



**US Army Corps  
of Engineers** ®  
New England District

**Maine Project Office  
675 Western Avenue #3  
Manchester, Maine 04351**

# PUBLIC NOTICE

**Date: 17-Apr-2012**

**Comment Period Ends: 17-May-2012**

**File Number: NAE-2001-02253**

**In Reply Refer To: Jay L. Clement**

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

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 DEPT. OF TRANSPORTATION, 16 STATE HOUSE STATION, AUGUSTA, MAINE 04333**

**ACTIVITY:** Place fill in numerous waterways and adjacent freshwater wetlands between Brewer and Eddington, Maine in order to construct a connector road between I-395 and Route 9 as shown on the attached plans and described as follows:

1. The work will include the construction of a two-lane road. The road will be a limited access roadway and is designed to improve regional system linkage, public safety, and the current and future flow of traffic and goods & services between I-395 and Route 9. Currently the project remains in the planning stage. The applicant has presented a preliminary application to assist the Corps in determining which of the project alternatives should be carried forward to a future final application and/or identified as the least environmentally damaging practicable alternative.
2. The Corps has determined that the basic project purpose is to provide for the safe and efficient flow of east-west traffic and shipment of goods from Brewer (I-395) to Eddington (Route 9), Maine for current and projected traffic volumes. The applicant has identified Alternative 2B-2 as the preferred alternative. The attached tables compare the aquatic resource, natural resource, and socio-economic impacts of Alternative 2B-2 as well as the other build alternatives being considered by the applicant. The Corps is seeking public comment to help us determine whether any of these alignments is the least environmentally damaging practicable alternative.
3. Compensatory mitigation will be required for any unavoidable impacts to waterways and wetlands. Mitigation typically takes the form of wetland or waterway restoration, enhancement, and creation. In some cases, preservation of wetlands and uplands can be accepted as a component of a mitigation plan, in particular if they are under threat and provide important functions and values. In other cases, commensurate payment into Maine's Natural Resources Conservation Program (aka, the In-Lieu-Fee Program) may be appropriate. Or mitigation may include a combination of these measures. In as much as possible, mitigation should complement local comprehensive planning and conservation goals. Prior to the submission of a final permit application to the Corps and the Maine Dept. of Environmental Protection, the applicant will be identifying mitigation opportunities throughout the general project area. This notice encourages suggestions or

recommendations for potential mitigation opportunities from the interested or affected public as well as those agencies that speak to the public interest. These suggestions will be provided to the applicant as we ultimately determine which measures are practicable and serve to help mitigate the project's unavoidable impacts to aquatic resources.

4. The Federal Highway Administration ("FHWA") is reviewing the project concurrently and has published a Draft Environmental Impact Statement ("DEIS"). The DEIS may be viewed at:

<http://www.i395-rt9-study.com/home.html>

**ESSENTIAL FISH HABITAT (EFH):** This project not impact Essential Fish Habitat (EFH). Further consultation with the National Marine Fisheries Service regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision.

**WATERWAY AND LOCATION OF THE PROPOSED WORK:** Felts Brook, other unnamed streams, and adjacent freshwater wetlands within Brewer, Eddington, and Holden, Maine

#### **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:** FHWA has initiated consultation with the Maine Historic Preservation Commission and Maine's Indian Tribes pursuant to Section 106 of the National Historic Preservation Act of 1966 as amended. This consultation is on-going. Although FHWA has taken the lead in this consultation, 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. FHWA and the Corps will continue review and consultation to fulfil requirements under the Historic Preservation Act as part of the permit review process.

**ESSENTIAL FISH HABITAT:** This project may impact Essential Fish Habitat ("EFH") for Atlantic salmon. This habitat consists of stream bottom composed of silt, sand, and gravel mixed with stones. Impact to this species is expected to be minimal with appropriate erosion control measures, in stream work windows, bridge/culvert sizing, and other best management practices. Therefore 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 any future permit decision. Similarly, consultation has been initiated regarding the presence of salmon as they are a Federally listed endangered species.

**ENDANGERED SPECIES ACT CONSULTATION:** FHWA has initiated consultation with the National Marine Fisheries Service and the US Fish & Wildlife Service pursuant to Section 7 of the Endangered Species Act regarding the presence of Atlantic salmon and the presence of Atlantic salmon critical habitat. This consultation is on-going. Although FHWA has taken the lead in this consultation, the District Engineer is hereby requesting that the appropriate Federal Agency also provide comments to the Corps regarding the presence of and potential impacts to listed species or critical habitat.

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, ext. 1 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 Maine Department of Transportation and the Federal Highway Administration will be conducting a public hearing for this project on May 2, 2012, from 6:00 pm to 8:00 pm at the Eddington, Maine Elementary School. The Corps will be in attendance to address questions and concerns on federal permit requirements.**

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.**

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

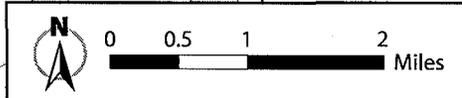
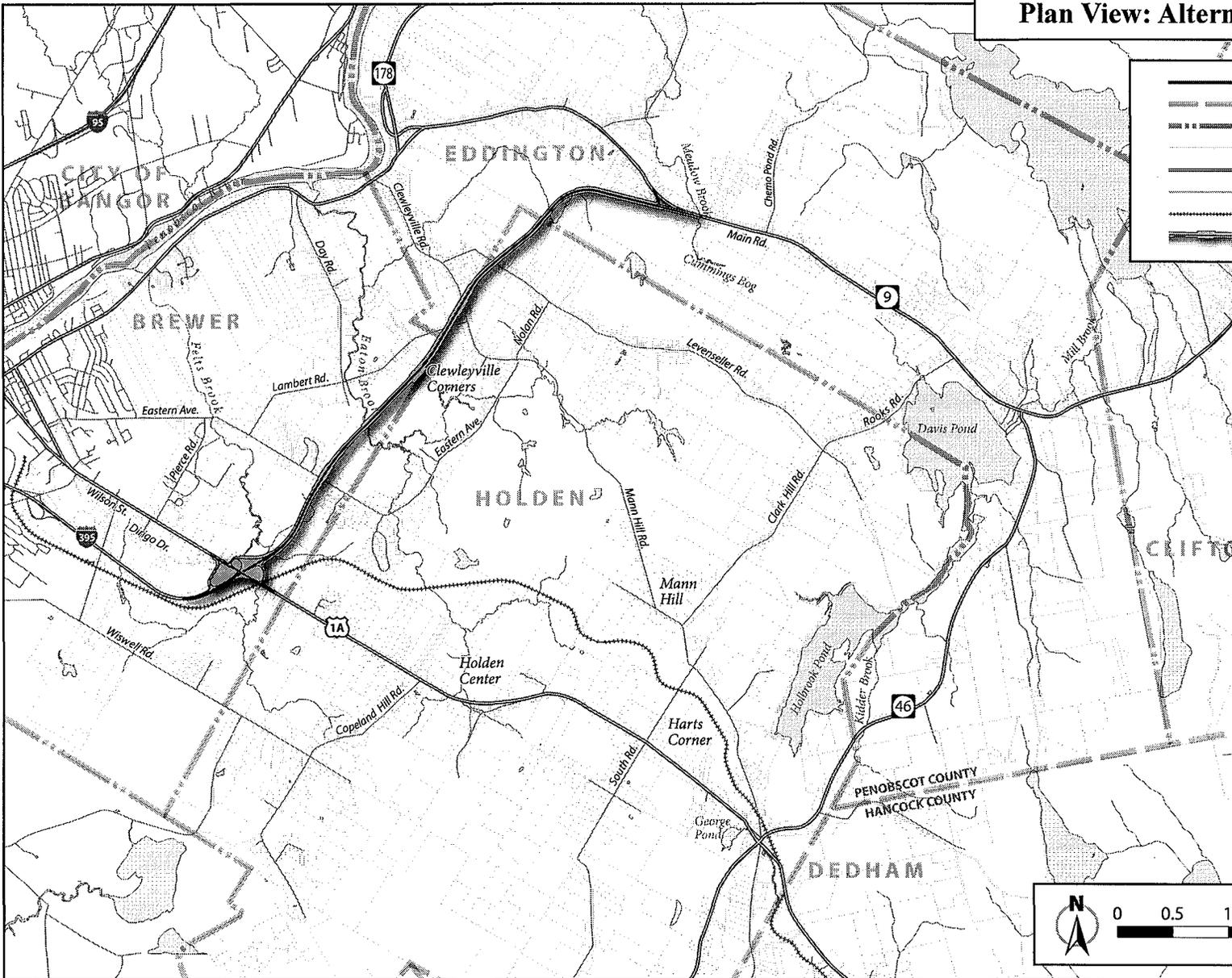
If you would prefer not to continue receiving Public Notices, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at [bettina.m.chaisson@usace.army.mil](mailto:bettina.m.chaisson@usace.army.mil). You may also check here ( ) and return this portion of the Public Notice to: Bettina Chaisson,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

NAME: \_\_\_\_\_

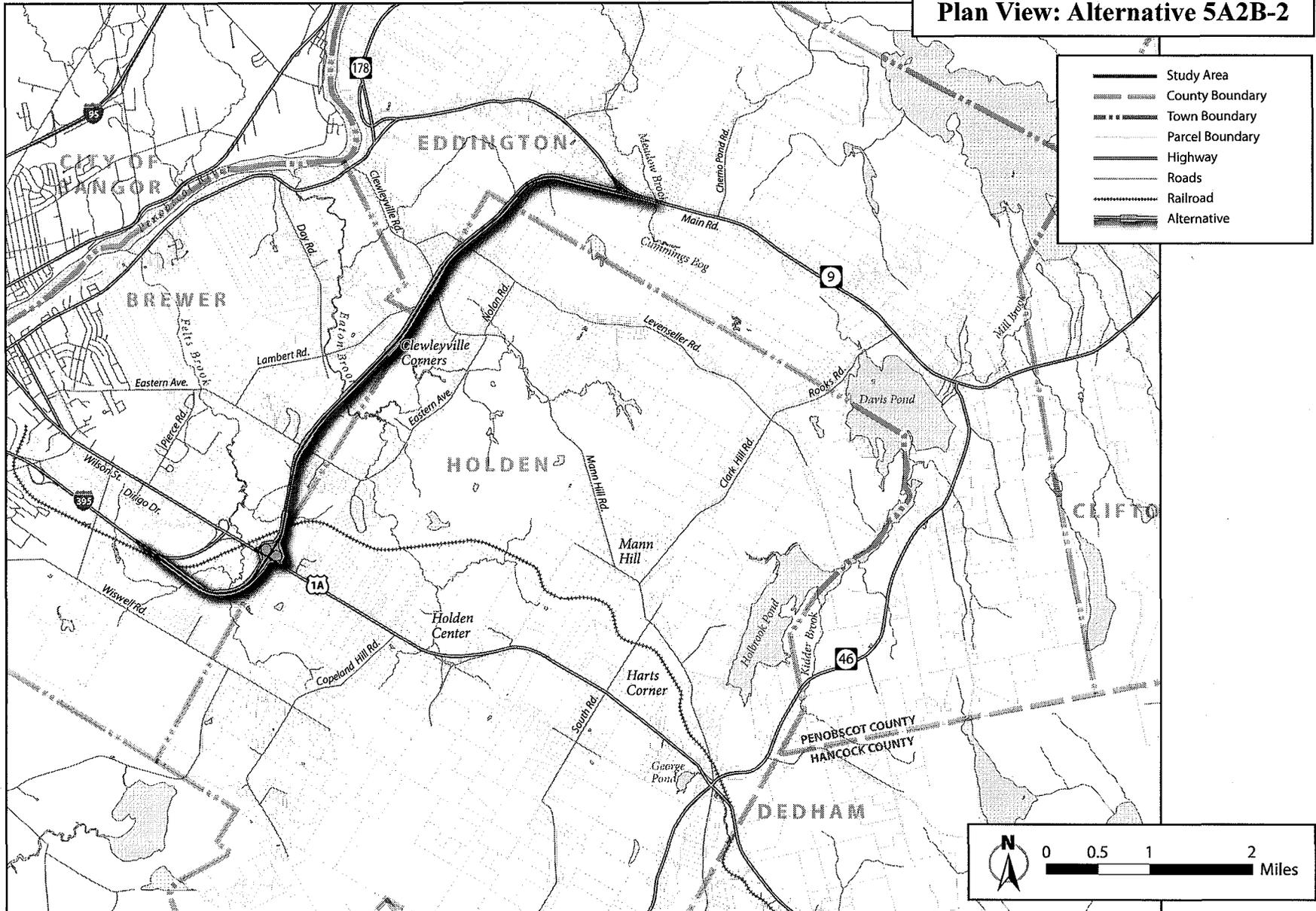
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# Plan View: Alternative 2B-2

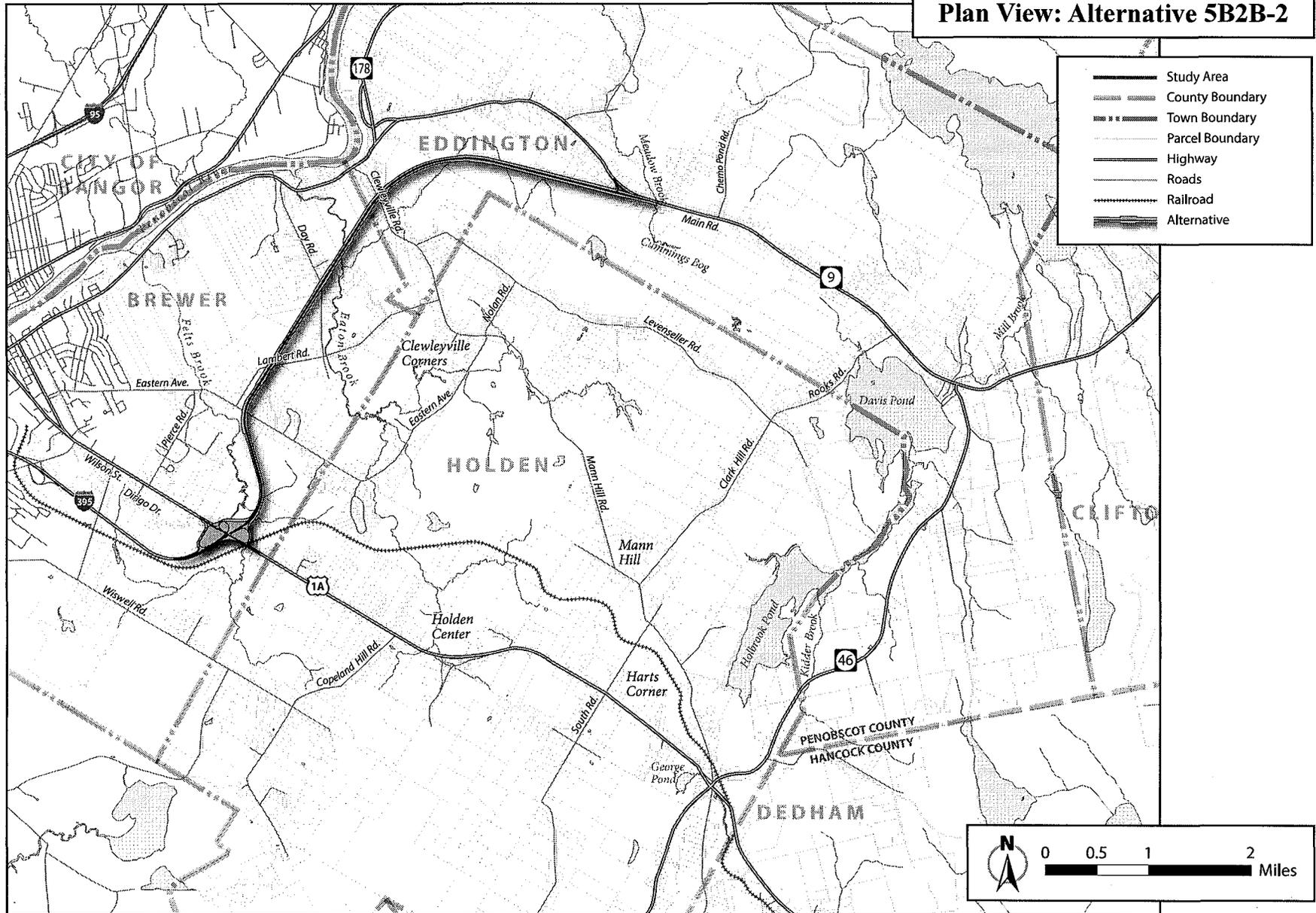
-  Study Area
-  County Boundary
-  Town Boundary
-  Parcel Boundary
-  Highway
-  Roads
-  Railroad
-  Alternative



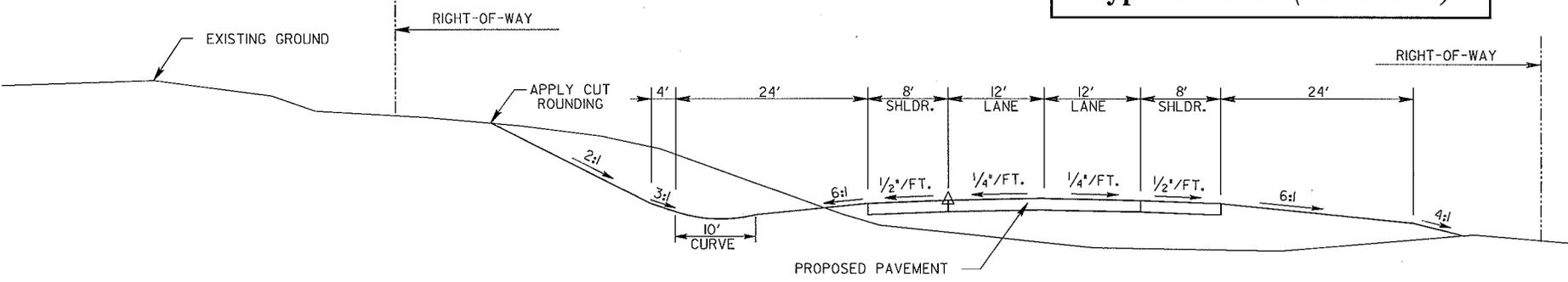
# Plan View: Alternative 5A2B-2



# Plan View: Alternative 5B2B-2



**Typical Section** *(not to scale)*



# I-395/Route 9 Transportation Study Environmental Impact Statement

## Exhibit S.7 – Direct Impacts of Alternatives

Alternatives	Physical and Biological														Land Use										
	Wetlands (acres)		Streams						Other Physical and Biological						Historic Properties		4(f) Properties		Residential Displacements		Business Displacements				
	Roadway contaminants within 100 feet <sup>2</sup> (acres)	Roadway contaminants within 160 feet <sup>2</sup> (acres)	Bridges and culverts/feet	Roadway contaminants within 100 feet <sup>2</sup> (acres)	Roadway contaminants within 160 feet <sup>2</sup> (acres)	Sediments within 300 feet <sup>2</sup> (acres)	Floodplains (acres)	Vernal pools <sup>3</sup> /dispersal habitat (acres)	Waterfowl and wading bird habitat (acres)	Deer-wintering areas (acres)	Endangered Species	Vegetation (acres)	Undeveloped habitat	Area to be acquired (acres)	Historic Properties	4(f) Properties	Residential displacements	Business displacements	Business impacts						
No-Build	-	17	64	-	0.3 ac. (17,000 sq. ft.)	0.7 ac. (29,000 sq. ft.)	12 ac.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
<b>2B-2/the Preferred Alternative</b>	26	31	66	5 bridges 3 culverts/ 554 feet	0.9 ac. (39,100 sq. ft.)	1.8 ac. (78,300 sq. ft.)	13 ac.	10	1/15	9 acres along Eaton Brook and its tributaries	-	Yes	102	Eliminates two blocks; fragments three blocks	163	No	No	8	-	-	-	-	-	Eastern Maine Healthcare parking lot – 130 parking spaces (20 percent)	
<b>5A2B-2</b>	31	34	71	5 bridges 3 culverts/ 567 feet	0.6 ac. (24,300 sq. ft.)	1.5 ac. (63,000 sq. ft.)	18 ac.	2	1/23	20 acres along Felts Brook and 9 acres along Eaton Brook	-	Yes	136	Eliminates two blocks; fragments four blocks	215	No	No	15	-	-	-	-	-	Brewer Fence Company, Eden Pure Heaters, Mitchell's Landscaping and Garden Center, Town 'N Country Apartments	
<b>5B2B-2</b>	32	30	80	6 bridges 1 culvert/ 222 feet	1.0 ac. (43,700 sq. ft.)	2 ac. (90,000 sq. ft.)	17 ac.	11	1/6	3 acres along a tributary to Eaton Brook	3 acres along a tributary to Eaton Brook	Yes	102	Fragments four blocks	186	No	No	6	-	-	-	-	-	Bangor Hydro-Electric Co. Building, Maritimes and Northeast Pipeline Compressor Station	Eastern Maine Healthcare parking lot – 130 parking spaces (20 percent)

**Notes:**

<sup>1</sup>Primary road contaminants are salt and lead.

<sup>2</sup>No-Build Alternative consisted of Route 1A from I-395 to Route 46, and Route 46 from Route 1A to Route 9.

<sup>3</sup>Source: USACE, New England District, "Compensatory Mitigation Guidance", 2010.

<sup>4</sup>Source: Maine Audubon Society, "Conserving Wildlife On and Around Maine's Roads", 2007.

<sup>5</sup>All vernal pools are insignificant.

<sup>6</sup>Upland habitat within 250 ft.

<sup>7</sup>The taking of a residence.

<sup>8</sup>The taking of a business.

<sup>9</sup>An impact to the business without the taking of the business.

Exhibit S.8 – Indirect Impacts of Alternatives

Resources	Distances (feet)				Alternative Indirect Impacts (acres)						
	Upslope/ Upwind	Downslope/ Downwind	No-Build Alternative <sup>3</sup> Upslope	No-Build Alternative <sup>3</sup> Downslope	2B-2/the Preferred Alternative Upslope	2B-2/the Preferred Alternative Downslope	5A2B-2 Upslope	5A2B-2 Downslope	5B2B-2 Upslope	5B2B-2 Downslope	
<b>Soils</b>	Erosion could affect water quality in surface waters.										
<b>Surface Waters</b>	Contaminants	160 <sup>1</sup>		0.7		1.8		1.5		2.0	
	Sediments	0 <sup>1</sup>	3,300 <sup>1</sup>	12		0	13	0	18	0	17
<b>Groundwater</b>	No indirect impacts										
<b>Aquatic Habitat and Fisheries</b>	160 <sup>1</sup>		0.7		1.8		1.5		2		
<b>Vernal Pools</b>	Area	250 <sup>2</sup>		54		17		25		8	
	Percent Forested			46%		60%		78%		83%	
	Area	750 <sup>2</sup>		480		278		395		146	
	Percent Forested			53%		63%		59%		69%	
<b>Floodplains</b>	0	100 <sup>4</sup>	0	1	0	11	0	5	0	15	
	160 <sup>1</sup>		4		22		8		28		
<b>Wetlands</b>	0	100 <sup>4</sup>	0	17	0	31	0	34	0	30	
	160 <sup>1</sup>		64		66		71		80		
<b>Vegetation</b>	Contaminants	160 <sup>1</sup>		164		232		252		202	
	Nitrogen enrichment and altered vegetation	160 <sup>1</sup>	330 <sup>1</sup>	95	187	88	292	92	312	116	240
	Invasive species	660 <sup>1</sup>	3,300 <sup>1</sup>	753	3,920	329	4,407	398	4,346	498	2,944
<b>Wildlife</b>	Large mammals	160 <sup>1</sup>	330 <sup>1</sup>	0	0	74	128	69	173	89	103
	Grassland birds	330 <sup>1</sup>	660 <sup>1</sup>	0	80	146	250	136	334	178	204
	IWWH	0	100 <sup>4</sup>	0	2	0	10	0	19	0	4
<b>Wildlife Habitat</b>	660 <sup>1</sup>	3,300 <sup>1</sup>	84	2,189	278	1,416	255	1,669	423	893	

Notes:

<sup>1</sup>Source: Maine Audubon Society, "Conserving Wildlife On and Around Maine's Roads", 2007.

<sup>2</sup>Source: USAACE, New England District, "Compensatory Mitigation Guidance", 2010.

<sup>3</sup>No-Build Alternative consisted of Route 1A from I-395 to Route 46, and Route 46 from Route 1A to Route 9.

<sup>4</sup>USEPA, 2010.