

When history is ignored, you are doomed to failure.



I recently provided the office of Governor-elect Janet Mills' Transition Team a document titled "[Brewer Boondoggle](#)" in my opposition to 2B-2 (I-395/Rte. 9 connector preferred alternative.) Several references were made to the below [Technical Memorandum](#); October 2003 was a critical juncture in this study—a "hard look" reiterates the significance of said document.

I believe it is extremely important to examine what is in that memorandum, what is not in that memorandum and ask why state and federal transportation professionals, some of whom would eventually select 2B-2 by 2010, ignored their own words.

["Responses to Substantive Comments"](#) illustrates MaineDOT's use of the term "not substantive" to silence the opposition and MaineDOT's intentional rejection of decade-long established design guidelines that would have invalidated 2B-2.



STUDY

I-395/Route 9 Transportation Study
Penobscot County, Maine
PIN 008483.20/NH-8483(20)E

Transportation Improvement Strategies
and Alternatives Analysis Technical
Memorandum
and

U.S. Army Corps of Engineers Highway
Methodology Phase I Submission

October 2003



U.S. Department
of Transportation
Federal Highway
Administration



Maine Department
of Transportation

What is in this Memorandum?

- Study and process guidelines.
- Definitions of logical termini and system linkage need.
- Highway design criteria.
- The history of this study from May 2001 to May 2003 that ended with the selection of 3EIK-2 for further studies.
- Analysis of 70 alternatives.
- What you won't find is 2B-2.

The byproduct of a long study is the revolving-door of managers; new managers may not have a working knowledge of the study or may lack the curiosity to acquire said knowledge. Whether intentional or not, the history of this study, especially the first decade when the criteria was established, has been abandoned.

When I first discovered the project changes, after serving 43 years as a civil servant, I genuinely thought I could simply pick up the phone and advise another civil servant of the mistake and everything would be rectified. How naïve was that? I would soon find out, even with a State Representative involved, the MaineDOT would refuse to directly talk with me.

In the fall of 2012, Gretchen Heldman and I met with MaineDOT management. Presented with the disparaging statements from this memorandum—condescendingly—S.R. discounted the facts with “talking points” and seemed stupefied that we questioned the MaineDOT’s selection, inferring we were wasting their time.

In retrospect, only one project manager—Ray Faucher—over the entirety of this study would gain my trust; I always got a candid answer from him. A few months after the April 2009 PAC meeting—at the same time that 2B-2 only met 1 of 5 purpose and needs and 3EIK-2 was the DOT’s preferred alternative—Ray got caught up in a layoff. I honestly believe 2B-2 would not have been selected under Ray’s watch; FOAA documents suggest the next project manager seemed swayed by EPA/ACOE pressure.

I am one of only a few private citizens cognizant of the study’s history back to 2000; not sure what the MaineDOT knows or will admit to knowing. Lack of awareness favors the DOT’s agenda.



We cannot allow our state and federal civil servants to continue to get away with “conveniently forgetting the past.” If MaineDOT officials are unaware of the study’s history, it is up to us to educate them. They need to be held accountable for prior statements or else explain why those statements are no longer valid.

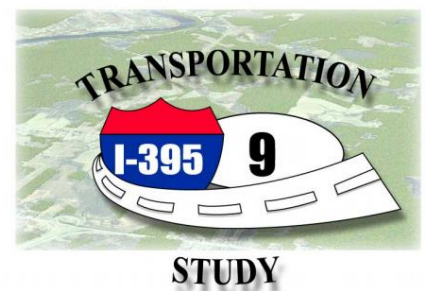
No one has held the DOT accountable for comments that should have disqualified 2B-2 from consideration. I firmly believe that disparaging remarks within this document are as applicable today with 2B-2 as they were with 2B in 2003; MaineDOT has failed to acknowledge statements that do not fit DOT’s agenda.

I may have inadvertently played down the significance of this memorandum by not addressing it by its entire title; this was the most critical document to date:

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2B-2 is a near-term project with long term needs!

A hard look at key statements within this memorandum:

Results

Design criteria for Route 9 connector:

“Alternatives were developed, and impacts quantified for a four-lane highway with two travel lanes in each direction, a divided median, and an approximate right-of-way of 200 feet. This highway was designed in accordance with MDOT’s design criteria for limited access freeways.

MDOT proposes that two lanes be constructed. When traffic volumes increase, warranting additional roadway capacity, the remaining two lanes would be constructed.”

RESULTS

INTRODUCTION

From May 2001 to May 2003, the No-build alternative and 70 build alternatives were developed in response to the purpose and needs for the Interstate 395-Route 9 transportation study (see the matrix and flow chart, “Summary of Preliminary Impacts and Feasibility of the Range of Reasonable Alternatives Considered”). These alternatives were subsequently evaluated against: their ability to further the study purpose; ability to satisfy the study needs; potential impacts to natural resources and people; and a series of engineering variables, including design criteria. The evaluation of alternatives was performed in coordination with federal and state agencies, and a public advisory committee. The alternatives development and screening process led to the retention of the No-build Alternative and Alternative 3EIK-2 for further detailed studies.

Listed below are the build alternatives dismissed from consideration and an explanation of how they compare with Alternative 3EIK-2.

Notes:

- Alternatives were developed, and impacts quantified for a four-lane highway with two travel lanes in each direction, a divided median, and an approximate right-of-way of 200 feet. This highway was designed in accordance with MDOT’s design criteria for limited access freeways. MDOT proposes that two lanes be constructed. When traffic volumes increase, warranting additional roadway capacity, the remaining two lanes would be constructed.
- Unless noted, most alternative that were not considered practicable failed to meet the system linkage need of providing a limited access connection between I-395 and Route 9 east of Route 46.
- If an alternative failed to meet one or more of the study needs, it also failed to meet the corresponding part of the study purpose.
- For simplicity, only bridge lengths were compared. Two bridges, one in each direction, would be required at each crossing. Each bridge would be 38 feet wide, with two 12 foot lanes, a six foot inside shoulder, and an eight foot outside shoulder.
- Areas identified by the U.S. Fish and Wildlife Service’s National Wetlands Inventory, and the Natural Resource Conservation Service as hydric soils were considered to be wetlands.
- Unless noted, proximity impacts indicate properties that are within 500 feet from the limit of disturbance on either side of a proposed alternative.
- Impacts were generally calculated for the area of disturbance (i.e., the limits of cutting and filling) necessary to construct the alternative.
- The reasons for dismissing alternatives are presented in no particular order of importance.

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Why is the MaineDOT allowed to construct a road that does not conform to the design criteria they specified in their own technical memorandum?

“The alternatives development and screening process led to the retention of the No-build Alternative and Alternative 3EIK-2 for further detailed studies.” Don’t let the MaineDOT claim that 3EIK-2 was not their first choice of preferred alternative!!!!

RESULTS

INTRODUCTION

From May 2001 to May 2003, the No-build alternative and 70 build alternatives were developed in response to the purpose and needs for the Interstate 395-Route 9 transportation study (see the matrix and flow chart, "Summary of Preliminary Impacts and Feasibility of the Range of Reasonable Alternatives Considered"). These alternatives were subsequently evaluated against: their ability to further the study purpose; ability to satisfy the study needs; potential impacts to natural resources and people; and a series of engineering variables, including design criteria. The evaluation of alternatives was performed in coordination with federal and state agencies, and a public advisory committee. The alternatives development and screening process led to the retention of the No-build Alternative and Alternative 3EIK-2 for further detailed studies.

Listed below are the build alternatives dismissed from consideration and an explanation of how they compare with Alternative 3EIK-2.

Notes:

- Alternatives were developed, and impacts quantified for a four-lane highway with two travel lanes in each direction, a divided median, and an approximate right-of-way of 200 feet. This highway was designed in accordance with MDOT's design criteria for limited access freeways. MDOT proposes that two lanes be constructed. When traffic volumes increase, warranting additional roadway capacity, the remaining two lanes would be constructed.
- Unless noted, most alternative that were not considered practicable failed to meet the system linkage need of providing a limited access connection between I-395 and Route 9 east of Route 46.
- If an alternative failed to meet one or more of the study needs, it also failed to meet the corresponding part of the study purpose.
- For simplicity, only bridge lengths were compared. Two bridges, one in each direction, would be required at each crossing. Each bridge would be 38 feet wide, with two 12 foot lanes, a six foot inside shoulder, and an eight foot outside shoulder.
- Areas identified by the U.S. Fish and Wildlife Service's National Wetlands Inventory, and the Natural Resource Conservation Service as hydric soils were considered to be wetlands.
- Unless noted, proximity impacts indicate properties that are within 500 feet from the limit of disturbance on either side of a proposed alternative.
- Impacts were generally calculated for the area of disturbance (i.e., the limits of cutting and filling) necessary to construct the alternative.
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This statement should also disqualify 2B-2, by failing to meet the system linkage need and the corresponding part of the study purpose—alternative 2B was removed from further consideration in January 2003.

HOWEVER, 2B-2 wouldn't become part of the study conversation until presented by the Town of Holden to the Army Corp of Engineers in September 2003, against the wishes of the MaineDOT/FHWA. Holden insisted on the consideration of 2B-2 after 3EIK-2 was forwarded for further studies in May 2003. You won't find 2B-2 in this memorandum.

**"...SYSTEM LINKAGE
NEED OF PROVIDING
A LIMITED ACCESS
CONNECTION
BETWEEN I-395 AND
ROUTE 9 EAST OF
ROUTE 46."**

**"Unless noted, most
alternative[s] that
were not considered
practicable failed to
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Route 9 east of Route
46...If an alternative
failed to meet one or
more of the study
needs, it also failed to
meet the
corresponding part of
the study purpose."**

This is NOT “fake news”; these are MaineDOT’s own words:

“This alternative [2B] would not be practicable because it would fail to meet the system linkage need, and would fail to adequately address the traffic congestion needs in the study area.”

2B was removed from consideration in Jan 2003 because of the increased potential for new safety concerns and hazards; YET, 2B-2 became the preferred alternative by September 2010. How come concerns of safety in 2003 are unheeded in 2018 and beyond?

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THE FAMILY OF ONES

Upgrade Alternatives (1, Revised 1, 1-1, 1-2, 1-3, 1-4)

These alternatives would not be practicable because they fail to meet the system linkage need, and fail to adequately address the traffic congestion needs in the study area. Safety hazards were a concern with several of these alternatives.

Additionally, these alternatives would result in:

- 15-21 residential and 1-3 commercial displacements (in comparison to 2 residential and 0 commercial displacements for Alternative 3EIK-2).

Partial Upgrade (1-4B, 1-4B-1, 1-4B-2, 1-4B-3, 1-4B-4)

These alternatives would not be practicable because they would fail to meet the system linkage need and fail to adequately address the traffic congestion need because traffic on Route 1A would remain the same.

These alternatives would result in:

- 8-17 residential and 3 commercial displacements (in comparison to 2 residential and 0 commercial displacements for Alternative 3EIK-2).
- Substantial impact to operations at the Camp Roosevelt Boy Scout camp.

THE FAMILY OF TWOS

Alternative 2A

This alternative would not be practicable because it would fail to meet the system linkage need.

Additionally, this alternative would:

- Displace 8 residences (in comparison to 2 residential displacements for Alternative 3EIK-2).
- Have greater impacts on active farmlands (25.6 acres v. 6.2 acres) than Alternative 3EIK-2.
- Have greater impacts on notable wildlife habitat (4.4 acres v. 0.7 acre) than Alternative 3EIK-2.

Alternative 2B

This alternative would not be practicable because it would fail to meet the system linkage need, and would fail to adequately address the traffic congestion needs in the study area.

Alternative 2B would use approximately 5 miles of Route 9. Traffic congestion and conflicting vehicle movements on this section of Route 9 would substantially increase the potential for new safety concerns and hazards.

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“Alternative 2B would use approximately 5 miles of Route 9. Traffic congestion and conflicting vehicle movements on this section of Route 9 would substantially increase the potential for new safety concerns and hazards.”

2B had the most proximity impacts of all alternatives—17 times more than 3EIK-2 (1st preferred alternative); 2B-2 now assumes that impact!!

Results

“In summarizing the overall difference between this matrix and the matrix used at the last PAC meeting, Bill said a new column has been added to the matrix—“Number of Buildings in Proximity”; in proximity was defined as within 500 feet of edge of the roadway (for a total width of approximately 1200 feet wide). The purpose of adding this column was to measure the impact of each alternative along the entire length of the alternative or affected area. This was done in response to the suggestions made at the last meeting that MDOT should not place an alternative too close to the majority of people. This also helps to illustrate the impact of Alternative 2B along the section of Route 9. The impact to neighbors in proximity are greater with Alternative 2B than the other alternatives.”

PAC Meeting 7.24.2002

“Proximity was part of the value system defined at the outset of the study...These metrics were used for siting the alternatives but aren’t used as a part of the impacts assessment, since there is no regulation to enforce it.”

PAC Meeting 4.15.2009

Additionally, this alternative would result in:

- substantially greater proximity impacts (residences within 500 feet of the proposed roadway) in comparison to Alternative 3EIK-2 (200 residences v. 12 residences).

Alternative 2B-1

This alternative would be practicable.

This alternative was dismissed because it would result in:

- 2 water crossings potentially with anadromous fish versus 0 for Alternative 3EIK-2.
- Impacts to 10.7 acres of floodplains versus 9.6 acres for Alternative 3EIK-2.
- Impacts to 18.8 acres of active farmland and 37 acres of prime farmland soils versus 6.2 acres and 20.5 acres, respectively, for Alternative 3EIK-2.
- 9 residential displacements in comparison to 2 for Alternative 3EIK-2.
- Substantially greater proximity impacts than Alternative 3EIK-2 (61 residences v. 12 residences).
- Substantial public opposition toward Alternative 2B-1 due to the proximity impacts.

Alternative 2BEF

This alternative would be practicable.

This alternative was dismissed because it would result in:

- 11 water crossings versus 6 for Alternative 3EIK-2
- 2 water crossings potentially with anadromous fish versus 0 for Alternative 3EIK-2.
- Impacts to 20.1 acres of active farmland and 37.8 acres of prime farmland soils versus 6.2 acres and 20.5 acres, respectively, for Alternative 3EIK-2.
- 7 residential displacements in comparison to 2 for Alternative 3EIK-2.
- Substantially greater proximity impacts than Alternative 3EIK-2 (120 residences v. 12 residences).
- Greater impacts to wetlands (65.6 acres v. 43.2 acres) in comparison to Alternative 3EIK-2.

Alternative 2BE3K

This alternative would be practicable.

This alternative was dismissed because it would result in:

- 11 water crossings versus 6 for Alternative 3EIK-2.

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“... [2B] would result in: substantially greater proximity impacts...in comparison to...3EIK-2 (200 residences versus 12...)”

“The impact to neighbors in proximity are greater with Alternative 2B than the other alternatives.” 7.24.2002

“Prior to the eleventh PAC meeting on February 20, 2002, the system linkage need was examined in greater detail to further aid in reducing the number of preliminary alternatives.”

“To meet the need of improved regional system linkage while minimizing impacts to people, it was determined that an alternative must provide a limited-access connection between I-395 and Route 9 east of Route 46.”

“Alternatives providing a direct connection between I-395 and Route 9 east of Route 46 will provide improved regional connections between the Canadian Maritime Provinces and the Bangor region and reduce traffic on other roadways. Such alternatives meet the intent of the East-West Highway Initiative.”

“Alternatives that would connect to Route 9 west of Route 46 would severely impact local communities along Route 9 between proposed alternative connection points and Route 46.”

alternative would have on the natural environment, social environment, and land use. Preliminary alternatives that met the project purpose and need and met the engineering criteria, while potentially generating the fewest or least substantial environmental impacts, were retained for continued study. The No-build Alternative was carried through the screening process.

Prior to the eleventh PAC meeting on February 20, 2002, the system linkage need was examined in greater detail to further aid in reducing the number of preliminary alternatives. To meet the need of improved regional system linkage while minimizing impacts to people, it was determined that an alternative must provide a limited-access connection between I-395 and Route 9 east of Route 46. Alternatives that do not provide a limited access connection to Route 9 east of Route 46 would not be practicable because that would not provide a substantial improvement in regional mobility and connectivity and would negatively affect people living along Route 9 in the study area. Alternatives that would connect to Route 9 west of Route 46 would severely impact local communities along Route 9 between proposed alternative connection points and Route 46. Alternatives providing a direct connection between I-395 and Route 9 east of Route 46 will provide improved regional connections between the Canadian Maritime Provinces and the Bangor region and reduce traffic on other roadways. Such alternatives meet the intent of the East-West Highway Initiative.

This process of refinement, screening, and coordination was continued until a reasonable set of alternatives to be carried forward for detailed study was developed.

Notes:

- If an alternative failed to meet one or more of the study needs, it also failed to meet the corresponding part of the study purpose.
- For simplicity, only bridge lengths were compared. Two bridges, one in each direction, would be required at each crossing. Each bridge would be 38 feet wide, with two 12 foot lanes, a six foot inside shoulder, and an eight foot outside shoulder.
- Areas identified by the U.S. Fish and Wildlife Service's National Wetlands Inventory, and the Natural Resource Conservation Service as hydric soils were considered to be wetlands.
- Unless noted, proximity impacts indicate properties that are within 500 feet from the limit of disturbance on either side of a proposed alternative.
- The reasons for dismissing alternatives are presented in no particular order of importance.

C. CHRONOLOGY

Five PAC meetings were held between September 2000 and February 2001 to discuss the purpose and needs of the study and assemble features information for the study area.

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“Alternatives that do not provide a limited access connection to Route 9 east of Route 46 would not be practicable because that would not provide a substantial improvement in regional mobility and connectivity and would negatively affect people living along Route 9 in the study area.”

That unambiguous “east of Route 46” (eastern logical termini) that the FHWA would manipulate in Jan. 2012 to an ambiguous “the portion of Route 9 in the study area” to enable the selection of alternative 2B-2.

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“Specifically, the eastern logical termini was refined. Alternatives that did not connect to Route 9 east of Route 46 were dismissed from further consideration.”

The eastern logical termini would be changed by the FHWA in January 2012 to “the portion of Route 9 in the study area.”

At the sixth PAC meeting on May 2, 2001, the PAC members were divided into groups and asked to identify potential preliminary alternatives using satellite imagery and features mapping of the study area. Preliminary alternatives were developed based on their ability to meet the purpose and needs of the study and their ability to avoid or minimize impact to environmental and social features (Preliminary Features Mapping, February 2001).

The study team presented the results of the alternatives screening at eleven PAC meetings, one public meeting, and five interagency meetings (see the Alternatives Analysis Flow Chart):

- PAC Meeting #7, June 27, 2001 — The rationale for reducing the original 45 preliminary alternatives to eight was explained. Four additional preliminary alternatives were suggested at this meeting by members of the PAC, increasing the range of reasonable alternatives to 12 (Appendix B).
- PAC Meeting #8, July 18, 2001 — The range of twelve alternatives was reduced to ten. Alternative 1 was dismissed by MDOT because of safety concerns and Alternative 2D was dismissed because of impacts to waters of the U.S. (Appendix C).
- Public Meeting #2, September 19, 2001 — The purpose of the meeting was to update the public on the work that had been done by the study team and PAC since the public scoping meeting in April 2001. Specifically, the initial range of alternatives was presented. No suggestions were made to study additional alternatives (Appendix D).
- Interagency Meeting #3, October 9, 2001 — The study team presented the alternatives analysis to date and asked for concurrence. The agencies concurred with the range and development of alternatives considered and the preliminary screening of alternatives to date (Appendix E).
- PAC Meeting #9, October 23, 2001 — No alternatives were dismissed at this meeting. One new alternative (1-4B) was suggested during the meeting bringing the total number of alternatives to 11 (Appendix F).
- PAC Meeting #10, December 19, 2001 — Alternative 1-4B and its impacts were reviewed. Two of the remaining eleven alternatives (3E-2C, 3C-2C-2E) were dismissed from further consideration because they were less effective at satisfying the purpose and need of the study than other alternatives and resulted in some of the greatest impacts to people (Appendix G).
- PAC Meeting #11, February 20, 2002 — The nine alternatives were reevaluated based on a more detailed examination of the study purpose and needs. Specifically, the eastern logical termini was refined. Alternatives that did not connect to Route 9 east of Route 46 were dismissed from further consideration. Seven alternatives were dismissed (Appendix H).

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Study criteria was clearly specified: “alternative must provide a limited-access connection between I-395 and Route 9 east of Route 46...Alternatives that did not connect to Route 9 east of Route 46 were dismissed from further consideration.”

2B-2 is a near-term project with long term needs!

BUT—what would happen if the MaineDOT turned a blind eye to key study guidelines by choosing an alternative that would connect to the west of Route 46? MaineDOT officials gave us a glimpse—in the form of a warning—what the future would hold with an alternative like 2B-2.

“Alternative 2B was dismissed prior to PAC Meeting #16 on January 15, 2003 because it would inadequately address the system linkage and traffic congestion needs. This alternative...would fail to meet the system linkage need of providing a limited access connection between I-395 and Route 9 east of Route 46.”

“MDOT projects that the future level of service (LOS) for this section of Route 9 resulting from this alternative would be “D” — LOS D is where traffic starts to break down between stable and unstable flow and can become a safety concern in areas of level topography, vehicle mix, and fluctuating speeds.”

“Limited opportunities exist to control access management on this section of Route 9 from local roads and driveways. There are ten local roads and 148 existing drives or access points to undeveloped lots. Assuming 10 trip ends per drive and an equal number of left and right turns, Alternative 2B’s ability to satisfy the system linkage and traffic congestions needs is questionable. There are several hundred acres that can be developed along this section of Route 9. Additionally, 200 buildings (residential and commercial) would be located in proximity (within 500 feet) of the proposed roadway.”

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4. Alternative 1-4B-4

This alternative is similar to Alternative 1-4B, except the section of Route 1A from the I-395 interchange to a point approximately 500 meters (1,640 feet) west of Harts Corners is identical to Alternative 1-4.

This alternative would not be practicable because it would fail to meet the system linkage need of providing a limited access connection between I-395 and Route 9 east of Route 46. This alternative was dismissed at the 15th PAC meeting on November 20, 2002 because it would be very physically intrusive, requiring 6 million cubic yards of earthwork, and would potentially have substantial impacts to the Camp Roosevelt Boy Scout camp. It would require 17 residential and 3 commercial displacements.

F. ALTERNATIVE 2B

This alternative is one of the original 45 alternatives. It is described in section III-2-b-(2).

Alternative 2B was dismissed at PAC Meeting #11 on February 20, 2002 because MDOT and FHWA thought, as a condition of the Record of Decision, or the Section 404 permit, or both, for the existing section of I-395, additional impacts to Felts Brook would not be permitted and therefore this alternative was not ‘practicable’ under the law.

At the fourth interagency meeting on March 12, 2002, the agencies stated that the permit for the existing section of I-395 was not conditioned to prevent further impacts to Felts Brook, and that Alternative 2B should be considered practicable under the law and should continue to be evaluated.

Alternative 2B was dismissed prior to PAC Meeting #16 on January 15, 2003 because it would inadequately address the system linkage and traffic congestion needs. This alternative would not be practicable because it would fail to meet the system linkage need of providing a limited access connection between I-395 and Route 9 east of Route 46. MDOT projects that the future level of service (LOS) for this section of Route 9 resulting from this alternative would be “D” — LOS D is where traffic starts to break down between stable and unstable flow and can become a safety concern in areas of level topography, vehicle mix, and fluctuating speeds. Future traffic volume (year 2030 no-build average annual daily traffic) would be approximately 8,800 vehicles.

Limited opportunities exist to control access management on this section of Route 9 from local roads and driveways. There are ten local roads and 148 existing drives or access points to undeveloped lots. Assuming 10 trip ends per drive and an equal number of left and right turns, Alternative 2B’s ability to satisfy the system linkage and traffic congestions needs is questionable. There are several hundred acres that can be developed along this section of Route 9. Additionally, 200 buildings (residential and commercial) would be located in proximity (within 500 feet) of the proposed roadway.

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“The lack of existing access controls and the inability to effectively manage access along this section of Route 9, and the number of left turns, contribute to the poor LOS and safety concerns, and the inability of Alternative 2B to satisfy the system linkage purpose and need effectively.”

The lack of existing access controls and the inability to effectively manage access along this section of Route 9, and the number of left turns, contribute to the poor LOS and safety concerns, and the inability of Alternative 2B to satisfy the system linkage purpose and need effectively.

G. ALTERNATIVE 2B-1

This alternative was suggested at the 13th PAC meeting on July 24, 2002 as a modification of Alternative 2B. The first section of Alternative 2B-1 is identical to Alternative 2B. Instead of tying into Route 9 near the intersection with Chemo Road, Alternative 2B-1 parallels Route 9 south of Cummings Bog approximately 0.9 mile south of Route 9. Alternative 2B-1 turns north and crosses Route 9 approximately 1.0 mile east of the intersection with Chemo Road. Alternative 2B-1 runs north of East Eddington, turns south, and ties into Route 9 east of Route 46. This alternative is 10.2 miles long.

This alternative was dismissed at the 17th PAC meeting on April 30, 2003. This alternative was dismissed because it would have greater impacts to forested areas and unfragmented wildlife habitat than Alternative 2C-1/2B-1 (the portion of both alternatives that parallel the utility corridor).

H. ALTERNATIVE 2BEF

The alternative was suggested at the 12th PAC meeting on May 22, 2002. It follows Alternative 2B, but instead of tying into Route 9 near the intersection with Chemo Road, it continues east parallel to the south side of Route 9 (Component 2E) and passes south of East Eddington (Component 2F). It ties into Route 9 east of Route 46. This alternative is 10.2 miles long.

This alternative was dismissed at the 13th PAC meeting on July 24, 2002 because it would impact approximately 65 acres of wetlands. The USACOE would not likely permit this alternative, as it would not be the “least environmentally damaging practicable alternative” under Section 404 and would not be in the public interest. This alternative would have comparably high floodplain impacts.

I. ALTERNATIVE 2BE3K

This alternative was suggested at the 12th PAC meeting. This alternative is nearly identical to Alternative 2BEF except that it uses Component 3K (instead of 2F) which passes north of East Eddington and ties in to Route 9 east of Route 46. This alternative is 10.1 miles long.

This alternative was dismissed at the 15th PAC on November 20, 2002 meeting because it would impact approximately 54 acres of wetlands. The USACOE would not likely permit this alternative, as it would not be the “least environmentally damaging practicable alternative” under Section 404 and would not be in the public interest. This alternative would have comparably high floodplain impacts.

SUMMARY: 2B did not satisfy the system linkage need and failed to adequately address the traffic congestion need. The most damning statement in this technical memorandum is: “Traffic congestion and conflicting vehicle movements on this section of Route 9 [applies also to 2B-2] would substantially increase the potential for new safety concerns and hazards.” 2B [and now 2B-2] would also have the most proximity impacts of all the studied alternatives, voiding the system linkage need statement: “To meet the need of improved regional system linkage while minimizing impacts to people...”

3EIK-2 was indeed preferred by both the MaineDOT and the FHWA, something they have both vehemently denied—here's the proof:

“Alternative 3EIK-2 was retained for detailed studies.”

“This alternative was suggested by the Bangor city engineer, and developed between PAC meetings 16 and 17. It was presented at PAC meeting #17 on April 30, 2003.”

2B was removed for safety issues specific to the 4.2 mile segment of Route 9 that 2B-2 needs to fulfill the near-term system linkage need. Why are the warnings of “[2B] would substantially increase the potential for new safety concerns and hazards” intentionally ignored by the DOT that wrote them?

3EIK-2 didn't have 2B's Route 9 safety issues as 3EIK-2 actually satisfied the “east of Route 46” system linkage need.

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Q. ALTERNATIVE 3EIK

Alternative 3EIK is one of the initial 45 alternatives. It consists of Components 3E, 3I, and 3K described in section III-B-2-c.

This alternative was dismissed at the 15th PAC meeting on November 20, 2002 because it would require approximately 20 more acres of area to build than Alternative 3A-3EIK-1. It would have greater proximity impacts to people along Eastern Avenue than Alternative 3A-3EIK-1. It would require approximately 30% (1,100 ft.) more bridge length than Alternatives 3-EIK-1 or 3A-3EIK-1. It would be less effective at satisfying the traffic congestion need than Alternatives 3-EIK-1 or 3A-3EIK-1.

R. ALTERNATIVE 3EIK-1

This alternative was suggested at the 12th PAC meeting. It is a modification of Alternative 3EIK that was been shifted approximately 1,500 feet to the southeast to reduce impacts to residences along Eastern Avenue. This alternative is 10.2 miles long.

This alternative was dismissed prior at 15th PAC meeting on November 20, 2002 because it would be approximately one mile longer to build and require 20 more acres of land than Alternative 3A-3EIK-1. Alternative 3A-3EIK-1 was also favored by many of the businesses in the town of Holden.

S ALTERNATIVE 3EIK-2

This alternative was suggested by the Bangor city engineer, and developed between PAC meetings 16 and 17. It was presented at PAC meeting #17 on April 30, 2003. Alternative 3EIK-2 begins off the mainline of I-395 and parallels Route 1A. It crosses Route 1A approximately 3,000 ft. west of Copeland Hill Rd. It continues northeast, crossing Mann Hill Rd., Levenseller Rd., and Route 9. After crossing Route 9, it turns southeast, and connects with Route 9 east of the intersection with Route 46. This alternative is 10.6 miles long.

Alternative 3EIK-2 was retained for detailed studies.

T. ALTERNATIVE 3A-3EIK-1

This alternative was suggested at the 12th PAC meeting. It is like Alternative 3EIK-1 except that it begins at the end of I-395. This alternative is 9.2 miles long.

This alternative was dismissed at the 16th PAC meeting on January 15, 2003 because it would impact approximately 50 acres of wetlands and 22.8 acres of flood-plains (approximately 30% more than other alternatives in the '3' family). This alternative would also impact 12.5 acres of notable wildlife habitat. These impacts are substantially higher than those from the other alternatives retained for continued screening as of January 2003.

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[Technical Memorandum from October 2003 page 24.](#)

Congratulations to the MaineDOT, FHWA and ACOE—they're not only responsible for the selection of an alternative (2B-2) that does not meet purpose and needs—they selected the one alternative that impacts the most people within the whole study area. Great job!!

Regulatory and resource agencies with direct or indirect jurisdiction signed on to 3EIK-2 with the MaineDOT/FHWA on May 13, 2003.

Summary

“As a result of the alternatives development and screening process, two alternatives have been retained for detailed studies...

- No-build
- 3EIK-2

At the interagency meeting held on May 13, 2003, the regulatory and resource agencies with direct or indirect jurisdiction concurred with the range of alternatives retained for detailed study, pending review of this document.”

AA. ALTERNATIVE 5B2E3K

This alternative is nearly identical to 5B2EF, except that it continues onto Component 3K which connects with Route 9 east of East Eddington.

This alternative was dismissed prior to PAC meeting #13 on July 24, 2002 because it would have comparably high impacts of approximately 68 acres of wetlands and 32 acres of floodplain impacts against other available alternatives.

V. ALTERNATIVES RETAINED FOR DETAILED STUDIES

As a result of the alternatives development and screening process, two alternatives have been retained for detailed studies (see map pocket):

- No-build
- 3EIK-2

At the interagency meeting held on May 13, 2003, the regulatory and resource agencies with direct or indirect jurisdiction concurred with the range of alternatives retained for detailed study, pending review of this document.

VI. REFERENCES

MaineDOT, Bureau of Planning. “2004-2009 Draft Six-Year Transportation Improvement Plan.”

Public Law. Maine Sensible Transportation Policy Act of 1991. 17-229 Chapter 103.

Public Law 91-190. The National Environmental Policy Act of 1969. 42 U.S.C. 4321 et seq. Signed January 1, 1970.

Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act. 40 CFR Parts 1500-1508. November 29, 1978.

Public Law 95-217. Clean Water Act of 1977. 33 U.S.C. 1251.

U.S. Army Corps of Engineers, New England Division. The Highway Methodology Workbook. Integrating Corps Section 404 Permit Requirements with Highway Planning and Engineering and the NEPA EIS Process. 1993.

Page 27


[Technical Memorandum from October 2003 page 27.](#)

Alternative 3EIK-2 won full concurrence from the study group in May 2003; that same group decisively rejected 2B five months earlier. Why would some of these same officials overturn their own decision seven years later to select the same alternative they once soundly rejected?

2B-2 is a near-term project with long term needs!

2B was introduced—again—in September 2003 as 2B-2. In April 2009, 3EIK-2 was MaineDOT/FHWA’s preferred alternative at the same time that 2B-2 satisfied only 1 in 5 (20%) of the purpose and needs:

I-395/Route 9 Transportation Study
PAC Meeting April 15, 2009



Purpose and Needs Matrix

Alternatives	Meets Purpose		Meets Needs		
	Study Purpose	USACE Purpose	System Linkage	Safety Concerns	Traffic Congestion
No-Build	No	No	No	No	No
Alternative 1-Upgrade	No	No	No	No	No
2B-2	No	No	No	Yes	No
3A-3EIK-1	Yes	Yes	Yes	Yes	Yes
3EIK-2	Yes	Yes	Yes	Yes	Yes
5A2E3K	Yes	Yes	Yes	Yes	Yes
5A2E3K-1	No	No	No	Yes	No
5A2E3K-2	Yes	Yes	Yes	Yes	Yes
5B2E3K-1	Yes	Yes	Yes	Yes	Yes

This [Matrix](#) was part the April 15, 2009 PAC meeting handout.

www.i395-rt9-study.com

Design Criteria per October 2003 Technical Memorandum page i:

“Alternatives were developed, and impacts quantified for a four-lane highway with two travel lanes in each direction, a divided median, and an approximate right-of-way of 200 feet. This highway was designed in Accordance with MDOT’s design criteria for limited access freeways. MDOT proposes that two lanes be constructed. When traffic volumes increase, warranting additional roadway capacity, the remaining two lanes would be constructed.”

Does 2B-2 meet any of the design criteria in this memorandum?

- **NO**—2B-2’s 4-lane upgradability was abandoned; as referenced in minutes of the October 2011 Interagency Meeting—backpedaled in DEIS comments.
- **NO**—2B-2’s right-of-way was stated at both 100’ to 125’ and 100’. FOAA #001143 on 8.1.2011 and Senator Collins’ office email (C.W.) on 4.8.13.
- **NO**—2B-2 is being designed using downgraded “rolling rural” criteria.
- **NO**—2B-2 is a controlled-access facility; limited-access was identified as a long-term need, deferred for 20 years.
- **NO**—2B-2 is a near-term project with long-term needs!
- MaineDOT backpedaled on ROW in FEIS—labelling it as “brief discussions”. IMO—that was necessary to appear to be compliant with NEPA and we’ll only know the ROW truth when final plans are issued, outside the NEPA process. IMO—it was a smokescreen. Future upgradability depends on width of ROW.

FHWA regulations from [PAC meeting 5.02.2001](#) were ignored:

Logical Termini and Segmentation

The FHWA regulations on evaluating environmental impacts (23 CFR 771.111(f)) require that:

In order to ensure meaningful evaluation of alternatives and to avoid commitments to transportation improvements before they are fully evaluated, the action evaluated in each environmental impact statement (EIS) or finding of no significant impact (FONSI) shall:

1. *Connect logical termini and be of sufficient length to address environmental matters on a broad scope;*
2. *Have independent utility or independent significance, i.e., be usable and be a reasonable expenditure even if no additional transportation improvements in the area are made; and*
3. *Not restrict consideration of alternatives for other reasonably foreseeable transportation improvements.*

The development of a transportation project should consider how the end points are determined, both for the improvement itself and for the scope of the environmental analysis. In developing an alternative, need to consider a single and complete project.

Logical termini for project development are defined as (1) rational end points for a transportation improvement, and (2) rational end points for a review of the environmental impacts.

Alternatives should satisfy the project needs and should be considered in the context of the local area socioeconomics and topography, the future travel demand, and other infrastructure improvements in the area.

Without framing a project in this way, proposed improvements may miss the mark by only peripherally satisfying the need or by causing unexpected side effects which require additional corrective action. A problem of "segmentation" may also occur where a transportation need extends throughout an entire corridor but environmental issues and transportation need are inappropriately discussed for only a segment of the corridor.

"Alternatives should satisfy the project needs..."

"Without framing a project in this way, proposed improvements may miss the mark by only peripherally satisfying the need or by causing unexpected side effects which require additional corrective action."

I would add that rebranding the "east of Route 46" system linkage need to a long-term need and defer that need 20 years would come under the category of "miss the mark by only peripherally satisfying the need...which will require additional corrective action."

Peripherally is defined as slightly, recklessly, somewhat, vaguely or marginally; "peripherally satisfying the need" best describes the DOT's selection for preferred alternative; 2B-2 is a near-term project with long-term needs.

The "east of Route 46" system linkage need should be satisfied from the onset—not deferred 20 years to our grandchildren!!

A problem of "segmentation" may also occur where a Transportation need extends throughout an entire corridor but Environmental issues and transportation need are inappropriately discussed for only a segment of the corridor."

One should have every expectation that criteria in this memorandum, design criteria that the DOT would ignore in September 2010, would deserve an answer as to why that criteria was discounted—guess again! DEIS comment #16 addressed the memorandum's system linkage need—was considered not substantive for comment by the MaineDOT and buried on pg. 119, unanswered, in [a book that no one will read](#).

Attachment: Comme

DEIS Comment/Question # 16. Submitted by: Larry Adams, a Brewer resident, on April 17, 2012

Per the original 2/20/2002 System Linkage Need statement, alternatives 2B-2, 5A2B-2 and 5B2B-2:

- 1.) Do not meet the purposes and needs of this study as originally tasked.
- 2.) Do not provide a limited-access connection between I-395 and Route 9 EAST of Route 46 as tasked.
- 3.) Will not minimize impacts to people.
- 4.) Would not be practicable.
- 5.) Would not provide substantial improvement in regional mobility and connectivity.
- 6.) Would negatively affect people living on Route 9 in the study area.
- 7.) Would severely impact local communities along Route 9 between proposed alternative connection points and route 46.
- 8.) Will not provide improved regional connections between the Canadian Maritime Provinces and the Bangor region.
- 9.) Will not reduce traffic on other roadways.
- 10.) Will not meet the intent of the East-West Highway Initiative.

"Prior to the eleventh PAC meeting on February 20, 2002, the system linkage need was examined in greater detail to further aid in reducing the number of preliminary alternatives. To meet the need of improved regional system linkage while minimizing impacts to people, it was determined that an alternative must provide a limited-access connection between I-395 and Route 9 east of Route 46. Alternatives that do not provide a limited access connection to Route 9 east of Route 46 would not be practicable because that would not provide a substantial improvement in regional mobility and connectivity and would negatively affect people living along Route 9 in the study area. Alternatives that would connect to Route 9 west of Route 46 would severely impact local communities along Route 9 between proposed alternative connection points and Route 46. Alternatives providing a direct connection between I-395 and Route 9 east of Route 46 will provide improved regional connections between the Canadian Maritime Provinces and the Bangor region and reduce traffic on other roadways. Such alternatives meet the intent of the East-West Highway Initiative." (I-395/Rt. 9 Transportation Study Transportation Improvement Strategies and Alternatives Analysis Technical Memorandum and U.S. Army Corps of Engineers Highway Methodology Phase I Submission dated October 2003)

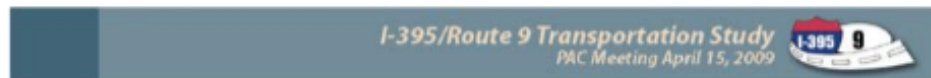
My comments to the DEIS are on pages 103 to 171 in the "Draft Responses to Substantive Comments." (link above) Any comment the DOT deemed substantive for further comment was marked with a bold black vertical line in the right margin; most of my comments were judged not substantive and have never been answered. Yes, a few were considered substantive, but it appeared that the DOT had canned answers available to give the appearance of a viable process. The MaineDOT was the judge, jury and executioner...

Statements from this memorandum (page ii and page 5) reference the system linkage need and 2B's disqualification were considered not substantive for further comment—the MaineDOT refuses to recognize their own documentation if it doesn't promote their current agenda!!

Attachment: Comments and Public Meeting Transcripts

DEIS Comment/Question # 27. Submitted by: Larry Adams, a Brewer resident, on April 23, 2012.

On May 2nd the MDOT/FHWA will be presenting their selection of 2B-2/the Preferred Alternative at a Public Hearing. In my opinion, their decision is flawed by previous statements: the original System Linkage Needs statement of February 2002, reasons for removal of 2B from further consideration in 2002 and the Purpose and Needs Matrix of April 2009 tell a different story—alternative 2B-2 did not meet the original Purposes and Needs of the Study nine years into this Study, but now it is the preferred alternative. 2B and 2B-2 are almost identical alternatives. Explain why we should concur with an expenditure of \$90+ million dollars to construct 2B-2 based on these statements and the Matrix. What is it about NO that you can't understand?



Purpose and Needs Matrix

Alternatives	Meets Purpose		Meets Needs		
	Study Purpose	USACE Purpose	System Linkage	Safety Concerns	Traffic Congestion
No-Build	No	No	No	No	No
Alternative 1-Upgrade	No	No	No	No	No
2B-2	No	No	No	Yes	No
3A-3EIK-1	Yes	Yes	Yes	Yes	Yes
3EIK-2	Yes	Yes	Yes	Yes	Yes
5A2E3K	Yes	Yes	Yes	Yes	Yes
5A2E3K-1	No	No	No	Yes	No
5A2E3K-2	Yes	Yes	Yes	Yes	Yes
5B2E3K-1	Yes	Yes	Yes	Yes	Yes



Previous Statements from MaineDOT/FHWA Transportation Professionals:

"Alternatives that do not provide a limited access connection to Route 9 east of Route 46 would not be practicable because that would not provide a substantial improvement in regional mobility and connectivity and would negatively affect people living along Route 9 in the study area. Alternatives that would connect to Route 9 west of Route 46 would severely impact local communities along Route 9 between proposed alternative connection points and Route 46." (System Linkage Need Statement)

"Alternative 2B: This alternative would not be practicable because it would fail to meet the system linkage need, and would fail to adequately address the traffic congestion needs in the study area. Alternative 2B would use approximately 5 miles of Route 9. Traffic congestion and conflicting vehicle movements on this section of Route 9 would substantially increase the potential for new safety concerns and hazards." (Reasons for removing alternative 2B from further consideration.)

(Transportation Improvement Strategies and Alternatives Analysis Technical Memorandum and U.S. Army Corps of Engineers Highway Methodology Phase I Submission October 2003 – page ii and page 5 of Summary)

DEIS comment questioning the fairness of this study process was considered not substantive. Good reading though, gives a flavor of how many of us viewed our interactions with the MaineDOT and FHWA.

Attachment: Comments and Public Meeting Transcripts

DEIS Comment/Question # 8.

Submitted by: Larry Adams, a Brewer resident, on April 16, 2012

Has the MaineDOT/FHWA process been fair:

- There were many times within the long decade+ of this study where the management of this study, with the MaineDOT and the FHWA as co-leads, has been, in my opinion, very poor or lacking at best.
- The study was often allowed to be hijacked and stalled by some within the study area to try to keep alternatives out of their town. The public meetings, hearings and PAC meetings were often confrontational, and that was as much in the audience as it was to the Study Group. It was intimidating to sit in the audience within a process that was obviously not controllable. The rules of the PAC meetings were no-public interaction until the public comment section at the end, an example of this was at an earlier meeting where constant interruptions of comments and questions actually shut down the PAC and the moderator allowed it.
- MaineDOT/FHWA allowed private meetings to occur and even allowed direct contact with other agencies and one of the communities involved in the study when the MaineDOT/FHWA continually said that they wouldn't.
- The MaineDOT project manager intentionally kept information from a Brewer citizen in March of 2011. That email was provided with question #6. Why is that important? I would have rather had this conversation a year ago, not a year later after all the work has been done leading to the publication of the DEIS.
- The MaineDOT/FHWA appeared to have allowed the study to be steered in the direction of alternative 2B-2 by the ACOE, not a lead agency in this study. The MDOT/FHWA was not interested in alternative 2B-2 at all as is quoted in several BDN articles from 2004. Why was the ACOE still promoting alternative 2B-2?
- This study was taken underground from 2003 to 2008 and again in April 2009 to the present time.
- Who could have predicted that the preferred route of some seven years, alternative 3EIK-2, would be removed from further consideration and replaced with the 2B-2 alternative that previously did not meet four of the five purpose and needs of the study? If it wasn't for a pure accident, the citizens of Brewer and Eddington would have only found out when the DEIS was completed and sent out for comments.
- The MaineDOT intended to do a "media blitz" to promote the selection of 2B-2 and reactivate the PAC to help them in their cause. (12/2011 Interagency Meeting Minutes) That did not happen and in fact the MaineDOT, because of their lack of transparency since April of 2009, submitted a written apology and this statement: "In the coming weeks, MaineDOT officials will refocus on the public process in which residents will have ongoing opportunities to provide feedback including review of the draft environmental impact statement and public hearing(s) as needed. We look forward to hearing from all interested parties," the statement concluded. (BDN 1/06/2012)
- Because several property owners and local government officials started vigorously complaining to local, state and federal government officials, the MaineDOT decided first to not provide separate meetings with our elected officials as promised and they never did activate the PAC.
- The MaineDOT only started providing new information, much needed to figure out how badly we were to be damaged, because of our work directly with our legislative delegation. The website was finally updated around February 17th to reflect some of the new engineering changes. The only update to that date was the change in the name of the project manager and the addition of the current map – no new engineering data was added from April 2009 until February 2012.
- The MaineDOT/FHWA/USACOE did provide a much needed open house forum at Brewer on April 4th but even then none of the state and federal government officials appeared to show any flexibility to their selection other than pushing ahead for 2B-2. No-build was always supposed to be a valid alternative and no one seems to talk about that anymore. In April of 2009, 2B-2 was only 20% better than the no-build alternative as can be seen on the Purpose and Needs Matrix.

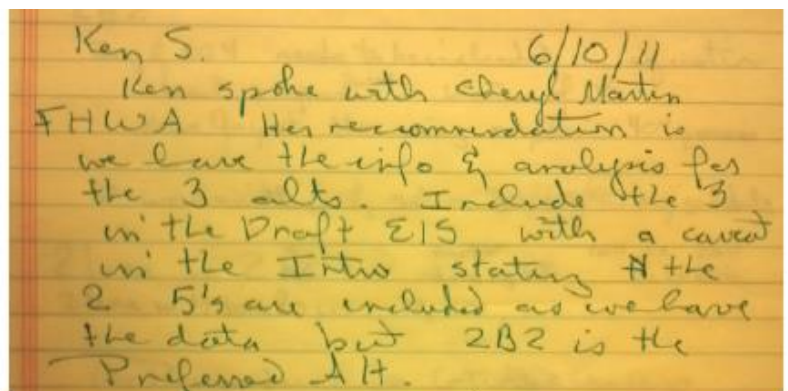
How was the EIS process deemed fair when **NO** alternatives satisfying the “Route 9 east of Route 46” system linkage need, as specified in the October 2003 Technical Memorandum, were included in the DEIS; just 2B-2 and two other irrelevant alternatives, “as we have the data.”

5A2B-2 and 5B2B-2 accompanied 2B-2 in the DEIS. How were the family of 5's developed and was there really any serious consideration for their selection? The answer was obviously **NO**.

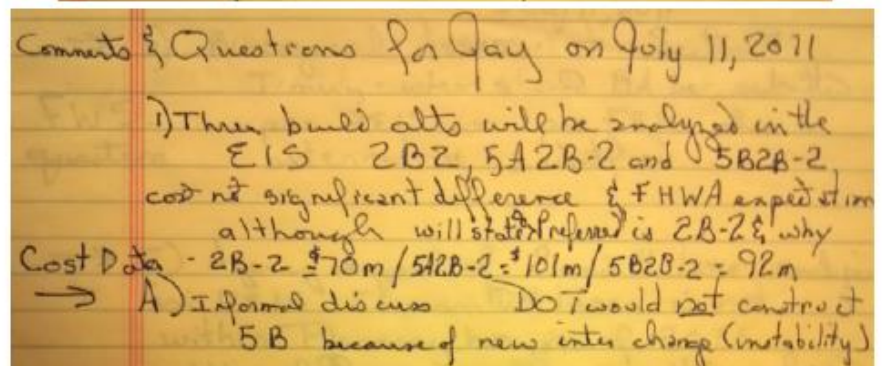
The following are personal notes by Judy Lindsey (MaineDOT project manager) obtained via FOAA; Gretchen Heldmann personally obtained screens shots of several years of handwritten notes.

“the 2 5’s are included as we have the data...”

“DOT would not construct 5B because of new interchange (instability).”



Ken S. 6/10/11
Ken spoke with Cheryl Martin
FHWA Her recommendation is
we have the info & analysis for
the 3 alts. Include the 3
in the Draft EIS with a caveat
in the Intro stating that the
2 5's are included as we have
the data but 2B2 is the
Preferred Alt.



Comments & Questions for Jay on July 11, 2011
1) Three build alts will be analyzed in the
EIS 2B2, 5A2B-2 and 5B2B-2
cost not significant difference & FHWA expectation
although will state preferred is 2B-2 & why
Cost Data - 2B-2 = \$70m / 5A2B-2 = \$101m / 5B2B-2 = 92m
→ A) Informal discuss DOT would not construct
5B because of new inter change (instability)

- 5A2E3K-1 was renamed 5A2B-2 by September 2010, and like 2B-2 satisfied only 1 of 5 (20%) purpose and needs in Apr2009. 5A2B-2 had no serious support from the MaineDOT/FHWA due to cost.
- 5B2B-2 was cobbled together with existing data and had no serious support from the MaineDOT/FHWA due to construction issues.

5A2B-2 and 5B2B-2 were just filler—these personal notes prove that the DEIS was a con, a scam and I would contend this whole study has been non-compliant with the NEPA process.

DEIS comments on proximity impacts were judged not substantive. Proximity impact was addressed in this technical memorandum; 2B had the most impact to people than any other of the 70 studied alternatives—that impact was transferred to 2B-2.

Attachment: Comments and Public Meeting Transcripts

DEIS Comment/Question # 13.

Submitted by: Larry Adams, a Brewer resident, on April 17, 2012

Proximity displacements:

"In summarizing the overall difference between this matrix and the matrix used at the last PAC meeting, Bill said a new column has been added to the matrix – "Number of Buildings in Proximity"; in proximity was defined as within 500 feet of edge of the roadway (for a total width of approximately 1200 feet wide). The purpose of adding this column was to measure the impact of each alternative along the entire length of the alternative or affected area. This was done in response to the suggestions made at the last meeting that MDOT should not place an alternative too close to the majority of people. This also helps to illustrate the impact of Alternative 2B along the section of Route 9. The impact to neighbors in proximity are greater with Alternative 2B than the other alternatives." (PAC Meeting #13 on 7/24/2002)

"The total number of buildings within 500 feet of the planned roadway is another factor, with 2B-2 having 190 displacements and 3EIK-2 only having 24." (BDN article dated 7/29, 2004)

"Bill continued. Proximity was part of the value system defined at the outset of the study. We developed metrics of 500 and 1000-foot buffers to tabulate the number of homes affected by each alternative. These metrics were used for siting the alternatives but aren't used as a part of the impacts assessment, since there is no regulation to enforce it." (PAC Meeting 4/15/2009)

- Even though there is no regulation to define proximity displacements – these displacements are real and should have been considered in the overall impacts from alternative 2B-2. There are now 8 residential displacements per the DEIS document for the 2B-2 alternative. How can the MaineDOT, the FHWA, the ACOE and the EPA completely disregard the severe impacts to the most real part of the environment—people?
- Why have these agencies put frogs and salamanders above the human component of the environment: real live people within 500' of this proposed connector or to the real live people that currently live in the 8 homes to be destroyed?
- Shame on these State and Federal Agencies for not having a regulation in place to save the human environment. Where is the balance between the environment and the human species?
- Why was proximity displacement even part of this study if in the end it was going to be disregarded? If you cannot see the lack of fairness in using a measuring device that in the end when it should be one of the most important aspects of the study—it is totally meaningless, then there's nothing I can say to sway your thinking.
- Proximity displacement was needed to make routes like 2B and now its twin 2B-2 appear to be as viable as the other routes by using route 9 as the overall length of the alternative—you cannot separate route 9 from 2B-2. Alternative 2B had 200 proximity displacements and 2B-2 has 190 proximity displacements; is that data included in the DEIS? Why not? Doesn't it, in fact, show the real impact to real live people and the fact that these three remaining routes impact real live people MORE THAN ANY OF THE OTHER 70+ ROUTES?
- How can someone abutting a right-of-way not be considered as direct or even indirectly impacted?
- How can my neighbors and I recoup the devaluation in our properties that has already occurred since 2B-2 was named the "preferred alternative" and will plummet if 2B-2 goes to construction?

DEIS comment to a question about proximity impacts, sent through Office Senator Collins' Office in January 2012. I found my own answer by researching MaineDOT's own website—so—the MaineDOT didn't know the answer, yet spit out a diatribe that didn't even come close to answering my question. I simply wanted to know if the DOT understood the impact to my residence. DEIS comment was not substantive.

Attachment: Comme

DEIS Comment/Question # 14.

Submitted by: Larry Adams, a Brewer resident, on April 17, 2012

Incorrect answer from the MDOT on Proximity Displacements:

Question # 31 from the Legislative Delegation to the MDOT:

31. *Have you taken into account the impact the alternatives would have on residences within 500 ft. of the proposed roadway for the alternative routes? Is there a set a criteria that are considered when the route would affect residences and, if so, what are those criteria and how are they applied?*

Yes, indirect impacts are being evaluated up to 3,300 feet (according to values for determining indirect impacts by the USACE and the Maine Audubon Society) of the proposed alternatives.

Potential impacts – both beneficial and adverse – were identified and, where possible, quantified through studies of the natural, social, and economic environments. Potential impacts include the direct impacts, indirect or secondary impacts, and cumulative impacts of the No-Build Alternative and build

Page 8

1/17/2012

alternatives. Direct impacts are the immediate effects on the social, economic, and physical environment caused by the construction and operation of a highway. These impacts are usually experienced within the right-of-way or in the immediate vicinity of the highway or another element of the proposed action. Indirect (or Secondary) Impacts are the impacts that are caused by the project and are later in time or farther removed in distance but are still reasonably foreseeable. Indirect effects may include growth-inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems. Cumulative Impacts are the impacts on the environment that result from the incremental impact of a project when added to other past, present, and reasonably foreseeable future actions, regardless of what agency or person undertakes such other actions.

- The correct answer can be found in the last PAC Meeting minutes: "Bill continued. Proximity was part of the value system defined at the outset of the study. We developed metrics of 500 and 1000-foot buffers to tabulate the number of homes affected by each alternative. These metrics were used for siting the alternatives but aren't used as a part of the impacts assessment, since there is no regulation to enforce it." (PAC Meeting 4/15/2009)
- Why would the MaineDOT provide this eco-speak diatribe as an answer to the office representative of a United States Senator? Nowhere in the MaineDOT answer is there a single mention of the impact to residences as the question was phrased.
- Is there any wonder why we are frustrated when we get these kinds of answers to our questions?
- If I could find the answer on the MaineDOT Study website, why couldn't the person answering this question either do the same if they didn't know the answer or answer the question honestly if they knew the answer was basically—NO?

02/27/13

My neighborhood will be forever harmed, yet this DEIS comment is not substantive; weren't they supposed to "minimize impact to people"?

Attachment: Con

DEIS Comment/Question #29.

Submitted by Larry Adams, a Brewer resident, on April 24, 2012

My neighborhood will be forever harmed:

"During public-involvement activities, residents in the study area favored keeping the build alternatives as separated from residential areas as possible. They strongly indicated that they placed a higher value on maintaining quiet residential areas than on preserving open space, which they felt was more important in comparison. In general, residents felt that the social environment should be valued more highly than the natural environment (section 4.3)." (DEIS page 137/138)

- Then why have you sited the right-of-way of two of the final three routes within 100' of my Woodridge Road neighborhood? The fact that these two routes do not meet the original criteria of the study even makes the situation worse. So much for listening to the PAC and the public—I thought we your true customers? Is this really the best choice?
- Where is the balance between people and the environment?

"For people living and working in proximity to the build alternatives, their view of the landscape in the area would change. The scenic view of some areas would be altered by the build alternatives and the loss of aesthetic resources such as vegetation, forestland, farmland, pastures, and/or streams." (DEIS page 138)

- We will forever be harmed by this proposed connector, a connector that I'm not even sure is needed—if your decreased traffic numbers caused a downgrade in the highway design to remove the four lane divided highway upgrade option from the previous decade—do the traffic numbers really show a need for this connector?

"The build alternatives would introduce additional lighting along highways and at the proposed interchanges and possibly lighting at the intersection. The build alternatives would introduce new lighting, to areas with little or no lighting, from headlights. Lighting at the interchanges and intersection would allow motorists to safely enter and exit the build alternatives. Lighting from vehicles using the build alternatives would affect homes and businesses that are located close to them. Typically, low beam and high beam headlights shine no more than 350 and 450 feet ahead, respectively (Naval Safety Center, 2004)." (DEIS page 138)

- Reading these statements is a real insult to the people that are directly impacted with loss of properties and/or their homes and those of us that you don't even define as indirectly or impacted at all but will surely suffer a devaluation in property values by proximity to this connector. These statements are indeed statements of fact—this is what will happen if the connector goes to construction. Our quality of life will forever be changed.
- My neighborhood will receive no benefits from this connector, just nothing but negatives. No one should ever be impacted by a proposal for any kind of project that doesn't meet the original project criteria.

02/27/13

My DEIS comments about my perception of the change in MaineDOT's philosophy since 2000—nothing substantive here on page 109.

Attachment: Com

DEIS Comment/Question # 7.

Submitted by: Larry Adams, a Brewer resident, on April 16, 2012

MaineDOT change in philosophy?

"Mike Davies pointed out that there are 3 hurdles to completing an EA: Community support, Agency support and Coming up with a realistic alternative." (PAC Meeting #1 on 9/11/2000)

"During an informational meeting in June, DOT project manager Michael Davies said that a 1998 traffic study indicated that heavy truck traffic on Route 46 doubled between 1990 and 1998, and that overall traffic was up 60 percent. During Wednesday's meeting, Davis observed that reaching accord on the project would be critical to its viability. He pointed out that the route wouldn't be built unless it has the support of affected communities and area transportation agencies. "I am not here to force this down anyone's throat," he said." (BDN 11/16/2000)

"John Bryant asked what "advisory" means. Ray replied that local communities have a lot of influence in the selection of a preferred alternative. The community's support or opposition for a given alternative is given substantial weight in the decision-making process." (PAC Meeting minutes 8/20/2008)

- What has changed in MaineDOT philosophy since the year 2000 to take this Study underground for the three years since 2009, without any private citizen or civic scrutiny, to reach a conclusion of selecting an alternative that is neither realistic or has community support from the City of Brewer?
- Is there any doubt as to the lack of community support from Brewer? The City of Brewer enacted a resolve on March 13, 2012 titled: "TO WITHDRAW SUPPORT FROM THE I-395 AND ROUTE 9 CONNECTOR PROJECT AND TO SUPPORT THE NO BUILD OPTION". This opposition is nothing new, there has always been objection from the City of Brewer on 2B-(X) throughout the history of this study. City of Brewer elected officials and residents have been denied any opportunity to "influence in the selection of a preferred alternative".
- Is there any doubt that there is significant public opposition since the open house on April 4th at the Brewer Auditorium? This opposition is not new either, there has always objection from the Brewer residents on 2B-(X) throughout the history of this study. Check your files and you will see many emails from my neighborhood.
- Is 2B-2 even a realistic alternative? 2B-2 did not meet four out of five of the Purposes and Needs of the Study in April of 2009 and now it does? Really?? "Alternatives that do not provide a limited access connection to Route 9 east of Route 46 would not be practicable because that would not provide a substantial improvement in regional mobility and connectivity and would negatively affect people living along Route 9 in the study area. Alternatives that would connect to Route 9 west of Route 46 would severely impact local communities along Route 9 between proposed alternative connection points and Route 46." Per the words of the MDOT/FHWA/ACOE, alternative 2B-2 will negatively and severely impact the Town of Eddington. Really?? (I-395/Rt. 9 Transportation Study Transportation Improvement Strategies and Alternatives Analysis Technical Memorandum and U.S. Army Corps of Engineers Highway Methodology Phase I Submission dated October 2003 (Page 5 of Summary)
- Will this connector go to final selection knowing that the Community of Brewer does not support it? How does that compare to the statements of prior project managers in November of 2000 and August of 2008?
- The lack of transparency for the last three years has only magnified the problem; apologizing again and again for not keeping us informed doesn't address the real issue—your preferred alternative does not meet the original study purposes and needs—you all know that is true. Will the legacy of your Study Group be forever labeled with these words: "would negatively affect people" and "would severely impact local communities"?

02/27/13

My DEIS comment (page 113) addresses the ACOE's curious attraction to 2B-2. Comment was not substantive. The ACOE, responsible for final project permits, shouldn't have been accessible to anyone outside of the study. In summary—ACOE accepted 2B-2 outside of the normal study process, against the wishes of the MaineDOT/FHWA—ACOE was instrumental in the selection of 2B-2 as the preferred alternative—and the ACOE signed off on the final permits to construct 2B-2. Hmmm...

Attachment: Com

DEIS Comment/Question # 10.

Submitted by: Larry Adams, a Brewer resident, on April 16, 2012

ACOE involvement throughout the study:

"The corps announced in April that it was reviewing two alternatives - 2B-2 and 3EIK-2 - and is currently accepting public comments. The corps is considering 2B-2 because Bryant and resident Jacqueline Smallwood presented it to them last fall, said Jay Clement, the Maine representative for the corps. He said it was the public's interest in 2B-2 that prompted the corps to consider it." (BDN article dated August 23, 2004)

"Maine Department of Transportation officials have made it clear that their top choice is the 10.6-mile 3EIK-2 and are considering only it and a no-build option. The Federal Highway Administration also endorsed 3EIK-2. DOT compared the two routes in October 2003 and chose to stick with 3EIK-2, which affects the least amount of wetlands and residents, according to the study". (BDN article July 29, 2004)

The ACOE was not a lead agency but the MaineDOT, tasked as a co-lead with the FHWA to manage this study, appeared to have allowed the ACOE to drive this study in the direction of 2B-2 from the inception of alternative 2B-2 (the ACOE appears to have accepted this proposal directly from the Town of Holden circumventing the process). The ACOE played an active role in the removal of the only four routes that had previously met all the Purpose and Needs of the Study, including the 3EIK-2 preferred route for some six to seven years, keeping three routes in consideration two of which previously only met 20% of the Purposes and Needs of the Study leading to the selection of 2B-2 as the preferred route (5B2B-2 didn't exist until the end of 2010 and 5A2E3K-1 was renamed 5A2B-2).

- "Ray [Faucher] added that the Corps specifically requested that at least one alternative that connects to Route 9 west of Route 46 be retained in the DEIS." (PAC Meeting Minutes 4/15/2009) That route was alternative 2B-2. Explain why the ACOE requested a western connection point that did not meet the original system linkage need of the study and why that request was never questioned by anyone else in the Study Group?
- Why did the MaineDOT allow the ACOE to apparently accept another alternative (2B-2) in September of 2003, the second time that this Corporate Boundary Route alternative had been proposed, even before the MDOT/FHWA/ACOE document titled "Transportation Improvement Strategies and Alternatives Analysis Technical Memorandum and U.S. Army Corps of Engineers Highway Methodology Phase I Submission October 2003" was sent to print? The outcome of that 2003 document sent no-build and alternative 3EIK-2 to detailed studies following an Interagency Meeting#7 of May 13, 2003. Didn't the ACOE concur with decisions at that meeting? Why did the ACOE feel it necessary to accept another route after those decisions were made and why did the MaineDOT and the FHWA, who both did not support the inclusion of 2B-2 at that time, allow it?
- The Purpose and Needs Matrix chart dated 4/15/2009 clearly indicates that alternative 2B-2 did not meet the Study Purpose, it did not meet the ACOE Purpose, it did not meet the System Linkage need and it did not meet the Traffic Congestion need, yet it was carried forward for further consideration. If it didn't meet the ACOE Purpose in April of 2009, what has changed with the 2B-2 alternative that the ACOE now finds that it meets ACOE purpose?
- As Project Managers of the Study, why did the MaineDOT/FHWA allow the ACOE to keep the 2B-2 alternative in consideration when 2B-2 only met 20% of the Purposes and Needs of the Study? I asked Bill Plumpton years ago why 2B was always kept in consideration, when it never did meet the original purpose and needs, and was told it was necessary to make the process look fair – where's the fairness now?

02/27/13

"Ray [Faucher] added that the Corps specifically requested that at least one alternative that connects to Route 9 west of Route 46 be retained in the DEIS." (4.15.2009)

—QUESTION—

Why was there not at least one alternative that met the system linkage need to provide a connection to Route 9 EAST of Route 46 retained in the DEIS?

"The corps is considering 2B-2 because Bryant [Holden Councilor] and resident Jacqueline Smallwood presented it to them last fall, said Jay Clement, the Maine representative for the corps. He said it was the public's interest in 2B-2 that prompted the corps to consider it. "That is their route," he said." Bangor Daily News | 8.23.2004

ACOE was allowed to keep 2B-2 in play when 2B-2 only satisfied (20%) of the purpose and needs and failed to satisfy the USACE purpose on 4.15.2009, the same day that R.F. made reference to ACOE demands.

Attachment: Comments and Public Meeting Transcripts

DEIS Comment/Question # 22.

Submitted by: Larry Adams, a Brewer resident, on April 19, 2012

PAC involvement in the Study:

"Public Advisory Committees (PACs) serve as a forum for public debate and discussion on transportation needs and solutions. The purpose of a PAC is to provide a comprehensive and orderly means of involving local interests in a transportation study. The role of the PAC is to advise the MaineDOT and the FHWA on community sentiment about a study. Preparation of the DEIS and 404 permit information: The PAC assists the study team by: Assist in the identification of issues and concerns; provide input by reviewing and supplementing the study team's inventory and impact assessment of sensitive resources, unique features, and local community and economic patterns and reviewing avoidance and minimization measures and suggesting others. The PAC input is used by the study team to: Identify and determine the extent of the most important issues to be analyzed; identify and eliminate from detailed study the issues which are not significant, narrowing the analysis and discussion of these issues; identify and fully develop the potential positive and negative impacts of the alternatives and further avoiding and minimizing impacts to the extent possible." (I-395/Route 9 Transportation Study Project Advisory Committee – a High-level Summary)

There were no PAC meetings from 4/30/2003 to 8/20/2008 and no PAC meetings have been held since 4/15/2009. The PAC has not been involved with this study since 4/15/2009 and some PAC members actually thought that the PAC was disbanded in April of 2009. The PAC should have been involved with the preparation of the DEIS.

- Explain why the MaineDOT decided to not involve the PAC in all the major decisions made outside of public scrutiny for the five year period between April of 2003 and August of 2008 and again for close to three years from April of 2009 to the present and again in the submission of the DEIS.
- If one of the roles of the PAC was to advise the MaineDOT and the FHWA on community sentiment, wouldn't that have been helpful instead of leaving private citizens and local government officials in the dark for all those years, only to find out purely by accident that the study parameters were changed to remove all routes that previously met the purposes and needs of the study, including the preferred 3EIK-2 (RING) of some seven years, from further consideration and replace it with alternative 2B-2, a route that previously only met 20% of the purposes and needs of this study?
- The MaineDOT took away the voice of the private citizen and their elected local officials when the MaineDOT decided to take this study underground. Where was the transparency in this process?
- How were private citizens supposed to keep abreast of these changes when the MaineDOT didn't update their own website, with the exception of a change in Project Manager and the current map, or advise the City of Brewer of any of these important changes since April of 2009? The first update to the Study website, since April of 2009, with any real engineering data did not begin until mid-February of 2012. Refer to my question #6, submitted 4/13/2012, and you will see that I tried to get the latest news on March 2nd of 2011, via an email to the Project Manager, and was given none of the updates that she surely had, a lie of omission is nevertheless still a lie.

"The MaineDOT took away the voice of the private citizen and their elected officials when the MaineDOT decided to take this study underground. Where was the transparency in this process?"

The next 4 pages give a brief history of the study and 2B-2. And guess what—not a thing, not one thing on 4 whole pages was considered substantive for further comment—and once again—the MaineDOT controls the conversation, ignoring what they don't want to talk about...

Attachment: Comments and Public Meeting Transcripts

DEIS Comment/Question #26.

Submitted by: Larry Adams, a Brewer resident, on April 23, 2012

The up and down history of 2B-(X):


- 1) Alternative 2B was removed from further consideration two times before the end of 2002.
 - Alternative 2B: "This alternative would not be practicable because it would fail to meet the system linkage need, and would fail to adequately address the traffic congestion needs in the study area. Alternative 2B would use approximately 5 miles of Route 9. Traffic congestion and conflicting vehicle movements on this section of Route 9 would substantially increase the potential for new safety concerns and hazards. Additionally, this alternative would result in: • substantially greater proximity impacts (residences within 500 feet of the proposed roadway) in comparison to Alternative 3EIK-2 (200 residences v. 12 residences)". (I-395/Rt. 9 Transportation Study Transportation Improvement Strategies and Alternatives Analysis Technical Memorandum and U.S. Army Corps of Engineers Highway Methodology Phase I Submission October 2003 Page ii and iii)
- 2) The Corporate Boundary Route was first presented to the PAC by the Town of Holden in November of 2002. It didn't get the support of the Study Group and was dismissed during the next PAC meeting; it was Holden's direct answer to alternatives within their town boundaries.
- 3) In May of 2003 all alternatives with the exception of the no-build and alternative 3EIK-2 were sent to detailed studies. This occurred at the end of the #7 Interagency Meeting held on May 13, 2003.
- 4) In September of 2003, the Town of Holden presented their Corporate Boundary Route once again—the second time in less than a year. This CBR route was to become alternative 2B-2.
 - "The Corporate Boundary route, officially called 2B-2, would roughly follow the Holden-Brewer lines. It would extend I-395 at its Wilson Street junction and intersect Eastern Avenue and Lambert Road before crossing into Holden just north of Clewleyville Corners. From there the highway would cross Levenseller Road, then enter Eddington and connect with Route 9. That part of Route 9 would be rebuilt as part of the project." (June 18, 2004 BDN article)
 - "The 2B-2 alternative is nearly the same as 2B, but it crosses into Holden after entering Eddington and then crosses back into Eddington to connect with 4.5 miles of improvements to Route 9." (August 23, 2004 BDN article)
 - "The corps is considering 2B-2 because Bryant and resident Jacqueline Smallwood presented it to them last fall, said Jay Clement, the Maine representative for the corps. He said it was the public's interest in 2B-2 that prompted the corps to consider it. "That is their route," he said." (August 23, 2004 BDN article)

The MaineDOT wouldn't even admit that the MaineDOT Purpose and Needs Matrix below was there own—and of course it was deemed not substantive for further comment!!

Attachment: Con

- "The 10.7-mile 2B-2 alternative could affect 48.3 acres of 21 wetlands and would displace 22 homes. Eleven of these homes are on the planned road and 11 are on the rebuilt Route 9." (August 23, 2004 BDN article)
 - "The shorter 2B alternative is 5.8 miles long and could affect 27.8 acres of five wetlands and would displace three residents, according to information released in November 2001 from DOT." (August 23, 2004 BDN article)
- 5) At that time the only difference between alternatives 2B and 2B-2 appeared to be how each alternative would use the existing segment of route 9. We were led to believe that alternative 2B-2 would be connected to a "rebuilt" or an "improved" Route 9, while alternative 2B would be connected to the existing route 9. Since there was no public involvement in this Study from 4/30/2003 until 8/20/2008—we were forced to rely solely on news articles in the Bangor Daily News for any Study updates. It is unclear when this "rebuilt Route 9" criteria was dropped from 2B-2 or even if it ever really existed, but at that time without "rebuilding" route 9, alternative 2B-2 became nothing more than alternative 2B—there was no longer any difference between the two.
- 6) 2B-2 seemed to disappear sometime in September of 2005 only to be put back in consideration in January of 2006 again supported by the Town of Holden. The MaineDOT/FHWA preferred route during this time was the 3EIK-2 (RING) route.
- 7) In April of 2009, is there any doubt what this chart says? Does 2B-2 meet the Purpose and Needs of this Study?

I-395/Route 9 Transportation Study
PAC Meeting April 13, 2009



Alternatives	Meets Purpose		Meets Needs		
	Study Purpose	USACE Purpose	System Linkage	Safety Concerns	Traffic Congestion
No-Build	No	No	No	No	No
Alternative 1-Upgrade	No	No	No	No	No
2B-2	No	No	No	Yes	No
3A-3EIK-1	Yes	Yes	Yes	Yes	Yes
3EIK-2	Yes	Yes	Yes	Yes	Yes
SA2EIK	Yes	Yes	Yes	Yes	Yes
SA2EIK-1	No	No	No	Yes	No
SA2EIK-2	Yes	Yes	Yes	Yes	Yes
SB2EIK-1	Yes	Yes	Yes	Yes	Yes

www.i395-9-study.com

02/27/13

2B-2 is a near-term project with long term needs!

Attachment: Comments and Public Meeting Transcripts

8) Is 2B-2 really the same alternative as 2B?

- The starting point is the same with both routes; the impact to my Woodridge Road neighborhood is the same with both routes and the connection point on route 9 in Eddington is exactly the same on both routes.
- 2B: "Length: 5.8 mi. of new alignment, 4.2 mi. of Route 9 without additional improvement"
2B-2: "Length: 6.1 mi. of new alignment, 4.2 mi. of Route 9 without additional improvement" (DEIS page 258)
- Both alternatives use the same identical section of route 9; I have seen this route 9 segment reported as 4.5 miles in the BDN and I actually drove that section from the Eddington/Clifton town line to the connection point and found it at 4.5 miles via GPS; doesn't really matter, as the DEIS indicates, 2B and 2B-2 use the same segment of route 9 without additional improvement.

9) Since alternative 2B-2 is nothing more than a recycled alternative 2B, alternative 2B-2 was placed in consideration, by my best count, at least four times over a six year period. There have been no other alternatives of the 70+ alternatives studied that were treated in this way.

10) Why did the MaineDOT continue to allow this alternative to be removed and placed back in consideration so many times when this alternative had clear opposition from Brewer residents and City of Brewer officials throughout the previous decade?

11) Can't you understand why, now into the twelfth year of this study, impacted residents living on or near alternative 2B-2 are outraged? The preferred route of almost seven years was not only removed from preferred status, it was removed from further consideration along with every other route that previously met the purposes and needs of the study leaving three routes that did not previously meet the purposes and needs of this study.

12) Should we accept MaineDOT/FHWA/USACOE explanations as gospel without full detailed information? I find it absurd that after spending anywhere from \$1.7 to \$2.5 million dollars—this is the best you can do.

And now in April of 2012:

"After careful consideration of the range of alternatives developed in response to the study's purpose and needs and in coordination with its cooperating and participating agencies, the MaineDOT and the FHWA identified Alternative 2B-2 as the preferred alternative because they believe it best satisfies the study purpose and needs, would fulfill their statutory mission and responsibilities, and has the least adverse environmental impact." (DEIS s14)

Do you see a pattern in how the DEIS process was controlled? The DOT will not address any statement or accept any data that does not align with their current agenda and selection of 2B-2.

Attachment: Co

The MaineDOT and the FHWA identified Alternative 2B-2 as the preferred alternative because they believe it best satisfies the study purpose and needs, HOWEVER 2B-2 is almost identical to the same 2B alternative that was removed not only once but twice from further consideration by the end of 2002. Congratulations—your Study Group managed to spend some \$1.7 to \$2.5 million dollars to reach a conclusion that an alternative thrown out two times ten years ago by your Study Group now “best satisfies the study purpose and needs” for this connector.

The real story why 2B was removed (twice in 2002) from further consideration—Once again:

“This alternative would not be practicable because it would fail to meet the system linkage need, and would fail to adequately address the traffic congestion needs in the study area. Alternative 2B would use approximately 5 miles of Route 9. Traffic congestion and conflicting vehicle movements on this section of Route 9 would substantially increase the potential for new safety concerns and hazards. Additionally, this alternative would result in: • substantially greater proximity impacts (residences within 500 feet of the proposed roadway) in comparison to Alternative 3EIK-2 (200 residences v. 12 residences)”. (I-395/Rt. 9 Transportation Study Transportation Improvement Strategies and Alternatives Analysis Technical Memorandum and U.S. Army Corps of Engineers Highway Methodology Phase I Submission October 2003 Page ii and iii)

“Congratulations—your Study Group managed to spend some \$1.7 to \$2.5 million dollars to reach a conclusion that an alternative thrown out two times ten years ago by your Study Group now “best satisfies the study purpose and needs” for this connector.”

02/27/13

2B-2 is a near-term project with long term needs!

Attachment: Comments and Public Meeting Transcripts

**CITY OF BREWER, MAINE
IN CITY COUNCIL ASSEMBLED**



2012-B008

March 13, 2012

TITLE: RESOLVE, TO WITHDRAW SUPPORT FROM THE I-395 AND
ROUTE 9 CONNECTOR PROJECT AND TO SUPPORT
THE NO BUILD OPTION.

filed March 7, 2012
by Jerry Goss, Joseph Ferris,
Larry T. Doughty,
Arthur Verow and
Kevin O'Connell

WHEREAS, the Maine Department of Transportation (MDOT) is currently reviewing possible routes for a transportation connection between the current end of I-395 in Brewer to Route 9 in either Eddington or Clifton; and

WHEREAS, the City of Brewer has been a major supporter of efforts to improve east-west transportation connections in Maine, including the need to extend I-395 in Brewer to meet Route 9 in Eddington/Clifton; and

WHEREAS, the City has gone on record on numerous occasions about the need to take into account local, regional, and statewide transportation considerations in selecting a final route for this important transportation connector; and

WHEREAS, the proposed 2B route will have a significantly negative impact on many residential properties; and

WHEREAS, the proposed 2B route impacts a significant amount of wetlands; and

WHEREAS, the City of Brewer and other stakeholders have been excluded from the public process as well as the decision-making process used by MDOT;

NOW, THEREFORE, BE IT RESOLVED, that the City Council does hereby withdraw its support for the proposed construction of the I-395 extension to Route 9; and

BE IT FURTHER RESOLVED, that the City of Brewer now supports the "no build" option for this project; and

BE IT FURTHER RESOLVED, that City of Brewer requests and urges MDOT to use a more open and transparent process when making decisions that impact multiple municipalities, their governing bodies, and their citizens.

Date: MAR 15 2012

This is a true and attested copy of a resolve adopted by unanimous vote of the City Council of Brewer at a regular meeting held on Tuesday, March 13, 2012 at 6:00 p.m. at which time all members of the council were present and voting.

a true copy, attest 
Howard F. Kraby, City Clerk
Brewer, Maine

Attachment: Comments and Public Meeting Transcripts

DEIS Comment/Question # 32.

Submitted by: Larry Adams, a Brewer resident, on April 27, 2012

Why aren't you listening?

Elected officials from two of the three impacted communities within this study area have now loudly voiced their opinions and concerns via resolves from the City of Brewer on March 12, 2012 and from the Town of Eddington on April 24, 2012 withdrawing support for the proposed connector construction and supporting the No-Build option.

Why these resolutions were necessary:

- This Study Group failed to advise the public and their elected governing bodies of significant changes made in September 2010 to December 2010 that drastically altered the outcome of this Study; overturning the support, work and decisions of the Public Advisory Committee and others within the Study Group over the previous decade.
- MaineDOT/FHWA officials excluded the City of Brewer and other stakeholders from the public process as well as the decision-making process used in the selection of the remaining alternatives to be presented in the DEIS and the selection of 2B-2 as the preferred alternative. The last PAC meeting was held on 4/15/2009—the last time this project was discussed openly in the public. The decision-making process has been solely the charge of the MaineDOT/FHWA and other State and Federal agencies—not the public, not the Public Advisory Committee and not our elected governing bodies.
- This wasn't the first time of exclusion —MaineDOT/FHWA officials also previously excluded the City of Brewer and other stakeholders from the public process for the period of April 30, 2003 until June 4, 2008. In May of 2003, 3EIK-2/the MaineDOT/FHWA preferred alternative and no-build were sent to detailed studies—all other alternatives were removed from further consideration. Without scrutiny or the knowledge of most of the public and their elected officials, alternative 2B-2 (a recycled version of the original 2B alternative already removed twice from further consideration by the end of 2002) was allowed to be presented to the Study Group by the Town of Holden (for the second time in less than a year) and placed in consideration in September of 2003; later we find that 2B-2 was included as the 2nd alternative, out of only two, with 3EIK-2 in the draft ACOE Permit Application—as first reported at the August 2008 PAC meeting. That's a lot of undercover decision-making and a lot of changes outside of the scrutiny of the public and their governing bodies.
- As a matter of fact, the MaineDOT/FHWA and the other State and Federal Agencies involved in this Study have failed to operate in an open and transparent

Attachment:

manner for almost eight of the twelve years of this study. Two-thirds of this study has had absolutely zero public involvement even though there was a Public Advisory Committee existing until at least April of 2009—the PAC wasn't included in any discussions or decisions made during that same eight year time period. How can there be any accountability or any transparency when you fail to engage the public? AND, how did you expect to get consensus on this proposal, when you knew it would not be well received?

- This Study Group has failed to present even one single alternative in the DEIS that meets the original Purposes and Needs of this Study as tasked for the previous decade. The three alternatives remaining in consideration are not representative of the previous decade of work by the Public Advisory Committee and none of the remaining alternatives meet the original Purposes and Needs of the Study—none—zero—nada.
- This Study Group has failed to present an alternative that demonstrates a real balance between the environment and the homeowner; all State and Federal agencies involved in this Study have failed to protect the most important part of the environment—real live human beings. Save the frog and salamander habitat at any cost—move the people, raze their homes—seems to be the mantra of this Study Group.
- The MaineDOT/FHWA has failed to operate in an open and transparent manner when making their final decisions on this Study impacting several communities, their governing bodies and their citizens—with absolutely no community scrutiny or consensus.

What the next step should be:

- Immediately halt this Study and bring this selection process back to the real stakeholders of this project: the private citizens and their elected government officials with their PAC members to gain consensus on an appropriate alternative for this connector that meets the original criteria and intent of this project.
- You need to start talking to us and not at us; start listening to our opinions and concerns, you seem all too eager to forget about the history of this study, since there are many previous statements damaging to your cause. Don't fall into this trap: "As one senior MaineDOT engineer used to remark, all it takes is "one angry man with a laptop" to significantly impede forward progress." That is not what this is all about.
- Work with us and not against us.....

02/27/13

This is the third page of ACOE Comments to the DEIS from page 59 of “[Responses to Substantive Comments](#)”. There are two interesting comments—judged as not substantive for further comment—once again; the MaineDOT will not answer critical questions no matter who’s asking. The ACOE declared: [No-build has] “apparent multi-community support...might save state and federal transportation funding that might be better served on other unmet needs in the state.”

CORPS OF ENGINEERS COMMENTS ON
DRAFT ENVIRONMENTAL IMPACT STATEMENT (“DEIS”)
FOR THE I-395/ROUTE 9 TRANSPORTATION STUDY
CORPS FILE NO. NAE-2001-02253

3. Page s17, Exhibit S.8. Similar question. The table now accurately reflects habitat characteristics within a 750’ radius of the pools in addition to the DEP’s 250’. How much of the forested cover surrounding the pools is wetland v. upland?

1-8

4. Page s18. Issues to be resolved should probably include receiving DEP permit and water quality certification (in addition to receiving Corps permit).

1-9

5. Section 1.1, Page 3. The document contains a brief summary of the past East-West Highway initiative but falls short in concluding that this particular project and other improvements along Route 9 and Route 2 became the state’s response to that initiative. DOT and private parties are now involved in a related initiative. As evidenced in public hearing testimony, some believe this initiative may obviate the need for what they perceive as an unnecessary and unwanted connection to I-395. The Corps suggests that the most recent initiative and its relationship, if any, to the project purpose be fully discussed in the FEIS.

1-10

6. Page 42, Section 2.3.1. The DEIS notes that the no build alternative anticipates regular maintenance to I-395 and Routes 1A, 46, and 9, and improvements to the Route 9/46 intersection. In light of testimony at the public hearing, it is important that the discussion of the no build alternative and its depiction on the comparative matrices reflect the environmental and socio-economic effect of the anticipated maintenance and improvements and continued use of Route 46 (compared to the build alternatives). The phrase “using the same filter” was used in public testimony. In addition to environmental and socio-economic impacts/benefits, the discussion of the no build should fully address transportation, public safety, residential/business property, and community impacts/benefits. How do Maine DOT and FHWA intend to address the argument that the no build alternative might save state and federal transportation funding that might be better served on other unmet needs in the state? How does Maine DOT intend to address the apparent multi-community support for the no-build alternative as evidenced in testimony at the public hearing?

1-11

1-12

7. Page 45, Sections 2.3.2 – 2.3.4. In the discussion of the build alternatives, the DEIS notes that Route 9 would not be improved (from connection point to the intersection with Route 46). Has DOT identified any actions that could be taken to address public concerns in this link? Would normal maintenance occur? Are there improvements that could be made to insure public safety concerns for walking, jogging, and biking along Route 9? The DEIS should fully explore these potential actions.

1-13

8. Page 56, Section 2.5. One notable next step that is not mentioned in the DEIS is application to the Maine DEP for a permit and water quality certification. This is just as important as a Corps permit application.

1-14

9. Page 58, Exhibit 2.17. See specific comment 2.

1-15

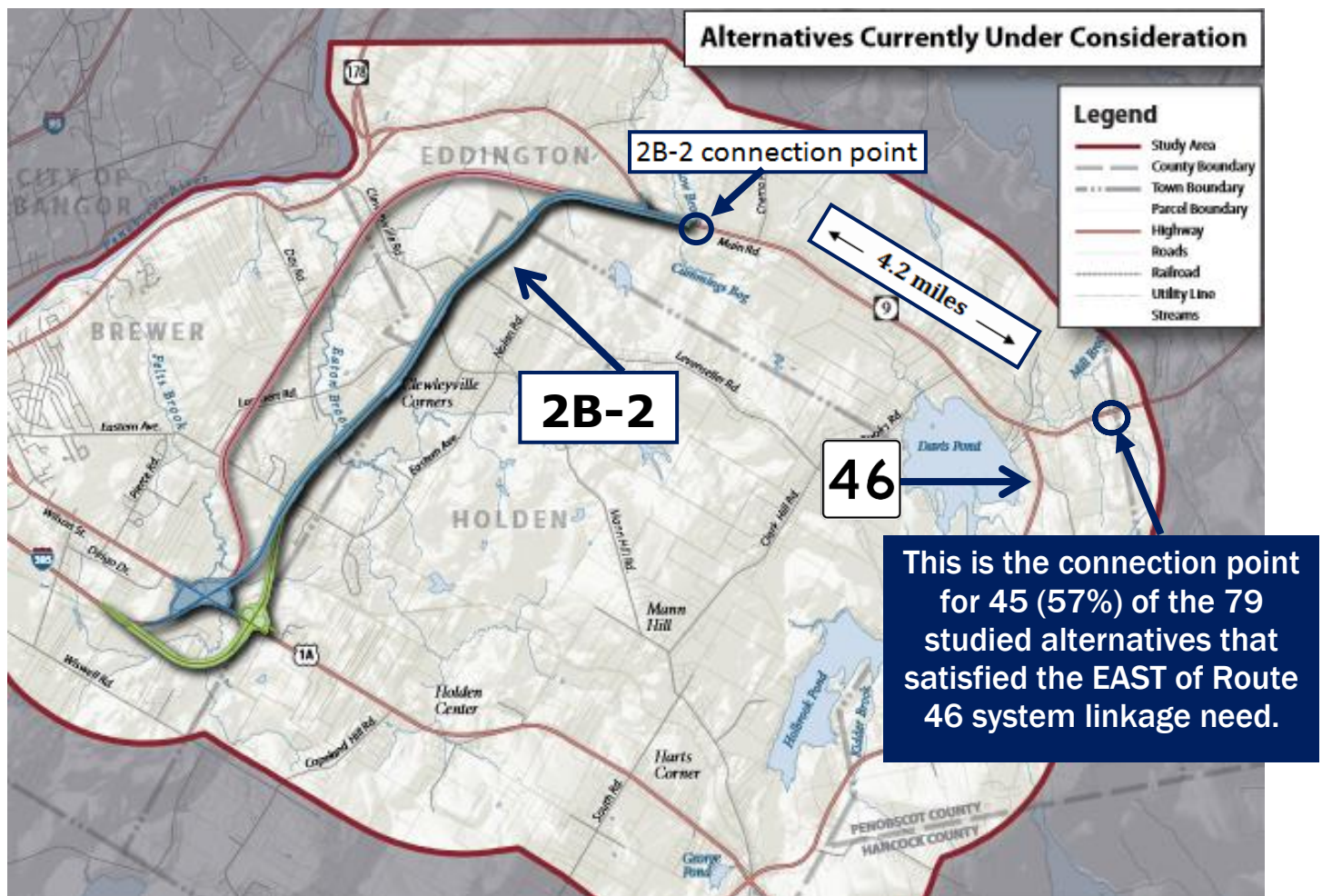
10. Page 82, Exhibit 3.9. The DEIS now identifies the extent of dispersal habitat within 750’ of vernal pools. The document should clarify the relative percent of upland and wetland within this area.

1-16

“How do Maine DOT and FHWA intend to address the argument that the no build alternative might save state and federal transportation funding that might be better served on other unmet needs in the state?”

“How does Maine DOT intend to address the apparent multi-community support for the no-build alternative as evidenced in testimony at the public hearing?”

Look again at this map and tell me what you see?



— North Brewer Bypass —

That's what I see and not "an alternative [that] must provide a limited-access connection between I-395 and Route 9 east of Route 46" as defined in the [October 2003 Technical Memorandum](#) on page 5. The Study Group was not paneled to provide a bypass of North Brewer; if this is the best they can do—they have completely failed, resulting in an expenditure of several million dollars on the study and subsequent preliminary engineering. The study group has failed to provide the "deliverable" that the group was paneled to provide; thus, funds may have been misappropriated and someone needs to take a hard look at the study group and the funds they expended.

We shouldn't settle on anything less than a direct connection to the east of Route 46, no matter how much has been spent to date.

Without reading any of the hundreds of emails and documents that I have sent out over the last eight years, you only have to look at this one single page and ask yourself: do we really want to spend \$79.25 million on a project that requires a disclaimer instead of a simple YES?

Alternatives	Description	Meets Purpose		Meets Needs		
		Study Purpose	USACE Purpose	System Linkage	Safety Concerns	Traffic Congestion
Alternative 2B-2	<ul style="list-style-type: none"> Satisfies design criteria Length: 6.1 mi. of new alignment, 4.2 mi. of Route 9 without additional improvements Bridge length: 2,232 ft. Earthwork: 2.2 mcy (1.2 mcy cut, 1.0 mcy fill) 	Yes	Yes	In the near-term (Year 2035)	Yes	Yes
Alternative 3EIK-2	<ul style="list-style-type: none"> Satisfies design criteria Length: 10.6 mi. of new alignment Bridge length: 1,948 ft. Earthwork: 4.2 mcy (2.1 mcy cut, 2.1 mcy fill) 	Yes	Yes	Yes	Yes	Yes

[Click here to view DEIS Appendix "C" page 258.](#)

3EIK-2 was the preferred alternative from May 2003 until Sept. 2010. 2B-2 became the second preferred alternative in September 2010.

At the same time in April 2009, 3EIK-2 met 5 of 5 (100%) of the purpose and needs and was the preferred alternative—while alternative 2B-2 met only 1 of 5 (20%) of purpose and needs!! (See page 14.)

2B-2 is a near-term project with long term needs!

— Closing Remarks —

3EIK-2, approved by the MaineDOT/FHWA and all jurisdiction state and federal agencies in May 2003, met 100% of the purpose and needs in April 2009. 2B, soundly rejected in January 2003, was rebranded as 2B-2 and only satisfied 1 of 5 (20%) purpose and needs in April 2009. Something happened over the next year that ended with the selection of 2B-2; why did the same agencies that got fully behind 3EIK-2 while abandoning 2B in 2003—remove 3EIK-2 and select 2B-2 by 2010?

Rationalizations of vernal pools, “right-sizing” and “hard looks” from the MaineDOT are inadequate excuses—private citizens and their governing officials deserve to have their questions and concerns viably addressed. The MaineDOT must tell us now, how they plan to fund this connector in the future to satisfy long-term needs or admit that there is no long-term plan and the whole near-term/long-term stuff was bunk!!

This study was paneled to provide an alternative from I-395 in Brewer to Route 9 east of Route 46 in Clifton; built as a 2-lane undivided highway with a wide enough ROW for a future buildout to a full 4-lane divided highway; using Maine’s freeway design criteria. 2B-2’s design has been changed to rolling rural and a future buildout is questionable.

Since all the design criteria so important to this study is presented in this one technical memorandum—we deserve to know what happened and why it happened, instead of branding our comments and concerns as not substantive. The DOT cannot continue to ignore their own words.

Desperate for an end solution, the DOT would bastardize the system linkage need by deferring it for 20 years, and add downgraded design criteria, without a second-look at any of the other 76 alternatives with that new downgraded criteria—including alternatives 3EIK-2 and 4B.

This project is so far outside of engineering best practices norms, it is decidedly shortsighted. It is fiscally irresponsible to continue funding this highly questionable controversial project with capital that could be better spent on Maine's unmet transportation needs.

My generation was raised to blindly trust our civil servants and elected officials, without daring to question; I'm not that naïve anymore and I have developed a mistrust of government overall and agenda-driven politicians. Don't be hoodwinked by MaineDOT's mendacity; when alternative 2B-2 did not satisfy purpose and needs—the MaineDOT and the FHWA manipulated the study purpose and needs to satisfy 2B-2.

History has been intentionally ignored—now we are doomed by the failure of the DOT to fund our unmet transportation needs first—instead the MaineDOT will spend \$79.25 million of our limited state and federal transportation funds on a highly controversial project (2B-2).

Congratulations to the MaineDOT/FHWA and the ACOE for managing to squander several million dollars on an ineffective study to reach the highly controversial conclusion that an alternative removed from further consideration several times fifteen years ago “best satisfies the study purpose and needs” in 2018 and beyond.

At a time when our state cannot afford to even maintain existing roads and bridges, the MaineDOT sees no problem spending \$79.25 million of our limited transportation dollars to construct an alternative when:

- 2B-2 met only 1 of 5 (20%) of the purpose and needs in April 2009.
- 2B-2 does not meet the “east of Route 46” system linkage need.
- 2B-2 is identical to an alternative (2B) removed from consideration in January 2003 because: “Traffic congestion and conflicting vehicle movements on this section of Route 9 would substantially increase the potential for new safety concerns and hazards.”
- 2B-2 has the greatest proximity impact to residents of all the studied alternatives in the entire study area.
- 2B-2 is a controlled-access facility with dubious upgradability instead of the promised limited-access facility with future full 4-lane divided highway upgradability and utilizes rolling rural criteria instead of the promised freeway design criteria with a questionable ROW width.
- 2B-2 would “severely impact local communities along Route 9 between proposed alternative connection points and Route 46...negatively affect people living along Route 9 in the study area.”
- 2B-2 is a near-term project with long-term needs—deferred 20 years. To meet those long-term needs, needs that should have been met at the onset, an unfunded transportation need costing tens of millions of dollars will shamefully be transferred to the next generation.
- Wouldn't that \$79,250,000 “be better served on other unmet needs in the state” as the ACOE insinuated in their DEIS comments?

A plethora of hyperlinked facts in written testimony:

[Testimony in favor of LD 47](#): a bill to remove 2B-2 from consideration.
Larry Adams | February 3, 2015.

[Testimony in favor of LD 47](#): a bill to remove 2B-2 from consideration.
Gretchen Heldmann | February 3, 2015.

[Comments to the State Transportation Improvement Program \(STIP\)](#)
Larry Adams | September 4, 2015.

[Comments to the State Transportation Improvement Program \(STIP\)](#)
Gretchen Heldmann | September 8, 2015.

[Testimony at BACTS meeting](#)
Bangor Area Comprehensive Transportation System (BACTS)
Larry Adams | March 25, 2016.

[Testimony at BACTS meeting](#)
Bangor Area Comprehensive Transportation System (BACTS)
Steve Bost | March 25, 2016.

[Email and attachment to the U.S. DOT Office of the Inspector General](#)
Larry Adams | December 21, 2013.

"I-395/Route 9 Hard Look"



Click link to go to
our citizen's website:
[I-395/Route 9 Hard Look](#)

Home

Citizens take a "hard look" at the I-395/Route 9 connector!

I'm just an old man trying to maintain the quality of life that we worked so hard to obtain—what do I think is really going on?



I have a hunch that we will find out in the end, that we have been completely hoodwinked by a process that the DOT intentionally manipulated; not necessarily based on facts—but steered to a conclusion by a few influential residents.

After the now infamous [March 2016 BACTS](#) meeting, I had the feeling that everything I had read was just a lie to forward the EIS process to closure. DOT officials didn't seem to grasp my allegations even when referenced to the DOT's own documents.

The MaineDOT has been less than truthful in the past—since the March 2013 FOAA release, I contend that the DOT intentionally lied about 2B-2's cost vs. design in the DEIS/FEIS to make 2B-2 appear to be the cheapest alternative in the area. Falsifying government documents is noncompliant with state statute.

What was the purpose of the EIS? The Final EIS is a sales pitch to convince state and federal jurisdictional agencies to approve a project. The intent is not to necessarily save the environment—it warns of impending impact to the environment by the project.

2B-2 is a near-term project with long-term needs; if that's not the way DOT management sees this project, then our state and federal IG's need to take a hard look at this study and anyone that has touched it in the past.

— Larry Adams —