UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MA 02109-3912

OFFICE OF THE
REGIONAL ADMINISTRATOR

January 25, 2010

Jonathan McDade, Division Administrator
Federal Highway Administration
Room 614, Federal Building
Augusta, Maine 04330

RE: Final Environmental Impact Statement, Tier 1-Aroostook County Transportation Study, Tier 2-Route 1-161 Connector, Caribou (CEQ#20090439)

Dear Administrator McDade:

The Environmental Protection Agency-New England Region (EPA) has reviewed the Federal Highway Administration's (FHWA)/Maine Department of Transportation's (MaineDOT) Final Environmental Impact Statement (FEIS) Tier 1-Aroostook County Transportation Study (ACTS), Tier 2-Route 1-161 Connector, in Caribou, Maine. The FEIS focuses mainly on the Caribou Connector and notes that decisions regarding ACTS's larger regional transportation initiatives, intended to improve mobility and catalyze economic growth within northeastern Aroostook County, are being deferred for an unspecified amount of time. We submit the following comments on the FEIS in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act.

As we stated in our 2002 comments on the DEIS, EPA typically reviews transportation projects proposed to remedy identified traffic problems related to capacity, congestion or safety, and we noted that the Aroostook study is not driven by any of these transportation problems. Instead, the study is intended to determine ways that transportation improvements could create economic opportunities for the region. EPA recognizes the tiered approach as an appropriate means to review specific smaller projects (such as the Caribou Connector and Presque Isle Bypass projects) within the 2760 square mile study area. According to the FEIS (page 1-9), "FHWA and MaineDOT have deferred the selection of an overall preferred north-south corridor." Decision-making is "deferred until funds or need are identified" and the FEIS notes that additional NEPA review will be required as part of future studies that will build upon the NEPA process to date.

We support this approach and in this letter we present our specific comments on the Caribou Connector. It is our understanding that a separate FEIS for the Presque Isle Bypass will be provided at a later date. We note that even though our comments on this FEIS focus on the Caribou Connector (and how the FEIS responded to comments we offered on the SDEIS for the overall project) we continue to believe that the larger

corridor project(s) have great potential for significant impacts that could affect the environment and residents of Aroostook County in many ways. As we stated in 2002, future NEPA analyses will be critical to enable a determination as to whether any of the work within the alternative corridors is viable in an environmental, social and regulatory context.

Caribou Connector

Wetland Impacts and Mitigation

The proposed Caribou Connector is a 4.3-mile new connection between Route 1/High Street and Route 161 in Caribou. According to the FEIS the Connector would improve mobility, access, and safety to and around Caribou, remove trucks from downtown Caribou, and reduce travel time. MaineDOT evaluated the transportation benefit and environmental impacts of various alternatives for the Connector and identified Alignment Option 4B as the Preferred Alternative. Alignment Option 4B was found to have the least impact to wetlands, farmland, historic property, and structures. The United States Army Corps of Engineers (Corps), EPA and the United States Fish and Wildlife Service (USFWS) concurred with this finding and identified Alignment Option 4B as the Least Environmentally Damaging Practical Alternative (LEDPA) under Section 404 of the Clean Water Act. EPA has no objections to the Caribou Connector as proposed. Alignment Option 4B includes 3.7 miles of new-alignment highway and .58 miles of existing highway reconstruction. The new alignment extends roughly parallel to the MM&A Railway before crossing Route 89. North of Route 89 the alignment traverses farmlands and forest before intersecting with Route 161 near Ogren Road. The alignment directly impacts 3.4 acres of wetland and includes 1 stream crossing. The proposed design represents a significant improvement over options presented in the SDEIS which included up to 60 acres of direct wetland aquatic impacts.

The FEIS considers 15 wetland mitigation sites to address wetland impacts using criteria consistent with the Corps compensatory mitigation guidance as well as recommendations from EPA and other agencies. The evaluation of mitigation sites includes establishing new wetlands (wetland creation, wetland replacement), wetland restoration, wetland functional enhancement, and wetland preservation. The guidance also allows an applicant to purchase credits from a mitigation bank or pay a compensation fee in lieu of constructing compensatory wetlands. At an interagency meeting on January 12, 2010 the Corps, EPA, USFWS and Maine Inland Fisheries and Wildlife program identified four additional mitigation sites that appear to be more appropriate for compensation of the aquatic impacts than some of those considered in the FEIS. Even though the Corps has not received a complete permit application, interagency discussions concerning mitigation are ongoing and include the four new sites. EPA will continue to participate in the mitigation plan development process and will review and comment on the Section 404 permit application when it is filed with the Corps.

Transportation Systems Management/Transportation Demand Management (TSM/TDM)
In addition to the reduction of environmental impacts of the Caribou Connector since it was first presented to the federal agencies for review, EPA also appreciates the MaineDOT commitment to "continue to consider TSM and TDM measures in combination with the Preferred Alternative to benefit the transportation system in Caribou." We continue to support this approach and believe specifics regarding the scope of this commitment should be provided in the Record of Decision.

General

Managing Road Salt
We reiterate our recommendation that MaineDOT and FHWA more fully address the potential for impacts to water quality from the application of road salt. We recommend that the Record of Decision describe how the project will comply with applicable Maine water quality criteria for chloride, sodium, and existing antidegradation statutes for surface water quality, or with national secondary drinking water standards. Ongoing investigations of highways in the New England Region since the publication of the SDEIS have shown that water quality issues associated new or expanded roadways can be challenging in those cases where roadway discharges will reach impaired waterbodies. We continue to urge FHWA and MaineDOT to work to fully address these issues and offer our technical assistance to help with that effort.

Economic Development
EPA's comments on the SDEIS acknowledged that funding for segments may not be available in the future and recommended that the EIS describe ongoing and planned activities that will achieve the stated goal of helping to maintain and expand Aroostook County's economy. The FEIS was not responsive on this point and we continue to believe that this is important given that funding for infrastructure improvements is limited. We recommend that this issue be addressed in the Record of Decision.

We appreciate the opportunity to comment on the FEIS. We are available to provide additional input, as necessary, to help FHWA and MaineDOT address these issues in the Record of Decision. Please feel free to contact Timothy Timmermann of the Office of Environmental Review at 617/918-1025 if you wish to discuss these comments further.

Sincerely,

H. Curtis Spalding
Regional Administrator