



**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:** City of Portsmouth

**TOWN NAME:** Portsmouth

Administrative Use Only	Administrative Use Only	Administrative Use Only	File No.:
			Check No.:
			Amount:
			Initials:

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 [Waiver Request Form](#).

<b>SECTION 1 - REQUIRED PLANNING FOR ALL PROJECTS (Env-Wt 306.05; RSA 482-A:3, I(d)(2))</b>	
Please use the <a href="#">Wetland Permit Planning Tool (WPPT)</a> , the Natural Heritage Bureau (NHB) <a href="#">DataCheck Tool</a> , the <a href="#">Aquatic Restoration Mapper</a> , or other sources to assist in identifying key features such as: <a href="#">priority resource areas (PRAs)</a> , <a href="#">protected species or habitats</a> , coastal areas, designated rivers, or designated prime wetlands.	
Has the required planning been completed?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does the property contain a PRA? If yes, provide the following information:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> <li>Does the project qualify for an Impact Classification Adjustment (e.g. NH Fish and Game Department (NHF&amp;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.</li> </ul>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> <li>Protected species or habitat?                             <ul style="list-style-type: none"> <li>If yes, species or habitat name(s): <input type="text"/></li> <li>NHB Project ID #: <input type="text"/></li> </ul> </li> </ul>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> <li>Bog?</li> </ul>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> <li>Floodplain wetland contiguous to a tier 3 or higher watercourse?</li> </ul>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> <li>Designated prime wetland or duly-established 100-foot buffer?</li> </ul>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> <li>Sand dune, tidal wetland, tidal water, or undeveloped tidal buffer zone?</li> </ul>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the property within a Designated River corridor? If yes, provide the following information:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> <li>Name of Local River Management Advisory Committee (LAC): <input type="text"/></li> <li>A copy of the application was sent to the LAC on Month: <input type="text"/> Day: <input type="text"/> Year: <input type="text"/></li> </ul>	

[irm@des.nh.gov](mailto:irm@des.nh.gov) or (603) 271-2147

NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095

[www.des.nh.gov](http://www.des.nh.gov)

For dredging projects, is the subject property contaminated? • If yes, list contaminant: _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is there potential to impact impaired waters, class A waters, or outstanding resource waters?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
For stream crossing projects, provide watershed size (see <a href="#">WPPT</a> or Stream Stats): _____	
<b>SECTION 2 - PROJECT DESCRIPTION (Env-Wt 311.04(i))</b> Provide a <b>brief</b> description of the project and the purpose of the project, outlining the scope of work to be performed and whether impacts are temporary or permanent. <b>DO NOT</b> reply "See attached"; please use the space provided below.	
This is a project to install a statue in the developed tidal buffer zone of the North Mill Pond and an engraved stone sign designating the McEachern Park. This application is to create a 4.5 square foot stone base just under the lawn and 44 feet from the HOTL and 44 feet from edge of saltmarsh upon which the statue will be set. To install the stone sign with a 64 square foot gravel area will be created 96 feet from the HOTL and 97 feet from the edge of saltmarsh. The ground disturbance will be minimal and no additional temporary disturbance is anticipated for this work.	
<b>SECTION 3 - PROJECT LOCATION</b> Separate wetland permit applications must be submitted for each municipality within which wetland impacts occur.	
ADDRESS: Mill Pond Way	
TOWN/CITY: Portsmouth, NH	
TAX MAP/BLOCK/LOT/UNIT: 143/8	
US GEOLOGICAL SURVEY (USGS) TOPO MAP WATERBODY NAME: North Mill Pond <input type="checkbox"/> N/A	
(Optional) LATITUDE/LONGITUDE in decimal degrees (to five decimal places):	
43.077357° North -70.768961° West	

**SECTION 4 - APPLICANT (DESIRED PERMIT HOLDER) INFORMATION (Env-Wt 311.04(a))**

If the applicant is a trust or a company, then complete with the trust or company information.

NAME: City of Portsmouth

MAILING ADDRESS: 1 Junkins Avenue

TOWN/CITY: Portsmouth

STATE: NH

ZIP CODE: 03801

EMAIL ADDRESS: plbritz@cityofportsmouth.com

FAX: (603)427-1593

PHONE: (603)610-7215

ELECTRONIC COMMUNICATION: By initialing here: pb, I hereby authorize NHDES to communicate all matters relative to this application electronically.

**SECTION 5 - AUTHORIZED AGENT INFORMATION (Env-Wt 311.04(c))**

N/A

LAST NAME, FIRST NAME, M.I.: [REDACTED]

COMPANY NAME: [REDACTED]

MAILING ADDRESS: [REDACTED]

TOWN/CITY: [REDACTED]

STATE: [REDACTED]

ZIP CODE: [REDACTED]

EMAIL ADDRESS: [REDACTED]

FAX: [REDACTED]

PHONE: [REDACTED]

ELECTRONIC COMMUNICATION: By initialing here [REDACTED], I hereby authorize NHDES to communicate all matters relative to this application electronically.

**SECTION 6 - PROPERTY OWNER INFORMATION (IF DIFFERENT THAN APPLICANT) (Env-Wt 311.04(b))**

If the owner is a trust or a company, then complete with the trust or company information.

Same as applicant

NAME: [REDACTED]

MAILING ADDRESS: [REDACTED]

TOWN/CITY: [REDACTED]

STATE: [REDACTED]

ZIP CODE: [REDACTED]

EMAIL ADDRESS: [REDACTED]

FAX: [REDACTED]

PHONE: [REDACTED]

ELECTRONIC COMMUNICATION: By initialing here [REDACTED], I hereby authorize NHDES to communicate all matters relative to this application electronically.

**SECTION 7 - RESOURCE-SPECIFIC CRITERIA ESTABLISHED IN Env-Wt 400, Env-Wt 500, Env-Wt 600, Env-Wt 700, OR Env-Wt 900 HAVE BEEN MET (Env-Wt 313.01(a)(3))**

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):

Per Env-Wt 400 this is a structure in the tidal buffer zone. There will be no increase in stormwater runoff or other impacts per this section. Per Env-Wt 500 There will be no impact to any aquatic species or habitats from this project. Per Env-Wt 603.02 the purpose of the proposed project is to site a statue that is in the tidal buffer zone. The project includes one area 4.5 square feet 44' from the HOTL and another area 64 square feet that is 97 feet from the edge of saltmarsh. The statue and sign are both being located in previously disturbed lawn areas. There will be no impact to any saltmarsh resource areas. The base will be stone with crushed stone under to allow infiltration into the soil in the flat area where the statue is being constructed. The findings of the data screening in Env-Wt 603.03 are that there are no resources other than existing lawn that will be impacted. There is coastal saltmarsh within 100' but this project will in no way impact that saltmarsh. Per Env-Wt 406 this project is at least 30 feet from the edge of any saltmarsh areas and there will be no impact from the project as it is a stone statue mounted on stone with crushed stone base 4.5 square feet in size. Per Env-wt 603.03 (5) this project is sea level rise resilient as it is stone and any flooding due to sea level rise will not impact the statue. The proposed project is located at elevation 10 which is two feet above the current FEMA floodplain elevation. According to the City of Portsmouth Coastal Resilience initiative there could be as much as two feet of sea level rise by 2050. See attachment 1

**SECTION 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 [Avoidance and Minimization Checklist](#), the [Avoidance and Minimization Narrative](#), 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.

**SECTION 9 - MITIGATION REQUIREMENT (Env-Wt 311.02)**

If unavoidable jurisdictional impacts require mitigation, a mitigation [pre-application meeting](#) must occur at least 30 days but not more than 90 days prior to submitting this Standard Dredge and Fill Permit Application.

Mitigation Pre-Application Meeting Date: Month: 1 Day: 11 Year: 2021

N/A - Mitigation is not required

**SECTION 10 - THE PROJECT MEETS COMPENSATORY MITIGATION REQUIREMENTS (Env-Wt 313.01(a)(1)c)**

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:  I confirm submittal.

N/A – Compensatory mitigation is not required



**SECTION 11 - IMPACT AREA (Env-Wt 311.04(g))**

For each jurisdictional area that will be/has been impacted, provide square feet (SF) and, if applicable, linear feet (LF) of impact, and note whether the impact is after-the-fact (ATF; i.e., work was started or completed without a permit).

For intermittent and ephemeral streams, the linear footage of impact is measured along the thread of the channel. *Please note, installation of a stream crossing in an ephemeral stream may be undertaken without a permit per Rule Env-Wt 309.02(d), however other dredge or fill impacts should be included below.*

For perennial streams/ivers, the linear footage of impact is calculated by summing the lengths of disturbances to the channel and banks.

Permanent impacts are impacts that will remain after the project is complete (e.g., changes in grade or surface materials).

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

JURISDICTIONAL AREA		PERMANENT			TEMPORARY		
		SF	LF	ATF	SF	LF	ATF
Wetlands	Forested Wetland			<input type="checkbox"/>			<input type="checkbox"/>
	Scrub-shrub Wetland			<input type="checkbox"/>			<input type="checkbox"/>
	Emergent Wetland			<input type="checkbox"/>			<input type="checkbox"/>
	Wet Meadow			<input type="checkbox"/>			<input type="checkbox"/>
	Vernal Pool			<input type="checkbox"/>			<input type="checkbox"/>
	Designated Prime Wetland			<input type="checkbox"/>			<input type="checkbox"/>
	Duly-established 100-foot Prime Wetland Buffer			<input type="checkbox"/>			<input type="checkbox"/>
Surface Water	Intermittent / Ephemeral Stream			<input type="checkbox"/>			<input type="checkbox"/>
	Perennial Stream or River			<input type="checkbox"/>			<input type="checkbox"/>
	Lake / Pond			<input type="checkbox"/>			<input type="checkbox"/>
	Docking - Lake / Pond			<input type="checkbox"/>			<input type="checkbox"/>
	Docking - River			<input type="checkbox"/>			<input type="checkbox"/>
Banks	Bank - Intermittent Stream			<input type="checkbox"/>			<input type="checkbox"/>
	Bank - Perennial Stream / River			<input type="checkbox"/>			<input type="checkbox"/>
	Bank / Shoreline - Lake / Pond			<input type="checkbox"/>			<input type="checkbox"/>
Tidal	Tidal Waters			<input type="checkbox"/>			<input type="checkbox"/>
	Tidal Marsh			<input type="checkbox"/>			<input type="checkbox"/>
	Sand Dune			<input type="checkbox"/>			<input type="checkbox"/>
	Undeveloped Tidal Buffer Zone (TBZ)			<input type="checkbox"/>			<input type="checkbox"/>
	Previously-developed TBZ	68.5		<input type="checkbox"/>			<input type="checkbox"/>
	Docking - Tidal Water			<input type="checkbox"/>			<input type="checkbox"/>
<b>TOTAL</b>		68.5					

**SECTION 12 - APPLICATION FEE (RSA 482-A:3, I)**

**MINIMUM IMPACT FEE:** Flat fee of \$400.

**NON-ENFORCEMENT RELATED, PUBLICLY-FUNDED AND SUPERVISED RESTORATION PROJECTS, REGARDLESS OF IMPACT CLASSIFICATION:** Flat fee of \$400 (refer to RSA 482-A:3, 1(c) for restrictions).

**MINOR OR MAJOR IMPACT FEE:** Calculate using the table below:

Permanent and temporary (non-docking):	SF	× \$0.40 =	\$
Seasonal docking structure:	SF	× \$2.00 =	\$
Permanent docking structure:	SF	× \$4.00 =	\$
Projects proposing shoreline structures (including docks) add \$400 =			\$
Total =			\$

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

<b>SECTION 13 - PROJECT CLASSIFICATION (Env-Wt 306.05)</b>		
Indicate the project classification.		
<input type="checkbox"/> Minimum Impact Project	<input checked="" type="checkbox"/> Minor Project	<input type="checkbox"/> Major Project
<b>SECTION 14 - REQUIRED CERTIFICATIONS (Env-Wt 311.11)</b>		
Initial each box below to certify:		
Initials: pb	To the best of the signer's knowledge and belief, all required notifications have been provided.	
Initials: pb	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: pb	<p>The signer understands that:</p> <ul style="list-style-type: none"> <li>• The submission of false, incomplete, or misleading information constitutes grounds for NHDES to:               <ol style="list-style-type: none"> <li>1. Deny the application.</li> <li>2. Revoke any approval that is granted based on the information.</li> <li>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.</li> </ol> </li> <li>• The signer is subject to the penalties specified in New Hampshire law for falsification in official matters, currently RSA 641.</li> <li>• 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.</li> </ul>	
Initials: pb	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.	
<b>SECTION 15 - REQUIRED SIGNATURES (Env-Wt 311.04(d); Env-Wt 311.11)</b>		
SIGNATURE (OWNER): _____	PRINT NAME LEGIBLY: _____	DATE: _____
SIGNATURE (APPLICANT, IF DIFFERENT FROM OWNER): _____	PRINT NAME LEGIBLY: _____	DATE: _____
SIGNATURE (AGENT, IF APPLICABLE): _____	PRINT NAME LEGIBLY: _____	DATE: _____
<b>SECTION 16 - TOWN / CITY CLERK SIGNATURE (Env-Wt 311.04(f))</b>		
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.		
TOWN/CITY CLERK SIGNATURE: _____	PRINT NAME LEGIBLY: _____	
TOWN/CITY: _____	DATE: _____	

**DIRECTIONS FOR TOWN/CITY CLERK:**

Per RSA 482-A:3, I(a)(1)

1. IMMEDIATELY sign the original application form and four copies in the signature space provided above.
2. 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.
3. 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.
4. Retain one copy of the application form and one complete set of attachments and make them reasonably accessible for public review.

**DIRECTIONS FOR APPLICANT:**

Submit the 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 at the address at the bottom of this page. Make check or money order payable to "Treasurer – State of NH".

Keep this checklist for your reference; do not submit with your application.

### APPLICATION CHECKLIST

Unless specified, all items below are required. Failure to provide the required items will delay a decision on your project and may result in denial of your application. Please reference statute RSA 482-A, Fill and Dredge in Wetlands, and the [Wetland Rules Env-Wt 100-900](#).

- The completed, dated, signed, and certified application (Env-Wt 311.03(b)(1)).
- Correct fee as determined in RSA 482-A:3, I(b) or (c), subject to any cap established by RSA 482-A:3, X (Env-Wt 311.03(b)(2)). Make check or money order payable to "Treasurer – State of NH".
- The Required Planning actions required by Env-Wt 311.01(a)-(c) and Env-Wt 311.03(b)(3).
- [US Army Corps of Engineers \(ACE\) "Appendix B, New Hampshire General Permits \(GPs\), Required Information and Corps Secondary Impacts Checklist"](#) and its required attachments (Env-Wt 307.02). This includes the [US Fish and Wildlife Service IPAC review](#) and [Section 106 Historic/Archaeological Resource review](#).
- Project plans described in Env-Wt 311.05 (Env-Wt 311.03(b)(4)).
- Maps, or electronic shape files and meta data, and other attachments specified in Env-Wt 311.06 (Env-Wt 311.03(b)(5)).
- Explanation of the methods, timing, and manner as to how the project will meet standard permit conditions required in Env-Wt 307 (Env-Wt 311.03(b)(7)).
- If applicable, the information regarding proposed compensatory mitigation specified in Env-Wt 311.08 and Chapter Env-Wt 800 - [Permittee Responsible Mitigation Project Worksheet](#), unless not required under Env-Wt 313.04 (Env-Wt 311.03(b)(8); Env-Wt 311.08; Env-Wt 313.04).
- Any additional information specific to the **type of resource** as specified in Env-Wt 311.09 (Env-Wt 311.03(b)(9); Env-Wt 311.04(j)).
- Project specific information required by Env-Wt 500, Env-Wt 600, and Env-Wt 900 (Env-Wt 311.03(b)(11)).
- A list containing the name, mailing address and tax map/lot number of each abutter to the subject property (Env-Wt 311.03(b)(12)).
- Copies of certified postal receipts or other proof of receipt of the notices that are required by RSA 482-A:3, I(d) (Env-Wt 311.03(b)(13)).
- Project design considerations required by Env-Wt 313 (Env-Wt 311.04(j)).
- Town tax map showing the subject property, the location of the project on the property, and the location of properties of abutters with each lot labeled with the name and mailing address of the abutter (Env-Wt 311.06(a)).
- Dated and labeled color photographs that:
  - (1) Clearly depict:
    - a. All jurisdictional areas, including but not limited to portions of wetland, shoreline, or surface water where impacts have or are proposed to occur.
    - b. All existing shoreline structures.
  - (2) Are mounted or printed no more than 2 per sheet on 8.5 x 11 inch sheets (Env-Wt 311.06(b)).
- A copy of the appropriate US Geological Survey map or updated data based on LiDAR at a scale of one inch equals 2,000 feet showing the location of the subject property and proposed project (Env-Wt 311.06(c)).
- A narrative that describes the work sequence, including pre-construction through post-construction, and the relative timing and progression of all work (Env-Wt 311.06(d)).



- For all projects in the protected tidal zone, a copy of the recorded deed with book and page numbers for the property (Env-Wt 311.06(e)).
- If the applicant is not the owner in fee of the subject property, documentation of the applicant's legal interest in the subject property, provided that for utility projects in a utility corridor, such documentation may comprise a list that:
  - (1) Identifies the county registry of deeds and book and page numbers of all of the easements or other recorded instruments that provide the necessary legal interest; and
  - (2) Has been certified as complete and accurate by a knowledgeable representative of the applicant (Env-Wt 311.06(f)).
- The NHB memo containing the NHB identification number and results as well as any written follow-up communications such as additional memos or email communications with either NHB or NHF&G (Env-Wt 311.06(g)). See [Wetlands Permitting: Protected Species and Habitat Fact Sheet](#).
- A statement of whether the applicant has received comments from the local conservation commission and, if so, how the applicant has addressed the comments (Env-Wt 311.06(h)).
- For projects in LAC jurisdiction, a statement of whether the applicant has received comments from the LAC and, if so, how the applicant has addressed the comments (Env-Wt 311.06(i)).
- If the applicant is also seeking to be covered by the state general permits, a statement of whether comments have been received from any federal agency and, if so, how the applicant has addressed the comments (Env-Wt 311.06(j)).
- [Avoidance and Minimization Written Narrative](#) or the [Avoidance and Minimization Checklist](#), or your own avoidance and minimization narrative (Env-Wt 311.07).
- For after-the-fact applications: information required by Env-Wt 311.12.
- [Coastal Resource Worksheet](#) for coastal projects as required under Env-Wt 600.
- Prime Wetlands information required under Env-Wt 700. See [WPPT](#) for prime wetland mapping.

#### Required Attachments for Minor and Major Projects

- [Attachment A: Minor and Major Projects](#) (Env-Wt 313.03).
- [Functional Assessment Worksheet](#) or others means of documenting the results of actions required by Env-Wt 311.10 as part of an application preparation for a standard permit (Env-Wt 311.03(b)(3); Env-Wt 311.03(b)(10)). See [Functional Assessments for Wetlands and Other Aquatic Resources Fact Sheet](#). For shoreline structures, see shoreline structures exemption in Env-Wt 311.03(b)(10)).

#### Optional Materials

- [Stream Crossing Worksheet](#) which summarizes the requirements for stream crossings under Env-Wt 900.
- Request for [concurrent processing of related shoreland / wetlands permit applications](#) (Env-Wt 313.05).

Attachment 1:

If this amount of sea level rise occurs the site will still be useable and the proposed statue will be resilient to coastal flooding as it is a stone statue mounted on stone and crushed stone. According to Env-Wt 603.05 Vulnerability Assessment (2) This statue will be in place as long as the park is present. It is a stone statue mounted on a stone base that could be in place for over a hundred years. (b) While by 2050 there could be flooding of the site according to the City of Portsmouth Coastal Resilience Initiative there will be no impact to this statue due to flooding as it is made of stone. There will be no impact to saltmarsh areas as this project is completely within a lawn area. As per section Env-Wt 603.05 (d) the project is located above the 10' contour interval which is an area that could be flooded at high tide by as early as 2050. This project is resilient to sea level rise as it is stone statue. According to the Coastal Flood Risk summary this project has high tolerance for flood risk until 2070. Per Env-Wt 900 there are no stream crossings associated with this project.

**Compensatory Mitigation Proposal**

Given the size of this project and the inability to mitigate on site the City proposed to offer an in lieu of fee payment of \$25.47 based on the following table for impacts within 75 feet of the tidal saltmarsh vegetation. This mitigation is for loss of previously disturbed upland in the tidal buffer area of 4.5 square feet. The other impact on this application is 96 feet from the edge of tidal marsh. According to the in-lieu of fee calculation table provided with this application the in lieu of fee to compensate for 4.5 square feet of impact in the tidal buffer zone is \$25.47.

**NHDES AQUATIC RESOURCE MITIGATION FUND  
WETLAND PAYMENT CALCULATION**

\*\*\*INSERT AMOUNTS IN YELLOW CELLS\*\*\*

<b>1 Convert square feet of impact to acres:</b>		
<b>INSERT SQ FT OF</b>	Square feet of impact =	4.50
		43560.00
	Acres of impact =	0.0001
<b>2 Determine acreage of wetland construction:</b>		
	Forested wetlands:	0.0002
	Tidal wetlands:	0.0003
	All other areas:	0.0002
<b>3 Wetland construction cost:</b>		
	Forested wetlands:	\$14.98
	Tidal Wetlands:	\$29.96
	All other areas:	\$14.98
<b>4 Land acquisition cost (See land value table):</b>		
<b>INSERT LAND VALUE FROM TABLE WHICH APPEARS TO THE LEFT. (Insert the amount do not copy and paste.)</b>	Town land value:	40318
	Forested wetlands:	\$6.25
	Tidal wetlands:	\$12.50
	All other areas:	\$6.25
<b>5 Construction + land costs:</b>		
	Forested wetland:	\$21.23
	Tidal wetlands:	\$42.46
	All other areas:	\$21.23
<b>6 NHDES Administrative cost:</b>		
	Forested wetlands:	\$4.25
	Tidal wetlands:	\$8.49
	All other areas:	\$4.25
<b>***** TOTAL ARM PAYMENT*****</b>		
	Forested wetlands:	\$25.47
	Tidal wetlands:	\$50.95
	All other areas:	\$25.47

## **Coastal Functional Assessment**

This CFA is being performed by a coastal professional using an alternative method. The reason for an alternative method is due to the fact this project area is previously disturbed tidal buffer zone and the nature of the project is that it will no create any new impacts to the tidal area or saltmarsh vegetation. The reason for this is that the project seeks to install a stone statue and a stone sign. Both of which are proposed in an existing grass area with crushed stone below. The 4.5 square foot statue base will allow infiltration of stormwater directly into the ground. This statue is 41 feet from the edge of saltmarsh and separated by 10 feet of lawn and 31 feet of native buffer vegetation. The sign base is 64 square feet and is 95 feet from the edge of saltmarsh with 66 feet of lawn and 29 feet of native tidal buffer vegetation. The installation will not create new exposed soil only new crushed stone which will immediately allow infiltration of any rain/stormwater. This is a very small project and overall will not result in any changes to the tidal buffer zone in terms of water quality or loss of habitat.

Return To:

BK 4772 PG 2150

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**COURT ORDERED DEED**

**NOW COMES Olde Port Development Group, LLC**, a Limited Liability Company, 121 Bow Street, Portsmouth, Rockingham County, New Hampshire pursuant to Court Order dated April 21, 2006 recorded in the Rockingham County Registry of Deeds at Book 4645, Page 1044 in the Equity Action entitled **Olde Port Development Group, LLC v. City of Portsmouth**, Docket No. 05-E-0031, grants to the **City of Portsmouth**, the following described premises for use as a public park:

A certain lot or parcel of land situate between the south side of Mill Pond Way and the north shore of the North Mill Pond in the City of Portsmouth as shown on Standard Boundary Survey, Tax Map 143, Lot 8 as Lot 143/8 recorded in the Rockingham County Registry of Deeds as Plan D-33689, being more fully described as follows:

Beginning at the northwesterly corner of the parcel conveyed in the southerly sideline of Mill Pond Way; thence running along the south side of Mill Pond Way, 174.91 feet to a corner; thence S 17° 04' 52" W 73.80 feet to an iron pipe, 19± feet distant from the mean high tide line of the North Mill Pond; thence continuing 19± feet to the highest observable high tide line ("HOTL") of the North Mill Pond; thence in a northwesterly direction along the HOTL to a point which is 13± feet S 16° 48' 09" W from an iron pipe; thence N 16° 48' 09" E 13± feet to said iron pipe; thence continuing 109.47 feet to the point of beginning.

Said parcel being 20,441± sq ft.

The Grantor agrees as part of this conveyance it will create the parking improvement and turnaround as shown on said plan. The interpretation of the use of the premises as a public park will at all times be within the purview of the City Council to determine.

Unofficial Document Unofficial Document Unofficial Document Unofficial Document

This conveyance is deemed a gift to the City of Portsmouth.  
This transfer is tax exempt pursuant to RSA 78-B:2(I).  
Dated this 14 day of September, 2006.

Olde Port Development Group, LLC

By:   
Stephen Kelm, Managing Member

Unofficial Document Unofficial Document Unofficial Document Unofficial

2007 MAR -5 AM 11:25

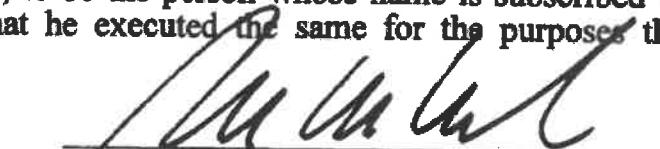
ROCKINGHAM COUNTY  
REGISTRY OF DEEDS



STATE OF NEW HAMPSHIRE  
ROCKINGHAM, SS.

Dated: September 14, 2006

Personally appeared Stephen Kelm, Managing Member of Olde Port Development Group, LLC, known to me, or satisfactorily proven, to be the person whose name is subscribed to the foregoing instrument and acknowledged that he executed the same for the purposes therein contained. Before me,

  
\_\_\_\_\_  
Notary Public/Justice of the Peace





## United States Department of the Interior



FISH AND WILDLIFE SERVICE  
New England Ecological Services Field Office  
70 Commercial Street, Suite 300  
Concord, NH 03301-5094  
Phone: (603) 223-2541 Fax: (603) 223-0104  
<http://www.fws.gov/newengland>

IPaC Record Locator: 380-98959887

February 03, 2021

Subject: Consistency letter for the 'North Mill Pond' project indicating that any take of the northern long-eared bat that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR §17.40(o).

Dear Peter Britz:

The U.S. Fish and Wildlife Service (Service) received on February 03, 2021 your effects determination for the 'North Mill Pond' (the Action) using the northern long-eared bat (*Myotis septentrionalis*) key within the Information for Planning and Consultation (IPaC) system. You indicated that no Federal agencies are involved in funding or authorizing this Action. This IPaC key assists users in determining whether a non-Federal action may cause “take”<sup>[1]</sup> of the northern long-eared bat that is prohibited under the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based upon your IPaC submission, any take of the northern long-eared bat that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR §17.40(o). Unless the Service advises you within 30 days of the date of this letter that your IPaC-assisted determination was incorrect, this letter verifies that the Action is not likely to result in unauthorized take of the northern long-eared bat.

Please report to our office any changes to the information about the Action that you entered into IPaC, the results of any bat surveys conducted in the Action area, and any dead, injured, or sick northern long-eared bats that are found during Action implementation.

If your Action proceeds as described and no additional information about the Action’s effects on species protected under the ESA becomes available, no further coordination with the Service is required with respect to the northern long-eared bat.

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[1]Take means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct [ESA Section 3(19)].

**Action Description**

You provided to IPaC the following name and description for the subject Action.

**1. Name**

North Mill Pond

**2. Description**

The following description was provided for the project 'North Mill Pond':

Install a stone statue with a 4.5 foot base and a stone sign with 64 square feet of disturbance all in a previously disturbed lawn area owned by the City of Portsmouth in the upland area within 100' of tidal marsh. No trees or other vegetation besides existing lawn will be disturbed.

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@43.077358849999996,-70.76889409252178,14z>

**Determination Key Result**

This non-Federal Action may affect the northern long-eared bat; however, any take of this species that may occur incidental to this Action is not prohibited under the final 4(d) rule at 50 CFR §17.40(o).

**Determination Key Description: Northern Long-eared Bat 4(d) Rule**

This key was last updated in IPaC on **May 15, 2017**. Keys are subject to periodic revision.

This key is intended for actions that may affect the threatened northern long-eared bat.

The purpose of the key for non-Federal actions is to assist determinations as to whether proposed actions are excepted from take prohibitions under the northern long-eared bat 4(d) rule.

If a non-Federal action may cause prohibited take of northern long-eared bats or other ESA-listed animal species, we recommend that you coordinate with the Service.

## Determination Key Result

Based upon your IPaC submission, any take of the northern long-eared bat that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR §17.40(o).

### Qualification Interview

1. Is the action authorized, funded, or being carried out by a Federal agency?

*No*

2. Will your activity purposefully **Take** northern long-eared bats?

*No*

3. [Semantic] Is the project action area located wholly outside the White-nose Syndrome Zone?

**Automatically answered**

*No*

4. Have you contacted the appropriate agency to determine if your project is near a known hibernaculum or maternity roost tree?

Location information for northern long-eared bat hibernacula is generally kept in state Natural Heritage Inventory databases – the availability of this data varies state-by-state. Many states provide online access to their data, either directly by providing maps or by providing the opportunity to make a data request. In some cases, to protect those resources, access to the information may be limited. A web page with links to state Natural Heritage Inventory databases and other sources of information on the locations of northern long-eared bat roost trees and hibernacula is available at [www.fws.gov/midwest/endangered/mammals/nleb/nhisites.html](http://www.fws.gov/midwest/endangered/mammals/nleb/nhisites.html).

*Yes*

5. Will the action affect a cave or mine where northern long-eared bats are known to hibernate (i.e., hibernaculum) or could it alter the entrance or the environment (physical or other alteration) of a hibernaculum?

*No*

6. Will the action involve Tree Removal?

*No*

## Project Questionnaire

**If the project includes forest conversion, report the appropriate acreages below.**

**Otherwise, type '0' in questions 1-3.**

1. Estimated total acres of forest conversion:

0

2. If known, estimated acres of forest conversion from April 1 to October 31

0

3. If known, estimated acres of forest conversion from June 1 to July 31

0

**If the project includes timber harvest, report the appropriate acreages below.**

**Otherwise, type '0' in questions 4-6.**

4. Estimated total acres of timber harvest

0

5. If known, estimated acres of timber harvest from April 1 to October 31

0

6. If known, estimated acres of timber harvest from June 1 to July 31

0

**If the project includes prescribed fire, report the appropriate acreages below.**

**Otherwise, type '0' in questions 7-9.**

7. Estimated total acres of prescribed fire

0

8. If known, estimated acres of prescribed fire from April 1 to October 31

0

9. If known, estimated acres of prescribed fire from June 1 to July 31

0

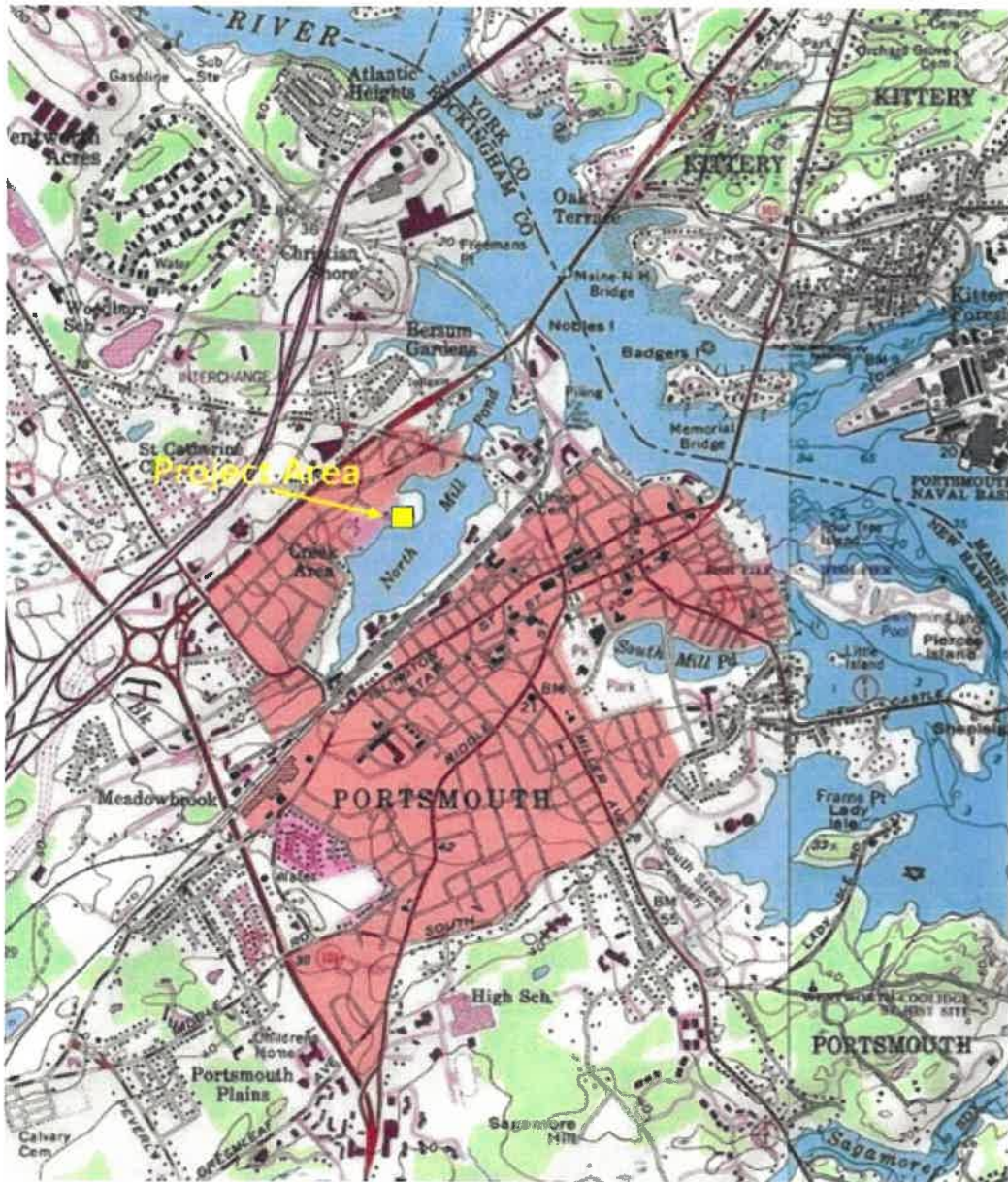
**If the project includes new wind turbines, report the megawatts of wind capacity below. Otherwise, type '0' in question 10.**

10. What is the estimated wind capacity (in megawatts) of the new turbine(s)?

0



McEachern Park  
City of Portsmouth  
USGS Locus Map









CITY OF PORTSMOUTH

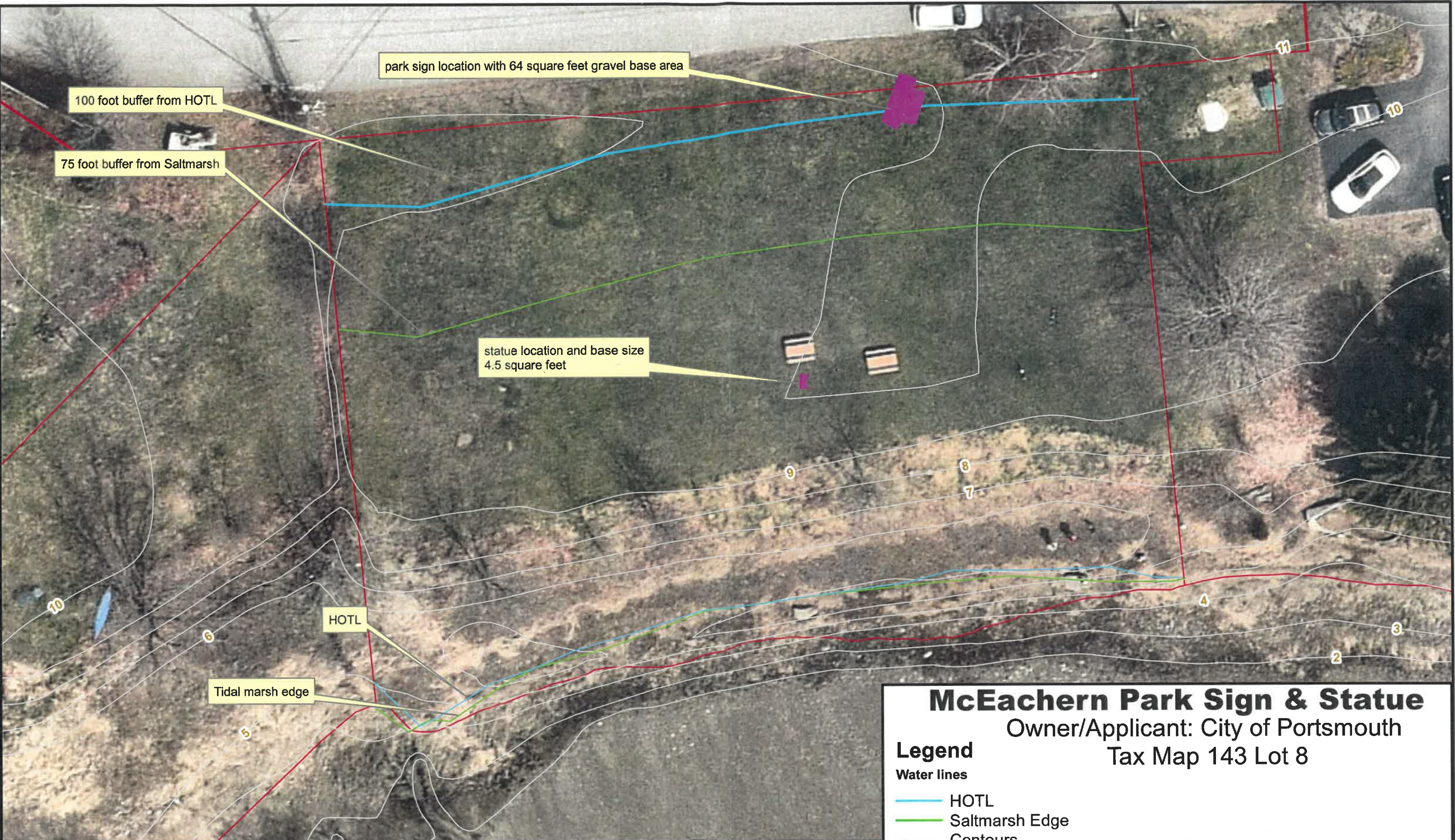


PAUL  
MCEACHERN  
PARK

2020







park sign location with 64 square feet gravel base area

100 foot buffer from HOTL

75 foot buffer from Saltmarsh

statue location and base size  
4.5 square feet

HOTL

Tidal marsh edge

# McEachern Park Sign & Statue

Owner/Applicant: City of Portsmouth

Tax Map 143 Lot 8

## Legend

Water lines

- HOTL
- Saltmarsh Edge
- Contours
- Parcel Boundary



2/5/2021