



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



31

Robert R. Scott, Commissioner

September 24, 2018

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

SEP26'18 13.26 DAS

REQUESTED ACTION

Approve the NH Dept. of Transportation's request to perform the following work on the Piscataqua River, in Portsmouth. File # 2018-01258. This project will not have significant impact on or adversely affect the values of the Piscataqua River.

Install a tidal docking structure consisting of a 4 foot wide x 16 foot aluminum gangway to a floating dock consisting of four 8 foot wide x 20 foot long timber segments adjacent to three pilings on 1,300 feet of shoreline frontage on the Piscataqua River to provide a functional replacement of the NH Port Authority docking facilities impacted by the installation of the new Sarah Mildred Long Bridge. NHDOT project 15731

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:
 - a. Plans by McFarland Johnson for the NH Dept. of Transportation Bureau of Highway Design dated January 2014, with Revision Date April 25, 2018, as received by the NHDES Wetlands Bureau on May 3, 2018 and;
 - b. Plans by Appledore Marine Engineering, LLC dated November 12, 2014, as received by the NHDES Wetlands Bureau on May 3, 2018.
2. This permit shall not be effective until recorded at the Rockingham County Registry of Deeds office by the permittee per RSA 482-A:3, VI. A copy of the recorded permit shall be submitted to the NHDES Wetlands Bureau prior to the commencement of construction.
3. Any future work in jurisdiction as specified in RSA 482-A on this property will require a new application and approval by the NHDES Wetlands Bureau.
4. 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.
5. Appropriate turbidity/siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain in place until the area is stabilized. Temporary controls shall be removed once the area has been stabilized.
6. Construction of the dock shall occur from land, or from a barge and crane if land-based construction is not feasible, to reduce potential impacts to the intertidal zone.
7. Pile driving or pile removal work shall be done during low tide.

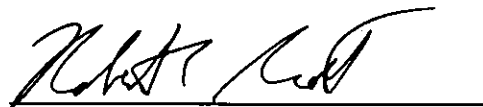
EXPLANATION

The NHDES Wetlands Bureau approved this project on August 23, 2018. The NHDES supported its decision with the following findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(a), projects in sand dunes, tidal wetlands, or bogs, except for the repair of existing structures pursuant to Env-Wt 303.04(v).
2. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The dock is the minimum length necessary to provide access to the water at this location.
3. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project.
4. The project meets the design specified in rule Env-Wt 606.03 Piers, Docks, Wharves, and Floats Criteria.
5. This application is also for after-the-fact impacts (5 square feet) associated with the installation of guide piles needed for the floating dock. The guide piles were installed prior to March 15, 2018 in order to ensure their completion prior to the end of the in-water work window required for the related project constructing the new Sarah Mildred Long Bridge, permit 2014-01053.
6. The majority of the gangway and floating dock system is above the fill recently placed during the replacement of the boat ramp constructed under permit 2014-01053.
7. 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 not of substantial public interest, and will not have a significant impact on or adversely affect the values of the estuarine resource, as identified under RSA 482-A:1.

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.



Robert R. Scott
Commissioner



WETLANDS PERMIT APPLICATION

Water Division/ Wetlands Bureau
Land Resources Management



Check the status of your application: www.des.nh.gov/onestop

| | | | |
|--|---|-------------------------|------------|
| RECEIVED MAY 03 2018 Administrative Use NPDES LAND RESOURCES MANAGEMENT | COMPLETE MAY 03 2018 Administrative Use Only | Administrative Use Only | 2018-01258 |
| | | | V528818 |
| | | | \$566.00 |
| | | | LSL |

1. REVIEW TIME: Indicate your Review Time below. To determine review time, refer to Guidance Document A for instructions.

☒ Standard Review (Minimum, Minor or Major Impact)

☐ Expedited Review (Minimum Impact only)

2. MITIGATION REQUIREMENT:

If mitigation is required a Mitigation-Pre Application meeting must occur prior to submitting this Wetlands Permit Application. To determine if Mitigation is Required, please refer to the Determine if Mitigation is Required Frequently Asked Question.

Mitigation Pre-Application Meeting Date: Month: ___ Day: ___ Year: ___

☐ N/A - Mitigation is not required

3. PROJECT LOCATION:

Separate wetland permit applications must be submitted for each municipality that wetland impacts occur within.

ADDRESS: US Route 1 Bypass

TOWN/CITY: Portsmouth

TAX MAP: na

BLOCK: na

LOT: na

UNIT: na

USGS TOPO MAP WATERBODY NAME: Piscataqua River

☐ NA

STREAM WATERSHED SIZE: 990 sq mi

☐ NA

LOCATION COORDINATES (If known): 43.084672, -70.763161

☐ Latitude/Longitude ☐

4. 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 work will entail setting a floating dock into place. This application is also for after-the-fact impacts (5 sq ft) associated with the installation of guide piles needed for the floating dock. The guide piles were installed prior to March 15 in order to ensure their completion prior to the end of the in-water work window required for this project.

5. SHORELINE FRONTAGE:

☐ NA This does not have shoreline frontage.

SHORELINE FRONTAGE: 1,300'

Shoreline frontage is calculated by determining the average of the distances of the actual natural navigable shoreline frontage and a straight line drawn between the property lines, both of which are measured at the normal high water line.

6. RELATED NHDES LAND RESOURCES MANAGEMENT PERMIT APPLICATIONS ASSOCIATED WITH THIS PROJECT:

Please indicate if any of the following permit applications are required and, if required, the status of the application.

To determine if other Land Resources Management Permits are required, refer to the Land Resources Management Web Page.

| Permit Type | Permit Required | File Number | Permit Application Status |
|---|---|-------------|--|
| Alteration of Terrain Permit Per RSA 485-A:17 | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | _____ | <input type="checkbox"/> APPROVED <input type="checkbox"/> PENDING <input type="checkbox"/> DENIED |
| Individual Sewerage Disposal per RSA 485-A:2 | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | _____ | <input type="checkbox"/> APPROVED <input type="checkbox"/> PENDING <input type="checkbox"/> DENIED |
| Subdivision Approval Per RSA 485-A | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | _____ | <input type="checkbox"/> APPROVED <input type="checkbox"/> PENDING <input type="checkbox"/> DENIED |
| Shoreland Permit Per RSA 483-B | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | _____ | <input type="checkbox"/> APPROVED <input type="checkbox"/> PENDING <input type="checkbox"/> DENIED |

7. 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 18 - 1076

b. ☐ Designated River the project is in ¼ miles of: _____; and

date a copy of the application was sent to the Local River Management Advisory Committee: Month: ___ Day: ___ Year: ___

☒ N/A

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

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


www.des.nh.gov

| | | | |
|---|--|--|--------------------------|
| 8. APPLICANT INFORMATION (Desired permit holder) | | | |
| LAST NAME, FIRST NAME, M.I.: Landry, Robert | | | |
| TRUST / COMPANY NAME: NHDOT | | MAILING ADDRESS: 7 Hazen Drive | |
| TOWN/CITY: Concord | | STATE: NH | ZIP CODE: 03302 |
| EMAIL or FAX: Robert.Landry@dot.nh.gov | | PHONE: 271-3734 | |
| ELECTRONIC COMMUNICATION: By initialing here: <u>RL</u> , I hereby authorize NHDES to communicate all matters relative to this application electronically. | | | |
| 9. 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 NHDES to communicate all matters relative to this application electronically. | | | |
| 10. AUTHORIZED AGENT INFORMATION | | | |
| LAST NAME, FIRST NAME, M.I.: Perron, Christine | | COMPANY NAME: McFarland Johnson | |
| MAILING ADDRESS: 53 Regional Drive | | | |
| TOWN/CITY: Concord | | STATE: NH | ZIP CODE: 03301 |
| EMAIL or FAX: cperron@mjinc.com | | PHONE: 225-2978 | |
| ELECTRONIC COMMUNICATION: By initialing here <u>cp</u> , I hereby authorize NHDES to communicate all matters relative to this application electronically. | | | |
| 11. PROPERTY OWNER SIGNATURE: | | | |
| See the Instructions & Required Attachments document for clarification of the below statements | | | |
| By signing the application, I am certifying that: | | | |
| <ol style="list-style-type: none"> 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 identify the presence of historical/ archeological resources while coordinating with the lead federal agency for NHPA 106 compliance. 8. I authorize NHDES 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 NHDES correspondence. NHDES will not forward returned mail. | | | |
|  Property Owner Signature | | L. Robert Landry Jr Print name legibly | 4/30/2018 Date |

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.

| | | | |
|--|--------------------|-----------|------|
|  | Print name legibly | Town/City | Date |
|--|--------------------|-----------|------|

DIRECTIONS FOR TOWN/CITY CLERK:

Per RSA 482-A:3, I

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.
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 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.

14. 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. | TEMPORARY Sq. Ft. / Lin. Ft. |
|-------------------------------------|---------------------------------------|---------------------------------|
| Forested wetland | <input type="checkbox"/> ATF | <input type="checkbox"/> ATF |
| Scrub-shrub wetland | <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 | / <input type="checkbox"/> ATF | / <input type="checkbox"/> ATF |
| Lake / Pond | / <input type="checkbox"/> ATF | / <input type="checkbox"/> ATF |
| Bank - Intermittent stream | / <input type="checkbox"/> ATF | / <input type="checkbox"/> ATF |
| Bank - Perennial stream / River | / <input type="checkbox"/> ATF | / <input type="checkbox"/> ATF |
| Bank - Lake / Pond | / <input type="checkbox"/> ATF | / <input type="checkbox"/> ATF |
| Tidal water | 183 / 13 <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 |
| Vernal Pool | <input type="checkbox"/> ATF | <input type="checkbox"/> ATF |
| TOTAL | 183 / 13 | / |

15. 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) _____ sq. ft. X \$0.20 = \$ _____

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

Permanent docking structure: **183** sq. ft. X \$2.00 = **\$ 366**

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

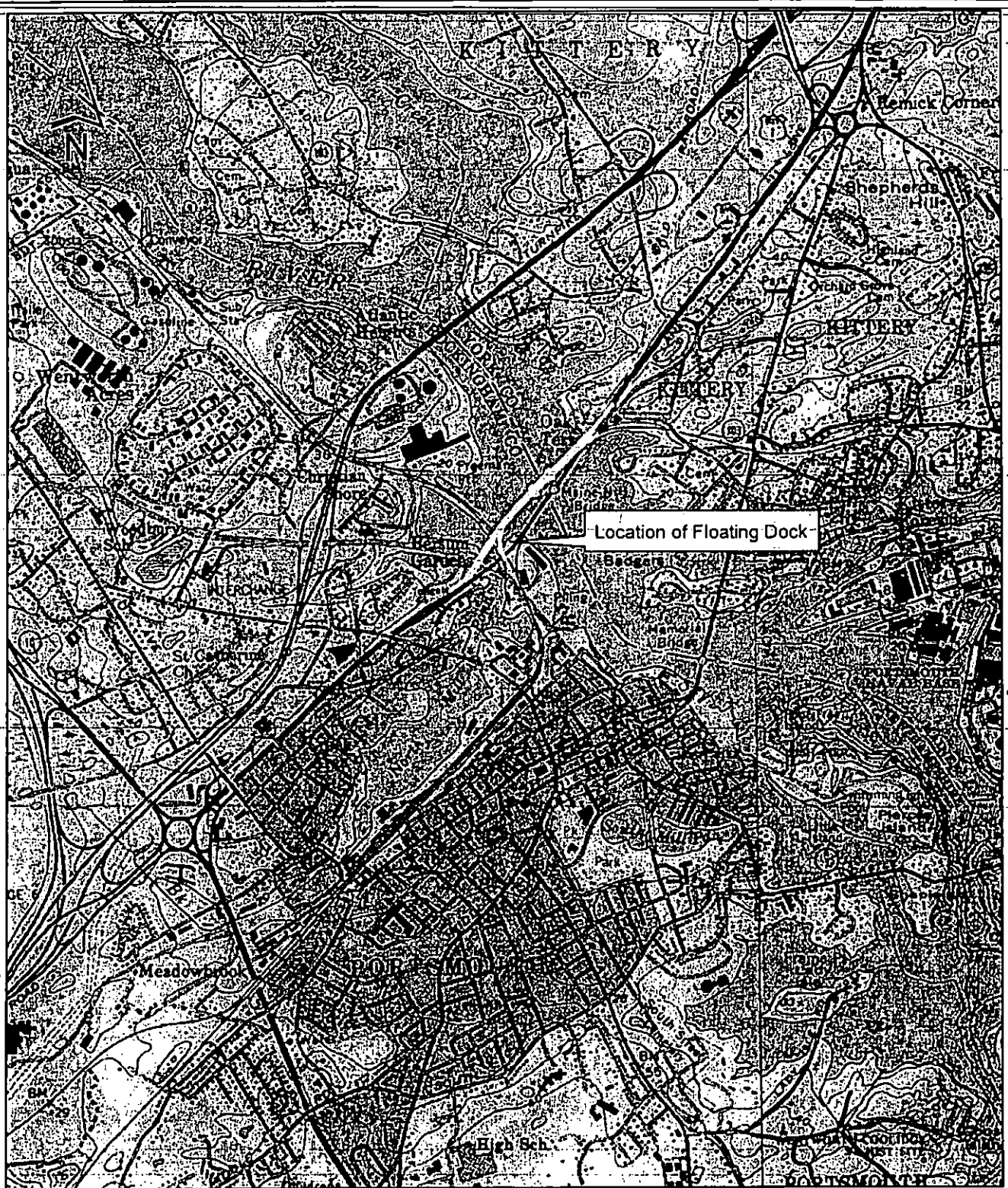
Total = **\$ 566**

The Application Fee is the above calculated Total or \$200, whichever is greater = **\$ 566**

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



New Bridge Alignment

Portsmouth-Kittery, 15731
NH Port Authority Floating Dock

Project Location

SCALE:
1 inch = 2,000 feet

DATE:
APRIL 2018

FIGURE:
1

 McFarland Johnson



NEW HAMPSHIRE NATURAL HERITAGE BUREAU
NHB DATACHECK RESULTS LETTER

To: Christine Perron, McFarland Johnson
53 Regional Drive

Concord, NH 03301

From: NH Natural Heritage Bureau

Date: 4/12/2018 (valid for one year from this date)

Re: Review by NH Natural Heritage Bureau of request submitted 4/5/2018

NHB File ID: NHB18-1076

Applicant: Christine Perron

Location: Portsmouth
Sarah Mildred Long bridge site

Project

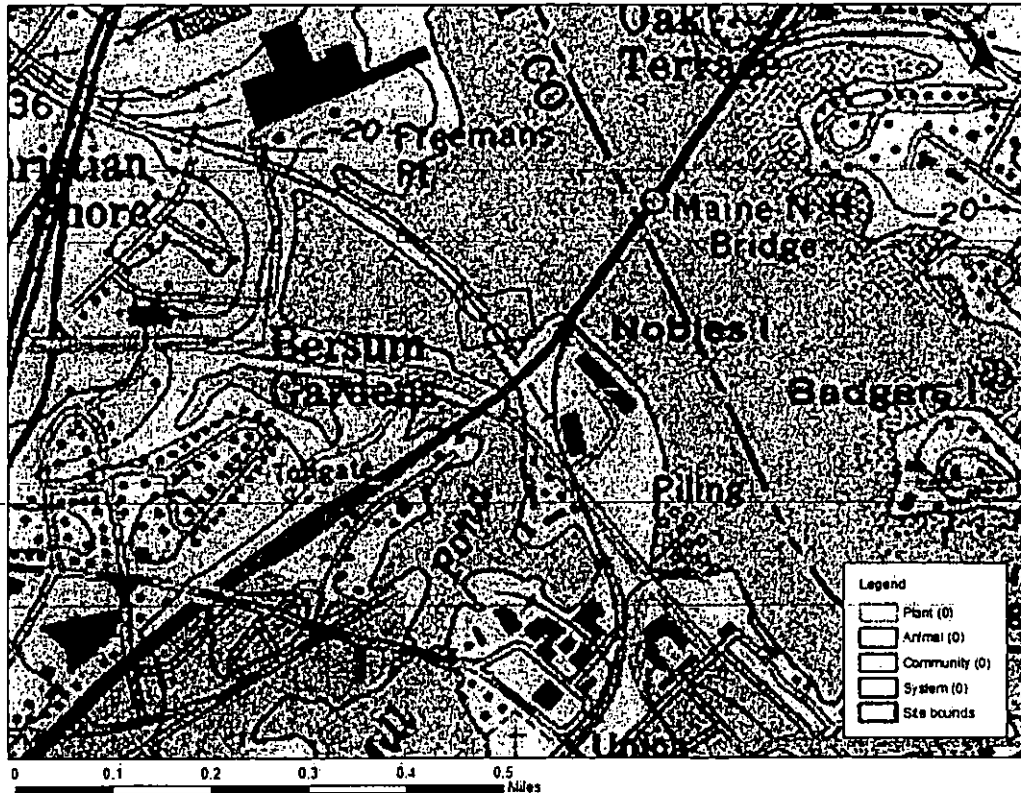
Description: Portsmouth-Kittery 15731: Additional proposed work entails the installation of a floating dock adjacent to a new boat ramp. This work is being completed as part of the Sarah Mildred Long bridge construction project.

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 4/5/2018, and cannot be used for any other project.



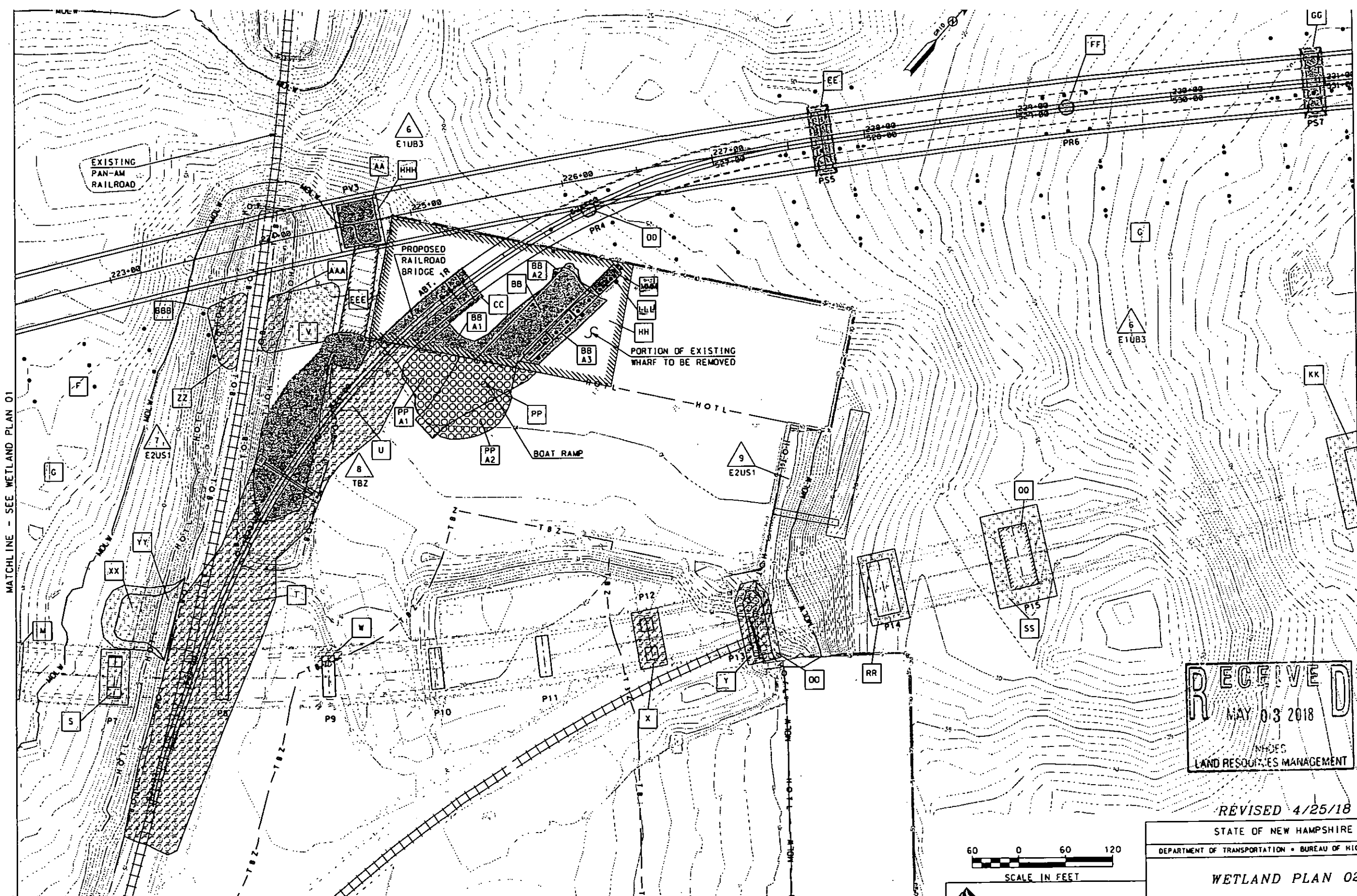
NHB18-1076



DNCR/NHB
172 Pembroke Rd.
Concord, NH 03301

| REVISIONS AFTER PROPOSAL | | STATION | | DATE | | DESCRIPTION | |
|--------------------------|---------|---------|------|--------|------|-------------|------|
| NUMBER | DATE | STATION | DATE | NUMBER | DATE | DESCRIPTION | DATE |
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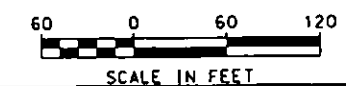
MATCHLINE - SEE WETLAND PLAN 01



MATCHLINE - SEE WETLAND PLAN 03

RECEIVED
MAY 03 2018
NHDES
LAND RESOURCES MANAGEMENT

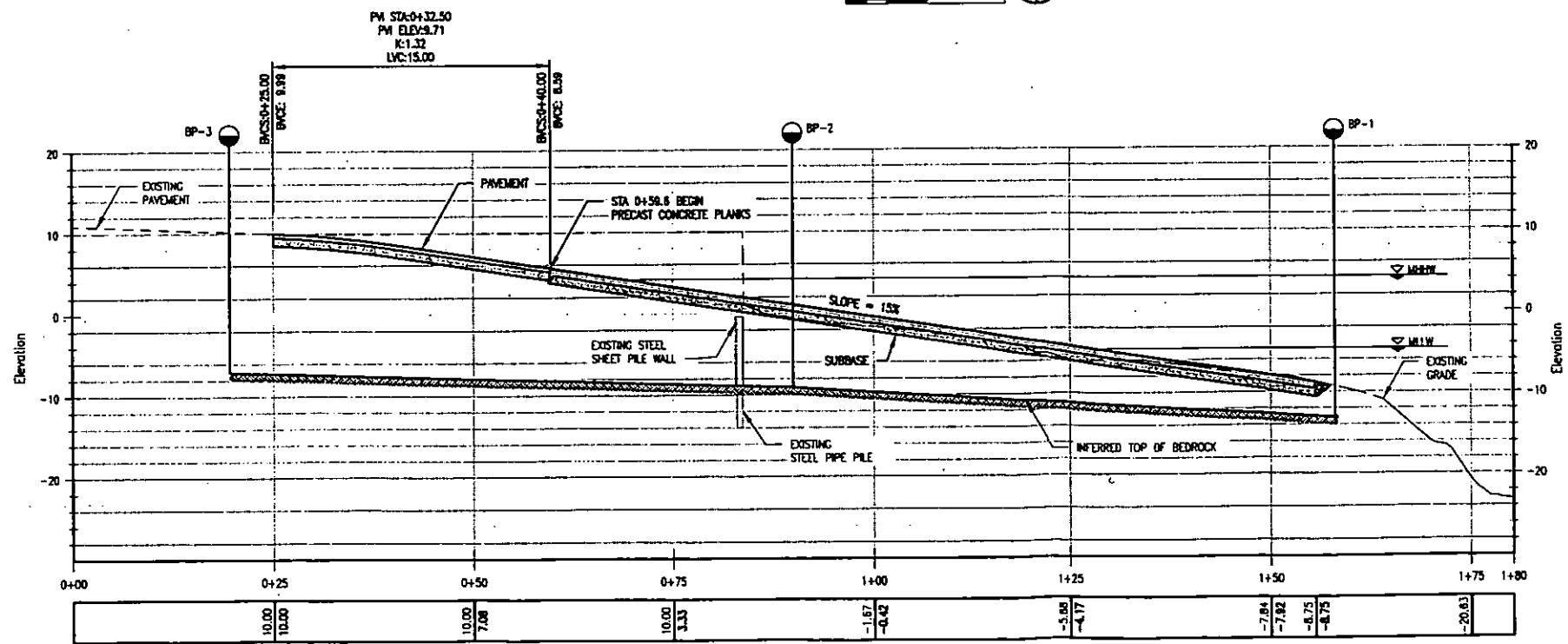
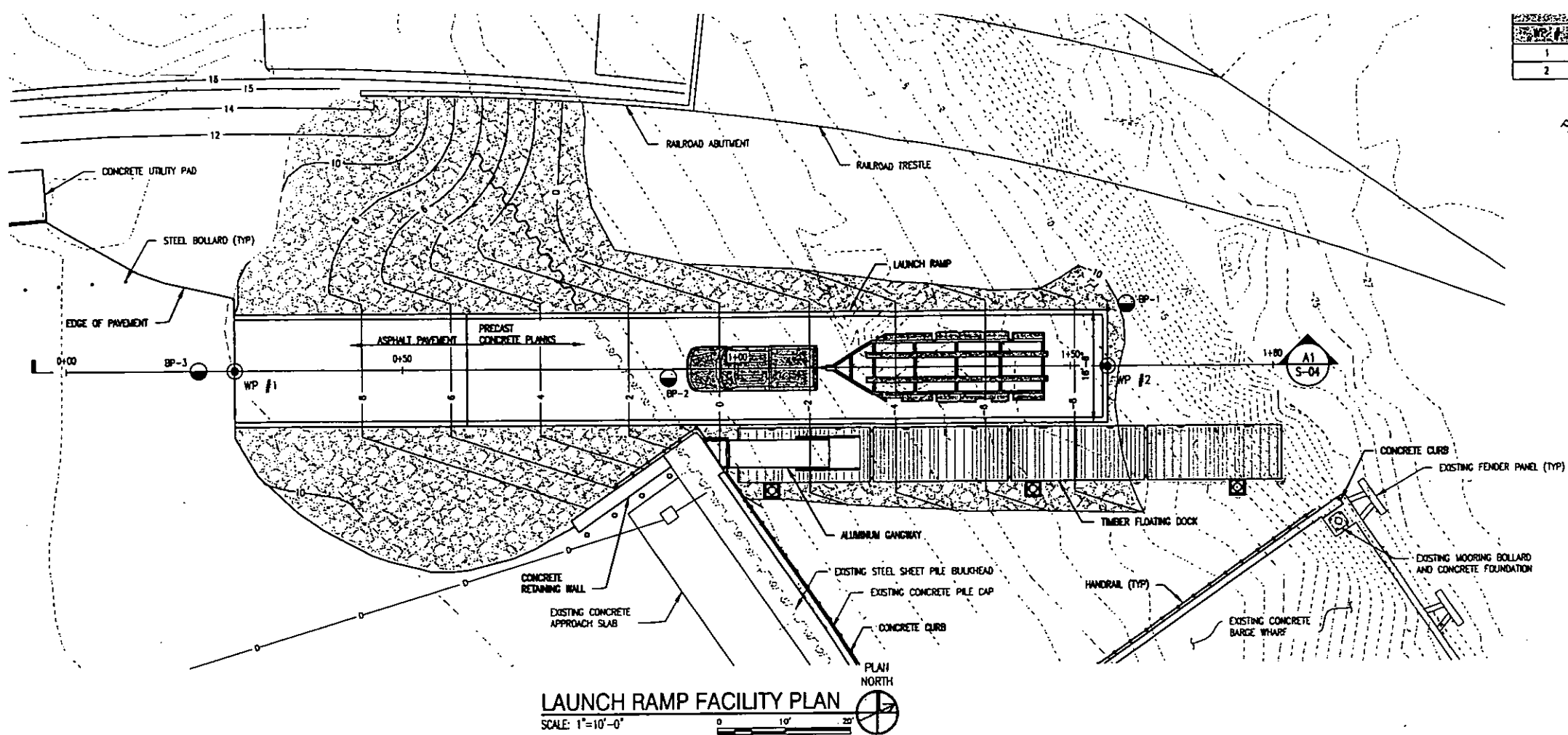
REVISED 4/25/18



McFarland Johnson

| | | | |
|---|-------------------|-----------|--------------|
| STATE OF NEW HAMPSHIRE | | | |
| DEPARTMENT OF TRANSPORTATION • BUREAU OF HIGHWAY DESIGN | | | |
| WETLAND PLAN 02 | | | |
| DGN | STATE PROJECT NO. | SHEET NO. | TOTAL SHEETS |
| wetland02 | 15731 | 6 | 7 |

FIG NAME: 1889V 02 Ramp.dwg Date: 03/03/2018 11:20:11 AM Plotted By: DMARCOITTE



RECEIVED
MAY 03 2018
LAND RESOURCE MANAGEMENT

| PEASE DEVELOPMENT AUTHORITY | | DIVISION OF PORTS AND HARBORS, 555 MARKET STREET, PORTSMOUTH, NH | | MARKET STREET MARINE TERMINAL | | LAUNCH RAMP FACILITY | | LAUNCH RAMP PLAN AND PROFILE | |
|-----------------------------|-------|--|------------|-------------------------------|-----|----------------------|-----|------------------------------|----------|
| PROJECT No. | 1889V | DATE | 03/03/2018 | DRAWN BY | ETL | CHECKED BY | SMB | SCALE | AS SHOWN |
| S-04 | | SHEET 12 OF 21 | | | | | | | |