



**US Army Corps
of Engineers** ®
New England District
696 Virginia Road
Concord, MA 01742-2751

15 DAY PUBLIC NOTICE

Comment Period Begins: August 22, 2017
Comment Period Ends: September 6, 2017
File Number: NAE-2017-00395
In Reply Refer To: Richard Kristoff
Phone: (978) 318-8171
E-mail: Richard.C.Kristoff@usace.army.mil

The District Engineer has received a permit application to conduct work in waters of the United States from Seabrook Development Associates, LLC. At 322 Reservoir Street, Needham, Massachusetts 02494. This work is proposed in multiple non section 10 wetlands, streams, and pond located at 603 Lafayette Road, Seabrook, New Hampshire. The site coordinates are: Latitude 42.892701 N Longitude -70.876610 W.

The work involves the construction of 128,955 square feet of retail space, 424 associated parking spaces, access ways, and stormwater management. The existing pond on site will be reconfigured to extend roughly along the southern boundary of the property and will be designed with multiple depths to support fish habitat. In total 5.7 acres of aquatic resources will be permanently impacted and 1.58 acres will be temporarily impacted.

The work is shown on the attached plans entitled "COMMERCIAL DEVELOPMENT 603 LAFAYETTE ROAD, SEABROOK, NH," on 10 sheets, and dated "7/8/16", "07/26/17", and "6/1/17".

This project is to be located within an abandoned gravel pit that has manmade wetlands from excavation into the water table. Impacts have been avoided in several locations such as the forested red maple swamp abutting Lillian Avenue. Further avoidance is not possible as a large contiguous building pad is required for this project. Impacts have been minimized by incorporating and expanding the existing pond along Perkins Avenue. Mitigations will be provided in the form of an In-Lieu Fee Payment to the New Hampshire Aquatic Resource Mitigation Fund.

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.

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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.

NATIONAL HISTORIC PRESERVATION ACT

Based on his initial review, the District Engineer has determined that little likelihood exists for the proposed work to impinge upon properties with cultural or Native American significance, or listed in, or eligible for listing in, the National Register of Historic Places. Therefore, no further consideration of the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended, is necessary. This determination is based upon one or more of the following:

- a. The permit area has been extensively modified by previous work.
- b. The permit area has been recently created.
- c. The proposed activity is of limited nature and scope.
- d. Review of the latest published version of the National Register shows that no presence of registered properties listed as being eligible for inclusion therein are in the permit area or general vicinity.
- e. Coordination with the State Historic Preservation Officer and/or Tribal Historic Preservation Officer(s)

ENDANGERED SPECIES CONSULTATION

The United States Fish & Wildlife Service's Information for Planning and Conservation (IPaC) online tool lists the Red Knot as a potential species to be present at or near the site. The Red Knot prefers a coastal environment. This site is a former gravel pit and is not adjacent to the coast nor do we expect that it supports Red Knot habitat.

IPaC also listed the northern long-eared bat. A time of year restriction on tree clearing is going to be proposed. Further consultation with the United States Fish & Wildlife Service will be conducted.

No other listed threatened or endangered species are expected to be affected by this project.

The New England District, Army Corps of Engineers has reviewed the list of species protected under the Endangered Species Act of 1973, as amended, which might occur at the project site. It is our preliminary determination that the proposed activity for which authorization is being sought is designed, situated or will be

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operated/used in such a manner that it is not likely to adversely affect any federally listed endangered or threatened species or their designated critical habitat. By this Public Notice, we are requesting that the appropriate Federal Agency concur with our determination.

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 Richard Kristoff at (978) 318-8171, (800) 343-4789 or (800) 362-4367, if calling from within Massachusetts.

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.

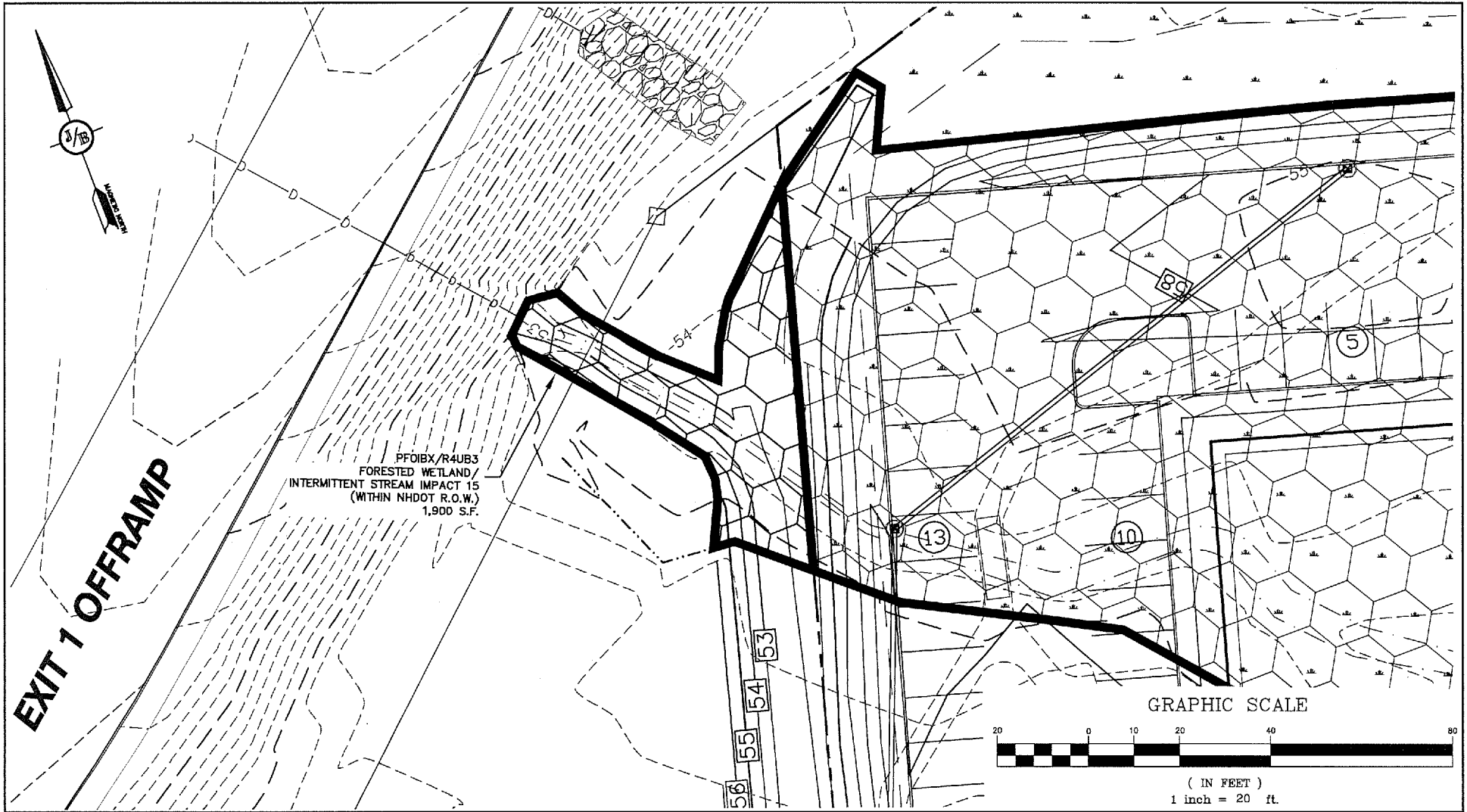
The initial determinations made herein will be reviewed in light of facts submitted in response to this notice. All comments will be considered a matter of public record. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly in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

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.


Frank J. Delguidice
Chief, Permits and Enforcement Branch
Regulatory Division

If you would prefer not to continue receiving Public Notices by email, 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: _____
PHONE: _____



Design: EMP Draft: EMP Date: 06/20/17
 Checked: BWG Scale: AS SHOWN Project No.: 15230.5
 Drawing Name: 15230.5-WETLAND-IMPACT.dwg

THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM JONES & BEACH ENGINEERS, INC. (JBE). ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO JBE.

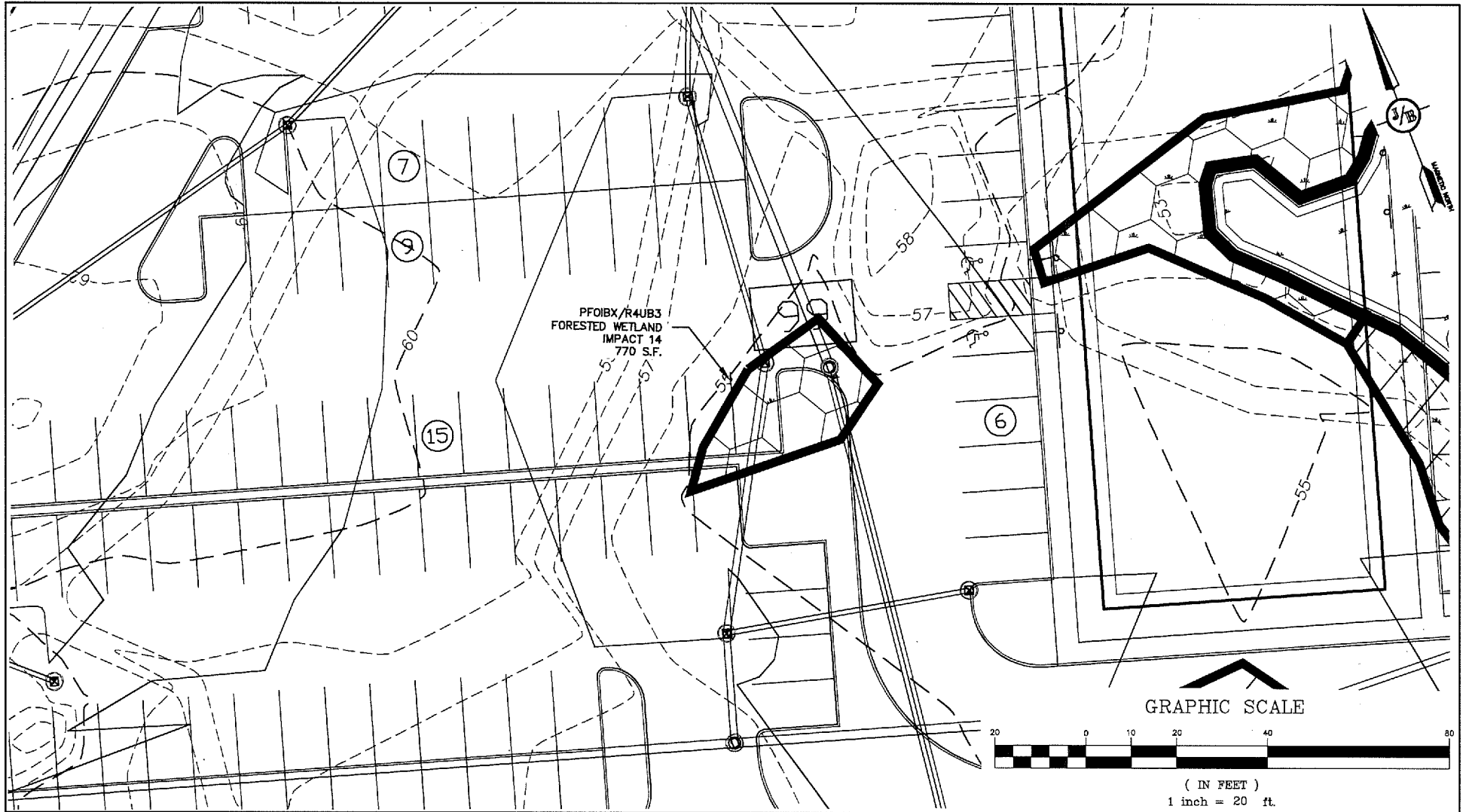
Rev.	Date	ISSUED FOR REVIEW	Revision	By
0	6/20/17			EMP

J/B Jones & Beach Engineers, Inc.
 Civil Engineering Services

85 Portsmouth Ave. 603-772-4746
 PO Box 219 FAX: 603-772-0227
 Stratham, NH 03885 E-Mail: JBE@jonesandbeach.com

Drawing Name: **WETLAND IMPACT PLAN**
 Project: **COMMERCIAL DEVELOPMENT**
603 LAFAYETTE ROAD, SEABROOK, NH
 SEABROOK DEVELOPMENT ASSOCIATES, LLC
 Owner of Record: 322 RESERVOIR STREET, NEEDHAM, MA 02494

DRAWING No.
WI-15
 SHEET 16 OF 16
 JBE PROJECT
 No. **15230.5**



Design: EMP Draft: EMP Date: 06/20/17
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DRAWING No.
WI-14
 SHEET 15 OF 16
 JBE PROJECT
 No. 15230.5



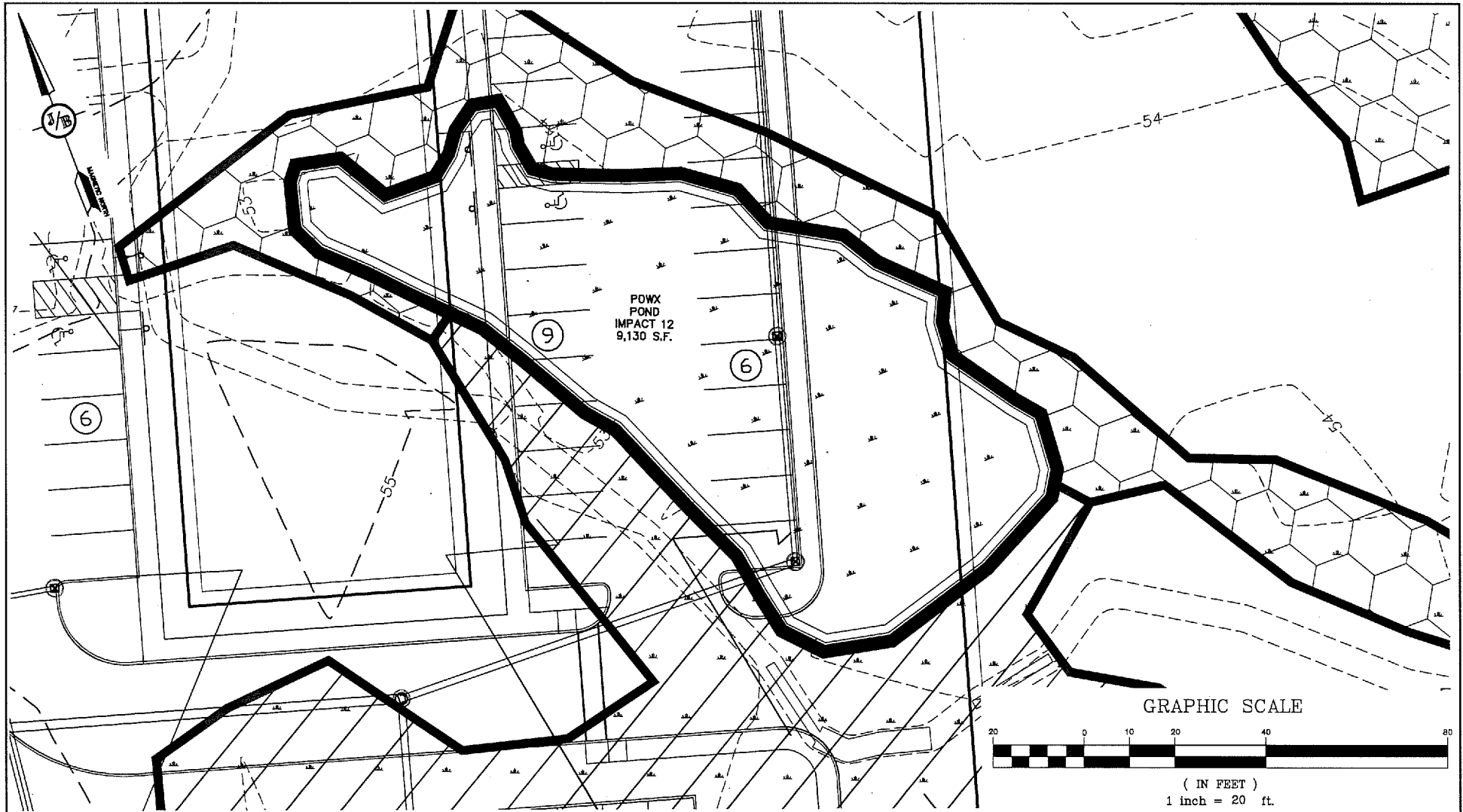
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DRAWING No.
WI-13
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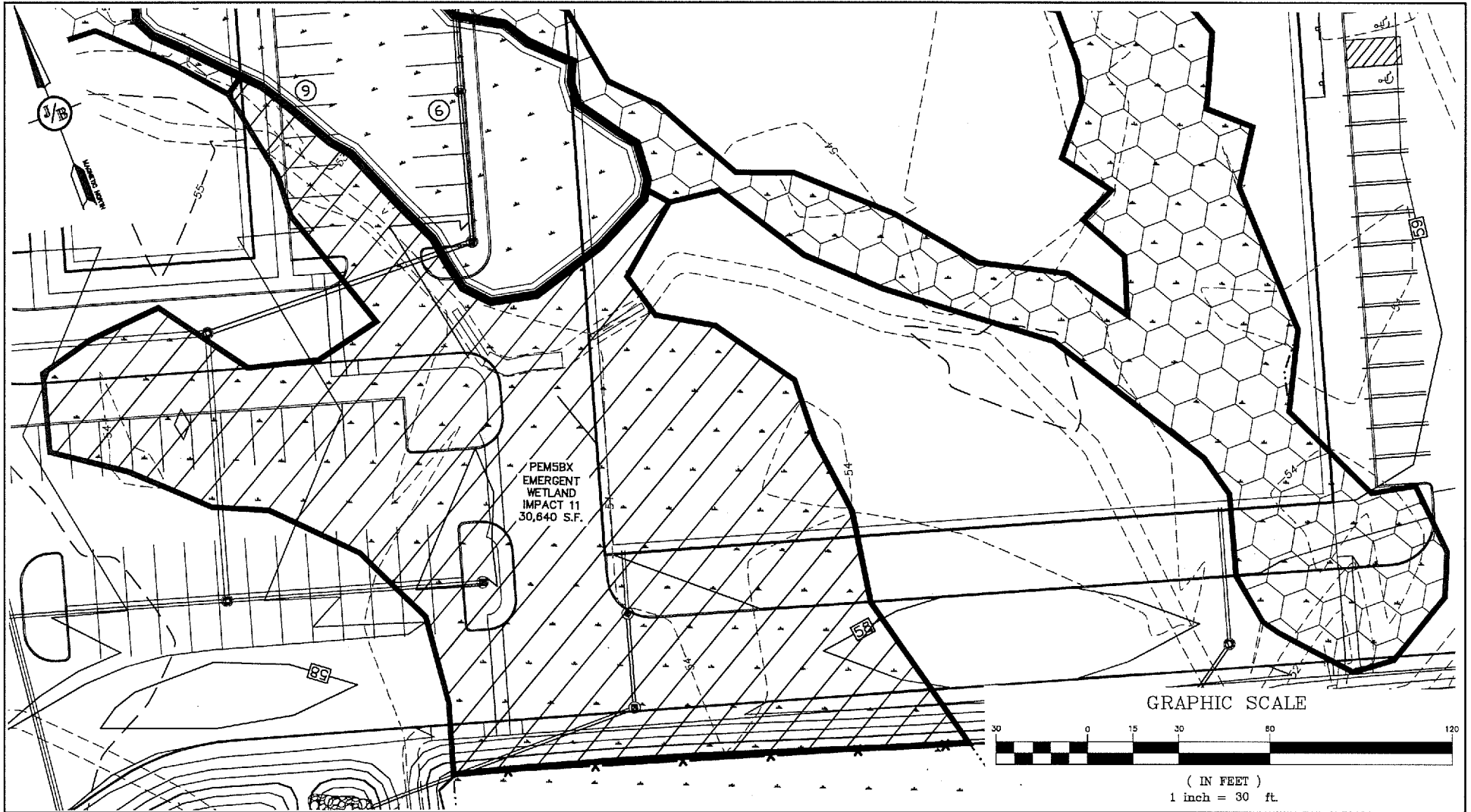
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DRAWING No.
WI-12
 SHEET 13 OF 16
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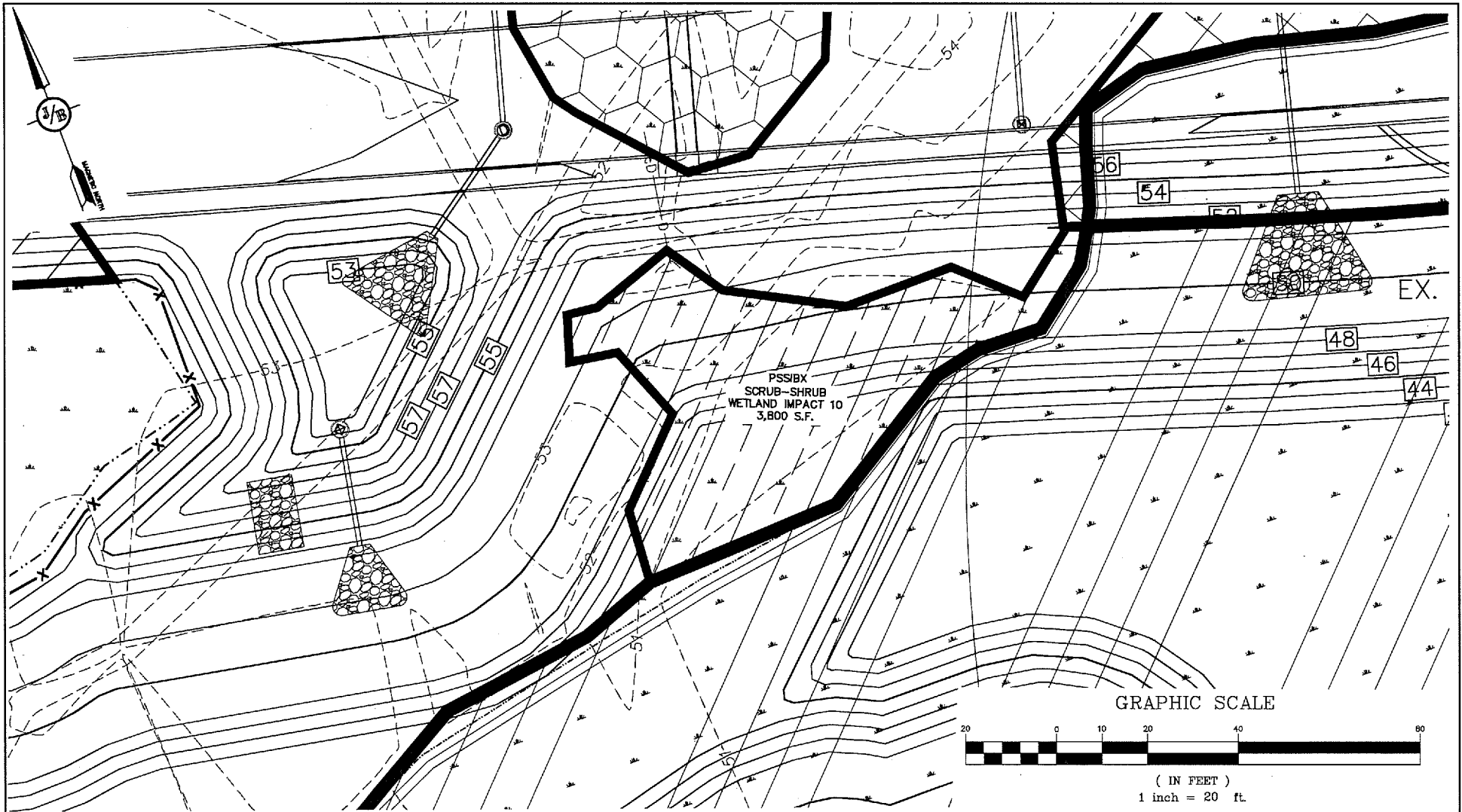
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DRAWING No.
WI-11
 SHEET 12 OF 16
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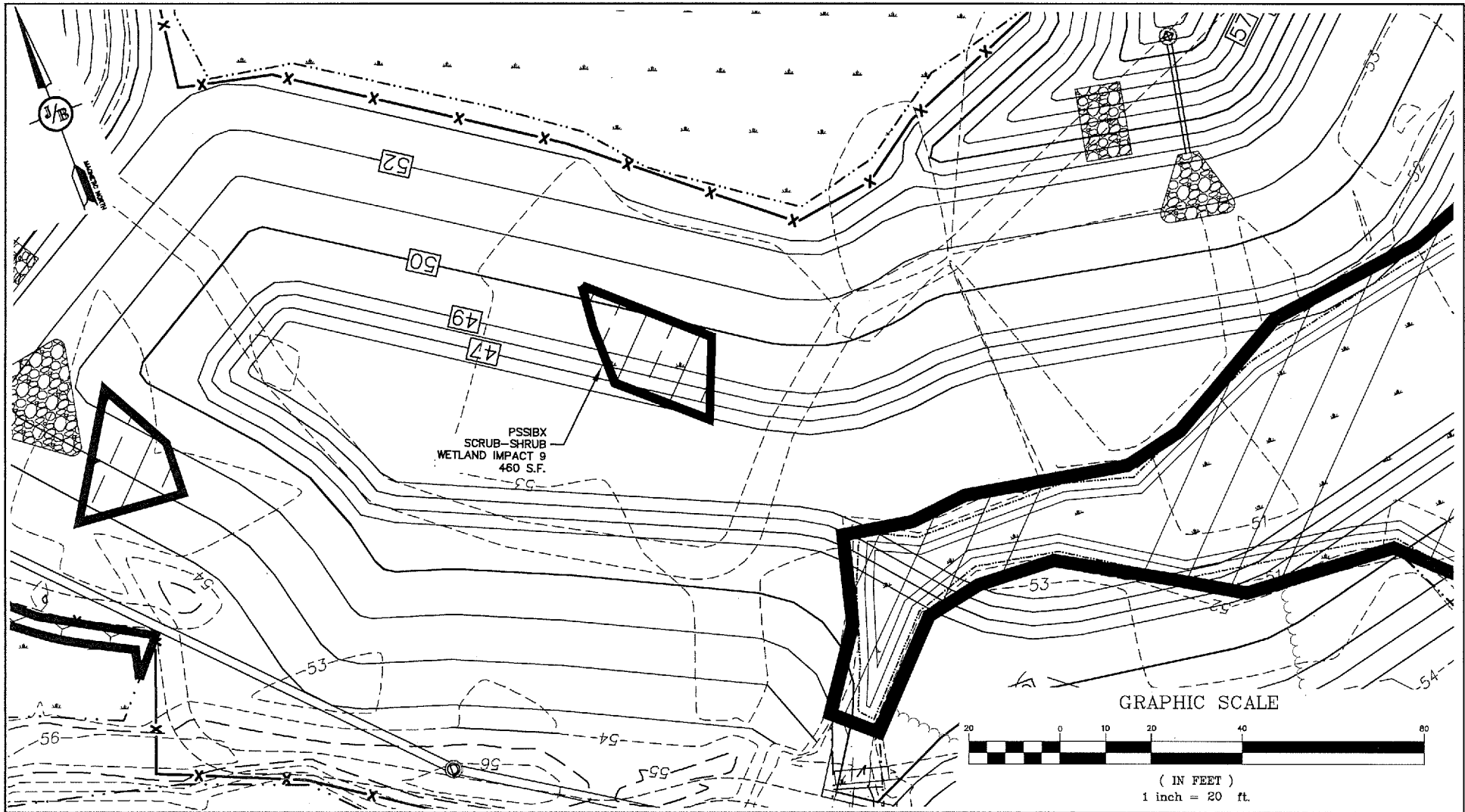
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WI-10
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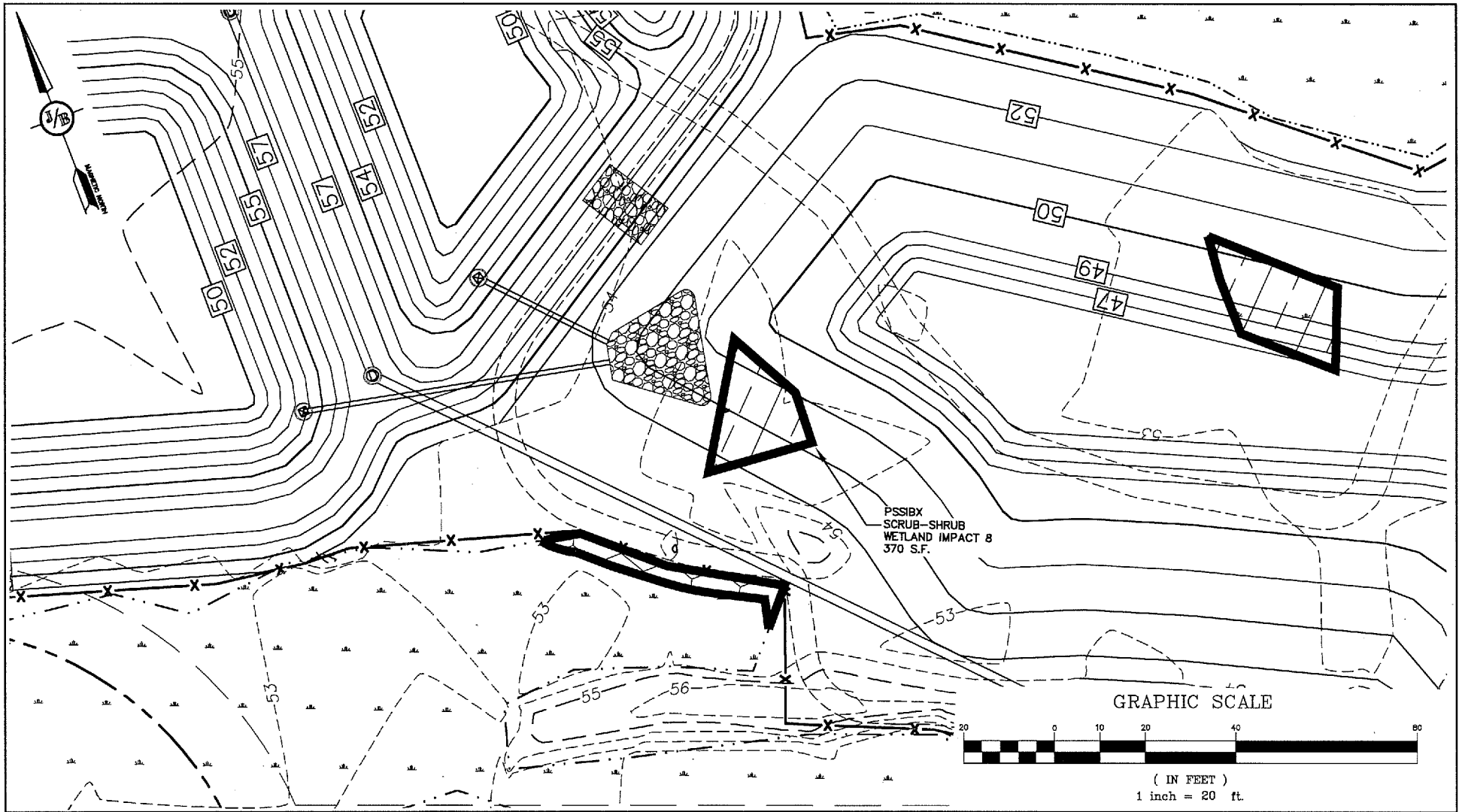
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WI-9
 SHEET 10 OF 16
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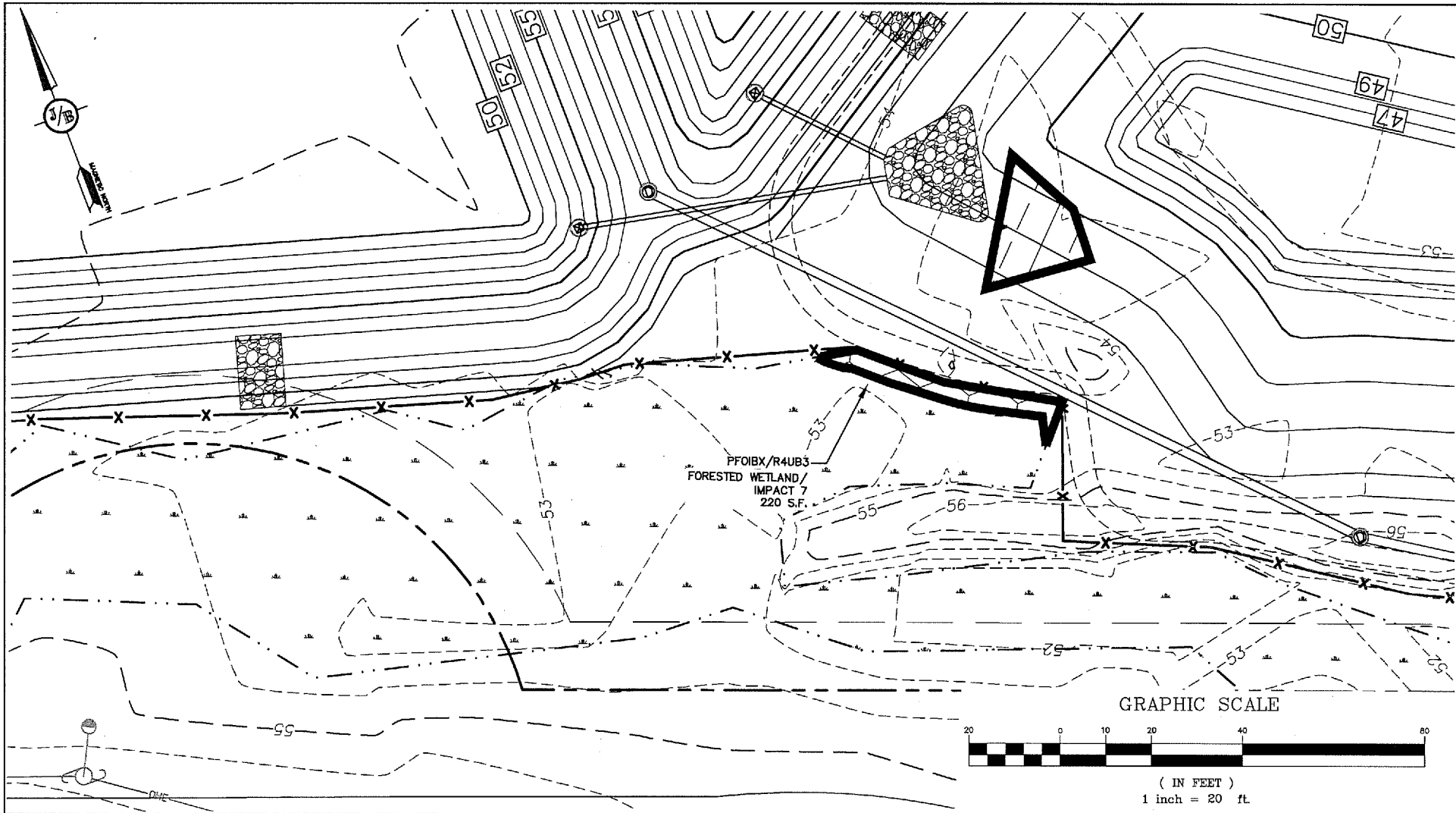
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DRAWING No.
WI-8
 SHEET 8 OF 16
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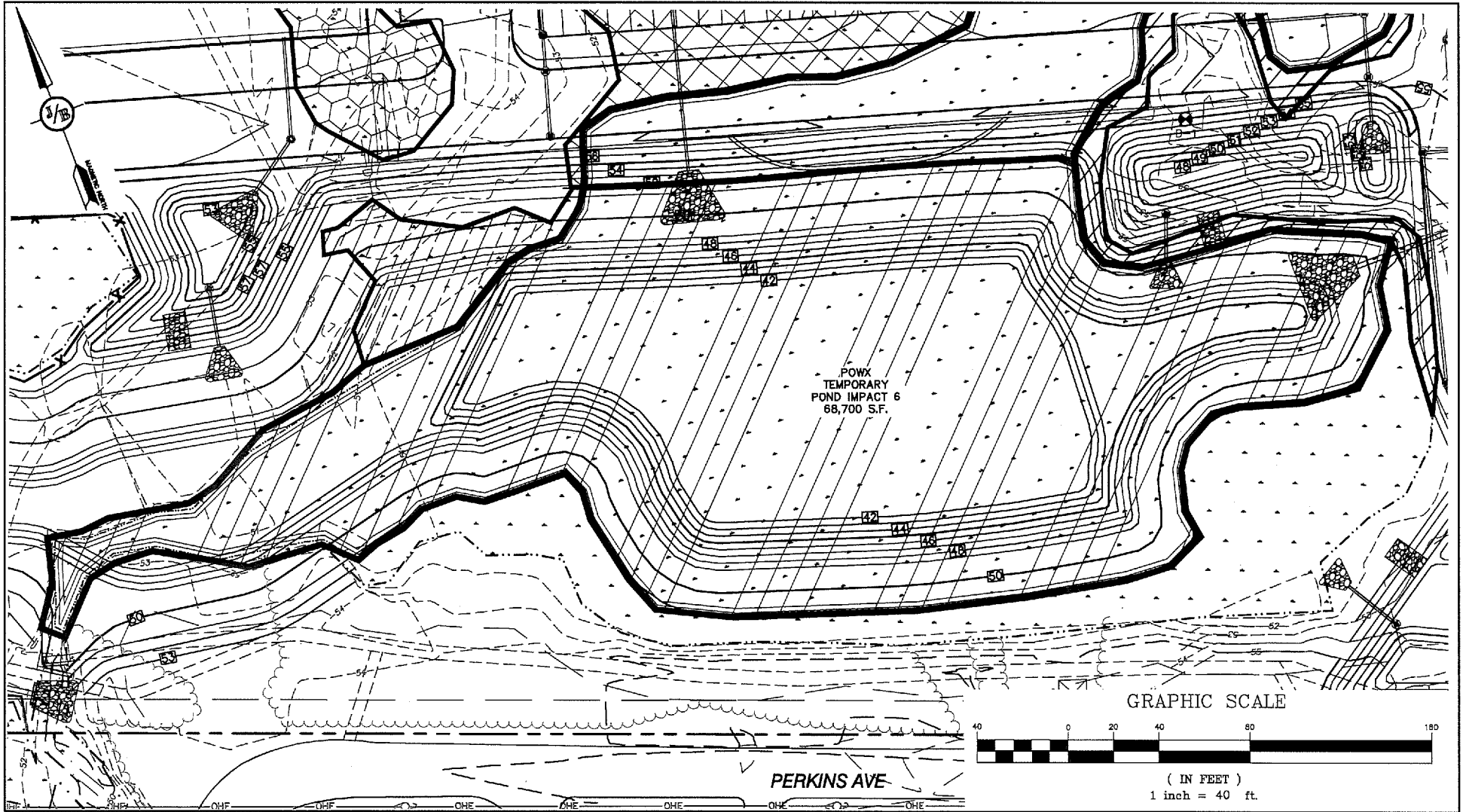
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DRAWING No.
WI-7
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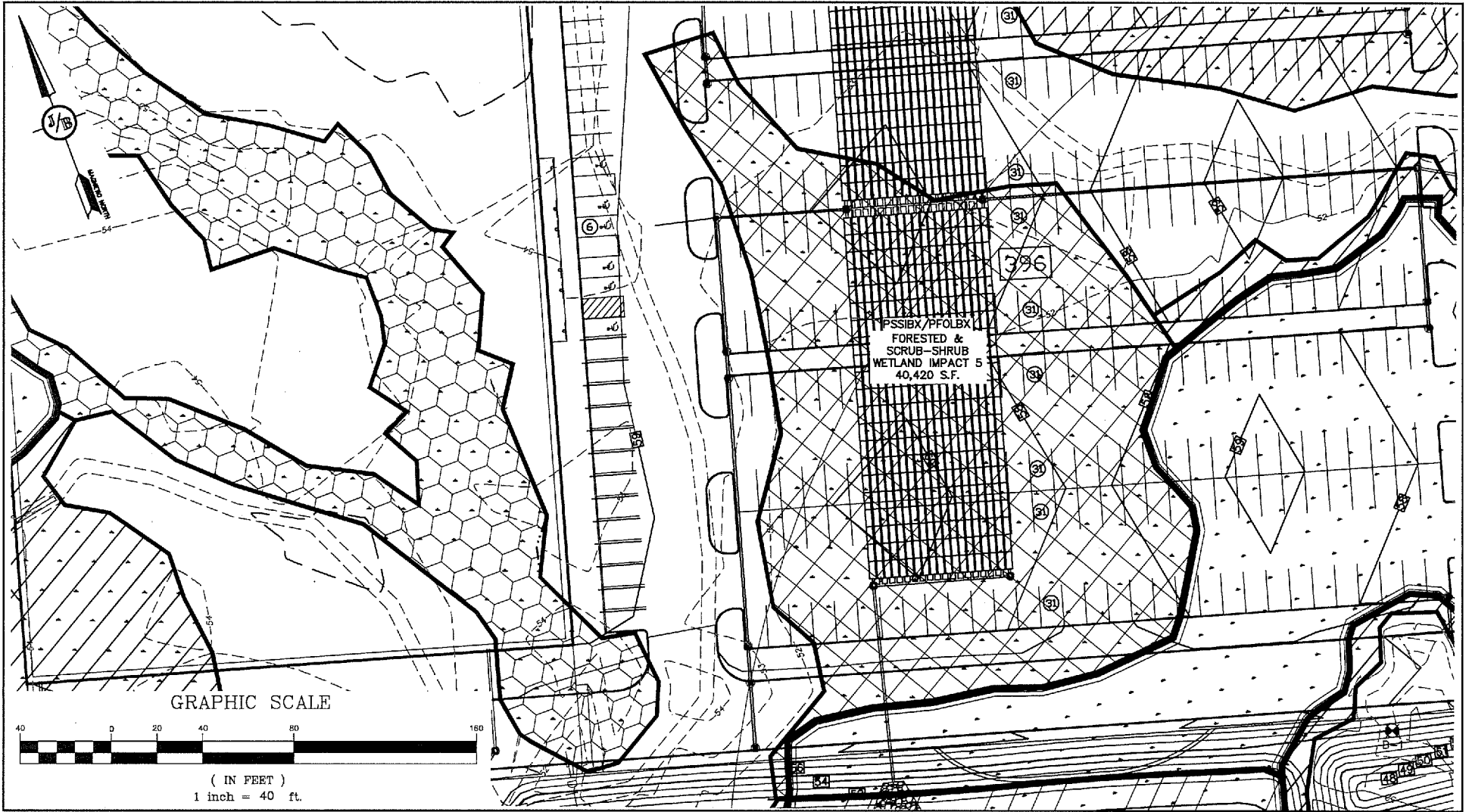
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DRAWING No.
WI-6
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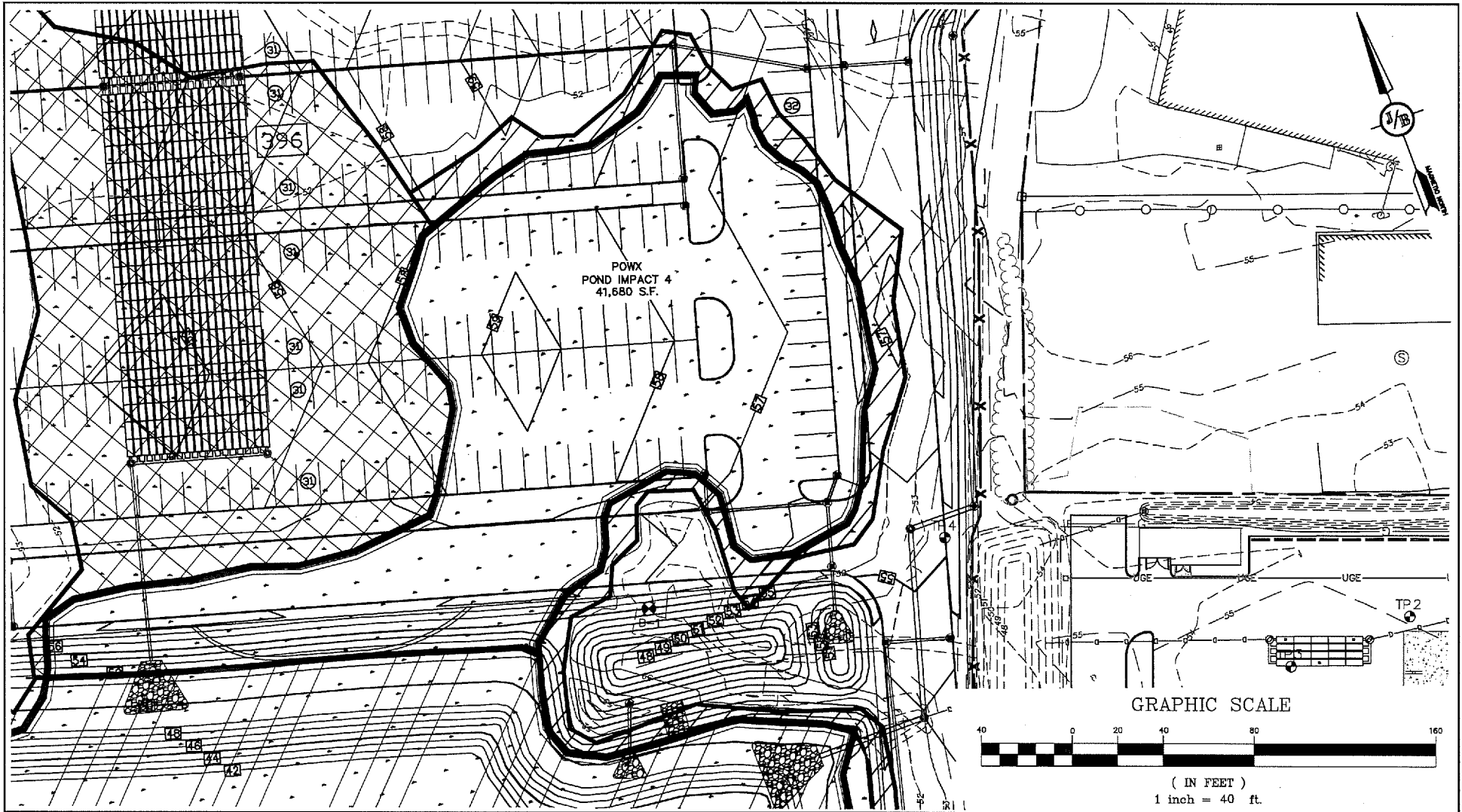
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Drawing No. **WI-4**
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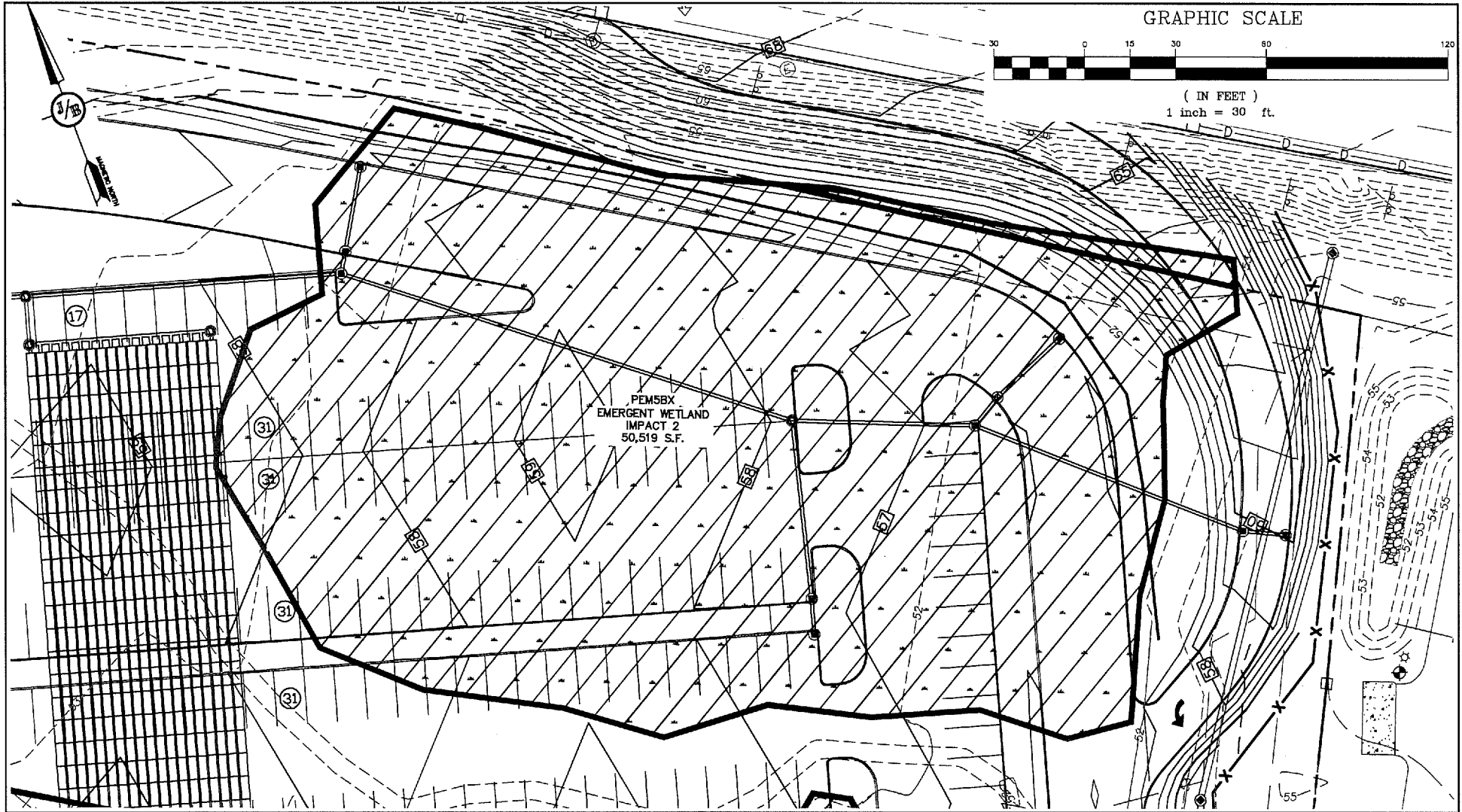
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DRAWING No.
WI-3
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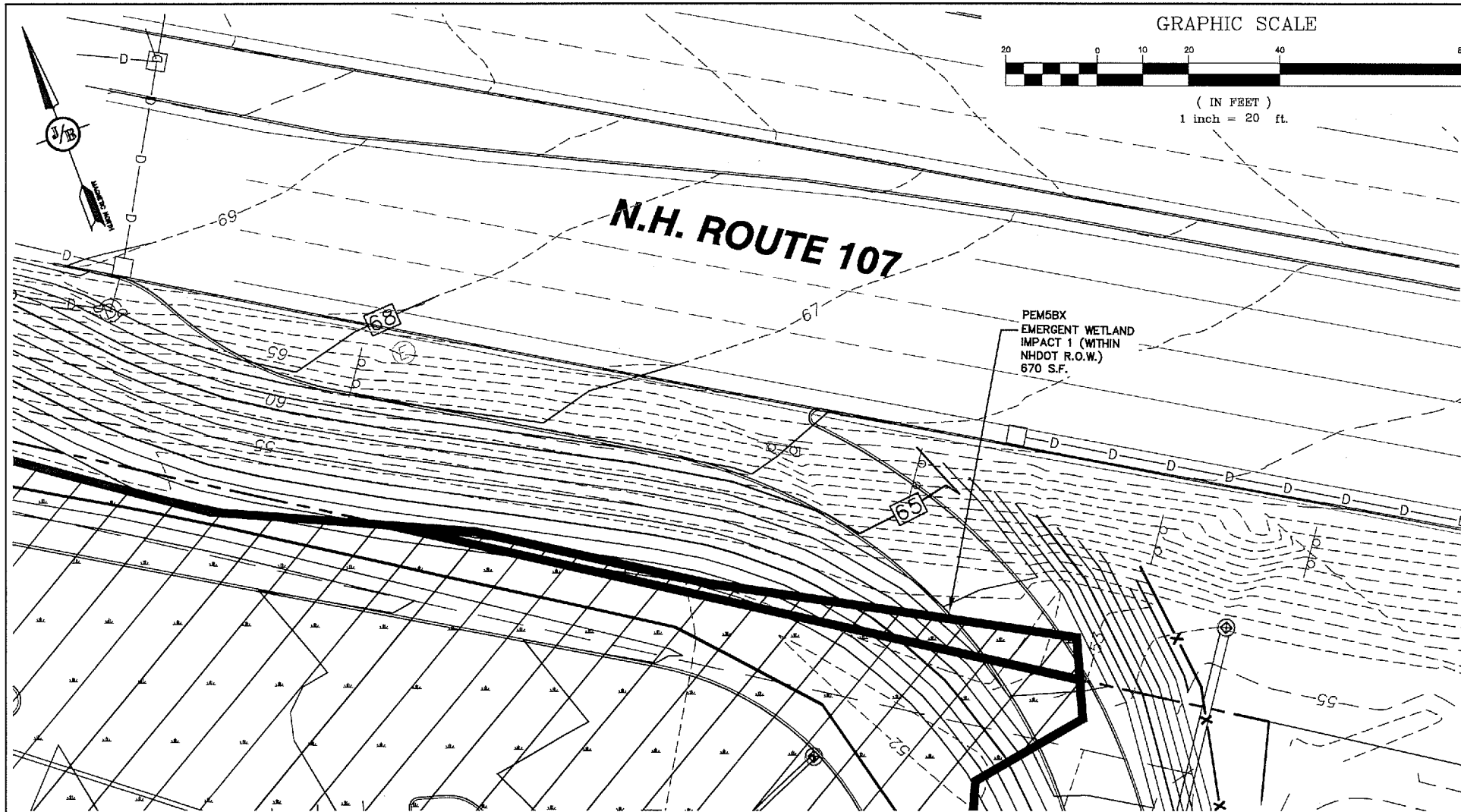
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DRAWING No.
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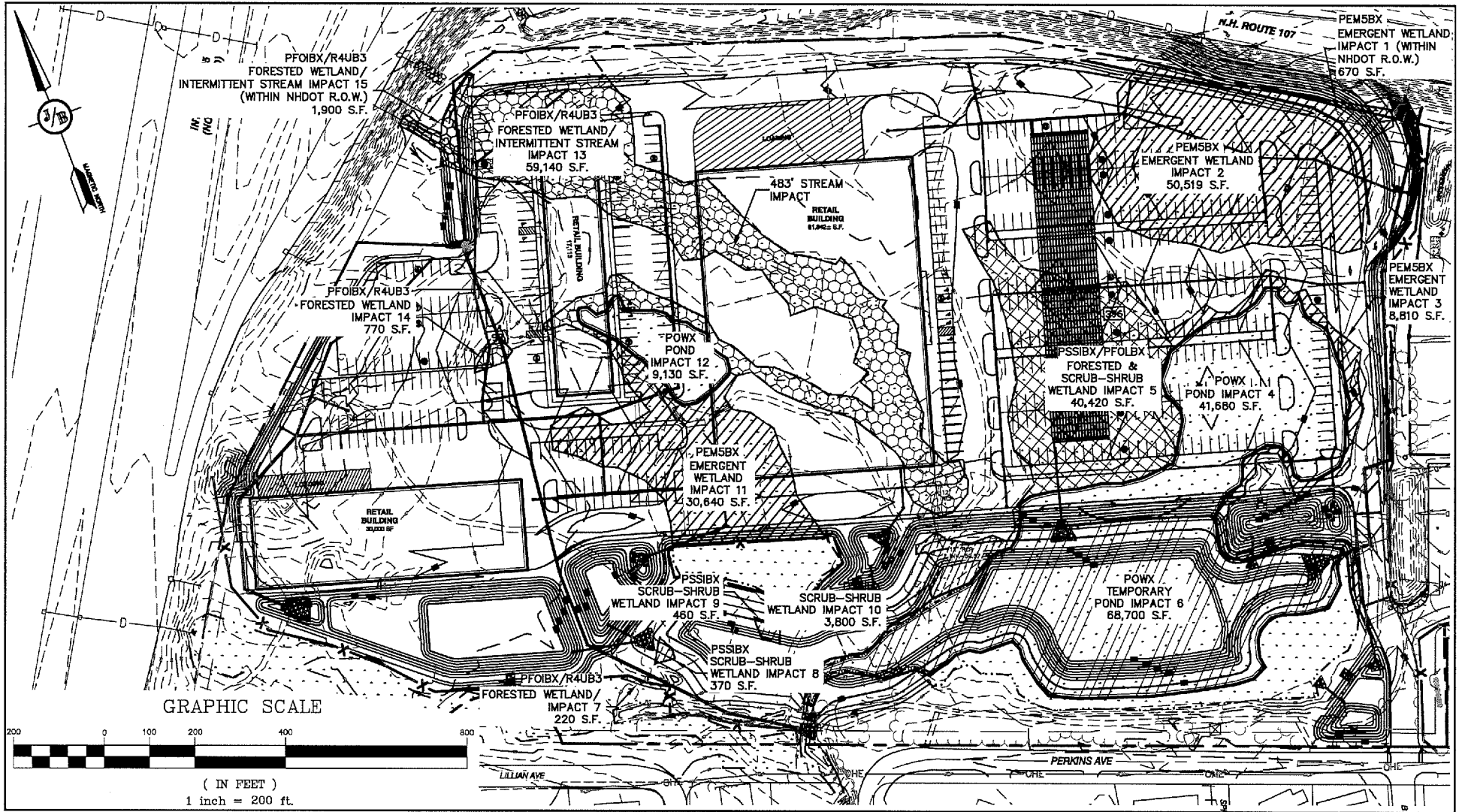
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 No. 15230.5



Design: EMP Draft: EMP Date: 06/20/17
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 Drawing Name: 15230.5-WETLAND-IMPACT.dwg
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Rev.	Date	ISSUED FOR REVIEW	By
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Drawing No.
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 SHEET 1 OF 16
 JBE PROJECT
 No. 15230.5