



The State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**



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Bour

**Thomas S. Burack, Commissioner**

October 26, 2015

Her Excellency, Governor Margaret Wood Hassan  
and The Honorable Council  
State House  
Concord, NH 03301

**REQUESTED ACTION**

Approve the NH Dept. of Transportation's (NH DOT) request to perform the following work on an unnamed brook and the Atlantic Ocean, in Rye. File # 2015-01479. This project will not have significant impact on or adversely affect the values of the unnamed brook and the Atlantic Ocean.

Remove 65 linear ft. of a 30 inch culvert at the outlet end, re-grade the stone from the culvert removal area and slip line the remaining 30 inch culvert with a UV cured-in-place pipelining system, impacting 12,566 sq. ft. (8,138 sq. ft. temporary) of tidal influenced wetland and previously disturbed tidal buffer zone.

The Department imposed the following conditions as part of this approval:

1. All work shall be in accordance with plans by the NH DOT Maintenance District 6, revised January 28, 2015, as received by the Department on June 16, 2015.
2. Any dredged material shall be placed out of the DES Wetlands Bureau jurisdiction unless specifically permitted.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain in place until the area is stabilized.
4. Construction equipment shall not be located within surface waters.
5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 ft. of undisturbed vegetated buffer.
6. Within three days of completion of construction activities, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack on slopes steeper than 3:1 or netting /matting and pinning on slopes steeper than 2:1.
7. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching or if temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching, mulching with tack on slopes steeper than 3:1 and stabilized by matting and pinning on slopes steeper than 2:1.
8. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
9. Extreme precautions are to be taken within riparian areas to limit unnecessary removal of vegetation during construction and areas cleared of vegetation are to be re-vegetated as quickly as possible.
10. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. Work shall be done during low flow and low tide only.

DES Web site: [www.des.nh.gov](http://www.des.nh.gov)

**P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095**

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

13. Within 5 state business days prior to commencement of work authorized by this permit, the permittee shall notify the DES Wetlands Program in writing of the date on which work under this permit is expected to begin.
14. Work authorized shall be carried out such that there are no discharges in or to spawning or nursery areas during spawning seasons. Impacts to such areas shall be avoided or minimized to the maximum extent practicable during all other times of the year.

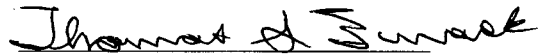
#### EXPLANATION

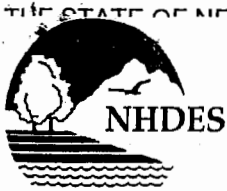
The DES Wetlands Bureau approved this project on September 23, 2015. DES supported its decision with the following findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(a), projects in sand dunes, tidal wetlands or bogs except for repair of existing structures pursuant to Env-Wt 303.04(v).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
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.
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.
5. 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.
6. The project will repair the deteriorated culvert and will improve the upstream flooding caused by debris collecting in the culvert and blocking the water flow.
7. Co-ordination of the project was discussed at the monthly Natural Resource Agency meetings held at the NH DOT on February 18, 2015 and on April 15, 2015.
8. A DES Shoreland Protection permit is not required as all of the proposed work shown is in the jurisdiction of the DES Wetlands Bureau under RSA 483-A.

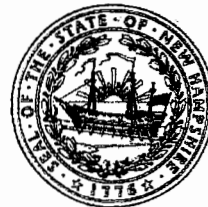
Application file documents are being forwarded to the Governor and Executive Council in connection with their consideration of this matter pursuant to RSA 482-A:3,II.(a) as it is a major project in public waters of the state.

We respectfully submit this request for your consideration.

  
Thomas S. Burack  
Commissioner



THE STATE OF NEW HAMPSHIRE  
 DEPARTMENT OF ENVIRONMENTAL SERVICES  
 LAND RESOURCES MANAGEMENT  
**WETLANDS BUREAU**  
 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095  
 Phone: (603) 271-2147 Fax: (603) 271-6588  
<http://des.nh.gov/organization/divisions/water/wetlands>



# PERMIT APPLICATION

			File No: <b>2015-01479</b>
			Check No: <b>378575</b>
			Amount: <b>2,513.20</b>
			Initials: <b>EMK</b>

**1. REVIEW TIME:**  
 Indicate your Review Time below. Refer to Guidance Document A for instructions.

- Standard Review (Minimum, Minor or Major Impact)       Expedited Review (Minimum Impact)

**2. PROJECT LOCATION:**  
 Separate applications must be filed with each municipality that jurisdictional impacts will occur in.

ADDRESS: **NH ROUTE 1A**      TOWN/CITY: **Rye**

TAX MAP: **N/A**      BLOCK: **N/A**      LOT: **N/A**      UNIT: **N/A**

USGS TOPO MAP WATERBODY NAME: **UNNAMED BROOK / BASS BEACH**       NA      STREAM WATERSHED SIZE:       NA

LOCATION COORDINATES (If known): **42-58'-43"N 70-45'-59" W**       Latitude/Longitude       UTM       State Plane

**3. PROJECT DESCRIPTION:**  
 Provide a brief description of the project outlining the scope of work. Attach additional sheets as needed to provide a detailed explanation of your project. DO NOT reply "See Attached" in the space provided below.

**Line existing 30" RCP with ASTM-1216 Precision UV Cured in place pipelining system.**  
**REMOVE 65' Linear Feet of PIPE ON OUTLET END. Re-grade Stone FROM PIPE REMOVAL LOCATION.**

The existing culvert joints are separating. Seaweed and other ocean debris brought in by tidal action gets hung up on the joints blocking the culvert preventing the culvert to empty during low tide. Adjoining property was almost was damaged earlier in the fall.

**4. RELATED PERMITS, ENFORCEMENT, EMERGENCY AUTHORIZATION, SHORELAND, ALTERATION OF TERRAIN, ETC.**

NA

**5. NATURAL HERITAGE BUREAU & DESIGNATED RIVERS:**  
 See the Instructions & Required Attachments document for instructions to complete a & b below.

- a. Natural Heritage Bureau File ID: **NHB 14 - 4790**
- b.  Designated River the project is in 1/4 miles of \_\_\_\_\_; and  
 date a copy of the application was sent to Local River Advisory Committee: Month: \_\_\_ Day: \_\_\_ Year: \_\_\_
- NA

**6. APPLICANT INFORMATION (Desired permit holder)**LAST NAME, FIRST NAME, M.I.: **Sanders, Ralph, W.**TRUST / COMPANY NAME: **NH DOT, District 6**MAILING ADDRESS: **PO Box 740**TOWN/CITY: **Durham**STATE: **NH**ZIP CODE: **03824**EMAIL or FAX: **rsanders@dot.state.nh.us**PHONE: **603-868-1133**

ELECTRONIC COMMUNICATION: By initialing here: \_\_\_\_\_ I hereby authorize DES to communicate all matters relative to this application electronically

**7. PROPERTY OWNER INFORMATION (If different than applicant)**

LAST NAME, FIRST NAME, M.I.:

TRUST / COMPANY NAME:

MAILING ADDRESS:

TOWN/CITY:

STATE:

ZIP CODE:

EMAIL or FAX:

PHONE:

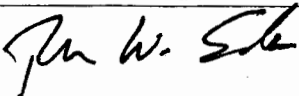
ELECTRONIC COMMUNICATION: By initialing here \_\_\_\_\_ I hereby authorize DES to communicate all matters relative to this application electronically

**8. AUTHORIZED AGENT INFORMATION**LAST NAME, FIRST NAME, M.I.: **Sanders, Ralph, W.**COMPANY NAME: **NH DOT District Six**MAILING ADDRESS: **PO Box 740**TOWN/CITY: **Durham**STATE: **NH**ZIP CODE: **03824**EMAIL or FAX: **rsanders@dot.state.nh.us**PHONE: **603-868-1133**ELECTRONIC COMMUNICATION: By initialing here *RWS* I hereby authorize DES to communicate all matters relative to this application electronically**9. PROPERTY OWNER SIGNATURE:**

See the Instructions &amp; Required Attachments document for clarification of the below statements

By signing the application, I am certifying that:

1. I authorize the applicant and/or agent indicated on this form to act in my behalf in the processing of this application, and to furnish upon request, supplemental information in support of this permit application.
2. I have reviewed and submitted information & attachments outlined in the Instructions and Required Attachment document.
3. All abutters have been identified in accordance with RSA 482-A:3, I and Env-Wt 100-900.
4. I have read and provided the required information outlined in Env-Wt 302.04 for the applicable project type.
5. I have read and understand Env-Wt 302.03 and have chosen the least impacting alternative.
6. Any structure that I am proposing to repair/replace was either previously permitted by the Wetlands Bureau or would be considered grandfathered per Env-Wt 101.47.
7. I have submitted a copy of the application materials to the NH State Historic Preservation Officer.
8. I authorize DES and the municipal conservation commission to inspect the site of the proposed project.
9. I have reviewed the information being submitted and that to the best of my knowledge the information is true and accurate.
10. I understand that the willful submission of falsified or misrepresented information to the New Hampshire Department of Environmental Services is a criminal act, which may result in legal action.
11. I am aware that the work I am proposing may require additional state, local or federal permits which I am responsible for obtaining.
12. The mailing addresses I have provided are up to date and appropriate for receipt of DES correspondence. DES will not forward returned mail.



Property Owner Signature

**RALPH W. SANDERS**

Print name legibly

**2/9/15**

Date



**12: IMPACT AREA**  
 For each jurisdictional area that will be/has been impacted, provide square feet and, if applicable, linear feet of impact.  
*Permanent: impacts that will remain after the project is complete.*  
*Temporary: impacts not intended to remain (and will be restored to pre-construction conditions) after the project is complete.*  
*After-the-fact (ATF) work completed prior to receipt of this application by DES. Check box to indicate ATF.*

JURISDICTIONAL AREA	PERMANENT Sq. Ft. / Lin. Ft.	TEMPORARY Sq. Ft. / Lin. Ft.
Forested wetland	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Scrub-shrub wetland	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Emergent wetland	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Wet meadow	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Intermittent stream	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Perennial Stream / River	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Lake / Pond	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Bank - Intermittent stream	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Bank - Perennial stream / River	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Bank - Lake / Pond	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Tidal water	4,428 / 65 <input type="checkbox"/> ATF	8,138 / 500 <input type="checkbox"/> ATF
Salt marsh	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Sand dune	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Prime wetland	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Prime wetland buffer	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Undeveloped Tidal Buffer Zone (TBZ)	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Previously-developed upland in TBZ	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Docking - Lake / Pond	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Docking - River	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Docking - Tidal Water	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
<b>TOTAL</b>	<b>4,428 / 65</b>	<b>8,138 / 500</b>

**13: APPLICATION FEE:** See the Instructions & Required Attachments document for further instruction

Minimum Impact Fee: Flat fee of \$ 200

Minor or Major Impact Fee: Calculate using the below table below

Permanent and Temporary (non-docking) 12,566 sq. ft. X \$0.20 = \$2,513.20

Temporary (seasonal) docking structure: \_\_\_\_\_ sq. ft. X \$1.00 = \$

Permanent docking structure: \_\_\_\_\_ sq. ft. X \$2.00 = \$

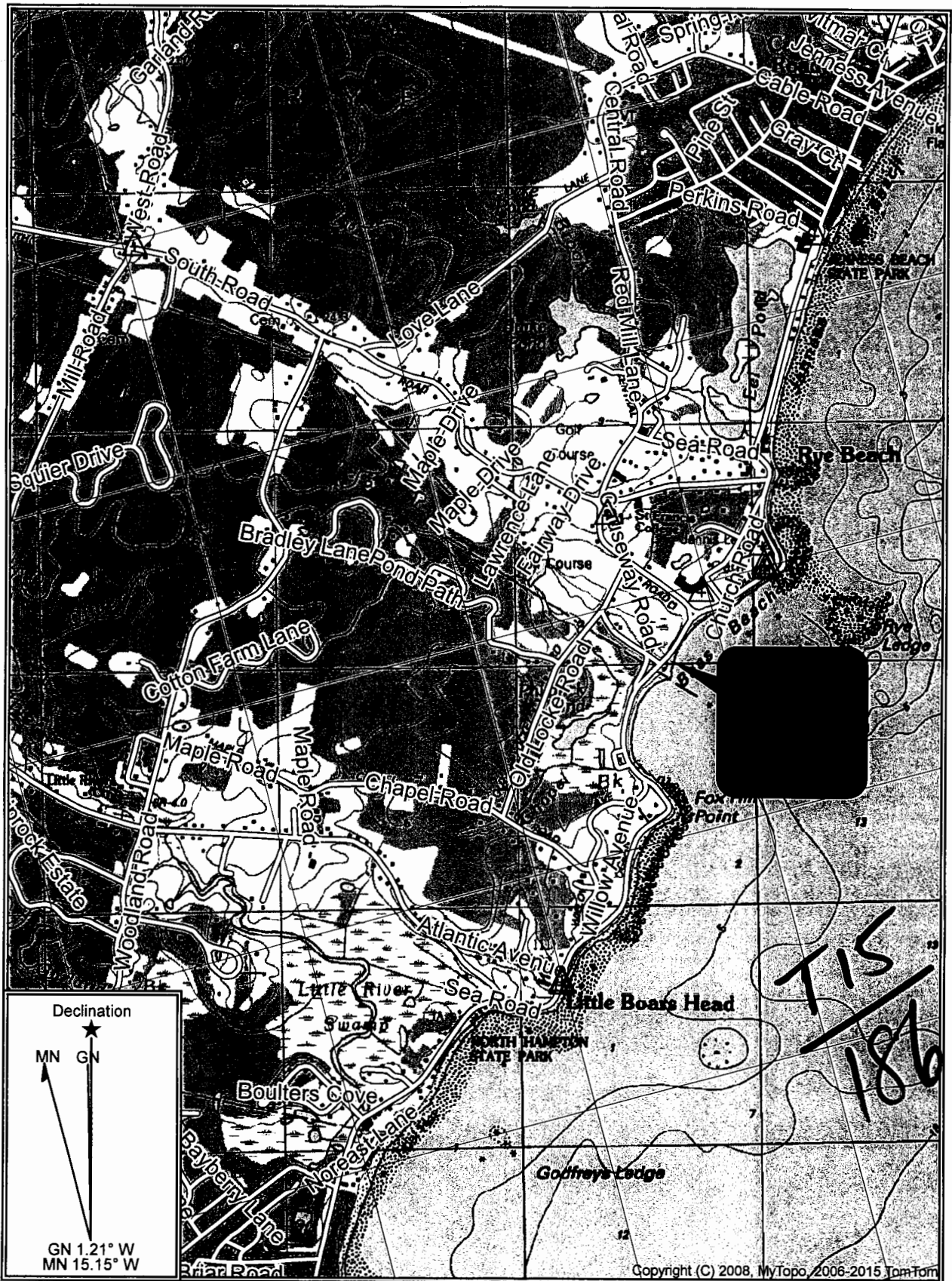
**Projects proposing shoreline structures (including docks) add \$200 = \$**

**Total = \$ 2,513.20**

The Application Fee is the above calculated Total or \$200, whichever is greater = \$ 2,513.20

TAX MAP NOT REQUIRED FOR RIGHT-OF-WAY PROJECTS





**R E C E I V E D**  
 JUN 16 2015  
 NHDES  
 LAND RESOURCES MANAGEMENT



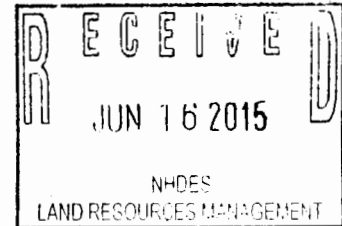


NEW HAMPSHIRE NATURAL HERITAGE BUREAU  
NHB DATACHECK RESULTS LETTER

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**To:** Ralph Sanders, NH DOT  
PO Box 740

Durham, NH 03824



**From:** NH Natural Heritage Bureau

**Date:** 12/30/2014 (valid for one year from this date)

**Re:** Review by NH Natural Heritage Bureau of request submitted 12/11/2014

**NHB File ID:** NHB14-4790

**Applicant:** Ralph Sanders

**Location:** Rye  
Tax Maps: NA

**Project**

**Description:** Line 36" RCP culvert with fold form HDPE liner. The liner pipe will stay within the foot print of the existing culvert.

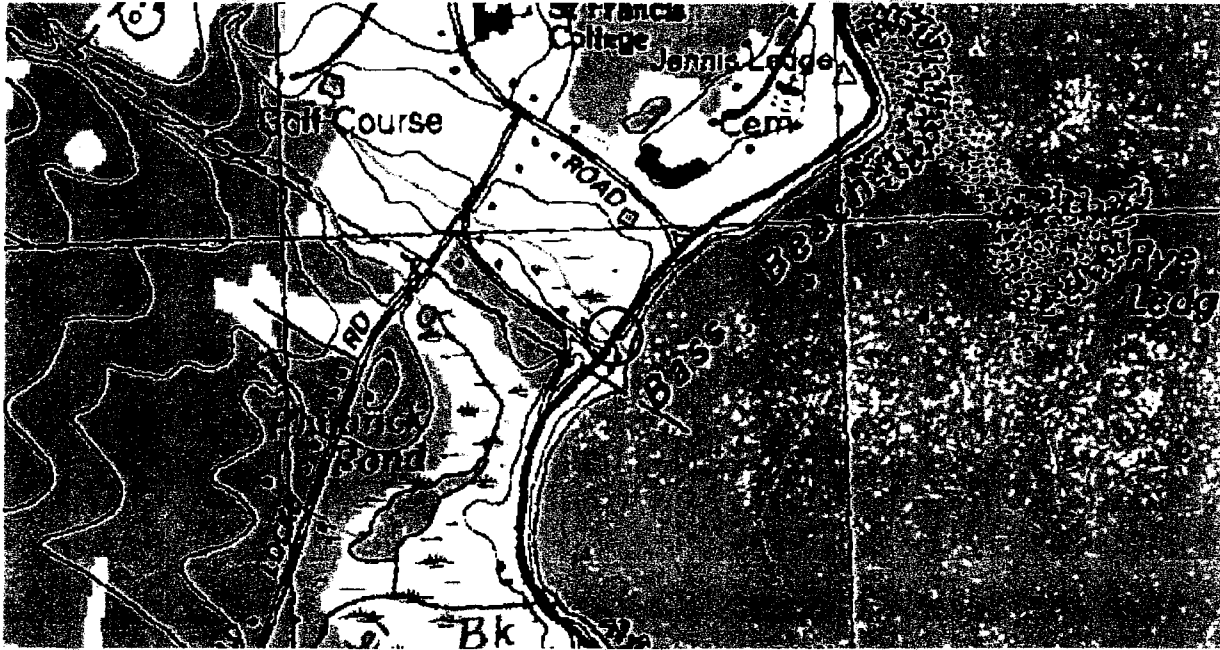
The NH Natural Heritage database has been checked by staff of the NH Natural Heritage Bureau and/or the NH Nongame and Endangered Species Program for records of rare species and exemplary natural communities near the area mapped below. The species considered include those listed as Threatened or Endangered by either the state of New Hampshire or the federal government.

It was determined that, although there was a NHB record (e.g., rare wildlife, plant, and/or natural community) present in the vicinity, we do not expect that it will be impacted by the proposed project. This determination was made based on the project information submitted via the NHB Datacheck Tool on 12/11/2014, and cannot be used for any other project.



NEW HAMPSHIRE NATURAL HERITAGE BUREAU  
NHB DATA CHECK RESULTS LETTER

MAP OF PROJECT BOUNDARIES FOR: NHB14-4790



ABUTTER NOTIFICATION - EXEMPT