



PUBLIC NOTICE

Comment Period Begins: May 14, 2024

Comment Period Ends: May 29, 2024

File Number: NAE-2023-00723

In Reply Refer to: Stephanie Morrison, Regulatory Division

Phone: (978) 318-8003

Email: stephanieann.prokopmorrison@usace.army.mil

The District Engineer, U.S. Army Corps of Engineers, New England District (USACE), has received a permit application, file number NHDES 2023-01406 to conduct work in waters of the United States from ADL 325 Little Harbor Road Trust, Stephen Roberts. This work is proposed in the Piscataqua River at 325 Little Harbor Road, Portsmouth, NH. The site coordinates are: Latitude 43.064469, Longitude -70.746374.

The work involves the replacement of existing bridge that is currently failing with a new bridge on wooden piles that will span the Piscataqua River. The existing causeway within intertidal water will be removed and the placement of new fill for the south bridge abutment will result in a net increase of 280 square feet of permanent impact that will be mitigated for in addition to 3,443 square feet of permanent impact to adjacent salt marsh. Mitigation for these impacts will be required in the form of a one time In-Lieu Fee payment to the NH Aquatic Resource Mitigation Fund. This project has been designed to minimize impacts to the jurisdictional area. There is no alternative layout that would further reduce the impacts as this is the only point of access to the Island.

The work is shown on the enclosed plans titled Lady Isle Bridge Replacement Permitting Plans on 9 sheets, and dated May 24, 2023.

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.
- ☐ Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408)

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 USACE 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. The USACE will consider all comments received 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.

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). Essential Fish Habitat describes waters and substrate necessary for fish for spawning, breeding, feeding or growth to maturity.

This project will impact 0.085 acres of EFH. This habitat consists of inter-tidal unconsolidated muddy shoreline and inter-tidal emergent salt marsh. Loss of this habitat may adversely affect species that use these waters and substrate. However, 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.

NATIONAL HISTORIC PRESERVATION ACT

Based on our initial review of the proposed project and coordination with the State Historic Preservation Officer and the Tribal Historic Preservation Officer for the Wampanoag Tribe of Gay Head (Aquinnah), no historic properties were affected within the permit area. Additional review and consultation to fulfill requirements under Section 106 of the National Historic Preservation Act of 1966, as amended, will be ongoing as part of the permit review process.

ENDANGERED SPECIES CONSULTATION

The USACE is reviewing the application for the potential impact on federally-listed threatened or endangered species and their designated critical habitat pursuant to

section 7 of the Endangered Species Act as amended. Our review will be concluded prior to the final decision.

OTHER GOVERNMENT AUTHORIZATIONS

The states of Connecticut, Maine, Massachusetts, New Hampshire and Rhode Island have approved Coastal Zone Management Programs. Where applicable, 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 the state concurrence or objection to the applicant's consistency statement.

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

- (X) Permit, license or assent from State.
- (X) Permit from local wetland agency or conservation commission.
- (X) Water Quality Certification in accordance with Section 401 of the Clean Water Act.

COMMENTS

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. People submitting comments are advised that all comments received will be available for public review in their entirety and will be considered a matter of public record.

Comments should be submitted in writing by the above date. If you have any questions, please contact Stephanie Morrison, Regulatory Division, at stephanieann.prokopmorrison@usace.army.mil, (978) 318-8003, (800) 343-4789 or (800) 362-4367.

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 USACE 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.

CENAE-R
File No. NAE-2023-00723

The initial determinations made herein will be reviewed in light of facts submitted in response to this notice. 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.

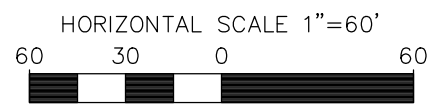
Frank J. Del Giudice
Chief, NH & VT Section
Regulatory Division

Please contact Ms. Tina Chaisson at bettina.m.chaisson@usace.army.mil or (978) 318-8058 if you would like to be removed from our public notice mailing list.



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WETLAND CLASSIFICATION			
PFO1	PALUSTRINE FORESTED BROAD-LEAVED DECIDUOUS	E2US3M	ESTUARINE INTERTIDAL UNCONSOLIDATED SHORE MUD IRREGULARLY FLOODED
E2EM1P	ESTUARINE INTERTIDAL EMERGENT PERSISTENT IRREGULARLY FLOODED	E2RS1/2N	ESTUARINE INTERTIDAL ROCKY SHORE BEDROCK EUHALINE/EUSALINE REGULARLY FLOODED

[illegible]

BRIDGE PERMITTING PLANS

TAX MAP 205 LOT 2
WETLAND CLASSIFICATION PLAN
LADY ISLE BRIDGE REPLACEMENT
325 LITTLE HARBOR ROAD, PORTSMOUTH, NH
 OWNED BY & PREPARED FOR
ADL 325 LITTLE HARBOR ROAD TRUST


1"=120' (11"x17")
SCALE: 1"=60' (22"x34")

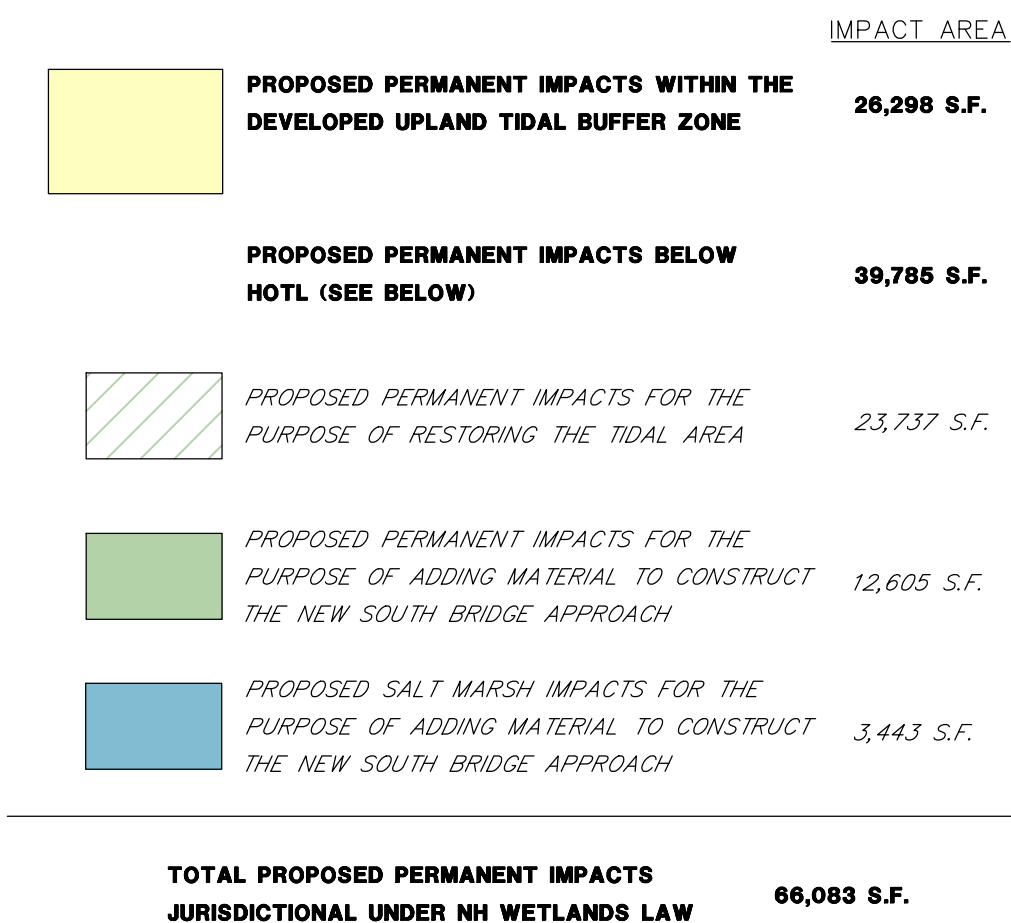


- Civil Engineers
- Structural Engineers
- Traffic Engineers
- Land Surveyors
- Landscape Architects
- Scientists

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Portsmouth, NH 03801
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Fax (603) 431-0910
www.tfmoran.com

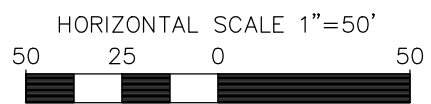
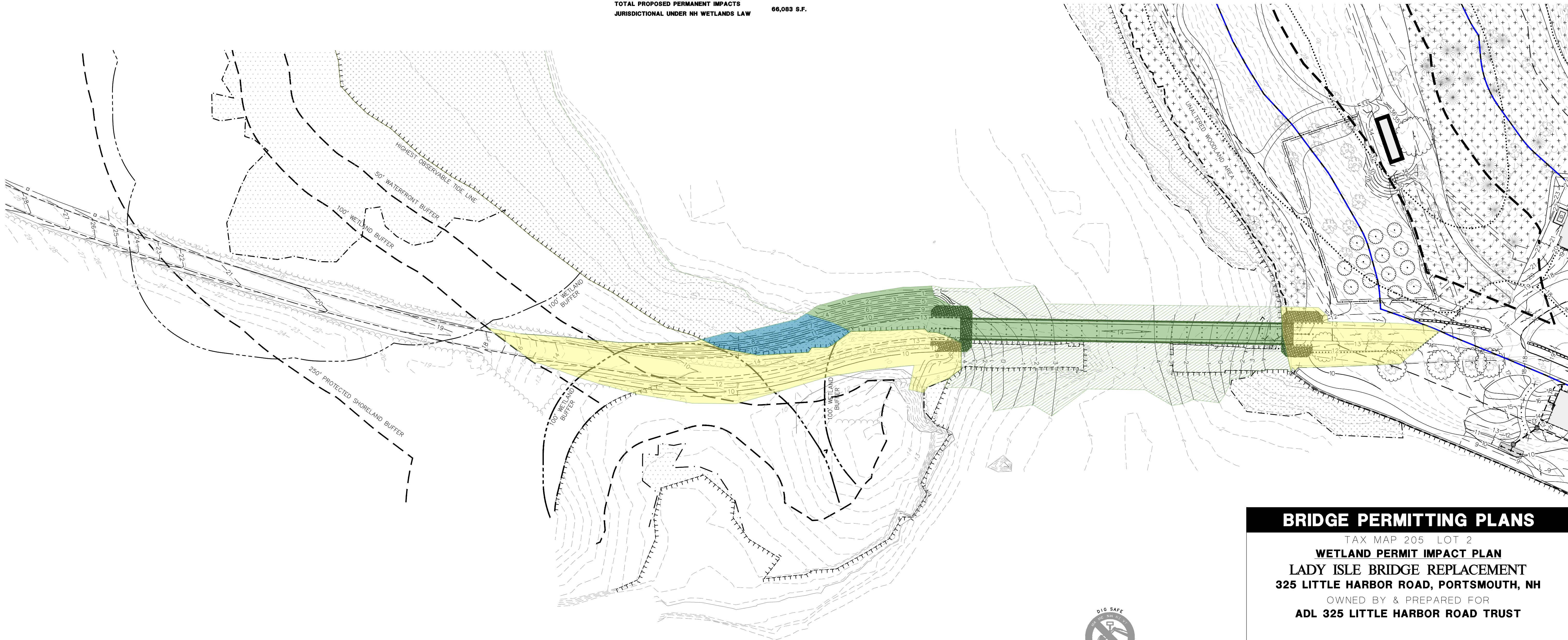
1"=120' (11"x17")
SCALE: 1"=60' (22"x34") **MAY 24, 2023**

				Civil Engineers Structural Engineers Traffic Engineers Land Surveyors Landscape Architects Scientists		170 Commerce Way, Suite 102 Portsmouth, NH 03801 Phone (603) 431-2222 Fax (603) 431-0910 www.tfmoran.com	
FILE#	47099.01	DR CK	JKC JCC	FB CADFILE	— 47099-01_WETLAND CLASSIFICATION	BR-01	



TIDAL ELEVATIONS	
MHHW	4.18
MHW	3.76
MTL	-0.32
MLW	-4.39
MLLW	-4.71

TIDAL ELEVATIONS ARE BASED ON NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA) STATION 8423898, SEAVEY ISLAND, ME AND AS USED WITHIN THE TOWN OF PORTSMOUTH VULNERABILITY ASSESSMENT PREPARED BY THE ROCKINGHAM PLANNING COMMISSION, SEPTEMBER, 2015 AND INCLUDED WITH THE NHDES WETLANDS PERMIT APPLICATION. ELEVATIONS ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAV88)

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BRIDGE PERMITTING PLANS

TAX MAP 205 LOT 2
WETLAND PERMIT IMPACT PLAN
LADY ISLE BRIDGE REPLACEMENT
325 LITTLE HARBOR ROAD, PORTSMOUTH, NH
 OWNED BY & PREPARED FOR
ADL 325 LITTLE HARBOR ROAD TRUST

1"=100' (11"x17")
SCALE: 1"=50' (22"x34") MAY 24, 2023

Seacoast Division

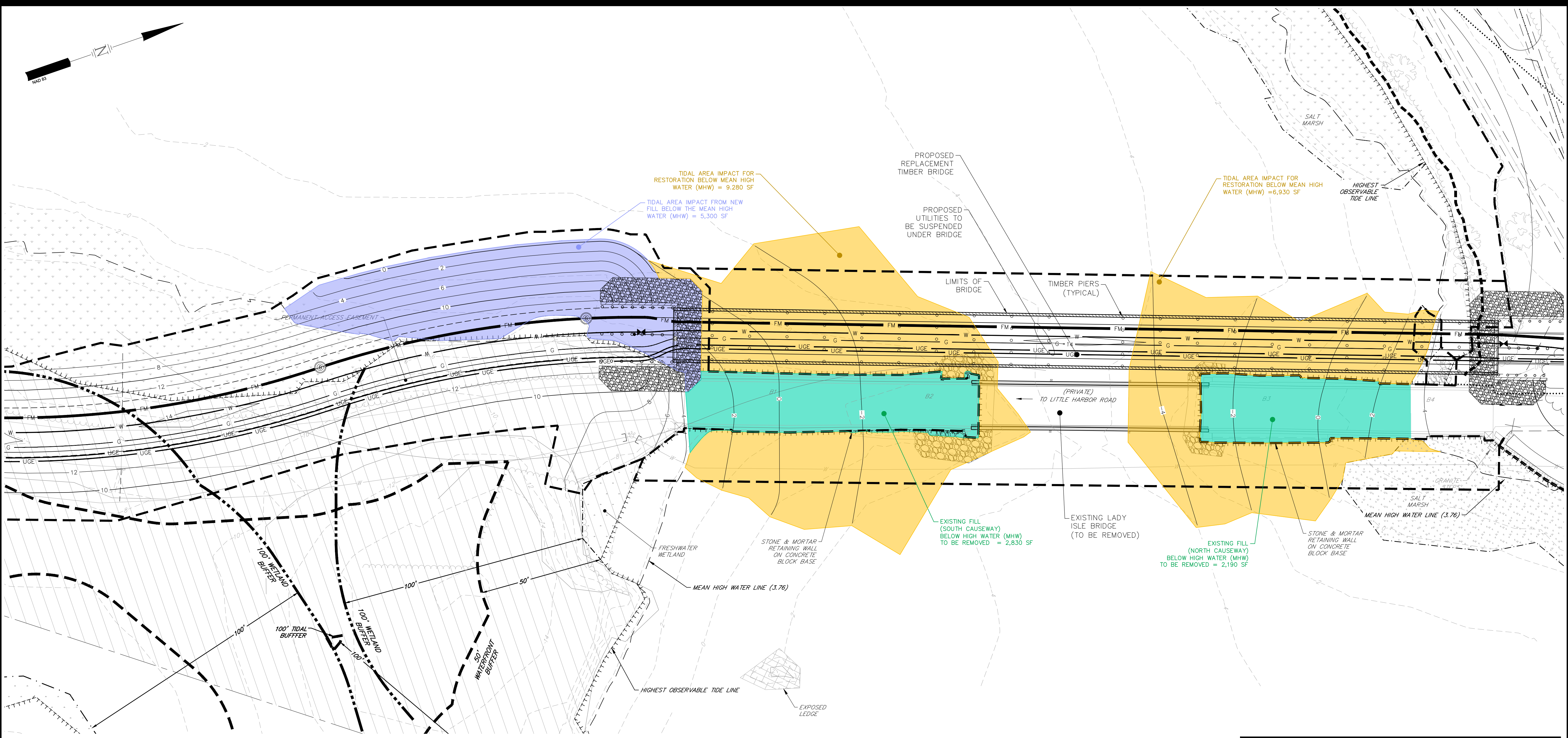


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FILE	47099.01	DR	JKC	FB	-	BR-02
		CK	JCC	CADFILE	47099-01_WETLAND PERMIT PLAN	

May 23, 2023 - 3:03pm
F:\MISC Projects\47099-01 - Portsmouth\47099-01 - DiLorenzo - 325 Little Harbor Rd\Design\PRODUCTION DWGS BRIDGE\47099-01_Bridge Tidal Impact Plan.dwg



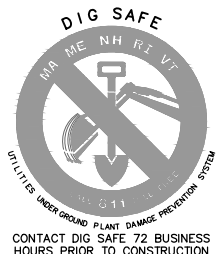
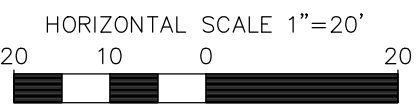
LEGEND

- G GAS LINE
- W WATER LINE
- UGE UNDERGROUND UTILITIES LINE
- FM SEWER - FORCE MAINE
- SEWER MANHOLE
- SALT WATER MARSH
- FRESH WATER WETLAND
- RIPRAP ABUTMENTS
- EDGE OF WOODS
- HIGHEST OBSERVABLE TIDE LINE (HOTL)
- MEAN HIGH WATER LINE (MHW)

TIDAL AREA IMPACTS BELOW MEAN HIGH WATER (MHW)	
DESCRIPTION	AREA (SF)
NEW FILL FOR BRIDGE ABUTMENT	5,300
FILL REMOVAL OF EXISTING CAUSEWAYS	5,020
NET INCREASE IN FILL BELOW MHW	280

TIDAL AREA RESTORATION BELOW MEAN HIGH WATER (MHW)	
DESCRIPTION	AREA (SF)
REMOVAL OF EXISTING FILL (SOUTH CAUSEWAY)	2,830
REMOVAL OF EXISTING FILL (NORTH CAUSEWAY)	2,190
FILL REMOVAL OF EXISTING CAUSEWAYS (TOTAL)	5,020
GRADING TO MATCH EXISTING GRADES	16,210
TOTAL RESTORATION	21,230

NOTE:
THE MEAN HIGH WATER (MHW) ELEVATION OF 3.76 FEET WAS DETERMINED BY THE NATIONAL OCEANIC AND ATMOSPHERIC ASSOCIATION (NOAA) SEAVEY ISLAND, MAINE TIDAL STATION 8419870 USING NAVD 88 DATUM.



REV	DATE	DESCRIPTION	DR	CK

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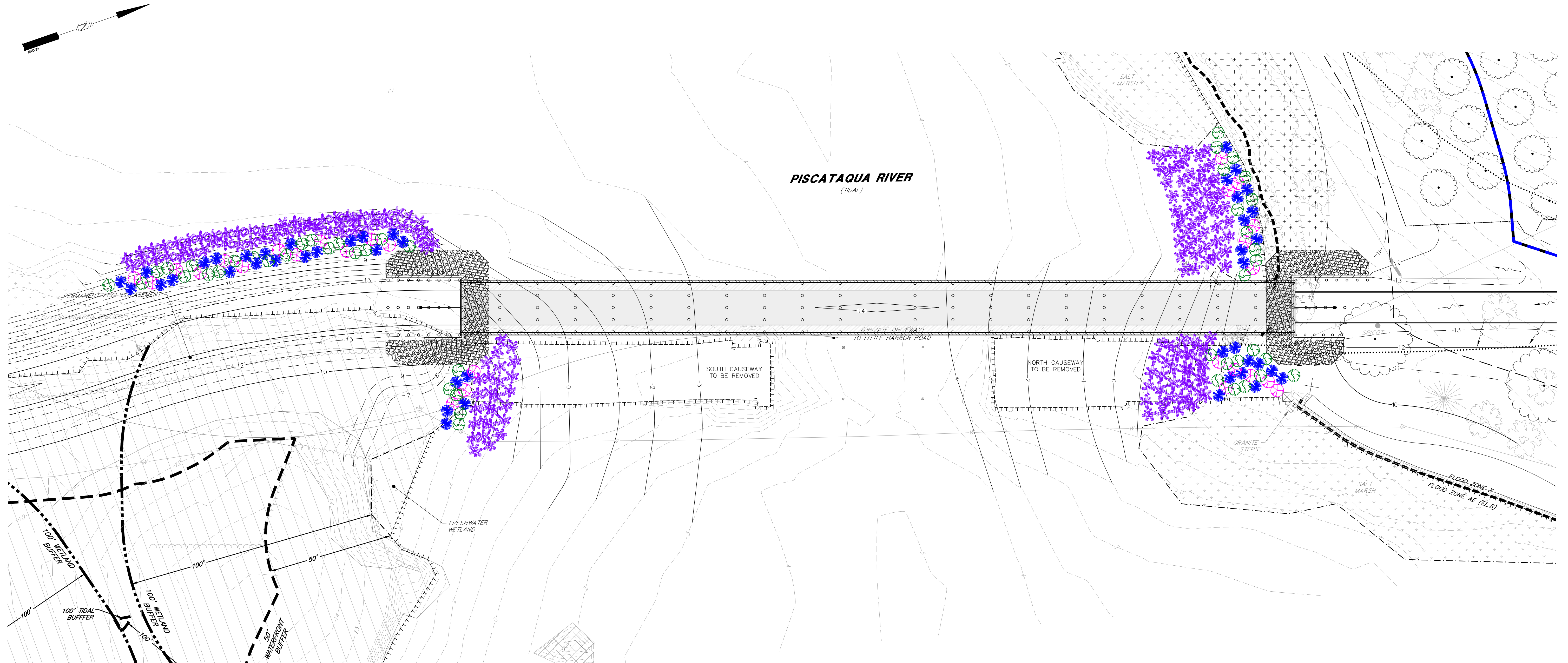
BRIDGE PERMITTING PLANS
TAX MAP 205 LOT 2
ARMY CORP OF ENGINEERS IMPACT PLAN
LADY ISLE BRIDGE REPLACEMENT
325 LITTLE HARBOR ROAD, PORTSMOUTH, NH
OWNED BY & PREPARED FOR
ADL 325 LITTLE HARBOR ROAD TRUST


1"=40' (11"x17')
SCALE: 1"=20' (22"x34')
MAY 24, 2023




Seacoast Division
TFM
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Structural Engineers
Traffic Engineers
Land Surveyors
Landscape Architects
Scientists

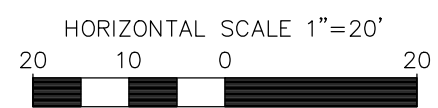
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47099.01	DR JKC	FB	-	BR-03
CK JCC	CADFILE	47099-01_BRIDGE TIDAL IMPACT PLAN		



PLANTING LEGEND - LOW MARSH		
SYMBOL	PLANT TYPE	QUANTITY
	SMOOTH CORDGRASS (SPARTINA ALTERNIFLORA)	173

PLANTING LEGEND - HIGH MARSH		
SYMBOL	PLANT TYPE	QUANTITY
	SALTMeadow CORDGRASS (SPARTINA PATENS)	46
	SALTGRASS (DISTICHLIS SPICATA)	45
	BLACK GRASS (JUNCUS GERARDII)	27

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BRIDGE PERMITTING PLANS

TAX MAP 205 LOT 2

TIDAL AREA RESTORATION PLAN

LADY ISLE BRIDGE REPLACEMENT

325 LITTLE HARBOR ROAD, PORTSMOUTH, NH


OWNED BY & PREPARED FOR

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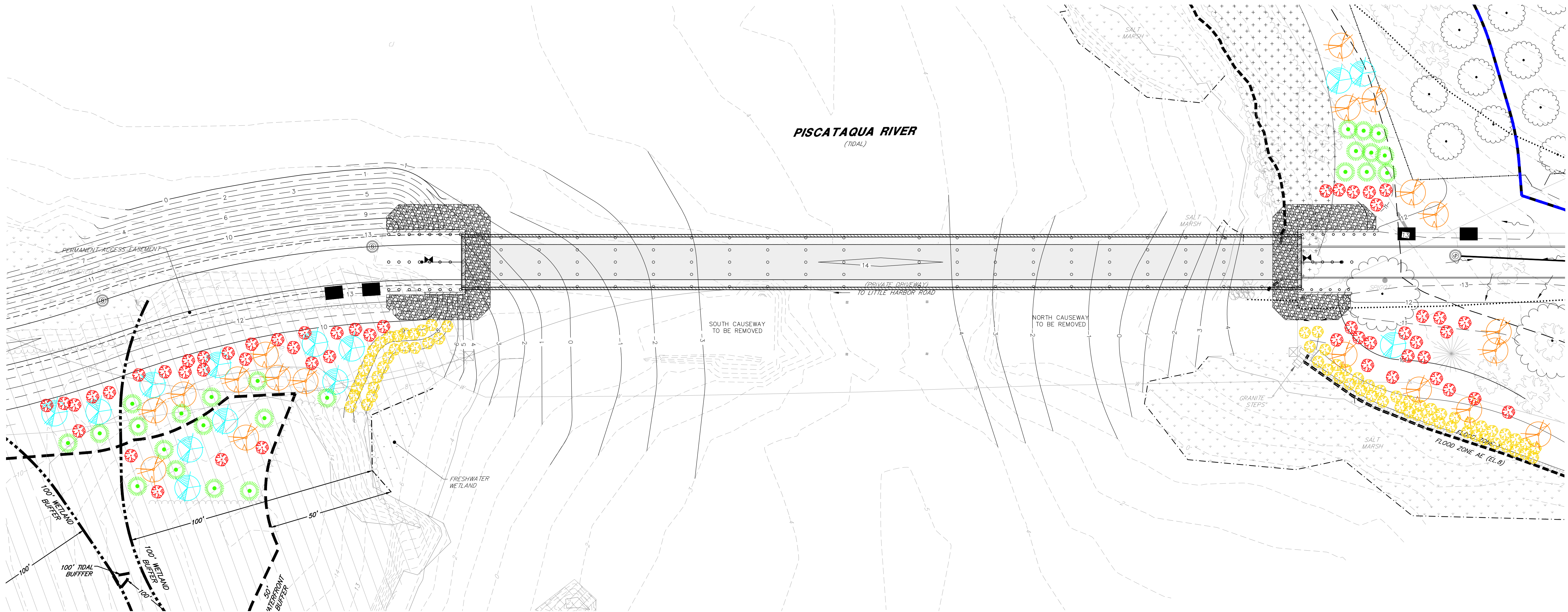
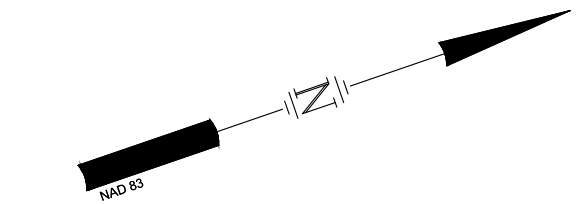
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SCALE: 1"=20' (22"x34")

MAY 24, 2023

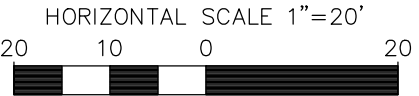
 <div style="display: inline-block; vertical-align: top; margin-left: 10px;"> Civil Engineers Structural Engineers Traffic Engineers Land Surveyors Landscape Architects Scientists </div> <div style="display: inline-block; vertical-align: top; margin-left: 20px;"> 170 Commerce Way, Suite 102 Portsmouth, NH 03801 Phone (603) 431-2222 Fax (603) 431-0910 www.tfmoran.com </div>					
F 47099.01	DR CK	JKC JCC CADFILE	FB 47099-01_BRIDGE RESTORATION PLAN	—	BR—04

May 23, 2023 - 3:03pm
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PLANTING LEGEND			
SYMBOL	PLANT TYPE	QUANTITY	SIZE
	HIGH BUSH BLUEBERRY	69	1 GALLON
	EASTERN HEMLOCK	13	2"
	RED OAK	19	2"
	WHITE BIRCH	52	2"
	WHITE PINE	24	2"

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REV.	DATE	DESCRIPTION	DR	CK

BRIDGE PERMITTING PLANS
TAX MAP 205 LOT 2
DEVELOPED UPLAND RESTORATION PLAN
LADY ISLE BRIDGE REPLACEMENT
325 LITTLE HARBOR ROAD, PORTSMOUTH, NH
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1"=40' (22"x17")
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MAY 24, 2023

Seacoast Division

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FILE	47099.01	DR	JKC	FB	—	BR-05
CK	JCC	CADFILE	47099-01_BRIDGE RESTORATION PLAN			

May 23, 2023 - 3:03pm
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LEGEND	
	PRIME WETLAND
	PRIME WETLAND BUFFER

HORIZONTAL SCALE 1"=80'
80 40 0 80

REV	DATE	DESCRIPTION	DR	CK

BRIDGE PERMITTING PLANS
TAX MAP 205 LOT 2
PRIME WETLAND BUFFER IMPACT PLAN
LADY ISLE BRIDGE REPLACEMENT
325 LITTLE HARBOR ROAD, PORTSMOUTH, NH
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MAY 24, 2023

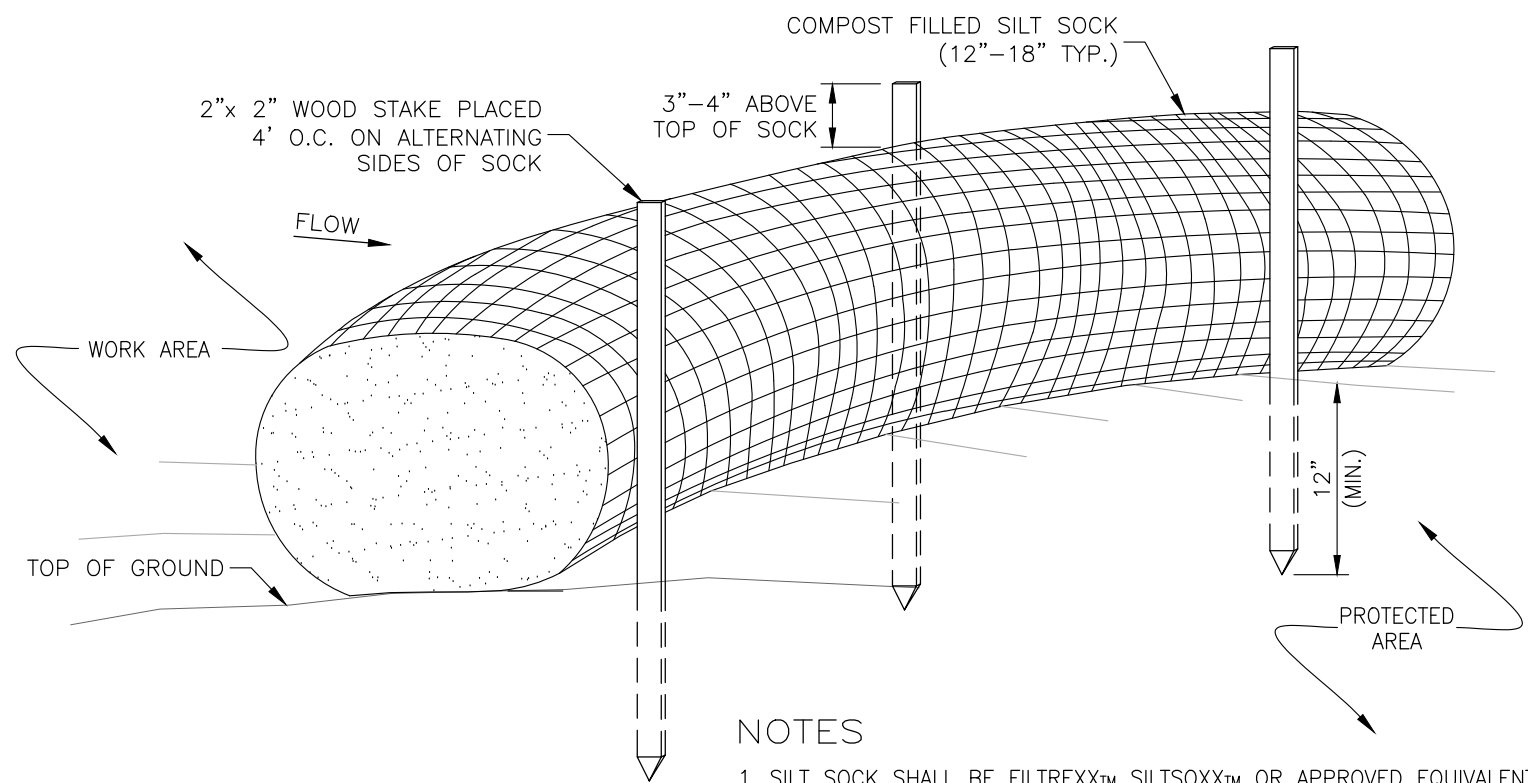
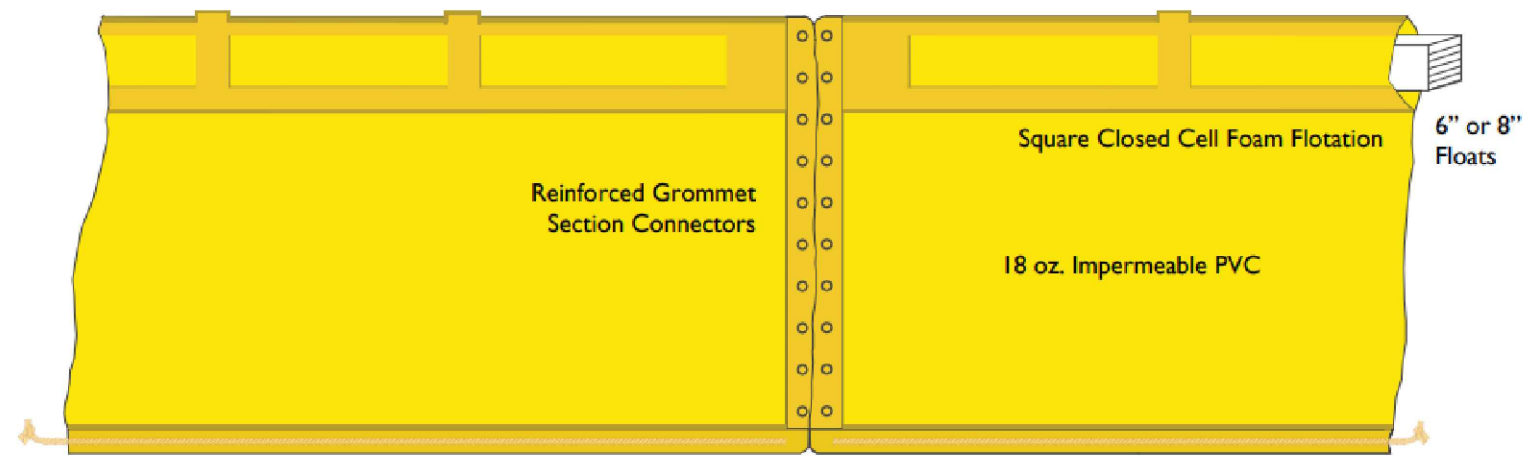
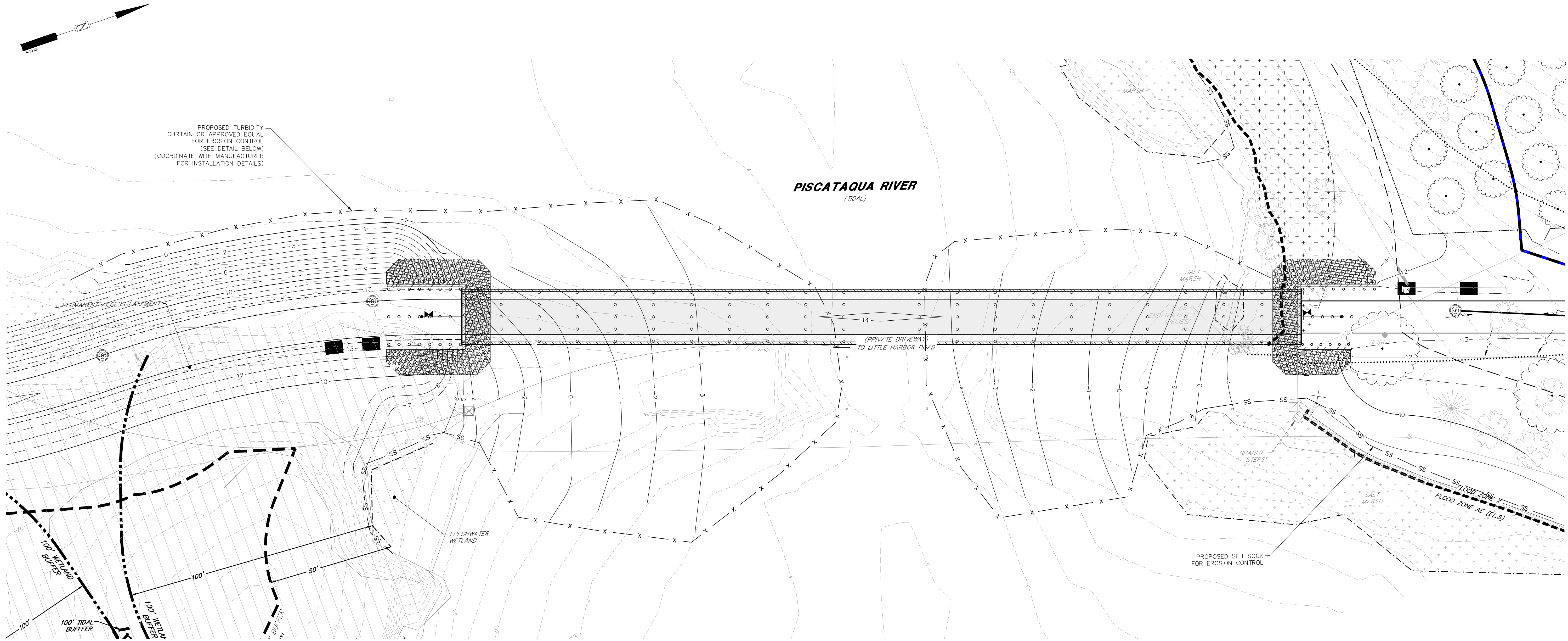
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FILE	47099.01	DR	JKC	FB	—	BR-06
		CK	JCC	CADFILE	47099-01_PRIME WETLAND PLAN	

May 23, 2023 - 3:04pm
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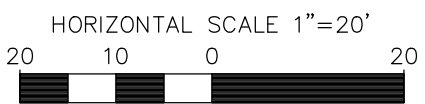


NOTES

1. SILT SOCK SHALL BE FILTREXXTM SILT SOCKTM OR APPROVED EQUIVALENT.
2. SEE SPECIFICATIONS FOR SOCK SIZE AND COMPOST FILL REQUIREMENTS.
3. SILT SOCK SHALL BE INSPECTED PERIODICALLY AND AFTER ALL STORM EVENTS, AND REPAIR OR REPLACEMENT SHALL BE PERFORMED AS NEEDED.
4. COMPOST MATERIAL SHALL BE DISPERSED ON SITE, AS DETERMINED BY THE ENGINEER.

SILT SOCK

NOT TO SCALE





REV.	DATE	DESCRIPTION	DR	CK

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Natural forces such as current, wind, waves, and location affect your product and may require engineering, additional anchoring, and customization.

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Type 1 DOT Turbidity Curtain					
Scale:	Drawing:	Revision:	Date:	By:	
Not to Scale			01/04/2018	MK	

BRIDGE PERMITTING PLANS

TAX MAP 205 LOT 2
EROSION AND SEDIMENT CONTROL PLAN
LADY ISLE BRIDGE REPLACEMENT
325 LITTLE HARBOR ROAD, PORTSMOUTH, NH
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SCALE: 1"=20' (22"x34") **MAY 24, 2023**

Seacoast Division		Civil Engineers Structural Engineers Traffic Engineers Land Surveyors Landscape Architects Scientists	170 Commerce Way, Suite 102 Portsmouth, NH 03801 Phone (603) 431-2222 Fax (603) 431-0910 www.tfmoran.com

47099.01	DR JKC CK JCC	FB CADFILE	— 47099-01_EROSION	BR-09
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