



STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
16 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0016

Janet T. Mills
GOVERNOR

Bruce A. Van Note
COMMISSIONER

November 26, 2024

Machias Select – People
7 Court Street, Suite #1
Machias, ME 04654

Board of Selectmen
187 Northfield Road
Marshfield, ME 04654

Re: Dike Bridge, Route 1, Machias, Maine

Dear Select Board Members,

I am writing to update you on the efforts of the Maine Department of Transportation (MaineDOT) to develop a safe and reliable solution for the Dike Bridge (#2246), which carries U.S. Route 1 over the Middle River in Machias and forms an essential part of our regional highway network. As you know, the bridge – which is comprised of four box culverts with gates and a combined span of 30 feet- is in such poor condition that we installed a temporary bridge over the existing structure to maintain traffic.

Initially, I need to recognize the legitimate frustration caused by the length of time it is taking to implement a permanent solution to the Dike Bridge, including uncertainty of the project schedule and impacts on the users and project abutters. We own and share portions of that frustration. Over the last year, we have been working through the challenging federal environmental regulatory process to obtain approval for our preferred alternative of a similar in-kind box and gate replacement structure. Other alternatives previously examined include more traditional open span bridge concepts that would result in significant tidal flooding of private property upstream from the dike. As you know, we have heard substantial concerns and opposition to the loss of useful property from neighboring property owners since our first public meeting in 2010. Those concerns were the major factor that led to our choice of the in-kind design as our preferred alternative.

Unfortunately, we have just recently learned that due to concerns of federal fisheries officials, the Federal Highway Administration (FHWA) has determined that to move forward with a similar in-kind replacement, the only practical permitting path is a full Environmental Impact Statement (EIS), the highest and most in-depth level of national environmental study under the National Environmental Protection Act (NEPA).

Specifically, on June 14, 2024, the National Marine Fisheries Service (NMFS), a unit of the National Oceanic and Atmospheric Administration (NOAA), wrote to FHWA that the impacts from a replacement of the Dike Bridge with a similar structure that continues the use of fully gated culverts would result in “significant adverse impacts to [NMFS] managed species, their designated

EFH, as well as a number of NOAA trust resources.” Because NMFS used the phrase “significant adverse impacts”, which it typically has not in our experience, on November 19, 2024, FHWA notified us that they are unable to use the Environmental Assessment (EA) process, a middle level type of federal permitting. As noted above, this leaves a full EIS as the only practical regulatory path to pursue a similar in-kind structure. From our experience, the additional environmental consultation, analysis, and stakeholder engagement required by an EIS will take at least three more years to determine basic design parameters. Final design and construction will take more years. Due to the nature of the EIS process, we cannot guarantee or even reasonably speculate what alternative would emerge from the EIS, much less the timeframe.

NMFS concerns for accommodating fish passage and for the creation or restoration of fish habitat upstream of the dike by flooding upland areas are at direct odds with the concerns of property owners and others that want to keep things the way they are. The position of NMFS is also inconsistent with that of the Maine Department of Marine Resources, which has determined that such restoration in this case is not a high priority.

Over the last few months, we have argued that an EA is the appropriate level of permitting for the in-kind replacement of the 30-foot structure in this case, as opposed to an EIS. MaineDOT delivers hundreds of projects per year. Over the last ten years, it has worked with FHWA on only three EIS-level projects. All three are very large and complex new alignment projects: Madawaska Bridge (\$97.5M), I-395 Connector (\$124M), and the Presque Isle Bypass (\$84M). By comparison, the current estimate for an in-kind replacement of the Machias Dike Bridge – which reflects recent construction inflation of 50+% in recent years – is \$23M. In fact, we are not aware of another project in the nation where a similar replacement-in-kind project has been elevated to an EIS for similar reasons. Therefore, MaineDOT believes an EA is sufficient under NEPA in this case. However, we know FHWA makes that call, and given our long and successful relationship with FHWA, and we respectfully defer to its authority and judgement.

We are now facing years of additional evaluation and a current temporary bridge that is not meant to be in service for that duration. Accordingly, to protect public safety and assure reliable mobility for the residents of Machias and Marshfield and all Route 1 travelers, MaineDOT will remove the existing temporary bridge and replace it with a more durable temporary structure designed to last at least 15 to 20 years. The new, more durable temporary structure will be designed and installed with consideration of adjacent properties and businesses, as well as other nearby community resources such as the farmers and flea markets, and the Down East Sunrise Trail. This structure - estimated to cost about \$2 million - will be paid for exclusively with State funds and constructed in a way that will not require federal permits or NEPA review. MaineDOT expects to construct the more durable temporary structure in 2025. This will allow MaineDOT to pause the environmental review process to reassess as developments unfold.

In that vein, MaineDOT recognizes that Machias has experienced major flooding events over the past year, and that along with Marshfield and other community organizations and stakeholders, the Town has embarked upon its own long-term resiliency planning process. MaineDOT recognizes there could be some common interests and opportunities between the dike project and the resulting recommendations from the Town’s reliance. With the new temporary bridge and a regulatory pause, there is more time to assess those opportunities. Accordingly, MaineDOT will continue to

participate in this local resiliency work as it progresses to a comprehensive plan with identified needs.

We know that you and other interested parties may have questions, and we have amassed a great deal of information that we want to share. To do so given this new path forward, MaineDOT will assemble and publish on our website a public information document outlining work completed over the years to date. This website includes recent relevant correspondence from MaineDOT, FHWA, and NMFS that led to the new direction set forth above. FMI see <https://www.maine.gov/mdot/projects/machiasbridge/>.

To reiterate, I understand that many area residents are frustrated with the process to date, and that the news that the replacement of the Dike Bridge will take many more years to complete will be unwelcome to many. Please know that MaineDOT remains committed to working with the towns toward permanent solutions. In the meantime, the more durable temporary bridge will ensure safe and reliable travel, something MaineDOT is duty bound to deliver.

As we continue to work with your communities on this effort, please feel free to reach out to Joyce Taylor, MaineDOT's Chief Engineer, for more information.

Respectfully,



Bruce A. Van Note, Commissioner