

**BUREAU OF ENVIRONMENT  
CONFERENCE REPORT**

**SUBJECT:** NHDOT Monthly Natural Resource Agency Coordination Meeting

**DATE OF CONFERENCE:** October 18, 2023

**LOCATION OF CONFERENCE:** Virtual meeting held via Zoom

**ATTENDED BY:**

**NHDOT**

Matt Urban  
Andrew O’Sullivan  
Mark Hemmerlein  
Joshua Brown  
Jon Evans  
Rebecca Martin  
Meli Dube  
David Scott  
James Commerford  
Levi Byers  
Kerry Ryan  
Leah Savage  
Arin Mills

**ACOE**

Mike Hicks

**USCG**

Gary Croot

**EPA**

Jean Brochi

**NHDES**

Karl Benedict  
Maryann Tilton  
Seta Detzel  
Emily Nichols

**NHB**

Absent

**NH Fish & Game**

Kevin Newton  
Mike Dionne

**Federal Highway**

Jamie Sikora

**US Fish & Wildlife**

Absent

**The Nature Conservancy**

Absent

**NH Transportation &  
Wildlife Workgroup**

Absent

**Consultants/ Public  
Participants**

Kimberly Peace  
Deb Coon  
Josif Bicja  
Christopher Fournier  
Tucker Gordon  
Katy Lewis  
Trevor Ricker  
Jordan Pike

**PRESENTATIONS/ PROJECTS REVIEWED THIS MONTH:** *(minutes on subsequent pages)*

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## **Finalize Meeting Minutes**

Finalized and approved the September 20, 2023 meeting minutes.

### **Ashland-Bridgewater, 24904 (X-A003(003)):**

The NH Department of Transportation (NHDOT) is proposing a preservation/rehabilitation project for Bridge #076/080 carrying US Route 3 and NH Route 25 over the Pemigewasset River at the Ashland/Bridgewater Town Line. The goals for this project are to address safety and structural deficiencies and extend its service life for an additional 20 years and until such time when replacement is needed, and funding becomes available.

Bridge preservation and rehabilitation measures will include truss span pavement and membrane removal, grid deck replacement, trestle span pavement and membrane replacement, trestle span concrete deck modification and repairs, expansion joint replacement, bridge rail replacement, bridge approach rail replacement, scupper repair/modification, substructure concrete repairs and paint touchup repairs. Roadway approach work will be limited to approximately 200' on each approach.

Construction access for substructure work will be provided from previously disturbed areas from Siding Road and the southeast quadrant. The Contractor will need to construct a temporary work trestle to access the river pier to complete the repair work. The river pier is in poor condition with areas of significant concrete spalling, cracking, and delamination. There is exposed reinforcing steel which exhibits heavy rusting with laminar corrosion and section loss. The river pier is in need of repair work in order to keep the bridge in service and also extend its service life.

Kimberly Peace (KP) (Hoyle Tanner) provided an overview and update of the project that was previously presented in 2020 during the NEPA phase of the project and now is in the design and permitting phase. The purpose of the meeting was to receive input from NHDES with regard to wetland impacts, permitting and mitigation for the project.

As a part of the repair project, it will be necessary to reuse mostly previously disturbed areas for contractor access and install a trestle in the Pemigewasset River. It was proposed that the project could be permitted as a minimum impact permit meeting the requirements of Env-Wq 903.01 (e)(3).

The meeting was then opened for comments and discussion.

Karl Benedict (KB) (NHDES) acknowledged that the Pemigewasset LAC was notified in 2020 and that it is good to note they will receive a copy of the permit application once submitted to NHDES. He stated it's been a while since they have seen the project and LAC's can have turnover.

KB asked what is proposed for dewatering from within the sheet pile cofferdam in the river and how will that be handled? Josif Bicja (JB) (Hoyle Tanner) stated the contractor will need to build a cofferdam system to construct the shoring towers at conceptual locations as shown on the plan.

The shoring towers are needed to support the trusses during construction. It is expected that dewatering will be minimal, but if needed will be in accordance with regulations. The contractor will prepare a SWPPP and ESC plan and submit it to the NHDOT Bureau of Construction (Construction) for review and approval.

KB stated the project is not a minimum impact project. It does not meet Env-Wt 903.01 (e)(3) due to the trestle and cofferdam and the 19,000+/- sf of impacts. Env-Wt 903.01 is for stream crossing structure specifically and impacts to the structure. He stated once you get to the bed of river, and given the amount of impact proposed, the project then becomes a major impact project. Andy O'Sullivan (NHDOT Bureau of Environment) (AO) stated he understands the project falls within Chapter 900 of the Wetland Rule and is a Project Type Exception per Chapter 400. AO asked what triggered the project to fall into a major category?

KB stated structural repairs can be addressed under Chapter 900 but it is exceeded when you add a trestle or cofferdam or impacts to the river. A trestle doesn't fall into Chapter 900. KP asked for confirmation that a trestle doesn't fall into Chapter 900 and KB confirmed.

AO asked how do we permit the trestle if it's not under the Chapter 900 rules? KB stated to still use the Chapter 900 rules relative to the structure, but in this case if there are additional impacts, Chapter 500 would apply for bank stabilization, 514 specifically, and then the bed of the river which would be Chapter 400 for square foot limitations of project classification. KB stated there are three different impact areas on this project. KB further stated NHDES has reviewed a number of these types of projects and have come to the same conclusion.

AO thanked KB and stated for clarification the project will be permitted under Chapter 900 and will classify the project as major based on the impacts. The project will be permitted as a repair and KB stated he agreed. KP asked if bank stabilization still had to be addressed under Chapter 500 if the impacts are temporary and noted that there will not be any added structure (riprap) to the bank itself. KP explained there will be piles installed as shown within the bank between OWH to TOB, final location to be determined by the contractor means and methods. AO stated not much was being done in the bank in terms of bank stabilization. It will be noted in the application that the bank will be restored to pre-existing condition and the piles will be removed. KB stated DES expects the site will be restored to the pre-existing condition. However, with the contractor working in the area he expects that some sort of slope stabilization will need to occur. JB stated the bank will need vegetation removal and earth movement but there will be no change to the slope. KB summarized that the grade must remain the same to be a temporary bank impact and that a replanting plan should be submitted with the application to address Chapter 500.

Maryann Tilton (MT) (NHDES) stated this is a Tier 3 river and working in the riverbed, so she agrees with KB that this is a major impact project and his comments about bank stabilization are important. MT also pointed out with the new rules that have gone into effect on Friday, ground photos and preliminary functional assessments are now a part of pre-application meetings. In terms of this project vegetation removal could have an effect on the bank resource functions. KP stated there is a functional assessment of the river and the bank in the wetland delineation report that will be included in the application. AO stated that the four square areas shown on the plan near the pier will be set in the river and the area in this location is fairly shallow. Work will be done above the stream to complete pier repairs.

Seta Detzel (SD) (NHDES) asked for more information regarding the temporary fill and what that consists of, plans for removal, and the duration it will be in place. AO confirmed with KP the area shown as permanent impact in gray on the plan is for the purpose of providing enough room for the contractor to perform the work and is conservative. The temporary impacts shown are essentially the pile locations that will support the trestle. SD asked if the area would be contained with a turbidity curtain for the pile driving portion? JB stated some sort of turbidity barrier/method is expected to be implemented by the contractor. SD then asked how long the trestle would be in place for the repairs and JB stated two construction seasons. SD stated per Env-Wt 307.11, she believes the pilings would be considered fill in the bed and are considered temporary fill as long as it is in place for only one growing season. Typically, this is seen as matting in wetlands, and she has not seen this rule applied to pilings. She stated this needs to be considered by NHDES. MT stated when more than one growing season is affected then the impacts are considered permanent and then need to be considered in terms of mitigation. AO stated the DOT has a previously coordinated with NHDES for projects proposing trestles and they areas shown for installation of the piles are not typically considered permanent. KP suggested a waiver could be submitted to address Env-Wt 307.11.

AO stated that trestles are more difficult to build as opposed to causeways, but DOT proposes trestles where feasible because it is less impact to the river as the pilings do not add up to a lot of square footage. The trade-off between the expense of building a trestle should result in identifying the impacts as temporary so that mitigation is not needed. The DOT likes to take the approach that these are temporary and would ask for a waiver of Env-Wt 307.11 to call the area temporary. NHDES will discuss internally to address any inconsistencies with how to permit trestle piles.

SD also asked for confirmation of restoration on the banks and there will be no grading on the bank or substantial vegetation removal. KP stated there is no intention to grade the banks however vegetation removal will occur as necessary for access. JB stated there will be vegetation removal in the northwest bank. The design team is currently evaluating the extents of ground disturbance in this area. JB stated disturbed areas will be restored to pre-existing conditions. SD asked for linear footage of bank disturbance, KP stated 51 feet. SD stated from what she is hearing there will be no mitigation if impacts are classified as temporary, with no grading and a restoration plan. SD suggested that the area shown as permanent on the figure for discussion should be reassessed to be called temporary. AO confirmed the area will be reassessed. JB discussed the area and the work that would be performed in this location for pier repairs as it relates to the impacts to the bed of the river. JB also noted there may need to be some reshaping or leveling out of the river bottom to allow construction of temporary support towers for the steel trusses. The thought was it might be beneficial to show this area as permanent but everything that is placed in the river as a support system will be removed. SD stated reshaping of the bed would be a permanent impact and KB confirmed this statement. SD again stated the importance of refining the permanent impact areas for purposes understanding thresholds and if mitigation will be required.

Jon Evans (JE) asked if grading is done and truss support towers placed, then when work was done and the truss support towers are removed and the bed material is pushed back into place, wouldn't that be temporary? AO stated re-grading back to the existing conditions with a

restoration plan, then the impact would be temporary. AO suggested that only the areas where the truss support towers would be placed could be called permanent. SD stated that 200 lf of permanent impact (bank, channel, bank) is the threshold and if that is triggered then DES will ask for mitigation. SD agrees that the areas in the riverbed for support pilings would be a permanent impact and depending on the square footage could potentially trigger mitigation as well but would defer to USACE. Pilings for the trestle require clarification in terms of duration and whether they would be eligible for a waiver to be considered temporary.

JE stated that perimeter control around the trestle area in this location is not feasible due to water flow and therefore is not something that would be proposed. JB asked about the use of a turbidity curtain, how will this be handled. KB suggested coordinating with watershed program for a mixing zone. KB also stated there should be some sort of BMP prior to requesting a mixing zone. Mark Hemmerlein (MH) (NHDOT) stated this will be discussed with NHDOT construction. A plan will be developed and included in the application.

Mike Dionne (MD) NHFG stated no listed species, no cold water fisheries and therefore he has no comments.

Kevin Newton (KN) NHFG stated that the Pemigewasset River is a robust habitat for wood turtles. Even though there are no records that came up on the DataCheck please keep an eye out for them and if wood turtles are seen at the project location, please advise NHFG so they can be added to their records.

Mike Hicks (MHi) USACE stated they have to look at the piers and the pilings on a case-by-case basis and they may or may not be jurisdictional depending on the footprint. Anything over 5,000 sf will require mitigation.

MHi asked about historic resources, KP stated this was done during NEPA, no effect determination. MHi asked about the US Coast Guard, KP stated received a determination of non-navigable. MHi noted EFH and ESA appear to be wrapped up. MHi asked if the Pemigewasset River was Wild and Scenic and KP stated it is not.

MHi stated it appears to be a minimal project but would need to see plans. The project may not require mitigation from USACE perspective. KP asked MHi if he would like to have a set of plans prior to submitting the application to NHDES and MHi stated yes. KP will send the plans to MHi for review.

Jeannie Brochi (JBr) EPA stated that she agrees with the comments about mitigation. She also wanted to ask about the comment “remediated sites will not be disturbed” and asked for explanation as to how it was determined they will not be impacted. KP stated during NEPA remediation sites were reviewed utilizing NHDES OneStop and while there were sites within 1000’ there are no sites within the footprint of the project. As the design is refined, we will ensure that those sites will not be affected.

Gary Croot (GC) USCG stated the Pemigewasset River is navigable but in 2020 the Coast Guard determined that they would waive jurisdictional on this bridge and will not have any

requirements in terms of repair or replacement. GC stated for clarification purposes the Pemigewasset River is considered navigable up to Lincoln.

Jamie Sikora (JS) FHWA acknowledged that NEPA was completed in 2020 under a programmatic agreement for CE approvals and deferred to the DOT to determine the need for completing a re-evaluation and processing a new environmental commitments memo. JE stated it is not expected that a formal re-evaluation will be necessary and are only updating elements as required. JS stated he deferred to the Department on to what level the re-evaluation would be and could be as simple as a note placed in the file.

**Sutton, 44212 (Non-fed):**

The project was presented by Jim Commerford, PE (JSC), Highway Design and Matt Urban (MU), Bureau of Environment. the project is located on NH Route 114 just south of the intersection with Village Rd, in the Town of Sutton NH. The existing structure is a 48” CMP x 60’ long carrying Thistle Brook under NH Route 114. A watershed boundary Map and Aerial image were displayed for viewing.

MU presented the findings of his environmental resource investigation for the project area indicating that Thistle Brook was a tributary to Lane River, the brook is identified as a Teir 2 Stream with a 584 Acre watershed. There are no PRA’s present according to the results of the WPPT mapper, no designated rivers nearby, and no known previous wetlands permits. An NHB review was completed (NHB23-1147) with results identifying Blanding’s Turtle and Wood Turtle. Coordination with New Hampshire Fish and Game (NHFG) Kevin Newton via email indicated that upsizing the structure as proposed with natural stream simulation would be an improvement. Based on consultation DOT agreed to incorporate project specific commitments for turtle flyers with contact information for Melissa Winters or Josh Megyesy. The US Fish and Wildlife Service (USFWS) IPAC consultation was completed with a determination of “No Effect” for Northern Long Eared Bat (NLEB). Additionally, the project has completed Cultural Resource Coordination with the determination that the project is to be processed under the Section 106 Programmatic Agreement Appendix B.

Representative photos showing existing conditions for the inlet and outlet areas, roadway, and wetlands (Palustrine and Riverine) were shared. It was also noted that the rock retaining wall adjacent to the existing inlet has cultural resource value, and that the DOT has minimized impacts to through its chosen preferred alternative that moves the inlet away from the retaining wall.

The wetland delineation with an aerial background image was shared and the various wetland types and locations were noted. Upstream is a combination of scrub shrub (PSS1E) and forested (PFO1E) palustrine wetlands along with an intermittent tributary (R4SB4,5). Thistle brook is classified as Riverine (R2UB4). As previously noted with pictures, there is a Palustrine (PEM1Ed) wetland near the outlet and beyond the roadway shoulder.

Three reference reaches were taken with an average Bankfull Width of 10.33 which equates to a 23’ compliant span when using the 2.2 entrenchment ratio multiplier. In addition, the references reaches consisted primarily of sand, with a smaller percentage of gravel, and occasional boulders.

A brief project overview was provided. The project is State funded through the culvert replacement Betterment program. The proposed ad-date is June 25, 2024, with construction anticipated in fall of 2024. The adjacent homeowner has reported occasional overtopping of the structure during high runoff events. It was reiterated that the stone retaining wall along the inlet was of cultural resources/historical value and used as a design constraint to ensure impacts to that resource were minimized. The condition of the culvert indicates corrosion at the invert of the pipe, additional voids along the bottom and sides, and an evident rust line. This structure is at the end of its design life.

The existing site plan, developed from recent survey and wetland delineations was shared. The location of three catchbasins which convey runoff to the 15" plastic outlet adjacent to the culvert inlet was noted. These were originally installed to help mitigate the occasional flooding. The hydrology was analyzed with the Streamstats (NH Rural Equation) and modified/increased with the USGS National Urban Equation using a Basin Development Factor (BDF) of 1. The watershed is flashy, with relatively low base flows and high runoff flows. The hydraulics indicate the existing inlet has poor hydraulic efficiency and the culvert has an approximate capacity of 76 cfs before overtopping the roadway. The 50-year Design Flow is 258 cfs.

An overview of the alternatives was provided that consisted of the following:

**Alternative 1:**

- Stream Crossing Rule Compliant Structure Bridge with 23' span
- Would require permanent easement and impacts to adjacent driveway. Significant Impacts also anticipated to stone retaining wall. Require raising the roadway approx. 1 foot.
- Cost Estimate: \$1,984,000 (does not include ROW impacts, acquisitions, design engineering, etc.) If selected, the project would be delayed 3-5 years or more for re-design and securing funding under a different Program.

**Alternative 2:**

- Slip-Line with new 5' Diameter Pipe 42" liner inside of 48" CMP
  - New 5' dia. CMP, embedded 1' with inlet located upstream existing pipe.
  - Significant improvement to culvert capacity.
  - Cost Estimate: \$369,000
- Alternative 3: (Proposed alternative)
- Embedded Box Culvert Hydraulically sized structure with 9' span with new inlet upstream of the existing pipe.
  - Embedded with Stream Simulation Material
  - Cost Estimate: \$750,000

A Performance Summary Table that showed a comparison of the 3 alternatives and pointed out that the proposed alternative (Alt#3) would no longer have overtopping at the 50 or 100 yr. storm event.

The Proposed Alternative Design consists of the following information:

- A 5' high by 9' span box culvert embedment with stream simulation material (4' by 9' clear opening)
- Proposed alignment will move the inlet approx. 25' upstream to improve hydraulic efficiency and adjust stream alignment.
- No change to roadway alignment or grade.
- Substantial improvement to hydraulic capacity.
- Embedment will include a stream armor layer for stability and primarily consist of sandy material to replicate existing substrate.
- Match outlet elevation of 730.41 (ft, NAVD88)
- Tie Invert Elevation into existing adjacent streambed elevation.

The Draft Wetland Impact Plan was shared. The alignment of the proposed structure shifts the inlet 25' upstream of the existing inlet and maintains the same outlet location. The new alignment will improve hydraulic efficiency at the inlet, minimize impacts to the stone retaining wall and the adjacent homeowner's driveway, and improve the constructability of the project.

The current total proposed impacts (Temp + Permanent) are 1,912 sf and 194LF. Which includes permanent impacts extending 15' downstream and 55' upstream of the existing culvert and 1,430 sf of temporary impact to the palustrine wetland near the outlet.

To summarize the Permanent and temporary Square Foot impacts are under 5,000 SF. The current Permanent Linear Foot impacts are 194 LF with the proposed re-alignment (such that we believe we are under the mitigation threshold). This would be proposed as an Alternative Design per the requirements of Env-904.10 since the proposed structure does not meet span requirement. However, the proposed culvert meets the remaining general design criteria under 904.01 and complies with the provisions of 904.07 to the maximum extent practicable and that the proposed culvert will substantially improve hydraulic capacity and connectivity, aquatic organism passage, sediment transport, and geomorphic compatibility.

Comments from Karl Benedict (DES) called attention to the impacts associated with the PEM1Ed grassed swale that would be impacted. He had two comments specific to this impact area. First, he asked that the Department look at those impacts to determine if they can be reduced and to limit access and staging in that quadrant to minimize the impacts. Secondly, he noted that when we propose to regrade/reintroduce the swale into the brook at a new location it appeared we did not account for impacts to the bank of the stream. DOT agreed that this area should be included in the linear foot bank impacts and will take that into account for the final impact plans. DOT also agreed to look for ways to minimize any additional impacts to the PEM1Ed swale.

There was some additional discussion as to whether or not the additional LF of impact associated with the reintroduction of the swale on the stream bank may put the total LF over 200LF whereby triggering mitigation potentially. DOT will evaluate whether the project will cross the 200LF threshold. If it's not feasible, DOT may seek additional coordination from the DES wetlands/mitigation program to discuss potential mitigation credits for the impacts area associated with the stream at the inlet that will be transitioning from stream channel to a wetland area through the act of moving the inlet of the structure 25 LF from its existing location. This area is shown as a permanent impact in the LF totals but is not a total loss of jurisdictional



resources and therefore DOT feels some consideration for mitigation “credit” may be up for discussion.

A third question raised by Karl Benedict was in regard to the alternative designs that were discussed. Karl asked if an alternative had been considered between the 9’ span and 23’ spans, for example a 12’ box structure with a wildlife bench within to meet the rules to be compliant with 904.07 vs. the proposed alternative design. The Department indicated it did look at some other alternatives but that they were determined to be infeasible/impracticable for various reasons such as design constraints, constructability, increased impacts, and additional costs and that we could include such an explanation in our discussion of alternatives in the application.

Kevin Newton (KN) from NH Fish and Game inquired about the timing of the work as it may relate to the turtle records identified in the NHB results. DOT indicated that the hope is to have construction occur in the fall of 2024. Kevin indicated this would be a good time of year for the work and noted spring construction may conflict with turtle nesting season.

**Weare, 41165 (non-Fed):**

Kerry Ryan, NHDOT Environmental Manager, gave an overview of the location of the proposed state funded bridge maintenance project, located at bridge 137/043 which carries NH Route 114 over Otter Brook. The existing crossing are dual 66” corrugated metal pipes connecting a lacustrine and palustrine system (Daniels Lake) and therefore function like an equalizer. This area is dam controlled. This is a Tier 3 crossing. Photos were shown of the surrounding area and outlet and inlet sides of the pipe.

Levi Byers, NHDOT Bridge Maintenance Engineer, described the purpose of the proposed project which is to replace the existing structure with an open span, 28’ wide three-sided structure. Draft impact plans were discussed which show permanent palustrine, lacustrine, and palustrine wetland impacts. Construction sequence, and hydraulic analysis were also discussed. K. Ryan described the resources in the area and summarized the September 21, 2016 Natural Resource Agency Meeting discussion of this project when it was determined the area is dam controlled, the second structure is not state owned, the crossing does not fall under the stream crossing guidelines, and a wildlife shelf is not necessary as changing from a dual opening structure to a single opening structure is an improvement.

Karl Benedict, NHDES asked (1) if there has been any considerations for a wildlife shelf, (2) if the velocities require riprap, and (3) if the rip rap could be pulled back to the end of the headwall?

L. Byers responded riprap was included because during larger storm events there are increased velocities through the structure even with the dam downstream, there is some swirling action by the masonry headwalls, and as the row line runs just south of the wing walls the Department wants to be sure to protect the structure from scour. K. Benedict asked if we could (4) follow the current contour rather than fill, (5) if it could be vegetated and still achieve the same stability, and (6) if there has been any coordination with the town regarding the second structure. L. Byers responded the second structure is privately owned and is not owned by the town and that since

the crossing acts more like an equalizer a majority of the rip rap would be under water but the top portions could be loam and seeded.

Karl said 900 rules would likely apply because it is called Otter Brook and it is a Tier 3 watershed. Andy O'Sullivan, NHDOT, responded the classification comes from upstream and downstream of the structure. K. Benedict agreed it is lacustrine at the crossing but there is a flow through here so 900 rules apply. A. O'Sullivan asked if it should be permitted under alternative design and K. Benedict said yes.

Emily Nichols, NHDES, asked if there are impacts to the floodplain wetlands adjacent to the structure because that would require mitigation. K. Ryan said there were impacts and A. O'Sullivan said we would pay mitigation.

Seta Detzel, NHDES, asked if the riprap through the crossing is being calculated as an impact and deferred to K. Benedict to determine if it is a permanent impact. K. Benedict stated it was not because the existing structure is under the roadway. S. Detzel asked if the structure is within the same footprint or if there is an extension lengthwise? L. Byers said it is less.

Mike Dion, NHFG, deferred to Kevin Newton, NHFG, for comments regarding turtles and hognose snakes and asked how flow would be maintained through the structure during construction. L. Byers said the project will be phased, cofferdams will be installed, and the remaining existing side will be used as a bypass. M. Dion asked if it will be low velocity and L. Byers said yes. M. Dion said during summer the juvenile eels will be moving through the area and sees no issues with them getting through with the proposed plan.

Kevin Newton, NHFG, recommended the staging area be fenced off with silt fence prior to the start of egg laying season for turtles and snakes (May) and should be maintained through the fall. He agreed the proposed project is an improvement and echoed DES' opinion that reducing rip rap would be preferred.

Mike Hicks: no comments

Jean Brochi: no comments

Gary Croot: no concerns

Jamie Sikora: no comments

**Canaan, 41406 (X-A005(223)):**

Before meeting began, Gary Croot (US Coast Guard) said that he had to leave before presentations began and that the Coast Guard does not have any comments or concerns about the Grist Mill Hill Project.

Karl Benedict (NHDES) opened the meeting and mentioned that the Grist Mill Hill Project is federally funded.

Tucker Gordon (HEB Engineers, Inc.) presented for the Grist Mill Hill Bridge #172/070 over the Indian River project in Canaan, NH. The Grist Mill Hill Bridge was built in 1956. It has a 46-foot span, a steel stringer superstructure, cast-in-place concrete deck, and concrete abutments founded on ledge. The bridge has been on the Municipal Red List since 2010. The New Hampshire Department of Transportation (NHDOT) inspection report gave the bridge deck a rating of 3 – Serious, the superstructure a rating of 5 – Fair, and the substructure a rating of 5 – Fair. A void has formed in the bridge deck that is currently covered by a steel plate, and the guardrails are substandard. Grist Mill Hill Road is a 2-lane paved roadway that narrows to an 18-foot width over the bridge. The bridge is signed as single lane. Grist Mill Hill Road is residential and is the primary means of access for Grist Mill Hill Road residents. The Northern Rail Trail crosses under the road to the south of the existing bridge.

The Indian River is a Tier 3 stream. No floodplain Priority Resource Area (PRA) impacts are anticipated. While a wetland delineation has not yet been completed, the impacted wetlands are expected to be entirely within the riverbanks and not within any floodplain wetlands. An NHB Datacheck (NHB23-2834) revealed one record of wood turtle within the vicinity of the project, however, a site visit determined that wood turtle habitat/occurrence is unlikely in the immediate project area. The USFWS IPaC Datacheck determined that northern long-eared bats' and monarch butterflies' ranges are in the general project area. The Section 106 NHDHR RPR returned a recommendation that a Phase 1A Archeological Survey be conducted to determine the extent of the mill foundation located in the project vicinity and recommended an updated survey of an adjacent historic home. The project area is the Highest Ranked Habitat in NH designation in the 2020 Wildlife Action Plan and is designated as a High Priority Area for invasive plant management. A site visit determined that there was no significant occurrence of Type I invasive plants and no occurrence of Type II Priority Invasive Plants.

T. Gordon presented five (5) proposed alternatives: No-build, Rehabilitation: Superstructure Replacement, On-Alignment Replacement, Off-Alignment Replacement, and Bridge Relocation. The two main alternatives being considered are (1) Off-Alignment Replacement and (2) Bridge Relocation. (1): The off-alignment alternative would realign Grist Mill Hill Road bridge slightly west of its current location. This alternative would have an approximately 78-foot clear span. Both the existing bridge and this proposed alternative are significantly above the surface water elevation. This alternative would maintain the rail trail culvert that runs under Grist Mill Hill Road. (2): Bridge Relocation alternative. This alternative would maintain a relatively steep grade across the full length of the bridge, to the intersection with Route 4. It would have an approximate span of 132 feet, spanning both the rail trail and river. The complete bridge relocation would relocate the bridge significantly downstream. T. Gordon noted that both alternatives would also address safety concerns pertaining to the intersection of Grist Mill Hill Road and Route 4. The sight distance at this intersection does not meet the New Hampshire Department of Transportation (NHDOT) design criteria. Both alternatives would improve sight distance and square-off the angles of the intersection. No alternatives presented are a concern hydraulically.

The Engineering Study is anticipated to be completed in November 2023. The preliminary design is scheduled for fall 2024, the permit application will be submitted in the winter of 2024/2025, the final design is scheduled to be complete in summer 2025, bidding will occur in fall 2025, and construction will begin in summer 2026.

K. Benedict said that the New Hampshire Department of Environmental Services (NHDES) is looking for the least impacting option, and said that they are looking for the best avoidance/minimization potential between the alternatives. He asked that regardless of the selected alternative, HEB include a discussion regarding why a new alignment was preferred (due to the desired changes to the Route 4-Grist Mill Hill Road intersection) with the permit application.

T. Gordon added that with any alternative, the existing bridge can be used for temporary traffic control while construction is happening, so there will not be a need to build a temporary bridge during construction.

Emily Nichols (NHDES) had no comments.

Seta Detzel (NHDES) had no comments.

Mike Dionne (NHF&G) said it doesn't seem like there will be a lot of in-water work but will check with fishery staff at New Hampshire Fish & Game (NHF&G) to determine if the project would be restrictive for brook trout and if the Indian River is cold-water habitat.

T. Gordon replied that HEB doesn't anticipate being in the water for any of the work.

Kevin Newton (NHF&G) pointed out that the Indian River is a Priority Management River for wood turtles, and there is ongoing research happening there. He was initially curious how HEB came to the determination that the habitat in the project area isn't suitable for wood turtles, but after seeing photos agrees that it is likely not suitable wood turtle habitat. He reiterated that there was a record of wood turtle approximately 100 feet from the project area, and advised that any work needs to be aware that wood turtles could be encountered.

Mike Hicks (ACOE) had no comment.

Jamie Sikora (FWHA) said that since the National Environmental Policy Act (NEPA) process will likely not be completed until next fall given the project schedule there aren't major concerns at this point. He said that HEB will need to evaluate the Northern Rail Trail as Section 4(f) from a historic and recreational standpoint. He said that the Section 106 process will play out as the project progresses.

Jon Evans (NHDOT) reiterated that G. Croot (USCG) had no concerns about this project from the US Coast Guard perspective.

**Laconia, 43731 (X-A005(171)):**

Before the meeting began, Gary Croot (USCG) said that he had to leave before presentations began and that the Coast Guard does not have any comments or concerns about the Elm Street Pedestrian Improvements Project.

Karl Benedict (NHDES) opened the meeting and mentioned that the Elm Street Pedestrian Improvements Project is federally funded.

Tucker Gordon (HEB Engineers, Inc.) presented for the Elm Street Pedestrian Improvements Project in Laconia, NH. The proposed project is occurring along 4100 linear feet of Elm Street in the Lakeport district in Laconia, NH. There are several notable features within the project area. These include the Goss Reading Room which is a historical feature, Leavitt Park, which is a public park, and the Elm Street Elementary School. The northern terminus is the intersection of Elm Street and Hickory Stick Lane, and the Elm Street Bridge is the approximate southern terminus of the project. The area around and including Elm Street is a dense residential area with a few public destinations. The Elm Street sidewalk is deteriorating and not up to the Americans with Disabilities Act (ADA) design standards. With the existing infrastructure, there are no accommodations for bicyclists, but the project area is adjacent to a significant portion of the WOW Trail and other bike paths. Bicyclists currently using the bike path on the WOW Trail use Elm Street and have nowhere to safely ride their bikes. The overall purpose of the project is to provide safe and accessible pedestrian infrastructure and to create bicycle connectivity to public destinations.

The project area is heavily developed and mostly consists of impervious surfaces. HEB does not anticipate needing permitting through the New Hampshire Department of Environmental Services (NHDES) and Army Corps of Engineers (ACOE). There are no jurisdictional impacts expected, the project limits are outside of Protected Shoreland, and the impacts will be below the threshold requiring an Alteration of Terrain (AoT) permit. A desktop search for threatened and endangered species occurrences through the NHB Datacheck (NHB23-2836) brought up no recorded occurrences of threatened or endangered species. A desktop search of the USFWS IPaC database had the general project area in the range of northern long-eared bats and monarch butterflies. A determination of “Not Likely to Effect” for the northern long-eared bat is anticipated from the IPaC datacheck. Since a preferred alternative has not been selected yet, it is not clear if there will be any tree clearing for the project. An environmental site visit established that threatened and endangered species and critical habitat is unlikely in the project area. HEB has recently submitted the Section 106 NHDHR RPR and is awaiting a response. In previous correspondence, Jill Edelmann with NHDOT noted that an Architectural Survey Plan will be needed. A detailed survey of abutting properties was conducted by the Preservation Company. There is a small area of Highest Ranked Wildlife Habitat in NH that is outside the project limits, and no impacts are anticipated. The project area is a low priority area for invasive plant management, but an environmental site visit found several occurrences of Type I Invasive Species including Oriental bittersweet and Japanese barberry, and one occurrence of a Type II Priority Invasive Species—Japanese knotweed—in an area adjacent to the project boundaries. Leavitt Park is anticipated to be a Section 4(f) protected property, and there are anticipated impacts to the park.

Jamie Sikora (FHWA) asked if there were any ballfields adjacent to or within the project area. Jordan Pike (HEB Engineers, Inc.) and T. Gordon replied that there are ballfields associated with the Elm Street School, and they will look into that and coordinate with J. Sikora going forward.

T. Gordon presented project alternatives. HEB is currently in the engineering study phase and is gathering feedback on project alternatives. There are four (4) major alternatives: No-Build, (1)

improve sidewalks on the west side of Elm Street, build a multi-use pathway on the east side of Elm Street, (2) build a multi-use pathway on the west side of Elm Street, and improve sidewalks on the east side of Elm Street, and (2A): bring the multi-use pathway alignment into Leavitt Park. Alternative 2A feasibility is pending coordination with the City of Laconia and State Historic Preservation Office (SHPO). Alternative 2A would improve access to Leavitt Park through the multi-use pathway but would impact the park. The no-build alternative is not being considered as a viable option because it does not address the project need.

T. Gordon asked J. Sikora about the idea of positive impacts on a Section 4(f) resource. He asked that since the introduction of an ADA pathway would improve access to the park, how does that impact the Section 4(f) determination process. J. Sikora addressed the question at the end of the meeting.

T. Gordon presented the project timeline. Since the schedule is dependent on the alternative selected, and a preferred alternative has not been selected, most of the project timeline is to be determined. The engineering study will occur in February 2024. All other elements of the project timeline, including preliminary design, permit application, final design, bidding, and construction are all to be determined.

K. Benedict (NHDES) had no comment as there are no wetland, shoreland, or AoT considerations.

Emily Nichols (NHDES) had no comment.

Seta Detzel (NHDES) had no comment.

Joan Brochi (EPA) did not reply.

Mike Hicks (ACOE) did not reply.

J. Sikora said that this is a straightforward project, and the Section 4(f) process for either historical or recreational areas has to play out, but the impacts will be a net positive so HEB probably won't have to do a full Section 4(f) evaluation pending concurrence from parties with jurisdiction.

Mike Dionne (NHF&G) had no comment.

Kevin Newton (NHF&G) had no comment.

Andrew O'Sullivan (BOE) asked if HEB staff had any other questions.

T. Gordon and J. Pike said that they had no further questions until the project progressed to the Categorical Exclusion phase.

Jon Evans (NHDOT) advised that HEB thinks about the potential for a de minimis impact for the Section 4(f) question about Leavitt Park. J. Sikora said that there used to be a national programmatic net benefit for Section 4(f) for bicycle paths. J. Sikora agreed that the net benefit

of a de minimis impact could be the best option and that all involved parties can evaluate moving forward.