



PUBLIC NOTICE

Comment Period Begins: November 14, 2023

Comment Period Ends: December 14, 2023

File Number: NAE-2019-03016

In Reply Refer to: Jami MacNeil

Phone: (978) 318-8676

Email: jami.e.macneil@usace.army.mil

The District Engineer, U.S. Army Corps of Engineers, New England District (USACE), has received a permit application, file number NAE-2019-03016, to conduct work in waters of the United States from HEP USA SPV 3 Saco, LLC, 57 Exchange Street, Ste 100, Portland, Maine 04101. This work is proposed in freshwater wetlands adjacent to Big Ledge Brook and other tributaries to the Saco River, near 80 New County Road, Saco, Maine. The site coordinates are: Latitude 43.518913°N, Longitude -70.49897°E.

The work involves the placement of permanent fill in freshwater wetlands adjacent to Big Ledge Brook and other tributaries to the Saco River in Saco, Maine in order to construct a 19.6-MW(AC) ground-mounted solar energy facility. The project will result in approximately 1.29 acres of permanent wetland impacts and the conversion of 7.43 acres of forested wetlands to scrub-shrub or emergent wetlands. The work is shown on the enclosed plans entitled "HEP USA SPV 3 Saco, LLC, 19.6 MW AC Solar Array," in four sheets dated September 27, 2023.

The applicant has stated that it has avoided and minimized waterway/wetland impacts to the maximum extent practicable. To compensate for unavoidable impacts to waterways/wetlands, the applicant proposes a one-time In-Lieu Fee contribution to the Maine Natural Resource Conservation Program.

AUTHORITY

Permits are required pursuant to:

- Section 10 of the Rivers and Harbors Act of 1899
- Section 404 of the Clean Water Act
- Section 103 of the Marine Protection, Research and Sanctuaries Act.
- Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408)

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which may reasonably accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are: conservation, economics, aesthetics, general environmental concerns, wetlands, cultural value, fish and wildlife values, flood hazards, flood plain value, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

The USACE is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. The USACE will consider all comments received to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an environmental assessment and/or an environmental impact statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

NATIONAL HISTORIC PRESERVATION ACT

Based on our initial review of the proposed project and coordination with the State Historic Preservation Officer (SHPO), no historic properties were identified within the permit area and the area of potential effects. Additional review and consultation with the SHPO and tribal historic preservation officers to fulfill requirements under Section 106 of the National Historic Preservation Act of 1966, as amended, will be ongoing as part of the permit review process.

ENDANGERED SPECIES CONSULTATION

The USACE has reviewed the application for the potential impact on federally listed threatened or endangered species and their designated critical habitat pursuant to Section 7 of the Endangered Species Act (ESA) as amended. It is our preliminary determination that the proposed activity for which authorization is being sought is designed, situated or will be operated/used in such a manner that it is not likely to adversely affect a listed species or their critical habitat. We are coordinating with the U.S. Fish and Wildlife Service on listed species under their jurisdiction and the ESA consultation will be concluded prior to the final decision.

OTHER GOVERNMENT AUTHORIZATIONS

The states of Connecticut, Maine, Massachusetts, New Hampshire and Rhode Island have approved Coastal Zone Management Programs. Where applicable, the applicant states that any proposed activity will comply with and will be conducted in a manner that is consistent with the approved Coastal Zone Management Program. By this public notice, we are requesting the state concurrence or objection to the applicant's consistency statement.

CENAE-R
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The following authorizations have been applied for, or have been, or will be obtained:

- Permit, license or assent from State.
- Permit from local wetland agency or conservation commission.
- Water Quality Certification in accordance with Section 401 of the Clean Water Act.

COMMENTS

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. People submitting comments are advised that all comments received will be available for public review in their entirety and will be considered a matter of public record.

Comments should be submitted in writing by the above date. If you have any questions, please contact Jami MacNeil at jami.e.macneil@usace.army.mil, (978) 318-8676, (800) 343-4789 or (800) 362-4367.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for a public hearing shall specifically state the reasons for holding a public hearing. The USACE holds public hearings for the purpose of obtaining public comments when that is the best means for understanding a wide variety of concerns from a diverse segment of the public.

CENAE-R
File No. NAE-2019-03016

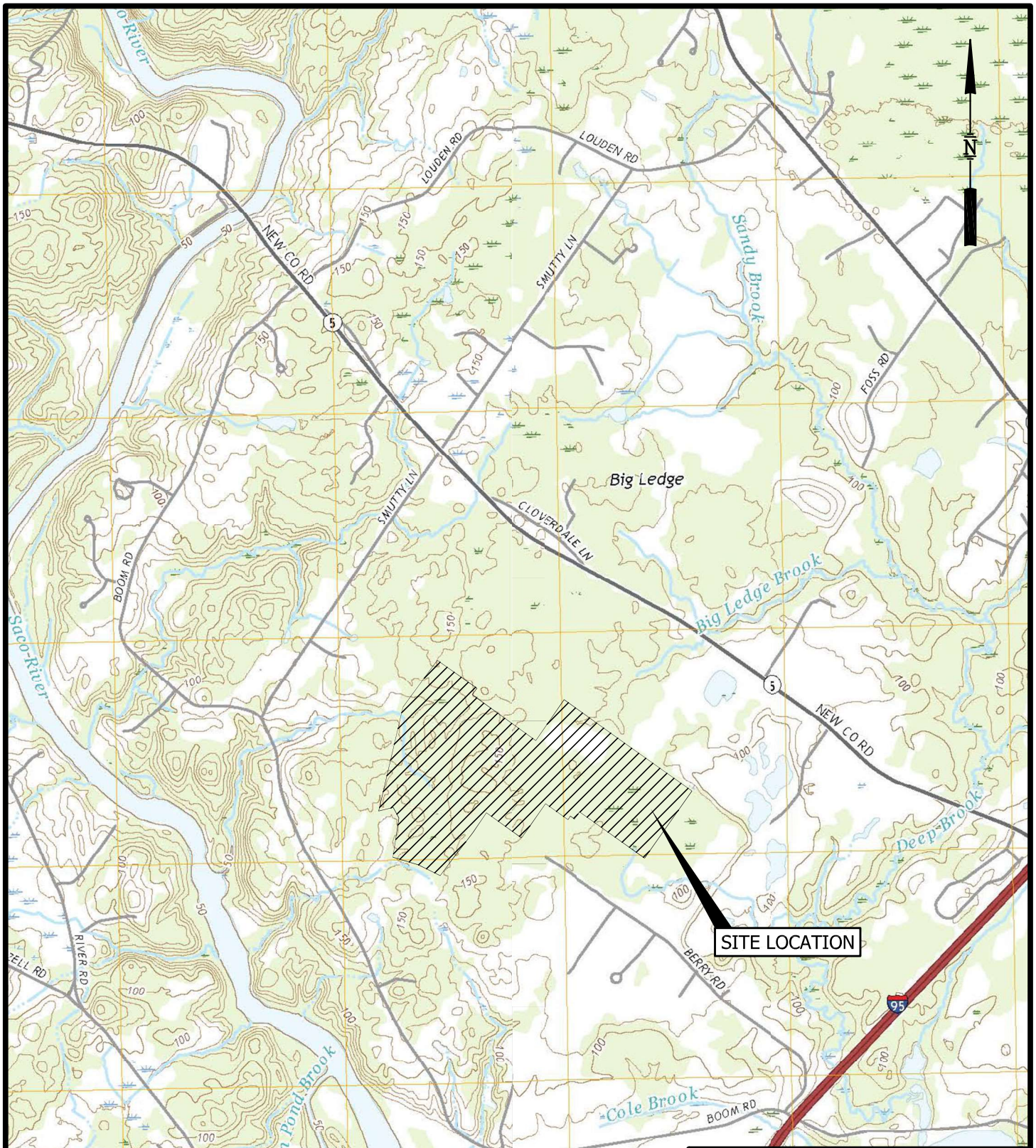
The initial determinations made herein will be reviewed in light of facts submitted in response to this notice. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly in an effort to reach an understanding.

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.



Peter Olmstead
Chief, Maine Section
Regulatory Division

Please contact Ms. Tina Chaisson at bettina.m.chaisson@usace.army.mil or (978) 318-8058 if you would like to be removed from our public notice mailing list.



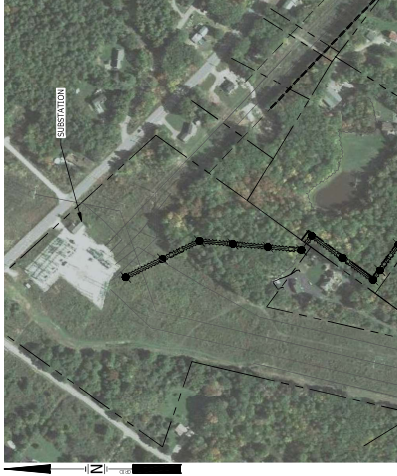
BASE MAP ADAPTED FROM 7.5 MIN USGS TOPO QUADS
 BAR MILLS, ME - 2021
 OLD ORCHARD BEACH, ME - 2021



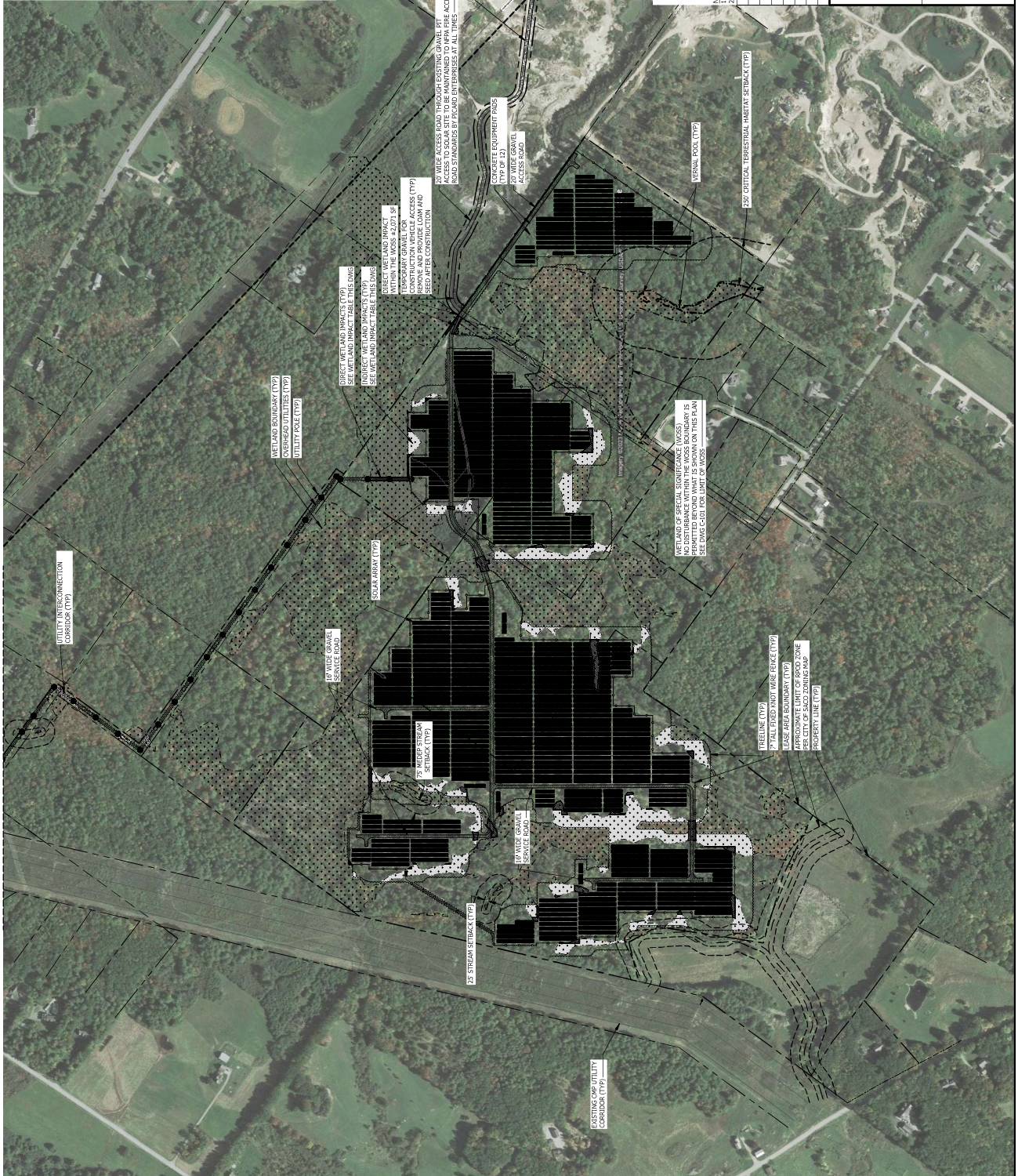
FIGURE 1
 SITE LOCATION MAP
 HEP ENERGY USA, LLC
 NEW COUNTY ROAD
 SACO, MAINE



INTERCONNECTION MATCH LINE - SEE INSET THIS DRAWING



INTERCONNECTION INSET MATCH LINE



WETLAND IMPACT TABLE	
DIRECT WETLAND IMPACTS	54,175 SF
INDIRECT WETLAND IMPACTS	323,555 SF
TOTAL WETLAND IMPACTS	377,730 SF

NOTES:
 1. SEE DRAWING C-100 FOR GENERAL SITE NOTES AND PLAN REFERENCES.
 2. AERIAL IMAGE FROM GOOGLE EARTH.

REV.	BY	DATE	STATUS
010		9/20/23	ISSUED FOR MEQP AND CITY PERMITTING
020		9/20/23	REVISED PER MEQP COMMENTS
030		2/20/23	ISSUED FOR MEQP AND CITY PERMITTING

HEP USA SRV 3 SACO LLC
 19.6 MW AC SOLAR ARRAY
 NEW COUNTY ROAD
 SACO, MAINE

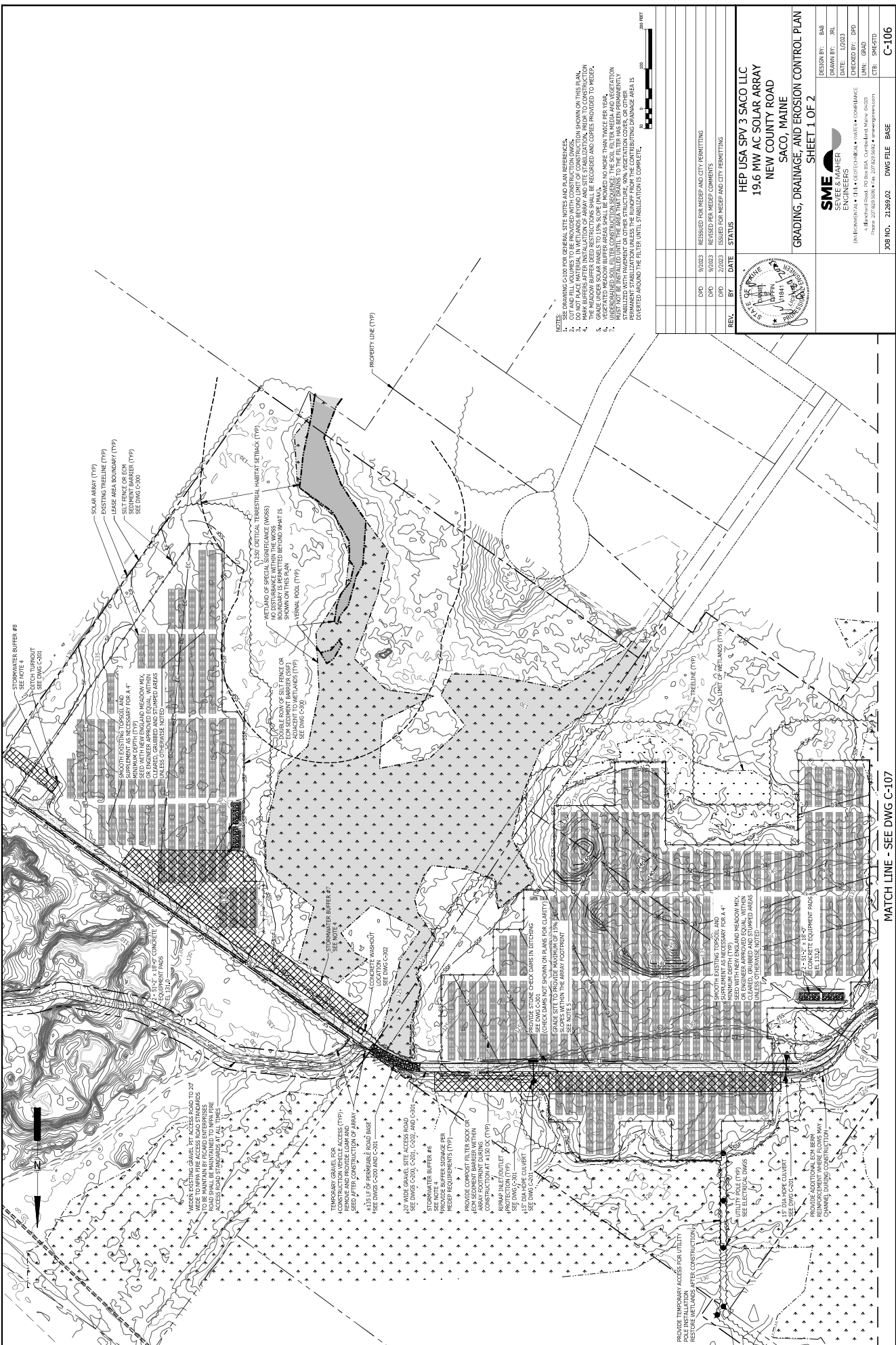
SME
 SERVICE & MAHER
 ENGINEERS

61 Newburgh St • 1st Fl • 603-883-9634 • www.sme-engineers.com
 Phone: 207-669-5906 • Fax: 207-669-2966 • info@sme-engineers.com

DESIGNED BY: BMB
 DRAWN BY: JBL
 DATE: 1/2023
 CHECKED BY: DRP
 IAW: STEWART
 CTR: SNESTD

JOB NO. 21289.02 DWG FILE B06

C-102



- NOTES:
- SEE DRAWING CHANGES FOR THE NOTES AND PLAN REFERENCES.
 - DO NOT PLACE MATERIAL IN WETLANDS BEYOND LIMIT OF CONSTRUCTION SHOWN ON THIS PLAN.
 - DO NOT PLACE MATERIAL IN WETLANDS BEYOND LIMIT OF CONSTRUCTION SHOWN ON THIS PLAN.
 - THE EROSION BUFFER DEED RESTRICTIONS SHALL BE RECORDED AND COPIES PROVIDED TO NEDEP.
 - GRADE UNDER SOLAR PANELS TO 1% SLOPE (MAX) NO MORE THAN THREE FEET PER YEAR.
 - UNDERSOILED SOL FILTER CONSTRUCTION REQUIRED: THE SOL FILTER MEDIA AND VEGETATION SHALL BE INSTALLED AND MAINTAINED PER THE SPECIFICATIONS AND SHALL BE PERMANENTLY STABILIZED WITH PAVEMENT OR OTHER STRUCTURE ONLY. USE STABILIZATION COARSE OR OTHER PERMANENT STABILIZATION UNLESS THE RUNOFF FROM THE CONTRIBUTING DRAINAGE AREA IS DIVERTED AROUND THE FILTER UNTIL STABILIZATION IS COMPLETE.
 - SEE DWG C-107 FOR THE FILTER INSTALLATION IS COMPLETE.

REV.	BY	DATE	STATUS
000			
01		9/20/23	ISSUED FOR NEDEP AND CITY PERMITTING
02		9/20/23	REVISED PER NEDEP COMMENTS
03		2/20/23	ISSUED FOR NEDEP AND CITY PERMITTING



HEP USA SRV 3 SACO LLC
19.6 MW AC SOLAR ARRAY
NEW COUNTY ROAD
SACO, MAINE
GRADING, DRAINAGE, AND EROSION CONTROL PLAN
SHEET 1 OF 2

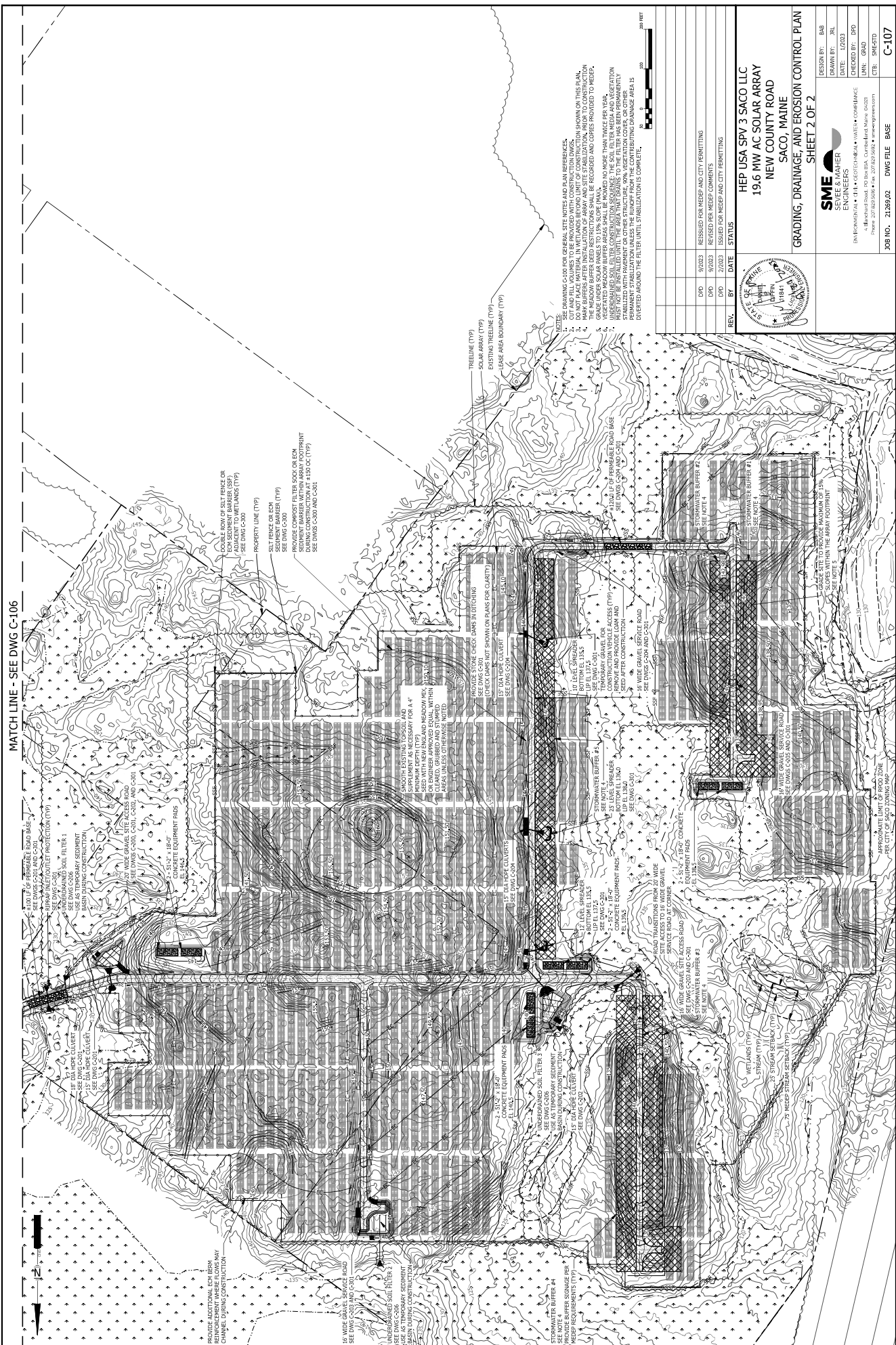
DESIGN BY: S.M.E.
 DRAWN BY: J.M.
 DATE: 1/20/23
 CHECKED BY: J.M.
 IN CHARGE: S.M.E.
 CTR: S.M.E.-STD

SME
SEVÉE & MAHER
ENGINEERS
 60 Newburgh St. • Portland, ME 04103 • Phone: 603.762.5500 • Fax: 603.762.5501 • www.sme-engineers.com

JOB NO. 21289202 DWG FILE: SBE C-106

MATCH LINE - SEE DWG C-107

MATCH LINE - SEE DWG C-106



- NOTES:
1. SEE GRADING CHANGES AND NOTES AND PLAN REFERENCES.
 2. ALL EROSION CONTROL STRUCTURES SHALL BE CONSTRUCTED WITHIN THE PERMITTED LIMITS OF CONSTRUCTION SHOWN ON THIS PLAN.
 3. DO NOT PLACE MATERIAL IN WETLANDS BEYOND LIMIT OF CONSTRUCTION SHOWN ON THIS PLAN.
 4. ALL EROSION CONTROL STRUCTURES SHALL BE CONSTRUCTED WITHIN THE PERMITTED LIMITS OF CONSTRUCTION SHOWN ON THIS PLAN.
 5. THE WEEDING BUFFER DEED RESTRICTIONS SHALL BE RECORDED AND COPIES PROVIDED TO NEDEP.
 6. GRADE UNDER SOLAR PANELS TO 1% SLOPE AWAY FROM THE PANELS WITH NO MORE THAN THREE FEET PER YEAR.
 7. UNDESIGNED SOIL FILTERS CONSTRUCTION REQUIRED: THE SOIL FILTER MEDIA AND VEGETATION SHALL BE INSTALLED WITHIN THE PERMITTED LIMITS OF CONSTRUCTION SHOWN ON THIS PLAN.
 8. PERMANENT STABILIZATION UNDER THE RUNOFF FROM THE CONTRIBUTING DRAINAGE AREA IS REQUIRED WITHIN THE PERMITTED LIMITS OF CONSTRUCTION SHOWN ON THIS PLAN.
 9. PERMANENT STABILIZATION UNDER OTHER STRUCTURES ONLY VEGETATION, COVER, OR OTHER PERMANENT STABILIZATION UNDER THE RUNOFF FROM THE CONTRIBUTING DRAINAGE AREA IS REQUIRED WITHIN THE PERMITTED LIMITS OF CONSTRUCTION SHOWN ON THIS PLAN.

REV.	BY	DATE	STATUS
DDP	9/20/23		ISSUED FOR NEDEP AND CITY PERMITTING
DDP	9/20/23		REVISED PER NEDEP COMMENTS
DDP	2/20/23		ISSUED FOR NEDEP AND CITY PERMITTING

HEP USA SRV 3 SACO LLC
19.6 MW AC SOLAR ARRAY
NEW COUNTY ROAD
SACO, MAINE

GRADING, DRAINAGE, AND EROSION CONTROL PLAN
SHEET 2 OF 2

DESIGN BY: BAE
DRAWN BY: JAL
DATE: 1/20/23
CHECKED BY: DDP
IN CHARGE: GRAD
CTB: SWS/STD

SME
SEVY & MAHER
ENGINEERS
20 Newmarket St. • 1st Fl. • 603-883-6666 • www.sevymaher.com
Phone: 207-663-5000 • Fax: 207-663-5001 • www.sevymaher.com

JOB NO. 21289-02 DWG FILE: BAE
C-107

