

Chapter 4

Coordination and Consultation

Chapter 4 summarizes the coordination and consultation activities performed for this study among the federal, state, and local agencies and the public.

Throughout this study, the MaineDOT and the FHWA, acting as joint lead agencies, coordinated with federal and state regulatory and resource agencies, the tribes, Bangor Area Comprehensive Transportation System (i.e., the Metropolitan Planning Organization [MPO]), the city and towns in the study area, the regional and other special-interest groups, and the public.

Scoping. There shall be an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action. This process shall be termed “scoping” (40 CFR 1501.7).

A complete description of the public-involvement program, including meeting agendas, handouts, maps, presentations, displays, and minutes, is on the study website www.i395-rt9-study.com on the “Stay Informed” page.

4.1 Scoping and Early Coordination

In support of the preparation of the EA, a public scoping and informational meeting was held on April 11, 2001. The purposes of the meeting were to (1) review the planning and programming activities that led to the initiation of the study, and (2) provide an opportunity for public comments at the beginning of the study. The meeting was preceded by an informal open house; the formal part of the meeting consisted of a presentation and discussion of the history, purpose and needs of the study, and a broad review of strategies and alternatives for satisfying the purpose and needs. About 60 people attended the meeting, most of which was spent in questions and answers about the time required to complete the study, methods for collecting traffic data and predicting traffic volumes, relationship of the study to the east–west highway initiative, use of rail to move people and goods, sources of funding, and subsequent phases, including construction. Suggestions from the public were to use rail to ease truck traffic and reduce speed limits to improve safety.

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The MaineDOT and the FHWA conducted scoping with the federal and state regulatory and resource agencies using the MaineDOT monthly interagency coordination meetings. Scoping was initiated in late 2000 and concluded in early 2001.

In December 2000, scoping and early-coordination letters were mailed to federal and state regulatory and resource agencies, the city and towns in the study area, and regional and special-interest groups, in accordance with the procedural provisions of the NEPA and requirements and policies of the MaineDOT and the FHWA. Letters accompanied by a map of the study area, a description of the study purpose and the need for action, and an outline of the study to be conducted were mailed to provide notification of the study, request specific information pertaining to the study area, and encourage participation by identifying areas of initial concern for consideration and inclusion in the study (exhibit 4.1). There were no key resources or issues of primary concern identified.

In October 2005, the FHWA elevated the I-395/Route 9 transportation study to an EIS because of potential impacts to wetlands and difficulty in identifying mitigation for those impacts. In response to the need to prepare an EIS, the FHWA published the notice of intent to prepare the EIS on December 1, 2005, in the *Federal Register* (*Federal Register*, Vol. 70, No. 230, pages 72144-72145). Additionally, MaineDOT

prepared a coordination plan to guide the agency coordination and public involvement activities to be performed.

Following the decision to prepare an EIS, a second agency scoping and field view of the study area was conducted on June 3, 2008. The agencies in attendance were the MaineDOT and the FHWA, acting as joint lead agencies, with the USACE, USEPA, and USFWS acting as cooperating agencies. The discussions included the activities conducted to date, key resources in the study area, methods for analysis of impacts to the key resources, opportunities and expectations for mitigation for impacts to waters of the United States, and specifics for conducting the study using an integrated EIS and Section 404 format. The key resources and issues of concern were potential impacts to wetlands, potential difficulty in identifying mitigation for those impacts, and wildlife habitat. Several “connectors” between the westernmost alternatives were suggested for development and analysis.

Following the decision to prepare an EIS, a second public scoping and informational meeting was held on June 4, 2008. The purposes of the meeting were to provide (1) an update to the study, the reasons that an EIS was being prepared, and the differences between an EA and an EIS; and (2) an opportunity for the public to comment and identify concerns to be addressed in the study. The meeting was preceded by an informal

Exhibit 4.1 - Summary of Scoping and Early Coordination Letters during Preparation of the EA

<i>Agency or Organization</i>	<i>Information Requested</i>	<i>Information Received</i>
Federal Agencies		
U.S. Army Corps of Engineers	General letter requesting comments	No response received
U.S. Fish & Wildlife Service	Federally listed or proposed threatened or endangered species and known critical habitats	Bald eagle is known to occur in the study area
U.S. Department of Agriculture, Maine State Office	General letter requesting comments	No response received
U. S. Department of Agriculture, Natural Resources Conservation Service, Penobscot County	General letter requesting comments	No response received
U. S. Department of the Interior, Office of Environmental Policy & Compliance	General letter requesting comments	No response received
U.S. Environmental Protection Agency	General letter requesting comments	No response received
National Marine Fisheries Service	General letter requesting comments	No response received
State Agencies		
Maine Department of Inland Fisheries and Wildlife	State listed or proposed, threatened or endangered species, known critical habitats, and other sensitive features and concerns	Map of significant and essential wildlife habitats
Maine Department of Environmental Protection, Air Quality	Previous studies of air quality in the region	No response received
Maine Department of Environmental Protection, Land and Water Quality Control	General letter requesting comments	A permit from the MDEP would be required if the proposed solution alters protected natural resources
Maine Geologic Survey	Location of groundwater wells and groundwater quality; wellhead-protection areas and intake-protection areas	List and map of known bedrock wells in the study area
Maine Department of Conservation, Forest Service	General letter requesting comments	No response received
Maine Department of Conservation, Bureau of State Parks and Lands	Identification of parks, recreation areas, or lands using funds from the LWCF	No response received
Maine State Planning Office	General letter requesting comments	No response received
Maine Natural Areas Program	State listed or proposed, threatened or endangered species, critical habitats, and other sensitive features and concerns	Two rare plant species are known to exist in the study area: American shoregrass and water stargrass
State Floodplain Management Coordinator	General letter requesting comments	Executive Order 11988 applies; use the 100-year flood standard

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Exhibit 4.1 – Summary of Scoping and Early Coordination Letters during Preparation of the EA (continued)

Agency or Organization	Information Requested	Information Received
Maine Department of Economic and Community Development, Office of Business Development	General letter requesting comments	No response received
Maine Department of Conservation, Grants and Community Recreation	General letter requesting comments	Three properties in the study area received funding from the LWCF
Maine Department of Agriculture, Soil and Water Conservation Commission	General letter requesting comments	No response received
Maine Department of Marine Resources	General letter requesting comments	No response received
Maine Drinking Water Program	Groundwater wells, surface water intakes, wellhead-protection areas, intake-protection areas	Maps of public water supplies in the study area
Local Agencies		
City of Brewer	General letter requesting comments	Offer of assistance from the Director of Environmental and Public Works
Town of Holden	General letter requesting comments	Requested that proposed solutions be consistent with the town's comprehensive plan
Town of Eddington	General letter requesting comments	No response received
Regional or Other		
Eastern Maine Development Corporation	General letter requesting comments	No response received
Maine Citizens for Increased Jobs and Safety	General letter requesting comments	Comments supporting the need for the study

open house; the formal part of the meeting consisted of a presentation and discussion of the legislative framework guiding the study, the study's purpose and why it is needed, the resources and features in the study area, the range of reasonable alternatives, opportunities to learn more about the study and participate in it, results achieved to date, and issues identification. About 30 people attended the meeting most of which was spent

in questions and answers about the time required to complete the study, sources of funding for the study, and subsequent phases, including construction.

Following the decision to begin preparation of an EIS, in October 2008, the MaineDOT and the FHWA mailed scoping and early-coordination letters to federal and state regulatory and resource agencies, the city and towns in the study area, and regional and

special-interest groups. The letters directed recipients to the study website (www.i395-rt9-study.com) for additional information about the study to be conducted. Several letters requested specific information to be

used in the study (exhibit 4.2). There were no key resources or issues of primary concern identified.

Exhibit 4.2 - Summary of Scoping and Early Coordination Letters during Preparation of the EIS

<i>Agency or Organization</i>	<i>Information Requested</i>	<i>Information Received</i>
Federal Agencies		
U.S. Army Corps of Engineers	General letter requesting comments	No response received
U.S. Fish & Wildlife Service	Federally listed or proposed threatened or endangered species or known critical habitats in the study area	No response received
U. S. Department of Agriculture, Natural Resources Conservation Service, Penobscot County	General letter requesting comments	No response received
U.S. Environmental Protection Agency, Region I	General letter requesting comments	No response received
U.S. Geological Survey	General letter requesting comments	No response received
Federal Emergency Regulation Commission	General letter requesting comments	No response received
Federal Railroad Administration	General letter requesting comments	No response received
Federal Transit Administration	General letter requesting comments	No response received
National Oceanographic Atmospheric Administration Fisheries	General letter requesting comments	No response received
National Marine Fisheries Service	General letter requesting comments	No response received
Tribes		
Penobscot Indian Nation	General letter requesting comments	No response received
Houlton Band of Maliseet Indians	General letter requesting comments	No response received
Aroostook Band of Micmacs	General letter requesting comments	No response received
Passamaquoddy Tribe of Indians	General letter requesting comments	No response received
Passamaquoddy Tribe Pleasant Point	General letter requesting comments	No response received

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Exhibit 4.2 – Summary of Scoping and Early Coordination Letters during Preparation of the EIS (continued)

Agency or Organization	Information Requested	Information Received
State Agencies		
Maine Department of Inland Fisheries and Wildlife	State listed or proposed threatened or endangered species, known critical habitats, or other sensitive features or concerns	Bald eagle nest locations and proposed rules protecting Atlantic salmon
Maine Department of Environmental Protection, Air Quality	Previous studies of air quality in the region	No response received
Maine Department of Environmental Protection, Land and Water Quality Control	General letter requesting comments	No response received
Maine Historic Preservation Commission	General letter requesting comments	No response received
Maine Geologic Survey	Location of groundwater wells and groundwater quality; wellhead-protection areas and intake-protection areas	Location of groundwater wells wellhead-protection areas, and intake-protection areas
Maine Department of Conservation	General letter requesting comments	No response received
Maine Department of Conservation, Forest Service	General letter requesting comments	No response received
Maine Department of Conservation, Bureau of State Parks and Lands	Identification of parks, recreation areas, or lands purchased with funds from the LWCF	No response received
Maine Atlantic Salmon Commission	General letter requesting comments	No response received
Maine Department of Conservation, Northern Region Bureau of State Parks and Lands	General letter requesting comments	No response received
Maine State Planning Office	General letter requesting comments	Maine floodplain management program floodplain issues
Maine Natural Areas Program	State listed or proposed threatened or endangered species, critical habitats, or other sensitive features or concerns	No response received

Exhibit 4.2 – Summary of Scoping and Early Coordination Letters during Preparation of the EIS (continued)

Agency or Organization	Information Requested	Information Received
State Floodplain Management Coordinator	General letter requesting comments	No response received
Maine Department of Economic and Community Development, Office of Community Development	General letter requesting comments	No response received
Maine Department of Agriculture Soil and Water Conservation Commission	General letter requesting comments	No response received
Maine Department of Marine Resources	General letter requesting comments	Species of diadromous fish
Maine Drinking Water Program	Groundwater wells, surface water intakes, wellhead-protection areas, intake-protection areas	No response received
Maine Emergency Management Agency	General letter requesting comments	No response received
Maine Department of Conservation, Off-Road Vehicles Division	General letter requesting comments	No response received
Maine Tree Committee	General letter requesting comments	No response received
Local		
City of Brewer	General letter requesting comments	No response received
Town of Holden	General letter requesting comments	No response received
Town of Eddington	General letter requesting comments	No response received
Town of Clifton	General letter requesting comments	No response received
Bangor Area Comprehensive Transportation System	General letter requesting comments	No response received
Regional or Other		
Eastern Maine Development Corporation	General letter requesting comments	No response received
Boy Scouts of America	General letter requesting comments	No response received
East – West Highway Association	General letter requesting comments	No response received
Maine Motor Transport Association	General letter requesting comments	Letter stating support for the study
Maine Snowmobile Association	General letter requesting comments	No response received

4.2 Federal and State Agency Interagency Coordination Meetings

This study was presented to the federal and state regulatory and resource agencies that attended the MaineDOT monthly interagency coordination meetings on eight occasions during preparation of the EA (exhibit 4.3). The federal and state regulatory and resource agencies that regularly attend these meetings are the USACE, USEPA, USFWS, NMFS, MDEP, MDIFW, Maine Historic Preservation Commission (MHPC), Maine Department of Marine Resources (MDMR), and Maine Department of Conservation (MDOC). Other federal and state regulatory and resource agencies attend these meetings as needed.

This study was presented to the federal and state regulatory and resource agencies that attended the MaineDOT monthly interagency coordination meetings on three occasions during preparation of the EIS (exhibit 4.4). The major issues addressed were the potential impacts to wetlands, streams, vernal pools, unfragmented habitat, the potential mitigation for those impacts, and the development and refinement of the build alternatives to further avoid and minimize impacts to the natural and social environment features in the study area. The cooperating agencies concurred with the range of reasonable alternatives to

be retained for detailed analysis in the EIS in January 2008 in the DEIS.

4.3 Public Involvement

Public participation was initiated early in the study to incorporate public comments and concerns into the development and analysis of the study needs, purpose, range of reasonable alternatives, potential resultant environmental impacts, and development of conceptual mitigation measures. **Public participation continued throughout the study.** The public-involvement program included the scoping meetings, meetings of the PAC, two public meetings, a website, information posters, and newsletters.

4.3.1 Public Advisory Committee

At the beginning of the study, a PAC consisting of local officials, business owners, the MPO, and private citizens from Bangor, Holden, Brewer, Eddington, Clifton, Bucksport, and Calais was formed. The purpose of the PAC and its meetings was to provide a forum and support the overall public-involvement program. The PAC participated in the study by meeting periodically with the MaineDOT and the FHWA and providing guidance on local issues and concerns. The PAC meetings were working sessions open to the public and included time for questions and answers

Exhibit 4.3 - Summary of Interagency Coordination Meetings and Results during Preparation of the EA

<i>Interagency Meeting</i>	<i>Discussion and Results</i>
November 14, 2000	The study was introduced and an overview of activities was provided.
February 13, 2001	The needs for the study, its purpose, and the natural resource and social environmental features in the study area were presented. The agencies in attendance concurred with the information presented.
October 9, 2001	The alternatives-analysis information to date was presented. The agencies in attendance concurred with the range of reasonable alternatives considered and the preliminary screening of alternatives to date. Attended by: USACE, USEPA, USFWS, NMFS, MDEP, MDIFW, MASC, and MDMR
March 12, 2002	An update to the alternatives analysis was presented. The agencies in attendance concurred with the range of alternatives considered but stated that Alternative 2B was practicable. The agencies requested that additional impacts to people living along Route 9 be quantified. Attended by: USACE, USFWS, and MDEP
October 8, 2002	An update to the alternatives analysis and the direction of the study were presented. The agencies in attendance concurred with the range of alternatives considered and the direction of the study. Attended by: USACE, USFWS, NMFS, and MASC
March 11, 2003	The agencies in attendance concurred with dismissing Alternative 2C-2 due to its greater impacts to farmlands and farming operations than other alternatives. Attended by: USACE, USEPA, USFWS, MDEP, MDIFW, and MASC
May 13, 2003	The agencies in attendance concurred with dismissing the remaining build alternatives except Alternative 3EIK-2, pending review of the "Transportation Improvement Strategies and Alternatives Analysis Technical Memorandum and U.S. Army Corps of Engineers Highway Methodology Phase I Submission"—a document that summarizes and presents results of the alternatives-analysis process. Attended by: USACE, USEPA, USFWS, MDEP, MDIFW, MASC, and MHPC
November 14, 2003	A modification of Alternative 2B-1 was discussed. It was agreed by the agencies in attendance that this modification should be dismissed from further consideration. Attended by: USACE, USFWS, MDEP, and MDOC

(exhibit 4.5). Seventeen PAC meetings were held during the preparation of the EA.

Following the decision to begin the preparation of the EIS, a new PAC was formed. This PAC consisted of many of the same individuals who had participated in the study to date and several others with knowledge of the area and potential issues and concerns (Appendix B of the DEIS). These PAC meetings were working sessions open to the public and included time for

questions and answers (exhibit 4.6). Three PAC meetings were held during the preparation of the EIS.

4.3.2 Public Informational Meetings

Two public meetings were held during the preparation of the EA. The first meeting was the public scoping and informational meeting held on April 11, 2001 (section 4.1).

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Exhibit 4.4 - Summary of Interagency Coordination Meetings and Results during Preparation of the EIS

Interagency Meeting	Discussion and Results
October 9, 2007	<p>An update to the study was provided. The update consisted of changes in land use in the study area since 2003 and the current range of reasonable alternatives being considered and analyzed for obtaining the USACE Phase I approval.</p> <p>Attended by: USACE, USEPA, USFWS, FHWA, MDMR, MDEP, and Maine Natural Areas Program (MNAP)</p>
December 9, 2008	<p>An update to the alternatives analysis was presented. The update consisted of results of the six “connectors” between the three westernmost alternatives. The agencies in attendance concurred in continuing to study:</p> <ul style="list-style-type: none">• 5A2E3K to 2B-2 connector 1 and/or 5A2E3K to 2B-2 connector 2• 5A2E3K to 2B-2 connector 1 to 2B-2 to 5A2E3K to 2B-2 connector 2 and/or• 5A2E3K to 2B-2 via connector 1 to 2B-2 to 5A2E3K via connector 3 <p>The first two Alternatives beginning with 5A were chosen and named 5A2E3K-1 and 5A2E3K-2, respectively. Alternative 5B2E3K was modified to avoid the Dirigo Drive Business Park and named Alternative 5B2E3K-1.</p> <p>Attended by: USACE, USFWS, NMFS, FHWA, and MDIFW</p>
May 12, 2009	<p>An update to the alternatives analysis and the resultant impacts was presented. The agencies in attendance concurred with dismissing Alternatives 1 and 3A-3EIK-1 from further consideration. The agencies requested a new alternative to be considered: 2B-2 plus improvements to Route 9 to East Eddington with a section on new alignment to the north of the intersection of Routes 9 and 46. Two other changes to alternatives were requested: (1) for the alternatives that begin with 5A, develop a partial cloverleaf interchange with Route 1A; and (2) for Alternative 3EIK-2, move a portion of the alternative closer to Clark Hill Road.</p> <p>Attended by: USACE, USEPA, USFWS, NMFS, FHWA, MDEP, and MDOC</p>
January 12, 2010	<p>The alternatives in the Family of 5s was presented and discussed. Alternative 2B-2 is proximate to the family of 5s and shares partial alignment with one of the 5s. In light of the Executive Order on floodplains, the MaineDOT suggested that Alternative 5B2E3K-1 could be dismissed from further consideration because of its potential impacts to floodplains; according to the EPA, the potential impacts to floodplains are not a sufficient reason to dismiss an alternative from further consideration because lost flood storage area can be replaced. Alternative 5B2E3K-1 should be retained for further consideration because of part of its alignment is adjacent to a Bangor Hydro-Electric utility easement. The Bangor Hydro-electric utility easements are disturbed and the resources within them are of lesser value than those in undisturbed locations. The Bangor Hydro-Electric utility easements are used for recreation and portions of them beneath the electrical lines are periodically mowed.</p> <p>Attended by: USACE, USFWS, FHWA, MDMR, MDOC, and MDEP</p>
October 11, 2011	<p>An update to the design criteria and conceptual design of the build alternatives retained for further consideration and the alternatives analysis and the resultant impacts was presented. The agencies concurred with identifying Alternative 2B-2 as the Preferred Alternative for satisfying the study purpose and need and satisfying the USACE’s overall and basic project purpose with the least adverse impact to the environment. It was agreed that Route 9 has sufficient capacity and would operate at comparable speeds in the design year and no improvements to Route 9 would be considered reasonably foreseeable. The MaineDOT would update the list of opportunities for compensatory wetland mitigation and include it in the DEIS that is circulated for public review to allow an opportunity to comment on mitigation.</p> <p>Attended by: USACE, USEPA, USFWS, NMFS, FHWA, MDMR, MDEP, MDIFW</p>
December 13, 2011	<p>The administrative DEIS was distributed to the Federal Cooperating Agencies for review and comment. The Federal Cooperating Agencies present provided a synopsis of their review of the administrative DEIS so far. The USACE and the USFWS reported that their review of the administrative DEIS was almost complete and no major gaps in material were found. Moving forward, the joint lead agencies – the FHWA and MaineDOT – discussed circulating the DEIS and holding a joint public hearing with the USACE.</p> <p>Attended by: FHWA, USACE, USFWS, MDMR, MNAP</p>

Exhibit 4.5 - Summary of PAC Meetings during Preparation of the EA

PAC Meeting	Discussion and Results
September 11, 2000	Introduced the study-team participants and reviewed the scope of studies to be conducted, NEPA process, role of the PAC, and scope of the public-involvement and agency-coordination programs.
October 2, 2000	Discussions consisted of the purpose and needs for the study and how they are used in decision making. Three needs were discussed: system linkage, traffic congestion, and safety.
November 15, 2000	Discussions consisted of the study needs, goals, and objectives; study-area boundary; and important natural and social features in the study area.
January 17, 2001	Discussions consisted of the study needs, development of the study purpose and needs statement, and further identification of natural and social features.
February 28, 2001	Results of the interagency coordination, crash data, and traffic forecasts were discussed. Performance measures for developing alternatives were developed.
May 2, 2001	Results of the informational and scoping meeting held in April 2001 were discussed. Other items discussed were travel-demand forecasting, natural and social features, and preliminary alternatives identification and development. To develop alternatives, the study team, with the PAC, created 1,000-foot-wide corridors for alternatives that satisfy the needs and purpose of the study with the least adverse environmental impacts. The corridors were drawn on the mapping of features and were subsequently refined and developed into 46 alternatives.
June 27, 2001	The range of reasonable alternatives, their overall feasibility, and preliminary impacts were presented. Results of the preliminary alternatives screening were explained. Changes were suggested to avoid and minimize impacts. Four additional alternatives were suggested.
July 18, 2001	The preliminary impacts for the additional alternatives developed were presented. A summary of traffic forecasting and analysis was presented.
October 23, 2001	Discussions consisted of results of the public and interagency coordination meetings in September and October 2001, a summary of regional transportation improvements and connected actions, traffic forecasting and analysis of alternatives, and a summary of the MaineDOT right-of-way and appraisal process. Alternative 1-4B was suggested for development and analysis.
December 19, 2001	Discussions consisted of impacts of Alternative 1-4B, range of alternatives, decision-making framework, and a summary of traffic forecasting and LOS analysis for the alternatives. The rationale for dismissing Alternatives 3E-2C and 3E-2C-2E was also discussed.
February 20, 2002	Comprehensive plans for the Bangor area, the city of Brewer, and the towns of Holden and Eddington were reviewed. Alternatives were discussed and identified for dismissal from further consideration.
May 22, 2002	Discussions consisted of results of the interagency coordination meeting in March 2002, the range of reasonable alternatives retained for continued study, and conceptual interchange and intersection designs. Nine new alternatives were developed.
July 24, 2002	Discussions consisted of a resolution from Holden, the alternatives retained for continued study, the reasons for dismissing alternatives, and the traffic operational characteristics of the alternatives. Eight new alternatives were suggested.
September 18, 2002	Discussions consisted of review of the alternatives retained for continued study and their potential impacts.
November 20, 2002	Discussions consisted of the range of reasonable alternatives, results of the interagency coordination meeting in October 2002, a summary of the MaineDOT right-of-way acquisition and relocation assistance programs, a summary of traffic forecasting, measures of effectiveness, and the rationale for dismissing a number of alternatives from further consideration. The town of Holden presented the results of its town meetings and an alternative that parallels existing utility corridors. Following this meeting, three alternatives – 2C-1, 2C-2, and 2C-1/2B-1 – were developed.
January 15, 2003	Discussions consisted of the results of two town of Holden and a town of Eddington sponsored meetings and specific facets of Alternatives 2C-1, 2C-2, and 2C-1/2B-1. Alternatives 2C-2 and 3A-3EIK-1 were dismissed from further consideration. Alternative 4B and suggestions for improving it were reviewed.
April 30, 2003	Discussions consisted of dismissing Alternatives 2B-1 and 3A-3EIK-1 from further consideration, modifications to Alternative 3EIK-2 to further reduce impacts, the results of the March 11, 2003, interagency meeting and the March 28, 2003, meeting with the USACE and the USEPA, and retaining the No-Build Alternative, Alternative 3EIK-2, and, potentially, Alternative 2C-1/2B-1 for further consideration.

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Exhibit 4.6 - Summary of PAC Meetings during Preparation of the EIS

PAC Meeting	Discussion and Results
August 20, 2008	Introduced the study-team participants and reviewed the process for preparing an EIS and how the study would be performed, an overview of the PAC and its function and ground rules, results of the public and agency scoping meetings, the public-involvement and agency-coordination programs, and the schedule for the study moving forward.
November 19, 2008	The PAC process and meeting ground rules were reviewed, followed by a review and discussion of the town of Holden's October 2008 resolution, traffic data, conceptual design of the range of reasonable alternatives including the "connectors," ways to further avoid and minimize impacts, and short-term activities to be performed.
April 15, 2009	An update to the alternatives analysis, the resultant impacts, and next steps were presented. The PAC was informed that Alternatives 5B2E3K and Alternative 2B-2 with connectors to 5A2E3K were dismissed from further consideration in favor of retaining variations of these alternatives with less adverse impact to the environment. The PAC suggested that the MaineDOT and the FHWA further reduce the range of alternatives being considered to only those that the MaineDOT and the FHWA are most seriously considering and rename those alternatives using simpler names.

The second public meeting was held on September 19, 2001. The purpose of the meeting was to provide an update on the progress of the study since the public scoping and informational meeting in April 2001. The study purpose and needs, range of alternatives considered for satisfying needs and purpose, preliminary alternatives screening, the range of alternatives retained for further consideration, and next steps were presented. The concerns and suggestions for improving the study were to look for more immediate ways to ease congestion on I-395 and Route 1A, give consideration to the No-Build Alternative, consider the cost effectiveness of alternatives as part of the evaluation, seek ways to minimize impacts to individual properties, enforce the no-passing regulation on Route 46, reinstitute freight and passenger rail on the former Calais branch, consider wildlife mortality in the evaluation

of alternatives, and consider actions to improve the safety on Route 46. There were no key resources or issues of primary concern identified at that time.

4.3.3 Website

A study-specific website (www.i395-rt9-study.com or the MaineDOT website: www.maine.gov/mdot/major-planning-studies/major-planning-stds.php) was developed early in the study and updated frequently. The website consists of a home page, a study overview, frequently asked questions, a "Stay Informed" page, resources (i.e., maps and publications), a glossary, and a links page. Shortly after each meeting, materials in support of the public-involvement program, including meeting agendas, handouts, maps, presentations, displays, and minutes, were placed on the website on the "Stay Informed" page.

4.3.4 Public Information

In support of the public-involvement program, circulation of public information was an important part of the study. Public information was released throughout the study in the forms of newspaper articles, press releases, newsletters, and posters on display in city and town offices.

4.4 Circulation of the DEIS and Summary of Substantive Comments

In early March 2012, MaineDOT mailed approximately 200 newsletters to property owners in the study area advising them of the status of the study, the circulation of the DEIS, opportunities to pose questions to MaineDOT and FHWA and receive answers, and provide comments. MaineDOT delivered approximately 250 copies of the newsletter to the City of Brewer and the towns of Holden, Eddington, and Clifton for distribution.

The MaineDOT and the FHWA announced the availability of the I-395/Route 9 Transportation Study DEIS on March 23, 2012 (Federal Register, Vol. 77, No. 57). A 60-day comment period immediately followed, during which MaineDOT and FHWA invited Federal, State and local agencies, Tribes, organizations, and individuals to submit comments on the I-395/Route 9 Transportation Study DEIS. The MaineDOT and FHWA received 11

comment letters (some with attachments), seven comment forms (some with attachments), 79 comment e-mails and one petition (Appendix A).

Two open houses and a public hearing were held during the 60-day comment period. The first open house was on April 4, 2012 at the Brewer Auditorium and the second open house was on May 2, 2012 at the Eddington Town Office. The purposes of the two open houses were to 1) meet with people with an interest in the study to answer questions about the study and, 2) receive suggestions for further avoidance and minimization of potential impacts from the build alternatives and ways to improve the analysis of alternatives prior to decision-making. The Public Hearing was held on May 2, 2012 at the Eddington School immediately after the open house; a transcript of the hearing was prepared. Nineteen attendees offered comments during the public hearing. The purpose of the public hearing was for the public to offer comments on the DEIS prior to preparation of the FEIS and decision-making; the public hearing was not a question and answer session. The public comment period on the I-395/Route 9 Transportation Study DEIS closed on May 15, 2012.

The MaineDOT submitted a preliminary permit application in accordance with Section 404 of the CWA to the USACE. Section 404 of the CWA requires a permit for the discharge of dredged and fill material into Waters of the U.S., including wetlands. In response to

What is a Substantive Comment?

A substantive comment is one which suggests the modifications of an alternative, suggests the development and evaluation of an alternative not previously considered, supplements, improves or modifies analyses, or corrects a factual error.

40 CFR 1503.4: Response to Comments

- A. An agency preparing a final environmental impact statement shall assess and consider comments both individually and collectively, and shall respond by one or more of the means listed below, stating its response in the final statement. Possible responses are to:
1. Modify alternatives including the proposed action.
 2. Develop and evaluate alternatives not previously given serious consideration by the agency.
 3. Supplement, improve, or modify its analyses.
 4. Make factual corrections.
 5. Explain why the comments do not warrant further agency response, citing the sources, authorities, or reasons which support the agency's position and, if appropriate, indicate those circumstances which would trigger agency reappraisal or further response.
- B. All substantive comments received on the draft statement (or summaries thereof where the response has been exceptionally voluminous), should be attached to the final statement whether or not the comment is thought to merit individual discussion by the agency in the text of the statement.
- C. If changes in response to comments are minor and are confined to the responses described in paragraphs (a)(4) and (5) of this section, agencies may write them on errata sheets and attach them to the statement instead of rewriting the draft statement. In such cases only the comments, the responses, and the changes and not the final statement need be circulated (Sec. 1502.19). The entire document with a new cover sheet shall be filed as the final statement

the preliminary permit application, the USACE issued their public notice soliciting comments on the project and range of issues addressed in the DEIS. The comment period on the preliminary permit application closed on May 17, 2012. The USACE's LEDPA determination was received by MaineDOT on July 31, 2013 (Appendix B).

The requirements for responding to comments received on DEISs are contained in 40 CFR 1503.4. When identifying substantive comments, MaineDOT and FHWA closely examined each letter, form and email and took a conservative approach to identifying substantive comments; if a remark appeared to suggest modifying an alternative, develop and evaluate a new alternative, improve or modify the analysis, or make factual corrections, it was identified as a substantive comment (Appendix A).