The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner

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February 6, 2025

Her Excellency, Governor Kelly A. Ayotte
and The Honorable Council
State House
Concord, NH 03301

REQUESTED ACTION

Approve Barvel Whang Associates' request for a five-year permit time extension of NH Department of Environmental Services (NHDES) Wetland Bureau permit #2019-03339, to perform the following work on Lake Winnipesaukee in Tuftonboro, in accordance with RSA 482-A:3, XIV-a. This project was previously approved by the Governor and Executive Council on May 6, 2020, Item #135. No comments were submitted by the Tuftonboro Conservation Commission regarding the project as proposed.

Dredge 793 cubic yards of material from 9,989 square feet of lakebed to restore water depth within boat slips and the navigational channel to an existing community docking facility on Lake Winnipesaukee within the mouth of Copps Brook in Tuftonboro.

NHDES imposed the following conditions as part of this approval:

1. All work shall be in accordance with plans by Diversified Marine Construction dated February 19, 2020, and received by the NH Department of Environmental Services (NHDES) on February 25, 2020 and with the construction sequence by Diversified Marine Construction dated February 19, 2020, and received by the NHDES on March 2, 2020.
2. Any future work on this property that is within the jurisdiction of the NHDES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. The NHDES Biology Bureau's Limnologist/Exotic Species Program Coordinator shall be notified in writing of the date on which dredging will begin 14 days prior to the beginning of the project.
4. The entire permitted work area shall be enclosed by appropriate turbidity controls.
5. Appropriate turbidity controls shall be installed prior to raking, shall be maintained during raking 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.
6. "Appropriate turbidity controls" shall consist of an impermeable barrier which extends from the lakebed to a point 3-4 inches above the water surface at all times through the duration of the dredging, to prevent the escape of all aquatic plant fragments from the site.
7. If, at any time during the dredging, the NHDES determines that rising water levels pose significant risk to the containment of the site, the NHDES may request that the work cease until water levels recede to an acceptable level. Work shall cease immediately upon notification of the applicant, or any agent of the applicant, that water levels have risen to an unacceptable level, and shall not resume until authorized by the NHDES.

8. All spoil material shall be placed outside of the NHDES Wetlands Bureau jurisdiction.
9. No spoil material shall be deposited within 250 feet of any surface water.
10. Equipment initially entering surface waters shall be completely free of any imported aquatic plants and animals.
11. Equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
12. Faulty equipment shall be repaired prior to entering jurisdictional areas.
13. The contractor shall have appropriate oil/diesel fuel spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
14. 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.
15. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

EXPLANATION

NHDES approved this project on . NHDES supported its decision with the following findings:

1. Per Rule Env-Wt 314.05(b), the permittee submitted a written request to the department for an extension of permit 2019-03339 prior to the expiration of the permit.
2. Per Rule Env-Wt 314.05(c)(2), the submitted request included a statement, signed and certified in accordance with Env-Wt 311.11, that: the permit for which extension is sought has not been revoked or suspended without reinstatement; extension of the permit would not violate a condition of law or rule; the project is proceeding towards completion in accordance with plans and other documentation referenced by the permit; the applicant proposes reasonable mitigation measures to protect the public waters of the state from deterioration during the period of extension; and the wetland delineation is still valid pursuant to Env-Wt 406.01(b).
3. Per Rule Env-Wt 314.05(d), as specified in RSA 482-A:3, XIV-a(a), the department finds the permittee has submitted the request as specified in Env-Wt 314.05(b) and (c) and the mitigation measures proposed by the permittee are adequate to protect public waters from deterioration. The department therefore grants one extension of 5 additional years for permit 2019-03339
4. Per Rule Env-Wt 314.05(b), the permittee submitted a written request to the department for an extension of permit 2019-03339 prior to the expiration of the permit.
5. Per Rule Env-Wt 314.05(c)(2), the submitted request included a statement, signed and certified in accordance with Env-Wt 311.11, that: the permit for which extension is sought has not been revoked or suspended without reinstatement; extension of the permit would not violate a condition of law or rule; the project is proceeding towards completion in accordance with plans and other documentation referenced by the permit; the applicant proposes reasonable mitigation measures to protect the public waters of the state from deterioration during the period of extension; and the wetland delineation is still valid pursuant to Env-Wt 406.01(b).

6. Per Rule Env-Wt 314.05(d), as specified in RSA 482-A:3, XIV-a(a), the department finds the permittee has submitted the request as specified in Env-Wt 314.05(b) and (c) and the mitigation measures proposed by the permittee are adequate to protect public waters from deterioration. The department therefore grants one extension of 5 additional years for permit 2019-03339.

NHDES Wetlands Bureau permit #2019-03339 application documents are enclosed for review by the Governor and the Executive Council in consideration of this request and in accordance with RSA 482-A:3, II(a), as it is a major project located in New Hampshire public waters.

We respectfully request your approval of this item.

Robert R. Scott
Commissioner

NHDES-W-06-012

NEW HAMPSHIRE DEPARTMENT OF Environmental Services

WETLANDS PERMIT APPLICATION

Water Division/ Wetlands Bureau
Land Resources Management

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

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

RECEIVED
OCT 22 2019
NHDES
LAND RESOURCES MANAGEMENT

COMPLETE

2019-03339
001077
$ 800.00
LSL

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

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

2. MITIGATION REQUIREMENT:

If mitigation is required, a Mitigation-Pre Application meeting must occur prior to submitting this Wetlands Permit Application. To determine if mitigation is required, please refer to the Determine if Mitigation is Required Frequently Asked Questions.

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

☐ N/A - Mitigation is not required

3. PROJECT LOCATION:

Separate wetland permit applications must be submitted for each municipality within which wetland impacts occur.

ADDRESS: ROUTE 109			TOWN/CITY: TUFTONBORO
TAX MAP: 14	BLOCK: 3	LOT: 46	UNIT:
USGS TOPO MAP WATERBODY NAME: Lake Winniepsaukee ☐ NA		STREAM WATERSHED SIZE: ☒ NA	
LOCATION COORDINATES (If known): 43.68 / -71.30		☒ Latitude/Longitude ☐ UTM ☐ State Plane	

4. PROJECT DESCRIPTION:

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

Maintenance dredge the existing access channel to 498.60 as indicated historical dredge depth for safe boat access to association docks.

5. SHORELINE FRONTAGE:

☐ N/A This does not have shoreline frontage. SHORELINE FRONTAGE: 700

Shoreline Frontage is calculated by determining the average of the distances of the actual natural navigable shoreline frontage and a straight line drawn between the property lines, both of which are measured at the normal high water line (Env-Wt 101.89).

6. RELATED NHDES LAND RESOURCES MANAGEMENT PERMIT APPLICATIONS ASSOCIATED WITH THIS PROJECT:

Please indicate if any of the following permit applications are required and, if required, the status of the application.

To determine if other Land Resources Management Permits are required, refer to the Land Resources Management Webpage.

Permit Type	Permit Required	File Number	Permit Application Status
Alteration of Terrain Permit Per RSA 485-A:17	☐ YES ☒ NO	____	☐ APPROVED ☐ PENDING ☐ DENIED
Individual Sewerage Disposal per RSA 485-A:2	☐ YES ☒ NO	____	☐ APPROVED ☐ PENDING ☐ DENIED
Subdivision Approval Per RSA 485-A	☐ YES ☒ NO	____	☐ APPROVED ☐ PENDING ☐ DENIED
Shoreland Permit Per RSA 483-B	☐ YES ☒ NO	____	☐ APPROVED ☐ PENDING ☐ DENIED

7. NATURAL HERITAGE BUREAU & DESIGNATED RIVERS:

See the Instructions & Required Attachments document for instructions to complete a & b below.

a. Natural Heritage Bureau File ID: NHB 19 - 3133

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

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

8. APPLICANT INFORMATION (Desired permit holder)

LAST NAME, FIRST NAME, M.I. Taylor, Jim

TRUST / COMPANY NAME Barvel Whang Association MAILING ADDRESS

TOWN/CITY STATE ZIP CODE

EMAIL or FAX PHONE

ELECTRONIC COMMUNICATION By initialing here _____ I hereby authorize NHDES to communicate all matters relative to this application electronically

9. PROPERTY OWNER INFORMATION (If different than applicant)

LAST NAME, FIRST NAME, M.I.

TRUST / COMPANY NAME MAILING ADDRESS

TOWN/CITY STATE ZIP CODE

EMAIL or FAX PHONE

ELECTRONIC COMMUNICATION By initialing here _____ I hereby authorize NHDES to communicate all matters relative to this application electronically

10. AUTHORIZED AGENT INFORMATION

LAST NAME, FIRST NAME, M.I. Farley, Jan COMPANY NAME Diversified Marine Construction LLC

MAILING ADDRESS PO Box 7464

TOWN/CITY Gilford STATE NH ZIP CODE 03247

EMAIL or FAX jfarley@divermarine.com PHONE 603-630-2260

ELECTRONIC COMMUNICATION By initialing here JF I hereby authorize NHDES to communicate all matters relative to this application electronically

11. PROPERTY OWNER SIGNATURE:

See the [illegible] document for clarification of the below statements

By signing the application, I am certifying that:

1. I authorize the applicant and/or agent indicated on this form to act in my behalf in the processing of this application, and to furnish upon request, supplemental information in support of this permit application.
2. I have reviewed and submitted information & attachments outlined in the _____ document
3. All abutters have been identified in accordance with RSA 482-A 3, I and Env-Wt 100-900
4. I have read and provided the required information outlined in Env-Wt 302.04 for the applicable project type
5. I have read and understand Env-Wt 302.03 and have chosen the least impacting alternative.
6. Any structure that I am proposing to repair/replace was either previously permitted by the Wetlands Bureau or would be considered grandfathered per Env-Wt 101.47
7. I have submitted a Request for Project Review (RPR) Form [ ] to the NH State Historic Preservation Officer (SHPO) at the NH Division of Historical Resources to identify the presence of historical/ archeological resources while coordinating with the lead federal agency for National Historic Preservation Act (NHPA) 106 compliance.
8. I authorize NHDES and the municipal conservation commission to inspect the site of the proposed project.
9. I have reviewed the information being submitted and that to the best of my knowledge the information is true and accurate.
10. I understand that the willful submission of falsified or misrepresented information to the NHDES is a criminal act, which may result in legal action
11. I am aware that the work I am proposing may require additional state, local or federal permits which I am responsible for obtaining
12. The mailing addresses I have provided are up to date and appropriate for receipt of NHDES correspondence. NHDES will not forward returned

Jim Taylor	Jim Taylor	01/28/2019
Property Owner Signature	Print name legibly	Date

MUNICIPAL SIGNATURES

12. CONSERVATION COMMISSION SIGNATURE

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

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

⇨	Print name legibly	Date

DIRECTIONS FOR CONSERVATION COMMISSION

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

13. TOWN / CITY CLERK SIGNATURE

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

⇨ [signature]	Heather K. Cabeldu	Tuftonboro	10-18-19
	Print name legibly	Town/City	Date

DIRECTIONS FOR TOWN/CITY CLERK:

Per RSA 482-A:3,I

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

DIRECTIONS FOR APPLICANT:

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

14. IMPACT AREA:

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

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

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

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

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

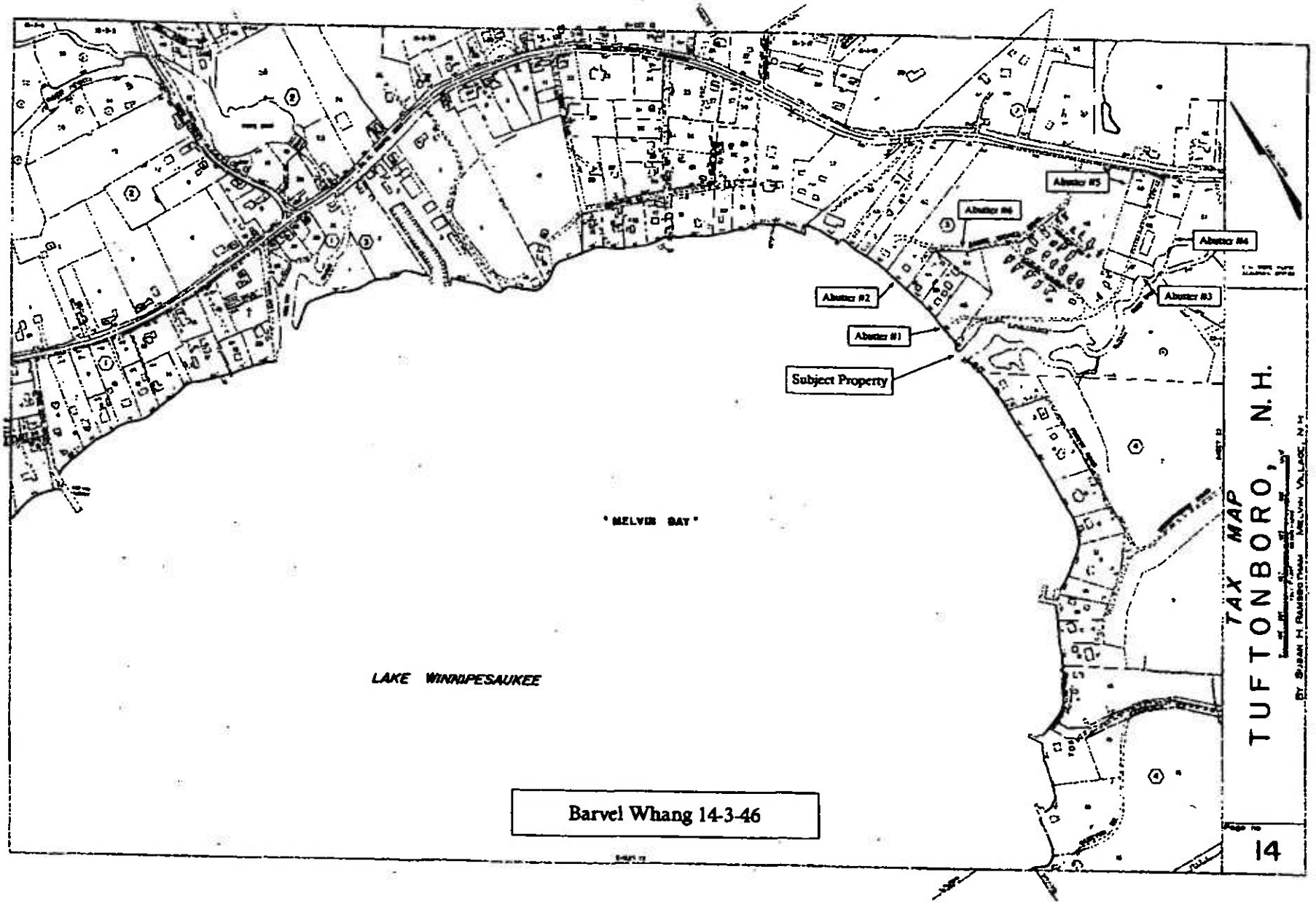
JURISDICTIONAL AREA	PERMANENT Sq. Ft. / Lin. Ft.	TEMPORARY Sq. Ft. / Lin. Ft.
Forested wetland	☐ ATF	☐ ATF
Scrub-shrub wetland	☐ ATF	☐ ATF
Emergent wetland	☐ ATF	☐ ATF
Wet meadow	☐ ATF	☐ ATF
Intermittent stream channel	/ ☐ ATF	/ ☐ ATF
Perennial Stream / River channel	/ ☐ ATF	/ ☐ ATF
Lake / Pond	4000 / ☐ ATF	/ ☐ ATF
Bank - Intermittent stream	/ ☐ ATF	/ ☐ ATF
Bank - Perennial stream / River	/ ☐ ATF	/ ☐ ATF
Bank - Lake / Pond	/ ☐ ATF	/ ☐ ATF
Tidal water	/ ☐ ATF	/ ☐ ATF
Salt marsh	☐ ATF	☐ ATF
Sand dune	☐ ATF	☐ ATF
Prime wetland	☐ ATF	☐ ATF
Prime wetland buffer	☐ ATF	☐ ATF
Undeveloped Tidal Buffer Zone (TBZ)	☐ ATF	☐ ATF
Previously-developed upland in TBZ	☐ ATF	☐ ATF
Docking - Lake / Pond	☐ ATF	☐ ATF
Docking - River	☐ ATF	☐ ATF
Docking - Tidal Water	☐ ATF	☐ ATF
Vernal Pool	☐ ATF	☐ ATF
TOTAL	4000 /	/

15. APPLICATION FEE: See the Instructions & Required Attachments document for further instruction

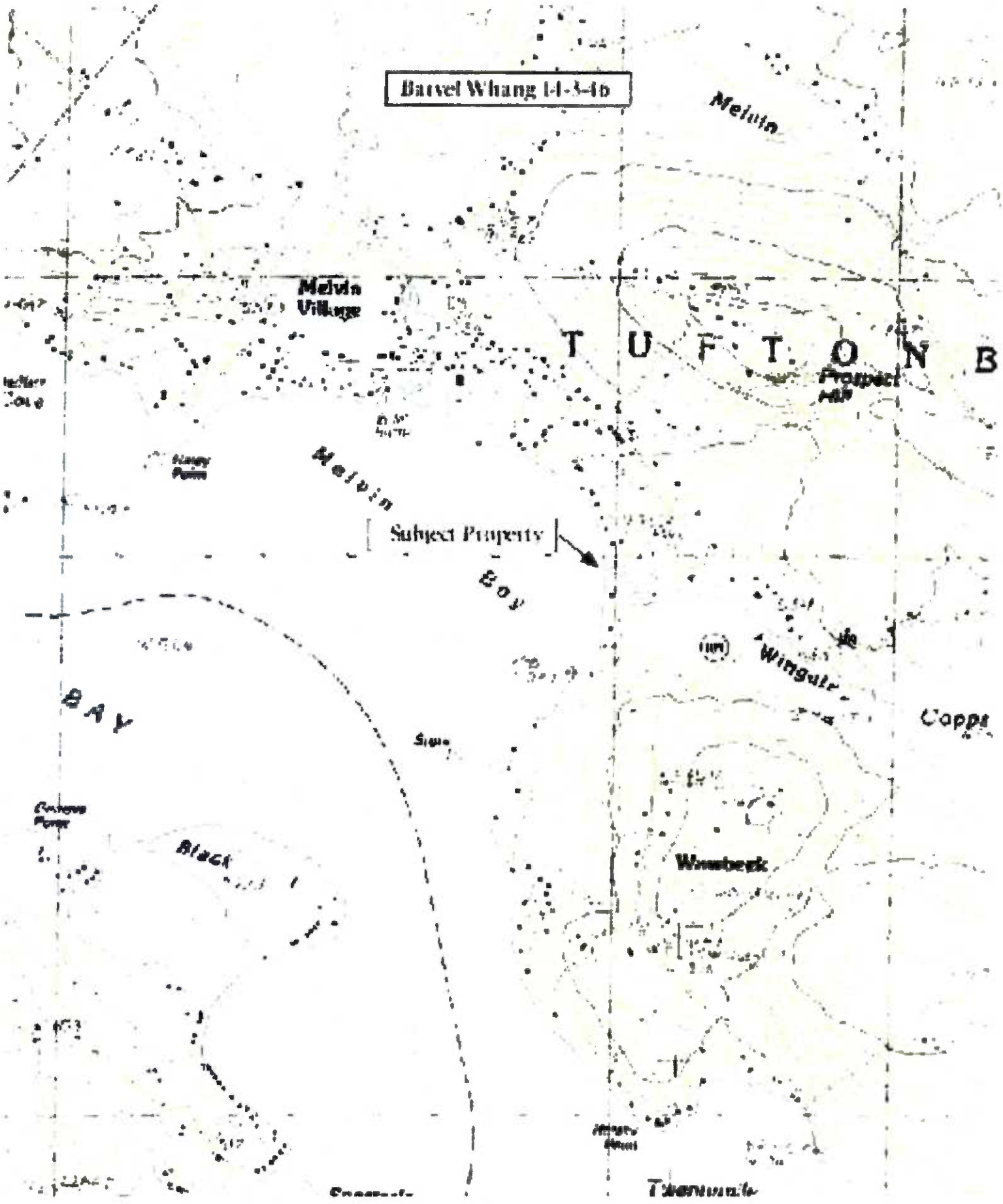
☐ Minimum Impact Fee: Flat fee of $ 200

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

Permanent and Temporary (non-docking)	4000 sq. ft.	X	$0.20 =	$ 800.00
Temporary (seasonal) docking structure:	sq. ft.	X	$1.00 =	$
Permanent docking structure:	sq. ft.	X	$2.00 =	$
Projects proposing shoreline structures (including docks) add $200 =				$
			Total =	$ 800.00
The Application Fee is the above calculated Total or $200, whichever is greater =				$ 800.00



Barvel Whang 14-3-46


Barvel Whang 14-3-46
Melvin
Melvin Village
T U F T O N
Prospect Hill
Melvin
Subject Property
Bay
Wingular
Capps
BAY
Black
Woubeck

The State of New Hampshire

Department of Environmental Services

Robert R. Scott, Commissioner

This application contains confidential information from the NH Natural Heritage Bureau (NHB) Datacheck tool provided by the NH Department of Natural and Cultural Resources. This information is being withheld from disclosure to the public.

Please direct all questions regarding the confidential information to Courtney Lockwood, Land Resources Management Program Attorney, NH Department of Environmental Services, at: courtney.l.lockwood@des.nh.gov, or (603) 271-8614.

Abutters List for Parcel ID: 000014 000003 000046
Parcels within 25 ft.

BARVEL WHANG ASSOC.
C/O DAN GALVIN

Abutter #1
000014 000003 000045
BARVEL WHANG ASSOC.
C/O DAN GALVIN

Abutter #2
000014 000003 000043
YAVAROW, SCOTT M.
WOOLARD, TRICIA

Abutter #3
000014 000003 000047
HUNTER, STEPHEN

Abutter #4
000014 000003 000048
MAGEE COMPANY

Abutter #5
000014 000003 000049
HUNTER, STEPHEN

Abutter #6
000014 000003 000054
LOONEY, GERALD W
LOONEY, TONYA D

Print

NEW HAMPSHIRE DEPARTMENT OF Environmental Services

REQUEST FOR EXTENSION OF WETLANDS OR SHORELAND PERMIT

Water Division / Land Resources Management

RSA/Rule: RSA 482-A:3 XIV-a; RSA 483-B:5-b, VI/ Env-Wt 314.05

RECEIVED JAN 27 2024 NHDES LAND RESOURCES MANAGEMENT Administrative Use Only	Administrative Use Only	Administrative Use Only	Permit Not to Extend Beyond New Permit Expiration Date: ___/___/___
			Authorized By:
			Printed Name:
			Date:

Under state statutes RSA 482-A:3, XIV-a and RSA 483-B:5-b, VI, applicants may request an extension of a permit if certain conditions are met. These are described in Section 3 of this form. You may use this optional form to request an extension, before the permit expires. Once the permit expires, it is no longer eligible for an extension.

SECTION 1 - PROJECT INFORMATION

PERMIT NUMBER: 2019-03339 | PERMIT TYPE: ☐ SHORELAND ☒ WETLAND

PERMIT EXPIRATION DATE **(request must be filed before the permit expires)**: 3/11/2025

SECTION 2 - APPLICANT INFORMATION

APPLICANT TYPE: ☑ OWNER ☐ AGENT

OWNER/AUTHORIZED AGENT NAME: c/o Kevin Amidon, Barvel Whang Associates

MAILING ADDRESS: [redacted] | TOWN/CITY: [redacted] | STATE: [redacted] | ZIP CODE: [redacted]

EMAIL: [redacted] | PHONE: [redacted] | FAX:

SECTION 3 – REQUIRED INFORMATION

If your request includes all required materials, initials, and signatures demonstrating that the following conditions have been met, it will be granted. If granted, you will receive an amended permit with the extension. If your request does not include all the required materials, initials and signatures, a copy of the request will be returned to you with the missing or non-compliant items indicated. Please enter the length of the requested extension in the box below, and then initial each box to accept the conditions, or check "N/A" if not applicable.

The length of the requested extension, not to exceed five years: (RSA 482-A:3, XIV-a(a) and RSA 483-B:5-b, VI).

Initials: KA	The permit for which the extension is sought has not been revoked or suspended without reinstatement (RSA 482-A:3, XIV-a(a) and RSA 483-B:5-b, VI(a)).
Initials: KA	An extension would not violate a condition of law or rule (RSA 482-A:3, XIV-a(a) and RSA 483-B:5-b, VI(b)).
Initials: KA	The project is proceeding towards completion in accordance with plans and other documentation referenced by the permit (RSA 482-A:3, XIV-a(a) and RSA 483-B:5-b, VI(c)).

Initials: KA	The applicant proposes reasonable mitigation measures to protect the public waters of the state from deterioration during the period of extension (RSA 482-A:3, XIV-a(a) and Env-Wt 314.05(c)). **Please check "N/A" (Not Applicable) if this is a Shoreland Permit:** ☐ N/A
Initials: KA	The wetland delineation is still valid pursuant to Env-Wt 406.01(b) (Env-Wt 314.05(c)). **Please check "N/A" if this is a Shoreland Permit:** ☐ N/A
Initials: KA	The applicant proposes reasonable mitigation measures to protect the shorelands and public waters of the state from deterioration during the period of extension (RSA 483-B:5-b, VI(d)). **Please check "N/A" if this is a Wetlands Permit:** ☐ N/A

SECTION 4 - REQUIRED CERTIFICATIONS (Required for Wetlands Permit Only)

☐ N/A: If this is a Shoreland Permit, please check N/A.

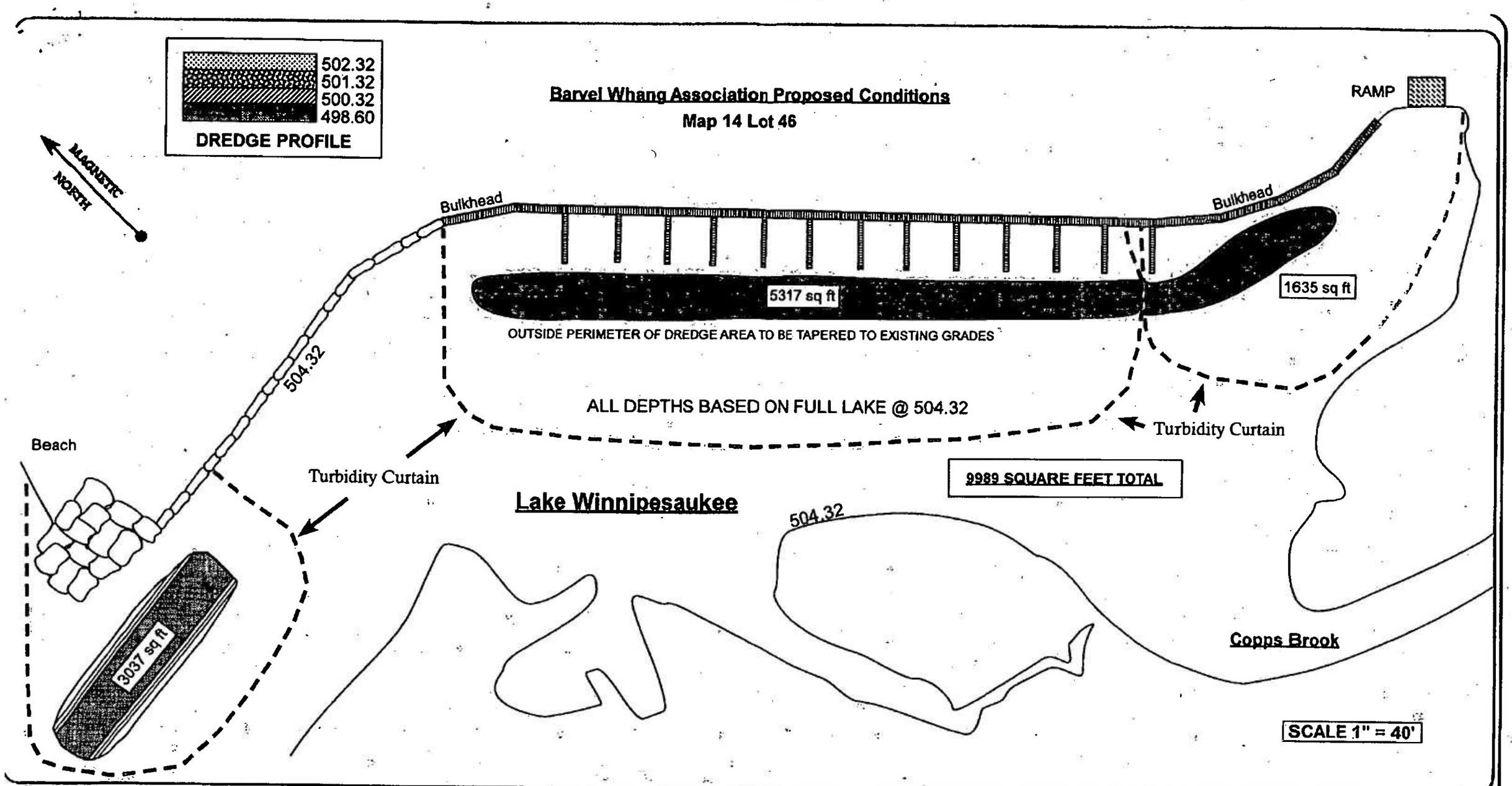
Initial each box below to certify:

Initials: KA	To the best of the signer's knowledge and belief, all required notifications have been provided.
Initials: KA	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: KA	The signer understands that: • The submission of false, incomplete, or misleading information constitutes grounds for NHDES to: 1. Deny the application. 2. Revoke any approval that is granted based on the information. 3. 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 forestry SPN projects and minimum impact trail projects, where the signature shall authorize only the department to inspect the site pursuant to RSA 482-A:6, II.
Initials: KA	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 5 - SIGNATURE(S) (Required for Wetlands Permit Only)

☐ N/A: If this is a Shoreland Permit, please check N/A.

SIGNATURE (OWNER):	PRINT NAME LEGIBLY: Kevin Amidon	DATE: 1-13-25
SIGNATURE (APPLICANT, IF DIFFERENT FROM OWNER):	PRINT NAME LEGIBLY:	DATE:
SIGNATURE (AGENT, IF APPLICABLE):	PRINT NAME LEGIBLY:	DATE:



DIVERSIFIED MARINE CONSTRUCTION
P.O. Box 7464
Gilford, NH 03247
Office (603) 528-4151
Fax (603) 527-8684

RECEIVED
FEB 25 2020
LAND ... MENT

DRAWING DATE: February 19, 2020
DRAWN BY Dave Farley
Revision 1 Date:
Revised By;
Revision 2 Date:
Revised By

Dredging Detail
for
Barvel Whang Association

[redacted]