



# PUBLIC NOTICE

**US Army Corps  
of Engineers**

New England District

**Maine Project Office**

**675 Western Avenue #3**

**Manchester, Maine 04351**

**Date:** May 6, 2014

**Comment Period Ends:** June 6, 2014

**File Number:** NAE-2013-01700

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

**ACTIVITY:** Place stone riprap fill below the ordinary high water line of an unnamed overflow channel of the Sandy River at Phillips, Maine in order to stabilize approximately 80 linear feet of eroding bank adjacent to Route 149. Approximately 100 cubic yards of riprap will be placed along the eroding bank and at an existing culvert located just to the east. Approximately 20 cubic yards of riprap will be placed below the ordinary high water line. Dewatering the work site will require the installation of temporary sandbag cofferdams. The project will result approximately 240 square feet of permanent and 500 square feet of temporary stream bed impact.

The work is shown on the attached plans entitled "MDOT – Bank Stabilization, Phillips Route 149" on two sheets dated "April 22, 3014"

**WATERWAY AND LOCATION OF THE PROPOSED WORK:** Unnamed overflow channel of the Sandy River at Phillips, Maine. This project is located on the USGS PHILLIPS quadrangle sheet at Latitude 44.8246262° N; Longitude -70.3472881° 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 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)

### **ESSENTIAL FISH HABITAT ("EFH")**

This work may impact EFH for Atlantic salmon. This habitat consists of stream bottom composed of mixed sand, gravel, cobble and boulders. Long-term 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 be minimal. Further consultation with the federal resource agencies 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.

### **ENDANGERED SPECIES ACT CONSULTATION**

On November 13, 2000, the National Marine Fisheries Service and the U.S. Fish and Wildlife Service ("Services") listed a distinct population segment ("DPS") of Atlantic salmon (*Salmo salar*) in the Gulf of Maine as an endangered species under the Endangered Species Act ("ESA"). More recently, the Services listed Atlantic salmon critical habitat and expanded the current Gulf of Maine DPS. This stabilization project falls within the listing area. The Corps has made the determination that this project is unlikely to jeopardize the continued existence of the DPS or result in the destruction or adverse modification of critical habitat. Consultation with the Services is on-going. By this public notice, the District Engineer is also requesting that the appropriate federal agency provide comments regarding the presence of and potential impacts to other listed species or its critical habitat not already identified.

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 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>.

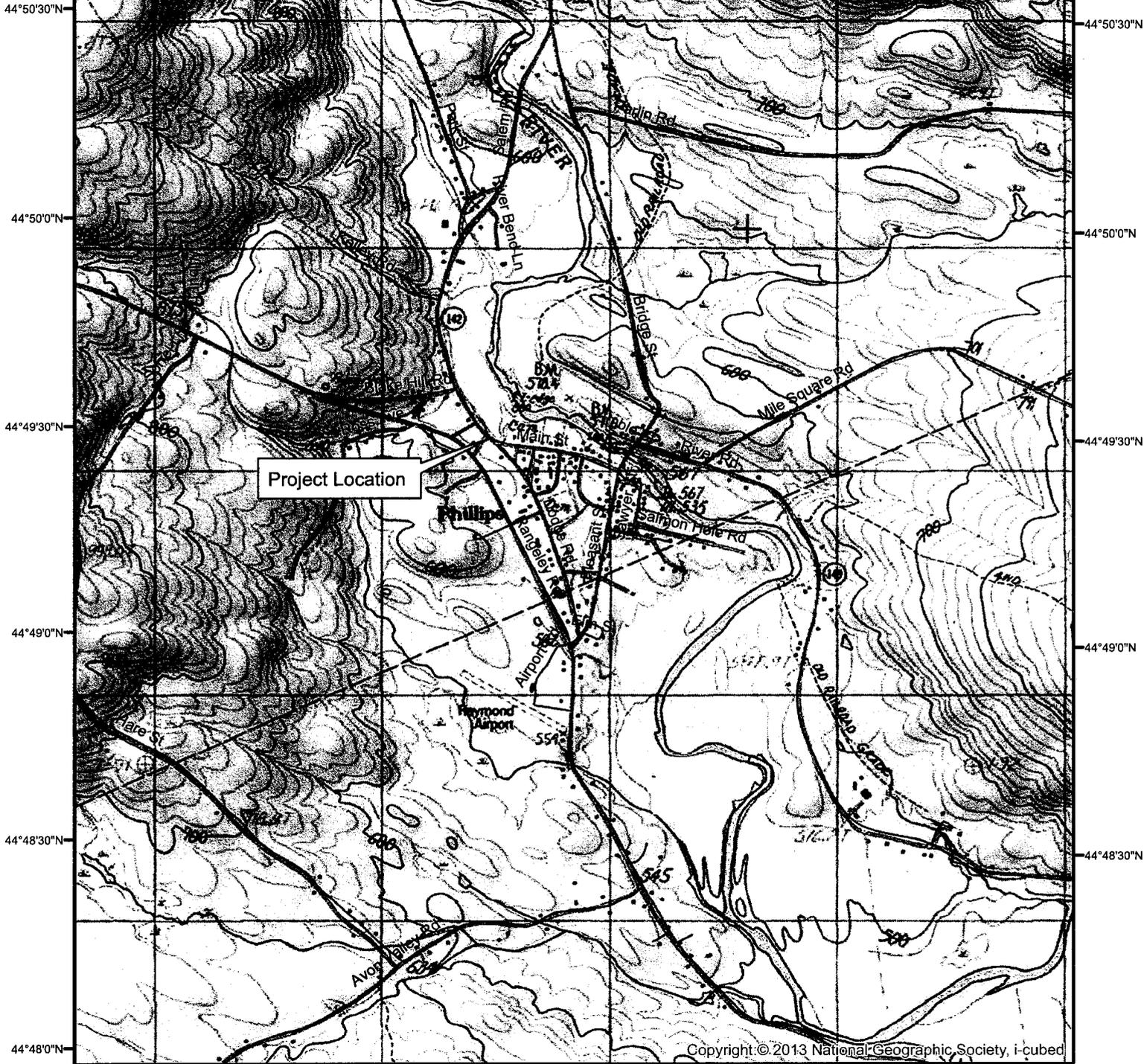
**THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.**

  
**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.

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ADDRESS: \_\_\_\_\_

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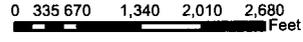
Project Location

Phillips

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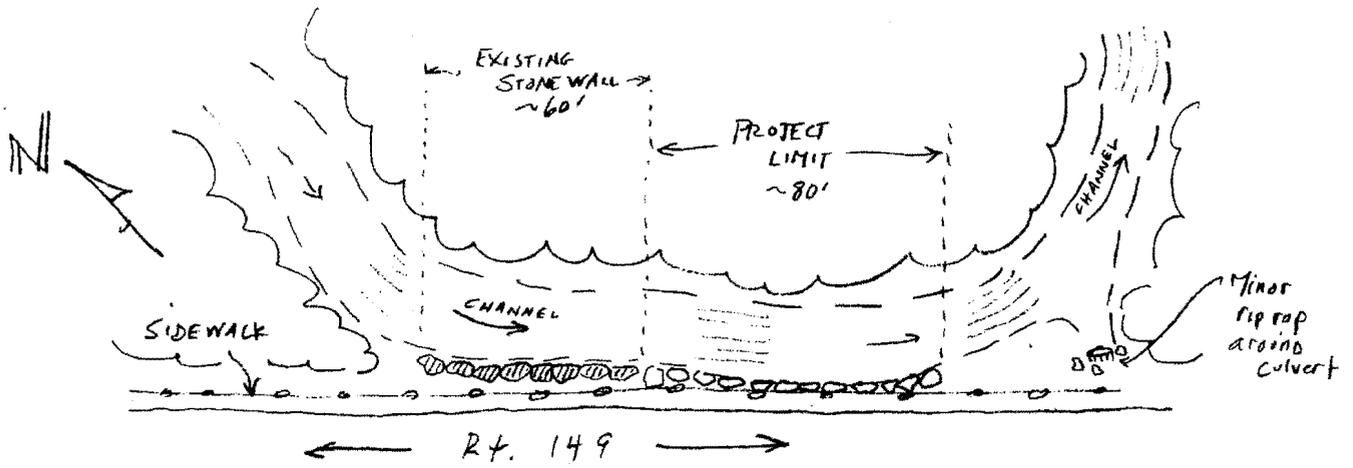
### MDOT - Bank Stabilization Phillips Route 149

1 of 2



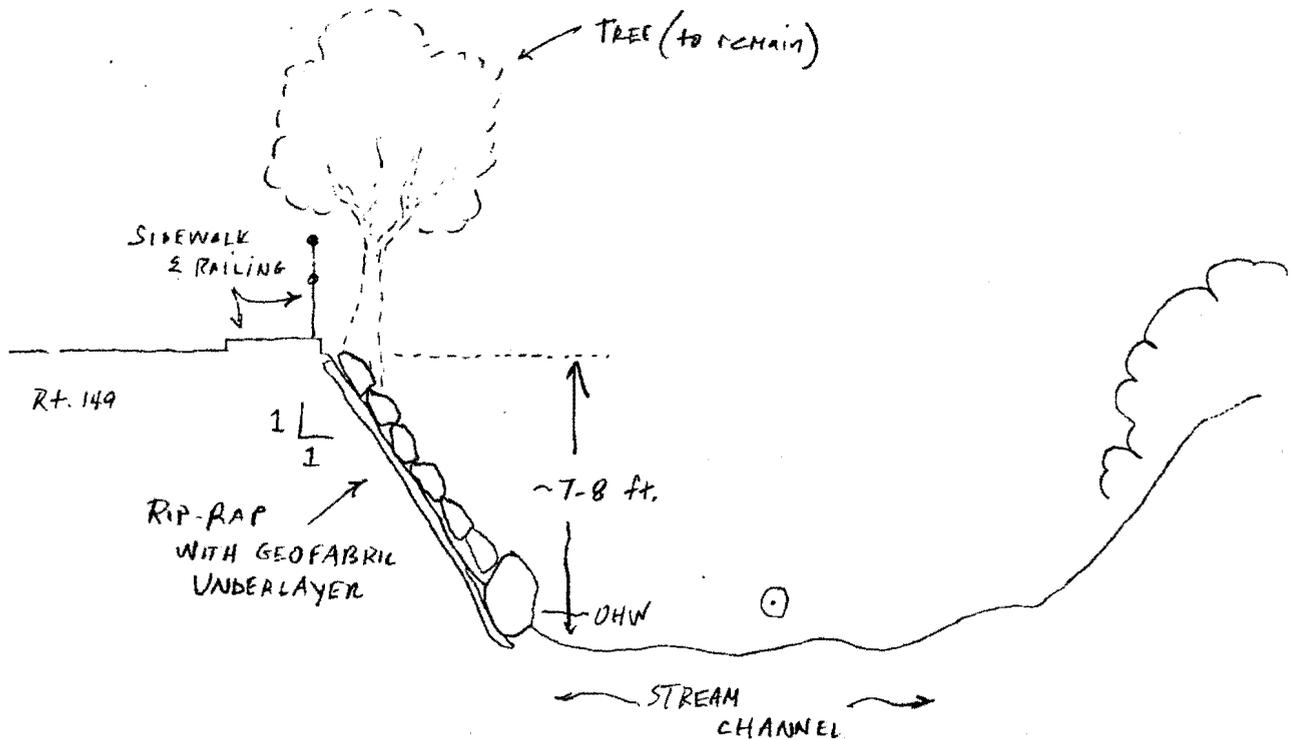
**BANK STABILIZATION**  
 SECONDARY CHANNEL - SANDY RIVER  
 PHILLIPS, ME

 = EXISTING STONE WALL  
 = NEW RIP RAP BANK



— PLAN VIEW —

(NOT TO SCALE)



— X-SECTION VIEW —

MDOT - Bank Stabilization  
 Phillips Route 149