

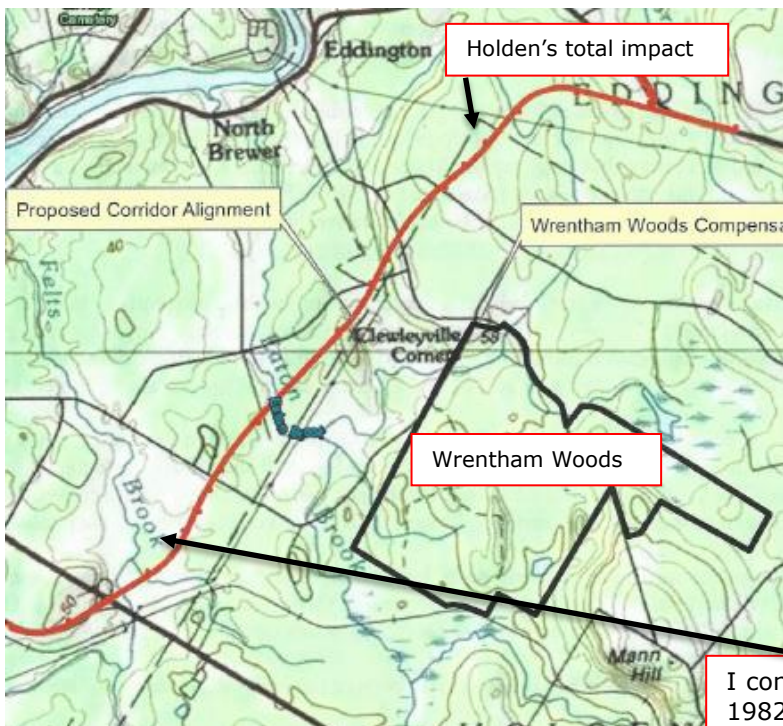
Comments to ACE Public Notice—File number NAE-2004-02472:

2B's deficiencies are well documented in the MaineDOT/FHWA/ACE [Technical Memorandum](#) of Oct. 2003, yet ignored by every state and federal agency that signed off on this project. 2B-2 only met 1 of 5 purpose and needs in April 2009 at the same time 3EIK-2 was DOT's preferred alternative. 45 of 79 studied alternatives met the system linkage need to provide limited access connectivity from I-395 to Route 9, EAST of Route 46. 2B-2, kept in play in April 2009 after ACE demands to have one proposal WEST of Route 46, is now a \$104 million project, meeting short-term needs only while failing to address this area's long-term needs.

The first mitigation proposal, a 130 acre conservation easement around the Sherman Marsh in Newcastle and Edgecomb, was [soundly rejected](#) by local opposition in Feb. 2017. (BDN)

Now, a second mitigation proposal: Wrentham Woods, 1,628 acres in the "heart of Holden" that the Holden Land Trust is apparently looking to acquire at taxpayer cost. What will this mitigation cost the Maine taxpayer and who really gains from this purchase? My initial impression was that someone was offloading property they didn't want; is this sale voluntary or an egregious abuse of eminent domain? Holden was already made whole when state and federal agencies, with no consideration for the two other impacted communities, covertly moved this connector almost completely outside of Holden's borders into my neighborhood, and now Holden will be rewarded once again with their own land preserve that impacted Brewer residents will help purchase and maintain—NO! Brewer residents, impacted through no fault of their own, will never be made whole by a mitigation in Holden. I find this proposal despicable and vehemently disapprove of the Holden mitigation proposal.

Why isn't the proposed mitigation where the environmental impact is the greatest? Holden, once declared as the "community of impact", is now the least impacted; was Brewer's Land Trust or City Council solicited in the mitigation process? If not, why not? Once again, as we have experienced throughout the 20 years of this study, the MaineDOT speciously refuses to acknowledge Brewer's existence, let alone listen to and address Brewer's many concerns.

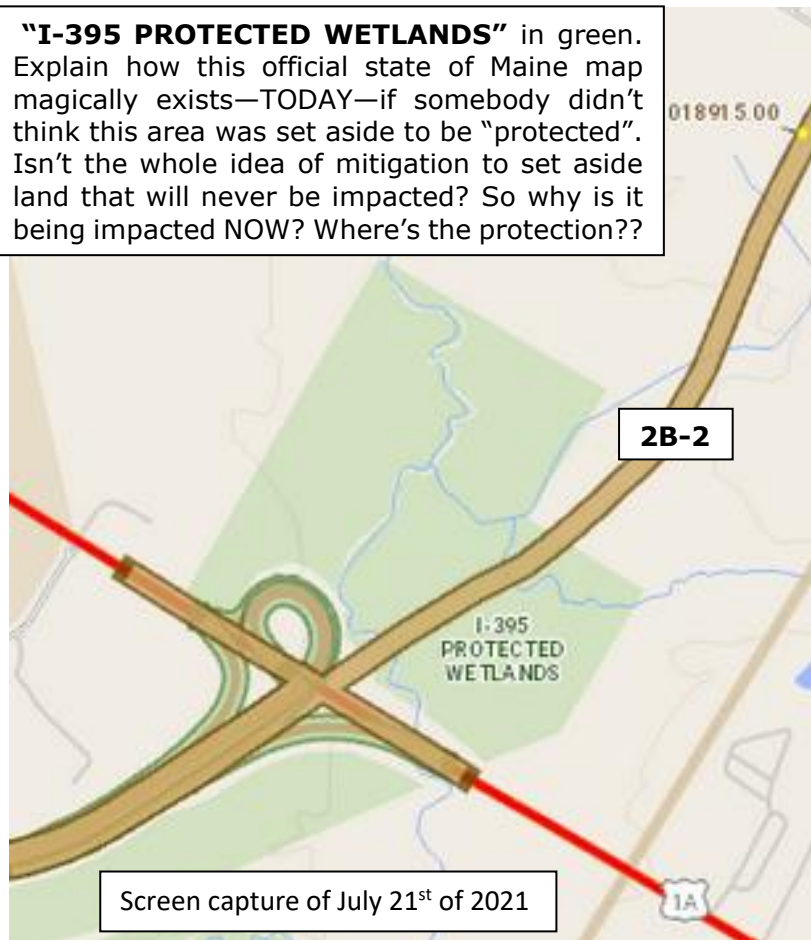


A more suitable mitigation would be to wholly encompass the impacted Felts Brook wetlands to prevent any further encroachment. The DOT purchased 120 acres of Felts Brook in 1982 during the I-395 extension project; I contend their objective was to create mitigation in the form of "I-395 PROTECTED WETLANDS" (see screen capture on next page). What rationalization exists for that purchase other than mitigation and if not, where was that project mitigated? What is the MaineDOT's definition of "PROTECTED" and why have so many state and federal agencies intentionally disregarded these protected wetlands over the last 20 years of the connector study?

I contend that the Felts Brook wetlands were mitigated in 1982 yet ignored in this study. Felts Brook wetlands need to be re-mitigated to prevent further encroachment.

The [official map](#) on MaineDOT's [official website](#) identifies "I-395 PROTECTED WETLANDS" on both sides of the Brewer end of I-395; the DOT's continued use of this map validates that the map must be a true and accurate representation of fact. How was the I-395 extension mitigated in the 80's and why does that apparent mitigation still remain on this map—40 years later—only to be conveniently ignored by the MaineDOT, FHWA and ACE? 2B-2 should have never been in consideration, let alone end up the preferred alternative, at a time when our state cannot afford to maintain existing roads and bridges due to a \$232 million annual shortfall, when at the same time they promote a controversial \$104 million project that many of us do not want nor see a need for, that fails to meet the original purpose and needs that were established by transportation professionals for most of the first decade of this study. I

"I-395 PROTECTED WETLANDS" in green. Explain how this official state of Maine map magically exists—TODAY—if somebody didn't think this area was set aside to be "protected". Isn't the whole idea of mitigation to set aside land that will never be impacted? So why is it being impacted NOW? Where's the protection??



I can't count how many times we have raised this issue since 2012. 2B was removed [first](#) from consideration in February 2002; "MDOT and FHWA thought, as a condition of the Record of Decision, or the Section 404 permit, or both, for the existing section of I-395, additional impacts to Felts Brook would not be permitted and therefore this alternative was not 'practicable' under the law." 2B was put back in play when the DOT could not validate the existence of said prior mitigation. 20 years following that questionable decision, an official map of the Felts Brook area is unmistakably identified as "I-395 PROTECTED WETLANDS".

2B was removed from consideration [again](#) in Jan. 2003 for failure to meet traffic congestion and system linkage needs, poor LOS, and lack of Route 9 access control contributing to safety concerns; those same officials ignored those same concerns in Sept. 2010.

The DOT has continually ignored any and all comments and concerns from Brewer residents and elected officials that don't fit their agenda. Is ignoring previous mitigation 'practicable' by law? Is the Army Corp willing to give their final approval, abetting the DOT's agenda?

Essential fish habitat: 2B-2 was one of only a few of the 79 routes affecting anadromous fish; 2B-2 crosses 3 streams, 2 which contain anadromous fish. 3EIK-2, the first DOT/FHWA preferred alternative, did not cross any stream containing anadromous fish—just another poor decision that mother nature will have to live with. Sadly, this didn't have to happen.

Asking for public comment in the eleventh hour when everything we've previously said has been ignored and marginalized is nothing more than a required check in a box, not really wanted and will be promptly disregarded. Or, as a gentleman that I admire just stated in the [BDN](#): "We already fought the fight and no one listened."

I disapprove of this project and the mitigation selection. I request the ACE do the same.