



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

November 16, 2021

Regulatory Division
CENAE-R-PEC
Permit Number: NAE-2021-02443

NH Dept. of Transportation
Attn: Andrew O'Sullivan
P.O. Box 483
Concord, NH 03302

Project No. 24477
Andrew.Osullivan@dot.nh.gov

Dear Applicant:

This is to inform you that we have reviewed your application to conduct activities as described on the attached New Hampshire Permit No. 2021-01520, dated 08/21/2021.

Based on the information you provided to the New Hampshire Wetlands Bureau, we have determined that your project, which may include 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. Therefore, this work is authorized under General Permit No(s). 23 of the referenced Federal permit known as the Department of the Army General Permits for the State of New Hampshire (GPs). This work must be performed in accordance with the terms and conditions of the GPs.

You are responsible for complying with all of the GP's requirements. Please review the referenced GPs carefully to familiarize yourself with its contents. You should ensure that whoever does the work fully understands the requirements and that a copy of the permit document is at the project site throughout the time the work is underway. Also, see a copy of the GPs at:

<http://www.nae.usace.army.mil/Missions/Regulatory/StateGeneralPermits/NewHampshireGeneralPermit.aspx>

This authorization expires August 18, 2022, unless the GPs are 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 requires you to complete and return the enclosed Compliance Certification Form within one month following the completion of the authorized work.

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 GPs. Performing work not specifically authorized by this determination or failing to comply with all the terms and conditions of the GPs 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 Michael Hicks of my staff at (978) 318-8157, (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:

Mary Ann Tilton, NH DES; MaryAnn.Tilton@des.nh.gov
Linda Lester, NHDES; linda.lester@des.nh.gov

COMPLIANCE CERTIFICATION FORM

Permit Number: NAE-2021-02243

Project Manager Michael Hicks

Name of Permittee: NHDOT 24477

Permit Issuance Date: 11/16/2021

Please sign this certification and return it to the following address upon completion of the activity and any mitigation required by the permit. You must submit this after the mitigation is complete, but not the mitigation monitoring, which requires separate submittals.

* MAIL TO: U.S. Army Corps of Engineers, New England District *
* Permits and Enforcement Branch C *
* Regulatory Division *
* 696 Virginia Road *
* Concord, Massachusetts 01742-2751 *

Please note that your permitted activity is subject to a compliance inspection by an U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above referenced permit was completed in accordance with the terms and conditions of the above referenced permit, and any required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

Date

Printed Name

Date of Work Completion

() _____
Telephone Number

() _____
Telephone Number



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

WETLANDS AND NON-SITE SPECIFIC PERMIT 2021-01520

NOTE CONDITIONS

PERMITTEE: NH DEPARTMENT OF TRANSPORTATION
C/O DAVID SCOTT
7 HAZEN DRIVE
CONCORD NH 03301

PROJECT LOCATION NH ROUTE 107 RIGHT OF WAY, DEERFIELD

WATERBODY: FREESSES POND

APPROVAL DATE: AUGUST 12, 2021 **EXPIRATION DATE:** AUGUST 12, 2026

Based upon review of permit application 2021-01520 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:

Dredge and fill 2,311 square feet within the bed and banks of Freeses Pond (impacting 322 linear feet) to replace NHDOT Bridge No. 137/116 (NH RTE 107), a 12 foot span by 8 foot rise by 46 foot long arch culvert, with a 14 foot span by 10 foot rise by 35 foot long box culvert embedded with 18 inches of streambed simulation material plus new wingwalls and rip-rap placement around wingwalls and at the culvert openings. Temporarily impact 783 square feet (impacting 129 linear feet) within the bed and banks of the pond for construction access and dewatering controls.

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

1. In accordance with Env-Wt 307.16, all work shall be done in accordance with the plans for NHDOT for Federal Aid Project No. X-A002(898), State Project No. 24477, NH Route 107 in Deerfield dated July 15, 2021 as received by NHDES on July 27, 2021.
2. In accordance with Env-Wt 311.11(d), this permit is not valid until the applicant/owner obtains construction easements on abutting parcels or written permission from abutting property owners if the proposed transportation project is beyond the existing right-of-way. The permittee shall submit a copy of each recorded easement to the NHDES Wetlands Bureau prior to construction.
3. The applicant shall coordinate directly with the Town of Deerfield for permission to work on any submerged lands owned by the town associated with the Freeses Pond Dam.
4. In accordance with Env-Wt 527.05(a) in addition to complying with all applicable conditions in Env-Wt 307, 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 311.01(b)(1) and NH Fish & Game (NHF&G) recommendations, turtle flyers shall be distributed to Contractors. Contractors shall be notified of the potential to encounter protected turtle species from April through November. If adult spotted or Blanding's turtles are found laying eggs or hatchlings are found in a work area, attempt to take photographs for documentation with NHF&G and contact NHF&G (Melissa Doperalski 603-479-1129 or Josh Megyesy 978-578-0802) for further instructions. Female Blanding's and spotted turtles will lay eggs in mineral soils with good sun exposure during turtle nesting season from the end of May until the beginning of July

www.des.nh.gov

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095

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

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

and may lay eggs on the road shoulders and in staging areas. Most newly hatched turtles will emerge from their nests from August through October.

6. 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.
7. In accordance with Env-Wt 307.03(c)(2), water quality control measures shall be comprised of wildlife-friendly erosion control materials. "Wildlife-friendly erosion control materials" means materials used in erosion control practices that do not include any components, such as welded plastic or "biodegradable plastic" netting or thread, that have been documented to entangle and kill snakes, birds, and other wildlife. The term includes mesh made from woven organic material such as coco or jute, such as North American Green BioNet® or similar products.
8. All in-water work shall be monitored in accordance with the Deerfield 24477, Turbidity Sampling and Control Plan for In-Water Work, dated February 5, 2021 and conducted to protect water quality as required by Rule Env-Wt 307.03(a) through (h).
9. A report that describes the monitoring conducted and date(s) of inspections, and includes photos showing the extent of jurisdictional impacts, shall be submitted to the department within 60 days following the completion of the project, in accordance with Env-Wt 307.18(c).
10. In accordance with Env-Wt 527.05(b), the contractor responsible for completion of the work shall use techniques described in Env-Wq 1504.06, Env-Wq 1504.16, Env-Wq 1505.02, Env-Wq 1506, and Env-Wq 1508.
11. 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.
12. All dredging activities shall meet all of the conditions listed in Rule Env-Wt 307.10(a) through (n).
13. 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).
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)(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.
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 307.03(e), all exposed soils and other fills shall be permanently stabilized within 3 days following final grading
18. In accordance with Env-Wt 307.03(f)(1), a cofferdam or other turbidity control shall be used to enclose a dredging project conducted in or along the shoreline of a bog, marsh, lake, pond, stream, river, creek, or any other surface water, provided that a coffer dam shall not be installed during periods of high flow.
19. 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.
20. 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.
21. 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).
22. 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.

23. 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.
24. In accordance with Env-Wt 307.12(d), mulch used within an area being restored shall be natural straw or equivalent non-toxic, non-seed-bearing organic material.
25. 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.
26. 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.
27. In accordance with Env-Wt 307.03(b), 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 using the techniques described in Env-Wq 1505.02, Env-Wq 1505.04, Env-Wq 1506, and Env-Wq 1508; the applicable BMP manual; or a combination thereof, if the BMP manual provides less protection to jurisdictional areas than the provisions of Env-Wq 1500.

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:



Seta A. Detzel
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)