



US Army Corps
of Engineers®
New England District

PUBLIC NOTICE

Date: JUNE 22, 2004

Comment Period Ends: JULY 22, 2004

File Number: NAE-2004-822

In Reply Refer To: Shawn B. Mahaney

Or by e-mail: shawn.b.mahaney@usace.army.mil

30-DAY COMMENT PERIOD

TOWN OF ORONO, P.O. BOX 130, ORONO, MAINE 04489 & BENNOCH ROAD ASSOCIATES, P.O. BOX 261, STILLWATER, MAINE 04489 have requested a Corps of Engineers permit under Section 404 of the Clean Water Act, to place fill in freshwater wetlands/waterways adjacent to an unnamed tributary to the Stillwater River, off Stillwater Avenue at Orono, Maine. The work is described on the enclosed plans entitled "BENNOCH ROAD ASSOCIATES, TOWN OF ORONO, MAINE TECHNOLOGY PARK, STILLWATER EXCHANGE PARK, GODFREY DRIVE, ORONO, MAINE," on 6 sheets, undated and described as follows:

1. "Stillwater Exchange Park" and "Maine Technology Park" are two abutting and partially developed commercial subdivisions that in total encompass 21 lots. Stillwater Exchange Park is owned by Bennoch Road Associates and Maine Technology Park is owned by the Town of Orono.
2. Retain and maintain 1.38 acres of freshwater wetland/waterway fill that was placed in order to construct Godfrey Drive, the primary access road for the Stillwater Exchange Park (SEP) and Maine Technology Park (MTP) as well as for the development of MTP lot #5. This work was performed circa 1986-2002. By this public notice, we are seeking comments to help us evaluate whether this work should be allowed to remain.
3. Fill and maintain an additional 4.0 acres of freshwater wetland in order to fully build out the two parks. These impacts represent the applicants' projection of expected lot development. In this way the Corps may evaluate short-term, long-term and cumulative impacts to aquatic resources for the subdivision rather than a more piece meal approach. Cumulative freshwater wetland/waterway impact for the site including the proposed work will be approximately 5.38 acres.
4. To compensate for the projects unavoidable impacts to aquatic resources, the applicant proposes on site and off site mitigation. On site, an 11.94 acre parcel that includes portions of several subdivision lots and both upland and wetland habitat will be preserved in perpetuity. Off site, a 60 acre primarily wetland parcel abutting Caribou Bog will be preserved in perpetuity.

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 OLD TOWN, ME quadrangle sheet at grid coordinates latitude 44.9008096° N, longitude 68.6884508° 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 Shawn Mahaney at (207) 623-8367.

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 DeGiudice
Acting Chief, Permits & Enforcement Section
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.

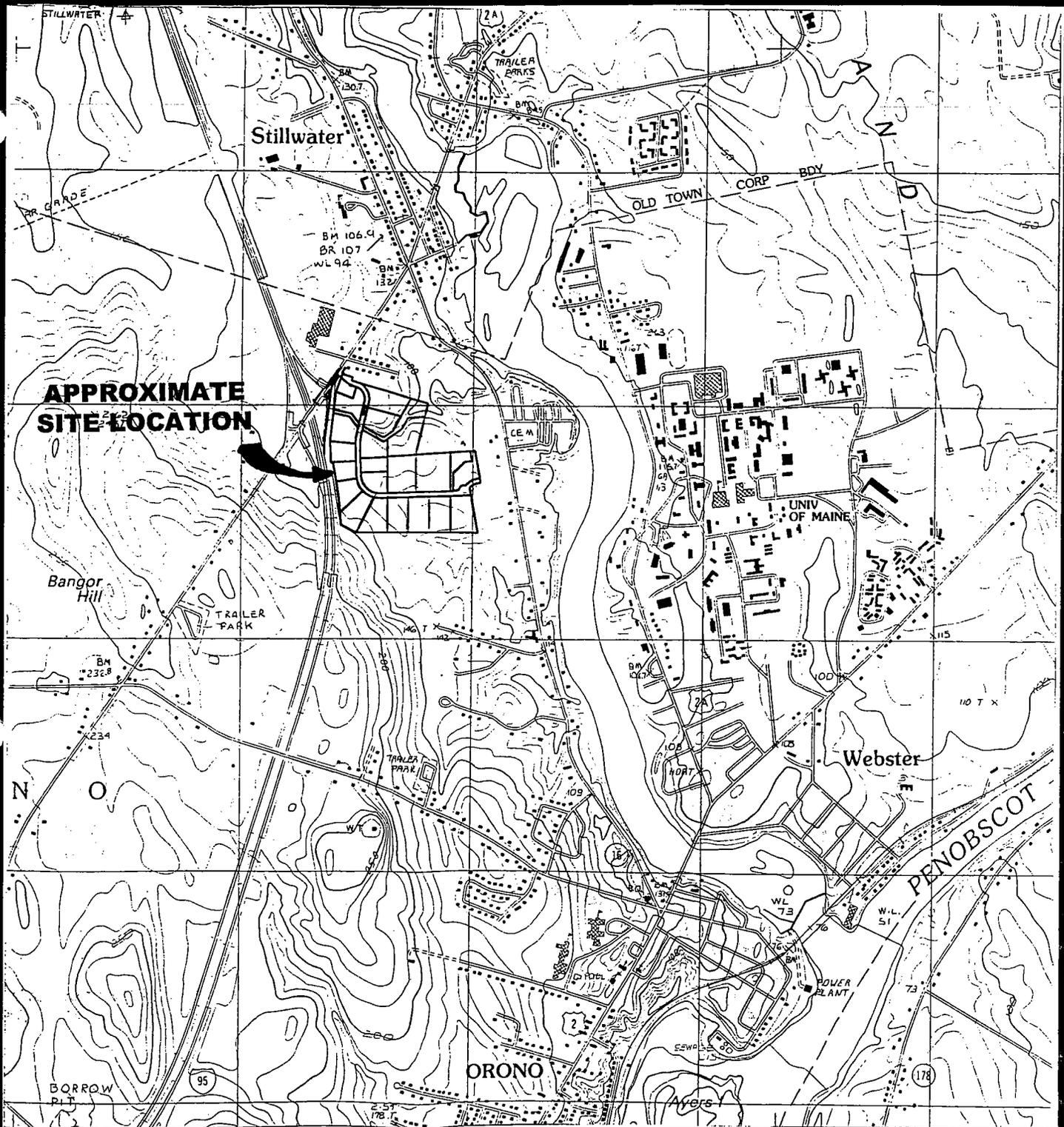
The initial determinations made herein will be reviewed in light of facts submitted in response to this notice. All comments will be considered a matter of public record. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly in 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: _____

F:\PROJECTS\99-1057.5\99-1057.5 EXHIBIT 5 SHEET 1.dwg, Layout1, 11/03 10:42:38 AM, DAR, S. W. Cole Engineering, Inc., 1:1



BENNOCH ROAD ASSOCIATES

TOWN OF ORONO

SITE LOCUS

Maine Technology Park
Stillwater Exchange Park

Godfrey Drive

Orono, Maine

NOTE :

Base map taken 7.5 Minute Series
USGS Topographic Map, Old Town,
Maine Quadrangle.



Job No. 99-1057.5 W

Date : 11/04/03

Exhibit 5

Scale 1" = 2,000

Sheet 1



SW COLE
ENGINEERING

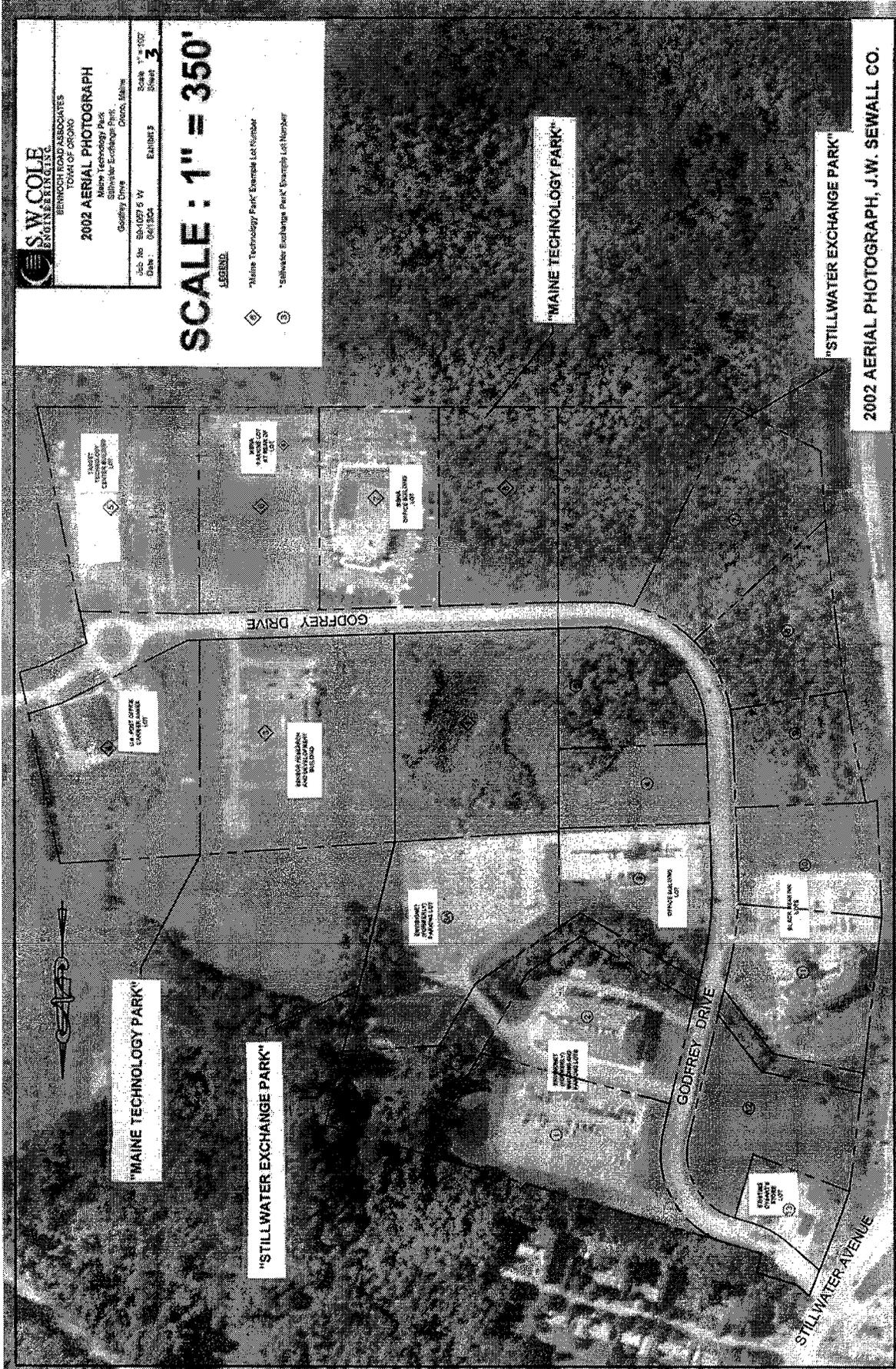
2002 AERIAL PHOTOGRAPH
TOWN OF ORONO
Maine Technology Park
Stillwater Exchange Park
Godfrey Drive
Orono, Maine

JOB NO. 02-10575 W
DATE: 04/17/04
SCALE: AS SHOWN
SHEET: 3

SCALE: 1" = 350'

LEGEND:

- ④ "Maine Technology Park" Decrepit Lot Number
- ⑤ "Stillwater Exchange Park" Decrepit Lot Number



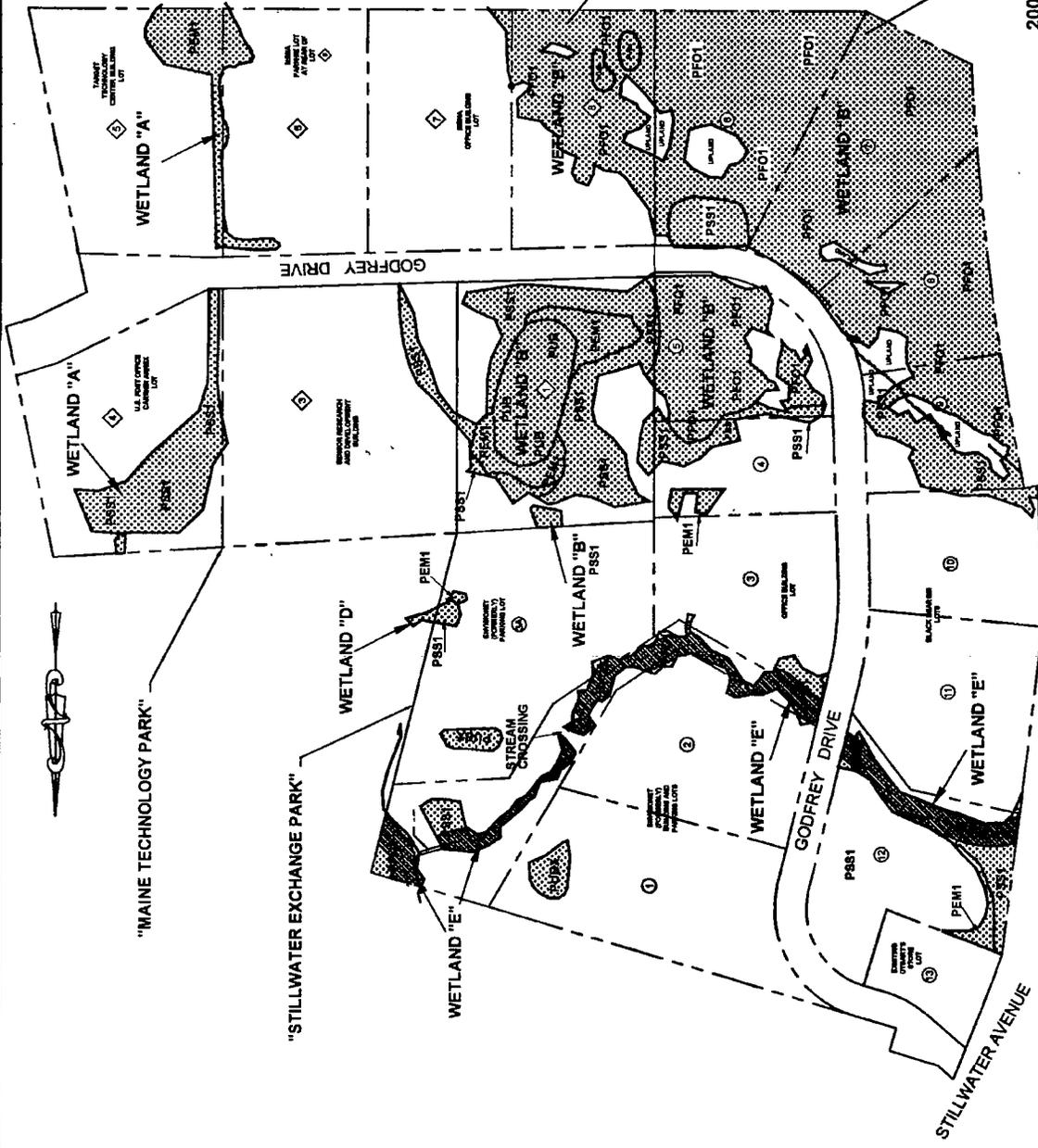
2002 AERIAL PHOTOGRAPH, J.W. SEWALL CO.

WETLANDS DELINEATION MAP
 Maine Technology Industrial Park &
 Stillwater Avenue Interchange Park
 Godfrey Drive
 Gorham, Maine

Job No. 98-1007.5 W Scale 1" = 100'
 Date: 04/30/04 Exhibit 8 Sheet 14

SCALE: 1" = 350'

- LEGEND**
- Wetland Of Special Significance
 - Wetland Not Of Special Significance
 - Approximate Location Of Vegetative Community Boundary
 - Palustrine, Emergent, Persistent Wetland
 - Palustrine, Scrub-Shrub, Broad-Leaved Deciduous Wetland
 - Palustrine, Forested, Broad-Leaved Deciduous Wetland
 - Palustrine, Unconsolidated Bottom Wetland
 - "Maine Technology Park" Example Lot Number
 - "Stillwater Exchange Park" Example Lot Number



NOTES:

- The objective of this wetland delineation was to identify and delineate the location of wetlands on the site of the Maine Technology Industrial Park and Stillwater Avenue Interchange Park in the Town of Gorham, Maine, as illustrated on this site plan.
- This wetlands delineation was conducted in general accordance with the Routine Determination and Physical Situations Methods described in the 1987 Corps of Engineers Manual for Wetland Delineation. The delineation was conducted based on methods described by the U.S. Army Corps of Engineers, Wetland Delineation Manual, Version 2.0, published in the United States (Coversalls, et al), and are intended to generally describe the type of wetlands.
- S. W. COLE ENGINEERING, INC. Regard the boundaries of these wetlands in this delineation as approximate. The boundaries were determined based on field observations and data collected on this site map by Richard Perry, Jr., Lead Surveyor. The boundaries were located and delineated on a portion of the site in October of 2002. S. W. COLE ENGINEERING, INC. located these wetlands and placed them onto the base map using Global Positioning System (GPS) technology. S. W. COLE ENGINEERING, INC. checked the locations of the wetlands on the site and the approximate locations of the wetlands delineated on this map.



BENNOCH ROAD ASSOCIATES
TOWN OF ORONO
BUILD - OUT PLAN
Maine Technology Park
Stillwater Exchange Park
Godfrey Drive
Orono, Maine

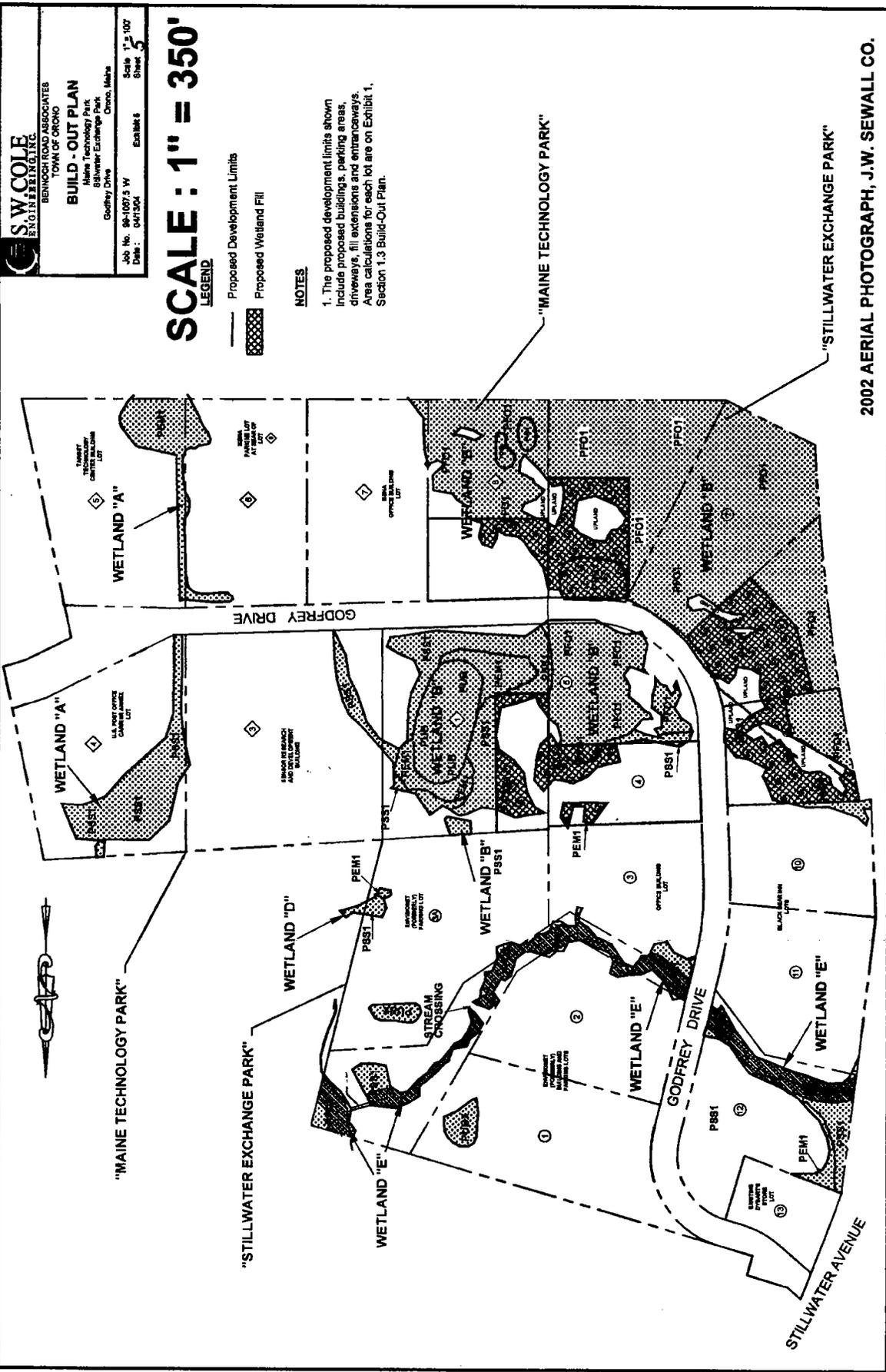
Job No. 04-107.5 'H' Scale 1" = 100'
Date: 04/10/04 Exhibit 4 Sheet 3

SCALE : 1" = 350'

- LEGEND**
- Proposed Development Limits
 - Proposed Wetland Fill

NOTES

1. The proposed development limits shown include proposed buildings, parking areas, driveways, fill extensions and entranceways. Area calculations for each lot are on Exhibit 1, Section 1.3 Build-Out Plan.



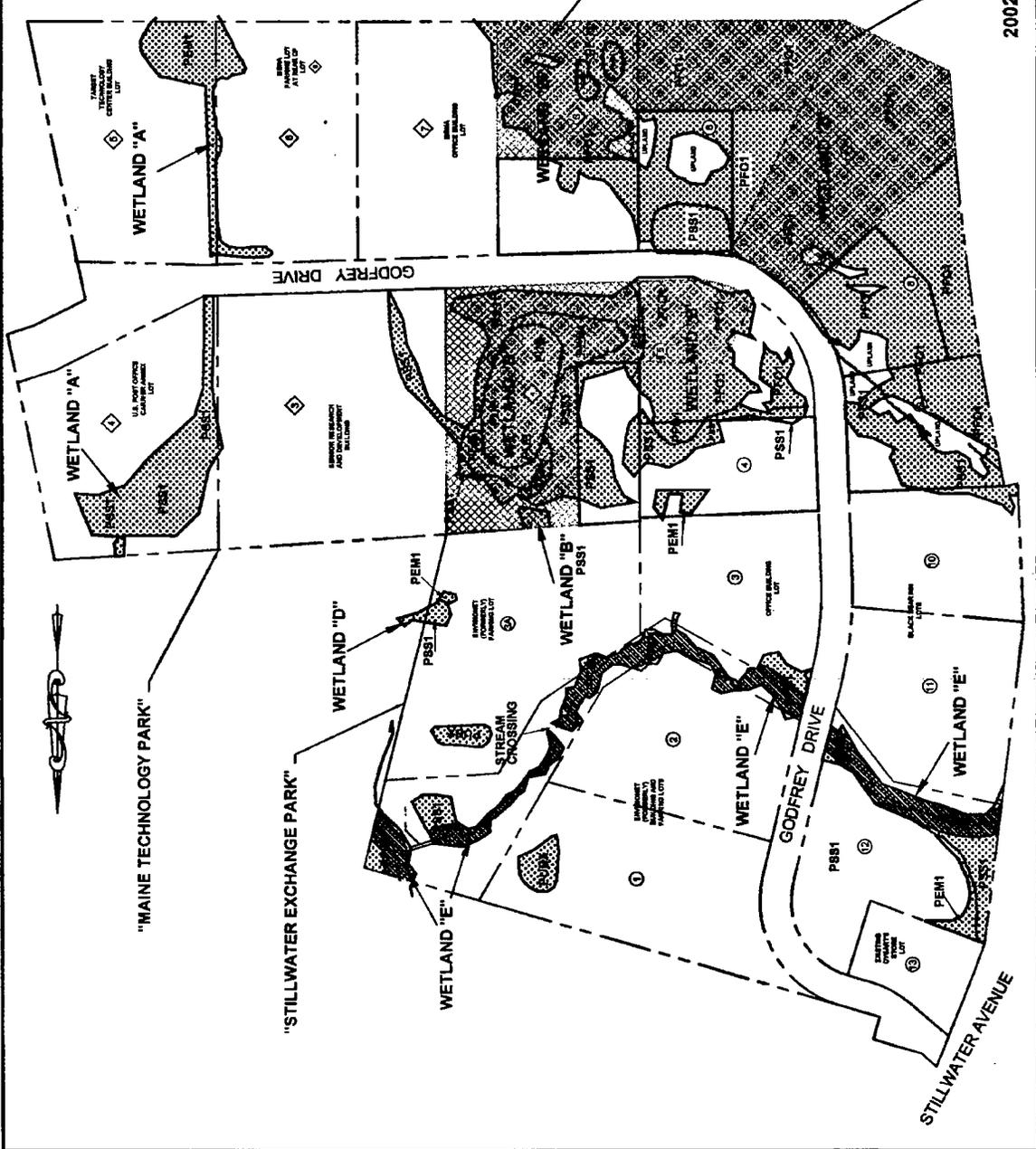
2002 AERIAL PHOTOGRAPH, J.W. SEWALL CO.

S.W. COLE ENGINEERING
 BENCHROAD ASSOCIATES
 TOWN OF ORONO
CONCEPT ON-SITE PRESERVATION PLAN
PROPOSED REVISION 2
 Maine Technology Park / Stillwater Exchange Park
 Godfrey Drive
 Onro, Maine

Job No. 88-1072.5 W Scale: 1" = 100'
 Date: 04/13/04 Exhibit B Street 2

SCALE: 1" = 350'

- LEGEND**
- Area Proposed For Preservation
 - Wetland Of Special Significance
 - Wetland Not Of Special Significance
 - Approximate Location Of Vegetative Community Boundary
 - PEM1
 - PSS1
 - PFO1
 - PUB
 - *Maine Technology Park Example Lot Number
 - *Stillwater Exchange Park Example Lot Number

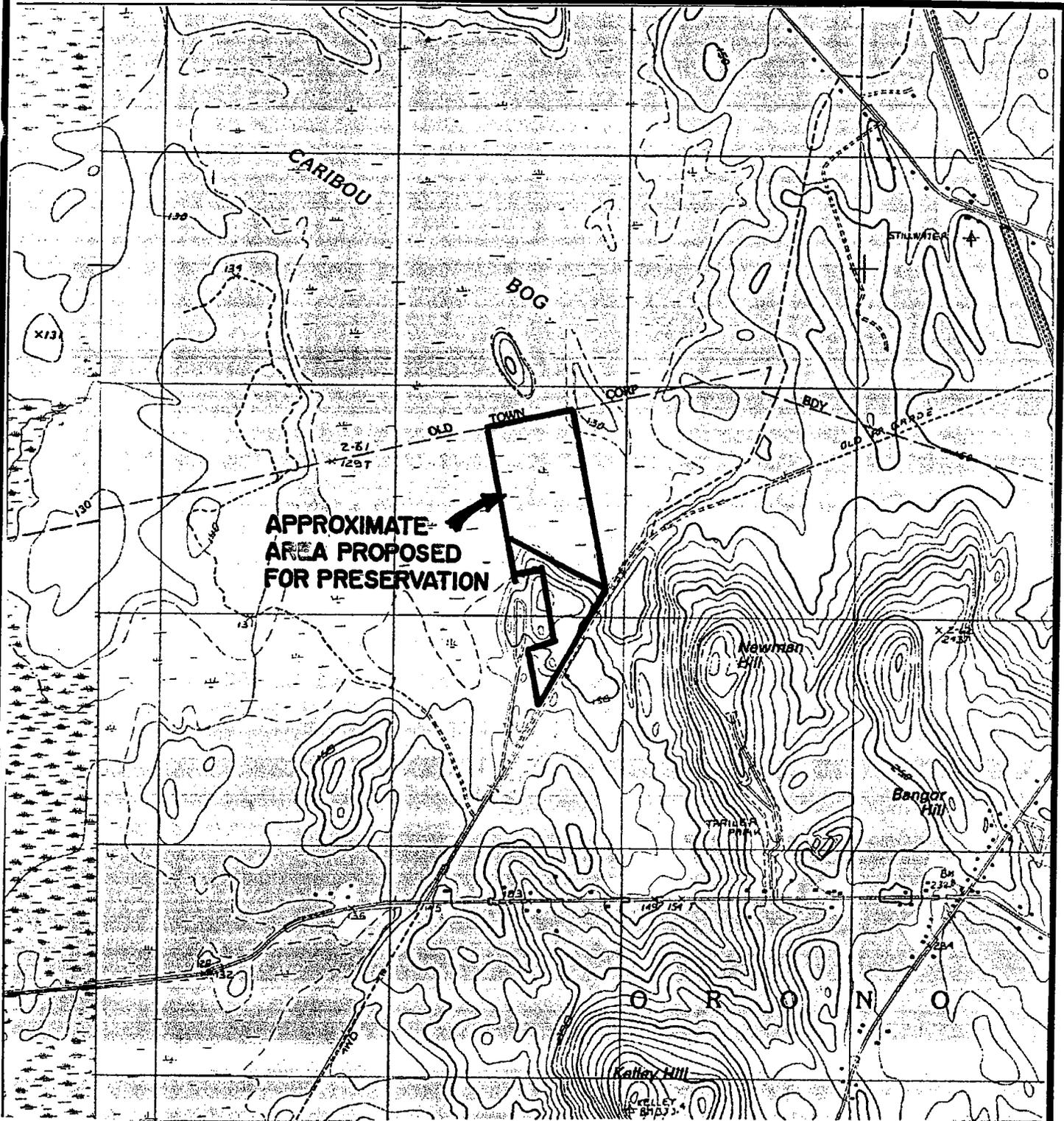


NOTE

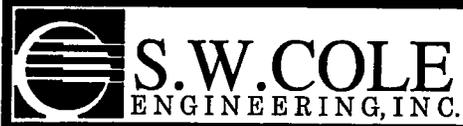
- The objective of this wetland delineation was to identify and delineate the location of freshwater wetlands within the limits of the Maine Tech Industrial Park and Stillwater Avenue Interchange Park in the Town of Onro, Maine, as illustrated on this site plan.
- This wetland delineation was conducted in general accordance with the Routine Determination and Appraisal Situations Methods described in the 1987 Corps of Engineers Wetlands Delineation Manual. The wetlands were classified based on methods described by the USDI FWS 1978 publication Classification of Wetlands and Deepwater Habitats of the United States (Cowardin, et al.), and are intended to generally describe the type of wetland.
- S. W. COLE ENGINEERING, INC. flagged the boundaries of these wetlands in October of 1992 and December of 1993. These wetland boundary flags were then located and placed onto the base map by Richard Parry, Jr., Land Surveyor of Bangor, Maine. S. W. COLE ENGINEERING, INC. conducted a field check of the wetland boundaries on the base map in October of 2002. S. W. COLE ENGINEERING, INC. located these wetlands and placed them onto the base map using Global Positioning System (GPS) technology. S. W. COLE ENGINEERING, INC. selected the locations of the subdivided property lines and the approximate locations of the wetland delineation (i.e., the boundaries) onto this plan.

2002 AERIAL PHOTOGRAPH, J.W. SEWALL CO.

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**APPROXIMATE
AREA PROPOSED
FOR PRESERVATION**



BENNOCH ROAD ASSOCIATES
TOWN OF ORONO

OFF-SITE PRESERVATION SITE LOCUS

Maine Technology Park
Stillwater Exchange Park
Godfrey Drive Orono, Maine

Job No. 99-1057.5 W	Scale 1" = 2,000'
Date: 11/18/03	Sheet 7
Exhibit 5	

NOTE :

Base map taken 7.5 Minute Series
USGS Topographic Map, Old Town,
Maine Quadrangle.

