

## **Appendix 14**

### **Additional Section 4(f) Supporting Information**



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Office of Environmental Policy and Compliance  
15 State Street – 8<sup>th</sup> Floor  
Boston, Massachusetts 02109-3572

April 11, 2018

9043.1  
ER 18/0120

Cheryl Martin  
Federal Highway Administration  
Maine Division  
40 Western Ave, Rm 614  
Augusta, ME 04330

**Subject: Draft Section 4(f) Evaluation – Frank J. Wood Bridge Improvement Project, Brunswick to Topsham, Cumberland and Sagadahoc County, Maine.**

Dear Ms. Martin:

The U.S. Department of the Interior (Department) has reviewed the Draft Section 4(f) Evaluation for the proposed improvement of the Frank J. Wood Bridge Improvement Project, Brunswick to Topsham, Cumberland and Sagadahoc County, Maine. The purpose of the project is to address poor structural conditions and load capacity issues on the Frank J. Wood Bridge and to address pedestrian and bicycle mobility and safety concerns. The following comments on this project are offered for your consideration.

## **Section 4(f) Evaluation Comments**

The Department concurs that there is no prudent and feasible alternative to the proposed use of 4(f) lands, which consists of the Pejepscot Paper Company, the Cabot Mill, the Brunswick Topsham Industrial Historic District and the Frank J. Wood Bridge. The removal and replacement of the Wood Bridge will have an adverse effect on all of these historic resources, thus constitutes a 4(f) use. The Department notes that while there has been consultation with the Maine Historic Preservation Officer and other consulting parties to determine the adverse effect finding, there has not been any documentation of the efforts to mitigate the adverse effect through a memorandum of agreement outlining measures to minimize harm to the historic properties. The Department recommends that the Federal Highway Administration continues its consultation to develop a Memorandum of Agreement (MOA) on how to mitigate the 4(f) use of historic properties and include the MOA with the final Section 4(f) Evaluation.

Thank you for the opportunity to review and comment on this project. If you have questions regarding these comments, please contact Cheryl Sams, NPS at (215) 597-5822, or [Cheryl\\_Sams@nps.gov](mailto:Cheryl_Sams@nps.gov). Please contact me at (617) 223-8565 if I can be of further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Andrew L. Raddant", is displayed within a light gray rectangular box.

Andrew L. Raddant  
Regional Environmental Officer

cc: SHPO-ME ([kirk.mohney@maine.gov](mailto:kirk.mohney@maine.gov))  
Maine-DOT ([julie.senk@maine.gov](mailto:julie.senk@maine.gov))



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

Maine Division

March 7, 2018

40 Western Ave, Rm 614  
Augusta, ME 04330  
207-622-8350

In Reply Refer To:  
HDA-ME

Michaela E. Noble, Director  
Office of Environmental Policy and Compliance  
United States Department of the Interior  
Main Interior Building, MS 2462  
1849 C Street, NW  
Washington, DC 20240

Dear Ms. Noble:

The Maine Department of Transportation is proposing a Federal-aid Highway Program bridge project on US Route 201/ME 24 in the towns of Brunswick and Topsham, Cumberland and Sagadahoc Counties, Maine. The preferred alternative includes the replacement of the Frank J. Wood Bridge over the Androscoggin River. The preferred alternative will result in a Section 4(f) use on the following properties:

- Pejepscot Paper Company, National Register-Listed;
- Cabot Mill, National Register-Eligible;
- Brunswick Topsham Industrial Historic District (BTIHD), National Register-Eligible;  
and
- Frank J. Wood Bridge, National Register-Eligible Individually and a Contributing Resource to the BTIHD.

The Frank J. Wood Bridge Environmental Assessment/Draft Section 4(f) Evaluation is available for review and comment at the following web site: <http://maine.gov/mdot/env/frankjwood/>.

Please provide your comments concerning the Draft Section 4(f) Evaluation to me at [cheryl.martin@dot.gov](mailto:cheryl.martin@dot.gov).

If you have any questions, please contact me at 207-512-4912 or the e-mail address above.

Sincerely,

Cheryl B. Martin  
Assistant Division Administrator

cc:

David Gardner, MaineDOT  
Julie Senk, MaineDOT

**STATE OF MAINE**

**MEMORANDUM**

October 31, 2018

To: Julie Senk, Historic Coordinator, Maine Department of Transportation

From: Kirk F. Mohney, State Historic Preservation Officer *KFM*

Subject: 22603.00; Brunswick-Topsham; MHPC #1595-15; Temporary Occupancies

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In response to your recent request, I have reviewed the information received October 16, 25 and 31, 2018 to continue consultation on the above referenced undertaking.

Based on the information that has been provided by the MaineDOT, the Maine SHPO agrees that the described temporary occupancies of Section 4(f) land are of such a minimal nature that they do not constitute a use within the meaning of Section 4(f).

Please do not hesitate to contact me if you have any further questions regarding this matter.

## Senk, Julie

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**From:** Mohney, Kirk  
**Sent:** Wednesday, October 31, 2018 4:03 PM  
**To:** Senk, Julie  
**Subject:** RE: Temporary Occupancies - Brunswick-Topsham 22603.00  
**Attachments:** SKM\_C30818103115300.pdf

Julie,

Attached please find our concurrence memo. Let me know if you need anything else.

Kirk

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**From:** Senk, Julie  
**Sent:** Wednesday, October 31, 2018 2:48 PM  
**To:** Mohney, Kirk <Kirk.Mohney@maine.gov>  
**Subject:** RE: Temporary Occupancies - Brunswick-Topsham 22603.00

Hi Kirk –

The retaining wall that is adjacent to the mill will remain. The retaining wall that is closer to the bridge and adjacent to the parking lot will be removed and replaced. I am unsure of its design at this moment, but that will be developed and shared with you per Stipulation I in the MOA.

Hope that helps! Let me know if you have any further questions.

- Julie

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**From:** Mohney, Kirk  
**Sent:** Tuesday, October 30, 2018 9:12 AM  
**To:** Senk, Julie <[Julie.Senk@maine.gov](mailto:Julie.Senk@maine.gov)>  
**Subject:** RE: Temporary Occupancies - Brunswick-Topsham 22603.00

Julie,

Having reviewed the plans, I have one question about the retaining wall that is adjacent to (and seems to partially support) the Cabot Mill. Will that retaining wall remain, or is it going to be replaced as part of the project?

Thank you.

Kirk

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**From:** Senk, Julie  
**Sent:** Thursday, October 25, 2018 12:45 PM  
**To:** Mohney, Kirk <[Kirk.Mohney@maine.gov](mailto:Kirk.Mohney@maine.gov)>  
**Subject:** RE: Temporary Occupancies - Brunswick-Topsham 22603.00

Good afternoon Kirk –

Per your previous request:

- The duration of all temporary occupancies for this project will be less than the time needed for the construction of the project. While the exact amount of time needed is unknown at this point, it is required that this work will terminate before construction is complete.
- For the proposed alternative (Alternative 2), 0.2 acres of temporary construction rights would be required at the Cabot Mill and Pejepscot Paper Company for grading purposes. This work will be minor and will not adversely impact either historic resource. These areas would be loamed and seeded and returned to a condition that is as good as the existing condition.

Preliminary plans are attached that include the temporary occupancies highlighted in yellow. At this time we do not have plans that show 'after' conditions.

Please let me know if you need anything else for your review. Thanks!

- Julie

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**From:** Mohny, Kirk  
**Sent:** Friday, October 19, 2018 10:03 AM  
**To:** Senk, Julie <[Julie.Senk@maine.gov](mailto:Julie.Senk@maine.gov)>  
**Subject:** RE: Temporary Occupancies - Brunswick-Topsham 22603.00

Julie,

You ask that I concur "with the work proposed and the above conditions are met." However, I do not believe that MaineDOT has given us sufficient information on which to agree that the temporary uses meet the requirements of 23 CFR 774.13(d). Therefore, please provide the following: 1) the duration of the temporary occupancies; 2) the scope of the work that demonstrates that the nature and magnitude of the changes to the 4(f) property are minimal; 3) preliminary plans showing the location of the temporary occupancies; and 4) preliminary plans showing before and after conditions.

Please let me know if you have any questions regarding our request.

Thank you.

Kirk

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**From:** Senk, Julie  
**Sent:** Tuesday, October 16, 2018 9:18 AM  
**To:** Mohny, Kirk <[Kirk.Mohny@maine.gov](mailto:Kirk.Mohny@maine.gov)>  
**Subject:** Temporary Occupancies - Brunswick-Topsham 22603.00

Dear Kirk,

MaineDOT is proposing to replace the Frank J. Wood Bridge (#2016) over the Androscoggin River (MaineDOT WIN 22603.00). The bridge connects the town of Brunswick in Cumberland County, and the town of Topsham in Sagadahoc County. The proposed action (Alternative 2) would include a new 835' long, multi-span, steel girder replacement bridge on a curved upstream alignment. Temporary easements are required from the Cabot Mill and the Pejepscot Paper Company, both of which are contributing resources to Brunswick Topsham Industrial District. As per Federal Register Rules and Regulations 23 CFR 774.13(d), temporary easements are considered temporary occupancies of Section 4(f) lands. To proceed with the Frank J. Wood Bridge project there must be a documented agreement that the

officials having jurisdiction over the 4(f) properties concur with the work to be completed. The table below describes the temporary uses for each alternative:

	Alternative 1	Alternative 2	Alternative 3	Alternative 4	Alternative 5	No Build
Cabot Mill	Use. 0.1 acre (Temporary; rights for temporary bridge)	Use. 0.1 acre (Temporary; construction rights)	Use. 0.1 acre (Temporary; construction rights)	Use. 0.1 acre (Temporary; rights for temporary bridge)	n/a	n/a
Pejepscot Paper Company	n/a	Use. 0.1 acre (Temporary; construction rights)	n/a	n/a	n/a	n/a
Brunswick Topsham Industrial District	Use. 0.1 acre (Temporary; Cabot Mill)	Use. 0.2 acres (Temporary Cabot Mill& PPC)	n/a	n/a	n/a	n/a

Per Federal Register Rules and Regulations 23 CFR 774.13, temporary occupancies of land that are so minimal as to not constitute a use within the meaning of Section 4(f). The following conditions must be satisfied:

- (1) Duration must be temporary, i.e., less than the time needed for construction of the project, and there should be no change in ownership of the land;
- (2) Scope of the work must be minor, i.e., both the nature and the magnitude of the changes to the Section 4(f) property are minimal;
- (3) There are no anticipated permanent adverse physical impacts, nor will there be interference with the protected activities, features, or attributes of the property, on either a temporary or permanent basis;
- (4) The land being used must be fully restored, i.e., the property must be returned to a condition which is at least as good as that which existed prior to the project; and
- (5) There must be documented agreement of the official(s) with jurisdiction over the Section 4(f) resource regarding the above conditions.

The duration of the occupancy will be temporary in nature and there will be no change in ownership of the land. The land being used will be fully restored to a condition that is at least as good as the one that existed prior to the project. Please indicate your concurrence with the work proposed and the above conditions are met. Please let me know if you have any questions.

Best,

**Julie Senk**  
 Historic Coordinator  
 Maine DOT – Environmental Office