



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

PUBLIC NOTICE

Date: AUGUST 17, 2004
Comment Period Ends: SEPTEMBER 17, 2004
File Number: NAE-2004-2472
In Reply Refer To: Jay L. Clement
Or by e-mail: jay.l.clement@usace.army.mil

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

has requested a Corps of Engineers Permit under Section 404 of the Clean Water Act to fill numerous waterways and 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 with a right of way width for potential four lanes in the future. 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 many project alternatives should be carried forward to a 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 3EIK-2 as the preferred alternative. It is projected that this alternative could result in up to 39.5 acres of waterway and wetland impact.
3. Alternative 2B-2 is also presented in the attached plans. Local interests have presented this alternative as a practicable and potentially less environmentally damaging alternative. It is projected that this alternative could result in up to 48.3 acres of waterway and wetland impact. The Corps is seeking public comment to help us determine whether either of these alignments is the least environmentally damaging practicable alternative.
4. 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 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. 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, 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 the final decision. Similarly, consultation will be initiated regarding the presence of salmon as they are a Federally listed endangered species.

This project is located on the USGS VEAZIE quadrangle sheet at Latitude 44.7713013° N; Longitude 68.7169556° W.

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 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.

SEE NEXT PAGE FOR
DETAILS OF EVALUATION
FACTORS


Frank J. Delgiudice
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 the proposed work may impact properties listed in, or eligible for listing in, the National Register of Historic Places. Additional review and consultation to fulfill requirements under Section 106 of the National Historic Preservation Act of 1966, as amended, will be ongoing as part of the permit review process.

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.

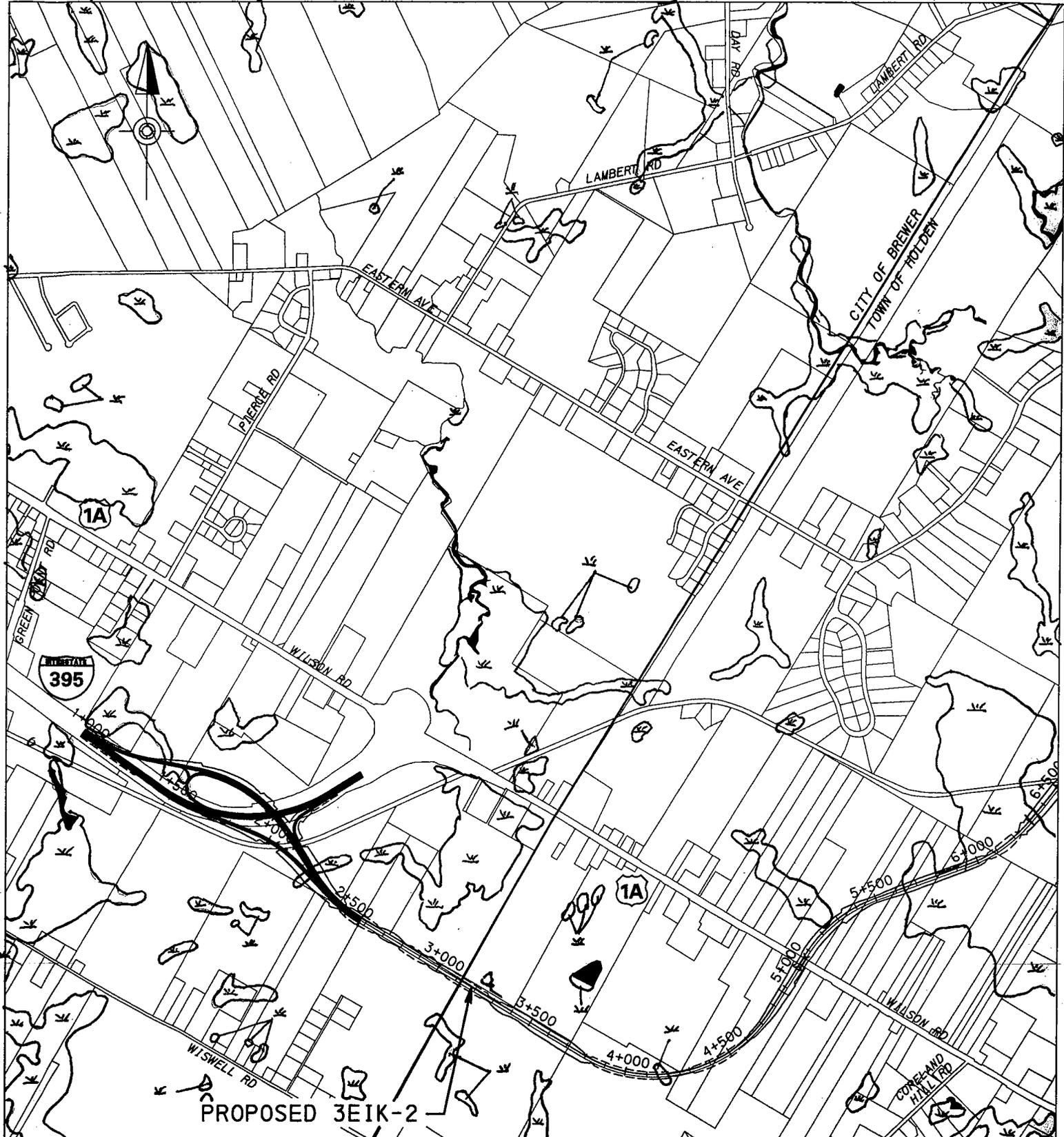
The States of Connecticut, Maine, Massachusetts, New Hampshire and Rhode Island have approved Coastal Zone Management Programs. Where applicable the applicant states that any proposed activity will comply with and will be conducted in a manner that is consistent with the approved Coastal Zone Management 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.

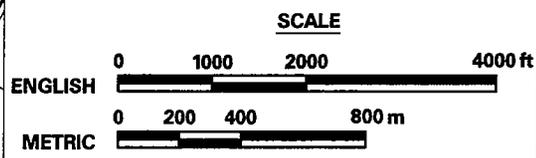
If you would prefer not to continue receiving Public Notices, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at bettina.m.chaisson@usace.army.mil. You may also check here () and return this portion of the Public Notice to: Bettina Chaisson, Regulatory Division, U.S. Army Corps of Engineers,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

NAME: _____
ADDRESS: _____



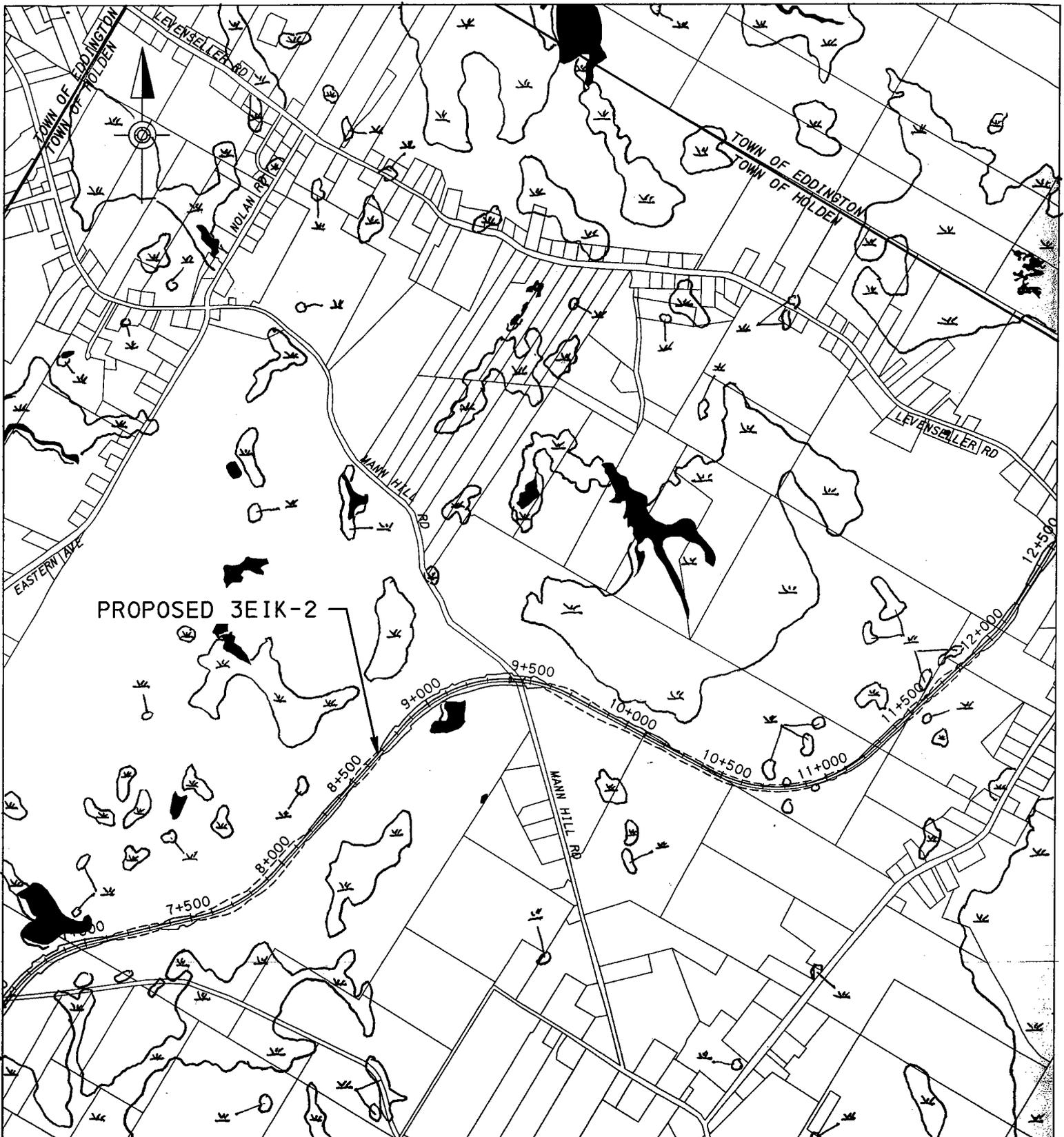
PROPOSED 3EIK-2

 WATERWAYS OR BODIES OF WATER
 WETLANDS



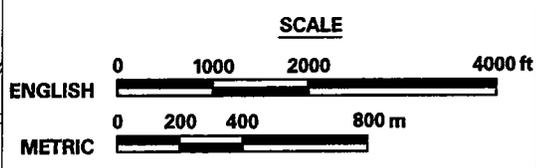
ALTERNATIVE 3EIK-2
I-395 / ROUTE 9
TRANSPORTATION STUDY
 1 of 3

Note: 2 Eastbound Lanes Built Initially for 2-Way Traffic



PROPOSED 3EIK-2

 WATERWAYS OR BODIES OF WATER
 WETLANDS



ALTERNATIVE 3EIK-2
I-395 / ROUTE 9
TRANSPORTATION STUDY
2 of 3

Note: 2 Eastbound Lanes Built Initially for 2-Way Traffic

5 / 5 / 04

PROPOSED 3EIK-2



 WATERWAYS OR BODIES OF WATER

 WETLANDS

SCALE

ENGLISH 0 1000 2000 4000 ft

METRIC 0 200 400 800 m

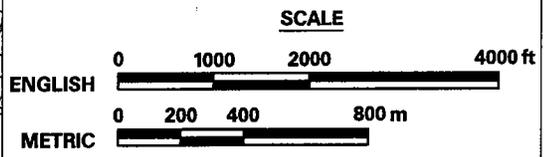
ALTERNATIVE 3EIK-2
I-395 / ROUTE 9
TRANSPORTATION STUDY
3 of 3

Note: 2 Eastbound Lanes Built Initially for 2-Way Traffic



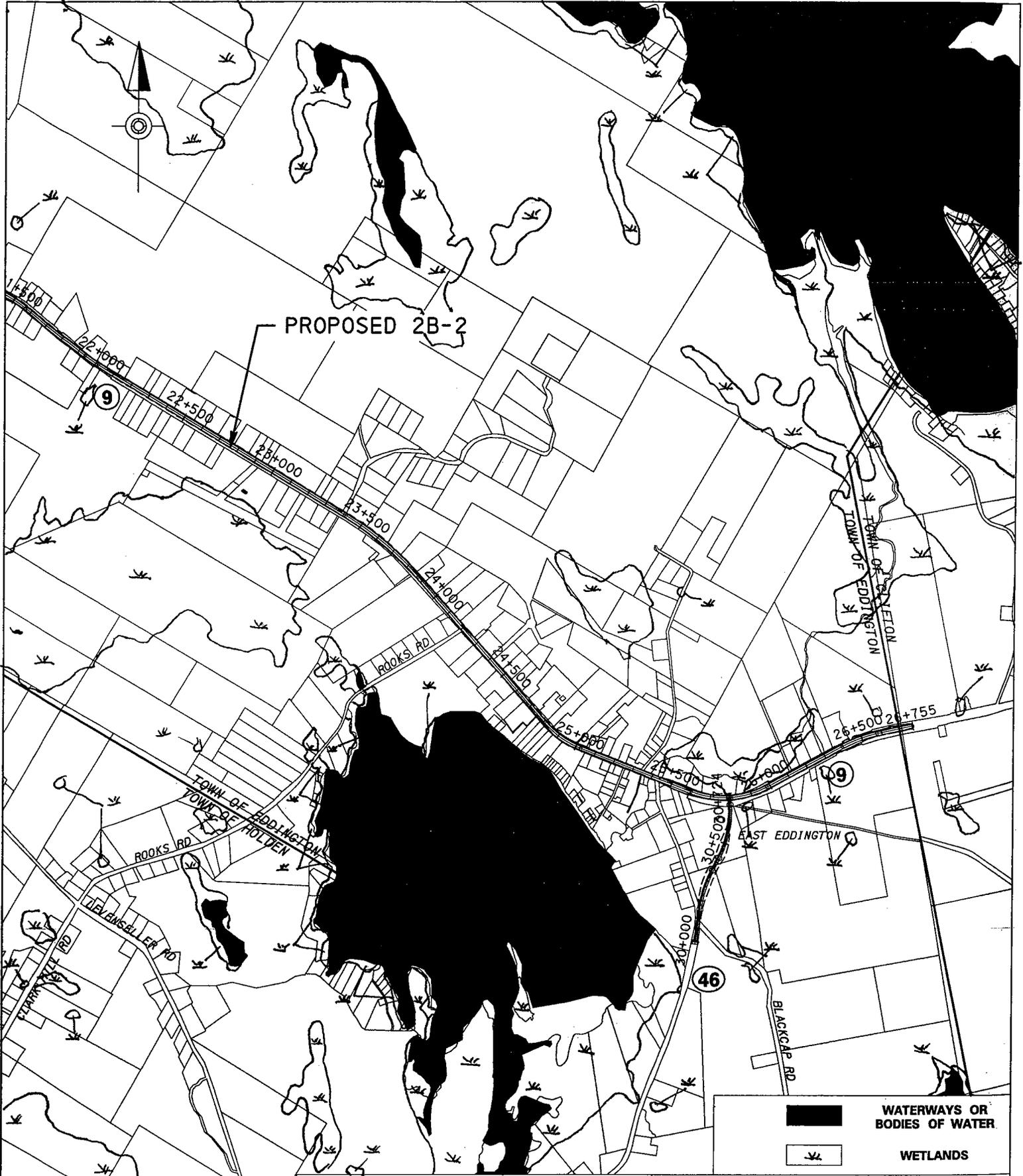
PROPOSED 2B-2

 WATERWAYS OR BODIES OF WATER
 WETLANDS

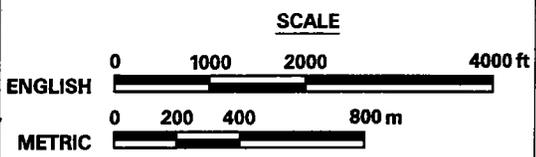


ALTERNATIVE 2B-2
I-395 / ROUTE 9
TRANSPORTATION STUDY
 1 of 3

PROPOSED 2B-2



 WATERWAYS OR BODIES OF WATER
 WETLANDS



ALTERNATIVE 2B-2
I-395 / ROUTE 9
TRANSPORTATION STUDY
3 of 3

