



**US Army Corps
of Engineers**®
New England District
696 Virginia Road
Concord, MA 01742-2751

PUBLIC NOTICE

Comment Period Begins: November 10, 2020
Comment Period Ends: December 10, 2020
File Number: NAE-2005-01143
In Reply Refer To: Taylor Bell
Phone: (978) 318-8952
E-mail: taylor.m.bell@usace.army.mil

SUBJECT: This notice announces a request to modify the Maine Natural Resources Conservation Program In-Lieu Fee ("ILF") Program Instrument for the addition of 13 individual projects.

ILF PROGRAM SPONSOR: Maine Department of Environmental Protection
17 State House Station
Augusta, Maine 04333

BACKGROUND: The Maine ILF program is authorized by the New England District, Army Corps of Engineers (Corps). A copy of the signed ILF agreement entitled "State of Maine — In Lieu Fee Program INSTRUMENT" dated August 17, 2011, includes details about the ILF Program goals and objectives in general, and can be found at the following link:

https://www.nae.usace.army.mil/Portals/74/docs/regulatory/Mitigation/ME/NRCP/ILFP_ME.pdf

Thirteen projects have been submitted as proposed additions to the ILF Instrument pursuant to 33 CFR 332, Compensatory Mitigation for Losses of Aquatic Resources (Federal Register: April 10, 2008, effective June 9, 2008). Pursuant to 33 CFR 332.8 (d), the District Engineer will provide public notice of the proposed addition of ILF program mitigation sites. As such, we are issuing a public notice to solicit comments for the instrument modification due to the proposed addition of ILF mitigation sites.

The Maine ILF Program accrued funds from the Corps and The Maine Department of Environmental Protection (MDEP) permitted impacts in the State of Maine. The funds were made available through a competitive grant process for the preservation, restoration and enhancement of wetland and watercourse resources with associated upland buffers in the State of Maine.

PURPOSE: The 13 proposed projects would provide compensatory wetland and stream mitigation for permitted impacts to the following Service Areas: Aroostook Hills & Lowlands, Central Interior & Midcoast, and Southern Maine.

GENERAL INFORMATION: An ILF program involves the restoration, establishment, re-establishment, enhancement, rehabilitation and/or preservation of aquatic resources through funds paid to a governmental or non-profit natural resources management entity to satisfy compensatory mitigation requirements for Department of the Army permits. Similar to a mitigation bank, an ILF program sells compensatory mitigation credits to permittees whose obligation to provide compensatory mitigation is then transferred to the ILF program sponsor. The operation and use of an ILF program are governed by an ILF program instrument. A group of federal and state regulatory and resource agency representatives known as the Interagency Review Team (IRT) oversee the

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establishment and management of the program. The IRT is chaired by the Corps and the MDEP. The primary role of the IRT is to facilitate the establishment of the ILF program through the development of an ILF Instrument. The IRT also reviews ILF mitigation proposals and provides comments to the Corps. The approval of the use of the ILF program for specific projects is the decision of the Corps pursuant to Section 10 of the Rivers and Harbors Act of 1899 and/or Section 404 of the Clean Water Act (CWA). The Corps provides no guarantee that any particular individual or general permit proposing to use the ILF program for compensation mitigation would be authorized.

PROJECT DESCRIPTION: Each project has a map showing the location of the project with a summary. Additionally, information consistent with a prospectus is located here:

https://ribits.usace.army.mil/ords/f?p=107:378:3065123861890::NO::P378_PROGRAM_ID:261

ESSENTIAL FISH HABITAT: 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). Essential Fish Habitat describes waters and substrate necessary for fish for spawning, breeding, feeding or growth to maturity.

The District Engineer has made a preliminary determination that the site-specific adverse effect will not be substantial, if there is any impact at all. Further consultation with the National Marine Fisheries Service regarding EFH recommendations is being conducted and will be concluded prior to the final decision.

NATIONAL HISTORIC PRESERVATION ACT: Based on the initial review, the District Engineer has determined that none of these projects may affect properties 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 proposal review process and the permit review process for those requiring Corps authorization.

ENDANGERED SPECIES 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, that might occur at the project sites. It is our preliminary determination that the proposed projects, 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. By this Public Notice, we are requesting that the appropriate federal agency concur with our determination.

EVALUATION: After the end of the comment period, the district engineer will review all comments received and make an initial determination as to the potential of the proposed project to provide compensatory mitigation for activities authorized by DA permits. That determination will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. Factors relevant to the proposal will be considered including conservation, economics, esthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food, and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

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The Corps is soliciting comments from the public; Federal, State, and local agencies and officials; American Indian Tribes; and other interested parties in order to consider and evaluate the proposed activity. All comments received will be considered by the Corps during the formulation of the initial determination of potential for the proposed activity.

COMMENTS: In order to properly evaluate the proposals, 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 Mr. Taylor Bell at (978) 318-8952, (800) 343-4789 or (800) 362-4367, if calling from within Massachusetts.

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.

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.

Robert DeSista
Deputy Chief, Regulatory Division

If you would prefer not to continue receiving Public Notices by email, 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: _____
PHONE: _____

2020 MNRCP Proposal List

| MNRCP Region | Project Sponsor | Project Name | Town | Total Cost | Funds Requested | Total Acres | Compensation Type |
|-----------------------------|---|---|------------------|--------------|-----------------|----------------|--------------------------------------|
| Aroostook Hills & Lowlands | Maine Dept of Inland Fisheries and Wildlife | Pollard Flat Wildlife Management Area - Sherman Acquisition | Masardis | \$226,375.00 | \$201,375.00 | 280 | Preservation |
| Central Interior & Midcoast | Blue Hill Heritage Trust | Lawrence Wetland Crossing Mitigation | Surry | \$217,000.00 | \$180,000.00 | 1.9 | Restoration, Enhancement |
| Central Interior & Midcoast | Kennebec Land Trust | Little Cobbossee Lake, Weston | Winthrop | \$213,720.00 | \$44,562.00 | 50 | Preservation |
| Central Interior & Midcoast | Chebeague and Cumberland Land Trust, Inc. | Littlefield Woods | Chebeague Island | \$179,840.00 | \$80,000.00 | 24.2 | Preservation |
| Central Interior & Midcoast | Maine Rivers | Outlet Stream Alewife Restoration Initiative: Morneau | Vassalboro | \$312,760.00 | \$78,120.00 | 2 ac, 2,000 lf | Restoration, Enhancement |
| Central Interior & Midcoast | Kennebec Estuary Land Trust | Rouse Island | Georgetown | \$142,637.00 | \$90,000.00 | 13.7 | Preservation |
| Central Interior & Midcoast | Harpwell Heritage Land Trust | Strawberry Creek Project | Harpwell | \$350,000.00 | \$100,000.00 | 16.53 | Preservation |
| Southern Maine | Western Foothills Land Trust | Ann Thurlow Forest | Oxford | \$912,000.00 | \$840,500.00 | 494 | Preservation, Enhancement |
| Southern Maine | Greater Lovell Land Trust | Charles Pond Acquisition | Fryeburg | \$350,750.00 | \$120,000.00 | 107 | Preservation |
| Southern Maine | Three Rivers Land Trust | Deering Watershed Wetlands | Sanford | \$444,700.00 | \$444,700.00 | 307 | Preservation |
| Southern Maine | Great Works Regional Land Trust | Hoopers Brook | South Berwick | \$138,350.00 | \$138,350.00 | 70.6 | Preservation |
| Southern Maine | Town of Wells | Merriland River -- Storer Lane | Wells | \$470,000.00 | \$450,000.00 | 26.3 | Preservation |
| Southern Maine | Town of Cape Elizabeth | Willow Brook Culvert Replacement | Cape Elizabeth | \$460,701.00 | \$343,281.00 | 3 ac, 2,000 lf | Fish Passage & restoration of stream |

Maine Natural Resource Conservation Program
2020 Proposals

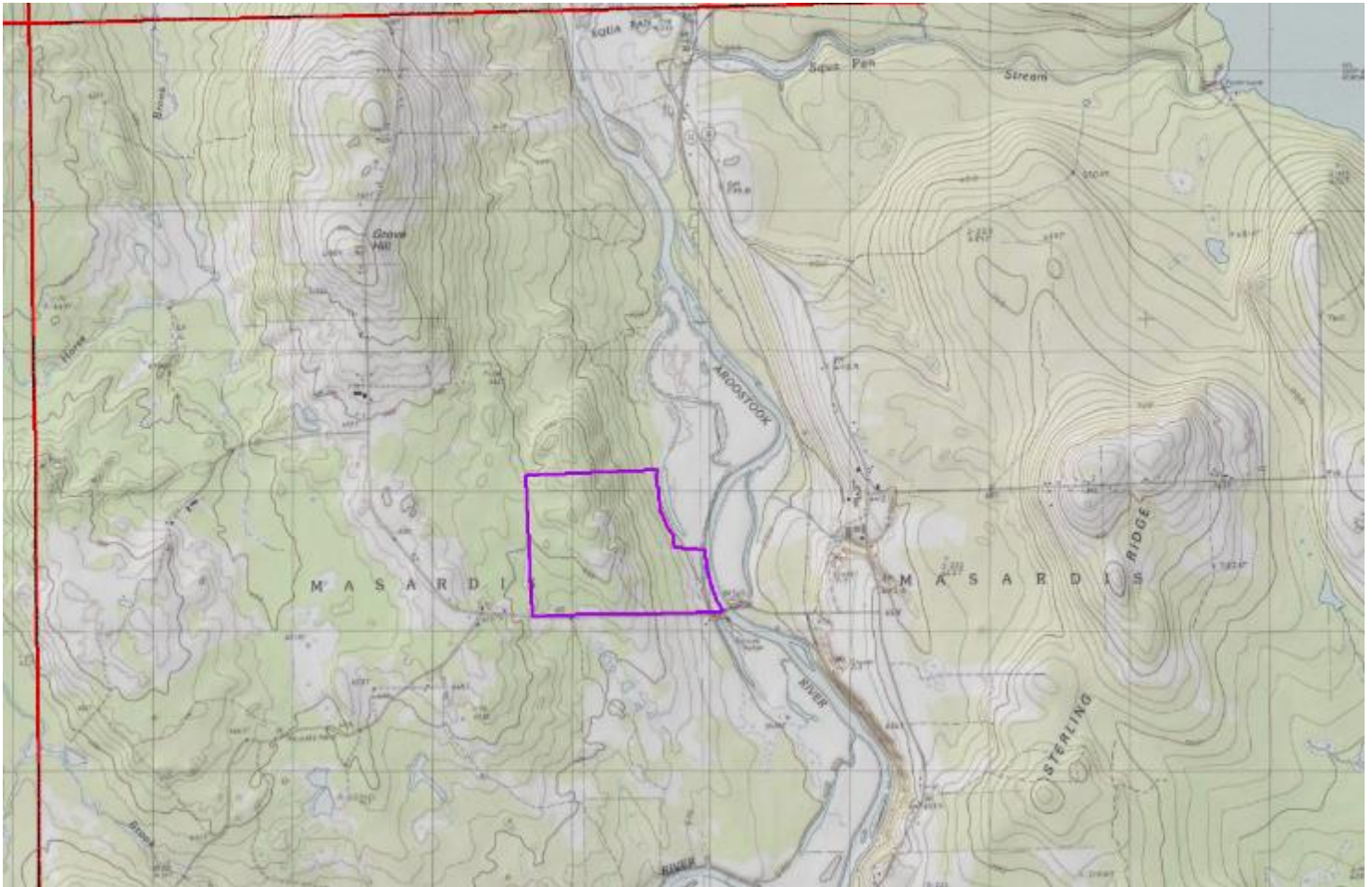
Aroostook Hills and Lowlands Region

Project: Pollard Flat Wildlife Management Area Addition – Sherman Property

Location: Masardis, Maine

Sponsor: Maine Department of Inland Fisheries and Wildlife

The Sherman Parcel consists of approximately 280 acres with over 1,500 feet of frontage on the Aroostook River and more than 27 acres of wetlands, all MNRCP priority wetland types identified for the Aroostook Hills and Lowlands region. The accompanying buffering uplands include recently harvested forest as well as two former agricultural fields. The property also contains habitat for two rare species documented in the area, wood turtle and pygmy snaketail. The Sherman Parcel abuts the 225-acre Pollard Flat Wildlife Management Area (WMA). Under MDIFW ownership, the Sherman Parcel will be incorporated into the adjacent WMA, creating a more than 500-acre block of permanently conserved lands protected and managed for its wetland and wildlife values as well as its public access opportunities.



Central Interior and Midcoast

Project: Lawrence Wetland Crossing Mitigation

Location: Surry, Maine

Sponsor: Blue Hill Heritage Trust

The overall project is focused on remediating three wetland areas impacted by woods/snowmobile trails within 2,350 permanent conserved acres in the Towns of Surry and Ellsworth, Maine. The sponsor is seeking funding for one of the wetland crossing impact areas. The goal of the project is to restore natural flow through a wetland that has been impacted by road construction and use by installing a full span bridge over the wetland. The funding request includes the design, implementation and monitoring costs associated with the project.



Project: Little Cobbossee Lake – Weston

Location: East Winthrop, Maine

Sponsor: Kennebec Land Trust

Kennebec Land Trust proposes to protect the 50-acre Weston property through fee acquisition. The undeveloped Weston property borders Little Cobbossee Lake to the east, KLT's Oatway Preserve to the north, the Case Road to the west, and two private landowners on the southern boundary. The property is composed of sloping upland forest that is easily accessed from the Case Road via a woods road / snowmobile trail that leads down toward the lake. Little Cobbossee Lake is a warmwater fishery with access from the outlet at the south. There are no structures on the property. The Town of Winthrop has zoned the shoreline of the Weston property as resource protection. The Maine Department of Inland Fisheries and Wildlife has mapped Inland Waterfowl and Wading Bird Habitat along the lake and Deer Wintering Area in the upland forest. The western shore and forest of Little Cobbossee Lake is part of a large undeveloped block and this parcel connects to the KLT Oatway property to the north. This habitat has been relatively unaffected by development and human activities since there is limited motorized boat access to the lake. Wetland and aquatic features on the property include forested, scrub-shrub, and emergent wetlands, and ~1,500 linear feet of perennial streams and unmapped ephemeral drainages. Two rare aquatic plants, Columbian water-meal (*Wolffia columbiana*) and pointed water-meal (*Wolffia brasiliensis*), were documented along the western shore of the lake in the still water shallows.



Project: Littlefield Woods

Location: Chebeague Island, Maine

Sponsor: Chebeague & Cumberland Land Trust

Chebeague & Cumberland Land Trust (CCLT) proposes to protect the 24-acre Littlefield Woods property through fee acquisition. Littlefield Woods is an important parcel to protect within Chebeague Island's fragile island Ecosystem and is a beloved property that features popular and historic trails, extensive road frontage, important and functioning wetlands and wildlife habitat, and essential water source protection. One of the largest unprotected parcels on Chebeague Island, Littlefield Woods consists of approximately 24 acres on the Littlefield Road in the middle of the island. While the property is primarily upland, portions of the property are forested wetland with approximately 1.5 acres of scrub/shrub wetland as well as a roughly 4,000 square foot pond (believed to be dug out in the past). With CCLT's purchase and permanent protection of Littlefield Woods, many of the property's existing functions and values will be ensured far into the future. These include the parcel's support for groundwater and aquifer recharge as well as the ability for it to provide wildlife habitat and recreational and educational value. A large wetland system located to the north of the property will greatly benefit from the permanent protection of Littlefield Woods because of the enduring upland buffer that will protect it.

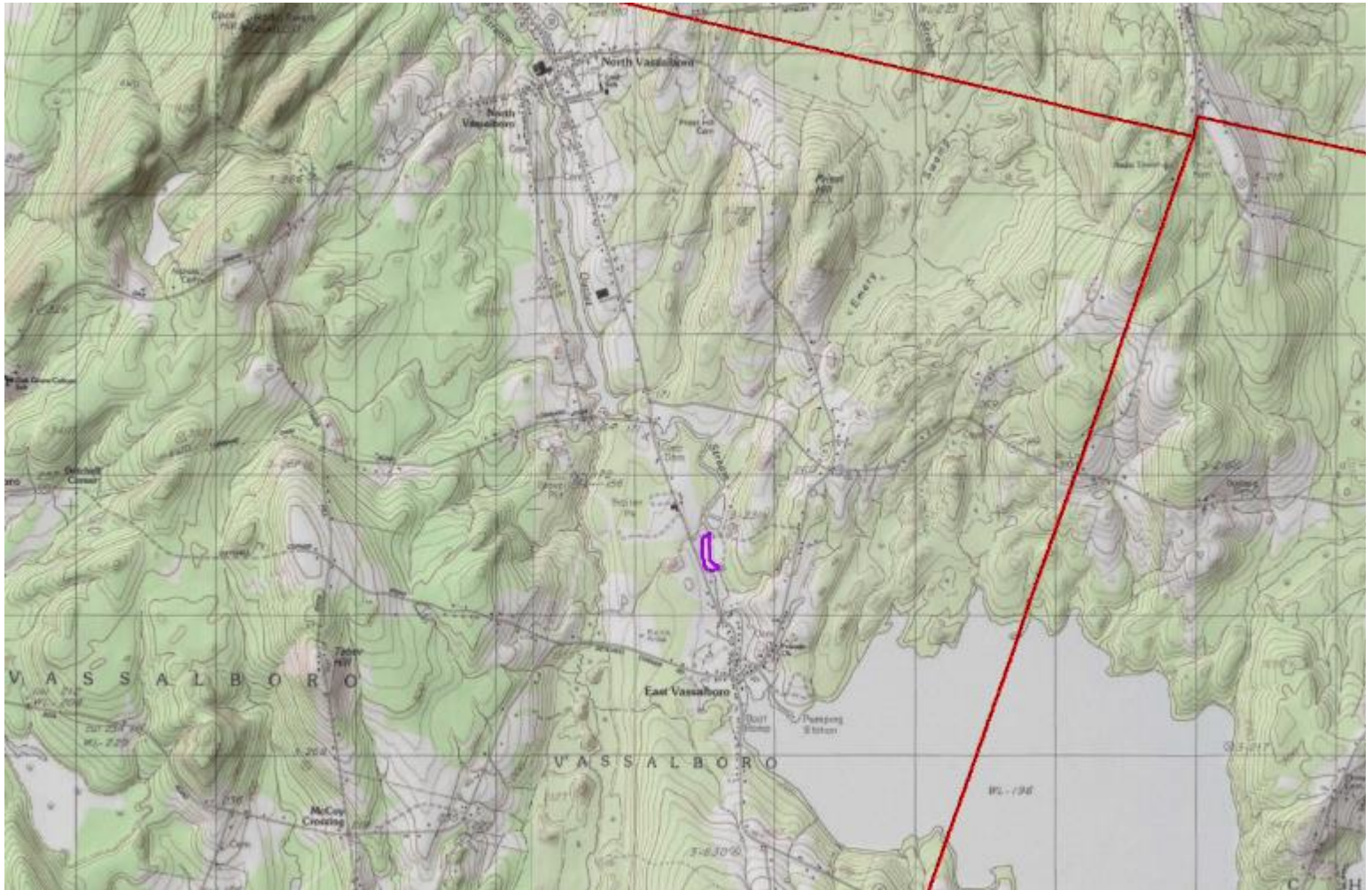


Project: Outlet Stream Alewife Restoration Initiative – Morneau

Location: Vassalboro, Maine

Sponsor: Maine Rivers

The goal of the Outlet Stream Alewife Restoration Initiative is to remove dams or build fish passage at six non-hydro dams on Outlet Stream to restore access to and from China Lake for sea-run alewives. Maine Rivers is on track to fully complete the project in the summer of 2021. Maine Rivers is requesting MNRCP funding for work at the Morneau site, a breached dam that creates a fish passage barrier. The project will create a continuous stretch of free-flowing stream from below the China Lake Outlet dam to the downstream Ladd impoundment, approximately 1.85 miles. Success at this site is critical for overall success of the project. Dam removal at this site will restore aquatic connectivity within the stream whose ecological function has been severely degraded by the presence of six dams which all lack fish passage. The project includes essentially four components: 1) removal of the remnants of the Morneau dam and related cement structures in the stream, removal of a crumbling structure on the stream bank; 2) removal and replacement of a collapsing bridge, 3) site work to stabilize the banks, remove invasive plants and replant native species to create a substantial buffer along the wetland; and 4) Ongoing monitoring, invasive plant removal and native plantings, to ensure continued improvement in stream morphology and restoration of native vegetative buffer.

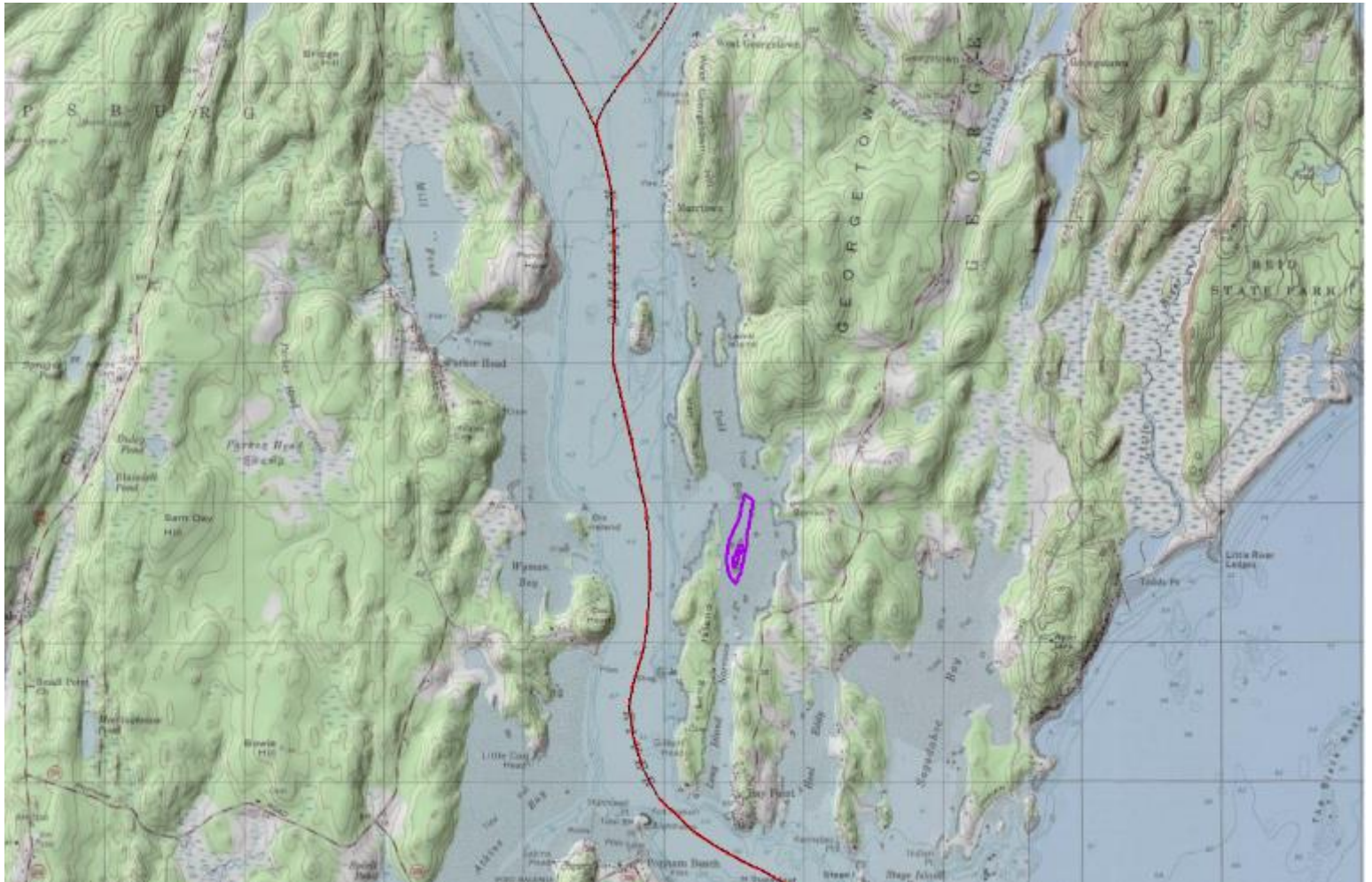


Project: Rouse Island

Location: Georgetown, Maine

Sponsor: Kennebec Estuary Land Trust

Kennebec Estuary Land Trust (KELT) proposes to protect Rouse Island through fee acquisition. The 14.5-acre parcel Rouse Island property is located in the northern end of Long Island Narrows near Todd Bay and includes 1.2 acres of mixed upland buffer and 12.5 acres of estuarine intertidal wetlands. It is surrounded by a patchwork of conserved lands, owned and managed by both public and private entities. The goals of this project are to enhance and preserve the ecological, educational, aesthetic, recreational, and functional values of Rouse Island and the surrounding wetlands. If awarded MNRCP funding, KELT will conserve this property through fee acquisition and will manage it primarily for habitat value, possibly allowing low-impact recreation. This project has high wildlife habitat value through its preservation of tidal waterfowl and wading bird habitat (MDIFW) and softshell clam habitat (DMR), and other abundant bird and marine life, as noted during both site visits this summer. The rockweed beds and surrounding mudflats of the Project Property provide significant habitat for shellfish and fish as well as high value production export. Additionally, a spartina saltmarsh rockweed bed was identified as a provisionally present MNAP Natural Community Type.

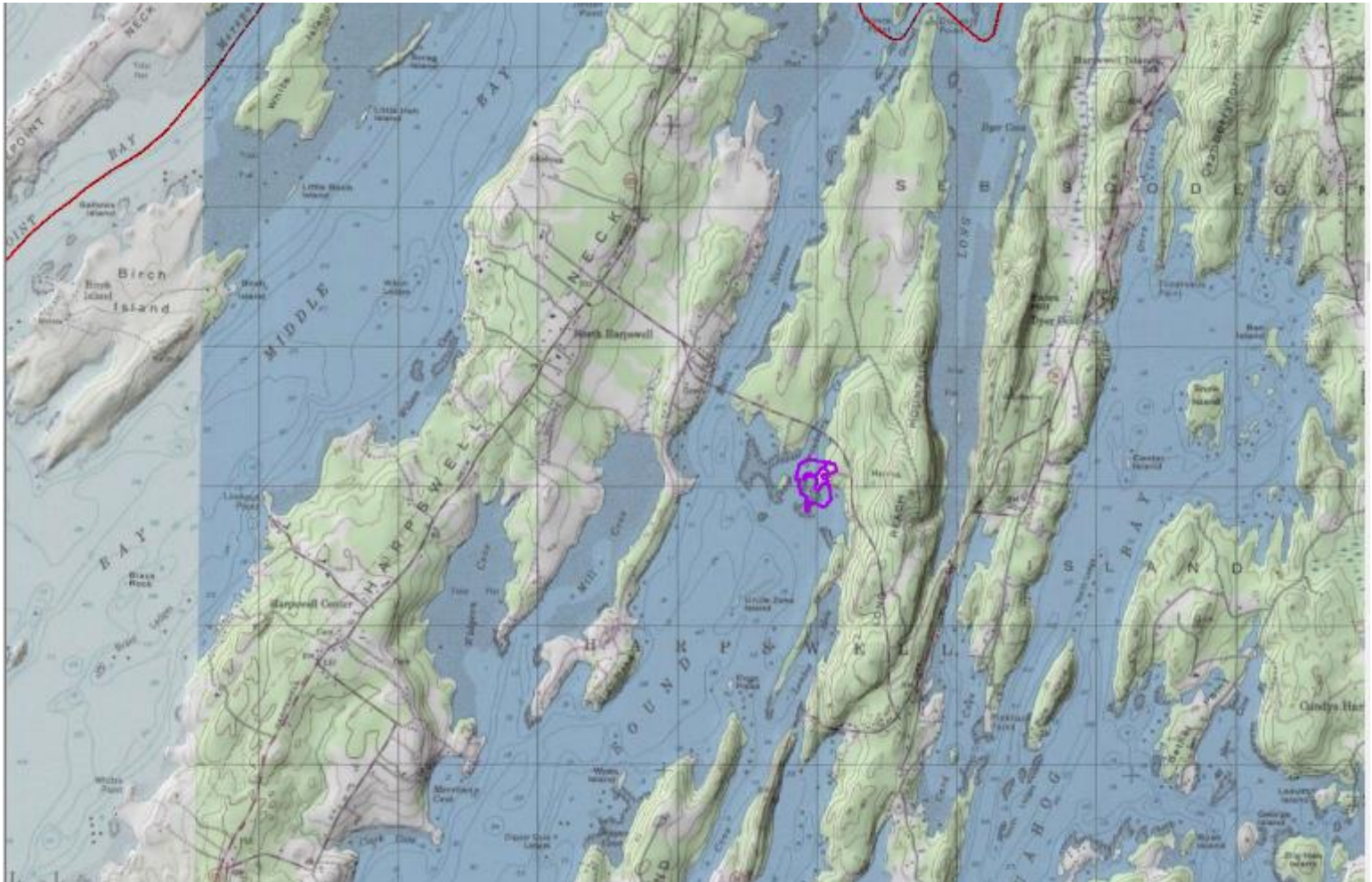


Project: Strawberry Creek

Location: Harpswell, Maine

Sponsor: Harpswell Heritage Land Trust

The Strawberry Creek Project is located at the head of Harpswell Sound, a short distance from the Harpswell Town Hall on the Mountain Road. Harpswell Sound is an arm of Casco Bay, an Estuary of National Significance. The purpose of the Strawberry Creek Project is to help protect the health, habitat, and productivity of the extensive salt marsh, mud flats, and rockweed beds in the intertidal zone and the eel grass beds in the shallow subtidal waters at the northern end of Harpswell Sound by acquiring and preserving two undeveloped properties at the mouth of Strawberry Creek. These marshes, mud flats, rockweed beds, and eelgrass beds provide habitat and food-web benefits for resident and migratory birds and for marine species that range throughout Harpswell Sound, Casco Bay and the ocean ecosystem. The specific project area is part of this larger area of mudflats and eel grass beds. Preservation of the project properties in a natural state would be consistent with numerous federal, state, and local protection plans for these habitats. The means of achieving this purpose is for HHLT to acquire the fee interest in 3.3 acres of upland, including a small island, that forms the eastern side of the mouth of Strawberry Creek and 13.2 acres of associated intertidal land and manage them as an HHLT preserve.



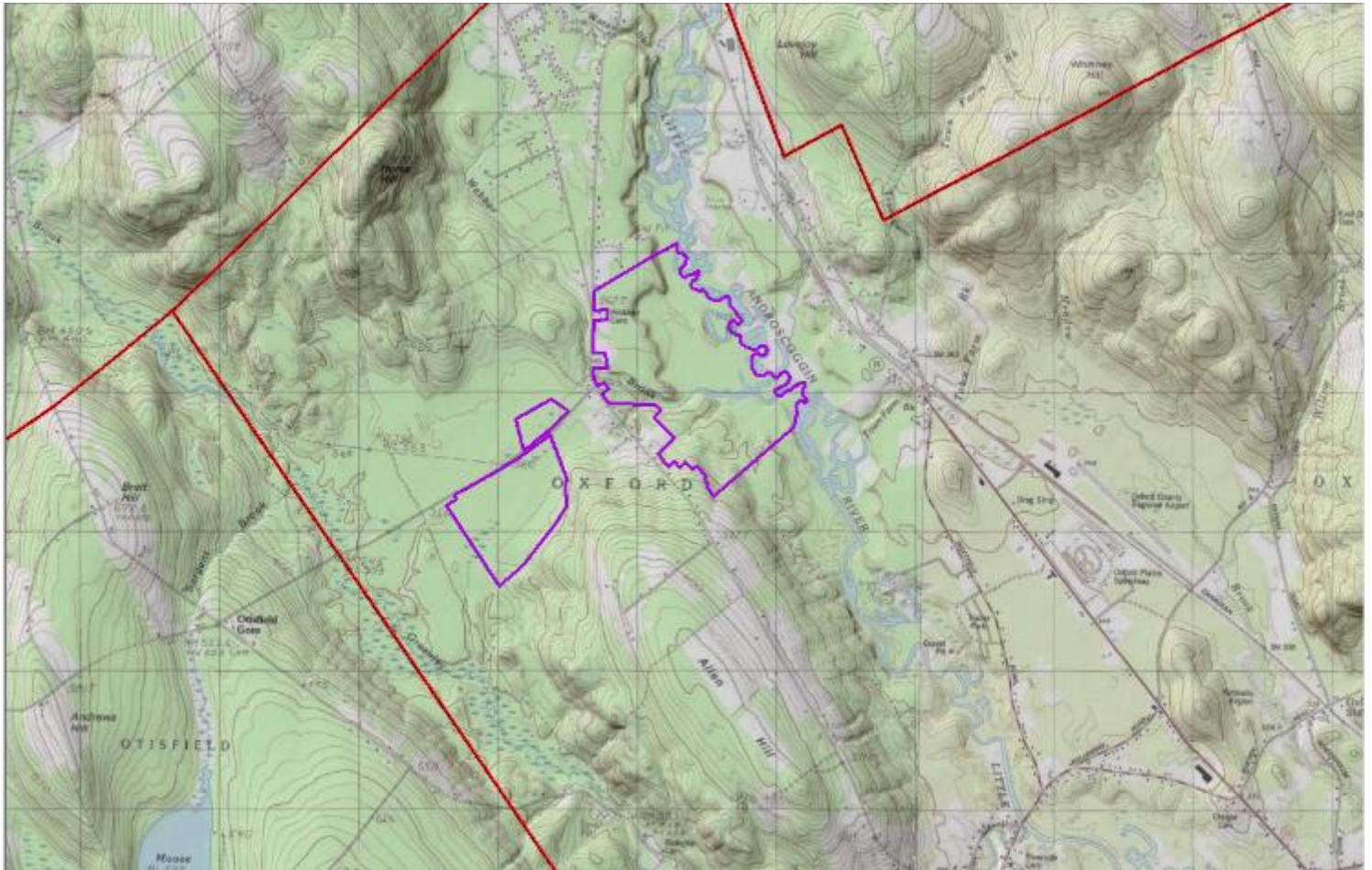
Southern Maine

Project: Ann Thurlow Preserve

Location: Oxford, Maine

Sponsor: Western Foothills Land Trust

Western Foothills Land Trust (WFLT) proposes to purchase the Ann Thurlow parcels at appraised value from The Conservation Fund. The purchase will protect 494 acres including 194 acres of wetlands, over 4 miles of shoreline on the Little Androscoggin River, and over a mile of the Webber Brook tributary which supports Brook Trout. Ann Thurlow consists of three parcels managed as a whole by the Chadbourne Tree Farm, and sold as a single unit. Two parcels off the Yeaton Swamp Road are adjacent, the largest parcel is nearby east of the Allen Hill Road. There are currently no other permanently protected lands along the Little Androscoggin, this is a significant beginning. WFLT proposes to manage the larger parcel on the Little Androscoggin as our first preserve in the town of Oxford. WFLT does not plan on providing additional recreational access to the SW lots off of the Yeaton Swamp Road, which are predominantly wetlands.

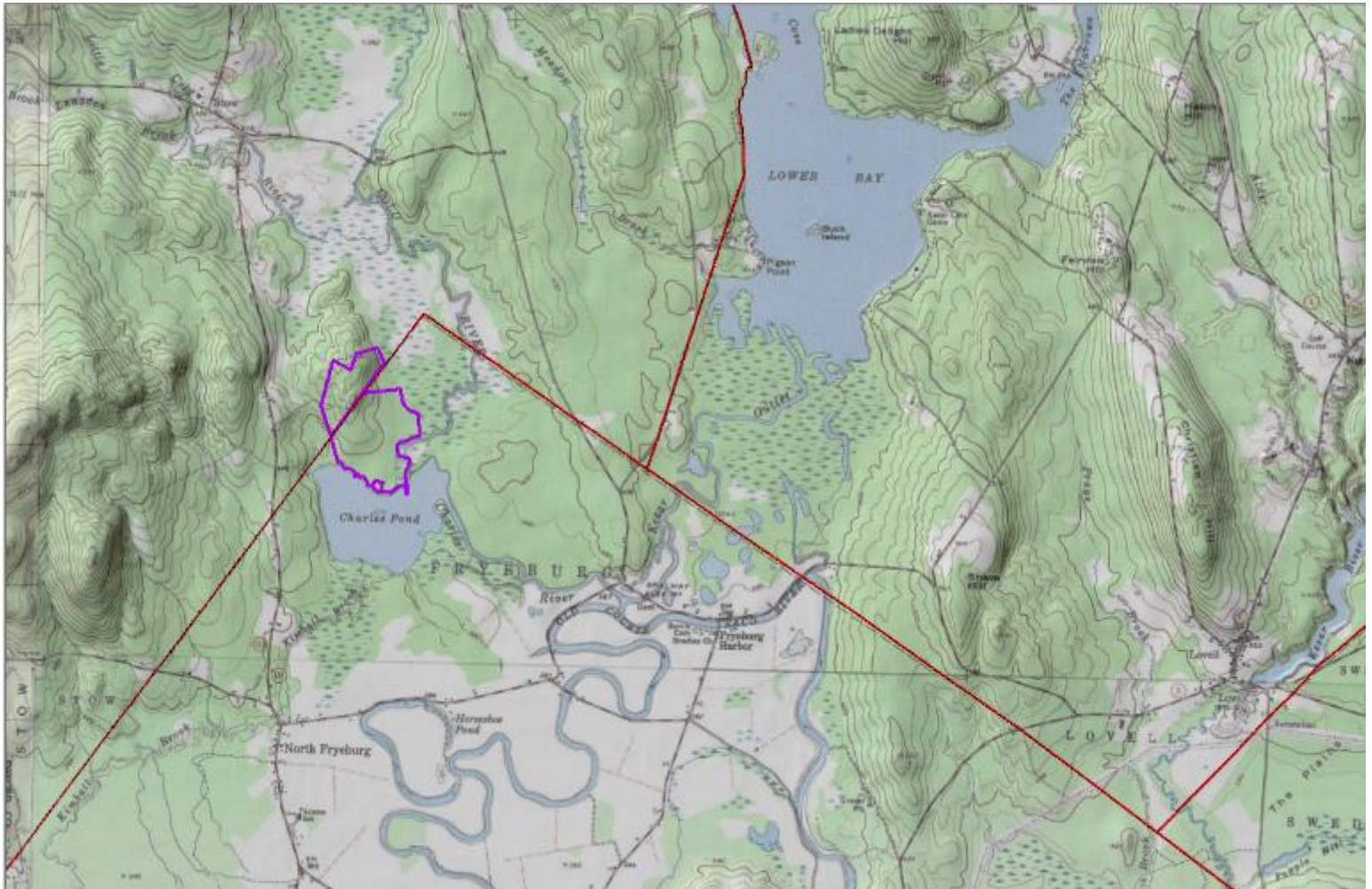


Project: Charles Pond

Location: Stow and Fryeburg, Maine

Sponsor: Greater Lovell Land Trust

Greater Lovell Land Trust (GLLT) proposes to purchase 107 acres on Charles Pond. The pond and Cold River watershed are identified as conservation focus areas by GLLT and neighboring Upper Saco Land Trust (USVLT). While just outside the geography of the Upper Saco River Focus Area of Statewide Ecological Significance, Charles Pond and the Cold River share many characteristics, contributing to the recognized diversity and ecological significance of the Upper Saco watershed. The acquisition is a strategic anchor for GLLT's future conservation in the Cold River watershed. Working with USVLT, GLLT will use the conservation of the Charles Pond property as leverage with other landowners for additional conservation in the Cold River watershed. The primary management objective is to maintain the site's significant natural resource values. The property has 93 upland acres and access via a right-of-way from Route 113. Specific project goals include: 1) Permanent protection of approximately 1,800 feet of Charles Pond shoreline and 1,500 feet of Cold River riparian corridor, as well as buffer for the associated wetlands within and north of the property; 2) Conservation of the Maine IFW-identified Inland Wading Bird and Waterfowl Habitat, two Exemplary Natural Communities (Tall Sedge Fen and Silver Maple Floodplain Forest), and contribute toward maintaining the long-term health of the rivers Native Brook Trout Habitat; 3) Secured access to a popular setting for GLLT's, USVLT's and other organizations' environmental education programs and water-based recreation for town residents and visitors alike; and 4) Expanded opportunity for additional conservation in a watershed with two of GLLT's twelve focus areas.

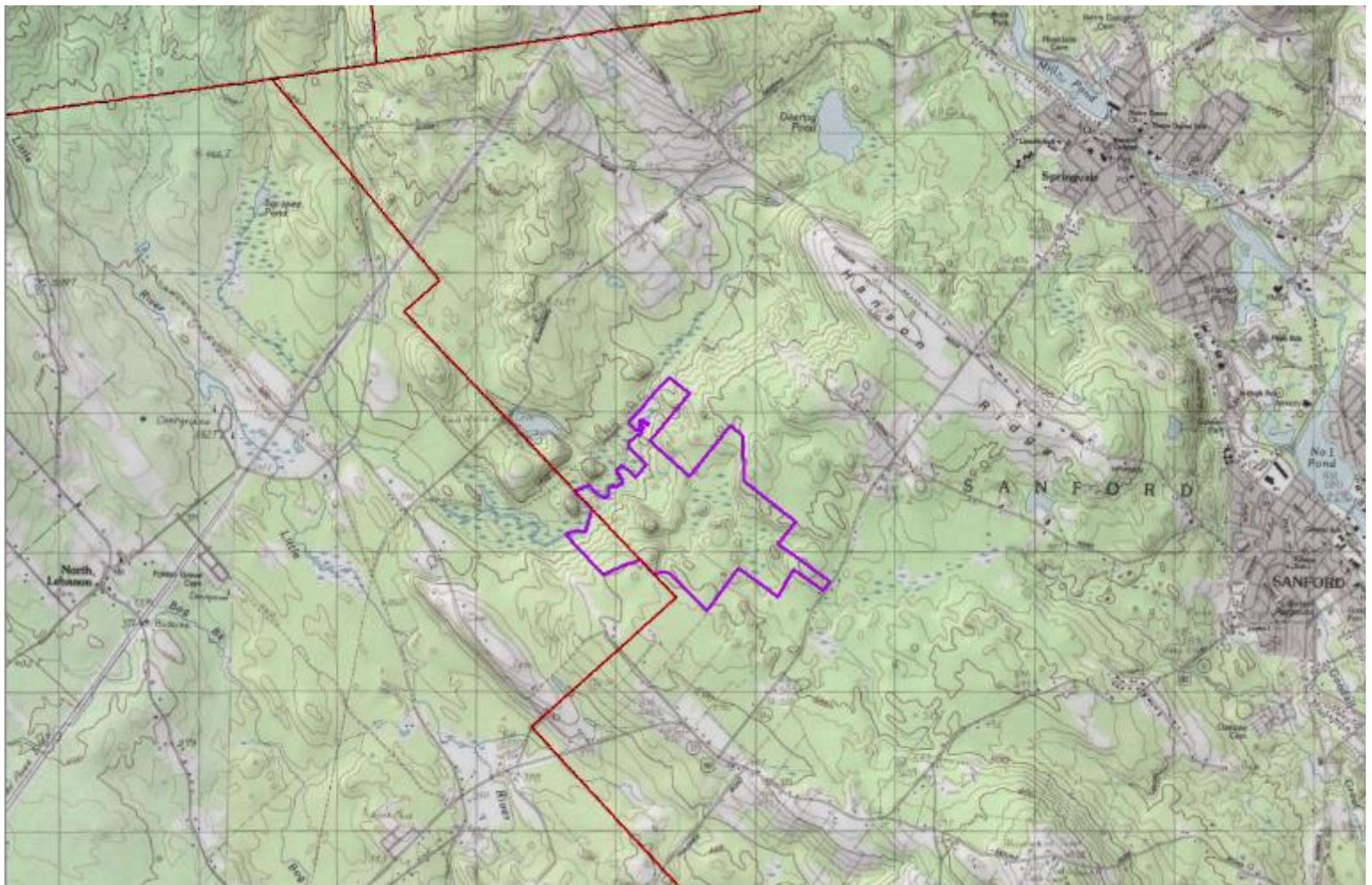


Project: Deering Watershed Wetlands

Location: Sanford, Maine

Sponsor: Three Rivers Land Trust

Three Rivers Land Trust proposes fee acquisition of approximately 320 acres of wetland and upland buffers associated with the Little River in Sanford, Maine. This would be part of a larger effort to conserve 550 contiguous acres owned by the same landowner and at high risk of development. Adjacent and nearby conserved lands further increase the impact of this project. The area proposed for MNRCP protection includes three opportunities for wetland enhancement, plus significant wetland protection by eliminating ATV access. The Project involves a series of open wetlands (one designated as Inland Waterfowl and Wading Bird Habitat), and extensive forested wetlands that drain to the Little River, and are included in the larger Salmon Falls/Piscataqua River watershed. Along with the wetlands, significant upland buffer would be protected for long term stewardship with limited recreation access. The National Wetlands Inventory has mapped approximately 110 acres of wetlands on the proposed property, including open marshes, scrub-shrub wetlands, and forested wetlands. The proposed project would protect about 5,500 linear feet of shoreline along the Little River, and at least one potential vernal pool.

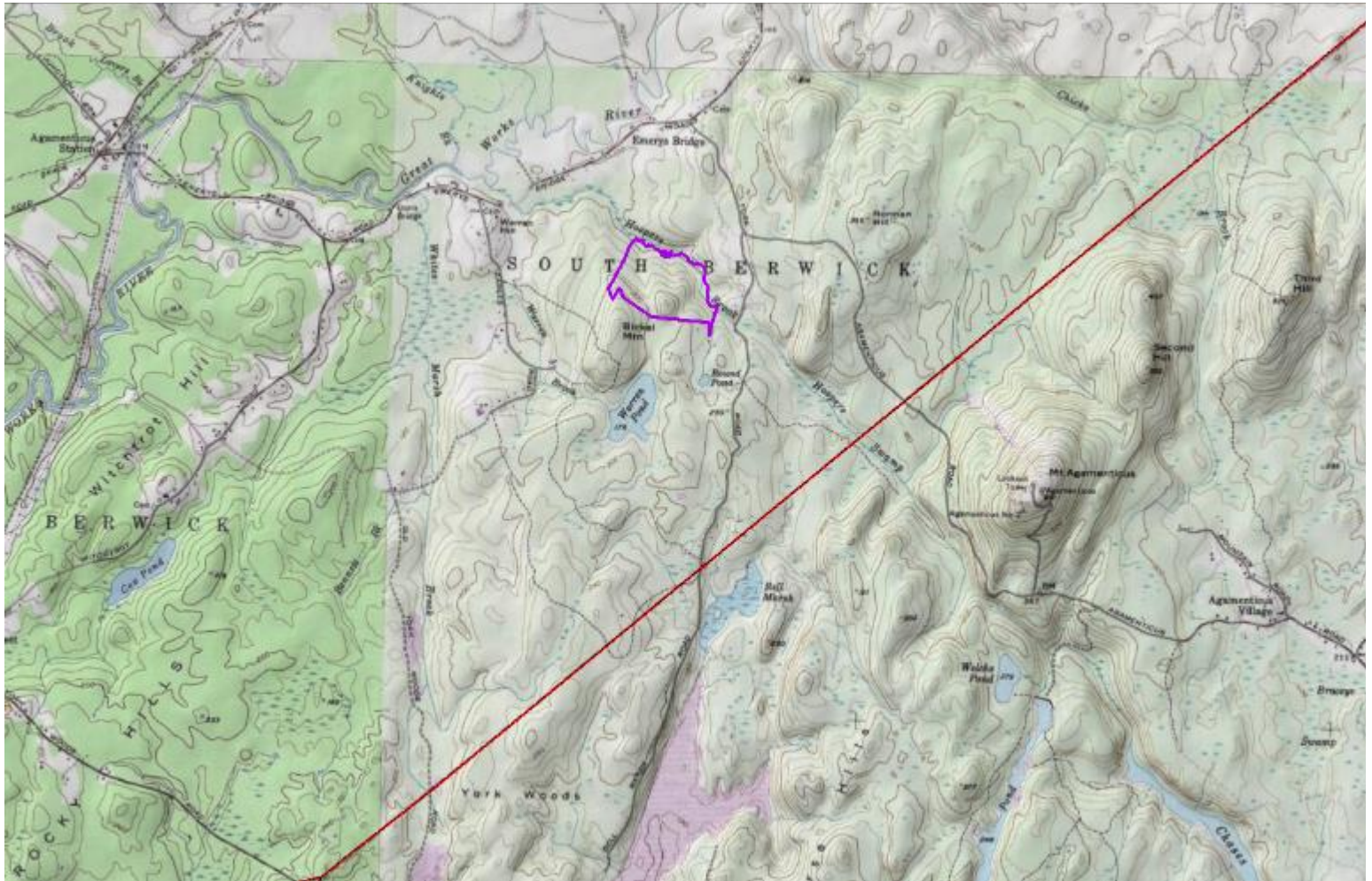


Project: Hoopers Brook

Location: South Berwick, Maine

Sponsor: Great Works Regional Land Trust

This project will acquire fee interest in 70 acres containing two vernal pools and 3,200 feet of frontage on Hoopers Brook with associated wetlands within the Beginning with Habitat Mt Agamenticus Focus Area. Hoopers Brook drains Hoopers Swamp and is a tributary to the Great Works River which joins with the Salmon Falls and Cocheco Rivers to form the Piscataqua River estuary. The parcel is within an Unfragmented Habitat Block of 3,788 forested acres. Most of the upper slopes are upland, reaching from Bickel Mountain and down to Hoopers Brook, where seepy slopes and gullies carry groundwater down to the brook. A second stream also flows down slope from Round Pond to Hoopers Brook. The property will be owned by the Great Works Regional Land Trust and be managed in a forever wild condition. Public access will be created using an existing logging road and the creation of walking trails.



Project: Merriland River – Storer Lane

Location: Wells, Maine

Sponsor: Town of Wells Conservation Commission

This project will protect 26 acres of wetlands, woods and fields along the Merriland River through fee simple purchase by the Town of Wells. The land will be managed by the Wells Conservation Commission, which has owned and managed conservation land in the area for almost forty years. This is a preservation-only project. With its clean waters, long history and native brook trout, the Merriland River is an important town resource and has been the focus of town conservation efforts for many years. It is also a priority for the Wells Reserve, who assisted with conservation projects along it while the Coastal Estuarine Land Protection program was active. The subject property has 1,650' of frontage on the Merriland River. There are also two intermittent streams that contribute to the Merriland River flow during wetter periods. The subject property is undeveloped, except for historic stone walls. It is a mix of upland forests and hayfields. The forests are fairly young, having recently been open fields. The exceptions are along the river and stone walls, where very large trees dominate, including an Ash tree that may be a state record tree. The property will be managed for low impact, passive recreation and for water quality and wildlife protection.



Project: Willow Brook Culvert Replacement

Location: Cape Elizabeth, Maine

Sponsor: Town of Cape Elizabeth

The project will replace 2 36" wide by 48" tall metal corrugated culverts in Willow Brook, located 0.31 miles south of Scott Dyer Rd and in the Scarborough Marsh Focus area of Statewide Ecological Significance. The culverts provide structure support to 2 large diameter sewer lines, which date to 1984, and convey an average one half million gallons a day of waste water for treatment. If the sewer lines rupture, they will discharge both untreated and treated sanitary wastewater to the Scarborough Marsh. The culverts are hanging with evidence of high water above the culverts. There is evidence of tidal restriction creating a hydraulic differential during the exchange of tidal flow including channel scour and eroded banks. The perched culvert outlets also create a barrier to aquatic organism passage for much of the tidal cycle. Upstream of the culvert, NWI mapping shows a freshwater emergent wetland along the brook, flanked by freshwater forested/shrub wetland for a width of 400'+. Below the culvert, NWI mapping shows estuarine and marine wetland. The culverts would be replaced with an 11' x 5' x 70' concrete box culvert, designed to 1.2 bank full width and 2' embedded. The new culvert is designed to enhance tidal flows as well as secure the sewer lines. Because the culvert is not located under a road, it is not eligible for funding under the Maine DEP Stream Crossing Public Infrastructure Improvements program. The project is located in an existing sewer line easement with abutting conservation lands, so property acquisition is not needed. A pedestrian trail is located on top of the sewer line easement and the trail is adjacent to the crucial north/south greenbelt connection. The project is included as culvert #15 in the Cape Elizabeth Culvert and Habitat Assessment Study.

