

Jenness State Beach Redevelopment Project

Rye, New Hampshire

PREPARED FOR

New Hampshire Department of
Resources and Economic Development
172 Pembroke Road
Concord, NH 03301
603.271.2606

PREPARED BY



2 Bedford Farms Drive, Suite 200
Bedford, NH 03110
603.391.3900

March 2016



March 18, 2016
Ref: 52348.05

NHDES Wetlands Bureau
29 Hazen Drive, PO Box 95
Concord, NH 03302-0095

Re: NHDES Wetlands Permit Application
Jeness State Beach Redevelopment Project, Rye, New Hampshire

To Whom It May Concern:

On behalf of the New Hampshire Department of Resources and Economic Development (NHDRED), Vanasse Hangen Brustlin, Inc. (VHB) is submitting the enclosed Wetlands Permit Application for proposed improvements to the State Park facilities at Jenness State Beach located at 2280 Ocean Boulevard (US Route 1A) in Rye, New Hampshire. Proposed improvements are focused on the existing bath house and parking lot and are necessary in order to continue to meet the recreational needs of the public and to upgrade the facilities in a manner that is aligned with other recent improvement projects completed at state beach facilities located along Route 1A to the south in Hampton and North Hampton.

There are no wetland or surface water impacts associated with the proposed project, however a portion of the project area is located within the 100-foot tidal buffer zone of the Atlantic Ocean as defined under *NHDES Wetland Rule Env-Wt 101.99*. The project will result in approximately 12,545 square feet of permanent impact within the 100-foot tidal buffer zone. Impacts will occur within previously disturbed/developed upland areas associated with the existing facilities on-site. This project is being submitted to NHDES as a Minimum Impact Project since all proposed work within 100 feet of the highest observable tide line will occur in previously developed upland areas in accordance with *NHDES Wetland Rule Env-Wt 303.04(b)*.

In accordance with recent changes in the procedure of submitting a wetlands permit application, as outlined on your website (dated June 17, 2014), we have enclosed the original permit application signed by the Rye Town Clerk. A check in the amount of \$2,905.00 to cover the application fee is being sent under separate cover directly from the applicant. Please do not hesitate to contact me if you have questions at (603) 391-3900 or kwilkes@vhb.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Kristopher Wilkes", is written over a light blue horizontal line.

Kristopher Wilkes
Senior Environmental Scientist

cc: Thomas Mansfield, NHDRED
Jonathan Fudala, NHDPW
VHB File

2 Bedford Farms Drive
Suite 200
Bedford, New Hampshire 03110
P 603.391.3900
F 603.518.7495

Engineers | Scientists | Planners | Designers

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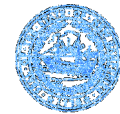
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Wetlands Permit Application Form





WETLANDS PERMIT APPLICATION



Water Division/ Wetlands Bureau Land Resources Management

Check the status of your application: www.des.nh.gov/onestop

RSA/Rule: RSA 482-A/ Env-Wt 100-900

Administrative Use Only	Administrative Use Only	Administrative Use Only	File No.:
			Check No.:
			Amount:
			Initials:

1. REVIEW TIME:
Indicate your Review Time below. Refer to Guidance Document A for instructions.

Standard Review (Minimum, Minor or Major Impact)
 Expedited Review (Minimum Impact only)

2. PROJECT LOCATION:
Separate applications must be filed with each municipality that jurisdictional impacts will occur in.

ADDRESS: Jeness State Beach, 2280 Ocean Boulevard		TOWN/CITY: Rye	
TAX MAP: 5	BLOCK: N/A	LOT: 52	UNIT: N/A
USGS TOPO MAP WATERBODY NAME: Atlantic Ocean		<input checked="" type="checkbox"/> NA	STREAM WATERSHED SIZE: <input checked="" type="checkbox"/> NA
LOCATION COORDINATES (If known): 1226138.647, 178105.301 feet		<input type="checkbox"/> Latitude/Longitude	<input type="checkbox"/> UTM <input checked="" type="checkbox"/> State Plane

3. PROJECT DESCRIPTION:
Provide a brief description of the project outlining the scope of work. Attach additional sheets as needed to provide a detailed explanation of your project. DO NOT reply "See Attached" in the space provided below.

The State of New Hampshire Department of Resources and Economic Development (NHDRED) intends to complete improvements to the State Park facilities at Jeness State Beach located in Rye, New Hampshire. Proposed improvements focus on the existing bath house and parking lot and include the following:

- 1) Replacement of the existing rest room building with a larger unheated structure that will have some of the applicable architectural features as those found at the Hampton and North Hampton Beach State Park Bath Houses.
- 2) Increase men's and women's rest room facilities to include more toilets, a family bathroom, janitor's closet, plumbing chase/utility area and four unisex changing rooms.
- 3) Reconfiguration of the existing parking lot to improve circulation and maximize available parking.
- 4) Modification of the existing vehicular access and egress points to improve circulation and reduce queueing on Ocean Boulevard.
- 5) Installation of a permanent equipment access ramp onto the beach at the southerly end of the project area adjacent to the proposed bath house.
- 6) Incorporation of outside showers, site lighting and bicycle parking in the site amenities.

There are no wetland or surface water impacts associated with the proposed project, however a portion of the project area is located within the 100-foot tidal buffer zone of the Atlantic Ocean. Impacts will occur within previously disturbed/developed upland areas associated with the existing facilities on-site. **Refer to the attached Application Narrative and Appendices for more information.**

NA This lot has no shoreline frontage. SHORELINE FRONTAGE: ~ **475 Feet**

Shoreline frontage is calculated by determining the average of the distances of the actual natural navigable shoreline frontage and a straight line drawn between the property lines, both of which are measured at the normal high water line.


5. RELATED PERMITS, ENFORCEMENT, EMERGENCY AUTHORIZATION, SHORELAND, ALTERATION OF TERRAIN, ETC...

6. NATURAL HERITAGE BUREAU & DESIGNATED RIVERS:
See the Instructions & Required Attachments document for instructions to complete a & b below.

a. Natural Heritage Bureau File ID: NHB **16 - 0489**.

b. [Designated River](#) the project is in ¼ miles of: _____; and
date a copy of the application was sent to the [Local River Management Advisory Committee](#): Month: ___ Day: ___ Year: ___

NA


7. APPLICANT INFORMATION (Desired permit holder)			
LAST NAME, FIRST NAME, M.I.: Mansfield, Thomas C.			
TRUST / COMPANY NAME: State of New Hampshire – Department of Resources and Economic Development		MAILING ADDRESS: 172 Pembroke Road	
TOWN/CITY: Concord		STATE: NH	ZIP CODE: 03301
EMAIL or FAX: Thomas.Mansfield@dred.nh.gov		PHONE: 603-271-2606	
ELECTRONIC COMMUNICATION: By initialing here: <u>TCM</u> , I hereby authorize NHDES to communicate all matters relative to this application electronically			
8. PROPERTY OWNER INFORMATION (If different than applicant)			
LAST NAME, FIRST NAME, M.I.: (Same)			
TRUST / COMPANY NAME:		MAILING ADDRESS:	
TOWN/CITY:		STATE:	ZIP CODE:
EMAIL or FAX:		PHONE:	
ELECTRONIC COMMUNICATION: By initialing here _____, I hereby authorize NHDES to communicate all matters relative to this application electronically			
9. AUTHORIZED AGENT INFORMATION			
LAST NAME, FIRST NAME, M.I.: Wilkes, Kristopher P.		COMPANY NAME: Vanasse Hangen Brustlin, Inc.	
MAILING ADDRESS: 2 Bedford Farms Drive, Suite 200			
TOWN/CITY: Bedford		STATE: NH	ZIP CODE: 03110
EMAIL or FAX: kwilkes@vhb.com		PHONE: 603-391-3944	
ELECTRONIC COMMUNICATION: By initialing here <u>K.P.W.</u> , I hereby authorize NHDES to communicate all matters relative to this application electronically			
10. PROPERTY OWNER SIGNATURE:			
See the Instructions & Required Attachments document for clarification of the below statements			
By signing the application, I am certifying that:			
<ol style="list-style-type: none"> I authorize the applicant and/or agent indicated on this form to act in my behalf in the processing of this application, and to furnish upon request, supplemental information in support of this permit application. I have reviewed and submitted information & attachments outlined in the Instructions and Required Attachment document. All abutters have been identified in accordance with RSA 482-A:3, I and Env-Wt 100-900. I have read and provided the required information outlined in Env-Wt 302.04 for the applicable project type. I have read and understand Env-Wt 302.03 and have chosen the least impacting alternative. Any structure that I am proposing to repair/replace was either previously permitted by the Wetlands Bureau or would be considered grandfathered per Env-Wt 101.47. I have submitted a Request for Project Review (RPR) Form (www.nh.gov/nhdhr/review) to the NH State Historic Preservation Officer (SHPO) at the NH Division of Historical Resources to identify the presence of historical/ archeological resources while coordinating with the lead federal agency for NHPA 106 compliance. *Submittal of an RPR is not required for this project as it does not require a State Programmatic General Permit through the US Army Corps of Engineers and therefore does not trigger Section 106 Review. I authorize NHDES and the municipal conservation commission to inspect the site of the proposed project. I have reviewed the information being submitted and that to the best of my knowledge the information is true and accurate. I understand that the willful submission of falsified or misrepresented information to the New Hampshire Department of Environmental Services is a criminal act, which may result in legal action. I am aware that the work I am proposing may require additional state, local or federal permits which I am responsible for obtaining. The mailing addresses I have provided are up to date and appropriate for receipt of NHDES correspondence. NHDES will not forward returned mail. 			
 Property Owner Signature		THOMAS C. MANSFIELD Print name legibly	3/17/2016 Date

MUNICIPAL SIGNATURES

11. CONSERVATION COMMISSION SIGNATURE

The signature below certifies that the municipal conservation commission has reviewed this application, and:

1. Waives its right to intervene per RSA 482-A:11;
2. Believes that the application and submitted plans accurately represent the proposed project; and
3. Has no objection to permitting the proposed work.


	Print name legibly	Date
--	--------------------	------

DIRECTIONS FOR CONSERVATION COMMISSION

1. Expedited review ONLY requires that the conservation commission's signature is obtained in the space above.
2. Expedited review requires the Conservation Commission signature be obtained **prior** to the submittal of the original application to the Town/City Clerk for signature.
3. The Conservation Commission may refuse to sign. If the Conservation Commission does not sign this statement for any reason, the application is not eligible for expedited review and the application will reviewed in the standard review time frame.

12. TOWN / CITY CLERK SIGNATURE

As required by Chapter 482-A:3 (amended 2014), I hereby certify that the applicant has filed four application forms, four detailed plans, and four USGS location maps with the town/city indicated below.

 Town/City Clerk Signature	Print name legibly	Town/City	Date
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DIRECTIONS FOR TOWN/CITY CLERK:

Per RSA 482-A:3,I

1. For applications where "Expedited Review" is checked on page 1, if the Conservation Commission signature is not present, NHDES will accept the permit application, but it will NOT receive the expedited review time.
2. IMMEDIATELY sign the original application form and four copies in the signature space provided above;
3. Return the signed original application form and attachments to the applicant so that the applicant may submit the application form and attachments to NHDES by mail or hand delivery.
4. IMMEDIATELY distribute a copy of the application with one complete set of attachments to each of the following bodies: the municipal Conservation Commission, the local governing body (Board of Selectmen or Town/City Council), and the Planning Board; and
5. Retain one copy of the application form and one complete set of attachments and make them reasonably accessible for public review.

DIRECTIONS FOR APPLICANT:

1. Submit the single, original permit application form bearing the signature of the Town/ City Clerk, additional materials, and the application fee to NHDES by mail or hand delivery.

13. IMPACT AREA:

For each jurisdictional area that will be/has been impacted, provide square feet and, if applicable, linear feet of impact

Permanent: impacts that will remain after the project is complete.

Temporary: impacts not intended to remain (and will be restored to pre-construction conditions) after the project is complete.

JURISDICTIONAL AREA	PERMANENT Sq. Ft. / Lin. Ft.	TEMPORARY Sq. Ft. / Lin. Ft.
Forested wetland	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Scrub-shrub wetland	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Emergent wetland	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Wet meadow	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Intermittent stream	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Perennial Stream / River	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Lake / Pond	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Bank - Intermittent stream	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Bank - Perennial stream / River	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Bank - Lake / Pond	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Tidal water	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Salt marsh	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Sand dune	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Prime wetland	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Prime wetland buffer	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Undeveloped Tidal Buffer Zone (TBZ)	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Previously-developed upland in TBZ	12,545 sq. ft. <input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Docking - Lake / Pond	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Docking - River	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Docking - Tidal Water	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
TOTAL	12,545 sq. ft.	0

14. APPLICATION FEE: See the Instructions & Required Attachments document for further instruction

Minimum Impact Fee: Flat fee of \$ 200

Minor or Major Impact Fee: Calculate using the below table below

Permanent and Temporary (non-docking) 12,545 sq. ft X \$0.20 = \$ 2,509.00

Temporary (seasonal) docking structure: _____ sq. ft. X \$1.00 = \$ _____

Permanent docking structure: _____ sq. ft. X \$2.00 = \$ _____

Projects proposing shoreline structures (including docks) add \$200 = \$ _____

Total = \$ 2,509.00

The Application Fee is the above calculated Total or \$200, whichever is greater = \$ 2,509.00

shoreland@des.nh.gov or (603) 271-2147

NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095

www.des.nh.gov

Review Criteria Administrative Rule Env-Wt 302.04(b) & (c)



Documentation that the project complies with the requirements contained in Env-Wt 302.04(b) & (c) of the New Hampshire Code of Administrative Rules is provided below.

(1) The type of wetlands to be impacted.

There were no wetlands identified within the project area during the course of a field investigation conducted by VHB Senior Wetland Scientist, Kristopher Wilkes (CWS #288), on December 29, 2015. However, a portion of the project area is located within the 100-foot tidal buffer zone of the Atlantic Ocean based on VHB's delineation of the highest observable tide line (HOTL). The Atlantic Ocean is located directly to the east of the project area. The shoreline of the Atlantic Ocean running adjacent to the project area is comprised of sandy beach and is classified as Marine, Intertidal, Unconsolidated Shore, Sand (M2US2) in accordance to the *Classification of Wetlands and Deepwater Habitats of the United States* (Cowardin et al., 1979, revised 1985).

Refer to **Section 4.0** of the Application Narrative for a detailed description of existing conditions within the tidal buffer zone and proposed impacts.

(2) Surface areas of wetlands to be impacted.

No wetlands or surface waters will be impacted by the proposed project, as there are none which intersect the project area. The project will result in approximately 12,545 square feet of permanent impact within the 100-foot tidal buffer zone to the Atlantic Ocean. Permanent impacts are the result of the proposed improvements to existing State Park facilities located at Jenness State Beach. All of the proposed impacts will occur within previously disturbed/developed upland areas associated with the existing facilities on-site. This includes the area currently containing the existing parking lot and bath house located directly west of an existing concrete seawall as well as an area at the southerly end of the existing seawall directly east of the existing bath house where maintenance equipment and vehicles currently access the beach.

(3) *Relationship of the proposed wetlands to be impacted relative to nearby wetland and surface waters.*

There are no wetlands involved with the proposed project. The Atlantic Ocean is located directly to the east of the project site, while Eel Pond and associated wetlands are located to the west of the project site on the opposite side of Ocean Boulevard (US Route 1A). Due to the distance and lack of hydrological connectivity, there are no indirect impacts anticipated to the Eel Pond complex. Although some of the proposed improvements will occur within the 100-foot tidal buffer zone to the Atlantic Ocean, indirect impacts to the Atlantic Ocean are not anticipated due to the limited nature of the proposed work, the relatively minor amount of impact proposed, and the composition of the project footprint (previously developed recreational state park).

(4) *The impact upon abutting owners pursuant to RSA 482-A:11, II.*

All of the proposed improvements will occur on land owned by the applicant (State of New Hampshire), therefore no direct impacts to abutting properties will occur. Proposed improvements, including reconfiguration of the existing parking lot and modification of the existing vehicular access and egress points, will result in improved circulation and a reduction in queueing on Ocean Boulevard. These improvements are viewed as a positive impact to the abutting property owners as they aim to reduce vehicular congestion within the state beach parking lot and the abutting portion of US Route 1A.

(5) *The lack of alternative with lesser wetland and surface water impacts*

There are no wetland or surface water impacts associated with the proposed project. The only alternative considered was to allow Jenness State Beach Park to remain in its current condition. This alternative was determined to be unacceptable based on a review of existing conditions at the park conducted through a series of site visits and follow up meetings orchestrated by the New Hampshire Department of Resources and Economic Development (NHDRED). It was determined that site improvements are necessary in order to continue to meet the recreational needs of the public and to upgrade facilities in a manner that is aligned with recent improvements that have been completed at other state beach facilities located along Route 1A to the south in Hampton and North Hampton.

Env-Wt 302.04 (c)

(1) *The extent to which a project impacts beach or tidal flat sediment replenishment and movement of sediments along a shore.*

The majority of the proposed improvements are located within an area previously developed as a parking lot where Env-Wt 302.04 (c) (1) is not

applicable. A precast concrete access ramp is proposed at the southerly end of the existing concrete sea wall adjacent to the existing bath house. The ramp will be placed in an area of sand that is currently utilized as an access path for maintenance equipment and vehicles. The ramp will be placed in between two existing rock piles well above the highest observable tide line where sediment replenishment and movement does not regularly occur. Additionally, installation of the access ramp aims to permanently stabilize this area and solve current erosion issues resulting from repeated travel by maintenance crews in combination with stormwater run-off from the bath house and parking lot located directly west.

(2) The impact on a tidal wetland's ability to dissipate wave energy and storm surge.

The proposed improvements will occur within previously developed upland areas and no impacts to tidal wetlands are proposed. Existing conditions will be maintained with regards to wave energy.

(3) The impact of project runoff on salinity levels in tidal environments.

An erosion and sedimentation control plan will be implemented during project construction to prevent indirect impacts to coastal waterways. These measures may include the installation of temporary erosion and sedimentation controls such as a silt fence and/or compost filled silt socks.

The current configuration of the existing facilities at Jenness State Beach does not contain a formal stormwater treatment system. A series of 4-inch PVC pipes extend from the eastern edge of the existing parking lot underneath an existing sidewalk and outlet at the beach-side face of the existing concrete seawall. They do not appear to have a significant function other than providing a flow pass through for water to travel back and forth between the seawall if flooding of the parking lot occurs. Proposed improvements will not alter what exists at the site today and therefore no increases in runoff are proposed.



Appendix A

Project Permitting Plans (Bound Separately)





Appendix B

Representative Site Photographs



Representative Site Photographs – 12-29-15 Jenness Beach Redevelopment, Rye, NH



Photo 1: View north at existing Jenness State Beach parking lot that will be reconfigured to improve circulation and maximize available parking.



Photo 2: A second look at the southern end of the Jenness State Beach parking lot where the existing bath house is located.

Representative Site Photographs – 12-29-15 Jenness Beach Redevelopment, Rye, NH



Photo 3: View south along the existing raised traffic island which denotes the western boundary of the project area.



Photo 4: View north along the existing concrete seawall which denotes the eastern boundary of the project area.

Representative Site Photographs – 12-29-15 Jenness Beach Redevelopment, Rye, NH



Photo 5: View southeast at the existing Jenness State Beach bath house. The existing bath house will be replaced with a larger structure that will be relocated immediately north of the existing structure within the existing parking lot.



Photo 6: View west at the existing access path used by maintenance crews to access the beach with equipment and vehicles.

Representative Site Photographs – 12-29-15 Jeness Beach Redevelopment, Rye, NH



Photo 7: View south along the sandy beach separated from the project area by the existing concrete seawall.



Photo 8: Second view north along the sandy beach separated from the project area by the existing concrete seawall.



Appendix C

Natural Resource Agency Correspondence





NEW HAMPSHIRE NATURAL HERITAGE BUREAU
NHB DATACHECK RESULTS LETTER

To: Kristopher Wilkes, Vanasse Hangen Brustlin, Inc.
2 Bedford Farms Dr., Suite 200
Bedford, NH 03110

From: NH Natural Heritage Bureau

Date: 2/22/2016 (valid for one year from this date)

Re: Review by NH Natural Heritage Bureau of request submitted 2/17/2016

NHB File ID: NHB16-0489

Applicant: Division of Public Works

Location: Rye
Tax Maps: Map 5, Lot 52

Project Description: The State of New Hampshire is looking to complete improvements to the State Park Facilities at Jenness State Beach in Rye, NH. Improvements include replacing the existing rest room building with a larger structure to increase the public facilities, reconfiguration of the existing parking lot to improve circulation and reduce queueing on Ocean Boulevard, stormwater improvements to reduce localized erosion, and the addition of outside showers, site lighting and bicycle parking.

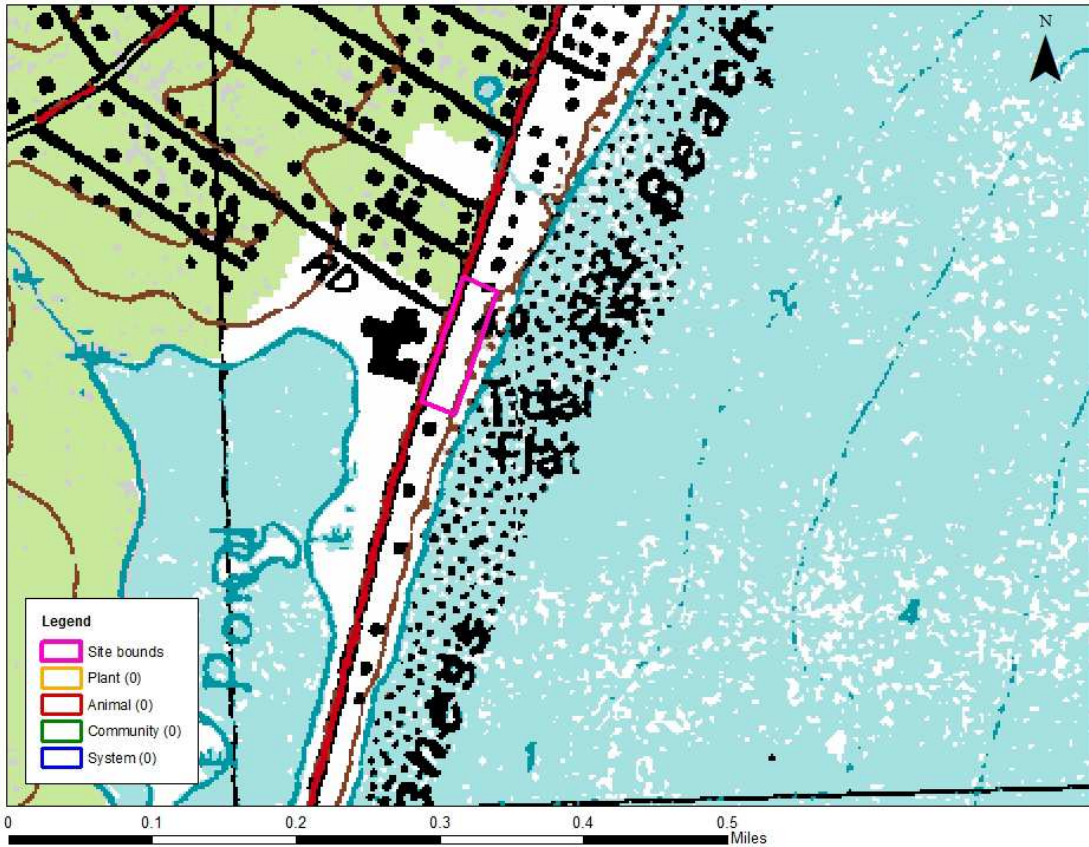
The NH Natural Heritage database has been checked by staff of the NH Natural Heritage Bureau and/or the NH Nongame and Endangered Species Program for records of rare species and exemplary natural communities near the area mapped below. The species considered include those listed as Threatened or Endangered by either the state of New Hampshire or the federal government.

It was determined that, although there was a NHB record (e.g., rare wildlife, plant, and/or natural community) present in the vicinity, we do not expect that it will be impacted by the proposed project. This determination was made based on the project information submitted via the NHB Datacheck Tool on 2/17/2016, and cannot be used for any other project.



MAP OF PROJECT BOUNDARIES FOR: **NHB16-0489**

NHB16-0489





United States Department of the Interior



FISH AND WILDLIFE SERVICE
New England Ecological Services Field Office
70 COMMERCIAL STREET, SUITE 300
CONCORD, NH 03301
PHONE: (603)223-2541 FAX: (603)223-0104
URL: www.fws.gov/newengland

Consultation Code: 05E1NE00-2016-SLI-0956

February 17, 2016

Event Code: 05E1NE00-2016-E-01304

Project Name: Jenness State Beach Redevelopment

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment



United States Department of Interior
Fish and Wildlife Service

Project name: Jenness State Beach Redevelopment

Official Species List

Provided by:

New England Ecological Services Field Office
70 COMMERCIAL STREET, SUITE 300
CONCORD, NH 03301
(603) 223-2541
<http://www.fws.gov/newengland>

Consultation Code: 05E1NE00-2016-SLI-0956

Event Code: 05E1NE00-2016-E-01304

Project Type: SHORELINE USAGE FACILITIES / DEVELOPMENT

Project Name: Jenness State Beach Redevelopment

Project Description: The State of New Hampshire is looking to complete improvements to the State Park Facilities at Jenness State Beach in Rye, NH. Improvements include replacing the existing rest room building with a larger structure to increase the public facilities, reconfiguration of the existing parking lot to improve circulation and reduce queueing on Ocean Boulevard, stormwater improvements to reduce localized erosion, and the addition of outside showers, site lighting and bicycle parking.

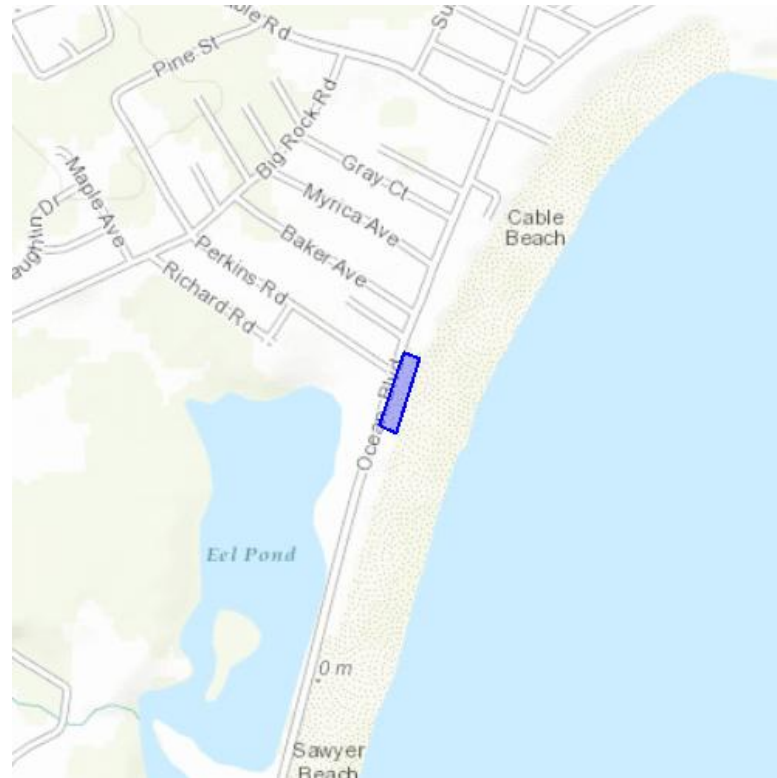
Please Note: The FWS office may have modified the Project Name and/or Project Description, so it may be different from what was submitted in your previous request. If the Consultation Code matches, the FWS considers this to be the same project. Contact the office in the 'Provided by' section of your previous Official Species list if you have any questions or concerns.



United States Department of Interior
Fish and Wildlife Service

Project name: Jenness State Beach Redevelopment

Project Location Map:



Project Coordinates: MULTIPOLYGON (((-70.76240837574005 42.9864653012792, -70.76205968856812 42.98634757663319, -70.76260149478912 42.98512322694988, -70.7629930973053 42.98522918125168, -70.76240837574005 42.9864653012792)))

Project Counties: Rockingham, NH



United States Department of Interior
Fish and Wildlife Service

Project name: Jenness State Beach Redevelopment

Endangered Species Act Species List

There are a total of 3 threatened or endangered species on your species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Critical habitats listed under the **Has Critical Habitat** column may or may not lie within your project area. See the **Critical habitats within your project area** section further below for critical habitat that lies within your project. Please contact the designated FWS office if you have questions.

Birds	Status	Has Critical Habitat	Condition(s)
Red Knot (<i>Calidris canutus rufa</i>)	Threatened		
Roseate tern (<i>Sterna dougallii dougallii</i>) Population: northeast U.S. nesting pop.	Endangered		
Mammals			
Northern long-eared Bat (<i>Myotis septentrionalis</i>)	Threatened		



United States Department of Interior
Fish and Wildlife Service

Project name: Jenness State Beach Redevelopment

Critical habitats that lie within your project area

There are no critical habitats within your project area.



March 15, 2016

Ref: 52348.05

Tom Chapman, Supervisor and Susi vonOettingen, Endangered Species Biologist
United States Fish and Wildlife Service
New England Field Office
70 Commercial Street, Suite 300
Concord, NH 03301

Re: Jenness State Beach Redevelopment Project – Rye, New Hampshire
Threatened and Endangered Species Consultation, Consultation Code: 05E1NE00-2016-SLI-0956

Dear Mr. Chapman and Ms. vonOettingen:

On behalf of the New Hampshire Department of Resources and Economic Development (NHDRED), VHB is conducting environmental permitting through the New Hampshire Department of Environmental Services (NHDES) for proposed improvements to the State Park facilities at Jenness State Beach located at 2280 Ocean Boulevard (US Route 1A) in Rye, New Hampshire. Site improvements are outlined on the attached site plan and include the following:

- 1) Replacement of the existing rest room building with a larger unheated structure that will have some of the applicable architectural features as those found at the Hampton and North Hampton Beach State Park Bath Houses.
- 2) Increase men's and women's rest room facilities to include more toilets, a family bathroom, janitor's closet, plumbing chase/utility area and four unisex changing rooms.
- 3) Reconfiguration of the existing parking lot to improve circulation and maximize available parking.
- 4) Modification of the existing vehicular access and egress points to improve circulation and reduce queueing on Ocean Boulevard.
- 5) Installation of a permanent equipment access ramp onto the beach at the southerly end of the project area adjacent to the proposed bath house.
- 6) Incorporation of outside showers, site lighting and bicycle parking in the site amenities.

Although no impacts to wetlands or surface waters are proposed, the project requires a Minimum Impact Wetlands Permit through NHDES for impacts proposed within the 100-foot tidal buffer zone of the Atlantic Ocean. All of the proposed impacts will occur within previously disturbed/developed upland areas associated with the existing facilities and recreational beach. VHB submitted an online inquiry for threatened and endangered species using the US Fish & Wildlife Service's (USFWS) Information, Planning, and Conservation System (IPaC) and received results dated February 17, 2016 identifying the Red Knot (*Calidris canutus rufa*), Roseate tern (*Sterna dougallii dougallii*), and the Northern long-eared bat (*Myotis*

2 Bedford Farms Drive
Suite 200
Bedford, New Hampshire 03110
P 603.391.3900
F 603.518.7495

Engineers | Scientists | Planners | Designers

Tom Chapman, Supervisor and Susi vonOettingen,
Endangered Species Biologist
Ref: 52348.05
March 15, 2016
Page 2



septentrionalis). Due to the limited nature of the proposed work (improvements to existing facilities within a previously developed footprint) and characteristics of the immediate surrounding area (consisting of recreational beach and residential and commercial beachfront development), VHB does not anticipate any adverse effects to the migratory or breeding patterns of the Red Knot or Roseate Tern. Additionally, following the guidance provided by the US Fish and Wildlife Service, specifically the *Key to the Northern Long-Eared Bat (NLEB) 4(d) Rule*, VHB has determined that this project will not result in adverse impacts to the NLEB because it does not involve tree removal and does not take place within known hibernacula. VHB is seeking concurrence from the USFWS, specifically with regards to the Red Knot and Roseate Tern, so that the project can move forward as planned and permitted. Please do not hesitate to contact me if you have questions at (603) 391-3900 or kwilkes@vhb.com

Sincerely,

A handwritten signature in black ink, appearing to read "Kristopher Wilkes", with a long, sweeping underline.

Kristopher Wilkes, CWS, CPESC
Senior Environmental Scientist
kwilkes@vhb.com

CC: Thomas Mansfield, NHDRED
VHB File

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Tom Chapman/ Susi vonOettingen
 US Fish and Wildlife Service
 New England Field Office
 70 Commercial Street, Suite 300
 Concord, NH 03301



Appendix D

Abutter Notification Materials



**Jenness State Beach Redevelopment
Project Parcel (005-052-000) Abutters List
Town of Rye, NH**

Owner/Abutter	Tax Map Number (map-lot-unit)	Mailing Address
Fitzsimons Ryan Rev Trust	005-053-000	150 Dow Street Manchester, NH 03101
Andrew P. Varney	053-074-000	909 Douglass Drive Mclean, VA 22101

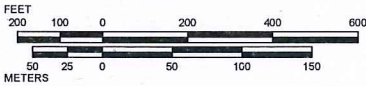
Refer to highlighted parcels on accompanying tax maps.



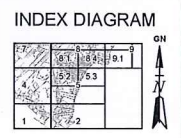
THIS MAP IS FOR LISTING AND ASSESSMENT PURPOSES AND IS NOT TO BE USED FOR DESCRIPTION OR CONVEYANCE.
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 TAX MAP COMPILATION BY SEWALL CO.
 DIGITAL TAX MAPPING BY SEACOST ENGINEERING ASSOC., INC.

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LEGEND
 RYE WATER DISTRICT WELLHEAD PROTECTION AREA

SCALE: 1" = 200'

 REVISD TO: APRIL 1, 2015

PROPERTY MAPS
TOWN OF RYE
 NEW HAMPSHIRE



MAP NO.
5



THIS MAP IS FOR LISTING AND ASSESSMENT PURPOSES AND IS NOT TO BE USED FOR DESCRIPTION OR CONVEYANCE.

THE HORIZONTAL DATUM IS THE NEW HAMPSHIRE STATE PLANE COORDINATE SYSTEM, NAD 83.

TAX MAP COMPILATION BY SEWALL CO.

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LEGEND

RYE WATER DISTRICT WELLHEAD PROTECTION AREA

SCALE: 1" = 100'

FEET
100 50 0 100 200 300

METERS
25 12.5 0 25 50 75

REVISED TO: APRIL 1, 2015

PROPERTY MAPS

TOWN OF RYE

NEW HAMPSHIRE

INDEX DIAGRAM

MAP NO.

5.3

