

BUREAU OF ENVIRONMENT CONFERENCE REPORT

SUBJECT: NHDOT Monthly Natural Resource Agency Coordination Meeting

DATE OF CONFERENCE: September 18, 2013

LOCATION OF CONFERENCE: John O. Morton Building

ATTENDED BY:

NHDOT

Christine Perron
Kevin Nyhan
Marc Laurin
Matt Urban
Bob Landry
Don Lyford
John Butler
Ron Crickard
Mark Hemmerlein
Steve Babalis

**Federal Highway
Administration**

Jamie Sikora

Army Corps of Engineers

Rich Roach

NH Fish & Game

Carol Henderson

EPA

Mark Kern

NHDES

Gino Infascelli
Lori Sommer

**NH Division of Historical
Resources**

Edna Feighner
Laura Black

(When viewing these minutes online, click on an attendee to send an e-mail)

PRESENTATIONS/ PROJECTS REVIEWED THIS MONTH:

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NOTES ON CONFERENCE:

Finalization of August Meeting Minutes

The August 21, 2013 meeting minutes were finalized.

Portsmouth-Kittery, BH-1671(000), 15731

Bob Landry discussed the proposed dredging along the main wharf of the Port of New Hampshire to mitigate impacts to the barge wharf that will occur with the replacement of the Sarah Mildred Long Bridge. The new bridge will clip the end of the barge wharf requiring removal of a section of the wharf and impacting its function. Mitigation is required to replace the lost functionality to the Port. With the existing bridge removed, the main wharf can be extended north to provide a safer location and tie offs for the new larger and longer vessels visiting the port. With this extension of the main wharf, dredging in front of the main wharf extension will require the excavation of about 15,000 cubic yards of material. Appledore Marine Engineering, Inc. has been hired to further evaluate the needs of the Port to provide the functional replacement associated with the replacement structure. A meeting with DES Coastal Program personnel is scheduled to occur later in the day to discuss eel grass and other concerns. A meeting with the NOAA National Marine Fisheries Division and NH Fish and Game to discuss outstanding concerns, such as eel grass impacts and dredge windows for fisheries, will occur next week. The wetland permit application is anticipated to be submitted by the end of the month.

Lori Sommer inquired whether the main wharf area had previously been dredged and to what extent. B. Landry was not sure, borings are being conducted and these will determine any previous disturbances to the area. Major dredging has occurred upstream in the past. Carol Henderson inquired about the schedule of the work. B. Landry replied that the bridge replacement is anticipated to start in the fall of 2014. The dredging would not occur until the new bridge is constructed and the Sarah Mildred Long bridge is removed, which should occur in 2017 or 2018. L. Sommer stated that mitigation for impacts from the dredge, fill, and piers will be required. Rich Roach thought the mitigation would need to consider any eel grass impacts and that further evaluation of the impacts that would occur to the North Mill Pond complex is needed. Mark Kern asked about existing eel grass survey in the area. B. Landry stated that an earlier survey by Maine DOT did not find eel grass, however a re-survey has been recently completed and the results will be discussed at next week's meeting with NOAA.

B. Landry stated that the disposal site for the dredge material had not yet been finalized. He suggested that an area near the existing bulkhead may be considered to expand the main wharf or it could be sent to active disposal areas. R. Roach was not convinced that it would be appropriate to place fill in the Piscataqua River. He also suggested looking at restoration of tidal pond or eliminating constrictions to tidal flows in the area. This may require expanding the study area to investigate potential mitigation at other sites in the region. M. Kern suggested that Dave Burdick of UNH may have some ideas for appropriate mitigation. B. Landry stated that coordination with Dr. Baldwin and Fred Short at UNH is also occurring. Gino Infascelli is investigating permits issued in the area and previous mitigation that may have occurred in the area, specifically at the North Mill Pond. B. Landry will also ask the Port Authority about previous mitigation conducted.

Information obtained after the meeting included the wetlands permit received by NH Port (Permit #2008-02363), with the description of work being "Expand existing Market Street Marine Terminal facility by constructing 25,125 square feet of new pier area, including elimination of 2 access bridges; new pier construction; installation of a new mooring dolphin and attached catwalk; and repair of existing caissons, bulkhead, and concrete decking, to allow safe docking and freight discharge of 750 foot cargo vessels at

Division of Ports and Harbor Port facility.” The permit expires on September 10, 2014 and includes “waive compensatory mitigation required by Rule Env-Wt 302.03(c)(2)(f)” based on the understanding of previously constructed 8 acres of mitigation in North Mill Pond with Albacore.

This project was previously reviewed on the following date: 6/19/2013

Bedford, X-A000(143), 13953

John Butler gave a brief description of the project, which entails the widening and reconstruction of a 2-mile section of NH Route 101 from Constitution Drive west to Wallace Road in Bedford. The existing corridor is only 2 lanes wide, is deficient in capacity, and presents safety concerns. Traffic backups occur routinely at the existing signals at Meetinghouse Road and Nashua Road. Several other un-signalized intersections are located along the corridor, causing safety concerns for left turning vehicles and for traffic exiting from these side roads. There is a high accident rate with over 200 crashes recorded within a 5-year period. The goal is to widen the corridor to a consistent 5-lane typical with left turn lanes at selected intersections and a center raised median for access control. Four to five foot shoulders would be constructed to accommodate bicycles. Sidewalks along both sides of the highway are proposed, though due to the more rural aspect of the eastern portion of the corridor, it may make sense to only have one sidewalk east of Nashua Road. This concept was presented in a 2002 corridor study done by the Town of Bedford with extensive public input and was strongly supported by the residents of the town.

A preliminary layout of the widening, completed in 2006, generally followed the center line with equal widening on both sides. This concept will need to be revised to minimize impacts wherever possible. There are several large wetland areas along both sides of the road and preliminary wetland impacts are estimated at 4 acres. No impacts to Riddle Brook, a Tier 3 crossing, are proposed. There are a number of smaller stream crossings that are classified as Tier 1. A public informational meeting was held in March 2013 and a Public Hearing is anticipated to be held in the spring of 2014, with advertising for construction in the fall of 2016.

Rich Roach confirmed that the project as proposed would require an Individual Permit and asked if there was opportunity to restrict access along the corridor. J. Butler replied that this has been discussed with the Town and will be further studied. The Town has already implemented means to restrict access at Olde Bedford Way to right in/right out. Other access management components are being investigated at the commercially developed western end of the project. R. Roach suggested looking for restoration opportunities in the area and then an in-lieu payment could be considered. Mark Kern agreed that in-lieu fee component would be appropriate. Lori Sommer suggested that Jeff Foote from Bedford would be a good resource to determine if there are appropriate restoration areas in the Town. Marc Laurin stated that the Department has sent the Conservation Commission a letter, but has yet to receive comments. He would further coordinate with them for their input on mitigation. Gino Infascelli asked that Riddle Brook crossing be evaluated to see if it made sense to improve that crossing.

M. Laurin inquired if the project warranted a Joint Public Hearing with DES and the Corps. This approach would require going to the hearing with preliminary wetland impacts. G. Infascelli and R. Roach did not think a joint hearing was necessary, especially given that the Department was targeting Spring 2014 for the DOT hearing. All concurred that even though the impacts are fairly large, it would not be a great concern with an appropriate mitigation package.

This project has not been previously discussed at a Monthly Natural Resource Agency Coordination Meeting.

Roxbury-Sullivan, F-X-0121(034), 10439

John Butler provided a general description of the project. The project consists of roadway improvements along a 2-mile section of NH Route 9 in the towns of Roxbury and Sullivan. In Sullivan, the Department proposes to replace the NH Route 9 bridge spanning Otter Brook, and rehabilitate the 20-foot NH Route 9 span over Hubbard Brook. In Roxbury, the Department proposed to replace a retaining wall located in the vicinity of the Houghton Ledge Road intersection with NH Route 9. Within the project limits, modest improvements to NH Route 9 are proposed to rehabilitate the pavement, provide 4-foot shoulders, and improve drainage.

The Department has investigated several alternatives to improve sections of the road and replace the Otter Brook bridge. This stretch of NH Route 9 has not been improved since the 1930s. It has challenging topography as it winds along between the west bank of Otter Brook and the steep hillsides located directly adjacent to NH Route 9.

At the western end of the project, the retaining wall is in dubious condition and obstructs sight distance. Design alternatives include shifting the road alignment to the southeast in order to construct a 1:1½ engineered stone slope or replacing the wall in about the same location with a slight shift in the roadway to improve sight distance. Both of these alternatives were evaluated as stand-alone improvements, or in conjunction with more extensive improvements to the geometry of NH Route 9. The Department is leaning toward replacing the wall with an engineered slope without significant improvements to the roadway geometry. There are no flood concerns at this location. Marc Laurin acknowledged that due to the time that has passed since the project was initially reviewed, the wetlands will need to be re-delineated. There are a number of seeps and perched wetlands along the hill side, as well as Otter Brook and Hubbard Brook. Rich Roach stated that, in general, the design should try to move away from Otter Brook. J. Butler thought that any widening would only be 2 to 3 feet closer to the brook and would not impact its bank. Mark Kern did not think that there was much of a concern with this option. Carol Henderson stated that any stream crossings along NH Route 9 should be improved, if possible.

At the eastern end of the project, a matrix detailing the 3 alternatives for replacing the Otter Brook bridge (upstream, on-line, and downstream) was handed out and reviewed. The upstream alternative would shift NH Route 9 to the north, allow the construction of the new bridge out of traffic, would have permanent impacts to the East Sullivan Historic District, and would require the demolition of an historic house contributing to the District. This would be the least expensive alternative. The on-line alternative has challenging engineering issues. It would require an upstream detour with a temporary bridge spanning Otter Brook, would require a larger 2-span bridge due to the severe skew of the roadway, the bridge height would need to be raised to be above the 100 year flood elevation resulting in some impacts to the Historic District, would still require the temporary acquisition of the historic house due to the proximity of the detour, and would be the most expensive alternative. Due to the severe skew required to cross Otter Brook, an immediate downstream alternative is not practicable. The off-line downstream alternative would require the construction of a new 1,500-foot section of NH Route 9 on new alignment through undeveloped forested lands. This alternative would require a connection be built to provide westerly access for the old NH Route 9/Valley Road to the new alignment, would not impact the Historic District, would require the demolition of one non-historic house, and would require approximately 9.2 acres of right-of-way acquisition. Wetlands have not yet been delineated within the limits of this downstream alternative.

Mark Kern thought that the upstream option is somewhat better from an environmental perspective, though he understands that the historical impacts also need to be considered. Regarding the undeveloped property that would be located between the relocated road and Otter Brook, Rich Roach commented that there was benefit in keeping the property State-owned with limited access. Lori Sommer expressed concern with adding another road. C. Henderson commented that she would prefer not to see a new road constructed,

and would prefer to see the Department improve what is existing. She suggested that plantings on NH Route 9 along the north (west) side of the Brook to add shade would be a benefit to the resource and should be investigated. She inquired about water quality and rare species. Mark Hemmerlein stated that Otter Brook does not have water quality issues. M. Laurin stated that a Natural Heritage Bureau database search did not report any species of concern. Edna Feighner noted that the upstream and on-line alternatives have impacts to historic resources. She expressed general concern with continued impacts to historic communities throughout the State and commented that historic resources are important to preserve if possible.

This project was previously reviewed on the following dates: 10/20/1999, 8/16/2000