INVOICE

Alex Mas
The Nature Conservancy
14 Main Street, Suite 401
Brunswick ME 04011

E-mail: amas@tnc.org

Invoice # 32 **Date: April 30,2010**

Bill To:

Environmental Protection
BLWQ
17 State House Station
Augusta ME 04333-0017

Vendor Code:

VC1000067626

	Description	
	In Lieu Fee for Wetland Compensation	**$77,283.36**
	DEP Number:	
	Internal transfer-invoice	
	Acadia Gateway DEP #L-24518-2G-B-N and NAE-200603036	
	Total	**$77,283.36**

Revised March 10, 2009

IN-LIEU-FEE (ILF) PROJECT DATA WORKSHEET

DEP Invoice # _____32_____

[Note: Will be filled in by ILF Administrator in Augusta]

Project name: Acadia Gateway Center

Applicant (s): Maine DOT

DEP/Corps permit #: DEP #L-24518-2G-B-N/ NAE-2006-03036

[Note: Please attach a PDF copy of the permit]

DEP ATS #: 69511

ILF Contribution Amount $77,283.36

[Note: Please attach a PDF copy of the check]

Project address: Trenton

[Note; Please attach a PDF map of project location]

Biophysical region: _Penobscot Bay Coast Subsection_____

Size of total impact subject to compensation: 23,742 sf

Resources Impacted: *[The resource table on page 2 MUST be filled in with all resource types impacted, amounts and functions.]*

Project manager: Robert Green

Note: The ILF Project Data Worksheet must be filled out by the PM within 3 days of receiving a contribution to the "Natural Resource Mitigation Fund" and faxed along with a copy of the check to James Cassida in Augusta at 287-7826. The distribution of ILF contributions is time sensitive.

The PM should also double check to make sure that the check has been routed to Augusta with the correct account number reference. The account # for the ILF program is 014.06A.1776.14

Resource(s) Impacted:

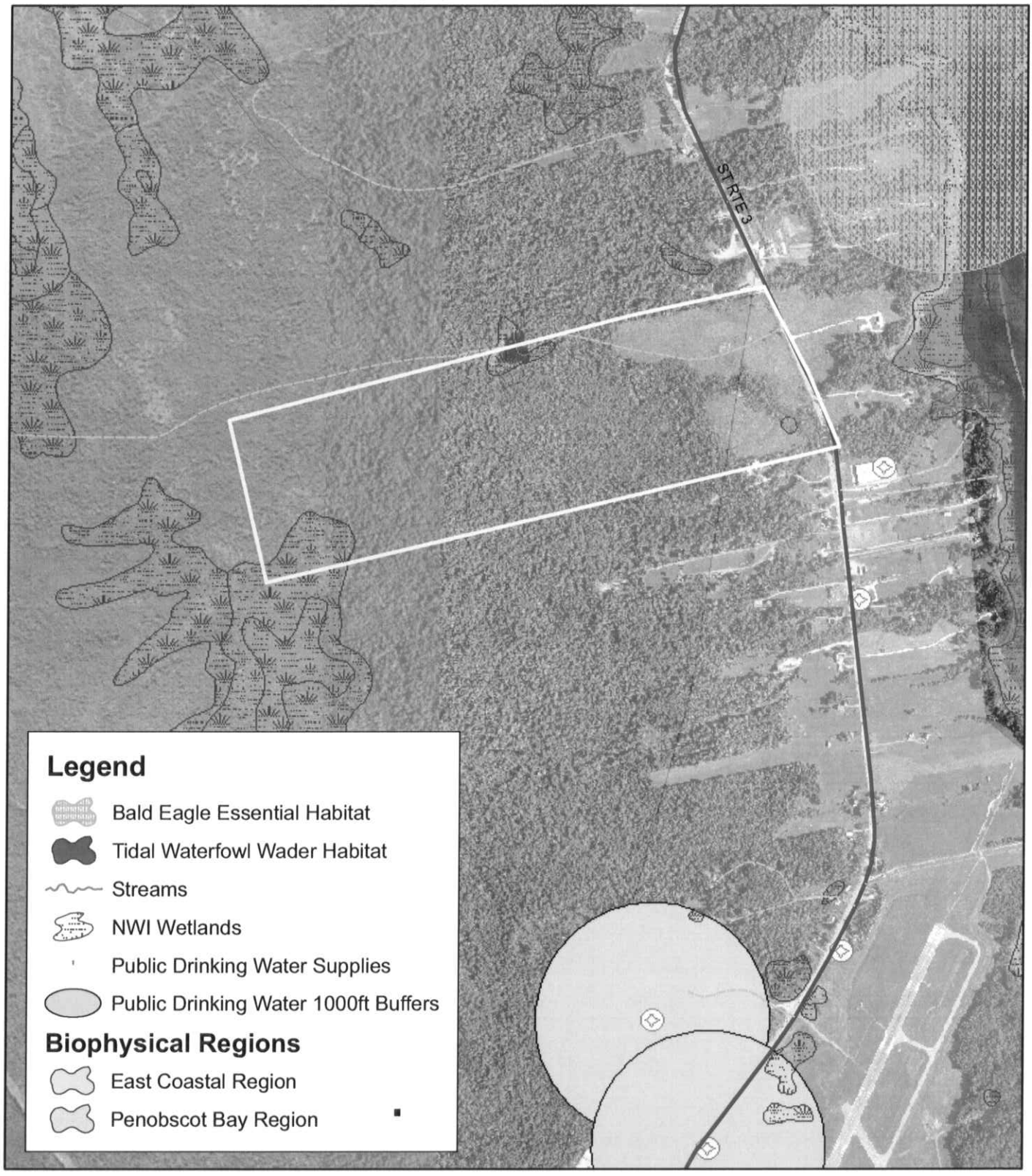
Resource Type: (Wetlands by NWI Type (PFO, PSS, M1, M2, E1, E2, etc), significant vernal pool (SVP), shorebird feeding & staging habitat (Shorebird), inland waterfowl & wading bird habitat (IWWH), tidal waterfowl & wading habitat (TWWH), and river, stream, or brook (RSB).

Wetland Functions & Values: Groundwater recharge/discharge (GWR); floodflow alterations(FF); fish & shellfish habitat(FSH); sediment toxicant retention (STR); nutrient removal (NR); production export (PE); sediment/shoreline stabilization (SS); wildlife habitat (WH); recreation (R); education/scientific value (ESV); uniqueness/heritage (UH); and visual quality/aesthetics (VQ).

Types of impacts: may include filling, dredging, vegetation conversion (e.g. forested to shrub/scrub), others.

Resource type (list all that apply)	**Functions (for wetland impacts)** (list all that apply, by resource type)	**Type of Impact** (by resource type)	**Sq Feet Impacted** (by resource type)
PEM	WH	Fill	10747
PSS	WH	Fill	9216
PFO	WH	Fill	593
PSS (WOSS)	STR, SS, WH	Fill	520
PFO (WOSS)	STR, SS, WH	Fill	2427
EMFP (WOSS)	STR, SS, WH	Fill	22
SSFP (WOSS)	STR, SS, WH	Fill	217
		Total square feet impacted	23742

Acadia Gateway Center, Trenton
DEP #L-24518-26-A-N/L-24518-2G-A-N
ACOE General Permit NAE-2006-03036



Map Notes:
- Background hydrologic, topographic and political features are from MEGIS data layers with an accuracy of +/- 40 feet.
- All spatial data is projected to NAD 1983 UTM Zone 19.
- All spatial data is specific to Maine DEP Bureau of Land and Water Quality. Data is maintained by the Maine DEP GIS Unit.
- This map is to be used for reference purposes only and does not represent authoritative locations of displayed features.

Map Prepared By: Robert Green
Maine DEP, BLWQ,
Division of Land Resource Regulation
August 19, 2009

1,500 750 0 1,500 Feet

1 inch equals 1,143.55 feet

DEPARTMENT OF ENVIRONMENTAL PROTECTION · STATE OF MAINE

STATE OF MAINE

Department of Environmental Protection

JOHN ELIAS BALDACCI
GOVERNOR

David P. Littell
COMMISSIONER

September, 2009

Maine Department of Transportation
C/o Judy Gates
16 State House Station
Augusta, ME 04333

RE: Site Location of Development Act Application, Trenton, DEP #L-24518-26-A-N; L-24518-2G-B-N; L-24518-TG-C-N (Corrected Order)

Dear Ms. Gates:

Under cover, please find a signed copy of the permit for your project, which the Department has reviewed and approved. Your permit is written to include a description of your project, findings of fact that relate to the approval criteria the Department used in evaluating your project, and conditions that are based on those findings and the particulars of your project. Please take a moment to carefully read your permit, paying particular attention to the conditions of the approval. The Department works hard to draft reasonable conditions that meet the requirements of Maine law. I have also included some materials that describe the Department's appeal procedures for your information.

If you have any questions about the permit or thoughts on how the Department processed this application please get in touch with me directly. I can be reached at 207- 822-6300 or at robert.green@maine.gov

Yours sincerely,

Robert L. Green, Jr.

Robert L. Green, Jr., Project Manager
Division of Land Resource Regulation
Bureau of Land & Water Quality

pc: File

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 624-6550FAX: (207) 624-6024
RAY BLDG., HOSPITAL ST.

BANGOR
106 HOGAN ROAD
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769-2094
(207) 764-6477 FAX: (207) 764-1507

web site: www.maine.gov/dep

DEP INFORMATION SHEET
Appealing a Commissioner's Licensing Decision

Dated: May 2004 **Contact: (207) 287-2811**

SUMMARY

There are two methods available to an aggrieved person seeking to appeal a licensing decision made by the Department of Environmental Protection's (DEP) Commissioner: (1) in an administrative process before the Board of Environmental Protection (Board); or (2) in a judicial process before Maine's Superior Court. This INFORMATION SHEET, in conjunction with consulting statutory and regulatory provisions referred to herein, can help aggrieved persons with understanding their rights and obligations in filing an administrative or judicial appeal.

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

DEP's General Laws, 38 M.R.S.A. § 341-D(4), and its Rules Concerning the Processing of Applications and Other Administrative Matters (Chapter 2), 06-096 CMR 2.24 (April 1, 2003).

HOW LONG YOU HAVE TO SUBMIT AN APPEAL TO THE BOARD

The Board must receive a written notice of appeal within 30 calendar days of the date on which the Commissioner's decision was filed with the Board. Appeals filed after 30 calendar days will be rejected.

HOW TO SUBMIT AN APPEAL TO THE BOARD

Signed original appeal documents must be sent to: Chair, Board of Environmental Protection, c/o Department of Environmental Protection, 17 State House Station, Augusta, ME 04333-0017; faxes are acceptable for purposes of meeting the deadline when followed by receipt of mailed original documents within five (5) working days. Receipt on a particular day must be by 5:00 PM at DEP's offices in Augusta; materials received after 5:00 PM are not considered received until the following day. The person appealing a licensing decision must also send the DEP's Commissioner and the applicant a copy of the documents. All the information listed in the next section must be submitted at the time the appeal is filed. Only the extraordinary circumstances described at the end of that section will justify evidence not in the DEP's record at the time of decision being added to the record for consideration by the Board as part of an appeal.

WHAT YOUR APPEAL PAPERWORK MUST CONTAIN

The materials constituting an appeal must contain the following information at the time submitted:

1. *Aggrieved Status*. Standing to maintain an appeal requires the appellant to show they are particularly injured by the Commissioner's decision.

2. *The findings, conclusions or conditions objected to or believed to be in error*. Specific references and facts regarding the appellant's issues with the decision must be provided in the notice of appeal.

3. *The basis of the objections or challenge*. If possible, specific regulations, statutes or other facts should be referenced. This may include citing omissions of relevant requirements, and errors believed to have been made in interpretations, conclusions, and relevant requirements.

4. *The remedy sought*. This can range from reversal of the Commissioner's decision on the license or permit to changes in specific permit conditions.

5. *All the matters to be contested.* The Board will limit its consideration to those arguments specifically raised in the written notice of appeal.

6. *Request for hearing.* The Board will hear presentations on appeals at its regularly scheduled meetings, unless a public hearing is requested and granted. A request for public hearing on an appeal must be filed as part of the notice of appeal.

7. *New or additional evidence to be offered.* The Board may allow new or additional evidence as part of an appeal only when the person seeking to add information to the record can show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the licensing process or show that the evidence itself is newly discovered and could not have been presented earlier in the process. Specific requirements for additional evidence are found in Chapter 2, Section 24(B)(5)

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with all relevant material in the DEP record.* A license file is public information made easily accessible by DEP. Upon request, the DEP will make the material available during normal working hours, provide space to review the file, and provide opportunity for photocopying materials.
There is a charge for copies or copying services.

2. *Be familiar with the regulations and laws under which the application was processed, and the procedural rules governing your appeal.* DEP staff will provide this information on request and answer questions regarding applicable requirements.

3. *The filing of an appeal does not operate as a stay to any decision.* An applicant proceeding with a project pending the outcome of an appeal runs the risk of the decision being reversed or modified as a result of the appeal.

WHAT TO EXPECT ONCE YOU FILE A TIMELY APPEAL WITH THE BOARD

The Board will formally acknowledge initiation of the appeals procedure, including the name of the DEP project manager assigned to the specific appeal, within 15 days of receiving a timely filing. The notice of appeal, all materials accepted by the Board Chair as additional evidence, and any materials submitted in response to the appeal will be sent to Board members along with a briefing and recommendation from DEP staff. Parties filing appeals and interested persons are notified in advance of the final date set for Board consideration of an appeal or request for public hearing. With or without holding a public hearing, the Board may affirm, amend, or reverse a Commissioner decision. The Board will notify parties to an appeal and interested persons of its decision.

II APPEALS TO MAINE SUPERIOR COURT

Maine law allows aggrieved persons to appeal final Commissioner licensing decisions to Maine's Superior Court, see 38 M.R.S.A. § 346(1); 06-096 CMR 2.26; 5 M.R.S.A. § 11001; & MRCivP 80C. Parties to the licensing decision must file a petition for review within 30 days after receipt of notice of the Commissioner's written decision. A petition for review by any other person aggrieved must be filed within 40-days from the date the written decision is rendered. The laws cited in this paragraph and other legal procedures govern the contents and processing of a Superior Court appeal.

ADDITIONAL INFORMATION: If you have questions or need additional information on the appeal process, contact the DEP's Director of Procedures and Enforcement at (207) 287-2811.

Note: The DEP provides this INFORMATION SHEET for general guidance only; it is not intended for use as a legal reference. Maine law governs an appellant's rights.

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION
AUGUSTA, ME 04333

DEPARTMENT ORDER

IN THE MATTER OF

MAINE DEPARTMENT OF	) SITE LOCATION OF DEVELOPMENT ACT
TRANSPORTATION	) NATURAL RESOURCES PROTECTION ACT
Trenton, Hancock County	) STREAM AND WETLAND ALTERATION
ACADIA GATEWAY CENTER	)
L-24518-26-A-N (approval)	)
L-24518-2G-B-N	) WATER QUALITY CERTIFICATION
L-24518-TG-C-N (*Corrected Order)	) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S.A. Sections 481 et seq. and 480-A et seq., and Section 401 of the Federal Water Pollution Control Act, the Department of Environmental Protection has considered the application of MAINE DEPARTMENT OF TRANSPORTATION with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT DESCRIPTION:

A. History of Project: The applicant, in association with National Park Service (NPS), is implementing a transportation strategy designed to reduce dependency on private automobile use and ease traffic congestion on State Route 3 that leads to Mount Desert Island (MDI) and Acadia National Park (ANP). The proposed project, Acadia Gateway Center (AGC), is the final phase of the transportation strategy and calls for the development of a welcome center for the purpose of orienting visitors to ANP and MDI. AGC would serve to attract day visitors and island commuters to the Island Explorer Transit System, which provides bus service throughout MDI during the summer season, and other transportation alternatives. The AGC complex will be comprised of a welcome center, a public transportation center, a bus maintenance facility, and parking for visitors and commuters. Facilities will be constructed in phases depending on need, with Phase I being the bus maintenance facility. Phase II would include an inter-modal facility and NPS welcome center. Phase III would expand the NPS welcome center and add a theater and other ancillary facilities.

B. Summary: The applicant proposes to initiate Phase I development of the AGC by constructing the approximately 3,500-foot long, 30-foot wide access road, a two-story bus maintenance facility with an approximately 27,300 square foot building footprint, and parking areas west of Crippens Brook. In addition, the applicant proposes to make improvements along 3,350 feet of State Route 3. The proposed project is in the Town of Trenton on a 152-acre parcel of land located on the west side of State Route 3, approximately three miles north of the Thompson Island Bridge crossing to Mount Desert

Island. The proposed project is shown on three sets of plans. The first set of plans, consisting of 38 sheets, is entitled "Trenton, Hancock County, Route 3, 13332.09," was prepared by the applicant, and is undated. The second set of plans, consisting of 62 sheets, is entitled "Acadia Gateway Facility, Bus Maintenance Facility," prepared by the applicant, and dated January 8, 2009 with a last revision date of May 28, 2009. The third set of plans, consisting of 8 sheets, is entitled "Acadia Gateway Facility, Bus Maintenance Facility," prepared by the applicant and Gorrill-Palmer Consulting Engineers, Inc., and dated May 1, 2009 with a last revision date of August 24, 2009.

The applicant is also seeking approval under the Natural Resources Protection Act (NRPA) to culvert approximately 188 linear feet of stream channel from two stream crossings and to alter approximately 3.6 acres of wet meadow and forested wetlands, including 0.09 acres (4,051 square feet) of wetlands of special significance to develop the proposed project.

C. Current Use of Site: The eastern portion of the site is cleared farmland with the remains of a farmhouse and barn that burned some time in the past. The remainder of the site is woodland and forested wetlands.

2. FINANCIAL CAPACITY:

The total cost of Phase I of the project is estimated to be $14,100,000. The applicant submitted information indicating that funds for the proposed project will be provided by several sources that include the Federal Highway Administration, National Park Service, and the State of Maine (voter-approved bonds).

The Department finds that the applicant has demonstrated adequate financial capacity to comply with Department standards.

3. TECHNICAL ABILITY:

The applicant provided resume information for key persons involved with the project and a list of projects successfully constructed by the applicant. The applicant also retained the services of Allied Engineering and Gorrill-Palmer Consulting Engineers, Inc., professional engineering firms, to assist in the design and engineering of the project.

The Department finds that the applicant has demonstrated adequate technical ability to comply with Department standards.

4. NOISE:

The proposed facility is located in a rural zone with the closest residential neighbor about 500 feet away. The applicant proposes to maintain trees on the property that will buffer noise impacts. The bus maintenance facility will be located at the back of the site. Noise impacts from construction activities will be limited to the hours of 7:00 AM to 7:00 PM, or during daylight hours, whichever is longer. The property abuts a section of State

Route 3 with a 45 mile per hour speed limit. Because of the project's location adjacent to a major roadway and the use of vegetated buffers along the property boundaries, only minor noise impacts will occur as a result of the proposed project.

The Department finds that the applicant has made adequate provision for the control of excessive environmental noise from the proposed project.

5. SCENIC CHARACTER:

The NPS welcome center will be constructed more than 500 feet back from State Route 3 and the bus maintenance facility will be constructed near the end of the 3,500-foot access road. The project site is bounded on three sides by woodland and forested wetland. Existing wooded buffers will be maintained between the development and State Route 3. The layout of the development provides a visual buffer of trees and shrubs along State Route 3.

Based on the project's location and design, the Department finds that the proposed project will not have an unreasonable adverse effect on the scenic character of the surrounding area.

6. WILDLIFE AND FISHERIES:

The Maine Department of Inland Fisheries & Wildlife (DIFW) reviewed the proposed project. In its comments, DIFW stated that it found no records of any Essential or Significant Wildlife Habitats, or other wildlife habitats of special concern associated with this site. No fisheries concerns were identified by DIFW. The Maine Department of Marine Resources (DMR) stated that smelt and eels are found in Crippens Brook. No other fisheries concerns were identified by either DIFW or DMR.

The applicant proposes to extend the existing open bottom box culvert on State Route 3 an additional 5 feet on the upstream side and 15 feet on the downstream side. For the crossing of Crippens Brook by the access road, the applicant proposes to install a plate pipe arch with an open bottom and to realign 173 feet of the stream channel. Details of the two stream crossings are outlined in Finding 16. All instream work must be completed during low flow conditions between July 1 and September 30 of any calendar year.

The applicant must engage either a representative of its Environmental Office or an approved third party inspector to inspect the access road culvert crossing and stream channel realignment work. The inspections must consist of weekly visits to the site by the representative. Upon completion of the stream channel realignment, the applicant must notify the BLWQ in writing that the work has been completed and provide post-construction photographs. Accompanying the notification must be a log of the inspections giving the date of each inspection and the items inspected on each date.

Provided the applicant installs the stream crossings during low flow conditions between July 15 and September 30 in any given year and that the stream work is overseen by the applicant's Environmental Office representative or an approved third party inspector, the Department finds that the activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic or adjacent upland habitat, travel corridor, freshwater, estuarine or marine fisheries or other aquatic life.

The Department finds that the applicant has made adequate provision for the protection of wildlife and fisheries.

7. HISTORIC SITES AND UNUSUAL NATURAL AREAS:

The Maine Historic Preservation Commission reviewed the proposed project and stated that it will have no effect upon any structure or site of historic, architectural, or archaeological significance as defined by the National Historic Preservation Act of 1966.

The Maine Natural Areas Program database does not contain any records documenting the existence of rare or unique botanical features on the project site and, as discussed in Finding 6, DIFW did not identify any unusual wildlife habitats located on the project site.

The Department finds that the proposed development will not have an adverse effect on the preservation of any historic sites or unusual natural areas either on or near the development site.

8. BUFFER STRIPS:

The applicant proposes to provide visual buffers as discussed in Finding 5.

Prior to the start of construction, the location of the stormwater buffers discussed in Finding 10 must be permanently marked on the ground. The deed for the parcel must contain deed restrictions relative to the buffers and have attached to it a plot plan, drawn to scale, that specifies the location of the buffers. Prior to the start of construction, the applicant must submit a copy of the recorded deed restriction including the plot plan to the Bureau of Land and Water Quality (BLWQ).

The Department finds that the applicant has made adequate provision for buffer strips.

9. SOILS:

The applicant submitted a soil survey map and a geotechnical report based on the soils found at the project site. This report was prepared by a registered professional engineer and reviewed by staff from the Division of Environmental Assessment (DEA) of the BLWQ.

The Department finds that, based on this report and DEA's review, the soils on the project site present no limitations to the proposed project that cannot be overcome through standard engineering practices.

10. STORMWATER MANAGEMENT:

The proposed project includes approximately 13.8 acres of impervious area and 20 acres of developed area. It lies within the watershed of Crippens Brook. The applicant submitted a stormwater management plan based on the basic, general, and flooding standards contained in Department Rules, Chapter 500. The proposed stormwater management system consists of grassed swales, catch basins, a subsurface drainage system, and four forested, no disturbance buffers.

The applicant submitted final design details for Phase I. Final design details for Phases II and III must submitted to the BLWQ for review and approval prior to start of construction of Phases II and III as discussed below.

A. Basic Standards:

(1) Erosion and Sedimentation Control: The applicant submitted an Erosion and Sedimentation Control Plan (Section 14 of the application) that is based on the performance standards contained in Appendix A of Chapter 500 and the Best Management Practices outlined in the Maine Erosion and Sediment Control BMPS, which were developed by the Department. This plan and plan sheets containing erosion control details were reviewed by, and revised in response to the comments of the Division of Watershed Management (DWM) of the BLWQ.

Erosion control details will be included on the final construction plans and the erosion control narrative will be included in the project specifications to be provided to the construction contractor. Prior the start of construction, the applicant must conduct a pre-construction meeting to discuss the construction schedule and the erosion and sediment control plan with the appropriate parties. This meeting must be attended by the applicant's representative, Department staff, the design engineer, and the contractor.

(2) Inspection and Maintenance: The applicant submitted a maintenance plan that addresses both short and long-term maintenance requirements. This plan was reviewed by, and revised in response to the comments of DWM. The maintenance plan is based on the standards contained in Appendix B of Chapter 500. The applicant will be responsible for the maintenance of the stormwater management system.

Storm sewer grit and sediment materials removed from stormwater control structures during maintenance activities must be disposed of in compliance with the Department's Solid Waste Management Rules.

(3) Housekeeping: The proposed project will comply with the performance standards outlined in Appendix C of Chapter 500.

Based on DWM's review of the erosion and sedimentation control plan and the maintenance plan, the Department finds that the proposed project meets the Basic Standards contained in Chapter 500(4)(A).

B. General Standards: The applicant's stormwater management plan includes general treatment measures that will mitigate for the increased frequency and duration of channel erosive flows due to runoff from smaller storms, provide for effective treatment of pollutants in stormwater, and mitigate potential temperature impacts. This mitigation is being achieved by using Best Management Practices (BMPs) that will control runoff from no less than 95% of the impervious area and no less than 80% of the developed area.

Prior to the start of construction of Phases II and III, the applicant must submit to the BLWQ for review and approval a Post-Development Plan, design details for each stormwater treatment unit proposed for the specific phase, a revised BMP worksheet showing the design volume and treatment percentage for the proposed phase, and any other information necessary for the Department to determine that the stormwater management system complies with the requirements of Chapter 500.

The four forested, no disturbance stormwater buffers will be protected from alteration through the execution of a deed restriction, as outlined in Finding 8. The applicant proposes to use the deed restriction language contained in Appendix G of Chapter 500 and submitted a draft deed restriction that meets Department standards.

The stormwater management system proposed by the applicant was reviewed by, and revised in response to, comments from DWM. After a final review, DWM commented that the proposed stormwater management system is designed in accordance with the Chapter 500 General Standard.

Based on the stormwater system's design and DWM's review, the Department finds that the applicant has made adequate provision to ensure that the proposed project will meet the Chapter 500, General Standards.

C. Flooding Standard:

The applicant is proposing to utilize a stormwater management system based on estimates of pre- and post-development stormwater runoff flows obtained by using Hydrocad, a stormwater modeling software that utilizes the methodologies outlined in Technical Releases #55 and #20, U.S.D.A., Soil Conservation Service and detains stormwater from 24-hour storms of 2-, 10-, and 25-year frequency. The post-development peak flow from the site will not exceed the pre-development peak flow from the site and the peak flow of the receiving water will not be increased as a result of stormwater runoff from the development site.

DWM commented that the proposed system is designed in accordance with the Chapter 500 Flooding Standard.

Based on the system's design and DWM's review, the Department finds that the applicant has made adequate provision to ensure that the proposed project will meet the Chapter 500, Flooding Standard for peak flow from the project site, and channel limits and runoff areas.

The Department further finds that the proposed project will meet the Chapter 500 standards for: (1) easements and covenants; (2) management of stormwater discharges; (3) discharge to freshwater wetlands; and (4) threatened or endangered species.

11. GROUNDWATER:

The project site is not located over a mapped sand and gravel aquifer. For the water supply for Phase I, the applicant proposes to withdraw groundwater by using an individual well for the bus maintenance facility as discussed in Finding 12. Wastewater from Phase I development will be disposed of via an individual subsurface wastewater disposal system for the bus maintenance facility as discussed in Finding 13.

The Department finds that the proposed project will not will have an unreasonable adverse effect on ground water quality or quantity.

12. WATER SUPPLY:

When completed, Phase I of the proposed project is anticipated to use 1,200 gallons of water per day.

The only demand for water in Phase I will be from the bus maintenance facility. Drinking water will be supplied by an individual well. The applicant submitted an assessment of groundwater supplies that are available on the project site. This assessment was prepared by Allied Engineering and was reviewed by the DEA.

The Department finds that the applicant has made adequate provision for securing and maintaining a sufficient and healthful water supply provided that additional water supply information for Phases II and III is submitted to the BLWQ for review and approval prior to start of construction of these later phases of development.

13. WASTEWATER DISPOSAL:

The only source of wastewater in Phase I will be from the bus maintenance facility. Wastewater from this facility will be disposed of by an individual subsurface wastewater disposal system. The applicant submitted the soil survey map and geotechnical report discussed in Finding 9. The individual system must be designed to meet the requirements

of the Maine State Plumbing Code. This information was reviewed by, and revised in response to comments from DEA.

Any change to the approved location or design flow of the subsurface wastewater disposal system will require review and approval from the BLWQ prior to installation of the system.

Based on DEA's comments, the Department finds that the proposed wastewater disposal system will be built on suitable soil types provided that additional wastewater treatment information for Phases II and III is submitted to the BLWQ for review and approval prior to start of construction of these later phases of development.

14. SOLID WASTE:

When completed, the proposed project is anticipated to generate an undetermined amount of general office solid waste per year. All general solid wastes from the proposed project will be disposed of at EMR Inc. in Southwest Harbor, which is currently in substantial compliance with the Solid Waste Management Regulations of the State of Maine.

All stumps, brush and other wood waste generated by the proposed project will be ground for use on site as erosion control mix or mulch, disposed of onsite in a stump dump, or either chipped or burned, with the remainder to be worked into the soil. Either of the disposal methods listed is in compliance with Solid Waste Management Regulations of the State of Maine. If wood waste is disposed in an onsite stump dump, then the applicant must submit a revised site plan to the BLWQ showing the location of the stump dump prior to occupancy of the bus maintenance facility.

The proposed project will generate an undetermined amount of construction debris and demolition debris. All construction and demolition debris generated will be disposed of at Waste Management of Maine's commercial solid waste facility in Norridgewock, Pine Tree Waste's solid waste facility in Hampden, or D M & J Enterprises' facility in Winterport, all of which are currently in substantial compliance with the Solid Waste Management Regulations of the State of Maine.

Based on the above information, the Department finds that the applicant has made adequate provision for solid waste disposal provided that additional solid waste disposal information for Phases II and III is submitted to the BLWQ for review and approval prior to start of construction of these later phases of development.

15. FLOODING:

The proposed project is not located within the 100-year floodway of any river or stream.

The Department finds that the proposed project is unlikely to cause or increase flooding or cause an unreasonable flood hazard to any structure.

16. WETLAND IMPACTS:

The applicant proposes to alter approximately 188 linear feet of stream channel from two stream crossings and to alter approximately 3.6 acres of wet meadow and forested wetlands, including 0.09 acres (4,051 square feet) of wetlands of special significance to develop the entire AGC complex (all three phases). The stream crossings are shown on the set of plans referenced in Finding 1. The wetlands of special significance include 865 square feet of unconsolidated stream bottom and approximately 3,186 square feet of forested and scrub shrub wetlands located within 25 feet of the brook.

Widening State Route 3 will result in filling approximately 0.47 acres (20,566 square feet) of freshwater wetlands and 1,017 square feet of wetlands of special significance at 24 locations. Approximately 1.37 acres (59,523 square feet) of freshwater wetlands and 3,034 square feet of wetlands of special significance will be filled to construct the access road, bus maintenance facility, and parking area as part of Phase I of the proposed development at 27 locations. One forested wetland, covering an area of 1.63 acres (70,966 square feet), will be altered by the access road and the NPS welcome center in the subsequent phases of development. Approximately 0.72 acres (31,460 square feet) of freshwater wetlands, located within the stormwater buffers as described in Findings 8 and 10, will be altered due to increased periods of inundation and saturation resulting from stormwater runoff.

The improvements to State Route 3 will require that the existing culvert crossing for Crippens Brook be extended. The existing culvert is a 70-foot long, 5-foot wide, open bottom box culvert. The applicant proposes to extend the culvert an additional five feet on the upstream side and 15 feet on the downstream side. Installation of headwalls and wingwalls are also proposed on both sides of the culvert. For the crossing of Crippens Brook by the access road, the applicant proposes to realign 173 feet of the stream channel. The applicant proposes to install an 80-foot long, 9-foot wide structural steel plate pipe arch with an open bottom. To minimize the length of the pipe arch, headwalls and wingwalls are proposed on both sides of the culvert. The natural stream substrate will be reproduced within the culvert with a defined bank and a minimum of two feet of floodplain on either side of the banks. Due to the meandering nature of the stream, approximately 70 feet of the stream will be straightened to align it with the culvert. The stream crossings will be designed in accordance with the applicant's "Waterway and Wildlife Crossing Policy and Design Guide: For Aquatic Organism, Wildlife Habitat, and Hydrologic Connectivity".

The Department's Wetlands and Waterbodies Protection Rules, Chapter 310, require the applicant to meet the following standards:

A. Avoidance. No activity may be permitted if there is a practicable alternative to the project that would be less damaging to the environment. Each application for a NRPA permit must provide an analysis of alternatives in order to demonstrate that a practicable alternative does not exist. The applicant submitted an alternative analysis for the proposed project, dated January 2009. The applicant examined eight locations within

the Town of Trenton, taking into consideration parcel availability and site acquisition costs, wetland impacts, impacts to threatened and endangered species and historic and archeological resources, and a visual connection to ANP. Following the screening analysis, the selected site was determined to best meet the purpose and need of the proposed project. The applicant was unable to reduce the size, scope, or density of the project in a manner that would significantly reduce wetland impacts while maintaining viability of the project.

B. Minimal Alteration. The amount of freshwater wetland and stream to be altered must be kept to the minimum amount necessary for meeting the overall purpose of the project. For the improvements to State Route 3, applicant designed 1.5:1 side slopes when crossing wetlands and proposes to construct headwalls and wingwalls on the box culvert extension to lessen impacts at the Crippens Brook crossing. For the access road, the side slopes will be steepened and wingwalls on the pipe arch to lessen impacts at the Crippens Brook crossing, reducing its length from 150 feet to 80 feet.

C. Compensation. Compensation is required to achieve the goal of no net loss of wetland and stream functions and values. In accordance with Chapter 310, Section 5C, compensation is required to achieve the goal of no net loss of wetland functions and values. The applicant submitted a functional assessment, dated January, 2009, which lists the four wetland types (stream and associated wetlands, forested wetlands, scrub shrub, and wet meadow wetlands) to be altered by the proposed project and identified their primary functions and values as wildlife habitat, sediment/shoreline stabilization, and sediment/toxicant retention. Other functions occurring in the wetlands include floodwater alteration, nutrient removal, and production export. An education/scientific value is provided by a beaver impoundment and vernal pool located on the property.

Details of the proposed mitigation plan are included in Exhibit 18 of the application in a document entitled "Maine Department of Transportation - Acadia Gateway Center Project, Trenton, Wetland Mitigation Plan," prepared by the applicant and dated January 2009. The applicant proposes to preserve approximately 54 acres of land (Preservation Area) located at the westerly portion of the property to compensate for the approximately 2.7 acres of freshwater wetland impacts associated with all phases of development of the AGC project. This area includes forested uplands, wetlands, and at least, one manmade vernal pool.

The Department finds that the proposed preservation area exceeds the minimum preservation ratio of 8:1 and provides significant wetland functions that match those being lost on the project site. The applicant submitted a draft Declaration of Covenants and Restrictions that is intended to protect the Preservation Area in perpetuity and to maintain it in an undeveloped state with limited access. Once executed, the Declaration of Covenants and Restrictions will grant the Department third-party rights of enforcement. The applicant must submit a recorded deed restriction protecting the Preservation Area to the BLWQ prior to the start of construction.

*In addition, the applicant elected to make a contribution into the Maine Natural Resource Conservation Fund (MNRCF) in the amount of $77,283.36 to compensate for 23,742 square feet of permanent impacts to freshwater wetlands associated with the improvements to State Route 3 and to wetlands of special significance associated with the stream crossings that provide sediment/toxicant retention. Payment of the compensation fee shall be completed prior to the start of construction. The compensation fee will be remitted by internal funds transfer to the attention of the ILF program administrator at 17 State House Station, Augusta, Maine 04333.

The Department finds that the applicant has avoided and minimized wetland and stream impacts to the greatest extent practicable, and that the proposed project represents the least environmentally damaging alternative that meets the overall purpose of the project.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S.A. Sections 480-A et seq. and Section 401 of the Federal Water Pollution Control Act:

A. The proposed activity will not unreasonably interfere with existing scenic, aesthetic, recreational, or navigational uses.

B. The proposed activity will not cause unreasonable erosion of soil or sediment.

C. The proposed activity will not unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.

D. The proposed activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic habitat, travel corridor, freshwater, estuarine, or marine fisheries or other aquatic life provided that all instream work is completed during low flow conditions between July 1 and September 30 of any calendar year and that the stream channel realignment is overseen by the applicant's Environmental Office representative or an approved third party inspector, as described in Finding 6; and the deed restriction for the Preservation Area is recorded and submitted, and the In-Lieu Fee is paid, as described in Finding 16.

E. The proposed activity will not unreasonably interfere with the natural flow of any surface or subsurface waters.

F. The proposed activity will not violate any state water quality law including those governing the classifications of the State's waters.

G. The proposed activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties.

H. The proposed activity is not on or adjacent to a sand dune.

I. The proposed activity is not on an outstanding river segment as noted in 38 M.R.S.A. Section 480-P.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S.A. Sections 481 et seq.:

A. The applicant has provided adequate evidence of financial capacity and technical ability to develop the project in a manner consistent with state environmental standards.

B. The applicant has made adequate provision for fitting the development harmoniously into the existing natural environment and the development will not adversely affect existing uses, scenic character, air quality, water quality or other natural resources in the municipality or in neighboring municipalities provided that designated buffer areas are protected as outlined in Finding 8.

C. The proposed development will be built on soil types which are suitable to the nature of the undertaking and will not cause unreasonable erosion of soil or sediment nor inhibit the natural transfer of soil provided that a pre-construction meeting is held as described in Finding 10.

D. The proposed development meets the standards for storm water management in Section 420-D and the standard for erosion and sedimentation control in Section 420-C provided that deed restrictions for designated buffer areas are recorded, as described in Finding 8 and final design details for Phases II and III are submitted for approval prior to start of construction on each phase as outlined in Finding 10.

E. The proposed development will not pose an unreasonable risk that a discharge to a significant groundwater aquifer will occur.

F. The applicant has made adequate provision of utilities, including water supplies, sewerage facilities, solid waste disposal and roadways required for the development and the development will not have an unreasonable adverse effect on the existing or proposed utilities and roadways in the municipality or area served by those services provided that the subsurface wastewater disposal system is located as shown on the set of plans referenced in Finding 1 and installed as described in Finding 13; that additional water supply, wastewater treatment, and solid waste disposal information for Phases II and III is submitted for approval prior to start of construction on each phase as outlined in Findings 12, 13, and 14; and storm sewer grit and sediment materials removed from the stormwater control structures during maintenance activities are disposed of in compliance with the Department's Solid Waste Management Rules.

G. The activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties nor create an unreasonable flood hazard to any structure.

THEREFORE, the Department APPROVES the application of MAINE DEPARTMENT OF TRANSPORTATION to construct Phase I development of the Acadia Gateway Center, as described in Finding 1, SUBJECT TO THE FOLLOWING CONDITIONS and all applicable standards and regulations:

1. The Standard Conditions of Approval, a copy attached.

2. In addition to any specific erosion control measures described in this or previous orders, the applicant shall take all necessary actions to ensure that its activities or those of its agents do not result in noticeable erosion of soils or fugitive dust emissions on the site during the construction and operation of the project covered by this approval.

3. Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.

4. Prior to the start of construction, the applicant shall compensate for lost wetland functions and values by making a contribution to the MNRCF in the amount of $77,283.36. Payment shall be submitted to the ILF program administrator at 17 State House Station, Augusta, Maine 04333.

5. Prior the start of construction, the applicant shall conduct a pre-construction meeting. This meeting shall be attended by the applicant's representative, Department staff, the design engineer, and the contractor.

6. Prior to the start of construction, the applicant shall retain a representative from its Environmental Office, or an approved third party inspector, to inspect the installation of the access road stream crossing and the construction and stabilization of the realigned stream channel.

7. All instream work shall be completed between July 1 and September 30 of any calendar year.

8. The applicant shall execute and record the required deed restrictions for the stormwater buffers within 60 days of the date of this Order. The applicant shall submit a copy of the recorded deed restriction, including the plot plan, to the BLWQ within 30 days of its recording.

9. Prior to the start of construction, the location of the stormwater buffers shall be permanently marked on the ground.

10. Prior the start of construction, the applicant shall record the Declaration Covenants and Restrictions for the Preservation Area at the Hancock County Registry of Deeds and submit recorded copies to the BLWQ.

11. Prior to the start of construction on Phases II and III, the applicant shall submit final design details for the stormwater management system to the BLWQ for review and approval. The submission shall include, at a minimum, the revised Post-Development Plan; design details for each stormwater treatment unit; and revised BMP Worksheet.

12. Relocation of the individual subsurface wastewater disposal system or wastewater flows exceeding its design capacity shall require review and approval from the BLWQ prior to installation of the system.

13. If wood waste is disposed in a stump dump, then the applicant shall submit a revised site plan showing the location of the stump dump to the BLWQ prior to occupancy of the bus maintenance facility.

14. Storm sewer grit and sediment materials removed from stormwater control structures during maintenance activities shall be disposed of in compliance with the Department's Solid Waste Management Rules.

THIS APPROVAL DOES NOT CONSTITUTE OR SUBSTITUTE FOR ANY OTHER REQUIRED STATE, FEDERAL OR LOCAL APPROVALS NOR DOES IT VERIFY COMPLIANCE WITH ANY APPLICABLE SHORELAND ZONING ORDINANCES.

DEPARTMENT OF ENVIRONMENTAL PROTECTION
CORRECTING THE ORDER DATED 09/08/09. The effective date and expiration date remain the same as in the original.

This permit has been digitally signed by Andrew C. Fisk on behalf of Commissioner David P. Littell. It is digitally signed pursuant to authority under 10 M.R. S.A. § 9418. It has been filed with the Board of Environmental Protection as of the signature date 2009.09.09 15:43:20 -04'00'

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

rlg/l#24518an, 24518bn, & l#24518cn/ats#69510, 69511, & 70519

Department of Environmental Protection

SITE LOCATION OF DEVELOPMENT (SITE) STANDARD CONDITIONS

STRICT CONFORMANCE WITH THE STANDARD AND SPECIAL CONDITIONS OF THIS APPROVAL IS NECESSARY FOR THE PROJECT TO MEET THE STATUTORY CRITERIA FOR APPROVAL.

1. **This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals and supporting documents is subject to the review and approval of the Board prior to implementation. Further subdivision of proposed lots by the applicant or future owners is specifically prohibited, without prior approval by the Board of Environmental Protection, and the applicant shall include deed restrictions to this effect.**

2. **The applicant shall secure and comply with all applicable Federal, State and local licenses, permits, authorizations, conditions, agreements, and orders, prior to or during construction and operation as appropriate.**

3. **The applicant shall submit all reports and information requested by the Board or Department demonstrating that the applicant has complied or will comply with all conditions of this approval. All preconstruction terms and conditions must be met before construction begins.**

4. **Advertising relating to matters included in this application shall refer to this approval only if it notes that the approval has been granted WITH CONDITIONS, and indicates where copies of those conditions may be obtained.**

5. **Unless otherwise provided in this approval, the applicant shall not sell, lease, assign or otherwise transfer the development or any portion thereof without prior written approval of the Board where the purpose or consequence of the transfer is to transfer any of the obligations of the developer as incorporated in this approval. Such approval shall be granted only if the applicant or transferee demonstrates to the Board that the transferee has the technical capacity and financial ability to comply with conditions of this approval and the proposals and plans contained in the application and supporting documents submitted by the applicant.**

6. **If the construction or operation of the activity is not begun within two years, this approval shall lapse and the applicant shall reapply to the Board for a new approval. The applicant may not begin construction or operation of the development until a new approval is granted. Reapplications for approval shall state the reasons why the development was not begun within two years from the granting of the initial approval and the reasons why the applicant will be able to begin the activity within two years from the granting of a new approval, if granted. Reapplications for approval may include information submitted in the initial application by reference.**

7. **If the approved development is not completed within five years from the date of the granting of approval, the Board may reexamine its approval and impose additional terms or conditions or prescribe other necessary corrective action to respond to significant changes in circumstances which may have occurred during the five-year period.**

8. **A copy of this approval must be included in or attached to all contract bid specifications for the development.**

9. **Work done by a contractor pursuant to this approval shall not begin before the contractor has been shown by the developer a copy of this approval.**

(2/81)/Revised November 1, 1979

DEPLW 0429

NATURAL RESOURCE PROTECTION ACT (NRPA) STANDARD CONDITIONS

THE FOLLOWING STANDARD CONDITIONS SHALL APPLY TO ALL PERMITS GRANTED UNDER THE NATURAL RESOURCE PROTECTION ACT, TITLE 38, M.R.S.A. SECTION 480-A ET.SEQ. UNLESS OTHERWISE SPECIFICALLY STATED IN THE PERMIT.

A. **Approval of Variations From Plans.** The granting of this permit is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from these plans, proposals, and supporting documents is subject to review and approval prior to implementation.

B. **Compliance With All Applicable Laws.** The applicant shall secure and comply with all applicable federal, state, and local licenses, permits, authorizations, conditions, agreements, and orders prior to or during construction and operation, as appropriate.

C. **Erosion Control.** The applicant shall take all necessary measures to ensure that his activities or those of his agents do not result in measurable erosion of soils on the site during the construction and operation of the project covered by this Approval.

D. **Compliance With Conditions.** Should the project be found, at any time, not to be in compliance with any of the Conditions of this Approval, or should the applicant construct or operate this development in any way other the specified in the Application or Supporting Documents, as modified by the Conditions of this Approval, then the terms of this Approval shall be considered to have been violated.

E. **Initiation of Activity Within Two Years.** If construction or operation of the activity is not begun within two years, this permit shall lapse and the applicant shall reapply to the Board for a new permit. The applicant may not begin construction or operation of the activity until a new permit is granted. Reapplications for permits shall state the reasons why the applicant will be able to begin the activity within two years form the granting of a new permit, if so granted. Reapplications for permits may include information submitted in the initial application by reference.

F. **Reexamination After Five Years.** If the approved activity is not completed within five years from the date of the granting of a permit, the Board may reexamine its permit approval and impose additional terms or conditions to respond to significant changes in circumstances which may have occurred during the five-year period.

G. **No Construction Equipment Below High Water.** No construction equipment used in the undertaking of an approved activity is allowed below the mean high water line unless otherwise specified by this permit.

H. **Permit Included In Contract Bids.** A copy of this permit must be included in or attached to all contract bid specifications for the approved activity.

I. **Permit Shown To Contractor.** Work done by a contractor pursuant to this permit shall not begin before the contractor has been shown by the applicant a copy of this permit.

STORMWATER MANAGEMENT LAW STANDARD CONDITIONS

STRICT CONFORMANCE WITH THE STANDARD AND SPECIAL CONDITIONS OF THIS APPROVAL IS NECESSARY FOR THE PROJECT TO MEET THE STATUTORY CRITERIA FOR APPROVAL

Standard conditions of approval. Unless otherwise specifically stated in the approval, a department approval is subject to the following standard conditions pursuant to Chapter 500 Stormwater Management Law.

(1) Approval of variations from plans. The granting of this approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from these plans, proposals, and supporting documents must be reviewed and approved by the department prior to implementation. Any variation undertaken without approval of the department is in violation of 38 M.R.S.A. § 420-D (8) and is subject to penalties under 38 M.R.S.A. § 349.

(2) Compliance with all terms and conditions of approval. The applicant shall submit all reports and information requested by the department demonstrating that the applicant has complied or will comply with all terms and conditions of this approval. All preconstruction terms and conditions must be met before construction begins.

(3) Advertising. Advertising relating to matters included in this application may not refer to this approval unless it notes that the approval has been granted WITH CONDITIONS, and indicates where copies of those conditions may be obtained.

(4) Transfer of project. Unless otherwise provided in this approval, the applicant may not sell, lease, assign, or otherwise transfer the project or any portion thereof without written approval by the department where the purpose or consequence of the transfer is to transfer any of the obligations of the developer as incorporated in this approval. Such approval may only be granted if the applicant or transferee demonstrates to the department that the transferee agrees to comply with conditions of this approval and the proposals and plans contained in the application and supporting documents submitted by the applicant. Approval of a transfer of the permit must be applied for no later than two weeks after any transfer of property subject to the license.

(5) Initiation of project within two years. If the construction or operation of the activity is not begun within two years, this approval shall lapse and the applicant shall reapply to the department for a new approval. The applicant may not begin construction or operation of the project until a new approval is granted. A reapplication for approval may include information submitted in the initial application by reference.

(6) Reexamination after five years. If the project is not completed within five years from the date of the granting of approval, the department may reexamine its approval and impose additional terms or conditions or prescribe other necessary corrective action to respond to significant changes in circumstances or requirements which may have occurred during the five-year period.

(7) Certification. Contracts must specify that "all work is to comply with the conditions of the Stormwater Permit." Work done by a contractor or subcontractor pursuant to this approval may not begin before the contractor and any subcontractors have been shown a copy of this approval with the conditions by the developer, and the owner and each contractor and subcontractor has certified, on a form provided by the department, that the approval and conditions have been received and read, and that the work will be carried out in accordance with the approval and conditions. Completed certification forms must be forwarded to the department.

(8) Maintenance. The components of the stormwater management system must be adequately maintained to ensure that the system operates as designed, and as approved by the department.

(9) Recertification requirement. Within three months of the expiration of each five-year interval from the date of issuance of the permit, the permittee shall certify the following to the department.

(a) All areas of the project site have been inspected for areas of erosion, and appropriate steps have been taken to permanently stabilize these areas.
(b) All aspects of the stormwater control system have been inspected for damage, wear, and malfunction, and appropriate steps have been taken to repair or replace the facilities.
(c) The erosion and stormwater maintenance plan for the site is being implemented as written, or modifications to the plan have been submitted to and approved by the department, and the maintenance log is being maintained

November 16, 2005

DEPARTMENT OF THE ARMY
NEW ENGLAND DISTRICT, CORPS OF ENGINEERS
696 VIRGINIA ROAD
CONCORD, MASSACHUSETTS 01742-2751

REPLY TO:
ATTENTION OF:

MAINE PROGRAMMATIC GENERAL PERMIT (PGP)
AUTHORIZATION LETTER AND SCREENING SUMMARY

OFFICE OF ENVIRONMENTAL SERVICES
MAINE DEPT. OF TRANSPORTATION
16 STATE HOUSE STATION
AUGUSTA, MAINE 04333

CORPS PERMIT # NAE-2006-03036
CORPS PGP ID# 09-063
STATE ID# NRPA

DESCRIPTION OF WORK:
Place fill below the ordinary high water line of Crippens Brook and in adjacent freshwater wetlands off Route 3 at Trenton, Maine in order to develop "Acadia Gateway", a multi-modal visitor center serving the greater Mount Desert Island and Acadia National Park area. Approximately 2.93 acres of wetland and stream bed will be impacted by the project. This work is shown on the attached plans entitled "Acadia Gateway Center,

Project Description Continued on Page 2

LAT/LONG COORDINATES : 44.4700786° N 68.3663026° W **USGS QUAD:** SALSBURY COVE, ME

I. CORPS DETERMINATION:
Based on our review of the information you provided, we have determined that your project will have only minimal individual and cumulative impacts on waters and wetlands of the United States. **Your work is therefore authorized by the U.S. Army Corps of Engineers under the enclosed Federal Permit, the Maine Programmatic General Permit (PGP).**

You must perform the activity authorized herein in compliance with all the terms and conditions of the PGP [including any attached Additional Conditions and any conditions placed on the State 401 Water Quality Certification including any required mitigation]. Please review the enclosed PGP carefully, including the PGP conditions beginning on page 7, to familiarize yourself with its contents. You are responsible for complying with all of the PGP requirements; therefore you should be certain that whoever does the work fully understands all of the conditions. You may wish to discuss the conditions of this authorization with your contractor to ensure the contractor can accomplish the work in a manner that conforms to all requirements.

If you change the plans or construction methods for work within our jurisdiction, please contact us immediately to discuss modification of this authorization. This office must approve any changes before you undertake them.

Condition 38 of the PGP (page 15) provides one year for completion of work that has commenced or is under contract to commence prior to the expiration of the PGP on October 11, 2010. You will need to apply for reauthorization for any work within Corps jurisdiction that is not completed by October 11, 2011.

This authorization presumes the work shown on your plans noted above is in waters of the U.S. Should you desire to appeal our jurisdiction, please submit a request for an approved jurisdictional determination in writing to the undersigned.

No work may be started unless and until all other required local, State and Federal licenses and permits have been obtained. **This includes but is not limited to a Flood Hazard Development Permit issued by the town if necessary.** Also, this permit requires you to notify us before beginning work and allow us to inspect the project. Hence, you must complete and return the attached Work Start Notification Form(s) to this office no later than 2 weeks before the anticipated starting date. (For projects requiring mitigation, be sure to include the MITIGATION WORK START FORM).

II. STATE ACTIONS: PENDING [X]. **ISSUED**[ ]. **DENIED** [ ] **DATE**_____

APPLICATION TYPE: PBR:____, TIER 1:____, TIER 2:____, TIER 3: X, LURC:____ DMR LEASE:____ NA:____

III. FEDERAL ACTIONS:

JOINT PROCESSING MEETING: 2/19/09 LEVEL OF REVIEW: CATEGORY 1:____ CATEGORY 2: X

AUTHORITY (Based on a review of plans and/or State/Federal applications): SEC 10____, 404 X 10/404____, 103____

EXCLUSIONS: The exclusionary criteria identified in the general permit do not apply to this project.

FEDERAL RESOURCE AGENCY OBJECTIONS: EPA NO, USF&WS NO, NMFS NO

If you have any questions on this matter, please contact my staff at 207-623-8367 at our Manchester, Maine Project Office.

Jay L. Clement
JAY L. CLEMENT
SENIOR PROJECT MANAGER
MAINE PROJECT OFFICE

3-19-09
PHILIP T. FEIR **DATE**
COLONEL, CORPS OF ENGINEERS
for **DISTRICT ENGINEER**

Revised March 10, 2009

IN-LIEU-FEE (ILF) PROJECT DATA WORKSHEET

DEP Invoice # _____

[Note: Will be filled in by ILF Administrator in Augusta]

Project name: Acadia Gateway Center Project (DOT PIN 16123.00)

Applicant (s): Maine Dept. of Transportation

DEP/Corps permit #: COE Permit No. NAE-2006-03036; DEP No.

[Note: Please attach a PDF copy of the permit]

DEP ATS #: _____

ILF Contribution Amount $77,283.36

[Note: Please attach a PDF copy of the check]

Project address: Route 3, Trenton (Refer to Plans Attached to Permit)

[Note; Please attach a PDF map of project location]

Biophysical region: (1) Penobscot Bay Coast and (2) Maine Eastern Coastal Subsections (site straddles the boundary)

Size of total impact subject to compensation: ILF = 20,556 s.f. @ 1:1 + 3,186 s.f. @ 2:1; Perm. Resp. = 135,513 s.f.; Total impact = 159,255 s. f. (Note – Permittee Responsible Compensation portion consists of 54 acres of on site preservation.)

Resources Impacted: ***[The resource table on page 2 MUST be filled in with all resource types impacted, amounts and functions.]***

Project manager: COE – Clement; DEP – Damon/Green

Note: The ILF Project Data Worksheet must be filled out by the PM within 3 days of receiving a contribution to the "Natural Resource Mitigation Fund" and faxed along with a copy of the check to James Cassida in Augusta at 287-7826. The distribution of ILF contributions is time sensitive.

The PM should also double check to make sure that the check has been routed to Augusta with the correct account number reference. The account # for the ILF program is 014.06A.1776.14

From: VanDusen, Deane
Sent: Wednesday, September 09, 2009 2:56 PM
To: Cassida, James
Cc: Nichols, Joshua
Subject: MNRCF MaineDOT payment - Trenton, Acadia Gateway, 13332.10

Hi Jim -

I am requesting a DEP invoice be sent to DOT for the MNRCF amount for the Trenton - Acadia Gateway (DOT PIN 13332.10) project.

DEP approved the Full NRPA # L245182GBN on 9/8/09; The Corps permit # NAE-2006-03036 was issued on 3/19/09. The Corps permit specifically requires DOT to make a mitigation payment to the MNRCF in the amount of $ 77,283.36.

I will provide project specific information in the ILF Worksheet that I will submit with the payment.

The project has been advertised and construction is scheduled to begin this fall. In order for us to pay the fee prior to the start of construction, please have an invoice sent to the MaineDOT, Environmental Office, to my attention, at your earliest convenience.

Under "Description" on the invoice, please include the following information:

Maine Natural Resource Conservation Fund (MNRCF)
Trenton - Acadia Gateway
MaineDOT PIN 13332.10

DEP Full NRPA # L245182GBN
US Army Corps Permit # NAE-2006-03036

Please contact me with any questions regarding this request and/or the project. Thanks.

Deane

Deane C. Van Dusen, Manager
Field Services & Mitigation Division

Maine Department of Transportation
Environmental Office
State House Station 16
Augusta, Maine 04333
207-592-3198
207-624-3101 (fax)

IET 17A 10DT0018594

INVOICE

Customer Name		Page 1
MAINE DEPT OF TRANSPORTATION - ENVIRONMENTAL OFFICE		
Customer Number	Invoice Number	Invoice Date
06AFIN6046	700921010	09-21-09
	AR Dept BPRO	Due Date
	06A:FIN1	10-22-09
	Amount Due	Amount Enclosed
	$77,283.36	

Remit to:

DEPT ENVIRONMENTAL PROTECTION
NATURAL RESOURCES SERVICE CTR
ATTN - MEAGHAN FOSTER
155 STATE HOUSE STATION
AUGUSTA Maine 04333-0155

Bill to:

MAINE DEPT OF TRANSPORTATION - ENVIRONMENTAL OFFICE
ATTN: DEANE VANDUSEN
SHS# 16, CHILD STREET
AUGUSTA Maine 04333-0016

Payment Method: Check ☐ Money Order ☐

☐ Please check if address has changed. Write correct address on back of stub and attach with payment

Please write Invoice No on front of check or Money Order. DO NOT MAIL CASH

Please detach the above stub and return with your remittance payable to PAY BY PV TYPE 9

ENVIRONMENTAL PROTECTION
ORIGINAL

Customer Number	Orig. Inv. Date	Orig. Due Date
06AFIN6046	09-21-09	10-22-09
Customer Name	Invoice Number	Invoice Date
MAINE DEPT OF TRANSPORTATION - ENVIRONMENTAL OFFICE	700921010	09-21-09

Invoice Charges

Ref Line No.	DESCRIPTION	Date of Service	No.of Units	Unit of Measure	Unit Price	Charges/ Credit
1	MAINE NATURAL RESOURCE CONSERVATION FUND (MNRCF) TRENTON - ACADIA GATEWAY MAINE DOT PIN# 13332.10	09-21-09				$77,283.36
					TOTAL INVOICE Charges	$77,283.36

Other Charges

DESCRIPTION	Date	Charges
	09-21-09	

Credit Payments Applied		$0.00
Total Amount Due By	10-22-09	$77,283.36

Instructions 018-17A-0443-62-4199 $77,283.36

Doreen L Corum
1/21/10

Receivable History and Reference Query

Menu Quick Search

Search First Prev Next Last

Department : 06A

Unit : ALL

Doc Dept : 06A

Document ID : 700921010

Customer : 06AFIN6046

Name : MAINE DEPT OF TRANS

Total Billed : $77,283.36
Total Liquidated : $77,283.36
Total to Collections : $0.00
Total Written Off : $0.00
Total Outstanding : $0.00
Closed Date : 01/21/2010

	Accepted	Reference Document	Billed	Liquidated	Sent to Collection	Written Off
✓	09/21/2009	RE 06A 700921010 1	$77,283.36	$0.00	$0.00	$0.00
	09/21/2009	RE 06A 700921010 2	$0.00	$0.00	$0.00	$0.00
	01/21/2010	IET 17A 10DT0018594 1	$0.00	$77,283.36	$0.00	$0.00

First Prev Next Last
Receivable Search