



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



**Robert R. Scott, Commissioner**

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**WETLANDS AND NON-SITE SPECIFIC PERMIT 2023-03336**

**NOTE CONDITIONS**

**PERMITTEE:** NH DEPT OF TRANSPORTATION  
PO BOX 483  
CONCORD NH 033020483

**PROJECT LOCATION:** NH RTE 114 (250 FT SOUTHWEST OF VILLAGE RD), SUTTON  
TAX MAP #06 (WITHIN ROW)

**WATERBODY:** THISTLE BROOK

**APPROVAL DATE:** FEBRUARY 14, 2024      **EXPIRATION DATE:** FEBRUARY 14, 2029

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Based upon review of permit application 2023-03336 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 1,504 square feet/219 linear feet perennial stream bed and banks and emergent wetlands to replace an existing 60-foot long 48-inch diameter corrugated metal pipe culvert conveying Thistle Brook (Tier 2) under NH Route 114 approximately 250-feet southwest of Village Road in the Town of Sutton, NH. The proposed crossing will be replaced with an 8 x 5-foot concrete box culvert embedded with one foot of stream simulation. The culvert inlet is proposed to move 25-feet upstream to improve hydraulic efficiency (NHDOT 44212).

**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 plans for State of New Hampshire Department of Transportation, NH Project No. 44212, NH Route 114 Culvert Replacement Wetland Impact and Erosion Control Plans, Sutton, NH as received by NHDES on December 29, 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 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. 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.
5. The NHFG Turtle Flyer shall be shared with all operators, employees and contractors working on the project. All observations of wood turtles, spotted turtles, box turtles or Blanding's turtles shall be immediately reported to NHFG (Melissa Doperalski 603-271-1738 or Josh Megysey 603-271- 0463).
6. Turtle species of concern are known to occur in the vicinity of the project. During the turtle nesting season (May 15th through July 1st) the contractor shall review any areas with exposed soils that will experience truck traffic or equipment staging for turtle nesting activity. If turtles are found laying eggs in an area that will be disturbed, the contractor shall cease work immediately to avoid disturbing the turtle and contact the Bureau of Environment for

[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

further instructions and coordination with NH Fish & Game Melissa Winters (603-479-1129) or Josh Megyesy (978-578-0802) at NH Fish & Game immediately for further consultation.

7. All observations of threatened or endangered species on the project site shall be reported immediately to the NH Fish & Game 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 subject line containing the NHB Data Check tool results letter assigned number, the project name, and the term Wildlife Species Observation. Photographs of the observed species and nearby elements of habitat or areas of land disturbance shall be provided to NH Fish & Game in digital format at the above email address for verification, if feasible.
8. In the event that 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 NH Fish & Game, and implementation of corrective actions recommended by NH Fish & Game.
9. Use wildlife friendly erosion control matting and avoid the use of welded plastic or 'biodegradable plastic' netting or thread in erosion control matting.
10. 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).
11. In accordance with Env-Wt 307.11(a), fill shall be clean sand, gravel, rock, or other material that meets the project's specifications for its use; and does not contain any material that could contaminate surface or groundwater or otherwise adversely affect the ecosystem in which it is used.
12. 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 as close as practicable to pre-construction conditions.
13. 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.
14. 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.
15. 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.
16. 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.
17. 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.
18. 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.
19. 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.
20. 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.
21. 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.

22. 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.
23. 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.
24. 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.
25. 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.
26. In accordance with Env-Wt 307.03(e), all exposed soils and other fills shall be permanently stabilized within 3 days following final grading.
27. 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).

**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)