



The State of New Hampshire  
**Department of Environmental Services**



**Robert R. Scott, Commissioner**

December 23, 2020

NH DEPT OF TRANSPORTATION  
NHDOT BUREAU OF BRIDGE DESIGN C/O DAVID SCOTT  
PO BOX 483  
CONCORD NH 03301

**Re: NHDES File #2020-02767**  
**Subject Property: Row, Center Harbor, Tax Map #105, Lot #R-7**

Dear Mr. Scott:

The New Hampshire Department of Environmental Services (NHDES) Wetlands Bureau has concluded its review of file #2020-02767. NHDES issues this approval notice for the application to Impact a total of 26,661 square feet/38 linear feet of lake bed, designated prime wetland, and the duly-established 100-foot prime wetland buffer to replace an existing 20 feet wide x 30 feet span stone and concrete bridge on the Class II Waukewan Road that crosses the Snake River at its inflow point into Lake Waukewan between New Hampton and Center Harbor, NH (NHDOT Project No. 24579). Impact areas include 105 square feet within the Prime Wetlands, 53 SF of Lake/Pond impacts, and 25,120 square feet within the Prime Wetland Buffer. These impacts include 8 linear feet of Lake/Pond impacts. The project would also result in 1,383 square feet of temporary impacts, including 30 linear feet of Lake/Pond impacts. Compensatory mitigation includes a one-time payment of \$692.03 dollars into the Aquatic Resource Mitigation Fund ("ARM") to be deposited in the Pemigewasset-Winnepesaukee River Service Area, and includes installation of native vegetative plantings throughout 25,120 square feet of the impacted Prime Wetlands and the duly-established 100-foot prime wetland buffer.

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

1. In accordance with Env-Wt 307.16, all work shall be done in accordance with the plans and notes for the Department of Transportation -Bureau of Highway Design for N.H. Project No. 24579, X-A002(923) Bridge Replacement Waukewan Road Bridge over Lake Waukewan Inlet (Sheets 1-8) as received by the NH Department of Environmental Services (NHDES) on October 27, 2020.
2. The permit is contingent on submittal of a check in the amount of \$692.03 to the Aquatic Resource Mitigation Fund by the applicant as calculated per Env-Wt 803.07 and RSA 482-A:30.
3. 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.
4. In accordance with Env-Wt 527.05(a), the permit shall be contingent on review and approval by the department of final stream diversion and erosion control plans that detail the timing and method of stream flow diversion during construction and show temporary siltation, erosion, and turbidity control measures to be implemented.
5. 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 the permit.
6. In accordance with Env-Wt 807.03(b), within 60 days of completing a mitigation project that included restoration, enhancement, or creation of wetlands or the restoration or enhancement of a stream, or both, the applicant shall submit a post-construction monitoring report, documenting the conditions of the restored, enhanced, or constructed wetland or restored or enhanced stream.

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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

7. In accordance with Env-Wt 307.03(a), 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.
8. In accordance with Env-Wt 307.07, 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.
9. In accordance with Env-Wt 904.02(a)(1), in-stream work shall be done only during low flow or dry conditions, in non-tidal areas.
10. 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.
11. 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.
12. In accordance with Env-Wt 307.03(c)(4), water quality control measures shall be capable of minimizing erosion; collecting sediment and suspended and floating materials; and filtering fine sediment.
13. 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.
14. 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.
15. In accordance with Env-Wt 307.03(d), 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.
16. 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.
17. 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).
18. In accordance with Env-Wt 307.12(f), if any temporary impact area that is stabilized with seeding or plantings does not have at least 75% successful establishment of wetlands vegetation after 2 growing seasons, the area shall be replanted or reseeded, as applicable.
19. In accordance with Env-Wt 307.12(a), within 3 days of final grading or temporary suspension of work in an area that is in or adjacent to surface waters, all exposed soil areas shall be stabilized by seeding and mulching, if during the growing season; or mulching with tackifiers on slopes less than 3:1 or netting and pinning on slopes steeper than 3:1 if not within the growing season.
20. 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.
21. 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.

22. 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.

23. In accordance with Env-Wt 307.03(e), all exposed soils and other fills shall be permanently stabilized within 3 days following final grading.

The decision to approve this application was based on the following findings:

1. This is a Major Project per New Hampshire Administrative Rule Env-Wt 407.03, Table 407-1 having more than 10,000 square feet of impacts to jurisdictional area. The project includes impacts located within a designated prime wetland which qualifies as a Priority Resource Area (PRA).
2. The proposed project includes removal of the existing concrete superstructure, constructing new abutments behind the existing abutments, and constructing a new precast concrete deck beam superstructure that spans over the existing stone abutments for the replacement of the 20 feet wide x 30 feet span stone and concrete bridge on the Class II Waukewan Road that crosses the Snake River at its inflow point into Lake Waukewan between New Hampton and Center Harbor, NH (NH DOT Project No. 24579). The existing stone abutments would be reinforced and repaired as necessary. The existing rail-to-rail width would be maintained with a slightly narrower curb-to-curb width of 18-feet 4-inches. The out-to-out width would be widened slightly, to 22-feet 4-inches, to allow for the installation of a crash-tested rail system. In addition to the bridge construction, the road would be raised slightly in the vicinity of the bridge to accommodate a deeper bridge superstructure while slightly increasing the size of the hydraulic opening. The limits of roadway reconstruction would extend approximately 150 LF on the New Hampton side of the bridge, and approximately 250 LF on the Center Harbor side of the bridge. All proposed construction would take place within the right-of-way.
3. The applicant has provided evidence which demonstrates that unavoidable impacts have been minimized per New Hampshire Administrative Rule Env-Wt 313.03. The proposed project would allow for continued safe travel along Waukewan Road and over the bridge. No action would eventually result in the closure of the bridge; this option is not viable due to required travel by residents, businesses, and emergency services over the bridge.
4. The total proposed permanent wetland impacts would be 105 square feet within the Prime Wetlands, 53 SF of Lake/Pond impacts, and 25,120 square feet within the Prime Wetland Buffers. These impacts include 8 linear feet of Lake/Pond impacts. The project would also result in 1,383 square feet of temporary impacts, including 30 linear feet of Lake/Pond impacts. Wetland impacts within the Prime Wetlands would be the result of work required for the bridge work and two small fill slopes that would extend into wetlands. These impacts within the Prime Wetlands would be largely temporary. Impacts within the Prime Wetland Buffer would be as a result of roadway reconstruction on either side of the bridge. These impacts would be permanent, but would primarily be within previously disturbed areas. Minimal changes to cover types or disturbance area would result from this project.
5. Lake Waukewan is used as public drinking water supply. Significant care has been taken to reduce impacts to Prime Wetlands and Prime Wetland Buffers which would have a detrimental impact to drinking water supply. Additionally, proposed native vegetative plantings throughout the project area have been designed to help stabilize the wetland buffer area and promote water quality. The proposed project would be anticipated to result in a net benefit for water quality and drinking water supply in the area.
6. The proposed project has been designed to meet the project specific design techniques outlined in Env-Wt 527.04. The project would protect wetland function, maintain hydrologic function, not impact flood storage, use protection measures to prevent discharge directly to wetlands, and stabilize temporary impact areas using native plantings. The proposed project has been specifically designed to minimize impacts to wetland and riparian function.
7. The New Hampshire Natural Heritage Bureau NHB Datacheck (NHB19-3169) has been checked for records of rare species and exemplary natural communities. Care would be taken, in accordance with communication with the Loon Conservation Trust and the US Fish & Wildlife Service; to avoid any potential impacts to rare, threatened, or

endangered species and critical habitat for the project.

8. Mitigation for the proposed jurisdictional impacts was discussed at both the April 19, 2017 and the October 16, 2019 NHDOT Natural Resource Agency Coordination Meetings. The proposed mitigation strategy was agreed upon by all parties. Mitigation for the project is proposed in two forms; native vegetative plantings throughout the project area, and a payment into the Aquatic Resource Mitigation (ARM) Fund. Native vegetative plantings throughout the project area would be used to mitigate impacts to the Prime Wetland Buffer in both Center Harbor and New Hampton. These impacts total 25,120 square feet. These plantings will serve to stabilize the buffer area, create native habitat for various organisms, and increase water quality in the Prime Wetlands themselves by treating stormwater runoff from the roadway corridor. In-lieu payment to the ARM Fund would be used to mitigate permanent impacts to the Prime Wetlands. These impacts total 158 square feet and occur only on the New Hampton side of the project. The payment amount has been calculated to be \$692.03.

9. This approval is contingent on receipt by DES of a one-time payment of \$692.03 dollars into the Aquatic Resource Mitigation Fund ("ARM").

10. Pursuant to RSA 482-A:11, IV(a), the NHDES shall not grant a permit unless it is able to specifically find based on clear and convincing evidence that the project will not result in the significant net loss of any values set forth in RSA 482-A:1. Based on the compensatory mitigation and the plans and protective conditions, the applicant has satisfied this requirement.

11. No Historic Properties were affected per archeological review within the existing footprint per project review by the NH Division of Historical Resources.

Any person aggrieved by this decision may appeal to the New Hampshire Wetlands Council (the Council) by filing an appeal that meets the requirements specified in RSA 482-A:10, RSA 21-O:14, and the rules adopted by the Council, Env-WtC 100-200. The appeal must be filed **directly with the Council within 30 days** of the date of this decision and must set forth fully **every ground** upon which it is claimed that the decision complained of is unlawful or unreasonable. Only those grounds set forth in the notice of appeal can be considered by the Council. Information about the Council is available at <http://nhec.nh.gov/> or <http://nhec.nh.gov/wetlands/index.htm>. Copies of the rules are also available from the NHDES Public Information Center at (603) 271-2975.

This permit is contingent on receipt of a one-time payment of \$692.03 to the NHDES Aquatic Resource Mitigation (ARM) Fund. The payment should be received after the 30-day reconsideration period or after January 22, 2021. If the payment is not received by NHDES by April 22, 2021 or 120 days from the approval decision, NHDES will deny the application. Please include a copy of this letter with the payment.

If you have any questions, please contact me at (603) 271-4059 or [lori.sommer@des.nh.gov](mailto:lori.sommer@des.nh.gov).

Sincerely,



Lori Sommer  
Wetlands Mitigation Coordinator  
Land Resources Management, Water Division

cc: Center Harbor Municipal Clerk/Conservation Commission  
New Hampton Clerk/Conservation Commission