

The State of New Hampshire

Department of Environmental Services

Robert R. Scott, Commissioner

December 06, 2022

/04

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

REQUESTED ACTION

Approve City of Franklin's request to perform the following work on Webster Lake in Franklin pursuant to NH Department of Environmental Services (NHDES) Wetlands Bureau permit #2022-02657, and in accordance with RSA 482-A:3. No comments were submitted by the Franklin Conservation Commission regarding the project as proposed.

Impact 3,085 square feet of lakebed in order to remove approximately 114 cubic yards of accumulated sand from a public boat launch along approximately 657 feet of frontage at the Town of Franklin municipal beach on Webster Lake in Franklin.

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 the approved plans dated August 10, 2022 by VHB, as received by the NH Department of Environmental Services (NHDES) on September 14, 2022.
- 2. This permit shall not be effective until it has been recorded in the Merrimack County Registry of Deeds and a copy of the recorded permit has been provided to the department as required pursuant to RSA 482-A:3, and Env-Wt 314.02.
- 3. In accordance with Env-Wt 307.10(f), dredged materials to be stockpiled in uplands shall be dewatered in sedimentation basins that are contained within turbidity controls that prevent turbid water from leaving the basins.
- 4. In accordance with Env-Wt 307.10(d), dredged materials shall be disposed of out of jurisdictional areas.
- 5. In accordance with Env-Wt 307.10(c), turbidity controls shall be installed prior to construction and maintained during construction such that no turbidity escapes the immediate dredge area; and remain in place until suspended particles have settled and water at the work site has returned to normal clarity.
- 6. 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.
- 7. Pursuant to RSA 482-A:14, RSA 482-A:14-b, and RSA 482-A:14-c, NHDES is authorized to take appropriate compliance actions should it be determined that, based upon additional information which becomes available, any of the structures depicted as "existing" on the plans submitted by or on behalf of the permittee were not previously permitted or grandfathered.

TDD Access: Relay NH 1 (800) 735-2964

His Excellency, Governor Christopher T. Sununu and The Honorable Council Page 2

EXPLANATION

NHDES approved this project on November 03, 2022. NHDES supported its decision with the following findings:

- 1. This is a major impact project per Administrative Rule Env-Wt 523.04(c), dredging of more than 30 cubic yards in public waters.
- 2. The NHDES finds that because the project is not of significant public interest and will not significantly impair the resources of Webster Lake a public hearing under RSA 482-A:8 is not required.
- 3. No concerns were received from abutters nor the local Conservation Commission related to the project.
- 4. The NHDES finds that the project as proposed and conditioned meets the requirements of RSA 482-A and the Wetlands Program Code of Administrative Rules Chapters Env-Wt 100 900. No waivers of RSA 482-A or the Wetlands Program Code of Administrative Rules Chapters Env-Wt 100 900 were requested or approved under this permit action.

NHDES Wetlands Bureau permit #2022-02657 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



STANDARD DREDGE AND FILL WETLANDS PERMIT APPLICATION

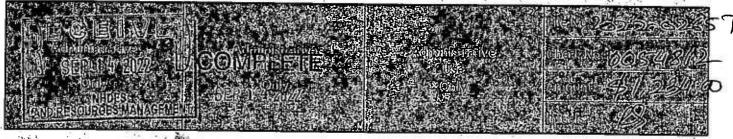
Water Division/Land Resources Management Wetlands Bureau

Check the Status of your Application



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

APPLICANT'S NAME: ELYOTE ENVIR



A person may request a waiver of the requirements in Rules Env-Wt 100-900 to accommodate situations where strict adherence to the requirements would not be in the best interest of the public or the environment but is still in compliance with RSA 482-A. A person may also request a waiver of the standards for existing dwellings over water pursuant to RSA 482-A:26, III(b). For more information, please consult the <u>Waiver Request Form</u>.

SECTION (LEREOUTHED PLANNING FOR ALL PROJECTS (Environce (15.05 n.5 n.5 n.5 n.6) n.) Paratus publication (Lean Lean Lean (N.) (15.00) ((M.) (15.00) (the prefut publication of the continuous continuo	ed illo er lier	obahe) <u>Advalla</u> is ((AIAs)) - 1
Has the required planning been completed?	2.6	Yes 🏚 No
Does the property contain a PRA? If yes, provide the following information:		☑ Yes 🛭 No
 Does the project qualify for an Impact Classification Adjustment (e.g. NH Fish and Game Department (NHF&G) and NHB agreement for a classification downgrade) or a Project-Type Exception (e.g. Maintenance or Statutory Permit-by-Notification (SPN) project)? See Env-Wt 407.02 and Env-Wt 407.04. 	83	Yes 🔀 No
Protected species or habitat? o If yes, species or habitat name(s): NHB Project ID #: 220840	a s	
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 図 No
Is the property within a Designated River corridor? If yes, provide the following information:		∰ Yes ※ No
Name of Local River Management Advisory Committee (LAC): A server of the service of th	314	
A copy of the application was sent to the LAC on Month: Day: Year: Year:		

NHDES-W-06-012

r stream crossing projects, provide watershed size (see WPPT or Stream Stats): GRIDN2-GRIO LIGIT DESCRIPTION (CROVANCE (CALIE)) Switched brief (description of the project of the projec	If you list conta	cts, is the subject p	property contaminated		=:	Yes 🔀 No
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NHDES-W-06-012

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ELECTRONIC COMMUNICATION: relative to this application electr	By initialing onically.	here:	I hereby auth	orize NH	DES to commun	cate all matters
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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):

A VHB NH Certified Wetland Scientist delineated the jurisdictional top of bank of the Webster Lake within the Site in accordance with the requirements of Env-Wt 400, which was field verified by VHB wetland scientists in 2021. The ordinary high water (OHW) line of Webster Lake is set at elevation 401.0 according to the NHDES Consolidated List of Waterbodies Subject to RSA 483-B, The Shoreland Water Quality Protection Act (SWQPA). The proposed project will meet the applicable requirements outlined in Env-Wt 500 (Project-Specific Requirements). Please refer to the attached Application Narrative for additional details regarding the project's compliance with these rules. Env-Wt 600 (Tidal Waters), Env-Wt 700 (Prime Wetlands), and Env-Wt 900 (Stream Crossings) are not applicable to the proposed project since no coastal lands, tidal waters, prime wetlands, or stream crossings are present within the Site.

ECTION 8 - AVOIDANCE AND MINIMIZATION &

Impacts within wetland jurisdiction must be avoided to the maximum extent practicable (Env-Wt 313.03(a)).* 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. For minor or major projects, a functional assessment of all wetlands on the project site is required (Env-Wt 311.03(b)(10)).*

Please refer to the application checklist to ensure you have attached all documents related to avoidance and minimization, as well as functional assessment (where applicable). Use the <u>Avoidance and Minimization Checklist</u>, the <u>Avoidance and Minimization Narrative</u>, or your own avoidance and minimization narrative.

*See Env-Wt 311.03(b)(6) and Env-Wt 311.03(b)(10) for shoreline structure exemptions.

SEGTION 9 - MITICATION IR EQUIREMENT (ENV. WEBLE I/Unavoide bueiju da illetto na Illimpa da pequite imitiga do Segundo de social da social de	102)) Nalmiliya	uon <u>pie appli</u> deandillis	cation meetin	e must oc lon	eun tillea	oaolday.	THE PERSON NAMED IN
Mitigation Pre-Application Meeting Date: Month:	Day: 🔯	Year:		AND AND			Charles
(M N/A - Mitigation is not required)		- 52		10	0.9		

SEGTION LO STHE PROJECT MEETS COMPENSATORY MITIGATION (REQUIREMENTS) (Env. Wt 313:01 (a) (1) a)

Confirm that you have submitted a compensatory mitigation proposal that meets the requirements of Env-Wt 800 for all permanent unavoidable impacts that will remain after avoidance and minimization techniques have been exercised to the maximum extent practicable:

(N/A − Compensatory mitigation is not required)

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SECTION 14	REQUIRED CERTIFICATIONS	(Env-Wt31f.11)	ally the	n Villa
Initial each	box below to certify:		#	
Initials:	To the best of the signer's know	vledge and belief, all required	notifications have been provided	d.
Initials:	The information submitted on a signer's knowledge and belief.		, complete, and not misleading to	the best of the
Initials:	 Deny the application Revoke any approvements If the signer is a cerepractice in New Harestablished by RSA The signer is subject to currently RSA 641. The signature shall consideration Department to inspect to 	and that is granted based on the tified wetland scientist, licens impshire, refer the matter to the 310-A:1. The penalties specified in New stitute authorization for the matter of the site of the proposed projects, where the site of the projects in pact trail projects.	formation constitutes grounds for e information. Sed surveyor, or professional engine in the joint board of licensure and cest Hampshire law for falsification in the interior commission in the second conservation control to the second conservation control to the second conservation control to the second control con	ineer licensed to ertification in official matters, on and the prestry SPN
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Webster Lake Boat Ramp Abutting Properties

CAI Technologies

Franklin, NH

February 16, 2022

1 inch = 136 Feet 0 136 272 408

www.cai-tech.com

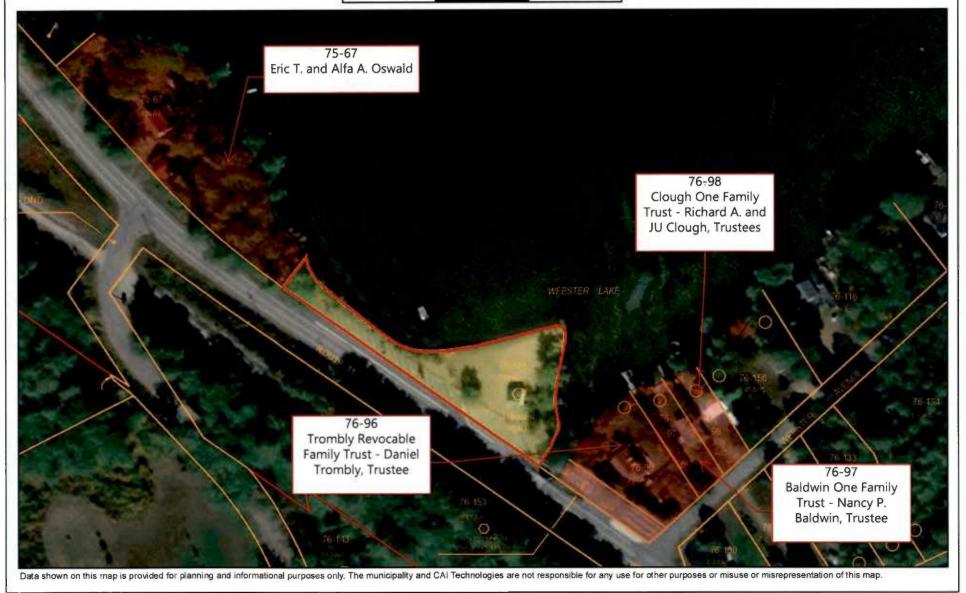
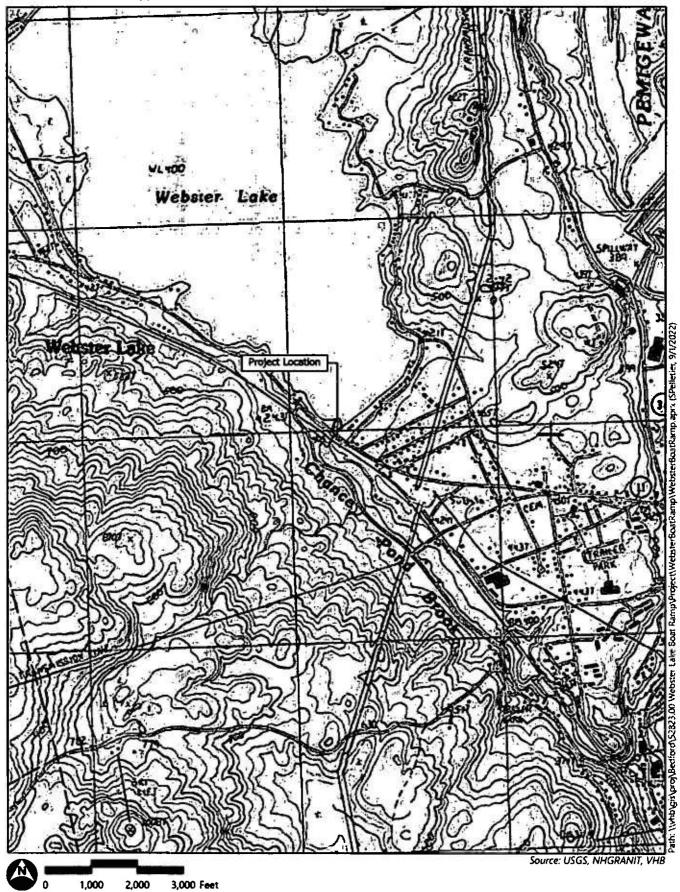


Figure 1: USGS Site Location Map Webster Lake Boat Ramp| Franklin, NH





Project Location

New Hampshire Natural Heritage Bureau NHB DataCheck Results Letter

To: City of Franklin c/o Judie Milner

316 Central Street Franklin, NH, 03235

From: NH Natural Heritage Bureau

Date: 1/31/2022 (This letter is valid through 1/31/2023)

Re: Review by NH Natural Heritage Bureau of request dated 1/31/2022

Permit Types: Wetland Standard Dredge & Fill - Major

General Permit

NHB ID: NHB22-0340

Applicant: City of Franklin c/o Judie Milner

Location: Franklin

Tax Map: L5, Tax Lot: 076-154 Address: 201 Webster Lake Rd

Proj. Description: Due to the accumulation of silt at the existing Webster Lake boat ramp, a maintenance dredge is needed to re-establish the design elevations. This ramp is currently not suitable for use by boat trailers in its current condition and needs to be lowered. The dredge area is expected to be less than 900 sq. ft. The volume of dredge is uncertain at this time but is expected to be 20-30 cubic yards in total. No vegetation clearing is anticipated. Erosion controls will be implemented during the dredging to contain the temporary turbidity (e.g., turbidity curtain). Furthermore, no

in-water equipment will be needed, as an excavator staged on land will have

sufficient reach.

The NH Natural Heritage database has been checked 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. We currently have no recorded occurrences for sensitive species near this project area.

A negative result (no record in our database) does not mean that a sensitive species is not present. Our data can only tell you of known occurrences, based on information gathered by qualified biologists and reported to our office. However, many areas have never been surveyed, or have only been surveyed for certain species. An on-site survey would provide better information on what species and communities are indeed present.

New Hampshire Natural Heritage Bureau NHB DataCheck Results Letter

MAP OF PROJECT BOUNDARIES FOR: NHB22-0340



