



WETLANDS PERMIT APPLICATION

Water Division/ Wetlands Bureau
Land Resources Management

Check the status of your application: www.des.nh.gov/onestop By _____



RSA/Rule: RSA 482-A/ Env-Wt 100-900

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1. REVIEW TIME: Indicate your Review Time below. To determine review time, refer to [Guidance Document A](#) for instructions.

Standard Review (Minimum, Minor or Major Impact) Expedited Review (Minimum Impact only)

2. MITIGATION REQUIREMENT:
If mitigation is required, a Mitigation-Pre Application meeting must occur prior to submitting this Wetlands Permit Application. To determine if mitigation is required, please refer to the [Determine if Mitigation is Required Frequently Asked Questions](#).

Mitigation Pre-Application Meeting Date: Month: ___ Day: ___ Year: ____
 N/A - Mitigation is not required

3. PROJECT LOCATION:
Separate wetland permit applications must be submitted for each municipality within which wetland impacts occur.

ADDRESS: 113 Mechanic Street		TOWN/CITY: Portsmouth	
TAX MAP: 0103	BLOCK:	LOT: 00300	UNIT:
USGS TOPO MAP WATERBODY NAME: Piscataqua River		<input type="checkbox"/> NA	STREAM WATERSHED SIZE: <input type="checkbox"/> NA
LOCATION COORDINATES (if known): 43° 4' 30"; 70° 44' 59.65"		<input checked="" type="checkbox"/> Latitude/Longitude <input type="checkbox"/> UTM <input type="checkbox"/> State Plane	

4. PROJECT DESCRIPTION:
Provide a brief description of the project outlining the scope of work. Attach additional sheets as needed to provide a detailed explanation of your project. DO NOT reply "See Attached" in the space provided below.

The project consists of the construction and installation of 2 floating docks, one aluminium gangway and 9 timber piles. Four of the Timber piles will moor three floating docks permitted under the LaCava Wharf replacement project. The Gangway and two proposed floating docks for this project will allow public access (ADA to extent possible) to the floats associated with the LaCava Wharf. Floating docks and gangway/platform will be accessible year round and thus will not be seasonal.

5. SHORELINE FRONTAGE:

N/A This does not have shoreline frontage. **SHORELINE FRONTAGE: 95' minimum**
Shoreline Frontage is calculated by determining the average of the distances of the actual natural navigable shoreline frontage and a straight line drawn between the property lines, both of which are measured at the normal high water line ([Env-Wt 101.89](#)).

6. RELATED NHDES LAND RESOURCES MANAGEMENT PERMIT APPLICATIONS ASSOCIATED WITH THIS PROJECT:
Please indicate if any of the following permit applications are required and, if required, the status of the application.

To determine if other Land Resources Management Permits are required, refer to the [Land Resources Management Webpage](#).


Permit Type	Permit Required	File Number	Permit Application Status
Alteration of Terrain Permit Per RSA 485-A:17	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	_____	<input type="checkbox"/> APPROVED <input type="checkbox"/> PENDING <input type="checkbox"/> DENIED
Individual Sewerage Disposal per RSA 485-A:2	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	_____	<input type="checkbox"/> APPROVED <input type="checkbox"/> PENDING <input type="checkbox"/> DENIED
Subdivision Approval Per RSA 485-A	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	_____	<input type="checkbox"/> APPROVED <input type="checkbox"/> PENDING <input type="checkbox"/> DENIED
Shoreland Permit Per RSA 483-B	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	_____	<input type="checkbox"/> APPROVED <input type="checkbox"/> PENDING <input type="checkbox"/> DENIED

7. NATURAL HERITAGE BUREAU & DESIGNATED RIVERS:
See the [Instructions & Required Attachments](#) document for instructions to complete a & b below.

a. Natural Heritage Bureau File ID: NHB _____ - _____

b. This project is within a [Designated River](#) corridor. The project is within ¼ mile of: _____; and date a copy of the application was sent to the [Local River Management Advisory Committee](#): Month: ___ Day: ___ Year: ____

N/A – This project is not within a Designated River corridor.

8. APPLICANT INFORMATION (Desired permit holder)			
LAST NAME, FIRST NAME, M.I.: Rice, Peter; Director of Public Works			
TRUST / COMPANY NAME: The City of Portsmouth		MAILING ADDRESS: 680 Peverly Hill Road	
TOWN/CITY: Portsmouth		STATE: NH	ZIP CODE: 03801
EMAIL or FAX: phrice@cityofportsmouth.com		PHONE: 6034271530	
ELECTRONIC COMMUNICATION: By initialing here: <u>PHR</u> I hereby authorize NHDES to communicate all matters relative to this application electronically.			
9. PROPERTY OWNER INFORMATION (If different than applicant)			
LAST NAME, FIRST NAME, M.I.:			
TRUST / COMPANY NAME:		MAILING ADDRESS:	
TOWN/CITY:		STATE:	ZIP CODE:
EMAIL or FAX:		PHONE:	
ELECTRONIC COMMUNICATION: By initialing here _____ I hereby authorize NHDES to communicate all matters relative to this application electronically.			
10. AUTHORIZED AGENT INFORMATION			
LAST NAME, FIRST NAME, M.I.: Mellor, Duncan		COMPANY NAME: Tighe and Bond, Inc	
MAILING ADDRESS: 177 Corporate Drive			
TOWN/CITY: Portsmouth		STATE: NH	ZIP CODE: 03801
EMAIL or FAX: DCMellor@tighebond.com		PHONE: 6034338818	
ELECTRONIC COMMUNICATION: By initialing here _____ I hereby authorize NHDES to communicate all matters relative to this application electronically.			
11. PROPERTY OWNER SIGNATURE:			
See the Instructions & Required Attachments document for clarification of the below statements			
By signing the application, I am certifying that:			
<ol style="list-style-type: none"> 1. I authorize the applicant and/or agent indicated on this form to act in my behalf in the processing of this application, and to furnish upon request, supplemental information in support of this permit application. 2. I have reviewed and submitted information & attachments outlined in the Instructions and Required Attachment document. 3. All abutters have been identified in accordance with RSA 482-A:3, I and Env-Wt 100-900. 4. I have read and provided the required information outlined in Env-Wt 302.04 for the applicable project type. 5. I have read and understand Env-Wt 302.03 and have chosen the least impacting alternative. 6. Any structure that I am proposing to repair/replace was either previously permitted by the Wetlands Bureau or would be considered grandfathered per Env-Wt 101.47. 7. I have submitted a Request for Project Review (RPR) Form (www.nh.gov/nhdhr/review) to the NH State Historic Preservation Officer (SHPO) at the NH Division of Historical Resources to identify the presence of historical/ archeological resources while coordinating with the lead federal agency for National Historic Preservation Act (NHPA) 106 compliance. 8. I authorize NHDES and the municipal conservation commission to inspect the site of the proposed project. 9. I have reviewed the information being submitted and that to the best of my knowledge the information is true and accurate. 10. I understand that the willful submission of falsified or misrepresented information to the NHDES is a criminal act, which may result in legal action. 11. I am aware that the work I am proposing may require additional state, local or federal permits which I am responsible for obtaining. 12. The mailing addresses I have provided are up to date and appropriate for receipt of NHDES correspondence. NHDES will not forward returned mail. 			
 Property Owner Signature		<u>Peter Rice</u> Print name legibly	<u>1/27/20</u> Date

irm@des.nh.gov or (603) 271-2147

NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095

www.des.nh.gov

MUNICIPAL SIGNATURES

12. CONSERVATION COMMISSION SIGNATURE

The signature below certifies that the municipal conservation commission has reviewed this application, and:

1. Waives its right to intervene per RSA 482-A:11;
2. Believes that the application and submitted plans accurately represent the proposed project; and
3. Has no objection to permitting the proposed work.

	Print name legibly	Date
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DIRECTIONS FOR CONSERVATION COMMISSION

1. Expedited review ONLY requires that the conservation commission's signature is obtained in the space above.
2. Expedited review requires the Conservation Commission signature be obtained prior to the submittal of the original application to the Town/City Clerk for signature.
3. The Conservation Commission may refuse to sign. If the Conservation Commission does not sign this statement for any reason, the application is not eligible for expedited review and the application will be reviewed in the standard review time frame.

13. TOWN / CITY CLERK SIGNATURE

As required by Chapter 482-A:3 (amended 2014), I hereby certify that the applicant has filed four application forms, four detailed plans, and four USGS location maps with the town/city indicated below.

	Kelli C. Barnaby <small>Print name legibly</small>	Portsmouth <small>Town/City</small>	1-28-2020 <small>Date</small>
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DIRECTIONS FOR TOWN/CITY CLERK:

Per RSA 482-A:3,

1. For applications where "Expedited Review" is checked on page 1, if the Conservation Commission signature is not present, NHDES will accept the permit application, but it will NOT receive the expedited review time.
2. IMMEDIATELY sign the original application form and four copies in the signature space provided above;
3. Return the signed original application form and attachments to the applicant so that the applicant may submit the application form and attachments to NHDES by mail or hand delivery.
4. IMMEDIATELY distribute a copy of the application with one complete set of attachments to each of the following bodies: the municipal Conservation Commission, the local governing body (Board of Selectmen or Town/City Council), and the Planning Board; and
5. Retain one copy of the application form and one complete set of attachments and make them reasonably accessible for public review.

DIRECTIONS FOR APPLICANT:

1. Submit the single, original permit application form bearing the signature of the Town/ City Clerk, additional materials, and the application fee to NHDES by mail or hand delivery.

irm@des.nh.gov or (603) 271-2147

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www.des.nh.gov

14. IMPACT AREA:

For each jurisdictional area that will be/has been impacted, provide square feet and, if applicable, linear feet of impact.

Permanent: impacts that will remain after the project is complete.

Temporary: impacts not intended to remain (and will be restored to pre-construction conditions) after the project is completed.

Intermittent Streams: linear footage distance of disturbance is measured along the thread of the channel.

Perennial Streams/ Rivers: the total linear footage distance is calculated by summing the lengths of disturbance to the channel and each bank.

JURISDICTIONAL AREA	PERMANENT Sq. Ft. / Lin. Ft.	TEMPORARY Sq. Ft. / Lin. Ft.
Forested wetland	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Scrub-shrub wetland	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Emergent wetland	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Wet meadow	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Intermittent stream channel	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Perennial Stream / River channel	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Lake / Pond	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Bank - Intermittent stream	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Bank - Perennial stream / River	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Bank - Lake / Pond	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Tidal water	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Salt marsh	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Sand dune	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Prime wetland	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Prime wetland buffer	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Undeveloped Tidal Buffer Zone (TBZ)	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Previously-developed upland in TBZ	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Docking - Lake / Pond	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Docking - River	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Docking - Tidal Water	639 sq ft <input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Vernal Pool	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
TOTAL	639 /	/

15. APPLICATION FEE: See the [Instructions & Required Attachments](#) document for further instruction

Minimum Impact Fee or Fee for Non-enforcement related, publicly-funded and supervised restoration projects, regardless of impact classification (see RSA 482-A:3, 1(c)): Flat fee of \$ 400

Minor or Major Impact Fee: Calculate using the below table below

Permanent and Temporary (non-docking) _____ sq. ft. X \$0.40 = \$ _____

Temporary (seasonal) docking structure: _____ sq. ft. X \$2.00 = \$ _____

Permanent docking structure: **639 sq. ft.** X \$4.00 = **\$ 2557.20**

Projects proposing shoreline structures (including docks) add \$400 = **\$ 400**

Total = **\$ 2957.2**

The Application Fee is the above calculated Total or \$400, whichever is greater = **\$ 2957.2**

irm@des.nh.gov or (603) 271-2147

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WETLANDS PERMIT APPLICATION – ATTACHMENT A
MINOR AND MAJOR - 20 QUESTIONS
 Land Resources Management
 Wetlands Bureau



Check the Status of your application: www.des.nh.gov/onestop

RSA/ Rule: RSA 482-A, Env-Wt 100-900

Env-Wt 302.04 Requirements for Application Evaluation - For any major or minor project, the applicant shall demonstrate by plan and example that the following factors have been considered in the project's design in assessing the impact of the proposed project to areas and environments under the department's jurisdiction. Respond with statements demonstrating:

1. The need for the proposed impact.

This proposed City of Portsmouth project will create public access to the water via the floating docks, and will create minimum impact.

2. That the alternative proposed by the applicant is the one with the least impact to wetlands or surface waters on site.

The gangway has been minimized in length and width to safe access for the public to the floating docks, however a fully ADA compliance gangway did not fit at this site. This project proposes the minimum area to be impacted with safety considerations. This project has been designed to avoid resource areas (no eelgrass in vicinity) and minimize adverse impacts. The length and shape of the proposed floating docks has already been restricted and minimized with the reduced size based on geometry with consideration to the channel and the Perice Island Bridge. No impacts to wetlands; any impacts to surface water have been minimized through design of an open pile supported structure.

irm@des.nh.gov or (603) 271-2147

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www.des.nh.gov

3. The type and classification of the wetlands involved.

No wetlands (per NH RSA definition) in the project area and none impacted. The surface waters are jurisdictional.

4. The relationship of the proposed wetlands to be impacted relative to nearby wetlands and surface waters.

No wetlands (per NH RSA definition) in the project area and none impacted. The proposed floating docks will have no adverse impact on navigation as the floats do not extend farther channel-ward than the existing adjacent floats. The site surface waters are the tidal Piscataqua River in an historical urban port area and the intertidal and subtidal areas containing gravels/rocks with urban debris including concrete rubble, pavement, brick, steel, etc. The shoreline area is similar to adjacent shoreline areas. There are no wetlands being impacted.

5. The rarity of the wetland, surface water, sand dunes, or tidal buffer zone area.

The surface waters and shoreline area is not rare and is typical developed high density historical urban port area, and the site is characteristic of the adjacent developed shoreline areas. There are no wetlands or sand dunes and the tidal buffer consists of a City street, and urban neighborhood and buildings.

6. The surface area of the wetlands that will be impacted.

The surface area of the project footprint/coverage for fee calculation is 639 square feet. Impact to riverbed is 5 SF and this is equal to nine (9) timber piles as shown on the plans. No wetland impacts.

7. The impact on plants, fish and wildlife including, but not limited to:
- a. Rare, special concern species;
 - b. State and federally listed threatened and endangered species;
 - c. Species at the extremities of their ranges;
 - d. Migratory fish and wildlife;
 - e. Exemplary natural communities identified by the DRED-NHB; and
 - f. Vernal pools.

None, see attached NHB, NHF&G comments

8. The impact of the proposed project on public commerce, navigation and recreation.

None. The project will add a means to access the Piscataqua for public commerce, navigation and recreational uses. The proposed project will have no adverse impact on public commerce, navigation or recreation. The proposed project will have a positive effect on recreation as it creates open public access to Portsmouth Harbor in an area lacking public access to the harbor

9. The extent to which a project interferes with the aesthetic interests of the general public. For example, where an applicant proposes the construction of a retaining wall on the bank of a lake, the applicant shall be required to indicate the type of material to be used and the effect of the construction of the wall on the view of other users of the lake.

The project will be a typical timber material to match surrounding/ nearby/ cultural materials.

10. The extent to which a project interferes with or obstructs public rights of passage or access. For example, where the applicant proposes to construct a dock in a narrow channel, the applicant shall be required to document the extent to which the dock would block or interfere with the passage through this area.

The proposed project will do the opposite, it will allow the public safe rights of passage or access. Currently, there is limited public access to the Piscataqua river.

11. The impact upon abutting owners pursuant to RSA 482-A:11, II. For example, if an applicant is proposing to rip-rap a stream, the applicant shall be required to document the effect of such work on upstream and downstream abutting properties.

There will be no impact on abutting owners. The proposed structure is over public waters and is consistent with historical and adjacent uses of the area. There will be some temporary equipment noise associated with the construction while the structure is built, however this site is in an urban area and along city streets. Work hours will be restricted by City ordinance.

12. The benefit of a project to the health, safety, and well being of the general public.

The project ramp will be publically accessible and will allow safe passage for the public to the water for recreational use.

13. The impact of a proposed project on quantity or quality of surface and ground water. For example, where an applicant proposes to fill wetlands the applicant shall be required to document the impact of the proposed fill on the amount of drainage entering the site versus the amount of drainage exiting the site and the difference in the quality of water entering and exiting the site.

There will be no impact of the proposed project on quantity or quality of surface and groundwater.

14. The potential of a proposed project to cause or increase flooding, erosion, or sedimentation.

There is no potential for the project to cause or increase flooding, erosion, or sedimentation.

15. The extent to which a project that is located in surface waters reflects or redirects current or wave energy which might cause damage or hazards.

The proposed project will not reflect or redirect current or wave energy.

16. The cumulative impact that would result if all parties owning or abutting a portion of the affected wetland or wetland complex were also permitted alterations to the wetland proportional to the extent of their property rights. For example, an applicant who owns only a portion of a wetland shall document the applicant's percentage of ownership of that wetland and the percentage of that ownership that would be impacted.

No wetland impacts. The proposed structure is over public waters and is consistent with historical and adjacent uses of the area.

17. The impact of the proposed project on the values and functions of the total wetland or wetland complex.

The proposed project will allow the public to access the Piscataqua river for boating and recreational use.

18. The impact upon the value of the sites included in the latest published edition of the National Register of Natural Landmarks, or sites eligible for such publication.

There will be no impact.

19. The impact upon the value of areas named in acts of congress or presidential proclamations as national rivers, national wilderness areas, national lakeshores, and such areas as may be established under federal, state, or municipal laws for similar and related purposes such as estuarine and marine sanctuaries.

There will be no impact on the value of the above mentioned areas.

20. The degree to which a project redirects water from one watershed to another.

The project will not redirect water from one watershed to another.

Additional comments

CHARLES L. LASSEN
SUSAN E. LASSEN
80 DANIEL ST # 7096 PH: 603-433-2075
PORTSMOUTH, NH 03801

5993
54-7468/2114

January 17 2020
DATE

PAY TO THE
ORDER OF

Treasurer State of NH \$ 2957²/₁₀₀

Two thousand nine hundred fifty seven ²⁰/₁₀₀

DOLLARS  Security features included. Deposit on back.



FOR

Charles Lassen 

⑆ 211474687⑆ 23 990556⑈ 5993

Section 2 Natural Heritage Bureau (NHB) Documentation

NHB Datacheck Results Documentation can only be used for planning purposes by the applicant.

This section has been removed.

Julia A. Kallmerten

From: Duncan C. Mellor
Sent: Monday, January 20, 2020 9:07 AM
To: Julia A. Kallmerten
Subject: FW: NHB19-3267 new platform, gangway, and floats City of Portsmouth Tax Maps: Map 103 Lot 30

Duncan Mellor, PE | Principal Coastal Engineer

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www.tighebond.com | Follow us on: [Twitter](#) [Facebook](#) [LinkedIn](#)
Tighe&Bond

From: Tuttle, Kim <Kim.Tuttle@wildlife.nh.gov>
Sent: Friday, October 25, 2019 9:10 AM
To: Duncan C. Mellor <DCMellor@TigheBond.com>
Cc: Dionne, Michael <Michael.Dionne@wildlife.nh.gov>
Subject: NHB19-3267 new platform, gangway, and floats City of Portsmouth Tax Maps: Map 103 Lot 30

Hello Duncan,

The NHFG Nongame and Endangered Wildlife Program in consultation with NHFG Marine Division has reviewed NHB19-3267 for the proposed platform, gangway, and floats for the City of Portsmouth. The state and federally threatened Atlantic Sturgeon and the state and federally endangered Shortnose Sturgeon were identified in the tidal waters of the Piscataqua River and Portsmouth Harbor. Based on the timing and scope of the work, we do not expect impacts to these species. It is our understanding that as no federal funding will be used for the project, consultation with the USFWS is not required.

Regards,

Kim Tuttle
Wildlife Biologist
NH Fish and Game
11 Hazen Drive
Concord, NH 03301
603-271-6544

From: Duncan C. Mellor <DCMellor@TigheBond.com>
Sent: Friday, October 25, 2019 8:34 AM
To: Tuttle, Kim <Kim.Tuttle@wildlife.nh.gov>
Cc: Dionne, Michael <Michael.Dionne@wildlife.nh.gov>
Subject: RE: NHB19-3267 new platform, gangway, and floats City of Portsmouth

EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.

Hi Kim,

The island access need is urgent (City public water access component less urgent), so I think they want to build as soon as the permits are issued, but that is likely 120 days (or more) after filing if typical DES wetlands review & G&C approval

Duncan

Duncan Mellor, PE | Principal Coastal Engineer

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From: Tuttle, Kim <Kim.Tuttle@wildlife.nh.gov>
Sent: Thursday, October 24, 2019 8:23 AM
To: Duncan C. Mellor <DCMellor@TigheBond.com>
Cc: Dionne, Michael <Michael.Dionne@wildlife.nh.gov>
Subject: NHB19-3267 new platform, gangway, and floats City of Portsmouth

Thanks Duncan. When is the project proposed to be constructed?

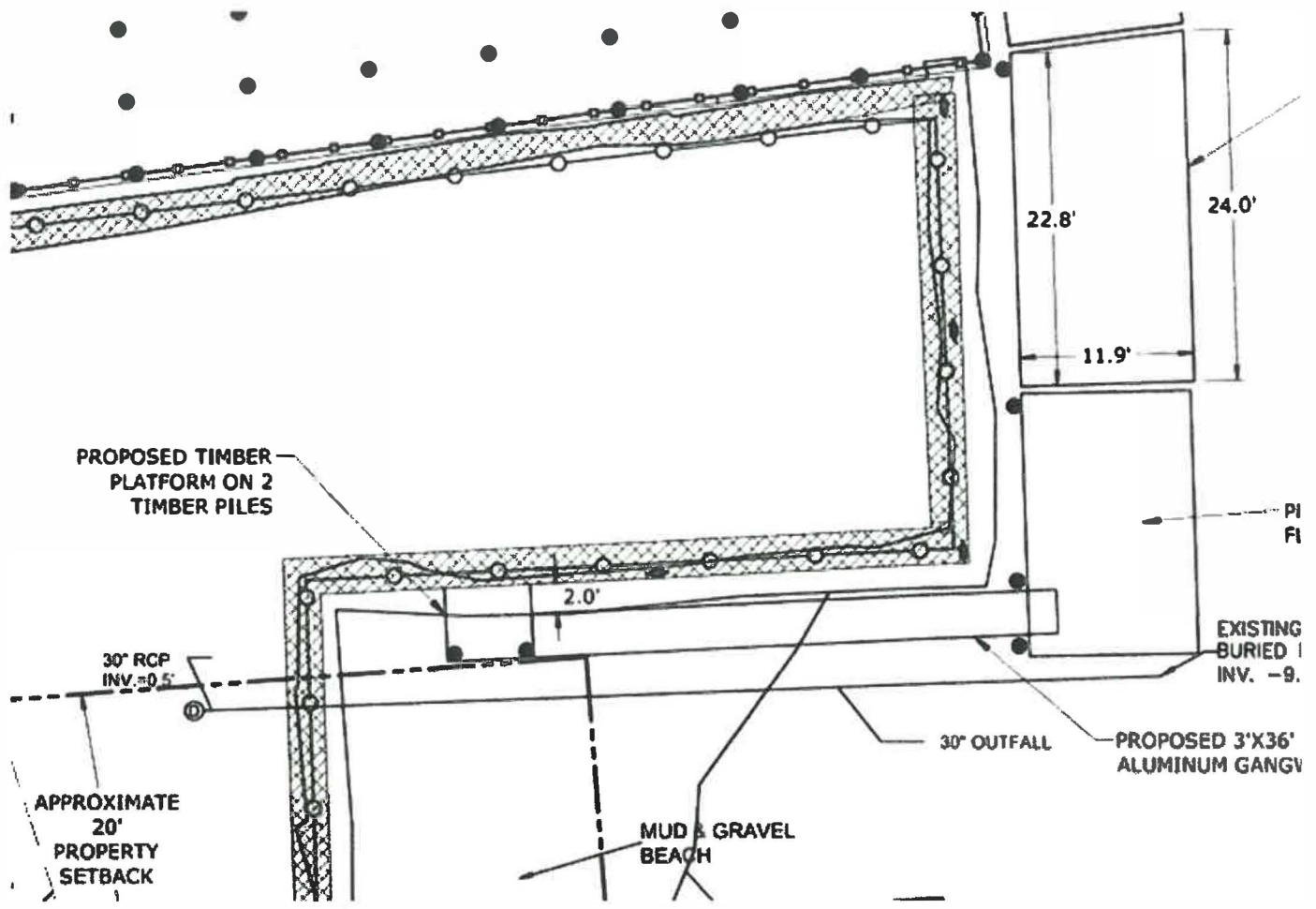
Kim Tuttle
Wildlife Biologist
NH Fish and Game
11 Hazen Drive
Concord, NH 03301
603-271-6544

From: Duncan C. Mellor <DCMellor@TigheBond.com>
Sent: Wednesday, October 23, 2019 3:00 PM
To: Tuttle, Kim <Kim.Tuttle@wildlife.nh.gov>
Subject: FW: NHB review: NHB19-3267

EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.

Hi Kim,

This is a clip from the latest progress print – a small project. Two timber floats along the face of the existing seawall, an aluminum gangway and small timber platform to support the gangway. The two timber piles for the gangway platform can be driven in the dry at low tide (no underwater noise). The 4 timber piles to moor the floats will need to be driven in the wet, but they only take lateral loads, not vertical loads so they just need embedment, not impact hammer proven capacity, so a vibro or simple drop hammer is probably adequate. I do not expect any underwater noise issues. On Harborwalk Park the Army Corps permit did require underwater noise monitoring outside of the winter window, UNH did the monitoring, and said the noise was at least an order of magnitude below the thresholds, and those had to be driven to proven capacity. One float is for Charles Lassen to provide boat dockage so he can reach his island home, so they will be year-round floats. No federal funding. No dredging. No eelgrass. Photos attached. The property line setback is not correct (farther away), being surveyed by Doucet Survey.



Thank you,
Duncan

Duncan Mellor, PE | Principal Coastal Engineer

Tighe & Bond | 177 Corporate Drive | Portsmouth, NH 03801 | T. 603.433.8818
www.tighebond.com | Follow us on: [Twitter](#) [Facebook](#) [LinkedIn](#)
Tighe&Bond

From: Barbara J. Lamb <BJLamb@tigheBond.com>
 Sent: Wednesday, October 23, 2019 11:41 AM
 To: Duncan C. Mellor <DCMellor@TigheBond.com>
 Subject: FW: NHB review: NHB19-3267

Barbara J. Lamb | Graphics Support Specialist
Tighe & Bond | 177 Corporate Drive | Portsmouth, NH 03801 | 603.433.8818

From: Lamb, Amy <Amy.Lamb@dncr.nh.gov>
 Sent: Tuesday, October 22, 2019 4:07 PM

To: Barbara J. Lamb <BJLamb@tigheBond.com>
Cc: Tuttle, Kim <Kim.Tuttle@wildlife.nh.gov>
Subject: NHB review: NHB19-3267

[Caution - External Sender]

Attached, please find the review we have completed. If your review memo includes potential impacts to plants or natural communities please contact me for further information. If your project had potential impacts to wildlife, please contact NH Fish and Game at the phone number listed on the review.

Best,
Amy

Amy Lamb
Ecological Information Specialist

NH Natural Heritage Bureau
DNCR - Forests & Lands
172 Pembroke Rd
Concord, NH 03301
603-271-2834

Section 3 NH PGP Requirements

3.1 Appendix B

See Attached

3.2 National Historic Preservation Act

See Attached information from the NHDHR Data check. The adjacent LaCava Timber Wharf is considered historic, but the area for construction for this project is not considered historic. See attached information detailing the historic aspects of the LaCava Wharf.

3.3 Endangered Species Act

See Attached letter from the US Fish and Wildlife Service, and stating that Atlantic Sturgeon and Shortnose Sturgeon were potential endangered species in this area. After email correspondence with Fish and Game, see attached, it was determined that no critical habitats are within our project area and therefor will not be affected by this construction.



**US Army Corps
of Engineers** ®
New England District

Appendix B

Regional General Permits (GPs) Required Information and Corps Secondary Impacts Checklist

In order for the Corps of Engineers to properly evaluate your application, applicants must submit the following information along with the New Hampshire DES Wetlands Bureau application or permit notification forms. Some projects may require more information. For a more comprehensive checklist, go to www.nae.usace.army.mil/regulatory, “Forms/Publications” and then “Application and Plan Guideline Checklist.” Check with the Corps at (978) 318-8832 for project-specific requirements. For your convenience, this Appendix B is also attached to the State of New Hampshire DES Wetlands Bureau application and Permit by Notification forms.

All Projects:

- Corps application form (**ENG Form 4345**) as appropriate.
- Photographs of wetland/waterway to be impacted.
- Purpose of the project.
- Legible, reproducible black and white (no color) plans no larger than 11”x17” with bar scale. Provide locus map and plan views of the entire property.
- Typical cross-section views of all wetland and waterway fill areas and wetland replication areas.
- In navigable waters, show mean low water (MLW) and mean high water (MHW) elevations. Show the high tide line (HTL) elevations when fill is involved. In other waters, show ordinary high water (OHW) elevation.
- On each plan, show the following for the project:
 - Vertical datum and the NAVD 1988 equivalent with the vertical units as U.S. feet. Don’t use local datum. In coastal waters this may be mean higher high water (MHHW), mean high water (MHW), mean low water (MLW), mean lower low water (MLLW) or other tidal datum with the vertical units as U.S. feet. MLLW and MHHW are preferred. Provide the correction factor detailing how the vertical datum (e.g., MLLW) was derived using the latest National Tidal Datum Epoch for that area, typically 1983-2001.
 - Horizontal state plane coordinates in U.S. survey feet based on the Traverse Mercator Grid system for the State of New Hampshire (Zone 2800) NAD 83.
- Show project limits with existing and proposed conditions.
- Limits of any Federal Navigation Project in the vicinity of the project area and horizontal State Plane Coordinates in U.S. survey feet for the limits of the proposed work closest to the Federal Navigation Project;
- Volume, type, and source of fill material to be discharged into waters and wetlands, including the area(s) (in square feet or acres) of fill in wetlands, below the ordinary high water in inland waters and below the high tide line in coastal waters.
- Delineation of all waterways and wetlands on the project site,:
- Use Federal delineation methods and include Corps wetland delineation data sheets. See GC 2 and www.nero.noaa.gov/hcd for eelgrass survey guidance.
- GP 3, Moorings, contains eelgrass survey requirements for the placement of moorings.
- For activities involving discharges of dredged or fill material into waters of the U.S., include a statement describing how impacts to waters of the U.S. are to be avoided and minimized, and either a statement describing how impacts to waters of the U.S. are to be compensated for (or a conceptual or detailed mitigation plan) or a statement explaining why compensatory mitigation should not be required for the proposed impacts. Please contact the Corps for guidance.



**US Army Corps
of Engineers**
New England District

**New Hampshire General Permits (GPs)
Appendix B - Corps Secondary Impacts Checklist
(for inland wetland/waterway fill projects in New Hampshire)**

1. Attach any explanations to this checklist. Lack of information could delay a Corps permit determination.
2. All references to “work” include all work associated with the project construction and operation. Work includes filling, clearing, flooding, draining, excavation, dozing, stumping, etc.
3. See GC 5, regarding single and complete projects.
4. Contact the Corps at (978) 318-8832 with any questions.

1. Impaired Waters	Yes	No
1.1 Will any work occur within 1 mile upstream in the watershed of an impaired water? See http://des.nh.gov/organization/divisions/water/wmb/section401/impaired_waters.htm to determine if there is an impaired water in the vicinity of your work area.*		X
2. Wetlands	Yes	No
2.1 Are there are streams, brooks, rivers, ponds, or lakes within 200 feet of any proposed work?	X	
2.2 Are there proposed impacts to SAS, special wetlands. Applicants may obtain information from the NH Department of Resources and Economic Development Natural Heritage Bureau (NHB) DataCheck Tool for information about resources located on the property at https://www2.des.state.nh.us/nhb_datacheck/ . The book Natural Community Systems of New Hampshire also contains specific information about the natural communities found in NH.		X
2.3 If wetland crossings are proposed, are they adequately designed to maintain hydrology, sediment transport & wildlife passage?	X	
2.4 Would the project remove part or all of a riparian buffer? (Riparian buffers are lands adjacent to streams where vegetation is strongly influenced by the presence of water. They are often thin lines of vegetation containing native grasses, flowers, shrubs and/or trees that line the stream banks. They are also called vegetated buffer zones.)		X
2.5 The overall project site is more than 40 acres?		X
2.6 What is the area of the previously filled wetlands?		
2.7 What is the area of the proposed fill in wetlands?		
2.8 What is the % of previously and proposed fill in wetlands to the overall project site?		
3. Wildlife	Yes	No
3.1 Has the NHB & USFWS determined that there are known occurrences of rare species, exemplary natural communities, Federal and State threatened and endangered species and habitat, in the vicinity of the proposed project? (All projects require an NHB ID number & a USFWS IPAC determination.) NHB DataCheck Tool: https://www2.des.state.nh.us/nhb_datacheck/ USFWS IPAC website: https://ecos.fws.gov/ipac/location/index	X	

3.2 Would work occur in any area identified as either “Highest Ranked Habitat in N.H.” or “Highest Ranked Habitat in Ecological Region”? (These areas are colored magenta and green, respectively, on NH Fish and Game’s map, “2010 Highest Ranked Wildlife Habitat by Ecological Condition.”) Map information can be found at: <ul style="list-style-type: none"> • PDF: www.wildlife.state.nh.us/Wildlife/Wildlife_Plan/highest_ranking_habitat.htm. • Data Mapper: www.granit.unh.edu. • GIS: www.granit.unh.edu/data/downloadfreedata/category/databycategory.html. 		X
3.3 Would the project impact more than 20 acres of an undeveloped land block (upland, wetland/waterway) on the entire project site and/or on an adjoining property(s)?		X
3.4 Does the project propose more than a 10-lot residential subdivision, or a commercial or industrial development?		X
3.5 Are stream crossings designed in accordance with the GC 21?		
4. Flooding/Floodplain Values	Yes	No
4.1 Is the proposed project within the 100-year floodplain of an adjacent river or stream?	X	
4.2 If 4.1 is yes, will compensatory flood storage be provided if the project results in a loss of flood storage?		X
5. Historic/Archaeological Resources		
For a minimum, minor or major impact project - a copy of the Request for Project Review (RPR) Form (www.nh.gov/nhdhr/review) with your DES file number shall be sent to the NH Division of Historical Resources as required on Page 11 GC 8(d) of the GP document**	X	

*Although this checklist utilizes state information, its submittal to the Corps is a Federal requirement.

** If your project is not within Federal jurisdiction, coordination with NH DHR is not required under Federal law.

Search Results

Save this Search

Export Results

Go to Home

Historic & Project Areas 0

Historical Properties 2

Archaeology Reports 0

Archaeological Sites 0

	Inventory #	Property Name	Address	Town	SR Listing Date	NR Listing Da
View Zoom	POR0174	Portsmouth Downtown Historic District	multiple locations	Portsmouth		06/19/2017
View Zoom	POR0189	LaCava's Wharf	95 Mechanic Street	Portsmouth		



RECEIVED
JUL 18 2017

NEW HAMPSHIRE HISTORIC PROPERTY DOCUMENTATION

LaCAVA'S WHARF

NH State No. 566

LOCATION: 95 Mechanic Street, Portsmouth, Rockingham County, New Hampshire.
USGS Kittery ME Quadrangle, 1995. UTM Coordinates: 19.357537.4770648
State Plane Coordinates (NAD 83 feet): x 1,229,186.64 y 210,960.28

DATE BUILT: 1949

**BUILDER/
CONTRACTOR:** Daniel LaCava & Sons

OWNER/USE: City of Portsmouth, NH / Not in use, formerly private fishing wharf.

SIGNIFICANCE: LaCava's Wharf is a vernacular and rudimentary example of a wood pile wharf or dock structure of the type built along protected shorelines for access and berthing of small recreational and commercial boats and support of their associated activities - in this case near-shore fishing and lobstering. Built, rebuilt and maintained prior to building codes, it is an assemblage of differing construction materials and methods representing a product of thrift but also ingenuity in effecting construction between tidal cycles. The buildings on the wharf supported the fishing operations but do not possess significant architectural or specialized characteristics. The property is historically significant as an example of the once common mom-and-pop fishing operations found in most harbors of the country with a near-shore fishery. Such properties and their fishing businesses are disappearing due to increased waterfront property values, diminished fishery yield, and conflicted codes, permitting and licensing regulations. In 2016, LaCava Wharf was determined to be a contributing property within the Portsmouth Downtown Historic District.

**PROJECT
INFORMATION:** The LaCava's Wharf property was documented in accordance with the standards of the New Hampshire Division of Historical Resources (NHDHR) and the Historic American Engineering Record in January 2017 by Historic Documentation Company Inc. (HDC), Portsmouth, RI, for the City of Portsmouth, NH. The documentation fulfills the recommendations of the NHDHR pursuant to the Request for Project Review # 8083, dated 2 December 2016. The report was written and compiled by Richard M. Casella, Engineering Historian, Historic Documentation Company. Rob Tucher Photographic Documentation, High Bridge, NJ, conducted the large-format black and white film photography.



United States Department of the Interior



FISH AND WILDLIFE SERVICE
New England Ecological Services Field Office
70 Commercial Street, Suite 300
Concord, NH 03301-5094
Phone: (603) 223-2541 Fax: (603) 223-0104
<http://www.fws.gov/newengland>

In Reply Refer To:

October 22, 2019

Consultation Code: 05E1NE00-2020-SLI-0213

Event Code: 05E1NE00-2020-E-00626

Project Name: 95 Mechanic Floating Dock

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

New England Ecological Services Field Office
70 Commercial Street, Suite 300
Concord, NH 03301-5094
(603) 223-2541

Project Summary

Consultation Code: 05E1NE00-2020-SLI-0213

Event Code: 05E1NE00-2020-E-00626

Project Name: 95 Mechanic Floating Dock

Project Type: RECREATION CONSTRUCTION / MAINTENANCE

Project Description: The project consists of the construction and installation of 2 floating docks, one aluminium gangway and 9 timber piles. Four of the Timber piles will support three floating docks permitted under the LaCava Wharf project. The Gangway and two proposed floating docks for this project will allow public access to the docks associated with the LaCava Wharf. Floating docks and gangway will be accessible year round and thus will not be seasonal and does not qualify for minimum impact.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/43.07514591452458N70.74985303931234W>



Counties: Rockingham, NH

Endangered Species Act Species

There is a total of 1 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

**Section 4
USGS Map**

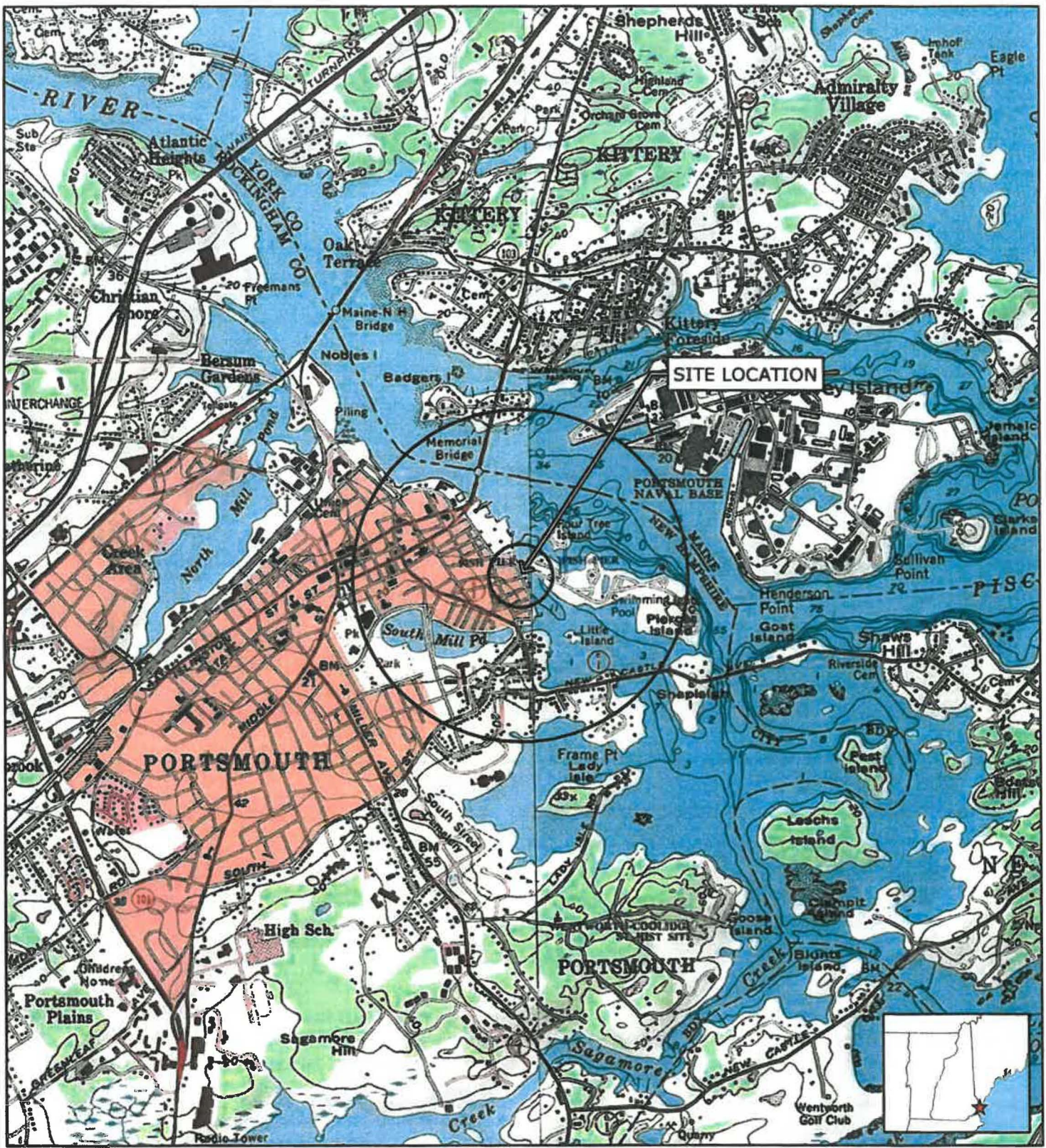
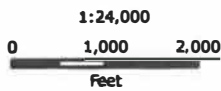


FIGURE 1
SITE LOCUS MAP
 95 Mechanic Street
 Portsmouth, New Hampshire

Tighe & Bond
 Engineers | Environmental Specialists

Based on USGS Topographic Map for
 Portsmouth, New Hampshire. [Site Quad]
 Kittery, New Hampshire.
 Circles Indicate 500-foot and half-mile radii



June 2019

Section 5 Photographs

5.1 Site Photographs



Photo 1: Overview LaCava Wharf before August demolition, photo taken 7-7-2014. Proposed floating docks will be placed in front of the visible seawall, next to the existing floating docks shown.



Photo 2: Similar viewpoint from photo 1, Overview of LaCava Wharf after August 2019 demolition, photo taken 8-30-2019.



Photo 3: This photo is from the parking lot looking North towards the location of the proposed landing and gangway to access the proposed floating docks. Photo taken 6-24-2019.



Photo 4: This photo shows the proposed location of the landing and gangway access to the proposed floating docks, taken from the point of the seawall bump out looking south, taken on 6-24-2019.

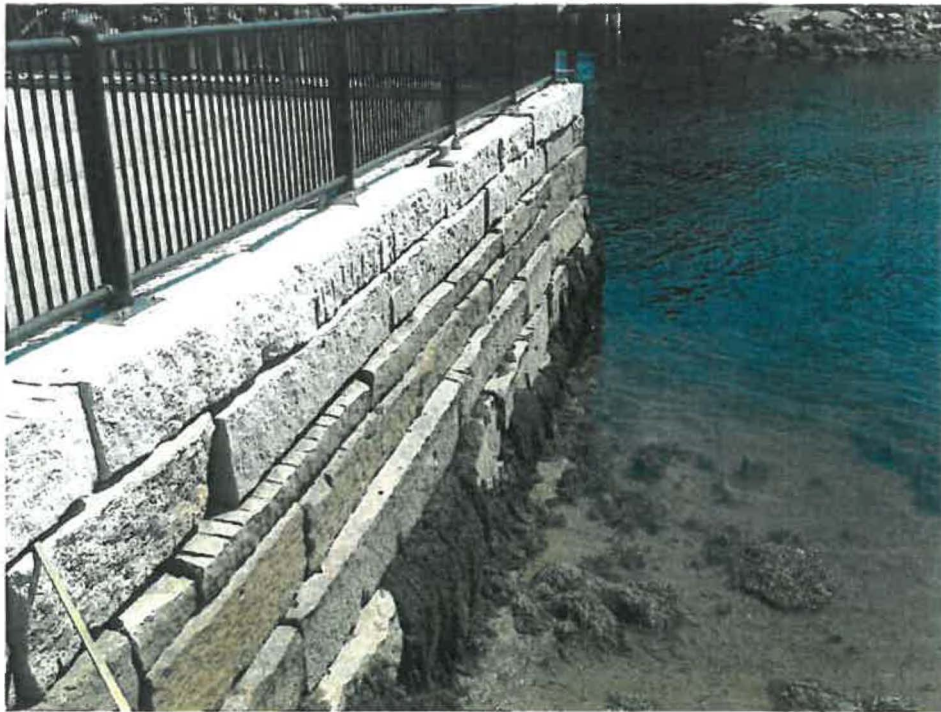


Photo 5: View of the proposed location of the landing and gangway access to the proposed floating docks, looking north, taken on 6-24-2019.

Section 6 Tax Map

Section 7 Abutter Information

7.1 Abutter List

7.2 Abutter Notice

7.3 Certified Mail Receipts

113 Mechanic Street
Floating Docks, Gangway and Platform
Portsmouth, New Hampshire
Abutter's List

Name/Address	Tax Map	Lot
Jason Brewster Trisha Brewster 121 Mechanic Street Portsmouth, NH 03801	0103	0031
Owner: The City of Portsmouth PO Box 628 Portsmouth, NH 03802	0103	0028/0029/0030

J:\P\0714 City Of Portsmouth\95 Mechanic St Wharf 004\Permitting\NHDES\Wetlands\Abutters List.Doc

**ABUTTER NOTIFICATION
OF
WETLANDS PERMIT APPLICATION**

Via Certified Mail

01/17/2020

Jason Brewster and Trisha Brewster
121 Mechanic Street
Portsmouth, NH 03801

Re: NHDES Wetlands Permit Application

113 Mechanic Street
Portsmouth, NH
Project's Tax Map: 0103/ Lot No: 0030

Dear Sir or Madam:

This letter is to inform you that a Wetlands Permit Application will be submitted to the NH Department of Environmental Services (NHDES) Wetland Bureau to construct two floating docks, with a platform and a gangway to those floating docks adjacent to the "Lacava Wharf." Under state law RSA 482-A:3 I (d)(1), via certified mail, I am required to notify you about this wetlands permit application which proposes work abutting your property.

Once the permit application is submitted to NHDES, a copy of the permit application, including the plans associated with the project proposal, will be available for public review at the City or Town Clerk's Office within the City/Town where the proposed project is located. A copy of the permit application, including the plans associated with the project proposal, can also be reviewed at the NHDES headquarters in Concord by scheduling a file review by calling (603) 271-8808 or visiting online at: filereview@des.nh.gov.

If you have questions, you may contact me at the contact information provided below.

Sincerely,



Duncan Mellor, PE; Tighe & Bond, Inc
177 Corporate Drive
Portsmouth, NH 03801
(603)433-8818
DCMellor@tighebond.com

Peter Rice, PE; City of Portsmouth
680 Peverly Hill Road
Portsmouth, NH 03801
(603) 427-1530
phrice@cityofportsmouth.com

7019 2280 0002 2101 0579

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<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
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City, State, ZIP+4®	
PS Form 3800, April 2015 PSN 7535-02-000-9047 See Reverse for Instructions	



Section 8 Permit Plans

