



**US Army Corps  
of Engineers** ®

New England District

**Maine Project Office**

**675 Western Avenue #3**

**Manchester, Maine 04351**

# PUBLIC NOTICE

**Date:** June 24, 2008

**Comment Period Ends:** July 9, 2008

**File Number:** NAE-2008-01690

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

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

## 15 DAY NOTICE

The District Engineer has received a permit application from the applicant below to **conduct work in navigable 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:** Excavate and place fill below the high tide line in Marsh River at Newcastle, Maine in order to stabilize and protect the support structure for the Route 1 Bridge as shown on the attached plans and described as follows:

1. Excavate two channels between bridge footings beneath the bridge and stabilize the channels with stone riprap. One of the channels is presently open, the result of a catastrophic breach in 2005 and subsequent smaller failures. The other channel is the site of a concrete and fill dam structure that impounded water within Sherman Lake prior to the 2005 failure. The dam has been in place since the mid 1930s. Approximately 3,000 cubic yards of earthen fill and the debris of the former dam structure will be excavated and removed to an upland, non-wetland location. Approximately 1,075 cubic yards of stone riprap will be placed below the high tide line to stabilize the channels. The primary purposes of the project are to stabilize the existing channel and protect the bridge substructure; the secondary intent is to support the restoration of the upstream marsh by improving tidal flow and flushing into and out of what is now known as Sherman Marsh, the former Sherman Lake.

2. In order to access the construction site Maine DOT is proposing a temporary access road extending across the stream from the east shore to the west. The access road will consist of two or three large diameter steel pipes placed in the stream channel and covered with stone to provide a travel surface for construction equipment. Once the existing bridge piers have been protected with concrete and riprap and the channels excavated and stabilized with stone riprap, the temporary access road will be removed in its entirety. As part of the final site stabilization, a hand carry boat launch will be constructed on the upland, immediately adjacent to the eastern stream channel.

3. Excavation and filling will directly impact approximately 12,000 square feet (0.27 acres) of Essential Fish Habitat (EFH) - see attached sheet for list of species and life stages. This habitat consists of tidal stream bed composed of sand, gravel, and stone debris, primarily a result of the 2005 failure. This construction activity is expected to result in short-term turbidity that will rapidly diminish upon completion of the work with minimal impact to fish or benthic resources. Excavating the channels is expected to result in some improvement to fish passage and stabilization of eroding channel slopes should improve water quality and overall habitat in the long-term.

The work will also indirectly affect EFH. Opening and stabilizing two channels is expected to enhance tidal flow and flushing to Sherman Marsh, potentially affecting up to 217 acres. The upstream channel and adjacent marsh provide habitat for many of the species listed on the attached sheet.

Based upon this assessment of impacts to EFH, the District Engineer has made a preliminary determination that the site-specific adverse effect will not be substantial. Further consultation with the National Marine Fisheries Service regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision.

**WATERWAY AND LOCATION OF THE PROPOSED WORK:** This work is proposed in Marsh River at Newcastle, Maine. The project site is located on the USGS DAMARISCOTTA, ME quadrangle sheet at latitude 44.0111446°N; and longitude 69.5987370°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.

**SECTION 106 COORDINATION**

Based on his initial review, the District Engineer has determined that the proposed work may impact properties listed in, or eligible for listing in, the National Register of Historic Places. Additional review and consultation to fulfil requirements under Section 106 of the National Historic Preservation Act of 1966, as amended, will be ongoing as part of the permit review process.)

**ENDANGERED SPECIES CONSULTATION**

The National Marines Fisheries Service has determined that Marsh River most likely supports Federally endangered shortnose sturgeon. Consultation with the Service regarding Endangered Species Act recommendations for the proposed work 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 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**

Excavate and place fill below the high tide line in Marsh River at Newcastle, Maine in order to stabilize and protect the support structure for the Route 1 bridge. The work includes the excavation of two channels between bridge footings beneath the bridge and the stabilization of the channels with stone riprap. The primary purposes of the project are to stabilize the existing channel, protect the bridge substructure, and prevent additional breaching of the old road bed/dam. A secondary benefit will be to improve tidal flow and flushing into what is now known as Sherman Marsh, the former Sherman Lake.

The work is described on the enclosed plans entitled “US ROUTE 1, NEWCASTLE, LINCOLN” in six sheets undated.

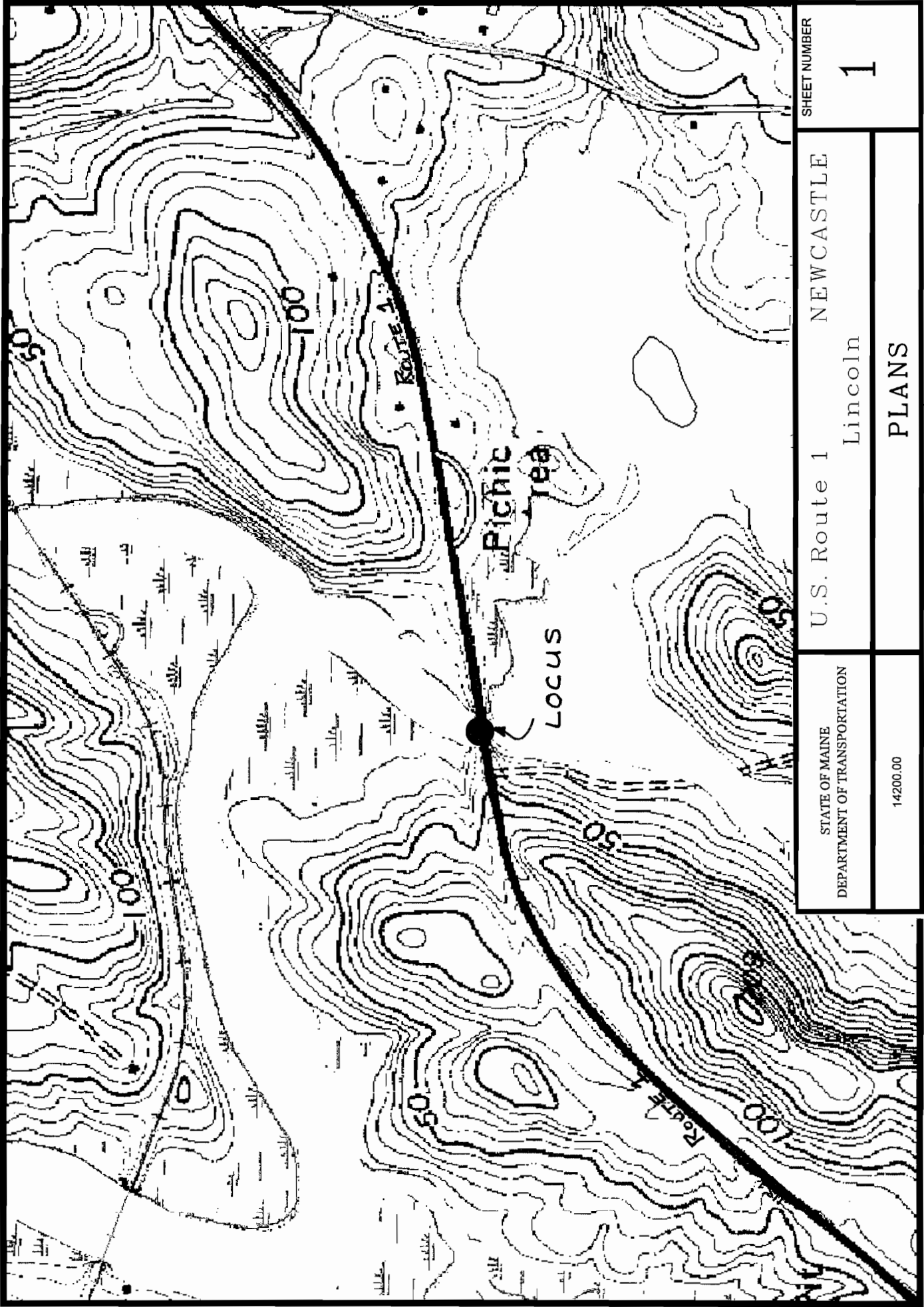
**Summary of Essential Fish Habitat (EFH) Designations**

**Name of Estuary/ Bay/ River: Sheepscot River, Maine**

**10' x 10' latitude and longitude squares included in this bay or estuary or river (southeast corner boundaries):**

4350/6940; 4340/6950; 4350/6930

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



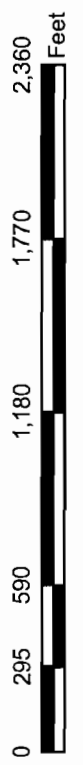
SHEET NUMBER  
**1**

STATE OF MAINE DEPARTMENT OF TRANSPORTATION	U.S. Route 1 Lincoln	NEWCASTLE
14200.00	PLANS	



# Newcastle 12800.00 & 14200.00

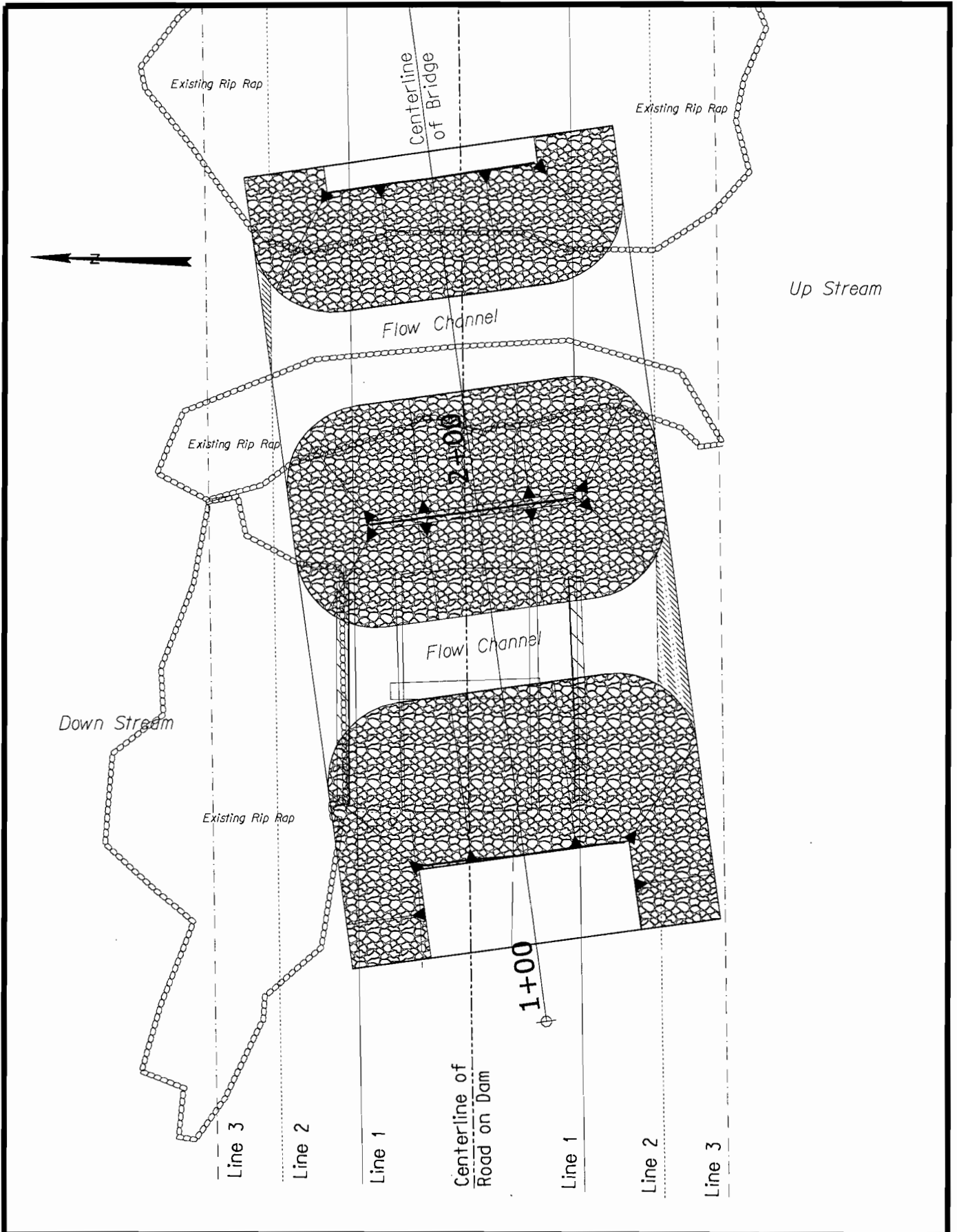
● Project Location









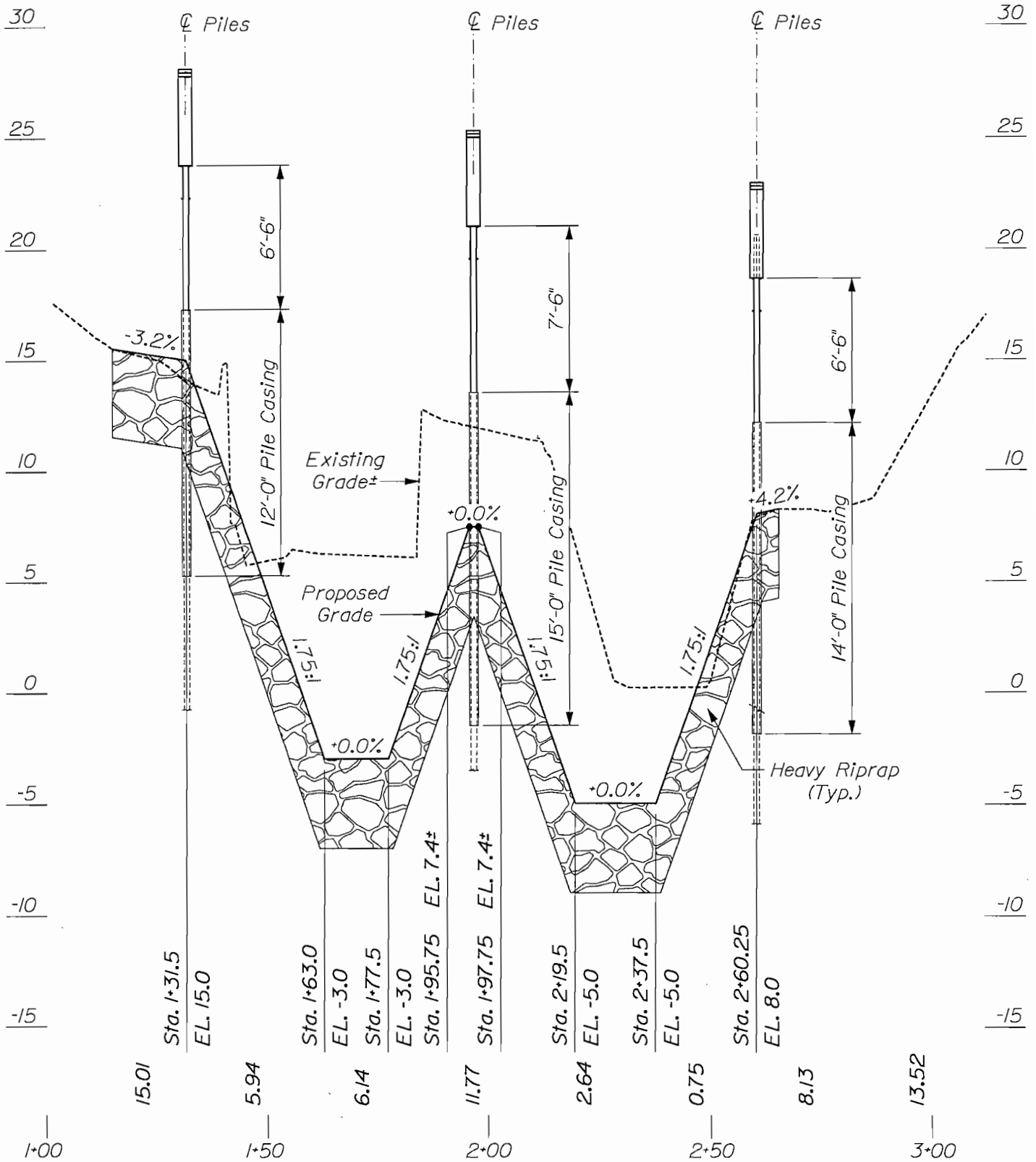


STATE OF MAINE  
DEPARTMENT OF TRANSPORTATION

14200.00

U.S. Route 1  
Lincoln  
NEWCASTLE  
PLANS

SHEET NUMBER  
4

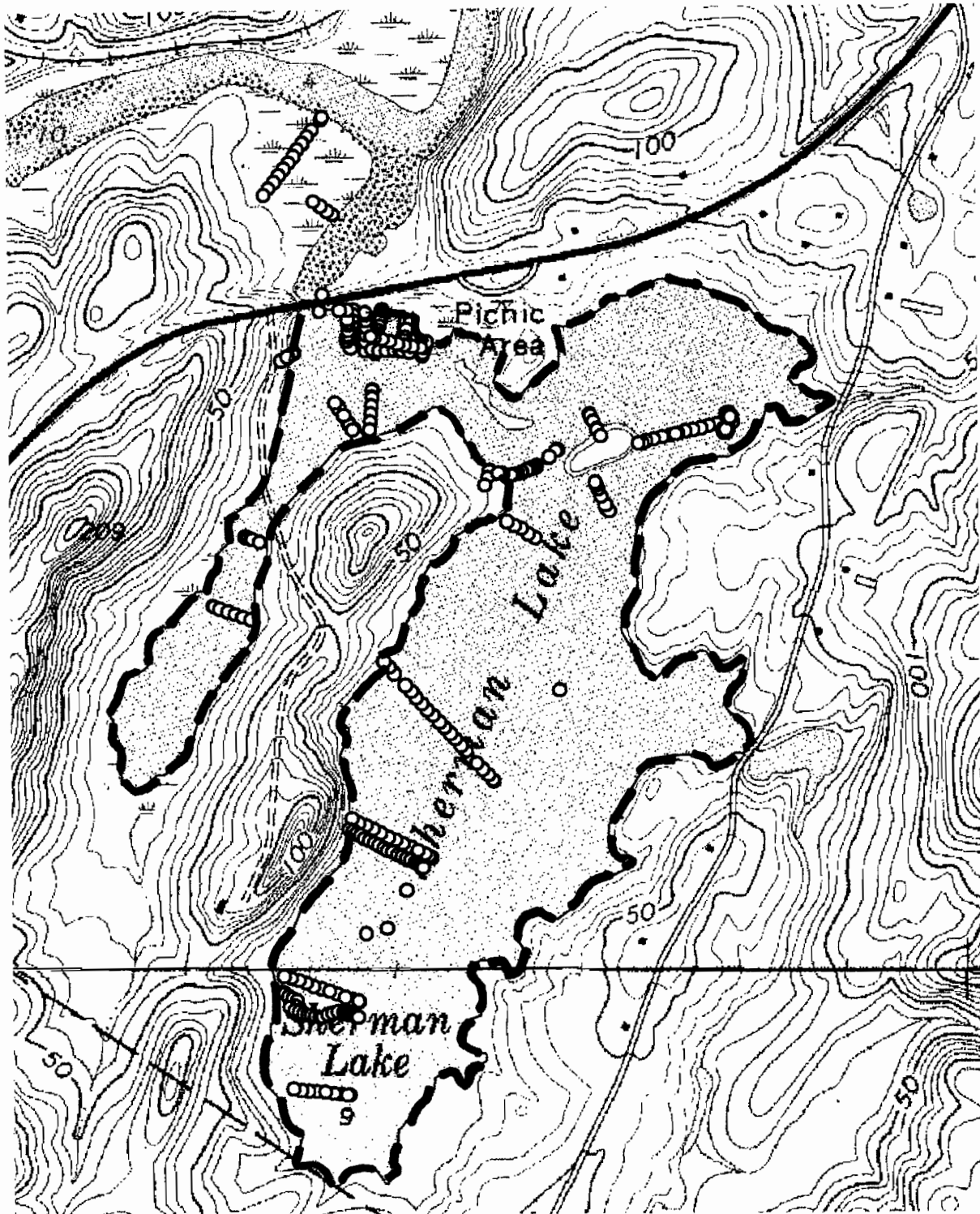


PROFILE

STATE OF MAINE DEPARTMENT OF TRANSPORTATION	U.S. Route 1	NEWCASTLE	SHEET NUMBER
	Lincoln		5
14200.00	PLANS		

○ - VEGETATION MONITORING STATIONS

Area of Effect of Hydraulics Improvements at Sherman Marsh  
(indicated by — boundary corresponding to old lake shoreline)



STATE OF MAINE DEPARTMENT OF TRANSPORTATION	U.S. Route 1 Lincoln	NEWCASTLE SHEET NUMBER 6
14200.00	PLANS	