



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

WETLANDS AND NON-SITE SPECIFIC PERMIT 2015-00425

Permittee: Balsams Resorts Amenities, LLC
12 Pleasant Street
Colebrook, NH 03576

Project Location: NH Route 16 & NH Route 26, Errol
Errol Tax Map No. 15, Lot No. 2-2
Dixville Tax Map No. 1626, Lot No. 1, 3, 3.1, 3.3, 3.4, 6.1, 6.3, 6.4, 6.4A, 6.5,
6.8, 7, 9

Waterbody: Androscoggin River, Lake Gloriette, Clear Stream

APPROVAL DATE: 12/18/2015 **EXPIRATION DATE:** 12/18/2020

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: Permanently impact 2.68 acres of wetlands, including 950 linear feet of streams, and temporarily impact 0.35 acres of wetlands, including 1,250 linear feet of streams, for the redevelopment and expansion of the Balsams Resort.

Permanent wetland impacts include filling 23,642 square feet of wet meadow wetlands for a parking lot; filling approximately 14,206 square feet of forested wetlands for the construction of townhouses; filling approximately 9,931 square feet of forested wetlands for the construction of a mid-mountain lodge; filling approximately 39,724 square feet of forested wetlands for the construction of 6 ski towers (B4, B5, B6, B7, B11 and B13); filling 4,009 square feet of perennial and intermittent stream for the construction of access roads to the ski areas; impacting 500 square feet of the Androscoggin River for the installation of a snowmaking intake structure; Installing seven seasonal piers not to exceed 6 ft. x 40 ft. for single family residential use along the shoreline adjacent to the proposed townhouses, regrade sand within the footprint of an existing beach, impact approximately 10 linear ft. of lakeshore on Lake Gloriette to replace an existing pool deck, construct commercial docking structures not to exceed 2,614 sq. ft. in area, impact 435 sq. ft. of bank to repair the abutments for a pedestrian bridge to access the island, impact not more than 1,600 sq. ft. of lakebed to construct ski lift supports, and impact not more than 1,742 sq. ft. of lakebed and bank to construct a ski-back bridge across a portion of Lake Gloriette.

Temporary impacts include 9,831 square feet for the installation of a snowmaking water line; 5,330 square feet for the installation of a snowmaking intake structure in the Androscoggin River; 2,350 square feet of perennial streams and forested wetlands for the installation of the hotel drinking water line. All temporary impacts will be restored. An estimated 49 acres of vegetation conversion is proposed in buffer areas of perennial and intermittent streams.

Compensatory mitigation for the proposed wetland and stream impacts includes preserving 92 acres of mid-elevation terrain (elevation 1500-2300 feet) adjacent to Dixville Notch State Park and 258 acres of predominantly low-elevation terrain that includes some steep mid-elevation habitats along the Clear Stream wetland complex and associated upland (elevation 1300-2700 feet). Compensation for impacts within the existing conservation easement includes 476 acres of wetland and uplands and 133 acres of high elevation terrain (above elevation 2700) along Sanguinary Ridge.

THIS APPROVAL IS SUBJECT TO THE FOLLOWING PROJECT SPECIFIC CONDITIONS:

1. This permit is not valid until all pre-construction conditions have been met.
2. This permit is not valid until the DES Wetlands Bureau reviews and approves final plans and narratives.
3. A minimum of 75 days prior to the proposed start of construction the applicant shall submit plans and narratives that comply with NH Administrative Rules Env-Wt 100-900 for review and approval by the Department.
4. The Department shall have 60 days to review the plans and narratives to ensure wetland areas have been avoided, impacts have been minimized to the extent practicable, and all applicable rules and conditions have been met. Additional information or revisions may be requested from the applicant.
5. Prior to construction the applicant shall provide evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
6. Prior to construction the applicant shall demonstrate by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
7. This permit shall not be valid for the construction any docking structures until such time as the DES receives and approves final plans and supporting materials documenting that the installation of those structures are fully compliant with the requirements of RSA 482-A and NH Code of Administrative Rules Chapters 100-900. The Applicant agrees that DES shall have 60 days from the receipt of the required plans and materials to either issue final approval or request such additional information as is required to fully comply with RSA 482-A and NH Code of Administrative Rules Chapters 100-900.
8. This permit shall not be valid for any improvements to the beach area until such time as the DES receives and approves final plans and supporting materials documenting that the improvement is fully compliant with the requirements of RSA 482-A and NH Code of Administrative Rules Chapters 100-900. The Applicant agrees that DES shall have 60 days from the receipt of the required plans and materials to either issue final approval or request such additional information as is required to fully comply with RSA 482-A and NH Code of Administrative Rules Chapters 100-900.
9. This permit shall not be valid for the construction of the ski lift supports until such time as the DES receives and approves final plans and supporting materials documenting that the installation of those structures are fully compliant with the requirements of RSA 482-A and NH Code of Administrative Rules Chapters 100-900. The Applicant agrees that DES shall have 60 days from the receipt of the required plans and materials to either issue final approval or request such additional information as is required to fully comply with RSA 482-A and NH Code of Administrative Rules

Chapters 100-900.

10. This permit shall not be valid for the construction any bridge support structures until such time as the DES receives and approves final plans and supporting materials documenting that the installation of those structures are fully compliant with the requirements of RSA 482-A and NH Code of Administrative Rules Chapters 100-900. The Applicant agrees that DES shall have 60 days from the receipt of the required plans and materials to either issue final approval or request such additional information as is required to fully comply with RSA 482-A and NH Code of Administrative Rules Chapters 100-900.

11. All shoreline structures, the two bridges, and the ski-lift supports shall be located in accordance with plans by Horizons Engineering dated September 2015, revised through November 2015, and received by DES on November 23, 2015 unless modification are approved in accordance with Condition #1 above.

12. This permit is not valid and effective until it has been recorded with the Coos County Registry of Deeds by the applicant. Prior to starting work under this permit, the permittee shall submit a copy of the recorded permit to the DES Wetlands Program by certified mail, return receipt requested.

13. This approval is not valid until the applicant/owner executes and records the warranty deed for the fee transfer to the Department of Resources and Economic Development (DRED) on approximately 93 acres of land as depicted on plans received by DES on December 17, 2015.

14. This approval is not valid until the applicant/owner executes and records the conservation easement to be held by DRED on approximately 258 acres as depicted on plans prepared by Horizons Engineering Inc. and received by DES on December 17, 2015.

15. This approval is not valid until the applicant/owner executes and records the remaining conservation instruments for the mitigation parcels noted in the table received by DES on December 17, 2015.

16. The deed language for the Sanguinary Ridge parcels shall not reserve a right to construct wind towers in the future.

17. During the permit period, the permittee will provide to DES quarterly updates relative to the status of the completion of executing all conservation instruments until such time the deeds have been recorded and provided to DES. This update should include information on the status of surveys, title opinions showing clear title, environmental assessment work and baseline documentation reports.

18. Following permit issuance and prior to recording of the conservation deeds, the natural resources existing on the conservation parcels shall not be removed, disturbed, or altered without prior written approval of DES and DRED.

19. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and all future property owners shall be subject to these easements.

20. The plan noting the fee transfer parcel and conservation easement parcel shall be reviewed and approved by DES and the final documents shall be recorded with the Coos County Registry of Deeds for each lot that is subject to the conservation restrictions. The permittee shall submit a copy of the recorded documents from the Coos County Registry of Deeds to the DES Wetlands Program prior to the start of construction.

21. The permittee shall prepare a baseline documentation report on the two DRED conservation parcels that describes current property conditions and includes photographs that have been taken in the

absence of snow cover that clearly and accurately show the nature and condition of the conservation area prior to recordation of the conservation instruments and prior to construction.

22. The conservation areas shall be surveyed by a licensed surveyor, and marked by plaques/monuments/stakes prior to construction. If this survey determines the parcels are less than the size represented in the plans submitted, the permittee shall submit the completed survey to DES and DRED for review. As a result of this review DES may require additional mitigation adjustments after coordination with the appropriate Federal Agencies.

23. The permittee/permittee's contractor shall notify the DES Wetlands Program when the easement monuments are placed, and coordinate an on-site review of their location prior to construction.

24. Information relative to a habitat assessment in the areas above 2,700 feet shall be submitted to DES and federal agencies prior to final design of trails and ski lifts for review and approval. The information on the high-elevation areas will assist in the design and work conducted to protect headwater streams, wetlands, and other habitat consistent with provisions developed in Good Forestry in the Granite State: Recommended Voluntary Forest Management Practices for New Hampshire (second edition).

25. A one-time easement monitoring payment, not to be less than \$30,000, shall be determined upon completion of the final conservation deeds acceptable to DES and the Corps and based on a conservation endowment contribution matrix provided by DRED.

26. All proposed utility and access corridors to access over and across the fee and easement parcels shall be reviewed and approved by DES, DRED and the Corps.

27. The permittee shall develop an impact tracking table with guidance from DES and the Corps as impacts are encountered that takes into consideration the direct and secondary impacts according to wetland and stream type (in square feet and linear feet), functions and values impacted, as well as recordation of the same information on the wetlands and streams on the conservation parcels. This information will be provided to DES in a quarterly update to provide DES an accounting of the wetland losses as compared to the mitigation provided.

28. Care shall be taken to limit the spread or growth of loosestrife or other invasive species on the site. This shall be accomplished by educating contractors to reduce the risk of transportation of seeds in construction equipment and quick seeding of open substrates. Should invasives become established they shall be controlled by pulling seedlings, deadheading and herbicide.

29. Activities in contravention of the conservation easement shall be deemed to be a violation of RSA 482-A, and shall be subject to enforcement under RSA 482-A.

30. This permit is not valid unless the applicant obtains approval from the NH Natural Heritage Bureau. Prior to construction a qualified botanist shall conduct surveys for satiny willow, and northern arrowwood and a report relative to the findings shall be submitted to the NH Natural Heritage Bureau for review, comments, and approval.

31. This permit is not valid until an Alteration of Terrain permit has been issued to the applicant.

32. All development activities associated with this project shall be conducted in compliance with applicable requirements of RSA 483-B and N.H. Code Admin. Rules Env-Wq 1400 during and after construction.

33. This permit is not valid until the applicant obtains all necessary landowner permissions, applicable easements, or property ownership.

34. The permittee shall schedule a pre-construction meeting with DES Land Resources Management Program staff to occur at least 48 hours prior to the start of any work authorized by this permit to review the conditions of this wetlands permit and the Alteration of Terrain permit. The meeting may be held on-site or at the DES offices in Concord. 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.
35. A certified wetlands scientist or qualified professional, as applicable, shall monitor the project during construction to verify that all work is done in accordance with the approved plans and narratives, adequate siltation and erosion controls are properly implemented, and no water quality violations occur.
36. Construction monitoring reports shall be submitted at the end of each month. The reports shall include photographs of all stages of construction.
37. A post-construction report, prepared by a Certified Wetland Scientist or Qualified Professional, as applicable, documenting status of the project area and restored jurisdictional temporary impact areas, including photographs, shall be submitted to the DES Wetlands Program within 60 days of the completion of construction. DES Wetlands Program may require subsequent monitoring and corrective measures.
38. No person undertaking any activity shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards in RSA 485-A and Env-Wq 1700.
39. The applicant shall follow Best Management Practices to minimize impacts from any work in high elevation areas (above 2700 feet).
40. Prior to construction, all wetland and surface water boundaries adjacent to construction areas shall be clearly marked to prevent unintentional encroachment on adjacent wetlands and surface waters.
41. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
42. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Temporary controls shall be removed once the area has been stabilized.
43. Erosion control products shall be installed per manufacturers recommended specifications.
44. Area of temporary impact shall be regraded to original contours following completion of work.
45. The permittee/permittee's contractor shall regrade temporary impacts to pre-construction conditions and plant native species similar to those that were present within the wetland prior to impact. The permittee shall promptly implement corrective measure to ensure the plantings survive.
46. Topsoil in wetlands shall be stripped and segregated from subsoil during construction. Wetland topsoil shall be stockpiled separately from subsoil and shall be replaced following temporary impacts.
47. Native material removed from the streambed during temporary impacts (i.e. installation of snowmaking water line and hotel water system) shall be stockpiled separately and reused to emulate a natural channel bottom. Materials used to restore a natural stream channel shall not include angular rip-rap.
48. Seed mix within the temporary impact restoration areas shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers' specifications. Only native plant species shall be used to revegetate the riverbank and wetlands.

49. The permittee/permittee's contractor shall revegetate the temporarily disturbed areas with trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project, exclusive of any invasive or nuisance species.
50. Restoration of temporary wetland impact areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or they shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
51. Restoration of temporary impact areas shall not be considered successful if sites are invaded by nuisance species such as common reed or purple loosestrife during the first full growing season following the completion of construction. The permittee shall submit a remediation plan to DES that proposes measures to be taken to eradicate nuisance species during this same period.
52. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and water at the work site has returned to normal clarity.
53. Extreme precautions shall be taken within riparian areas to prevent unnecessary removal of vegetation during construction.
54. No machinery shall enter the water.
55. No excavation shall be done in flowing water and no construction equipment shall be operated in flowing water.
56. Work in intermittent and ephemeral streams shall be done during non-flow or in the dry conditions only.
57. Work in perennial streams shall be done during annual low flow conditions and during the months of May through September. No in-stream work shall occur after October 1 unless a waiver of this condition is issued in writing by DES in consultation with NH Fish & Game.
58. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow only. The permittee shall monitor local weather forecasts to avoid working during or following heavy precipitation events and high flow conditions.
59. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once the cofferdam is fully effective, confined work can proceed without restriction.
60. Prior to commencing work on a substructure located within surface waters, the permittee or permittee's contractors shall construct a cofferdam to isolate the substructure work area from the surface waters.
61. The temporary cofferdam shall be entirely removed within 2 days after work within the cofferdam is completed and water has returned to normal clarity.
62. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, with a preferred undisturbed vegetated buffer of at least 50 feet and a minimum undisturbed vegetative buffer of 20 feet.
63. Native material removed from the streambed during culvert installation shall be stockpiled separately and reused to emulate a natural channel bottom within the culvert, between wing walls, and beyond. Any new materials used must be as similar to the natural stream substrate as practicable and shall not include any angular rock.

82. Precautions shall be taken to prevent import or transport of soil or seed stock containing nuisance or invasive species such as Purple Loosestrife, Knotweed, or Phragmites. The contractor responsible for work shall appropriately address invasive species in accordance with the NHDOT Best Management Practices for Roadside Invasive Plants (2008).

83. The permittee shall control invasive plant species such as Purple loosestrife (*Lythrum salicaria*) and Common reed (Phragmites) by measures agreed upon by the DES Wetlands Program if any such species is found in the stabilization areas during construction or during the early stages of vegetative establishment.

84. 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 tackifiers on slopes less than 3:1 or netting and pinning on slopes steeper than 3:1.

85. Where construction activities occur between November 30 and May 1, all exposed soil areas shall be stabilized within 1 day of establishing the grade that is final or that otherwise will exist for more than 5 days. Stabilization shall include placing 3-inches of base course gravels, or loaming and mulching with tack or netting and pinning on slopes steeper than 3:1.

86. Construction equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid prior to entering surface waters or wetlands or operating in an area where such fluids could reach groundwater, surface waters, or wetlands.

87. The permittee's contractor shall maintain appropriate oil/diesel fuel spill kits on site that are readily accessible at all times during construction, and shall train each operator in the use of the kits.

88. All refueling of equipment shall occur outside of surface waters or wetlands during construction. Machinery shall be staged and refueled in upland areas only.

89. Faulty equipment shall be repaired immediately prior to entering areas that are subject to RSA 482-A jurisdiction.

90. All dredged and excavated material and construction-related debris shall be placed outside of the areas subject to RSA 482-A. Any spoil material deposited within 250 feet of any surface water shall comply with RSA-483-B.

91. The contractor responsible for completion of the work shall use techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

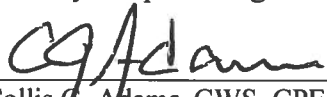
92. Any further alteration of areas on this property that are subject to RSA 482-A jurisdiction will require further permitting.

GENERAL CONDITIONS THAT 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, and/or consult with other agencies as may be required (including US EPA, US Army Corps of

Engineers, NH Department of Transportation, NH Division of Historical Resources (NH Department of Cultural Resources), NHDES-Alteration of Terrain, etc.);

5. Transfer of this permit to a new owner shall require notification to and approval by DES;
6. 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.
7. Review enclosed sheet for status of the US Army Corps of Engineers' federal wetlands permit.

APPROVED: 
Collis G. Adams, CWS, CPESC
DES Wetlands Bureau Administrator

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)