

CHATHAM, MA - MITCHELL RIVER BRIDGE PROJECT

Section 106 Process – Final MOA for Concurring Parties Signature

Concurring Parties List:

1. Chatham Historical Commission
2. Friends of the Mitchell River Wooden Drawbridge
3. National Trust for Historic Preservation
4. Historic Bridge Foundation
5. Indiana SPANS Taskforce
6. Preservation Massachusetts
7. Pease Boat Works and Marine Railway (*signed the MOA*)
8. George Myers (*signed the MOA*)
9. Dr. James Cooper

Joint
Letter





*Town Of Chatham
Historical Commission*



TOWN ANNEX 261 GEORGE RYDER ROAD CHATHAM, MA 02633
TELEPHONE (508) 945-5168 FAX (508) 945-5163

Ms. Pamela S. Stephenson
Division Administrator
Federal Highway Administration
Massachusetts Division
55 Broadway, 10th Floor
Cambridge, MA 02142

May 3, 2012

RE: Mitchell River Bridge
Chatham, Massachusetts

Dear Ms. Stephenson:

This will acknowledge receipt of your letter of April 23rd enclosing a copy of the Memorandum of Agreement for signature by the Chatham Historical Commission.

At our meeting on May 1st the Commission voted unanimously (6-0-0) not to sign the MOA at this time and we refer you to our letter to you dated February 9, 2012.

We continue to feel that a bridge closer in design to Alternate 1B would be preferred by this Commission.

Respectfully submitted,


Donald Aikman

/encl

cc. Chatham Historical Commission
All consulting parties

Santiago, Damaris (FHWA)

From: Frank & Joan-Ellen Messina [fmessina@verizon.net]
Sent: Thursday, May 03, 2012 11:56 AM
To: Sarah Clark; Santiago, Damaris (FHWA)
Cc: jlcooper@crtc.com; betsy_merritt@nthp.org; clamknife@comcast.net; kitty@historicbridgefoundation.com; indianabridges@sbcglobal.net; jigoe@preservationmass.org; theaikmans@yahoo.com; urkreksir@aol.com; info@peaseboatworks.com; clegard@achp.gov; florenceseldin@gmail.com; len@crowspound.com; davidwhitcomb@comcast.net; timroperco@aol.com; srsummer@comcast.net; Jill Goldsmith; Theodore Keon; jeffrey.shrimpton@state.ma.us; michael.bastoni@state.ma.us; joseph.pavao.jr@state.ma.us; pamela.haznar@state.ma.us; Robert Duncanson; Bill Manley; Bob Oliver; Genie Griffin; Jane Moffett; Nancy Yeaw; Paula Liska; Sandi Porter
Subject: Re: Letter from CHC Regarding MOA for Mitchell River Bridge

Don,

Your letter from the Historical Commission should have read ("Voted 6 to 0, of members present"...not "unanimously accepted by commission"..). As I voted to sign the agreement, and if I was present at meeting during the vote I would have not supported the majority in not signing the MOA....

Thanks,

Frank Messina

Chatham Historical Commission

----- Original Message -----

From: [Sarah Clark](#)
To: Damaris.Santiago@dot.gov
Cc: jlcooper@crtc.com ; betsy_merritt@nthp.org ; clamknife@comcast.net ; kitty@historicbridgefoundation.com ; indianabridges@sbcglobal.net ; jigoe@preservationmass.org ; theaikmans@yahoo.com ; urkreksir@aol.com ; info@peaseboatworks.com ; clegard@achp.gov ; florenceseldin@gmail.com ; len@crowspound.com ; davidwhitcomb@comcast.net ; timroperco@aol.com ; srsummer@comcast.net ; [Jill Goldsmith](#) ; [Theodore Keon](#) ; jeffrey.shrimpton@state.ma.us ; michael.bastoni@state.ma.us ; joseph.pavao.jr@state.ma.us ; pamela.haznar@state.ma.us ; [Robert Duncanson](#) ; [Bill Manley](#) ; [Bob Oliver](#) ; [Frank Messina](#) ; [Genie Griffin](#) ; [Jane Moffett](#) ; [Nancy Yeaw](#) ; [Paula Liska](#) ; [Sandi Porter](#)
Sent: Thursday, May 03, 2012 11:33 AM
Subject: Letter from CHC Regarding MOA for Mitchell River Bridge

Attached please find the letter dated May 3, 2012 from the Chatham Historical Commission regarding the Memorandum of Agreement for the Mitchell River Bridge in Chatham.

Sarah Clark
Town of Chatham
Community Development Department
261 George Ryder Road
Chatham, MA 02633
sclark@chatham-ma.gov



*Town Of Chatham
Historical Commission*



TOWN ANNEX 261 GEORGE RYDER ROAD CHATHAM, MA 02633
TELEPHONE (508) 945-5168 FAX (508) 945-5163

Ms. Pamela S. Stephenson
Division Administrator
Federal Highway Administration
Massachusetts Division
55 Broadway, 10th Floor
Cambridge, MA 02142

February 9, 2012

RE: Mitchell River Bridge
Chatham, Massachusetts

Dear Ms. Stephenson:

This will acknowledge receipt of your email and letter of January 26th enclosing a revised draft Memorandum of Agreement (MOA) and your request for comments by all consulting parties, including our Commission.

We have carefully examined your letter and the revised MOA and, with all due respect, we are unable to agree with your conclusions and with the substance of the proposed MOA:

- While we appreciate your efforts in preparing and conducting the teleconference of January 4th, the actual results of the meeting were quite minimal. Most importantly, and notwithstanding the strong recommendations of the Advisory Council to move toward Alt. 1B or at least a "hybrid" bridge that would involve more wood than what is included within Alt. 3, you have continued to support Alt. 3 as the "preferred alternative".
- The revisions which you refer to in the draft MOA are very few, including only limited discussion with MassDOT regarding "possible" replacement of the concrete caps with wooden caps. Since we regard the caps as more than "aesthetic details", we are unable to agree that comments which can be made by us and other consulting parties at the public meetings are sufficient to bring about a real dialogue on this important item.
- From the outset of the Section 106 process, one of our primary concerns has been to maintain the National Register eligibility of the Mitchell River Bridge. We disagree that the rebuilding of the entire Bridge would somehow remove it NR status, especially if the replacement bridge was rebuilt as an all-timber bridge in accordance with the same design and pattern as we have had at this site in Chatham for over the last hundred years. Your offer to "support" a new National Register application ---- following completion of the rebuilt bridge with a steel leaf, steel floor beams, and concrete-and-steel pilings (Alt. 3) -- would be insufficient if the Keeper were to rule that Alt. 3 did not qualify, since we would then be unable to correct that result.

- We continue to believe that further serious consultation should take place with respect to using wooden pilings made from foreign hardwoods (i.e. greenheart) which are able to last well beyond your estimate of 20-30 years for other woods and which will avoid higher replacement costs and possible environmental issues.

For these and other reasons, we are unable to sign onto the proposed MOA as a consulting party. We would urge you to reconsider your views and, if necessary, bring all parties together at another consulting parties' meeting where true give-and-take can occur that will bring us all closer together toward an agreement that we and other consulting parties can accept.

Respectfully submitted,

Donald Aikman (e)

Donald Aikman
Vice-Chairman
Chatham Historical Commission

From: [Norm Pacun](#)
To: [Stephenson, Pamela \(FHWA\)](#)
Cc: [Santiago, Damaris \(FHWA\)](#); clegard@achp.gov; [Charlene Vaughn](#); Joseph.Pavao.Jr@state.ma.us
Subject: Mitchell River Bridge
Date: Monday, March 19, 2012 10:22:37 AM

Friends of the Mitchell River Wooden Drawbridge
c/o 14 Sunset Lane
Chatham, MA 02633

March 18, 2012

Ms. Pamela S. Stephenson
Division Administrator
Federal Highway Administration
Massachusetts Division
55 Broadway, 10th Floor
Cambridge, MA 02142

Re: Mitchell River Bridge Project

Chatham, MA.

Dear Ms. Stephenson:

This will acknowledge receipt of your email of March 8, 2012 containing the Memorandum of Agreement and attached materials for the above Project. The record should note that the hard copy of these materials was not received by me until late in the afternoon of March 13th, notwithstanding the statement of Ms. Santiago that it would be received on March 9th.

The Friends of the Mitchell River Wooden Drawbridge have carefully reviewed your covering letter, the proposed Memorandum of Agreement ("MOA") (as signed by FHWA and MassDOT), and the attached letter dated March 1, 2012 from Mark E. Shannon, P.E., of URS Corporation. For all of the following reasons, it is our decision not to sign onto the Memorandum of Agreement:

Summary:

1. The MOA again omits from the record of this project the previous comments and recommendations of the Advisory Council on Historic Preservation ("Council") which supervises the Section 106 process under the National Historic Preservation Act of 1966, and in this matter, is a full participant.
2. You have also omitted from the MOA the specific comments and objections of the many preservation consulting parties who have favored Alt. 1B and who have sought to find a compromise between Alt 1B and Alt. 3.
3. FHWA has incorrectly accepted the position of MassDOT that there are only a very small number of items which are to be subject to further consultation under the 106 process, namely (i) the use of timber pier caps; (ii) design of the stone cladding for the pier and abutments; (iii) paint color of the pilings; and (iv) possible salvage of the existing timber railings.

4. FHWA has also incorrectly accepted the position that MassDOT can refuse to consult further on the design of the Bridge other than the specific items referred to above in No. 3.

5. The preliminary sketch offered by the Friends' engineering advisor, John Smolen, P.E., has been rejected by MassDOT's engineers, and FHWA has incorrectly accepted the position of MassDOT that it can refuse to consult further on this.

6. FHWA has also incorrectly accepted the position of MassDOT that it can refuse to consult further on the use of greenheart wood for the pilings.

Specifically:

1. Your complete omission of the position of the Council throughout this proceeding and its efforts to recommend a design that would come closest to the existing all-timber bridge (either Alt. 1B or a "hybrid" between Alt. 3 and Alt. 1B that would favor the additional use of wood), as well as the Council's efforts to preserve the National Register eligibility of the Bridge, is unacceptable. These omissions are clearly not inadvertent as they have been specifically pointed out to you in previous draft MOA's, so they must be considered as being intentional. This together with the omission of the comments of the consulting parties (See item 2. below) confirms that the MOA has been framed purposely to improperly favor the position of MassDOT (and your own) and to eliminate from the record the strong opposition to the MOA by many of the parties to the proceeding. We believe that this is not in accordance with the law and the 106 process and Section 4(f) of the Transportation Act of 1966, as amended.

2. Your covering letter accompanying the MOA states that it has incorporated all written and verbal comments of the consulting parties "as appropriate" into the final MOA. In fact, the comments of the consulting parties in favor of Alt. 1B or a "hybrid" utilizing more wood than Alt. 3, plus the use of greenheart wood for the pilings, or in favor of wooden pier caps, together with their deep concerns that the Alt. 3 design will not allow the Bridge to retain its National Register eligibility, are all nowhere to be found in the MOA. In fact, none of the comments, written or verbal, of the "preservation" consulting parties (the Friends, the National Trust for Historic Preservation, the Indiana Historic SPANS Task Force, the Historic Bridge Foundation, PreservationMassachusetts, Prof. James Cooper, and the Chatham Historical Commission) are included at all. They have been hidden so that the record will not reveal the details and care to which these parties have gone to question the choice of Alt. 3 and the rejection by FHWA and MassDOT of Alt. 1B. The elimination of any reference to Alt. 1B and to the fact that it was rated by MassDOT as "GOOD" in comparison to Alt. 3 being rated as being only "FAIR" makes this document materially misleading.

3. Your covering letter states that you are satisfied that MassDOT has incorporated as much timber into the design of the new bridge "as is prudent". This word and its reference is obviously taken from Section 4(f) of the Transportation Act which says that a federal agency is absolutely prohibited from funding a transportation project and using a historic site (such as that of the Mitchell River Bridge) "unless there is no feasible and prudent alternative". As you are aware, "feasible" under Sec. 4(f) means "sound engineering", and the MassDOT Project Manager specifically noted twice at the January 4, 2012 Teleconference of the Consulting Parties that Alt. 1B is "feasible", while also claiming that it was not "prudent". Under the law, an alternative is not "prudent" only if there are "truly unusual factors" involved or the costs of such alternative are of an "extraordinary magnitude". Since the costs of Alt. 1B are not of an extraordinary magnitude nor are there truly unusual factors here, Alt. 1B can not be rejected in favor of Alt. 3.

4. Section 106 requires that the central focus of seeking to remedy adverse effects to a historic asset (such as the Bridge) is that of favoring the result that is more context sensitive. Here, the MOA sets forth an incorrect standard---- one that only "adequately mitigate(s)" the removal of the existing National Register eligible Bridge.

This incorrect standard supposedly “balances sound engineering, fiscal responsibility, and context sensitivity”, but that is not the correct standard under Section 106, and this is especially so where the structure in question is the last remaining wooden drawbridge in Massachusetts and the entire United States, one of “exceptional significance” as found by the Keeper of the National Register.

5. Your letter further states that you have identified three outstanding issues among the consulting parties that relate to the use of additional wood structural members in the design of the replacement bridge. You state these to be (i) incorporation of more wood and less steel in the bascule design; (ii) the use of greenheart piles for the substructure; and (iii) the material and aesthetic treatments to be used for the pier caps. We agree that these are outstanding issues, but the response that you claim as being made by the consulting parties is inaccurate.

A. First and most important, all of the “preservation” consulting parties continue to favor Alt. 1B which is a design prepared and proffered by MassDOT and stated by them to be feasible and of sound engineering. Your letter completely omits reference to Alt. 1B, but centers on the very preliminary sketch offered by Friends’ advisor John Smolen, P.E., as a means to seek a “hybrid” design between Alt. 1B and Alt. 3. MassDOT’s engineers, URS Corporation, have criticized the sketch, but have refused to even discuss this with Mr. Smolen as part of MassDOT’s policy not to speak or meet with any of the consulting parties or their advisors. Further consultation as to the Smolen sketch should go forward and not be “barred” by MassDOT as they are attempting to do. To the extent that they are also seeking to reject any further consultation with respect to Alt. 1B, this is in violation of existing law.

B. Your letter incorrectly claims that there is no available history on the use of greenheart piles for a bridge application in this type of marine environment. You refer to the Duxbury bridge pilings but now admit that the wood used there was Ekki and not Greenheart.

You claim that these woods are “similar” but offer no proof. You refer vaguely to certain unnamed suppliers and supposed experience of MassDOT and supporting data, but none of this information is set forth or has been shared with the consulting parties. The same is true with respect to your reference to “independent peer reviews”. What you do not refer to or even mention is the information that the Friends furnished you (in our previous filing and which is repeated here) that there is a dock herein Chatham in the same waters as the Mitchell River Bridge that was constructed with greenheart pilings over 50 years ago and which is still functioning. Surely this information should be reviewed by you and MassDOT, but instead MassDOT says that they will not discuss the matter further. The Friends are prepared to furnish MassDOT with additional information regarding these pilings if they confirm their willingness to fully and fairly consult with all parties on the use of greenheart pilings for the reconstructed bridge.

C. MassDOT now claims, more than eight weeks after the January 4th Teleconference, that it is unable to presently determine whether wooden or wood-cladded pier caps would be a “prudent option” to incorporate into the final design. They state that it may be a “challenge” to inspect wood-cladded concrete pier caps, and that

wooden caps may not be adequate to accommodate the loading of the superstructure. This is so notwithstanding that their engineer admitted to Donald Aikman, the Vice-Chairman of the Chatham Historical Commission, that they could be used. As referred to previously, under Section 4(f) this option can not be considered as imprudent unless the cost is of an “extraordinary magnitude” or “truly unusual factors” are involved. Neither of these are shown or even suggested here, and this means that the use of wooden or wood-cladded caps must be considered.

6. Your letter then refers to the position taken by the Chatham Board of Selectmen , but you fail to specifically set forth the issues that they asked to be addressed. These were that there be (i) further consultation with respect to seeking to retain as much wood as possible in the reconstructed bridge; (ii) that consideration

be given to aesthetic modifications and possible cladding for the piers and abutments; and reevaluation of the National Register eligibility of the bridge after the work has been completed. The first issue has been removed from consultation by the unilateral fiat of MassDOT, other than the pier caps which MassDOT continues to claim to need further time to evaluate. The second issue has not been addressed other than the stone cladding for the piers and abutments. (Consequently, the possible use of wooden battens to aesthetically shield the metal pilings as has been done at the Nantucket public pier and elsewhere, has not been explored.) The third issue, the re-evaluation of the National Register eligibility after the bridge is completed is a total sham. If, as can be anticipated, the Bridge will be found nor to be eligible because it no longer is a wooden drawbridge, would it be torn down and rebuilt? Of course not! But is this why FHWA and MassDOT seem so willing to assist in providing the same materials they are required to provide as a matter of law— because the exercise will be so completely meaningless.

7. The MOA and your covering letter are completely devoid of any mention of the serious issues of speeding and safety both along Bridge Street and over the Bridge itself. These were specifically set forth in our previous letter to you, but they obviously are “not appropriate” for consideration or reference in your letter or

in the MOA. From the outset of these proceedings, the townspeople and property owners on Bridge Street have spoken loud and clear as to their concerns over the bridge design which would exacerbate vehicular speeds and create unsafe conditions for motorists, pedestrians, cyclists and those fishing at the bridge, including the

many young children who have done this for countless years. The townspeople do not want faster traffic, nor do they want speed bumps or lights or other traffic-calming devices which would be totally incompatible with the bridge or this historic site. Yet, you and MassDOT continue to ignore this issue, perhaps in the hopes that it will somehow go away and not be noticed in all of the arguments regarding the preservation of the last wooden drawbridge. Please understand that this will not be so, and that the Friends and others will not cease their efforts to make sure that the Bridge will be both safe and historically compatible.

Conclusions:

The MOA which has been presented to the parties is essentially no different than that of the previous MOA, and for all of the reasons set forth above neither we nor the other preservation consulting parties can see a reasonable basis for us to sign on to the Agreement. We will continue to take part in the Section 106 proceedings in the hope that the final agreements will resolve the issues that we believe have been left unresolved to this date.

River Wooden Drawbridge

For the Friends of the Mitchell

By: Norman Pacun

Ms. D. Santiago
Ms. Carol Legard
Ms. Charleen Dwin Vaughn

Mr. Joseph Pavao

INDIANA HISTORIC SPANS TASK FORCE
NATIONAL TRUST FOR HISTORIC PRESERVATION®



May 1, 2012

Ms. Damaris Santiago,
Environmental Engineer
Massachusetts Division
Federal Highway Administration
55 Broadway 10th Floor
Cambridge, Massachusetts 02142

Re: Chatham - Mitchell River Bridge Replacement Project
Section 106 - Final MOA for Concurring Parties' Signatures

Dear Ms. Santiago:

On behalf of the Indiana Historic SPANs Task Force, the Historic Bridge Foundation, and the National Trust for Historic Preservation, we received the cover letter from Pamela Stephenson, Division Administrator, FHWA dated April 23, 2012, inviting us to sign as Concurring Parties the Final Memorandum of Agreement (MOA) developed under Section 106 of the National Historic Preservation Act (NHPA), 16 U.S.C. § 470f.

As you know, all three of our organizations have been closely involved in the Section 106 review for this project. Our goals have been to seek alternatives and modifications to the project that would avoid, minimize, and mitigate harm under Section 106 of the NHPA, but also to ensure that the project includes "all possible planning to minimize harm" under Section 4(f) of the Department of Transportation Act, 49 U.S.C. § 303(c), 23 U.S.C. § 138.

In cases such as this, where none of the feasible and prudent alternatives would completely avoid the "use" of the historic property protected by Section 4(f), the statute specifically requires the adoption of the least harmful alternative as part of the process of incorporating "all possible planning to minimize harm." As the Section 4(f) regulations issued by the FHWA specifically confirm, "the [FHWA] may approve . . . *only* the alternative that: (1) Causes the *least* overall harm in light of the statute's preservation purpose." 23 C.F.R. § 774.3(c)(1) (emphasis added).

In our view, the process outlined in the MOA for developing the design of the new replacement bridge (Stipulations I. and II.) does not satisfy this requirement, due to the lack of commitment to a least harmful alternative. Instead, critical components of the Aesthetic Details are relegated to "Further Consultation," where there is no requirement to ensure "all possible planning to

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minimize harm". The reluctance (indeed, adamant refusal) of the DOTs to commit even to modest design improvements such as wooden pier caps during the Section 106 consultation process certainly leaves the consulting parties skeptical as to whether the deferred additional consultation would produce meaningful results. Instead, critical design decisions have been excluded from the commitment framework of an MOA and deferred for later discussion under "Further Consultation".

In the Determination of Eligibility for the Mitchell River Bridge, the Keeper of the National Register emphasized that "priority was to be given to *in kind replacement of its materials*, and retention of its simple design, form and function as a wooden drawbridge."¹ Whether viewed from either the shoreline or the water, "the simple, yet distinctive, configuration of the bridge and its presence on the landscape form an exceptionally important part of the community's historic identity."²

In line with the Keeper's Determination, we repeatedly emphasized during the Section 106 consultation the importance of maximizing the use of wood in the design of the replacement bridge, while minimizing the use of steel and concrete. We appreciated the fact that the FHWA developed several alternatives that were more context-sensitive than the initial design proposed by MassDOT. However, after the initial shift from Alternative 5 to Alternative 3 as the "preferred" alternative, the consultation process was then thwarted when the transportation agencies essentially rejected any further attempts to refine the design to increase the use of wood. The use of timber pier caps, for example, is crucial to maintaining the historical view of the bridge from the Chatham community, but within the MOA there is only a non-committal reference to "continue to study the prudence of utilizing timber pier caps".

In conclusion, we respectfully decline the invitation to sign this MOA as Concurring Parties, because we believe that concurring in this MOA would imply an endorsement of a Section 106 agreement that is flawed, and would suggest that we no longer object to the agency's failure to comply with Section 4(f) of the

¹ Determination of Eligibility, Keeper of the National Register, Mitchell River Bridge (Oct. 1, 2010) (emphasis added).

² *Id.*

Ms. Damaris Santiago, FHWA
May 1, 2012
Page 3

Department of Transportation Act, 49 U.S.C. § 303(c), 23 U.S.C. § 138.

Thank you again for the opportunity to review the MOA for the Mitchell River Bridge Project and to sign as Concurring Parties. Although we decline the invitation to concur, we look forward to further consultation with the Advisory Council, the FHWA, and MassDOT in an effort to resolve our concerns.

Sincerely,



Paul Brandenburg, Chair
Historic SPANs Task Force



Elizabeth S. Merritt, Deputy General Counsel
National Trust for Historic Preservation



Kitty Henderson, Executive Director
Historic Bridge Foundation

cc: Pamela S. Stephenson, Division Administrator, FHWA Mass Division
Mary Ann Naber, Federal Preservation Officer, FHWA
Carol Legard, FHWA Liaison, ACHP
Charlene Vaughn, ACHP
Reid Nelson, ACHP
David Sire, Office of Environmental Policy & Compliance, DOI
Joseph Pavao, Project Manager, MassDOT
Kevin Walsh, Director of Environmental Services, MassDOT
Diane Madden, Environmental Services Project Manager, MassDOT
Stephen J. Roper, Historic Resources Supervisor, MassDOT
Jeffrey Shrimpton, Cultural Resources Specialist, MassDOT
Brona Simon, Massachusetts SHPO
James Igoe, Preservation Massachusetts
Norman Pacun, Friends of the Mitchell River Wooden Drawbridge

From: [Jim Igoe](#)
To: [Santiago, Damaris \(FHWA\)](#)
Cc: [jlcooper@ccrtc.com](#); [betsy_merritt@nthp.org](#); [clamknife@comcast.net](#); [kitty@historicbridgefoundation.com](#); [indianabridges@sbcglobal.net](#); [theaikmans@yahoo.com](#); [urkreksir@aol.com](#); [info@peaseboatworks.com](#); [clegard@achp.gov](#); [florenceseldin@gmail.com](#); [len@crowspound.com](#); [davidwhitcomb@comcast.net](#); [timroperco@aol.com](#); [srsummer@comcast.net](#); [jgoldsmith@chatham-ma.gov](#); [tkeon@chatham-ma.gov](#); [jeffrey.shrimpton@state.ma.us](#); [michael.bastoni@state.ma.us](#); [joseph.pavao.jr@state.ma.us](#); [pamela.haznar@state.ma.us](#); [rduncanson@chatham-ma.gov](#)
Subject: Re: Status of Mitchell River Bridge Project, Chatham, MA
Date: Friday, April 27, 2012 1:58:22 PM

Damaris

Thank you for the opportunity to be a Consulting Party re: Mitchell River Bridge. Preservation Massachusetts will not be signing as a Concurring Party.

Jim Igoe

On Mon, Apr 23, 2012 at 4:49 PM, <Damaris.Santiago@dot.gov> wrote:

Dear consulting parties,

As a follow up to my message this morning, here is the latest status of the final MOA.

I received the MOA with original signatures through regular mail later this morning, so I am putting *copies* of the MOA in the mail for Concurring Parties' signatures. Only the concurring parties will receive the hard copy submission by mail.

We are allowing a 2-week period for this round of signatures, which ends on May 9, 2012. As I noted this morning in my e-mail, in the interest of time, I will greatly appreciate the indication whether you will sign the MOA or not as soon as possible. Some of the concurring parties have already given me that indication, but I still have to go through this step to give the opportunity to sign to everyone who has participated in this process as a Consulting Party.

A copy of the MOA with signatures gathered so far is attached for your information.

Thanks everyone for your patience and your involvement in this project.

Damaris

Santiago, Damaris (FHWA)

From: James L. Cooper [jlcooper@ccrtc.com]
Sent: Sunday, April 29, 2012 9:40 AM
To: Santiago, Damaris (FHWA)
Subject: Fw: "Final" MOA on Mitchell River Bridge

Damaris Santiago -

Am in receipt of the Fed-Exed paper copies of the MOA and your email message of 23 April. Am forwarding my earlier response to the latest version of the MOA, in case that response got lost in the etherworld of your in-box!

Jim

----- Original Message -----

From: [James L. Cooper](#)
To: [Stephenson, Pamela](#)
Cc: dsantiago@dot.gov ; [Legard, Carol](#) ; cvaughn@achp.gov ; Joseph.Pavao.Jr@state.ma.us
Sent: Friday, March 23, 2012 10:26 AM
Subject: "Final" MOA on Mitchell River Bridge

Ms. Stephenson -

My letters to you of 11 December 2011 and 7 February 2012 stated my understanding that only MassDOT's design Alternatives #1 and #1b are consistent with the historical pattern of the bridge found to be National Register-eligible. Since MassDOT remains committed to Alternative #3 in the "Final" draft of the MOA, I cannot in good conscience sign the same.

Please enter this message into the record.

James L. Cooper