

MEMORANDUM OF AGREEMENT

Whereas, the Federal Highway Administration (FHWA) has determined that the replacement of the Kelleyville Bridge (Bridge No. 085/101) in the town of Newport, New Hampshire over the Sugar River will have an adverse effect upon the bridge, which is eligible for inclusion in the National Register of Historic Places, and has consulted with the New Hampshire State Preservation Office (NHSHPO) pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f); and

Whereas, the New Hampshire Department of Transportation (NHDOT) participated in consultation and has been invited to concur in this Memorandum of Agreement;

Now, therefore, FHWA and NHSHPO agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effects of the undertaking on historic properties.

Stipulations

FHWA will ensure that the following stipulations are carried out.

- I. Documentation: Prior to demolition, relocation or transfer, the Kelleyville Bridge will be recorded to Historic American Engineering Record (HAER) standards so that there will be a permanent record of its existence. Photogrammetric and planimetric documentation will be included under this measure. The National Park Service (NPS) will first be contacted to determine the level of documentation required. All documentation will be forwarded to NPS for acceptance and the Council notified of its acceptance prior to implementation of the undertaking. Copies of the documentation will be provided to the New Hampshire SHPO.
- II. Marketing
  - A. In consultation with the NHSPPO, FHWA and NHDOT will initiate steps to market the Kelleyville Bridge in accordance with the Surface Transportation and Uniform Relocation Assistance Act of 1987, Public Law 100-17 Sec. 124, (4).
  - B. Through advertisement, the Kelleyville Bridge will be made available to a state, locality or responsible private entity, if such state, locality or responsible entity enters into an agreement to:
    1. maintain the bridge and the features that give it its historic significance; and
    2. assume all future legal and financial responsibility for the bridge; and

3. federal-aid highway funds will be made available for the relocation of the bridge up to the estimated cost of its demolition.

III. NHDOT recognizes that the bridge is one of two remaining open spandrel concrete arch bridges in the state. Both are eligible for listing in the National Register of Historic Places. NHDOT, NHSHP and FHWA concur that the Vilas Bridge located in Walpole, N.H., over the Connecticut River, is of sufficient quality, location and importance that only under exceptional circumstances (natural disaster creating a serious safety hazard or some other truly unforeseen situation) will the bridge be removed. NHDOT also commits to work toward the long-term maintenance of the Vilas Bridge with in kind construction funded in accordance with the State's Ten Year Highway Program. Preservation of the Kelleyville Bridge in place is not prudent given its structural and geometric deficiencies and the difficulties inherent in rehabilitating or otherwise preserving the bridge.

IV. NHDOT has initiated an archeological study of the project area in a manner consistent with the Secretary of the Interior's Standards for Identification (48 FR 44720-23). The survey identified the presence of two sites that are potentially historic archeological resources the first area is in the southeast quadrant in a field south of the bridge and adjacent to the river's east bank. The second site is located at the corner of Chandler Mills Road and NH Route 11/103. All necessary steps will be taken by NHDOT to ensure a completed survey with sufficient information to evaluate the significance and value of these sites and to determine their eligibility for the National Register of Historic Places.

FHWA, in consultation with NHSHP, shall evaluate properties identified through the survey in accordance with 36 CFR 800.4(c). If the survey results in the identification of properties that are eligible for the National Register, FHWA, in consultation with NHSHP, shall assess the effect on the values of these properties in accordance with 36 CFR 800.5, taking into account mitigation plans appropriate to the identified properties.

If archeological properties are found that meet National Register Criteria, NHDOT, in consultation with the NHSHP, shall seek to avoid them or preserve them in place by modifying the undertaking to incorporate them into the undertaking in a non-destructive manner (e.g., under fill, taking into account geotechnical data and construction testing to determine the potential for compaction and changes in soil chemistry). If this is not feasible, and the properties are valuable solely for the information they contain, NHDOT in consultation with the NHSHP, shall develop and implement a data recovery plan consistent with the Secretary of the Interior's Standards for Documentation (48 FR 44734-37), and the Council's Handbook, Treatment of Archeological Properties. The final preservation plan or data recovery plan shall be submitted to the NHSHP for approval.

Execution of this Memorandum of Agreement by the Federal Highway Administration and the New Hampshire State Historic Preservation Office, its subsequent acceptance by the Council, and implementation of its terms, evidence that FHWA has afforded the Council an opportunity to comment on and its effects on historic properties, and the FHWA has taken into account the effects of the undertaking on historic properties.

FEDERAL HIGHWAY ADMINISTRATION:

By: *Frank Miller*  
N.H. Division Administrator

Date: May 12, 1994

NEW HAMPSHIRE STATE HISTORIC PRESERVATION OFFICE:

By: *Nancy C. Miller*  
State Historic Preservation Officer

Date: 5-9-94

Concur:

NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION:

By: *Robert W. Dunn*  
Director, Project Development

Date: 5-5-94

ACCEPTED FOR BY THE ADVISORY COUNCIL ON HISTORIC PRESERVATION:

By: *Robert W. Bush*  
Executive Director

Date: 7/28/94