

NH Dredge Management Task Force Meeting Minutes – December 7, 2011

The meeting was held on Wednesday, December 7, 2011 from 1:30 PM to 2:40 PM at the Department of Environmental Services/New Hampshire Coastal Program Office, 222 International Drive, Suite 175, Pease Tradeport, Portsmouth, NH.

Introductions

Chairman Chris Williams asked members to introduce themselves. The list of attendees follows.

Attending members in alphabetical order:

Olga Guza-Pabst, EPA

Mark Habel, Army Corps of Engineers (ACOE)

Carol Henderson, NH Fish and Game Department (NHF&G)

Adele Fiorillo, Normandeau Associates

Frank Richardson, NHDES Wetlands Bureau

Richard Roach, ACOE

Tracy Shattuck, Pease Development Authority-Division of Ports & Harbors (PDA-DPH)

Simon Thomson, Staff for Senator Ayotte

Michael Walsh, ACOE

Chris Williams, Chairman, New Hampshire Coastal Program (NHCP)

Guests:

Michael Narcisi, ACOE

Craig Martin, ACOE

Staff:

Mary Power, NHCP

Budget and Legislative Update

Chairman Williams informed members that Sarah Holmes of Senator Shaheen's Office was unable to attend the meeting but did provide him with a brief update regarding the Senate's Energy and Water Development Appropriations bill. The bill could possibly be considered this week, however, it is more likely that it will be folded into an omnibus spending bill. The Senate bill includes \$500,000 for Piscataqua River "Simplex Shoal" maintenance dredging project. The President's budget and the House Energy and Water Development Appropriations bill also include \$500,000 for this project.

The Chairman then asked Simon Thomson of Senator Ayotte's Office for a legislative update. Mr. Thomson stated that it's likely that the Senate's Energy and Water Development Appropriations bill would be rolled into an omnibus bill within the next couple of weeks.

The Chairman then asked Mark Habel, ACOE, if he had anything to add. Mr. Habel stated that the ACOE is operating under the current continuing resolution, which expires on Dec. 16, 2011. He stated that it's unclear what will happen after that date. Chair asked about the rescissions made by Congress, as discussed at the last meeting. Mr. Habel stated that money was taken from most ACOE accounts. He also stated that the Administration's decision not to support certain ACOE Continuing Authorities Programs, including the Section 107 Program, means that money for the Hampton Harbor Improvement Feasibility Study Report has been zeroed out.

Project Updates:

■ *Piscataqua River "Simplex Shoal" Maintenance Dredge*

Chairman Williams reminded members that at the last meeting Valerie Cappola of the ACOE informed members that the ACOE had submitted the 401 Water Quality Certification to the State of Maine, and Coastal Zone Management Act (CZMA) federal consistency certifications to the Maine and New Hampshire Coastal Programs. Chairman stated that the New Hampshire Coastal Program issued its CZMA federal consistency decision in mid-November. He then stated that at yesterday's New England Regional Dredging Team meeting (discussed below), a representative from the Maine Department of Environmental Protection (DEP) indicated that the 401 Water Quality Certification would likely be issued by the end of the year.

Since the last Task Force meeting, the ACOE has informed the state that the proposed maintenance dredging work in the Piscataqua River will take place entirely in Maine state waters. Apparently, the shoaling on the New Hampshire side of the river is not significant enough at this time to warrant dredging. As a result of this information, the Coastal Program convened a meeting on November 4, 2011 with PDA-DPH, ACOE, NHF&G, NHDES Wetlands Bureau and NHDES Water Quality Program staff. The discussion focused on whether PDA-DPH, the project sponsor, should withdraw its application to the DES Wetlands Bureau since there is currently no proposed work in NH waters. At the meeting, Bill Kavanaugh, ACOE Project Manager, stated that the ACOE would likely conduct a condition survey in the late spring/early summer 2012 to determine the full extent of the shoaling. If shoaling is found on the New Hampshire side of the river, a permit from the NHDES Wetlands Bureau would be required. Based on this information, it was agreed that the PDA-DPH would not withdraw its application to the NHDES Wetlands Bureau. The Wetlands Bureau will put the application on hold until after the results of the condition survey are made available. If shoaling is found on the New Hampshire side of the river, the application will be processed accordingly. If shoaling is not found on the New Hampshire side of the river, the application will be withdrawn.

At the meeting, the issue of long-term approvals was also discussed. The ACOE has approached the Maine DEP regarding issuance of a long-term 401 Water Quality Certification. Carol Henderson, NHF&G, stated that it was agreed that any long-term permitting in New Hampshire, would be reviewed on a case-by-case basis.

Finally, Chairman stated that if the \$500,000 referenced earlier is received, the project would likely begin during the fall 2012 dredge season. Discussion followed.

■ *Piscataqua River Turning Basin Improvement Project*

Mr. Habel stated that Dick Heidebrecht, the ACOE Project Manager, is in the process of completing the Draft Feasibility Study Report. Because of the increase in the study cost associated with finding dredge material disposal alternatives, the ACOE needs to modify the feasibility cost-sharing agreement with PDA-DPH. That modified agreement is currently under review by ACOE council. Once this review is complete, the agreement will be sent to the ACOE Division Office for review and approval and then to PDA-DPH for concurrence.

Mr. Habel stated that disposal of the dredge material remains the primary issue that is holding up the project's progress. He stated that the Towns of Wells and Kittery, Maine and the state of Massachusetts have expressed interest in the material. The ACOE and EPA have tentatively approved an ocean disposal site, the Isles of Shoals North site, but both agencies hope a nearshore disposal alternative can be found. Chairman stated that he was recently contacted by a state representative who indicated that there is a group of oceanfront property owners in Rye who have expressed interest in the dredge material for beach nourishment. He stated that if this option is pursued, a study would likely need to be conducted to determine how much material the area in question could accommodate. Discussion followed.

■ *Hampton Section 107 Feasibility Study Report*

Mr. Habel stated that the public review period for the Draft Feasibility Study Report closed in mid-October 2011. The final report has been submitted to the ACOE's Division Office and has been provisionally approved, however, it has not been released yet because it is missing an item. Specifically, the U.S. Fish & Wildlife Service (USFWS) has not yet submitted to the ACOE a final coordination report, in accordance with the Fish & Wildlife Coordination Act. The USFWS has, however, submitted a draft coordination report to the ACOE. This draft report identifies measures that the Town of Seabrook must take to protect federally threatened and state endangered Piping Plovers that breed along Seabrook Beach in order for the ACOE to place the dredged material on the beach. Specifically, USFWS wants existing boardwalks and paths through town-owned dune habitat to be removed or closed to avoid disturbing breeding Piping Plovers. Mr. Habel stated that the ACOE would not dictate to the Town of Seabrook how to manage the beach. If the issue cannot be resolved, the ACOE will place all the dredged material from the project on the beach at Hampton Beach State Park. Mr. Habel stated that the ACOE will give the USFWS, the Town of Seabrook and PDA-DPH (the project applicant) a couple of months to work this issue out.

Mr. Habel reiterated that design funds for the project were taken by Congressional rescission and that the Administration is not funding the Section 107 Program in FY 2012.

■ *Sagamore Creek and Portsmouth Back Channels Maintenance Dredge*

Mike Walsh, ACOE, reminded members that there is no funding for the project. He stated that he continues to work on the Environmental Assessment (EA). When the Draft EA is complete, he'll send out agency coordination letters. He then stated that he may request that a new eelgrass survey be conducted in the spring of 2012. Chair asked when the last eelgrass and bathymetric surveys were completed. Mr. Walsh stated that the last hydrographic survey was conducted in October 2007 and the last eelgrass survey was done in August 2008.

Other Business

■ *New England Regional Dredging Team Meeting Summary*

Chair informed members who did not attend the New England Regional Dredging Team (a.k.a. Sudbury Group) meeting that it was held at the NHDES Portsmouth Office on December 6, 2011. At the meeting, Mel Cote of EPA stated that EPA's Ocean Survey Vessel (OSV) Bold is scheduled to lose all funding after FY 2012. He stated that the New England states, including New Hampshire, have been the beneficiaries of the research conducted aboard the OSV Bold. Mr. Cote suggested that states write to the EPA Administrator in support of continued funding for the Bold. Mr. Habel stated that the Bold's \$5 million operating costs are a significant savings over the costs associated with contracting the work out. Ms. Guza-Pabst stated that EPA staff has been tasked with determining the cost to contract out the ocean disposal tasks currently conducted aboard the Bold. She also stated that the Bold's non ocean disposal activities, such as water quality and ocean mapping tasks, are also being evaluated. Chair expressed his support for a letter of support for the Bold. He indicated that he'd discuss the issue with PDA-DPH and NHF&G.

Chairman Williams reminded members that he and Mike Walsh are preparing a Cochecho River maintenance dredging fact sheet. They hope to have a draft version available for members to review at the next meeting. Once finalized, the fact sheet will be placed on the Task Force's web site.

Mr. Walsh then asked about the status of the Water Resources Development Act (WRDA). Chair shared information from Sarah Holmes of Senator Shaheen's office, indicating that the WRDA deadline for project requests was earlier this week, however, it was pushed back with no deadline given. Congress may not take up individual project requests this year given the earmark ban.

■ *Schedule Next Meeting*

Chair suggested Wednesday March 21, 2012, 1:30 PM, NHDES Pease Office. All agreed.

Adjourned