



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE
GOVERNOR

PAUL MERCER
COMMISSIONER

January 12, 2017

Notice to the Persons Whose Legal Rights, Duties or Privileges Are at Issue

On November 9, 2016, the Maine Department of Environmental Protection (“Department”) accepted as complete for processing an application by the Maine Turnpike Authority (“Authority”) for a Natural Resources Protection Act permit and a Notice of Intent to Comply with the Maine State Transportation Site Law General Permit for the Authority (General Permit) to construct a new toll plaza at mile 8.8 of the Maine Turnpike in York, Maine. The new toll plaza proposed by the Authority would consist of a total of 15 lanes in a combination of Open Road Tolling and Cash Only lanes, and would result in the filling of approximately 1.46 acres of freshwater wetland and alter 1.41 acres of significant vernal pool buffer area. The relevant statutory and regulatory criteria for the requested license are the *Natural Resources Protection Act*, 38 M.R.S. §§ 480-A - 480-HH, the *Site Location of Development Law*, 38 M.R.S. §§ 481-490 as incorporated in the General Permit, the Department’s rules concerning Wetlands and Waterbodies Protection, 06-096 CMR 310 (last amended January 26, 2009), and the Department’s Rules Concerning Significant Wildlife Habitat, 06-096 CMR 335 (last amended January 7, 2014).

On December 2, 2016, the Commissioner determined that the Department will hold a public hearing on these applications. The Commissioner delegated to Marybeth Richardson, the Director of the Department’s Southern Maine Regional Office, the authority to be Presiding Officer for purposes of carrying out the hearing. Notice of the hearing date, time and location will be published at a later date in accordance with the requirements of the Maine Administrative Procedure Act and Department regulations.

At this time, any person desiring to participate as a party to the proceeding must file a written petition for leave to intervene. The petition for leave to intervene must show that the petitioner is a person who is or may be substantially and directly affected by the proposed project, or that the petitioner is an agency of federal, state or local government. Petitioners for intervenor status should state reasonably specific contentions regarding the subject matter of the hearing and be prepared and capable of participation in the hearing in order to support such contentions. 5 M.R.S. § 9054, 06-096 CMR 2(7)(C), 06-096 CMR 20(4)(A), 06-096 CMR 30(5)(A).

Persons granted intervenor status will have the right to offer testimony and evidence, may cross-examine other parties, and will have the responsibility to attend pre-hearing conferences and abide by all procedural orders. Intervenors and the applicant will be required to file all testimony prior to the hearing for review by the Department and other parties in advance of the hearing.

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312 CANCO ROAD
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(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
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(207) 764-0477 FAX: (207) 760-3143

Notice to Potential Intervenors

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Members of the public who wish to provide written comments to the Department about the application, or simply wish to testify at the public hearing, do not need to petition to intervene. A portion of the public hearing will be reserved for the purpose of receiving testimony from the general public. The Department will also accept written comments from the public. Members of the public who wish to receive notices related to the public hearing may ask to be put on an “interested persons” list, without the need to intervene.

Written petitions for leave to intervene must be received by the Department on or before January 30, 2017 at 5:00 p.m. Petitions should be directed to:

- By mail – Marybeth Richardson, Director
Maine Department of Environmental Protection
Southern Maine Regional Office
312 Canco Rd.
Portland, Maine 04103
- Electronically – marybeth.richardson@maine.gov
- By hand – Marybeth Richardson, Director
Maine Department of Environmental Protection
Southern Maine Regional Office
312 Canco Rd.
Portland, Maine

Petitions for leave to intervene must be typewritten or printed on white opaque paper 8 ½ by 11 inches in size. The final page must be dated and signed. All petitions must be received by the date and time set forth above at least electronically. If a petition is filed electronically, a signed paper version must subsequently be mailed to the Department, at the mailing address set forth above, so that the document is received by the Department within five (5) working days of the deadline.

Questions regarding petitions to intervene may be directed to Robert Green at the Maine Department of Environmental Protection, 312 Canco Road, Portland, Maine 04103, at YorkTollPlaza.DEP@maine.gov or at (207) 615-2214.