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# PUBLIC NOTICE



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

**Comment Period Begins:** SEPTEMBER 17, 2013  
**Comment Period Ends:** OCTOBER 02, 2013  
**File Number:** NAE-2012-01216  
**In Reply Refer To:** LeeAnn B. Neal  
**Phone:** (978) 318-8498  
**E-mail:** leeann.neal@usace.army.mil

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## 15 Day Comment Period

The District Engineer has received an after the fact permit application to **conduct work in waters of the United States** as described below.

**APPLICANT:** McGEE PROPERTIES, LLC, 537 High Street, West Gardiner, ME

**ACTIVITY:** To retain and maintain approximately 151,630SF (3.48acres) of freshwater wetland fill placed in multiple locations within the Rabbit Ridge Acres residential subdivision off of High Street at West Gardiner, Maine in conjunction with the construction of roads servicing the subdivision and lot development . The fill was placed incrementally over the years between 1995 and 2011.

**WATERWAY AND LOCATION OF THE PROPOSED WORK:** This work occurred in unnamed freshwater wetlands off Seth's Way and West Ridge Road Extension off High Street at West Gardiner, Maine. The site coordinates are: LAT 44.2291836°N LON -69.8258026°W USGS GARDINER QUAD.

**PROPOSED WORK AND PURPOSE:** To retain and maintain approximately 151,630SF (3.48acres) of freshwater wetland fill associated with the construction and development of the residential subdivision. The placement of fill included 67,517SF (1.55acres) of wetland impact associated with existing right of way, 80,488SF (1.847acres) of wetland impact associated with lot development, and approximately 3,625SF (0.083acres) of future wetland impact associated with existing lot right of way access as shown on the attached plans.

**MITIGATION:** As compensation for the project's impacts to wetlands, the applicant proposes 3 areas of offsite preservation as shown on the attached plans. The applicant will preserve 52.21 acres of freshwater wetlands and uplands within three individual parcels located within the same watershed as the development. These three parcels are shown on plans on one sheet entitled "ALL" dated "November 26, 2012". All three parcels will be protected in perpetuity by deed restriction. In addition, approximately 3,963SF (0.09acres) of wetland fill will be removed from previously impacted freshwater wetlands located on Lot#26 of the subdivision and allowed to revert to its naturally vegetated state. The proposed compensation totals the preservation of 12.65 acres of freshwater wetlands, 42 acres of uplands, and the restoration of approximately 0.09acres of freshwater wetland.

The applicant is proposing these measures seeking to lessen the project's impacts. This notice solicits comments on these proposed measures from the interested or affected public as well as those agencies

who speak to the public interest. After receipt of the comments, the Corps of Engineers will obtain any necessary additional information from the applicant and determine whether the proposed measures are practicable and serve to help mitigate this project's unavoidable impacts.

**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 an After-The-Fact permit will be based on an evaluation of the probable impact of the 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 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.

**NATIONAL HISTORIC PRESERVATION ACT**

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)

### 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, which might occur at the project site. 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. By this Public Notice, we are requesting that the appropriate Federal Agency concur with our determination.

The States of Connecticut, Maine, Massachusetts, New Hampshire and Rhode Island have approved **Coastal Zone Management Programs**. Where applicable the applicant states that any proposed activity will comply with and will be conducted in a manner that is consistent with the approved Coastal Zone Management Program. By this Public Notice, we are requesting the State concurrence or objection to the applicant's consistency statement.

The following authorizations have been applied for, or have been, or will be obtained:

- ( X ) Permit, License or Assent from State.
- ( ) Permit from Local Wetland Agency or Conservation Commission.
- ( X ) 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 LeeAnn B. Neal at (207) 623-8367 extension #2.

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.

**THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.**

*112*  
**Frank J. Del Giudice**  
**Chief, Permits and Enforcement Branch**  
**Regulatory Division**

**CENAE-R**

**FILE NO. NAE-2012-01216**

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](mailto: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:

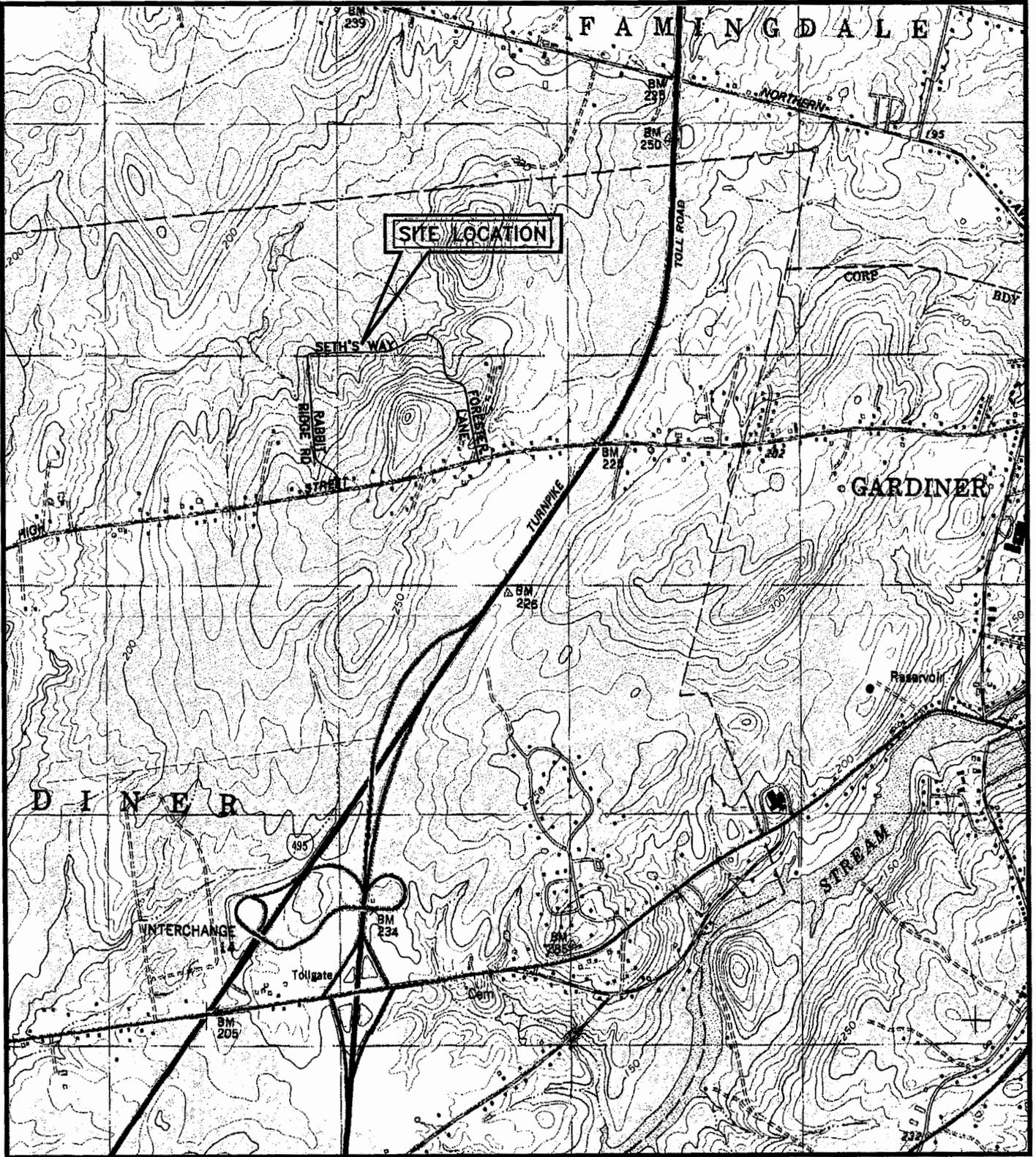
ADDRESS:

PHONE:

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**LOCATION MAP**

SCALE: 1"=2000'

SLM

CLIENT/PROJECT:  
**McGEE PROPERTIES, LLC**  
**RABBIT RIDGE ACRES - PHASE 3**

LOCATION: **HIGH STREET**

TOWN: **GARDINER** COUNTY: **KENNEBEC** STATE: **MAINE**



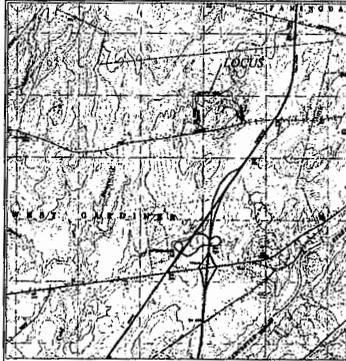
**E.S. COFFIN ENGINEERING & SURVEYING, INC.**  
 432 Cony Road P.O. Box 4697 Augusta, Maine 04330  
 Ph. (207) 623-9475 Fax (207) 623-0016 Toll Free 1-800-234-9475

SHEET TITLE:  
**SITE LOCATION MAP**

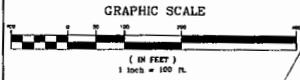
SCALE: 1"=2000'

DATE: **MAY 18, 2012**

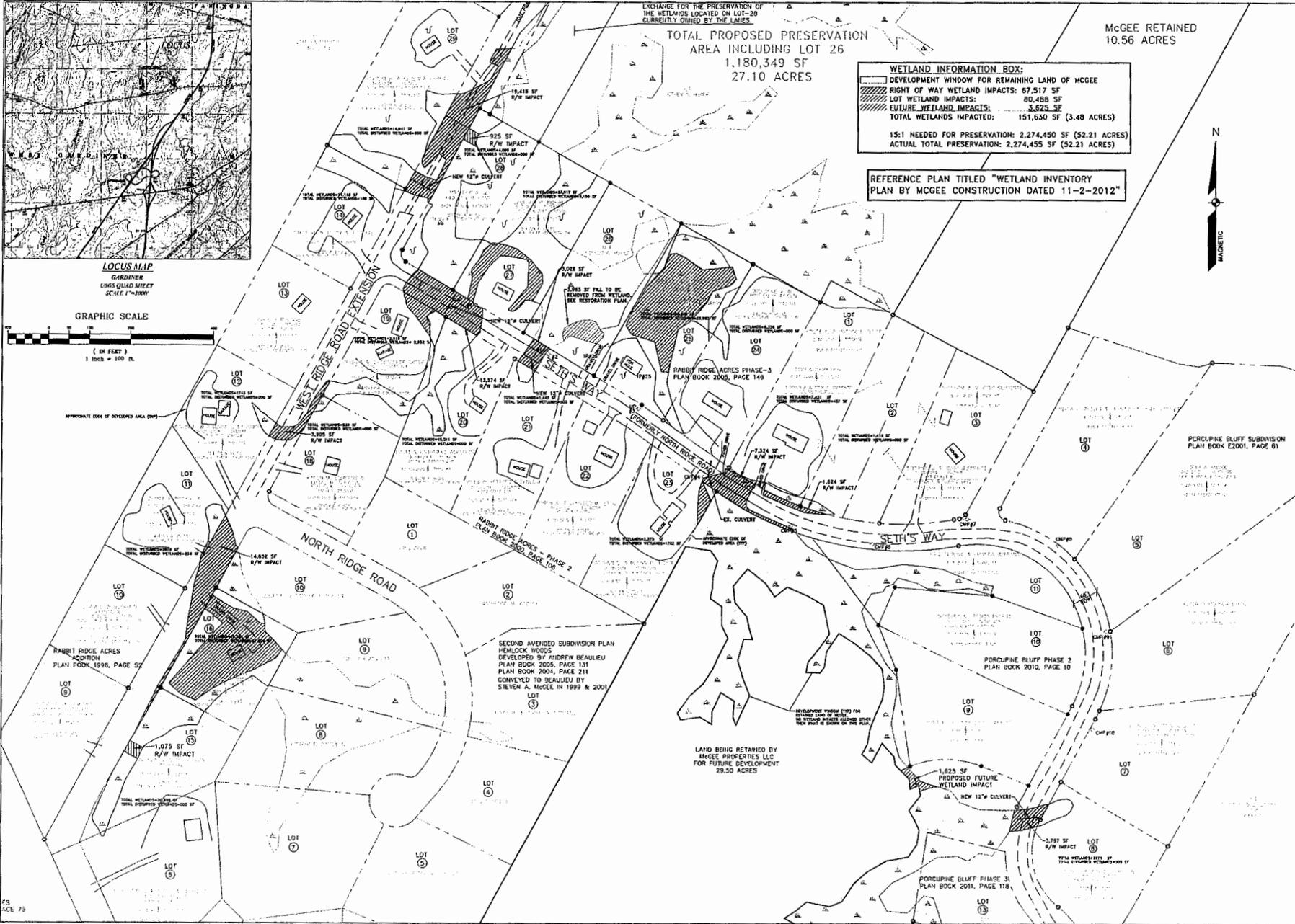
PROJ. NO. 2009-097



**LOCUS MAP**  
GARDNER  
USGS QUAD SHEET  
SCALE 1"=1MI



APPROXIMATE EDGE OF DEVELOPED AREA (EVA)



EXCHANGE FOR THE PRESERVATION OF THE WETLANDS LOCATED ON LOT-28 CURRENTLY OWNED BY THE LARGES.  
**TOTAL PROPOSED PRESERVATION AREA INCLUDING LOT 26**  
1,180,349 SF  
27.10 ACRES

McGEE RETAINED  
10.56 ACRES

**WETLAND INFORMATION BOX:**

DEVELOPMENT WINDOW FOR REMAINING LAND OF MCGEE	67,517 SF
RIGHT OF WAY WETLAND IMPACTS:	80,488 SF
LOT WETLAND IMPACTS:	3,625 SF
FUTURE WETLAND IMPACTS:	151,630 SF (3.48 ACRES)
TOTAL WETLANDS IMPACTED:	2,274,455 SF (52.21 ACRES)

15:1 NEEDED FOR PRESERVATION: 2,274,455 SF (52.21 ACRES)  
ACTUAL TOTAL PRESERVATION: 2,274,455 SF (52.21 ACRES)

REFERENCE PLAN TITLED "WETLAND INVENTORY PLAN BY MCGEE CONSTRUCTION DATED 11-2-2012"



**JAMES COFFIN**  
REGISTERED PROFESSIONAL ENGINEER  
LICENSE NO. 8500  
STATE OF MAINE  
127 Commercial Pk. Box 400, Arroyo, Maine 04916  
PH: 207-255-2111 FAX: 207-255-2112

DATE	BY	DESCRIPTION
NOVEMBER 26, 2012	JTC	1. PART DEVELOPMENT WINDOW AROUND WETLANDS

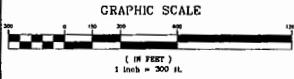
**WETLAND IMPACTS PLAN**

PROJECT: RABBIT RIDGE ACRES - PHASE 3  
CLIENT: MCGEE PROPERTIES LLC  
LOCATION: WEST RIDGE ROAD EXT. AND SETH'S WAY  
TOWN: W. GARDNER COUNTY: KENNEBEC STATE: MAINE  
DATE: NOVEMBER 26, 2012  
DRAWN BY: TGH  
SCALE: 1"=100'



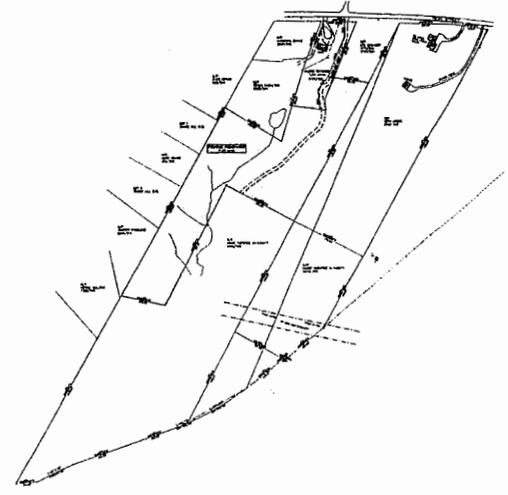
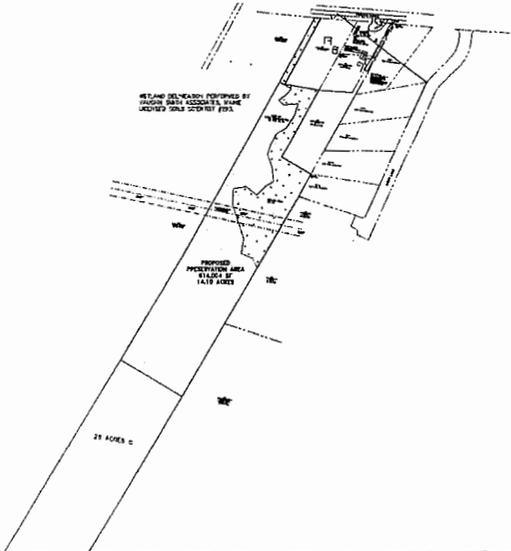
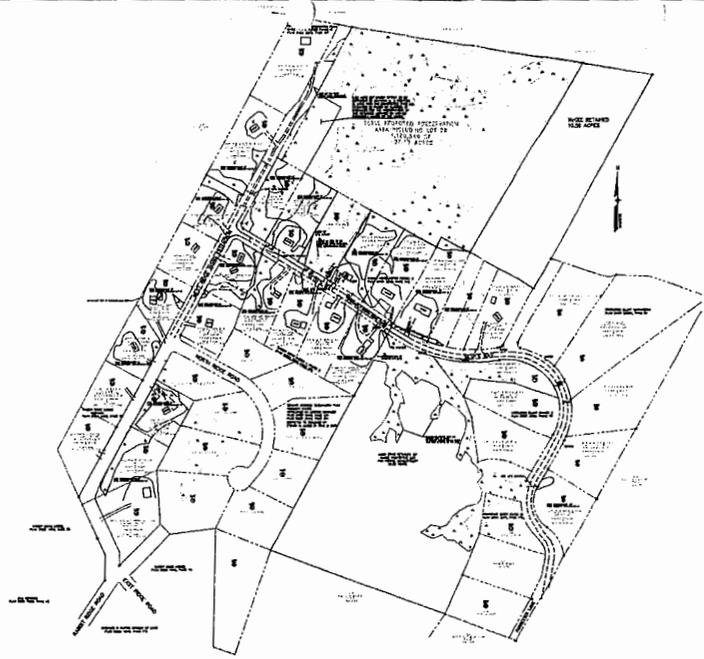


LOCUS MAP  
GARDNER  
ES&S QUAD SHEET  
SCALE 1"=1000'



WETLAND INFORMATION BOX:	
RIGHT OF WAY WETLAND IMPACTS:	67,517 SF
LOT WETLAND IMPACTS:	80,488 SF
FUTURE WETLAND IMPACTS:	3,625 SF
TOTAL WETLANDS IMPACTED:	151,630 SF (3.48 ACRES)
15:1 NEEDED FOR PRESERVATION:	2,274,450 SF (52.21 ACRES)
ACTUAL TOTAL PRESERVATION:	2,274,455 SF (52.21 ACRES)

REFERENCE PLAN TITLED "WETLAND INVENTORY  
PLAN BY MCGEE CONSTRUCTION DATED 11-2-2012"



**E.S. COFFIN**  
ANALYST/ENGINEER  
STATE OF MAINE  
EX-COFFIN ENGINEERING & SURVEYING, LLC  
225 Central Street, 4th Floor, Portland, Maine 04101  
Tel: 603.761.2222 Fax: 603.761.2222

NO.	DATE	REVISIONS

PROJECT TITLE: **OVERALL PRESERVATION PLAN**  
 CLIENT: **RABBIT RIDGE ACRES - PHASE 3**  
 OWNER: **MCGEE PROPERTIES LLC**  
 LOCATION: **WEST RIDGE ROAD EXT. AND SETTIS WAY**  
 TOWN: **W. GARDNER** COUNTY: **KENNEBEC** STATE: **MAINE**  
 DRAWN BY: **TYCH** CHECKED BY: **JRC**  
 DATE: **NOVEMBER 26, 2012**

PROJECT NO. 2009-017  
**ALL**