



PUBLIC NOTICE

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

Date: October 11, 2011
Comment Period Ends: November 9, 2011
File Number: NAE-2011-01495
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 Presumpscot River and in adjacent tidal wetlands at Falmouth and Portland, Maine in order to facilitate the replacement of the existing deteriorated Martins Point Bridge (Route 1). This work is designed to replace critical transportation infrastructure, insure public safety, and protect the economic vitality of Maine's transportation network.

The applicant anticipates that the bridge replacement will be constructed as a "design build" project. As such, final designs and a final alignment have not been selected. The attached plans depict three possible alignments. Ultimately, the Corps may only issue a permit for an alternative that is determined to be the least environmentally damaging practicable alternative ("LEDPA"). The Corps is seeking public comment to assist in the LEDPA determination.

In anticipation of unavoidable impacts to aquatic resources, the applicant is proposing compensatory mitigation. Two existing tidally restrictive culverts at Doughty Cove at Harpswell, Maine will be replaced with larger, properly imbedded culverts, thereby improving tidal flow and flushing and aquatic habitat within the upstream tidal marsh system. 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.

ESSENTIAL FISH HABITAT (EFH): This project will impact up to 0.91 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: Presumpscot River and its adjacent tidal wetlands at Portland and Falmouth, 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).

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

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 ACT 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 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. 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: _____

Summary of Essential Fish Habitat (EFH) Designation

Coordinates:

Boundary	North	East	South	West
Coordinate	43° 50.0' N	70° 10.0' W	43° 40.0' N	70° 20.0' W

Square Description (i.e. habitat, landmarks, coastline markers): Gulf of Maine waters within the square within Casco Bay affecting the following: south of Yarmouth, ME., northeast of Portland, ME., and southeast of Cumberland, ME., and Falmouth, ME., including those waters affecting northern Peaks Island, Back Cove, Broad Cove and the following islands: Great Diamond, Little Diamond, Sturdivant, Clapboard, Cow and Mackworth. Other features affected include Hussey Sound, Cow I. Ledge, Halfway Rock, the Presumpscot River, Prince Pt. on Broad Cove, Prince Pt., and The Brothers south of Falmouth, ME., a Transfer Area on the east southeast corner, and finally the eastern portion of Basket I.

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

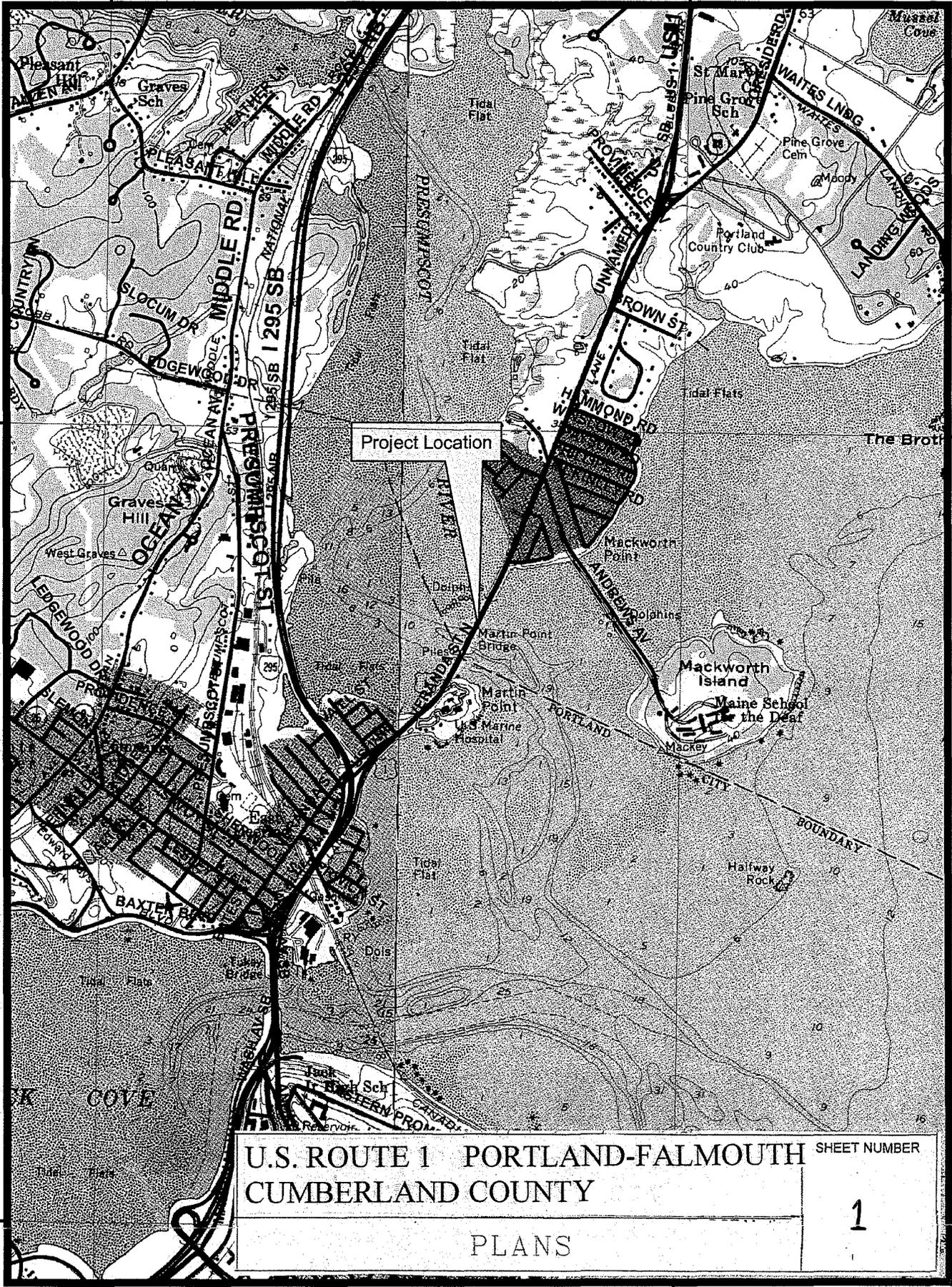
bluefish (<i>Pomatomus saltatrix</i>)			X	X
long finned squid (<i>Loligo pealeii</i>)	n/a	n/a		
short finned squid (<i>Illex illecebrosus</i>)	n/a	n/a		
Atlantic butterfish (<i>Peprilus triacanthus</i>)				
Atlantic mackerel (<i>Scomber scombrus</i>)			X	X
summer flounder (<i>Paralichthys dentatus</i>)				
scup (<i>Stenotomus chrysops</i>)	n/a	n/a		
black sea bass (<i>Centropristis striata</i>)	n/a			
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>)				
bluefin tuna (<i>Thunnus thynnus</i>)				X

70.267° W

70.233° W

43.7° N

43.7° N



U.S. ROUTE 1 PORTLAND-FALMOUTH SHEET NUMBER
 CUMBERLAND COUNTY
 1

PLANS

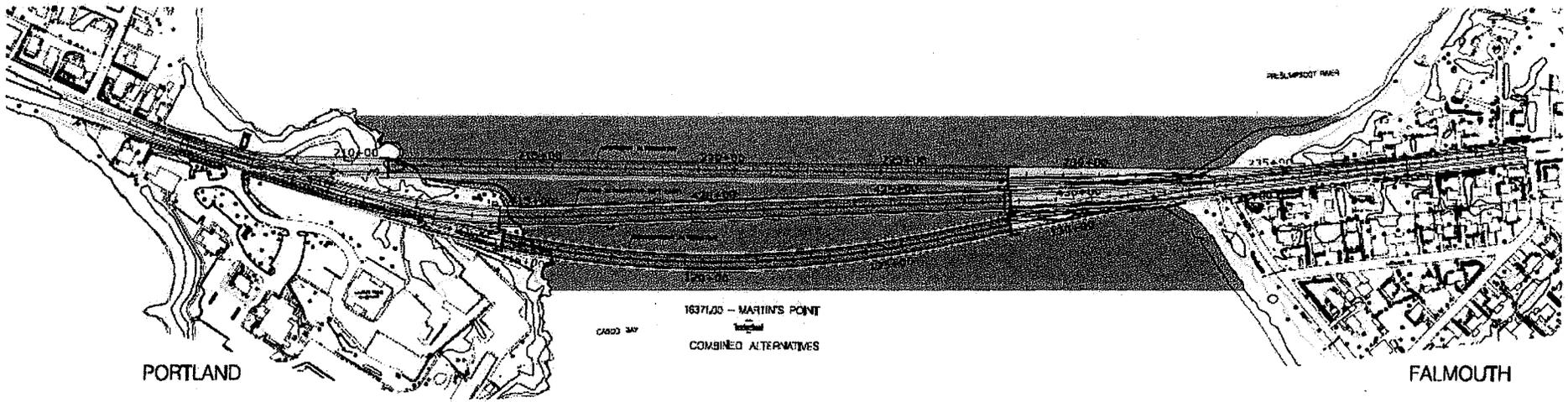


Portland-Falmouth
16731.00

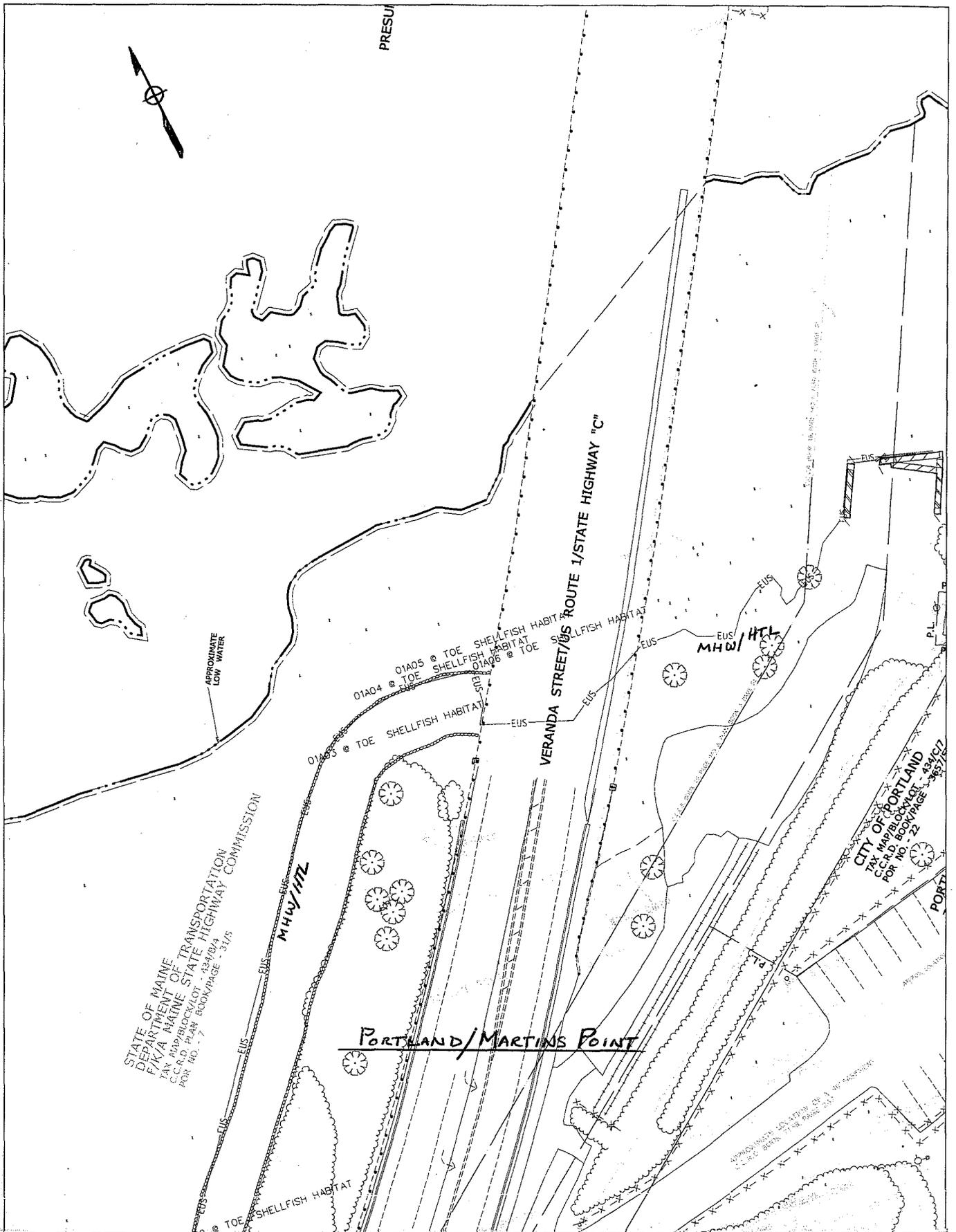
Martins Point Bridge
 MaineDOT Martins Point Bridge 16731.00
 -70.24 48.09
 September 12, 2011
 Page 11
 Coordinates in North American Datum 1983 (Decimal Degrees)



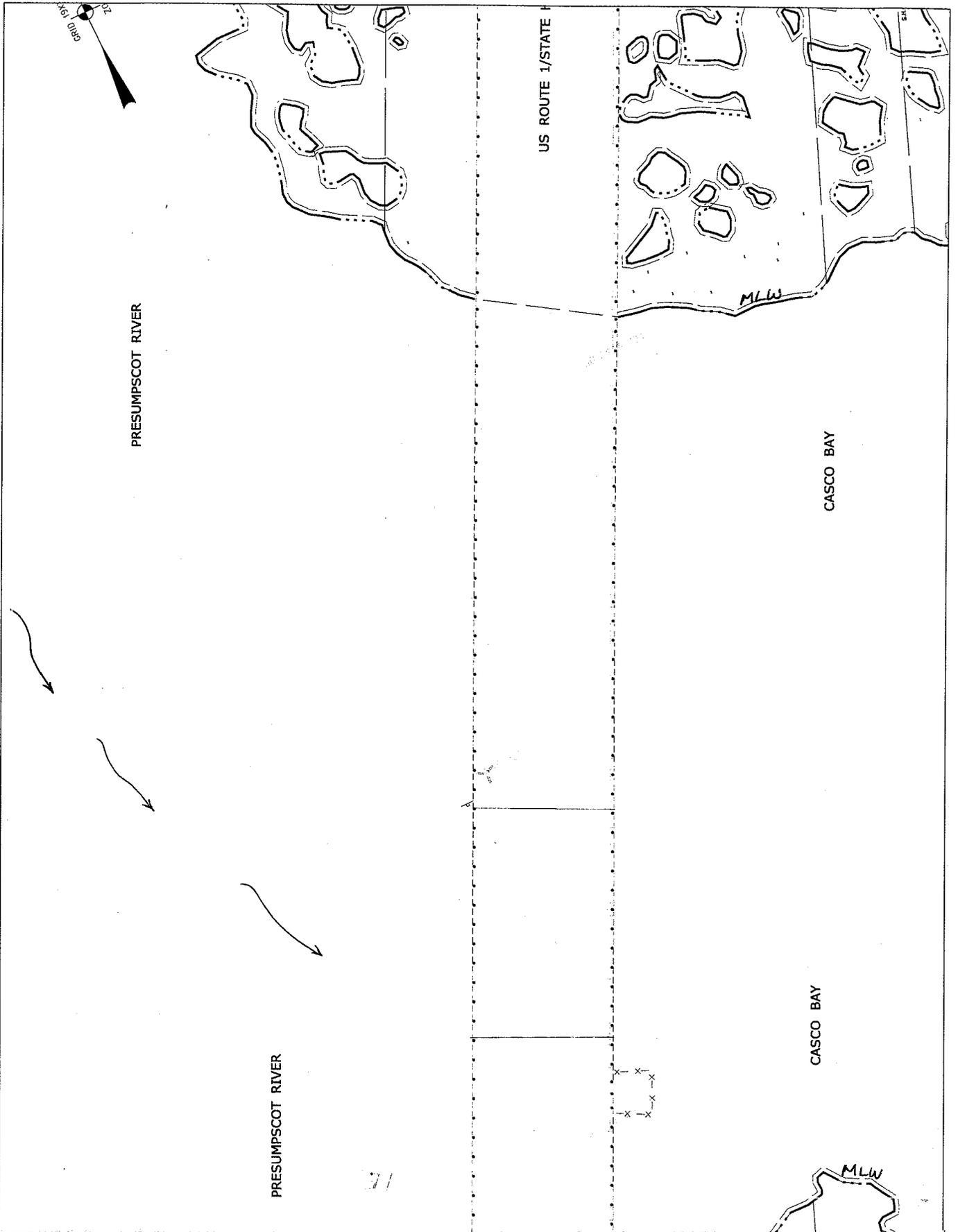
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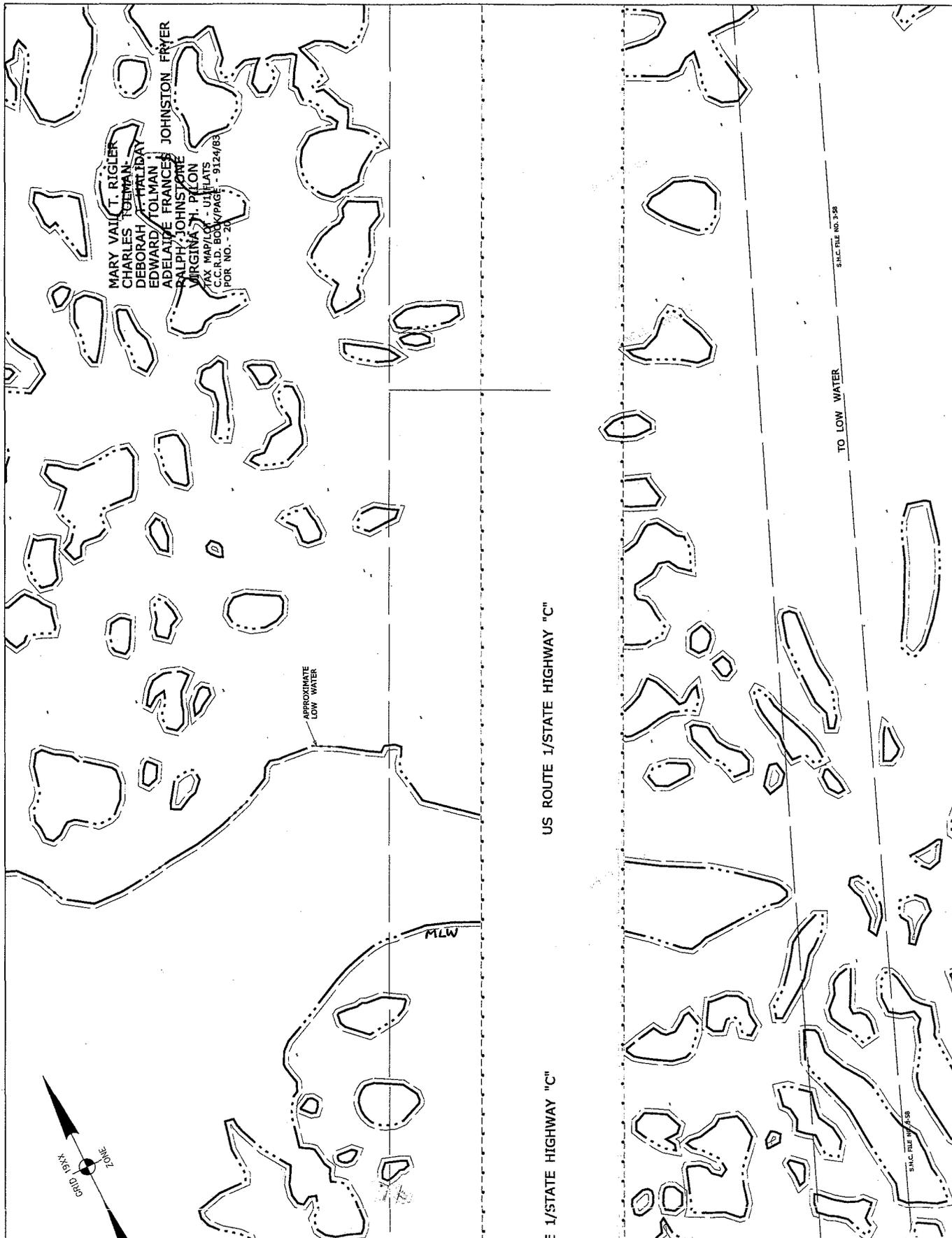
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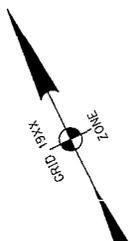
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STATE OF MAINE DEPARTMENT OF TRANSPORTATION	U.S. ROUTE 1 PORTLAND-FALMOUTH CUMBERLAND COUNTY	SHEET NUMBER 4
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MARY VAIL T. RIGLER
 CHARLES TOMMAN
 DEBORAH WALIDA
 EDWARD TOLMAN
 ADELAIDE FRANCES JOHNSTON FRYER
 RALPH JOHNSTONE
 VIRGINIA H. PYLON
 TAX MAP/LOT - US PLATS
 C.C.R.D. BOOK/PAGE - 9124/63
 POR. NO. - 24



APPROXIMATE
 LOW WATER

MLW

US ROUTE 1/STATE HIGHWAY "C"

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SINC FILE NO. 358

TO LOW WATER

SINC FILE #358

STATE OF MAINE
 DEPARTMENT OF TRANSPORTATION

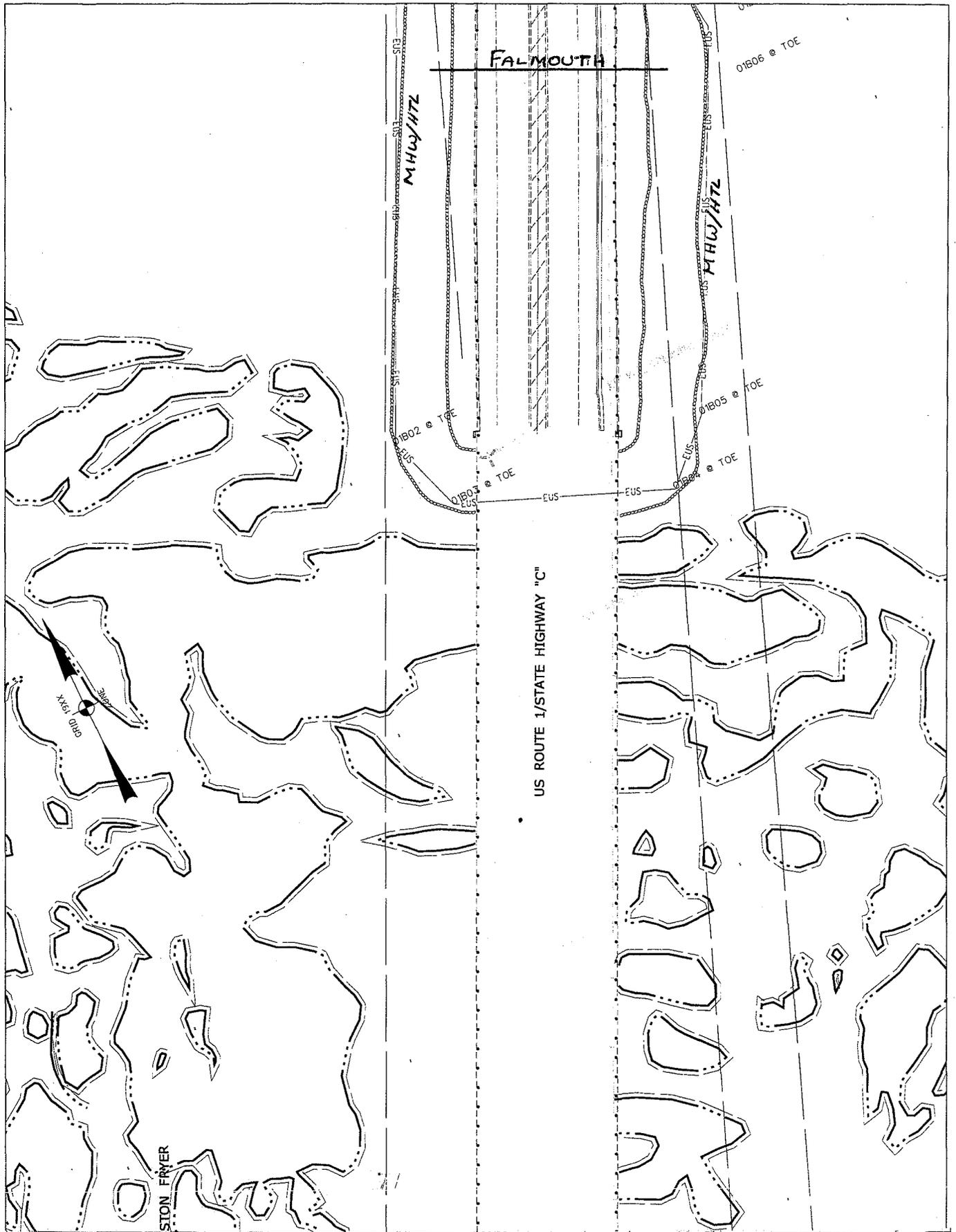
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 CUMBERLAND COUNTY

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PLANS



STATE OF MAINE
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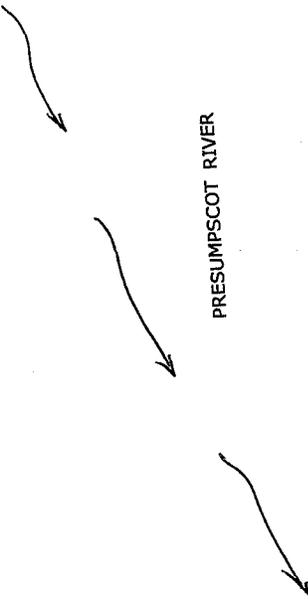
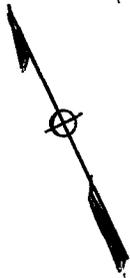
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CUMBERLAND COUNTY

PLANS

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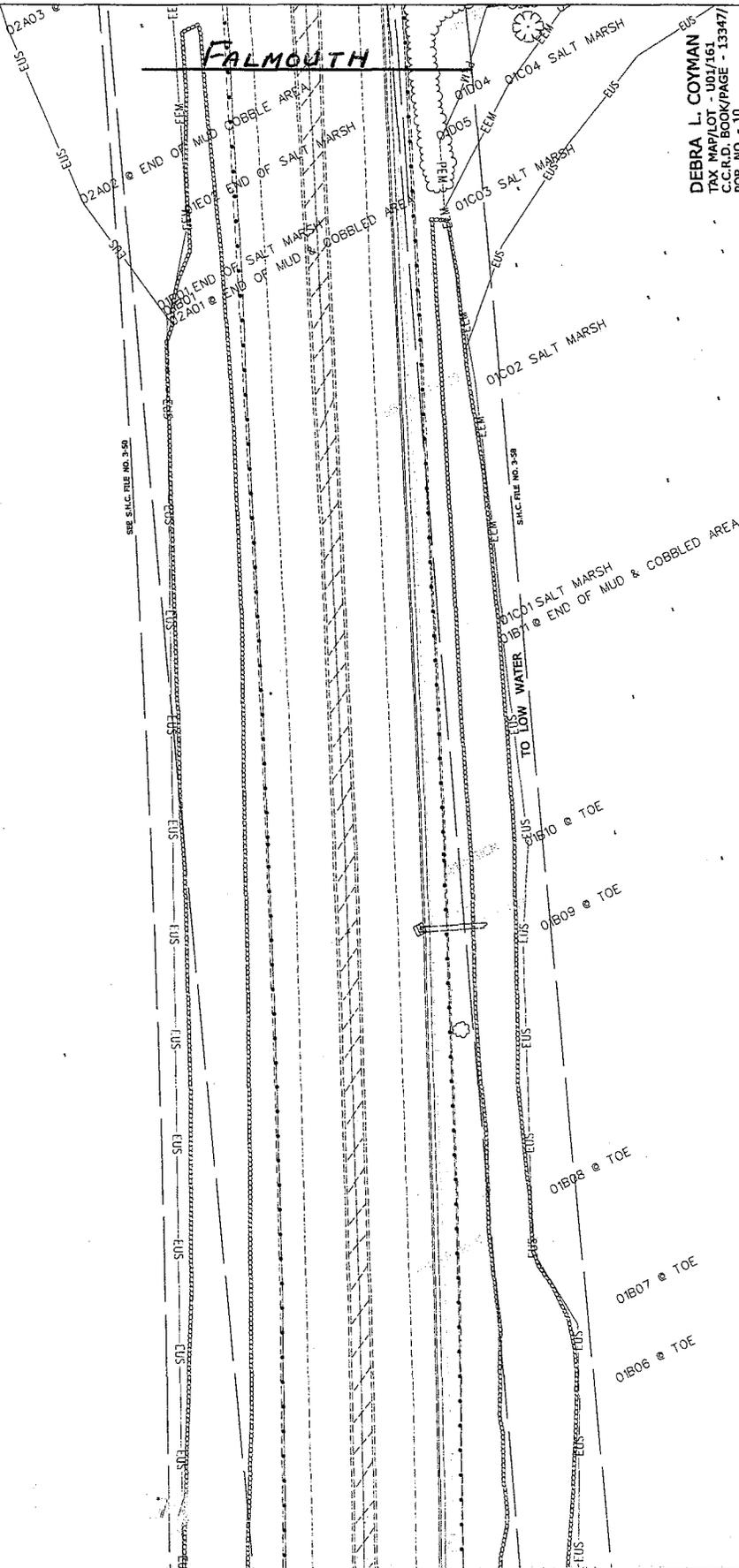
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PRESUMPCOT RIVER

FALMOUTH



DEBRA L. COYMAN
 TAX MAP/LOT - U01/161
 C.C.R.D. BOOK/PAGE - 13947/
 POR. NO. - 10

CASCO BAY

STATE OF MAINE
 DEPARTMENT OF TRANSPORTATION

U.S. ROUTE 1 PORTLAND-FALMOUTH
 CUMBERLAND COUNTY

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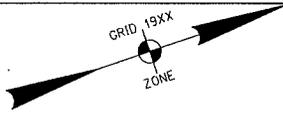
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EDWARD TOLMAN
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RALPH JOHNSTONE
VIRGINIA H. PILON
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PRESUMPSCOT RIVER

P.L. HIGH WATER LINE (APPROX. LOCATION)

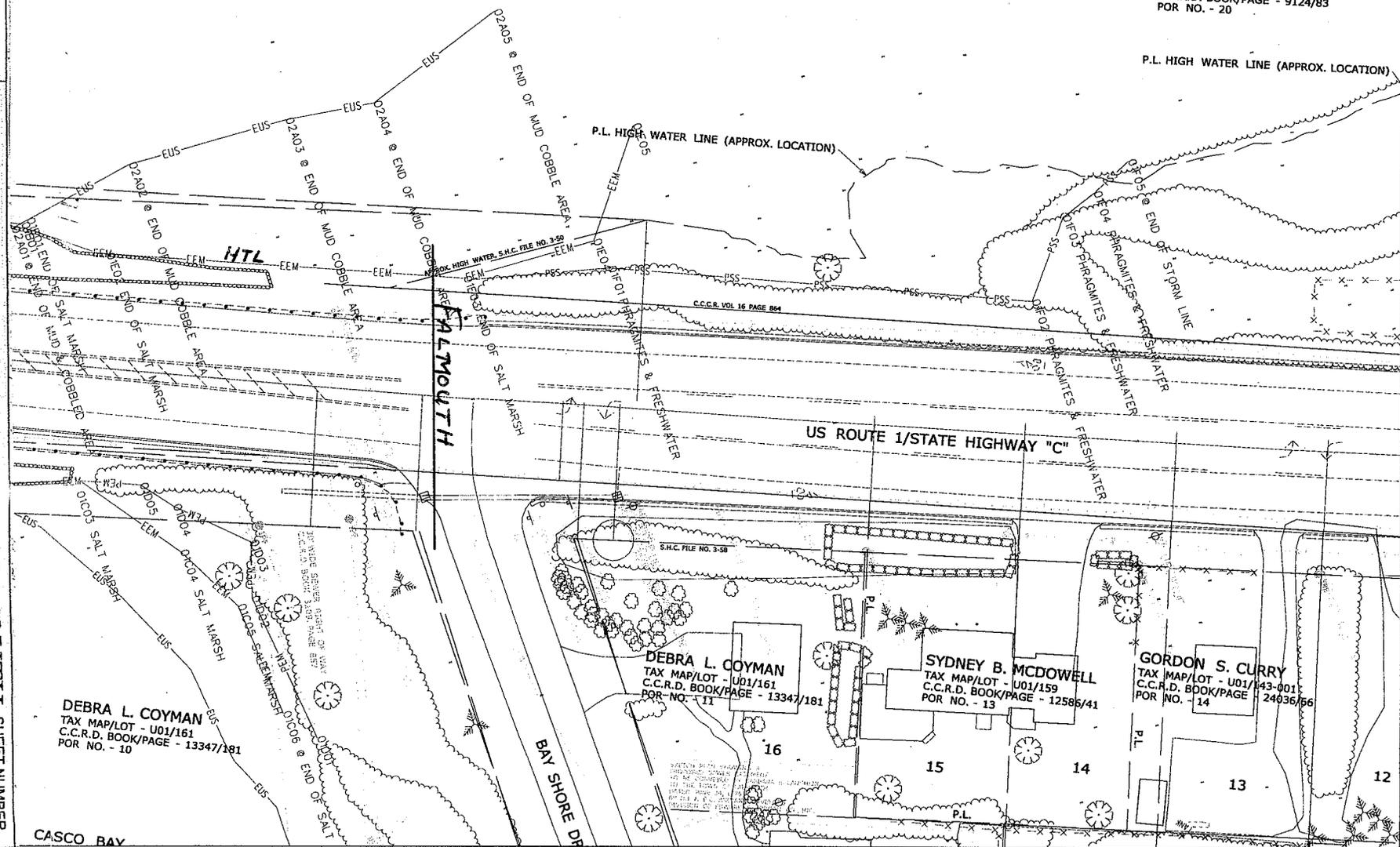
P.L. HIGH WATER LINE (APPROX. LOCATION)

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION

16731.00

U.S. ROUTE 1 PORTLAND-FALMOUTH
CUMBERLAND COUNTY

PLANS



DEBRA L. COYMAN
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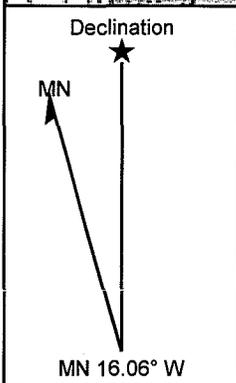
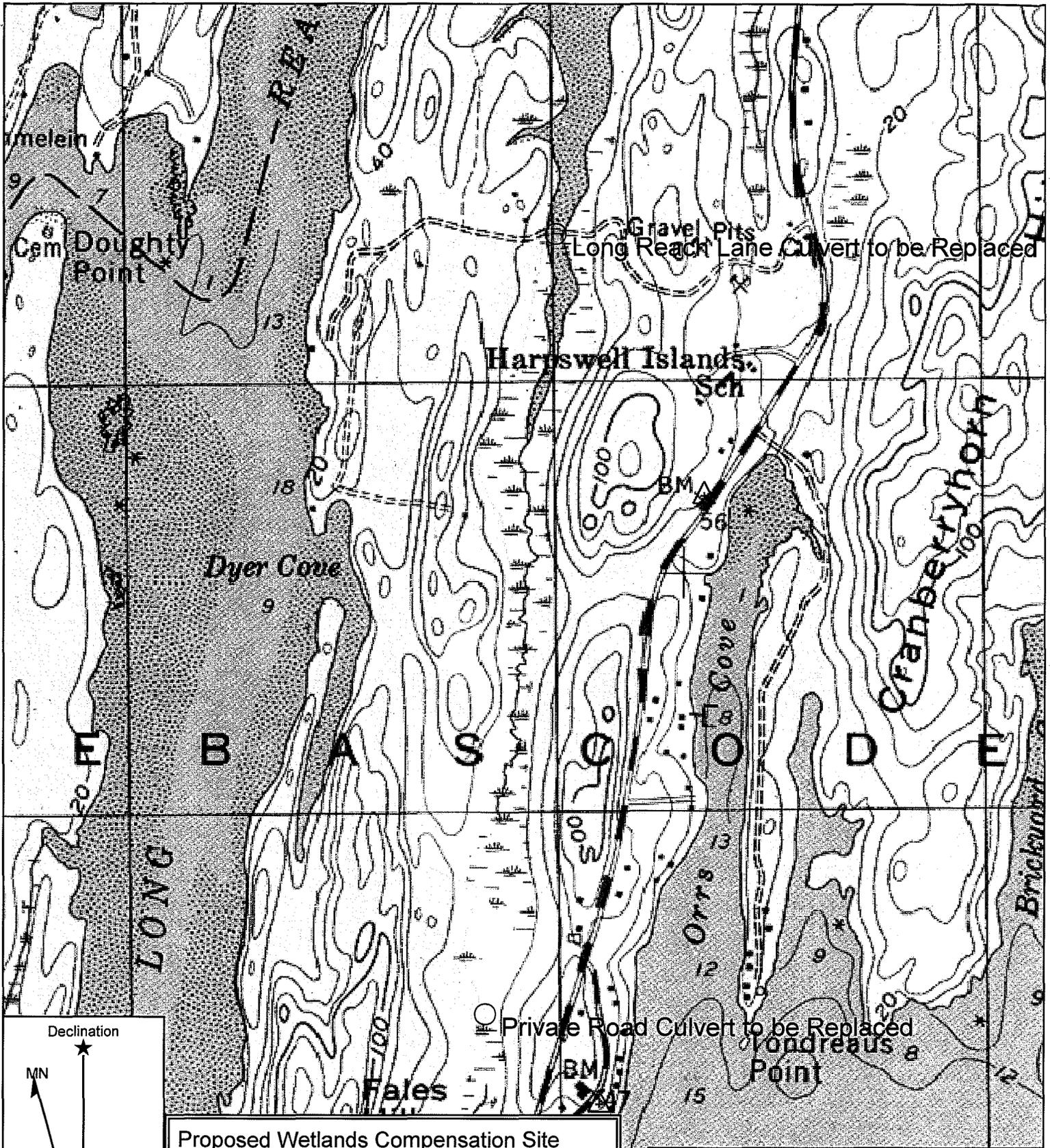
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SYDNEY B. MCDOWELL
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C.C.R.D. BOOK/PAGE - 12586/41
POR NO. - 13

GORDON S. CURRY
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POR NO. - 14

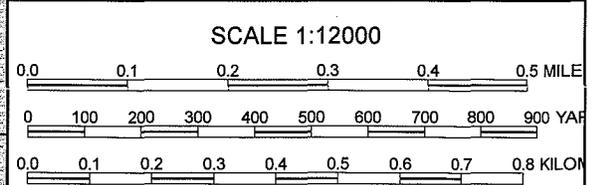
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SHEET NUMBER



Proposed Wetlands Compensation Site
 Doughty Cove
 Harpswell, Maine

Maine Dept. of Transportation
 PIN: 16731.00



Name: ORRS ISLAND (ME)
 Date: 09/27/11
 Scale: 1 inch = 1,000 ft.

Location: 043.8319445° N 069.9208232° W