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

Robert R. Scott, Commissioner



November 28, 2018

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

REQUESTED ACTION

Approve USAF Logistics, Engineering and Force Protection's request to perform the following work on Piscataqua River in Newington. File # 2017-01296. This project will not have significant impact on or adversely affect the values of the Piscataqua River.

Temporarily impact 77,391 square feet of tidal surface waters and 28,510 square feet of previously developed upland tidal buffer zone for the removal and demolition of bulk fuel storage tanks, associated upland infrastructure and a former fuel offloading pier with four dolphins known as The Defense Fuel Support Facility used historically for fuel transfer and storage for the former Pease Air Force Base and other U.S. Department of Defense installations.

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 plans by EA Engineering, Science, and Technology, Inc., PBC dated March 2017, and revised through September 12, 2018 as received by the New Hampshire Department of Environmental Services (NHDES) on September 26, 2018.
- 2. Any revision of, deviation from, or addition to the approved plan set cited above or any further alteration of area on this property that is subject to RSA 482-A jurisdiction, will require review and written approval by the NHDES. Additional permitting or an amendment to this permit, pursuant to RSA 482-A:3 XIV(e), shall apply.
- 3. This permit is not valid unless a NHDES Alteration of Terrain permit or other method of compliance with RSA 485-A:17 and New Hampshire Administrative Rule Env-Wq 1500 is achieved.
- 4. This permit is not valid unless a NHDES shoreland permit or other method of compliance with RSA 483-B and New Hampshire Administrative Rule Env-Wq 1400 is achieved.
- 5. This permit is not valid unless the permittee demonstrates coordination and compliance with the Federal Sites Section of the NHDES Hazardous Waste Remediation Bureau.
- 6. 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 New Hampshire Administrative Rule Env-Wq 1700.
- 7. The permittee shall retain a qualified professional to supervise, and be on site during construction to ensure compliance with this approval.
- 8. The permittee shall notify the NHDES, in writing, of the qualified professional(s) that has/have been retained to ensure that the project is conducted in accordance with the approved plans. The permittee shall re-notify the NHDES if the identity of the qualified professional(s) change/changes during the project.

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- 9. This permit is not valid until the qualified professional submits a final construction monitoring plan, including the requirements described in Conditions 38-43, to the NHDES for review and approval. The Construction Monitoring Plan shall describe the methods, timing and frequency, responsibilities, and special conditions for monitoring all construction activities related to the conditions of this permit.
- 10. If any work, as authorized by this permit, will encroach upon or occur within 20 feet of an abutting property line, then prior to commencing that phase the permittee shall (1) obtain temporary construction easements or other written agreements from the affected abutting property owner, and (2) submit a copy of each agreement to the NHDES.
- 11. The permittee shall schedule a pre-construction meeting with the NHDES Land Resources Management Program, NHDES Waste Management- Federal Sites Section, NH Fish and Game Department (NHF&G) and NOAA-National Marine Fisheries (NMFS) to occur at least 48 hours prior to the start of any work authorized by this permit to review the conditions of this permit.
- 12. The preconstruction meeting shall be held on-site. The meeting shall be attended by the permittee, the professional engineer(s), wetlands scientist(s), environmental consultant(s), qualified professional(s) and the contractor(s) responsible for performing the work.
- 13. Dredging in tidal waters shall be done between November 15 and March 15, and shall not be permitted during fish migration or larval setting stage of shellfish. Any work proposed outside this timeframe shall require coordination and written approval by the NHDES, the NHF&G, and the NMFS.
- 14. Dredging material excavated from the dolphins shall be analyzed for contaminants and disposed of in accordance with the NHDES Waste Management rules.
- 15. Upland excavation material shall be analyzed for contaminants and disposed of in accordance with the NHDES Waste Management rules.
- 16. Dredging shall not disturb contaminated layers of sediment, unless specifically identified and permitted with protective conditions. If the permittee/permittee's contractor suspects that contaminated sediment has been disturbed, he/she shall cease operation and contact the NHDES Hazardous Waste Remediation Bureau immediately.
- 17. Dredging shall not disrupt tidal flushing. Tidal flushing means the influx or outflow of water associated with the ebb and flow of the tide.
- 18. Dredged and excavated material and construction related debris shall be a) located in uplands, placed outside of areas subject to RSA 482-A jurisdiction; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, with a preferred undisturbed vegetated buffer of at
 - least 50 feet and a minimum undisturbed vegetative buffer of 20 feet, unless an alternative location is approved by the NHDES.
- 19. Any turbid discharge from dewatering of work areas shall be directed to sediment basins, fixed-axle storage tanks or other mechanisms/provisions that allow settlement of suspended sediments prior to discharge 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, with a preferred undisturbed vegetated buffer of at least 50 feet and a minimum undisturbed vegetative buffer of 20 feet, unless an alternative location is approved by the NHDES.
- 20. Discharges of sediment water or other construction waters shall be coordinated with the NHDES Drinking Water and Groundwater Bureau and a NHDES Temporary Discharge Permit, as necessary.
- 21. Work shall be carried out in a time and in a manner to avoid disturbances to migratory waterfowl breeding and nesting areas as well as migratory fish spawning and rearing habitat.
- 22. To prevent the introduction of invasive plant species to the site, the permittee/permittee's contractor(s) shall inspect and clean all soils and vegetation from construction equipment before it is moved to the site.
- 23. The permittee/permittee's contractor responsible for completion of the work shall appropriately address invasive species in accordance with the NHDOT Best Management Practices for Roadside Invasive Plants (2008).

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- 24. Precautions shall be taken to prevent import or transport of soil or seed stock containing nuisance or invasive species.
- 25. Any fill used shall be clean sand, gravel, rock, or other suitable material.
- 26. Appropriate siltation, erosion and turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Temporary erosion controls shall be removed once the area has been stabilized.
- 27. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
- 28. The permittee/permittee's contractor shall use only biodegradable, wildlife-friendly, erosion control netting not to include materials comprised of welded plastic.
- 29. The permittee/permittee's contractor responsible for completion of the work shall use techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
- 30. 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.
- 31. The permittee/permittee's contractor responsible for completion of the work 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.
- 32. All refueling of equipment shall occur outside of surface waters or wetlands during construction. Machinery shall be staged and refueled in upland areas only, unless approved by the NHDES prior to refueling.
- 33. Faulty equipment shall be repaired immediately prior to entering areas that are subject to RSA 482-A jurisdiction.
- 34. Prior to commencing work on a substructure located within surface waters, the permittee's contractor responsible for completion of the work shall construct a cofferdam, in accordance with the NHDES approved dewatering and diversion plan, to isolate the substructure work area from the surface waters.
- 35. The temporary cofferdam shall be entirely removed within thirty (30) days after work within the cofferdam is completed, between November 15 and March 15, and when the water has returned to normal clarity. Within three
- 36. (3) days of final grading or temporary suspension of work 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 tackifiers on slopes less than 3:1 or jute matting and pinning on slopes steeper than 3:1.
- 37. Where upland construction activities occur between November 30 and May 1, all exposed soil areas shall be stabilized within one (1) day of establishing the grade that is final or that otherwise will exist for more than five (5) days. Stabilization shall include placing 3-inches of base course gravels, or loaming and mulching with tack or jute matting and pinning on slopes steeper than 3:1.

MONITORING:

- 1. The Construction Monitoring Plan shall include, but not be limited to, the following components:
 - A. a description of the regular monitoring that will occur to document the installation, maintenance and daily inspection of erosion and sediment control measures,

B. a description of photo documentation that will occur to depict all stages of construction; a map of photo station locations shall be included in the plan;

C. a description of the regular turbidity sampling that will be enacted to document adherence to water quality standards including, but not limited to, the method and frequency of sampling, the location and quantity of samples, and the Quality Assurance and Quality Control measures to be taken.

2. The qualified professional shall demonstrate that turbidity monitoring in tidal waters from the construction area shall be less than 50 NTU's above background at the Compliance Monitoring Location and less than 10 NTU's above background levels at the Intake Monitoring Location. If measurements do not meet these requirements, then the qualified professional shall notify the equipment operator/foreman and work shall stop. Turbidity controls shall be

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inspected and operational procedures shall be reviewed. If appropriate, additional Best Management Practices shall be implemented.

- 3. A map of turbidity monitoring station locations, including those to measure background turbidity, shall be included in the plan.
- 4. A description of the periodic wet weather sampling that shall occur after any rain event of 1/2 inch or greater within a 24 hour period during construction. A wet weather monitoring report(s) shall be submitted within 1 week of the rain event and shall include, but not be limited to, documentation of erosion control deployment, status of construction activities, sequence at time of monitoring, results of turbidity monitoring, and remedies enacted to correct deficiencies in water quality protection measures.
- 5. All turbidity results shall be transmitted to the NHDES within two days of collection, or within a timeframe otherwise approved by the NHDES.
- 6. The qualified professional shall regularly sample for and assess turbidity at predetermined compliance point(s) established in the Piscataqua River and shall demonstrate that water entering tidal waters from the construction area is less than 50 NTU's above background at the Compliance Monitoring Location and less than 10 NTU's above background levels at the Intake Monitoring Location.

FINDINGS:

- 1. This is a Major Project per New Hampshire Administrative Rule Env-Wt 303.04(a), projects located in tidal wetlands, except for repair of existing structures.
- 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 NHDES' jurisdiction per New Hampshire Administrative Rule Env-Wt 302.03.
- 3. The applicant has demonstrated by plan and example that each factor listed in New Hampshire Administrative Rule Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
- 4. The Defense Fuel Support Facility (DFSP) was historically used as a fuel transfer and storage facility from its construction in 1961 until its closure in 1990. The DFSP supported the former Pease Air Force Base, Pease Air National Guard Base, and other U.S. Department of Defense installations in the northeast with aviation gasoline and Grade 4 jet propulsion fuel.
- 5. The project proposes to demolish the inactive DFSP facility and restore the property to a condition that is suitable for property transfer.
- 6. In August 2018, the applicant conducted an inspection of the four (4) existing steel sheet pile cell structures (dolphins) within the Piscataqua River. Each dolphin measures approximately 37 feet wide and 35-45 feet high off of the mudline and 3/8 inch thick. The inspection determined that the dolphins are in the advanced stages of deterioration and the likelihood of failure is possible.
- 7. The Natural Heritage Bureau (NHB) report submitted with the application package (NHB16-3594) stated there was no record of sensitive species in the vicinity of the project.
- 8. The NHDES Staff conducted a field inspection of the proposed project on September 6, 2016. Field inspection determined that the application and plans accurately reflect site conditions.
- 9. An abutter, Cogentrix, provided comments of concern related to the potential of the proposal to cause turbidity during removal of the dolphins. The applicant has proposed specific Best Management Practices and turbidity monitoring during work in the river to minimize turbidity impacts to the abutter. Specific measures include installation of steel cofferdams around the dolphins and a bottom sealed turbidity barrier, specifically designed for the project, around the Cogentrix cooling water intake structure.
- 10. The Newington Conservation Commission did not submit comments to the NHDES.
- 11. In accordance with New Hampshire Administrative Rule Env-Wt 303.04(d), compensatory mitigation is not required for the project, as proposed. The project proposes to restore this area of the Piscataqua River and the adjacent

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upland tidal buffer zone with the removal of four (4) existing steel sheet pile cell structures (dolphins) within the river and the removal and demolition of bulk fuel storage tanks within the upland tidal buffer zone. All areas will be restored to original condition.

12. 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 and tidal buffer zone 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.

We respectfully submit this request for your consideration,

Robert R. Scott Commissioner

WETLANDS PERMIT APPLICATION

Land Resources Management Wetlands Bureau vironmental

COMPLETE

Minor or Major Impact) Oligitar Mocarion

Ess Defense Fuel Support Point Newington TOWN/CITY Newington TAXMAP 14 BLOCK N/A LOT: 17 SS TOPO MAP WATERBODY NAME Piscataqua River INA STREAM WATERSHED SIZE ATION COORDINATES (If known) 43,107234 70,801343 Latitude/Longitude : :: UTM 🖻 State Plane

PROJECTIDESCRIPTION

The project includes the deconstruction of a subterranean bulk fuel farm, a fuel transfer pier including four dolphin cells located in the Piscataqua River, a segment of formerly abandoned in-place pipeline and manifold. Deconstruction activities will require the use of shoring, sediment dewatering, cofferdam installation and removal, water treatment system, and a discharge to Piscataqua River

SHORELINEFRONTAGE

NA This lot has no shoreline frontage

SHORELINE FRONTAGE 620

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.

ENFORCEMENT A EMERGENCY AUTHORIZATION SHORELAND ALTERATION OF TERRAIN ETC

Alteration of Terrain; Shoreland; 401 Water Quality Certification; Section 404/10 (Pending)

NATURALHERITAGEBUREAU&

a. Natural Heritage Bureau File ID: NHB 16 - 3594

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: 🛛 NA

> shoreland@des.nh.goy or (603) 271-2147 NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095 www.des.nh.gov

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Protection TOWN/CITY			STATE: LA	ZIP CODE: 71110	
EMAIL or FAX, Steven:Brunts@us:af.mil		PHONE 318-456	-7055		·
ELECTRONIC COMMUNICATION - By Initialing h	re	HDES to communicate all m	atters relative to this appl	cation electronically	्रम् सन्दर्भ सन्दर्भ
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EMAIL or FAX: I hereby authorize NHDES to communicate all matters relative to this application electronical ELECTRONIC COMMUNICATION - By Initialing here AUNHORIZED AGENTINGORMATION

COMPANY NAME EA Engineering, Science, and LAST NAME, FIRST NAME, M.I. Whitin, Sam Technology: Inc.: PBC

MAILING ADDRESS: 301 Metro Center Boulevard, Suite 102

ZIP CODE: 02886 STATE: RI TOWN/CITY Warwick PHONE 401-736-3440

EMAIL or FAX-Swhitin@ea unicate all matters relative to this ELECTR ERUNAVENERENAVO VARERORE

Sar the Institutions & Received

By signing the application 1 am certifying that: Lauthorize the applicant and/or agent indicated on this form to act in my behalf in the processing of this application, and to furnish upon 1. request supplemental information in support of this permit application

 $\sim 10^{-1}$ I have reviewed and submitted information & attachments outlined in the Instructions and Required Attachment documen

2. All abutters have been identified in accordance with RSA 482-A:3, Jand Env-Wt-100-900.

3. I have read and provided the required hformation outlined in Env-Wt 302.04 for the applicable project type. 4.

I have read and understand Enviol 102.03 and have chosen the least impacting alternative.

5. Any structure that I am proposing to repair/replace was either previously permitted by the Wetlands Bureau or would be considered 6. grandfathered per Env-Wt 101.47

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 7. agency for-NHPA-106 compliance .--

l authorize NHDES and the municipal conservation commission to inspect the site of the proposed project. 8.

I have reviewed the information being submitted and that to the best of my knowledge the information is true and accurate. 9.

I understand that the willful submission of falsified or misrepresented information to the New Hampshire Department of Environmental 10. Services is a criminal act, which may result in legal action.-م موققه در در مرد

I am aware that the work I am proposing may require additional state, local or federal permits which I am responsible for obtaining. 11.

Property Owner-Signatu

rint name letibly-

Steven P. Bru

shoreland@des.nh.gov.or.(603).271.2147. NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095

www.des.nh.dov

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04/2012017

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MUNICIPAL SIGNATURES

EVERCONSERVATION COMMISSION SIGNATURE atting below contribution of the interception of the interview of this application and the SUB rist to intervene per RSAU82 / Antives that the application and submitted plans accurately represents the plop os ed project and the plans accurately represents the plop os ed project and the plans accurately represents the plop os ed project and the plans accurately represents the plop os ed project and the plans accurately represents the plop os ed project and the plans accurately represents the plop os ed project and the plans accurately represents the plop of the plans accurately represents the plans accu

Entrantarily Contractor

DIRECTONS FOR CONSERVATION COMMISSION EXAMINES TO A SUBJECT ON SUB

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C12NTOWN//GITY/CLERK/STGNATURE

equireelby Chapter 482 A-3 (amended 2014) Thereby (certify that the applicant has filed four application forms, four detailed is stand four USOS location maps with the town/dity indicated below:

CONTRACTORINA NEWNOON S

DIRECTIONSFORTOWN/GTYGLERK

corrapplications where "Expedited Review" is checked on page 14 if the conservation Commission signature is not presen NHDES will accept the permit application (but it will NOT receive the expedited review time).

MMEDIATE Visign the original application form and four copies in the signature space provided at

Return the signed original application form and attachments to the applicant so that the applicant may submit the application form and attachments to here a submit the application form and attachments to here a submit the submit th

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 kuss

etain one copy of the application form and one complete set of attachments and make them reasonably accessible for ubliciteviews as a set of the set of attachments and make them reasonably accessible for

ubmit the single foriginal permit application form bearing the signature of the Town/ City Clerk, additional materials include application tee to NHDES by mail or hand delivery.

> shoreland@des.nh.gov or (603) 271-2147 NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095 www.des.nh.gov

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mergent wetland	<u> </u>			ATF
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			/	ATF
Perennial Stream / River			/	ATF
Back - Intermittent stream		ATF	/	
Bank - Perennial stream / River		ATF	1	
Bank - Lake / Pond		ATF	· / ·	ATF
Tidal water		ATF	14,9907	
Salt marsh	· · · · ·	ATF		ATF
Sand dune		ATF .		
Prime wetland		ATF	·	ATĪ
Prime wetland buffer		ATF		
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Docking - River				AT
Docking - Tidal Water		ATF		AT
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14-APPLICATION FEESSee the	nstructions(& Required Attachments)c	ocument for further instr	uction a rest to see	
Minimum Impäct Fee: Flåt	fee of \$ 200 2: Calculate using the below table below Permanent and Temporary (non-dockir	w ng) <u>16,743 sq.</u>	ft. X \$0.20 = <u>\$ 3</u>	,348.60
	Temporary (seasonal) docking structu	resq	$\frac{1}{100} = \frac{1}{100} = \frac{1}$,
	Permanent docking structu	re:sq.	<u>ft.</u> X \$2.00 = <u>\$0</u>	<u>) </u>
	Projects proposing share	line structures (including	docks) add \$200 = (<u>) · </u>
			Total =	1,348.60

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New Hampshire Natural Heritage Bureau

To: karen stackpole 301 Metro Center Boulevard Suite 102 Warwick , RI 02886

Date: 11/30/2016

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From: NH Natural Heritage Bureau

Re: Review by NH Natural Heritage Bureau of request dated 11/30/2016 NHB File ID: NHB16-3594 Applicant: Air Force Civil Engineer

Location: Tax Map(s)/Lot(s): Tax Map 14 Lot 17 (includes Tax Map 14 Lot 3) Newington

roject Description: Deconstruction/removal of subterrangan bulk fuel storage tanks, deconstruction of the pier with four approximately 37-foot diameter dolphins, partial removal of an existing, closed aboveground pipeline, capping and removal of a pipeline manifold, and several building demolitions.

The NH Natural Heritage database has been checked for records of rare species and exemplary natural communities near the area mapped below. The species considered include those listed as Threatened or in Endangered by either the state of New Hampshire or the federal government. We currently have no recorded occurrences for sensitive species near this project area.

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.

This report is valid through 11/29/2017



Programmatic General Permit State Of New Hampshire Application For The Deconstruction Of Defense Fuel Support Point Newington, New Hampshire

Appendix N: List of Abutters Provided Notification of Wetlands Permit Application

Nime	Address As Address
Cogentrix Energy Power Management, LLC. (formerly EP Newington Energy, LLC)	· · · · · · · · · · · · · · · · · · ·
Little Bay Lobster Company	р.
Pan Am Railways	
Reardon, Paul F. and Dwyer, Kathleen	
Sea-3, Inc.	
Sprague Energy	· · · · · · · · · · · · · · · · · · ·
Westinghouse Electric Company	

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