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



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Robert R. Scott, Commissioner

April 20, 2020

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

**REQUESTED ACTION**

Approve Barvel Whang Associates' request to perform the following work on Lake Winnepesaukee in Tuftonboro. File # 2019-03339. This project will not have significant impact on or adversely affect the values of Lake Winnepesaukee.

Dredge 793 cubic yards of material from 9,989 square feet of lakebed to restore water depth within boat slips and the navigational channel to an existing community docking facility on Lake Winnepesaukee within the mouth of Cops Brook in Tuftonboro.

The New Hampshire Department of Environmental Services (NHDES) imposed the following conditions as part of this approval:

1. All work shall be in accordance with plans by Diversified Marine Construction dated February 19, 2020, and received by the NH Department of Environmental Services (NHDES) on February 25, 2020 and with the construction sequence by Diversified Marine Construction dated February 19, 2020, and received by the NHDES on March 2, 2020.
2. Any future work on this property that is within the jurisdiction of the NHDES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. The NHDES Biology Bureau's Limnologist/Exotic Species Program Coordinator shall be notified in writing of the date on which dredging will begin 14 days prior to the beginning of the project.
4. The entire permitted work area shall be enclosed by appropriate turbidity controls.
5. Appropriate turbidity controls shall be installed prior to raking, shall be maintained during raking such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. "Appropriate turbidity controls" shall consist of an impermeable barrier which extends from the lakebed to a point 3-4 inches above the water surface at all times through the duration of the dredging, to prevent the escape of all aquatic plant fragments from the site.
7. If, at any time during the dredging, the NHDES determines that rising water levels pose significant risk to the containment of the site, the NHDES may request that the work cease until water levels recede to an acceptable level. Work shall cease immediately upon notification of the applicant, or any agent of the applicant, that water levels have risen to an unacceptable level, and shall not resume until authorized by the NHDES.

8. All spoil material shall be placed outside of the NHDES Wetlands Bureau jurisdiction.
9. No spoil material shall be deposited within 250 feet of any surface water.
10. Equipment initially entering surface waters shall be completely free of any imported aquatic plants and animals.
11. Equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
12. Faulty equipment shall be repaired prior to entering jurisdictional areas.
13. The contractor shall have appropriate oil/diesel fuel spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
14. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
15. 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 NHDES approved this project on March 11, 2020. The NHDES supported its decision with the following findings:

1. This project is classified as a major project per Rule Env-Wt 303.02(g), dredge of more than 20 cubic yards of material from public waters.
2. These areas were previously dredged under Wetlands Permit #2001-1996.
3. The proposed project will have no impact on the number of slips provided by the docking facilities.
4. The NHDES finds that because the project is not of significant public interest and will not significantly impair the resources of Lake Winnepesaukee and Cops Brook, a public hearing under RSA 482-A:8 is not required.

Application file documents are being forwarded to the Governor and the 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 request your approval of this item.

  
Robert R. Scott  
Commissioner



# WETLANDS PERMIT APPLICATION

Water Division/ Wetlands Bureau  
Land Resources Management



Check the status of your application: [www.des.nh.gov/onestop](http://www.des.nh.gov/onestop)

RSA/Rule RSA 483-A/Env-Wt 100-000

**RECEIVED**  
OCT 22 2019  
NHDES  
LAND RESOURCES MANAGEMENT

COMPLETE

OCT 23 2019

2019-03339  
001077  
\$ 800.00  
LSL

**1. REVIEW TIME:** Indicate your Review Time below. To determine review time, refer to [Guidance Document A](#) for instructions.

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

**2. MITIGATION REQUIREMENT:**

If mitigation is required, a Mitigation-Pre Application meeting must occur prior to submitting this Wetlands Permit Application. To determine if mitigation is required, please refer to the [Determine if Mitigation is Required Frequently Asked Questions](#).

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

N/A - Mitigation is not required

**3. PROJECT LOCATION:**

Separate wetland permit applications must be submitted for each municipality within which wetland impacts occur.

ADDRESS: <b>ROUTE 109</b>			TOWN/CITY: <b>TUFTONBORO</b>
TAX MAP: <b>14</b>	BLOCK: <b>3</b>	LOT: <b>46</b>	UNIT:
USGS TOPO MAP WATERBODY NAME: <b>Lake Winnepesaukee</b>		<input type="checkbox"/> NA	STREAM WATERSHED SIZE: <input checked="" type="checkbox"/> NA
LOCATION COORDINATES (if known): <b>43.68 / -71.30</b>		<input checked="" type="checkbox"/> Latitude/Longitude <input type="checkbox"/> UTM <input type="checkbox"/> State Plane	

**4. 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.

Maintenance dredge the existing access channel to 498.60 as indicated historical dredge depth for safe boat access to association docks.

**5. SHORELINE FRONTAGE:**

N/A This does not have shoreline frontage. SHORELINE FRONTAGE: **700**

Shoreline Frontage is calculated by determining the average of the distances of the actual natural navigable shoreline frontage and a straight line drawn between the property lines, both of which are measured at the normal high water line (Env-Wt 101.89).

**6. RELATED NHDES LAND RESOURCES MANAGEMENT PERMIT APPLICATIONS ASSOCIATED WITH THIS PROJECT:**

Please indicate if any of the following permit applications are required and, if required, the status of the application.

To determine if other Land Resources Management Permits are required, refer to the [Land Resources Management Webpage](#).

Permit Type	Permit Required	File Number	Permit Application Status
Alteration of Terrain Permit Per RSA 485-A:17	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	_____	<input type="checkbox"/> APPROVED <input type="checkbox"/> PENDING <input type="checkbox"/> DENIED
Individual Sewerage Disposal per RSA 485-A:2	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	_____	<input type="checkbox"/> APPROVED <input type="checkbox"/> PENDING <input type="checkbox"/> DENIED
Subdivision Approval Per RSA 485-A	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	_____	<input type="checkbox"/> APPROVED <input type="checkbox"/> PENDING <input type="checkbox"/> DENIED
Shoreland Permit Per RSA 483-B	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	_____	<input type="checkbox"/> APPROVED <input type="checkbox"/> PENDING <input type="checkbox"/> DENIED

**7. 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 19 - 3133

b.  This project is within a Designated River corridor. The project is within 1/4 mile of: \_\_\_\_\_; and date a copy of the application was sent to the [Local River Management Advisory Committee](#): Month: \_\_\_ Day: \_\_\_ Year: \_\_\_

N/A - This project is not within a Designated River corridor.

[lrn@des.nh.gov](mailto:lrn@des.nh.gov) or (603) 271-2147

NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095

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

**8. APPLICANT INFORMATION (Desired permit holder)**

LAST NAME, FIRST NAME, M.I. Taylor, Jim

TRUST / COMPANY NAME Barvel Whang Association

MAILING ADDRESS

TOWN/CITY

STATE

ZIP CODE

EMAIL or FAX

PHONE

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

**9. 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 NHDES to communicate all matters relative to this application electronically.

**10. AUTHORIZED AGENT INFORMATION**

LAST NAME, FIRST NAME, M.I. Farley, Jan

COMPANY NAME Diversified Marine Construction LLC

MAILING ADDRESS PO Box 7464

TOWN/CITY Gilford

STATE NH

ZIP CODE 03247

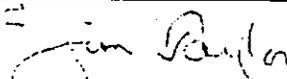
EMAIL or FAX jfarley@divermarine.com

PHONE 603-630-2260

ELECTRONIC COMMUNICATION: By initialing here JE, I hereby authorize NHDES to communicate all matters relative to this application electronically.**11. 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 & Required Attachments 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 Request for Project Review (RPR) Form (www.nh.gov/heritage/permits) to the NH State Historic Preservation Officer (SHPO) at the NH Division of Historical Resources to identify the presence of historical/archeological resources while coordinating with the lead federal agency for National Historic Preservation Act (NHPA) 106 compliance.
- 8 I authorize NHDES 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 NHDES 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 NHDES correspondence. NHDES will not forward returned

  
 Property Owner Signature

Jim Taylor

Print name again

01/27/2019

Date

 NHDES Wetlands Bureau, 29 Haven Drive, PO Box 95, Concord, NH 03302 0095  
 Phone: (603) 271-2147

**MUNICIPAL SIGNATURES**

**12. 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.

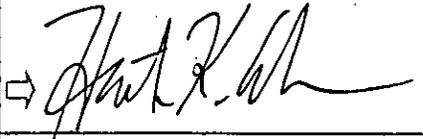
	Print name legibly	Date
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**DIRECTIONS FOR CONSERVATION COMMISSION**

1. Expedited review ONLY requires that the conservation commission's signature is obtained in the space above.
2. Expedited review requires the Conservation Commission signature be obtained prior to the submittal of the original application to the Town/City Clerk for signature.
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 be reviewed in the standard review time frame.

**13. 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.

	Heather K. Cobeold Print name legibly	Tiltonboro Town/City	10-18-19 Date
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**DIRECTIONS FOR TOWN/CITY CLERK:**

Per RSA 482-A:3,1

1. For applications where "Expedited Review" is checked on page 1, if the Conservation Commission signature is not present, NHDES will accept the permit application, but it will NOT receive the expedited review time.
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 single, 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.

[lrm@des.nh.gov](mailto:lrm@des.nh.gov) or (603) 271-2147

NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095

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

**14. 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 completed.

**Intermittent Streams:** linear footage distance of disturbance is measured along the thread of the channel.

**Perennial Streams/ Rivers:** the total linear footage distance is calculated by summing the lengths of disturbance to the channel and each bank.

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 channel	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Perennial Stream / River channel	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Lake / Pond	4000 / <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
Vernal Pool	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
<b>TOTAL</b>	<b>4000 /</b>	<b>/</b>

**15. 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) 4000 sq. ft. X \$0.20 = \$ 800.00

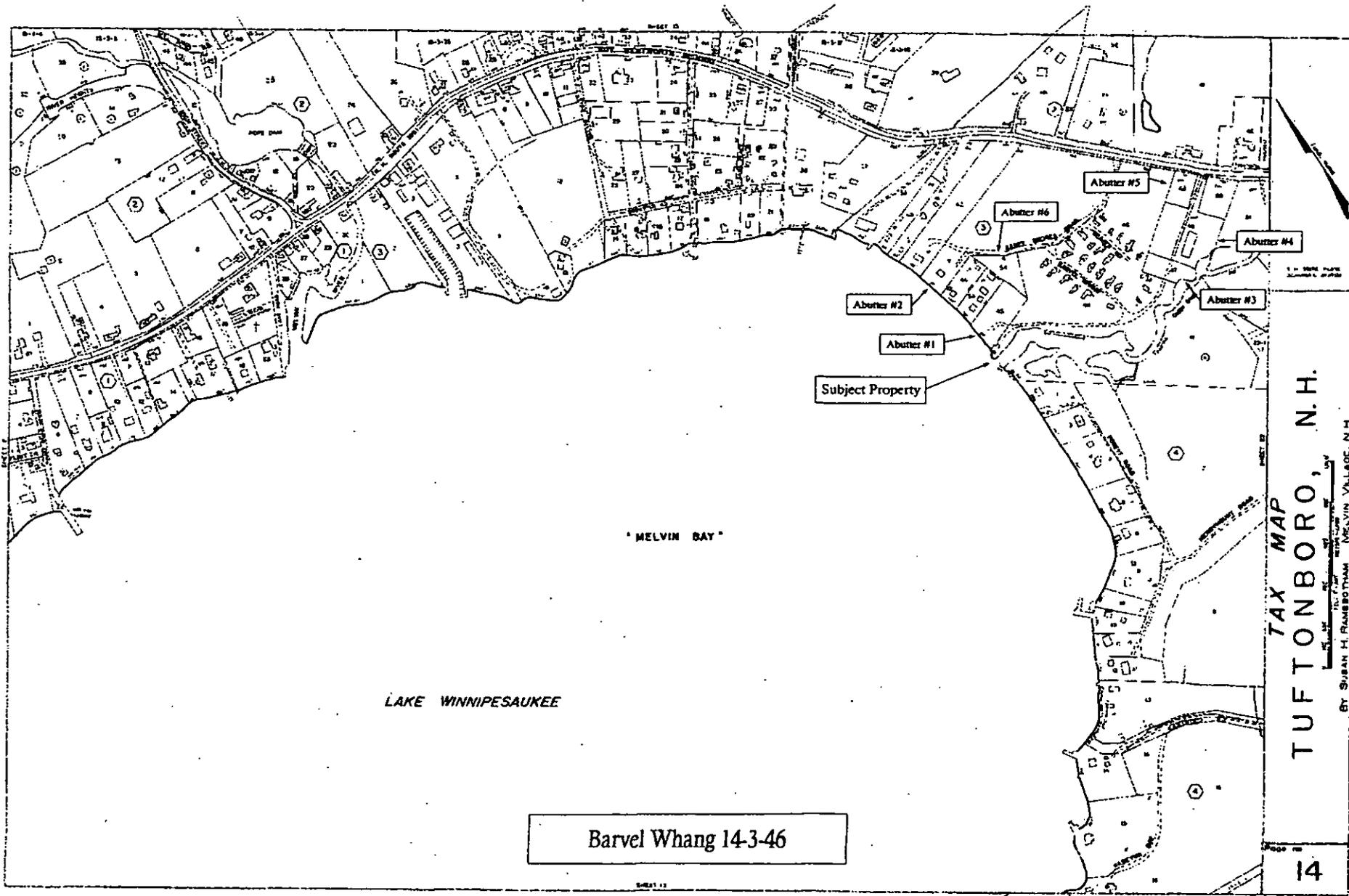
Temporary (seasonal) docking structure: \_\_\_\_\_ sq. ft. X \$1.00 = \$

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

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

Total = \$ 800.00

The Application Fee is the above calculated Total or \$200, whichever is greater = \$ 800.00



"MELVIN BAY"

LAKE WINNIPESAUKEE

Barvel Whang 14-3-46

TAX MAP  
TUFTONBORO, N.H.

BY SUSAN H. FRANKS/OTHAM MELVIN VILLAGE, N.H.

Barvel Whang 14-3-16

Melvin  
Village

T U F T O N B

Prospect

Fairy  
Point

Melvin

Subject Property

Bay

W.S. 66

BAY

Side

(111)

Wingate

Coppe

Cove  
Point

Black

Wharfedale

Point

Trenton

**CONFIDENTIAL – NH Dept. of Environmental Services review**

**Memo**



NH NATURAL HERITAGE BUREAU  
NHB DATACHECK RESULTS LETTER

**To:** Janice Farley, Diversified Marine Construction  
PO Box 7464  
Gilford, NH 03247

**From:** Amy Lamb, NH Natural Heritage Bureau  
**Date:** 10/11/2019 (valid for one year from this date)

**Re:** Review by NH Natural Heritage Bureau

NHB File ID: NHB19-3133                      Town: Tuftonboro

Location: Tax Maps: 14-3-46

Description: Dredge the existing channel and docking structure.

cc: Kim Tuttle

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

**Comments:** Contact the NH Fish & Game Department to address wildlife concerns.

**Vertebrate species**

**State<sup>1</sup> Federal Notes**

Common Loon (*Gavia immer*)

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Contact the NH Fish & Game Dept (see below).

<sup>1</sup>Codes: "E" = Endangered. "T" = Threatened. "SC" = Special Concern. "-" = 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.

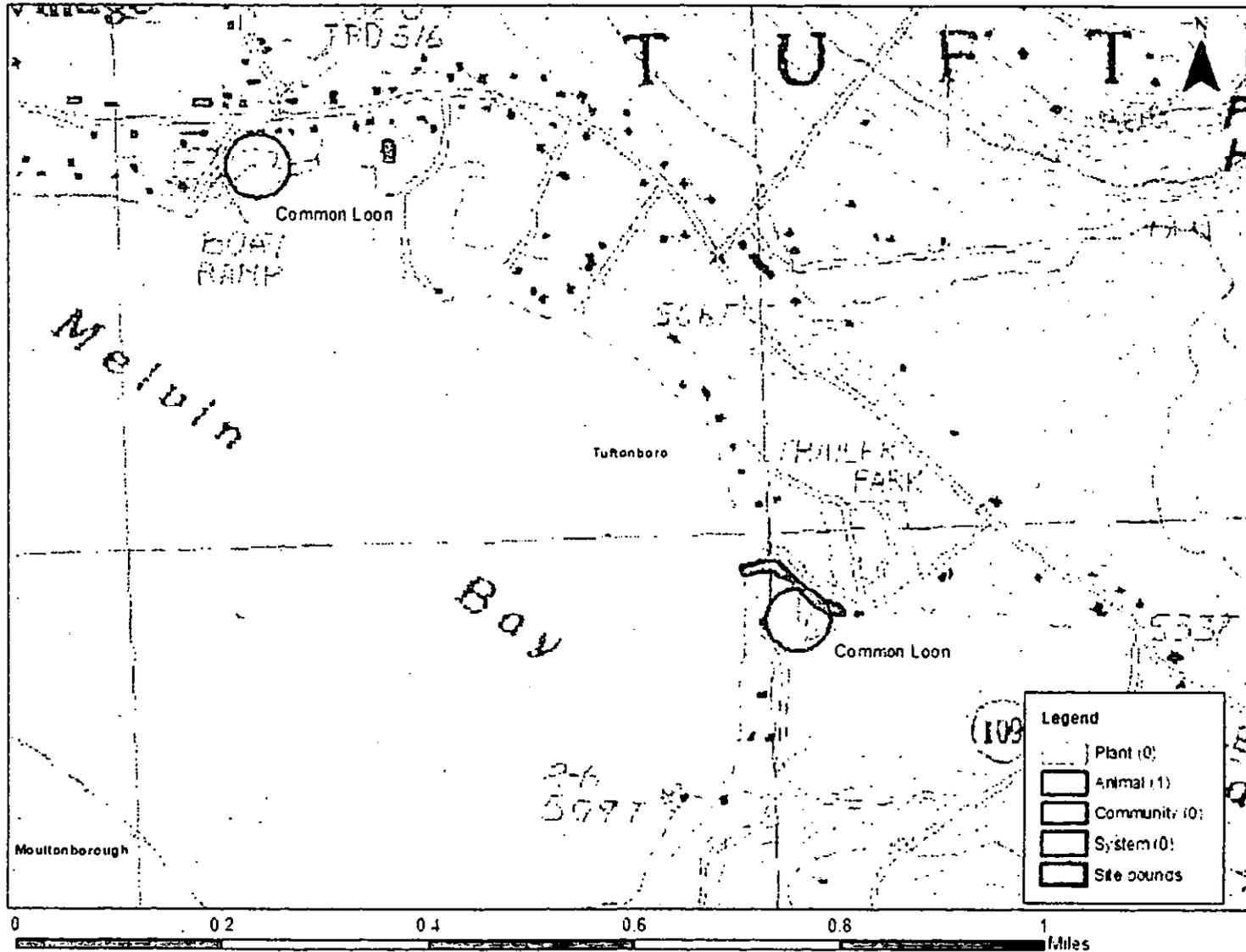
Contact for all animal reviews: Kim Tuttle, NH F&G, (603) 271-6544.

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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.

CONFIDENTIAL – NH Dept. of Environmental Services review

NHB19-3133



**Abutters List for Parcel ID: 000014 000003 000046**  
**Parcels within 25 ft.**

**BARVEL WHANG ASSOC.**  
**C/O DAN GALVIN**

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Abutter #1

000014 000003 000045  
BARVEL WHANG ASSOC.  
C/O DAN GALVIN

Abutter #2

000014 000003 000043  
YAVAROW, SCOTT M.  
WOOLARD, TRICIA

Abutter #3

000014 000003 000047  
HUNTER, STEPHEN

Abutter #4

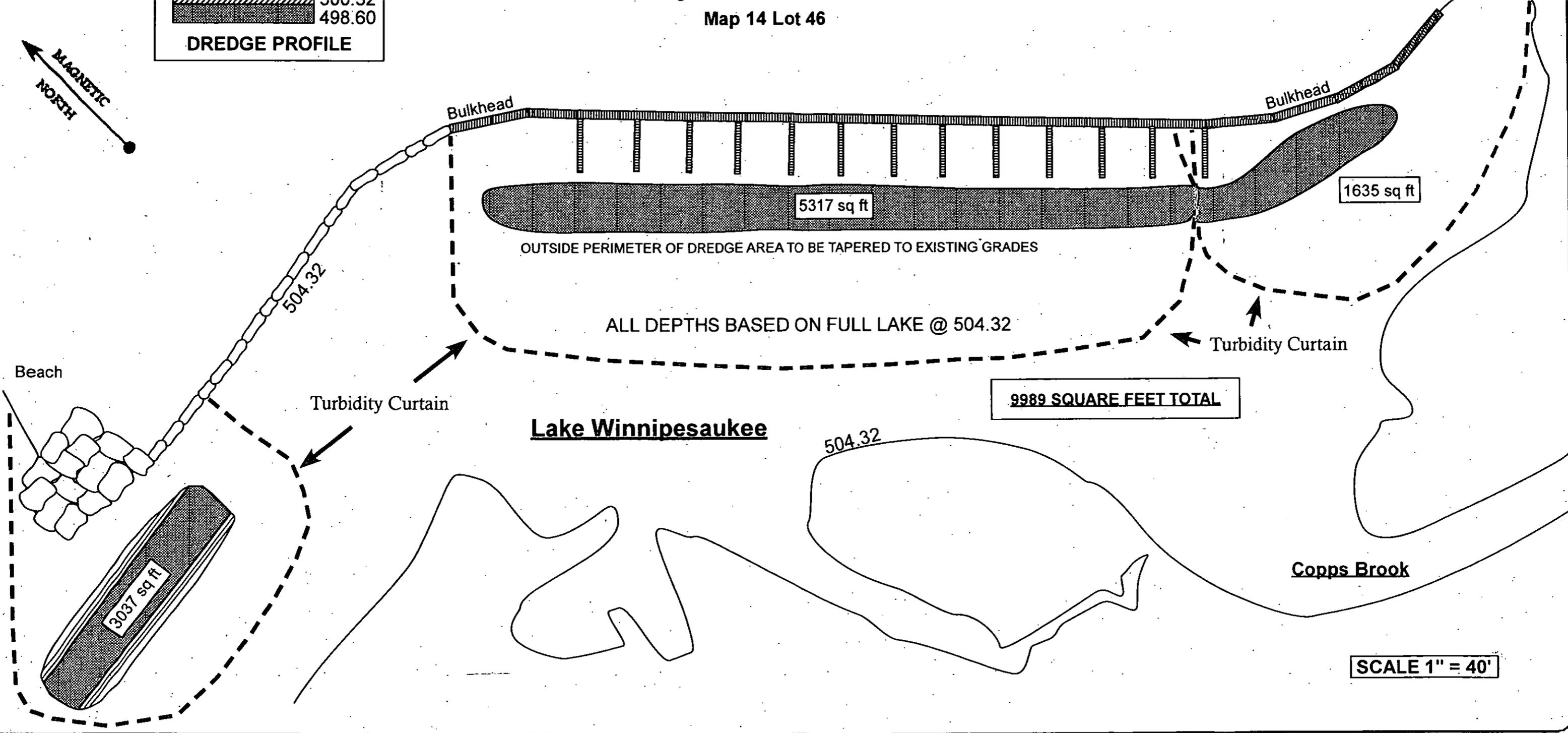
000014 000003 000048  
MAGEE COMPANY

Abutter #5

000014 000003 000049  
HUNTER, STEPHEN

Abutter #6

000014 000003 000054  
LOONEY, GERALD W  
LOONEY, TONYA D



DIVERSIFIED MARINE CONSTRUCTION

P.O. Box 7464  
 Gilford, NH 03247  
 Office (603) 528-4151  
 Fax (603) 527-8684

DRAWING DATE: February 19, 2020  
 DRAWN BY Dave Farley  
 Revision 1 Date:  
 Revised By:  
 Revision 2 Date:  
 Revised By:

Dredging Detail  
 for  
 Barvel Whang Association  
 Route 109  
 Tuftonboro, NH

