

# BUREAU OF ENVIRONMENT CONFERENCE REPORT

**SUBJECT:** Monthly SHPO-FHWA-ACOE-NHDOT Cultural Resources Meeting

**DATE OF CONFERENCES:** November 10, 2022

**LOCATION OF CONFERENCE:** Zoom Meeting

**ATTENDED BY:**

**NHDOT**

Sheila Charles  
Jill Edelmann  
Jon Evans  
Wendy Johnson  
Marc Laurin  
Rebecca Martin  
Curtis Morrill

**NHDHR/NHDNCR**

Laura Black  
David Trubey

**ACOE**

Mike Hicks

**FHWA**

Jamie Sikora

**Town of Derry**

David Caron  
Mike Fowler

**McFarland-Johnson**

Gene McCarthy

**VHB**

Hannah Beato  
Quinn Stuart  
Peter Walker

**Consulting and  
Interested Parties**

Paul Pouliot, Cowasuck  
Band of Pennacook-  
Abenaki People  
Alex Bernhard, Friends  
of Northern Rail Trail  
Mark Connors, Derry  
Rail Trail  
Dave Topham, NH Rail  
Trails Coalition

**PROJECTS/PRESENTATIONS REVIEWED THIS MONTH:**

*(minutes on subsequent pages)*

Meredith Neck Road 2022-M309-1 (District 3, non-federal).....	1
Pelham 16145, X-A001(151) (RPR #5904, submitted July 2014) .....	4
Sugar Hill 24218, X-A004(971) .....	6
Derry-Londonderry 13065B, IM-0931(201) .....	8

**Meredith Neck Road 2022-M309-1 (District 3, non-federal)**

Participants: Arin Mills, Samantha Fifield, Jon Evans, Kerry Ryan, Nancy Spaulding, NHDOT; Mike Hicks, ACOE; John Edgar, Mike Faller, Town of Meredith; John Hopper, Meredith Historical Society; Paul Pouliot, Cowasuck Band of Pennacook-Abenaki People

Initial consultation to review the draft design plans and discuss cultural resource concerns, as well as appropriate mitigation.

Arin opened the meeting to introduce the state funded project to replace an existing stone box culvert along Meredith Neck Road. Meredith Neck Road is a 100% state funded and maintained roadway, with the town conducting winter maintenance and NHDOT conducting summer maintenance activities. It is a Tier 4 roadway (Local Connector) servicing residential and light commercial development of Meredith Neck. The original stone box culvert and causeway

crossing was constructed in 1833 by residents of the town of Meredith. No significant changes to the crossing have taken place since constructions.

NHDOT reached out to the town for comment and received letters from John Edgar of the Meredith Planning Department, John Hopper and Karen Thorndike of the Meredith Historical Society, and Scott Powell of the Meredith Conservation Commission. The Historical Society requested to be a consulting party to the project.

Photos of the existing crossing were shown to detail the landscape and setting of the project location.

Sam introduced the Purpose and Need of the project, to include addressing safety concerns and structural deficiencies, a proposed design to meet the current safety and design standards and the need to meet the current environmental requirements.

Alternatives considered by the engineer include 1) no build 2) Repair existing and 3) replacement- preferred alternative.

Sam explained that full replacement of the causeway structures is necessary due to (a) the deterioration and instability of the existing structures; (b) the unknown nature of the materials and geometry used to construct the original structures (no existing plans exist); (c) the need lengthen the culvert and move the outlet retaining wall away from the roadway to allow for safety improvements; (d) the need located the proposed retaining wall away from the roadway to reduce its height. Reducing the height will allow for the installation of a modern dry laid granite block retaining wall, which is height limited.

The existing culvert structure is a 3.5' wide x 5' tall x 34.5' long granite block stone box culvert. Integral to the culvert is a 14' long granite stone headwall at the inlet, and a 112' long granite stone retaining wall at the outlet. Deficient and damaged cable guardrail and a closed drainage system also currently exists. Photos were shown of the leaning outlet wall and deteriorating roadway shoulder. Sam explained borings were taken of the roadway (results pending) which showed 18-22" of asphalt over silty sand.

The proposed design includes a precast concrete box 5' wide x 4' tall x 40' long with precast concrete headwalls; a 41' (combined) dry laid granite block retaining wall on the upstream side of the culvert and a 120' (combined) dry laid granite block retaining wall on the downstream side of the culvert. The existing structures' granite blocks are proposed to be used in the proposed retaining walls. The roadway will be widened from 22' to 24' wide over the culvert. Updated guardrail and closed draining system will also be installed. Draft design plans were shown to depict the proposed design. Sam explained the new concrete box will match the slope of the existing structure; however, the elevation will be lowered by 1' to reduce the perch at the outlet. Standard guardrail will be installed. Longitudinal profile plans of the proposed upstream and downstream retaining walls were shown, where the existing granite blocks will be utilized. District 3 had previously considered only replacing the existing cable guardrail with standard guardrail to address safety concerns. However, the structural instability of the downstream retaining wall prevents the installation of standard guardrail. Sam noted the existing wall is

tipping at a rate of about ~1.5” per year. Repair/rehabilitation of the existing culvert is much more costly, temporary and does not meet current wetland rules. Repair/rehabilitation of the upstream headwall and downstream retaining wall would be extremely costly and does not allow for culvert upgrades and does not address stormwater draining issues.

Design constraints include the need to lengthen the culvert to allow for standard guardrail, minimize the downstream perch, reduce the height of the downstream retaining wall, which allows for the modern dry laid stone block retaining wall replacement design. An archeological monitor will be employed for ground disturbance within 25’. The culvert inlet location must remain in the current location due to proximity to Smith Cemetery and to minimize impacts to the upstream channel retaining wall. The wetland rule (Env-900) requires an increase in the culverts opening to pass the 100-year storm and to accommodate aquatic organism passage.

The proposed timeline (subject to change): February 2023- present at Natural Resource Agency meeting, March 2023- Submit wetlands permit to DES, September 2023- receive all construction approvals, October 2023- Advertise project, August 2024- Construct.

David T (DHR) commented he was happy to see an archeological monitor would be used. He asked if the road would be open during construction and Sam said that is still being investigated. David asked that once an access plan is developed DHR would like the opportunity to comment. Mike F (Meredith Planning) said he is glad work will be done to the crossing. He asked if the design could be wider to allow for increased pedestrian usage. Sam said she could look at the design to see if this could be accommodated.

John E (Meredith Planning) mentioned the agricultural setting of the area and the desire to maintain this with the design. He has concerns for the visual effect of the modern guardrail and ask is alternative design could be considered, such as wood, to better fit with the rural setting of the project.

Laura B said in her review of the RPR submitted the APE map was unclear. She also noted DHR receiving the individual inventory form for the crossing. She suggested the APE be adjusted to include the cultural landscape and viewshed as this impacts the Section 106 and mitigation discussion. Laura suggested DOT reach out to the adjacent Conservation Easement holder as a potential consulting party. Laura further asked for an additional alternative analysis, to include an additive option. She would like the analysis to diminish the uncertainty of the ability to save the structure in place. Laura asked about the opportunity for federal funding for the project and Sam said there was no opportunity for federal transportation funding on this roadway as Meredith Neck Road is ineligible for federal aid.

Arin stated she would discuss the information received internally with the cultural staff and set up an individual meeting where the project could be discussed again later. Arin said all information and comments could be sent directly to her and she would disseminate.

**Pelham 16145, X-A001(151) (RPR #5904, submitted July 2014)**

Participants: David Scott, Dzijeme Ntumi, Rebecca Martin, Jonathan Evans, NHDOT; Jennifer Beauregard, Brian McCarthy, Town of Pelham; Diane Chubb, Pelham Historical Society

Continued consultation to discuss the design alternatives for Pelham 110/090 and Pelham 111/090. The purpose of this project is to address the two NHDOT Red Listed bridges on Main Street over Beaver Brook to improve the hydraulic capacity of the crossing and remove the bridges from the NHDOT Redlist.

Dzijeme Ntumi presented the project. She explained that she would be discussing alternatives for two State of NH Red List bridges (110/090 and 111/090) in Pelham located on Main Street over Beaver Brook. The project is related to two other bridges in the Town of Pelham, which were also listed on the State of NH Red List. D. Ntumi explained that these bridges are related to the Abbott Street Bridge and the Willow Street Bridge as they all are located on Beaver Brook and had flooding concerns. D. Ntumi shared that Willow Street bridge was replaced in 2019 by the Town of Pelham. The replacement addressed issues with flooding and bridge deterioration, the old Willow Street bridge was 42 feet and the new one is 104 feet. D. Ntumi shared that the Abbott Street bridge project is proposed for construction in the fall 2023. Currently the Town proposes to keep the twin stone arches of the Abbott Street bridge and they plan to add a new relief structure next to it. Both the Willow Street and the Abbott Street bridge projects are Town projects.

D. Ntumi shared that the Pelham 16145 Main Street twin masonry arch bridge (110/090) was constructed in 1837 and was modified in 1929 with an I beam concrete bridge connected to the arch bridge to make the structure wider. The second bridge is a metal arch (111/090) and was built in 1988, it is a flood relief structure. The relief bridge currently experiencing 90% section loss.

D. Ntumi described the need for the project, the Town has concerns about upstream and downstream flooding and the two bridges are deteriorating structurally. D. Ntumi shared photos of the twin arch bridge, she showed the interface of IBC and masonry arches where there is spalling and rusted rebar. She showed a photo of the second arch with voids and settled stones and explained that the voids in the arch significantly impacts the structural capacity. She noted that due to settled stones, the live load is not distributed the way that it should be, which impacts the capacity of the bridge. D. Ntumi explained that the two-foot void can cause dips and holes in the road. D. Ntumi showed a photo of a rusting girder on the bottom flange and explained that section loss is possible, which can reduce the capacity of beams. She also showed other locations of spalling. D. Ntumi described the water levels and flooding concerns. She showed photos from 2001 when the water came up almost to the top of the twin arches and she showed a picture of when the road was closed due to flooding concerns. D. Ntumi explained that the edges of the road have been eroded over time by the water leveling reaching the level of the road. She noted that the bridges overtopped during the Mother's Day flood.

D. Ntumi described the alternatives being considered; rehabilitation, bridge closure, and bridge replacement. She described the bridge rehabilitation option and noted that there is no option that would increase hydraulic capacity, so it would not meet the purpose and need of the project. She noted that work would depend on what is allowed by the Secretary's Standards. D. Ntumi

explained the difficulty of this option as it would include needing to take down the entire structure to address scour concerns and some of the cracked stones would need to be replaced. D. Ntumi described the bridge closure option and noted that it would not improve hydraulic capacity. This would not address need and purpose of the project and over time could result in demolition by neglect. D. Ntumi described the bridge replacement option, which would replace the two bridges with a new bridge designed to the current code. This would meet the purpose and need of the project.

D. Ntumi showed the area of potential effect and explained that the Town has asked DOT to provide a sidewalk connecting through the project area over to NH Route 38. She showed video of where the sidewalk would tie into the existing and where it would go. This area is a historic district.

D. Ntumi described the project timeline and explained that the current advertising date is scheduled for June 2024. The project team is planning for a public informational meeting in February 2023.

Laura Black thanked Dzijeme for the presentation and noted the effort that went into it, especially the video. L. Black found the original 2014 yellow folder and the project was discussed at a Cultural Resources meeting in July 2014. At that time she recommended the project team contact Pennsylvania DOT to ask about their experience working with stone arch bridges, as they have a lot of them (particularly PennDOT District 6 [Philadelphia region]) and have developed interesting methods and techniques and strategies for dealing with the old bridges.

L. Black commented that the three projects are together, particularly the two stone arch bridge projects are related (Abbott Street and Main Street). She noted that this project has a previous added overflow culvert from 1988 (111/090) that is obviously not doing the job that it needs to do. She asked about considering an alternative to replace the modern 1988 culvert to handle the high-water levels like what is being considered at Abbott Street?

L. Black noted that the 1837 stone arch with a 1929 steel stringer extension had an original inventory in 2011, but it did not address if the 1929 structure contributes to the eligibility and there is no discussion in the HBI. She asked Jill Edelmann to resolve sooner rather than later and suggested a meeting with Nadine to discuss if the 1929 addition contributes to the historic nature of the bridge. She noted that if the 1929 addition contributes to the historic nature, we will need to consider if that impacts the effect finding.

L. Black noted that there was a meeting last Friday to discuss natural resources and really rethinking the natural environment and considering the critical natural resources. She doesn't expect that improvements to protect the natural resources would contradict the needs of the preservation/historic side of things for this project.

David Scott commented that the project team will look into the Pennsylvania DOT methods. Jill Edelmann commented that we had looked at an update for historic district to see if Saint Patrick's would contribute to the Historic District. The Historic District initially excluded the

school, but now it has been determined that the school would contribute, and the Historic District boundary includes the school as well as the church.

Sheila Charles noted that there are no further archeological investigations needed. Joseph Roark reviewed the project timeline and noted that he thinks that Abbott Bridge project will be pushed back.

D. Scott noted that if the Abbott Street bridge project is delayed significantly, this project will also be delayed. We don't want to open up this bridge before Abbott Street is opened.

D. Ntumi commented that she has not looked at replacing the culvert/overflow structure with a different overflow structure. She noted that she will research that option.

The 16145 project has a 5902 R and C project number.

Jamie Sikora mentioned the Historic District and asked if the bridges are part of and/or contribute to the Historic District?

J. Edelmann commented that the update to map of the Historic District area does include the bridges and the twin arch contributes to the District. The relief structure is also within the Historic District boundary but does not contribute to the Historic District.

J. Sikora commented that the bridge closure is the no build option.

### **Sugar Hill 24218, X-A004(971)**

Participants: Josif Bicja, Deb Coon, Kimberly Peace, HTA; Jon Evans, Anthony Puntin, NHDOT

This meeting was held as consultation for the proposed rehabilitation or off-line replacement of Crane Hill Road Bridge (NHDOT Bridge No. 202/128) over Gale River at the intersection of Streeter Pond Road. The National Register-eligible steel Warren Truss bridge was constructed in 1928 and rehabilitated in 1960 and 1976.

Kimberly Peace (Hoyle Tanner) introduced the project that proposes an offline replacement of the Crane Hill Road Bridge over the Gale River in Sugar Hill, NH. The Crane Hill Road Bridge, constructed in 1928 and rehabilitated in 1960 and 1976, is a 108'-0" long single span high Warren Truss bridge with an 18'-0" travel way width and 12'-0" vertical clearance. Due to the deteriorated condition of the bridge, rehabilitation and replacement alternatives were studied and based on the purpose and need of the project, public input and financial constraints, the preferred alternative is to replace the existing bridge 50' upstream of the current location. The recommended replacement structure consists of a prefabricated steel truss bridge. This truss type is similar in appearance to the existing structure. The replacement bridge will have an 18' travel way width and 108'-0" long span to match existing bridge width minimize environmental impacts and meet Streeter Pond Rd intersection geometric requirements. The new bridge is proposed to be constructed 50' upstream/south of the existing bridge to maintain traffic over the existing bridge during

construction, minimize construction costs and duration and not increase flooding to nearby properties. The bridge is also proposed to be raised vertically approximately 2' to provide freeboard during design flood events.

Cultural resources presented and discussed at the meeting include the bridge's status as National Register-eligible, the project is located within an area designated as the Gale River Cultural Landscape, the potential that two properties within the area may require Individual Inventory Forms (IIFs), determination of the potential effect on Section 106 and 4(f) resources, the results of the Phase 1A/1B Archaeology Study, and Section 4(f) analysis regarding the use of the Programmatic versus Individual Evaluation.

Following the presentation, questions and comments were received. K. Peace asked for input on previous comments from NHDHR indicating that IIFs may be required for two properties: 392 Streeter Pond Road (Ski Hearth Farm) and 827 Crane Hill Road (Cushing Farm). Laura Black (NHDHR) replied that the Area of Potential Effect (APE) should be revisited to ensure that visual impacts, not just physical impacts, are included within the APE. L. Black indicated that the APE may be larger than previously presented on the RPR based on visual impacts. L. Black stated when considering a visual impact, things to take into consideration are tree lines and how far can the bridge be seen from this area. K. Peace asked if L. Black was looking for photo documentation of the viewshed. L. Black clarified that she was not looking for a report but that there be an understanding of the landscape and all that is contained within it. The APE would be based on viewsheds across the landscape that might be altered with the removal of the historic truss and replacement with a modern structure. She then stated that this would increase the APE, however not all areas contained within the APE would necessarily require inventory. L. Black requested that the APE be revised based on this information and also stated that she is leaning towards recommending Individual Inventory Forms (IIFs) for both properties identified.

Tony Puntin (NHDOT) asked to bring up a street view of the site to look at the area. Josif Bicja (Hoyle Tanner) stated that the bridge is located in a wide-open area with little tree cover and agreed to re-look at the APE. A comment was made regarding reviewing the area for scenic vistas from trails as well L. Black reiterated that not all areas within the APE would necessarily need individual inventory. Jill Edelmann (NHDOT) stated that IIFs should be completed on the two properties identified within the APE.

K. Peace asked about the adverse effects and 4(f) process (Programmatic versus Individual Evaluation) as a result of the removal of the bridge. Jamie Sikora (FHWA) said that there is the possibility that the programmatic could be used if the Cultural Landscape is considered different from a Historic District, given that impacts to a Historic District automatically trigger an Individual Evaluation. L. Black said that it was her understanding that a Cultural Landscape is a type of a Historic District within National Register definitions. J. Sikora said he would check into this and let us know.

K. Peace stated the takeaways for the project at this point are that two IIFs need to be done and the APE needs to be reviewed for expansion to include visual impacts. J. Edelmann stated once this is done then a discussion about the potential effects can be initiated. L. Black stated that this project

would benefit from the use of Effects Tables. J. Sikora stated that looking at the feasibility of retaining the bridge should be considered.

K. Peace asked L. Black to expand on how the boundary of a resource can be different from a Tax Map/Lot boundary given the large size of the parcels in question. L. Black stated a National Register boundary is different from the map and lot for a parcel and advised the team to review the National Parks Service bulletin that explains how these boundaries are developed. She then stated she will send a copy of the Bulletin to K. Peace and that once a complete boundary and APE have been determined, then a determination of effects can be made. [Provided by L. Black to K. Peace 11/14/22]

David Trubey (NHDHR) stated that he has received the Phase 1A/1B for the project and NHDHR concurs with the finding that no further study is needed.

### **Derry-Londonderry 13065B, IM-0931(201)**

Participants: Hannah Beato, Quinn Stuart, Pete Walker, VHB; Gene McCarthy, MJ; David Caron, Mike Fowler, Town of Derry; Wendy Johnson, Marc Laurin, Curtis Morrill, Dan Prehemo, NHDOT; Denise and Paul Pouliot, Cowasuck Band of Pennacook-Abenaki People; David Topham, NH Rail Trails Coalition; Mark Connors, Colleen Madden, Chris McCarthy, Derry property owners and concerned citizens

The purpose of this meeting was to continue consultation, focusing on a review of the Shields Brook Rail Trail Alternative Technical Concept (ATC), including a revised alignment which proposes a “T-intersection” connecting the main paved pathway with an at-grade gravel crossing of Folsom Road. The team also provided an update on project activities since the last Cultural Resource Agency Meeting on April 8, 2021, including a discussion of alternatives to provide access to the Derry Police Department.

Gene McCarthy (McFarland-Johnson) presented a brief status update for the Exit 4A Project, covering all three primary contracts, and a couple other contracts representative of demolition and right-of-way activities. Contract A is currently under construction, Contract B is at a 60% design status, and Contract C is in the preliminary submission stage. Contract B is the focus of this meeting.

### **Derry Police Department Access**

One area within Contract B that is under consideration for redesign is the Derry Police Department (PD) access. Derry PD has expressed concerns about design as presented at the 2018 Public Hearing Plan, which included a driveway access off of a widened Folsom Road. The NHDOT is currently looking at alternative access designs for the benefit of the Derry PD and in consideration of public access to the PD. At this time, different ideas are on the table and the NHDOT and its Consultants are developing a contract scope to assess conceptual designs for a different access route. The NHDOT will present the proposed design once a preferred alternative is identified.



## Rail Trail Proposed Design and the Manchester and Lawrence Railroad

Gene McCarthy presented a discussion of the proposed Shields Brook Rail Trail ATC. A comparison slide depicting the original proposal for the Shields Brook Rail Trail (i.e., the connector tunnel concept) and the new, proposed design was shown. The connector tunnel concept was the design presented at the 2018 Public Hearing and was the concept design carried forward through the National Environmental Policy Act (NEPA), Section 106 of the National Historic Preservation Act (Section 106), and Section 4(f) of the US DOT Act processes.

The ATC would replace the tunnel with both a gravel, at-grade signalized crossing of Folsom Road and a paved, grade-separated crossing beneath Folsom Road, adjacent to Shields Brook. The paved, grade-separated crossing beneath Folsom Road would function as the primary route for trail users. NHDOT is carrying forward this proposed Rail Trail ATC, rather than the tunnel concept.

Jill Edelmann (NHDOT) opened the floor to NHDHR for feedback on the new proposed Rail Trail ATC.

Laura Black (NHDHR) had attended the September 22, 2022, Public Informational Meeting and heard what attendees shared. NHDHR appreciates the effort NHDOT has taken to balance design needs and recognizes that comments are coming from different directions in this area of the larger Exit 4A Project. In May 2021, NHDHR was presented with a preliminary design idea for a gravel path across Folsom Road in addition to the other grade-separated trail crossing. NHDHR had previously expressed that the concept of the gravel path across Folsom Road had the promise to imply that there was a linear railroad [Manchester and Lawrence Railroad (M&LRR)] corridor on the landscape. The concept design would need to meet the original intent of the Section 4(f) Net Benefit concept, essentially the continuity of a linear corridor albeit shifted slightly from its original alignment. This new proposed Rail Trail ATC with the re-alignment and T-intersection concept brings the linear railroad concept further from the original intent. As presented today, the proposed Rail Trail ATC plan does not imply a railroad corridor. The proposed Rail Trail ATC design loses what was retained with the original analysis under Section 4(f). Laura believes the NHDHR, FHWA, NHDOT, and the Consulting Parties need to regroup on the regulatory process.

Jamie Sikora (FHWA) agreed that we may have to reevaluate the effects determination. Based on the concept presented in May 2021, NHDHR and FHWA still agreed that the previous the adverse effect determination and the Section 4(f) Net Benefit applied. However, with this new design, we would need to revisit whether the Net Benefit Programmatic Section 4(f) Evaluation is still felt applicable. The findings will need NHDHR concurrence. Jamie may need to coordinate with the FHWA Federal Preservation Officer (FPO).

Pete Walker (VHB) asked for clarity on whether both the 2021 linear stone dust path concept and the T-intersection concept would require a reevaluation of effects and Section 4(f) finding. Jill Edelmann (NHDOT) responded that we will have to investigate the designs. Jamie Sikora (FHWA) agreed and noted that the Section 4(f) Net Benefit was due to re-establishing some level of crossing/continuity of the corridor which has been lost previously, as well as enhancing

likely and programmed future rail trail projects, which would preserve remaining segments of the abandoned rail corridor that still exist. The underpass was a suggested design that could provide this .

Mark Connors (Consulting Party) stated that as a future part of the Granite State Rail Trail, the ATC concept does not work as a rail trail. He reminded attendees that some residents of the Town of Derry have indicated they do not want this proposed Rail Trail ATC. He heard that the Town may attempt to remove the at-grade trail once the NHDOT turns the Project over to the Town. Mark Connors questioned whether the Town has the right to do that and asked whether the Town could do that after ownership is transferred, voicing this as a major concern. Jamie Sikora responded that because the Exit 4A Project is being constructed with public funds, the Rail Trail as constructed needs to be maintained. The Town would commit to maintenance responsibility when ownership of the new infrastructure is turned over from the NHDOT and FHWA.

Dave Caron (Derry Town Administrator) understands that once the Exit 4A Project is complete, the Town of Derry will maintain all infrastructure. Dave is unfamiliar with the Section 4(f) process and asked for an explanation as to why an at-grade crossing is proposed. Dave agrees with the protected crossing being safe and does not want a new potential conflict area between vehicles and pedestrians/bicyclists. Dave referenced the closed crossings along the Salem Rail Trail due to unsafe pedestrians/bicyclist conditions. Dave voiced a preference to alert rail trail users to the historic railroad without encouraging conflict and unsafe conditions.

Jill Edelmann responded that the Rail Trail design had previously continued along the M&LRR corridor, and that maintaining the corridor feel and setting was the goal to maintain the continuity of the rail line, however it still resulted in an adverse effect to the M&LRR Historic District. NHDHR, as the NH State Historic Preservation Office (SHPO), asked NHDOT to keep the Rail Trail design as linear as possible to retain the original determinations under Section 106 and Section 4(f). We now need to regroup on these determinations, which will involve minimizing impacts to the historic resource [the M&LRR corridor]. Previous mitigation included interpretive signage. We will need to reinitiate the Section 106 consultation to move forward. The intent of this meeting is not to debate the merits of the ATC design but to discuss its effects on the M&LRR. The roadway adverse effects to the corridor would not change.

Jamie Sikora assumes that a signal will be required for the at-grade pedestrian crossing. Gene McCarthy (McFarland-Johnson) clarified that the Folsom Road crosswalk and sidewalks were always part of the intersection design and would be constructed regardless of the Rail Trail design.

Dave Caron voiced concern over public safety. The Town can maintain signage, but they are concerned about traffic counts and public safety.

Laura Black (NHDHR) provided an overview of Section 106 and Section 4(f), explaining that Section 106 is part of the National Historic Preservation Act and is activated by a federal undertaking. Section 106 provides historic resources a place at the table in the project development process. However, Section 106 does not have teeth in the way that Section 4(f)

does, which affords greater protection to historic resources. Section 4(f) applies to all US DOT agencies and requires that uses of Section 4(f) properties be avoided. Under Section 106, there is more leeway regarding mitigation for impacts, such as installing interpretive signs. Section 4(f) involves additional compliance requirements.

Mark Connors voiced a complaint that people were not offered seats at the table during development of the ATC. And that the public process was not properly followed.

Dave Topham (NH Rail Trails Coalition) asked about NHDHR's thoughts on the original tunnel plan, and whether there was any feedback or negative comments on meeting all historic aspects. Laura Black (NHDHR) responded that NHDHR did not have any negative comments on the tunnel as proposed in draft form. Jamie Sikora noted that the only potential concern was excavation of the rail corridor to achieve the grade for the tunnel. Even with the tunnel excavation impacts, the project was processed through the Programmatic Net Benefit Section 4(f) Evaluation.

Dave Topham has done offline work with folks with engineering backgrounds regarding grades.

Jill Edelmann clarified that the focus was to preserve the linear feel of the railroad.

Laura Black (NHDHR) added that digging [for the tunnel] was not believed to impact the M&LRR resource. Dave Trubey (NHDHR) explained there were no archaeological concerns as there was minimal potential for impacting railroad resources as the alignment differed and proposed excavation and impacts into the berm of the M&LRR would encounter previous disturbance.

Alex Bernhard (Friends of the Northern Rail Trail) shared that the tunnel played a key role in satisfying Section 4(f) through the Net Benefit. Alex believes that taking away the tunnel negates the Section 4(f) Net Benefit determination.

Jill Edelmann (NHDOT) asked whether a linear concept alignment at grade would satisfy a Section 4(f) Net Benefit determination. Jamie Sikora (FHWA) replied that if an Individual Section 4(f) Evaluation would be required, a determination if a Net Benefit would still apply would need to be reevaluated. The previous NEPA/4(f) analysis had already determined that there were "no feasible and prudent" avoidance alternatives and that the project would have an Adverse Effect to the rail corridor.

Laura Black (NHDHR) stated that the tunnel was one tool to satisfy the Section 4(f) Net Benefit determination because the linear corridor was preserved. The tunnel was not the keystone of the Section 4(f) Net Benefit determination. At the time of the original determination, the design concepts were draft. NHDHR's perspective is that the tunnel was not key to the finding and that other design options could be on the table to meet the same type of conversation.

Pete Walker (VHB) added that in May 2021, NHDHR concurred that the proposed at-grade stone dust crossing would be consistent with the previous determinations of the Section 106 and Section 4(f) processes, if the design is maintaining the linear feel of the M&LRR corridor. It

seems that the issue is that the T-intersection alternative impacts compromise the linear feel of the M&LRR corridor. This seems to be the core issue that NHDHR is raising today.

Laura Black (NHDHR) replied that everything comes down to the details. NHDHR wants to make sure that the design retains some indication of the railroad. The proposed T-intersection design eliminates the linear feel and therefore pushes the possibility of compliance within the existing determinations off the table. NHDHR understands the conflicting needs, that design elements that would help meet the original intent wouldn't meet other project or community needs, and the need to regroup.

#### Section 106 Process and the 2019 Memorandum of Agreement

The Section 106 Memorandum of Agreement (MOA), executed on October 29, 2019, included the following two stipulations:

- *Stipulation I: NHDOT will work with the Town and the Derry Heritage Commission, to develop an interpretive panel that will focus on the history of the Manchester-Lawrence Railroad, and its association to the town of Derry.*
- *Stipulation II: Rail Trail Underpass Aesthetic Treatment – NHDOT, and its consultant, will work with the Town of Derry on the aesthetic treatment to the newly constructed underpass headwalls. The concrete will be stamped with a faux-stone design that will be chosen in consultation with the Town. The style of lighting will be chosen in consultation with the Town.*

Jill Edelmann (NHDOT) noted that the MOA will need to be redeveloped and these stipulations should be considered as we move forward.

Jill also shared that a tell-tale was recently identified within the Project area. The tell-tale still has an associated crossbeam and the hanging chains. The tell-tale could be worked into the MOA stipulations, perhaps reused as an addition to the Rail Trail. Jill also noted that interpretive signage will still happen but that we will need to regroup on impacts and design. The adverse effects will need to be known, and what will be done to minimize the effects to the M&LRR District. Do we re-open Section 106 to discuss effects?

Pete Walker (VHB) added that a revised Request for Project Review (RPR) was submitted to NHDHR in April 2021 and that step [re-opening Section 106] was thought to have been initiated.

Laura Black (NHDHR) replied that NHDHR does not consider the April 2021 RPR as the step that re-opened the Section 106 process. NHDHR understands that NHDOT was considering various design ideas and needed NHDHR's feedback.

Jamie Sikora (FHWA) confirmed Laura's statement. FHWA is aware that public informational meetings have been planned and held, and that the public can provide input without being a Consulting Party. Comments and public input are part of the process. Jamie stated that FHWA would defer to NHDOT for the plan.

Jill Edelmann (NHDOT) responded that we will regroup with the project team. If we are moving forward with the T-intersection, we will need to reopen Section 106, determine what

changes/clarification might need to be selected in any revised adverse effects memo to describe the undertaking and, what possible changes/amendment might be needed in the MOA for minimization/mitigation stipulations. Mark Connors (Consulting Party) asked if a full Section 4(f) review would be required [if we are moving forward with the T-intersection]. Jill Edelmann (NHDOT) replied yes.

Mark Connors (Consulting Party) also asked given the historic nature of the brook and Hood Pond being used for ice harvest – are there any historic impacts to those resources? Jill Edelman replied there will be no historic impacts to the brook or Hood Pond, as they are far enough removed from the project area.

Dave Topham (NH Rail Trails Coalition) asked whether a package has been turned over to state and federal agencies for formal review or is this still in the background. He also inquired if the minutes of the September Public Informational meeting are available. Jamie Sikora (FHWA) has been curious about comments received, which would be part of the package if and when it comes to FHWA from NHDOT. FHWA is aware that NHDOT has indicated that a NEPA reevaluation may be coming.

Jill Edelmann (NHDOT) summarized that Section 106 will move forward. DOT will continue to consult with NHDHR and will inform Consulting Parties of future meetings.