



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

WETLANDS AND NON-SITE SPECIFIC PERMIT 2021-02109

NOTE CONDITIONS

PERMITTEE: NH DEPT OF TRANSPORTATION
PO BOX 483
CONCORD NH 03302

PROJECT LOCATION: F. E. EVERETT TURNPIKE RIGHT-OF-WAY, BEDFORD
TAX MAP #ROW, LOT #ROW

WATERBODY: PATTEN BROOK

AMENDED APPROVAL DATE: FEBRUARY 27, 2024

EXPIRATION DATE: NOVEMBER 12, 2026

Based upon review of permit application 2021-02109 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.

AMENDED PERMIT DESCRIPTION:

AMEND PERMIT TO; Dredge and fill a total of 17,313 square feet (SF) of palustrine forested, emergent, and riverine wetlands for NHDOT Project 13761D to widen the existing two-lane portions of the F.E. Everett Turnpike roadway to three lanes in each direction with the addition of a northbound and southbound travel lane in Bedford, New Hampshire. The project begins north of the Exit 13 (Bedford toll plaza) interchange and continues north for approximately 1.3 miles through the I-293/NH Route 101 interchange. Impacts include 10,644 SF of permanent impacts to palustrine wetlands associated with the roadway widening with the required grading and construction of privacy fence, and 6,669 SF of temporary palustrine wetland impacts associated with construction access and installation of erosion and sediment controls. Stream channel impacts include 29 SF/10 LF of temporary channel impacts to an intermittent stream. Compensatory mitigation includes a total payment of \$63,691.14 dollars into the Aquatic Resource Mitigation Fund ("ARM").

THIS PERMIT IS SUBJECT TO THE FOLLOWING PROJECT-SPECIFIC CONDITIONS:

1. In accordance with Env-Wt 307.16, all work shall be done in accordance with the plans for NHDOT NH Project No. 13761D, F.E. Everett Turnpike Widening-Northern Segment, Town of Bedford, NH dated October 5, 2021, with revised mitigation narrative dated October 11, 2021, as received by the NH Department of Environmental Services (NHDES) on October 14, 2021, and with amendment plans dated December 21, 2023 and mitigation narrative as received by NHDES on January 31, 2024.
2. The permit is contingent on submittal of a check in the amount of \$1,994.98 to the Aquatic Resource Mitigation Fund by the applicant as calculated per Env-Wt 803.07 and RSA 482-A:30 for the amendment impacts. The total fee for the project is \$63,691.14, of which a payment for \$61,696.16 has been received and applied for the project.
3. 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, erosion, and turbidity control measures to be implemented.

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

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 the permit.
5. Rare species information (e.g. identification, observation and reporting of observations, when to contact NHFG immediately and NHFG contact information) shall be communicated during the project's preconstruction meeting prior to work and rare species flyers shall be included on the project's bulletin board. The rare species commitments shall be included in the project's Summary of Environmental Issues and the rare species flyers shall be included in the project's contract. Additionally, rare species information shall be communicated when weekly project progress meetings are held on site.
6. Observations of Eastern Hognose Snake shall be reported immediately to NHFG wildlife biologists Melissa Winters (603-479-1129) or Brendan Clifford (603-944-0885). Immediate reporting of observations is critical as NHFG biologists will need to collect data on the individual.
7. Turtles and snakes may be attracted to disturbed ground during nesting season. Turtle nesting season occurs approximately 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. The nest or suspected nest shall be marked (surrounding roped off or cone buffer deployed) and avoided; this shall be communicated to all personnel onsite. Site activities shall not occur in the area surrounding the nest or suspected nest until further guidance is provided by NHFG.
8. 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.
9. All observations of threatened or endangered species on the project site shall be reported to the NHFG nongame and endangered wildlife environmental review program by phone at 603-271-2461 and by email at NHFGreview@wildlife.nh.gov, with the email subject line containing the NHB DataCheck tool results letter assigned number, the project name, and the term Wildlife Species Observation.
10. 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.
11. 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. Site operators shall be allowed to relocate wildlife encountered if discovered within the active work zone if in direct harm from project activities. Wildlife shall be relocated in close proximity to the capture location but outside of the work zone and in the direction the individual was heading. NHFG shall be contacted immediately if this action occurs.
12. NHFG, including its employees and authorized agents, shall have access to the property during the term of the permit. NHFG shall contact the NHDOT's Contract Administrator or Environmental Coordinator for the project to coordinate access to the site.
13. The applicant shall contact NH Audubon (Chris Martin) regarding avoiding potential impacts to nesting peregrine falcons in the project vicinity prior to construction activities. The Bald Eagle Management Plan should be referenced during construction to avoid impacting this species.
14. In accordance with Env-Wt 527.05(b), The contractor responsible for completion of the work shall use techniques described in Env-Wq 1504.06, Env-Wq 1504.16, Env-Wq 1505.02, Env-Wq 1506, and Env-Wq 1508.
15. In accordance with Env-Wt 307.03(c)(2), water quality control measures shall be comprised of wildlife-friendly erosion control materials if erosion control blankets are utilized; a protected species or habitat has been documented; the proposed work is in or adjacent to a priority resource area (PRA); if specifically requested by Natural Heritage Bureau of the NH DNCR (NHB) or NH Fish and Game Department (NHF&G); or any if combination of the above conditions apply.
16. 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.
17. In accordance with Env-Wt 307.11(g), authorized temporary fill other than swamp mats, construction mats, and corduroy shall be placed on geotextile fabric laid on preconstruction wetland grade.
 18. All work shall be conducted and maintained in such a way as to protect water quality as required by Rule Env-Wt 307.03(a) through (h).
 19. In accordance with Env-Wt 307.03(c)(4), water quality control measures shall be capable of minimizing erosion; collecting sediment and suspended and floating materials; and filtering fine sediment.
 20. 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.
 21. 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.
 22. 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.
 23. 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.
 24. 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.
 25. In accordance with Env-Wt 307.03(h), equipment shall be staged and refueled outside of jurisdictional areas (unless allowed) and in accordance with Env-Wt 307.15.
 26. 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).
 27. Restoration of all temporary impacts shall meet all of the conditions listed in Rule Env-Wt 307.12(a) through (i).
 28. In accordance with Env-Wt 307.12(f), if any temporary impact area that is stabilized with seeding or plantings does not have at least 75% successful establishment of wetlands vegetation after 2 growing seasons, the area shall be replanted or reseeded, as applicable.
 29. In accordance with Env-Wt 307.12(i), wetland areas where permanent impacts are not authorized shall be restored to their pre-impact conditions and elevation by replacing the removed soil and vegetation in their pre-construction location and elevation such that post-construction soil layering and vegetation schemes are as close as practicable to pre-construction conditions.
 30. 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.
 31. 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.
 32. 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.
 33. 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.
 34. 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.

35. In accordance with Env-Wt 307.03(e), all exposed soils and other fills shall be permanently stabilized within 3 days following final grading.
36. 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 PERMIT IS SUBJECT TO THE FOLLOWING GENERAL CONDITIONS:

1. Pursuant to RSA 482-A:12, a copy of this permit shall be posted in a secure manner in a prominent place at the site of the approved project.
2. In accordance with Env-Wt 313.01(a)(5), and as required by RSA 482-A:11, II, work shall not infringe on the property rights or unreasonably affect the value or enjoyment of property of abutting owners.
3. In accordance with Env-Wt 314.01, a standard permit shall be signed by the permittee, and the principal contractor who will build or install the project prior to start of construction, and will not be valid until signed.
4. In accordance with Env-Wt 314.03(a), the permittee shall notify the department in writing at least one week prior to commencing any work under this permit.
5. In accordance with Env-Wt 314.08(a), the permittee shall file a completed notice of completion of work and certificate of compliance with the department within 10 working days of completing the work authorized by this permit.
6. In accordance with Env-Wt 314.06, transfer of this permit to a new owner shall require notification to, and approval of, the NHDES.
7. The permit holder shall ensure that work is done in a way that protects water quality per Env-Wt 307.03; protects fisheries and breeding areas per Env-Wt 307.04; protects against invasive species per Env-Wt 307.05; meets dredging activity conditions in Env-Wt 307.10; and meets filling activity conditions in Env-Wt 307.11.
8. This project has been screened for potential impact to known occurrences of protected species and exemplary natural communities in the immediate area. Since many areas have never been surveyed, or only cursory surveys have been performed, unidentified sensitive species or communities may be present. This permit does not absolve the permittee from due diligence in regard to state, local or federal laws regarding such communities or species. This permit does not authorize in any way the take of threatened or endangered species, as defined by RSA 212-A:2, or of any protected species or exemplary natural communities, as defined in RSA 217-A:3.
9. In accordance with Env-Wt 307.06(a) through (c), no activity shall jeopardize the continued existence of a threatened or endangered species, a species proposed for listing as threatened or endangered, or a designated or proposed critical habitat under the Federal Endangered Species Act, 16 U.S.C. §1531 et seq.; State Endangered Species Conservation Act, RSA 212-A; or New Hampshire Native Plant Protection Act, RSA 217-A.
10. In accordance with Env-Wt 307.02, and in accordance with federal requirements, all work in areas under the jurisdiction of the U.S. Army Corps of Engineers (USACE) shall comply with all conditions of the applicable state general permit.

APPROVED:



Karl D. Benedict
Public Works Supervisor, Wetlands Bureau
Land Resources Management, Water Division

THE SIGNATURES BELOW ARE REQUIRED TO VALIDATE THIS PERMIT (Env-Wt 314.01).

PERMITTEE SIGNATURE (required)

PRINCIPAL CONTRACTOR SIGNATURE (required)