

Relationships.  
Responsiveness.  
Results.



**Army Corps  
of Engineers  
Category 2  
Permit Application  
for Back Cove Outfall  
Portland, Maine**

PREPARED FOR:  
City of Portland, Maine

February 2017

SUBMITTED BY:  
Gorrill Palmer  
707 Sable Oaks Drive  
Suite 30  
So. Portland, ME 04106  
207.772.2515



707 Sable Oaks Drive, Suite 30  
South Portland, Maine 04106  
207.772.2515

February 1, 2017

Mr. Jay Clement  
U.S. Army Corps of Engineers  
675 Western Avenue  
Suite #3  
Manchester, ME 04351

Subject: Stormwater Outfall Pipe  
City of Portland, Maine  
Category 2 Permit Application

Dear Jay,

The City of Portland has retained Gorrill Palmer to prepare plans and permit applications for a proposed sewer and storm drain separation project in Portland. Figure 1 contained in Attachment 2 shows the project location. As part of the City's long term control plan for combined sewer overflows, the sewer and storm drain separation from the intersection of State Street and Cumberland Avenue, to Marginal Way, with an outfall at Back Cove is proposed. The outfall is for stormwater separated from the existing combined sewer system. The proposed outfall will consist of an 84" diameter storm drain adjacent to two existing 84" diameter combined sewer overflow outfalls. A Tideflex inline check valve will be installed on the outfall. The outfall will impact the coastal wetlands at Back Cove. Our understanding is that this work requires a Category 2 Permit from the Army Corps of Engineers for a utility line activity in navigable waters. The project will also require an MDEP NRPA permit-by-rule for the outfall and wetland disturbance. Based upon discussion with the City of Portland, the project does not require a permit under the City's Shoreland Zoning Ordinance.

### **Existing Conditions**

The location of the proposed 84" diameter storm drain outflow pipe is adjacent to two existing 84" diameter combined sewer overflow pipes. The proposed pipe will have its invert at the same elevation as the existing pipes, which is at the bottom of Back Cove. The sideslope adjacent to the existing and proposed outfall pipes is a rip rap slope. As noted in the wetland report for this project, contained in Attachment 4, the wetland edge coincides with the high tide line at the upper edge of the rip rap.

### **Threatened/Endangered Species**

TRC Consultants completed a wetland delineation of the project area; the wetland boundaries are shown on the plan and a copy of their report is included in Attachment 4. Letters have been sent to the Maine Natural Areas Program, Maine Department of Inland Fisheries and Wildlife (MDIFW), and U.S. Fish and Wildlife Service requesting their review of the project area. The responses from the Maine Natural Areas Program indicating that there are no rare botanical features located at the project site and from MDIFW indicating that there are no rare, threatened, or endangered species present in the project area are included in Attachment 5. A response from the U.S. Fish and Wildlife online list of threatened and endangered species is also included in Attachment 5 of this letter. The U.S. Fish and Wildlife Service response indicates that the Northern long-eared bat may be present in the vicinity of the project. Since the project area is heavily developed and there are no large trees adjacent to the outfall, it is not anticipated that the project will impact Northern long-eared bats.





As part of the MDEP NRPA application, the Maine Department of Marine Resources (DMR) was contacted to receive approval of timing for the project. The DMR application is included in Attachment 5. The decision of timing for the project will be forwarded upon receipt.

### **Historic Resources**

The response letter from the Maine Historic Preservation Commission is included in Attachment 5. The MHPC stated that no historic properties will be affected by the project. Review request letters have been sent to the five Tribal Historic Preservation Officers. The responses from the Houlton Band of Maliseets, Penobscot Nation, and the Passamaquoddy Tribe are included in Attachment 6. The responses from the Houlton Band of Maliseets and the Penobscot Nation states that there are no known significant historic, architectural, or archaeological resources in the project area. The response from the Passamaquoddy Tribe indicated that construction within Deering Oaks Park may impact historical resources. Since this application is for the outfall at Back Cove, and no wetlands will be disturbed through the Deering Oaks section of the project, we believe that the concern of the Passamaquoddy Tribe does not apply to this application. The City will notify the Passamaquoddy Tribe if archaeological resources are uncovered as part of the project construction. Response from the Aroostook Band of Mic Macs will be forwarded upon receipt.

### **Proposed Storm Drain and Outfall**

The proposed project is part of the City of Portland's long term control plan for combined sewer overflows, the project is required in order to reduce sewer overflows into Back Cove. As required by the U.S. EPA, the separated storm drain is not permitted to connect to the existing combined sewer overflow outfalls; therefore a new outfall is required. In order to limit disturbance to Back Cove, the new outfall is proposed adjacent to the existing outfalls. The plans depicting the proposed disturbance are included in Attachment 7

The storm drain outfall impacts approximately 1,652 sf (0.04 acres) of coastal wetland. Photos of the outfall area are provided in Attachment 3 and the wetland report in Attachment 4. The attached plans depict the proposed outfall. The existing rip rap slope will be repaired with additional rip rap as necessary after the storm drain installation. The storm drain pipe will not project further into Back Cove than the existing pipes. The pipe invert will be at the same elevation as the existing pipes. The construction within the coastal wetland will occur within the timeframe approved by DMR.

The contractor will be required to submit a dewatering plan for the storm drain excavation. It is anticipated that an area at the ends of the storm drain will be dammed with sand bags etc. to allow for pumping out of the excavation area at low tide, and to allow for an extended working window between tides. At some point during the tide cycle the water will rise and overflow the dam and work will stop until the water level once again falls below the top of the dam. At that point, the excavation area will be pumped dry and work will resume. The pump discharge will first pass through a filter bag or secondary containment structure prior to discharge. The discharge point shall be located a minimum of 25 feet from wetland areas.

### **Attachments**

1. Army Corps of Engineers ENG Application Form 4345
2. Location Map



3. Site Photos
4. Wetland Delineation Report, prepared by TRC
5. Agency Review Responses
6. Tribal Review Response and Request Letters
7. Plans

### **Conclusion**

In order to reduce combined sewer overflows into Back Cove, the City proposes the construction of a separate storm drain system and an outfall at Back Cove. The outfall is a utility line activity in navigable waters and requires a Category 2 permit from the Army Corps of Engineers. The construction within the tidal wetland will occur within the DMR approved time frame

Gorrill Palmer appreciates your review of the enclosed permit application and supporting documentation.

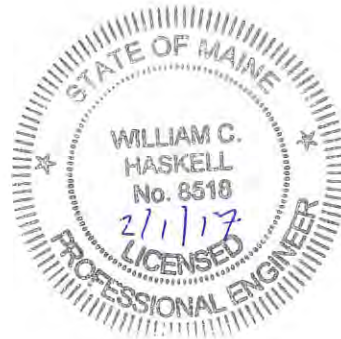
Please contact us with any questions you may have.

Sincerely,

Gorrill Palmer

A handwritten signature in blue ink that reads "William C. Haskell".

William C. Haskell, PE  
Principal



Copy: Brad Roland, City of Portland  
Justin Pellerin, City of Portland

1

**U.S. ARMY CORPS OF ENGINEERS**  
**APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT**  
 33 CFR 325. The proponent agency is CECW-CO-R.

*Form Approved -*  
**OMB No. 0710-0003**  
**Expires: 30-SEPTEMBER-2015**

Public reporting for this collection of information is estimated to average 11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of the collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters, Executive Services and Communications Directorate, Information Management Division and to the Office of Management and Budget, Paperwork Reduction Project (0710-0003). Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. Please DO NOT RETURN your form to either of those addresses. Completed applications must be submitted to the District Engineer having jurisdiction over the location of the proposed activity.

**PRIVACY ACT STATEMENT**

Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Programs of the Corps of Engineers; Final Rule 33 CFR 320-332. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of a public notice as required by Federal law. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued. One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and/or instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.

**(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)**

1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETE
--------------------	----------------------	------------------	------------------------------

**(ITEMS BELOW TO BE FILLED BY APPLICANT)**

5. APPLICANT'S NAME First - Bradley      Middle - A      Last - Roland Company - City of Portland Maine Dept. of Public Works E-mail Address - brad@portlandmaine.gov			8. AUTHORIZED AGENT'S NAME AND TITLE (agent is not required) First - Will      Middle -      Last - Haskell Company - Gorrill Palmer E-mail Address - whaskell@gorrillpalmer.com		
6. APPLICANT'S ADDRESS: Address- 55 Portland Street City - Portland      State - ME      Zip - 04101      Country -USA			9. AGENT'S ADDRESS: Address- 707 Sable Oaks Drive Suite 30 City - South Portland      State - ME      Zip - 04106      Country -USA		
7. APPLICANT'S PHONE NOs. w/AREA CODE a. Residence      b. Business      c. Fax (207) 874-8840			10. AGENTS PHONE NOs. w/AREA CODE a. Residence      b. Business      c. Fax 207-772-2515      207-772-2520		

**STATEMENT OF AUTHORIZATION**

11. I hereby authorize, Will Haskell to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

  
 \_\_\_\_\_  
 SIGNATURE OF APPLICANT      2017-01-31  
 DATE

**NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY**

12. PROJECT NAME OR TITLE (see instructions) State Street and Marginal Way Sewer Separation			
13. NAME OF WATERBODY, IF KNOWN (if applicable) Back Cove		14. PROJECT STREET ADDRESS (if applicable) Address	
15. LOCATION OF PROJECT Latitude: °N 43.664409      Longitude: °W -70.266082		City -	State-      Zip-
16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions) State Tax Parcel ID      Municipality Section -      Township -      Range -			

17. DIRECTIONS TO THE SITE

Take Franklin Street exit off I 295 in Portland, take right onto Franklin Street, take right onto Marginal Way, go 0.3 miles and take right on Preble Street. Go 0.2 miles to parking lot entrance on right. Outfall is off easterly end of parking lot.

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

Construction of 84" diameter stormwater outfall pipe at Back Cove adjacent to two existing 84" combined sewer overflow outfalls as part of the City of Portland long term control plan for combined sewer overflows. See attached letter for further information.

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

The project is a new stormwater outfall which will remove stormwater runoff from the City's combined sewer system as part of the City's long term control plan for combined sewer overflows. The project is anticipated to start on xxx and be completed by xxx. See attached letter for further information.

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

20. Reason(s) for Discharge

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

Type	Type	Type
Amount in Cubic Yards	Amount in Cubic Yards	Amount in Cubic Yards

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

Acres 0.04 acres

or

Linear Feet

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

See Narrative



24. Is Any Portion of the Work Already Complete?  Yes  No IF YES, DESCRIBE THE COMPLETED WORK

25. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (if more than can be entered here, please attach a supplemental list).

a. Address- Hannaford Brothers Company, P.O. Box 1000

City - Portland State - ME Zip - 04104

b. Address- City of Portland, 389 Congress Street

City - Portland State - ME Zip - 04104

c. Address- Maine Department of Transportation, 16 State House Station

City - Augusta State - ME Zip - 04333

d. Address-

City - State - Zip -

e. Address-

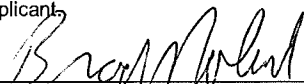
City - State - Zip -

26. List of Other Certificates or Approvals/Denials received from other Federal, State, or Local Agencies for Work Described in This Application.

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED
MDEP	NRPA PBR				

\* Would include but is not restricted to zoning, building, and flood plain permits

27. Application is hereby made for permit or permits to authorize the work described in this application. I certify that this information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

 2017-01-31  
SIGNATURE OF APPLICANT DATE SIGNATURE OF AGENT DATE

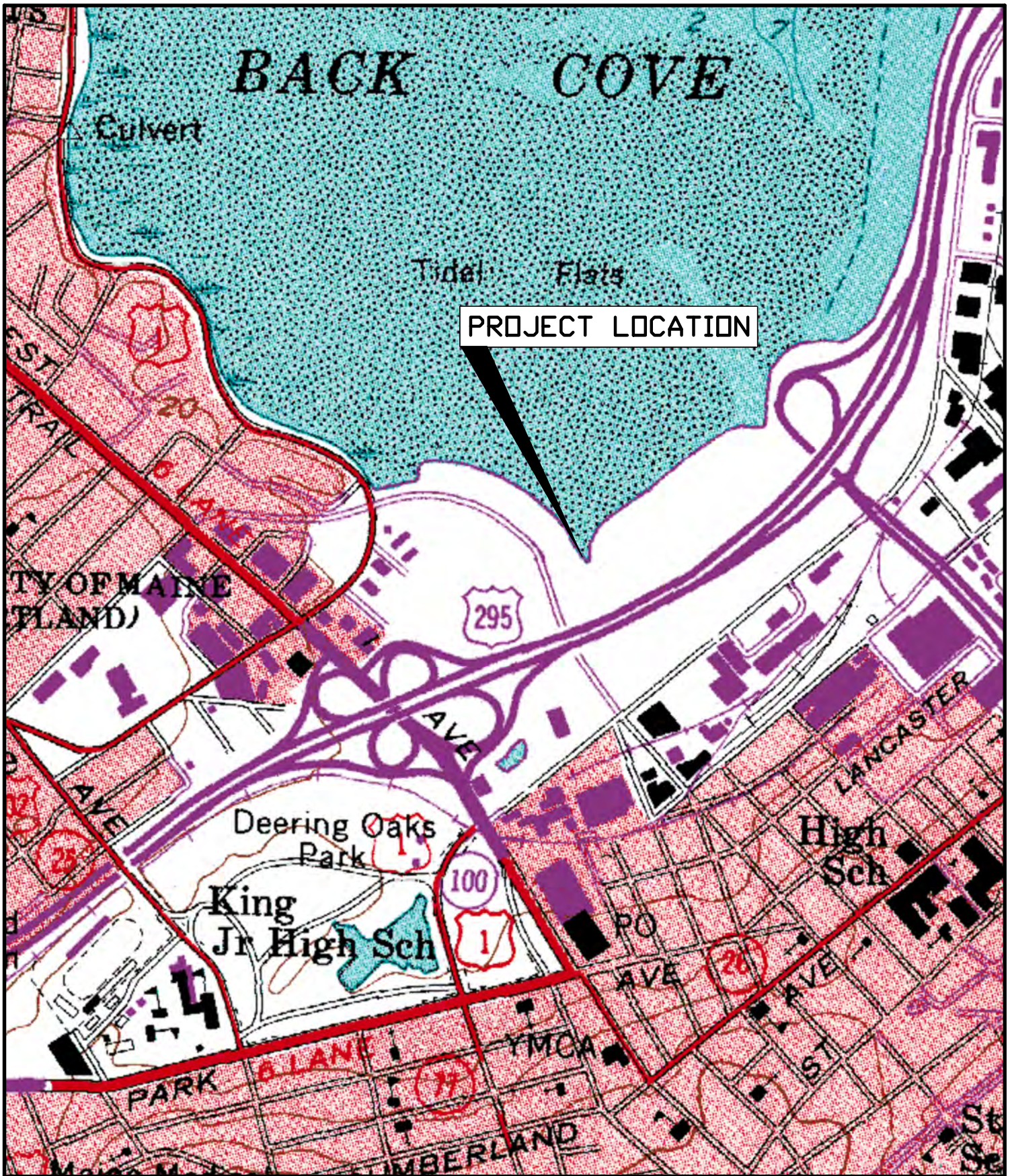
The Application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.









U.S.G.S. Location Map  
 Marginal Way - State Street Sewer Separation  
 U.S.G.S. Portland West, State-7.5 Minute Series (Topographic)

Design: WCH	Date: OCT 2016
Draft: LAN	Job No.: 2835.14
Checked: WCH	Scale: None
File Name: 2835.14_USGS.dwg	



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 www.gorrillpalmer.com  
 207.772.2515





State Street and Marginal Way Sewer Separation



Existing twin 84” combined sewer overflow outfall facing east



Existing twin 84” combined sewer overflow outfall facing southeast



State Street and Marginal Way Sewer Separation



Existing twin 84" combined sewer overflow outfall facing north



TRC  
6 Ashley Drive  
Scarborough, ME 04074

Main 207-879-1930  
Fax 207-879-9293

## Memorandum

**To:** Will Haskell (whaskell@gorrillpalmer.com)

**From:** Rich Jordan (rjordan@trcsolutions.com)

**Subject:** Coastal Wetland Survey/Reporting – Back Cove Storm Drain Outfall  
Portland, Maine

**Date:** January 12, 2017

**CC:**

---

Will,

This memo presents the findings from a site visit to the storm drain outfall location along Back Cove in Portland. The purpose of the visit was to delineate the boundaries of the coastal wetland at the location of the proposed new outlet into Back Cove.

**Methods:** Two wetland scientists from TRC performed the field review on December 9, 2016 during an ebb tide. We delineated the boundaries of the coastal wetland per the standards of the Maine Department of Environmental Protection. The delineation included locating the coastal boundary approximately 75-feet on each side of the existing outfall. Due to the developed nature of the area, the impounding rip-rap and general lack of vegetation, the coastal wetland edge was primarily based upon evidence of seasonal high tide (e.g. rack/debris line). We located the upland/wetland boundary using a Trimble Geo-XT mapping grade GPS unit and collected photographs of the wetland area. Additionally, we conducted a functional assessment for the wetland following the standards of the USACE Highway Methodology. We also completed a wetland function and value form for the wetland (included herein).

**Findings:** We delineated the coastal wetland boundary in the vicinity of the storm drain outfall location into Back Cove. The limits of the delineation are shown on Attachment 1, and photographs are provided in Attachment 2.

Wetland Survey/Reporting – Back Cove Storm Drain Outfall – Portland, Maine

The coastal wetland primarily consists of the intertidal bay (Back Cove) and the rip-rap lined shoreline around the existing outfalls (Cowardin classification: E2RS2 and E2US2/3). Patches of orach (*Atriplex sp.*) and seaside goldenrod (*Solidago sempervirens*) were observed, but the main delineator of the wetland edge was the evidence of a seasonal high tide line (rack and debris). This line matched fairly closely with the upper level of the rip-rap (see photographs in Attachment 2).

**Functional Assessment:** The functional assessment of the coastal wetland (Back Cove) indicated, as expected, that the wetland provides numerous functions and values (see Functional Assessment forms in Attachment 3). The principal functions and values identified for this wetland include fish and shellfish habitat, nutrient removal, production export, wildlife habitat, recreation, and visual quality/aesthetics.

Please let me know if you have any questions or need additional information.

Respectfully submitted,



Richard E. Jordan Jr., TRC Project Manager/Wetland Scientist

Cell: 207-317-3583 Office: 207-274-2624

Email: [rjordan@trcsolutions.com](mailto:rjordan@trcsolutions.com)

ATTACHMENTS (3)



## **Attachment 1 – Figure**

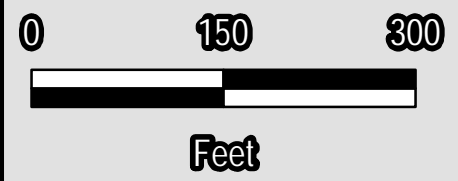
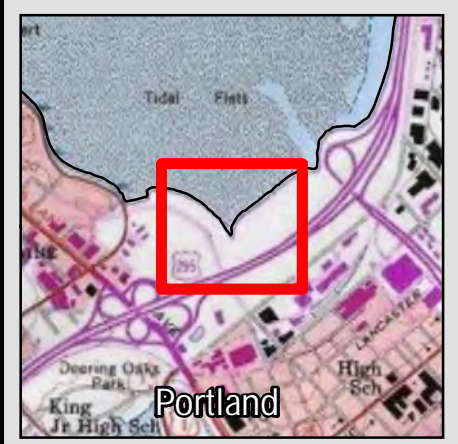


V:\PROJECTS\AUGUST\Small\_Projects\209881\_GP\_Back\_Cove\_Outfall\_Portland\_ME\Figure\_1\_Back\_Cove\_Coastal\_Wetland.mxd -- Saved By: PJACQUES on 1/12/2017 08:44:50 AM

Legend

- COASTLINE FLAGS
- EDGE OF COASTAL WETLAND
- COASTAL WETLAND

Data Sources:  
ESR, GP, ME GIS, TRC



City of Portland  
*Back Cove Outfall*

Figure 1  
 Location Map

Created: 1/12/2017  14 Gabriel Drive  
 Augusta, ME 04330



## **Attachment 2 – Site Photographs**

Wetland Survey/Reporting – Back Cove Storm Drain Outfall – Portland, Maine



Photo 1 – Storm drain outfall into Back Cove, facing north.



Photo 2 – Storm drain outfall into Back Cove, facing west.



Wetland Survey/Reporting – Back Cove Storm Drain Outfall – Portland, Maine















Photo 3 – Storm drain outfall into Back Cove, facing east.



Photo 4 – Storm drain outfall into Back Cove.

## **Attachment 3 – Wetland Function and Value Form**

<b>Wetland Description:</b> Coastal wetland – Back Cove				File number: NA	
				Wetland identifier: Back Cove	
				Latitude: 43°39'51.72" N	Longitude: 70°15'58.17" W
				Prepare(s): RJ, KM	
				Date: 12-9-2016	
Function/Value	Capability		Summary (Rational Reference #)	Principal Yes/No	
	Y	N			
 Groundwater Recharge/Discharge	X		7	No	
 Floodwater Alteration	X		5, 9, 13	No	
 Fish and Shellfish Habitat	X		3, 4, 5, 10, 12, 15	Yes	
 Sediment/Toxicant Retention	X		1, 2, 3, 5, 8	No	
 Nutrient Removal	X		1, 2, 3, 4, 5, 10	Yes	
 Production Export	X		1, 3, 4, 6, 10	Yes	
 Sediment/Shoreline Stabilization	X		1, 3	No	
 Wildlife Habitat	X		8, 9, 17, 18	Yes	
 Recreation	X		2, 5, 7, 9, 10, 11, 12	Yes	
 Education/Scientific Value	X		5, 8, 9, 14, 15	No	
 Uniqueness/Heritage	X		1, 8, 9, 13, 14, 17, 19, 22, 27	No	
 Visual Quality/Aesthetics	X		2, 6, 8, 9, 12	Yes	
<b>ES</b> Endangered Species Habitat				<b>Presumed</b> *	
Other					

Notes: \*Did not perform a database search or outreach to natural resource agencies for known or potential ES habitats.





**PAUL R. LePAGE**  
GOVERNOR

**STATE OF MAINE**  
**DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY**  
93 STATE HOUSE STATION  
AUGUSTA, MAINE 04333

**WALTER E. WHITCOMB**  
COMMISSIONER

January 3, 2017

James Attianese  
Gorrill Palmer  
707 Sable Oaks Drive, Suite 30  
South Portland, ME 04106

Via email: [jattianese@gorrillpalmer.com](mailto:jattianese@gorrillpalmer.com)

Re: Rare and exemplary botanical features in proximity to: Project 2835.14, Back Cove Storm Drain Outfall, Portland, Maine

Dear Mr. Attianese:

I have searched the Natural Areas Program's Biological and Conservation Data System files in response to your request received December 21, 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, there are no rare botanical features documented specifically within the project area. Based on the information in our files and the landscape context of this project, there is a low probability that rare or significant botanical features occur at this project location.

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.

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.

**MOLLY DOCHERTY, DIRECTOR**  
MAINE NATURAL AREAS PROGRAM



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



Letter to James Attianese  
Comments RE: Storm Drain Outfall, Portland  
January 3, 2017  
Page 2 of 2

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 \$150.00 for two hours of 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)



PAUL R. LEPAGE  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF  
INLAND FISHERIES & WILDLIFE  
284 STATE STREET  
41 STATE HOUSE STATION  
AUGUSTA ME 04333-0041

CHANDLER E. WOODCOCK  
COMMISSIONER

January 20, 2017

James Attianese  
Gorrill Palmer  
707 Sable Oaks Drive, Suite 30  
South Portland, ME 04106

**RE: Information Request - Back Cove Sewer Separation, Portland**

Dear James:

Per your request received December 22, 2016, we have reviewed current Maine Department of Inland Fisheries and Wildlife (MDIFW) information for known locations of Endangered, Threatened, and Special Concern species; designated Essential and Significant Wildlife Habitats; and fisheries habitat concerns within the vicinity of the *Back Cove Sewer Separation Project* in Portland.

Our information indicates no locations of Endangered, Threatened, or Special Concern species within the immediate project area that would be affected by your project. Additionally, our Department has not mapped any Essential Habitats or inland fisheries habitats that would be directly affected by your project.

***Significant Wildlife Habitat***

**Shorebird Areas**

The project search area appears to partially intersect with a mapped Shorebird Area, a Significant Wildlife Habitat under Maine's Natural Resources Protection Act. Shorebirds are a diverse group of birds that include sandpipers, plovers, turnstones, knots, curlews, dowitchers, and phalaropes. Shorebird Areas provide critical habitats used by migrating shorebirds which range from intertidal mudflats to sandy beaches and rocky intertidal areas. Migrating shorebirds need feeding areas with high concentrations of intertidal invertebrates and roosting areas, such as sand/gravel bars, rock islands and ledges, and saltmarsh pannes that remain above the high water mark during high tide, thus allowing the birds to rest and preen when feeding areas are unavailable. We recommend that construction on this project not occur in this area between July 15 and September 30. Please contact MDIFW Region A wildlife staff (207-657-2345) to discuss this timing window as well as other methods to avoid or limit impacts to these important wildlife resources for any work planned in or adjacent to this habitat.

This consultation review has been conducted specifically for known MDIFW jurisdictional features and should not be interpreted as a comprehensive review for the presence of other regulated features that may occur in this area. Prior to the start of any future site disturbance we recommend additional consultation with the municipality, and other state resource agencies including the Maine Natural Areas

Letter to James Attianese  
Comments RE: Portland, Back Cove Sewer Separation  
January 20, 2017

Program and Maine Department of Environmental Protection in order to avoid unintended protected resource disturbance.

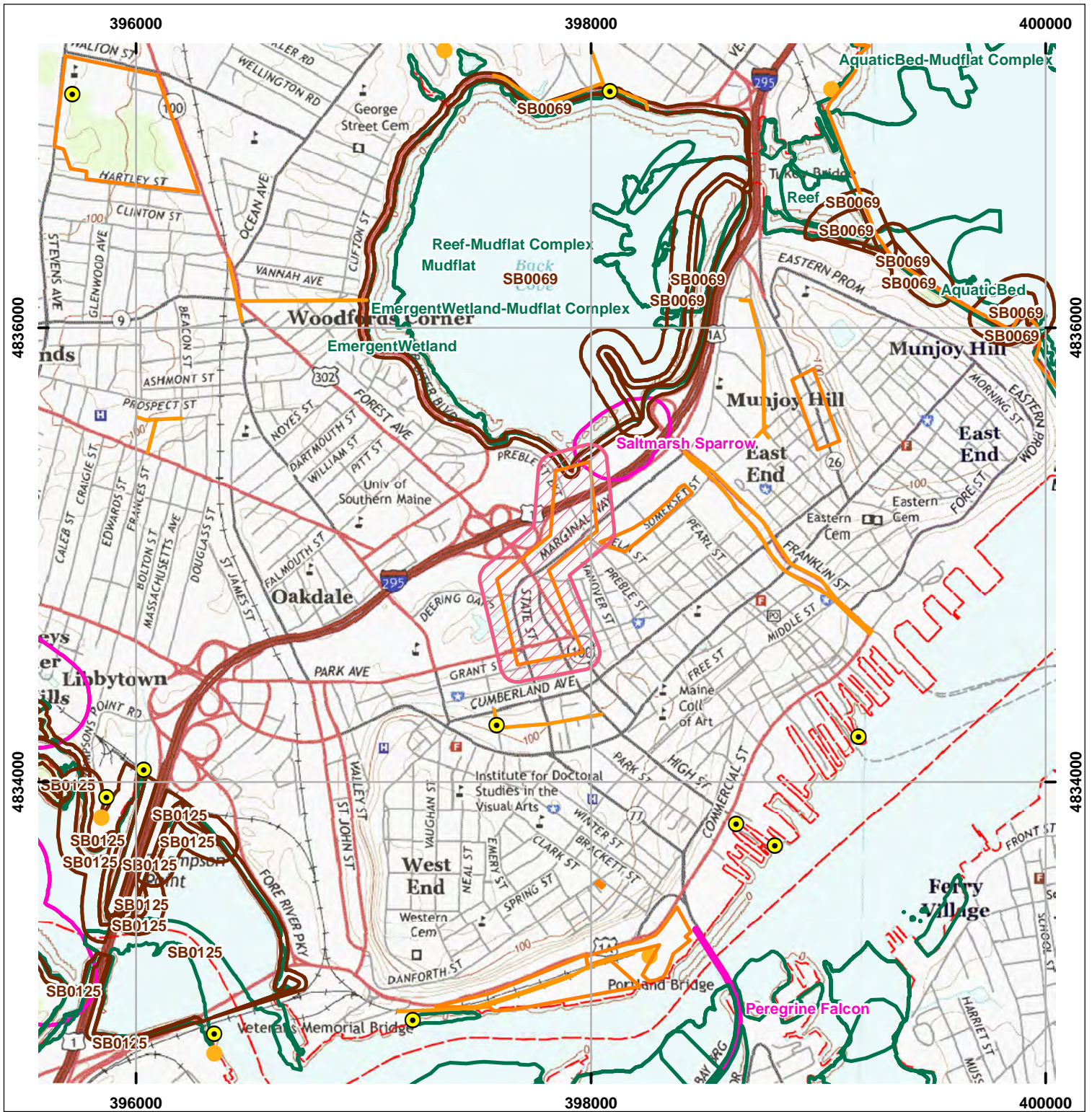
Please feel free to contact my office if you have any questions regarding this information, or if I can be of any further assistance.

Best regards,

A handwritten signature in blue ink, appearing to read "John Perry". The signature is fluid and cursive, with the first name "John" being more prominent than the last name "Perry".

John Perry  
Environmental Review Coordinator



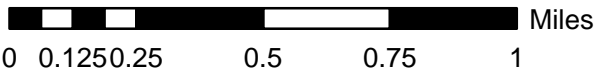


## Environmental Review of Fish and Wildlife Observations and Priority Habitats

Project Name: Portland, Back Cove Sewer Separation (Version 1)



Maine Department of  
Inland Fisheries and Wildlife



Projection: UTM, NAD83, Zone 19N

Date: 12/28/2016

	ProjectPoints		Deer Winter Area		Roseate Tern
	ProjectLines		LUPC p-fw		Piping Plover/Least Tern
	ProjectPolys		Cooperative DWAs		Aquatic ETSc (2.5 mi review)
	ProjectSearchAreas		Seabird Nesting Islands		Rare Mussels (5 mi review)
			Shorebird Areas		Maine Heritage Fish Waters
			Inland Waterfowl/Wading Bird		Arctic Charr Habitat
			Shoreland Zoning_1wwh		E. Brook Trout Joint Venture Subwatershed Classification
			Tidal Waterfowl/Wading Bird		Redfin Pickerel/Swamp Darter Habitats (buffer100ft)
			Significant Vernal Pools		Special Concern-occupied habitats(100ft buffer)
			Environmental Review Polygons		Wild Lake Trout Habitats





# 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-0154

December 21, 2016

Event Code: 05E1ME00-2017-E-00221

Project Name: Sewer Separation

**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: Sewer Separation

## 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-0154

**Event Code:** 05E1ME00-2017-E-00221

**Project Type:** WATER QUALITY MODIFICATION

**Project Name:** Sewer Separation

**Project Description:** Storm drain outfall into Back Cove as part of a Sewer separation project for the City of Portland

**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: Sewer Separation

### Project Location Map:



**Project Coordinates:** MULTIPOLYGON (((-70.26678442955017 43.66409976652282, -70.26618361473083 43.662951092179036, -70.2641773223877 43.663587522571234, -70.26571154594421 43.66480603510633, -70.26678442955017 43.66409976652282)))

**Project Counties:** Cumberland, ME



United States Department of Interior  
Fish and Wildlife Service

Project name: Sewer Separation

## 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: Sewer Separation

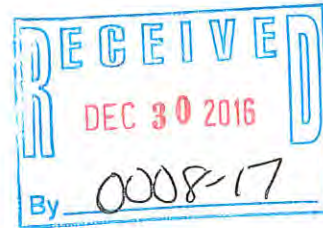
## **Critical habitats that lie within your project area**

There are no critical habitats within your project area.



707 Sable Oaks Drive, Suite 30  
South Portland, Maine 04106  
207.772.2515

December 21, 2016



Mr. Kirk Mohney  
State Historic Preservation Officer  
Maine Historic Preservation Commission  
55 Capitol Street, State House Station 65  
Augusta, ME 04333

Subject: Presence of Historical Areas  
Storm Drain Outfall  
Back Cove – Portland, Maine

Dear Mr. Mohney,

As part of the City of Portland long term control plan for combined sewer overflows, Gorrill Palmer has been retained to prepare design plans for a new separated storm drain from the intersection of State Street and Cumberland Avenue, through Deering Oaks Park, to Preble Street, with a new outfall to Back Cove. The new outfall is for separated stormwater and will be located adjacent to two existing combined sewer overflow outfalls. The project will receive funding through the Maine Department of Environmental Protection Clean Water Revolving Loan Program. This new separated storm drain will discharge stormwater from a tributary area of approximately 130 acres.

The attached Location Map shows the project location.

The proposed 84" diameter stormwater outfall is located adjacent to two existing 84" diameter combined sewer overflow outfall pipes. The proposed outfall invert is -4.1 feet which matches the existing outfall inverts. The proposed outfall pipe is anticipated to include a backflow/tide valve, such as a Tideflex inline check valve.

As part of a U.S. Army Corps of Engineers permit application, Gorrill Palmer requests information from your department relative to the presence of any nearby structure or area with historical, architectural or archeological significance as defined by the National Historic Preservation Act.

Thank you for your consideration. If you have any questions regarding the proposed project, please contact our office.

Sincerely,

Gorrill Palmer

James Attianese

Enclosure

Based on the information submitted, I have concluded that there will be no historic properties affected by the proposed undertaking, as defined by Section 106 of the National Historic Preservation Act. Consequently, pursuant to 36 CFR 800.4(d)(1), no further Section 106 consultation is required unless additional resources are discovered during project implementation pursuant to 36 CFR 800.13.

Kirk F. Mohney,  
State Historic Preservation Officer  
Maine Historic Preservation Commission

1/4/17  
Date

JWA/jwa/U:\2835.14\_Portland\_State St & Marginal Way Sewer & Storm\IP Applications\ACOE\Mohney\_12-21-16.doc

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

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.

**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 : .West Boothbay Harbor, ME 22: /26797

**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 \_\_\_\_\_  
(end date) (start date)

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

\_\_\_\_\_ Date





# Tribal Historic Preservation Office

Passamaquoddy Tribe  
PO Box 159 Princeton, Me. 04668  
207-796-5533

January 7, 2017

Gorrill Palmer  
707 Sable Oaks  
South Portland, Me

Re: Portland – Back Bay – Deering Oaks Park

Dear James ;

The Passamaquoddy THPO has reviewed the following application regarding the historic properties and significant religious and cultural properties in accordance with NHPA, NEPA, AIRFA, NAGPRA, ARPA, Executive Order 13007 Indian Sacred Sites, Executive Order 13175 Consultation and Coordination with Indian Tribal Governments, and Executive Order 12898 Environmental Justice.

**The Project listed above will conduct ground disturbance through a sensitive area historically, it would be our recommendation to have a State certified archeologist review the site of the ground work with possible survey samples along the route to check for any impact on cultural and historical impacts.**

Sincerely;

Donald Soctomah  
Soctomah@gmail.com  
THPO  
Passamaquoddy Tribe

**From:** [Donald Soctomah](#)  
**To:** [James Attianese](#)  
**Subject:** Re: 2835.14 Portland Sewer Separation Resource request  
**Date:** Saturday, January 07, 2017 11:49:57 AM  
**Attachments:** [image001.png](#)  
[Gorrill 1-7-17.docx](#)

---

Hi James;

We have reviewed the project and recommend an archeologist to conduct a ground survey through Deering Oaks Park, this was the site of an encampment and a battle.

attached is our letter.

Donald

On Fri, Dec 23, 2016 at 5:08 PM, James Attianese <[JAttianese@gorrillpalmer.com](mailto:JAttianese@gorrillpalmer.com)> wrote:

Donald,

Attached are letters requesting review for archaeological resources.

Please contact me with any questions.

James Attianese | Project Engineer



707 Sable Oaks Drive, Suite 30 | South Portland, ME 04106

[207.772.2515](tel:207.772.2515) (office)

[www.gorrillpalmer.com](http://www.gorrillpalmer.com)

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PENOBSCOT NATION  
CULTURAL & HISTORIC PRESERVATION  
12 WABANAKI WAY, INDIAN ISLAND, ME 04468

CHRIS SOCKALEXIS – TRIBAL HISTORIC PRESERVATION OFFICER  
E-MAIL: [chris.sockalexis@penobscotnation.org](mailto:chris.sockalexis@penobscotnation.org)

NAME	James Attianese
ADDRESS	Gorrill Palmer 707 Sable Oaks Drive, Suite 30 South Portland, ME 04106
OWNER'S NAME	City of Portland
TELEPHONE	(207) 772-2515
FAX	
EMAIL	<a href="mailto:jattianese@gorrillpalmer.com">jattianese@gorrillpalmer.com</a>
PROJECT NAME	Storm Drain Outfall to Back Cove – New Separated Stormwater Drain
PROJECT SITE	Portland, ME
DATE OF REQUEST	December 21, 2016
DATE REVIEWED	January 4, 2017

Thank you for the opportunity to comment on the above referenced project. This project appears to have no impact on a structure or site of historic, architectural or archaeological significance to the Penobscot Nation as defined by the National Historic Preservation Act of 1966, as amended.

If Native American cultural materials are encountered during the course of the project, please contact my office at (207) 817-7471. Thank you for consulting with the Penobscot Nation Tribal Historic Preservation Office with this project.

A handwritten signature in black ink, appearing to read "Chris Sockalexis".

Chris Sockalexis, THPO  
Penobscot Nation



**From:** [Sue Young](#)  
**To:** [James Attianese](#)  
**Subject:** RE: 2835.14 Portland sewer separation Resource Request  
**Date:** Tuesday, January 03, 2017 8:39:42 AM  
**Attachments:** [image001.png](#)

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James,

We do not have an immediate concern with your project or project site, and do not currently have the resources to fully investigate same. Should any human remains, archaeological properties or other items of historical importance be unearthed while working on this project, we recommend that you stop your project and report your findings to the appropriate authorities including the Houlton Band of Maliseet Indians.

Thank you.

<><><><><><><><><><><>

Susan Young  
Historic Preservation Officer /Natural Resources Director  
Houlton Band of Maliseets  
88 Bell Road  
Littleton, ME 04730  
207-532-4273 ext. 202  
fax 207-532-6883

[ogs1@maliseets.com](mailto:ogs1@maliseets.com)  
[www.maliseets.com](http://www.maliseets.com)

---

**From:** James Attianese [mailto:JAttianese@gorrillpalmer.com]  
**Sent:** Friday, December 23, 2016 5:02 PM  
**To:** Sue Young  
**Subject:** 2835.14 Portland sewer separation Resource Request

Sue

Attached is a letter requesting a review for Archaeological resources.

Please contact me with any questions.

James Attianese | Project Engineer



707 Sable Oaks Drive, Suite 30 | South Portland, ME 04106  
207.772.2515 (office)  
[www.gorrillpalmer.com](http://www.gorrillpalmer.com)

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707 Sable Oaks Drive, Suite 30  
South Portland, Maine 04106  
207.772.2515

December 21, 2016

Attn: Jennifer Pictou  
Aroostook Band of Micmacs  
7 Northern Road  
Presque Isle, ME 04769

Subject: Presence of Historic, Archaeological or Tribal Resources  
Storm Drain Outfall  
Back Cove – Portland, Maine

Dear Ms. Pictou,

As part of the City of Portland long term control plan for combined sewer overflows, Gorrill Palmer has been retained to prepare design plans for a new separated storm drain from the intersection of State Street and Cumberland Avenue, through Deering Oaks Park, to Preble Street, with a new outfall to Back Cove. The new outfall is for separated stormwater and will be located adjacent to two existing combined sewer overflow outfalls. The project will receive funding through the Maine Department of Environmental Protection Clean Water Revolving Loan Program. This new separated storm drain will discharge stormwater from a tributary area of approximately 130 acres.

The attached Location Map shows the project location.

The proposed 84" diameter stormwater outfall is located adjacent to two existing 84" diameter combined sewer overflow outfall pipes. The proposed outfall invert is -4.1 feet which matches the existing outfall inverts. The proposed outfall pipe is anticipated to include a backflow/tide valve, such as a Tideflex inline check valve.

As part of a U.S. Army Corps of Engineers permit application, GorrillPalmer requests information from the Aroostook Band of Micmacs relative to the presence of any nearby historic, archaeological or tribal resources.

Thank you for your consideration. If you have any questions regarding the proposed project, please contact our office.

Sincerely,

Gorrill Palmer

A handwritten signature in blue ink that reads 'James Attianese'.

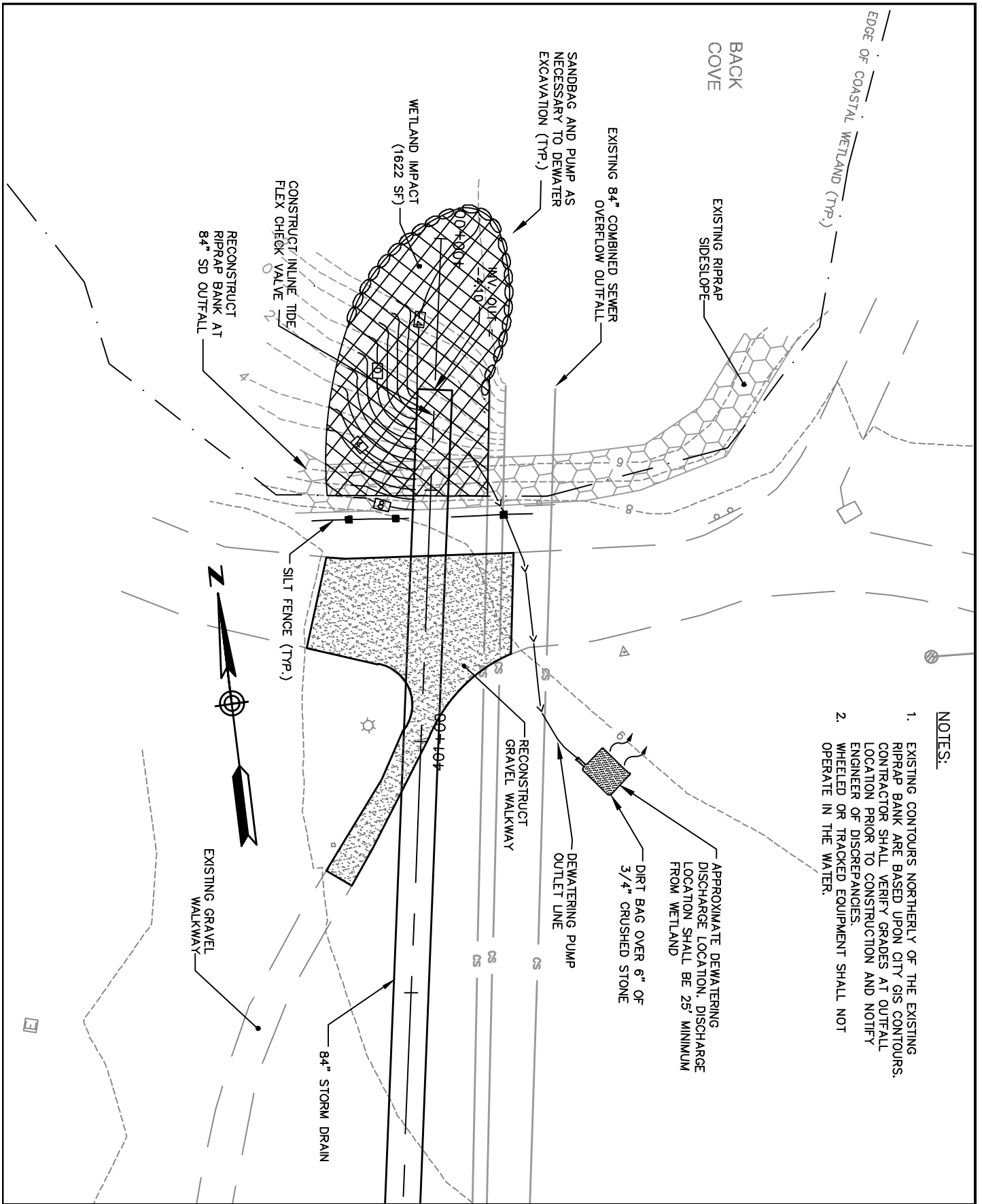
James Attianese

Enclosure

JWA/jwa/U:\2835.14\_Portland\_State St & Marginal Way Sewer & Storm\P Applications\ACOE\Micmac\_12-21-16.doc

7





- NOTES:**
- EXISTING CONTOURS NORTHERLY OF THE EXISTING RIPRAP BANK ARE BASED UPON CITY GIS CONTOURS. CONTRACTOR SHALL VERIFY GRADES AT OUTFALL LOCATION PRIOR TO CONSTRUCTION AND NOTIFY ENGINEER OF DISCREPANCIES.
  - WHEELED OR TRACKED EQUIPMENT SHALL NOT OPERATE IN THE WETLAND.

Design: JWA	Date: JAN 2017
Draft: LAN	Job No.: 2835.14
Checked: WCH	Scale: 1" = 25'
File Name: 2835.14-WTLD-IMP	

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 207.772.2515

Drawing Name: **Wetland Impact**  
 Project: **State Street Sewer Separation**

Figure No. **1**