

## **Federal Railroad Administration (FRA) CATEGORICAL EXCLUSION WORKSHEET**

**Note:** The purpose of this worksheet is to assist proposal sponsors in gathering and organizing materials for environmental analysis required under the National Environmental Policy Act (NEPA), particularly for proposals, which may qualify as Categorical Exclusions and to assist the FRA in evaluating requests from project sponsors for categorical exclusion determinations. Categorical Exclusions are categories of actions (i.e. types of projects) that the FRA has determined, based on its experience, typically do not individually or cumulatively have a significant effect on the human environment and which generally do not require the preparation of either an environmental impact statement or an environmental assessment.

Submission of the worksheet by itself does not meet NEPA requirements. FRA must concur in writing with the proposal sponsor's Categorical Exclusion recommendation for NEPA requirements to be met. Please complete this worksheet using compatible word processing software and submit and transmit the completed form in electronic format.

<i>For Agency Use</i>	<i>Date Received:</i>
<i>Reviewed By:</i> <i>Date:</i>	<i>Recommendation for action:</i> <input type="checkbox"/> <i>Accept</i> <input type="checkbox"/> <i>Return for Revisions</i> <input type="checkbox"/> <i>Not Eligible</i>
<i>Comments:</i>	
<i>Concurrence by Counsel:</i> <input type="checkbox"/> <i>Accept Recommendation</i> <input type="checkbox"/> <i>Return with Comments</i>	<i>Reviewed By:</i> <i>Date:</i>
<i>Comments:</i>	
<i>Concurrence by Approving Official:</i>	<i>Date:</i>

**I. PROPOSAL DESCRIPTION**

<b>Proposal Sponsor</b> Maine Department of Transportation	<b>Date Submitted</b>	<b>FRA Identification Number (if any)</b>
<b>Proposal Title</b> Aroostook Rail Preservation and Rehabilitation Project		
<b>Location (Include Street Address, City or Township, County, and State)</b> Penobscot and Aroostook Counties, Maine		
<b>Contact Person</b> Nathan Moulton	<b>Phone</b> 207.624.3563	<b>E-mail Address</b> Nathan.Moulton@Maine.gov
<p>Note: Fully describe the proposal including specifics that may be of environmental concern such as: widening an embankment to stabilize roadbed; repairing or replacing bridge piers foundations, including adding rip-rap in a waterway; earthwork and altering natural (existing) drainage patterns and creating new water discharge; contaminated water needing treatment; building a new or adding on to a shop building; fueling or collection of fuel or oil and contaminated water; building or extending a siding; and building or adding on to a yard.</p>		

**Description of Proposal**

The Maine Department of Transportation (MaineDOT) proposes a program of maintenance to address deferred maintenance on portions of the 233 miles of the Madawaska Subdivision and associated branch lines in Northern Maine. The lines are illustrated in Figures 1, 2, and 3. The goal of the project is to restore the rail lines to a State of Good Repair to enable safe and effective operations and enhance rail freight services in the region.

The project will include portions of the Madawaska Subdivision located between Millinocket at the Grindstone Township town line in Penobscot County, Maine and Frenchville at the Madawaska town line in Aroostook County. The project also includes connected branch lines (Presque Isle Subdivision, Fort Fairfield Subdivision, Limestone Subdivision, Houlton Subdivision) all located within Aroostook County.

The specific lines proposed to be maintained are:

- Madawaska Subdivision MP 109 to MP 260
- Presque Isle Subdivision MP 0.0 to MP 25.3
- Fort Fairfield Subdivision MP 0.0 to MP 10.0
- Limestone Subdivision MP 0.0 to MP 15.4
- Houlton Subdivision MP 0.0 to MP 16.90

The project will include general rail maintenance including replacement of railroad ties and track to restore the Madawaska Subdivision to FRA Class 3 rating (maximum speed of 40 mph) and Class 2 (maximum speed of 25 mph) on three of the four branch lines. At the present time, the rail segments are operating at reduced speeds because of the condition of the tracks. Although the Madawaska Subdivision is listed as FRA Class 3 (maximum speed of 40 mph) condition, much of the route is subject to slow orders that keep speeds well below that limit. Three branch lines (Houlton, Presque Isle and Fort Fairfield) are in FRA Class 2 (maximum speed of 25 mph). However, track conditions result in actual operating speeds of 10 mph over much of these branch routes, and the Limestone Subdivision is mostly FRA "excepted" track (maximum speed of 10 mph and limited hazardous materials).

Rail tie replacement will occur at an average rate of 125 ties per mile. Rail replacement will occur on no more than 5 miles of track. Most of the work proposed is in the southern half of the project area, with limited work proposed north of Portage on the Madawaska Subdivision and along the Limestone Subdivision. Work will include track surfacing and maintenance ditch clearing as required to allow for proper flow of drainage. Culvert repair may be included as may be required to allow for proper flow and drainage. Vegetation management will consist of limited mechanical brush cutting, as needed, to enhance sight distances, particularly at grade crossings. All work will be performed within the railroad right of way and will follow appropriate best management practices.

The goal of the maintenance program is to restore the condition of the railroad to enable a significant decrease in run times, improve on-time performance, and increase reliability. These improvements would allow the railroad to not only service the existing client base, but to also grow that base and attract new business customers.

**Purpose and Need of Proposal**

The Madawaska subdivision is a critical rail corridor that connects northern Maine to the regional and national rail transportation network. The route is the former Bangor & Aroostook Rail Corridor and is considered one of the most important north/south logistical links in this region. The line is currently owned and operated by Montreal, Maine & Atlantic Railway, Ltd. (MMA). MaineDOT and the MMA are negotiating details of a sale of the railroad assets.

The purpose of this project is to ensure continuation of essential freight rail services along the main line segment and branches in order to enhance the economic competitiveness of the region and its communities and the State of Maine. This region has already been severely impacted by the national recession and especially by the downturn in construction. Forest and paper products have long been the mainstays of the economy of the region, and freight rail service is viewed as a critical need to assure the continued competitiveness and sustainability of these key industries.

The rail lines are part of this rural region's transportation network that has deteriorated due to deferred maintenance practices as a result of declining levels of freight revenue. Due to weakness in the paper and forest products markets and exacerbated by the current national economic situation, the above described portions of the system do not generate sufficient revenue to provide the necessary capital for expenditures that are required to ensure sustainability. This negative cash flow situation results in maintenance being deferred. As maintenance is deferred, the trackage conditions worsen, resulting in slow orders that lead to a further decline in service. The downward, self perpetuating spiral has led the MMA to its decision to either sell or abandon this portion of their system.

On August 12, 2009, the Montreal, Maine & Atlantic (MMA) Railway, Ltd. announced their intent to sell or abandon approximately 233 miles of main line and branch line trackage within the State of Maine. If the abandonment petition is allowed, service would be eliminated to Presque Isle, Caribou, Houlton, Easton and all communities on the line between, but not including, Millinocket and Madawaska. In response to this action, the citizens of Maine voted in favor of a transportation bond act that enables the state, through the Maine Department of Transportation, to acquire and restore the rail lines.

There are 21 customers serviced by these freight rail lines that would be affected by the disruption in service, many of whom have made considerable investments in their operations and facilities. Throughout the last several years, shippers have continued to invest well over 200 million dollars into their facilities to be well positioned to increase production as the economy recovers. The State of Maine, shippers, and communities potentially affected by the abandonment of rail service on this line have voiced their opposition to the abandonment of these lines, and together, they have acted to preserve their rail access and service.

**II. NEPA CLASS OF ACTION**

*Answer the following questions to determine the proposal's potential class of action.*

**A. Will the proposal substantially impact the natural, social and / or human environment?**

YES (Contact FRA)  NO (Continue)

*Actions that will significantly impact the environment require preparation of an Environmental Impact Statement. These proposals typically include construction or extension of rail lines or rail facilities including passenger, high speed, or freight rail activities.*

**B. Is the significance of the proposal's social, economic or environmental impacts**

**unknown?**

YES (Contact FRA)  NO (Continue)

**C. Does Section 4(f) of the Department of Transportation Act apply?** (i.e. proposal requires the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance, or land of an historic site of national, State, or local significance, as determined by the Federal, State, or local officials having jurisdiction over the park, area, refuge, or site.)

YES (Contact FRA)  NO (Continue)

**D. Is the proposal likely to require detailed evaluation of more than a few potential impacts?**

YES (Contact FRA)  NO (Continue)

**E. Is the proposal likely to generate intense public discussion or concern, even though it may be limited to a relatively small subset of the community?**

YES (Contact FRA)  NO (Continue)

**F. Is the proposal inconsistent with any Federal, State, or local law, regulation, ordinance, or Judicial or administrative determination relating to environmental protection?**

YES (Contact FRA)  NO (Continue)

**G. Is the proposal an integral part of a program of current Federally supported actions which, when considered separately, would not be classified as major actions, but when considered together may result in substantial impacts?**

YES (Contact FRA)  NO (Continue)

*If the answer to any of the questions B through G is "YES", contact the FRA to determine whether the proposal requires preparation of an Environmental Assessment.*

**H. Is the proposal consistent with one of the following potential Categorical Exclusions?**

FRA Procedures for Considering Environmental Impacts, 64 FR 28545 (May 26, 1999)

YES (Mark category and continue as indicated)  NO (Contact FRA)

- Financial assistance or procurements solely for planning or design activities that do not commit the FRA or its applicants to a particular course of action affecting the environment. (*stop and submit to FRA*)
- State rail assistance grants for acquisition. (*Continue to Part III*)
- Operating assistance to a railroad to continue existing service or to increase service to meet demand, where the assistance will not result in a change in the effect on the environment. (*stop and submit to FRA*)
- Acquisition of existing railroad equipment, track and bridge structures, electrification, communication, signaling or security facilities, stations, maintenance of way and maintenance of equipment bases, and other existing railroad facilities or the right to use such facilities, for the purpose of conducting operations of a nature and at a level of use similar to those presently or previously existing on the subject properties. (*Complete Part III, Sections H, I, U, & V and submit to FRA*)
- Research, development and/or demonstration of advances in signal, communication and/or train control systems on existing rail lines provided that such research, development and/or demonstrations do not require the acquisition of substantial amounts of right-of-way, and do not substantially alter the traffic density [or operational] characteristics of the existing rail line. (*Continue to Part III*)
- Temporary replacement of an essential rail facility if repairs are commenced immediately after the occurrence of a natural disaster or catastrophic failure. (*Continue to Part III*)
- Changes in plans for a proposal for which an environmental document has been prepared, where the changes would not alter the environmental impacts of the action. (*Continue to Part III describing the full consequences of the changes only*)
- Maintenance of: existing railroad equipment; track and bridge structures; electrification, communication,

signaling, or security facilities; stations; maintenance-of-way and maintenance-of-equipment bases; and other existing railroad-related facilities. ("Maintenance" means work, normally provided on a periodic basis, which does not change the existing character of the facility, and may include work characterized by other terms under specific FRA programs) *(Continue to Part III)*

- Financial assistance for the construction of minor loading and unloading facilities, provided that proposals are consistent with local zoning, do not involve the acquisition of a significant amount of land, and do not significantly alter the traffic density characteristics of existing rail or highway facilities. *(Continue to Part III)*
- Minor rail line additions including construction of side tracks, passing tracks, crossovers, short connections between existing rail lines, and new tracks within existing rail yards, provided that such additions are consistent with existing zoning, do not involve acquisition of a significant amount of right of way, and do not substantially alter the traffic density characteristics of the existing rail lines or rail facilities. *(Continue to Part III)*
- Improvements to existing facilities to service, inspect, or maintain rail passenger equipment, including expansion of existing buildings, the construction of new buildings and outdoor facilities, and the reconfiguration of yard tracks. *(Continue to Part III)*
- Environmental remediation through improvements to existing and former railroad track, infrastructure, stations and facilities, for the purpose of preventing or correcting environmental pollution of soil, air or water. *(Continue to Part III)*
- Replacement, reconstruction, or rehabilitation of an existing railroad bridge, including replacement with a culvert, that does not require the acquisition of a significant amount of right-of-way. *(Continue to Part III)*

**III. PROPOSAL INFORMATION FOR CATEGORICAL EXCLUSIONS**

Complete Part III unless indicated otherwise in Part II and submit to FRA.

For work to fixed facilities, maps displaying the following, as applicable, are required to be attached for FRA review:

- Proposal vicinity
- Proposal Site Plan indicating the USGS Quadrangle and Section
- Other Information as necessary to complete Part III

**A. Describe how the proposal satisfies the purpose and need identified in Part I:**

The goal of the project is to perform maintenance and repairs to improve operating speeds and maintain and attract new freight service.

Reliable rail service is one of the key factors that attract new industries to Maine, and the state has invested in its transportation infrastructure, including railroad acquisitions and renewal projects that have resulted in establishment of reliable freight services. The project is consistent with long standing State of Maine policy and practice. MaineDOT has consistently sought to protect and preserve rail corridors through various approaches and investments.

Based on interviews with customers performed for the Maine DOT's Due Diligence Report, traffic could be increased by improving service levels, which would restore shipper confidence in rail and divert more traffic back from truck to rail. In addition, most shippers expect to be shipping back to "normal" levels within the next two years, which would restore traffic to potentially profitable levels. Some shippers indicated that they have lost business due to the inconsistent rail service problems, and new business is attainable with a more efficient operation.

**B. Location & Land Use:** *For fixed facilities, attach a map or diagram, at an appropriate scale, identifying the location of the proposal site and if applicable, the surrounding land uses and zoning of the site and surrounding properties. If the proposal would require many pages of maps or diagrams, include*

*only a location map and contact FRA to determine if additional information is required. A map or diagram that identifies locations of critical resource areas, wetlands, potential historic sites, or sensitive noise receptors such as schools, hospitals, and residences should be included if there is the potential for impacts to these resources.*

*Briefly describe the existing land use of the proposal site and surrounding properties and resources.*

The rail line itself is developed for freight use, but the vast majority of the adjoining areas are primarily undeveloped woodlands, farmlands, or sparsely developed areas. Major population centers/urbanized areas include the cities of Caribou and Presque Isle and the town of Houlton, which is the county seat for Aroostook County. A description of each of the lines is provided below.

#### MAIN LINE

The major section of the rail line right-of-way is approximately 151 miles in length, extending in a generally northward direction between MP 109 at the Millinocket town line and MP 260 near Madawaska. The main line essentially runs parallel to State Route 11 between Millinocket and Fort Kent. The portion of the main line from Millinocket to Sherman Station is located in Penobscot County. The remainder of the main line and all four subdivisions are located in Aroostook County. The relevant portion of the line begins just south of Grindstone on the east side of the Penobscot River mostly through undeveloped, heavily forested areas. It passes through sparsely developed areas in the towns or townships of Grindstone, Herseytown, Stacyville, Sherman, Crystal, Island Falls, Dyer Brook, and Oakfield where there is a large siding area utilized as a rail line switching yard. The Houlton Subdivision begins on the Oakfield Station grounds and extends in an easterly direction.

The main line continues in a northwesterly direction through mostly undeveloped, wooded land. It passes through Smyrna Mills before entering an approximately 30-mile stretch of undeveloped, forested area along the west side of the Mattawamkeag River and the east side of the St. Croix Lake and the St. Croix Stream. The main line continues north through sparsely developed areas in the towns of Masardis, where the Presque Isle Subdivision branches off through Squa Pan, and eventually splits into the Limestone and Fort Fairfield Subdivisions in the city of Presque Isle.

The main line continues in a northwesterly direction through Ashland and continues through increasingly rural, undeveloped areas, including the Plantation of Nashville, which had a population of 55 persons in the 2000 U.S. Census. The main line runs along the eastern edge of Portage Lake and through the town of Portage. Once through Portage, the main line enters an undeveloped stretch extending along the east side of Nadeau Lake. The line passes through sparsely developed areas in the towns of Eagle Lake and Wallagrass, continuing through Fort Kent and turning sharply east through Frenchville. The relevant portion of the line terminates a short distance north of Frenchville and approximately ½ mile west of Madawaska.

#### HOULTON SUBDIVISION

The Houlton Subdivision consists of approximately 16.9 miles that begins in Oakfield (MP H0.0) and extends northeast, south of and parallel to Interstate 95. The subdivision rail line turns southeast just before Route 2 at MP H5.7 and heads in a southeasterly direction through farm land and wooded areas in the northern portion of New Limerick. From there, the rail line extends northeast through more

wooded areas and farmland before entering Houlton and terminating (MP H16.9). The town of Houlton is the county seat and is more urbanized than many of the other townships in the region. Houlton and communities at the ends of the other subdivision rail branches (Presque Isle, Easton, and Limestone) are served by U.S. Route 1, a major highway in the region that connects to I-95 in Houlton.

#### PRESQUE ISLE SUBDIVISION

The Presque Isle subdivision is approximately 25.3 miles long and begins in Masardis, continues through Squa Pan (MP P0.0), and extends in an easterly direction through wooded areas around Squa Pan Lake. This subdivision then continues in a northeasterly direction through forest and farm land before passing through Mapleton (MP 18.0). This subdivision continues through mostly farm land and crosses into the City of Presque Isle, which is more developed than other locations in the region. At this location the track comes to a north-south junction, north towards Limestone, and south towards Fort Fairfield.

#### FORT FAIRFIELD SUBDIVISION

The Fort Fairfield Subdivision consists of approximately 10 miles and begins in Presque Isle (MP F0.0) and extends in a southerly direction, traversing primarily farmland. At the town of Phair (MP F5.1) the line turns to the east through more farmland and then turns northeast. The line passes through Easton (MP F9.2) and continues in an easterly direction for a short distance before reaching the end of the subdivision at MP F10.0.

#### LIMESTONE SUBDIVISION

The Limestone Subdivision consists of approximately 29.85 miles and begins near Presque Isle (MP L0.0) and extends north, parallel to the west bank of the Aroostook River. The line passes through primarily farm land and occasional wooded areas. The subdivision crosses Fort Street (MP L14.5) and enters the City of Caribou, which is more urbanized. The line passes through Caribou. Beyond Caribou, the remaining roughly 15-mile section of the Limestone subdivision that continues along the Aroostook River toward the town of Limestone has not been used for several years, and no work is proposed for this segment of the line.

- C. Historic Resources:** *If any cultural, historic, or archaeological resources are located in the immediate vicinity of the proposal, check and describe the resource(s) and then describe any potential effect of the proposal on the resource(s). Consultation with the SHPO is necessary when these resources are potentially affected.*

- Cultural: Most of the areas adjoining the right-of-way are undeveloped woodlands or farmlands. Because of the rural nature of the project area and the fact that most of the work is confined to the right-of-way, no sites of cultural interest are expected to be affected by the project.
- Historical: According to the MaineDOT Cultural Resource staff, there are no known historic sites that will be affected by the proposed maintenance activities. The project involves minor repair and rehabilitation, with rail replacement proposed of not more than 5 miles of the entire 233 miles of railroad proposed to be maintained. The Maine Historic Preservation Commission was also previously consulted on the proposed abandonment of the Madawaska Subdivision line as part of the Draft Environmental Assessment prepared by the

Surface Transportation Board. Consultation with the Maine Historic Preservation Commission on the proposed maintenance work has been undertaken, and the MHPC has concurred with the finding that the project will not involve historic impacts (see Attachment A).

**Archaeological:** The proposed maintenance activities will involve replacement of ties and rail on existing railbed ballast. Very limited excavation of underlying earth is anticipated, and is largely limited to drainage maintenance as may be needed to restore proper flow. Since no significant earth-disturbing activities are proposed and work areas include previously disturbed soils, no impact on archaeological resources are anticipated as a result of the project.

*Has consultation with the State Historic Preservation Officer occurred? If so, describe and attach relevant correspondence.*

**Consultation with SHPO:** The Maine Historic Preservation Commission was contacted on June 16th, 2010 regarding the proposed findings (outlined above) that the proposed maintenance is not anticipated to involve impacts on historic or archaeological impacts. The MHPC issued a determination on July 7, 2010 concurring that the project will have no effect on significant historic and archaeological resources (see Attachment A).

**D. Public Notification:** *Briefly describe any public outreach efforts undertaken on behalf of the proposal, if any. Indicate opportunities the public has had to comment on the proposal (e.g., Board meetings, open houses, special hearings).*

The proposal for the continued operation and maintenance for freight use on the Montreal, Maine, & Atlantic Railway has broad public support. The funding for the acquisition of the railway by the State of Maine was approved by public state-wide referendum.

The continued operation of the rail lines enjoys broad public support as demonstrated by the voter approval of the Transportation Bond Issue on June 8, 2010. The bond issue included specific language related to the acquisition and improvement of the Madawaska Subdivision and Branches.

In the course of the development of the Maine State Rail Plan, the Maine Department of Transportation conducted a series of public meetings. At each of these meetings, citizens were vocal in support for continued freight rail service throughout the state, but especially in Northern Maine.

In February, March, and April of 2010, the Maine Legislature conducted a series of legislative hearings on the proposed transportation bond issue, and extensive public support was expressed for both the bond act and the preservation of freight rail service in Northern Maine.

Concurrent with the legislative hearings, various chambers of commerce and development agencies throughout the region conducted public forums to explore public interest in the preservation of rail service. These meetings were well attended, and a majority of comments were in support of the proposed bond issue that was ultimately approved by 58% of the voters.

*Indicate prominent concerns expressed by agencies or the public regarding the proposal, if any.*

As indicated above, the public and agencies support continued freight operations and the project has broad public support.

**E. Transportation:** *Would the proposal have a detrimental effect on other railway operations or impact road traffic, or increase demand for parking?*

No (continue)     Yes, describe potential transportation, traffic, and parking impacts, and address capacity constraints and potential impacts to existing railroad and highway operations. Include maps or diagrams indicating any impacts and any proposed modifications to existing railways or roadways or parking facilities. Also, summarize any consultation that has occurred with other railroads or highway authorities whose operations this project will impact.

The project will enable enhanced freight rail services both within and beyond the region, and would serve to promote more efficient operation of the overall transportation network by encouraging multimodal transportation alternatives for the region. The rail line connects the region to both the continental United States and the Canadian provinces, enhancing the competitive position of domestic US companies. Moving more freight by rail reduces growth of freight traffic on the regional roadway system.

**F. Noise and Vibration: Are permanent noise or vibration impacts likely?**

No (continue)     Yes, describe how the proposal will involve noise impacts. If the proposal will result in a change in noise sources (number or speed of trains, stationary sources, etc.) and sensitive receptors (residences, hospitals, schools, parks, etc.) are present, apply screening distances for noise and vibration assessment found in FRA noise impact assessment guidance manual (and FTA's manual as needed) and compare proposal location with nearest receptor(s). If the screening distance is not achieved, attach a "General Noise and/or Vibration Assessment."

Noise     Vibration

There are two aspects to potential noise impacts based on the proposed improvements to the MMA tracks - short term from construction and long term from improved operations. The noise disturbance from the track improvements would be temporary and should not have a significant noise impact on the areas surrounding the proposed improvements. Potential noise impacts could be adequately mitigated through best management practices, such as limiting construction activities to appropriate daytime hours.

The track improvements are being proposed to allow for slightly higher operating speeds and improvements in service to the communities and industries along the MMA right-of-way. The Federal Railroad Administration's (FRA's) cumulative noise impact criteria are based on the noise exposure increase compared to the existing outdoor noise levels. The existing Ldn noise levels were developed using the population density procedures presented in FRA's High-Speed Ground Transportation Noise and Vibration Impact Assessment manual combined with the Ldn noise levels of the existing freight rail operations. Existing and future train Ldn noise levels were developed using the FTA's 2006 Create Noise Model, which includes specific noise source data for freight operations.

Existing Ldn noise levels in the communities presently served by the MMA range from 55 to 59 dBA. The projected cumulative change compared to existing noise levels ranges from -3 to +3 dBA. The 3 dBA reduction would occur in the areas from Oakfield to Millinocket reducing the Ldn noise level to 56 dBA. The 3 dBA increase would occur in areas presently experiencing an Ldn noise level of 55 dBA. Attachment B details the results of the noise and vibration assessment.

*As a result of the general assessment(s) are there noise or vibration impacts?*

No (continue)     Yes (Describe and provide map identifying sensitive receptors):

Noise impacts will not occur, as discussed above and in Attachment B. FRA's ground-borne vibration and noise criteria are based on maximum levels for a single event and the frequency of the events. The existing MMA operations would be considered infrequent according to the FRA criteria with infrequent being defined as less than 70 events per day. The ground-borne vibration criterion for the infrequent category is 80 Vdb while the corresponding ground-borne noise criterion is 43 dBA. Existing train operations most likely do not exceed those criteria except along sections of rail that are worn or corrugated. Since the improved operations will not significantly change the number of daily events, relative to 70 per day, and the source is not proposed to change, the vibration levels will remain relatively similar in the communities along the rail road right of way. If track improvements are made in the communities, such as field welding jointed rail, grinding the rail, or replacing the existing jointed rail with welded rail, vibration levels would decrease well below the ground-borne vibration and noise criteria and Ldn noise would be reduced by 5 dBA.

**G. Air Quality:** *Does the proposal have the potential to increase concentrations of ambient criteria pollutants to levels that exceed the NAAQS, lead to the establishment of a new non-attainment area, or delay achievement of attainment?*

No (continue)     Yes, attach an emissions analysis for General Conformity regarding Carbon Monoxide (CO), Ozone (O<sub>3</sub>), Particulate Matter (PM<sub>10</sub>), Nitrous Oxides (NO<sub>x</sub>), and Carbon Dioxide (CO<sub>2</sub>), and include a hot spot analysis if indicated. Describe any substantial impacts from the proposal.

Penobscot and Aroostook Counties are currently in attainment with all National Ambient Air Quality Standards (NAAQS) (40 CFR 50). Penobscot County achieved attainment status in 1997 having been in non-attainment for violation of the sulfur dioxide (SO<sub>2</sub>) NAAQS. The SO<sub>2</sub> emissions were from a point source. Air pollution control measures enacted at the source reduced SO<sub>2</sub> emissions, and no further violations occurred. Aroostook County achieved attainment status in 1995 having been in violation of the particulate matter (PM<sub>10</sub>) standard. The source of the violation was identified as re-entrained road dust specifically from the sand placed on the roadways during the winter ice and snow season. In late winter/early spring, the pavement dried and the sand was pulverized by traffic and became airborne. This was eliminated by implementing scheduled road sweeping and using cleaner sand. No further violations have occurred.

There would be no adverse impacts on air quality associated with the proposed track improvements as the generation of dust would be considered short term and could be mitigated by using standard best management practices for dust suppression, such as suspending operations during periods of high wind and watering work areas as necessary. MaineDOT would use best management practices during track improvements to ensure that dust is adequately controlled.

The Maine Department of Transportation's, September 15, 2009, ARRA Tiger Grant Application, for the acquisition and rehabilitation, preservation and enhancement of MMA rail freight operations states that "with improved rail operations and transportation savings, truck to rail diversions are anticipated. These diversions will provide a net overall reduction in gas consumption and associated emissions. Freight rail is more efficient in miles per gallon of fuel utilized and also produces significantly less emissions when compared to freight transported by truck." The application continues by assigning an economic value to the emissions reductions of \$9,205,488 by 2030. Since commercial diesel trucks use on average three times as much fuel as trains, the decreased diesel truck fuel consumption will reduce carbon dioxide (CO<sub>2</sub>) emissions.

*Is the proposal located in a Non-Attainment or Maintenance area?*

No (continue)     Yes, for which of the following pollutants:

Carbon Monoxide (CO)     Ozone (O<sub>3</sub>)     Particulate Matter (PM<sub>10</sub>)

**H. Hazardous Materials:** *Does the proposal involve the use or handling of hazardous materials?*

No (continue)     Yes, describe use and measures that will mitigate any potential for release and contamination.

Railroad operations typically involve the use of fuels, oils, and other potentially hazardous substances. However, the proposed action would not involve a change in the use of the Madawska Subdivision rail lines, it would represent a continuation of existing freight use on these rail lines.

**I. Hazardous Waste:** *If the proposal site is in a developed area or was previously developed or used for industrial or agricultural production, is it likely that hazardous materials will be*

*encountered by undertaking the proposal?* (Prior to acquiring land or a facility with FRA funds, FRA must be consulted regarding the potential presence of hazardous materials)

No, explain why not and describe the steps taken to determine that hazardous materials are not present on the proposal site and then continue to question I.

The project will not involve significant amounts of soil excavation, since the track maintenance and repairs will occur within the existing constructed railbed, and the ballast is already in place along the railroad. There may be some drainage improvements required in some areas. If contaminated materials are encountered during any required site excavations for drainage improvements, a Soil Management Plan will be implemented to address handling and management of contaminated materials. Attachment B details the results of a database review performed for areas along the rail lines where there is an increased potential for encountering contamination (e.g., railyards and sidings).

Yes, complete a Phase I site assessment and attach.

*If a Phase I survey was completed, is a Phase II site assessment recommended?*

No (continue)  Yes, describe the mitigation and clean-up measures that will be taken to remediate any hazardous materials present and what steps will be taken to ensure that the local community is protected from contamination during construction and operation of the proposal.

A Phase I survey has not been performed for the rail lines, but an initial assessment of the potential for encountering contamination in areas such as sidings and railyards that was performed is included in Attachment C.

**J. Property Acquisition: *Is property acquisition needed for the proposal?***

No (continue)  Yes, indicate whether the acquisition will result in relocation of businesses or individuals. **Note:** *To ensure eligibility for Federal participation, grantees may not acquire property with either local matching or Federal funds prior to completing the NEPA process and receiving written FRA concurrence in both the NEPA recommendation and property appraisals.*

The proposed maintenance activities will not involve any property acquisitions.

**K. Community Disruption and Environmental Justice: *Does the proposal present potentially disruptive impacts to adjacent communities?***

No (continue)  Yes, provide a socio-economic profile of the affected community. Indicate whether the proposal will have a disproportionately high and adverse effect on minority or low-income populations. Describe any potential adverse effects and any community resources likely to be impacted. Describe outreach efforts targeted specifically at minority or low-income populations.

The project will have a significant positive economic benefits to Aroostook County and northern Maine, by maintaining freight service needed to sustain a number of customers and businesses along the route. Since the work will be conducted entirely within the right-of-way, there will be no disruption to adjacent communities (or Environmental Justice populations). However, the project will provide benefits to the region as a whole by sustaining the businesses and employers that depend on the freight rail use along these lines.

Aroostook County is a rural area known for its potato, beef, dairy, broccoli, organic farms, extensive forests and associated industries, and lakes and streams. Aroostook's 2009 population was 71,488 (US Census). Aroostook County is sparsely populated with an average of 11 persons per square mile. Aroostook is Maine's largest county consisting of 6,672 square miles. The Aroostook County per capita income of \$29,817 (2008) is 74% of the national average of \$40,166 (2008). Aroostook County's unemployment rates were 6.2% and 7.3% for 2007 and

2008, respectively as compared to the national average of 4.6% and 5.8% unemployment rates for the same period. The poverty rate for people of all ages in Aroostook County during 2008 was at 14.6%. For residents under the age of 18, the poverty rate was 17.9%, and for those under five the poverty rate was 25.9%.

Penobscot County is located in Central Maine and includes the city of Bangor. Penobscot County is a rural area, though more densely populated than Aroostook County. With an estimated 2009 population of 149,419, Penobscot County has an average population density of about 44 persons per square mile across a total land area of 3,396 square miles. The Penobscot County per capita income \$33,149 is 82% of the national per capita income for 2008. The poverty rate for people of all ages in Penobscot County during 2008 was at 10.3%. For residents under the age of 18, the poverty rate was 18.1%, and for those under five the poverty rate was 26.4%. Penobscot County's unemployment rates were 5.7% and 5.2% for 2007 and 2008 respectively, as compared to the national average of 4.6% and 5.8% unemployment rates for the same period.

Under the American Recovery and Reinvestment Act (ARRA) of 2009 the Federal Government's guidance on project selection included the mandate that one of the priorities to be considered for project selection for ARRA funds was whether the project was in an Economically Distressed Area.

The criterion that designates an area as economically distressed is one of the following conditions:

1. The unemployment rate average over the 24 month period is 1% or more above the national average or;
2. The per capita or personal income is 80% or less than the national average.

Using both criteria, Aroostook County would be classified as an Economically Distressed Area. The project would have a significant benefit to the 21 customers along the rail lines, and the businesses that depend on freight movements to remain viable. In some cases, businesses have made significant investments in freight rail operations, so the project would be critical to their survival and viability.

**L. Impacts On Wetlands:** *Does the proposal temporarily or permanently impact wetlands or require alterations to streams or waterways?*

No (continue)     Yes, show wetlands and waters on the site map and classification. Describe the proposal's potential impact to on-site and adjacent wetlands and waters and attach any coordination with the State and US Army Corps of Engineers.

Wetland features were identified using data from the Maine Department of Geographic Information Systems and USGS Maps. Wetlands are located throughout the rail corridor. The majority of these wetlands are associated with streams and rivers that cross beneath the railroad right-of-way. The East Branch of the Penobscot River, Mattawamkeag River, Meduxnekeag River, St Croix Stream, Aroostook River, Little Machais River, Fish River, St. John River, Presque Isle Stream, Aroostook River and Madawaska River are some of the larger hydraulic features. There are also many small streams and rivers that cross in to the right of way. Kelly Bog in Staceyville and and Thousand Acre Bog in Crystal are two named wetland features that abut the rail right-of-way. The waterbodies in the project area are displayed in Figure 4.

The proposed work will involve general maintenance and track repair and

will be contained within the railroad right-of-way. There will be some ditch clearing to maintain proper drainage but this work will be limited to the right-of-way. None of the work for the proposed maintenance is expected to disturb wetland or water resources, with the possible exception of culvert and ditch maintenance and repairs.

**M. Floodplain Impacts:** *Is the proposal located within the 100-year floodplain or are regulated floodways affected?*

No (continue)  Yes, describe the potential for impacts due to changes in floodplain capacity or water flow, if any. If impacts are likely, attach scale maps describing potential impacts and describe any coordination with regulatory entities.

Areas of floodplain or special flood hazard areas exist throughout the corridor and are mainly associated with the streams and rivers that the railroad tracks cross over. Minimal if any work is expected within the floodplain elevation. Work will be limited to the existing railroad ballast areas, and the proposed maintenance will not induce flooding to the adjacent areas. No impacts to floodplain areas or changes in flood elevations are expected as a result of the proposed improvements.

**N. Water Quality:** *Are protected waters of special quality or concern, essential fish habitats, or protected drinking water resources present at or directly adjacent to the proposal site?*

No (continue)  Yes, describe water resource and the potential for impact from the proposal, and any coordination with regulatory entities.

The project corridor extends over or adjacent to many streams, rivers ponds and other water features. The proposed track maintenance will not have an effect on the water quality of adjoining water resources. Important surface water protection zones, were identified using Geographic Information Systems mapping available from the Maine Office of GIS.

The railroad right-of-way extends on to or adjacent to aquifers in the towns of Grindstone, Staceyville, Sherman, Crystal, Oakfield, New Limerick, Houlton, Webbertown, Saint Croix, T9 R5 Wels, Masardis, Ashland, Chapman, Mapleton, Presque Isle, Caribou, Fort Fairfield, Limestone, Nashville, Winterville, Eagle Lake, Wallagrass, Fort Kent, and Frenchville. Public water wells extend on to or adjacent to the right-of-way in the towns of Staceyville, Smyrna, New Limerick, Ashland, Mapleton, Presque Isle, Caribou, Limestone, Nashville PLT, Winterville, Eagle Lake, Wallagrass, Fort Kent, and Frenchville. Only one bedrock source water protection area, located in Fort Kent, was identified on the right-of-way. The work will be limited to existing ballast areas and will not disturb new ground areas. There should be no effect on the nearby public water supplies.

Under the Maine Natural Resources Protection Act, portions of the Aroostook River, Fish River, Mattawamkeag River, Penobscot, and St. John Rivers have been designated for special protection as Outstanding River Segments (see Figure 4). Figure 4 also displays direct watersheds of lakes most at risk from new development (Echo Lake in Presque Isle) and urban impaired streams (Caribou Stream in Caribou), for which the Maine Stormwater Management Law requires more stringent standards for design of stormwater Best Management Practices.

Essential Fish Habitat for Atlantic salmon (*Salmo salar*) are present in the Penobscot River (federally endangered Gulf of Maine Distinct Population Segment and critical habitat under the Endangered Species Act) and the Aroostook River (historical occurrences) (refer to discussion addressing potential under Section R, Ecologically Sensitive Areas and Endangered Species).

- O. Navigable Waterways:** *Does the proposal cross or have effect on a navigable waterway?*  
 No (continue)     Yes, describe potential for impact and any coordination with US Coast Guard.

Although the existing railroad tracks cross over or adjoin navigable waterways, the project will not affect clearances over navigable waterways. There are no proposed changes to any bridge structures.

- P. Coastal Zones:** *Is the proposal in a designated coastal zone?*  
 No (continue)     Yes, describe coordination with the State regarding consistency with the coastal zone management plan and attach the State finding if available.

Maine participates in the National Coastal Zone Management Program and has a designated coastal zone. The project is not within the designated coastal zone.

- Q. Prime and Unique Farmlands:** *Does the proposal involve the use of any prime or unique farmlands?*  
 No (continue)     Yes, describe potential for impact and any coordination with the Soil Conservation Service of the US Department of Agriculture.

The project site consists of existing trackbed within existing railroad rights-of-way, and no impacts to prime or unique farmland will occur as a result of the project. Although prime farmland soils and soils of unique importance are mapped in the vicinity of the project, the definition of prime and unique farmland excludes urbanized areas. Portions of the right-of-way are mapped as urbanized, based either on the USGS or soils mapping. However even where prime farmland soils are mapped along the railroad right-of-way, the proposed improvements will largely be constructed entirely within the existing railbed along active railroad rights-of-way and will not affect agricultural lands.

- R. Ecologically Sensitive Areas And Endangered Species:** *Are any ecologically sensitive natural areas, designated wildlife or waterfowl refuges, or designated critical habitat areas (woodlands, prairies, wetlands, rivers, lakes, streams, and geological formations determined to be essential for the survival of a threatened or endangered species) within or directly adjacent to the proposal site?*

No (continue)     Yes, describe them and the potential for impact. Describe any consultation with the State and the US Fish and Wildlife Service about the impacts to these natural areas and on threatened and endangered fauna and flora that may be affected. If required prepare a biological assessment and attach.

The proposed improvements would be entirely within the railbed, and no alterations of wetlands, or vegetated areas that may provide habitat for rare species will occur. Federal and state agencies with jurisdiction over federally and state-listed species were consulted regarding the presence of endangered and threatened species along the rail corridor. Correspondence was sent to the National Marine Fisheries Service, the U.S. Fish and Wildlife Service, the Maine Department of Marine Resources, the Maine Department of Inland Fisheries and Wildlife, and the Maine Natural Areas Program.

The U.S. Fish and Wildlife Service (USFWS) identified a federally endangered Distinct Population Segment (Gulf of Maine DPS) and critical habitat designated for protection under the U.S. Endangered Species Act for Atlantic salmon (*Salmo salar*) (see Attachment A). The project occurs within the range of the Gulf of Maine DPS of Atlantic salmon in Maine, which includes the watersheds from the Androscoggin River northward along the Maine coast to the Dennys River (see Figure 4).

The proposed project site also occurs within watersheds (East Branch

Penobscot River, Penobscot River at Mattawamkeag, and East & West branch Mattawamkeag River) that have been designated as critical habitat for Atlantic salmon by National Marine Fisheries Service (NMFS) (see Figure 4). Critical habitat is designated to include all perennial rivers, streams, and estuaries and lakes connected to the marine environment within the designated watershed. No in-stream work is proposed, with the possible exception of culvert/drainage improvements that will only be performed if needed, that could affect the habitat or migration of Atlantic salmon.

For Atlantic salmon and its critical habitat, NMFS and the Service share consultation responsibilities under Section 7 of the U.S. Endangered Species Act. The Service generally handles projects in the freshwater component of the salmon's habitat and NMFS handles projects in the marine and estuarine environment (generally below the head of tide).

Essential Fish Habitat (EFH) is also protected under the U.S. Magnuson-Stevens Fisheries Conservation and Management Act. Correspondence received from the NMFS recommended screening using information on EFH locations available from the NMFS website. Review of EFH information available indicates that the Penobscot River, which is crossed by the MMA right-of-way, provides Essential Fish Habitat for Atlantic salmon. The Aroostook River has also historically provided EFH for Atlantic Salmon. Since there is no significant work anticipated in rivers or streams, the project is not likely to affect any salmon habitat. However, any in-water work proposed at these locations for drainage modifications or culvert cleanout/ditch maintenance will require review to determine potential permitting requirements.

The U.S. Fish and Wildlife Service also indicated that the project occurs within the range of the Canada lynx (*Lynx canadensis*), a federally threatened species. Canada lynx occur throughout Maine and could occur in the project area. USFWS indicated that Canada lynx prefer to use regenerating spruce-fir habitats having high stem density. These regenerating stands support high populations of snowshoe hare (*Lepus americanus*), the primary food of the Canada lynx. The project is not likely to effect either species since the work will be limited to the existing right-of-way, and no significant clearing is proposed.

The USFWS also noted the presence of the occasional, transient bald eagle (*Haliaeetus leucocephalus*), which was federally delisted in 2007 but is protected under the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act.

The Maine Department of Inland Fisheries and Wildlife was contacted for information on protected species and provided Geographic Information System data. This GIS data indicates several occurrences of state-protected rare and endangered species along the rail corridor. The species included black tern (state endangered (SE)), claytens copper (SE), bald eagle (state threatened (ST)), upland sandpiper (ST), brook floater (ST), tomah mayfly (ST), Canada lynx (state species of special concern (SC)), mystery vertigo (SC), creeper (SC), Quebec emerald (SC), and pygmy snaketail (SC). There were also six other occurrences of state-protected rare animals along the rail corridor, with no species identified. Significant Wildlife Habitat protected under the Maine Natural Resources Protection Act includes Inland Waterfowl and Wading Bird Habitat and Deer Wintering Areas that are mapped and designated by the Maine Department of Inland Fisheries and Wildlife. These habitat areas are also located in many communities along the rail corridor.

However, the proposed track maintenance will occur within the existing railbed or within disturbed areas of the railroad right-of-way. The work in the ballast should not disturb the areas used by any endangered or threatened species or Significant Wildlife Habitat protected under the NRPA. Vegetation management will consist of limited mechanical brush cutting to improve sight distances, mostly at grade crossings.

The Maine Department of Conservation, Natural Areas Program (MNAP), reviewed the project area (see Attachment A). The MNAP identified 1 exemplary ecosystem, 6 rare or exemplary natural communities, and 33 populations of rare plants within the right-of-way area (within approximately 50 feet of the railroad) surrounding the rail corridor. Four areas of concern were identified that host populations of rare and state-protected plants: the Little Crystal Fen in Crystal and Sherman, along the Aroostook River in Caribou, Fish River Falls in Fort Kent, and St. John River in Frenchville. The MNAP requested that the Nature Conservancy be consulted regarding management of, and any changes to, the culvert at the Little Crystal Fen. The MNAP also requested that clearing of vegetation be minimized at the Aroostook River Crossing during salvage activities, but salvage activities are no longer proposed. No effects to these areas are anticipated, since work will be limited to the right-of-way. No vegetation clearing is now proposed at the Aroostook River crossing, as salvage is no longer proposed. Drainage modifications will be avoided at the culvert at the Little Crystal Fen unless agreement is reached with the landowner (Nature Conservancy). It is anticipated that culvert work at most locations will consist primarily of cleaning out debris and maintaining ditches, and that no significant changes in hydrology are expected to occur from the proposed maintenance. For the northernmost sections of rail line, including areas in Fort Kent (Fish River Falls) and Frenchville (St. John River), very little, if any, work is proposed to be performed in these locations. Prior to work in the vicinity of sensitive area, MNAP recommended that either the Maine Natural Areas Program or a qualified botanical consultant flag the sensitive areas prior to any maintenance or improvements. The MNAP indicated that, if a consultant is used to flag the sensitive areas at these sites, flagging be performed during an appropriate time in the growing season when the rare plants can be identified (see Attachment A for locations and list of protected plants).

**S. Safety And Security: *Are there safety or security concerns about the proposal?***

No (continue)  Yes, describe the safety or security concerns and the measures that would need to be taken to provide for the safe and secure operation of the proposal after its construction.

The project would maintain the existing freight use of the line. Given the extremely remote and rural nature of the majority of the right-of-way, safety and security related to freight traffic at grade crossings is not a significant concern at the majority of grade crossings.

**T. Construction Impacts: *Are major construction period impacts likely?***

No (continue)  Yes, describe the construction plan and identify impacts due to construction noise, utility disruption, debris and spoil disposal, and address air and water quality impacts, safety and security issues, and disruptions of traffic and access to property and attach scale maps as necessary.

Because the work is confined to the railroad property, and most of the activities will be limited to the track itself, no significant construction impacts are anticipated. Moreover, many of the adjoining areas are undeveloped or sparsely developed, further limiting potential impacts on adjoining properties.

**U. Cumulative Impacts: *Are cumulative impacts likely?***

A "cumulative impact" is the impact on the environment that results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts may include ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or resulting from smaller actions that individually have no significant impact. Determining the cumulative environmental consequences of an action requires delineating the cause-and-effect relationships between the multiple actions and the resources, ecosystems, and human communities of concern.

No (continue)     Yes, describe the reasonably foreseeable:

(a) Direct impacts, which are caused by the action and occur at the same time and place.

The proposed action involves maintaining the current freight use of the Madawaska Subdivision. The freight traffic has been declining in recent years, and the goal of the project is to return the railroad to a State of Good Repair to maintain and enhance freight traffic.

(b) Indirect impacts, which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect impacts may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.

Indirect effects of the project consist primarily of positive indirect impacts on the economy and employment levels for Penobscot and Aroostook County. The long-term operation of the railroad would employ 20+ persons, and the rehabilitation project would employ 33 persons. The project has significant indirect beneficial impacts on the region's employment, by providing cost-effective transportation to the businesses in the region.

The Due Diligence Report prepared on the Montreal, Maine, & Atlantic Railway for MaineDOT states that: "Improvements to the rail infrastructure in this economically distressed area of Maine will provide upwards of thirty immediate jobs during construction and increased economic opportunities for existing and new industries using freight service. This project would also increase economic activity associated with development of new and emerging markets in the region. Economic impacts for abandoning the line range from lost businesses, jobs and tax revenues to decreasing the ability to attract new industries to the area and losing the corridors for future development of industry, utilities and transit operations. This particular rail corridor is located in an economically distressed area, and most of the shippers on this line rely on rail service to keep transportation costs low enough to remain competitive in their own markets. Additional industries were identified that have been considering locating to the area and would require rail service; these include biofuels, engineered wood products and wind turbine equipment. These opportunities and the attractiveness of the area for many other industries in the future would be lost without the rail access in this corridor. Without protecting this infrastructure now, this area, as well as the entire state

of Maine, will lose a valuable asset and one of its best resources for a strong position for economic recovery. The public benefits of maintaining rail service are an upward spiral. With the identified and future industries attracted to the area due to the rail service, new jobs are created, and the entire area benefits from the growth."

- V. Related Federal, State, or Local Actions:** *Indicate whether the proposal requires any of the following actions (e.g., permits) by other Agencies and attach copies of relevant correspondence. It is not necessary to attach voluminous permit applications if a single cover Agency transmittal will indicate that a permit has been granted. Permitting issues can be described in the relevant resource discussion in sections B-S above.*

**Section 106** *Historic and Culturally Significant Properties*

**Section 401/404** *Wetlands and Water*

**USCG 404** *Navigable Waterways*

**Executive Orders** *Wetlands, Floodplains, Environmental Justice*

**Clean Air Act** *Air Quality*

**Endangered Species Act** *Threatened and Endangered Biological Resources*

**Magnuson-Stevens Fishery Conservation and Management Act** *Essential Fish Habitat*

**Safe Drinking Water Act**

**Other State or Local Requirements** (Describe) Needed drainage improvements identified include cleaning out crossing culverts and ditch maintenance. Additional culvert modifications or improvements may involve work within water resources or wetlands. This work will be subject to review under the Maine Natural Resources Protection Act (NRPA). It is anticipated that the work in Maine will be covered under a Permit by Rule for a State Transportation Facility. This permit-by-rule category applies to the maintenance, repair, reconstruction, rehabilitation, replacement or minor construction of a State Transportation Facility. A permit by rule filing includes coverage under Section 401 (Water Quality Certification).

Any work in federally regulated resources will require a Section 404 permit from the U.S. Army Corps of Engineers. For projects regulated by the Maine Department of Environmental Protection under their Permit-by-Rule program, the Corps has determined that, for State Transportation Facilities, unless the project impacts exceed 15,000 square feet or if special circumstances apply, the projects qualify for Category 1 of the Programmatic General Permit (PGP). As such they require no application or notification to the Corps and no further action from the Corps. The Draft PGP, which will go into effect after October 2010, proposes to reduce these reporting requirements from 15,000 to 4,300 square feet.

However, the U.S. Army Corps of Engineers Maine Programmatic General Permit states that any work in any aquatic habitat in the following rivers and streams, including all tributaries to the extent that they are currently or were historically accessible for salmon migration, shall not be authorized under Category 1 of the PGP and must be

screened for potential impacts to Essential Fish Habitat:

Aroostook River  
Penobscot River

In assessing whether a Corps PGP 1 or 2 may apply, a determination may need to be made whether any minor work proposed at these tributaries (e.g., cleaning out crossing culverts at these locations) constitutes "work" in these aquatic habitats.

Should rehabilitation work involve disturbance of land areas in excess of one acre, a State of Maine Pollution Discharge Elimination System (MPDES) Construction General Permit would be required. The NRPA Permit by Rule also requires that all construction activities undertaken must be detailed in a site-specific Soil Erosion and Water Pollution Control Plan and conducted in accordance with MaineDOT's Best Management Practices for Erosion and Sediment Control, dated January 2000, and Standard Specifications, dated December 2002.

**X. Mitigation:** Describe mitigation measures which address identified impacts and have been incorporated into the proposal, if any.

The project is not expected to create significant impacts as the work is confined to the existing railroad right-of-way and involves maintenance activities. MaineDOT would use best management practices during track improvements to ensure that dust is adequately controlled.

Best Management Practices related to maintenance work will be used to protect natural resources adjacent to the railroad right-of-way. Any drainage modifications proposed in Essential Fish Habitat areas for Atlantic salmon (Penobscot River and Aroostook River), will require special consideration to avoid and minimize potential impacts and screening, in consultation with regulatory agencies, to determine permitting requirements (as noted under Sections R, Ecologically Sensitive Areas/Endangered Species and V, Related Federal, State, or Local Actions). Review and screening will also be required for drainage work proposed within the watersheds for the Gulf of Maine Distinct Population Segment for federally endangered Atlantic Salmon and designated critical habitat areas (see Figure 4 for locations). Work will be planned to avoid and minimize impacts at ecologically sensitive locations, as noted in Section R, and necessary permit approvals will be obtained for proposed drainage modifications.

At locations hosting rare and exemplary plant communities (the culvert draining the Little Crystal Fen in Crystal and Sherman, Aroostook River in Caribou, Fish River Falls in Fort Kent, and St. John River in Frenchville), work will be conditioned to avoid impacts. No clearing will be performed along the Aroostook River in Caribou that would impact rare plants, and no drainage modifications will be performed at the culvert at the Little Crystal Fen without prior approval of the land owner (Nature Conservancy). Little if any work is proposed at the two other northern sites. If any work is planned at any of these four locations, screening of the proposed work and flagging of rare plants will be performed in advance to avoid impacts.

## LIST OF CE ATTACHMENTS

Figure 1 - Montreal, Maine & Atlantic Rail Line Map

Figure 2 - Roadway Network Including Local Roads

Figure 3 - Locus Map

Figure 4 - MMA Hydrology (Sheets 1 through 3)

Attachment A - Agency Correspondence

Attachment B - Noise and Vibration Assessment

Attachment C - Hazardous Materials and Hazardous Waste Technical Memorandum