U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
Maine Division
Edmund S. Muskie Federal Building, Room 614
40 Western Avenue
Augusta, ME 04330

November 21, 2000

IN REPLY REFER TO:

HRW-ME

Mr. John G. Melrose
Commissioner
Maine Department of Transportation
Augusta, Maine 04333

Dear Mr. Melrose:

Subject: Record of Decision, Augusta River Crossing Study

Enclosed is a copy of the Record of Decision for the Augusta River Crossing Study environmental impact statement. The Federal Highway Administration has determined that Alternative B best satisfies project purpose with least detrimental environmental impact.

The Maine Department of Transportation is authorized to proceed with final project design and initiation of negotiations to acquire right of way.

Sincerely yours,

Hassan Raza,
For the Division Administrator

Enclosures

11/27/00
original: C. Croce

Record of Decision
Federal Highway Administration
Augusta River Crossing Study

Augusta, Maine

FHWA – ME – EIS – 99 – F

This is the Record of Decision (ROD) of the Federal Highway Administration to fund a transportation project to alleviate congestion and improve safety in Augusta, Maine.

Background

The Federal Highway Administration (FHWA) issued a *Notice of Intent* on July 2, 1997 (Federal Register) to undertake the analysis at the Environmental Impact Statement level of documentation for the proposed project. Other key dates and actions are as follows:

- Public scoping meeting July 17, 1997
- Draft Environmental Impact Statement (DEIS) August, 1999
- Public Hearing September 1, 1999.
- Final Environmental Impact Statement (FEIS) approved, June 2, 2000
- *Notice of Availability* published (Federal Register), August 4, 2000.
- The Public Advisory Committee (PAC) for this project met monthly from July 1997 to July 2000 and a series of neighborhood informational meetings were held during that time.

The FEIS was developed in accordance with the National Environmental Policy Act (NEPA) of 1969, CEQ Regulations for Implementing NEPA Procedural Provisions (40 CFR 1500-1508, FHWA's procedures for implementing NEPA, (23CFR Part 771), and related federal requirements.

The National Environmental Policy Act directs federal agencies to approach funding decisions through an analytical process with full disclosure. NEPA also speaks to the necessity for society and its decisionmakers to balance competing demands. The Environmental Impact Statement and its referenced supporting studies are the public documents which are the basis for analysis and the decision by FHWA whether to fund a project proposal and which alternative best supports the project purpose and need. The ROD summarizes that decisionmaking process.

Decision

The basic purpose of the project environmental study is "to improve east-west traffic flow through the Augusta region thereby reducing congestion and improving safety". FHWA finds that **Alternative B** offers the best means of achieving this purpose with the least environmental damage.

This Alternative, identified as the Preferred Alternative in the FEIS is selected for further development and construction. It is described as follows: A 2.96-mile (4.76 km) long limited-

access arterial highway linking I-95 and U. S. Route 3 north of Augusta. The Alternative begins at a new interchange with Interstate 95 between the Old Belgrade Road overpass and the Augusta Rest Area on I-95, northbound. The new highway will cross the Kennebec River on a new bridge at a point south of Savage Park and will have at-grade intersections with West River Road, Route 104, Riverside Drive, Route 100/201 and Route 202/3. The proposed width of the highway is four-lanes west of Route 201/100 and two lanes between that point and Route 202/3. The new facility will be designated Route 3.

The Selected Alternative has been endorsed by the Augusta City Council, the Augusta Planning Board, the project's Public Advisory Committee and the majority of individuals making comments at the public hearing.

Alternatives Considered

Six "build" alternatives and a "no-build" alternative were identified as potential ways to address the project purpose. The alternatives were listed as A-1, A-2, B, C, D, and E . All but Alternative D involved the construction of a new interchange on I-95, new roadway alignments and a new bridge crossing the Kennebec River. Alternative D used the existing alignment of Western Avenue through Augusta, crossing the river on Memorial Bridge. The no-build alignment envisioned the affect over time of continuing the existing situation with nothing more than normal maintenance. It did not meet any of the aspects of project purpose and need but served as a baseline for comparing alternatives that did. Detailed descriptions of the alternatives are provided in Chapter 2 of the FEIS.

Alternatives C, D, and E were dismissed early in the analysis process because of their failure to meet project purpose and need or because of the intensity of their negative impacts. All parties agreed that Alternative C was the most damaging to the natural environment because of proposed impact to Bond Brook. Alternative D failed because of the severity of economic impacts to businesses on Western Avenue and its inability to reduce congestion or traffic accidents in the City. Alternative E failed primarily because of the high cost of extraordinary engineering required to construct the alignment through Howard Hill, and high wetland and economic impacts.

Alternatives A-1, A-2 and B were retained for further study along with the baseline, no-build alternative. Each of these proposals began at the same location on I-95 and took slightly different paths to similar terminus at Route 202/3. Predicted impacts to the natural and man-made environment were roughly comparable for these alternatives. Alternative B was selected as the Preferred Alternative in the FEIS based on the clear preference for it by the City of Augusta, the preponderance of public opinion for Alternative B, and indication by State and Federal environmental agencies that it had more favorable wetland habitat impacts than Alternative A-1 and A-2.

Connectors

Many organizations, individuals, including some on the Project Advisory Committee, and the City of Augusta requested that the new highway be continued easterly of Route 202/3 to connect to Route 17. Two conceptual alignments were briefly considered but dropped from further

consideration when additional traffic studies indicated that a reasonable level of service could be maintained for the foreseeable future by using the existing connections within the project study area and elsewhere along to routes.

If unforeseen actions or activities beyond the scope of the study area for this project create a need to consider a Route 3/17 connector in the future, a separate environmental study will be required.

Following are the major factors used to select Alternative B:

Traffic and Safety

All retained alternatives will reduce traffic congestion significantly over the No-Build Alternative. Reduction in through-city truck traffic is predicted to be by 80% by any of the retained alternatives. Each of the retained alternatives will result in nearly $100 million in transportation benefits over 20 years.

Alternative B is predicted to reduce traffic at targeted locations within the Augusta area by approximately 4% more than Alternative A-1 and A-2, and will reduce vehicular crashes to a greater degree (75% vs. 50%).

Impacts to the Human Environment

Of the three alternatives retained for study, Alternative B had the least overall land use impacts and caused the least displacement of families and individuals. The B Alternative does displace one business, while the others do not.

The economic impacts of all three alternatives are similar.

Alternatives A-2 and B each impact an archeological site. Alternative A-1 would impact two sites. The site on Alternative B has been determined by the State Historic Preservation Officer to be important primarily for what can be learned from data recovery and has little value for preservation in place. Recovery work is in progress.

Historic structures, and public parks and recreational areas were avoided in the development of all three alternatives.

Impacts to Natural Resources

Alternative B impacts the least amount of freshwater wetlands and 100-year floodplain of the three retained alternatives. Alternative B also creates the least amount of impervious surface overall, but does create more roadway in the vicinity of steep slopes and streams than the other two alternatives, which will require special care and mitigation during the design process.

There are more stream crossings on Alternative B (840 feet) than Alternative A-1 (750 feet), but less than A-2 (1240 feet). The impact on fish habitat in these streams is lowest with Alternative B, however. See Attachment.

Impacts to the aquatic habitat of the Kennebec River are similar among the retained alternatives and will be a consequence of the size and number of bridge piers in the water. That quantity will be derived during final design of the bridge.

The Kennebec River is habitat for the Shortnose sturgeon, a federally listed endangered species. The river and its tributaries are also designated as Essential Fish Habitat for Atlantic salmon and two species of state listed threatened mussels. Adverse impacts can be avoided by mitigation techniques discussed below.

Mitigation

The FHWA will ensure that all practical measures will be implemented to avoid and minimize adverse environmental impacts resulting from the proposed project. Where unavoidable impacts occur, the measures described below will be employed for mitigation. The FHWA has determined that these measures are adequate to mitigate the impacts of the Selected Alternative and to meet the legal requirements of other statues mandating consideration of, or providing for mitigation of environmental impacts.

Prevention an Mitigation of Impacts to Surface Waters
The project will be constructed in compliance with the MDOT manual, Best Management Practices for Erosion and Sediment Control, (BMP Manual, 9/97) and the Maine Department of Environmental Protection Memorandum of Understanding on stormwater runoff.

- The most stringent level of temporary erosion and sediment control will be required in the construction contract, as the project is located in a sensitive water resource watershed.
- Long-term stability of ditches and slopes will be included in the design of the highway.
- Post-construction stormwater quantity will be kept to pre-development levels to the greatest extent practicable.
- Pier placement in the river will be minimized. Consultation with the National Marine Fisheries and Maine Department of Marine Resources will guide the timing of instream work, method of pier construction and treatment of the river bottom habitat displaced by the pier(s).

Wetlands

- Where wetland impacts are unavoidable, compensation for lost functions and values (restoration, creation or preservation of other sites) will be provided as required by applicable federal and state regulations and policies.
- FHWA will ensure the policy of "no net loss of wetlands" is observed and that wetlands will be replaced at a ratio of 2:1 or higher.

Threatened and Endangered Species

- A transplantation plan for relocating freshwater mussels impacted by bridge piers will be developed and implemented in consultation with the Maine Department of Inland Fisheries and Wildlife and Department of Marine Fisheries.
- Pier construction methods and timing of instream work will be determined in consultation with and with the concurrence of the National Marine Fisheries Service and the Maine Department of Marine Resources. Agreed upon terms will be incorporated into the

construction agreement and strictly monitored and enforced by FHWA and the Maine Department of Transportation.

Pedestrian and Bicycle Use

- Adequate highway shoulder width will be provided to allow pedestrians and bicycles use of the new facility.

Uncontrolled Petroleum and Hazardous Waste

- Hazardous waste investigations will be undertaken on those properties in the final alignment identified as having potential for undocumented contamination.
- Contamination Assessments will be complete prior to initiation of negotiations to acquire the Right of Way.
- Any contamination discovered in this process will be effectively treated in a manner prescribed by the appropriate jurisdictional government agency prior to construction of the highway facility.

Monitoring and Enforcement

FHWA will monitor further project development of the selected alternative. MDOT will prepare design plans and administer the construction contracts. FHWA will assist MDOT to ensure that all required Federal and local reviews and approvals are obtained, and that all practicable mitigation measures, as summarized above, will be included in the final project design.

FHWA will monitor the construction phase and any on-going environmental mitigation that may continue after the construction to ensure that activities are constructed and maintained in accordance with plans and specifications.

Response to Comments on the Final Environmental Impact Statement

The only comments received in response to the FEIS were from the National Marine Fisheries Service and the U. S. Environmental Protection Agency, though they were extensive. EPA's comments included the issues raised by the NMFS, therefore, the issues and the FHWA responses are grouped below to save space and avoid duplication. This is a short summary of the information contained in responses to both agencies dated October 30, 2000.

Question: Why wasn't Memorial Bridge evaluated as the primary east-west travel route through Augusta?

Response: It became clear from the beginning that the rehabilitation Memorial Bridge, either alone or as part of a larger project (Alternative D) did not have City support or local popular support for solving *regional transportation issues*. But apart from this, it failed first and foremost on highway engineering criteria. It offered little congestion relief for its cost compared to other viable alternatives, and impacted the greatest number of families and businesses. The shift away from a mid-town location early on was facilitated by the congruency of highway planning and engineering needs and local land use planning goals as stated in the Augusta Growth Management Plan.

Memorial Bridge does have structural and operational deficiencies that needed attention during the period of this study and in the immediate future. Its two-lane deck had deteriorated to a point that an emergency 4" overlay of heavily reinforced fast-curing concrete was installed last summer to keep the bridge operational for another 5 – 10 years. Memorial Bridge, in addition, needs to be stripped of its lead-based paint and repainted, an extraordinary expense.

Action is obviously necessary to preserve the function of this mid-town bridge for local area traffic, irrespective of the regional needs driving the River Crossing project. The Maine DOT is studying the future of Memorial Bridge in conjunction with a major Augusta riverfront planning study and a Capitol area study by the State Planning Office. The objectives of these combined studies are different from the purpose and need of the Augusta River Crossing Study.

Question: Could Transportation Demand Management and Transportation System Management measures be implemented to resolve congestion problems in Augusta?

Response: The conclusion of studies undertaken and published in 1995 and 1997 concluded that Transportation System Management (TSM) and Transportation Demand Management (TDM) measures are important in themselves, but as a broad solution must be taken in conjunction with two project proposals: the Augusta Third Bridge and widening of Route 202 west of Augusta. The majority of the TSM and TDM actions described in the studies have been implemented (eg. Improved signalization timing and sequencing on Western Ave.)

Question: How are small streams to be crossed and what is the effect, primarily on fish habitat?
Response: Provided a report entitled Estimated Stream Crossing Impacts and a summary table. That table is included as in this ROD as an Attachment.

Question: How many piers will be in the river and what will be the effect, including blasting?

Response: The number of piers in the water will be minimized for a variety of reasons, including cost. Final design will determine number and size. In-stream work will conform to the results of consultation between the FHWA, MDOT and the federal and state environmental resource agencies. MDOT presently has instream procedures acceptable to these agencies.

Question: What is the amount of wetland clearing outside the right of way?

Response: All work will be accomplished within the acquired right of way.

Question: What is the character of the wetland compensatory sites under consideration?

Response: Information available at the time of the FHWA response to EPA was provided. On November 14, 2000, subsequent to the response to EPA, the Federal and State environmental agencies were invited to visit and comment on the four properties under active consideration as wetland compensation sites. EPA was not represented on the site visits.

Question: What are the secondary impacts and impact of the project on land use, how will natural resources be protected from development?

Response: The project is fully access controlled, except at the at-grade intersections of West River Road and Riverside Drive. No direct access to adjacent properties will be allowed from the new highway facility. Any new land use development will have to gain access from local roads, and must to comply with state site location law and local land use ordinances. Federal permit requirements may apply as well. Therefore, FHWA cannot reasonably foresee when or what development may occur in these city zones other than to indicate that the zones have notable restrictions.

Question: Will the rest area on I-95 north of the proposed project be rebuilt in the foreseeable future in the area of the I-95 interchange of the proposed project?

Response: No. When and if the existing rest area north of the proposed project is replaced, strong consideration will be given to constructing a facility south of Augusta to concurently serve the traffic needs of both I-95 and Maine Turnpike. If the issue is resolved prior to construction of the proposed highway, the long collector ramp to I-95 NB can be shortened and wetland impacts reduced.

Question: Is there any indication when and under what conditions a Route 17 connector would be needed?
Response: See comment on Connectors in body of the ROD.

Question: Fisher Brook, the first tributary north of the Edwards Dam, was identified in the summer of 1998 as having good potential for nursery and spawning habitats for smelt and salmonids. What is the character after the removal of the dam?

FHWA Response: In 1999 the Edwards Dam was removed opening the head waters to fish runs in quantities that exceeded expectation. With the drop in the water level of the river after removal of the dam, however, the character of Fisher Brook changed considerably.

Prior to the removal of the dam, the water level in the first 400 feet of the brook was controlled by the level of the river and was permanently flooded. For about 500 feet beyond that, the stream was pool and riffle habitat separated from a bedrock gorge with a 5' – 6' waterfall. Pools and riffles reoccur within another 400 feet above the gorge, where the flow becomes flatter and slower to and beyond the crossing of West River Road.

Fisher Brook crosses an esker that runs parallel to the Kennebec River. Over the years, debris from the esker formed a subaqueous fan or delta at the mouth of the brook extending into the Kennebec River. With the removal of the dam, the effect of this material has changed the lowest 600 feet of the brook dramatically. The rest of the brook above remained unchanged.

At present river levels, this fan is exposed a few feet above the level of the river and effectively blocks passage into the brook except possibly during periods of high runoff in the spring or other times of temporary high water. Blocked from river access, Fisher Brook becomes a losing stream (flow goes to ground water) a few hundred feet upstream of the river, although a small flow of about 20 gallons per minute moves in various small channels on the surface. Above the area where most of the flow disappears, the original channel has been scoured 3 to 4 feet. This incision will likely occur upstream until it encounters bedrock. The flow in this area is about 100 gallons a minute.

On October 10, 2000 representatives of the NMFS, EPA and the Corps of Engineers toured the Fisher Brook site with FHWA and MDOT representatives.

Question: A 1600' section of Alternative B is located on steep slopes within 500' of Fisher Brook. How will we deal with the high potential for direct sedimentation to the brook?

FHWA Response: The alignment of Alternative B on the west side of the river is necessitated by the need to cross the Kennebec in a way that will avoid a public park [4(f)] property on the east shore without affecting more wetland east of Riverside Drive. Every effort will be made in final design, however, to move the highway away from the steep slope of Fisher Brook. Until final design it will not be possible to specify precisely how erosion and sedimentation will be avoided except to affirm that the project will be constructed in compliance with the MDOT Best Management Practices for Erosion and Sediment Control manual (BMP Manual, 9/97) and the Maine Department of Environmental Protection Memorandum of Understanding on stormwater runoff.

Question: Project will effect (1) traffic volumes, (2) traffic capacity, (3) travel delays (4) vehicles miles traveled. Request a mesoscale air quality analysis be performed. Refers to reinstatement of a one-hour ozone standard in January, 2001.

FHWA Response: Project will increase capacity, reduce travel delays and not induce new traffic. It will not have an adverse affect on air quality because of these factors. Additional traffic is projected with or without the project. Its effect will be measured in the state's conformity analysis in the years ahead.

For the Division Administrator
November 21, 2000

Attachment

ESTIMATED STREAM CROSSING FISHERIES IMPACTS, THIRD BRIDGE CROSSING

ALIGNMENT in CORRIDOR A-1			Total Impact:	550'
WETLAND ID NUMBER	WETLAND LOCATION	LINEAR FEET	WETLAND TYPE	HABITAT VALUE
West Side of River				
A0	NB Ramp Area East of I-95	50	Forested	Limited
95-2	SB Ramp West of Interstate	100	Emergent	Limited
B5	East of Eight Rod Road	200	Forested/Scrub-Shrub	Warm Water Fishery
C1	East of Eight Rod Road	200	Scrub-Shrub	Warm Water Fishery
	Total Impact:	550		
East Side of River To Be Bridged, No Anticipated Affect on Fishery.				
F3	East of Rte 201	200	Channel	Limited

ALIGNMENT in CORRIDOR A-2			Total Impact:	1240'
WETLAND ID NUMBER	WETLAND LOCATION	LINEAR FEET	WETLAND TYPE	HABITAT VALUE
West Side of River				
A0	NB Ramp Area East of Interstate	50	Forested	Limited
95-2	SB Ramp West of Interstate	100	Emergent	Limited
B5	East of Eight Rod Road	200	Forested/Scrub-Shrub	Limited
C1	East of Eight Rod Road	200	Scrub-Shrub	Limited
East Side of River				
F3	East of Rte 201	150	Emergent	Warm Water Fishery
F3	East of Rte 201	140	Emergent	Warm Water Fishery
H1	East of Rte 201	150	Emergent	Warm Water Fishery
H1	East of Rte 201	250	Emergent	Warm Water Fishery
	Total Impact:	1240		

ALIGNMENT in CORRIDOR B			Total Impact:	840'
WETLAND ID NUMBER	WETLAND LOCATION	LINEAR FEET	WETLAND TYPE	HABITAT VALUE
West Side of River				
A0	NB Ramp Area East of Interstate	50	Forested	Limited
95-2	SB Ramp West of Interstate	100	Emergent	Limited
B5	East of Eight Rod Road	200	Forested/Scrub-Shrub	Limited
B4	East of Eight Rod Road	150	Scrub Shrub	Warm Water Fishery
E	East of West River Road (Rte 104)	140	Forested	Limited
East Side of River				
G6	East of Rte 201	200	Scrub-Shrub	Limited
	Total Impact:	840		

Attachment