



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

**Robert R. Scott, Commissioner**



January 7, 2022

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

**REQUESTED ACTION**

Approve NH Division of Ports and Harbor's request to perform work on Piscataquog River in Portsmouth as outlined below. This request is pursuant to New Hampshire Department of Environmental Services (NHDES) file #2021-02950. This project will not have significant impact on, or adversely affect, the values of Piscataquog River. Comments submitted by the Portsmouth Conservation Commission, stating their approval regarding this project as proposed, are included in the enclosed documents.

Impact a total of 33,000 square feet, 14,000 square of tidal waters and 19,000 square feet of previously developed upland tidal buffer zone, to expand the existing Market Street Marine Terminal facility by replacing the failed approach bridge, construction of deck infill over open water area between the wharf and shore, repair deteriorated caissons, repair deteriorated concrete superstructure, installation of rip rap (241 linear feet), grading and drainage, to allow safe docking and freight discharge of cargo vessels at Division of Ports and Harbors Port facility. Compensatory mitigation to be provided for permanent impacts within tidal surface waters involves restoring tidal wetlands and tidal buffer zone as authorized by permit #2016-01460 or a one-time payment into the Aquatic Resource Mitigation Fund ("ARM") of \$238,570.34 dollars.

The 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 August 2021 by Appledore Marine Engineering, LLC, as received by the NH Department of Environmental Services (NHDES) on September 14, 2021.
2. In accordance with Env-Wt 605.01(a)(3), all in-water pile driving shall not occur between April 1 and June 30 to avoid impacts that could adversely affect fish habitat, wildlife habitat, or both.
3. In accordance with Env-Wt 605.01(a)(3), a startle noise shall be used each day before drilling the steel pipe piles to avoid any impacts that could adversely affect fish habitat, wildlife habitat, or both. The applicant shall coordinate with NH Fish and Game on appropriate startle noise prior to conducting work.
4. In accordance with Env-Wt 307.11(a)(1)-(2), rip rap shall be clean that meets the project's specifications for its use; and does not contain any material that could contaminate surface or groundwater or otherwise adversely affect the ecosystem in which it is used.

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

5. In accordance with Env-Wt 307.03(a), 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; ambient groundwater quality standards established under RSA 485-C; limitations on activities in a sanitary protective area established under Env-Dw 302.10 or Env-Dw 305.10; or any provision of RSA 485-A, Env-Wq 1000, RSA 483-B, or Env-Wq 1400 that protects water quality.
6. All work shall be conducted and maintained in such a way as to protect water quality as required by Rule Env-Wt 307.03(a) through (h).
7. In accordance with Env-Wt 307.03(c)(4), water quality control measures shall be capable of minimizing erosion; collecting sediment and suspended and floating materials; and filtering fine sediment.
8. In accordance with Env-Wt 307.03(c)(3), water quality control measures shall be installed prior to start of work and in accordance with the manufacturer's recommended specifications or, if none, the applicable requirements of Env-Wq 1506 or Env-Wq 1508.
9. In accordance with Env-Wt 307.03(c)(5), water quality control measures shall be maintained so as to ensure continued effectiveness in minimizing erosion and retaining sediment on-site during and after construction.
10. In accordance with Env-Wt 307.04(a), activities that produce suspended sediment in jurisdictional areas that provide value as bird migratory areas or fish and shellfish spawning or nursery areas, shall be done so as to avoid and minimize discharges of dredged material or placement of fill material during spawning or breeding seasons by using water quality protection techniques as specified in Env-Wt 307 and timing of project as specified in Env-Wt 307.10(g) or (h), as applicable.
11. In accordance with Env-Wt 307.03(b), all work, including management of soil stockpiles, shall be conducted so as to minimize erosion, minimize sediment transfer to surface waters or wetlands, and minimize turbidity in surface waters and wetlands using the techniques described in Env-Wq 1505.02, Env-Wq 1505.04, Env-Wq 1506, and Env-Wq 1508; the applicable BMP manual; or a combination thereof, if the BMP manual provides less protection to jurisdictional areas than the provisions of Env-Wq 1500.
12. In accordance with Env-Wt 307.03(g)(1), the person in charge of construction equipment shall inspect such equipment for leaking fuel, oil, and hydraulic fluid each day prior to entering surface waters or wetlands or operating in an area where such fluids could reach groundwater, surface waters, or wetlands.
13. In accordance with Env-Wt 307.03(g)(3) and (4), the person in charge of construction equipment shall maintain oil spill kits and diesel fuel spill kits, as applicable to the type(s) and amount(s) of oil and diesel fuel used, on site so as to be readily accessible at all times during construction; and train each equipment operator in the use of the spill kits.
14. In accordance with Env-Wt 307.03(g)(2), the person in charge of construction equipment shall repair any leaks prior to using the equipment in an area where such fluids could reach groundwater, surface waters, or wetlands.
15. In accordance with Env-Wt 307.03(h), equipment shall be staged and refueled outside of jurisdictional areas (unless allowed) and in accordance with Env-Wt 307.15.

#### MITIGATION

16. The permit is contingent on completing the restoration of shoreline as authorized in permit #2016-01460 or by providing a check in the amount of \$238,570.34 to the NHDES Aquatic Resource Mitigation Fund by the applicant as calculated per Env-Wt 803.07 and RSA 482-A:30.

17. The restoration work to be conducted shall be the responsibility of the applicant and coordinated with the City of Portsmouth. Funds for the restoration work shall be provided to the City prior to start of construction.
18. The applicant shall submit a Federal Mitigation Plan for review by NHDES and the US Army Corps of Engineers prior to start of construction to include a schedule for executing the restoration work under permit #2016-01460.
19. The ARM Fund payment of \$238,570.34 authorizes work included in this permit if the restoration work is not carried out. In accordance with Env-Wt 807.01(b), the payment shall be received by NHDES within 120 days from the approval decision or NHDES will deny the application.

#### EXPLANATION

The NHDES approved this project on November 22, 2021. The NHDES supported its decision with the following findings:

1. This is classified as a major project per Rule Env-Wt 609.11(b)(1), as the project is located in sand dunes, tidal wetlands, or bogs, and is not for repair of an existing structure pursuant to Env-Wt 609.10.
2. Per Rule Env-Wt 311.06(h), on October 25, 2021, the Portsmouth Conservation Commission provided comments on the proposed project, stating, "This Commission recommends approval of the cited project."
3. Per Rule Env-Wt 311.01(b), the applicant coordinated with the NH Fish and Game Department (NHF&G) and the Natural Heritage Bureau to determine how to avoid and minimize project-related impacts on rare or protected animal species and habitat.
4. Per Rule 606.05(d), the applicant coordinated with NHF&G and National Marine Fisheries for design recommendations or time of year restrictions in or near essential fish habitat.
5. Per Rule Env-Wt 603.09, on September 9, 2021, the applicant obtained a statement from the Pease Development Authority, Division of Ports and Harbors regarding the projects impact on navigation and passage stating, "[w]e examined the proposed site and found that the structure will have no negative effect on navigation in the channel."
6. Per Rule Env-Wt 306.05, the applicant has addressed all of the required planning items that are used to determine the appropriate impact classification of a project and the type of approval required.
7. Per Rule Env-Wt 313.01(a)(2), all applicable conditions specified in Env-Wt 307 have been met.
8. Per Rule Env-Wt 313.01(a)(3), all resource and project-specific criteria established in Env-Wt 600 have been met.
9. Per Rule Env-Wt 313.01(a)(5), and as required by RSA 482-A:11, II, this permit for work to dredge or fill will not 'infringe on the property rights or unreasonably affect the value or enjoyment of property of abutting owners'.
10. Per Rule Env-Wt 313.03(a) and (b), the applicant has demonstrated that potential impacts to jurisdictional areas have been avoided to the maximum extent practicable and that any unavoidable impacts have been minimized.
11. The industrial tidal dock project meets the criteria listed in Rule Env-Wt 606.13.

12. Per Rule Env-Wt 606.13(c), the applicant has submitted an expansion statement that addresses whether the facility is at capacity or has the physical space to expand operations in the future.
13. Per Rule Env-Wt 606.13(d), the applicant has identified all federal design standards from the U.S. Coast Guard, the U.S. Maritime Administration, and the Maritime Transportation System; and certified that the identified requirements have been met.
14. The tidal shoreline stabilization project meets the criteria established in Rule Env-Wt 609.01(a) through (e).
15. Per Rule Env-Wt 609.04(a), the applicant has demonstrated that a living shoreline is not practicable, and is not subject to Env-Wt 609.04(c).
16. Per Rule Env-Wt 609.07(a)(1), the applicant has demonstrated that anticipated turbulence, flows, restricted space, fetch, or similar factors render soft stabilization methods physically impractical, and natural areas or naturalized soft shoreline stabilization on neighboring properties will not be damaged by the placement of the proposed rip-rap.
17. The applicant has reviewed permittee-responsible options for mitigation. A nearby City parcel has been proposed for mitigation in the form of habitat improvement through restoration of a living shoreline. The parcel will restore tidal wetlands and upland tidal buffer zone previously filled and armored with rip-rap.
18. The applicant will provide funding to the living shoreline project prior to start of construction to the City of Portsmouth to continue and complete work authorized under NHDES permit #2016-1460. The completion of this effort will finish work that was started and will result in improved habitat for juvenile fish and invertebrates and facilitate saltmarsh migration landward over time.
19. The mitigation at the City parcel will be carried out according to NHDES permit #2016-01460.
20. If the applicant is unable to coordinate and complete the restoration of 600 linear feet of living shoreline, then a one-time payment to the Aquatic Resource Mitigation (ARM) fund of \$238,570.34 is required for the work authorized under this permit. The payment into the ARM fund shall be deposited in the NHDES fund for the Salmon Falls-Piscataqua Rivers watershed per RSA 482-A:29.
21. The funds provided by the applicant for the completion of the living shoreline restoration satisfies the NHDES mitigation requirement for the future deep water dredge work that has been estimated not to exceed 55,000 sq. ft. of tidal water impacts. That work would be required to be submitted in a new application for review and approval by the Department and federal agencies.
22. Per Rule Env-Wt 801.03, the applicant has considered permittee-responsible mitigation and proposes restoration to be carried out by NHDES permit #2016-01460 as described in the project narrative titled "Phase II Multi-Habitat Restoration at Cutts Cove, Portsmouth, NH".
23. Per Rule Env-Wt 803.10(e), the Department shall accept the mitigation proposal as the proposal meets the requirements of Env-Wt 803.10(b), and of Env-Wt 803.10(d)], and the mitigation type or combination of mitigation types listed in Rule Env-Wt 803.08(a) Table 800-1.
24. The Department decision is issued in letter form and upon transfer of funds or receipt of the ARM fund payment, the Department shall issue a posting permit in accordance with Env-Wt 803.11(c).
25. Per Rule Env-Wt 202.01(b) and as required by RSA 482-A:8, the NHDES finds that the requirements for a public hearing do not apply as the project will not have a significant environmental impact, as defined in New Hampshire Administrative Rule Env-Wt 104.19, on the resources protected by RSA 482-A, or, is not of substantial public interest, as defined in New Hampshire Administrative Rule Env-Wt 104.32.

His Excellency, Governor Christopher T. Sununu  
and The Honorable Council  
Page 5 of 5

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.

A handwritten signature in black ink, appearing to read "Robert R. Scott", written over a horizontal line.

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: **Geno Marconi**

TOWN NAME: **Portsmouth**

<b>RECEIVED</b> Administrative Use Only SEP 14 2021 LAND RESOURCES MANAGEMENT	<b>COMPLETE</b> Administrative Use Only SEP 14 2021	Administrative Use Only	File No: <b>2021-02950</b> Check No: <b>033496</b> Amount: <b>\$10,000.00</b> Initials: <b>PS</b>
--	---	-------------------------	--

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 Waiver Request Form.

**SECTION 1: REQUIRED PLANNING FOR ALL PROJECTS (Env-Wt 306.05; RSA 482-A:3-1(d)(2))**  
 Please use the Wetland Permit Planning Tool (WPPM), the Natural Heritage Bureau (NHB) Data Check Tool, the Aquatic Restoration Mapper, or other sources to assist in identifying key features such as priority resource areas (PRAs), protected species or habitats, coastal areas, designated rivers, or designated prime wetlands.

Has the required planning been completed?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does the property contain a PRA? If yes, provide the following information:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<ul style="list-style-type: none"> <li>• Does the project qualify for an Impact Classification Adjustment (e.g. NH Fish and Game Department (NHF&amp;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. <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></li> <li>• Protected species or habitat?                             <ul style="list-style-type: none"> <li>○ If yes, species or habitat name(s): <b>Atlantic Sturgeon, Shortnose Sturgeon, Eelgrass</b> <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></li> <li>○ NHB Project ID #: <b>NHB20-3736</b></li> </ul> </li> <li>• Bog? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></li> <li>• Floodplain wetland contiguous to a tier 3 or higher watercourse? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></li> <li>• Designated prime wetland or duly-established 100-foot buffer? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></li> <li>• Sand dune, tidal wetland, tidal water, or undeveloped tidal buffer zone? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></li> </ul>	
Is the property within a Designated River corridor? If yes, provide the following information:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> <li>• Name of Local River Management Advisory Committee (LAC): <b>n/a</b></li> <li>• A copy of the application was sent to the LAC on Month: <input type="checkbox"/> Day: <input type="checkbox"/> Year: <input type="checkbox"/></li> </ul>	

For dredging projects, is the subject property contaminated? • If yes, list contaminant: <u>n/a no dredging is proposed</u>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is there potential to impact impaired waters, class A waters, or outstanding resource waters?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
For stream crossing projects, provide watershed size (see WPPT or Stream Stats): <u>n/a</u>	
<b>SECTION 2: PROJECT DESCRIPTION (Env-Wt 311:04(i))</b> Provide a brief description of the project and the purpose of the project, outlining the scope of work to be performed and whether impacts are temporary or permanent. DO NOT reply. See attached, please use the space provided below.	
<p>The Pease Development Authority (PDA) Division of Ports and Harbors (DPH) is proposing the rehabilitation of the main wharf at the Market Street Marine Terminal in Portsmouth, New Hampshire.</p> <p>This project will consist of the following components:</p> <ul style="list-style-type: none"> <li>• Replacement of failed approach bridge</li> <li>• Construction of deck infill over the open area between the wharf and shore</li> <li>• Repair deteriorated caissons (install protective jackets and sacrificial anodes)</li> <li>• Repair deteriorated concrete superstructure elements</li> <li>• Drainage, grading, and repaving to tie into the deck infill.</li> </ul> <p>The proposed deck infill will result in the addition of 14,000 square feet of deck surface, considered to be a permanent impact to the river. The area of grading will result in slight modifications to existing grades within an area of 19,000 square feet, all of which is located within the developed tidal buffer zone. Additional riprap (340 sq ft) will be installed at the toe of existing riprap to further stabilize the shoreline.</p>	
<b>SECTION 3: PROJECT LOCATION</b> Separate wetland permit applications must be submitted for each municipality within which wetland impacts occur.	
ADDRESS: <u>Market Street Marine Terminal</u>	
TOWN/CITY: <u>Portsmouth</u>	
TAX MAP/BLOCK/LOT/UNIT: <u>Map 1-19/Lot 5</u>	
US GEOLOGICAL SURVEY (USGS) TOPO MAP WATERBODY NAME: <u>Piscataqua River</u>	
<input checked="" type="checkbox"/> N/A	
(Optional) LATITUDE/LONGITUDE in decimal degrees (to five decimal places): <u>43.08371° North</u> <u>70.76099° West</u>	

**SECTION 4 - APPLICANT (DESIRED PERMIT HOLDER) INFORMATION (Env. Wt. 311:04(a))**  
 If the applicant is a trust or a company, then complete with the trust or company information.

NAME: Marconi Genco NH Division of Ports and Harbors

MAILING ADDRESS: 555 Market Street

TOWN/CITY: Portsmouth STATE: NH ZIP CODE: 03801

EMAIL ADDRESS: marconi@peasedev.org

FAX:  PHONE: 436-8500

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

**SECTION 5 - AUTHORIZED AGENT INFORMATION (Env. Wt. 311:04(c))**  
 N/A

LAST NAME, FIRST NAME, M.I.: Perron, Christine

COMPANY NAME: McFarland Johnson, Inc

MAILING ADDRESS: 53 Regional Drive

TOWN/CITY: Concord STATE: NH ZIP CODE: 03301

EMAIL ADDRESS: cperron@mjinc.com

FAX:  PHONE: 225-2978

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

**SECTION 6 - PROPERTY OWNER INFORMATION (IF DIFFERENT THAN APPLICANT) (Env. Wt. 311:04(b))**  
 If the owner is a trust or a company, then complete with the trust or company information.  
 Same as applicant

NAME:

MAILING ADDRESS:

TOWN/CITY:  STATE:  ZIP CODE:

EMAIL ADDRESS:

FAX:  PHONE:

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



**SECTION 7- RESOURCE SPECIFIC CRITERIA ESTABLISHED IN Env-Wt 400, Env-Wt 500, Env-Wt 600, Env-Wt 700, OR Env-Wt 900 HAVE BEEN MET (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):

Env-Wt 400: Resources located within the proposed project area include the Piscataqua River, a tidal water with a Cowardin Classification of E1UBL. The total impact area of shading from deck infill will be approximately 14,000 square feet. The project is also located within a Priority Resource Area (PRA) including Tidal Waters and Floodplain Wetlands Adjacent to a Tier 3 Stream. Therefore, based on the impacts to a PRA the proposed project is classified as a Major impact project.

Env-Wt 500: The proposed work will address an existing, permanent commercial/industrial docking structure. Applicable conditions in Chapter 500 have been met. The work will also include the installation of additional riprap at the toe of an existing riprap slope. The high velocities of the river and industrial use of the site preclude the use of vegetative, bioengineered, or sem-natural alternatives to slope stabilization.

Env-Wt 600: All of the required information outlined in Env-Wt 600 has been provided with this application including a Coastal Functional Assessment and a Coastal Vulnerability Assessment. Please refer to the supporting documentation included with this permit application for additional information regarding coastal resources and tidal waters.

Env-Wt 700: Not Applicable - No Prime Wetlands located in the vicinity of the proposed project.

Env-Wt 900: Not Applicable - The proposed project does not involve any stream crossings.

**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 Avoidance and Minimization Checklist, the Avoidance and Minimization Narrative, 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.

**SECTION 9- MITIGATION REQUIREMENT (Env-Wt 311.02)**

If unavoidable jurisdictional impacts require mitigation, a mitigation pre-application meeting must occur at least 30 days but not more than 90 days prior to submitting this Standard Dredge and Fill Permit Application.

Mitigation Pre-Application Meeting Date: Month: 07 Day: 28 Year: 2021

N/A - Mitigation is not required.

**SECTION 10- 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:  I 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.

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 project is completed.

JURISDICTIONAL AREA		PERMANENT			TEMPORARY		
		SF	LF	ATF	SF	LF	ATF
Wetlands	Forested Wetland			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Scrub-shrub Wetland			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Emergent Wetland			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Wet Meadow			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Vernal Pool			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Designated Prime Wetland			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Duly-established 100-foot Prime Wetland Buffer			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
Surface Water	Intermittent / Ephemeral Stream			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Perennial Stream or River			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Lake / Pond			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Docking - Lake / Pond			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Docking - River			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
Banks	Bank - Intermittent Stream			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Bank - Perennial Stream / River			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Bank / Shoreline - Lake / Pond			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
Tidal	Tidal Waters	340	241	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Tidal Marsh			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Sand Dune			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Undeveloped Tidal Buffer Zone (TBZ)			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Previously-developed TBZ	19,000		<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
	Docking - Tidal Water	14,000		<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
<b>TOTAL</b>							

**SECTION 12 - APPLICATION FEE (RSA 482-A:341)**

<input checked="" type="checkbox"/> <b>MINIMUM IMPACT FEE:</b> Flat fee of \$400.
<input checked="" type="checkbox"/> <b>NON-ENFORCEMENT RELATED, PUBLICLY-FUNDED AND SUPERVISED RESTORATION PROJECTS, REGARDLESS OF IMPACT CLASSIFICATION:</b> Flat fee of \$400 (refer to RSA 482-A:3, 1(c) for restrictions).
<input checked="" type="checkbox"/> <b>MINOR OR MAJOR IMPACT FEE:</b> Calculate using the table below:
Permanent and temporary (non-docking): 19,340 SF × \$0.40 = \$ 7,736
Seasonal docking structure: SF × \$2.00 = \$
Permanent docking structure: 14,000 SF × \$4.00 = \$ 56,000
Projects proposing shoreline structures (including docks) add \$400 = \$ 400
Total = \$ 64,000
The application fee for minor or major impact is the above calculated total or \$400, whichever is greater = \$ 10,000

irm@des.nh.gov or (603) 271-2147

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

www.des.nh.gov

**SECTION 13 - PROJECT CLASSIFICATION (Env. Wt. 306:05)**  
 Indicate the project classification:

Minimum Impact Project     
  Minor Project     
  Major Project

**SECTION 14 - REQUIRED CERTIFICATIONS (Env. Wt. 311:11)**

Initial each box below to certify:

Initials:     
 To the best of the signer's knowledge and belief, all required notifications have been provided.

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:     
 The signer understands that:
 

- The submission of false, incomplete, or misleading information constitutes grounds for NHDES to:
  - Deny the application.
  - Revoke any approval that is granted based on the information.
  - If the signer is a certified wetland scientist, licensed surveyor, or professional engineer licensed to 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, currently RSA 641.
- 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, II.

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 - REQUIRED SIGNATURES (Env. Wt. 311:04(d); Env. Wt. 311:11)**

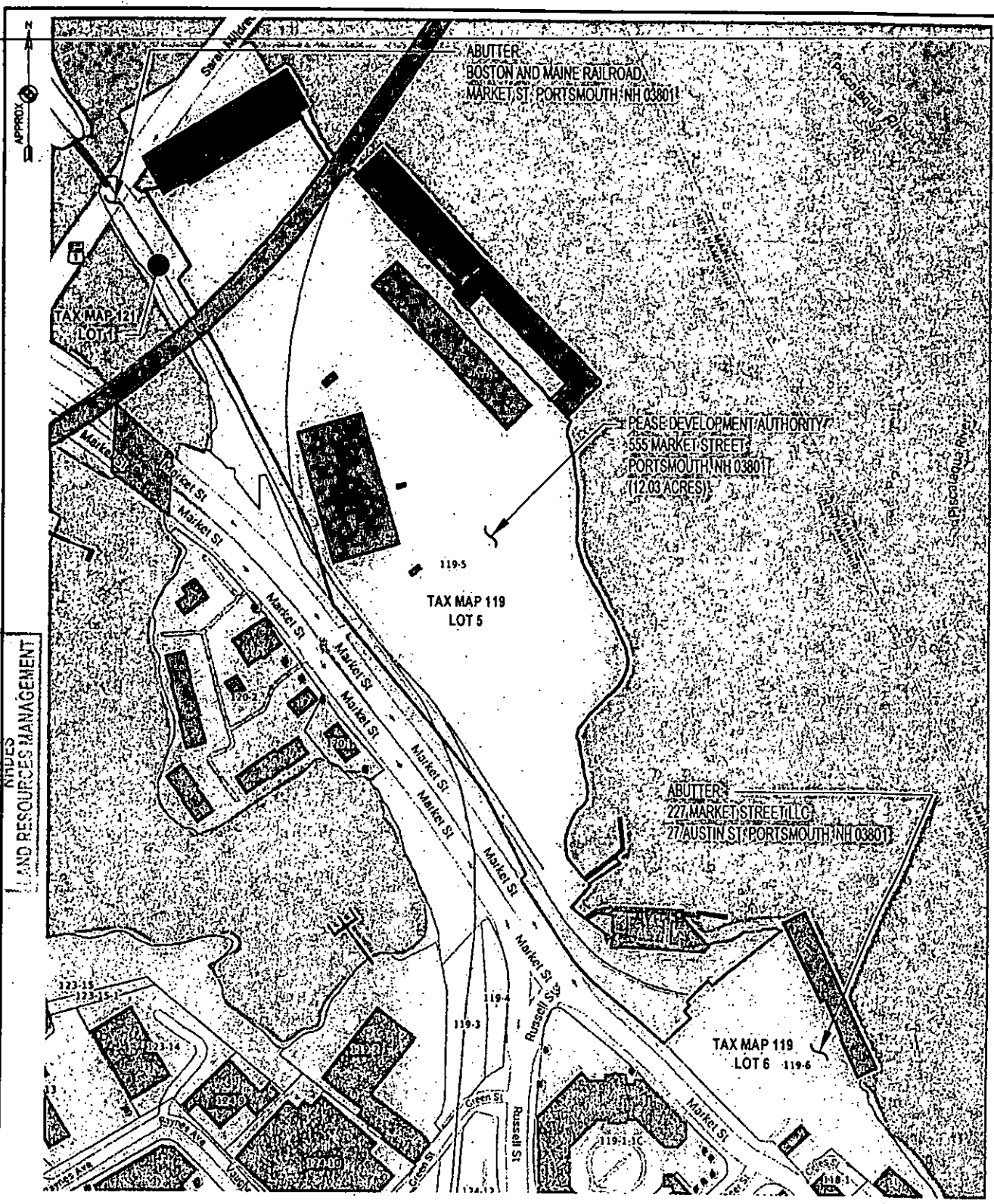
SIGNATURE (OWNER): 	PRINT NAME LEGIBLY: Geno Marconi	DATE: 9/20/21
SIGNATURE (APPLICANT, IF DIFFERENT FROM OWNER): 	PRINT NAME LEGIBLY: Geno Marconi	DATE: 
SIGNATURE (AGENT, IF APPLICABLE): 	PRINT NAME LEGIBLY: Christine Perron	DATE: 9/3/21

**SECTION 16 - TOWN/CITY CLERK SIGNATURE (Env. Wt. 311:04(f))**

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.

TOWN/CITY CLERK SIGNATURE: 	PRINT NAME LEGIBLY: Keith L. Barnaby
TOWN/CITY: <u>Portsmouth</u>	DATE: <u>9/13/2021</u>

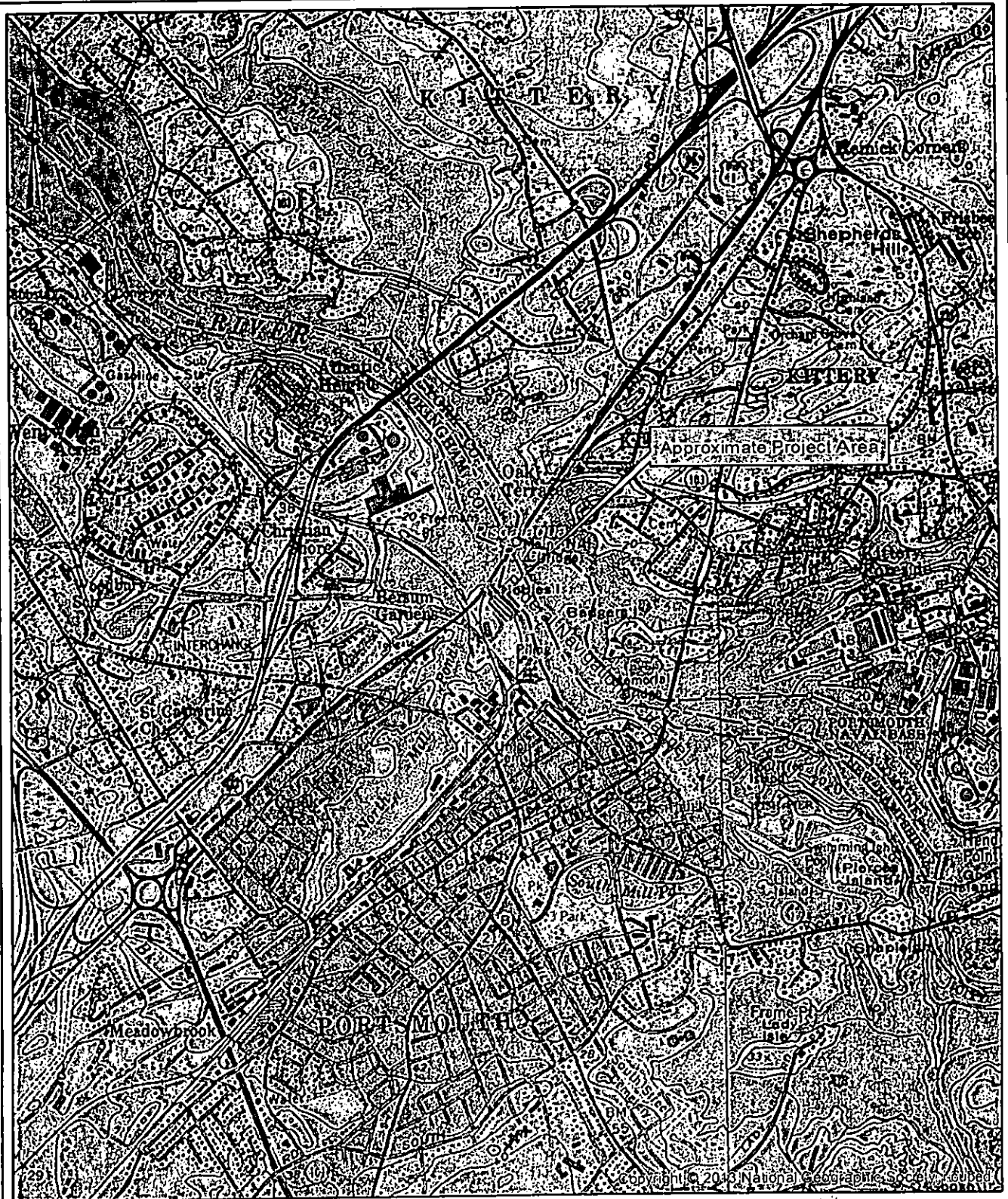
SEP 14 2021  
 LAND RESOURCES MANAGEMENT



REFERENCE: GOOGLE AppGEO 2021  
 NOTE: PROPERTY DATA UPDATED 7/17/2019

GRAPHIC SCALE 0 250' 500' 	DATE AUGUST 2021	Appledore Marine Engineering, LLC	PEASE DEVELOPMENT AUTHORITY DIVISION OF PORTS AND HARBORS	
			MARKET STREET MARINE TERMINAL PORTSMOUTH, NH MAIN WHARF REHABILITATION TAX MAP	FIG. NO. 2

J:\18395.02 Appledore BUILD Permitting\Draw\GIS\Location.mxd



PEASE DEVELOPMENT AUTHORITY  
MAIN PIER REHABILITATION

**LOCATION MAP**

SCALE: AS SHOWN	DATE: JANUARY 2021	FIGURE: 1
--------------------	-----------------------	--------------

 **McFarland Johnson**

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

**Memo**

NH Natural Heritage Bureau  
NHB Datacheck Results Letter

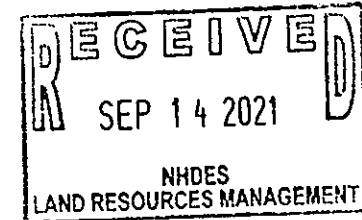
To: Jordan Tate, McFarland Johnson  
5 Depot Street  
Suite 25  
Freeport, ME 04032

From: Amy Lamb, NH Natural Heritage Bureau

Date: 1/7/2021 (valid until 01/07/2022)

Re: Review by NH Natural Heritage Bureau

Permits: NHDES - Other Permit, NHDES - Wetlands Permit, NHDOT - Unknown - NH DOT



NHB ID: NHB20-3736                      Town: Portsmouth                      Location: Tax Maps: 0119-0005-0000  
Description: The Pease Development Authority Division of Ports and Harbors (PDA -DPH) is proposing to rehabilitate the main wharf at the Market Street Terminal through a US Department of Transportation Better Utilizing Investments to Leverage Development (BUILD) grant. The rehabilitation will include the following:  
? Repairing deteriorated caissons and concrete superstructure elements of existing wharf  
? Resurfacing concrete deck of existing wharf  
? Recoating portions of the steel sheet bulkhead  
? New decking over the open water area between the main wharf and the shore  
? Replacing the collapsed bridge adjacent to the open water area  
? Miscellaneous top of deck repairs

cc: Kim Tuttle

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

Comments NHB: Contact NHB if there will be impacts to eelgrass beds (e.g., from anchoring barges to complete the work).  
F&G: Contact Kim Tuttle (cc'd) to address wildlife concerns.

Natural Community	State <sup>1</sup>	Federal	Notes
Eelgrass bed	--	--	
Vertebrate species	State <sup>1</sup>	Federal	Notes

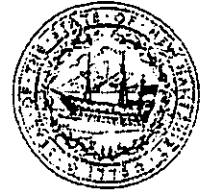
Department of Natural and Cultural Resources  
Division of Forests and Lands  
(603) 271-2214 fax 271-6488

DNCR/NHB  
172 Pembroke Rd.  
Concord, NH 03301



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](mailto:pamela.g.monroe@des.nh.gov), or (603) 271-3137.



# CITY OF PORTSMOUTH

Community Development Department  
(603) 610-7281

Planning Department  
(603) 610-7216

## CONSERVATION COMMISSION

October 14, 2021

TO: DES Wetlands – Coastal Region  
222 International Drive, Suite 175  
Portsmouth, NH 03801

Attn: Permit Coordinator

RE: Standard Dredge and Fill Application

MEETING DATE: October 13, 2021

CONSTRUCTION SITE: 555 Market Street (Market Street Marine Terminal)

This Commission recommends approval of the cited project.

This Commission requests the statutory 40-day delay in order to allow for further investigation of the project. (See below)


This Commission recommends denial of the cited project for the reasons.

Other

After due deliberation, The Conservation Commission voted (6-0) to recommend **approval** of the application to the State Wetlands Bureau.

FOR THE COMMISSION:

Sincerely,

 for Samantha Collins

Samantha Collins, Vice-Chair  
Conservation Commission

**RECEIVED**

OCT 25 2021

ENVIRONMENTAL SERVICES  
"BY NH DES WETLANDS BUREAU"

cc: Peter Britz, Environment Planner/Sustainability Coordinator  
Geno Marconi, Director of Ports and Harbors, NH Division of Ports and Harbors  
Christine Perron, Senior Environmental Analyst, McFarland-Johnson, Inc.



RECEIVED  
 SEP 14 2021  
 NHDPS  
 LAND RESOURCES MANAGEMENT

U.S. Postal Service  
**CERTIFIED MAIL® RECEIPT**  
 Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)

Official Use

Carried Mail Fee \$3.75

Postage \$10.58

Total Postage and Fees \$14.33

Sent to: 227 North Street LLC  
 27 North Street  
 Portsmouth, NH 03801

USPS 03301-9998  
 SEP 08 2021  
 PORTSMOUTH, NH

Return Receipt (hardcopy)   
 Return Receipt (electronic)   
 Certified Mail Restricted Delivery   
 Adult Signature Required   
 Adult Signature Restricted Delivery

U.S. Postal Service  
**CERTIFIED MAIL® RECEIPT**  
 Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)

Official Use

Carried Mail Fee \$3.75

Postage \$10.58

Total Postage and Fees \$14.33

Sent to: 100 Iron Horse Park  
 Boston and Maine Railroad  
 N. Billerica, MA 01862

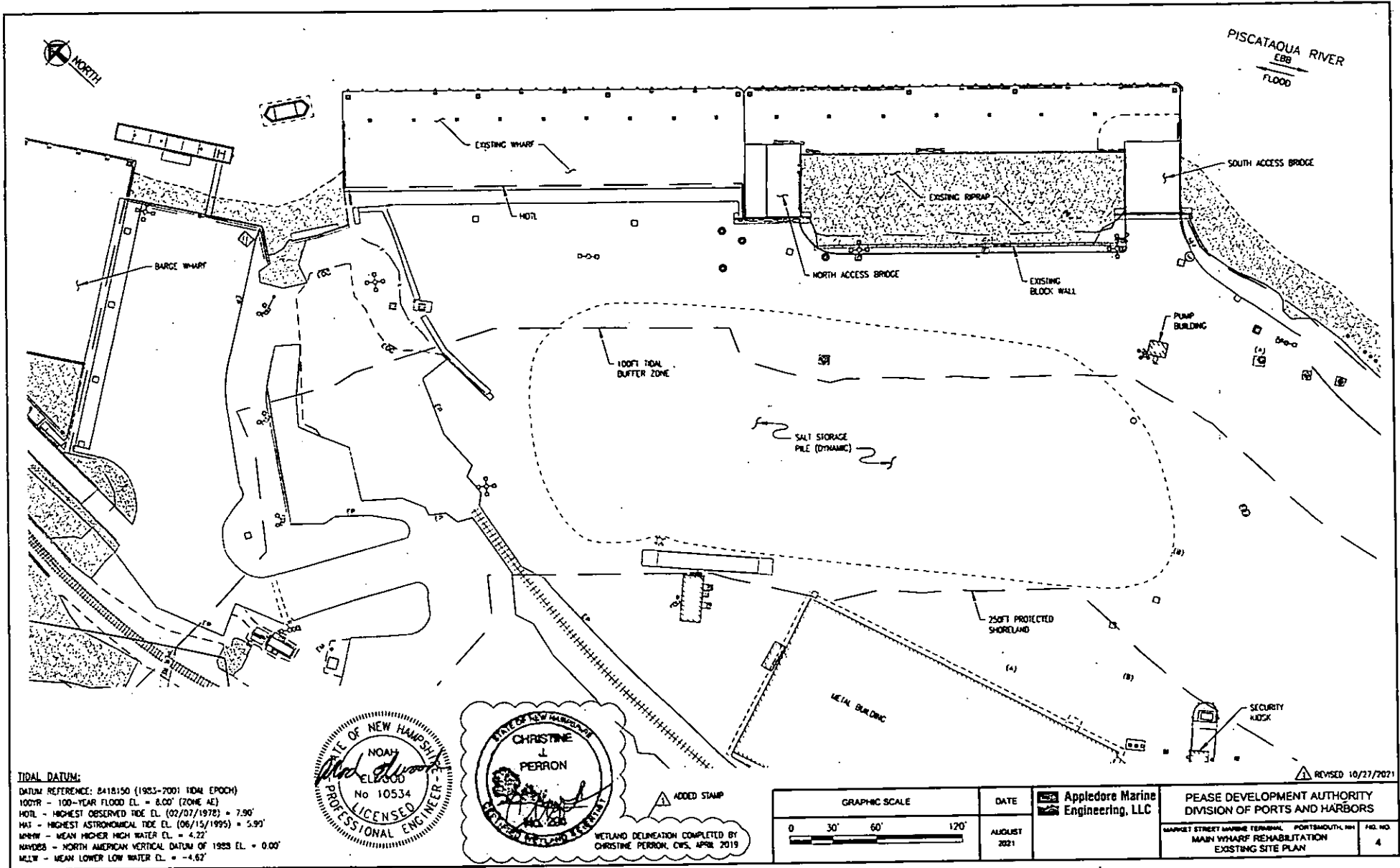
USPS 03301-9998  
 SEP 08 2021  
 PORTSMOUTH, NH

Return Receipt (hardcopy)   
 Return Receipt (electronic)   
 Certified Mail Restricted Delivery   
 Adult Signature Required   
 Adult Signature Restricted Delivery

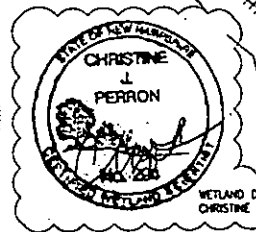
2019 1120 0001 2177 9646

2019 1120 0001 2177 9639



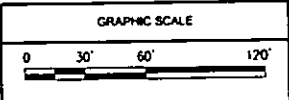


**TIDAL DATUM:**  
 DATUM REFERENCE: 8418150 (1983-2001 IGM EPOCH)  
 100YR - 100-YEAR FLOOD EL. = 8.00' (ZONE AE)  
 HOHL - HIGHEST OBSERVED TIDE EL. (02/07/1978) = 7.90'  
 HAT - HIGHEST ASTRONOMICAL TIDE EL. (06/15/1995) = 5.99'  
 MHHW - MEAN HIGHER HIGH WATER EL. = 4.72'  
 MHWDS - NORTH AMERICAN VERTICAL DATUM OF 1928 EL. = 0.00'  
 MLLW - MEAN LOWER LOW WATER EL. = -4.62'



WETLAND DELINEATION COMPLETED BY  
 CHRISTINE PERRON, CWS, APRIL 2019

ADDED STAMP



DATE  
 AUGUST  
 2021

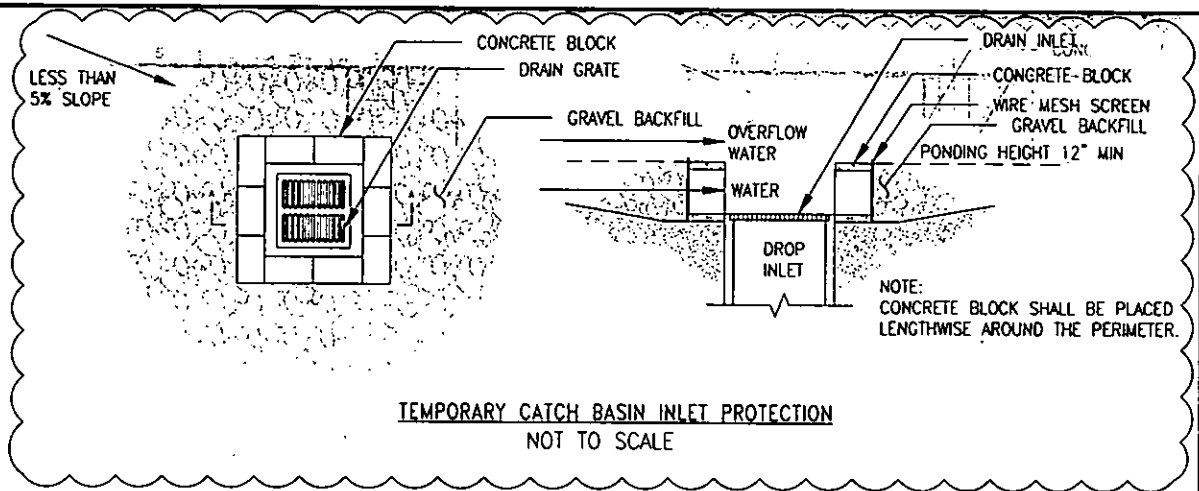
Appledore Marine  
 Engineering, LLC

PEASE DEVELOPMENT AUTHORITY  
 DIVISION OF PORTS AND HARBORS  
 MARKET STREET MARINE TERMINAL, PORTSMOUTH, NH  
 MAIN WHARF REHABILITATION  
 EXISTING SITE PLAN

FIG. NO.  
 4

REVISED 10/27/2021

FEDERAL CHANNEL LIMIT



TEMPORARY CATCH BASIN INLET PROTECTION  
NOT TO SCALE

1 ADDED DETAIL

