



The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner



NOV04'20 AM 9:44 RCVD
105

November 2, 2020

His Excellency, Governor Christopher T. Sununu
and The Honorable Council
State House
Concord, NH 03301

REQUESTED ACTION

Approve Port of Men Missing Trust's, and Mark Swartz's request to perform the following work on Rye Harbor in Rye. File # 2020-01326. This project will not have significant impact on or adversely affect the values of Rye Harbor.

Maintenance dredge to remove 2,750 cubic yards of accumulated sediment within 18,680 square feet of Rye Harbor adjacent to the existing tidal docking structures located at 122 & 126 Harbor Road.

The New Hampshire Department of Environmental Services (NHDES) imposed the following conditions as part of this approval:

1. In accordance with Env-Wt 307.16, all work shall be done in accordance with plans by Ambit Engineering, Inc. dated March 2017 and revised through April 28, 2017 as received by the NH Department of Environmental Services (NHDES) on June 12, 2020
2. Not less than 5 state business days prior to starting work authorized by this permit, the permitted shall notify the NHDES and the Rye Conservation Commissions in writing of the date on which work under this permit is expected to start.
3. In accordance with Env-Wt 307.10(i), dredging shall occur in tidal waters outside fish migration or larval setting stage of fish and shellfish, which is between November 15 and March 15.
4. Any request for dredging outside this time frame will be for emergency conditions only, and must be coordinated with the NHDES and the NH Fish and Game Dept., Marine Division.
5. In accordance with Env-Wt 307.03(g)(2), the person in charge of construction equipment shall repair any leaks prior to using the equipment in an area where such fluids could reach groundwater, surface waters, or wetlands.
6. In accordance with Env-Wt 307.03(h), equipment shall be staged and refueled outside of jurisdictional areas (unless allowed) and in accordance with Env-Wt 307.15.
7. In accordance with Env-Wt 307.03(a), no activity shall be conducted in such a way as to cause or contribute to any violation of surface water quality standards specified in RSA 485-A:8 or Env-Wq 1700; ambient groundwater quality standards established under RSA 485-C; limitations on activities in a sanitary protective area established under Env-Dw 302.10 or Env-Dw 305.10; or any provision of RSA 485-A, Env-Wq 1000, RSA 483-B, or Env-Wq 1400 that protects water quality.

www.des.nh.gov

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095
NHDES Main Line: (603) 271-3503 • Subsurface Fax: (603) 271-6683 • Wetlands Fax: (603) 271-6588
TDD Access: Relay NH 1 (800) 735-2964

8. In accordance with Env-Wt 607.02(n), impacts to tidal waters/wetlands and submerged lands during the mobilization and demobilization of dredging and other related project equipment shall be evaluated and minimized.
9. In accordance with Env-Wt 607.08(b), all practicable methods for minimizing suspended sediment and turbidity shall be employed, including closed buckets when appropriate.
10. In accordance with Env-Wt 607.02(m), no dredged material shall be disposed in areas containing sensitive or unique marine benthic habitats, including spawning sites, feeding sites, and surface deposits of cobble or gravel substrate.

EXPLANATION

The NHDES approved this project on September 17, 2020. The NHDES supported its decision with the following findings:

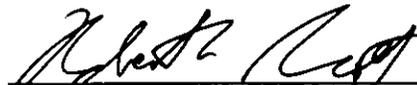
1. This is classified as a major project per Rule Env-Wt 607.10(a), for all forms of dredging in tidal waters/wetlands, that exceed the criteria listed in Env-Wt 607.10(b). NHDES previously approved the maintenance dredge of this area under NHDES file 89-1718.
2. Per Rule Env-Wt 202.01(b) and as required by RSA 482-A:8, NHDES finds that the requirements for a public hearing do not apply as the project will not have a significant environmental impact, as defined in Env-Wt 104.19, on the resources protected by RSA 482-A, or, is not of substantial public interest, as defined in Env-Wt 104.32.
3. Per Rule Env-Wt 204.05(a), NHDES has granted waivers to the requirement established in Rules Env-Wt 603.05, Env-Wt 603.08(a), and Env-Wt 603.08(b). Granting the waivers will not result in an avoidable adverse impact on the environment or natural resources of the state, including but not limited to jurisdictional areas and protected species or habitat, an avoidable adverse impact on public health or public safety, an impact on abutting properties that is more significant than that which would result from complying with the rule, a statutory requirement being waived, and any benefit to the public or the environment from complying with the rule is outweighed by the operational or economic costs to the applicant.
4. Per Rule Env-Wt 311.01(b), the applicant coordinated with the NH Fish and Game Department (NHF&G) and the Natural Heritage Bureau (NHB) to determine how to avoid and minimize project-related impacts on rare or protected animal species and habitat, and on protected plants or exemplary natural communities.
5. Per Rule Env-Wt 311.06(h), the Rye Conservation Commission did not provide comments on the proposed project.
6. Per Rule Env-Wt 311.06(j), The New England District (NAE) of the U.S. Army Corps of Engineers (USACE) issued Suitability Determination for Tom Bluoin [sic], Rye Harbor, Rye, New Hampshire. "This document addresses the suitability of dredged material generated from the Tom Bluoin property for unconfined openwater placement at the Cape Arundel Disposal Site (CADS) or the proposed Isles of Shoals North Disposal Site (IOSN). NAE of the USACE finds that sufficient data has been provided to satisfy the evaluation and testing requirements of Section 103 of the Marine Protection, Research and Sanctuaries Act (MPRSA). Based on the weight of evidence including the conceptual site model, project footprint, comparison to the Rye Harbor FNP, and the consistently low sediment chemistry results these sediments are unlikely to cause unacceptable adverse effects to the environment. According to the testing and evaluation requirements set forth in Section 103 of the MPRSA, the sediments to be dredged from the

Tom Bluoin property are considered suitable for unconfined openwater placement at CADS or IOSN as proposed. This suitability determination has been coordinated with EPA [U.S. Environmental Protection Agency] Region 1, NHDES, and MaineDEP [Dept. of Environmental Protection]. NHDES and MaineDEP concurred with the determination. EPA Region 1 conducted an independent evaluation of the project and documented the findings in separate memo."

7. Per Rule Env-Wt 313.01(a)(4), all project-specific criteria established in Env-Wt 600 have been met.
8. Per Rule Env-Wt 313.01(a)(3), all resource-specific criteria established in Env-Wt 600 have been met.
9. The applicant has demonstrated specifically that each factor listed in Env-Wt 313.03(b) has been considered in the design of the proposed major project.
10. Per Rule Env-Wt 607.03(b)(1) through (3), the dredging project meets standard conditions of Env-Wt 307 and avoidance and minimization techniques in Env-Wt 607.02; the project applicant has participated in and followed guidance provided in a pre-application meeting with the department or the New Hampshire dredge management task force; and the project is sponsored by the state so that all applications to the department for dredging of Federal navigation projects (FNP) in tidal waters or tidal wetlands has been submitted by the Pease Development Authority, Division of Ports and Harbors (DP&H) pursuant to RSA 12-G:45, and all other dredging projects in tidal waters/wetlands has DP&H sponsorship or authorization for another entity, such as a municipality or private person, to act as an agent to apply for a permit from the department. This maintenance dredge project will be completed concurrently with the Rye Harbor Dredge performed by the USACE of the FNP and the maintenance dredge of the State anchorage authorized for the DP&H under Wetlands Permit 2019-02884.
11. Per Rule Env-Wt 607.02(n), impacts to tidal waters/wetlands and submerged lands during the mobilization and demobilization of dredging and other related project equipment has been evaluated and minimized.
12. Per Rule Env-Wt 607.02(b), the dredging of the existing regularly maintained FNP areas that exhibit high natural resource value has meet the avoidance and minimization techniques in Env-Wt 311.07 and Env-Wt 313.
13. Per Rule Env-Wt 607.02(d), the dredging project has been screened to avoid shellfish beds, submerged aquatic vegetation and essential fish habitat.
14. Per Rule Env-Wt 607.03(a)(2), the primary purpose of the dredging is to construct, maintain, or improve a marina, private association, or public facility.
15. Per Rule Env-Wt 607.09(b), the CFA report has been considered in assessing the potential impact of proposed disposal locations and determining the least impacting disposal location as stated by the above-referenced NAE of USACE Suitability Determination.
16. Per Rule Env-Wt 607.09(a), the applicant included an explanation of how the dredged material will be transported and off-loaded to minimize dispersion of sediments.

Application file documents are being forwarded to the Governor and the Executive Council in connection with their consideration of this matter pursuant to RSA 482-A:3, II.(a) as it is a major project in public waters of the state.

We respectfully request your approval of this item.



Robert R. Scott, Commissioner



**STANDARD DREDGE AND FILL
WETLANDS PERMIT APPLICATION**
Water Division/Land Resources Management
Wetlands Bureau



Check the Status of your Application

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

APPLICANT'S NAME: Port of Missing Men Trust

TOWN NAME: Rye

| | | | |
|--|--|-------------------------|----------------------------|
| | | Administrative Use Only | File No. <u>2020-01326</u> |
| | | | Check No. <u>1127</u> |
| | | | Amount: <u>\$7,472.00</u> |
| | | | Initials: <u>LSL</u> |

A person may request a waiver to requirements in Rules Env-Wt 100-900 to accommodate situations where strict adherence to the requirements would not be in the best interests of the public or the environment. A person may also request a waiver of standard for existing dwellings over water pursuant to RSA 482-A:26, III (b). For more information, please consult the request form.

SECTION 1 - REQUIRED PLANNING FOR ALL PROJECTS (Env-Wt 306.05; RSA 482-A:3, I(d)(2))
Please use the Wetland Permit Planning Tool (WPPT), the Natural Heritage Bureau (NHB) DataCheck Tool, the Aquatic Resource Mapper, or other sources to assist in identifying key features such as: priority resource areas (PRAs), protected species or habitats, coastal areas, designated rivers, or designated prime wetlands.

Has the required planning been completed? Yes No

Does the property contain a PRA? Yes No. If yes, provide the following information:

- Does the project qualify for an Impact Classification Adjustment or a Project-Type Exception (See Env-Wt 407.02 and Env-Wt 407.04)? Yes No
- Protected species or habitat? Yes No. If yes, species or habitat name(s): Unknown per NHB20-1376
- NHB Project ID #: 20-1376
- Bog? Yes No
- Floodplain wetland contiguous to a tier 3 or higher watercourse? Yes No
- Designated Prime Wetland or duly-established 100-foot buffer? Yes No
- Sand dune, tidal wetland, tidal water, or undeveloped tidal buffer zone? Yes No

Is the property within a Designated River corridor? Yes No. If yes, provide the following information:

- Name of Local River Management Advisory Committee (LAC): N/A
- A copy of the application was sent to the LAC on Month: Day: Year:

For stream crossing projects, provide watershed size: N/A

For dredging projects, is the subject property contaminated? Yes No
If yes, list contaminant:

Is there potential to impact impaired waters, class A waters, or outstanding resource waters? Yes No

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

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

www.des.nh.gov

| | | | |
|--|--|---|---------------------|
| SECTION 2 - PROJECT DESCRIPTION (Env-Wt 311.04(i)) | | | |
| Provide a brief description of the project and the purpose of the project, outlining the scope of work to be performed and whether impacts are temporary or permanent. DO NOT reply "See attached" in the space provided below. | | | |
| The project proposes a maintenance dredging (permanent impact) within Rye Harbor to remove 2,750 cubic yards of dredged material within a 18,680 sq. ft. area located directly adjacent to existing tidal docking structures located at 122 & 126 Harbor Road to provide and maintain boating access to the existing docking structures. | | | |
| SECTION 3 - PROJECT LOCATION | | | |
| Separate wetland permit applications must be submitted for each municipality within which wetland impacts occur. | | | |
| ADDRESS: 122 & 126 Harbor Road | | TOWN/CITY: Rye | |
| TAX MAP/BLOCK/LOT/UNIT: Map 9.2, Lot 12 and 13 | | | |
| US GEOLOGICAL SURVEY (USGS) TOPO MAP WATERBODY NAME: Rye Harbor <input type="checkbox"/> N/A | | | |
| (Optional) LATITUDE/LONGITUDE in decimal degrees (to five decimal places): | | X: 1,230,044.42° North Y: 183,328.80° West | |
| SECTION 4 - APPLICANT (DESIRED PERMIT HOLDER) INFORMATION (Env-Wt 311.04(a)) | | | |
| If the applicant is a trust or a company, then complete with the trust or company information. | | | |
| NAME: Port of Men Missing Trust Thomas M. Blouin Trustee | | | |
| MAILING ADDRESS: | | | |
| TOWN/CITY: | | STATE: | ZIP CODE: |
| EMAIL ADDRESS: 1 | | FAX: | PHONE: : |
| ELECTRONIC COMMUNICATION: By initialing here: <u>TMB</u> , I hereby authorize NHDES to communicate all matters relative to this application electronically. | | | |
| SECTION 5 - AUTHORIZED AGENT INFORMATION (Env-Wt 311.04(c)) | | | |
| <input type="checkbox"/> N/A | | | |
| LAST NAME, FIRST NAME, M.I.: Blouin, Thomas, M. | | | |
| COMPANY NAME: | | MAILING ADDRESS: 40 Bridle Trail | |
| TOWN/CITY: Darien | | STATE: CT | ZIP CODE: 06820 |
| EMAIL ADDRESS: thomas.m.blouin@gmail.com | | FAX: | PHONE: 917-626-0416 |

ELECTRONIC COMMUNICATION: By initialing here TMB, I hereby authorize NHDES to communicate all matters relative to this application electronically.

SECTION 6 - PROPERTY OWNER INFORMATION (IF DIFFERENT THAN APPLICANT) (Env-Wt 311.04(b))

If the owner is a trust or a company, then complete with the trust or company information.

Same as applicant

NAME: []

MAILING ADDRESS: []

TOWN/CITY: []

STATE: []

ZIP CODE: []

EMAIL ADDRESS: []

FAX: []

PHONE: []

ELECTRONIC COMMUNICATION: By initialing here TMB, I hereby authorize NHDES to communicate all matters relative to this application electronically.

SECTION 7 - RESOURCE-SPECIFIC CRITERIA ESTABLISHED IN Env-Wt 400, Env-Wt 500, Env-Wt 600, Env-Wt 700, OR Env-Wt 900 HAVE BEEN MET (Env-Wt 313.01(a)(3)).

Describe how the resource-specific criteria have been met for each Chapter listed above (please attach information about stream crossings, coastal resources, prime wetlands, or non-tidal wetlands and surface waters).

Please see attached narrative

Env-Wt 400: Steve Riker NH CWS delineated and classified wetland resources to be impacted by the proposed dredging.

Env-Wt 500: N/A

Env-Wt 600: Functional assessment is provided by Environmental Assessment as completed by the ACOE in in January 2019 (document attached) in support of the ACOE's General Permit Application for the Maintenance Dredging of Rye Harbor. Vulnerability assessment requirement per 603-05: Waiver requested (see attached). Per 603-03 Data screening has been provided via attached maps. Attached plans demonstrate requirements as needed by chapter 600 (specifically 607-01A). Tidal Dredging Project-Specific Worksheet - NHDES-W-06-073 - attached.

Env-Wt 700: N/A

Env-Wt 900: N/A

SECTION 8 - AVOIDANCE AND MINIMIZATION

Impacts within wetland jurisdiction must be avoided to the maximum extent practicable (Env-Wt 313.03(a)). If all impacts cannot be avoided, a functional assessment is required for minor and major projects (Env-Wt 311.03(b)(10)). Any project with unavoidable jurisdictional impacts must then be minimized as described in the Wetlands Best Management Practice Techniques For Avoidance and Minimization and the Wetlands Permitting: Avoidance, Minimization and Mitigation Fact Sheet.

Please refer to the application checklist to ensure that you have attached all documents related to avoidance and minimization, as well as functional assessment (where applicable). You can use the Avoidance and Minimization Checklist, the Avoidance and Minimization Narrative, or your own avoidance and minimization narrative.

SECTION 9 - MITIGATION REQUIREMENT (Env-Wt 311.02)

If unavoidable jurisdictional impacts require mitigation, a mitigation pre-application meeting must occur at least 30 days but not more than 90 days prior to submitting this Standard Dredge and Fill Permit Application.

Mitigation Pre-Application Meeting Date: Month: Day: Year:

N/A - Mitigation is not required

SECTION 10 - THE PROJECT MEETS COMPENSATORY MITIGATION REQUIREMENTS (Env-Wt 313.01(a)(1)c).

Have you submitted a compensatory mitigation proposal that meets the requirements of Env-Wt 800 for all permanent impacts that will remain after avoidance and minimization demonstration? Yes No

N/A - Mitigation is not required

SECTION 11 - IMPACT AREA (Env-Wt 311.04(g))

For each jurisdictional area that will be/has been impacted, provide square feet (SF) and, if applicable, linear feet (LF) of impact, and note whether the impact is after-the-fact (ATF; i.e., work was started or completed without required permitting).

For intermittent and ephemeral* streams, the linear footage of impact is measured along the thread of the channel. *Please note, installation of a stream crossing in an ephemeral stream may be undertaken without a permit per Rule Env-Wt 309.02(d), however other dredge or fill impacts should be included below.

For perennial streams/rivers, the linear footage of impact is calculated by summing the lengths of disturbances to the channel and banks.

Permanent impacts are impacts that will remain after the project is complete (e.g., changes in grade or surface materials).

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

| JURISDICTIONAL AREA | | PERMANENT | | | TEMPORARY | | |
|---------------------|--|-----------|----|--------------------------|-----------|----|--------------------------|
| | | SF | LF | ATF | SF | LF | ATF |
| Wetlands | Forested Wetland | | | <input type="checkbox"/> | | | <input type="checkbox"/> |
| | Scrub-shrub Wetland | | | <input type="checkbox"/> | | | <input type="checkbox"/> |
| | Emergent Wetland | | | <input type="checkbox"/> | | | <input type="checkbox"/> |
| | Wet Meadow | | | <input type="checkbox"/> | | | <input type="checkbox"/> |
| | Vernal Pool | | | <input type="checkbox"/> | | | <input type="checkbox"/> |
| | Designated Prime Wetland | | | <input type="checkbox"/> | | | <input type="checkbox"/> |
| | Duly-established 100-foot Prime Wetland Buffer | | | <input type="checkbox"/> | | | <input type="checkbox"/> |
| Surface Water | Intermittent / Ephemeral* Stream | | | <input type="checkbox"/> | | | <input type="checkbox"/> |
| | Perennial Stream or River | | | <input type="checkbox"/> | | | <input type="checkbox"/> |
| | Lake / Pond | | | <input type="checkbox"/> | | | <input type="checkbox"/> |
| | Docking - Lake / Pond | | | <input type="checkbox"/> | | | <input type="checkbox"/> |
| | Docking - River | | | <input type="checkbox"/> | | | <input type="checkbox"/> |
| B | Bank - Intermittent Stream | | | <input type="checkbox"/> | | | <input type="checkbox"/> |

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

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

www.des.nh.gov

| | | | | | | | |
|--------------|-------------------------------------|---------------|--|--------------------------|--|--|--|
| | Bank - Perennial Stream / River | | | <input type="checkbox"/> | | | |
| | Bank/shoreline - Lake / Pond | | | <input type="checkbox"/> | | | |
| Tidal | Tidal Waters | 18,680 | | <input type="checkbox"/> | | | |
| | Tidal Marsh | | | <input type="checkbox"/> | | | |
| | Sand Dune | | | <input type="checkbox"/> | | | |
| | Undeveloped Tidal Buffer Zone (TBZ) | | | <input type="checkbox"/> | | | |
| | Previously-developed TBZ | | | <input type="checkbox"/> | | | |
| | Docking - Tidal Water | | | <input type="checkbox"/> | | | |
| TOTAL | | 18,680 | | | | | |

SECTION 12 - APPLICATION FEE (RSA 482-A:3, I)

MINIMUM IMPACT FEE: Flat fee of \$400

NON-ENFORCEMENT RELATED, PUBLICLY-FUNDED AND SUPERVISED RESTORATION PROJECTS, REGARDLESS OF IMPACT CLASSIFICATION: Flat fee of \$400 (refer to RSA 482-A:3, 1(c) for restrictions)

MINOR OR MAJOR IMPACT FEE: Calculate using the table below:

| | | | |
|---|-----------|------------|----------|
| Permanent and temporary (non-docking): | 18,680 SF | × \$0.40 = | \$ 7,472 |
| Seasonal docking structure: | SF | × \$2.00 = | \$ |
| Permanent docking structure: | SF | × \$4.00 = | \$ |
| Projects proposing shoreline structures (including docks) add \$400 = | | | \$ |
| Total = | | | \$ 7,472 |

The application fee for minor or major impact is the above calculated total or \$400, whichever is greater = \$ 7,472

SECTION 13 - PROJECT CLASSIFICATION (Env-Wt 306.05)

Indicate the project classification.

Minimum Impact Project Minor Project Major Project

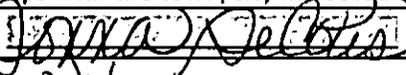
SECTION 14 - REQUIRED CERTIFICATIONS (Env-Wt 311.11)

Initial each box below to certify:

| | |
|-------------------------|---|
| Initials: <u>TMB</u> | To the best of the signer's knowledge and belief, all required notifications have been provided. |
| Initials: <u>TMB</u> | The information submitted on or with the application is true, complete, and not misleading to the best of the signer's knowledge and belief. |
| Initials: <u>TMB</u> | <p>The signer understands that:</p> <ul style="list-style-type: none"> The submission of false, incomplete, or misleading information constitutes grounds for NHDES to: <ol style="list-style-type: none"> Deny the application. Revoke any approval that is granted based on the information. And If the signer is a certified wetland scientist, licensed surveyor, or professional engineer licensed to practice in New Hampshire, refer the matter to the joint board of licensure and certification established by RSA 310-A:1. The signer is subject to the penalties specified in New Hampshire law for falsification in official matters, currently RSA 641. The signature shall constitute authorization for the municipal conservation commission and the Department to inspect the site of the proposed project, except for minimum impact trail projects, where the signature shall authorize only the Department to inspect the site pursuant to RSA 482-A:6, II. |
| Initials: <u>TMB</u> | If the applicant is not the owner of the property, each property owner signature shall constitute certification by the signer that he or she is aware of the application being filed and does not object to the filing. |

SECTION 15 - REQUIRED SIGNATURE (Env-Wt 311.04(d); Env-Wt 311.11)

| | | |
|---|---|-----------------|
| SIGNATURE (OWNER):  | PRINT NAME LEGIBLY: Thomas M. Blouin | DATE: 6/1/20 |
| SIGNATURE (APPLICANT, IF DIFFERENT FROM OWNER): | PRINT NAME LEGIBLY: | DATE: |
| SIGNATURE (AGENT, IF APPLICABLE):  | PRINT NAME LEGIBLY: Thomas M. Blouin | DATE: 6/1/20 |

| | | |
|--|-----------------------------------|--|
| SECTION 16 - TOWN / CITY CLERK SIGNATURE (Env-Wt 311.04(f)) | | |
| As required by RSA 482-A:3, I(a),(1), I hereby certify that the applicant has filed four application forms, four detailed plans, and four USGS location maps with the town/city indicated below. | | |
| TOWN/CITY CLERK SIGNATURE:  | PRINT NAME LEGIBLY: Donna DeCores | |
| TOWN/CITY: Blye NH | DATE: June 8, 2020 | |

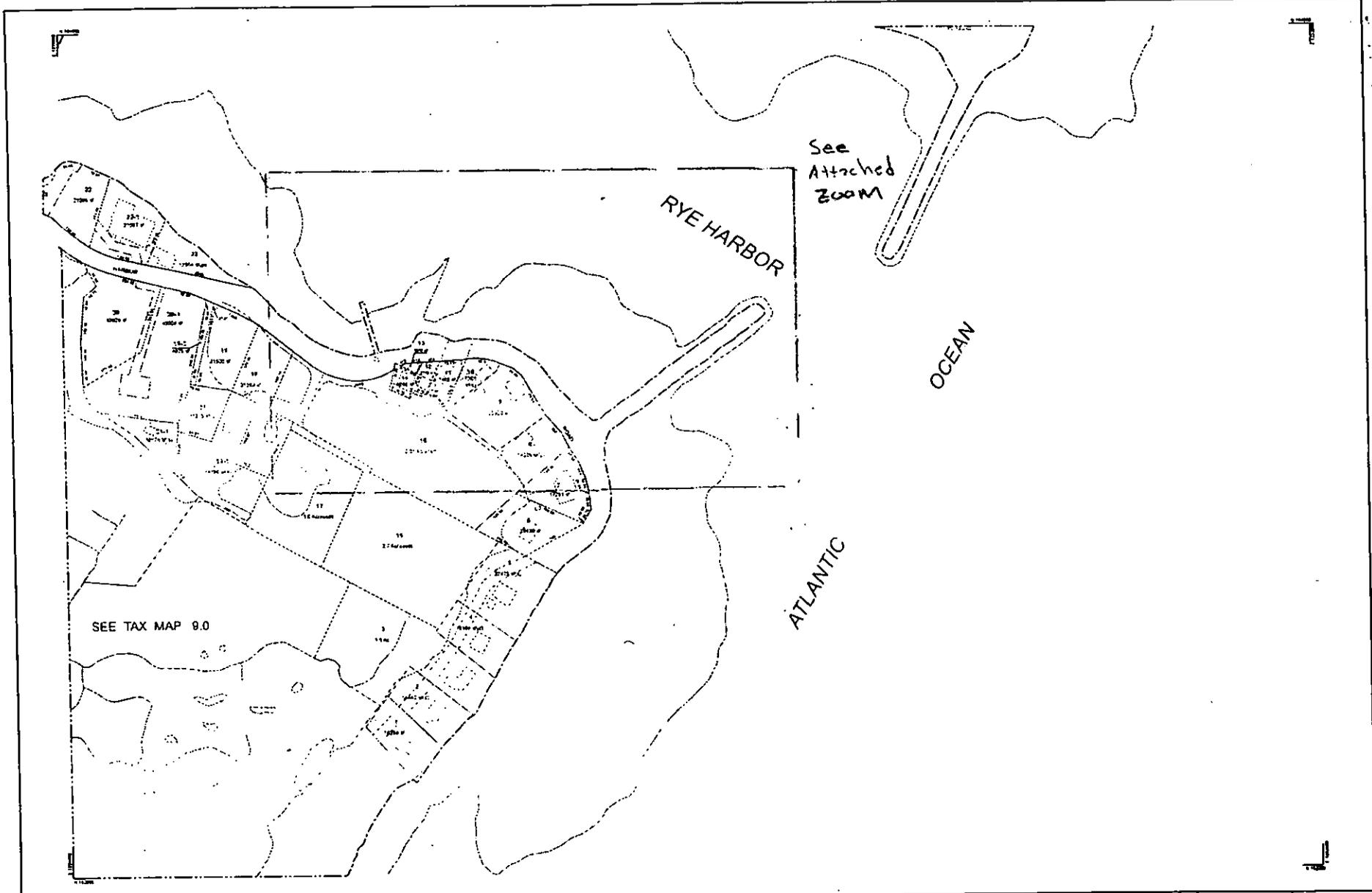
DIRECTIONS FOR TOWN/CITY CLERK:

Per RSA 482-A:3, I(a)(1)

1. IMMEDIATELY sign the original application form and four copies in the signature space provided above.
2. Return the signed original application form and attachments to the applicant so that the applicant may submit the application form and attachments to NHDES by mail or hand delivery.
3. IMMEDIATELY distribute a copy of the application with one complete set of attachments to each of the following bodies: the municipal Conservation Commission, the local governing body (Board of Selectmen or Town/City Council), and the Planning Board. And
4. Retain one copy of the application form and one complete set of attachments and make them reasonably accessible for public review.

DIRECTIONS FOR APPLICANT:

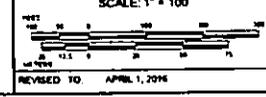
Submit the single, original permit application form bearing the signature of the Town/City Clerk, additional materials, and the application fee to NHDES by mail or hand delivery at the address at the bottom of this page.



THIS MAP IS FOR LISTING AND ASSESSMENT PURPOSES AND IS NOT TO BE USED FOR DESCRIPTION OF CONVEYANCE.
 THE HORIZONTAL DATUM IS THE NEW HAMPSHIRE STATE PLANE COORDINATE SYSTEM, NAD 83.
 TAX MAP COMPILED BY BEVALL CO.
 DIGITAL FILE MAPPING BY BEACONET ENGINEERING & SSC, INC.

DESIGNED & REPRODUCED BY
CAI Technologies
1000 North Main Street, Suite 200
 Portsmouth, NH 03801
 603.433.8888

LEGEND
 RYE HARBOR DISTRICT WILDLIFE PROTECTION AREA

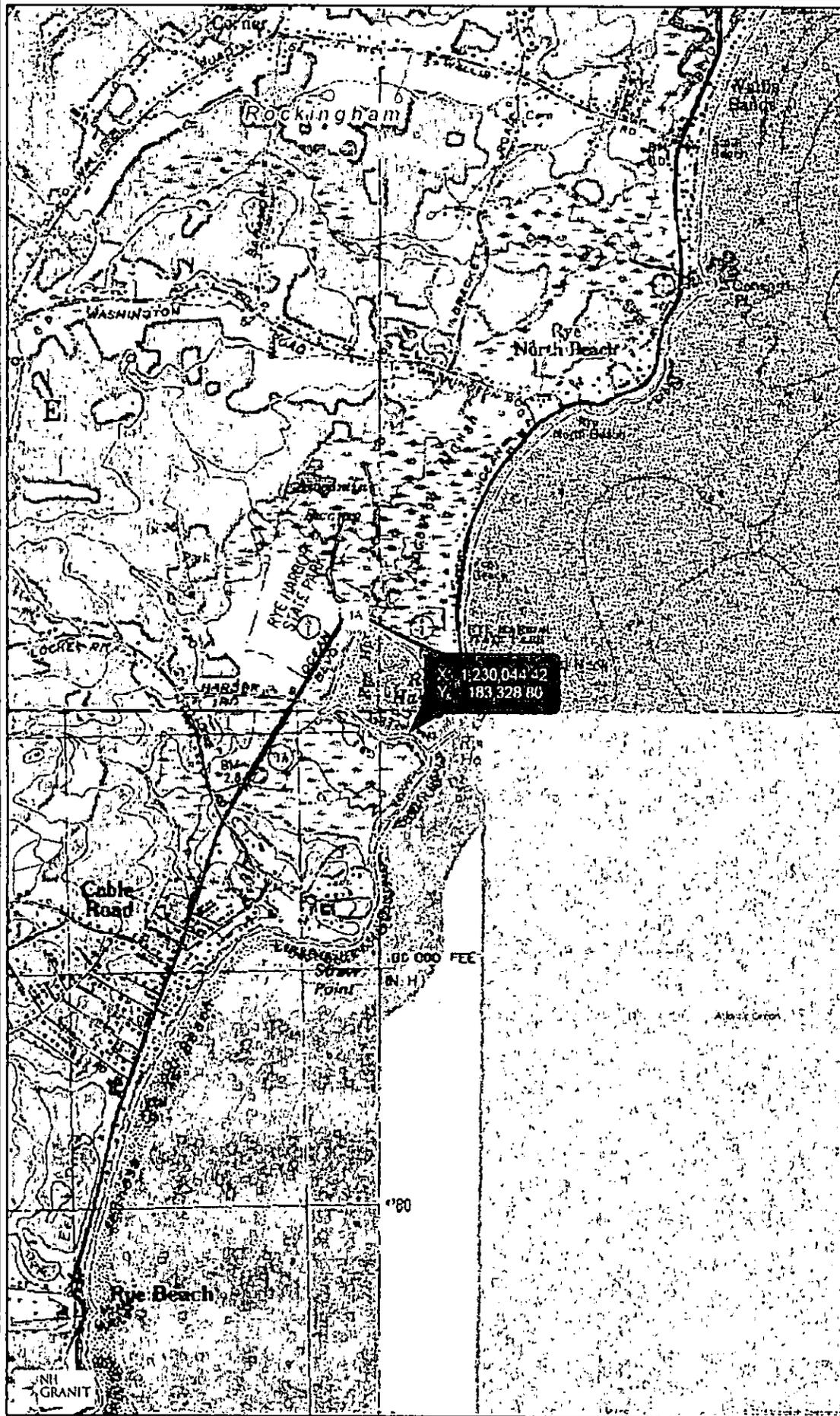


PROPERTY MAPS
TOWN OF RYE
 NEW HAMPSHIRE

INDEX DIAGRAM

MAP NO.
9.2

Map by NH GRANIT



Legend

- State
- County
- City/Town
- Interstates
- Turnpikes
- US Routes
- State Routes
- Local Roads

Map Scale

1: 24,000

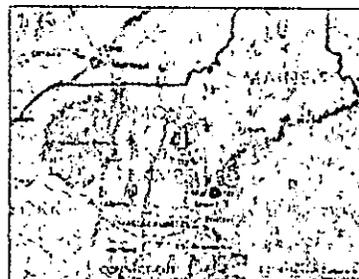


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Map Generated: 12/8/2016

Notes

USGS Map Created for purposes of various permitting in support of a Maintenance Dredging Project at 122 & 126 Harbor Road at Rye Harbor in Rye, NH





NEW HAMPSHIRE NATURAL HERITAGE BUREAU
NHB DATACHECK RESULTS LETTER

To: Thomas Blouin
40 Bridle Trail

Darien, CT 06820

From: NH Natural Heritage Bureau

Date: 5/21/2020 (valid for one year from this date)

Re: Review by NH Natural Heritage Bureau of request submitted 5/13/2020

NHB File ID: NHB20-1376

Applicant: Thomas Blouin

Location: Rye
122 Harbor Road

Project

Description: Maintenance dredging in conjunction with Corps of Engineer
Dredging of Rye Harbor (previous DataCheck: NHB16-2575)

The NH Natural Heritage database has been checked by staff of the NH Natural Heritage Bureau and/or the NH Nongame and Endangered Species Program for records of rare species and exemplary natural communities near the area mapped below. The species considered include those listed as Threatened or Endangered by either the state of New Hampshire or the federal government.

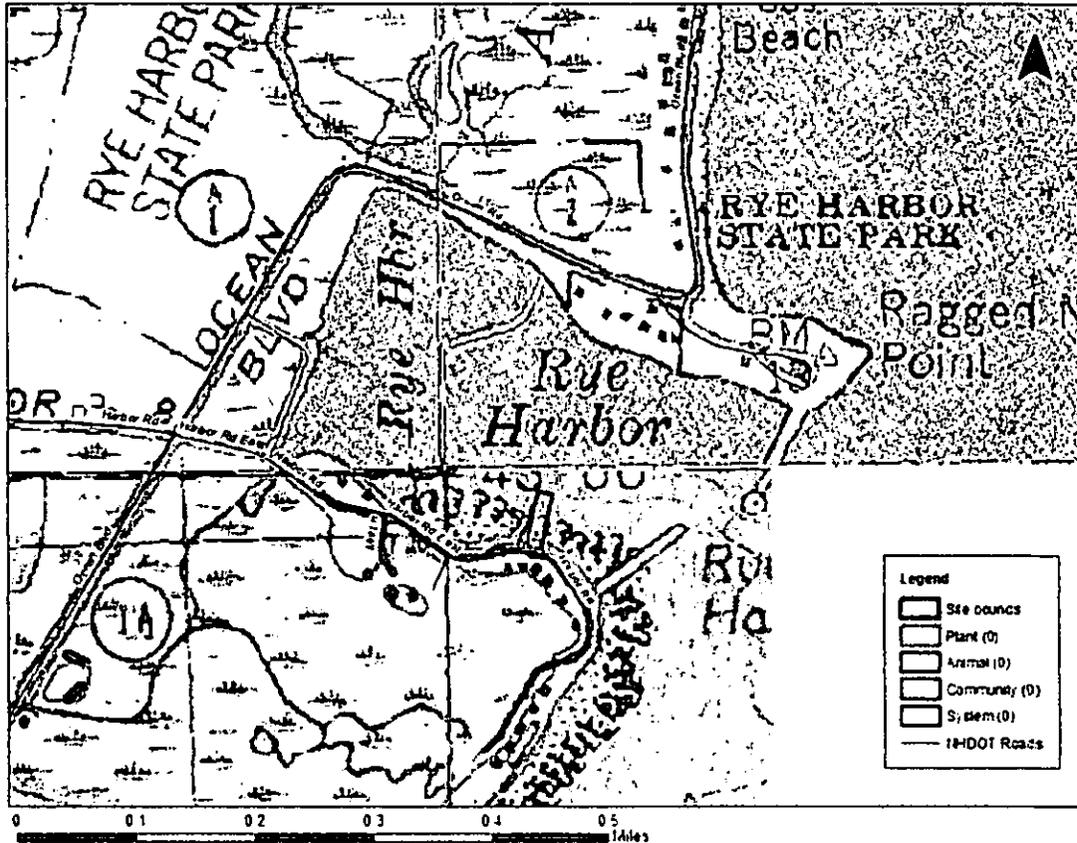
It was determined that, although there was a NHB record (e.g., rare wildlife, plant, and/or natural community) present in the vicinity, we do not expect that it will be impacted by the proposed project. This determination was made based on the project information submitted via the NHB Datacheck Tool on 5/13/2020, and cannot be used for any other project.



NEW HAMPSHIRE NATURAL HERITAGE BUREAU
 NHB DATACHECK RESULTS LETTER

MAP OF PROJECT BOUNDARIES FOR: NHB20-1376

NHB20-1376



**ABUTTER NOTIFICATION
OF
WETLANDS PERMIT APPLICATION**

Via Certified Mail

May 13, 2020

Mr. Paul Collier

Re: NHDES Wetlands Permit Application

122 and 126 Harbor Road
Rye, NH 03870
Project's Tax Map: 9.2 / Lot No: 12 & 13

Paul:

This letter is to inform you that a Wetlands Permit Application will be submitted to the NH Department of Environmental Services (NHDES) Wetland Bureau for a *Wetlands and Non-Site Specific Permit* to engage in a maintenance dredging project for the docks at 122 and 126 Harbor Road in Rye, NH. The proposed project would be completed in coordination with the Army Core of Engineers maintenance dredging of Rye Harbor. Under state law RSA 482-A:3 I (d)(1), via certified mail, I am required to notify you about this wetlands permit application which proposes work abutting your property.

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

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

Sincerely,



Tom Blouin
40 Bridle Trail
Darien, CT 06820
(917) 626-0416
Thomas.m.blouin@gmail.com

7020 0090 0001 6338 7983

| | |
|---|--|
| U.S. Postal Service CERTIFIED MAIL® RECEIPT <i>Domestic Mail Only</i> | |
| For delivery information, visit our website at www.usps.com | |
| STUART, VT 05497 OFFICIAL USE | |
| Certified Mail Fee \$3.55 | 0820 05 Postmark Here 05/13/2020 |
| Extra Services & Fees (check box, add fee) <input type="checkbox"/> Return Receipt (hardcopy) \$0.00 <input type="checkbox"/> Return Receipt (electronic) \$0.00 <input type="checkbox"/> Certified Mail Restricted Delivery \$0.00 <input type="checkbox"/> Adult Signature Required \$0.00 <input type="checkbox"/> Adult Signature Restricted Delivery \$0.00 | |
| Postage \$0.55 | |
| Total Postage and Fees \$6.95 | |
| Sent To: <u>Mr. Paul Collier</u> Street and Apt. No., or P.O. Box: _____ City, State, ZIP+4: _____ | |
| PS Form 3800, April 2018 PSN 7530-02-000-9047-9100 See Reverse for Instructions | |

**ABUTTER NOTIFICATION
OF
WETLANDS PERMIT APPLICATION**

Via Certified Mail

May 13, 2020

Mrs. Geraldine Mittelman

Re: NHDES Wetlands Permit Application

122 and 126 Harbor Road
Rye, NH 03870
Project's Tax Map: 9.2 / Lot No: 12 & 13

Dear Sir or Madam:

This letter is to inform you that a Wetlands Permit Application will be submitted to the NH Department of Environmental Services (NHDES) Wetland Bureau for a *Wetlands and Non-Site Specific Permit* to engage in a maintenance dredging project for the docks at 122 and 126 Harbor Road in Rye, NH. The proposed project would be completed in coordination with the Army Core of Engineers maintenance dredging of Rye Harbor. Under state law RSA 482-A:3 I (d)(1), via certified mail, I am required to notify you about this wetlands permit application which proposes work abutting your property.

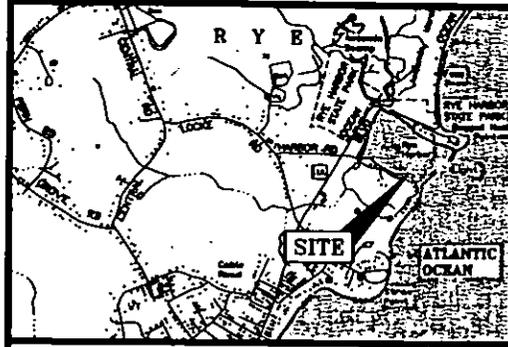
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If you have questions, you may contact me at the contact information provided below.

Sincerely,


Tom Blouin
40 Bridle Trail
Darien, CT 06820
(917) 626-0416
Thomas.m.blouin@gmail.com

| | | | |
|--|-----------------------------|-------------------------------|------------------|
| US Postal Service | | CERTIFIED MAIL RECEIPT | |
| <i>Domestic Mail Only</i> | | | |
| For delivery information visit our website at www.usps.com | | | |
| RYE NH 03870 | | OFFICIAL USE | |
| Certified Mail Fee | \$3.55 | 0820 | Postmark Here |
| Extra Services & Fees (check box, add fee if applicable) | \$2.85 | 05 | |
| <input type="checkbox"/> Return Receipt (hardcopy) | \$0.00 | | |
| <input type="checkbox"/> Return Receipt (electronic) | \$0.00 | | |
| <input type="checkbox"/> Certified Mail Restricted Delivery | \$0.00 | | |
| <input type="checkbox"/> Adult Signature Required | \$0.00 | | |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$0.00 | | |
| Postage | \$0.55 | | |
| Total Postage and Fees | \$6.95 | | 05/13/2020 |
| Sent To | Mrs. Geraldine M. Mittelman | | |
| Street and Apt. No., or PO Box No. | 1 | | |
| City | Rye, NH | | |
| PS Form 3800, April 2015 PSN 7530-02-000-9002 (See Reverse for Instructions) | | | |



LOCATION MAP SCALE: 1" = 2000'

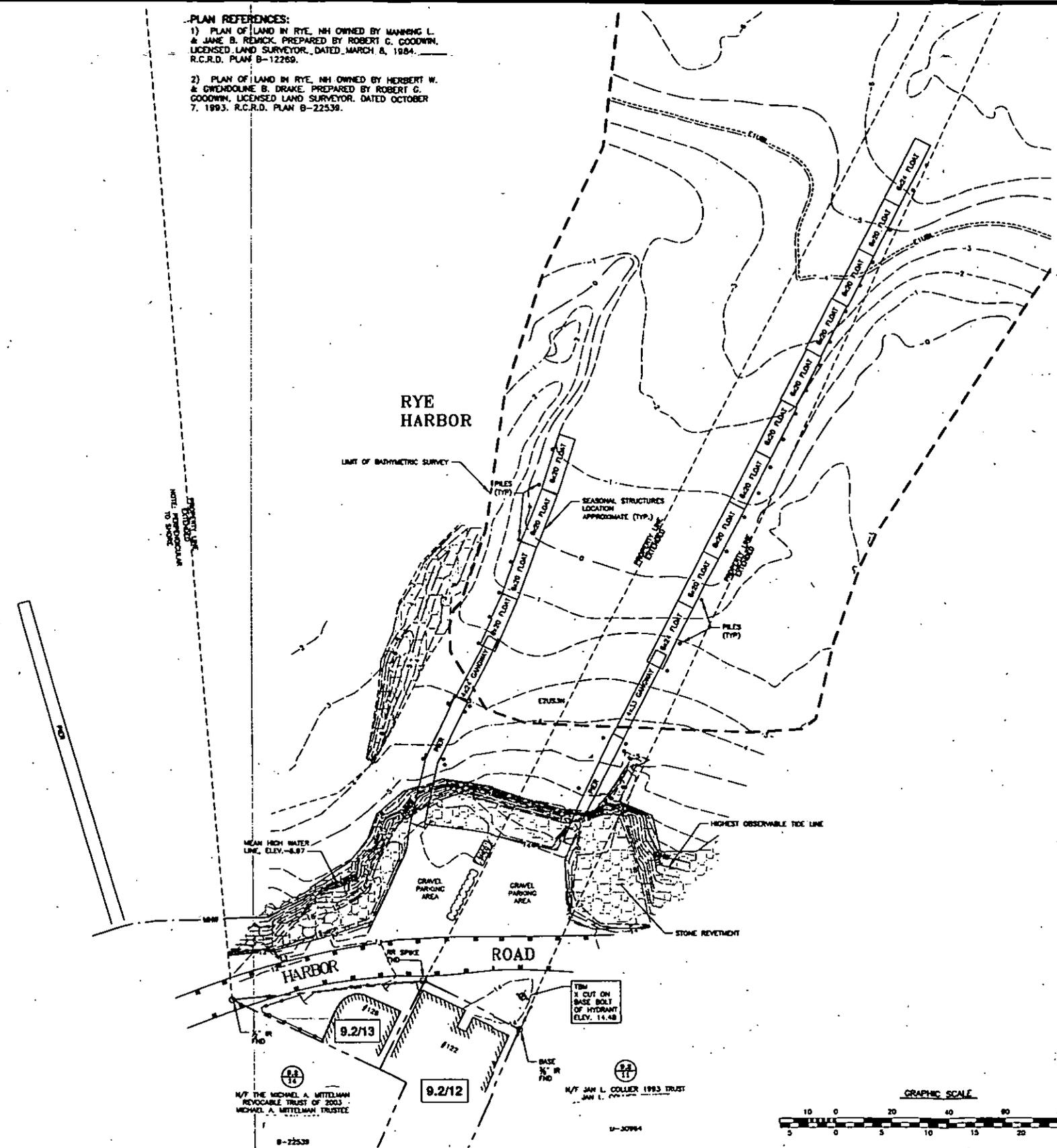
LEGEND:

| EXISTING | PROPOSED | HOW OR FORMERLY RECORD OF PROBABLE INDOOR/SHAW COUNTY REISTRY OF DEEDS MAP 11 / LOT 21 |
|------------|------------|--|
| N/F | | |
| RP | | |
| RCRD | | |
| RR SPK FND | RR SPK SET | RAILROAD SPIKE FOUND/SET |
| OR FND | OR SET | IRON ROD FOUND/SET |
| OP FND | OP SET | IRON PIPE FOUND/SET |
| OH FND | OH SET | DRILL HOLE FOUND/SET |
| 100 | 100 | CONTOUR |
| 97.3 | 97.3 | SPOT ELEVATION |
| HTD | HTD | EDGE OF PAVEMENT (EP) |
| | | HYDRANT |
| | | PHOTO LOCATION/DIRECTION |

WETLAND NOTE:

- HIGHEST OBSERVABLE TIDE LINE DELINEATED BY STEVEN D. RIKER, CWS ON 2/16/17 IN ACCORDANCE WITH THE FOLLOWING STANDARDS:
 - U.S. ARMY CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL, TECHNICAL REPORT Y-87-1 (JAN. 1987), AND REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTH-CENTRAL AND NORTHEAST REGION, VERSION 2.0, JANUARY 2012.
 - FIELD INDICATORS OF HYDRIC SOILS IN THE UNITED STATES, VERSION 7.0, USDA-NRCS, 2010 AND (FOR DISTURBED SITES) FIELD INDICATORS FOR IDENTIFYING HYDRIC SOILS IN NEW ENGLAND, VERSION 3, NEWPPCC WETLANDS WORK GROUP (APRIL 2004).
 - NATIONAL LIST OF PLANT SPECIES THAT OCCUR IN WETLANDS: NORTHEAST (REGION 1), USEFWS (MAY 1988).
 - CLASSIFICATION OF WETLANDS AND DEEPWATER HABITATS OF THE UNITED STATES, USEFWS MANUAL FWS/OBS-78/31 (1997).
 - "IDENTIFICATION AND DOCUMENTATION OF VERNAL POOLS IN NEW HAMPSHIRE" (1997), NEW HAMPSHIRE FISH AND GAME DEPARTMENT.

- PLAN REFERENCES:**
- PLAN OF LAND IN RYE, NH OWNED BY MANNING L. & JANE B. REMICK, PREPARED BY ROBERT C. GOODWIN, LICENSED LAND SURVEYOR, DATED MARCH 8, 1984, R.C.R.D. PLAN B-12269.
 - PLAN OF LAND IN RYE, NH OWNED BY HERBERT W. & GWYNDOLENE B. DRAKE, PREPARED BY ROBERT C. GOODWIN, LICENSED LAND SURVEYOR, DATED OCTOBER 7, 1993, R.C.R.D. PLAN B-22539.



AMBIT ENGINEERING, INC.
 Civil Engineers & Land Surveyors
 200 Green Road - Unit 3
 Portsmouth, N.H. 03801-7111
 Tel: (603) 438-8582
 Fax: (603) 438-8216

NOTES:

- PROJECT LOCATION:
122 & 126 HARBOR ROAD
RYE, NEW HAMPSHIRE
- PARCEL I.D.:
TAX MAP 9.2 / LOTS 12 & 13
- OWNERS:
LOT 12
PORT OF MISSING MEN TRUST
NORA C. & DONALD R. BLOUM TRUSTEES
5/24/2013
8-12269
LOT 13
126 HARBOR ROAD, LLC
36
5077/2063
- ZONING DISTRICT:
SINGLE RESIDENCE AND COASTAL AREA OVERLAY DISTRICTS
- THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS AT THE SHORELINE OF TAX MAP 9.2 LOTS 12 & 13.
- VERTICAL DATUM: MEAN LOWER LOW WATER (MLLW). BASIS OF VERTICAL DATUM IS REDUNDANT RTN GPS OBSERVATIONS (±0.3'). REDUCTION FROM NAVD83 TO MLLW BASED ON NOAA STATION 8423898, FORT POINT, MLLW BEING 5.00 FEET LOWER THAN 0.00 NAVD83.
- TOPOGRAPHY SHOWN SEAWARD OF THE LINE LABELED "LIMIT OF BATHYMETRIC SURVEY" IS BASED ON DATA PROVIDED BY SUBSTRUCTURE, INC. FROM A BATHYMETRIC SURVEY COMPLETED ON JANUARY 28, 2017.
- DEED FOR LOT 12 CONVEYS "ALL RIGHTS, TITLE OR INTEREST THAT WE HOLD IN A DOCK LOCATED IN RYE HARBOR ACROSS THE RYE HARBOR ROAD FROM THE ABOVE DESCRIBED PARCEL". DEED FOR LOT 13 CONVEYS "ALL MY RIGHT, TITLE AND INTEREST IN AND TO ALL LAND LYING BETWEEN THE SAID ABOVE DESCRIBED PREMISES AND THE LOW WATER MARK OF RYE HARBOR, ALL MY RIGHT, TITLE AND INTEREST IN AND TO THE PIER LOCATED ON THE PREMISES".
THE LIMITS OF THESE RIGHTS WAS NOT RESEARCHED OR DETERMINED AS PART OF THIS SURVEY.

PROPOSED DREDGING
 122 & 126
 HARBOR ROAD
 RYE, N.H.

| NO. | DESCRIPTION | DATE |
|-----|-------------------------|---------|
| 1 | ADD SEASONAL STRUCTURES | 3/28/17 |
| 0 | ISSUED FOR COMMENT | 3/7/17 |



SCALE: 1" = 20'
 MARCH 2017
 EXISTING CONDITIONS PLAN
C1

GRAPHIC SCALE
 0 10 20 30 40 50 60 70 80
 FEET METERS

M/T THE MICHAEL A. MITTELMAN REVOCABLE TRUST OF 2003, MICHAEL A. MITTELMAN TRUSTEE
 8-22539
 M/T JAN L. COLLIER 1993 TRUST
 JAN L. COLLIER TRUSTEE
 8-22539

JUN 17 2017

DISCHARGES, AVOIDANCE, MINIMIZATION AND MITIGATION

DISCHARGES OF DREDGED OR FILL MATERIAL INTO WATERS OF THE U.S. AND ANY SECONDARY IMPACTS SHALL BE AVOIDED, AND MINIMIZED TO THE MAXIMUM EXTENT PRACTICABLE. PERMITTEES MAY ONLY FILL THOSE JURISDICTIONAL WETLANDS AND WATERWAYS THAT THE CORP AND NHDES AUTHORIZES TO BE FILLED AND IMPACT THOSE AREAS THAT THE CORP AND NHDES AUTHORIZES AS SECONDARY IMPACTS. IF NOT SPECIFICALLY AUTHORIZED BY USACE AND NHDES, ANY UNAUTHORIZED FILL OR SECONDARY IMPACT TO WETLANDS MAY BE CONSIDERED AS A VIOLATION OF THE CWA.

UNLESS SPECIFICALLY AUTHORIZED USACE AND NHDES, NO WORK SHALL DRAIN A WATER OF THE U.S. BY PROVIDING A CONDUIT FOR WATER ON OR BELOW THE SURFACE.

HEAVY EQUIPMENT IN FRESH WATER WETLANDS

HEAVY EQUIPMENT OTHER THAN FIXED EQUIPMENT (DRILL RIGS, FIXED CRANES, ETC.) WORKING IN WETLANDS SHALL NOT BE STORED, MAINTAINED OR REPAIRED IN WETLANDS, UNLESS IT IS LESS ENVIRONMENTALLY DAMAGING OTHERWISE, AND AS MUCH AS POSSIBLE SHALL NOT BE OPERATED WITHIN THE INTERTIDAL ZONE. WHERE CONSTRUCTION REQUIRES HEAVY EQUIPMENT OPERATION IN WETLANDS, THE EQUIPMENT SHALL EITHER HAVE LOW GROUND PRESSURE (<3 PSI), OR SHALL NOT BE LOCATED DIRECTLY ON WETLAND SOILS AND VEGETATION; IT SHALL BE PLACED ON SWAMP MATS THAT ARE ADEQUATE TO SUPPORT THE EQUIPMENT IN SUCH A WAY AS TO MINIMIZE DISTURBANCE OF WETLAND SOIL AND VEGETATION. SWAMP MATS ARE TO BE PLACED IN THE WETLAND FROM THE UPLAND OR FROM EQUIPMENT POSITIONED ON SWAMP MATS IF WORKING WITHIN A WETLAND. DRAGGING SWAMP MATS INTO POSITION IS PROHIBITED. OTHER SUPPORT STRUCTURES THAT ARE LESS IMPACTING AND ARE CAPABLE OF SAFELY SUPPORTING EQUIPMENT MAY BE USED WITH WRITTEN CORPS AND NHDES AUTHORIZATION. SIMILARLY, NOT USING MATS DURING FROZEN, DRY OR OTHER CONDITIONS MAY BE ALLOWED WITH WRITTEN CORPS AND NHDES AUTHORIZATION. AN ADEQUATE SUPPLY OF SPILL CONTAINMENT EQUIPMENT SHALL BE MAINTAINED ON SITE. CORDUROY ROADS AND SWAMP/CONSTRUCTION MATS ARE CONSIDERED AS FILL WHETHER THEY'RE INSTALLED TEMPORARILY OR PERMANENTLY.

WORK SITE RESTORATION

UPON COMPLETION OF CONSTRUCTION, ALL DISTURBED WETLAND AREAS SHALL BE PROPERLY STABILIZED. ANY SEED MIX SHALL CONTAIN ONLY PLANT SPECIES NATIVE TO NEW ENGLAND. THE INTRODUCTION OR SPREAD OF INVASIVE PLANT SPECIES IN DISTURBED AREAS IS PROHIBITED. IN AREAS OF AUTHORIZED TEMPORARY DISTURBANCE, IF TREES ARE CUT THEY SHALL BE CUT AT GROUND LEVEL AND NOT UPROOTED IN ORDER TO PREVENT DISRUPTION TO THE WETLAND SOIL STRUCTURE AND TO ALLOW STUMP SPROUTS TO REVEGETATE THE WORK AREA UNLESS OTHERWISE AUTHORIZED. WETLAND AREAS WHERE PERMANENT DISTURBANCE IS NOT AUTHORIZED SHALL BE RESTORED TO THEIR ORIGINAL CONDITION AND ELEVATION, WHICH UNDER NO CIRCUMSTANCES SHALL BE HIGHER THAN THE PRE-CONSTRUCTION ELEVATION. ORIGINAL CONDITION MEANS CAREFUL PROTECTION AND/OR REMOVAL OF EXISTING SOIL AND VEGETATION, AND REPLACEMENT BACK TO THE ORIGINAL LOCATION SUCH THAT THE ORIGINAL SOIL LAYERING AND VEGETATION SCHEMES ARE APPROXIMATELY THE SAME, UNLESS OTHERWISE AUTHORIZED.

SPAWNING AREAS

DISCHARGES OF DREDGED OR FILL MATERIAL, AND/OR SUSPENDED SEDIMENT PRODUCING ACTIVITIES IN FISH AND SHELLFISH SPAWNING OR NURSERY AREAS, OR AMPHIBIAN AND MIGRATORY BIRD BREEDING AREAS, DURING SPAWNING OR BREEDING SEASONS SHALL BE AVOIDED. IMPACTS TO THESE AREAS SHALL BE MINIMIZED TO THE MAXIMUM EXTENT PRACTICABLE DURING ALL TIMES OF THE YEAR. INFORMATION ON SPAWNING HABITAT FOR SPECIES MANAGED UNDER THE MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT (I.E., EFH FOR SPAWNING ADULTS) CAN BE OBTAINED FROM THE NMFS WEBSITE AT: WWW.NERO.NOAA.GOV/HCD.

STORAGE OF SEASONAL STRUCTURES

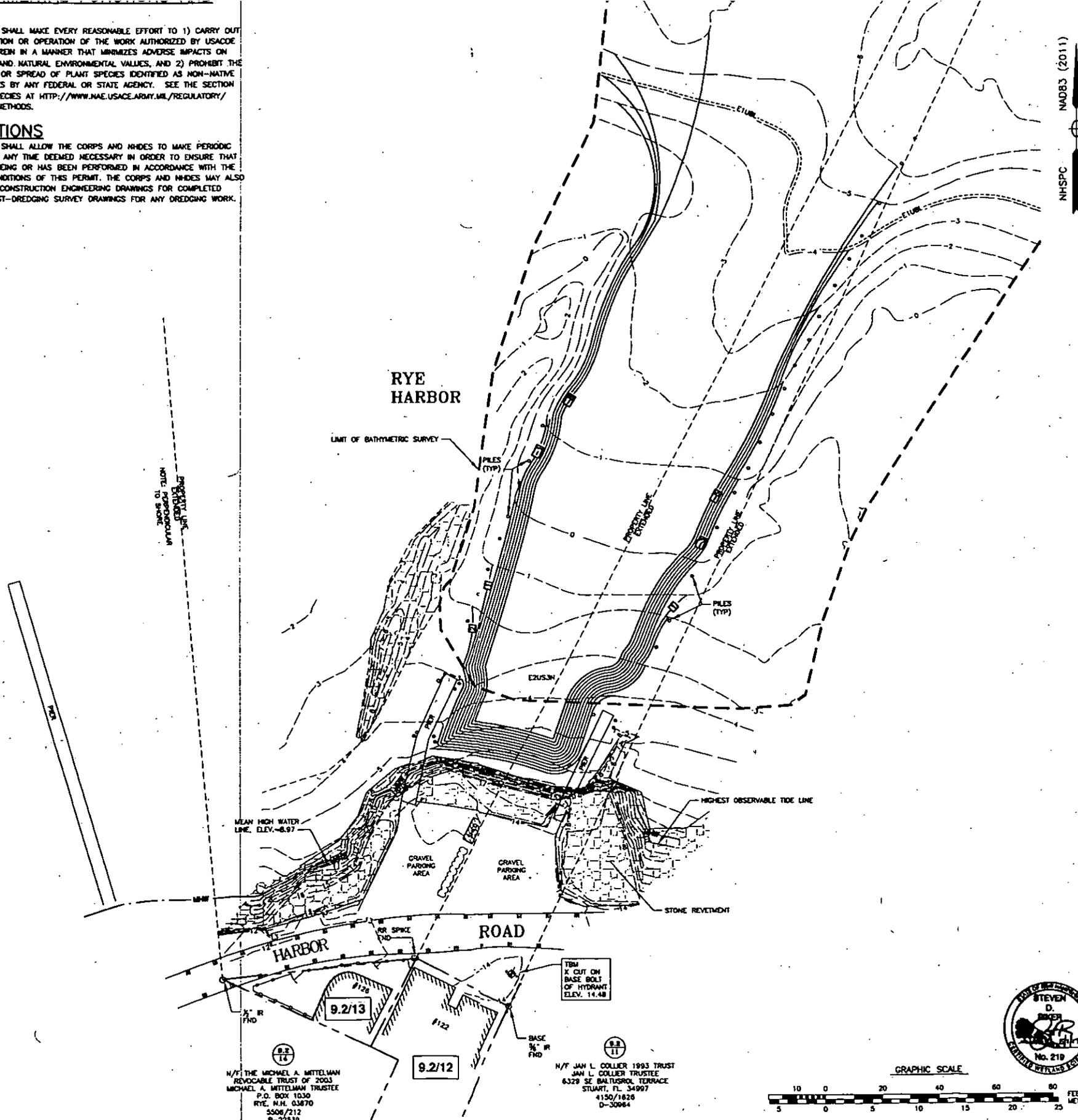
COASTAL STRUCTURES SUCH AS PIER SECTIONS, FLOATS, ETC., THAT ARE REMOVED FROM THE WATERWAY FOR A PORTION OF THE YEAR (OFTEN REFERRED TO AS SEASONAL STRUCTURES) SHALL BE STORED IN AN UPLAND LOCATION, LOCATED ABOVE HIGHEST OBSERVABLE TIDE LINE (HOTL) AND NOT IN TIDAL WETLANDS. THESE SEASONAL STRUCTURES MAY BE STORED ON THE FIXED, PILE-SUPPORTED PORTION OF THE STRUCTURE THAT IS SEAWARD OF HOTL. THIS IS INTENDED TO PREVENT STRUCTURES FROM BEING STORED ON THE MARSH SUBSTRATE AND THE SUBSTRATE SEAWARD OF MHW.

VALUES

THE PERMITTEE SHALL MAKE EVERY REASONABLE EFFORT TO 1) CARRY OUT THE CONSTRUCTION OR OPERATION OF THE WORK AUTHORIZED BY USACE AND NHDES HEREIN IN A MANNER THAT MINIMIZES ADVERSE IMPACTS ON FISH, WILDLIFE AND NATURAL ENVIRONMENTAL VALUES, AND 2) PROHIBIT THE ESTABLISHMENT OR SPREAD OF PLANT SPECIES IDENTIFIED AS NON-NATIVE INVASIVE SPECIES BY ANY FEDERAL OR STATE AGENCY. SEE THE SECTION ON INVASIVE SPECIES AT HTTP://WWW.NAE.USACE.ARMY.MIL/REGULATORY/ FOR CONTROL METHODS.

INSPECTIONS

THE PERMITTEE SHALL ALLOW THE CORPS AND NHDES TO MAKE PERIODIC INSPECTIONS AT ANY TIME DEEMED NECESSARY IN ORDER TO ENSURE THAT THE WORK IS BEING OR HAS BEEN PERFORMED IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THIS PERMIT. THE CORPS AND NHDES MAY ALSO REQUIRE POST-CONSTRUCTION ENGINEERING DRAWINGS FOR COMPLETED WORK, AND POST-DREDGING SURVEY DRAWINGS FOR ANY DREDGING WORK.



Civil Engineers & Land Surveyors
 200 Griffin Road - Unit 3
 Portsmouth, N.H. 03801-7114
 Tel (603) 436-8222
 Fax (603) 436-2510

NOTES:
 1) VERTICAL DATUM: MEAN LOWER LOW WATER (MLLW). BASIS OF VERTICAL DATUM IS REDUNDANT RTN GPS OBSERVATIONS (±0.3'), REDUCTION FROM NAVD88 TO MLLW BASED ON NOAA STATION 8423898, FORT POINT. MLLW BEING 5.00 FEET LOWER THAN 0.00 NAVD88.
 2) TOPOGRAPHY SHOWN SEAWARD OF THE LINE LABELED "LIMIT OF BATHYMETRIC SURVEY" IS BASED ON DATA PROVIDED BY SUBSTRUCTURE, INC. FROM A BATHYMETRIC SURVEY COMPLETED ON JANUARY 28, 2017.
 3) QUANTITY OF MATERIAL TO BE REMOVED BY PROPOSED DREDGING: 2,750 CY

**PROPOSED DREDGING
 122 & 126
 HARBOR ROAD
 RYE, N.H.**

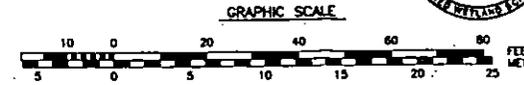
| NO. | DESCRIPTION | DATE |
|-----|-----------------------|---------|
| 1 | ISSUED FOR SUBMISSION | 4/28/17 |
| 0 | ISSUED FOR COMMENT | 3/21/17 |



SCALE: 1" = 20' MARCH 2017

**PROPOSED DREDGING
 PLAN**

C2



M/T THE MICHAEL A. MITTELHAM REVOCABLE TRUST OF 2003
 MICHAEL A. MITTELHAM TRUSTEE
 P.O. BOX 1030
 RYE, N.H. 03870
 603/212-8-22539

M/T JAM L. COLLIER 1993 TRUST
 JAM L. COLLIER TRUSTEE
 6329 SE BALTUSROL TERRACE
 STUART, FL 34997
 4150/1826
 D-30984