

STATE OF MAINE

MEMORANDUM

October 17, 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; Draft MOA, Replacement of the Frank J. Wood Bridge

In response to your recent request, I have reviewed the information received September 20, 2018 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.

The Commission has the following comments on the subject document:

1. In the sixth WHEREAS clause, the words "and listed" should be inserted between the words "eligible" and "properties"
2. In Stipulation II., we request that the HAER documentation be provided to the Maine SHPO not only in hard copy but also as pdfs on a thumb drive.

Please do not hesitate to contact me if you have any questions regarding the Commission's comments.

From: [Betsy Merritt](#)
To: [OFAP](#)
Cc: [Cheryl Martin](#); phin@governorbaxter.com; [Kitty Henderson](#); nathan@historicbridges.org; s.t.hanson@comcast.net; John@johngrahamrealestate.com; sstern@gwi.net; jshattuck@topshammaine.com; lsmith@brunswickme.org; jeldridge@brunswickme.org; stevehinchman@gmail.com; admorris@gwi.net; sebordwell@gmail.com; john@bikemaine.org; ckrussell@gwi.net; cneufeld@sitelinespa.com; rmelanson@topshammaine.com; ceyerman@topshammaine.com; dougb@earlham.edu; vlangelo@eclipseservices.com; richcromwell1@gmail.com; fredwigand@gwi.net; katzthal@comcast.net; steve.pelletier@stantec.com; dblum@brunswickme.org; [Mohney, Kirk](#); williammorin@midmaine.com; [Greg Paxton](#); jim@bikemaine.org; chickcarroll76@hotmail.com; [Chamberlain, Kristen](#); [Frankhauser Jr, Wayne](#); [Kittredge, Joel](#); [Gardner, David](#); [Pulver, William](#); Todd.jorgensen@dot.gov; [David Clarke](#); kwillis@kleinfelder.com; [Senk, Julie](#); Sharon.Vaughn-Fair@dot.gov; silvio.morales@dot.gov; eva.birk@dot.gov; Maria.Drozd@dot.gov; Brian.Lawrence@dot.gov; [Crawford, Richard](#); [Sarah Stokely](#)
Subject: [EXTERNAL SENDER] Re: ACHP Comments on the Draft MOA for the Frank J. Wood Bridge Project, Cumberland and Sagadahoc Counties, Maine
Date: Tuesday, October 23, 2018 2:23:10 PM

The National Trust supports and agrees with the comments and concerns submitted by the ACHP, the Friends of the Frank J. Wood Bridge, and Phinney Baxter White. Please continue to include us in the consultation process as you work to address and resolve these issues.
Thank you.

Sincerely,
Elizabeth Merritt

Sent from my iPhone

On Oct 22, 2018, at 3:10 PM, OFAP <OFAP2@achp.gov> wrote:

From: Office of Federal Agency Programs

Advisory Council on Historic Preservation

Attached is our letter on the subject undertaking (in Adobe Acrobat PDF format)

If you have any questions concerning our letter, please contact:

Sarah Stokely
sstokely@achp.gov
202 517-0224
Case # 12371

<me.fhwa.frank j wood bridge project.con.22oct18.pdf>

<FRANK J WOOD BRIDGE 22603.00 MOA DRAFT 9.20.18 - SCS Edits.docx>

From: [Martin, Cheryl \(FHWA\)](#)
To: [Gardner, David](#); [Senk, Julie](#); [Chamberlain, Kristen](#)
Cc: [Birk, Eva \(FHWA\)](#)
Subject: [EXTERNAL SENDER] FW: Response to Frank J Wood Bridge Replacement MOA
Date: Monday, October 22, 2018 3:05:56 PM

FYI

Cheryl

From: William F. Morin [mailto:williammorin@midmaine.com]
Sent: Monday, October 22, 2018 2:21 PM
To: Martin, Cheryl (FHWA) <Cheryl.Martin@dot.gov>
Subject: Response to Frank J Wood Bridge Replacement MOA

Ms. Martin,

Thank you for the opportunity to reply to the draft MOA for FJWB as follows.

I would also like to comment upon the topics and structure of the meeting of October 3, 2018 in Topsham and thirdly, and two emails (Sara Stokely and Mary Naber) that detail events that support the difficulties of the FJWB 106 process.

First, the agenda for the October 3rd. meeting was not helpful to encouraging adequate communication between mostly bridge advocates and FHWA and Maine DOT. This as I said before requires a face to face format and though the meeting is not a final determination of the 106 process, it would serve to further understanding about process and informational exchange. Discussion of eligibility criterion C, the metal truss revaluation and thirdly mitigation measures were too detailed to just have comments presented. Lack of communication and negotiation in this process has relegated this process and needs to change.

Secondly, the mitigation stipulations in the draft MOA are not adequate reparations for the cavalier extinction of the FJWB, when rehabilitation is very possible. A final design of “aesthetic bridge design features” are an inadequate remedy and it is not certain what they may cost will be and which government entity will fund it. If it is Topsham, I for one would not support such an expenditure of home owner’s property taxes for such embellishments. Other stipulations such as recordation, assistance in applying for a National Register of Historic Places (should have been done sooner) and booklets also do not suffice in this matter.

Other bridges before the FJWB at the same site were of truss design and now the Maine Department of Transportation approves a design of a beam bridge that exists in a million highway and overpass bridges and numerous other uses throughout the world. From

Wikipedia the following description of beam bridge is provided: “ *Beam bridges are often only used for relatively short distances because, unlike truss bridges, they have no built in supports. The only supports are provided by piers. The farther apart its supports, the weaker a beam bridge gets. As a result, beam bridges rarely span more than 250 feet (80 m). This does not mean that beam bridges are not used to cross great distances; it only means that a series of beam bridges must be joined together, creating what is known as a continuous span.*” The proposed bridge because of it having a wide, curved two lane vehicle surface with two bicycle lanes and two sidewalks with observation platforms with construction of new piers will be a very wide, huge, heavy and will impose a substantial presence encroaching power lines and the “river crossing”. The proposed bridge is not appropriate for the site.

Thoughtful consideration of mediation for a new bridge would advocate for a substantial and prominent project such as the bridge in Bucksport (though smaller) that would enhance the “river crossing” or a replacement bridge that would invoke the emblematic style of the FJWB. It is not a progressive action in this case to replace an industrial revolution era structure which it represents and is a product of the industrial revolution (late 19th and early 20th century). A third alternative is to just rehabilitate the FJWB which is a robust example of that era and deserves comprehensive preservation.

Thirdly, the following are two communications (emails) regarding contact with ACHP that address three major issues of the 106 process. They occur in late 2017 and specifically address the issues of preservation which have been a concern of state historical officials back to 1999. The second email references that concern in a Memorandum from Earle Shettleworth SHPO of the **Maine Historic Preservation Commission May 1999, Subject: Historic Bridge Survey-Truss Bridges-National Register eligibility review to MDOT.**

The three major issues are in the second email and are described in detail.

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Consistency of the structure and governance of the process:

The difficulty of insistence is as follows: (Bridge replacement versus rehabilitation)

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The bridge is an historical structure eligible for the national register:

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Please review carefully the two emails as they do provide a brief outline of events. Contact me if you have any questions or clarification about the presented material.

Thank you for all your effort in these matters.

Thank you,

William F. Morin

6 Front Street

Topsham, Maine 04086

729-1760

Sent October 22, 2018

DECEMBER 2017

Sarah C. Stokely

Program Analyst

Agency Program: Federal Highway Administration

Advisory Council on Historic Preservation

401 F Street NW, Suite 308

Washington, DC 20001-2637

Ms. Stokely:

I am forwarding to you an email I had composed in December 2017 and was to send to Mary Ann Naber in January 2018. I did not as I learned that she had left the ACHP agency at the end of last year. She was aware of the Frank J Wood Bridge (FJWB) project in Brunswick and Topsham Maine and had said she would likely attend a meeting here with the Maine offices of the FHWA and Maine DOT. There is a scheduled meeting termed Environmental Assessment Available for Public Review and Public Meeting in Topsham on Wednesday, March 28, 2018 at

Mt Ararat High School Commons 73 Eagles Way, Topsham, Maine.

I wrote this email to Ms. Naber to express my dismay at how the Section 106 process has been conducted and especially it not following a cooperative, transparent and good neighbor process and manner. Section 106 was in motion before announcement of the FJWB project and the process continues to not be a coherent or I say credible process even from the start.

In the intervening last few months, the FJWB has been determined to be individually eligible for historical designation because of its function to convey over the Androscoggin River interurban or long-distance cross-country trolleys which connected to many small villages and larger towns and cities many miles from Brunswick and Topsham. Also, the bridge has recently been placed on the Maine Preservation Endangered List for 2017.

Nevertheless, the following email contains comments and accounts of how the process has not been evenly considerate of the participating consulting parties which is the main criticism of mine. I do so because I think great harm will be done to this project if the bridge is demolished.

I believe that this whole process of Section 106, The National Environmental Policy Act and Environmental Assessment has been biased to the assertions of the commercial activities of both Topsham and Brunswick which have exerted much determination to have the MDOT build a new bridge and not preserve an historic asset. This fostered a premature decision by Maine DOT to approve the alternative of an upstream location of a new bridge. Significant funds and staff time also have been expended on MDOT engineer designs and meetings of MDOT staff in preliminary planning in spite of the fact that a final decision about the FJWB has not been made.

[REDACTED]

In final remarks, I say that a cultural heritage asset such as this bridge is can be a continuing attraction of quality and authenticity if it is rehabilitated and designated its historical title. I and others invite you to offer your assistance in this matter. Please do not hesitate to contact me for any further information or assistance.

Sincerely,

William F. Morin

6 Front Street

Topsham, Maine 04086

williammorin@midmaine.com

207.729.1760

EMAIL TO MARY ANN NABER

Date: Monday, November 27, 2017

Subject: Frank J Wood Bridge (FJWB) Maine number 2016

Dear Ms. Naber:

Thank you for your kind acceptance of the opportunity to attend the next 106 meeting in Topsham, Maine in the near future to discuss the current progress of the evaluation to “rehabilitate or replace” the Frank J Wood Bridge (FJWB) Maine number 2016. Our telephone conversation discussing this occurred last July as you may recall. The following is an accounting of the 106 process that I participated in and my assessment of the level of impartiality displayed by governmental, economic planners, and singular issue citizen alliances in addressing the future preservation or destruction of the FJWB.

The 106 process which addresses the alternatives of the FJWB has not been the explicit and well-structured managed procedure it should be. Participants have been the Maine Department of Transportation, Federal Highway Administration, Maine State Historical Office, the towns of Brunswick and Topsham Maine through the town staffs, the town councilors and selectmen, authorized consulting parties and other local private, public and economic interests.

I am not footnoting references about specific items but will provide them upon request as it would add much complex information.

This process has many entry points for all the above participants plus the general public. My entry point is as a consulting party to Maine DOT WIN: 22603.00, Federal Project No. STP-2260 (300) X (FJWB) in support of the 106 Process. I also qualify as a lifelong resident of the immediate area and location of the FJWB and have many concerns about the area and the bridge. I have lived for at least 60 years in either Brunswick or Topsham within sight of the bridge from my home area and for many reasons favor its existence continuing.

I serve as a founding member of the Topsham Heights Neighborhood Association (THNA) which advocates for general improvements and resolution of neighborhood concerns and which encompasses the area next to the Androscoggin River which has two major other bridges which are historical in their own right. I have previously supported the preservation of a portion of the “Free Bridge” or Black Bridge number ME 0323 and encouraged residents from Topsham, Brunswick, and Harpswell to submit their concerns to Maine DOT of which some did. All of them received a detailed reply from the MDOT and which they commented to me that they appreciated very much. I also assisted in final efforts of and dedication of the rehabilitated footbridge between Topsham Heights and Brunswick almost ten years ago. Our neighborhood association (THNA) continues to perform landscaping and grounds maintenance at a paved foot path that connects the footbridge to the area adjacent to the Black Bridge and a “stringer” to the Black Bridge connection which are both noted as being historical by MDOT in their 2002 inventory of Maine bridges. The footpath is greatly used and much positive comment has been made to that effect by users. Maine DOT provided the majority of the funding of the footpath to encourage walking connections in areas such as this.

I have **three major concerns** in this discussion about the 106 processes and they are **the consistency of the structure and governance of the process itself** and **secondly, the difficulty of the insistence of the local government and commercial interests to replace the FJWB bridge as well as MDOT assertions that it should be replaced. A third concern describes the seemingly disregard of acknowledgement of the fact that the FJWB is an historical structure eligible for the national register and an integral and supporting component of the Brunswick Topsham Industrial Historical District.**

My first exposure to **this** process was an initial public meeting held in February 2015 in Topsham and there was described through photos the rusted portions of the FJWB. It was a definite display of a bridge looking neglected and badly maintained. Discussion of the costs for renovation emerged and the overall presentation left one sensing it was perhaps not worthwhile to rehabilitate the FJWB. Consideration of the bridge being historical had little mention. Little other comment was made about the rehabilitation of the bridge and I recognized an immediate partiality being revealed. I also experienced this impression when I encouraged the saving of the lower auto deck of the aforementioned Black Bridge.

I did read a recent MDOT Yearly Workplan when the FJWB was listed as a budgeted item and it described the project as improvements costing \$14.9 million but did not mention rehabilitation or replacement. That amount of funds incidentally reflected a later estimate for replacement of the FJWB.

During the period of **February 2015 to April 2016**, MDOT performed a Preliminary Design Feasibility Study in which community interests were received such as detours, costs, life cycle projections and bicycle and pedestrian connectivity. Also included were design alternatives, meetings with town officials to discuss the project such as utilities, traffic, a Section 106 Architectural Survey and Town and Tribal notifications were completed. It appears that this

period of time **(14 months)**, many meetings occurred pertaining to this study and a preferred result was evolving and that was the option of replacing the FJWB.

An **April 25, 2016** public meeting occurred immediately after the study was completed to discuss these findings. Then a period of "Additional Evaluation of Alternatives" **(May 2016 to March 2017)** occurred which included **three Section 106 Consulting Party Meetings**, comments, and SHPO (State Historical Preservation Office) consultation. It is notable that after this period of time, the "Additional Evaluation of Alternatives" (May 2016 to March 2017) activity stressed the discussion of the five alternatives of the FJWB vigorously without a definitive outcome.

The **three Section 106 Consulting Party Meetings occurred on July 11, August 18, and October 27, 2016**. I became aware of this from a consulting party and attended the **October 2016** meeting whereupon I requested and received consulting party status. I in early 2017 as with other parties submitted comments to FHW/MDOT. The **consulting parties had a meeting schedule which was very compacted (July 11, August 18, and October 27, 2016)** and structured as meetings where one could speak to the FHW and MDOT staff about concerns but not in the best way to discuss their concerns in detail. True, written comments were provided to staff but **no face to face consulting discussions would occur**.

Consistency of the structure and governance of the process:

I would like to point out the problematic manner of the 106 process at this time that was not consistent with the structure and management of the program. Many consulting parties are concerned that the opportunity to directly face Maine DOT and discuss the many facts of this project were not conveyed to in short meetings to them in July, August and October 2016. However, as you can see from the previous time line, there were many opportunities for FHWA/MDOT to interact with town staff and other stakeholders and encourage their agreement. From **February 2015 to April 2016 (14 months)**, during the "Preliminary Design Feasibility Study" there was ample time to meet with adamant supporters of a new bridge.

These supporters in their comments responded to MDOT represented their interests and it is their right to do so. But, their interests represent a smaller portion of our communities and may I say also the entire State of Maine. This bridge is funded by Federal and State taxes and the historical preservation laws of the Federal government and states which advocate for deliberated treatment of our historical properties.

The above reference about the time and parties involved in close conferences was substantiated in the minutes of the TOWN OF TOPSHAM HISTORIC DISTRICT COMMISSION of May 11, 2016 when stated to the TOWN OF TOPSHAM HISTORIC DISTRICT COMMISSION by the Topsham Economic Development Director that ***"the project has been in the works for the past 14 months with Topsham and Brunswick working closely with the Maine DOT staff."***

That would place the time of initial beginning of such coordination with the staff of the towns of Topsham and Brunswick **starting 14 months prior to this May 2016 meeting to be around March 2015 and at least eight months before the announced beginning of the 106 process in November 2015**. During that time **of March 2015 to May 2016 (14 months)**, there was much opportunity to cultivate support from the Brunswick and Topsham legislative bodies with their approvals on **April 19th and May 5th, 2016** respectively. Brunswick Town Councilors attending who spoke shared unanimously approval for replacement and Topsham adopted a resolution in favor of replacing the FJWB and voted to collaborate with Brunswick to form a design committee to design a bridge to satisfy Maine DOT's stated transportation conditions. A preliminary design proposal was also considered during this **14-month period** by stakeholders and constituencies mainly stating bicycle and pedestrian use recommendations. The Board of Selectmen of Topsham, my town residence, in **May 2016** passed an endorsement that the FJWB be replaced based upon their understanding of the project and again they reiterated their preference in **December 2016** with an additional endorsement favoring replacement.

The difficulty of insistence is as follows:

Also stated at the May 11, 2016 ^{meeting} of the TOWN OF TOPSHAM HISTORIC DISTRICT COMMISSION, were the reasons that the town planning and economic staff of Topsham recommended replacement of the FJWB for Topsham as the bridge ***“was needing repair, concerns from local businesses and a new bridge would be safer.”***

The most significant reason stated by MDOT was the following: ***“Recommendation of the MDOT that the existing bridge be replaced after a year of careful consideration of all alternatives, including rehabilitation”***. This reason was also referenced in another input from Topsham Development Inc. **This recommendation in essence said all five alternatives would be considered by Maine DOT but Maine DOT would definitely only approve a replacement after a year of consideration during the 106 Process. That is exactly what happened and that decision was announced in August 2017 by MDOT.**

In **April 2017** a public meeting / open house by MDOT was held but it consisted of a briefing of the bridge condition and visiting individual stations with exhibits where attendees could review and ask questions about certain aspects of the project. The public was not given the opportunity to ask questions of a moderator in an assembly format and many were quite offended because they could not ask a question and get an answer that the assemblage could hear.

I personally asked a question of one staff at an individual station in regards to how the entrances to the new bridge would be and was told that the concern was not appropriate

before the issue of the bridge was concluded. **I consider that is a part of an overall project and it was never addressed in any 106 meetings or discussions to my knowledge.**

The bridge is an historical structure eligible for the national register:

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The disregard of acknowledgement and acceptance of the fact that the bridge is an historical structure eligible for the national register is described as follows and merits consideration of its significant prominence.

A Memorandum from Earle Shettleworth SHPO of the **Maine Historic Preservation Commission May 1999, Subject: Historic Bridge Survey-Truss Bridges-National Register eligibility review to MDOT.**

He communicates as follows. He concurs with Judith Lindsey-Foster of MDOT, OES **that “previously unevaluated bridges merit nomination to the National Register of Historic Places either Criterion A or C or a combination thereof”**. Specifically, the Frank J Wood Bridge number 2016 of Brunswick he says **“it is our opinion that it meets the National Register criteria which at this time “MDOT considers to be ineligible.”** Further, the Frank J Wood Bridge is located near **“historic resources that merit nomination to the Register as historic districts.” “In Brunswick, this includes the already listed Bowdoin Mill (located in Topsham) and the Cabot Mill on the other side of the river.” The Frank J Wood forms a link between these two industrial complexes and is, in its own right, a product of the industrial age.”**

This was true in 1999 and still is in 2017 !

Further in the memo, Mr. Shettleworth **urges MDOT to review the inventory as bridges may continue to deteriorate or be replaced with the possibility that such a bridge type may no longer be in the inventory.**

Almost 20 years later, a number of truss bridges have been replaced statewide and in two nearby towns Lisbon and Dresden Maine in the last few years.

Time has passed to year 2017 and these concerns were not addressed and now we are at this critical juncture where the FJWB will be demolished. It is probably the most noted urban bridge in the mid coast region due to its length and setting in an historical industrial region – A TRUE GEM.

I hope I have expressed adequately some important concerns about the Section 106 process. It has been difficult and drawn out. I understand there will be another meeting sometime in

early 2018. I look forward to your attendance and assistance in these matters.

William F. Morin

6 Front Street

Topsham, MAINE 04086

207.729.1760

WILLIAMMORIN@MIDMAINE.COM

Senk, Julie

Subject: FW: [EXTERNAL SENDER] MaineDOT Contact Form Submission: project

The following message was submitted from the MaineDOT contact form.

Date: Monday, 22-Oct-2018 09:05:08 EDT
Name: Bill Good, Jr.
Phone: 631-267-6119
Email: fairwind500@gmail.com

Topic: project

Comments:
October 22nd, 2018

Public Comment to Maine DOT

Subject: Brunswick – Topsham, Frank J. Wood Bridge

I would like to recommend that the Frank J. Wood Bridge spanning the Androscoggin River between Brunswick and Topsham be converted from vehicle to pedestrian use after the construction of the new bridge upstream of the Frank J. Wood Bridge – in the same spirit as another mode of transportation has been successfully transformed in the past few decades - from trains to pedestrians use – by the “Rails-To-Trails” movement.

Money designated for demolition of the Frank J. Wood Bridge could be used to clean up the bridge and establish a fund for future maintenance of the bridge for pedestrians. Benefits are potential cost savings of demolition and the preserving of a longstanding bridge offering views of the river and historic structures in both Brunswick and Topsham.

Maintaining the Frank J. Wood Bridge would allow for pedestrians and cyclists to travel free from vehicles between Brunswick and Topsham. Keeping the Frank J. Wood Bridge for pedestrians and cyclists should not require any major structural repair.

At the April 5th, 2017 Maine DOT public meeting in Brunswick, a multipage pictorial handout was distributed that appears to show that access to the Frank J. Wood Bridge could be preserved for pedestrians and cyclists once the new upstream bridge is in place.

In addition to pedestrian and cycling use, with proper design, the Frank J. Wood Bridge can take on a park-like setting with the installation of benches and tables to be utilized by people who just want to enjoy a walk out onto the bridge for the views or sit and relax.

One question is who would take possession (ownership) of the Frank J. Wood Bridge if it were to be maintained for pedestrians, cyclists and used as a “park”. Having an endowment to maintain the bridge from funds designated for demolition would go a long way toward a successful long-term management plan by the municipalities (Brunswick and Topsham) or a not-for-profit organization.

Bill Good, Jr.
5 Outlook Lane
Brunswick, ME 04011
fairwind500@gmail.com

631-267-6119 (cell)

If required, please respond as soon as possible.

Friends of the Frank J. Wood Bridge

Cheryl Martin
Assistant Division Administrator
Federal Highway Administration – Maine Division
40 Western Ave
Augusta, ME 04330

October 19, 2018

David Gardiner
Maine DOT
16 State House Station
Augusta, ME 04333-0016

RE: Comments on Draft Memorandum of Agreement

Dear Ms. Martin and Mr. Gardiner,

The Friends of the Frank J. Wood Bridge (Friends) would like to formally submit our comments, and concerns on the Frank J Wood Bridge draft Memorandum of Agreement. We also request that our comments and supporting documentation be included in the formal record for review by both FHWA and be included with the review that is sent to the ACHP.

We continue to both stress and question the hurried nature of the process. We feel it is premature to be discussing mitigation with the number of unanswered questions and new information related to the project. In particular, David Clark's assertion that the bridge be considered eligible under Criteria C. This elevates the required mitigation and further stresses the importance of avoiding the 4f protected properties, as stated by Betsy Merritt of the National Trust during the October 3, 2018 Section 106 consulting parties meeting.

The notices sent to the Native American Tribes were sent several years ago and only vaguely stated the undertaking would be a "bridge improvement project." The nature of the project has changed, and it is now MDOT's intent to replace the bridge with an upstream alignment that covers the last remaining natural falls, an ancestral fishing site for the Wabanaki tribe that once inhabited the region, and impedes on spawning grounds of several endanger fish species. This may raise concerns among the tribes and is vastly different from a "bridge improvement project." We would like to see a new letter drafted and to be able to comment on it before it is sent.

Although we feel this Memorandum of Agreement is completely inadequate and does not rise to the level of the intention of the law on mitigation for causing permanent and irrevocable harm to no less than five 4(f) protected properties and completely eliminates one 4(f) protected property (the bridge itself) that is an integral part of another (the industrial district), the desire of MDOT and Maine FHWA to push ahead with this project forces us to comment on a document that is premature, inadequate, and undeserving of comment.

Our main assertion is that the bridge is eligible under Criteria A and C individually and as a contributing feature of the Industrial District. This requires the final design of any replacement bridge to reflect the hugely significant loss to the character of our community. As documented by its appearance on thousands of postcards produced between 1932 and today, on the covers of

Friends of the Frank J. Wood Bridge

local phone books and in promotional tourism materials, and in the works of many artists, the Frank J. Wood Bridge is the most visible symbol of our community. A like-kind replacement on the same alignment is the most fitting mitigation solution if the Frank J. Wood Bridge is demolished. This alternative has not been studied, priced, or compared with other alternatives. The Friends have suggested this alternative several times. Any true mitigation will require a like-kind bridge to be constructed on the same alignment. The only other alternative that comes remotely close to being adequate mitigation for the loss would be an equally iconic bridge of modern design – a structure with the design significance to become a landmark in the future.

It continues to be our assertion that the local Design Advisory Committee was premature. Emails obtained from our Freedom of Information request clearly show that MDOT directed the formation of this committee, selected the Chair, hand-picked every member, and approved the language of the notices sent to the towns, months before the town selectmen and council knew of or voted for its creation. The committee's direction or role was not to design a new bridge with mitigation in mind but to select "enhancements" for MDOT's preferred low-cost alternative.

The time to form such a committee, with a defined mission to assist in the the design of a new bridge that is worthy of replacing the Frank J. Wood Bridge in both appearance and alignment, is after a final Memoranda of Agreement is signed. Any such agreement must require Consulting Parties real say in the outcome at set intervals in the design process.

Lastly, we would like to make clear that once the Frank J. Wood Bridge is destroyed, there is no Industrial District and any promise to nominate it is thus worthless. Further, any promise to nominate the Cabot Mill (Fort Andros) complex at FHWA/MDOT expense could be considered a financial incentive to encourage the cooperation of an impacted property owner by saving them the cost of a National Register nomination that will make their property eligible for state and federal historic tax credits worth hundreds of thousands of dollars. It is not clear to us that mitigation under the Section 106 consultation is intended to benefit private property owners more than the public.

To conclude, the combined Section 106 and 4(f) reviews require FHWA to choose the alternative that causes the least harm. The chosen alternative for this project causes the most harm and it continues to baffle us as to why it is being pushed through.

Sincerely,

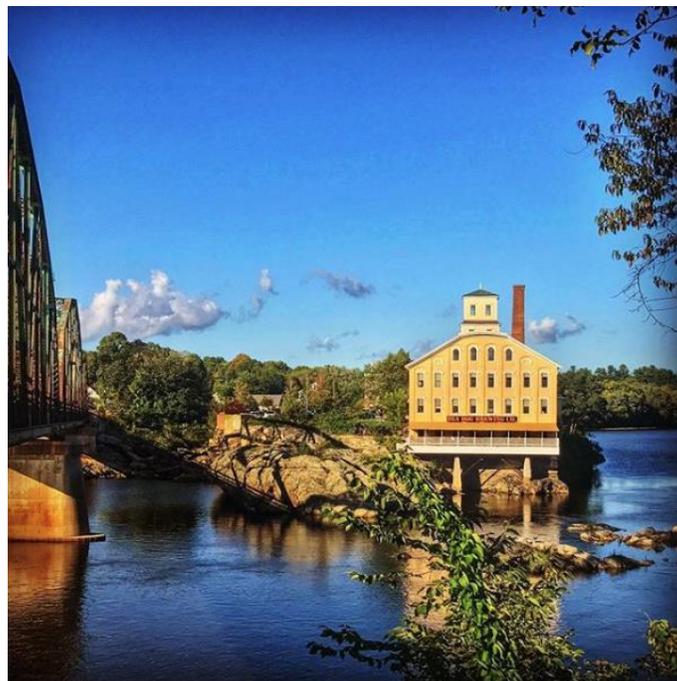
John Graham
President
Friends of the Frank J. Wood Bridge
10 Pleasant Street
Topsham, ME 04086
207-491-1660

COMMENTS
on
MEMORANDUM OF AGREEMENT
BETWEEN THE FEDERAL HIGHWAY ADMINISTRATION,
ADVISORY COUNCIL ON HISTORIC PRESERVATION,
MAINE DEPARTMENT OF TRANSPORTATION,
AND MAINE STATE HISTORIC PRESERVATION OFFICER
REGARDING THE FRANK J WOOD BRIDGE #2016
REPLACEMENT
CUMBERLAND AND SAGADAHOC COUNTIES, MAINE

For me, the significance of the Frank J. Wood Bridge site is not the bridge itself, but the Androscoggin River and the activities on both banks that the river supported from prehistoric times through current day. The crossing mechanism between Brunswick and Topsham is, to me, incidental. Prior to 1796, it is my understanding that it was only by boat. Starting in 1796, there was a succession of bridges – wooden or steel, covered or open or trussed – with landings at various spots near the falls. The Frank J. Wood Bridge is only the most recent, providing passage for the last 86 years of that 222-year history of bridge crossings.

I look forward to having a new bridge with a lower profile that will allow vistas of the riverbanks and the structures on them, including the Cabot Mill and the Pejeboscot Mill. I note that a marvelous photo of the Pejeboscot Mill in Topsham, taken by our Senator, Angus King, and posted on Instagram, probably was taken from a spot in 250th Anniversary Park in Brunswick which is at this time not very accessible and the photo largely omits the Frank J. Wood Bridge which, from most vantage points, blocks the view of the historic mill.

<https://www.instagram.com/p/Bn32eN4j2zT/?hl=en&taken-by=anguskingmaine>



This is the view of the Pejepscot Mill and the Topsham riverbank seen by the rest of us. It ends up being all about a bridge – only the most recent of several over the past 222 years – and not about the river or the mills or activities on either side.



I concur with those who spoke at the meeting on October 3, 2018, in Topsham, who said that additional mitigation measures to those in the draft Memorandum of Agreement are needed.

Outdoor Interpretive Panel:

- While the display would of course include the Frank J. Wood Bridge, it also needs to include information about the earlier bridges and ferry systems, including their routes and landings, which would illuminate also the history of Bowdoin Mill Island and perhaps the Brunswick industrial activity as well.
- A single interpretive panel on each side is too limiting. I imagine that adequate interpretation might require more display space – three panels arranged in an arc, for instance.
- The Pejepscot Historical Society, which is a major repository for materials related to the history of Brunswick, Topsham and Harpswell, needs to be involved as a resource and as a reviewer of content.

Conservation of Existing Bridge Plaques:

- Before the Frank J. Bridge is demolished, consideration needs to be given to preserving elements of the bridge, in addition to the four (4) historic plaques,
 - for incorporation into public artworks for the new bridge, in 250th Anniversary Park in Brunswick, or in park areas to be created at the Topsham end of the bridge, or
 - for use in exterior and interior educational displays about 1930s bridge design.
- The Brunswick-Topsham Bridge Design Advisory Committee (DAC), comprised of representatives from Topsham and Brunswick appointed by their governing bodies, has offered a lot of thoughtful input into the design of a potential new bridge, and the public areas adjacent to the proposed landings. The DAC would be an important resource for guidance on elements of the Frank J. Wood Bridge to be preserved and repurposed on the new bridge or in new or enhanced riverfront parks. The DAC should be named in the Memorandum of Understanding as a party to be consulted.

Illustrated Booklet:

- To be meaningful, the illustrated booklet needs to include the Frank J. Wood Bridge in the continuum of river crossings – emphasis on the plural: crossings – with their relationships (plural) to the community and cultural landscape. What were the impact of floods and fires in the evolution of river crossings? When and why did the locations of the various bridges change? Did Native Americans cross near the falls. If so, how?
- It would be good to have an age-appropriate companion piece to the illustrated booklet that can be used in area schools for local history classes in whichever grade the subject is taught.
- As with the interpretive panels, the Pejepscot Historical Society needs to be involved as a resource and as a reviewer of content.

Other:

- I would like to see a commitment to develop an exhibit on the history of Androscoggin River crossings, including the Frank J. Wood Bridge, for use by the Pejepscot Historical Society, the Topsham Public Library, Curtis Memorial Library, or any other public or

non-profit entity that has display space. It could draw on materials gathered for the interpretive panels and the illustrated booklet.

Thank you for the opportunity to provide comment. Although I serve on the Brunswick Town Council as an at-large member, I am writing in my capacity as a private citizen who lives in the NorthWest Brunswick neighborhood, three blocks from the river and .4 miles (on foot) from the Frank J. Wood Bridge and .2 miles from the Androscoggin Swinging Bridge. I have served for over a decade on the Androscoggin Brunswick-Topsham Riverwalk Advisory Committee and so have a keen interest in ensuring that any successor to the Frank J. Wood Bridge is more pedestrian, stroller and bicycle-friendly than the current bridge and that it helps communicate the Androscoggin River's significance throughout history and pre-history.

Alison Harris
38 Cumberland Street
Brunswick, ME 04011
alison@harbart.net

20 October 2018

13 Main Street
Topsham, Maine 04046
October 16, 201

Cheryl B. Martin
Assistant Division Administrator
Federal Highway Authority
Maine Division
Edmund S. Muskie Federal Building
40 Western Avenue, Room 614
Augusta, Maine 04330

Re: Frank J. Wood Bridge

Dear Cheryl,

As an owner of a historic commercial building that abuts the Frank J. Wood Bridge and a member of the Friends of the Bridge, I believe it is too early for mitigation of the Bridge.

Over two and a half years ago MDOT came out in favor of demolishing the Bridge before the general community had an opportunity to a fair 106 process. MDOT hurt the Friends attempt to raise money by telling people that a rehabilitated Bridge would only last 30 years and cost more than a new bridge. The newspapers ran with that information. That information was proven false, but the damage was already done.

The Friends had to go out-of-state to find an engineering firm to do an analysis of MDOT's report because no Maine engineers would go up against MDOT. It cost us over \$10,000. MDOT did not accept our engineer's report even though they use consultants all the time. They wanted more information.

We have repeatedly requested a true rendering of the proposed bridge to no avail. We have been told the bridge will be 9-15 feet higher than the Frank J. Wood Bridge. Repeatedly we have asked to know how the bridge will look when it comes into Topsham and Brunswick. We

RECEIVED

OCT 22 2018

FHWA
Maine Division

understand that MDOT is negotiating with the landowners near the bridge. Why not show us a 3D computer model of the new bridge?

The new bridge will affect the fish ladder. The ladder does not work and will soon have to be replaced. Right now Brookfield is responsible, but Maine taxpayers will have to pay if the new bridge impedes on the ladder. This could cost between \$5-10 million or more. The cost should be added to the new bridge.

Right now we have an engineering wonder and piece of history—an architectural beauty—a sculpture that wraps around you when you pass through it. Why would we ever want to replace it? Let's make it beautiful again.

Thank you for your consideration.

Sincerely yours,

A handwritten signature in blue ink that reads "Arlene" followed by a long horizontal line.

Arlene Morris

Dear Cheryl,

These are my comments on the MOA.

The record will show throughout this section 106 process for the Frank Wood Bridge I have submitted numerous complaints to the Augusta branch of FHWA. My protests clearly outline the many flaws in the Section 106 process. Over and over the Section 106 regulations, set by the Advisory Council on Historic Preservation, were violated. As a result the *preferred alternative* for a new bridge was determined inappropriately and prematurely.

The *preferred alternative* was announced on June 27th, 2017. The preferred alternative was calculated with the inclusion of a determination, by Augusta branch of FHWA, that the Frank Wood Bridge was not individually eligible to the National Register of Historic Places. The *preferred alternative* was calculated with three adverse effects which were on the Pjepscot Paper Company mill building, the Cabot mill and on the Brunswick Topsham Industrial Historic District. In the 6/27/17 *preferred alternative* analysis there was no adverse effect to historic Summer Street district. There was no adverse effect to the Frank Wood bridge with it's own destruction, removal and replacement.

On November 16th, 2017 the State Historic Preservation Officer, Kirk Mohney, determined the Frank Wood Bridge to be individually eligible for listing to the National Register under the criterion A guidelines set by the ACHP. This determination increased the number of adverse effects from three to four. Prior to formulating and announcing a preferred alternative, on a federally funded project in Section 106 review, all details on NR eligibility should have been researched thoroughly. And all adverse effects should have been properly determined prior to an announcement of a preferred alternative.

One needs only to look at the agenda your office sent out just three weeks ago to see a totally derailed 106. The agenda items included Frank J. Wood Bridge - Eligibility Under Criterion C Discussion plus Section 106 Mitigation Measures. This is not normal in a Section 106 review. Research, discussion and determination on criteria C should have been concluded prior to an announcement of a preferred alternative. Mitigation measures cannot be determined when the eligibility question of criteria C has yet to been determined. Your preferred alternative analysis is less than weak, it's wrong.

The bottom line is that under the 106 regulations it is the responsibility of the federal agency to identify and evaluate historic properties for eligibility for listing in the National Register

- before a preferred alternative is chosen.
- before mitigation measures are discussed.
- before the MOA is created.

FHWA is non-compliant under the Section 106 for the Frank Wood Bridge.

Your MOA is flawed because of the reasons above but also because you have not adequately considered the value of my input. You have qualified consulting party members input as being at an equal value to the input from the public. That must be changed. Consulting party members have an elevated standing over members of the public. That is within the regulations set by the ACHP.

Another very significant flaw with this MOA is that the final design of the bridge is left to only the FHWA, the Maine DOT and the SHPO, Kirk Mohney. That must be changed. The Friends group needs to be included. The consulting parties need to be included. I request to be included.

Last I want to address my position as a signatory on the MOA of this project. This past Friday I requested this status "as a consulting party among the signatories on the MOA of this project". An hour later you replied: "We will include you as a concurring party on the Frank J. Wood Bridge project MOA." TO BE VERY CLEAR: I am not "concurring" with the 106 or the current MOA. As long as your position advocates for the removal and replacement of the Frank Wood Bridge please mark me down as a non-concurring party member among the signatories.

Phinney

James Phinney Baxter White
GOVERNOR BAXTER, LLC
www.governorbaxter.com
67 Bridge Street
Topsham, Maine 04086
207-725-2707

From: [Martin, Cheryl \(FHWA\)](#)
To: [Phinney Baxter White](#)
Cc: kitty@historicbridgefoundation.com; [Nathan Holth](#); s.t.hanson@comcast.net; [John Graham](#); sstern@gwi.net; [John Shattuck](#); ismith@brunswickme.org; [John Eldridge](#); stevehinchman@gmail.com; admorris@gwi.net; sebordwell@gmail.com; john@bikemaine.org; ckrussell@gwi.net; [Curtis Neufeld](#); [Rod Melanson](#); [Carol Eyerman](#); [Douglas C. Bennett](#); [Victor Langelo](#); [Richard Cromwell](#); [Androscoggin Dental Care](#); katzthal@comcast.net; [Pelletier, Steve](#); [Deb Blum](#); [Mohney, Kirk](#); [William F Morin](#); [Greg Paxton](#); [Jim Tasse](#); chickcarroll76@hotmail.com; sstokely@achp.gov; [Betsy Merritt](#); [Chamberlain, Kristen](#); [Frankhauser Jr, Wayne](#); [Kittredge, Joel](#); [Gardner, David](#); [Pulver, William](#); [Jorgensen, Todd \(FHWA\)](#); [Clarke, David \(FHWA\)](#); [Kate Willis](#); [Senk, Julie](#); [Vaughn-Fair, Sharon \(FHWA\)](#); [Morales, Silvio \(FHWA\)](#); [Birk, Eva \(FHWA\)](#); [Drozd, Maria \(FHWA\)](#); [Lawrence, Brian \(FHWA\)](#); [Crawford, Richard](#)
Subject: [EXTERNAL SENDER] RE: Frank J. Wood Bridge Project - June 27, 2018 Section 106 Consulting Parties Meeting Minutes and Information (with Correct Appendix A Attached)
Date: Tuesday, October 02, 2018 10:09:46 AM
Attachments: [Frank J. Wood Bridge 22603.00 - List of Section 106 Consulting Parties Oct 2018.docx](#)

Good Morning Mr. White,

As David Gardner indicated in his response to you on Thursday, September 27, the Historic Bridge Survey Metal Truss Re-evaluation is in draft form and currently being reviewed by the Maine State Historic Preservation Office (SHPO) (Maine Historic Preservation Commission). We do not expect to receive comments from the SHPO prior to tomorrow's meeting. The Frank J. Wood Bridge project Section 106 process is a separate process on a separate timeline.

To clarify our response to Question 3 in the **ATTACHMENTS for 8/22/18**

MEMORANDUM to SECTION 106 CONSULTING PARTIES, the last paragraph refers to the period of significance for the Frank J. Wood Bridge. The SHPO has concurred that the period of significance for the Frank J. Wood Bridge is 1932 – 1937.

The Frank J. Wood Bridge has been determined eligible for the National Register of Historic Places. The preferred alternative has an adverse effect to the Bridge. Therefore, we are developing mitigation measures to address the adverse effects. We welcome your suggestions for mitigation measures, both at the meeting tomorrow and through October 20, 2018.

Thank you for indicating that you and Bill Morin were not included on Appendix A (Consulting Parties list) that I attached to my e-mail yesterday. I inadvertently attached an outdated list. Please find attached the current document.

Cheryl

Cheryl B. Martin
Assistant Division Administrator
Federal Highway Administration
Maine Division
Edmund S. Muskie Federal Building
40 Western Avenue, Room 614
Augusta, ME 04330
Phone: 207-512-4912
Fax: 207-626-9133
e-mail: cheryl.martin@dot.gov

From: Phinney Baxter White [mailto:phin@governorbaxter.com]

Sent: Monday, October 1, 2018 10:33 AM

To: Martin, Cheryl (FHWA) <Cheryl.Martin@dot.gov>

Cc: Chris Chase <cchase@coastaljournal.com>; Clarke, David (FHWA) <david.clarke@dot.gov>; Chase, Cassandra (FHWA) <Cassandra.Chase@dot.gov>; mnaber@achp.gov; kitty@historicbridgefoundation.com; Nathan Holth <nathan@historicbridges.org>; s.t.hanson@comcast.net; John Graham <John@johngrahamrealestate.com>; Mohney, Kirk <kirk.mohney@maine.gov>; sstern@gwi.net; stevehinchman@gmail.com; admorris@gwi.net; William F Morin <williammorin@midmaine.com>; Greg Paxton <greg@mainepreservation.org>; Christopher Closs <chris@mainepreservation.org>; Callie Ferguson <cferguson@theforecaster.net>; dmoore@timesrecord.com; David Jester <david.jester@maine.edu>; Allison Brigham <allibelle7@gmail.com>; chick carroll <chickcarroll76@hotmail.com>; news@pressherald.com; Beth Brogan <bbrogan@bangordailynews.com>; news@timesrecord.com; press@coastaljournal.com; aadams@lcnme.com; Susan Sharon <ssharon@mpbn.net>; Don Carrigan <Don.Carrigan@wch6.com>; news@wiscassetnewspaper.com; wmtw@wmtw.com; tvmail@wgme.com; Mitchell, Christi <Christi.Mitchell@maine.gov>; dbradbury@pressherald.com; Sarah Stokely <sstokely@achp.gov>; cvaughn@achp.gov; Gavin Engler <gavin.engler@gmail.com>; mcarter25@myfairpoint.net; James Mixon <mixj444@gmail.com>; ejd1287@gmail.com; quark21@gwi.net; Betsy Merritt <emerritt@savingplaces.org>; Gardner, David <david.gardner@maine.gov>; Evan D <ejd1287@gmail.com>; Muther, Christopher <christopher.muther@globe.com>; dmacleod@bangordailynews.com

Subject: Re: Frank J. Wood Bridge Project - June 27, 2018 Section 106 Consulting Parties Meeting Minutes and Information

Dear Cheryl,

David Gardner of the Maine DOT has informed me that the draft metal truss survey is being reviewed by MHPC. So it is clear that this document exists and is circulating between your office, the Maine DOT and Kirk Mohney's office. As a consulting party in the Section 106 I am requesting the draft survey and specifically access to all the information you utilized to make this statement:

In the spring of 2018, MaineDOT began a reevaluation of MaineDOT's remaining truss bridges that were originally not determined eligible for NRHP listing during the 2003 Maine Historic Bridge Survey. This was a separate process from the Frank J. Wood Bridge Section 106 process. The truss survey reevaluation is ongoing, but MaineDOT research indicates that the use of rolled steel sections became widespread and common in late 1929 and onward. Therefore, the bridges constructed after 1929 are not considered significant for the use of rolled steel sections. This technology became common place within a year. The period of significance for the innovative use of rolled sections is comparatively miniscule to the period of significance for metal trusses in the context of bridge technology. The period of significance of an eligible metal truss bridge that is eligible for its use of rolled steel members in Maine is 1929. Therefore, there are no remaining significant examples. FROM PAGE 16 of attached document: **ATTACHMENTS for 8/22/18**

MEMORANDUM to SECTION 106 CONSULTING PARTIES

I need this information prior to the consulting parties meeting— this Wednesday from 2-4 PM at the Topsham Town Office.

And in the last email I sent to you (below) I had a few questions. Can you provide me with your answers prior to the meeting on Wednesday? Those questions pertained to your statement above. They were:

- **Does the SHPO, Mr. Kir Mohney, concur with this statement?**
- **Are you saying that the SHPO, Mr. Kirk Mohney, concurs with your office that Frank Wood Bridge does not meet Criteria C?**

Thanks,
Phin

On Sep 22, 2018, at 10:10 AM, Phinney Baxter White <phin@governorbaxter.com> wrote:

Dear Cheryl,

These are my comments to the answers your office emailed on August 22nd. Please include these in the record.

In regard to your answer of question 3-- **what is the significance of rolled steel beam technology found on the Frank Wood bridge?** You indicate at the close of your answer/statement you have concurrence from Kirk Mohney, the SHPO.

— Please clarify that statement: **Are you saying that the SHPO, Mr. Kirk Mohney, concurs with your office that Frank Wood Bridge does not meet Criteria C?**

On 12/8/17 the SHPO informed me: "we do not have sufficient information at this time to render an opinion as to whether the bridge is also eligible for listing under Criterion C.

Your answer to question 3 also includes this statement:

In the spring of 2018, MaineDOT began a reevaluation of MaineDOT's remaining truss bridges that were originally not determined eligible for NRHP listing during the 2003 Maine Historic Bridge Survey. This was a separate process from the Frank J. Wood Bridge Section 106 process. The truss survey reevaluation is ongoing, but MaineDOT research indicates that the use of rolled steel sections became widespread and common in late 1929 and onward. Therefore, the bridges constructed after 1929 are not considered significant for the use of rolled steel sections. This technology became common place within a year. The period of significance for the innovative use of rolled sections is comparatively miniscule to the period of significance for metal trusses in the context of bridge technology. The period of significance of an eligible metal truss bridge that is eligible for its use of rolled steel members in Maine is 1929. Therefore,

there are no remaining significant examples.

This is clearly the opinion of the Maine DOT and your office. **Does the SHPO, Mr. Kirk Mohney, concur with this statement?**

In addition, your statement that rolled steel sections “became widespread and common in late 1929” is misleading because you're referring to the advent of this new technology in the context of “nationwide”, not in the context of use and existence within the state of Maine. Throughout the findings in the Lichtenstein survey of “Listed/Eligible Bridges” one finds that within the supporting notes on those eligible bridges they are referred to as “The states last” or “Only complete example of” or “Significant as the oldest identified” or “Significant as example of” or “Only example of its type/design” and “Oldest example... Identified”. That wording can easily apply to Frank Wood Bridge in the context of the rolled steel beams.

The Lichtenstein Maine bridge survey calls out the following bridges for having “rolled section members” and as “significant” under criterion C: Piscataquis Bridge (#3040), the International Bridge (Fort Kent #2398) and the Mill Pond Bridge (#2565). Those bridges are gone, removed by the Maine DOT. So where is the earliest example of rolled steel beams in Maine? More importantly where is there any example, other than the Frank Wood Bridge, where one finds the dual use of rolled steel members and built-up members? The Frank Wood Bridge has both types of members which is significant because it captures the evolution of steel bridge technology in Maine. This dual use of rolled members and built-up members was not documented on the Piscataquis Bridge, International Bridge and the Mill Pond Bridge. Since they're no longer in existence we do not know if they exhibited dual use or if they exclusively utilized rolled beams for the vertical and diagonal uprights. The Frank Wood Bridge may be the only example to exhibit the dual use of beam technology. Your “widespread and common” statement reveals your failure to grasp the significance of a bridge where you find both beam styles.

Your statement that “The period of significance of an eligible metal truss bridge that is eligible for its use of rolled steel members in Maine is 1929” is speculative and I assume another example of opinions held by the Maine DOT. Please clarify: **Does Kirk Mohney, the SHPO, concur with this statement?**

If Mr. Mohney backs you up on that I would counter that if all examples from 1929 in the state of Maine no longer exist than one can apply the standards of eligibility referenced in Lichtenstein survey which again were: “The states last” or “Only complete example of” or “Significant as the oldest identified” or “Significant as example of” or “Only example of its type/design” and “Oldest example... Identified”.

The determination of your office that Frank Wood Bridge falls in a period of significance from 1932 to 1937 is also flawed because the design and the planning, the material procurement and the construction phase of the Frank Wood Bridge took place in years prior to 1932. The rolled steel members as well as the built-up members were manufactured prior to 1932. The Frank Wood bridge opened in July of 1932.

The characteristics and elements that satisfy eligibility to Criteria C are present and should lead to National Register inclusion on Criteria C grounds. This should have occurred during the section 106.

For your reference here is a video that shows both beam styles on the Frank Wood Bridge: <https://youtu.be/f9ddFapKe4U>

Phin White

On Aug 22, 2018, at 12:26 PM, Martin, Cheryl (FHWA)
<Cheryl.Martin@dot.gov> wrote:

Good Afternoon,

Please find attached a memorandum to the Section 106 Consulting Parties, five documents included in "Attachments", and written comments received concerning the Frank J. Wood Bridge Section 106 Consulting Parties meeting held on June 27, 2018. This information has also been posted on MaineDOT's website and can be found at <https://www1.maine.gov/mdot/env/frankjwood/> under the "+Public Comments" Section.

If you have any questions, please contact me or Eva Birk, Environmental Programs Manager, at eva.birk@dot.gov.

Cheryl

Cheryl B. Martin
Assistant Division Administrator
Federal Highway Administration
Maine Division
Edmund S. Muskie Federal Building
40 Western Avenue, Room 614
Augusta, ME 04330
Phone: 207-512-4912
Fax: 207-626-9133
e-mail: cheryl.martin@dot.gov

<FHWA Memo to Consulting Parties - 8.22.18.pdf><ATTACHMENTS -
8.22.18 Memo to Consulting Parties (005).pdf><Comments_Section 106
Consulting Party Meeting_6.27.18.pdf>

<ATTACHMENTS - 8.22.18 Memo to Consulting Parties (005).pdf>



Preserving America's Heritage

October 22, 2018

Ms. Cheryl B. Martin
Assistant Division Administrator
Federal Highway Administration
Maine Division
Edmund S. Muskie Federal Building
40 Western Avenue, Room 614
Augusta, ME 04330

Ref: *ACHP Comments on the Draft Memorandum of Agreement for the Frank J. Wood Bridge Project
Cumberland and Sagadahoc Counties, Maine
ACHPConnect #012371*

Dear Ms. Martin:

The Advisory Council on Historic Preservation (ACHP) has reviewed the draft Memorandum of Agreement (MOA) provided by the Federal Highway Administration, Maine Division, on September 20, 2018. The draft MOA was provided as part of the FHWA's efforts to comply with Section 106 (54 U.S.C. § 306108) of the National Historic Preservation Act (NHPA) (54 U.S.C. § 300101 et seq.) and its implementing regulations, "Protection of Historic Properties" (36 C.F.R. Part 800). This letter is intended to provide a summary of the ACHP's concerns regarding this Section 106 consultation and the draft MOA.

While the draft MOA is a good start, it will require revisions to ensure that it creates a clear, predictable process for resolving the undertaking's adverse effects. Specifically, the draft MOA would benefit from additional clarification about the different parties involved or mentioned in the MOA: signatories, invited signatories, and consulting parties. When the MOA references "all parties", FHWA should explain if that includes consulting parties, as well. Finally, the ACHP has provided numerous edits in red-line strikeout in the enclosed document to provide text the ACHP recommends for Section 106 agreements.

The ACHP understands the FHWA has agreed to consider the Frank J. Wood Bridge eligible for the National Register of Historic Places (NRHP) under Criterion C, which addresses the consulting parties' comments and concerns regarding a more complete assessment of the bridge's historic significance. Accordingly, FHWA should ensure that the MOA reflects the bridge's NRHP-eligibility, and that the agreed-upon mitigation measures take into consideration the significance of this historic property under Criteria A and C.

We look forward to assisting FHWA and the consulting parties in further consideration of these issues in the Section 106 consultation for the proposed Frank J. Wood Bridge Project. If you have any questions, please contact Sarah Stokely at (202) 517-0224, or via e-mail at sstokely@achp.gov.

Sincerely,

A handwritten signature in blue ink that reads "Jaime Loichinger". The signature is written in a cursive style and is positioned above a horizontal line.

Jaime Loichinger
Acting Assistant Director
Federal Permitting, Licensing, and Assistance Section
Office of Federal Agency Programs

Enclosure

[DRAFT]

MEMORANDUM OF AGREEMENT

BETWEEN THE FEDERAL HIGHWAY ADMINISTRATION,
ADVISORY COUNCIL ON HISTORIC PRESERVATION,
MAINE DEPARTMENT OF TRANSPORTATION,
AND MAINE STATE HISTORIC PRESERVATION OFFICER
REGARDING THE FRANK J. WOOD BRIDGE #2016
REPLACEMENT
CUMBERLAND AND SAGADAHOC COUNTIES, MAINE

ACHP Comments and Edits 10/19/2018

WHEREAS, the Federal Highway Administration (FHWA), Maine Division Office, in cooperation with the Maine Department of Transportation (MaineDOT), proposes to replace the Frank J. Wood Bridge (MaineDOT Bridge #2016) between Brunswick and Topsham, Maine; and

WHEREAS, FHWA has determined that the proposed undertaking will result in a finding of adverse effect to the National Register-eligible Cabot Mill, National Register-eligible Frank J. Wood Bridge, National Register-eligible Brunswick Topsham Industrial Historic District, and National Register-listed Pejepscot Paper Company; and

WHEREAS FHWA has consulted with the Maine State Historic Preservation Officer (SHPO) (Maine Historic Preservation Commission) pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act (~~54 U.S.C. § 306108~~ U.S.C. Section 470(f)); and

WHEREAS, MaineDOT, acting on behalf of FHWA, has informed the Aroostook Band of Micmacs, Houlton Band of Maliseet Indians, Passamaquoddy Tribe, and Penobscot Nation of the proposed action in accordance with 36 CFR Section 800.3 (f)(2). The Passamaquoddy Tribe and

Commented [SS1]: FHWA is the lead federal agency for this Section 106 consultation. This first Whereas Clause should specify FHWA's role and involvement with this undertaking including the name of the substantive statute authorizing the federal agency's involvement in the undertaking. MaineDOT's role and involvement with this undertaking should be introduced in a separate Whereas Clause.

Commented [SS2]: Insert a separate Whereas Clause with the following text:

WHEREAS, the FHWA Maine Division Administrator is the "Agency Official" 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);

Commented [SS3]: Insert a separate Whereas Clause describing the Area of Potential Effect (APE) and add an attachment with a map of the APE.

Commented [SS4]: Please write "National Register of Historic Places" (NRHP) and under which criteria these historic properties are eligible for the NRHP.

Commented [SS5]: FHWA indicated that they will consider the Frank J. Wood Bridge eligible under Criterion C even though the bridge survey is not complete. Please explain this in a separate Whereas Clause.

Commented [SS6]: Under the Section 106 regulations, the federal agency is responsible for consultation with federally recognized Indian tribes; Maine DOT does not have this authority. Please explain when the Indian tribes were notified and how they were notified (e.g. by mail).

Penobscot Nation responded and indicated that this project will have no impact on a structure or site of historic, architectural or archaeological significance to the Tribes. If Native American cultural materials are encountered during the course of the project, MaineDOT will abide by the Maine Department of Transportation Standard Specification 105.9: *Historic and Archaeological Considerations* by stopping all activities in the area of discovery and notifying FHWA, Maine Historic Preservation Commission (MHPC), Advisory Council on Historic Preservation (ACHP), the Aroostook Band of Micmacs, Houlton Band of Maliseet Indians, Passamaquoddy Tribe, and Penobscot Nation. Stipulation VIII of this agreement will be followed; and

Commented [SS7]: This information should be in a Stipulation and not provided in a Whereas Clause.

WHEREAS, in accordance with 36 CFR 800.2(d)(1), FHWA and MaineDOT have requested input and considered the views of consulting parties (Appendix A) and the public in a manner that reflects the nature and complexity of the undertaking and its effects on historic properties; and

Commented [SS8]: Explain how and when FHWA notified and provided opportunities for the public to review and comment on this Section 106 review process.

Commented [SS9]: Separate this Whereas Clause into two separate clauses.

WHEREAS, FHWA has consulted with the consulting parties listed in Appendix A and has invited them to sign this MOA as concurring parties; and

WHEREAS, FHWA has consulted with MaineDOT regarding the effects of the undertaking on the National Register-eligible properties and has invited them to sign this MOA as an invited party; and

WHEREAS, in accordance with 36 CFR Section 800.6(a)(1), FHWA has notified the Advisory Council on Historic Preservation (~~ACHP~~Council) of the potential for an adverse effect determination. FHWA has invited the ~~Council~~ACHP to consult and the ~~Council~~ACHP has chosen to participate in the consultation pursuant to 36 CFR Section 800.6(a)(1)(iii);

Commented [SS10]: Insert the date when ACHP sent our formal letter of participation to FHWA.

NOW, THEREFORE, the ~~Council~~ACHP, FHWA 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 historic properties.

STIPULATIONS

FHWA, with assistance from MaineDOT, shall ensure that the following measures are carried out:

I. Final Design

MaineDOT will consult with the Maine SHPO through final design. MaineDOT will provide details on aesthetic bridge design features, including public space, viewing, railing and lighting options to ensure compatibility with existing historic features.

MaineDOT will consult with the Maine SHPO through the final design phase of the project when details on these features become available.

Commented [SS11]: The consulting parties should be provided the opportunity to review and comment on the design of this new bridge.

Commented [SS12]: This stipulation needs more detail about this design review process. Please include at which stages of the design development process the consulting parties will be able to review and comment (e.g. 30%/60%/90%), timeframes for the review and comment period, how the design documents will be provided to the reviewing parties (electronically versus mail), the types of submittals (plans, specifications, written reports, images, etc.), the specific elements of the design that will be included in these reviews

II. Historic American Engineering Recordation

MaineDOT will provide recordation of the Frank J. Wood Bridge (Maine State Bridge No. 2016) in consultation with the National Park Service and in accordance with Historic American Engineering Record (HAER) Standards which include *Guide to Written Reports for the Historic American Engineering Record (HAER)* and the *Guide to Preparing HABS/HAER Photographic Documentation* (2008, updated December 2017; and 2011, updated June 2015, respectively). Documentation will be prepared by a 36 CFR 61 qualified architectural historian. All materials submitted as documentation will follow the requirements stated by the Heritage Documentation Program and the National Park Service Northeast Regional Office's schedule of documentation. The Maine SHPO will be provided an opportunity of forty-five (45) days to review and comment on one draft before the HAER is submitted to the National Park Service. The Maine SHPO may request a second round of review.

Commented [SS13]: Please indicate which level of HAER documentation will be completed.

Commented [SS14]: Indicate where this HAER documentation will be archived.

MaineDOT will be responsible for providing the following to:

*Maine SHPO

one (1) archival printed copy of the HAER and one (1) set of large format photos and negatives.

*Town of Brunswick

one (1) archival printed copy of the HAER and one (1) set of large format photos and negatives.

*Town of Topsham

one (1) archival printed copy of the HAER and one (1) set of large format photos and negatives.

MaineDOT will complete the recordation and distribution by December 2020.

III. National Register of Historic Places Nomination

MaineDOT will prepare and submit to the Maine SHPO a National Register of Historic Places nomination for the previously determined eligible Brunswick Topsham Industrial Historic District (including National Register-eligible tenement housing). The nomination will be prepared by a 36 CFR 61 qualified architectural historian with a specialization in industrial history. This qualified architectural historian will be approved by the Maine SHPO. This nomination shall be developed in consultation with the staff of the Maine SHPO and shall meet the Maine Historic Preservation Commission's National Register Submission Guidelines, 2016.

Commented [SS15]: Does MaineDOT have someone specifically who meets these requirements or will a consultant be hired to complete this nomination form?

MaineDOT will complete the National Register nomination by December 2022.

IV. Outdoor Interpretive Panel

MaineDOT will design and install two (2) permanent outdoor interpretive panels depicting the Frank J. Wood Bridge, its history, and significance. The interpretive panels will be erected at locations within the viewshed of the bridge. One (1) will be located in Brunswick and one (1) will be located in Topsham. The panels' content and material will be prepared by MaineDOT and a 36

CFR 61 qualified architectural historian. The Maine SHPO and town officials will be provided an opportunity to review a draft of the interpretive panel(s)' content, design, and locations.

Commented [SS16]: Will the consulting parties be able to comment and review on these outdoor interpretive panels?

MaineDOT will prepare the draft interpretive panels for review by December 2022. MaineDOT will erect the interpretive panels by September 2023.

V. Conservation of Existing Bridge Plaques

MaineDOT will be responsible for removing, storing, and conserving the four (4) historic plaques (two (2) in Brunswick, two (2) in Topsham) on the existing Frank J. Wood Bridge. The exact location of reinstallation and appropriate plaque interpretation will be determined in consultation with FHWA, MaineDOT, Maine SHPO, and the town officials. An established and qualified objects conservator will be hired within a framework sufficient to examine and verify the method of safe removal and conservation of the plaques.

Commented [SS17]: Will the consulting parties be able to review and comment on the location of the reinstallation and the plaque interpretation?

MaineDOT will reinstall the conserved plaques by September 2023.

VI. Illustrated Booklet

The MaineDOT, in consultation with the Maine SHPO, will commission an illustrated booklet on the history of the river crossing, as well as document the complete story of the Frank J. Wood Bridge and its relationship to the community and the cultural landscape. The booklet may include contemporary photographs from the HAER documentation, historic photographs, information derived from the HAER research, oral history interviews, historic maps, and any other applicable materials. The booklet will be approximately twenty-five (25) pages and the Maine SHPO will be provided an opportunity of forty-five (45) days to review and comment on one draft. The Maine SHPO may request a second round of review.

Commented [SS18]: Will the consulting parties be able to review and comment on this illustrated booklet?

MaineDOT will be responsible for providing copies of the booklet to the following:

- *Maine SHPO
Ten (10) printed copies and one (1) electronic copy in PDF format.
- *Town of Brunswick
Ten (10) printed copies and one (1) electronic copy in PDF format.
- *Town of Topsham
Ten (10) printed copies and one (1) electronic copy in PDF format.
- *Topsham Historical Society
Ten (10) printed copies and one (1) electronic copy in PDF format.
- *Pejepscot Historical Society
Ten (10) printed copies and one (1) electronic copy in PDF format.

*Topsham Pubic Library

Ten (10) printed copies and one (1) electronic copy in PDF format.

*Curtis Memorial Library

Ten (10) printed copies and one (1) electronic copy in PDF format.

MaineDOT will complete and distribute the booklet by September 2023. A copy of the booklet will be available on MaineDOT's website for downloading by the public.

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

VII. 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, FHWA may consult with the other signatories to reconsider the terms of the agreement and amend it in accordance with Stipulation XI.

VIII. Post-Review Discoveries

If potential historic properties are discovered or unanticipated effects on historic properties found, FHWA 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, MaineDOT shall suspend work in the area of the discovery in accordance with Maine Department of Transportation Standard Specification *105.9: Historic and Archaeological Considerations* and DOT shall immediately notify the FHWA. In compliance with 36 CFR §800.13, FHWA shall notify within 24 hours the ACHP, the Maine SHPO, and, if applicable, federally recognized tribal organizations that attach religious and/or cultural significance to the affected property. The Maine SHPO, the FHWA, MaineDOT, and Tribal representatives, as appropriate, may conduct a joint field review within 72 hours of the notification to the FHWA. The FHWA, 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. 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 FHWA, 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 FHWA, 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).

Commented [SS19]: Separate this stipulation into two separate Stipulations: Post-Review Discoveries and Treatment of Human Remains.

IX. Reporting

Each year following the execution of this agreement until it expires or is terminated, 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 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 pursuant to Stipulation XI.

Commented [SS20]: Indicate a specific time frame when this report will be provided to all parties.

X. Dispute Resolution

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

Commented [SS21]: Include a public dispute resolution clause.

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

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

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. 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.

XI. Amendments and Noncompliance

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~~Council. If the ~~signatories~~ cannot agree to appropriate terms to amend the MOA, any signatory may terminate the agreement in accordance with Stipulation XII.

Commented [SS22]: Does this include invited signatories? Please clarify.

XII. Termination

If the MOA is not amended following the consultation set out in Stipulation XI it may be terminated by any signatory or invited signatory. Within 30 days following termination, FHWA 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 Council~~ under 36 CFR §800.7(a) and proceed accordingly.

XIII. 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 FHWA, SHPO, and the ACHP that it intends to do so, and adherence to the terms of this MOA.

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SIGNATORIES:

Federal Highway Administration

_____ Date
Todd D. Jorgensen
Division Administrator

Maine State Historic Preservation Officer

_____ Date
Kirk Mohney
State Historic Preservation Officer

Advisory Council on Historic Preservation

_____ Date
John M. Fowler
Executive Director

INVITED SIGNATORY:

Maine Department of Transportation

_____ Date

David Bernhardt
Commissioner

