



The State of New Hampshire AUG09'23 and 11:5

# **Department of Environmental Services**

## Robert R. Scott, Commissioner

July 17, 2023



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

#### REQUESTED ACTION

Approve Gale Mender 2021 Trust's request to perform the following work on Lake Winnipesaukee in Alton pursuant to NH Department of Environmental Services (NHDES) Wetlands Bureau permit #2022-03442, and in accordance with RSA 482-A:3.

Place 30 cubic yards of fill on 374 square feet of lake bed in order to extend an existing 34 linear foot breakwater to 44 linear feet in length, remove an existing "U" shaped docking structure and install a 6 foot x 42 foot cantilevered pier and two 6 foot x 30 foot piers, each supported by two 6 foot x 6 foot cribs and connected by two 4 foot x 12 foot walkways, install two seasonal boat lifts within the center slips and two seasonal personal watercraft lifts adjacent to the eastern pier on an average of 276 feet of frontage along Lake Winnipesaukee on Rattlesnake Island in Alton.

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 revised plans, revision dated May 14, 2023, by North Wing Design and Permit LLC, as received by the NH Department of Environmental Services (NHDES) on May 17, 2023.
- 2. This permit shall not be effective until it has been recorded in the Belknap 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. Any subdivision of the property frontage will require removal of a sufficient portion of the docking structures to comply with the dock size and density requirements in effect at the time of the subdivision as required to maintain compliance with Env-Wt 314.02 and Env-Wt 513.12.
- 4. Only those structures shown on the approved plans shall be installed or constructed along this frontage as required per Env-Wt 513.22, (a).
- 5. The owner understands and accepts that should these docking structures be found to have an unreasonable impact on the ability of abutting owners to use and enjoy their properties or the public's right to navigation, passage, and use of the resource for commerce and recreation the structures shall be subject to removal pursuant to RSA 482-A:1, RSA 482-A:11, II, and Env-Wt 513.03 (a).
- 6. The use of this structure shall be limited to the docking and securing of watercraft as required to comply with Env-Wt 307.09.

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- 7. Owners of permanent docking structures which are not maintained so as to be structurally sound and usable for their intended purpose shall remove those docking structures in accordance with Env-Wt 513.22(c), to prevent hazards to public safety, navigation, and recreation.
- 8. Crib material shall be timber, concrete, or other non-toxic material, and of such size and spacing as necessary to completely contain the ballast as required per Env-Wt 513.15, (g), (4).
- 9. In accordance with Env-Wt 513.22(b)(1), the seasonal docking structures on this lake or pond shall be installed after ice-out and removed prior to ice-in.
- 10. Work authorized shall be carried out in accordance with Env-Wt 307 such that appropriate turbidity controls are in place to protect water quality, that no turbidity escapes the immediate work area, and that appropriate turbidity controls shall remain until suspended particles have settled and water at the work site has returned to normal clarity.
- 11. All construction-related debris shall be placed outside of those areas subject to RSA 482-A or RSA-483-B unless a permit for the deposition of materials within those areas has been obtained as required per RSA 482-A:3 or RSA 483-B:5-b respectively.
- 12. 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.
- 13. All portions of the docking structures, including the breakwater toe-of-slope, shall be located at least 20 feet from the abutting property lines, except as authorized in writing by the owner of the property identified as Lot #6 on Alton Tax Map #78 and notarized on December 16, 2022, and no watercraft shall be secured to the docking facility such that it crosses over the imaginary extension of the property lines over the surface water as required by RSA 482-A:3, XIII.
- 14. 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.

#### **EXPLANATION**

NHDES approved this project on June 14, 2023. NHDES supported its decision with the following findings:

- 1. This is a major impact project per Administrative Rule Env-Wt 512.08(e), for the modification of a breakwater.
- 2. The applicant has an average of 276 feet of frontage along Lake Winnipesaukee.
- 3. A maximum of 4 slips may be permitted on this frontage per Rule Env-Wt 513.12, Frontage Requirements for Private and Non-commercial Docking Structures.
- 4. The proposed docking facility will provide 4 slips as defined per RSA 482-A:2, VIII, and therefore meets Rule Env-Wt 513.12.
- 5. The NHDES finds that because the project is not of significant public interest and will not significantly impair the resources of Lake Winnipesaukee a public hearing under RSA 482-A:8 is not required.
- 6. No concerns were received from abutters, nor from the local Conservation Commission related to the project.
- 7. The proposed docking facility is located within the 20 foot abutter setback.
- 8. In accordance with RSA 482-A:3(XIII)(C), boat docking facilities may be located closer than 20 feet from an abutter's property line in non-tidal waters and 20 feet in tidal waters provided the owner of the boat docking facility obtains the written consent of the affected abutting property owner.

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- 9. The owner of the proposed boat docking facility has obtained and provided consent from the affected abutting property owner and has therefore met the requirement of RSA 482-A:3(XIII)(C).
- 10. 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 #2022-03442 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: Mender, Gale

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**TOWN NAME: Alton** 

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>.

Pl	CTION 1-REQUIRED PLANNING FOR ALL PROJECTS (Env. Wt 306.05; RSA 482-A:3, I(d)(2))  ease use the Wetland Permit Planning Tool (WPPT), the Natural Heritage Bureau (NHB) DataCheck	Tool, the Aquatic			
	storation Mapper, or other sources to assist in identifying key features such as: priority resource a otected species or habitats, coastal areas, designated rivers, or designated prime wetlands.	reas (PKAS)			
На	s the required planning been completed?	X Yes ☑ No			
Do	pes 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.	Yes   No			
•	Protected species or habitat?  o If yes, species or habitat name(s): o NHB Project ID #: NHB22-3440	₹ Yes ⊠ No			
•	Bog?	Yes   No			
(A)	Floodplain wetland contiguous to a tier 3 or higher watercourse?				
•	Designated prime wetland or duly-established 100-foot buffer?				
•	Sand dune, tidal wetland, tidal water, or undeveloped tidal buffer zone?	☑ Yes ☑ No			
ls t	he property within a Designated River corridor? If yes, provide the following information:	☑ Yes 🛛 No			
•	Name of Local River Management Advisory Committee (LAC):				
•	A copy of the application was sent to the LAC on Month: Day: Year:				

•				
For dredging projects  If yes, list contam	, is the subject property co	ntaminated?		₩ Yes ⊠ No
Is there potential to in	mpact impaired waters, clas	ss A waters, or outstanding re	source waters?	∰ Yes ⊠ No
For stream crossing p	rojects, provide watershed	size (see <u>WPPT</u> or Stream Sta	ats):	
Provide a brief descrip	DESCRIPTION (Env. Wt 311 ption of the project and the are temporary or permane	.04(i)) purpose of the project outli nt DO NOT reply See attach	ning the scope of work t ed;", please use the spac	o be performed e provided
		4ft breakwater by 10ft to the book and adding a second (		
The additional breaky approximately 30yds <sup>3</sup>		he impact area by approxim	ately 175ft² and will req	uire
The prevalence of led	ge at this site is apparent a	and prohibits the usage of pil	ings for dock supports.	
Additionally, install tv	wo seasonal boatlifts and t	wo seasonal PWC lifts.		
	(12)			
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g/2				
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SECTION 3 PROJECT I	国际对方代表的 化等性的 医多种类的 医神经炎	bmitted for each municipality	within which wetland in	npacts occur
ADDRESS: 780 Rattlesr	nake Island	8	1	
TOWN/CITY: Alton				
TAX MAP/BLOCK/LOT/	UNIT: #078-007-000			
US GEOLOGICAL SURVI	EY (USGS) TOPO MAP WAT	ERBODY NAME: Lake Winnip	esaukee	97.
(Optional) LATITUDE/L	ONGITUDE in decimal degree	ees (to five decimal places):	43.567823* North	
	•		71 283739° West	_

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PHONE: N/A	22 63	
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	STATE: NH	ZIP CODE: 03253
PHONE: 603-832-4851	(E) %(	
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SECTION:7 = RESOURCE-SPECIFIC CRITERIA ESTABLISHED II Env-Wt 900 HAVE BEEN MET (Env-Wt 313:01(a)(3))	l Env.Wt 400; Env.Wt 500/Env.Wt 600; Env.Wt 700; OR
Describe how the resource-specific criteria have been met about stream crossings, coastal resources, prime wetlands,	·
There are currently no resource-specific criteria establishe criteria to meet with regards to proposed work herein.	d in chapter Env-Wt 500. There are no resource specific
This project proposes no work involving stream crossings,	coastal resources, or prime wetlands.
E a	
8	
SECTION 8 - AVOIDANCE AND MINIMIZATION	
Impacts within wetland jurisdiction must be avoided to the project with unavoidable jurisdictional impacts must then be Practice Techniques For Avoidance and Minimization and the Mitigation Fact Sheet. For minor or major projects, a function required (Env-Wt 311.03(b)(10)).*	e minimized as described in the <u>Wetlands Best Management</u> e <u>Wetlands Permitting: Avoidance, Minimization and</u> nal assessment of all wetlands on the project site is
Please refer to the application checklist to ensure you have a minimization, as well as functional assessment (where application Narrative, or your own avoidants of the Sea Sea Market and Minimization Narrative, or your own avoidants of the Sea Sea Market and Sea Sea Market and Sea Sea Market and Sea Mark	cable). Use the <u>Avoidance and Minimization Checklist</u> , the ce and minimization narrative.
*See Env-Wt 311.03(b)(6) and Env-Wt 311.03(b)(10) for shore SECTION 9 - MITIGATION REQUIREMENT (Env-Wt 311.02) If unavoidable jurisdictional impacts require mitigation; a miduli not more than 90 days prior to submitting this Standard	tigation pre-application meeting must occur at least 30 days
Mitigation Pre-Application Meeting Date: Month: Day:	Year:
Confirm that you have submitted a compensatory mitigationall permanent unavoidable impacts that will remain after average to the maximum extent practicable:	n proposal that meets the requirements of Env-Wt 800 for oidance and minimization techniques have been exercised

(⊠ N/A – Compensatory mitigation is not required)

SEC	TION 112 IMPACT AREA (Env. Wt 311.04(g))	13.76	W. N.	多点题(数)		<b>有效的</b> 可以为	204 (March
	each jurisdictional area that will be/has been impact, and note whether the impact is after-the-fac						
For	intermittent and ephemeral streams, the linear f	ootage of in	ipact is m	easured along	the thread o	of the chanr	iel. Please
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309	0.02(d), however other dredge or fill impacts shoul	ld be include	d below.			<b>第一座</b>	
	perennial streams/rivers, the linear footage of im	pact is calcu	lated by	summing the l	engths of dis	turbances t	o the
cha	nnel and banks.			17-14-15			经。海绵
Per	manent impacts are impacts that will remain afte	r the project	is compl	ete (e g.; chan	ges in grade	or surface n	naterials).
Ter	nporary impacts are impacts not intended to rem	ain (and will	be restor	ed to pre-con	truction con	ditions) afte	er the
pro	ject is completed.				<b>对称"</b> "	Salet Pak	
JUR	ISDICTIONAL AREA		ERMANE			TEMPORAR	
	Forested Wetland	SF	LF	ATF	SF	LF	ATF
	Scrub-shrub Wetland			<u> </u>		8	25
ds	Emergent Wetland					***	7
Wetlands	Wet Meadow	-		<u> </u>			
Wel	Vernal Pool			E.7		· · · · · · · · · · · · · · · · · · ·	
_	Designated Prime Wetland			<u></u>			
	Duly-established 100-foot Prime Wetland Buffer			[3]			<u> </u>
<u>.</u>	Intermittent / Ephemeral Stream	¥1		[5			<b>f</b> <sub>k</sub> ,
Vat	Perennial Stream or River	(¥)		13			
Surface Water	Lake / Pond			22			<b>1</b>
ırfa	Docking - Lake / Pond (additional dockage)	428ft <sup>2</sup>					1
જ	Docking - River			<b>3</b>			\$
v	Bank - Intermittent Stream	15					8
Banks	Bank - Perennial Stream / River	•		(表)			1
<u>~</u>	Bank / Shoreline - Lake / Pond (breakwater)	250ft <sup>2</sup>					E
	Tidal Waters			<b>3</b>			
	Tidal Marsh			(%)			
lidal	Sand Dune		8 B	3	E		3
<b>—</b>	Undeveloped Tidal Buffer Zone (TBZ)			- <b>2</b>	101		
	Previously-developed TBZ	17 %	T <sub>e</sub>	• 🐼	207	·	<u></u>
	Docking - Tidal Water	C7042					
लक्ष	TOTAL	678ft <sup>2</sup>	gara. Ala	**************************************	。  発展の表現しな	en and the a	STALMANT CONTA
SEC	TION 12 APPLICATION FEE (RSA 482;A:3, I)		15.		ALC: USE		是多门图门代
	MINIMUM IMPACT FEE: Flat fee of \$400.		7.1	*			
	NON-ENFORCEMENT RELATED, PUBLICLY-FUNI IMPACT CLASSIFICATION: Flat fee of \$400 (refe					TS, REGARI	OLESS OF
×Ι	MINOR OR MAJOR IMPACT FEE: Calculate using	the table b	elow:		·· ·	0,004	88
	Permanent and (non-docking):			250ft²	,	\$0.40 =	\$100.00
	Seasonal docki		: <u></u>		×	\$2.00 =	\$0.00
	Permanent doc			428ft <sup>2</sup>		\$4.00 =	\$1.712.00

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

Projects proposing shoreline structures (including docks) add \$400 =

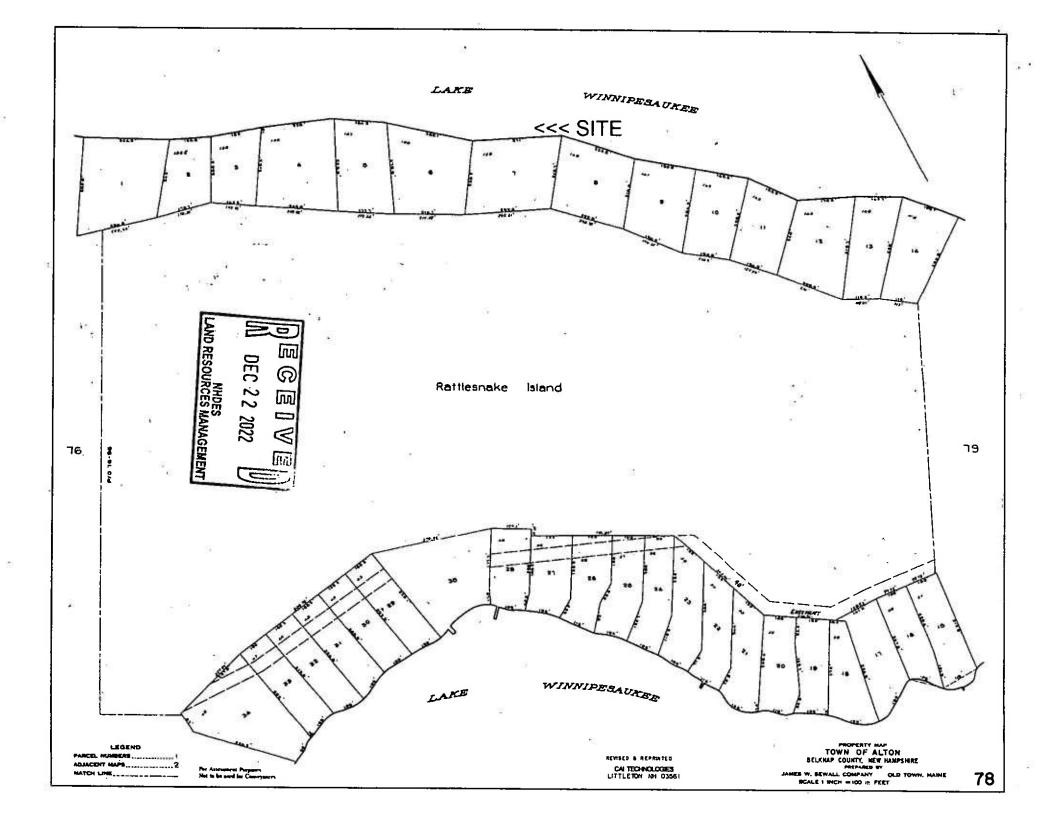
\$400.00

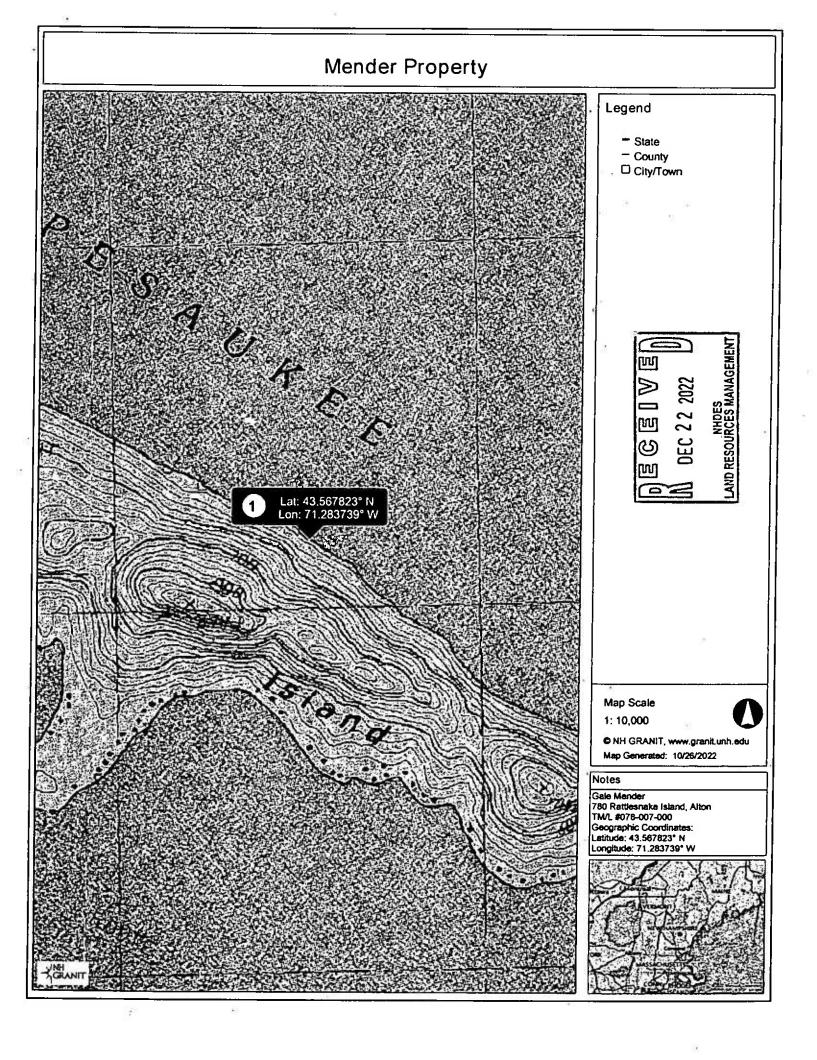
\$2,212.00

\$2,212.00

Total =

306.05)				
Indicate the project classification.				
or Project	Major Project			
SECTION 14 - REQUIRED CERTIFICATIONS (Env-Wt 311.11)				
nd belief, all required	notifications have been provided.			
Initials:  The information submitted on or with the application is true, complete, and not misleading to the best of the signer's knowledge and belief.				
The signer understands that:  The submission of false, incomplete, or misleading information constitutes grounds for NHDES to:  Deny the application.  Revoke any approval that is granted based on the information.  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				
Initials:  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.				
L.04(d); Env-Wt 311.	11)			
PRINT NAME LEGIBL	Y: DATE; 12/12/2003			
PRINT NAME LEGIBL' Gale Mender				
PRINT NAME LEGIBLY Jamie C. Irving	Y: DATE: 11/01/22			
SECTION OF TICHON / CITY CLERK SIGNATURE (Env. INT. \$11.04(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.				
rown/city clerk signature:  The lissa They ham Deputy tounclor Melissa Ingham rown/city: Atten Date: 12/19/2022				
	or Project  At 311.11)  and belief, all required the application is true, altered based on the atland scientist, license, refer the matter to the altered based on the atland scientist, license, refer the matter to the altered based on the atland scientist, license, refer the matter to the altered projects, where the application for the proposed project all projects, where the application being filed being filed application being filed application being filed application being filed			





## New Hampshire Natural Heritage Bureau NHB DataCheck Results Letter

To: Jamie Irving PO Box 613

Meredith, NH 03253

From: NH Natural Heritage Bureau

Date: 10/26/2022 (This letter is valid through 10/26/2023)

Re: Review by NH Natural Heritage Bureau of request dated 10/26/2022

Permit Types: Wetland Standard Dredge & Fill - Major

General Permit

NHB ID: NHB22-3440

Applicant: Jamie Irving

Location: Alton

Tax Map: 078, Tax Lot: 007-000 Address: 780Rattlesnake Island

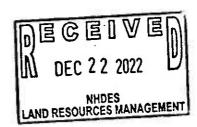
Proj. Description: Extend existing breakwater and dockage to allowable dimensions and add a third

dock finger for which the property qualifies.

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.

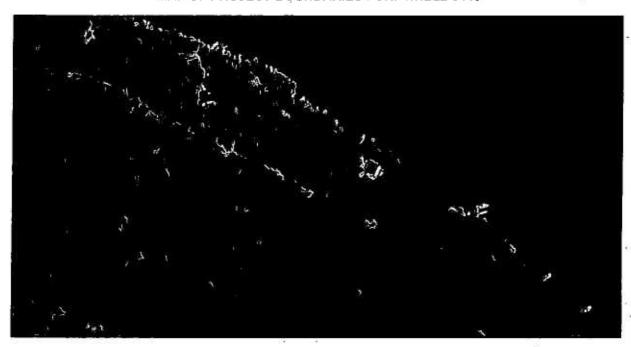
A negative result (no record in our database) does not mean that a sensitive species is not present. Our data can only tell you of known occurrences, based on information gathered by qualified biologists and reported to our office. However, many areas have never been surveyed, or have only been surveyed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

Based on the information submitted, no further consultation with the NH Fish and Game Department pursuant to Fis 1004 is required.



# New Hampshire Natural Heritage Bureau NHB DataCheck Results Letter

### MAP OF PROJECT BOUNDARIES FOR: NHB22-3440



### **ABUTTER LIST**

OWNER: Gale Mender 2021 Trust (Attn: Gale Mender)

SITE: 780 Rattlesnake Island, Alton

TM/L: #078-007-000

TM/L:

#078-006-000

OWNER:

Peter Edward Terrio

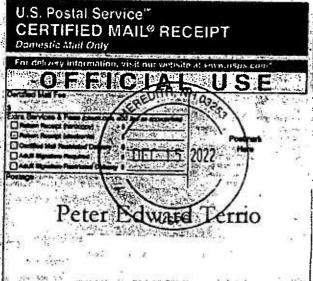
#078-008-000

Susan R. Aballo Revocable Trust

Attn: Susan R. Aballo

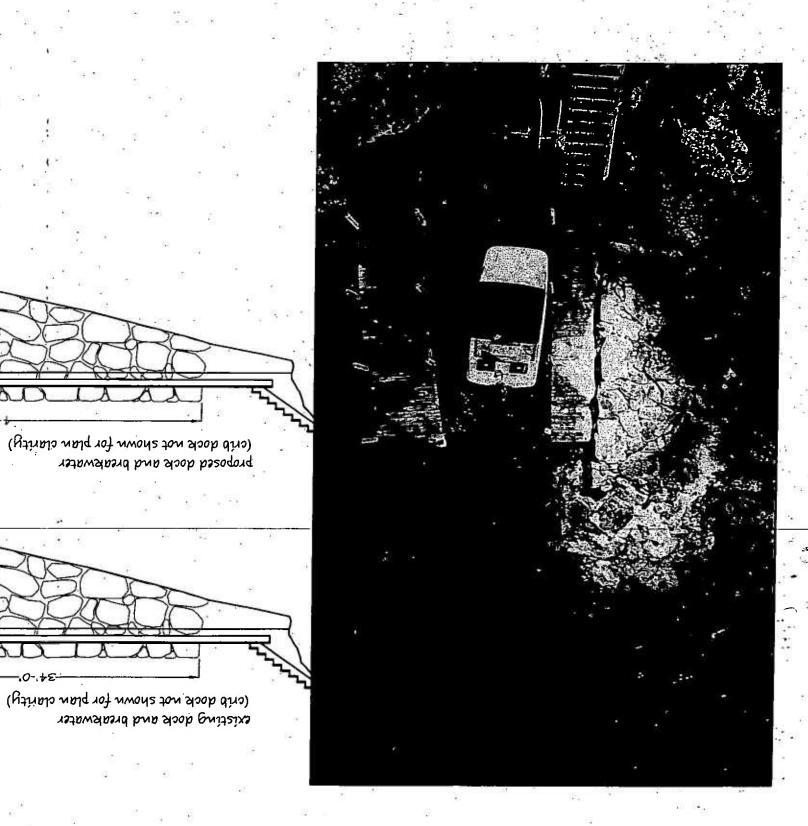
#076-096-000

Lakes Region Conservation Trust

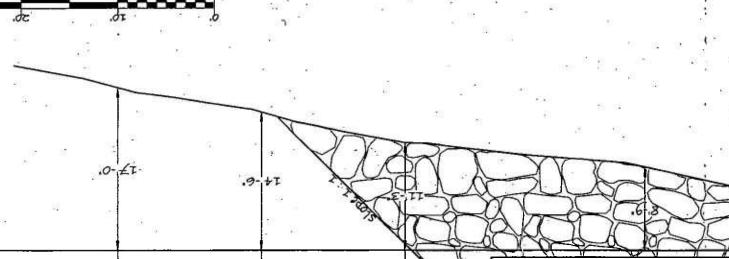








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