



NHDOT / ACEC-NH Environment Subcommittee  
Meeting Minutes



**Date:** July 1, 2024

**Time:** 9:00 am – 10:30 am

**Location:** NHDOT Profile Conference Room.

**Purpose of Meeting:** Discuss Agenda Items.

**Attendees:** Christine Perron  Kevin Nyhan   
Kimberly Peace  Jon Evans   
Jennifer Riordan  Matt Urban

Agenda/Minutes:

1. Assign scribe to prepare minutes
  - Minutes were assigned to and prepared by Matt Urban
  
2. Approval of April 8, 2024 minutes
  - April 8, 2024, meeting minutes were unanimously approved.
  
3. Update on Programmatic Categorical Exclusion form
  - KTN acknowledged that the Programmatic Categorical Exclusion Form was approved by FHWA.
  - The new form has been uploaded to NHDOT's Sharepoint and Website.
  - A notification was sent to consultants informing them of the new form.
  - Jon Evans suggested that KTN look at the referenced links that are contained on the BOE Manual that may need to also be updated. KTN agreed he would investigate it and take care of it. **(Action Item-completed 7/1/2024)**
  - Kimberly asked group if they have heard about recent changes to 40 CFR – regarding changes in “NEPA” wording... for example “Impact vs. Effect” and “Mitigated CE’s”. Kimberly indicated that the changes were to take effect as of today and suggested that DOT may want to review. Kimberly agreed to share a link for the updated CRF language. Jennifer discussed seeing a presentation explaining the changes and would share it with the group. **(Action Item – completed 7/1/24)**
  
4. DES wetlands rules changes
  - KTN provided a summary of DOT's current comments on the Draft Env-WT 300 rules.
  - Christine explained her concern for the current NHB/NHF&G coordination process citing an example of using the NHB Data Check tool and checking the checkbox for NEPA review and not Standard Dredge and Fill at the time as it was unknown to the project at the time...later F&G required that the NHB be updated because the query criteria was more stringent for SDF reviews than for just NEPA, resulting in delays due to the wait time for the NHB memo.

- Matt suggested that perhaps a conversation with NHB/F&G is warranted to suggest changing the query review criteria to assume NEPA is “worst case scenario” i.e. matching SDF review buffer/criteria so that a record search does not need to be re-run if the need for a permit is not yet known during NEPA. NEPA is intended to identify all project constraints and concerns early on. KTN will discuss with the BOE Plant and Wildlife Manager and follow up as needed. **(Action Item)**
- KTN brought up a recent concern that DOT has been contending with which consisted of needing to mitigate for “All” project impacts that would otherwise not have triggered mitigation, when accompanied by an impact to a Priority Resource Area (PRA) even if that impact is just 1 sq ft. DOT is not agreeable to this approach and believes that mitigation should only be required for impacts to a PRA if no other mitigation thresholds are exceeded. KTN will continue to coordinate our concerns with DES...Question raised if this should this be something the ACEC jointly express concerns to DES about?

#### 5. DES paperless permitting for Shorelands

- Kimberly and Jenn shared knowledge that the new electronic shoreland permit filing should be up and running.
- Looks like there is ability to partially upload information that you can come back to and actively edit before officially submitting to DES. This may be a way for working with consultants to do some back-and-forth edits before submittal...but will need to do some tests on potential upcoming projects to see how it goes.
- DOT may need to investigate what the payment method online will be and how to handle that.
- Matt mentioned that DES has also released the electronic submission process for emergencies as well.
- Christine asked if the group is aware of the new Army Corps online submittal process, which is currently only for Individual Permits.
- Matt questioned how ACOE will plan to deal with the concept of Vernal Pool Mitigation if the ACOE no longer has jurisdiction over vernal pools as defined by Waters of the US (WOTUS).
- Kimberly asked if DES was still requiring Grid Scoring for DOT projects proposing to clear cut anyways. Andy O’Sullivan was to provide continued guidance on how best to proceed. **(Action Item)**
- Some general comments were made by Christine that suggested it would be helpful if DOT or DES could help to facilitate training on how to identify and delineate W<sub>bf</sub>, OHW and TOB for streams to be sure consultants, DOT, and DES are all on the same page. It was suggested that perhaps Sean Sweeney from Headwaters Hydrology could facilitate that as he recently did something similar. Jennifer and Christine are going to investigate what the cost of the recent training he provided and share that with KTN **(Action Item)**.
- Matt mentioned that at a recent Wetlands Council meeting DES (Darlene) discussed interest in doing a cooperative DOT/DES training event to be for the two Agencies. This likely would not be open to consultants KTN indicated.

6. Spring Technical Exchange environmental topics.

- KTN indicated that ACEC is typically looking to nail down presentations for the ACEC conference around Sept/Oct and opened it up to this committee to make some suggestions for possible presentations/topics. The following were suggested:
  - i. Resiliency
    1. Stream Crossing Projects
    2. Sea Level Rise
    3. Stone Revetment on seacoast
    4. Discussion on env-600 rules and the challenges they pose.
  - ii. T&E Species
    1. Bats (NLEB and Tri-colored)
    2. Wildlife Collision Research Project – Update
    3. Monarch Butterfly – CCAA
    4. Native Seed Mix Research project
  - iii. Regulatory/Restoration
    1. Wetland Rule Updates
    2. WOTUS
    3. Environmental Restoration Projects
      - a. Lee Bridge Replacement
  - iv. Cultural
    1. Flying Yankee Story
    2. Creative Mitigation Ideas: Sugar Hill – Educational program; Woodstock historic bridge mitigation
  - v. Water Quality/Wetlands
    1. Stormwater Treatment Basin
      - a. Inspection protocol
      - b. iPad collection
      - c. Maintenance
      - d. Dashboard viewer
      - e. Incorporating inspection results into actionable items in future projects.

7. Next meeting: October 7, 2024

- KTN will get and provide more guidance for how we should go about making suggestions to the larger ACEC committee. **(Action Item)**
- KTN will provide an update on DES/DOT cooperative training as well as the possibility of OHW/TOB stream delineation training through someone like Sean Sweeney. **(Action item)**

8. Summary of Action Items

- BOE Project Environmental Process Manual updated to include reference to new CE form (Nyhan) **(Completed 7/1/2024)**
- Updated NEPA wording changes – sharing a link (Peace/Riordan) **(Completed 7/1/2024).**
- Discussion with ACEC CQI/DES/Rebecca Martin regarding NEPA/permitting and T/E species. (Nyhan)

- DOT/DES/Consultant training on TOB, OHW,  $W_{bf}$  by Headwaters Hydrology or other similar organization. Follow up. (Nyhan)
- KTN will coordinate with the ACEC CQI Committee as to how we should go about making suggestions to the larger ACEC committee on our recommendations.