

**BUREAU OF ENVIRONMENT  
CONFERENCE REPORT**

**SUBJECT:** NHDOT Monthly Natural Resource Agency Coordination Meeting

**DATE OF CONFERENCE:** November 16, 2022

**LOCATION OF CONFERENCE:** Virtual meeting held via Zoom

**ATTENDED BY:**

**NHDOT**

Matt Urban  
Andrew O’Sullivan  
Jon Evans  
Joshua Brown  
Mark Hemmerlein  
Kerry Ryan  
Marc Laurin  
Jennifer Reczek  
Rebecca Martin  
Dillan Schmidt  
Jason Tremblay  
Robert Juliano  
Ron Kleiner

**ACOE**

Absent

**USCG**

Gary Croot

**EPA**

Jean Brochi

**NHDES**

Karl Benedict  
Kendall Fioravante  
Christian Williams  
Kevin Lucey  
Mary Ann Tilton

**NHB**

Amy Lamb

**NH Fish & Game**

Mike Dionne

**Federal Highway**

Jamie Sikora

**US Fish & Wildlife**

Absent

**The Nature Conservancy**

Absent

**NH Transportation &  
Wildlife Workgroup**

Absent

**Consultants/ Public  
Participants**

Nick Caron  
Brett Battaglia  
Dan Hageman  
Stephanie Dyer-Carroll

**PRESENTATIONS/ PROJECTS REVIEWED THIS MONTH:** *(minutes on subsequent pages)*

**Table of Contents:**

Finalize Meeting Minutes.....2  
Swanzy, #27692 (X-A003(591)): .....2  
Seabrook-Hampton, #15904 (X-A001(026)): .....3

## **Finalize Meeting Minutes**

Finalized and approved the October 19, 2022 meeting minutes.

### **Swanzy, #27692 (X-A003(591)):**

Mr. Kleiner opened the presentation of the project by presenting the slide deck to the meeting participants, touching on the project location, purpose and need, existing conditions, and conceptual alignment alternatives being evaluated. Mr. Kleiner reviewed resources found to be in the area and summarized the work on the project performed to date. Mr. Kleiner indicated the western alignment is currently the preferred alternative being considered. Mr. Kleiner indicated that due to wetlands in the vicinity of the project area, the project would likely result in some permanent wetland impacts regardless of which alignment is selected.

Karl Benedict, NHDES, asked if the wetlands adjacent to the project are Priority Resource Areas which would be viewed differently in permitting impacts. Mr. Benedict mentioned the team should confirm the stream type in the project area as he mentioned it may be a Type A stream. Mr. Benedict inquired what the flood prone width may be for the site. Mr. Benedict noted that the western alignment shift seems to impact a lot of shoreland and wetland resources and suggested providing a detailed narrative description on why the western alternative is proposed due to the fact it impacts considerable protected resource areas. Mr. Benedict also asked what the new impacts and to what type of resources there would be should NHDOT elect to lengthen the bridge. Nick Caron, HDR, explained that the project is getting underway and that the questions of the PRA, stream type, and flood prone width would be answered through the development of design. Mr. Caron explained that the exact impacts were not yet known and that the project team was looking to obtain input for resource concerns with the project.

Andy O'Sullivan, NHDOT BOE, asked if the project cannot meet the flood prone width then should the project propose an alternative design under section Env-Wt 904.10. Mr. Benedict responded that this crossing would likely fall under Env-Wt 904.09 as a replacement crossing upgrade.

Kendall Fioravante, NHDES, inquired if total impacts have been determined yet. Mr. Caron responded that impacts have not been determined yet as the project is still in conceptual design phase. Mr. Caron indicated that both alignment shifts shown in the presentation are for schematic purposes and either shift would likely be approximately 16-20 feet either side of the centerline of the existing road. Mr. Caron indicated a retaining wall is being considered for the western alignment to minimize wetland impacts. Ms. Fioravante informed the group of a recent change to USACE mitigation thresholds; 5,000 sq.ft. of impacts to wetlands down from 10,000; 200 ft. of linear stream impact. Mitigation likely required if the project meets any of these thresholds. Additional coordination would be needed with USACE for any of these conditions are exceeded.

Mary Ann Tilton, NHDES, asked if the adjacent wetlands are PRA wetlands because of 100-year floodplain. Ms. Tilton inquired about the functions of the wetlands and what are the functions of wetlands which would be impacted by any shifts in alignment. Ms. Tilton noted that the team would need to evaluate wetlands functions to see if any functions are lost by either of the alignments. Mr. Caron indicated that these wetlands typically serve as water storage during

storm events and based on hydraulic model prepared for the site that there is a backwater condition during these events and that water elevations generally remained the same on either side of the bridge for the pre vs. post conditions. Ms. Tilton stated that the project design should consider enhancing aquatic organism passage and terrestrial organism connectivity.

Mike Dionne, NHFG, indicated that Falls Brook and another brook in the area sustain a wild brook trout population and that there is also a known presence of American eel population at bridge crossing. Mr. Dionne agreed the project design should consider wildlife shelves/benches for terrestrial and aquatic animals. Mr. Dionne stated there is a known wood turtle habitat close to the site. Mr. Caron indicated that the latest NHNHB data check had hits on the NLEB, Dwarf Wedgemussel but no wood turtle. Mr. Caron also stated that this data check validity was expiring and that a new check would be run which would incorporate newly added hits. Mr. Caron thanked Mr. Dionne for this information as it is good to consider for the project even if the data check does not give a hit.

Gary Croot, US Coast Guard, stated project area is not considered a navigable water to the US Coast Guard.

Mr. Benedict asked that the team review/update the Martin Brook wetland classifications in the project area. Mr. Benedict also indicated that there is likely time of year restrictions during construction for the species that Mr. Dionne had mentioned.

Ms. Tilton offered that she had included a link to the new impact thresholds for USACE and EPA in the Zoom meeting chat.

Mr. O'Sullivan asked if there were any further items for discussion and hearing none closed this project's portion of the Natural Resource Agency Coordination meeting.

#### **Seabrook-Hampton, #15904 (X-A001(026)):**

The sixth Natural Resources Agency Coordination Meeting for the Hampton Harbor Bridge Project was held on November 16, 2022. Dan Hageman with FHI Studio, a member of the HDR consultant team, opened the meeting. He provided a brief update on fieldwork and agency coordination that has occurred since the team last presented in July, including a site walk with the New Hampshire Natural Heritage Bureau (NHNHB) to review the findings of a survey of state-listed plant species and a site walk with regulatory agencies, including NHNHB, New Hampshire Fish and Game (NHFG), and the New Hampshire Department of Environmental Services (NHDES).

Mr. Hageman then summarized the findings of the state-listed plant survey (completed in August 2022). He said the team had identified the areas of impact for each of the species and that the team is now looking at options for mitigation. He said the project team met with representatives from NHNHB, NHDES, NH Sea Grant and the Hampton-Seabrook Estuary Collaborative to discuss mitigation options. He said the current plan is to relocate individual plants of Beach Heather, Wormwood, Dropseed and Sandmat. The Needlegrass and Cyperus species are harder to deal with because they are annuals and are more widely distributed throughout the site. One option for these two species would be dispersal of the top layer of sand material to un-impacted

areas of the dune, thereby distributing the existing seed stock out of the impacted areas. He said the project team is looking at pursuing a partnership with NH Sea Grant for the listed plant mitigation which could potentially include seed collection and germination.

Mr. Hageman then turned the discussion to wetlands. He explained that the majority of the wetlands are subtidal, with areas of intertidal rocky shore on the north side and intertidal sand flat on the south side. He shared an impact plan and explained that the project is using a conservative temporary impact envelope of just over seven acres to provide access flexibility for the contractor, but that the entire area will not be impacted. He said permanent impacts will result from the piers and grading at the north abutment. Mr. Hageman then explained that the dunes are a Priority Resource Area (PRA) and impacts to the resource will be reviewed under the NH Dredge and Fill Permit. He said there is a blue mussel bed on the north side of the bridge and small populations adjacent to Piers 5 and 6. He explained that one of the trestles had been relocated to avoid impacts to the mussel bed.

Nick Caron, an Engineer and the HDR team Project Manager, then summarized the leveling that will need to be undertaken in order to widen the navigational channel. He said the channel under the bridge will be widened to 150 feet to match the Entrance Channel east of the bridge. Mr. Caron explained that the leveling will result in the movement of approximately 160 CY of sediment. The relocated sediment will be used to fill in voids created by the removal of the existing bascule pier and rest pier.

Mr. Hageman then summarized the temporary and permanent impacts to wetlands and to the PRA dune habitat, before discussing measures to avoid and minimize wetland impacts. He explained that the phased construction approach will minimize wetland impacts, and that the horizontal alignment was designed to minimize approach work and therefore impacts to the PRA dune habitat. The cofferdams and cased drilled shafts will contain activity at the piers and will be installed during the in-water work window (November 15-March 15). The cofferdams and trestle piles will also be removed during the in-water work window.

Mr. Hageman explained that NHDOT had contacted the Towns of Seabrook and Hampton about potential mitigation projects. The Town of Hampton proposed the acquisition of certain parcels as mitigation but that was determined by NHDES not to be suitable mitigation for the project. NHDOT is scheduling a meeting with representatives from NHDES, the Town of Hampton, NH Sea Grant, and the Seabrook-Hampton Estuary Alliance to discuss potential mitigation projects within the estuary. Mr. Hageman said NHDOT anticipates mitigating impacts to wetlands and the PRA dune habitat through the New Hampshire Aquatic Resource Mitigation (ARM) Fund.

Mr. Hageman summarized the anticipated Shoreland impacts, explaining that impacts to the Tidal Buffer Zone (TBZ) and PRA dune habitat would be assessed under the NH Dredge and Fill Permit. Mr. Caron then explained the construction schedule, including the activities that would occur in each of the in-water and warm weather seasons. Mr. Hageman shared the anticipated permitting schedule, pointing out that the 404 Approval is now anticipated through the PGP. He finally discussed next steps, including the preparation of a mitigation plan for the state-listed plants and coordination with NH Sea Grant, the NHDES Coastal Program, and the Seabrook-Hampton Estuary Alliance regarding mitigation for wetland impacts.

Karl Benedict (NHDES) said the impact calculations are consistent with what was discussed on the September site walk. He asked whether the in-water work on the north and south sides of the channel would be phased. Mr. Caron said that it would, the west trestles would be installed during the in-water work windows of the first and second construction years and removed during the in-water work window of the third year. The east trestles would be installed during the third in-water work window and removed in the fourth in-water work window. Mr. Benedict asked if NHDOT had thoughts on water quality management throughout the project. Jennifer Reczek, NHDOT's Project Manager, said that an Individual Water Quality Certification will not be required because it's covered under other permits, including the MS4 and the PGP. Mark Hemmerlein (NHDOT) said that the project team will need to discuss de-watering areas and develop a plan prior to construction commencement.

Mary Ann Tilton (NHDES) said that the project team should follow Env-Wt 600 and prepare a Coastal Functional Assessment, a Vulnerability Assessment, and a Sand Dune Project Specific Worksheet as part of the application. Ms. Tilton further said that if the project spans more than one year, trestle pile impacts may be considered permanent and may require mitigation. Andy O'Sullivan (NHDOT) said they'd reached out to the US Army Corps of Engineers (USACE) and transmitted plans for their review. Marc Laurin (NHDOT) said in the past USACE had not considered trestle piles to be under their jurisdiction.

Kendall Fioravante (NHDES) said NHDES would like to keep the mitigation within the estuary. She said there's momentum for a restoration project within the area. DES will work with the Corps on appropriate mitigation. The ARM Committee is meeting in December. If impact numbers can be provided, they will be used to help evaluate projects.

Chris Williams (NHDES) acknowledged that NHDOT had submitted a Draft Coastal Zone Consistency Assessment for preliminary review. He said that, though the federal guidance indicates NHDES review can take up to six months, it is generally faster. He further said that the Coastal Consistency review generally doesn't occur in front of the federal permits. He said he would coordinate with the Corps, New Hampshire Fish and Game (NHFG) and others within NHDES. He thanked NHDOT for reaching out to organizations with interests in the estuary to discuss mitigation.

Kevin Lucey (NHDES) said he wanted to participate in mitigation discussions, as a representative of the Seabrook-Hampton Estuary Collaborative. He referenced salt marsh ditch remediation as something for consideration. He explained that the salt marsh is mowed and then the grass is blown into the ditches over a three-year period. It serves to increase the elevation of the ditch bottoms.

Mike Dionne (NHFG) said that the project team should look at relocating the blue mussels from the impact footprint of the project, and that this was discussed on the site walk in September. Mr. Hageman said they'd discussed leaving a portion of the northernmost pier in place to create a precursor condition so the mussels could reestablish themselves. Ms. Reczek said she didn't recall a discussion about moving mussels. Mr. Dionne said that the mussels should be relocated near the existing bed. Ms. Reczek explained that much of the bed is within the work area. Mr. Dionne asked if the mussels could be moved to the mussel bed to the west. Mr. Hageman said they would need to look to see if there's sufficient space as there is sand encroachment in this

area and the shore gets steep. Mr. Dionne said the mussels take a day to reestablish themselves so they should be placed outside the current.

Amy Lamb (NHNHB) asked if the impact area for the Beach Heather (1,189 ft<sup>2</sup>) was a sum of the areas covered by individual plant patches, or if it was the size of the general area in which the plants were observed. Mr. Hageman said it was the general area, and that the actual area required for relocation of the plants themselves would be smaller, since there are non-vegetated spaces between the existing plants. Ms. Lamb asked how they planned to determine the depth of substrate when collecting the sand for distribution. Mr. Hageman said that it's something they need to explore further. Ms. Lamb said NHNHB could assist and would also consult with Gregg Moore of UNH, and that she would reach out to the Native Plant Trust about seed viability. Ms. Lamb asked when the Mitigation Plan would be available. Ms. Reczek said the project team needs to work steadily if they are going to move the plants in the fall of 2023. This would likely be done separately from the construction contract. Ms. Lamb asked if the mitigation meeting planned in the coming weeks would involve a discussion of listed plants. Ms. Reczek said it would be focused on wetland mitigation but that the project team would loop NHNHB back in in the future.

Jean Brochi (EPA) said the team should look at restoration as a component of mitigation.

Gary Croot (USCG) said he is waiting for the supplemental NEPA documentation to review and approve. Then FHWA can append it to their Finding of No Significant Impact (FONSI) for the project.