



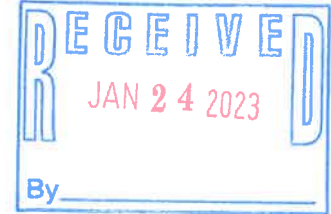
The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner



January 19, 2023

PORTSMOUTH MUNICIPAL CLERK/CONSERVATION COMMISSION
1 JUNKINS AVE
PORTSMOUTH NH 03801



Re: Received Standard Dredge and Fill Wetlands Permit Application (RSA 482-A)
NHDES File Number: 2023-00122
Subject Property: 105 Bartlett St, Portsmouth, Tax Map #157, Lot #1,2

Dear Sir or Madam:

On January 19, 2023, the New Hampshire Department of Environmental Services (NHDES) Wetlands Bureau received the above-referenced Standard Dredge and Fill Wetlands Permit Application (Application). On January 19, 2023, NHDES determined the Application was administratively complete in accordance with RSA 482-A:3, XIV. *Please note this letter is **not** a permit or authorization to begin work.*

Pursuant to RSA 482-A:11, III, if notification by a local conservation commission, local river management advisory committee, or the New Hampshire Rivers Council pursuant to this paragraph is not received by the department within 14 days (**January 31, 2023**) following the date the notice is filed with the municipal clerk, the department shall not suspend its normal action, but shall proceed as if no notification has been made. Please include the NHDES file number on the written notification.

Please provide a copy of this letter to all local level departments, boards, and commissions. Pursuant to current state laws and regulations, NHDES is not authorized to consider local zoning and regulatory issues pertaining to a project. These issues must be addressed at the local level.

If you have any questions, please contact the Wetlands Bureau at (603) 271-2147.

Sincerely,

Melissa F. Rusinski
Application Receipt Center, Wetlands Bureau
Land Resources Management, Water Division

www.des.nh.gov

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



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

January 19, 2023

IRON HORSE PROPERTIES LLC
ROB SIMMONS
6 LIBERTY SQUARE PMB 90767
BOSTON MA 02109

Re: Administrative Completeness Notice – Standard Dredge and Fill Wetlands Permit Application (RSA 482-A)
NHDES File Number: 2023-00122
Subject Property: 105 Bartlett St, Portsmouth, Tax Map #157, Lot #1,2

Dear Applicant:

On January 19, 2023, the New Hampshire Department of Environmental Services (NHDES) Wetlands Bureau received the above-referenced Standard Dredge and Fill Wetlands Permit Application (Application). On January 19, 2023, NHDES determined the Application was administratively complete in accordance with RSA 482-A:3, XIV.

The Application has been added to the technical review queue for compliance review. This application shall be reviewed in accordance with the timeframes established under RSA 482-A:3, XIV. The language of RSA 482-A:3, XIV has been provided on the reverse of this document for your reference. The status of the application is available at <https://www4.des.state.nh.us/lrmonestop/>.

Please note that with the 2022 U.S. Army Corps of Engineers NH General Permit, additional mitigation may be required under the Clean Water Act. If your project has 5,000 square feet or greater of non-tidal wetlands impacts, impacts to tidal wetlands, stream work greater than 200 linear feet or proposes discharge of dredge or fill material within a vernal pool depression, please contact the USACE at 1-978-318-8832, 1-978-318-8295, or by email at cenae-r-nh@usace.army.mil to see if additional mitigation may be required from the USACE.

Please note this letter is **not** a permit or authorization to begin work. If you have any questions, please contact the Wetlands Bureau at (603) 271-2147.

Sincerely,

Melissa F. Rusinski
Program Assistant I, Wetlands Bureau
Land Resources Management, Water Division

cc: Clipper Traders LLC, Portsmouth Hardware & Lumber LLC, Iron Horse Properties LLC
Tighe & Bond Inc Neil Hansen

RSA 482-A:3, XIV

- (a) In processing an application for permits under this chapter, except for a permit by notification, the department shall:
- (1) Within 10 days of receipt by the department, issue a notice of administrative completeness or send notice to the applicant, at the address provided on the application, identifying any additional information required to make the application administratively complete and providing the applicant with the name and telephone number of the department employee to whom all correspondence shall be directed by the designated department employee regarding incompleteness of the application. Each receipt of additional information in response to any notice shall re-commence the 10-day period until the department issues a notice of administrative completeness. Any notice of incompleteness sent under this subparagraph shall specify that the applicant or authorized agent shall submit such information as soon as practicable and shall notify the applicant or authorized agent that if the requested information is not received within 60 days of the notice, the department shall deny the application.
 - (2) Within 50 days of the issuance of a notice of administrative completeness for projects where the applicant proposes under one acre of jurisdictional impact and 75 days for all other projects, request any additional information that the department is permitted by law to require to complete its evaluation of the application, together with any written technical comments the department deems necessary. Such request and technical comments may be sent by electronic means if the applicant or authorized agent has indicated an agreement to accept communications by electronic means, either by so indicating on the application or by a signed statement from the applicant or authorized agent that communicating by electronic means is acceptable. Any request for additional information under this subparagraph shall specify that the applicant submit such information as soon as practicable and shall notify the applicant that if the requested information is not received within 60 days of the request, the department shall deny the application. The department shall grant an extension of this 60-day time period upon request of the applicant.
 - (3) Where the department requests additional information pursuant to subparagraph (a)(2), within 30 days of the department's receipt of a complete response to the department's information request:
 - (A) Approve the application, in whole or in part, and issue a permit; or
 - (B) Deny the application and issue written findings in support of the denial; or
 - (C) Schedule a public hearing within 30 days in accordance with this chapter and rules adopted by the commissioner; or
 - (D) Extend the time for rendering a decision on the application for good cause and with the written agreement of the applicant; or
 - (4) Where no request for additional information is made pursuant to subparagraph (a)(2), within 50 days from the issuance of the notice of administrative completeness for proposed projects under one acre of jurisdictional impact, or 75 days for all others:
 - (A) Approve the application, in whole or in part, and issue a permit; or
 - (B) Deny the application and issue written findings in support of the denial; or
 - (C) Schedule a public hearing within 30 days in accordance with this chapter and rules adopted by the commissioner; or
 - (D) Extend the time for rendering a decision on the application for good cause and with the written agreement of the applicant.
 - (5) Where the department has held a public hearing on an application filed under this chapter, within 45 days following the closure of the hearing record, approve the application in whole or in part, and issue a permit or deny the application and issue written findings in support of the denial.
- (b) (1) The time limits prescribed by this paragraph shall supersede any time limits provided in any other provision of law. The time limits prescribed by this paragraph shall not apply to applications submitted by the department of transportation, for which time limits shall be set by a memorandum of agreement between the commissioner of the department of environmental services and the commissioner of the department of transportation. If the department fails to act within the applicable time frame established in subparagraphs (a)(3), (a)(4), and (a)(5), the applicant may ask the department to issue the permit by submitting a written request. If the applicant has previously agreed to accept communications from the department by electronic means, a request submitted electronically by the applicant shall constitute a written request.
- (2) Within 14 days of the date of receipt of a written request from the applicant to issue the permit, the department shall:

- (A) Approve the application, in whole or in part, and issue a permit; or
- (B) Deny the application and issue written findings in support of the denial.
- (3) If the department does not issue either a permit or a written denial within the 14-day period, the applicant shall be deemed to have a permit by default and may proceed with the project as presented in the application. The authorization provided by this subparagraph shall not relieve the applicant of complying with all requirements applicable to the project, including but not limited to requirements established in or under this chapter, RSA 485-A relating to water quality, and federal requirements.
- (4) Upon receipt of a written request from an applicant, the department shall issue written confirmation that the applicant has a permit by default pursuant to subparagraph (b)(3), which authorizes the applicant to proceed with the project as presented in the application and requires the work to comply with all requirements applicable to the project, including but not limited to requirements established in or under this chapter, and RSA 485-A relating to water quality, and federal requirements.
- (c) If extraordinary circumstances prevent the department from conducting its normal function, time frames prescribed by this paragraph shall be suspended until such condition has ended, as determined by the commissioner.
- (d) The time limits prescribed by this paragraph shall not apply to an application filed after the applicant has already undertaken some or all of the work covered by the application, or where the applicant has been adjudicated after final appeal, or otherwise does not contest, the department's designation as a chronic non-complier in accordance with rules adopted pursuant to this chapter.
- (e) Any request for an amendment to an application or permit shall be submitted to the department on the appropriate amendment form. Any request for a significant amendment to a pending application or an existing permit which changes the footprint of the permitted fill or dredge area shall be deemed a new application subject to the provisions of RSA 482-A:3, I and the time limits prescribed by this paragraph. "Significant amendment" means an amendment which changes the proposed or previously approved acreage of the permitted fill or dredge area by 20 percent or more, includes a prime wetland, or elevates the project's impact classification. This meaning of "significant amendment" shall not apply to an application amendment that is in response to a request from the department.
- (f) The department may extend the time for rendering a decision under subparagraphs (a)(3)(D) and (a)(4)(D), without the applicant's agreement, on an application from an applicant who, within the 5 years preceding the application, has been determined, after the exhaustion of available appellate remedies, to have failed to comply with this chapter or any rule adopted or permit or approval issued under this chapter, or to have misrepresented any material fact made in connection with any activity regulated or prohibited by this chapter, pursuant to an action initiated under RSA 482-A:13, RSA 482-A:14, or RSA 482-A:14-b. The length of such an extension shall be no longer than reasonably necessary to complete the review of the application, but shall not exceed 20 days unless the applicant agrees to a longer extension. The department shall notify the applicant of the length of the extension.
- (g) The department may suspend review of an application for a proposed project on a property with respect to which the department has commenced an enforcement action against the applicant for any violation of this chapter, RSA 483-B, RSA 485-A:17, or RSA 485-A:29-44, or of any rule adopted or permit or approval issued pursuant to this chapter, RSA 483-B, RSA 485-A:17, or RSA 485-A:29-44. Any such suspension shall expire upon conclusion of the enforcement action and completion of any remedial actions the department may require to address the violation; provided, however, that the department may resume its review of the application sooner if doing so will facilitate resolution of the violation. The department shall resume its review of the application at the point the review was suspended, except that the department may extend any of the time limits under this paragraph and its rules up to a total of 30 days for all such extensions. For purposes of this subparagraph, "enforcement action" means an action under RSA 482-A:13, RSA 482-A:14, RSA 482-A:14-b, RSA 483-B:18, RSA 485-A:22, RSA 485-A:42, or RSA 485-A:43.



The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner



WETLANDS AND NON-SITE SPECIFIC PERMIT 2022-02376

NOTE CONDITIONS

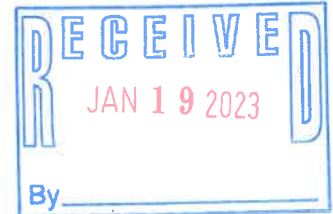
PERMITTEE: NH DEPT OF NATURAL AND CULTURAL RESOURCES (DNCR)
C/O SETH PRESCOTT
172 PEMBROKE RD
CONCORD NH 03301

PROJECT LOCATION: 375 LITTLE HARBOR RD, PORTSMOUTH
TAX MAP #203, LOT #4

WATERBODY: PORTSMOUTH HARBOR

APPROVAL DATE: JANUARY 04, 2023

EXPIRATION DATE: JANUARY 04, 2028



Based upon review of permit application 2022-02376 in accordance with RSA 482-A and RSA 485-A:17, the New Hampshire Department of Environmental Services (NHDES) hereby issues this Wetlands and Non-Site Specific Permit. To validate this Permit, signatures of the Permittee and the Principal Contractor are required.

PERMIT DESCRIPTION:

Temporarily impact 752 square feet (SF) within the previously developed tidal buffer zone for the in-kind repair of 163 linear feet (LF) of a legally constructed seawall. Temporarily impact 3,582 SF within the previously developed tidal buffer zone and 1,333 SF below the highest observable tideline during low tide for construction access and erosion and sedimentation controls.

THIS PERMIT IS SUBJECT TO THE FOLLOWING PROJECT-SPECIFIC CONDITIONS:

1. All work shall be done in accordance with the approved plans dated October 17, 2022, by Civilworks New England and received by the NH Department of Environmental Services (NHDES) on December 5, 2022, in accordance with Env-Wt 307.16.
2. In accordance with Env-Wt 609.10(b)(3), there shall be no change in the location, configuration, construction type, or dimensions of the seawall installation.
3. In accordance with Env-Wt 609.10(b)(4), all work shall be done at low tide when the work area is fully exposed.
4. All development activities associated with any project shall be conducted in compliance with applicable requirements of RSA 483-B and Env-Wq 1400 during and after construction in accordance with Env-Wt 307.07.
5. All work shall be conducted and maintained in such a way as to protect water quality as required by Rule Env-Wt 307.03(a) through (h).
6. No activity shall be conducted in such a way as to cause or contribute to any violation of surface water quality standards per Env-Wt 307.03(a).
7. All work including management of soil stockpiles, shall be conducted so as to minimize erosion, minimize sediment transfer to surface waters or wetlands, and minimize turbidity in surface waters and wetlands per Env-Wt 307.03(b).
8. In accordance with Env-Wt 307.15(a), heavy equipment shall not be operated in any jurisdictional area unless specifically authorized by this permit.
9. In accordance with Env-Wt 307.15(c), where construction requires the operation of heavy equipment in areas below the highest observable tide line, the equipment shall either have low ground pressure, namely less than 4 psi, or not be located directly on wetland soils and vegetation to support the equipment in such a way as to minimize disturbance of wetland soil and vegetation.

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TDD Access: Relay NH 1 (800) 735-2964

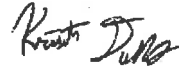
10. In accordance with Env-Wt 307.03(h), equipment shall be staged and refueled outside of jurisdictional areas (unless allowed) and in accordance with Env-Wt 307.15.
11. In accordance with Env-Wt 307.03(g)(1), the person in charge of construction equipment shall inspect such equipment for leaking fuel, oil, and hydraulic fluid each day prior to entering surface waters or wetlands or operating in an area where such fluids could reach groundwater, surface waters, or wetlands.
12. In accordance with Env-Wt 307.03(g)(2), the person in charge of construction equipment shall repair any leaks prior to using the equipment in an area where such fluids could reach groundwater, surface waters, or wetlands.
13. In accordance with Env-Wt 307.03(g)(3) and (4), the person in charge of construction equipment shall maintain oil spill kits and diesel fuel spill kits, as applicable to the type(s) and amount(s) of oil and diesel fuel used, on site so as to be readily accessible at all times during construction; and train each equipment operator in the use of the spill kits.
14. In accordance with Env-Wt 307.03(c)(3), water quality control measures shall be installed prior to start of work and in accordance with the manufacturer's recommended specifications or, if none, the applicable requirements of Env-Wq 1506 or Env-Wq 1508.
15. In accordance with Env-Wt 307.03(c)(1), water quality control measures shall be selected and implemented based on the size and nature of the project and the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to jurisdictional areas.
16. In accordance with Env-Wt 307.03(c)(5), water quality control measures shall be maintained so as to ensure continued effectiveness in minimizing erosion and retaining sediment on-site during and after construction.
17. In accordance with Env-Wt 307.03(c)(6), water quality control measures shall remain in place until all disturbed surfaces are stabilized to a condition in which soils on the site will not experience accelerated or unnatural erosion by achieving and maintaining a minimum of 85% vegetative cover using an erosion control seed mix, whether applied in a blanket or otherwise, that is certified by its manufacturer as not containing any invasive species; or placing and maintaining a minimum of 3 inches of non-erosive material such as stone.
18. In accordance with Env-Wt 307.03(c)(7), temporary water quality control methods shall be removed upon completion of work when compliance with Env-Wt 307.03(c)(6) is achieved.
19. In accordance with Env-Wt 307.05(e), to prevent the use of soil or seed stock containing nuisance or invasive species, the contractor responsible for work shall follow Best Management Practices for the Control of Invasive and Noxious Plant Species (Invasive Plant BMPs).
20. In accordance with Env-Wt 307.12(i), wetland areas where permanent impacts are not authorized shall be restored to their pre-impact conditions and elevation by replacing the removed soil and vegetation in their pre-construction location and elevation such that post-construction soil layering and vegetation schemes are as close as practicable to pre-construction conditions.
21. In accordance with Env-Wt 307.11(c), slopes shall be immediately stabilized by a method specified in Env-Wq 1506 or Env-Wq 1508, as applicable, to prevent erosion into adjacent wetlands or surface waters.

THIS PERMIT IS SUBJECT TO THE FOLLOWING GENERAL CONDITIONS:

1. Pursuant to RSA 482-A:12, a copy of this permit shall be posted in a secure manner in a prominent place at the site of the approved project.
2. In accordance with Env-Wt 313.01(a)(5), and as required by RSA 482-A:11, II, work shall not infringe on the property rights or unreasonably affect the value or enjoyment of property of abutting owners.
3. In accordance with Env-Wt 314.01, a standard permit shall be signed by the permittee, and the principal contractor who will build or install the project prior to start of construction, and will not be valid until signed.
4. In accordance with Env-Wt 314.03(a), the permittee shall notify the department in writing at least one week prior to commencing any work under this permit.
5. In accordance with Env-Wt 314.08(a), the permittee shall file a completed notice of completion of work and certificate of compliance with the department within 10 working days of completing the work authorized by this permit.
6. In accordance with Env-Wt 314.06, transfer of this permit to a new owner shall require notification to, and approval of, the NHDES.

7. The permit holder shall ensure that work is done in a way that protects water quality per Env-Wt 307.03; protects fisheries and breeding areas per Env-Wt 307.04; protects against invasive species per Env-Wt 307.05; meets dredging activity conditions in Env-Wt 307.10; and meets filling activity conditions in Env-Wt 307.11.
8. This project has been screened for potential impact to known occurrences of protected species and exemplary natural communities in the immediate area. Since many areas have never been surveyed, or only cursory surveys have been performed, unidentified sensitive species or communities may be present. This permit does not absolve the permittee from due diligence in regard to state, local or federal laws regarding such communities or species. This permit does not authorize in any way the take of threatened or endangered species, as defined by RSA 212-A:2, or of any protected species or exemplary natural communities, as defined in RSA 217-A:3.
9. In accordance with Env-Wt 307.06(a) through (c), no activity shall jeopardize the continued existence of a threatened or endangered species, a species proposed for listing as threatened or endangered, or a designated or proposed critical habitat under the Federal Endangered Species Act, 16 U.S.C. §1531 et seq.; State Endangered Species Conservation Act, RSA 212-A; or New Hampshire Native Plant Protection Act, RSA 217-A.
10. In accordance with Env-Wt 307.02, and in accordance with federal requirements, all work in areas under the jurisdiction of the U.S. Army Corps of Engineers (USACE) shall comply with all conditions of the applicable state general permit.

APPROVED:



Kristin L. Duclos

Wetlands Specialist, Wetlands Bureau

Land Resources Management, Water Division

THE SIGNATURES BELOW ARE REQUIRED TO VALIDATE THIS PERMIT (Env-Wt 314.01).

PERMITTEE SIGNATURE (required)

PRINCIPAL CONTRACTOR SIGNATURE (required)



The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner



January 06, 2023

CITY OF PORTSMOUTH
97 JUNKINS AVE
PORTSMOUTH NH 03801

Re: Request for More Information – Shoreland Permit Application (RSA 483-B)
NHDES File Number: 2022-03229
Subject Property: 99 Peirce Island Rd, Portsmouth, Tax Map #208, Lot #1

Dear Applicant:

On January 6, 2023, the New Hampshire Department of Environmental Services (NHDES) Shoreland Program reviewed the above-referenced Shoreland Permit Application (Application). Pursuant to RSA 483-B:5-b, V(a), the NHDES Shoreland Program determined the following additional information is required to complete its evaluation of the Application:

1. The copy of the deed provided with the application appears to be cropped at the top and bottom of the pages and does not include the registry of deeds book or page number. Please provide a complete copy of the deed in accordance with Env-Wq 1406.12(a).
2. Please revise the application form to include the legal name of the property owner as it appears on the deed of record in accordance with Env-Wq 1406.07(a).
3. Please revise all plan sheets to show the reference line, the primary building line, the limits of the natural woodland buffer, and the limits of the protected shoreland as those terms are defined in RSA 483-B:4 in accordance with Env-Wq 1406.09(e), as well as the 100-foot tidal buffer zone line in accordance with Env-Wq 1406.09(f).
4. Please revise the plans to clearly identify the dimensions and locations of all proposed temporary impacts associated with completion of the project including the full limits of disturbance in accordance with Env-Wq 1406.09(h). Additionally, please clearly identify the locations and dimensions of all permanent and temporary impacts within the 100-foot tidal buffer zone to be permitted under the separate wetland permit application (Wetland File #2022-03228).
5. In order to meet compliance with RSA 483-B:9 V,(g),(2), please provide documentation demonstrating that the proposed drywell will provide adequate sump volume to infiltrate the runoff from the 1,394 square feet of additional impervious surface proposed for this project in accordance with Env-Wq 1406.10(b). If the proposed stormwater management technologies must be redesigned as a result of this request, then please revise all plans and stormwater details to meet compliance with RSA 483-B:9 V,(g),(2).
6. Please revise the plans involving work within the waterfront buffer to show each segment of the waterfront buffer that will be impacted by the project with the location and diameter of all existing trees and saplings at least up to that which is sufficient to meet the point requirement specified in RSA 483-B:9, V(a)(2), and includes a designation of trees to be cut during the project, if any, in accordance with Env-Wq 1406.10(f).
7. The plans identify a "Porous unit paver" system will be installed within the salvaged outdoor shower (See plan drawings CS101, and C-503). In accordance with Env-Wq 1406.10(e), please revise the plan detail to include specifications for how this pervious surface will be maintained.
8. Please provide some additional photos of the pool and deck areas that will be disturbed as a part of this project in accordance with Env-Wq 1406.12(c).

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File Number: 2022-03229

January 6, 2023

Page 2 of 2

Pursuant to RSA 483-B:5-b, V(a), **this information must be received by the NHDES Shoreland Program within 60 days of the date of this request, or the Application will be denied.** Therefore, please submit the required information to the NHDES Shoreland Program as soon as practicable and no later than March 7, 2023. Please include NHDES file number 2022-03229 on your submission. Pursuant to RSA-B:5-b, V(b), the NHDES Shoreland Program will approve or deny the Application within 30 days of receipt of all required information, unless the time for rendering a decision on the application is extended for good cause and with the written agreement of the applicant pursuant to RSA 483-B:5-b, V(b)(3). If, after submitting the requested information, you would like to request an extension under this provision to allow for review of the materials to confirm that all required information has been provided please make a written request to the file that includes the reason for the extension and the length of the extension requested.

If you have any questions, please contact me directly at Kristin.Duclos@des.nh.gov or (603) 559-1516.

Sincerely,



Kristin L. Duclos
Wetlands Specialist, Shoreland Program
Wetlands Bureau, Land Resources Management
Water Division

cc: Portsmouth Municipal Clerk
City of Portsmouth Department of Public Works, c/o Peter Rice
Oak Point Associates, Inc., c/o Wade Lippert, PE

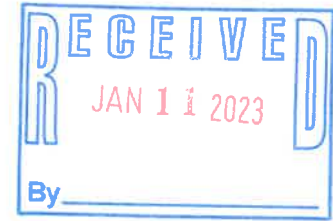


The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner



January 06, 2023



CITY OF PORTSMOUTH
97 JUNKINS AVE
PORTSMOUTH NH 03801

Re: Request for More Information – Standard Dredge and Fill Wetlands Permit Application (RSA 482-A)
NHDES File Number: 2022-03228
Subject Property: 99 Peirce Island Rd, Portsmouth, Tax Map #208, Lot #1

Dear Applicant:

On January 6, 2023, the New Hampshire Department of Environmental Services (NHDES) Wetlands Bureau reviewed the above-referenced Standard Dredge and Fill Wetlands Permit Application (Application). Pursuant to RSA 482-A:3, XIV(a)(2) and Rules Env-Wt 100 through 900, NHDES Wetlands Bureau determined the following additional information is required to complete its evaluation of the Application:

1. The copy of the deed provided with the application appears to be cropped at the top and bottom of the pages and does not include the registry of deeds book or page number. Please provide a complete copy of the deed in accordance with Env-Wt 311.06(e).
2. Please provide a copy of the completed 2022 Aquatic Resource Mitigation (ARM) Fund Calculator that was used to generate the preliminary estimate of the in-lieu mitigation payment in accordance with Env-Wt 312.04(f).
3. The application indicates that there is an isolated persistent emergent wetland (PEM1E) located on the property, however, functional assessments were only provided for the tidal wetlands on the property. Please provide a functional assessment for all wetlands on the property as required for major projects in accordance with Env-Wt 311.03(b)(10).
4. In accordance with Env-Wt 311.09(c), please revise all plan sheets to show the landward limit of the 100-foot tidal buffer zone; the primary building line; and the total disturbed area within the protected shoreland as required for all projects within the protected shoreland as defined by RSA 483-B. Additionally, please identify any impacts outside of the 100-foot tidal buffer zone and within the 250 foot protected shoreland zone will require a Shoreland Permit in accordance with RSA 483-B.
5. Please revise the plans to identify the specific wetland resource types and their locations on the property using the Cowardin Classifications as required in accordance with Env-Wt 406.06(b), including but not limited to any forested, scrub-shrub, emergent, or tidal wetlands, streams, or rivers, on the property.
6. Please revise the plans to provide lightly shaded or stippled areas showing the limits of all temporary and permanent impacts in jurisdictional areas that have been labeled with the square footage of impact in accordance with Env-Wt 311.05(a)(18) and Env-Wt 311.04(g)(7).
7. In accordance with Env-Wt 311.05(a)(14), please revise the plan sheets to provide the name and professional license number of the individual responsible for the delineation of jurisdictional areas, including but not limited to wetlands, streams, and vernal pools on the property, if other than the individual identified as being responsible for the plan in accordance with Env-Wt 311.05(a)(5) and Env-Wt 603.07(b)(6).
8. If the plans were prepared by the certified wetland scientist (CWS) responsible for the delineation, then revise the plans to include their CWS stamp as required in accordance with Env-Wt 311.05(b)(2). However, if the plans were not prepared by a certified wetland scientist, then the application must be accompanied by a report that includes an

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- existing conditions plan that has been prepared and stamped by a certified wetland scientist in accordance with Env-Wt 311.05(b)(3). Please provide this information as a part of the response to this letter.
9. The plans identify a "Porous unit paver" system will be installed within the salvaged outdoor shower (See plan drawings CS101, and C-503). In accordance with Env-Wt 610.04(j) and Env-Wq 1406.10(e), please revise the plan detail to include specifications for how this pervious surface will be maintained.
 10. In order to ensure compliance with RSA 483-B:9, V,(g), as required in accordance with Env-Wt 610.04(i), Env-Wt 610.13, and Env-Wq 1406.10(b), please provide documentation demonstrating that the proposed drywell will provide adequate sump volume to infiltrate the runoff from the 1,394 square feet of additional impervious surface proposed for this project. If the proposed stormwater management technologies must be redesigned as a result of this request, then please revise all plans and stormwater details to meet compliance with RSA 483-B:9 V,(g),(2).
 11. Please revise the plans involving work within the waterfront buffer to show each segment of the waterfront buffer that will be impacted by the project with the location and diameter of all existing trees and saplings at least up to that which is sufficient to meet the point requirement specified in RSA 483-B:9, V(a)(2), and includes a designation of trees to be cut during the project, if any, in accordance with Env-Wt 610.06, Env-Wt 610.04(k), and Env-Wq 1406.10(f).
 12. As the tidal shoreline stabilization plan proposes to install new riprap, please provide the following as a part of the response to this letter:
 - a. Documentation demonstrating the anticipated turbulence, flows, restricted space, fetch, or similar factors that render vegetative and diversion methods physically impractical for this project in accordance with Env-Wt 609.07(a)(1) and Env-Wt 609.07(b)(2).
 - b. Documentation demonstrating that the natural areas or naturalized soft shoreline stabilization within the vicinity of the project will not be damaged by the placement of the proposed riprap as required in accordance with Env-Wt 609.07(a)(1).
 - c. An assessment of the potential for the proposed riprap to erode the shoreline of neighboring properties, based on an examination of the shoreline and modeling based on tides, average wave height and force, and the energy absorption or deflection ability of the proposed riprap in accordance with Env-Wt 609.07(b)(3).
 13. As this project includes a proposal to use riprap adjacent to a tidal water body for which the state holds fee simple ownership, please include a stamped survey plan showing the location of the mean high water tide line on the shoreline and the footprint of the proposed project as required in accordance with Env-Wt 609.07(c). Please note that if it is determined that impacts related to this project will take place below the mean high water tide line, then this project will require approval by the governor and executive council in accordance with Env-Wt 313.02(b) and pursuant to RSA 482-A:3, II(a).

Please submit the required information as soon as practicable. Pursuant to RSA 482-A:3, XIV(a)(2), **the required information must be received by NHDES Wetlands Bureau within 60 days of the date of this request (no later than March 7, 2023), or the Application will be denied.** Should additional time be necessary to submit the required information, an extension of the 60-day time period may be requested. Requests for additional time must be received prior to the deadline in order to be approved. In accordance with applicable statutes and regulations, the applicant is also expected to provide copies of the required information to the municipal clerk and all other interested parties.

Based on NHDES review your project has impacts to tidal wetlands. To ensure that you obtain permitting under the Clean Water Act, please contact the U.S. Army Corps of Engineers (USACE) at 1-978-318-8832, 1-978-318-8295, or by email at cenae-r-nh@usace.army.mil to see if additional mitigation may be required from the USACE.

Pursuant to RSA 482-A:3, XIV(a)(3), NHDES Wetlands Bureau will approve or deny the Application within 30 days of receipt of all required information, or schedule a public hearing, if required by RSA 482-A or associated rules.

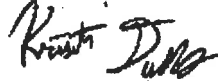
File Number: 2022-03228

January 6, 2023

Page 3 of 3

If you have any questions, please contact me at Kristin.Duclos@des.nh.gov or (603) 559-1516.

Sincerely,



Kristin L. Duclos
Wetlands Specialist, Wetlands Bureau
Land Resources Management, Water Division

cc: Portsmouth Municipal Clerk/Conservation Commission
City of Portsmouth Department of Public Works, c/o Peter Rice
Oak Point Associates, Inc., c/o Wade Lippert, PE

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NHDES Main Line: (603) 271-3503 • Subsurface Fax: (603) 271-6683 • Wetlands Fax: (603) 271-6588

TDD Access: Relay NH 1 (800) 735-2964



The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner



December 16, 2022

DARRELL MOREAU
1B JACKSON HILL ST
PORTSMOUTH NH 03801



Re: Approved Standard Dredge and Fill Wetlands Permit Application – Required Payment to Aquatic Resource Mitigation Fund (RSA 482-A)
NHDES File Number: 2022-00494
Subject Property: Northwest Street, Portsmouth, Tax Map #122, Lot #2-1

Dear Applicant:

On December 16, 2022, the New Hampshire Department of Environmental Services (NHDES) Wetlands Bureau approved the above-referenced Standard Dredge and Fill Wetlands Permit Application to dredge and fill 40 square feet (SF) within tidal wetlands to install riprap outlet protection for an existing stormwater outfall and impact 2,701 SF within the previously developed tidal buffer to construct a portion of the primary structure, a concrete step pathway, and install a pervious patio, replace an existing gravel access associated with servicing an existing sewer pump station with a paved turn around area, and regrade the site. Temporarily impact 141 SF of tidal wetland for construction access and 2,147 SF of previously developed tidal buffer to remove a portion of an existing gravel access associated with servicing an existing sewer pump station, install native plantings within the tidal buffer zone, and for construction access.

Compensatory mitigation for the 40 SF of permanent impacts to tidal wetlands and the 1,294 SF of impact to the developed tidal buffer zone within 75-feet of a salt marsh consists of a one-time payment of \$514.78 into the Aquatic Resource Mitigation (ARM) Fund, within the Salmon Falls - Piscataqua Rivers Watershed account and the restoration of 908 SF of the tidal buffer zone with native plantings and the removal of 596 SF of existing impervious gravel surface to be loamed and seeded.

This approval is contingent on the following conditions being met:

1. All work shall be done in accordance with the approved plans dated June 2021 and revised through September 29, 2022, by Ambit Engineering, Inc., and received by the NH Department of Environmental Services (NHDES) on October 3, 2022, in accordance with Env-Wt 307.16.
2. In accordance with Env-Wt 314.02(b) and (c), for projects in the coastal area, the permittee shall record any permit issued for shoreline stabilization and any work in the tidal buffer zone and tidal wetlands at the Rockingham County Registry of Deeds. Any limitations or conditions in the permit so recorded shall run with the land beyond the expiration of the permit. The permittee shall provide the department with a copy of the permit stamped by the registry with the book and page and date of receipt.
3. The permit is contingent on submittal of a check in the amount of \$514.78 to the Aquatic Resource Mitigation Fund by the applicant as calculated per Env-Wt 803.07 and RSA 482-A:30.
4. In accordance with Env-Wt 807.01(b), the payment shall be received by NHDES within 120 days from the approval decision or NHDES will deny the application.
5. The restoration of 908 SF of the tidal buffer zone with native buffer plantings and the removal of 596 SF of existing impervious gravel surface shall be completed prior to the completion of construction in accordance with the mitigation plan per Env-Wt 803.04.

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6. Within 60 days of completing the mitigation project that includes the restoration plantings within the upland tidal buffer zone and removal of the impervious gravel surface, the applicant shall submit a post-construction monitoring report, documenting the conditions of the restored upland tidal buffer zone in accordance with Env-Wt 807.03(b).
7. In accordance with Env-Wt 307.18(a), Env-Wt 307.18(c), and Env-Wt 807.04(a), a compensatory mitigation project monitoring report that describes the monitoring conducted and date(s) of inspections, and includes photos showing the extent of jurisdictional impacts, areas of restoration, and progress of any plantings shall be submitted to the department annually in accordance with Env-Wt 803.04.
8. In accordance with Env-Wt 803.04(b)(1), mitigation project monitoring shall span no fewer than 5 growing seasons for any mitigation project that includes plantings.
9. All development activities associated with any project shall be conducted in compliance with applicable requirements of RSA 483-B and Env-Wq 1400 during and after construction in accordance with Env-Wt 307.07.
10. All pervious technologies used shall be installed and maintained to effectively absorb and infiltrate stormwater as required per RSA 483-B:6, II and Rule Env-Wq 1406.15(c) in order to ensure compliance with RSA 483-B:9, V(g).
11. All work associated with the stabilization of the stormwater outfall shall be done at low tide when the work area is fully exposed in accordance with Env-Wt 609.10(b)(4).
12. No activity shall be conducted in such a way as to cause or contribute to any violation of surface water quality standards per Env-Wt 307.03(a).
13. All work including management of soil stockpiles, shall be conducted so as to minimize erosion, minimize sediment transfer to surface waters or wetlands, and minimize turbidity in surface waters and wetlands per Env-Wt 307.03(b).
14. In accordance with Env-Wt 307.15(c), where construction requires the operation of heavy equipment in wetlands, the equipment shall either have low ground pressure, namely less than 4 psi, or not be located directly on wetland soils and vegetation; or be placed on timber or swamp mats that are adequate to support the equipment in such a way as to minimize disturbance of wetland soil and vegetation.
15. In accordance with Env-Wt 307.15(e)(2) and (3), swamp mats shall be installed, used, and removed so as to minimize impacts to wetland areas, and be installed with adequate erosion and sediment controls at approaches to the mats to promote a smooth transition to, and minimize sediment tracking onto, the mats.
16. In accordance with Env-Wt 307.15(e)(1), swamp mats shall be placed in the wetland from the upland or from equipment positioned on swamp mats if working within a wetland.
17. In accordance with Env-Wt 307.15(d), timber and swamp mats shall be in good condition to ensure proper installation, use and removal; and thoroughly cleaned before re-use.
18. In accordance with Env-Wt 307.03(g)(1), the person in charge of construction equipment shall inspect such equipment for leaking fuel, oil, and hydraulic fluid each day prior to entering surface waters or wetlands or operating in an area where such fluids could reach groundwater, surface waters, or wetlands.
19. In accordance with Env-Wt 307.03(g)(3) and (4), the person in charge of construction equipment shall maintain oil spill kits and diesel fuel spill kits, as applicable to the type(s) and amount(s) of oil and diesel fuel used, on site so as to be readily accessible at all times during construction; and train each equipment operator in the use of the spill kits.
20. In accordance with Env-Wt 307.03(g)(2), the person in charge of construction equipment shall repair any leaks prior to using the equipment in an area where such fluids could reach groundwater, surface waters, or wetlands.
21. In accordance with Env-Wt 307.03(h), equipment shall be staged and refueled outside of jurisdictional areas (unless allowed) and in accordance with Env-Wt 307.15.
22. In accordance with Env-Wt 307.15(b), mobile heavy equipment working in wetlands shall not be stored, maintained, or repaired in wetlands, except that repairing or refueling in a wetland is allowed if equipment cannot practicably be removed and secondary containment is provided.
23. In accordance with Env-Wt 307.03(c)(3), water quality control measures shall be installed prior to start of work and in accordance with the manufacturer's recommended specifications or, if none, the applicable requirements of Env-Wq 1506 or Env-Wq 1508.
24. In accordance with Env-Wt 307.03(c)(1), water quality control measures shall be selected and implemented based on the size and nature of the project and the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to jurisdictional areas.

25. In accordance with Env-Wt 307.03(c)(2), water quality control measures shall be comprised of wildlife-friendly erosion control materials if erosion control blankets are utilized.
26. In accordance with Env-Wt 307.03(c)(5), water quality control measures shall be maintained so as to ensure continued effectiveness in minimizing erosion and retaining sediment on-site during and after construction.
27. In accordance with Env-Wt 307.03(c)(6), water quality control measures shall remain in place until all disturbed surfaces are stabilized to a condition in which soils on the site will not experience accelerated or unnatural erosion by achieving and maintaining a minimum of 85% vegetative cover using an erosion control seed mix, whether applied in a blanket or otherwise, that is certified by its manufacturer as not containing any invasive species; or placing and maintaining a minimum of 3 inches of non-erosive material such as stone.
28. In accordance with Env-Wt 307.03(c)(7), temporary water quality control methods shall be removed upon completion of work when compliance with Env-Wt 307.03(c)(6) is achieved.
29. In accordance with Env-Wt 307.05(e), to prevent the use of soil or seed stock containing nuisance or invasive species, the contractor responsible for work shall follow Best Management Practices for the Control of Invasive and Noxious Plant Species (Invasive Plant BMPs).
30. In accordance with Env-Wt 307.11(b), limits of fill shall be clearly identified prior to commencement of work and controlled in accordance with Env-Wt 307.03 to ensure that fill does not spill over or erode into any area where filling is not authorized.
31. In accordance with Env-Wt 307.11(a), fill shall be clean sand, gravel, rock, or other material that meets the project's specifications for its use; and does not contain any material that could contaminate surface or groundwater or otherwise adversely affect the ecosystem in which it is used.
32. In accordance with Env-Wt 307.11(e), fill shall be not placed so as to direct flows onto adjacent or down-current property.
33. In accordance with Env-Wt 307.12(i), wetland areas where permanent impacts are not authorized shall be restored to their pre-impact conditions and elevation by replacing the removed soil and vegetation in their pre-construction location and elevation such that post-construction soil layering and vegetation schemes are as close as practicable to pre-construction conditions.
34. In accordance with Env-Wt 307.03(e), all exposed soils and other fills shall be permanently stabilized within 3 days following final grading.
35. In accordance with Env-Wt 307.11(c), slopes shall be immediately stabilized by a method specified in Env-Wq 1506 or Env-Wq 1508, as applicable, to prevent erosion into adjacent wetlands or surface waters.

This approval is based on the following findings:

1. This project is classified as a major project per Rule Env-Wt 610.17(a)(1), for any dredging, filling, or construction activity, or any combination thereof, that is proposed to occur within 100 feet of the Highest Observable Tide Line (HOTL), and that is proposed to alter a tidal shoreline bank and wetlands.
2. The impacts within the protected shoreland associated with this project are approved under NHDES Shoreland Permit #2022-00550.
3. Per Env-Wt 605.03(a), compensatory mitigation is required as the project impacts tidal wetlands and developed tidal buffer zone within 75 feet of a salt marsh that are intended to remain when the proposed project is completed.
4. Per Rule Env-Wt 605.04(b) and Env-Wt 801.03(a), the applicant is offering restoration of 908 SF of disturbed upland tidal buffer zone and removal of 596 SF of impervious surface on-site as permittee-responsible compensatory mitigation for the 1,294 SF of permanent impacts to the disturbed upland tidal buffer zone within 75-feet of a salt marsh.
5. Per Rule Env-Wt 605.04(f) and Env-Wt 803.08(a), for permittee-responsible mitigation, other than for stream impacts, the applicant has demonstrated that the compensatory mitigation plan meets or exceeds the ratios listed in Table 800-1, relative to the amount of impacted jurisdictional areas.
6. Per Rule Env-Wt 803.04(a), the applicant has prepared a monitoring plan that is commensurate with the complexity of the permittee-responsible restoration mitigation project.

7. Per Rule Env-Wt 801.03(b), the applicant is offering an in-lieu mitigation payment as specified in RSA 482-A:30 for the 40 SF of permanent impacts to tidal wetlands, as permittee-responsible compensatory mitigation is not practicable or appropriate for that portion of the applicant's project.
8. The payment into the ARM fund shall be deposited in the NHDES fund for the Salmon Falls - Piscataqua Rivers watershed per RSA 482-A:29.
9. The Department decision is issued in letter form and upon receipt of the ARM fund payment, the Department shall issue a posting permit in accordance with Env-Wt 803.11(c).
10. Per Rule Env-Wt 803.10(e), the department has accepted the proposal for an in-lieu mitigation payment as the proposal meets the requirements of Env-Wt 803.10(b), and of Env-Wt 803.10(c), and the mitigation type or combination of mitigation types listed in Rule Env-Wt 803.08(a) Table 800-1 that are available in the same watershed as the impacts for compensating jurisdictional area losses are not practicable.
11. The Department finds that the project as proposed and conditioned meets the requirements of RSA 482-A and the Wetlands Program Code of Administrative Rules Chapters Env-Wt 100-1000. No waivers of RSA 482-A or the Wetlands Program Code of Administrative Rules Chapters Env-Wt 100-1000 were requested or approved under this permit action.

Pursuant to RSA 482-A:28, **this approval is contingent on receipt of a one-time in-lieu mitigation payment of \$514.78 to the NHDES Aquatic Resource Mitigation (ARM) Fund.** NHDES recommends delaying payment until after the 30-day reconsideration period ending January 15, 2023. In accordance with Env-Wt 803.11(c)(2) and Env-Wt 807.01(b), if NHDES has not received the in-lieu mitigation payment within 120 days of this letter, or by April 15, 2023, NHDES will deny the application. Please include a copy of this letter with the payment.

In accordance with RSA 482-A:10, RSA 21-O:14, and Rules Env-WtC 100-200, **any person aggrieved by this decision may file a Notice of Appeal directly with the NH Wetlands Council (Council) within 30 days of the decision date, December 16, 2022.** Every ground claiming the decision is unlawful or unreasonable must be fully set forth in the Notice of Appeal. Only the grounds set forth in the Notice of Appeal are considered by the Council. Information about the Council, including Council Rules, is available at <https://nhec.nh.gov/wetlands/index.htm>. For appeal related issues, contact the Council Appeals Clerk at (603) 271-6072.

If you have any questions, please contact me directly at MaryAnn.Tilton@des.nh.gov or (603) 271-2147.

Sincerely,



Mary Ann Tilton
Assistant Bureau Administrator, Wetlands Bureau
Land Resources Management, Water Division

cc: Portsmouth Municipal Clerk/Conservation Commission
Ambit Engineering, Inc., c/o Steven D. Riker
Amanda B/Gregory J Morneault
ec: NHDES Wetland Mitigation Program
US Army Corps of Engineers



The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner



WETLANDS AND NON-SITE SPECIFIC PERMIT 2020-02830

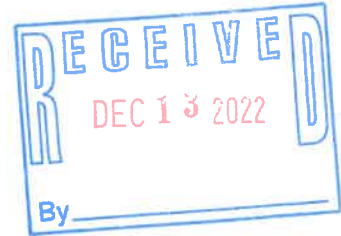
NOTE CONDITIONS

PERMITTEE: FRITZ FAMILY REVOCABLE LIVING TRUST
C/O EDGAR H FRITZ TTEE
PO BOX 524
NORTHWOOD NH 03261

PROJECT LOCATION: PATRICIA DR, PORTSMOUTH
TAX MAP #283, LOT #11

WATERBODY: DULY-ESTABLISHED PRIME WETLAND BUFFER (ADJACENT TO PACKERS BOG)

APPROVAL DATE: SEPTEMBER 06, 2022 **EXPIRATION DATE:** JUNE 09, 2026



Based upon review of permit application 2020-02830 in accordance with RSA 482-A and RSA 485-A:17, the New Hampshire Department of Environmental Services (NHDES) hereby issues this Wetlands and Non-Site Specific Permit. To validate this Permit, signatures of the Permittee and the Principal Contractor are required.

PERMIT DESCRIPTION:

Permanently impact 2,575 square feet within the duly-established 100-foot prime wetland buffer to remove impervious surface and to improve stormwater management infrastructure. In addition, temporarily impact 4,283 square feet within a duly-established 100-foot prime wetland buffer to improve an existing roadway for access to buildable upland for a 2-lot residential subdivision. Approve waiver request received 9/2/2022 for a one-time payment of \$14,576.76 into the Aquatic Resource Mitigation (ARM) Fund, to be provided by 12/31/2022.

THIS PERMIT IS SUBJECT TO THE FOLLOWING PROJECT-SPECIFIC CONDITIONS:

1. AMENDED: All work shall be done in accordance with the approved plans dated September 23, 2020 and revised through February 12, 2021, by N.H. Land Consultants, last received by the NH Department of Environmental Services (NHDES) on August 17, 2021, per Env-Wt 307.16 and 524.05(b).
2. AMENDED: The permit is contingent on submittal of a check in the amount of \$14,576.76 to the Aquatic Resource Mitigation Fund by the applicant as calculated per Env-Wt 803.07 and RSA 482-A:30.
3. AMENDED: In accordance with Env-Wt 807.01(b), the payment shall be received by NHDES by December 31, 2022 or NHDES will deny the application.
4. The permittee shall submit a construction notice with the department at least 48 hours prior to commencing work, per Env-Wt 524.05(a).
5. Jurisdictional areas where permanent impacts are not authorized shall be restored to their pre-impact conditions and elevation, in accordance with Env-Wt 307.12(i).
6. Limits of fill shall be clearly identified prior to commencement of work and controlled in accordance with Env-Wt 307.03 to ensure that fill does not spill over or erode into any area where filling is not authorized, per Env-Wt 307.11(b).
7. Temporary impact areas restored by seeding or plantings shall not be deemed successful if the area is invaded by nuisance species during the first full growing season following the completion of construction; and a remediation plan shall be submitted to the department that proposes measures to be taken to eradicate nuisance species during this same period, in accordance with Env-Wt 307.12(g).

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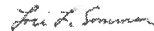
8. Water quality control measures shall be comprised of wildlife-friendly erosion control materials per Env-Wt 307.03(c).
9. Fill shall be clean sand, gravel, rock, or other material that meets the project's specifications for its use; and does not contain any material that could contaminate surface or groundwater or otherwise adversely affect the ecosystem in which it is used, per Env-Wt 307.11(a).
10. Slopes shall be immediately stabilized by a method specified in Env-Wq 1506 or Env-Wq 1508, as applicable, to prevent erosion into adjacent wetlands or surface waters, per Env-Wt 307.11(c).
11. All exposed soils and other fills shall be permanently stabilized within 3 days following final grading, per Env-Wt 307.03(e).
12. Prior to construction, any heavy machinery shall be inspected for and cleaned of all vegetative matter by a method and in a location that prevents the spread of the vegetative matter to jurisdictional areas, per Env-Wt 307.05(a).
13. Any sediment collected by water quality control measures shall be removed with sufficient frequency to prevent the discharge of sediment; and placed in an upland location in a manner that prevents its erosion into a surface water or wetland, per Env-Wt 307.03(d).
14. The person in charge of construction equipment shall inspect such equipment for leaking fuel, oil, and hydraulic fluid each day prior to entering surface waters or wetlands or operating in an area where such fluids could reach groundwater, surface waters, or wetlands, per Env-Wt 307.03(g)(1).
15. The person in charge of construction equipment shall maintain oil spill kits and diesel fuel spill kits, as applicable to the type(s) and amount(s) of oil and diesel fuel used, on site so as to be readily accessible at all times during construction; and train each equipment operator in the use of the spill kits, per Env-Wt 307.03(g)(3) and (4).
16. No activity shall be conducted in such a way as to cause or contribute to any violation of surface water quality standards specified in RSA 485-A:8 or Env-Wq 1700; ambient groundwater quality standards established under RSA 485-C; limitations on activities in a sanitary protective area established under Env-Dw 302.10 or Env-Dw 305.10; or any provision of RSA 485-A, Env-Wq 1000, RSA 483-B, or Env-Wq 1400 that protects water quality, per Env-Wt 307.03(a).

THIS PERMIT IS SUBJECT TO THE FOLLOWING GENERAL CONDITIONS:

1. Pursuant to RSA 482-A:12, a copy of this permit shall be posted in a secure manner in a prominent place at the site of the approved project.
2. In accordance with Env-Wt 313.01(a)(5), and as required by RSA 482-A:11, II, work shall not infringe on the property rights or unreasonably affect the value or enjoyment of property of abutting owners.
3. In accordance with Env-Wt 314.01, a standard permit shall be signed by the permittee, and the principal contractor who will build or install the project prior to start of construction, and will not be valid until signed.
4. In accordance with Env-Wt 314.03(a), the permittee shall notify the department in writing at least one week prior to commencing any work under this permit.
5. In accordance with Env-Wt 314.08(a), the permittee shall file a completed notice of completion of work and certificate of compliance with the department within 10 working days of completing the work authorized by this permit.
6. In accordance with Env-Wt 314.06, transfer of this permit to a new owner shall require notification to, and approval of, the NHDES.
7. The permit holder shall ensure that work is done in a way that protects water quality per Env-Wt 307.03; protects fisheries and breeding areas per Env-Wt 307.04; protects against invasive species per Env-Wt 307.05; meets dredging activity conditions in Env-Wt 307.10; and meets filling activity conditions in Env-Wt 307.11.
8. This project has been screened for potential impact to known occurrences of protected species and exemplary natural communities in the immediate area. Since many areas have never been surveyed, or only cursory surveys have been performed, unidentified sensitive species or communities may be present. This permit does not absolve the permittee from due diligence in regard to state, local or federal laws regarding such communities or species. This permit does not authorize in any way the take of threatened or endangered species, as defined by RSA 212-A:2, or of any protected species or exemplary natural communities, as defined in RSA 217-A:3.

9. In accordance with Env-Wt 307.06(a) through (c), no activity shall jeopardize the continued existence of a threatened or endangered species, a species proposed for listing as threatened or endangered, or a designated or proposed critical habitat under the Federal Endangered Species Act, 16 U.S.C. §1531 et seq.; State Endangered Species Conservation Act, RSA 212-A; or New Hampshire Native Plant Protection Act, RSA 217-A.
10. In accordance with Env-Wt 307.02, and in accordance with federal requirements, all work in areas under the jurisdiction of the U.S. Army Corps of Engineers (USACE) shall comply with all conditions of the applicable state general permit.

APPROVED:



Lori L. Sommer
Wetland Mitigation Coordinator, Wetlands Bureau
Land Resources Management, Water Division

THE SIGNATURES BELOW ARE REQUIRED TO VALIDATE THIS PERMIT (Env-Wt 314.01).

PERMITTEE SIGNATURE (required)

PRINCIPAL CONTRACTOR SIGNATURE (required)

