



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

Janet T. Mills
GOVERNOR

Bruce A. Van Note
COMMISSIONER

Town of Southwest Harbor
PO Box 745
Southwest Harbor, ME 04679

July 15, 2024

Re: Seawall Road (Route 102A)

Marilyn Lowell, Town Manager

Transportation in Maine will always be a big job, and the Maine Department of Transportation continually strives to meet our mission to support economic opportunity and quality of life by responsibly providing our customers the safest and most reliable transportation system possible, given available resources. As a large state with a limited population and a challenging geography, that often means making difficult choices about how best to make prudent decisions for how to invest our resources. As the impacts of climate change grow more severe and our infrastructure is impacted by more frequent and more powerful storm events, these decisions will only grow more difficult.

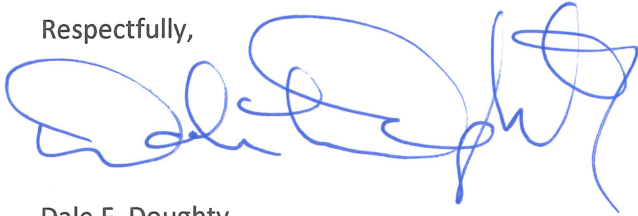
I know that many residents of Southwest Harbor and Tremont have been understandably frustrated by the closure of Seawall Road, and that this has been challenging for your towns. We have heard your concerns. The decision to not pursue an immediate repair of the road was driven by many factors, including but not limited to the level of traffic served by the road, the availability of detour routes, the timing of construction season, the availability of funding, the location's significant vulnerability to climate change, and the need to consider the long-term viability of the roadway and its fiscal impact. I know that this road is important to your communities, and this decision was not taken lightly, but was made as a part of MaineDOT's responsibility to the State to carefully weigh its options in addressing the long-term impacts of climate change on our transportation infrastructure.

We have heard your comments, concerns, and recommendations for how to move forward. We have heard just how important this road is to your communities, and the impacts that the closure has had to date. We have also carefully considered traffic impacts, engineering and environmental concerns, options to improve resiliency, and the financial options available to MaineDOT. In light of this, we have made the decision to move forward with the restoration of Seawall Road, with some additional features to improve the road's resiliency to future storm events. To that end we propose the following:

1. MaineDOT will provide a full repair of the road in the spring of 2025 with additional resiliency features. To prepare for the likelihood that this road will be damaged again, over the 2024-2025 winter, MaineDOT will enter into an agreement with the Town of Southwest Harbor and the National Park Service that will confirm a joint partnership to address damage from future storm events beyond the 2025 repair.
2. If the Town of Southwest Harbor, along with its local contracting partners, would like to make a temporary repair for the remaining summer of 2024, MaineDOT would work with the Town to develop an agreement. Southwest Harbor would be responsible for contractor oversight, environmental compliance and safety. MaineDOT could assist with signage.

Again, I appreciate your engagement with MaineDOT to address this issue. We look forward to continuing to work with you to provide the safest and most reliable transportation system possible over the long term.

Respectfully,



Dale F. Doughty
Deputy Commissioner

Cc: Jesse Dunbar, Town Manager Tremont

Holly Eaton, Representative District 15

Nichole Grohoski, Senator District 7

Kevin Schneider, Superintendent Acadia National Park

Jarod Farn-Guillette, MaineDOT

Emory Lovely, MaineDOT

Ian Gorecki, MaineDOT

Kyle Hall, MaineDOT

Memorandum

To: Commissioner Bruce Van Note
From: MaineDOT Bureau of Planning
Date: July 12, 2024
Subject: Seawall Road / Route 102A in Southwest Harbor

Summary

Three times in January and March 2024, Route 102A in Southwest Harbor (Seawall Road) was damaged by storm events at the location where it passes between the ocean and Seawall Pond. This damage required closure of the road. Given Seawall Road's status as a Priority 4 (of 4, with one being the highest priority), state-aid, minor collector with an AADT of 1,110, the fact that all adjacent properties and National Park Service (NPS) facilities remained accessible with a detour, and the reality that the road was damaged multiple times and would likely only become more vulnerable as the impacts of climate change become more severe, the decision was made to conduct a more thorough assessment of the impacts of the closure and to identify a responsible, long-term solution.

As Seawall Road remained closed at this location, MaineDOT staff conducted outreach to local businesses and assessed traffic impacts from the closure. Traffic analysis determined that the closure led to a reduction in traffic along Route 102A in Southwest Harbor, with a more moderate increase in traffic along Route 102 and 102A in Tremont. MaineDOT remained in frequent contact with municipal officials (timeline attached) in both Southwest Harbor and Tremont, as well as NPS, to discuss the situation and potential solutions. An in-person public meeting was held on June 27 in Southwest Harbor which saw significant attendance, and members of the public provided many additional comments to MaineDOT via email, phone, and mail. As expected, most requested that the road be re-opened as quickly as possible to reduce perceived negative impacts on local businesses, emergency response time, and in-home services. Many people also noted the social and cultural importance of the road to local communities.

Considering the impacts of the closure on the local communities, the MaineDOT Bureau of Planning recommends proceeding with the reconstruction of Route 102A/Seawall Road as outlined in Recommendation #3 below. Permanent removal of the road is not recommended at this time. Although some resiliency improvements are included in Recommendation #3, a more substantial resiliency effort is not recommended due to the significant environmental impacts, potential property impacts, and cost. MaineDOT may pursue FEMA funding to support the rebuilding and recommended resilience efforts, with construction to take place in spring 2025. However, we need to prepare for the next time this road is damaged by forming a partnership between impacted state, local, and federal government organizations. To do so, we need to develop an agreement between MaineDOT, the Town of Southwest Harbor, and the National Park Service for the long-term sustainability of Seawall Road. This agreement

would clarify that if Seawall Road sustains significant damage from future storm events, any repairs will be carried out in a full partnership (including financial support) between the three entities.

MaineDOT remains open to working with the Town of Southwest Harbor on the possibility of temporary repairs to make Seawall Road accessible before these repairs, with the understanding that the Town should retain oversight and responsibility for environmental compliance and safety for any such work.

Consolidated Timeline of Events

January

- *January 10 & 13: Storms damages Seawall Road, requiring closure of the road.*
- MaineDOT M&O clears debris from road after both storms.

February

- February 14: NPS provides special use authorization permit (Feb 20-Jun 15) for MaineDOT to conduct work in this area, road reopened.

March

- *March 10: Storm causes additional, major damage to the road, requiring closure again.*
- MaineDOT staff meet with NPS on-site and review options. MaineDOT staff respond to initial inquiries.

April

- MaineDOT coordinates with the Town Managers of Southwest Harbor and Tremont, including an in-person meeting in Southwest Harbor between MaineDOT staff and the Town Manager of Southwest Harbor, regarding outreach and options for Seawall Road.
- MaineDOT carries out coordination with partners, including NPS, to identify utilities ownership and right-of-way, develop a timeline for potential repairs.

May

- Continued coordination between MaineDOT, Towns, NPS, and other stakeholders.
- Public meeting date set for July.

June

- Continued coordination between MaineDOT, Towns, NPS, and other stakeholders in advance of the public meeting.
- MaineDOT carries out a traffic impact assessment along Route 102/102A in Tremont and Southwest Harbor.
- June 27: Public meeting in Southwest Harbor.



July

- Additional comments received from members of the public and stakeholders.
- Memo developed and presented to the Commissioner.

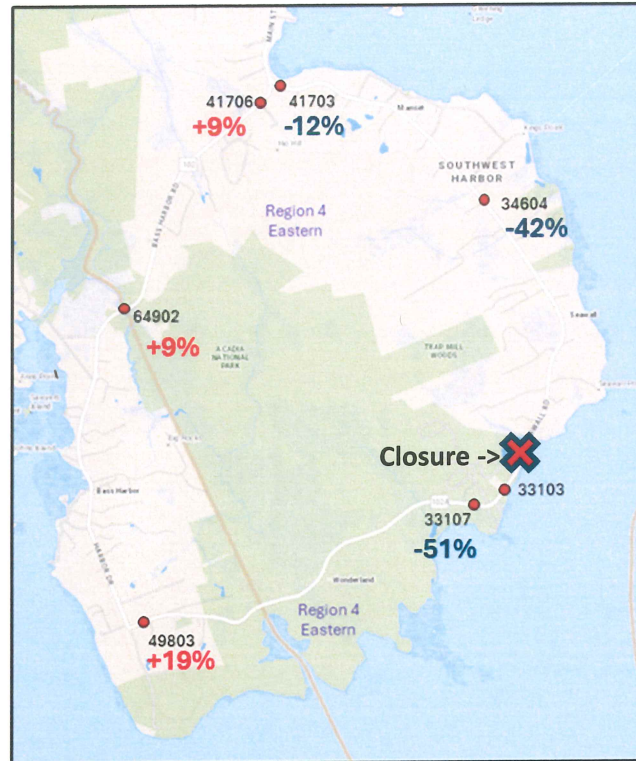
Traffic Impacts

The Bureau of Maintenance and Operations conducted a traffic count conducted between June 21-25, 2024. This was compared to 2023 volumes that were taken July 18-20. For the analysis, Monday, June 24 was used as a reference to reflect weekday traffic. As the 2023 counts were taken in a different month than the 2024 counts, they have been adjusted to be comparable to June 2023 volumes.

Table 1. 2023 v. 2024 volumes and % difference

Traffic Count Location	June 2023 Volume (based on July 2023 count)	June 2024 Volume	% Difference
Southwest Harbor – Rt. 102A Begin (41703)	3608	3197	-12%
Southwest Harbor - Hadlock Lane (34604)	2691	1752	-42%
Southwest Harbor - Mt. Height Cemetery (41706)	6220	6790	+9%
Tremont – Town Line (64902)	5262	5747	+9%
Tremont – Bass Harbor Campground (49803)	1293	1569	+19%
Southwest Harbor - Campground (33103/33107)	1583	942	-51%

SOUTHWEST HARBOR COUNT STATIONS



June 27, 2024

Additional Public Comments Summary

Public Meeting &

- June 27, 2024 meeting included approximately 150-200 participants, including public officials from both Southwest Harbor and Tremont
- Key Points:
 - Strong opposition to the permanent removal of Seawall Road, with limited exceptions.
 - Strong desire for rapidly re-opening Seawall Road with temporary measures, in time for this year's tourist season.
 - Town Selectboards are open to cooperating with MaineDOT.
 - People want a timeline for any potential repairs or reopening ASAP.
- Comments summary (note: a more comprehensive readout is available from the Bureau of Planning, including a log of all comments received).
 - There have been significant negative impacts to businesses, especially in Southwest Harbor where there has been reduced traffic. This may have been made worse by misunderstandings about the extent of the closure among travelers who have seen the road closure signs.
 - Emergency response times have been impacted to some degree, enough to lead to serious or fatal consequences in some circumstances.
 - The closure limits connectivity for seniors and other residents with limited mobility.
 - Concern over the loss of redundancy if there are blockages in other locations along Route 102/102A.
 - Feeling that trust in MaineDOT has been lost due to a perceived lack of adequate communication with the towns regarding the closure and options to address it.
 - The cost of rebuilding the road is worth it for the value it provides to the towns.

- Understanding of the need for a long-term solution as future impacts are likely due to climate change. This was generally expressed as a desire to make the road more resilient.
- Feeling that other parts of the island are prioritized over them.
- Concern about other intersections on the island that are seen as unsafe and a desire or demand that MaineDOT immediately address these as well.
- Need to protect the unique environment of Seawall Pond.
- Seawall road has significant historical and cultural value to residents.
- Openness to adjusting elements of the road to either make it more resilient or less expensive to repair.
- One business owner threatened to initiate legal action against MaineDOT for perceived damages.

Right-Of-Way

MaineDOT has remained in contact with NPS regarding the extent of our ROW along this section of Seawall Road. Initially NPS informed MaineDOT that MaineDOT's rights extended to the edge of the HMA, but NPS later noted that their 2008 boundary survey indicated that the ROW was 49.5 feet wide.

MaineDOT's Property Office looked into the matter and reviewed the 2008 survey and the 1956 deed provided by the NPS. They found that the 2008 survey only indicated that the ROW on Seawall Road is an assumed three rods (49.5") wide, and neither the deed nor any of MaineDOT's records provide any additional details. Given this, the recommendation is for MaineDOT to presume prescriptive rights and get a Temporary Work Permit from Acadia National Park to complete the repairs.

Recommendations

1. In the short term, continue discussions with the Town of Southwest Harbor regarding options for a temporary repair to make Seawall Road passable before the permanent repair work can be completed. If the Town decides to move forward with this approach, any such temporary repair work should see the Town take responsibility for contractor oversight, environmental compliance, and safety. MaineDOT will assist with temporary signage.
2. Develop an agreement between MaineDOT, the Town of Southwest Harbor, and the National Park Service for the long-term sustainability of Seawall Road. This agreement would clarify that if Seawall Road sustains significant damage from future storm events after a 2025 permanent repair, any repairs will be carried out in a full partnership (including financial support) between the three entities.
3. Move forward with the permanent restoration of the roadway, as proposed by the Bureau of Project Development.
 - a. This work would consist of:
 - i. Placing Gabion baskets filled with a combination of grout bags and beach cobble along the Ocean side, roughly 950' and 500' on the non-ocean side. Installing new gabion baskets that would extend out slightly beyond the edge of the new pavement could potentially eliminate the lifting of the HMA.
 - ii. Replace the missing pavement structure then overlay the whole damaged section.

- iii. Replace the existing 48" crosspipe with a 48" by 76" elliptical pipe with a beaver deceiver on the inlet end.
- b. The estimated cost of this work would be between \$900,000-\$1,000,000.
- c. MaineDOT should pursue FEMA funding for this project, which will require meeting National Environmental Policy Act (NEPA) requirements and other federal environmental consultation requirements before construction begins.
- d. Due to the lack of clarity regarding ROW, MaineDOT should secure a renewed Special Use Permit from NPS.
- e. This work should be carried out in Spring 2025.