



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

July 2, 2024

Regulatory Division
Permit Number: NAE-2024-01199

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

NHDOT 41824
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. 2024-00736, dated 5/3/2024.

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 >> [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):

Special Condition 1: To avoid and minimize adverse effects to Essential Fish Habitat, you must comply with the following special conditions:

1. Design and construct activities (all devices, work, etc.) in streams with diadromous fish to minimize turbidity and sedimentation, acoustic impacts, obstructions and restrictions, and to provide a zone of passage that allows fish to safely navigate up and downstream. To accomplish this:
 - a. Permittees should conduct work when the stream or tide is waterward of the work and plan for unexpected high flows.

- b. Appropriate soil erosion, sediment and turbidity controls (“controls”), e.g., cofferdams, should be used and maintained in effective operating condition during construction to obtain dry work conditions, and all exposed soil and other fills, as well as any work below the OHWM or HTL, should be permanently stabilized at the earliest practicable date and before controls are removed.
 - c. Controls should be secured during storm events to avoid unintended loss of material and potential associated adverse effects to fisheries resources.
 - d. Work that produces greater than minimal turbidity or sedimentation should not be done during the TOY restriction from April 15 to June 1, unless performed behind sealed cofferdams.
 - e. Safe, timely and effective downstream passage should be maintained throughout all projects with diadromous fish.
 - f. Controls should be removed upon completion of work, but not until all exposed soil and other fills, as well as any work waterward of OHW, are permanently stabilized. Sediment and debris collected should be removed and placed at an upland location in a manner that will prevent erosion into a waterway or wetland.
 - g. Noise-generating work in diadromous streams should not occur within the diadromous fish TOY restriction from April 15 to June 1 unless it is properly isolated e.g., work should occur behind sealed, dewatered cofferdams, in the dry. This is to avoid impeding fish migration. Passage should be maintained during migration.
2. All impacted areas should be restored to preconstruction conditions and grades.
 3. Compensatory mitigation should be provided commensurate with the amount and type of temporary and permanent adverse effects to any non-tidal Special Aquatic Sites that are not restored to preconstruction conditions.

Special Condition 2: You must complete and return the enclosed Work Start Notification Form to this office at least two weeks before the anticipated start date. 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,



Steve Rochette
Acting Chief, Technical Support Branch
Regulatory Division

Enclosures:
cc:

Darlene Forst, NH DES; darlene.forst@des.nh.gov
Rumi Shrestha, NH DES; Rumi.Shrestha@des.nh.gov
Melissa Rusinski melissa.f.rusinski@des.nh.gov
Mary Ann Tilton, NHDES; mary.a.tilton@des.nh.gov
Arin Mills, NHDOT; Arin.i.mills@dot.nh.gov

COMPLIANCE CERTIFICATION FORM

Permit Number: NAE-2024-01199

Project Manager Michael Hicks

Name of Permittee: NHDOT 41824

Permit Issuance Date: 07/2/2024

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 2024-00736

NOTE CONDITIONS

PERMITTEE: NH DEPARTMENT OF TRANSPORTATION
C/O ANDREW O'SULLIVAN
PO BOX 483
CONCORD NH 03301

PROJECT LOCATION: NH RTE 16 (SPAULDING TURNPIKE), DOVER
Tax Map/Block/Lot(s): N/A/no block/N/A

WATERBODY: COCHECO RIVER

APPROVAL DATE: MAY 03, 2024 **EXPIRATION DATE:** MAY 03, 2029

Based upon review of permit application 2024-00736 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 13,125 square feet/571 linear feet of perennial stream bed, banks, and palustrine wetlands for the rehabilitation of the two NH Route 16 (Spaulding Turnpike) bridges that carry Northbound (Bridge No. 106/133) and Southbound (Bridge No. 105/133) traffic over the Cocheco River in Dover (NH DOT 41824). Impact area includes 12,878 square feet/571 linear feet of temporary impacts to be restored.

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 plans and sequence for NHDOT NH Project No. 41824 RTE 16/Spaulding Turnpike Over Cocheco River, Bridge No. 105/133 & 106/133 in Dover, NH as received by NHDES on March 21, 2024.
2. 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.
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. 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 plan that detail the timing and method of stream flow diversion during construction and show temporary siltation and turbidity control measures to be implemented.
5. The northern side of the Cocheco River will not be interrupted during any phase of construction and will remain open and unobstructed throughout the duration of the project.
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- Shoreland Protection during and after construction.

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 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).
8. Project construction shall occur in accordance with NH Division of Historical Resources and the NHDOT Cultural Resources Program recommendations for access road and project construction recommendations.
9. No in-water work shall occur between April 15th and June 1st to minimize impacts to migratory fish species. The temporary cofferdams and causeways must be constructed prior to April 15th and can remain in place for the construction season. No new fill in the river shall be placed between April 15th and June 1st. Temporary fill for the causeway will be in place for no more than one construction season.
10. American Eel (State species of special concern), Blueback Herring (State species of special concern), and Alewife (State species of special concern) occur within the vicinity of the project area. All operators and personnel working on or entering the site shall be made aware of the potential presence of this species.
11. In water work, such as the construction and removal of the proposed causeway(s), shall occur outside of April 15th and June 1st window to minimize potential impacts to migrating American eel, Blueback Herring, and Alewife.
12. 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.
13. 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.
14. 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.
15. 15. 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.
 - a. 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.
16. 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.
17. In accordance with Env-Wt 307.03(a), no activity shall be conducted in such a way as to cause or contribute to any violation of surface water quality standards specified in RSA 485-A:8 or Env-Wq 1700; ambient groundwater quality standards established under RSA 485-C; limitations on activities in a sanitary protective area established under Env-Dw 302.10 or Env-Dw 305.10; or any provision of RSA 485-A, Env-Wq 1000, RSA 483-B, or Env-Wq 1400 that protects water quality.
18. 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.
19. 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.
20. 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.
21. 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.
22. 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.
 23. 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.
 24. In accordance with Env-Wt 307.03(h), equipment shall be staged and refueled outside of jurisdictional areas (unless allowed) and in accordance with Env-Wt 307.15.
 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 307.12(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 conditions.
 27. 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.
 28. 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.
 29. 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.
 30. 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.
 31. 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.
 32. In accordance with Env-Wt 307.03(e), all exposed soils and other fills shall be permanently stabilized within 3 days following final grading.

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)



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
and 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

Corps of Engineers Permit No. NAE-2024-01199 was issued to the New Hampshire Department of Transportation. This work is located on NH RTE 16 over the Cocheco River in Dover, New Hampshire and authorized the placement of 247 sq feet of permanent fill and 12,452 of temporary fill in Corps jurisdiction for the rehabilitation of NHDOT Bridge Nos. 106/133 and 105/133.

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: _____

FOR USE BY THE CORPS OF ENGINEERS

PM: _____ Submittals Required: _____

Inspection Recommendation: _____