

**Opportunities Providing Easier Navigation in Brunswick (OPEN in Brunswick) Project
Maine Department of Transportation**

U.S. Department of Transportation (USDOT)
FY 2025 Better Utilizing Investments to Leverage Development (BUILD) Grant Program

PROJECT READINESS

PROJECT READINESS

A. Planning & Constructability

The Project is located in the *MaineDOT's State Transportation Improvement Program*,³⁰ pages 23-24, broken down by the following Project components. The Project is also located in the *Maine Department of Transportation Three-Year Work Plan 2024 Edition*,³¹ pages 41-43, broken down by the following components as well:

021910.00	Intersection Improvements w/ Signal (Pleasant, Mill & Stanwood)	page 41
025949.00	Intersection Improvements w/ Signal (Pleasant Street & River Road)	page 41
026011.00	Bike/Ped New Construction (Brunswick Riverwalk)	page 41
026037.00	Intersection Improvements w/ Signal (Pleasant Street & Church Road)	page 41
026134.00	Install or Replace Traffic Signals (Maine Street & Pleasant Street – multiple locations)	page 42
028114.00	Reconstruction (Bow St/Cabot St/ US 1 Ramp)	page 43

The Project is not part of a freight plan. There will be minimal right-of-way acquisition required for the Project. The Project will not require unique construction techniques, non-standard project delivery methods, or construction phasing.

MaineDOT is also applying an innovative means with respect to NEPA and permitting for this project through Programmatic Agreements to ensure timely and consistent reviews and accelerate Project delivery. MaineDOT and various other state and federal departments have executed agreements to expeditiously but thoroughly review environmental impacts from projects. MaineDOT will take advantage of the following up-to-date agreements, where applicable, to streamline the environmental review and approval process:

1. 23 U.S.C. §326 NEPA Categorical Exclusion Assignment Memorandum of Agreement between FHWA Maine Division and MaineDOT dated 10/9/24.
2. Programmatic Agreement among Federal Highway Administration, Federal Transit Administration, the Advisory Council on Historic Preservation, the Maine State Historic Preservation Officer, and Maine Department of Transportation Regarding Implementation of the Federal Aid Highway and Federal Transit Programs in Maine;
3. Cooperative Agreement between U.S. Department of the Interior Fish and Wildlife Service (USFWS), FHWA and the MaineDOT for State Transportation Reviews by the USFWS in Maine;
4. Programmatic Agreement for the State of Maine concerning identification of listed and proposed species and designation of non-federal representative under the Federal Endangered Species Act between FHWA, Maine Division USACE, and MaineDOT
5. Programmatic Agreement for the State of Maine concerning identification of listed and proposed species and designation of non-federal representative under the Federal Endangered Species Act between FHWA, Maine Division USACE, and MaineDOT.
6. Memorandum of Agreement for Stormwater Management Between the MaineDOT, MTA and Maine Department of Environmental Protection.
7. Memorandum of Agreement between United States Army Corps of Engineers (USACE), New England District and MaineDOT for Expediting Permit Application Evaluations under

³⁰ *Maine Department of Transportation Statewide Transportation Improvement Program 2024 – 2027*, pages 23 – 24, <https://www.maine.gov/mdot/stip/>

³¹ *Maine Department of Transportation Three-Year Work Plan 2024 Edition*, pages 41 – 43, https://www.maine.gov/mdot/projects/workplan/docs/2024/Work%20Plan%202024_2025_2026.pdf

Opportunities Providing Easier Navigation in Brunswick (OPEN in Brunswick) Project

Section 214 of the Water Resources Development Act of 2000, as amended, and Section 139(j) of Title 23, United States Code, Assistance to Affected State and Federal Agencies, July 2022.

B. Proposed Schedule

Project Milestone	Start Date	End Date
Project Kickoff	July 2025	
Preliminary Design (60%)	August 2025	January 2027
NEPA	January 2027	December 2028
Obtain Permits/Approvals	January 2027	May 2029
Bid Project	July 2025	April 2028
Final Design (90%)	February 2027	April 2028
ROW Acquisition (<i>R/W Certified</i>)	May 2028	August 2029
Anticipated Obligation of Grant Funds	September 2029	September 2029
Start/End Construction	April 2030	October 2033

The Project Phases included in this BUILD funding request consist of ROW acquisition, Final Design, and Construction.

C. NEPA & Permitting

MaineDOT recognizes that assuring sustainability of habitats, ecosystems and transportation infrastructure can occur in concert rather than in conflict. Toward that end, MaineDOT endeavors to exercise reasonable stewardship over both natural resources and transportation infrastructure through its commitment to addressing aquatic organisms, wildlife habitats, and fish passage in cooperation with natural resource agencies, while weighing all aspects of a proposed project.

Required Approvals

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

National Environmental Policy Act (NEPA)

The NEPA process will inform and be incorporated into design efforts. Each of the project components can be classified as Categorical Exclusions in accordance with 23 CFR 771.117. MaineDOT is currently reviewing the Project and preparing NEPA documentation in accordance with its 23 U.S.C. § 326 CE Assignment Memorandum of Understanding between FHWA, Maine Division and the Maine Department of Transportation for State Assumption of Responsibility for Categorical Exclusions, dated October 9, 2024.

Should any issues arise, MaineDOT will work directly with the respective agencies to quickly resolve them. Public involvement will be completed in accordance with MaineDOT Public Involvement Plan and the MaineDOT NEPA Public Involvement Plan. These plans can be found at <https://www.maine.gov/mdot/env/NEPA/public/index.shtml>

The anticipated date for NEPA completion is December 2028.

Opportunities Providing Easier Navigation in Brunswick (OPEN in Brunswick) Project

Historic and Archeological: MaineDOT and FHWA Maine Division will complete the Section 106 process for all Project elements in accordance with the *Programmatic Agreement among Federal Highway Administration, Federal Transit Administration, the Advisory Council on Historic Preservation, the Maine State Historic Preservation Officer, and Maine Department of Transportation Regarding Implementation of the Federal Aid Highway and Federal Transit Programs in Maine*.

MaineDOT's Historic Coordinator will oversee architectural survey and archaeological review of the Project area. The Project area does include historic properties and a Historic District. The design team will work to avoid and minimize impacts and resolve any adverse effects to these properties in consultation with the City of Brunswick, the MaineDOT Historic Coordinator, and the Maine Historic Preservation Commission as outlined in 36 CFR 800 and the MaineDOT Section 106 Programmatic Agreement.

Section 4(f) of the Department of Transportation Act: The MaineDOT Cultural Coordinator will review the project corridor to identify Section 4(f) resources. Project details and right-of-way information will be evaluated to avoid and minimize potential Section 4(f) uses. Any use of 4(f) resources will be reviewed and expedited in accordance with MaineDOT Section 4(f) Guidance pursuant to the NEPA Assignment 326 MOU.

Endangered Species Act (ESA) and Essential Fisheries Habitat (EFH): The Project is located within the range of the federally endangered Northern Long-Eared Bat, Atlantic sturgeon, shortnose sturgeon, and Atlantic salmon. MaineDOT will complete consultation with U.S. Fish and Wildlife Service and the National Marine Fisheries Service and will incorporate avoidance and minimization measures into the project design. This includes designated Essential Fish Habitat. MaineDOT and FHWA will incorporate Conservation Recommendations provided by NMFS for any project elements that require in-water work.

Section 404 Clean Water Act Permit/Section 10 of the Rivers and Harbors Act (U.S. Army Corps of Engineers): Freshwater wetland and stream impacts may be required to complete some components of the Project. Project design will avoid and minimize temporary and permanent wetland impacts to the extent practicable. MaineDOT anticipates that wetland impacts, and any in-water work will be eligible for Pre-Construction Notification (PCN) under the Maine Programmatic General Permit. Use of In-lieu fee mitigation payments to the Maine Natural Resources Compensation Program will streamline compensatory mitigation for unavoidable wetland impacts.

Natural Resources Protection Act (Maine Department of Environmental Protection): Wetlands and waterbodies are regulated by the Maine Natural Resources Protection Act. MaineDOT anticipates that wetland and stream impacts associated with the Project will be permissible under the Individual Permit process.

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

Opportunities Providing Easier Navigation in Brunswick (OPEN in Brunswick) Project

Floodway/Floodplains: The project will not require encroachment into a designated floodway or floodplain.

D. Project Support

Community members have been provided numerous opportunities to voice input, both in person and online. MaineDOT's previous and future community outreach is consistent with its [Public Involvement Plans](#).

MaineDOT welcomes working with USDOT to identify and measure metrics that assess Project benefits. MaineDOT is very experienced, with systems in place to gather baseline data and establish ongoing measurements that ensure Project intentions are realized. Given MaineDOT's experience administering numerous Federal grant applications with a variety of partners.

MaineDOT and the Town will continue seeking community feedback during all Project lifecycle stages, including during ongoing environmental permitting studies. NEPA-related public involvement will be completed in accordance with the MaineDOT [Public Involvement Plan](#) and [NEPA Public Involvement Plan](#). MaineDOT utilizes a [Virtual Public Involvement](#) platform to present project information on-demand. Through this web-based platform, visitors can view project details, provide feedback, and have access to traditional and ADA-compliant contact methods for sharing input and contact information directly to and from the project manager.

The Project team will continue to evaluate formats and techniques that foster community engagement. MaineDOT will request public meeting notices be posted at municipal buildings and public libraries to solicit comments from individuals lacking internet or mobile devices.

Community stakeholders have been a key part of the decision-making process through a variety of public outreach measures. These measures have been used to gather input from residents about the documented studies that have taken place, for both the various street components, as well as the Riverwalk connection component, all to help guide design. Several public involvement meetings were held to obtain feedback and present the findings of the studies to guide town council approvals. Business owners are especially supportive of the Project because it will improve sidewalks and roads that lead to their businesses. The following public meetings took place regarding the Project:

- ✓ *Pleasant Street Corridor Transportation Study Final Report*:
 - July 11, 2019: meeting with the Brunswick Downtown Association
 - July 15, 2019: Brunswick Town Council Workshop meeting
 - September 9, 2019: Meeting with Cabot Mill businesses
 - September 12, 2019: Public Meeting (*Comment Summary in the Merit Criteria*)
 - October 24, 2019: Brunswick Town Council Workshop on Study
 - November 4, 2019: Brunswick Town Council Accepts Study Recommendations
- ✓ *Riverwalk Feasibility Study*
 - December 11, 2018: Advisory Committee Kick-Off meeting
 - November 22, 2019: Advisory Committee Working Session status meeting
 - May 27, 2020: Riverwalk Committee Meetings to present the Draft and Final Recommendations (via Zoom)
 - October 4, 2021: Town Council Meeting; town staff reviewed Riverwalk project with Town Council; Council unanimously approved the Project component

Opportunities Providing Easier Navigation in Brunswick (OPEN in Brunswick) Project

Numerous letters of support accompany the application and were submitted by a variety of stakeholders. The Project has received support from a diverse group of elected officials and organizations who understand the significant benefits the Project will create. MaineDOT will post all letters of support at www.maine.gov/mdot/grants/ with future letters uploaded to the site as they are received.

E. Risk and Mitigation

Numerous risks were contemplated but each has a comprehensive mitigation strategy. Coordination between teams will continue to ensure that the Project goals and community needs can be met while avoiding, minimizing, and mitigating potential environmental impacts.

Project Risks	Mitigations
National Register (NR) eligible Historic Properties and Historic District within the project area	Close coordination with MaineDOT Historic Preservation Committee (MHPC) and Municipality regarding potentially affected resources. Project design will be compatible and complement characteristic features of NR-eligible properties. Mitigation provided for any unavoidable adverse effects.
Potential Areas of archaeological significance within the Project area	Close coordination with MHPC to complete field checks and Phase 1 & 2 Archaeological Investigation early in the process to determine National Register eligibility; adjust design to avoid or mitigate potential impacts.
Coastal wetland located within the Project area	Avoid and minimize wetland and waterbody impacts during Project design; utilize In-Lieu fee mitigation payments to streamline compensatory mitigation process for unavoidable impacts
Project is within the range of federally Endangered Northern Long-Eared Bat, Atlantic and Shortnose sturgeon, and Atlantic salmon	Coordinate with U.S. Fish and Wildlife to determine likelihood of species presence, incorporate time-of-year restrictions to avoid and minimize effects
Flood Hazard Areas	Incorporate responsible and resilient design features

F. Technical Capacity Assessment

MaineDOT is an experienced recipient of past successful TIGER, FASTLANE, INFRA, RAISE, and BUILD grants and can fully fund and commence the Project well in advance of the obligation date and in advance of the expenditure deadline without risk. MaineDOT adheres to Administrative and National Policy Requirements during all phases of all projects. MaineDOT's Federal grant and formula fund experience includes the management of numerous infrastructure projects and the associated Federal requirements and regulations, such as compliance with Buy America, Americans with Disabilities Act, Uniform Relocation Assistance and Real Property Acquisition Act, and Davis Bacon Act. MaineDOT will comply with Section 3(C)(iv) of *EO Ending Illegal Discrimination and Restoring Merit-Based Opportunity*. MaineDOT will provide documentation of past, current and ongoing compliance. Since the enactment of IIJA, MaineDOT has successfully managed a total of \$585 million in various grants programs. Prior to BIL, MaineDOT received various awards from TIGER, FASTLANE, BUILD, RAISE, and INFRA and has extensive experience managing projects that meet all Federal requirements and regulations.