

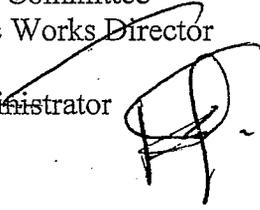


## **TOWN OF DURHAM**

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# **Memorandum**

TO: Town Council  
Conservation Commission  
Parks & Recreation Committee  
Mike Lynch, Public Works Director

FROM: Todd I. Selig, Administrator 

DATE: May 25, 2011

RE: Meeting with Dori Wiggin from NHDES on Jackson's Landing Ramp  
March 15, 2011

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At 9:00 a.m. on March 15, 2011, a meeting took place with Ms. Dori Wiggin, East Region Supervisor for the N.H. Department of Environmental Services Wetlands Bureau, to discuss the new boat ramp configuration at Jackson's Landing. I was accompanied to the meeting by Mr. Stephen Roberts (former Durham Planning Board and Conservation Commission member), Public Works Director Michael Lynch, Town Councilor Mike Sievert, Town Councilor Robin Mower, and Durham Conservation Commission member Peter Smith. NHDES Wetlands Inspector David Price also attended the meeting. The meeting was held at 222 International Drive, Suite 175, Portsmouth, NH 03801.

On December 6, 2010, NHDES approved an amended wetland permit for alterations to the Town of Durham boat launch at Jackson's Landing to extend an additional 23 feet in length to the ramp at a slope of 5.7%. The approval was part of NHDES Wetlands File #2008-00287. NHDES found the amended permit within the same footprint as the existing boat ramp to be a minimum impact project per Administrative Rule Env-Wt 303.04(v), maintenance, repair, and replacement in-kind of an existing docking structure. It had been found that the change in material to concrete logs from the previous broken asphalt surface represented a benefit to the resource in protecting water quality and that the replacement originally approved was found to be under-designed.

The goal of the Durham delegation was to ascertain whether NHDES would permit additional slope, ramp length, and/or the clearing of mud from atop the older asphalt ramp to facilitate launching activities at the Jackson's Landing boat ramp. The delegation

argued that such additional improvements would serve to further diminish turbidity created by users at the end of the ramp over the tidal cycle.

The following salient points were gleaned from the meeting:

1. The group discussed an August 15, 1995 letter from Delbert Downing, Chairman of the NH Wetlands Board, in regard to File #93-00020, in which Mr. Downing had granted a one time, temporary permit for repairs of potholes in the asphalt town boat ramp at Jackson's Landing. The letter also denied the Town's request to overlay the entire boat ramp with hot bituminous asphalt and denied the Town's application to repair and resurface existing, deteriorated asphalt at the boat ramp.
2. Although the language, "... and allows 2.28 hours more access over the range of the tidal cycle ..." was utilized in the NHDES amended wetland permit letter of December 6, 2010, Ms. Wiggin obtained this information from Durham residents with whom she met on site at Jackson's Landing in August 2010 when the addition of 23 feet was discussed. Ms. Wiggin did not verify the additional access time associated with an additional 23 feet of ramp and it in no manner implies that Durham has any authority to increase the slope of the ramp based upon this language.
3. In response to concerns from the Durham delegation that the present configuration of the ramp with the additional 23 feet at an approximate slope of 5.7% - 6% would continue to result in ramp users backing their boat trailers into the mud to obtain the maximum time possible on the water, Ms. Wiggin stated that this should be an issue of enforcement and indicated that Mr. Price would be asked to monitor the ramp more frequently to enforce NHDES regulations.
4. Ms. Wiggin indicated that the dredging of material from the old asphalt ramp, or the extension of the existing ramp, would trigger a major wetland permit application requiring mitigation by the Army Corps of Engineers and numerous other regulatory hurdles. Ms. Wiggin indicated repeatedly her strong belief that Durham would not be successful in meeting the requirements of such a permit application.
5. Ms. Wiggin indicated she would be open to considering an amended wetland application that permitted removing the recently installed 23 feet of concrete logs and increasing the angle of descent to a number greater than 5.7% +/- as long as the final grade of the repositioned logs was at grade with the old existing asphalt ramp at the site. Mr. Sievert explained that based upon the best available data illustrating contours of the tidal riverbed in this location, the existing installation should be consistent with this best practices approach at a grade of -1.17' +/- (per Ramp Extension Profile Plan). Ms. Wiggin clearly indicated that Mr. Sievert had utilized the appropriate approach in his preparation of the amended wetland application. However, because the ramp was snow-covered at the time of the meeting on March 15th, Mr. Selig will engage an independent engineering review of the precise positioning and whether any additional depth can be obtained, as well as whether additional depth would have a meaningful positive impact on the

ramp slope. It should be noted that the Oyster River channel is constantly in flux and the riverbed survey which Mr. Sievert utilized for the plan design will quite likely be imprecise at this time due to this constant fluctuation.

6. The group discussed the development of a maintenance plan for the boat ramp at Jackson's Landing. Mr. Lynch will prepare an application for ongoing maintenance of the ramp and submit it to NHDES. Ms. Wiggin indicated that a 5 year plan may be possible and that rules may be changing in the near future which would allow for a 10 year plan.
7. As part of the maintenance plan, NHDES would be open to considering Durham's resetting the flat stones/riprap on each side of the ramp as well as hand cutting a small amount of sea grass along the edges of the ramp and replacing this grass with flat stones. Ms. Wiggin was clear, however, that individuals with larger boats could not expect all of the sea grass to be eliminated; those users should seek a more appropriate launch site.
8. The group discussed the fact that additional signage at Jackson's Landing would be beneficial for users of the boat launch. Specific signage mentioned included: End of Ramp, Tidal Differential between Jackson's Landing Site and Dover Point, A Notation that the Oyster River is a Tidal River, Mention of RSA 42A Enforcement, and that Jackson's Landing is a limited access launch site.

cc: Dori Wiggin, NHDES  
David Price, NHDES  
Mr. Stephen Roberts  
Mr. Michael Sievert  
David Cedarholm, Town Engineer



The State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**



Thomas S. Burack, Commissioner

**WETLANDS AND NON-SITE SPECIFIC PERMIT 2008-00287\*\*\*AMENDED\*\*\***

Permittee: Town of Durham  
 15 Newmarket Road  
 Durham, NH 03824-2898  
 Project Location: Jackson's Landing, Durham  
 Durham Tax Map/Lot No. 11 / 9-2  
 Waterbody: Oyster River

**NOTE -  
 CONDITIONS**

APPROVAL DATE: 12/06/2010

EXPIRATION DATE: 10/10/2013

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.

**AMENDED PERMIT DESCRIPTION:** Impact two freshwater wetlands in conjunction with municipal park site stormwater improvements, including 90 sq. ft. of impact to regrade and revegetate wetland bank at outlet of new treatment swale constructed in uplands; and impact 240 sq. ft. of wetland to remove restrictive, deteriorated culvert and associated fill from wetland and replace with top-of-bank to top-of-bank footbridge. Total freshwater impact 330 sq. ft.

**AMENDED:** Impact 1,402 sq. ft. of tidal wetland to replace existing eroded municipal boat ramp with concrete logs properly bedded in same footprint.

**THIS APPROVAL IS SUBJECT TO THE FOLLOWING PROJECT SPECIFIC CONDITIONS:**

1. **AMENDED:** All work shall be in accordance with plans by MJS Engineering dated 10/7/2008, as received by DES on 10/9/2008, and pursuant to revised plans by MJS Engineering dated 9/27/2010 as received by DES on 10/6/2010, relative to the boat ramp repair.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Appropriate siltation/erosion/turbidity controls, including a turbidity curtain, shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Upland and bank areas landward of the boat ramp shall not be disturbed by regrading or filling, to minimize the potential for erosion of materials into the Oyster River.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. 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.
7. Work shall be done during low tide.
8. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
9. Faulty equipment shall be repaired prior to entering jurisdictional areas.
10. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
11. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

**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 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. Review enclosed sheet for status of the US Army Corps of Engineers' federal wetlands permit.

APPROVED: \_\_\_\_\_

Dori Wiggin, East Region Supervisor  
 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)