



DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
696 VIRGINIA ROAD
CONCORD MA 01742-2751

April 9, 2024

Regulatory Division
Permit Number: NAE-2023-02667

NH Dept. of Transportation
Attn: Andrew O'Sullivan
P.O. Box 483
Concord, NH 03302

NHDOT 44167
Andrew.M.Osullivan@dot.nh.gov

Dear Permittee:

The U.S. Army Corps of Engineers (USACE) has reviewed your application to perform work as described on the enclosed New Hampshire State Permit No. 2023-02842, dated 12/11/2023.

Based on the information that you provided to the New Hampshire Wetlands Bureau, we verify that this work is authorized under General Permit # 23 of the enclosed September 29, 2022 Federal permit known as the New Hampshire General Permits (GPs) (also located at: www.nae.usace.army.mil/Missions >> [Regulatory](#) >> [State-General-Permits](#)).

Please review the enclosed GPs carefully, including the general conditions beginning on page 36, to be sure that you and whoever does the work understand its requirements. A copy of the GPs and this verification letter shall be available at the project site throughout the time the work is underway. Performing work within our jurisdiction that is not specifically authorized by this determination or failing to comply with any special condition(s) if provided below or all of the terms and conditions of the GPs may subject you to the enforcement provisions of our regulations. You must perform this work in compliance with the terms and conditions of the GPs.

You must complete and return the enclosed Compliance Certification Form within one month following the completion of the authorized work.

This authorization expires on September 29, 2027. You must commence or be under contract to commence the work authorized herein by September 29, 2027 and complete the work by September 29, 2028. If not, you must contact this office to determine the need for further authorization before beginning or continuing the activity. We recommend that you contact us *before* this authorization expires to discuss reissuance. Please contact us immediately if you change the plans or construction methods for work within our jurisdiction. We must approve any changes before you undertake them.

This authorization does not obviate the need to obtain other Federal, state or local authorizations required by law, including those listed in the GPs.

We continually strive to improve our customer service. In order for us to better serve you, we would appreciate your completing our Customer Service Survey located at <https://regulatory.ops.usace.army.mil/customer-service-survey/>

Please contact Michael Hicks of my staff at (978) 318-8157 or (978) 318-8335/8338 if you have any questions.

Sincerely,

For: Frank J. Del Giudice
Chief, NH & VT Section
Regulatory Division

Enclosures:

cc:

Darlene Forst, NH DES; darlene.forst@des.nh.gov
Rumi Shrestha, NH DES; Rumi.Shrestha@des.nh.gov
Brandy Holmes, NHDES; Brandy.L.Holmes@des.nh.gov
Mary Ann Tilton, NHDES; mary.a.tilton@des.nh.gov

COMPLIANCE CERTIFICATION FORM

Permit Number: NAE-2023-02667

Project Manager Michael Hicks

Name of Permittee: NHDOT 44167

Permit Issuance Date: 04/09/2024

Please sign this certification and return it to the following address upon completion of the activity and any mitigation required by the permit. You must submit this after the mitigation is complete, but not the mitigation monitoring, which requires separate submittals.

* MAIL TO: U.S. Army Corps of Engineers, New England District *
* Permits and Enforcement Branch C *
* Regulatory Division *
* 696 Virginia Road *
* Concord, Massachusetts 01742-2751 *

Please note that your permitted activity is subject to a compliance inspection by an U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above referenced permit was completed in accordance with the terms and conditions of the above referenced permit, and any required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

Date

Printed Name

Date of Work Completion

() _____
Telephone Number

() _____
Telephone Number



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

WETLANDS AND NON-SITE SPECIFIC PERMIT 2023-02842

NOTE CONDITIONS

PERMITTEE: NH DEPT OF TRANSPORTATION
7 HAZEN DR
CONCORD NH 03301

PROJECT LOCATION: NH RT 121/CHESTER ROAD, AUBURN
TAX MAP #23, LOT #ROW

WATERBODY: MASSABESIC LAKE

APPROVAL DATE: DECEMBER 11, 2023 **EXPIRATION DATE:** DECEMBER 11, 2028

Based upon review of permit application 2023-02842 in accordance with RSA 482-A and RSA 485-A:17, the New Hampshire Department of Environmental Services (NHDES) hereby issues this Wetlands and Non-Site Specific Permit. To validate this Permit, signatures of the Permittee and the Principal Contractor are required.

PERMIT DESCRIPTION:

Dredge and fill a total of 3,266 square feet/278 linear feet of riverine, scrub-shrub palustrine and lacustrine wetlands to replace a 41-foot long 5-foot diameter corrugated metal pipe culvert carrying an unnamed stream under NH Route 121 (Chester Road) approximately 600-feet north of Bunker Hill Road in the Town of Auburn, NH. The proposed project will install a 9-foot x 6-foot x 4-foot 4-sided Box Culvert with 2-foot embedment (open area approx. 9-foot x 4-foot) with concrete wingwalls upstream and downstream and including grading along slope embankment (NHDOT 44167).

THIS PERMIT IS SUBJECT TO THE FOLLOWING PROJECT-SPECIFIC CONDITIONS:

1. In accordance with Env-Wt 307.16, all work shall be done in accordance with the sequence and plans for State of New Hampshire Department of Transportation, NH Route 121 Culvert Replacement Wetlands Plans, Auburn, NH Project No 44167 (X-A00(339), with PE stamped plan sheets 1-9 dated October 3, 2023.
2. In accordance with Env-Wt 527.05(a) In addition to complying with all applicable conditions in Env-Wt 307, the permit shall be contingent on review and approval by the department of final stream diversion and erosion control plans that detail the timing and method of stream flow diversion during construction and show temporary siltation, erosion, and turbidity control measures to be implemented.
3. In accordance with Env-Wt 314.03, (a) The permittee shall notify the department in writing at least one week prior to commencing any work under the permit.
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. 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- Shoreland Protection during and after construction.
6. In accordance with Env-Wt 904.02(a)(1), in-stream work shall be done only during low flow or dry conditions, in non-tidal areas.

www.des.nh.gov

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095

NHDES Main Line: (603) 271-3503 • Subsurface Fax: (603) 271-6683 • Wetlands Fax: (603) 271-6588

TDD Access: Relay NH 1 (800) 735-2964

7. In accordance with Env-Wt 514.05(a), materials used to emulate a natural channel bottom shall be consistent with materials identified in the reference reach. Materials should be well-mixed to adequately emulate natural boulders, cobbles, gravels and fine materials found upstream and downstream of the crossing, and to prevent the stream flow from running subsurface (i.e., within the interstitial stone voids).
8. American Eel (State species of special concern) and Swamp Darter (State species of special concern) occur within the vicinity of the project area. All operators and personnel working on or entering the site should be made aware of the potential presence of these species.
9. Turtles may be attracted to disturbed ground during nesting season (May 15th - June 30th). All turtle species nests are protected by NH laws. If a nest is observed or suspected, operators shall contact Melissa Winters (603-479-1129) or Josh Megyesy (978-578-0802) at NHFG immediately for further consultation.
10. All manufactured erosion and sediment control products, with the exception of turf reinforcement mats, utilized for, but not limited to, slope protection, runoff diversion, slope interruption, perimeter control, inlet protection, check dams, and sediment traps shall not contain plastic, or multifilament or monofilament polypropylene netting or mesh with an opening size of greater than 1/8 inches.
11. All observations of threatened or endangered species on the project site shall be reported immediately to the NHFG nongame and endangered wildlife environmental review program by phone at 603-271-2461 and by email at NHFGreview@wildlife.nh.gov, with the email subject line containing the NHB DataCheck tool results letter assigned number, the project name, and the term Wildlife Species Observation.
12. Photographs of the observed species and nearby elements of habitat or areas of land disturbance shall be provided to NHFG in digital format at the above email address for verification, as feasible.
13. In the event a threatened or endangered species is observed on the project site during the term of the permit, the species shall not be disturbed, handled, or harmed in any way prior to consultation with NHFG and implementation of corrective actions recommended by NHFG.
14. NHFG, including its employees and authorized agents, shall have access to the property during the term of the permit.
15. In accordance with Env-Wt 307.05(e), to prevent the use of soil or seed stock containing nuisance or invasive species, the contractor responsible for work shall follow Best Management Practices for the Control of Invasive and Noxious Plant Species (Invasive Plant BMPs).
16. In accordance with Env-Wt 307.03(c)(3), water quality control measures shall be installed prior to start of work and in accordance with the manufacturer's recommended specifications or, if none, the applicable requirements of Env-Wq 1506 or Env-Wq 1508.
17. In accordance with Env-Wt 307.03(c)(5), water quality control measures shall be maintained so as to ensure continued effectiveness in minimizing erosion and retaining sediment on-site during and after construction.
18. In accordance with Env-Wt 307.03(c)(6), water quality control measures shall remain in place until all disturbed surfaces are stabilized to a condition in which soils on the site will not experience accelerated or unnatural erosion by achieving and maintaining a minimum of 85% vegetative cover using an erosion control seed mix, whether applied in a blanket or otherwise, that is certified by its manufacturer as not containing any invasive species; or placing and maintaining a minimum of 3 inches of non-erosive material such as stone.
19. In accordance with Env-Wt 307.03(d), any sediment collected by water quality control measures shall be removed with sufficient frequency to prevent the discharge of sediment; and placed in an upland location in a manner that prevents its erosion into a surface water or wetland.
20. In accordance with Env-Wt 307.03(c)(7), temporary water quality control methods shall be removed upon completion of work when compliance with Env-Wt 307.03(c)(6) is achieved.
21. In accordance with Env-Wt 307.03(h), equipment shall be staged and refueled outside of jurisdictional areas and in accordance with Env-Wt 307.15.
22. In accordance with Env-Wt 307.12(i), wetland areas where permanent impacts are not authorized shall be restored to their pre-impact conditions and elevation by replacing the removed soil and vegetation in their pre-construction location and elevation as close as practicable to pre-construction conditions.

23. In accordance with Env-Wt 307.12(f), if any temporary impact area that is stabilized with seeding or plantings does not have at least 75% successful establishment of wetlands vegetation after 2 growing seasons, the area shall be replanted or reseeded, as applicable.
24. In accordance with Env-Wt 307.12(a), within 3 days of final grading or temporary suspension of work in an area that is in or adjacent to surface waters, all exposed soil areas shall be stabilized by seeding and mulching, if during the growing season; or mulching with tackifiers on slopes less than 3:1 or netting and pinning on slopes steeper than 3:1 if not within the growing season.
25. In accordance with Env-Wt 307.12(f), if any temporary impact area that is stabilized with seeding or plantings does not have at least 75% successful establishment of wetlands vegetation after 2 growing seasons, the area shall be replanted or reseeded, as applicable.
26. In accordance with Env-Wt 307.03(g)(1), the person in charge of construction equipment shall inspect such equipment for leaking fuel, oil, and hydraulic fluid each day prior to entering surface waters or wetlands or operating in an area where such fluids could reach groundwater, surface waters, or wetlands.
27. In accordance with Env-Wt 307.03(g)(2), the person in charge of construction equipment shall repair any leaks prior to using the equipment in an area where such fluids could reach groundwater, surface waters, or wetlands.
28. In accordance with Env-Wt 307.03(g)(3) and (4), the person in charge of construction equipment shall maintain oil spill kits and diesel fuel spill kits, as applicable to the type(s) and amount(s) of oil and diesel fuel used, on site so as to be readily accessible at all times during construction; and train each equipment operator in the use of the spill kits.
29. In accordance with Env-Wt 307.03(e), all exposed soils and other fills shall be permanently stabilized within 3 days following final grading.
30. In accordance with Env-Wt 514.05(h) and Env-Wt 307.18 (c) within 60 days of completion of construction, the applicant shall submit a post-construction report that has been prepared by a professional engineer, certified wetland scientist, or qualified professional, as applicable, and contains narrative, exhibits, and photographs, showing the extent of jurisdictional impacts, areas of restoration, and progress of any plantings shall be submitted to the department.

THIS PERMIT IS SUBJECT TO THE FOLLOWING GENERAL CONDITIONS:

1. Pursuant to RSA 482-A:12, a copy of this permit shall be posted in a secure manner in a prominent place at the site of the approved project.
2. In accordance with Env-Wt 313.01(a)(5), and as required by RSA 482-A:11, II, work shall not infringe on the property rights or unreasonably affect the value or enjoyment of property of abutting owners.
3. In accordance with Env-Wt 314.01, a standard permit shall be signed by the permittee, and the principal contractor who will build or install the project prior to start of construction and will not be valid until signed.
4. In accordance with Env-Wt 314.03(a), the permittee shall notify the department in writing at least one week prior to commencing any work under this permit.
5. In accordance with Env-Wt 314.08(a), the permittee shall file a completed notice of completion of work and certificate of compliance with the department within 10 working days of completing the work authorized by this permit.
6. In accordance with Env-Wt 314.06, transfer of this permit to a new owner shall require notification to, and approval of, the NHDES.
7. The permit holder shall ensure that work is done in a way that protects water quality per Env-Wt 307.03; protects fisheries and breeding areas per Env-Wt 307.04; protects against invasive species per Env-Wt 307.05; meets dredging activity conditions in Env-Wt 307.10; and meets filling activity conditions in Env-Wt 307.11.
8. This project has been screened for potential impact to known occurrences of protected species and exemplary natural communities in the immediate area. Since many areas have never been surveyed, or only cursory surveys have been performed, unidentified sensitive species or communities may be present. This permit does not absolve the permittee from due diligence in regard to state, local or federal laws regarding such communities or species. This permit does not authorize in any way the take of threatened or endangered species, as defined by RSA 212-A:2, or of any protected species or exemplary natural communities, as defined in RSA 217-A:3.

9. In accordance with Env-Wt 307.06(a) through (c), no activity shall jeopardize the continued existence of a threatened or endangered species, a species proposed for listing as threatened or endangered, or a designated or proposed critical habitat under the Federal Endangered Species Act, 16 U.S.C. §1531 et seq.; State Endangered Species Conservation Act, RSA 212-A; or New Hampshire Native Plant Protection Act, RSA 217-A.
10. In accordance with Env-Wt 307.02, and in accordance with federal requirements, all work in areas under the jurisdiction of the U.S. Army Corps of Engineers (USACE) shall comply with all conditions of the applicable state general permit.

APPROVED:



Karl D. Benedict
Public Works Supervisor, Wetlands Bureau
Land Resources Management, Water Division

THE SIGNATURES BELOW ARE REQUIRED TO VALIDATE THIS PERMIT (Env-Wt 314.01).

PERMITTEE SIGNATURE (required)

PRINCIPAL CONTRACTOR SIGNATURE (required)