



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

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KTN ✓  
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**Thomas S. Burack, Commissioner**

September 26, 2011

NH Dept of Transportation  
PO Box 483  
Concord, NH 03302

**RECEIVED**  
BUREAU OF ENVIRONMENT

**SEP 28 2011**

RE: File #2011-01646 - NH Dept of Transportation - Portsmouth  
Tax Map/Lot # ROW / ;

NH DEPARTMENT OF  
TRANSPORTATION


Dear Mr. Hood:

The Department of Environmental Services (DES) Wetlands Bureau has reviewed and approved the above referenced application to replace the Memorial Bridge and the Scott Avenue Bridge impacting 21,519 sq. ft. (5,294 sq. ft. temporary) of previously developed tidal buffer zone and estuarine wetlands. NHDOT project #13678F.

Interested parties may apply for reconsideration with respect to any matter determined in this action within 30 days (10/26/11) of the date of this notification. A motion for reconsideration must specify all grounds upon which future appeals may be based, and should include information not available to DES when the decision was made. The DES may grant reconsideration if, in its opinion, good reason is provided in the motion.

Because of the type and classification of this project, the application must also be approved by the Governor and Executive Council. Upon completion of the appeal period, a copy of the file will be forwarded to the Governor and Executive Council for their consideration.

Sincerely,

  
Collis G. Adams, CWS, CPESC  
Wetlands Bureau Administrator

CGA/bdc

Enclosure: copy of decision

cc: Portsmouth Conservation Commission  
Portsmouth Board of Selectmen  
McFarland Johnson

File #2011-01646 - NH Dept of Transportation - Portsmouth

DECISION DATE: 09/23/2011

DECISION:

Replace the Memorial Bridge and the Scott Avenue Bridge impacting 21,519 sq. ft. (5,294 sq. ft. temporary) of previously developed tidal buffer zone and estuarine wetlands. NHDOT project #13678F.

CONDITIONS:

1. All work shall be in accordance with plans by McFarland Johnson dated June 2011, received by the Department on July 12, 2011.
2. This permit is contingent upon the submission of a project specific stream diversion and erosion control plans to the DES Wetlands Bureau at least 10 working days in advance of the meeting to be held as required by permit condition #3. Those plans shall be complete and shall include details regarding the timing and method of stream flow diversion during construction, and shall show the temporary siltation, erosion and turbidity control measures to be implemented.
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 NHDOT Office in Concord, N.H. 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.
5. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
6. Construction equipment shall not be located within surface waters.
7. 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.
8. 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 the water at the work site has returned to normal clarity.
9. Within three days of final grading 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.
10. 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.
11. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.
12. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
13. Areas cleared of vegetation to be revegetated as quickly as possible.
14. There shall be no further alteration to wetlands, surface waters or tidal buffer zone 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. The manufactured stormwater treatment shall be inspected and maintained in accordance with the manufacturer's specifications by the owner.
18. This approval supersedes permit 2008-00203.
19. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

FINDINGS:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(a), projects in tidal wetlands.
2. The limited amount of work shown on the plan is intended to be the maximum amount of disturbance to the intertidal river.
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
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.
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.
7. The project will improve public safety.
8. Natural Resource Agency meetings were held at the NH Dept. of Transportation on September 21, 2005, May 16, 2007 and January 16, 2008 to coordinate the previously permitted project (2008-00203) which proposed only temporary impacts.
9. Since the low bidder for permit 2008-00203 was approximately \$15 Million over the engineering estimate, the applicant reviewed alternative options including a partial rehabilitation, a no build, awarding the contract as bid, or moving forward with a completely new structure which is the subject of the current application and approval.
10. Numerous Natural Resource Agency meetings were held at the NH Dept. of Transportation to discuss the project further during 2010 and 2011. The current application was filed in July 2011.
11. Pollutant loadings to impaired surface waters are not expected to increase as a result of this project due to no significant change in the area of impervious surfaces combined with installation of a hydrodynamic separator to treat stormwater.
12. Mitigation is not required per rule Env-Wt 302.03(b)(2) as the project protects existing infrastructure.
13. A letter dated August 11, 2011 from the Portsmouth Conservation Commission recommended approval of the proposed project.