

**STATE OF NEW HAMPSHIRE**  
**INTER-DEPARTMENT COMMUNICATION**

**DATE:** July 17, 2023

**FROM:** Andrew O'Sullivan  
Wetlands Program Manager

**AT (OFFICE):** Department of  
Transportation

**SUBJECT:** Response to Request for More Information  
Plaistow-Kingston 10044E  
NHDES File Number: 2023-00958

Bureau of  
Environment

**TO:** Karl Benedict, Public Works Permitting Officer  
New Hampshire Wetlands Bureau  
29 Hazen Drive, P.O. Box 95  
Concord, NH 03302-0095

On June 2, 2023, the New Hampshire Department of Environmental Services (NHDES) Wetlands Bureau reviewed the above-referenced Standard Dredge and Fill Wetlands Permit Application (Application). Pursuant to RSA 482-A:3, XIV(a)(2) and Rules Env-Wt 100 through 900, NHDES Wetlands Bureau determined the following additional information is required to complete its evaluation of the Application:

1. In accordance with Env-Wt 307.06, No activity shall jeopardize the continued existence of a threatened or endangered species or critical habitat. Several state listed reptile species are known to occur in the vicinity of the project corridor. Coordination with NH Fish & Game occurred, and several conservations measures were recommended. NHF&G recommended that sumps not be included in catch basins or outlet control structures when located in grassy areas as protection measures. NHDOT evaluated this recommendation and determined that the catch basin sumps would be included as part of the proposed design. Please provide documentation of further design coordination with NHF&G to ensure all necessary measures have been incorporated to maintain the continued existence of a threatened or endangered species or critical habitat.

*Response: See attached June 16, 2023 email from Kevin Newton, NH Fish & Game.*

*NHDOT has coordinated with the NH Fish & Game, have evaluated their recommendations and will incorporate appropriate measures as noted in the June 16, 2023 email from Kevin Newton. For engineering, water quality measures and maintenance concerns, NHDOT will retain catch basin sumps as part of the proposed design of the roadway drainages, however NHDOT will remove the sumps from the outlet control structure of the water quality treatment measures to mitigate the potential for amphibians and reptiles being entrapped in these outlet structures.*

2. In accordance with Env-Wt 800, please confirm (with the NHDES Mitigation Program, ACOE, and EPA) that the previous mitigation provided as part of the overall 10044B project under the Wetlands Permit #2004-00763 will be valid for the proposed 10044E project impacts under each program's current rules.

*Response:*

*Discussion on the appropriateness of the overall Plaistow-Kingston, 10044B mitigation was conducted at the November 18, 2020 Monthly Natural Resource Agency Coordination Meeting, see attached. Lori Sommer of the NHDES Mitigation Program reviewed this overall*

*mitigation package prior to this Natural Resource Agency meeting and provided a follow up via email on October 20, 2020, see attached. Further discussion on the mitigation is detailed starting on Page 1 of the Supplemental Narrative of the Permit Application, under the Project Background section.*

*Based upon L. Sommer's review of the previous mitigation package, she determined that the previous mitigation package adequately compensates for the lost functions that would have been required as mitigation for the Little River impacts. L. Sommer indicated in her email that "A review of the information notes the presence of intermittent streams and one parcel includes frontage along the Pow-Wow River. These important stream resources have been conserved through the previous mitigation measures. I would agree that stream mitigation has been provided to adequately compensate for the lost functions that may occur through [this] project." It was concluded that no further mitigation would be necessary for the proposed stream impacts to the Little River.*

*There were no objections expressed by the agency in attendance, or in their review of these minutes.*

If and when this application meets with the approval of the Bureau, please send the permit directly to Andrew O'Sullivan, Wetlands Program Manager, Bureau of Environment.

AMO:mgl

cc:

BOE Original

ec:

Kevin Nyhan, NHDOT ([kevin.t.nyhan@dot.nh.gov](mailto:kevin.t.nyhan@dot.nh.gov))  
Matt Lampron, NHDOT ([Matthew.D.Lampron@dot.nh.gov](mailto:Matthew.D.Lampron@dot.nh.gov))  
Marc Laurin, NHDOT ([marc.g.laurin@dot.nh.gov](mailto:marc.g.laurin@dot.nh.gov))  
Rebecca Martin, NHDOT ([Rebecca.A.Martin@dot.nh.gov](mailto:Rebecca.A.Martin@dot.nh.gov))  
Darren Blood, GM2 ([dblood@gm2inc.com](mailto:dblood@gm2inc.com))  
Jennifer Riordan, GM2 ([jriordan@gm2inc.com](mailto:jriordan@gm2inc.com))

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## Laurin, Marc

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**From:** Newton, Kevin  
**Sent:** Friday, June 16, 2023 2:42 PM  
**To:** Martin, Rebecca  
**Cc:** Laurin, Marc; FGC: NHFG review; Winters, Melissa  
**Subject:** RE: [ WARNING-EXT ] NHB22-3323 NH Route 125 improvements NHDES Standard Dredge & Fill - Major, Plaistow Kingston 10044E

Hi Rebecca,

Thank you for the update. If the OC's have sumps removed, then I don't envision them posing an entrapment issue to wildlife if they are day lit through the outlet pipe and allow for amphibians and reptiles to crawl out. The location of the outlet control structure is not as important if the sumps are removed, thus the preferred location of the engineer(s) should be okay.

Thanks,

Kevin Newton  
Wildlife Biologist  
NH Fish and Game Department  
Wildlife Division  
11 Hazen Drive, Concord NH 03301  
Phone: 603-271- 5860

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**From:** Martin, Rebecca <Rebecca.A.Martin@dot.nh.gov>  
**Sent:** Friday, June 9, 2023 10:30 AM  
**To:** Newton, Kevin <Kevin.M.Newton@wildlife.nh.gov>  
**Cc:** Laurin, Marc <marc.g.laurin@dot.nh.gov>; FGC: NHFG review <NHFGreview@wildlife.nh.gov>; Winters, Melissa <Melissa.J.Winters@wildlife.nh.gov>  
**Subject:** RE: [ WARNING-EXT ] NHB22-3323 NH Route 125 improvements NHDES Standard Dredge & Fill - Major, Plaistow Kingston 10044E

Hello Kevin,

Thank you for all your help with the review of this project. The Environmental Manager for the project, Marc Laurin, and I have conferred with the project engineers, Water Quality Program Manager and the District that will need to maintain the project area.

Once the project engineers reviewed the OCS sumps again (#5), they agreed that the OCS sumps can be removed. They explained that 'the OCS sumps aren't as critical as the sumps in the CBs along the roadway. The water flowing through the OCS has already traveled through a sediment forebay and been treated by the pond.'

Our Water Quality Program Manager and District 6 Assistant Engineer have raised concerns with #6, which we had previously agreed to implement on this project. We had not considered the challenge of access to maintain this structure previously. The issue is that if the outlet structure were blocked, the pool would fill up and the depth of the pool would make access for maintenance a problem. Our Assistant Engineer has indicated that they 'prefer to have the OCS located as close to the access road as practical'.

I am hopeful that you will agree that since the sump removal will make it possible for amphibians to crawl out via the outlet pipe, we can return to a design that places the outlet structures closer to the access road to make them easier for maintenance to access. Please let me know your thoughts.

Best,  
Rebecca

Rebecca Martin  
Plant and Wildlife Program Manager  
NH DOT Bureau of Environment  
7 Hazen Drive  
Concord, NH 03302  
(603)271-6781  
[Rebecca.A.Martin@dot.nh.gov](mailto:Rebecca.A.Martin@dot.nh.gov)

The max pool depths at the OCS are noted below (assuming the 3:1 slope matches in 1' below the rim). The project engineer noted that 12" would be the max reasonable depth to expect someone to negotiate – even then they would likely need waders.

BMP	Rim Elev	Top of Pond Elev	Delta	Max Water Depth	Horiz distance to OCS
2354	121.05	123.0	1.95	2.95'	8.85'
2371	113.82	115.0	1.18	2.18'	6.54'
2377	113.0	114.0	1	2'	6'
2423	145.88	146.75	0.87	1.87'	5.61'

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**From:** Newton, Kevin <[Kevin.M.Newton@wildlife.nh.gov](mailto:Kevin.M.Newton@wildlife.nh.gov)>  
**Sent:** Wednesday, April 5, 2023 3:41 PM  
**To:** Martin, Rebecca <[Rebecca.A.Martin@dot.nh.gov](mailto:Rebecca.A.Martin@dot.nh.gov)>  
**Cc:** Laurin, Marc <[marc.g.laurin@dot.nh.gov](mailto:marc.g.laurin@dot.nh.gov)>; FGC: NHFG review <[NHFGreview@wildlife.nh.gov](mailto:NHFGreview@wildlife.nh.gov)>; Winters, Melissa <[Melissa.J.Winters@wildlife.nh.gov](mailto:Melissa.J.Winters@wildlife.nh.gov)>  
**Subject:** RE: [ WARNING-EXT ] NHB22-3323 NH Route 125 improvements NHDES Standard Dredge & Fill - Major, Plaistow Kingston 10044E

Hi Rebecca,  
Thank you for your response and for incorporating NHFG recommendations into the project design and environmental commitments. I've added additional feedback in green for #5 and #7.

**New Hampshire Fish and Game Conservation Recommendations:**

1. Blanding's turtle (State endangered), Northern Black Racer (State threatened), and Spotted Turtle (State threatened) 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 these species and shall be provided flyers that help to identify these species, along with NHFG contact information.

Northern Black Racer and Rare Turtles flyers and F&G contact information will be included in the Contract Documents along with a commitment in the Summary of Environmental Issues to make personnel working on the project aware of the potential presence of protected turtles and snakes.

2. Rare species information (e.g. identification, observation and reporting of observations, when to contact NHFG immediately and NHFG contact information) shall be communicated during morning tailgate meetings prior to work commencement during the construction phase of the project. See Plan Sheet xxxxxx. Include attached flyers to plan sheet set.

Northern Black Racer and Rare Turtles flyers and F&G contact information will be included in the Contract Documents along with a commitment in the Summary of Environmental Issues to make personnel working on the project aware of the potential presence of protected turtles and snakes. The plans are also available in the contract documents. The potential presence of protected snakes and turtles will be relayed at the pre-construction meeting and flyers will be posted on a project bulletin board.

3. Observations of Northern Black Racers in the months of April-May and September-October may indicate the potential for a den site on or near the project site. Observations of this species during this timeframe shall be reported immediately to the New Hampshire Fish and Game Department Nongame and Endangered Wildlife Environmental Review Program. Please contact Melissa Winters (603-479-1129) or Brendan Clifford (603-944-0885). Observations of this species outside of this timeframe can follow general reporting guidance. Please include photograph with text if feasible.

This will be included as a commitment in the Summary of Environmental Issues (which is included in the contract documents).

4. 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. This will be included as a commitment in the Summary of Environmental Issues (which is included in the contract documents).

5. No sumps shall be included in the design of catch basins or outlet control structures when located near or within grassy areas to avoid the entrapment of rare wildlife species.

Sumps collect sediment and minimize the potential for clogging within pipes. In addition, sumps are a Stormwater Pre-Treatment Practice (Env-Wq 1508.15), and are included in the NHDES NH Stormwater Manual as a Standard Practice. They are reasonably effective in removing fine and very fine sediment (approximately 20%). Sumps are intended to be included in the 10044E project and shown on the plans.

NHFG recognizes the role and effectiveness of sumps in storm water pre-treatment. Effective treatment of stormwater is critical for protecting water quality of wetlands, which wildlife depend on. However, it has been documented that sumps have the potential to cause mortality for T&E species when located near grassy or wet areas. NHFG has worked with applicants to incorporate alternative stormwater treatment practices, such as open-drainage and daylighting pipes, which have still met NHDES standards. For this project, the proposed outlet control structures probably pose the biggest risk potential to T&E based on their locations adjacent to wetlands and vegetated areas. Is DOT able to remove the sumps from the OS only while still incorporating them within other structures to adhere to NHDES standards?

**Update: The design engineers have indicated that the sumps in the OCS structures can be removed.**

6. Outlet control structures in storm water treatment areas shall not be placed adjacent to the side slopes but rather as far away as possible to deter wildlife crawling onto them and falling through the grate openings. These structures shall be a minimum 12"-18" above grade. See Plan sheet(s) dated XXXXXX for specs.

This will be included in the project design.

Update: The Water Quality Program Manager and the Assistant District Engineer have indicated that this would create maintenance issues and have requested that 'the OCS located as close to the access road as practical'

7. A native pollinator seed mix shall be used, if necessary, to restore disturbed areas. Seed mixes shall be low-growing species in order to minimize the need for mowing.

Mowing schedules are determined by each District. This area is anticipated to be mowed once or twice per year. NHDOT does not currently have a native pollinator seed mix, but we are participating in a research project in hopes of having one available in the future: [21-3 Initiating Seed Production for Effective Establishment of Native Plants on Roadsides in New England \(newenglandtransportationconsortium.org\)](#) NHDOT does have a wildflower seed mix, which will be used within NHDOT ROW in suitable areas for this project.

Please let us know if/when NHDOT establishes a native pollinator seed mix. Does the District have an anticipated mowing date(s)?

8. Fertilizer shall not be used within 100 feet of wetlands. If fertilizer is required for restoration efforts, a low-phosphorous fertilizer shall be used.

A low-phosphorous fertilizer shall be used within 100 feet of wetlands.

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.

Wildlife friendly erosion control will be used for this project.

10. 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](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.

This will be included as a commitment in the Summary of Environmental Issues (which is included in the contract documents).

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.

This will be included as a commitment in the Summary of Environmental Issues (which is included in the contract documents).

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.

This will be included as a commitment in the Summary of Environmental Issues (which is included in the contract documents).

13. NHFG, including its employees and authorized agents, shall have access to the property during the term of the permit.

Please contact the NHDOT's Contract Administrator or Environmental Coordinator, Darrel Elliot 603-419-9822, for the project to coordinate access to the site. Please ensure any F&G employees, or authorized agents, are accompanied by NHDOT personnel to ensure their safe access within construction zones.

Additional Recommendations:

1. Wood turtles (State species of special concern) occur within the vicinity of the project area. Site operators should be informed of the potential presence of this species and should be provided flyers that help to identify this species along with NHFG contact information should they be encountered during project activities.

The Rare Turtles flyer will be included in the contract documents and the Summary of Environmental Issues will include a commitment to make personnel aware of the potential presence of this species and a requirement to contact F&G if they are encountered in the project area.

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**From:** Martin, Rebecca <[Rebecca.A.Martin@dot.nh.gov](mailto:Rebecca.A.Martin@dot.nh.gov)>

**Sent:** Friday, March 31, 2023 1:31 PM

**To:** Newton, Kevin <[Kevin.M.Newton@wildlife.nh.gov](mailto:Kevin.M.Newton@wildlife.nh.gov)>

**Cc:** Laurin, Marc <[marc.g.laurin@dot.nh.gov](mailto:marc.g.laurin@dot.nh.gov)>; FGC: NHFG review <[NHFGreview@wildlife.nh.gov](mailto:NHFGreview@wildlife.nh.gov)>; Winters, Melissa <[Melissa.J.Winters@wildlife.nh.gov](mailto:Melissa.J.Winters@wildlife.nh.gov)>

**Subject:** RE: [ WARNING-EXT ] NHB22-3323 NH Route 125 improvements NHDES Standard Dredge & Fill - Major, Plaistow Kingston 10044E

Hello Kevin,

Thank you for your review and your input on the Plaistow Kingston 10044E project. We had an opportunity to discuss the conservation recommendations with the engineers working on the project design and with our Water Quality Program Manager and we have the following recommendations/changes. Can you please review and let us know if these are acceptable or if you would like to discuss further?

New Hampshire Fish and Game Conservation Recommendations:

1. Blanding's turtle (State endangered), Northern Black Racer (State threatened), and Spotted Turtle (State threatened) 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 these species and shall be provided flyers that help to identify these species, along with NHFG contact information.  
Northern Black Racer and Rare Turtles flyers and F&G contact information will be included in the Contract Documents along with a commitment in the Summary of Environmental Issues to make personnel working on the project aware of the potential presence of protected turtles and snakes.
2. Rare species information (e.g. identification, observation and reporting of observations, when to contact NHFG immediately and NHFG contact information) shall be communicated during morning tailgate meetings prior to work commencement during the construction phase of the project. **See Plan Sheet xxxxxx**. Include attached flyers to plan sheet set.

Northern Black Racer and Rare Turtles flyers and F&G contact information will be included in the Contract Documents along with a commitment in the Summary of Environmental Issues to make personnel working on the project aware of the potential presence of protected turtles and snakes. The plans are also available

in the contract documents. The potential presence of protected snakes and turtles will be relayed at the pre-construction meeting and flyers will be posted on a project bulletin board.

3. Observations of Northern Black Racers in the months of April-May and September-October may indicate the potential for a den site on or near the project site. Observations of this species during this timeframe shall be reported immediately to the New Hampshire Fish and Game Department Nongame and Endangered Wildlife Environmental Review Program. Please contact Melissa Winters (603-479-1129) or Brendan Clifford (603-944-0885). Observations of this species outside of this timeframe can follow general reporting guidance. Please include photograph with text if feasible.  
This will be included as a commitment in the Summary of Environmental Issues (which is included in the contract documents).
4. 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. This will be included as a commitment in the Summary of Environmental Issues (which is included in the contract documents).
5. No sumps shall be included in the design of catch basins or outlet control structures when located near or within grassy areas to avoid the entrapment of rare wildlife species.  
Sumps collect sediment and minimize the potential for clogging within pipes. In addition, sumps are a Stormwater Pre-Treatment Practice (Env-Wq 1508.15), and are included in the NHDES NH Stormwater Manual as a Standard Practice. They are reasonably effective in removing fine and very fine sediment (approximately 20%). Sumps are intended to be included in the 10044E project and shown on the plans.
6. Outlet control structures in storm water treatment areas shall not be placed adjacent to the side slopes but rather as far away as possible to deter wildlife crawling onto them and falling through the grate openings. These structures shall be a minimum 12”-18” above grade. See Plan sheet(s) dated XXXXXX for specs.  
This will be included in the project design.
7. A native pollinator seed mix shall be used, if necessary, to restore disturbed areas. Seed mixes shall be low-growing species in order to minimize the need for mowing.  
Mowing schedules are determined by each District. This area is anticipated to be mowed once or twice per year. NHDOT does not currently have a native pollinator seed mix, but we are participating in a research project in hopes of having one available in the future: [21-3 Initiating Seed Production for Effective Establishment of Native Plants on Roadsides in New England \(newenglandtransportationconsortium.org\)](#)  
NHDOT does have a wildflower seed mix, which will be used within NHDOT ROW in suitable areas for this project.
8. Fertilizer shall not be used within 100 feet of wetlands. If fertilizer is required for restoration efforts, a low-phosphorous fertilizer shall be used.  
A low-phosphorous fertilizer shall be used within 100 feet of wetlands.
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.  
Wildlife friendly erosion control will be used for this project.



10. 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](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.

This will be included as a commitment in the Summary of Environmental Issues (which is included in the contract documents).

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.

This will be included as a commitment in the Summary of Environmental Issues (which is included in the contract documents).

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.

This will be included as a commitment in the Summary of Environmental Issues (which is included in the contract documents).

13. NHFG, including its employees and authorized agents, shall have access to the property during the term of the permit.

Please contact the NHDOT's Contract Administrator or Environmental Coordinator, Darrel Elliot 603-419-9822, for the project to coordinate access to the site. Please ensure any F&G employees, or authorized agents, are accompanied by NHDOT personnel to ensure their safe access within construction zones.

#### Additional Recommendations:

1. Wood turtles (State species of special concern) occur within the vicinity of the project area. Site operators should be informed of the potential presence of this species and should be provided flyers that help to identify this species along with NHFG contact information should they be encountered during project activities.

The Rare Turtles flyer will be included in the contract documents and the Summary of Environmental Issues will include a commitment to make personnel aware of the potential presence of this species and a requirement to contact F&G if they are encountered in the project area.

Best wishes,  
Rebecca

Rebecca Martin  
Plant and Wildlife Program Manager  
NH DOT Bureau of Environment  
7 Hazen Drive  
Concord, NH 03302  
(603)271-6781  
[Rebecca.A.Martin@dot.nh.gov](mailto:Rebecca.A.Martin@dot.nh.gov)

**From:** Newton, Kevin <[Kevin.M.Newton@wildlife.nh.gov](mailto:Kevin.M.Newton@wildlife.nh.gov)>

**Sent:** Friday, February 3, 2023 2:07 PM

**To:** Jennifer Riordan <[JRiordan@GM2INC.COM](mailto:JRiordan@GM2INC.COM)>

**Cc:** FGC: NHFG review <[NHFGreview@wildlife.nh.gov](mailto:NHFGreview@wildlife.nh.gov)>; Winters, Melissa <[Melissa.J.Winters@wildlife.nh.gov](mailto:Melissa.J.Winters@wildlife.nh.gov)>; Mauck, Ridgely <[Addison.R.Mauck@des.nh.gov](mailto:Addison.R.Mauck@des.nh.gov)>; Lewis, Eben <[EBEN.M.LEWIS@des.nh.gov](mailto:EBEN.M.LEWIS@des.nh.gov)>

**Subject:** [ WARNING-EXT ] NHB22-3323 NH Route 125 improvements NHDES AoT and Standard Dredge & Fill - Major

Good afternoon,

New Hampshire Fish and Game has completed review of materials submitted for consultation on 12/28/2022 for NHB22-3323 (*site plans with a final revision date of 11/04/2022*) prepared by GM2 and The State of New Hampshire Department of Transportation. The proposed project is for improvements along 1.8 miles of NH Route 125 in the towns of Kingston and Plaistow, NH. Proposed improvements include reconstruction NH Route 125 from a two-lane section to a three-lane section that includes a two-way center left-turn lane throughout. The project also includes side road improvements, intersections consolation and realignments, drainage work, and the addition of five storm water treatment areas.

Applications associated with this review:

- NHDES – Alteration of Terrain – application pending
- DES – Standard Dredge & Fill Wetlands Permit – Major – application pending

**Based on the NHB datacheck results letter and the information provided in the submission, we request the following recommended permit conditions. THESE RECOMMENDED PERMIT CONDITIONS ARE APPLICABLE TO ALL STATE PERMITS LISTED ABOVE.**

- **For consideration in the AoT permit review process, please incorporate recommendations along with associated materials as detailed, into the final sheet plans as written below (updated highlighted text as applicable) and provide to NHDES and cc NHFG for final review.**
- **For all other permits, please include recommended permit conditions in final plan sheets plans as written below (updated highlighted text as applicable) and provide to NHDES and cc NHFG for final review. Permit reviewers will adopt/include NHFG permit conditions in the permit if approved.**

**New Hampshire Fish and Game Wetland and AoT Permit Conditions (Env-Wq 1503.33) – Wildlife Protection Notes:**

14. Blanding's turtle (State endangered), Northern Black Racer (State threatened), and Spotted Turtle (State threatened) 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 these species and shall be provided flyers that help to identify these species, along with NHFG contact information.
15. Rare species information (e.g. identification, observation and reporting of observations, when to contact NHFG immediately and NHFG contact information) shall be communicated during morning tailgate meetings prior to work commencement during the construction phase of the project. **See Plan Sheet xxxxxx**. Include attached flyers to plan sheet set.
16. Observations of Northern Black Racers in the months of April-May and September-October may indicate the potential for a den site on or near the project site. Observations of this species during this timeframe shall be reported immediately to the New Hampshire Fish and Game Department Nongame and Endangered Wildlife Environmental Review Program. Please contact Melissa Winters (603-479-1129) or Brendan Clifford (603-944-0885). Observations of this species outside of this timeframe can follow general reporting guidance. Please include photograph with text if feasible.
17. 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.
18. No sumps shall be included in the design of catch basins or outlet control structures when located near or within grassy areas to avoid the entrapment of rare wildlife species.

19. Outlet control structures in storm water treatment areas shall not be placed adjacent to the side slopes but rather as far away as possible to deter wildlife crawling onto them and falling through the grate openings. These structures shall be a minimum 12"-18" above grade. See Plan sheet(s) dated XXXXXX for specs.
20. A native pollinator seed mix shall be used, if necessary, to restore disturbed areas. Seed mixes shall be low-growing species in order to minimize the need for mowing.
21. Fertilizer shall not be used within 100 feet of wetlands. If fertilizer is required for restoration efforts, a low-phosphorous fertilizer shall be used.
22. 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.
23. 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](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.
24. 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.
25. 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.
26. NHFG, including its employees and authorized agents, shall have access to the property during the term of the permit.

Additional Recommendations:

2. Wood turtles (State species of special concern) occur within the vicinity of the project area. Site operators should be informed of the potential presence of this species and should be provided flyers that help to identify this species along with NHFG contact information should they be encountered during project activities.

NHFG has completed our review of materials submitted for consultation under FIS 1004. No further coordination with NHFG is requested, and the final recommendations have been transmitted to the applicable permitting agency. Questions or concerns on NHFG recommendations must follow FIS 1004.12. Note that NHFG recommendations may be withdrawn pursuant to FIS 1004.

Kevin Newton  
Wildlife Biologist  
NH Fish and Game Department  
Wildlife Division  
11 Hazen Drive, Concord NH 03301  
Phone: 603-271- 5860

New Hampshire Fish and Game requirements for environmental review consultation can be found at: [https://gencourt.state.nh.us/rules/state\\_agencies/fis1000.html](https://gencourt.state.nh.us/rules/state_agencies/fis1000.html). ALL requests for consultation and submittals should be sent via email to [NHFGreview@wildlife.nh.gov](mailto:NHFGreview@wildlife.nh.gov) or can be sent hardcopy by mail. **The NHB datacheck results letter number needs to be included in the email subject line to read as "NHBxx-xxxx\_Project Name\_FIS 1004 Consultation Submittal".**

The requirements for consultation (Fis 1004) shall not apply to the following: statutory permit by notification, permit by rule, permit by notification, routine roadway registration, docking structure registration, or conditional authorization by rule. Review requests for these projects or other project types should be submitted to [NHFGreview@wildlife.nh.gov](mailto:NHFGreview@wildlife.nh.gov) or can be sent hardcopy by mail – email or mail subject line for these review requests should read "NHBxx-xxxx\_Project Name\_ Env. Review Request".

**Please provide shapefiles/KMZ/KMLs of the project site (and relevant features if applicable) with your submittal.** Review statements provided in the NHB Datacheck Results letter for additional guidance.

# BUREAU OF ENVIRONMENT CONFERENCE REPORT

**SUBJECT:** NHDOT Monthly Natural Resource Agency Coordination Meeting

**DATE OF CONFERENCE:** November 18, 2020

**LOCATION OF CONFERENCE:** Virtual meeting held via Zoom

**ATTENDED BY:**

**NHDOT**

Sarah Large  
Matt Urban  
Andrew O’Sullivan  
Mark Hemmerlein  
Rebecca Martin  
Meli Dube  
Wendy Johnson  
Matt Lampron  
Marc Laurin  
Dan Prehemo  
Jon Hebert  
Maggie Baldwin  
Kathy Corliss  
Gerry Bedard  
Jason Tremblay  
John Sargent

**ACOE**

Lindsey Lefebvre

**Federal Highway**

Jaimie Sikora

**NHDES**

Lori Sommer  
Karl Benedict  
Ann Pelonzi

**NH Fish & Game**

Carol Henderson

**NHB**

Amy Lamb

**The Nature Conservancy**

Pete Steckler

**Consultants/ Public**

**Participants**

Vicki Chase  
Jim Hall  
Robert Durfee  
Jim Donison, City of Lebanon  
Adam Stockin  
Karie-An James  
Jennifer Riordan  
Tony Puntin  
Jennifer Zorn  
Seth Hill

**PRESENTATIONS/ PROJECTS REVIEWED THIS MONTH:** *(minutes on subsequent pages)*

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*(When viewing these minutes online, click on a project to zoom to the minutes for that project.)*

**NOTES ON CONFERENCE:****Finalize Meeting Minutes**

Finalized and approved the October 21, 2020 meeting minutes.

**Lebanon, #13558A (X-A000(235))**

Vicki Chase of TRC Environmental and James Hall, PE of Dubois and King presented the project, which is the replacement of Bridge 062-117 carrying NH 12A over the NH Railroad. The project also involves intersection upgrades and construction of a new access road into the former Westboro Railyard, north of NH 12A. The Project is at the northern terminus of NH 12A at the intersection of US Route. 4. Bridge 062-117 is just south of the intersection of NH 12A and US Route 4.

The existing steel girder bridge with a concrete deck was built in 1949. The bridge is three spans and is 145' in total length. The traveled way width includes two – 10'-6" lanes and one 4'-4" sidewalk. The overall General Condition Ratings (GCR) of the bridge is in fair to poor condition.

The state and the city have identified the Westboro Railyard property as a potential development site, so the access road connecting NH 12A and the Westboro Railyard property (aka roundhouse property) are included as part of the project. There is an existing access road connecting the Westboro Railyard to NH 12A, but the new access road will be on a new alignment with an improved intersection at NH 12A. The configuration of the access road has not been finalized, DuBois and King is still working on both the horizontal and vertical geometrics. The alignment and profile of NH 12A is staying generally the same with minor widening and improvements.

At the intersection of NH 12A with US Route 4, most of the current traffic movements are turning left, so a right turn only lane is being added and traffic lights will be re-timed. An MSE wall will be added on the south side of the new turning lane because the slope will be cut back.

The new bridge will be 80 feet long have three 11-foot lanes, two six-foot shoulders and a six-foot sidewalk.

Wetlands were delineated for the last iteration of the project, but delineations were older than five years, so wetlands were re-delineated in October 2020. There are emergent wetlands between the railroad and NH 12 A. There is also an intermittent stream that flows into the Westboro Railyard, fed by stormwater from the city's closed drainage system. It has not been determined if there are any natural drainages flowing into the stormwater system.

The Connecticut River is subject to the SWQPA, because this is an LPA project it does not qualify for the exemption that NHDOT projects have. If there are any impacts within the protected shoreland they will require a permit. FEMA floodplains extend up the stormwater drainage, no involvement anticipated.

A rare plant survey was undertaken during the wetland delineation, and the plant was recorded outside of the project area along the railroad track. There are several populations of various invasive species within the project area.

The Westboro Railyard is a remediation site, soil testing has been completed and DuBois and King and they are awaiting the results.

No wetland impacts anticipated other than potentially for the stormwater drainage headwall.

**Questions:**

**Karl Benedict NHDES:** Q. Have new impervious areas and stormwater treatment been taken into account? Answer: Yes – because the project is an LPA project it will require an AoT permit. Q. Will an alternatives analysis be provided to NHDES? Answer: The Project has been through several iterations, the current design has much smaller impacts than previously considered alternatives which proposed that 12A be off the current alignment. These will be summarized in the wetland application.

**Lori Sommer NHDES:** no questions, if there are over 10,000 sf of impact mitigation can be discussed.

**Carol Henderson NHFG:** Comment: The AoT application submittal will need to comply with the new AoT wildlife requirements. A. Noted. Q. For invasive species is there a plan for management? A. The access road will go through areas of invasive species, so the project will be subject to standard construction practices for disposing of soils.

**Lindsey Lefebvre USACE:** Q. Has there been any coordination with DHR? Answer: Yes, the project has a heavy historical component and the consultants worked with DHR to develop the scope of work for the project. Q. Will there be an MOA? A. Probably, because there will be a full 4(f) evaluation.

**Jamie Sikora FHWA:** No Comments

**Amy Lamb NHNH:** Comment: Appears there will be no impacts to the rare plant, *Hackelia virginiana*, that was surveyed. TRC will provide a report to NHNH documenting the location of the populations that were found in 2020.

**Jim Donison City of Lebanon:** The project has been studied for about twenty years and the city is looking forward to get the project under way.

**Matt Urban NHDOT:** There is an existing project Lebanon 42866, intended for the deconstruction of the roundhouse, bunkhouse, and smokestack. Matt recommends that the City coordinate with Toby Reynolds, Wayne Brooks, and Dan Primo, and Matt Urban of DOT to coordinate the two projects. They have done a lot of borings for the project area and may have data to share.

*This project has been previously discussed at the 2/16/2011 and 9/21/2011 Monthly Natural Resource Agency Coordination Meetings.*

**Canaan, #42938 (X-A004(998))**

Vicki Chase of TRC Environmental and Adam Stockin, PE and Karie James, PE of WSP presented the project, which is the preservation for three bridges carrying US Route 4 over the Mascoma River (Br. No. 090-034), over Crystal Lake Brook (Br. No. 096-039), and over Indian River (Br. No. 169-073).

Karie James introduced the project, which is in the conceptual design phase. The purpose is to extend the useful service life of the three bridges by performing bridge repairs. It is anticipated that the repairs will be performed using 1-lane alternating traffic.

(Br. No. 090-034) over the Mascoma Built in 1993 ~ 150 foot span I-beams with concrete deck ~ Traveled way width 43'-2" curb to curb. General Condition Ratings: Deck – 7 – Good – Superstructure – 8 – Very Good

**Anticipated Bridge Preservation Work:**

- Bridge deck repairs, new membrane & pavement
- At-grade approach slab and sleeper slab repairs, new membrane & pavement

- Expansion joint replacement at approach slab/sleeper slab ends
- Installation of asphaltic plug for crack control at abutments
- Bridge curb repairs
- Minor concrete abutment and wingwall repairs
- Water repellent application on all exposed concrete surfaces

(Br. No. 096-039) over Crystal Lake Brook - the bridge was built in 1941, rebuilt 1993. 3-Span Concrete Slab with total length of 72 feet ~ Traveled way width 43' 2" curb-to-curb. General Condition Ratings: Deck – 7 Good Superstructure – 7 – Good Substructure – 8 – Very Good. The project will involve access to the bridge piers to apply water repellent.

**Anticipated Bridge Preservation Work:**

- Bridge deck repairs, new membrane & pavement
- Installation of asphaltic plug for crack control at abutments
- Bridge curb repairs
- Minor concrete abutment and wingwall repairs
- Water repellent application on all exposed concrete surfaces

Br. No. 169-073 over the Indian River – this bridge is the most in need of repair and is the bridge driving the project. Built in 1978 ~ 88-ft span I Beam with Concrete Deck ~ Traveled way width 38' 6" curb to curb. General Condition Ratings are not as good as the other two bridges: Deck – 6 Satisfactory Superstructure – 7 – Good. Substructure – 6 – Satisfactory.

**Anticipated Bridge Preservation Work:**

- Bridge deck repairs, new membrane & pavement
- Clean and Paint Ends of beams and bearings at Abut. B
- Installation of asphaltic plug for crack control at abutment A
- Expansion joint replacement at Abut B
- Bridge curb repairs
- Concrete abutment and wingwall repairs
- Water repellent application on all exposed concrete surfaces

The east abutment and southeast wingwall will require a lot of repair and will need water repellent on all exposed surfaces. Some of the delaminations go all the way down to the stream surface. Staging will be required along the entire lengths of all abutments and wingwalls in order to hammer sound all of the exposed areas in order to determine the exact limits of repair. The repairs will require using a cofferdam to do the work in the dry at Abutment B.

Vicki Chase provided an overview of resources at the bridges. Delineations were completed in October 2020 at all three bridges.

**Mascoma River**

- >4th Order, Tier 3 Stream
- 121 square-mile watershed
- Permanently flooded, unconsolidated bottom, lower perennial riverine system (R2UBH).
- Designated under NH RSA 483
- PEM wetlands next to river
- WQ impairments – Al, pH, E. Coli
- FEMA Floodway and Floodplain
- SWQPA does not apply per RSA 483-B:5-b.VII

**Crystal Lake Brook** is a Tier 3 Stream with a 17 square-mile watershed.

- Permanently flooded, unconsolidated bottom, lower perennial riverine system (R2UBH).
- Tributary to the Mascoma River
- PEM Wetlands at toe of slope
- No WQ impairments
- FEMA Floodplain

**Indian River** is a Tier 3 Stream with a 34 square-mile watershed

- Permanently flooded, unknown perennial, unconsolidated bottom, lower perennial riverine system (R5UBH).
- Tributary to the Mascoma River
- PEM Swale on NW quadrant
- No impairments
- FEMA Floodway

FEMA floodplains are present at all three bridges, and floodways are present at the Mascoma bridge and Indian River Bridge. There is a Wildlife Management Area between the Mascoma River bridge and the Crystal Lake Brook bridge. No involvement with this conservation land is anticipated. All three bridges are surrounded by habitat identified as highest quality in the state in the 2020 NHFG Wildlife Action Plan. There are records of Smooth Green Snake and Wood Turtle in the vicinity of the bridges, no records in the immediate project areas.

#### Questions:

**Melilotus Dube NHDOT:** Q. For Bridge 169-073 over the Indian River, would staging be set up during the design phase or would it be done during construction? A. Staging will be set up during construction and repairs made as needed. Engineers have evaluated the bridge and determined approximate areas but were not able to do hammer sounding in every location.

**NHDOT Bridge Design:** No Comment

**Karl Benedict NHDES:** Q. Would bridges all be permitted together? A. At this stage only the Indian River bridge is proposed to have impacts, but impacts haven't been calculated yet. If there are impacts at more than one bridge could they be permitted together or would they need to be separate? Karl: They could be combined under one permit, but can get complicated if there are different permit conditions for each bridge. If there are impacts to the slopes there should be a restoration plan. Cofferdams should be installed during low flow when there is not precipitation on the forecast. For NHDES Wetland Rules Env-Wt 904.09 would apply for repair of a Tier 3 stream, which need a few PE certifications. There do not appear to be any changes to hydrology proposed. If there is access needed through wetlands a timber mat should be used.

**Sarah Large NHDOT:** Q. Will the project be reviewed at another NHDOT resource agency meeting? A. We are scheduled to return.

**Lori Sommer NHDES:** Comment: If work is within existing infrastructure no mitigation will be required, but we can revisit.

**Carol Henderson NHFG:** Comment: If erosion control matting is needed wildlife friendly matting should be used. Sarah Large: NHDOT has developed standard commitments including wildlife friendly products that will be used.



**Amy Lamb NHHB:** Comment: No rare plants or natural communities, if nothing was documented during resource reviews NHB has no comments.

**Lindsey Lefebvre USACE:** No Comments

**Jamie Sikora FHWA:** No Comments

**Pete Steckler The Nature Conservancy:** Comment: Note high quality habitat on both the north and south side of NH Route 4. Would like the project team to consider if there is an opportunity to construct a relatively flat wildlife walkway along the armoring. This would create under road wildlife habitat access.

**John Sargent NHDOT:** Mascoma and Crystal Lake Brook bridges are in very good shape, maintenance is akin to painting a house. Almost all of the work involves the decks, curbing, etc. The Indian River bridge will involve removing soft concrete on the abutments.

**Melilotus Dube NHDOT:** Work under the Mascoma and Crystal Lake Brook bridges can be accomplished from above by bucket truck or by laborers on foot. No large wheeled equipment will be needed under the bridge. Also, because there are no changes to the infrastructure there would be no changes to the floodplain function.

*This project has not been previously discussed at the Monthly Natural Resource Agency Coordination Meeting.*

**Epping, #29608 (X-A004(196))**

Wendy Johnson introduced the project and the team members. The project involves mobility, capacity, and safety improvements along NH Route 125. BETA Group is completing the design, with Tony Puntin as the lead engineer. GM2 Associates is providing environmental support.

Jenn Riordan (GM2) presented the project. This is an initial meeting to introduce the project, provide an overview of the natural resource field reviews and data collection, show several conceptual design alternatives, and obtain feedback on potential resource concerns and constraints. The project is located along 2.9 miles of NH Route 125, from 300 feet south of the Epping/Brentwood town line to just north of NH Route 87. It includes NH Route 101 Exit 7 and crosses the Lamprey and Piscassic Rivers and NH Route 27. The overall goal of the project is to improve mobility and capacity along the project corridor. Need and objectives include capacity improvements (additional lanes, widening), operational improvements (signal upgrades), complete streets and context sensitive solutions (sidewalks, bike lanes), and access management (driveway re-alignment and/or consolidation). The project is currently early in the design phase. A public advisory committee meeting was held in July 2020 and a public officials meeting was held in September 2020. The alternatives investigation is ongoing. A public hearing is scheduled for late 2021. The project advertisement date is October 2024. Construction is scheduled for 2025.

Jenn Riordan then provided an overview of the natural resources that have been identified so far. Wetlands were field-delineated in 2019 and 2020. There are several Priority Resource Areas, including large wetlands in the southern portion of the project near the Piscassic River, the Lamprey River and an adjacent wetland, and a perennial stream/wetland crossing in the northern portion of the project. The unnamed perennial tributary in the northern portion of the project has a perched culvert outlet. There are also many small wetlands scattered throughout the project corridor in between the developed areas. There are no Prime Wetlands. Two small vernal pools were identified. Direct impacts to these pools are unlikely since

they are both located at least 50 feet from the road. Overall wetland impacts have not yet been identified since it is still early in the design process.

Surface waters include the Lamprey River (a Tier 3 crossing, National Wild and Scenic River, and NH Designated River), an unnamed perennial tributary to the Lamprey River (Tier 3 due to floodplain), three intermittent streams, and the Piscassic River (Tier 3 crossing and NH Designated River). No impacts at the Piscassic River crossing are anticipated since work will likely be limited to the pavement. Potential impacts to the Lamprey River and other streams have not yet been determined. Both the Lamprey and Piscassic Rivers are subject to the Shoreland Water Quality Protection Act.

The Piscassic River is a Class A water and may be an Outstanding Resource Water. **(GM2 to confirm.)** There are no chloride-impaired watersheds. The project is within an MS4 community and also subject to Alteration of Terrain rules. Water quality treatment requirements and stormwater BMP locations will need to be considered during design.

Several rare, threatened, and endangered species were listed in the NH Natural Heritage Bureau (NHB) and US Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) reports. Plant species identified in the NHB report include Engelmann's quillwort, Georgia bulrush, long-leaved pondweed, northern tubercled bog-orchid, and red maple floodplain forest (Exemplary Natural Community). Small whorled pogonia was identified in the USFWS IPaC report. Field surveys were completed this past summer (2020). None of these plant species were observed within the project corridor. Two *Scirpus* samples were provided to NHB to confirm identification. They were determined to be wool grass, not Georgia bulrush. The red maple floodplain forest Exemplary Natural Community is mapped east of Route 125, but based on field reviews, the community doesn't appear to extend into the project limits.

The NHB report identified the following listed animal species: brook floater (Lamprey River), American eel (Piscassic River), Blanding's turtle, Eastern box turtle, and wood turtle. Northern long-eared bat was identified in the USFWS IPaC report. Jenn Riordan mentioned that she had followed up with NH Fish and Game regarding the NHB report earlier this year. It was determined that a mussel survey was required for impacts to the Lamprey. Although it is not known if there will be impacts to the Lamprey at this point, a mussel survey was completed by Ethan Nedeau this past summer so that information would be available moving forward with the project design. No brook floater mussels were found in the vicinity of the project. A summary report from Ethan is expected soon. The IPaC online keys will be used to address northern long-eared bat, and other coordination will be completed as necessary. A survey of the bridges was completed and no evidence of bats was found.

The Lamprey River is designated as Essential Fish Habitat (EFH) for Atlantic salmon. An EFH assessment will be completed if necessary, once potential impacts to the Lamprey River are determined. There is conservation land located east of NH Route 125 near NH Route 101 and also in the northwest quadrant of the NH Route 87 intersection. The Lamprey River is designated as a National Wild and Scenic River. The Piscassic and Lamprey are both NH Designated Rivers. The Lamprey River Local Advisory Committee has been contacted and they also have a representative on the project's Public Advisory Committee.

Jenn Riordan explained that the project would most likely include specific areas of improvements, rather than a single plan/treatment for the entire project length. She presented several of the initial project design concepts, including:

- Park and Ride Driveway Relocation – This alternative is located near the southern end of the project and would involve re-aligning the driveway entrance to the Park and Ride so it is opposite the Brickyard Square driveway (this intersection is currently signalized while the Park and Ride driveway is not). This would involve crossing a large wetland.

- Roadway Widening (5 Lanes) and Sidewalk Construction – This segment is located north of NH Route 101, between Fresh River Road and NH Route 27. This alternative would widen the roadway to a constant 5-lane cross section. Currently this section narrows to three lanes, creating bottlenecks. This may also involve adding a sidewalk along the entire length. This would involve minor wetland impacts and the addition of stormwater treatment BMPs.
- Roadway Widening (3 Lanes) – This segment is located north of NH Route 27, between Elm Street and Coffin Road. This alternative would involve widening to add a center turn lane. This may involve some wetland impacts (need to evaluate design plans, once developed) and the addition of stormwater treatment BMPs. A perennial stream crossing (unnamed tributary to the Lamprey River) is located in this segment. Tony Puntin shared that this culvert would likely need to be extended.
- NH Route 87 Roundabout – This is located at the northern end of the project and would involve adding a roundabout at the intersection. There are no wetlands but there is conservation land in the northwest quadrant (Southeast Land Trust). Stormwater will need to be treated.

Tony Puntin shared that the work at the Piscassic River bridge would most likely only be a mill and overlay pavement treatment.

Comments were then provided by the following resource agencies.

Karl Benedict (NHDES)

- Agreed with the focus on stormwater treatment.
- Stream crossings need to be designed in accordance with the NHDES stream crossing rules. Tony Puntin (BETA) mentioned that the Lamprey River bridge was constructed relatively recently and won't be replaced. Widening the existing bridge or adding a pedestrian bridge is being considered.
- The Park and Ride driveway relocation will require an alternatives analysis, particularly since there are upland areas nearby. Need to demonstrate avoidance and minimization of wetland impacts.

Lori Sommer (NHDES)

- Given the wetlands and natural resources present, the project will likely be a Major Impact project and require mitigation. Lori suggested considering the Stream Passage Improvement Program (SPIP), local mitigation opportunities, or aquatic organism passage improvements for potential mitigation.
- Lori asked that the vernal pools be reviewed for egg masses. Jenn Riordan responded that wood frog egg masses were found in both vernal pools this spring (1 mass in the southern pool and 3 small masses in the northern one). Lori suggested checking again next spring since last spring had unusual conditions. The ACOE will require classification of the pools as low, medium, or high value.
- Consider replacing the culvert or improving the perched condition for the unnamed perennial stream.
- Floodplain impacts (both temporary and permanent) will need to be evaluated.
- Lori commented that she is concerned about the work to relocate the Park and Ride entrance. Tony Puntin (Beta) shared that southbound drivers on NH Route 125 wishing to enter the Park and Ride lot currently need to cross over several lanes of traffic with no signal.
- Lori asked if expansion of the Park and Ride is proposed. Wendy Johnson (NHDOT) responded that expansion is not proposed. Lori asked if a narrower, one-way entrance has been considered. Wendy responded that NHDOT is reviewing BETA's conceptual design and other options are being evaluated to reduce wetland impacts.
- Lori mentioned potential indirect and secondary impacts associated with the project. The purpose is to improve mobility and capacity, but the project could encourage new developments.

## Carol Henderson (NH Fish and Game)

- Carol recommended looking at potential improvements to the perched culvert on the unnamed perennial stream.
- She said that the NH Fish and Game Marine Division (Mike Dionne) should be contacted regarding anadromous fish resources in the Lamprey and Piscassic and potential timing of the project construction. **(GM2 to contact.)**
- Since the project will require an AoT permit, Carol mentioned the recent change to AoT rules which require a wildlife habitat assessment.

## Amy Lamb (NH Natural Heritage Bureau)

- Amy mentioned that a population of Georgia bulrush had been previously found in the project corridor in 2011. NHB was surprised that it wasn't still present and they are doing some additional follow-up.
- Amy suggested contacting USFWS regarding small whorled pogonia. **(GM2 to coordinate with NHDOT regarding USFWS consultation.)** Jenn Riordan mentioned that there may be potential small whorled pogonia habitat in the northern portion of the project but no plants were found. **Amy said that she would check the NHB records for any nearby populations.**

## Lindsey Lefebvre (ACOE)

- Lindsay recommended a vernal pool assessment now and consideration of how the vernal pools will function after the pools or their buffers are impacted.
- She recommended coordinating with the National Park Service about the Lamprey River (National Wild and Scenic River).
- She mentioned the potential need for an EFH assessment.

## Jaime Sikora (FHWA)

- No comments in addition to what was already discussed.

## Pete Steckler (The Nature Conservancy)

- Pete stated that both the Piscassic and Lamprey Rivers are regionally significant wildlife corridors and were included in the Connect the Coast study. This should be kept in mind during the design.
- He discouraged the addition of a pedestrian bridge across the Lamprey River. There are already three bridges in this area and an additional bridge would result in further fragmentation of the river.

\*Action items resulting from this meeting are noted in **bold**.

*This project has not been previously discussed at the Monthly Natural Resource Agency Coordination Meeting.*

**North Hampton, #24457 (X-A002(909))**

Jon Hebert went through the PowerPoint presentation. Jon described the public hearing plan and feedback the Department received on the Proposed Action presented at the hearing. Regarding the proposed realignment of North Road (east) through a portion of a maintained mowed hayfield, the owner expressed concern with the loss of the open space on the property with this relocation. The Town and other abutting owners also expressed concerns with the proposed layout of the relocated road. As such, DOT committed to develop conceptual alternatives to minimize proposed impacts to the field and open space. Three conceptual alternatives were developed that relocate North Road (east) to intersect with US Route 1 further to the north, along the north side of the property. Alternative A avoids the most southern part of the field

and retains some open space, but was developed to minimize wetland impacts; Alternative B retains more open space by moving North Road further to the east of the field through a wooded area; while Alternative C maximizes the open space by moving North Road through more of the wooded area along the east and north property lines of the property. These concepts have been presented to the North Hampton Town Manager and Public Works Director, who favored Alternative B. DOT is planning to present these alternatives to Town officials at a public meeting in the near future and is asking for input from the resource agencies on the concepts.

The project was delineated only to 950 feet down North Road (the previously identified project limits) which didn't not include the area to be impacted by the newly developed alternatives A through C. The concepts therefore were developed using NWI mapping. However, due to a review of the USGS soil survey mapping that showed larger areas of hydric soils extending beyond the NWI areas, the potential new impact area associated with the alternatives was delineated by BOE in October 2020. The majority of the wooded area was identified as being a forested wetland with several former agricultural drainage ditches throughout the forested wetland. A narrower scrub-shrub area is located along the east side of the field. A summary of environmental resource within the project area was presented. The alternatives would impact wetlands and surface waters, and identified the potential for federally-listed species (NLEB) within the project area. Streams, a state-listed plant species, and conservation lands are adjacent to the project, but are not anticipated to be impacted by any alternative. The wetland impacts are all associated with the relocation of North Road (east). The estimated acres of wetland impacts are: Hearing Plan - 0.31; Alternative A - 0.45; Alternative B - 1.9, and; Alternative C - 3.2. Mitigation for the wetland impacts would be required for any of the alternatives. If one of these alternatives is pursued coordination with the Town and its Conservation Commission would occur to identify mitigation priorities of the community that could potentially serve as mitigation for the project. The in-lieu fee would range from \$76,445 for the impacts associated with the Hearing Plan to \$789,081 for the Alternative C impacts.

A portion of the project is within designated MS4 area and requires that stormwater quality treatment measures be provided. An area located directly adjacent to the existing North Road (east), within the open field, has been identified as being required for all the alternatives. The slender blue-beardless iris, a state endangered plant is located off North Road (west) at the limits of the project. Further engineering will be required to determine if drainage requirements would impact a swale area where they have been identified. An acoustic survey for the NLEB would be required if Alternatives B or C were pursued. The schedule for the project was discussed, the Department anticipates attending a Public Officials meeting in December 2020, and a Conservation Commission meeting in January or February of 2021. Final design of the chosen alternative will begin in the Fall of 2021 with advertising of the project in September 2022, and construction occurring in 2023.

Marc Laurin and Sarah Large briefly discussed the recent delineation they undertook in October. The delineation completed by BOE is for preliminary design use and project planning. Re-delineation of the whole project area by a CWS will be required as the initial delineations were completed in 2015, and will be over 5 years old by the time the project is pursuing permitting. Sarah noted that the scrub-shrub wetland, which would be impacted by the Hearing Plan and Alternative A, was more disturbed and of less value than the forested wetland, which would be impacted by Alternatives B and C.

Karl Benedict stated concerns with the additional and greater wetland impacts associated with the three conceptual alternatives. When looking to permit a project DES looks for avoidance of wetland impacts. Karl noted that if Alternative B were to be shifted into an upland "island" that could reduce wetland impacts. Jon noted that this upland has been identified as the area that could be used for the required treatment of stormwater. Karl expressed that it would be hard for DOT to establish why any of the three

conceptual alternatives would be the least impacting to wetlands. He agreed that re-delineation would be required and will discuss the project with the Wetlands Bureau Coastal Staff to get their input.

Lori Sommer asked if the field had any wetlands, Marc responded that the field was all upland. Lori commented that all of the three alternatives impact the open space of the field and that the concepts would only move the open space impacts further to the north. She inquired if North Road (east) could be retained closer to its current alignment. Jon explained that due to the grade at the intersection of US Route 1 with North Road, the need to provide appropriate sight distance at US Route 1 and access to Sagamore Golf Center, the proposed road relocation identified on the Hearing Plan was considered the most reasonable location. Also, the water quality treatment area for US 1 needs to be located in the field in the vicinity of the existing road location. While small adjustment can be made, there would still be significant impact to the corner of the parcel. Lori stated that the original hearing design makes sense and the three other alternative don't address the least impacting criteria. Regarding potential mitigation, she suggested talking to the Southeast Land Trust (SELT), the Nature Conservancy and the Town's Conservation Commission.

Jon stated that after further coordination with the Town, DOT will come back to present this coordination effort at a future Resource Agency meeting. Sarah asked if the feedback that is being received from the Resource Agencies will be presented to the Town, Jon confirmed it would be. Carol Henderson agreed that the original concept is the best. The three alternative concepts fragment wildlife connectivity to a much greater degree. Amy Lamb agreed with the original concept being the least environmentally impactful and asked to be kept in the loop with the drainage on North Road (west) and any potential impacts to the iris. She stated that when further design of the area is done, she will go out and identify the locations of the plants to see if they are impacted by the proposed design. Lindsey Lefebvre also agreed that the original concept is preferable.

Pete Steckler agreed that the original concept is preferable. He commented that open space is also includes "green space" and that fragmentation of habitat with the three conceptual alternatives is a concern. He remarked that Connect the Coast has identified a wildlife corridor in the area and that these green spaces have been recognized by the Land Conservation Priorities for the Protection of Coastal Water Resources (2016), a conservation plan funded by the NHDES Coastal Program and NOAA, as important pollution attenuation areas. He would be willing to provide this information to all. He also noted that it seems that the field impacts are similar to the original design for any of the conceptual alternatives, they are just in a different place. He noted that the SELT conservation land was adjacent to the project and that preservation of the remaining open space could be mitigation.

Karl concluded that a site meeting would be amenable if a conceptual alternative is pursued.

*This project has been previously discussed at the 6/15/2016 Monthly Natural Resource Agency Coordination Meeting.*

**Plaistow-Kingston, #10044E (X-A000(378))**

Jennifer Zorn (MJ) provided a brief overview of the project history. The overall Plaistow-Kingston, 10044 project was 6 miles in length and previously designed, and has been vetted through the NEPA process and Public Hearing process in 2004/2005. Most of the overall project has been constructed, with the exception of Contract E, the project at-hand. Contract E consists of the widening of NH 125 from just north of the Old County Road intersection in Plaistow to just south of Newton Junction Road/Hunt Road intersection in Kingston and is approximately 1.8 miles in length. A redesign of this last section has been undertaken due to the decrease in actual traffic volumes versus the projected traffic volumes. This current design calls for a

reduction in the project's footprint from the previously proposed five-lane roadway. The current design call for a three-lane roadway where the center lane is a dedicated two-way left turning lane.

The purpose of this meeting was to conclude two outstanding issues for the NEPA Reevaluation including mitigation for the proposed impact to the Little River, and guidance from NHHNB and NHF&G regarding T/E species or Species of Concern in or near the project area.

J. Zorn reviewed the total impact to wetlands which has been reduced from 1.95 acres (presented in the 2005 EA and permitted as per NHDES permit #2004-00763) to 0.5 acres, therefore the previous mitigation package that was executed as part of the NHDES permit satisfies the currently proposed wetland impacts. The proposed permanent impacts to the bank (7 LF) and channel (5 LF) of the Little River (due to the proposed culvert extension) were not addressed in the previous mitigation package since the current Stream Rules were not yet in effect. Based upon Lori Sommer's review of the previous mitigation package, she determined that the previous mitigation package adequately compensates for the lost functions that would have been required as mitigation for the Little River impacts. L. Sommer reviewed the mitigation package prior to this Natural Resource Agency meeting and provided follow up via email on 10/20/2020. L. Sommer indicated in her email that "A review of the information notes the presence of intermittent streams and one parcel includes frontage along the Pow-Wow River. These important stream resources have been conserved through the previous mitigation measures. I would agree that stream mitigation has been provided to adequately compensate for the lost functions that may occur through [this] project." It was concluded that no further mitigation would be necessary for the proposed stream impacts to the Little River.

The mitigation package for 10044B consisted of the following:

- creation of wetlands and preservation of the Sullivan site adjacent to Bayberry Pond in Kingston
- preservation of the Nichols site along the Pow-wow River in Kingston, and
- preservation of the Frog Pond Woods site along Kelly Brook in Plaistow.

Relative to species that may be present, J. Zorn reviewed the current NHHNB search results with the focus on a record for the presence of a Blanding's Turtle (State endangered) adjacent to the project area. J. Zorn stated that NHF&G provided very detailed guidance which will be incorporated into the NEPA Reevaluation, in the Environmental Commitments and will be applied during final design, permitting and construction.

The following questions and comments were made by participants in the meeting:

Karl Benedict (NHDES):

- Requested that a short summary of how the wetland impacts were reduced be provided in future submissions, such as permitting. J. Zorn stated that the reduction of impact was primarily due to the reduced footprint of the project (from a five-lane typical section to a three-lane typical section). A summary will be provided in the application.

Lori Sommer (NHDES):

- Inquired whether T/E species were associated with the Little River. J. Zorn stated she did not believe so but would need to verify. Amy Lamb confirmed that a Wood Turtle record was present within the Little River.

*This project has been previously discussed the 10/18/2000, 1/16/2002, 8/21/2002, 7/16/2003, 8/7/2003, 9/17/2003, 4/12/2005, 3/20/19, and 8/19/20 Monthly Natural Resource Agency Coordination Meetings.*

## Laurin, Marc

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**From:** Sommer, Lori  
**Sent:** Tuesday, October 20, 2020 3:27 PM  
**To:** Laurin, Marc  
**Cc:** Benedict, Karl  
**Subject:** RE: Plaistow-Kingston, 10044E - Existing Mitigation Documentation

Thanks Marc,

I am glad to see all of the materials have been completed and deeds recorded. A review of the information notes the presence of intermittent streams and one parcel includes frontage along the Pow-Wow River. These important stream resources have been conserved through the previous mitigation measures. I would agree that stream mitigation has been provided to adequately compensate for the lost functions that may occur through the future project. No further mitigation is required from the NHDES requirements. I would make sure the Corps is in agreement. Thanks,

Lori

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**From:** Laurin, Marc  
**Sent:** Monday, October 19, 2020 11:36 AM  
**To:** Sommer, Lori  
**Subject:** RE: Plaistow-Kingston, 10044E - Existing Mitigation Documentation

Lori,

I uploaded the 8 files. I don't have the privilege to make a separate folder, so they are individually listed after the Ossipee 41251 folder.

Marc

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**From:** Laurin, Marc  
**Sent:** Monday, October 19, 2020 11:06 AM  
**To:** Sommer, Lori <[LORI.L.SOMMER@des.nh.gov](mailto:LORI.L.SOMMER@des.nh.gov)>  
**Subject:** RE: Plaistow-Kingston, 10044E - Existing Mitigation Documentation

Lori,

Sorry, I recall that the FTP site automatically deletes stuff after a few weeks. So I guess what I put in there in October has been deleted.

I will place information in there today and let you know when it is downloaded.

Marc

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**From:** Sommer, Lori <[LORI.L.SOMMER@des.nh.gov](mailto:LORI.L.SOMMER@des.nh.gov)>  
**Sent:** Monday, October 19, 2020 10:37 AM  
**To:** Laurin, Marc <[marc.g.laurin@dot.nh.gov](mailto:marc.g.laurin@dot.nh.gov)>  
**Subject:** RE: Plaistow-Kingston, 10044E - Existing Mitigation Documentation

Hi Marc,



I tried to open the files at the FTP site and it only includes items for Wolfeboro and Osippee projects? Maybe I'm doing something wrong? Please advise,

Lori

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**From:** Laurin, Marc <[marc.g.laurin@dot.nh.gov](mailto:marc.g.laurin@dot.nh.gov)>  
**Sent:** Monday, October 19, 2020 9:52 AM  
**To:** Sommer, Lori <[LORI.L.SOMMER@des.nh.gov](mailto:LORI.L.SOMMER@des.nh.gov)>; Benedict, Karl <[Karl.D.Benedict@des.nh.gov](mailto:Karl.D.Benedict@des.nh.gov)>  
**Cc:** Jennifer Zorn <[JZorn@mjinc.com](mailto:JZorn@mjinc.com)>; Jennifer Riordan <[JRiordan@GM2INC.COM](mailto:JRiordan@GM2INC.COM)>; Baldwin, Margarete <[Margarete.A.Baldwin@dot.nh.gov](mailto:Margarete.A.Baldwin@dot.nh.gov)>; Lampron, Matthew <[Matthew.D.Lampron@dot.nh.gov](mailto:Matthew.D.Lampron@dot.nh.gov)>; Corliss, Kathleen <[Kathleen.S.Corliss@dot.nh.gov](mailto:Kathleen.S.Corliss@dot.nh.gov)>; Hemmerlein, Mark <[mark.t.hemmerlein@dot.nh.gov](mailto:mark.t.hemmerlein@dot.nh.gov)>  
**Subject:** RE: Plaistow-Kingston, 10044E - Existing Mitigation Documentation

Lori,

Did you get a chance to review the documentation? We will want to finalize the discussion on the stream crossing impacts at the **November** Resource Agency meeting and want to make sure we have provided what you need.

Let me know if you have any questions.

Marc

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**From:** Laurin, Marc  
**Sent:** Thursday, August 27, 2020 9:31 AM  
**To:** Sommer, Lori <[LORI.L.SOMMER@des.nh.gov](mailto:LORI.L.SOMMER@des.nh.gov)>; Benedict, Karl <[Karl.D.Benedict@des.nh.gov](mailto:Karl.D.Benedict@des.nh.gov)>  
**Cc:** Jennifer Zorn <[JZorn@mjinc.com](mailto:JZorn@mjinc.com)>; Jennifer Riordan <[JRiordan@GM2INC.COM](mailto:JRiordan@GM2INC.COM)>; Baldwin, Margarete <[Margarete.Baldwin@dot.nh.gov](mailto:Margarete.Baldwin@dot.nh.gov)>; Lampron, Matthew <[Matthew.Lampron@dot.nh.gov](mailto:Matthew.Lampron@dot.nh.gov)>; Corliss, Kathleen <[Kathleen.Corliss@dot.nh.gov](mailto:Kathleen.Corliss@dot.nh.gov)>  
**Subject:** Plaistow-Kingston, 10044E - Existing Mitigation Documentation

Lori,

As requested during the August 19<sup>th</sup> Natural Resource Agency meeting, I have compiled the documents describing the wetland mitigation sites associated with the Plaistow-Kingston NH 125 corridor widening.

I am providing you with a link to our FTP site as a few of the electronic files are large and I recall that DES's server is limited in the size you can receive.

FTP Site: <https://nhftp.nh.gov/>

**Environment**

Username: dot.environment  
Password: NHenviro20

I have downloaded 8 files: Plaistow-Kingston Mitigation Sites Location Map; Pow-wow conservation easement Quitclaim Deed; Pow-wow conservation easement baseline study; Sullivan Mitigation Tech Report 2006; Kelly Brook (Frog Pond Woods) Recorded Quitclaim Deed; Kelly Brook CombinedBaselinFinalReport\_02\_02\_12; Wetland Mitigation Technical Report – 2009, and; Addendum to FEA (Sections 4.3.4, 4.8.2.3, 6.

The mitigation package consists of the

- creation of wetlands and preservation of the Sullivan site adjacent to Bayberry Pond in Kingston
- preservation of the Nichols site along the Pow-wow River in Kingston, and
- preservation of the Frog Pond Woods site along Kelly Brook in Plaistow.

Let me know if you need more information.

Thanks,

Marc