



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

Thomas S. Burack, Commissioner



May 04, 2015

Her Excellency, Governor Margaret Wood Hassan
and The Honorable Council
State House
Concord, NH 03301

REQUESTED ACTION

Approve the NH Department of Resources & Economic Development's request to perform the following work on Echo Lake, in Franconia. File # 2015-00361. This project will not have significant impact on or adversely affect the values of Echo Lake.

Dredge and fill 4,495 sq. ft. for changes to an existing dam to allow snowmaking improvements at Cannon Mountain Ski Area. Impacts in jurisdiction are as follows: dredge 91 cu. yds. of material from 2,770 sq. ft. of the bed of Echo Lake for the installation of a pipe and concrete intake structure; and, impact 1,595 sq. ft. of scrub shrub wetland and 130 sq. ft. of perennial stream for the construction of a new outfall and spillway.

The Department imposed the following conditions as part of this approval:

1. All work shall be in accordance with plans by Horizons Engineering, Inc. entitled Franconia Ski Club: Echo Lake Dam Design and Permitting (Sheets C-3, C-4 and C-5) as received by DES on March 31, 2015.
2. The applicant shall coordinate and obtain approval from the New Hampshire Natural Heritage Bureau prior to construction.
3. This work is contingent on approval of the modifications to the dam structures by the DES Dam Safety Program.
4. A qualified professional shall monitor the project during construction to assure it is constructed in accordance with the approved plans and narratives and to assure no water quality violations occur.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized.
7. There shall be no excavation or operation of construction equipment in flowing waters.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.

DES Web site: www.des.nh.gov

P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095

Telephone: (603) 271-3501 • Fax: (603) 271-6683 • TDD Access: Relay NH 1-800-735-2964

10. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in their use.
11. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
12. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas 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 3:1.
13. 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.
14. 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.
15. 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).
16. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.
17. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

EXPLANATION

The DES Wetlands Bureau approved this project on April 02, 2015. DES supported its decision with the following findings:

1. This is a major project per Administrative Rule Env-Wt 303.02 (g), removal of more than 20 cu. yards of rock, gravel, sand, mud, or other material from public waters.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. 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.
4. The proposed project is needed to comply with conditions of NHDES Water Quality Certification WQC#2013-404P-001 to withdraw water from Echo Lake for increased snowmaking.
5. NHDES Water Quality Certification (WQC#2013-404P-001) allows the water level in the lake to be drawn down to an elevation of 1928.24 during snowmaking withdrawals if the lake is drained and maintained at that elevation in the fall (no earlier than October 15th) so that organisms establish their hibernation based on the lower lake level.
6. The current concrete spillway does not have the capability to allow the lake level to be lowered in the fall.

7. The proposed wetland impacts relate to making changes to the dam to allow the fall drawdown and also maintain a minimum flow of 0.5 c.f.s to maintain the biological integrity within the outlet tributary.
8. Burial of the proposed intake pipe will allow the pipe to achieve the required grade, protect the pipe in shallow water, and reduce visual impacts.
9. The proposed intake pipe will provide the required minimal flow in the tributary during times when the drawdown does not allow flow over the spillway.
10. In a memorandum dated April 20, 2014 the Wetlands Bureau Administrator stated that he would not expect any significant impacts to the wetlands system at the southern end of Echo Lake due to the proposed manipulation of the water surface elevation.
11. No vernal pools were found in or adjacent to the work area.
12. In an e-mail dated January 28, 2015 the NH Natural Heritage Bureau recommended a survey for the plant species listed in the review. The survey would only need to focus on areas that would be impacted by the project.
13. The Natural Heritage Bureau has requested a plant survey of the construction site for the plant species listed in NHB14-5018.
14. This permit is conditioned upon the applicant coordinating and obtaining approval from the New Hampshire Natural Heritage Bureau prior to construction.
15. No comments were submitted from the Conservation Commission.

Application file documents are being forwarded to the Governor and 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 submit this request for your consideration.


Thomas S. Burack
Commissioner



WETLANDS PERMIT APPLICATION

Water Division/ Wetlands Bureau
Land Resources Management

Check the status of your application: <http://des.nh.gov/onestop>



RSA/Rule: Env-Wq 100-900

	<p>COMPLETE</p> <p>FEB 17 2014</p>	2015-00361
		1086
		\$899.00
		DB

1. REVIEW TIME:

Indicate your Review Time below. Refer to Guidance Document A for instructions.

Standard Review (Minimum, Minor or Major Impact)

Expedited Review (Minimum Impact only)

2. PROJECT LOCATION:

Separate applications must be filed with each municipality that jurisdictional impacts will occur in.

ADDRESS: **Cannon Mt. State Park**

TOWN/CITY: **Franconia**

TAX MAP: **36**

BLOCK:

LOT: **5**

UNIT:

USGS TOPO MAP WATERBODY NAME: **Echo Lake**

NA

STREAM WATERSHED SIZE: **0.5sq.mi.**

NA

LOCATION COORDINATES (If known): **611734N 977089E**

State Plane

Latitude/Longitude UTM

3. PROJECT DESCRIPTION:

Provide a brief description of the project outlining the scope of work. Attach additional sheets as needed to provide a detailed explanation of your project. DO NOT reply "See Attached" in the space provided below.

This application is for wetland impacts related to snowmaking improvements at the state owned Cannon Mt. Ski Area in Franconia State Park, specifically changes to the existing dam on Echo Lake required by conditions of the NHDES Water Quality permit received for this project. (WQC #2013-404P-001). Total wetland impacts will be 4,495 square feet for construction of a new spillway and pipe into Echo Lake.

4. RELATED PERMITS, ENFORCEMENT, EMERGENCY AUTHORIZATION, SHORELAND, ALTERATION OF TERRAIN, ETC...

WQC # 2013-404P-001; Wetlands Permit #2013-01564; DES AoT #0622

5. NATURAL HERITAGE BUREAU & DESIGNATED RIVERS:

See the Instructions & Required Attachments document for instructions to complete a & b below.

a. Natural Heritage Bureau File ID: NHB 14 - 5018

b. Designated River the project is in 1/4 miles of _____; and
date a copy of the application was sent to Local River Advisory Committee: Month: ___ Day: ___ Year: ___

NA

LAST NAME, FIRST NAME, M.I.: NH DRED			
TRUST / COMPANY NAME: Franconia Notch State Park		MAILING ADDRESS: 9 Franconia Notch Parkway	
TOWN/CITY: Franconia		STATE: NH	ZIP CODE: 03580
EMAIL or FAX: 603-823-8088		PHONE: 603-823-7722	

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

7. PROPERTY OWNER INFORMATION (If different than applicant)

LAST NAME, FIRST NAME, M.I.:			
TRUST / COMPANY NAME:		MAILING ADDRESS:	
TOWN/CITY:		STATE:	ZIP CODE:
EMAIL or FAX:		PHONE:	

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

8. AUTHORIZED AGENT INFORMATION

LAST NAME, FIRST NAME, M.I.: Lobdell, Raymond		COMPANY NAME: Lobdell Associates Inc.	
MAILING ADDRESS: 88 Gale Chandler Road			
TOWN/CITY: Landaff		STATE: NH	ZIP CODE: 03585
EMAIL or FAX: raylobdell@gmail.com		PHONE: 603-838-6880	

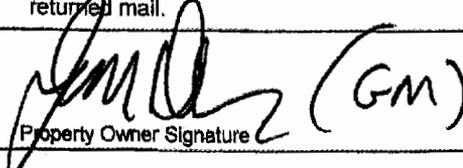
ELECTRONIC COMMUNICATION: By initialing here _____, I hereby authorize DES to communicate all matters relative to this application electronically

9. PROPERTY OWNER SIGNATURE:

See the Instructions & Required Attachments document for clarification of the below statements

By signing the application, I am certifying that:

1. I authorize the applicant and/or agent indicated on this form to act in my behalf in the processing of this application, and to furnish upon request, supplemental information in support of this permit application.
2. I have reviewed and submitted information & attachments outlined in the Instructions and Required Attachment document.
3. All abutters have been identified in accordance with RSA 482-A:3, I and Env-Wt 100-900.
4. I have read and provided the required information outlined in Env-Wt 302.04 for the applicable project type.
5. I have read and understand Env-Wt 302.03 and have chosen the least impacting alternative.
6. Any structure that I am proposing to repair/replace was either previously permitted by the Wetlands Bureau or would be considered grandfathered per Env-Wt 101.47.
7. I have submitted a Request for Project Review (RPR) Form (www.nh.gov/nhdhr/review) to the NH State Historic Preservation Officer (SHPO) at the NH Division of Historical Resources to be reviewed for the presence of historical/ archeological resources.
8. I authorize DES and the municipal conservation commission to inspect the site of the proposed project.
9. I have reviewed the information being submitted and that to the best of my knowledge the information is true and accurate.
10. I understand that the willful submission of falsified or misrepresented information to the New Hampshire Department of Environmental Services is a criminal act, which may result in legal action.
11. I am aware that the work I am proposing may require additional state, local or federal permits which I am responsible for obtaining.
12. The mailing addresses I have provided are up to date and appropriate for receipt of DES correspondence. DES will not forward returned mail.

 Property Owner Signature	John M. DeVivo Print name legibly (GM)	1/28/15 Date
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shoreland@des.nh.gov or (603) 271-2147
 NHDES Wetlands Bureau, Concord, NH 03303-0095
www.des.nh.gov

MUNICIPAL SIGNATURES

10. 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.

<input style="width: 100%; height: 100%;" type="text"/>	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. The Conservation Commission signature should be obtained **prior** to the submittal of the original application and four copies to the town/city clerk for mailing to the DES.
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 reviewed in the standard review time frame.

11. 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.

<input style="width: 100%; height: 100%;" type="text"/>	Print name legibly	Town/City	Date
---------------------------------------------------------	--------------------	-----------	------

DIRECTIONS FOR TOWN/CITY CLERK:

Per RSA 482-A:3,1

1. For applications where "Expedited Review" is checked on page 1, sign and accept the applications **only** if the Conservation Commission signature has been received;
2. **IMMEDIATELY** sign the original application form and four copies in the signature space provided above;
3. Return the signed original application form and attachments to the applicant so that the applicant may submit the application form and attachments to NHDES by mail or hand delivery.
4. **IMMEDIATELY** distribute a copy of the application with one complete set of attachments to each of the following bodies: the municipal Conservation Commission, the local governing body (Board of Selectmen or Town/City Council), and the Planning Board; and
5. Retain one copy of the application form and one complete set of attachments and make them reasonably accessible for public review.

DIRECTIONS FOR APPLICANT:

1. Submit the 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.

12. IMPACT AREA:

For each jurisdictional area that will be/has been impacted, provide square feet and, if applicable, linear feet of impact

Permanent: impacts that will remain after the project is complete.

Temporary: impacts not intended to remain (and will be restored to pre-construction conditions) after the project is complete.

JURISDICTIONAL AREA	PERMANENT Sq. Ft. / Lin. Ft.	<input type="checkbox"/> ATF	TEMPORARY Sq. Ft. / Lin. Ft.	<input type="checkbox"/> ATF
Forested wetland		<input type="checkbox"/> ATF		<input type="checkbox"/> ATF
Scrub-shrub wetland	1595	<input type="checkbox"/> ATF		<input type="checkbox"/> ATF
Emergent wetland		<input type="checkbox"/> ATF		<input type="checkbox"/> ATF
Wet meadow		<input type="checkbox"/> ATF		<input type="checkbox"/> ATF
Intermittent stream		<input type="checkbox"/> ATF		<input type="checkbox"/> ATF
Perennial Stream / River	85 / 15	<input type="checkbox"/> ATF	/	<input type="checkbox"/> ATF
Lake / Pond	2770 /	<input type="checkbox"/> ATF	/	<input type="checkbox"/> ATF
Bank - Intermittent stream	/	<input type="checkbox"/> ATF	/	<input type="checkbox"/> ATF
Bank - Perennial stream / River	45 / 30	<input type="checkbox"/> ATF	/	<input type="checkbox"/> ATF
Bank - Lake / Pond	/	<input type="checkbox"/> ATF	/	<input type="checkbox"/> ATF
Tidal water	/	<input type="checkbox"/> ATF	/	<input type="checkbox"/> ATF
Salt marsh		<input type="checkbox"/> ATF		<input type="checkbox"/> ATF
Sand dune		<input type="checkbox"/> ATF		<input type="checkbox"/> ATF
Prime wetland		<input type="checkbox"/> ATF		<input type="checkbox"/> ATF
Prime wetland buffer		<input type="checkbox"/> ATF		<input type="checkbox"/> ATF
Undeveloped Tidal Buffer Zone (TBZ)		<input type="checkbox"/> ATF		<input type="checkbox"/> ATF
Previously-developed upland in TBZ		<input type="checkbox"/> ATF		<input type="checkbox"/> ATF
Docking - Lake / Pond		<input type="checkbox"/> ATF		<input type="checkbox"/> ATF
Docking - River		<input type="checkbox"/> ATF		<input type="checkbox"/> ATF
Docking - Tidal Water		<input type="checkbox"/> ATF		<input type="checkbox"/> ATF
TOTAL	4495 / 45		/	

13. APPLICATION FEE: See the Instructions & Required Attachments document for further instruction

Minimum Impact Fee: Flat fee of \$ 200

Minor or Major Impact Fee: Calculate using the below table below

Permanent and Temporary (non-docking) 4495 sq. ft. X \$0.20 = \$ 899.00

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

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

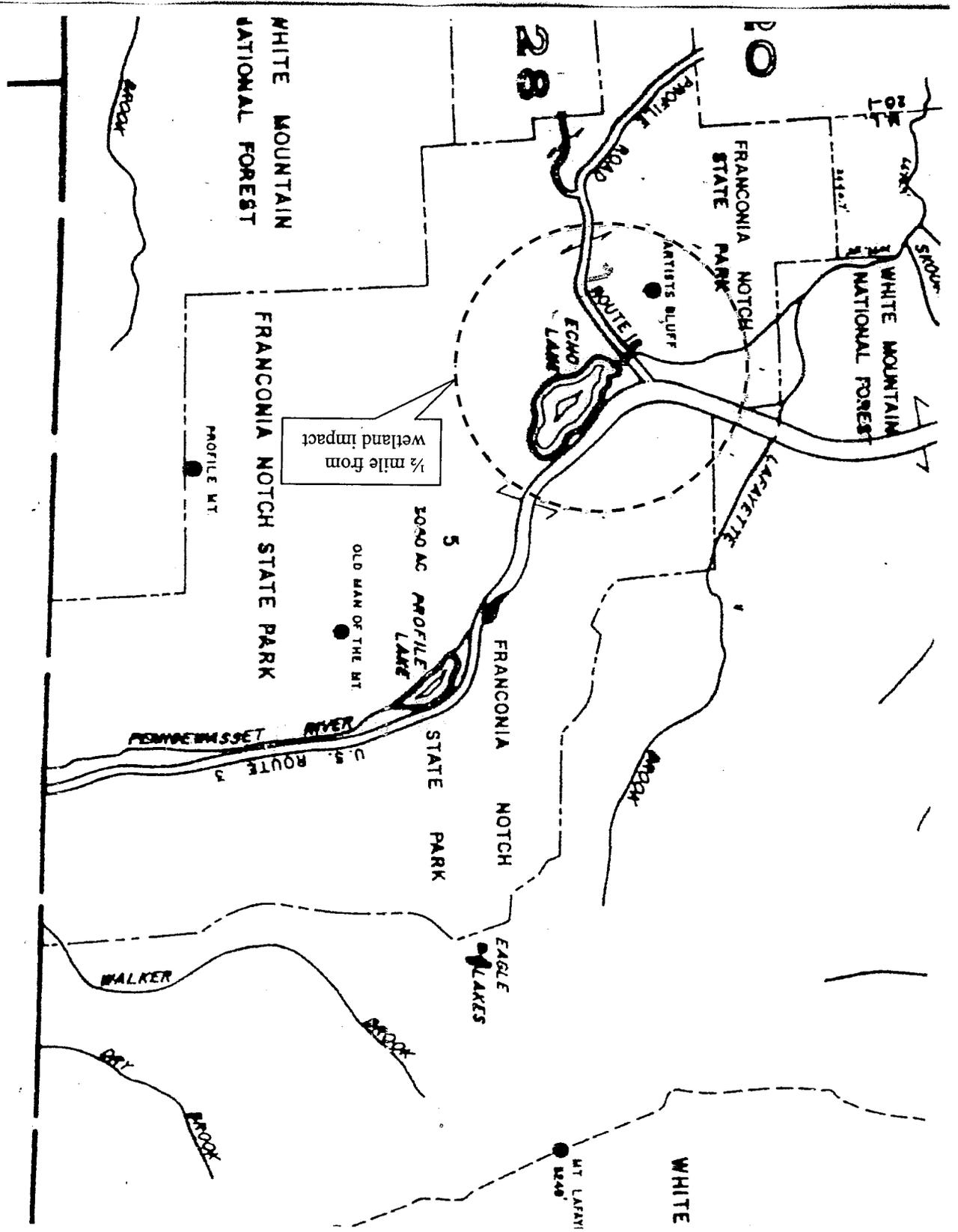
Projects proposing shoreline structures (including docks) add \$200 = \$

Total = \$ 899.00

The Application Fee is the above calculated Total or \$200, whichever is greater = \$ 899.00

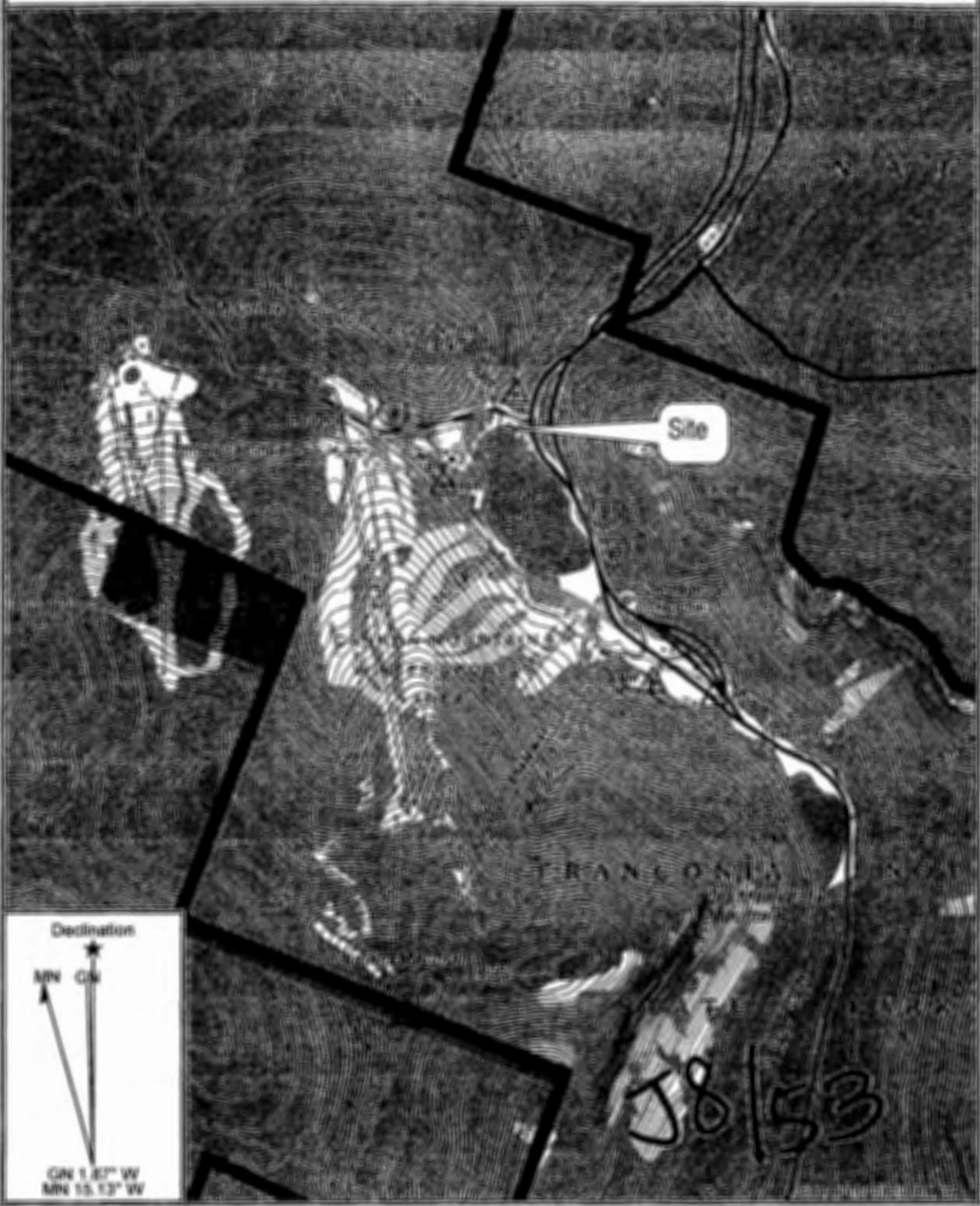
ATTACHMENT L
 FRANCONIA TAX MAP 36 (PORTION)

NTS

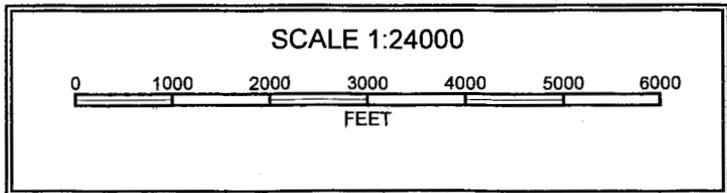


Map Name: FRANCONIA
Print Date: 01/26/15
Scale: 1 inch = 2,000 ft.
Map Center: 610040 R. N, 976905 R. E

Horizontal Datum: NAD83



Location Map



Memo



NH NATURAL HERITAGE BUREAU
NHB DATACHECK RESULTS LETTER

To: Raymond Lobdell
88 Gale Chandler Road
Landaff, NH 03585

From: Melissa Coppola, NH Natural Heritage Bureau
Date: 1/6/2015 (valid for one year from this date)

Re: Review by NH Natural Heritage Bureau

NHB File ID: NHB14-5018

Town: Franconia

Location: Tax Maps: 28-3 and 36-5

Description: To alter the Echo Lake Dam at Franconia State Park in order to comply with NHDES conditions for snowmaking for the revamped trails at Mittersill, previously permitted.

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

Comments: Both plant records are historical. An on-site survey for these species would provide more current information on their presence or absence currently at this site.

Plant species	State ¹	Federal	Notes
Lake quillwort (<i>Isoetes lacustris</i>) [*]	E	--	Threats to aquatic species include changes in water quality, e.g., due to pollution and stormwater runoff, and significant changes in water level.
Marsh Horsetail (<i>Equisetum palustre</i>) [*]	E	--	This wetland species, which occurs in marshes and wet meadows, would be threatened by changes to local hydrology, including increased nutrient input from stormwater runoff, and sedimentation from nearby disturbance. It also occurs on river and streambanks, where the primary threats would be direct destruction of plants or their habitat.

¹Codes: "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 information gathered by qualified biologists and reported to our office. However, many areas have never been surveyed, or have only been surveyed for certain species. An on-site survey would provide better information on what species and communities are indeed present.

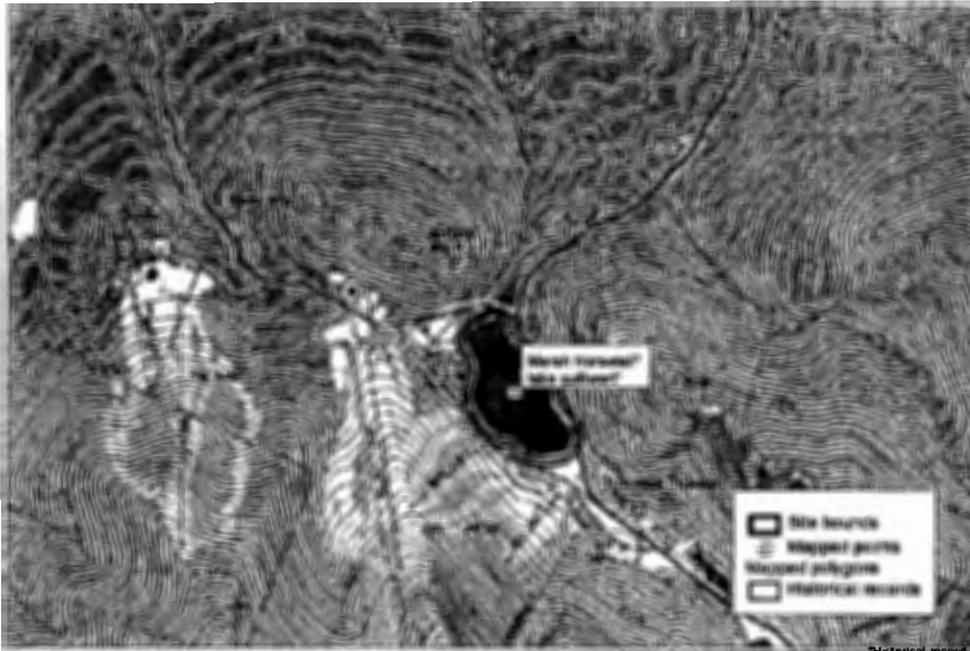
Department of Resources and Economic Development
Division of Forests and Lands
(603) 271-2214 fax: 271-6488

DRED/NHB
PO Box 1856
Concord NH 03302-1856



Known locations of rare species and exemplary natural communities

Note: Mapped locations are not always exact. Occurrences that are not in the vicinity of the project are not shown.



1:10000

Valid for one year from this date: 05 Jan 2015

NHB14-5018

NOCD02: 233Q00000*011*NH

New Hampshire Natural Heritage Bureau - Plant Record

Marsh Horsetail (*Equisetum palustre*)

Legal Status		Conservation Status	
Federal:	Not listed	Global:	Demonstrably widespread, abundant, and secure
State:	Listed Endangered	State:	Critically imperiled due to rarity or vulnerability
Description at this Location			
Conservation Rank:	Historical records only - current condition unknown.		
Comments on Rank:			
Detailed Description:	1953: Found washed up on sandy shore.		
General Area:	1953: Sandy lakeshore.		
General Comments:			
Management:			
Comments:			
Location			
Survey Site Name:	Echo Lake		
Managed By:	Francois Notch State Park		
County:	Crafton	USGS quad(s):	Franconia (4107126)
Town(s):	Franconia	Lat. Long:	441032N, 0714433W
Size:	48.6 acres	Elevation:	1966 feet
Precision:	Within 1.5 miles of the area indicated on the map (location information is vague or uncertain).		
Dissections: Franconia.			
Dates Documented			
First reported:	1953-09-27	Last reported:	1953-09-27