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The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

July 22, 2015

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

REQUESTED ACTION

Approve the City of Concord's request to perform the following work on the Upper Merrimack River, in Concord. File # 2015-00210. This project will not have significant impact on or adversely affect the values of the Upper Merrimack River.

Maintenance dredge no more than 400 cubic yards of material from the footprint of an existing public boat ramp on the Merrimack River, in Concord.

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

1. All work shall be in accordance with plans by CMA Engineers revision dated May 20, 2015, as received by the NH Department of Environmental Services (DES) on May 22, 2015.
2. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
3. Dewatering of work areas and dredged materials shall be discharged to sediment basins located in uplands and lined with hay bales or other acceptable sediment trapping liner as indicated on the approved plans.
4. All dredged and excavated material and construction related debris shall be placed outside of the areas under the jurisdiction of the DES Wetlands Bureau.
5. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain in place until suspended particles have settled and the water at the work site has returned to normal clarity.
7. Work shall be done during low flow.
8. This permit does not allow for modifications to the existing boat ramp. Only removal of deposited material on the existing ramp footprint shall be removed.
9. This permit does not allow for an annual dredge. Any future proposed dredge will require a new application and permit from the Department.
10. Future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and a new permit shall be required for each dredge activity.
11. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
12. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.

DES Web site: www.des.nh.gov

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

Telephone: (603) 271-3503 • Fax: (603) 271-2867 • TDD Access: Relay NH 1-800-735-2964

13. Faulty equipment shall be repaired prior to entering jurisdictional areas.
14. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
15. All refueling of equipment shall occur outside of surface waters or wetlands.
16. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

EXPLANATION

The DES Wetlands Bureau approved this project on June 6, 2015. DES supported its decision with the following findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02 (g) removal of more than 20 cubic yards of rock, gravel, sand, mud, or other material from public waters.
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) 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 riverine resource, as identified under RSA 482-A:1.
6. The proposed project is maintenance dredging of an existing public boat ramp on the Merrimack River.
7. The applicant addressed the comments submitted by the Upper Merrimack River Local Advisory Committee.

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.

H. Lewis DuBois
Acting Assistant Commissioner

for _____
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: 2015-00210
			Check No: 560565
			Amount: \$ 360.00
			Initials: EWK

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: **15 Loudon Road** TOWN/CITY: **Concord**

TAX MAP: **114** BLOCK: **3** LOT: **1** UNIT:

USGS TOPO MAP WATERBODY NAME: **Merrimack River** NA STREAM WATERSHED SIZE: NA

LOCATION COORDINATES (If known): **E: 1021015.3857 Y: 258618.6750** 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.

The City of Concord is planning to dredge the existing boat ramp behind the Everett Arena on Loudon Road (see enclosed USGS map). Over the years sediment carried down by the Merrimack River has built up on the boat ramp leaving approximately 50 feet of the concrete planks filled over. This project proposes to dredge out the built up sediment and restore the boat ramp to its original condition as of the 1981 construction plans. Some of the slope work may need to be updated as the contouring of the river has changed. A maintenance plan will be created for the continued maintenance of the boat ramp. This work will be done to provide an emergency boat ramp to be used by rescue services in the City of Concord for years to come.

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

N/A

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 - 4774

b. Designated River the project is in ¼ miles of: **Merrimack River**; and
date a copy of the application was sent to Local River Advisory Committee: Month: 1 Day: 4 Year: 15

NA

DESIGNATED RIVER
REVIEW UNDER RSA 483

6. APPLICANT INFORMATION (Desired permit holder)

LAST NAME, FIRST NAME, M.I.: Asbell, Thomas J

TRUST / COMPANY NAME: **City of Concord**MAILING ADDRESS: **41 Green Street**TOWN/CITY: **Concord**STATE: **NH**ZIP CODE: **03301**EMAIL or FAX: tasbell@concordnh.govPHONE: **603-225-8570**

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:

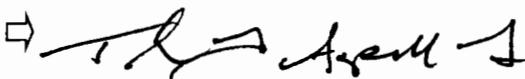
PHONE:

ELECTRONIC COMMUNICATION: By initialing here: TA, I hereby authorize DES to communicate all matters relative to this application electronically**8. AUTHORIZED AGENT INFORMATION**LAST NAME, FIRST NAME, M.I.: **Bouchard, Joshua W.**COMPANY NAME: **CMA Engineers, Inc.**MAILING ADDRESS: **55 S. Commercial Street**TOWN/CITY: **Manchester**STATE: **NH**ZIP CODE: **03101**EMAIL or FAX: jbouchard@cmaengineers.comPHONE: **603-627-0708**ELECTRONIC COMMUNICATION: By initialing here: JW, I hereby authorize DES to communicate all matters relative to this application electronically**9. PROPERTY OWNER SIGNATURE:**

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

By signing the application, I am certifying that:

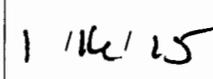
1. I authorize the applicant and/or agent indicated on this form to act in my behalf in the processing of this application, and to furnish upon request, supplemental information in support of this permit application.
2. I have reviewed and submitted information & attachments outlined in the Instructions 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



Print name legibly



Date

MUNICIPAL SIGNATURES

10. CONSERVATION COMMISSION SIGNATURE

The signature below certifies that the municipal conservation commission has reviewed this application, and:

1. Waives its right to intervene per RSA 482-A:11;
2. Believes that the application and submitted plans accurately represent the proposed project; and
3. Has no objection to permitting the proposed work.

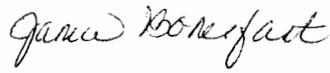
 Authorized Commission Signature	Print name legibly	Date
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DIRECTIONS FOR CONSERVATION COMMISSION

1. Expedited review ONLY requires that the conservation commission's signature is obtained in the space above.
2. The Conservation Commission signature should be obtained **prior** to the submittal of the original application and four copies to the town/city clerk for mailing to the DES.
3. The Conservation Commission may refuse to sign. If the Conservation Commission does not sign this statement for any reason, the application is not eligible for expedited review and the application will reviewed in the standard review time frame.

11. TOWN / CITY CLERK SIGNATURE

As required by Chapter 482-A:3 (amended 2014), 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/City Clerk Signature	 Print name legibly	Concord Town/City	1-16-15 Date
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DIRECTIONS FOR TOWN/CITY CLERK:

Per RSA 482-A:3,I

1. For applications where "Expedited Review" is checked on page 1, sign and accept the applications **only** if the Conservation Commission signature has been received;
2. IMMEDIATELY sign the original application form and four copies in the signature space provided above;
3. Return the signed original application form and attachments to the applicant so that the applicant may submit the application form and attachments to NHDES by mail or hand delivery.
4. IMMEDIATELY distribute a copy of the application with one complete set of attachments to each of the following bodies: the municipal Conservation Commission, the local governing body (Board of Selectmen or Town/City Council), and the Planning Board; and
5. Retain one copy of the application form and one complete set of attachments and make them reasonably accessible for public review.

DIRECTIONS FOR APPLICANT:

1. Submit the original permit application form bearing the signature of the Town/ City Clerk, additional materials, and the application fee to NHDES by mail or hand delivery.

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	1800 / 75 <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	/ <input type="checkbox"/> ATF	/ <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
TOTAL	/	/

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) 1800 sq. ft. X \$0.20 = \$ 360

Temporary (seasonal) docking structure: 0 sq. ft. X \$1.00 = \$ 0

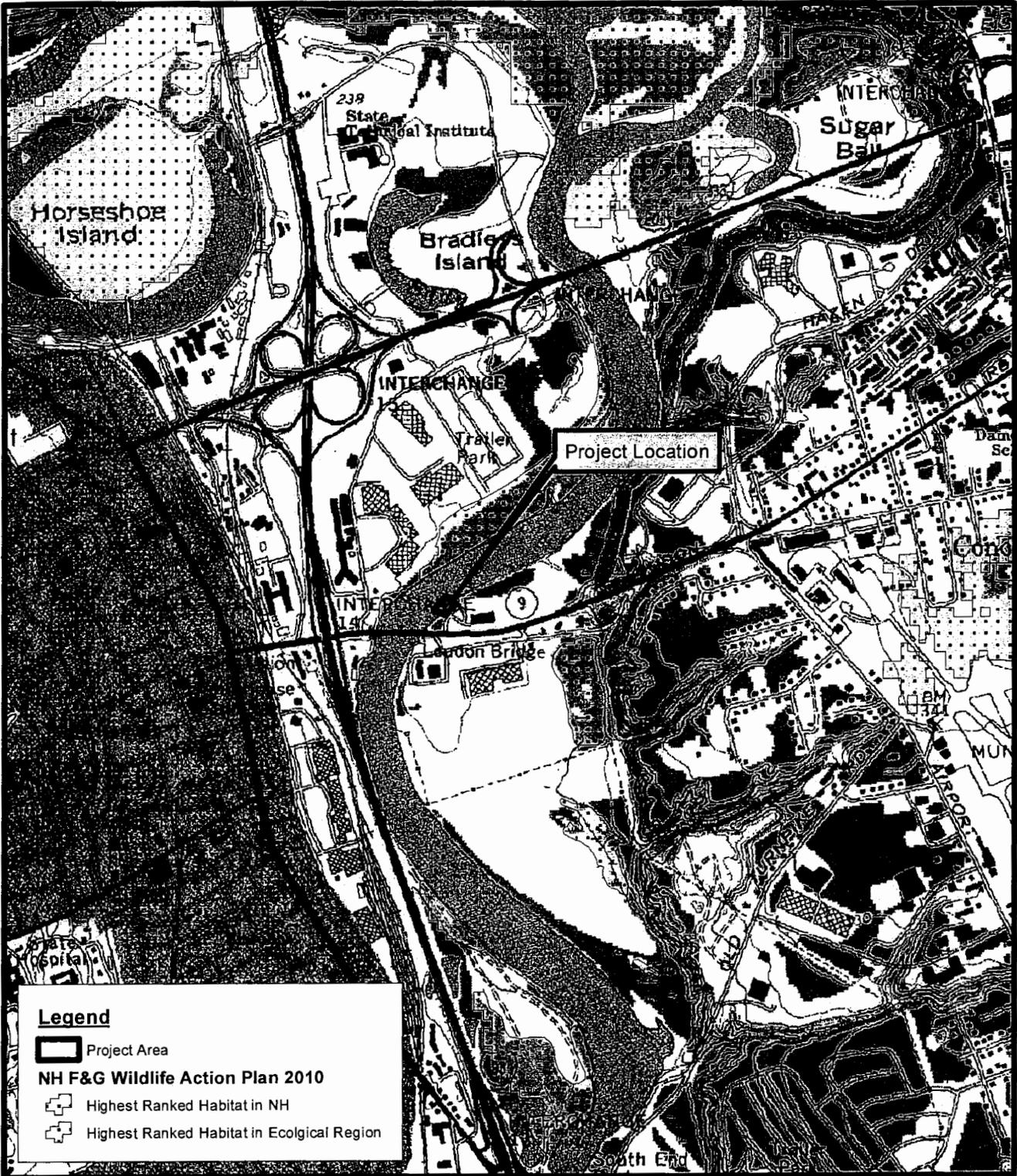
Permanent docking structure: 0 sq. ft. X \$2.00 = \$ 0

Projects proposing shoreline structures (including docks) add \$200 = \$ 0

Total = \$ 360

The Application Fee is the above calculated Total or \$200, whichever is greater = \$ 360

Document Path: M:\CADD\PROJECTS\935-Concord Boat Ramp\GIS\935-Concord-Boat Ramp-ACOE\Wetlands attachments.mxd 12/12/2014



Legend

- Project Area
- NH F&G Wildlife Action Plan 2010**
- Highest Ranked Habitat in NH
- Highest Ranked Habitat in Ecological Region



CMA
ENGINEERS
 Civil/Environmental Engineers

35 Bow Street
 Portsmouth, New Hampshire
 03801-3819
 Phone: (603) 431-6196

Municipal Boat Ramp Restoration Project
 Concord, New Hampshire

Wetlands Application
 ACOE Checklist Mapping - Highest Ranked Wildlife Habitat
 December 2014

Memo



NH NATURAL HERITAGE BUREAU
NHB DATACHECK RESULTS LETTER

To: Britt Audet, CMA Engineers, Inc.
55 S. Commercial Street
Langer Place, 4th Floor
Manchester, NH 03101

From: Melissa Coppola, NH Natural Heritage Bureau
Date: 12/17/2014

Re: Review by NH Natural Heritage Bureau
NHB File ID: NHB14-4774 Town: Concord
Description: Proposed project involves maintenance dredging of municipal boat ramp to restore to its original condition and functionality.
cc: Kim Tuttle

Location: Tax Maps: Map 114 Block 3 Lot 1

As requested, I have searched our database for records of rare species and exemplary natural communities, with the following results.

Comments: This site is within an area flagged for possible impacts on the state-listed *Atasmidonta varicosa* (brook floater) in the Merrimack River.

Invertebrate Species

State	Federal	Notes
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Brook Floater (<i>Atasmidonta varicosa</i>)	E	-- Contact the NH Fish & Game Dept (see below).
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¹Codes: "E" = Endangered, "T" = Threatened, "--" = an exemplary natural community, or a rare species tracked by NH Natural Heritage that has not yet been added to the official state list. An asterisk (*) indicates that the most recent report for that occurrence was more than 20 years ago.

Contact for all animal reviews: Kim Tuttle, NH F&G, (603) 271-6544

A negative result (no record in our database) does not mean that a sensitive species is not present. Our data can only tell you of known occurrences, based on information gathered by qualified biologists and reported to our office. However, many areas have never been surveyed, or have only been surveyed for certain species. An on-site survey would provide better information on what species and communities are indeed present.

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

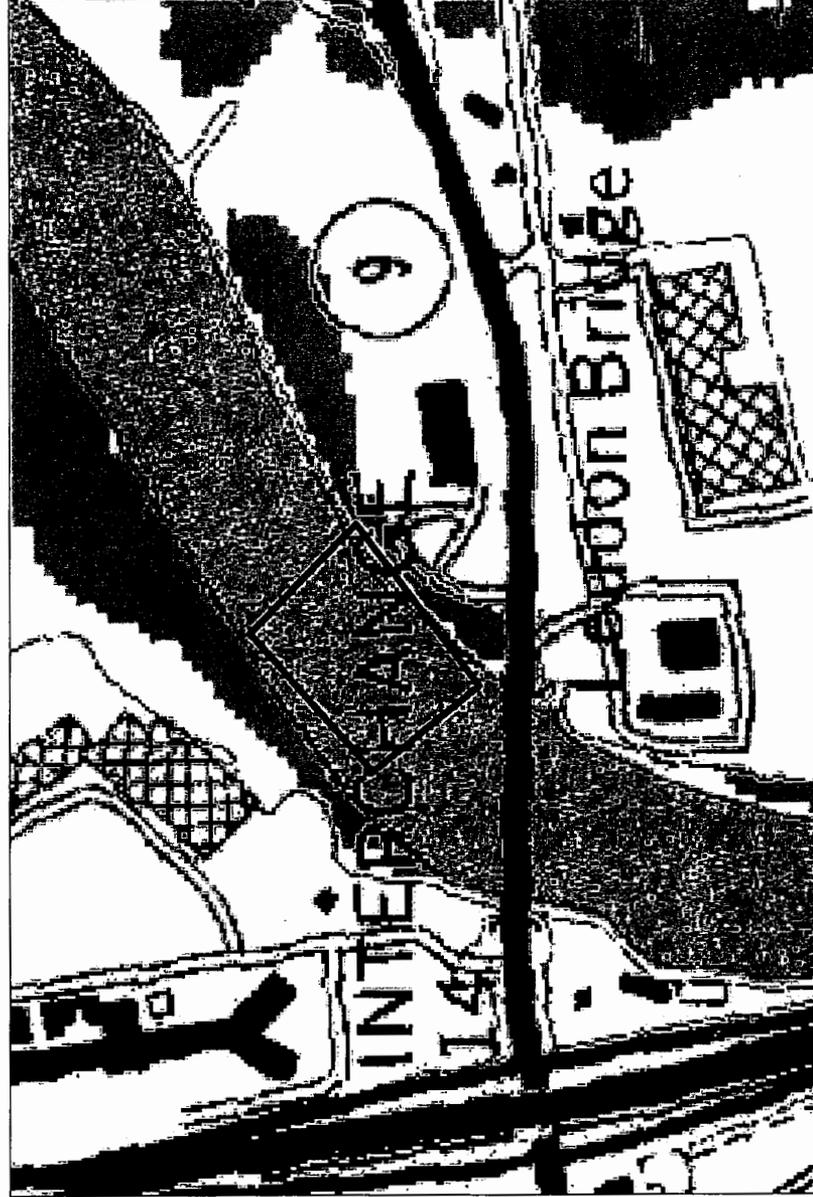
DRED/NHB
PO Box 1856
Concord NH 03302-1856

Memo

NH NATURAL HERITAGE BUREAU
NHB DATACHECK RESULTS LETTER

NHB14-4774

NH NATURAL HERITAGE BUREAU



1.3653

Valid for one year from this date: 17 Dec 2014

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

DRED/NHB
PO Box 1856
Concord NH 03302-1856

SECTION 3

LIST OF ABUTTERS

Map 144, Block 1, Lot 2

Demoulas Super Market Inc
C/O Joann Joyce
875 East Street
Tewksbury, MA 01876

Map 144, Block 1, Lot 1

Flomac Limited Partnership
50 Broad Street
Salem, MA 01970

Map 144, Block 1, Lot 2

Central united life insurance company
6 Loudon Road Suite 308
Concord, NH 03301

Map 144, Block 3, Lot 2

City of Concord
C/O Fire Department
41 Green Street
Concord, NH 03301