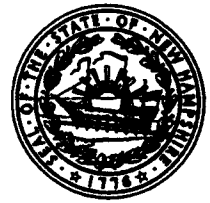




State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



LETTER OF DEFICIENCY
WET 2001-20

June 21, 2001

Kevin Price
Ossipee Realty Corporation
d/b/a Ossipee Lake Marina
65 Marina Road
Ossipee, NH 03836

RE: DES Wetlands File #1998-01483 - Freedom

Dear Mr. Price:

On November 6, 2000 (Shoreland Compliance Coordinator) and June 6, 2001 (Wetlands), personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Freedom Tax Map 31A as Lot 41 (the "Property"). The purpose of the inspection was to determine compliance with RSA 483-B (Shoreland Protection Act Program) and RSA 482-A (Wetlands Program).

During the November 6, 2000 inspection the Shoreland Compliance program found no evidence of violations of the Shoreland Protection Act.

During the June 6, 2001 Wetlands Program inspection the following deficiencies were documented:

1. Fill of approximately 3,100 sq.ft. (10 ft x 310 ft) of shoreline for trail construction;
2. Fill of approximately 620 sq.ft. of wetlands placed at two locations along the shore.

In response, you are requested to take the following actions:

1. Within 30 days of receipt of this Letter of Deficiency, submit a restoration plan to DES for review and approval.
2. Have the restoration plan prepared by a certified wetland scientist, and include provisions for (here include what you are requesting the recipient of this Letter of Deficiency to do) on the Property.
3. Submit the following with the restoration plan:
 - a. A plan with dimensions, drawn to scale, showing:

1. existing conditions, with wetland and shoreline boundaries; and
 2. proposed conditions after reestablishing the jurisdictional areas;
- b. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc) and stabilization of the restoration area;
 - c. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date.
 - d. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include at a minimum monitoring progress reports for two successive growing seasons following completion of the restoration project.
4. Implement the restoration plan only after receiving written approval and as conditioned by DES.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

RSA 483-B, The New Hampshire Comprehensive Shoreland Protection Act, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Env-Ws 1400-1409 establishes the minimum standards for future subdivision, use, and development of the shorelands within 250 feet of the state's public water's.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

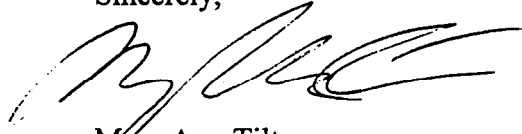
Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Richard Head
Compliance Supervisor
Wetlands Bureau
Department of Environmental Services
6 Hazen Drive, PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Earle Chase at (603) 271-4062.

Sincerely,



Mary Ann Tilton
Senior Enforcement Officer
Wetlands Bureau

CERTIFIED MAIL 70000600002212485371

Enclosure with Inspection Report

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen Rule, DES Enforcement Coordinator
Freedom Conservation Commission
Freedom Board of Selectmen
Mark Mirabella, USACOE
Wetlands File 98-1483

Field Notes:

Date and Time: 11/6/00
Inspector Name: Allyson Gourley
File: N/A
Name: Ossipee Realty Corp. c/o Ms. Sharon Silva
Company: Ossipee Lake Marina
Others present: N/A
Pictures taken: yes

NOTES:

Ossipee Lake Marina, Freedom

Relative to a complaint referred by the Wetlands Bureau, an inspection was conducted on November 6, 2000. A gravel parking lot was observed that was measured to be approximately 60 feet from the Lake Ossipee reference line. What had been described in the complaint as a road 10 feet from the lake was really just a walking path. No violations to the Comprehensive Shoreland Protection Act were observed at this time.



