



Preserving America's Heritage

November 7, 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 Second Draft Memorandum of Agreement for the Frank J. Wood Bridge Project in Cumberland and Sagadahoc Counties, Maine*
ACHPConnect Log Number: 012371

Dear Ms. Martin:

The Advisory Council on Historic Preservation (ACHP) has reviewed the second draft Memorandum of Agreement (MOA) for the referenced undertaking, provided by the Federal Highway Administration, Maine Division, (FHWA) on October 24, 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). FHWA revised the MOA to address the comments submitted by the consulting parties after reviewing the First Draft MOA.

The ACHP recommends FHWA consider additional revisions before executing the MOA, which have been made in redline strikeout in the attached draft MOA. Our comments should be considered along with other relevant revisions and edits submitted by other consulting parties who are participating in the Section 106 consultation process.

As previously stated in our letter to FHWA on October 22, 2018, we recommend that FHWA clearly articulate in the MOA's whereas clauses that it has agreed to consider the Frank J. Wood Bridge eligible for the National Register of Historic Places (NRHP) under Criteria A and C. While the Maine Department of Transportation (DOT) is re-evaluating metal truss bridges in the state of Maine, including the Frank J. Wood Bridge, the commitment from FHWA to consider the bridge eligible under Criterion C addresses the consulting parties' comments and concerns regarding a more complete assessment of the bridge's historic significance.

The ACHP looks forward to receiving FHWA's response and a revised draft of the MOA. If you have any questions, please contact Sarah Stokely at (202) 517-0224, or via e-mail at sstokely@achp.gov.

Sincerely,

Jaime Loichinger
Acting Assistant Director, FPLAS Section
Office of Federal Agency Programs

Enclosures

[FINAL DRAFT]

MEMORANDUM OF AGREEMENT

**AMONG 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 11.01.2018

WHEREAS, the Federal Highway Administration (FHWA) plans to fund the Frank J. Wood Bridge project (undertaking) between Brunswick and Topsham, Maine pursuant to the National Historic Preservation Act of 1966, 54 U.S.C. 306101 et seq; and

WHEREAS, the undertaking consists of replacing the Frank J. Wood Bridge with a new steel girder bridge supported by concrete abutments and piers on an upstream alignment; and

Comment [SS1]: The FHWA funding is not pursuant to the National Historic Preservation Act. Please cite the FHWA legislative authority that allows FHWA to fund this undertaking.

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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);

WHEREAS, the MaineDOT proposes to design and construct the undertaking and has been delegated responsibilities under the Maine Section 106 Programmatic Agreement with FHWA, the Maine State Historic Preservation Officer (SHPO), and the Advisory ACHP Council on Historic Preservation (ACHP).

Comment [SS2]: I recommend you separate this into two separate Whereas Clauses.

Comment [SS3]: Please cite the full title of the PA and when it was executed.

~~WHEREAS, the undertaking consists of replacing the Frank J. Wood Bridge with a new steel girder bridge supported by concrete abutments and piers on an upstream alignment; and~~

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

WHEREAS, FHWA has determined that the undertaking has an adverse effect on the Cabot Mill, which is eligible for listing in the National Register of Historic Places (NRHP) under Criteria A & C; the Frank J. Wood Bridge which is eligible for listing in the ~~NRHP National Register of Historic Places~~ under Criteria A; the Brunswick Topsham Industrial Historic District which is eligible for listing in the ~~National Register of Historic Places~~ NRHP under Criteria A & C; and Pejepscot Paper Company which is listed in the ~~NRHP National Register of Historic Places~~ under Criteria A & C, and has consulted with the SHPO ~~pursuant to 36 CFR Part 800, the regulations implementing Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108)~~; and

Comment [SS4]: As discussed in the last Section 106 consultation meeting, please include text that explains the FHWA is considering this bridge eligible under Criterion C

Comment [SS5]: You already referenced the Section 106 regulations..

~~WHEREAS, FHWA has ensured that the local and state significance of the Frank J. Wood bridge will be captured in compensatory mitigation; and~~

Comment [SS6]: You have already stated the significance of the Frank J. Wood Bridge above and FHWA should ensure that the local and state significance for all the historic properties receive compensatory mitigation.

WHEREAS, FHWA has consulted with ~~the~~ federally-recognized Indian tribes (Tribes) including the Aroostook Band of Micmacs, Houlton Band of Maliseet Indians, Passamaquoddy Tribe, and Penobscot Nation ~~on the of the~~ proposed undertaking action in accordance with 36 CFR Section 800.3 (f)(2). Emails were sent to the Tribes tribes on November 3, 2015 in accordance with their preferred method of receiving information from the Department of Transportation. The Penobscot Nation and the Passamaquoddy Tribe responded on November 19, 2015 and December 8, 2016 and indicated that this undertaking will have no impact on a structure or site of historic, architectural or archaeological significance to their Tribes. FHWA provided information on the preferred alternative and archaeological Phase II results to the Tribes tribes on October 22, 2018. The Houlton Band of Maliseet responded with no concerns; and

Comment [SS7]: Please explain how (e.g. via email).

WHEREAS, in accordance with 36 CFR 800.2(c), FHWA has requested input and considered the views of consulting parties (Attachment B) in a manner that reflects the nature and complexity of the undertaking and its effects on historic properties. Attachment C provides a timeline of the Section 106 process including communications to and from the consulting parties; and

WHEREAS, in accordance with 36 CFR 800.2(d), FHWA has requested input and considered the views of and the public in a manner that reflects the nature and complexity of the undertaking and its effects on historic properties; ~~and- Attachment C provides a timeline of the Section 106 process; and~~

WHEREAS, in accordance with 36 CFR Section 800.6(a)(1), FHWA has notified the ACHP of the potential for an adverse effect determination. FHWA ~~has~~ invited the ACHP to consult and the ACHP has chosen to participate in the consultation pursuant to 36 CFR Section 800.6(a)(1)(iii) on December 28, 2017; and

WHEREAS, in accordance with 36 CFR Section 800.6(c)(2), FHWA has invited the MaineDOT to be an invited signatory and in accordance with 36 CFR Section 800.6(c)(3), FHWA has invited the consulting parties to be concurring signatories;

Comment [SS8]: Separate into two separate Whereas Clauses.

NOW, THEREFORE, the 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~~ **New Bridge Design Review Process**

MaineDOT will consult with the Maine SHPO, ~~the Bridge Design Committee, and the consulting parties through final design on the final design of the new bridge. The bridge type has been established as a steel girder bridge supported by concrete abutments and piers.~~ MaineDOT will provide the Bridge Design Committee and the ~~Section 106~~ consulting parties, for their review and comments, details on aesthetic bridge design features, including public space, viewing, railing and lighting options to ensure compatibility with existing historic features. The information will be provided at 60% and 90% relevant design documents via email and posted on the MaineDOT Frank J Wood web page. The Design Advisory Committee and ~~Section 106~~ consulting parties will have ~~15 calendar days~~ to review and provide any comments to MaineDOT.

Comment [SS9]: This was already mentioned earlier in a Whereas Clause.

MaineDOT will consult with the Maine SHPO through the final design phase of the project and provide ~~these features~~ at 60% and 90% design.

Comment [SS10]: This seems to be a short review period . Please confirm with the consulting parties that they agree with this review period.

Comment [SS11]: What features?

Comment [SS12]: How will MaineDOT consult with Maine SHPO on this new bridge? This needs more detail.

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) Level 1 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 to be archived. The Maine SHPO may request a second round of review.

MaineDOT will be responsible for providing the following to:

*Maine SHPO

one (1) archival printed copy of the HAER, one (1) set of large format photos and negatives, and pdfs on a USB flash drive.

*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~~ **NRHP** 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. MaineDOT will submit qualified consultants to the Maine SHPO for approval. 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.

MaineDOT will complete the National Register nomination by December 2022.

IV. Outdoor Interpretive Panel

MaineDOT will design and install two (2) permanent outdoor interpretive displays (consisting of no more than three (3) panels at each site) depicting the Frank J. Wood Bridge and earlier crossings, their history, and significance. The interpretive panels will be erected at locations within the view shed of the bridge. One (1) location will be in Brunswick and one (1) location will be in Topsham. The panels' content and material will be prepared by MaineDOT and a 36 CFR 61 qualified architectural historian. The Maine SHPO, town officials, the Pejepscot Historical Society, and the consulting parties will be provided an opportunity for 45 (forty-five) calendar days to review a draft of the interpretive panel(s)' content, design, and locations.

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 installation and appropriate plaque interpretation will be determined in consultation with FHWA, MaineDOT, Maine SHPO, town officials, and the consulting parties. 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.

MaineDOT will install the conserved plaques by September 2023.

VI. Adaptive Reuse or Reuse of Portions of the Structure

Prior to dismantling, MaineDOT and the Federal Highway Administration (FHWA) shall offer the Frank J. Wood bridge to any group that could legally take possession of the bridge and maintain it at a new location, provided the group assumes all future legal and financial liability. Costs to induce acceptance of the offer of donation may not exceed the cost to dismantle the bridge. FHWA, the Maine State Historic Preservation Officer and MaineDOT will work jointly to determine the most appropriate use of the existing bridge from any proposals received.

If no offers are received for adaptive reuse, then a portion and/or feature of the Frank J. Wood Bridge will be retained and offered to the towns or the Pejepscot Historical Society.

MaineDOT will offer the bridge for adaptive reuse by March 2019. If no offers are received MaineDOT will coordinate with the town of Brunswick, the town of Topsham, and the Pejepscot Historical Society on portions of the bridge beginning by August 2019.

VII. Illustrated Booklet on the History of the River Crossing

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, Pejepscot Historical Society, and the consulting parties will be provided an opportunity of forty-five (45) calendar days to review and comment on one draft.

Comment [SS13]: Will the consulting parties be able to review and comment on this 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 Public 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.

VIII. Indoor Traveling Exhibit

MaineDOT will develop a single indoor traveling exhibit consisting of three (3) 24" x 36" panels that share the story of the history of the Androscoggin River crossing, including the Frank J. Wood Bridge. MaineDOT will be responsible for research, development, and design. MaineDOT will retain the services of a 36 CFR 61 qualified architectural historian to develop the exhibit.

MaineDOT will be responsible for creating digital back-up files and providing them the Maine SHPO and the Pejepscot Historical Society. The Maine SHPO, Pejepscot Historical Society, and the consulting parties will be provided an opportunity for a 45 (forty-five) calendar day review of the draft content and design. The final exhibit will be housed at the Pejepscot Historical Society.

MaineDOT will complete and distribute the exhibit by September 2023.

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

IX. 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.

X. 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.

XI. Discovery of Human Remains

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). 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 ACHP on Historic Preservation (ACHP), the Aroostook Band of Micmacs, Houlton Band of Maliseet Indians, Passamaquoddy Tribe, and Penobscot Nation. Stipulation X of this agreement will be followed; and

XII. Reporting

Each year, by December 1, 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; and

XIII. 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:

- 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 FHWA 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 FHWA 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, 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

XIV. Resolving Public Objections

At any time during implementation of the terms of this Agreement, should any member of the public raise an objection in writing pertaining to such implementation to any signatory party to this Agreement, that signatory party shall immediately notify FHWA. FHWA shall:

- A. Immediately notify the other signatory parties in writing of the objection. Any signatory party may choose to comment on the objection to FHWA.
- B. Establish a reasonable time frame for this comment period. FHWA shall consider the objection, and in reaching its decision, FHWA will take all comments from the other parties into account.
- C. Within 15 days following closure of the comment period, FHWA will render a decision regarding the objection and respond to the objecting party. FHWA will promptly notify the other signatory parties of its decision in writing, including a copy of the response to the objecting party. FHWA's decision regarding resolution of the objection will be final.
- D. Following the issuance of its final decision, FHWA may authorize the action subject to dispute hereunder to proceed in accordance with the terms of that decision. Nothing in this paragraph creates additional legal rights or responsibilities on the FHWA that are not already afforded under the NHPA.
- E. FHWA's responsibility to carry out all other actions or terms of this MOA that are not the subject of the objection remain unchanged and may proceed.

XV. Amendments

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

~~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(e)(7) and 800.6(e)(8). The amendment will be effective on the date a copy signed by all of~~

Comment [SS14]: This text usually found in the termination clause.

~~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 XVI.~~

XVI. Termination

If the MOA is not amended following the consultation set out in Stipulation XV 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 under 36 CFR §800.7(a) and proceed accordingly.

XVII. 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.

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

SIGNATORIES:

Federal Highway Administration

_____ Date
Todd D. Jorgensen
Division Administrator

SIGNATORIES:

Maine State Historic Preservation Officer

_____ Date
Kirk Mohney
State Historic Preservation Officer

SIGNATORIES:

| Advisory ~~ACHP~~Council on Historic Preservation

_____ Date
John M. Fowler
Executive Director

INVITED SIGNATORY:

Maine Department of Transportation

_____ Date
David Bernhardt
Commissioner

CONCURRING SIGNATORIES:

_____ Date
Scott Hanson

CONCURRING SIGNATORIES:

_____ Date
Ann Carroll

CONCURRING SIGNATORIES:

_____ Date
Charles Carroll

CONCURRING SIGNATORIES:

_____ Date
Phinney Baxter White

CONCURRING SIGNATORIES:

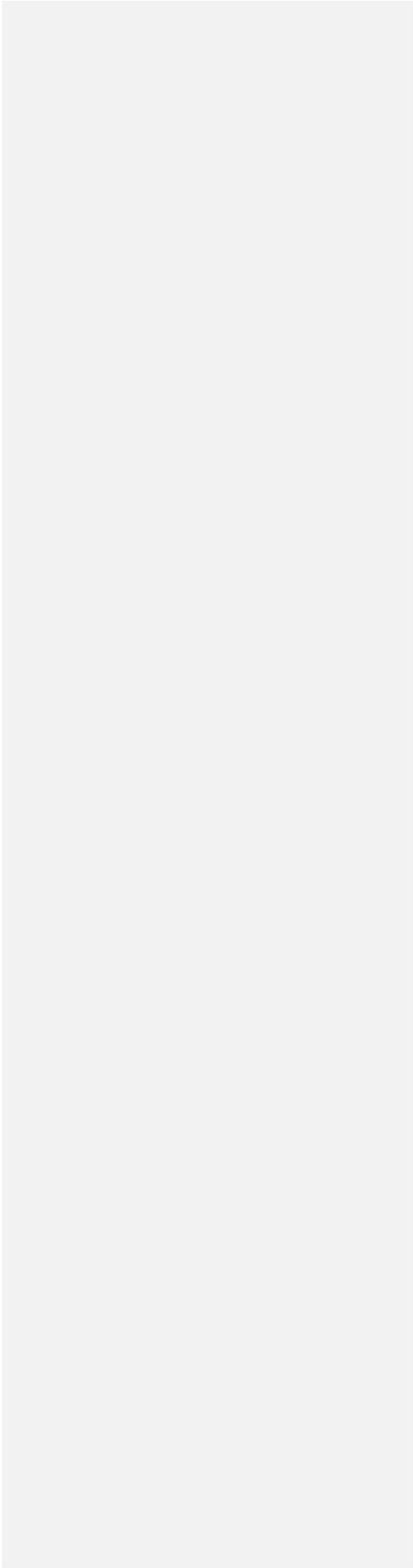
_____ Date
Steven Stern

CONCURRING SIGNATORIES:

_____ Date
William Morin

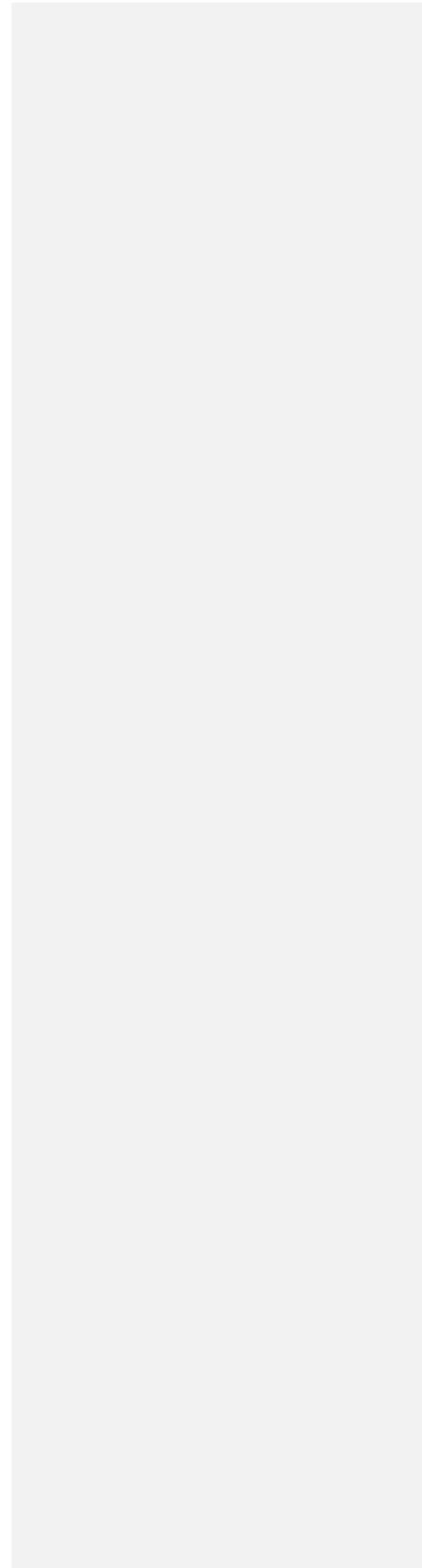
CONCURRING SIGNATORIES:

_____ Date
Arlene Morris



CONCURRING SIGNATORIES:

_____ Date
John Graham



From: [Birk, Eva \(FHWA\)](#)
To: williammorin@midmaine.com
Cc: [Martin, Cheryl \(FHWA\)](#); [Senk, Julie](#); [Gardner, David](#); [Chamberlain, Kristen](#)
Subject: [EXTERNAL SENDER] RE: Tribal Consultation Question
Date: Monday, November 05, 2018 4:58:15 PM

Good afternoon Bill,

The findings of the Phase I/II archeology survey provided to the tribes are located on MaineDOT's website here under the "documents related to the review process" section.

<https://www.maine.gov/mdot/env/frankjwood/#>

This is essentially a notice that reads as follows:

Maine Historic Preservation Commission (MHPC) conducted a Phase I/II survey for the preferred alternative from September 10, 2018 to September 17, 2018. MHPC concluded in a memo dated September 19, 2018 that no archaeological properties will be affected by the preferred alternative.

A state statute (27 M.R.S.A. 371-378) protects possible NR eligible sites from public disclosure, and thus we do not typically publish archeology reports online. Also, the reports typically take a few months to finalize. There is no report for Brunswick at this time, just a conclusion from the MHPC stating there are no archaeological properties affected by the undertaking.

That being said, I know you were looking for information related to history of the Pejepscots. We welcome any comments for recordation or explanation of history of the Pejepscots in the area within the MOA. While the results of the archeology survey may not be helpful, you can certainly provide specific suggestions based on your own knowledge of the area or other published reports.

I hope this is helpful, and please feel to reach out with any questions. We look forward to your comments.

Kind regards,

Eva

Eva Birk
Environmental Specialist
FHWA Maine Division
40 Western Avenue, Room 614
Augusta, ME 04330
T: 207-512-4921
F: 207-626-9133
e-mail: eva.birk@dot.gov

From: Birk, Eva (FHWA)
Sent: Wednesday, October 31, 2018 2:26 PM
To: 'williammorin@midmaine.com' <williammorin@midmaine.com>
Cc: Martin, Cheryl (FHWA) <Cheryl.Martin@dot.gov>; Senk, Julie <Julie.Senk@maine.gov>; Gardner, David <David.Gardner@maine.gov>
Subject: Tribal Consultation Question

Dear Bill,

Thank you for your phone call earlier today regarding language contained in the draft Final MOA for the Frank J Wood Bridge Project. The sentence you pointed to in **yellow** below refers to *additional* information provided to the tribes on the bridge project, after the initial tribal notification in 2015 per 36 CFR 800.3 (f)(2).

WHEREAS, FHWA has consulted with 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). Emails were sent to the tribes on November 3, 2015 in accordance with their preferred method of receiving information from the Department of Transportation. The Penobscot Nation and the Passamaquoddy Tribe responded on November 19, 2015 and December 8, 2016 and indicated that this undertaking will have no impact on a structure or site of historic, architectural or archaeological significance to the Tribes. **FHWA provided information on the preferred alternative and archaeological Phase II results to the tribes on October 22, 2018.** The Houlton Band of Maliseet responded with no concerns; and

The October 22, 2018 date is correct. Apologies if this was unclear. There is no additional language intended after the semicolon.

Thank you and let me know if you have any further questions.

Kind regards,

Eva

Eva Birk
Environmental Specialist
FHWA Maine Division
40 Western Avenue, Room 614
Augusta, ME 04330
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F: 207-626-9133
e-mail: eva.birk@dot.gov

From: Birk, Eva (FHWA)

Sent: Wednesday, October 24, 2018 5:24 PM

To: Phinney Baxter White <phin@governorbaxter.com>; kitty@historicbridgefoundation.com;
Nathan Holth <nathan@historicbridges.org>; s.t.hanson@comcast.net; John Graham
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William F Morin <williammorin@midmaine.com>; Greg Paxton <greg@mainepreservation.org>; Jim
Tasse <jim@bikemaine.org>; chickcarroll76@hotmail.com; sstokely@achp.gov; Betsy Merritt
<emerritt@savingplaces.org>

Cc: Chamberlain, Kristen <Kristen.Chamberlain@maine.gov>; Frankhauser Jr, Wayne
<Wayne.FrankhauserJr@maine.gov>; Kittredge, Joel <Joel.C.Kittredge@maine.gov>;
david.gardner@maine.gov; Pulver, William <William.Pulver@maine.gov>; Jorgensen, Todd (FHWA)
<Todd.jorgensen@dot.gov>; Clarke, David (FHWA) <david.clarke@dot.gov>; Kate Willis
<kwillis@kleinfelder.com>; Senk, Julie <Julie.Senk@maine.gov>; Vaughn-Fair, Sharon (FHWA)
<Sharon.Vaughn-Fair@dot.gov>; Morales, Silvio (FHWA) <silvio.morales@dot.gov>; Drozd, Maria
(FHWA) <Maria.Drozd@dot.gov>; Lawrence, Brian (FHWA) <Brian.Lawrence@dot.gov>; Crawford,
Richard <Richard.Crawford@maine.gov>

Subject: Frank J. Wood Bridge Project - Final Draft MOA for Comment

Good afternoon,

Please find attached a FINAL DRAFT Memorandum of Agreement (MOA) for the Frank J. Wood Bridge project. We are initiating a final, two week public comment period on this document starting today and ending on **Wednesday, November 7, 2018**.

Thank you for your input and ideas. I am attaching a copy of the first draft for comparison. Please reach out to myself or Cheryl Martin (Cheryl.Martin@dot.gov) with any questions.

Kind regards,

Eva

Eva Birk
Environmental Specialist
FHWA Maine Division
40 Western Avenue, Room 614
Augusta, ME 04330

T: 207-512-4921
F: 207-626-9133
e-mail: eva.birk@dot.gov

From: Martin, Cheryl (FHWA)

Good Afternoon,

Please find attached the DRAFT Memorandum of Agreement (MOA) for the Frank J. Wood Bridge project. We are initiating a thirty day public comment period regarding the DRAFT MOA starting today and ending on October 20, 2018. A final Consulting Parties Meeting has been scheduled for October 3, 2018 from 2:00 – 4:00 pm at the Topsham Town Office, 100 Main Street, Topsham, Maine. The purpose of the meeting will be to gather consulting party input and views on the DRAFT MOA mitigation measures for the project.

Following is the information for those calling into the meeting:

[Conference Line: 1-877-455-0244](tel:1-877-455-0244)

[Participant Passcode: 7142868343](tel:7142868343)

Memorandums of Agreements are the vehicle within the Section 106 process to resolve adverse effects to historic properties. More information on MOAs may be found on the Advisory Council for Historic Preservation's website here: <https://www.achp.gov/initiatives/guidance-agreement-documents>. The mitigation measures included in the DRAFT MOA were generated after reviewing suggestions received from comments on the Environmental Assessment, comments from consulting parties, and typical measures included in MOA's from similar projects in Maine.

A detailed agenda will be forwarded to you early next week.

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
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From: [Gardner, David](mailto:David.Gardner@maine.gov)
To: [Senk, Julie; Chamberlain, Kristen](mailto:Senk.Julie@chamberlain.kristen)
Subject: FW: [EXTERNAL SENDER] Re: Frank J. Wood Bridge Individual Eligibility Assessment
Date: Wednesday, October 31, 2018 8:10:24 AM

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

Sent: Wednesday, October 31, 2018 7:00 AM

To: Gardner, David <David.Gardner@maine.gov>

Cc: Birk, Eva (FHWA) <eva.birk@dot.gov>; Martin, Cheryl (FHWA) <cheryl.martin@dot.gov>; 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>; Mohny, Kirk <Kirk.Mohny@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; aadams@lcnme.com; Susan Sharon <ssharon@mpbn.net>; Don Carrigan <Don.Carrigan@wvsh6.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>; Muther, Christopher <christopher.muther@globe.com>; Donna Neff <neff.donna@gmail.com>; dmacleod@bangordailynews.com; chris@timesrecord.com

Subject: [EXTERNAL SENDER] Re: Frank J. Wood Bridge Individual Eligibility Assessment

Good Morning David,

I would really like to have access to the draft of the metal truss re-evaluation. Can you please send the draft to me?

The Final Draft MOA on the Frank Wood Bridge was recently issued by FHWA and the comment period for that document ends on November 7th. **I cannot effectively respond while your office, the Maine DOT, keeps the metal truss re-evaluation survey from the consulting parties and certain signatories on the MOA.**

You have indicated that the State Historic Preservation Officer has been given the metal truss re-evaluation draft. The SHPO is listed as one of the signatories for the MOA. I am a consulting party and I'm listed as one of the signatories on the MOA. I see no harm in releasing this draft to the other signatories. Please advise.

Thank you,
Phinney

On Sep 27, 2018, at 11:03 AM, Gardner, David <David.Gardner@maine.gov> wrote:

Hello Phinney,

The draft metal truss re-evaluation is currently with MHPC for their review. It will not be finalized prior to the 10/3/18 Section 106 consulting parties meeting for Frank J. Wood Bridge.

The re-evaluation is not part of the Frank J. Wood Section 106 process. It is a separate process on a separate timeline.

FHWA's 8/20/18 mitigation comment response does address rolled steel beam technology. MaineDOT has assessed the technology as stated in the response and our assessment indicates that the use of rolled steel sections became widespread and common in late 1929 and onward. Many of the truss bridges built after 1929 used this technology (including approximately 70% of extant metal truss bridges built in the 1930s). Therefore, the bridges constructed after 1929 are not considered significant for the use of rolled steel sections. This is being reviewed by MHPC.

FHWA's 8/20/18 mitigation comment response also addresses the status of the truss re-evaluation and as indicated in FHWA's response it should be complete this fall. MaineDOT and MHPC are still consulting on the re-evaluation.

The preferred alternative does have an adverse effect on the eligible Frank J. Wood bridge and mitigation measures are being reviewed to address the adverse effects. Stipulations in the draft MOA are included that are typically part of

mitigation for bridges eligible under criteria C.

The purpose of the 10/3/18 meeting is to discuss mitigation. Suggestions you have for mitigation (even to address criteria C) are welcome. FHWA will be taking comments on mitigation through 10/20/18.

David Gardner
Coordination, Assessment and Permits Division Manager
MaineDOT Environmental Office

From: Phinney Baxter White [<mailto:phin@governorbaxter.com>]
Sent: Tuesday, September 25, 2018 1:26 PM
To: Gardner, David <David.Gardner@maine.gov>
Cc: Senk, Julie <Julie.Senk@maine.gov>; 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@lcme.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>; Muther, Christopher <christopher.muther@globe.com>
Subject: Re: Frank J. Wood Bridge Individual Eligibility Assessment

Hello David,

Why is the Maine DOT survey taking so long?

Cheryl Martin is referencing information from the *not yet released* survey to support FHWA and MDOT arguments against National Register eligibility of the Frank Wood Bridge under Criterion C.

As a consulting party in the Section 106 I am requesting the draft survey and specifically access to the information Cheryl Martin 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 next consulting parties meeting which is being held on October 3rd from 2-4 PM at the Topsham Town Office.

Thanks,
Phin

On Feb 15, 2018, at 9:12 AM, Gardner, David <David.Gardner@maine.gov> wrote:

Dear Mr. White,

The MaineDOT has begun the process of reevaluating MaineDOT metal truss bridges statewide. The main

focus of this assessment is to reevaluate extant metal truss bridges that were determined not eligible for the National Register of Historic Places during the original Historic Bridge Survey. In order to do so, all MaineDOT metal truss bridges (extant or replaced) that were part of the original Historic Bridge Survey will be reviewed. Therefore, part of this survey will address the Frank J. Wood Bridge within the greater context of significance that the extant bridges are being reevaluated under. The survey will be conducted in accordance with National Register Bulletin 15 and will be carried out by staff meeting the Secretary of the Interior's Professional Qualification Standards and in coordination and consultation with the Maine Historic Preservation Commission.

The Frank J. Wood Bridge was reevaluated and determined to be an individually eligible resource in December 2017. Therefore, this statewide survey and reevaluation is a separate effort from the Brunswick-Topsham Frank J. Wood Bridge Project.

David Gardner
Coordination, Assessment and Permits Division Manager
MaineDOT Environmental Office

From: Phinney Baxter White [<mailto:phin@governorbaxter.com>]
Sent: Wednesday, February 14, 2018 7:32 AM
To: Martin, Cheryl (FHWA) <Cheryl.Martin@dot.gov>
Cc: Clarke, David (FHWA) <david.clarke@dot.gov>; kitty@historicbridgefoundation.com; Nathan Holth <nathan@historicbridges.org>; s.t.hanson@comcast.net; John Graham <John@johngrahamrealestate.com>; stern@gwi.net; stevehinchman@gmail.com; admorris@gwi.net; William F Morin <williammorin@midmaine.com>; Greg Paxton <greg@mainepreservation.org>; Christopher Closs <chris@mainepreservation.org>; Mitchell, Christi <Christi.Mitchell@maine.gov>; Mohney, Kirk <Kirk.Mohney@maine.gov>; sstokely@achp.gov; Gardner, David <David.Gardner@maine.gov>; Chamberlain, Kristen <Kristen.Chamberlain@maine.gov>; Senk, Julie <Julie.Senk@maine.gov>; Jorgensen, Todd (FHWA) <Todd.jorgensen@dot.gov>
Subject: Re: Frank J. Wood Bridge Individual Eligibility Assessment

Thank you. Will do.

Phin

On Feb 14, 2018, at 7:29 AM, Martin, Cheryl (FHWA) <Cheryl.Martin@dot.gov> wrote:

Mr. White,

My understanding is that the Frank J. Wood Bridge will be included in the resurvey of the metal truss bridges in Maine. However, this survey is being conducted by the Maine Department of Transportation. I suggest that you contact David Gardner, Coordination, Assessment and Permits Division Manager
MaineDOT Environmental Office, for information about the survey. He can be contacted at david.gardner@maine.dot or 207-592-2471.

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: Sunday, February 11, 2018 7:15 PM
To: Martin, Cheryl (FHWA) <Cheryl.Martin@dot.gov>
Cc: Mohney, Kirk <kirk.mohney@maine.gov>; 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>; sstern@zwi.net; stevehinchman@gmail.com; admorris@zwi.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@wchsh6.com>; news@wiscassetnewspaper.com; wmtw@wmtw.com; tvmail@wgme.com; Mitchell, Christi <Christi.Mitchell@maine.gov>; dbradbury@pressherald.com; sstokely@achp.gov; cvaughn@achp.gov

Subject: Fwd: Frank J. Wood Bridge Individual Eligibility Assessment

Dear Ms Martin,

The Maine State Historic Preservation Officer has informed me that the Maine DOT is currently resurveying all extant metal truss bridges in the state. In addition the SHPO, Kirk Mohney, indicated that he conveyed to the Maine DOT, *"the importance of evaluating the significance of each bridge in relation to all of the National Register of Historic Places criteria and to all potential areas of significance."* With the Frank Wood Bridge now determined as historic and being individually eligible for listing on the National Register of Historic Places (no thanks or credit to your office) one would assume this bridge is included in the survey. Because of the bias you (FHWA) and the Maine DOT have shown throughout the Section 106 process I feel it is necessary to get some form of confirmation from you now. I request your office immediately confirm if the Frank J. Wood Bridge is included in this "resurvey".

Thank you,
J. Phinney Baxter White

Begin forwarded message:

From: "Mohney, Kirk" <Kirk.Mohney@maine.gov>
Subject: RE: Frank J. Wood Bridge Individual Eligibility Assessment
Date: January 24, 2018 at 4:07:20 PM EST
To: Phinney Baxter White <phin@governorbaxter.com>
Cc: Chris Chase <cchase@coastaljournal.com>, "Clarke, David (FHWA)" <david.clarke@dot.gov>, "Cheryl.Martin@dot.gov" <Cheryl.Martin@dot.gov>, "Chase, Cassandra (FHWA)" <Cassandra.Chase@dot.gov>, "mnaber@achp.gov" <mnaber@achp.gov>, "kitty@historicbridgefoundation.com" <kitty@historicbridgefoundation.com>, Nathan Holth <nathan@historicbridges.org>, "s.t.hanson@comcast.net" <s.t.hanson@comcast.net>, John Graham <John@johngrahamrealestate.com>, "sstern@zwi.net" <sstern@zwi.net>, "stevehinchman@gmail.com" <stevehinchman@gmail.com>, "admorris@zwi.net" <admorris@zwi.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" <dmoore@timesrecord.com>, David Jester <david.jester@maine.edu>, "Allison Brigham" <allibelle7@gmail.com>, chick carroll <chickcarroll76@hotmail.com>, "news@pressherald.com" <news@pressherald.com>, Beth Brogan <bbrogan@bangordailynews.com>, "news@timesrecord.com" <news@timesrecord.com>, "press@coastaljournal.com" <press@coastaljournal.com>, "aadams@lcnme.com"

<aadams@lcme.com>, Susan Sharon <ssharon@mpbn.net>, Don Carrigan <Don.Carrigan@wssh6.com>, "news@wiscassetnewspaper.com" <news@wiscassetnewspaper.com>, "wmtw@wmtw.com" <wmtw@wmtw.com>, "tvmail@wgme.com" <tvmail@wgme.com>, "Mitchell, Christi" <Christi.Mitchell@maine.gov>, "dbradbury@pressherald.com" <dbradbury@pressherald.com>

Dear Mr. White,

It is the Commission's understanding that the MaineDOT is presently resurveying all extant metal truss bridges in the state. In our discussions with the MaineDOT about this survey, we have emphasized the importance of evaluating the significance of each bridge in relation to all of the National Register of Historic Places criteria and to all potential areas of significance. The results of the survey will be submitted to our office for review and comment.

We anticipate that the MaineDOT's survey will consider the significance of the Frank J. Wood Bridge under Criterion C. Therefore, at this time the Commission does not plan to duplicate effort by conducting its own research into this potential area of the bridge's significance.

Sincerely,
Kirk F. Mohney
Director
Maine Historic Preservation Commission

From: Phinney Baxter White [<mailto:phin@governorbaxter.com>]
Sent: Thursday, January 18, 2018 9:17 PM
To: Mohney, Kirk <Kirk.Mohney@maine.gov>
Cc: Chris Chase <cchase@coastaljournal.com>; Clarke, David (FHWA) <david.clarke@dot.gov>; Cheryl Martin <Cheryl.Martin@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>; 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@lcme.com; Susan Sharon <ssharon@mpbn.net>; Don Carrigan <Don.Carrigan@wssh6.com>; news@wiscassetnewspaper.com; wmtw@wmtw.com; tvmail@wgme.com; Mitchell, Christi <Christi.Mitchell@maine.gov>; Mohney, Kirk <Kirk.Mohney@maine.gov>; dbradbury@pressherald.com
Subject: Re: Frank J. Wood Bridge Individual Eligibility Assessment

Dear Mr. Mohney,

I appreciate the work your office did to determine that the Frank Wood Bridge is in fact individually eligible for listing to National Register of History Places under criteria A. Your determination forced Federal Highway to acknowledge the fact. Throughout the 106 they had insisted it was not historic. It is my opinion they should have to retract the preferred alternative for building a new bridge because the determination for the preferred alternative finding utilized facts that were wrong. The big one being that the bridge was not stand alone NR eligible. We now know it is. The second one was not including the bridge in the list of historic properties that would be affected by the removal of the

bridge.

With the bridge still under 106 review this would be a good time to determine if the bridge is also NR eligible under criteria C. Even if it means nothing for the outcome it should be researched for the sake of history and to document what features this bridge has before it could be removed. I believe the Frank Wood Bridge is the earliest surviving example in Maine to exhibit the use rolled section members that substitute the built-up members used in previous designs. The Lichtenstein report of 2002 (http://digitalmaine.com/cgi/viewcontent.cgi?article=1032&context=mdot_docs) documents this significance of this new technology (on page II-7) in referencing the Piscataquis Bridge (MDOT bridge #3040). That bridge is gone, thanks to Federal Highway in Augusta and the Maine DOT.

On June 15th 2009 your office recognized the significance of these rolled section members with a document exchange pertaining to the Determination of Eligibility and Finding of Effect between your predecessor Earle Shettleworth and David Gardiner of the Maine DOT. That document clearly outlines the historical significance of this technological feature. The specific innovative design feature the Frank Wood Bridge has that makes it eligible under criteria C, in my opinion, are the vertical and diagonal rolled section members— see photo below. To quote the Lichtenstein report in referencing the Piscataquis Bridge: “The bridge is technologically significant for documenting the introduction of the use of rolled section members” which substitute the built-up members used in previous designs. If this feature was so significant to the Piscataquis Bridge (#3040), the International Bridge (Fort Kent #2398) and the Mill Pond Bridge (#2565)— which have all been removed, than why is not a significant feature on the Frank Wood Bridge? Can your office do some more research to make a determination on NR eligibility of the Frank Wood Bridge for criteria C?

Thanks,
Phinney

<image001.jpg>

On Dec 8, 2017, at 11:33 AM, Mohney, Kirk
<Kirk.Mohney@maine.gov> wrote:

Dear Mr. White,

As stated in the Commission’s November 16, 2017 memo to Julie Senk at the MaineDOT, in our opinion the Frank J. Wood Bridge is individually eligible for listing in the National Register of Historic Places under Criterion A. However, 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. Revisiting and updating the metal bridge inventory as we have recommended should provide an answer to this question. Such an evaluation should also determine if the use of rolled section members in truss bridges built after 1929 (when the practice appears to have first been adopted in Maine) renders a structure significant.

Feel free to contact me if you have any further questions regarding this matter.

Sincerely,
Kirk F. Mohney
Director
Maine Historic Preservation Commission

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

Sent: Tuesday, November 21, 2017 2:43 PM

To: Mohny, Kirk <Kirk.Mohny@maine.gov>

Subject: Re: Frank J. Wood Bridge Individual Eligibility Assessment

Kirk,

Thank you.

When you have a chance can you give me your thoughts on the “rolled section members”. And if the Frank Wood Bridge might be eligible under Criterion C as well due to the removal of the bridges I referenced previously. After the holiday is fine, no hurry really.

Here is a communication I received from a friend employed with a bridge building company which touches on the subject. I thought you might find this interesting too:

The bridge was designed by _____ (per the Kleinfelder report), but fabricated by Boston Bridge Works late in the history of that company. It incorporates built-up (riveted) members, and also rolled steel members. Thus it represents an economical design exhibiting a transition in bridge technology. Further exhibition of bridge technology is shown by the nature of traffic carried by the bridge. In 1932 there were pedestrians, and some percentage (help me here) was horse-drawn carriages. Also automobiles, trucks, and the _____ rail trolleys. Today, exclusively cars and trucks (along with pedestrian traffic on the footwalk).

With a proper rehabilitation, this bridge could serve for another hundred years or more. Who knows what traffic it will carry 100 years from now? Who knows how many future floods it will survive? Is this the widest surviving historic bridge in Maine carrying daily traffic?

I hope you and your family have a nice Thanksgiving.

Sincerely,
Phinney

On Nov 20, 2017, at 3:28 PM, Mohny, Kirk
<Kirk.Mohny@maine.gov> wrote:

Dear Mr. White,

Attached please find the Commission’s response to the MaineDOT’s memo dated October 26, 2017 in which we were asked to concur with the Department’s determination that the Frank J. Wood Bridge is not individually eligible for listing in the National Register of Historic Places.

You will see that in our opinion, the Frank J. Wood Bridge is individually eligible for listing in the National Register of Historic Places under Criterion A in the area of Transportation for its association with the Androscoggin & Kennebec Railway.

Feel free to contact me if you have any questions regarding our analysis and conclusions.

Sincerely,
Kirk

Kirk F. Mohney
Director
Maine Historic Preservation Commission

<SKM_C30817112010470.pdf>

From: [Phinney Baxter White](#)
To: [Birk, Eva \(FHWA\)](#); [Mohney, Kirk](#)
Cc: [Martin, Cheryl \(FHWA\)](#); [Chris Chase](#); [Clarke, David \(FHWA\)](#); [Chase, Cassandra \(FHWA\)](#); mnaber@achp.gov; kitty@historicbridgefoundation.com; [Nathan Holth](#); s.t.hanson@comcast.net; [John Graham](#); [Mohney, Kirk](#); sstern@zwi.net; stevehinchman@gmail.com; admorris@zwi.net; [William F Morin](#); [Greg Paxton](#); [Christopher Closs](#); dmoore@timesrecord.com; [David Jester](#); [Allison Brigham](#); [chick carroll](#); news@pressherald.com; [Beth Brogan](#); news@timesrecord.com; aadams@lcnme.com; [Susan Sharon](#); [Don Carrigan](#); news@wiscassetnewspaper.com; wmtw@wmtw.com; tvmail@wgme.com; [Mitchell, Christi](#); dbradbury@pressherald.com; [Sarah Stokely](#); cvaughn@achp.gov; [Gavin Engler](#); mcarter25@myfairpoint.net; [James Mixon](#); ejd1287@gmail.com; quark21@zwi.net; [Betsy Merritt](#); [Gardner, David](#); [Muther, Christopher](#); Donna.Neff@bangordailynews.com; chris@timesrecord.com
Subject: [EXTERNAL SENDER] Re: Frank J. Wood Bridge Project - Final Draft MOA for Comment
Date: Monday, November 05, 2018 6:09:49 AM
Attachments: [SKM_C30817112010470.pdf](#)

Eva,

Please revise my last statement from the second paragraph below as I realize now that during the period when the Frank Wood Bridge was not considered as being individually eligible for NR listing, the position of the SHPO (Kirk Mohney) and MHPC was not that they maintained a lack of individual eligibility for the bridge but in fact that they "did not actually concur with or object to the MDOT's conclusion that the Frank J. Wood Bridge is not individually eligible". The SHPO, Kirk Mohney, informed the Maine DOT that the bridge was individually eligible for listing to the National Register on November 16, 2017. Letter attached.

Thank you,
Phinney

On Nov 2, 2018, at 5:01 PM, Phinney Baxter White <phin@governorbaxter.com> wrote:

Dear Eva-

Respectfully: Some outdoor graphics and a little booklet to memorialize the Frank Wood Bridge are totally inadequate if the bridge is eligible under criteria C. While the "truss survey" is a separate process and action from the Frank Wood Bridge project it involves research on truss bridges in Maine with rolled steel members. And that involves the Frank Wood Bridge. To quote Kirk Mohney: "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. Revisiting and updating the metal bridge inventory as we have recommended should provide an answer to this question. Such an evaluation should also determine if the use of rolled section members in truss bridges built after 1929 (when the practice appears to have first been adopted in Maine) renders a structure significant. And that is why you are premature with your MOA. This has to be resolved prior to the MOA being signed.

To respond to your closing quote where you reference Kirk Mohney, the State Historic Preservation Officer, with his answer to the potential outcome of adding criteria C eligibility to the Frank Wood Bridge... which was: *That conclusion will not change if the bridge were to be found to have significance under multiple National Register criteria.* **Kirk Mohney, the SHPO, is wrong.** He has been in the wrong in the past about the Frank Wood Bridge. In regard to NR criteria he previously maintained the Frank Wood Bridge was not individually eligible but later reversed that decision with the eligibility in criteria A.

The Frank Wood Bridge is going to get eligibility under C. And you can't mitigate for that.

Have a nice weekend.

Phinney

On Nov 2, 2018, at 9:14 AM, Birk, Eva (FHWA)
<eva.birk@dot.gov> wrote:

Mr. White,

We are not seeking further comment on the Memorandum of Agreement (MOA) for the Frank J Wood Bridge Project after the November 7th deadline.

As Mr. Gardner stated, the truss survey being undertaken by MaineDOT is a separate process and action from the Frank J. Wood Bridge project. Secondly, in consultation with the Advisory Council on Historic Preservation, whose comments have been incorporated into a draft final MOA, FHWA is committed to ensuring that the full local and state significance of the Frank J. Wood bridge is captured in compensatory mitigation. If you or any other parties have further comment on how to incorporate appropriate mitigation measures relating to Criterion C or Criterion A into the MOA, please submit them by the November 7th deadline.

Regulations at 36 CFR Part 800.6 direct FHWA to resolve "adverse effects", regardless of National Historic Preservation Act (NHPA) Criteria listing. Further explanation of the role of different types of Criteria and how listing type informs appropriate mitigation measures was provided in a previous Q&A document, provided here for your reference:

Question 14: What if the Frank J. Wood Bridge is Individually Eligible under Criterion C? Could this influence design of a new bridge or the magnitude of adverse effects?

Answer: Based on consideration of new information, on December 11, 2017, FHWA determined that the Frank J. Wood Bridge is eligible for listing in the NRHP as an individual resource. The bridge remains a contributing resource to the NRHP eligible Brunswick-Topsham Historic District. During the consulting parties meeting held on June 27, 2018, FHWA's Chief Preservation Officer, David Clarke, stated that the finding of effect for the proposed bridge project would not change as a result of the Frank J. Wood Bridge being determined an individually eligible resource, since the project still results in adverse effects to historic properties. Section 106 Consulting parties were given an opportunity to comment on additional information regarding Individual Eligibility of the bridge and effects on January 16, 2018. In an email dated July 31, 2018, the SHPO stated: "As the Commission

has previously concluded, alternatives that involve the replacement of the Frank J. Wood Bridge will have an adverse effect upon historic properties. That conclusion will not change if the bridge were to be found to have significance under multiple National Register criteria.”

Kind regards,

Eva

Eva Birk

Environmental Specialist

FHWA Maine Division

40 Western Avenue, Room 614

Augusta, ME 04330

T: 207-512-4921

F: 207-626-9133

e-mail: eva.birk@dot.gov

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

Sent: Thursday, November 1, 2018 11:04 AM

To: Birk, Eva (FHWA) <eva.birk@dot.gov>; Martin, Cheryl (FHWA) <Cheryl.Martin@dot.gov>

Cc: Chris Chase <cchase@coastaljournal.com>; Clarke, David (FHWA) <david.clarke@dot.gov>; Ostrander, Cassandra (FHWA) <cassandra.ostrander@dot.gov>; mnaber@achp.gov; kitty@historicbridgefoundation.com; Nathan Holth <nathan@historicbridges.org>; s.t.hanson@comcast.net; John Graham <John@johngrahamrealestate.com>; Mohny, Kirk <kirk.mohny@maine.gov>; sstern@zwi.net; stevehinchman@gmail.com; admorris@zwi.net; William F Morin <williammorin@midmaine.com>; Greg Paxton <greg@mainepreservation.org>; Christopher Closs <chris@mainepreservation.org>; 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; aadams@lcme.com; Susan Sharon <ssharon@mpbn.net>; Don Carrigan <Don.Carrigan@wvsh6.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@zwi.net; Betsy Merritt <emerritt@savingplaces.org>; Gardner, David <david.gardner@maine.gov>; Muther, Christopher <christopher.muther@globe.com>; Donna Neff <neff.donna@gmail.com>; dmacleod@bangordailynews.com;

srecord.com

Subject: Re: Frank J. Wood Bridge Project - Final Draft MOA for Comment

Eva & Cheryl,

I respectfully request the date for “final.. public comment” be extended until the consulting parties have had access to the Maine DOT Truss Re-evaluation Survey or the draft version of this survey.

This morning I received a letter from David Gardner of the Maine DOT indicating the Maine DOT and the State Historic Preservation Officer are currently discussing the draft truss re-evaluation. I have attached his letter. David Gardner states that the discussions will occur for at least another month. These “discussions” could have a direct bearing on the criterion C eligibility of the Frank Wood Bridge. Your final MOA does not indicate the bridge as having eligibility under criteria C. If it determined later on to have eligibility under criteria C your process will have skipped over the single most significant feature of the Frank Wood Bridge, one that gives it a higher level of National Register eligibility. It’s more significant than the criteria A status it has now. It is much more significant than the eligibility it has within the context of a historic district. Criteria C eligibility makes the bridge an artifact. Your final MOA is premature because all of the discussions on National Register eligibility of the bridge should have been concluded prior to releasing the MOA.

In addition I want to voice my complaint about the draft truss re-evaluation being kept from the consulting parties. David Gardner indicates in his letter that the Maine DOT will not share the draft. The Section 106 guidelines set by the Advisory Council on Historic Preservation state that consulting parties have a higher standing than members of the public. There is no harm in giving the consulting parties the same information being supplied to the State Historic Preservation Officer. The consulting parties should be included in these discussions between MDOT and the SHPO. Why are we called "consulting parties" when no one is consulting with us?

By what authority or law do you justify the Maine DOT’s refusal to release the draft to us?

And will you extend the deadline for final public comment?

Thank you,
Phinney

On Oct 24, 2018, at 5:50 PM, Birk, Eva (FHWA)
<eva.birk@dot.gov> wrote:

Good afternoon,

Please find attached a FINAL DRAFT Memorandum of Agreement (MOA) for the Frank J. Wood Bridge project. We are initiating a final, two week public comment period on this document starting today and ending on **Wednesday, November 7, 2018**.

Thank you for your input and ideas. I am attaching a copy of the first draft for comparison. Please reach out to myself or Cheryl Martin (Cheryl.Martin@dot.gov) with any questions.

Kind regards,

Eva

Eva Birk
Environmental Specialist
FHWA Maine Division
40 Western Avenue, Room 614
Augusta, ME 04330
T: 207-512-4921
F: 207-626-9133
e-mail: eva.birk@dot.gov

From: Martin, Cheryl (FHWA)

Good Afternoon,

Please find attached the DRAFT Memorandum of Agreement (MOA) for the Frank J. Wood Bridge project. We are initiating a thirty day public comment period regarding the DRAFT MOA starting today and ending on October 20, 2018. A final Consulting Parties Meeting has been scheduled for October 3, 2018 from 2:00 – 4:00 pm at the Topsham Town Office, 100 Main Street, Topsham, Maine. The purpose of the meeting will be to gather consulting party input and views on the DRAFT MOA mitigation measures for the project.

Following is the information for those calling into the meeting:

Conference Line: 1-877-455-0244

Participant Passcode: 7142868343

Memorandums of Agreements are the vehicle within the Section 106 process to resolve adverse effects to historic properties. More information on MOAs may be found on the Advisory Council for Historic Preservation's website here: <https://www.achp.gov/initiatives/guidance-agreement-documents>. The mitigation measures included in the DRAFT MOA were generated after reviewing suggestions received from comments on the Environmental Assessment, comments from consulting parties, and typical measures included in MOA's from similar projects in Maine.

A detailed agenda will be forwarded to you early next week.

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
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Augusta, ME 04330
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Fax: 207-626-9133
e-mail: cheryl.martin@dot.gov

<Attachment A - APE Map.pdf><Attachment B - Frank J. Wood Bridge 22603.00 - List of Section 106 Consu....docx><ATTACHMENT C - Section 106 Timeline - FINAL.DOCX><FRANK J WOOD BRIDGE 22603.00 MOA DRAFT 9.20.18.docx><FRANK J WOOD BRIDGE 22603.00 MOA FINAL DRAFT 10.24.18.docx>

From: [Phinney Baxter White](#)
To: [Birk, Eva \(FHWA\)](#); [Martin, Cheryl \(FHWA\)](#)
Cc: [Chris Chase](#); [Clarke, David \(FHWA\)](#); [Chase, Cassandra \(FHWA\)](#); [mnaber@achp.gov](#); [kitty@historicbridgefoundation.com](#); [Nathan Holth](#); [s.t.hanson@comcast.net](#); [John Graham](#); [Mohney, Kirk](#); [sstern@qwi.net](#); [stevehinchman@gmail.com](#); [admorris@qwi.net](#); [William F Morin](#); [Greg Paxton](#); [Christopher Closs](#); [dmoore@timesrecord.com](#); [David Jester](#); [Allison Brigham](#); [chick carroll](#); [news@pressherald.com](#); [Beth Brogan](#); [news@timesrecord.com](#); [aadams@lcnme.com](#); [Susan Sharon](#); [Don Carrigan](#); [news@wiscassetnewspaper.com](#); [wmtw@wmtw.com](#); [tvmail@wgme.com](#); [Mitchell, Christi](#); [dbradbury@pressherald.com](#); [Sarah Stokely](#); [cvaughn@achp.gov](#); [Gavin Engler](#); [mcarter25@myfairpoint.net](#); [James Mixon](#); [ejd1287@gmail.com](#); [quark21@qwi.net](#); [Betsy Merritt](#); [Gardner, David](#); [Muther, Christopher](#); [Donna Neff](#); [dmacleod@bangordailynews.com](#); [chris@timesrecord.com](#)
Subject: [EXTERNAL SENDER] Re: Frank J. Wood Bridge Project - Final Draft MOA for Comment
Date: Friday, November 02, 2018 5:02:05 PM

Dear Eva-

Respectfully: Some outdoor graphics and a little booklet to memorialize the Frank Wood Bridge are totally inadequate if the bridge is eligible under criteria C. While the “truss survey” is a separate process and action from the Frank Wood Bridge project it involves research on truss bridges in Maine with rolled steel members. And that involves the Frank Wood Bridge. To quote Kirk Mohney: "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. Revisiting and updating the metal bridge inventory as we have recommended should provide an answer to this question. Such an evaluation should also determine if the use of rolled section members in truss bridges built after 1929 (when the practice appears to have first been adopted in Maine) renders a structure significant. And that is why you are premature with your MOA. This has to be resolved prior to the MOA being signed.

To respond to your closing quote where you reference Kirk Mohney, the State Historic Preservation Officer, with his answer to the potential outcome of adding criteria C eligibility to the Frank Wood Bridge... which was: *That conclusion will not change if the bridge were to be found to have significance under multiple National Register criteria.*” **Kirk Mohney, the SHPO, is wrong.** He has been in the wrong in the past about the Frank Wood Bridge. In regard to NR criteria he previously maintained the Frank Wood Bridge was not individually eligible but later reversed that decision with the eligibility in criteria A.

The Frank Wood Bridge is going to get eligibility under C. And you can’t mitigate for that.

Have a nice weekend.

Phinney

On Nov 2, 2018, at 9:14 AM, Birk, Eva (FHWA) <eva.birk@dot.gov> wrote:

Mr. White,

We are not seeking further comment on the Memorandum of Agreement (MOA) for the Frank J Wood Bridge Project after the November 7th deadline.

As Mr. Gardner stated, the truss survey being undertaken by MaineDOT is a separate process and action from the Frank J. Wood Bridge project. Secondly, in consultation with the Advisory Council on Historic Preservation, whose comments have been

incorporated into a draft final MOA, FHWA is committed to ensuring that the full local and state significance of the Frank J. Wood bridge is captured in compensatory mitigation. If you or any other parties have further comment on how to incorporate appropriate mitigation measures relating to Criterion C or Criterion A into the MOA, please submit them by the November 7th deadline.

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Kind regards,

Eva

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40 Western Avenue, Room 614
Augusta, ME 04330
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F: 207-626-9133
e-mail: eva.birk@dot.gov

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

Sent: Thursday, November 1, 2018 11:04 AM

To: Birk, Eva (FHWA) <eva.birk@dot.gov>; Martin, Cheryl (FHWA) <Cheryl.Martin@dot.gov>

Cc: Chris Chase <cchase@coastaljournal.com>; Clarke, David (FHWA) <david.clarke@dot.gov>; Ostrander, Cassandra (FHWA) <cassandra.ostrander@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@zwi.net; stevehinchman@gmail.com;
admorris@zwi.net; William F Morin <williammorin@midmaine.com>; Greg Paxton
<greg@mainepreservation.org>; Christopher Closs <chris@mainepreservation.org>;
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>;
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Gardner, David <david.gardner@maine.gov>; Muther, Christopher
<christopher.muther@globe.com>; Donna Neff <neff.donna@gmail.com>;
dmacleod@bangordailynews.com; chris@timesrecord.com

Subject: Re: Frank J. Wood Bridge Project - Final Draft MOA for Comment

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By what authority or law do you justify the Maine DOT's refusal to release the draft to us?

And will you extend the deadline for final public comment?

Thank you,
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Kind regards,

Eva

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Environmental Specialist
FHWA Maine Division
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Augusta, ME 04330
T: 207-512-4921
F: 207-626-9133
e-mail: eva.birk@dot.gov

From: Martin, Cheryl (FHWA)

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[Participant Passcode: 7142868343](tel:7142868343)

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Cheryl

Cheryl B. Martin
Assistant Division Administrator
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Fax: 207-626-9133
e-mail: cheryl.martin@dot.gov

<Attachment A - APE Map.pdf><Attachment B - Frank J. Wood
Bridge 22603.00 - List of Section 106 Consu....docx>
<ATTACHMENT C - Section 106 Timeline - FINAL.DOCX>
<FRANK J WOOD BRIDGE 22603.00 MOA DRAFT
9.20.18.docx><FRANK J WOOD BRIDGE 22603.00 MOA FINAL
DRAFT 10.24.18.docx>

From: [Gardner, David](#)
To: [Chamberlain, Kristen](#); [Senk, Julie](#); [Pulver, William](#)
Subject: Fwd: [EXTERNAL SENDER] Re: Frank J. Wood Bridge - Response to Question Concerning Approach Work
Date: Tuesday, November 06, 2018 3:40:18 PM

FYI

Get [Outlook for iOS](#)

From: Phinney Baxter White <phin@governorbaxter.com>

Sent: Tuesday, November 6, 2018 11:08 AM

To: Martin, Cheryl (FHWA)

Cc: Birk, Eva (FHWA); Chris Chase; Clarke, David (FHWA); Chase, Cassandra (FHWA); mnaber@achp.gov; kitty@historicbridgefoundation.com; Nathan Holth; s.t.hanson@comcast.net; John Graham; Mohney, Kirk; sstern@gwi.net; stevehinchman@gmail.com; admorris@gwi.net; William F Morin; Greg Paxton; Christopher Closs; dmoore@timesrecord.com; David Jester; Allison Brigham; chick carroll; news@pressherald.com; Beth Brogan; news@timesrecord.com; aadams@lcme.com; Susan Sharon; Don Carrigan; news@wiscassetnewspaper.com; wmtw@wmtw.com; tvmail@wgme.com; Mitchell, Christi; dbradbury@pressherald.com; Sarah Stokely; cvaughn@achp.gov; Gavin Engler; mcarter25@myfairpoint.net; James Mixon; ejd1287@gmail.com; quark21@gwi.net; Betsy Merritt; Gardner, David; Muther, Christopher; Donna Neff; dmacleod@bangordailynews.com; chris@timesrecord.com

Subject: [EXTERNAL SENDER] Re: Frank J. Wood Bridge - Response to Question Concerning Approach Work

Dear Cheryl,

I am requesting the minutes from the October 3rd Consulting parties meeting. I need them as I prepare my comments on the final draft MOA which has deadline of November 7th. That's tomorrow.

I also request all communications between your office and the Maine Historic Preservation Commission that have occurred after the October 3rd meeting.

There was no one from the MHPC office at that meeting and they did not call in. If you're communicating with MHPC privately and behind the scenes it is not fair to the consulting parties. We wanted them at the last two meetings. We wanted to hear their comments and answers to any questions proposed in the open format that a consulting parties meeting allows.

Thank you,

Phinney

On Oct 23, 2018, at 10:40 AM, Martin, Cheryl (FHWA) <Cheryl.Martin@dot.gov> wrote:

Good Morning,

A question was asked at the October 3, 2018 Frank J. Wood Bridge project Section 106 Consulting Parties meeting regarding the bridge approaches of the Preferred Alternative 2. It was indicated that MaineDOT has provided little detail on vertical changes in the approaches and the information that has been provided could not be interpreted by some of the consulting parties.

The Frank J. Wood Preliminary Design Report (PDR) was provided to the consulting parties and the public in August 2017 and has been posted on the MaineDOT web page since August 2017. The preliminary plan view and profile of the Brunswick and Topsham approaches are attached. These preliminary plans show the difference between the existing and proposed bridge deck elevations at various points along the project. The profile stationing corresponds to the proposed bridge alignment. The existing bridge elevations are projected perpendicularly from the existing bridge on to the proposed bridge alignment for reference.

The proposed bridge deck will be 2 to 3 feet higher than the existing bridge deck. At the Topsham approach, the proposed grade will transition to within 1 foot of existing grades at approximately 150 feet north of the proposed bridge abutment. The approach work ends approximately 25 feet southerly of Summer Street (prior to reaching the Summer Street intersection). The Brunswick approach work will transition to within 2 feet of existing grade approximately 225 feet south of the abutment. The approach then has a vertical change of approximately 1 foot for the next 125 feet where it then meets existing elevation and approach work terminates.

Also attached are the renderings provided in the August 22, 2018 response to comments provided to the consulting parties and posted on the website.

The PDR remains available on MaineDOT's Frank J Wood website <https://www1.maine.gov/mdot/env/documents/fjwepr/FrankJWoodBrg2016PDR.pdf>.

I anticipate sending the meeting minutes from the October 3, 2018 Consulting Parties meeting early next week.

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

<FJW Summer St Renderings Annotated 8-14-18.pdf><FJW_Profile_Grade_Change_Graphics Halfsize (003).pdf>

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](#); [smith@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 - Response to Question Concerning Approach Work
Date: Wednesday, November 07, 2018 9:44:03 AM

Good Morning Phin,

As I mentioned at the October 3, 2018 Consulting Parties Meeting, the draft truss re-evaluation is being reviewed by the Maine State Historic Preservation Office (Maine Historic Preservation Commission). The Frank J. Wood Bridge Section 106 process is a separate process on a separate timeline. The truss re-evaluation will be published when it is final. It will be posted on MaineDOT's website at that time.

Cheryl

Cheryl B. Martin
Assistant Division Administrator
Federal Highway Administration
Maine Division
Edmund S. Muskie Federal Building
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Phone: 207-512-4912
Fax: 207-626-9133
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From: Phinney Baxter White [mailto:phin@governorbaxter.com]
Sent: Tuesday, November 6, 2018 4:56 PM
To: Martin, Cheryl (FHWA) <Cheryl.Martin@dot.gov>
Cc: Mohney, Kirk <kirk.mohney@maine.gov>; Birk, Eva (FHWA) <eva.birk@dot.gov>; Chris Chase <cchase@coastaljournal.com>; Clarke, David (FHWA) <david.clarke@dot.gov>; Ostrander, Cassandra (FHWA) <cassandra.ostrander@dot.gov>; mnaber@achp.gov; kitty@historicbridgefoundation.com; Nathan Holth <nathan@historicbridges.org>; s.t.hanson@comcast.net; John Graham <John@johngrahamrealestate.com>; 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>; 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; aadams@lcnme.com; Susan Sharon <ssharon@mpbn.net>; Don Carrigan <Don.Carrigan@wssh6.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>; Muther, Christopher <christopher.muther@globe.com>; Donna Neff <neff.donna@gmail.com>; dmacleod@bangordailynews.com; chris@timesrecord.com

Subject: Re: Frank J. Wood Bridge - Response to Question Concerning Approach Work

Cheryl,

I have a favor to ask. If you can please assist in getting me the truss re-evaluation survey, or the draft form of it, I would greatly appreciate it.

The Maine DOT will not share it with me or with the Friends group.

Your office, Eva actually, and David Gardner at the Maine DOT keep saying the truss re-evaluation survey is a separate process from the Frank Wood Bridge project but everyone knows it only came about because of the debate about the bridge and the National Register criteria C eligibility. There is information relative to the Frank Wood Bridge within the survey that I need.

This is borderline obstruction. You have the power to tell the MDOT to share what they have.

Can you please intervene so I can effectively comment on the MOA tomorrow?

Thank you,

Phin

On Nov 6, 2018, at 2:35 PM, Martin, Cheryl (FHWA) <Cheryl.Martin@dot.gov> wrote:

Good Afternoon Phinney,

The minutes from the Frank J. Wood Bridge Consulting Parties meeting held on October 3, 2018 were sent to you earlier this afternoon.

MaineDOT and FHWA met with Kirk Mohny, Maine State Historic Preservation Officer, on October 15, 2018 at 10:00 am to provide a project update and discuss the DRAFT MOA mitigation measures. Mr. Mohny had no additional comments. There have been no other communications between FHWA and MHPC concerning this project since the October 3 Consulting Parties meeting.

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: Tuesday, November 6, 2018 11:08 AM

To: Martin, Cheryl (FHWA) <Cheryl.Martin@dot.gov>
Cc: Birk, Eva (FHWA) <eva.birk@dot.gov>; Chris Chase <cchase@coastaljournal.com>; Clarke, David (FHWA) <david.clarke@dot.gov>; Ostrander, Cassandra (FHWA) <cassandra.ostrander@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>; 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; aadams@lcme.com; Susan Sharon <ssharon@mpbn.net>; Don Carrigan <Don.Carrigan@wesh6.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 <mixi444@gmail.com>; ejd1287@gmail.com; quark21@gwi.net; Betsy Merritt <emerritt@savingplaces.org>; Gardner, David <david.gardner@maine.gov>; Muther, Christopher <christopher.muther@globe.com>; Donna Neff <neff.donna@gmail.com>; dmacleod@bangordailynews.com; chris@timesrecord.com
Subject: Re: Frank J. Wood Bridge - Response to Question Concerning Approach Work

Dear Cheryl,

I am requesting the minutes from the October 3rd Consulting parties meeting. I need them as I prepare my comments on the final draft MOA which has deadline of November 7th. That's tomorrow.

I also request all communications between your office and the Maine Historic Preservation Commission that have occurred after the October 3rd meeting.

There was no one from the MHPC office at that meeting and they did not call in. If you're communicating with MHPC privately and behind the scenes it is not fair to the consulting parties. We wanted them at the last two meetings. We wanted to hear their comments and answers to any questions proposed in the open format that a consulting parties meeting allows.

Thank you,

Phinney

On Oct 23, 2018, at 10:40 AM, Martin, Cheryl (FHWA) <Cheryl.Martin@dot.gov> wrote:

Good Morning,

A question was asked at the October 3, 2018 Frank J. Wood Bridge project Section

106 Consulting Parties meeting regarding the bridge approaches of the Preferred Alternative 2. It was indicated that MaineDOT has provided little detail on vertical changes in the approaches and the information that has been provided could not be interpreted by some of the consulting parties.

The Frank J. Wood Preliminary Design Report (PDR) was provided to the consulting parties and the public in August 2017 and has been posted on the MaineDOT web page since August 2017. The preliminary plan view and profile of the Brunswick and Topsham approaches are attached. These preliminary plans show the difference between the existing and proposed bridge deck elevations at various points along the project. The profile stationing corresponds to the proposed bridge alignment. The existing bridge elevations are projected perpendicularly from the existing bridge on to the proposed bridge alignment for reference.

The proposed bridge deck will be 2 to 3 feet higher than the existing bridge deck. At the Topsham approach, the proposed grade will transition to within 1 foot of existing grades at approximately 150 feet north of the proposed bridge abutment. The approach work ends approximately 25 feet southerly of Summer Street (prior to reaching the Summer Street intersection). The Brunswick approach work will transition to within 2 feet of existing grade approximately 225 feet south of the abutment. The approach then has a vertical change of approximately 1 foot for the next 125 feet where it then meets existing elevation and approach work terminates.

Also attached are the renderings provided in the August 22, 2018 response to comments provided to the consulting parties and posted on the website.

The PDR remains available on MaineDOT's Frank J Wood website <https://www1.maine.gov/mdot/env/documents/fjwepr/FrankJWoodBrg2016PDR.pdf>.

I anticipate sending the meeting minutes from the October 3, 2018 Consulting Parties meeting early next week.

Cheryl

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e-mail: cheryl.martin@dot.gov

<FJW Summer St Renderings Annotated 8-14-18.pdf>

<FJW_Profile_Grade_Change_Graphics Halfsize (003).pdf>

From: [Betsy Merritt](#)
To: [Cheryl Martin](#)
Cc: 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](#); [Joel.Kittredge, Joel](mailto:Joel.Kittredge@maine.gov); [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.Drozdz@dot.gov; Brian.Lawrence@dot.gov; [Crawford, Richard](#); [Sarah Stokely](#); [Jaime Loichinger](#); [Reid Nelson](mailto:Reid.Nelson); ofap2@achp.gov
Subject: [EXTERNAL SENDER] RE: ACHP Comments on the 2nd Draft MOA for the Frank J. Wood Bridge Project, Cumberland and Sagadahoc Counties, ME
Date: Wednesday, November 07, 2018 5:45:13 PM

Again, 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.

Meanwhile, the MOA should not be signed unless and until significant revisions are made to respond to the comments of the consulting parties.

Thank you.

Sincerely,
Elizabeth Merritt

Elizabeth Sherrill Merritt, Deputy General Counsel
National Trust for Historic Preservation
2600 Virginia Ave. NW, Suite 1100
Washington, DC 20037
202-297-4133

From: OFAP <OFAP2@achp.gov>
Sent: Wednesday, November 7, 2018 3:47 PM
To: Cheryl Martin <cheryl.martin@dot.gov>
Cc: phin@governorbaxter.com; Kitty Henderson <kitty@historicbridgefoundation.com>; 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; Kirk F. Mohney <kirk.mohney@maine.gov>; williammorin@midmaine.com; Greg Paxton <greg@mainepreservation.org>; jim@bikemaine.org; chickcarroll76@hotmail.com; Betsy Merritt <emerritt@savingplaces.org>; Kristen.Chamberlain@maine.gov; Wayne.FrankhauserJr@maine.gov; Joel.C.Kittredge@maine.gov; David Gardner <david.gardner@maine.gov>; William.Pulver@maine.gov; Todd.jorgensen@dot.gov; David Clarke <david.clarke@dot.gov>;

kwillis@kleinfelder.com; Julie.Senk@maine.gov; Sharon.Vaughn-Fair@dot.gov;
silvio.morales@dot.gov; eva.birk@dot.gov; Maria.Drozd@dot.gov; Brian.Lawrence@dot.gov;
Richard.Crawford@maine.gov; Sarah Stokely <sstokely@achp.gov>; Jaime Loichinger
<jloichinger@achp.gov>

Subject: ACHP Comments on the 2nd Draft MOA for the Frank J. Wood Bridge Project, Cumberland
and Sagadahoc Counties, ME

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 # 012371

Friends of the Frank J. Wood Bridge

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

November 7th 2018

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

RE: Comments on Final 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 Final Draft of the Memorandum of Agreement. We also request that all our comments and supporting documentation be included in the formal record for review by both FHWA and it be included with the review that is sent to the Advisory Council on Historic Preservation (ACHP).

The Friends continue to be disappointed by the reckless speed of the process. Comments on the initial draft were submitted by the Friends, ACHP, and the National Trust for Historic Preservation on October 22nd and *less than forty-eight hours later* the final draft was sent to all consulting parties. It is obvious that the comments from these three Consulting Party organizations could not have been seriously considered before writing and issuing the Final Draft. It should also be noted that this great rush to a Final Draft stands in stark contrast to the months we have waited to get answers to our questions, with many remaining unanswered still.

While consistent with the high-handed and dismissive attitude shown toward those who favor rehabilitation of the Frank J. Wood Bridge from the outset of this process in 2015, it is no less insulting to those who have made the effort to be party to this process. We are left to wonder at what point such an attitude toward Consulting Parties is a basis for concluding the results of the process have been arrived at in an arbitrary and capricious manner.

We are deeply concerned that the final draft does not state that the Frank J Wood Bridge is eligible under Criteria C although we were assured by David Clarke from FHWA that it would be considered as such for this Section 106 review. Related to the Criteria C question, Phin White and Friends of the Frank J Wood Bridge has repeatedly asked to see the draft updated survey of Maine's Historic Bridges and been denied. The draft of the report is done and we apparently will be required to obtain it through a freedom of information request. The fact it is being denied us and the timeline for comments is being tightened to conclude before that survey is made available to us, leads us to suspect that there is information in that report that the loss of more than 50 historic truss bridges in Maine since the original survey was done makes the Frank J. Wood Bridge even more significant as a rare surviving example and supports saving it.

Friends of the Frank J. Wood Bridge

Mary Ann Naber formally of the ACHP, along with the Friends requested the report be updated early in the 106 Process so the true significance of the bridge could be determined. There is no need to rush the process at this time and the fact that it is being rushed, again, points to MDOT trying to hide something, once again.

To further this point, the updated historic bridge survey is directly relevant to this current 106 process, without it 106 consulting party members cannot weigh the importance of mitigation or comment fully on the MOA. The update report may very well heighten the significance of the Frank J Wood Bridge. We would like to cite the Section 106 regulations (**36 CFR 800.11((a)**), which require the FHWA to provide the the updated report, as a consulting party. We respectively ask the ACHP to exercise its authority under this provision to resolve disputes over documentation, and not to sign the MOA until this documentation dispute has been resolved.

Criteria C and the information from the updated Historic Bridge survey could force MDOT to actually change their low-cost replacement alternative with an appropriate mitigation through construction of a new truss bridge or other design that is equal to the existing bridge's visual significance as a community landmark. The Maine SHPO has stated this is required to determine Criteria C. The Friends believe that would be true mitigation.

We continue to feel that the Native American Notification in the fall of 2015 was misleading and the projects scope has been changed to an extent that new notifications should be sent out clearly explaining the vastly expanded scope and where the preferred alternative is going to be placed.

Lastly, the Friends have repeatedly stated and shown proof that. in spite of repeated claims to the contrary, the Design Advisory Committee was set up by MDOT, chaired by an x-MDOT employee who is on the record of discouraging public comment, and is an inappropriate committee to be put on an equal footing as the Consulting Parties. Essentially, as an MDOT created and controlled entity, it gives MDOT two seats at the table, and a veneer of "community" support. The Friends insist a real committee with a true cross section of community members be formed to advise MDOT on the final design of any new bridge if ultimately the Frank J. Wood Bridge is to be replaced. Without repeating two years of arguments for why that step is inappropriate and at odds with federal law, we will simply state once again for the record that we oppose the demolition and replacement of the Frank J. Wood Bridge.

The Friends urge both the Maine SHPO and the ACHP to NOT sign the MOA until the above requested information and our previous draft MOA comments are provided and discussed in one or more Section 106 meetings, adequate comment periods are provided, and the comments of all Consulting Parties are actually considered in drafting any final MOA.

Sincerely,

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

From: [Gardner, David](#)
To: [Senk, Julie](#); [Chamberlain, Kristen](#); [Pulver, William](#)
Subject: FW: [EXTERNAL SENDER] Re: Frank J. Wood Bridge Project - Final Draft MOA for Comment
Date: Thursday, November 08, 2018 8:26:11 AM
Attachments: [FJW Summer St Renderings Annotated 8-14-18.pdf](#)

FYI

From: Phinney Baxter White [mailto:phin@governorbaxter.com]
Sent: Wednesday, November 7, 2018 8:58 PM
To: Birk, Eva (FHWA) <eva.birk@dot.gov>
Cc: Mohney, Kirk <Kirk.Mohney@maine.gov>; Martin, Cheryl (FHWA) <cheryl.martin@dot.gov>; 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>; 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>; 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; aadams@lcnme.com; Susan Sharon <ssharon@mpbn.net>; Don Carrigan <Don.Carrigan@wcsh6.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>; Donna Neff <neff.donna@gmail.com>; dmacleod@bangordailynews.com; chris@timesrecord.com
Subject: [EXTERNAL SENDER] Re: Frank J. Wood Bridge Project - Final Draft MOA for Comment

Dear Eva,

I refuse to discuss mitigation when you are non-compliant under the 106.

For what it is worth these are my comments:

— Your section 106 failed to investigate the National Register eligibility of the Frank Wood Bridge under criteria C.

You have continued to refuse to acknowledge the truss re-evaluation survey is part of the Frank Wood Bridge project and your office has facilitated the Maine DOT's refusal to share the survey with the consulting parties. That's obstruction. And that survey only came about because of the Friends inquiries about this process. I know what's in that survey. Proof. Proof that will show we have *reached the tipping point of metal bridge decline in Maine where the few existing examples, regardless of whether their design is innovative or not have now come to embody distinctive characteristics of a type, period, or method of construction that makes them all eligible for listing in the National Register of Historic Places under criteria C.* The Frank Wood Bridge is even more worthy. It is the earliest and best surviving example to show the introduction of rolled steel beams, a new technology in that period of significance. The

bridge is a hybrid. It's a story in steel between two towns that captures the evolution of bridge technology, with its dual use of rolled steel members and built-up members.

— The preferred alternative for a new bridge was determined prior to the Frank Wood Bridge having individual NR eligibility which means the adverse effects were not fully accounted for.

To remedy this you should have retracted the preferred alternative on the date Kirk Mohney, The State Historic Preservation Officer, determined the bridge was individually eligible for listing on the National Register of Historic Places.

— The 106 was not initiated early in the undertaking's planning.

I point to the Maine DOT's presentation with their consulting engineering firm TY Lin at Brunswick Landing on April 27th, 2016 where the Maine DOT announced their own preferred alternative for a new bridge with an upstream alignment well before any public or consulting party 106 meetings were held. Their statements and the slides from that presentation refer to the upstream alternative as the "Proposed Bridge". *What does the timing reference in §800.1(c) mean when it says, "The Agency Official shall ensure that the Section 106 process is initiated early in the undertaking's planning, so that a broad range of alternatives may be considered...."? It means that if the agency does not start following the prescribed steps of the Section 106 process early enough to consider a reasonable range of options, ACHP might say it failed to meet this standard and that further alternatives must be considered to adequately comply with 106.*

Your office has indicated the 106 started in November of 2015. AASHTO guidelines indicate the first action to mark the beginning of a 106 review is "initiating consultation, which includes inviting consulting parties to participate in the process. This did not happen. You, FHWA, did not even attend the April 27, 2016 MDOT/TY Lin presentation. I attended. And at this meeting the Maine DOT and TY Lin both incorrectly state that the Frank Wood bridge, even after rehabilitation, can last no longer than thirty years. TY Lin even likened the condition of the steel on the Frank Wood Bridge bridge to a paper clip that had been repeatedly bent backwards to the point where the metal is so fatigued it will break. If you don't believe me then please tune it to the link: <http://tightrope.brunswickme.org/Cablecast/public-site/index.html#/show/3458?channel=1>, at 1:38:15 TY Lin says **"The steel currently is 85 years old. It has seen millions and millions and millions of cyclic loading. That's when a major heavy load goes across a bridge and stresses it it releases. Stresses it and releases. That's the same thing as taking a paper clip and going back and forth with the paper clip. eventually that paper clip breaks. That's what's happening with the bridge today."** If that's the condition of the bridge "today" then why did MDOT and TY Lin come back to the table with rehabilitation figures for a 75 year lifespan on the Frank Wood Bridge?

—The 106 relied on information and figures from a firm (TY Lin) that is financially associated with the project applicant— the Maine DOT. This is a conflict of interest. The first estimates for a new bridge vs. rehabilitating the Frank Wood Bridge at a 30 year life were presented by the Maine DOT with TY Lin at Brunswick Landing on April 27th, 2016. Later on the additional estimates for rehabilitation at a 75 year lifespan should have been done by an independent engineering firm but they were not. *When agencies use applicants, consultants or designees to prepare studies and the like, what does "consistent with applicable conflict of interest laws" mean (§800.2(a)(3))?* *It means that agencies must avoid actions that would run afoul of their own conflict of interest rules. An example might be where an Agency Official hires a consulting firm run by his or her spouse to undertake identification surveys as a basis*

of Section 106 compliance for an undertaking under the Agency Official's jurisdiction. Another example might be using a consulting firm that is financially associated with the project applicant or the project engineering or construction firm. **And if you watched the TY Lin video I referenced you will see at 1:37:00 TY Lin refers to the Maine DOT as "my boss".**

— Your office has maintained there is no adverse effect to Summer Street Historic District. You are wrong. The Maine DOT has only recently revealed their new bridge (the deck) will be 2-3 feet higher than the deck of the Frank Wood Bridge. I'm of the opinion that their bridge will more than likely be 5-6 feet higher. The fact they say 2-3 feet means they don't even know. Which is it 2 or 3? They can't even provide accurate measurements on the Frank Wood Bridge. For example the attached document (page 1) indicates the distance from the bottom of the bridge to the top of the sidewalk at 84". I measured it yesterday with my tape measure and it's 90". They're off by a half a foot! Their document indicates their bridge will be 11' 4" (page 2) in height compared to the FJWB. Subtract out their comparable figure for the FJW Bridge at 84" and you have a bridge that is 4' 4" taller. Go back to their estimate on their bridge deck height at 2-3 feet higher than the FJW and you discover that that their bridge obscures the view above and below the existing views afforded by the Frank Wood bridge from the Summer Street viewpoint. The superstructure of the Frank Wood Bridge allows for an excellent view of the National Register listed Pjepscot Mill. The proposed bridge obscures the view of the Pjepscot significantly. The view from Summer Street allows an unobscured view of the Cabot Mill and an excellent view of the park. The view from Summer St with the proposed bridge shows it as intersecting and overlapping the corner of the Cabot Mill and significantly obscuring the view of the park. The increased elevation and the increased height of the proposed bridge plus the curvature and the closer proximity to Summer Street point to a tremendous adverse effect on the district.

I could go on about the *suppression of public comment, the exclusion of dissenting parties from the process* and the *failure to meet the consultative requirements of the 106* but I have pointed all of that repeatedly out in the past and you have just disregarded everything I have had to say.

Thank you,
Phinney

On Oct 24, 2018, at 5:50 PM, Birk, Eva (FHWA) <eva.birk@dot.gov> wrote:

Good afternoon,

Please find attached a FINAL DRAFT Memorandum of Agreement (MOA) for the Frank J. Wood Bridge project. We are initiating a final, two week public comment period on this document starting today and ending on **Wednesday, November 7, 2018**.

Thank you for your input and ideas. I am attaching a copy of the first draft for

comparison. Please reach out to myself or Cheryl Martin (Cheryl.Martin@dot.gov) with any questions.

Kind regards,

Eva

Eva Birk
Environmental Specialist
FHWA Maine Division
40 Western Avenue, Room 614
Augusta, ME 04330
T: 207-512-4921
F: 207-626-9133
e-mail: eva.birk@dot.gov

From: Martin, Cheryl (FHWA)

Good Afternoon,

Please find attached the DRAFT Memorandum of Agreement (MOA) for the Frank J. Wood Bridge project. We are initiating a thirty day public comment period regarding the DRAFT MOA starting today and ending on October 20, 2018. A final Consulting Parties Meeting has been scheduled for October 3, 2018 from 2:00 – 4:00 pm at the Topsham Town Office, 100 Main Street, Topsham, Maine. The purpose of the meeting will be to gather consulting party input and views on the DRAFT MOA mitigation measures for the project.

Following is the information for those calling into the meeting:

[Conference Line: 1-877-455-0244](tel:1-877-455-0244)

[Participant Passcode: 7142868343](tel:7142868343)

Memorandums of Agreements are the vehicle within the Section 106 process to resolve adverse effects to historic properties. More information on MOAs may be found on the Advisory Council for Historic Preservation's website here: <https://www.achp.gov/initiatives/guidance-agreement-documents>. The mitigation measures included in the DRAFT MOA were generated after reviewing suggestions received from comments on the Environmental Assessment, comments from consulting parties, and typical measures included in MOA's from similar projects in Maine.

A detailed agenda will be forwarded to you early next week.

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

<Attachment A - APE Map.pdf><Attachment B - Frank J. Wood Bridge
22603.00 - List of Section 106 Consu....docx><ATTACHMENT C - Section 106
Timeline - FINAL.DOCX><FRANK J WOOD BRIDGE 22603.00 MOA
DRAFT 9.20.18.docx><FRANK J WOOD BRIDGE 22603.00 MOA FINAL
DRAFT 10.24.18.docx>

From: [Gardner, David](#)
To: [Senk, Julie](#); [Chamberlain, Kristen](#)
Subject: FW: [EXTERNAL SENDER] reply to the FINAL DRAFT Memorandum of Agreement (MOA) for the Frank J. Wood Bridge project ending after a two-week comment period ending on November 7,2018.
Date: Thursday, November 08, 2018 8:27:32 AM

FYI

From: William F. Morin [mailto:williammorin@midmaine.com]

Sent: Thursday, November 8, 2018 1:22 AM

To: 'Birk, Eva (FHWA)' <eva.birk@dot.gov>

Cc: Mohney, Kirk <Kirk.Mohney@maine.gov>; 'Martin, Cheryl (FHWA)' <cheryl.martin@dot.gov>; '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>; 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>; 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; aadams@lcnme.com; 'Susan Sharon' <ssharon@mpbn.net>; 'Don Carrigan' <Don.Carrigan@wvsh6.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>; 'Donna Neff' <neff.donna@gmail.com>; dmacleod@bangordailynews.com; chris@timesrecord.com

Subject: [EXTERNAL SENDER] reply to the FINAL DRAFT Memorandum of Agreement (MOA) for the Frank J. Wood Bridge project ending after a two-week comment period ending on November 7,2018.

Dear Eva,

I appreciate the opportunity to reply to the FINAL DRAFT Memorandum of Agreement (MOA) for the Frank J. Wood Bridge project ending after a two-week comment period ending on November 7,2018.

Please find attached my revised FINAL DRAFT Memorandum of Agreement (MOA) comments for the Frank J. Wood Bridge project.

I have considered some other aspects of the project and addressed some new ones as follows. The mitigation stipulations in the draft MOA are not necessary and are not adequate reparations for the demolition of the FJWB as rehabilitation has always been possible.

The public process started with the view that rehabilitation was viable but soon turned into a project to replace the FJWB. Stipulations such as recordation, assistance in applying for a

National Register of Historic Places and booklets do not suffice as mitigation.

Brunswick and Topsham governments and committees failed to impartially consider support for the preservation of this bridge and its relevance to the communities of Brunswick and Topsham. Shortly after, the conversation dwelt entirely with the issue of the disposition of the historic FJWB.

Brunswick and Topsham are both very historic towns. home to Bowdoin College (attended by Longfellow and Hawthorne), settled in the late 1600s, situated on Casco Bay. Historical assets abound in Brunswick to include the downtown Brunswick historic district, Topsham historical residential district, both adjoining the Androscoggin River and many other historic houses and sites.

Many references of historical sites, houses, natural land and ocean views are promoted for historical viewing and the FJWB and the Brunswick Topsham Industrial Historic Districts (BTIHD) are also viewed especially by tourists. Also viewed are the falls of the Androscoggin River which are adjacent to the FJWB and BTIHD and are where the site of a settlement of the extinct Pejepscot tribe of the Androscoggin River was prior to the 1700s. The falls and the FJWB are situated here and present an extraordinary view shed of the entire river width views to the falls and downstream to where the fresh water of the river meets the saltwater from Merrymeeting Bay. Seated in the midst of this view shed stands the FJWB. The FJWB is a contributing asset to the Brunswick Topsham Industrial Historic District and if demolished could have a detrimental effect on that district. The FJWB bridge contributes to the unity of both historic towns, and a new bridge as proposed will not have any historical value. The loss of the FJWB and its replacement will eliminate the picturesque qualities and historic uniqueness of the landscape.

The design of the MDOT proposed replacement project is disappointing as is the pending failure to preserve the historic bridge. 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. 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 and heavy structure and will impose a substantial presence encroaching power lines and the "river crossing". The proposed bridge is overly large and not appropriate for the site.

Thoughtful consideration of mediation for a new bridge would advocate for a substantial and prominent project such as the suspension bridge in Bucksport (though smaller) that would enhance the "river crossing" or a replacement bridge that would invoke the emblematic style of the FJWB. However, it is not a sensible action to replace an industrial revolution era structure (FJWB). A third alternative is to just rehabilitate the FJWB which is a robust example of that era and deserves comprehensive preservation.

This situation justifies the only alternative for the use of the FJWB. That is to rehabilitate the structure onsite and preferably with an added sidewalk. As a person who favors the

preservation of historic bridges such as FJWB and when they can be considered a viable alternative though maybe not preferred by others, I would only advocate for preservation of historic bridges. I have come to realize that I have the traits of pontist and enjoy discussing and photographing bridges and their settings.

What is a pontist?

Definition is as follows.

1. A historic bridge enthusiast who enjoys either lobbying or preservation and/or who enjoys visiting and photographing historic bridges.
2. Anyone who enjoys working with or visiting/photographing bridges of any kind.

I therefore continue to be a supporter of rehabilitation while knowing that MDOT supports removal and new construction of a beam style bridge.

The directive of the MOA draft does seek recommendations about mitigations to compensate for the removal of the FJWB.

I shall address the mitigations needed if the FJWB is deemed to be removed and wish to have the following topics for mitigation considered and remedied.

The Topsham Main and Summer Street and Bowdoin Mill Intersections:

These intersections are very difficult to all walkers and drivers as it is not regulated and left-hand turns are difficult and dangerous. This problem is well known and if a new bridge is built then the problem should be addressed as a mitigation remedy to this area.

The Pool Table configuration at Mill and Maine Streets in Brunswick:

This configuration is unique in many ways. It is actually the result of not completing the US Route 1 connection widening to provide a four-lane road to connection with the interstate highway west of Brunswick. From Bath to Brunswick, it has served very well but sadly since 1959, it has not served well through Pleasant Street and Mill Street. That is 60 years ago! Traffic counts are very high and on a daily year-round basis there is a long traffic jam at rush hours and during the summer tourist it is the norm for many hours every day hindering emergency vehicles through this long backup.

A new bridge may be built but it will not lessen this problem as well as the conditions in Topsham. This situation needs to be addressed for obvious reasons plus the excessive air pollution caused by tens of thousands of cars passing thru town every day and experiencing almost gridlock. It also impacts Maine street in Brunswick as cars there also are subject to backups again causing excessive air pollution in a downtown area and general congestion. Mitigation for this condition is long overdue because this traffic pattern resulting from the 1959 construction has not been addressed as inadequate because that project was not completed.

Mitigation for these problems should be addressed as follows.

Because the 1959 project was not completed and no mitigation was done, the situation now requires it. If so, done with the elimination of the pool table configuration and elimination of

the congested area of Mill street by connecting with I 295, the majority of traffic west of Maine Street Brunswick would access this connection to I 295 in a speedy manner as no side streets etc. would slow traffic. This would obviously not require traffic west of Maine Street to use the bridge (FJWB) or replacement thus relieving traffic. An exchange at I 295 would allow traffic all points north and south plus easy access to the Topsham Mall and route 196 to Lewiston and surroundings.

Indigenous Peoples of the Androscoggin River the Pejepscot Indians.

The following book is an account of the Pejepscot Indians who dwelt upon the Androscoggin River from Lewison area to the Brunswick area. The falls at Brunswick are referred to as the Pejepscot Falls in many other written accounts.

It would be appropriate to recognize and authenticate their presence for mitigation purposes as stated in this book and other historical accounts of Maine.

Recommended Citation:

Starbird, Charles M., "The Indians of the Androscoggin Valley : Tribal History, and their Relations with the Early English Settlers of Maine" (1928).*Maine Collection*. 7.

INDIANS OF THE ANDROSCOGGIN VALLEY 107

"Ambrosecoggin" _...Indian deed to Wharton~

"Amoscoggin" -Collections of the Maine Hist. Soc.

Series I., Vol. III., p. 32.

"Ameriscoggin" -Ibid.

"A:urconganuntocook' '---~Ibid.-.-Note.

"Andros-Coggin"-Ibid., p .. 333. ·Deposition of Philip Lewis.

"Amaris,coggin"-Ibid., VoL IV.; p . .104.

"Aumaughcongen" -Ibid.

"Aucongannunticook"-Ibid.; p. 95.

"Amerescoggin"-Ibid., Series II., .Vol. I., p~ 275·.

"Ammoriscongin" _;_jbid., Vol. V., p. 371.

"Agnascorongan"-Ibid., Vol. VI., p~ 401.

"Arumascoggin"-Ibid., Series· III., Vol. II., p. 241.

ANAS.A!GUNTIOOOK

This word most commonly appears in the following forms:

"Amasagunteg" ----~Collections of Me. Rist. Soc., Series L., Vol. III., p. 35.

"Ammarascoggin" -Ibid.

"Arresaguntoocook"-Ibid., pp. 386 on.

"Assagunticooks" -Ibid.

"Amonoscoggin"-Ibid., Vol. V., p. 253; Vol. VI., p. 261.

"Armouchiguois"-Ibid., Vol. III., p. 305. Account of Father Pierre Baird.

"Ameriscoggin" _;_.Ibid., Series II., Vol. III., p. 11.

"Aresequntieooks" -Ibid., p. 264.

"Ars:egunticook"-Ibid., VoL X., p. 95.

BIBLIOGRAPHY

General References.:

Collections of the Maine Historical Society:

Series I., Vol. III., pp:s. 322-24; also pps. 355-58.

Volume IV., p. 340.

Volume VI., pps. 235 on.

Sprague's Journal of Maine History:

Vol. III., p. 39.

Volume IX., pps. 61-69; also 120~125~

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INDIANS OF THE ANDROSCOGGIN VALLEY

History of Bethel, Maine---Lapham.

Chapter XI., pps. 71-83.

History of Jay, Maine-Lawrence.

Pp:s. 1-3.

History of Leeds, Maine-Stinchfield.

Chapter II., pps. 9-17.

History of Rumford, Maine--Lapham.

Chapter XV., pps. 101-105.

History of the State of Maine--Abbott and Elwell.

Various references.

Lewiston Evening Journal Magazine.

Series of four articles by Dr. N. T. True, beginning
January 17, 1914.

Abnaki Language:

"The Abnaki Indians"-by Eugene Vetromile.

Collections of Me. Hist. Soc., Serie~ 1., Vol. IV., pps.
204-227.

"The Abnaki Indians"-by Frederick Kidder.

Collections of the Me. Hist. Soc., Series 1., Vol. VI.,
pps. 229-249.

Chief Saba:tis:

Collections of the Me. Historical Society :

Series 1., Volume I., pps. 507n., 510, 515, 517-18.

Volume III., pps. 321-23, 362, 412, 439.

Volume VI., pps. 110, 174, 379.

Volume VI., p. 261.

Indian Conferences and Treaties :

Treaty of 1713-Colls. of Me. Hist. Soc., Series 1., Vol.
VI., pps. 250-60.

Treaty of Georgetown, 1717-Ibid., Vol. III., pps.
'259-275.

Conference of 1727 -Ibid., Vol. III., pps. 377-405.

Conference and Treaty of Falmouth, 1727, Ibid., Vol. III.,
407-447.

Treaty of Falmouth, 1749-Ibid., Vol. VI., pps. 145 on.

Sprague's Journal of Maine History, Vol. VIII., pps.183-195.

Summary.

The above comments are varied and refer to historical references to indigenous populations and modern, ancient water ways for travel, modern highways and roads and finally an older historical bridge turned an iconic symbol of the very area where I encourage a new by pass, remedying two difficult intersections (one in Brunswick and Topsham) and preserving a major landmark in this busy and prominent area going back untold generations.

Sincerely Submitted,

William F. Morin



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November 7, 2018

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

RE: Frank J. Wood Bridge (#2016) Brunswick/Topsham, ME
STP-2260(300)X WIN 22603.00

Dear Ms. Martin:

Maine Preservation is the statewide, nonprofit historic preservation organization established in 1972. We are pleased to have the opportunity to comment on the Memorandum of Agreement (MOA) for the above-referenced project.

First, we wish to observe that consideration of mitigation measures at this juncture in the Section 106 review process is both untimely and inappropriate. The Section 106 process for this project was intentionally accelerated, conducted out of sequence and in an unfair manner; currently does not include all relevant information developed by the consulting parties and appears heavily biased in favor of the Maine Department of Transportation's (MDOT) preferred alternative (replacement) from the onset – and well in advance of complete Section 106 deliberations.

In May 2016, MDOT publicly announced plans to demolish the Frank J. Wood Bridge and build a new concrete bridge upstream, over the falls of the Androscoggin River. This determination was made prior to appropriate and substantive review of prudent and feasible alternatives and the commencement of any of the legally required historic and environmental reviews intended to determine whether an historic structure should be preserved.

MDOT's use of a bridge contractor in 2017 with limited major bridge rehabilitation experience, which the agency frequently chooses for bridge *replacement* projects, to evaluate and provide

unbiased competitive numbers for both a new bridge and the *rehabilitation* alternative of this major 805' span, was unfair and not in the best public interest and as a result, skewed the public discussion. MDOT's premature selection of the replacement alternative, and its encouragement in assisting in the formation of the local Design Advisory Committee - packed only with advocates for replacement – pre-empted any serious consideration of the rehabilitation alternative, even when bridge advocates shared a privately-commissioned engineering study re-framing the positive feasibility of rehabilitation. Such conduct on the part of public officials is not in the best interest of encouraging the public trust and executing due process.

Since 1999, Maine has lost 47 historic Warren Through Truss bridges, 23 of them listed or eligible for the National Register of Historic Places. With so many bridges in Maine and a shortage of funds to repair and replace them, the question is whether MDOT is getting a complete lifetime from our existing bridges. While both Maine and New Hampshire DOTs appear eager to replace bridges, Vermont has found that rehabilitation is both financially feasible and advisable. Vermont assigns a longer lifetime to its existing bridges and a shorter lifetime to new bridges than Maine, thus demonstrating the cost savings available from a conservative approach to bridge replacement.

In 2018, it was learned that the FJ Wood Bridge was determined individually eligible under Criterion C of the National Register – as a result of its additional significance as a combination highway and railway bridge and its relationship to the inter-urban system – which means that the bridge was more heavily constructed to withstand greater loads, with heavier individual structural members. Additionally, it was also learned that the bridge employed rolled steel members instead of built-up, riveted members – an engineering innovation for its time; and was the last bridge erected by the Boston Bridge Works. MDOT never formally amended the Preliminary Design Report (PDR) with this new information, nor re-considered the significance of an individually-eligible bridge within the surrounding NR Historic District; nor re-opened evaluation of how this designation and additional technical information affected the bridge's importance relative to the Maine Metal Truss Bridge Survey. As a result of this (Criterion C) revelation, MDOT agreed to conduct a re-evaluation of the survey, to re-assess the significance of the FJ Wood within the context of the other surviving camelback metal truss bridges in the state. MDOT has stalled the completion of this update, apparently preferring not to release the results of their investigation until after the MOA has been signed. Furthermore, MDOT has refused to release a draft of that document so that this relationship may be openly examined, despite several public requests.

Additionally, to further demonstrate the premature, incomplete state of the Section 106 process, MDOT has not yet: a) adequately considered the environmental impacts of the

reconstruction of the intersection at Route 1 / Maine Street, and on the downtown NR Historic District, which will result from the extended approaches; or b) the impact of construction and highway operations on the fisheries and fish ladder at the dam, as a consequence of moving the replacement bridge closer to the falls. Finally, no attention has yet been given to the economic impact of demolition/replacement of this local engineering landmark, regarding the local, regional and Maine state heritage tourism economy.

For these reasons and the irregular conduct of the proceedings as cited above, Maine Preservation respectfully submits that because the Section 106 process of investigation and resolution remains incomplete, and the public has been limited in its opportunity to understand the full implications of the undertaking, our organization feels it would be premature to comment or suggest mitigative measures at this time.

The Frank J. Wood Bridge is not functionally obsolete as it was originally constructed to carry both cars and coal trains, making it able to handle almost twice as much weight as currently required. It is also wide enough to have two 10' travel lanes, two 5' bike lanes and a 6' sidewalk. The relative costs of rehab vs. new construction are very close – and contemporary reinforcement beneath the structure hasn't yet been considered. The question is: Has MDOT used the correct estimate of longevity and life-cycle costs for each option? Or considered innovative reinforcement and improved drainage details or anti-corrosive coatings? Given the level of public interest and concern, and the already significant loss of historic bridges in Maine, a clear and financially responsible reuse option for this historic bridge needs to be considered if federal law (Section 106) is to be implemented in a fair and aboveboard fashion.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gregory B. Paxton". The signature is fluid and cursive, with the first name "Gregory" being the most prominent.

Gregory B. Paxton, Executive Director