

Portland, Maine



Yes. Life's good here.

# **MAINE GENERAL PERMIT APPLICATION**

**To the  
Army Corp of Engineers**

**For**

**Rowe Avenue Sewer Separation and Storm Drain Outfall Project**

**Prepared By:**

**Portland Department of Public Works  
55 Portland Street  
Portland, ME 04101**

**December 2016**



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December 22, 2016

Mr. Jay Clement  
Maine Project Office  
675 Western Avenue #3  
Manchester, ME 04351

Dear Mr. Clement:

Please find the enclosed application package for natural resource impacts associated with the installation of a 24" storm drain outfall which discharges into the Fore River Tidal Marsh system approximately 500' east of Rowe Avenue in Portland Maine. The outfall pipe is at the end of a sewer separation project that the City will begin in the spring of 2017. We submitting for an Army Corp of Engineers (ACOE) Category II General Permit authorization for the replacement and installation of a new 24" storm drain with a rip rap outlet and tree clearing associated with the project.

The sewer separation work will include approximately 800 linear feet of new storm drain and services approximately 6 acres of residential development in the vicinity of Rowe Avenue. The stormwater will be removed from the existing Fore River sewer interceptor, and help mitigate CSO activity at CSO location # 39.

The Fore River estuary is considered a tidal marsh that eventually discharges into Portland Harbor, Casco Bay and the Atlantic Ocean. It has been identified that the outlet location is identified by the Maine DEP as Tidal Wading waterfowl habitat, but is not identified as a shore bird feeding area habitat or shorebird roosting area. The storm drain installation will be constructed within the already disturbed slope associated with an existing culvert which is being upgraded and replaced. Based on the anticipated construction schedule, work within the waterbody will occur between March 2017-December 2017. Along with this submission, the project will also require a Natural Resource Protection Act (NRPA) Permit by rule for "outfall pipes" and activities located, in or over high or moderated value inland waterfowl and wading bird habitat, or shorebird nesting, feeding, and staging areas" which will be submitted concurrent with this application.

A notification was sent to the Maine Natural Areas Program and a response was received. The response is enclosed in this application as part of Exhibit 7. The attached plans show the temporary wetland fill associated with the project. A small area of tidal wetland fill will be required to construct the storm drain outfall rip rap outlet. The contractor will also be required to travel across the wetland areas to complete the project. The project has specified that proper environmental access best management practices such as environmental matting will be utilized to work within tidal wetland areas. MNAP recommends avoiding impacts to the tidal marsh and minimizing disturbances with the forested buffer around the marsh. The project plan aims to minimize such disturbances and impacts to the surrounding habitat.

As part of the project, an access road will be constructed on the upland side of the existing Fore River Sewer interceptor pipe. Tree removal and light clearing will be required to complete the project. An



IPaC search was conducted for this application and it was determined that the project area was considered a critical habitat for the Northern long-eared Bat. Tree removal in the project area is limited to the proposed construction access road, and an area to allow the contractor access to build the storm drain outfall and includes approximately 40 hardwood trees (greater than three inches dbh) covering a total area of approximately 9,500 square feet. At this point in time the project is anticipated going out to bid in late January, with construction conceivably starting in late March or early April. Clearing is likely to be required at the beginning of the project.

Sincerely,  
CITY OF PORTLAND

A handwritten signature in black ink, appearing to read 'Justin Pellerin'.

Justin Pellerin, P.E.  
Project Engineer



17. DIRECTIONS TO THE SITE

From I-95 Take Exit 48. Turn left onto Brighton Avenue from Riverside Street. Drive down Brighton to Rowe Avenue. Take a Right onto Rowe Avenue. There is a City of Portland Sewer Right away approximately 700' down Rowe Avenue to the left. Proposed Stormdrain outfall pipe is approximately 500' down the sewer right of way.

18. Nature of Activity (Description of project, include all features)

Installation of a 24" Stormdrain outfall with a rip rap apron discharging into the Fore River Estuary area. The project will also build a maintenance access road down the sewer right of way on the upland side of the embankment. Approximately 9,500 sf of light tree clearing will be required to complete this work which equates to approximately 40 trees with diameters greater than 3".

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

Replacement of an existing culvert outfall to be upgraded to convey separated storm drain flows from Rowe Avenue, which will be separated as part of the project. The overall intent of this project is to maintain the existing stormwater infrastructure and to also work to mitigate CSO activity at this location (City of Portland CSO # 39).

**USE BLOCKS 20-23 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED**

20. Reason(s) for Discharge

Minor excavation will be required to install the storm drain outfall. Rip Rap fill will be required to complete the rip rap apron for the outfall. Common fill will be required to repair erosion in the existing embankment where the storm drain outfall will be located. A larger amount of fill will also be required to construct the maintenance access road on the upland side of the embankment.

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards:

Type Amount in Cubic Yards	Type Amount in Cubic Yards	Type Amount in Cubic Yards
Common Fill: 1000 Cubic Yards	Rip Rap Fill: 10 CY	

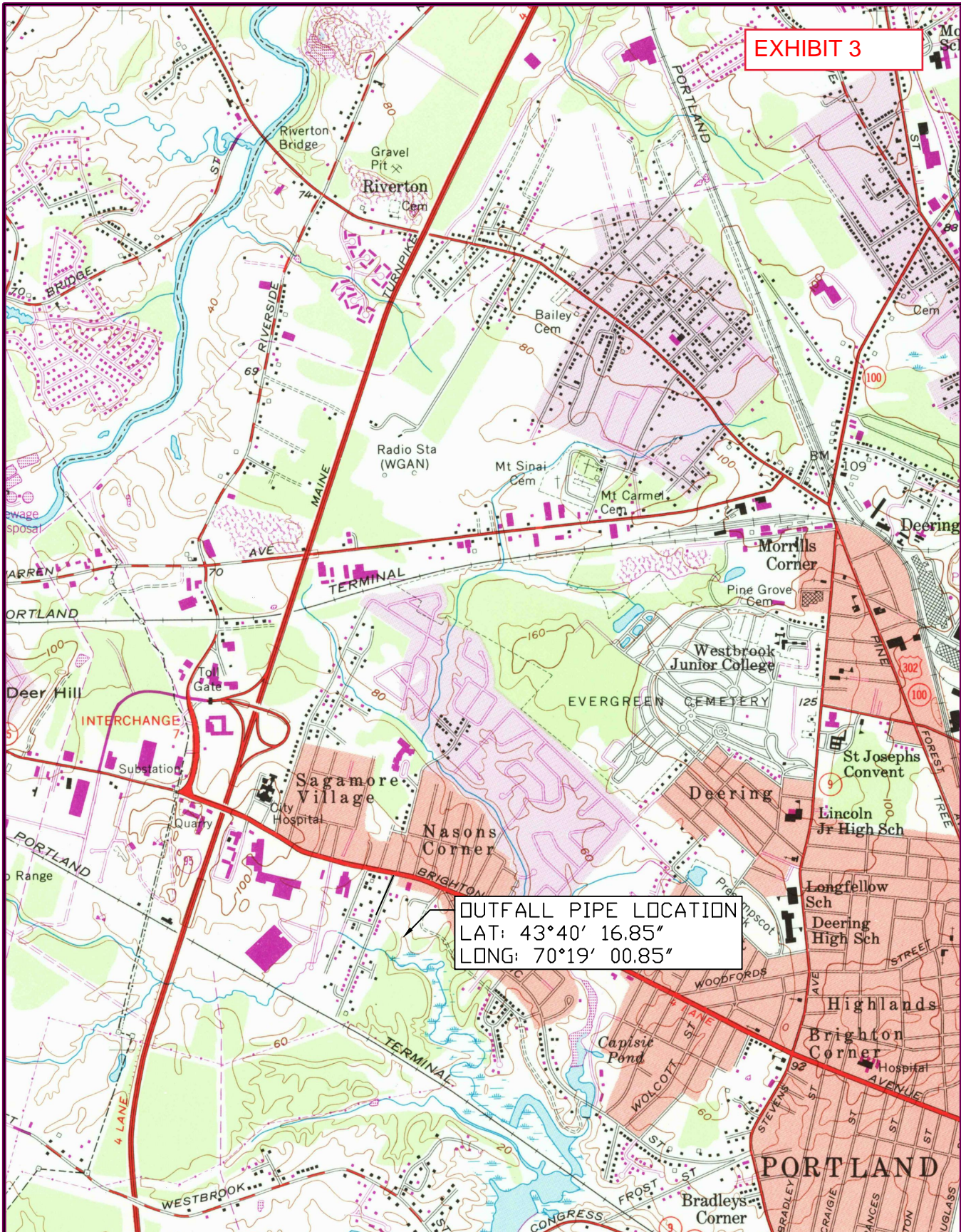
22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

Acres Permanent wetland fill: 579 (Non-Tidal Zone), Temporary Construction Access Fill: 2,466 SF (In Tidal wetland)  
or  
Linear Feet

23. Description of Avoidance, Minimization, and Compensation (see instructions)

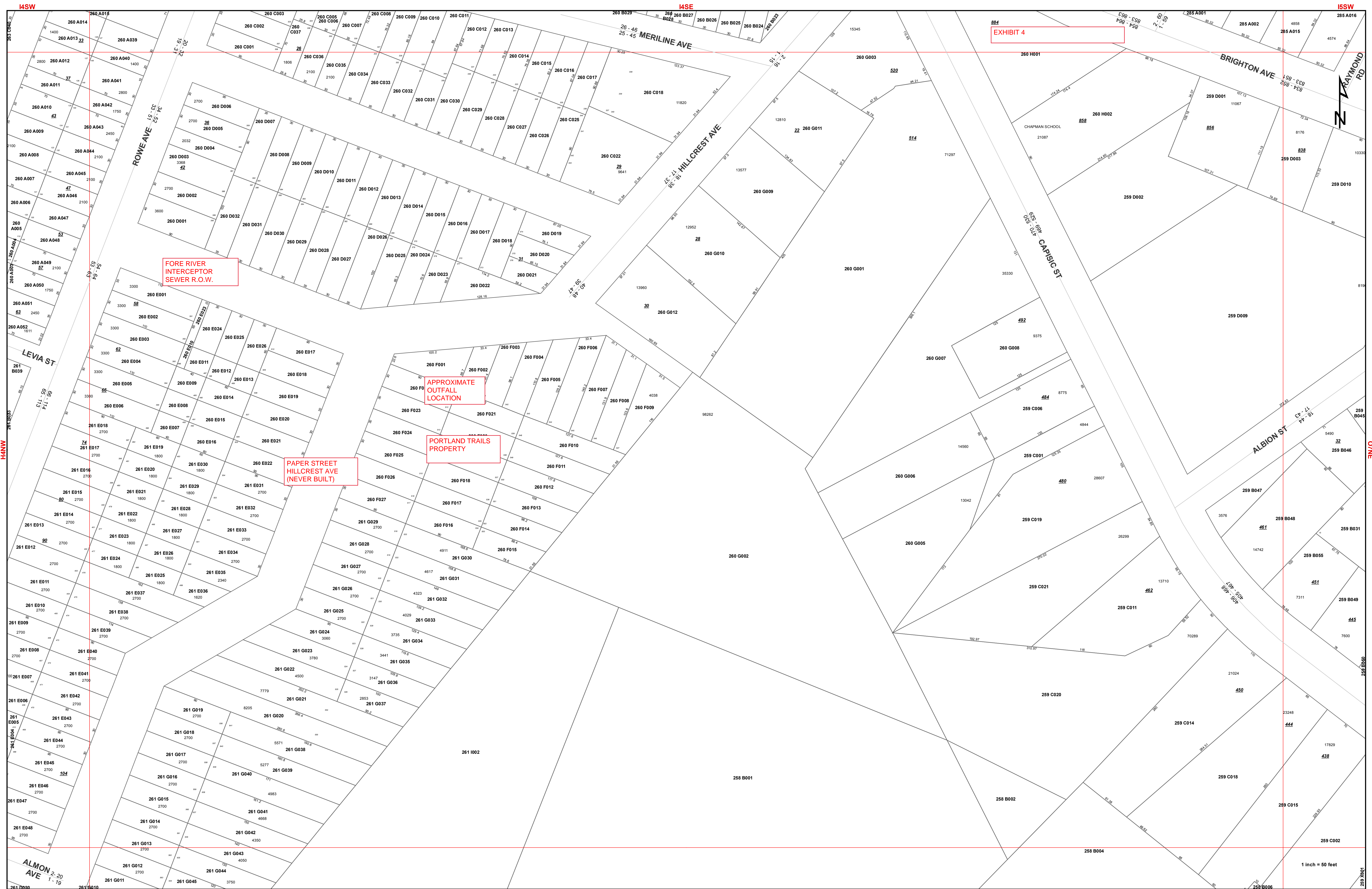
Wetland fill for project will be minimal. Any crossing of wetland areas will be completed with proper environmental BMP's such as timber matting. The stormdrain outfall location will be replaced in the same location as the existing culvert. Area's of erosion in the existing embankment will be fixed to stop erosion from discharging embankment sediment into the water body. A rip-rap apron will be installed to limit erosion caused by stormwater flows. During construction proper erosion and sedimentation controls will be utilized.





<p>DATE: DECEMBER 2016</p>	<p>CITY OF PORTLAND WATER RESOURCES DIVISION</p>	<p>2011 USGS QUADRANGLE (Portland West) SCALE: 1"=2000'</p>	<p>FIGURE 1</p>
<p>SITE LOCATION MAP OF: ROWE AVENUE SEWER SEPARATION</p>			







December 16, 2016

- |                                |                                   |          |
|--------------------------------|-----------------------------------|----------|
| Estuarine and Marine Deepwater | Freshwater Forested/Shrub Wetland | Other    |
| Estuarine and Marine Wetland   | Freshwater Pond                   | Riverine |
| Freshwater Emergent Wetland    | Lake                              |          |

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

**REQUEST FOR APPROVAL  
OF TIMING OF ACTIVITY  
(DMR)**

**SUBMITTED**

This form is for use in obtaining approval from the **Department of Marine Resources (DMR)** for the timing of certain projects in accordance with Chapter 305 Permit by Rule Standards.

**EXHIBIT 6**

**To be filled out by applicant:** (Instructions are on the back of this form)

1. **Applicant's name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**telephone:** \_\_\_\_\_

2. I plan to perform the following activity (please check the appropriate box):

**Sec. 3 Intake pipes** (tidal waters only)

**Sec. 4 Replacement of structures** (tidal waters only)

**Sec. 7 Outfall pipes** (tidal waters only)

**Sec. 9 Utility crossings** (any location if performed between Oct. 2 and July 14)

**Sec. 12 Restoration of natural areas** (tidal waters only)

**Sec. 15 Public boat ramps** (tidal waters only)

**Sec. 18 Maintenance dredging** (tidal waters only)

3. Brief description of project: [please include the name of the stream or waterbody, if known]

4. I plan to perform this activity between the dates of \_\_\_\_\_ and \_\_\_\_\_.  
(start date) (end date)

5. I have included a map showing the location of my project.

**\*[Please note that if no location map is provided, no approval will be granted by DMR]**

6. Send completed form to: DMR Environmental Coordinator  
P. O. Box 8, West Boothbay Harbor, ME 04575-008

**For agency use only:**

The Department has reviewed the proposed timing of the activity identified above and:

approves of the project's timing as proposed.

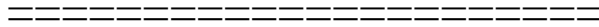
requires that the project's timing be changed to occur between \_\_\_\_\_ and \_\_\_\_\_.  
(start date) (end date)

Other comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
DMR Environmental Coordinator

\_\_\_\_\_  
Date

# Getting Approval



## 1. When do I need to get approval from the Department of Marine Resources (DMR) before filing a Permit by Rule Notification Form with the DEP?

You need to get DMR approval for the timing of your project if it involves:

- installing an intake or outfall pipe in tidal waters (Sections 3 & 7 of PBR),
- replacing a structure in tidal waters (Section 4 of PBR),
- constructing a submerged utility crossing between October 2 and July 14 (Sections 9 of PBR)
- restoring a natural area (fill or structure removal) in tidal waters (see Section 12 of PBR),
- constructing a boat ramp in tidal waters (Section 15 of PBR), or
- maintenance dredging in tidal waters (Section 18 of PBR),

## 2. Why does the DMR care about when I construct my project?

DMR is responsible for managing Maine's marine resources including species that spend part of their life cycle in fresh water (anadromous fish; alewives, blueback herring, shad, rainbow smelt, striped bass, sea-run trout, sturgeon, salmon, and catadromous eels). As part of that responsibility, DMR is also concerned with the habitat utilized by those species. Adverse impacts to marine resources can be minimized by appropriate timing of projects.

## 3. How do I get DMR approval?

Simply fill out the applicant section of the form: write your name and address; check the box in front of the activity you are proposing; write a brief description of what your project involves; and fill in the dates when you plan to do the work. Then mail this form to the address shown along with a location map. **[Without a location map, DMR cannot properly review your project and it will be returned to you unapproved.]** Once received, a DMR biologist will check the location of your project. If there are concerns about your project's impact on fish or other aquatic species during the time you propose to construct your project, DMR will recommend an alternative time to construct the project. If there are no concerns, DMR will simply check off the form and return it to you: no change in plans will be required of you.

## 4. How long will it take to get DMR approval?

The DEP has asked that DMR staff review the "Request for Approval" within 2 weeks of receiving it. Once reviewed, DMR will return the form directly to you. You then submit the form to the department along with the PBR Notification Form.

## 5. What if DMR doesn't approve the timing of my project?

If the dates you propose for construction are not approved, DMR will recommend another time frame when the work can take place. If you do not feel you can construct your project during the new time frame recommended by DMR, you will need to contact the Environmental Coordinator at DMR at (207) 624-6550. It may be possible for you and the DMR to agree on a different time frame if certain aspects of your project are changed.



## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

Maine Ecological Services Field Office

306 HATCHERY ROAD

EAST ORLAND, ME 04431

PHONE: (207)469-7300 FAX: (207)469-6725

URL: [www.fws.gov/mainefieldoffice/index.html](http://www.fws.gov/mainefieldoffice/index.html)



Consultation Code: 05E1ME00-2017-SLI-0131

December 09, 2016

Event Code: 05E1ME00-2017-E-00167

Project Name: Rowe Ave Outfall Drain

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

#### To Whom It May Concern:

The enclosed species list identifies the threatened, endangered, candidate, and proposed species and designated or proposed critical habitat that may occur within the boundary of your proposed project or may be affected by your proposed project. This species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC Web site at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 et seq.), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the Endangered Species Consultation Handbook at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

This species list also identifies candidate species under review for listing and those species that the Service considers species of concern. Candidate species have no protection under the Act but are included for consideration because they could be listed prior to completion of your project. Species of concern are those taxa whose conservation status is of concern to the Service (i.e., species previously known as Category 2 candidates), but for which further information is needed.

If a proposed project may affect only candidate species or species of concern, you are not required to prepare a Biological Assessment or biological evaluation or to consult with the Service. However, the Service recommends minimizing effects to these species to prevent future conflicts. Therefore, if early evaluation indicates that a project will affect a candidate species or species of concern, you may wish to request technical assistance from this office to identify appropriate minimization measures.

Please be aware that bald and golden eagles are not protected under the Endangered Species Act but are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 et seq.). Projects affecting these species may require development of an eagle conservation plan:

[http://www.fws.gov/windenergy/eagle\\_guidance.html](http://www.fws.gov/windenergy/eagle_guidance.html) Information on the location of bald eagle nests in Maine can be found on the Maine Field Office Web site:

<http://www.fws.gov/mainefieldoffice/Project%20review4.html>

Additionally, wind energy projects should follow the wind energy guidelines:

<http://www.fws.gov/windenergy/> for minimizing impacts to migratory birds and bats. Projects may require development of an avian and bat protection plan.

Migratory birds are also a Service trust resource. Under the Migratory Bird Treaty Act, construction activities in grassland, wetland, stream, woodland, and other habitats that would result in the take of migratory birds, eggs, young, or active nests should be avoided. Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at:

<http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm> and at:

<http://www.towerkill.com>; and at:  
<http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment



United States Department of Interior  
Fish and Wildlife Service

Project name: Rowe Ave Outfall Drain

## Official Species List

### Provided by:

Maine Ecological Services Field Office

P. O. BOX A

EAST ORLAND, ME 04431

(207) 469-7300

<http://www.fws.gov/mainefieldoffice/index.html>

**Consultation Code:** 05E1ME00-2017-SLI-0131

**Event Code:** 05E1ME00-2017-E-00167

**Project Type:** FILL

**Project Name:** Rowe Ave Outfall Drain

**Project Description:** replace storm drain pipes, construct access road for construction

**Please Note:** The FWS office may have modified the Project Name and/or Project Description, so it may be different from what was submitted in your previous request. If the Consultation Code matches, the FWS considers this to be the same project. Contact the office in the 'Provided by' section of your previous Official Species list if you have any questions or concerns.





United States Department of Interior  
Fish and Wildlife Service

Project name: Rowe Ave Outfall Drain

### Project Location Map:



**Project Coordinates:** MULTIPOLYGON (((-70.31752109527588 43.672287315127186, -70.31567573547363 43.671270722901646, -70.31695246696472 43.67058005118442, -70.31872272491455 43.67137160686923, -70.31814336776733 43.67238819738592, -70.31752109527588 43.672287315127186)))

**Project Counties:** Cumberland, ME



United States Department of Interior  
Fish and Wildlife Service

Project name: Rowe Ave Outfall Drain

## Endangered Species Act Species List

There are a total of 1 threatened or endangered species on your species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Critical habitats listed under the **Has Critical Habitat** column may or may not lie within your project area. See the **Critical habitats within your project area** section further below for critical habitat that lies within your project. Please contact the designated FWS office if you have questions.

Mammals	Status	Has Critical Habitat	Condition(s)
Northern long-eared Bat ( <i>Myotis septentrionalis</i> ) Population: Wherever found	Threatened		



United States Department of Interior  
Fish and Wildlife Service

Project name: Rowe Ave Outfall Drain

## **Critical habitats that lie within your project area**

There are no critical habitats within your project area.



STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY

93 STATE HOUSE STATION
AUGUSTA, MAINE 04333

PAUL R. LEPAGE
GOVERNOR

WALTER E. WHITCOMB
COMMISSIONER

December 9, 2016

Heather Storlazzi Ward
Boyle Associates
25 Dundee Road
Gorham, ME 04038

Via email: heather@boyleassociates.net

Re: Rare and exemplary botanical features in proximity to: Rowe Avenue Outfall Drain, Portland, Maine

Dear Ms. Storlazzi Ward:

I have searched the Natural Areas Program's Biological and Conservation Data System files in response to your request received December 8, 2016 for information on the presence of rare or unique botanical features documented from the vicinity of the project in Portland, Maine. Rare and unique botanical features include the habitat of rare, threatened, or endangered plant species and unique or exemplary natural communities. Our review involves examining maps, manual and computerized records, other sources of information such as scientific articles or published references, and the personal knowledge of staff or cooperating experts.

Our official response covers only botanical features. For authoritative information and official response for zoological features you must make a similar request to the Maine Department of Inland Fisheries and Wildlife, 284 State Street, Augusta, Maine 04333.

According to the information currently in our Biological and Conservation Data System files, the proposed project area for the Rowe Avenue Outfall Drain intersects the northern end of a mapped Tidal Marsh Estuary Ecosystem. Large, high quality examples of this open wetland type are uncommon in Maine and provide important habitat for a wide variety of plants and animals. We recommend avoiding impacts to the tidal marsh and minimizing any disturbances with the forested buffer around the marsh. For more information about this ecosystem type, please visit our website, www.maine.gov/dacf/mnap/features/eco\_tidalmarsh.htm, and refer to the attached map and table below.

Table with 6 columns: Feature, State Status, State Rank, Global Rank, Occurrence Rank, Site. Row 1: Tidal Marsh Estuary Ecosystem, N/A, S3, GNR, C Fair, Fore River Marsh

This finding is available and appropriate for preparation and review of environmental assessments, but it is not a substitute for on-site surveys. Comprehensive field surveys do not exist for all natural areas in Maine, and in the absence of a specific field investigation, the Maine Natural Areas Program cannot provide a definitive statement on the presence or absence of unusual natural features at this site.

MOLLY DOCHERTY, DIRECTOR
MAINE NATURAL AREAS PROGRAM



PHONE: (207) 287-8044
FAX: (207) 287-8040
WWW.MAINE.GOV/DACF/MNAP

Letter to Boyle Associates  
Comments RE: Rowe Avenue Outfall Drain, Portland  
December 9, 2016  
Page 2 of 2

The Natural Areas Program is continuously working to achieve a more comprehensive database of exemplary natural features in Maine. We would appreciate the contribution of any information obtained should you decide to do field work. The Natural Areas Program welcomes coordination with individuals or organizations proposing environmental alteration, or conducting environmental assessments. If, however, data provided by the Natural Areas Program are to be published in any form, the Program should be informed at the outset and credited as the source.

The Natural Areas Program has instituted a fee structure of \$75.00 an hour to recover the actual cost of processing your request for information. You will receive an invoice for \$225.00 for our services.




Thank you for using the Natural Areas Program in the environmental review process. Please do not hesitate to contact me if you have further questions about the Natural Areas Program or about rare or unique botanical features on this site.

Sincerely,



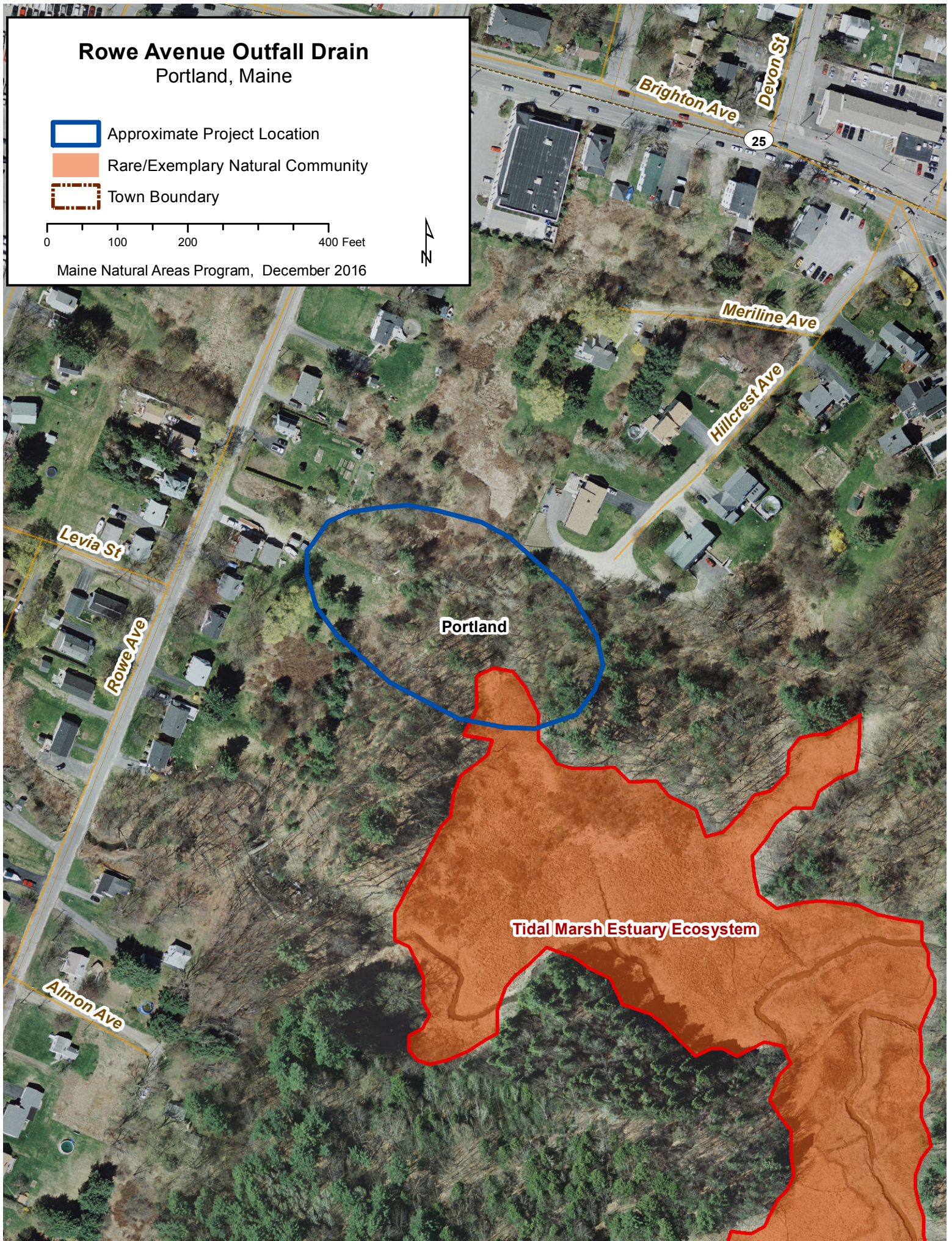
Don Cameron | Ecologist | Maine Natural Areas Program  
207-287-8041 | [don.s.cameron@maine.gov](mailto:don.s.cameron@maine.gov)

# Rowe Avenue Outfall Drain Portland, Maine

-  Approximate Project Location
-  Rare/Exemplary Natural Community
-  Town Boundary

0 100 200 400 Feet

Maine Natural Areas Program, December 2016



## STATE RARITY RANKS

- S1** Critically imperiled in Maine because of extreme rarity (five or fewer occurrences or very few remaining individuals or acres) or because some aspect of its biology makes it especially vulnerable to extirpation from the State of Maine.
- S2** Imperiled in Maine because of rarity (6-20 occurrences or few remaining individuals or acres) or because of other factors making it vulnerable to further decline.
- S3** Rare in Maine (20-100 occurrences).
- S4** Apparently secure in Maine.
- S5** Demonstrably secure in Maine.
- SU** Under consideration for assigning rarity status; more information needed on threats or distribution.
- SNR** Not yet ranked.
- SNA** Rank not applicable.
- S#?** Current occurrence data suggests assigned rank, but lack of survey effort along with amount of potential habitat create uncertainty (e.g. S3?).

**Note:** **State Rarity Ranks** are determined by the Maine Natural Areas Program for rare plants and rare and exemplary natural communities and ecosystems. The Maine Department of Inland Fisheries and Wildlife determines State Rarity Ranks for animals.

## GLOBAL RARITY RANKS

- G1** Critically imperiled globally because of extreme rarity (five or fewer occurrences or very few remaining individuals or acres) or because some aspect of its biology makes it especially vulnerable to extinction.
- G2** Globally imperiled because of rarity (6-20 occurrences or few remaining individuals or acres) or because of other factors making it vulnerable to further decline.
- G3** Globally rare (20-100 occurrences).
- G4** Apparently secure globally.
- G5** Demonstrably secure globally.
- GNR** Not yet ranked.

**Note:** **Global Ranks** are determined by NatureServe.

## STATE LEGAL STATUS

**Note:** State legal status is according to 5 M.R.S.A. § 13076-13079, which mandates the Department of Conservation to produce and biennially update the official list of Maine's **Endangered and Threatened** plants. The list is derived by a technical advisory committee of botanists who use data in the Natural Areas Program's database to recommend status changes to the Department of Conservation.

- E** ENDANGERED; Rare and in danger of being lost from the state in the foreseeable future; or federally listed as Endangered.
- T** THREATENED; Rare and, with further decline, could become endangered; or federally listed as Threatened.

## NON-LEGAL STATUS

- SC** SPECIAL CONCERN; Rare in Maine, based on available information, but not sufficiently rare to be considered Threatened or Endangered.
- PE** Potentially Extirpated; Species has not been documented in Maine in past 20 years or loss of last known occurrence has been documented.

## ELEMENT OCCURRENCE RANKS - EO RANKS

Element Occurrence ranks are used to describe the quality of a rare plant population or natural community based on three factors:

- **Size**: Size of community or population relative to other known examples in Maine. Community or population's viability, capability to maintain itself.
- **Condition**: For communities, condition includes presence of representative species, maturity of species, and evidence of human-caused disturbance. For plants, factors include species vigor and evidence of human-caused disturbance.
- **Landscape context**: Land uses and/or condition of natural communities surrounding the observed area. Ability of the observed community or population to be protected from effects of adjacent land uses.

These three factors are combined into an overall ranking of the feature of **A**, **B**, **C**, or **D**, where **A** indicates an **excellent** example of the community or population and **D** indicates a **poor** example of the community or population. A rank of **E** indicates that the community or population is **extant** but there is not enough data to assign a quality rank. The Maine Natural Areas Program tracks all occurrences of rare (S1-S3) plants and natural communities as well as A and B ranked common (S4-S5) natural communities.

**Note:** **Element Occurrence Ranks** are determined by the Maine Natural Areas Program for rare plants and rare and exemplary natural communities and ecosystems. The Maine Department of Inland Fisheries and Wildlife determines Element Occurrence ranks for animals.

Visit our website for more information on rare, threatened, and endangered species!  
<http://www.maine.gov/dacf/mnap>





December 16, 2016

EXHIBIT 9

Robin K. Reed  
Maine Historic Preservation Commission  
55 Capital Street  
65 State House Station  
Augusta, ME 04039-0065

**U.S Army Corp of Engineers Permit Application**  
**Rowe Avenue Combined Sewer Separation, Portland, Maine**

Dear Ms. Reed:

As required by the U.S. Army Corp of Engineers (ACOE), we are submitting to you a copy of the Category 2 Maine General Permit Application for a 24" Storm Drain outfall discharging into the Fore River watershed as part of our combined sewer separation project in Rowe Avenue and along our existing sewer right of way. We request a review of your files for any significance in the vicinity of the site.

It would be greatly appreciated if, at your earliest convenience, you review the material and let me know of your findings. If you have any questions or need additional information, please contact me at [jrp@portlandmaine.gov](mailto:jrp@portlandmaine.gov) or call me at 207-874-8828.

Best,

City of Portland Public Works

Justin Pellerin, P.E.  
Project Engineer



December 16, 2016

Ms. Victoria Higgins, Chief  
Aroostook Band of Micmacs  
7 Northern Road  
Presque Isle, ME 04769

**U.S Army Corp of Engineers Permit Application**  
**Rowe Avenue Combined Sewer Separation, Portland, Maine**

To whom it may concern:

As required by the U.S. Army Corp of Engineers (ACOE), we are submitting to you a location map and plan for a project located on Rowe Avenue in Portland Maine and along our sewer right of way. We request a review of your files for any significance in the vicinity of the site.

It would be greatly appreciated if, at your earliest convenience, you review the material and let me know of your findings. If you have any questions or need additional information, please contact me at [jrp@portlandmaine.gov](mailto:jrp@portlandmaine.gov) or call me at 207-874-8828.

Best,

City of Portland Public Works

A handwritten signature in black ink that reads 'Justin Pellerin'.

Justin Pellerin, P.E.  
Project Engineer



December 16, 2016

Susan Young, Historic Preservation Officer/Natural Resources Director  
Houlton Band of Maliseet Indians  
88 Bell Road  
Littleton, Maine 04730

**U.S Army Corp of Engineers Permit Application**  
**Rowe Avenue Combined Sewer Separation, Portland, Maine**

Dear Ms. Young:

As required by the U.S. Army Corp of Engineers (ACOE), we are submitting to you a location map and plan for a project located in Rowe Avenue in Portland Maine and along our sewer right of way. We request a review of your files for any significance in the vicinity of the site.

It would be greatly appreciated if, at your earliest convenience, you review the material and let me know of your findings. If you have any questions or need additional information, please contact me at [jrp@portlandmaine.gov](mailto:jrp@portlandmaine.gov) or call me at 207-874-8828.

Best,

City of Portland Public Works

A handwritten signature in black ink that reads 'Justin Pellerin'.

Justin Pellerin, P.E.  
Project Engineer



December 16, 2016

Donald Soctomah, THPO  
Passamaquoddy Tribe of Indians  
Pleasant Point Reservation  
P.O. Box 343  
Perry, Maine 04667

**U.S Army Corp of Engineers Permit Application**  
**Rowe Avenue Combined Sewer Separation, Portland, Maine**

Dear Mr. Soctomah:

As required by the U.S. Army Corp of Engineers (ACOE), we are submitting to you a location map and plan for a project located on Rowe Avenue in Portland Maine and along our sewer right of way. We request a review of your files for any significance in the vicinity of the site.

It would be greatly appreciated if, at your earliest convenience, you review the material and let me know of your findings. If you have any questions or need additional information, please contact me at [jrp@portlandmaine.gov](mailto:jrp@portlandmaine.gov) or call me at 207-874-8828.

Best,

City of Portland Public Works

A handwritten signature in black ink that reads 'Justin Pellerin'.

Justin Pellerin, P.E.  
Project Engineer



December 16, 2016

Donald Soctomah, THPO  
Passamaquoddy Tribe of Indians  
Indian Township Reservation  
P.O. Box 301  
Princeton, Maine 04668

**U.S Army Corp of Engineers Permit Application**  
**Rowe Avenue Combined Sewer Separation, Portland, Maine**

Dear Mr. Soctomah:

As required by the U.S. Army Corp of Engineers (ACOE), we are submitting to you a location map and plan for a project located on Rowe Avenue in Portland Maine and along our sewer right of way. We request a review of your files for any significance in the vicinity of the site.

It would be greatly appreciated if, at your earliest convenience, you review the material and let me know of your findings. If you have any questions or need additional information, please contact me at [jrp@portlandmaine.gov](mailto:jrp@portlandmaine.gov) or call me at 207-874-8828.

Best,

City of Portland Public Works

A handwritten signature in black ink that reads 'Justin Pellerin'.

Justin Pellerin, P.E.  
Project Engineer



December 16, 2016

Chris Sockalexis, THPO  
Penobscot Nation  
Cultural & Historic Preservation  
12 Wabanaki Way  
Indian Island, ME 04468

**U.S Army Corp of Engineers Permit Application**  
**Rowe Avenue Combined Sewer Separation, Portland, Maine**

Dear Mr. Sockalexis:

As required by the U.S. Army Corp of Engineers (ACOE), we are submitting to you a location map and plan for a project located on Rowe Avenue in Portland Maine and along our sewer right of way. We request a review of your files for any significance in the vicinity of the site.

It would be greatly appreciated if, at your earliest convenience, you review the material and let me know of your findings. If you have any questions or need additional information, please contact me at [jrp@portlandmaine.gov](mailto:jrp@portlandmaine.gov) or call me at 207-874-8828.

Best,

City of Portland Public Works

A handwritten signature in black ink that reads 'Justin Pellerin'.

Justin Pellerin, P.E.  
Project Engineer



**Photo 1:** Area where proposed outfall will daylight.



**Photo 2:** Existing Culvert to be replaced by proposed 24" SD outfall.





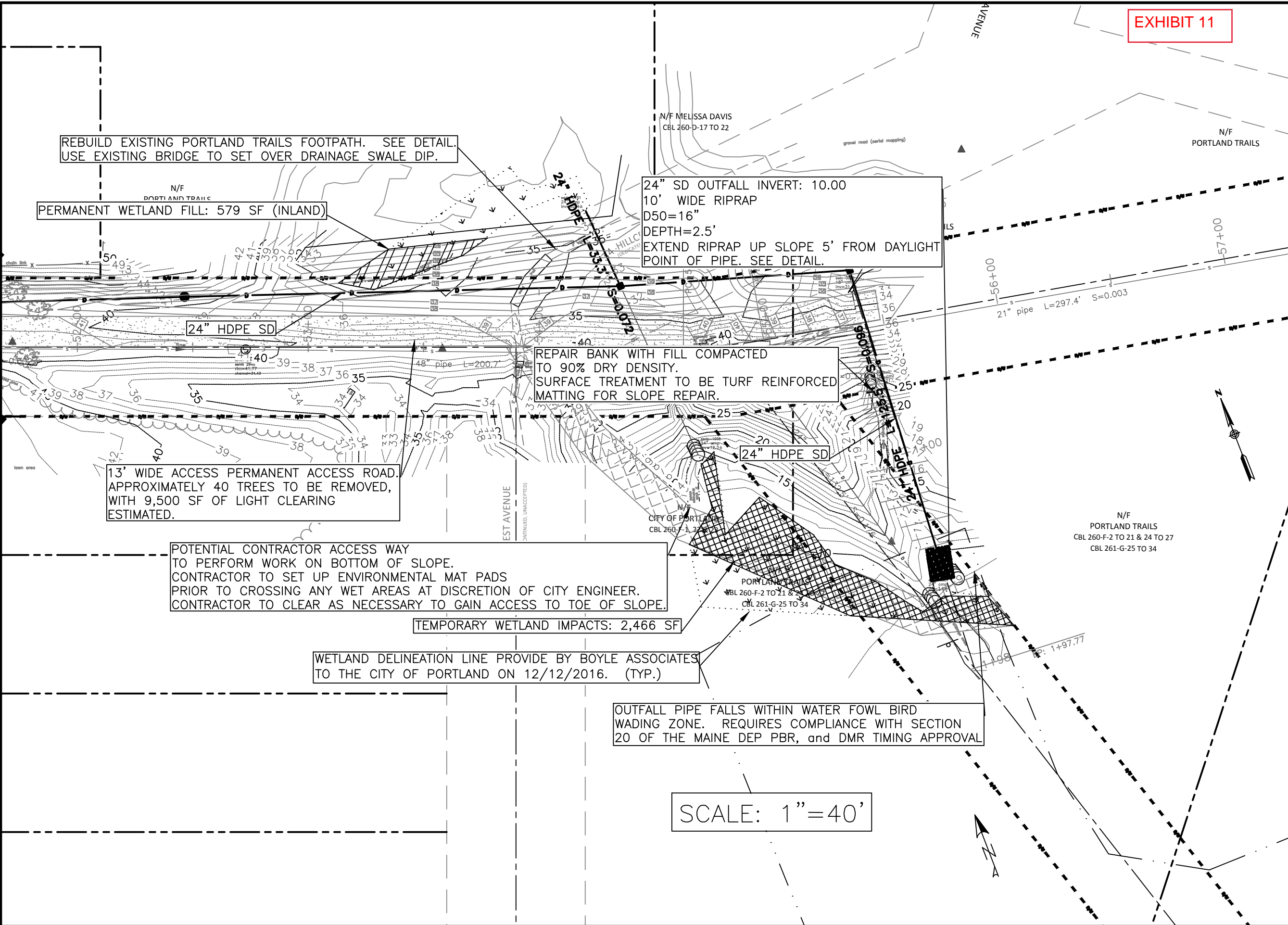
**Photo 3:** View of existing bank where outfall pipe will extend down. Note slope erosion occurring in the existing condition. New outfall will extend down and outlet at the toe of the slope with velocity reducing rip rap outlet.



**Photo 4:** Section of existing CMP culvert that has washed away from the rest of the culvert, highlighting the need for replacement.



**Photo 5:** Fore river sewer interceptor pipe CSO Structure. Access road will be constructed to left. Light clearing will be required to complete the access road.



REBUILD EXISTING PORTLAND TRAILS FOOTPATH. SEE DETAIL. USE EXISTING BRIDGE TO SET OVER DRAINAGE SWALE DIP.

PERMANENT WETLAND FILL: 579 SF (INLAND)

24" SD OUTFALL INVERT: 10.00  
10' WIDE RIPRAP  
D50=16"  
DEPTH=2.5'  
EXTEND RIPRAP UP SLOPE 5' FROM DAYLIGHT POINT OF PIPE. SEE DETAIL.

REPAIR BANK WITH FILL COMPACTED TO 90% DRY DENSITY. SURFACE TREATMENT TO BE TURF REINFORCED MATTING FOR SLOPE REPAIR.

13' WIDE ACCESS PERMANENT ACCESS ROAD. APPROXIMATELY 40 TREES TO BE REMOVED, WITH 9,500 SF OF LIGHT CLEARING ESTIMATED.

POTENTIAL CONTRACTOR ACCESS WAY TO PERFORM WORK ON BOTTOM OF SLOPE. CONTRACTOR TO SET UP ENVIRONMENTAL MAT PADS PRIOR TO CROSSING ANY WET AREAS AT DISCRETION OF CITY ENGINEER. CONTRACTOR TO CLEAR AS NECESSARY TO GAIN ACCESS TO TOE OF SLOPE.

TEMPORARY WETLAND IMPACTS: 2,466 SF

WETLAND DELINEATION LINE PROVIDED BY BOYLE ASSOCIATES TO THE CITY OF PORTLAND ON 12/12/2016. (TYP.)

OUTFALL PIPE FALLS WITHIN WATER FOWL BIRD WADING ZONE. REQUIRES COMPLIANCE WITH SECTION 20 OF THE MAINE DEP PBR, and DMR TIMING APPROVAL

SCALE: 1"=40'

REFERENCES:  
LDT PROJECT NAME:  
DRAWING NAME:  
FIELD BOOK:

DESIGNED BY:	JRP	DRAWN BY:	JRP	CHECKED BY:	BAR	SCALE:	AS NOTED	DATE:	DECEMBER 2016
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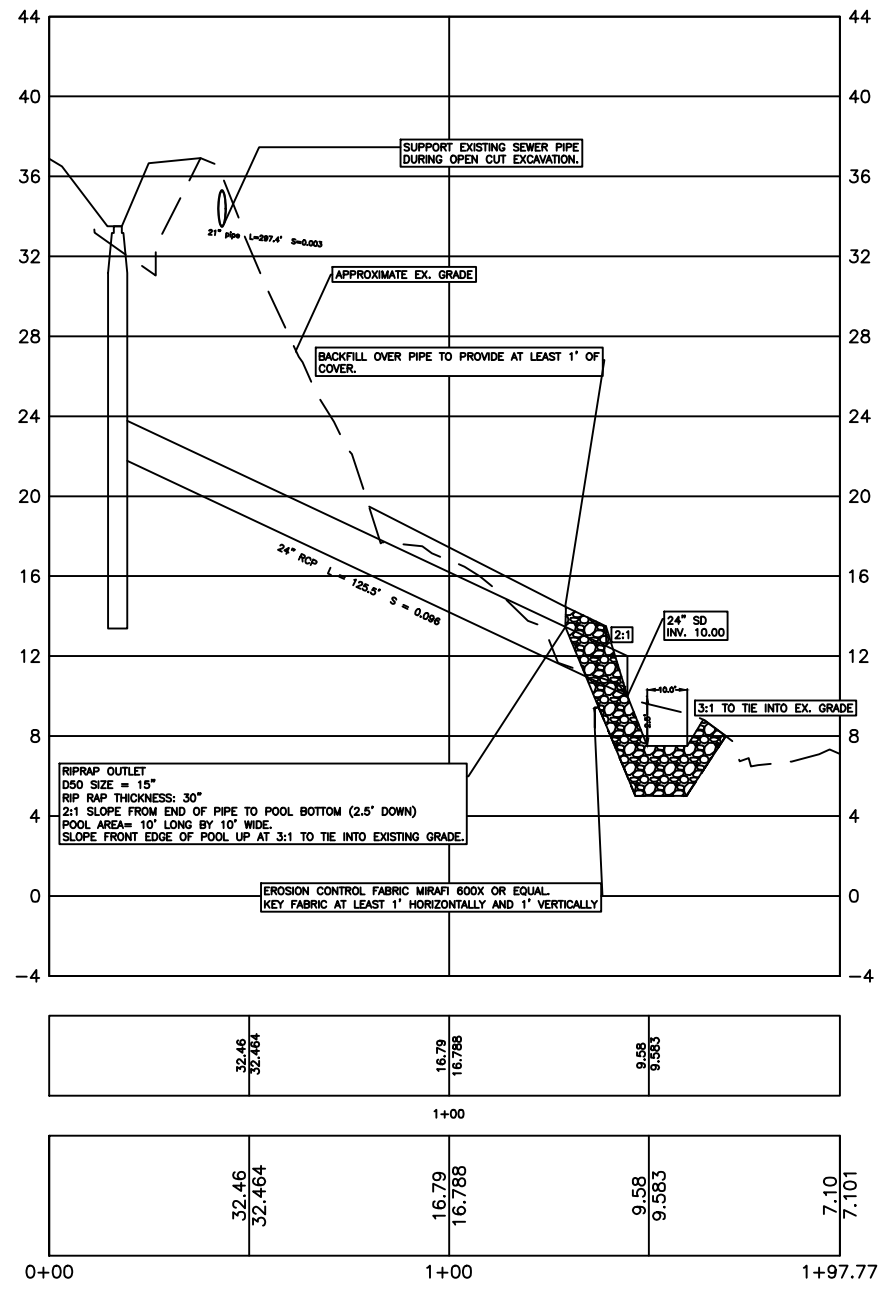
ROWE AVENUE  
ACOE PERMIT WETLAND IMPACTS PLAN

CITY OF PORTLAND, MAINE  
PUBLIC WORKS DEPARTMENT  
WATER RESOURCES DIVISION

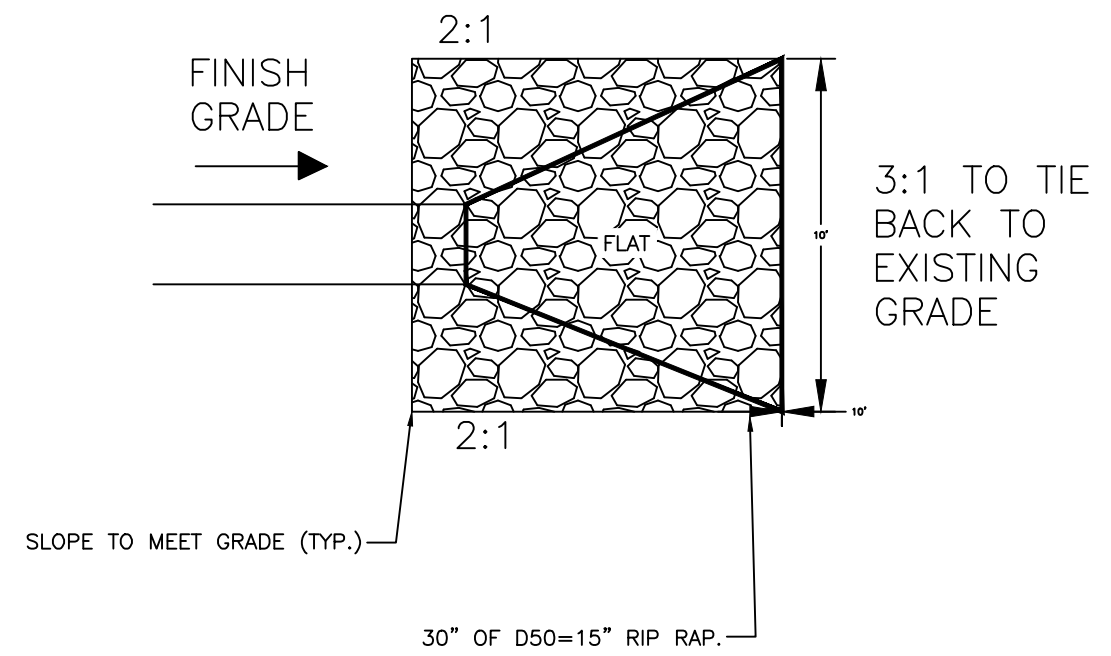


SHEET #

ACOE-1



STORM DRAIN OUTFALL PROFILE  
NTS




RIPRAP OUTFALL PLAN VIEW DETAIL

CITY VULT PLANS: 170/24, 170/23, 304/17, 307/24, 636/6, 647/9, 649/4, 656/16, 882/10, 921/13, 971/2, 982/42, 103/28  
 PROJECT FIELD BOOK: 170/24, 170/23, 304/17, 307/24, 636/6, 647/9, 649/4, 656/16, 882/10, 921/13, 971/2, 982/42, 103/28  
 OTHER FIELD BOOKS USED: T 131 PP 75-96, L 544 PP 16-117, U 711 PP 1-2, 19-20, 33-34, L 733 PG 28, U 746 PG 142, L 732 PP 37-39, PR 203 PG 48, PR 204 PG 55, L 818 PP 1-2, 10-11, L 822 PP 8-9  
 C.C.R.D. PLANS: PR 11 PG 13, PR 11 PG 41, PR 11 PG 42, PR 11 PG 43, PR 11 PG 44, PR 203 PG 48, PR 204 PG 55, TAX MAPS: 260 & 261

DESIGNED BY: [Blank]  
 DRAWN BY: [Blank]  
 CHECKED BY: [Blank]  
 DATE: [Blank]

**ROWE AVENUE**  
**SEWER SEPARATION PROJECT**  
 PROPOSED DESIGN  
 FORE RIVER INTERCEPTOR TO LEVIA STREET.

CITY OF PORTLAND, MAINE  
 PUBLIC WORKS DEPARTMENT  
 ENGINEERING DIVISION



SHEET #  
 ACOE-2