



**US Army Corps
of Engineers®**
New England District
696 Virginia Road
Concord, MA 01742-2751

PUBLIC NOTICE

Comment Period Begins: January 11, 2022
Comment Period Ends: February 10, 2022
File Number: NAE-2021-00994
In Reply Refer To: LeeAnn B. Neal
Phone: (978) 318-8498
E-mail: leeann.b.neal@usace.army.mil

30 DAY PUBLIC NOTICE

The District Engineer has received a permit application to conduct work in waters of the United States from Scott Kelley, Boyne Resorts, 15 South Ridge Road, Newry, ME 04261. This work is proposed in numerous unnamed freshwater wetlands and streams off the West Mountain Road in conjunction with the construction of the Sugarloaf West Mountain Development Project at Carrabassett Valley, Franklin County, Maine. The site coordinates are: Latitude 45.0531396°N Longitude -70.324919°W.

The work involves the placement of fill, grading, grubbing, and clearing of freshwater wetlands as well as the installation of freshwater stream crossings in conjunction with the construction of the Sugarloaf West Mountain Development Project. The project will include the addition of one ski lift, 140 acres of ski terrain, a skier services building, 196 total housing units consisting of 40 duplex units, 52 single family house lots, and 4 condominium buildings with 26 units each, and parking areas within an approximate 460 acre undeveloped parcel. The project will be constructed in three (3) Phases. Approximately 4.3 acres of permanent freshwater wetland impact will occur as a result of the project.

The work is shown on the enclosed plans entitled "Sugarloaf Mountain Corp. West Mountain Expansion," on 3 sheets, and dated "September 23, 2021." A complete set of plans and the application materials may be found at <https://www.maine.gov/dep/land/projects/sugarloaf/index.html>. These are the same materials received with the Corps application.

In order to mitigate for the unavoidable impacts to federally jurisdictional resources, the applicant proposes to provide compensatory mitigation in the form of In-Lieu-Fee through the Maine Natural Resources Conservation Program (MNRCP).

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 U.S. Army Corps of Engineers, New England District (USACE), 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. The USACE will consider all comments received 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.

ESSENTIAL FISH HABITAT

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). Essential Fish Habitat describes waters and substrate necessary for fish for spawning, breeding, feeding or growth to maturity. Based on information from the NOAA Fisheries' EFH Mapper, the project is not located in Essential Fish Habitat.

NATIONAL HISTORIC PRESERVATION ACT

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 CONSULTATION

The USACE has reviewed the application for the potential impact on Federally-listed threatened or endangered species and their designated critical habitat pursuant to section 7 of the Endangered Species Act as amended. 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 a listed species or their critical habitat. We are coordinating with the National Marine Fisheries Service and/or U.S. Fish and Wildlife Service on listed species under their jurisdiction and the ESA consultation will be concluded prior to the final decision.

OTHER GOVERNMENT AUTHORIZATIONS

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.

COMMENTS

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 LeeAnn B. Neal at (978) 318-8498 or (207) 623-8367 extension 2, if calling from within Maine.

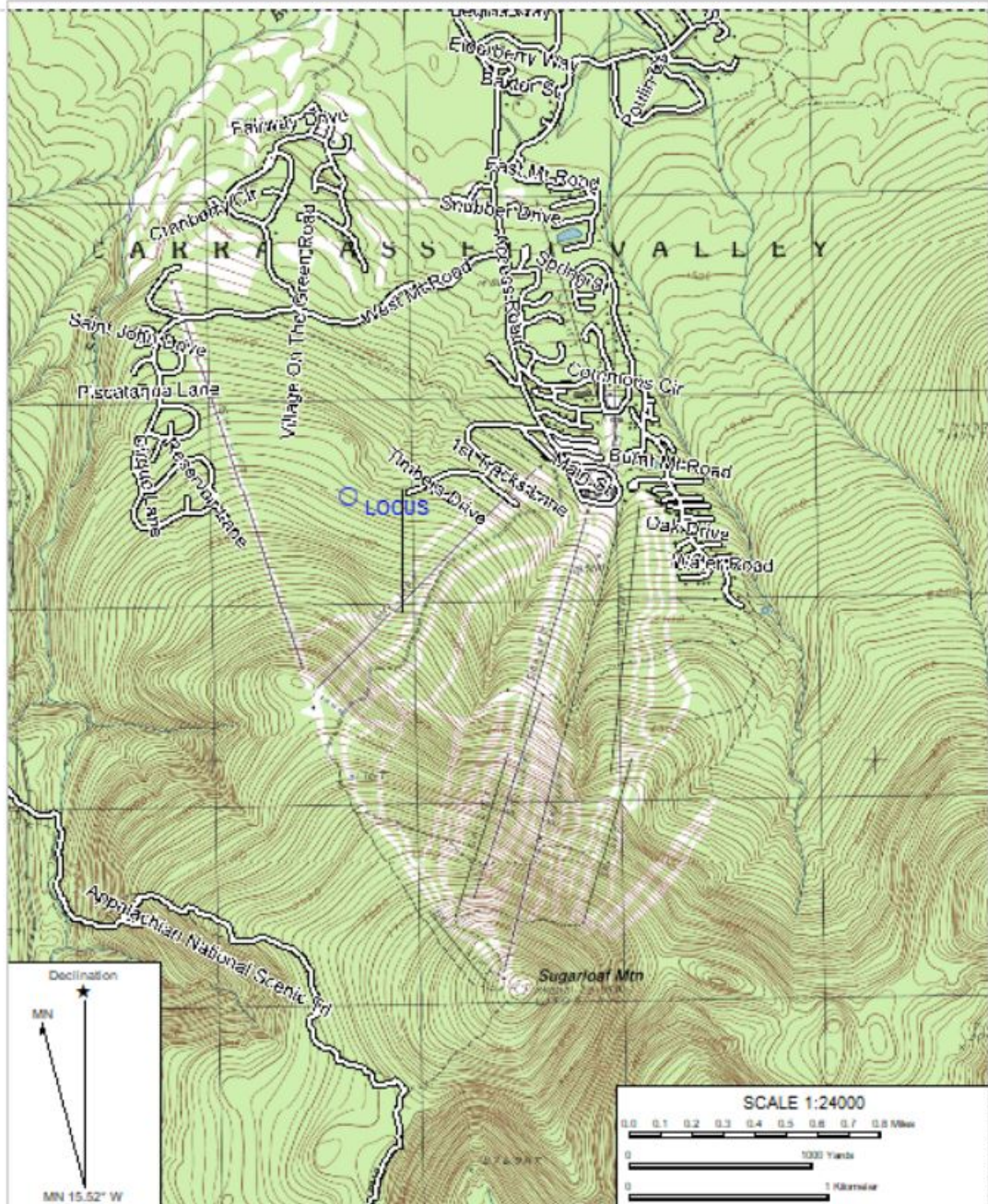
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for a public hearing shall specifically state the reasons for holding a public hearing. The USACE holds public hearings for the purpose of obtaining 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.

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.

Frank J. Del Giudice
Chief, Permits and Enforcement Branch
Regulatory Division

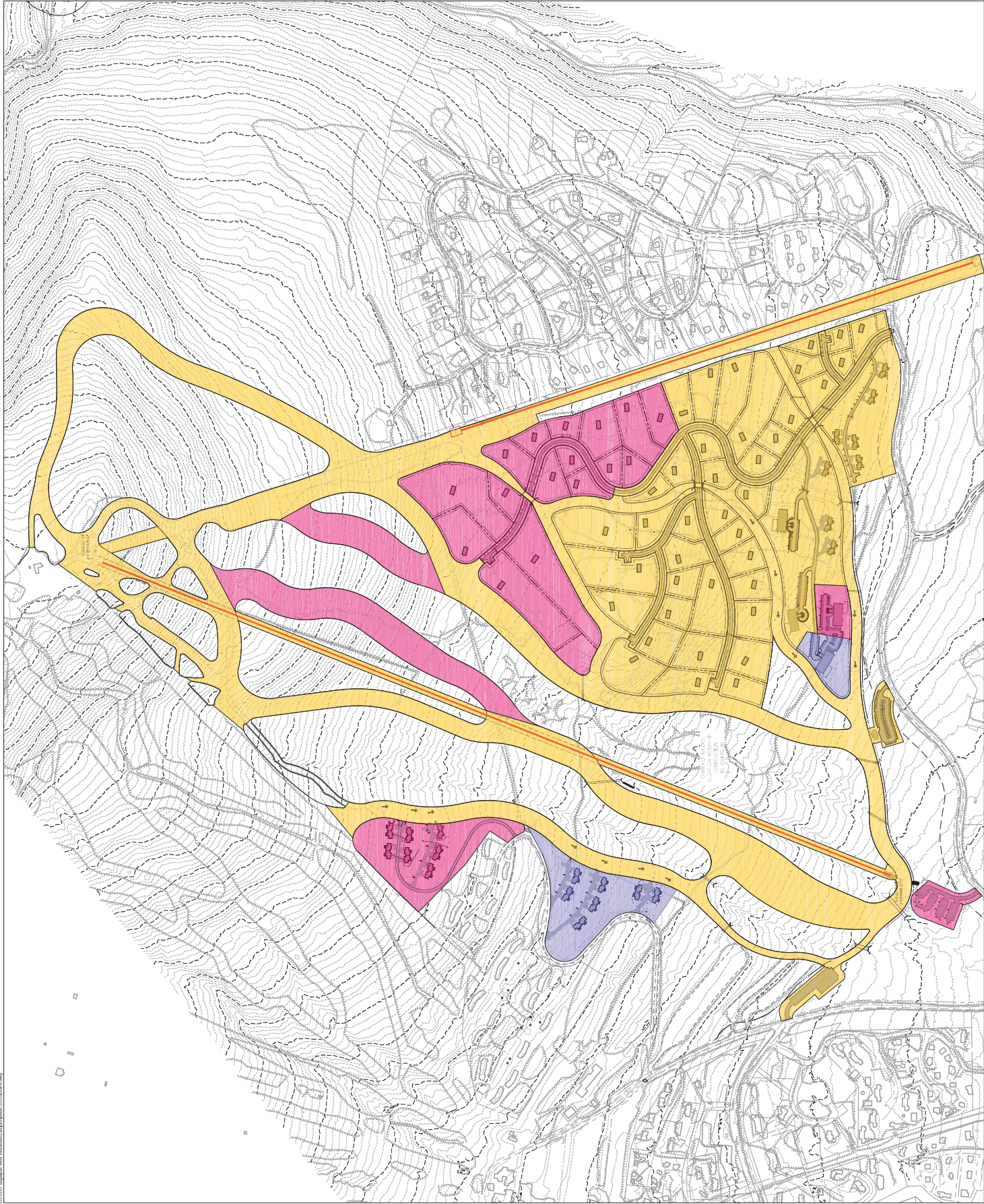
If you would prefer not to continue receiving Public Notices by email, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at bettina.m.chaisson@usace.army.mil.



Name: SUGARLOAF MT

Date: 01/05/22

Scale: 1 inch = 2,000 ft.



LEGEND	
	Phase One
	Phase Two
	Phase Three



**Sugarloaf Mtn Corp
West Mountain
Expansion**
5092 Access Road
Carrabassett Valley, ME 04847

REVISIONS	
NO.	DATE
1	09/23/2021
REVIEW	
Not For Construction	

Phasing Plan

LA-2.00

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