GOVE ENVIRONMENTAL SERVICES, INC.

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THE WETLAND EDGE

"Think Ahead of the Machine" to Improve Project Buildability and Compliance

Inside this issue:

GES is pleased to announce a new service, "Thinking Ahead of the Machine", that focuses on addressing non-structural best management practices during the project design phase. The goal of the service is to eliminate issues that stem from project plans and construction sequencing that make sound construction practices difficult. To that end, the service will work to emphasize the contractor's view of the project during the design phase, by developing sensible work zones, construction phasing and sequencing plans, and scheduling analyses along with the mandated soil erosion and sediment control plan and general construction support measures.

To accomplish this, GES has retained John W. (Jack) Deering, Special Consultant for Land Use and Development. Mr. Deering has over 50 years experience in all phases of earth moving construction and over 25 years of experience facilitating and coordinating regulatory permits.

Mr. Deering is also the founder of Earth Management: The Team Concept®, which is the educational extension of his services. He is the author of "Think Ahead of the Machine" and also developed the Pennsylvania Department of Environmental Protection's pilot program for NPDES General and Individual Permits. Since 2006, this program has significantly streamlined the regulatory process and facilitated the permitting of numerous projects. With the addition of Mr. Deering, GES can further assist the owner/applicant and their design team in addressing all of the structural and non-structural best management practices necessary to be in compliance with the NPDES General Permit and the required SWPPP. On April 11, 2007, the NE IECA, NH AGC and NH DES will be sponsoring a workshop titled "Think Ahead of the Machine" at the Best Western Hotel in Portsmouth. Participants will include Ridge Mauck, P.E.– NH DES, John W. (Jack) Deering- Author, Randall Shuey- Gove Environmental Services, Kim Greenwood- Solid Ground and Joe Conzano, P.E.- USEPA Region 1. The focus of this workshop will be collaboration between the owner/applicant, design professionals, and the contractor to insure compliance with the NPDES regulatory process. Contact Randall Shuey at (603) 225-5200 for registration information.

Updated SPGP Likely to Require Vernal Pool Locations

In November of 2006, the NH DES began meetings of the Vernal Pool Workgroup. As part of the reauthorization of the Statewide Programmatic General Permit (SPGP) for New Hampshire, the federal agencies of the EPA and the USFWS have been strongly suggesting identification of vernal pools for projects requiring a wetland impact permit. The group had a broad membership ranging from federal agency staff to local organizations. It is expected that new rules for the NH DES Wetlands Bureau will be implemented this summer. These rules will provide a definition for vernal pools and will likely require that vernal pool location be identified on all minor and major wetland impact projects. GES is encouraging clients who are contracting with us for wetland delineations to also identify and document vernal pools as part of initial wetland delineation work. Given that for many projects the wetland delineation occurs a year or more before completed project design, it is in the best interest of our clients that the location of vernal pools be identified and incorporated into project design.

GES Staff Directory
(603) 778-0644

- Jim Gove– Principal x11
- Randall Shuey (Concord) (603) 225-5200
- Eric Fontaine x13
- Luke Hurley x14
- Jeff Cantara x18
- James Walden x15
- Administrative x0

E-Mail Addresses:
firstinitialsurname@gesinc.biz
or info@gesinc.biz

The Blanding's Turtle (Emydoidea blandingii) *is considered a Species of Concern in New Hampshire.*

"If NHB records do not indicate the presence of any RTE species, users can immediately get an official letter to that effect ."

NHB "DataCheck" Tool Speeds RTE Searches

CONCORD— In partnership with the NHB and the NH Fish & Game Department (NHF&G), DES has developed a web tool to improve the NHB database review process. The NHB ***DataCheck Tool*** has been created to allow applicants to check the NHB database to determine whether rare species or exemplary natural communities are known to occur in the vicinity of a proposed project. A major use of NHB database checks is to meet requirements related to state permit applications (e.g. wetlands permits or stormwater discharge permits) and town ordinances.

As of April 1, 2007, each DES Wetlands Dredge and Fill Application and notification must be accompanied by documentation, issued by the NHB, pertaining to RTE occurrences in the vicinity of the proposed project. This documentation is required and will ensure that an applicant is submitting the proper application form and supporting documentation.

Depending on the presence or absence of rare species or exemplary natural communities, one of two things will happen:

1.) If NHB records do not indicate the presence of any rare species or exemplary natural communities in the vicinity of the proposed project, then users of the DataCheck Tool can immediately get an official letter to that effect, at no charge; or,

2.) If NHB records indicate a known occurrence of rare species or exemplary natural communities in the vicinity of the proposed project, then the NHB staff will assess the potential impacts of the project, and users can request this assessment using the DataCheck Tool. The results of the assessment will be sent to the user in the form of an official letter, which can then be attached to a permit application prior to submittal of the application to DES. The website for the DataCheck Tool is: *http://www2.des.state.nh.us/OneStop* (Source: NHDES)

PROJECT SPOTLIGHT

New Mitigation Option Speeds Application Process

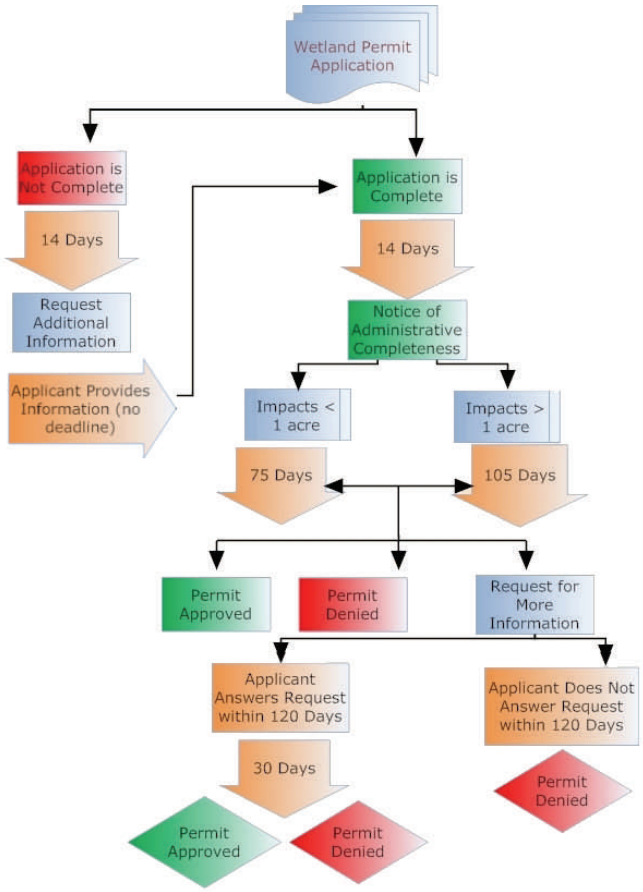
GES recently completed permit application submissions for a pharmacy in Lee, New Hampshire having approximately 15,000 sq.ft. of wetland impact. The project presented several challenges, foremost of which was securing suitable mitigation to compensate for wetland impacts (projects impacting more that 10,000 sq.ft. require mitigation). Several mitigation avenues were explored, however, numerous roadblocks were encountered along the way. The project team first investigated the option of restoring or creating wetlands on the project site at an ratio of 1.5 : 1 (creation : impact). Spatial constraints onsite eliminated this option. Additional mitigation options in New Hampshire include preservation of upland buffers to wetlands at a ratio of 10 : 1. Ironically, in this instance, the relatively small size of the impacts presented a problem. Utilizing the 10 : 1 ratio, appropriately sized preservation parcels were in the 3.5 to 5-acre size range; too small to interest several local land trusts or the Lee Conservation Commission as a conservation easement holder. An approved conservation easement holder is now a necessary mitigation package component. GES presented Geographic Information Systems (GIS) generated documentation of our mitigation search efforts to the Wetlands Bureau, and the determination was made that the project was eligible to participate in the recently approved "In-Lieu Fee" Program wherein donations calculated using a land-value and wetland creation cost formula are accumulated in a managed fund and ultimately utilized to preserve large tracts of uplands or restore complex wetland systems within the same watershed as project impacts funding the mitigation. Because an appropriate mitigation package is necessary for a wetlands permit application to be deemed complete and to start the regulatory review process by the NHDES Wetlands Bureau, a well-documented mitigation search that qualifies the project to use the "In-Lieu Fee" option can significantly simplify and reduce the time period between project conception and permit issuance. The related story on page 3 provides additional information on the nuances of the "In-Lieu Fee" program.

A pharmacy in Lee, NH is one of the first projects using the "In-Lieu Fee" program.

Understanding the NHDES Wetlands Permit Application Timeline

Understanding the timeline that governs the NHDES Wetlands Permit Application process is a crucial element in ensuring the success of a project. The process begins with the submission of a Standard Dredge and Fill Application (a future article will explore the Expedited Application option). Following the filing of the application, a determination of completeness is made. DES has 14 days to issue a Notice of Administrative Completeness or to request additional information. If additional information is requested, no action is taken by DES until the applicant provides the necessary materials to complete the application.

Beginning on the date on the Notice of Administrative Completeness (not the date the application was filed), DES has either 75 or 105 days, depending on the magnitude of the proposed impacts, to take one of three possible actions: 1.) issue a permit, 2.) deny a permit, or 3.) Request more information. In the event that more information is requested, the applicant has 120 days from the date of the request to provide the necessary information or DES reserves the right to deny the permit application. Once the requested information is provided by the applicant, DES then has 30 days to issue or deny a permit. Future articles in this space will also look at the process governing the appeal process for DES decisions.



In-Lieu Fee Provides New Mitigation Alternative

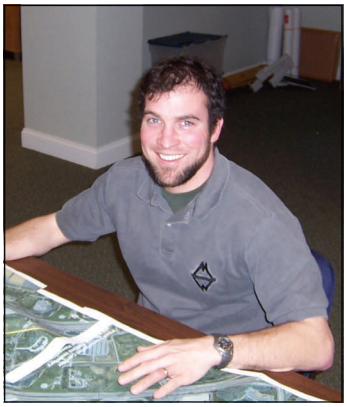
The NH DES Wetlands Bureau has adopted the "In-Lieu Fee" as a new option for wetland mitigation. While NH DES rules continue to require applicants to initially pursue the traditional options for wetland mitigation, projects with less than 1 acre of wetland impact may be eligible to pay into a conservation and restoration fund.

To qualify, the applicant must demonstrate that wetland restoration and creation opportunities are not available and that a thorough search for preservation parcels and/or a conservation easement holder has been unsuccessful. Documentation of this process must be sent to NH DES who then calculates a fee using a land-value and wetland creation cost formula. This money is then held in the Aquatic Resources Compensatory Mitigation Fund (ARM) and applied to large-scale watershed specific restoration and preservation projects.

The new mitigation program will facilitate the preservation of large habitat blocks suitable for sensitive species such as fisher.

Staff Biography– Luke Hurley

Luke Hurley has worked in the field of wetland science and ecology since 1999 and has been with Gove Environmental Services, Inc. for more than 5 yeas. At GES, he is responsible for field wetland and soil analyses, delineating wetlands, wetland mitigation design and monitoring, wetland function and project impact assessments, wildlife habitat evaluation and permitting documents for local, state and federal agencies. He specializes in, among other activities, permitting wetland impacts under the Massachusetts Wetlands Protection Act, and represents clients at hearings with local conservation commissions. Mr. Hurley has a Bachelor of Science Degree in Environmental Biology from the University of Massachusetts. He is certified as Wetland Scientist and a Soil Scientist Apprentice by the State of New Hampshire. Luke is also the Field Coordinator at GES. He can be reached at extension 14 to schedule wetland and soil mapping and related activities.



GOVE ENVIRONMENTAL SERVICES, INC.
8 Continental Drive, Unit H, Exeter NH
03833

Visit GES online at
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GES is an environmental consulting firm based in Exeter, in the heart of the seacoast area of New Hampshire. Our projects emanate in an approximately 200-mile radius from the central office, from New Hampshire to Maine through to Vermont and Massachusetts. We are also proud to announce the recent opening of our satellite office in Concord, New Hampshire.

GES utilizes classic and innovative field and technological analysis to assist clients ranging from home owners to large municipalities and school administrative units, from small surveying firms to large multinational corporations, and from regulatory officials and management bodies to those seeking regulatory and legal relief, among other entities.

Our purpose is to assist with and advance the highest quality balance between development and surrounding ecosystems, particularly wetlands, and to do so in both a cost-effective and beneficial manner to all.

Changes to the New England Hydric Soil Definition

There has been an on-going national program to regionalize the 1987 Corps of Engineers Wetlands Delineation Manual. That process is coming to New England in 2007. The ramifications of this process are that the Field Indicators for Identifying Hydric Soils in New England, Version 3 may be replaced by the National Hydric Soil Indicators for Corps of Engineers' wetland delineations. How this will affect the individual state programs has not yet been determined.

Quick Answers to Common Permitting Questions

Question: What types of projects are eligible for a Minimum Impact Expedited Dredge and Fill Permit?

Answer: Projects seeking a road or driveway crossing that will cumulatively impact less than 3,000 sq.ft. may apply for an Expedited Permit (30 day Wetlands Bureau review period) provided the following criteria are met:

- The project does not alter or disturb more than 50 linear feet of an intermittent stream and no work is conducted during periods of streamflow;
- Temporary and permanent impacts to swamp and wet meadow areas do not exceed 3,000 sq.ft.; and
- The project does not involve a perennial stream that is greater than 10 feet wide (except for utility crossings)

What We Do

- Wetland Delineation and Permitting
- HISS and Site Specific Soil Mapping and Analysis
- Environmental Design
- Wetland Restoration and Mitigation
- GIS Analysis
- Wildlife and EIA Assessments
- Stormwater, Sediment and Erosion Control
- Construction Monitoring
- Municipal Review

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