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The State of New Hampshire Department of Environmental Services

Robert R. Scott, Commissioner



August 11, 2020

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

REQUESTED ACTION

Approve PDA – Division of Ports & Harbors' request to perform the following work on Atlantic Ocean in Rye. File # 2019-02884. This project will not have significant impact on or adversely affect the values of Rye Harbor.

Maintenance dredge a total of 8,200 cubic yards of accumulated and/or shoaled sands and an area of 87,120 square feet (approximately 2 acres) within Rye Harbor to restore the controlling depths within the NH State anchorage. Dredged materials will be disposed at either the Cape Arundel Disposal Site or the Isles of Shoals North Disposal Site.

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 the plans by the US Army Corps of Engineers received by NH Department of Environmental Services Wetlands Bureau (NHDES) on September 11, 2019.
- 2. This approval is contingent upon the NHDES Coastal Program's approval pursuant to Section 307(c)(1) of the Coastal Zone Management Act, 16 U.S.C §1456(c)(1).
- 3. Not less than 5 state business days prior to starting work authorized by this permit, the permittee shall notify the NHDES and the Rye Conservation Commissions in writing of the date on which work under this permit is expected to start.
- 4. Any further alteration of areas on this property that are subject to RSA 482-A jurisdiction will require a new application.
- 5. At least 48 hours prior to the start of dredging, a pre-construction meeting shall be held with the NHDES
- technical staff at the project site to review the conditions of this wetlands permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, their professional engineer, the contractor(s) and any other party responsible for performing or overseeing the work.
- 6. No person undertaking any activity shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards in RSA 485-A and Env-Wq 1700.
- 7. Dredging time frame within Rye Harbor shall occur between October 15 and March 15.
- 8. Any request for dredging outside this time frame will be for emergency conditions only, and must obtain prior approval from and be coordinated with the NHDES and the NH Fish and Game Dept. Marine Division.
- Construction equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid prior to entering surface waters or wetlands or operating in an area where such fluids could reach groundwater, surface waters, or wetlands.

www.des.nh.gov

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095 NHDES Main Line: (603) 271-3503 • Subsurface Fax: (603) 271-6683 • Wetlands Fax: (603) 271-6588 TDD Access: Relay NH 1 (800) 735-2964 His Excellency, Governor Christopher T. Sununu and The Honorable Council Page 2

10. The permittee's contractor shall maintain appropriate oil/diesel fuel spill kits on site that are readily accessible at all times during construction, and shall train each operator in the use of the kits.

EXPLANATION

The NHDES approved this project on July 08, 2020. The NHDES supported its decision with the following findings:

- This project has been reviewed extensively by the NHDES Dredge Management Task Force which has overseen a coordinated review process involving all stakeholders in the project including the NH Department of Fish and Game (NHFG), the NH Department of Natural and Cultural Resources, the US Environmental Protection Agency (EPA), the National Oceanic and Atmospheric Administration National Marine Fisheries Service, the New England District of the US Army Corps of Engineers, the Rye Board of Selectmen, the Pease Development Authority (PDA) Division of Ports and Harbors, the applicant.
- 2. This is a major impact project per New Hampshire Administrative Rule Env-Wt 303.02(a), (a) Projects in sand dunes, tidal wetlands, or bogs, except for repair of existing structures pursuant to Env-Wt 303.04(v) and New Hampshire 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.
- 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 NHDES' jurisdiction per New Hampshire Administrative Rule Env-Wt 302.03.
- 4. The applicant has demonstrated by plan and example that each factor listed in New Hampshire Administrative Rule Env-Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project.
- 5. The Wetlands Permit Application (Application) included NH Natural Heritage Bureau (NHB) Datacheck Results Letter NHB19-2673 stating, "although there was a NHB record [...] present in the vicinity, we do not expect that it will be impacted by the proposed project."
- 6. The NH Division of Historical Resources has received the proposed impacts and found "No Historic Properties Affected."
- 7. On October 16, 2019, the EPA reviewed the Application and provided a copy of their NH Programmatic General Permit (PGP) Review Sheet for the project making the determination the project was "eligible as proposed" for the Department of the Army, NH PGP.
- 8. In accordance with RSA 482-A:8, the NHDES finds that the requirements for a public hearing do not apply as the permitted project is within an established navigational channel and will not have a significant impact on or adversely affect the values of the estuarine and marine resources, as identified under RSA 482-A:1.

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.

Aborta A

Robert R. Scott, Commissioner

NHDES-W-06-012



WETLANDS PERMIT APPLICATION



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Water Division/ Wetlands Bureau

Land Resources Management

Check the status of your application: www.des.nh.gov/onestop RSA/Rule: RSA 482-A/ Env-Wt 100-900

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date a copy of the application was sent to the Local River Management Advisory Committee: Month: Day: Year:	NA This does not have shoreline frontage. Shoreline frontage is calculated by determining the straight line drawn between the property lines, both the straight line drawn between the property lines, both the straight line drawn between the property lines, both the straight line drawn between the property lines, both the straight line drawn between the property lines, both the straight line drawn between the property lines, both the straight line drawn between the property lines, both the straight line drawn between the property lines, both the straight line drawn between the property lines, both the straight line drawn between the property lines, both the straight line drawn between the property lines, both the straight line drawn between the straight line drawn between the property lines, both the straight line drawn between the straight line dr	he average of the dis both of which are mea NAGEMENTIPERMI lications are required ent Bermits are required Permit Required YES X NO YES X NO YES X NO YES X NO YES X NO	tances of the ac sured at the norr ThAPPLICATION and if required refer to the File Numbe	tual natural navigable s nal high water line. SASSOCIATED WIT The status of the appli- Land Resources Mana er Permit Applica APPROVE APPROVE APPROVE APPROVE	H)THIS]PROJECT cation gement Web Page ation Status D PENDING D D PENDING D D PENDING D D PENDING D	DENIED DENIED DENIED DENIED DENIED
Irm@des.nh.gov or (603) 271-2147 NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095	 NA This does not have shoreline frontage. Shoreline frontage is calculated by determining the straight line drawn between the property lines, both straight lines are straight line drawn between the property lines, both straight lines are straight lines are straight lines. 	he average of the dis oth of which are mea NAGEMENT/PERMI lications are required ent Bermits are required Permit Required YES X NO YES X NO	tances of the ac sured at the norr TIAPPLICATION and if required refer to the File Number Site Complete a	tual natural navigable s nal high water line. IS ASSOCIATED WIT the status of the appli Land Resources Mana Permit Applic. APPROVE APPROVE APPROVE	H)THIS PROJECT cation gement Web Page ation Status D PENDING D D PENDING D D PENDING D D PENDING D	DENIED DENIED DENIED DENIED

www.des.nh.gov

8. APPLICANT INFORMATION (Desired permit holder)	¥ .					
LAST NAME, FIRST NAME, M.I.: Tracy R. Shattuck						
TRUST / COMPANY NAME: PDA - Division of Ports & Harbo	ors MA	LING AE	DRESS: 55	5 Market S	treet	
TOWN/CITY: Portsmouth				STATE: NH	I ZIP CODE: 03801	
EMAIL or FAX: t.shattuck@peasedev.org PHONE: 603 436			603 436-	8500		
ELECTRONIC COMMUNICATION: By initialing here: trs., I hereby	authorize N	HDES to a	communicate	all matters rel	lative to this application electronical	
9. PROPERTY OWNER INFORMATION (If different than ap	pplicant) (· · ·		
LAST NAME, FIRST NAME, M.L.						
TRUST / COMPANY NAME: MAILING ADDRESS:						
	FOWN/CITY:			STATE:	ZIP CODE:	
EMAIL or FAX:		-	PHONE:			
ELECTRONIC COMMUNICATION: By initialing here, I here electronically.	eby authorize	NHDES	to communic	ate all matters	s relative to this application	
10. AUTHORIZED AGENT INFORMATION						
LAST NAME, FIRST NAME, M.I.:			COMPANY	' NAME:		
MAILING ADDRESS:					<u> </u>	
TOWN/CITY:				STATE:	ZIP CODE:	
EMAIL or FAX:	PH	IONE:	,			
ELECTRONIC COMMUNICATION: By initialing here, I here electronically,	eby authorize	NHDES	to communic	ate all matters	s relative to this application	
11. PROPERTY OWNER SIGNATURE:				•	······	
See the Instructions & Required Attachments document for clar	rification of	thể bếlo	w statemen	ts		
By signing the application, I am certifying that:						
 I authorize the applicant and/or agent indicated on this for upon request, supplemental information in support of thi I have reviewed and submitted information & attachment 	iis permit ap	oplication	1.	-		
All abutters have been identified in accordance with RSA 482-A:3, I and Env-Wt 100-900.						
 I have read and provided the required information outlined in Env-Wt 302.04 for the applicable project type. I have read and understand Env-Wt 302.03 and have chosen the least impacting alternative. 						
 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. 						
 I have submitted a Request for Project Review (RPR) For (SHPO) at the NH Division of Historical Resources to ide with the lead federal agency for NHPA 106 compliance. 	lentify the p	<u>nh.gov/nl</u> resence	ndhr/review) of historical) to the NH S / archeologic	State Historic Preservation Offic cal resources while coordinating	
8. I authorize NHDES and the municipal conservation commission to inspect the site of the proposed project.						
 I have reviewed the information being submitted and that to the best of my knowledge the information is true and accurate. 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 res	sult in legal	action.				
 I am aware that the work I am proposing may require ad The mailing addresses I have provided are up to date ar 	Iditional sta nd appropri	te, local ate for re	or federal perceipt of NH	ermits which DES corresp	al am responsible for obtaining. condence. NHDES will not	
forward returned mail.					· · · · · · · · · · · · · · · · · · ·	
	cy R. Sha	ittuck			09 / 10 / 2019	
Property Owner Signature Print	t name legibl	У			Date	
im@des	.nh.gov or (6	03) 271-2	147			

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

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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

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.

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.
- 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.

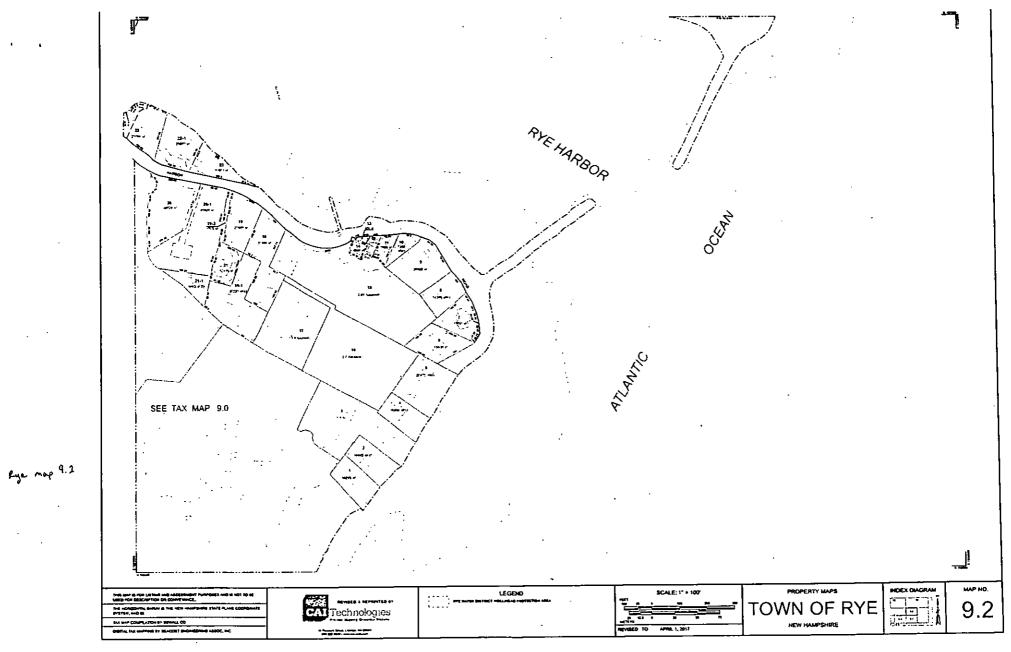
DIRECTIONS FOR APPLICANT:

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.

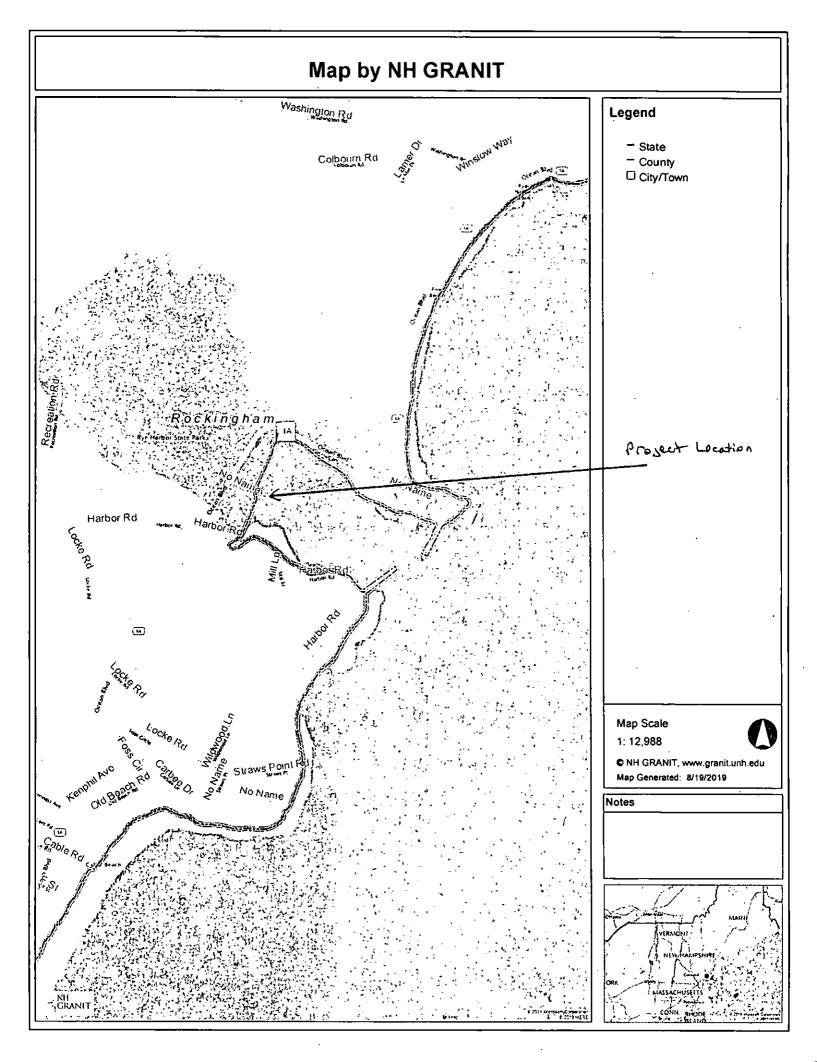
NHDES-W-06-012

14: IMPACT/AREA: For each jurisdictional area that will be has been impacted, provide square feet and if applicable, linear feet of impact <u>Permanent</u> impacts that will remain after the project is complete. <u>Temporary</u>: impacts not intended to remain (and will be restored to pre-construction conditions) after the project is complete.

JURISDICTIONAL AREA	PERMANENT Sq. Ft. / Lin. Ft.			Т	EMPORARY q. Ft. / Lin. Ft.	
Forested wetland	,	ATF				
Scrub-shrub wetland		ATF				
Emergent wetland		ATF				
Wet meadow		ATF				
Intermittent stream					·	
Perennial Stream / River	1	ATF				
Lake / Pond	1					
Bank - Intermittent stream	1					
Bank - Perennial stream / River	1				/	
Bank - Lake / Pond	1	ATF	· · · · ·		·····	
Tidal water	87,120 /		·			
Salt marsh		ATF	·			
Sand dune						
Prime wetland		🗌 ATF			······	
Prime wetland buffer	· · · · · · · · · · · · · · · · · · ·	ATF				
Undeveloped Tidal Buffer Zone (TBZ)						
Previously-developed upland in TBZ		ATF				
Docking - Lake / Pond		ATF				
Docking - River		ATF			····	
Docking - Tidal Water		ATF				
Vernat Pool		🗌 ATF				
TOTAL	1				1	
15. APPLICATION FEE: See the Inst	ructions & Required Attachment	s document for	further inst	ruction		
Minimum Impact Fee: Flat fee of \$						
🛛 Minor or Major Impact Fee: Calcul	late using the below table below	•				
Permanent a	nd Temporary (non-docking)	S	aq.ft. X	\$0.20 =	\$	
Temporary (seasonal) docking structure:	S	iq.ft. X	\$1.00 =	\$	
Р	ermanent docking structure:	S	iq.ft. X	\$2.00 =	\$	
Projects	proposing shoreline structur	es (including	docks) add	d\$200 =	\$	
				Total =	\$	
The Application	n Fee is the above calculated To	otal or \$200, wi	hichever is i	oreater =	\$ 10.000	



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To: Tracy Shattuck, Pease Development - Division of Ports & Harbors 555 Market St

Portsmouth, NH 03801

From: NH Natural Heritage Bureau

Date: 8/29/2019 (valid for one year from this date)

Re: Keview by NH Natural Heritage Bureau of request submitted 8/20/2019

Tax Maps: Map 9.2

NHB File ID: NHB1

Location: Rye

Project Description: Maintenance dredging of State maintained anchorage in Rye Harbor Federal Navigation Project

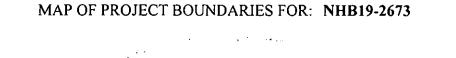
plicant: Tracy Shattuck

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

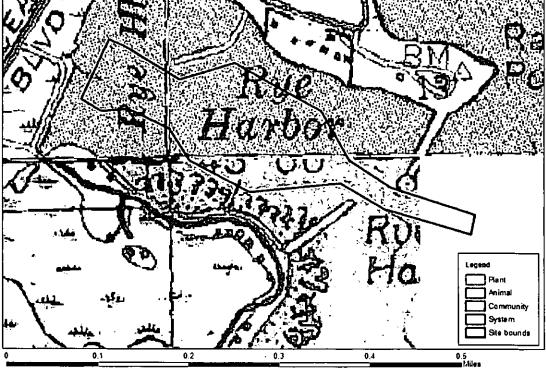
It was determined that, although there was a NHB record (e.g., rare wildlife, plant, and/or natural community) present in the vicinity, we do not expect that it will be impacted by the proposed project. This determination was made based on the project information submitted via the NHB Datacheck Tool on 8/20/2019, and cannot be used for any other project.

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









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

Division of Ports and Harbors ~ DBA NH Port Authe 555 Market Street, Portsmouth, NH 03801-3532



Cottontail Forms Trust

PEASE DEVELOPMENT AUTHORITY

Division of Ports and Harbors ~ DBA NH Port Author 555 Market Street, Portsmouth, NH 03801-3532



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152 Harbor Road Realty Trust

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PEASE DEVELOPMENT AUTHORITY Division of Ports and Harbors ~ DBA NH Port 55 Market Street, Portsmouth, NH 03801-353



7017 3040 0000 7232 1414

Valley Family Trust

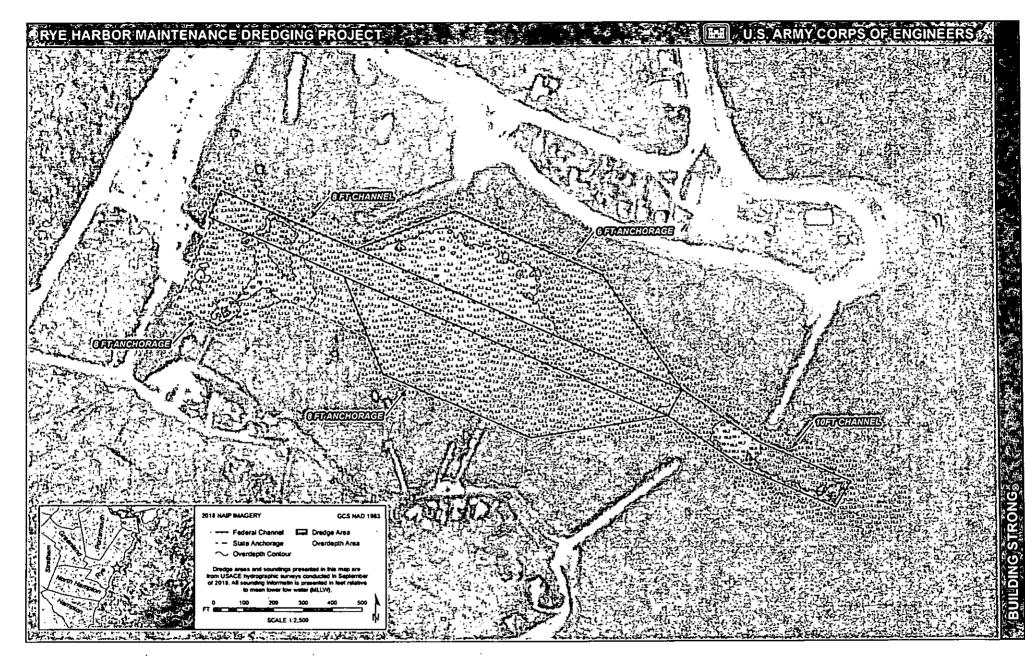
ASE DEVELOPMENT AUTHORITY ision of Ports and Harbors ~ DBA NH Po: Market Street, Portsmouth, NH 03801-35



7017 3040 0000 7232 1384

Karin A Finnigan Anthony J. Jalbert

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