



PUBLIC NOTICE

US Army Corps
of Engineers®
New England District

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

Date: JANUARY 2, 2007

Comment Period Ends: FEBRUARY 2, 2007

File Number: NAE-2006-3128

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: THE NEW ENGLAND EXPEDITIONS-SCARBOROUGH, LLC, 220 ELM STREET, SUITE 104, NEW CANAAN, CT 06840

ACTIVITY: Fill approximately 4.45 acres and indirectly impact approximately 0.62 acres of freshwater wetlands in order to develop two parcels into "The Gateway Shoppes at Scarborough", a mixed use commercial development. The cornerstone of the project is a 130,000 square foot Cabela's retail store but the combined development of the two parcels will also include space for smaller retailers, restaurants, a bank, office space, and a hotel.

To compensate for this project's projected unavoidable impacts to wetlands, the applicant is currently proposing off site compensation. This work, shown on the attached plans, includes the creation of approximately 4.55 acres of mixed wetland within a former gravel pit and the preservation of a surrounding 27 acres of mixed upland and wetland including wetlands within the floodplain of the Nonesuch River at Scarborough, Maine. The proposed compensation is part of a long-term plan to reclaim the former pit into a large wetland creation and preservation area that will complement local and municipal conservation goals. The applicant is proposing these measures seeking to lessen the project's impact on aquatic resources. This notice solicits comments on these proposed measures from the interested or affected public as well as those agencies who speak to the public interest. It also solicits recommendations for alternative 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: This work is proposed in freshwater wetlands on parcels northwest and southeast of Payne Road at Scarborough, Maine. The project site is located on the USGS PROUTS NECK, ME quadrangle sheet at latitude 43.6018836 °N; and longitude 70.3690349°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 States of Connecticut, Maine, Massachusetts, New Hampshire and Rhode Island have approved **Coastal Zone Management Programs**. Where applicable the applicant states that any proposed activity will comply with and will be conducted in a manner that is consistent with the approved Coastal Zone Management

Program. By this Public Notice, we are requesting the State concurrence or objection to the applicant's consistency statement.

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.

Michael C. Hicks
 for Frank J. Del Giudice
 Chief, Permits and Enforcement Branch
 Regulatory Division

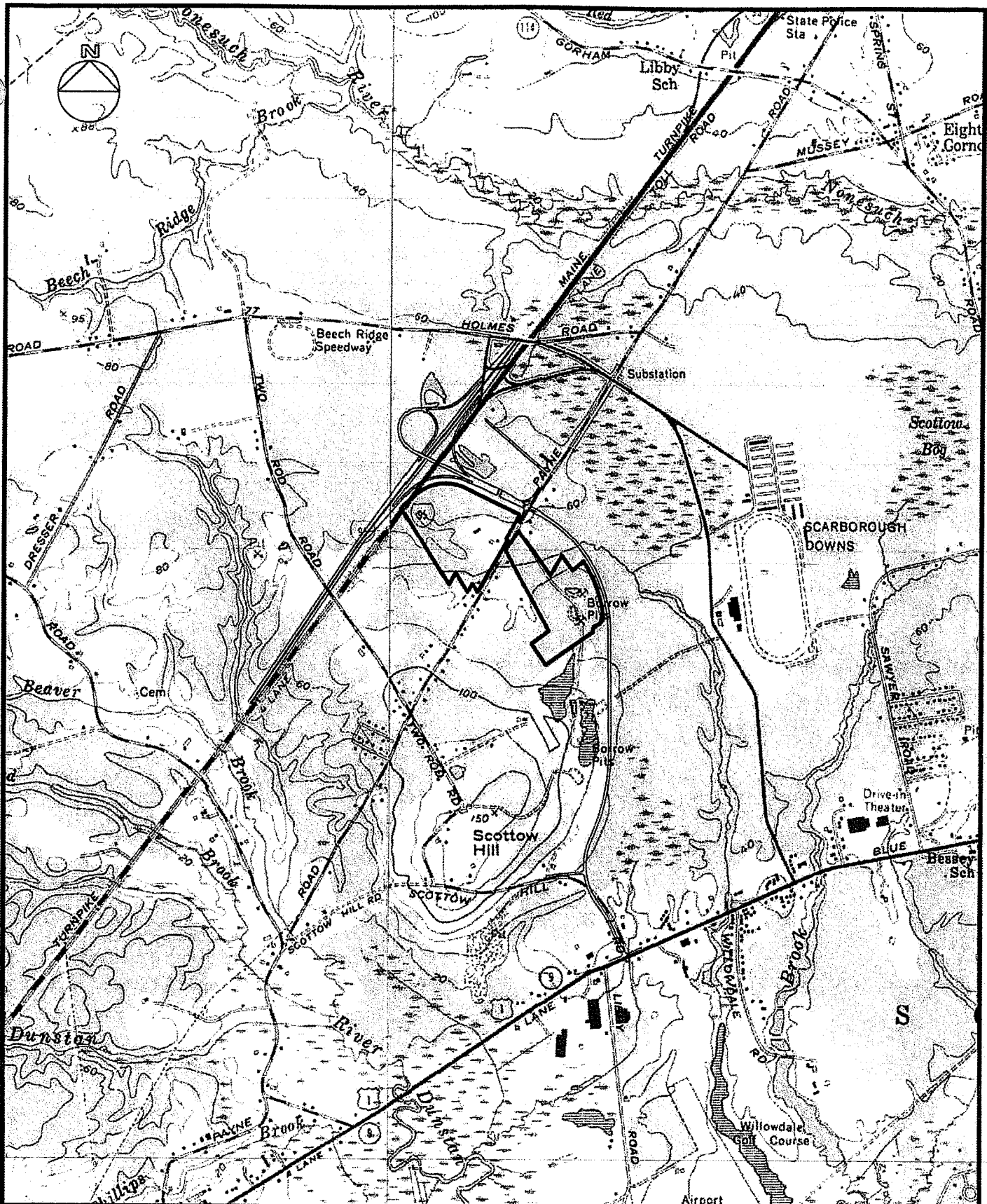
If you would prefer not to continue receiving Public Notices, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at bettina.m.chaisson@usace.army.mil. You may also check here () and return this portion of the Public Notice to: Bettina Chaisson, Regulatory Division, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751.

NAME: _____
 ADDRESS: _____

PROPOSED WORK AND PURPOSE

The work includes the discharge of dredged or fill material in 4.45 acres of freshwater wetlands and the indirect impact to another 0.62 acres of freshwater wetlands in order to develop two parcels into "Gateway Shoppes at Scarborough", a mixed use commercial development on both sides of Payne Road at Scarborough, Maine. The cornerstone of the project is a 130,000 square foot Cabela's retail store but the combined development of the two parcels will also include space for smaller retailers, restaurants, a bank, office space, and a hotel.

The work is described on the enclosed plans entitled "The New England Expedition-Scarborough, LLC, 220 Elm Street, Suite 104, New Caanan, CT 06840" on seven sheets, and dated "August 2006".



OEST Associates, Inc.

343 Gorham Road · South Portland, ME 04106

T: \3320201\Sheets\Exhibits\uegs_loc.dwg
Aug 29, 2006 - 8:38am

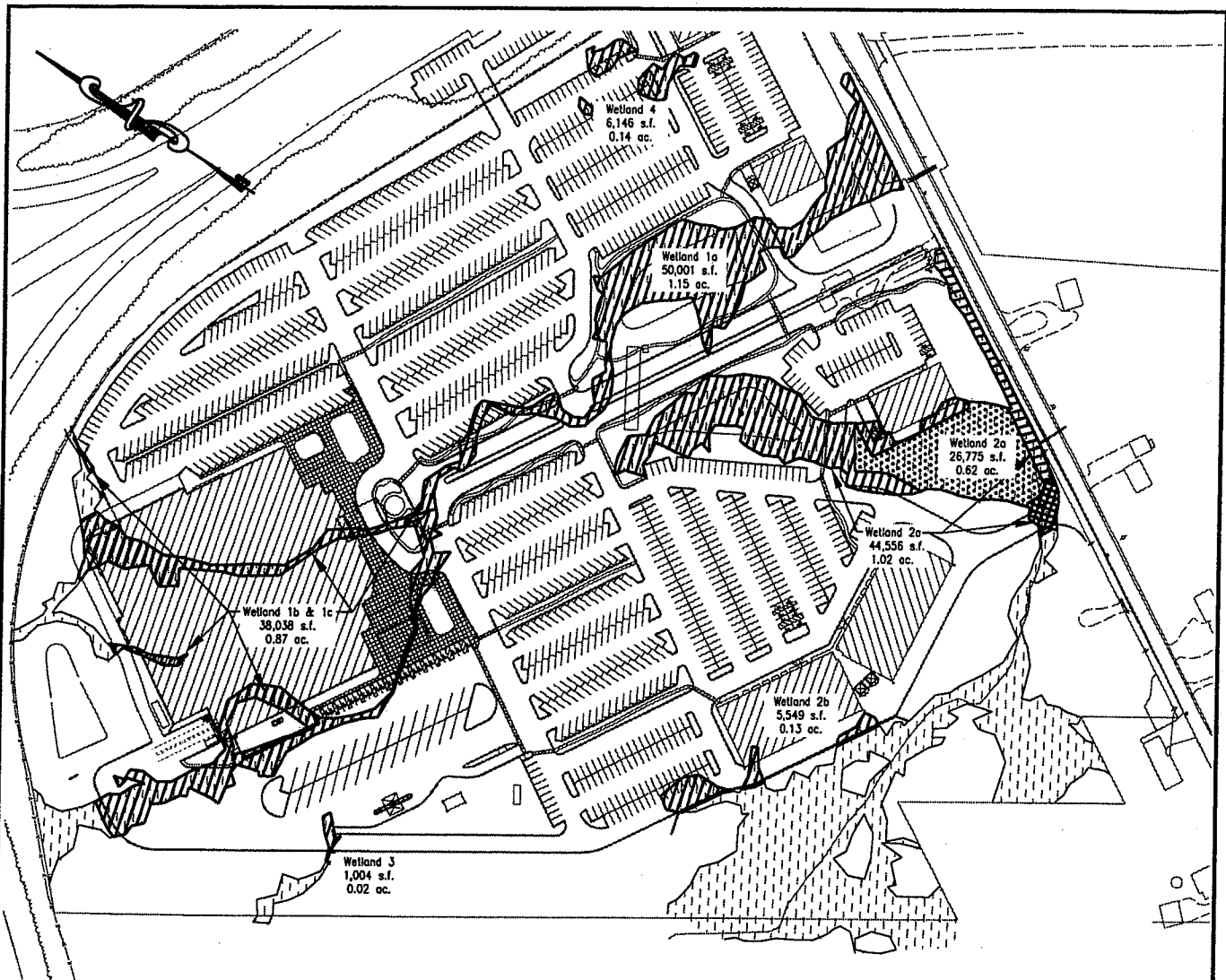
The New England Expedition
220 Elm St., Suite 104 New Canaan, CT 06840

Location Map





SCALE: 1"=2,000'±

DATE: August 2006

PROJ.#: 332.02



WETLAND IMPACT AREAS

	WETLANDS		
		DIRECT IMPACT=	3.33 ACRES
		INDIRECT IMPACT=	0.62 ACRES
<hr/>		TOTALS=	3.95 ACRES

PLEASE NOTE: THIS DOCUMENT MAY NOT ACCURATELY REPRESENT THE FINAL DOCUMENT. ONLY AN ENGINEER, ARCHITECT OR SURVEYOR SIGNED, SEALED AND DATED PAPER COPY, PROVIDED BY THIS OFFICE, MAY BE UTILIZED FOR BIDDING OR CONSTRUCTION PURPOSES.

OEST Associates, Inc.

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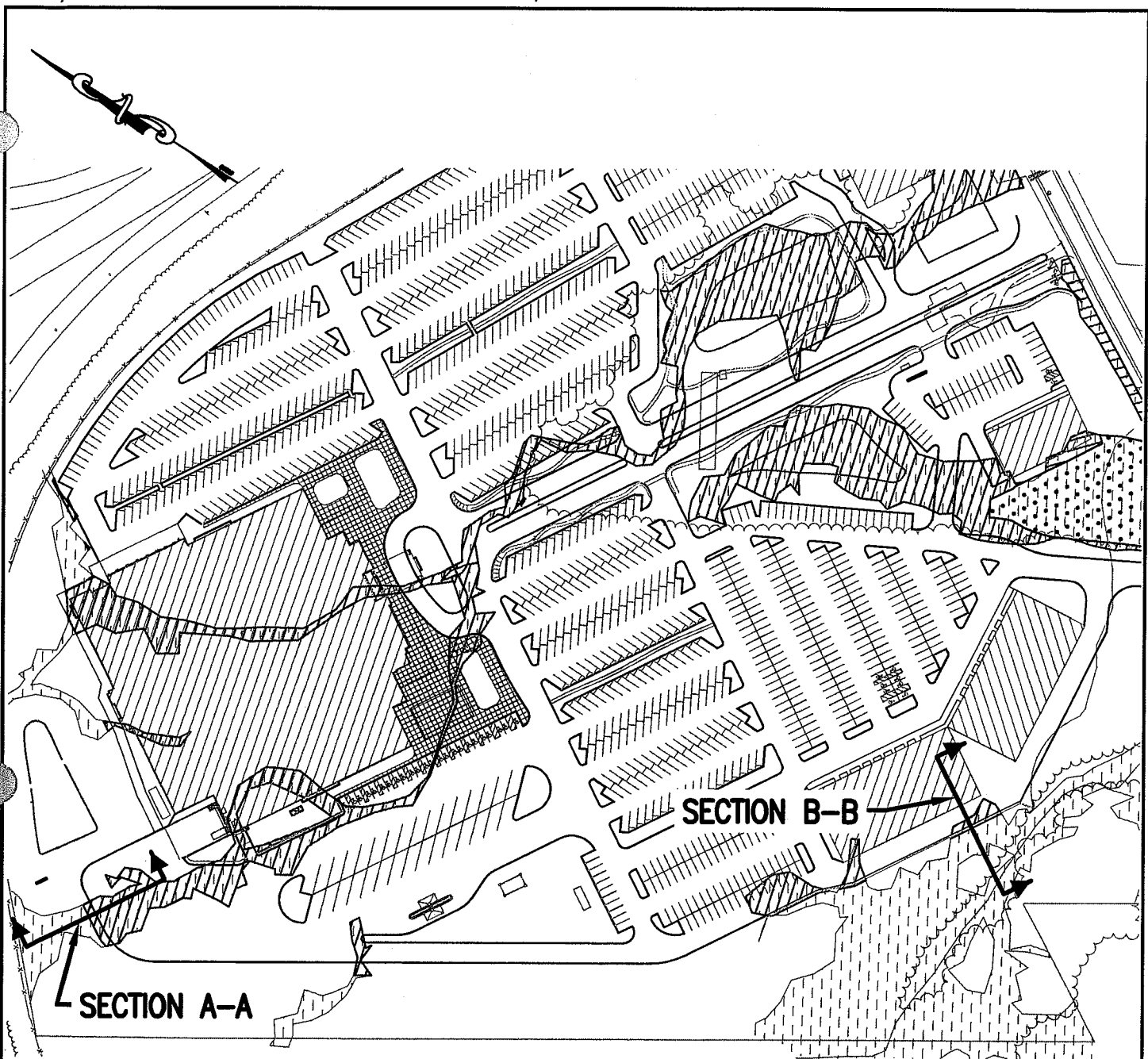
The New England Expedition—Scarborough, LLC
220 Elm Street, Suite 104 New Canaan, CT 06840

WETLAND IMPACTS (SITE ONE)

SCALE: 1"=250'

DATE: Sept. 2006

PROJ.#: 332.02.41



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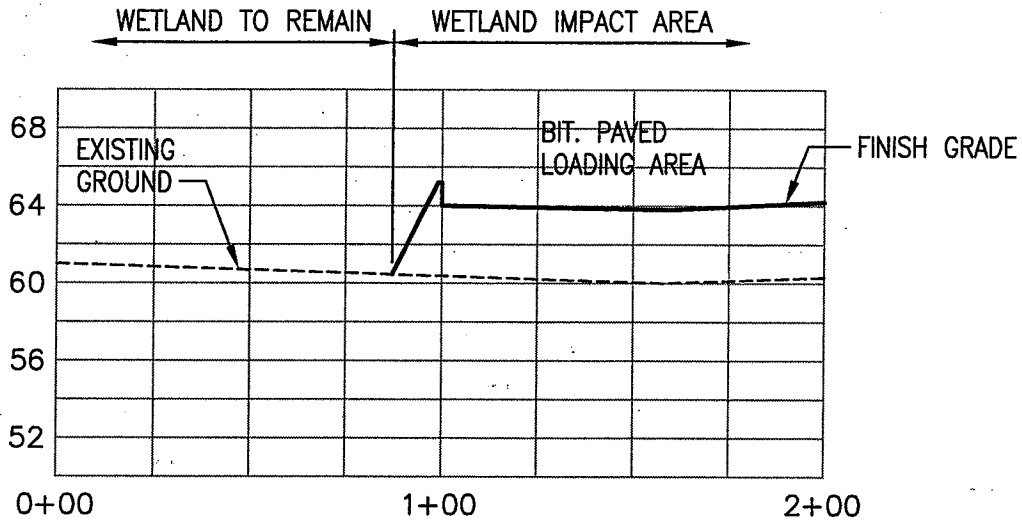
The New England Expedition-Scarborough, LLC
 220 Elm Street, Suite 104 New Canaan, CT 06840

SECTION KEY PLAN (SITE ONE)

SCALE: 1"=200'

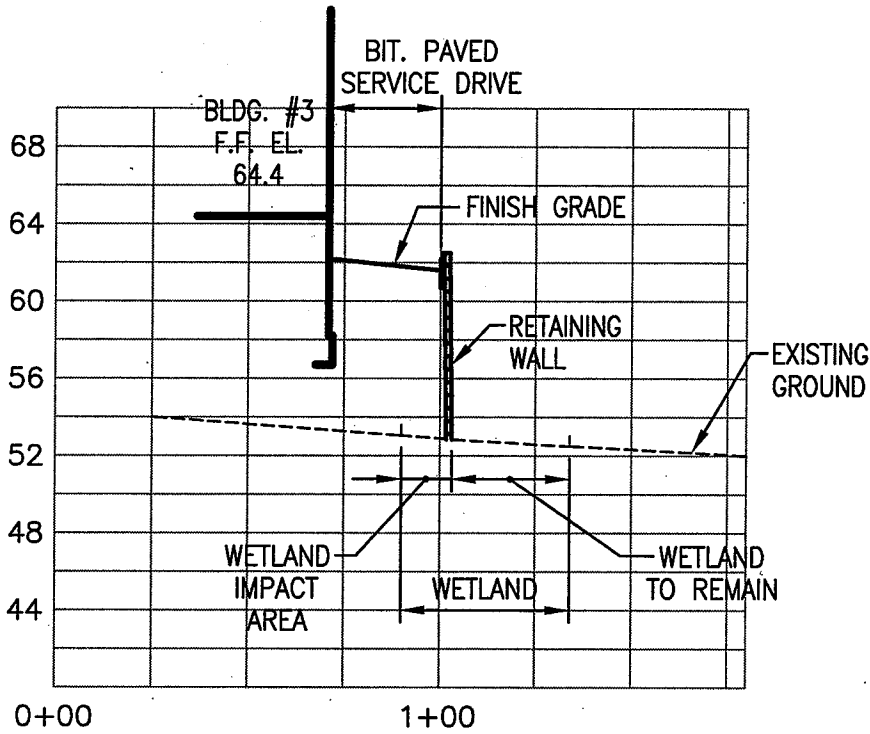
DATE: Sept. 2006

PROJ.#: 332.02.41



SECTION A-A

SCALE: 1"=50' HOR./1"=10' VERT.



SECTION B-B

SCALE: 1"=50' HOR./1"=10' VERT.

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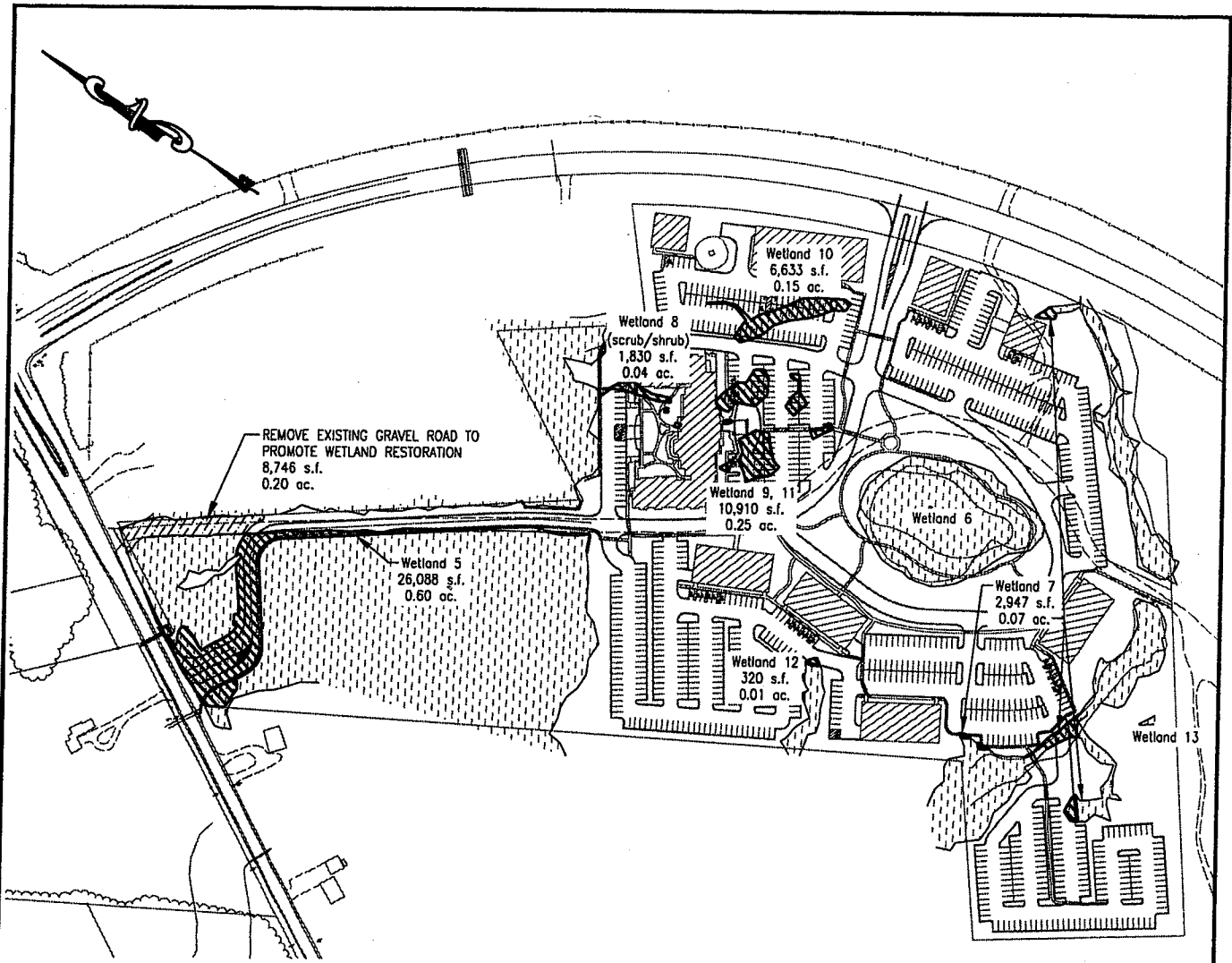
The New England Expedition-Scarborough, LLC
220 Elm Street, Suite 104 New Canaan, CT 06840

IMPACT SECTIONS (SITE ONE)

SCALE: As Shown

DATE: Sept. 2006

PROJ.#: 332.02.41



WETLAND IMPACT AREAS



WETLANDS



DIRECT IMPACT=

1.12 ACRES



INDIRECT IMPACT=

0.00 ACRES

TOTALS=

1.12 ACRES

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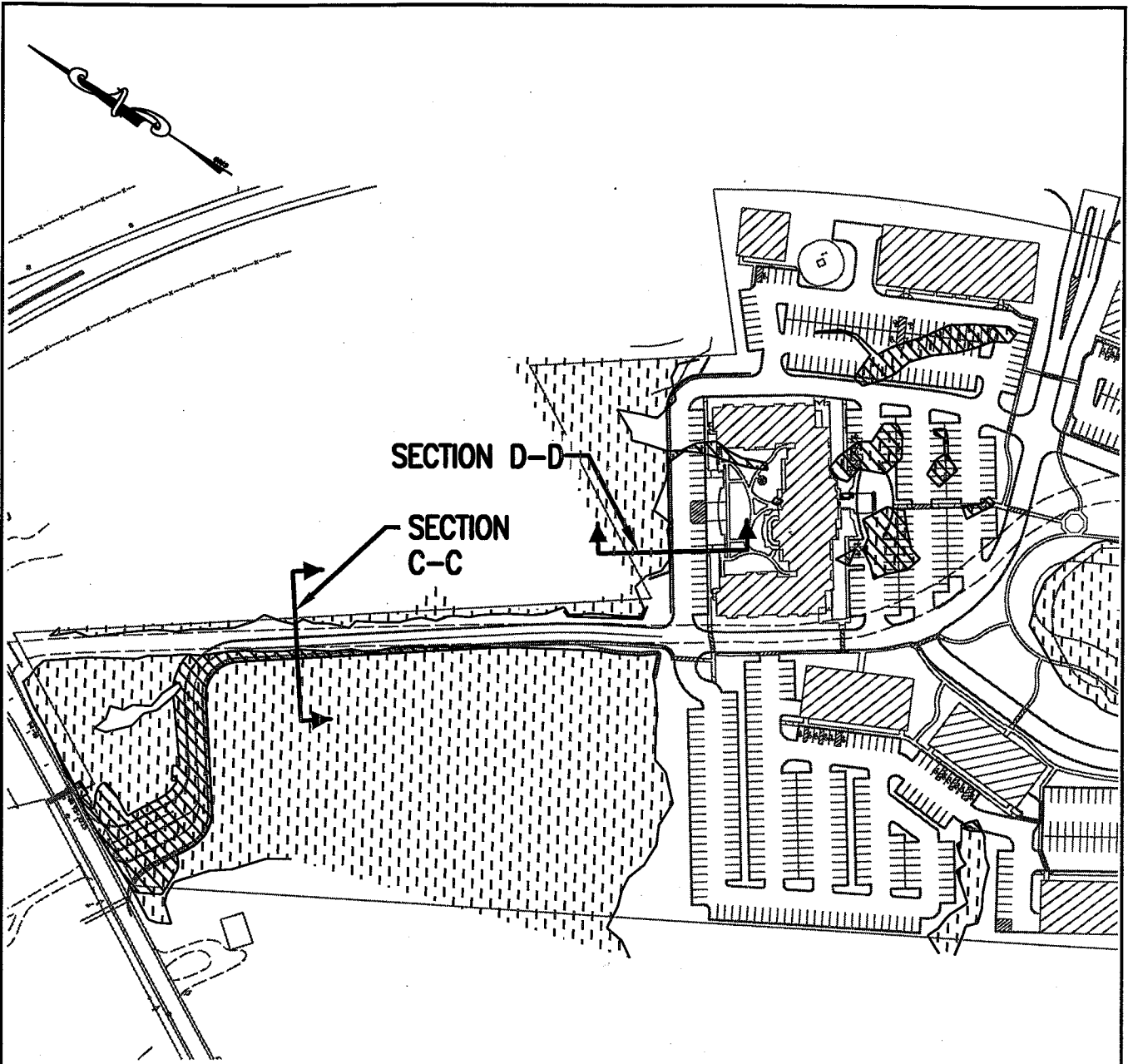
The New England Expedition-Scarborough, LLC
220 Elm Street, Suite 104 New Canaan, CT 06840

WETLAND IMPACTS (SITE TWO)

SCALE: 1"=300'

DATE: Sept. 2006

PROJ.#: 332.02.41



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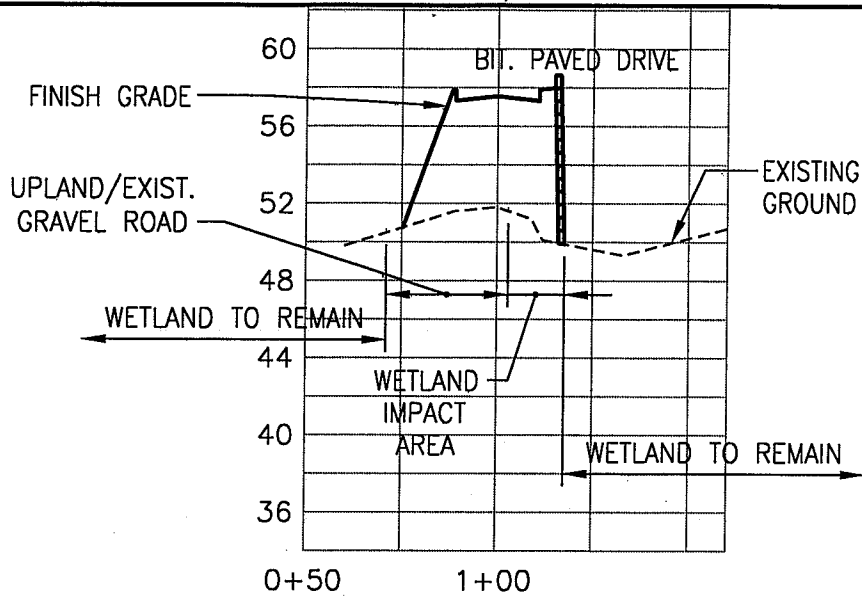
The New England Expedition-Scarborough, LLC
 220 Elm Street, Suite 104 New Canaan, CT 06840

SECTION KEY PLAN (SITE TWO)

SCALE: 1"=200'

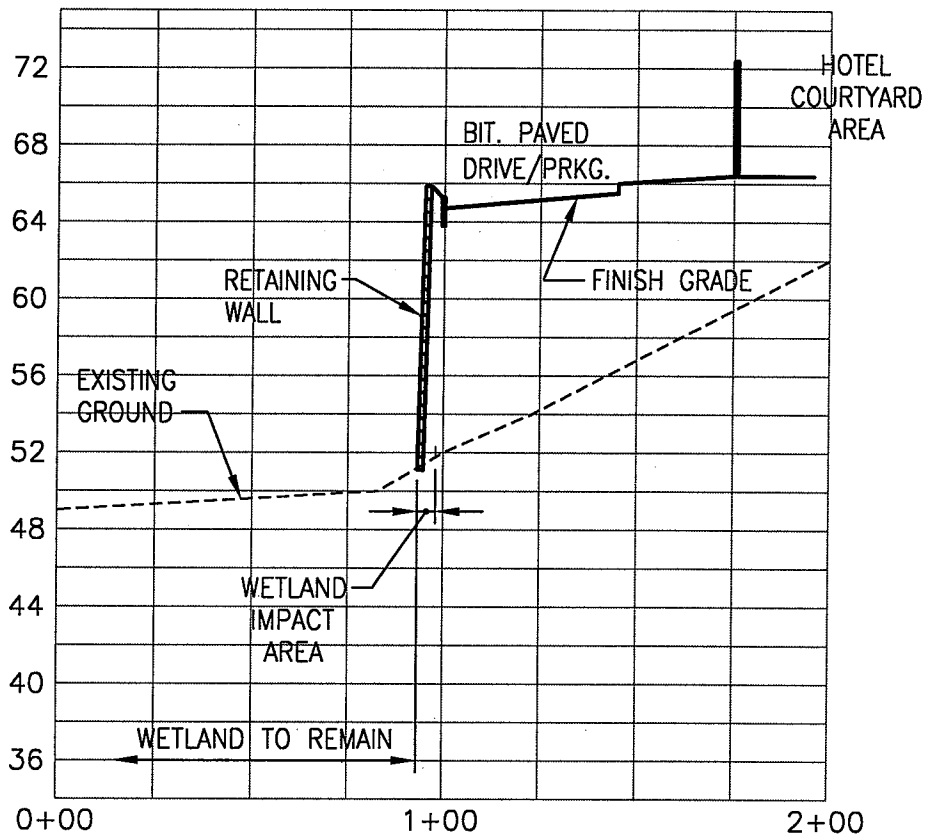
DATE: Sept. 2006

PROJ.#: 332.02.41



SECTION C-C

SCALE: 1"=50' HOR./1"=10' VERT.



SECTION D-D

SCALE: 1"=50' HOR./1"=10' VERT.

OEST Associates, Inc.

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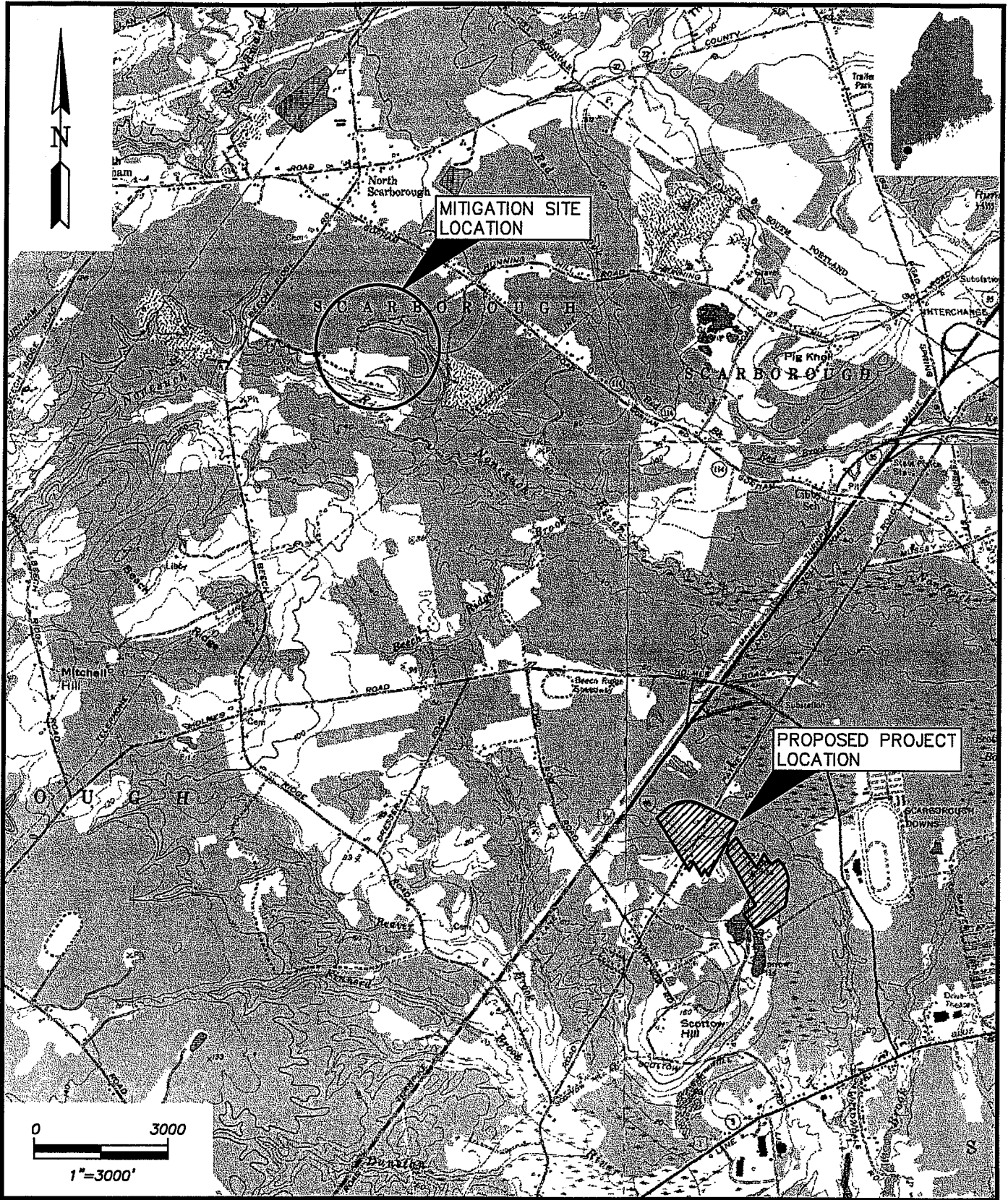
The New England Expedition-Scarborough, LLC
220 Elm Street, Suite 104 New Canaan, CT 06840

IMPACT SECTIONS (SITE TWO)


SCALE: As Shown

DATE: Sept. 2006

PROJ.#: 332.02.41



PREPARED BY:



WOODLOT
ALTERNATIVES, INC.
ENVIRONMENTAL CONSULTANTS

106132-F001-proj-mit_Location.dwg

SHEET TITLE:

Project and Mitigation Location Map

PROJECT:

**The Gateway at Scarborough
New England Expeditions-Scarborough LLC**

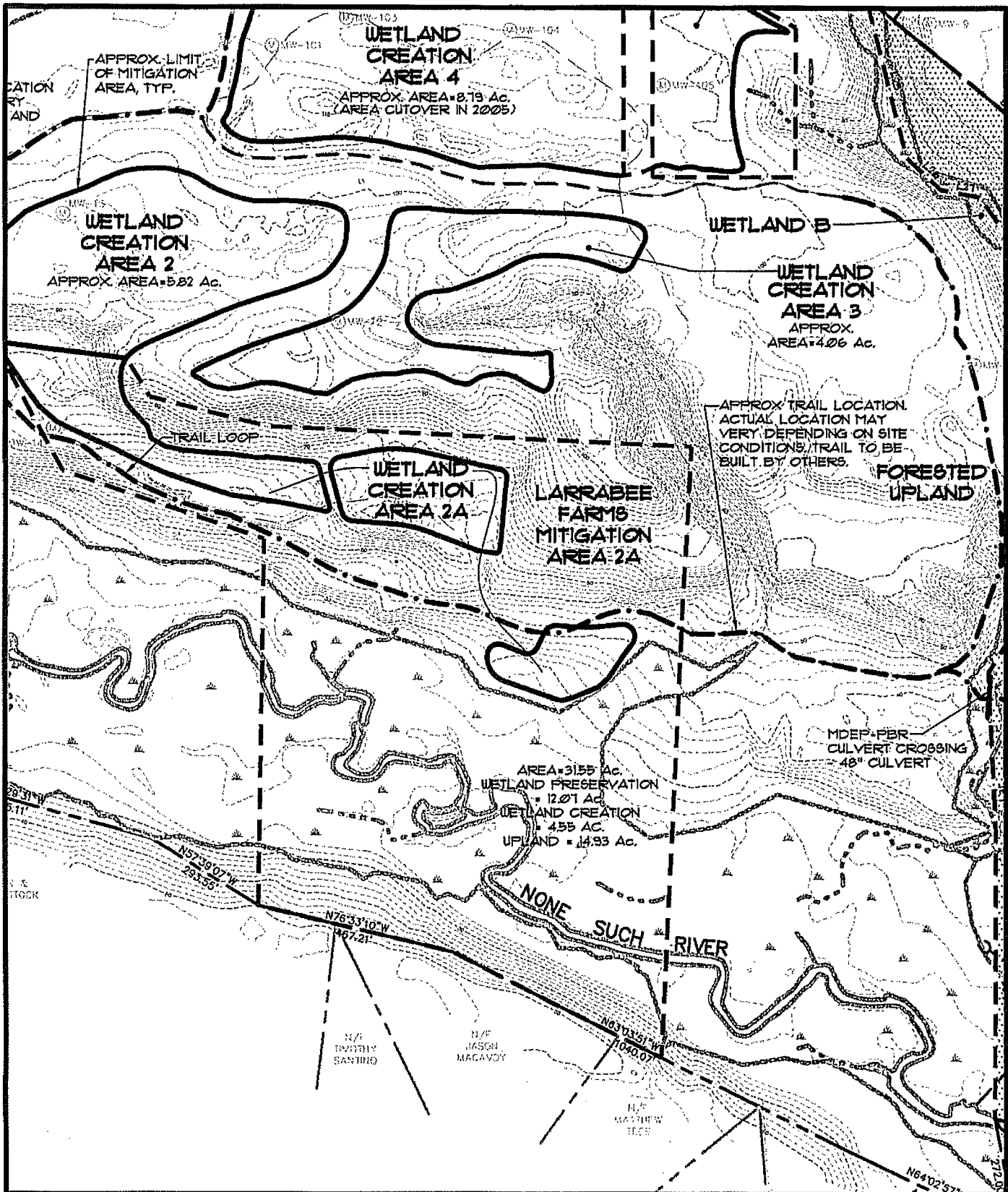
DATE: September 2006

SCALE: 1"=3000'

PROJ. NO: 106132

FIGURE:

1



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Engineering Expertise You Can Build On
 One Chabot Street
 Westbrook, Me 04098-1339
 Tel (207) 858-0277



**LARRABEE FARMS MITIGATION AREA 2A
 OF LARRABEE FARMS WETLAND MITIGATION**

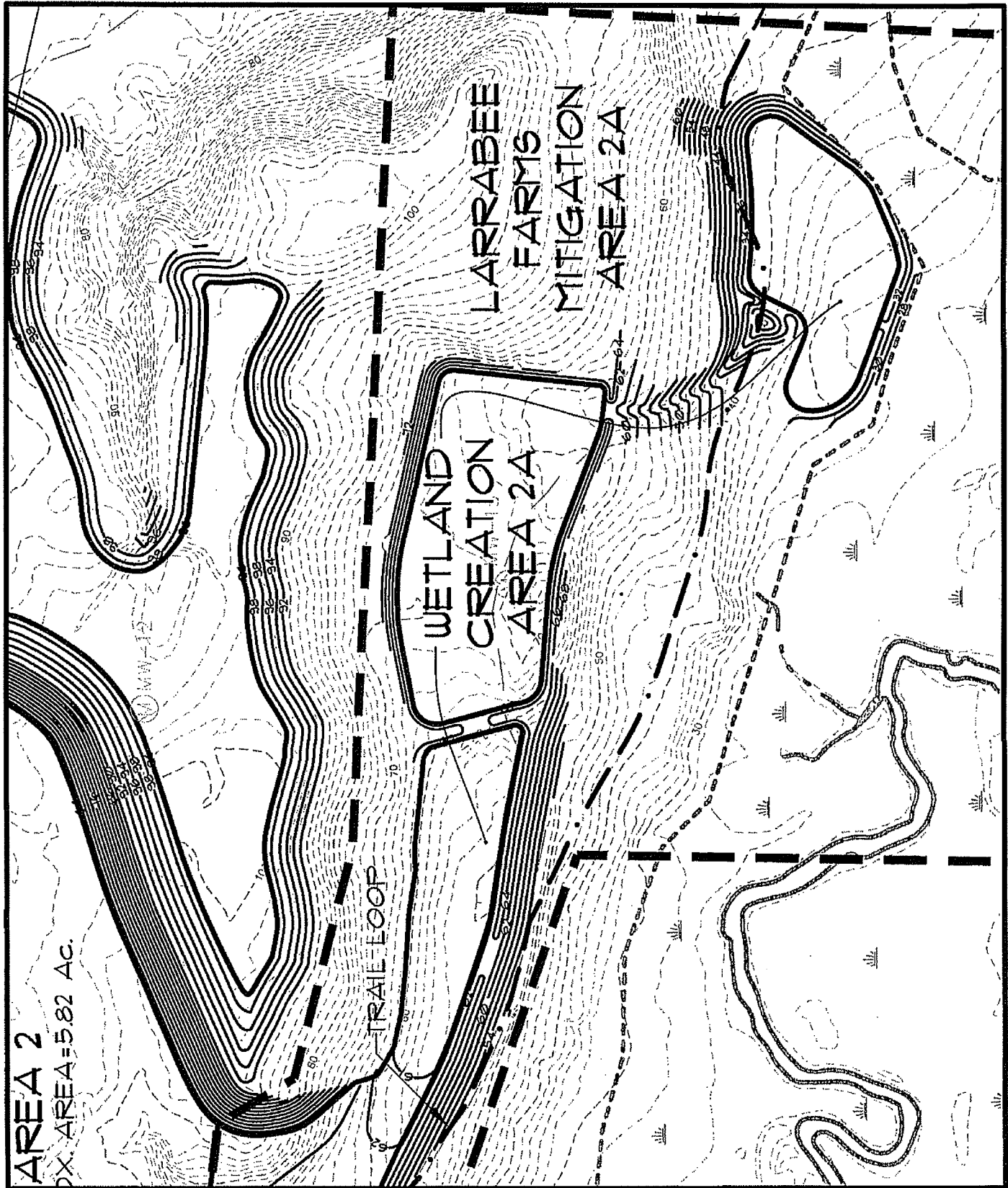
LOCATION:
 GORHAM ROAD
 SCARBOROUGH, MAINE

FOR:
 GRONDIN AGGREGATES, LLC
 GORHAM, MAINE 04038

SCALE: 1" = 300'

DATE: 12/14/06

SHEET:
 1 OF 2



AREA 2
 TOTAL AREA = 5.82 AC.

LARRABEE
 FARMS
 MITIGATION
 AREA 2A

WETLAND
 CREATION
 AREA 2A

TRAIL LOOP

Sebago Technics Engineering Expertise You Can Build On One Chobot Street Westbrook, Me 04098-1339 Tel (207) 856-0277	LARRABEE FARMS MITIGATION AREA 2A GRADING OF LARRABEE FARMS WETLAND MITIGATION		SCALE: 1" = 150'
	LOCATION: GORHAM ROAD SCARBOROUGH, MAINE	FOR: GRONDIN AGGREGATES, LLC GORHAM, MAINE 04038	DATE: 12/14/06

**SUMMARY OF WETLAND IMPACTS AND MITIGATION FOR
"THE GATEWAY AT SCARBOROUGH" PROJECT
12/20/2006**

A. WETLAND IMPACTS - PROPOSED PROJECT SITES

Wetland ID ¹	Wetland Type	Total Wetland Area ² (Ac)	Wetland Impacts (Ac)
Site One			
1a	Wet Meadow	1.15	1.15
1b, 1c	Forested	1.21	0.87
2a	Wet Meadow	1.71	1.02
2b	Forested	2.34	0.13
3	Forested	0.08	0.02
4	Forested	0.14	0.14
Site Two			
5	Forested/Shrub/Open Water	6.5+	0.64
7	Forested	1.19	0.07
8	Forested/Shrub	4.80	0.05
9, 11	Wet Meadow	0.31	0.25
10	Wet Meadow	0.15	0.15
12	Forested	0.13	0.01
Total:			4.50

1. Refer to Wetland Impact figures for the Gateway at Scarborough Project
2. Within project area boundaries only. Wetland areas extending off site are not included here.

B. PROPOSED COMPENSATION - LARRABEE FARMS MITIGATION AREA 2A

Compensation Type	Total Acres
Forested Wetland Creation	2.10
Shrub Wetland Creation	0.35
Wet Meadow Creation	2.10
Wetland Preservation	12.07
Upland Preservation	14.93
Total Compensation:	31.55