



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

August 13, 2019

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

REQUESTED ACTION

Approve the City of Portsmouth's and the Town of New Castle's request to perform the following work on Piscataqua River in Portsmouth. File # 2019-01025. This project will not have significant impact on or adversely affect the values of Piscataqua River.

Impact a total of 36,340 square feet (sq. ft.) of jurisdictional area to include 28,670 sq. ft. of temporary impact within the previously-developed 100-foot tidal buffer zone, 6,600 sq. ft. within tidal waters, and 1,160 sq. ft. within salt marsh for the installation of new, 12-inch water main and replace the existing 8-inch water main for enhanced fire protection for the Town of New Castle.

The New Hampshire Department of Environmental Services (NHDES) imposed the following conditions as part of this approval:

1. All work shall be in accordance with the following plans by Underwood Engineers dated June 3, 2019 as received by the NH Department of Environmental Services Wetlands Bureau (NHDES) on June 18, 2019.
2. This permit is not valid until the permittee obtains construction easements on NH Department of Transportation (NHDOT)/private property for work on NHDOT/private property. The permittee shall submit a copy of each recorded easement to the NHDES prior to construction.
3. Not less than 5 state business days prior to starting work authorized by this permit, the permittee shall notify the NHDES and the Portsmouth and New Castle Conservation Commissions in writing of the date on which work under this permit is expected to start.
4. A certified wetlands scientist or qualified professional, as applicable, shall monitor the project during construction to verify that all work is done in accordance with the approved plans and narratives, adequate siltation/erosion/turbidity controls are properly implemented, and no water quality violations occur. The NHDES shall be notified immediately if any erosion/sedimentation/turbidity occurs within a jurisdictional area.
5. Any further alteration of areas on this property that are subject to RSA 482-A jurisdiction will require further permitting.
6. All development activities associated with this project shall be conducted in compliance with applicable requirements of RSA 483-B and N.H. Code Admin. Rules Env-Wq 1400 during and after construction.
7. 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.
8. Precautions shall be taken to prevent import or transport of soil or seed stock containing nuisance or invasive species such as Purple Loosestrife, Knotweed, or Phragmites. The permittee's contractor responsible for work shall appropriately address invasive species in accordance with the NHDOT Best Management Practices for Roadside Invasive Plants (2008).

9. Construction equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid prior to entering surface waters or wetlands or operating in an area where such fluids could reach groundwater, surface waters, or wetlands.
10. The permittee's contractor shall maintain appropriate oil/diesel fuel spill kits on site that are readily accessible at all times during construction, and shall train each operator in the use of the kits.
11. All refueling of equipment shall occur outside of surface waters or wetlands during construction. Machinery shall be staged and refueled in upland areas only.
12. Faulty equipment shall be repaired immediately prior to entering areas that are subject to RSA 482-A jurisdiction.
13. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Any erosion control matting used shall be wildlife friendly. Temporary controls shall be removed once the area has been stabilized.
14. Work within the tidal salt marsh shall occur at low tide only.
15. Weight distribution mats shall be used for work below the highest observable tide line to support the construction equipment used in trenching and installing the water main.
16. Weight distribution mats shall be placed and removed by lifting and lowering with the boom arm of a backhoe or excavator, and shall not be dragged over the surface of the tidal marsh.
17. The soils for trenching areas within all tidal areas shall be removed with at least 18 inches of soil intact in blocks as large as practicable to be set aside, right side up, in a windrow to be protected from desiccation.
18. Any fill used shall be clean sand, gravel, rock, or other suitable material.
19. Discharge from dewatering of work areas associated with the directional drilling shall be to sediment basins that are:
 - a) located in uplands, b) lined with hay bales or other acceptable sediment trapping liners, and c) set back as far as possible from wetlands and surface waters.
20. Discharge from dewatering of work areas shall be to sediment basins that are acceptable sediment trapping and inspected regularly to ensure the device is not clogged.
21. After the water main line has been installed in the trench in tidal areas, the blocks of soil and vegetation shall be placed back with exceptional care being taken to reestablish the same surface elevation as the surrounding marsh.
22. Upon completion of work, all construction materials, weight distribution mats, erosion/ siltation controls, and any debris shall be removed entirely, and the tidal marsh surface restored to pre-construction conditions.
23. Dredged materials, whether to be stockpiled or disposed of, shall be dewatered in sedimentation basins lined with siltation and erosion controls, and located outside of areas subject to RSA 482-A jurisdiction.
24. A post-construction report, prepared by a Certified Wetland Scientist or Qualified Professional, as applicable, documenting status of the project area and restored tidal salt marsh area, including photographs, shall be submitted to the NHDES within 60 days of the completion of construction.
25. Upon review of the monitoring reports and subsequent field inspections, the NHDES will determine whether additional remediation/restoration is required to assure the successful reestablishment of the salt marsh vegetation.

EXPLANATION

The NHDES approved this project on July 11, 2019. The NHDES supported its decision with the following findings:

1. This is a major impact project per New Hampshire Administrative Rule Env-Wt 303.02(a) Projects in sand dunes, tidal wetlands, or bogs, except for repair of existing structures pursuant to Env-Wt 303.04(v).
2. The Town of New Castle experiences low available water volumes for fire protection due to the aging and undersized water mains serving the town.
3. The impacts within tidal areas will be temporary and a majority of the impacts occur within the previously-developed 100-foot tidal buffer zone within the existing right-of-way/easement; therefore, the permittee has provided evidence which demonstrates that his/her project, as approved and conditioned, is the alternative with the least adverse impact to areas and environments under the NHDES' jurisdiction per New Hampshire Administrative Rule Env-Wt 302.03.

4. The permittee has demonstrated by plan and example that each factor listed in New Hampshire Administrative Rule Env-Wt 302.04(a)&(c), Requirements for Application Evaluation, has been considered in the design of the project.
5. The application included NH Natural Heritage Bureau (NHB) Datacheck Results Letter NHB18-2063 (the "NHB letter") identifying three (3) plant species in the vicinity of the project: great bur-reed (*Sparganium eurycarpum*), marsh elder (*Iva frutescens*), and red goosefoot (*Oxybasis rubra* var. *rubra*).
6. In response to the plant species noted in the NHB letter, the NHB provided recommendations in an email of May 3, 2019, stating, in summary "NHB does not have concerns based on the information provided."
7. A letter dated May 14, 2019 from the Portsmouth Conservation Commission states, "This Commission recommends approval of the cited project."
8. No comments were received from the New Castle Conservation Commission.
9. The NH Division of Historical Resources has reviewed the project site and found "No Historic Properties Affected."
10. 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 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.

Respectfully submitted,



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 APR 08 2019 Administrative Use Only LAND RESOURCES MANAGEMENT	COMPLETE		File No: <u>2019-01025</u>
	Administrative Use Only		Check No: <u>009008</u>
	Administrative Use Only		Amount: <u>47,286.00</u>
	Administrative Use Only		Initials: <u>JSL</u>

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 Questions.

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 within which wetland impacts occur.

ADDRESS: New Castle Avenue (Route 1B) TOWN/CITY: Portsmouth

TAX MAP: N/A BLOCK: _____ LOT: _____ UNIT: _____

USGS TOPO MAP WATERBODY NAME: Piscataqua River NA STREAM WATERSHED SIZE: NA

LOCATION COORDINATES (if known): 43°04'17.19"N, 70°44'24.51"W Latitude/Longitude UTM State Plane

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.

The proposed work involves replacement of an existing 8" water main serving the Town of New Castle with a new 12" main. New development is not proposed. New Castle has limited fire flow in the village and it has been determined that upsizing the mains to/from Portsmouth will address this issue. This project will replace the main from Pierce Island to Wentworth Rd and involves a tidal crossing from Pierce Island, a bridge crossing, and a causeway crossing. The new pipe mainly follows the existing alignment.

5. SHORELINE FRONTAGE:

N/A This does not have shoreline frontage. SHORELINE FRONTAGE: Islands have shoreline but question is N/A to this proj

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 (Env-Wt 101.89).

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 Webpage.

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 checked="" type="checkbox"/> YES <input type="checkbox"/> NO	_____	<input type="checkbox"/> APPROVED <input checked="" 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 - 2063

b. This project is within a Designated River corridor. The project is within ¼ mile of: _____; and date a copy of the application was sent to the Local River Management Advisory Committee: Month: ___ Day: ___ Year: ___

N/A - This project is not within a Designated River corridor.

8. APPLICANT INFORMATION (Desired permit holder)

LAST NAME, FIRST NAME, M.I.: **Stewart, William - New Castle Select Board Member**

TRUST / COMPANY NAME: **Town of New Castle** MAILING ADDRESS: **PO Box 367, 49 Main Street**

TOWN/CITY: **New Castle** STATE: **NH** ZIP CODE: **03854**

EMAIL or FAX: **bill.stewart@newcastlenh.org** PHONE: **603-431-6710 ext 10**

ELECTRONIC COMMUNICATION: By initialing here:  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: **Town of New Castle and others (see attached** 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.: **Horner-Richardson, Ransom, D.** COMPANY NAME: **Underwood Engineers**

MAILING ADDRESS: **25 Vaughan Mall**

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

EMAIL or FAX: **ransom@underwoodengineers.com** PHONE: **603-436-6192**

ELECTRONIC COMMUNICATION: By initialing here **RHR**, 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:
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 National Historic Preservation Act (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 NHDES 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

 Property Owner Signature

William M. Stewart Print name legibly

4/31/2019 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.

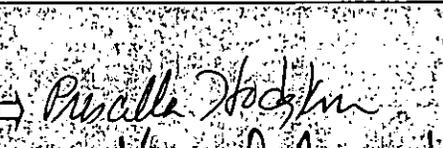
	Print name legibly	Date
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DIRECTIONS FOR CONSERVATION COMMISSION

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.

	Priscilla Hodgins Print name legibly	New Castle, NH Town/City	4-3-19 Date
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	Kevin L. Barnaby Print name legibly	Portsmouth Town/City	4-4-19 Date
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DIRECTIONS FOR TOWN/CITY CLERK

Per RSA 482-A:3

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.

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

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

www.des.nh.gov

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 completed.
Intermittent Streams: linear footage distance of disturbance is measured along the thread of the channel.
Perennial Streams/Rivers: the total linear footage distance is calculated by summing the lengths of disturbance to the channel and each bank.

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 channel	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Perennial Stream / River channel	/ <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	/ <input type="checkbox"/> ATF	6,600 / 1,100 <input type="checkbox"/> ATF
Salt marsh	<input type="checkbox"/> ATF	1,160 <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	28,670 <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	/	36,430 / 1,100

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)	36,430 sq. ft.	X	\$0.20 =	\$ 7,286
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 =				\$ 7,286

The Application Fee is the above calculated Total or \$200, whichever is greater = **\$ 7,286**

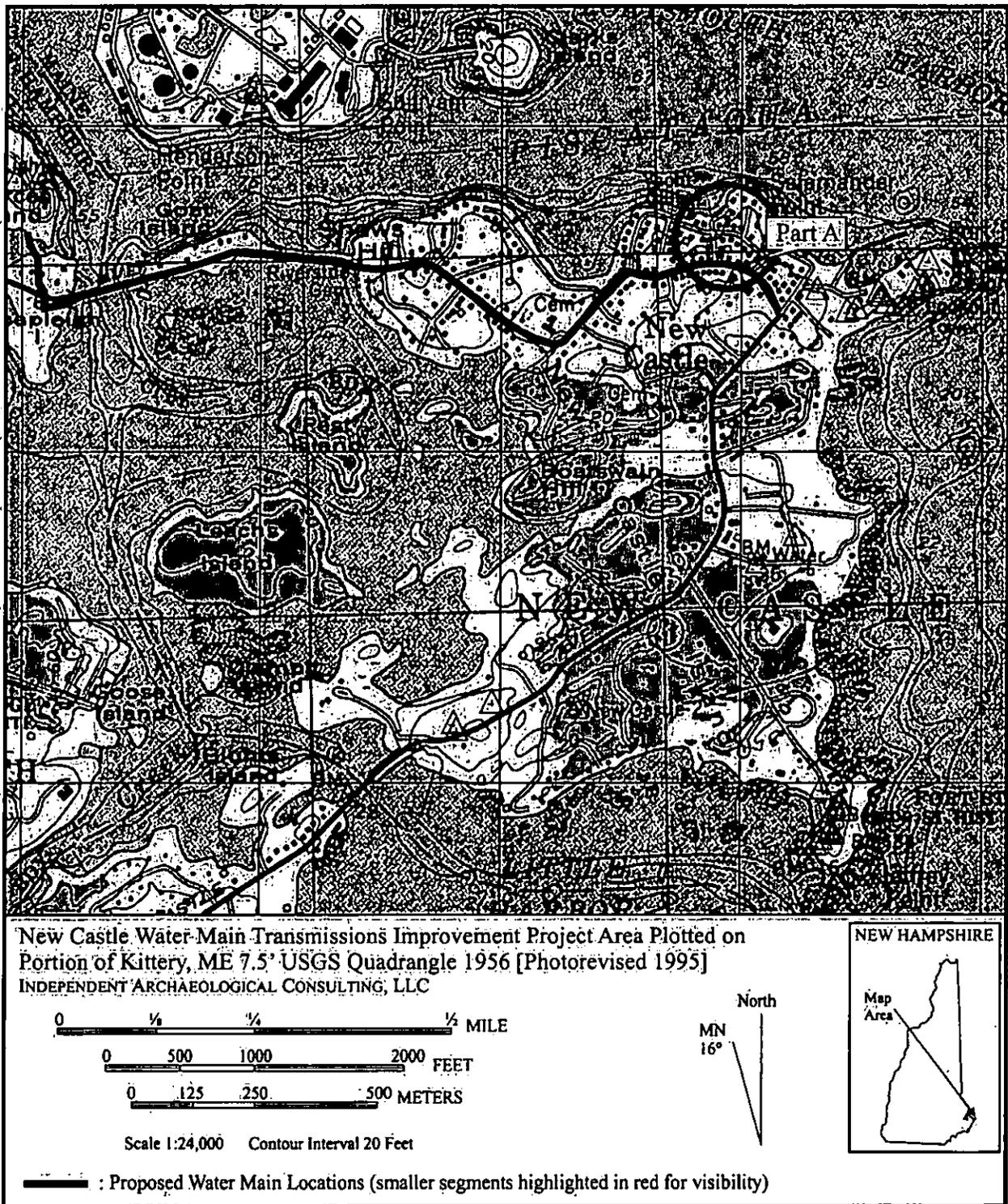


Figure 1. Project location illustrated on USGS Quadrangle map of New Castle (after USGS Kittery Quadrangle 1995).

CONFIDENTIAL – NH Dept. of Environmental Services review

Memo



NH NATURAL HERITAGE BUREAU
NHB DATACHECK RESULTS LETTER

To: Allyson Gourley, DES – Drinking Water and Groundwater Bureau
Hazen Drive
Concord, NH 03301

From: Amy Lamb, NH Natural Heritage Bureau
Date: 7/2/2018 (valid for one year from this date)
Re: Review by NH Natural Heritage Bureau

NHB File ID: NHB18-2063 **Town:** New Castle **Location:** Route 1B and other locations
Description: Replace 8,000 lf of water main on Route 1B between Shapleigh Island and the intersection of Main Street and Wentworth Road. Existing 8" water mains will be replaced with 12" water mains. 3,500 lf of new water main will also be installed at 7 locations throughout the distribution system to provide looping for improved water quality and increased fire protection flows.

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

Comments: There are three rare plant species documented in the vicinity of the project. Please send NHB detailed plans for locations where work is proposed in the vicinity of documented rare plant populations.

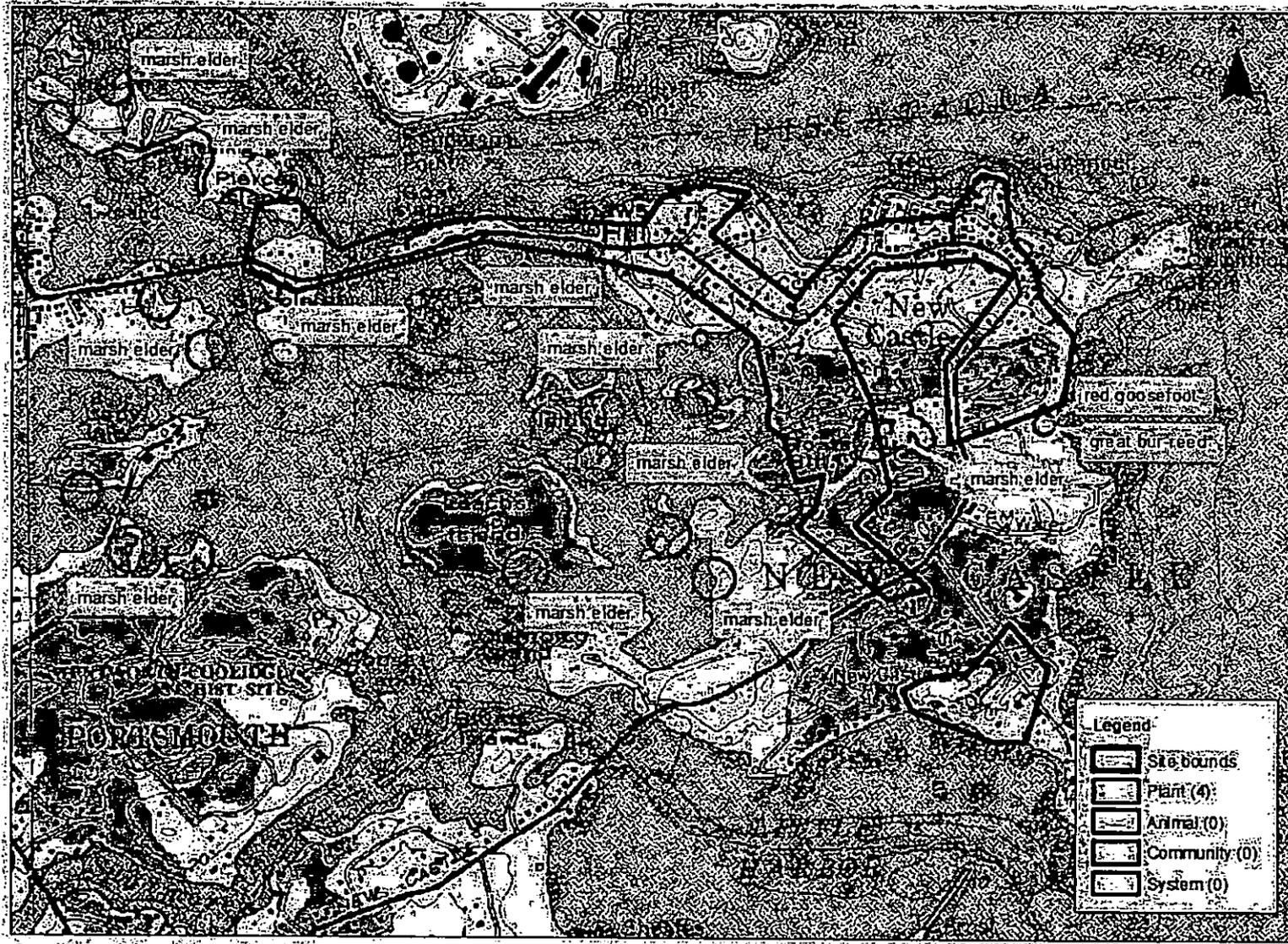
Plant species

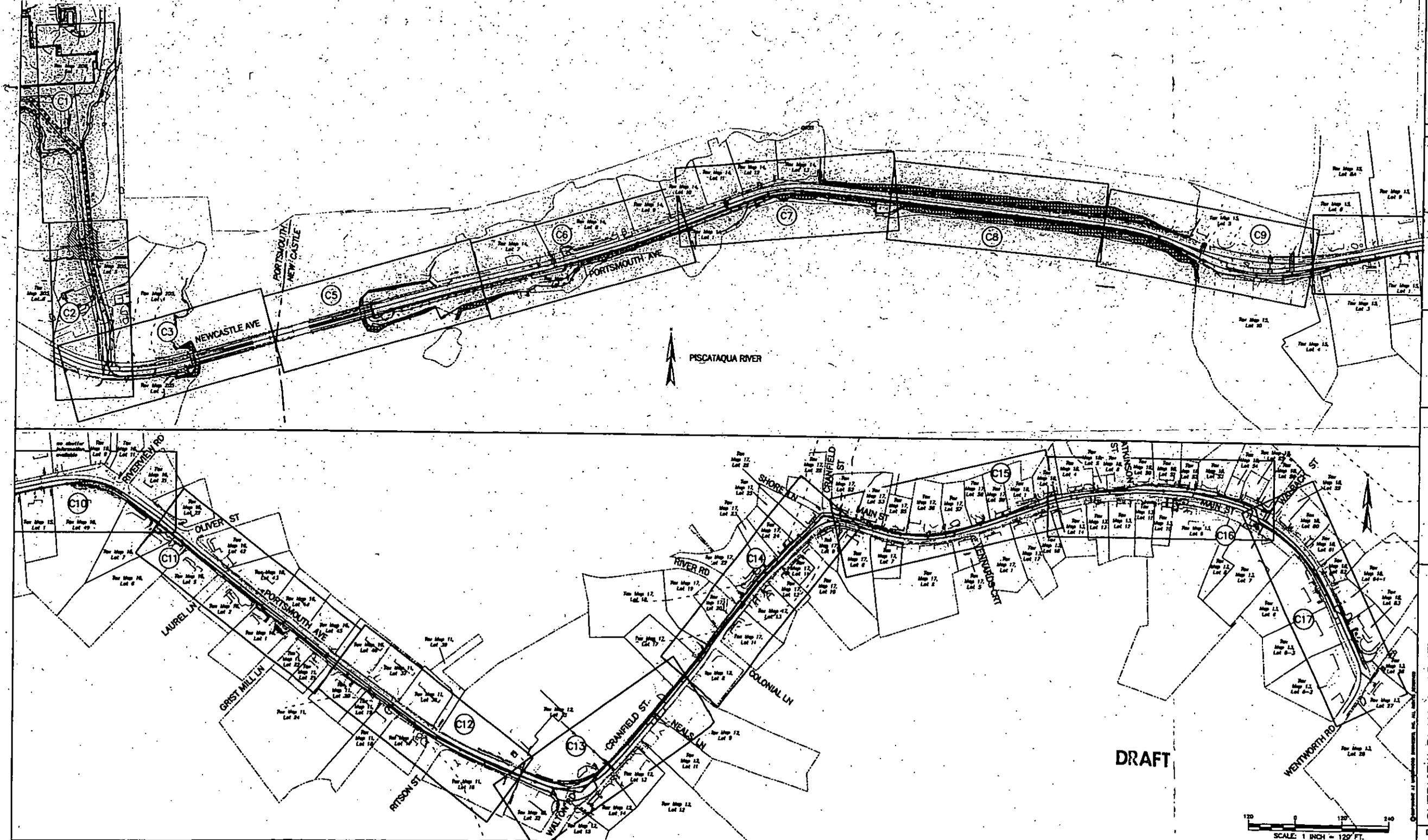
Plant species	State	Federal	Notes
great bur-reed (<i>Sparganium eurycarpum</i>)	T		Threats to aquatic species include changes in water quality, e.g., due to pollution and stormwater runoff, and significant changes in water level.
marsh elder (<i>Iva frutescens</i>)	T		Threats are primarily alterations to the hydrology of the wetland, such as ditching or tidal restrictions that might affect the sheet flow of tidal waters across the intertidal flat, activities that eliminate plants, and increased input of nutrients and pollutants in storm runoff.
red goosefoot (<i>Oxybasis rubra</i> var. <i>rubra</i>)*	E		Threats are primarily alterations to the hydrology of the wetland, such as ditching or tidal restrictions that might affect the sheet flow of tidal waters across the intertidal flat, activities that eliminate plants, and increased input of nutrients and pollutants in storm runoff.

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.

NHB18-2063





DRAFT



OVERVIEW PLAN & ABUTTERS LIST WATER TRANSMISSION MAIN IMPROVEMENTS PROJECT TOWN OF NEW CASTLE NEW CASTLE, NEW HAMPSHIRE		UNDERWOOD Engineers 25 Vaughan Ave., Portsmouth, N.H. 03801 Tel. 803-430-6182, Fax 803-431-4733	Drawn/Chk. by: [Blank] Designed: [Blank] Checked: [Blank] Approved: [Blank] Date: 12/2/01 Book No.: [Blank] Project No.: 2331 Dwg. No.: 2331-001 Scale: 1/4"=1'-0"	ISSUE DATE: [Blank] APPROVAL: [Blank] DATE: 4/7/2015 CONSTRUCTOR: [Blank] DATE: 4/7/15 REVISION: [Blank]
DWG NO. C1 SHEET 2 OF 33			NO. PREVISIONS: [Blank]	APPD: [Blank]