

Cultural Resource Meeting

Meeting Minutes - April 4, 2013

Project: Sewalls Falls Road Bridge, Concord 12004

Location: NHDOT John O Morton Building

In Attendance: See sign-in sheet

Materials Distributed: Sewalls Falls Road Bridge Project Presentation
Public/Consulting Party Comments

Rob Faulkner provided handouts of the presentation and comments received to date from the public and Consulting Parties which are available at the City's project website <http://nh-concord.civicplus.com/index.aspx?nid=426> and noted that the intent of this meeting was to be a continuation of the previous discussions and public process that started with this project back in 1999 even though the preferred alternative has changed from the previous Alternative H to an on-line replacement alternative. Mr. Faulkner continued to provide background information on the bridge and project efforts to date, a summary of recent meetings as part of the public process as well as public and Consulting Party comments received to date.

Jim Garvin (Consulting Party) asked who was managing this project, who the lead federal agent for the project was, and who will report the final findings. Jamie Sikora responded he was the lead federal agent and that the project was being done through NHDOT's Bridge Aid Program with Tom Jameson as NHDOT's LPA Project Manager. Jamie further noted that he felt that this project would likely have a Programmatic 4(f) review. Jim Garvin stated that the project had not gone to the Advisory Council for Historic Preservation (ACHP) for review. Jamie Sikora stated that in fact it had gone through the ACHP as part of the original NHDOT Preliminary Design process with Alternative H as the preferred alternative and were notified of the adverse effect based on that alternative. Jamie added that the project has now evolved in a similar fashion as the Memorial Bridge project where it started out as a rehabilitation project, but later became a replacement project due to the extensive deterioration and rehabilitation needs of the bridge. Jamie further noted that he typically waits on notifying the ACHP until the effects memo has been signed. Jim Garvin followed up by asking if a Programmatic 4(f) review was a less stringent review. Jamie Sikora responded that the review will still be stringent, but the processing time is streamlined for these types of Programmatic Section 4(f) Evaluations as they do not require the Dept. of Interior's review or FHWA legal sufficiency review. Jamie Sikora noted he would send Mr. Garvin and other meeting attendees copies of FHWA Guidance related to the Programmatic 4(f) Evaluation for Historic Bridges.

Following initial comments, Rob Faulkner continued his presentation by providing an overview of the plans of the three alternatives on the board with the On-Line Replacement, Alternative 8, being the preferred alternative that was approved by the Concord City Council on February 11, 2013. Mr. Faulkner noted that the City remained concerned with the structural deficiencies and safety of the truss bridge as well as the highway approach issues. Mr. Faulkner noted that the existing bridge fails to meet the City's long-term development goals for the area. Rob Faulkner reviewed the project decision summary matrix outlining the process of considering alternatives including project impacts (cultural, environmental, and ROW), risk contingency, and costs. Mr. Faulkner concluded with review of the recent public process, a summary of public comments and consulting party comments received by the City to date, and outlined the next steps in the project.

Ed Roberge provided a brief summary of the project noting that CHA was retained by NHDOT in 1999 to do preliminary engineering on what was a replacement project at that time. The project evolved through a public review process initiated by the City to a rehabilitation project (rehabilitated truss to carry northbound traffic; build an additional bridge to accommodate the southbound lane, and re-do all the piers/abutments). However, consensus on the rehabilitation alternative was made prior to any detailed inspection or load rating of the bridge being performed. Ed Roberge noted that in 2010, a structural inspection and load rating analysis was performed after which the City expressed concerns with the rehabilitation option; specifically that the majority of the structural members would need replacement or strengthening, the portal openings and rail systems would require modifications to the extent that members would need replacement including the intermediate sway bracing and the entire rail system. Mr. Roberge added that all of this is after fully replacing the bottom chords, decking, center pier and abutments. He further noted that while HDC's review did find that the bridge could still be considered eligible for listing in the National Register (NR) of Historic Places after rehabilitation, it still did not address the City's biggest concern of structural stability, safety, and longevity of the truss bridge and felt that the rehabilitation of the bridge is not sustainable, does not meet long term goals of the City and that the bridge needed to be replaced and not rehabilitated.

Jim Garvin noted that he was aware of a Memorandum of Agreement (MOA) between NHDOT and SHPO from a previous project on preserving High Pratt trusses although he did not know the specific details or commitments of that agreement. Rich Casella noted that the MOA was to develop a Management Plan for preservation and not for the actual preservation and further noted that the draft plan prepared for the DOT did not include the Sewalls Falls Bridge because project plans at the time were to rehabilitate the bridge. Ed Roberge noted that City Council was careful in their decision to not rely on State Bridge Aid Funds for the long-term maintenance of this bridge in the event funding was not available.

Jim Garvin referenced the Adverse Effect Memo that was signed in 2010 for the previous project which included the removal of the stone pier and the southern abutment. He further stated that CHA's report noted that the bridge could be rehabilitated to carry legal highway loads and he therefore contended that the rehabilitation alternative may be considered a reasonable alternative under section 4(f). Jamie Sikora noted that "prudent and feasible" only applies to No Adverse Effects, and not adverse effects, so it wouldn't apply in this case. Ed Roberge again indicated that the previous selection of the rehabilitation alternative did not include the engineering data reported now and if it did, that alternative would not likely have been advanced. Jamie Sikora noted that with the latest information, the alternative analysis needs to be documented. Jamie also noted that he commended the City in its effort to date and he would email a copy of the Section 4(f) information to the meeting attendees.

Jim Garvin requested that Rich Casella summarize his report on the effects of the rehabilitation on the historic significance of the bridge. Rich noted that his report was an opinion that the bridge would still remain historically significant. He further stated that this was his professional opinion and based on the conceptual level of rehabilitation design that was discussed with CHA and not based on hard design. Jim Garvin also noted that MaryAnn Naber should be involved in the project, as it is the SHPO Officer that decides whether an alternative is historic or not, not Rich Casella. Martha Drukker and Jamie Sikora both noted that it was in fact FHWA that makes that determination.

Audra Klumb (Consulting Party) asked if the design criteria could be reduced to keep the bridge: reduce load rating, reduce speed, and make travel lanes narrower which would also help control sprawl. Ed Roberge responded that because the project uses federal funds, adherence to federal design standards is required so reduction in those design standards would not be acceptable. Audra then asked, "No exceptions?" While Ed responded that there couldn't be any, Jamie Sikora noted that design exceptions are possible, although they have to meet certain criteria to be approved.

Martha Drukker noted that based on the City's experience in working through similar Section 106 and 4(f) processes since the 1980's, the USACOE provides guidance for project alternative analysis which needs to be based on a Least Environmentally Damaging Practical Alternative (LEDPA) basis. Based on that analysis, Martha noted that historic resources and their significance is only one piece of a project's total impact analysis. With the exception of the removal of the bridge, the online replacement alternative has the least impacts to all other resources except the historic resource. She continued to note that none of the alternatives have changed through the project development process, but that additional engineering has since been done. She also noted that had the extent of rehabilitation on the bridge been known previously that it was highly likely that the rehabilitation option would not have been considered further.

Ed Roberge stated that the City Council is aware of the historic significance of the Sewalls Falls Bridge – in fact one of its champions, Councilor Shurtleff, expressed that concern to City Council at the February public meeting. Ed Roberge noted that Council concurred with the safety concerns of the existing bridge and specifically addressed the sustainability in terms of costs to rehabilitate, construct, and maintain the bridge. Ed Roberge noted that the City of Concord has carefully and diligently reviewed the alternatives and concludes that it is not practical to rehabilitate the bridge. He further noted that the City Council's decision included all of the public comments received. Laura Black noted that one of the most important parts of the Section 106 process is formal public involvement. Open meetings encourage passive involvement in the project, where the Section 106 process allows active involvement. Ed Roberge concurred and noted the public process completed by the City to date. Martha Drukker noted that this process is a continuation of the public process that started back in early 2000's which led to the previous Adverse Effect Memo. It was acknowledged that the shift of the intent of the project from Alternative H to Alternative 8 was dramatic enough that the Consulting Party process should have been opened back up to potential parties who may not have had concerns or had wanted to participate when the assumption was that the city was moving forward with a rehabilitation option.

Jim Garvin asked if there was an Environmental Impact Report. Martha Drukker responded that CHA is in the process of updating the previous report that was prepared by NHDOT in 2010. Responses and input from the regulatory agencies as well as proposed mitigation still need to be provided. The City wants to submit the completed documents, including mitigation options to minimize the review process. The updated study references CHA's Re-evaluation Report, dated 11/28/12.

Jim Garvin noted that as far as 4(f) is concerned, the City's preference does not trump the Secretary of Transportation 4(f) laws. Jamie Sikora noted that this meeting was to discuss the Section 106 review process associated with the project. FHWA is the agency with jurisdiction in determining the sufficiency of analysis developed for compliance with Section 4(f) and therefore is aware of the Section 4(f) process and related requirements. Roy Schweiker (Consulting Party) said that he would like to hear a discussion on mitigation options which could help determine the preferred alternative. Jim Garvin asked what NHDOT has pledged to do regarding preservation of High Pratt trusses and noted VTrans' efforts of storing used bridges. Jill Edelmann noted that NHDOT does not have any intention of creating or maintaining a bridge graveyard. This issue has been explored in the past, and the Department has concerns with liability, lead-based paint contamination, and maintenance costs. The Department has been willing to store bridge members in the past, with the understanding that the storage is temporary and disposal date assigned.

Jamie Sikora suggested that a Preliminary Categorical Exclusion and Programmatic 4(f) document be submitted. Jamie Sikora outlined the next steps to keep this project moving forward:

1. Issue a Preliminary version of the Environmental Study and Programmatic 4(f) Evaluation Report for review (post to project website); Jamie Sikora would also provide a copy of this documentation to the

ACHP so they might determine if they'd like to be involved as a consulting party during the remaining Section 106 review process for the project

2. Issue draft Memorandum of Effects (post to project website)
3. Pratt Truss Management Plan. There needs to be further discussion as to whether or not this draft document can be made public and posted to project website;
4. Identify Public Comment Period (30 days from document posting);
5. Attend the May 2013 Cultural Resource Review Meeting to review the draft environmental documents and discuss mitigation options;

Jim Garvin asked if the project information was easy to find on the City's website. Ed Roberge noted that it is listed under the Department of Engineering, City Projects. (www.concordnh.gov).

Jerry Zoller stated that he was speaking as a Concord resident and Sewalls Falls Bridge neighbor and not as a representative of NHDOT. Mr. Zoller noted that he was disappointed with the delays in the design process. He noted that he never understood why DOT did not do load rating/inspection prior to the 2004 meeting. He agrees that the rehabilitation of the bridge will be a "bottomless pit of costs", though he appreciates the intent to preserve it. Mr. Zoller agrees with the online replacement option, as a member of the public and applauds the City for preferring Alternative 8. He further appealed to the historic review process to stop delaying the project because time is of essence and the bridge is only deteriorating. Tom Jameson emphasized that Mr. Zoller was speaking as a Concord resident and not a DOT employee related to the project.

Laura Black noted that it was important that all parties follow the Section 106 Process and that the Consulting Parties can be actively involved. This situation underscores the importance of starting the public input process early and throughout the entire process. Rob Faulkner stated that if we were just starting this as a new project 16 months ago we would have engaged the public much more to review alternatives. However, as identified by the project team at the September 13, 2012 Cultural Resource Review meeting, this was seen as an amendment to the ongoing process which had a significant amount of public involvement based on new information and not as an attempt to circumvent the system. Roy Schweiker disagreed with seeing this as a minor amendment and noted that if you read newspaper articles dating back to original meetings, there were 2 goals: to save the bridge and to maintain traffic. So Alternative 8 is not what the public originally wanted but also indicated that the new engineering information concludes significant structural impacts and is most interested in discussing mitigation.

It was agreed that the group would meet at the May Cultural Resource Meeting following review of the draft Environmental Study and Programmatic 4(f) Evaluation Report and supporting documentation.

Drafted by:


Robert J. Faulkner, PE

Noted by: E. Roberge, City of Concord
M. Drukker, City of Concord
J. Sikora, FHWA
J. Edelmann, NHDOT
C. Goodman, NHDOT
T. Jameson, NHDOT
L. Black, DHR

