



DateJuly 10, 2024

ToRyan Barnes, MTA

FromHNTB

Project**Correspondence****Subject**Gorham Connector: Architectural Survey Process

A survey of historic resources related to the Gorham Connector project is a requirement of Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 f)¹. This section requires that, before expending any federal funds or issuing a federal license, the lead federal agency must assess the impact of any undertaking on districts, sites, buildings, structures, or objects listed in or eligible for the National Register of Historic Places. As the lead federal agency responsible for Section 404 permitting of the Gorham Connector, the U.S. Army Corps of Engineers (USACE) oversees the Section 106 evaluation process, following procedures established by 36 CFR Part 800, Protection of Historic Properties.

The process of addressing Section 106 requirements on the Gorham Connector project closely aligns with MaineDOT's standard procedures and follows Maine Historic Preservation Commission (MHPC) guidelines. These established processes and guidelines support USACE's responsibility to engage in consultation with MHPC to fulfill the following core requirements of Section 106:

1. Identify historic properties in the project area and determine their eligibility for the National Register of Historic Places.
2. Consider the effect of projects on historic properties.
3. Seek ways to avoid, reduce and mitigate adverse effects to historic properties through consultation with MHPC and, where appropriate, property owners.

Regarding the Gorham Connector Project, the first step outlined above is complete and efforts are underway toward finalizing step two. Below is a summary of past, ongoing, and future actions.

The MTA has enlisted the services of Kleinfelder, a reputable consulting firm that meets the Secretary of the Interior's Professional Qualification Standards, to fulfill the requirements of the Section 106 process.

Kleinfelder completed architectural surveys in 2021 to identify and document all resources 45 years old or older within the study area and evaluated their eligibility for listing in the National Register of Historic Places. One property was identified as eligible for listing based primarily on the continuous agricultural use of the property since its establishment circa 1720. Following a review of Kleinfelder's findings by MTA and HNTB, the results were sent to MHPC for review and concurrence. MHPC provided concurrence in September 2021 and the property was added as an eligible resource in CARMA, Maine's publicly accessible online database of surveyed historic resources.

¹ The National Historic Preservation Act, <https://www.achp.gov/sites/default/files/2018-06/nhpa.pdf>

The project team is currently working to advance the design of the project to a level sufficient for Kleinfelder to assess and quantify the potential impacts to the historic nature of the property. Following their assessment, Kleinfelder will submit a Finding of Effect (FOE) document to USACE and MHPC on behalf of MTA. Based on their review, MHPC will either concur with the FOE or request clarifying information about the project or its effects.

If an adverse effect is determined, USACE will lead a consultation process with designated interested parties to include the State Historic Preservation Officer, Town representatives, and other entities deemed appropriate by the State Historic Preservation Officer. In the case of this project, the owners of the property will likely be included in the consultation. Furthermore, as part of the consultation process, USACE will share details about the project's impact on historic properties through their public notice procedure. During this process, the public will have the opportunity to offer comments and input.

Consistent with the 2023 *MaineDOT Standard Operating Procedure Section 106 of the National Historic Preservation Act Process for MaineDOT*², MTA's intent has been to inform the public about the Section 106 findings and forthcoming consultation at Public Meeting No. 2. While the status of the property was known at the time of Public Meeting No. 1 the purpose of that meeting was largely to receive initial feedback from the public to help frame the content and direction of future meetings. Consistent with MaineDOT practice, direct engagement with consulting parties, including the landowner, was planned to occur after development of the FOE to facilitate productive dialogue.

² 2023 *MaineDOT Standard Operating Procedure Section 106 of the National Historic Preservation Act Process for MaineDOT*, https://www1.maine.gov/mdot/env/NEPA/_assets/docs/2023/Appendix%20Jb%20-%20Section%20106%20SOP.pdf