

Wetlands Bureau Decision Report

Decisions Taken
01/28/2008 to 02/03/2008

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Lawrence E. Morse, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

**2007-01494 STARK 2000 REVOC TRUST, JUMANNA
MEREDITH Lake Winnepesaukee**

With Findings:

A. Grounds for Reconsideration

The request for reconsideration asserts the following as the basis for the request:

1. DES inappropriately interprets Env Wt 402.20 to include review of all existing structures on the frontage.
2. The applicant did submit a complete response.
3. The June 29, 2007 application originally submitted to DES was to construct a 6' x 40' seasonal dock with a 4' x 4' concrete winching pad on a parcel with an existing deck and a permitted seasonal U shaped dock.
4. The applicant objects to the application of Env Wt 402.20 to free standing docks. The DES finding implies that the rule applies to a dockage system where in fact the language clearly applies to existing structures.
5. DES cashed the check for \$165 which accompanied the new plan submitted on August 2, 2006.
6. That there is a nonconforming structure on the premises which will not be altered has no impact on the proposal for new conforming structures.
7. The applicant notes that as to the southerly slip on the U shaped dock a boulder blocks the beginning of the pier. The extension (though allowed by rule) is required under these circumstances to provide a definable slip.
8. Nowhere in Env Wt 402.20 is there a requirement that modification to "dockage systems" must bring the entire system into conformity, where the project involves individual structures.
9. The applicant admits that they failed to show all of the existing and proposed structures - the applicant did not show the 3' x 15' walkway which was removed, because the request did not appear to make sense. The rules require a showing of existing and proposed structures. The walkway previously existed, as noted in prior files. The applicant has amended their plans submitted on December 11, 2007 with the motion for reconsideration of the DES denial which includes a note "location of prior 3' x 15' walkway previously removed".
10. The applicant submitted a revised plan showing the jet ski information on the plan with the Request for Reconsideration submitted on December 11, 2007.
11. Any material referenced as being required (Other than the unlawful request to remove the crib deck from the plan or the request for \$60, which was already submitted) has now been supplied.
12. The Bureau's attempt to replace the clear language of Env Wt 402.20 with other language that extends the original intent of the rules contravenes this traditional canons of regulatory construction.
13. Had the rule been intended to apply to all existing and proposed structures within a major dockage system, the drafters could easily have inserted that language which it uses elsewhere in the rules.
14. The Bureau's decision runs contrary to the the Bureau's prior established application of the rule.
15. The Bureau's decision is unlawful because it violates the provisions of RSA 541-A.

B. Standards and Process for Review

1. RSA 482-A:10, II requires a request for reconsideration to describe in detail each ground for complaint. No ground not set forth in the request for reconsideration can be considered by the Wetlands Council or the Superior Court (if further appeal is taken), except as provided in paragraph VIII of that section.
2. RSA 482-A:10, III provides that on reconsideration, DES will receive and consider any new and additional evidence presented, and make findings of fact and rulings of law in support of its decision after reconsideration.
3. RSA 482-A:10, V provides that the burden of proof is on the party seeking to set aside DES's decision to show that the decision is unlawful or unreasonable.
4. If DES is persuaded by a request for reconsideration of a permit denial was erroneous, the result is that the permit originally requested would be granted.
5. Env Wt 402.20 provides that the Department shall not approve any change in size, location, or configuration of an existing structure unless the applicant demonstrates, and the department finds, that the modification is less environmentally-impacting or provides for fewer boat slips and less construction surface area over public submerged lands than the current configuration.
6. Env Wt 401.01 provides that the purpose of this chapter is to protect the public trust, and other interests of the state of New Hampshire, by establishing requirements for design and construction fo structures in order to prevent unreasonable encroachment on teh surface waters of the state.
7. Env Wt 402.02 provides that the approvable dimensions for a dock shall not exceed 40 feet in length and 6 feet in width.
8. Env Wt 402.14 provides that for Frontage over 75' there shall be a minimum of 75' for the first two-slip structure, and an additional 75' of water frontage on the property for each additional boating slip or securing location ona structure for non-commerical use.
9. Env Wt 101.43 "grandfathered status" means a structure that (a) was in place before permit jurisdiction under RSA 482-A:3, I or its predecessor statute, RSA 483-A:1, I took effect, which for areas in or adjacent to tidal waters mans June 22, 1967 and for all other jurisdictional areas means June 2, 1969;(b) has remained unaltered in location, size and configuration; and (c) Has not been abandoned.

C. Findings of Fact and Rulings of Law

1. On November 21, 1997 DES issued a permit to Jumanna Stark to fill 200 sq.ft. of wetlands and install a 15 inch x 28 foot culvert for driveway access to a proposed single family dwelling.
2. On June 28, 2004 DES issued Wetlands Permit 2003-114 to James and Jumanna Stark to install a 6 foot x 30 foot seasonal pier connected to an existing 6 foot x 30 foot seasonal pier with a 3 foot x 12 foot seasonal walkway accessed by 4 foot by 4 foot stairs, and isntall a 14 foot x 30 foot seasonal canpy on an average of 320 foot of frontage on Meredith Bay, Lake Winnepesaukee. This permit expires on March 27, 2008.
3. Condition # 2 of Wetlands Permit stated "No new structures shall be constructed on this frontage until the illegal 3 ft x 14 ft 5 inch walkway connecting existing 6 foot x 30 foot seasonal pier with existing nonconforming 18 ft x 18 ft crib dock is compeltely remove [sic] from the jurisdiction of the Wetlands Bureau."
4. Condition # 9 of the permit provides: "This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
5. Wetlands Permit 2003-114 condition #1 states: "All work shall be in accordance with plans by Watermark Marine Construction dated June 22, 2004, as received by the Department on June 24, 2004" [approved plans].
6. The approved plans received on June 24, 2004 prepared by Watermark Marine Construction [WMC]provided for a 4 foot wide "proposed access stairs and path".
7. On the approved plans the 18' x 18' deck was labelled as "existing crib dock".
8. On June 29, 2007 DES received a standard dredge and fill application from Jumanna J. Stark, Trustee of Jumanna J. Stark 2000 Revocable Trust requesting to construct a 6' x 40' seasonal dock with a 4' x 4' concrete winching pad on a parcel with an existing grandfathered 18' x 18' crib deck and a permitted seasonal U-shape dock with canopy for a total of 5 boat slips on 320' of frontage.
9. Item # 3 of the narrative accompanying the application states that "the 18' x 18' crib-supported deck, which does not meet the dimensional requirements for docking sites, has been deemed grandfathered by this Bureau".
10. On August 7, 2007 DES received a request to revise the original plans to include the following changes: a. Modify the existing permitted seasonal U shaped dock to increase each fo the two fingers from 30 feet to 40 feet; and b)Construct a seasonal 3' x 15' connecting walkway between the U-shaped dock and the existing 18 foot x 18 foot non-conforming crib dock to provide adequate

access to the seasonal U-shaped dock.

11. The applicant also submitted a waiver of Env Wt 402.20 and provided the basis of the waiver as follows: The applicant's property consists of a very steep embankment exceeding 25% slope. Historically, the access to the property was by steps which accessed the original non-conforming 18' x 18' crib dock. However, when the seasonal U-shaped dock was subsequently approved, the State required access other than a connector between the crib dock and the new U-shaped dock. This limitation however, has resulted in a hardship to the owner, namely, (1) primarily due to the steepness of the embankment to provide direct access to the U-shaped dock, and (2) the inability to move from one shorefront structure to the other. Furthermore, 40' seasonal piers are allowed by rule, but for the connection to a non-conforming structure.

12. Additionally, the applicant stated that: "(a) Granting said waiver will not result in an adverse affect to the environment or natural resources of the State where, conversely, the elimination of a second set of stairs which would need to be excavated into the shoreline is by rule considered more impacting than not. Furthermore, the State specifically discourages excavation in structures within slopes in excess of 25% based on safety and erosion control issues. (b) The approval would not result in a greater impact on abutting properties as the walkway would be situated between two existing structures, would not result in any greater extension out into Lake Winnepesaukee than those existing structures, and is located in the middle of the property away from either abutting property lines. (c) Granting the request is consistent with the intent and purpose of the rule being waived because the purpose of the rule is to discourage the longevity of nonconforming structures whereas the proposal here does nothing to extend those lives. (d) Strict compliance with the rule will provide no benefit to the public, and will cause both an operation and an economic hardship to the applicant because there are no navigational impacts on the public; it would avoid excavation within the embankment; it would reduce areas of impact along the shore to access the new proposed seasonal structure to the west and the existing non-conforming structure. (e) A seasonal bridge is much less costly than the excavation in such a steep embankment."

13. The current proposal provides for 7 slips which exceeds the Env Wt 402.14, frontage rule.

14. The current proposal modifies a crib dock which has been represented to have "grandfathered status" yet the applicant proposes to alter its current configuration- connection of a walkway and adjacent boat slipage. This proposal creates a conflict with the Env Wt 101.43.

15. The current proposal conflicts with Env Wt 402.20 by increasing the square footage of area over the water and by increasing the boat slipage of the modified crib-walkway dock system.

16. The applicant has failed to meet the Waiver criteria under Env Wt 204.04(2)(a) as granting the request is not consistent with the intent of the rule being waived - namely to reduce encroachment and the expansion of nonconforming structures.

17. The applicant has failed to demonstrate that Env Wt 204.04(2)(b) has been met.

18. Strict compliance with Env Wt 402.20 will provide a benefit to the public in that it will allow modifications to existing structures where there is a decrease in surface area impacts or boat slips over public waters.

19. The applicant has already been provided access across their steep frontage through Wetlands Permit 2003-114 construction of stairs and path. No excavation was requested as a part of the stairs permit and Permit 2003-114 expires on March 27, 2008.

20. The applicant has not met his/her burden of proving that the DES's decision was unlawful or unreasonable.

**2007-02515 OCONNELL, PAUL
MOULTONBOROUGH Lake Winnepesaukee**

Requested Action:

Project withdrawn in accordance with Applicant's written request dated January 24, 2008.

Inspection Date: 01/24/2008 by Chris T Brison

WITHDRAW APPLICATION:

Project withdrawn in accordance with Applicant's written request dated January 24, 2008.

MINOR IMPACT PROJECT

2005-00263 GROS VENTRE RIVER INVESTMENTS I LLC
HANOVER Unnamed Wetland

Requested Action:

Approve name change to: Gros Ventre River Investments I, LLC, PO Box 1081, Norwich, Vt. 05055 per request received 1/28/2008. Previous owner: Simpson Development Corp

Conservation Commission/Staff Comments:

On February 9, 2005, the Conservation Commission requested DES suspend a final decision for 40 days form the town clerk signature.

On February 22, 2005, the Conservation Commission submitted a letter of approval for the project with additional comments.

Inspection Date: 02/28/2006 by Jeffrey D Blecharczyk

APPROVE NAME CHANGE:

Fill 18,608 square feet of palustrine forested wetlands to provide access to a proposed 65 unit residential housing development called Velvet Rocks. Preserve 113.42 acres as compensatory mitigation for wetland impacts, to be conveyed to the Hanover Conservation Council.

With Conditions:

1. All work shall be in accordance with plans by CLD Consulting Engineers sheets S-1 thru S-6, S-8 and D-1 thru D-3 dated January 20, 2005, as received by the Department on February 7, 2005 and sheet S-277 dated May 31, 2005, as received by the Department on June 2, 2005.
2. This permit is contingent on approval by the DES Site Specific Program.
3. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
6. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
7. Work shall be done during low or non flow conditions.
8. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Culvert outlets shall be properly rip rapped.
11. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 3 days by seeding and mulching.
13. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 3 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
14. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

Wetland preservation:

15. This permit is contingent upon the execution of a conservation easement on 113.42 acres as depicted on plans prepared by CLD

Consulting Engineers, dated January 20, 2005, as received by the Department on February 7, 2005, to be conveyed to the Hanover Conservation Council.

16. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.

17. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.

18. The applicant shall prepare a report summarizing existing conditions within the conservation area. Said report shall contain photographic documentation of the easement area, and shall be submitted to the DES and the grantee prior to construction to serve as a baseline for future monitoring of the easement area.

19. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.

20. The Wetlands Bureau shall be notified of the placement of the easement monuments to coordinate on-site review of their location prior to construction.

21. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.

22. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines). Fill 18,608 square feet of palustrine forested wetlands to provide access to a proposed 65 unit residential housing development called Velvet Rocks. Preserve 113.42 acres as compensatory mitigation for wetland impacts, to be conveyed to the Hanover Conservation Council.

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Env-Wt 502.02.

2007-01078 HAMPTON RIVER MARINA, LLC
HAMPTON Hampton River / Atlantic Ocean

Requested Action:

Perform maintenance repairs and reconstruction, including the addition of new stone within the existing project footprint, to 19,600 sq. ft. of existing deteriorated stone rip-rap armor along 1,570 linear feet of shoreline surrounding the inner boat basin at the Hampton River Marina.

Conservation Commission/Staff Comments:

The Hampton Conservation Commission did a site inspection and concurs on the need for the project. The failed bulkhead was replaced under emergency authorization. The remainder of the project is maintenance repairs and reconstruction of existing rip-rap slopes in the boat basin.

Inspection Date: 01/11/2008 by Frank D Richardson

APPROVE PERMIT:

Perform maintenance repairs and reconstruction, including the addition of new stone within the existing project footprint, to 19,600 sq. ft. of existing deteriorated stone rip-rap armor along 1,570 linear feet of shoreline surrounding the inner boat basin at the Hampton River Marina.

With Conditions:

1. All work shall be in accordance with plans by Jones & Beach Engineers, Inc. dated 9/25/06 (last revised 7/12/07), as received by DES on August 06, 2007.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.

4. Repairs to rip-rap slopes shall maintain existing size, location and configuration.
5. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Work shall be done during low tide periods and suspended during any ocean storm event.
8. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering work areas adjacent to tidal waters.
9. Faulty equipment shall be repaired prior to entering jurisdictional areas.
10. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
11. All refueling of equipment shall occur outside of work areas adjacent to tidal waters during construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(a).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on January 11, 2008. Field inspection determined the rip-rap armor is highly deteriorated and slumping. Needs to be reconstructed to be stabilized with adequate toe protection on slopes.

**2007-01092 NYE TRUST, EDNA
MILFORD Unnamed Wetland**

Requested Action:

Dredge and fill a total of 10,800 sq. ft. of palustrine forested/ scrub-shrub wetlands for the construction of a roadway with two (2) box culvert crossings to access a 32-lot residential subdivision on a 95 acre parcel of land of which 45.52 acres will remain as open space in perpetuity.

Conservation Commission/Staff Comments:

"The [Milford Conservation] Commission recommends approval of the project as presented."

APPROVE PERMIT:

Dredge and fill a total of 10,800 sq. ft. of palustrine forested/ scrub-shrub wetlands for the construction of a roadway with two (2) box culvert crossings to access a 32-lot residential subdivision on a 95 acre parcel of land of which 45.52 acres will remain as open space in perpetuity.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc. dated April 19, 2007, as received by DES on May 17, 2007.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. This permit shall not be effective until it has been recorded with the Hillsborough County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, for septic setback or other construction activities.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
10. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
12. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
13. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.

Compensatory Mitigation:

- 1) Two parcels of land totaling 45.52 acres within this 95 acre parcel will be dedicated as open space in perpetuity.
- 2) The Milford Conservation Commission will oversee the management of the open space as conservation land.
- 3) A plan delineating the open space areas together with the boundary locations will be recorded with the Hillsborough County Registry of Deeds and submitted to the DES Wetlands Bureau prior to construction.
- 4) The boundaries of the open space areas shall be clearly designated and delineated with permanent markers placed no less than 100 feet apart on site.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. A wetlands resource survey conducted by NH Certified Wetland Scientist #53 found no vernal pools within or adjacent to the wetlands impact areas.

2007-01447 EPSOM, TOWN OF
EPSOM Griffin Brook

Requested Action:

Dredge and fill a total of 708 square feet to replace a washed out 5-foot x 90 foot CMP culvert with a proposed 20 foot long x 42-foot wide open spanning structure in a public class V roadway further described as follows: Permanently impact 408 square feet and temporarily impact 266 square feet for construction access.

APPROVE PERMIT:

Dredge and fill a total of 708 square feet to replace a washed out 5-foot x 90 foot CMP culvert with a proposed 20 foot long x 42-foot wide open spanning structure in a public class V roadway further described as follows: Permanently impact 408 square feet and temporarily impact 266 square feet for construction access.

With Conditions:

1. All work shall be in accordance with plans by Hoyle Tanner and Associates dated December 2007, as received by DES on December 28, 2007.
2. The permit is contingent upon review and written approval, by the DES Wetlands Bureau, of a wetland restoration plan designed by a Certified Wetland Scientist for the removal of the downstream culvert and excess materials from jurisdiction.
3. This permit is contingent on review and written approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans and bridge demolition plans. Those plans shall detail the timing and method of stream flow diversion during construction,

include timing and methods of removal for the existing structure and show temporary siltation/erosion/turbidity control measures to be implemented.

4. The permittee shall notify the NH Division of Historic Resources of the proposed project prior to the commencement of construction.
5. Any future work on that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
6. The applicant shall notify in writing the DES Wetlands Bureau, the Conservation Commission of their intention to commence construction no less than five (5) business days prior to the commencement of construction.
7. Work shall be done during annual low flow conditions and during the months of May through September. No in-stream work shall occur after October 1 unless a waiver of this condition is issued by the DES Wetlands Bureau in consultation with the NH Department of Fish and Game.
8. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
10. No equipment shall enter the water, unless written agreement from NH DES has been received for the work activity.
11. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during access road construction and areas cleared of vegetation to be revegetated within three days of the completion of this project.
12. The Permittee shall monitor the weather and will not commence work within flowing water, including the installation of cofferdams, when rain is in the forecast.
13. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
14. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
15. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow., High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
16. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
17. Temporary cofferdams shall be entirely removed immediately following construction.
18. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
19. The proposed granite steps within the bank shall be no greater than 6 feet in width.
20. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
21. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
22. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
23. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
24. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
25. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
26. Silt fencing must be removed once the area is stabilized.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. The proposal is to replace a previously existing structure that washed out in a large storm event.
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 4. The proposed structure provides a larger hydrologic opening than the previously existing structure and provides a natural channel.
5. The applicant has agreed to remove the debris washed into jurisdiction by the previously failed crossing.

6. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
7. The proposed structure will pass a 100-year storm event per the information submitted by the engineer.
8. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
9. DES Staff conducted a field inspection of the proposed project on April 18, 2007. Field inspection determined that the project would qualify for expedited review if it was requested in accordance with SOP-201.
10. The original plans filed with the application included a wetland delineation stamped by a certified wetland scientist.
11. The applicant has provided plans stamped by a professional engineer in accordance with Env-Wt 404.04.

**2007-01906 OATIS, WILLIAM & JOAN
WAKEFIELD Pine River Pond**

Requested Action:

Correct the decision findings of the January 26, 2008 denial to accurately reflect the received date of the Applicant's response to the Department's Request for More Information letter.

DENY PERMIT:

Install a perched beach, rip-rap and a combined rip-rap bio-engineered mat to stabilize the shoreline on 65 ft of frontage in Wakefield on Pine River Pond.

With Findings:

CORRECT FINDINGS TO READ AS FOLLOWS:

Standards for Approval

1. In accordance with RSA 482-A:3, "No person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp in and adjacent to any waters of the state without a permit from the department."
2. Pursuant to RSA 482-A:3, XIV(b), if additional information requested to complete an application is not received by DES within 120 days of the request, DES shall deny the application.
3. In accordance with Rule Env-Wt 303.04, projects that disturb between 50 and 200 ft, measured along the shoreline, of a lake or pond or its bank and do not meet the criteria of Env-Wt 303.02 are classified as Minor Impact Projects.
4. In accordance with Rule Env-Wt 501.02, Additional Data, plans submitted shall be completely dimensioned or drawn to scale and shall show all existing and proposed structures and other relevant features as necessary to clearly define the project.
5. Pursuant to Rule Env-Wt 404.01, shoreline stabilization shall be by the least intrusive but practical method.
6. Pursuant to Rule Env-Wt 404.05(a)(1), walls shall be permitted only where lack of space or other limitation of the site make alternative stabilization methods impractical.

Findings of Fact

1. On August 8, 2007, the Wetlands Bureau received an application to construct a perched beach and stabilize the remaining shoreline with a retaining wall and rip-rap on property identified as Wakefield Tax Map 52, Lot 15 (the Property).
2. A request for additional information dated December 4, 2007, addressed to the Applicant and copied to the Agent, clearly identified that Applicant was required to submit a single and complete response to DES by April 2, 2007, 120 days from the date of the request. The request identified the following items to be submitted:
 - a. Evidence that bio-engineered methods or other means (bio-technical) would not effectively stabilize the shoreline pursuant to Rule Env-Wt 404.03;
 - b. Permanent dock support type, locations, and dimensions,
 - c. Evidence that bio-engineered or bio-technical methods of shoreline stabilization and rip-rap would not effectively stabilize this shoreline or that there is a lack of space or other site limitations making alternative stabilization methods impractical pursuant to Rule Env-Wt 404.05(a)(1).
3. On January 17, 2008 the Bureau received a response to the request for more information. The response failed to include

evidence that alternative, less intrusive methods of shoreline stabilization were impractical.

4. Photographic documentation submitted with the application indicates that sufficient room exists to cut back slopes to eliminate the need for a wall and possibly the need for riprap as well.
5. The plans submitted with the response on January 17, 2008 failed to show the dock supports as requested and include cross sections which are neither drawn to scale nor dimensioned as required per Rule Env-Wt 501.02.

Ruling in support of the Decision

1. The Applicant failed to submitted plans that clearly define the project, and therefore, this application is denied.
2. The applicant failed to provide documentation showing that less impacting alternative means will not effectively stabilize the shoreline as required per Rules Env-Wt 404.01.
3. The Applicant has failed to submit the information requested by the Department on December 4, 2007, and therefore, the application is denied in accordance with RSA 482-A:3 XIV, (b).

**2007-02122 MORRISSETTE 2000 TRUST, LISA
LACONIA Lake Winnisquam**

Requested Action:

Amend permit to allow the installation of a permanent boatlift.

APPROVE AMENDMENT:

Amend permit to read: Construct a permanent piling supported "U-shaped" docking facility consisting of two 6 ft x 50 ft docks connected by a 6 ft x 10 ft walkway accessed by 4 ft wide wooden steps constructed over the bank, install a permanent boatlift and a 12 ft x 25 ft seasonal canopy within the center boat slip, install two tie off piles at the most northeasterly boat slip and install one 3-pile ice cluster on an aveage of 160 ft of frontage in Laconia on Lake Winnisquam.

With Conditions:

1. All work shall be in accordance with revised plans by Harold E. Johnson, Inc. dated January 15, 2008, as received by DES on January 16, 2008.
2. This permit shall not be effective until it has been recorded with the appropriate County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Support pilings shall be spaced a minimum of 12 ft apart as measured center to center.
5. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Work authorized shall be carried out in a time and manner such that there will be no disturbance to migratory waterfowl breeding areas or fish spawning areas.
7. This permit does not allow for maintenance dredging and/or the removal of any navigational hazards.
8. Unnecessary removal of vegetation shall be prohibited.
9. No portion of the docking facility shall extend more than 50 feet from the shoreline at full lake elevation.
10. Seasonal canopy shall be removed for 5 months during the non-boating season.
11. Dock access stairs shall be constructed over the bank, not requiring change of grade and/or change of the banks existing contours.
12. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
13. This permit does not authorize beach replenishment.
14. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and local Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.

15. No stumps shall be removed within 50 feet of the reference line per RSA 483-B (see attached fact sheet).
16. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction of a docking system exceeding the criteria as discussed pursuant to Rule Env-Wt 304.04 Minimum Impact Projects.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2007-02206 GALLANT, DENIS & LINDA
MERRIMACK Souhegan River

Requested Action:

Stabilize 2,580 sq. ft. of severely eroded embankment along 185 linear feet of the Souhegan River utilizing stone rip-rap underlain with geotextile fabric and reinforcement matting, loamed, seeded and planted with native shrubs.

Conservation Commission/Staff Comments:

The Merrimack Conservation Commission has reviewed and commented on the application. Their recommendations have been addressed during DES staff review and incorporated into the revised shoreline stabilization plan.

APPROVE PERMIT:

Stabilize 2,580 sq. ft. of severely eroded embankment along 185 linear feet of the Souhegan River utilizing stone rip-rap underlain with geotextile fabric and reinforcement matting, loamed, seeded and planted with native shrubs.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc. dated August 6, 2007 (last revised 1/21/08), as received by DES on January 24, 2008.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
5. Work shall be done during low flow.
6. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
7. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
8. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
9. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
10. Faulty equipment shall be repaired prior to entering jurisdictional areas.
11. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
12. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the

department's jurisdiction per Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Merrimack Conservation Commission and the Souhegan River LAC concur on the need for this project.

**2007-02422 PHILLIPS EXETER ACADEMY
EXETER Squamscott River**

Requested Action:

Dredge and fill 1,300 sq. ft. within the embankment and perform construction activities in 2,700 sq. ft. of previously developed tidal buffer zone for work associated with the repair and reconstruction of the existing deteriorated timber bulkhead and stone/masonry retaining wall at the Phillips Exeter Academy boathouse quay along 150 linear feet of shoreline frontage on the Squamscott River.

Conservation Commission/Staff Comments:

"The Exeter Conservation Commission has no objection to the retaining wall replacement for the PEA boathouse area."

Inspection Date: 01/11/2008 by Frank D Richardson

APPROVE PERMIT:

Dredge and fill 1,300 sq. ft. within the embankment and perform construction activities in 2,700 sq. ft. of previously developed tidal buffer zone for work associated with the repair and reconstruction of the existing deteriorated timber bulkhead and stone/masonry retaining wall at the Phillips Exeter Academy boathouse quay along 150 linear feet of shoreline frontage on the Squamscott River.

With Conditions:

1. All work shall be in accordance with plans by Appledore Marine Engineering, Inc. dated September 2007, as received by DES on October 09, 2007 and revised details received January 16, 2008.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. NH DES Wetland Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Pile driving work shall be done only during low tide periods to avoid disturbance of diadromous fish runs in the Squamscott River.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(a).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on January 11, 2008. Field inspection determined this project is necessary and needs to be implemented as soon as possible due to the highly deteriorated condition of the existing structures and the likelihood of failure causing a discharge of historic backfill material into the river.

**2007-02682 TYCOM INTEGRATED SYSTEMS INC
NEWINGTON Unnamed Wetland**

Requested Action:

Impact a total of 3,900 sq. ft. of freshwater wetlands over three locations for access and grading associated with development of a commercial lot in a commercial-industrial zone.

APPROVE PERMIT:

Impact a total of 3,900 sq. ft. of freshwater wetlands over three locations for access and grading associated with development of a commercial lot in a commercial-industrial zone.

With Conditions:

1. All work shall be in accordance with plans by Appledor Engineering Inc. dated 10/24/2007, as received by the Department on 11/8/2007.
2. There shall be no further alteration of wetlands for lot development, driveways, or additional culverts.
3. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. Culvert outlets shall be properly rip rapped.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Work shall be done during low flow.
11. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), projects involving less than 20,000 sq. ft. of alteration in the aggregate of non-tidal wetlands which exceed the criteria of Env-Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project. The site was investigated for the the species of concern, the Henslow's Sparrow, reported in the area by the NH Natural Heritage Bureau. The site was found to not consist of the appropriate habitat for this species, and was not the location of the 1983 species siting.
5. The Newington Conservation Commission did not intervene on the application.

**2007-02743 RICCI, ANNETTE & ROBERT HOUGH
WINDHAM Unnamed Stream**

Requested Action:

Remove an existing deteriorated timber bulkhead/ retaining wall and replace with a natural stone wall and plantings of indigenous native vegetation adjacent to 70 linear feet of an unnamed perennial stream.

Conservation Commission/Staff Comments:

No comments or report received from the Windham Conservation Commission.

APPROVE PERMIT:

Remove an existing deteriorated timber bulkhead/ retaining wall and replace with a natural stone wall and plantings of indigenous native vegetation adjacent to 70 linear feet of an unnamed perennial stream.

With Conditions:

1. All work shall be in accordance with plans by Elm Grove Property Solutions, LLC dated October 2007, as received by DES on November 19, 2007.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Work shall be done during low flow.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

MINIMUM IMPACT PROJECT

**2007-00539 CUSSON, FABRIZIO
BARNSTEAD Half Moon Lake**

Requested Action:

Install a 6 ft x 30 ft seasonal dock and construct a 570 sq ft perched beach with 6 ft lake access steps constructed over the bank on 200 ft of frontage in Barnstead on Half Moon Lake.

APPROVE PERMIT:

Install a 6 ft x 30 ft seasonal dock and construct a 570 sq ft perched beach with 6 ft lake access steps constructed over the bank on 200 ft of frontage in Barnstead on Half Moon Lake.

With Conditions:

1. All work shall be in accordance with revised plan by Orvis/Drew, LLC, as received by DES on January 9, 2008.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. All portions of the seasonal dock shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
4. Seasonal dock shall be removed from the lakebed for 5 months for the non-boating season.
5. No portion of the pier shall extend more than 30 feet from the shoreline at full lake elevation.
6. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.

7. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line. Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
8. The steps installed for access to the water shall be located completely landward of the normal high water line.
9. No more than 10 cu yd of sand may be used and all sand shall be located above the normal high water line.
10. This permit shall be used only once, and does not allow for annual beach replenishment.
11. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
12. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
13. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
14. No accessory structures such as patios, decks, etc., built within 50 ft of the shoreline shall exceed an area of 150 sq ft.
15. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(c), beach construction for a single family dwelling.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2007-02745 BOUCHARD, JAMES
BRIDGEWATER Newfound Lake

Requested Action:

Revegetate 24 linear ft of shoreline, reconfigure the remaining perched beach, remove and existing gravel path and patio, remove the existing steps in the waterbody, and add 10 cubic yards of sand to the reconfigured beach area on an average of 102 ft of frontage on Newfound Lake, in Bridgewater.

Conservation Commission/Staff Comments:

No Con Com comments by Jan 29, 2008.

APPROVE PERMIT:

Revegetate 24 linear ft of shoreline, reconfigure the remaining perched beach, remove and existing gravel path and patio, remove the existing steps in the waterbody, and add 10 cubic yards of sand to the reconfigured beach area on an average of 102 ft of frontage on Newfound Lake, in Bridgewater.

With Conditions:

1. All work shall be in accordance with plans by New Hampshire Environmental Consultants, as received by DES on November 19, 2007.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Work shall be done during drawdown.
5. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
6. Stone placed along the beach front for the purpose of retaining sand shall be placed in the same location as the existing retaining wall.

7. No more than 10 cu yd of sand may be used and all sand shall be located above the normal high water line.
8. This permit shall be used only once, and does not allow for annual beach replenishment.
9. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
10. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
11. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
12. All planted vegetation shall be native and consistent with surrounding natural vegetation on the property and surrounding properties. Planting invasive or exotic species is strictly prohibited.
13. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(o), projects deemed minimum impact by the department based on the degree of environmental impact.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The proposed perched beach is less square feet of impact, uses less linear feet of shoreline than the existing perched beach, and is less environmentally impacting and, therefore, meets the requirements of Rule Env-Wt 402.20.
5. The project meets the requirements for a waiver of Rule Env-Wq 1405.05, as outlined in Rule Env-Wq 1410.04.

**2008-00099 COLEBROOK DPW, TOWN OF
COLEBROOK Mohawk River**

Requested Action:

Impact approximately 3,360 sq. ft. for temporary work and retain 650 sq. ft. permanent impacts within the river bank and bed, to repair and replace existing failed 8 inch water main and install approximately 145 +/- linear feet of new 12 inch water main to restore potable water to various service areas within the town.

Conservation Commission/Staff Comments:

Emergency Authorization for repair to water main in River. Issued 30 Jan 2008.

CONFIRM EMERGENCY AUTHORIZATION:

Impact approximately 3,360 sq. ft. for temporary work and retain 650 sq. ft. permanent impacts within the river bank and bed, to repair and replace existing failed 8 inch water main and install approximately 145 +/- linear feet of new 12 inch water main to restore potable water to various service areas within the town.

With Conditions:

1. The applicant shall file a follow-up report including a complete narrative of work performed, photographs showing site conditions prior to work, during work and post construction, sketch plan of areas where work was conducted, and a USGS topographical map with the impact areas located, by April 1, 2008.
2. At the discretion of DES Wetlands Bureau, after review of the April 1, 2008 follow-up Report, a Standard Dredge and Fill Application may be required for all work conducted under this authorization and must be submitted to this office no later than May 1, 2008. NHDES shall notify the applicant that this application is required within 7 days of the receipt of the April 1, 2008 Report.
3. This form shall be properly posted at the work site.
4. This permit is contingent upon approval from NHDES Drinking Water and Groundwater Bureau.
5. The municipal Conservation Commission and Board of Selectmen shall be notified prior to the start of work.
6. Any future work that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
7. Appropriate siltation, erosion and turbidity controls shall be utilized in accordance with current state BMP.
8. All equipment shall be staged at the top of the bank. No equipment shall enter the water.
9. Upon restoring the banks and bed to pre-existing contours, the banks must be stabilized in accordance with plans and the riprap voids be vegetated with an approved seed mixture and established within the first growing season.

10. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in excessive sediment entering a wetland or surface water.

11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

12. This permit does not convey a property right, nor authorize any injury to property of others, nor invasion of rights of others.

With Findings:

1. January 9, 2008, this office was notified by the Town Administrator that there was a failed drinking water main pipeline in the Mohawk River, Town of Colebrook.
2. We requested necessary information on that date to complete our evaluation for issuance of an Emergency Authorization for restore potable water for the service area, currently receiving re-directed water from a much smaller and inadequate pipe.
3. January 24, 2008, we received plans and information required to complete our review and confirm the Emergency Authorization.
4. We briefly coordinated with NHF&G and received positive comments and conditions. They will be applied to any authorization accordingly.
5. Representatives from CRJC and the NHDES Drinking Water & Groundwater Bureau have commented and confirmed the emergency nature of the situation, as the town has 3 water mains, 2 currently ruptured and only one small 6 in. main providing service to large a segment of the town. Noted that there is currently inadequate fire protection to a mobile park and others as a result of the current situation.
6. Based on a review of the submitted information and given the nature of the incident, a failed water line in a major river and limited potable water, we have determined that the project is an emergency by virtue of the scope and gravity of the specific situation. We also have determined that the needs and welfare of the people be addressed immediately and that it is in the public's best interest that this work be expedited and authorized accordingly.

FORESTRY NOTIFICATION

2008-00095 BIBEAU, THOMAS
DEERFIELD Unnamed Stream

COMPLETE NOTIFICATION:
Deerfield Tax Map 410, Lot# 72

2008-00112 BLUEBERRY HILL OF UNITY LLC
UNITY Unnamed Stream

COMPLETE NOTIFICATION:
Unity Tax Map 11, Lot# 73 & 356

2008-00113 KELLEY/ WOODWARD/ TWITCHELL HEIRS, BARRY/ STEVEN
MILAN Unnamed Stream

COMPLETE NOTIFICATION:
Milan Tax Map 53, Lot# 1-1

2008-00114 BEAUDOIN, LISA
TEMPLE Unnamed Stream

COMPLETE NOTIFICATION:
Temple Tax Map/Lot# 6/60 & 8/51

2008-00115 HOPKINS, SARAH
ENFIELD Unnamed Stream

COMPLETE NOTIFICATION:
Enfield Tax Map 10, Lot# 12

2008-00120 GRAVES, VICKIE
MADISON Unnamed Stream

COMPLETE NOTIFICATION:
madison Tax Map 241, Lot# 9

2008-00122 GAVIN, CARLENE
MASON Unnamed Stream

COMPLETE NOTIFICATION:
Mason Tax Map H, Lot# 3, 71, 72-1 & 74

2008-00123 GRAVES, VICKIE
MADISON Unnamed Stream

COMPLETE NOTIFICATION:
Madison Tax MAp 241, Lot# 9

2008-00130 CASPERSEN, FINN
ORANGE Unnamed Stream

COMPLETE NOTIFICATION:
Orange Tax Map 10, Lot# 7A & 11

2008-00131 AVERSA, MICHAEL & CHARNA
NEW DURHAM Unnamed Stream

COMPLETE NOTIFICATION:
New Durham Tax Map 2 Lot# 8 & 11

2008-00133 MONSON, JOHN
COLUMBIA Unnamed Stream

COMPLETE NOTIFICATION:
Columbia Tax Map 421, Lot# 13

2008-00134 MCBEE ET AL, BURRETT
SANDWICH Unnamed Stream

COMPLETE NOTIFICATION:
Sandwich Tax Map R9, Lot# 22, 22B, 22C & 22D

2008-00143 CROWN RIDGE CONDO DEV CO
CONWAY Unnamed Stream

COMPLETE NOTIFICATION:
Conway Tax Map 203, Lot# 53

2008-00146 WALLACE, KRISTIN
UNITY Unnamed Stream

COMPLETE NOTIFICATION:
Unity Tax Map 13, lot# 699

2008-00149 DUMAS, CONRAD
GREENFIELD Unnamed Stream

COMPLETE NOTIFICATION:
Greenfield Tax Map 12-6, Lot# 31 & 31-3

2008-00153 TURNER, PAUL
LYNDEBOROUGH Unnamed Stream

COMPLETE NOTIFICATION:
Lyndeboro Tax MAP 234, Lot# 27

2008-00154 RUGER JR, WILLIAM
CROYDON Unnamed Stream

COMPLETE NOTIFICATION:
Croydon Tax Map 17, Lot# 319 & 517

EXPEDITED MINIMUM

2007-02035 NEW HAMPTON, TOWN OF
NEW HAMPTON Tributary To Pemigewasset River

Requested Action:

Deny permit request to dredge and fill within the bed and banks of a perennial stream to extend existing 48-inch x 24-foot culvert 8-feet to a total length of 30-feet to expand road shoulder so that the traveled way will not erode in large storm events.

DENY PERMIT:

Dredge and fill within the bed and banks of a perennial stream to extend existing 48-inch x 24-foot culvert 8-feet to a total length of 30-feet to expand road shoulder so that the traveled way will not erode in large storm events.

With Findings:

1. This is a Minor Impact Project per NH Code of Administrative Rule Env-Wt 303.03(l), projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. Approvals must be consistent with the findings of public purpose set forth by RSA 482-A:1.
3. The need for the proposed impacts shall be demonstrated by the applicant prior to department approval of any alteration of nontidal wetlands per Rule Env-Wt 302.01.
4. The applicant must provide evidence, which demonstrates that his/her proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Env-Wt 302.03.
5. The applicant must demonstrate by plan and example that each factor listed in Rule Env-Wt 302.04 (a), Requirements for Application Evaluation, has been considered in the design of the project.
6. According to Rule Env-Wt 302.04(d), the department shall not grant a permit if the applicant fails to document that the proposed alternative is the one with the least adverse impact to areas and environments under the department's jurisdiction, or if the applicant proposes unnecessary destruction of wetlands.
7. The plans submitted in support of an application shall contain all of the information within Env-Wt 501.02(a)(2).
8. Pursuant to RSA 482-A:3, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
9. The subject application was received August 28, 2007, and was determined to be administratively incomplete on August 29, 2007 as no information on Threatened and Endangered species was received. The applicant submitted this information on September 14, 2007 and the application was deemed administratively complete on September 17, 2007.
10. By letter dated September 28, 2007, DES requested more information pursuant to RSA 482-A:3, XIV(b) ("RFMI"). Specifically, DES requested the applicant to address the following:
 - a. There is no project description stating why the roadway needs to be widened. The proposal is simply to shore up the existing headwall, why are you simply not just repairing the existing headwall in place? It appears that this would be the least impacting alternative under our rules.
 - b. It is not clear if the stream is intermittent or perennial from the information provided. Please be advised that the expansion of a roadway culvert within a perennial must meet the requirements of Env-Wt 303.04(j) to be considered a minimum impact project. I have included a copy of this rule for reference. If you do not meet the requirements of this rule, the project would be considered minor. Minor impact projects must address Env-Wt 302.04(a) and be delineated by a Certified Wetland Scientist in accordance with Env-Wt 301.01.
 - c. Please be advised that the plans do not include all of the information required by Env-Wt 501.02(a)(2). Notably missing from your plans were: The limits of the existing right of way; the proposed impact areas in relation to property lines; If the drawing is not to scale, the dimensions of all existing and proposed structures and all other relevant features necessary to clearly define the project; A labeled north-pointing arrow to indicate orientation; A legend that clearly indicates all symbols, line types, and shading used on the plan; The name of the individual who did the wetlands delineation on the property; The location of the 100-year floodplain; The existing and proposed topography, including a reference elevation; and Labeled and lightly shaded or stippled areas indicating limits of all temporary and permanent impacts in jurisdiction, including wetlands, surface waters and their banks.
 - d. The application states the proposal is within the 100-year flood plain but the elevation of the flood plain is not indicated on the plans nor is the amount of fill to be placed within the flood plain indicated. Please note the US Army Corps of Engineers requires flood storage compensation at a 1:1 ratio for all fill placed within the 100-year flood plain it is unclear where this compensation area is.
11. DES did not receive a complete response to the RFMI.
 - a. The applicant stated the roadway does not need to be widened to extend the roadway but "the culvert extension is intended to keep the road from washing out. The culvert will extend beyond the road" and "By extending the culvert, at least some of the damage (to the road) can be minimized "
 - b. The applicant stated to consider the stream as perennial. However, they do not consider this a minor impact project.

- c. No new plans were received.
- d. The entirety of the project is within the 100-year floodplain but they consider it unnecessary to provide compensatory storage. However, the applicant stated they will work with the Army Corps of Engineers to meet flood storage requirements but no design or documentation has been submitted.
- 12. The RFMI, clearly stated the applicant was to provide a single and complete response to all items within the scope of that document.
- 13. The RFMI, addressed to the applicant, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.

Findings in Support of Denial:

- 14. The proposal to extend the culvert widening the shoulder to protect the roadway simply increases the amount of material available to erode downstream and is not considered the least impacting alternative in accordance with Env-Wt 302.03(a)(1), and is denied in accordance with Env-Wt 302.04(d)(2), as the project would cause or contribute to degradation of waters of the state.
- 15. The applicant has not demonstrated need to expand the culvert within a perennial stream in accordance with Env-Wt 302.04(a)(1), and the application is denied in accordance with Env-Wt 302.04(d)(3), as it would cause random or unnecessary destruction of wetlands.
- 16. The applicant has not provided a plan indicating the limits of the right of way and therefore has not addressed Env-Wt 302.04(a)(11), the application is therefore denied in accordance with Env-Wt 302.04(e)(2).
- 17. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

2007-02151 MUELLER, GLENN
TUFTONBORO Lake Winnepesaukee

Requested Action:

Repair and maintain an existing 8 ft x 52 ft permanent dock supported by a 8 ft x 20 ft crib and a 8 ft x 29 ft crib, remove an existing concrete patio and construct a 11 ft x 16 ft perched beach in the same location and replace an existing 20 linear ft retaining wall on Lake Winnepesaukee, Tuftonboro.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Repair and maintain an existing 8 ft x 52 ft permanent dock supported by a 8 ft x 20 ft crib and a 8 ft x 29 ft crib, remove an existing concrete patio and construct a 11 ft x 16 ft perched beach in the same location and replace an existing 20 linear ft retaining wall on Lake Winnepesaukee, Tuftonboro.

With Conditions:

- 1. All work shall be in accordance with plans as received by DES on January 07, 2008.
- 2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
- 3. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
- 4. Dock repair shall maintain existing size, location and configuration.
- 5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
- 6. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
- 7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
- 8. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.

- 9. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
- 10. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 504.32). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
- 11. The steps installed for access to the water shall be located completely landward of the normal high water line.
- 12. No more than 10 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
- 13. This permit shall be used only once, and does not allow for annual beach replenishment.
- 14. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
- 15. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
- 16. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

- 1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(d), construction of a beach.

2008-00026 HENDERSON, WARREN
RYE Atlantic Ocean

Requested Action:

Construct a new 1,547 sq. ft. home in the previously developed upland tidal buffer zone requiring 343 sq. ft. of additional permanent impacts and 2,379 sq. ft. of temporary construction impacts for a total of 2,722 sq. ft.; with the new home being located more than 50 feet landward of the highest observable tide line.

Conservation Commission/Staff Comments:

The Rye Conservation Commission recommends approval of the project and signed the Minimum Impact Expedited application.

APPROVE PERMIT:

Construct a new 1,547 sq. ft. home in the previously developed upland tidal buffer zone requiring 343 sq. ft. of additional permanent impacts and 2,379 sq. ft. of temporary construction impacts for a total of 2,722 sq. ft.; with the new home being located more than 50 feet landward of the highest observable tide line.

With Conditions:

- 1. All work shall be in accordance with plans by Emanuel Engineering, Inc. dated Jan. 4, 2008, as received by DES on January 08, 2008.
- 2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
- 3. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
- 4. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
- 5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

2008-00048 NORTHFIELD, TOWN OF
NORTHFIELD Unnamed Wetland

Requested Action:

Temporarily impact 400 square feet of perennial stream bed and banks to replacement a failed existing 35 foot x 48-inch culvert with a 35-foot x 60 inch culvert.

Conservation Commission/Staff Comments:

The Conservation Commission signed the application.

APPROVE PERMIT:

Temporarily impact 400 square feet of perennial stream bed and banks to replacement a failed existing 35 foot x 48-inch culvert with a 35-foot x 60 inch culvert.

With Conditions:

1. All work shall be in accordance with plans by Quantum Construction Consultants LLC as received by the Department on January 14, 2008.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
4. Work shall be done during low flow.
5. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. No equipment shall enter the water.
8. All work shall be done from the top of the bank.
9. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
11. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow., High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
12. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
13. Temporary cofferdams shall be entirely removed immediately following construction.
14. Proper headwalls shall be constructed within seven days of culvert installation.
15. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x), maintenance, repair, or replacement of a nondocking structure such as a culvert, headwall, bridge, dam, residential utility line, or rip-rap slope of less than 50 linear feet.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. There is no addition to the length of the culvert and the increase in the diameter is to improve the hydrology of the crossing.

**2008-00060 MONAHAN FAMILY LAND PRESERVATION, LONDA MONAHAN TT
TUFTONBORO Lake Winnepesaukee**

Requested Action:

Reset rocks on a 30 ft jetty, and along 3 areas totaling 18 linear ft of shoreline having 250 ft of frontage on Lake Winnepesaukee in Tuftonboro.

Conservation Commission/Staff Comments:
Con Com signed Exp Application 01/11/2008

APPROVE PERMIT:

Reset rocks on a 30 ft jetty, and along 3 areas totaling 18 linear ft of shoreline having 250 ft of frontage on Lake Winnepesaukee in Tuftonboro.

With Conditions:

1. All work shall be in accordance with plans and cross sections by Watermark Marine Construction dated December 14, 2007, as received by DES on January 15, 2008.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Only rocks which have fallen from the shoreline along this property shall be used for repair. No additional rocks shall be brought on site.
4. Repairs shall maintain existing size, location and configuration.
5. No work authorized to the existing dug-in boat basin, boathouse, or crib pier.
6. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
8. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(m), projects that disturb less than 15 linear ft of shoreline along a lake or pond.

GOLD DREDGE

2008-00125 SEEHORST, GUSTAVE
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath Conservation Commission

2008-00158 LIBBY, BRIAN
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath Conservation Commission

LAKES-SEASONAL DOCK NOTIF

2008-00111 WELCH REVOCABLE TRUST, SHARON
GILMANTON IRON WORKS Crystal Lake

COMPLETE NOTIFICATION:

Gilmanton Iron Works Tax map 106 Lot 17
Crystal Lake

PERMIT BY NOTIFICATION

2007-02194 WEBSTER, JAMES
TUFTONBORO Unnamed Stream

Requested Action:

Disqualify permit by notification to impact 436 square feet of wetland for recreational access.

PBN DISQUALIFIED:

Disqualify permit by notification to impact 436 square feet of wetland for recreational access.

With Findings:

1. A notice of incompleteness dated September 21, 2007, addressed to the applicant or agent of record, clearly identified the applicant is required to submit additional information to DES within 20 days of the notice.
2. Pursuant to Env-Wt 506.02(g), if the requested additional information is not received by DES within 20 days of the notice, DES shall disqualify the notification.
3. DES did not receive the requested additional information within the 20 days and therefore the notification has been disqualified.
4. There is available upland access to the rear portion of the lot, so the proposal does not meet the requirements of Env-Wt 302.04(b)(5).