

PROJECT READINESS

North Windham Moves: Regional Mobility - Local Access Project

MaineDOT is an accomplished, experienced, and responsible recipient of past successful FASTLANE, TIGER, INFRA, and BUILD grants and can be relied upon to fully fund and commence the Project well in advance of the obligation date, and to complete the Project well in advance of the completion date requirement without risk.

Detailed Project Schedule

<u>Task</u>	<u>Date</u>
Existing Conditions Complete	December 1st, 2023
Draft Horizontal Vertical Alignment	February 1st, 2024
Preliminary Public Hearing	March 1st, 2023
Final Horizontal Vertical Alignment	April 1st, 2024
Draft Preliminary Design Report	October 1st, 2024
Final Preliminary Design Report	December 1st, 2024
Draft Plan Impacts Complete	April 1st, 2025
Public Hearing	May 1st, 2025
Final Plan Impacts Complete	June 1st, 2025
Draft Environmental Assessment	December 1st, 2025
Final Environmental Assessment	March 1st, 2026
NEPA Complete	April 1st, 2026
Draft Plans, Specifications & Estimate	March 1st, 2027
Right of Way Certified	May 31st, 2027
Final Plans, Specifications & Estimate	June 1st, 2027
Advertise	June 30th, 2027
Construction Begins	October 1st, 2027
Construction Complete	November 1st, 2030

Environmental Risk/Required Approvals

MaineDOT’s land acquisition policy includes being respectful of property owners and sensitive to their concerns and rights under the U.S. and Maine Constitutions, as well as other laws. The process of acquiring real property includes appraisal, appraisal review, waiver valuations, establishing estimates of just compensation, negotiations, relocation assistance, administrative and legal settlements and court settlements and condemnations. MaineDOT acquires property in accordance with the Uniform Act, and pays fair market value. Maine Revised Statutes annotated (MRSA) Title 23 establishes the authority and direction under Maine law for implementing these policies.

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 habitat in

cooperation with natural resource agencies, while weighing all aspects of a project.

During Project development, numerous risks were contemplated but each has a comprehensive mitigation strategy. Coordination between the design team and the environmental team will continue to ensure that Project goals and community needs are met while avoiding, minimizing, and mitigation potential environmental impacts. MaineDOT has initiated communication with environmental agencies and interested parties. Preliminary baseline data collection to identify natural and cultural resources potentially affected by the Project is nearly complete. 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. While the Project components have cumulative benefits being completed together, the mainline improvements to State Routes 302, 35, & 115 have independent utility and will be classified separately as Categorical Exclusions in accordance with 23 CFR 771.117(c) (26) or (d) 13. MaineDOT is currently reviewing the Project and preparing NEPA documentation in accordance with *Programmatic Agreement between the Federal Highway Administration, Maine Division and the Maine Department of Transportation Regarding the Processing of Actions Classified as Categorical Exclusions for Federal-Aid Highway Projects*. MaineDOT has made an initial determination that the NEPA Class of Action for the East, Middle, and West Connector Roads will be an Environmental Assessment. Should any issues arise, MaineDOT will work directly with the respective agencies to quickly resolve them. Public involvement will be completed in accordance with MaineDOT Public Involvement Plan and the MaineDOT NEPA Public Involvement Plan. These plans can be found at this link: <https://www.maine.gov/mdot/env/NEPA/public/index.shtml>. The anticipated date for NEPA completion is April 2026.

Historic and Archeological: MaineDOT and FHWA have initiated and 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*. Identification of historic resources is underway. MaineDOT's Historic Coordinator will oversee architectural survey and archaeological review of the project area. Based on previous studies, it is unlikely that National-Register eligible architectural sites will be affected. The Project Area does include some areas of archaeological interest and will need further field assessment. The design team will work to avoid and minimize impacts and resolve any adverse effects to these properties in consultation with the Historic Coordinator and the Maine Historic Preservation Commission as outlined in 36 CFR 800 and the MaineDOT Section 106 Programmatic Agreement.

Section 4(f) 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. Based on the project scope, any Section 4(f) use that is unavoidable is expected to be *de minimus*.

Endangered Species Act (ESA) and Essential Fisheries Habitat (EFH): The Project area includes designated Essential Fish Habitat. MaineDOT and FHWA will incorporate Conservation Recommendations provided by NMFS for any culvert or bridge replacements that require in-water work. The Project is located within the range of the federally endangered Northern Long-Eared Bat. MaineDOT will complete consultation with U.S. Fish and Wildlife Service and will incorporate avoidance and minimization measures into the project design. MaineDOT and FHWA will coordinate with federal agencies during Project design to avoid and/or minimize effects to EFH and ESA species and to update the required consultations as applicable in accordance with the Project Schedule. MaineDOT and FHWA will coordinate with federal agencies during Project design to avoid and/or minimize effects to ESA species and to complete the required consultations in accordance with the Project schedule.

Section 404 Clean Water Act Permit (U.S. Army Corps of Engineers): Freshwater wetland impacts and stream impacts are expected in order to perform the required work. MaineDOT will avoid and minimize temporary and permanent wetland impacts to the extent practicable. MaineDOT anticipates that wetland impacts, and any in-water work will be eligible for 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): Wetland and stream impacts are regulated by the Maine Natural Resources Protection Act. MaineDOT anticipates that wetland and stream impacts associated with the Project will be eligible for Permit-By-Rule Chapter 305, Section 11, which is a streamlined permit process for State Transportation Facilities or will be permissible under the Individual Permit process.

Stormwater (Maine Department of Environmental Protection): The Project will incorporate Best Management Practices for temporary and permanent management of soil erosion and sedimentation. Permanent measures for treatment of stormwater quantity and quality will be incorporated in accordance with 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.

Floodway/Floodplains: The Project may require construction of new crossings at waterbodies with designated Zone A and Zone B floodplains. All crossings will be designed to avoid and minimize encroachments into designated flood zones and in accordance with Executive Order 11988. Crossings will generally be designed to improve hydraulic capacity and aquatic connectivity.

Programmatic Agreements

The parties involved in this grant application are 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:

1. Programmatic Agreement between the Federal Highway Administration, Maine Division and the Maine Department of Transportation Regarding the Processing of Actions Classified as Categorical Exclusions for Federal-Aid Highway Projects;
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, & 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, & 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 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.

The Project is located in the 2023 Edition of *MaineDOT's Three-Year Work Plan*.¹

Assessment of Project Risks and Mitigation Strategies

During development of the RAISE Project, numerous risks were contemplated but each has a comprehensive mitigation strategy. As design is finalized, coordination between the design team and the environmental team will continue, ensuring Project goals and community needs are met while avoiding, minimizing, and mitigating potential environmental impacts.

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https://www.maine.gov/mdot/projects/workplan/docs/2023/WORK%20PLAN%20FINAL%202023_2024_2025-3.pdf, begin page 70

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Project Risks	Mitigations
Risk of unanticipated real estate acquisition costs higher than expected	Avoid and minimize ROW acquisitions, particularly residential and commercial displacements and relocations
	Pay fair market value
	Consider early acquisitions
Should currently high costs of construction materials and labor persist.	Adjust budget to cover higher costs at MaineDOT expense
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
Streams and wetlands located within the Project Area	Avoid and minimize wetland and waterbody impacts during Project design; incorporate habitat connectivity features in crossing designs; utilize In-lieu fee mitigation payments to streamline compensatory mitigation process for unavoidable impacts
Stormwater management for new connector roads	Develop conceptual stormwater and drainage plans early to ensure adequate right-of-way is required for stormwater treatment measures
Project is within the range of federally Endangered Northern Long-Eared Bat	Coordinate with U.S. Fish & Wildlife to determine likelihood of bat presence, complete acoustic surveys and/or incorporate time of year restrictions on clearing to avoid and minimize effects to Northern Long-Eared Bats.

Technical Capacity – MaineDOT is an accomplished, experienced, and responsible recipient of past successful FASTLANE, TIGER, INFRA, and BUILD grants and can be relied upon to fully fund and commence the Project well in advance of the obligation date, and to complete the Project well in advance of the completion date requirement without risk.

Compliance with Section 508 of the Rehabilitation Act of 1973 – the MaineDOT recognizes the importance of providing all information and communication technology to be accessible to individuals with disabilities.