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

December 4, 2025

Subject: NAE-2005-01142, New Hampshire Aquatic Resource Mitigation Fund In-Lieu Fee Program Instrument – 2025 Grant Projects Initial Evaluation Letter

New Hampshire Department of Environmental Services
Aquatic Resource Mitigation Program
Attn: Ms. Emily Nichols
Via email: Emily.P.Nichols@des.nh.gov

Dear Ms. Nichols:

This letter is in response to the twelve (12) mitigation project proposals submitted on September 16, 2025, by the New Hampshire Department of Environmental Services (NHDES) Aquatic Resource Mitigation (ARM) Fund In-Lieu Fee (ILF) Program to the U.S. Army Corps of Engineers (USACE) New England District (NAE). On October 3, 2025, USACE placed the mitigation project proposals on Public Notice as a request to modify the ILF Program instrument with the potential addition of the following compensatory mitigation projects pursuant to 33 CFR 332, Compensatory Mitigation for Losses of Aquatic Resources (Federal Register April 10, 2008, effective June 9, 2008).

ILF Project Proposals:

1. 2025 - Contoocook - Poole Reservoir Dam Removal - Jaffrey, NH (NAE-2025-01754)
2. 2025 - Contoocook - Robinson Pond Dam Removal - Washington, NH (NAE-2025-01753)
3. 2025 - Contoocook - West Branch Warner River - Bradford, NH (NAE-2025-01752)
4. 2025 - Pemi-Winni - Williams Property (Horner Lot) - Tuftonboro, NH (NAE-2025-01755)
5. 2025 - Lower CT - Lebanon Woolen Mill Restoration - Lebanon, NH (NAE-2025-01756)
6. 2025 - Merrimack - Candlewood Hill Fen/Bog Connectivity - Francestown, NH (NAE-2025-01757)
7. 2025 - Merrimack - Hadley Falls Dam Removal - Goffstown, NH (NAE-2025-01896)
8. 2025 - Middle CT - Littleton Reservoir Dam Removal - Bethlehem, NH (NAE-2025-01897)
9. 2025 - Salmon-Pisc - Plaice Cove Dune Restoration - Hampton, NH (NAE-2025-01898)
10. 2025 - Salmon-Pisc - Brentwood Hydro Dam Removal - Brentwood, NH

(NAE-2025-01899)
11. 2025 - Upper CT - Maidstone Bends (Dyas) Conservation - Northumberland, NH (NAE-2025-01900)
12. 2025 - Upper CT Washburn Family Forest Crossing Upgrades - Clarksville, NH (NAE-2025-01901)

We reviewed all proposals, visited each proposed project site, and participated in the NHDES ARM Fund meeting on November 20, 2025. We have considered all information available to date in response to the proposals and Public Notice, including comments received from the public and the Interagency Review Team (IRT), and preliminary feedback provided by the New Hampshire Division of Historical Resources (NH DHR). In accordance with 33 CFR 332.8(d)(5), we determined that all the proposals have the potential to provide compensatory mitigation for activities authorized by Department of Army (DA) permits and may proceed to draft mitigation plan development (see 33 CFR 328.8(d)(6)). The following comments should be addressed, as applicable, in the draft mitigation plans for proposals selected to advance under the NHDES ARM Fund ILF Program's Draft Instrument Modification request.

1) General Comments for Draft Mitigation Plan Development

a) To ensure all federal requirements for compensatory mitigation projects are addressed, please utilize the following available references and resources:
   i) The 2008 Federal Compensatory Mitigation Rule (33 CFR 332) https://www.ecfr.gov/current/title-33/chapter-II/part-332
   ii) The most updated version of the New England District Compensatory Mitigation Standard Operating Procedures (SOP) https://www.nae.usace.army.mil/Missions/Regulatory/Mitigation/
      (1) Appendix C – Multiplier/Ratio Tables
      (2) Appendix F – Wetlands Module
      (3) Appendix G – Stream Module
      (4) Appendix H – Vernal Pool Module
   iii) The New England District's Collection of Regulatory Field Tools https://www.nae.usace.army.mil/missions/regulatory/regulatory-field-tools/
   iv) Mitigation Plan 33 CFR 332 – Template 12 Required Components https://ribits.ops.usace.army.mil/ords/f?p=107:27:7049024839521::NO::P27_BUTTON_KEY:21

b) Prior to issuing the final approval for a mitigation plan and site addition amendment to the ILF Program instrument, USACE must fulfill all required agency consultations associated with the federal action review, which include Section 7 of the Endangered Species Act (ESA), Section 106 of the National Historic Preservation Act (NHPA), Magnuson-Stevens Act Provisions for Essential Fish Habitat (EFH), Coastal Zone Management Act (CZMA) Federal Consistency, and Section 7 of the Wild and Scenic Rivers Act (WSRA).

To facilitate this evaluation and coordination process, please include the following site-specific information in each draft mitigation plan, as applicable:

i) U.S. Fish and Wildlife Service (FWS) Information for Planning and Consultation (IPaC) generated Official Species List https://ipac.ecosphere.fws.gov/
ii) NOAA Fisheries EFH Mapper Results https://www.habitat.noaa.gov/apps/efhmapper/
iii) NOAA Fisheries Greater Atlantic Region ESA Section 7 Mapper Results https://www.fisheries.noaa.gov/new-england-mid-atlantic/consultations/section-7-species-critical-habitat-information-maps-greater
iv) Any available cultural resources and/or historic information for the site and surrounding area (e.g., structures, past surveys, historical records/listings)
v) Name of the lead federal agency for the project, if not USACE (e.g., FWS)
vi) List of required federal, state, and local permits and approvals

c) Please include the following maps and figures in each draft mitigation plan. Maps and figures should show the proposed project boundary, and include a legend, north arrow, and scale.

i) Project Location Map, identifying site coordinates, surrounding parcel lines, and nearby roads
ii) USGS 1:24,000-scale Topographic Map
iii) Current Aerial Photograph (include source and date of imagery)
iv) USDA Soil Survey Map (http://websoilsurvey.nrcs.usda.gov/app/)
v) Invasive Plant Cover Map showing current location(s) and approximate extent of invasive plant species within and abutting the project boundary
vi) Existing Site Resources Map showing approximate locations of any existing wetlands, open waters, and/or streams, and if known, any jurisdictional delineation boundaries of waters of the U.S.
vii) Proposed Site Conditions Map showing the approximate location and extent (in acres and/or linear feet) of proposed mitigation work/credit areas (e.g., wetland, vernal pool, stream, and/or associated buffers to be restored, enhanced, created, and/or preserved), and any non-credit areas within the project boundary proposed to be maintained/managed in the future (e.g., trails, boardwalks, parking area)
viii) Light Detection and Ranging (LiDAR) map, showing the site and local vicinity
ix) Historic aerial imagery (potential sources: HistoricAerials.com, Google Earth)
x) As appropriate for restoration and enhancement projects, please also include design plans (plan view, profiles, typical sections and details, construction notes and sequence, planting plan, erosion and sediment control plan, etc.)

2) **2025 - Contoocook - Poole Reservoir Dam Removal - Jaffrey, NH (NAE-2025-01754)**

a) Understanding that long-term site protection and management may not be feasible to obtain for dam removal projects proposed for stream credit generation, these requirements still need to be addressed in the mitigation plan (e.g., identify the obstacles inhibiting site protection and/or long-term management, explain why the project resource is not at high risk for future degradation without site protection and/or long-term management).

b) For stream credit generation, the Stream Visual Assessment Protocol (SVAP) 2.0 NAE Updated Summary Sheet (2018) needs to be completed pre-construction and during post-construction monitoring to demonstrate functional improvement. Additional performance and monitoring metrics may be needed based on the project location and scope. Stream credit associated with barrier removal must demonstrate the reestablishment of aquatic organism passage.

c) For the proposed project to be eligible to generate mitigation credit from wetland, wetland buffer and/or stream buffer, the areas of restoration, enhancement and/or preservation are required to have a site protection mechanism, long-term management plan and associated funding, and measurable performance standards and associated monitoring for a minimum of five years. If wetland restoration is proposed within the former impoundment footprint, an assessment is needed post-dam removal to confirm the suitability and extent of proposed revegetation areas, which may result in an adjustment in the potential wetland credits.

3) **2025 - Contoocook - Robinson Pond Dam Removal - Washington, NH (NAE-2025-01753)**

a) Understanding that long-term site protection and management may not be feasible to obtain for dam removal projects proposed for stream credit generation, these requirements still need to be addressed in the mitigation plan (e.g., identify the obstacles inhibiting site protection and/or long-term management, explain why the project resource is not at high risk for future degradation without site protection and/or long-term management).

b) For stream credit generation, the Stream Visual Assessment Protocol (SVAP) 2.0 NAE Updated Summary Sheet (2018) needs to be completed pre-construction and during post-construction monitoring to demonstrate functional improvement. Additional performance and monitoring metrics may be needed based on the project location and scope. Stream credit associated with barrier removal must demonstrate the reestablishment of aquatic organism passage.

c) For the proposed project to be eligible to generate mitigation credit from wetland, wetland buffer and/or stream buffer, the areas of restoration, enhancement

and/or preservation are required to have a site protection mechanism, long-term management plan and associated funding, and measurable performance standards and associated monitoring for a minimum of five years. If wetland restoration is proposed within the former impoundment footprint, an assessment post-dam removal is needed to confirm revegetation suitability and extent, which may result in an adjustment in the potential wetland credits.

d) In the draft mitigation plan, please address the potential risk that abutting infrastructure (e.g., road and remaining wing walls) may pose to the long-term success of the ILF project and stability of the aquatic resource.

e) Please note that an as-built submittal is required for dam removal stream restoration mitigation projects.

4) 2025 - Contoocook - West Branch Warner River - Bradford, NH (NAE-2025-01752)

a) This proposal has the potential to generate multiple aquatic resource credit types through multiple mitigation approaches, including stream and wetland restoration, enhancement and preservation. We are available to discuss the potential approaches, associated ratios, and requirements. We also encourage outlining potential scenarios in the adaptive management section of the mitigation plan to provide a framework to address changes as the project progresses (e.g., expansion of a restoration area, active planting if invasives encroach into a passive revegetation area).

b) This project also provides critical landscape connectivity of conservation lands through proposed site protection. To that end, the draft conservation easement should include site-specific language to ensure management of the existing hay field will remain a compatible adjacent land use to the project credit areas onsite in accordance with the long-term management plan.

c) Project performance standards included in the mitigation plan should be SMART (Specific, Measurable, Attainable, Reasonable/practicable, Trackable), tie back to the project objectives, and inform the project monitoring approach. The monitoring plan should be designed to demonstrate that the project is achieving its performance standards and accomplishing its objectives prior to the end of the monitoring period and final credit release. For example:
   i) Objective – Restore native wetland plant cover and diversity;
   ii) Performance Standard – By monitoring year five, the 3-acre wetland restoration area shall contain at least 90% native wetland plant cover, including a minimum of four different herbaceous species and four different woody species;
   iii) Monitoring – Sample fixed and randomly placed plots (x by x size) recording species name, stem count and species cover in monitoring years one, three and five.

5) **2025 - Pemi-Winni - Williams Property (Horner Lot) - Tuftonboro, NH (NAE-2025-01755)**

a) This ILF project has the potential to generate multiple aquatic resource credit types through multiple mitigation approaches, including stream and wetland restoration, enhancement and preservation. We are available to discuss the potential approaches, associated ratios, and requirements.

b) The project also provides critical landscape connectivity of conservation lands through proposed site protection. To that end, there is significant value in the proposal that the conservation easement will specify a no-logging approach to property management.

c) The performance monitoring outlined in the project proposal includes a list of suitable metrics. In the draft mitigation plan, please also include use of the Stream Visual Assessment Protocol (SVAP) 2.0 NAE Updated Summary Sheet (2018) and a vegetation metric for proposed planted areas.

6) **2025 - Lower CT - Lebanon Woolen Mill Restoration - Lebanon, NH (NAE-2025-01756)**

a) This ILF project has the potential to generate multiple aquatic resource credit types through multiple mitigation approaches, including stream and wetland restoration, enhancement and preservation. We are available to discuss the potential approaches, associated ratios, and requirements.

b) This project provides the opportunity to restore, enhance and preserve aquatic resource areas visible to the public and within close proximity to authorized permit impacts resulting in losses of aquatic resource function and area. Please consider potential educational opportunities and address possible risks associated with site accessibility in the development of the long-term management plan.

c) Project performance standards included in the mitigation plan should be SMART (Specific, Measurable, Attainable, Reasonable/practicable, Trackable), tie back to the project objectives, and inform the project monitoring approach. The monitoring plan should be designed to demonstrate that the project is achieving its performance standards and accomplishing its objectives prior to the end of the monitoring period and final credit release. See comment 4c for an example.

d) In the draft mitigation plan, please address the risk of contaminated material being present onsite, including proposed testing, test results, and potential action plan for handling and disposal.

7) 2025 - Merrimack - Candlewood Hill Fen/Bog Connectivity - Francestown, NH (NAE-2025-01757)

a) The 2008 Federal Mitigation Rule specifies that restoration should generally be the first option considered for compensatory mitigation (§332.3(a)(2)). However, for difficult-to-replace resources (e.g. bogs, fens), the required compensation should be provided through in-kind rehabilitation, enhancement, or preservation since there is greater certainty that these methods of compensation will successfully offset permitted impacts (§332.3(e)(3)). This proposed fen/bog preservation project would allow for the in-kind compensation of permitted bog impacts that use the ILF Program within the Merrimack Service Area.

b) For a preservation only project to be eligible to provide compensatory mitigation, it must meet the five criteria outlined in the Rule (§332.3(h)(1)). In the draft mitigation plan, please detail how the project meets the following criteria:
   i) The resource(s) provide important physical, chemical or biological functions for the watershed,
   ii) The resource(s) contribute significantly to the ecological sustainability of the watershed as shown through a quantitative assessment,
   iii) Preservation is determined appropriate and practicable (e.g. in-kind offset of difficult-to-replace resource),
   iv) The resource(s) is under threat of destruction or adverse modification, and
   v) The preserved site will be permanently protected through a site protection instrument.

c) While the proposed turtle habitat enhancement activities within the upland buffer were removed from the ILF project scope, if this work proceeds, please ensure that best management practices are employed to avoid any direct or indirect impacts to proposed credit generating areas onsite. Any references within the site conservation easement and/or project long-term management plan for potential future maintenance of the turtle habitat should detail allowable activities and clearly identify the location and extent of the managed area.

8) 2025 - Merrimack - Hadley Falls Dam Removal - Goffstown, NH (NAE-2025-01896)

a) Understanding that long-term site protection and management may not be feasible to obtain for dam removal projects proposed for stream credit generation, these requirements still need to be addressed in the mitigation plan (e.g., identify the obstacles inhibiting site protection and/or long-term management, explain why the project resource is not at high risk for future degradation without site protection and/or long-term management).

b) For stream credit generation, the Stream Visual Assessment Protocol (SVAP) 2.0 NAE Updated Summary Sheet (2018) needs to be completed pre-construction and during post-construction monitoring. Additional performance and monitoring

metrics may be needed based on the project location and scope. Stream credit associated with barrier removal must demonstrate the reestablishment of aquatic organism passage.

c) For the proposed project to be eligible to generate mitigation credit from wetland, wetland buffer and/or stream buffer, the areas of restoration, enhancement and/or preservation are required to have a site protection mechanism, long-term management plan and associated funding, and measurable performance standards and associated monitoring for a minimum of five years. If wetland restoration is proposed within the former impoundment footprint, a delineation is needed after dam removal to confirm suitability and extent, which may result in an adjustment in the potential wetland credits.

d) In the draft mitigation plan, please address the risk of contaminated material being present onsite, including proposed testing, test results, and potential action plan for handling and disposal.

9) 2025 - Middle CT - Littleton Reservoir Dam Removal - Bethlehem, NH (NAE-2025-01897)

a) Understanding that long-term site protection and management may not be feasible to obtain for dam removal projects proposed for stream credit generation, these requirements still need to be addressed in the mitigation plan (e.g., identify the obstacles inhibiting site protection and/or long-term management, explain why the project resource is not at high risk for future degradation without site protection and/or long-term management).

b) For stream credit generation, the Stream Visual Assessment Protocol (SVAP) 2.0 NAE Updated Summary Sheet (2018) needs to be completed pre-construction and during post-construction monitoring. Additional performance and monitoring metrics may be needed based on the project location and scope. Stream credit associated with barrier removal must demonstrate the reestablishment of aquatic organism passage.

c) For the proposed project to be eligible to generate mitigation credit from wetland, wetland buffer and/or stream buffer, the areas of restoration, enhancement and/or preservation are required to have a site protection mechanism, long-term management plan and associated funding, and measurable performance standards and associated monitoring for a minimum of five years.

d) We recognize that the proposed ILF dam removal and the proposed upstream infiltration gallery modification projects are linked in design and permitting, construction phasing, and long-term site management. With that in mind, the mitigation plan, monitoring plan, and long-term management plan should focus on the scope of the ILF dam removal project, but, where appropriate, include information to the existing and proposed conditions of the infiltration gallery.

10) 2025 - Salmon-Pisc - Plaice Cove Dune Restoration - Hampton, NH (NAE-2025-01898)

a) The 2008 Federal Mitigation Rule allows for credits provided by riparian areas, buffers, and uplands in certain circumstances. "Non-aquatic resources can only be used as compensatory mitigation for impacts to aquatic resources authorized by DA permits when those resources are essential to maintaining the ecological viability of adjoining aquatic resources" (§332.8(o)(7)). In the draft mitigation plan, please discuss the following:
   i) How restoring dune habitat as an upland buffer for the adjacent intertidal and salt marsh resources will aid in the sustainability of those resources and the functions they provide in the watershed.
   ii) Why restoring dune habitat as an upland buffer for adjacent tidal resources is an appropriate compensation for permitted impacts within the ILF Service Area (e.g., required mitigation for tidal and dune impacts).

b) While dune restoration projects are generally not considered appropriate federal compensatory mitigation for impacts to WOTUS, in this case there were multiple factors that led to the initial support of this project, including:
   i) The proposed site protection mechanism and long-term management plan,
   ii) The qualifications and commitments from NH Sea Grant and UNH Extension,
   iii) The inclusion of 5-year monitoring of intertidal and salt marsh areas with the potential for enhancement activities, and
   iv) The potential to fulfill tidal resource impacts within the Service Area without additional temporal lag and enabling in-kind replacement for dune habitat impacts regulated by NHDES.

c) There are some clarifications and concerns that will need to be addressed in the development of the draft mitigation plan, including the following:
   i) Confirm the project scope includes a one-time sand placement event above the high tide line for the purpose of dune habitat restoration. Note, USACE does not support recurring sand placement events or sand placement for the purpose of beach nourishment as part of this ILF project providing compensatory mitigation.
   ii) Confirm the project will not adversely affect any essential fish habitat areas.
   iii) Provide additional information to support site suitability (e.g., past site conditions, changes through time, influencing factors).
   iv) Identify site-specific risks and uncertainties to achieving long-term project success and resource sustainability given the dynamic nature of the coastal environment.
   v) Outline potential scenarios in the adaptive management section of the mitigation plan to provide a framework to reduce potential risks and address changes as the project progresses.
   vi) Provide a rationale for how proposed walkover structures support functional improvement and/or long-term sustainability of dune habitat. For inclusion in

the mitigation project scope, structures must be incorporated into the long-term management plan with associated maintenance/replacement funding.

11) 2025 - Salmon-Pisc - Brentwood Hydro Dam Removal - Brentwood, NH (NAE-2025-01899)

a) Understanding that long-term site protection and management may not be feasible to obtain for dam removal projects proposed for stream credit generation, these requirements still need to be addressed in the mitigation plan (e.g., identify the obstacles inhibiting site protection and/or long-term management, explain why the project resource is not at high risk for future degradation without site protection and/or long-term management).

b) For stream credit generation, the Stream Visual Assessment Protocol (SVAP) 2.0 NAE Updated Summary Sheet (2018) needs to be completed pre-construction and during post-construction monitoring. Additional performance and monitoring metrics may be needed based on the project location and scope. Stream credit associated with barrier removal must demonstrate the reestablishment of aquatic organism passage.

c) For the proposed project to be eligible to generate mitigation credit from wetland, wetland buffer and/or stream buffer, the areas of restoration, enhancement and/or preservation are required to have a site protection mechanism, long-term management plan and associated funding, and measurable performance standards and associated monitoring for a minimum of five years. If wetland restoration is proposed within the former impoundment footprint, an assessment is needed post-dam removal to confirm the suitability and extent of proposed revegetation areas, which may result in an adjustment in the potential wetland credits.

12) 2025 - Upper CT - Maidstone Bends Conservation - Northumberland, NH (NAE-2025-01900)

a) As an ILF project, this proposal has the potential to generate multiple aquatic resource credit types through multiple mitigation approaches, including stream and wetland restoration, enhancement and preservation. We are available to discuss the potential approaches, associated ratios, and requirements. We also encourage outlining potential scenarios in the adaptive management section of the mitigation plan to provide a framework to address changes as the project progresses (e.g., expansion of a restoration area, active planting if invasives encroach into a passive revegetation area).

b) This project also provides critical landscape connectivity of conservation lands through proposed site protection. Please note the proposed deed restriction must include a provision requiring 60-day advance notification to the district engineer before any action is taken to void or modify the long-term protection

mechanism or management plan, including transfer of title to, or establishment of any other legal claims over, the compensatory mitigation project site.

c) Project performance standards included in the mitigation plan should be SMART (Specific, Measurable, Attainable, Reasonable/practicable, Trackable), tie back to the project objectives, and inform the project monitoring approach. The monitoring plan should be designed to demonstrate that the project is achieving its performance standards and accomplishing its objectives prior to the end of the monitoring period and final credit release. See comment 4c for an example.

13) 2025 - Upper CT Washburn Family Forest Crossing Upgrades - Clarksville, NH (NAE-2025-01901)

a) For compensatory mitigation, the preferred restoration approach for an aquatic resource barrier is full and permanent removal of the dam, berm, or perched stream crossing structure. Full barrier removal facilitates the reestablishment of a self-sustaining ecosystem and limits the need for active long-term management, including structure maintenance and future replacement. However, in certain landscape settings where restoration opportunities are not available (e.g., high quality resource regions) and where full barrier removal is not feasible (e.g., required emergency vehicle access), replacement of a perched culvert with a spanning structure may result in sufficient functional uplift to provide mitigation stream credit. The credit generation potential may be limited if the project scope does not include additional aquatic resource area restoration or enhancement. Eligibility is contingent on demonstrating measurable aquatic resource improvements through performance standard monitoring, securing site protection, and committing to long-term management plan funding and implementation.

If you have questions or if you wish to discuss any of the information provided, please contact Erin Davis at (978) 318-8952 or Erin.B.Davis@usace.army.mil.

Sincerely,

Grace Moses
Chief, Technical Support Branch
Regulatory Division