



US Army Corps
of Engineers®
New England District

PUBLIC NOTICE

Date: DECEMBER 16, 2003
Comment Period Ends: JANUARY 16, 2004
File Number: 200301976
In Reply Refer To: Shawn B. Mahaney
Or by e-mail: shawn.b.mahaney@usace.army.mil

30-DAY COMMENT PERIOD

MIKE FALVEY DBA FAMILY TREE LANDSCAPING, P.O. BOX 2634, BANGOR, MAINE 04401 has requested a Corps of Engineers permit under Section 404 of the Clean Water Act, to place fill in freshwater wetlands off Tripp Road and Stillwater Avenue at Bangor, Maine. The work is described on the enclosed plans entitled "FAMILY TREE LANDSCAPING, BANGOR, MAINE," on 6 sheets, undated as follows:

1. Retain and maintain 0.98 acres of freshwater wetland in conjunction with the expansion of an existing landscaping business. Approximately 2.13 acres of freshwater wetland has been filled on the site since 1999. The applicant is proposing to remove 1.15 acres of unauthorized fill and restore the area. By this public notice, we are seeking comments to help us evaluate whether this work should be allowed to remain.
2. To compensate for the project's impacts, the applicant proposes to preserve a wetland/upland buffer consisting of approximately 8.1 acres between the "Serenity Acres Subdivision" and the City of Bangor forest off Reinzo Lane at Bangor, Maine.

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. 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.

The project is located on the VEAZIE, ME quadrangle sheet at Universal Transverse Mercator grid coordinates N4967296, E521678.

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 Shawn Mahaney at (207) 623-8367 ext 4 or (918) 318-8492.

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.

SEE NEXT PAGE FOR
DETAILS OF EVALUATION
FACTORS


David H. Killoy, P.E., C.P.G.
Chief, Permits & Enforcement Branch
Regulatory Division

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.

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.

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

- (X) Permit, License or Assent from State.
- (X) Permit from Local Wetland Agency or Conservation Commission.
- (X) Water Quality Certification in accordance with Section 401 of the Clean Water Act.

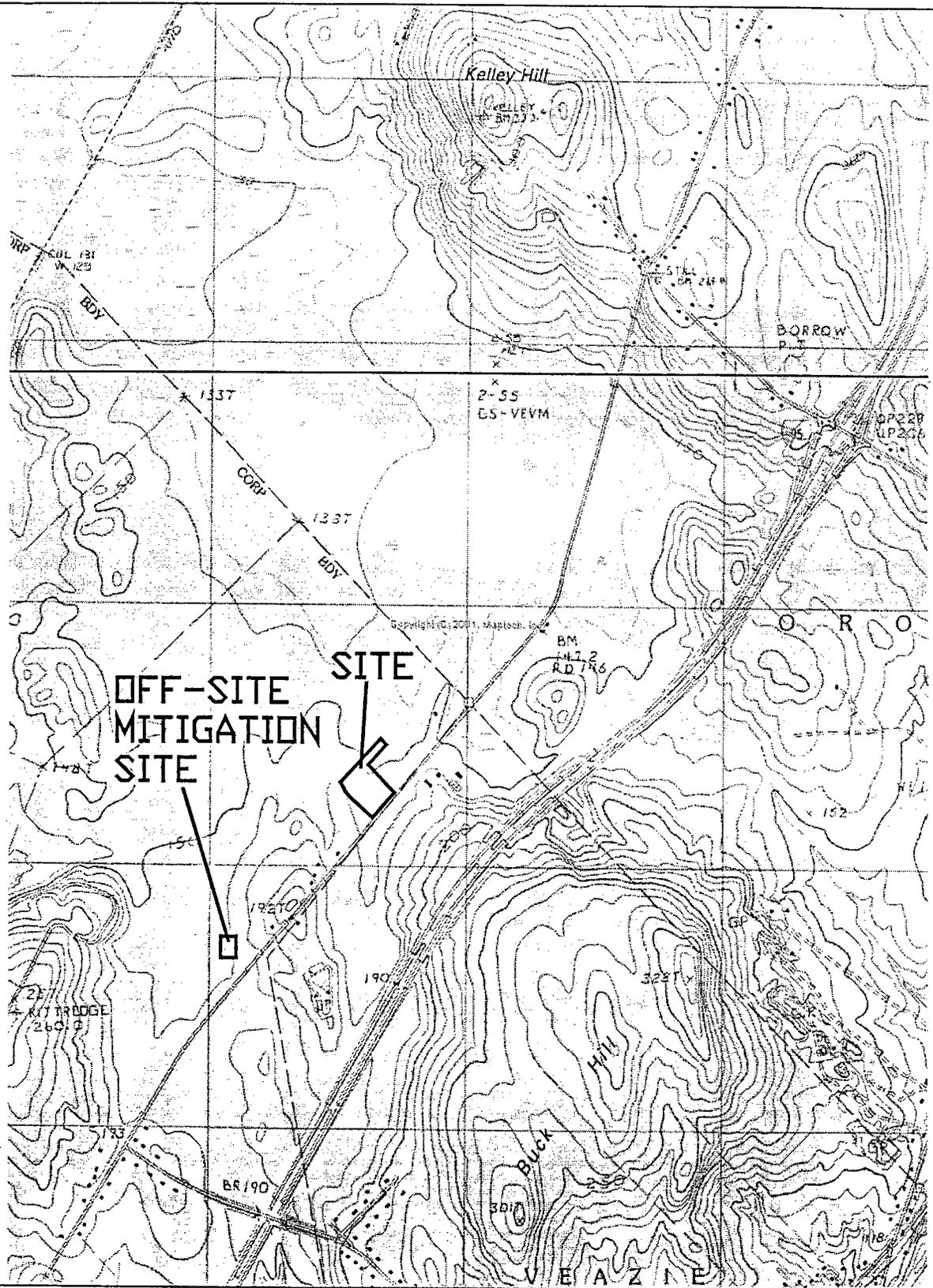
The States of Connecticut, Maine, Massachusetts, New Hampshire and Rhode Island have approved Coastal Zone Management Programs. Where applicable the applicant states that any proposed activity will comply with and will be conducted in a manner that is consistent with the approved Coastal Zone Management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

The 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.

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: _____



PROJECT LOCATION MAP

Stillwater Avenue Bangor

1" = 2000'

Project:
**PROPOSED
 BUSINESS
 EXPANSION**

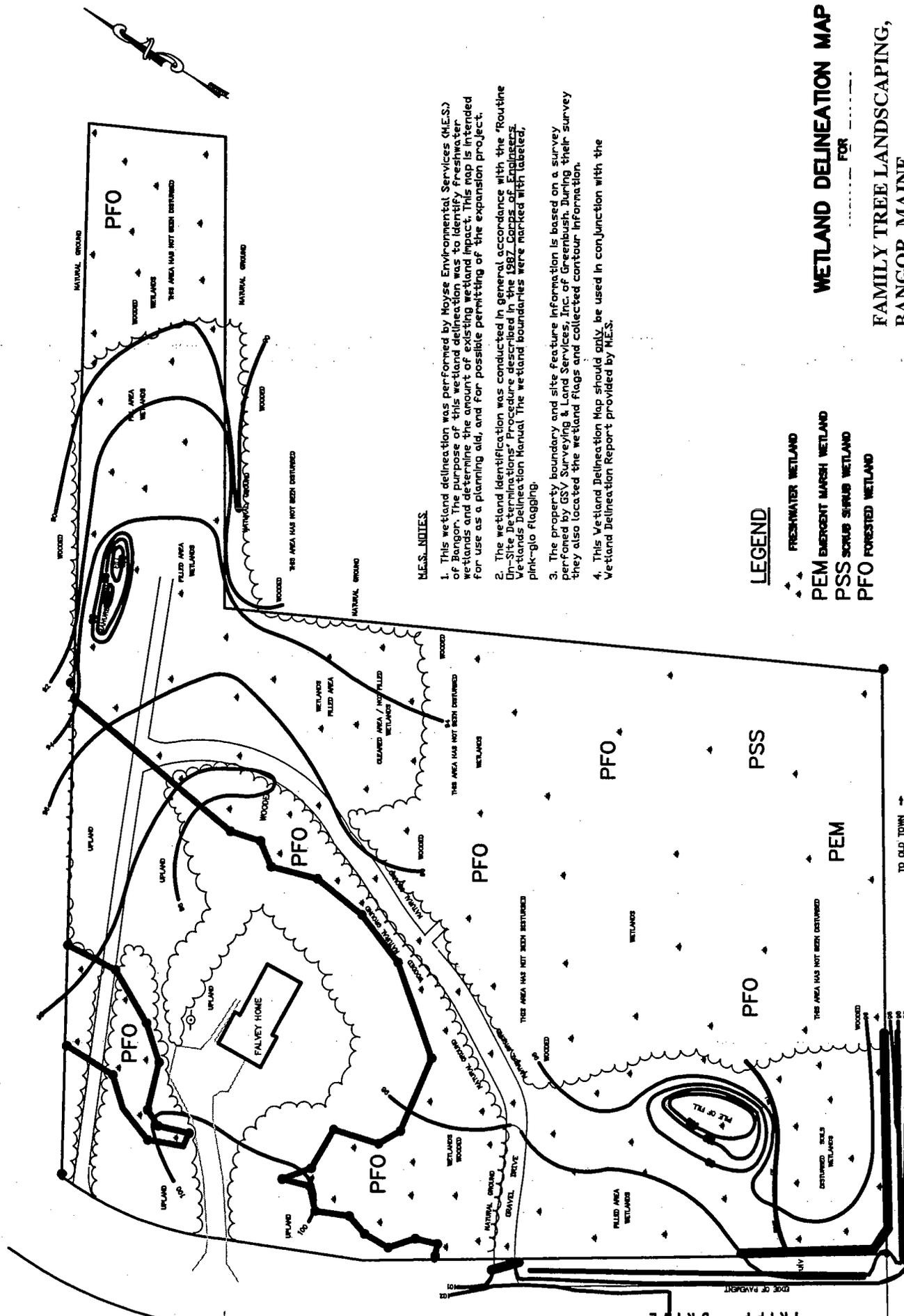
Applicant:
**FAMILY TREE LANDSCAPING,
 BANGOR, MAINE**

SHEET 1 OF 5

Agent:



**MOYSE
 ENVIRONMENTAL
 SERVICES**
 Soil and Land Use Consulting
 42 Pleasant View Avenue, Bangor, ME 04401
 Phone/Fax (207) 945-6179



N.E.S. NOTES.

1. This wetland delineation was performed by Hoyle Environmental Services (H.E.S.) of Bangor. The purpose of this wetland delineation was to identify freshwater wetlands and determine the amount of existing wetland impact. This map is intended for use as a planning aid, and for possible permitting of the expansion project.
2. The wetland identification was conducted in general accordance with the "Routine On-Site Determinations" Procedure described in the 1987 Codex of Engineers Wetlands Delineation Manual. The wetland boundaries were marked with labeled, pink-glo flagging.
3. The property boundary and site feature information is based on a survey performed by GSV Surveying & Land Services, Inc. of Greenbush. During their survey they also located the wetland flags and collected contour information.
4. This Wetland Delineation Map should only be used in conjunction with the Wetland Delineation Report provided by H.E.S.

LEGEND

- ▲▲ FRESHWATER WETLAND
- ▲▲▲▲ PEM EMERGENT MARSH WETLAND
- ▲▲▲ PSS SCRUB SHRUB WETLAND
- ▲▲▲▲ PFO FORESTED WETLAND

WETLAND DELINEATION MAP
FOR _____
FAMILY TREE LANDSCAPING,
BANGOR, MAINE

SHEET 2 OF 5



Soil and Land Use Consulting
 at Pleasant View Farms, Bangor, ME 04402
 Phone/Fax (207) 848-8170

STILLWATER AVENUE

TO OLD TOWN →

TRIPP DRIVE

FALVEY HOME

PFO

PFO

PSS

PEM

PFO

PFO

PFO

PFO

PFO

PFO

PFO

NATURAL BOUNDARY

WOODS

EROSION & SEDIMENTATION CONTROL NOTES

Introduction

This Erosion and Sedimentation Control Plan has been prepared to aid in the prevention of erosion and subsequent sedimentation of the downstream storm water structures during and after construction at the proposed site. Actual prevention is the responsibility of those involved in site construction. Construction personnel must be observant and prepared to take immediate action to prevent erosion at all times. This plan should be used as a guide, however unforeseen site conditions and storm events may require additional or alternative preventative measures. This plan has been prepared in accordance with the Maine Erosion and Sediment Control Handbook For Construction Best Management Practices, 1991.

Administration

This Plan has been prepared by Moyses Environmental Services for use by those involved in the development of the site.

Key Areas of Concern During Construction

During the development of this site the following areas shall be watched on a continual basis for signs of erosion, and will be areas of preventative measures.

Area	Temp. Measures	Perm. Measures
Natural Slopes Disturbed	Mulch, Grass Cover, Silt Barrier	Grass Cover
Man Made Slopes	Mulch, Grass Cover, Silt Barrier	Grass Cover
Man Made Swales	Check Dams, Mulch, Grass	Rip Rap, Grass Cover
Drainage Structures	Hay bale Inlet Protection	
Site Improvements	Mulch, Grass Cover, Silt Barrier	Grass Cover

Key Areas of Concern After Construction

Within this development the following areas should be of special concern on an ongoing basis.

Area	Temp. Measures	Perm. Measures
Project Slopes	Mulch, Grass Cover	Grass Cover
Drainage Swales	As Required by plans	As Required By Plan

Temporary Control Measures

Temporary Mulch

- Purpose: To prevent erosion by protecting exposed soil surfaces and to aid in the growth of vegetation by conserving available moisture, controlling weeds, and providing protection against extreme heat and cold.
- Products: Organic Mulches: Hay or straw mulch, free of weed seeds.
- Required Usage: Apply to exposed soil surfaces prior to any storm event and within 7 days of exposure. Apply to all areas exposed after September 15, as winter cover.
- Execution: Application shall be at a rate of 2 bales (70 - 90 lb.) per 1,000 sq. ft.
- Maintenance: All mulches shall be inspected weekly and after every storm event, to check for erosion. Remulching shall be required if less than 90% of soil surface is covered.
- Removal: Temporary mulch shall be removed once vegetative cover has been established or regrading is to be done.

Temporary Grass Cover

- Purpose: To reduce erosion by stabilization of disturbed areas which have not been brought to final grade.
- Products: In accordance with BMP Table 21 or winter rye after September 1
- Required Usage: Provide temporary grass cover to all disturbed areas which will receive no permanent prevention measures for a period of more than 90 days, or after September 1.
- Execution: Loosen topsoil to a depth of 2". Apply 13.8 lb. of 10-10-10 fertilizer per 1,000 sq. ft. and lime at rate of 138 lb. per 1,000 sq. ft. Apply seed uniformly and apply temporary mulch.
- Maintenance: All temporary covers shall be inspected weekly and after every storm event, to check for erosion. Reseeding shall be required if less than 95% of soil surface is covered. Provide for other preventative measures in the interim.

Sedimentation Barriers (Silt Fence)

- Purpose: To intercept and retain small amounts of sediment from disturbed or unprotected areas of limited extent.
- Products: Synthetic filter fabric certified by the manufacturer to meet the following:
 - Filtering Efficiency (test VTM-5D) 75% min.
 - Tensile Strength at 20% (max) Standard: 30 lb/in Inch
 - Elongation (test VTM-5D) Extra Strength: 50 lb/in Inch
 - Flow Rate (test VTM-5D) 0.3 gal/sq ft/min
- Required Usage: Install along uniform grade of disturbed downhill slopes.
- Installation: Install at the beginning of the project prior to any soil disturbance.
- Execution: Install barrier in accordance with enclosed detail.
- Maintenance: All sediment barriers shall be inspected weekly and after every storm event, to check for sediment build up or failure. Sediments shall be removed after each storm event.
- Sediment barriers shall be maintained in effective condition until all upgradient locations are in finished condition including the vegetation being established.
- Removal: Stakes, reinforcing mesh, and fabric shall be removed once sedimentation of the runoff is no longer a threat. Regrade, reseed, and mulch affected areas.

Temporary Check Dams

- Purpose: To reduce the velocity of concentrated storm water flows to prevent erosion.
- Products: Stone of 2" to 3" in diameter.
- Required Usage: Geotextile fabric of sufficient strength to facilitate removal.
- Installation: Install immediately after ditch development rough grading.
- Execution: Install in accordance with enclosed details.
- Maintenance: All check dams shall be inspected weekly and after every storm event, to check for sediment build up or failure. Sediments shall be removed after each storm event. Check dams shall be maintained in effective condition until permanent channel stabilization has been established.
- Removal: Remove Check dams when channel stabilization has been established. Finish area as specified. Areas of removal shall be inspected until stabilization of these areas is reached.

Hay bale Inlet Protection

- Purpose: To reduce the velocity of concentrated storm water flows to allow sediments to settle out prior to entrance into drainage structures.
- Products: Hay or straw bales.
- Required Usage: Locate at all basin and culvert inlets.
- Installation: Install immediately after culvert or basin installation.
- Execution: Install in accordance with enclosed details.
- Maintenance: All protection shall be inspected weekly and after every storm event, to check for sediment build up or failure. Sediments shall be removed after each storm event. Hay bale protection shall be maintained in effective condition until all permanent erosion control measures are installed for the drainage area served by the inlet.
- Removal: Remove bales when stabilization of drainage area has been established. Seed and mulch non paved areas. Areas of removal shall be inspected until stabilization of these areas is reached.

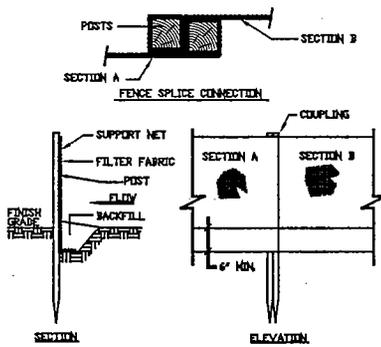
Permanent Control Measures

Permanent Grass Cover

- Purpose: To permanently stabilize the soil to reduce erosion of soils.
- Products: In accordance with BMP Table 31 & 32
- Execution: Apply fertilizer, lime in accordance with Temporary Cover and seed rates of BMP Table 32. Mulch after seeding. After September 1 provide temp. cover.
- Maintenance: Establish a grass cover and remove mulch. Reseed areas not attaining a cover of 90%.

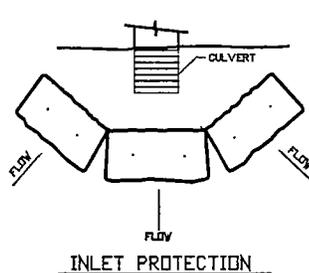
Culvert Inlet & Outlet Protection

- Purpose: To permanently stabilize soil around culvert inlets and outlets to reduce scouring, undercutting, and erosion of soils.
- Products: Clean stones sized in accordance with enclosed details.
- Required Usage: Locate at all culvert entrances and discharges.
- Installation: Install concurrently with culvert installation.
- Execution: Install in accordance with enclosed details.
- Maintenance: Inspect weekly and after every storm event. Add stones as necessary to protect soil.

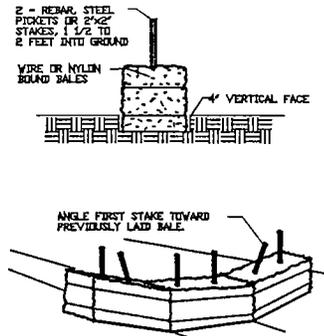


SEDIMENTATION CONTROL FENCE

NOT TO SCALE



INLET PROTECTION



NOTES:

1. BALES SHALL BE PLACED IN A ROW WITH ENDS TIGHTLY ABUTTING THE ADJACENT BALES.
2. EACH BALE SHALL BE EMBEDDED IN THE SOIL A MIN. OF 4".
3. INSPECTION SHALL BE FREQUENTLY AND REPAIR OR REPLACEMENT SHALL BE MADE PROMPTLY AS NEEDED.
4. BALES SHALL BE REMOVED WHEN THEY HAVE SERVED USEFULNESS SO AS NOT TO BLOCK OR IMPED STORM FLOW OR DRAINAGE.

HAY BALE CHECK

NOT TO SCALE

<p>PROJECT NAME FAMILY TREE LANDSCAPING STILLWATER AVENUE</p>	<p>APPLICANT NAME FAMILY TREE LANDSCAPING, BANGOR, MAINE</p>	<p>AGENT NAME MOYSES ENVIRONMENTAL SERVICES</p>
<p>SHEET NAME DETAILS & SECTIONS</p>	<p>FILE NAME acoee_erosion_control.dwg</p>	<p>SHEET 4 OF 5</p>

MOYSES ENVIRONMENTAL SERVICES
Soil and Land Use Consulting
42 Pleasant View Avenue, Bangor, ME 04401
Phone/Fax (207) 945-6179

