

BUREAU OF ENVIRONMENT CONFERENCE REPORT

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

DATE OF CONFERENCES: August 8, 2019

LOCATION OF CONFERENCE: John O. Morton Building

ATTENDED BY:

NHDOT

Sheila Charles
Keith Cota
Ron Crickard
Jill Edelmann
Bob Juliano
Marc Laurin

NHDHR
Laura Black
Mark Doperalski
David Trubey

VHB

Hannah Beato
Nicole Benjamin-Ma
Peter Walker

City of Dover

Christopher Parker

FHWA

Jamie Sikora

Consulting Parties

Lulu Pickering
Kitty Henderson (phone)

PROJECTS/PRESENTATIONS REVIEWED THIS MONTH:

(minutes on subsequent pages)

Newington-Dover 11238S, NHS-027-1(037)..... 1

Newington-Dover 11238S, NHS-027-1(037)

Participants: Nicole Benjamin-Ma, Hannah Beato, Pete Walker - VHB; Keith Cota, Marc Laurin - NHDOT; Kitty Henderson, Christopher Parker, Lulu Pickering - Consulting Parties

The intent of this meeting was to discuss NHDHR and Newington HDC's comments on the circulated drafts of the draft adverse effects memo, General Sullivan Bridge (GSB) effects table (criteria of adverse effect writeup), Ira F. Pinkham House/Wentworth Summer Residence effects table, and Newington Railroad Depot and Toll House effects table. This meeting also continued consultation discussions regarding effects, timeline, and mitigation, including NHDHR's mitigation suggestions. The updated construction impact plans and IAC's End of Field Report (EOF) were circulated for discussion.

Archaeology:

- IAC conducted a Phase 1B investigation within Hilton Park. The EOF documents the findings of a brickyard feature; IAC is currently developing a final report.
- On July 16, 2019, S. Charles and D. Trubey reviewed and concurred with the findings and the recommendations for avoidance of Trench Areas 2, 6, and 7 where the brickyard feature was identified.
- VHB has adjusted the proposed temporary construction staging area to avoid the discovered brickyard feature. Trenching shows no resources at new staging area; no effect on archaeology.
- L. Pickering suggested installation of an interpretive panel about brickyards.

Draft effects tables and memo:

- NHDHR and L. Pickering provided comments on the effects tables and memo in writing, which were distributed prior to the meeting.
- Ira F. Pinkham House/Wentworth Summer Residence (DOV0093)
 - All agreed to no historic properties affected.
- General Sullivan Bridge (DOV0158)
 - All agreed there is an adverse effect.
 - L. Pickering suggested changing the phrase “necessarily minimized” to “minimal” under paragraph (vi) of the Criteria of Adverse Effect table.
 - K. Cota stated NHDOT does not support the substitution with “minimal”. He gave a summary of past maintenance history, evaluation of the structure for public safety, and installation of fencing along the GSB deck.
 - There was a discussion regarding funding for the GSB being reduced once it was no longer used for vehicular traffic, which began as far back as the 1980s.
 - L. Black emphasized that the reason behind reduced funding maintenance doesn’t matter in the Section 106 effects table, it’s a factual element. J. Sikora suggested removing any subjective phrases from the table(s).
 - L. Pickering explained that Newington HDC’s position was added to page 6 of the GSB Effect Table because NHDOT had included reasoning and their [NHDOT’s] position on the matter. The NHDOT position and Newington HDC position are divided.
 - L. Black noted that the effects tables are tools to develop the content of the Adverse Effects Memo. The tables should not include opinions, justifications of behavior, or reasoning behind what happened; the tables are to include facts.
 - J. Edelmann confirmed that all positions, reasoning, comments, feedback, and other such correspondence as part of the Section 106 Process and NEPA Process will be retained as part of the Project Record. The Supplemental EIS will document the “story” of the Project; and the public will be given opportunity to provide comments.
 - Revisions to GSB Effect Table will include:
 - Removal of the last two paragraphs that describe reasoning (pages 5-6), starting with “*Although the bridge has been diligently maintained over its lifetime...*” and ending with “*...For these reasons, the bridge could not be maintained up to its previous standard during the past decade.*”
 - Replacement of the word “minimal” under paragraph (vi) of the Criteria of Adverse Effect table with the word “reduced” to remove subjective wording from the document. With this revision, the evaluation entry for criteria (vi) would then read “*...maintenance of the bridge has been reduced since the beginning of construction...*”
 - K. Cota clarified the Newington HDC’s statement in its edits to the effects table that the “NH DOT accepted federal monies for the Spaulding Highway expansion project (#11238S) with the condition that the GSB be rehabilitated.” K. Cota stated that only the “L” contract received

federal money. L. Pickering noted that rehabilitation of the GSB was the primary mitigation measure from the MOA resulting from the L contract.

- L. Black noted that adverse effect details include multiple components that are important to the mitigation discussion.
- Newington Railroad Depot and Toll House (NWN0168)
 - There is disagreement over the effect findings for the Newington Depot, per the effects table edits:
 - NHDOT - No Historic Properties Affected.
 - NHDHR - No Adverse Effect.
 - Newington HDC - Adverse Effect.
 - Both of those resources [GSB and Newington Depot] have existed on the landscape together and relate to the same context and have conveyed their own representation of that context on the landscape for decades. People who are on the depot property can see the GSB and see the connection.
 - Existing conditions reflect a prior severing of the link between the resources. Current adverse effects to the transportation system associated with both resources is carried/covered by the GSB. The undertaking is an impact, but the area already been so impacted before. J. Edelmann stated it sounds like past projects are informing the current effects determination. These are two separate resource that happen to coexist on the landscape. L. Black responded that the link is a 1930s transition in transportation. Past projects aren't informing current effects determinations directly, but rather caused existing conditions. Those existing conditions do inform current effects determinations.
 - Chris Parker stated that the Newington Depot is not what is impacted; it is the network that the Newington Depot represents. L. Black responded that the Newington Depot still retains its own ability to convey the story. All these pieces left on the landscape are part of the network (no large district overlay that conveys this story, but the two pieces convey them separately).
 - L. Pickering added that the GSB is visible between the LBB piers. Newington HDC's perspective is that the undertaking would remove part of the view (which fishermen and hikers can see, for example).
 - Due to the disagreement on effect findings for the Newington Depot, J. Sikora offered to solicit input from the FHWA FPO (Federal Preservation Officer) and possibly ACHP and see if the disagreement should be formally elevated to the ACHP.
 - L. Pickering asked if she should contact ACHP separately. J. Sikora stated that consulting parties can request a federal agency bring issues to the ACHP, but this is meant as an interim step to avoid escalation if possible. J. Edelmann noted that any CP may contact ACHP.
 - L. Pickering requested that if the ACHP becomes involved, she'd like to be part of the discussion. She also requested that previous correspondence from the Newington Board of Selectmen and HDC regarding the current Section 106 effort be provided with ACHP with any other documentation.
 - There was a discussion about whether "no adverse effect" vs. "no effect" makes a real difference. K. Cota noted that there are three differing opinions, and J. Edelmann explained there

is a difference between a finding of adverse effect and no adverse effect. L. Pickering asked whether the determination finding would remove mitigation measures that are on the table. It was clarified that making decisions on mitigation is not appropriate at this time in the process.

- Bloody Point district
 - Newington HDC has suggested there is a historic district that was not included in the identification phase – Bloody Point historic district. It was noted that when formed as a local historic district, it was defined as the land being leased from the State, which expired in the 1990s.
 - L. Pickering reported the Newington HDC conducted a site walk with the suggested NR-eligible district, and a proposed map and contributing elements are included in the HDC's edits to the effects table documentation. It includes features associated with the transportation crossing.
 - L. Black and K. Cota noted that the Town has the authority to establish a local historic district, and the Section 106 evaluation would consider whether such a district meets National/State Register criteria.
 - K. Cota and P. Walker noted that in the EIS process and the identification of historic properties in the current Section 106 process, this district was not suggested as a potential historic property. L. Black stated that since it has been mentioned at this point, it will need an evaluation.
 - L. Black suggested a technical memo evaluating the potential of an eligible district, including a windshield-level survey to evaluate integrity of extant elements on the landscape, using maps and historical information about the transportation history of the crossing. If there is integrity, an Area Form may be needed to evaluation significance; if disagreement over the significance continues, the Keeper of the National Register makes the final determination. (*NOTE: NHDOT and FHWA subsequently agreed to complete an Area Form in lieu of a technical memo.*)

Mitigation:

- C. Parker reported that Dover Heritage Commission and City Council will be sending more mitigation ideas regarding Hilton Park.
- J. Edelmann said NHDOT supported NHDHR's idea about using mitigation that builds upon the measures used for the Lake Champlain Bridge, but requested that NHDOT explore targeting trainings rather than education at the ACEC meetings (can't be guaranteed a spot on ACEC agenda). L. Black agreed to this approach, as these ideas are conceptual at this time.
- L. Black noted that NHDHR is more hesitant about some mitigation ideas than others, but it's encouraging to see so much discussion about it. L. Pickering asked for more information about the previously-suggested mitigation of assistance with Town planning documents. L. Black added that NHDHR's Certified Local Government (CLG) program coordinator mentioned Newington has previously turned down offers of funding for planning studies through the CLG program. L. Black advised L. Pickering can bring this to the Town for additional planning funding possibilities.

New Hampshire Department of Transportation Cultural Resources Agency Coordination Meeting

Date August 8, 2019

Please initial next to your name. Guests: Please use reverse side to sign in.

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