



PUBLIC NOTICE

**US Army Corps
of Engineers®**

New England District

Maine Project Office

442 Civic Center Drive, Suite 350

Augusta, Maine 04330

Date: May 14, 2019

Comment Period Ends: June 13, 2019

File Number: NAE-2019-00701

In Reply Refer To: Jay L. Clement

Or by e-mail: jay.l.clement@usace.army.mil

30 DAY NOTICE

The District Engineer has received a permit application from the applicant below to **conduct work in waters of the United States** as described below. The Corps is soliciting comments on both the project itself and the range of issues to be addressed in the environmental documentation.

APPLICANT: MAINE TURNPIKE AUTHORITY; 2360 CONGRESS STREET; PORTLAND, MAINE 04102

ACTIVITY: Place temporary and permanent fill below the ordinary high water mark of Red Brook, Long Creek, an unnamed stream, and the Fore River and in adjacent freshwater wetlands in conjunction with the widening of the Maine Turnpike from Mile 43 at Scarborough, Maine to Mile 48.8 at Portland, Maine (5.7 miles). The project will include the construction of a third lane on the outside of existing north and southbound lanes with a shoulder, paving the median, installing a concrete median barrier, drainage improvements, and realigning existing on and off ramps. The project is designed to upgrade the turnpike to enhance public safety and meet current and projected capacity standards.

Impacts to aquatic resources include approximately 5.2 acres of permanent and 1.1 acres of temporary wetland fills, 750 linear feet of streambed lost due to culvert extensions, and 100 linear feet of streambed lost due to stream relocations. All but 1.7 acres of the 5.2 acres of permanent wetland impact will be to wetlands routinely kept cleared as part of turnpike right-of-way maintenance.

To compensate for the project's projected natural resource impacts, including unavoidable impacts to waterways and wetlands, the applicant proposes a \$802,037.36.00 contribution to the Maine Natural Resource Mitigation Fund (Maine In Lieu Fee Program) in the compensation plan. The applicant is proposing these measures seeking to compensate for and lessen the project's impact on aquatic and other natural resources. This notice solicits comments on this proposed measure from the interested or affected public as well as those agencies who speak to the public interest. It also solicits recommendations for alternative measures not yet identified by the applicant. After receipt of the comments, the Corps of Engineers will obtain any necessary additional information from the applicant and determine whether the proposed measure is practicable and serves to help mitigate this project's unavoidable impacts.

WATERWAY AND LOCATION OF THE PROPOSED WORK: This work is proposed in numerous waterways and wetlands between Scarborough, Maine (USGS Prouts Neck quadrangle sheet; Lat/Long 43.624937°N; -70.351995°W) and Portland, Maine (USGS Portland West quadrangle sheet; Lat/Long 43.680431°N; -70.325666°W).

AUTHORITY

Permits are required pursuant to:

- Section 10 of the Rivers and Harbors Act of 1899
- Section 404 of the Clean Water Act
- Section 103 of the Marine Protection, Research and Sanctuaries Act).

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which may reasonably accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are: conservation, economics, aesthetics, general environmental concerns, wetlands, cultural value, fish and wildlife values, flood hazards, flood plain value, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Where the activity involves the discharge of dredged or fill material into waters of the United States the evaluation of the impact of the activity in the public interest will also include application of the guidelines promulgated by the Administrator, U.S Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act.

ESSENTIAL FISH HABITAT (EFH): The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (“EFH”).

In water construction at the stream crossings will impact 750 linear feet of Essential Fish Habitat (“EFH”). This habitat consists of stream bed composed of silt, sand, gravel and cobbles. Temporary or permanent impacts to this habitat may adversely affect species that use these waters and substrate. However, the District Engineer has made a preliminary determination that the site-specific adverse effect will not be substantial. Further consultation with the National Marine Fisheries Service regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision.

SECTION 106 COORDINATION: Based on his initial review, the District Engineer has determined that the proposed work may impact properties listed in, or eligible for listing in, the National Register of Historic Places. Additional review and consultation to fulfil requirements under Section 106 of the National Historic Preservation Act of 1966, as amended, will be ongoing as part of the permit review process.

ENDANGERED SPECIES ACT CONSULTATION: The New England District, Army Corps of Engineers has reviewed the list of species protected under the Endangered Species Act of 1973, as amended, which might occur along the project corridor. It is our preliminary determination that the proposed activity for which

authorization is being sought is designed, situated or will be operated/used in such a manner that it is not likely to adversely affect any federally listed endangered or threatened species or their designated critical habitat. Consultation with the Services is on-going. By this public notice, the District Engineer is requesting that the appropriate federal agency provide comments regarding the presence of and potential impacts to other listed species or its critical habitat not already identified.

OTHER APPROVALS: The applicant has supplied the Maine Department of Environmental Protection with a permit application for the work described in this public notice and is requesting that the Department either grant or waive Water Quality Certification in accordance with Section 401 of the Clean Water Act. Comments regarding the applicant's Permit/Water Quality Certification request may be submitted in writing to: Mark Bergeron, Director, Bureau of Land Resources, Department of Environmental Protection, 17 State House Station, Augusta, ME, 04333-0017 or by email to: mark.bergeron@maine.gov

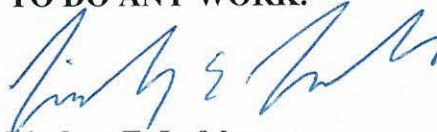
In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. **Comments should be submitted in writing by the above date.** If you have any questions, please contact Jay Clement at 207-623-8367, ext. 1 at our Augusta, Maine Project Office.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for a public hearing shall specifically state the reasons for holding a public hearing. The Corps holds public hearings for the purpose of obtaining public comments when that is the best means for understanding a wide variety of concerns from a diverse segment of the public.

The initial determinations made herein will be reviewed in light of facts submitted in response to this notice. All comments will be considered a matter of public record. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly in an effort to reach an understanding.

For more information on the New England District Corps of Engineers programs, visit our website at <http://www.nae.usace.army.mil>.

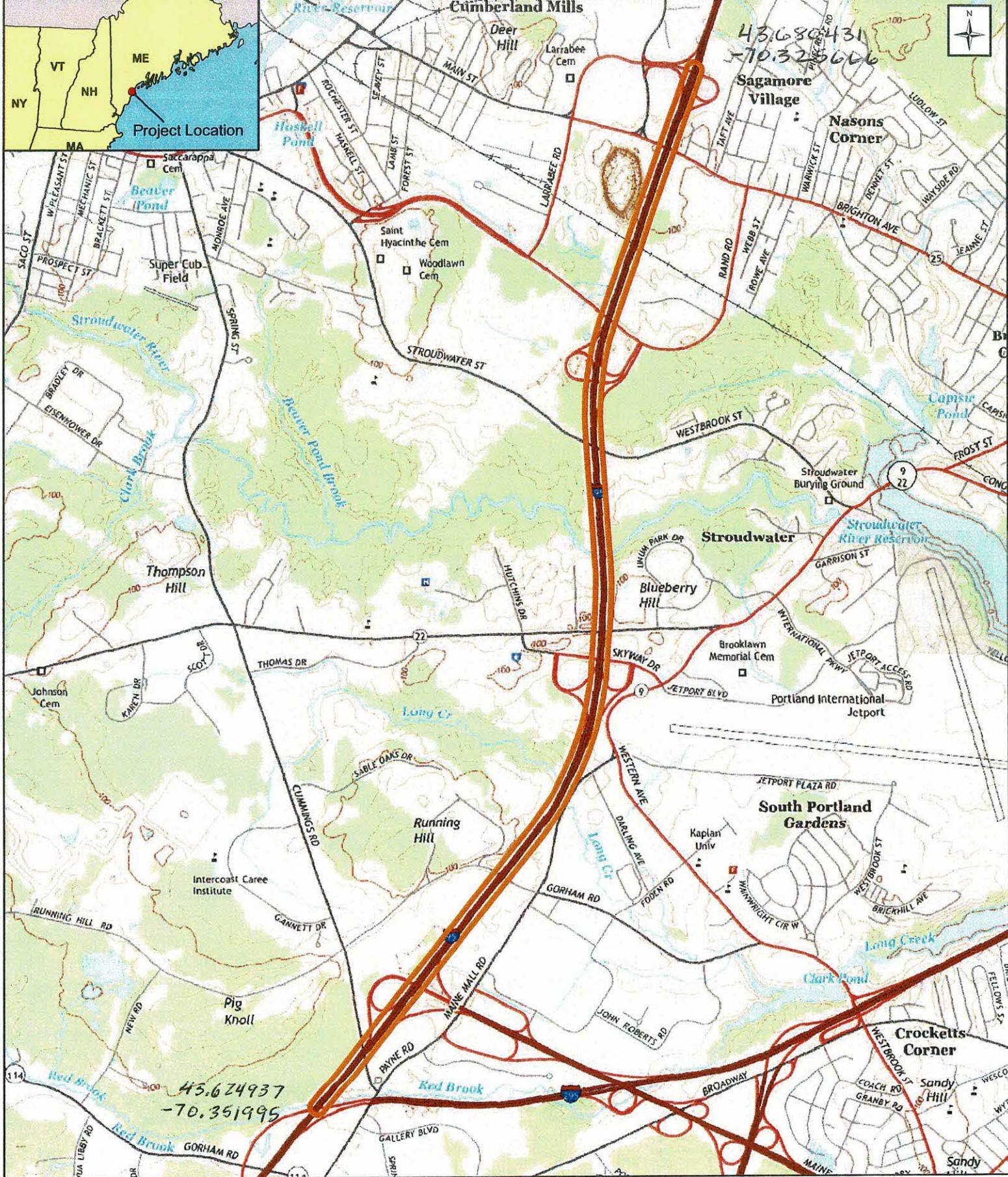
THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.



Lindsey E. Lefebvre
Chief, Permits and Enforcement Branch
Regulatory Division

If you would prefer not to continue receiving Public Notices, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at bettina.m.chaisson@usace.army.mil. You may also check here () and return this portion of the Public Notice to: Bettina Chaisson, Regulatory Division, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751.


NAME: _____
ADDRESS: _____



Prepared For: **HNTB**

Prepared By: **NewEarth**
ECOLOGICAL CONSULTING LLC

Legend

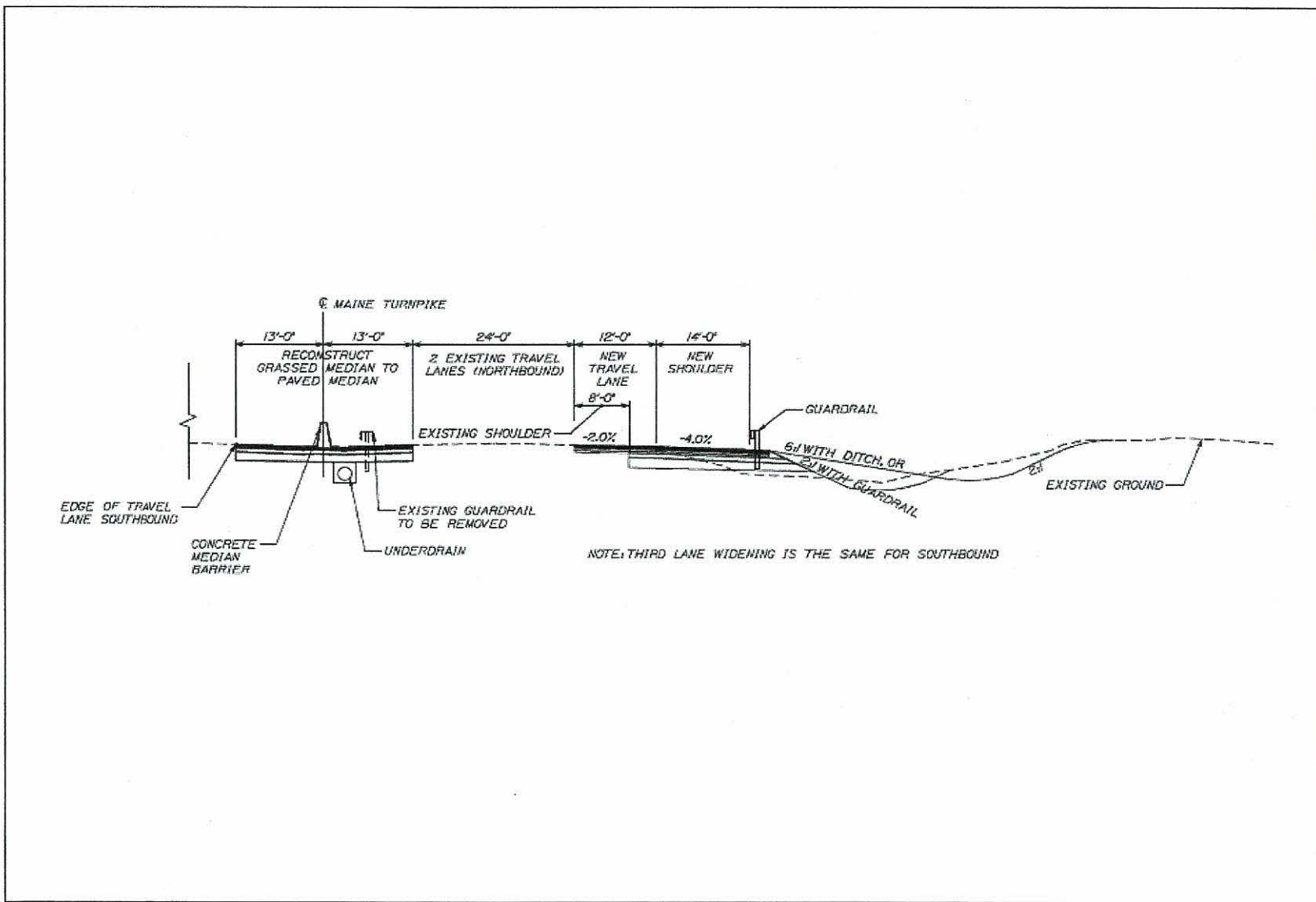
 Survey Area

0 1,000 2,000 4,000 6,000 Feet


Figure 1. Site Location and Topography
Maine Turnpike Authority
Portland Area Widening, Phase I, Exits 44 to 48
Scarborough, South Portland, and Portland,
Maine

Source: United States Geological Survey, 2014.

Date: 12/18/2018



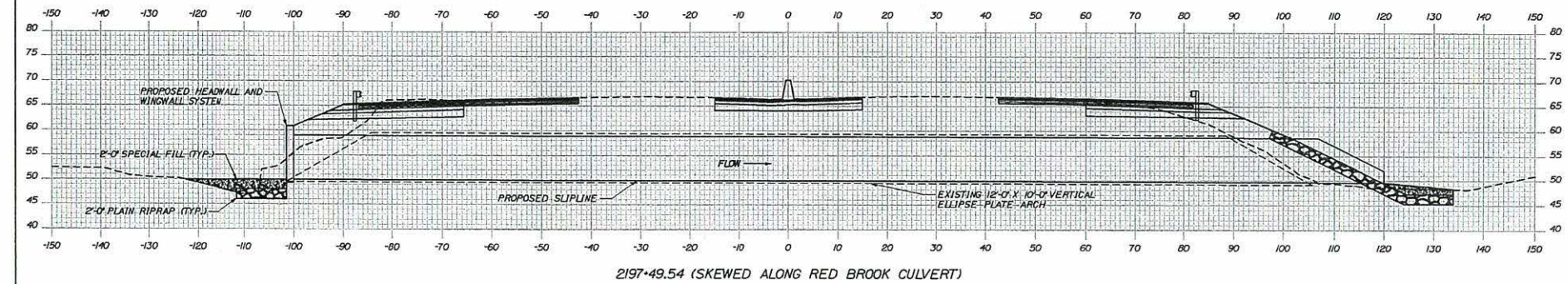
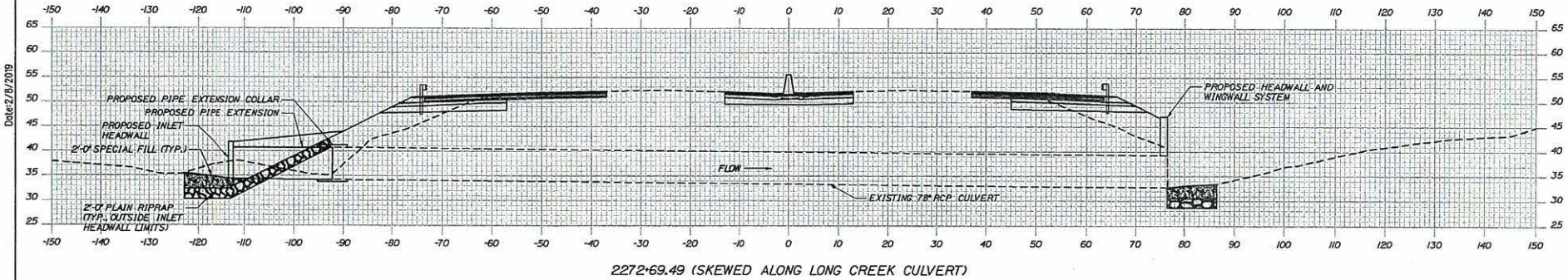
8

20 0 20 40
 SCALE: 1"=20'
HNTB
 ARCHITECTS ENGINEERS PLANNERS

**THE GOLD STAR
 MEMORIAL HIGHWAY**

PORTLAND AREA
 WIDENING & SAFETY
 IMPROVEMENTS

TYPICAL CROSS SECTION
 DATE: FEBRUARY, 2019
 SHEET 1 OF 1

DRAFT PDR
November 12, 2018



Filename: 000_Cross_Section_CulvertBUB_01.dgn

Scale:

No.	Revision	By	Date

Designed by:

HNTB

CONSULTANT PROJECT MANAGER: \$CONSULTANTPM\$

By	Date	By	Date
Designed TJP	11/18	Checked PEK	11/18
Drawn TJP	11/18	In Charge of RAL	11/18

HNTB CORPORATION
340 County Road, Suite 6-C
Westbrook, ME 04092
TEL (207) 774-5155
FAX (207) 228-0909

THE GOLD STAR MEMORIAL HIGHWAY

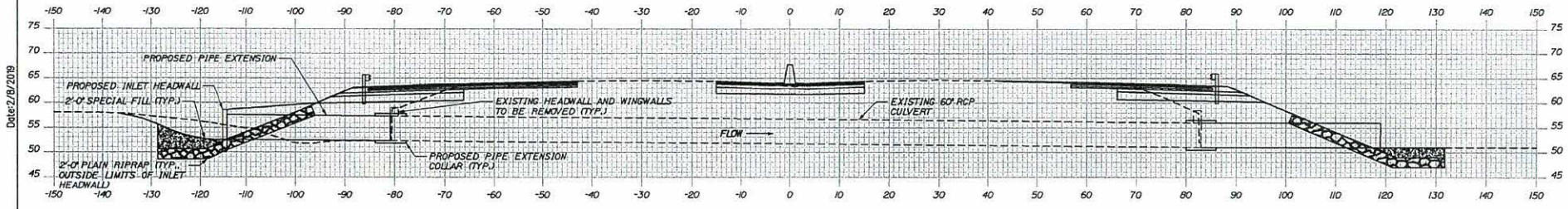
MTA PROJECT MANAGER: \$MTAPM\$

PORTLAND AREA
MAINLINE IMPROVEMENTS
MM 43.7 TO MM 49.3
CULVERT AND UTILITY SECTIONS (1 OF 3)

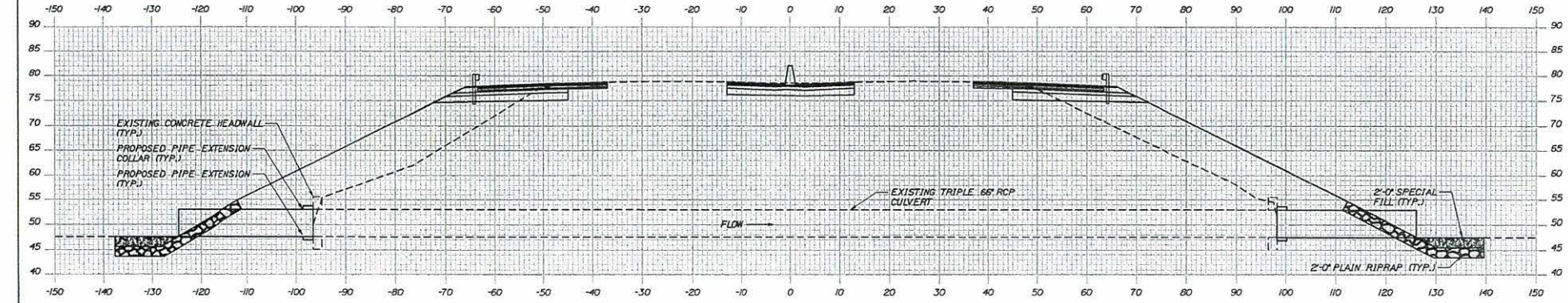
SHEET NUMBER: XS-01
CONTRACTS: 2020.03 & 2020.04
\$SETNO\$ OF \$SETTOT\$

DRAFT PDR
November 12, 2018

Date: 2/8/2019



2420+38.61 (ALONG UNNAMED STREAM CULVERT)



2371+23.27 (ALONG FORE RIVER CULVERT)

Filename: 000_Cross_Section-Culvert(BUILD_02.dgn

Scale: Scale of Feet

No.	Revision	By	Date

Designed by:

HNTB

CONSULTANT PROJECT MANAGER: #CONSULTANTP#M

By	Date	By	Date
Designed T.J.P	11/18	Checked PEK	11/18
Drawn T.J.P	11/18	In Charge of RAL	11/18

HNTB CORPORATION
340 County Road, Suite 6-C
Westbrook, ME 04092
TEL (207) 774-5155
FAX (207) 228-0909

THE GOLD STAR MEMORIAL HIGHWAY

MTA PROJECT MANAGER: #MTAP#M

PORTLAND AREA
MAINLINE IMPROVEMENTS
MM 43.7 TO MM 49.3
CULVERT AND UTILITY SECTIONS (2 OF 3)

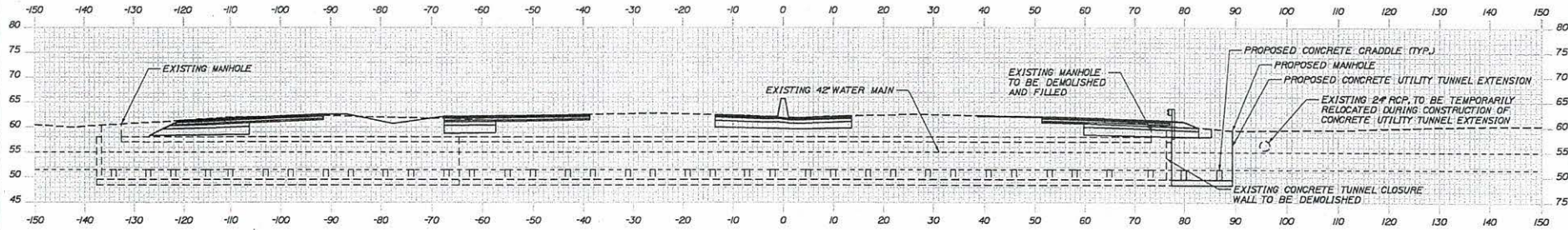
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CONTRACTS: 2020.03 & 2020.04

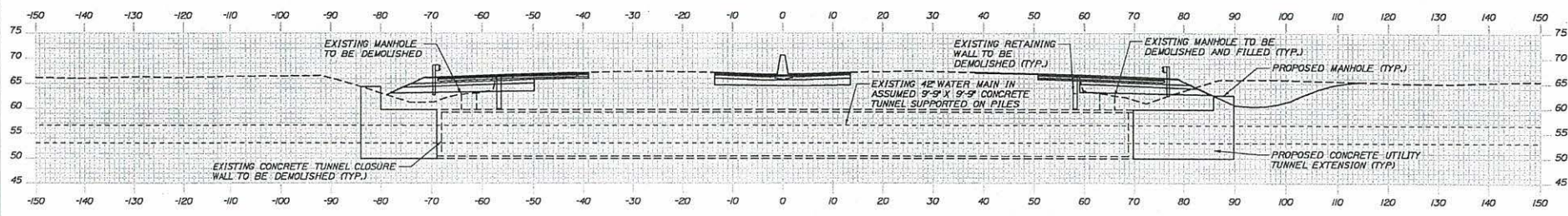
#PSETNO# OF #PSET#

DRAFT PDR
November 12, 2018

Date: 11/12/2018



2360*02.55 (SKEWED ALONG CONCRETE UTILITY TUNNEL #2)



2340*50.15 (SKEWED ALONG CONCRETE UTILITY TUNNEL #1)

Filename: 000_Cross_Section_Culvert\MMUB_03.dgn

Scale: Scale of Feet

No.	Revision	By	Date

Designed by:

HNTB

CONSULTANT PROJECT MANAGER:

By	Date	Checked	By	Date	
Designed	TJP	11/18	PEK	11/18	
Drawn	TJP	11/18	In Charge of	RAL	11/18

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340 County Road, Suite 6-C
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THE GOLD STAR
MEMORIAL HIGHWAY

MTA PROJECT MANAGER:

PORTLAND AREA
MAINLINE IMPROVEMENTS
MM 43.7 TO MM 49.3
CULVERT AND UTILITY SECTIONS (3 OF 3)

CONTRACTS: 2020.03 & 2020.04

SHEET NUMBER: XS-03

30 OF 30