

#### The State of New Hampshire

### **Department of Environmental Services**

#### Robert R. Scott, Commissioner



June 13, 2022

His Excellency, Governor Christopher T. Sununu and The Honorable Council State House Concord, NH 03301

#### REQUESTED ACTION

Approve Witteveen Family Trust's request to perform the following work on Lake Winnipesaukee in Alton pursuant to NH Department of Environmental Services (NHDES) Wetlands Bureau permit #2022-00591, and in accordance with RSA 482-A:3. No comments were submitted by the Alton Conservation Commission regarding the project as proposed.

Remove an existing 40 linear foot breakwater and attached "U" shaped docking structure and construct a 50 linear foot breakwater with a 4 foot x 46 foot cantilevered pier and a 6 foot x 40 foot piling pier connected by a 4 foot x 12 foot walkway in a "U" shaped configuration, install a seasonal boatlift, two seasonal personal watercraft lifts, a permanent boatlift, a 14 foot x 30 foot seasonal canopy, relocate a single ice cluster and two fender piles, and repair existing 4 foot wide wooden access stairs on an average of 107 feet of frontage along Lake Winnipesaukee on Black Point in Alton.

NHDES imposed the following conditions as part of this approval:

- 1. In accordance with Env-Wt 307.16, all work shall be done in accordance with the approved plans dated February 15, 2022, by Watermark Marine Construction, as received by the NH Department of Environmental Services (NHDES) on March 14, 2022.
- 2. This permit shall not be effective until it has been recorded in the Belknap County Registry of Deeds and a copy of the recorded permit has been provided to the department as required pursuant to RSA 482-A:3, and Env-Wt 314.02.
- 3. Any subdivision of the property frontage will require removal of a sufficient portion of the docking structures to comply with the dock size and density requirements in effect at the time of the subdivision as required to maintain compliance with Env-Wt 314.02 and Env-Wt 513.12.
- 4. Only those structures shown on the approved plans shall be installed or constructed along this frontage as required per Env-Wt 513.22(a).
- 5. All portions of the docking structures, including the breakwater toe-of-slope, shall be located at least 20 feet from the abutting property lines and no watercraft shall be secured to the docking facility such that it crosses over the imaginary extension of the property lines over the surface water as required by RSA 482-A:3, XIII.
- 6. No portion of the cantilevered docking structure shall extend more than 46 feet from the shoreline at full lake elevation (Elev. 504.32) pursuant to Env-Wt 513.22, (a).

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- 7. The height of the breakwater shall not exceed 3 feet above the normal high water line (504.32) as required per Env-Wt 512.04(a).
- 8. The width of the breakwater at its highest point shall not exceed 3 feet as required per Env-Wt 512.04(b).
- 9. The side-slopes of the breakwater shall be 1:1.5, rise to run, or steeper, as required per Env-Wt 512.04(c).
- 10. The sides and top of the breakwater shall have irregular surfaces to diffuse wave activity as required per Env-Wt 512.04(d).
- 11. In accordance with Env-Wt 512.05(b), no rocks shall be stockpiled in any jurisdictional area.
- 12. All watercraft lifts shall be removed for the non-boating season as required per Env-Wt 513.22.
- 13. The canopy, including the support frame and cover, shall be designed and constructed to be readily removed at the end of the boating season and shall be removed for the non-boating season as required per Env-Wt 513.19.
- 14. Pursuant to Env-Wt 102.33 and Env-Wt 513.19(a) no sides may be attached to, or hung beneath any seasonal canopy.
- 15. The use of this structure shall be limited to the docking and securing of watercraft as required to comply with Env-Wt 307.09.
- 16. Owners of permanent docking structures which are not maintained so as to be structurally sound and usable for their intended purpose shall remove those docking structures in accordance with Env-Wt 513.22(c), to prevent hazards to public safety, navigation, and recreation.
- 17. The owner understands and accepts that should these docking structures be found to have an unreasonable impact on the ability of abutting owners to use and enjoy their properties or the public's right to navigation, passage, and use of the resource for commerce and recreation the structures shall be subject to removal pursuant to RSA 482-A:1, RSA 482-A:11, II, and Env-Wt 513.03(a).
- 18. No agitating or heating device shall be installed for the purpose of inhibiting the formation of ice in proximity to the approved structures unless it has been registered with the municipal clerk of the town in which such device shall be operated pursuant to RSA 270:34 Registration Required.
- 19. Pursuant to RSA 270:33, Heating, Agitating, or Other Devices in Public Waters; Safety Hazard, no agitating or heating device installed in accordance with RSA 270:34 shall inhibit or prevent the natural formation of ice in such a manner as to impede either the ingress or egress to or from the ice from any property other than that of the owner of the device.
- 20. 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 as required pursuant to RSA 483-B-3
- 21. Work authorized shall be carried out in accordance with Env-Wt 307 such that appropriate turbidity controls are in place to protect water quality and that appropriate turbidity controls shall remain until suspended particles have settled and water at the work site has returned to normal clarity.
- 22. 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.
- 23. Pursuant to RSA 482-A:14, RSA 482-A:14-b, and RSA 482-A:14-c, NHDES is authorized to take appropriate compliance actions should it be determined that, based upon additional information which becomes available, any of the structures depicted as "existing" on the plans submitted by or on behalf of the permittee were not previously permitted or grandfathered.

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#### **EXPLANATION**

NHDES approved this project on May 03, 2022. NHDES supported its decision with the following findings:

- 1. This is a major impact project per Administrative Rule Env-Wt 512.06, modification of a breakwater.
- 2. The applicant has an average of 106 feet of frontage along Lake Winnipesaukee.
- 3. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 513.12, Frontage Requirements for Private and Non-commercial Docking Structures.
- 4. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII, and therefore meets Rule Env-Wt 513.12.
- 5. The applicant has provided the NHDES with evidence that the property has insufficient water depth for the use of a standard length pier as required by Env-Wt 513.08(b).
- 6. The NHDES has accepted the evidence of the physical hardship and approved the extension of a permanent dock beyond that permissible under Env-Wt 513.11(a)(1)(b).
- 7. The NHDES finds that because the project is not of significant public interest and will not significantly impair the resources of Lake Winnipesaukee a public hearing under RSA 482-A:8 is not required.
- 8. No concerns were received from abutters nor the local Conservation Commission related to the project.
- 9. 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 100 900.

NHDES Wetlands Bureau permit #2022-00591 application documents are enclosed for review by the Governor and the Executive Council in consideration of this request and in accordance with RSA 482-A:3, II(a), as it is a major project located in New Hampshire public waters.

We respectfully request your approval of this item.

Robert R. Scott

Commissioner

# \* DES COPY \* ONLY. PHOTOS ATTROSS



## STANDARD DREDGE AND FILL WETLANDS PERMIT APPLICATION

Water Division/Land Resources Management Wetlands Bureau

Check the Status of your Application

RSA/Rule: RSA 482-A/Env-Wt 100-900

**APPLICANT'S NAME: Witteveen Family Trust** 

**TOWN NAME: Alton Bay** 

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A person may request a waiver of the requirements in Rules Env-Wt 100-900 to accommodate situations where strict adherence to the requirements would not be in the best interest of the public or the environment but is still in compliance with RSA 482-A. A person may also request a waiver of the standards for existing dwellings over water pursuant to RSA 482-A:26, III(b). For more information, please consult the Waiver Request Form.

	easejuse the Wetland Permit Planning Tool (WPPT) the Natural Heritage Bureau (NHB) Data	
Res	estoration. Mapper jor other sources to assist in identifying key features such as priority resources described by the control of the control	irce areas (PRAs)
Has	as the required planning been completed?	ĭ Yes ☑ No
Do	pes the property contain a PRA? If yes, provide the following information:	☐ Yes 🔀 No
•	Does the project qualify for an Impact Classification Adjustment (e.g. NH Fish and Game Department (NHF&G) and NHB agreement for a classification downgrade) or a Project-Type Exception (e.g. Maintenance or Statutory Permit-by-Notification (SPN) project)? See Env-W 407.02 and Env-Wt 407.04.	
•	Protected species or habitat? o If yes, species or habitat name(s): o NHB Project ID #: NHB22-0672	☑ Yes 🔀 No
•	Bog?	<b>□</b> Yes <b>⋈</b> No′
•	Floodplain wetland contiguous to a tier 3 or higher watercourse?	☐ Yes 💥 No
•	Designated prime wetland or duly-established 100-foot buffer?	☑ Yes 🛭 No
•	Sand dune, tidal wetland, tidal water, or undeveloped tidal buffer zone?	☑ Yes 🔀 No
Is the	the property within a Designated River corridor? If yes, provide the following information:  Name of Local River Management Advisory Committee (LAC):  A copy of the application was sent to the LAC on Month: Day: Year:	☐ Yes 🔀 No

Irm@des.nh.gov or (603) 271-2147 NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095 www.des.nh.gov

#### NHDES-W-06-012

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For dredging projects, is the subject property contaminated?  • If yes, list contaminant:		☐ Yes 🔀 No
Is there potential to impact impaired waters, class A waters, or outstanding resou	urce waters?	☐ Yes 図 No
For stream crossing projects, provide watershed size (see WPPT or Stream Stats)		
SEGTION 2: PROJECT DESCRIPTION (Env: Wt 31104(i)))  Provide a brief description of the project and the purpose of the project southining and whether impacts are temporary or permanent. DO NOT reply. See attached below.	please use the space	provided
Rebuild and extend an existing */-40ft rock breakwater, attached 4ft x 34ft cant pier each by */-10ft. Proposed dockage dimensions to be a 50ft rock breakwater consisting of a */-4ft x 44ft cantilevered pier and a 6ft x 40ft piling pier connected protection cluster and two fender pilings to be repaired or replaced but moved dock extension. Additionally, retain an existing seasonal canopy and install a pet the center slip of the dockage. Install two seasonal PWC lifts and an existing seasonal the-fact and moved from the center boatslip. Lastly, repair or replace existing 4 dock in-kind with no change in size location or configuration.	with an attached U-shood by a 4ft x 12ft walkwood to deeper water to alightermanent piling supportsonal boatlift to be pe	naped dockage vay. Existing ice gn with the rted boatlift in ermitted after-
Due to insufficient water depths and vast exposure to the broads at Black Point longer dock is necessary to safely and securely dock boats at this site.	t a longer rock breakwa	ater and a
	•	
		•
SECTION 3 = PROJECT LOCATION) Separate wetland permit applications must be submitted for each municipality w	ithin which wetland im	pacts occurs
ADDRESS: 218 Black Point Road		
TOWN/CITY: Alton Bay		
TAX MAP/BLOCK/LOT/UNIT: 044-017-000		
US GEOLOGICAL SURVEY (USGS) TOPO MAP WATERBODY NAME: Lake Winnipes N/A	aukee	
(Optional) LATITUDE/LONGITUDE in decimal degrees (to five decimal places):	43.53330° North	
	71 24563° West	

#### NHDES-W-06-012

If the applicant is a trust or a compa	14、1000年,15年,15日本村16日	FORMATION (Env-Wt 311.		
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MAILING ADDRESS:	<u> </u>			
TOWN/CITY:	. `	<u> </u>	STATE:	ZIP CODE:
EMAIL ADDRESS: N/A	· · · · · · · · · · · · · · · · · · ·			<del></del>
FAX: <b>N/A</b>		PHONE: N/A		
ELECTRONIC COMMUNICATION: By to this application electronically.	initialing here <b>N/A</b> ,	I hereby authorize NHDES	to communicate	all matters relative
SEGIONS AUTHORIZEDAGENTIN	IFORMATION (Env	Wt311104(č)))		
NAME: lan E. Aldcroft				
COMPANY NAME: Watermark Marii	ne Construction			
MAILING ADDRESS: 1218 Union Ave	nue		· · · · · · · · · · · · · · · · · · ·	
TOWN/CITY: Laconia		, , , , , , , , , , , , , , , , , , ,	STATE: NH	ZIP CODE: 03246
EMAIL ADDRESS: iea@watermarkm	arine.com			, ,
FAX: N/A		PHONE: 603-293-4000		
ELECTRONIC COMMUNICATION: By this application electronically.	initialing here <u>IEA</u> , I	hereby authorize NHDES t	o communicate	all matters relative
SECTION 6 - PROPERTY OWNER INFO If the owner is a structor a company, Same as applicant	。这是由于"自然"的"是这种"的"是是一个是一个		Control of the Control of the Control	(d)
NAME: Witteveen Family Trust %: B	art & Cathy Wittev	reen		
MAILING ADDRESS:				
TOWN/CITY			STATE:	ZIP CODE:
EMAIL ADDRESS: <b>N/A</b>				
		PHONE: N/A		·

#### SECTION/7:-RESOURCE:SPECIFICGRITERIA ESTABLISHED IN Env. Wt 400 : Env. Wt 500 : Env. Wt 600 : Env. Wt 700 : OR Env. Wt 900 HAVE BEEN MET (Env. Wt 313 01 (a) (3)))

Describe how the resource-specific criteria have been met for each chapter listed above (please attach information about stream crossings, coastal resources, prime wetlands, or non-tidal wetlands and surface waters):

There are currently no resource-specific criteria established in chapter Env-Wt 500. There are no resource-specific criteria to meet with regards to the installation of Permanent docks, boathouses, permanent boatlifts, seasonal PWC lifts, seasonal boatlifts and seasonal canopies.

This project proposes no work involving stream crossings, coastal resources or prime wetlands.

#### SECTION 8 AVOIDANCE AND MINIMIZATION

Impacts within wetland jurisdiction must be avoided to the maximum extent practicable (Env-Wt 313.03(a)).\* Any project with unavoidable jurisdictional impacts must then be minimized as described in the <u>Wetlands Best Management Practice Techniques For Avoidance and Minimization</u> and the <u>Wetlands Permitting: Avoidance, Minimization and Mitigation Fact Sheet</u>. For minor or major projects, a functional assessment of all wetlands on the project site is required (Env-Wt 311.03(b)(10)).\*

Please refer to the application checklist to ensure you have attached all documents related to avoidance and minimization, as well as functional assessment (where applicable). Use the <u>Avoidance and Minimization Checklist</u>, the <u>Avoidance and Minimization Narrative</u>, or your own avoidance and minimization narrative.

\*See Env-Wt 311.03(b)(6) and Env-Wt 311.03(b)(10) for shoreline structure exemptions.

#### SECTION 9: MITIGATION REQUIREMENT (Env: Wt 311:02)

[[[unavoidab]e][unisdictional|impactsrequire|mitigation; a]mitigation)pre-application; meeting mustioccur at least 30 day butinot more than 90 days prior to submitting this standard predge and fill permit Application.

Mitigation Pre-Application Meeting Date: Month: Day: Year:

( N/A - Mitigation is not required)

#### SECTION 10 THE PROJECT MEETS COMPENSATORY MITIGATION REQUIREMENTS (Env. Wt. 313.01(a)(1)c)

Confirm that you have submitted a compensatory mitigation proposal that meets the requirements of Env-Wt 800 for all permanent unavoidable impacts that will remain after avoidance and minimization techniques have been exercised to the maximum extent practicable: iconfirm submittal.

( N/A − Compensatory mitigation is not required)

#### SECTION 11 - IMPACT AREA (Env-Wt 311:04(g))

For each jurisdictional area that will be has been impacted, provide square feet (SF) and, if applicable, linear feet (LF) of simpact, and note whether the impact is after the fact (ATF) i.e., work was started or completed without a permit.

For intermittent and ephemeral streams, the linear footage of impact is measured along the thread of the channel. Please inote, installation of a stream crossing in an ephemeral stream may be undertaken without a permit per Rule Env. Wt. 309.02(d), however other dredge or fill impacts should be included below.

For perennial streams/rivers, the linear tootage of impact is calculated by summing the lengths of disturbances to the channel and banks.

Permanent impacts are impacts that will remain after the project is complete (e.g., changes in grade or surface materials)
Temporary impacts are impacts not intended to remain (and will be restored to pre-construction conditions) after the
project is completed.

JURISDICTIONAL AREA		PERMANENT		TEMPORARY			
100	JUNISPICITORAL AREA		LF	ATF	SF	. LF	ATF
	Forested Wetland			.r 🗓			<b>.</b> .
	Scrub-shrub Wetland						
şp	Emergent Wetland						П
Wetlands	Wet Meadow						Ü.
×	Vernal Pool		`	[2]			
.	Designated Prime Wetland			11			[]
	Duly-established 100-foot Prime Wetland Buffer						72
ä	Intermittent / Ephemeral Stream						
Water	Perennial Stream or River						11
<u>&gt;</u>	Lake / Pond	150		D			13
Surface	Docking - Lake / Pond	104		<u>u</u>			E
	Docking - River						IJ
	Bank - Intermittent Stream			<b>15</b>			11
l sk	Bank - Perennial Stream / River  Bank / Shoreline - Lake / Pond			<u>n</u>			12
8	Bank / Shoreline - Lake / Pond	,		口口		-	a.
	Tidal Waters	•					
Tidal	Tidal Marsh						Ü
	Sand Dune			. 🛄			Ω
	Undeveloped Tidal Buffer Zone (TBZ)				, ,		
	Previously-developed TBZ			<u></u>			[]
	Docking - Tidal Water		,				Ü
	TOTAL	254					

#### (SECTION 12 APPLICATION FEE (RSA 482 A 3 II)

- MINIMUM IMPACT FEE: Flat fee of \$400.
- NON-ENFORCEMENT RELATED, PUBLICLY-FUNDED AND SUPERVISED RESTORATION PROJECTS, REGARDLESS OF IMPACT CLASSIFICATION: Flat fee of \$400 (refer to RSA 482-A:3, 1(c) for restrictions).
- MINOR OR MAJOR IMPACT FEE: Calculate using the table below:

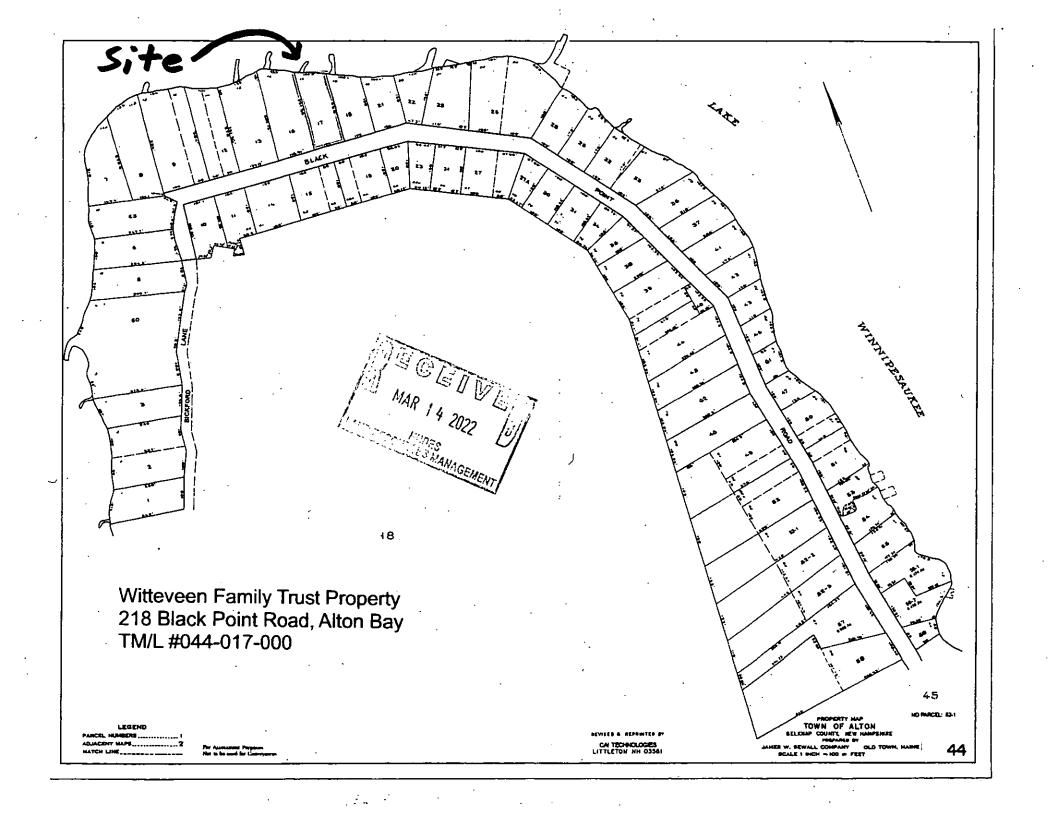
 Permanent and temporary (non-docking):	150 SF	× \$0.40 =	\$ 60.00	_
Seasonal docking structure:	0 SF	× \$2.00 =	\$ 0.00	·
 - Permanent docking structure:	104 SF	× \$4.00 =	\$ 416.00	
 D-1-4	/:	l)l-  ¢400	£ 400.00	

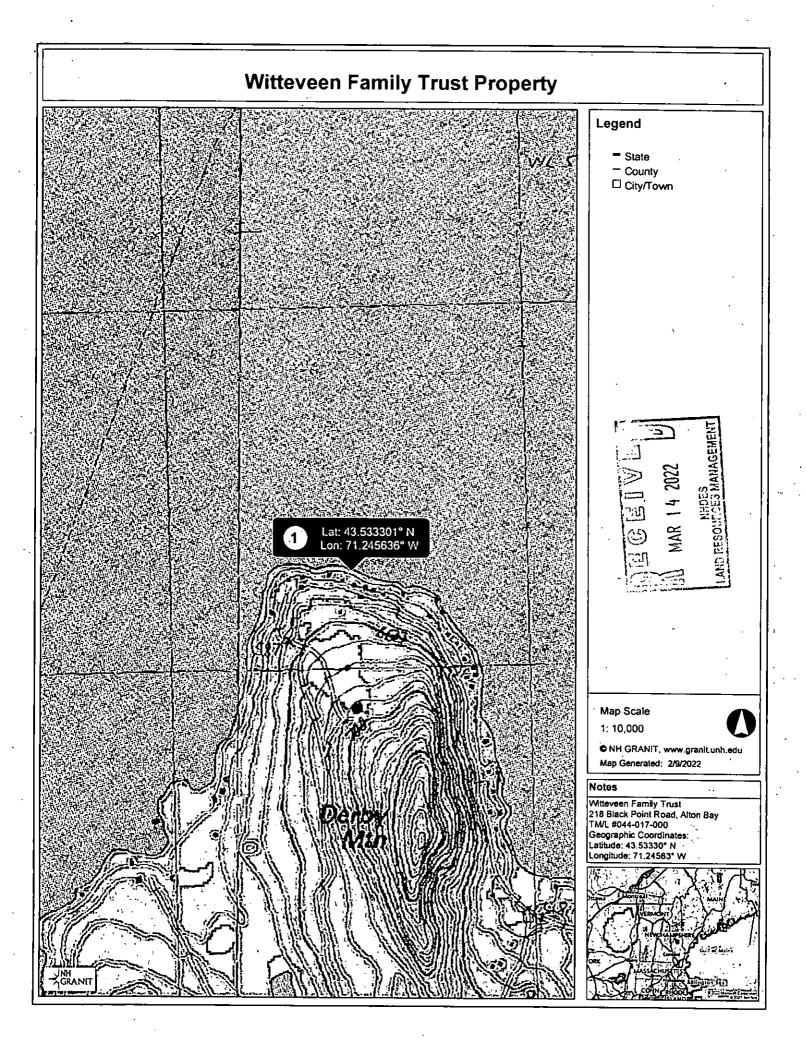
Projects proposing shoreline structures (including docks) add \$400 = \$400.00

Total = \$876.00

The application fee for minor or major impact is the above calculated total or \$400, whichever is greater = \$876.00

SECTION 13 - PROJECT CLASSIFICATION (Env-Wt 306.05)					
Indicate the project classification.					
<del></del>		区 Minor Project	Major Project		
SECTION 14	REQUIRED CERTIFICATIONS	(Env-Wt 311-11)			
Initial each	box below to certify:				
ingtials:	To the best of the signer's kno	wledge and belief, all require	ed notifications have been provide	ed.	
lavijals:	The information submitted on signer's knowledge and belief.		e; complete, and not misleading	to the best of the	
Initials:	The signer understands that:  • The submission of false, incomplete, or misleading information constitutes grounds for NHDES to:  1. Deny the application:  2. Revoke any approval that is granted based on the information.  3. If the signer is a certified wetland scientist, licensed surveyor, or professional engineer licensed to				
pitials:	If the applicant is not the own the signer that he or she is aw	er of the property, each prop are of the application being	perty owner signature shall consti filed and does not object to the fil	tute certification by	
SECTION 1	REQUIRED SIGNATURES (E	hv-Wt 311:04(d); Env-Wt 3	11:11)		
SIGNATURE	SIGNATURE (OWNER): PRINT NAME LEGIBLY:  Baif Witteren 2/17/2022				
SIGNATURE	SIGNATURE (APPLICANT) DIFFERENT FROM OWNER): PRINT NAME LEGIBLY:				
SIGNATURE (AGENT, IF APPLICABLE): PRINT NAME LEGIBLY: DATE:  Jan Alderoft 02/15/2022					
SEGIONIG-TOWN/Ght/GlerkSignature(enveweethog(i))					
As required by RSA 482-A:3, I(a)(1), I hereby certify that the applicant has filed four application forms, four detailed					
plans, and four USGS location maps with the town/city indicated below.					
TOWN/CIT	Y CHERK SIGNATURE:		PRINT NAME LEGIBLY:	llins	
TOWN/CI	Alton Bay		DATE: 3.10.2022		





# New Hampshire Natural Heritage Bureau NHB DataCheck Results Letter

To: lan Aldcroft

1218 Union Avenue

Laconia, NH 03246

From: NH Natural Heritage Bureau Date: 3/2/2022 (valid until 3/2/2023)

Re: Review by NH Natural Heritage Bureau of request submitted 2/15/2022

Permits: NHDES - Wetland Standard Dredge & Fill - Major, USACE - General Permit

NHB ID: NHB22-0672

Applicant: Ian Aldcroft

Location: Alton Bay

218 Black Point Road

Project

Description: Rebuild and extend an existing +/-40ft rock breakwater, attached 4ft x

34ft cantilevered pier and a 6ft x 30ft piling pier each by +/-10ft. Proposed dockage dimensions to be a 50ft rock breakwater with an attached U-shaped dockage consisting of a +/-4ft x 44ft cantilevered pier and a 6ft x 40ft piling pier connected by a 4ft x 12ft walkway. Existing ice protection cluster and two fender pilings to be repaired or replaced. Additionally, retain an existing seasonal canopy and install a permanent piling supported boatlift in the center slip of the dockage. Install two seasonal PWC lifts and an existing seasonal boatlift to be permitted after-the-fact and moved from the center boatslip. Lastly, repair or replace existing 4ft wide wooden access stairs to the dock

in-kind.

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 2/15/2022 9:52:30 AM, and cannot be used for any other project.

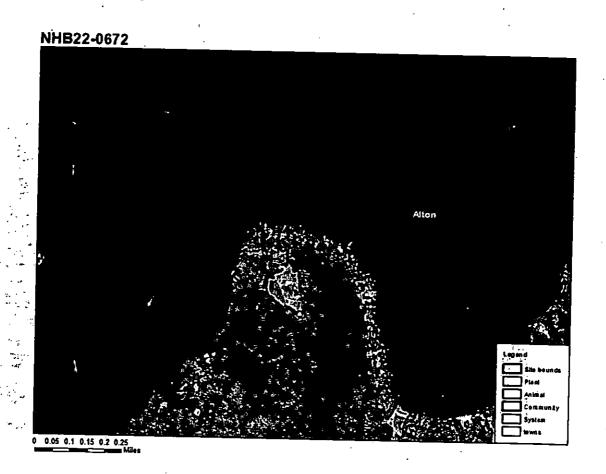
# New Hampshire Natural Heritage Bureau NHB DataCheck Results Letter

Based on the information submitted, no further consultation with the NH Fish and Game Department pursuant to Fis 1004 is required.

Department of Natural and Cultural Resources Division of Forests and Lands (603) 271-2214 fax: 271-6488

# New Hampshire Natural Heritage Bureau NHB DataCheck Results Letter

MAP OF PROJECT BOUNDARIES FOR: NHB22-0672



#### **Abutter List**

TM/L: #044-017-000

Witteveen Family Trust
Trustee: Bart & Cathy Witteveen

#044-016-000

Kathleen & Walter Robinson

#044-018-000

Jean Zaejec

