



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

April 9 2024

Regulatory Division
File Number: NAE-2023-002508

NH Dept. of Transportation NHDOT No. 15747
Attn: Andrew O'Sullivan
P.O. Box 483
Concord, NH 03302
Sent by email: Andrew.Osullivan@dot.nh.gov

Dear Mr. O'Sullivan:

The U.S. Army Corps of Engineers (USACE) has reviewed your application to perform work as described on the enclosed New Hampshire State Permit No. 2023-00553, dated 11/16/2023.

Based on the information that you provided to the New Hampshire Wetlands Bureau, we verify that this work is authorized under General Permit # 2 of the enclosed September 29, 2022 federal permits known as the New Hampshire General Permits (GPs). The GPs are also available at: <https://www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits>

Please review the enclosed GPs carefully, in particular the general conditions beginning on page 36, and ensure that you and all personnel performing work authorized by the GPs are fully aware of and comply with its terms and conditions. A copy of the GPs and this verification letter shall be available at the work site as required by General Condition 17. You must perform this work in compliance with the following special condition(s):

1. Compensatory mitigation shall consist of purchasing 0.434 credits for impacts to PFO, PSS and PEM resource areas and 381 stream credits for impacts to R2UB and R4SB resources from the State of New Hampshire Aquatic Resource Mitigation Fund (ARM FUND) in the Contoocook River Service Area. No discharge authorized by this permit may be conducted until the receipt of payment has been received from the New Hampshire Aquatic Resource Mitigation Fund.
2. You must complete and return the enclosed Work Start Notification Form to this office at least two weeks before the anticipated start date. You must complete and return the enclosed Compliance Certification Form within one month following the completion of the authorized work.

This authorization expires on September 29, 2027. You must commence or have under contract to commence the work authorized herein by September 29, 2027, and complete the work by September 29, 2028. If not, you must contact this office to determine the need for further authorization and we recommend you contact us *before* the work authorized herein expires. Please contact us immediately if you change the plans or construction methods for work within our jurisdiction as we must approve any changes before you undertake them. Performing work within our jurisdiction that is not specifically authorized by this determination or

failing to comply with the special condition(s) provided above or all the terms and conditions of the GPs may subject you to the enforcement provisions of our regulations.

This authorization does not obviate the need to obtain other federal, state or local authorizations required by law, including those listed in the GPs. Applicants are responsible for applying for and obtaining any other approvals.

We continually strive to improve our customer service. To better serve you, we would appreciate your completing our Customer Service Survey located at <https://regulatory.ops.usace.army.mil/customer-service-survey>.

Please contact Michael Hicks of my staff at (978) 318-8157 or michael.c.hicks@usace.army.mil if you have any questions.

Sincerely,

For: Frank J. Del Giudice
Chief, NH & VT Section
Regulatory Division

Enclosures

cc:

Darlene Forst, NH DES; darlene.forst@des.nh.gov

Mary Ann Tilton, NHDES; maryann.tilton@des.nh.gov

Rumi Shrestha, NHDES; Rumi.Shrestha@des.nh.gov

Brandy Holmes, NHDES; Brandy.L.Holmes@des.nh.gov

David Simmons, USFWS, New England Field Office, Concord, NH; david_simmons@fws.gov

COMPLIANCE CERTIFICATION FORM

Permit Number: NAE-2023-02508

Project Manager Michael Hicks

Name of Permittee: NHDOT 15747

Permit Issuance Date: 04/09/2024

Please sign this certification and return it to the following address upon completion of the activity and any mitigation required by the permit. You must submit this after the mitigation is complete, but not the mitigation monitoring, which requires separate submittals.

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* MAIL TO: U.S. Army Corps of Engineers, New England District *
*           Permits and Enforcement Branch C                 *
*           Regulatory Division                               *
*           696 Virginia Road                               *
*           Concord, Massachusetts 01742-2751                *
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Please note that your permitted activity is subject to a compliance inspection by an U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above referenced permit was completed in accordance with the terms and conditions of the above referenced permit, and any required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

Date

Printed Name

Date of Work Completion

(_____) _____
Telephone Number

(_____) _____
Telephone Number



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

AMENDED WETLANDS AND NON-SITE SPECIFIC PERMIT 2023-00553

NOTE CONDITIONS

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

PROJECT LOCATION: INTERSTATE 89, MM 20.5 TO MM 24.2, WARNER
TAX MAP #ROW, LOT #ROW

WATERBODY:

AMENDMENT DATE: NOVEMBER 16, 2023

ORIGINAL APPROVAL DATE: JULY 16, 2023

EXPIRATION DATE: JULY 17, 2028

Based upon review of permit application 2023-00553 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:

Dredge and fill a total of 26,339 square feet/381 linear feet of palustrine wetlands and intermittent streams for NHDOT Warner and Sutton, NH Project 15747 Interstate I-89 Northbound and Southbound from approximately MM 20.5 to MM 24.2 to rehabilitate the existing pavement, replace or rehabilitate aged drainage, guardrail and signs, and improve safety. Impact areas include 7,430 square feet of temporary impacts to palustrine wetlands to be restored. Compensatory mitigation consists of a one-time payment of \$84,437.12 for 18,909 SF (Warner:7,549 SF; Sutton: 11,360 SF) of permanent wetland impacts and \$116,078.51 for 381 LF (Warner: 107 LF; Sutton 274 LF) of permanent stream impacts, into the NHDES Aquatic Resource Mitigation Fund within the Contoocook River Watershed account.

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

1. In accordance with Env-Wt 307.16, all work shall be done in accordance with the Wetlands Plans for State of New Hampshire Department of Transportation, NH Project No. 15747, Federal Aid Project X-A000 (942), Interstate Route 89 dated March 2023, with Certified Wetland Scientist stamp dated June 2, 2023, as received by NHDES on June 16, 2021.
2. 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.
3. The authorization for work in jurisdictional areas under this NHDES permit is contingent on the submittal and clearance of an in-lieu mitigation fee payment in the amount of \$84,437.12 to the ARM Fund by the applicant as calculated per Env-Wt 803.07 and RSA 482-A.
4. The permit shall be contingent on review and approval by NHDES 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.
5. 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; or any provision of RSA 485-A, or RSA 483-B.
6. 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.

www.des.nh.gov

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095

NHDES Main Line: (603) 271-3503 • Subsurface Fax: (603) 271-6683 • Wetlands Fax: (603) 271-6588

TDD Access: Relay NH 1 (800) 735-2964

7. 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).
8. 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.
9. Impacts within jurisdictional wetland areas associated with Certified Culvert Maintenance Activities must be performed in accordance with Env-Wt 905.
10. Invasive plant species management shall be performed to ensure the project conforms to Env-Wt 307.05 and the NHDOT "Best Management Practices for the Control of Invasive and Noxious Plant Species".
11. 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.
12. 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.
13. 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.
14. 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.
15. 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.
16. 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.
17. Restoration of all temporary impacts shall meet all of the conditions listed in Rule Env-Wt 307.12(a) through (i).
18. 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 conditions as close as practicable to pre-construction conditions.
19. 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.
20. 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.
21. 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.
22. 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.
23. 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.
24. 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.
25. In accordance with Env-Wt 307.03(e), all exposed soils and other fills shall be permanently stabilized within 3 days following final grading.
26. In accordance with Env-Wt 514.05(h), within 60 days of completion of construction, the applicant shall submit a post-construction report that has been prepared by a professional engineer, certified wetland scientist, or qualified

professional which 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 in accordance with Env-Wt 307.18(c).

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)