



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



30 Baker

CHRISTOPHER D. CLEMENT, SR.
COMMISSIONER

JEFF BRILLHART, P.E.
ASSISTANT COMMISSIONER

Bureau of Bridge Design
October 3, 2014

Her Excellency, Governor Margaret Wood Hassan
and the Honorable Council
State House
Concord, New Hampshire 03301

REQUESTED ACTION

Authorize the Department of Transportation to enter into agreements with the City of Portsmouth (Vendor #177463), Portsmouth Submarine Memorial Association (Vendor #260161), and Friends of the Albacore (Vendor #259859) in an amount not to exceed \$97,700 to provide funding for historic mitigation associated with the permanent establishment of the Albacore Connector Road in Portsmouth, effective upon Governor and Council approval through June 30, 2021. 100% Federal Funds.

Funding is available as follows:

| | |
|--------------------------------------|----------------|
| 04-96-96-963515-3054 | <u>FY 2015</u> |
| Consolidated Federal Aid | |
| 400-500870 Highway Contract Payments | \$97,700 |

EXPLANATION

In 2011, the NHDOT began the process of establishing the Albacore Connector, which provides a transportation link between the US Route 1 Bypass and Market Street in the City of Portsmouth, NH, as a public roadway. One aspect for this effort was completion of all required federal environmental planning and documentation tasks. Part of this process required that the NHDOT comply with Section 106 of the National Historic Preservation Act (NHPA), ensuring that appropriate mitigation was included in the project to offset the adverse effect that establishing this public roadway would have on the USS Albacore, a National Historic Landmark.

The agreed mitigation has been formalized in a Memorandum of Agreement (MOA) between the NH Department of Transportation (NHDOT), the NH Division of Historic Resources (NHDHR), the City of Portsmouth (City), the Friends of the Albacore, the Portsmouth Submarine Memorial (PSM), and the Federal Highway Administration (FHWA). This item requests approval of payments as presented in Stipulations "C" through "G" of the MOA. Commitments to mitigate impacts to historic resources require NHDOT, as part of the project, to provide funding for these purposes in a total amount not to exceed \$97,700.00 to meet the requirements of the signed MOA (copy attached).

The mitigation involves providing funds to the following organizations for the reasons outlined below:

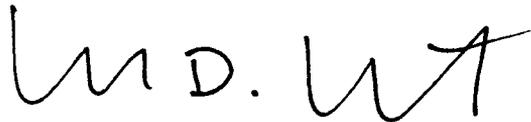
- Portsmouth Submarine Memorial Association (Vendor #260161) for a total amount not to exceed \$2,500, for the design, fabrication, and installation of a self-guided tour kiosk (Stipulation "C");
- Friends of the Albacore (Vendor #259859) for a total amount not to exceed \$12,500, to complete their current oral history project (Stipulation "D");
- City of Portsmouth (Vendor #177463) for a total amount not to exceed \$4,200, to develop two signs directing pedestrian traffic between Albacore Park and Market Street (Stipulation "E");
- City of Portsmouth (Vendor #177463) for a total amount not to exceed \$3,500, to develop an interpretive panel relating Albacore submarine history to the Piscataqua River (Stipulation "F");
- Portsmouth Submarine Memorial Association (Vendor #260161) for a total amount not to exceed \$75,000, for use towards external hull rehabilitation of the Albacore submarine (Stipulation "G");

Funding for the Albacore Connector project is 80% Federal funds with 20% State match. Turnpike toll credit is being utilized for New Hampshire's match requirement, effectively using 100% Federal funds. Attached for your reference is a copy of the MOA.

This Memorandum of Agreement has been approved by the Attorney General as to form and execution. Copies of the fully executed agreement are on file at the Secretary of State's Office and the Department of Administrative Services' office, and subsequent to Governor and Council approval will be on file at the Department of Transportation.

Your approval of this resolution is respectfully requested.

Sincerely,

A handwritten signature in black ink, appearing to read "C.D. WT". The signature is written in a cursive, somewhat stylized font.

Christopher D. Clement, Sr.
Commissioner

MEMORANDUM OF AGREEMENT

**AMONG FEDERAL HIGHWAY ADMINISTRATION,
NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION,
CITY OF PORTSMOUTH, FRIENDS OF THE ALBACORE,
PORTSMOUTH SUBMARINE MEMORIAL ASSOCIATION,
and the
NEW HAMPSHIRE STATE HISTORIC PRESERVATION OFFICE**

**Regarding the layout of a public access road between the U.S. Route 1 Bypass and Market Street in
Portsmouth, New Hampshire.**

WHEREAS, the Federal Highway Administration (FHWA) is participating in the funding of the New Hampshire Department of Transportation's (NHDOT) proposed construction of a permanent Connector Road to provide an alternative access for vehicles on the U.S. Route 1 Bypass (Bypass) crossing the Sarah Mildred Long Bridge (Bridge) spanning the Piscataqua River between the States of New Hampshire and Maine due to weight limit posting on the Bridge; and

WHEREAS, the Connector Road will become a City of Portsmouth (City) publicly maintained roadway; and

WHEREAS, this undertaking will consist of formalizing the current temporary Connector Road. Project impacts will include the following:

- Removal of temporary concrete barrier with the installation of standard longitudinal guardrail;
- Replacing the temporary signals for the Connector Road at Market Street and the Bypass with permanent installation;
- Repaving and re-striping the roadway;
- Construction of a sidewalk between Market Street and the Albacore Park driveway on the Connector Road along the northerly side and to include pedestrian connectivity with a crosswalk across Market Street connecting to the existing sidewalk on the easterly side;
- Installation of drainage structures as necessary;
- Placement of street level landscaping;
- Formal discontinuance and removal of the closed southbound Bypass driveway access to Albacore Park; and

WHEREAS, FHWA has determined that the undertaking will have an adverse effect on the USS Albacore, a National Historic Landmark, and has consulted with the Advisory Council on Historic Preservation (ACHP), National Park Service (NPS), NHDOT and the New Hampshire State Historic Preservation Officer (SHPO) pursuant to 36 C.F.R. part 800, of the regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f); and

WHEREAS, NHDOT has reached out to the community and other interested groups and have

identified five (5) consulting parties:

- City of Portsmouth
- Friends of the Albacore
- National Park Service
- Portsmouth Historical Society
- Portsmouth Submarine Memorial Association; and

WHEREAS, FHWA, the Department of the Navy (Navy), NHDOT, SHPO, and the Portsmouth Submarine Memorial Association (PSMA) acknowledge that the proposed hull modifications under Stipulation G of this MOA will have a separate effect on the USS Albacore triggering separate Section 106 requirements for the Navy; however, the agencies and PSMA acknowledge that the work control measures under Stipulation G would preclude an adverse effect to the USS Albacore. Therefore, consultation undertaken by FHWA for the subject project satisfies the Navy's Section 106 requirements under the National Historic Preservation Act as they relate to the USS Albacore and Stipulation G ; and

WHEREAS, in accordance with 36 C.F.R. § 800.6(a)(1), FHWA has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination with specified documentation and the ACHP has chosen not to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii).

NOW, THEREFORE, FHWA, NHDOT and the SHPO agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

STIPULATIONS

FHWA in conjunction with NHDOT shall ensure that the following measures are carried out:

- A. NHDOT will coordinate with PSMA and the City to develop an official name for the Connector Road with the intent to convey the presence of the National Historic Landmark.
- B. NHDOT will re-install the USS Albacore location identification sign at the Market Street entrance, either on the bridge rail as it currently sits, or in an appropriate similar location. The NHDOT will re-install the existing sign located on the Bypass closer to the lighted intersection. Both locations will be reviewed with PSMA and approved by the City prior to re-location.
- C. NHDOT will provide funding to PSMA to an amount not to exceed \$2,500 for the design, fabrication and installation of a self-guided tour kiosk;
 1. PSMA will be responsible for developing the narrative script and recording the audio.
 2. The audio will focus on, but is not limited to, the historical significance of the submarine, its status as a National Historic Landmark, and related preservation efforts and programs.
 3. All script material will be reviewed and approved by FHWA, NHDOT and NHDHR within 45 days of submission.

- D. NHDOT will provide funding to the Friends of the Albacore to complete their current oral history project. Funding shall be limited to an amount not to exceed \$12,500. Prior to funding the oral historic project, the Friends of the Albacore shall provide a scope of work for the deliverables and schedule for the completion of the work for approval by FHWA, NHDOT and NHDHR.
- E. NHDOT will fund the City of Portsmouth to develop two signs directing pedestrian traffic between Albacore Park and Market Street. The City will be responsible for design, fabrication and installation. Funding shall be limited to an amount not to exceed \$4,200.
1. The proposed design and sign location will be reviewed by FHWA, NHDOT and NHDHR prior to finalization. Forty-five days will be allotted for review by all parties.
- F. NHDOT will fund the City of Portsmouth to develop an interpretive panel relating Albacore submarine history to the Piscataqua River, to be placed in the proposed Market Street redevelopment park. The City will be responsible for design, fabrication and installation. Funding for the completion of this effort shall be limited to an amount not to exceed \$3,500.
1. The City will retain the services of a 36 CFR 61-qualified architectural historian to develop the panel text
 2. The proposed design and sign location will be reviewed by the MOA signatories prior to finalization. Forty-five days will be allotted for review by all parties.
- G. NHDOT will provide funding in the amount not to exceed \$75,000 to PSMA to be used toward external hull rehabilitation.
1. All work will be completed in accordance with the provisions of the following Ex ALBACORE (AGSS 569) Contract/as-built plans, on file at Albacore Park; 600 Market Street; Portsmouth, NH 03801:
 - a. AGSS569-845-2102863 (Outboard Profile General Arrangement, Phase IV)
 - b. AGSS569-100-2017600 (Lines and Molded Offsets, Phase IV)
 - c. AGSS569-S0101-1189252 (Inner and Outer Shell Expansion)
 - d. AGSS569-101-1869117 (Bow Framing (DIMUS) Plan and Elevation)
 2. Work will be accomplished following the Secretary of the Interior's Standards for the Treatment of Historic Properties, anticipated to include removing the damaged hull sections and replacing them with in-kind materials.
 3. PSMA will be responsible for a Work Specification Document delineating the scope of and trade practice methodology for accomplishing the outer hull preservation work.
 4. The above Work Specification Document will be submitted to FHWA, NHDOT and NHDHR with 45 days to review and comment. Technical approval authority for the preservation work will reside, exclusively, with the Naval Sea Systems Command (NAVSEA), within the U.S. Navy Department, in accordance with ALBACORE's

Ship Donation Contract (on file at Albacore Park). Should any review comments conflict with NAVSEA's technical direction, the National Park Service, Northeast Regional Office will be consulted regarding adherence to the Secretary of the Interior's Standards for the Treatment of Historic Properties.

FHWA shall also ensure that the following terms and conditions are implemented:

I. DURATION

This MOA will expire if its terms are not carried out within seven (7) years from the date of its execution. Prior to such time, FHWA may consult with the other signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation IV below.

II. MONITORING AND REPORTING

Each year following the execution of this MOA until it expires, is terminated or stipulations completed, NHDOT shall provide all parties to this MOA a summary report detailing work undertaken pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in FHWA's efforts to carry out the terms of this MOA.

III. DISPUTE RESOLUTION

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

- A. Forward all documentation relevant to the dispute, including FHWA's proposed resolution, to the ACHP. The ACHP shall provide FHWA with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, FHWA shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories and concurring parties, and provide them with a copy of this written response. FHWA will then proceed according to its final decision.
- B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, FHWA may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, FHWA shall prepare a written

response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the MOA, and provide them and the ACHP with a

response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the MOA, and provide them and the ACHP with a copy of such written response.

- C. FHWA's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.

IV. AMENDMENTS

This MOA may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

V. TERMINATION

If any signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation IV, above. If within thirty (30) days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories.

Once the MOA is terminated, and prior to work continuing on the undertaking, FHWA must either (a) execute an MOA pursuant to 36 CFR § 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. FHWA shall notify the signatories as to the course of action it will pursue.

Execution of this MOA by FHWA, NHDOT and SHPO and implementation of its terms evidence that FHWA has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

SIGNATORIES:

NH FEDERAL HIGHWAY ADMINISTRATION

By:

for *Patrick A. Bauer* (for)
Patrick A. Bauer
Division Administrator

Date:

5/21/2014

PORTSMOUTH
STP-X-5379(075)
13455
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SIGNATORIES:

NEW HAMPSHIRE DIVISION OF HISTORICAL RESOURCES

By: Elizabeth H. Muzzey Date: 5/2/14
Elizabeth H. Muzzey
NH State Historic Preservation Officer

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13455
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SIGNATORIES:

NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION

By:

Christopher D. Clement

Christopher D. Clement
Commissioner

Date:

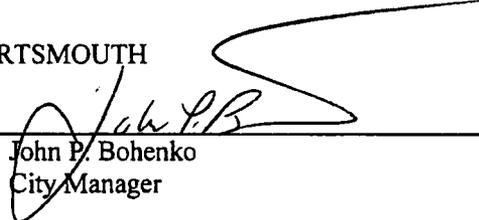
5/2/14

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SIGNATORIES:

CITY OF PORTSMOUTH

By:



John P. Bohenko
City Manager

Date:

5-20-14

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SIGNATORIES:

FRIENDS OF THE ALBACORE

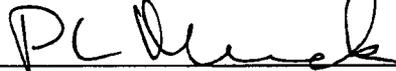
By:  Date: 5/8/14
Austin T. Jordan
Chairman

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SIGNATORIES:

PORTSMOUTH SUBMARINE MEMORIAL ASSOCIATION

By:



Philip Munck
President

Date:

5/3/14

RECEIVED
BUREAU OF ENVIRONMENT

MAY 03 2014

NH DEPARTMENT OF
TRANSPORTATION

MEMORANDUM

From: Friends of Albacore Committee

Subj: USS Albacore (AGSS-569) Oral History Project

Date: 25 October 2014

The purpose of this memorandum is to document the designation of Lieutenant Commander Austin T. (Butch) Jordan, U.S. Navy (retired) as this committee's administrative and financial representative to the Portsmouth Submarine Memorial Association (PSMA) and to the State of New Hampshire with respect to subject project.

For the Friends of Albacore Committee

A handwritten signature in black ink that reads "Jack Hunter". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Jack Hunter
Lieutenant Commander
U.S. Navy (retired)

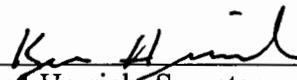
**SECRETARY'S CERTIFICATE OF THE
PORTSMOUTH SUBMARINE MEMORIAL ASSOCIATION**

A regular meeting of the Board of Directors of the **Portsmouth Submarine Memorial Association** was held on April 17, 2014, at which the following corporate action was taken:

RESOLVED, To authorize Phillip Munck, as President of the Portsmouth Submarine Memorial Association, to enter into and execute the Albacore Connector Formalization Project Section 106 Memorandum of Agreement with the State of New Hampshire Department of Transportation and the Federal Highway Administration.

I, Ken Herrick, do hereby certify that on January 24, 2013, I was the duly elected Secretary of the Port of Portsmouth Maritime Museum Association n/k/a Portsmouth Submarine Memorial Association, a New Hampshire Non-Profit Corporation and that the above Resolutions were duly adopted by the Board of Directors on April 17, 2014.

A true record, attest:



Ken Herrick, Secretary



CHRISTOPHER D. CLEMENT, SR.
COMMISSIONER

THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



JEFF BRILLHART, P.E.
ASSISTANT COMMISSIONER

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MEMORANDUM OF AGREEMENT

AMENDED AUGUST 20, 2014

AMONG FEDERAL HIGHWAY ADMINISTRATION,
NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION,
CITY OF PORTSMOUTH, FRIENDS OF THE ALBACORE,
PORTSMOUTH SUBMARINE MEMORIAL ASSOCIATION,
and the
NEW HAMPSHIRE STATE HISTORIC PRESERVATION OFFICE

Regarding the layout of a public access road between the U.S. Route 1 Bypass and Market Street in
Portsmouth, New Hampshire.

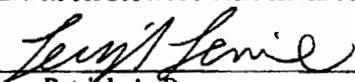
The below signatories agree to amended the subject Memorandum of Agreement (MOA) with the following
Whereas clause:

WHEREAS, FHWA, the Department of the Navy (Navy), NHDOT, SHPO, and the Portsmouth Submarine Memorial Association (PSMA) acknowledge that the proposed hull modifications under Stipulation G of this MOA will have a separate effect on the USS Albacore triggering separate Section 106 requirements for the Navy; however, the agencies and PSMA acknowledge that the work control measures under Stipulation G would preclude an adverse effect to the USS Albacore. Therefore, consultation undertaken by FHWA for the subject project satisfies the Navy's Section 106 requirements under the National Historic Preservation Act as they relate to the USS Albacore and Stipulation G; and

The below signatories agree that the previously agreed upon mitigation stipulations have not changed, and that this revision was requested upon the review of the MOA by the United States Department of the Navy. Per **Section IV. AMENDMENTS**, all MOA amendments must be agreed to in writing by all signatories. The below signatories have reviewed the amended MOA, and agree to its terms. The duration date, as laid out in **Section I. DURATION**, has not been amended, and will expire if terms are not carried out within seven (7) years of its execution on May 21, 2014 (expiration date of May 21, 2021).

SIGNATORIES:

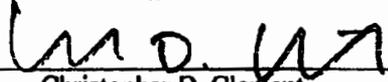
NH FEDERAL HIGHWAY ADMINISTRATION

By:  Date: 8/20/14
Gov Patrick A. Bauer
Division Administrator

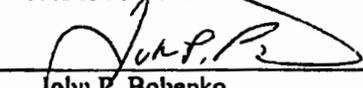
NEW HAMPSHIRE DIVISION OF HISTORICAL RESOURCES

By:  Date: 8/13/14
Elizabeth H. Muzzey
NH State Historic Preservation Officer

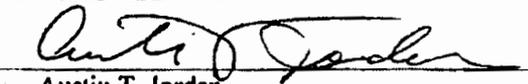
NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION

By:  Date: 8/4/14
Christopher D. Clement
Commissioner

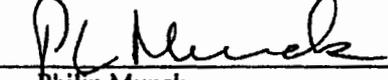
CITY OF PORTSMOUTH

By:  Date: 8-20-14
John F. Bohenko
City Manager

FRIENDS OF THE ALBACORE

By:  Date: 8/1/14
Austin T. Jordan
Chairman

PORTSMOUTH SUBMARINE MEMORIAL ASSOCIATION

By:  Date: 7/30/14
Philip Munck
President



CITY OF PORTSMOUTH

City Hall, One Junkins Avenue
Portsmouth, New Hampshire 03801
jpb@cityofportsmouth.com
(603) 610-7201

John P. Bohenko
City Manager

October 10, 2014

Christopher D. Clement, Sr.
Commissioner
NH DOT
7 Hazen Drive
Concord, NH 03302-0483

RE: Albacore Connector

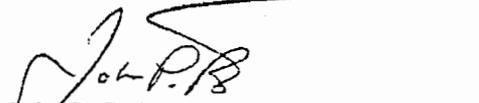
Dear Commissioner Clement:

I am responding to your letter of July 29, 2014 requesting the City's agreement on the intended transfer of the Albacore Connector from NHDOT to the City after completion of the Sarah Mildred Long Bridge replacement project (currently estimated for November 1, 2017).

I understand that your NHDOT staff is currently cooperating with City staff on the roadway improvements and that the City will be responsible for all winter and summer maintenance of the roadway and the sidewalk. The construction of this section of roadway by NHDOT will include new permanent traffic signals at the Albacore Connector/US Bypass 1 intersection and at the Albacore Connector / Market Street intersection. Furthermore, a separate Traffic Signal Agreement will be executed that defines the ownership and maintenance responsibilities of these two signals.

It is the City's intention to accept ownership of the roadway as outlined above. Adoption of this road by the City requires a recommendation from the Planning Board and a final approval by the City Council. It is City's plan to begin that process next month.

Sincerely,



John P. Bohenko
City Manager

c.: Keith Cota, NHDOT Chief Project Manager
David Allen, Portsmouth Deputy City Manager
Rick Taintor, Portsmouth Planning Director
Peter Rice, Portsmouth Public Works Director