



**US Army Corps
of Engineers**®
New England District
696 Virginia Road
Concord, MA 01742-2751

PUBLIC NOTICE

Comment Period Begins: August 30, 2016
Comment Period Ends: September 14, 2016
File Number: NAE-2016-01726
In Reply Refer To: LeeAnn B. Neal
Phone: (207) 623-8367 x2
E-mail: leeann.neal@usace.army.mil

15 DAY NOTICE

The District Engineer has received a permit application to conduct work in waters of the United States from the Town of Phillips. This work is proposed in Warm Brook off Reeds Mill Road at Phillips, Maine. The site coordinates are: Latitude 44.86310287°N Longitude -70.374068164°W.

The work involves the placement of permanent and temporary fill below the ordinary high water line of Warm Brook off Reeds Mill Road at Phillips, Maine in conjunction with the replacement of an existing undersized 2.5' diameter metal pipe with an open-bottom, 3-sided concrete box set on concrete abutments with a span of 12'2". The box will be embedded in the natural stream substrate, placed at the natural stream slope, and armored to minimize scour and erosion. Dewatering the work site will require the installation of temporary coffer dams. The project will result in approximately 800 square feet of permanent and 2,500 square feet of temporary stream bed impact.

The work is shown on the attached plans entitled "Town of Phillips, Warm Brook Tributary Replacement (15741) at Reeds Mill Road, Phillips, Maine" on 4 sheets, and dated "08/05/2016."

The placement of fill and instream work is limited to that which is necessary to conduct the work necessary for project completion. As such, impacts to the resources have been minimized to the maximum extent practicable while allowing for the intended purpose. All disturbed areas associated with the installation will be restored, post installation of the new culvert. No mitigation for resource impacts has been proposed or required.

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

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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.

NATIONAL HISTORIC PRESERVATION ACT

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

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 Atlantic salmon as they are a federally listed endangered species.

ENDANGERED SPECIES 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 solar*) 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 culvert replacement project falls within the listing area. The project site also falls within the review area for federally listed Canada lynx and the recently listed Northern Long-eared Bat.

The Corps has made the determination that this project is unlikely to jeopardize the continued existence of Atlantic salmon or result in the destruction or adverse modification of its critical habitat. In fact, the project is expected to result in a long-term benefit to the species. The Corps has also made a determination that the proposed project will have no effect on Canada Lynx, and is not likely to adversely affect the Northern long eared bat. 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 LeeAnn B. Neal at (978) 318-8498 or (207) 623-8367 extension 2.

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.

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.


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

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If you would prefer not to continue receiving Public Notices by email, 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.

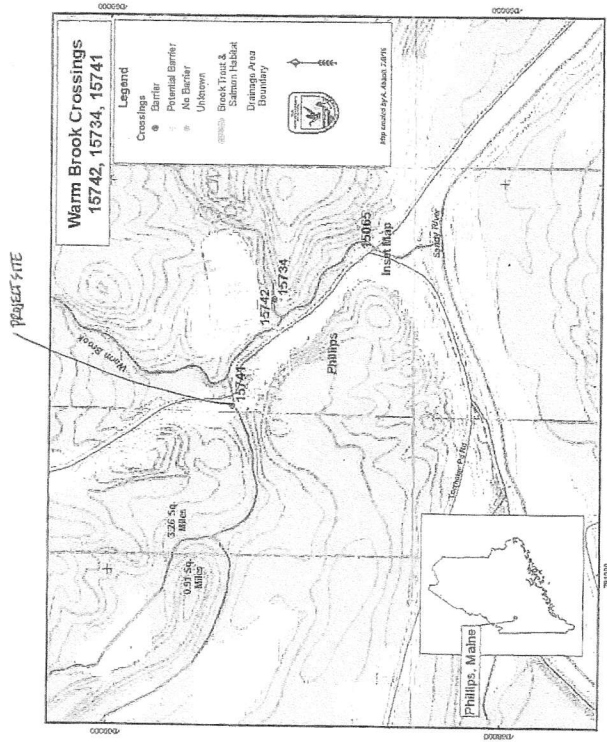
NAME: _____

ADDRESS: _____

PHONE: _____

BID SET NO. _____

TOWN OF PHILLIPS
DRAWINGS FOR
WARM BROOK TRIBUTARY REPLACEMENT (15741)
AT REEDS MILLS ROAD
JULY 2016
PRELIMINARY DESIGN



**PRELIMINARY
FOR REVIEW ONLY**

FOR REVIEW
FOR BID

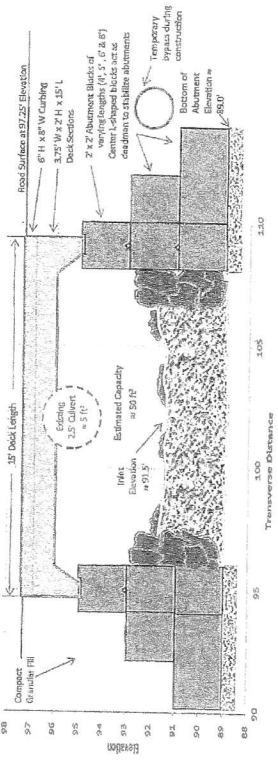
TOWN OF PHILLIPS
WARM BROOK TRIBUTARY
REPLACEMENT (15741) AT
REEDS MILLS ROAD, PHILLIPS, MAINE
SHEET 1 OF 4 "08/05/2016"

GENERAL NOTES

1. ALL CONSTRUCTION SHALL BE ACCORDING TO THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION, AS ADOPTED BY THE BOARD OF SUPERVISORS OF THE STATE OF MASSACHUSETTS, AND THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR BRIDGE CONSTRUCTION, AS ADOPTED BY THE BOARD OF SUPERVISORS OF THE STATE OF MASSACHUSETTS.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPROPRIATE AGENCIES AND FOR OBTAINING ALL NECESSARY CONSENTS FROM THE ADJACENT PROPERTY OWNERS.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY CONSENTS FROM THE ADJACENT PROPERTY OWNERS AND FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPROPRIATE AGENCIES.
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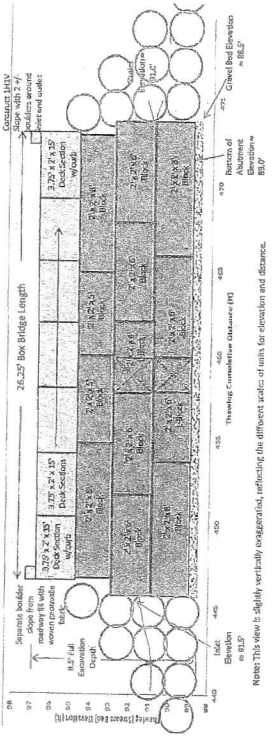
DATE: 08-24-00
 DRAWN BY: J. L. LITTLE
 CHECKED BY: J. L. LITTLE
 TITLE: 1700-222-01/1

Proposed Crossing - Inlet Elevation

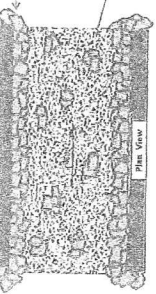


Note: Proposed road elevation assumes paving over bridge deck.

Proposed Bridge and Abutment Elevation



Bed and Bank Schematic



Note: This view is slightly vertically exaggerated, reflecting the different scales of units for elevation and distance.

PRELIMINARY FOR REVIEW ONLY

**Site 15741
Crossing
Replacement**

Warm Brook
Tributary at
Reeds Mill Road
Phillips, Maine

- Culvert
- Stabilized Bank
- Benchmark
- Utility Pole
- Utility Line

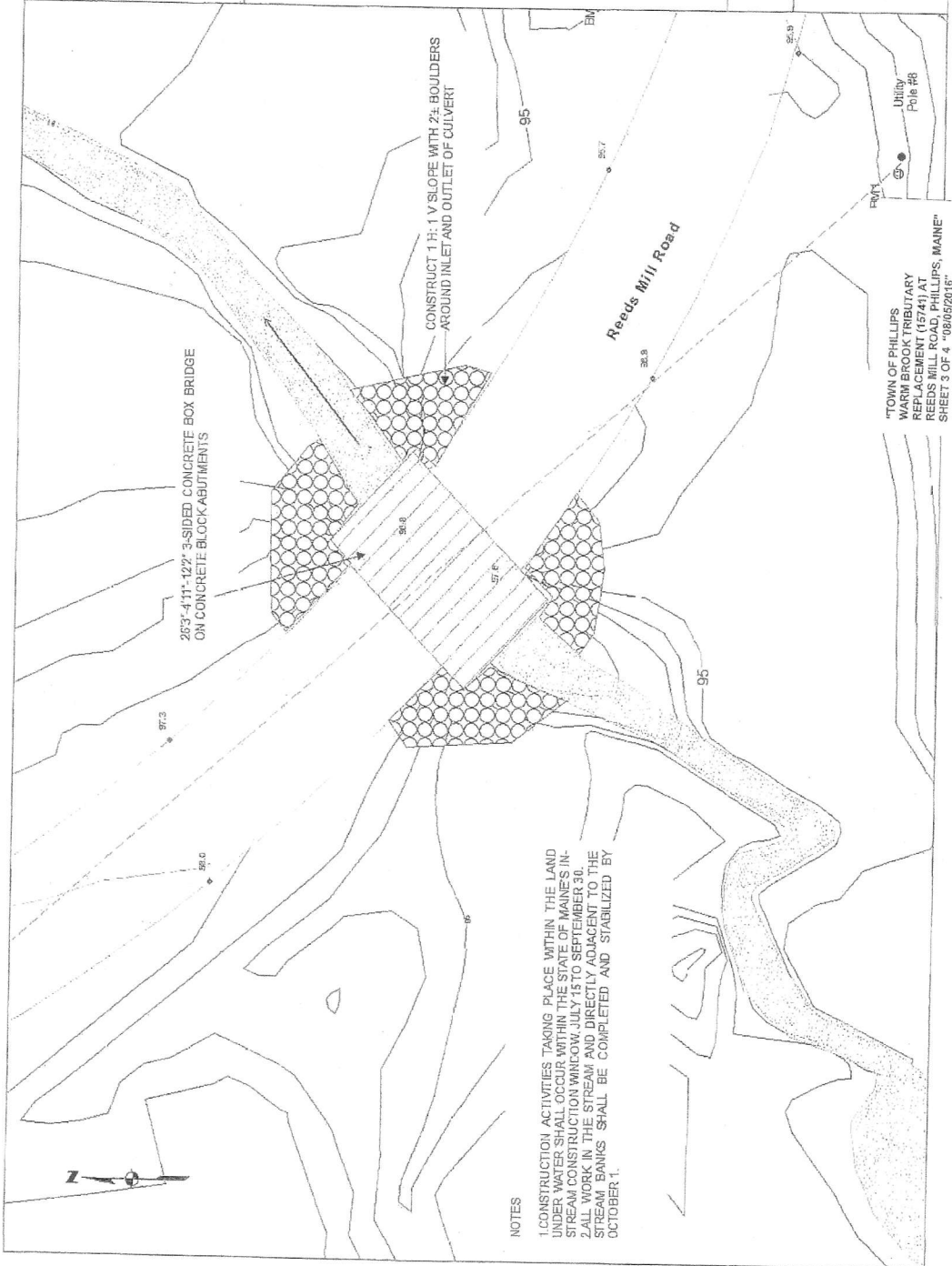
Contour Interval = 1 foot
Elevations set from assumed
100' start point upstream.

Benchmarks:
BM 1 (57.463)
Capped Rebar SW of
crossing off road shoulder
at Pole #8
BM 2 (103.42)
Capped rebar (N) of
crossing off road shoulder
by small birch tree
BM 3 (97.476)
Flag, nail in base of
large white pine tree
east of crossing

The data represented here was
collected on 5/12/2015 to provide
stream profile, cross-section, and
topographic information to guide
the construction of all
components of the
project except area stream features.



**Proposed
Conditions**



NOTES
1. CONSTRUCTION ACTIVITIES TAKING PLACE WITHIN THE LAND UNDER WATER SHALL OCCUR WITHIN THE STATE OF MAINE'S IN-STREAM CONSTRUCTION WINDOW, JULY 15 TO SEPTEMBER 30. ALL WORK IN THE STREAM AND DIRECTLY ADJACENT TO THE STREAM BANKS SHALL BE COMPLETED AND STABILIZED BY OCTOBER 1.

TOWN OF PHILLIPS
WARM BROOK TRIBUTARY
REPLACEMENT (15741) AT
REEDS MILL ROAD, PHILLIPS, MAINE
SHEET 3 OF 4 - 08/05/2016

