

DEPARTMENT OF THE ARMY US ARMY CORPS OF ENGINEERS NEW ENGLAND DISTRICT 696 VIRGINIA ROAD CONCORD MA 01742-2751

November 23, 2015

Regulatory Division
CENAE-R-PEC
Permit Number: NAE-2015-01929

City of Portsmouth c/o Terry Desmarais 680 Peverly Hill Road Portsmouth, New Hampshire 03801

Dear Applicant:

This is to inform you that we have reviewed your application to conduct activities as described on the attached NH State Permit 2015-01878, dated October 9, 2015.

Based on the information you provided to the New Hampshire Wetlands Bureau, we have determined that your project, which includes a discharge of dredged or fill material into waters or wetlands, will have only minimal individual or cumulative environmental impacts on waters of the United States, including wetlands. We hereby conditionally authorize your project under the attached Federal permit known as the New Hampshire State Programmatic General Permit (NHSPGP) pending final concurrence with the Wetlands Bureau approval by the Governor & Executive Council (G&C). This work must be performed in accordance with the terms and conditions of the PGP including the following Special Conditions:

<u>Special Condition 1:</u> As described in the attached New Hampshire Division of Historical Resources letter dated May 27, 2015 fencing and monitoring by an archaeologist will be conducted in Areas 5 and 6 to protect two identified middens and a probable remnant of the Fort Washington earthworks.

<u>Special Condition 2:</u> This authorization is for the revetment work shown in the attached plans and referenced in the attached State Permit. Inland wetland impacts and other associated work is not authorized under this authorization.

Special Condition 3: All fill activities below the High Tide Line shall be conducted during low tide to reduce potential impacts to the Atlantic Sturgeon.

This authorization expires on August 3, 2017 unless the PGP is modified, suspended, or revoked before that. You must complete the work authorized herein by that date. If you do not, you must contact this office to determine the need for further authorization before continuing the activity. We recommend that you contact us *before* this authorization expires to discuss a time extension or reissuance of the authorization.

If you change the plans or construction methods for work within our jurisdiction, please contact us immediately to discuss modification of this authorization. This office must approve any changes before you undertake them.

This authorization presumes that the work as described above and as shown on your plans noted above is in waters of the U.S. Should you desire to appeal our jurisdiction, please submit a request for an approved jurisdictional determination in writing to this office.

This permit does not obviate the need to obtain other Federal, state or local authorizations required by law, including those listed in the PGP. Performing work not specifically authorized by this determination or failing to comply with all the terms and conditions of the PGP may subject you to the enforcement provisions of Corps regulations.

We continually strive to improve our customer service. In order for us to better serve you, we would appreciate your completing our Customer Service Survey located at http://www.nae.usace.army.mil/reg/Customer Service Survey.pdf.

If you have questions concerning this, please contact Richard Kristoff of my staff at (978) 318-8171, (978) 318-8335/8338, (800) 343-4789, or, if calling from within Massachusetts, (800) 362-4367.

Sincerely,

Frank J. DelGiudice

Chief, Permits & Enforcement Branch Regulatory Division

Enclosures

Copies Furnished:

New Hampshire Department of Environmental Services, Wetlands Bureau, Attn: Mr. Collis Adams, P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095

Jon Pearson, AECOM, 701 Edgewater Drive, Wakefield, Massachusetts 01880, Jon.Pearson@aecom.com

The State of New Hampshire

DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

October 09, 2015

City of Portsmouth c/o Terry Desmarais 680 Peverly Hill Rd. Portsmouth, NH 03801

RE: File #2015-01878 - City of Portsmouth - Portsmouth

Tax Map/Lot # 208 / 1

Dear Property Owner:

The Department of Environmental Services (DES) Wetlands Bureau has reviewed and approved the above referenced application to impact 1,040 square feet (150 linear feet) of tidal wetlands and a total of 2,445 square feet of undeveloped upland tidal buffer zone (320 sq. ft. temporary and 2,125 sq. ft. permanent impacts) over three locations for installation of rip rap revetment for shoreline bank stabilization associated with upgrade construction at the Portsmouth Pierce Island Wastewater Treatment Facility in accordance with an EPA Consent Decree.

Any person aggrieved by this decision may appeal to the N.H. Wetlands Council ("Council") by filing an appeal that meets the requirements specified in RSA 482-A:10, RSA 21-O:14, and the rules adopted by the Council, Env-WtC 100-200. The appeal must be filed directly with the Council within 30 days of the date of this decision and must set forth fully every ground upon which it is claimed that the decision complained of is unlawful or unreasonable. Only those grounds set forth in the notice of appeal can be considered by the Council.

Information about the Council, including a link to the Council's rules, is available at (or more directly at http://nhec.nh.gov/wetlands/index.htm.) Copies of the rules also are available from the DES Public Information Center at (603) 271-2975.

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

Sincerely,

Wetlands Bureau Administrator

CGA/emk

Enclosure: copy of decision

Portsmouth Conservation Commission cc:

Portsmouth Board of Selectmen

Jon Pearson, AECOM

Abutters

DES Web site: www.des.nh.gov

Telephone: (603) 271-3503 • Fax: (603) 271-6588 • TDD Access: Relay NH 1-800-735-2964

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DECISION DATE: 10/09/2015

DECISION:

Impact 1,040 square feet (150 linear feet) of tidal wetlands and a total of 2,445 square feet of undeveloped upland tidal buffer zone (320 sq. ft. temporary and 2,125 sq. ft. permanent impacts) over three locations for installation of rip rap revetment for shoreline bank stabilization associated with upgrade construction at the Portsmouth Pierce Island Wastewater Treatment Facility in accordance with an EPA Consent Decree.

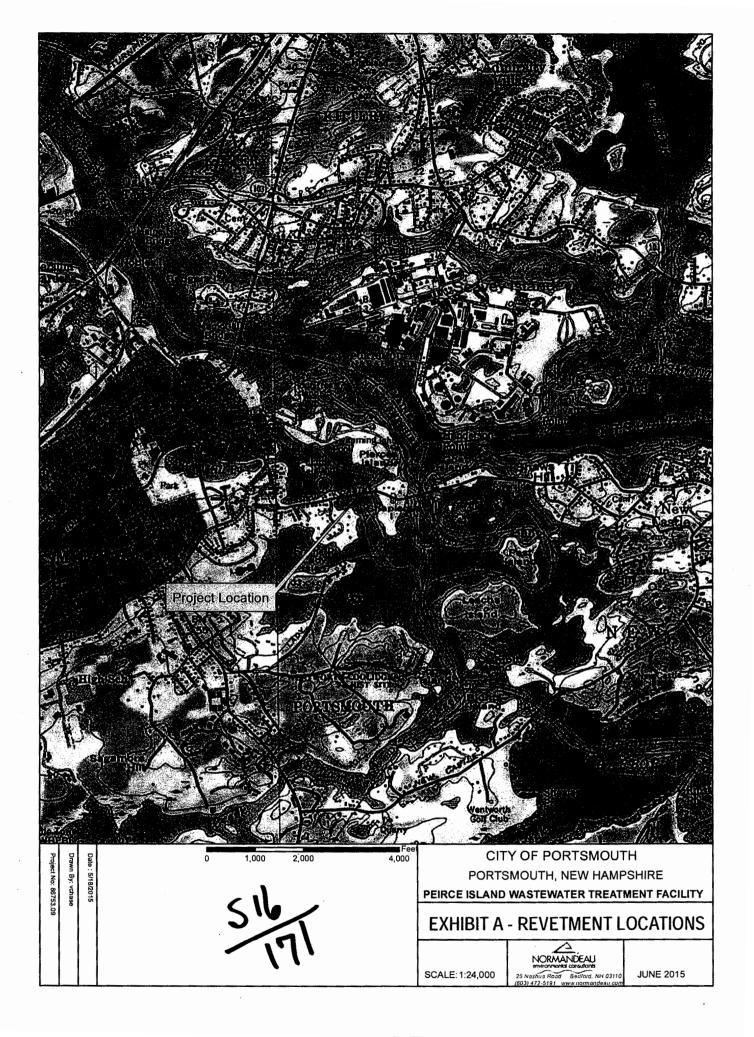
CONDITIONS:

- 1. All work shall be in accordance with plans by AECOM dated July 2015, as received by the NH Department of Environmental Services (DES) on July 21, 2015.
- 2. This permit is not valid unless an Alteration of Terrain permit or other method of compliance with RSA 485-A:17 and Env-Wq 1500 is achieved.
- 3. Orange construction fence shall be installed around permitted impact areas to avoid activities from creeping into unintended areas.
- 4. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain in place until the area is stabilized. Temporary siltation and erosion controls shall be removed once the area has been stabilized.
- 5. Relative to the protection of the state-threatened Marsh Elder populations the following conditions shall be adhered to:
 - a. No construction activity or equipment staging will occur outside of erosion control limits, approximately 40 feet from Marsh Elder populations;
 - b. Construction safety fencing shall be installed along either side of Pierce Island Road during the construction;
 - c. During the construction season (Dec. 1- Apr. 30) erosion control fencing will be installed around the seasonal construction trailer/staging area, located adjacent to the eastern end of Sub-population 1;
 - d. Before construction fencing is removed at the end of the construction season, and /or upon termination of the project, care should be taken to remove any sedimentation that has collected along the fence, so that it does not run off with storm water and impact the Marsh Elder.
- 6. Any further alteration of areas on this property that are subject to RSA 482-A jurisdiction will require a new application and further permitting.
- 7. All development activities associated with this project shall be conducted in compliance with applicable requirements of RSA 483-B and N.H. Code Admin. Rules Env-Wq 1400 during and after construction.
- 8. No person undertaking any activity shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards in RSA 485-A and Env-Wq 1700.
- 9. Erosion control products shall be installed per manufacturers recommended specifications.
- 10. The contractor responsible for completion of the work shall use techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
- 11. No concrete is to be used anywhere in the construction of the stone riprap revetment. All stone shall be dry laid or placed stone underlain with filter fabric.
- 12. All temporary impacts shall be remediated back to natural contours and stabilized with native seed mix, as well as planted according to the approved landscape plan immediately upon completion of project construction use of the site.
- 13. A report documenting such restoration shall be submitted to DES within 30 days of the restoration activities being completed.
- 14. Construction equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid prior to entering surface waters or wetlands or operating in an area where such fluids could reach groundwater, surface waters, or wetlands.
- 15. The permittee's contractor shall maintain appropriate oil/diesel fuel spill kits on site that are readily accessible at all times during construction, and shall train each operator in the use of the kits.
- 16. All refueling of equipment shall occur outside of surface waters or wetlands during construction. Machinery shall be staged and refueled in upland areas only.
- 17. Faulty equipment shall be repaired immediately prior to entering areas that are subject to RSA 482-A jurisdiction.

File #2015-01878 - City of Portsmouth — Portsmouth Page 3 of 3

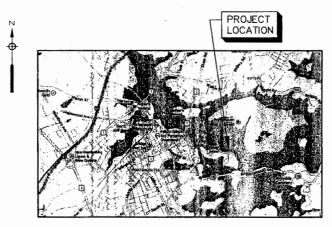
FINDINGS:

- 1. This is a major impact project per Administrative Rule Env-Wt 303.02(a), projects withing tidal wetlands, and per Env-Wt 303.02(b) projects within 100 feet of the highest observable tide line in undeveloped uplands.
- 2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The overall project is the required upgrade of the Portsmouth Wastewater Treatment plant pursuant to an EPA consent decree. This application is for the stabilization portion of the overall project and will be executed concurrent with the construction portion of the project being permitted under file 2015-01866.
- 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The project is confined to unstable areas adjacent to the new facility areas, and will be accomplished using natural material.
- 4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project. The NH Natural Heritage Bureau ("NHB") required a field survey to locate populations of the state-threatened Marsh Elder, which was completed by Normandeau Associates and documented in a report dated July 14, 2014. NHB stated that although there are populations of the species in the immediate project vicinity, it does not expect the species to be impacted if certain stated conditions are followed. Those conditions have been included in the permit conditions.
- 5. DES Staff conducted a field inspection of the proposed project on August 7, 2015. Field inspection determined that the areas of erosion were severe and in close proximity to the facility, and that the stabilization work is necessary.
- 6. In accordance with RSA 482-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the estuarine resource, as identified under RSA 482-A:1.
- 7. The Portsmouth Conservation Commission recommended approval of the project.



NHDES WETLAND PERMIT CITY OF PORTSMOUTH, NEW HAMPSHIRE

PEIRCE ISLAND WASTEWATER TREATMENT FACILITY UPGRADE JULY 2015



LOCATION PLAN

RECEIVED

INDEX OF SHE	ETS
00 G-001 PERMIT	COVER SHEET, LOCATION PLAN AND INDEX OF SHEETS
OD C-101 PERMIT	LEGEND, ABBREVIATIONS AND GENERAL NOTES
00 C-102 PERMIT	EXISTING CONDITIONS AND EROSION CONTROL PLAN I
00 C-103 PERMIT	EXISTING CONDITIONS AND EROSION CONTROL PLAN II
00 C-104 PERMIT	DEMOLITION PLAN I
00 C-105 PERMIT	DEMOLITION PLAN II
00 C-106 PERMIT	DEMOLITION PLAN III
00 C-107 PERMIT	SITE LAYOUT, PAVING, GRADING AND DRAINAGE PLAN 1
00 C-108 PERMIT	SITE LAYOUT, PANING, CRADING AND DRAINAGE PLAN II
00 C-109 PERMIT	SITE LAYOUT, PANING, GRADING AND DRAINAGE PLAN III
00 C-110 PERMIT	SITE LAYOUT, PAVING, GRADING AND DRAINAGE PLAN IV
OO C-111 PERMIT	LANDSCAPE PLAN I
00 C-112 PERMIT	LANDSCAPE PLAN II
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00 C-120 PERMIT	DETAILS I
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00 C-124 PERMIT	DETAILS V
00 C-125 PERMIT	DETAILS VI

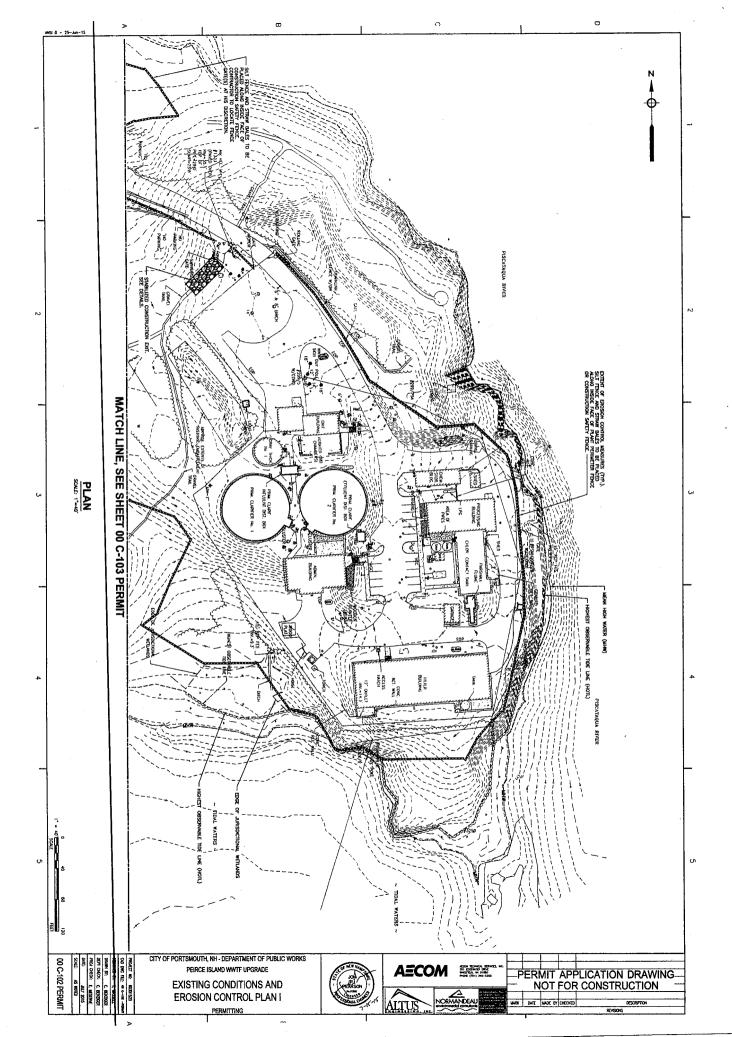
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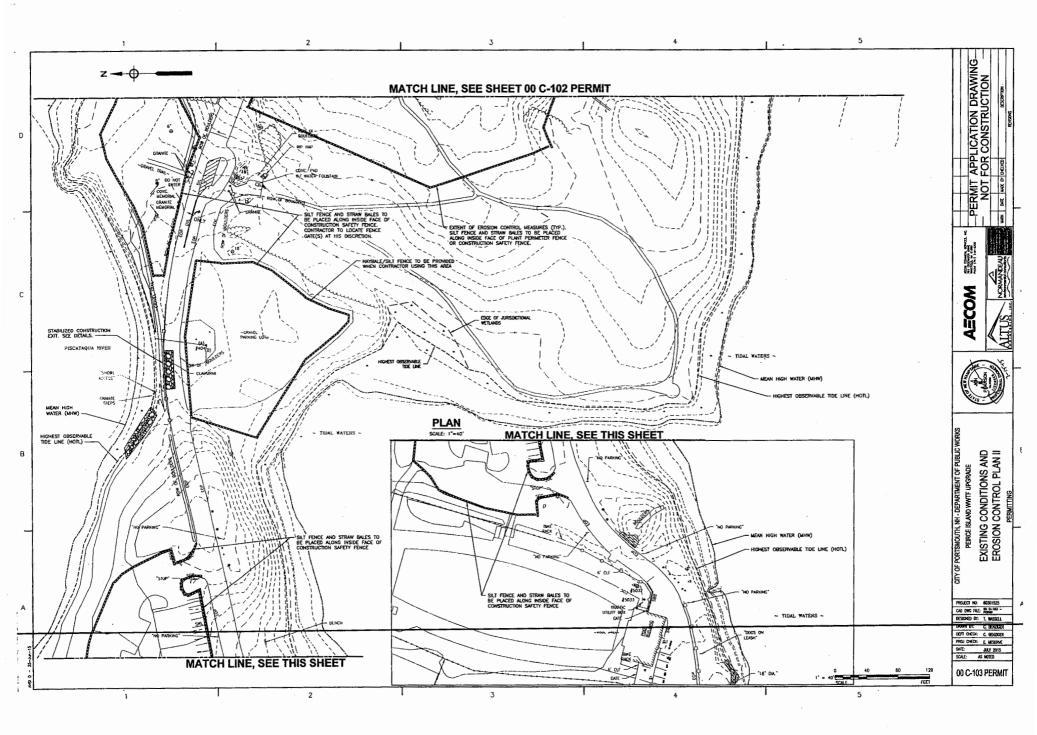


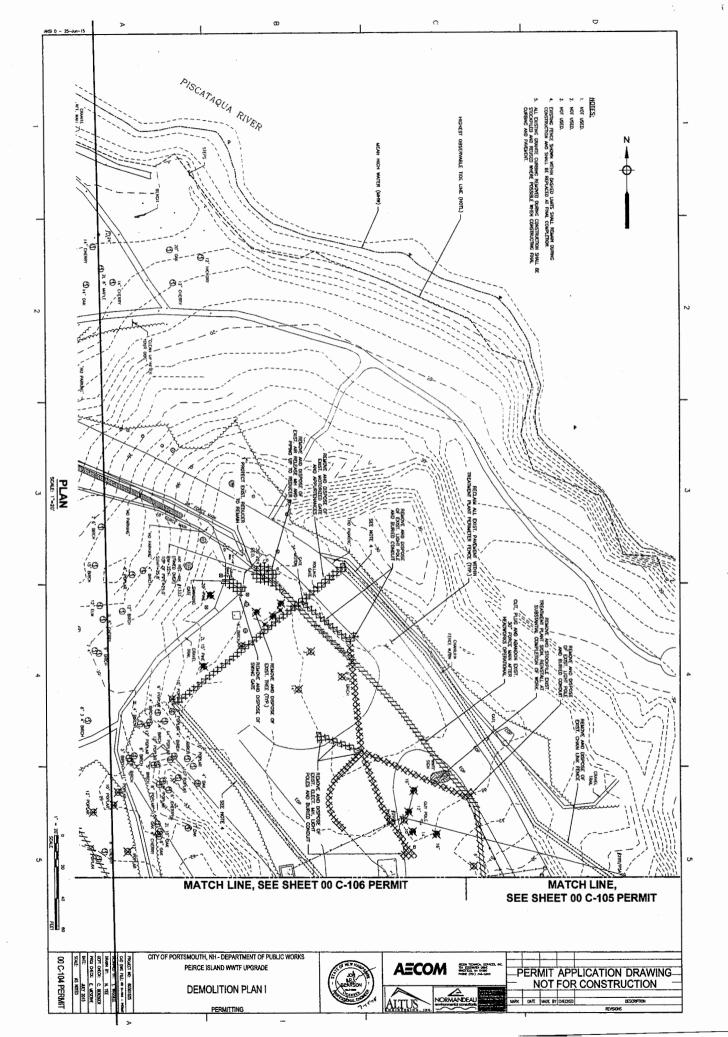
COVER SHEET, LOCATION PLAN AND INDEX OF SHEETS

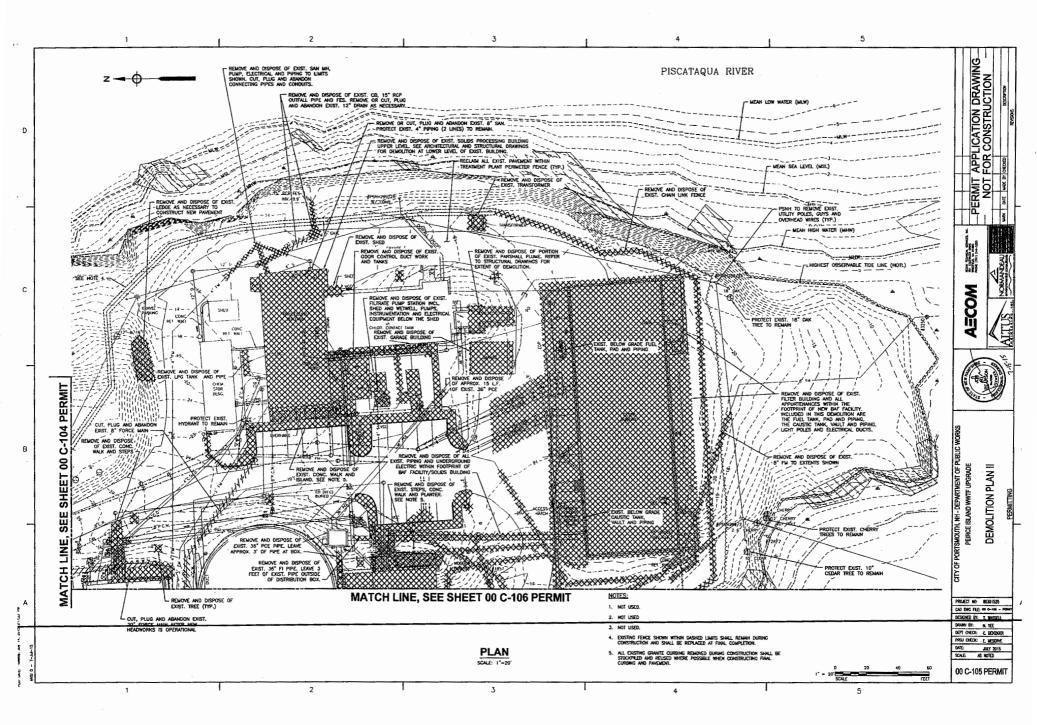
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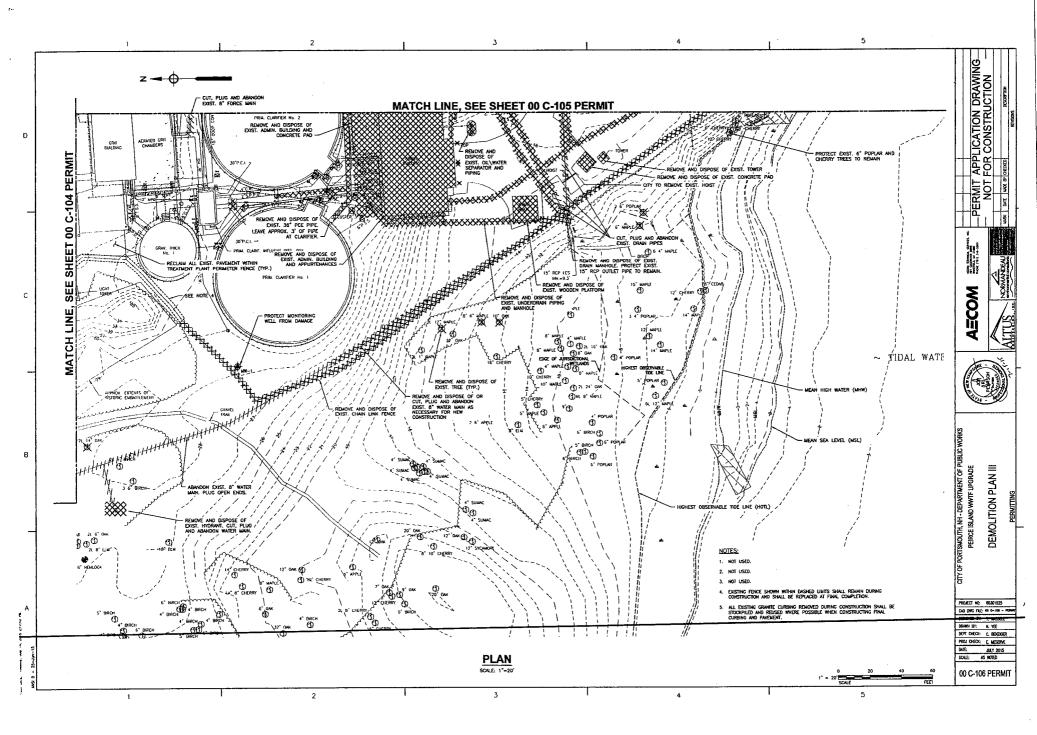
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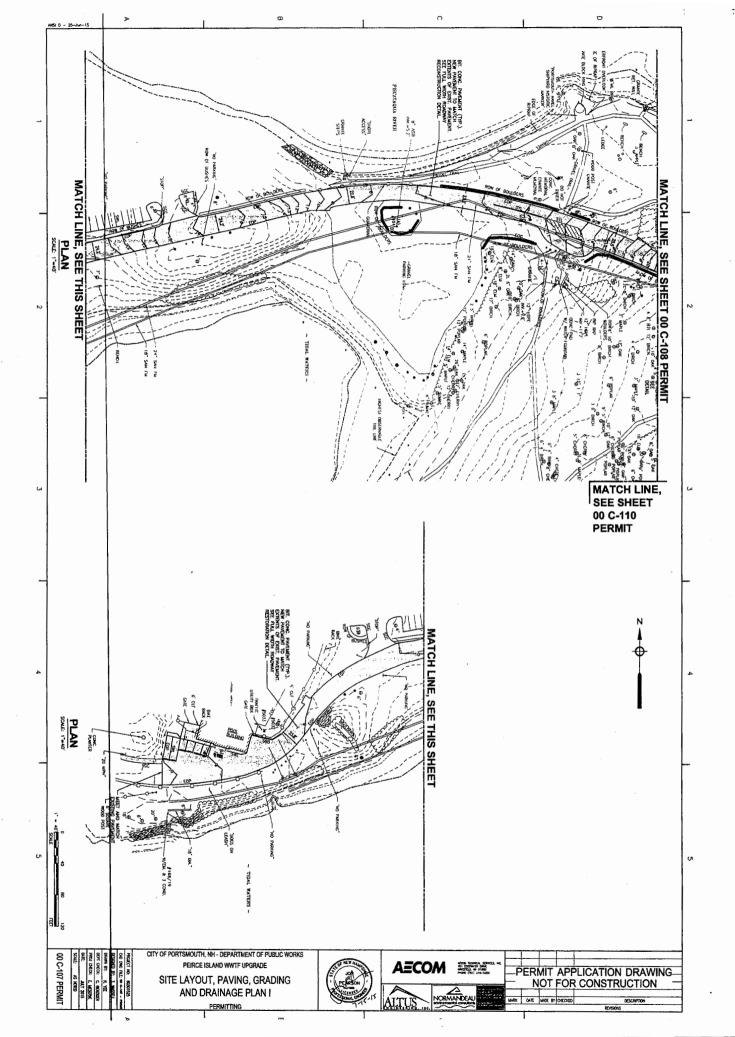


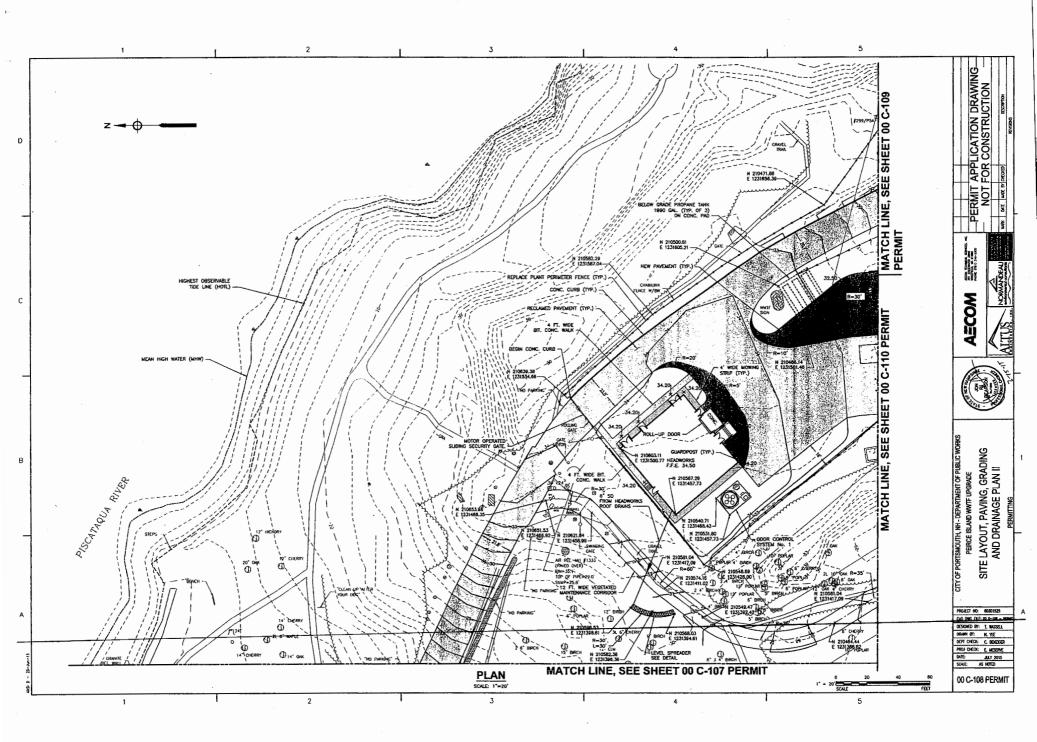


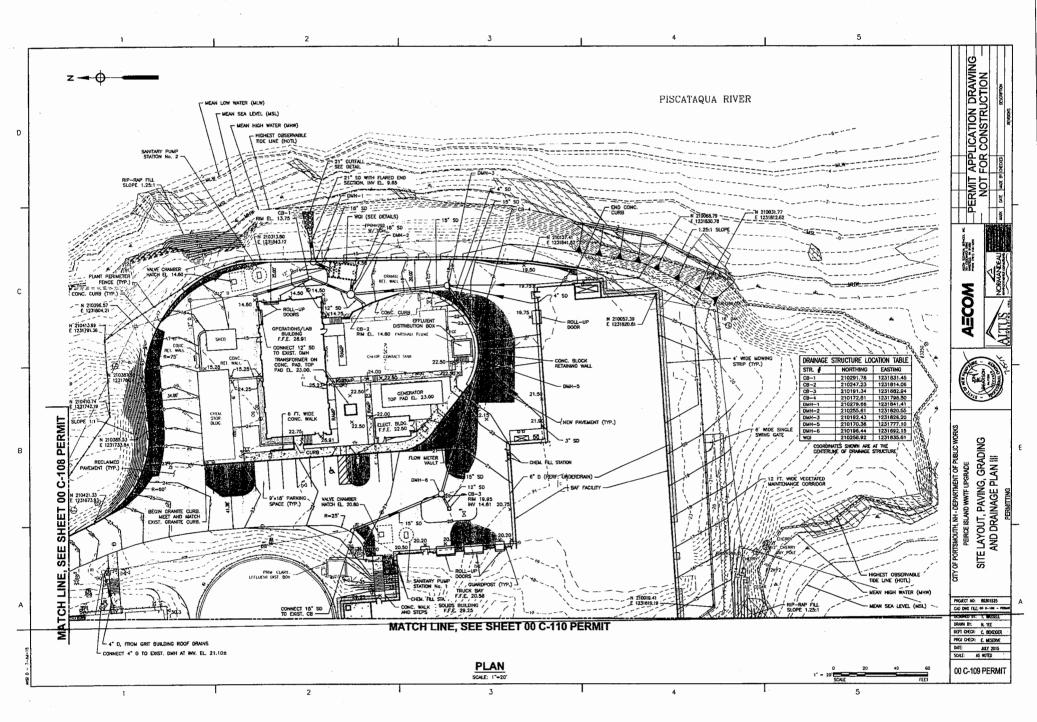


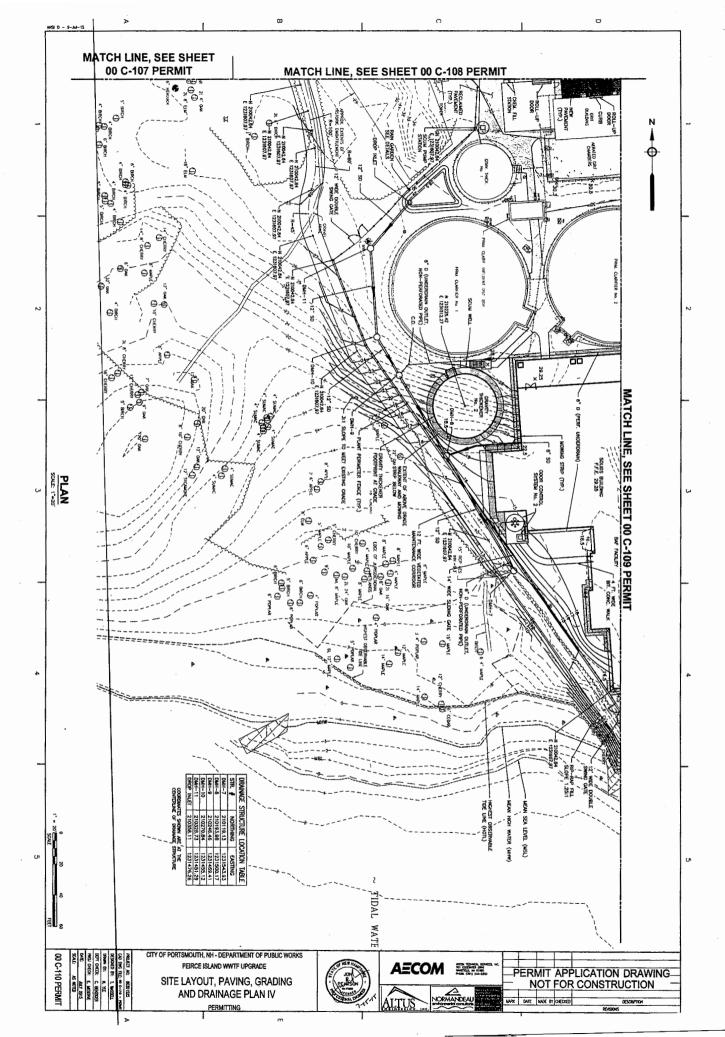


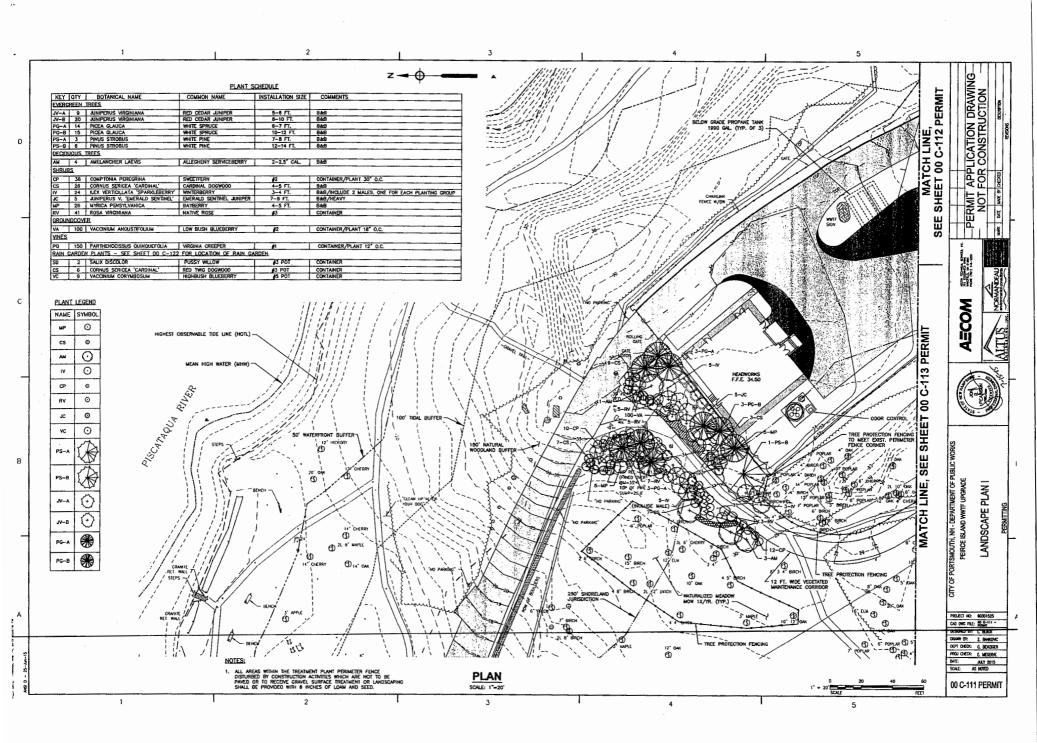


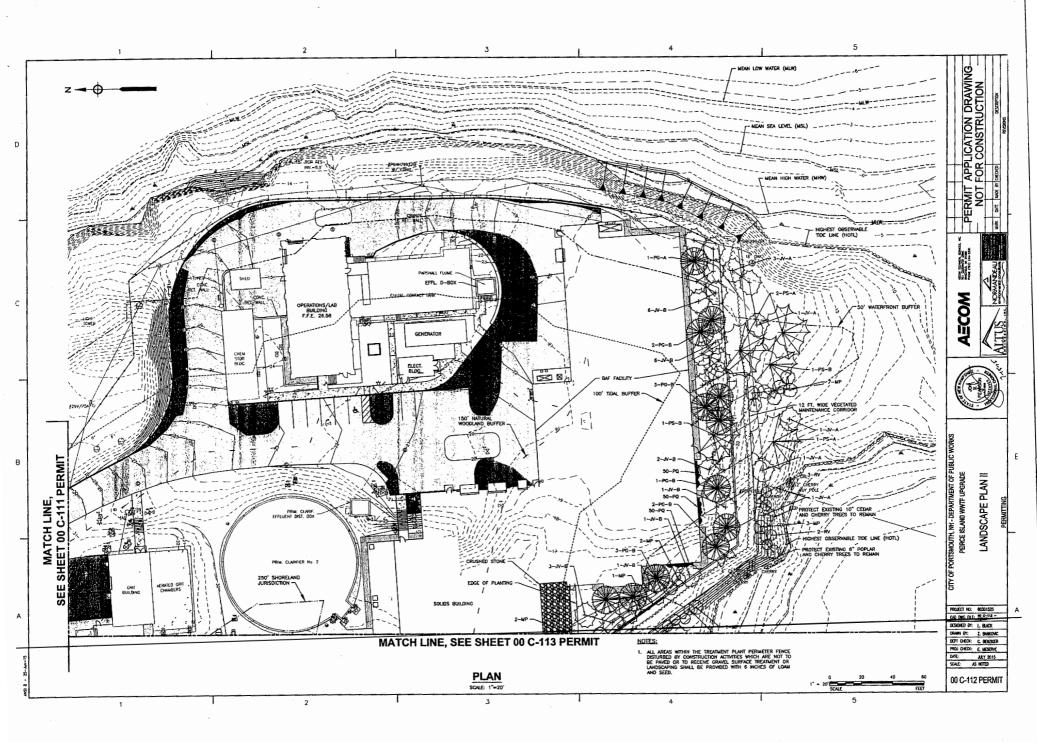


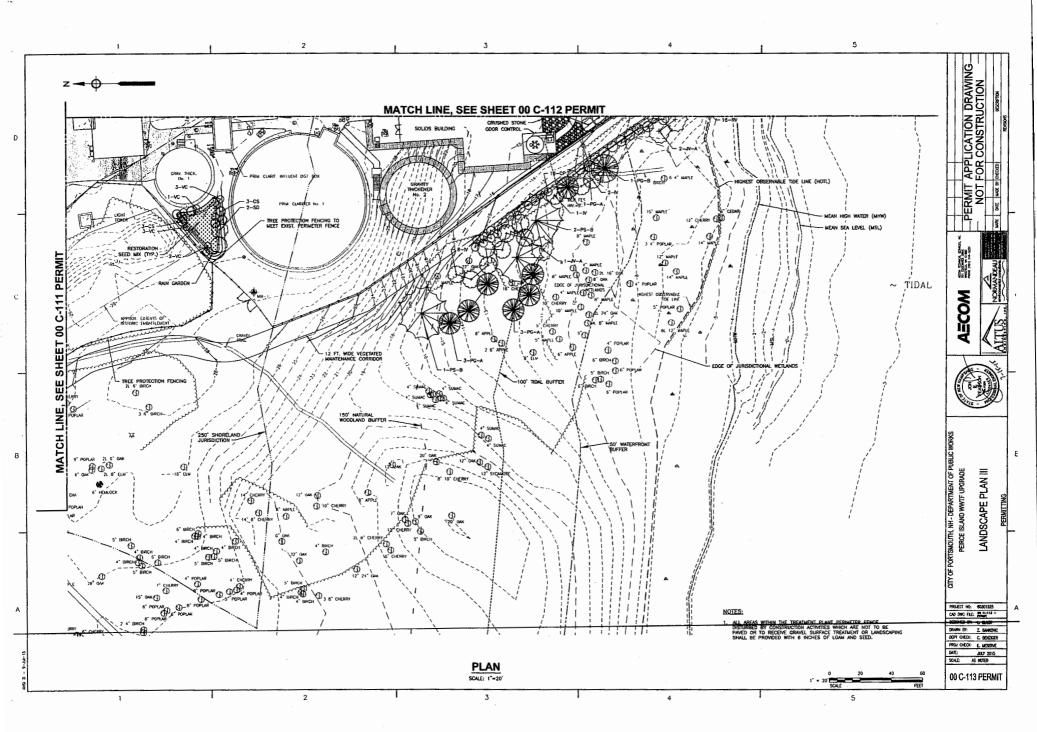


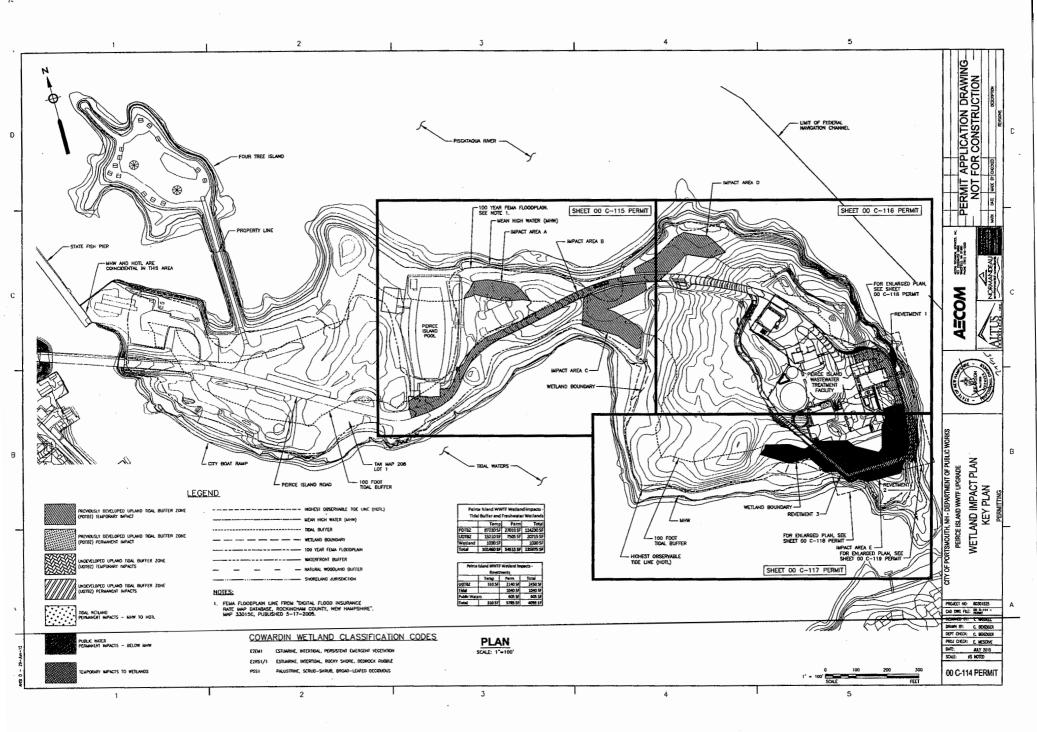


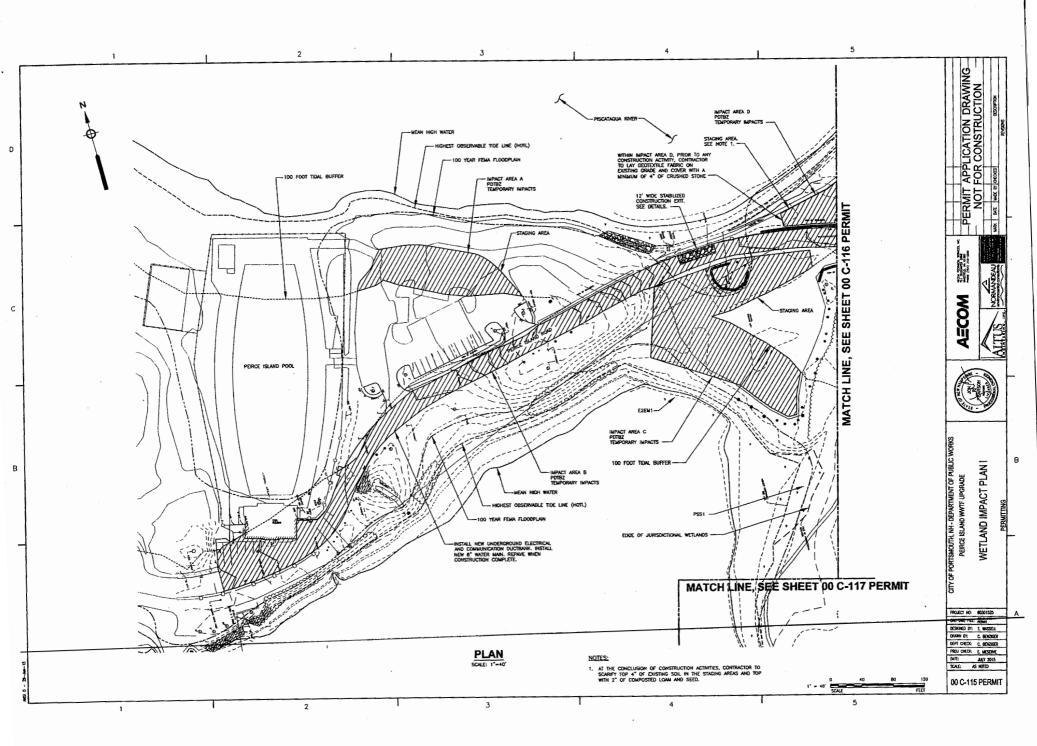


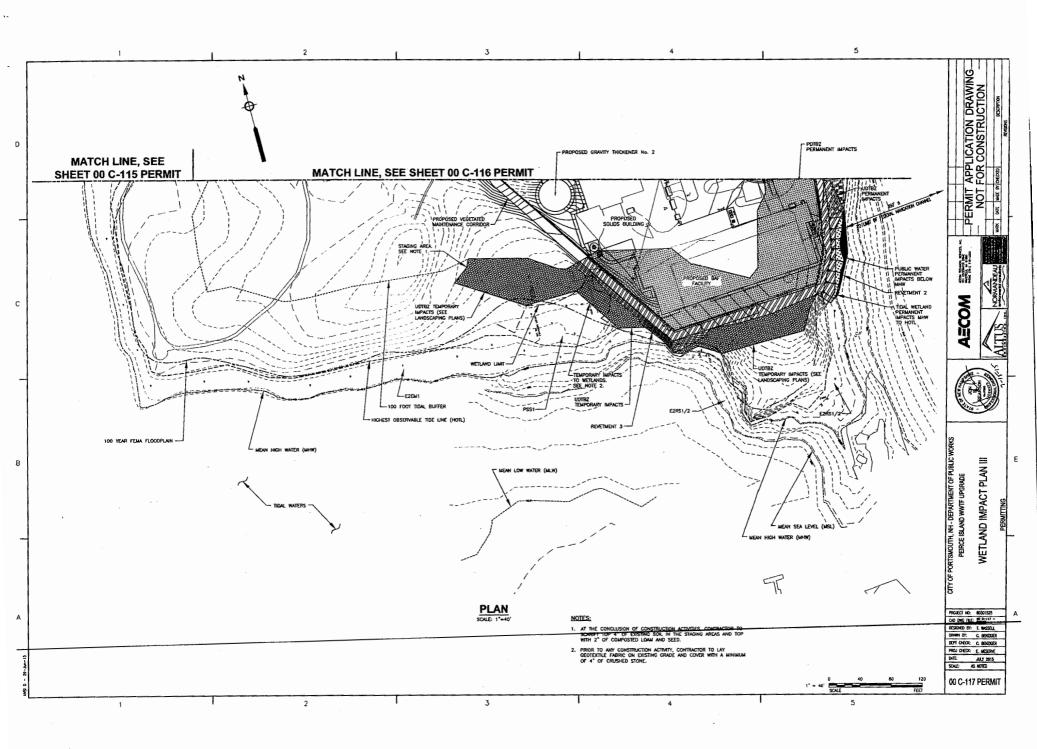


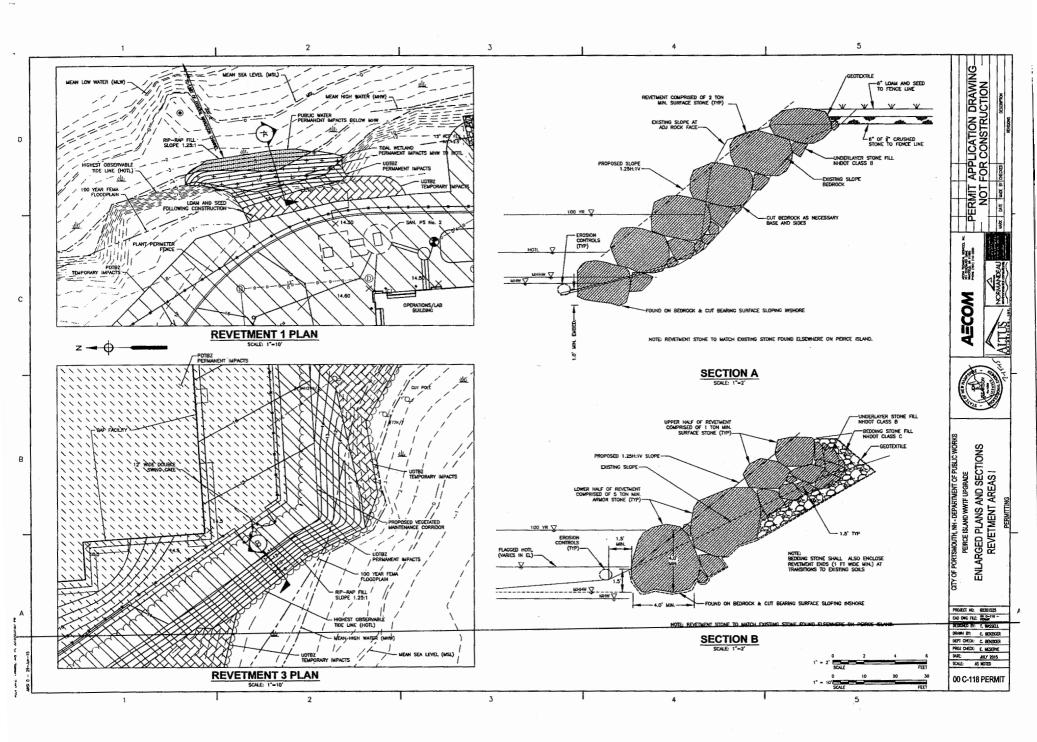


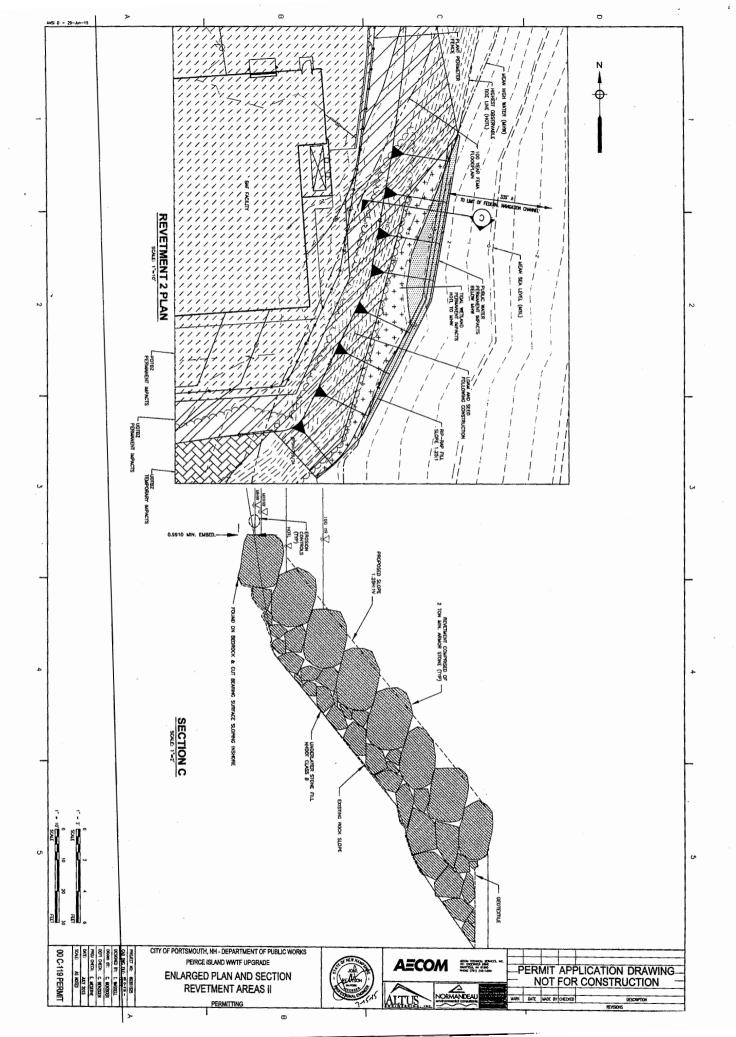


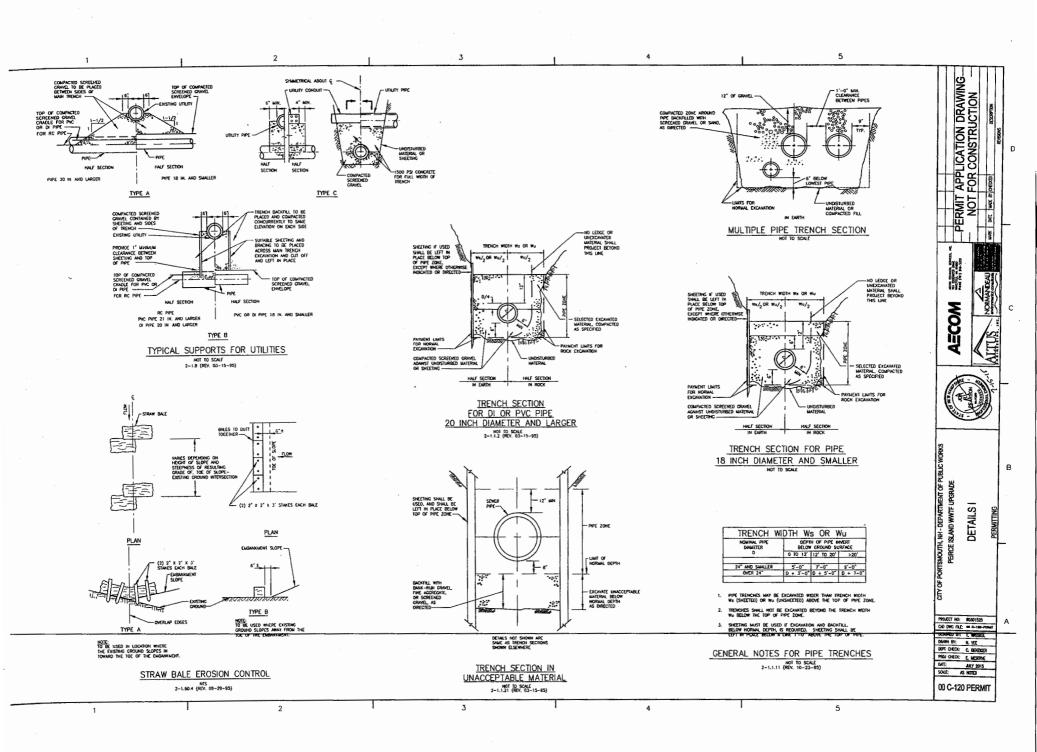


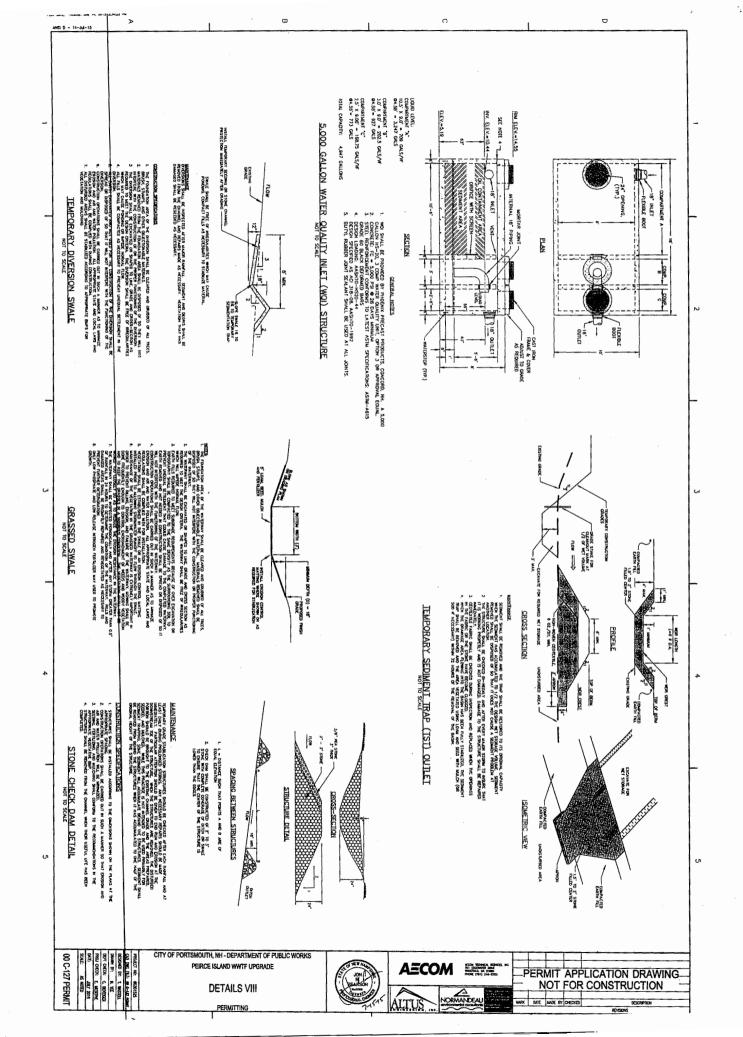














(Minimum Notice: Permittee must sign and return notification within one month of the completion of work.)

COMPLIANCE CERTIFICATION FORM

Permit Number:	NAE-2015-01929			
Project Manager	Richard Kristoff		,	
Name of Permittee:	Portsmouth			
Permit Issuance Da	te: November 23, 2015			
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