

# EAST DEERING: PATHWAYS TO BRIDGE THE GAP PROJECT

## **PROJECT READINESS**

MaineDOT is an accomplished, experienced, and responsible recipient of past successful TIGER, FASTLANE, INFRA, BUILD, and RAISE 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 in advance of the expenditure deadline without risk.

### **Project Schedule**

The Project Schedule outlines milestones by date:

<b>Project Milestone</b>	<b>Completion Date</b>
Project Kickoff	July 2025
Preliminary Design Report Complete	January 2026
NEPA Complete	June 2027
PS&E Submission	April 2028
Advertise	May 2028
Begin Construction	July 2028
Construction Complete	December 2031

### **Environmental Risk Assessment**

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.

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.

#### *Programmatic Agreements*

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 agreements, where applicable, to streamline the environmental review and approval process:

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;

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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 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.

During the development of the RAISE package, 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 the Project goals and community needs can be met while avoiding, minimizing, and mitigation potential environmental impacts.

### *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(c) (3) and (d) 7. 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*. 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 June 2027.

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### 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 some areas of archaeological interest and will need further field assessment.<sup>36</sup> The design team will work to avoid and minimize impacts and resolve any adverse effects to these properties in consultation with the City of Portland, 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. Based on the project scope and preliminary plans, 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, Shortnose and Atlantic 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.

### Section 404 Clean Water Act Permit/Section 10 of the Rivers and Harbors Act (U.S. Army Corps of Engineers)

Coastal wetland impacts are expected in order 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)

Coastal wetland impacts are regulated by the Maine Natural Resources Protection Act. MaineDOT anticipates that wetland impacts associated with the Project will be permissible under the Individual Permit process.

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<sup>36</sup> City of Portland Historic Resources:  
<https://portlandme.maps.arcgis.com/apps/instant/minimalist/index.html?appid=6d0e7cf0c2c8447ab36eb83dd11f79bd>

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### 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.

### Floodway/Floodplains

Some of the Project components may require construction within designated Zone AE Flood Hazard Areas.<sup>37</sup> The project will be designed to avoid and minimize encroachments into designated flood zones and in accordance with Executive Order 11988. Any new infrastructure in AE Zones will incorporate responsible and resilient design features.

Project Risks	Mitigations
<b>Environmental permitting/restriction</b>	
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

### **Technical Capacity**

MaineDOT is an accomplished, experienced, and responsible recipient of past successful TIGER, FASTLANE, INFRA, BUILD, and RAISE 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 expenditure deadline without risk.

MaineDOT also 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 Title VI/Civil Rights, Buy America, Americans with Disabilities Act, Uniform Relocation Assistance and Real Property Acquisition Act, and Davis Bacon Act.

Since the enactment of the Bipartisan Infrastructure Law (BIL), MaineDOT has successfully managed a total of \$292 million in various grants programs. Prior to BIL, MaineDOT has

<sup>37</sup> City of Portland’s Flood Map Viewer:  
<https://portlandme.maps.arcgis.com/apps/webappviewer/index.html?id=975da31f7aff455d8da5ac0776efac55>

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received various awards from TIGER and BUILD and has extensive experience managing projects that meet all Federal requirements and regulations.

### **Financial Completeness**

The *Project Budget* section outlines the funding sources, which includes a 20 percent non-federal match.

A 15 percent contingency and 4 percent inflation adjustment have been factored into the total Project budget. MaineDOT is very experienced working with the U.S. Department of Transportation to fund, construct, manage, and complete Federally-funded infrastructure projects. Should there be additional cost overruns, MaineDOT and IDEALS are equipped to provide all additional funding.

The *Benefit-Cost Analysis Narrative* and *Analysis* sections outline the benefit-cost ratio of 3.08:1.