



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

July 23, 2024

Regulatory Division  
Permit Number: NAE-2024-00764

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

NHDOT 13761A  
Andrew.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. 2023-03176, dated 3/19/2024.

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](http://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 and the following special condition(s):

- 1: Compensatory mitigation shall consist of purchasing 0.5583 wetland credits from the State of New Hampshire Aquatic Resource Mitigation Fund (ARM FUND) for impacts to L1UBHh and PF01E resource areas in the Merrimack River Service Area. The permittee shall pay the State of New Hampshire Aquatic Resource Mitigation Fund the above credits for impacts associated with federally regulated resources. This amount may only be valid for a period of one year from the date on the authorization letter, therefore the fee is subject to change. No discharge authorized by this permit may be conducted until the receipt of payment has been received from the New Hampshire Department of Environmental Services.
2. All tree cutting and forest habitat removal would occur between November 1 and April 14 when the species would be in hibernacula and absent from the project area.

3. The NHDOT would mark all trees prior to clearing and remove the minimum amount of habitat necessary for the Project.
4. You must complete and return the enclosed Work Start Notification Form to this office at least two weeks before the anticipated start date and 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,



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Steve Rochette  
Acting Chief, Technical Support Branch  
Regulatory Division

Enclosures:  
cc:

Darlene Forst, NH DES; [darlene.forst@des.nh.gov](mailto:darlene.forst@des.nh.gov)  
Rumi Shrestha, NH DES; [Rumi.Shrestha@des.nh.gov](mailto:Rumi.Shrestha@des.nh.gov)  
Melissa Rusinski [melissa.f.rusinski@des.nh.gov](mailto:melissa.f.rusinski@des.nh.gov)  
Mary Ann Tilton, NHDES; [mary.a.tilton@des.nh.gov](mailto:mary.a.tilton@des.nh.gov)

# COMPLIANCE CERTIFICATION FORM

Permit Number: NAE-2024-00764

Project Manager Michael Hicks  
1

Name of Permittee: NHDOT 13761A

Permit Issuance Date: 07/23/2024

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



**US Army Corps  
of Engineers**®  
New England District

**WORK-START NOTIFICATION FORM**  
(Minimum Notice: Two weeks before work begins)

\*\*\*\*\*

EMAIL TO: Michael Hicks [michael.c.hicks@usace.army.mil](mailto:michael.c.hicks@usace.army.mil)  
and [cenae-r@usace.army.mil](mailto:cenae-r@usace.army.mil); or

MAIL TO: Michael Hicks  
Regulatory Division  
U.S. Army Corps of Engineers, New England District  
696 Virginia Road  
Concord, Massachusetts 01742-2751

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Corps of Engineers Permit No. NAE-2024-00764 was issued to the New Hampshire Department of Transportation. This work is located on F. E. Everett Turnpike in Nashua, New Hampshire and authorized the placement of 24,318 sq feet of permanent fill and 26,697 of temporary fill in Corps jurisdiction to widen the roadway from two to three lanes in each direction with the addition of a northbound and southbound travel lane and roadway widening, and for bridge replacement.

The people (e.g., contractor) listed below will do the work, and they understand the permit's conditions and limitations.

**PLEASE PRINT OR TYPE**

**Name of Person/Firm:** \_\_\_\_\_

**Business Address:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Phone & email:** ( ) \_\_\_\_\_ ( ) \_\_\_\_\_

**Proposed Work Dates:**      **Start:** \_\_\_\_\_      **Finish:** \_\_\_\_\_

**Permittee/Agent Signature:** \_\_\_\_\_      **Date:** \_\_\_\_\_

**Printed Name:** \_\_\_\_\_      **Title:** \_\_\_\_\_

**Date Permit Issued:** \_\_\_\_\_      **Date Permit Expires:** \_\_\_\_\_

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**FOR USE BY THE CORPS OF ENGINEERS**

**PM:** \_\_\_\_\_      **Submittals Required:** \_\_\_\_\_

**Inspection Recommendation:** \_\_\_\_\_



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



**Robert R. Scott, Commissioner**

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**WETLANDS AND NON-SITE SPECIFIC PERMIT 2023-03176**

**NOTE CONDITIONS**

**PERMITTEE:** NH DEPT OF TRANSPORTATION  
ANDREW O'SULLIVAN  
PO BOX 483  
CONCORD NH 033020483

**PROJECT LOCATION:** F E EVERETT TURNPIKE, NASHUA  
TAX MAP #ROW, LOT #ROW

**WATERBODY:** PENNICHUCK BROOK/BOWER'S POND

**APPROVAL DATE:** MARCH 19, 2024                      **EXPIRATION DATE:** MARCH 19, 2029

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Based upon review of permit application 2023-03176 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 67,626 square feet (SF) of palustrine wetlands, lacustrine surface waters, and banks (Pennichuck Brook/Bower's Pond) for NHDOT Project 13761A to widen the roadway from two to three lanes in each direction with the addition of a northbound and southbound travel lane. Wetland impacts are associated with the roadway widening, and bridge replacement along the F.E. Everett Turnpike in Nashua-Merrimack, New Hampshire. The project begins just north of the Tinker Road overpass at Exit 8 in Nashua, and continues north for approximately 2.2 miles, ending approximately 400' north of the Industrial Drive overpass at Exit 10 in Merrimack. There are 39,246 SF of permanent impacts and 28,380 SF of temporary impacts for the project. Compensatory mitigation includes a total payment of \$177,057.95 dollars into the Aquatic Resource Mitigation Fund ("ARM").

**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 Wetlands Impact Plans for State of New Hampshire Department of Transportation, NH Project No. 13761A, F.E Everett Turnpike Corridor Widening Project Wetland Impact Plans dated November 10, 2023, and with Miscellaneous Details and Site Plan and Profile as received by NHDES on February 22, 2024.
2. Work shall be performed in accordance with the Nashua-Merrimack-Bedford, 13761A; F.E. Everett Turnpike Widening Project: Southern Segment; Turbidity Mixing Zone Designation-Approval with Conditions dated February 9, 2024.
3. The permit is contingent on submittal of a check in the amount of \$177,057.95 to the Aquatic Resource Mitigation Fund by the applicant as calculated per Env-Wt 803.07 and RSA 482-A:30 for the amendment impacts.
4. In accordance with Env-Wt 803.08(c), as this project requires a federal permit from the US Army Corps of Engineers (US ACE) under section 404 of the Clean Water Act, the applicant shall consult with the US ACE relative to whether additional mitigation will be required in order to satisfy federal mitigation requirements.
5. In accordance with Env-Wt 314.03, (a) The permittee shall notify the department Wetlands program in writing at least one week prior to commencing any work under the permit.

[www.des.nh.gov](http://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

6. The permit shall be contingent on review and approval by NHDES of final stream diversion plans that detail the timing and method of stream flow diversion during construction and show temporary siltation, turbidity control and perimeter control measures to be implemented.
7. 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.
8. Management of impacted areas of rare, threatened, or endangered plant species shall be in accordance with Natural Heritage Bureau (NHB) consultation recommendations for transplanting of the impacted population to a new location between Populations 1 and 2. A transplanting protocol will be prepared based on NHB's recommendations for transplanting protocol to be included in the construction contract.
9. 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.
10. All observations of threatened or endangered species on the project site shall be reported to the NHFG nongame and endangered wildlife environmental review program by phone at 603-271-2461 and by email at [NHFGreview@wildlife.nh.gov](mailto: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.
11. 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.
12. 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.
13. Site operators shall be allowed to relocate wildlife encountered if discovered within the active work zone if in direct harm from project activities. Wildlife shall be relocated in close proximity to the capture location but outside of the work zone and in the direction the individual was heading. NHFG shall be contacted immediately if this action occurs.
14. NH Fish and Game, including its employees and authorized agents, shall have access to the property during the term of the permit. The NHDOT's Contract Administrator or Environmental Coordinator for the project shall be contacted in advance to coordinate safe access to the site. In case of the need for emergency site access, contact Kevin Nyhan at 603-271-3226.
15. The Pennichuck brook crossing is not identified by the NHFG Nongame and Endangered Species program as a hotspot for road mortalities for rare wildlife. However, the crossing may be a more important element for more common wildlife species, as animals tend to use river edges as travel corridors throughout the landscape.
16. Invasive plant species management shall be performed to ensure the project conforms to Env-Wt 307.05 and the NHDOT "Best Management Practices for the Control of Invasive and Noxious Plant Species".
17. In accordance with Env-Wt 307.03(c)(4), water quality control measures shall be capable of minimizing erosion; collecting sediment and suspended and floating materials; and filtering fine sediment.
18. 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.
19. 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.
20. 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.
21. 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.

22. 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.
23. 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 conditions as close as practicable to pre-construction conditions.
24. 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.
25. 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.
26. 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.
27. 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.
28. 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.
29. 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.
30. In accordance with Env-Wt 307.03(e), all exposed soils and other fills shall be permanently stabilized within 3 days following final grading.
31. In accordance with Env-Wt 514.05(h), 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 which describes the monitoring conducted and date(s) of inspections, and includes photos showing the extent of jurisdictional impacts, areas of restoration, and progress of any plantings in accordance with Env-Wt 307.18(c).

**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).**

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PERMITTEE SIGNATURE (required)

PRINCIPAL CONTRACTOR SIGNATURE (required)