

**BUREAU OF ENVIRONMENT  
CONFERENCE REPORT**

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

**DATE OF CONFERENCE:** February 16, 2022

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

**ATTENDED BY:**

**NHDOT**

Andrew O’Sullivan  
Matt Urban  
Jon Evans  
Mark Hemmerlein  
Kerry Ryan  
Rebecca Martin  
Shelley Winters  
Tim Boodey  
Joseph Jorgens  
Emily Nichols

**ACOE**

Mike Hicks

**EPA**

Jean Brochi

**NHDES**

Karl Benedict  
Lori Sommer

**NHB**

Jessica Bouchard

**NH Fish & Game**

John Magee

**Federal Highway**

Jamie Sikora

**The Nature Conservancy**

Pete Steckler

**Consultants/ Public  
Participants**

Jay Doyle  
David Derrig  
Jonathan Bruneau  
Kathleen Ports  
Julie Donovan  
Meg Gordon  
Deb Evans  
Jennifer Riordan

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

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**Finalize Meeting Minutes**

Finalized and approved the January 19, 2022 meeting minutes.

**Chatham, #2021-M301-1:**

Before starting his presentation Matt Urban made an opening statement to make it clear that this presentation would be very simple and straight forward since there were absolutely no wetlands in the area and therefore there would be no need for a wetland permits.

Matt Urban began his PowerPoint presentation by familiarizing the members of NAT RES Committee with the project location by sharing a few maps identifying the Town of Chatham in the northeast part of the State. He then shared another map showing where the project property was situated off of Butter Hill Rd. near the intersection with NH Route 113B. The next image he shared was an aerial map of the approximate project property boundary. Matt Explained that this project was located on White Mountain National Forest (WMNF) land. Matt explained that New Hampshire Department of Transportation (NHDOT) has been using this land under a special use permit with the WMNF for over 70 years. Matt explained that the NHDOT has been using this land and the storage shed that's located on it as a rest area for our snowplow truck drivers to take quick breaks to warm up and reload more salt onto their trucks. This is a remote section of the State with no other nearby DOT patrols sheds to utilize.

Matt provided a brief overview of the natural resources, or lack thereof, in the project area. Matt summarized that there were:

- No streams or wetlands present
- No Floodplains
- No Designated River Nearby
- No Previous Permits
- No PRA's
- No Cold-Water Fisheries
- Not in Highest Ranked Wildlife Habitat
- NHB21-3743 (No Records in Area)
- IPAC NLEB (4d) consultation (was completed)

Matt then proceeded to further explain what the proposed work would consist of. He indicated that the New Hampshire Department of Transportation is preparing to replace the existing storage building on White Mountain National Forest land with a new replacement structure. He also explained that the plan was to also construct a new 30' by 30' salt barn to provide cover for the existing salt pile that is only protected from the environment by plastic tarps. This will be an added layer of protection and an improvement to the surrounding environment. Matt then shared another slide that was able to show the existing shed and salt pile with the proposed shed and salt barn layout overlaid. Matt Explained that this project is supported by WMNF and that the Department has been working closely with them to coordinate and share environmental information.

Lastly, Matt shared several photos of the 70 yr old structure that is to be demolished and rebuilt. He was able to point out the salt pile on one of the photos.

All the resource agency members supported the project and need with no issues or concerns raised. The only comment notably received was from Karl Benedict, encouraging the Department to review possible design requirements necessary for the construction of a salt barn that meets the guidelines set forth in the Water Quality rules.

### **Nashua-Manchester, #40818:**

Jenn Riordan (GM2) introduced the project and the team members. The project involves the extension of MBTA commuter rail services from Lowell, MA to Manchester, NH. The project corridor is approximately 30 miles long and crosses through Lowell, Chelmsford, and Tyngsborough, MA, and Nashua, Merrimack, Bedford, and Manchester, NH. It includes 9 miles in Massachusetts and 21 miles in New Hampshire. The route follows an existing rail line that currently handles only freight. The project was formerly referred to as the Capitol Corridor Rail Project. A Federal Railroad Administration (FRA) service-level NEPA Environmental Assessment was completed in 2014. The current project involves extending MBTA commuter rail service from Lowell to Manchester. Tasks include preliminary design (30%) engineering, completion of a Federal Transit Administration (FTA) NEPA Environmental Assessment (EA), and development of a financial plan. Final design and permitting would be part of a future contract.

The proposed improvements and potential impacts were discussed by improvement type and location along the corridor:

Track Upgrades - The route follows an existing operational rail line. The rail line within the project limits was historically double-tracked. Improvements would include adding the second track back in for certain segments of the corridor. These proposed double track sections were described. Natural resource impacts are generally limited. There are buffer zone and Riverfront Area impacts for the segment in MA. A potential vernal pool was identified adjacent to the tracks in Merrimack. Portions of the track are within Protected Shoreland and there are mapped Zone A and AE floodplains within and adjacent to portions of the rail right-of-way. Within floodplain areas, the rail embankment is generally raised above the surrounding landscape, so floodplain impacts from adding a second track are anticipated to be minor.

### Bridge Work

- Deep Brook, Chelmsford, MA – There are scour holes near the abutments and the wingwalls need repair. The bridge deck would also be replaced to add a second track. This work may result in impacts to bank, BVW (wetland), and LUWW (stream). The National Marine Fisheries Service (NMFS) was contacted and Deep Brook is not mapped as Essential Fish Habitat (EFH) so no further EFH consultation is required. MassWildlife Fisheries was also contacted and they indicated that although Deep Brook is designated as a Coldwater Fish Resource, the lower reaches likely don't provide habitat for coldwater fish. They recommended that proposed repairs ensure fish and wildlife passage during and after construction. Erosion and sediment controls are also important.

- Lock Street, Nashua, NH – This bridge carries Lock Street under the rail line. It would be replaced. No wetlands or surface waters are located nearby. Some minor vegetation clearing and ground disturbance would result from the replacement.

Culvert Work - Many of the culverts along the rail line need general maintenance. This would involve clearing vegetation and removing debris from the inlets and outlets, reshaping/stabilizing channels, and stabilizing banks where necessary. This could involve potential wetland, stream, and/or bank impacts as well as some minor vegetation grubbing. These impacts will be quantified during the final design phase of the project.

There are some specific culverts where replacements, extensions, or headwall repair are anticipated. These include:

- Cattlepass (MP 43.52) in Merrimack – Track realignment would require extension on the west side. No wetlands are located nearby. A Zone AE floodplain is mapped on both sides of the rail ROW.
- Stone Box Culvert (MP 50.45) in Bedford – This culvert is proposed to be replaced. There is scour at the inlet and severe erosion at the outlet. The culvert carries an intermittent stream (Tier 1 crossing) and a wetland. A Zone AE floodplain (associated with the Merrimack River) is mapped downstream of the culvert.
- Cast Iron Pipe (MP 51.02) in Bedford – New headwalls and extension of the pipe is proposed. There is severe erosion at the outlet side. The culvert carries a wetland and a small intermittent stream (assumed to be a Tier 1 crossing but not mapped on USGS StreamStats). The stream appears to be mostly fed by stormwater runoff. A Zone AE floodplain (associated with the Merrimack River) is mapped downstream of the culvert. The culvert is within the Protected Shoreland zone.
- Concrete Pipe (MP 52.11) in Manchester – Double tracking would require extension of the outlet headwall. There is a small wetland on the outlet side.

Proposed corridor-wide improvements were summarized, including:

- Ditch/Drainage Work – This may include restoration of existing drainage ditches although this would generally be in localized areas and not corridor-wide. Underdrain may also be added in areas. Specific locations will be identified during final design. At that point, the ditches would need to be evaluated to determine if they are jurisdictional wetland resources or connect to jurisdictional areas.
- Vegetation Clearing – This would generally be corridor-wide within the rail ROW. Clearing width would be approximately 25 feet on either side of the track centerline.
- Signal System Installation – This would include new masts, shelters, and access driveways
- Grade Crossings – Improvements could include underdrains to local ditches. Most of the crossings do not have wetlands nearby. Some of the crossings in MA would involve buffer zone and Riverfront Area impacts.

The proposed stations and layover facility were then discussed. Four stations and one layover facility are proposed in NH. The sites include:

- South Nashua Station (Pheasant Lane Mall) – This would be located west of the tracks, between the rail line and the mall. An existing mall parking lot would be utilized. The proposed high level platform requires a freight bypass to the east of the mainline (two tracks near the station are proposed). No direct wetland impacts are proposed. There would be some buffer zone and Riverfront Area impact in MA (estimated 5,000 SF). The Merrimack River is a Prime Wetland in Nashua and also a NH Designated River (Lower Merrimack). The station is within the Protected Shoreland. Some minor clearing would be required to construct the station. The proposed platform is located beyond the 100-year floodplain. New impervious surface is estimated at around 50,000 SF.
- An alternative site for the South Nashua Station near Spit Brook Road had been reviewed but this alternative is no longer being considered.
- Nashua (Crown Street) – Located near the Pan Am Rail Yard, south of Crown Street. There are no substantial natural resource issues since the site is currently developed. A minimal amount of clearing would be required. New impervious surface is estimated at around 20,000 SF.
- Bedford-MHT Station – Located on the west side of the Merrimack River at Raymond Wiczorek Drive. The parking lot layout is still being refined. The station platform would be located under the R. Wiczorek Drive bridge, with a proposed parking lot to the south, near Sebbins Brook. Permanent wetland impacts are estimated at around 5,000-6,000 SF. Tree and vegetation clearing would be required. There is potential for floodplain/floodway impacts, although these impacts will be avoided/minimized where possible. The station is also within the Protected Shoreland. New impervious surface is estimated at around 200,000 SF.
- Manchester Station – Located south of Granite Street, at the northern limit of the project. No new parking is proposed. The project would create new curb areas, sidewalks/plaza areas, and a platform. There are limited natural resource issues since the area is currently developed. A small amount of new impervious surface is proposed.
- Manchester Layover – Located south of the proposed station, at the Pan Am Yard. Some excavation and grading would be needed to level the area. Five storage tracks are proposed and there would be paved access aisles for service vehicles. The site would also have a support building and parking lot. Stormwater would be managed on site. Locomotives would have drip pans where they park and these would be connected to oil/water separators. Two small, low-quality wetlands are located near the proposed layover facility. A small amount of tree/shrub clearing would be required. An alternative layover site near Pine Grove Cemetery in Manchester had been reviewed but this site is no longer being considered.

An administrative draft of the NEPA EA is anticipated to be submitted to FTA in June 2022. A public hearing is scheduled for September 2022, with a Finding of No Significant Impact (FONSI) anticipated in December 2022.

Rare, threatened, and endangered species were generally discussed. Various plant and animal species were listed in the NHB report. Field surveys for the plant species were conducted in 2021. Wild lupine was found in one location adjacent to the rail ROW in Bedford. A semi-rich oak-sugar maple forest exemplary natural community is located adjacent to the rail line near Pine Grove Cemetery (near one of the site options for the Manchester layover facility). Both appear

to be located beyond the anticipated impact limits of the project. River birch was found near the rail line in Lowell (not a listed species in MA) but not in NH.

Wright's spikesedge has been recorded near the Merrimack River railroad bridge. It was not found during a site visit in May. A follow-up up visit later in the growing season was attempted in August but the water levels in the river were so high that the survey could not be completed. If any work within the river is proposed, an additional survey could be completed during final design (will be included as a condition in the NEPA document).

Some coordination has already been completed with NH Fish and Game regarding the listed animal species. For brook floater, a mussel survey near the Merrimack River bridge was not included in the current phase of the project. If impacts to the river are proposed, a survey would be completed during a later phase of the project. For bald eagle, a nest was observed on Carthagina Island in Manchester. This is located approximately 500 feet from the rail ROW. For the grassland bird species, GM2 coordinated with NH Fish and Game and NH Audubon. The NHB records are in the fields near Anheuser-Busch in Merrimack. No impacts to these fields are anticipated but if work would occur in this area, then a grassland bird survey would be completed under a later phase of the project.

For northern long-eared bat, acoustic surveys are not included in the current phase of the project but would be completed under a later phase if necessary, or the 4(d) rule would be utilized.

Other natural resources include Essential Fish Habitat for Atlantic salmon. The National Marine Fisheries Service (NMFS) was contacted and no further EFH consultation is required for the project as currently proposed.

The Lower Merrimack, Souhegan, and Piscataquog Rivers are NH Designated Rivers.

Comments were then provided by the following resource agencies.

Karl Benedict (NHDES)

- The project will need to meet AoT requirements and address water quality at the stations and layover.
- The culvert at MP 51.02 was discussed, including whether stormwater runoff is contributing to the erosion. Jenn mentioned that the soils in the area are very sandy. Jon Bruneau added that the Merrimack River is nearby and could be causing erosion during flood events.
- Vernal pool surveys should be completed.
- Recommend proposing an invasive species management plan
- Asked how the permitting process will be implemented. There are multiple towns and two states. Will it be combined into one application? Jenn responded that there will be three separate applications in MA to each municipality's Conservation Commission, plus the NHDES wetland permit application.

Lori Sommer (NHDES)

- Pleased that previous agency comments have been incorporated and certain stations are no longer being considered.
- For the vernal pool near the track in Merrimack, recommend looking at ACOE guidance and characterizing the existing pools and possible impacts. If the project lowers the value of the pool, then ACOE would require mitigation.
- Impacts to Priority Resource Areas (PRAs) would also require mitigation.
- Asked if the NHB report covered the Bedford-MHT station. Jenn responded that it did.
- If there is vegetation clearing in wetlands, the ACOE may look at it as a conversion impact and require mitigation.

John Magee (NH Fish and Game, Fisheries)

- There are many rare and listed species in the Sebbins Brook area (New England cottontail, spotted turtle). Sebbins Brook also has sea lamprey and wild brook trout.
- Need to be mindful of impacts near Sebbins Brook, particularly stormwater runoff from the parking lot.
- Asked how stormwater runoff at the Pheasant Lane Mall site will be treated since the tracks and station are very close to the Merrimack River. Jay Doyle responded that stormwater management will be part of the design, being mindful of the proximity to the river.
- Asked about the distance of proposed clearing to the Merrimack River. Jay mentioned that the proposed freight bypass is within the existing rail embankment (this line was historically double tracked). Jon Bruneau indicated that clearing would likely be above the top of bank. The clearing would be to 25 feet from the proposed track, not to the edge of the ROW, which can be very wide in some areas. These limits will be further refined during final design. Jenn mentioned that most of the vegetation clearing is maintenance of areas that were previously cleared.

Jessica Bouchard (NH Natural Heritage Bureau)

- Thanked the team for implementing NHB's recommendation regarding the Manchester layover site and removing the Pine Grove Cemetery option.
- The summary provided in the presentation is in line with previous NHB coordination.
- If any impacts to the Merrimack River bed, sand bars, or along the toe of the bank are proposed, another survey for Wright's spike sedge is recommended.

Mike Hicks (ACOE)

- Recommended contacting the Coast Guard for the bridge work.
- Vernal pool mitigation will need to be addressed later.
- Wanted to confirm that no further EFH review is required.
- Asked about the status of cultural resource review. Dave Derrig stated that AECOM has initiated this work. The project was reviewed at a NHDOT Cultural Resource Agency Coordination Meeting last week.
- Is the project federally funded? Jay mentioned that one part of the current project is development of a Financial Plan, which will identify funding sources. FTA is the lead agency for the NEPA EA and a potential source of capital investment grant funding.

- Asked if there has been any coordination with the ACOE contact for MA. Jenn responded not yet. Mike will check on this and get back to NHDOT.

Jeanie Brochi (EPA)

- The vernal pool evaluation will be important.
- Asked if temporary impacts have been evaluated. Jenn responded that temporary impacts are anticipated but they haven't been quantified yet.
- Asked if the 2014 EA was made available to agencies. Jenn responded that it is available on the DOT website.

Jaime Sikora (Federal Highway Administration)

- No comments due to FHWA not funding the project, however if funding sources change then FHWA may need to be involved.

Pete Steckler (The Nature Conservancy)

- Asked if team has considered NH Wildlife corridors mapping. Suggested overlaying corridors identified by NHF&G to consider impacts on connectivity and look for opportunities to mitigate potential impacts.

Mark Hemmerlein (NHDOT)

- Asked who will own and operate these facilities long-term? Who will manage construction?
  - Jay responded that the rail line is currently owned and operated by Pan Am in NH. In MA, MBTA owns the rail line and Pan Am operates on it. MBTA has trackage rights over the rail line from Lowell to Manchester. It is anticipated that construction of the rail improvements would likely be done under force account work. The proposed stations and layover would not be owned by Pan Am. MBTA could potentially own the layover facility. There are ongoing discussions regarding ownership of the stations.
- Who will obtain the permits?
  - Jay responded that the current phase of the project involves preparing an outline of necessary permits, but not obtaining these permits. At the end of the current project phase (30% design), decisions will need to be made about how the project will be delivered.
  - Shelley Winters stated that it hasn't been determined yet and will depend on the funding sources.
  - Mark mentioned that during the permitting process it is important to know who will own the project in the end. The project is subject to MS4 requirements and it will need to be determined if municipal systems will be managing stormwater. Need to have a clear understanding of this after leaving NEPA phase. Jay responded that the team is working to identify these answers.

*This project was previously discussed at a Natural Resource Agency Coordination Meeting on September 15, 2021*



**Errol, #42751:**

Kerry Ryan, NHDOT Environmental Manager, gave an overview of the location of the proposed state funded bridge maintenance project, bridge 071/030, which carries NH Route 16 over an unnamed stream which is the Moose Pond outlet. The existing bridge is a 10' wide x 28.5' long I beam bridge with concrete deck. This is a Tier 3 crossing. Photos were shown of the project area from NH Route 16, the structure and surrounding area at the upstream and downstream side of the bridge, the existing rip rap, and the existing perch.

Tim Boodey, NHDOT Bridge Maintenance Senior Engineer, described the proposed project which will include the replacement of the existing bridge with a wider, 20' span bridge, installation of wing walls, and installation of rip rap. It was stated the existing structure is a concrete box with concrete invert and the proposed structure is a three-sided concrete slab with natural bottom and that this location is influenced by the Androscoggin River during high flow events.

Preliminary wetland impact plans were shown identifying the proposed permanent and temporary impacts. The proposed construction sequence was described including perimeter controls, cofferdams, sediment basins, clean water bypass pump/pipe, phases, and traffic patterns. Hydraulics identified the existing crossing does not pass the 100-year storm event and the proposed project will pass the 100-year storm event.

T. Boodey identified two features in the vicinity of the project area: a snowmobile bridge, also called Seven Islands Bridge, which runs east-west over the Androscoggin River and; a pedestrian bridge, which runs north-south, parallel to NH Route 16. It was explained while the pedestrian bridge is visible in the photos, it has since been removed, that it is unknown who removed it, or if it will be rebuilt.

The abutments of both of these features were identified as site constraints (the pedestrian bridge abutment a constraint to the north of the project area and the Seven Island Bridge a constraint to the south of the project area).

K. Ryan outlined the environmental resources in the area and noted the project is not within a protected designated river buffer, no NHB hits, no EFH, is a Tier 3 crossing, in a FEMA 100-yr floodplain, in protected shoreland of the Androscoggin River (and a shoreland PBN will be secured), IPaC results (NLEB and Canada lynx), record of previous wetland PBN, and no PRA. The Aquatic Restoration Mapper identified predicted coldwater fishery and wild eastern brook trout and rating of no aquatic organism passage and partial geomorphic compatibility. The project is consistent with Section 106 and has been determined to have no potential to cause effects and the bridge is not eligible for the National Register. NHFG presence/absence data was shown for this area.

Karl Benedict, NHDES, asked why an alternative design is being proposed and T. Boodey said because of the downstream infrastructure. K. Benedict stated the determination of stream bed simulation is important, there is a PRA on the upstream side (wetlands adjacent to a Tier 3) which does not appear to be impacted, bypass sizing need to pass 2-year storm events, and longitudinal profile and bank impacts should be shown

Lori Sommer, NHDES, asked if there is an opportunity for a wildlife shelf. T. Boodey stated that will be looked at. L. Sommer stated any new rip rap below TOB or in the channel would need mitigation and LF of new rip rap would be looked at, because it is an Andy O'Sullivan, NHDOT, asked if it was > 200 LF that requires mitigation. L. Sommer stated an alternative design in a Tier 3 with a loss of bank does. T. Boodey explained the preliminary impacts and stated there is currently no bank under the structure and this project will create a bank, there is replacement rip rap and new rip rap proposed. L. Sommer stated any new rip rap beyond TOB needs mitigation. A. O'Sullivan asked L. Sommer if she could send him this rule citation. L. Sommer a wildlife shelf should be shown on a cross section. A. O'Sullivan the project will remove an existing perch, improve AOP, and include simulated stream bed material through the structure. Matt Urban, NHDOT, stated there is no existing bank under the structure and this project will result in 56' of new bank under the structure. L. Sommer stated the project would be self mitigating if a wildlife crossing was installed. K. Benedict suggested seeing if there are portions of rip rap that might be vegetated. T. Boodey stated vegetated banks are not preferred but he will review. L. Sommer asked for the Seven Mile Road snow mobile bridge to be shown on the plans.

John Magee, NHFG, stated there is brook trout in this stream and the trout move into this tributary in the summer from the warmer Androscoggin River and if there is trout in the Androscoggin River in September, they will move up the tributary to spawn although it is unclear how many wild brook trout are in this part of the Androscoggin. He asked how long the 4' diversion pipe will be in place. T. Boodey stated mid /late May through September. J. Magee also recommended a wildlife shelf and stated if no flat area is available, uniform/smaller stone with smaller stone to fill in the voids. T. Boodey asked if the wildlife shelf would need to be on one side or both sides. J. Magee stated it's understood can't be on both sides.

Jessica Bouchard, NHNH, was not present.

Mike Hicks, ACOE, stated the project requires USCG and cultural resources review.

Jean Brochi, EPA, had no comments.

Pete Steckler, Nature Conservancy, asked what the bank full width of the reference reach, what is a compliant size structure, could the structure be wider, and the north side is ideal for wildlife shelf T. Boodey reiterated there are constraints on the north and south sides of the existing bridge due to the timber abutments of the recreation trail and the snow mobile bridge.

M. Urban stated the reference reach average is 15' and using 1.2+2 results in a 20' compliant sized structure and using the entrenchment ratio results in a 30' compliant sized structure which is why we are in an alternated design. He stated the proposed design still meets the 1.2+2.

A. O'Sullivan stated we will include in the permit that the project will meet the 1.2+2, not meet the entrenchment ratio, and will meet the AOP/hydraulics requirements.