DEPARTMENT OF THE ARMY
NEW ENGLAND DISTRICT, CORPS OF ENGINEERS
596 VIRGINIA ROAD
CONCORD, MASSACHUSETTS 01742-2751

AUTHORITY:

MAINE PROGRAMMATIC GENERAL PERMIT (PGP)

AUTHORIZATION LETTER AND SCREENING SUMMARY

PHILBROOK AVENUE ASSOCIATES, LLC
C/O DELUCA-HOFFMAN ASSOCIATES, INC.
778 MAIN STREET, SUITE 8
SOUTH PORTLAND, MAINE 04106

CORPS PERMIT # NAE-2004-2524
CORPS PGP ID# 04-342
STATE ID# L-9148-TD-G-N

DESCRIPTION OF WORK:
Fill approximately 17,424 s.f. (0.4 acres) of freshwater wetland adjacent to a tributary to Long Creek at South Portland, Maine in order to expand an existing retail center including the construction of a 23,500 s.f. retail building, 104 new parking spaces, and a new stormwater management facility.

LAT/LONG COORDINATES: 43.6335547° N 70.3319116° W USGS QUAD: PORTLAND WEST, ME

I. CORPS DETERMINATION:
Based on our review of the information you provided, we have determined that your project will have only minimal individual and cumulative impacts on waters and wetlands of the United States. Your work is therefore authorized by the U.S. Army Corps of Engineers under the enclosed Federal Permit, the Maine Programmatic General Permit (PGP).

You must perform the activity authorized herein in compliance with all the terms and conditions of the PGP (including any attached Additional Conditions and any conditions placed on the State 401 Water Quality Certification including any required mitigation). Please review the enclosed PGP carefully, including the PGP conditions beginning on page 5, to familiarize yourself with its contents. You are responsible for complying with all of the PGP requirements; therefore you should be certain that whoever does the work fully understands all of the conditions. You may wish to discuss the conditions of this authorization with your contractor to ensure the contractor can accomplish the work in a manner that conforms to all requirements.

If you change the plans or construction methods for work within our jurisdiction, please contact us immediately to discuss modification of this authorization. This office must approve any changes before you undertake them.

Condition 36 of the PGP (page 12) provides one year for completion of work that has commenced or is under contract to commence prior to the expiration of the PGP on September 29, 2005. You will need to apply for reauthorization for any work within Corps jurisdiction that is not completed by September 29, 2006.

No work may be started unless and until all other required local, State and Federal licenses and permits have been obtained. This includes but is not limited to a Flood Hazard Development Permit issued by the town if necessary. Also, this permit requires you to notify us before beginning work and allow us to inspect the project. Hence, you must complete and return the attached Work Start Notification Form(s) to this office no later than 2 weeks before the anticipated starting date. (For projects requiring mitigation, be sure to include the MITIGATION WORK START FORM).

II. STATE ACTIONS: PENDING [ X ], ISSUED[ ], DENIED [ ] DATE


III. FEDERAL ACTIONS:

JOINT PROCESSING MEETING: 8/12/04 LEVEL OF REVIEW: CATEGORY 1: _____ CATEGORY 2: [X]


EXCLUSIONS: The exclusionary criteria identified in the general permit do not apply to this project.

ESSENTIAL FISH HABITAT (EFH): EFH PRESENT [ ] (CIRCLE ONE)

If YES: Based on the terms and conditions of the PGP, which are intended to ensure that authorized projects cause no more than minimal environmental impacts, the Corps of Engineers has preliminarily determined that this project will not cause more than minimal adverse effects to EFH identified under the Magnuson-Stevens Fisheries Conservation and Management Act.

FEDERAL RESOURCE AGENCY OBJECTIONS: EPA NO USFWS NO NMFS NO

If you have any questions on this matter, please contact my staff at 207-623-8367 at our Manchester, Maine Project Office.

JAY J. CLEMENT
SENIOR PROJECT MANAGER
MAINE PROJECT OFFICE

FRANK J. DELGIUDICE DATE
CHIEF, PERMITS & ENFORCEMENT BRANCH
REGULATORY DIVISION

OCT 25 2004
1. The permittee shall assure that a copy of this permit is at the work site whenever work is being performed and that all personnel performing work at the site of the work authorized by this permit are fully aware of the terms and conditions of the permit. This permit, including its drawings and any appendices and other attachments, shall be made a part of any and all contracts and sub-contracts for work which affects areas of Corps of Engineers' jurisdiction at the site of the work authorized by this permit. This shall be done by including the entire permit in the specifications for the work. If the permit is issued after construction specifications but before receipt of bids or quotes, the entire permit shall be included as an addendum to the specifications. The term "entire permit" includes permit amendments. Although the permittee may assign various aspects of the work to different contractors or sub-contractors, all contractors and sub-contractors shall be obligated by contract to comply with all environmental protection provisions of the entire permit, and no contract or sub-contract shall require or allow unauthorized work in areas of Corps of Engineers jurisdiction.

2. Adequate sedimentation and erosion control devices, such as geotextile silt fences or other devices capable of filtering the fines involved, shall be installed and properly maintained to minimize impacts during construction. These devices must be removed upon completion of work and stabilization of disturbed areas. The sediment collected by these devices must also be removed and placed upland, in a manner that will prevent its later erosion and transport to a waterway or wetland.

3. All exposed soils resulting from the construction will be promptly seeded and mulched in order to achieve vegetative stabilization.
SITE/LAYOUT PLAN

FIGURE: 2

BOOK:  
141  10
144  20
148  61

LOCATION:  
CITY OF SOUTH PORTLAND, MAINE

PROPOSED ACTIVITY:  
FILL FOR PROPOSED SHOPPING CENTER EXPANSION

PROJECT APPLICANT:  
PHILBROOK AVENUE ASSOCIATES, LLC

LEGAL DESCRIPTION:  
STANDARD BOUNDARY SURVEY AVAILABLE

WATER BODY:  
UNNAMED ISOLATED WETLANDS

ABUTTERS:  
SEE FIGURE 5

SCALE: NONE
DATUM: PLAN SET

DATE: 7/26/04

Delucq-Hoffman Associates, Inc.
LANDSCAPE PLAN

FIGURE: 4

BOOK: PAGE: LOCATION: PROPOSED ACTIVITY: PROJECT APPLICANT:
141 10 CITY OF SOUTH FILL FOR PROPOSED SHOPPING PHILBROOK AVENUE
144 20 PORTLAND, MAINE CENTER EXPANSION ASSOCIATES, LLC
148 61

LEGAL DESCRIPTION: WATER BODY: ABUTTERS: SCALE: DATUM: DATE:
STANDARD BOUNDARY UNNAMED ISOLATED SEE FIGURE 5 NONE: PLAN SET 7/26/04
SURVEY AVAILABLE WETLANDS

PROJECT SETS: Deluca-Hoffman
ASSOCIATES, Inc.
**ABUTTERS LIST**

GGP – MAINE MALL LLC  
C/O GENERAL GROWTH PROPERTIES  
110 NORTH WACKER DRIVE  
CHICAGO, IL 60606

EIC, INC.  
ATTN: WAYNE KUEGEL  
70 SCOTT DRIVE  
WESTBROOK, ME 04092

CORNERBROOK, LLC  
PO BOX 4894  
PORTLAND, ME 04112-4894

RAPHAEL LIMITED PARTNERSHIP  
BUGABOO CREEK STEAKHOUSE, INC.  
EASLEY, MCCALEB & ASSOCIATES  
3609 C CHAIN BRIDGE ROAD  
FAIRFAX, VA 22030

SHOPS AT CLARK'S POND LLC  
M&J WILKOW, LTD  
180 NORTH MICHIGAN AVENUE  
CHICAGO, IL 60601

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**FIGURE: 5**

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<th>BOOK</th>
<th>PAGE</th>
<th>LOCATION:</th>
<th>PROPOSED ACTIVITY:</th>
<th>ABUTTERS:</th>
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<td>141</td>
<td>10</td>
<td>CITY OF SOUTH PORTLAND, MAINE</td>
<td>FILL FOR PROPOSED SHOPPING CENTER EXPANSION</td>
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<td>148</td>
<td>61</td>
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**LEGAL DESCRIPTION:** STANDARD BOUNDARY SURVEY AVAILABLE  
**WATER BODY:** UNNAMED ISOLATED WETLANDS  
**SCALE:** NONE  
**DATE:** 7/26/04  
**DATUM:** PLAN SET  
**ASSOCIATES, LLC:** Philbrook Avenue Associates, LLC

Deluca-Hoffman Associates, Inc.
DETENTION POND PLAN

LOCATION:
CITY OF SOUTH
PORTLAND, MAINE

PROPOSED ACTIVITY:
FILL FOR PROPOSED SHOPPING CENTER EXPANSION

PROJECT APPLICANT:
PHILBROOK AVENUE ASSOCIATES, LLC

LEGAL DESCRIPTION:
STANDARD BOUNDARY SURVEY AVAILABLE

WATER BODY:
UNNAMED ISOLATED WETLANDS

ABUTTERS:
SEE FIGURE 5

SCALE: NOTED
DATUM: PLAN SET
DATE: 7/26/04
Deluca-Hoffman Associates, Inc.
DETENTION POND CROSS SECTION 1 & 2

LOCATION:
CITY OF SOUTH PORTLAND, MAINE

PROPOSED ACTIVITY:
FILL FOR PROPOSED SHOPPING CENTER EXPANSION

PHILBROOK AVENUE ASSOCIATES, LLC

SCALE: NOTED DATUM: PLAN SET
DATE 7/26/04

DETENTION POND CROSS SECTION 1 & 2

FIGURE: 7

BOOK: 141 10
144 20
148 61

LOCATION:
CITY OF SOUTH PORTLAND, MAINE

PROPOSED ACTIVITY:
FILL FOR PROPOSED SHOPPING CENTER EXPANSION

LEGAL DESCRIPTION:
STANDARD BOUNDARY SURVEY AVAILABLE

WATER BODY:
UNNAMED ISOLATED WETLANDS

ABUTTERS:
SEE FIGURE 5

PHILBROOK AVENUE ASSOCIATES, LLC

SCALE: NOTED DATUM: PLAN SET
DATE 7/26/04
DETENTION POND CROSS SECTION 3 & 4

LOCATION:
CITY OF SOUTH PORTLAND, MAINE

PROPOSED ACTIVITY:
FILL FOR PROPOSED SHOPPING CENTER EXPANSION

LEGAL DESCRIPTION:
STANDARD BOUNDARY SURVEY AVAILABLE

WATER BODY:
UNNAMED ISOLATED WETLANDS

ABUTTERS:
SEE FIGURE 5

DATE: 7/26/04

PHILBROOK AVENUE ASSOCIATES, LLC
DETENTION POND CROSS SECTION 5 & 6

SECTION 5
SCALE: HORIZ. 1" = 20'
VERT. 1" = 5'

SECTION 6
SCALE: HORIZ. 1" = 20'
VERT. 1" = 5'

LEGAL DESCRIPTION:
STANDARD BOUNDARY
SURVEY AVAILABLE

WATER BODY:
UNNAMED ISOLATED
WETLANDS

ABUTTERS:
SEE FIGURE 5

FIGURE: 9
BOOK: 141
PAGE: 10
LOCATION: CITY OF SOUTH
PORTLAND, MAINE
PROPOSED ACTIVITY:
FILL FOR PROPOSED SHOPPING
CENTER EXPANSION
PROJECT APPLICANT:
PHILBROOK AVENUE
ASSOCIATES, LLC

SCALE: NOTED
DATUM: PLAN SET
DATE: 7/26/04

Deluca–Hoffman
Associates, Inc.