



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-51
Corps File No. NAE-2007-01211

November 12, 2015

Sara Zografos
Maine Turnpike Authority
2360 Congress Street
Portland, Maine 04102

Dear Ms. Zografos:

This concerns your proposal to replace the existing turnpike toll plaza at York, Maine. This letter updates the status of the project according to the Corps Highway Methodology.

In March of 2010 the Authority submitted a draft Phase I screening of alternatives to avoid and minimize adverse impacts to waters and wetlands. On May 5, 2010 the Corps responded that we could not concur with your recommended short list of alternatives and requested additional information to assist in our analysis. Our information request also reflected a review of local concerns submitted from the Town of York, the Whippoorwill Homeowners Association ("WHOA"), and Verrill-Dana (on behalf of Think Again).

Attached to a cover letter dated September 1, 2015, the Authority provided a detailed response to our 2010 request. We compliment you on the thoroughness of your response, particularly concerning the subject of All Electronic Tolling ("AET"). Combined with your previous submittal, the document constitutes one of the more detailed Phase 1 submittals we have received in many years. But as previously noted and as we've discussed numerous times, this level of detail is appropriate in light of the above referenced and continued interest in the project from York residents.

This letter serves to document and confirm the completion of Phase I of the methodology and the Corps determination on which alternatives will be carried into Phase II and/or the application stage and studied in more detail. The Corps has determined that the following alternative sites will be carried forward for further analysis in order for the Corps to determine the least environmentally damaging practicable alternative ("LEDPA"): Locations 8.7 and 9.1. And although we clearly understand their deficiencies relative to the overall project purpose and the Section 404(b)(1) Guidelines, NEPA requires that the Corps carry the no build and upgrade of the existing plaza alternatives into our final analysis of alternatives as well. This may simply be by reference to the Phase I submittal or other documentation. AET does not presently appear to be economically practicable based on the additional information you've provided.

Please note however, that we are in no way pre-judging a LEDPA. No such determination will be made until after we conduct a public interest review and coordinate with federal and state resource agencies and the Maine DEP (it is our understanding that these entities

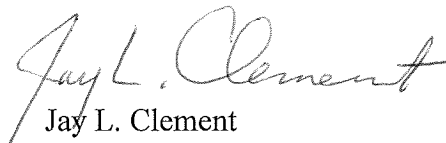
were not copied in your most recent response). We fully expect those that have expressed interest in this project to date to raise additional questions concerning the Authority's most recent findings. If their concerns are substantive or if additional information comes to light regarding any of the alternatives already considered by the Authority and its consultants, we may have to revisit your analyses. Toward that end, 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 and address other important public interest issues.

Any future Corps permit decision will require the submission of a final complete permit application, evaluation of additional site specific measures to further avoid and minimize impacts to aquatic and other environmental resources, a public interest review, and the development of a detailed mitigation plan intended to compensate for any unavoidable impacts to wetlands and other aquatic resources. Maine Turnpike Authority will also be required to obtain a permit and water quality certification from the Maine DEP.

As with any highway project that involves unavoidable direct *and* indirect impacts to aquatic resources, adequate compensatory mitigation will be a major factor in any future permit decision. We encourage the Authority 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, our federal and state resource agency partners, and the Maine DEP. Alternatively, you are well aware of the In Lieu Fee option, the Maine Natural Resources Conservation Program.

If you have any questions, please contact me at our Manchester, Maine Project Office at 207-623-8367.

Sincerely,



Jay L. Clement
Senior Project Manager
Maine Project Office

Copies Furnished
Mark Kern – US EPA
Thomas Davidowicz – USFWS
Robert Green – Maine DEP