



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

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

# PUBLIC NOTICE

**Date:** April 17, 2007  
**Comment Period Ends:** May 2, 2007  
**File Number:** NAE-2006-1809  
**In Reply Refer To:** Jay L. Clement  
**Or by e-mail:** jay.l.clement@usace.army.mil

## 15 Day Comment Period

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: HOWARD J. HALL, P.O. BOX 339, WELLS, MAINE 04090**

**ACTIVITY:** Fill approximately 20,860 square feet (0.48 acres) of freshwater wetlands in order to develop Sea Glass Village, a residential development consisting of 199 cottages on 67 acres.

To compensate for this project's projected unavoidable impacts to waterways and wetlands, the applicant is currently proposing off-site compensation. This work, shown on the attached plans, includes the preservation through deed restriction of approximately 50 acres of upland and wetland on two parcels contained within what has been identified as the "Fenderson Brothers Parcel". The off site areas will be protected in perpetuity by conservation easement. The preservation is designed to complement local and municipal conservation goals. The applicant is proposing these measures seeking to lessen the project's impact on aquatic resources. 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. It also solicits recommendations for alternative sites or measures not yet identified by the applicant. 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.

**WATERWAY AND LOCATION OF THE PROPOSED WORK:** This work is proposed in freshwater wetlands adjacent to an unnamed stream, off Littlefield Road at Wells, Maine. The project site is located on the USGS WELLS, ME quadrangle sheet at latitude 43.2798834°N; and longitude 70.6057948°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)

Pursuant to the **Endangered Species Act**, the District Engineer is hereby requesting that the appropriate Federal Agency provide comments regarding the presence of and potential impacts to listed species or its critical habitat.

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

**PROPOSED WORK AND PURPOSE**

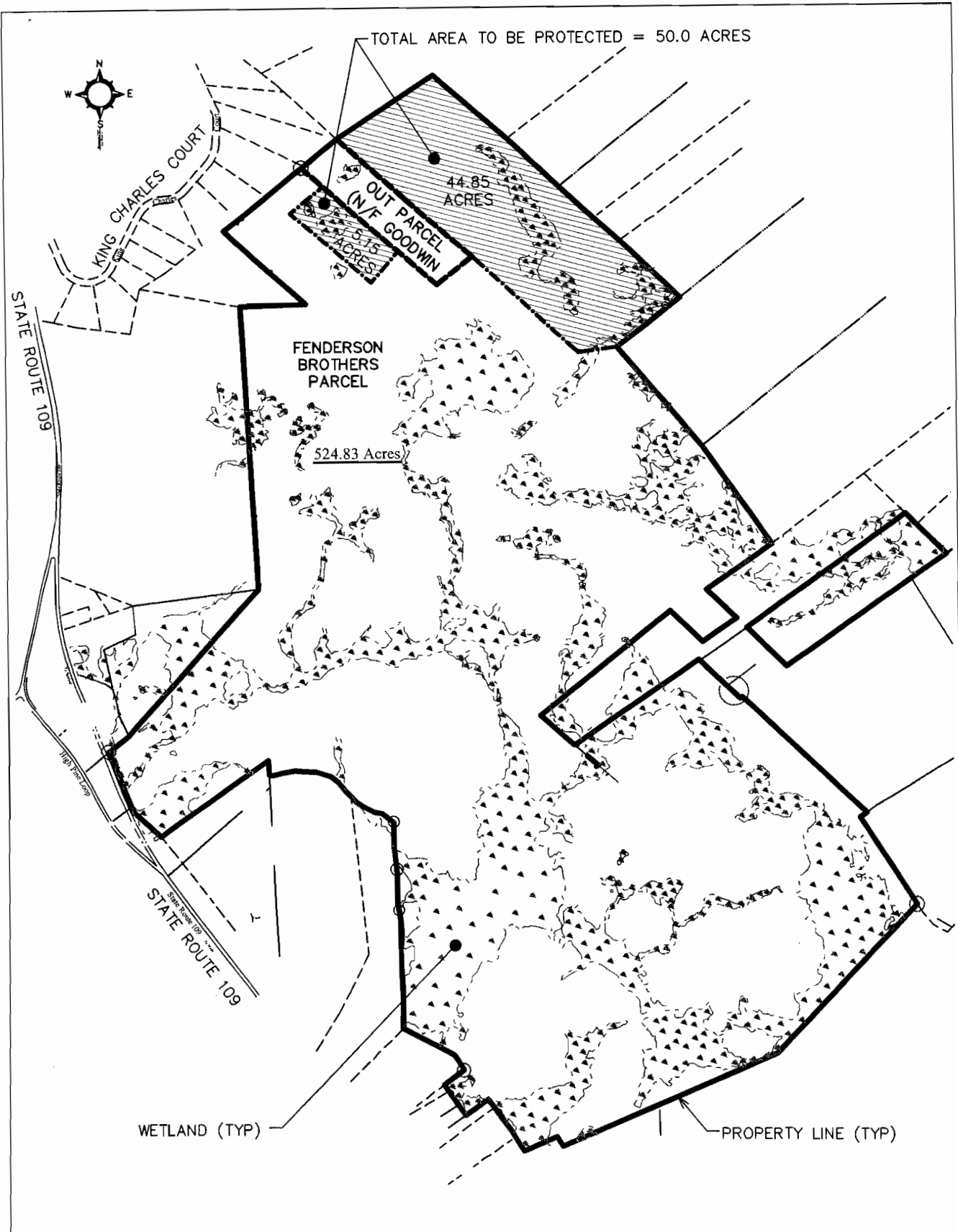
Fill approximately 20,860 square feet (0.48 acres) of freshwater wetlands in order to develop Sea Glass Village, a residential development consisting of 199 cottages on 67 acres.

The work is described on the enclosed plans entitled "HOWARD J. HALL, P.O. BOX 339, WELLS, MAINE 04090" in four sheets dated "2/5/07".



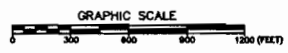






**GENERAL NOTES**

1. THIS PLAN SHOWS THE COMPENSATION AREA ON THE FENDERSON BROTHERS PARCEL, NOW OWNED BY HOWARD HALL, FOR SEAGLASS VILLAGE.



NO.	DESCRIPTION	DATE

**COMPENSATION AREA PLAN**  
**FENDERSON PARCEL**  
**STATE ROUTE 109**  
**WELLS, MAINE 04090**

FOR: HOWARD HALL  
P.O. BOX 339  
WELLS, MAINE 04090

**ATTAR ENGINEERING, INC.**  
CIVIL • STRUCTURAL • MARINE  
1284 STATE ROAD - ELSDON, MAINE 03903  
PHONE: (207) 439-8023 FAX: (207) 439-2128

SCALE: 1" = 200'  
DATE: 12/12/05  
APPROVED BY: [Signature]  
DRAWN BY: EAB  
REVISION: DATE

JOB NO: 0208-08 CAD FILE: FENDERSON PARCEL04 SHEET 1 OF 1