DEPARTMENT OF THE ARMY
NEW ENGLAND DISTRICT, CORPS OF ENGINEERS
696 VIRGINIA ROAD
CONCORD, MASSACHUSETTS 01742-2751

REPLY TO
ATTENTION OF

April 10, 2006

Regulatory Division
CENAE-R-PEC
Permit Number: NAE-2006-1169

Gerrior Lane Trust
Peter Daigle, Trusatee
PO Box 41
Barrin gton, NH 03825

Dear Mr. Daigle:

This is to inform you that we have reviewed your application to conduct activities as described on the attached State Permit 2005-00322, dated 03-28-2006.

Based on the information you have provided to the New Hampshire Wetlands Bureau, we have determined that your project, which includes a discharge of dredged or fill material into waters or wetlands, will have only minimal individual or cumulative environmental impacts on wetlands and waters of the United States. Therefore, this work is authorized under the New Hampshire Programmatic General Permit (PGP). This work must be performed in accordance with the terms and conditions of the PGP.

You are responsible for complying with all of the PGP's requirements. Please review the attached conditions of the PGP to familiarize yourself with its contents. You should ensure that whoever does the work fully understands the requirements and that a copy of the permit document is at the project site throughout the time the work is underway.

This determination becomes valid only after the New Hampshire Department of Environmental Services (DES) issues or waives Water Quality Certification (WQC) as required under Section 401 of the Clean Water Act. In the event the State denies the 401 WQC, this determination becomes null and void.

This authorization expires on June 2, 2007, unless the PGP is modified, suspended or revoked. You must complete the work authorized herein by June 2, 2007. If you do not, you must contact this office to determine the need for further authorization before continuing the activity. We recommend you contact us *before* this permit expires to discuss a time extension or permit reissuance.

This authorization requires you to submit a Compliance Certification Form. You must complete and return the enclosed Compliance Certification Form within one month following the completion of the authorized work (and any required mitigation, but not mitigation monitoring, which requires separate submittals).

This permit does not obviate the need to obtain other Federal, state or local authorizations required by law. Performing work not specifically authorized by this determination or failing to comply with any special condition(s) provided above or all the terms and conditions of the PGP may subject you to the enforcement provisions of our regulations.

If you have any questions, please contact (Mr.) Laurie H. Suda of my staff at (978) 318-8493.

Sincerely,

Michael Hicks

for Frank J. Delgiudice
Chief, Permits & Enforcement Branch
Regulatory Division

Enclosure

The State of New Hampshire

Department of Environmental Services

Michael P. Nolin
Commissioner

WETLANDS AND NON-SITE SPECIFIC PERMIT 2005-00322*AMENDED*****

Permittee: **Gerrior Lane Trust**
Peter Daigle Trusttee
PO Box 41
Barrington, NH 03825

Project Location: **Gerrior Dr., Barrington**
Barrington Tax Map/Lot No. 5 / 1-2

Waterbody:

NOTE -- CONDITIONS

APPROVAL DATE: 03/28/2006 **EXPIRATION DATE: 08/02/2010**

Based upon review of the above referenced application, in accordance with RSA 482-A and RSA 485-A:17, a Wetlands Permit and Non-Site Specific Permit was issued. This permit shall not be considered valid unless signed as specified below.

PERMIT DESCRIPTION: Dredge and fill a total 27,320 square feet of wetlands over seven locations for grading and culvert installation for construction of a subdivision road on the Barrington side of the Gerrior Lane Trust subdivision, a 37-lot subdivision that spans both Barrington and Nottingham on a total of 116 acres, with 84 acres and 25 lots located in the Barrington side.

Approve as mitigation preservation of upland buffer by a conservation easement on a total of 35.58 acres of the 84-acre Barrington side, including 18.54 acres of upland and 17.04 acres of wetland, contribution of $4000 to the Barrington Conservation Commission for monitoring and enforcement, and creation and monitoring of four vernal pools.

THIS APPROVAL IS SUBJECT TO THE FOLLOWING PROJECT SPECIFIC CONDITIONS:

1. All work shall be in accordance with plans entitled "Existing Conditions Plan - The Homestead, Gerrior Lane Trust..." Sheets 7, 8, and 9 of 9 by Doucet Survey Inc. dated March 8, 2004, as received by the Department on February 16, 2005; per plans entitled "Homestead Lane - Nottingham and Barrington NH - Wetland Impact Plan" sheets 1 & 2 by Appledore Engineering dated September 15,2004 as received by DES on May 2, 2005; per plans entitled "Proposed Easement Plan - The Homestead" sheets 1,2,3 by Doucet Survey Inc. dated June 15,2004 as received by DES on May 2, 2005; per per revised plans entitled "Homestead Lane - Nottingham and Barrington NH" sheets C1,C2,C3,C6,C7,C10,C11 by Appledore Engineering dated December 6,2004 as received by DES on May 2, 2005;per per revised plans entitled "Homestead Lane - Nottingham and Barrington NH" sheets C4,C5,C8, & C9 by Appledore Engineering dated June 30,2005 as received by DES on July 8, 2005..
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
3. This permit is contingent on approval by the DES Site Specific Program.
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
9. Work shall be done during low flow.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

MAILED
3-29-06

P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095
Telephone: (603) 271-2147 • Fax: (603) 271-6588 • TDD Access: Relay NH 1-800-735-2964
DES Web site: **www.des.nh.gov**

Wetland preservation:

1. **AMENDED:** This permit is contingent upon the execution of a conservation easement on 35.58 acres to be held by the Town of Barrington, with the Barrington Conservation Commission as steward, as depicted on plans by Appledore Engineering Inc. entitled "Homestead Lane - Wetland Impact and Conservation Plan" dated 5/23/2005,received 5/25/2005; and per plans by Doucet Survey Inc. entitled "Proposed Easement Plan - The Homestead, Gerrior Lane Trust", sheets 1-3, dated 6/15/2004 as received on 5/25/2005. Permit is further contingent upon exectution of cash contribution to the Barrington Conservation Commission of $4,000, and upon execution of the mitigation plan for construction and monitoring of four vernal pools and associated activities as described in the revised mitigation proposal addressed to Paul Minkin, ERS Scientist, US Army Corps of Engineers, New England District, dated 2/6/2006, as received by the Department on 2/9/2006.
2. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
3. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
4. The applicant shall prepare a report summarizing existing conditions within the conservation area. Said report shall contain photographic documentation of the easement area, and shall be submitted to the DES and the grantee prior to construction to serve as a baseline for future monitoring of the easement area.
5. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.
6. The Wetlands Bureau shall be notified of the placement of the easement monuments to coordinate on-site review of their location prior to construction.
7. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
8. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

GENERAL CONDITIONS WHICH APPLY TO ALL DES WETLANDS PERMITS:

1. A copy of this permit shall be posted on site during construction in a prominent location visible to inspecting personnel;
2. This permit does not convey a property right, nor authorize any injury to property of others, nor invasion of rights of others;
3. The Wetlands Bureau shall be notified upon completion of work;
4. This permit does not relieve the applicant from the obligation to obtain other local, state or federal permits that may be required (see attached form for status of federal wetlands permit);
5. Transfer of this permit to a new owner shall require notification to and approval by the Department;
6. This permit shall not be extended beyond the current expiration date.
7. This project has been screened for potential impacts to **known** occurrences of rare species and exemplary natural communities in the immediate area. Since many areas have never been surveyed, or have received only cursory inventories, unidentified sensitive species or communities may be present. This permit does not absolve the permittee from due diligence in regard to state, local or federal laws regarding such communities or species.
8. The permittee shall coordinate with the NH Division of Historic Resources to assess and mitigate the project's effect on historic resources.

APPROVED: _____
DES Wetlands Bureau

BY SIGNING BELOW I HEREBY CERTIFY THAT I HAVE FULLY READ THIS PERMIT AND AGREE TO ABIDE BY ALL PERMIT CONDITIONS.

_____ OWNER'S SIGNATURE (required)

_____ CONTRACTOR'S SIGNATURE (required)

US Army Corps
of Engineers ®
New England District

(Minimum Notice: Permittee must sign and return notification within one month of the completion of work.)

COMPLIANCE CERTIFICATION FORM

USACE Project Number: NAE-2006-1169

Name of Permittee: Gerrior Lane Trust

Permit Issuance Date: 04/10/2006

Please sign this certification and return it to the following address upon completion of the activity and any mitigation required by the permit. You must submit this after the mitigation is complete, but not the mitigation monitoring, which requires separate submittals.

****
* MAIL TO: U.S. Army Corps of Engineers, New England District *
* Policy Analysis/Technical Support Branch, ATTN: Marie Farese *
* Regulatory Division *
* 696 Virginia Road *
* Concord, Massachusetts 01742-2751 *
****

Please note that your permitted activity is subject to a compliance inspection by an U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above referenced permit was completed in accordance with the terms and conditions of the above referenced permit, and any required mitigation was completed in accordance with the permit conditions.

_____ _____
Signature of Permittee Date

_____ _____
Printed Name Date of Work Completion

(____) _____ (____) _____
Telephone Number Telephone Number

DEPARTMENT OF THE ARMY
NEW ENGLAND DISTRICT, CORPS OF ENGINEERS
696 VIRGINIA ROAD
CONCORD, MASSACHUSETTS 01742-2751

REPLY TO
ATTENTION OF

April 10, 2006

Regulatory Division
CENAE-R-PEC
Permit Number: NAE-2006-445

Gerrior Lane Trust
Peter Daigle, Trusatee
PO Box 41
Barrin gton, NH 03825

Dear Mr. Daigle:

This is to inform you that we have reviewed your application to conduct activities as described on the attached State Permit 2005-01754, dated 01-30-2006.

Based on the information you have provided to the New Hampshire Wetlands Bureau, we have determined that your project, which includes a discharge of dredged or fill material into waters or wetlands, will have only minimal individual or cumulative environmental impacts on wetlands and waters of the United States. Therefore, this work is authorized under the New Hampshire Programmatic General Permit (PGP). This work must be performed in accordance with the terms and conditions of the PGP.

You are responsible for complying with all of the PGP's requirements. Please review the attached conditions of the PGP to familiarize yourself with its contents. You should ensure that whoever does the work fully understands the requirements and that a copy of the permit document is at the project site throughout the time the work is underway.

This determination becomes valid only after the New Hampshire Department of Environmental Services (DES) issues or waives Water Quality Certification (WQC) as required under Section 401 of the Clean Water Act. In the event the State denies the 401 WQC, this determination becomes null and void.

This authorization expires on June 2, 2007, unless the PGP is modified, suspended or revoked. You must complete the work authorized herein by June 2, 2007. If you do not, you must contact this office to determine the need for further authorization before continuing the activity. We recommend you contact us *before* this permit expires to discuss a time extension or permit reissuance.

This authorization requires you to submit a Compliance Certification Form. You must complete and return the enclosed Compliance Certification Form within one month following the completion of the authorized work (and any required mitigation, but not mitigation monitoring, which requires separate submittals).

This permit does not obviate the need to obtain other Federal, state or local authorizations required by law. Performing work not specifically authorized by this determination or failing to comply with any special condition(s) provided above or all the terms and conditions of the PGP may subject you to the enforcement provisions of our regulations.

If you have any questions, please contact (Mr.) Laurie H. Suda of my staff at (978) 318-8493.

Sincerely,

Michael Hicks

for Frank J. Delgiudice
Chief, Permits & Enforcement Branch
Regulatory Division

Enclosure

The State of New Hampshire

Department of Environmental Services

Michael P. Nolin
Commissioner

NOTE -- CONDITIONS

WETLANDS AND NON-SITE SPECIFIC PERMIT

PERMIT #	**2005-1754**
Permittee:	**Tin Pot Realty, LLC, 136 High Street, Exeter, NH 3833**
Project Location:	**South Road, Deerfield, NH**
	Deerfield Tax Map 420 / Lot No. 48
Waterbody:	**Unnamed Wetland**

APPROVAL DATE: 01/30/2006 **EXPIRATION DATE: 01/30/2011**

Based upon review of the above referenced application, in accordance with RSA 482-A and RSA 485-A:17, a Wetlands Permit and Non-Site Specific Permit was issued. This permit shall not be considered valid unless signed as specified below.

PERMIT DESCRIPTION: Dredge and fill a total of 7,030 sq. ft. of wetland for four crossings to access buildable upland to serve a 27-lot residential subdivision on 114.54 acres, including: Impact #1: 1,560 sq. ft. edge of wetland fill; Impact #2: 2,800 sq. ft. edge of wetland fill; Impact #3: 274 sq. ft.; edge of wetland fill; Impact #4: 2,396 sq. ft. to install a 24 in. x 44 ft. culvert.

THIS APPROVAL IS SUBJECT TO THE FOLLOWING PROJECT SPECIFIC CONDITIONS:

1. All work shall be in accordance with plans by Bedford Design Consultants, Inc. dated July 11, 2005 with revisions dated September 14, 2005, as received by the Department on November 21, 2005.
2. Work within surface waters shall be done in the dry or during low flow.
3. Construction equipment shall not be located within surface waters.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
5. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
6. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
7. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at a DES Office to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
9. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
10. This permit is contingent upon approval by the DES Site Specific Program.

GENERAL CONDITIONS WHICH APPLY TO ALL DES WETLANDS PERMITS:

1. A copy of this permit shall be posted on site during construction in a prominent location visible to inspecting personnel;
2. This permit does not convey a property right, nor authorize any injury to property of others, nor invasion of rights of others;
3. The Wetlands Bureau shall be notified upon completion of work;
4. This permit does not relieve the applicant from the obligation to obtain other local, state or federal permits that may be required (see attached form for status of federal wetlands permit);
5. This permit shall not be transferred to a new owner without further approval by the Department;
6. This permit shall not be extended beyond the current expiration date.

APPROVED: _____
DES Wetlands Bureau Inspector

BY SIGNING BELOW I HEREBY CERTIFY THAT I HAVE FULLY READ THIS PERMIT AND AGREE TO ABIDE BY ALL PERMIT CONDITIONS.

OWNER'S SIGNATURE(required) CONTRACTOR'S SIGNATURE (required)

P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095
Telephone: (603) 271-2147 • Fax: (603) 271-6588 • TDD Access: Relay NH 1-800-735-2964
DES Web site: **www.des.nh.gov**

US Army Corps
of Engineers ®
New England District

(Minimum Notice: Permittee must sign and return notification within one month of the completion of work.)

COMPLIANCE CERTIFICATION FORM

USACE Project Number: NAE-2006-445

Name of Permittee: Tin Pot realty , LLC

Permit Issuance Date: 04/10/2006

Please sign this certification and return it to the following address upon completion of the activity and any mitigation required by the permit. You must submit this after the mitigation is complete, but not the mitigation monitoring, which requires separate submittals.

****
* MAIL TO: U.S. Army Corps of Engineers, New England District *
* Policy Analysis/Technical Support Branch, ATTN: Marie Farese *
* Regulatory Division *
* 696 Virginia Road *
* Concord, Massachusetts 01742-2751 *
****

Please note that your permitted activity is subject to a compliance inspection by an U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above referenced permit was completed in accordance with the terms and conditions of the above referenced permit, and any required mitigation was completed in accordance with the permit conditions.

_____ _____
Signature of Permittee Date

_____ _____
Printed Name Date of Work Completion

(____) _____ (____) _____
Telephone Number Telephone Number

Conditions for Corps of Engineers New Hampshire State Programmatic General Permit SPGP) No. 52
The following conditions apply to activities authorized under this PGP.

GENERAL REQUIREMENTS:

1. Other Permits. Authorization under this general permit does not obviate the need to obtain other Federal, state, or local authorizations required by law or to comply with all Federal, State of New Hampshire, or local laws.

2. Applicability of this PGP shall be evaluated with reference to Federal jurisdictional boundaries using the 1987 Corps of Engineers Wetland Delineation Manual and subsequent Federal Guidance. Applicants are responsible for ensuring that the boundaries used satisfy the Federal criteria defined at Title 33 CFR 328-329.

3. Minimal Effects. Projects authorized by this general permit shall have minimal individual and cumulative adverse environmental impacts as determined by the Corps.

4. Discretionary Authority. Not withstanding compliance with the terms and conditions of this permit, the Corps of Engineers retains discretionary authority to require an application for an individual permit for any project based on concerns for the aquatic environment or for any other factor of the public interest. This authority is invoked on a case-by-case basis whenever the Corps determines that the potential consequences of the proposed activity warrant an individual permit review based on the concerns stated above. This authority may be invoked for projects with cumulative environmental impacts that are more than minimal, or if there is a special resource or concern associated with a particular project that is not already covered by the remaining conditions of the PGP. Whenever the Corps notifies an applicant that an individual permit may be required, authorization under this PGP is void, and no work may be conducted until the individual Corps permit is obtained, or until the Corps notifies the applicant that further review has demonstrated that the work may proceed under this PGP.

5. Single and Complete Projects. This PGP shall not be used for piecemeal work and shall be applied to single and complete projects. All components of a single project shall be treated together as constituting one single and complete project and/or all planned phases of multi-phased project although it can be used to permit a single phase of a project in which only one phase will be constructed in the life of the permit (5 Years) or for those projects which have "stand alone" aspects. This does not apply to linear projects, such as power lines, roadways or pipelines, etc., with multiple, separate, and distinct waterway or wetland crossings, where each crossing may be reviewed for authorization under the Minimal project category. If any crossing requires a Minor or Major permit, then the entire linear project shall be reviewed as one project under one of those categories. This PGP shall not be used for any activity that is part of an overall project for which an individual permit is required.

6. This PGP shall not alter Corps review procedures for the work noted below, which will require review under the individual permit process.

- Projects involving moorings within the horizontal limits, or with moored vessels that extend within the limits, of a Corps Federal Navigation project.

- Any structure, pier or float that extends, or with docked or moored vessels that extend, within the horizontal limits of a Corps Federal Navigation Project.

NATIONAL CONCERNS:

7. Historic Properties. Any activity authorized by this PGP shall comply with Section 106 of the National Historic Preservation Act. Information on the location and existence of historic resources can be obtained from the New Hampshire Historic Preservation Office and the National Register of Historic Places.

Applicants with Minor or Major Impact Projects which will undergo the screening process, shall submit a copy of their application materials to the New Hampshire State Historic Preservation Officer (SHPO; address on page 17 of this document) to be reviewed for the presence of historic/archaeological resources in the permit area that may be affected by the proposed work. SHPO will notify the Corps if there are State concerns that the proposed work will have an effect on historic resources. The applicant should include with their State application, either a copy of their cover letter, or a statement of having sent their application materials to the SHPO. If the permittee, during construction of work authorized herein, encounters a previously unidentified archaeological or other cultural resource within the area subject to Corps jurisdiction that might be eligible for listing in the National Register of Historic Places, he/she shall stop work and immediately notify the District Engineer and the SHPO.

8. National Lands. Activities authorized by this PGP shall not impinge upon the value of any National Wildlife Refuge, National Forest, National Estuarine Research Preserves, or any other area administered by the U.S. Fish and Wildlife Service, U.S. Forest Service, or National Park Service.

9. Endangered Species. No activity is authorized under this PGP which may affect a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA); or which is likely to destroy or adversely modify the critical habitat of such species; or which would result in a "take" of any threatened or endangered species of fish or wildlife, or which would result in any other violation of Section 9 of the ESA protecting threatened or endangered species of plants. Applicants shall notify the Corps if any listed species or critical habitat is in the vicinity of the project and shall not begin work until notified by the District Engineer that the requirements of the Endangered Species Act have been satisfied and that the activity is authorized. Information on the location of threatened and endangered species and their critical habitat can be obtained from the U.S. Fish and Wildlife Service and National Marine Fisheries Service (addresses on page 16 of this document). If consultation with the FWS or NMFS results in project modifications or permit conditions which resolve the issue, the Corps may issue a PGP.

10. Essential Fish Habitat. As part of the PGP screening process, the Corps will coordinate with the National Marine fisheries Service (NMFS) in accordance with the 1996 amendments to the Magnuson-Stevens Fishery and Conservation Management Act to protect and conserve the habitat of marine, estuarine and anadromous finfish, mollusks, and crustaceans. This habitat is termed "essential fish habitat (EFH)", and is broadly defined to include "those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity." Applicants may be required to describe and identify potential impacts to EFH based upon the location of the project, the activity proposed, and the species present. Conservation recommendations made by NMFS will normally be included as a permit requirement by the Corps. EFH is designated in most of New Hampshire's coastal waters, estuaries, and rivers. Information on the location of EFH can be found at the NMFS website: www.nmfs.gov/ro/doc/appguide.html. Additionally, a reference guide to the EFH rivers for Atlantic Salmon is attached.

11. Wild and Scenic Rivers. Any activity that occurs in a component of, or within 0.25 miles up or downstream of the main stem or tributaries of a river segment of the National Wild and Scenic River System, must be reviewed by the Corps under the screening procedures of this PGP. This condition applies to both designated Wild and Scenic Rivers and rivers designated by Congress as Study Rivers for possible inclusion while such rivers are in an official study status. Currently, Wildcat Brook from its headwaters to the confluence with the Ellis River and the Lamprey River from the West Epping Dam to the confluence with the Piscassic River are designated as Wild and Scenic Rivers in the State of New Hampshire.

12. Navigable Waters (Section 10). Includes all tidal waters and their tributaries to the head of tide; Merrimack River from the Massachusetts-New Hampshire State line to Concord; Lake Umbagog within the State of New Hampshire; Connecticut River to Pittsburg, New Hampshire.

13. Federal Navigation Project. Any structure or work that extends closer to the horizontal limits of any Corps navigation project than a distance of three times the project's authorized depth (see attached map for locations of these projects) shall be reviewed under the screening procedures and shall be subject to removal at the owner's expense prior to any future Corps dredging or the performance of periodic hydrographic surveys.

14. Navigation. There shall be no unreasonable interference with navigation by the existence or use of the activity authorized herein, and no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized herein. This includes activities listed in Appendix A.

MINIMIZATION OF ENVIRONMENTAL IMPACTS:

15. Minimization. Discharges of dredged or fill material into waters of the United States shall be avoided and minimized to the maximum extent practicable.

16. Work in Wetlands. Heavy equipment working in wetlands shall be avoided if possible. If such work is unavoidable, when site conditions are such that rutting, soil compaction, erosion or other disturbance would result, equipment shall be placed on mats or other measures taken such as delaying work until frozen or dry ground conditions exist, to minimize adverse effects to soil and vegetation. Disturbed areas in wetlands shall be restored to preconstruction contours and conditions upon completion of the work.

17. Temporary Fill. Temporary fill in waters and wetlands authorized by this PGP (e.g. access roads, cofferdams) shall be properly stabilized during use to prevent erosion. In addition, temporary fill in tidal, navigable or inland waters of the U.S. should consist of a material that minimizes impacts to water quality (e.g. sandbags or clean, gravel and/or stone). Temporary fill in wetlands shall be placed on geotextile fabric which is laid on the existing wetland grade. Temporary fills shall be disposed of at an upland site and suitably contained to prevent erosion and/or transport to a waterway or wetland. All areas of temporary fill shall be restored to their original elevations.

18. Sedimentation and Erosion Control. Adequate sedimentation and erosion control management measures, practices and devices, such as phased construction, vegetated filter strips, geotextile silt fences or other devices, shall be installed and properly maintained to reduce erosion and retain sediment onsite during and after construction. They shall be capable of preventing erosion, of collecting sediment, suspended and floating materials, and of filtering fine sediment. These devices shall be removed upon completion of work and the disturbed areas shall be stabilized. The sediment collected by these devices shall be removed and placed at an upland location, in a manner that will prevent its later erosion into a waterway or wetland. All exposed soil and other fills shall be permanently stabilized at the earliest practicable date.

19. Waterway/Wetland Crossings.

(a) All temporary and permanent crossings of waterbodies and wetlands shall be suitably culverted, bridged, or otherwise designed to withstand and to prevent the restriction of high flows, to maintain existing low flows, and so as not to obstruct the movement of aquatic life indigenous to the waterbody beyond the actual duration of construction.

(b) No open trench excavation in flowing waters shall be allowed unless the activity is screened pursuant to the Minor Impact Project procedures and conditioned to protect the aquatic environment.

(c) Temporary bridges, culverts, or cofferdams shall be used for equipment access across streams (note: areas of fill and/or cofferdams must be included in total waterway/wetlands impacts to determine applicability of this general permit).

(d) For projects that meet the definition of a Minimum Impact Project, unconfined in-stream construction work shall be conducted during the low flow period of July 15 - October 1 in any year. Projects that are conducted outside of that time period do not qualify for Minimum Impact Project procedures under this PGP and shall be screened pursuant to Minor Impact Project procedures, regardless of the waterway and wetland fill and/or impact area.

20. Discharge of Pollutants. All activities involving any discharge of pollutants into waters of the United States authorized under this general permit shall be consistent with applicable water quality standards, effluent limitations, standards of performance, prohibitions, and pretreatment standards and management practices established pursuant to the Clean Water Act (33 U.S.C. 1251), and applicable state and local laws. If applicable water quality standards, limitations, etc., are revised or modified during the term of this permit, the authorized work shall be modified to conform with these standards within 6 months of the effective date of such revision or modification, or within a longer period of time deemed reasonable by the District Engineer in consultation with the Regional Administrator of the Environmental Protection Agency. **Unless otherwise notified by the New Hampshire Department of Environmental Services,** applicants may presume that state water quality standards are met with the issuance of the Section 401 Water Quality Certification for this PGP (Applicable only to Section 404 activity), provided all PGP conditions have been met.

21. Spawning Areas . Discharges into known: a) fish and shellfish spawning or nursery areas; or b) amphibian and waterfowl breeding areas, during spawning or breeding seasons shall be avoided. Impacts to these areas shall be minimized to the maximum extent practicable during all other times of the year.

22. Storage of Seasonal Structures. Coastal structures such as pier sections, floats, etc., that are removed from the waterway for a portion of the year shall be stored in an upland location, located above mean high water and not in a vegetated wetland.

23. Environmental Values. The permittee shall make every reasonable effort to carry out the construction or operation of the work authorized herein in a manner so as to maintain as much as is practicable, and to minimize any adverse impacts on, existing fish, and wildlife, and natural environmental values.

PROCEDURAL CONDITIONS:

24. Inspections. The permittee shall allow the District Engineer or his authorized representative(s) to make periodic inspections at any time deemed necessary in order to ensure that the work is being performed in accordance with the terms and conditions of this permit. The District Engineer may also require post-construction engineering drawings for completed work, and post-dredging survey drawings for any dredging work.

25. Maintenance. The permittee shall maintain the work or structures authorized herein in good condition, including maintenance to ensure public safety. NOTE that this does not include maintenance of dredging projects.

26. Property Rights. This PGP does not convey any property rights, either in real estate or material, or any exclusive privileges, nor does it authorize any injury to property or invasion of rights or any infringement of Federal, state, or local laws or regulations.

27. Modification, Suspension, and Revocation. This PGP may be either modified, suspended, or revoked in whole or in part pursuant to the policies and procedures of 33 CFR 325.7; any such action shall not be the basis for any claim for damages against the United States.

28. Restoration. The permittee, upon receipt of a notice of revocation of authorization under this PGP, shall restore the wetland or waterway to its former conditions without expense to the United States, and as directed by the Secretary of the Army or his authorized representative. If the permittee fails to comply with such a directive, the Secretary or his designee may restore the wetland or waterway to its former condition, by contract or otherwise, and recover the cost from the permittee.

29. Special Conditions. The Corps may impose other special conditions on a project authorized pursuant to this PGP that are determined necessary to minimize adverse environmental effects or based on any other factor of the public interest. These may be based on concerns from a state or Federal resource agency. Failure to comply with all conditions of the authorization, including special conditions, will constitute a permit violation and may subject the permittee to criminal, civil, or administrative penalties or restoration.

30. False or Incomplete Information. If the Corps makes a determination regarding the eligibility of a project under this PGP, and subsequently discovers that it has relied on false, incomplete, or inaccurate information provided by the permittee, the permit shall not be valid and the U.S. government may institute legal proceedings.

31. Changed Conditions. If prior to construction, conditions at the permitted site change due to natural occurrences or man-made actions, the Corps may determine to suspend, modify or revoke the permit.

32. Abandonment. If the permittee decides to abandon the activity under this PGP, unless such abandonment is merely the transfer of property to a third party, he/she may be required to restore the area to the satisfaction of the District Engineer.

33. Enforcement Cases. This general permit does not apply to any existing or proposed activity in Corps jurisdiction associated with a Corps of Engineers or EPA enforcement action until such time as the enforcement action is resolved or the Corps determines that the activity may proceed independently without compromising the enforcement action.

DURATION OF AUTHORIZATION/GRANDFATHERING:

34. Duration of Authorization. The expiration date for individual projects authorized under this PGP coincides with that of the State authorization for that particular project.

This PGP will expire on June 2, 2007, however, activities authorized under this PGP which are under construction or are under contract to begin construction in reliance upon this authorization will remain authorized provided the activity is completed within twelve months of June 2, 2007, unless:

a) the PGP is either modified or revoked; or
b) discretionary authority has been exercised in accordance with 33 CFR 325.2(e)(2).

Activities completed under this PGP will continue to be authorized by the PGP after the expiration date.

35. Previously Authorized Activities.

a) Projects that have received written authorization from the Corps under the Nationwide permits or under the previous New Hampshire PGP prior to issuance of this PGP shall remain authorized as specified in each authorization.

b) Non-reporting nationwide permit activities or NH PGP minimum impact activities which have commenced, (i.e., are under construction or are under contract to commence) prior to the issuance date of this PGP, remain authorized provided the activity is completed within twelve months of the date of issuance of this PGP. These activities are still subject to discretionary authority on a case-by-case basis in accordance with Condition 4. The applicant must be able to document to the satisfaction of the Corps that the project was under construction or contract by the appropriate date.

c) Activities authorized pursuant to 33 CFR Part 330.3 (activities occurring before certain dates) are not affected by this PGP.

Appendix A: Non-reporting Activities

* The placement of aids to navigation and regulatory markers which are approved by and installed in accordance with the requirements of the U.S. Coast Guard.

* Fish and wildlife harvesting devices and activities such as pound nets, crab traps, crab dredging, eel pots, lobster traps, duck blinds, clam and oyster digging, and small fish attraction devices such as open water fish concentrators (sea kites, etc.) not constituting a hazard to navigation. This authorizes shellfish seeding provided this activity does not occur in wetlands or sites that support submerged vegetation (including sites where submerged aquatic vegetation is determined to exist, but may not be present in a given year). This does not authorize artificial reefs or impoundments and semi-impoundments of waters of the United States for the culture or holding of motile species such as lobster, or the use of covered oyster trays or clam racks.

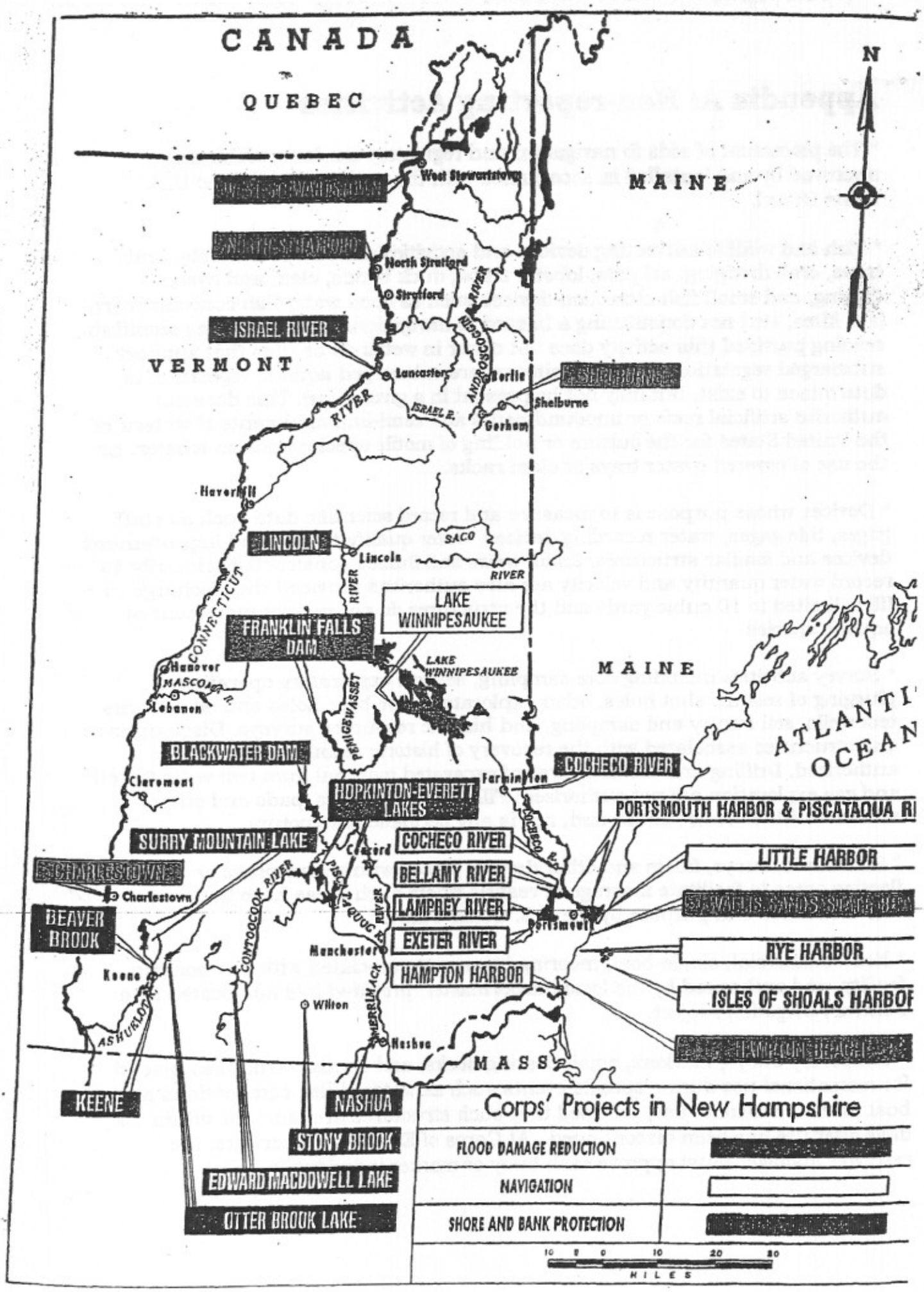
* Devices whose purpose is to measure and record scientific data such as staff gages, tide gages, water recording devices, water quality testing and improvement devices and similar structures. Small weirs and flumes constructed primarily to record water quantity and velocity are also authorized provided the discharge of fill is limited to 10 cubic yards and the structures do not restrict movement of aquatic species.

* Survey activities including core sampling, seismic exploratory operations, plugging of seismic shot holes, other exploratory-type bore holes and oil and gas test wells, soil survey and sampling, and historic resources surveys. Discharges and structures associated with the recovery of historic resources are not authorized. Drilling and the discharge of excavated material from test wells for oil and gas exploration are not authorized; Fill placed for roads, pads and other similar activities is not authorized, nor is any permanent structure.

* Structures, buoys, floats and other devices placed within anchorage or fleeting areas to facilitate moorage of vessels where such areas have been established for that purpose by the U.S. Coast Guard.

* Non-commercial, single-boat, mooring buoys not associated with any boating facility, and authorized by the local harbormaster, provided it is not located in a Federal Navigation Project.

* Temporary buoys, markers, small floating docks, and similar structures placed for recreational use during specific events such as water skiing competitions and boat races or seasonal use, provided that such structures are removed within 30 days after use has been discontinued. At Corps of Engineers reservoirs, the reservoir manager must approve each buoy or marker individually.


CANADA
QUEBEC
MAINE
N
West Stewartstown
WEST STEWARTSTOWN
NORTH STRATFORD
North Stratford
Stratford
ISRAEL RIVER
VERMONT
Lancaster
Berlin
SHELBURNE
Shelburne
Gorham
ISRAEL R.
ANDROSCOGGIN RIVER
Haverhill
LINCOLN
Lincoln
SACO RIVER
CONNECTICUT RIVER
LAKE WINNIPESAUKEE
FRANKLIN FALLS DAM
Hanover
MASCOMA R.
Lebanon
PEMIGEWASSET
BLACKWATER DAM
Claremont
HOPKINTON-EVERETT LAKES
Farmington
COCHECO RIVER
PORTSMOUTH HARBOR & PISCATAQUA RI
SURRY MOUNTAIN LAKE
Concord
COCHECO RIVER
LITTLE HARBOR
CHARLESTOWN
Charlestown
BELLAMY RIVER
LAMPREY RIVER
WALLIS SANDS STATE BEA
BEAVER BROOK
CONTOOCOOK RIVER
PISCATAQUOG RIVER
Portsmouth
EXETER RIVER
RYE HARBOR
Manchester
HAMPTON HARBOR
ISLES OF SHOALS HARBOR
Keene
ASHUELOT R.
Wilton
MERRIMACK RIVER
HAMPTON BEACH
Nashua
MASS
KEENE
NASHUA
STONY BROOK
EDWARD MACDOWELL LAKE
OTTER BROOK LAKE
Corps' Projects in New Hampshire
FLOOD DAMAGE REDUCTION
NAVIGATION
SHORE AND BANK PROTECTION
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MILES