**PROGRAMMATIC AGREEMENT**
**AMONG THE FEDERAL HIGHWAY ADMINISTRATION,**
**THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,**
**THE STATE OF NEW HAMPSHIRE STATE HISTORIC PRESERVATION OFFICE,**
**AND THE STATE OF NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION**
**REGARDING IMPLEMENTATION OF**
**CERTAIN TRANSPORTATION UNDERTAKINGS IN NEW HAMPSHIRE**

**WHEREAS**, the Federal Highway Administration (FHWA) proposes to administer its Federal-aid Highway Program (herein after referred to as, "Program") in New Hampshire, authorized by 23 U.S.C. 101 *et seq.*, through the New Hampshire Department of Transportation (NHDOT) (23 U.S.C. 315); and

**WHEREAS**, FHWA has determined that certain types of transportation projects (undertakings) may have an effect upon properties included in or eligible for inclusion in the National Register of Historic Places (herein after referred to as "the National Register"); and has consulted with the Advisory Council on Historic Preservation (ACHP) and the New Hampshire State Historic Preservation Officer (SHPO) pursuant to 36 CFR 800.14(b) implementing Section 106 of the National Historic Preservation Act (NHPA) (16 U.S.C. 470f) (hereinafter referred to as "Section 106"); and

**WHEREAS**, NHDOT participated in consultation and has been invited to be a signatory party to this Programmatic Agreement (hereinafter referred to as, "this Agreement"); and

**WHEREAS**, pursuant to 36 CFR 800.16(1)(l), historic properties are defined as prehistoric and historic archaeological sites, buildings, bridges, structures, districts, and objects, included in or eligible for listing in the National Register; and

**WHEREAS**, any undertaking involving tribal lands (as defined in 36 CFR 800.16(x)), or any undertaking that may affect a property identified by a federally recognized Indian Tribe with ancestral homelands in New Hampshire as possessing traditional religious and cultural significance, shall not be governed by this Agreement, but shall be reviewed by FHWA in consultation with appropriate Federally recognized Indian Tribes, in accordance with 36 CFR Part 800; and

**WHEREAS**, 36 CFR Part 800 encourages Federal Agencies to efficiently fulfill their obligations under Section 106 through the development and implementation of cooperative programmatic agreements; and

**WHEREAS**, the US Department of Transportation encourages streamlining the environmental review processes in the Moving Ahead for Progress in the 21st Century Act (hereinafter referred to as "MAP-21") Section 1305; and

**WHEREAS**, FHWA and NHDOT are committed to the design of transportation systems that: (1) achieve a safe and efficient function in the State of New Hampshire; (2) avoid, minimize, and mitigate adverse effects on historic properties; and (3) respond to the needs of New Hampshire's citizens and communities, including strategies that enhance the preservation of historic properties; and

**WHEREAS**, NHDOT Bureau of Environment (NHDOT-BOE) employs a staff of cultural resources specialists and consultants who meet the Secretary of Interior's Professional Qualification Standards in 36 CFR Part 61 in the fields of archaeology and architectural history to carry out its cultural resource programs and responsibilities; and

**WHEREAS**, this Agreement sets forth the process by which FHWA, with the assistance of NHDOT-BOE, will meet its responsibilities under Section 106 and the implementing regulations set forth in 36 CFR Part 800. For purposes of this Agreement, the definitions for terms appearing in 36 CFR 800.16(a) through (y) inclusive shall be employed whenever applicable.

**NOW THEREFORE,** FHWA, ACHP, SHPO, and NHDOT hereby agree that the review of undertakings within the Program in New Hampshire shall be administered according to the following stipulations in order to satisfy FHWA's Section 106 responsibilities as implemented by 36 CFR Part 800 and to integrate historic resource protection responsibilities with its other responsibilities under Federal and State statutes, regulations, and policies.

## STIPULATIONS

FHWA, with the assistance of NHDOT-BOE, shall ensure that the following measures are carried out:

### I. Purpose and Applicability

This Agreement sets forth the process by which FHWA will meet its responsibilities under Section 106 of the NHPA, with the assistance of NHDOT-BOE, for certain undertakings in the Program. This Agreement establishes the basis for NHDOT's internal review of individual undertakings, the review of Local Public Agency (LPA) undertakings, and how NHDOT-BOE and LPA sponsors will notify and coordinate with the SHPO and FHWA.

This Agreement only applies to undertakings that have a demonstrated history of typically resulting in Section 106 findings of "No Potential to Cause Effects," or "No Historic Properties Affected," as outlined in Appendices A and B of this Agreement, and as defined in 36 CFR 800.3(a)(1), and 36 CFR 800.4(d)(1). Undertakings that do not conform to Appendices A and B shall follow the procedures in 36 CFR Part 800.

At any time, NHDOT-BOE can choose to process an undertaking by following the procedures in 36 CFR Part 800 rather than by following the procedures in this Agreement. For reasons such as known controversy, SHPO, ACHP, or FHWA may also request that NHDOT-BOE process an undertaking by following the procedures in 36 CFR Part 800.

## II. Responsibilities of FHWA and NHDOT

For undertakings listed in Appendices A and B, FHWA authorizes NHDOT-BOE to conduct all consultation with the New Hampshire SHPO and other consulting parties on its behalf, including determining Area of Potential Effect (APE), determinations of No Potential to Cause Effects, and No Historic Properties Affected, and applicability to this Agreement. This is exclusive of FHWA's consultation with federally recognized tribes. FHWA shall remain ultimately responsible for all findings and determinations and shall take the lead in any consultation with the ACHP for undertakings with active ACHP participation (36 CFR 800.6(b)(2)), and those involving the Secretary of the Interior.

Should the NHDOT-BOE, through its Cultural Resources Program, not be able to execute its internal review for an undertaking qualifying for use of this Agreement as outlined under Stipulation VI, that undertaking shall undergo the Section 106 review process outlined in 36 CFR 800.3-800.7.

## III. Professional Qualifications, Staffing, and Resources

NHDOT-BOE shall continue to employ, at a minimum, an archaeologist and an architectural historian to direct consultants who conduct Section 106 work, and to provide review and quality control on all Section 106 work. NHDOT-BOE Cultural Resources Program staff and consultants who conduct Section 106 work shall meet the *Secretary of the Interior's Professional Qualifications Standards* in 36 CFR Part 61. In the event of a temporary absence of the employed archaeologist or the architectural historian, NHDOT-BOE, FHWA, and SHPO shall closely coordinate to determine requirements needed to continue to meet the stipulations of this Agreement. In the event of a prolonged absence of the employed archaeologist or the architectural historian, or should NHDOT no longer employ either the archaeologist or the architectural historian, all undertakings previously covered by this Agreement shall follow the Section 106 review process outlined in 36 CFR 800.3-800.7.

NHDOT-BOE shall have sufficient financial resources and administrative support to efficiently operate under this agreement, and maintain databases and other tools necessary to implement the stipulations of this Agreement.

## IV. Monitoring

NHDOT-BOE, FHWA, and SHPO shall meet annually in each of the first three (3) years after the date this Agreement takes effect, and every five (5) years thereafter, to evaluate the agencies' joint functioning under this Agreement. Prior to any such meetings, the ACHP shall be notified and may participate at its discretion. Prior to the annual evaluations, and in each and every year while operating under this Agreement, NHDOT-BOE shall submit a report of the current activities under this Agreement to FHWA, SHPO, and ACHP. This report shall include, but is not limited to:

1. A table identifying all undertakings processed under this Agreement, specifying project names, state and federal numbers, towns, any other pertinent information, and all findings pursuant to 36 CFR Part 800 that were processed by NHDOT-BOE for the year under review, and
2. A narrative description summarizing accomplishments, trends, concerns, resource needs, recommendations, etc., regarding any aspect of this Agreement.

## V. Undertakings with No Potential to Cause Effects

### A. Undertaking Types

The signatories to this Agreement agree that the types of undertakings listed in Appendix A, by their nature typically have "No Potential to Cause Effects" (36 CFR 800.3(a)(1)), and by definition, qualify for use of this Agreement. The NHDOT-BOE can add undertaking types to Appendix A upon written authorization by all parties to this Agreement.

### B. Notification and Coordination

For undertakings that conform to the types listed in Appendix A, the Project Manager/Environmental Manager, or LPA sponsor shall submit a hard copy of a completed Appendix A Certification Form to the NHDOT-BOE Cultural Resources Program for review. The NHDOT-BOE Cultural Resources Program shall determine whether an undertaking conforms with the types of undertakings listed in Appendix A, and shall make a finding that an undertaking has either No Potential to Cause Effects, or does not conform to Appendix A. The NHDOT-BOE Cultural Resources Program shall maintain such documentation in its files. The NHDOT-BOE Cultural Resources Program shall notify the SHPO of its use of the documentation on specific undertakings in an annual report to the signatories of this Agreement, as specified in Stipulation IV.

If the NHDOT-BOE Cultural Resources Program makes a finding, based on a review of an Appendix A Certification Form, that an undertaking does not conform to the types listed in Appendix A, the undertaking shall be reviewed for its applicability to the types of undertakings listed in Appendix B (undertakings with minimal potential to cause effects), pursuant to Stipulation VI of this Agreement, or through the Section 106 review process outlined in 36 CFR 800.3-800.7.

## VI. Undertakings with Minimal Potential to Cause Effects

### A. NHDOT Internal Review

For all undertaking types listed in Appendix B, the NHDOT-BOE Cultural Resources Program shall employ a multidisciplinary approach, involving the Project Manager, Environmental Manager, engineers, and other staff, as appropriate, to initiate consultation and identify historic properties that may be affected by an undertaking in accordance with the procedural requirements of 36 CFR 800.2, 36 CFR 800.3 and 36 CFR 800.4, following its internal review process as outlined below:

1. Initiate the Section 106 process in accordance with the procedures in 36 CFR 800.3, including establishing whether there is an undertaking, coordinating with other reviews, planning to involve the public, and identifying and inviting other consulting parties, as appropriate;
2. Coordinate with the public through any/all of the following methods. Appendix E provides a list of typical consulting parties to consider:

a. Sending initial contact letters to local historic commissions, other governmental entities with jurisdiction, regional planning commissions, and other potential consulting parties in accordance with CFR 800.2(c), 800.3(f) and 800.4(d);
b. Presenting findings and soliciting input at public officials meetings, public informational meetings, and/or public hearings, as appropriate;
c. Coordinating directly with abutting property owners through meetings, electronic communication, and telephone communication; and/or
d. On site meetings with concerned property owners.

3. Assess potential impacts, including archaeological and aboveground sensitivity potential, to determine the applicability of an undertaking to the types listed in Appendix B. The Project Manager/Environmental Manager shall submit to the NHDOT-BOE Cultural Resources Program information required for the NHDOT-BOE Cultural Resources Program to complete its assessment, including an Appendix B Certification Form, topographical maps, photographs, design plans, and as-built plans (if available). In addition, if an undertaking's applicability to Appendix B cannot be made without additional review and information, the NHDOT-BOE Cultural Resources Program may require a "*Request for Project Review by the New Hampshire Division of Historical Resources for Transportation Projects*" form (Transportation RPR) to be submitted.
4. Determine whether archaeological or aboveground surveys are needed, utilizing rationale that include, but are not limited to, the following:
    a. The potential for the undertaking to directly or indirectly impact the integrity of a potential historic property,
    b. Compromises to the physical integrity of a property more than 50 years old that could render it ineligible for the National Register,
    c. The degree of recent development and overall change within the APE,
    d. The density of potential historic properties in the area of the undertaking,
    e. Modifications to the undertaking that can be made to avoid impacts to potential historic properties,
    f. The potential archaeological sensitivity within the APE,
    g. A review of existing information on historic properties within the APE, and
    h. Information from consulting parties and others with knowledge of, or concerns with, historic properties within the APE.
5. Initiate archaeological and/or aboveground field surveys, as warranted, for any property that may be affected by an undertaking, and that may be eligible for listing in the National Register, as outlined below;
    a. Archaeological Surveys
        i. Phase IA archaeological reviews shall be conducted by the NHDOT-BOE 36 CFR 61 qualified archaeologist or consulting archaeologist(s) in conformance with the Secretary of the Interior's *Standards and Guidelines for Archaeology and Historic Preservation: Identification (1983, as revised in the 48 FR 44716)*, and the DOT Archaeological Standards and Guidelines;
        ii. Studies beyond phase IA archaeological reviews, as recommended by the NHDOT Archaeological Standards and Guidelines, and the

determination of National Register eligibility of archaeological sites shall follow the regular Section 106 process pursuant to Stipulation VI.D.

b. Aboveground Surveys
    i. Aboveground reviews shall be conducted by the NHDOT-BOE 36 CFR 61 qualified architectural historian or consulting architectural historian(s) in conformance with the Secretary of the Interior's *Standards and Guidelines for Archaeology and Historic Preservation: Identification and Evaluation (1983, as revised in the 48 FR 44716)*, and SHPO guidelines;
    ii. As warranted, individual inventory or area forms shall be prepared in accordance with SHPO guidelines for properties in the APE in order to determine National Register eligibility.

NHDOT-BOE may address multiple steps simultaneously.

### B. Review of LPA Undertakings

For all the types of undertakings listed in Appendix B, LPA sponsors shall employ a multidisciplinary approach to initiate consultation and identify historic properties that may be affected by an undertaking in accordance with the procedural requirements of 36 CFR 800.3 and 36 CFR 800.4, following the process outlined below:

1. Initiate the Section 106 process in accordance with the procedures in 36 CFR 800.3, including establishing whether there is an undertaking, coordinating with other reviews, planning to involve the public, and identifying and inviting other consulting parties, as appropriate;
2. Coordinate with the public through any/all of the following methods. Appendix E provides a list of typical consulting parties to consider:
    a. Sending initial contact letters to local historic commissions, other government entities with jurisdiction, regional planning commissions, and other potential consulting parties in accordance with CFR 800.2(c), 800.3(f) and 800.4(d);
    b. Presenting findings and soliciting input at public officials meetings, public informational meetings, and public hearings;
    c. Coordinating directly with abutting property owners through meetings, electronic communication, and telephone communication; and/or
    d. On site meetings with concerned property owners.
3. Prepare and submit a hard copy of a completed Appendix B Certification Form, along with two original copies of a Transportation RPR, with required attachments, to the NHDOT-BOE Cultural Resources Program staff.
4. NHDOT-BOE Cultural Resources Program shall:
    a. Assess potential impacts of the undertaking, including archaeological and aboveground sensitivity potential, to determine the applicability of an undertaking to the types listed in Appendix B.

b. Determine whether archaeological or aboveground surveys are needed, utilizing rationale that include, but are not limited to, the following:
    i. The potential for the undertaking to directly or indirectly impact the integrity of a potential historic property,
    ii. Compromises to the physical integrity of a property more than 50 years old that could render it ineligible for the National Register,
    iii. The degree of recent development and overall change within the APE,
    iv. The density of potential historic properties in the area of the undertaking,
    v. Modifications to the undertaking that can be made to avoid impacts to potential historic properties,
    vi. The potential archaeological sensitivity within the APE,
    vii. A review of existing information on historic properties within the APE, and
    viii. Information from consulting parties and others with knowledge of, or concerns with, historic properties within the APE.
c. Direct the LPA sponsor to initiate archaeological and/or aboveground field surveys, as warranted, for any property that may be affected by an undertaking, and that may be eligible for listing in the National Register, as outlined below;
    i. Archaeological Surveys
        1. Phase IA archaeological reviews shall be conducted by a 36 CFR 61 qualified archaeologist or consulting archaeologist(s) in conformance with the Secretary of the Interior's *Standards and Guidelines for Archaeology and Historic Preservation: Identification (1983, as revised in the 48 FR 44716)*, and the DOT Archaeological Standards and Guidelines;
        2. Studies beyond phase IA archaeological reviews, as recommended by the DOT Archaeological Standards and Guidelines, and the determination of National Register eligibility of archaeological sites shall follow the regular Section 106 process pursuant to Stipulation VI.D.
    ii. Aboveground Surveys
        1. Aboveground reviews shall be conducted by a 36 CFR 61 qualified architectural historian or consulting architectural historian(s) in conformance with the Secretary of the Interior's *Standards and Guidelines for Archaeology and Historic Preservation: Identification and Evaluation (1983, as revised in the 48 FR 44716)*, and SHPO guidelines;
        2. As warranted, individual inventory or area forms shall be prepared in accordance with SHPO guidelines for properties in the APE in order to determine National Register eligibility.

LPA sponsors may address multiple steps simultaneously.

### C. Results of Identification and Evaluation

#### 1. Eligibility Findings for Aboveground Resources

Eligibility findings for the National Register shall be conducted by FHWA and SHPO via the review process in place at the time of the undertaking, and in accordance with 36 CFR 800.4.

#### 2. Archaeological Report Reviews and Eligibility Findings

Review of archaeological reports and eligibility findings for archaeological sites shall be conducted by FHWA and SHPO via the review process in place at the time of the undertaking, and in accordance with 36 CFR 800.4.

#### 3. Effects Findings

For undertakings that conform to the types listed in Appendix B, the NHDOT-BOE Cultural Resources Program shall make a finding that the undertaking results in No Potential to Cause Effects, or No Historic Properties Affected, as appropriate, on the Appendix B Certification Form, and maintain documentation in its files. The NHDOT-BOE Cultural Resources Program shall notify the SHPO of its use of the documentation on specific undertakings in an annual report to the signatories of this Agreement, as specified in Stipulation IV.

If a NHDOT-BOE Cultural Resources Program review under Stipulation VI determines that an undertaking may affect (either adversely or not adversely) National Register listed or eligible properties, and thereby does not conform to the types of undertakings listed in Appendix B, the NHDOT-BOE Cultural Resources Program shall utilize the Appendix B Certification Form to notify the NHDOT Project Manager and/or the LPA Project Manager in writing that the undertaking does not qualify for use of this Agreement, and the Section 106 review process outlined in 36 CFR 800.3-800.7 shall be utilized.

All documents submitted by the NHDOT-BOE Cultural Resources Program to SHPO for review under this Agreement shall include the SHPO Review and Compliance number, if known, as well as a statement that the information is being submitted pursuant to a review under this Agreement.

### D. Notification and Coordination with FHWA and with the New Hampshire SHPO

For any undertaking that includes, within the APE, National Register listed or eligible properties that the NHDOT-BOE Cultural Resources Program determines may be affected (either adversely or not adversely) by the undertaking, as defined by criteria set forth in 36 CFR 800.5(a) and outlined in Stipulation VI, the NHDOT-BOE Cultural Resources Program shall forward copies of the Appendix B Certification Form, Transportation RPR with required attachments, as well as all other relevant documentation to FHWA and SHPO, and the Section 106 review process outlined in 36 CFR 800.3-800.7 shall be utilized.

## VII. Changes to the Scope of an Undertaking

Changes, or anticipated changes, to the design and/or scope of an undertaking that are made after signature of either an Appendix A Certification Form, or Appendix B Certification Form shall be coordinated with the NHDOT-BOE Cultural Resources Program. The NHDOT-BOE Cultural Resources Program staff shall be provided with sufficient information and time to allow for a complete reassessment of the modified undertaking. As appropriate, the NHDOT-BOE Cultural Resources Program shall evaluate the following and alert the project sponsor as to whether:

1. The undertaking continues to conform to the types listed in either Appendix A or Appendix B,
2. The undertaking continues to be able to be processed under this Agreement, and/or
3. Additional or revised certification forms are required for a complete and thorough reassessment.

## VIII. Review of NHDOT Projects under New Hampshire State Law

State-funded projects that are not part of the Program are not subject to the terms of this Agreement. NHDOT-BOE and New Hampshire SHPO will assess whether developing a Memorandum of Agreement (MOA) addressing review requirements of state-funded NHDOT projects would be appropriate to pursue. To the extent feasible, the MOA would follow the procedures established in this Agreement.

## IX. Emergency Situations

This Agreement prescribes review processes for two classes of emergency situations as allowed in 36 CFR 800.12. The first class exists when (1) an undertaking is responding to a disaster or emergency declared by the President of the United States or Governor of the State of New Hampshire, or that is responding to immediate threats to life or property, and (2) corrective measures are initiated within 30 days after the disaster or emergency has been formally declared. Reviews in these emergency situations shall utilize the review process described in Stipulation VI, but with a shortened timeframe for participation by the SHPO, and consulting parties as time permits. Written notification of the emergency action being considered shall be provided to the SHPO, and any consulting parties. The notice shall be clearly identified as an emergency notification, and shall include a brief description of the significance of the resource(s) involved, the nature and anticipated effect of the emergency action on the resource(s), and the anticipated timeframe available for comment. The ACHP may be invited to participate in the review at the request of a consulting party, or any signatory, or invited signatory to this Agreement.

The second class of emergencies, as defined by immediate rescue and salvage operations conducted to preserve life or property such as necessitated by natural disaster or other catastrophic event, are exempt from the provisions of Section 106 and this Programmatic Agreement.

## X. Post-Review and Unanticipated Discoveries

If a plan for subsequent discoveries is not in place, and there is an inadvertent discovery of a historic property or human remains during construction of undertakings inclusive of Appendix A and B projects, NHDOT or the LPA sponsor, as appropriate, shall stop construction in the immediate vicinity of the

discovery, notify appropriate authorities, and follow the procedures outlined in 36 CFR 800.13. If the discovery involves human remains, NHDOT or the LPA project sponsor, as appropriate, shall follow the procedures established in Stipulation XI of this Agreement.

## XI. Treatment of Human Remains

If previously unidentified human remains are discovered during construction, that portion of the undertaking shall stop immediately. The area shall be protected and NHDOT or the LPA sponsor, as appropriate, shall immediately consult with the New Hampshire State Police, FHWA, NHDOT-BOE Cultural Resources Program, SHPO, the State Archaeologist, and the State Medical Examiner. Once notified, FHWA shall immediately consult with any federally recognized Indian Tribe or tribes that may ascribe traditional cultural and religious significance to the remains. Native American human remains discovered on Federal or tribal lands shall be treated in accordance with the Native American Graves Protection and Repatriation Act (P.L. 101-106). Any human remains discovered on non-federal lands shall be treated in accordance with NH RSA 227-C:8-a through 8-g.

## XII. Amendment

Any party to this Agreement may request that it be amended, whereupon the parties shall consult to consider such amendment.

## XIII. Termination

Any party to this Agreement may terminate it by providing 30 calendar days notice in writing to the other parties explaining the reason for termination, provided that the parties consult during the period prior to termination to seek agreement on amendments and other actions that would avoid termination. In the event of termination, the FHWA shall comply with the Section 106 review process in 36 CFR 800.3-800.7 with regard to individual properties covered by this Agreement.

## XIV. Dispute Resolution

Should any signatory or invited signatory to this Agreement object at any time to any actions proposed or the manner in which the terms of this Agreement are implemented, FHWA shall consult with the objecting party(ies) to resolve the objection. If FHWA determines that such objection(s) cannot be resolved, FHWA will:

1. Forward all documentation relevant to the dispute to ACHP in accordance with 36 CFR 800.2(b)(2). Upon receipt of adequate documentation ACHP shall review and advise FHWA on the resolution of the objection within thirty (30) days. Any comments provided by ACHP, and all comments from the parties to the Agreement, will be taken into account by FHWA in reaching a final decision regarding the dispute.
2. If ACHP does not provide comments regarding the dispute within thirty (30) days after receipt of adequate documentation, FHWA may render a decision regarding the dispute. In reaching the

decision, FHWA will take into account all comments regarding the dispute from the parties to the Agreement.

3. FHWA's responsibilities to carry out all other actions subject to the terms of this Agreement that are not the subject of the dispute remain unchanged. FHWA will notify all parties of its decision in writing before implementing that portion of the undertaking subject to dispute under this stipulation. FHWA's decision will be final.

## XV. Duration

This Agreement shall remain in effect for a period of three (3) years after the date it takes effect, unless it is terminated prior to that time pursuant to Stipulation XIII of this Agreement. This Agreement shall be reviewed by all parties on an annual basis for modification or termination in accordance with Stipulation IV. If no changes are proposed and no party objects within the first three (3) year term, the term of the Agreement shall be extended automatically for another five (5) years without re-execution. ~~This Agreement may be extended in five (5) year increments, without re-execution, thereafter.~~

## XVI. Definitions

Terms used in this Agreement are defined in Appendix C.

## XVII. Signatures

Execution and implementation of this Agreement evidences that FHWA has satisfied its Section 106 responsibilities for all Program undertakings covered by this Agreement, and has afforded the ACHP an opportunity to comment.

The parties hereby acknowledge and reaffirm their commitment to perform all duties set forth in this Agreement.

Patrick A. Bauer
New Hampshire Division Administrator
Federal Highway Administration
10-15-14
Date

Christopher D. Clement, Senior
Commissioner
New Hampshire Department of Transportation
10/6/14
Date

Elizabeth H. Muzzey
State Historic Preservation Officer
New Hampshire Division of
Historical Resources
10/7/14
Date

for John M. Fowler
Executive Director
Advisory Council on Historic Preservation
11/26/14
Date

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**APPENDIX A**

**UNDERTAKINGS TYPES WITH NO POTENTIAL TO CAUSE EFFECTS AND APPENDIX A CERTIFICATION FORM**

NHDOT-BOE, SHPO, and FHWA have jointly concurred that the following list is comprised of types of undertakings that, based on the signatories' past experience with similar undertakings, typically have no potential to cause effects to properties eligible for or listed in the National Register, per 36 CFR 800.3.

In accordance with Stipulation V of this Agreement, the NHDOT-BOE Cultural Resources Program may determine that an undertaking qualifies under this appendix as one with no potential to cause effects, and shall make a finding of such on the Appendix A Certification Form.

**To be applicable, an undertaking shall be limited entirely to any one or a combination of the types specified below.**

**These types of undertakings shall be coordinated with, and reviewed by the NHDOT-BOE Cultural Resources Program in accordance with Stipulation V of this Agreement. In addition, these types of undertakings shall occur within the existing right-of-way. Easements needed for work shall either be temporary or for the purpose of perpetuating existing conditions, such as access or drainage.**

1. Areas where the work is an in-kind replacement of modern facilities including driveway reconstruction, and re-installation of utilities.
2. Equipment and supply purchase and maintenance (vehicles, computers, brochures, etc.).
3. Pavement marking/striping.
4. Crack sealing.
5. Pavement grinding, rehabilitation and resurfacing, provided there are no impacts below the roadway select materials.
6. Shoulder leveling and reconstruction, provided leveling material does not extend beyond 8" from the existing edge of pavement.
7. Installation of speed bumps, and speed tables.
8. Signal timing/program upgrades, with no ground disturbance.
9. Sign replacement when they are replaced in the same area.
10. Upgrades to lighting technology (i.e. fluorescent bulbs to LED bulbs).
11. Application of herbicide.
12. Planting of wildflowers.
13. Mowing and brush removal (does not include tree removal).
14. Bridge maintenance and repair on bridges less than 50 years old.
15. Bridge painting (provided that the bridge is less than 50 years old, and the paint color is not changing).
16. Bridge washing and sealing when conducted in accordance with NHDOT EHS Procedure – 01 (Appendix D).
17. Culvert clean out.
18. Maintenance of sound walls.

19. Improvements to existing maintenance facilities, rest areas, weigh stations and park-and-rides less than 50 years old, provided there is no expansion of the facility and no additional lighting.
20. Installation of median barriers when conducted within the New Hampshire interstate system (excluding the Franconia Notch State Parkway).
21. Installation of new roadway signs when conducted within the New Hampshire interstate system (excluding the Franconia Notch State Parkway).
22. Installation of new and replacement guardrail when conducted within the New Hampshire interstate system (excluding the Franconia Notch State Parkway).
23. Grading to re-establish slopes, seeding and the removal of accumulated sediment from ditches and other drainage features.

**Cultural Resources Review Effect Finding – Appendix A Certification**

**Projects with No Potential to Cause Effects**

| | | | |
|---|---|---|---|
| **Date Reviewed:** | Click here to enter text. | **Approved by:** | NHDOT Cultural Resources Staff |
| **Project Name:** | Click here to enter text. | **Approval date:** | |
| **State Number:** | Click here to enter text. | **FHWA Number:** | Click here to enter text. |
| **Environmental Contact:** | Click here to enter text. | **DOT** | |
| **Email Address:** | Click here to enter text. | **Project Manager:** | Click here to enter text. |
| **Project Description:** | Click here to enter text. | | |

Please select the applicable undertaking type(s):

| | |
|---|---|
| ☐ | Areas where the work is an in-kind replacement of modern facilities including driveway reconstruction, and re-installation of utilities. |
| ☐ | Equipment and supply purchase and maintenance (vehicles, computers, brochures, etc.). |
| ☐ | Pavement marking/striping. |
| ☐ | Crack sealing. |
| ☐ | Pavement grinding, rehabilitation and resurfacing, provided there are no impacts below the roadway select materials. |
| ☐ | Shoulder leveling and reconstruction, provided leveling material does not extend beyond 8" from the existing edge of pavement. |
| ☐ | Installation of speed bumps, and speed tables. |
| ☐ | Signal timing/program upgrades, with no ground disturbance. |
| ☐ | Sign replacement when they are replaced in the same area. |
| ☐ | Upgrades to lighting technology (i.e. fluorescent bulbs to LED bulbs). |
| ☐ | Application of herbicide. |
| ☐ | Planting of wildflowers. |
| ☐ | Mowing and brush removal (does not include tree removal). |
| ☐ | Bridge maintenance and repair on bridges less than 50 years old. |
| ☐ | Bridge painting (provided that the bridge is less than 50 years old, and the paint color is not changing). |
| ☐ | Bridge washing and sealing when conducted in accordance with NHDOT EHS Procedure – 01 (Appendix D). |
| ☐ | Culvert clean out. |
| ☐ | Maintenance of sound walls. |
| ☐ | Improvements to existing maintenance facilities, rest areas, weigh stations and park-and-rides less than 50 years old, provided there is no expansion of the facility and no additional lighting. |
| ☐ | Installation of new or replacement guardrail, and/or median barriers within the New Hampshire interstate system (excluding the Franconia Notch State Parkway). |
| ☐ | Installation of new roadway signs, within the New Hampshire interstate system (excluding the Franconia Notch State Parkway). |
| ☐ | Grading to re-establish slopes, seeding and the removal of accumulated sediment from ditches and other drainage features. |

**Cultural Resources Review Effect Finding – Appendix A Certification**

**Projects with No Potential to Cause Effects**

Coordination of the Section 106 process should begin as early as possible in the planning phase of the project (undertaking) so as not to cause a delay.

Project sponsors should not predetermine a Section 106 finding under the assumption that an undertaking conforms to the types listed in Appendix A until this form is signed by the NHDOT Bureau of Environment Cultural Resources Program staff.

Every project shall be coordinated with, and reviewed by the NHDOT Bureau of Environment Cultural Resources Program in accordance with the Cultural Resources Programmatic Agreement among the Advisory Council on Historic Preservation, Federal Highway Administration, NH Department of Transportation, and the NH State Historic Preservation Office.

All projects shall occur within the existing right-of-way. Easements needed for work shall either be temporary or for the purpose of perpetuating existing conditions, such as access or drainage. If any portion of the undertaking is not entirely limited to any one or a combination of the types specified in Appendix A, please continue discussions with NHDOT Cultural Resources staff.

This No Potential to Cause Effects project determination is your Section 106 finding, as defined in the Programmatic Agreement.

Should project plans change, please inform the NHDOT Cultural Resources staff in accordance with Stipulation VII of the Programmatic Agreement.

**APPENDIX B**

**UNDERTAKING TYPES WITH MINIMAL POTENTIAL TO CAUSE EFFECTS AND APPENDIX B CERTIFICATION FORM**

NHDOT-BOE, SHPO, and FHWA have jointly concurred that the following list is comprised of types of undertakings that result in findings of "No Potential to Cause Effects" (36 CFR 800.3), or "No Historic Properties Affected" (36 CFR 800.4(d)(1)).

In accordance with Stipulation VI of this Agreement, the NHDOT-BOE Cultural Resources Program may determine that an undertaking qualifies under this appendix as one with minimal potential to cause effects, and shall make a finding of such on the Appendix B Certification Form.

**To be applicable, an undertaking shall be limited entirely to any one or a combination of the types specified below (with, or without a portion that is included as a type listed in Appendix A).**

**These types of undertakings shall be coordinated with, and reviewed by the NHDOT-BOE Cultural Resources Program in accordance with Stipulation VI of this Agreement.**

**Highway and Roadway Improvements**

1. Modernization and general highway maintenance **that may require additional highway right-of-way or easement**, and which is **not within the boundaries of a historic property or district,** including:
   a. Culvert replacement, when the culvert is less than 60" in diameter and excavation for replacement is limited to previously disturbed areas.
   b. Guardrail replacement, provided any extension does not connect to a bridge older than 50 years old, and there is no change in access associated with the extension.
   c. Sidewalk reconstruction.
   d. Crosswalk installation/replacement.
   e. Lighting replacement.
   f. Ditching, provided excavation does not exceed 8" and is not located within 25' of a cemetery.
   g. Median barrier installation.
   h. Installation of solar or alternative energy devices.
   i. Placement of riprap and/or other erosion control measures to prevent erosion of waterway banks and bridge piers, provided no excavation is required.
   j. Removal of trees, as part of roadway improvements.
   k. Landscaping, including weeding, thinning, in-kind replacement of existing specimens, and shallow bed preparation in areas previously landscaped within the existing right-of-way.
   l. Construction of wetland mitigation areas in previously disturbed areas of the roadway right-of-way.
   m. Installation of rumble strips.

**Bridge and Culvert Improvements**

2. Non-historic bridge and culvert maintenance, renovation, or total replacement, **that may require minor additional right-of-way or easement**, and which is **not within the boundaries of a historic property or district**, including:
   a. Replacement or maintenance of drainage pipes and culverts made of steel, plastic and concrete.
   b. Replacement or maintenance of non-historic bridges.
   c. Installation of vandal fencing, vandal protection lighting and/or cameras, suicide fencing, and/or suicide netting.
   d. Bridge painting.

3. Historic bridge maintenance activities within the limits of existing right-of-way, including:
   a. Installation of load and height restriction barriers.
   b. Concrete patching with compatible materials and concrete sealing.
   c. Placement of riprap and channel work.
   d. Maintenance of drainage features, including but not limited to scupper repair.
   e. Replacing or repair of expansion joints and sealing deck joints.
   f. In-kind railing replacement or repair.
   g. Electrical/mechanical upgrades.
   h. Installing fire prevention systems on covered bridges.
   i. Surface preparation and painting to preserve critical members in the salt zone.
   j. Bridge painting.

4. Stream stabilization and restoration activities (including removal of debris or sediment obstructing the natural waterway, or any non-invasive action to restore natural conditions).

**Bicycle and Pedestrian Improvements**

5. Construction of bicycle lanes and pedestrian walkways, sidewalks, shared-use paths and facilities, small passenger shelters, and alterations to facilities or vehicles in order to make them accessible for elderly and handicapped persons, **not within the boundaries of a historic property or district**.

6. Installation of bicycle racks, **not within the boundaries of a historic property or district**.

7. Recreational trail construction, **not within the boundaries of a historic property or district**.

8. Recreational trail maintenance when done on existing alignment.

**Railroad Improvements**

9. Modernization, maintenance, and safety improvements of railroad facilities within the existing railroad or highway right-of-way, **not within the boundaries of a historic property or district, and no historic railroad features are impacted**, including, but not limited to:
   a. Closure of existing railroad crossings.
   b. Signal box upgrades.
   c. Rail bed maintenance.

**Other Improvements**

The following types of undertakings involve facility modernization and property acquisitions that are **not within the boundaries of a historic property or district**:

10. Installation of Intelligent Transportation Systems.
11. Acquisition or renewal of scenic, conservation or other habitat or land preservation easements where no construction activities will occur.

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**Cultural Resources Review Effect Finding – Appendix B Certification**

**Projects with Minimal Potential to Cause Effects**

| | | | |
|---|---|---|---|
| **Date Reviewed:** | Click here to enter text. | | |
| **Project Name:** | Click here to enter text. | | |
| **State Number:** | Click here to enter text. | **FHWA Number:** | Click here to enter text. |
| **Environmental Contact:** | Click here to enter text. | **DOT** | |
| **Email Address:** | Click here to enter text. | **Project Manager:** | Click here to enter text. |
| **Project Description:** | Click here to enter text. | | |

Please select the applicable undertaking type(s):

| | |
|---|---|
| ☐ | 1. Modernization and general highway maintenance **that may require additional highway right-of-way or easement**, and which is **not within the boundaries of a historic property or district,** including: |
| | Choose an item.<br>Choose an item. |
| ☐ | 2. Non-historic bridge and culvert maintenance, renovation, or total replacement, **that may require minor additional right-of-way or easement**, and which is **not within the boundaries of a historic property or district**, including: |
| | Choose an item.<br>Choose an item. |
| ☐ | 3. Historic bridge maintenance activities within the limits of existing right-of-way, including: |
| | Choose an item.<br>Choose an item. |
| ☐ | 4. Stream stabilization and restoration activities (including removal of debris or sediment obstructing the natural waterway, or any non-invasive action to restore natural conditions). |
| ☐ | 5. Construction of bicycle lanes and pedestrian walkways, sidewalks, shared-use paths and facilities, small passenger shelters, and alterations to facilities or vehicles in order to make them accessible for elderly and handicapped persons, **not within the boundaries of a historic property or district**. |
| ☐ | 6. Installation of bicycle racks, **not within the boundaries of a historic property or district**. |
| ☐ | 7. Recreational trail construction, **not within the boundaries of a historic property or district**. |
| ☐ | 8. Recreational trail maintenance when done on existing alignment. |
| ☐ | 9. Modernization, maintenance, and safety improvements of railroad facilities within the existing railroad or highway right-of-way, **not within the boundaries of a historic property or district, and no historic railroad features are impacted,** including, but not limited to: |
| | Choose an item.<br>Choose an item. |
| ☐ | 10. Acquisition or renewal of scenic, conservation, habitat, or other land preservation easements |
| ☐ | 11. Installation of Intelligent Transportation Systems. |

Please describe how this project is applicable under Appendix B of the Programmatic Agreement.

| |
|---|
| Click here to enter text. |

**Cultural Resources Review Effect Finding – Appendix B Certification**

**Projects with Minimal Potential to Cause Effects**

*NHDOT in-house projects: Please append photographs, USGS maps, design plans and as-built plans, if available, for review.*
*LPA projects: Please submit this Certification Form along with the Transportation RPR*

Coordination Efforts:

| | | | |
|---|---|---|---|
| Has an RPR been submitted to NHDOT for this project? | Choose an item. | NHDHR R&C # assigned? | Click here to enter text. |
| | | | |
| Please identify public outreach effort contacts; method of outreach and date: | Click here to enter text. | | |

Finding: (To be filled out by NHDOT Cultural Resources Staff )

| | | | |
|---|---|---|---|
| ☐ | **No Potential to Cause Effects** | ☐ | **No Historic Properties Affected** |
| This finding serves as the Section 106 Memorandum for your environmental documents, no further coordination is necessary. | | | |
| ☐ | **This project does *not* comply with Appendix B, and will continue under the Section 106 review process outlined in 36 CFR 800.3-800.7. Please contact NHDOT Cultural Resources Staff to determine next steps.** | | |
| | NHDOT comments:<br><br>NHDOT Cultural Resources Staff | | Date |

Coordination of the Section 106 process should begin as early as possible in the planning phase of the project (undertaking) so as not to cause a delay.

Project sponsors should not predetermine a Section 106 finding under the assumption that an undertaking conforms to the types listed in Appendix B until this form is signed by the NHDOT Bureau of Environment Cultural Resources Program staff.

Every project shall be coordinated with, and reviewed by the NHDOT-BOE Cultural Resources Program in accordance with the Cultural Resources Programmatic Agreement among the Advisory Council on Historic Preservation, Federal Highway Administration, NH Department of Transportation, and the State Historic Preservation Office. In accordance with the Advisory Council's regulations, we will continue to consult, as appropriate, as this project proceeds.

If any portion of the undertaking is not entirely limited to any one or a combination of the types specified in Appendix B (with, or without a portion that is included as a type listed in Appendix A), please continue discussions with NHDOT Cultural Resources staff.

This No Potential to Cause Effect or No Historic Properties Affected project determination is your Section 106 finding, as defined in the Programmatic Agreement.

Should project plans change, please inform the NHDOT Cultural Resources staff in accordance with Stipulation VII of the Programmatic Agreement.

**APPENDIX C**

**DEFINITIONS FOR KEY TERMS USED IN THIS AGREEMENT**

**Aboveground** resources means historic buildings, structures, sites, objects and districts that are included in, or eligible for inclusion in, the National Register of Historic Places.

**Area of Potential Effects (APE)** means the geographical area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking (36 CFR 800.16(d)).

**Clean out** means the removal of accumulated environmental material, such as leaf litter, sand, gravel, and woody debris, either by hand or machine, that does not require excavation into the existing surface of the ground.

**Historic property (also referred to as historic resource)** means any Pre-Contact or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian or tribe or Native Hawaiian organization and that meet the National Register criteria.

**In-kind replacement** means the substitution of a new structure for an existing structure in the same location and with like materials, so that there are no impacts to the environment beyond the footprint of the original structure, beyond those required for construction, and that cannot be returned to the pre-construction condition.

**LPA** means Local Public Agency.

**Maintenance and repair** means a planned strategy of cost-effective treatments to an existing roadway system and its appurtenances that preserves the system, retards future deterioration, and maintains or improves the functional condition of the system (without significantly increasing the structural capacity).

**Modern facility** means a man-made structure or infrastructure that is less than 50 years old. It is assumed that roadways and their select materials are all modern facilities for the purposes of this Agreement.

**No Historic Properties Affected** means a finding that either there are no historic properties present or there are historic properties present but the undertaking will have no effect upon them as defined in 36 CFR 800.16(i).

**No Potential to Cause Effects means** a finding that the undertaking is a type of activity that does not have the potential to cause effects on historic properties, assuming such historic properties were present.

**Reconstruction** means to rebuild an existing roadway system and its appurtenances with new materials in order to improve the function and condition of the system. Reconstruction may or may not require modifications to the size and configuration of the existing system.

**Rehabilitation** means structural enhancements with new materials in order to extend the service life of an existing roadway system and its appurtenances.

**Replacement** means substitution of a new structure for an existing structure, which may require a change in size, dimension, location, and configuration, in order to improve the function and condition of a roadway system.

**Pavement resurfacing** means any number of physical alterations to a roadway surface designed to enhance the condition of pavement in order to preserve a transportation system, and retard future deterioration. Resurfacing may or may not require slight additions of material to the edge of the new pavement in order to eliminate drop off pavement edges (i.e. shoulder leveling).

**Select materials** means the engineered layers of sand, gravel, and crushed gravel, or other sub-pavement materials, upon which pavement sits.

**Transportation RPR** is the document required by the State Historic Preservation Office in New Hampshire to initiate a review of an undertaking pursuant to Section 106 of the National Historic Preservation Act or NH RSA 227-C:9. A Transportation RPR, formally referred to as a *"Request for Project Review by the New Hampshire Division of Historical Resources for Transportation Projects,"* may be found by visiting the NH Division of Historical Resources website at: http://www.nh.gov/nhdhr/review/rpr.htm.

**Undertaking** means a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including A) those carried out by or on behalf of the agency; B) those carried out with Federal financial assistance; C) those requiring a Federal permit, license, or approval; and D) those subject to State or local regulation administered pursuant to a delegation or approval by a Federal agency. {16 U.S.C. Section 470w(7) (1994)}

**APPENDIX D**

**NHDOT BUREAU OF BRIDGE MAINTENANCE EHS PROCEDURE – 01, TITLE: WASHING AND SEALING OF BRIDGES**

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# Title: Washing and Sealing of Bridges



Revision #: 2 Revised Date: 4/13/2011 JLMC Approved: 4-27-09

**1.0 PURPOSE:** Washing and sealing of bridges are preventative maintenance methods performed by Bridge Maintenance on an annual basis in order to protect bridges against salt corrosion and surface spalling.

**2.0 SCOPE:** To define proper procedures for washing and sealing operations so that no adverse affects on the environment, the health and safety of the traveling public and construction crews occurs.

**3.0 RESPONSIBILITIES:**

**3.1 Superintendents of Construction Crews**

- Ensure that employees who are involved in these procedures understand the application methods and are aware of the hazards associated with these methods.
- Coordinate annual preventative maintenance schedule with the Maintenance and Construction Engineer and Senior Engineer in order to ensure the proper method(s) are applied.
- Ensure that all product drums are stored, handled and transported in accordance with internal procedures, as well as any state, local or federal regulation(s).
- Ensure that any full, partially used and empty product drums are properly stored and handled until such a time as to be picked up or transported back to the Franklin Yard.

**3.2 Maintenance and Construction Engineer**

- Ensure that funding for materials, products and equipment is available.
- Ensure that personal protective equipment, spill kit equipment, products and any other materials or accessories needed for these methods are in stock and available when needed.

**3.3 Superintendent of Warehouse (Franklin Yard)**

- Ensure that warehouse employees understand the proper storage, handling and transporting requirements of all products under its control.
- Ensure that warehouse employees are trained and use best management practices when handling and transporting products under its control to its destination place.

**3.4 Safety & Environmental Coordinator**

- Develop, implement and train employees on procedures, job hazard analysis pertaining to washing and sealing operations.
- Ensure that employees are medically cleared and fit tested for respirator use.
- Train and educate employees on the proper storage, handling and transporting of materials and/or products associated with these procedures.
- Train and educate employees on proper cleanup and disposal methods if materials and/or products are released into the surface and/or waterway.

**4.0 RECORDS:**

**4.1** Request for Waiver(s) of NH Code of Administrative Rules Chapter Env-A 4200 AIM dated May 2008 and June 2008.

**4.2** MSDS (Material Safety Data Sheets) Silane-Siloxane a/k/a Vexcon (product and manufacturer will vary from year to year).

**4.3** JHA (Job Hazard Analysis) for Washing and Sealing Procedures.

**4.4** Best Management Practice for handling and transporting regulated substances or materials.

**5.0 PROCEDURE:**

**5.1 Washing Bridges**

5.1.1 Prior to washing, crews will sweep sand, debris and sediment contaminants. Arrangements for a Bobcat or other equipment can be scheduled to assist with this task.

5.1.2 Crews will work with Highway Maintenance sheds and encourage them to assist with bridge cleaning.

5.1.3 Sweepings will be removed by hand using shovels, wheelbarrows or bobcat buckets and placed off the roadway shoulder. Large amounts of sweepings will be spread out along roadway shoulder.

- Sweepings will not be swept into open deck drains or over the edge of the bridge.

5.1.4 Water hose nozzles will be aimed in such a manner that overspray into surface waters is kept to a minimum (water pressure out of nozzle will be no greater than 50psi).

5.1.5 Water will be aimed along the curb line to wash any accumulated sand/salt buildup normally following the downward slope of the bridge.

5.1.6 To the extent practicable, residual wash water will be diverted to upland areas (i.e. over embankments into vegetated areas or into catch basins) so that sediments may settle out prior to reaching the waterway.

5.1.7 Wash water will be diverted as much as possible around open deck drains that discharge directly into open water.

5.1.8 Washing of bridges will continue to be scheduled on structures over waterways during the springtime to coincide with high-flow periods or during other high-flow periods following storm events.

- Interference with step 5.1.8 washing operations may occur due to bridge repair priorities, amount of setup preparation and equipment needed elsewhere.

5.1.9 Any debris or wet sweepings left after washing procedures will be removed by hand using shovels, wheelbarrows or bobcat buckets and placed off shoulder of roadway.

**5.2 Sealing Bridges**

5.2.1 Products will be used in accordance with any applicable local, state or federal regulations as they pertain to surface water quality or best management practice

regulations of the Department or asserted by the Department of Environmental Services.

5.2.2 The products used for sealing bridges are based on the age of the bridge and /or concrete structures.
- Silane-Siloxane a/k/a Vexon (product and manufacturer will vary from year to year) is applied to new concrete structures and is used on construction where silane has previously been applied.

5.2.3 Prior to applying silane-siloxane products, employees will be educated, trained and aware of the hazards associated with this procedure to include, but not limited to:
- 5.2.3.1 MSDS's (Material Safety Data Sheets) on products being used.
- 5.2.3.2 Health and Safety Hazards as they pertain to worker(s). Required personal protective equipment to be worn while applying these products.
- 5.2.3.3 Environmental Hazards as they pertain to surface waters and/or spill release response corrective actions while applying these products.
- 5.2.3.4 Proper equipment needed for applying these products while over or adjacent to surface waters.
- 5.2.3.5 Proper disposal methods of contaminated materials and/or equipment.

5.2.4 Silane-siloxane products will be applied to the following bridge structures:
- 5.2.4.1 To all new concrete construction.
- 5.2.4.2 To all existing concrete elements subject to deicing chemicals and sand buildup.
  - Abutments – adjacent structures of bridges.
  - Wings or curtain walls – side structure of bridges.
  - Curbs and/or Sidewalks – typically associated with guardrail overhang.
  - Not applied to vertical surfaces over water.

5.2.5 Silane-siloxane is typically applied using a two and a half gallon hand pump sprayer allowing workers to control the amount of pressure to the wand prior to releasing material.

5.2.6 The material can be applied by using a gasoline powered pump which feeds directly from a 55 gallon drum to a hose and nozzle designed for low pressure (less than or equal to 20psi).

5.2.7 All equipment used to perform this application will be checked to ensure that no equipment failure should pose a risk to the health and safety of the workers and/or material release into the environment. All equipment will be handled, stored and cared for properly in order to maintain good working condition.

5.2.8 Each crew will be equipped with chemical skimming booms and chemical absorbent mat pads for emergency response should a spill release occur.

5.2.9 Each crew will be equipped with a metal container with a tight fitting lid in order to properly store and transport contaminated or used rags while sealing.

5.2.10 A deflector shield will be used while applying silane-siloxane to the horizontal surface of the bridge curbs. This shield is used during the application process to

prevent any overspray or splashed material from going over the edge of the structure.

5.2.11 Spray application is preferred, however roller application can be used as another precautionary method to avoid dripping material off the edge of the bridge into the water.

5.2.12 The vertical outside surfaces of bridges will not be treated over any surface water.

- This will directly reduce the chance of material from dripping off the edge of the bridge and into the water.

5.2.13 No sealing operations will be performed during windy conditions (above 10mph). No sealing operations will be performed if rainfall is imminent.

- Product requires 24 hours of clean, dry conditions before, and 3-5 hours after application.

5.2.14 The management of leftover materials from sealing operations are as follows:

5.2.14.1 All silane-siloxane drums (full, partially full or empty) must be transported back to the Franklin Yard.

5.2.14.2 Franklin-Crew 13 will consolidate what is left inside each drum, crush and recycle the drums.

5.2.14.3 When each crew has completed sealing, they need to ensure that the used rags are disposed of properly.

- Used rags are allowed to lie or hang flat to dry.
- After rags are completely dry, they can be disposed of with regular trash.

## 6.0 REFERENCES:

6.1 NH Code of Administrative Rules Env-A 4200

6.2 40 CFR EPA (Environmental Protection Agency)

6.3 NH Department of Environmental Services

- Surface Water Quality Bureau
- Hazardous Waste Management Division
- Air Resource Division

6.4 AASHTO (American Association & State Highway Transportation Officials) Specifications

## REVISION AND APPROVAL HISTORY:

| | |
|---|---|
| Approved: Douglas A. Gosz<br>Name<br>4/14/11<br>Date<br>Title: Bureau Administrator | REVISION #: 2<br>DATE: 4-13-2011<br>SUPERSEDES EDITION: Original<br>Original dated: 8/29/2008 |

**APPENDIX E**

**ORGANIZATIONS/AGENCIES THAT SHOULD BE CONSIDERED WHEN INVITING CONSULTING PARTIES DURING THE PUBLIC INVOLVEMENT PROCESS**

The following are ideas for organizations/entities that should/could be invited to be Consulting Parties if project proponents' research finds they are applicable in the areas of their undertakings. The list is not comprehensive and not all may be applicable for every undertaking, but it can give a starting place for compiling a list for undertakings.

- Heritage Commissions
- Historic District Commissions
- Planning Commissions
- Conservation Commissions
- Agricultural Commissions
- Energy Commissions
- Historical Societies
- Native American organizations/tribes http://www.nh.gov/nhdhr/review/tribal_list.htm; http://www.nh.gov/nhdhr/review/thpo.htm
- Local governments
- Property owners within the area of the undertaking
- Political representatives for the area of the undertaking
- Neighborhood associations
- Local, state, or national preservation groups, such as NH Preservation Alliance and National Trust for Historic Preservation
- Local, state, or national groups related to specific types of resources, such as historic bridges

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