

**MEETING MINUTES FOR THE MEMORIAL BRIDGE PROJECT**  
**[Portsmouth-Kittery, A000(911), 13678F]**  
**March 9, 2011 11:00-1:00**  
**Location: NHDOT, Planning Conference Room**

**Agency Representatives**

**NHDOT**

Bob Landry  
Bill Cass  
Keith Cota  
Jill Edelmann  
Joyce McKay  
Kevin Nyhan

**NHDHR**

Laura Black  
Linda Wilson  
Peter Michaud

**Maine SHPO**  
Kirk Mohney\*

**McFarland Johnson**

Vicki Chase

**FHWA**

Jamie Sikora  
Mark Hasselman\*

**Consulting Parties**

**National Trust for Historic  
Preservation**

Betsy Merritt\*  
Roberta Lane\*

**Albacore Park**

Ken Herrick

\*Participation via phone conference

Kevin Nyhan explained the purpose of this meeting was to advance the project to secure the \$20M TIGER grant. In order to secure the grant the MOA needs to be signed and NEPA needs to be completed by March 17-18, 2011, placing the MOA and NEPA on an extremely accelerated schedule.

K. Nyhan summarized that this meeting will be the 3<sup>rd</sup> or 4<sup>th</sup> meeting on the stipulations of the MOA, and the goal is for everyone to be comfortable with the MOA as written by the end of the meeting, in order to be able to sign before March 17<sup>th</sup>.

Betsy Merritt expressed a strong objection to the expedited process, and found it very inconsiderate to consulting parties to be given less than 24 hours notice, to finalize the MOA. She believes that this is not meaningful consultation with all parties, and that poor planning on behalf of the states, should not penalize the consulting parties, and is against the Section 106 process. Jamie Sikora added that the Advisory Council was contacted on March 9, 2011, prior to this meeting taking place.

Mark Hasselmann explained that the states became aware of the restrictions within the last week, and are now attempting to notify all involved entities, including DOI, NPS, USDOT, and FHWA headquarters.

Bill Cass explained that ME and NH received the Tiger II Grant and outlined where the NEPA process stood at the time of the application, however it was decided within the last week that a March 18<sup>th</sup> deadline had been set, or a rescission of any un-obligated funds would take place.

B. Merritt explained that now was critical to work together to implement Section 106 in a meaningful way, being mindful of requirements and permitting consulting parties the ability for meaningful input. The ACHP also needs to be contacted and in agreement with the process. R. Lane agreed that this accelerated schedule seems to have everyone scrambling to accomplish tasks. J. Sikora suggested that the committee review the stipulations laid out thus far in the process.

There were no concerns with the “Whereas” statements as written.

### Project Development

#### **Stipulation 1:**

K. Cota explained that the review times had been changed to accommodate the quick design build review process. It was agreed that additional review time of 30 days could be added for the 25-30% review phase.

Laura Black stated that NHDHR was concerned with the design-build not meeting the Secretary of the Interior Standards, or that not enough information would be presented to DHR for their review. It was agreed that the stipulation would note that FHWA, with SHPO’s input would approve the design-build plans.

K. Cota added that DOT, FHWA and DHR will have to determine in the future what these reviews will consist of, in order to include that in the RFP.

#### **Stipulation 2:**

B. Merritt questioned why the bridge was only being marketed once, as the wording seems to have a begrudging attitude toward the marketing aspect of the stipulations. J. McKay replied that sale of the bridge is very unlikely, however the bridge will be marketed on both NH and Maine DOT websites.

#### **Stipulation 3:**

The due dates for the letter reports were laid out in more detail.

### Historical Resources

#### **Stipulation 4:**

For the formal determination of a historic district for the Portsmouth Downtown district, it was suggested that instead of reading ‘Historic District,’ to read ‘National Register Historic District.’

#### **Stipulation 5:**

The completion of the historic survey of Kittery was placed on the onus of MaineDOT.

**Stipulation 6:**

MESHPO will be added for review of the interpretive panel, with the NESHPO.

**Stipulation 7:**

No comments.

**Stipulation 8:**

Laura Black spoke for Kitty Henderson, who was not able to participate, but emailed her concerned that the language is more exploratory, and not willing to commit. The language provided seems to be bigger types of workshops and conference, however training could be setting up a conference room for interested employees and providing the funding. Suggested language is, "For the 2012 meeting schedules, the NHDOT will work towards setting up predefined..."

B. Merritt also had concerns that there was not enough of a commitment from NHDOT. She questioned the wording "work towards," as this should be something budgeted for, to understand the importance of training for the maintenance and rehab of historic bridges.

K. Cota added this is more a department administrative measure and we are using the removal of Memorial Bridge to work towards getting training accomplished department wide. In speaking with ACEC, historic bridges would be an interesting topic, and the organization appeared enthusiastic about the idea.

Archaeologically-based Impacts

**Stipulation 9:**

NHDHR approved the stipulation wording.

Economic-based Impacts

**Stipulation 10:**

It was asked that the Public Outreach Coordinator be CFR qualified. It was agreed that a 36 CFR 61 qualified individual should be easy to find and include in the project. It was also asked that in the stipulation a tangible outcome be added, for example a book or film.

Construction-based Impacts

**Stipulation 11:**

There were no comments on the conservation of the existing plaques, as all plaques will be removed, stored, conserved and replaced.

**Stipulation 12:**

No comments.

**Stipulation 13:**

It was explained that vibration levels will be monitored during construction, and that a qualified building conservation/specialist will be included on the design-build team. A pre-construction survey will take place, which will establish the baseline for acceptable vibration levels. If any levels are outside of the pre-construction survey results, the construction methods will be altered appropriately.

The pre-construction/monitoring plan will be reviewed by the SHPOs prior to construction.

Peter Michaud was to provide the group with the current vibration level specs to include in the MOA.

**Stipulation 14:**

There were no comments as written; however it was asked to check with ACHP for their up-to-date boiler plate language preferences.

**Dispute Resolution clause**

B. Merritt recommended that other parties be included, not just SHPOs to dispute the MOA. Viewed as safety precaution, she recommended that other parties are included. B. Merritt will email examples of other MOA language to Kevin. Linda Wilson also suggested that Carol Legard would have examples.

Jamie Sikora concluded that the process from here is to make the suggested revisions from today's meeting and send out the MOA for a final review. The MOA cannot be signed until DOI approved the 4(f) documentation and ACHP confirms whether or not they want to be a consulting party.

K. Nyhan will provide copies of the updated MOA to all parties for comments, and will express the accelerated deadline.

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