

ITEM #7

GOVE ENVIRONMENTAL SERVICES, INC.

Memorandum

Date: 24 May 2021
To: Dawn Ryan
From: Jim Gove
Re: 74 Stagecoach Road, Wilton, NH
Subject: Replacement of Bridge Structure

The bridge structure in the right of way easement is in need of replacement to allow for vehicles to travel from the west side of your parcel to the east side. The following rules of the State of New Hampshire, Department of Environmental Services, Wetlands Bureau applies to this replacement. Each of the three sections provide direction in the replacement of the bridge structure.

Because this replacement will not involve the dredging or filling of any water, bank, flat, marsh or swamp, the activity does not require a permit, as noted in Env-Wt 308 (b).

"PART Env-Wt 308 ACTIVITIES ALLOWED OR PROHIBITED BY STATUTE Env-Wt 308.01 Activities Exempted By Statute from Permit Requirement. A permit under RSA 482-A shall not be required prior to undertaking any of the following activities in any jurisdictional area:

(a) As specified in RSA 482-A:3, IV(a) and as clarified in Env-Wt 308.02(a) and

(b), the replacement or repair of existing structures in or adjacent to any waters of the state that does not involve excavation, removal, filling, or dredging in any waters or of any bank, flat, marsh, or swamp;"

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Further, there will not need any delineation of the area of activity as there are no vegetated wetlands involved, as noted under Env-Wt 406.03 (4).

“Env-Wt 406.03 Wetlands Delineation Not Required for Certain Projects.

(a) Delineation of wetlands, including vernal pools, shall not be required for the following projects:

- (1) Any project that qualifies for a statutory permit-by-notification (SPN);*
- (2) Minimum impact exotic aquatic weed control or minimum impact native aquatic vegetation removal projects as provided in Env-Wt 510;*
- (3) Agriculture projects impacting less than 3 acres of wet meadow, provided the application and plan are prepared by the NRCS or a certified wetland scientist; and*
- (4) Shoreline structure projects at the shoreline of and extending over open water where there are no vegetated wetlands unless the exemption in (2), above, applies.”*

Finally, there is no project classification requiring permitting, as this is a replacement of an existing legal stream crossing, as noted in Env-Wt 407.04 (c)(1).

“Env-Wt 407.04 Project-Type Exceptions (PTEs).

- (a) Classification based on size as established in Env-Wt 407.03 shall not apply to any project that meets the requirements for an SPN under Env-Wt 308 and the applicable provisions in Env-Wt 500, however such projects remain subject to Env-Wt 307 and all other qualifying criteria.*
- (b) Classification based on resource type impacted shall not apply to a restoration/enhancement project under Env-Wt 525 that:*

- (1) Is funded in whole or in part with public funds, whether from a federal, state, or local agency;*
- (2) Is conducted under the supervision of a New Hampshire state agency established to manage or protect natural resources, the university of New Hampshire, the US Environmental Protection Agency, the US ACE, NRCS, the National Oceanic and Atmospheric Administration (NOAA), the US Forest Service, or the US Fish and Wildlife Service; and*



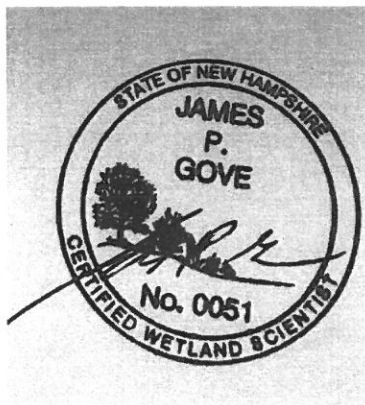
(3) Is not done to restore any area that is subject to a removal or restoration order.

(c) Classification based on resource type impacted shall not apply to:

(1) Maintenance, replacement, and replacement in-kind of existing legal shoreline structures, whether tidal or non-tidal;

In summary, it is the opinion of Gove Environmental Services, Inc. that the replacement of the bridge structure shall not require a permit from the Department of Environmental Services.

We have not investigated the need for any local requirement regarding the bridge replacement. It is our understanding that others are contacting the Town in this regard.



24 May 2021