

JAMES L. GARVIN
FARRINGTON HOUSE

30 South Main Street · Building 1, Suite 201 · Concord, New Hampshire, 03301
james@jamesgarvin.net <http://www.james-garvin.com>

31 March 2013

Mr. Jamison S. Sikora
Environmental Program Manager
Federal Highway Administration
New Hampshire Division Office
53 Pleasant Street, Suite 2200
Concord, New Hampshire, 03301

Re : Section 106 Review, Sewall's Falls Bridge,
Concord, 12004, BRF-X-5099(021)

Dear Mr. Sikora:

The NHDOT cultural resources meeting agenda for April 4, 2013, includes a discussion of the Sewall's Falls Bridge project in Concord with the words, "the purpose of this meeting is to confirm that the City [of Concord] has held a public information meeting and that the city council has approved moving forward with the online alternative. Discussions would also include mitigation alternatives as well."

An effects memorandum for project 12004, BRF-X-5099(021) was signed by the Federal Highway Administration, the New Hampshire Department of Transportation, and the State Historic Preservation Office on May 6, 2010 during an earlier planning phase when the project was managed by the New Hampshire Department of Transportation. That document memorialized the purpose of the project, based on planning between 1999 and 2010, as the rehabilitation of the National Register-eligible Sewall's Falls Bridge as a one-lane bridge, with a second, modern, one-lane bridge to be constructed for the opposite lane of traffic adjacent to the historic bridge.

This project ceased to be managed by the New Hampshire Department of Transportation and became municipally managed by the City of Concord in October 2011. The single public informational meeting that has been held on this project occurred on January 23, 2013. At this meeting, for the first time, public participation under Section 106 of the National Historic Preservation Act was invited.

During the fifteen months between the city's assumption of management responsibility for this project and the first public informational meeting, the City of Concord commissioned a load

Garvin to Sikora, 31 March 2013, page 2.

rating report on the bridge. At the behest of the State Historic Preservation Office, the city also commissioned a report from a bridge historian that analyzed the effects on the bridge's National Register eligibility of rehabilitating the structure as outlined in the load rating report.

The load rating report concluded that Sewall's Falls Bridge "can be rehabilitated and strengthened to support [current] legal highway loads (HL93)." The historian's report concluded that the proposed "conversion of the bridge to carry a single lane of traffic has made the job of rehabilitating the bridge to carry modern loads feasible from the standpoint of maintaining the historic integrity of the bridge."

The project that has evolved since the city's assumption of management of this project in 2011 would entail the removal of the historic bridge to permit construction of a modern two-lane bridge on the same alignment. As now defined, the project would have the greatest possible adverse effect upon the historic bridge despite the findings of the city's engineering and historical consultants that it is feasible to rehabilitate Sewall's Falls Bridge, and that rehabilitation as required to attain required live load capacity will maintain the historical integrity and National Register eligibility of the bridge.

Transformation of the character of this project occurred without public participation as defined in 36 CFR Part 800, §800.3(e) and (f). Participation by newly identified consulting parties will occur for the first time at the meeting of April 4, 2013. At that time, participants in the meeting may wish to suggest that public participation be broadened by inviting additional consulting parties under §800.3(e) and §800.6(2).

I request that the purpose of the meeting of April 4, 2013, be defined as the discussion of avoidance of adverse effects on Sewall's Falls Bridge as required under Section 106 review. If the consulting parties are unable to resolve proposed adverse effects after thorough discussion, I will request that participants in the review seek guidance from the Advisory Council on Historic Preservation under §800.2(b)(2) unless the Council has already agreed to enter into the Section 106 process. Given the previous lack of opportunity for the newly identified consulting parties to participate in planning for this project, it is inappropriate to consider mitigation for adverse effects that can be avoided.

Sincerely,

James L. Garvin
Consulting Party