# **PUBLIC NOTICE**



Comment Period Begins: February 8, 2022 Comment Period Ends: March 10, 2022

File Number: NAE-2022-00128 In Reply Refer To: Colin M. Greenan

**Phone:** (978) 318-8676

E-mail: colin.m.greenan@usace.army.mil

The District Engineer has received a permit application to discharge fill material into waters of the United States from the Maine Turnpike Authority, 2360 Congress Street at Portland, Maine 04102. The Applicant proposes to place temporary and permanent fill below the ordinary high water mark of Goosefare Brook and in adjacent freshwater wetlands at Saco, York County, Maine in order to improve Maine Turnpike's former Exit 5 and existing Exit 36. This work would result in approximately 577 SF of permanent stream bed impact, and approximately 3.05 acres of permanent and 0.19 acre of temporary wetland impact. The approximate latitude/longitude coordinates at the former Exit 5 are 43.519713°N / -70.463125°W and at existing Exit 36 are 43.527616°N / -70.452864°W (WGS 84).

The project is designed to address regional transportation needs associated with the westerly connections to the Turnpike in the vicinity of former Exit 5 and existing Exit 36 by improving access to the Turnpike from Route 112, separation of local and thru traffic, and safety. The work includes the reconstruction of the former Exit 5 northbound off and on- ramps that currently provide access to the Ramada Inn with a new direct connection to Route 112 and associated infrastructure for a new on-ramp toll plaza. The reconstruction of former Exit 5 would result in a new exit, Exit 35. The existing connection to Lund Road (Ramada Inn) from Route 112 would be replaced with a new road located approximately 0.13 mile to the north (near the existing access to XL Sports Complex). New Exit 35 southbound off and on-ramps would be constructed to connect to Route 112 and would include associated infrastructure for a new on-ramp toll plaza and park and ride. The Turnpike's southbound roadway would be widened from north of Exit 36, south through Route 112 to provide for safer deceleration and acceleration to/from Exit 36 and the new Exit 35. An existing culvert that conveys Goosefare Brook beneath the Turnpike would be extended approximately 24 feet upstream and the brook would be shifted southwest to align with the inlet of the extension. The existing Exit 36 northbound off-ramp and southbound on-ramp would undergo minor realignments as a result of the improvements to Exit 35 and southbound roadway widening through Exit 36.

The work is shown on the enclosed plans entitled "Saco Interchange Reconfiguration Project" on one sheet dated "2020-02-12" and "INTERCHANGE IMPROVEMENTS SACO (EXITS 35 & 36)" in 25 sheets dated "NOVEMBER 2021".

To compensate for the project's unavoidable impact to wetlands, the Applicant has proposed to purchase credits from the Maine Natural Resource Conservation fund (Maine's in-lieu-fee program).

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#### **AUTHORITY**

Permit	s are required pursuant to:
	Section 10 of the Rivers and Harbors Act of 1899
X	Section 404 of the Clean Water Act
	Section 103 of the Marine Protection, Research and Sanctuaries Act.
	Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408)

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 District Engineer for the U.S. Army Corps of Engineers (Corps), New England District, 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 District Engineer 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.

## 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).

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#### **ENDANGERED SPECIES CONSULTATION**

The District Engineer 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 the District Engineer's 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. The Corps is coordinating with the U.S. Fish and Wildlife Service on listed species under their jurisdiction and the ESA consultation will be concluded prior to the final permit decision.

## OTHER GOVERNMENT AUTHORIZATIONS

The	e fo	116	owing	auth	orizatio	ıs ha	ve 1	been	app	lied	for	. or	have	been.	or will	be	obtaine	d:

- (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, the District Engineer is 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 Colin M. Greenan at (978) 318-8676 or by email at colin.m.greenan@usace.army.mil.

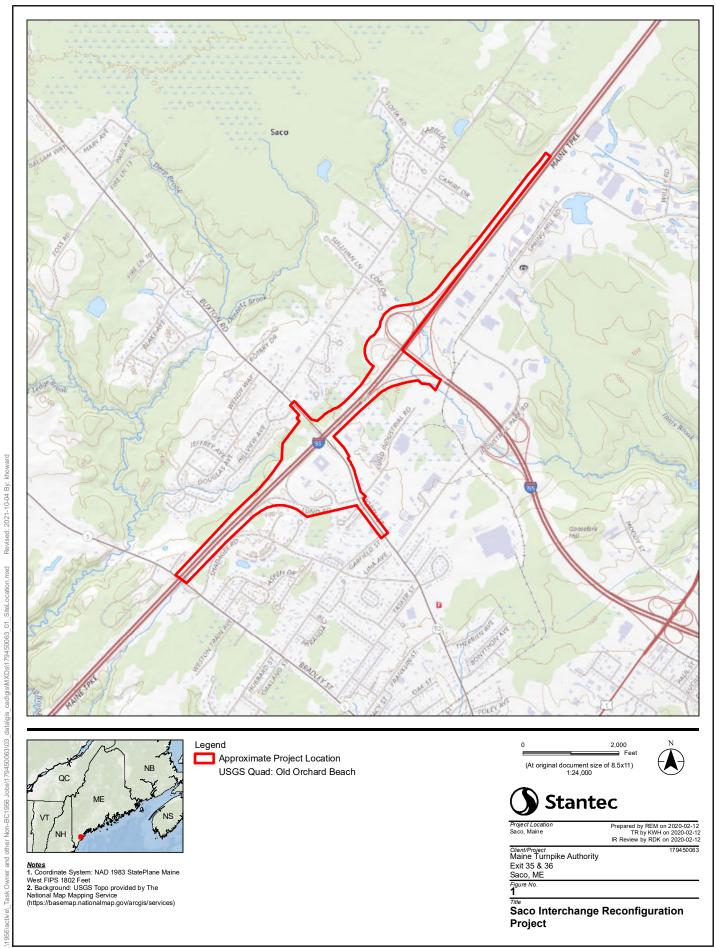
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for a public hearing shall specifically state the reasons for holding a public hearing. The Corps holds public hearings for the purpose of obtaining public comments when that is the best means for understanding a wide variety of concerns from a diverse segment of the public.

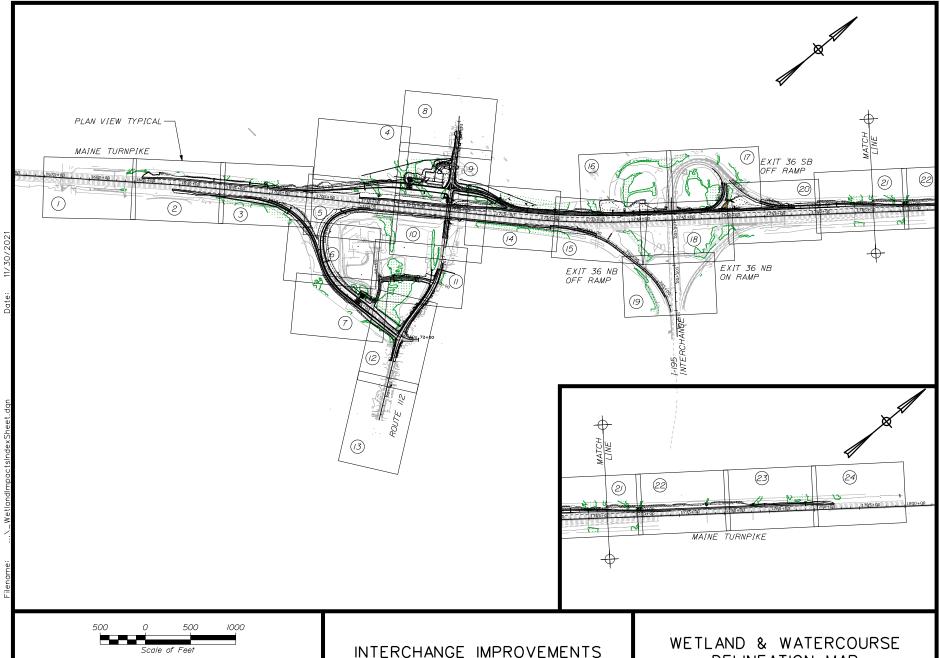
The initial determinations made herein will be reviewed in light of facts submitted in response to this notice. All comments will be considered a matter of public record. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly in 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 by e-mail at bettina.m.chaisson@usace.army.mil.





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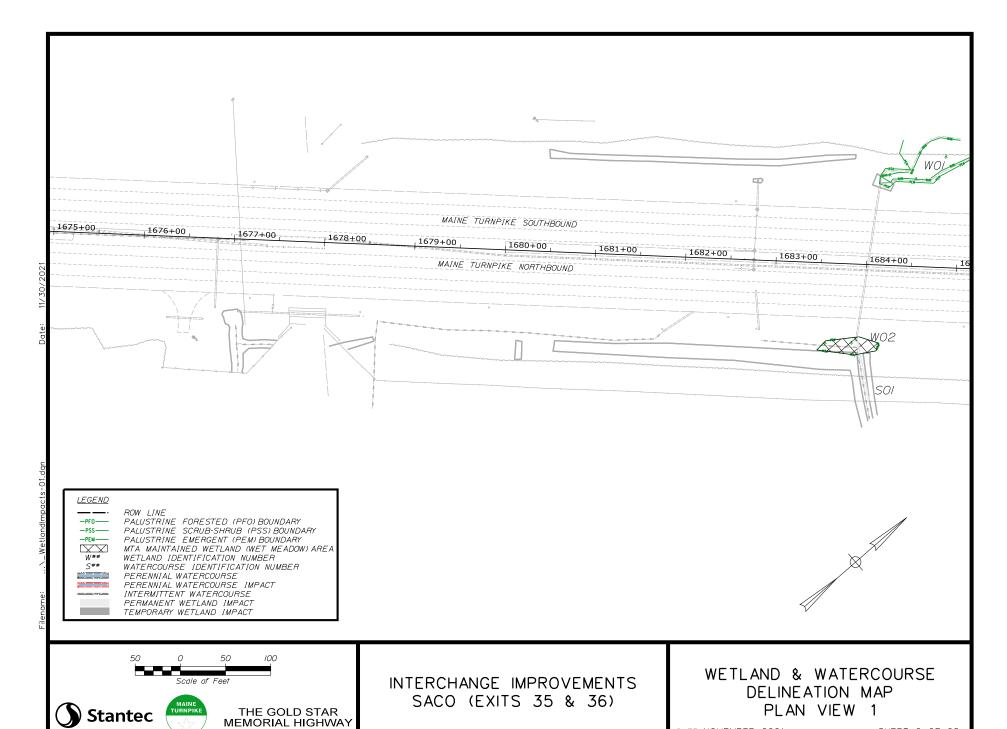


INTERCHANGE IMPROVEMENTS SACO (EXITS 35 & 36)

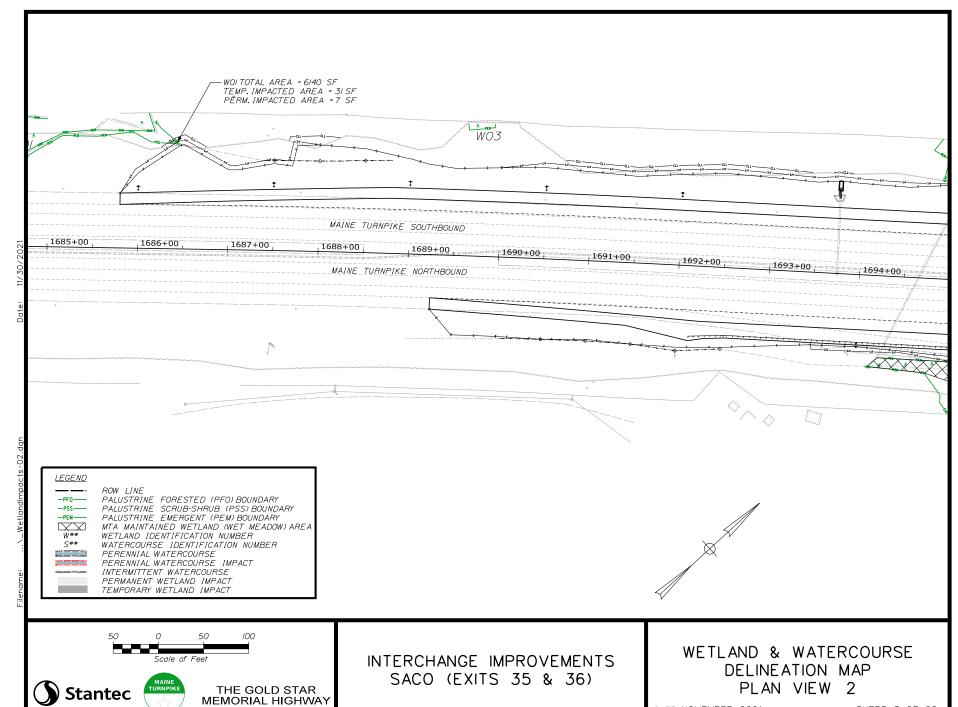
WETLAND & WATERCOURSE DELINEATION MAP INDEX PLAN

DATE: NOVEMBER, 2021

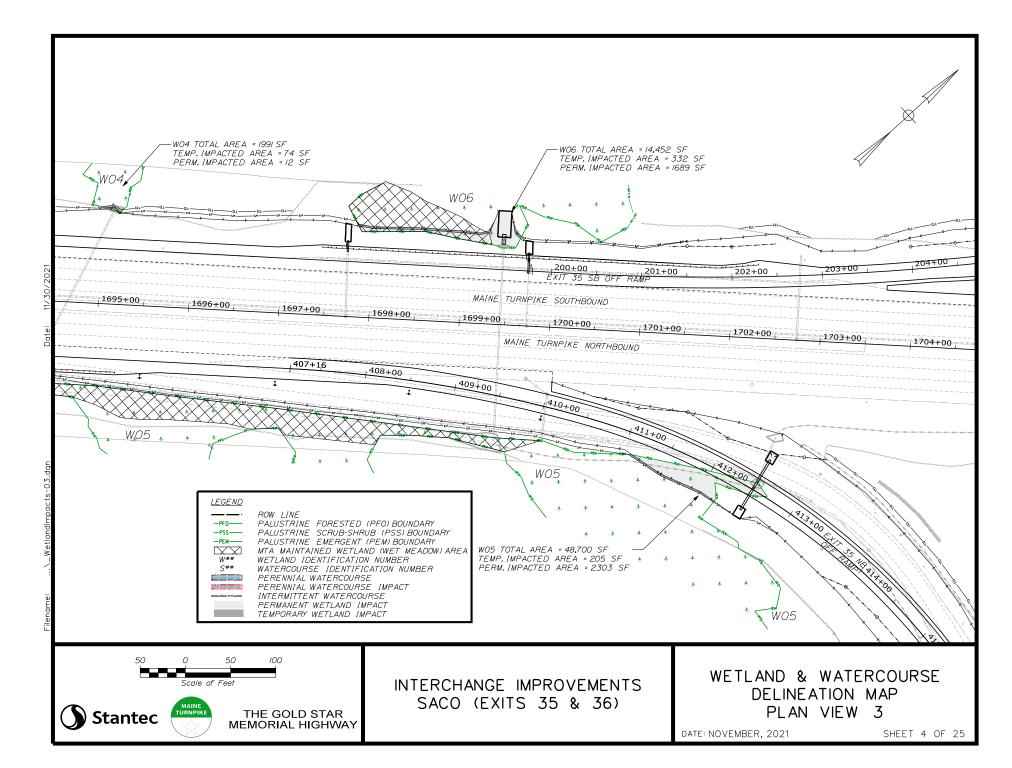
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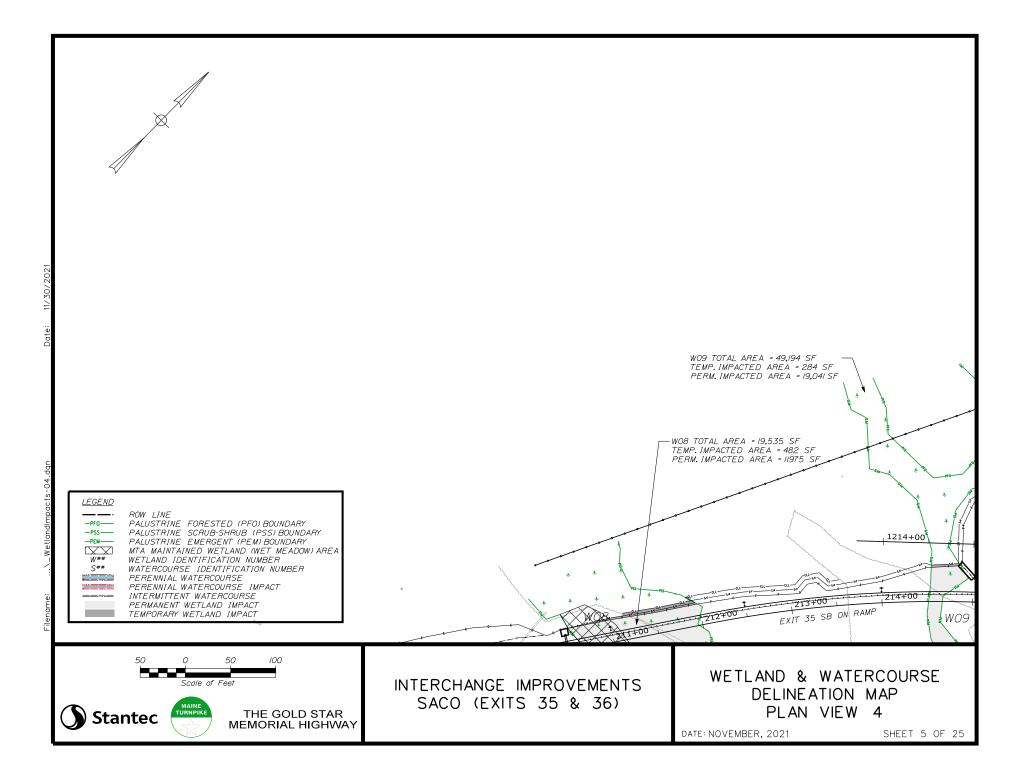


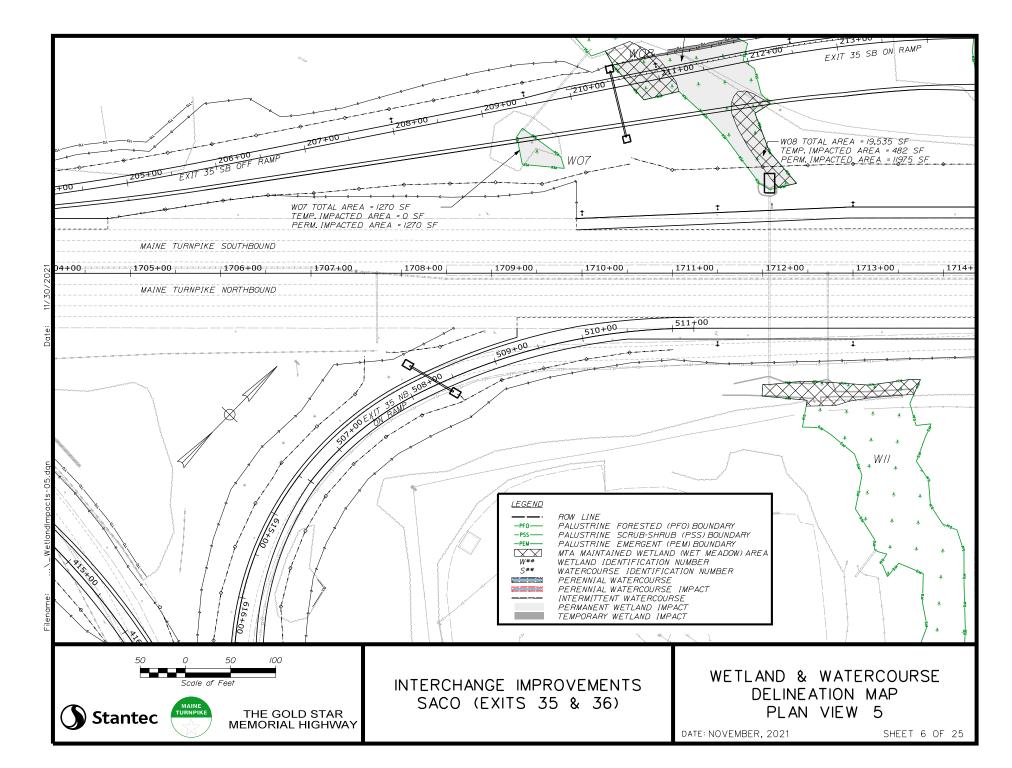
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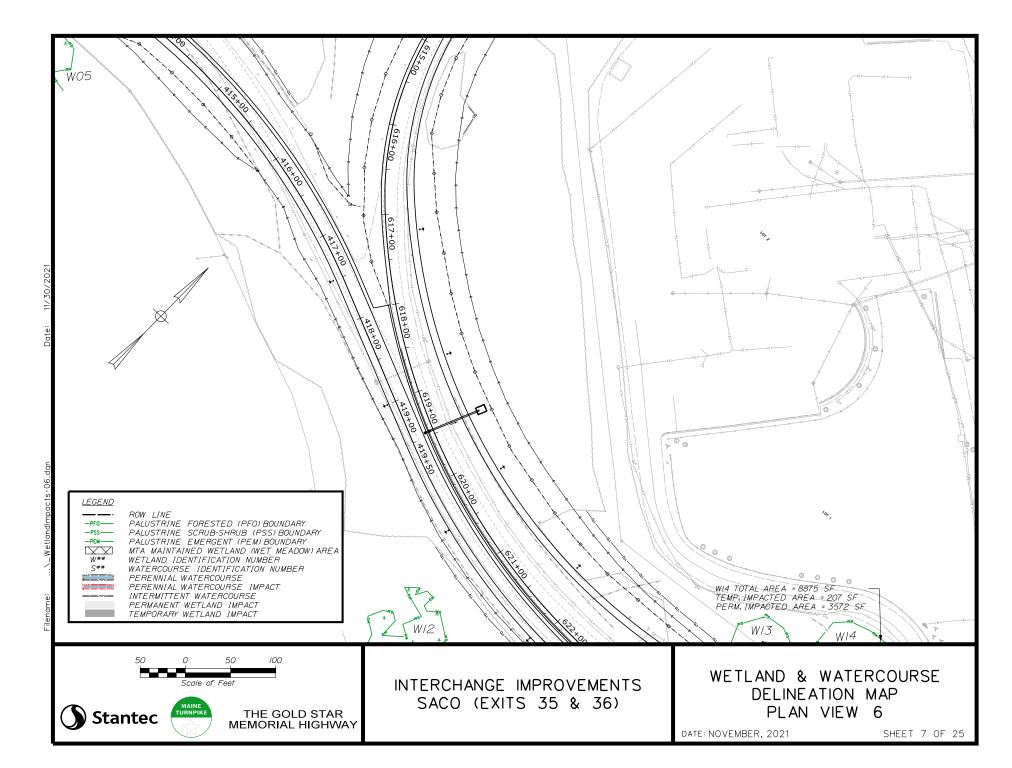


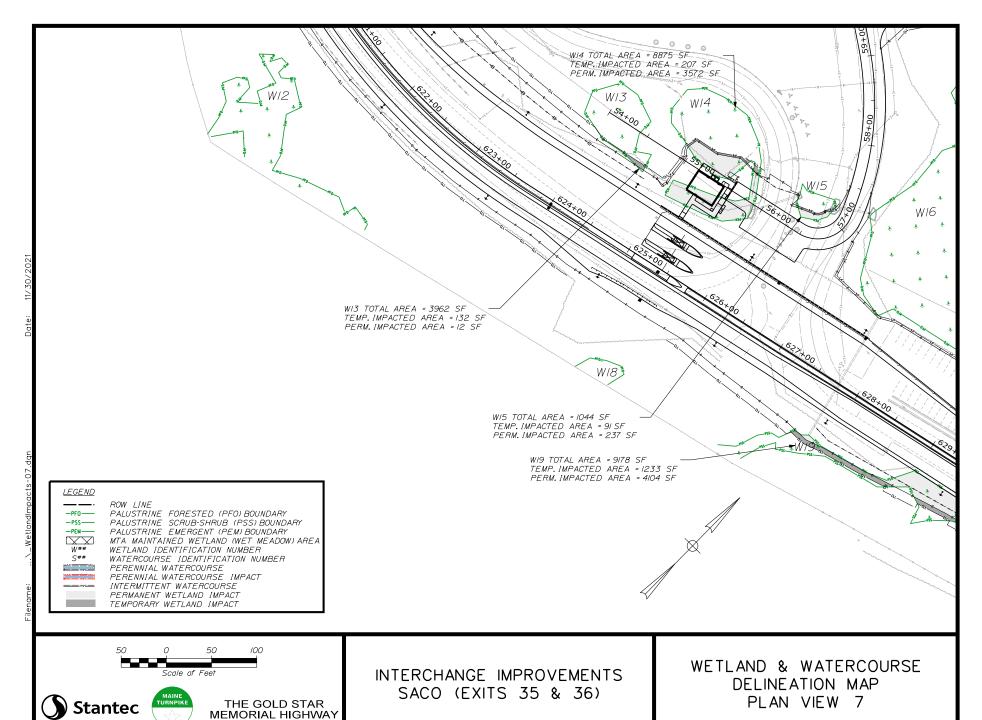
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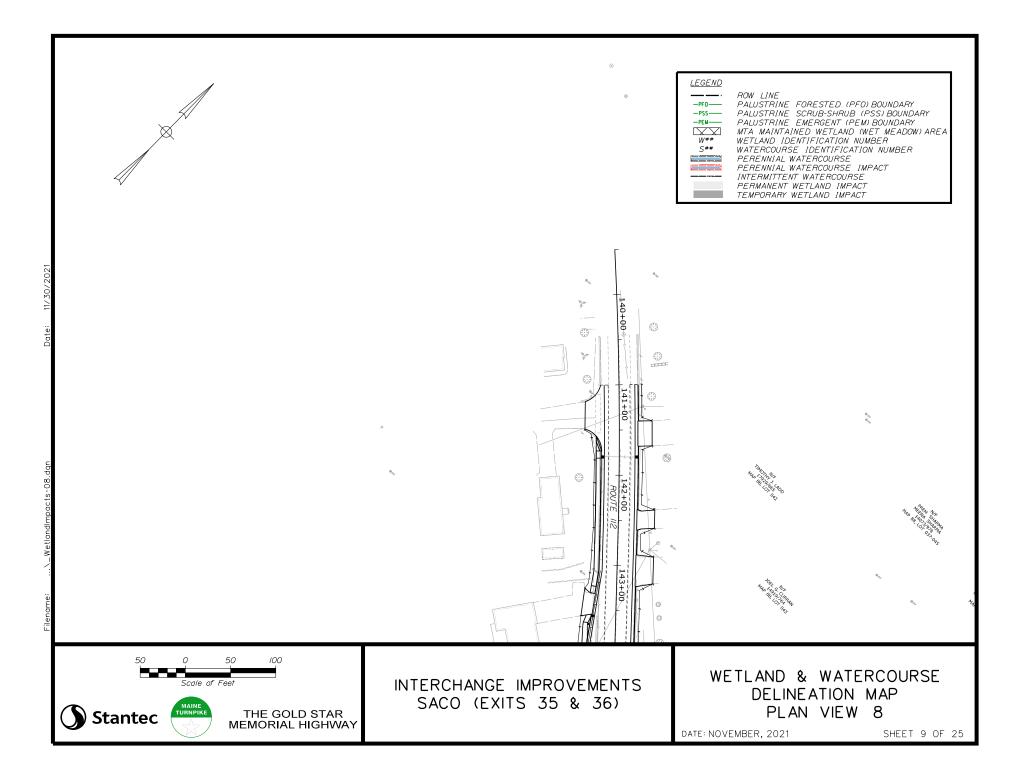


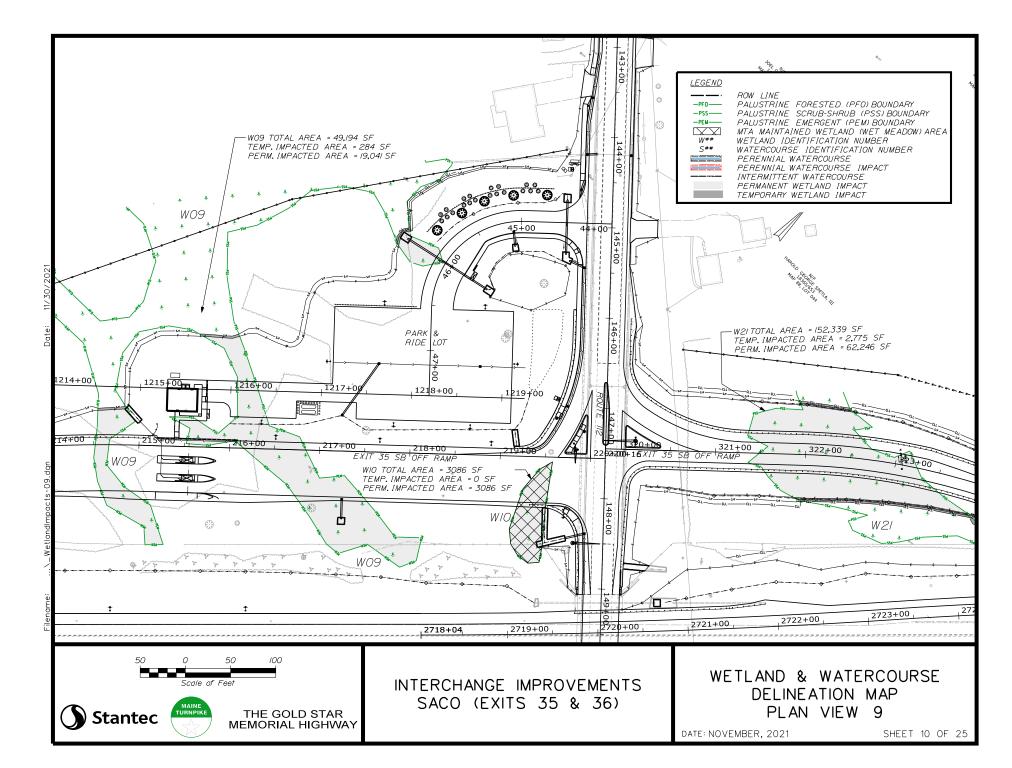


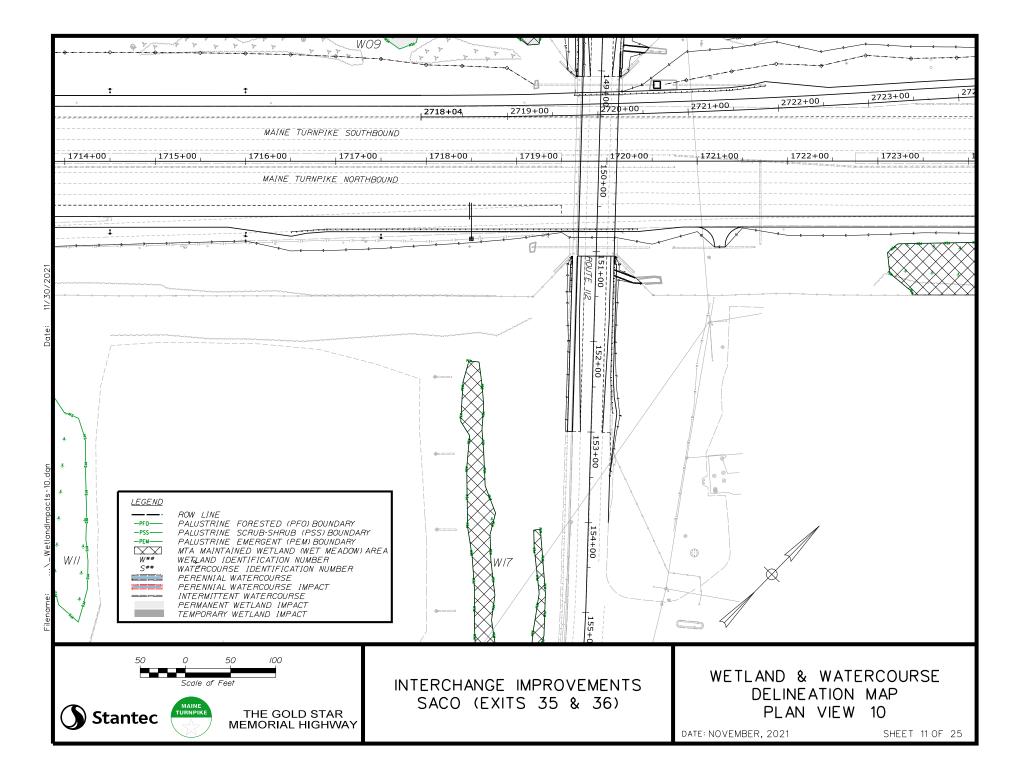


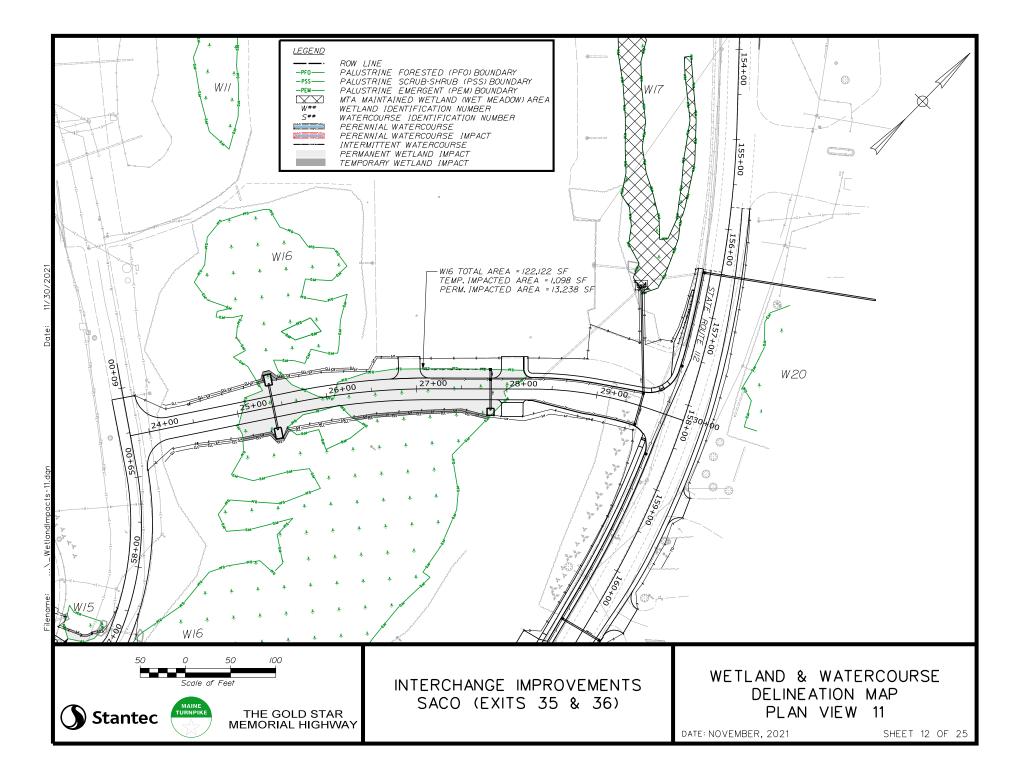


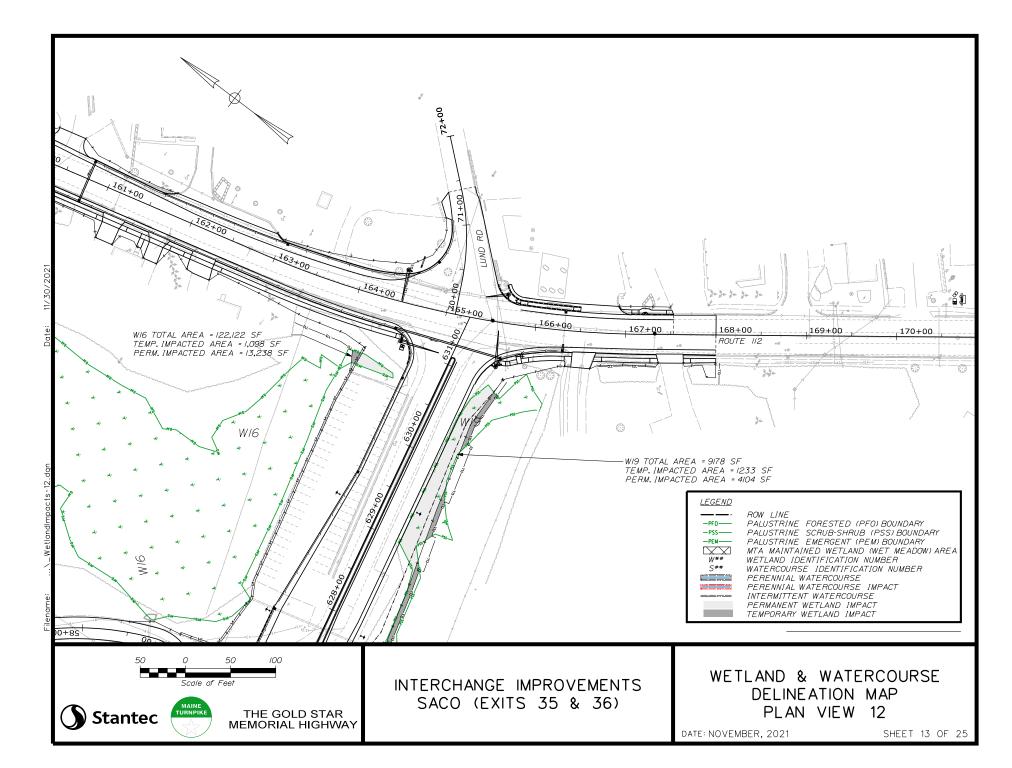
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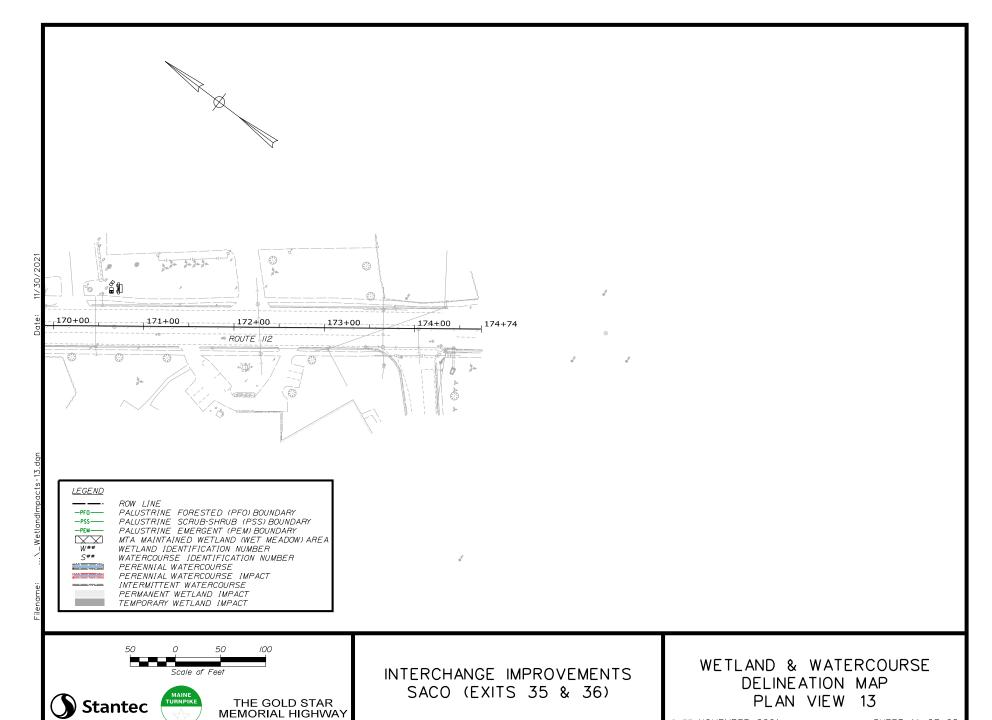












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