

Supplemental Supporting Information for a Finding of Effect

[DRAFT PUBLIC COMMENT COPY]

Project: Dresden 23132.00

Scope: Bridge Replacement

Finding of Effect: Adverse Effect

This report describes the Maine Department of Transportation's compliance with Section 106 of the National Historic Preservation Act (36 CFR Part 800). It details the finding of effect to historic properties listed in or eligible for listing in the National Register of Historic Places (NRHP) that are located in the subject project's Area of Potential Effect (APE). This report also assesses how the proposed project may directly or indirectly affect and/or diminish those characteristics and aspects of integrity that qualify a historic property for inclusion in the NRHP. This report is specific to the Section 106 assessment of effects, as opposed to general environmental impacts. Consultation with coordinating agencies and the public is ongoing.

Project Scope

The proposed project consists of the replacement of the Middle Bridge (#3341) that carries Route 197 over the Eastern River in Dresden.

Purpose and Need

The purpose of this project is to address structural deterioration and load capacity restrictions of the Middle Bridge and improve public safety within the project limits in a cost-effective manner.

The need for this project is because the superstructure and substructure of the existing bridge are in overall poor condition. The rating condition for the bridge elements are: 4 (poor) for the deck, 3 (serious) for the superstructure, and 4 (poor) for the substructure. The bridge rail does not meet current crash standards, is severely corroded, and does not protect the truss structure. The bridge does not meet the 11' lane and 3' shoulder width minimum requirements, has no pedestrian access, and load capacity has been reduced to 15 tons. The paint system has substantially failed, and corrosion of the steel truss is advancing.

Project Background

The Middle Bridge is a three-span, 296' long bridge consisting of a 262' long riveted steel Warren through-truss with a concrete deck and two 17' long T-beam approaches located in the rural town of Dresden. The bridge's substructure is concrete, with the west abutment set on bedrock and the pier and east abutment framed together in a spill-through arrangement on hardpan soil. The bridge has an overall deck width of 23', with a 22' curb-to-curb width. Middle Bridge carries two lanes on Route 197 over the Eastern River, which is a freshwater tributary that empties into the Kennebec River approximately 2.5 miles southwest of the project area. Route 197 is a Corridor Priority 4 roadway that stretches approximately 20 miles from Sabattus to Dresden. The section of Route 197 in the project area is considered a low traffic area with less than 2000 vehicles per day. The topography of the project area is generally even, with a slope down to the tidal mud flats of the Eastern River. The eastern side of the river is sparsely developed with residential properties and is heavily vegetated. The western side of the river is also sparsely developed with residential properties, but the landscape is characterized with open fields for some agricultural pursuits.

The existing bridge was constructed in 1936 with federal funds secured from the Public Works Administration, as part of the New Deal Programs. Since its original construction, Middle Bridge has received maintenance consisting of repairs to its truss members in 1978 and 1989 due to vehicle impact damage, a deck replacement in 1986, and the truss was repainted in 1995. The bridge is currently in poor condition and exhibits vertical cracking to the end floor beams, significant corroding and missing bolts to the steel rail, corrosion at the lateral bracing connection plates, heavy scaling to the concrete T-beam approach, areas of heavy rusting including pack rust, end post distortion from collision impact, and cracking, spalling and abrasion to the substructures.

Proposed Action

The proposed action (Alternative 3) would replace the Middle Bridge on its current alignment with a two-span continuous steel girder composite bridge on one stub abutment on H-piles, one concrete shaft pier on H-piles, and one concrete abutment placed on bedrock. The superstructure would have a roadway width of 30' consisting of two 11' lanes and two 4' shoulders. The wearing surface would be 3" bituminous pavement with a high-performance waterproofing membrane. The railing would be 3-bar steel railings on the bridge transitioning with Type 1 steel transitions to standard guardrail on the approaches. The superstructure would likely sit on laminated elastomeric bearings, and the west abutment bearing would be fixed. Expansion would be handled with a gland type expansion joint at the east abutment. The proposed alignment would match the existing, eliminating the need for any re-alignment work. Traffic will be maintained via bridge closure and detour that will add an additional 1.8 miles of driving for thru traffic, and a maximum of 8.5 miles to travel from one end of the project area to the other.

The proposed action would take 24 months to complete with a construction cost estimate of \$10.86 million. The estimated total project cost, including engineering, is \$13.25 million.

Federal Action

Federal funding.

Definition of Area of Potential Effect (APE)

The proposed project is located in Dresden, Lincoln County, Maine. The map below shows the APE.

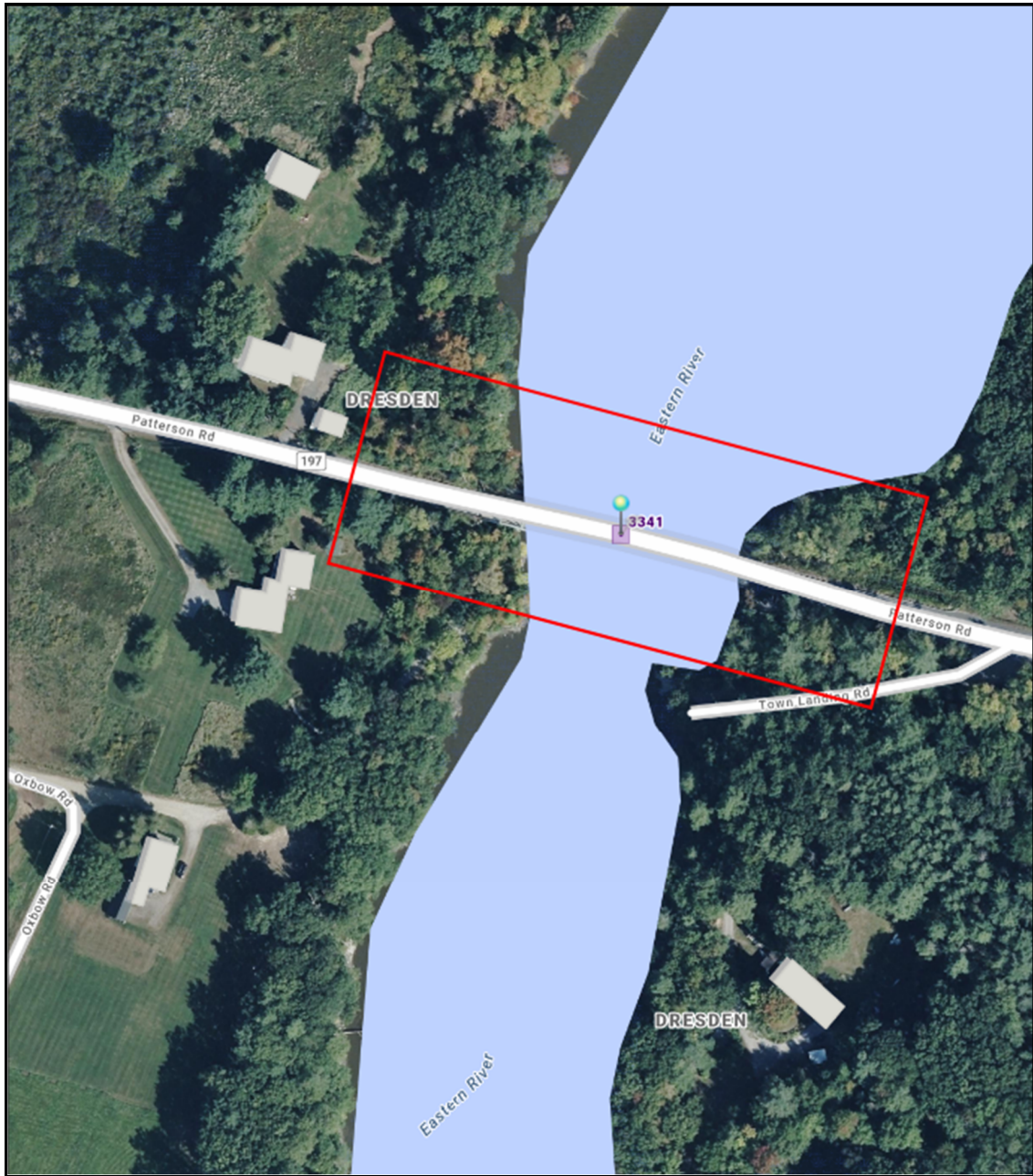


Figure 1. Dresden 23132.00 Area of Potential Effect

Historic Properties

The proposed project is located in Dresden. The description is based on a Maine Historic Preservation Commission (MHPC) form.

Middle Bridge #3341 (Maine Department of Transportation; Sta. 15+60 to Sta. 19+10)**National Register-Eligible****Criteria A and C, Engineering and Government/Politics**

Middle Bridge #3341 is rivet-connected and composed of both rolled steel beams and built-up steel members and sits on concrete abutments. The bridge spans a total of 296' feet across the Eastern River connecting the eastern and western portions of Dresden. The Middle Bridge is one of thirty metal truss bridges identified as still extant in the state's inventory, and it represents the distinctive characteristics of a Warren through truss, of which twelve remain. The Warren truss design was first patented in 1848 and features a triangular pattern created by diagonals that are alternately placed in either tension or compression. By the early twentieth century, higher traffic volume, heavier loads, and increased speed led to demand for larger and sturdier bridges. The Warren truss's uncomplicated design and the economic availability of steel led to these types of bridges becoming a popular choice for highway and railroad bridge construction in Maine throughout the first half of the twentieth century.

The Middle Bridge was built in 1936 by the Maine State Highway Commission's bridge division and is one of twenty-five bridges in Maine that were rebuilt as part of federally funded flood relief efforts after the devastating flood of 1936. The funds came from the Public Works Administration stemming from New Deal programs that created employment opportunities for workers during the Great Depression. The bridge changed this crossing of the Eastern River significantly as it sits much higher in elevation than the previous wooden bridge, and caused the roadway to be diverted to higher ground in keeping with the new alignment. The period of significance is 1936.



Figure 2. Middle Bridge #3341

Archaeological Resources

There are no archaeological resources in the project area.

Impacts to Property

The following addresses potential impacts to properties as a result of the proposed action.

Middle Bridge #3341 (Maine Department of Transportation; Sta. 15+60 to Sta. 19+10)**National Register-Eligible****Criteria A and C, Engineering and Government/Politics**

The proposed action would result in an **Adverse Effect** to the Middle Bridge. In order to meet the purpose and need of the project, the proposed action would replace the Middle Bridge with a two-span continuous steel girder composite bridge. The removal of the Middle Bridge would result in the loss of all aspects of integrity.

Archaeological Resources

There are no archaeological resources in the project area.

Avoidance and Minimization Efforts

The MaineDOT considered ways to avoid the removal of the Middle Bridge, including constructing a bridge off-alignment with preservation of the existing truss. This alternative would require a significantly higher approach right-of-way and have environmental impacts including the loss of wetlands. The off-alignment alternative would significantly increase the replacement bridge costs and impacts due to the need for new approaches on both ends and a lack of alignment with the approach roadways. In addition to constructing a new bridge, this alternative would preserve the existing truss for historic purposes at an additional cost similar to the replacement bridge's expense. It would also require additional modifications to either prevent or allow pedestrian traffic, and once preserved the historic truss would still need regular inspection and maintenance. Due to the combination of a higher right of way, environmental impacts, remaining future risks, and significantly higher costs, this alternative was dismissed early in project development.

In order to take into account the effect of the undertaking on historic properties, the MaineDOT will record the bridge using the "Outline Format" narrative of the Maine Historic Engineering Recordation (MHER) recordation standards. The draft Section 106 Memorandum of Agreement is attached for review.

Dismissed Alternatives

Three additional alternatives were analyzed as part of the preliminary engineering of this project:

No Build

The No Build alternative takes no action and would result in further deterioration of the Middle Bridge. It would not increase the load capacity, address safety issues or eliminate on-going maintenance concerns. As this alternative does not fulfill the condition, load rating, risk mitigation or safety objectives of the purpose and need, it was removed from consideration.

Bridge Rehabilitation

This alternative would rehabilitate the existing Middle Bridge with the objective of extending its service life an additional 50 years. This alternative was dismissed for several reasons. The continuing deterioration of the bottom chord is a major risk for rehabilitation, as it would still not fully satisfy load rating and there is a high likelihood that it would require a costly strengthening project in the future. Even with repairs, the nonredundant steel tension members would require hands-on inspections bi-annually. Sand blasting would be required for rust removal and would likely reveal additional areas of section loss not yet identified, and the numerous areas of pack rust would not be removed. The existing bridge width of 22' curb to curb would not be improved to the minimum standard of 28'. The vertical clearance of the bridge would be reduced with the rehabilitated deck

configuration, bringing it below the 15' standard height. This narrow width and height would remain a safety hazard for vehicles and would continue to prevent usage of the structure by pedestrians. The bridge railing could only be rehabbed without significantly diminishing the resource's aspects of integrity by using a substandard system that is not be crash test approved. For these reasons, this alternative does not meet the purpose and need and was dismissed from further consideration.

Bypass

This alternative would construct an off-alignment replacement bridge that would bypass the existing Middle Bridge, which would remain in place. This alternative would result in significantly higher right-of-way impacts due to new approach roadways, as well as significantly higher bridge costs. This alternative would also result in increased environmental impacts due to loss of wetlands that would result from the new alignment. Much of the work required for a rehabilitation alternative would also be required if the Middle Bridge were to be preserved for historic purposes without vehicular traffic on it. With the higher costs for the replacement structure and the majority of the rehabilitation costs still being required, it is likely that the total construction cost for such an alternative would be close to the sum of the construction costs of the rehabilitation alternative and the replacement on-alignment alternative. Even with preservation, the existing truss would still need regular inspection and maintenance, and the risks of future degradation due to pack rust will remain. For these reasons, this alternative does not meet the purpose and need and was dismissed from further consideration.

Public Involvement

MaineDOT contacted the four federally recognized tribes in Maine about this project. The Houlton Band of Maliseet Indians, the Passamaquoddy Tribe, and the Penobscot Nation replied with no concerns. MaineDOT re-initiated contact with the four federally recognized tribes – as well as the Wampanoag Tribe of Gay Head (Aquinnah) – to inform them of the change in scope from bridge improvements to bridge replacement.

The Town of Dresden was contacted by email and asked to comment on knowledge of, or concerns with, historic properties in the area, and any issues with the undertakings effect on historic properties. No response was received from the town.

The public involvement process is ongoing.

Proposed Materials

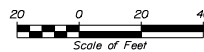
Hot mix asphalt, concrete, riprap, structural steel, steel reinforced bar, steel bridge rail with transitions and guardrail.

Plans

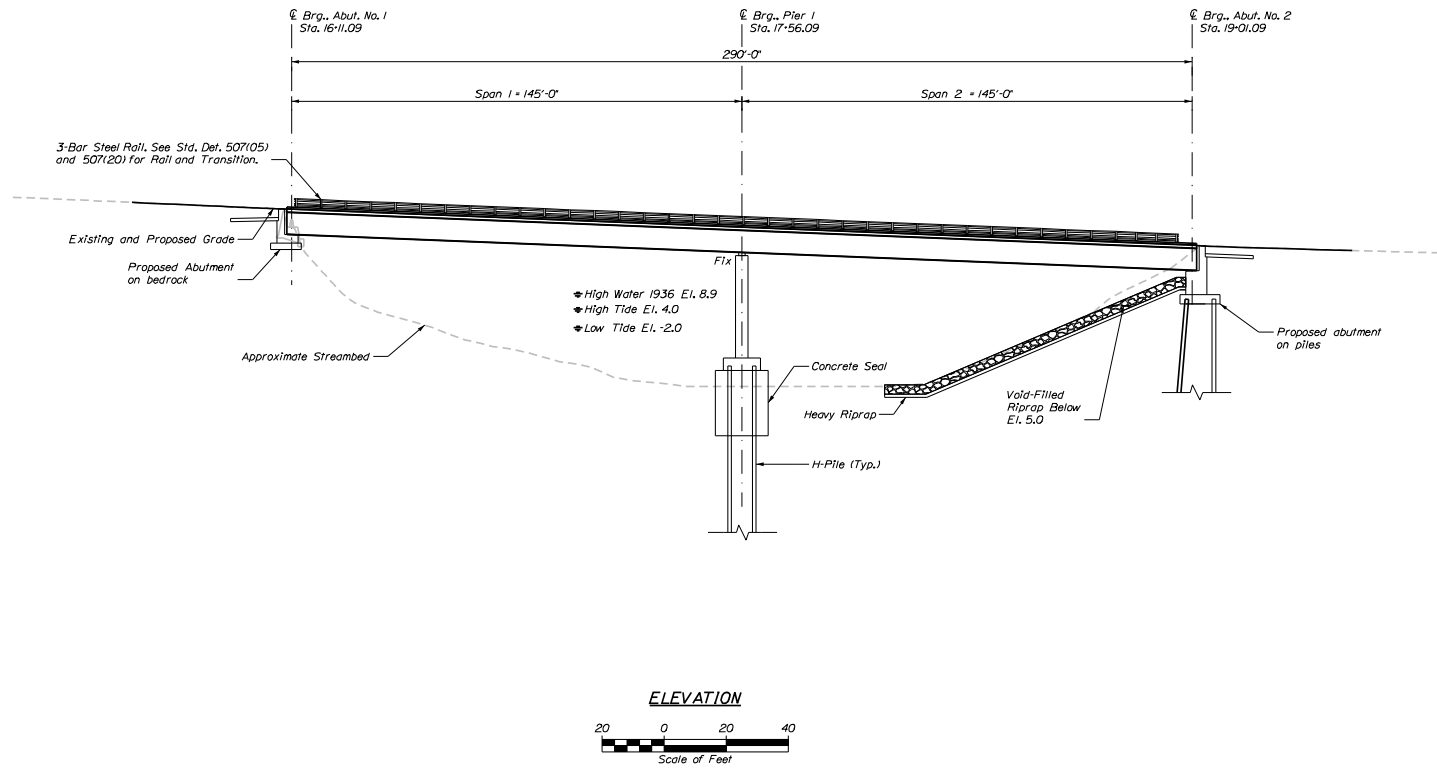
Dresden, Lincoln County, Middle Bridge over Eastern River, Route 197, Project No. 023132.00

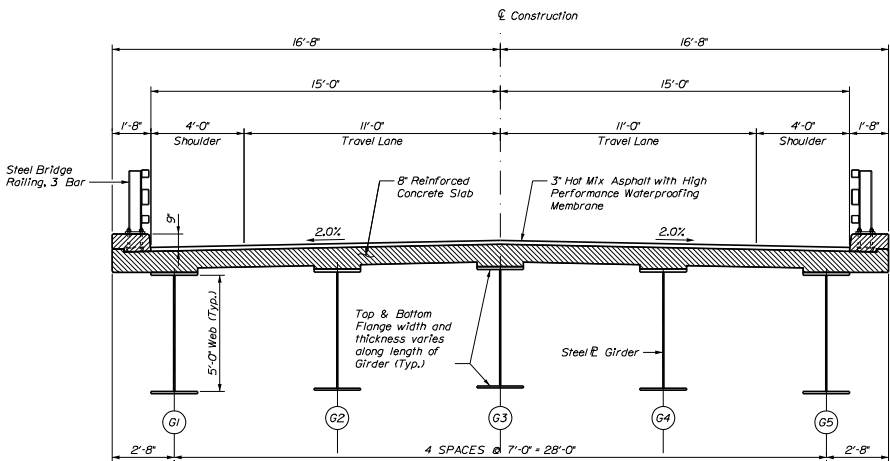
Attachments

J. N. Leith Smith, MHPC, to Julie Senk, MaineDOT, March 6, 2025
Kirk Mohny, MHPC, to Julie Senk, MaineDOT, January 23, 2020
Kirk Mohny, MHPC, to Julie Senk, MaineDOT, June 30, 2020
Draft Memorandum of Agreement



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ALTERNATE 3 - PROPOSED SECTION

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STATE OF MAINE		DEPARTMENT OF TRANSPORTATION	
02313200		WIN	
23132.00		BRIDGE NO. 3341	
BRIDGE PLANS			
MIDDLE BRIDGE OVER EASTERN RIVER DRESDEN		LINCOLN	
TYPICAL SECTION - ALT 3		SHEET NUMBER	
6		6	
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STATE OF MAINE
Memorandum

Date: March 6, 2025

To: Julie Senk, Historic Preservation Coordinator, MaineDOT Environmental Office

From: J. N. Leith Smith, MHPC

Subject: Continued Consultation, Review of PDR Plans

Project: MHPC #0996-19, WIN 23132.00; Dresden

Improvements to or replacement of Dresden Middle Bridge #3341 carrying Route 197.

Dear Julie,

Thank you for submitting PDR plans for the above referenced proposed project received via email March 4, 2025. Previous review found concern for potential impacts to pre-contact archaeological sites, but not for post-contact sites. The present review of project plans finds that the proposed work will have no impact on pre-contact archaeological sites due to the presence of large amounts of fill at both bridge approaches and along the banks. In following the procedures specified in the Federal Highway/MHPC/MDOT programmatic agreement, we **recommend a finding that there will be no archaeological properties affected by the proposed undertaking.**

STATE OF MAINE

MEMORANDUM

January 23, 2020

To: Julie Senk, ENV/Maine Department of Transportation

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

Subject: WIN 23132.00 Dresden, Middle Bridge #3341, Bridge Improvements;
MHPC #0996-19

In response to your recent request, I have reviewed the information received January 17, 2020 to continue consultation on the above referenced undertaking pursuant to the Maine Programmatic Agreement and Section 106 of the National Historic Preservation Act of 1966, as amended.

Based on the information provided, the Commission requests additional information on the history of 79 Patterson Road (SM# 1) and 86 Patterson Road (SM #4).

Please contact Megan M. Rideout of our office if we can be of further assistance in this matter.



MEMORANDUM

TO: Julie Senk, MaineDOT
FROM: Amanda Taylor, Kleinfelder
DATE : June 15, 2020
SUBJECT: Dresden 23132.00, MHPC #0996-19

Please find below additional information as requested by MHPC on January 23, 2020 for Dresden 23132.00, a bridge improvements project. Currently, there is no public access to the Lincoln County Registry of Deeds. As much deed research as could be completed online was undertaken. Internet sources and materials checked out from the Maine State Library, however, provided enough information to make the determinations of eligibility below.

79 Patterson Road (SM #1)

An 1857 map of Lincoln County, Maine, shows J. Ham at this location with an additional notation that may indicate a store was once located on the property. James L. Ham (1825-1915) is shown as a farmer in Dresden in the 1870 US Census with his wife, Mary, and three children. He is shown with real estate valued at \$2,200 and personal estate valued at \$1,223. The 1880 Census also shows him as a farmer in Dresden. Ham was born in New Hampshire and worked on a carpet loom in Roxbury, Massachusetts, and in the repair shop of the Great Falls and Conway Railroad prior to moving to Dresden in 1854. He was a farmer and blacksmith. No information was found about Ham in Palmer's *A History of Dresden, Maine*. The 1906 *Town Register* notes Ham as a farmer and draw tender, which suggests that he remained at this location and manned the opening at the previous bridge over the Eastern River. From Allen's *History of Dresden, Maine*, it appears that Ham's son Orrin did not inherit the family farm, but instead bought a farm north of the Pownalborough Courthouse. The 1910 Census shows Ham living with his daughter's family (Ella Ham married Shepard Call, who is noted as a farmer) in Dresden, but the record does not provide enough information to infer that they are at this location. Likely, based on how long Ham farmed his own land, the Call's were well established on their own farm and Ham went to live with them.

As discussed above, this property historically functioned as a farm. Currently, the site does not have integrity of feeling, association, or design related to its historical use as a farm. The area around the house is overgrown and heavily vegetated. In addition, former



farm fields are also overgrown and not easily distinguishable. The area north of Patterson Road and east of Hunter Road is no longer being cultivated. Aerial images from 1956, 1967, and 1999 show that this property had a long history of being wide open and under some sort of agricultural production.

Further, the house at 79 Patterson Road does not retain integrity of materials, workmanship, or design. The house is covered with vinyl replacement siding. The side ell has suffered major changes in fenestration (resized windows) along with the addition of a shed garage bay at the eastern end and a replacement porch roof and supports. The house also has vinyl replacement windows.

The research presented above does not rise to the level of significance to meet National Register Criteria A and B. In addition, the property as a former farm no longer retains enough integrity to convey significance as a farm. The house itself suffers from a lack of integrity as a result of insensitive changes to its historic fabric and does not have significance under Criterion C. The property at 79 Patterson Road is not eligible for listing in the National Register.

86 Patterson Road (SM #3)

An 1857 map of Lincoln County, Maine, shows heirs of D. Patterson at this location. David Patterson (1796-1853) married Lucy Jackins and they had four children. The Patterson family was well established in Dresden at that time with David's father William born here in 1754. David is noted as a farmer in the 1850 US Census. Allen's *History of Dresden, Maine* noted that Patterson built the Middle Bridge (the wooden precursor to the existing bridge) and that his son Christopher (1833-1915) later resided in the brick house on his father's farm. Subsequent census records show Christopher as a farmer. In 1860 Christopher Patterson had 80 improved acres and 40 unimproved acres for a farm with a cash value of \$3,000. He did not raise much livestock, but kept only a few horses and cows. Unfortunately, the entry for his farm does not appear entirely accurate, but it seems he grew corn, oats, and hay and produced honey and beeswax. C. Patterson remained a farmer all his life. He is listed in the 1906 *Town Register* as a farmer and hay dealer and listed as farmer in the 1910 US Census.

Deed research revealed that in 1952 Frank B. Lemar (1899-1969) gained ownership of the property. He is shown as a woodsman in the lumber industry in the 1940 Census, but it is unknown what his profession was at the time of acquiring the property.

Thus, the property at 86 Patterson Road historically functioned as a farm. Currently, the site does not have integrity of feeling, association, or design related to its historical use as a farm. Small areas around the house appear are used for gardens, but the largescale farming demonstrated in the research above is no longer being undertaken. Further if the property had any buildings related to farming they are no longer extant.

In addition, the house does not retain integrity of materials, workmanship, or design. A bay window has been added to the east elevation of the side ell that likely dates to the nineteenth century. The side-ell connects to a large c.1970 two-car garage (with living space, see photo below), which has paired single-light casement windows and sliding glass doors on the east elevation. The size of this garage dwarfs the original house and is a further diminishment to the property's integrity of feeling, setting, design, and association.

Research into 86 Patterson Road did not reveal significance that meets National Register Criteria A and B. Further, the house's integrity is diminished and cannot convey significance under Criterion C. As a result, 86 Patterson Road is not eligible for listing in the National Register.



Image of south and east elevations from www.realtor.com.

Bibliography

1956, 1967, 1997 Aerial Photographs. NETR Online, www.historicaerials.com, accessed May 1, 2020.

Allen, Charles Edwin. *History of Dresden, Maine*. 1931. Reprint. Lewiston: Twin City Printery, 1977.



Federal Census Bureau, 1850 Census, David Patterson, Dresden, Maine.

_____, 1860, 1870, and 1910 Census, Christopher Patterson, Dresden, Maine.

_____, 1870 and 1880 Census, James L. Ham, Dresden, Maine.

_____, 1910 Census, Shepard P. Call, Dresden, Maine.

_____, 1940 Census, Frank B. Lemar, Dresden, Maine.

Hamlin, Dorothea, to Inge Foster and Peter Lincoln. Book 958, Page 245, June 7, 1978,
Lincoln County Registry of Deeds, Wiscasset, Maine.

Hopkins, Griffith Morgan, Jr. et al. *A Topographical Map of Lincoln County, Maine*.
Philadelphia: Lee and Marsh, 1857.

Palmer, Rundlette Kensell. *A History of Dresden, Maine*. Self-published, 1979.

The Town Register: Wiscasset, Edgecomb, Whitefield, Alna, Woolwich, Dresden.
Brunswick: H. E. Mitchell Company, 1906.

STATE OF MAINE

MEMORANDUM

June 30, 2020

To: Julie Senk, ENV/Maine Department of Transportation

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

Subject: WIN 23132.00, Dresden, Bridge Improvements; MHPC # 0996-19

In response to your recent request, I have reviewed the information received June 17, 2020 to continue consultation on the above referenced undertaking pursuant to the Maine Programmatic Agreement and Section 106 of the National Historic Preservation Act of 1966, as amended.

Based on the information provided, the Commission concurs with MaineDOT's finding that the 79 Patterson Road (SM# 1) and 86 Patterson Road (SM# 3) are not eligible for listing in the National Register of Historic Places due to the loss of integrity.

Please contact Megan M. Rideout of our office if we can be of further assistance in this matter.

MEMORANDUM OF AGREEMENT
BETWEEN THE MAINE DEPARTMENT OF
TRANSPORTATION,
AND THE MAINE STATE HISTORIC PRESERVATION
OFFICER REGARDING MAINEDOT WIN 23132.00
MIDDLE BRIDGE #3341 REPLACEMENT
DRESDEN, LINCOLN COUNTY, MAINE

[DRAFT]

WHEREAS, the Federal Highway Administration (FHWA) plans to fund the Middle Bridge (#3341) Replacement Project (undertaking) in Dresden, Maine, pursuant to the National Historic Preservation Act of 1966, 54 U.S.C. 306101 et seq; and

WHEREAS, the Maine Department of Transportation (MaineDOT) is the "Agency Official" under 23 U.S.C. § 326 CE Assignment MOU who is responsible for ensuring that the undertaking complies with Section 106 of the National Historic Preservation Act (NHPA) ((54 U.S.C. § 306108), as amended, and codified in its implementing regulations, 36 CFR Part 800, as amended (August 5, 2004); and

WHEREAS, the undertaking consists of replacing the Middle Bridge with a steel girder bridge; and

WHEREAS, the MaineDOT has defined the undertaking's area of potential effects (APE) as displayed in Attachment A; and

WHEREAS, the MaineDOT has determined that the undertaking has an adverse effect on the Middle Bridge, which is a riveted steel Warren through-truss bridge that is eligible for listing in the National Register of Historic Places (NRHP), through the removal of the bridge; and

WHEREAS, the MaineDOT has consulted with the Maine State Historic Preservation Officer (Maine SHPO) pursuant to 36 CFR Part 800, the regulations implementing Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108); and

WHEREAS, the MaineDOT has ensured that the significance of the National Register-eligible resource will be captured in compensatory mitigation; and

WHEREAS, the MaineDOT has consulted with the Mi'kmaq Nation, Houlton Band of

Maliseet Indians, Passamaquoddy Tribe, and Penobscot Nation of the proposed action in accordance with 36 CFR Section 800.3 (f)(2). Emails were sent to the Tribes on July 18, 2019, in accordance with their preferred method of receiving information from the Department of Transportation. The Houlton Band of Maliseet Indians, Passamaquoddy Tribe, and Penobscot Nation replied with no concerns. The Mi'kmaq Nation did not reply. The Tribes were renotified of the proposed undertaking and the preferred alternative of bridge replacement on June 3, 2025. The Wampanoag Indian Tribe of Gay Head (Aquinnah) was also included in the June 3, 2025, notification. No other replies have been received to date; and

WHEREAS, in accordance with 36 CFR 800.2(c), the MaineDOT has requested input from consulting parties in a manner that reflects the nature and complexity of the undertaking and its effects on the historic property; and

WHEREAS, in accordance with 36 CFR 800.2(d), the MaineDOT has requested input from the public in a manner that reflects the nature and complexity of the undertaking and its effects on the historic property; and

WHEREAS, in accordance with 36 CFR Section 800.6(a)(1), the MaineDOT has notified the ACHP of the adverse effect determination. The MaineDOT invited the ACHP to consult on XXXX, and the ACHP has chosen *not to/to* participate in the consultation pursuant to 36 CFR Section 800.6(a)(1)(iii); and

NOW, THEREFORE, the MaineDOT and the Maine 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 the historic property.

STIPULATIONS

The MaineDOT shall ensure that the following measures are carried out:

I. Recordation

The Middle Bridge (#3341) will be recorded using the “Outline Format” narrative of the Maine Historic Engineering Recordation (MHER) recordation standards.

II. Duration

This agreement will be null and void if its terms are not carried out within five (5) years from the date of its execution. Prior to such time, the MaineDOT may consult with the other signatories to reconsider the terms of the agreement and amend it in accordance with Stipulation VII.

III. Post-Review Discoveries

If potential historic properties are discovered or unanticipated effects on historic properties found, the MaineDOT shall consult in accordance with 36 CFR Section 800.6(c)(6). If any unanticipated discoveries of historic properties or archaeological sites are encountered during the implementation of this undertaking, the MaineDOT shall suspend work in the area of the discovery in accordance with MaineDOT's Standard Specification *105.9: Historic and Archaeological Considerations*. In compliance with 36 CFR §800.13, the MaineDOT shall notify within 48 hours the ACHP, the Maine SHPO, and the Mi'kmaq Nation, Houlton Band of Maliseet Indians, Passamaquoddy Tribe, Penobscot Nation, and the Wampanoag Indian Tribe of Gay Head (Aquinnah). The MaineDOT, Maine SHPO, and Tribal representatives, as appropriate, may conduct a joint field review within 72 hours of the notification. The MaineDOT, in consultation with the appropriate parties, will determine an appropriate treatment of the discovery prior to the resumption of construction activities in the area of the discovery.

IV. Discovery of Human Remains

The MaineDOT shall ensure that any human remains and/or grave-associated artifacts encountered during the archaeological investigations are brought to the immediate attention of the Maine SHPO, and any federally recognized Tribes that may attach religious and/or cultural significance to the affected property. Notification will be within 48 hours of the discovery. No activities which might disturb or damage the remains will be conducted until the MaineDOT, in consultation with the appropriate parties, has developed a treatment plan that considers the comments of the appropriate parties. All procedures will follow the guidance outlined in the National Park Service Publication *National Register Bulletin 41: Guidelines for Evaluating and Registering Cemeteries and Burial Places*, taking into account the Native American Graves Protection and Repatriation Act of 1990 (PL 101-601); and

V. Reporting

Each year following the execution of this agreement until it expires or is terminated, the MaineDOT shall provide all parties to this agreement 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 the MaineDOT's efforts to carry out the terms of this agreement. Failure to provide such summary report may be considered noncompliance with the terms of this MOA; and

VI. Dispute Resolution

Should any signatory party to this agreement object at any time to the manner in which the terms of this MOA are implemented, the MaineDOT shall consult with the objecting signatory party(ies) to resolve the objection. If the MaineDOT determines, within 30 days, that such objection(s) cannot be resolved, the MaineDOT will:

A. Forward all documentation relevant to the dispute to the ACHP in accordance with 36 CFR Section 800.2(b)(2). Upon receipt of adequate documentation, the ACHP shall review and advise the MaineDOT on the resolution of the objection within 30 days. Any comment provided by the ACHP, and all comments from the parties to the MOA, will be taken into account by the MaineDOT in reaching a final decision regarding the dispute.

B. If the ACHP does not provide comments regarding the dispute within 30 days after receipt of adequate documentation, the MaineDOT may render a decision regarding the dispute. In reaching its decision, the MaineDOT will take into account all comments regarding the dispute from the signatory parties to the MOA.

C. The MaineDOT's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the objection remain unchanged. The MaineDOT will notify all signatory parties of its decision in writing. The MaineDOT's decision will be final.

The signatory party objection is required to be in regard to this agreement and the manner in which the stipulations to address the undertaking's adverse effects on National Register-eligible or listed historic properties are being carried out. Signatory party objections regarding the Section 106 process (36 CFR 800.3 – 800.6) for the undertaking will not be reevaluated.

VII. Amendments

If any signatory to this MOA, including any invited signatory, determines that its terms will not or cannot be carried out or that an amendment to its terms must be made, that party shall immediately consult with the other parties to develop an amendment to this MOA pursuant to 36 CFR §§800.6(c)(7) and 800.6(c)(8). The amendment will be effective on the date a copy signed by all of the original signatories is filed with the ACHP. If the signatories, including any invited signatory, cannot agree to appropriate terms to amend the MOA, any signatory may terminate the agreement in accordance with Stipulation VIII.

VIII. Termination

If the MOA is not amended following the consultation set out in Stipulation VII it may be terminated by any signatory or invited signatory. Within 30 days following termination, the MaineDOT shall notify the signatories if it will initiate consultation to execute an MOA with the signatories under 36 CFR §800.6(c)(1) or request the comments of the ACHP under 36 CFR §800.7(a) and proceed accordingly.

IX. Coordination with Other Federal Reviews

In the event that another federal agency not initially a party to or subject to this MOA receives an

application for funding/license/permit for the Undertaking as described in this MOA, that agency may fulfill its Section 106 responsibilities by stating in writing it concurs with the terms of this MOA and notifying the MaineDOT, Maine SHPO, and the ACHP that it intends to do so, and adherence to the terms of this MOA.

SIGNATORIES:

Maine Department of Transportation

Joyce Taylor
P.E., Chief Engineer

Date _____

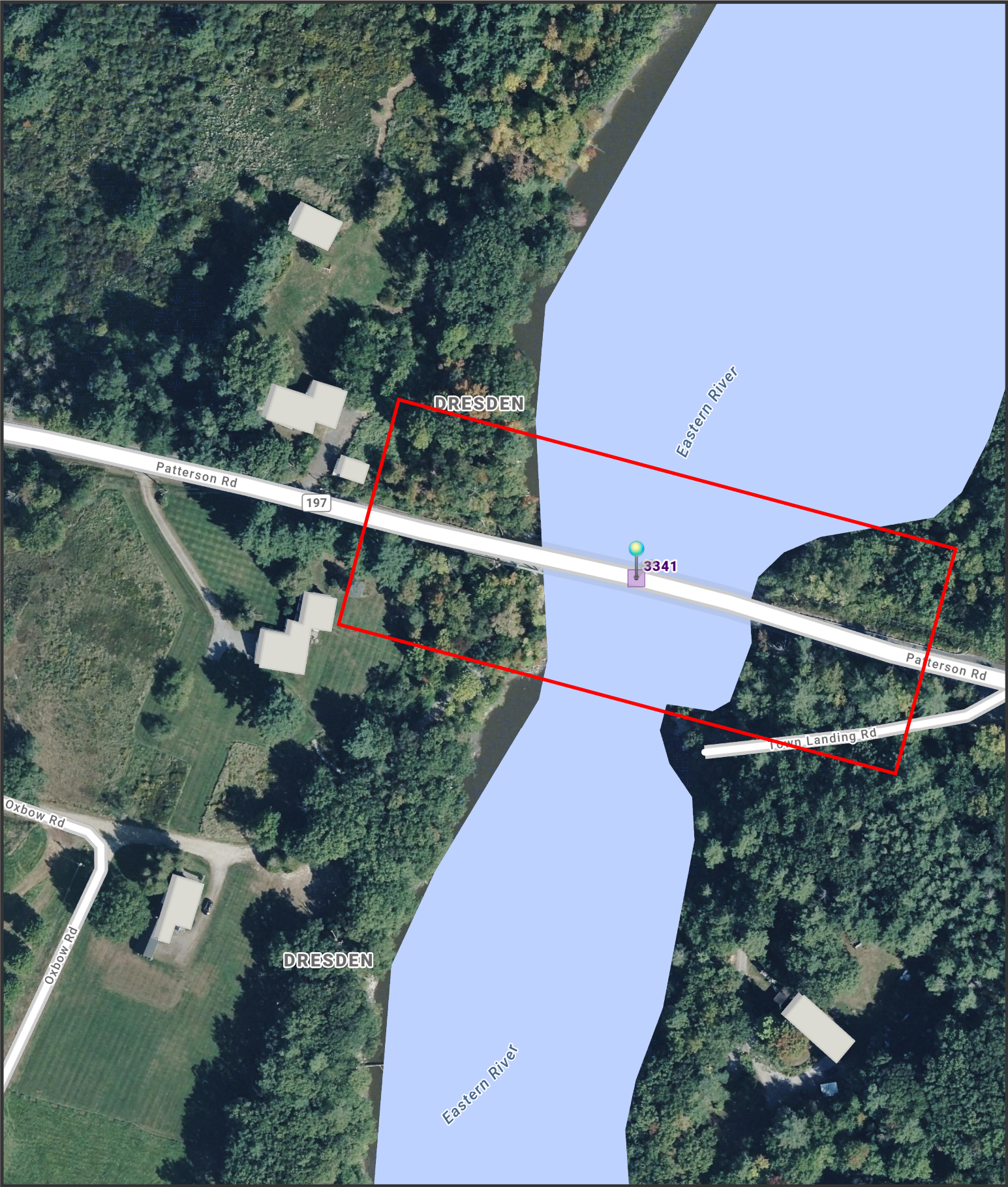
Maine State Historic Preservation Officer

Kirk Mohny
State Historic Preservation Officer

Date _____

ATTACHMENT A

DRESDEN 23132.00 APE



The Maine Department of Transportation provides this publication for information only. Reliance upon this information is at user risk. It is subject to revision and may be incomplete depending upon changing conditions. The Department assumes no liability if injuries or damages result from this information. This map is not intended to support emergency dispatch.

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1 inch = 0.04 miles

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