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 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.
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).

Any person aggrieved by this decision may appeal to the New Hampshire Wetlands Council (the 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 is available at <http://nhec.nh.gov/> or <http://nhec.nh.gov/wetlands/index.htm>. Copies of the rules are also available from the NHDES Public Information Center at (603) 271-2975.

This permit is contingent on receipt of a one-time payment of \$3,769,086.39 to the NHDES Aquatic Resource Mitigation (ARM) Fund. The payment should be received after the 30-day reconsideration period. If the payment is not received by NHDES by February 28, 2021, NHDES will deny the application. Please include a copy of this letter with the payment.

If you have any questions, please contact Karl Benedict at karl.benedict@des.nh.gov or (603) 271-4188.

Sincerely,

A handwritten signature in black ink, appearing to read 'Karl D. Benedict'.

Karl D. Benedict
Public Works Subsection Supervisor
Land Resources Management, Water Division

cc: Derry Municipal Clerk/Conservation Commission
Londonderry Municipal Clerk/Conservation Commission
Lee Carbonneau; Normandeau Associates, Inc.