



**US Army Corps  
of Engineers®**

New England District

**Maine Project Office**

**675 Western Avenue #3**

**Manchester, Maine 04351**

# PUBLIC NOTICE

**Date: July 18, 2017**

**Comment Period Ends: August 7, 2017**

**File Number: NAE-2016-02549**

**In Reply Refer To: Jay L. Clement**

**Or by e-mail: jay.l.clement@usace.army.mil**

## 20 DAY NOTICE

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 temporary and permanent fill below the ordinary high water line of Houston Brook and in adjacent freshwater wetlands at Winn, Maine in order to slip line an existing deteriorated culvert beneath Route 2. The project will result in approximately 120 s.f. of permanent and 1,200 s.f. of temporary stream bed impact, and 800 s.f. of temporary wetland impact. This work is designed to maintain critical transportation infrastructure, insure public safety, and protect the economic vitality of Maine's transportation network.

**WATERWAY AND LOCATION OF THE PROPOSED WORK:** Houston Brook; Winn, Maine. The project site is located on the USGS EAST WINN, ME quadrangle sheet at latitude 45.489681°N; and longitude – 68.365432°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 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.

**ESSENTIAL FISH HABITAT (EFH):** 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").

In water construction at the site will impact Essential Fish Habitat ("EFH") for Atlantic salmon. This habitat consists of stream bed composed of cobbles and boulders interspersed with smaller stones, silt, sand, and gravel. 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.

**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)

**ENDANGERED SPECIES ACT CONSULTATION:** The Corps has initiated consultation with the US Fish & Wildlife Service pursuant to Section 7 of the Endangered Species Act regarding the presence of Atlantic salmon; Atlantic salmon critical habitat, Canada lynx, and Northern Long-Eared Bats. The Corps has made the determination that this project may affect, is not likely to adversely affect Atlantic salmon and *may affect, is likely to adversely modify its critical habitat*. The Corps has also determined that the project may affect, is not likely to adversely affect the Northern long eared bat. The project will have no effect on Canada lynx. 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.

**OTHER APPROVALS:** The applicant has supplied the Maine Department of Environmental Protection with a permit application for the work described in this public notice and is requesting that the Department either grant or waive Water Quality Certification in accordance with Section 401 of the Clean Water Act. Comments regarding the applicant's Permit/Water Quality Certification request may be submitted in writing to: Mark



Bergeron, Director, Bureau of Land Resources, Department of Environmental Protection, 17 State House Station, Augusta, ME, 04333-0017 or by email to: [mark.bergeron@maine.gov](mailto:mark.bergeron@maine.gov)

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.**

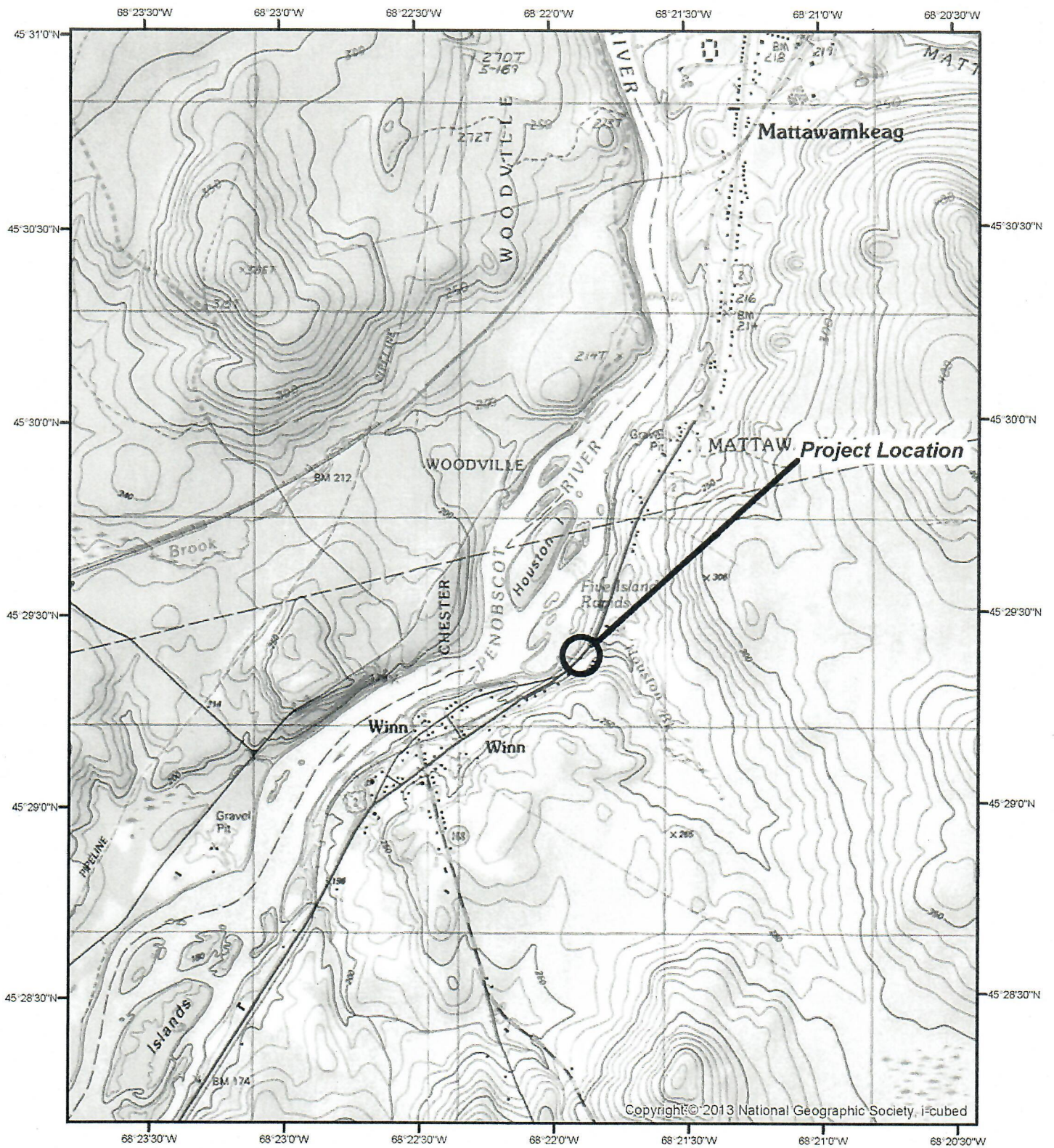


**Frank J. Del Giudice**  
**Chief, Permits and Enforcement Branch**  
**Regulatory Division**

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: \_\_\_\_\_





Culvert Rehabilitation (slipline)  
 Region 5 Maintenance and Operations  
 Winn, Maine

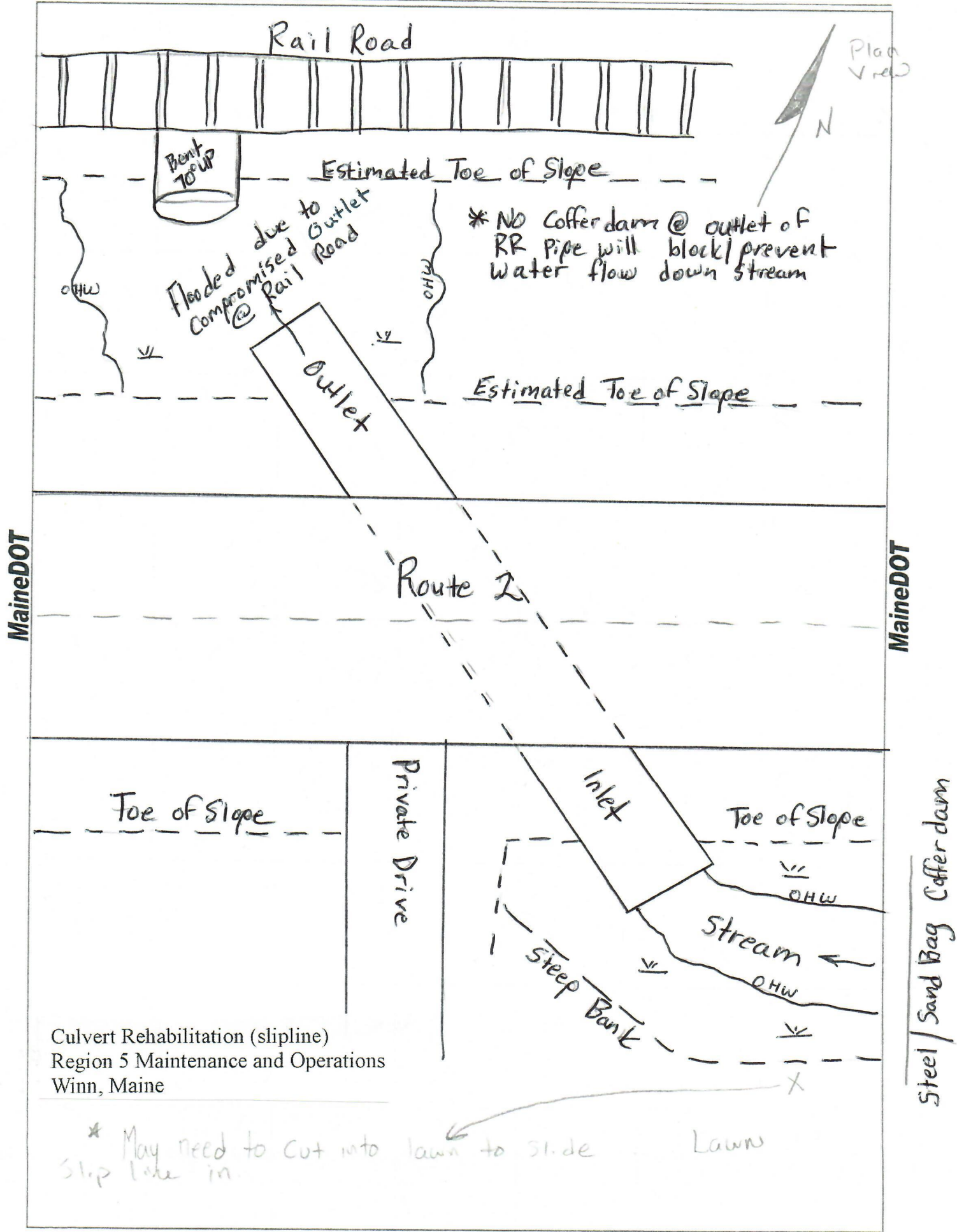
45.489681 -68.36503



0 0.5 1 Miles



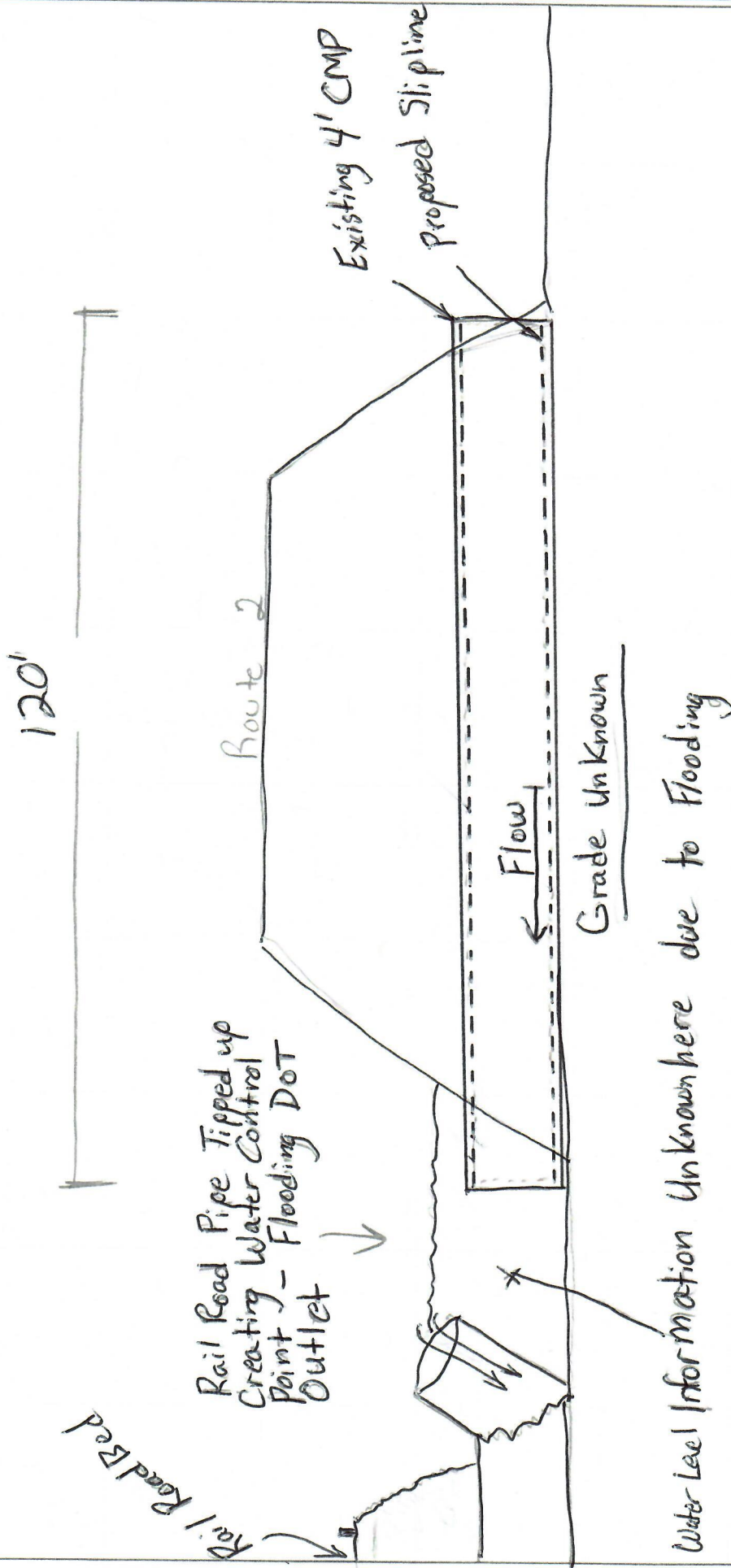




PRELIM. BY JCR  
FINAL CHK. BY \_\_\_\_\_  
ITEM NO. \_\_\_\_\_

DATE 11-23-15 PROJ. NO. \_\_\_\_\_  
DATE \_\_\_\_\_ LOCATION Winn R+2  
SUBJECT Houston Brook

FILE NO. \_\_\_\_\_ OF \_\_\_\_\_  
SHEET NO. 2 OF 4

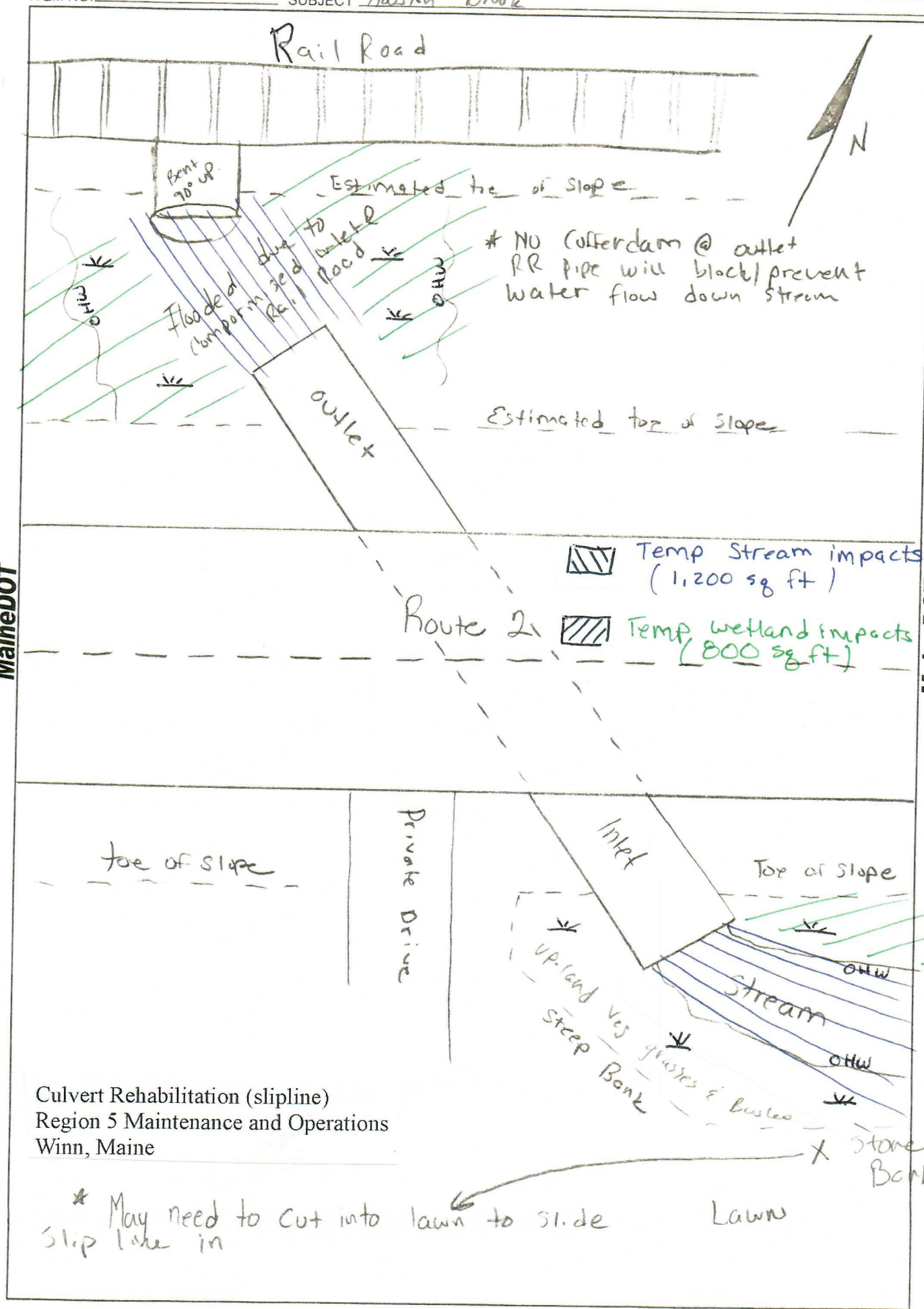


Culvert Rehabilitation (slipline)  
Region 5 Maintenance and Operations  
Winn, Maine

Wetland / Stream impacts

MaineDOT

MaineDOT



Culvert Rehabilitation (slipline)  
 Region 5 Maintenance and Operations  
 Winn, Maine

\* May need to cut into lawn to slide slip lake in



# HOUSTON BROOK WINN, ME SLIPLINE

Culvert Rehabilitation (slipline)  
 Region 5 Maintenance and Operations  
 Winn, Maine

