



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



**Robert R. Scott, Commissioner**

September 11, 2023

NH DEPT OF TRANSPORTATION  
ATTN: ANDREW O'SULLIVAN  
7 HAZEN DR  
CONCORD NH 03302

**Re: Approved Standard Dredge and Fill Wetlands Permit Application – Required Payment to Aquatic Resource Mitigation Fund (RSA 482-A)  
NHDES File Number: 2023-00601  
Subject Property: Spaulding Turnpike – General Sullivan Bridge (NH Rte 16), Newington, Tax Map #ROW, Lot #ROW**

Dear Mr. O'Sullivan:

On July 11, 2023, the New Hampshire Department of Environmental Services (NHDES) Wetlands Bureau approved the above-referenced Standard Dredge and Fill Wetlands Permit Application to impact a total of 71,948 square feet (SF) (3,751 SF permanent and 68,197 SF temporary) of tidal waters, stream bank, previously developed upland tidal buffer zone, and palustrine scrub-shrub wetland for the removal and replacement of the General Sullivan Bridge superstructure to create a new pedestrian and non-motorized access bridge over Little Bay. Existing bridge piers will be reused in-kind. Compensatory Mitigation for the wetlands impacts is in the form of a one-time payment of \$243,106.44 to the NHDES Aquatic Resource Mitigation (ARM) Fund.

**This approval is contingent on the following conditions being met:**

1. In accordance with Env-Wt 307.16, all work shall be done in accordance with plans for NHDOT NH Project No. 11238S, Newington-Dover - General Sullivan Bridge over Little Bay (Bridge No. 200/023) dated March 6, 2023, as received by the Department on March 16, 2023.
2. The issuance of the posting permit for this project is contingent on submittal of a check in the amount of \$243,106.44 to the Aquatic Resource Mitigation Fund by the applicant as calculated per Env-Wt 803.07 and RSA 482-A:30.
3. In accordance with Env-Wt 314.03, (a), the permittee shall notify NHDES in writing at least one week prior to commencing any work under the permit.
4. In-water work of causeways and trestle piles shall be installed and stabilized within the in-water work window for tidal waters of between November 15 and March 15, to protect anadromous fish as required by Env-Wt 307.06.
5. In accordance with Env-Wt 307.07, all development activities associated with any project shall be conducted in compliance with applicable requirements of RSA 483-B and Env-Wq 1400 during and after construction.
6. In accordance with Env-Wt 307.04, NHDOT shall notify and coordinate with the NHDES Shellfish Program prior to commencing work and any time there is work within tidal waters.
7. Restoration of all temporary impacts shall meet all of the conditions listed in Rule Env-Wt 307.12(a) through (i).
8. In accordance with Env-Wt 527.05, this permit shall be contingent on review and approval by NHDES of final stream diversion/dewatering and erosion control plans that detail the timing and method of stream flow diversion/dewatering during construction and show temporary siltation, erosion, and turbidity control measures to be implemented in areas under the jurisdiction of RSA 482-A.
9. In accordance with Env-Wt 307.03(c)(2), water quality control measures shall be comprised of wildlife-friendly

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erosion control materials.

10. All work shall be conducted and maintained in compliance with the water quality protection conditions specified in Rule Env-Wt 307.03(a) through (h).

11. 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).

12. Restoration of all temporary impacts shall meet all of the conditions listed in Rule Env-Wt 307.12(a) through (i).

13. 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.

14. 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.

15. 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.

16. In accordance with Env-Wt 307.18(c), within 60 days of completion of construction, the applicant shall submit to the department a report that describes the monitoring conducted and date(s) of inspections, and includes photos showing the extent of jurisdictional impacts, areas of restoration, and progress of any plantings shall be submitted to the department.

**This approval is based on the following findings:**

1. This is a Major Project per New Hampshire Administrative Rule Env-Wt 407.03, Table 407-1 having more than 10,000 square feet of impacts to jurisdictional area.
2. The removal and replacement of the General Sullivan Bridge project is to provide recreational pedestrian and non-motorized vehicular access across Little Bay between Dover and Newington.
3. The Dover Conservation Commission and the Newington Conservation Commission did not submit comments to NHDES.
4. The NH Natural Heritage (NHB22-3557) database has been checked which identified multiple species within the flagged project area. The New Hampshire Fish & Game (NHFG) project recommendations have been included as permit conditions and the applicant has provided documentation of coordination with NHFG. The applicant completed surveys for rare plants and has provided documentation of coordination with NH Natural Heritage Bureau.
5. The Federal Highway Administration and NHDOT completed a Supplemental Environmental Impact Statement to evaluate the General Sullivan Bridge rehabilitation along with other alternatives. A combined Final Supplemental Environmental Impact Statement and Supplemental Record of Decision was issued in February 2022. The selected alternative proposal is replacement of the General Sullivan Bridge superstructure with minor repairs to the substructure masonry.
6. The project was reviewed at the April 18, 2018, June 19, 2019, and October 19, 2022, Natural Resource Agency Meetings which confirmed that the project requires compensatory mitigation.
7. The department has determined a one-time payment of \$243,106.44 dollars into the Aquatic Resource Mitigation Fund ("ARM") will satisfy compensatory mitigation requirements for loss of wetland functions and values associated with this project.

Pursuant to RSA 482-A:28, **this approval is contingent on receipt of a one-time in-lieu mitigation payment of \$243,106.44 to the NHDES Aquatic Resource Mitigation (ARM) Fund.** In accordance with Env-Wt 803.11(c)(2) and Env-Wt 807.01(b), if NHDES has not received the in-lieu mitigation payment within 120 days of this letter, or by January 9, 2024, NHDES will deny the application. Please include a copy of this letter with the payment.

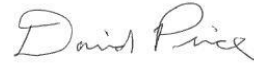
In accordance with RSA 482-A:10, RSA 21-O:14, and Rules Env-WtC 100-200, **any person aggrieved by this decision may file a Notice of Appeal directly with the NH Wetlands Council (Council) within 30 days of the decision date, July 11, 2023.** Every ground claiming the decision is unlawful or unreasonable must be fully set forth in the Notice of Appeal.

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Only the grounds set forth in the Notice of Appeal are considered by the Council. Information about the Council, including Council Rules, is available at <https://nhec.nh.gov/wetlands/index.htm>. For appeal related issues, contact the Council Appeals Clerk at (603) 271-6072.

If you have any questions, please contact me directly at [David.Price@des.nh.gov](mailto:David.Price@des.nh.gov) or (603) 559-1514.

Sincerely,



David Price  
East Region Supervisor, Wetlands Bureau  
Land Resources Management, Water Division

cc: Dover Municipal Clerk/Conservation Commission  
Newington Municipal Clerk/Conservation Commission

ec: Emily Nichols, Mitigation Fund Program Manager, NHDES Wetlands Bureau  
Marc Lauren, NHDOT Bureau of Environment