

## 5. Project Readiness

### 5.1 Environmental Risk

Environmental risks have been identified for this project. Each risk has a comprehensive mitigation strategy as identified in Section 5.3. As the design moves forward, coordination between the design team and the environmental team will continue ensuring that the Project goals and community needs are met while avoiding, minimizing, and mitigating potential environmental impacts.

#### *Project Schedule*

Following the 2021 Economic Impact of the Eastern Trail Study, an Eastern Trail Connectivity Feasibility Study was completed in May of 2022 for two segments (Segment 1 – Route 9 to Perry Oliver Road and Segment 2 - Alfred Road to Alewife Road) along the 11-mile corridor between North Berwick and Kennebunk in Southern Maine. Since the feasibility study was completed, MaineDOT and the Eastern Trail Management District have decided to move forward with constructing the two outer segments. This project is currently still in the Pre-NEPA phase, but it is anticipated this project will have a 2-year design phase and 24-month construction phase post the environmental review process. Figure 5-1 provides a more detailed schedule.

Figure 5-1. Project Schedule

Key Task	Completion Date
CONNECTIVITY & FEASIBILITY STUDY BEGIN	5/23/2021
TECHNICAL ADVISORY COMMITTEE KICKOFF	6/24/2021
PUBLIC MEETING #1	11/4/2021
STAKEHOLDER MEETING #1	12/1/2021
STAKEHOLDER MEETING #2	1/14/2022
PUBLIC MEETING #2	2/17/2022
CONNECTIVITY & FEASIBILITY STUDY COMPLETE	5/19/2022
INITIAL DESIGN TEAM MEETING	7/5/2023
PRELIMINARY ALIGNMENT COMPLETE	1/24/2024
PDR/PRELIMINARY PLAN COMPLETE	7/31/2024
NEPA COMPLETE	1/29/2025
PLAN IMPACTS COMPLETE	7/22/2025
CONTRACT AWARD	5/31/2027
CONSTRUCTION BEGIN	7/7/2027
CONSTRUCTION /EFFORT COMPLETE	7/18/2029

#### *Required Approvals*

MaineDOT has initiated communication with environmental agencies and interested parties. Preliminary baseline data collection to identify natural and cultural resources potentially affected by the Project is underway. This information will be refined during design and will be used to avoid and minimize impact while meeting the purpose and need of the Project.

**National Environmental Policy Act:** The (NEPA) process will inform and be incorporated into design efforts. While the Project components have cumulative benefits being completed together, the elements of the Project have independent utility and will be classified separately as Categorical Exclusions in accordance with 23 CFR 771.117(c) (26) or (d) 13. MaineDOT is currently reviewing the Project and preparing NEPA documentation in accordance with *Programmatic Agreement between the Federal Highway Administration, Maine Division and the Maine Department of Transportation Regarding the Processing of Actions Classified as Categorical Exclusions for Federal-Aid Highway Projects*. Should any issues arise, MaineDOT will work directly with the respective agencies to quickly resolve them. Public involvement will be completed in accordance with MaineDOT Public Involvement Plan and the MaineDOT NEPA Public Involvement Plan. These plans can be found at this link:

<https://www.maine.gov/mdot/env/NEPA/public/index.shtml>

The anticipated date for NEPA completion is January 29<sup>th</sup>, 2025.

**Historic and Archaeological:** MaineDOT and FHWA will complete the Section 106 process for all Project elements in accordance with the *Programmatic Agreement among Federal Highway Administration, Federal Transit Administration, the Advisory Council on Historic Preservation, the Maine State Historic Preservation Officer, and Maine Department of Transportation Regarding Implementation of the Federal Aid Highway and Federal Transit Programs in Maine*. The design team will work to avoid and minimize impacts and resolve any adverse effects to these properties in consultation with the Historic Coordinator and the Maine Historic Preservation Commission as outlined in 36 CFR 800 and the MaineDOT Section 106 Programmatic Agreement.

**Section 4(f):** The MaineDOT Cultural Coordinator will review the Project to identify potential Section 4(f) resources. The design team will work to avoid and minimize use of Section 4(f) properties.

**Endangered Species Act (ESA) and Essential Fisheries Habitat (EFH):** The Project is not located within designated Essential Fish Habitat. The Project is located within the range of the federally Endangered Northern Long-Eared Bat. MaineDOT and FHWA will coordinate with federal agencies during Project design to avoid and/or minimize effects to ESA species and to complete the required consultations in accordance with the Project schedule.

**Section 404 Clean Water Act Permit (U.S. Army Corps of Engineers):** Freshwater wetland impacts are expected in order to perform the required work. MaineDOT will avoid and minimize temporary and permanent wetland impacts to the extent practicable. MaineDOT anticipates that wetland impacts, and any in-water work will be eligible for Category 2 Permits under the Maine Programmatic General Permit. Use of In-lieu fee mitigation payments to the Maine Natural Resources Compensation Program will streamline compensatory mitigation for unavoidable wetland impacts.

**National Resources Protection Act (Maine Department of Environmental Protection):** Wetland and stream impacts are regulated by the Maine Natural Resources Protection Act. MaineDOT anticipates that wetland and stream impacts associated with the Project will be eligible for Permit-By-Rule Chapter 305, Section 11, which is a streamlined permit process for State Transportation Facilities or will be permissible under the Individual Permit process.

**Stormwater (Maine Department of Environmental Protection):** The Project will incorporate Best Management Practices for temporary and permanent management of soil erosion and sedimentation. Permanent measures for treatment of stormwater quantity and quality will be incorporated in accordance with Chapter 500 regulations and the Memorandum of Agreement for Stormwater Management Between the MaineDOT, MTA and Maine Department of Environmental Protection.

#### *Reviews, Approvals, and Permits by Other Agencies*

The preferred alternatives identified in the 2022 Feasibility Study anticipates possible environmental impacts. MaineDOT will continue to coordinate with the necessary environmental agencies and interested parties as design progresses to ensure all environmental impacts are

minimized and mitigated for. The necessary permits and approvals are unknown at this time, but as Preliminary Design progresses these permits will be identified.

An initial public meeting was held on November 4, 2021 and was attended by town representatives, MaineDOT, members of the Eastern Trail Alliance, and local community members. Feedback from this meeting was largely positive, and there was general support to move this project forward. After the development of an Alternatives Analysis Memorandum, a second public meeting was held on February 17, 2022, to solicit public input on the alternatives presented. The recommend alternative received positive comments and there was continued support for moving the Project forward.

Stakeholders have been identified, and the Project team will continue to engage the surrounding community through public meetings. All future public meetings will be held in an equitable manner, providing opportunities for community members to voice any opinions or concerns. MaineDOT will take into account any feedback received from the public. MaineDOT recently updated its Public Involvement Plan, which outlines the Department's efforts to ensure the public, including disadvantaged populations, are afforded meaningful opportunities for public involvement which includes holding virtual meetings in an equitable fashion. Current and archived virtual public meetings, as well as the MaineDOT Public Involvement Plan, are available here: [MaineDOT Public Involvement \(arcgis.com\)](https://arcgis.com)

### *Right of Way Acquisition*

The historic Eastern Railroad Corridor has been sold to Unitol/Granite State Gas, and it currently serves as a corridor supporting their natural gas line and equipment. The Eastern Trail has a co-location agreement with Unitol to allow the proposed segments of trail through the Unitol/Granite State Gas corridor. A portion of the second segment abuts the Kennebunk Savings Bank to the East. This portion of the segment is moderately wet and has challenging features for trail construction.

Kennebunk Savings Bank, a strong supporter of this project, has expressed willingness to allow for a trail alternative on their property to avoid potential wetland impacts. If any acquisitions are required MaineDOT will follow all state and federal guidelines regarding contact, appraisal, and acquisition of property. The Town of Wells Conservation Commission has applied for the Land For Maine's Future (LMF) Funding to purchase approximately 30 acres along Perry Oliver Road (Segment 1). The Eastern Trail Management District (ETMD) is a partner for this application. As shown in Figure 5-2, this property has nearly 800 feet of dry road frontage which will provide parking and access to the Eastern Trail Project. This parking will also provide access for the Perkinstown Wildlife Commons, a 250-acre town parcel that is under a conservation easement held by the local land

Figure 5-2. 30 Acre Parcel for Parking on Perry Oliver Road



trust that abuts the Eastern Trail corridor. Providing a large parking lot on this parcel will help make the trail more usable and accessible in this section. The current target date for closing is April 1, 2024.

5.2 State and Local Approvals and Federal Transportation Requirements Affecting State and Local Planning

All state and local approvals and concerns will be considered as the Project develops. This Project is part of a larger proposed 55-mile off-road corridor connecting Kittery to Portland, Maine aimed at improving health, wellbeing, and economic development in Southern Maine. The Eastern Trail Alliance has continued to work with MaineDOT and local agencies to integrate the design and construction of the Eastern trail into state and local planning. The Project area does not travel through communities with HUD Consolidation Plans due to their small populations.

5.3 Risk and Mitigation Strategies

Throughout Preliminary Engineering, MaineDOT and the ETMD will identify risks and develop appropriate mitigation strategies. Stone box culverts near the Project site may be eligible for listing on the National Register of Historic Places. To mitigate this potential risk the Project team will work with MHPC to resolve any adverse effects to stone box culverts with a Memorandum of Agreement and any appropriate mitigation. One of the larger risks for this Project is the potential impacts to wetlands. Wetlands have been identified along portions of the corridor, and wetland delineations will be confirmed to further understand impacts. Early communication with Kennebunk Savings Bank to acquire an easement on their property will help mitigate and avoid any potential wetland impacts. Kennebunk Savings Bank has expressed support for the Project, and the Project team will continue to work with the Bank should property acquisition be required. Property acquisition is a potential risk to the Project’s development. Delays in acquiring land or increased real estate costs poses uncertainties for the Project’ schedule. Continued coordination with property owners and meaningful public engagement will help alleviate any potential risk.

<b>Project Risks</b>	<b>Mitigations</b>
<p>Environmental permitting/restriction</p> <ul style="list-style-type: none"> <li>• Wetland and waterbodies within the Project Area</li> <li>• Stone box culverts may be Eligible for listing on the National Register of Historic Places</li> </ul>	<ul style="list-style-type: none"> <li>• Develop final designs that use existing developed corridors where possible, avoid and minimize wetland impacts, and incorporate habitat connectivity at stream crossings</li> <li>• Work with MHPC to resolve any Adverse Effects to stone box culverts with a Memorandum of Agreement and appropriate mitigation</li> </ul>

## 5.4 Technical Capacity

MaineDOT and the ETMD are prepared to deliver this project in compliance with all applicable Federal requirements. MaineDOT is the state agency responsible for managing and funding all transportation modes statewide. MaineDOT employs approximately 1,600 people and its current workplan averages \$1.25 billion per year. MaineDOT is an experienced, thorough, and responsible recipient of previous TIGER, FASTLANE, INFRA, CHBP, BUILD and RAISE grant funding.

MaineDOT has proved its ability to match and manage federal funds. This Project is a part of a larger program to develop the Eastern Trail from Kittery to Portland Maine. It is also part of the larger East Coast Greenway network providing 3,000 miles of active transportation routes from Florida to Maine. Not only does the construction of these two segments benefit local communities, but it also provides statewide benefits by broadening connectivity in Southern Maine. MaineDOT and the ETMD are willing and able to implement this Project in a timely and streamlined manner.

## 5.5 Financial Completeness

Engineering Design funding for the entire 11-mile Eastern Trail corridor has been secured through a \$700,000 Economic Development Initiative/Community Project Funding (CPF) HUD grant and all three segments of the 11-mile corridor are expected to be designed simultaneously. The \$172,000 of the CPF grant combined with \$137,900 of a non-federal match will fund the preliminary engineering for the two segments of the 11-mile corridor. The requested RAISE funding (\$4,000,000) will be matched by a total of \$1,000,000 from MaineDOT (\$500,000) and the ETMD (\$500,000). Match commitment letters from MaineDOT and ETMD are attached in Appendix B.

Figure 5-3. Eastern Trail Campaigns

