



The State of New Hampshire  
**Department of Environmental Services**



**Robert R. Scott, Commissioner**

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**WETLANDS AND NON-SITE SPECIFIC PERMIT 2024-01100**

**NOTE CONDITIONS**

**PERMITTEE:** EVERSOURCE ENERGY  
C/O JEREMY FENNEL  
13 LEGENDS DRIVE  
HOOKSETT NH 03106

**PROJECT LOCATION:** EXISTING W179 UTILITY RIGHT OF WAY (ROW), DUMMER

**WATERBODY:** UNNAMED WETLANDS

**APPROVAL DATE:** JUNE 28, 2024                      **EXPIRATION DATE:** JUNE 28, 2029

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Based upon review of permit application 2024-01100 in accordance with RSA 482-A and RSA 485-A:17, the New Hampshire Department of Environmental Services (NHDES) hereby issues this Wetlands and Non-Site Specific Permit. To validate this Permit, signatures of the Permittee and the Principal Contractor are required.

**PERMIT DESCRIPTION:**

Temporarily impact 42,884 square feet (0.98 acres) of palustrine scrub-shrub and emergent wetlands for the use of construction mats for access and work pads around the previously replaced utility poles for the completion of overhead wire replacement work within the W179 utility ROW in Dummer. This is for the portion of a large-scale project where the installation of construction mats in wetlands exceeds one growing season for completion of the replacement of overhead static wires with optical ground wire.

**THIS PERMIT IS SUBJECT TO THE FOLLOWING PROJECT-SPECIFIC CONDITIONS:**

1. In accordance with Env-Wt 307.16, all work shall be done in accordance with the approved plans dated February 14, 2024, and approved restoration sequence dated April 22, 2024, by Stantec, as received by the NH Department of Environmental Services (NHDES) on April 25, 2024.
2. In accordance with Env-Wt 521.03(c), construction shall be undertaken in the least environmentally impactful manner.
3. In accordance with Env-Wt 521.07, maintenance and repair shall be carried out in accordance with the Utility BMPs.
4. In accordance with Env-Wt 521.05(c), all project activities shall be performed, located, constructed, and maintained in accordance with the Utility BMPs.
5. In accordance with Env-Wt 521.05(e), swamp mats shall be removed as soon as the work is completed.
6. 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. 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.
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

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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.

8. In accordance with Env-Wt 307.03(e), all exposed soils and other fills shall be permanently stabilized within 3 days following final grading.

9. All work shall be conducted and maintained in such a way as to protect water quality as required by Rule Env-Wt 307.03(a) through (h).

10. In accordance with Env-Wt 307.03(c)(4), water quality control measures shall be capable of minimizing erosion; collecting sediment and suspended and floating materials; and filtering fine sediment.

11. In accordance with Env-Wt 307.03(c)(5), water quality control measures shall be maintained so as to ensure continued effectiveness in minimizing erosion and retaining sediment on-site during and after construction.

12. In accordance with Env-Wt 307.03(c)(6), water quality control measures shall remain in place until all disturbed surfaces are stabilized to a condition in which soils on the site will not experience accelerated or unnatural erosion by achieving and maintaining a minimum of 85% vegetative cover using an erosion control seed mix, whether applied in a blanket or otherwise, that is certified by its manufacturer as not containing any invasive species; or placing and maintaining a minimum of 3 inches of non-erosive material such as stone.

13. In accordance with Env-Wt 307.03(d), any sediment collected by water quality control measures shall be removed with sufficient frequency to prevent the discharge of sediment; and placed in an upland location in a manner that prevents its erosion into a surface water or wetland.

14. In accordance with Env-Wt 307.03(c)(7), temporary water quality control methods shall be removed upon completion of work when compliance with Env-Wt 307.03(c)(6) is achieved.

15. In accordance with Env-Wt 307.03(c)(1), water quality control measures shall be selected and implemented based on the size and nature of the project and the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to jurisdictional areas.

16. In accordance with Env-Wt 307.05(e), to prevent the use of soil or seed stock containing nuisance or invasive species, the contractor responsible for work shall follow Best Management Practices for the Control of Invasive and Noxious Plant Species (Invasive Plant BMPs).

17. In accordance with Env-Wt 307.15(e)(2) and (3), swamp mats shall be installed, used, and removed so as to minimize impacts to wetland areas, and be installed with adequate erosion and sediment controls at approaches to the mats to promote a smooth transition to, and minimize sediment tracking onto, the mats.

18. In accordance with Env-Wt 307.15(d), timber and swamp mats shall be in good condition to ensure proper installation, use and removal; and thoroughly cleaned before re-use.

19. In accordance with Env-Wt 307.03(b), all work, including management of soil stockpiles, shall be conducted so as to minimize erosion, minimize sediment transfer to surface waters or wetlands, and minimize turbidity in surface waters and wetlands using the techniques described in Env-Wq 1505.02, Env-Wq 1505.04, Env-Wq 1506, and Env-Wq 1508; the applicable BMP manual; or a combination thereof, if the BMP manual provides less protection to jurisdictional areas than the provisions of Env-Wq 1500.

20. In accordance with Env-Wt 307.03(g)(1), the person in charge of construction equipment shall inspect such equipment for leaking fuel, oil, and hydraulic fluid each day prior to entering surface waters or wetlands or operating in an area where such fluids could reach groundwater, surface waters, or wetlands.

21. In accordance with Env-Wt 307.03(g)(3) and (4), the person in charge of construction equipment shall maintain oil spill kits and diesel fuel spill kits, as applicable to the type(s) and amount(s) of oil and diesel fuel used, on site so as to be readily accessible at all times during construction; and train each equipment operator in the use of the spill kits.

22. 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.

23. In accordance with Env-Wt 307.03(h), equipment shall be staged and refueled outside of jurisdictional areas.

24. As this project requires a federal permit from the US Army Corps of Engineers (USACE) under section 404 of the Clean Water Act, the applicant is advised to consult with the USACE relative to whether mitigation will be required in order to satisfy federal mitigation requirements prior to proceeding with the project.

**25. Construction Monitoring and Reporting required to ensure compliance with RSA 482-A:1 and RSA 482-A:11.**

a. Once the line and structure replacement project is complete, all temporary wetland matting has been removed, and any necessary restoration is complete, the observations and information collected will be used to compile a post-construction monitoring report. The report will be provided to NHDES within 90 days following completion of the project. The report will include:

- 1) A final mat tracking table showing the dates of mat installation and removal at each wetland.
- 2) A description of how the project followed the described restoration plan and any notable observations of significant wetland disturbance and the methods used to restore those disturbances.
- 3) Dated and annotated photographs, including aerial photographs, of matted wetland areas, with Wetland Identification #'s, following completion of mat removal and restoration with comparison to before and during construction photographs as appropriate. Including summaries of the hydric soil profile and hydrophytic vegetation data collection.
- 4) Recommendations regarding additional remedial restoration actions (additional seeding, stabilization, planting etc.) or additional monitoring efforts, if necessary.

b. In addition to the environmental construction monitoring described above, an environmental monitor will conduct bi-annual (twice per year; approximately June and September) site inspections of previously matted wetland areas for the first two full growing season after the completion of all mat removal on the project. A report summarizing the observations made during the inspections, including photographs, will be provided to NHDES by December 15 each year.

- 1) The monitoring and reporting process will be performed by, or under the supervision of, a Certified Wetland Scientist (CWS).
- 2) Photographs, including aerial photographs, with attached GPS coordinates (decimal degrees) will be taken of each wetland within 30 days of last mat being removed from each wetland. If rutting, compaction, or other disturbances to the wetland surfaces are observed during mat removal, immediate restoration of these areas will commence.

**26. Restoration Monitoring and Reporting required to ensure compliance with RSA 482-A:1 and RSA 482-A:11.**

a. In accordance with Env-Wt 307.11(f), swamp mats and construction mats shall be deemed temporary fill if they meet the requirements of Env-Wt 307.11(h)(1) and (2) by being in place for no longer than one growing season and removed immediately upon work completion.

b. Mats that are not deemed temporary in accordance with Env-Wt 307.11(f) and Env-Wt 307.11(h)(1) and (2) require wetland impact area specific restoration and 5 years of monitoring. Wetland impact areas not meeting the restoration thresholds within 5 years of the date of issuance of this approval will be considered a violation of the permit. The restoration and monitoring shall be carried out as follows:

- 1) In accordance with Env-Wt 307.11(j), all wetlands and surface waters shall be restored to pre-impact conditions as specified in Env-Wt 307.12(i). This includes matching the original wetland's hydrologic regime, vegetation species, scope of aerial coverage, wetland function, habitat, and soils elevation.
- 2) Monitoring reports shall be submitted to NHDES by a Certified Wetland Scientist (CWS) after each of the subsequent 5 growing seasons to document:
- 3) Soil samples collected from previously matted wetland areas demonstrate that original hydric soil profiles remain in the wetland and that organic soils have not been compacted.
- 4) Hydrophytic vegetation will also be evaluated using the methods identified in the Regional Supplement to determine if the Rapid Test, Dominance Test, or Prevalence Index are met and areas contain less than 5% aerial coverage of invasive and other unacceptable plant species (Corps' New England District Compensatory Mitigation Standard Operating Procedures, Appendix K; Corps Mitigation SOP). This shall include plant species present and documentation of at least 75% cover.
- 5) Hydrologic regime with documentation of increased or decreased hydrology, flow diversion and ponding in new locations.
- 6) Documentation of sustained functions and values and restored wildlife habitat.

**THIS PERMIT IS SUBJECT TO THE FOLLOWING GENERAL CONDITIONS:**

1. Pursuant to RSA 482-A:12, a copy of this permit shall be posted in a secure manner in a prominent place at the site of the approved project.
2. In accordance with Env-Wt 313.01(a)(5), and as required by RSA 482-A:11, II, work shall not infringe on the property rights or unreasonably affect the value or enjoyment of property of abutting owners.
3. In accordance with Env-Wt 314.01, a standard permit shall be signed by the permittee, and the principal contractor who will build or install the project prior to start of construction, and will not be valid until signed.
4. In accordance with Env-Wt 314.03(a), the permittee shall notify the department in writing at least one week prior to commencing any work under this permit.
5. In accordance with Env-Wt 314.08(a), the permittee shall file a completed notice of completion of work and certificate of compliance with the department within 10 working days of completing the work authorized by this permit.
6. In accordance with Env-Wt 314.06, transfer of this permit to a new owner shall require notification to, and approval of, the NHDES.
7. The permit holder shall ensure that work is done in a way that protects water quality per Env-Wt 307.03; protects fisheries and breeding areas per Env-Wt 307.04; protects against invasive species per Env-Wt 307.05; meets dredging activity conditions in Env-Wt 307.10; and meets filling activity conditions in Env-Wt 307.11.
8. This project has been screened for potential impact to known occurrences of protected species and exemplary natural communities in the immediate area. Since many areas have never been surveyed, or only cursory surveys have been performed, 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. This permit does not authorize in any way the take of threatened or endangered species, as defined by RSA 212-A:2, or of any protected species or exemplary natural communities, as defined in RSA 217-A:3.
9. In accordance with Env-Wt 307.06(a) through (c), no activity shall jeopardize the continued existence of a threatened or endangered species, a species proposed for listing as threatened or endangered, or a designated or proposed critical habitat under the Federal Endangered Species Act, 16 U.S.C. §1531 et seq.; State Endangered Species Conservation Act, RSA 212-A; or New Hampshire Native Plant Protection Act, RSA 217-A.
10. In accordance with Env-Wt 307.02, and in accordance with federal requirements, all work in areas under the jurisdiction of the U.S. Army Corps of Engineers (USACE) shall comply with all conditions of the applicable state general permit.

APPROVED:



Mary Ann Tilton  
Assistant Bureau Administrator, Wetlands Bureau  
Land Resources Management, Water Division

**THE SIGNATURES BELOW ARE REQUIRED TO VALIDATE THIS PERMIT (Env-Wt 314.01).**

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PERMITTEE SIGNATURE (required)

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PRINCIPAL CONTRACTOR SIGNATURE (required)