



**US Army Corps  
of Engineers**®  
New England District  
**Maine Project Office**  
675 Western Avenue #3  
Manchester, Maine 04351

# PUBLIC NOTICE

**Date:** July 15, 2008  
**Comment Period Ends:** August 4, 2008  
**File Number:** NAE-2007-03377  
**In Reply Refer To:** Rodney A. Howe  
**Or by e-mail:** Rodney.A.Howe@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 Department of Transportation, 16 State House Station Augusta, ME 04333-0016**

**ACTIVITY:** Place permanent fill below the ordinary high tide line in Long Creek at Portland, Maine in order to construct a southbound auxiliary lane along the right shoulder of I-295 between exits 4 & 3 and a second lane for the exit 3 southbound off-ramp as shown on the attached plans and described as follows:

The 0.83 mile southbound auxiliary lane will be located along the right shoulder of I-295 between exits 4 & 3 and a second lane for the exit 3 southbound off-ramp will also be located along the right shoulder. The project is designed with 2:1 slopes to minimize wetland impacts along the section adjacent to Long Creek.

After avoidance and minimization measures are applied, a total of approximately 6,000 sq. ft. (0.14 acres) of estuarine emergent marsh wetland will be permanently filled by the proposed reconstruction of I-295.

The new southbound auxiliary lane will relieve the capacity constraints, increase the efficiency of the ramps and help reduce the accident rate at the exit 4 on-ramp.

To compensate for the projects unavoidable impacts to wetlands the applicant intends to pay a yet to be specified amount to the State of Maine Department of Environmental Protection In Lieu Mitigation Program.

**ESSENTIAL FISH HABITAT (EFH):** The I-295 auxiliary lane construction may impact Essential Fish Habitat (EFH) for the species listed on the attached sheet. This habitat consists of tidal stream bottom composed of silt, sand, and gravel mixed with stones and the adjacent tidal wetlands. Impact to this habitat is expected to be minimal with appropriate erosion control measures, construction windows, and other best management practices such as maintenance of existing vegetative stream buffers. Therefore, the District Engineer has made a preliminary determination that the site-specific adverse effect will be minimal. Further consultation with the National Marine Fisheries Service 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.

**WATERWAY AND LOCATION OF THE PROPOSED WORK:** This work is proposed in wetlands and waterways adjacent to I-295 at South Portland, Maine. The highway project site is located on the USGS PORTLAND WEST, ME quadrangle sheet at latitude 43.6363053°N; and longitude 70.2917159°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)

Pursuant to the **Endangered Species Act**, the District Engineer is hereby requesting that the appropriate Federal Agency provide comments regarding the presence of and potential impacts to listed species or its critical habitat.

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

- (X) Permit, License or Assent from State.
- (X) Permit from Local Wetland Agency or Conservation Commission.
- (X) 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.

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

## **PROPOSED WORK AND PURPOSE**

The work includes the discharge of permanent fill in a total of approximately 6,000 sq. ft. (0.14 acres) of estuarine emergent marsh wetland along the southbound lane of I-295 between exit 3 and exit 4 in South Portland, Maine in conjunction with the construction of a new auxiliary lane. The new southbound auxiliary lane will relieve the capacity constraints, increase the efficiency of the ramps and help reduce the accident rate at the exit 4 on-ramp.

The work is described on the enclosed plans entitled "STATE OF MAINE DEPARTMENT OF TRANSPORTATION, I-296 EXITS 3&4 SO. PORTLAND, CUMBERLAND COUNTY, MAINE PIN 11231.00" on 5 sheets, undated.

**Summary of Essential Fish Habitat (EFH) Designation**

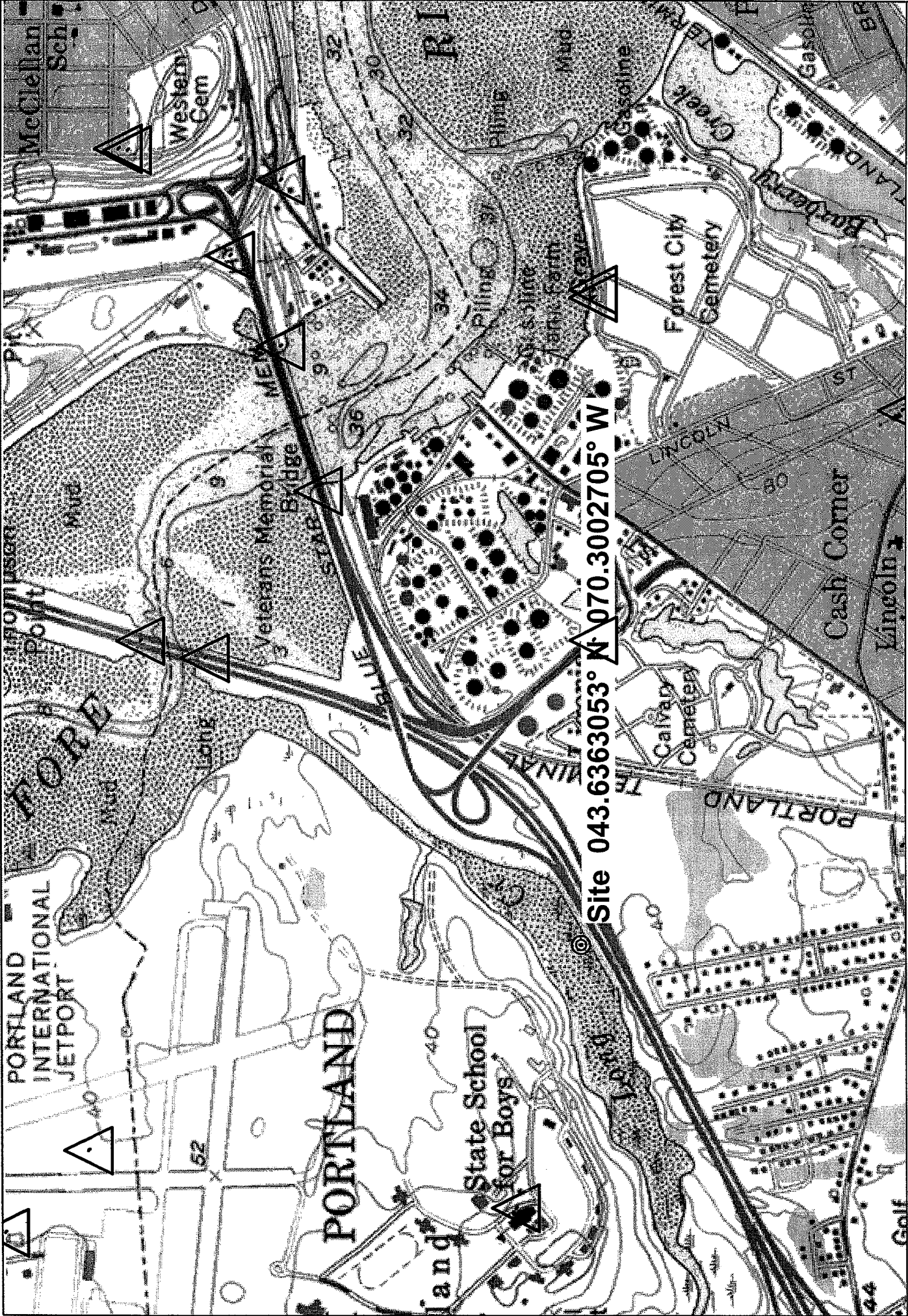
**10' x 10' Square Coordinates:**

Boundary	North	East	South	West
Coordinate	43° 40.0' N	70° 10.0' W	43° 30.0' N	70° 20.0' W

**Square Description (i.e. habitat, landmarks, coastline markers):** The waters within the square east of Portland, ME., affecting the following: Cape Elizabeth, ME. and South Portland, ME., from Portland, ME., to just south of Scarborough Beach (the tip of Prouts Neck), off Scarborough, ME. These waters are located mostly within southern Casco Bay (east of and north of Cape Elizabeth), including waters within Fore River, and within the Bigelow Bight (south of Cape Elizabeth), within the Gulf of Maine. This square also includes waters affecting the southern part of Peaks Island, Cushing Island and Richmond Island. Other features affected include: Bluff I., Stratton I., Old Proprietor, Richmond I. Harbor, Ram I., Adams Head on Richmond I., Old Anthony Rock, West Hue and Cry, and the westernmost part of the West Cod Ledge, along with the Libby River, Spurwink River, Taylor Reef, Mitchell Rock, Seal Cove, and Broad Cove. Also, Trundy Pt., Trundy Reef, Willard Rock, Pine Tree Ledge, Jordon Reef, Portland Head, Spring Pt., Ram I., Witch Rock, and Ram I. Ledge are affected.

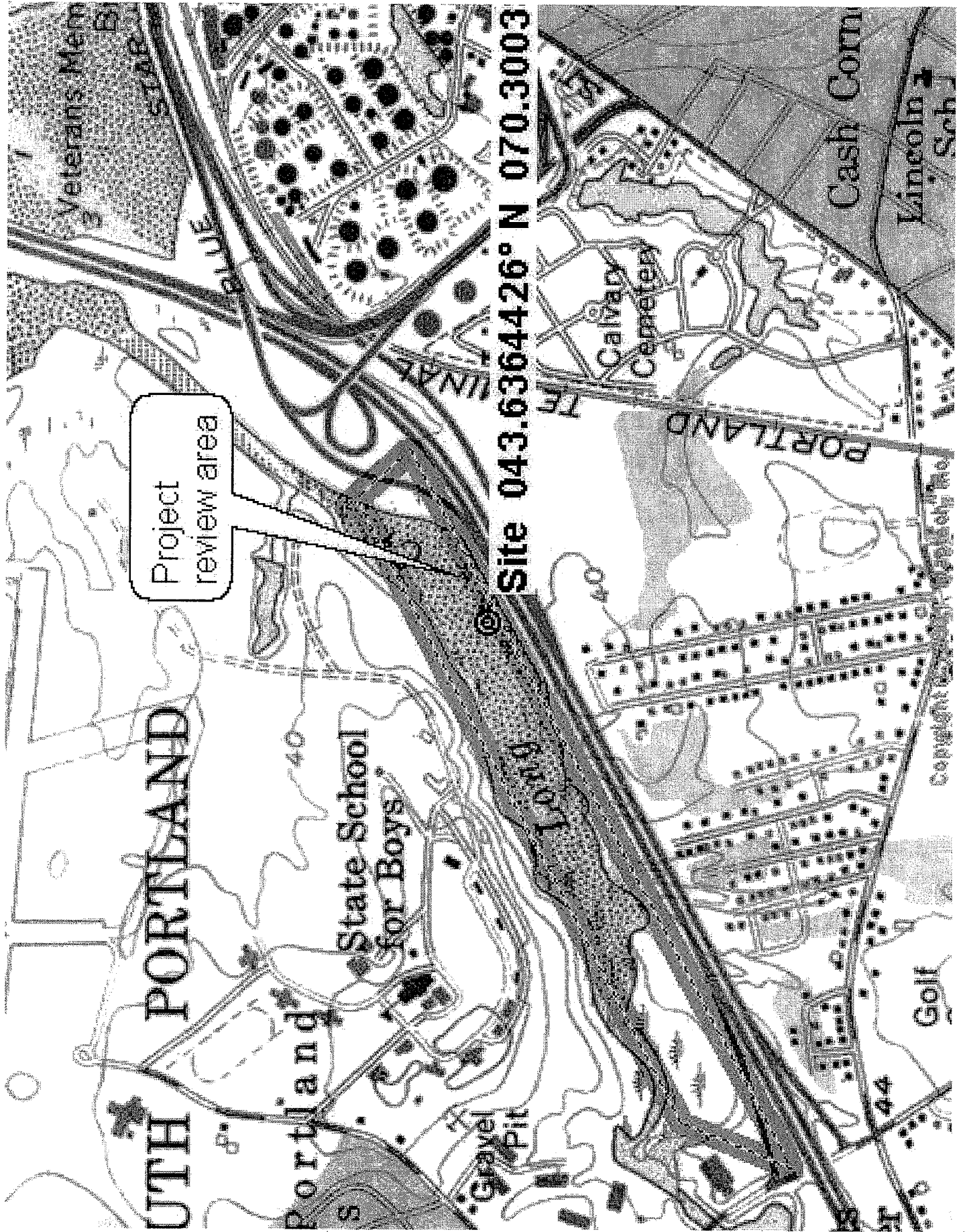
Species	Eggs	Larvae	Juveniles	Adults
Atlantic salmon ( <i>Salmo salar</i> )				X
Atlantic cod ( <i>Gadus morhua</i> )	X	X	X	X
haddock ( <i>Melanogrammus aeglefinus</i> )				X
pollock ( <i>Pollachius virens</i> )			X	
whiting ( <i>Merluccius bilinearis</i> )			X	X
offshore hake ( <i>Merluccius albidus</i> )				
red hake ( <i>Urophycis chuss</i> )			X	X
white hake ( <i>Urophycis tenuis</i> )			X	X
redfish ( <i>Sebastes fasciatus</i> )	n/a			
witch flounder ( <i>Glyptocephalus cynoglossus</i> )				
winter flounder ( <i>Pleuronectes americanus</i> )	X	X	X	X
yellowtail flounder ( <i>Pleuronectes ferruginea</i> )	X	X	X	X
windowpane flounder ( <i>Scophthalmus aquosus</i> )	X	X	X	X
American plaice ( <i>Hippoglossoides platessoides</i> )	X	X	X	X
ocean pout ( <i>Macrozoarces americanus</i> )	X	X	X	X
Atlantic halibut ( <i>Hippoglossus hippoglossus</i> )	X	X	X	X
Atlantic sea scallop ( <i>Placopecten magellanicus</i> )	X	X	X	X
Atlantic sea herring ( <i>Clupea harengus</i> )		X	X	X

monkfish ( <i>Lophius americanus</i> )				
bluefish ( <i>Pomatomus saltatrix</i> )			X	X
long finned squid ( <i>Loligo pealei</i> )	n/a	n/a		
short finned squid ( <i>Illex illecebrosus</i> )	n/a	n/a		
Atlantic butterfish ( <i>Peprillus triacanthus</i> )				
Atlantic mackerel ( <i>Scomber scombrus</i> )			X	X
summer flounder ( <i>Paralichthys dentatus</i> )				
scup ( <i>Stenotomus chrysops</i> )	n/a	n/a		
black sea bass ( <i>Centropristus striata</i> )	n/a			
surf clam ( <i>Spisula solidissima</i> )	n/a	n/a		
ocean quahog ( <i>Artica islandica</i> )	n/a	n/a		
spiny dogfish ( <i>Squalus acanthias</i> )	n/a	n/a		
tilefish ( <i>Lopholatilus chamaeleonticeps</i> )				
bluefin tuna ( <i>Thunnus thynnus</i> )				X



Name: PORTLAND WEST  
 Date: 4/17/2008  
 Scale: 1 inch equals 1000 feet

Location: 043.6391562° N 070.2917159° W  
 Caption: MDOT I 295 Southbound Aux Lane Project

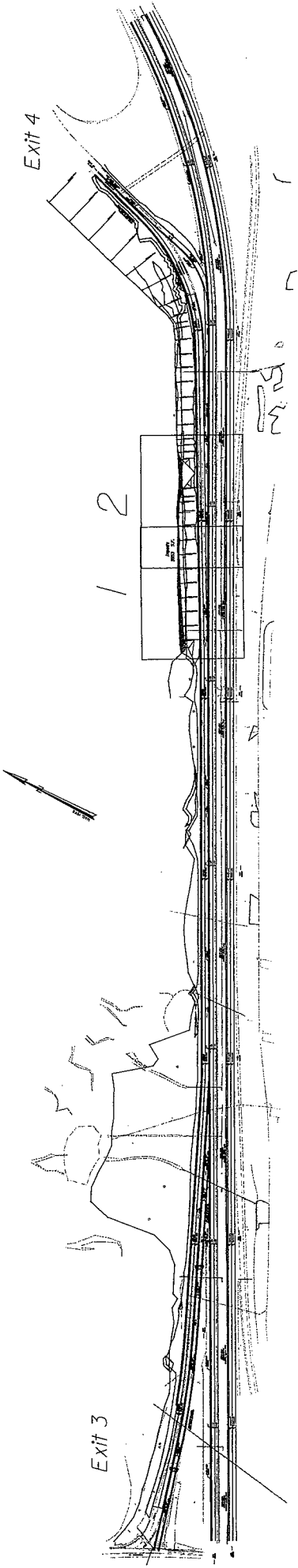


Project review area

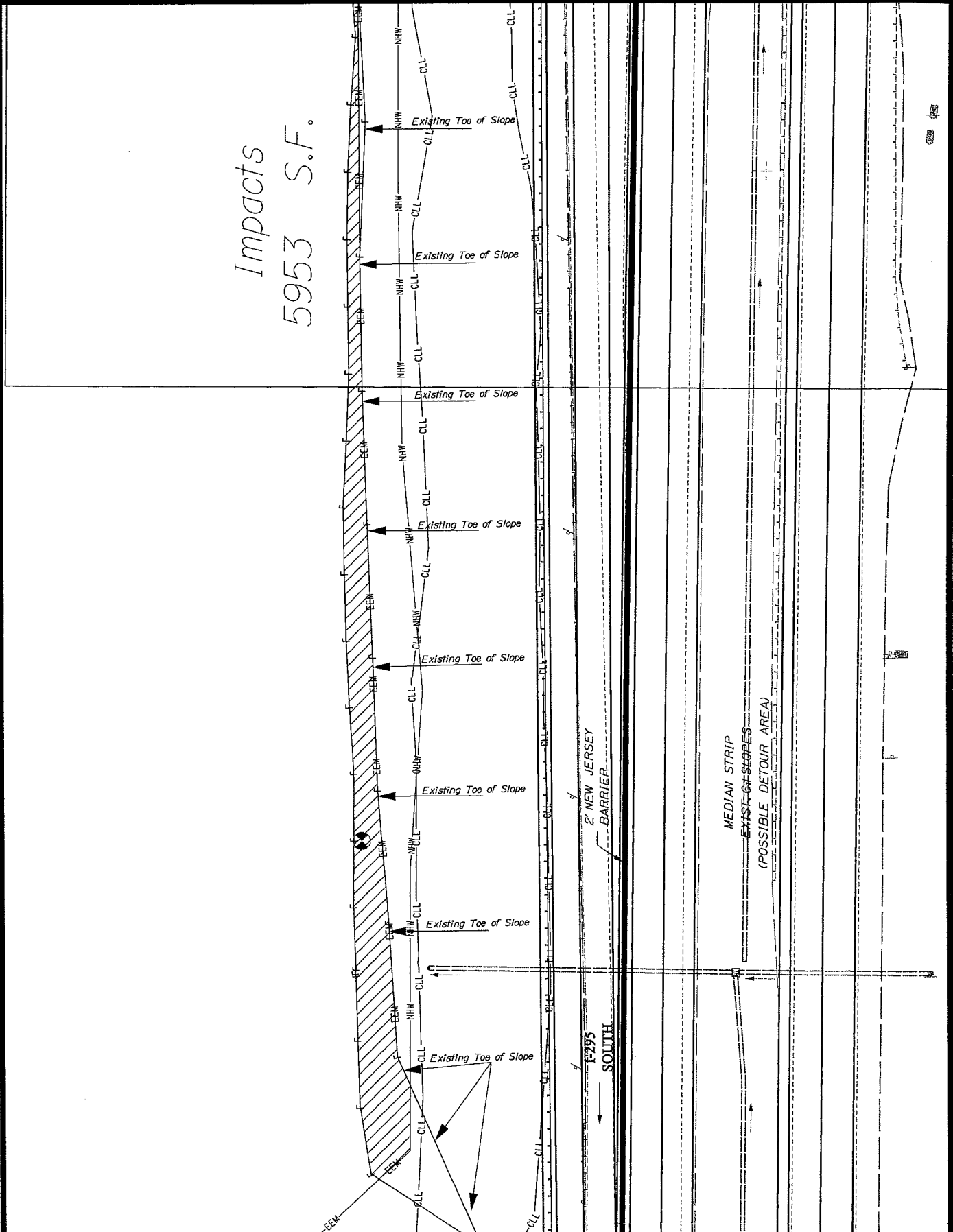
Site 043.6364426° N 070.3003



South Portland 11231.00  
I-295 Sheet Index



Impacts  
5953 S.F.



STATE OF MAINE  
DEPARTMENT OF TRANSPORTATION

11231.00

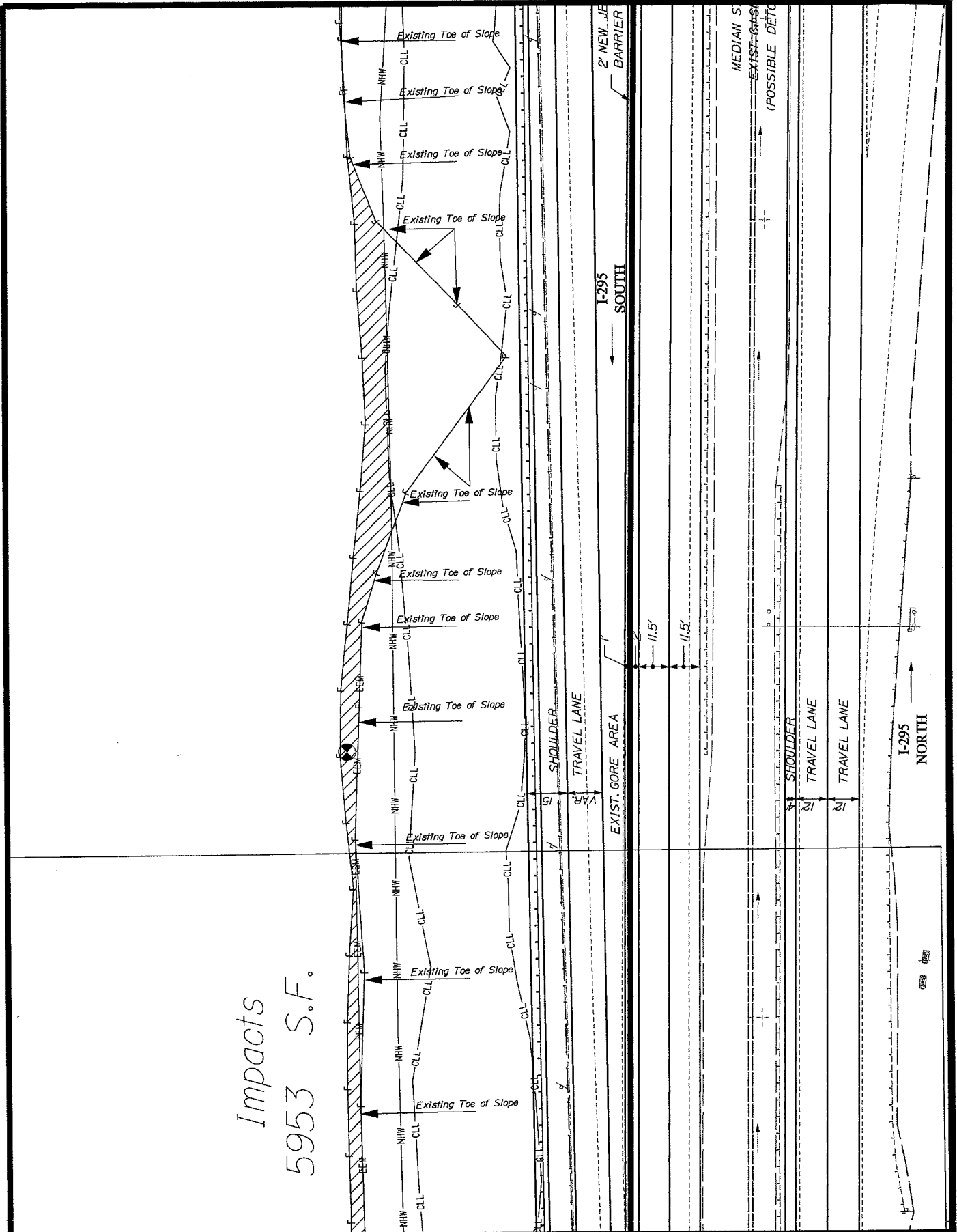
I-295 EXITS 3&4 SO. PORTLAND  
Cumberland

PLANS

SHEET NUMBER

1

OF2



STATE OF MAINE  
DEPARTMENT OF TRANSPORTATION

11231.00

I-295 EXITS 3&4 SO. PORTLAND  
Cumberland

PLANS

SHEET NUMBER

2

OF2