

MITIGATION MEETING MINUTES FOR THE MEMORIAL BRIDGE PROJECT
[Portsmouth-Kittery, A000(911), 13678F]
February 17, 2011 10:00-1:00
Location: NH Federal Highway Conference Room

Agency Representatives

NHDOT

Bob Landry
Jill Edelmann
Joyce McKay
Keith Cota
Kevin Nyhan

NHDHR

Laura Black
Linda Wilson

FHWA

Mark Hasselmann*

Maine SHPO

Kirk Mohney*

McFarland Johnson

Vicki Chase

Consulting Parties

Portsmouth Historical Society

Richard Candee**

Albacore Park

Ken Herrick

National Trust for Historic Preservation

Rebecca Williams**

Historic Bridge Foundation

Kitty Henderson**

*Participation via video conference

**Participation via phone conference

Notes on Conference

I. Acceptance of the agenda: modifications? additions?

The agenda was accepted without modification or addition.

II. Comments on January's meeting minutes

Laura Black indicated that NHDHR has comments on the January 17th minutes and the yellow sheets. She will transmit them electronically to NHDOT following the meeting. Jamie Sikora noted he had no major comments.

III. Review the alternatives to the replacement of the Kittery Approach Spans and effects to eligible properties

Bob Landry indicated that Design-Build teams would provide proposals to move forward with relative to the design of the Kittery Approach Spans. Currently, the Kittery Approach Spans consist of 10-30' spans with stringers. A proposed design is likely to be more standard (concrete butted boxes or concrete/ steel beams). The number of spans is still being evaluated, but will likely be 3-4 given the vertical clearance requirements.

Alternatives to the replacement of the Kittery Approach Spans include:

- No build: The existing structure is in poor condition and is not considered a viable alternative.
- Rehabilitation: Rehabilitation was looked at, but based on latest inspections, this was determined not to be viable.

It was agreed that the removal of the Kittery Approach Spans would be an adverse effect on this element. There was discussion from Mark Hassleman regarding considering the Kittery Approach Spans individually, and not part of the larger Memorial Bridge/ District. Joyce McKay indicated that when we were preparing for the rehabilitation project, that is how it was handled. She asked how Maine wanted it treated since they are a Maine resource. M. Hasselman indicated that he was not sure how Maine DOT would want to handle it, but likely as part of the bridge/district. Kirk Mohny will talk with Dave Gardner to determine how they want to handle it. Linda Wilson suggested treating the Kittery Approach Spans as part of the bridge.

IV. Resolution of outstanding action items

MESHPO will talk to MEDOT on the differences in the ME effects matrix (Sarah Mildred Long Bridge), and will coordinate with NHDOT/NHDHR as appropriate

This action item was completed prior to the meeting and ME has resolved effects on resources.

MESHPO will talk to MEDOT on the cost of the documentation of all properties in Kittery and will coordinate with NHDOT

J. McKay indicated that the scope that was generated for this stipulation was based on evaluation on the three (3) districts in Maine proximal to the Maine approach (Post Civil War District/ Government Street/ Downtown area). The cost estimated for this effort is \$233,000 and was derived from contacting the tax assessor in Maine. J. McKay has not yet been able to touch base with Maine DOT, but needs their survey approach and cost figures in order to refine the number. K. Mohny indicated he had discussed at cost ceiling for this effort, but MaineDOT felt that the \$233,000 estimate was too high. This item needs further clarification from MaineDOT.

K. Mohny asked about the overall cost of mitigation and how equity in mitigation is divided between Maine and New Hampshire. This is one factor in determining how much survey should be done in Maine. J. McKay indicated that the Portsmouth Historic District National Register Nomination is estimated to cost \$175,000. The Kittery survey and Portsmouth Historic District National Register nomination are equivalent components.

V. Finalization and signature of the adverse effect memo

The Adverse Effect memo was changed so that it only includes the effects. The stipulations have been removed, as requested at the last meeting.

J. Sikora's memo was summarized, which indicates that FHWA believes there would be no effect of the project on the USS Albacore, and no adverse effect on the Warner House. L. Wilson asked that this discussion be postponed and continued at a later date when Beth Muzzey is available. R. Candee concurred. L. Wilson further indicated that this is not only a Section 106 issue, it is a Section 110 issue and the National Park Service and Advisory Council may want to weigh in. Given the murals on the interior of the Warner House, vibrations are a real concern. R. Candee indicated that there could be impacts on visitation/ tourism at Warner House.

M. Hasselmann continued discussion on Albacore and Warner House. He asked how far Warner House is from the construction site, and asked that for vibrations there be an assessment of conditions before and during construction to ensure that the project is not affecting Warner House. Warner House is approximately 1 block away. R. Candee asked what happens if something is damaged by vibrations. J. McKay indicated that reimbursement is the last option, since construction causing vibration to reach beyond acceptable limits would be halted and the approach to construction modified to return vibrations to acceptable limits, thus preventing damage. It was agreed that impacts to these two properties would be discussed at the next New Hampshire NHDOT/NHDHR/FHWA/ACOE Cultural Resources Meeting on March 3.

The discussion then focused on the changes that needed to be to the remainder of the Adverse Effect memo. Requested changes were noted and will be incorporated into the final version of the memo.

VI. Discuss the MOA stipulations

Stipulation #1 – Public Outreach Coordinator

J. McKay summarized the goals of this position, which would be to make sure businesses (including historic/ tourism businesses) stay on an even keel and viable during construction. L. Wilson wanted to make sure that a product is developed by this stipulation as well, such as a documentary or book, similar to the Sarah Mildred Long Book. K. Cota indicated that we need to know what a minimum amount of funding would be for this stipulation. R. Candee and L. Wilson indicated that it would be hard to identify a cost at this point. K. Mohney stated that he was still troubled by item "f" relative to public education programs. He asked how this mitigation would resolve an adverse effect. J. McKay indicated that this stipulation was ensuring that impacts to the business communities on both sides of the bridge is minimized to the extent possible. If property owners are unable to maintain their level of business or go out of business, then maintenance of buildings within the Portsmouth Historic District would very likely suffer. This impact would adversely affect these properties. K. Mohney did not disagree, he just didn't see how this was mitigation. L. Wilson indicated that this item was taken from other MOAs and has been used elsewhere. M. Hasselmann indicated that funding may be an issue. J. McKay stated that this is only a position for two-years/ duration of construction. It is not permanent. J. McKay also stated that 36 CFR 800 recognizes economic impacts on communities as adverse effects. This needs to be

resolved. J. McKay will talk with R. Williams and transmit information relating to this type of mitigation to the group.

Stipulation #2 – Formal Determination of Eligibility / National Register Nomination for Portsmouth Historic District

NHDOT is reluctant to do the nomination in part because of the large amount of public input needed.. L. Wilson stated that DHR would accept the offer and take the lead on the National Register nomination.

Stipulation #3 – Kittery Architectural Survey

This item still need clarification and discussion with MaineDOT and Maine Historic Preservation Commission. Follow-up is needed.

Stipulations #4 & #5 – Conservation of existing plaques on Memorial Bridge and installation of an interpretive panel in Prescott Park of other City property

These items are estimated to cost approximately \$500,000 in 2008. There was little discussion, however it was discussed that the public outreach coordinator/committee (discussed under stipulation #1) could decide best place for the interpretive panel.

Stipulation #6 – Modern dedication plaques on new bridge

No discussion.

Stipulation #7 – Vibration monitoring

This item consists of a preconstruction assessment, monitoring during construction, and adjusting construction if needed to prevent vibratory damage to adjacent buildings and NHLs. The goal of this measure isn't necessarily to pay for damage when it happens, but to prevent it.

L. Wilson added that it seems to her that stipulations 7-9, 11, 12, & 14 are all standard construction measures. K. Nyhan suggested that stipulations be broken out under separate headings in the MOA to identify what adverse effects are being mitigated, similar as has been done in other MOAs provided by L. Black.

Stipulation #8 – Review of bridge design at 30%, 60%, & 90%

The review needs to be conducted to ensure that the project is consistent with the Secretary of the Interior Standards for the Rehabilitation of Historic Buildings, Standards 9 and 10. M. Hasselmann indicated that timeframes needed to be added to these reviews, approximately 15 days for the 60 and 90% review periods, and 30 days review for the 25-30% design phase. It was recommended that a copy of the Secretary of the Interior Standards for the Rehabilitation of Historic Buildings, Standards 9 & 10 be included as an appendix of the MOA.

Stipulation #9 – Conducting all phases of archaeology

It was discussed that a Phase IA assessment needs to be added for the Kittery Approach Spans abutment in Kittery, and monitoring if resources are at risk. M. Hasselmann asked about putting off archaeological investigation until the contract phase. Since this work is in Maine, MaineDOT needs to provide cost for this work. [Note that the Phase IA was completed for the Kittery approach span under the Connection

Study.] It was noted that there may be additional archaeological work on the Portsmouth side because there could be resources under 12 feet of fill.

Stipulation #10 – Historic Structures Report

This stipulation is complete. However, L. Wilson had requested that the original documents used to create the Historic Structures Report be archivally copied and deposited locally. However, she was agreeable to the production of an annotated bibliography that included all primary sources of information used in the Historic Structures Report. This will be included in the stipulation. K. Henderson noted that it would be helpful to note that Historic American Engineering Record (HAER) documentation is included within the HSR.

Stipulation #11 – Marketing of the bridge pursuant to 23 USC Sec. 144

This is a required stipulation.

Stipulation #12 – Transportation shuttle

This stipulation will be included under a separate heading in the MOA. *After discussion following the meeting, it was agreed that this stipulation is not needed in the Section 106 MOA for this project.*

Stipulation #13 – Pre-defined educational forums in NH/ME relative to historic bridges

L. Black expressed concern with the vagueness of the stipulation. The NHDOT's concern is that it can't force an outside group to do the training. This is the reason, NHDOT internal training is included in the possible venues. Other language was discussed instead of, "exploring the possibility..." such as "arrange." R. Williams asked if NHDOT could talk with ACEC and find out if they would be interested in this type of a conference. M. Hasselmann provided a suggestion for language which was, "explore the opportunities and take advantage as funding allows..." K. Cota added that NHDOT does not see this as a viable mitigation and is trying to meet halfway. It was agreed that this item would be discussed in the future. K. Henderson agreed that she would like to see more commitment-oriented language in this stipulation.

Stipulation #14 – Annual letter report on all activities carried out under the MOA

No discussion.

VII. Next Steps

It was agreed that a meeting would be scheduled on March 3rd to discuss the two remaining items necessary to sign the adverse effect memo: Albacore Park and the Warner House. It is hoped that the adverse effect memo could be signed at this meeting.

The next regularly scheduled meeting is set for Thursday, March 17, 2011, the date is pending the stipulations can be concurred upon prior to that date.

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