



The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner



August 31, 2021

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GALLOWAY TRUCKING
ROADSIDE DR
PLAISTOW NH 03865

**Re: Approved Standard Dredge and Fill Wetlands Permit Application – Impacts within Prime Wetlands and/or Duly-Established 100-foot Buffer (RSA 482-A)
NHDES Wetlands Bureau File 2020-02786, Shirkin Road, Fremont Tax Map 005 Lot 035**

Dear Applicant:

On August 30, 2021, the New Hampshire Department of Environmental Services (NHDES) Wetlands Bureau approved the above-referenced Standard Dredge and Fill Wetlands Permit Application to Impact 159,800 square feet of 100-foot prime wetland buffer for the creation of stormwater treatment areas as necessary for the site redevelopment. Mitigation will be provided by enhancing 29,135 square feet of prime wetland buffer.

Pursuant to RSA 482-A:11, IV(a) and Env-Wt 705.01, a 20-day waiting period is required to allow all interested parties the opportunity to submit a request for reconsideration to the NHDES Wetlands Bureau, prior to issuance of the permit. If no requests for reconsideration are received by the NHDES Wetlands Bureau within 20 days, the permit will be issued. The department shall not wait the full 20 days to issue the permit if it receives written notice sooner from each person required to be notified pursuant to Env-Wt 705.01 (a) and (b), that each person has no objection to the permit being issued. Please note, this letter is **not** a permit or authorization to begin work.

This approval is based on the following findings:

1. This is classified as a major project per Rule Env-Wt 407.02(a), as the project impacts a priority resource area (PRA) and does not qualify for a project-type exception (PTE) under Env-Wt 407.04, regardless of the size of impact.
2. Per Rule Env-Wt 311.06(h), the Fremont Conservation Commission provided comments on the proposed project on December 8, 2020 and the applicant has addressed their comments.
3. Per Rule Env-Wt 313.04(a)(1), the applicant submitted a compensatory mitigation proposal as there are proposed permanent impacts to a PRA.
4. Per Rule Env-Wt 311.01(b), the applicant coordinated with the NH Fish and Game Department (NHF&G) to determine how to avoid and minimize project-related impacts on rare or protected animal species and habitat, and on protected plants or exemplary natural communities as identified in DataCheck Results Letter 20-2665.
5. Per Rule Env-Wt 313.01(a)(4), all project-specific criteria established in Env-Wt 500 have been met.
6. Per Rule Env-Wt 313.01(a)(3), all resource-specific criteria established in Env-Wt 400, Env-Wt 500, and Env-Wt 700 have been met.
7. The applicant has demonstrated specifically that each factor listed in Env-Wt 313.03(b) has been considered in the design of the proposed major project.
8. The applicant has submitted a proposal for compensatory mitigation that meets the requirements of Env-Wt 800 for all permanent impacts that will remain after avoidance and minimization per Rule Env-Wt 313.01(a)(1)(c) and as described in Env-Wt 313.01(a)(1)(a-b).

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9. Per Rule Env-Wt 803.09(a)(2), the applicant has demonstrated that the alternative permittee-responsible compensatory mitigation proposal that does not meet or exceed the ratios listed in Rule Env-Wt 803.08(a), Table 800-1, will have greater benefit to habitat that supports rare, threatened, or endangered species, or species of concern, as identified by the Natural Heritage Bureau of the NH DNCR (NHB).
10. Per Rule Env-Wt 803.09(c), the alternative compensatory mitigation allowed under Env-Wt 803.09(a) has met all other applicable requirements of Env-Wt 800.
11. The upland buffer preservation area offered for compensatory mitigation meets the criteria established in Env-Wt 804.03 for incorporating jurisdictional areas.
12. Per Rule Env-Wt 202.01(b) and as required by RSA 482-A:8, NHDES finds that the requirements for a public hearing do not apply as the project will not have a significant environmental impact, as defined in Env-Wt 104.19, on the resources protected by RSA 482-A, or, is not of substantial public interest, as defined in Env-Wt 104.32.
13. Per Rule Env-Wt 202.01(a), the department finds the project is clearly defined, therefore no hearing is required, as contemplated by RSA 482-A:3, XIV(a)(3)(C) or RSA 482-A:3, XIV(a)(4)(C).

In accordance with RSA 482-A:10, RSA 21-O:14, and Rules Env-Wtc 100-200, **any person aggrieved by this decision may file a Notice of Appeal directly with the NH Wetlands Council (Council) within 30 days of the decision date, August 30, 2021.** Every ground claiming the decision is unlawful or unreasonable must be fully set forth in the Notice of Appeal. Only the grounds set forth in the Notice of Appeal are considered by the Council. Information about the Council, including Council Rules, is available at <https://nhedc.nh.gov/wetlands/index.htm>. For appeal-related issues, contact the Council Appeals Clerk at (603) 271-6072.

If you have any questions, please contact me at Eben.Lewis@des.nh.gov or (603) 559-1515.

Sincerely,



Eben M. Lewis
Wetlands Supervisor, Wetlands Bureau
Land Resources Management, Water Division

cc: Luke Hurley, Gove Environmental Services, Inc.
Lori Sommer, Mitigation Coordinator, NHDES Wetlands Bureau
Melissa Doperalski, NHFG
Leanne Miner, Chair, Fremont Conservation Commission
Heidi Carlson, Fremont Town Administrator