

Final New Hampshire Fish and Game Permit Conditions (3/23/23):

1. Blanding's turtle (state endangered), spotted turtle (state threatened), and wood turtle (state species of special concern) occur within the vicinity of the project area. All operators and personnel working on or entering the site shall be made aware of the potential presence of these species and shall be provided flyers that help to identify these species, along with NHFG contact information. Rare species information (e.g. identification, observation and reporting of observations, when to contact NHFG immediately and NHFG contact information) shall be posted on site at all times and communicated during morning tailgate meetings prior to work commencement. Refer to the species flyers located on the next plan sheet.
2. At least one qualified biological monitor shall be on-site at all times at all active work areas within 300' of Hayward Brook, Burnham Brook and Shaw Brook (including work pads, staging areas, access roads, vegetation removal/maintenance, etc.). A qualified biological monitor shall be someone with training and experience in turtle and reptile identification and handling techniques and shall operate under the guidance of a qualified herpetologist. A qualified herpetologist shall be a wildlife biologist well versed on and with extensive experience in turtle identification, life history, habitat preference, handling, and documentation, i.e. activity, sexing, aging, etc. Provide qualifications of both to NHFG.
 - a. The qualified herpetologist shall be responsible for
 - i. Searching for, identifying, documenting, reporting and relocating any state-listed herpetofauna within the work areas.
 - ii. Instructing and guiding biological monitor on matters pertaining to herpetofauna.
 - iii. Ensuring proper documentation and handling techniques are abided to by the construction personnel and the biological monitor.
 - iv. At the end of the project, the qualified herpetologist shall provide Eversource Licensing and Permitting staff a report, which includes a summary of observations, reporting logs documenting any documented state-listed species, and mapping and .shp files showing the location of any observed state-listed species. The report shall be reviewed and provided to NHFG for their records.
 - b. The biological monitor shall:
 - i. Inspect all work areas for S&E controls, the presence of state-listed species, to ensure compliance with environmental regulations and permit conditions.
 - ii. Maintain regular contact with the project's qualified herpetologist on all matters pertaining to herpetofauna protection and surveys.
 - iii. Report observations of state-listed species immediately to EL&P staff who shall in turn report those observations immediately to NHFG.
 - iv. Document field activities and observations daily.
3. **For all work pads, staging areas, and matted access roads within 300' of Hayward Brook, Burnham Brook and Shaw Brook:**
 - a. Immediately prior to work or the movement of equipment, searches and sweeps shall be conducted by a qualified herpetologist/biologist or biological monitor.
 - b. Bridge matting or double stack matting shall be used in all wetland areas in order to minimize the chance of turtles climbing onto work locations.
 - i. Any reptiles observed on bridge matting or double stack matting shall be reported to NHFG immediately.
 - c. In all upland work areas, material shall be staged/placed within pre-established work pads which have been cleared for and isolated from turtle entry, and all work pads around structures shall be cleared and isolated from turtle entry with wildlife exclusion silt fence prior to work. These areas shall be cleared by a qualified biologist or herpetologist.
 - i. Silt fence shall be constructed as soon as possible in order to minimize the chance of turtles nesting in work areas.
 - ii. Silt fence used for wildlife exclusion should fully enclose the work areas and should be buried to a depth no less than 6-8" and be 18" above grade with ground stakes on the active site side of the fence. Access gates shall be weighed down and lay flat on the ground to prevent wildlife entry. There should be no gaps between the gate and the silt fence or the gate and the ground.
 - iii. Any failings in silt fence for wildlife exclusion shall be reported to NHFG immediately.
4. Turtles may be attracted to disturbed ground during nesting season. Turtle nesting season occurs approximately May 15th – June 30th. Nesting areas may include work pads and access roads that are not hard pack gravel and other sandy/gravel work areas. All turtle species nests are protected by NH laws. Be aware of the potential to encounter nesting wildlife in these areas.
5. If a nest or scrape is observed or suspected, operators shall contact Melissa Winters (603-479-1129) or Josh Megyesy (978-578-0802) at NHFG immediately for further consultation. The nest or suspected nest shall be marked (surrounding roped off or cone buffer) and avoided; this shall be communicated to all personnel onsite. Site activities shall not occur in the area surrounding the nest or suspected nest until further guidance is provided by NHFG.
6. Vernal pools and potential vernal pools shall be flagged prior to work, and impacts shall be avoided. No disturb vegetative buffers of 50' shall be maintained with the following exceptions:
 - a. NHFG understands that impacts to PVP-4/W-100 cannot be avoided given that existing F139 structure 161 is in close proximity and is proposed to be replaced. All disturbance to this potential vernal pool shall occur under frozen conditions in order to prevent rutting.
 - b. Impacts to PVP-1 buffer and PVP-2 buffer shall be allowed. See plan sheets 8 and 20.
7. All matting which will be placed in waterbodies deemed suitable for hibernating rare turtles will be placed prior to the start of the inactive season (October 16-March 31) so as to prevent accidental placement atop hibernating turtles. Immediately prior to matting placement in these wetlands, the area shall be swept by a qualified biologist or herpetologist. They shall watch for signs that turtles are being disturbed in the area (ex. Heads coming above water, animals moving in water). Contact NHFG if biologist/herpetologist sees or suspects turtles in matting areas. Areas identified as suitable hibernation habitat shall be identified on plan sheets and provided to NHFG at least two weeks prior to beginning work. Biologist qualifications shall be provided to NHFG.
8. Immediately prior to the placement of matting in wetlands during the active season (April 1-October 15) in all areas not within 300' of Hayward Brook, Burnham Brook, and Shaw Brook, the areas shall be cleared by a trained individual.
 - a. A trained individual shall be defined as any contractor who has gone through project-species protection education conducted by the qualified biologist on rare wildlife species at the site.
9. All work activities shall be restricted to the defined roads, construction areas, and staging areas, with no equipment or materials staged or stored outside of the defined areas as shown on plan sheets.
10. For all areas not within 300' of Hayward Brook, Burnham Brook, and Shaw Brook, searches and sweeps shall be conducted immediately by trained individuals immediately before the start of work and movement of equipment in order to minimize the chance of animals entering an area between the sweep and work.
11. Work, pull pads, and access shall be minimized to the greatest extent possible.
12. Works pads shall be reduced post-construction to 30' x 60' and restored with a native vegetation seed mix.
13. All manufactured erosion and sediment control products, with the exception of turf reinforcement mats, utilized for, but not limited to, slope protection, runoff diversion, slope interruption, perimeter control, inlet protection, check dams, and sediment traps shall not contain plastic, or multifilament or monofilament polypropylene netting or mesh with an opening size of greater than 1/8 inches;
14. All observations of threatened or endangered species on the project site shall be reported immediately to the NHFG nongame and endangered wildlife environmental review program by phone at 603-271-2461 and by email at NHFGreview@wildlife.nh.gov, with the email subject line containing the NHB DataCheck tool results letter assigned number, the project name, and the term Wildlife Species Observation;
15. Photographs of the observed species and nearby elements of habitat or areas of land disturbance shall be provided to NHFG in digital format at the above email address for verification, as feasible;
16. In the event a threatened or endangered species is observed on the project site during the term of the permit, the species shall not be disturbed, handled, or harmed in any way prior to consultation with NHFG and implementation of corrective actions recommended by NHFG.
 - a. Site operators shall be allowed to relocate wildlife encountered if discovered within the active work zone and if in direct harm from project activities. Wildlife shall be relocated in close proximity to the capture location but outside of the work zone and in the direction the individual was heading. NHFG shall be contacted immediately if this action occurs.
17. The NHFG, including its employees and authorized agents, shall have access to the property during the term of the permit.

Additional Recommendations:

• Smooth green snakes (state species of special concern) occur within the vicinity of the project site. All operators and personnel working on or entering the site should be made aware of the potential presence of these species and should be provided flyers that help to identify these species, along with NHFG contact information. Rare species information (e.g. identification, observation and reporting of observations, when to contact NHFG immediately and NHFG contact information) should be posted on site at all times and communicated during morning tailgate meetings prior to work commencement. Refer to the species flyers located on the next plan sheet.