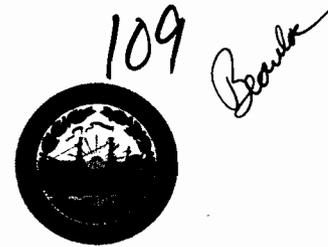




THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



CHRISTOPHER D. CLEMENT, SR.
COMMISSIONER

JEFF BRILLHART, P.E.
ASSISTANT COMMISSIONER

Bureau of Environment
June 12, 2013

Her Excellency, Governor Margaret Wood Hassan
and the Honorable Council
State House
Concord, New Hampshire 03301

REQUESTED ACTION

Authorize the Department of Transportation (DOT), Bureau of Environment, to pay the Department of Environmental Services (DES) Aquatic Resource Mitigation (ARM) (Vendor #177894) Fund \$923,756.21 as documented in wetlands impact approval notices effective upon Governor and Council approval, through June 30, 2014. 10% Turnpike Funds, 28% Federal Funds, 62% Agency Income (Garvee Bond proceeds).

Funding is contingent upon the availability and continued appropriation of funds for FY 2014 as follows:

Table with 2 columns: Description and FY 2014 Amount. Rows include Central NH Turnpike Fund (\$92,646.85), Consolidated Federal Aid (\$260,006.73), and Garvee I-93 Construction Project (\$571,102.63).

EXPLANATION

Pursuant to RSA 482-A, to compensate for the loss of jurisdictional areas, DES adopted rules that require mitigation for major impact projects, certain minor impact projects with jurisdictional impacts of 10,000 square feet or greater, and projects involving over 200 linear feet of stream impact (Env-Wt 303.02). The ARM Fund authorizes DES to collect mitigation funds in lieu of wetland restoration, wetland creation, or upland buffer preservation, as part of a wetlands permit application. These funds are then pooled by DES with payments from other permit applications to fund projects that have greater conservation value within the same watershed. The ARM program was authorized in legislation that became effective in August 2006.

The Turnpike funded project, Manchester 14966, (I-293 bridge replacement and roadway widening) requires a payment of \$92,646.85 as mitigation for 41,734 square feet of jurisdictional wetland impacts per DES File #2012-03256. Allocation for this ARM payment is 100% Turnpike funded.

Three (3) permits for Consolidated Federal Aid projects require mitigation for jurisdictional wetland and stream impacts as listed below:

- Winchester-Swanzey, 12906 (NH Route 10 over the Ashuelot River bridge replacement) requires a payment of \$168,960.00 for 26,868 square feet of wetland impact, and 902 linear feet of stream impact per DES File #2013-00380;
- Rochester, 20254 (NH Route 16 park and ride construction) requires a payment of \$49,102.60 for 12,840 square feet of wetland impact per DES File #2013-00388; and
- Alton, 14121D (NH Route 28/Stockbridge Corner Road intersection improvements) requires a payment of \$41,944.13 for 11,524 square feet of wetland impact per DES File #2012-03264.

Two (2) permits for the I-93 Garvee bond funded project, Salem-Manchester, 13933H, require mitigation for jurisdictional wetland impacts as listed below:

- I-93 Exit 3 park and ride construction requires a payment of \$288,504.12 for 67,658 square feet of wetland impact per DES File #2012-02681; and
- Median mitigation site requires a payment of \$282,598.51 for 95,850 square feet of wetland impact per DES File #2002-02033.

The requested allocations from “Consolidated Federal Aid” and “Garvee I-93 Construction Project” are 80% federal with 20% state match. Turnpike toll credits are being utilized for match requirements, effectively using 100% federal funds.

Your approval of this resolution is respectfully requested.

Sincerely,



Christopher D. Clement, Sr.
Commissioner

CDC/ktn

Attachments



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

May 10, 2013

NH Department of Transportation
PO Box 483
Concord, 03302

RE: NH DOT - File # 2012-03256 - Manchester; Piscataquog River

Dear Sir/Madam:

The Department of Environmental Services (DES) Wetlands Bureau has concluded its review of file #2012-03256. DES issues this approval notice for the application to rehabilitate a bridge, replace three bridges two of which are to be widened, add a southbound lane and widen shoulders near Exit 4 on I-293 impacting 81,019 sq. ft. (39,285 sq. ft. temporary) of palustrine and riverine wetlands. Compensatory mitigation includes a one-time payment of \$92,646.85 into the Aquatic Resource Mitigation Fund. The application has been deemed eligible for payment into the Aquatic Resource Mitigation fund as the form of compensatory mitigation. NHDOT project 14966

The decision to approve this application was based on the following conditions being met:

1. All work shall be in accordance with Preliminary Plans by NHDOT Bureau of Highway Design dated 10/23/2012, as received by the Department on Dec. 19, 2012.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site, at the NHDES Office in Concord, N.H. or NHDOT Office in Concord, N.H. to review the conditions of this wetlands permit.
4. It shall be the responsibility of the permittee to schedule and coordinate the pre-construction meeting providing at least 5-day notice to the NHDES Wetlands Bureau and / or other Land Resources Management Program staff, and the meeting shall be attended by the permittee, the contract administrator(s), wetlands scientist(s), erosion control monitor, and the contractor(s) responsible for performing the work.
5. Stamped engineering plans are to be submitted to the file as required per rule Env-Wt 404.04(a), shall only include plan sheets specifically addressing the information required per Env-Wt 404.04 (b) and to be submitted prior to the scheduling of the meeting to be held per condition #3.
6. A final set of "Wetland Impact" plans showing jurisdictional impacts shall be submitted to the file prior to the scheduling of the meeting to be held per condition #3.
7. Construction equipment shall not be located within surface waters.
8. 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 feet of undisturbed vegetated buffer.
9. Appropriate siltation/crosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.

10. Within three days of the last activity in an area, all exposed soil areas, where construction activities are complete, 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.
11. 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.
12. 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).
13. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
14. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
15. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
16. All vegetation root systems shall remain in place where there are temporary impacts.
17. Timing of construction shall be coordinated with the requirements of the NH Fish and Game Dept. as related to the species identified.
18. This approval is contingent on receipt by DES of a one time payment of \$92,646.85 to the DES Aquatic Resource Mitigation (ARM) Fund. The payment shall be received by DES within 120 days of the date of the approval letter or the application will be denied.

The decision to approve this application was based on the following findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(c) and (i) alteration of more than 20,000 sq. ft. of non-tidal wetlands and more that 200 linear feet of impacts to streams and banks.
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. The project was presented and coordinated during the monthly Natural Resource Agency meetings held on Jan. 20 and July 21, 2010, July 20 and Aug. 17 2011 and Aug. 15, 2012.
6. No comments have been submitted to the file.
7. 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 palustrine resource, as identified under RSA 482-A:1.
8. The applicant has reviewed on-site options for mitigation and the department has determined that this project is acceptable for payment to the Aquatic Resource Mitigation (ARM) Fund to compensate for the wetland areas not previously impacted by the existing roadway.
9. The payment calculated for the proposed wetland loss equals \$92,646.85.
10. The Department decision is issued in letter form and upon receipt of the ARM fund payment, the Department shall issue a posting permit in accordance with Env-Wt 803.08(f).
11. The payment into the ARM fund shall be deposited in the DES fund for the Merrimack River Service Area per RSA 482-A:29.

Any party may apply for reconsideration with respect to any matter determined in this action within 30 days from the date of this letter. A motion for reconsideration must specify all grounds upon which future appeals may be based, and should include information not available to DES when the decision was made. DES may grant reconsideration if, in its opinion, good reason is provided in the motion.

This permit is contingent on receipt of a one time payment of \$92,646.85 dollars to the DES Aquatic Resource Mitigation (ARM) Fund. The payment should be received after the 30-day reconsideration period or after June 10, 2013. If the payment is not received by DES by September 9, 2013 or 120 days from the approval decision, DES will deny the application. Please include a copy of this letter with the payment.

If you have any questions please contact me at (603) 271-4059 or via e-mail, lori.sommer@des.nh.gov.

Sincerely,

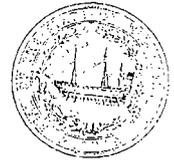


Lori Sommer
Wetland Mitigation Coordinator
DES Wetlands Bureau

cc: Manchester Conservation Commission
Manchester Board of Selectmen
Manchester Municipal Clerk



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

May 22, 2013

REQUEST FOR MORE INFORMATION

Matt Urban
NH Dept of Transportation
Po Box 483
Concord, NH 03302

RE: File # 2013-00380
Project Name: NH Dept of Transportation 12906
Location: NH Route 10 & Westport Village Rd, Winchester

Dear Mr. Urban:

The Department of Environmental Services (DES) Wetlands Bureau has reviewed the above-referenced Standard Dredge and Fill application and has determined that additional information is needed to clarify and complete the application. This information is required in accordance with RSA 482-A (the New Hampshire Dredge and Fill Law), specifically RSA 482-A:3, XIV(a)(2), and Administrative Rules Env-Wt 100 through 900.

In order for DES to render a decision on your application, all of the information requested below must be addressed in full. In order to facilitate a timely decision, your response must be formatted to coincide with the information as requested below; i.e., each numbered item below must be likewise numbered in your response. DES will make a final determination based upon the information provided in your response to this request.

The DES has summarized the current application description as follows:

Replace a bridge on a new alignment leaving the south abutment in place for recreational parking; construct a recreational path to the river; construct drainage and treatment swales for runoff, and provide a 3 ft. wide bench for wildlife impacting 42,810 sq. ft. (15,942 sq. ft. temporary) of riverine wetlands - 902 linear feet of banks and stream channel. NHDOT project 12906

On February 13, 2013 the DES sent a list of preliminary concerns regarding the application. On Feb. 25, the DES received information including that the proposed bridge will be assigned a different number (151/181) than the existing bridge (152/181) and a set of half scale plans including erosion control sheets. The remainders of the concerns are still unresolved and are in more detail below.

1. The line type with three dots (shoreline) does not appear to add any value to the plans.
2. The DES has "disregarded" the application attachment containing the responses to Rules Env-Wt 304.04(a)(1-20), as you suggested, but they need to be replaced with responses that relate to the plans submitted. The discrepancies between the application text and the plans submitted have not been corrected as of this date.
3. Field inspection has determined that the amount of bank and stream channel disturbance has not been minimized especially upstream of the existing bridge. The application does not show how impacts have been avoided or minimized.

Page 1 of 3

4. Field inspection has determined that the ordinary high water line locations generally shown at about elevation 438 is not accurate and generally indicates a low water line. For instance, this line on the plans is shown between 2 and 4 feet southerly of the existing southerly pier when then the lower limits of the adjacent persistent woody vegetation is 16 ft. from that pier at approximately elevation 442 on the plans. This corresponds to the water mark on the pier and a similar shelving, sand deposits and lower limit of the shrubs on the north east side of the existing bridge.
5. Mitigation is required if not exempt per Rule Env-Wt 302.03 where riprap or other bank stabilization is designed to protect existing infrastructure, not proposed. Inspection found that the extent of stone is limited to 67 linear feet on the south side and 80 linear feet on the north side of the existing bridge for a total of 147 feet. The remainder of the proposed impacts and loss of natural resources are to be mitigated for in accordance with the rules and RSA 482-A:30-a. Payment for channel and bank impacts is to be assessed at \$200 per linear foot and a 10% administrative fee. The application claims the river impacts are 1,482 linear feet of which 580 feet are bank and 902 feet are bed of stream. As the rules count bank, bed and the other bank, the DES finds that the applicant has partially double counted the linear feet of bed impacts and intends to only count the bed once along the south side. Inspection finds the proposed bed impacts of 330 feet and banks of 555 feet less the existing stone of 147 feet is a total linear feet of 768 that requires mitigation. At \$200 linear foot plus the 10% administrative fee the mitigation payment to the Aquatic Resource Mitigation fund is \$168,960.00
6. The DES has a letter of support from the Local River Advisory Committee with concerns regarding the removal of vegetation and that some effort should be made to replicate the existing environment.
7. Inspection finds limited if any need to disturb the banks and channel upstream of the existing bridge. It is recommended the stone stabilization for protecting the proposed bridge be ended at or near the upstream end of the existing piles at the limits of the existing stone. There is one small area on the NE side that could use a minimal amount of stabilization where the overland flow was previously directed down the bank and does not appear to require the embankment to be stone fill. The existing drop inlet structure apparently takes care of the flow so the small eroded area could be revegetated.
8. The design to disturb a 50 ft. wide by 150 long area of vegetated area, mostly within the bank on the SE corner, is excessive disturbance to install a 10 wide trail to the river. It appears about 6 trees over 4 in. in diameter could be cut to allow a serpentine style trail to be laid out for access while minimizing soil disturbance. This would significantly reduce the elimination of the existing trees and shrubs that are proposed to be replaced with stone.
9. The proposal does not meet the requirements of Env-Wt 404.01, least intrusive method.
10. The response to rule Env-Wt 404.01 is not accurate according to the plans submitted.
11. The response to rule Env-Wt 404.03 states the only locations being disturbed are areas for bridge and roadway construction and is not accurate according to the plans submitted.
12. The response to rule Env-Wt 404.04 noting the stone fill is to protect embankments in front of the abutments, wing walls and piers is not accurate as the stone is shown impacting the river and banks upstream according to the plans submitted
13. The proposal to construct a wildlife corridor or bench below the bankfull elevation is not the direction suggested by state and federal agencies.
14. The response to the stream rules Env-Wt 900 states a span of over 135 ft. would meet the requirement and that the design is for a span of 225 ft. The plans submitted show the span is 105 ft as previously noted by the DES in February. The application submittal states no permanent work is proposed in the stream channel and the plans show at least 5,000 sq. ft. of fill in the channel. The application submittal states the stream bed will remain natural and will be simulated throughout the structure but the fill appears to be stone that does not simulate the natural bed material. It is stated that a Stream Crossing Assessment was conducted on Aug. 20, 2012 and portions of the streams rules were responded to but the proposed plans do appear to utilize that information to meet the stream rules or reflect the statements made in response to the rules.

15. The responses to Env-Wt 302.04 include a long list of Alternatives Considered and not selected. It does not specify the Alternative chosen, the reasoning for it, or how was determined to be the least impacting alternative. One of the Alternatives listed was to construct a new bridge downstream but was rejected due to impacts to properties and substantial tree clearing. What is the difference between this and the plans submitted?

16. As noted in the above question the applicant should be responding to Rule:

Env-Wt 302.03 Avoidance, Minimization, and Mitigation.

(a) The applicant shall submit a statement describing the impact of the proposed project design and provide evidence which demonstrates that, subject to (b) below:

(1) Potential impacts have been avoided to the maximum extent practicable; and

(2) Any unavoidable impacts have been minimized.

(b) For all permanent impacts that will remain after avoidance and minimization measures have been addressed, the applicant shall submit a compensatory mitigation proposal in accordance with Chapter Env-Wt 800, unless exempted by (c).....

17. Please note that some of the responses touch on the subject matters listed in this rule Env-Wt 302.04(a), the applicant's responses should be in the context of the introductory part of the rule, "... (a) For any major or minor project, the applicant shall demonstrate by plan and example that the following factors have been considered in the project's design in assessing the impact of the proposed project to areas and environments under the department's jurisdiction: ...

It is suggested the applicant consider the plans submitted and provide complete responses to the rules in this part. The DES, after field inspection, does not find filling the banks and river with stone is imperative or does the response address the impacts on the values and functions of the wetland.

18. The clearing along 600 linear feet of bank and replacing with stone is likely to have a substantial aesthetic impact and was not addressed per Env-Wt 302.04(a)(9).

19. At the September 21, 2011 Natural Resource Agency meeting three agencies noted concerns about the draft design regarding the excessive amount of proposed stone along the banks and in the river.

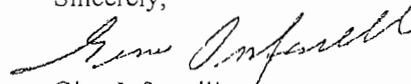
20. The NHDOT should consider reviewing and the utilization of the "Guidelines for Naturalized River Channel Design and Bank Stabilization – February 2007" authored by the NHDES and NHDOT.

Please include the file number (2013-00380) on your response to this request as well as on all other correspondence submitted to this office relative to this application, and forward a copy of all information to the town Conservation Commission. The requested information should be submitted to my attention at DES as soon as practicable, but in any event no later than 60 days from the date of this request.

Please be aware that in accordance with RSA 482-A:3, XIV(a)(2), failure to provide a single and complete response to the items listed above within 60 days of the date of this request will result in a denial of your application.

If you have any questions, please contact me directly at 271-4194.

Sincerely,



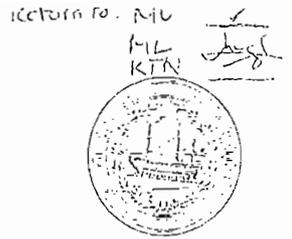
Gino Infascelli
Public Works Supervisor
DES Wetlands Bureau

cc: Winchester Conservation Commission
LAC Ashuelot River
Lori Sommer (e-mail)
Richard Roach USACOE (e-mail)
Mark Kern USEPA (e-mail)
Carol Henderson NH F&G (e-mail)



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

Thomas S. Burack, Commissioner



April 30, 2013

NH Dept Of Transportation
PO Box 483
Concord, NH 03302

RECEIVED
DEPARTMENT OF TRANSPORTATION

MAY 12 2013

RE: NH Dept Of Transportation - File # 2013-00388 - Rochester

DEPARTMENT OF
TRANSPORTATION

Dear Sir/Madam:

The Department of Environmental Services (DES) Wetlands Bureau has concluded its review of file 2013-00388. DES issues this approval notice for the application to construct a 200 space Park & Ride impacting 12,840 sq. ft. of paulustrine wetlands. Compensatory mitigation includes a one-time payment of \$49,102.60 into the Aquatic Resource Mitigation Fund. NHDOT project 20254.

The decision to approve this application was based on the following conditions being met:

1. All work shall be in accordance with plans by NHDOT Bureau of Highway Design dated 12/12/2012, as received by the Department on Feb. 5, 2013.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Construction equipment shall not be located within surface waters.
4. 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 feet of undisturbed vegetated buffer.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
6. Within three days of the last activity in an area, all exposed soil areas, where construction activities are complete, 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 to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
10. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
11. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
12. Curbing shall be sloped bituminous to reduce mortality of state endangered species.
13. This approval is contingent on receipt by DES of a one time payment of \$49,102.60 to the DES Aquatic Resource Mitigation (ARM) Fund. The payment shall be received by DES within 120 days of the date of the approval letter or the application will be denied.

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) 271-6588 • TDD Access: Relay NH 1-800-735-2964

The decision to approve this application was based on the following findings:

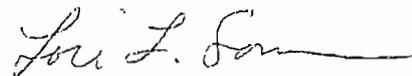
1. This is a major impact project per Administrative Rule Env-Wt 303.02(k), projects where there is documentation of state endangered species.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that 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. DES Staff met with the NHDOT to discuss plan modifications which may reduce impacts and allow use of the wetland for detention.
6. DES Staff conducted a field inspection of the proposed project on Aug. 1, 2012. Field inspection determined the concept design presented at the April 18, 2012 Natural Resource Agency meeting could be modified to reduce wetland impacts.
7. 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 palustrine resource, as identified under RSA 482-A:1.
8. The applicant has reviewed on-site options for mitigation and the department has determined that this project is acceptable for payment to the Aquatic Resource Mitigation (ARM) Fund.
9. The payment calculated for the proposed wetland loss equals \$49,102.60.
10. The Department decision is issued in letter form and upon receipt of the ARM fund payment, the Department shall issue a posting permit in accordance with Env-Wt 803.08(f).
11. The payment into the ARM fund shall be deposited in the DES fund for the Salmon Falls - Piscataqua River service area per RSA 482-A:29.

Any party may apply for reconsideration with respect to any matter determined in this action within 30 days from the date of this letter. A motion for reconsideration must specify all grounds upon which future appeals may be based, and should include information not available to DES when the decision was made. DES may grant reconsideration if, in its opinion, good reason is provided in the motion.

This permit is contingent on receipt of a one time payment of \$49,102.60 dollars to the DES Aquatic Resource Mitigation (ARM) Fund. The payment should be received after the 30-day reconsideration period or after May 30, 2013. If the payment is not received by DES by August 28, 2013 or 120 days from the approval decision, DES will deny the application. Please include a copy of this letter with the payment.

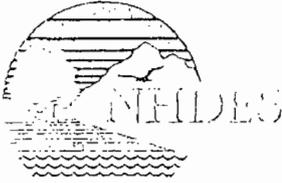
If you have any questions please contact me at (603) 271-4059 or via e-mail, lori.sommer@des.nh.gov.

Sincerely,



Lori Sommer
Wetland Mitigation Coordinator
DES Wetlands Bureau

cc: Rochester Conservation Commission
Rochester Board of Selectmen
Rochester Municipal Clerk



The State of New Hampshire
Department of Environmental Services



April 02, 2013

NH Dept Of Transportation
PO Box 483
Concord, NH 03302

RE: NH Dept Of Transportation - File # 2012-03264 - Alton

Dear Sir/Madam:

The Department of Environmental Services (DES) Wetlands Bureau has concluded its review of file #2012-03264. DES issues this approval notice for the application to reconstruct 2,100 feet of Rte. 28 and reconfigure the intersections with Stockbridge Corner Road and Hamwoods Road providing improved site distance, relocation of ditch lines and replacement of a 5 ft. x 2 ft. jack arch box with a 5 ft. x 3 ft. closed bottom box imbedded 1 ft. impacting 20,730 sq. ft. (9,206 sq. ft. temporary) of palustrine and riverine wetlands. NHDOT project 14121D.

~~Compensatory mitigation includes a one-time payment of \$41,944.13 into the Aquatic Resource Mitigation Fund.~~

The decision to approve this application was based on the following conditions being met:

1. All work shall be in accordance with plans by NHDOT Bureau of Highway Design dated 12/7/2012, as received by the Department on Dec. 19, 2012.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Construction equipment shall not be located within surface waters.
4. 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 feet of undisturbed vegetated buffer.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
6. Within three days of the last activity in an area, all exposed soil areas, where construction activities are complete, 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 to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
10. There shall be no further alteration to wetlands or surface waters without amendment of this permit.

11. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
12. The impacts associated with the temporary work shall be restored immediately following construction.
13. Any plan showing the replacement of the 5 ft. x 2 ft. box culvert with twin pipes is not approved.
14. This approval is contingent on receipt by DES of a one time payment of \$41,944.13 to the DES Aquatic Resource Mitigation (ARM) Fund. The payment shall be received by DES within 120 days of the date of the approval letter or the application will be denied.

The decision to approve this application was based on the following findings:

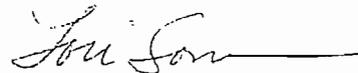
1. This is a major impact project per Administrative Rule Env-Wt 303.03(c) and (i), alteration of more than 20,000 sq. ft. of non-tidal wetlands and more than 200 linear feet of streams.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has 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. The applicant has reviewed on-site options for mitigation and the department has determined that this project is acceptable for payment to the Aquatic Resource Mitigation (ARM) Fund.
6. The payment calculated for the proposed wetland loss equals \$41,944.13.
7. The Department decision is issued in letter form and upon receipt of the ARM fund payment, the Department shall issue a posting permit in accordance with Env-Wt 803.08(f).
8. The payment into the ARM fund shall be deposited in the DES fund for the Winnepesaukee - Pemigewasset River service area per RSA 482-A:29.

Any party may apply for reconsideration with respect to any matter determined in this action within 30 days from the date of this letter. A motion for reconsideration must specify all grounds upon which future appeals may be based, and should include information not available to DES when the decision was made. DES may grant reconsideration if, in its opinion, good reason is provided in the motion.

This permit is contingent on receipt of a one time payment of \$41,944.13 dollars to the DES Aquatic Resource Mitigation (ARM) Fund. The payment should be received after the 30-day reconsideration period or after May 2, 2013. If the payment is not received by DES by July 31, 2013 or 120 days from the approval decision, DES will deny the application. Please include a copy of this letter with the payment.

If you have any questions please contact me at (603) 271-4059 or via e-mail, lori.sommer@des.nh.gov.

Sincerely,



Lori Sommer
Wetland Mitigation Coordinator
DES Wetlands Bureau

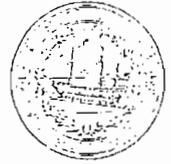
cc: Alton Conservation Commission
Alton Board of Selectmen
Alton Municipal Clerk



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

Thomas S. Burack, Commissioner

return to: MU
ML
KTN



April 30, 2013 RECEIVED
DEPARTMENT OF ENVIRONMENTAL SERVICES

MAY 1 2013

NH DEPARTMENT OF
TRANSPORTATION

NH Dept Of Transportation
PO Box 483
Concord, NH 03302-0483

RE: NH Dept Of Transportation - File # 2012-02681 - Windham

Dear Sir/Madam:

The Department of Environmental Services (DES) Wetlands Bureau has concluded its review of file 2012-02681. DES issues this approval notice for the application to fill 67,568 square feet of palustrine forested wetland for the construction of a park and ride facility associated with the exit 3 interchange of I-93 expansion project. The application has been deemed eligible for a payment of \$288,504.12 into the Aquatic Resource Mitigation Fund as the form of compensatory mitigation.

The decision to approve this application was based on the following conditions being met:

1. All work shall be in accordance with preliminary plans by NHDOT dated September 12, 2012, as received by the NH Department of Environmental Services (DES) on October 4, 2012.
2. Final plans for this construction shall be submitted to NHDES a minimum of one month prior to advertising the project to verify that wetland impacts have not increased or decreased as part of any final design changes.
3. This approval is contingent on receipt by DES of a one time payment of \$288,504.12 to the DES Aquatic Resource Mitigation (ARM) Fund. The payment shall be received by DES within 120 days of the date of the approval letter or the application will be denied.
4. NHDOT will comply with the provisions of the Section 401 Water Quality certification 2002-007 and noncompliance shall be considered a violation of the conditions of this permit.
5. The NHDOT shall demonstrate, to the satisfaction of DES Watershed Management, that the proposed new location of the park and ride will not result in additional loadings of pollutants to surface waters using the simple method approach.
6. A water quality monitoring program will be developed and implemented in accordance with requirements established by NHDES, Watershed Management Bureau.
7. At least 48 hours prior to the start of each construction contract, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the NHDES or NHDOT Offices in Windham, N.H. to review the conditions of this permit, the NHDES Water Quality Certificate, and any other environmental commitments. It shall be the responsibility of NHDOT to schedule the pre-construction meeting, and the meeting shall be attended by NHDOT, the contract administrator(s), wetlands scientist(s), wildlife professional(s), and the contractor(s) responsible for performing the work.
8. The NHDOT shall notify DES and the local conservation commission in writing of their intention to commence construction no less than 5 business days prior to construction.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
10. The project engineer shall oversee installation of erosion controls and periodically verify that the controls are properly maintained during construction and until all areas are fully stabilized.

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) 271-6588 • TDD Access: Relay NH 1-800-735-2964

11. Appropriate storm water management and erosion control Best Management Practices (BMPs) shall be implemented to ensure turbidity is minimized and water quality standards are not violated. If the BMPs conflict with the terms or conditions of this permit, the terms and conditions of this permit shall control.
12. The impacts associated with the temporary work shall be remediated immediately following construction to a natural wetland.
13. Prior to the final 350 space and bus terminal build out of the park and ride DOT shall demonstrate that the total chloride load from exit 3 Dinsmore Brook will be no greater than the chloride load associated with the first phase of the park and ride or the Chloride loadings from all DOT operated roads in the Dinsmore Brook watershed will not have exceeded the existing loadings.
14. Dredged material shall be placed out of NHDES jurisdiction unless otherwise specified.
15. Within three days of the last activity in an area adjacent to a wetland resource, all exposed soil areas, where construction activities are complete or have been temporarily suspended, shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 2:1.
16. 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.
17. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
18. 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; c) set back as far as possible from wetlands and surface waters and, wherever possible, with a minimum of 20 feet of undisturbed vegetated buffer.
19. 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).
20. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
21. Disturbed areas not indicated as pavement on the phase 1 of the proposed park and ride shall be vegetated until conditions phase 2 of the park and ride is constructed.
22. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.

The decision to approve this application was based on the following findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(c); Projects that involve alteration of nontidal wetlands, nontidal surface waters, and banks adjacent to nontidal surface waters in excess of 20,000 square feet in the aggregate.
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. DES Staff conducted multiple field inspection of the proposed project. Field inspection determined the wetland in question is limited in function and value as it is surrounded by interstate highway or exit ramps.
6. 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 palustrine resource, as identified under RSA 482-A:1.
7. The permit incorporates conditions from the DES Watershed Management April 10, 2013 letter, regarding pollutant loading and chlorides.

Kevin Nyhan

From: Marc Laurin
Sent: Monday, June 10, 2013 8:33 AM
To: Kevin Nyhan
Subject: FW: Salem-Manchester, 10418C - Median Mitigation ARM fund memo

-----Original Message-----

From: Sommer, Lori [mailto:Lori.Sommer@des.nh.gov]
Sent: Monday, June 10, 2013 8:21 AM
To: Marc Laurin
Subject: RE: Salem-Manchester, 10418C - Median Mitigation ARM fund memo

Hi Marc,
Your memo regarding the median mitigation effort in Windham has been reviewed and DES agrees with the ARM Fund payment of \$282,598.51. Please keep me posted on when this will be on a G&C agenda. Thanks,

Lori

-----Original Message-----

From: Marc Laurin [mailto:MLaurin@dot.state.nh.us]
Sent: Friday, June 07, 2013 8:31 AM
To: Sommer, Lori
Subject: Salem-Manchester, 10418C - Median Mitigation ARM fund memo

Here is the October 6, 2011 memo regarding the in-lieu fee discussion we had for the Windham Median mitigation changes.

Kevin is in a few meetings this morning. I will get back to you later in the day with his anticipated schedule for submitting to G&C.

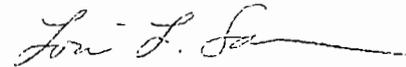
8. The location of this park and ride replaces the previously approved park and ride location indicated on the I93 expansion.

Any party may apply for reconsideration with respect to any matter determined in this action within 30 days from the date of this letter. A motion for reconsideration must specify all grounds upon which future appeals may be based, and should include information not available to DES when the decision was made. DES may grant reconsideration if, in its opinion, good reason is provided in the motion.

This permit is contingent on receipt of a one time payment of \$288,504.12 dollars to the DES Aquatic Resource Mitigation (ARM) Fund. The payment should be received after the 30-day reconsideration period or after May 30, 2013. If the payment is not received by DES by August 28, 2013 or 120 days from the approval decision, DES will deny the application. Please include a copy of this letter with the payment.

If you have any questions please contact me at (603) 271-4059 or via e-mail, lori.sommer@des.nh.gov.

Sincerely,



Lori Sommer
Wetland Mitigation Coordinator
DES Wetlands Bureau

cc: Windham Conservation Commission
Windham Board of Selectmen
Windham Municipal Clerk

STATE OF NEW HAMPSHIRE
INTER-DEPARTMENT COMMUNICATION

FROM	Marc G. Laurin Senior Environmental Manager	DATE October 6, 2011 AT (OFFICE) Department of Transportation Bureau of Environment
SUBJECT	Salem-Manchester, 10418C Windham Median Mitigation Site In-Lieu Fee Determination	
TO	Lori Sommer, NHDES Wetlands Bureau	

The NH DES Aquatic Resource Mitigation (ARM) Fund calculator was used in determining an appropriate In-Lieu fee for the abandonment of the wetland restoration component at the Windham Median Mitigation Site with the following assumptions:

- the proposed ±3.3 acres of wetland restoration at the Median Mitigation Site was based on a 1½ to 1 compensation of 2.2 acres of wetland impacts;
- this component of the I-93 mitigation, permitted by DES and the ACOE, never included the purchase of land;
- as such, calculations that would include Town of Windham land acquisition costs are not valid in determining an appropriate In-Lieu fee, therefore;
- the ARM fund calculations were run with the Town Land Values zeroed out (see below).

Accordingly, and as discussed during our October 5, 2011 meeting, the appropriate In-Lieu fee compensation for the abandonment, at the request of State and Federal Natural Resource Agencies and with the concurrence of the Windham Conservation Commission, of the wetland restoration component for the Median Mitigation Site was agreed to be \$ 282,600.

DES AQUATIC RESOURCE MITIGATION FUND PAYMENT CALCULATION (no land acquisition costs)		
1 Convert square feet of impact to acres:		
INSERT SQUARE FEET OF IMPACT	Square feet of impact =	95850.00
		43560.00
	Acres of impact =	2.2004
2 Determine acreage of wetland construction:		
	Forested wetlands:	3.3006
	Tidal wetlands:	6.6012
	All other areas:	3.3006

	3 Wetland construction cost:	
	Forested wetlands:	\$256,907.74
	Tidal Wetlands:	\$513,815.48
	All other areas:	\$256,907.74
	4 Land acquisition cost (See land value table):	
INSERT LAND VALUE FROM TABLE WHICH APPEARS TO THE LEFT	Town land value:	\$0.00
	Forested wetlands:	\$0.00
	Tidal wetlands:	\$0.00
	All other areas:	\$0.00
	5 Construction + land costs:	
	Forested wetland:	\$256,907.74
	Tidal wetlands:	\$513,815.48
	All other areas:	\$256,907.74
	6 DES Administrative cost:	
	Forested wetlands:	\$25,690.77
	Tidal wetlands:	\$51,381.55
	All other areas:	\$25,690.77
*****	TOTAL ARM PAYMENT*****	
	Forested wetlands:	\$282,598.51
	Tidal wetlands:	\$565,197.02
	All other areas:	\$282,598.51

MGL:mgl
cc. J. Sikora
P. Stannas

s:\projects\design\10418\10418-c\mitigation\median\in-lieu fee determination memo.doc