

## **Appendix A: Agency Correspondence**



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## USACE Section 404 Basic Project Purpose

## PROJECT PURPOSE AND NEED STATEMENT

### DERRY-LONDONDERRY

#### EXIT 4A ENVIRONMENTAL IMPACT STATEMENT

##### PROJECT PURPOSE

The purposes of this project are to reduce congestion and improve safety along NH Route 102 from I-93 easterly through downtown Derry and to promote economic vitality in the Derry/Londonderry area. More specifically, the purposes are:

- to provide for the safe and efficient movement of people, goods, and services between I-93 and the towns served by NH Route 102, especially Derry and Londonderry, which are immediately adjacent to I-93 at Exit 4;
- to provide an alternative route to the interstate system for through traffic along NH Route 102 to and from the east, thus removing a large volume of traffic from the heavily congested downtown Derry street network;
- to provide improved interstate access for commercial and industrially zoned lands in both Derry and Londonderry, thus allowing for the planned and orderly development of such lands to further locally defined economic development goals and tax base diversification;
- to enhance and promote the economic vitality of the downtown Derry area, presently characterized by traffic congestion and decreasing vehicular and pedestrian safety, by separating local, destination-oriented traffic from through traffic destined for the interstate system.

##### PROJECT NEED

NH Route 102 is the principal east-west roadway through both Derry and Londonderry, and serves as a major travelway for through traffic wishing to access I-93 via Exit 4. Furthermore, NH Route 102, known as Broadway as it passes through Derry, serves as the "main street" in Derry's downtown area. The roadway is a two-lane facility from I-93 easterly through the downtown area, with several signalized intersections, on-street parallel parking, the presence of several side streets, and a steady flow of pedestrian crossings along its length. As a result, downtown Derry experiences considerable congestion associated with the conflicts common when locally oriented traffic is intermingled with traffic passing through the downtown wishing to access the interstate system.

Derry and Londonderry grew at a rapid pace during the 1970's through the 1990's, as did much of southern New Hampshire and northern Massachusetts. Derry's population has grown from 11,712 in 1970 to an estimated 31,815 in 1996, making it the 4<sup>th</sup> most populous community in the state. Similarly, Londonderry's population has grown from 5,346 in 1970 to an estimated 21,155 in 1996, making it the 11<sup>th</sup> most populous community in the state. Furthermore, current

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Revised June 5, 1998

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NH Office of State Planning projections for the year 2020 are 45,299 and 34,717 for Derry and Londonderry, respectively.

The growth within these towns, as well as growth in the surrounding region, is reflected in a marked increase in traffic volumes on the major roadways in this area. For example, traffic on I-93, south of Exit 4, has grown from an Average Annual Daily Traffic (AADT) volume of 16,830 vehicles in 1970 to 60,020 vehicles in 1995. Similarly, AADT volumes on NH Route 102 just east of Exit 4 have gone from 24,000 in 1984 and are projected to be 35,400 by 2005, according to the 1985 Derry Transportation Plan. Traffic orientation is towards the interstate in the AM peak and away from the interstate in the PM peak. As a result, traffic during peak periods often extends back into downtown Derry in the morning, while backing up onto the Exit 4 off-ramps during the PM peak, as traffic slowly works its way into the downtown on its way to other destinations. The existing two-lane roadway section of NH Route 102 from I-93 east into Derry is insufficient to carry the existing volume of traffic, particularly when considering the traffic friction caused by the activity of a downtown area.

This congestion has inhibited the growth of local businesses in the downtown area. Nowhere in the downtown area is this congestion more evident than at the intersection of NH Route 102 and NH Route 28 in downtown Derry. For several years, the focus of plans to revitalize downtown Derry has been and continues to be to remove as much through traffic from Broadway as possible, while maintaining sufficient parking and services to help businesses flourish again.

In Londonderry's case, the lack of a sufficiently diversified tax base has placed an increasing burden on the growing number of residential taxpayers. Londonderry has taken steps towards addressing this issue by promoting commercial growth along the NH Route 102 corridor. However, this has resulted in increased traffic growth on NH Route 102 on the west side of Exit 4.

This increased traffic growth spurred the NHDOT to reconstruct the I-93 Exit 4 interchange in the early 1990's. While the primary focus of these improvements was to improve deficient ramp movements on the mainline interstate, especially the I-93 northbound off ramp diverge and southbound on loop ramp merge from the east (i.e., Derry), additional capacity was added to the ramp terminals and at several intersections along NH Route 102. The layout of the northbound off-ramp as constructed could incorporate a second right-turn lane, but the existing two-lane NH Route 102 easterly into downtown Derry does not have the capacity to handle additional traffic. On the west side of the interchange, improvements were carried to three signalized intersections beyond the ramps to provide sufficient capacity for the commercial growth in Londonderry. Design year peak hour volumes for the critical northbound off-ramp to Derry and the southbound loop on-ramp from Derry are approaching capacity.

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Previous studies conducted for this area, most recently the traffic documentation in support of the 1989 application by both Derry and Londonderry for the break in the I-93 Limited Access Right-of-Way to allow a new interchange one mile north of Exit 4, indicate that these critical northbound off- and southbound on-ramps would be at capacity as soon as the year 2002, despite the recent modifications to Exit 4. This has important ramifications to the economic wellbeing of Derry, since the Exit 4 interchange currently provides the only direct access between the interstate and most of its developed area. Although further improvements to the Exit 4 interchange will be evaluated as part of the ongoing I-93 Salem to Manchester improvement studies, safety problems and the lack of capacity on NH Route 102 in downtown Derry would continue. Providing improved access between Derry, Londonderry, and the interstate system would address this situation and ensure the long-term economic vitality of Derry and Londonderry.

REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
NEW ENGLAND DISTRICT, CORPS OF ENGINEERS  
696 VIRGINIA ROAD  
CONCORD, MASSACHUSETTS 01742-2751

November 12, 1999

Regulatory Branch  
CENAE-CO-R-199901333

Mr. William Hauser  
NH Department of Transportation  
Bureau of Environment  
Concord, New Hampshire 03302-0483

Subject: Basic Project Purpose for Derry/Londonderry Exit 4A Study <sup>13065</sup>

We have reviewed the pre-application materials provided by CLD consulting engineers in conjunction with the study of the possible construction of a new Exit 4A off I-93. This new interchange would serve Derry and Londonderry. We have determined the project purpose to be **"to improve the safety and efficiency of traffic flow, increase traffic capacity and to provide improved interstate access along the NH Route 102 corridor, in the vicinity of Derry and Londonderry"**. This project purpose is to be used in analyzing alternatives to avoid and minimize adverse impacts to waters and wetlands, in order to comply with the Section 404(b)(1) Guidelines.

The study area for your alternatives analysis presented at earlier resource agency coordination meetings shown on the attached map is acceptable.

If you have any questions, please contact Richard Roach at (978) 318-8211 or 1-800-343-4789.

Sincerely,

William F. Lawless, P.E.  
Chief, Regulatory Branch  
Construction/Operations Division



6141215  
05-0244



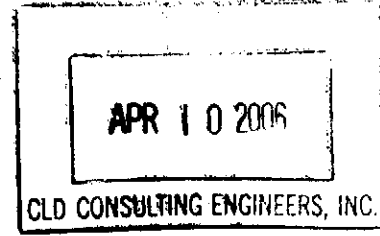
DEPARTMENT OF THE ARMY  
NEW ENGLAND DISTRICT, CORPS OF ENGINEERS  
696 VIRGINIA ROAD  
CONCORD, MASSACHUSETTS 01742-2751

REPLY TO:  
ATTENTION OF:

April 6, 2006

Regulatory Division  
CENAE-20053061

Ms. Kathleen O. Laffey  
Division Administrator  
Federal Highway Administration  
19 Chennell Drive Suite One  
Concord, NH 03301-8359



Subject: Derry-Londonderry New Exit 4A Revised Basic Project Purpose

Dear Ms. Laffey:

As you know, we are currently participating in pre-application planning in conjunction with a Federal Highway Administration sponsored Environmental Impact Study of a new Exit 4A, off I-93, in Derry and Londonderry. Recently we were asked by the agents for the applicants to revise our basic project purpose to include an economic development component of the proposed project. In accordance with the applicant's wishes, we have now determined that the basic project purpose is "to reduce congestion and improve safety along NH Route 102 from I-93 easterly through downtown Derry and to promote economic vitality in the Derry / Londonderry area." I believe this is identical to the purpose you will include in your draft EIS. We will use this basic project purpose to analyze alternatives to avoid and minimize adverse impacts to waters and wetlands in order to comply with the Section 404(b)(1) Guidelines.

If you have any questions, please contact Mr. Richard Roach, of my staff, at (978) 318-8211.

Sincerely,

Christine Godfrey  
Chief, Regulatory Division

Cc: William Cass, NHDOT

Cc: William Cass, NHDOT  
David Caron, Town Manager, Town of Londonderry  
Russell Marcoux, Town Administrator, Town of Derry  
Chris Bean, CLD Consulting Engineers, Inc.

APR 1 1994

RECEIVED

# Coordination Plan for Agency and Public Involvement

# Coordination Plan for Agency and Public Involvement

Prepared Pursuant to SAFETEA-LU Section 6002/ 23 USC 139(g)

## I-93 Exit 4A Environmental Impact Statement



U.S. Department  
of Transportation

**Federal Highway  
Administration**

*New Hampshire*  
**DOT**  
Department of Transportation



Version: 12  
October 2018

**NHDOT Project Number: 13065**  
**Federal Project Number: IM-0931(201)**

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Appendix A: Project Initiation Letter

Appendix B: Invited Cooperating and Participating Agencies

## ACRONYMS AND ABBREVIATIONS

CEQ	Council on Environmental Quality
DEIS	Draft Environmental Impact Statement
FAST Act	Fixing America's Surface Transportation Act
FEIS	Final Environmental Impact Statement
FHWA	Federal Highway Administration
MAP-21	Moving Ahead for Progress in the 21 <sup>st</sup> Century Act
NEPA	National Environmental Policy Act
NHDES	New Hampshire Department of Environmental Services
NHDHR	New Hampshire Division of Historical Resources
NHDOT	New Hampshire Department of Transportation
NOI	Notice of Intent
ROD	Record of Decision
SAFETEA-LU	Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users of 2005
SDEIS	Supplemental Draft Environmental Impact Statement
TMDL	Total Maximum Daily Load
Towns	The Town of Derry and the Town of Londonderry
USACE	U.S. Army Corps of Engineers
USC	United States Code
USEPA	U.S. Environmental Protection Agency

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## 1.0 PURPOSE OF THE COORDINATION PLAN

The purpose of the Coordination Plan is to facilitate and document the process by which the lead agencies will communicate information about the I-93 Exit 4A Project (Proposed Project) with the other lead, cooperating, and participating agencies and the public. The Coordination Plan also identifies how input from agencies and the public will be solicited and considered and provides project coordination points.

Because the Federal Highway Administration (FHWA) must approve all Interstate/Interchange Access Requests, and is expected to provide funding for this project, it serves as the lead federal agency. The New Hampshire Department of Transportation (NHDOT) and the Towns of Derry and Londonderry (the Towns) will serve as joint lead agencies for the project.

Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users of 2005 (SAFETEA-LU) requires transportation agencies to establish a plan for coordinating public and agency participation and comment during the environmental review process for environmental impact statement (EIS) projects. The Coordination Plan requirements (codified at 23 United States Code [USC] 139(g)) have been modified by subsequent transportation reauthorizations, specifically by Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21) (2012) and the Fixing America's Surface Transportation Act (FAST Act) (2015).

The initial agency coordination and the agency and public scoping process for this project occurred during the preparation of the 2007 draft environmental impact statement (DEIS). Agencies and the public provide input during this initial coordination to help determine the purpose and need for the project, provide input about potential concept alternatives to be considered, and identify the issues that need to be examined as part of the National Environmental Policy Act (NEPA) document process. The intent of this Coordination Plan is to establish the process for reviewing new information/studies prepared for the Supplemental DEIS (SDEIS). Scoping is not required for a SDEIS, and the SDEIS will rely on the previous purpose and need and reasonable range of alternatives.

This Coordination Plan is organized in the following manner:

- Purpose of Coordination Plan
- Project Purpose and Need, Background, and Description
- Agency Roles and Coordination
- Public Coordination and Communication
- Project Coordination Points

The Coordination Plan will be updated periodically to reflect any changes to the project coordination points and any other items that need to be revised over the course of the project.

## **2.0 PROJECT PURPOSE AND NEED, BACKGROUND, AND DESCRIPTION**

The Towns and NHDOT, in cooperation with FHWA, are advancing an updated environmental study for the Proposed Project. This section includes the Proposed Project's purpose and need, background, and description.

### **2.1 Purpose and Need**

The purpose of the Project is to “reduce congestion and improve safety along NH 102, from I-93 easterly through Downtown Derry and to promote economic vitality in the Derry/Londonderry area.” This statement of purpose was adopted as the basic project purpose for Section 404 permitting purposes in a letter from the U.S. Army Corps of Engineers (USACE) dated April 6, 2006 (see Appendix A of the 2007 DEIS).

The transportation need for the project is based on peak period congestion along NH Route 102 through downtown Derry. NH 102 connects directly to the existing Exit 4. Local, destination-oriented traffic needs to be separated from through-traffic destined for the Interstate system. The high volume of traffic and the resulting congestion on NH 102 is a significant issue identified in the Town of Derry Comprehensive Plan (2010). This traffic congestion in turn affects the vitality of local businesses and community character. The Londonderry Comprehensive Master Plan identified NH 102 (Nashua Road) as one of the higher traffic roadways in the Town and that it operated at Level of Service D based on 2010 traffic volumes (Town of Londonderry 2013). Improvements to NH 102 within Londonderry are proposed as part of the reconstruction of Exit 4 under the I-93 Salem to Manchester improvements project and additional improvements are proposed to accommodate the Woodmont Commons development. The purpose and need section of the SDEIS will include a discussion of the existing condition and future 2040 No Build condition traffic conditions and needs taking into account reasonably foreseeable programmed projects in the study area.

The economic development element of the need for the project relates to undeveloped and land-locked commercial and industrial-zoned land on the east side of I-93. In 2013, the Town of Londonderry approved the Woodmont Commons Planned Unit Development Master Plan encompassing land on both the east and west side of I-93. In addition, the Town of Londonderry conditionally approved Phase I of the Woodmont Commons Site Plan (located on the west side of I-93) in November 2016. Phase I is anticipated to be built by 2020 and would include mixed use residential and commercial space, with approximately 60 percent retail space and 40 percent office space; five restaurants, including one restaurant/brewery; a hotel; a concert venue; and individual elderly living.

### **2.2 Project Background**

Planning for the Project began in 1985; a DEIS was completed in 2007. A public hearing on the DEIS was held on September 12, 2007. In October 2015, the Governor's Advisory Commission on Intermodal Transportation directed NHDOT to accelerate the Exit 4A Project, and the Project was subsequently incorporated in the state's Ten Year Transportation Improvement Plan for 2017–2026. NHDOT and the Towns entered into an agreement under which NHDOT will

provide administrative oversight to complete the environmental review process, and then the Project will transition to NHDOT control during final design and construction.

Because significant time has elapsed since the 2007 DEIS, FHWA has requested updated studies that will be documented in a SDEIS in accordance with NEPA. Updated studies and associated documentation began in June 2016 to document changes in the baseline conditions. The SDEIS will consider updated information to confirm the underlying conditions and assumptions supporting the purpose and need and range of alternatives and to assess the environmental effects of the Project and reasonable alternatives. Updated information will include, but not be limited to, traffic, socioeconomic projections, land development proposals in the project area, and changes in environmental resources and regulatory requirements. After the SDEIS is completed and a Preferred Alternative is presented at a public hearing, FHWA, with input from state and federal agencies; state, town, and local officials; and the public, will choose a Proposed Action. NHDOT and FHWA will complete the NEPA environmental review process by issuing a Combined Final EIS (FEIS) and Record of Decision (ROD).

Construction of the Project is anticipated to begin in 2019 and to be completed by 2022. The programmed cost of the Project within the 2017–2026 Ten Year Plan is \$53,260,000, including preliminary engineering, right-of-way, and construction costs. In addition, before FY 2017, costs of \$3,595,000 were incurred, which results in a total cost of \$56,855,000 for the Project.

## 2.3 Project Description

The Proposed Project (Alternative A) consists of a new diamond interchange on I-93 in the Town of Londonderry, approximately 1 mile north of Exit 4. The new diamond interchange would only provide access to the east side of I-93. A 1-mile connector roadway would be built on new alignment from the interchange to Folsom Road, near the intersection of North High Street and Madden Road, in the Town of Derry. Folsom Road, and subsequently Tsienneto Road, would be upgraded, and the intersections would be improved. In total, the Proposed Project corridor from I-93 to the intersection of Tsienneto Road and NH Route 102/Chester Road would be 3.2 miles.

In addition to Alternative A, four other build alternatives are being considered in the SDEIS: Alternatives B, C, D, and F (see **Figure 1**).

Under Alternative B, the Proposed Project corridor would be approximately 3.4 miles long and would include roadway construction on new alignment. The corridor would originate from a new interchange approximately 1 mile north of Exit 4 and travel to the intersection of Ashleigh Drive and NH Route 28. From this intersection, Alternative B would extend northeast toward the intersection of London Road and NH Route 28 Bypass and then continue on a new alignment to the intersection of Tsienneto Road and NH Route 102.

Alternative C would start from a new interchange approximately 2 miles north of Exit 4 and travel east approximately 0.7 mile to NH Route 28. Following NH Route 28 south to the intersection of Ashleigh Drive, Alternative C would then traverse northeast toward the intersection of London Road and NH Route 28 Bypass and continue on a new alignment to the intersection of Tsienneto Road and NH Route 102. The Alternative C corridor would be approximately 3.7 miles long, of which about 2.9 miles would be on a new alignment and 0.8 mile would be on reconstructed existing roadways.

Alternative D would begin at a new interchange approximately 2 miles north of Exit 4 and travel east approximately 0.7 mile to NH Route 28. Following NH Route 28 south to Ross' Corner, the corridor would then follow the same path of Alternative A easterly along Tsienneto Road. The corridor for Alternative D would be 2.9 miles long. Within this corridor, approximately 0.8 mile would be on a new alignment, 2.5 miles would be on reconstructed existing roadways, and 0.6 mile would have no improvements.

Alternative F would involve a minor upgrade of NH Route 102 between Londonderry Road in Londonderry and NH Route 28 Bypass in Derry to include a two-way center, left-turn lane and sidewalk and roadway improvements. The corridor would be 1.7 miles long, with the entire corridor consisting of roadway reconstruction (i.e., there is no portion on new alignment).

## 2.4 Purpose of the SDEIS

A supplemental EIS is required under NEPA when changes in the proposed action or new circumstances would result in significant environmental impacts not evaluated in the previous DEIS or FEIS (23 Code of Federal Regulations [CFR] 771.13). The purpose of this SDEIS is to provide an up-to-date assessment of the I-93 Exit 4A Project that considers changes in the design of the alternatives (through updated preliminary engineering studies), changes in the existing environment, changes in environmental regulations, and other "significant new circumstances or information relevant to environmental concerns have a bearing on the proposed action or its impacts" (40 CFR 1502.9 (c)(1)). New circumstances affecting the Proposed Project include, but are not limited to: the final design for the on-going widening of the I-93 mainline in the Project area, approved developer plans for new mixed-use development on both the east and west sides of I-93 (Woodmont Commons), the chloride total maximum daily load (TMDL) for the Beaver Brook watershed, and updated demographic projections affecting future travel demand, among other changes.

Pursuant to Council on Environmental Quality (CEQ) and FHWA regulations, the SDEIS is subject to the same distribution and public review requirements as the previously published DEIS, except that scoping is not required (23 CFR 771.130(d)).

## 2.5 Required Permits

In addition to completing the NEPA process, the lead agencies anticipate that the Proposed Project will require the following permits:

- An Individual Permit under Section 404 (of the Clean Water Act) from USACE— This project has been developed following the USACE's Highway Methodology, which integrates the permit process required under Section 404 of the Clean Water Act with the requirements of NEPA.
- A Section 401 (of the Clean Water Act) Water Quality Certificate from the New Hampshire Department of Environmental Services (NHDES) prior to issuance of the Section 404 permit.
- A Major Dredge and Fill Permit from the NHDES Wetlands Bureau for unavoidable impacts to jurisdictional wetlands and stream banks resources.
- A Shoreland Permit by Notification from the NHDES Shoreland Program Bureau for unavoidable impacts to buffer zones along surface water resources.

- A Conditional Letter of Map Revision (CLOMR) and LOMR may be required based on the potential changes in floodplain mapping if the preferred alternative crosses a floodway.
- A Notice of Intent (NOI) application to the U.S. Environmental Protection Agency (USEPA) for a General Permit for Construction Activity prior to commencement of construction (pursuant to the requirements of the National Pollutant Discharge Elimination System)—A Storm Water Pollution Prevention Plan consistent with the NHDOT Standard Specifications and best management practices for soil erosion and sediment control will be developed and submitted with the NOI application.
- Alteration of Terrain permit from NHDES for disturbance relating to construction activities to protect surface water quality by controlling soil erosion and managing, treating, and recharging stormwater runoff from development activities.
- A layout approval public hearing overseen by a Layout Commission appointed by the Executive Council.
- Interstate access approval by NHDOT and FHWA

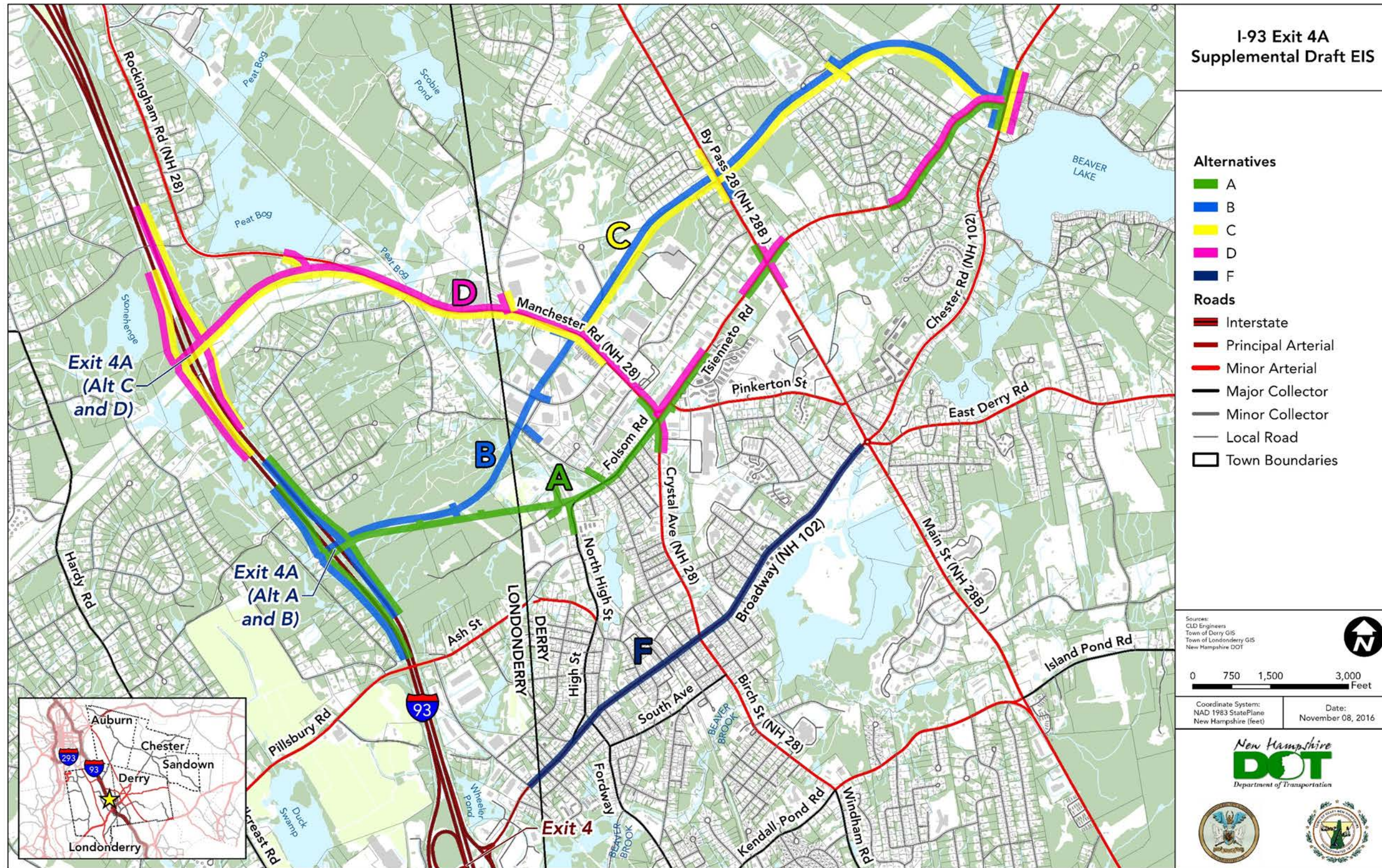


Figure 1. Proposed Project

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## 3.0 AGENCY ROLES AND COORDINATION

### 3.1 Project Initiation Letter

On November 7, 2016, in compliance with the requirements of 23 USC 139(e), NHDOT and the Towns formally notified FHWA of their intent to re-initiate an EIS process for the Proposed Project (see Appendix A).

### 3.2 Notice of Intent

The NOI for the Project was published in the *Federal Register* on June 12, 1998 (Vol. 63 No. 113). A DEIS was completed in 2007, and a Notice of Availability was published on August 3, 2007 (EIS No. 20070317). FHWA, with assistance from NHDOT, prepared a revised NOI notifying the public and agencies of the decision to prepare a SDEIS. The revised NOI was published in the *Federal Register* on December 8, 2016.

### 3.3 Coordination

NHDOT prepared this Coordination Plan to be distributed to the agencies on December 19, 2016. In addition, the Coordination Plan will be available on the project's website for public review. The coordination process was initiated to review the Proposed Project and to allow federal and state agencies to provide input on the issues that will be examined as part of the EIS process.

### 3.4 Cooperating and Participating Agency Invitations

Cooperating and participating agencies are responsible for identifying, as early as practicable, any issues of concern regarding a project's potential environmental or socioeconomic impacts that could substantially delay or prevent an agency from granting a permit or other approval. According to CEQ regulations (40 CFR § 1508.5), a "cooperating agency" is any federal agency, other than a lead agency, that has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposed project or project alternative. A state or local agency of similar qualifications or, when the effects are on lands of tribal interest, a federally recognized Native American tribe may, by agreement with the lead agency, also become a cooperating agency. CEQ also states (40 CFR § 1501.6) that an agency may request the lead agency to designate it as a cooperating agency.

"Participating agencies" are those federal, state, or local agencies or federally recognized Tribal government organizations with an interest in the project. While cooperating agencies are, by definition, participating agencies, not all participating agencies are cooperating agencies. As lead agency, FHWA considered the distinctions in roles and responsibilities in deciding whether to invite an agency to serve as a cooperating/participating agency or as a participating agency.

**Table 1** summarizes the agencies that have accepted roles to be cooperating and participating agencies. FHWA distributed invitation letters on November 9, 2016, in advance of the publication of the Revised NOI. A list of agencies to which letters were sent is included in Appendix B.



**Table 1. Cooperating and participating agencies**

Agency	Agency Type	Role	Point of Contact
U.S. Army Corps of Engineers	Federal	Cooperating and Participating	Michael Hicks
U.S. Environmental Protection Agency	Federal	Cooperating and Participating	Timothy Timmermann
New Hampshire Division of Historical Resources	State	Cooperating and Participating	Laura Black
U.S. Department of Agriculture, Natural Resources Conservation Service	Federal	Participating	Peter Whitcomb
Southern New Hampshire Planning Commission	Regional	Participating	David Preece
New Hampshire Office of Strategic Initiatives	State	Participating	Jennifer Gilbert
New Hampshire Department of Environmental Services	State	Participating	Tim Drew
Town of Chester	Local	Participating	Dick Trask

### 3.5 Agency Roles and Responsibilities

#### 3.5.1 Lead Agencies

FHWA will serve as the federal lead agency for the Proposed Project, as it must approve all Interstate/Interchange Access Requests and is expected to provide funding. NHDOT and the Towns will serve as joint lead agencies for the project; As outlined in the Ten-Year Plan, the expected sources of funding for the project are 1) federal aid funding and 2) local funding contributed by the two municipalities (the Towns). NHDOT and the Towns entered into a Memorandum of Agreement on December 23, 2015 through which management oversight for the project will be provided NHDOT through the NEPA review phase, and the project will formally become a NHDOT project for final design, permitting and construction. State and local project sponsors receiving federal transportation funding are required to serve as joint lead agencies with FHWA and may prepare the EIS with independent oversight and approval by FHWA (23 USC 139 (c)(3)).

The lead agencies have the primary responsibility for preparing the EIS in compliance with NEPA and other applicable laws; expediting the resolution of the environmental review process; and considering and responding to comments received from participating agencies on matters within the special expertise or jurisdiction of those agencies (23 USC 139 (c) (6)).

### **3.5.2 Cooperating Agencies**

The roles and responsibilities of cooperating agencies include, but are not limited to, identifying and providing early input on issues of concern regarding the Proposed Project's potential environmental or socioeconomic impacts and providing meaningful and timely input on unresolved issues. In addition, cooperating agencies will review and provide comment on the preliminary SDEIS, the preferred alternative, and the level of detail for the analysis of impacts of the reasonable range of alternatives. Because cooperating agencies have jurisdiction by or special expertise, they have a higher degree of authority, responsibility, and involvement in the preparation and review of the environmental documentation than participating agencies. A cooperating agency with jurisdiction may adopt without recirculating the EIS of a lead agency when, after an independent review of the statement, the cooperating agency concludes that its comments and suggestions have been satisfied. This provision is particularly important to permitting agencies that, as cooperating agencies, routinely adopt U.S. Department of Transportation environmental documents. The cooperating agencies will be consulted throughout the environmental review process to update them on the status of the project and discuss areas of concern.

### **3.5.3 Participating Agencies**

The roles and responsibilities of participating agencies include, but are not limited to, identifying and providing early input on issues of concern regarding the Proposed Project's potential environmental or socioeconomic impacts and providing meaningful and timely input on unresolved issues. In addition, participating agencies will review and provide comment on the preliminary SDEIS, the preferred alternative, and the level of detail for the analysis of impacts of the reasonable range of alternatives. Accepting a role as a participating agency does not imply that an agency supports the Proposed Project or has jurisdiction or special expertise with respect to the evaluation of the Proposed Project.

If during the progress of the Proposed Project, new information indicates that an agency not previously requested to be a participating agency does indeed have authority, jurisdiction, acknowledged expertise, or information relevant to the project, then NHDOT, in consultation with FHWA, will promptly extend an invitation to that agency to be a participating agency.

## **3.6 Agency Coordination and Communication**

### **3.6.1 Interagency Coordination / Agency Meetings**

The project team has provided updates to the natural resources and cultural resources agencies on the development of the SDEIS on the following dates:

- Cultural Resources Agency Coordination Meetings
  - February 11, 2016
  - October 13, 2016
- Natural Resources Agency Coordination Meetings
  - February 17, 2016
  - October 19, 2016

Meeting notes from the cultural resources agency coordination meetings and the natural resources agency coordination meetings are published on NHDOT's website.<sup>1</sup> The project team will continue to provide periodic updates to these agencies at NHDOT's regularly scheduled agency coordination meetings as major milestones are reached.

A kickoff meeting for the participating agencies was held on March 6, 2017, at which time consensus was reached on the finalizing the Coordination Plan. Two technical working group meetings were held in Spring 2017: one focused on wetland impacts and mitigation/Section 404 permitting issues, and one focused on water resources (including chloride/TMDL issues). Two additional participating agency meetings are planned to discuss comments on draft deliverables and the overall approach to the SDEIS. The following general timeframes for participating agency meetings are proposed (exact dates to be determined):

1. Participating Agency Meeting #2 Chapters 1, 2, and 3 – May 2018
2. Participating Agency Meeting #3 Chapter 4: Affected Environment and Environmental Consequences – July 2018

In addition to the participating agency meetings listed above, participating technical meetings may be held to address key issues in greater depth and to allow early agency input prior to the completion of formal technical reports. The scheduling of the technical working group meetings will be dependent on the availability of the interested participating agencies and the lead agencies. All the participating agencies will be invited to and aware of all technical meetings, but are not required to attend meetings focused on issues outside their jurisdiction or interest. Additional technical meetings will be held if warranted (e.g. if there are substantive technical issues that will take more time to discuss than can be reasonably accomplished in a large group meeting with all the participating agencies).

The lead agencies will circulate draft meeting summaries for review and comment by all participants. Comments on draft meeting summaries will be requested within one week of the distribution of the draft by the lead agencies.

### **3.6.2 Agency Review Time**

The lead agencies will ask participating agencies for input on the schedule, including agency review periods, and will make every effort to maintain the time periods established for review. The review times included in the schedule for the Proposed Project are the statutory maximum of 30 days (23 USC 139(g)(2)). The exception is the public review of the SDEIS, which is 45 days (minimum) (40 CFR 1506.10(b),(c), and (d)).

It will be the responsibility of each participating agency to inform the lead agencies if its respective agency does not have adequate resources to participate in the process and to meet the required review periods. If a participating agency notifies the lead agencies that it lacks the resources to conduct timely reviews, the lead agencies will coordinate with that agency to

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<sup>1</sup> Dates for all meetings are published on NHDOT's website (cultural resources meetings: <https://www.nh.gov/dot/org/projectdevelopment/environment/units/program-management/crmeetings.htm>; natural resources meetings: <https://www.nh.gov/dot/org/projectdevelopment/environment/units/project-management/nracmeetings.htm>).

resolve the issue by either extending the review times or providing an alternate review process. The project team will involve participating agencies early and provide regular updates to keep information familiar to facilitate assist in timely document reviews.

### **3.6.3 Administrative Record**

All agency meetings and coordination will be documented in the Administrative Record, which will contain a record of what has occurred, the decisions that were made, meeting materials and minutes, and milestones achieved. Electronic and written communications will be documented. The Administrative Record will provide a documented chronological progression of events as it relates to decisions made.

### **3.6.4 Previously Submitted Agency Comments**

Agency comments received on the 2007 DEIS and the 2011 administrative draft FEIS will be considered in the development of the SDEIS and included in appendix to the SDEIS. In addition, the major issues previously raised through agency comments will be summarized and addressed in the scope of analysis for the SDEIS.

### **3.6.5 SDEIS and FEIS Document Review**

NHDOT and FHWA will prepare and forward a preliminary SDEIS document to the participating agencies for their review and comment. The participating agencies will be given 30 days from receipt of the document to review and provide a response. Table 2 in section 5.0 includes the anticipated coordination points.

Informal comments from the participating agencies should address the adequacy of the preliminary SDEIS. Participating agencies have the opportunity to focus their review on the portions of the SDEIS that relate to their areas of expertise and/or concern and are not expected to provide comments on the entire preliminary SDEIS. The agencies will specify whether additional information is needed to fulfill other applicable environmental reviews or consultation requirements. In addition, the participating agencies will specify any additional information needed to comment adequately on the SDEIS analysis of site-specific effects associated with the granting or approving by the agency of necessary permits, licenses, or entitlements.

Based on the informal comments, NHDOT will finalize the SDEIS for submittal to FHWA. Subsequent to FHWA approval, the SDEIS will be made available for public and agency review and a public hearing will be conducted in accordance with NEPA requirements. All agencies and the public will have 45 calendar days to review and provide formal comments on the SDEIS.

Agency and public comments received on the SDEIS will be incorporated, as applicable, in the combined FEIS/ROD. The FEIS/ROD will be made available to the public and agencies.

## **3.7 Other Opportunities for Agency Involvement**

Those agencies that are not “Cooperating or Participating Agencies” as defined in SAFETEA-LU will also have opportunities to provide input and comment on the Project as it progresses. The project team will maintain and update the database of agencies, developed as part of the Initial Coordination efforts, throughout the EIS process. Those agencies that responded to the initial coordination and those that participated in public meetings and/or provided input/comment

during the preparation of the DEIS will receive notification of the availability of the SDEIS and FEIS. Comments may be received at any point during the development of the EIS analysis.

## **4.0 PUBLIC COORDINATION AND COMMUNICATION**

As required by NEPA, the lead agencies will develop and document a project-specific public involvement plan for public input within this coordination plan. The public involvement plan describes strategies for encouraging public input and identifies opportunities for public involvement to encourage early and ongoing involvement in the project development process.

Chapter 8 of the 2007 DEIS provides a summary of the public meetings for the Proposed Project, including the opportunities to receive public-specific input on the purpose and need and range of alternatives, which complies with SAFETEA-LU Section 6002. A public information meeting was held on September 27, 2016, to provide an update on the status of the Proposed Project. The public will have the opportunity to review the SDEIS and FEIS as outlined in section 3.6.4. In addition, a public hearing will be held during the review period for the SDEIS.

### **4.1 Mailing List**

A project mailing list will be created for distribution of bulk mailing. As appropriate, persons, organizations, and agencies on this list will also receive other correspondence related to the Proposed Project. Names of persons and organizations attending public meetings or requesting additional information will be added throughout the project planning process. Mailings are anticipated to include notices for the public information meetings and the public hearing.

### **4.2 Public Meetings and Public Hearings**

The lead agencies will run Public Notices in local and regional newspapers to announce the major public meetings and the public hearing for the Proposed Project. Notices will also be distributed through the project website, mailing list, and potentially, the targeted use of fliers. In addition to posting information on the project website, the lead agencies will utilize social media outlets (e.g., NHDOT Facebook Page) to disseminate information regarding the dates, times, and locations of the public meetings and the public hearing.

### **4.3 Public Comments and Responses**

Participants will be encouraged to provide comment on the Proposed Project using comment forms that will be available at all public meetings. A comment form will also be available on the Project website. The public may provide comments in writing or electronically, and comments will be accepted at any time during the environmental review process. The lead agencies will review and incorporate all comments, as appropriate.

### **4.4 Notice of Availability**

A notice of availability of documents for public review (i.e., the SDEIS and Final EIS/ROD) and comment will be published in the local papers. The notice will identify where the documents will be available for public review, how the public can provide input, and who to contact with comments or for additional information. Copies of the documents and project literature will be

available for public inspection at the Town offices of Londonderry and Derry, NHDOT, FHWA and local libraries. This information will also be available on the project website.

## 4.5 Project Website

The website for these projects is located at <http://www.i93exit4a.com>. The website is updated on an ongoing basis and includes project history, public meeting information, answers to frequently asked questions, and an opportunity to submit questions and comments.

## 4.6 Public Meetings

As previously mentioned, Chapter 8 of the 2007 DEIS includes a summary of the public meetings held for the Proposed Project. The EIS Scoping meeting was held on June 30, 1998. Between March 1999 and June 2007, meetings were held with resources agencies as well as several project-related groups, each with a defined task. These groups included the following:

- Local Advisory Oversight Committee—comprised of town administrators or managers, town council members, and legal counsel. This group was responsible for project budget, schedule, and oversight.
- Technical Advisory Committee—comprised of staff from the Southern New Hampshire Planning Commission, representatives from the Towns (e.g., Planning/Community Development, Economic Development, and Public Works staff), FHWA, and NHDOT. The committee's role was to provide professional opinion and direction on how to address various subjects of concern as the project progressed.
- Citizens Advisory Task Force—comprised of town members from both Londonderry and Derry who volunteered to provide input on placement of potential alternative alignments and to communicate with other residents to disseminate information about the project.

Additional details about these meetings are provided in the 2007 DEIS.

The project team held a public information meeting on September 27, 2016, to provide updates on the Proposed Project. The purpose of this meeting was to update the public on the current status of the Proposed Project and outline the steps that would be taken to complete the EIS process. About 125 people attended the meeting.

Up to two additional public information meetings are anticipated. One will provide an overview of the results of the updated environmental impact analyses, and the other will present the preferred alternative.

The public hearing will be held after the SDEIS is published. A minimum of 15 days' notice will be provided prior to the public hearing, and the comment period will be extended for 30 days after the hearing.

## 4.7 Environmental Justice/Limited English Proficiency Populations

The lead agencies will use U.S. Census data to identify populations in the project area requiring special outreach to ensure they have access to information and the opportunity to make comments regardless of their race, income, or English proficiency. The lead agencies will

develop outreach strategies if findings indicate a potential minority or low-income population or persons with limited English proficiency within the project area.

#### **4.8 Americans with Disabilities Act**

As outlined in NHDOT's Americans with Disabilities Act Title II Transition Plan, any public meeting, hearing, or comment period held by NHDOT will be accessible. NHDOT provides qualified American Sign Language interpreters upon request and will provide documents in an accessible electronic format or other alternative formats, such as large print or Braille. All public notices will contain contact information for accommodation requests (NHDOT, 2016).

#### **5.0 PROJECT COORDINATION POINTS**

**Table 2** summarizes the participating agency reviews for the components of the preliminary SDEIS (including associated technical reports), the public review SDEIS, and the combined FEIS-ROD. Additional agency coordination will be conducted, if necessary, through correspondence or regularly scheduled interagency meetings.

**Table 2. Participating Agency Reviews**

<b>Project Document/Report</b>	<b>Comment Period</b>
Land Use Scenarios Technical Report	45 days
Woodmont Commons East draft memo re: secondary impacts	21 days
Preliminary Admin. SDEIS Chapter 4: Affected Environment	30 days
Traffic Technical Report	30 days
Noise Technical Report	30 days
Chloride TMDL Loading Technical Report	30 days
Preliminary Admin. SDEIS Chapter 1: Introduction Chapter 2: Purpose and Need Chapter 3: Alternatives Analysis	30 days
Interchange Justification Report	30 days
Preliminary Admin. SDEIS Chapter 4: Affected Environment and Environmental Consequences	30 days
Preliminary Admin. SDEIS Chapter 5: Indirect Effects and Cumulative Impacts Chapter 6: Other Topics (Construction Impacts, etc.) Chapter 7: Section 4(f) Resources Chapter 8: List of Preparers Chapter 9: SDEIS Distribution List Chapter 10: Public Involvement and Agency Coordination Chapter 11: Project Commitments	30 days
SDEIS – Review to coincide with public review period	45 days
FEIS/ROD – Before FHWA Legal Sufficiency Review	30 days

## 6.0 REFERENCES

NHDOT (New Hampshire Department of Transportation). 2016. Americans with Disabilities Act Title II Transition Plan. Released August 2016. Available at:  
<https://www.nh.gov/dot/org/administration/ofc/documents/nhdot-ada-transition-plan-draft1.6.pdf>.

Town of Derry. 2010. Master Plan. Adopted March 24, 2010. Available at:  
[http://www.derry.nh.us/sites/derrynh/files/uploads/derrymasterplan2010\\_finaldraft\\_0.pdf](http://www.derry.nh.us/sites/derrynh/files/uploads/derrymasterplan2010_finaldraft_0.pdf).



**APPENDIX A: PROJECT INITIATION LETTER**

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**THE STATE OF NEW HAMPSHIRE**  
**DEPARTMENT OF TRANSPORTATION**



*Victoria F. Sheehan*  
*Commissioner*

*William Cass, P.E.*  
*Assistant Commissioner*

DERRY-LONDONDERRY  
13065  
IM-0931(201)

Bureau of Highway Design  
Room 200  
Tel: (603) 271-2171  
Fax: (603) 271-7025

November 7, 2016

Mr. Patrick Bauer, Division Administrator  
Federal Highway Administration  
James C. Cleveland Federal Building  
53 Pleasant Street, Suite 2200  
Concord, NH 03301

Re: 23 USC 139 Notification of Project Initiation on I-93 Exit 4A

Dear Mr. Bauer:

The New Hampshire Department of Transportation (NHDOT), in cooperation with the Towns of Derry and Londonderry, is initiating the environmental review process as required by SAFETEA-LU 6002 (23 USC 139) for a Supplemental Draft Environmental Impact Statement (SDEIS) for the I-93 Exit 4A project. The purpose of the Project is to reduce congestion and improve safety along NH 102, from I-93 easterly through downtown Derry and to promote economic vitality in the Derry/Londonderry area. The Preferred Alternative identified in the 2007 DEIS consisted of a new diamond interchange on I-93 in the Town of Londonderry, approximately one mile north of Exit 4. The new diamond interchange would provide access to the east side of I-93. A 1-mile connector roadway would be built on new alignment from the interchange to Folsom Road, near the intersection of North High Street and Madden Road, in the Town of Derry. Folsom Road, and subsequently Tsienneto Road, would be upgraded, and the intersections would be improved. Alternatives under consideration include alternative interchange locations, connector road alignments, upgrades to NH 102 and the No Build Alternative (see Figure 1, attached).

Pursuant to Section 6002 of SAFETEA-LU, the Federal Highway Administration (FHWA) will serve as the lead Federal agency for this project. NHDOT and the Towns of Derry and Londonderry will serve as joint lead agencies. Participating agency invitation letters for this project are under development in coordination with your office. Federal permits and approvals required by this project include interstate access modification approval (FHWA), and a Clean Water Act Section 404 individual permit (U.S. Army Corps of Engineers). The project also requires various state permits and approvals.

NHDOT and the Towns of Derry and Londonderry request that the attached Revised Notice of Intent (NOI) for the I-93 Exit 4A project be modified as needed and submitted for publication in the Federal Register. Before submitting for publication, please consult with NHDOT on any needed modifications to the Revised NOI.

If you would like to discuss the I-93 Exit 4A project in more detail or have any questions on the attached Revised NOI, or the 23 USC 139 process as it pertains to this project, please contact Christopher Bean, Project Manager at CLD, at [chrisb@cldengineers.com](mailto:chrisb@cldengineers.com) or 603-668-8223 x102.

Thank you for your cooperation and interest in this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith A. Cota". The signature is fluid and cursive, written over a white background.

Keith A. Cota, PE  
Chief Project Manager

Enclosure: project vicinity map and Draft Revised NOI

cc: Town of Derry  
Town of Londonderry

**I-93 Exit 4A  
Supplemental Draft EIS**

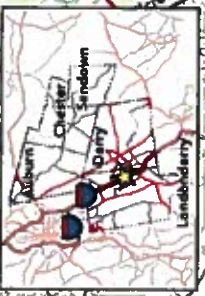
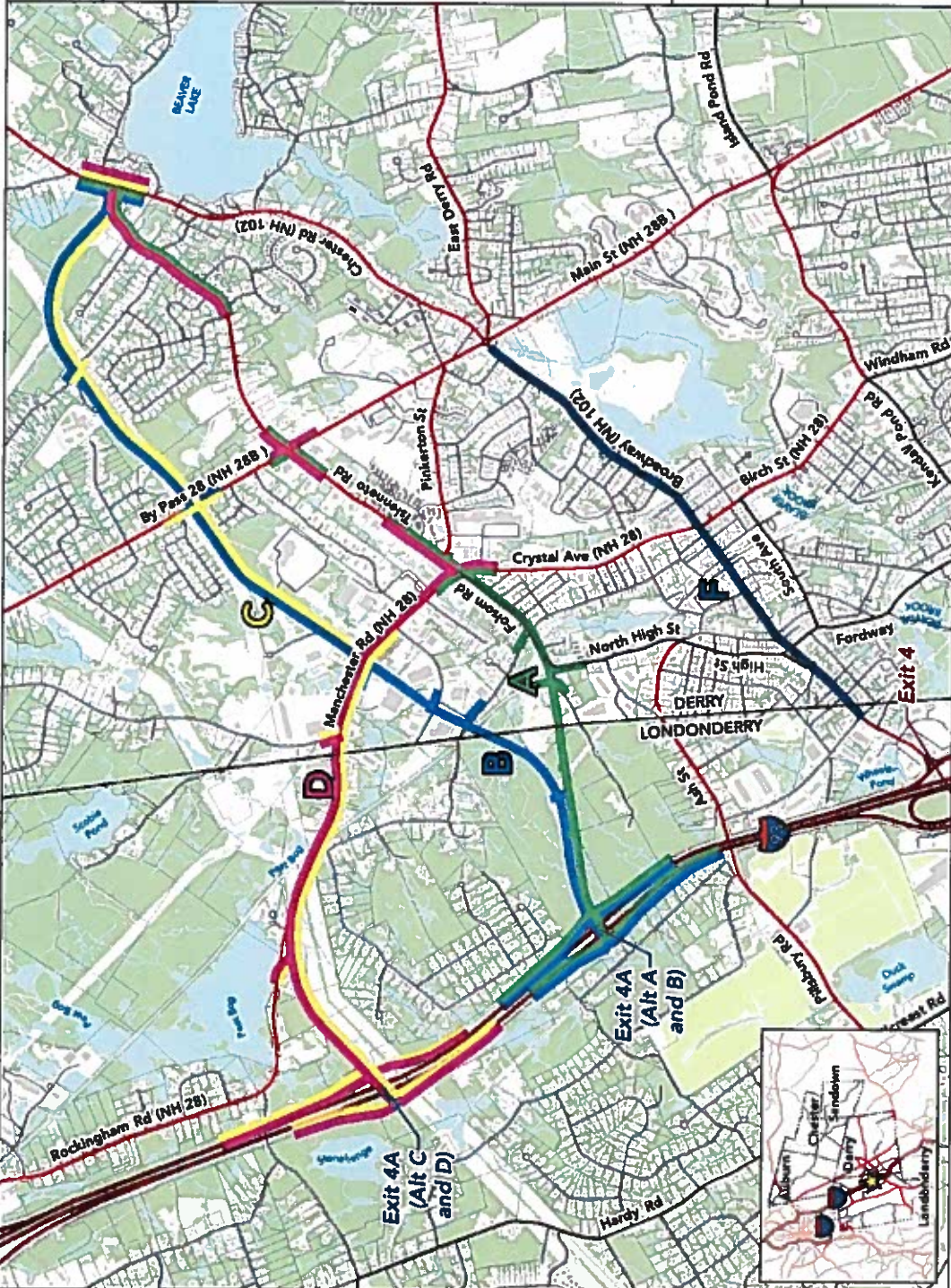
- Alternatives**
- A
  - B
  - C
  - D
  - F
- Roads**
- Interstate
  - Principal Arterial
  - Minor Arterial
  - Major Collector
  - Minor Collector
  - Local Road
  - Town Boundaries



Connecticut Statewide  
 ROADWAY IMPROVEMENT  
 FROM INTERSTATE 93  
 New Hampshire 2016

Date:  
 October 04, 2016

New Hampshire  
**DOT**  
 Department of Transportation



[4910-22]

**DEPARTMENT OF TRANSPORTATION**

Federal Highway Administration

**ENVIRONMENTAL IMPACT STATEMENT: ROCKINGHAM COUNTY, NEW HAMPSHIRE**

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Revised Notice of Intent.

**SUMMARY:** The FHWA is issuing this revised notice to advise the public that a Supplemental Draft Environmental Impact Statement (SDEIS) will be prepared for a proposed highway project in the Towns of Derry and Londonderry, in Rockingham County, New Hampshire.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jamie Sikora, New Hampshire Division, Federal Highway Administration, 53 Pleasant Street, Suite 2200, Concord, New Hampshire 03301, Telephone: (603) 410-4870. Mr. Keith Cota, Chief Project Manager, New Hampshire Department of Transportation, 7 Hazen Drive, Concord, New Hampshire 03302-0483, Telephone: (603) 271-1615. Mr. David Caron, Town Administrator, Town of Derry, 14 Manning Street, Derry, New Hampshire 03038, Telephone: (603) 432-6100. Mr. Kevin Smith, Town Manager, Town of Londonderry, 268B Mammoth Road, Londonderry, New Hampshire 03053, Telephone: (603) 432-1100 x111.

**SUPPLEMENTAL INFORMATION:** FHWA, in cooperation with the Towns of Derry and Londonderry (the Towns) and the New Hampshire Department of Transportation (NHDOT), is advancing an updated environmental study for the I-93 Exit 4A Project. The purpose of the proposed project is to reduce congestion and improve safety along NH Route 102, from I-93 easterly through downtown Derry and to promote economic vitality in the Derry/Londonderry area.

Planning for the Project began in 1985 and a Notice of Intent was published in the Federal Register on June 12, 1998 (Vol. 63 No. 113). A Draft Environmental Impact Statement (DEIS) was completed in 2007 and a Notice of Availability published on August 3, 2007 (EIS No. 20070317). A Public Hearing on the DEIS was held on September 12, 2007. Project development was subsequently delayed for several years. In October 2015, the Governor's Office directed NHDOT to accelerate the Exit 4A Project, and the Project was incorporated in the state's Ten Year Transportation Improvement Plan for 2017–2026. Pursuant to 40 CFR 1502.9(c) and 23 CFR 771.129, SDEIS will provide an up-to-date assessment of the environmental effects of the proposed project and reasonable alternatives that considers updated information regarding traffic, socioeconomic projections, land development proposals in the project area, and changes in environmental resources and regulatory requirements. After completion of the SDEIS, FHWA will complete the environmental review process by issuing a Combined Final EIS (FEIS) and Record of Decision (ROD).

The Preferred Alternative identified in the 2007 DEIS consisted of a new diamond interchange on I-93 in the Town of Londonderry, approximately one mile north of Exit 4. The new diamond interchange would provide access to the east side of I-93. A 1-mile connector roadway would be built on new alignment from the interchange to Folsom Road, near the intersection of North High Street and Madden Road, in the Town of Derry. Folsom Road, and subsequently Tsienneto Road, would be upgraded, and the intersections would be improved. In addition to the Preferred Alternative, the SDEIS will evaluate the same range of alternatives assessed in the 2007 DEIS, which included alternative interchange locations, connector road alignments, upgrades to NH 102 and the No Build Alternative.

To provide an update on the status of the proposed project and environmental review process, a public information meeting was held in Derry, New Hampshire on September 26, 2016. Additionally, once the SDEIS is complete in 2017, the document will be distributed to government agencies, posted on the project website, and made available at multiple locations throughout the project area for public viewing. During the 45 day SDEIS public comment period, a public hearing will be held providing the public with an opportunity to review and comment on the SDEIS.

Comments and suggestions are invited from all interested parties to ensure that the full range of issues related to this proposed action are addressed and all significant issues are identified. Comments or questions concerning this proposed action should be directed to the FHWA or NHDOT at the addresses provided above or submitted via the project website at <http://i93exit4a.com/>.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction.)

Issued on: Month Day, Year.

SIGNATURE HERE

Name, Title, City (of person signing)

**APPENDIX B: INVITED COOPERATING AND PARTICIPATING AGENCIES**



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**Table B-1. Invited cooperating and participating agencies**

<b>Agency</b>	<b>Agency Type</b>	<b>Role</b>	<b>Response</b>
U.S. Army Corps of Engineers	Federal	Cooperating and Participating	Yes
U.S. Environmental Protection Agency	Federal	Cooperating and Participating	Yes
U.S. Department of the Interior, U.S. Fish and Wildlife Service	Federal	Cooperating and Participating	No
New Hampshire Department of Environmental Services	State	Cooperating and Participating	Yes
New Hampshire Fish and Game Department	State	Cooperating and Participating	No Response
New Hampshire Division of Historical Resources	State	Cooperating and Participating	Yes
National Oceanic and Atmospheric Administration, National Marine Fisheries Service	Federal	Cooperating and Participating	No
Southern New Hampshire Planning Commission	Regional	Participating	Yes
New Hampshire Department of Business and Economic Affairs	State	Participating	Yes
New Hampshire Department of Natural and Cultural Resources	State	Participating	No Response
Rockingham Planning Commission	Regional	Participating	No Response
U.S. Department of Agriculture, Natural Resource Conservation Service	Federal	Participating	Yes
New Hampshire Office of Strategic Initiatives	State	Participating	Yes
Rockingham County Conservation District	Regional	Participating	No Response
Town of Auburn	Local	Participating	No
Town of Chester	Local	Participating	No Response
Town of Sandown	Local	Participating	No Response
Wampanoag Tribe of Gay Head-Aquinnah	Tribe (MA)	Participating	No Response
Passamaquoddy Tribe	Tribe (ME)	Participating	No Response
Penobscot Nation	Tribe (ME)	Participating	No Response
Mashantucket Pequot Tribal Nation	Tribe (CT)	Participating	No Response
Mohegan Tribal Council	Tribe (CT)	Participating	No Response

<b>Agency</b>	<b>Agency Type</b>	<b>Role</b>	<b>Response</b>
Narragansett Indian Tribe	Tribe (RI)	Participating	No Response
Abenaki Nation of New Hampshire	Tribe	Participating	No Response
Cowasuck Band – Pennacook/Abenaki People	Tribe	Participating	No Response
Koasek Abenaki of the Koas	Tribe	Participating	No Response
Koasek Traditional Abenaki Nation	Tribe	Participating	No Response
Nulhegan Band of the Coosuk – Abenaki Nation	Tribe	Participating	No Response
Sovereign Abenaki Nation of Missisquoi	Tribe	Participating	No Response
Eastern Pequot Reservation	Tribe	Participating	No Response
Golden Hill Indian Reservation	Tribe	Participating	No Response
Paucatuck Eastern Pequot Tribe	Tribe	Participating	No Response
Schaghticoke Tribal Nation of Kent	Tribe	Participating	No Response

NHNHB Records of Rare Species and Exemplary  
Natural Communities

# CONFIDENTIAL – NH Dept. of Environmental Services review

## Memo



NH NATURAL HERITAGE BUREAU  
NHB DATACHECK RESULTS LETTER

**To:** Lee Carbonneau, Normandeau Associates, Inc.  
25 Nashua Road  
Bedford, NH 03110

**From:** Amy Lamb, NH Natural Heritage Bureau

**Date:** 10/25/2019 (valid for one year from this date)

**Re:** Review by NH Natural Heritage Bureau

NHB File ID: NHB19-3453

Town: Derry and Londonderry

Location: Tax Maps: Multiple

Description: The Project proposes to construct a new interchange one mile north of Exit 4 on Interstate 93 in Londonderry and Derry, NH. New interchange would consist of an easterly-only new construction access road that would connect with Folsom Road and then traverse east along Folsom and Tsienneto Roads. Work along Tsienneto Road would typically result in slight adjustments to easterly end of roadway and intersection improvements with Rt 28, Bypass Route 28, and Rt 102. Based on preliminary evaluations, it appears that Alternative A will be the preferred alternative.

cc: Kim Tuttle

As requested, I have searched our database for records of rare species and exemplary natural communities, with the following results.

**Comments:** This is a follow-up to NHB18-2355. It appears that the State Endangered plant species Nuttall's reed grass was omitted from the previous DataCheck in error; this record was included, however, in an earlier DataCheck (NHB18-0872) and a Data Sharing Agreement for the project. We apologize for the error. Ideally, NHB recommends that areas of wet meadow impact be surveyed for this species prior to construction, such as within the existing utility corridor east of I-93. Survey results should be sent to NHB to determine impact minimization/mitigation practices. Please continue to coordinate with the NH Fish & Game Department to address wildlife concerns.

Plant species	State <sup>1</sup>	Federal	Notes
Nuttall's reed grass ( <i>Calamagrostis coarctata</i> )	E	--	

Vertebrate species	State <sup>1</sup>	Federal	Notes
Blanding's Turtle ( <i>Emydoidea blandingii</i> )	E	--	Contact the NH Fish & Game Dept (see below).
Jefferson/Blue-spotted Salamander Complex ( <i>Ambystoma pop. 3</i> )	--	--	Contact the NH Fish & Game Dept (see below).
New England Cottontail ( <i>Sylvilagus transitionalis</i> )	E	--	Contact the NH Fish & Game Dept (see below).
Northern Black Racer ( <i>Coluber constrictor constrictor</i> )	T	--	Contact the NH Fish & Game Dept (see below).
Smooth Green Snake ( <i>Opheodrys vernalis</i> )	SC	--	Contact the NH Fish & Game Dept (see below).
Spotted Turtle ( <i>Clemmys guttata</i> )	T	--	Contact the NH Fish & Game Dept (see below).

# CONFIDENTIAL – NH Dept. of Environmental Services review

## Memo



NH NATURAL HERITAGE BUREAU  
NHB DATACHECK RESULTS LETTER

Wood Turtle (*Glyptemys insculpta*)

SC

--

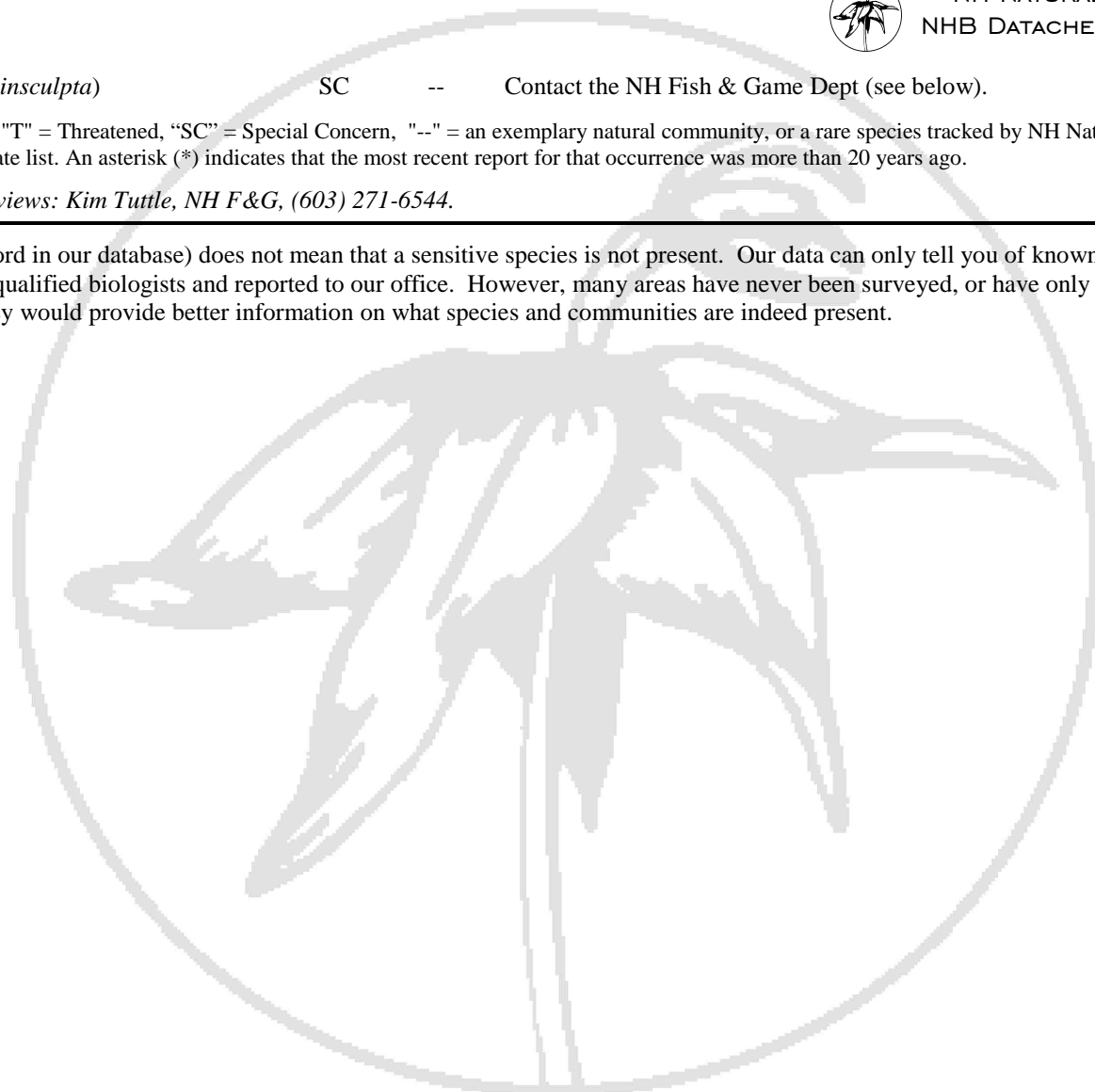
Contact the NH Fish & Game Dept (see below).

<sup>1</sup>Codes: "E" = Endangered, "T" = Threatened, "SC" = Special Concern, "--" = an exemplary natural community, or a rare species tracked by NH Natural Heritage that has not yet been added to the official state list. An asterisk (\*) indicates that the most recent report for that occurrence was more than 20 years ago.

Contact for all animal reviews: Kim Tuttle, NH F&G, (603) 271-6544.

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A negative result (no record in our database) does not mean that a sensitive species is not present. Our data can only tell you of known occurrences, based on information gathered by qualified biologists and reported to our office. However, many areas have never been surveyed, or have only been surveyed for certain species. An on-site survey would provide better information on what species and communities are indeed present.



# USFWS List of Threatened and Endangered Species



# United States Department of the Interior



FISH AND WILDLIFE SERVICE  
New England Ecological Services Field Office  
70 Commercial Street, Suite 300  
Concord, NH 03301-5094  
Phone: (603) 223-2541 Fax: (603) 223-0104  
<http://www.fws.gov/newengland>

In Reply Refer To:  
Consultation Code: 05E1NE00-2017-SLI-0288  
Event Code: 05E1NE00-2018-E-04980  
Project Name: I-93 Exit 4A

June 20, 2018

Subject: Updated list of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

## To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.



A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan ([http://www.fws.gov/windenergy/eagle\\_guidance.html](http://www.fws.gov/windenergy/eagle_guidance.html)). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
-

## Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

**New England Ecological Services Field Office**

70 Commercial Street, Suite 300

Concord, NH 03301-5094

(603) 223-2541

---

## Project Summary

Consultation Code: 05E1NE00-2017-SLI-0288

Event Code: 05E1NE00-2018-E-04980

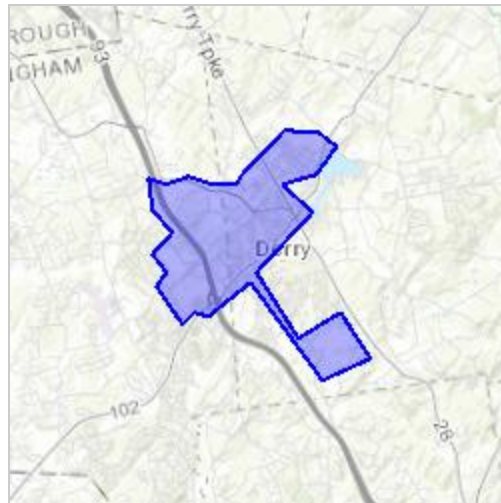
Project Name: I-93 Exit 4A

Project Type: TRANSPORTATION

Project Description: The Towns of Derry and Londonderry, New Hampshire (NH), and the Federal Highway Administration (FHWA) are studying the construction of a new Interstate 93 (I-93) Interchange, known as Exit 4A, that would provide access to only areas east of I-93 along with a new roadway connecting the proposed Exit 4A with the existing roadway network.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/42.8821615762781N71.34204636632049W>



Counties: Rockingham, NH

---

## Endangered Species Act Species

There is a total of 1 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

- 
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

## Mammals

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a>	Threatened

## Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

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## NMFS Correspondence- Section 7



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
GREATER ATLANTIC REGIONAL FISHERIES OFFICE  
55 Great Republic Drive  
Gloucester, MA 01930-2276

NOV 18 2016

Patrick Bauer  
Division Administrator  
Federal Highway Administration  
New Hampshire Division  
53 Pleasant Street, Suite 2200  
Concord, NH 03301

**Re: SDEIS for the I-93 Exit 4A Project**

Dear Mr. Bauer:

On November 9, 2016, we received your letter asking if we have an interest in becoming a participating agency with FHWA for the development of your Supplemental Draft Environmental Impact Statement (SDEIS).

**Endangered Species Act (ESA)**

We do not expect any federally listed or proposed threatened or endangered species nor critical habitat under our jurisdiction to occur in the vicinity of the proposed project; therefore, no direct or indirect effects are expected. The Protected Resources Division does not intend to offer additional comments on this project. For the future, if you are looking for information relevant to ESA-listed species and critical habitat, please visit our website at:

<https://www.greateratlantic.fisheries.noaa.gov/protected/section7/>

If you wish to discuss this further, please contact Zachary Jylkka (978-282-8467; [Zachary.Jylkka@noaa.gov](mailto:Zachary.Jylkka@noaa.gov)).

**Magnuson-Stevens Fishery Conservation and Management Act**

The proposed project area does not contain areas identified as Essential Fish Habitat (EFH) under the Magnuson-Stevens Fishery Conservation and Management Act. Therefore, we do not intend to provide EFH conservation recommendations to you for this action. For a listing of EFH and further information, please go to our website at:

<http://www.greateratlantic.fisheries.noaa.gov/habitat>. If you wish to discuss this further, please contact Mike Johnson (978-281-9130; [Mike.R.Johnson@noaa.gov](mailto:Mike.R.Johnson@noaa.gov)) of our Habitat Conservation Division.

Sincerely,

Mark Murray-Brown  
Section 7 Coordinator for  
Protected Resources

EC: Sikora, FHWA; Johnson, NMFS-HCD

File path: H:\Section 7 Team\Section 7\Non-Fisheries\FHWA\_State DOTs\TA Letters\NH DOT\FHWA NH-DOT I-93 Exit 4A Project



**From:** [Tidd, Leo](#)  
**To:** [Vicki Chase \(vchase@normandeau.com\)](#); [Snyder, Kerri](#)  
**Cc:** ["Christopher Bean"](#); [I93-Exit4A-EIS \(SM\)](#)  
**Subject:** FW: Derry-Londonderry 13065 - NH DOT I-93 Exit 4A Project Comments  
**Date:** Tuesday, July 24, 2018 8:23:55 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)

---

**Leo Tidd** AICP  
Manager

**Louis Berger** | +1.607.280.9438 | [louisberger.com](#)

---

**From:** Cota, Keith <Keith.Cota@dot.nh.gov>  
**Sent:** Tuesday, July 24, 2018 9:17 AM  
**To:** 'Edith Carson - NOAA Federal' <edith.carson@noaa.gov>  
**Cc:** Mike R Johnson - NOAA Federal <mike.r.johnson@noaa.gov>; Laurin, Marc <Marc.Laurin@dot.nh.gov>; Tidd, Leo <ltidd@louisberger.com>; Christopher Bean, CLD <chrisb@cldengineers.com>  
**Subject:** RE:Derry-Londonderry 13065 - NH DOT I-93 Exit 4A Project Comments

## External

Ms. Carson,

Thank you for your feedback on the I-93, Exit 4A project and the upcoming Public Informational Meeting. I will pass along your information to our environmental staff as to no endangered species within the corridor and no essential fish habitat as well.

Thank you for your corridor overview.

Keith A. Cota, PE  
Chief Project Manager  
Bureau of Highway Design  
7 Hazen Drive, PO Box 483  
Room 200  
Concord, NH 03302-0483  
TEL (603) 271-1615  
FAX (603) 271-7025  
Email: [Keith.Cota@dot.nh.gov](mailto:Keith.Cota@dot.nh.gov)



**From:** Edith Carson - NOAA Federal [<mailto:edith.carson@noaa.gov>]  
**Sent:** Friday, July 20, 2018 9:32 AM  
**To:** Cota, Keith  
**Cc:** Mike R Johnson - NOAA Federal  
**Subject:** NH DOT I-93 Exit 4A Project Comments

Mr. Cota,

We received your letter on July 13, 2018, regarding the I-93, exit 4A project in Derry, NH. Here are our comments.

### **Endangered Species Act**

No federally listed or proposed threatened or endangered species under our jurisdiction are known to exist in the site of your proposed project. Based on this, we do not believe a consultation in accordance with section 7 of the Endangered Species Act is necessary. As such, no further coordination on this activity with the NMFS Protected Resources Division is necessary at this time. Should project plans change or new information become available that changes the basis for this determination, further coordination should be pursued. Please contact me (978) 282-8490 or [Edith.Carson@noaa.gov](mailto:Edith.Carson@noaa.gov)), should you have any questions regarding these comments.

### **Magnuson-Stevens Fishery Conservation and Management Act**

The proposed project area does not contain areas identified as Essential Fish Habitat (EFH) under the Magnuson-Stevens Fishery Conservation and Management Act. Therefore, we do not intend to provide EFH conservation recommendations to you for this action. For a listing of EFH and further information, please go to our website at: <http://www.greateratlantic.fisheries.noaa.gov/habitat>. If you wish to discuss this further, please contact Mike Johnson (978-281-9130; [Mike.R.Johnson@noaa.gov](mailto:Mike.R.Johnson@noaa.gov)) of our Habitat Conservation Division.

Thank you,

Edith

**Edith Carson-Supino, M.Sc.**  
*Section 7/Shortnose Sturgeon Fish Biologist*  
NOAA Fisheries  
U.S. Department of Commerce  
Greater Atlantic Regional Fisheries Office  
Phone: 978-282-8490  
[edith.carson@noaa.gov](mailto:edith.carson@noaa.gov)

For ESA Section 7 guidance please see:



NH Department of Natural and Cultural Resources,  
Division of Parks and Recreation

**From:** [Gegas, Vasilios \(Bill\)](#)  
**To:** [Snyder, Kerri](#)  
**Cc:** [ericbodenrader@derrynh.org](mailto:ericbodenrader@derrynh.org); [sheilabodenrader@derrynh.org](mailto:sheilabodenrader@derrynh.org)  
**Subject:** RE: LWCF Properties in Derry, NH  
**Date:** Tuesday, August 7, 2018 12:42:03 PM  
**Attachments:** [Exit4A doc Parks Conservation Rec bw noborders v4 080318 \(LWCF SITES\).pdf](#)

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## External

Hi Kerri,

Based on our records, there are three separate sites within this area that were funded under LWCF project #33-00166 "Derry Three Parks". Please see the attached and let me know if you anticipate any impacts to these sites.

Thanks!

Bill

Bill Gegas  
LWCF Program Specialist  
NH Department of Natural and Cultural Resources  
Division of Parks and Recreation  
172 Pembroke Road  
Concord, NH 03301-5767  
(603) 271-3556 p  
(603) 271-3553 f  
[bill.gegas@dncr.nh.gov](mailto:bill.gegas@dncr.nh.gov)  
[www.nhstateparks.org](http://www.nhstateparks.org)

---

**From:** Snyder, Kerri [mailto:KSnyder@louisberger.com]  
**Sent:** Tuesday, August 7, 2018 11:48 AM  
**To:** Gegas, Vasilios (Bill)  
**Cc:** I93-Exit4A-EIS (SM); Tidd, Leo  
**Subject:** LWCF Properties in Derry, NH

Mr. Gegas,

As we discussed, Louis Berger is conducting the Supplemental Draft EIS for the proposed I-93 Exit 4A project. As part of the evaluation, we are identifying properties near the alternative alignments that have received money from the Land and Water Conservation Fund. Attached is a map showing parks and recreation resources near the alternative alignments. From our research, we have noted that the Veteran's & O'Hara Ball Fields appear to have received LWCF money (Parcel ID 2). Are there any other properties in the following table that have received LWCF money? Are there any other properties in proximity to the alignments that we may have missed?

Parcel ID	Name	Location	LWCF Recipient?
1	Hoodkroft Golf Course	NH 102 (Chester Road)	
2	Veteran's & O'Hara Ball Fields	Wilson Avenue	Yes
3	MacGregor Park	Birch Street	
4	Buckley Field	Hood Road	
5	Pinkerton Academy Athletic Field	Crescent Street	

6	Pinkerton Academy Fields	Pinkerton Street	
7	Pinkerton Academy Fields East	Pinkerton Street	
8	Rider Fields	Tsienneto Road	
9	Hovey Road Viewshed Easement	Pillsbury Road	
10	Dumont	North and east of Trolley Car Lane, bisected by Old Trolley Line Trail	
11	Rockingham Rd	Rockingham Rd	
12	Woodhenge Cir	Rockingham Rd	
-	Old Trolley Line Trail	Various west of I-93	
-	Londonderry Rail Trail	Various east of I-93	
-	Rail Trail Path	Various east of I-93	
-	Derry Rail Trail	Various east of I-93	
-	Derry Bicycle Path	Downtown Derry	
-	Rider Field Trail	Near Rider Field	

Thank you for your time and review of the enclosed materials.

Regards,  
Kerri

**Kerri Snyder** AICP  
Principal Environmental Planner  
**Louis Berger**

mobile +1.646.584.9490  
direct +1.212.612.7908  
email [ksnyder@louisberger.com](mailto:ksnyder@louisberger.com)

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# I-93 Exit 4A Supplemental Draft EIS

## Alternatives

- █ A
- █ B
- █ C
- █ D
- █ F

## Road

- Interstate
- Major Road
- Local Road

## Trails and Bicycle Routes

- Paved Trail
- Unpaved Trail
- Planned Trail
- On Road Bicycle Route

## Park and Conservation Land

- Conservation Land
- Park
- Study Area (1000 Foot Buffer)
- Town Boundaries

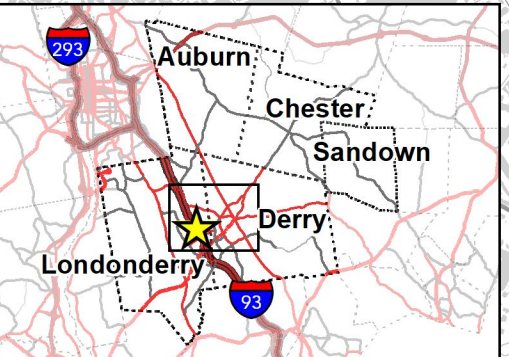
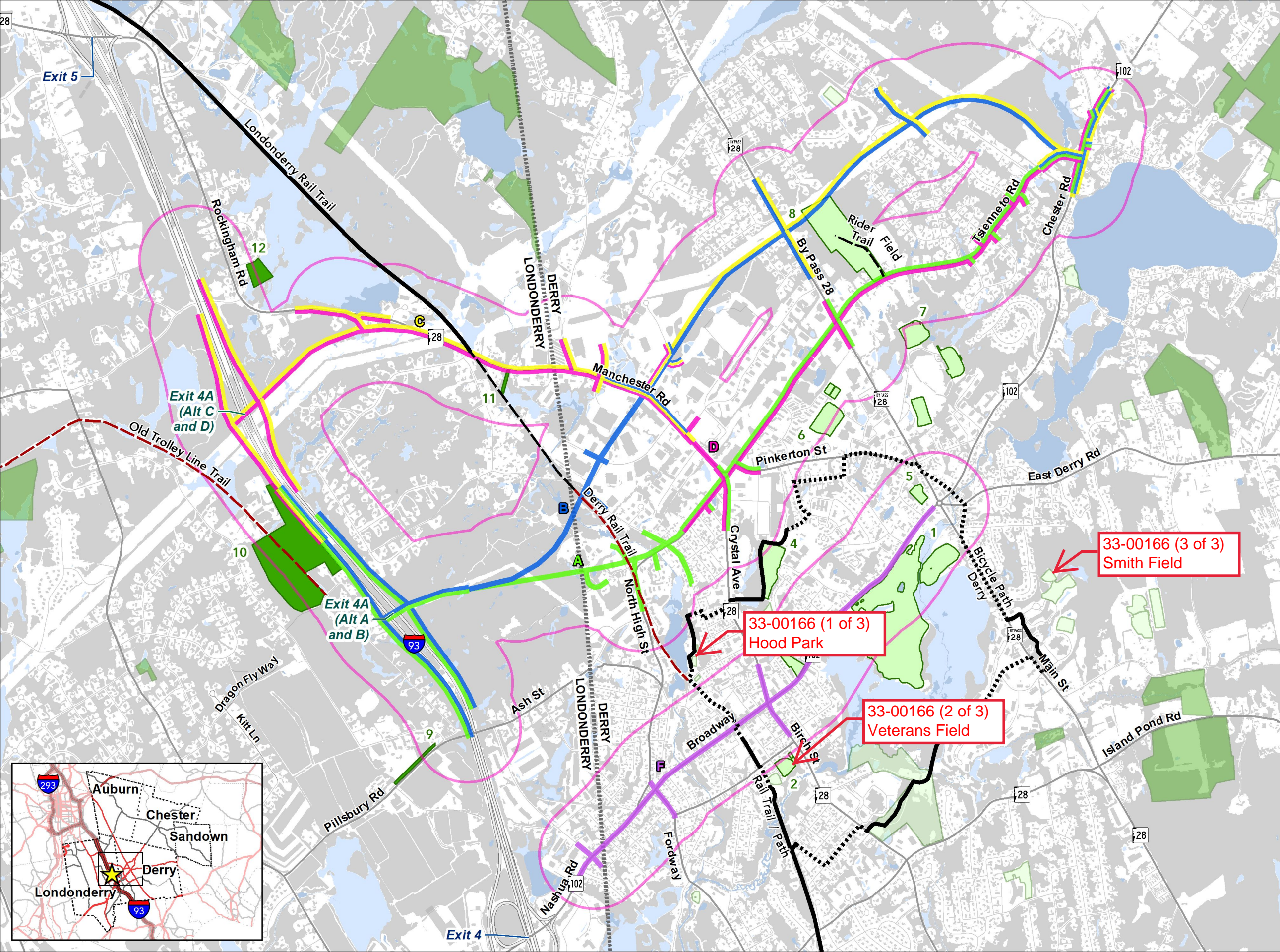
Sources:  
CLD Engineers  
Town of Derry GIS  
Town of Londonderry GIS  
State of New Hampshire  
New Hampshire DOT



0 800 1,600 3,200  
Feet

Coordinate System:  
NAD 1983 StatePlane  
New Hampshire (feet)

Date:  
August 03, 2018



Town of Derry, Department of Parks and Recreation

**From:** [Gegas, Vasilios \(Bill\)](#)  
**To:** [Snyder, Kerri](#)  
**Cc:** [ericbodenrader@derrynh.org](mailto:ericbodenrader@derrynh.org); [sheilabodenrader@derrynh.org](mailto:sheilabodenrader@derrynh.org); Christopher Bean; Tidd, Leo; I93-Exit4A-EIS (SM)  
**Subject:** RE: LWCF Properties in Derry, NH  
**Date:** Tuesday, August 7, 2018 12:54:47 PM

---

## External

Based on the information provided we do not expect any impacts to any properties encumbered under the LWCF State and Local Assistance Program.

Thanks!

Bill Gegas  
LWCF Program Specialist  
NH Department of Natural and Cultural Resources  
Division of Parks and Recreation  
172 Pembroke Road  
Concord, NH 03301-5767  
(603) 271-3556 p  
(603) 271-3553 f  
[bill.gegas@dncr.nh.gov](mailto:bill.gegas@dncr.nh.gov)  
[www.nhstateparks.org](http://www.nhstateparks.org)

---

**From:** Snyder, Kerri [mailto:KSnyder@louisberger.com]  
**Sent:** Tuesday, August 7, 2018 1:50 PM  
**To:** Gegas, Vasilios (Bill)  
**Cc:** [ericbodenrader@derrynh.org](mailto:ericbodenrader@derrynh.org); [sheilabodenrader@derrynh.org](mailto:sheilabodenrader@derrynh.org); Christopher Bean; Tidd, Leo; I93-Exit4A-EIS (SM)  
**Subject:** RE: LWCF Properties in Derry, NH

Bill,  
Thank you for your review and for the additional information. We will include this in the Supplemental Draft EIS. None of those parks is anticipated to be impacted. The preferred alternative has been identified as Alternative A (bright green alignment).  
Regards,  
Kerri

---

**From:** Gegas, Vasilios (Bill) [mailto:Bill.Gegas@dncr.nh.gov]  
**Sent:** Tuesday, August 7, 2018 12:39 PM  
**To:** Snyder, Kerri <KSnyder@louisberger.com>  
**Cc:** [ericbodenrader@derrynh.org](mailto:ericbodenrader@derrynh.org); [sheilabodenrader@derrynh.org](mailto:sheilabodenrader@derrynh.org)  
**Subject:** RE: LWCF Properties in Derry, NH

## External

Hi Kerri,  
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Thanks!

Bill

Bill Gegas  
LWCF Program Specialist  
NH Department of Natural and Cultural Resources  
Division of Parks and Recreation  
172 Pembroke Road  
Concord, NH 03301-5767  
(603) 271-3556 p  
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[bill.gegas@dncr.nh.gov](mailto:bill.gegas@dncr.nh.gov)  
[www.nhstateparks.org](http://www.nhstateparks.org)

---

**From:** Snyder, Kerri [<mailto:KSnyder@louisberger.com>]  
**Sent:** Tuesday, August 7, 2018 11:48 AM  
**To:** Gegas, Vasilios (Bill)  
**Cc:** I93-Exit4A-EIS (SM); Tidd, Leo  
**Subject:** LWCF Properties in Derry, NH

Mr. Gegas,

As we discussed, Louis Berger is conducting the Supplemental Draft EIS for the proposed I-93 Exit 4A project. As part of the evaluation, we are identifying properties near the alternative alignments that have received money from the Land and Water Conservation Fund. Attached is a map showing parks and recreation resources near the alternative alignments. From our research, we have noted that the Veteran's & O'Hara Ball Fields appear to have received LWCF money (Parcel ID 2). Are there any other properties in the following table that have received LWCF money? Are there any other properties in proximity to the alignments that we may have missed?

Parcel ID	Name	Location	LWCF Recipient?
1	Hoodcroft Golf Course	NH 102 (Chester Road)	
2	Veteran's & O'Hara Ball Fields	Wilson Avenue	Yes
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5	Pinkerton Academy Athletic Field	Crescent Street	
6	Pinkerton Academy Fields	Pinkerton Street	
7	Pinkerton Academy Fields East	Pinkerton Street	
8	Rider Fields	Tsienneto Road	
9	Hovey Road Viewshed Easement	Pillsbury Road	
10	Dumont	North and east of Trolley Car Lane, bisected by Old Trolley Line Trail	
11	Rockingham Rd	Rockingham Rd	
12	Woodhenge Cir	Rockingham Rd	

-	Old Trolley Line Trail	Various west of I-93	
-	Londonderry Rail Trail	Various east of I-93	
-	Rail Trail Path	Various east of I-93	
-	Derry Rail Trail	Various east of I-93	
-	Derry Bicycle Path	Downtown Derry	
-	Rider Field Trail	Near Rider Field	

Thank you for your time and review of the enclosed materials.

Regards,  
 Kerri

**Kerri Snyder** AICP  
 Principal Environmental Planner  
**Louis Berger**

mobile +1.646.584.9490  
 direct +1.212.612.7908  
 email [ksnyder@louisberger.com](mailto:ksnyder@louisberger.com)

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**THE STATE OF NEW HAMPSHIRE**  
**DEPARTMENT OF TRANSPORTATION**



**Victoria F. Sheehan**  
**Commissioner**

**William Cass, P.E.**  
**Assistant Commissioner**

September 4, 2018

Mr. Eric Bodenrader  
Parks and Recreation Director  
Veterans Hall  
31 West Broadway  
Derry, NH 03038

Re: Derry-Londonderry 13065  
I-93 Exit 4A Environmental Impact Statement  
FHWA Intent to Make a Section 4(f) *de minimis* determination

Dear Mr. Bodenrader:

This letter is in regard to Section 4(f) coordination for the I-93 Exit 4A project. Per 23 CFR 774.5, we are coordinating with you as the official with jurisdiction responsible for Section 4(f) recreational resources in the Town of Derry.

The Towns of Derry and Londonderry, the New Hampshire Department of Transportation (NHDOT) and Federal Highway Administration (FHWA) are preparing a Supplemental Draft Environmental Impact Statement (SDEIS) under the National Environmental Policy Act (NEPA) for the proposed I-93 Exit 4A (Project). The Project includes construction of a new interchange with I-93 (known as Exit 4A) and other transportation improvements to reduce congestion and improve safety along State Route 102 (NH 102), from I-93 easterly through downtown Derry, and to promote economic vitality in the Derry/Londonderry area. The Preferred Alternative for the Project is Alternative A (Figure 1).

#### **Parks and Recreational Resources – Rider Fields**

The Project involves the improvement of Tsienneto Road, which would require permanent acquisition of 920 square feet (0.02 acre) of the Rider Fields property adjacent to the existing roadway. The Project would result in slope and driveway impacts beyond the proposed right of way (ROW) that would require additional, temporary easements of 2,500 square feet (0.06 acre) on the Rider Field property (Figure 2).

Within the permanent acquisition area, the following items will be disturbed:

- Stone wall spanning between the parcel to the west (34 Tsienneto Rd) and this parcel
- The tree west of the driveway to the Upper Room
- The mailbox

- The sign for the Upper Room Family Resource Center
- The landscaping blocks around a landscaped area
- Stone wall between the Upper Room Family Resource Center driveway and the Rider Fields driveway
- The end of the culvert under Tsienneto Road between the driveways
- The ditch between the driveways (approximately 15 linear feet)

The impacts associated with the temporary easement are limited to the vegetation between the Upper Room driveway and the Rider Fields driveway. This vegetated area near Tsienneto Rd. is not typically used for recreational purposes by the public and is approximately 346 feet from the sports fields to the north that constitute the primary recreational area of the park.

NHDOT will coordinate with the Town of Derry to move the mailbox and sign for the Upper Room Family Resource Center and to replace the stone walls and vegetation that would be impacted by the Project. The temporary easement would not impact the usability of park and access to the park would be maintained throughout the construction period. Neither the Upper Room Family Resource Center nor the activities, features, and attributes of the Rider Fields would be adversely impacted on a permanent or temporary basis.

#### De Minimis Finding

As a part of the environmental review process, the FHWA has responsibilities to comply with Section 4(f) of the Department of Transportation Act of 1966 (which has been later revised and recodified but still referred to as Section 4(f)). The intent of the Section 4(f) Statute, 49 U.S.C. Section 303, and the policy of the FHWA is to avoid transportation use of historic sites and publicly owned recreational areas, parks, and wildlife and waterfowl refuges. If the FHWA determines that a transportation use of these types of properties, also known as Section 4(f) properties, results in a *de minimis* impact on that property, an analysis of avoidance alternatives is not required, and the Section 4(f) evaluation process is complete. *De minimis* impacts on publicly owned parks, recreation areas, and wildlife and waterfowl refuges are defined as those that do not “adversely affect the activities, features and attributes” of the Section 4(f) resource.

The finding of a *de minimis* impact on recreational and wildlife resources can be made when:

1. The transportation use of the Section 4(f) resource, together with any impact avoidance, minimization, and mitigation or enhancement measures incorporated into the project, does not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f);
2. The public has been afforded an opportunity to review and comment on the effects of the project on the protected activities, features, and attributes of the Section 4(f) resource; and

3. The official(s) with jurisdiction over the property are informed of FHWA's intent to make the *de minimis* impact finding based on their written concurrence that the project will not adversely affect the activities, features, and attributes that qualify the property for protection under Section 4(f).

NHDOT respectfully requests concurrence that the Project will not "adversely affect the activities, features and attributes" that qualify the Rider Fields for protection, in order that FHWA can make a determination that the impacts to Rider Fields are *de minimis*. Per requirements of 23 CFR 774.5(a)(2)(ii), the public will receive notice and an opportunity for public review and comment concerning the effects on park lands during the SDEIS public comment period.

Please contact me if you have any questions regarding this matter.

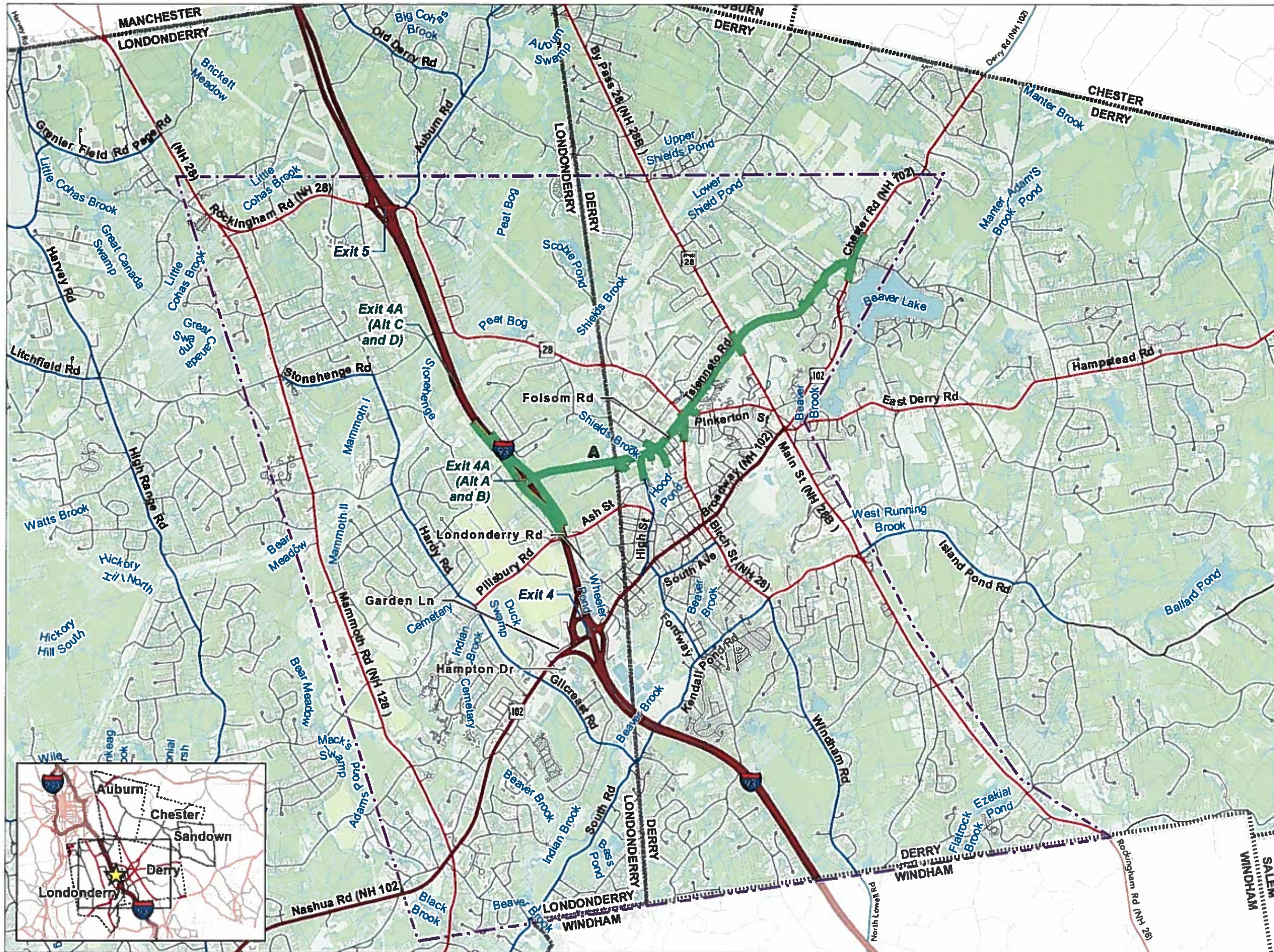
Sincerely,



Keith Cota  
NHDOT Project Manager

cc: Mike Fowler, Town of Derry, Director of Public Works  
Jamie Sikora, FHWA  
Chris Bean, Fuss & O'Neil  
Marc Laurin, NHDOT

# I-93 Exit 4A Supplemental Draft EIS



- Alternative**
- A
- Major Roads**
- Interstate
  - Principal Arterial
  - Minor Arterial
  - Major Collector
  - Minor Collector
  - Local Road
- 2007 DEIS Study Area
- Town Boundaries

Sources:  
 CLD Engineers  
 Town of Derry GIS  
 Town of Londonderry GIS  
 State of New Hampshire  
 New Hampshire DOT



0 1,500 3,000 6,000  
 Feet

Coordinate System:  
 NAD 1983 StatePlane  
 New Hampshire (feet)

Date:  
 August 06, 2018



Figure 1. Project Location

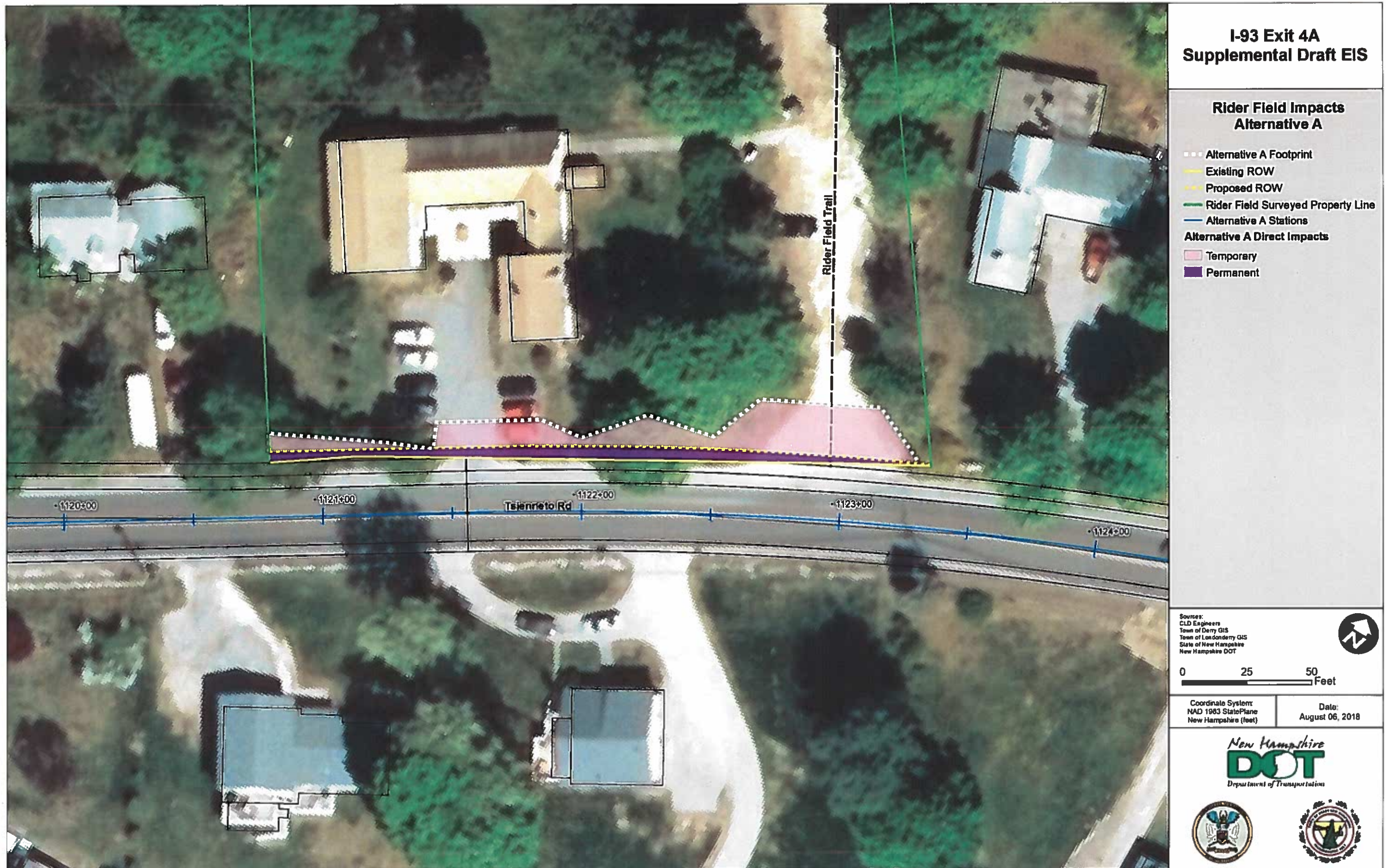
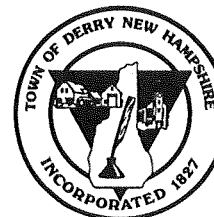
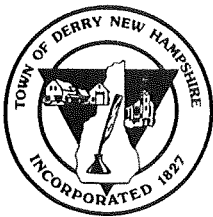


Figure 2. Impacts to Rider Fields



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31 West Broadway  
Derry, New Hampshire 03038  
(603) 432-6136 FAX: 432-6758

October 5, 2018

NH Department of Transportation  
Keith Cota, NHDOT Project Manager  
7 Hazen Drive  
PO Box 483  
Concord, NH 03302-0483

Dear Mr. Cota:

I am writing to you in regards to the Exit 4A project and the impact that the subsequent project will have on the Rider Fields located off Tsienneto Road.

I concur with the proposed de minis finding report and that this project will not adversely affect and/or impact the activities, features, and attributes to the Rider Field property.

Please let me know if you should have any additional questions or if I can provide any additional information.

Regards,

A handwritten signature in black ink, appearing to read "Eric H. Bodenrader".

---

Eric H. Bodenrader,  
Director of Parks & Recreation  
Town of Derry, NH

NRCS Farmland Conversion Impact Rating Form AD  
1006



United States Department of Agriculture

# NRCS Natural Resources Conservation Service

The Concord Center, 10 Ferry Street, Box 312, Concord, NH 03301-5081 (603) 223-6023 Fax (603) 223-6030 [www.nh.nrcs.usda.gov](http://www.nh.nrcs.usda.gov)

February 27, 2006

Amanda Farris  
Woodlot Alternatives  
30 Park Drive  
Topsham, ME 04086

Re: Farmland Conversion Impact Rating for the I-93 Exit 4a Interchange Study in Derry and Londonderry, NH

Dear Ms. Farris,

The Farmland Conversion Impact rating has been completed based on your correspondence of February 17, 2006. I am forwarding a completed Form NRCS-CPA-106, Farmland Conversion Impact Rating for Corridor Type Projects. All areas impacted by the project are either designated as urbanized areas by the U.S. Census Bureau or soils that are not prime, statewide or locally important. Therefore, this project is not subject to FPPA and no further action is required.

If you have any questions, please do not hesitate to contact me.

Katherine Swain  
MLRA Soil Survey Leader  
USDA, NRCS  
10 Ferry St., Box 312  
Concord, NH 03301  
Ph: (603)223-6025

Enc.



**FARMLAND CONVERSION IMPACT RATING  
FOR CORRIDOR TYPE PROJECTS**

<b>PART I (To be completed by Federal Agency)</b>		3. Date of Land Evaluation Request <b>2/17/06</b>	4. Sheet 1 of <u>1</u>
1. Name of Project <b>I-93 Exit 4a Interchange Study</b>		5. Federal Agency Involved	
2. Type of Project <b>Adding exit to existing highway</b>		6. County and State <b>Rockingham County, NH</b>	

<b>PART II (To be completed by NRCS)</b>		1. Date Request Received by NRCS <b>2/17/06</b>	2. Person Completing Form <b>Katherine Swain</b>
3. Does the corridor contain prime, unique statewide or local important farmland? (If no, the FPPA does not apply - Do not complete additional parts of this form) YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		4. Acres Irrigated   Average Farm Size <b>0</b>   <b>125 Ac.</b>	
5. Major Crop(s) <b>corn silage, grass legume hay</b>	6. Farmable Land in Government Jurisdiction Acres: <b>349,686</b> % <b>27</b>	7. Amount of Farmland As Defined in FPPA Acres: <b>126,772</b> % <b>27</b>	
8. Name Of Land Evaluation System Used <b>Rockingham County</b>	9. Name of Local Site Assessment System <b>NA</b>	10. Date Land Evaluation Returned by NRCS <b>2/27/06</b>	

<b>PART III (To be completed by Federal Agency)</b>	<b>Alternative Corridor For Segment _____</b>			
	Corridor A	Corridor B	Corridor C	Corridor D
A. Total Acres To Be Converted Directly				
B. Total Acres To Be Converted Indirectly, Or To Receive Services				
C. Total Acres In Corridor	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b>PART IV (To be completed by NRCS) Land Evaluation Information</b>				
A. Total Acres Prime And Unique Farmland				
B. Total Acres Statewide And Local Important Farmland				
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted				
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value				

**PART V (To be completed by NRCS) Land Evaluation Information Criterion Relative value of Farmland to Be Served or Converted (Scale of 0 - 100 Points)**

<b>PART VI (To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(c))</b>	Maximum Points				
1. Area in Nonurban Use	15				
2. Perimeter in Nonurban Use	10				
3. Percent Of Corridor Being Farmed	20				
4. Protection Provided By State And Local Government	20				
5. Size of Present Farm Unit Compared To Average	10				
6. Creation Of Nonfarmable Farmland	25				
7. Availability Of Farm Support Services	5				
8. On-Farm Investments	20				
9. Effects Of Conversion On Farm Support Services	25				
10. Compatibility With Existing Agricultural Use	10				
<b>TOTAL CORRIDOR ASSESSMENT POINTS</b>	<b>160</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b>PART VII (To be completed by Federal Agency)</b>					
Relative Value Of Farmland (From Part V)	100				
Total Corridor Assessment (From Part VI above or a local site assessment)	160	0	0	0	0
<b>TOTAL POINTS (Total of above 2 lines)</b>	<b>260</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

1. Corridor Selected:	2. Total Acres of Farmlands to be Converted by Project:	3. Date Of Selection:	4. Was A Local Site Assessment Used? YES <input type="checkbox"/> NO <input type="checkbox"/>
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5. Reason For Selection:

Signature of Person Completing this Part: \_\_\_\_\_ DATE \_\_\_\_\_

NOTE: Complete a form for each segment with more than one Alternate Corridor

**From:** [Laurin, Marc](#)  
**To:** "Whitcomb, Peter - NRCS, Concord, NH"  
**Cc:** [Jamie Sikora](#); [Cota, Keith](#); [Christopher Bean \(CBean@fando.com\)](#); [Snyder, Kerri](#); [Tidd, Leo](#)  
**Subject:** RE: Derry-Londonderry, 13065 - Farmland Conversion Impact Rating Form  
**Date:** Wednesday, July 18, 2018 2:59:10 PM  
**Attachments:** [AD 1006 Exit 4A 2018 Alts A-F Signed.pdf](#)

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## External

Peter,

Attached is the completed and signed Farmland Conversion Impact Rating Form for the project. The total point score for the Selected Corridor (Alternative A) is less than 160, as such the project is in full compliance with the FPPA.

Thank you for your assistance.

If you have any questions or comments, please contact me.

Marc

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**From:** Whitcomb, Peter - NRCS, Concord, NH [mailto:peter.whitcomb@nh.usda.gov]  
**Sent:** Thursday, July 05, 2018 11:26 AM  
**To:** Laurin, Marc  
**Subject:** RE: Derry-Londonderry, 13065 - Farmland Conversion Impact Rating Form

Marc,

Parts II, IV, and V of form CPA-106, the Farmland Conversion Impact Rating For Corridor Type Projects (attached) have been completed. The Relative Value of each alternative corridor is 34 or less. Please note that Alternative A does not include any land that is Prime, Statewide or Locally Important Farmland, and therefore is not subject to the Farmland Protection Policy Act. Also attached is the soil map of the area and a Farmland Classification map.

Please fill out Parts VI and VII. If the total point score is 160 or less, then the project is in full compliance with FPPA and no further action is required. If the total point score is above 160 points, then alternative design or location should be considered that might reduce the total point score. If this is not possible, then an explanation should be provided in Block 5 at the bottom of the form. Additional information about completing the form and the Farmland Protection Policy Act can be found at the following web site:  
<http://www.nrcs.usda.gov/wps/portal/nrcs/main/national/landuse/fppa/>.

Please provide a final copy of the completed CPA-106 to me for NRCS records and retain a copy for your records, regardless of the total point score.

If you have any questions, please feel free to contact me.

Peter

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**From:** Laurin, Marc [mailto:Marc.Laurin@dot.nh.gov]  
**Sent:** Friday, June 22, 2018 1:15 PM  
**To:** Whitcomb, Peter - NRCS, Concord, NH <peter.whitcomb@nh.usda.gov>  
**Cc:** Jamie Sikora <jamie.sikora@dot.gov>; Cota, Keith <Keith.Cota@dot.nh.gov>; Butler, John (DOT) <John.Butler@dot.nh.gov>; Chris Bean <ChrisB@cldengineers.com>; Leo Tidd <ltidd@louisberger.com>; Snyder, Kerri <KSnyder@louisberger.com>  
**Subject:** Derry-Londonderry, 13065 - Farmland Conversion Impact Rating Form

Mr. Whitcomb,

Enclosed for your evaluation are Farmland Conversion Forms for the Alternatives being evaluated for the I-93 Exit 4A Project SDEIS.

Please contact me if you have any questions.

Thank you.

Marc Laurin  
Senior Environmental Manager  
Bureau of Environment  
NH Department of Transportation  
(603) 271-4044

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**FARMLAND CONVERSION IMPACT RATING  
FOR CORRIDOR TYPE PROJECTS**

<b>PART I (To be completed by Federal Agency)</b>		3. Date of Land Evaluation Request <b>6/22/18</b>	4. Sheet 1 of <b>1</b>
1. Name of Project <b>I-93 Exit 4A</b>		5. Federal Agency Involved <b>FHWA</b>	
2. Type of Project <b>highway interchange</b>		6. County and State <b>Rockingham County, NH</b>	
<b>PART II (To be completed by NRCS)</b>		1. Date Request Received by NRCS <b>6/22/18</b>	2. Person Completing Form <b>Peter Whitcomb</b>
3. Does the corridor contain prime, unique statewide or local important farmland? (If no, the FPPA does not apply - Do not complete additional parts of this form.) YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		4. Acres Irrigated <b>0</b>	Average Farm Size <b>125</b>
5. Major Crop(s) <b>corn silage, grass legume hay</b>	6. Farmable Land in Government Jurisdiction Acres: <b>349,686</b> % <b>75.2</b>	7. Amount of Farmland As Defined in FPPA Acres: <b>126,772</b> % <b>27</b>	
8. Name Of Land Evaluation System Used <b>Rockingham County</b>	9. Name of Local Site Assessment System <b>N/A</b>	10. Date Land Evaluation Returned by NRCS <b>7/5/18</b>	

<b>PART III (To be completed by Federal Agency)</b>	<b>Alternative Corridor For Segment <u>Alternatives A-D</u></b>			
	Corridor A	Corridor B	Corridor C	Corridor D
A. Total Acres To Be Converted Directly	<b>69.50</b>	<b>78.69</b>	<b>89.91</b>	<b>87.42</b>
B. Total Acres To Be Converted Indirectly, Or To Receive Services	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
C. Total Acres In Corridor				

<b>PART IV (To be completed by NRCS) Land Evaluation Information</b>				
A. Total Acres Prime And Unique Farmland	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
B. Total Acres Statewide And Local Important Farmland	<b>0</b>	<b>2</b>	<b>2</b>	<b>1</b>
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted	<b>0</b>	<b>0.001</b>	<b>0.001</b>	<b>0.001</b>
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value	<b>74</b>	<b>72</b>	<b>70</b>	<b>75</b>

<b>PART V (To be completed by NRCS) Land Evaluation Information Criterion Relative value of Farmland to Be Serviced or Converted (Scale of 0 - 100 Points)</b>	<b>18</b>	<b>28</b>	<b>34</b>	<b>19</b>
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<b>PART VI (To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(c))</b>	Maximum Points				
1. Area in Nonurban Use	15	5	5	5	5
2. Perimeter in Nonurban Use	10	0	0	0	0
3. Percent Of Corridor Being Farmed	20	0	0	0	0
4. Protection Provided By State And Local Government	20	0	0	0	0
5. Size of Present Farm Unit Compared To Average	10	0	0	0	0
6. Creation Of Nonfarmable Farmland	25	0	0	0	0
7. Availability Of Farm Support Services	5	0	0	0	0
8. On-Farm Investments	20	0	0	0	0
9. Effects Of Conversion On Farm Support Services	25	0	0	0	0
10. Compatibility With Existing Agricultural Use	10	10	10	10	10
<b>TOTAL CORRIDOR ASSESSMENT POINTS</b>	<b>160</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>15</b>

<b>PART VII (To be completed by Federal Agency)</b>					
Relative Value Of Farmland (From Part V)	100	18	28	34	19
Total Corridor Assessment (From Part VI above or a local site assessment)	160	15	15	15	15
<b>TOTAL POINTS (Total of above 2 lines)</b>	<b>260</b>	<b>33</b>	<b>43</b>	<b>49</b>	<b>34</b>

1. Corridor Selected: <b>Alternative A</b>	2. Total Acres of Farmlands to be Converted by Project: <b>0</b>	3. Date Of Selection: <b>7/1/18</b>	4. Was A Local Site Assessment Used? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
---	---	--	---

5. Reason For Selection:  
**Alternative A was selected as the Preferred Alternative based on the results of engineering, environmental, and socioeconomic studies (see SDEIS). Advantages of Alternative A compared to the other Build Alternatives include lowest cost, including utilities; least acreage for ROW acquisitions; least area of stream impacts; lowest wetland impacts of the alternatives that meet the purpose and need; and no impact on Wildlife Action Plan (WAP) highest ranked habitat.**

Signature of Person Completing this Part: **Marc G. Laurin** *Marc G. Laurin* DATE **7/18/18**

NOTE: Complete a form for each segment with more than one Alternate Corridor

**FARMLAND CONVERSION IMPACT RATING  
FOR CORRIDOR TYPE PROJECTS**

<b>PART I (To be completed by Federal Agency)</b>		3. Date of Land Evaluation Request <b>6/22/18</b>	4. Sheet 1 of <b>1</b>
1. Name of Project <b>I-93 Exit 4A</b>	5. Federal Agency Involved <b>FHWA</b>		
2. Type of Project <b>highway interchange</b>	6. County and State <b>Rockingham County, NH</b>		
<b>PART II (To be completed by NRCS)</b>		1. Date Request Received by NRCS <b>6/22/18</b>	2. Person Completing Form <b>Peter Whitcomb</b>
3. Does the corridor contain prime, unique statewide or local important farmland? (If no, the FPPA does not apply - Do not complete additional parts of this form.)		YES <input type="checkbox"/> NO <input type="checkbox"/>	4. Acres Irrigated   Average Farm Size <b>0</b>   <b>125</b>
5. Major Crop(s) <b>corn silage, grass legume hay</b>	6. Farmable Land in Government Jurisdiction Acres: <b>349,686</b> % <b>75.2</b>	7. Amount of Farmland As Defined in FPPA Acres: <b>126,772</b> % <b>27</b>	
8. Name Of Land Evaluation System Used <b>Rockingham County</b>	9. Name of Local Site Assessment System <b>N/A</b>	10. Date Land Evaluation Returned by NRCS <b>7/5/18</b>	

<b>PART III (To be completed by Federal Agency)</b>	<b>Alternative Corridor For Segment <u>Alternative F (Corridor A)</u></b>			
	Corridor A	Corridor B	Corridor C	Corridor D
A. Total Acres To Be Converted Directly	<b>21.51</b>			
B. Total Acres To Be Converted Indirectly, Or To Receive Services	<b>0</b>			
C. Total Acres In Corridor	<b>21.51</b>			

<b>PART IV (To be completed by NRCS) Land Evaluation Information</b>				
A. Total Acres Prime And Unique Farmland	<b>0</b>			
B. Total Acres Statewide And Local Important Farmland	<b>1</b>			
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted	<b>0.001</b>			
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value	<b>78</b>			

<b>PART V (To be completed by NRCS) Land Evaluation Information Criterion Relative value of Farmland to Be Serviced or Converted (Scale of 0 - 100 Points)</b>	<b>3</b>			
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<b>PART VI (To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(c))</b>	Maximum Points				
1. Area in Nonurban Use	15	<b>0</b>			
2. Perimeter in Nonurban Use	10	<b>0</b>			
3. Percent Of Corridor Being Farmed	20	<b>0</b>			
4. Protection Provided By State And Local Government	20	<b>0</b>			
5. Size of Present Farm Unit Compared To Average	10	<b>0</b>			
6. Creation Of Nonfarmable Farmland	25	<b>0</b>			
7. Availability Of Farm Support Services	5	<b>0</b>			
8. On-Farm Investments	20	<b>0</b>			
9. Effects Of Conversion On Farm Support Services	25	<b>0</b>			
10. Compatibility With Existing Agricultural Use	10	<b>5</b>			
<b>TOTAL CORRIDOR ASSESSMENT POINTS</b>	<b>160</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b>PART VII (To be completed by Federal Agency)</b>					
Relative Value Of Farmland (From Part V)	100	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>
Total Corridor Assessment (From Part VI above or a local site assessment)	160	<b>5</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>TOTAL POINTS (Total of above 2 lines)</b>	<b>260</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>0</b>

1. Corridor Selected: <b>Alternative A</b>	2. Total Acres of Farmlands to be Converted by Project: <b>0</b>	3. Date Of Selection: <b>7/1/18</b>	4. Was A Local Site Assessment Used? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
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5. Reason For Selection:  
**Alternative A was selected as the Preferred Alternative based on the results of engineering, environmental, and socioeconomic studies (see SDEIS). Advantages of Alternative A compared to the other Build Alternatives include lowest cost, including utilities; least acreage for ROW acquisitions; least area of stream impacts; lowest wetland impacts of the alternatives that meet the purpose and need; and no impact on Wildlife Action Plan (WAP) highest ranked habitat.**

Signature of Person Completing this Part: **Marc G. Laurif** *Marc G. Laurif* DATE **7/18/18**

NOTE: Complete a form for each segment with more than one Alternate Corridor

# NHDOT Environmental Justice Analysis

STATE OF NEW HAMPSHIRE  
DEPARTMENT OF TRANSPORTATION  
INTER-OFFICE COMMUNICATION

DATE: June 4, 2018

*JA* FROM: Jay Ankenbrock, Chief of Labor Compliance

TO: John Butler, Geometrics Engineer, Highway Design

RE: Environmental Justice Population Analysis, Project: **Derry - Londonderry 13065**

The attached analysis and recommendations are provided pursuant to Title VI of the Civil Rights Act of 1964 and Executive Orders 12898 & 13166. The intent of these statutes is to ensure fair and full participation and the equal receipt of benefits under Federally-assisted programs. Your efforts to accommodate and encourage participation by traditionally underserved groups, where significant, will ensure program access and minimize the potential for disproportionate project impacts on protected groups.

The table entitled "EJ Population Analysis" shows the presence of protected groups that might be impacted by the project. Personnel responsible for project planning/design and the coordination of public meetings/hearings should use this analysis to guide their outreach efforts under Title VI and in support of developing a context sensitive solution. Based on the availability of information and where appropriate, we have included specific outreach recommendations to facilitate public comment from underrepresented groups.

Please note that US Census Bureau, American Community Survey (ACS) 2011-2015 data is used to provide to an EJ Population analysis for the project. If you have questions regarding this analysis, please contact me at 271-2467.

Encls: EJ Population Analysis, Derry - Londonderry 13065

cc: Keith Cota, Bureau of Highway Design  
Michael O'Donnell, Bureau of Traffic  
Kevin Nyhan, Administrator, Bureau of Environment  
Paul Coddington, Bureau of Right-of-Way

RECEIVED  
BUREAU OF ENVIRONMENT

JUN 05 2018

NH DEPARTMENT OF  
TRANSPORTATION

## EJ Population Analysis for Derry - Londonderry 13065

STUDY AREA	AVG% Elderly Population	AVG % Minority Population	AVG % Low-income Household Population**	AVG% LEP
Impacted Area – Rockingham County, 1 mile radius of project area.	13.5%*	3.9%	21.6%*	0.63%
Surrounding Area – Rockingham County, 3 mile radius of project area.	10.9%*	4.43%	9.4%	0.63%
<p>REMARKS:</p> <p>* The population percentage identified is meaningfully greater than the surrounding area and constitutes an EJ population. Characteristics of this particular study area indicate that targeted outreach efforts to solicit public participation should be taken.</p> <p>** Low-income population for this analysis is defined as household income of less than \$25,000.</p> <p>LEP Definition: Where there is a population of people who speak English as a second language less than well (as indicated by the U.S. Census data). When a particular LEP language group constitutes 5% of the impacted population, the Department is required to translate public information meeting notices and take appropriate measures to ensure language access. If this requirement exists, the Project Manager should contact the Title VI Coordinator for further assistance.</p>				

**Impacted Area:** The impacted area was defined by the project limits and a 1 mile radius the immediate vicinity.

**Surrounding Area:** The surrounding area was defined by a 3 mile radius (excluding the impact area) of the project area



**Special Considerations:** Special consideration should be given to any project features that affect pedestrian accessibility. This project constitutes an alteration in accordance with Title II of the Americans with Disabilities Act. As such, minimum ADAAG accessibility requirements apply, unless deemed technically infeasible.

ADAAG was adopted as the 2010 Standards for Accessible Design on July 23, 2010 by the DOJ. Additional information is located at <http://www.ada.gov/reg3a.html#Anchor-Appendix-52467>

For more information, I have also provided a link to the Draft Public Rights-of-Way Guidelines: <http://www.access-board.gov/guidelines-and-standards/streets-sidewalks/public-rights-of-way/background/revised-draft-guidelines>

The Draft PROWAG (Revised Draft Guidelines for Accessible Public Rights-of-Way) was released in November 2005 and has not been adopted by DOJ or FHWA. In 2006, FHWA issued a statement that the Draft PROWAG is to be considered best practice for making public rights-of-way accessible.

The Draft PROWAG includes specifications for detectable warnings and gives detailed information regarding their installation on curb ramps and on blended curbs, including at street corners, at cut-through islands and medians, and in front of buildings. It also has sections on accessible pedestrian signals (APS), roundabouts, channelized turn lanes, protruding objects, channelizing devices and barriers, and tactile and print signs.

**Outreach Recommendations:** In consideration of the populations above, we are providing contact information for all known agencies the project area. The Study area shows high rates for Low-Income and Elderly populations. These contacts should be included in your notification list for public information meetings and hearings related to this project

<u>Resident/Agency Address</u>	<u>Organization/Housing Type</u>	<u>Contact Information</u>
<b>Beaver Lake Lodge</b> 38 North Shore Road Derry, NH 03038	Seniors	Karen Massahos, Owner (603)434-5683 Cell: 479-4742
<b>Holiday Retirement at Birch Heights</b> 7 Kendall Pond Road Derry NH 03038	Seniors	Renee McCallister (603)425-7755
<b>Derry Healthcare &amp; Rehabilitation</b> 20 Chester Road Derry, NH 03038	Seniors	(603)432-3801
<b>Tender Care Homes Nursing Service</b> 4 Birch Street Derry, NH 03038	Seniors	(603)434-2535
<b>Greater Derry Londonderry Chamber of Commerce</b> 29 West Broadway Derry, NH 03038	Community (Business)	Ashley Haseltine, President (603)432-8205

<b>Derry Public Library</b> 64 East Broadway Derry, NH 03038-6410	Community	Susan Brown (603)432-6140
<b>Derry Community Television</b> 14 Manning St Derry, NH 03038	Community Television	Owen Provencher (603)845-5514
<b>Derry Parks &amp; Recreation</b> Veterans Hall 31 West Broadway Derry, NH 03038	Community	Eric Bodenrader (603)432-6136
<b>Town of Derry Municipal Center</b> 14 Manning St Derry, NH 03038	Municipal	David Caron, Town Admin. (603)432-6100
<b>Derry USPS Post Office</b> 24 Tsienneto Road Derry, NH 03038	Federal Government	(603)432-7835
<b>Town of Londonderry</b> 268-B Mammoth Road Londonderry, NH 03053	Municipal	Kevin Smith, Town Manager (603)432-1100 x120
<b>Leach Library</b> 276 Mammoth Road Londonderry, NH 03053	Community	Barbara Ostertag-Holtkamp (603)432-1132
<b>Londonderry Senior Affairs</b> 535 Mammoth Road Londonderry, NH 03053	Seniors	Catherine Blash, Director (603)432-8554
<b>Londonderry Access Center</b> 281 Mammoth Road Londonderry, NH 03053	Community Television	Drew Caron (603)432-1147 x179
<b>Londonderry USPS Post Office</b> 86 Nashua Road Londonderry, NH 03053	Federal Government	(603)432-7194

NH Department of Environmental Services and EPA  
I-93 TMDL Monitoring  
Implementation Plan

**New Hampshire Department of Environmental Services**  
**Memorandum**

To: Ted Diers, Gregg Comstock – NHDES  
From: Ted Walsh - NHDES  
Date: November 30, 2018  
Re: Revised I93 TMDL Implementation Monitoring Plan

On 10/31/18 representatives from NHDES, NHDOT, and EPA had a meeting to discuss changes to the I93 TMDL implementation monitoring plan. As a result of that discussion, and field reconnaissance of potential monitoring locations, the following is a proposed revised water quality monitoring plan for chloride and specific conductance.

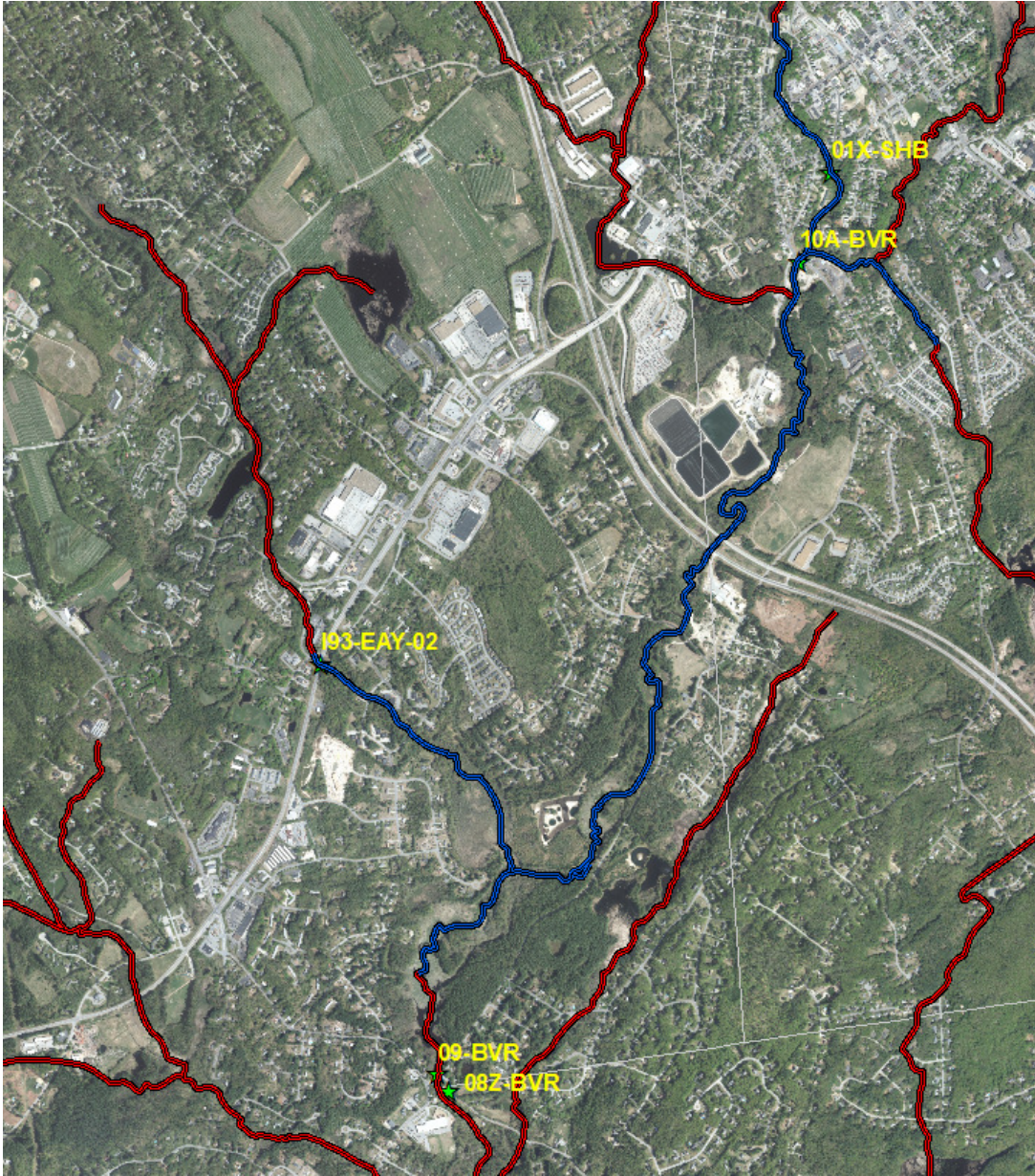
- Discontinue continuous monitoring of Dinsmore Brook (I93-DIN-01) by removing the datalogger. NHDES would continue to collect grab samples of specific conductance and chloride every six weeks at this station but the datalogger would be removed.
- Discontinue continuous monitoring of North Tributary to Canobie Lake (I93-NTC-01) by removing the datalogger. NHDES would continue to collect grab samples of specific conductance and chloride every six weeks at this station but the datalogger would be removed.
- Continue continuous monitoring of Policy Brook (I93-POL-01V) with a datalogger.
- Continue continuous monitoring of station 10A-BVR on Beaver Brook with a datalogger.
- Deploy a datalogger at a new continuous monitoring station (08Z-BVR) (Figure 1) in the Beaver Brook watershed just downstream of Kendall Pond and station 09-BVR which was monitored in prior years as part of the TMDL implementation monitoring. Station 09-BVR is upstream of the Kendall Pond dam and is a difficult location to deploy a datalogger and collect grab samples. Station 08Z-BVR is just 200 +/- feet downstream of the Kendall Pond dam and is a safer and more secure location for deploying a datalogger. This station, includes the Beaver Brook TMDL<sup>1</sup> watershed, and captures conditions downstream of I93 and the proposed Woodmont Commons development associated with Exit 4A.
- Deploy dataloggers at targeted confirmation monitoring stations that may change over time. Confirmation monitoring stations are typically sites that currently do not have sufficient data to determine if chloride is meeting surface water quality standards or the station is listed as impaired for chloride but the data is quite old. NHDES proposes that the first two confirmation monitoring sites be stations 01X-SHB (Shields Brook) and I93-EAY-02 (unnamed tributary to Beaver Brook) (Figure 1). These two stations, which are in the same assessment unit<sup>2</sup> as station 10A-BVR, have historic chloride impairments. Although 10A-BVR has not had a water quality violation since 2010 the historic impairments at 01X-SHB and I93-EAY-02 have prevented NHDES from being able to remove assessment unit NHRIV700061203-16 from the 303(d) list. Other confirmation monitoring locations may be selected in future years.

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<sup>1</sup> *Total Maximum Daily Load (TMDL) Study for Waterbodies in the Vicinity of the I-93 Corridor from Massachusetts to Manchester, NH: Beaver Brook in Derry and Londonderry, NH.* New Hampshire Department of Environmental Services. April 18, 2008.

<sup>2</sup> Assessment Unit NHRIV700061203-16.

Figure 1. Map of new and previous monitoring stations in the Beaver Brook watershed



## Cost Estimate

Table 1 provides a detailed summary of the estimated costs associated with the proposed monitoring plan including labor and equipment for each year over a 5-year period.

### *Year 1 Monitoring Equipment Costs*

Equipment purchases include U24-001 HOBO conductivity dataloggers. Although 5 stations are proposed to have dataloggers, 8 will be purchased in the first year to replace dataloggers that NHDES has purchased and used on the I-93 project, and to have a spare. The estimate also includes the purchase of 4 new dataloggers in years 3 and 5 to replace any damaged or lost dataloggers (i.e., due to vandalism, etc.). Dataloggers currently cost approximately \$700. As shown under Task 2 in Table 1, the total cost in Year 1 for the purchase of 8 dataloggers is \$5,600.

### *Year 1 Monitoring Labor Costs*

Labor costs are broken down into 2 monitoring tasks (1a and 1b) and a report development task (task 3).

Monitoring task 1a in Table 1 includes ten visits per year to maintain dataloggers, download data, take calibration measurements, and collect QA/QC data. Each visit consumes a complete work day including prep time, field time and post-processing of samples.

Monitoring task 1b in Table 1 includes ten visits per year to collect handheld specific conductance measurements and chloride lab samples to be used as QA/QC datapoints for datalogger data and to develop site specific relationship between specific conductance and chloride. Visits are spaced mid-way between the visits for Task 1a above.

The total labor cost associated with monitoring for Year 1 is estimated to be \$10,012.

### *Year 1 Report Development Labor Costs*

Task 3 in Table 1 shows the labor costs associated with report development. This task includes QA/QC of datalogger datasets (~35,000 data points per station monitored year round), uploading of data to the EMD, updating of site specific chloride/specific conductance regressions, and development of an annual data report. The total labor cost associated with report development for Year 1 is estimated to be \$11,800.

### *5 Year Labor and Equipment Costs*

Assuming a 3% inflation rate, Table shows that over a 5 year period, the total cost is estimated to be \$127,525 (= total labor cost of \$115,803 + total equipment cost of \$11,722).



**NH DEPARTMENT OF TRANSPORTATION  
BUREAU OF ENVIRONMENT  
CONFERENCE REPORT**

**SUBJECT:** Beaver Brook TMDL Monitoring  
**DATE OF CONFERENCE:** October 31, 2018  
**LOCATION OF CONFERENCE:** John O. Morton Building  
**ATTENDED BY:**

**NHDOT**  
Mark Hemmerlein  
Keith Cota

**EPA**  
Tim Timmerman  
Toby Stover  
Ralph Abele

**NHDES**  
Ted Diers  
Ted Walsh  
Gregg Comstock  
Andrea Bejtlich

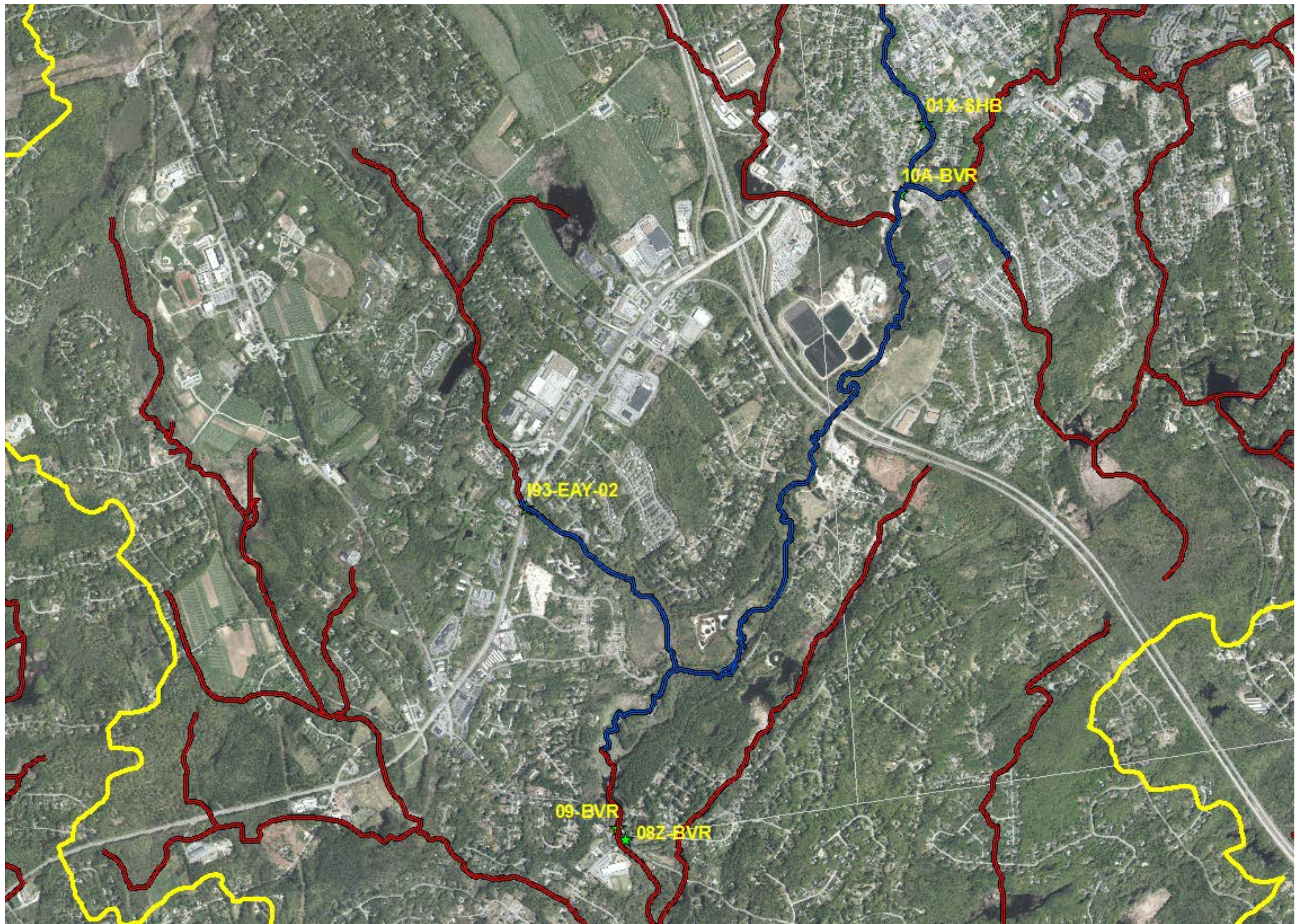
Ted Walsh opened the meeting describing where and what was sampled at 09-BVR, 10A-BVR and 10-BVR. The datalogger is currently at 10A-BVR, but DES has been taking grab samples at the other locations too. He also described the issues with 09-BVR, noting; the location has dam, it is very visible with a lot of people in the area, instruments has washed over the dam and instruments have been damaged. EPA also noted that impoundments may have chloride stratification issues as well. The group agreed the site was poor overall and a different location should be considered. We discussed the implications of reopening the 09-BVR site including its proximity to I-93, Woodmont Commons East noting there was a confluence just upstream of the Kendal Pond impoundment with a small tributary from the north. We discussed the goal would be to monitor the entire TMDL watershed rather than isolated actions such as the Exit 4A project and Woodmont Commons etc. So a new site just north of the impoundment would be ideal, if accessible. We discussed the collection protocol. Sample could be taken with periodic grab sample or with a conductivity datalogger. There was consensus that a datalogger should be used. Ted Diers discussed the broader chloride TMDL monitoring and suggested that the dataloggers at Dinsmore and West Tributary to Canobie Lake be removed. Essentially, each has issues and DES was not gaining much useful information from these data collection installations.

Keith noted that the new monitoring could be supported by the proposed Exit 4A project and it would support the Best Management Approach described in the Exit 4A National Environmental Policy Act (NEPA) document and in the Small Municipal Separate Storm Sewer (MS4) permit. We discussed how the data would be utilized. There was some discussion about the pre vs post analysis and just trend monitoring. The group agreed that trend monitoring would best noting the very high variability in this kind of data. This dataset would be additive to the original TMDL and the previous 12 years of monitoring. In the end, it should provide a good picture of the chloride status of Beaver Brook and could be used for future comparisons. Ted Walsh suggested three locations in Beaver Brook that could be used and was going to investigate the locations. Mark suggested and DES agreed the Quality Assurance Project Plan (QAPP) for the TMDL and post TMDL should be amended to incorporate the proposed changes. DES was going to develop a fee based on the amended QAPP and DOT would develop a Memorandum of Agreement to transfer funds to DES for the proposed work.



EPA still had some concerns over the load side of the TMDL equation noting that compliance is predicated on increased use of Best Management Practices (BMPs). Ted Diers and others remarked that an accurate quantitative accounting of the salt use in the watershed has proven to be nearly impossible to achieve. However, as demonstrated with other chloride TMDLs, a BMP approach can be used to determine TMDL compliance. The BMP approach is already incorporated into the MS4 permit. NHDOT, Londonderry and Derry have all filed Notices of Intent to comply with the MS4 permit and will be incorporating their BMPs into their Chloride Reduction Plans to be published in June of 2019. They will also be reporting on the effectiveness within the MS4 annual reports.

The current Daft Exit 4A NEPA document has a general statement about chloride monitoring, which is planned to be published on November 2, 2018 and it is too late to add any information about the current meeting. However, more information about the proposed monitoring can be added to the final document. The group agreed to meet in approximately three weeks to discuss the field investigation, revised QAPP and the fee. Also included in that meeting will be representatives from Londonderry and Derry.



USACE and EPA Mitigation Approach for  
Wetlands, Streams, and Vernal Pools

## MEETING NOTES

March 15, 2019, 10:30 am

**PROJECT NUMBER:** NHDOT 13065  
**PROJECT NAME:** Derry-Londonderry, Exit 4A  
**RE:** Resource Agency Meeting  
 Mitigation Approach for Wetlands, Streams and Vernal Pools

**ATTENDEES:**

Name	Company
Jamison S. Sikora	FHWA-NH
Dale Keirstead	NHDES
Lori L. Sommer	NHDES
Andrew O'Sullivan	NHDOT
John Butler	NHDOT
Keith A. Cota	NHDOT
Kevin Nyhan	NHDOT
Marc G. Laurin	NHDOT
Sarah Large	NHDOT
Michael Fowler	Town of Derry
Janusz J. Czyzowski	Town of Londonderry
Lindsey Lefebvre	USACE
Ruth Ladd	USACE
Michael C. Hicks	USACE
Mark Kern	USEPA
Lee Carbonneau	Project Team (Normandeau Associates)
Leo Tidd (phone)	Project Team (Louis Berger)
Christopher Bean	Project Team (Fuss & O'Neill)

**SUBMITTED BY:** CB/jr

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**1. Introductions**

**2. Project Description and Schedule – K. Cota**

- a. Purpose & Need: To reduce traffic on NH 102 in downtown Derry and to promote economic development
- b. Preferred Alternative A was presented at a combined NHDOT, NHDES and ACOE Public Hearing on 12.5.18
- c. The layout includes a new diamond shaped interchange located approximately 1 mile north of Exit 4 with access to the east only, a 1 mile long connector road to N. High

**Meeting Notes****March 15, 2019****Derry-Londonderry 13065, Exit 4A, Resource Agency Meeting****Page 2 of 4**

Street / Folsom Road intersection then approximately 2.2 miles of improvements east along Folsom Road and Tsienneto Road to and including the intersection with NH 102

- d. Several drainage easements are proposed at stormwater outlets to allow for treatment options
- e. Have applied for NHDES and ACOE wetland permits
- f. Currently addressing hearing comment for the Report of the Commissioner
- g. Goal is for a Special Committee Finding of Necessity Meeting in late May or early June
- h. Target is for the Final EIS / ROD in June 2019
- i. Looking for assurances that we are working cooperatively so the permits are not needed to be issued prior to the ROD
- j. Using Design / Build process, NHDOT will be shortlisting Design-Build (DB) Teams, will make the selection of a DB Team, then get the DB Team to provide information to get the WQC in about one year from now
- k. NHDOT is now working in collaboration with both Towns but will take over full responsibility for construction of the project after the ROD is issued. After construction the new Exit 4A interchange will be under NHDOT management while the roadways from the ramps east will be under the Towns' management
- l. The selected DB Team will get the Base Technical Concept (BTC), which they may adjust the layout of to reduce impacts and address constructability issues
- m. NHDES Wetland Permit
  - i. NHDOT is looking to get the permit now based on the BTC then modify by amendment as the DB Team develops final design
  - ii. Lori Sommer noted she was not sure if this is acceptable and will get back to NHDOT
- n. The development of the 401 Water Quality Certification application will be the responsibility of the Design/ Build Contractor. The NHDOT will submit the application to NHDES

**3. RFMI Update – L. Carbonneau**

- a. NHDOT met with NHDES on 1.3.19 to go over NHDES comments on the wetland permit application.
- b. Lee Carbonneau noted that revised plans and the narrative for the 20 questions along with written responses to all the comments will be provided to NHDES before the end of the month
- c. Lori Sommer asked and it was agreed that a meeting will be set up to go over the revisions

**4. Stream Mitigation – S. Large**

- a. Purpose of this PPT presentation was to get approval that the SPIP (Stream Passage Improvement Program) approach was acceptable for this project.
- b. S. Large noted the Town of Derry submitted two town road crossings (Cemetery Road over West Running Brook and Sunset Ave over the West Running Brook Tributary) and the NHDOT added 4 for consideration (NH 102 over Tributary E, NH 28 Bypass over West Running Brook, NH 102 over Manter Brook, and NH 102 over Unnamed Brook in Derry). The locations are within the HUC 12 Beaver Brook watershed.
- c. Existing data for each crossing was reviewed.

**Meeting Notes****March 15, 2019****Derry-Londonderry 13065, Exit 4A, Resource Agency Meeting****Page 3 of 4**

- d. Noted some evaluation on the PPT and handout may not be an accurate assessment of the stream or culvert characteristics. Once approval is given to proceed, additional assessments will occur and a rating form will be created to identify the highest priorities and costs.
- e. Goal would be to develop each project separately with a full assessment of historic, archaeological, hydraulic and other constrains. If the project moves forward to construction, then the costs would be covered as part of the mitigation payments. If all the Stream Mitigation funds cannot be spent as part of the SPIP Program, any remaining funds will be directed back to the ARM Fund.
- f. Consensus was reached that pursuing the SPIP Program will be acceptable.
- g. Goal will be to come up with two culverts
- h. Lori Sommer agreed to discuss internally and work with NHDOT as more information is obtained. Other culverts may need to be investigated

**5. Vernal Pool Impact Mitigation – L Carbonneau**

- a. Direct impacts were included in the Forested Wetland ARM
- b. Vernal Pool quality multipliers for direct impacts were added to the ARM
- c. Vernal Pool 11 impact has been avoided.
- d. The Corps and EPA made it clear that mistakes were made in two areas:
  - i. The calculation of mitigation for direct impacts to VPs was done incorrectly.
  - ii. Secondary impacts to VPs were not included in the write-up and this needs to be added.
- e. Ruth Ladd noted that for pools eliminated by direct fill and mitigated through in-lieu-fee, the 13,000 factor was developed to account for the representative cost to preserve 1 vernal pool; 39,000 to preserve 3 vernal pools; and 62,000 to preserve 5 vernal pools. The 250 foot life zone is not evaluated in the mitigation costs. Lee Carbonneau noted that direct impacts to four vernal pools would likely result in their being eliminated, and there will be direct impacts to three others that we expect to continue functioning as vernal pools.
- f. Ruth Ladd indicated that for partially impacted pools, as well as those not directly filled but have Critical Terrestrial Habitat (CTH) impacts (i.e., vernal pools within 750 feet of the proposed road), secondary impact mitigation is based on the reduction in habitat value. For each high or medium value vernal pool, we must re-evaluate the vernal pool assessment form assuming the built condition, re-calculate the total score, and compare it to the VP value under existing conditions. If the total value score under the built condition drops the VP level below the existing condition, then this loss in value is to be included in the ARM fund calculator as a secondary impact. For example if a high value VP of 65,000 drops to a medium value VP of 39,000 the loss value of 26,000 is entered in the ARM fund calculator. Similarly, if a high value pool drops to a low value, then the area to be included is 52,000 ( $65,000 - 13,000 = 52,000$ ). Low value vernal pools do not need to be evaluated. Typically vernal pools over approximately 450 feet from the impact limits will not be affected sufficiently to drop in value. We should refer to Table 4.12-5 of the SDEIS to identify pools with impacted CTH.
- g. Ruth Ladd noted to subtract the “edge effects” mitigation cost where there is secondary edge effect overlap.

**Meeting Notes**

**March 15, 2019**

**Derry-Londonderry 13065, Exit 4A, Resource Agency Meeting**

**Page 4 of 4**

- h. Project Team will re-quantify the impacts and mitigation quantities and then coordinate directly with Ruth Ladd to insure consistency with the guidance.

**6. Other Mitigation Option – K Cota**

- a. NHDOT was contacted by Bob Spoerl, Derry Conservation Commission about a potential preservation mitigation of a 34 acres parcel at 4 Gill Road, near Ballard Pond and adjacent to Ballard State Forest, The parcel is in the Spicket River watershed, with a \$250K assessed value by Derry.
- b. DNCR (formally DRED) may be interested in taking over the management of the parcel if it is purchased.
- c. The parcel appears to be mostly uplands with fringing wetlands along Ballard Pond. The Rockingham Recreational Trail is adjacent to it.
- d. Keith asked if there interest to pursue this parcel? There was consensus that the parcel should be evaluated even though it is not in the Beaver Brook watershed. The parcel will be considered as long as DNCR will manage it, that it is used for passive recreation only, and the owner agrees to the purchase price (no eminent domain).
- e. Ruth Ladd noted to use the USACE 20:1 preservation ratio to determine credits for the wetlands; it is 15:1 for uplands.
- f. A field review will be conducted by NHDOT and coordinated with the agencies, Town of Derry and DNCR to determine if it is appropriate parcel to preserve.
- g. Kevin Nyhan stated that if the parcel purchase works out, 35 acres of preservation is estimated to be equivalent to 1.5 to 2 acres reduction in ARM payment. (1.5 acres of Derry mitigation is worth about \$330K.)

**If this memo is not in conformance with your recollection of the meeting, please contact us within 5 business days.**

cc by email: Attendees

# FHWA Approval for Interchange Justification Report





U.S. Department  
of Transportation  
**Federal Highway  
Administration**

**New Hampshire Division**

October 21, 2019

53 Pleasant Street, Suite 2200  
Concord, NH 03301  
(603) 228-0417

In Reply Refer To:  
HDA-NH

Ms. Victoria F. Sheehan  
Commissioner  
New Hampshire Department of Transportation  
7 Hazen Drive  
Concord, NH 03302-0483

Attn: Mr. Keith Cota

**Subject: Derry- Londonderry 13065, IM-0931(201)  
I-93 Exit 4A Interchange Justification Report**

Dear Commissioner Sheehan:

FHWA is in receipt of your letter requesting approval of the access change for Engineering and Operational Acceptability for the I-93 Exit 4A. The construction of this diamond interchange is to reduce congestion and improve safety along NH 102 from I-93 easterly through downtown Derry and to promote economic vitality in the Derry/Londonderry area.

Based on the New Hampshire Division review, we determined the proposed interchange to be engineering and operationally acceptable. Please keep in mind that FHWA final approval for this change in interstate access is contingent on the outcome of the ongoing NEPA process and all other requirements being satisfied. This approval is subject to reevaluation if significant changes occur in the final design or if the construction is delayed (23 U.S.C. 111, 23 CFR 625.2(a), and 23 CFR 771.129).

Should you have any questions, please contact Ms. Yamilée Volcy, Engineering and Operations Supervisor, at 603-410-4842 or [Yamilee.Volcy@dot.gov](mailto:Yamilee.Volcy@dot.gov).

Sincerely,

Patrick A. Bauer, P.E.  
Division Administrator

**ecc:**

**William Cass, NHDOT**

**Peter Stamnas, NHDOT**

**Cindy Vigue, FHWA**

**Yamilee Volcy, FHWA**

**Jamison Sikora, FHWA**

10/24/2019 Interagency Meeting Summary  
and Response to Participating Agency Comments on  
the Administrative Draft FEIS

## MEETING NOTES

October 24, 2019

**PROJECT NUMBER:** 20050244.000  
**PROJECT NAME:** 13065 - Exit 4A  
**ATTENDEES:**

Bill Cass	NHDOT
John Butler	NHDOT
Marc Laurin	NHDOT
Jamie Sikora	FHWA
Mike Fowler	Town of Derry
Tim Timmermann	EPA
Newt Tedder	EPA
Ted Diers	NHDES
Nicole Fox	Fuss & O'Neill
Joel Detty	Normandeau
Lee Carbonneau	Normandeau
Leo Tidd	WSP
Susan Van Dyke	WSP

**RE:** Conference Call with EPA and NHDES on AFEIS Response to Comments  
**SUBMITTED BY:** LT, Revised by TT 10/30/2019

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The purpose of the conference call was to discuss the FHWA/NHDOT/Towns draft responses to EPA's comments on the Administrative Draft FEIS. The comment numbers below refer to the numbering in the draft comment-response matrix circulated to EPA, NHDES and NHDHR on 10/14/2019.

EPA indicated they have reviewed the draft responses and that two of the comments required further discussion, No.10 and No. 11.

- **Comment No. 10.** EPA clarified that their intention with respect to the public drinking water systems was that a commitment be added to notify the well owners at an appropriate time after the NEPA process, not to suggest that further information on the wells was necessary to evaluate impacts in the FEIS. NHDOT agreed to add a commitment in the FEIS to contact the well owners during the final design process.
- **Comment No. 11.** The group discussed various perspectives on anti-degradation provisions, the MS4 permit and the Exit 4A Section 401 (c) Water Quality Certification. During the discussion EPA suggested that NHDOT and NHDES coordinate closely to determine how anti-degradation provisions would be met for the project and reflect this commitment to coordinate in the FEIS. At the conclusion of this discussion, NHDES, NHDOT, FHWA and the Town of Derry agreed that compliance with anti-degradation requirements will be addressed during the ACOE 404 permitting process (specifically the 401(c) Water Quality Certification required from NHDES) to ensure that anti-degradation requirements are met.

**MEETING NOTES**  
**October 24, 2019**  
**13065 – EXIT 4A**  
**PAGE 2 OF 2**

**Comments No. 12- 20.** NHDES indicated their agreement with the responses to their comments on the AFEIS.

**Attachment:** Revised Response to Participating Agency Comments

**If this memo is not in conformance with your recollection of the meeting, please contact us within 5 business days.**

End of document

## FINAL RESPONSES TO PARTICIPATING AGENCY COMMENTS ON ADMINISTRATIVE DRAFT FEIS

Note on version: Subsequent to the 10/24/2019 interagency conference call, EPA provided edits to the draft responses to comments and those edits have been accepted in this final version.

Title of Document	Type of Document	Version of Document/File Name	Date Released for Review
Administrative Draft FEIS	FEIS	I-93 Exit 4A FEIS_Volume I	August 20, 2019

No.	Chapter	Resource Section	Page*	Exhibit No.	Priority**	Reviewer Comment	Reviewer Initials	Response
1					1	DOT has recently discovered a previously un-inventoried stone box culvert. The status of this culvert in relation to the project APE, and determination of appropriate steps to address Section 106 assessment is pending.	LSB, DWT (DHR)	NHDOT has committed to avoid impacts to the stone culvert through the design process. NHDOT is in process of hiring an archeological consultant to begin the Phase 1A/Phase IB study for 30 Tsienneto Rd, , along with the 1B archeological evaluations of the two previously identified areas sensitive for pre-contact Native American archaeological resources. NHDOT will commit to ensure all appropriate phases of archaeological investigation based upon these findings will be completed through the design process. This commitment is included in the draft MOA provided to NHDHR for review on 10/8/2019.
2	Appendix K					Determination of Effects Memo signed 8-13-19	LSB (DHR)	The signed Determination of Effects Memo was included in Appendix K, however the Appendix K table of contents will be updated to reference the final Determination of Effects Memo (instead of the draft).
3	4	4.18-2	4-203		4	Add Manchester & Lawrence Railroad to tables as appropriate and adjust numbers as needed.	LSB (DHR)	The Manchester & Lawrence Railroad will be added to FEIS Table 4.18-2
4	4	4.18.4	4-210		4	Separate DER0055 entry into new para	LSB (DHR)	Formatting error putting DER0055 in the same paragraph as DER0054 will be corrected.
5	4	4-18-4	4-201		4	Provide statement expressing the need for future archaeological study to address sensitivity areas P10 and P3 should Alternatives C, D or F be selected	DWT (DHR)	A sentence regarding the future archaeological study requirements for Alternatives C, D and F will be added as requested.
6	4	4.18.5	4-214		3	Reiterate comment for 2 <sup>nd</sup> sentence in the 1 <sup>st</sup> para: Add statement to be clear that effects tables were only completed for Alternative A, and that effect evaluations for Alternatives B-F date to 2007 based on information available at that time and haven't been updated.	LSB (DHR)	The first paragraph of AFEIS page 4-214 will be revised as follows (changed text in red): "The five Build Alternatives were reviewed to determine whether or not they impact any known historical resources, and the results are summarized in the following subsections. <b>For the Preferred Alternative only</b> , updated effects tables are provided in Appendix K. <b>Effects tables were not prepared for Alternatives B-F and the evaluation of impacts for those alternatives relies on the effects determinations made at the time of the 2007 DEIS. Updated effects tables for all alternatives are not required for the Section 106 process and the previously developed information on the impacts of Alternatives B-F provides sufficient detail to make comparisons between the alternatives with respect to cultural resource impacts under NEPA. The overall approach to the cultural resource data updates for the SDEIS was presented to and agreed on with NHDHR in 2016 (2/11/2016 agency meeting on SDEIS scope of work).</b> Section 4(f) historic resource impacts are addressed in Chapter 7.
7	7	7.4.1	7-7		4	Separate M&L RR entry into new para. Make sure that language from Effect memo is used (includes realignment impact)	LSB (DHR)	Sentence on Manchester & Lawrence railroad will be made a separate paragraph and the language conformed to the final Effect memo.
8						AFEIS Response #5: We recommend that a complete response to EPA DEIS Recommendation #5 be provided. In particular, the response should address the nexus between the proposed connector road and future development as this relationship bears directly on the appropriate level of mitigation to address impacts from both components of the project purpose.	TLT (EPA)	The Administrative Draft FEIS inadvertently omitted the response to comment #5 of EPA's December 28, 2019 letter. A full response is provided below. Also note that the key substance of comment #5 (responsibility of FHWA/NHDOT/Towns for compensatory mitigation of future private development) was addressed in the Administrative Draft FEIS's responses to EPA's January 31, 2019 letter to USACE.  <b>Response to Comment F4-5</b>  The comment asserts a full impact assessment has not been provided, the lead agencies disagree. As discussed in response to Comment F4-4, the "full range" of impacts to aquatic resources have been identified.

# I-93 EXIT 4A

## FINAL RESPONSES TO PARTICIPATING AGENCY COMMENTS ON ADMINISTRATIVE DRAFT FEIS

No.	Chapter	Resource Section	Page*	Exhibit No.	Priority**	Reviewer Comment	Reviewer Initials	Response
								<p>The nexus between the proposed project and the future development was thoroughly documented in the SDEIS and associated Land Use Scenarios Technical Report (which EPA was given an opportunity to review and comment on as a participating agency). FEIS Table 5.2-5 provides a summary of the indirect land use effects of the Preferred Alternative, showing the incremental development attributable to the project. Based on the Land Use Scenarios Technical Report, development of Woodmont East at a much lower scale (primarily residential) is assumed under the 2040 No Build condition. The new interchange and connector road would potentially enable larger-scale commercial and institutional land uses on the site.</p> <p>With respect to compensatory mitigation, the lead agencies maintain the position articulated in the SDEIS that the private developer is fully responsible for the impacts of their development and the basis for this position is documented in detail in FEIS Appendix L: <i>Consideration of Woodmont Commons East Aquatic Resource Impacts and Mitigation for NEPA and Section 404 Permitting</i>. The FEIS discusses the types of mitigation that could be undertaken by future private development (consistent with NEPA requirements to disclose potential mitigation outside the control of the lead agencies) and the likelihood the mitigation being implemented. This future mitigation by the private developer is under the control of the regulatory agencies and is outside the control of the transportation agencies. The private developer would need to obtain their own permits and environmental approvals, and as part of this permitting process would need to provide adequate compensatory mitigation under Section 404 and NHDES wetland rules.</p>
9						<p>General Comment:</p> <p>We note that the responses provided to our comments on the DEIS after comment #5 appear to be mis-numbered. AFEIS Response #6 appears to be provided in response to EPA DEIS Recommendation #7, AFEIS Recommendation #7 is provided in response to EPA DEIS Recommendation #8, and AFEIS Response #8 appears to be in response to EPA DEIS Recommendation #9. AFEIS Responses 9, 10, and 11 follow this same pattern and respond to EPA DEIS Recommendations 10, 11 and 12.</p>	TLT (EPA)	The comment document numbering and correspondence to the responses to comments will be corrected. The response to EPA Comment F4-5 will be revised as noted above. The response to comment F4-6 will be "comment noted". The response to comment F4-7 through F4-11 will be appropriately renumbered.
10						<p>AFEIS Response #8 (response to EPA DEIS Recommendation #9):</p> <p>Because some of the public drinking water suppliers in the project area are under private, not municipal ownership, we recommend that contact with public drinking water systems (under either type of ownership) be made directly by NHDOT to the affected owner. As we noted in our DEIS comments we continue to recommend that the following public drinking water systems in the study area be contacted or authorized in or at Barancres Association in Derry (Wells No. 1 and 2), Morningside Drive in Derry (Wells 10 and 11), and Springbrook in Derry (Wells 12 and 13).</p> <p>Because the wellhead protection areas for these public water suppliers extend beyond the sanitary protection radius of 75-400 feet identified as the area of concern in the AFEIS response we recommend that the FEIS describe likely mitigation measures that will be selected if the project area intersects a Zone 2 Wellhead Protection Area as defined by the State of New Hampshire.</p>	TLT (EPA)	<p>An appropriate NEPA evaluation was performed to identify public drinking water supplies and describe the policies and procedures governing protection of these resources in the FEIS. State rules regarding protection of groundwater resources (AoT rules Env-Wq 1500) will be adhered to in final design and further groundwater protection measures outside the sanitary protective radius will be implemented to the extent practicable. Specifically, the FEIS references adherence to NHDES's <i>Recommendations for Groundwater Protection Measures when Siting or Improving Roadways</i> as detailed in FEIS section 4.13.3. Per discussion with EPA on 10/24/2019, a commitment has been added to the FEIS for NHDOT to contact the three private drinking water supply wells during the final design process. The response to EPA's SDEIS Comment # F4-9 will be updated accordingly to include this commitment. The owners of the wells have also been added to the project mailing list to be notified of the public release of the FEIS.</p> <p>With respect to the second part of the comment on the procedures to be undertaken if the project intersects a Zone 2 Wellhead Protection area, specific measures would need to be determined as part of the final design process. State rules for protecting groundwater resources (Env-Wq 1500) include required protection of groundwater resources within a well's sanitary protective radius. Outside the sanitary protective radius (e.g. WHPAs) the NHDES has recommendations (not rules) for protecting groundwater resources. The most current NHDES guidance for development within WHPAs will be conformed to as practicable. At this time NHDES guidance (in the <i>Recommendations for Groundwater Protection Measures when Siting or Improving Roadways</i> document) does not have specific measures for development within different WHPA zones and is discussed in FEIS section 4.13.3.</p>

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						<p>Zone II is defined as: "The entire extent of the aquifer deposits which would fall within, and upgradient from, the production well's capture zone based upon the predicted drawdown after 180-day drought conditions at the approved pumping rate Interim Wellhead Protection Area (IWPA): for wells lacking Zone II; 400 foot to one half-mile radius from well, proportional to pumping rate Zone III: the entire watershed upgradient of Zone II."</p> <p>Additional information regarding NH Wellhead Protection Areas can be obtained from:  <i>New Hampshire Department of Environmental Services</i>                      Contact: <i>Pierce Rigrod</i>                      Email: <i>Pierce.Laskey-Rigrod@des.nh.gov</i>                      Phone (603) 271-0688</p>		
11						<p>AFEIS Response #9 (to EPA Recommendation #10):</p> <p>EPA's comments on the DEIS recommended an evaluation of how future chloride load reductions in the watershed could be achieved to accommodate additional chloride loading from the project and the development it will support in compliance with the TMDL.</p> <p>The AFEIS responses to chloride load recommendations (provided in our comments on the DEIS and in comments sent to the U.S. Army Corps of Engineers related to the Section 404 Clean Water Act permit) interpret the language of the NH MS4 Permit to mean that new discharges of chlorides are allowed, and if discharges comply with the MS4 Permit, then they comply with the TMDL. We commend the stated commitment to meeting TMDL goals through MS4 Permit compliance. However, the response tends to oversimplify the relationship between the NH MS4 permit and the TMDL. While Appendix F Part I of the NH MS4 permit does have specific requirements for those permittees subject to the Chloride TMDLs in the State of New Hampshire, the permit contemplates meeting TMDL goals using a combination of the requirements of Appendix F Part I along with compliance with all other applicable requirements of the permit. For instance, Part 2.1.2.a of the permit requires that any increase in pollutant loadings from the MS4 need to comply with State Antidegradation provisions, including information submittal requirements and obtaining authorization for increased discharges (or increased pollutant loads) where appropriate. We recommend continued work with NH DES to ensure the requirements of Part 2.1.2.a. of the Permit are met and project compliance with State Antidegradation provisions to ensure that increased discharges</p>	TLT (EPA)	<p>The FEIS presents sufficient detail on the chloride loading to the Beaver Brook watershed and chloride load reduction mitigation measures to demonstrate that a "hard look" at the issue of chloride and consistency with the TMDL was undertaken in compliance with NEPA. The FEIS identifies chloride mitigation, including Town commitments to encourage and/or require Green Sno Pro requirements for certain developments and in-stream chloride monitoring, among other mitigation measures. The lead agencies acknowledge that additional information could be requested by NHDES (including, but not limited to, information related to anti-degradation requirements) as part of the Section 401(c) Water Quality Certification process. Per the 10/24/2019 interagency coordination conference call, with EPA, NHDES, NHDOT, FHWA and the Town of Derry agreed that compliance with anti-degradation requirements will be addressed during project permitting.</p> <p>The response to EPA's SDEIS comment #F4-10 will be revised as follows:</p> <ul style="list-style-type: none"> <li>The FEIS presents sufficient detail on the chloride loading to the Beaver Brook watershed and chloride load reduction mitigation measures to demonstrate that a "hard look" at the issue of chloride and consistency with the TMDL was undertaken in compliance with NEPA. Information on baseline condition chloride loading was previously documented in the TMDL Study, and reductions in loading due to BMPs were documented in the Chloride Reduction Implementation Plan (all documents incorporated by reference in the FEIS). The FEIS identifies chloride loading impacts and mitigation, including Town commitments to encourage and/or require Green Sno Pro requirements for certain developments and in-stream chloride monitoring, among other mitigation measures. Chloride-related regulatory issues were discussed during an interagency conference call with EPA, NHDES, NHDOT, FHWA and the Town of Derry on 10/24/2019. NHDES, NHDOT, FHWA and the Town of Derry agreed that compliance with anti-degradation requirements will be addressed during the ACOE 404 permitting process (specifically the 401(c) Water Quality Certification required from NHDES) to ensure that anti-degradation requirements are met.</li> </ul>

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						will not eliminate any existing uses of waterbodies or will impact the water quality needed to maintain and protect those uses. The results of the Antidegradation analysis, and subsequent State approval will be necessary prior to construction. We recommend that the steps NH DOT will take to achieve this outcome be documented in the FEIS and Record of Decision (ROD). Also, the Beaver Brook TMDL clearly identifies pollutant load reductions needed to protect water quality in Beaver Brook and we recommend that a quantitative analysis be provided prior to the end of the NEPA process to document how the total load of chloride to Beaver Brook will not increase (or is offset by other actions) as a result of the proposed activity to satisfy the TMDL. We are available to continue to work with NHDOT, FHWA and NH DES on chloride loading issues and encourage you to contact Newton Tedder of our office at 617-918-1038 to coordinate further on this issue.		
12	4	4.12.3 Mitigation	4-143		3	The discussion has adequately addressed comments provided by NHDES mitigation staff at 3/15/2019 meeting. The only outstanding issue is finalizing any permittee-responsible mitigation noted on page 4-145 relative to land conservation and culvert/barrier replacements. These components will need to be completely finalized prior to permit issuance.	LLS (NHDES)	Comment noted, land conservation and culvert/barrier replacement elements of the mitigation package will be finalized and the in-lieu fee calculation updated as appropriate during final design and permitting.
13	4.4.2	Air Quality/Affected Environment	4-45		4	The 2015 and 2016 1-hour Nitrogen dioxide values in Table 4.4.2 on Page 4-45 should be changed to "NA" and the corresponding three-year ranges for the 2014, 2015 and 2016 1-hour Nitrogen dioxide values in Table 4.4.2 should be added to those cells of the table.	TW (NHDES)	No change to the table is possible because three years of 1-hr NO2 data is not available for the selected years shown in Table 4.4-2. A note has been added to the table to indicate that 1-hr NO2 monitoring did not start at the Moose St. school until 10/1/2014 and thus there is not a full year of data available for 2014.
14	4	4.10.3	4-93		3	Since there are 50 potential contamination sites in the selected alternative A project area, any construction dewatering discharges will need the RGP	JA (NHDES)	A reference to the Remediation General Permit for discharges of treated groundwater at contaminated sites will be added to FEIS Section 4.10.3. In addition, NHDES groundwater discharge permit requirements will also be referenced.
15	4	4.11.3	4-118		4	NHDOT, Derry and Londonderry appear to be committed to following the MS4GP and the implementation plan for the Beaver Brook TMDL. If they accomplish what the permit requires for the TMDLs for bacteria, chloride and phosphorous, the requirements for new/increased discharges should be met. This FEIS should note that potential load reductions are possible at other impervious surfaces in the towns, ie. where Green SnowPro training could be required and/or encouraged.	TED (NHDES)	Comment noted. The potential for chloride reductions from private sources in the watershed through the use of BMPs is discussed in the FEIS and Chloride Technical Report. Derry has issued a letter to NHDOT stating its commitment to reducing chlorides in the Beaver Brook watershed, including encouraging Green SnowPro certification within the private sector as will be added to the FEIS. Londonderry's commitment to require Green Snow Pro training and chloride reporting for certain sources will also be added to the FEIS.
16	4	4.11.3	4-118		4	Any modifications of the MS4GP that drop requirements with respect to water quality could be inconsistent with the final EIS	JA (NHDES)	Potential future changes to the MS4 General Permit are speculative and outside the scope of the EIS.
17	4		4-123		3	Three years of chloride monitoring at station 08Z-BVR to assess post construction impacts may not be adequate to assess any	JA (NHDES)	The FEIS will be updated to indicate a commitment to five years of post-construction chloride monitoring at station 08Z-BVR.

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						trends in water quality should the winter conditions vary dramatically between those years.		
18	Appendix I		I-3	Table 1		The footnote at the bottom of the functions and values table for alternative A indicates 7 additional wetlands to be impacted by alternative A which have not been evaluated. There appears to be no information provided on the location or functions and values, or connectivity of associated wetlands and vernal pools for these wetlands.	CDR	Additional wetlands that may be affected by the recently designed stormwater treatment features will be evaluated and the information on the location, and functions and values will be added to the FEIS prior to the public release and incorporated in the permit applications. The additional wetland information is not expected to substantially change the order of magnitude of the preferred alternative impacts or the relative comparison between the impacts of the alternatives.
19	Appendix H and I and wetlands plan in volume II.					These do not appear to review the area on the west side of I93 for possible vernal pools. This area should be considered and reviewed to ensure complete documentation of vernal pools and any subsequent impacts and mitigation.	CDR	Vernal pool data was obtained from the I-93 widening project, 2006 and 2009 vernal pool surveys, and 2014-2015 vernal pool surveys. Natural resource field surveys for the Exit 4A project were confined to the field study area, as was protocol for field surveys. West of I-93, the field study area extends approximately 200 feet from the highway as no alternatives provide access west of I-93. No vernal pools were identified in this field study area, so direct vernal pool impacts are not expected. For any subsequent development west of the Exit 4A project limits, natural resource assessment and permitting would be the responsibility of the developer.
20	Wetlands impact plans in Volume II	Volume II	37	Figure 4		There appears to be a discrepancy between the limits of wetlands on the plans and existing wetlands on site and comparing to pre-existing wetland plans for the areas along the I93 corridor.	CDR	<p>The discrepancies that NHDES identified between the I-93 wetland delineation and the Exit 4A delineation are noted. The wetlands in the vicinity of Exit 4A were delineated by Normandeau Associates Certified Wetland Scientists and field verified in 2017. Minor differences between the Normandeau delineations and the I-93 delineations may be attributable to changes in federal delineation procedures, including the publication of the 2012 regional supplement to the federal delineation manual, slight differences in boundary interpretations between delineators, or changes due to I-93 construction activities. Variations beyond the field data collection limits may be attributable to differences in aerial photo interpretation. Without detailed information regarding the I-93 delineation methods and data, boundary differences at specific locations cannot be assigned to any specific factor.</p> <p>The permitted design footprint of the I-93 project was overlaid on the Exit 4A plans to identify I-93 wetland impacts and exclude them from the Exit 4A impact measurements. The Exit 4A permitting plan set omits wetlands located within the I-93 permitted design footprint, with the exception of the intermittent stream along Trolley Car Lane, west of I-93. This stream, permitted for relocation in the I-93 project, would be relocated further west for Exit 4A, and both relocated channels are shown in the Exit 4A permit application plan set. This stream relocation would be self-mitigating.</p>

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