ENVIRONMENTAL REVIEW REPORT

ELIOT PUMPING STATION UPGRADES
MAIN STREET AND KING'S HIGHWAY

CWSRF No. C230231-03

February 2017

Owner:
TOWN OF ELIOT, ME

Submitted to:
STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Prepared by: Allison Rees, P.E.
Underwood Engineers, Inc.
99 North State Street
Concord, New Hampshire 03301
UE Job No. 1794

UNDERWOOD
engineers

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1. Purpose and Background

This Environmental Review report is required as part of the application the Town of Eliot are making to the Maine Municipal Bond Bank requesting a State Revolving Fund loan for the necessary upgrades required to the Main Street and Kings Highway pump stations in Eliot, Maine. The purpose of this report is to provide an Environmental Review and assessment of any impact the proposed work at the pump stations will have to the immediate surroundings and environment. The report is structured specifically to address directly the Maine Department of Environmental Protection Environmental Review questions and checklist provided in their letter dated April 1, 2015.

2. Project Description

2.1 Provide a brief description and purpose for the project(s), timeline, total cost of the project and a written description of the project's location;

In 2012, Underwood Engineers prepared a Value Engineering and Preliminary Design Report evaluating existing infrastructure and expansion of the sewer system. Significant deficiencies were found at two of the Town of Eliot's wastewater pumping stations; the Main Street Pumping Station and the King's Highway Pumping Station. The stations were found to be out of current code, equipment had significant wear, and they did not meet peak flows at the time. In addition, multiple failures of pumps and valves have occurred within the last 5 years at both stations.

In order to meet demand flows and current codes while keeping costs down, a Preliminary Engineering Report by Underwood Engineers dated January 21, 2014 recommended replacing the Main Street Pumping Station with a new at-grade station, and upgrading and adding on to the King's Highway Pumping Station. The total cost for the project is estimated to be $1.7M.

The Main Street and King's Highway Pumping Stations are both located on Main Street (Route 103) in Eliot, Maine. Please see the location plan in **Appendix 1.**

The Town wishes to bid the project in the Spring of 2017 with a targeted construction start date of June 2017.

2.2 Provide a brief description of the existing collection system, approximate year built, and who owns and operates it;

The Town of Eliot sewer system is owned by the Town of Eliot and maintained by the town's Department of Public Works. The Town currently has operation of

the pumping stations contracted out to Sturgeon Creek Enterprises. Eliot wastewater is pumped from the King's Highway Pumping Station to Kittery's Pump Station #7. It is then sent to the Kittery Wastewater Treatment Facility, which is owned and operated by the Town of Kittery.

Approximately 30% to 40% of the Town is served by the municipal sewer, with the balance served by on-site subsurface disposal systems. The existing wastewater collection system consists of primarily 8-inch diameter polyvinyl chloride (PVC) pipe. Larger diameter pipe (up to 12-inch diameter) is present for collectors in limited areas and ductile iron (DI) pipe was apparently used in areas with special circumstances such as deep cover, shallow cover, and river crossings. The wastewater collection system was generally constructed after the Kittery Inter-Municipal Agreement in the 1980s.

The Eliot sewer system consists of approximately 6.9 miles of gravity sewer, 3 sewage pumping stations, and 8 individual grinder stations. All wastewater is conveyed to Kittery from the King's Highway Pumping Station through an 8" force main located on Main St./Route 103. By Ordinance, Eliot does not own or maintain any portion of the sewer laterals that drain each privately owned parcel or property beyond the sewer main. However, Eliot does work with homeowners to prevent backups into their homes.

The Main Street Pumping Station was built in 1983. It is a below-grade dry pit station and wetwell on a Town-owned lot. Approximately two-thirds of the Town's flow passes through this station.

The King's Highway Pumping Station was built in 1983. It is a small brick building at grade over a below-grate dry pit on a Town-owned lot. All of the wastewater from the Town passes through this station to Kittery.

2.3 Provide locations of the treatment plant and outfall structure(s) and the name of the receiving water body.

The Town of Eliot sends its wastewater to the Kittery Wastewater Treatment Facility, located at the intersection of Dennet Drive and Ranger Road. All wastewater from the Eliot system is conveyed from the King's Highway pumping station to the Kittery Pump Station #7, which then pumps to the Kittery treatment facility, which discharges into the Piscataqua River.

Please see **Appendix 1** for location maps.

2.4 Provide a map of the project location on an 8-1/2 by 11 inch page, showing the names of streets. The project location(s) should be clearly marked or outlined, including pertinent notes, and include a title block.

Please see **Appendix 1** for location maps.

3. Easements

3.1 Provide an explanation of property ownership for each project area and any easements or land purchases that may be required to complete the project;

Both of the pumping stations are located on lots owned by the Town of Eliot. All work on the structures will be done on the Town-owned land, with some piping work in the Town and State right-of-ways.

The King's Highway Pumping Station work involves realigning the roadway intersection in front of the pumping station. This work will require a permanent land easement from a private landowner. The Town is currently working with the landowner to acquire the easement.

4. Public Input

4.1 Provide an explanation with dates of how each project underwent a public review and approval process;

Many informational meetings were held at the Board of Selectmen meetings over the past few years.

Underwood Engineers and the Department of Public Works met with individual abutters of the King's Highway Pumping Station to discuss the preliminary plans in March of 2015.

In April 2015, an informational handout with a summary of the preliminary findings and proposed costs was developed by the Town for the public.

The Eliot Town Meeting Newsletter published in June of 2015 contained a write-up regarding the problems with the current system, the preliminary findings, and the potential costs.

In addition to the Town Meeting vote in November 2016, which had a public hearing, this project was presented at separate Town Meeting votes on June 9, 2015, November 3, 2015, and June 14, 2016. All of these also head separate public bond hearings.

5. Design Drawings and Specifications

5.1 Provide progress design drawings and specifications, if available;

Existing and proposed site plans are included in **Appendix 2.**

6. Checklist

6.1 When answering the questions on the attached checklist, please provide additional explanation to any question with a "yes" or "possibly" answer;

1) Does the project entail the construction of new collection lines?

No.

2) Does the project entail the construction of a new discharge or the relocation of an existing discharge?

No.

3) Does the project entail a substantial increase in the volume or loading of pollutants which measurably degrade receiving waters?

No.

4) Does the project entail the provision of capacity for a population 30 percent or greater than the existing population within a ten year period?

Yes. The projected 20-year flows factor in future expansion of the existing collection system and the addition of the proposed Route 236 TIF district, as defined in a 2012 VE report prepared by Underwood Engineers. Please see the design flow summary in **Appendix 3.**

5) Does the project entail the construction of facilities that are known or expected to be not cost-effective?

No.

6) Does the project entail construction of facilities that are likely to cause significant public controversy?

No.

7) Does the project entail displacement of population or altering the characteristics of the existing residential areas?

No.

8) Will the construction or operation of the project conflict with local or state law or policies?

No.

9) **Will the project effect the pattern and type of land use or growth and distribution of the population?**

No.

10) **Will the treated effluent be discharged into a body of water, the classification of which is too lenient or is being challenged as too low to protect present uses, and not be of sufficient quality to meet the requirement of those uses?**

No.

11) **Will the project impact wetland areas?**

No. (Please see the NWI mapping in **Appendix 4.**)

12) **Will the project be located in floodplain areas?**

No. The King's Highway station is well outside the floodplain. At the Main Street station, the existing ground elevation is above the 100-year flood elevation of Spinney Creek (elevation 9). Per Executive Order 13690, the 100-year plus 3 elevation for a critical building would put that elevation at 12.

The building, pumps, and pavement will all be at elevation 14 and above.

Please see the flood maps in **Appendix 4.**

13) **Will the project impact wild and scenic rivers?**

No.

14) **Will the project impact threatened or endangered species or their habitats?**

No. (Please see the Federal iPAC report in **Appendix 4.**)

15) **Will the project impact cultural resources including parklands, preserves, other public land or areas of recognized scenic, recreational, agricultural, archeological or historic value?**

No.

16) **Will the project impact air quality?**

Yes, air quality may be affected temporarily during construction activities but will return to normal once construction is complete.

17) Will the project impact local noise levels?

Yes, noise levels will be temporarily higher during construction due to equipment in use. However, at King's Highway, the existing generator is outside. After the addition is built, the new generator will be inside the building, which will permanently reduce noise levels in the area.

18) Will the project impact surface and or groundwater quantity or quality?

No.

19) Will the project impact fish and shell fish habitat?

No.

20) Will the project impact wildlife habitats?

No.

21) Will the project impact public or private drinking water supply?

No.

22) Will the project impact farmland?

No.

23) Will the project impact any other known environmentally sensitive area, such as a coastal barrier, fragile mountain, river, stream, or brook, etc ?

No.

7. Permitting

7.1 Please explain any local, state or federal environmental permitting issues that need to be addressed, i.e. Natural Resource Protection Act (NRPA), Army Corps of Engineers, etc. Provide a copy of the permit(s) and application(s);

NRPA: It was determined no NRPA permits is needed. There are no delineated wetlands within 75-feet of either station, and no waterfowl or wading bird habitats will be impacted. Please see email correspondence in **Appendix 5**.

Army Corp of Engineers: Not applicable, since wetlands will not be disturbed.

8. Agency Contact

8.1 List agencies contacted, i.e. State Planning Office, State Historic Preservation Commission, Department of Conservation, etc. and provide response letters and pertinent maps.

The State Historic Preservation Commission was contacted in regards to historic properties in the area. It was determined no historic properties will be affected. A response letter is included on the next page.

8.2 Provide names and addresses of any local environmental organization(s) that might have an interest in the project(s);

Eliot Historical Society
P.O. Box 3
Eliot, ME 03903

Eliot Conservation Commission
1333 State Road
Eliot, ME 03903

Eliot Energy Commission
1333 State Road
Eliot, ME 03903

York County Soil and Water Conservation District
21 Bradeen Street, Suite 104
Springvale, ME 04083

civil &
environmental
engineering

UNDERWOOD
engineers

RECEIVED
JAN 06 2017
UNDERWOOD ENGINEERS
CONCORD, NH

RECEIVED
DEC 21 2016
By 1835-14

1794.05

December 19, 2016

Mr. Kirk Mohney
Historic Preservation Commission
65 State House Station
Augusta, ME 04333

Re: Main Street and King's Highway Pumping Station Improvements - Eliot, Maine

Dear Mr. Mohney:

On behalf of the Town of Eliot, Underwood Engineers is working to secure CWSRF funding for the Eliot Main Street and King's Highway Pumping Station Improvements Project. This project will be constructed in 2017.

The project includes work at two existing wastewater pumping stations. Both stations were built circa 1983. The Main Street Pumping Station will be removed and replaced at the same location with a new station. The King's Highway Pumping Station will be upgraded, and an addition to the building will be constructed. A 10'-wide permanent easement is necessary at the King's Highway Station to realign an existing roadway intersection. The majority of the work will be completed on Town of Eliot property, with some pipe work within the Maine DOT right-of-way.

Identification of resources is required as part of the environmental review. To facilitate your review, we have enclosed a USGS map, vicinity plan, and a conceptual figure for each station. We are requesting that your department review the study area and advise us of any concerns or possible impacts. Please forward information relating to possible impacts to us at your earliest convenience. Your assistance is greatly appreciated.

Feel free to contact me at arees@underwoodengineers.com if more information is needed.

Very truly yours,

UNDERWOOD ENGINEERS, INC.

Allison M. Rees

Allison Rees
Project Engineer

Encl.

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

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

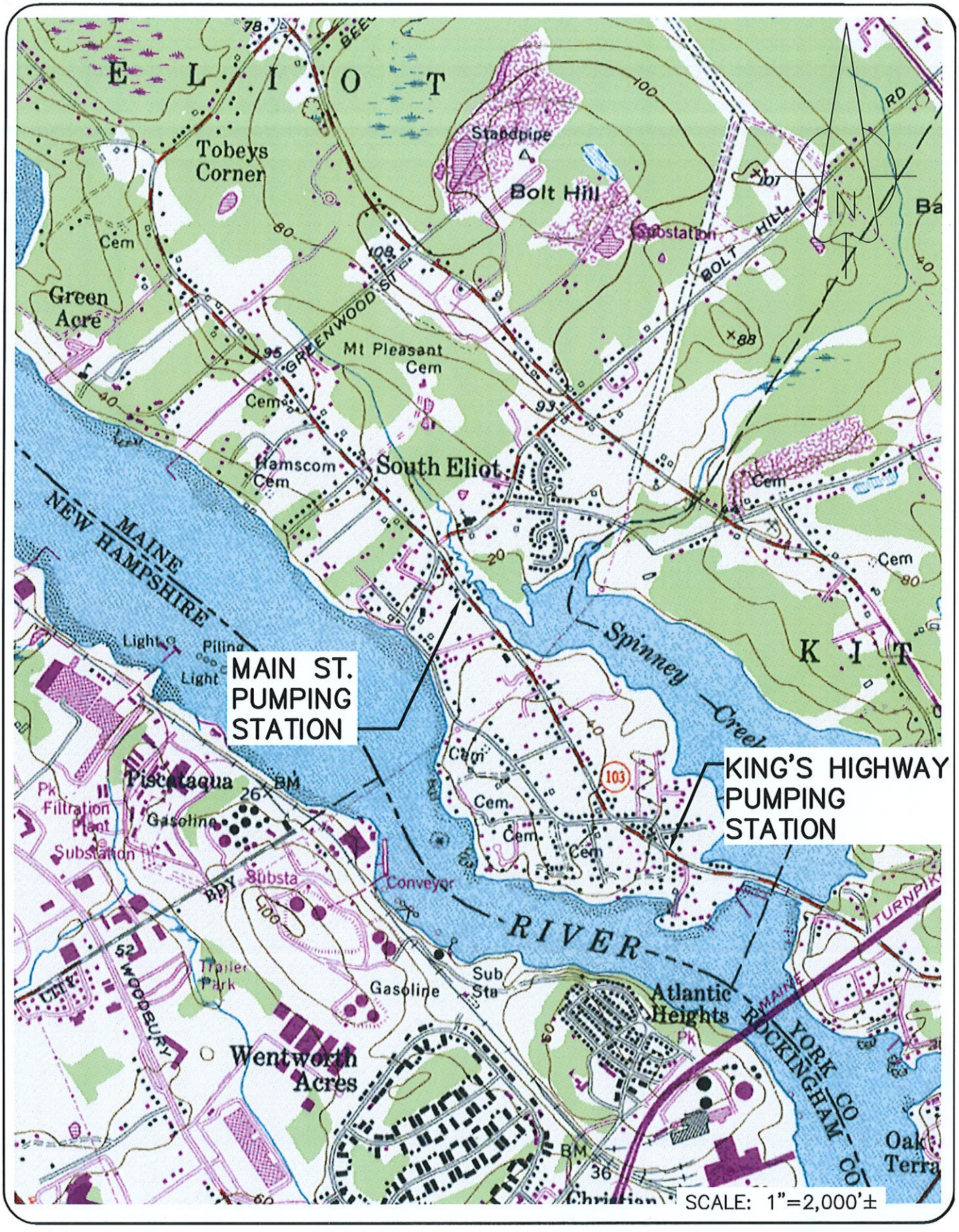
1/4/17
Date

cc: Joel Moulton – Town of Eliot
Keith Pratt, Steve Smith – Underwood Engineers

ph 603.230.9898
fx 603.230.9899
99 North State Street
Concord, NH 03301
underwoodengineers.com

APPENDIX 1

USGS AND VICINITY PLANS



DATE			
2/2017	UNDERWOOD engineers 99 North State Street, Concord, N.H. 03301 Tel. 603-230-9898 Fax. 603-230-9899	USGS PLAN MAIN ST & KING'S HWY PUMPING STA. IMPROVEMENTS TOWN OF ELIOT ELIOT, MAINE	FIG.
PROJECT			1
1794			

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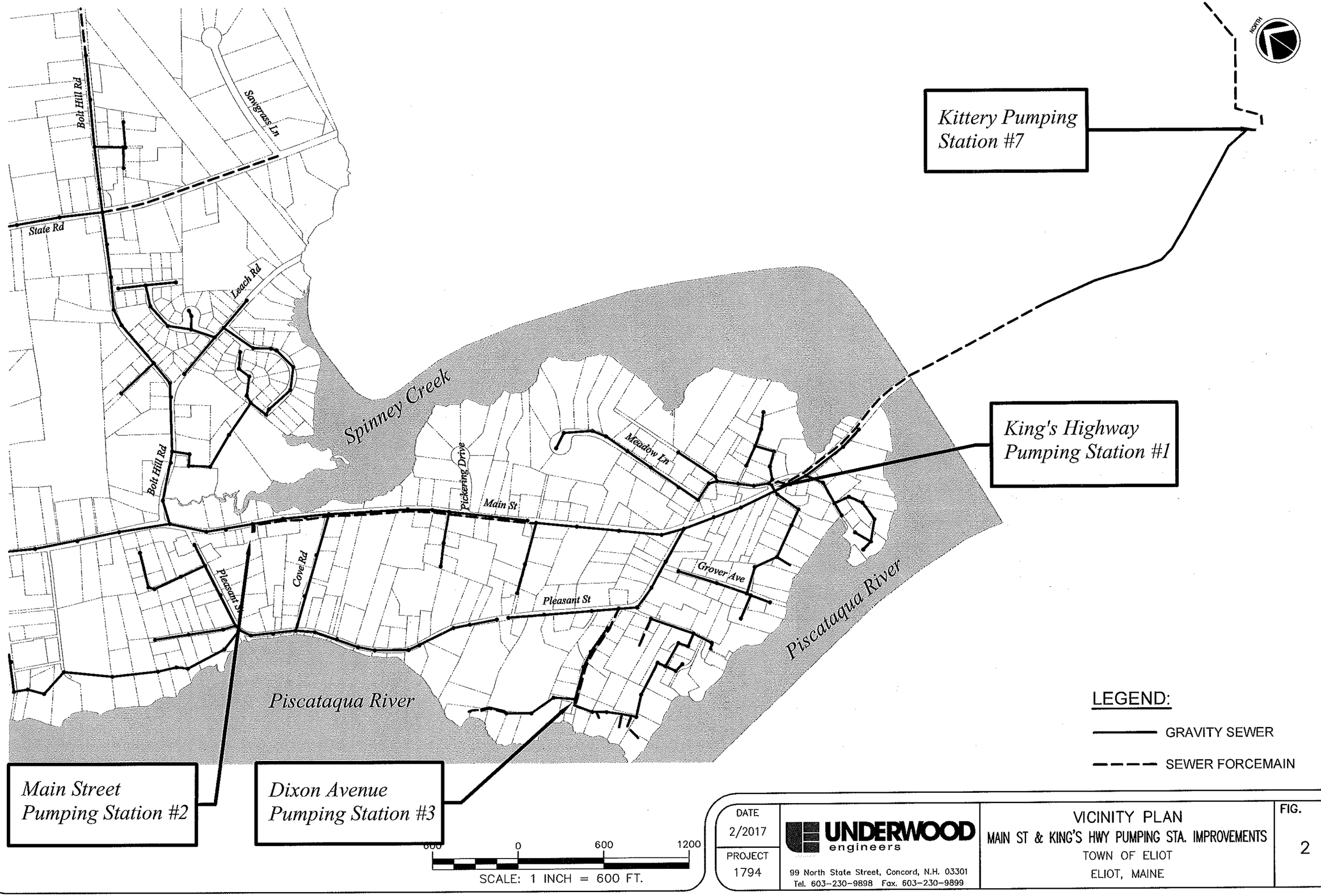
APPENDIX 2

PUMP STATION SITE PLANS



DATE 2/2017 PROJECT 1794	UNDERWOOD engineers 99 North State Street, Concord, N.H. 03301 Tel. 603-230-9898 Fax. 603-230-9899	VICINITY PLAN MAIN ST & KING'S HWY PUMPING STA. IMPROVEMENTS TOWN OF ELIOT ELIOT, MAINE	FIG. 2

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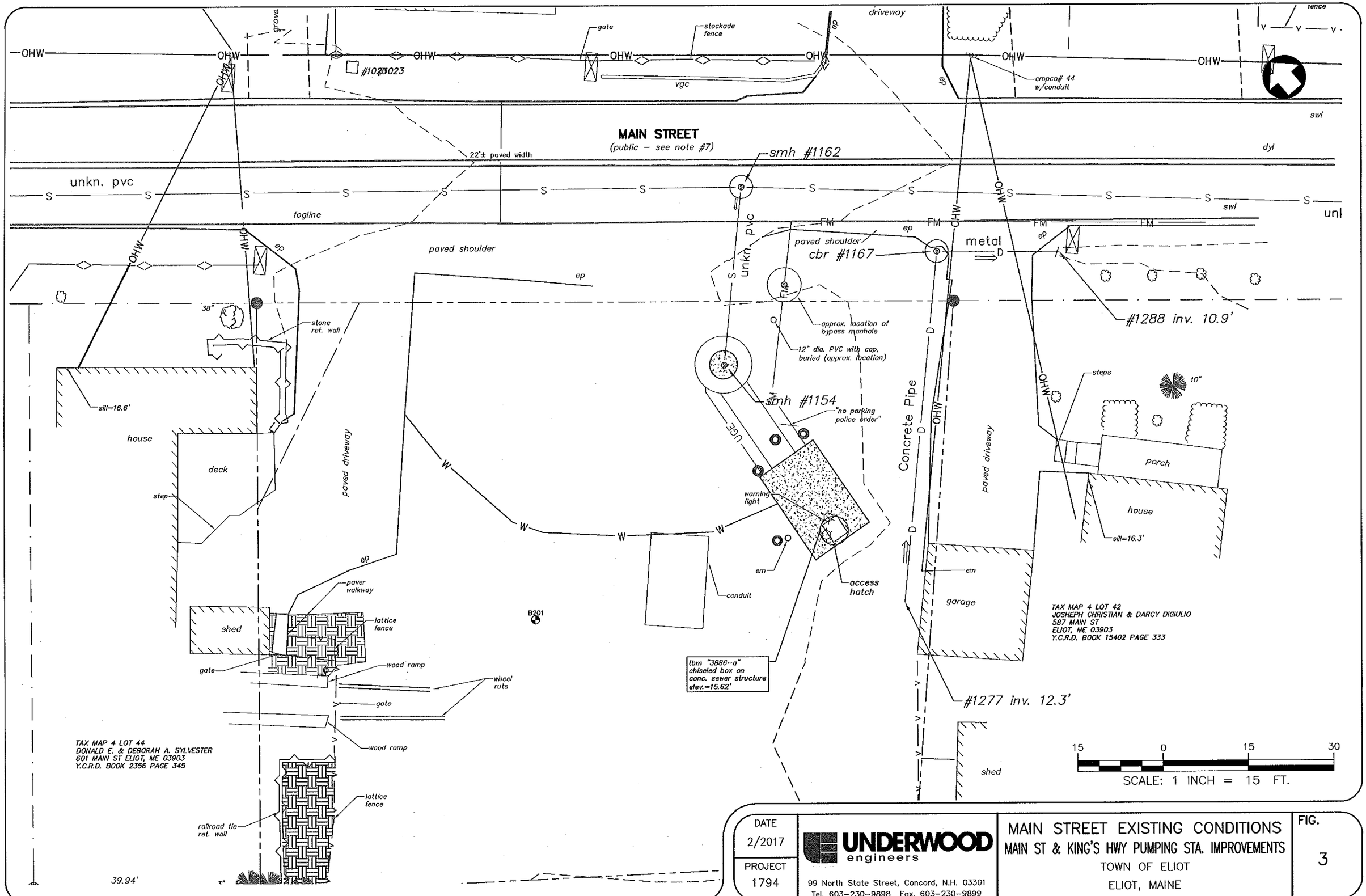
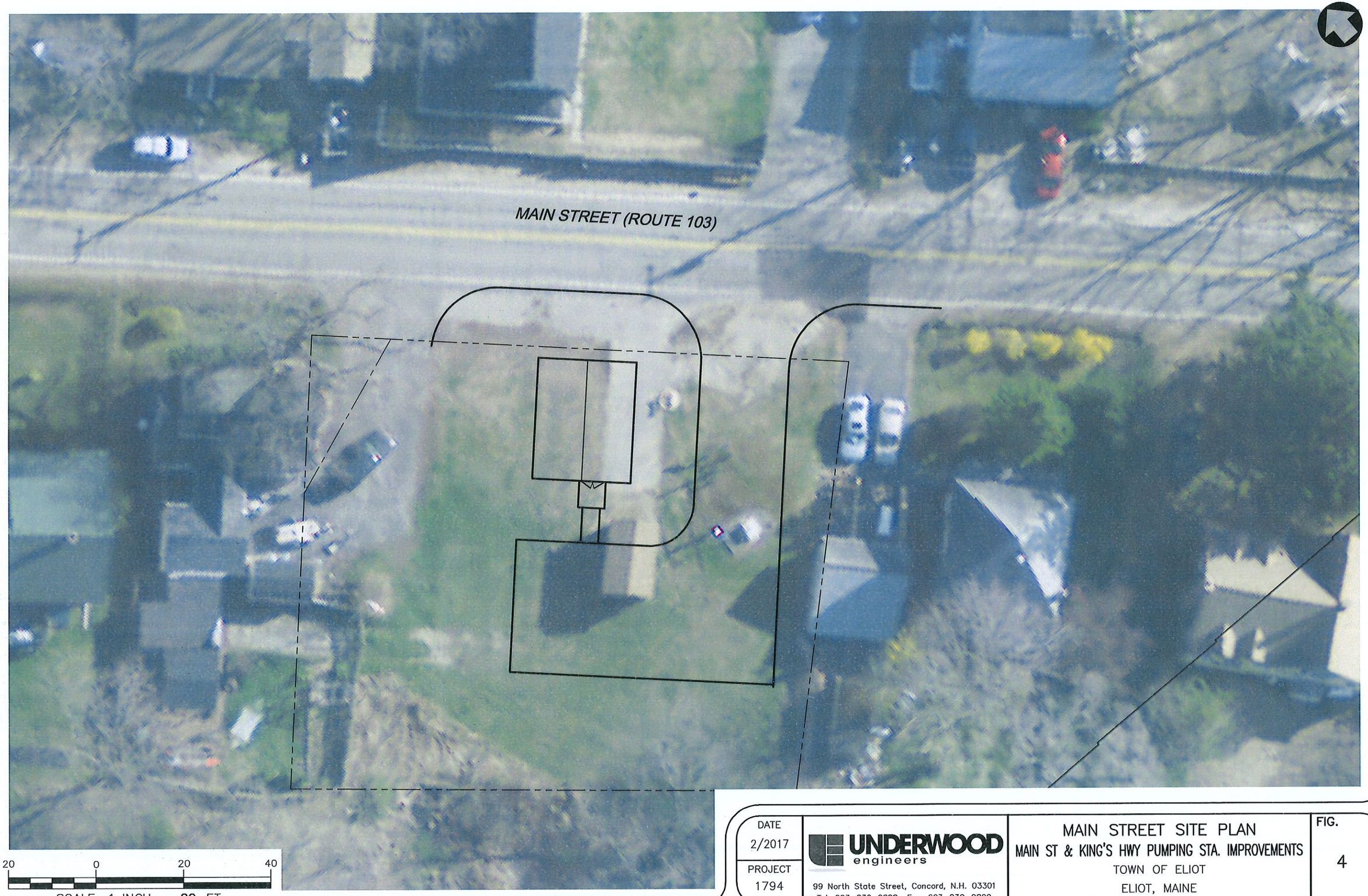


DATE			FIG.
2/2017	UNDERWOOD engineers	MAIN STREET EXISTING CONDITIONS	3
PROJECT	99 North State Street, Concord, N.H. 03301	MAIN ST & KING'S HWY PUMPING STA. IMPROVEMENTS	
1794	Tel. 603-230-9898 Fax. 603-230-9899	TOWN OF ELIOT	
		ELIOT, MAINE	

N:\h drive concord\Real Numbers\ELIOT ME\1794 PS Upgrade\DWG\WET FIGS_1794PLAN-MS FIG.dwg, 2/2/2017 2:23:53 PM



DATE 2/2017 PROJECT 1794	UNDERWOOD engineers 99 North State Street, Concord, N.H. 03301 Tel. 603-230-9898 Fax. 603-230-9899	MAIN STREET SITE PLAN MAIN ST & KING'S HWY PUMPING STA. IMPROVEMENTS TOWN OF ELIOT ELIOT, MAINE	FIG. 4

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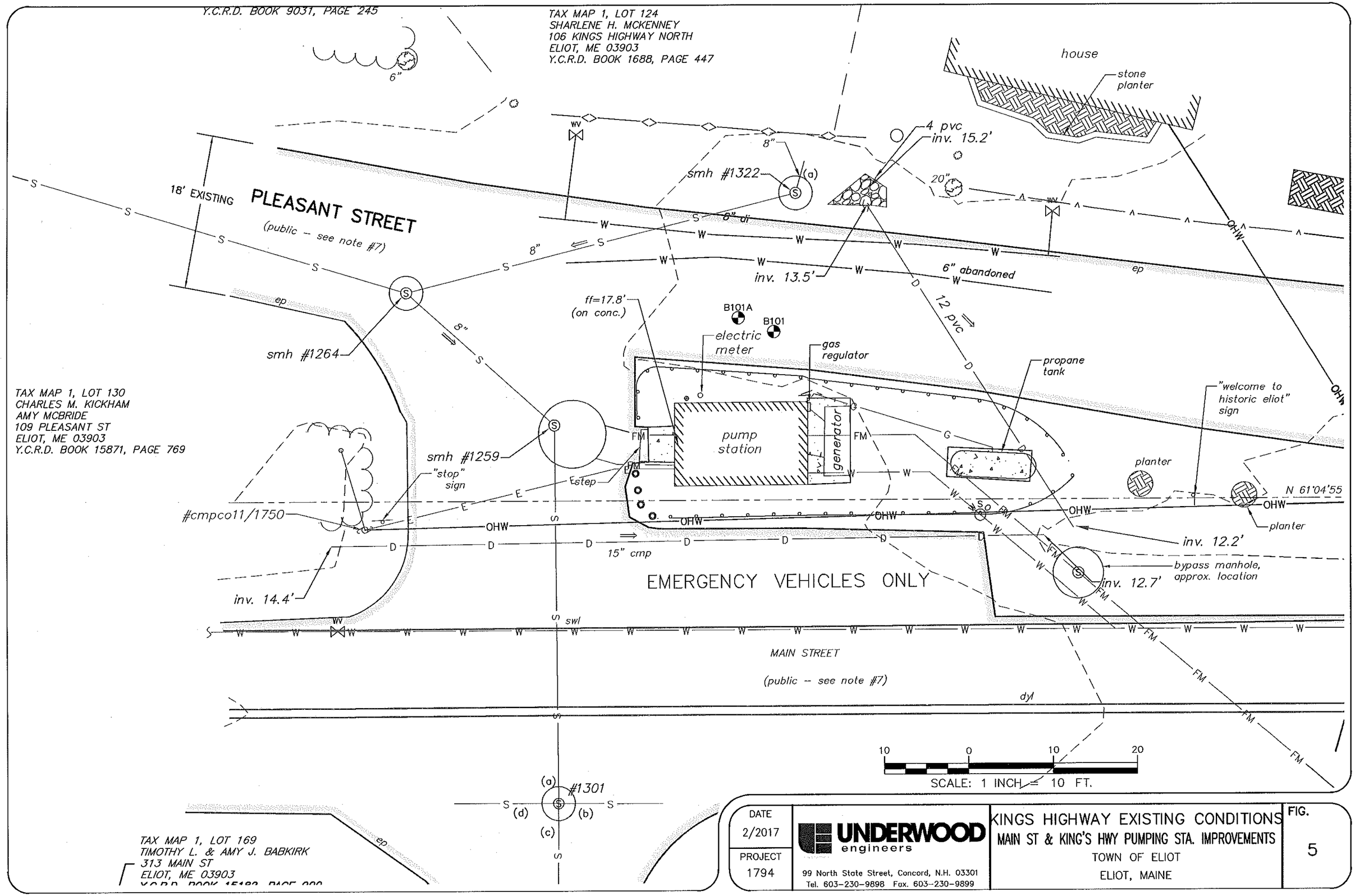

DATE			FIG.
2/2017	UNDERWOOD engineers	KINGS HIGHWAY EXISTING CONDITIONS	5
PROJECT		MAIN ST & KING'S HWY PUMPING STA. IMPROVEMENTS	
1794	99 North State Street, Concord, N.H. 03301 Tel. 603-230-9898 Fax. 603-230-9899	TOWN OF ELIOT ELIOT, MAINE	

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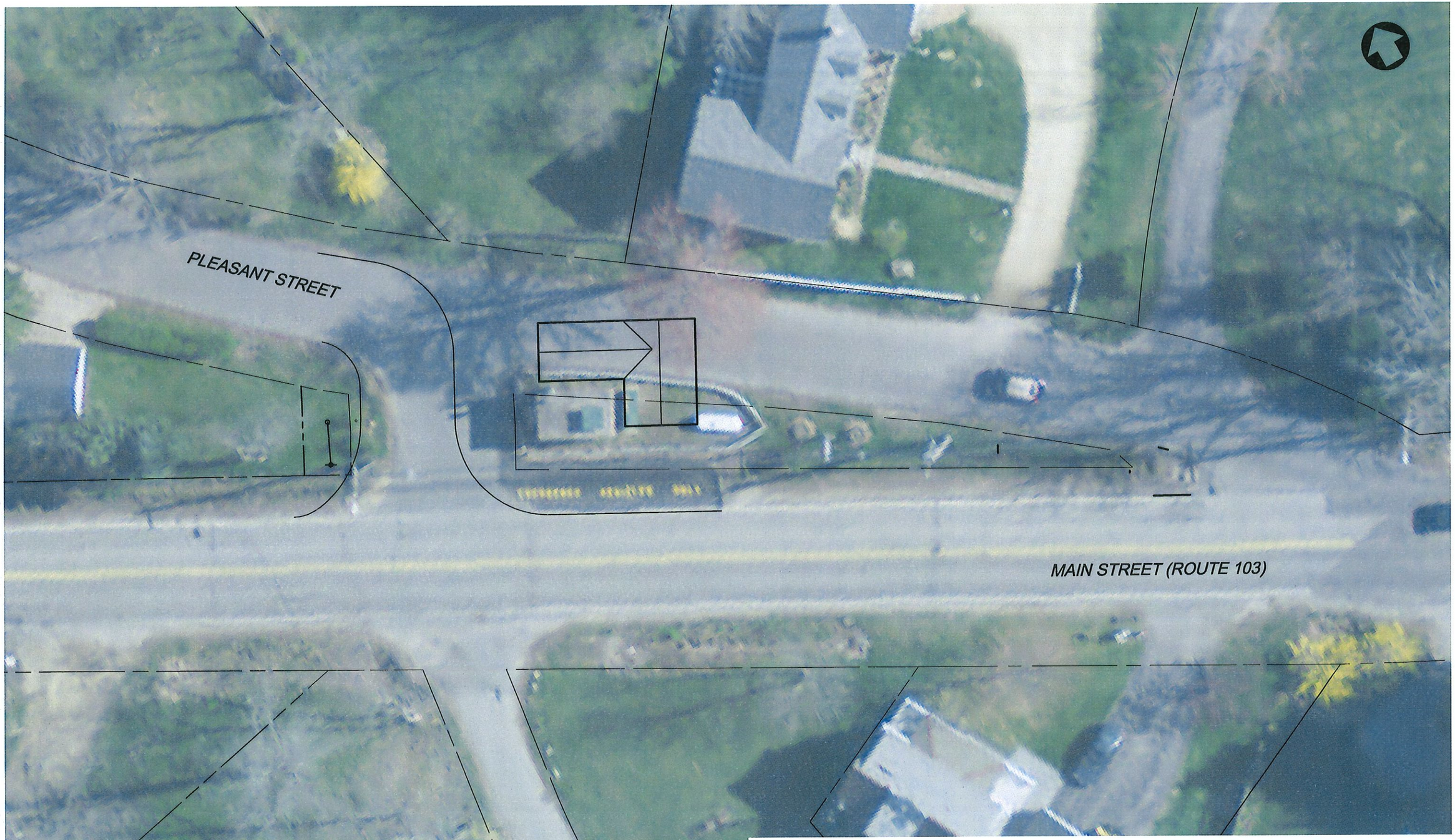

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SCALE: 1 INCH = 20 FT.

DATE 2/2017 PROJECT 1794	UNDERWOOD engineers 99 North State Street, Concord, N.H. 03301 Tel. 603-230-9898 Fax. 603-230-9899	KINGS HGHWAY SITE PLAN MAIN ST & KING'S HWY PUMPING STA. IMPROVEMENTS TOWN OF ELIOT ELIOT, MAINE	FIG. 6

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APPENDIX 3

DESIGN FLOW SUMMARY

Eliot, Maine Summary of Pumping Station Design Flows

Main Street Pump Station

	Average Daily Flow GPD	Peaking Factor	Peak Flow (calculated), GPM	Remarks
Existing today, w/o TIF	**70,000**	**5.8**	**282**	Use 500 gpm for pump design based on 2012 VE Report
Existing areas expansion – 20yr	27,000			Use 550 gpm for pump design based on 2012 Report
I/I Reduction	-24,000			
Phase 1 TIF – 20 yr	42,000			
Phase 1 Total	**115,000**	**5.2**	**415**	
Phase 2 TIF and other areas in Eliot – 20 yr	222,000			
Phase 2 Total	**337,000**	**4.0**	**936**	Use 950 gpm (PF = 4)

Kings Highway Pump Station

	Average Daily Flow GPD	Peaking Factor	Peak Flow (calculated), GPM	Remarks
Existing today, w/o TIF	**115,000**	**5.8**	**463**	Use 700 gpm for pump design based on 2012 VE Report
Existing areas expansion – 20yr	27,000			Use 700 gpm for pump design based on 2012 Report
I/I Reduction	-24,000			
Phase 1 TIF – 20 yr	42,000			
Phase 1 Total	**160,000**	**5.0**	**556**	
Phase 2 TIF and other areas in Eliot – 20 yr	222,000			
Phase 2 Total	**382,000**	**4.0**	**1,061**	Use 1,100 gpm (PF = 4)
IMA Total	**400,000**	**4.0**	**1,111**	1,100 gpm (PF = 4)

Notes

This table updates Average Flows in the PE Report (draft April 2012) based on flowmeter data to date, including new flowmeter at Kings Highway pump station

Kings Highway pump station with old flowmeter recorded flows up to 700 gpm during extreme storm events in March 2010 and March 2011.

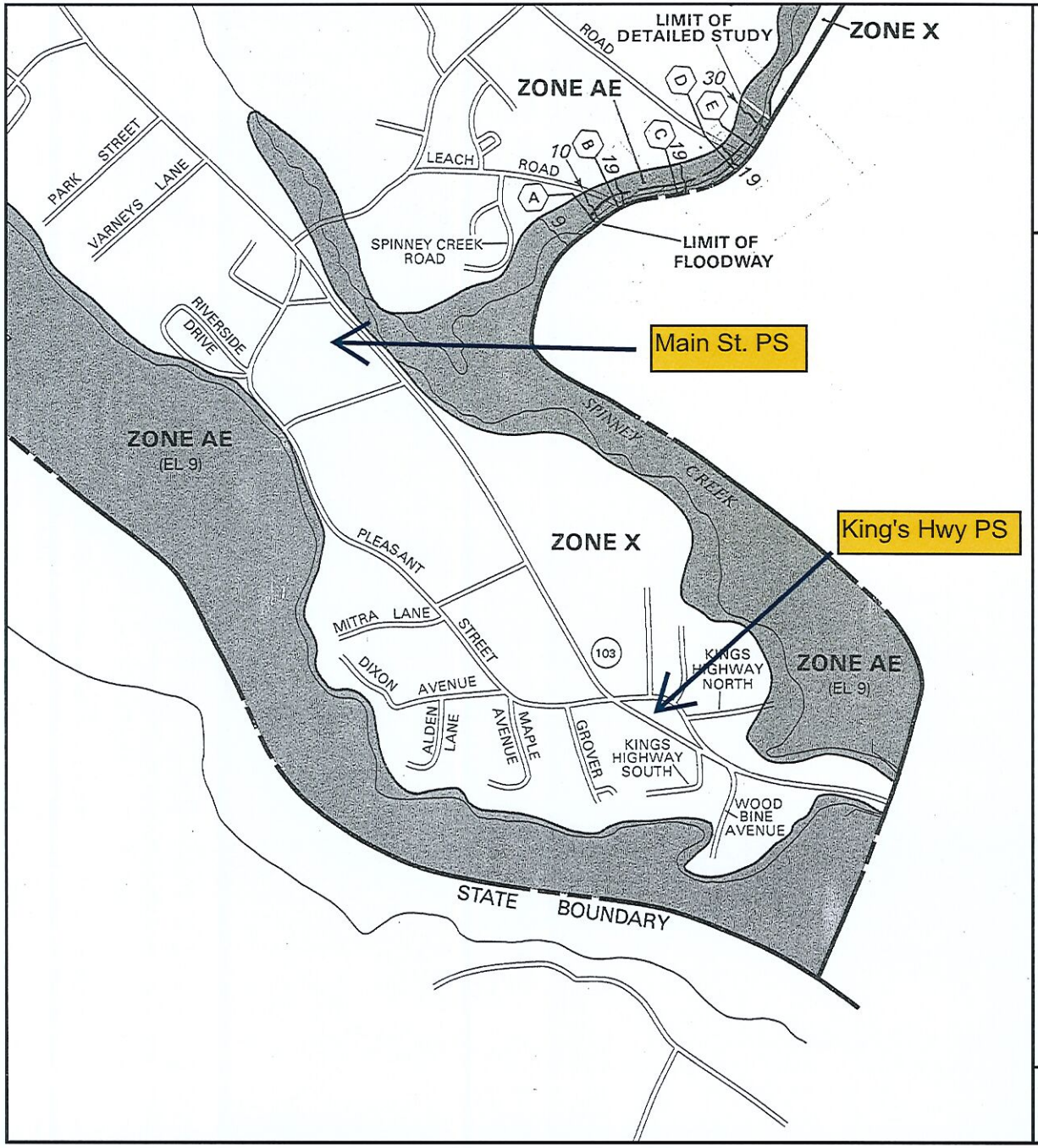
Peaking Factors based on Figure 2-1 from WEF TR-16.

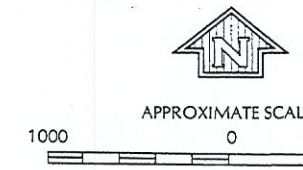
Future flow additions based on the 2012 VE Report.

Initial pump rates may be possible to be set lower on VFDs but full design capacity is recommended to be available.

APPENDIX 4

CHECKLIST DOCUMENTATION



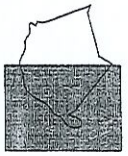


NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP

TOWN OF
ELIOT,
MAINE
YORK COUNTY

PANEL 10 OF 10
(SEE MAP INDEX FOR PANELS NOT PRINTED)



PANEL LOCATION

COMMUNITY-PANEL NUMBER
230149 0010 B

EFFECTIVE DATE:
JUNE 5, 1989

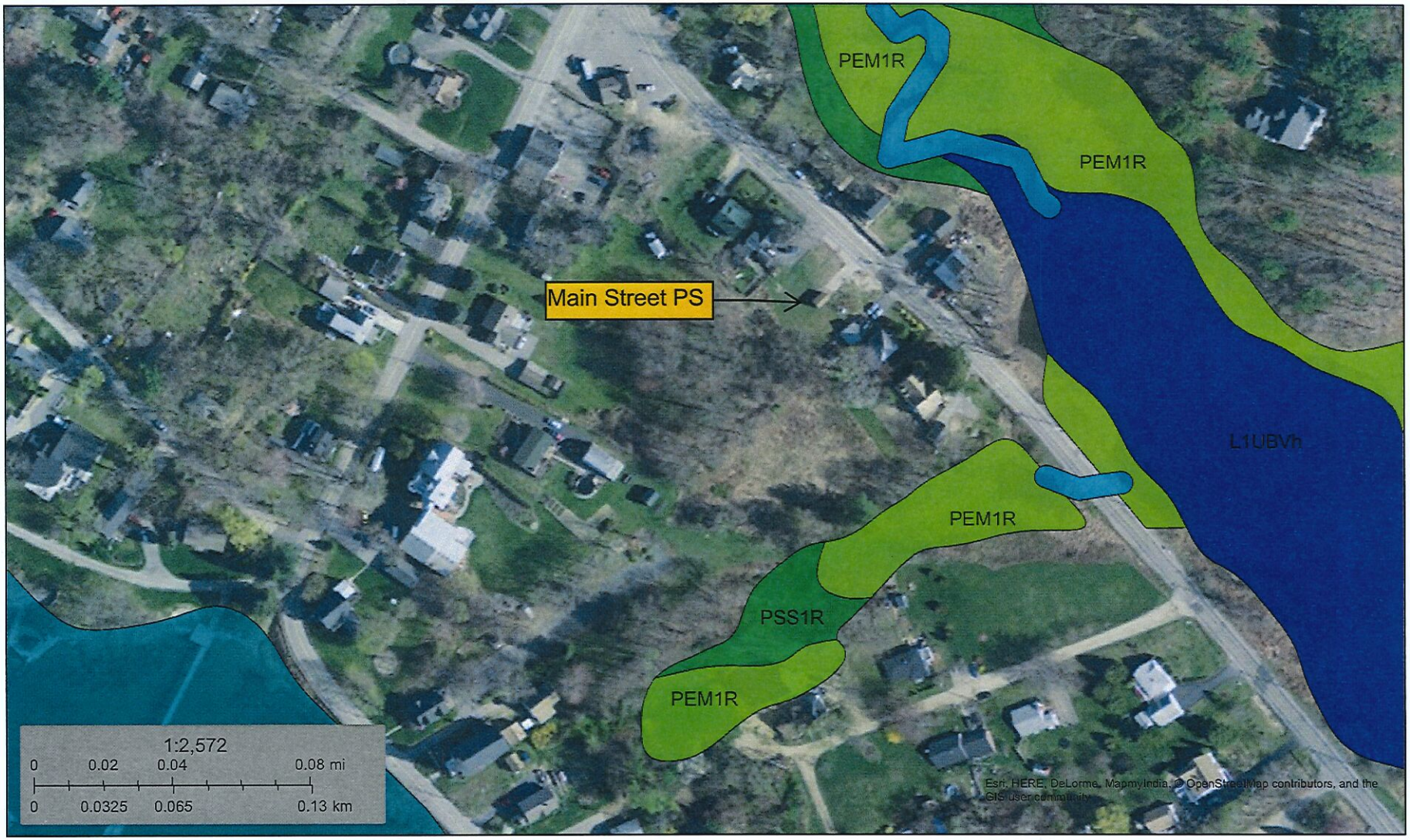
Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

U.S. Fish and Wildlife Service

National Wetlands Inventory

Main Street Pumping Station



December 9, 2016

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

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

U.S. Fish and Wildlife Service

National Wetlands Inventory

King's Highway Pumping Sttion

December 9, 2016

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

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

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

Consultation Code: 05E1ME00-2017-SLI-0132 December 09, 2016
Event Code: 05E1ME00-2017-E-00169
Project Name: Main Street Pumping Station

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 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: Main Street Pumping Station

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-0132
Event Code: 05E1ME00-2017-E-00169

Project Type: WASTEWATER FACILITY

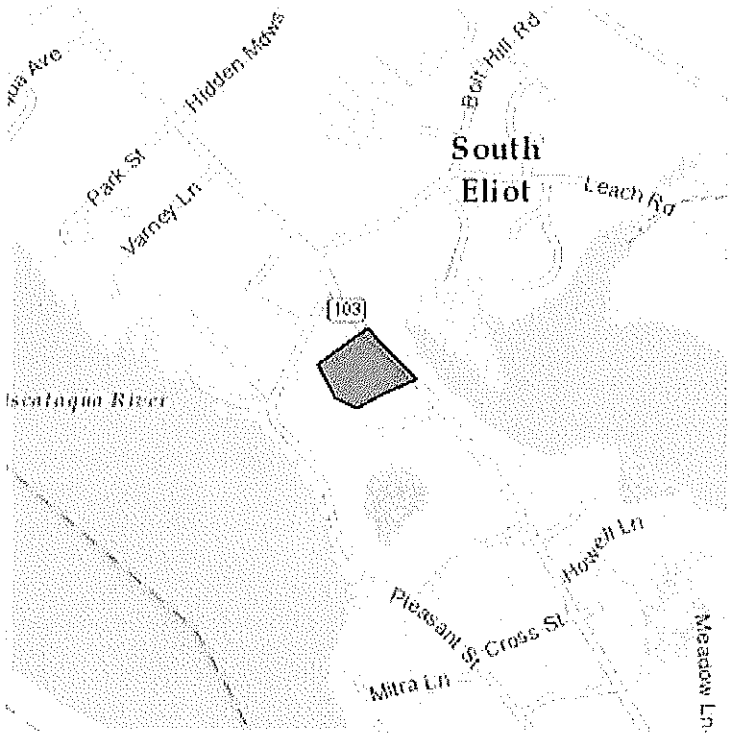
Project Name: Main Street Pumping Station
Project Description: New pumping station to be constructed in 2017

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: Main Street Pumping Station

Project Location Map:



Project Coordinates: MULTIPOLYGON (((-70.77945113182068 43.10538523797397, -70.77857673168182 43.10475075339864, -70.77937602996826 43.10448442458037, -70.77990174293517 43.1042650940953, -70.78036308288574 43.10442959203277, -70.780770778656 43.10498966502915, -70.77965497970581 43.10556931560153, -70.77945113182068 43.10538523797397)))

Project Counties: York, ME

United States Department of Interior
Fish and Wildlife Service

Project name: Main Street Pumping Station

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 *(Myotis septentrionalis)* Population: Wherever found	Threatened		

United States Department of Interior
Fish and Wildlife Service

Project name: Main Street Pumping Station

Critical habitats that lie within your project area

There are no critical habitats within your project area.

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

Consultation Code: 05E1ME00-2017-SLI-0133 December 09, 2016
Event Code: 05E1ME00-2017-E-00171
Project Name: King's Highway Pumping Station

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 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:
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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: King's Highway Pumping Station

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-0133
Event Code: 05E1ME00-2017-E-00171

Project Type: WASTEWATER FACILITY

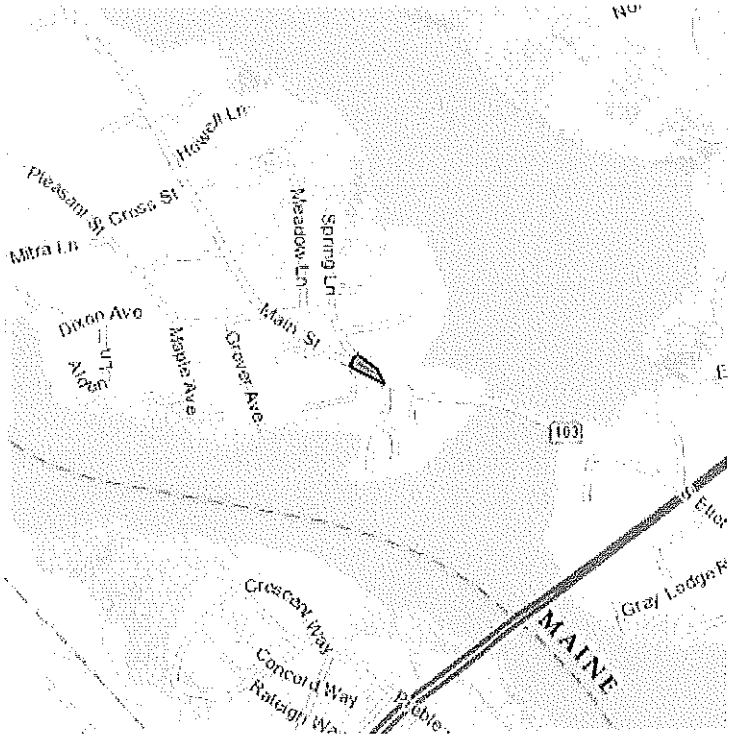
Project Name: King's Highway Pumping Station
Project Description: Addition to existing pumping station

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: King's Highway Pumping Station

Project Location Map:



Project Coordinates: MULTIPOLYGON (((-70.77049255371094 43.09774552829246, -70.77004730701447 43.0975007128091, -70.76985955238342 43.09723826952393, -70.77075272798538 43.09757317829417, -70.77063739299774 43.09775336237175, -70.77057838439941 43.09779449127165, -70.77049255371094 43.09774552829246)))

Project Counties: York, ME

United States Department of Interior
Fish and Wildlife Service

Project name: King's Highway Pumping Station

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 *(Myotis septentrionalis)* Population: Wherever found	Threatened		

Critical habitats that lie within your project area

There are no critical habitats within your project area.

APPENDIX 5

NRPA CORRESPONDENCE

Allison Rees

From: Cherry, David <David.Cherry@maine.gov>
Sent: Thursday, January 16, 2014 2:53 PM
To: 'Allison Rees'
Subject: RE: Maine DEP Response for Permitting Requirements

No problem!

Chapter 305, page 3. It's towards the bottom of the page.

David Cherry
Environmental Specialist
Maine Department of Environmental Protection
Bureau of Land and Water Quality
312 Canco Road
Portland, ME
david.cherry@maine.gov
207-523-9807

From: Allison Rees [mailto:arees@underwoodengineers.com]
Sent: Thursday, January 16, 2014 2:51 PM
To: Cherry, David
Subject: RE: Maine DEP Response for Permitting Requirements

Sorry to bug you again, but where can I find info on a Section 2 permit? Is that the Chapter 310 – Wetlands link?

Thanks,
Allison

Allison Rees, P.E.
Project Engineer
Underwood Engineers
99 North State Street
Concord, NH 03301

From: Cherry, David [mailto:David.Cherry@maine.gov]
Sent: Thursday, January 16, 2014 1:29 PM
To: 'Allison Rees'
Subject: RE: Maine DEP Response for Permitting Requirements

You are correct!

David Cherry
Environmental Specialist
Maine Department of Environmental Protection
Bureau of Land and Water Quality

312 Canco Road
Portland, ME
david.cherry@maine.gov
207-523-9807

From: Allison Rees [mailto:arees@underwoodengineers.com]
Sent: Thursday, January 16, 2014 1:28 PM
To: Cherry, David
Subject: RE: Maine DEP Response for Permitting Requirements

Okay, so no Section 20, but once we have it delineated, if there are wetlands at the back within 75 feet of where we're putting the station, then we'll need Section 2. Correct? If so, I'll look into what a Section 2 permit entails to write up a brief paragraph on it in the preliminary report.

Sorry again about the location change.

Thank you so much for your help! Have a great day!
Allison

Allison Rees, P.E.
Project Engineer
Underwood Engineers
99 North State Street
Concord, NH 03301

From: Cherry, David [mailto:David.Cherry@maine.gov]
Sent: Thursday, January 16, 2014 1:24 PM
To: 'Allison Rees'
Subject: RE: Maine DEP Response for Permitting Requirements

It changes everything! No problems though! The location is not within the waterfowl and wading bird habitat so no need to do Section 20. Depending on the results of the wetland delineation you may need to do a permit for Section 2, activities adjacent to a protected resource, since you'll be within 75 feet of the wetland. Let me know though if you have any other questions.

Again, no problem with the new information. Always better to get the right answer before too much time and effort is put in!

Thanks,

David Cherry
Environmental Specialist
Maine Department of Environmental Protection
Bureau of Land and Water Quality
312 Canco Road
Portland, ME
david.cherry@maine.gov
207-523-9807

From: Allison Rees [mailto:arees@underwoodengineers.com]
Sent: Thursday, January 16, 2014 1:05 PM
To: Cherry, David
Subject: RE: Maine DEP Response for Permitting Requirements

Hi David,

I'm glad you sent that map – it's actually close to but not exactly in that spot. It's on the other side of the street a little more to the south. I just scanned in the vicinity map and an aerial figure of the existing lot and attached it. I should have thought to send this to you before! I'm sorry.

On the vicinity plan, it's the one that says "Replace Main Street Pump Station".

Does this change things?

Thank you,
Allison

Allison Rees, P.E.
Project Engineer
Underwood Engineers
99 North State Street
Concord, NH 03301

From: Cherry, David [mailto:David.Cherry@maine.gov]
Sent: Thursday, January 16, 2014 12:48 PM
To: 'arees@underwoodengineers.com'
Subject: Maine DEP Response for Permitting Requirements

Allison,

Very nice to talk with you today about your proposed pump house replacement. As I said on the phone, the property falls within Inland Waterfowl and Wading Bird Habitat which, under the Natural Resources Protection Act, is designated as Significant Wildlife Habitat. I've included a copy of the map to this e-mail showing the project area and vicinity.

For permitting requirements, a Permit-By-Rule will be required for the construction of the new pump house and demo of the old. I've included some links for you for the application and standards. You will want to look through Sections 3 and 20 for the applicability of the specific project.

http://www.maine.gov/dep/land/nrpa/pbrform.pdf - this is the application to be completed
http://www.maine.gov/dep/land/nrpa/index.html - under the Rules section, click on Chapter 305 for the individual Permit-By-Rule sections

If you have any questions while looking through the information, please don't hesitate to call or e-mail!

Thanks,

David Cherry
Environmental Specialist

Maine Department of Environmental Protection
Bureau of Land and Water Quality
312 Canco Road
Portland, ME
david.cherry@maine.gov
207-523-9807

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