GOVE ENVIRONMENTAL SERVICES, INC.

NH DES WETLANDS BUREAU
AFTER THE FACT
DREDGE & FILL APPLICATION
For
MARTHA B. MASIELLO REVOCABLE TRUST OF 2014

239 Gosport Road

Portsmouth, NH

February 22, 2021

Prepared By

Gove Environmental Services, Inc.
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NH DES Dredge & Fill Application Forms

STANDARD DREDGE AND FILL WETLANDS PERMIT APPLICATION

Water Division/Land Resources Management
Wetlands Bureau

Check the Status of your Application

RSA/Rule: RSA 482-A/Env-Wt 100-900

APPLICANT'S NAME: Masiello **TOWN NAME:** Portsmouth

Administrative Use Only	Administrative Use Only	Administrative Use Only	File No.:
			Check No.:
			Amount:
			Initials:

A person may request a waiver of the requirements in Rules Env-Wt 100-900 to accommodate situations where strict adherence to the requirements would not be in the best interest of the public or the environment but is still in compliance with RSA 482-A. A person may also request a waiver of the standards for existing dwellings over water pursuant to RSA 482-A:26, III(b). For more information, please consult the Waiver Request Form.

SECTION 1 - REQUIRED PLANNING FOR ALL PROJECTS (Env-Wt 306.05; RSA 482-A:3, I(d)(2))

Please use the Wetland Permit Planning Tool (WPPT), the Natural Heritage Bureau (NHB) DataCheck Tool, the Aquatic Restoration Mapper, or other sources to assist in identifying key features such as: priority resource areas (PRAs), protected species or habitats, coastal areas, designated rivers, or designated prime wetlands.

Has the required planning been completed?	☒ Yes ☐ No
Does the property contain a PRA? If yes, provide the following information:	☒ Yes ☐ No
• Does the project qualify for an Impact Classification Adjustment (e.g. NH Fish and Game Department (NHF&G) and NHB agreement for a classification downgrade) or a Project-Type Exception (e.g. Maintenance or Statutory Permit-by-Notification (SPN) project)? See Env-Wt 407.02 and Env-Wt 407.04.	☐ Yes ☒ No
• Protected species or habitat? o If yes, species or habitat name(s): Nat Community --salt marsh, tidal flat o NHB Project ID #: 20-3276	☒ Yes ☐ No
• Bog?	☐ Yes ☒ No
• Floodplain wetland contiguous to a tier 3 or higher watercourse?	☐ Yes ☒ No
• Designated prime wetland or duly-established 100-foot buffer?	☒ Yes ☐ No
• Sand dune, tidal wetland, tidal water, or undeveloped tidal buffer zone?	☒ Yes ☐ No
Is the property within a Designated River corridor? If yes, provide the following information: • Name of Local River Management Advisory Committee (LAC): • A copy of the application was sent to the LAC on Month: Day: Year:	☐ Yes ☒ No

For dredging projects, is the subject property contaminated? • If yes, list contaminant: N/A	☐ Yes ☐ No
Is there potential to impact impaired waters, class A waters, or outstanding resource waters?	☐ Yes ☐ No
For stream crossing projects, provide watershed size (see WPPT or Stream Stats): N/A	

SECTION 2 - PROJECT DESCRIPTION (Env-Wt 311.04(i))

Provide a **brief** description of the project and the purpose of the project, outlining the scope of work to be performed and whether impacts are temporary or permanent. DO NOT reply "See attached"; please use the space provided below.

This is an after the fact application for work in the tidal buffer associated with the expansion of a yard area behind an existing house. The lot was created by a subdivision approved in 1993 and the house was constructed in 2003. The rear yard was expanded by clearing trees and grading back to a stone retaining wall constructed at the limit of the expanded yard. A path was also constructed for access to the shoreline involving minor clearing of vegetation and placing of stones to define the edges. The path has a natural forester trail surface and was laid out so that runoff is not concentrated in a way that would contribute to erosion. This work was conducted between 2005 and 2008, prior to the applicant owning the property. And prior to adoption of the Prime Wetland that now exists in this location. The yard impacted 575 of Upland Tidal Buffer and the shoreline access path impacted 700 sf Upland Tidal Buffer (total of 1,275 SF). None of this area is impervious.

SECTION 3 - PROJECT LOCATION

Separate wetland permit applications must be submitted for each municipality within which wetland impacts occur.

ADDRESS: 239 Gosport Road

TOWN/CITY: Portsmouth

TAX MAP/BLOCK/LOT/UNIT: 224/10/10

US GEOLOGICAL SURVEY (USGS) TOPO MAP WATERBODY NAME: Sagamore Creek
☐ N/A

(Optional) LATITUDE/LONGITUDE in decimal degrees (to five decimal places): 43.04873° North
70.75190° West

SECTION 4 - APPLICANT (DESIRED PERMIT HOLDER) INFORMATION (Env-Wt 311.04(a))

If the applicant is a trust or a company, then complete with the trust or company information.

NAME: Martha B. Masiello Rev. Trust, Martha Masiello Tustee		
MAILING ADDRESS: 239 Gosport Road		
TOWN/CITY: Portsmouth	STATE: NH	ZIP CODE: 03801
EMAIL ADDRESS: MarthaM@siaa.net		
FAX:	PHONE:	

ELECTRONIC COMMUNICATION: By initialing here: , I hereby authorize NHDES to communicate all matters relative to this application electronically.

SECTION 5 - AUTHORIZED AGENT INFORMATION (Env-Wt 311.04(c))

☐ N/A

LAST NAME, FIRST NAME, M.I.: Brendan Quigley		
COMPANY NAME: Gove Environmental Services, Inc		
MAILING ADDRESS: 8 Continental Drive Bldg 2 Unit H		
TOWN/CITY: Exeter	STATE: NH	ZIP CODE: 03833
EMAIL ADDRESS: bquigley@gesinc.biz		
FAX:	PHONE: 6036860086	

ELECTRONIC COMMUNICATION: By initialing here , I hereby authorize NHDES to communicate all matters relative to this application electronically.

SECTION 6 - PROPERTY OWNER INFORMATION (IF DIFFERENT THAN APPLICANT) (Env-Wt 311.04(b))

If the owner is a trust or a company, then complete with the trust or company information.

☐ Same as applicant

NAME:		
MAILING ADDRESS:		
TOWN/CITY:	STATE:	ZIP CODE:
EMAIL ADDRESS:		
FAX:	PHONE:	

ELECTRONIC COMMUNICATION: By initialing here , I hereby authorize NHDES to communicate all matters relative to this application electronically.

SECTION 7 - RESOURCE-SPECIFIC CRITERIA ESTABLISHED IN Env-Wt 400, Env-Wt 500, Env-Wt 600, Env-Wt 700, OR Env-Wt 900 HAVE BEEN MET (Env-Wt 313.01(a)(3))

Describe how the resource-specific criteria have been met for each chapter listed above (please attach information about stream crossings, coastal resources, prime wetlands, or non-tidal wetlands and surface waters):
Coastal screening indicates the presence of salt marsh and tidal flat adjacent ty the site. Neither of these resources is impacted by the project. The 100 year floodplain lies at elevation 9 below all structures and grade changes. This is an after the fact permit application for impacts that occurred between 2005 and 2008, affecting several resource specific criteria as follows. The marsh was designated a Prime Wetland with an associated 100-foot buffer in 2011, after the impacts were carried out. Resource specific criteria related to prime wetlands therefore do not apply (pre application meeting 12/18/20). The impacts also occurred prior to the Undeveloped Tidal Buffer Zone Being designated as a Priority Resource Area therefore no mitigation is required for this project (confirmed via email correspondence S.Giallongo/L.Sommer 2/11/21). The minimum requirements associated with RSA 483-B:9, and incorporated into Env-Wt 600, are all met as demonstrated by the attached shoreland worksheet. However, since the work was conducted before 2008 no separate Shoreland application has been submitted.

Yard expansion has been limited to the outer 20 feet of the Upland Tidal Buffer and all areas have been vegetated and remain stable. The 6-foot wide shoreline access path has been constructed as a trail with a natural surface and avoided tree removal. All the improvements in the Tidal Buffer lie outside the limits of relevant predicted Sea Level Rise and above the limit of predicted saltmarsh migration. A portion of the 6-foot wide shoreline access path falls within thin the 100-year flood zone but no grading was conducted in this area.

SECTION 8 - AVOIDANCE AND MINIMIZATION

Impacts within wetland jurisdiction must be avoided to the maximum extent practicable (Env-Wt 313.03(a)).* Any project with unavoidable jurisdictional impacts must then be minimized as described in the Wetlands Best Management Practice Techniques For Avoidance and Minimization and the Wetlands Permitting: Avoidance, Minimization and Mitigation Fact Sheet. For minor or major projects, a functional assessment of all wetlands on the project site is required (Env-Wt 311.03(b)(10)).*

Please refer to the application checklist to ensure you have attached all documents related to avoidance and minimization, as well as functional assessment (where applicable). Use the Avoidance and Minimization Checklist, the Avoidance and Minimization Narrative, or your own avoidance and minimization narrative.

**See Env-Wt 311.03(b)(6) and Env-Wt 311.03(b)(10) for shoreline structure exemptions.*

SECTION 9 - MITIGATION REQUIREMENT (Env-Wt 311.02)

If unavoidable jurisdictional impacts require mitigation, a mitigation pre-application meeting must occur at least 30 days but not more than 90 days prior to submitting this Standard Dredge and Fill Permit Application.

Mitigation Pre-Application Meeting Date: Month: 12 Day: 18 Year: 2020

(☐ N/A - Mitigation is not required)

SECTION 10 - THE PROJECT MEETS COMPENSATORY MITIGATION REQUIREMENTS (Env-Wt 313.01(a)(1)c)

Confirm that you have submitted a compensatory mitigation proposal that meets the requirements of Env-Wt 800 for all permanent unavoidable impacts that will remain after avoidance and minimization techniques have been exercised to the maximum extent practicable: ☐ I confirm submittal.

(☒ N/A – Compensatory mitigation is not required)

SECTION 11 - IMPACT AREA (Env-Wt 311.04(g))

For each jurisdictional area that will be/has been impacted, provide square feet (SF) and, if applicable, linear feet (LF) of impact, and note whether the impact is after-the-fact (ATF; i.e., work was started or completed without a permit).

For intermittent and ephemeral streams, the linear footage of impact is measured along the thread of the channel. *Please note, installation of a stream crossing in an ephemeral stream may be undertaken without a permit per Rule Env-Wt 309.02(d), however other dredge or fill impacts should be included below.*

For perennial streams/rivers, the linear footage of impact is calculated by summing the lengths of disturbances to the channel and banks.

Permanent impacts are impacts that will remain after the project is complete (e.g., changes in grade or surface materials).

Temporary impacts are impacts not intended to remain (and will be restored to pre-construction conditions) after the project is completed.

JURISDICTIONAL AREA		PERMANENT			TEMPORARY		
		SF	LF	ATF	SF	LF	ATF
Wetlands	Forested Wetland			☐			☐
	Scrub-shrub Wetland			☐			☐
	Emergent Wetland			☐			☐
	Wet Meadow			☐			☐
	Vernal Pool			☐			☐
	Designated Prime Wetland			☐			☐
	Duly-established 100-foot Prime Wetland Buffer			☐			☐
Surface Water	Intermittent / Ephemeral Stream			☐			☐
	Perennial Stream or River			☐			☐
	Lake / Pond			☐			☐
	Docking - Lake / Pond			☐			☐
	Docking - River			☐			☐
Banks	Bank - Intermittent Stream			☐			☐
	Bank - Perennial Stream / River			☐			☐
	Bank / Shoreline - Lake / Pond			☐			☐
Tidal	Tidal Waters			☐			☐
	Tidal Marsh			☐			☐
	Sand Dune			☐			☐
	Undeveloped Tidal Buffer Zone (TBZ)	1275		☒			☐
	Previously-developed TBZ			☐			☐
	Docking - Tidal Water			☐			☐
TOTAL		1275					

SECTION 12 - APPLICATION FEE (RSA 482-A:3, I)

☐ **MINIMUM IMPACT FEE**: Flat fee of $400.

☐ **NON-ENFORCEMENT RELATED, PUBLICLY-FUNDED AND SUPERVISED RESTORATION PROJECTS, REGARDLESS OF IMPACT CLASSIFICATION:** Flat fee of $400 (refer to RSA 482-A:3, 1(c) for restrictions).

☐ **MINOR OR MAJOR IMPACT FEE:** Calculate using the table below:

Permanent and temporary (non-docking):	1275 SF	× $0.40 =	$	510
Seasonal docking structure:	SF	× $2.00 =	$	
Permanent docking structure:	SF	× $4.00 =	$	
Projects proposing shoreline structures (including docks) add $400 =			$	
Total =			$	510

The application fee for minor or major impact is the above calculated total or $400, whichever is greater = $ 510

SECTION 13 - PROJECT CLASSIFICATION (Env-Wt 306.05)
Indicate the project classification.

☐ Minimum Impact Project	☐ Minor Project	☒ Major Project

SECTION 14 - REQUIRED CERTIFICATIONS (Env-Wt 311.11)

Initial each box below to certify:

Initials: MBM BCL	To the best of the signer's knowledge and belief, all required notifications have been provided.
Initials: MBM BCL	The information submitted on or with the application is true, complete, and not misleading to the best of the signer's knowledge and belief.
Initials: MBM BCL	The signer understands that: • The submission of false, incomplete, or misleading information constitutes grounds for NHDES to: 1. Deny the application. 2. Revoke any approval that is granted based on the information. 3. If the signer is a certified wetland scientist, licensed surveyor, or professional engineer licensed to practice in New Hampshire, refer the matter to the joint board of licensure and certification established by RSA 310-A:1. • The signer is subject to the penalties specified in New Hampshire law for falsification in official matters, currently RSA 641. • The signature shall constitute authorization for the municipal conservation commission and the Department to inspect the site of the proposed project, except for minimum impact forestry SPN projects and minimum impact trail projects, where the signature shall authorize only the Department to inspect the site pursuant to RSA 482-A:6, II.
Initials:	If the applicant is not the owner of the property, each property owner signature shall constitute certification by the signer that he or she is aware of the application being filed and does not object to the filing.

SECTION 15 - REQUIRED SIGNATURES (Env-Wt 311.04(d); Env-Wt 311.11)

SIGNATURE (OWNER): MBM	PRINT NAME LEGIBLY: Martha B. Masiello	DATE: 2/11/21
SIGNATURE (APPLICANT, IF DIFFERENT FROM OWNER):	PRINT NAME LEGIBLY:	DATE:
SIGNATURE (AGENT, IF APPLICABLE): BCL	PRINT NAME LEGIBLY: Brendan Quigley Cove. Env. Srvs.	DATE: 2/18/21

SECTION 16 - TOWN / CITY CLERK SIGNATURE (Env-Wt 311.04(f))

As required by RSA 482-A:3, I(a)(1), I hereby certify that the applicant has filed four application forms, four detailed plans, and four USGS location maps with the town/city indicated below.

TOWN/CITY CLERK SIGNATURE:	PRINT NAME LEGIBLY:
TOWN/CITY:	DATE:

DIRECTIONS FOR TOWN/CITY CLERK:
Per RSA 482-A:3, I(a)(1)

1. IMMEDIATELY sign the original application form and four copies in the signature space provided above.
2. Return the signed original application form and attachments to the applicant so that the applicant may submit the application form and attachments to NHDES by mail or hand delivery.
3. IMMEDIATELY distribute a copy of the application with one complete set of attachments to each of the following bodies: the municipal Conservation Commission, the local governing body (Board of Selectmen or Town/City Council), and the Planning Board.
4. Retain one copy of the application form and one complete set of attachments and make them reasonably accessible for public review.

DIRECTIONS FOR APPLICANT:
Submit the original permit application form bearing the signature of the Town/City Clerk, additional materials, and the application fee to NHDES by mail or hand delivery at the address at the bottom of this page. Make check or money order payable to “Treasurer – State of NH”.

STANDARD DREDGE AND FILL WETLANDS PERMIT APPLICATION ATTACHMENT A: MINOR AND MAJOR PROJECTS

Water Division/Land Resources Management

Wetlands Bureau

Check the Status of your Application

RSA/ Rule: RSA 482-A/ Env-Wt 311.10; Env-Wt 313.01(a)(1); Env-Wt 313.03

APPLICANT'S NAME: **Masiello** **TOWN NAME:** Portsmouth

Attachment A is required for *all minor and major projects*, and must be completed *in addition* to the Avoidance and Minimization Narrative or Checklist that is required by Env-Wt 307.11.

For projects involving construction or modification of non-tidal shoreline structures over areas of surface waters having an absence of wetland vegetation, only Sections I.X through I.XV are required to be completed.

PART I: AVOIDANCE AND MINIMIZATION

In accordance with Env-Wt 313.03(a), the Department shall not approve any alteration of any jurisdictional area unless the applicant demonstrates that the potential impacts to jurisdictional areas have been avoided to the maximum extent practicable and that any unavoidable impacts have been minimized, as described in the Wetlands Best Management Practice Techniques For Avoidance and Minimization.

SECTION I.I - ALTERNATIVES (Env-Wt 313.03(b)(1))

Describe how there is no practicable alternative that would have a less adverse impact on the area and environments under the Department's jurisdiction.

THE DISTURBANCE ASSOCIATED WITH THE SHORELINE ACCESS TRAIL IS UNAVOIDABLE, THERE IS NO OTHER MEANS OF ACCESSING THE SHORELINE ON THIS PROPERTY. THE PATH COMPLIES WITH THE ALLOWANCE FOR SUCH AN ACCESS PROVIDED FOR IN RSA 483-B:9, V(A)(2)(D)(IX). THE REAR YARD AREA WAS CREATED BY THE PREVIOUS OWNERS SO IT IS DIFFICULT TO KNOW WHAT SPECIFIC PROJECT REQUIREMENTS MAY HAVE DICTATED THE SIZE OF THE YARD. THE YARD THAT WAS CREATED IS MODEST FOR A HOME OF THIS SIZE EXTENDING APPROXIMATELY 65- FEET AT MOST FROM THE BACK OF THE HOUSE. THE YARD OCCUPIES ONLY A SMALL PORTION OF THE TIDAL BUFFER AND IMPERVIOUS ELEMENTS SUCH AS THE PATIO AND FIRE PIT HAVE BEEN LOCATED OUTSIDE THE TIDAL BUFFER.

SECTION I.II - MARSHES (Env-Wt 313.03(b)(2))

Describe how the project avoids and minimizes impacts to tidal marshes and non-tidal marshes where documented to provide sources of nutrients for finfish, crustacean, shellfish, and wildlife of significant value.

No work was conducted, nor is any new work proposed, within the adjacent tidal marsh. The 6-foot wide path to access the shore was constructed with a natural mulch surface and will not cause or contribute to erosion. The portion of the Upland Tidal Buffer that was cleared and graded for additional lawn area lies outside of the predicted limits of marsh migration.

SECTION I.III - HYDROLOGIC CONNECTION (Env-Wt 313.03(b)(3))

Describe how the project maintains hydrologic connections between adjacent wetland or stream systems.

The tidal buffer in this location does not serve as a hydrologic connection between any stream or wetland area. Hydrologic connections have not therefore been altered.

SECTION I.IV - JURISDICTIONAL IMPACTS (Env-Wt 313.03(b)(4))

Describe how the project avoids and minimizes impacts to wetlands and other areas of jurisdiction under RSA 482-A, especially those in which there are exemplary natural communities, vernal pools, protected species and habitat, documented fisheries, and habitat and reproduction areas for species of concern, or any combination thereof.

The expanded yard area disturbed a small portion of upland tidal buffer located approximately 80 feet from the high tide. There were no direct impacts to salt marsh or tidal flat. No new impervious surface was added nor were runoff characteristics significantly altered such that adverse impact would occur from changes in water quality or quantity. The expanded yard area also lies outside of the predicted saltmarsh migration. The 6-foot wide foot path to the shoreline was constructed with minimal impact and in a way that will not cause erosion. The path complies with RSA 483-B:9 as do all other elements of the work.

All the improvements in the Tidal Buffer lie outside the relevant predicted Sea Level Rise and present essentially zero vulnerability to flooding since there are no structures or infrastructure associated with the project.

SECTION I.V - PUBLIC COMMERCE, NAVIGATION, OR RECREATION (Env-Wt 313.03(b)(5))

Describe how the project avoids and minimizes impacts that eliminate, depreciate or obstruct public commerce, navigation, or recreation.

The project is located at the edge of the tidal buffer on a private residential lot. No portion of the project will physically interfere with public access, commerce, or recreation. Aesthetic values contributing to recreation in adjacent tidal areas will be preserved by the remaining naturally vegetated tidal buffer totaling approximately 80 feet.

SECTION I.VI - FLOODPLAIN WETLANDS (Env-Wt 313.03(b)(6))

Describe how the project avoids and minimizes impacts to floodplain wetlands that provide flood storage.

No wetland impacts are proposed. The work lies in upland tidal buffer above the 100 year floodplain.

SECTION I.VII - RIVERINE FORESTED WETLAND SYSTEMS AND SCRUB-SHRUB – MARSH COMPLEXES (Env-Wt 313.03(b)(7))

Describe how the project avoids and minimizes impacts to natural riverine forested wetland systems and scrub-shrub – marsh complexes of high ecological integrity.

No wetland impacts are proposed nor is this resource type present on the property

SECTION I.VIII - DRINKING WATER SUPPLY AND GROUNDWATER AQUIFER LEVELS (Env-Wt 313.03(b)(8))

Describe how the project avoids and minimizes impacts to wetlands that would be detrimental to adjacent drinking water supply and groundwater aquifer levels.

The project involves 1,275 sf of upland tidal buffer disturbance to for residential yard and shoreline access trail with minimal grade change. No impervious surfaces is proposed. Maintenance of the lawn and landscaping will adhere to fertilizer and pesticide uses as required by RSA 483-B:9

SECTION I.IX - STREAM CHANNELS (Env-Wt 313.03(b)(9))

Describe how the project avoids and minimizes adverse impacts to stream channels and the ability of such channels to handle runoff of waters.

No stream channels will be impacted nor are any streams present on the property.

SECTION I.X - SHORELINE STRUCTURES - CONSTRUCTION SURFACE AREA (Env-Wt 313.03(c)(1))

Describe how the project has been designed to use the minimum construction surface area over surface waters necessary to meet the stated purpose of the structures.

N/A, no shoreline structures

SECTION I.XI - SHORELINE STRUCTURES - LEAST INTRUSIVE UPON PUBLIC TRUST (Env-Wt 313.03(c)(2))

Describe how the type of construction proposed is the least intrusive upon the public trust that will ensure safe docking on the frontage.

N/A, no shoreline structures

SECTION I.XII - SHORELINE STRUCTURES – ABUTTING PROPERTIES (Env-Wt 313.03(c)(3))

Describe how the structures have been designed to avoid and minimize impacts on ability of abutting owners to use and enjoy their properties.

N/A, no shoreline structures

SECTION I.XIII - SHORELINE STRUCTURES – COMMERCE AND RECREATION (Env-Wt 313.03(c)(4))

Describe how the structures have been designed to avoid and minimize impacts to the public's right to navigation, passage, and use of the resource for commerce and recreation.

N/A, no shoreline structures

SECTION I.XIV - SHORELINE STRUCTURES – WATER QUALITY, AQUATIC VEGETATION, WILDLIFE AND FINFISH HABITAT (Env-Wt 313.03(c)(5))

Describe how the structures have been designed, located, and configured to avoid impacts to water quality, aquatic vegetation, and wildlife and finfish habitat.

N/A, no shoreline structures

SECTION I.XV - SHORELINE STRUCTURES – VEGETATION REMOVAL, ACCESS POINTS, AND SHORELINE STABILITY (Env-Wt 313.03(c)(6))

Describe how the structures have been designed to avoid and minimize the removal of vegetation, the number of access points through wetlands or over the bank, and activities that may have an adverse effect on shoreline stability.

N/A, no shoreline structures

PART II: FUNCTIONAL ASSESSMENT
REQUIREMENTS Ensure that project meets the requirements of Env-Wt 311.10 regarding functional assessment (Env-Wt 311.04(j); Env-Wt 311.10).
FUNCTIONAL ASSESSMENT METHOD USED: Highway Methodology
NAME OF CERTIFIED WETLAND SCIENTIST (FOR NON-TIDAL PROJECTS) OR QUALIFIED COASTAL PROFESSIONAL (FOR TIDAL PROJECTS) WHO COMPLETED THE ASSESSMENT: BRENDAN QUIGLEY, NHCWS #249
DATE OF ASSESSMENT: 2/11/21
Check this box to confirm that the application includes a NARRATIVE ON FUNCTIONAL ASSESSMENT: ☒
For minor or major projects requiring a standard permit without mitigation, the applicant shall submit a wetland evaluation report that includes completed checklists and information demonstrating the RELATIVE FUNCTIONS AND VALUES OF EACH WETLAND EVALUATED. Check this box to confirm that the application includes this information, if applicable: ☒ Note: The Wetlands Functional Assessment worksheet can be used to compile the information needed to meet functional assessment requirements.

AVOIDANCE AND MINIMIZATION CHECKLIST

Water Division/Land Resources Management
Wetlands Bureau

Check the Status of your Application

RSA/Rule: RSA 482-A/ Env-Wt 311.07(c)

This checklist can be used in lieu of the written narrative required by Env-Wt 311.07(a) to demonstrate compliance with requirements for Avoidance and Minimization (A/M), pursuant to RSA 482-A:1 and Env-Wt 311.07(c).

For the construction or modification of non-tidal shoreline structures over areas of surface waters without wetland vegetation, complete only Sections 1, 2, and 4 (or the applicable sections in Attachment A: Minor and Major Projects (NHDES-W-06-013).

The following definitions and abbreviations apply to this worksheet:

- "A/M BMPs" stands for Wetlands Best Management Practice Techniques for Avoidance and Minimization dated 2019, published by the New England Interstate Water Pollution Control Commission (Env-Wt 102.18).
- "Practicable" means available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes (Env-Wt 103.62).

SECTION 1 - CONTACT/LOCATION INFORMATION	
APPLICANT LAST NAME, FIRST NAME, M.I.: Martha B. Masiello Rev. Trust, Martha Masiello Tustee	
PROJECT STREET ADDRESS: 239 Gosport Rd	PROJECT TOWN: Portsmouth
TAX MAP/LOT NUMBER: 224-10-10	

SECTION 2 - PRIMARY PURPOSE OF THE PROJECT		
Env-Wt 311.07(b)(1)	Indicate whether the primary purpose of the project is to construct a water-access structure or requires access through wetlands to reach a buildable lot or the buildable portion thereof.	☒ Yes ☐ No

If you answered "no" to this question, describe the purpose of the "non-access" project type you have proposed:

The 6 foot wide shoreline access path is water dependent and there is no other means to access the shoreline on this property with less impact. The remainder of the project is related to expansion of a yard associated with an existng house. All impacts are to Tidal buffer only.

SECTION 3 - A/M PROJECT DESIGN TECHNIQUES Check the appropriate boxes below in order to demonstrate that these items have been considered in the planning of the project. Use N/A (not applicable) for each technique that is not applicable to your project.		
Env-Wt 311.07(b)(2)	For any project that proposes new permanent impacts of more than one acre or that proposes new permanent impacts to a Priority Resource Area (PRA), or both, whether any other properties reasonably available to the applicant, whether already owned or controlled by the applicant or not, could be used to achieve the project's purpose without altering the functions and values of any jurisdictional area, in particular wetlands, streams, and PRAs.	☐ Check ☒ N/A
Env-Wt 311.07(b)(3)	Whether alternative designs or techniques, such as different layouts, construction sequencing, or alternative technologies could be used to avoid impacts to jurisdictional areas or their functions and values.	☒ Check ☐ N/A
Env-Wt 311.07(b)(4) Env-Wt 311.10(c)(1) Env-Wt 311.10(c)(2)	The results of the functional assessment required by Env-Wt 311.03(b)(10) were used to select the location and design for the proposed project that has the least impact to wetland functions.	☒ Check ☐ N/A
Env-Wt 311.07(b)(4) Env-Wt 311.10(c)(3)	Where impacts to wetland functions are unavoidable, the proposed impacts are limited to the wetlands with the least valuable functions on the site while avoiding and minimizing impacts to the wetlands with the highest and most valuable functions.	☒ Check ☐ N/A
Env-Wt 313.01(c)(1) Env-Wt 313.01(c)(2) Env-Wt 313.03(b)(1)	No practicable alternative would reduce adverse impact on the area and environments under the department's jurisdiction and the project will not cause random or unnecessary destruction of wetlands.	☒ Check ☐ N/A
Env-Wt 313.01(c)(3)	The project would not cause or contribute to the significant degradation of waters of the state or the loss of any PRAs.	☒ Check ☐ N/A
Env-Wt 313.03(b)(3) Env-Wt 904.07(c)(8)	The project maintains hydrologic connectivity between adjacent wetlands or stream systems.	☐ Check ☒ N/A
Env-Wt 311.10 A/M BMPs	Buildings and/or access are positioned away from high function wetlands or surface waters to avoid impact.	☐ Check ☒ N/A
Env-Wt 311.10 A/M BMPs	The project clusters structures to avoid wetland impacts.	☐ Check ☒ N/A
Env-Wt 311.10 A/M BMPs	The placement of roads and utility corridors avoids wetlands and their associated streams.	☐ Check ☒ N/A
A/M BMPs	The width of access roads or driveways is reduced to avoid and minimize impacts. Pullouts are incorporated in the design as needed.	☐ Check ☒ N/A
A/M BMPs	The project proposes bridges or spans instead of roads/driveways/trails with culverts.	☐ Check ☒ N/A

A/M BMPs	The project is designed to minimize the number and size of crossings, and crossings cross wetlands and/or streams at the narrowest point.	☐ Check ☒ N/A
Env-Wt 500 Env-Wt 600 Env-Wt 900	Wetland and stream crossings include features that accommodate aquatic organism and wildlife passage.	☐ Check ☒ N/A
Env-Wt 900	Stream crossings are sized to address hydraulic capacity and geomorphic compatibility.	☐ Check ☒ N/A
A/M BMPs	Disturbed areas are used for crossings wherever practicable, including existing roadways, paths, or trails upgraded with new culverts or bridges.	☐ Check ☒ N/A
SECTION 4 - NON-TIDAL SHORELINE STRUCTURES		
Env-Wt 313.03(c)(1)	The non-tidal shoreline structure has been designed to use the minimum construction surface area over surfaces waters necessary to meet the stated purpose of the structure.	☐ Check ☒ N/A
Env-Wt 313.03(c)(2)	The type of construction proposed for the non-tidal shoreline structure is the least intrusive upon the public trust that will ensure safe navigation and docking on the frontage.	☐ Check ☒ N/A
Env-Wt 313.03(c)(3)	The non-tidal shoreline structure has been designed to avoid and minimize impacts on the ability of abutting owners to use and enjoy their properties.	☐ Check ☒ N/A
Env-Wt 313.03(c)(4)	The non-tidal shoreline structure has been designed to avoid and minimize impacts to the public's right to navigation, passage, and use of the resource for commerce and recreation.	☐ Check ☒ N/A
Env-Wt 313.03(c)(5)	The non-tidal shoreline structure has been designed, located, and configured to avoid impacts to water quality, aquatic vegetation, and wildlife and finfish habitat.	☐ Check ☒ N/A
Env-Wt 313.03(c)(6)	The non-tidal shoreline structure has been designed to avoid and minimize the removal of vegetation, the number of access points through wetlands or over the bank, and activities that may have an adverse effect on shoreline stability.	☐ Check ☒ N/A

COASTAL RESOURCE WORKSHEET

Water Division/Land Resources Management
Wetlands Bureau

Check the Status of your Application

RSA/Rule: RSA 482-A/ Env-Wt 600

APPLICANT LAST NAME, FIRST NAME, M.I.: Masiello, Martha

This worksheet may be used to present the information required for projects in coastal areas, in addition to the information required for Lower-Scrutiny Approvals, Expedited Permits, and Standard Permits under Env-Wt 603.01.

Please refer to Env-Wt 605.03 for impacts requiring compensatory mitigation.

SECTION 1 - REQUIRED INFORMATION (Env-Wt 603.02; Env-Wt 603.06; Env-Wt 603.09)

The following information is required for projects in coastal areas.

Describe the purpose of the proposed project, including the overall goal of the project, the core project purpose consisting of a concise description of the facilities and work that could impact jurisdictional areas, and the intended project outcome. Specifically identify all natural resource assets in the area proposed to be impacted and include maps created through a data screening in accordance with Env-Wt 603.03 (refer to Section 2) and Env-Wt 603.04 (refer to Section 3) as attachments.

This is an after the fact application for 1,275 Sf of Upland Tidal Buffer alteration. The purpose of the project was to enlarge the rear yard of the existing house and to provide a 6-foot wide foot path for access to the shoreline. Impact for the yard expansion involved clearing of vegetation and minor grading of upland Tidal Buffer. A short retaining wall was used to define and stabilize the limit of the expanded area. The 6-foot wide footpath involved clearing of ground cover and the placement of stones to define the edges of the path. The path has a natural forest trail surface.

The property borders Sagamore Creek and associated areas of tidal flat and saltmarsh. The maps generated by the required coastal specific resource screening are attached. They indicate the presence of tidal mash and flat as well as Prime Wetland with a 100-footy buffer. This Prime Wetland was adopted by Portsmouth in 2011, several years after the yard was expanded. Additional Prime Wetland specific critera are therefore not required.

For standard permit projects, provide:

☒ A Coastal Functional Assessment (CFA) report in accordance with Env-Wt 603.04 (refer to Section 3).

☒ A vulnerability assessment in accordance with Env-Wt 603.05 (refer to Section 4).

Explain all recommended methods and other considerations to protect the natural resource assets during and as a result of project construction in accordance with Env-Wt 311.07, Env-Wt 313, and Env-Wt 603.04.

The expanded yard area disturbed a small portion of upland tidal buffer located approximately 80 feet from the high tide. There were no direct impacts to salt marsh or tidal flat. No new impervious surface was added nor were runoff characteristics significantly altered such that adverse impact would occur from changes in water quality or quantity. The expanded yard area also lies outside of the predicted saltmarsh migration. The 6-foot wide foot path to the shoreline was constructed with minimal impact and in a way that will not cause erosion. The path complies with RSA 483-B:9 as do all other elements of the work.

All the improvements in the Tidal Buffer lie outside the relevant predicted Sea Level Rise and present essentially zero vulnerability to flooding since there are no structures or infrastructure associated with the project.

Provide a narrative showing how the project meets the standard conditions in Env-Wt 307 and the approval criteria in Env-Wt 313.01.

Env-Wt 307.03--No impervious surface has been added, runoff patterns have not been altered, and all areas of site are stable and well vegetated. Maintenance of the lawn and landscaping will adhere to fertilizer and pesticide restrictions as required by RSA 483-B:9.

Env-Wt 307.04--Water quality will not be impacted. There is no impact to salt marsh or other tidal resources such that fish habitat will be affected

Env-Wt 307.05--No invasive species will be disturbed

Env-Wt 307.06--There are tidal marsh and tidal flat natural communities associated with Sagamore Creek. None of these resources will be impacted directly nor will runoff or hydrology be altered

Env-Wt 307.07--The minimum requirements associated with RSA 483-B:9 are all met

Env-Wt 307.08--The marsh was designated a Prime Wetland with an associated 100-foot buffer in 2011, after the impacts were carried out.

Env-Wt 307.09--No structures are proposed

Env-Wt 307.10--No dredging is proposed

Env-Wt 307.11--All fill and material utilized for the yard expansion appears to be native clean material ad is all currently stable with no erosion issues

Env-Wt 307.12--All of the previous work areas are stable

Env-Wt 307.13--All impacts are further than 10 feet from the property lines. No docking facilities are proposed.

Env-Wt 307.14--No rocks will be removed from surface waters

Env-Wt 307.15--No equipment will be operated in wetlands areas

Env-Wt 307.16-- Plans approved as part of this application will establish existing conditions and related resource specific requirements will be adhered to

Env-Wt 307.17--This is an After the Fact Permit application.

see "Attachment A" for adherance to Env-Wt 313.01

Provide a project design narrative that includes the following:

☒ A discussion of how the proposed project:

- Uses best management practices and standard conditions in Env-Wt 307;
- Meets all avoidance and minimization requirements in Env-Wt 311.07 and Env-Wt 313.03;
- Meets approval criteria in Env-Wt 313.01;
- Meets evaluation criteria in Env-Wt 313.01(c);
- Meets CFA requirements in Env-Wt 603.04; and
- Considers sea-level rise and potential flooding evaluated pursuant to Env-Wt 603.05;

☐ A construction sequence, erosion/siltation control methods to be used, and a dewatering plan; and

☒ A discussion of how the completed project will be maintained and managed.

There were no direct impacts to salt marsh or tidal flat. The expanded yard area occupies a small portion of upland tidal buffer located approximately 80 feet from the high tide. The remainder of the Upland Tidal Buffer is naturally vegetated in this area and capable of supporting the important functions and values of undeveloped Tidal Buffer. Additionally, the expanded yard area also lies outside of the limits of predicted saltmarsh migration.

No new impervious surface was added nor were runoff characteristics significantly altered such that adverse impact would occur from changes in water quality or quantity. The yard area is currently stable with no erosion problems. The 6-foot wide foot path to the shoreline was constructed with minimal impact and so that it will not cause erosion and complies with RSA 483-B:9 as do all other elements of the work.

All the improvements in the Tidal Buffer lie outside the limits of relevant predicted Sea Level Rise and all but a very small portion of the 6-foot shoreline access path also lie above the 100-year flood zone. Grades along the path were not altered so no alteration of flood elevations or velocity will occur nor will there be any effect on aspects of current or wave action.

The yard area consisting of lawn and landscaping will continue to be maintained for health and stability. Only slow or controlled release fertilizer will be used in these areas in accordance with RSA 483-B:9.

☒ Provide design plans that meet the requirements of Env-Wt 603.07 (refer to Section 5);

☐ Provide water depth supporting information required by Env-Wt 603.08 (refer to Section 6); and

☐ For any major project that proposes to construct a structure in tidal waters/wetlands or to extend an existing structure seaward, provide a statement from the Pease Development Authority Division of Ports and Harbors (DP&H) chief harbormaster, or designee, for the subject location relative to the proposed structure's impact on navigation. If the proposed structure might impede existing public passage along the subject shoreline on foot or by non-motorized watercraft, the applicant shall explain how the impediments have been minimized to the greatest extent practicable.

HOT and MHHW + SLR are noted on the plan. Current MHHW and all lower depths occur outside the limits of the property. No structures are proposed in areas affected by the tides.

SECTION 2 - DATA SCREENING (Env-Wt 603.03, in addition to Env-Wt 306.05)

Please use the Wetland Permit Planning Tool, or any other database or source, to indicate the presence of:

☒ Existing salt marsh and salt marsh migration pathways;

☐ Eelgrass beds;

☐ Documented shellfish sites;

☒ Projected sea-level rise; and

☒ 100-year floodplain.

Conduct data screening as described to identify documented essential fish habitat, and tides and currents that may be impacted by the proposed project, by using the following links:

☐ National Oceanic and Atmospheric Administration (NOAA) Tides & Currents; and

☐ NOAA Essential Fish Habitat Mapper.

☒ Verify or correct the information collected from the data screenings by conducting an on-site assessment of the subject property in accordance with Env-Wt 406 and Env-Wt 603.04.

SECTION 3 - COASTAL FUNCTIONAL ASSESSMENT/ AVOIDANCE AND MINIMIZATION (Env-Wt 603.04; Env-Wt 605.01; Env-Wt 605.02; Env-Wt 605.03)

Projects in coastal areas shall:

☒ Not impair the navigation, recreation, or commerce of the general public; and

☐ Minimize alterations in prevailing currents.

An applicant for a permit for work in or adjacent to tidal waters/wetlands or the tidal buffer zone shall demonstrate that the following have been avoided or minimized as required by Env-Wt 313.04:

☒ Adverse impacts to beach or tidal flat sediment replenishment;

☒ Adverse impacts to the movement of sediments along a shore;

☒ Adverse impacts on a tidal wetland's ability to dissipate wave energy and storm surge; and

☒ Adverse impacts of project runoff on salinity levels in tidal environments.

For standard permit applications submitted for minor or major projects:

☒ Attach a CFA based on the data screening information and on-site evaluation required by Env-Wt 603.03. The CFA for tidal wetlands or tidal waters shall be:

- Performed by a qualified coastal professional; and
- Completed using one of the following methods:

  a. The US Army Corps of Engineers (USACE) Highway Methodology Workbook, dated 1993, together with the USACE New England District *Highway Methodology Workbook Supplement*, dated 1999; or

  b. An alternative scientifically-supported method with cited reference and the reasons for the alternative method substantiated.

For any project that would impact tidal wetlands, tidal waters, or associated sand dunes, the applicant shall:

☒ Use the results of the CFA to select the location of the proposed project having the least impact to tidal wetlands, tidal waters, or associated sand dunes;

☒ Design the proposed project to have the least impact to tidal wetlands, tidal waters, or associated sand dunes;

☒ Where impact to wetland and other coastal resource functions is unavoidable, limit the project impacts to the least valuable functions, avoiding and minimizing impact to the highest and most valuable functions; and

☒ Include on-site minimization measures and construction management practices to protect coastal resource areas.

Projects in coastal areas shall use results of this CFA to:

☒ Minimize adverse impacts to finfish, shellfish, crustacean, and wildlife;

☒ Minimize disturbances to groundwater and surface water flow;

☒ Avoid impacts that could adversely affect fish habitat, wildlife habitat, or both; and

☒ Avoid impacts that might cause erosion to shoreline properties.

SECTION 4 - VULNERABILITY ASSESSMENT (Env-Wt 603.05)

Refer to the New Hampshire Coastal Flood Risk Summary Part 1: Science and New Hampshire Coastal Flood Risk Summary Part II: Guidance for Using Scientific Projections or other best available science to:

Determine the time period over which the project is designed to serve.

A useful life of 50 years has been assumed for the expanded yard area.

Identify the project's relative risk tolerance to flooding and potential damage or loss likely to result from flooding to buildings, infrastructure, salt marshes, sand dunes and other valuable coastal resource areas.

There are no structures or infrastructure associated with the project that would be at risk of damage from flooding. The project will not alter access, redirect currents, or contribute runoff in such a way as to elevate flood risk to other structures, infrastructure, or valuable coastal resources. The project has theory has a very high tolerance to flood risk and essentially zero vulnerability.

Reference the projected sea-level rise (SLR) scenario that most closely matches the end of the project design life and the project's tolerance to risk or loss.

Given the very high flood tolerance of the residential yard use, a Lower Magnitude-Higher Probability 2- SLR of 2 feet in 2070 was used for the vulnerability assessment.

Identify areas of the proposed project site subject to flooding from SLR.

All elements of the project remain above the predicted SLR and predicted SLR +1% chance annual flooding. These lines are depicted on the project plan and on the CFA assessment screening figures. Its also worth noting that due to grades on the site, the yard would remain above predicted SLR even if a more aggressive SLR scenario or project life were considered.

Identify areas currently located within the 100-year floodplain and subject to coastal flood risk.

The approximate location of FEMA Zone AE (elv. 9') is depicted on the project plan. Only a small portion of the foot path lies in the floodplain. The path is constructed at grade and will not affect flood elevations or present any flood risks. The yard area and most of the path also lie above the combined predicted SLR and Zone AE (1% chance annual flooding).

Describe how the project design will consider and address the selected SLR scenario within the project design life, including in the design plans.

The project is well outside the predicted SLR scenario evaluated and would remain so even if evaluated using more aggressive SLR scenarios. Considering the high tolerance for flood risk, and very low vulnerability, additional design considerations are not warranted.

Where there are conflicts between the project's purpose and the vulnerability assessment results, schedule a pre-application meeting with the department to evaluate design alternatives, engineering approaches, and use of the best available science.

☒ Pre-application meeting date held: **12/18/21 (for PRA impacts, no conflics identified)**

SECTION 5 - DESIGN PLANS (Env-Wt 603.07, in addition to Env-Wt 311)

Submit design plans for the project in both plan and elevation views that clearly depict and identify all required elements.

The plan view shall depict the following:

☒ The engineering scale used, which shall be no larger than one inch equals 50 feet;

☒ The location of tidal datum lines depicted as lines with the associated elevation noted, based on North American Vertical Datum of 1988 (NAVD 88), derived from https://tidesandcurrents.noaa.gov/datum_options.html, as described in Section 6.

☐ An imaginary extension of property boundary lines into the waterbody and a 20-foot setback from those property line extensions;

☒ The location of all special aquatic sites at or within 100 feet of the subject property;

☒ Existing bank contours;

☒ The name and license number, if applicable, of each individual responsible for the plan, including:

a. The agent for tidal docking structures who determined elevations represented on plans; and

b. The qualified coastal professional who completed the CFA report and located the identified resources on the plan;

☒ The location and dimensions of all existing and proposed structures and landscape features on the property;

☒ Tidal datum(s) with associated elevations noted, based on NAVD 88; and

☒ Location of all special aquatic sites within 100-feet of the property.

The elevation view shall depict the following:

☒ The nature and slope of the shoreline;

☒ The location and dimensions of all proposed structures, including permanent piers, pilings, float stop structures, ramps, floats, and dolphins; and

☒ Water depths depicted as a line with associated elevation at highest observable tide, mean high tide, and mean low tide, and the date and tide height when the depths were measured. Refer to Section 6 for more instructions regarding water depth supporting information.

See specific design and plan requirements for certain types of coastal projects:

- Overwater structures (Env-Wt 606).
- Dredging activities (Env-Wt 607).
- Tidal beach maintenance (Env-Wt 608).
- Tidal shoreline stabilization (Env-Wt 609).
- Protected tidal zone (Env-Wt 610).
- Sand Dunes (Env-Wt 611).

SECTION 6 - WATER DEPTH SUPPORTING INFORMATION REQUIRED (Env-Wt 603.08)

Using current predicted NOAA tidal datum for the location, and tying field measurements to NAVD 88, field observations of at least three tide events, including at least one minus tide event, shall be located to document the range of the tide in the proposed location showing the following levels:

☐ Mean lower low water;

☐ Mean low water;

☐ Mean high water;

☐ Mean tide level;

☒ Mean higher high water;

☒ Highest observable tide line; and

☒ Predicted sea-level rise as identified in the vulnerability assessment in Env-Wt 603.05.

The following data shall be presented in the application project narrative to support how water depths were determined:

☐ The date, time of day, and weather conditions when water depths were recorded; and

☒ The name and license number of the licensed land surveyor who conducted the field measurements.

For tidal stream crossing projects, provide:

☐ Water depth information to show how the tier 4 stream crossing is designed to meet Env-Wt 904.07(c) and (d).

For repair, rehabilitation or replacement of tier 4 stream crossings:

☐ Demonstrate how the requirements of Env-Wt 904.09 are met.

SECTION 7 - GENERAL CRITERIA FOR TIDAL BEACHES, TIDAL SHORELINE, AND SAND DUNES (Env-Wt 604.01)

Any person proposing a project in or on a tidal beach, tidal shoreline, or sand dune, or any combination thereof, shall evaluate the proposed project based on:

☒ The standard conditions in Env-Wt 307;

☒ The avoidance and minimization requirements in Env-Wt 311.07 and Env-Wt 313.03;

☒ The approval criteria in Env-Wt 313.01;

☒ The evaluation criteria in Env-Wt 313.05;

☒ The project specific criteria in Env-Wt 600;

☒ The CFA required by Env-Wt 603.04; and

☒ The vulnerability assessment required by Env-Wt 603.05.

New permanent impacts to sand dunes that provide coastal storm surge protection for protected species or habitat shall not be allowed except:

☐ To protect public safety; and

☐ Only if constructed by a state agency, coastal resiliency project, or for a federal homeland security project.

Projects in or on a tidal beach, tidal shoreline, or sand dune shall support integrated shoreline management that:

☐ Optimizes the natural function of the shoreline, including protection or restoration of habitat, water quality, and self-sustaining stability to flooding and storm surge; and

☐ Protects upland infrastructure from coastal hazards with a preference for living shorelines over hardened shoreline practices.

SECTION 8 - GENERAL CRITERIA FOR TIDAL BUFFER ZONES (Env-Wt 604.02)

The 100-foot statutory limit on the extent of the tidal buffer zone shall be measured horizontally. Any person proposing a project in or on an undeveloped tidal buffer zone shall evaluate the proposed project based on:

☒ The standard conditions in Env-Wt 307;

☒ The avoidance and minimization requirements in Env-Wt 311.07 and Env-Wt 313.03;

☒ The approval criteria in Env-Wt 313.01;

☒ The evaluation criteria in Env-Wt 313.05;

☒ The project specific criteria in Env-Wt 600;

☒ The CFA required by Env-Wt 603.04; and

☒ The vulnerability assessment required by Env-Wt 603.05.

Projects in or on a tidal buffer zone shall preserve the self-sustaining ability of the buffer area to:

☒ Provide habitat values;

☒ Protect tidal environments from potential sources of pollution;

☒ Provide stability of the coastal shoreline; and

☒ Maintain existing buffers intact where the lot has disturbed area defined under RSA 483-B:4, IV.

SECTION 9 - GENERAL CRITERIA FOR TIDAL WATERS/WETLANDS (Env-Wt 604.03)

Except as allowed under Env-Wt 606, permanent new impacts to tidal wetlands shall be allowed only to protect public safety or homeland security. Evaluation of impacts to tidal wetlands and tidal waters shall be based on:

☒ The standard conditions in Env-Wt 307;

☒ The avoidance and minimization requirements in Env-Wt 311.07 and Env-Wt 313.03;

☒ The approval criteria in Env-Wt 313.01;

☒ The evaluation criteria in Env-Wt 313.05;

☒ The project specific criteria in Env-Wt 600;

☒ The CFA required by Env-Wt 603.04; and

☒ The vulnerability assessment required by Env-Wt 603.05.

Projects in tidal surface waters or tidal wetlands shall:

☐ Optimize the natural function of the tidal wetland, including protection or restoration of habitat, water quality, and self-sustaining stability to storm surge;

☐ Be designed with a preference for living shorelines over hardened stabilization practices; and

☐ Be limited to public infrastructure or restoration projects that are in the interest of the general public, including a road, a bridge, energy infrastructure, or a project that addresses predicted sea-level rise and coastal flood risk.

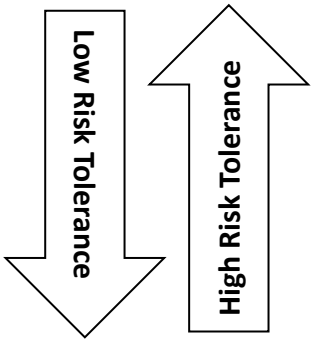
SECTION 10 – GUIDANCE

Your application must follow the New Hampshire Coastal Risk and Hazards Commission's Guiding Principles or other best available science. Below are some of these guidance principles:

- Incorporate science-based coastal flood risk projections into planning;
- Apply risk tolerance* to assessment, planning, design, and construction;
- Protect natural resources and public access;
- Create a bold vision, start immediately, and respond incrementally and opportunistically as projected coastal flood risks increase over time; and
- Consider the full suite of actions including effectiveness and consequences of actions.

*Risk tolerance is a project's willingness to accept a higher or lower probability of flooding impacts. The diagram below gives examples of project with lower and higher risk tolerance:

Critical infrastructures, historic sites, essential ecosystems, and high value assets typically have lower risk tolerance, and thus should be planned, designed, and constructed using higher coastal flood risk projections.



Sheds, pathways, and small docks typically have higher risk tolerance and thus may be planned, designed, and constructed using less protective coastal flood risk projections.

SHORELAND APPLICATION WORKSHEET

Calculating Impervious Area

This form must be submitted to the NHDES Wetlands Bureau accompanied with a Shoreland Permit Application. Instructions for completing this form are available on the Shoreland Program web page.

For the purposes of this worksheet, "**Pre-Construction**" impervious surface area[1] means all human made impervious surfaces[2] currently present on the property, whether to be removed or to remain after the project is completed. "**Post-Construction**" impervious area means all impervious surfaces that will exist on the property upon completion of the project, including both new and any remaining pre-existing impervious surfaces. All answers shall be given in square feet.

CALCULATING IMPERVIOUS AREA WITHIN 250 FEET OF THE REFERENCE LINE			
	STRUCTURE DESCRIPTION	**PRE-CONSTRUCTION IMPERVIOUS AREAS**	**POST-CONSTRUCTION IMPERVIOUS AREAS**
PRIMARY STRUCTURE(S) House and all attached decks and porches.	**house, decks, porch**	**4,025** FT^2	**4,025** FT^2
ACCESSORY STRUCTURES All other impervious surfaces excluding lawn furniture, well heads, and fences. Common accessory structures include, but are not limited to: driveways, walkways, patios, and sheds.	**patios, walk, outblg**	**3,425** FT^2	**3,425** FT^2
	_____	_____ FT^2	_____ FT^2
	_____	_____ FT^2	_____ FT^2
	_____	_____ FT^2	_____ FT^2
	_____	_____ FT^2	_____ FT^2
	_____	_____ FT^2	_____ FT^2
	TOTAL:	**(A) 7,450** FT^2	**(B) 7,450** FT^2
Area of the lot located within 250 feet of reference line:			**(C) 36,335** FT^2
Percentage of lot covered by pre-construction impervious area within 250 feet of the reference line: *[divide (a) by (c) x 100]*			**(D) 20.5 %**
Percentage of lot to be covered by post-construction impervious area within 250 feet of the reference line upon completion of the project: *[divide (b) by (c) x 100]*			**(E) 20.5 %**

[1] **"Impervious surface area"** as defined in Env-Wq 1402.15 means, for purposes of the impervious surface limitation specified in RSA 483-B:9, V(g), the sum total of the footprint of each impervious surface that is located within the protected shoreland.

[2] **"Impervious Surface"** as defined in RSA 483-B:4, VII-b means any modified surface that cannot effectively absorb or infiltrate water. Examples of impervious surfaces include, but are not limited to, roofs, and unless designed to effectively absorb or infiltrate water, decks, patios, and paved, gravel, or crushed stone driveways, parking areas, and walkways.

Stormwater Management Requirements

The Impervious Area Thresholds
☐ A net *decrease* in impervious area is proposed (If **Calculation E** is less than **Calculation D**).
☒ The percentage of post-construction impervious area **(Calculation E)** is less than or equal to 20%. This project **does not** require a stormwater management plan and **does not** require a plan demonstrating that each waterfront buffer grid segment at least meets the minimum required tree and sapling point score.
☐ A net increase in impervious area is proposed and the percentage of post-construction impervious area **(Calculation E)** is greater than 20%, but less than 30%. This project **requires** a stormwater management but, **does not** require a plan demonstrating that each waterfront buffer grid segment at least meets the minimum required tree and sapling point score. See details on the *Checklist of Required Items* on page 6
☐ A net increase in impervious area is proposed and the percentage of post-construction impervious area **(Calculation E)** is greater than 30%. This project **requires** a stormwater management plan designed and certified by a professional engineer **and requires** plans demonstrating that each waterfront buffer grid segment meets at least the minimum required tree and sapling point score. See details on the *Checklist of Required Items* on page 6

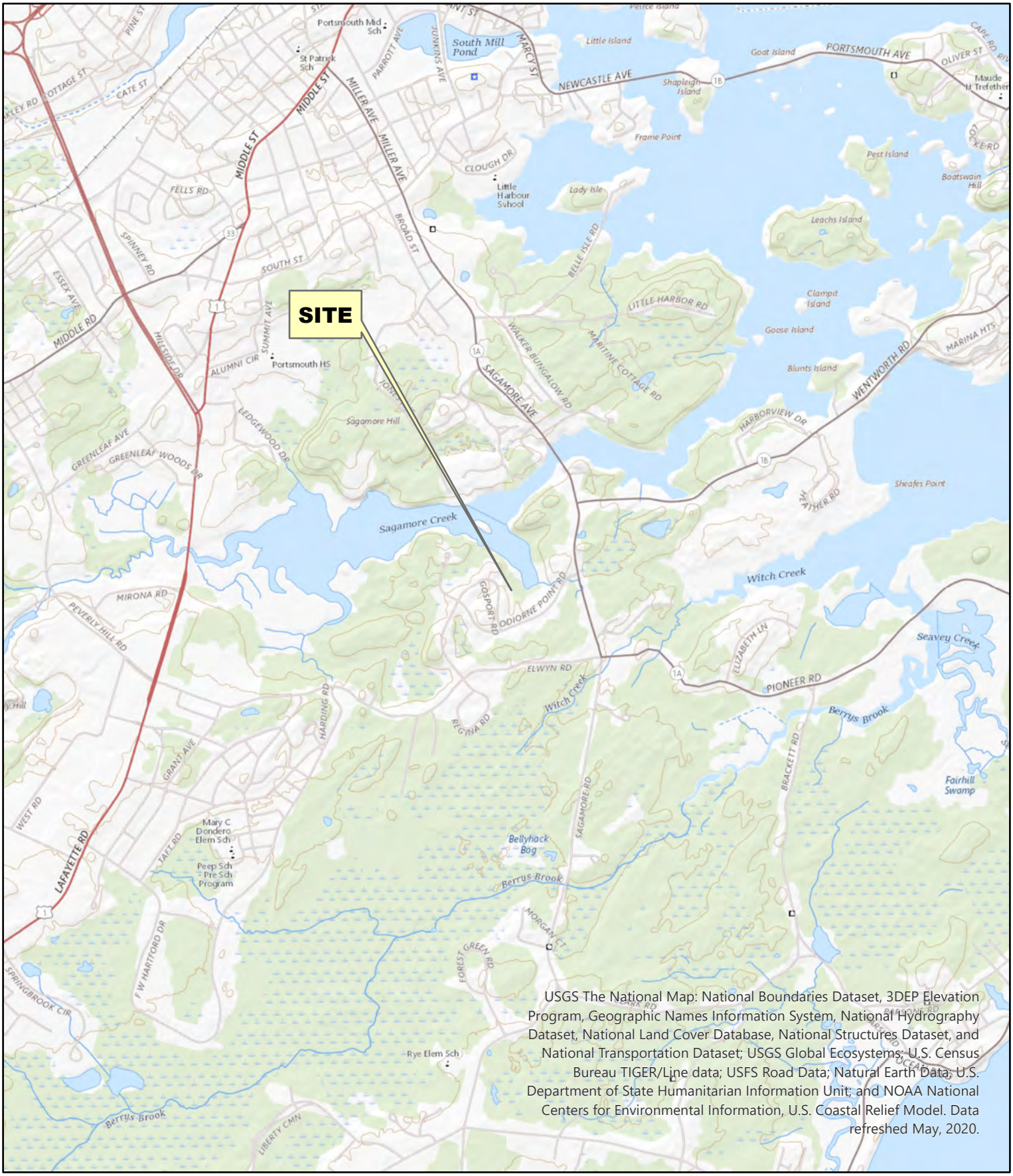
Natural Woodland Area Requirement

DETERMINING THE AREA TO REMAIN AS NATURAL WOODLAND	
Total area of the lot between 50 feet and 150 feet of the reference line within which the vegetation currently exists as natural woodland[3] **(see definition below)**.	**(F) 9,640**
Total area of the lot between 50 feet and 150 feet from the reference line.	**(G) 15,905**
At least 25% of area **(G)** must remain in as natural woodland. [0.25 x G]	**(H) 3,976**
Place the lesser of area **(F)** and calculation **(H)** on this line. In order to remain compliant with the **natural woodland area requirement**, this is the minimum area that must remain as natural woodland between 50 feet and 150 feet from the reference line. This area **must** be represented on all plans and this area, exclusive of existing lawn, must remain in an unaltered state[4].	**(I) 3,976**
Name of person who prepared this worksheet: **Brendn Quigley**	
Name and date of the plan this worksheet is based upon: Post Construction Shoreland Plan for Tax Map 224 Lot 10-10 Emanuel Engineering, Feb 16 2021	
SIGNATURE: 	DATE: 2/19/21

[3] **"Natural Woodland"** means a forested area consisting of various species of trees, saplings, shrubs, and ground covers in any combination and at any stage of growth.

[4] **"Unaltered State"** means native vegetation allowed to grow without cutting, limbing, trimming, pruning, mowing, or other similar activities except as needed for renewal or to maintain or improve plant health.

USGS Locus Map



USGS The National Map: National Boundaries Dataset, 3DEP Elevation Program, Geographic Names Information System, National Hydrography Dataset, National Land Cover Database, National Structures Dataset, and National Transportation Dataset; USGS Global Ecosystems; U.S. Census Bureau TIGER/Line data; USFS Road Data; Natural Earth Data; U.S. Department of State Humanitarian Information Unit; and NOAA National Centers for Environmental Information, U.S. Coastal Relief Model. Data refreshed May, 2020.

1:24,000

Locus Map

239 Gosport Rd
Portsmouth, NH

Impact Area Photos

Photo 1 Looking northeast toward Sagamore Creek. Red line is approximate limit of 100-foot Tidal Buffer

Photo 2 Looking southeast toward Sagamore Creek. Red line is approximate limit of 100-foot Tidal Buffer

Photo 3 Looking west at the yard from the marsh. Retaining wall and shoreline access path are noted by arrows

Photo 4 closer view of the shoreline access path taken from the yard

Abutter Information

239 Gosport Rd Direct Abutters

Property Information

Property ID	0224-0010-0010
Location	239 GOSPORT RD
Owner	MASIELLO MARTHA B REV TRUST OF 2004

MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

City of Portsmouth, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 4/1/2019
Data updated 7/17/2019

ABUTTER LIST

Map	Lot No.	Name & Address
***OWNER(S)*:**		
224	10-10	MASIELLO MARTHA B REV TRUST OF 2004 MASIELLO MARTHA B TRUSTEE
***DIRECT ABUTTERS*:**		
224	10-11	PINE SISKIN LLC 219 GOSPORT RD PORTSMOUTH, NH 03801
224	10-9	HEPPONSTALL RODNEY W HEPPONSTALL DEBBIE S 255 GOSPORT RD PORTSMOUTH, NH 038014

ABUTTER NOTIFICATION
OF
WETLANDS PERMIT APPLICATION

February 19, 2021

«Name»
«Street»
«TownStateZip»

Re: 239 Gosport Road
Lot 24-10-10
Portsmouth, NH

Dear Sir or Madem:

This letter is to inform you that a Wetlands Permit Application will be submitted to the NH Department of Environmental Services (NHDES) Wetland Bureau on behalf of Martha Masiello Revocable Trust of 2004 for a *Wetlands and Non-Site Specific Permit*. The permit is required to 1,275 square feet of Upland Tidal Buffer disturbance associated with the expansion of the yard behind the existing house. The disturbance was carried out prior to the applicant owning the property and this application is being submitted for compliance purposes.

Under state law RSA 482-A:3 I (d)(1), via certified mail, I am required to notify you about this wetland permit application which proposes work abutting your property. Once the permit application is submitted to NHDES, a copy of the permit application, including the plans associated with the project proposal, will be available for public review at the City of Portsmouth Clerk's Office and at the NHDES headquarters in Concord. A file review must be scheduled to view documents at the NHDES offices by calling (603) 271-8808 or visiting online at: filereview@des.nh.gov .

If you have any questions that we might be able to answer, please feel free to contact our office.

Sincerely,

Brendan Quigley, CWS
Gove Environmental Services, Inc.

7019 1640 0001 0759 8796

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FEB 20 2021

Pine siskin LLC
219 Gosport Road
Portsmouth, NH 03801

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7019 1640 0001 0759 8789

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- ☐ Adult Signature Required $
- ☐ Adult Signature Restricted Delivery $

Postage
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Total
$

Sent

Street

City, S

Postmark Here

FEB 20 2021

Rodney W. & Debbie S. Hepponstall
255 Gosport Road
Portsmouth, NH 03801

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

Deed

Return to:

The Martha B. Masiello Revocable Trust of 2004
239 Gosport Road
Portsmouth, NH 03801

STATE OF NEW HAMPSHIRE
DEPARTMENT OF REVENUE ADMINISTRATION
REAL ESTATE TRANSFER TAX
***23 Thousand 2 Hundred 50 Dollars
DATE 08/30/2016 63220 AMOUNT $ ***23250.00
VOID IF ALTERED

C/H L-CHIP 337247

E 38503

ROCKINGHAM COUNTY
REGISTRY OF DEEDS

2016 Aug 30 PM 02:32

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That we, **Paul J. McKeon Jr. and Jessica Hulseman**, husband and wife, of 239 Gosport Road, Portsmouth, NH 03801, for consideration paid, grant to **Martha B. Masiello, Trustee of The Martha B. Masiello Revocable Trust of 2004**, of 16 Runaway Road, Newfields, NH 03856, with WARRANTY COVENANTS:

SEE ATTACHED EXHIBIT A.

MEANING and INTENDING to describe and convey the same premises conveyed to the grantors herein by deed of Denise A. Sylvester and Tina D. Sylvester, Trustees of the Denise A. Sylvester Revocable Trust dated 2/25/2015 and recorded at Book 5597, Page 49 in the Rockingham County Registry of Deeds.

We, the grantors herein hereby release all rights of homestead in the above-described premises.

Executed this 29th day of August, 2016

Paul J. McKeon Jr.

Jessica Hulseman

State of New Hampshire
County of Rockingham

8/29/2016.

Then personally appeared before me the said Paul J. McKeon Jr. and Jessica Hulseman and acknowledged the foregoing to be their voluntary act and deed.

CHRISTINE BAKER
MY COMMISSION EXPIRES APRIL 6, 2021
NOTARY PUBLIC
NEW HAMPSHIRE

Christine Baker
Notary Public/Justice of the Peace
Commission expiration: 4/6/2021

EXHIBIT A

A certain parcel of land with the building thereon, situated in the City of Portsmouth, County of Rockingham and State of New Hampshire, being described as Lot 17 on a plan entitled "Definitive Subdivision Plan in the City of Portsmouth, NH, Tucker's Cove" by Landtech Consultants, Inc., dated February 18, 1993, as revised and recorded in the Rockingham County Registry of Deeds as Plan No. D-24827, and further revised on a plan entitled "Lot Line Relocation Plan for Tuckers Cove Limited Liability and Tuckers Cove Builders, LLC, 219 and 239 Gosport Road", dated January 16, 2001 and recorded as Plan No. D-28830, being more particularly bounded and described as follows:

Beginning at a point on Gosport Road at the Northwesterly corner of the herein described lot and running South 86° 05' 08" East along land, now or formerly of Tucker's Cove, LLC and shown as Lot 16 on the aforementioned plan, a distance of 311.77' to a point at the high water mark of Sagamore Creek; turning and running along the mean high water Mark of Sagamore Creek to a point at the corner of land, now or formerly of Tucker's Cove, LLC and shown as Lot 18 on the aforementioned plan' (the tie line between said points being South 07° 39' 33" West, a distance of 113.98'); turning and running South 83° 29' 10" West along said Lot 18, a distance of 204.97' to a point; turning and running North 75° 14' 29" West along said Lot 18, a distance of 220' to a point at Gosport Road; turning and running North 49° 54' 41" East along said Gosport Road, a distance of 157.55' to the point of beginning.

Subject to any and all easements, rights, restrictions, covenants, conditions, encumbrances and reservations of record or otherwise, insofar as the same are in force and applicable to the premises, including, but not limited to, the following:

1. The terms, easements, covenants, rights, reservations, encumbrances, servitudes and reservations, as described and contained or otherwise set forth within a document entitled "Tucker's Cove Limited Liability Protective Covenant" by and between Tucker's Cove Limited Liability Company and the City of Portsmouth, dated January 28, 1998 and recorded in the Rockingham County Registry of Deeds at Book 3276, Page 2555, as it may be amended from time to time;

2. The terms, easements, covenants, rights, reservations, encumbrances, servitudes and reservations, as described and contained or otherwise set forth within a document entitled " Declaration of Protective Covenants promulgated by Tucker's Cove" dated December 28, 1998 and recorded in the Rockingham County registry of Deeds at Book 3357, Page 747, as it may be amended from time to time;

3. The terms, easements, covenants, rights, reservations, encumbrances, servitudes and reservations, as described and contained or otherwise set

forth within a Quitclaim Deed from Robert A. Shaines, Stuart N. Shaines and R & S Trust to Tucker's Cove Limited Liability Company, dated September 17, 1993 and recorded in the Rockingham County Registry of Deeds at Book 3006, Page 2208 insofar as they may apply to the property conveyed herein.

Further subject to all utility liens, utility pads and easements for utility services (including without limitation, electricity, water, gas, telephone, cable television, sewer and the like) as may be now, or in the future, deed to municipal, quasi-governmental and/or private utility companies.

Tucker's Cove, LLC retains for itself, its successors and assigns, a temporary slope easement over that portion of the premises that lies within 20" of the sideline of the subdivision road for the purposes of sloping and grading and other work lawfully required by the City of Portsmouth, NH, this easement will automatically terminate upon the acceptance of the subdivision improvements by City of Portsmouth.

Function & Value Assessment

Coastal Screening Maps

WETLANDS FUNCTIONAL ASSESSMENT WORKSHEET

Water Division/Land Resource Management
Wetlands Bureau

Check the Status of your Application

RSA/Rule: RSA 482-A / Env-Wt 311.03(b)(10); Env-Wt 311.10

APPLICANT LAST NAME, FIRST NAME, M.I.: Masiello, Martha

As required by Env-Wt 311.03(b)(10), an application for a standard permit for minor and major projects must include a functional assessment of all wetlands on the project site as specified in Env-Wt 311.10. This worksheet will help you compile data for the functional assessment needed to meet federal (US Army Corps of Engineers (USACE); if applicable) and NHDES requirements. Additional requirements are needed for projects in tidal area; please refer to the Coastal Area Worksheet (NHDES-W-06-079) for more information.

Both a desktop review and a field examination are needed to accurately determine surrounding land use, hydrology, hydroperiod, hydric soils, vegetation, structural complexity of wetland classes, hydrologic connections between wetlands or stream systems or wetland complex, position in the landscape, and physical characteristics of wetlands and associated surface waters. The results of the evaluation are to be used to select the location of the proposed project having the least impact to wetland functions and values (Env-Wt 311.10). This worksheet can be used in conjunction with the Avoidance and Minimization Written Narrative (NHDES-W-06-089) and the Avoidance and Minimization Checklist (NHDES-W-06-050) to address Env-Wt 313.03 (Avoidance and Minimization). If more than one wetland/ stream resource is identified, multiple worksheets can be attached to the application. All wetland, vernal pools, and stream identification (ID) numbers are to be displayed and located on the wetlands delineation of the subject property.

SECTION 1 - LOCATION (USACE HIGHWAY METHODOLOGY)	
ADJACENT LAND USE: Residential	
CONTIGUOUS UNDEVELOPED BUFFER ZONE PRESENT? ☒ Yes ☐ No	
DISTANCE TO NEAREST ROADWAY OR OTHER DEVELOPMENT (in feet): 150 feet	
SECTION 2 - DELINEATION (USACE HIGHWAY METHODOLOGY; Env-Wt 311.10)	
CERTIFIED WETLAND SCIENTIST (if in a non-tidal area) or QUALIFIED COASTAL PROFESSIONAL (if in a tidal area) who prepared this assessment: Brendan Quigley NHCWS # 249	
DATE(S) OF SITE VISIT(S):	DELINEATION PER ENV-WT 406 COMPLETED? ☒ Yes ☐ No
CONFIRM THAT THE EVALUATION IS BASED ON: ☒ Office and ☒ Field examination.	
METHOD USED FOR FUNCTIONAL ASSESSMENT (check one and fill in blank if “other”): ☒ USACE Highway Methodology. ☐ Other scientifically supported method (enter name/ title):	

SECTION 3 - WETLAND RESOURCE SUMMARY (USACE HIGHWAY METHODOLOGY; Env-Wt 311.10)	
WETLAND ID: 1 of 1	LOCATION: (LAT/ LONG) 43.04882/70.75177
WETLAND AREA: NA	DOMINANT WETLAND SYSTEMS PRESENT: Tidal Marsh
HOW MANY TRIBUTARIES CONTRIBUTE TO THE WETLAND? Tidal, Sagamore Creek	COWARDIN CLASS: E2EM1P
IS THE WETLAND A SEPARATE HYDRAULIC SYSTEM? ☐ Yes ☒ No if not, where does the wetland lie in the drainage basin? tidal	IS THE WETLAND PART OF: ☒ A wildlife corridor or ☐ A habitat island?
	IS THE WETLAND HUMAN-MADE? ☐ Yes ☒ No
IS THE WETLAND IN A 100-YEAR FLOODPLAIN? ☒ Yes ☐ No	ARE VERNAL POOLS PRESENT? ☐ Yes ☒ No (If yes, complete the Vernal Pool Table)
ARE ANY WETLANDS PART OF A STREAM OR OPEN-WATER SYSTEM? ☐ Yes ☐ No	ARE ANY PUBLIC OR PRIVATE WELLS DOWNSTREAM/ DOWNGRADIENT? ☐ Yes ☒ No
PROPOSED WETLAND IMPACT TYPE: Tidal BUFFER only	PROPOSED WETLAND IMPACT AREA: 1275 SF

SECTION 4 - WETLANDS FUNCTIONS AND VALUES (USACE HIGHWAY METHODOLOGY; Env-Wt 311.10)

The following table can be used to compile data on wetlands functions and values. The reference numbers indicated in the "Functions/ Values" column refer to the following functions and values:

1. Ecological Integrity (from RSA 482-A:2, XI)
2. Educational Potential (from USACE Highway Methodology: Educational/Scientific Value)
3. Fish & Aquatic Life Habitat (from USACE Highway Methodology: Fish & Shellfish Habitat)
4. Flood Storage (from USACE Highway Methodology: Floodflow Alteration)
5. Groundwater Recharge (from USACE Highway Methodology: Groundwater Recharge/Discharge)
6. Noteworthiness (from USACE Highway Methodology: Threatened or Endangered Species Habitat)
7. Nutrient Trapping/Retention & Transformation (from USACE Highway Methodology: Nutrient Removal)
8. Production Export (Nutrient) (from USACE Highway Methodology)
9. Scenic Quality (from USACE Highway Methodology: Visual Quality/Aesthetics)
10. Sediment Trapping (from USACE Highway Methodology: Sediment /Toxicant Retention)
11. Shoreline Anchoring (from USACE Highway Methodology: Sediment/Shoreline Stabilization)
12. Uniqueness/Heritage (from USACE Highway Methodology)
13. Wetland-based Recreation (from USACE Highway Methodology: Recreation)
14. Wetland-dependent Wildlife Habitat (from USACE Highway Methodology: Wildlife Habitat)

First, determine if a wetland is suitable for a particular function and value ("Suitability" column) and indicate the rationale behind your determination ("Rationale" column). Please use the rationale reference numbers listed in Appendix A of USACE *The Highway Methodology Workbook Supplement*. Second, indicate which functions and values are principal ("Principal Function/value?" column). As described in *The Highway Methodology Workbook Supplement*, "functions and values can be principal if they are an important physical component of a wetland ecosystem (function only) and/or are considered of special value to society, from a local, regional, and/or national perspective". "Important Notes" are to include characteristics the evaluator used to determine the principal function and value of the wetland.

FUNCTIONS/ VALUES	SUITABILITY (Y/N)	RATIONALE (Reference #)	PRINCIPAL FUNCTION/VALUE? (Y/N)	IMPORTANT NOTES
1	☒ Yes ☐ No	moderate due to smaller overall size, adjacnt residential devlopment, and high recreational use	☒ Yes ☐ No	not principle based on typical eco integity conceopts but considering sigjnificance and imperiled status of tidal marsh in state, it should be cosidered principle
2	☒ Yes ☐ No	1,3,5	☒ Yes ☐ No	numerous educational and reaserch opportunities exist in this wetland
3	☒ Yes ☐ No	1,2,3,4,5	☒ Yes ☐ No	
4	☒ Yes ☐ No	16	☐ Yes ☒ No	Tidal wetland does not "store" floodwater, but does buffer storm surge and very high tide events
5	☐ Yes ☒ No		☐ Yes ☒ No	tidal wetland
6	☒ Yes ☐ No	1,2	☒ Yes ☐ No	none idetified adjacenbt to site but known to be supported in tidal marsh
7	☒ Yes ☐ No	3,4,6,8,10, 12,13,14	☒ Yes ☐ No	water quality is a critical fcuntion of tidal marsh
8	☒ Yes ☐ No	1,3,4,6,7	☒ Yes ☐ No	marsh production supports numerous specioes including econmically importan fish and shelfish species
9	☒ Yes ☐ No	2, 3, 6, 7,8,12	☒ Yes ☐ No	widely considered high aesthic value, significant to coastal region
10	☒ Yes ☐ No	1,2,3,4,5,7,8,16	☒ Yes ☐ No	water quality is a critical fcuntion of tidal marsh, sediment trapping is important to marsh survival
11	☒ Yes ☐ No	1,6,8,10,11,12,15	☒ Yes ☐ No	buffering storm surge and higher tidfal events is an important function of tidal marshes
12	☒ Yes ☐ No	1,2,3,18,25,27,28,31	☒ Yes ☐ No	tidal marshes are culturall, historically, and scientifically significant are not widespread and are generally imperiled
13	☒ Yes ☐ No	2,3,5,7,9	☐ Yes ☒ No	supported from habitat and aesthetic standpoint. Recreation is directy supported in the waterway

14	☒ Yes ☐ No	7,11,13,18,19,21	☒ Yes ☐ No	

SECTION 5 - VERNAL POOL SUMMARY (Env-Wt 311.10)

Delineations of vernal pools shall be based on the characteristics listed in the definition of "vernal pool" in Env-Wt 104.44. To assist in the delineation, individuals may use either of the following references:

- *Identifying and Documenting Vernal Pools in New Hampshire 3rd Ed.*, 2016, published by the New Hampshire Fish and Game Department; or
- The USACE *Vernal Pool Assessment* draft guidance dated 9-10-2013 and form dated 9-6-2016, Appendix L of the USACE New England District *Compensatory Mitigation Guidance*.

All vernal pool ID numbers are to be displayed and located on the wetland delineation of the subject property.

"Important Notes" are to include documented reproductive and wildlife values, landscape context, and relationship to other vernal pools/wetlands.

Note: For projects seeking federal approval from the USACE, please attach a completed copy of The USACE "Vernal Pool Assessment" form dated 9-6-2016, Appendix L of the USACE New England District *Compensatory Mitigation Guidance*.

VERNAL POOL ID NUMBER	DATE(S) OBSERVED	PRIMARY INDICATORS PRESENT (LIST)	SECONDARY INDICATORS PRESENT (LIST)	LENGTH OF HYDROPERIOD	IMPORTANT NOTES
1					
2					
3					
4					
5					

SECTION 6 - STREAM RESOURCES SUMMARY

DESCRIPTION OF STREAM:	STREAM TYPE (ROSGEN):
HAVE FISHERIES BEEN DOCUMENTED? ☐ Yes ☐ No	DOES THE STREAM SYSTEM APPEAR STABLE? ☐ Yes ☐ No
OTHER KEY ON-SITE FUNCTIONS OF NOTE:	

The following table can be used to compile data on stream resources. "Important Notes" are to include characteristics the evaluator used to determine principal function and value of each stream. The functions and values reference number are defined in Section 4.

FUNCTIONS/ VALUES	SUITABILITY (Y/N)	RATIONALE	PRINCIPAL FUNCTION/VALUE? (Y/N)	IMPORTANT NOTES
1	☐ Yes ☐ No		☐ Yes ☐ No	
2	☐ Yes ☐ No		☐ Yes ☐ No	
3	☐ Yes ☐ No		☐ Yes ☐ No	
4	☐ Yes ☐ No		☐ Yes ☐ No	
5	☐ Yes ☐ No		☐ Yes ☐ No	
6	☐ Yes ☐ No		☐ Yes ☐ No	
7	☐ Yes ☐ No		☐ Yes ☐ No	
8	☐ Yes ☐ No		☐ Yes ☐ No	
9	☐ Yes ☐ No		☐ Yes ☐ No	
10	☐ Yes ☐ No		☐ Yes ☐ No	
11	☐ Yes ☐ No		☐ Yes ☐ No	
12	☐ Yes ☐ No		☐ Yes ☐ No	
13	☐ Yes ☐ No		☐ Yes ☐ No	
14	☐ Yes ☐ No		☐ Yes ☐ No	

SECTION 7 - ATTACHMENTS (USACE HIGHWAY METHODOLOGY; Env-Wt 311.10)

☐ Wildlife and vegetation diversity/abundance list.

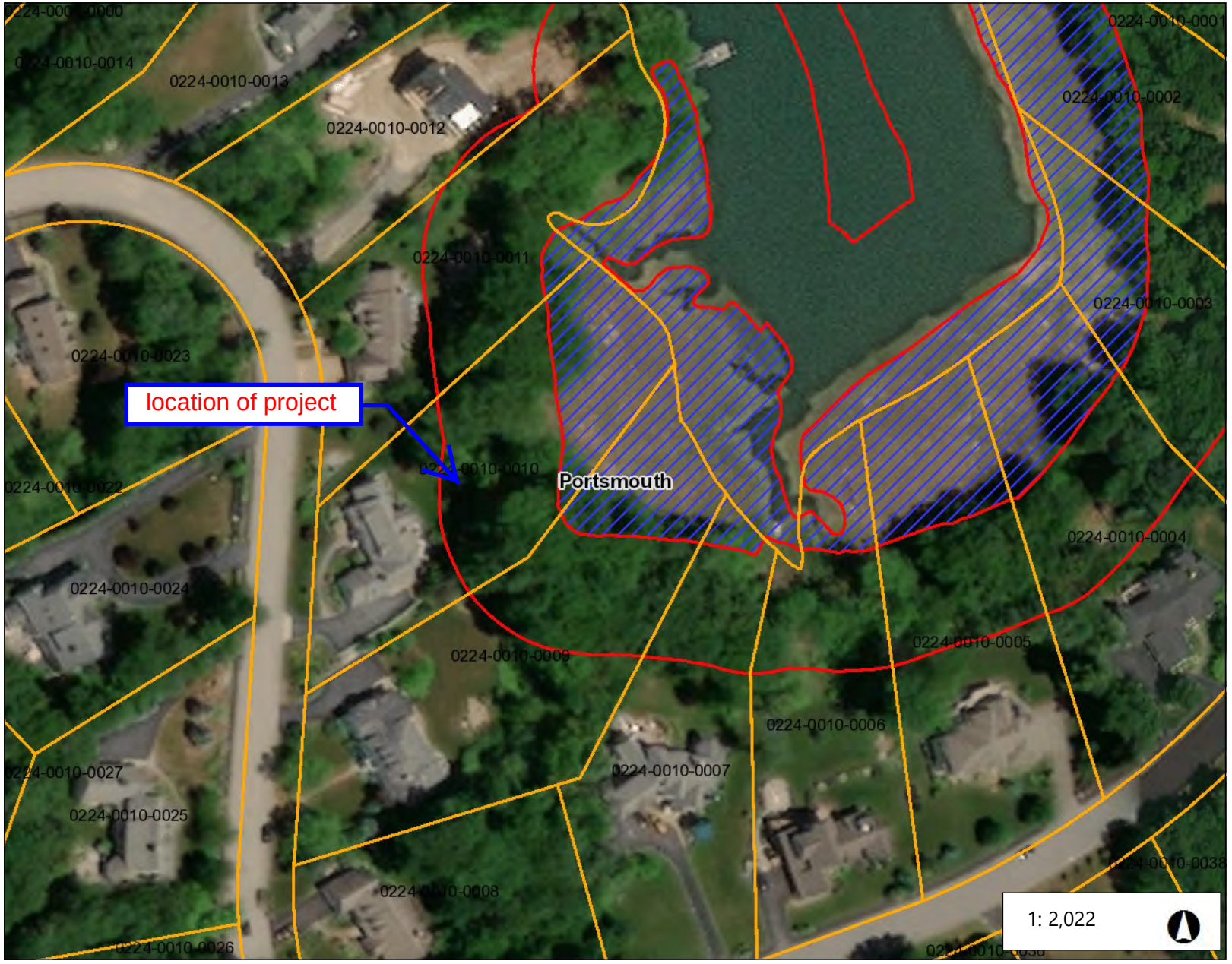
☒ Photograph of wetland.

☒ Wetland delineation plans showing wetlands, vernal pools, and streams in relation to the impact area and surrounding landscape. Wetland IDs, vernal pool IDs, and stream IDs must be indicated on the plans.

☒ For projects in tidal areas only: additional information required by Env-Wt 603.03/603.04. Please refer to the Coastal Area Worksheet (NHDES-W-06-079) for more information.

The wetland consists of high marsh on Tuckers Cove located off of Sagamore Creek. At this location the marsh is dominated by Spartina Patens with a thin band of Typha Latifolia occupying the area just beyond HOTL. A stone wall defines the edge of the marsh after which an upland forest of oak and pine rises at moderate to steep grade to the residential house and associated yard which are located approximately 80 feet from the marsh.

Your Organization | Resource Screening



Legend

- Oyster Restoration Sites
- Aquaculture Sites - 2015
- NH City/Town Boundaries
- NH Parcel Mosaic
- Flood Plain Wetlands Adjacent
- Prime Wetlands with 100 ft Buf
- Prime Wetlands
- Peatlands
- Sand Dunes
  - backdune
  - foredune
  - interdune
  - other
- Eelgrass 2017
- Eelgrass 2016
- Eelgrass 2006
- Eelgrass 1996
- Eelgrass 1986
- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations

Notes

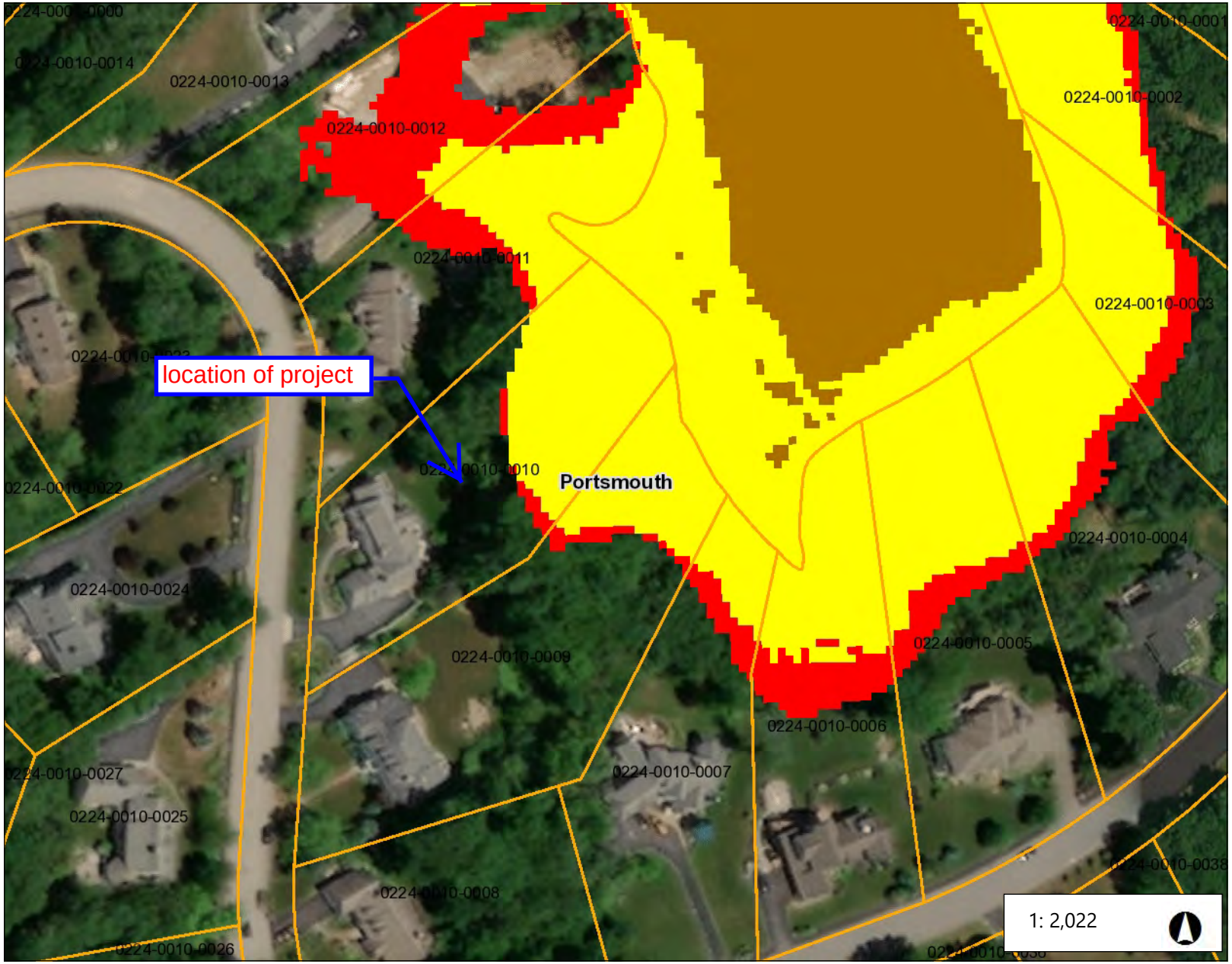
0.1 0 0.03 0.1 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Your Organization | Predicted Salt Marsh Migration



Legend

- NH City/Town Boundaries
- NH Parcel Mosaic
- Predicted Marsh Migration 210
  - Freshwater wetland
  - Tidal wetland
  - Transitional salt marsh
  - Salt marsh
  - Mud flat
  - Inland open water
  - Tidal water
- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations

Notes

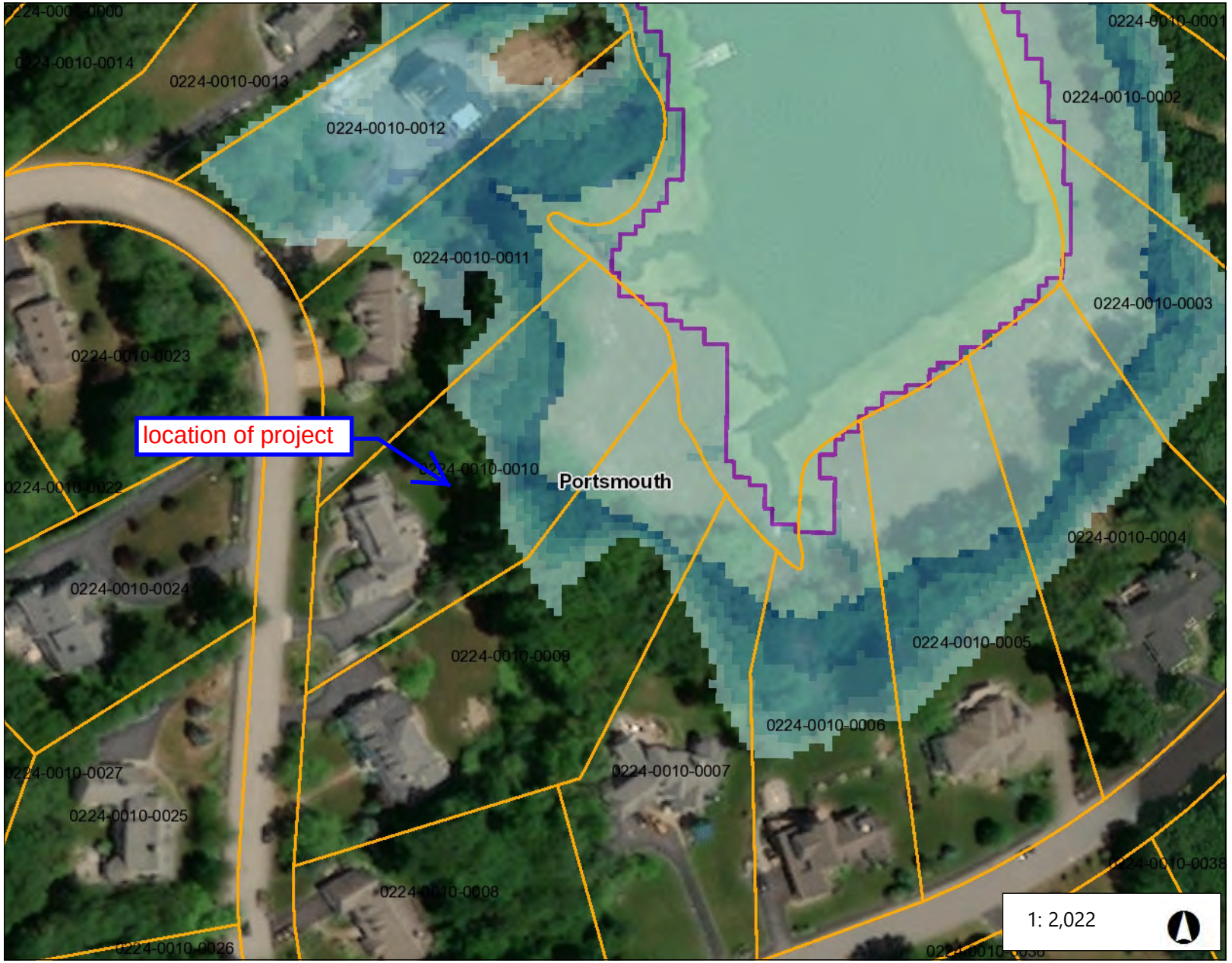
0.1 0 0.03 0.1 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Your Organization | Predicted SLR over MHHW



Legend

- NH City/Town Boundaries
- NH Parcel Mosaic
- MHHW Baseline
- MHHW Baseline
- MHHW + 2-ft SLR
  - 0 - 2
  - 2 - 4
  - 4 - 6
  - 6 - 8
  - 8 - 10
  - 10 +
- MHHW + 1% Flood + 2-ft SLR
  - 0 - 2
  - 2 - 4
  - 4 - 6
  - 6 - 8
  - 8 - 10
  - 10 +
- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations

Notes

0.1 0 0.03 0.1 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

New Hampshire Natural Heritage Inquiry

CONFIDENTIAL – NH Dept. of Environmental Services review

Memo

NH Natural Heritage Bureau
NHB Datacheck Results Letter

To: Luke Hurley, Gove Environmental Services, Inc.
8 Continental Drive
Exeter, NH 03833

From: Amy Lamb, NH Natural Heritage Bureau
Date: 11/16/2020 (valid for one year from this date)
Re: Review by NH Natural Heritage Bureau
NHB File ID: NHB20-3276 Town: Portsmouth Location: Tax Maps: map 24 Lot 10-10
Description: After the fact application for 1275 sf disturbance within the tidal buffer to create a rear lawn area behind an existing house.

As requested, I have searched our database for records of rare species and exemplary natural communities, with the following results.

Comments: Please clarify the distance of the unauthorized disturbance from the highest observable tide line and please send NHB photos of impact areas. Please send a site plan or drawing detailing previous and existing conditions, if one is available.

Natural Community	State[1]	Federal	Notes
High salt marsh	--	--	Threats to these communities are primarily alterations to the hydrology of the wetland (such as ditching or tidal restrictions that might affect the sheet flow of tidal waters across the intertidal flat) and increased input of nutrients and pollutants in storm runoff.
Intertidal flat	--	--	Threats to these communities are primarily alterations to the hydrology of the wetland (such as ditching or tidal restrictions that might affect the sheet flow of tidal waters across the intertidal flat) and increased input of nutrients and pollutants in storm runoff.
Low salt marsh	--	--	Threats to these communities are primarily alterations to the hydrology of the wetland (such as ditching or tidal restrictions that might affect the sheet flow of tidal waters across the intertidal flat) and increased input of nutrients and pollutants in storm runoff.
Salt marsh system	--	--	Threats are primarily changes to the hydrology of the system, introduction of invasive species, and increased input of nutrients and pollutants.

[1]Codes: "E" = Endangered, "T" = Threatened, “SC” = Special Concern, "--" = an exemplary natural community, or a rare species tracked by NH Natural Heritage that has not yet been added to the official state list. An asterisk (*) indicates that the most recent report for that occurrence was more than 20 years ago.

A negative result (no record in our database) does not mean that a sensitive species is not present. Our data can only tell you of known occurrences, based on information gathered by qualified biologists and reported to our office. However, many areas have never been surveyed, or have only been surveyed for certain

Department of Natural and Cultural Resources
Division of Forests and Lands
(603) 271-2214 fax: 271-6488

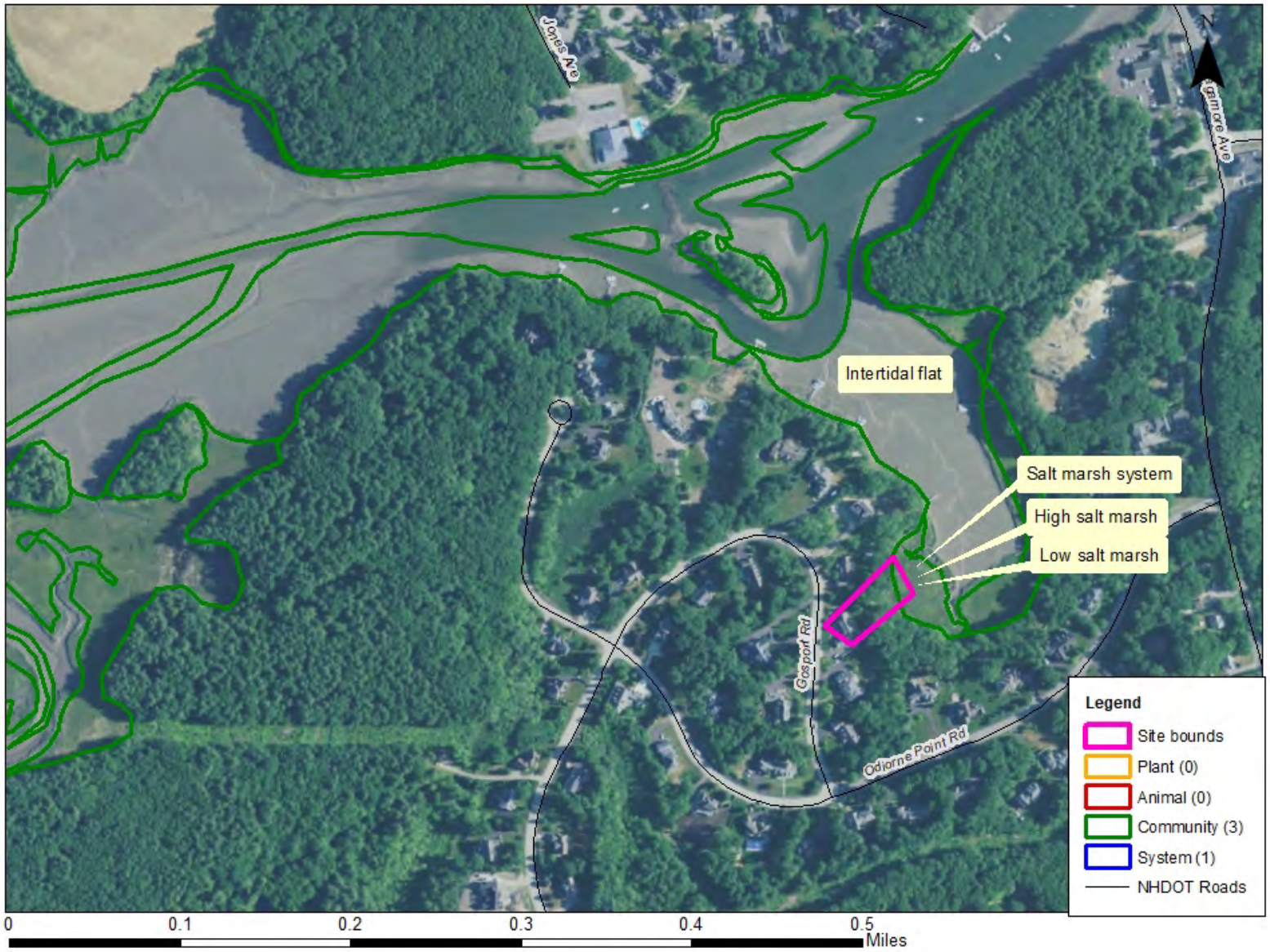
DNCR/NHB
172 Pembroke Rd.
Concord, NH 03301

species. An on-site survey would provide better information on what species and communities are indeed present.

Department of Natural and Cultural Resources
Division of Forests and Lands
(603) 271-2214 fax: 271-6488

DNCR/NHB
172 Pembroke Rd.
Concord, NH 03301

NHB20-3276


Jones Ave
Intertidal flat
Salt marsh system
High salt marsh
Low salt marsh
Gosport Rd
Odiorne Point Rd
Legend
Site bounds
Plant (0)
Animal (0)
Community (3)
System (1)
NHDOT Roads
0
0.1
0.2
0.3
0.4
0.5
Miles

ACOE Supplemental Information

(Secondary Impacts Checklist, SHPO Inquiry, IPaC Report)

US Army Corps of Engineers ®
New England District

New Hampshire General Permits (GPs)
Appendix B - Corps Secondary Impacts Checklist
(for inland wetland/waterway fill projects in New Hampshire)

1. Attach any explanations to this checklist. Lack of information could delay a Corps permit determination.
2. All references to "work" include all work associated with the project construction and operation. Work includes filling, clearing, flooding, draining, excavation, dozing, stumping, etc.
3. See GC 5, regarding single and complete projects.
4. Contact the Corps at (978) 318-8832 with any questions.

1. Impaired Waters	Yes	No
1.1 Will any work occur within 1 mile upstream in the watershed of an impaired water? See http://des.nh.gov/organization/divisions/water/wmb/section401/impaired_waters.htm to determine if there is an impaired water in the vicinity of your work area.*	X	
2. Wetlands	Yes	No
2.1 Are there are streams, brooks, rivers, ponds, or lakes within 200 feet of any proposed work?	X	
2.2 Are there proposed impacts to SAS, special wetlands. Applicants may obtain information from the NH Department of Resources and Economic Development Natural Heritage Bureau (NHB) DataCheck Tool for information about resources located on the property at https://www2.des.state.nh.us/nhb_datacheck/. The book Natural Community Systems of New Hampshire also contains specific information about the natural communities found in NH.		X
2.3 If wetland crossings are proposed, are they adequately designed to maintain hydrology, sediment transport & wildlife passage? NA		
2.4 Would the project remove part or all of a riparian buffer? (Riparian buffers are lands adjacent to streams where vegetation is strongly influenced by the presence of water. They are often thin lines of vegetation containing native grasses, flowers, shrubs and/or trees that line the stream banks. They are also called vegetated buffer zones.)	X	
2.5 The overall project site is more than 40 acres?		X
2.6 What is the area of the previously filled wetlands?	unknown	
2.7 What is the area of the proposed fill in wetlands?	0, tidal buffer	
2.8 What is the % of previously and proposed fill in wetlands to the overall project site?	NA	
3. Wildlife	Yes	No
3.1 Has the NHB & USFWS determined that there are known occurrences of rare species, exemplary natural communities, Federal and State threatened and endangered species and habitat, in the vicinity of the proposed project? (All projects require an NHB ID number & a USFWS IPAC determination.) NHB DataCheck Tool: https://www2.des.state.nh.us/nhb_datacheck/ USFWS IPAC website: https://ecos.fws.gov/ipac/location/index	X	

3.2 Would work occur in any area identified as either "Highest Ranked Habitat in N.H." or "Highest Ranked Habitat in Ecological Region"? (These areas are colored magenta and green, respectively, on NH Fish and Game's map, "2010 Highest Ranked Wildlife Habitat by Ecological Condition.") Map information can be found at: • PDF: https://wildlife.state.nh.us/wildlife/wap-high-rank.html. • Data Mapper: www.granit.unh.edu. • GIS: www.granit.unh.edu/data/downloadfreedata/category/databycategory.html.		X (adjacent)
3.3 Would the project impact more than 20 acres of an undeveloped land block (upland, wetland/waterway) on the entire project site and/or on an adjoining property(s)?		X
3.4 Does the project propose more than a 10-lot residential subdivision, or a commercial or industrial development?		X
3.5 Are stream crossings designed in accordance with the GC 21? N/A		
4. Flooding/Floodplain Values	Yes	No
4.1 Is the proposed project within the 100-year floodplain of an adjacent river or stream?		X
4.2 If 4.1 is yes, will compensatory flood storage be provided if the project results in a loss of flood storage? N/A		
5. Historic/Archaeological Resources		
For a minimum, minor or major impact project - a copy of the Request for Project Review (RPR) Form (www.nh.gov/nhdhr/review) with your DES file number shall be sent to the NH Division of Historical Resources as required on Page 11 GC 8(d) of the GP document**	X	

*Although this checklist utilizes state information, its submittal to the Corps is a Federal requirement.
** If your project is not within Federal jurisdiction, coordination with NH DHR is not required under Federal law.

Please mail the completed form and required material to:

New Hampshire Division of Historical Resources
State Historic Preservation Office
Attention: Review & Compliance
19 Pillsbury Street, Concord, NH 03301-3570

DHR Use Only

R&C # _____

PENDING

Sent Date ____ / ____ / ____

Request for Project Review by the New Hampshire Division of Historical Resources

☒ This is a new submittal
☐ This is additional information relating to DHR Review & Compliance (R&C) #:

GENERAL PROJECT INFORMATION

Project Title Masiello After the Fact Applivcation

Project Location 2369 Gosport Road

City/Town Portsmouth Tax Map 224 Lot # 10-10

NH State Plane - Feet Geographic Coordinates: Easting 7876070 Northing 531931
(See RPR Instructions and R&C FAQs for guidance.)

Lead Federal Agency and Contact *(if applicable)* ACOE
(Agency providing funds, licenses, or permits)
Permit Type and Permit or Job Reference # PGP

State Agency and Contact *(if applicable)* DES

Permit Type and Permit or Job Reference # ATF Standrd

APPLICANT INFORMATION

Applicant Name Martha B. Masiello Rev Trust, Martha Masiello Tustee

Mailing Address 239 Gosport Rd Phone Number

City Portsmouth State NH Zip 03801 Email MarthaM@siaa.net

CONTACT PERSON TO RECEIVE RESPONSE

Name/Company Brendan Quigley, Gove Environmental Services, Inc

Mailing Address 8 Continental Drive Bldg 2 Unit H Phone Number 6037780644

City Exeter State NH Zip 03833 Email bquigley@gesinc.biz

This form is updated periodically. Please download the current form at www.nh.gov/nhdhr/review. *Please refer to the Request for Project Review Instructions for direction on completing this form.* Submit one copy of this project review form for each project for which review is requested. Include a self-addressed stamped envelope to expedite review response. Project submissions will not be accepted via facsimile or e-mail. This form is required. Review request form must be complete for review to begin. Incomplete forms will be sent back to the applicant without comment. Please be aware that this form may only initiate consultation. For some projects, additional information will be needed to complete the Section 106 review. All items and supporting documentation submitted with a review request, including photographs and publications, will be retained by the DHR as part of its review records. Items to be kept confidential should be clearly identified. For questions regarding the DHR review process and the DHR's role in it, please visit our website at: www.nh.gov/nhdhr/review or contact the R&C Specialist at marika.labash@dncr.nh.gov or 603.271.3558.

PROJECTS CANNOT BE PROCESSED WITHOUT THIS INFORMATION

Project Boundaries and Description

- ☒ Attach the Project Mapping ***using EMMIT or relevant portion of a 7.5' USGS Map.*** *(See RPR Instructions and R&C FAQs for guidance.)*
- ☒ Attach a detailed narrative description of the proposed project.
- ☒ Attach a site plan. The site plan should include the project boundaries and areas of proposed excavation.
- ☒ Attach photos of the project area (overview of project location and area adjacent to project location, and specific areas of proposed impacts and disturbances.) *(Informative photo captions are requested.)*
- ☒ A DHR records search must be conducted to identify properties within or adjacent to the project area. Provide records search results via EMMIT or in **Table 1**. *(Blank table forms are available on the DHR website.)*
  EMMIT or in-house records search conducted on 2/4/21.

Architecture

Are there any buildings, structures (bridges, walls, culverts, etc.) objects, districts or landscapes within the project area? ☒ Yes ☐ No
If no, skip to Archaeology section. If yes, submit all of the following information:

Approximate age(s): 2003

- ☒ Photographs of ***each*** resource or streetscape located within the project area, with captions, along with a mapped photo key. (Digital photographs are accepted. All photographs must be clear, crisp and focused.)
- ☐ If the project involves rehabilitation, demolition, additions, or alterations to existing buildings or structures, provide additional photographs showing detailed project work locations. (i.e. Detail photo of windows if window replacement is proposed.)

Archaeology

Does the proposed undertaking involve ground-disturbing activity? ☐ Yes ☒ No
If yes, submit all of the following information:

- ☐ Description of current and previous land use and disturbances.
- ☐ Available information concerning known or suspected archaeological resources within the project area (such as cellar holes, wells, foundations, dams, etc.)

Please note that for many projects an architectural and/or archaeological survey or other additional information may be needed to complete the Section 106 process.

DHR Comment/Finding Recommendation *This Space for Division of Historical Resources Use Only*

☐ Insufficient information to initiate review. ☐ Additional information is needed in order to complete review.

☐ No Potential to cause Effects ☐ No Historic Properties Affected ☐ No Adverse Effect ☐ Adverse Effect

Comments:_____

_____

_____

_____

_____

_____

_____

If plans change or resources are discovered in the course of this project, you must contact the Division of Historical Resources as required by federal law and regulation.

Authorized Signature: _____ Date: _____

United States Department of the Interior

FISH AND WILDLIFE SERVICE
New England Ecological Services Field Office
70 Commercial Street, Suite 300
Concord, NH 03301-5094
Phone: (603) 223-2541 Fax: (603) 223-0104
http://www.fws.gov/newengland

In Reply Refer To: February 19, 2021
Consultation Code: 05E1NE00-2021-SLI-1428
Event Code: 05E1NE00-2021-E-04561
Project Name: Masiello After-the-Fact Permit

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (http://www.fws.gov/windenergy/) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm; http://www.towerkill.com; and http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

New England Ecological Services Field Office
70 Commercial Street, Suite 300
Concord, NH 03301-5094
(603) 223-2541

Project Summary

Consultation Code: 05E1NE00-2021-SLI-1428
Event Code: 05E1NE00-2021-E-04561
Project Name: Masiello After-the-Fact Permit
Project Type: ** OTHER **
Project Description: This is an after the fact permit application for 1,275 SF of disturbance within the 100-foot Tidal Buffer. The work was conducted by the previous owner of the property in order to expand the rear yard (80 feet from the Highest Observable Tide) and clear a foot path for access to the shoreline. No impervious surface was added. All work was conducted in the 100-foot tidal buffer only, no tidal marsh or any other wetland was impacted.

Project Location:

Approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@43.0486983,-70.75203225833334,14z

Counties: Rockingham County, New Hampshire

Endangered Species Act Species

There is a total of 2 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries[1], as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Northern Long-eared Bat *Myotis septentrionalis* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Birds

NAME	STATUS
Red Knot *Calidris canutus rufa* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1864	Threatened

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

United States Department of the Interior

FISH AND WILDLIFE SERVICE
New England Ecological Services Field Office
70 Commercial Street, Suite 300
Concord, NH 03301-5094
Phone: (603) 223-2541 Fax: (603) 223-0104
http://www.fws.gov/newengland

In Reply Refer To: February 19, 2021
Consultation code: 05E1NE00-2021-TA-1428
Event Code: 05E1NE00-2021-E-04562
Project Name: Masiello After-the-Fact Permit

Subject: Verification letter for the 'Masiello After-the-Fact Permit' project under the January 5, 2016, Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-eared Bat and Activities Excepted from Take Prohibitions.

Dear Brendan Quigley:

The U.S. Fish and Wildlife Service (Service) received on February 19, 2021 your effects determination for the 'Masiello After-the-Fact Permit' (the Action) using the northern long-eared bat (*Myotis septentrionalis*) key within the Information for Planning and Consultation (IPaC) system. This IPaC key assists users in determining whether a Federal action is consistent with the activities analyzed in the Service's January 5, 2016, Programmatic Biological Opinion (PBO). The PBO addresses activities excepted from "take"[1] prohibitions applicable to the northern long-eared bat under the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based upon your IPaC submission, the Action is consistent with activities analyzed in the PBO. The Action may affect the northern long-eared bat; however, any take that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR §17.40(o). Unless the Service advises you within 30 days of the date of this letter that your IPaC-assisted determination was incorrect, this letter verifies that the PBO satisfies and concludes your responsibilities for this Action under ESA Section 7(a)(2) with respect to the northern long-eared bat.

Please report to our office any changes to the information about the Action that you submitted in IPaC, the results of any bat surveys conducted in the Action area, and any dead, injured, or sick northern long-eared bats that are found during Action implementation. If the Action is not completed within one year of the date of this letter, you must update and resubmit the information required in the IPaC key.

This IPaC-assisted determination allows you to rely on the PBO for compliance with ESA Section 7(a)(2) only for the northern long-eared bat. It **does not** apply to the following ESA-protected species that also may occur in the Action area:

- Red Knot Calidris canutus rufa Threatened

If the Action may affect other federally listed species besides the northern long-eared bat, a proposed species, and/or designated critical habitat, additional consultation between you and this Service office is required. If the Action may disturb bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act is recommended.

---

[1]Take means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct [ESA Section 3(19)].

Action Description
You provided to IPaC the following name and description for the subject Action.

1. Name

Masiello After-the-Fact Permit

2. Description

The following description was provided for the project 'Masiello After-the-Fact Permit':

> This is an after the fact permit application for 1,275 SF of disturbance within the 100-foot Tidal Buffer. The work was conducted by the previous owner of the property in order to expand the rear yard (80 feet from the Highest Observable Tide) and clear a foot path for access to the shoreline. No impervious surface was added. All work was conducted in the 100-foot tidal buffer only, no tidal marsh or any other wetland was impacted.

Approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@43.0486983,-70.75203225833334,14z

Determination Key Result

This Federal Action may affect the northern long-eared bat in a manner consistent with the description of activities addressed by the Service's PBO dated January 5, 2016. Any taking that may occur incidental to this Action is not prohibited under the final 4(d) rule at 50 CFR §17.40(o). Therefore, the PBO satisfies your responsibilities for this Action under ESA Section 7(a)(2) relative to the northern long-eared bat.

Determination Key Description: Northern Long-eared Bat 4(d) Rule

This key was last updated in IPaC on May 15, 2017. Keys are subject to periodic revision.

This key is intended for actions that may affect the threatened northern long-eared bat.

The purpose of the key for Federal actions is to assist determinations as to whether proposed actions are consistent with those analyzed in the Service's PBO dated January 5, 2016.

Federal actions that may cause prohibited take of northern long-eared bats, affect ESA-listed species other than the northern long-eared bat, or affect any designated critical habitat, require ESA Section 7(a)(2) consultation in addition to the use of this key. Federal actions that may affect species proposed for listing or critical habitat proposed for designation may require a conference under ESA Section 7(a)(4).

Determination Key Result

This project may affect the threatened Northern long-eared bat; therefore, consultation with the Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.) is required. However, based on the information you provided, this project may rely on the Service's January 5, 2016, *Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-Eared Bat and Activities Excepted from Take Prohibitions* to fulfill its Section 7(a)(2) consultation obligation.

Qualification Interview

1. Is the action authorized, funded, or being carried out by a Federal agency?

   Yes

2. Have you determined that the proposed action will have "no effect" on the northern long-eared bat? (If you are unsure select "No")

   No

3. Will your activity purposefully **Take** northern long-eared bats?

   No

4. [Semantic] Is the project action area located wholly outside the White-nose Syndrome Zone?

   Automatically answered
   No

5. Have you contacted the appropriate agency to determine if your project is near a known hibernaculum or maternity roost tree?

   Location information for northern long-eared bat hibernacula is generally kept in state Natural Heritage Inventory databases – the availability of this data varies state-by-state. Many states provide online access to their data, either directly by providing maps or by providing the opportunity to make a data request. In some cases, to protect those resources, access to the information may be limited. A web page with links to state Natural Heritage Inventory databases and other sources of information on the locations of northern long-eared bat roost trees and hibernacula is available at www.fws.gov/midwest/endangered/mammals/nleb/nhisites.html.

   Yes

6. Will the action affect a cave or mine where northern long-eared bats are known to hibernate (i.e., hibernaculum) or could it alter the entrance or the environment (physical or other alteration) of a hibernaculum?

   No

7. Will the action involve Tree Removal?

   No

Project Questionnaire

If the project includes forest conversion, report the appropriate acreages below. Otherwise, type '0' in questions 1-3.

1. Estimated total acres of forest conversion:

0

2. If known, estimated acres of forest conversion from April 1 to October 31

0

3. If known, estimated acres of forest conversion from June 1 to July 31

0

If the project includes timber harvest, report the appropriate acreages below. Otherwise, type '0' in questions 4-6.

4. Estimated total acres of timber harvest

0

5. If known, estimated acres of timber harvest from April 1 to October 31

0

6. If known, estimated acres of timber harvest from June 1 to July 31

0

If the project includes prescribed fire, report the appropriate acreages below. Otherwise, type '0' in questions 7-9.

7. Estimated total acres of prescribed fire

0

8. If known, estimated acres of prescribed fire from April 1 to October 31

0

9. If known, estimated acres of prescribed fire from June 1 to July 31

0

If the project includes new wind turbines, report the megawatts of wind capacity below. Otherwise, type '0' in question 10.

10. What is the estimated wind capacity (in megawatts) of the new turbine(s)?

0

Plan

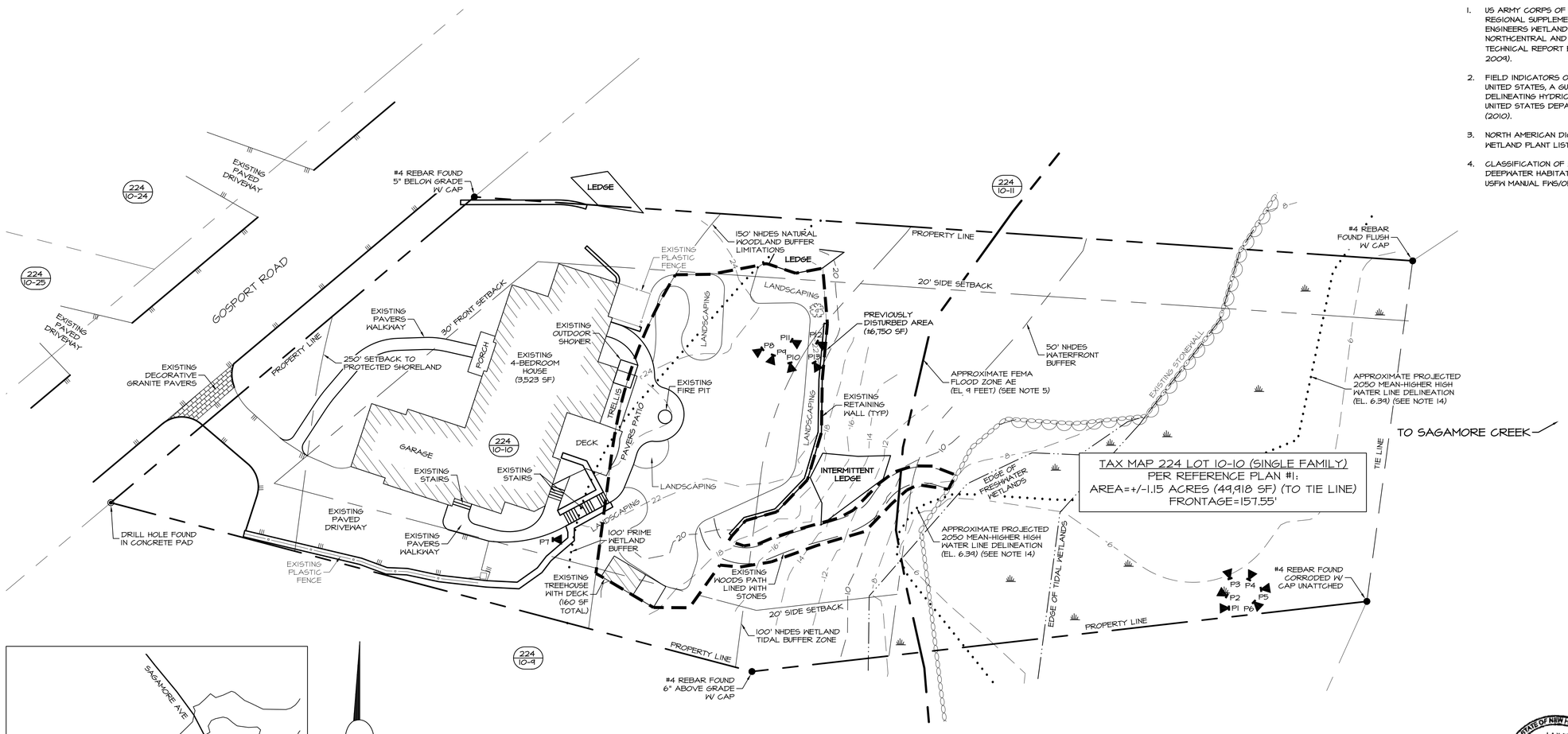
250-FOOT PROTECTED SHORELAND AREAS

DISTANCE FROM HIGHEST OBSERVABLE TIDE LINE (FT)	TOTAL AREA (SF)	AREA OF PRIMARY IMPERVIOUS (SF)*	AREA OF IMPERVIOUS ACCESSORY STRUCTURES (SF)**	YARD AREA (SF)	AREA OF NATURAL VEGETATION (SF)***
0-50	7,665	0	0	0	7,665
50-150	15,905	20	825	5,420	9,640
150-250	12,765	4,005	2,600	5,990	170

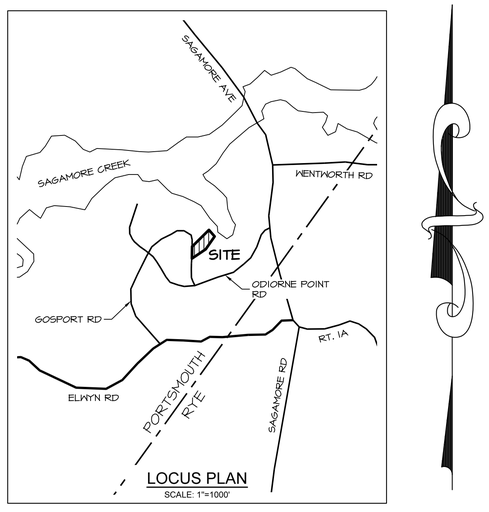
* - THE AREA OF PRIMARY IMPERVIOUS INCLUDES THE MAIN BUILDINGS, AND THEIR ATTACHED DECKS AND PORCHES.
** - THE AREA OF IMPERVIOUS ACCESSORY STRUCTURES INCLUDES, SECONDARY BUILDINGS, PAVEMENT, PATIO, AND RETAINING WALL.
*** - NATURAL VEGETATION % BETWEEN 50-150 FEET OF PROTECTED SHORELAND = 9,640 FT / 15,905 FT = 60.61%

TIDAL BUFFER ZONE DISTURBANCE

DISTANCE FROM EDGE OF WETLANDS (FT)	AREA (SF)
PATH	± 700
YARD	±575
TOTAL	±1,275



TAX MAP 224 LOT 10-10 (SINGLE FAMILY)
PER REFERENCE PLAN #1:
AREA=+/-1.15 ACRES (49,918 SF) (TO TIE LINE)
FRONTAGE=157.55'



LOCUS PLAN
SCALE: 1"=1000'

LEGEND:
- REBAR FOUND
- DRILL HOLE FOUND
- PROPERTY LINE
- EDGE OF PAVEMENT (EOP)
- TREELINE
- STONEWALL
- WETLANDS
- FENCE
- PHOTO LOCATION PX

GRAPHIC SCALE
20 0 10 20 40 80
(IN FEET)
1 inch = 20 ft.

REFERENCE PLANS:

1. "LOT LINE RELOCATION PLAN FOR TUCKERS COVE LIMITED LIABILITY & TUCKERS COVE BUILDERS LLC" BY MILLETTE, SPRAGUE & COLWELL, INC.; DATED JANUARY 16, 2001; SCALE: 1"=40'; RCRD D-28830.
2. "DEFINITIVE SUBDIVISION PLAN OF LAND" BY LANDTECH CONSULTANTS, INC.; DATED APRIL 12, 1993; SCALE: 1"=50'; RCRD D-24827.

WETLAND NOTES:

1. US ARMY CORPS OF ENGINEERS INTERIM REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTHCENTRAL AND NORTHEAST REGION, TECHNICAL REPORT ERDC/EL TR-09-19 (OCT 2009).
2. FIELD INDICATORS OF HYDRIC SOILS IN THE UNITED STATES, A GUIDE FOR IDENTIFYING AND DELINEATING HYDRIC SOILS, VERSION 7.0. UNITED STATES DEPARTMENT OF AGRICULTURE (2010).
3. NORTH AMERICAN DIGITAL FLORA: NATIONAL WETLAND PLANT LIST, VERSION 2.2.1 (2009).
4. CLASSIFICATION OF WETLANDS AND DEEPWATER HABITATS OF THE UNITED STATES. USFW MANUAL FWS/OBS-79/31 (1979).

NOTES:

1. OWNER OF RECORD:
   TAX MAP 224, LOT 10-10
   MARTHA B. MASIELLO REVOCABLE TRUST OF 2004
   MARTHA B. MASIELLO, TRUSTEE
   239 GOSPORT ROAD
   PORTSMOUTH, NH 03801
   RCRD BK5748 P60212
2. THE INTENT OF THIS PLAN IS TO PROVIDE THE NECESSARY INFORMATION TO OBTAIN POST-CONSTRUCTION NHDES SHORELAND PERMIT.
3. REFERENCE BEARING FROM REFERENCE PLAN #1.
4. PARCEL IS ZONED SINGLE RESIDENCE A (SRA) PER THE CITY OF PORTSMOUTH ZONING MAP AS AMENDED THROUGH FEBRUARY 4, 2019.
5. A PORTION OF THIS PARCEL IS IN FLOOD HAZARD ZONE AE; REFERENCE FLOOD INSURANCE RATE MAP 33015C0270E, DATED MAY 17, 2005.
6. FIELDWORK CONDUCTED BY JJM AND MCV OF EEI ON JUNE 22, 2020.
7. SOILS AND WETLANDS WERE DELINEATED BY GOVE ENVIRONMENTAL SERVICES, INC. IN JUNE 2020.
8. PROPERTY SERVICED BY CITY WATER AND SEWER.
9. ALL CONSTRUCTION SHOULD COMPLY WITH FEDERAL, STATE, AND LOCAL STANDARDS AND REGULATIONS.
10. THIS PLAN WAS PREPARED WITH ON-SITE FIELD SURVEY AND EXISTING PLANS. THE CONTRACTOR SHOULD NOTIFY EMANUEL ENGINEERING, INC. DURING CONSTRUCTION IF ANY DISCREPANCY TO THE PLAN IS FOUND ON SITE.
11. BEFORE ANY EXCAVATION, DIG SAFE AND ALL UTILITY COMPANIES SHOULD BE CONTACTED 72 HOURS BEFORE COMMENCING BY THE CONTRACTOR. CALL DIG SAFE @ 811 OR 1-888-DIG-SAFE.
12. ALL UTILITIES SHALL BE LOCATED UNDERGROUND EXCEPT AS NOTED ON PLAN APPROVED BY THE PLANNING BOARD.
13. ALL WORK TO TAKE PLACE IN PREVIOUSLY DISTURBED UPLAND.
14. PER THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA) WEBSITE, THE MEAN-HIGHER HIGH WATER (MHHW) ELEVATION RELATIVE TO NAVD88 RECORDING AT FORT POINT IN NEW CASTLE, NH IS 4.34. PER "SEA-LEVEL RISE, STORM SURGES, AND EXTREME PRECIPITATION IN COASTAL NEW HAMPSHIRE: ANALYSIS OF PAST AND PROJECTED FUTURE TRENDS" BY NEW HAMPSHIRE COASTAL RISK AND HAZARDS COMMISSION, THE HIGHEST SEA LEVEL RISE PROJECTION IS +2.0 FEET. ADDING THIS TO THE CURRENT MHHW WOULD PUT THE PROJECTED MHHW AT 6.34, WHICH IS TOO LOW TO BE DISPLAYED ON THE PLAN.
15. DATUM IS ASSUMED. DATUM WAS DERIVED FROM GOOGLE EARTH ON OCTOBER 23, 2020 AND IS APPROXIMATE.

ISS.	DATE:	DESCRIPTION OF ISSUE:	CHK.
4	FEB 16, 2021	FOR APPROVAL	
3	DEC 16, 2020	FOR APPROVAL	
1	OCT 6, 2020	FOR APPROVAL	

DRAWN: JJM | DESIGN: JJM
CHECKED: BDS | CHECKED: BDS

STATE OF NEW HAMPSHIRE
LUKE HUBLEY
2/15/21
No. 232
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CLIENT:
MARTHA & MATT MASIELLO
239 GOSPORT ROAD
PORTSMOUTH, NH 03801

SEAL:

TITLE:
POST-CONSTRUCTION SHORELAND PLAN
FOR
TAX MAP 224 LOT 10-10
MARTHA B. MASIELLO REVOCABLE TRUST OF 2004
239 GOSPORT ROAD
PORTSMOUTH, NH 03801

PROJECT:	SCALE:	SHEET:
20-071	1"=20'	C1