



The State of New Hampshire
Department of Environmental Services

Clark B. Freise, Assistant Commissioner



WETLANDS AND NON-SITE SPECIFIC PERMIT 2017-00574

Permittee: CITY OF PORTSMOUTH,
C/O TERRY L DESMARAIS
680 PEVERLY HILL RD
PORTSMOUTH NH 03801

Project Location: 99 PIERCE ISLAND ROAD, PORTSMOUTH
TAX MAP/LOT NO: 208 / 1

Waterbody: PISCATAQUA RIVER

NOTE CONDITIONS

APPROVAL DATE: APRIL 25, 2017 EXPIRATION DATE: APRIL 25, 2022

Based upon review of the above referenced application, in accordance with RSA 482-A and RSA 485-A:17, a Wetlands Permit and Non-Site Specific Permit was issued. This permit shall not be considered valid unless signed as specified below.

PERMIT DESCRIPTION: Permanently impact 18,747 square feet in the developed upland tidal buffer zone to reconstruct and expand an existing parking lot adjacent to Four Tree Island park; temporarily impact 6,793 square feet in the developed upland tidal buffer zone to install drainage under an area of grass parking for outdoor swimming pool area, all on City of Portsmouth Peirce Island. Install 200 linear feet (two 100' sections in two different locations) of chain link security fence in the developed upland tidal buffer zone to prevent access to the Peirce Island wastewater treatment facility construction site from the public park areas.

THIS APPROVAL IS SUBJECT TO THE FOLLOWING PROJECT SPECIFIC CONDITIONS:

1. All work shall be in accordance with revised plans by AECOM Technical Services dated 4/5/2017, as received by the NH Department of Environmental Services (DES) on 4/12/2017.
2. This permit is contingent upon field location, and verification of that location by DES, of the highest observable tide line, prior to the installation of the sections of security fence proposed to be located in jurisdiction.
3. Any further alteration of areas on this property that are subject to RSA 482-A jurisdiction will require a new application and further permitting.
4. The contractor responsible for completion of the work shall use techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
5. There shall be no use of welded plastic or any other form of erosion control "netting" or products containing such on the site in order to protect wildlife resources.
6. Appropriate siltation, erosion, and 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. Exceptional vigilance shall be applied to maintenance of the erosion/sedimentation controls adjacent to the locations of the populations of marsh elder near the proposed grass parking area. Erosion/sedimentation controls in this area shall be checked and maintained daily. Any failure of the controls shall be reported to DES and NH Heritage Bureau immediately.
8. Within three days of final grading or temporary suspension of work, 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

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and pinning on slopes steeper than 3:1.

9. All construction-related debris shall be properly disposed of outside of the areas subject to RSA 482-A.

GENERAL CONDITIONS THAT APPLY TO ALL NHDES WETLANDS PERMITS:

1. A copy of this permit shall be posted on site during construction in a prominent location visible to inspecting personnel;
2. This permit does not convey a property right, nor authorize any injury to property of others, nor invasion of rights of others;
3. The Wetlands Bureau shall be notified upon completion of work;
4. This permit does not relieve the applicant from the obligation to obtain other local, state or federal permits, and/or consult with other agencies as may be required (including US EPA, US Army Corps of Engineers, NH Department of Transportation, NH Division of Historical Resources (NH Department of Cultural Resources), NHDES-Alteration of Terrain, etc.);
5. Transfer of this permit to a new owner shall require notification to and approval by NHDES;
6. This project has been screened for potential impacts to **known** occurrences of protected species and exemplary natural communities in the immediate area. Since many areas have never been surveyed, or have only received cursory inventories, unidentified sensitive species or communities may be present. This permit does not absolve the permittee from due diligence in regard to state, local or federal laws regarding such communities or species.
7. Review enclosed sheet for status of the US Army Corps of Engineers' federal wetlands permit.

APPROVED: _____


Dori Wiggin, East Region Supervisor
NHDES Wetlands Bureau

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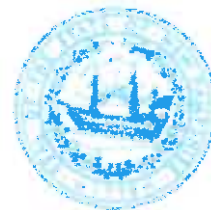
BY SIGNING BELOW I HEREBY CERTIFY THAT I HAVE FULLY READ THIS PERMIT AND AGREE TO ABIDE BY ALL PERMIT CONDITIONS.


OWNER'S SIGNATURE (required)


CONTRACTOR'S SIGNATURE (required)



The State of New Hampshire
Department of Environmental Services



Clark B. Freise, Assistant Commissioner

April 25, 2017

CITY OF PORTSMOUTH
C/O TERRY L DESMARAIS
680 PEVERLY HILL RD
PORTSMOUTH NH 03801

RE: NHDES Wetlands File # 2017-00574 City Of Portsmouth –Four Tree Island/Peirce Island - Portsmouth
Tax Map/Lot # 208 / 1; Block

Dear Mr. Desmarais:

Attached please find Wetlands Permit # 2017-00574 to permanently impact 18,747 square feet in the developed upland tidal buffer zone to reconstruct and expand an existing parking lot adjacent to Four Tree Island park; temporarily impact 6,793 square feet in the developed upland tidal buffer zone to install drainage under an area of grass parking for outdoor swimming pool area, all on City of Portsmouth Peirce Island. Install 200 linear feet (two 100' sections in two different locations) of chain link security fence in the developed upland tidal buffer zone to prevent access to the Peirce Island wastewater treatment facility construction site from the public park areas.

The decision to approve this application was based on the following findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03 (b) projects that involve work within 50 feet of a saltmarsh that do not meet the criteria of Env-Wt 303.02.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The construction of the City of Portsmouth Peirce Island wastewater treatment facility has resulted in a loss of parking for the public who use the public pool and Peirce Island/Four Tree Island park area. The expanded and temporary grass parking as proposed will allow continued use of the portions of Peirce Island which remain open to the public. The fence is a necessary security measure to segregate the construction and public use areas.
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. The permanent impact involves reconstruction of existing paved parking with only minimal expansion into non-paved areas; the temporary impact for drain installation will allow proper stormwater management during temporary use of a grassed area for overflow parking.
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 populations of State-threatened marsh elder (*iva frutescens*) have been field located and protective measures developed in coordination with NH Natural Heritage Bureau, and the permit has been conditioned accordingly.
5. The Portsmouth Conservation Commission recommended approval of the project.

Any person aggrieved by this decision may appeal to the New Hampshire Wetlands Council (the Council) by filing an appeal that meets the requirements specified in RSA 482-A:10, RSA 21-O:14, and the rules adopted by the Council, Env-WtC 100-200. The appeal must be filed **directly with the Council within 30 days** of the date of this decision and must set forth **fully every ground** upon which it is claimed that the decision complained of is unlawful or unreasonable. Only those grounds set forth in the notice of appeal can be considered by the Council.

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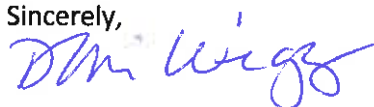
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Information about the Council, including a link to the Council's rules, is available at <http://nhec.nh.gov/> (or more directly at <http://nhec.nh.gov/wetlands/index.htm>.) Copies of the rules also are available from the New Hampshire Department of Environmental Services (NHDES) Public Information Center at (603) 271-2975.

Your permit must be signed, and a copy must be posted in a prominent location on site during construction.

If you have any questions, please contact our office at (603) 559-1507.

Sincerely,

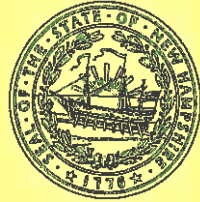


Dori Wiggin
East Region Supervisor
NHDES Wetlands Bureau

cc: Portsmouth Conservation Commission
Portsmouth Municipal Clerk
Normandeau Associates
NH Natural Heritage Bureau



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

NOTICE TO RECIPIENTS OF MINOR IMPACT N.H. WETLANDS PERMITS

Your permit was approved by the New Hampshire Wetlands Bureau as a minor impact project, and your project will be reviewed by the U.S. Army Corps. of Engineers for possible approval under the Army Corps New Hampshire State Programmatic General Permit - SPGP. The Army Corps will notify you within thirty (30) days if they will require additional information or an individual federal permit application.

If you do not hear from the Army Corps within thirty (30) days, and your project meets the conditions of the SPGP (attached), your project will automatically be approved under the SPGP. You should contact the Army Corps, at 1-800-343-4789, if your project does not meet the conditions of the SPGP.

NO WORK SHOULD BE DONE WITHOUT AUTHORIZATION FROM THE ARMY CORPS UNLESS THIRTY (30) DAYS HAVE PASSED AFTER N.H. WETLANDS BUREAU APPROVAL, AND ALL CONDITIONS OF THE SPGP ARE MET.

THESE APPROVALS DO NOT RELIEVE YOU FROM OBTAINING ANY NECESSARY LOCAL PERMITS THAT MAY BE REQUIRED BY YOUR TOWN.

IF YOU HAVE ANY QUESTIONS, PLEASE FEEL FREE TO GIVE US A CALL AT 603-271-2147

THIS NOTICE WAS SENT WITH MINOR IMPACT PERMIT # 2017-574 ON 4-25-17 BY DAEJ

CC: U.S. ARMY CORPS. OF ENGINEERS