

#### The State of New Hampshire

## Department of Environmental Sel Vices 3:41 Ro

#### Robert R. Scott, Commissioner



July 11, 2022

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

#### REQUESTED ACTION

Approve Robert Gibbons' request to perform the following work on Lake Winnipesaukee in Meredith pursuant to NH Department of Environmental Services (NHDES) Wetlands Bureau permit #2022-00515, and in accordance with RSA 482-A:3. No comments were submitted by the Meredith Conservation Commission regarding the project as proposed.

Install two 6 foot x 40 foot seasonal piers connected by a 6 foot x 12 foot walkway in a "U" configuration with a 14 foot x 34 foot seasonal canopy, a single seasonal boatlift and two seasonal personal watercraft lifts approximately 53 feet northwest of an existing 6 foot x 40 foot seasonal pier along an average of 421 feet of frontage along Cattle Landing on Lake Winnipesaukee in Meredith.

NHDES imposed the following conditions as part of this approval:

- 1. In accordance with Env-Wt 307.16, all work shall be done in accordance with the approved plans dated February 21, 2022, by Don Carey, as received by the NH Department of Environmental Services (NHDES) on March 8, 2022.
- 2. This permit shall not be effective until it has been recorded in the Belknap County Registry of Deeds and a copy of the recorded permit has been provided to the department as required pursuant to RSA 482-A:3, and Env-Wt 314.02.
- 3. Any subdivision of the property frontage will require removal of a sufficient portion of the docking structures to comply with the dock size and density requirements in effect at the time of the subdivision as required to maintain compliance with Env-Wt 314.02 and Env-Wt 513.12.
- 4. Only those structures shown on the approved plans shall be installed or constructed along this frontage as required per Env-Wt 513.22, (a).
- 5. All portions of the docking structures shall be located at least 20 feet from the abutting property lines and no watercraft shall be secured to the docking facility such that it crosses over the imaginary extension of the property lines over the surface water as required by RSA 482-A:3, XIII.
- 6. All seasonal structures, including watercraft lifts, shall be removed for the non-boating season as required per Env-Wt 513.22.
- 7. The canopy, including the support frame and cover, shall be designed and constructed to be readily removed at the end of the boating season and shall be removed for the non-boating season as required per Env-Wt 513.19.
- 8. Pursuant to Env-Wt 102.33 and Env-Wt 513.19, (a) no sides may be attached to, or hung beneath any seasonal canopy.

His Excellency, Governor Christopher T. Sununu and The Honorable Council Page 2

- 9. The seasonal dock shall be removed from the water prior to applying any paint, stain, or other preservative coating, and not returned to the water until after such coating is dry as required per Env-Wt 513.22(b)(4).
- 10. The owner understands and accepts that should these docking structures be found to have an unreasonable impact on the ability of abutting owners to use and enjoy their properties or the public's right to navigation, passage, and use of the resource for commerce and recreation the structures shall be subject to removal pursuant to RSA 482-A:1, RSA 482-A:11, II, and Env-Wt 513.03(a).
- 11. All development activities associated with any project shall be conducted in compliance with applicable requirements of RSA 483-B and Env-Wq 1400 during and after construction as required pursuant to RSA 483-B:3.
- 12. No activity shall be conducted in such a way as to cause or contribute to any violation of surface water quality standards specified in RSA 485-A:8 or Env-Wq 1700.
- 13. Pursuant to RSA 482-A:14, RSA '482-A:14-b, and RSA 482-A:14-c, NHDES is authorized to take appropriate compliance actions should it be determined that, based upon additional information which becomes available, any of the structures depicted as "existing" on the plans submitted by or on behalf of the permittee were not previously permitted or grandfathered.

#### **EXPLANATION**

NHDES approved this project on June 10, 2022. NHDES supported its decision with the following findings:

- 1. This is a major impact project per Administrative Rule Env-Wt 513.24(c), construction or modification of a docking facility providing 5 slips.
- 2. The applicant has an average of 421 feet of frontage along Lake Winnipesaukee.
- 3. A maximum of 6 slips may be permitted on this frontage per Rule Env-Wt 513.12, Frontage Requirements for Private and Non-commercial Docking Structures.
- 4. The proposed docking structures, considered in combination with the pre-existing seasonal pier, will provide 5 slips as defined per RSA 482-A:2, VIII, and therefore meets Rule Env-Wt 513.12.
- 5. The NHDES finds that because the project is not of significant public interest and will not significantly impair the resources of Lake Winnipesaukee a public hearing under RSA 482-A:8 is not required.
- 6. Per Rule Env-Wt 311.01(b), the applicant coordinated with the Natural Heritage Bureau (NHB) to determine how to avoid and minimize project-related impacts on rare or protected animal species and habitat, and on protected plants or exemplary natural communities.
- 7. No concerns were received from abutters nor the local Conservation Commission related to the project.
- 8. The NHDES finds that the project as proposed and conditioned meets the requirements of RSA 482-A and the Wetlands Program Code of Administrative Rules Chapters Env-Wt 100 900. No waivers of RSA 482-A or the Wetlands Program Code of Administrative Rules Chapters Env-Wt 100 900 were requested or approved under this permit action.

NHDES Wetlands Bureau permit #2022-00515 application documents are enclosed for review by the Governor and the Executive Council in consideration of this request and in accordance with RSA 482-A:3, II(a), as it is a major project located in New Hampshire public waters.

We respectfully request your approval of this item.

Robert R. Scott

Commissioner



## STANDARD DREDGE AND FILL WETLANDS PERMIT APPLICATION

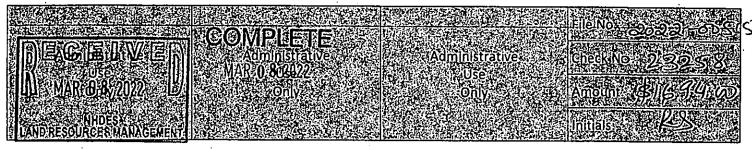
# Water Division/Land Resources Management Wetlands Bureau

Check the Status of your Application,



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

APPLICANT'S NAME: Robert Gibbons TOWN NAME: Meredith



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

ρJe	c II ON 13 : REQUIRED PLANNING (FOR ALL PROJECTS) Env. Wt 306-05; RSA 482 A 13 ; ((d) (2)) a setuse the Wetland Permit Planning Took (WPPT)), the Natural Heritage Bureau (NHB) <u>Data Ghecks</u> sto at lon Mapper, For other sources to lassist in identifying key teatures such as conomity resource la	
	otected species ior inabitats; coastaliate as; designated rivers vor designated prime; wetlands;	
Ha	s the required planning been completed?	Yes       No
Do	es the property contain a PRA? If yes, provide the following information:	🔀 Yes 🔯 No
•	Does the project qualify for an Impact Classification Adjustment (e.g. NH Fish and Game Department (NHF&G) and NHB agreement for a classification downgrade) or a Project-Type Exception (e.g. Maintenance or Statutory Permit-by-Notification (SPN) project)? See Env-Wt 407.02 and Env-Wt 407.04.	X Yes 🔯 No
	Protected species or habitat?  o If yes, species or habitat name(s): rams-head laddy slipper (Gypripedium arietinum) o NHB Project ID #: 24:3875	X Yes 鼦 No
•	Bog?	图 Yes 図 No
•	Floodplain wetland contiguous to a tier 3 or higher watercourse?	₩ Yes ₩ No
•	Designated prime wetland or duly-established 100-foot buffer?	₩ Yes ₩ No
•	Sand dune, tidal wetland, tidal water, or undeveloped tidal buffer zone?	₩ Yes 🔀 No
ls t	he property within a Designated River corridor? If yes, provide the following information:  Name of Local River Management Advisory Committee (LAC): NA  A copy of the application was sent to the LAC on Month: Day: Year:	☑ Yes ☑ No

For dredging projects, is the subject property contaminated?  If yes, list contaminant:	图 Yes 図 No
	Yes 🔀 No
For stream crossing projects, provide watershed size (see WPPT or Stream Stats):	
	1000-1-00 PM 100-100 PM 100-100
SEGTION 2: PROJECT DESCRIPTION (Env. Wt 311.04(I)) : Provide a brief description of the project and the purpose of the project outlining the scope of work to be	perperformed (*)
roylde a brief description of the provided and the provided by see attached, please use the space panels when the provided by the space panels are temporary to permanent. Do NOT reply, see attached, please use the space panels are the space panels are the space panels are the space panels.	royidedi 🚁 🤄
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SECTION 3-PROJECT/LOCATION	
Separate wetland permittapplications must be submitted for each municipality within which wetland in	pacts occur.
ADDRESS: Bolcarding	<u></u>
TOWN/CITY: Marculus	<del></del>
TAX MAP/BLOCK/LOT/UNIT: TOXIMED S073 FOR WATERBODY NAME: TOXIMED S083 TOXIMED S073 FOR WATERBODY NAME: TOXIMED S083 FOR S073 FOR	
US GEOLOGICAL SURVEY (USGS) TOPO MAP WATERBODY NAME: <u>ake Winnipesaukee</u> N/A	
(Optional) LATITUDE/LONGITUDE in decimal degrees (to five decimal places): 43.633° North	

SECTION 4 APPLICANT (DESIRED PERMIT HOLDER) IN			
NAME: ROBERT GIBBOTE			
MAILING ADDRESS:			<del></del>
TOWN/CITY:		STATE:	ZI P CODE:
EMAIL ADDRESS:			
FAX:	PHONE:	<del></del> -	· · ·
ELECTRONIC COMMUNICATION: By initialing here: RG, i to this application electronically.	hereby authorize NHDES to	communicate al	matters relative
SEGTIONS SAUTHORIZED AGENT (INFORMATION (Envi	Wt31104(c))		
LAST NAME, FIRST NAME, M.I.: GREY DON'T		<del></del>	
COMPANY NAME: Santaritario (Dock Repla)		•	
MAILING ADDRESS: Wallake Shore Drive			
TOWN/CITY: Mentenderia		STATE: NE	ZIP CODE: 03252
EMAIL ADDRESS: 1776 @ sente har pordocks com		· · · · · · · · · · · · · · · · · · ·	
FAX: 303-253-8332	PHONE: 503/25314000 (69	1350870740258	
ELECTRONIC COMMUNICATION: By initialing here DC. It this application electronically.			• • •
SECTIONS PROPERTY OWNER INFORMATION (IF DIFF Little owner is a trust or a company, then complete with Little same as applicant	ERENTATHANIAPPLICANT) ( hthe trustor company info	Env:Wt 311,04(b mation as	
NAME:		,	
MAILING ADDRESS:			
TOWN/CITY:		STATE:	ZIP CODE:
EMAIL ADDRESS:			
FAX:	PHONE:		
ELECTRONIC COMMUNICATION: By initialing here to this application electronically.	, I hereby authorize NHDES	to communicate	all matters relative

## SECTION 7/ERESOURCE SPECIFIC GRITERIA ESTABLISHED IN ENV:Wt 400 ENV:Wt 500 ENV:Wt 600 ENV:Wt 700 OR ENV:Wt 900 HAVE BEENIMET (ENV:Wt 313.01(a)(3))

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

The writing short and the state of the state

### SECTION 8 - AVOIDANCE AND MINIMIZATION

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

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

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

## SECTIONIO MITIGATION REQUIREMENT (Env.-Wt 311:02)

if (mayoldable) urisdictional impacts require mitigation) a mitigation <u>pre-application meeting</u> must occur at least-30 day bot mormore than 90 days prior to submitting this Standard Dredge and Fill Permit Application.

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

(N/A - Mitigation is not required)

## SEGTION TO THE PROJECT MEETS COMPENSATORY MITIGATION REQUIREMENTS (Env-Wt 313.01(a)(1)c)

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

(N/A - Compensatory mitigation is not required)

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

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

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

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

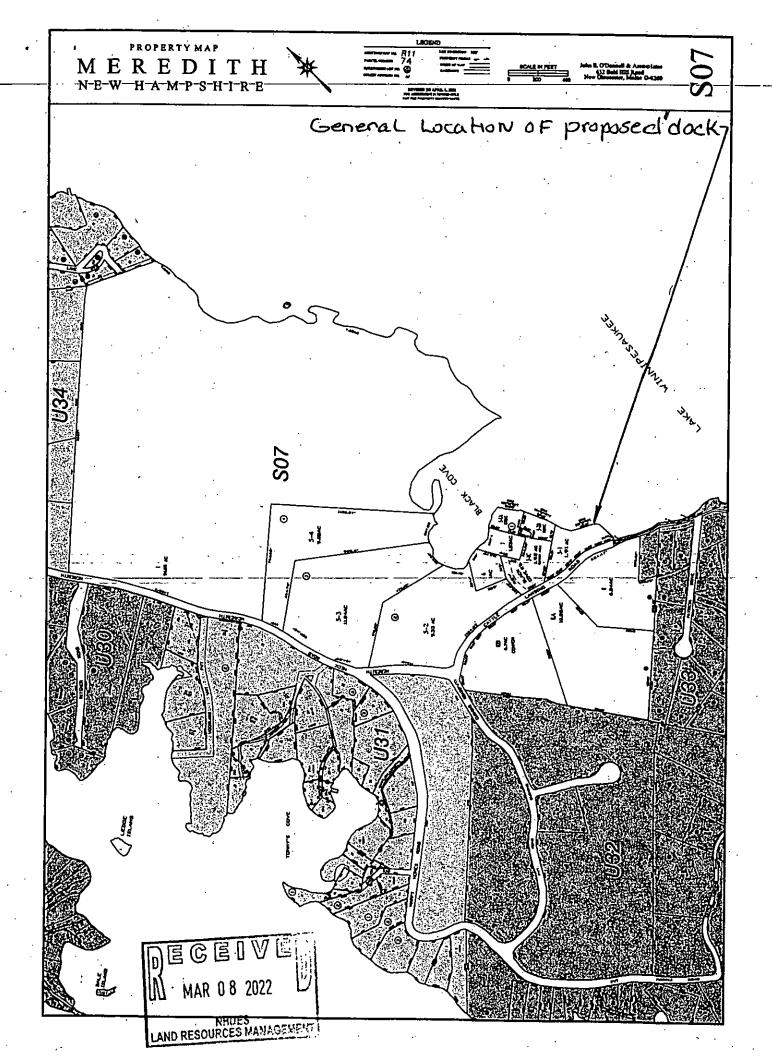
project is completed

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

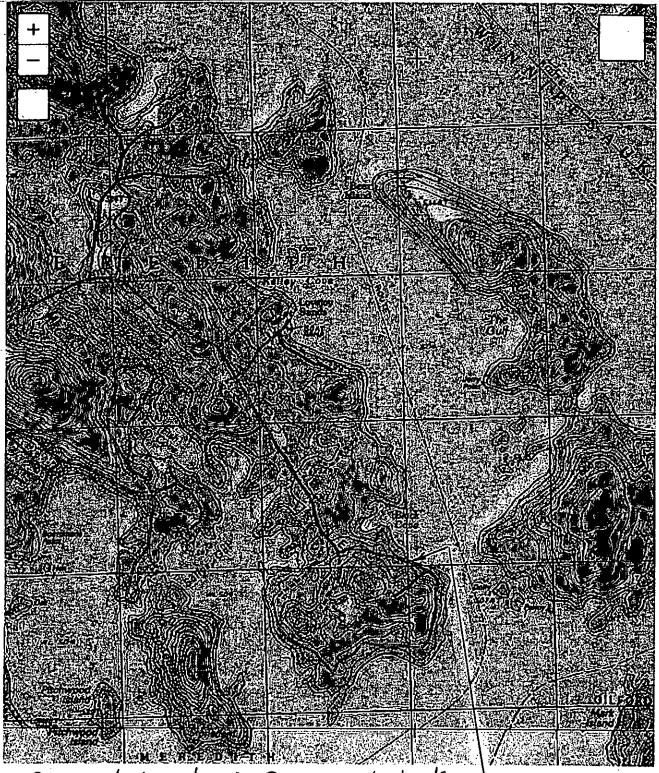
JURISDICTIONAL AREA		PERMANENT			TEMPORARY		
JUKI	SDICTIONAL AREA	SF	LF	ATF	SF	LF	ATF
	Forested Wetland			膨	STATE OF		<b>3</b>
	Scrub-shrub Wetland	<b>5</b>		8%		-	<b>3</b>
gg	Emergent Wetland			廖			1
Wetlands	Wet Meadow			<b>3</b>	<b>25.5</b>		<u>e</u>
<b>⊗</b>	Vernal Pool	4.86		盘	<b>FEX.</b>		. 🔯
	Designated Prime Wetland			<b>188</b>	\$600 A	-	<b>数</b>
	Duly-established 100-foot Prime Wetland Buffer			<b>1</b>			逐
<u></u>	Intermittent / Ephemeral Stream	學者					22
Water	Perennial Stream or River	430		22	2.4.5	20 E S	8
S S	Lake / Pond			- 2		1161	1
Surface	Docking - Lake / Pond	552	24	<b>53</b>		Take 5	极
Su	Docking - River			- 3			蘇
	Bank - Intermittent Stream	23/83	被意	<b>S</b>	18.88	18.98	遂
Banks	Bank - Perennial Stream / River	TENT		13			
Ba	Bank / Shoreline - Lake / Pond	200	19.4	<b>13</b>	19 AS	<b>***</b>	<b>\$</b> 5
	Tidal Waters	1000		<b>2</b>		300	
	Tidal Marsh	3430		2	****		<b>S</b>
<u>-</u>	Sand Dune			2	3.4		20
Tidal	Undeveloped Tidal Buffer Zone (TBZ)	(NV)			<b>E</b>		<b>E</b>
	Previously-developed TBZ			翼			桽
	Docking - Tidal Water		_	聲			33
	TOTAL	552	24		3.44	<b>TEAR</b>	

MINIMUM IMPACT FEE: Flat fee of \$400.			
<b>図 NON-ENFORCEMENT RELATED, PUBLICLY-FUNDED AND SUPER\</b>			ESS OF
IMPACT CLASSIFICATION: Flat fee of \$400 (refer to RSA 482-A:3)	, 1(c) for restrictions	s).	
MINOR OR MAJOR IMPACT FEE: Calculate using the table below	: -		
Permanent and temporary (non-docking):	数6 SF·	× \$0.40 =	\$ 190
Seasonal docking structure:	SF SF	× \$2.00 =	\$ 1104
Permanent docking structure:	SF SF	× \$4.00 =	\$
Projects proposing shoreline	structures (includi	ng docks) add \$400 =	\$ 400
	•	Total =	\$ 1694
The application fee for minor or major impact is the above calcula	ted total or \$400, w	vhichever is greater =	\$ 18 18

1 1 1 2 1 1 4 4	3 - PROJECT CLASSIFICATION e project classification.	(Env-Wt 30	6.05)				
Minimu	m Impact Project	Minor	Project		Major Project		
SECTION 12	REQUIRED CERTIFICATION	IS (Env-Wt	11.11)				
Initial each	box below to certify:	*** From Co. 49 (1967)					
Initials:	Initials:  To the best of the signer's knowledge and belief, all required notifications have been provided.						
Initials:	Initials:  The information submitted on or with the application is true, complete, and not misleading to the best of the signer's knowledge and belief.						
Initials:	practice in New Hampshire, refer the matter to the joint board of licensure and certification .  established by RSA 310-A:1.  • The signer is subject to the penalties specified in New Hampshire law for falsification in official matters,						
	<ul> <li>currently RSA 641.</li> <li>The signature shall constitute authorization for the municipal conservation commission and the Department to inspect the site of the proposed project, except for minimum impact forestry SPN projects and minimum impact trail projects, where the signature shall authorize only the Department to inspect the site pursuant to RSA 482-A:6, il.</li> </ul>						
initials:	Initials:  If the applicant is not the owner of the property, each property owner signature shall constitute certification by the signer that he or she is aware of the application being filed and does not object to the filing.						
SECTION 15	FREQUIRED SIGNATURES (	Env-Wt 311	04(d); Env-Wt 31	111)			
SIGNATURE	CONNER) ( LANGOVER)		PRINT NAME LEGIE	BLY:	avodd	DATE: 9-10-21	
SIGNATURE	APPLICANT, IF DIFFERENT FROM	M OWNER):	PRINT NAME LEGI	BLY:		DATE:	
SIGNATURE	AGENT (F APPLICABLE):		PRINT NAME LEGIE		y	DATE: 12-27-202	
بعوار والمصيع بقائمه والما البابدة	SECONDS-16 TO TO THE CHARLEST AND SECOND SEC						
	As required by RSA 482-A:3, I(a)(1), I hereby certify that the applicant has filed four application forms, four detailed plans, and four USGS location maps with the town/city indicated below.					four detailed	
TOWN/PITY CLERK SIGNATURE:			any managed well	PRINT NAME LEGIBLY:  Kerri A. Darker			
TOWN/CIT	y: Meredoly		DATE:	128/2022			



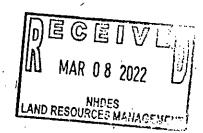
## Lake Winnipesaukee Topo Map in Belknap County New Hampshire



General Location of proposed clock

Berint this map

Map provided by TopoZone.com





## The State of New Hampshire

# Department of Environmental Services



Robert R. Scott, Commissioner

This application contains confidential information from the NH Natural Heritage Bureau (NHB) Datacheck tool provided by the NH Department of Natural and Cultural Resources, NHB. This information is being withheld from disclosure to the public.

Please direct all questions regarding the confidential information to Pamela G. Monroe, Legal Unit Administrator, NH Department of Environmental Services, at: pamela.g.monroe@des.nh.gov, or (603) 271-3137.

#### Memo

### NH Natural Heritage Bureau NHB DataCheck Results Letter

Please note: portions of this document are confidential.

Maps and NHB record pages are confidential and should be redacted from public documents.

To: don carey, center harbor dock & pier center harbor dock & pier 173 lake shore drive moultonboro, NH 03254

From: NHB Review, NH Natural Heritage Bureau

Date: 1/3/2022 (valid until 01/03/2023)

Re: Review by NH Natural Heritage Bureau

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

NHB ID: NHB21-3875 Town: Meredith Location: 36 Cattle Landing Road

Description: The project consists of installing two 6 ft. x 40 ft. crank up seasonal docks with a 6 ft. x 12 ft. cross walk in a U configuration with a

14 ft. x 34 ft. canopy. Sq., Ft of dock 552. The dock will be located to the North of the existing seasonal dock and the installation

date would be spring of 2022

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

Comments NHB: A record is within the project area. Please provide a clear aerial outlining the limits of disturbance for all staging work, and provide photos of the project area. What timeframe is the work proposed to be concluded?

F&G: No Comments At This Time

Plant species State<sup>1</sup> Federal Note

This species occurs in mesic forests and forested swamps. Changes in local hydrology, e.g., due to dredging, would be a threat to the plants. Clear-cutting of the forest canopy would eliminate the plants, but selective cutting may actually benefit plants that are growing in a late-successional forest. Another definite risk to this orchid is illegal collection.

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.

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

Department of Natural and Cultural Resources Division of Forests and Lands (603) 271-2214 fax: 271-6488 DNCR/NHB 172 Pembroke Rd. Concord, NH 03301



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