



**US Army Corps
of Engineers**
New England District

PUBLIC NOTICE

696 Virginia Road
Concord, MA 01742-2751

Date: May 27, 2008
Comment Period Ends: June 27, 2008
File Number: NAE-2007-775
In Reply Refer To: Rich Roach
Or by e-mail: Richard.A.Roach
@usace.armv.mil

The District Engineer has received a permit application from the applicant below to **conduct work in waters of the United States** as described below. The Corps is soliciting comments on both the project itself and the range of issues to be addressed in the environmental documentation.

APPLICANT: NH DOT Rye 13269 Replace Route 1-A Bridge over Seavey Creek

NH DOT proposes to replace the existing bridge with a slightly longer and wider bridge. The department also proposes to widen slightly, several hundred feet of the approach causeway and rip-rap the bridge abutments to prevent erosion. The U.S. Coast Guard has permit authority over the bridge. The Corps of Engineers has permit authority over the fill for the causeway.

A detailed description and plans of the activity are attached.

WATERWAY AND LOCATION OF THE PROPOSED WORK

This work is proposed in Seavey Creek and the adjacent salt marsh where Route 1-A crosses the marsh and the creek. The proposed location is located on the USGS Kittery, ME-NH quadrangle sheet is at 043° 02' 52 " N latitude and 070° 43' 42 " W longitude .

AUTHORITY

Permits are required pursuant to:

- Section 10 of the Rivers and Harbors Act of 1899
- Section 404 of the Clean Water Act
- Section 103 of the Marine Protection, Research and Sanctuaries Act).

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which may reasonably accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are: conservation, economics, aesthetics, general environmental concerns, wetlands, cultural value, fish and wildlife values, flood hazards, flood plain value, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess

impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Where the activity involves the discharge of dredged or fill material into waters of the United States or the transportation of dredged material for the purpose of disposing it in ocean waters, the evaluation of the impact of the activity in the public interest will also include application of the guidelines promulgated by the Administrator, U.S Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act, and/or Section 103 of the Marine Protection Research and Sanctuaries Act of 1972 as amended.

ESSENTIAL FISH HABITAT

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH).

This project will permanently impact approximately 16,000 square feet of Essential Fish Habitat (EFH) for some of the species and life stages listed at the back of this notice. This impact will result primarily from the rip-rapping of the creek banks and bottom to protect the abutments from erosion and the installation four pile bents in the creek. This habitat consists of subtidal and intertidal creek bottom comprised of a mix of sand, gravel, stone and mud. The depth in the tidal creek varies from zero to about ten feet deep depending on the stage of the tide. Approximately 1,000 square feet of Salt marsh fringe would be covered by the slope of the embankment. Based on this assessment of impacts to EFH, the District Engineer has made a preliminary determination that the site-specific adverse effect will not be substantial. Further consultation with the National Marine Fisheries Service regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision.

SECTION 106 COORDINATION

Based on his initial review, the District Engineer has determined that the proposed work may impact properties listed in, or eligible for listing in, the National Register of Historic Places. Additional review and consultation to fulfil requirements under Section 106 of the National Historic Preservation Act of 1966, as amended, will be ongoing as part of the permit review process.

The State of New Hampshire and Rhode Island has an approved **Coastal Zone Management Program**. The applicant states that any proposed activity will comply with and will be conducted in a manner that is consistent with the approved Coastal Zone Management Program. By this Public Notice, we are requesting State Coastal Program's concurrence or objection to the applicant's consistency statement.

The following authorizations have been applied for, or have been, or will be obtained:

- Permit, License or Assent from State.
- Permit from Local Wetland Agency or Conservation Commission.
- Water Quality Certification in accordance with Section 401 of the Clean Water Act.


In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. **Comments should be submitted in writing by the above date.** If you have any questions, please contact Rich Roachat (978) 318-8211, (800) 343-4789 extension 211.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for a public hearing shall specifically state the reasons for holding a public hearing. The Corps holds public hearings for the purpose of obtaining public comments when that is the best means for understanding a wide variety of concerns from a diverse segment of the public.

The initial determinations made herein will be reviewed in light of facts submitted in response to this notice. All comments will be considered a matter of public record. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly in an effort to reach an understanding.

For more information on the New England District Corps of Engineers programs, visit our website at <http://www.nae.usace.army.mil>.

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.


Chief, Permits and Enforcement Branch
Regulatory Division

If you would prefer not to continue receiving Public Notices, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at bettina.m.chaisson@usace.army.mil. You may also check here () and return this portion of the Public Notice to: Bettina Chaisson, Regulatory Division, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751.

NAME: _____
ADDRESS: _____

PROPOSED WORK AND PURPOSE

The work includes the discharge of dredged or fill material for widening and stabilization of the existing causeway . The work also includes work in navigable waters to place rip-rap to protect the abutments and the ends of the causeway from erosion...

The work is described on the enclosed plans entitled “State of New Hampshire, Department of Transportation- Bureau Bridge Design, State Project No. 13269” on 4 sheets, undated.

Summary of Essential Fish Habitat (EFH) Designation

10' x 10' Square Coordinates:

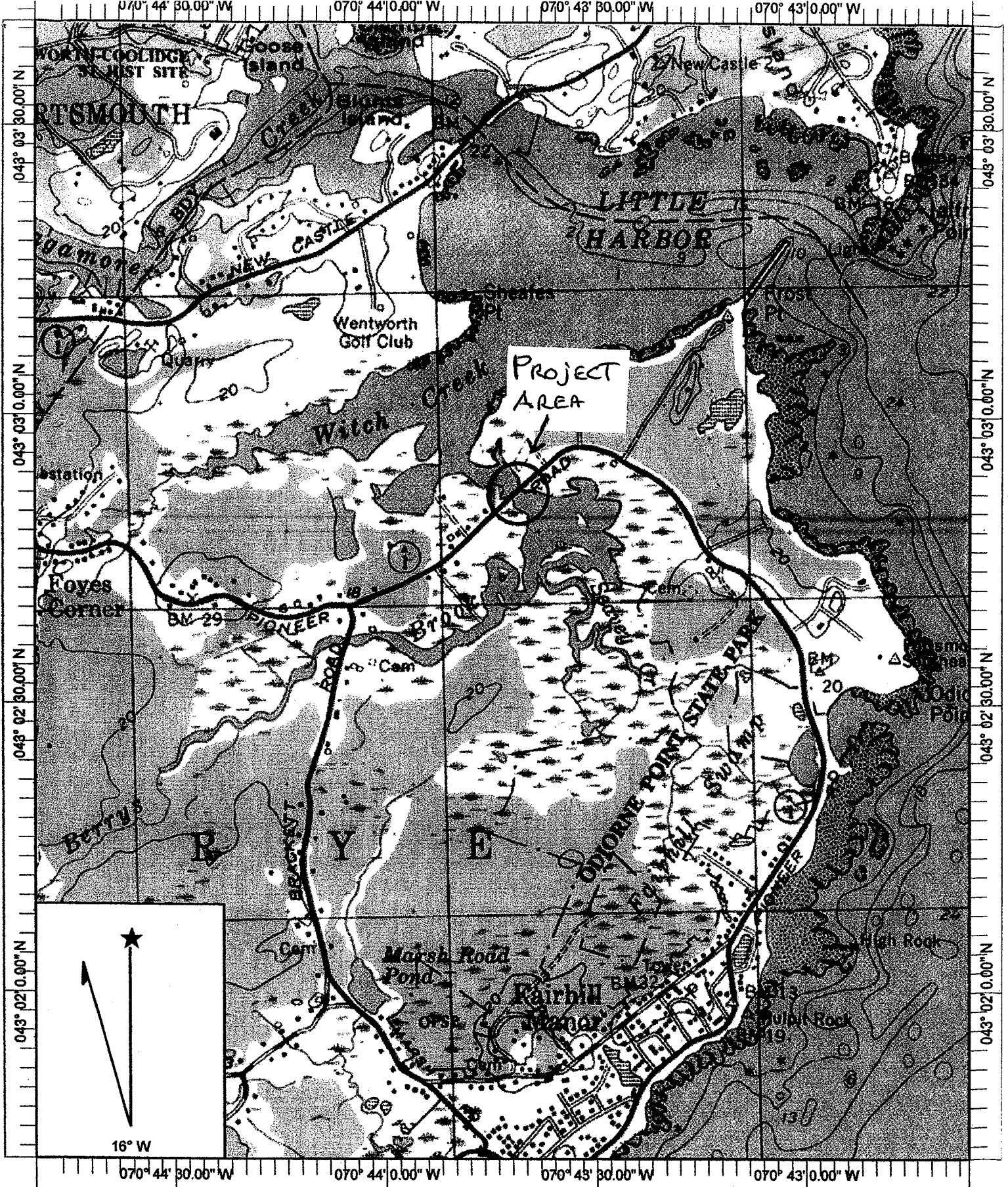
Boundary	North	East	South	West
Coordinate	43° 00.0' N	70° 40.0' W	42° 50.0' N	70° 50.0' W

Square Description (i.e. habitat, landmarks, coastline markers) Gulf of Maine within the square affecting the following: from east of Salisbury, MA., north up to Rye, NH., including waters affecting Smithtown, NH., Hampton Beach and Hampton, NH. Other features affected include: Lockes Neck, Jenness Beach, Rye Ledge, Rye Beach, Fox Hill Pt., Little Boars Head Pt., Rye Ledge, North Beach, Great Boars Head, Hampton Harbor, Hampton Shoal Ledge, Seabrook Beach, Round Rock, Breaking Rocks, Salisbury Beach, and Cushing, MA. Also, the waters within this square affect east of Seabrook, NH., and the Seabrook Nuclear Power Station near Seabrook Beach.

Species	Eggs	Larvae	Juveniles	Adults
Atlantic cod (<i>Gadus morhua</i>)	X	X	X	X
haddock (<i>Melanogrammus aeglefinus</i>)			X	
pollock (<i>Pollachius virens</i>)			X	
whiting (<i>Merluccius bilinearis</i>)	X	X	X	X
offshore hake (<i>Merluccius albidus</i>)				
red hake (<i>Urophycis chuss</i>)	X	X	X	X
white hake (<i>Urophycis tenuis</i>)				
redfish (<i>Sebastes fasciatus</i>)	n/a	X	X	X
witch flounder (<i>Glyptocephalus cynoglossus</i>)				
winter flounder (<i>Pleuronectes americanus</i>)	X	X	X	X

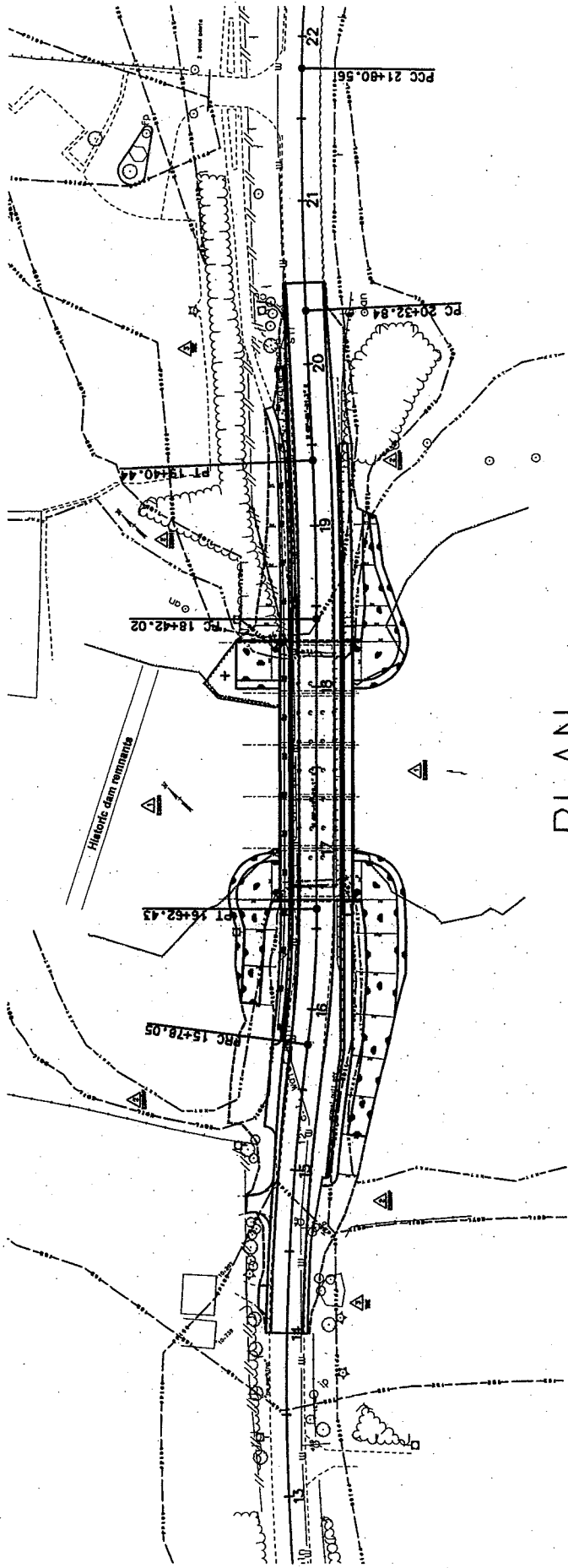
CENAE-R
FILE NO. NAE-200x-xxx

yellowtail flounder (<i>Pleuronectes ferruginea</i>)			X	X
windowpane flounder (<i>Scophthalmus aquosus</i>)			X	X
American plaice (<i>Hippoglossoides platessoides</i>)			X	X
ocean pout (<i>Macrozoarces americanus</i>)	X	X	X	X
Atlantic halibut (<i>Hippoglossus hippoglossus</i>)	X	X	X	X
Atlantic sea scallop (<i>Placopecten magellanicus</i>)	X	X	X	X
Atlantic sea herring (<i>Clupea harengus</i>)			X	X
monkfish (<i>Lophius americanus</i>)	X	X	X	X
bluefish (<i>Pomatomus saltatrix</i>)				
long finned squid (<i>Loligo pealei</i>)	n/a	n/a	X	X
short finned squid (<i>Illex illecebrosus</i>)	n/a	n/a	X	X
Atlantic butterfish (<i>Peprilus triacanthus</i>)	X	X	X	X
Atlantic mackerel (<i>Scomber scombrus</i>)	X	X	X	X
summer flounder (<i>Paralichthys dentatus</i>)				X
scup (<i>Stenotomus chrysops</i>)	n/a	n/a	X	X
black sea bass (<i>Centropristus striata</i>)	n/a			
surf clam (<i>Spisula solidissima</i>)	n/a	n/a	X	X
ocean quahog (<i>Artica islandica</i>)	n/a	n/a		
spiny dogfish (<i>Squalus acanthias</i>)	n/a	n/a		
tilefish (<i>Lopholatilus chamaeleonticeps</i>)				
bluefin tuna (<i>Thunnus thynnus</i>)				X



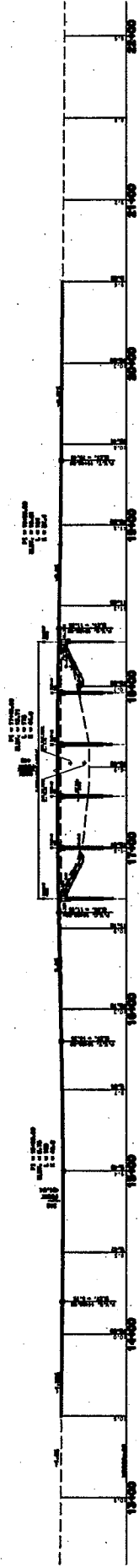
Name: KITTERY
 Date: 4/3/2008
 Scale: 1 inch equals 1333 feet

Location: 043° 02' 41.79" N 070° 43' 43.31" W
 Caption: Rye, 13269, Replace bridge on NH Route 1A over Seavey Creek



PLAN

SCALE: 1" = 100' - 0"

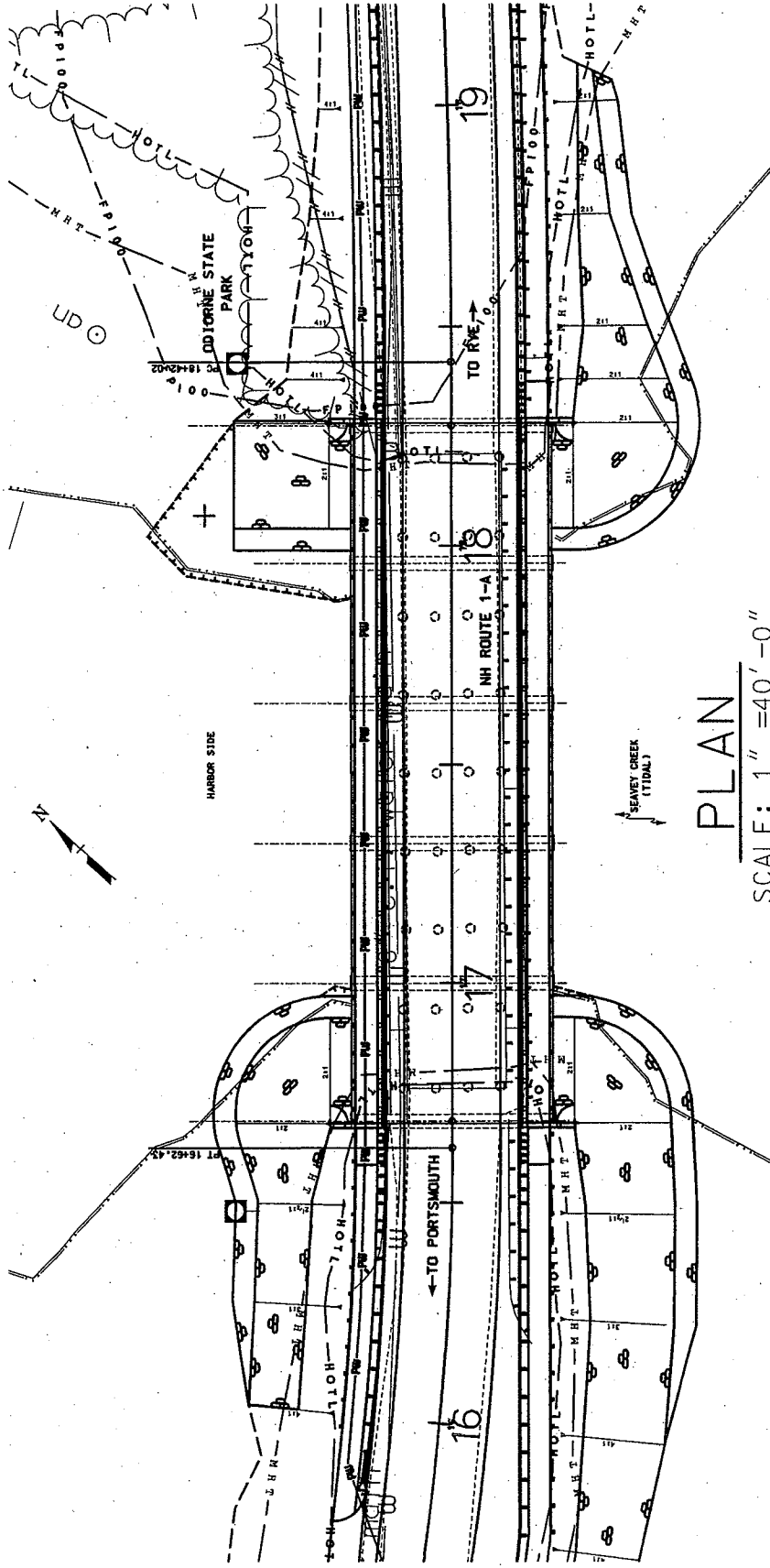


PROFILE

SCALE: 1" = 100' - 0"

DGN. NAME
SAVED VIEW
DIRECTORY

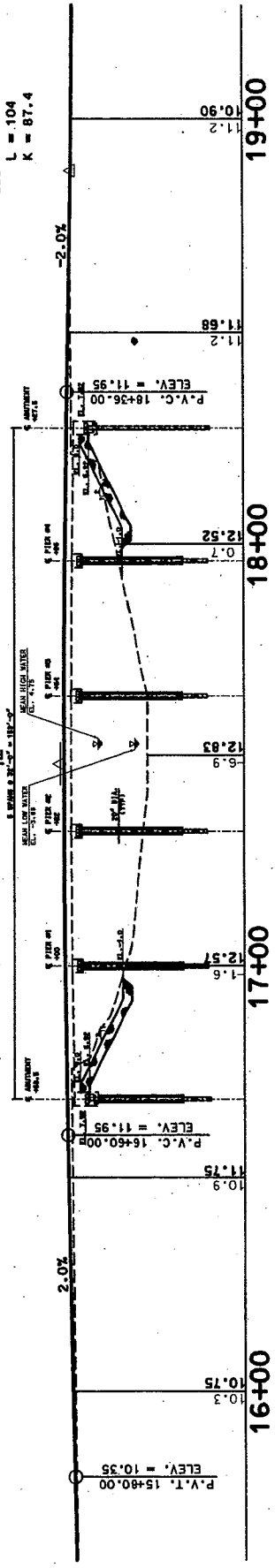
STATE OF NEW HAMPSHIRE	
DEPARTMENT OF TRANSPORTATION - BUREAU BRIDGE DESIGN	
FEDERAL PROJECT NO.	STATE PROJECT NO.
MGS-BRF-X-0221(010)	1 3269
SHEET NO.	TOTAL SHEETS
2	9



PLAN
SCALE: 1" = 40'-0"

PI = 17+48.00
ELEV. = 13.71
L = 176
K = 44.0

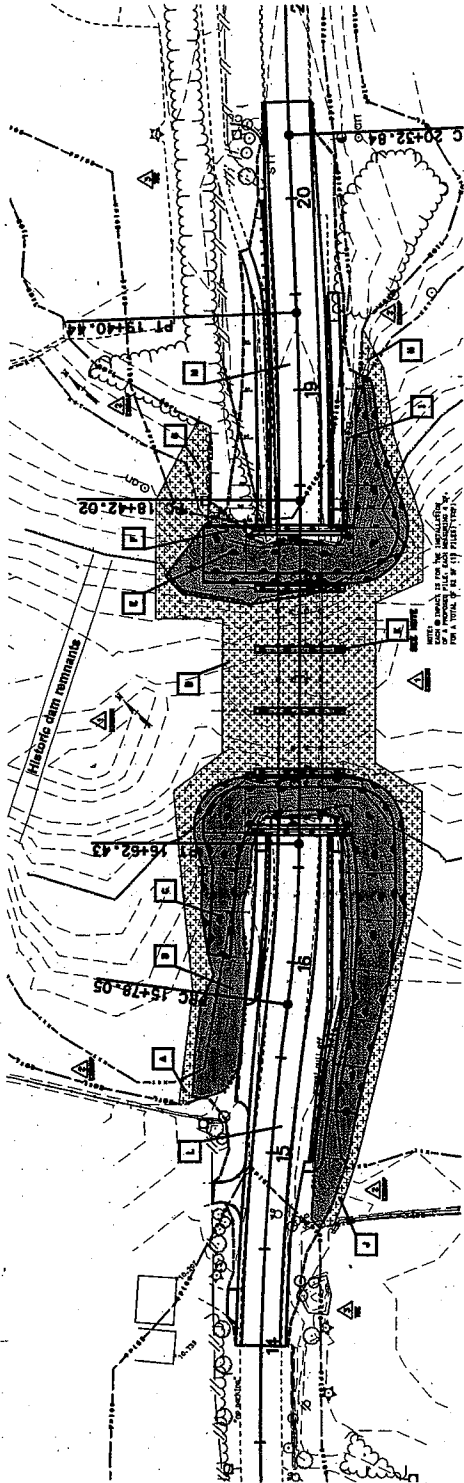
PI = 18+88.00
ELEV. = 10.91
L = 104
K = 87.4



PROFILE
SCALE: 1" = 40'-0"

DGN. NAME	
SAVED VIEW	
DIRECTORY	

STATE OF NEW HAMPSHIRE	
DEPARTMENT OF TRANSPORTATION - BUREAU BRIDGE DESIGN	
FEDERAL PROJECT NO.	STATE PROJECT NO.
MGS-BRF-X-0221(010)	13269
SHEET NO.	TOTAL SHEETS
3	9



PLAN
SCALE: 1" = 100' - 0"

LEGEND

PERMANENT WETLAND IMPACT	WETLAND DESIGNATION NUMBER
WETLAND	WETLAND IMPACT LOCATION
	WETLAND MITIGATION AREA

ORDINARY HIGH WATER (Symbol)
 TIDAL BUFFER ZONE (Symbol)
 HIGHEST OBSERVABLE TIDAL LINE (Symbol)
 MEAN HIGH TIDE (Symbol)
 SPECIAL AQUATIC SITE (Symbol)

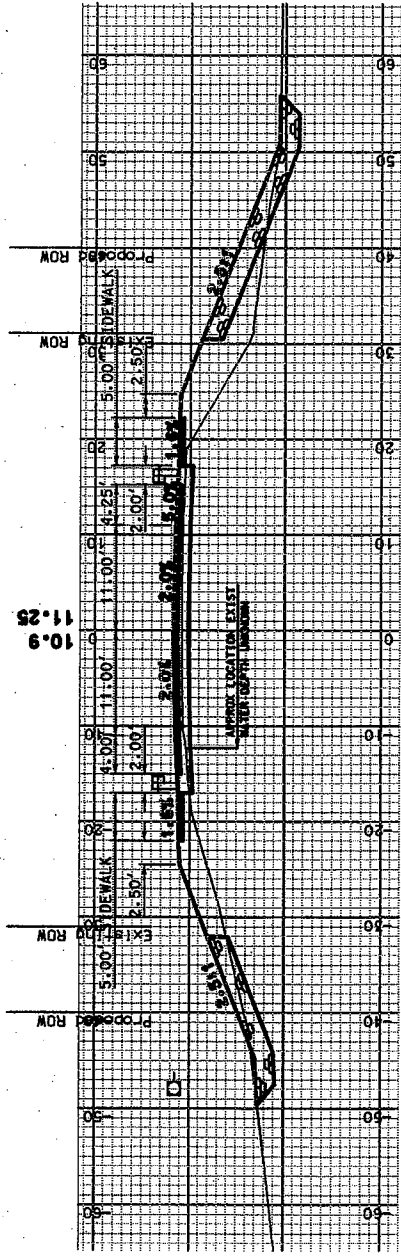
TEMPORARY IMPACTS (Symbol)
 MITIGATION (Symbol)

WETLAND IMPACT SUMMARY

WETLAND NUMBER	WETLAND CLASSIFICATION	LOCATION	AREA	
			PERMANENT IMPACTS m2	TEMPORARY IMPACTS m2
2	E2EMIP	A	3219	90
2	E2EMIP	B	7180	13534
1	E2USN	C	4757	
1	E2USN	D	280	
2	E2EMIP	F	539	
2	E2EMIP	H	132	
2	E2EMIP	I	266	
2	E2EMIP	J	160	
1	E2USN	K	52	
TOTAL IMPACTS:			m2 15764	SF 14255
PERMANENT IMPACTS:			m2 15764	SF 14255
TEMPORARY IMPACTS:			m2 14255	SF 130019

WETLAND CLASSIFICATION CODES

E2USN	ESTUARINE INTERTIDAL UNCONSOLIDATED SHORE MID REGULARLY FLOODED
E2EMIP	ESTUARINE INTERTIDAL EMERGENT PERSISTANT IRREGULARLY FLOODED



TYPICAL SECTION
16+50

DGN. NAME	
SAVED VIEW	
DIRECTORY	

STATE OF NEW HAMPSHIRE	
DEPARTMENT OF TRANSPORTATION - BUREAU BRIDGE DESIGN	
FEDERAL PROJECT NO.	STATE PROJECT NO.
MGS-BRF-X-0221(010)	13269
SHEET NO.	TOTAL SHEETS
5	9