



# PUBLIC NOTICE

US Army Corps  
of Engineers®  
New England District

Maine Project Office  
675 Western Avenue #3  
Manchester, Maine 04351

Date: 16 October 2012  
Comment Period Ends: 16 November 2012  
File Number: NAE-2012-00084  
In Reply Refer To: Jay L. Clement  
Or by e-mail: jay.l.clement@usace.army.mil

The District Engineer has received a permit application from the applicant below to **conduct work in waters of the United States** as described below. The Corps is soliciting comments on both the project itself and the range of issues to be addressed in the environmental documentation.

**APPLICANT: MERCY HOSPITAL, 144 STATE STREET, PORTLAND, MAINE 04101**

**ACTIVITY:** Fill approximately 3.49 acres of freshwater wetland adjacent to the Fore River at Portland, Maine in order to expand an existing hospital complex. The expansion will include the addition of 250,000 square feet of space to house the Emergency Department, an expanded Acute Care Center, hospital support services, and medical office space. The expansion will allow the applicant to consolidate the two separate facilities he currently operates into one single campus.

To compensate for the project's unavoidable indirect impacts to aquatic resources, the applicant proposes a \$834,156.00 contribution to the Maine Natural Resource Mitigation Fund (Maine In-Lieu Fee Program). The applicant is proposing these measures seeking to lessen the project's impact on aquatic resources. This notice solicits comments on this proposed measure from the interested or affected public as well as those agencies who speak to the public interest. It also solicits recommendations for alternative mitigation sites or measures not yet identified by the applicant. 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.

**WATERWAY AND LOCATION OF THE PROPOSED WORK:** Freshwater wetlands adjacent to the Fore River at Portland, Maine. This project is located on the USGS PORTLAND WEST, ME quadrangle sheet at Latitude 43.6488086° N; Longitude 70.2826773° W.

## 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 Corps of Engineers 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. Any comments received will be considered by the Corps of Engineers 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.

**SECTION 106 COORDINATION:** Based on his initial review, the District Engineer determined that the project will not affect 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)

**ESSENTIAL FISH HABITAT:** This project will not impact Essential Fish Habitat ("EFH").

**ENDANGERED SPECIES ACT CONSULTATION:** The New England District, Army Corps of Engineers has reviewed the list of species protected under the Endangered Species Act of 1973, as amended, which might occur at the project site. It is our 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 any federally listed endangered or threatened species or their designated critical habitat. Further consultation with the US Fish & Wildlife Service regarding this determination will be concluded prior to the final decision.

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

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


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, ext. 1 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.

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.

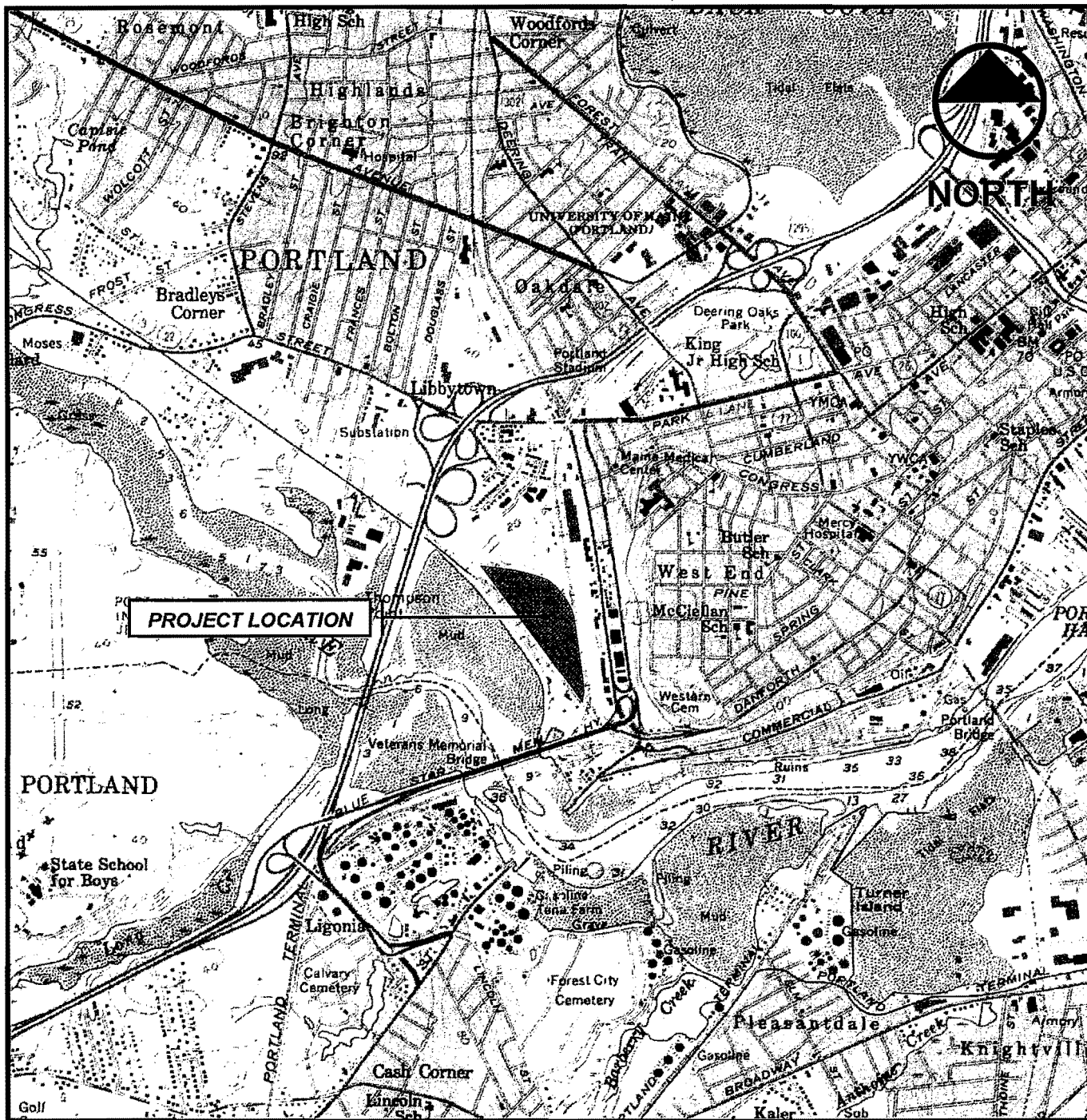
For more information on the New England District Corps of Engineers programs, visit our website at <http://www.nae.usace.army.mil>.

**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, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at [bettina.m.chaisson@usace.army.mil](mailto: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: \_\_\_\_\_



### USGS TOPOGRAPHIC MAP

### Mercy Health System of Maine – Portland, Maine

SOURCE: TOPOSCOUT; Coastal Maine CD-ROM, USGS Portland West Quadrangle, 7.5 Minute Series (Topographic)

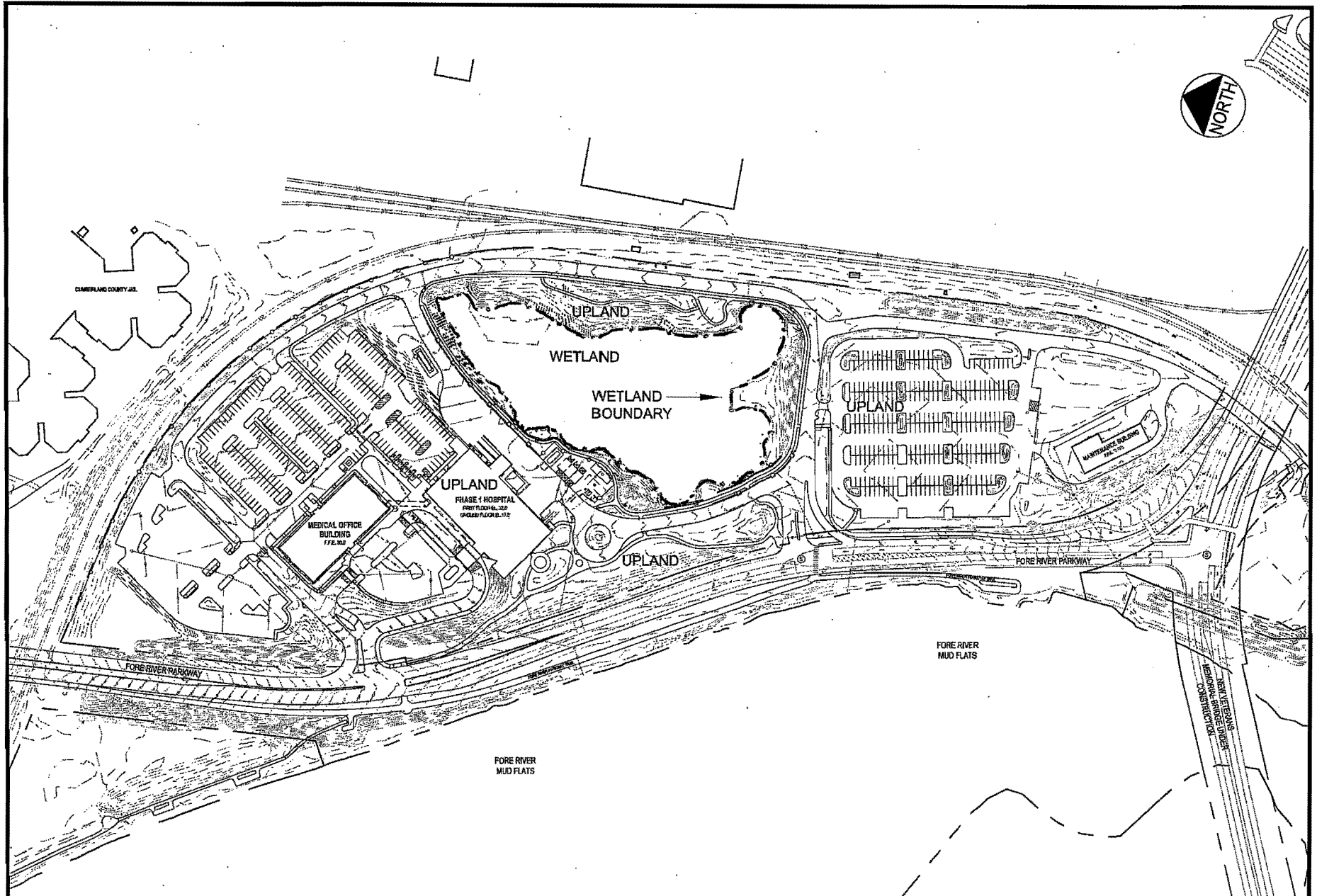


DeLUCA-HOFFMAN ASSOCIATES, INC.  
 CONSULTING ENGINEERS  
 778 MAIN STREET, SUITE 8  
 SOUTH PORTLAND, MAINE 04106  
 TEL. 207-775-1121  
 FAX 207-879-0896

DESIGNED	SRB	DATE	MARCH 2001
DRAWN	JDL	SCALE	1" = 2000'+-
CHECKED	SRB	JOB NO.	2149

FIGURE

2



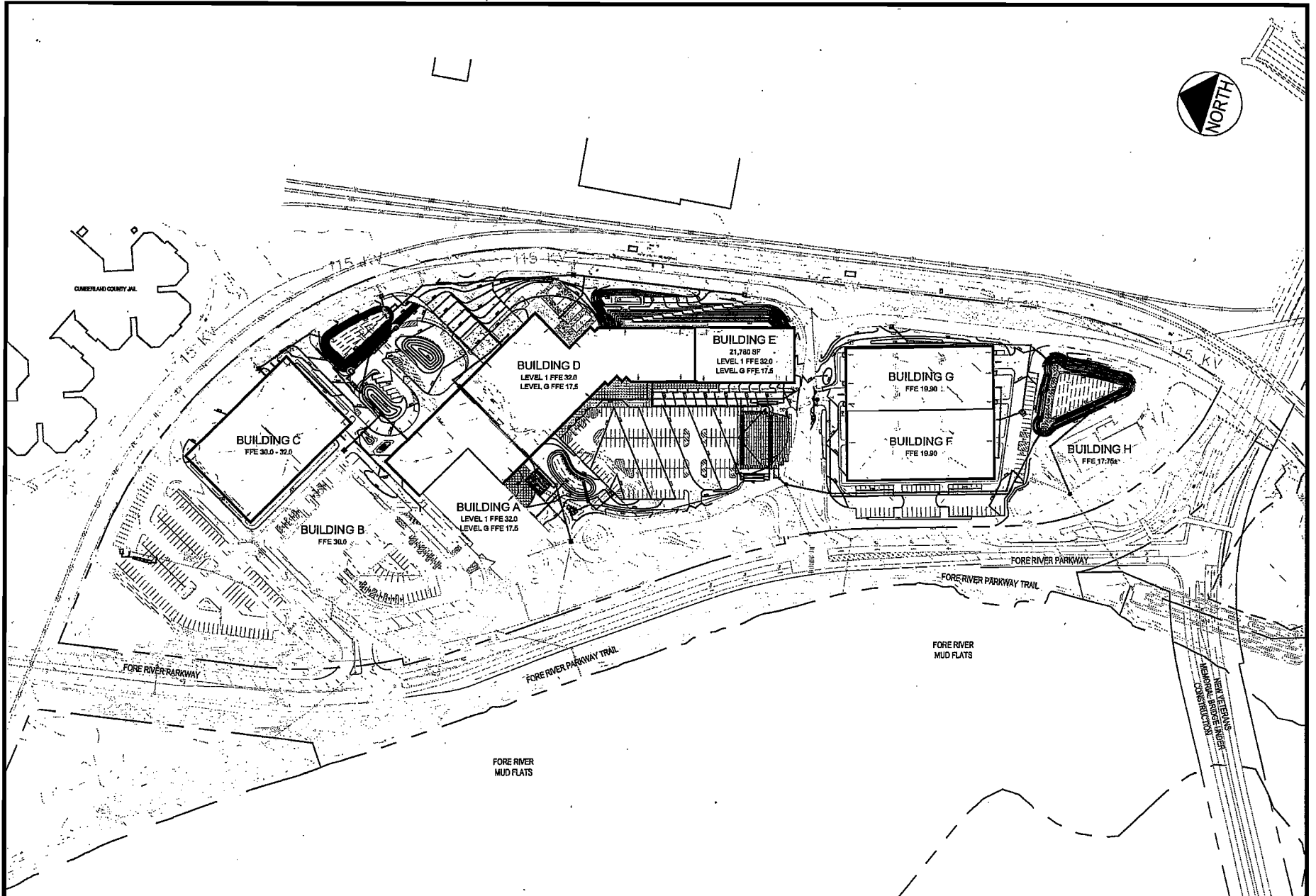
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MERCY AT THE FORE  
 MASTER PLAN

EXISTING CONDITIONS

DRAWN: DED	DATE: 07.10.12
DESIGNED: BEK	SCALE: 1" = 250'
CHECKED: SRB	JOB NO. 2149.08
FILE NAME: 2149.08-GRADING	

FIGURE  
 2



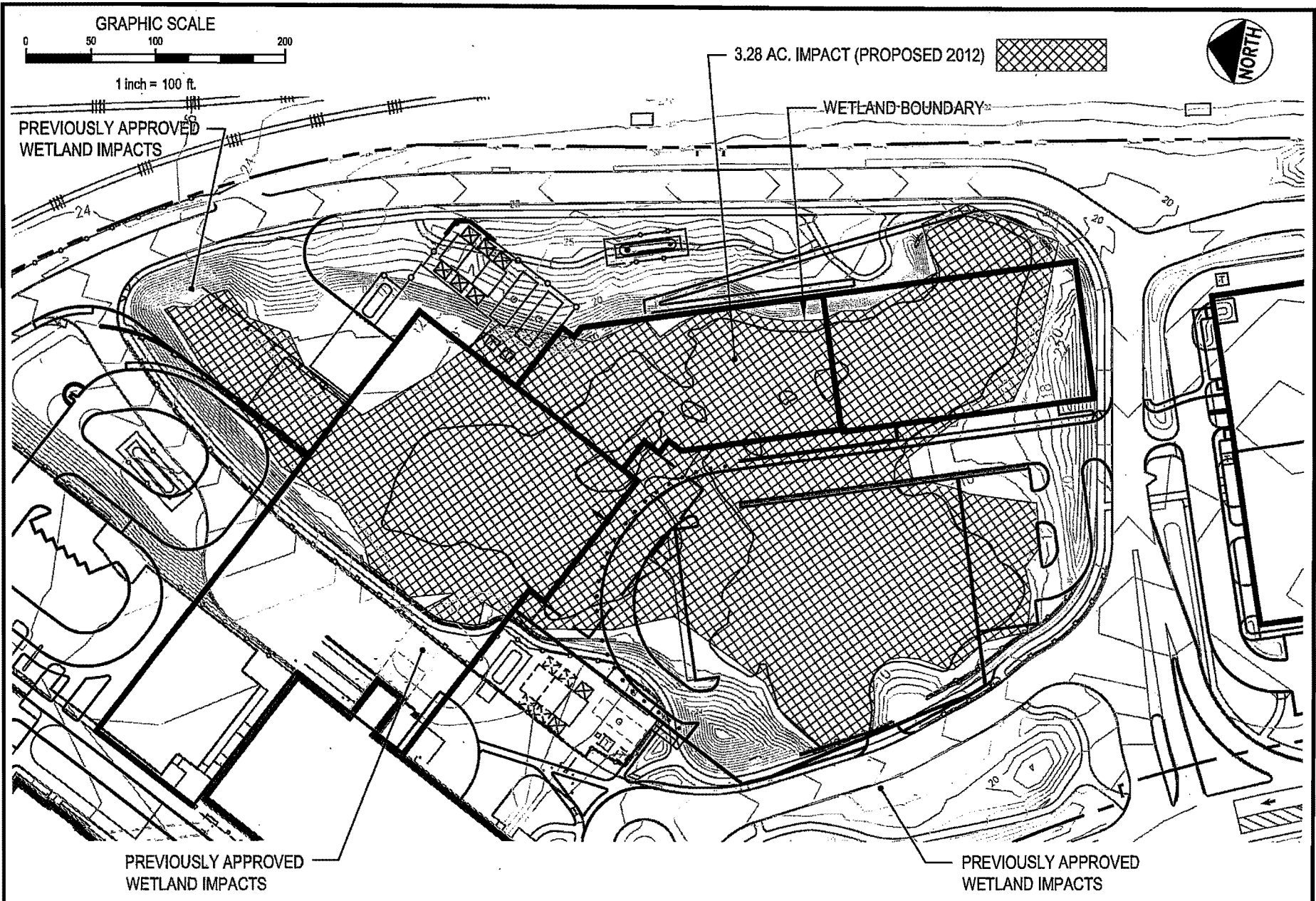
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MERCY AT THE FORE  
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PROPOSED CONDITIONS

DRAWN:	DED	DATE:	07.10.12
DESIGNED:	BEK	SCALE:	1" = 250'
CHECKED:	SRB	JOB NO.:	2149.08
FILE NAME:	2149.08-GRADING		

FIGURE  
 3



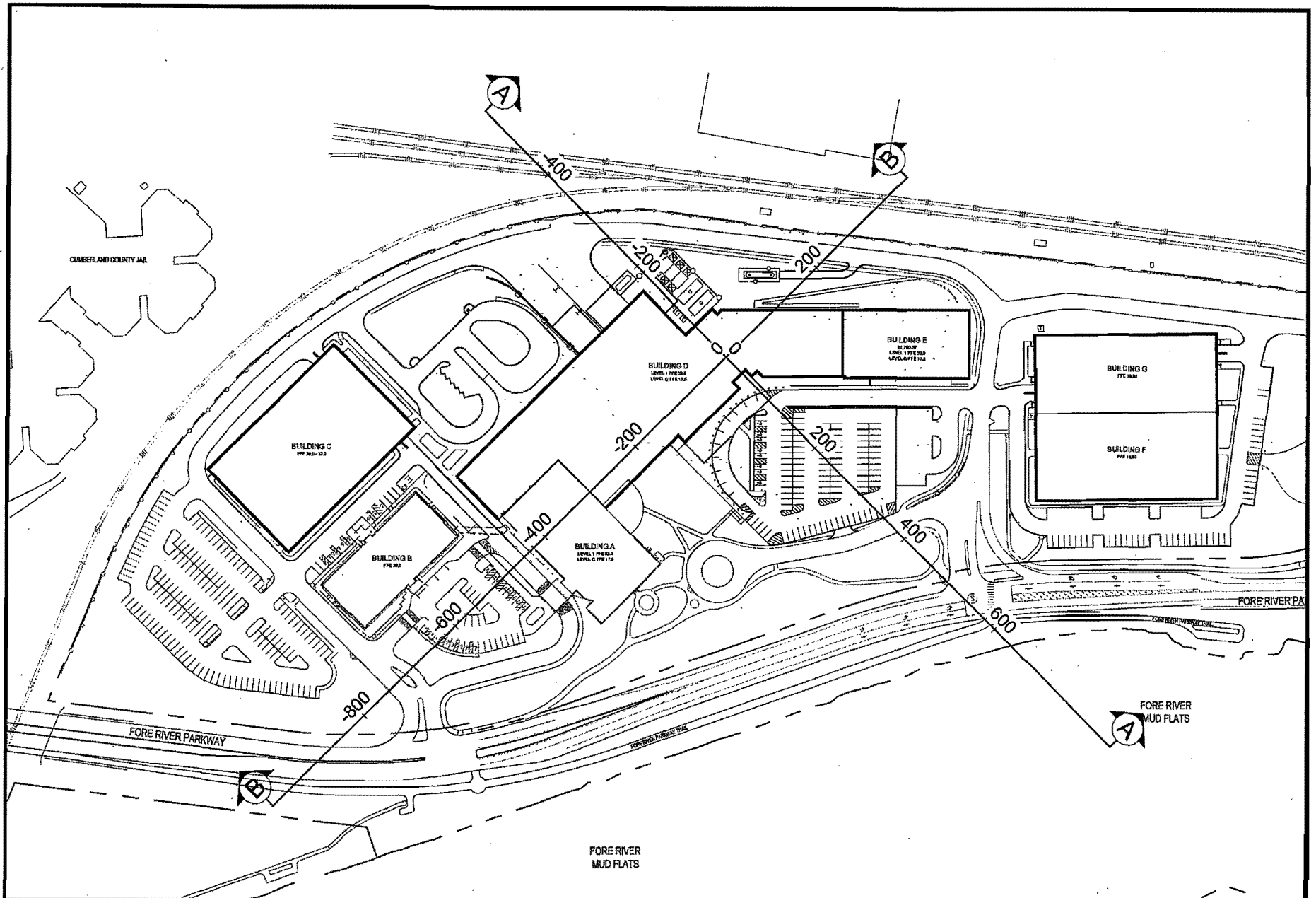
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**MERCY AT THE FORE  
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**100 SCALE FIGURE OF  
 WETLAND FILL AREA**

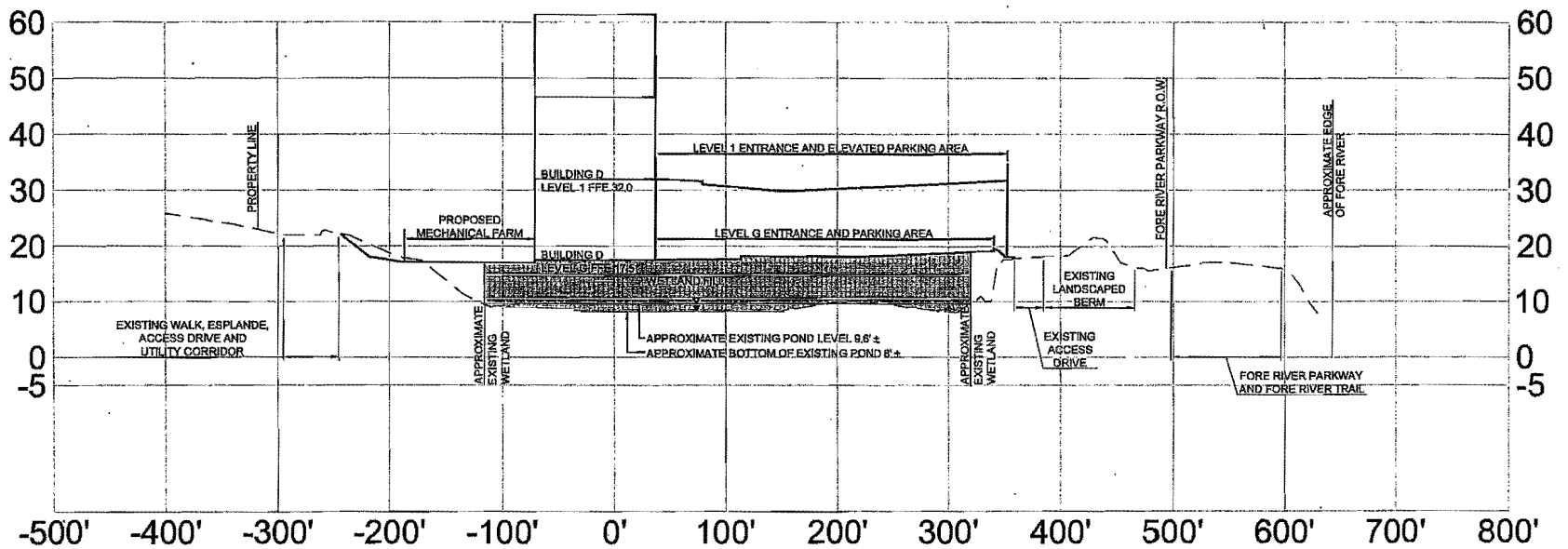
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FILE NAME: 2149.08-FIG 9	

FIGURE  
**4**



	<b>DeLuca-Hoffman Associates, Inc.</b> 778 MAIN STREET, SUITE 8 SOUTH PORTLAND, ME 04106 207.775.1121 WWW.DELUCAHOFFMAN.COM	<b>MERCY AT THE FORE          MASTER PLAN</b>	<b>SITE SECTION KEY MAP</b>	DRAWN: DED      DATE: 07.10.12	FIGURE  <b>5A</b>
				DESIGNED: BEK      SCALE: 1" = 200'	
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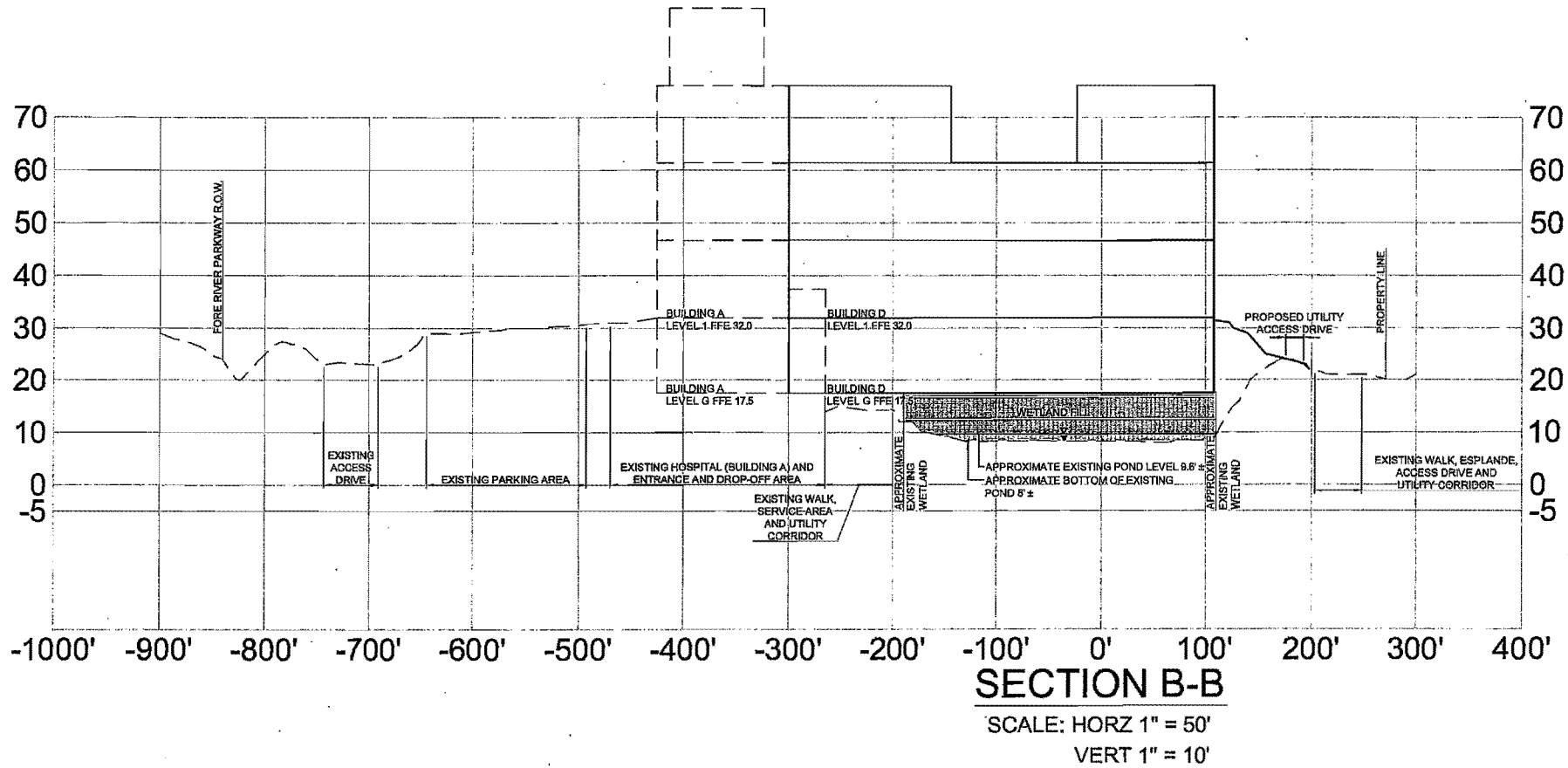
MERCY AT THE FORE  
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SITE SECTION A-A

DRAWN:	DED	DATE:	07.10.12
DESIGNED:	BEK	SCALE:	AS NOTED
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FIGURE

5B



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 MASTER PLAN

SITE SECTION B-B

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FILE NAME: 2149.08-GRADING	

FIGURE  
**5C**