

Memorandum

To: Interagency Meeting Participants
From: Gerry Audibert, PE
Bureau of Transportation Systems Planning
Date: February 01, 2010
Subject: December 4 Interagency Meeting Summary
I-395, Wiscasset and Presque Isle Studies

The following revised summary addresses comments received on the Meeting Summary issued on December 11, 2009.

Meeting Purpose:

Discuss issues regarding three major projects: I-395, Wiscasset, Presque Isle.

Meeting Attendees:

US Army Corps of Engineers (ACE) - Jay Clement
US Environmental Protection Agency (EPA) - Timothy Timmermann, Matt Schweisberg, Mark Kern,
Beth Alafat (Presque Isle discussion only, via telephone)
Federal Highway Administration (FHWA) - Cheryl Martin (I-395 and Wiscasset), Mark Hasselmann
US Fish and Wildlife Service (USFWS) - Wende Mahaney
Maine Department of Transportation (MaineDOT) - Kat Beaudoin, Russ Charette, Gerry Audibert, Ed
Hanscom, Martin Rooney, Judy Lindsey, David Gardner, Richard Bostwick
Consultants - Bill Plumpton (Gannett Fleming), Lisa Standley (VHB)

Summary of Discussion, Action Items and Schedule

1. Interstate 395 – overview provided by Bill Plumpton and Judy Lindsey. The goal is to refine the range of alternatives presented in the EIS / 404 Supporting Information.

A. Discussion

- Phase I signoff occurred in January 2008 with a request for additional information to continue searching for alternatives that avoid and minimize impacts: (1) further develop tie-ins for the build alternatives with I-395 and Route 9 and (2) consider possible inter-connections between the western-most build alternatives.
- Following meetings in July and December 2008 and May 2009, 7 alternatives and 3 requests for additional information remain. MaineDOT will continue to optimize interchanges and further reducing impacts of the alternatives to the same degree and scope, such as: (1) loop ramps for the directions of heaviest traffic flow; (2) impacts to delineated vernal pools; and (3) the Route 9 limited access alternative.
- The status of the Impact by Alternative matrix was discussed, including concerns about the process MaineDOT is using to dismiss some alternatives. Jay Clement noted all alternatives except No Build and Route 1 upgrade meet Purpose and Need.
- Discussion also focused on relative differences between the central alignment options and also on the impact of a transmission line corridor to unfragmented habitat blocks vs. the definition of unfragmented habitat.
- The MaineDOT developed the build alternatives as a four-lane limited access highway consistent with the vision of the East-West Highway initiative. Initially two-lanes would be built - the remaining two lanes would be built when traffic volumes increase (likely not needed until sometime after the 2030 design year). It was agreed that if the additional two lanes are not

reasonably foreseeable, that the MaineDOT should reflect on the template for the build alternatives to instill more reality into the build alternatives being developed at this time.

- The agencies agreed that Alternative 2B-2 and 5A2E3K-1 must remain in the EIS analysis, and it is also acceptable to include Alternative 3EIK-2. All of the resource agencies have serious concerns of the direct and indirect impacts of Alternative 3EIK-2. EPA expressed concern about the ability of this alternative (3IEK-2) to comply with the Section 404(b)(1) Guidelines. The Corps makes the determination of compliance with the Guidelines, but EPA's concerns are serious and EPA indicated it would consider other actions should this alternative remain as the preferred alignment.
- It was recommended that MaineDOT should start consideration of mitigation.

B. Action Items

1. MaineDOT to conduct comparative analysis of the alternatives to indicate if they meet Purpose and Need and are practicable, and to show commonalities and differences including mobility and social impacts for the Alternative #5 series and a qualitative and quantitative analysis of impacts to unfragmented habitat blocks including and excluding the power lines. MaineDOT to recommend dismissing the alignment(s) that meet one or more of the three reasons cited under Section 404 (b)(1): (1) an alternative doesn't meet the basic project purpose (not the NEPA purpose and need statement); (2) it is impracticable; and/or (3) it would have greater adverse impacts to aquatic resources, which is determined by evaluating both quantity (acreage) and quality (ecological function/condition).
2. MaineDOT to show clearly the impacts of upgrading Route 9 from its intersection of the western alternatives eastward through Eddington village, including quantification of why a 2-lane option would not work even in the short term, and assess the impacts of a 2- vs. 4-lane upgrade. The analysis will include why west-to-east linkage is critical; Route 9 displacements or the need for a frontage road; and why varying speed limits (i.e., 55/35/25/55 mph) is a mobility and continuity issue as well as a safety concern.
3. MaineDOT to investigate to see if there is a near-term solution for the Eddington Village loop and to note how much mobility would be lost.
4. The agencies expect an impact analysis of full build-out (2 lanes initially; 4 lanes ultimately) to be included in the EIS. The EIS should focus on "design life reality" vs. "future goals".

C. Schedule

1. MaineDOT to submit all materials in response to items listed above to the agencies prior to the January 12 Interagency Meeting.
2. Develop the overall schedule at the Jan. 12 Interagency Meeting

2. Wiscasset – Overview provided by Gerry Audibert and Ed Hanscom. The goal is to issue a LEDPA, complete the FEIS and obtain a ROD by September 2010.

A. Discussion

1. The DEIS was released in Oct. 2007. Comments were received through Dec. and meetings were held with the Task Force through 2008 to resolve major comments and issues.
2. The Phase 2 Report was submitted in December 2008 and ACE responded with comments in March 2009. MaineDOT submitted the Phase 2 Supplement in September 2009, including responses to substantive comments received on the DEIS.
3. MaineDOT and FHWA have publicly proposed that N2a (the most northerly Build Alternative remaining) is their preferred alignment, as it provides the least overall impacts to the natural and human environments and the Midcoast Bypass Task Force has indicated it would not be strongly opposed to N2a as the preferred alignment.
4. The agencies stated that "on paper" there are identifiable quantification differences in natural resource impacts between the alternatives under consideration with Alternative N8c being the less environmentally damaging versus MaineDOT's Preferred Alternative. The LEDPA determination must be based upon an evaluation of the factors under section 230.10(a) of the 404(b)(1) Guidelines.

5. ACE and the agencies are leaning toward N8c (southern-most alignment with the long bridge), as it has slightly less impact to the natural environment. NMFS and MDIF&W do not oppose potential impacts associated with construction of the long bridge or 32-week construction time.
6. Agencies offered that MaineDOT can further modify designs to minimize impacts, but all alternatives must be equally analyzed to the same scope and degree in order to provide an “apples to apples” comparison. NOTE: MaineDOT believes the impacts have been reduced as much as is possible. Agencies stated the proposed avoidance and minimization efforts can not be used as a decision bargaining tool.
7. EPA can attend a public meeting to assist MaineDOT in explaining the LEDPA decision.

B. Action Items

1. ACE will issue its public notice for the LEDPA determination by the end of December. The public notice will cite N8c, N2f and N2a as the potential LEDPA.
2. MaineDOT will develop a news release to coincide with the LEDPA public notice to describe the process and need for substantive comments rather than opinions. The draft news release will be shared with the agencies to obtain their feedback before releasing it to the news media.
3. ACE will notify MaineDOT of its LEDPA determination prior to the estimated March 2010 public announcement. MaineDOT will meet with the Town of Wiscasset to inform them of the decision and, if N8c is the chosen LEDPA, to discuss ways to make N8c more palatable to them. A follow-up meeting with the Midcoast Bypass Task Force will likely be held as well to complete the public process.
4. MaineDOT will develop a schedule to deliver the Record of Decision.
5. ACE will explore to see if a provisional permit with a 10-year life could be issued vs. the standard 5-year permit following a LEDPA. A provisional permit would require the submission and approval of a full mitigation plan. NOTE: MaineDOT would not implement mitigation until the project has been advertised for construction.

C. Schedule – (Revised to reflect current conditions)

- January 19 2010 (actual) - ACE LEDPA public notice and MaineDOT news release
- February 19 2010 (actual) - End public notice period
- March 31 2010 (estimated) - ACE LEDPA determination
- June 30 2009 (estimated) – FEIS Submittal
- September 30 2009 (estimated) – Record of Decision

3. Presque Isle - Overview provided by Judy Lindsey and Lisa Standley

A. Discussion

1. Segment 7, Presque Isle is a component of the North-South Highway vision of the overall Aroostook County Transportation Study (ACTS).
2. The Route 1 Upgrade is not considered feasible by MaineDOT and the Presque Isle City Council because it would require 5 lanes of traffic through a downtown setting and eliminate 70 parking spaces that would eliminate on-street parking for 28 of the 44 businesses. Alternative parking is undesirable due to walking distances, steep grades, an older and aging population and no foreseeable business adjacent parking alternatives. There are 7 traffic signals though the area, so headway speed could not be maintained, nor would it meet regional mobility needs. EPA noted the level of detail is okay for now.
3. Jay Clement discussed the 2002 Easton Industrial Access road project, in which the draft EA (never finalized) identified “HML/Conant” as the preferred alignment. This alternative was promoted by State Legislator Kneeland, so it came to known as the “Kneeland Connector”. The Corps wants to see more detail on this option, perhaps in combination with the Route 1- Maysville Road intersection. The Corps could potentially issue a permit for the “Kneeland Connector” given the community support and low wetland impacts - this would not preclude a longer bypass. Lisa Standley noted this would not meet the project purpose because through traffic would not choose a longer, slower route over staying on Route 1. FHWA noted this would be segmentation, as the shorter bypass could not stand alone, and choosing one segment in the middle of the bypass would prejudice selection of the overall bypass. MaineDOT noted that the project purpose is only satisfied by a full bypass and that MaineDOT has to look at the

regional benefits. The Corps needs documentation to support dismissing this option and though the federal legislative delegation is interested in the project, the Corps would like to see some element move forward. The Corps does not see it as an independent alternative to the bypass but rather a complement to it. FHWA sees the intersection improvements as a local initiative to solve a local problem, but the Corps is interested in knowing what could be done to improve that intersection if MaineDOT selected a shorter bypass.

4. The City of Presque Isle has a contract with Gorrill-Palmer (G-P) to review alternatives at the Route 1 intersection with Maysville Street. G-P proposes a grade-separated intersection at this location, which would improve safety of the High Crash Location and could cut 15-20 seconds of travel time, but it would not provide an acceptable Level of Service or meet the overall ACTS project purpose to address regional mobility. It would be an intermediate improvement that does not satisfy the Purpose and Need. Additionally, MaineDOT has concerns with left turn movements and steep grades, particularly given the volume of trucks and severe winter conditions.
5. An East-West Partial Bypass (combination of Route 1 at Maysville Street and Route 163) was discussed as potential short-term solution. It would require complex turning movements, steep grades for trucks at multiple locations, offer no time savings, would not take trucks out of downtown and would not be shorter. MaineDOT may construct the Presque Isle Bypass in affordable phases, but NEPA does not allow alternative segmentation. NEPA does require the full build-out to be evaluated. The EIS analysis is for 2-lanes with land acquisition for a 4-lane footprint.
6. All EIS New-Alignment Alternatives are practicable and meet the project purpose. The Route 1 Upgrade does not meet the project purpose. MaineDOT is recommending Alternative 7 as the LEDPA because it offers the best balance between farmland and wetland impacts. Richard Bostwick clarified that Alignment Option 7 would not result in forest or wetland fragmentation due to the agricultural landscape.
7. ACE noted that the HML-Conant Road Connector could offer an alternative with much less impact. MaineDOT countered that while it would divert 230 trucks from downtown, it would not reduce the volume of trucks traveling in the north-south direction or meet regional mobility needs. It might be feasible as part of the overall solution, but would not be a stand-alone solution. ACE believes it should be looked into, as it has logical termini and independent utility and would solve short-term truck issues. Given the new information concerning the G-P Route 1-Maysville Street modification, MaineDOT should analyze a Conant Road to Fort Road connection with the Route 1-Maysville Street modification, as it does not preclude alternatives on the south side of the river. Flexible approaches should be used.
8. ACE noted this is an economic project, not a transportation project. MaineDOT clarified that it is a transportation/mobility project. From a regional needs perspective, the ACTS corridor is needed to improve mobility of vehicles/trucks traveling from Canada.
9. The agencies do not support 2X and is in the middle on the others, as they each have impacts on streams, wetlands, vernal pools, etc. The Route 1 Upgrade probably is out, but MaineDOT must justify this for EPA concurrence. Alternatives 6, 4B and 7 remain as viable options. However, ACE indicated that Alignment Option 6 could be dismissed because of its higher impacts to vernal pools, streams, and fragmentation.
10. Mitigation may involve on-the-ground work and substantial in lieu fees, but ACE expressed a preference for constructed or restored wetlands rather than in-lieu fees.

B. Action Items

1. MaineDOT to provide wetlands impacts in the cumulative impacts section of the FEIS for a future 4-lane facility, though only 2 lanes will likely be built in the foreseeable future.
2. There is general agreement that 2X can be dismissed from further analysis, but MaineDOT must provide justification for dismissing the Route 1 Upgrade alternative.
3. MaineDOT also to compare alternatives 6, 4B and 7 similar to that being done for the I-395 family of "5"s to show where one might rise above the other similar alignments. Also address 4f impacts in regards to alignment 7. David Gardner noted the 4f impacts to alignments 6 and

4B should be compared to 7, as Section 4f would require MaineDOT to avoid the impact to 4f resources if there is another feasible alternative available.

4. MaineDOT to review HML/Conant connection with the Route 1/Maysville option to see if any regional benefit would occur or to see if such a combined option would not preclude a bypass or be coincident as a piece of a regional bypass...in other words can less disruption today solve a local problem and later be added on to solve the more regional problem. FHWA noted that this is a solution to a local problem and does not address regional mobility.
5. MaineDOT will arrange for a meeting or video conference to discuss findings of the analyses after the agencies review the additional information,

C. Schedule

1. As soon as possible, given the Legislative mandate, to identify the LEDPA by 2011.
2. Schedule to be discussed further at the January 12 Interagency meeting.