



**US Army Corps
of Engineers**®
New England District
Maine Project Office
675 Western Avenue #3
Manchester, Maine 04351

PUBLIC NOTICE

Date: October 21, 2014
Comment Period Ends: November 05, 2014
File Number: NAE-2014-02076
In Reply Refer To: Leeann Neal
Or by e-mail: leeann.neal@usace.army.mil

15 Day Public 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. This abbreviated notice period is intended to facilitate the applicant's goal of completing the work by November 30, 2014 to minimize potential impacts to aquatic resources.

APPLICANT: TOWN OF PHILLIPS, 15 RUSSELL STREET, PHILLIPS, MAINE 04966

ACTIVITY: Place temporary and permanent fill below the ordinary high water line of Warm Brook at Phillips, Maine in order to replace an existing deteriorated culvert beneath Reeds Mill Road. The existing undersized 5' diameter culvert and 2' diameter overflow pipe will be replaced with a 19.5' span embedded concrete box culvert. Dewatering the work site will require the installation of temporary sandbag cofferdams. The project will result in approximately 1,400 square feet of permanent and 1,400 square feet of temporary stream bed impact.

The work is shown on the attached plans entitled "BRAGG CORNER CULVERT REPLACEMENT" on four sheets dated "09-12-2014"

WATERWAY AND LOCATION OF THE PROPOSED WORK: Warm Brook at Phillips, Maine. This project is located on the USGS PHILLIPS quadrangle sheet at Latitude 44.8602105° N; Longitude - 70.3696977° 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 or the transportation of dredged material for the purpose of disposing it in ocean waters, 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, and/or Section 103 of the Marine Protection Research and Sanctuaries Act of 1972 as amended.

SECTION 106 COORDINATION

Based on his initial review, the District Engineer has determined that little likelihood exists for the proposed work to impinge upon properties with cultural or Native American significance, or listed in, or eligible for listing in, the National Register of Historic Places. Therefore, no further consideration of the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended, is necessary. This determination is based upon one or more of the following:

- a. The permit area has been extensively modified by previous work.
- b. The permit area has been recently created.
- c. The proposed activity is of limited nature and scope.
- d. Review of the latest published version of the National Register shows that no presence of registered properties listed as being eligible for inclusion therein are in the permit area or general vicinity.
- e. Coordination with the State Historic Preservation Officer and/or Tribal Historic Preservation Officer(s)

ESSENTIAL FISH HABITAT ("EFH")

This work may impact EFH for Atlantic salmon. This habitat consists of stream bottom composed of mixed sand, gravel, cobble and boulders. Long-term impact to this species is expected to be minimal with appropriate erosion control measures, in stream work windows, and other best management practices. Therefore, the District Engineer has made a preliminary determination that the site-specific adverse effect will be minimal. Further consultation with the federal resource agencies regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision. Similarly, consultation will be initiated regarding the presence of salmon as they are a federally listed endangered species.

ENDANGERED SPECIES ACT CONSULTATION

On November 13, 2000, the National Marine Fisheries Service and the U.S. Fish and Wildlife Service ("Services") listed a distinct population segment ("DPS") of Atlantic salmon (*Salmo salar*) in the Gulf of Maine as an endangered species under the Endangered Species Act ("ESA"). More recently, the Services listed Atlantic salmon critical habitat and expanded the current Gulf of Maine DPS. This culvert replacement project falls within the listing area. The project site also falls within review area for federally listed Canada lynx and the recently proposed for listing, Northern Long-eared Bat.

The Corps has made the determination that this project is unlikely to jeopardize the continued existence of the Atlantic salmon DPS or result in the destruction or adverse modification of critical habitat. In fact, the project is expected to result in a long-term benefit to the species. The Corps has also made a determination that the proposed project will have no effect on Canada Lynx and its habitat, and will not jeopardize the continual existence of the Northern long eared bat. Consultation with the Services is on-going. By this public notice, the District Engineer is also 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. The following authorizations have been applied for, or have been, or will be obtained:

- Permit, License or Assent from State.
- Permit from Local Wetland Agency or Conservation Commission.
- Water Quality Certification in accordance with Section 401 of the Clean Water Act.

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 at our Manchester, 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.

for Michael C. Huber
Frank J. Del Giudice
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: _____

PROJECT
**BRAGG CORNER
CULVERT
REPLACEMENT**

REED'S MILL ROAD & WARM BROOK,
PHILLIPS, FRANKLIN COUNTY, MAINE

OWNER OF RECORD

**TOWN OF
PHILLIPS**

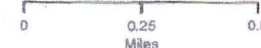
15 RUSSELL STREET,
PHILLIPS, MAINE 04966

**Warm Brook Site 15065
Vicinity Map**

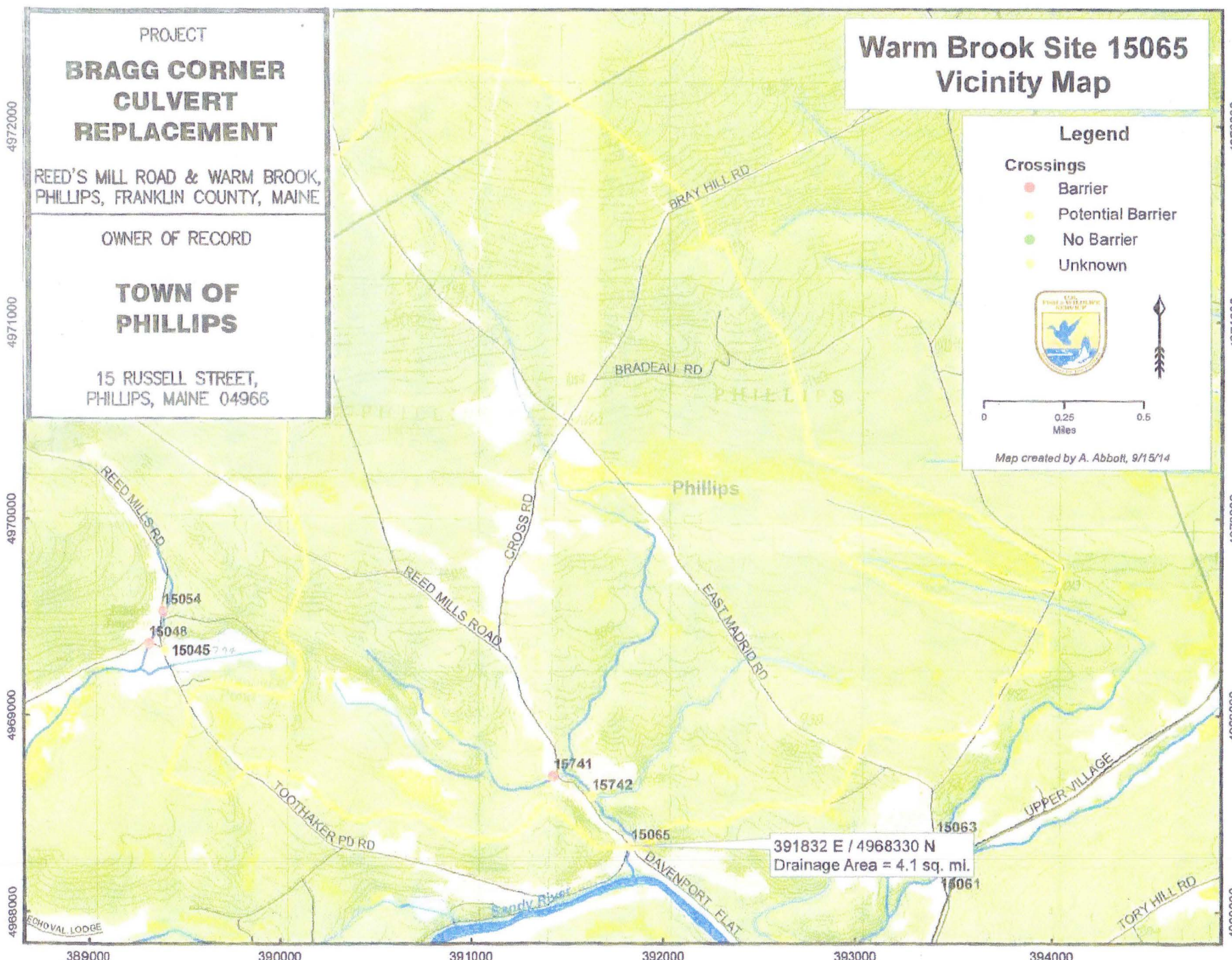
Legend

Crossings

- Barrier
- Potential Barrier
- No Barrier
- Unknown



Map created by A. Abbott, 9/15/14

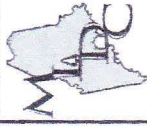


391832 E / 4968330 N
Drainage Area = 4.1 sq. mi.

389000 390000 391000 392000 393000 394000

4972000
4971000
4970000
4969000
4968000

4972000
4971000
4970000
4969000
4968000



**MAIN-LAND
DEVELOPMENT
CONSULTANTS, INC.**
4 FRENCH CREEK INTERSTATE AREA
THE COMMONS AT JEFFERSONVILLE, IN 47134

**PROJECT
BRAGG CORNER
CULVERT
REPLACEMENT**

**OWNER OF ROADS
TOWN OF
PHILLIPS**

15 NUSSELL STREET
PHILLIPS, MO. 65866

CLIENT/AGENCY FOR
**TOWN OF
PHILLIPS**
15 NUSSELL STREET
PHILLIPS, MO. 65866

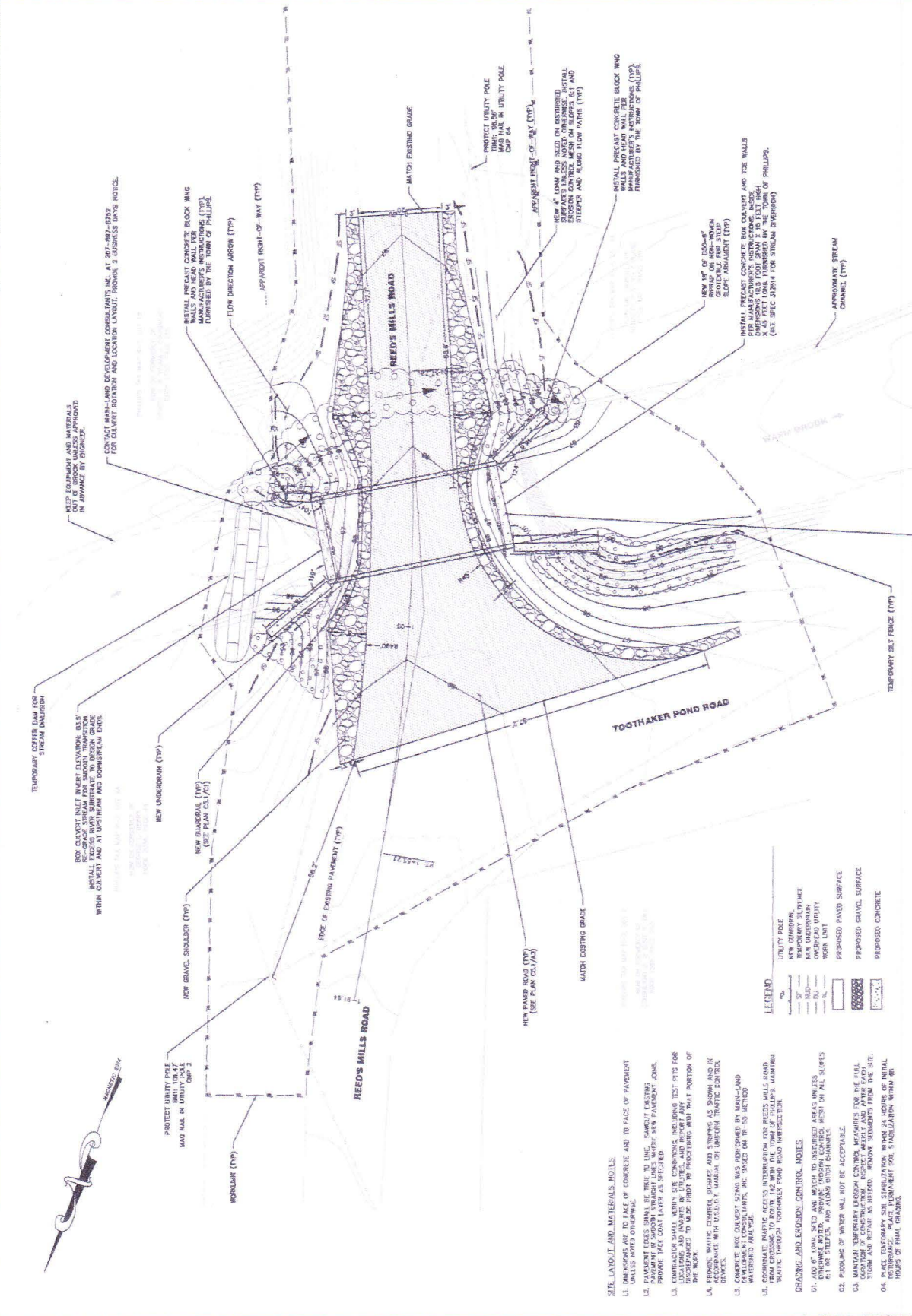


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DRAWN BY RPD
DESIGNED BY RPD
DATE 01-13-12
SHEET NO. 80
SHEET TOTAL 110

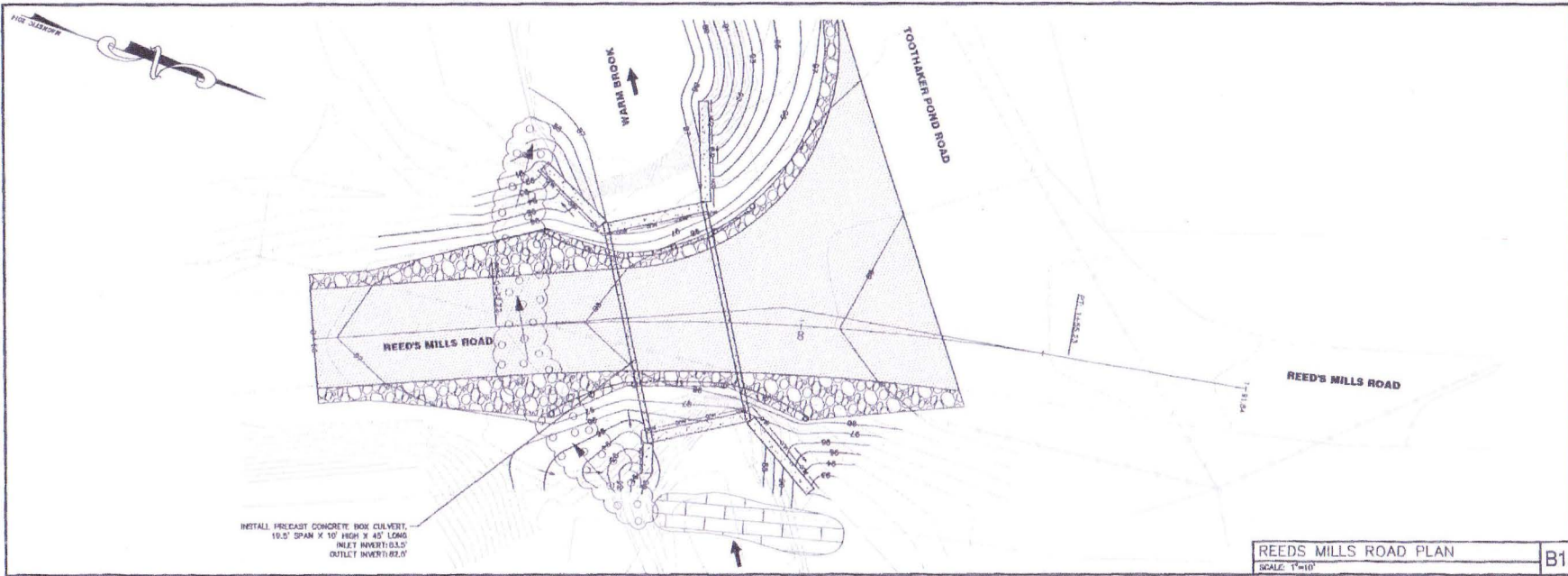
SITE PLAN

SCALE:

 RICHARD W. GRIFFIN, P.E.
 PROJECT NO. R110
 SHEET NO. C2.1
 DATE 01-13-12



C2.1
PAGE NO. 12-114
3 OF 8



MAIN-LAND
DEVELOPMENT
CONSULTANTS, INC.
25 COLUMBIA ST. LEWISTON, ME 04240
TEL: (207) 652-1234 FAX: (207) 652-5444
WWW.MAINLANDCONSULTANTS.COM

PROJECT
BRADD CORNER
CULVERT
REPLACEMENT

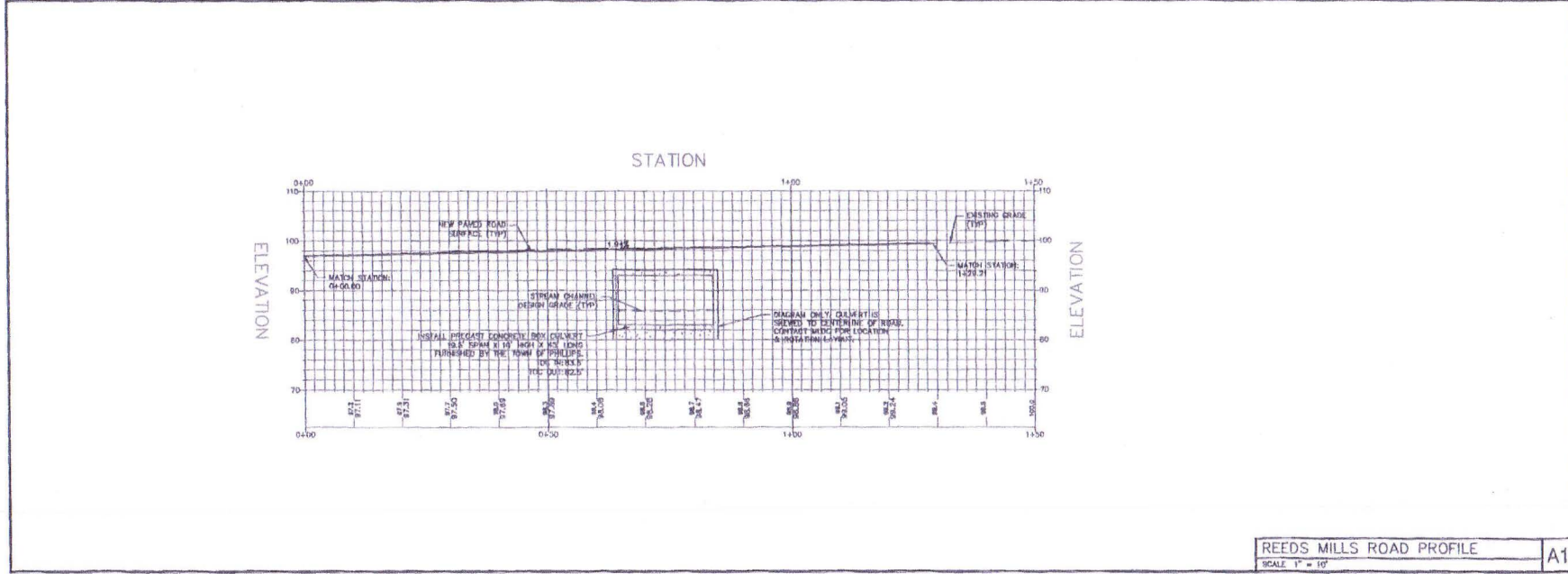
REEDS MILLS ROAD, PHILLIPS,
FRANKLIN COUNTY, MAINE

OWNER OF RECORD
TOWN OF PHILLIPS
15 RUSSELL STREET,
PHILLIPS, ME, 04960

CLIENT/MADE FOR
TOWN OF PHILLIPS
15 RUSSELL STREET,
PHILLIPS, ME, 04960

DRAWING SCALE:
1" = 10' FT

1 INCH = 10 FT



REVISIONS:

NO.	DATE	DESCRIPTION
1	03/11/14	ISSUED FOR BID

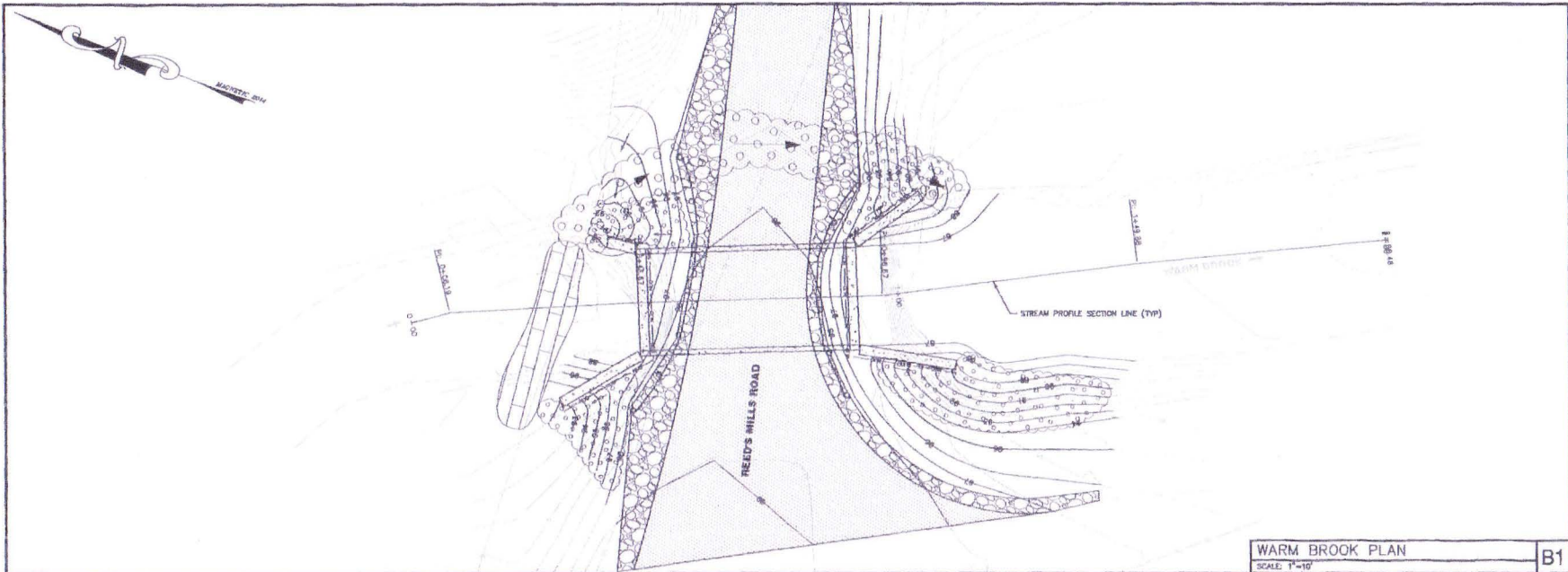
PROJ. NO.: 190
DRAWN BY: JRB
CHECKED BY: RLB
REVISION NO.: 0
DATE: 2014-03-12
ISSUED FOR: BID

ISSUED FOR BID

**REEDS MILLS
ROAD PLAN &
PROFILE**

RECEIVED

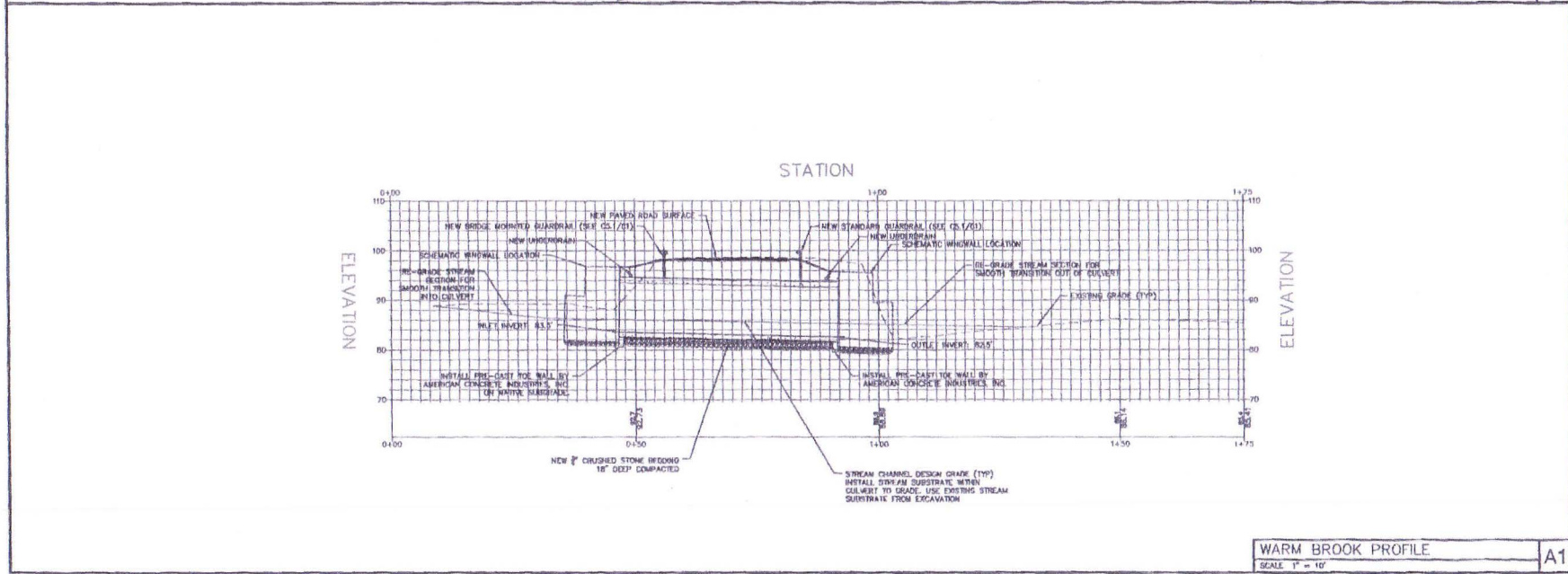
RECEIVED FOR
DRAWING NO. **C3.1**
M.C. NO. 11-114 4 OF 5



WARM BROOK PLAN

SCALE: 1" = 10'

B1



WARM BROOK PROFILE

SCALE: 1" = 10'

A1



MAIN-LAND
DEVELOPMENT
CONSULTANTS, INC.
42 CORNHILL, FERRISBURGH TOWN, MAINE
TEL: (603) 737-5112 FAX: (603) 737-5044
WWW.MAINLANDCONS.COM

PROJECT
**BRAGG CORNER
CULVERT
REPLACEMENT**
REED'S MILLS ROAD, PHILLIPS,
FRANKLIN COUNTY, MAINE

OWNER OF RECORD
**TOWN OF
PHILLIPS**
15 RUSSELL STREET,
PHILLIPS, ME, 04969

CLIENT/MADE FOR
**TOWN OF
PHILLIPS**
15 RUSSELL STREET,
PHILLIPS, ME, 04969



REVISION NOTES:

PROJ. MGR. KWO
DRAWN BY. FRI
CHECKED BY. JAB
REVISION NO. 0
ISSUE DATE. 2/21/09-12
ISSUED FOR. BID

**WARM BROOK
PLAN & PROFILE**



RICHARD W. DANTON, P.E. #12884
(DRAWING IN)

C4.1
SCALE: 1" = 10'