



# PUBLIC NOTICE

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

**Date: August 7, 2012**  
**Comment Period Ends: September 7, 2012**  
**File Number: NAE-2011-01191**  
**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 permanent and temporary fill below the high tide line of the Kennebec River and in adjacent tidal and freshwater wetlands at Richmond, Maine in order to facilitate the replacement of the existing deteriorated Route 197 Bridge. The project is expected to result in approximately 32,120 s.f. of permanent freshwater wetland impact, 3,245 s.f. of permanent tidal wetland impact, and 11,728 s.f. of permanent river bottom impact. This work is designed to replace critical transportation infrastructure, insure public safety, and protect the economic vitality of Maine's transportation network.

In anticipation of unavoidable impacts to aquatic resources, the applicant is proposing compensatory mitigation. He has agreed to compensate for the project's unavoidable wetland impacts by funding \$212,506.00 toward Maine's Natural Resources Conservation Fund (In Lieu Fee Program). The applicant is proposing this measure seeking to lessen the project's unavoidable impacts. This notice solicits comments on the proposed measure 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.

**ESSENTIAL FISH HABITAT ("EFH"):** This project will impact up to 0.27 acres of Essential Fish Habitat ("EFH") – refer to attached sheets for list of species and life stages. This habitat consists of tidal benthos composed of silt, sand, and gravel and adjacent tidal marsh. Impacts will consist of temporary turbidity and construction related disturbance and the footprint of permanent approach work fills. 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.

**WATERWAY AND LOCATION OF THE PROPOSED WORK:** Kennebec River and its adjacent tidal and freshwater wetlands at Richmond, Maine. The project site is located on the USGS RICHMOND, ME quadrangle sheet at latitude 44.0906318°N; and longitude -69.7827871°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).

## **OTHER AUTHORITIES**

The replacement bridge structure will also require approval from the US Coast Guard. For information concerning their decision criteria, please contact Commander (obr), First Coast Guard District, One South Street - Battery Bldg, New York, NY 10004-5073.

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**

The Federal Highway Administration ("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.

## **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, Atlantic salmon critical habitat, shortnose sturgeon, and Atlantic sturgeon. 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:

- (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 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 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: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_

short finned squid ( <i>Illex illecebrosus</i> )	n/a	n/a			
Atlantic butterfish ( <i>Peprilus triacanthus</i> )					
Atlantic mackerel ( <i>Scomber scombrus</i> )			M,S	M,S	
summer flounder ( <i>Paralichthys dentatus</i> )					
scup ( <i>Stenotomus chrysops</i> )					
black sea bass ( <i>Centropristus striata</i> )					
surf clam ( <i>Spisula solidissima</i> )	n/a	n/a			
ocean quahog ( <i>Artica islandica</i> )	n/a	n/a			
spiny dogfish ( <i>Squalus acanthias</i> )	n/a	n/a			
tilefish ( <i>Lopholatilus chamaeleonticeps</i> )					

## Summary of Essential Fish Habitat (EFH) Designations

**Name of Estuary/ Bay/ River: Kennebec / Androscoggin Rivers, Maine**

**10' x 10' latitude and longitude squares included in this bay or estuary or river (southeast corner boundaries):**

4350/6950; 4350/6940; 4340/6940

Species	Eggs	Larvae	Juveniles	Adults	Spawning Adults
Atlantic salmon ( <i>Salmo salar</i> )	F	F	F,M,S	F,M,S	F
Atlantic cod ( <i>Gadus morhua</i> )			S	S	
haddock ( <i>Melanogrammus aeglefinus</i> )					
pollock ( <i>Pollachius virens</i> )			M,S		
whiting ( <i>Merluccius bilinearis</i> )			M,S	M,S	
offshore hake ( <i>Merluccius albidus</i> )					
red hake ( <i>Urophycis chuss</i> )			M,S	M,S	
white hake ( <i>Urophycis tenuis</i> )			M,S	M,S	
redfish ( <i>Sebastes fasciatus</i> )	n/a				
witch flounder ( <i>Glyptocephalus cynoglossus</i> )					
winter flounder ( <i>Pleuronectes americanus</i> )	M,S	M,S	M,S	M,S	M,S
yellowtail flounder ( <i>Pleuronectes ferruginea</i> )	S	S			
windowpane flounder ( <i>Scophthalmus aquosus</i> )	M,S	M,S	M,S	M,S	M,S
American plaice ( <i>Hippoglossoides platessoides</i> )	S	S	M,S	S	S
ocean pout ( <i>Macrozoarces americanus</i> )	S	S	S	S	S
Atlantic halibut ( <i>Hippoglossus hippoglossus</i> )	S	S	S	S	S
Atlantic sea scallop ( <i>Placopecten magellanicus</i> )					
Atlantic sea herring ( <i>Clupea harengus</i> )		M,S	M,S	M,S	
monkfish ( <i>Lophius americanus</i> )					
bluefish ( <i>Pomatomus saltatrix</i> )			M,S	M,S	
long finned squid ( <i>Loligo pealei</i> )	n/a	n/a			

69.8° W

69.767° W

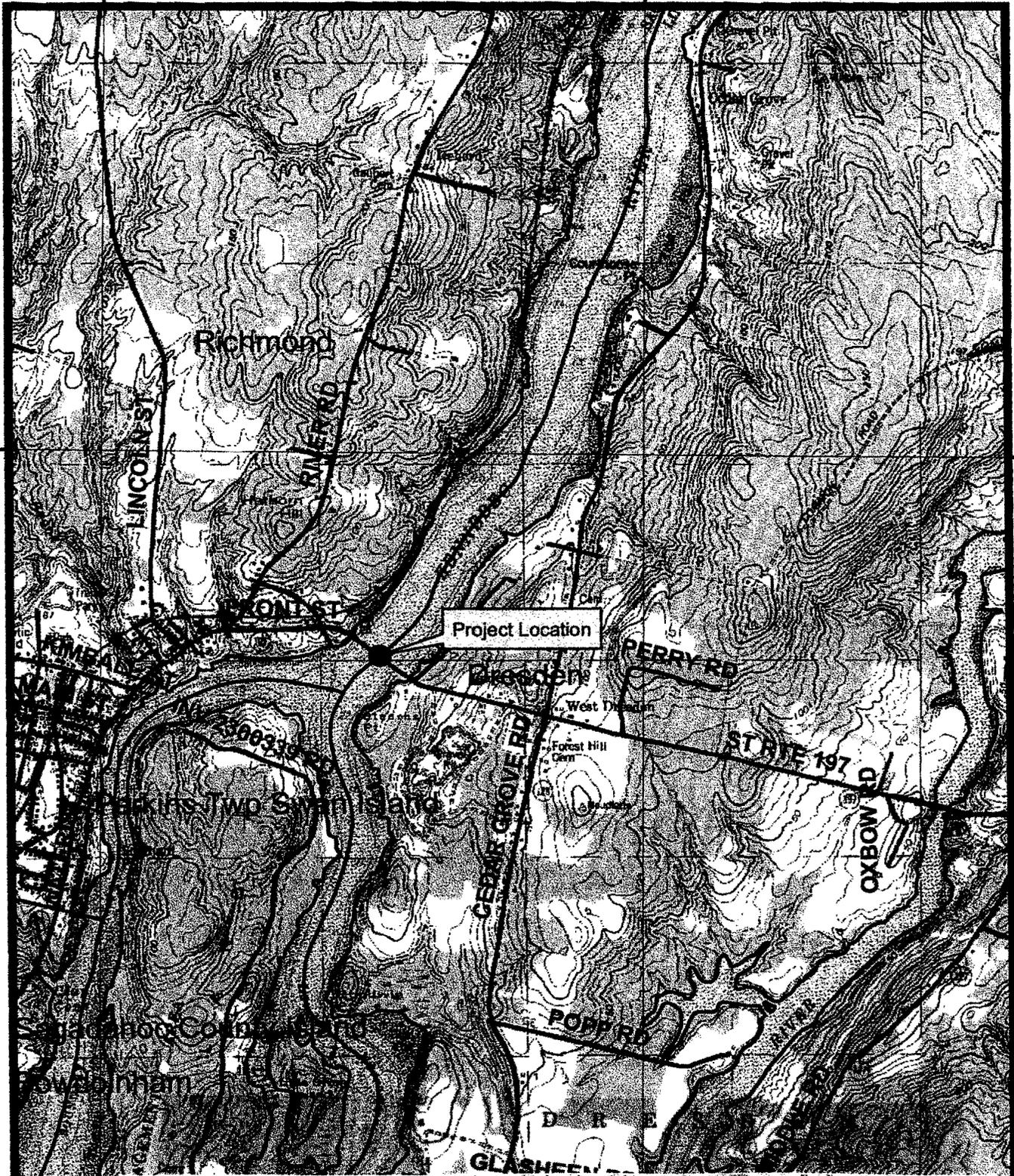
44.1° N

44.1° N

44.067° N

69.8° W

69.767° W

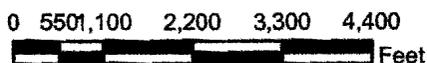


STATE OF MAINE  
DEPARTMENT OF TRANSPORTATION

ROUTE 197 RICHMOND-DRESDEN  
SAGADAHOC-LINCOLN CTYS.

12674.00

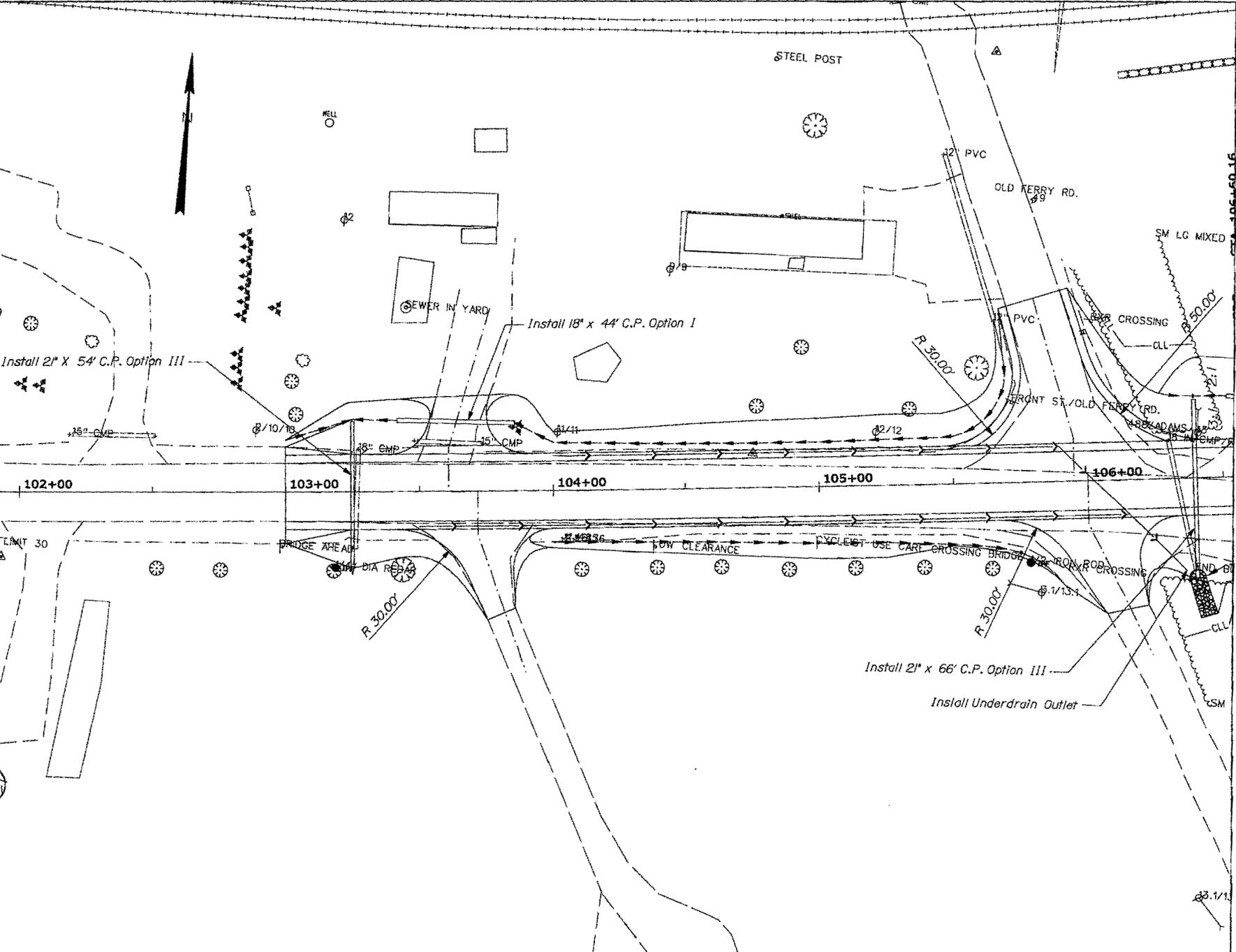
PLANS



**Richmond-Dresden**  
**12674.00**

Route 197 - Bridge Replacement





STATE OF MAINE  
DEPARTMENT OF TRANSPORTATION

12674.00

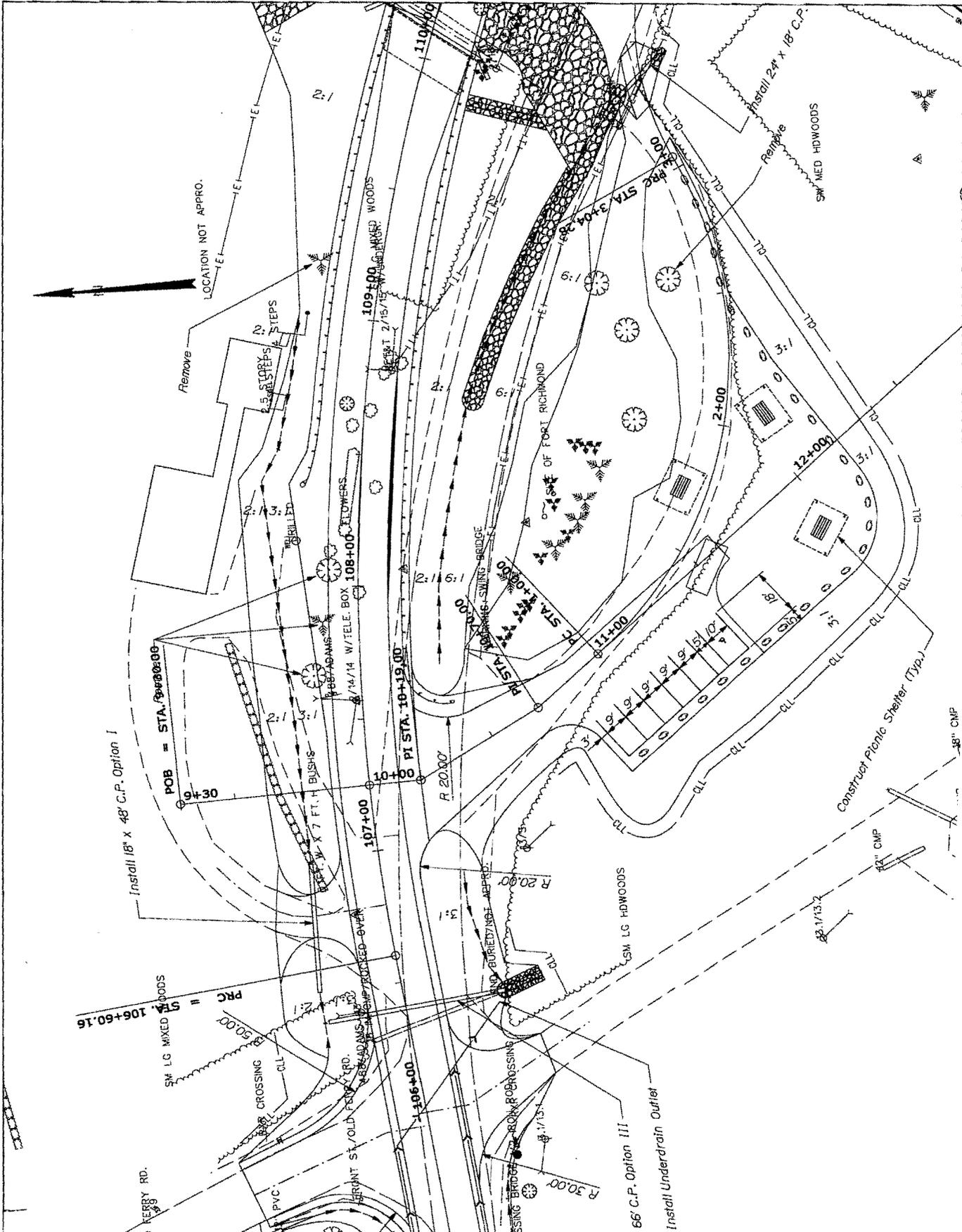
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SAGADAHOC-LINCOLN CTYS.

PLANS

SHEET NUMBER

1

OF 9



STATE OF MAINE  
DEPARTMENT OF TRANSPORTATION

ROUTE 197 RICHMOND-DRESDEN  
SAGADAHOC-LINCOLN CTYS.

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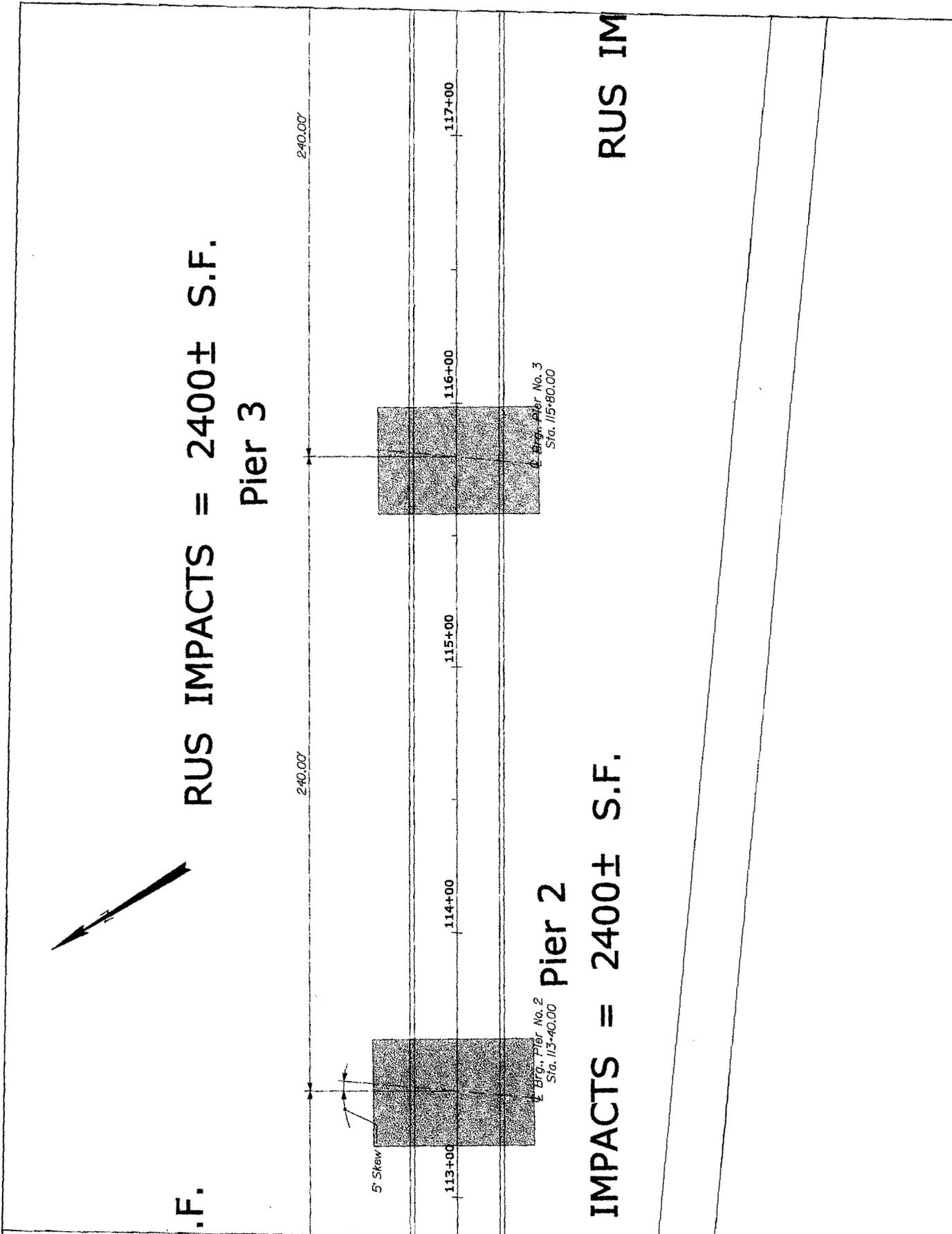
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PLANS

OF 8







Pier 5

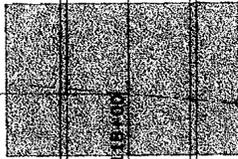
RUS IMPACTS = 2400± S.F.

RUS

240.00'

240.00'

240.00'



117+00

119+00

E. Eng. Pier No. 4  
Sta. 118+20.00



120+00

121+00

S58°28'14.96"E

E. Eng. Pier No. 5  
Sta. 120+60.00

VFWIT

Pier 4

RUS IMPACTS = 2400± S.F.

VFV

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SAGADAHOC-LINCOLN CTYS.

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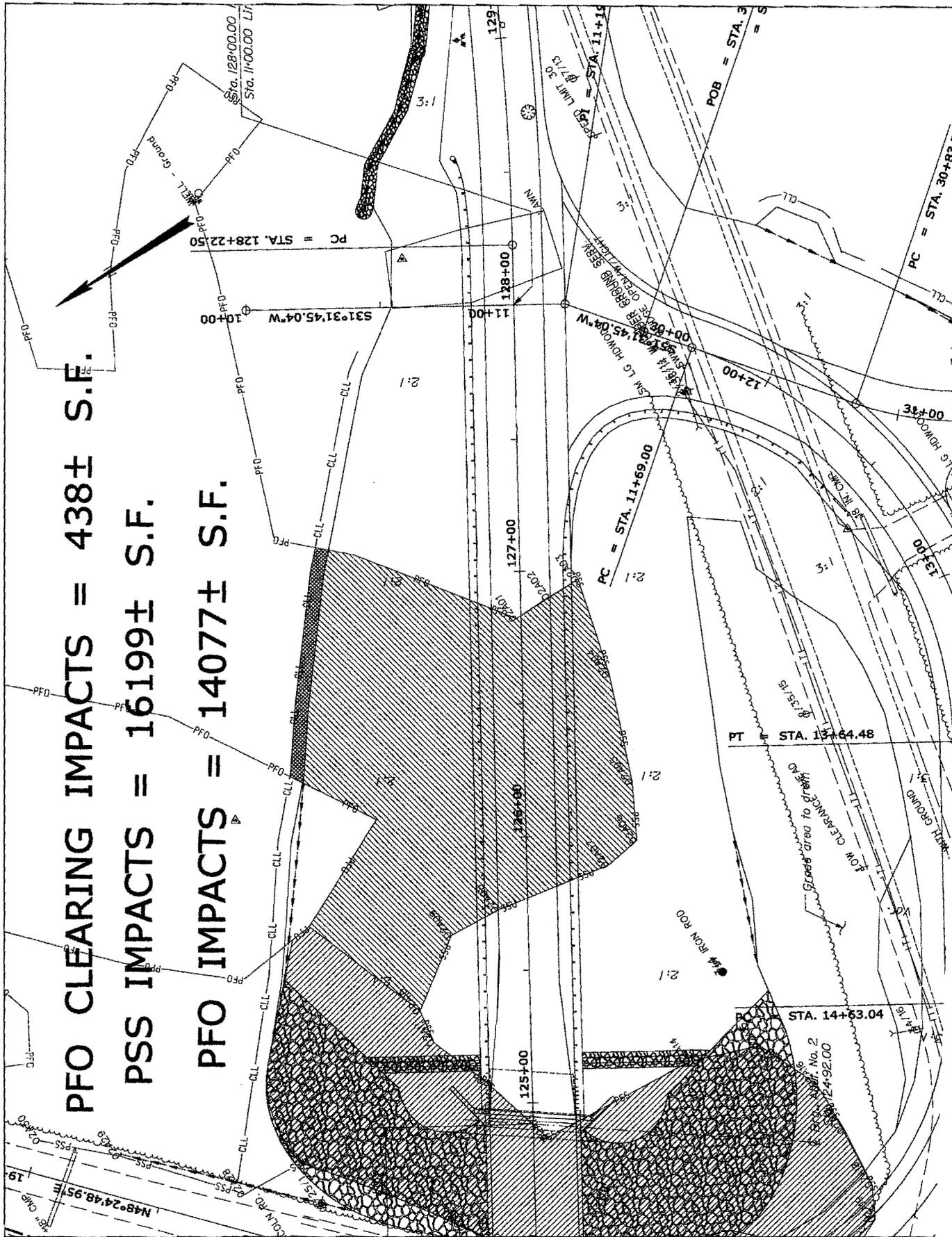
12674.00

PLANS

5

OF 9





PFO CLEARING IMPACTS = 438± S.F.

PSS IMPACTS = 16199± S.F.

PFO IMPACTS = 14077± S.F.

STATE OF MAINE  
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12674.00

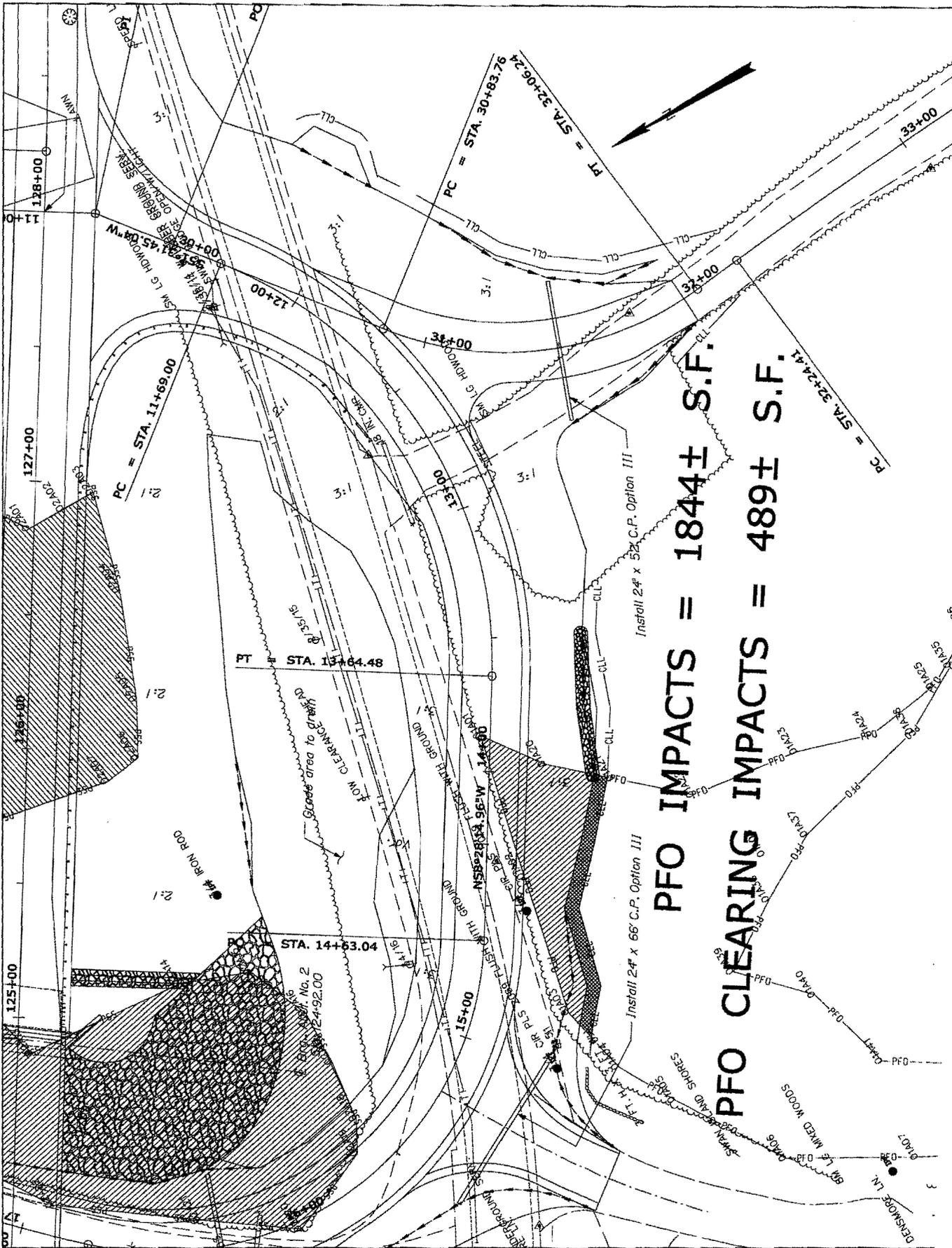
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PLANS

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OF 9



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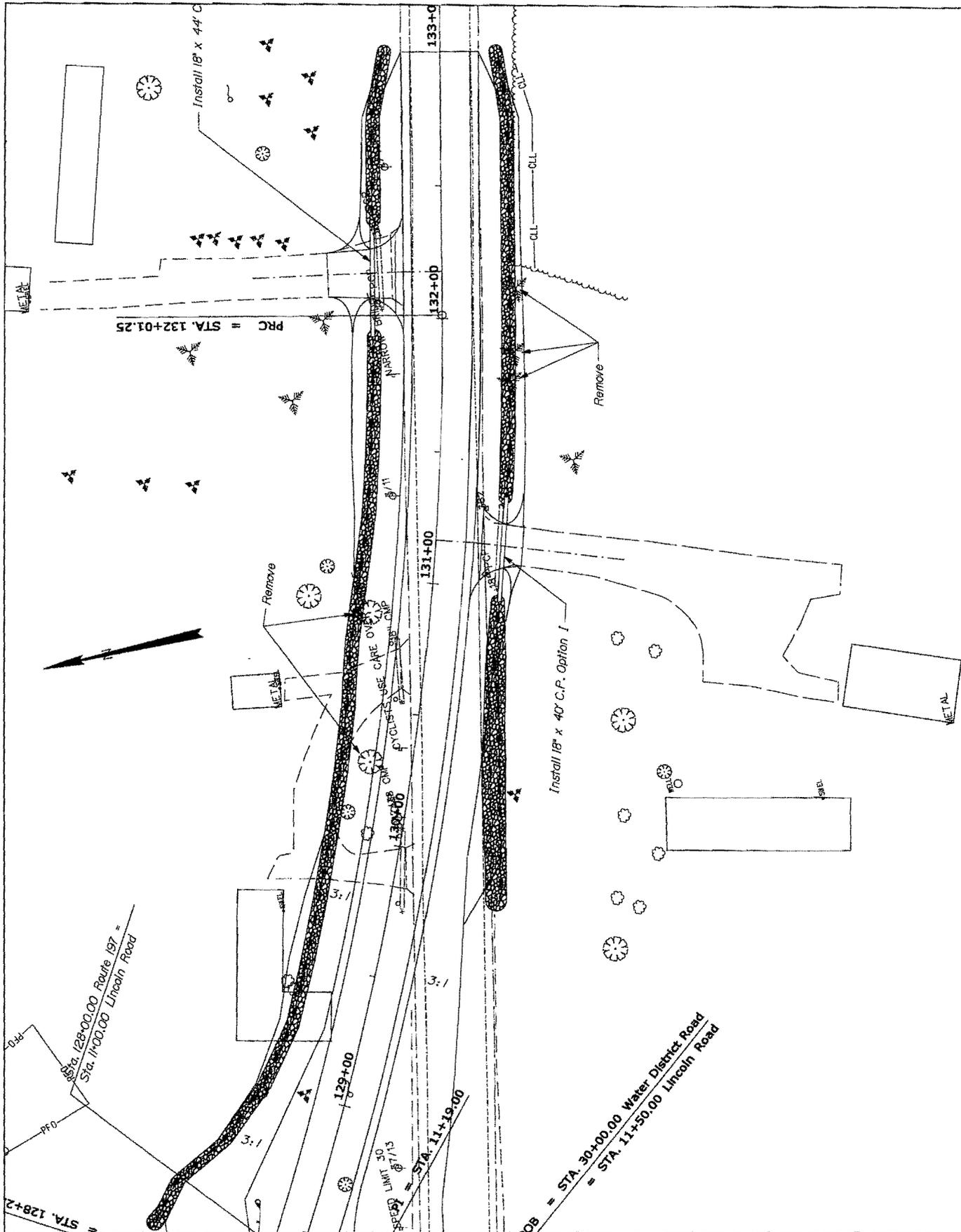
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SAGADAHOC-LINCOLN CTYS.

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PLANS

8  
OF 9



STATE OF MAINE  
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ROUTE 197 RICHMOND-DRESDEN  
SAGADAHOC-LINCOLN CTYS.

PLANS

SHEET NUMBER

9

OF 9

Section 10: Impact Summary and Plans

<b>Richmond-Dresden 12674.00</b>					
<b>Impact Summary</b>					
Direct Impacts					
STATION	PSS	PFO	VFWIT	RUS	
111+20 - 111+60			2400		
113+20 - 113+60				2400	
115+55 - 115+95				2400	
118+05 - 118+45				2400	
120+40 - 120+80				2400	
122-75 - 123+15				2128	
123+05 - 123+15			272		
123+75 - 124+00			573		
124+20 - 125+50	16199				
125+00 - 126+00 RT		1844			
125+00 - 127+00		14077			
<b>TOTAL DIRECT (S.F.)*</b>	16199	15921	3245	11728	<b>47,093</b>
Indirect Impacts (clearing)					
125+00 - 126+00 RT		489			
126+25 - 127+00 LT		438			
<b>TOTAL INDIRECT (S.F.)*</b>		927			<b>927</b>
Temporary Impacts (access roads)					
<b>TOTAL TEMPORARY*</b>			8000	4000	<b>12,000</b>
*All impacts in square feet					

6/29/2012

PSS: Palustrine Scrub Shrub  
PFO: Palustrine Forested Wetland  
VFWIT: Vegetated Freshwater Intertidal  
RUS: Riverine

STATE OF MAINE DEPARTMENT OF TRANSPORTATION	ROUTE 197 RICHMOND-DRESDEN SAGADAHOC-LINCOLN CTYS.
12674.00	PLANS