



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



Victoria F. Sheehan
Commissioner

William Cass, P.E.
Assistant Commissioner

DATE September 28, 2020

AT (OFFICE) Bureau of
Environment

KTN

FROM Kevin T. Nyhan
Administrator

SUBJECT RATIONALE FOR ADOPTION OF ENVIRONMENTAL DOCUMENT PREPARED BY MAINE DOT

PORTSMOUTH-YORK
16189B

KITTERY-PORTSMOUTH HIGH LEVEL BRIDGE REHABILITATION
WIN 1927.00

KITTERY-PORTSMOUTH ITS
24177.00

TO File

The Bureau of Environment has reviewed the Categorical Exclusion Documentation prepared by MaineDOT on July 15, 2020 for the subject projects, which consist of the rehabilitation of the bridge that carries I-95 over the Piscataqua River, and installation of ITS along I-95. Based on the information contained in that document, and subject to the environmental commitments in New Hampshire outlined in the attached summary, I have determined that the proposed project will not have a significant impact on any natural, cultural, recreational, historic, or other environmental resources. Therefore, this project is properly classified as a Categorical Exclusion under the National Environmental Policy Act of 1969. Furthermore, these project types are consistent with ones identified in the Programmatic Agreement between the NH Department of Transportation and the NH Division of the Federal Highway Administration, allowing them to be classified as Programmatic Categorical Exclusions in NH [CE Action Numbers: 28 (1297.00) and 21 (24177.00)].

KTN:ktn
Encl.

c.c. C. Blackman, via E-mail
J. Evans, via E-mail
J. Sikora, via E-mail
R. Crickard, via E-mail

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Environmental Commitments for all work in New Hampshire:

1. It is anticipated that all efforts associated with this project will be contained within previously disturbed areas associated with the existing roadway structure(s). Should design changes or the contractor's method of construction require impacts within undisturbed areas outside the existing roadway structure(s), the contractor shall be required to check those areas for potential endangered species impacts by completing a NH Natural Heritage Bureau (NHB) DataCheck (https://www2.des.state.nh.us/nhb_datacheck/) and submit the results to the Bureau of Environment for further guidance. The Bureau of Environment may require the contractor to conduct field investigations and coordinate directly with the NHB and/or the NH Fish and Game Department as well as take any additional steps they deem necessary. All endangered species issues shall be addressed to the satisfaction of the Bureau of Environment prior to the commencement of construction. (Construction, TSMO, Environment)
2. It is not anticipated that this project will require impacts within areas under the jurisdiction of the NHDES Wetlands Bureau (RSA 482-A & RSA 483-B). If at any point during design or construction impacts to any NHDES jurisdictional area becomes necessary (wetlands or areas outside the limits of the existing roadway structure within 250 feet of the Piscataqua River or Hodgson Brook), additional coordination with the Department's Bureau of Environment shall be initiated. All appropriate permits and/or approvals determined necessary by the Bureau of Environment shall be obtained prior to the commencement of construction within any NHDES jurisdictional area. (Construction, TSMO, Environment)
3. All work, including construction staging, shall occur within the limits of existing State right-of-way, existing easements, and/or on State owned property. (Construction, TSMO)
4. It is not anticipated that this project will require more than an acre of ground disturbance. As such, this project does not require coverage under the National Pollutant Discharge Elimination Systems (NPDES) Construction General Permit (CGP) administered by the Environmental Protection Agency. Therefore, a Notice of Intent, Notice of Termination, and the preparation of a Storm Water Pollution Prevention Plan (SWPPP) are not required. However, appropriate pollution preventative measures and "Best Management Practices (BMP)" as outlined within the New Hampshire Stormwater Manual Vol. 3 – Erosion Control and Sediment Controls During Construction (December 2008), available on-line at the New Hampshire Department of Environmental Services website, shall be employed by the Contractor to assure that any detrimental impacts are minimized to the extent practicable. BMP's shall be amended as necessary to provide for continued erosion and sediment control through the duration of the project. Appropriate temporary measures shall be constructed as necessary to prevent erosion based upon the Contractor's method of operation and schedule. Should design changes or the contractor's method of construction require ground disturbance in excess of 1 acre NPDES CGP coverage will be necessary and the preparation of a SWPPP shall be required. (Construction, TSMO, Environment).
5. Prior to the commencement of work, all appropriate erosion control and stormwater management measures shall be installed to prevent detrimental environmental impacts. Such measures shall be inspected and maintained throughout construction. (Construction, TSMO, Environment)
6. This project is not anticipated to require the removal of any trees in excess of 3" diameter at breast height (DBH). Should design changes or the contractor's method of construction require

- the removal of any trees in excess of 3" DBH, additional coordination with the Department's Bureau of Environment shall be initiated. (Construction, TSMO, Environment)
7. Work shall not commence on any bridge/structure suspected of providing habitat for any species of bat until such time that the Bureau of Environment has coordinated with, and obtained authorization from, the US Fish and Wildlife Service, as necessary. (Construction, TSMO, Environment)
 8. The Northern Long-Eared Bat Flyer shall be shared with all operators, employees, and contractors working on this project and operators, employees, and contractors shall be made aware of all applicable environmental commitments. (Construction, TSMO, Environment)
 9. All sightings of dead or sick bats shall be immediately reported to the Bureau of Environment (Rebecca Martin, 603-271-3226). (Construction, Environment)
 10. The project area has not been reviewed for invasive plant species. All work located in areas containing invasive plant species on the NH List of Prohibited Invasive Species (AGR PART 3802.01), including daily removal of plant material from construction equipment, shall be conducted in accordance with the Department publication: "Best Management Practices for the Control of Invasive and Noxious Plant Species." (Construction, Environment)
 11. Numerous potentially contaminated sites are located in proximity to the project area. As this project involves limited excavation within the limits of the existing elevated roadway structure, it is not anticipated that contaminated materials will be encountered. However, if any visual or olfactory observations indicate the presence of contamination during excavation, the Bureau of Environment's Contamination Program (603-271-3226) shall be notified immediately and construction shall be discontinued in that area until the situation is assessed. (Construction, Environment)
 12. It is not anticipated that any dewatering will be necessary during construction. Should design changes or the contractor's method of construction require dewatering additional coordination with the Department's Bureau of Environment shall be initiated prior to construction. Should unanticipated groundwater be encountered during construction, the Bureau of Environment's Contamination Program (603-271-3226) shall be notified immediately and construction shall be discontinued in that area until the situation is assessed. (Construction, TSMO, Environment)
 13. Monitoring wells shall not be impacted by this effort. If wells encountered within project limits are to be impacted by the construction activities, the contractor shall avoid and maintain the wells and contact the Bureau of Environment's Contamination Program (603-271-3226) to arrange for proper protection or decommissioning of the wells. (Construction, Environment.)
 14. All work that will impact lead based paint shall adhere to the current Department guidance for management of lead based paint. (Construction, TSMO)
 15. It is anticipated that any soil excavation associated with this project will be *de minimis* in nature with respect to Limited Reuse Soils (LRS) management. LRS, as internally defined, shall not be stockpiled. For the purposes of this stipulation, "stockpile" shall mean the mechanical consolidation of excavated soil from its point of origin to a new location, with or without soil collected from other excavations from the same project. The term "stockpile" shall not include the establishment of temporary windrows along excavations, nor LRS scraped off the surface of the ground at an excavation and temporarily piled next to the excavation area. (Construction, TSMO)
 16. LRS shall be reused within property under the permanent control of the Department (e.g. right-of-way and/or permanent easements adjacent to right-of-way), in the immediate area of its point of generation. LRS shall be reused on the same day it is excavated and/or generated, and shall be sufficiently protected with appropriate erosion and sedimentation control best management practices at the end of each work day. (Construction, TSMO)