

## Chapter 6

# Environmental Commitments

The following commitments have been made to ensure that environmental impacts are avoided or minimized and that the project remains in compliance with applicable regulations as the project progresses through Final Design and Construction. The NHDOT Bureau responsible for ensuring successful implementation of each commitment is shown in parentheses.

### 6.1 Commitments to be Carried Out During Final Design

NHDOT shall continue to coordinate with NH DES, the Town of Bow and City of Concord Conservation Commissions, and other municipal staff as appropriate, for the purpose of determining the appropriate wetland mitigation for the project and whether local wetland mitigation sites are available. In addition, local conservation organizations, shall be contacted to determine if appropriate wetland mitigation projects exist in the vicinity of the project. If appropriate projects are not identified, mitigation will be in the form of an in-lieu fee payment into the NHDES Aquatic Resources Mitigation Fund. (Environment) (Section 4.7)

The project is located within Public Water Supplies Wellhead Protection Areas and over an aquifer. Coordination shall occur with the NH DES Drinking Water and Groundwater Bureau to implement, as appropriate, measures to avoid adverse impacts to these resources from the proposed action. (Environment/Design) (Section 4.5)

All floodway and floodplain impacts, temporary and permanent, shall be reviewed with the Bureau of Environment and the NH Floodplain Management Program (OSI) to determine if further coordination with the US Army Corps of Engineers is warranted. (Environment/Design) (Section 4.6)

Impacts to conservation land shall be coordinated with the appropriate agencies/entities and mitigation measures shall be incorporated. (Right-of-Way/Environment/Design) (Section 4.8)

All appropriate wetland and shoreland permits from the NH Department of Environmental Services and US Army Corps of Engineers shall be obtained prior to the commencement of any work within jurisdictional wetlands, surface waters or the 250' protected shoreland of the Turkey River and the Merrimack River. (Environment/Design) (Section 4.7)

Any EFH conservation recommendations received from NOAA shall be considered in the final design of the project. (Environment/Design) (Section 4.10)

Coordination with the NHDOT Contamination Program shall occur in regard to: 1) depth and extent of excavation adjacent to remediation sites within the corridor; 2) the need for further investigations into potentially contaminated sites that may be disturbed; 3) the need for further investigations regarding Limited Reuse Soils; and 4) the need for further investigations regarding the presence of Per- and Polyfluoroalkyl Substances (PFASs). (Environment/Design) (Section 4.15)

Appropriate water quality treatment and coordination with the NHDES Watershed Management Bureau shall occur prior to construction as the project area that is located within the City of Concord may be subject to MS4 requirements prior to the commencement of construction (Environment/Design). (Section 4.5.3)

Right-of-Way negotiations for acquisitions and/or easements on potentially contaminated parcel(s) shall not begin until the NHDOT Contamination Program has completed its review of the parcel(s). (Environment/Right-of-Way/Design) (Section 4.13.1)

Contract documents shall contain language to ensure proper handling and disposal of any Asbestos Containing Material found on bridges, structures or other locations within the project limit. (Environment/Design) (Section 4.15)

Appropriate language shall be included in contract documents to require the Contractor to provide public notice in advance of any necessary closures of any recreational use or public facility. (Environment/Design) (Section 4.13.5)

All stipulations of the Section 106 Memorandum of Agreement shall be carried out in accordance with the time frame specified in the Agreement. (Environment) (Section 4.12)

Bicycle and pedestrian connections shall be maintained. (Right-of-Way/Design) (Section 4.13.5)

NHDOT will continue to coordinate with stakeholders during final design to incorporate aesthetically appropriate landscaping into the proposed project. (Design/Environment) (Section 4.14)

Additional consultation and/or studies shall be conducted to determine if the brook floater, a state endangered species, is located within the Merrimack River near the project area. (Environment) (Section 4.11.2.2)

NHDOT shall continue to coordinate with NH F&G during final design regarding potential impacts to state listed species, including any newly listed species that may be within the project area. (Environment) (Section 4.11.1.2 and 4.11.2.2)

NHDOT shall continue to coordinate with USFWS during final design regarding potential impacts to Federally listed species, including any newly listed species that may be within the project area. (Environment) (Section 4.11.1.1 and 4.11.2.1)

NHDOT has identified one feasible and reasonable noise barrier adjacent to the NHTI campus. Coordination with the benefitted receptors on the design and reasonableness of this barrier is ongoing and shall be considered during final design. Should this barrier remain feasible and reasonable, it shall be incorporated into the design of the project. (Environment) (Section 4.4)

## **6.2 Commitments to be Carried Out Prior to Earth Disturbance**

This project will require a Notice of Intent and Storm Water Pollution Prevention Plan (SWPPP) under the NPDES Construction General Permit. There shall be provisions in the contract requiring the Contractor to prepare the SWPPP and NOI. (Environment/Construction) (Section 4.5)

The project area contains plants that are on the NH List of Prohibited Invasive Species (AGR PART 3802.01) (purple loosestrife, bush honeysuckle, and Japanese knotweed). Locations of these plants shall be shown on construction plans. The Contractor shall prepare an Invasive Species Control and Management Plan, for the Department's approval, to summarize all appropriate BMPs to be implemented during construction to manage and prevent spreading the plants to new sites. (Environment/Construction) (Section 4.11.3)

The Northern Long-Eared Bat Flyer shall be shared with all operators, employees, and contractors working on the project and operators, employees, and contractors shall be made aware of all applicable environmental commitments. (Environment/Construction) (Section 4.11.2.1)

The project will impact Limited Reuse Soils. The contractor will prepare a Soil Management Plan. Any spillage of oil or oil-based products during construction shall be promptly reported to the regulatory agencies as appropriate. (Environment/Construction) (Section 4.4)

## **6.3 Commitments to be Carried Out During Construction**

The project is located within Wellhead Protection Areas and over an aquifer. Stringent best management practices shall be utilized to prevent adverse impacts to water quality. (Construction) (Section 4.5)

Construction of this project is anticipated to cause temporary increases in noise and dust levels within the project area. Standard measures shall be employed to ensure such increases are minimized to the extent practicable and limited to the construction period. (Construction) (Section 4.18)

Access to all homes and businesses shall be maintained throughout construction. (Construction) (Section 4.18)

All forested habitat within the project area is potential habitat for the northern long-eared bat. Therefore, tree removal shall be limited to what is specified on project plans and clearing limits shall be marked with flagging or fencing to ensure that all construction personnel stay within clearing limits. (Construction) (Section 4.9.1.2)

All sightings of dead or sick bats shall be immediately reported to the Bureau of Environment (603- 271-3226). (Construction) (4.9.1.2)

NHDOT shall continue to coordinate with regulatory agencies on the appropriate measures to be taken during construction to avoid adverse impacts to water quality for impacts within and adjacent to waterways containing Essential Fish Habitat (EFH). (Construction) (Section 4.10)

NHDOT shall incorporate wildlife friendly erosion control measures into the project design and require the contractor to comply with these measures. (Design/Construction) (Section 4.18)

The contractor shall be required to recycle pavement millings. (Construction) (Section 4.18)