



REPLY TO
ATTENTION OF

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

Regulatory Division
CENAE-R-PEC
Corps File No NAE-2000-01575

MAY 24 2010

RECEIVED

Gerry Audibert
Maine Dept of Transportation
16 State House Station
Augusta, Maine 04333

MAY 24 2010
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Dear Mr Audibert

This letter updates the status of the Wiscasset Bypass project according to the Corps Highway Methodology. It serves to document and confirm the completion of Phase II and the Corps determination of the Least Environmentally Damaging Practicable Alternative ("LEDPA")

We have been evaluating this project in accordance with the Clean Water Act and other applicable laws and regulations. Section 404(b)(1) of the Clean Water Act, known as the 404(b)(1) Guidelines, are found at 40 CFR 230. The Guidelines require avoiding and minimizing adverse impacts to waters and wetlands, and the selection of a LEDPA. Section 230.10(a) states, "no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences."

The Corps has completed its review of the general and specific information you have provided or which is otherwise available on alternatives to the project. This includes information provided from the general public in response to our January 19, 2010 public notice, from the draft environmental impact statement of the Federal Highway Administration ("FHWA"), and from coordination with federal and state resource agencies.

The Corps has determined that alternative alignment N8C is the LEDPA, not alignment N2A, the alternative preferred by Maine DOT and FHWA. We believe that alignment N8C requires the least amount of direct and indirect impact to marine and freshwater aquatic resources and to upland habitat, it minimizes impacts to the human environment, and it has equal or greater overall effectiveness. Alternative N8C is reflected in the attached plans and comparative tables entitled "Maine Dept of Transportation, Wiscasset Bypass Project, PIN 7991 00" in five sheets dated "9/09".

Citizens and interest groups within the communities affected by this project have been active and vocal throughout the planning process. Public opinion, as reflected in our public notice comments, continues to vary with similar support expressed for the No Build, N2A, and N8C alternatives. The Corps recognizes the hard work by local action groups as they've tried to reach consensus on a locally preferred option. Regrettably the consensus option, alternative N2A, doesn't appear to be the LEDPA.

Our LEDPA determination is based on the preliminary application submitted by Maine DOT. **This determination is not a permit decision.** The LEDPA determination will assist Maine DOT as they continue project planning and pursue future funding. Any future Corps permit decision will require the submission of a final complete permit application, evaluation of additional measures to further avoid and minimize impacts to aquatic resources, and the development of a detailed mitigation plan intended to compensate for any unavoidable impacts to wetlands and other aquatic resources. Maine DOT will also be required to obtain a permit and water quality certification from the Maine Dept. of Environmental Protection ("Maine DEP").

The selection of the LEDPA does not preclude additional minor reroutes or other minor changes in project design that may arise. Similarly, the Corps retains discretion to revisit the LEDPA determination should substantial new information on impacts to the environment or affected public interest factors arise. I wish to encourage you and your consultants to continue working with state and federal regulatory/resource agencies as well as the general public to avoid and minimize impacts to waterways and wetlands.

As with any highway project that involves unavoidable impacts to wetlands, adequate compensatory mitigation will be a major factor in any future permit decision. We encourage Maine DOT to continue early planning and coordination in this area. Ideally preliminary information on mitigation opportunities should be included in the final permit application. Although you and your consultants are aware of it, let me remind you that mitigation must be planned in accordance with the most current mitigation guidance from the Corps. This is available at our New England District web site at www.nae.usace.army.mil/regulatory. Identifying potential mitigation sites and assembling site analysis data, such as monitoring hydrology levels, should continue to be closely coordinated with the Corps and federal agencies.

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

Sincerely,



Robert J. Desista
Chief, Regulatory Division

Copies Furnished

Honorable Olympia J Snowe – Augusta, Maine

Honorable Susan M Collins – Augusta, Maine

Honorable Chellie Pingree – Portland, Maine

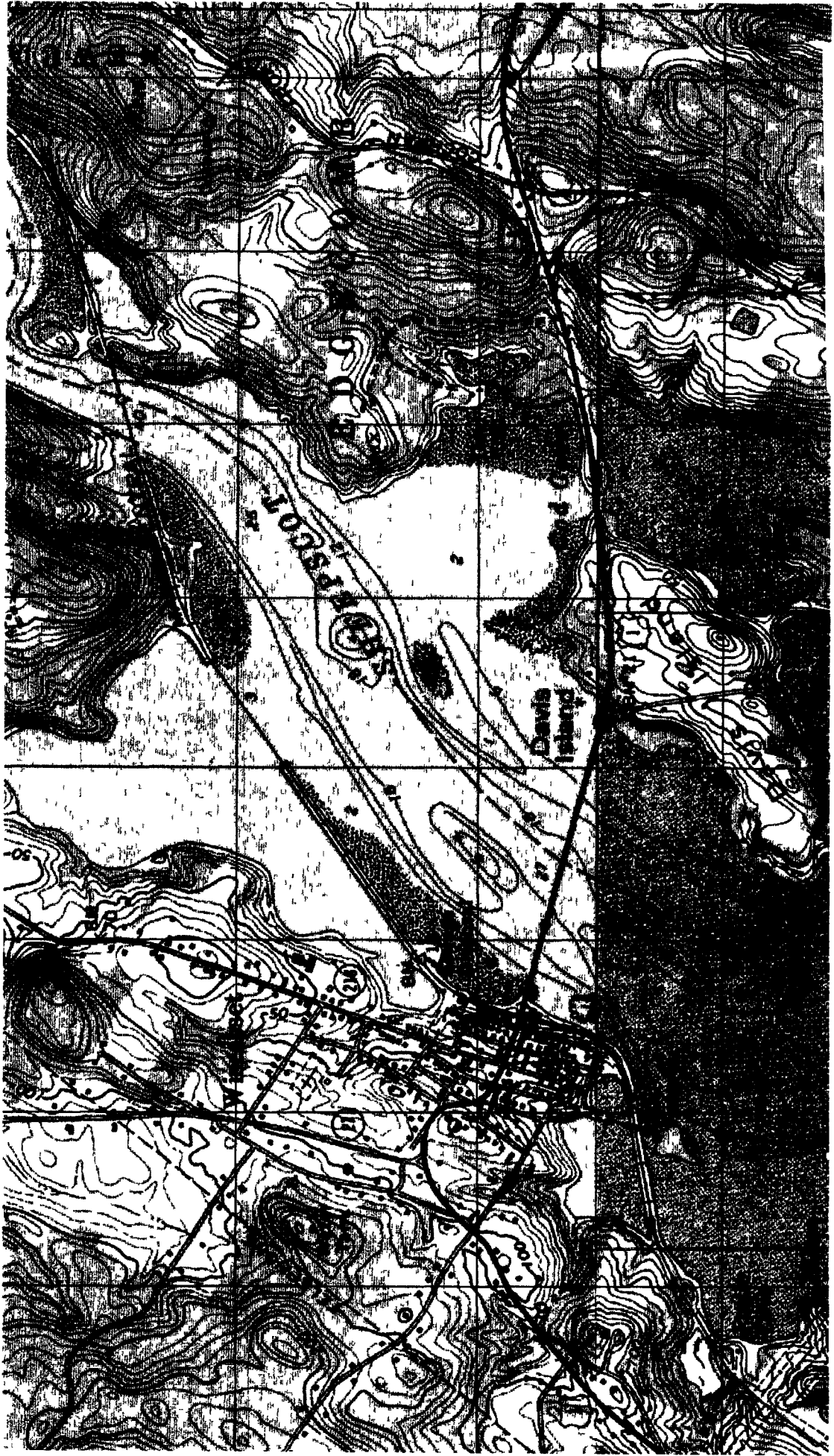
Mark Hasselmann – FHWA

Mark Kern – US EPA

Wende Mahaney – USFWS

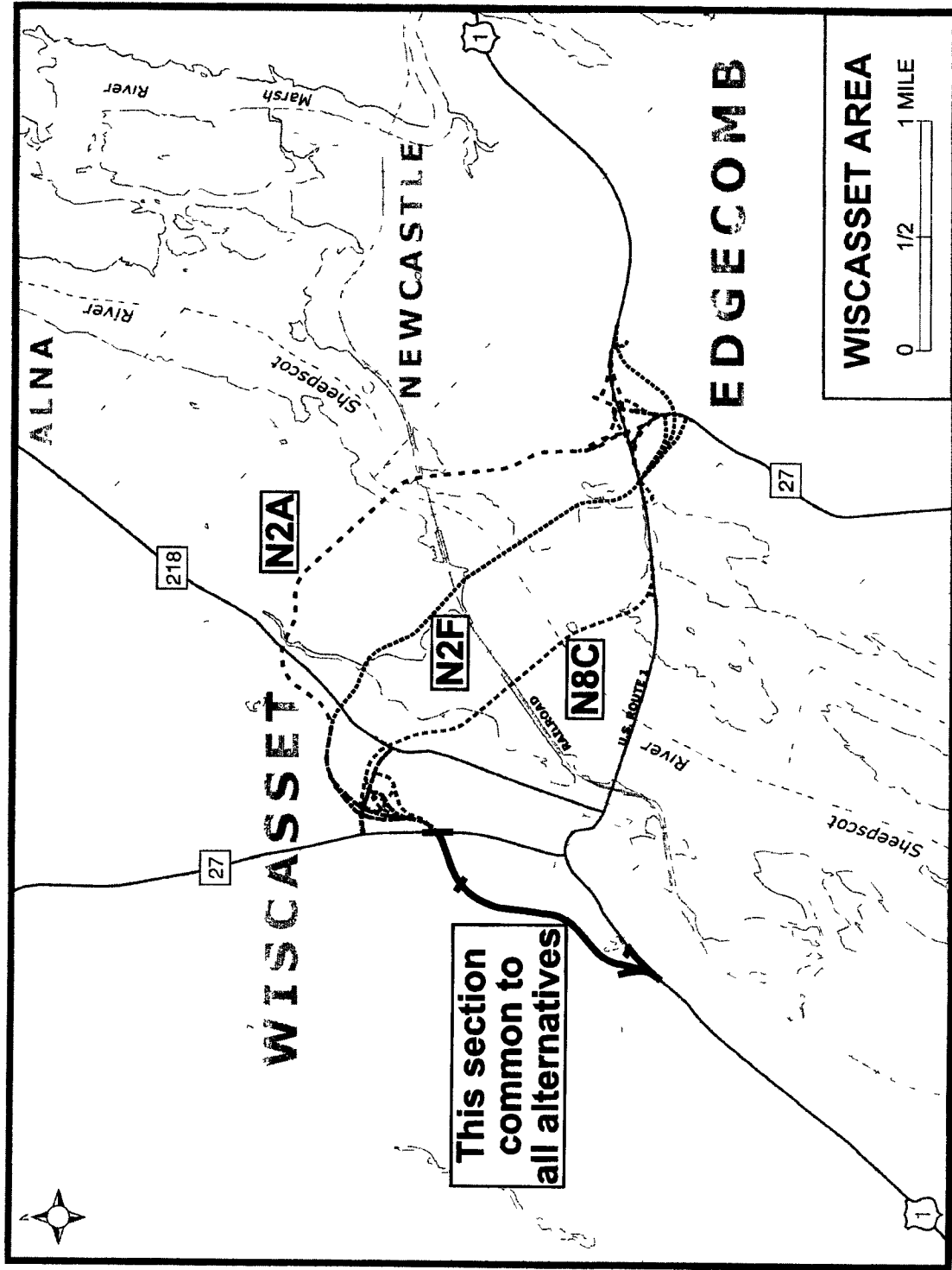
Jeff Murphy – NMFS

Jim Cassida – Maine DEP



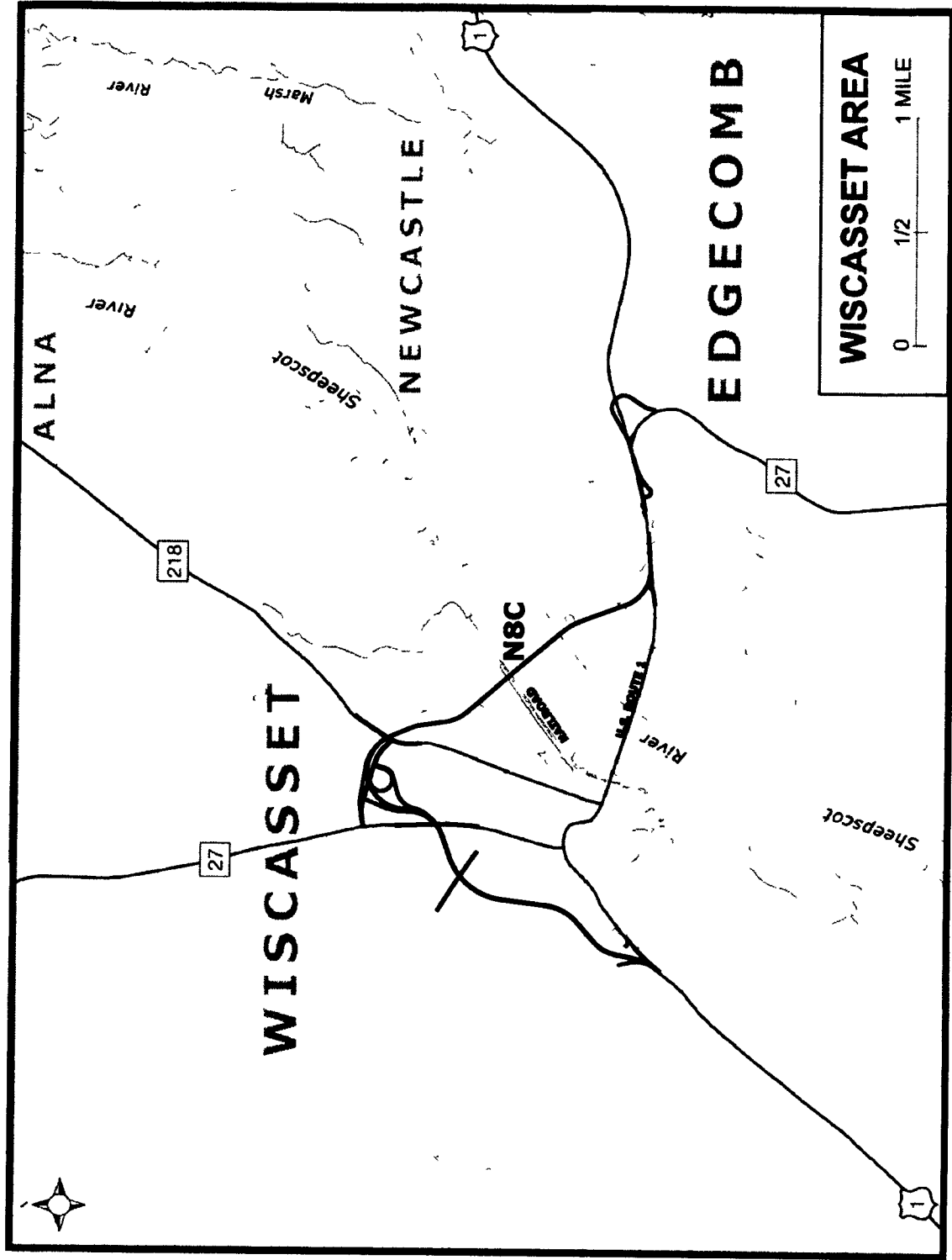
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**Excerpt from
Wiscasset Route 1 Corridor Study
Supplement to Phase II Alternatives Analysis
September 9, 2009
(Natural Resource and Human Environment Impact Summary Tables)**

4.2 Impacts to the Natural Environment

Criteria	No Build	N8c	N2f	N2a
Navigable Waterways ¹	0	0	0	0
Marine Waters				
Eelgrass (acres)	0	0	0	0
Essential Fisheries Habitat (Acres) ¹	0	Min	Min	Min
NRPA & Coastal Zone Management (Acres)	0	0.5	1.2	0.2
Shellfish Habitat ²	0	0.1	0	0
Marine Worm Habitat ¹	0	0.1	0.2	0
Fresh Water				
Number of Stream Crossings with Freshwater Fishery	0	2	2	2 ³
Freshwater Wetlands (Acres)	0.1	2.0	4.2	3.7
No. of Stream & River Crossings	0	3	4	4
Length of Streams within Bypass Earthwork Area (L F)	0	775	1,033	1,263
Bypass Length within 500 L F of Streams	0	11,873	14,414	16,819
Vernal Pools				
Total Number Impacted	1	4	6	6
Significant Vernal Pools (Immediately Adjacent)	0	1	1	2
Affected Dispersal Area w/in 250' of Significant Vernal Pools	0	1.2	1.2	1.2
Assessment of Impact to Sig Vernal Pool w/in 250 feet (Ac) ⁴	TBD	Severe	Severe	Severe
Dispersal Area (Opp Side) w/in 750' of Vernal Pools ⁵	2.5	27.5	32.0	41.7
Direct Impact to Vernal Pools within 750 feet (Acres)	TBD	5.8	10.4	14.4
Essential Habitat (Eagle Nests)	None	None	None	None
Tidal Waterfowl & Wading Bird Habitat (Acres)	0	0.1	0.3	0
Impacts to Floodplain	0	0.2	1.9	0.6
Pier Impacts to Sheepscot River	None	0.4	0.3	0.1
Impervious Area (Acres)	<1%	29.1	31.2	35.8
Change in Annual and 10-Year Stormwater Flows	N/A	15%	15%	15%
Other Considerations				
High Value Forest Impacts (Acres)	0	10.6	13.4	12.7
High Value Grassland Impacts (Acres)	0	5.4	4.5	7.0
Unfragmented Habitat (Blocks)	2	6	7	6
Beginning with Habitat Lower Sheepscot River Focus Area of Statewide Ecological Significance	No Impact	No Impact	No Impact	South End

¹ Requires US Coast Guard and Army Corps of Engineers permits

² Included in Coastal Resources

³ Stream at West Alna Road redefined in 2008 based on field measurements

⁴ Assessment of impacts to vernal pool based on pool quality

⁵ Salamander eggs found at a stream site in 2008 (not a vernal pool, however)

4.3 Impacts to the Human Environment

Criteria	No Build	N8c	N2f	N2a
Potential for Induced Development within 1,000' of Interchanges				
No of Residences	0	15	35	35
No of Businesses	0	19	10	22
Use of Section 4(f) Properties after Mitigation	0	3	3	3
Adverse Effect to Section 106 Properties				
Architectural	2	3+1 Conditional	3	3
Archeological-Historic	0	1	1+1 Possible	1
Archeological-Prehistoric	0	1	6	0
Other Considerations				
Neighborhoods				
Encroach	N A	Bayview Hts Village District	Bayview Hts Village District Englebrekt Rd	Bayview Hts Village District Englebrekt Rd
Bisect	N A	0	0	0
Community Preferences	N A	Historic District Visual Impacts	Englebrekt Rd Impacts	Least Concern
Impact to Growth Areas	N A	Davis Island	N A	N A
No Residential Displacements	1	26	27	26
No Commercial Displacements	2	14	14	13
Year 2030 Reduction in Downtown Village SADT (% / Traffic Diverted)	0	84% 27,600	71% 23,400	49% 16,000
Visual Impacts⁷				
Gateway-1 Distinctive or Noteworthy Views	N A	Major	Minor	Minimal
RxR at Main Street, Wiscasset	N A	65	5	0
End of Davey Bridge, Edgecomb	N A	132	7	2
East End of Cod Cove Bridge, Edgecomb	N A	26	6	0
RxR Drawbridge at Clark Point, Wiscasset	N A	55	93	70
Total Emissions				
NOx (Kg/Day)	93.8	TBD in FEIS	TBD in FEIS	TBD in FEIS
VOC (Kg/Day)	98.6	TBD in FEIS	TBD in FEIS	TBD in FEIS
TNM Modeled Noise Levels - Hourly Equivalent (dBA)				
No of Properties at 66 dBA or Greater	9	1	1	3
No of Properties Exceeding Current Levels by 15 dBA or More	0	2	5	2

⁷ Per FHWA Guidance Viewshed impact is defined as the product of the horizontal and vertical angles of impacted views within an observer's field of vision