



US Army Corps  
of Engineers®  
New England District

Maine Project Office  
442 Civic Center Drive, Suite 350  
Augusta, Maine 04330

# PUBLIC NOTICE

Date: 05 February 2019  
Comment Period Ends: 07 March 2019  
File Number: NAE-2018-01232  
In Reply Refer To: Jay L. Clement  
Or by e-mail: jay.l.clement@usace.army.mil

## 30 DAY NOTICE

The District Engineer has received a permit application from the applicant below to **conduct work in waters of the United States** as described below. The Corps is soliciting comments on both the project itself and the range of issues to be addressed in the environmental documentation.

**APPLICANT: COMMANDER, PORTSMOUTH NAVAL SHIPYARD, BUILDING 59/2, KITTERY, MAINE 03804**

**ACTIVITY:** Place temporary and permanent fill and perform work below the high tide line of the Piscataqua River at Kittery, Maine in order to expand an existing dry dock at the Portsmouth Naval Shipyard to create a Super Flood Basin that is capable of servicing both Los Angeles and Virginia class submarines. The first phase will construct a super flood basin by enclosing approximately 151,500 s.f. (3.48 acres) of the river, channelward of the existing Dry Dock 1 entrance. Portal crane service rails will be added and utilities will be relocated and extended to service the new basin and its nearby berths. A new triangular shaped 961 s.f. pile supported concrete deck platform will be installed concurrently. The final phase will be to construct a Multi-Mission Dry Dock within the basin which will create two additional Los Angeles and Virginia class-capable dry dock positions. These actions will result in the permanent loss of approximately 151,500 s.f. of open water and benthic habitat from closing off Dry Dock 1. A total of 85,850 cubic yards of silt, sand, and rock will be dredged from within the super flood basin and outside its closure wall. This material will be disposed of in an upland, non-wetland location. The Navy proposes these modifications to support current and projected submarine maintenance and overhaul missions beyond 2021.

In anticipation of unavoidable impacts to aquatic resources, the applicant is proposing compensatory mitigation. He has agreed to compensate for the project's unavoidable wetland impacts by funding \$1,236,337.92 toward Maine's Natural Resources Conservation Fund (In Lieu Fee Program). The applicant is proposing this compensation seeking to lessen the project's impacts. This notice solicits comments on this proposal from the interested or affected public as well as those agencies who speak to the public interest. After receipt of the comments, the Corps of Engineers will obtain any necessary additional information from the applicant and determine whether the proposed compensation is practicable and serves to adequately mitigate this project's unavoidable impacts.

**WATERWAY AND LOCATION OF THE PROPOSED WORK:** Piscataqua River; Kittery, Maine. The project site is located on the USGS KITTERY, ME quadrangle sheet at latitude 43.080905°N; and longitude – 70.744197°W.



## **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).

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 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.

Where the activity involves the discharge of dredged or fill material into waters of the United States the evaluation of the impact of the activity in the public interest will also include application of the guidelines promulgated by the Administrator, U.S Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act.

**ESSENTIAL FISH HABITAT (EFH):** The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (“EFH”).

In water construction at the site will impact EFH. This habitat consists of stream bed composed of cobbles and boulders interspersed with smaller stones, silt, sand, and gravel. The Department of the Navy (“DON”) has initiated consultation with the National Marine Fisheries Service. Although DON has taken the lead in this consultation, the District Engineer has made the preliminary determination that the site-specific adverse effect will not be substantial. Any consultation with the National Marine Fisheries Service regarding EFH conservation recommendations will be concluded prior to the final decision.

**SECTION 106 COORDINATION:** DON has initiated consultation with the Maine Historic Preservation Commission and Maine’s Indian Tribes pursuant to Section 106 of the National Historic Preservation Act of 1966 as amended. Although DON has taken the lead in this consultation, the District Engineer has determined that the proposed work is not likely to affect properties listed in, or eligible for listing in, the National Register of Historic Places. DON and the Corps will continue review and consultation to fulfil requirements under the Historic Preservation Act as part of the permit review process.



**ENDANGERED SPECIES ACT CONSULTATION:** DON has initiated consultation with the National Marine Fisheries Service pursuant to Section 7 of the Endangered Species Act regarding the presence of Atlantic sturgeon and shortnose sturgeon. Although DON has taken the lead in this consultation, the District Engineer is hereby requesting that the appropriate Federal resource agency also provide comments to the Corps regarding the presence of and potential impacts to listed species or critical habitat.

**OTHER APPROVALS:** The applicant has supplied the Maine Department of Environmental Protection with a permit application for the work described in this public notice and is requesting that the Department either grant or waive Water Quality Certification in accordance with Section 401 of the Clean Water Act. Comments regarding the applicant's Permit/Water Quality Certification request may be submitted in writing to: Mark Bergeron, Director, Bureau of Land Resources, Department of Environmental Protection, 17 State House Station, Augusta, ME, 04333-0017 or by email to: mark.bergeron@maine.gov


In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. **Comments should be submitted in writing by the above date.** If you have any questions, please contact Jay Clement at 207-623-8367, ext. 1 at our Augusta, Maine Project Office.

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 Corps 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.

The initial determinations made herein will be reviewed in light of facts submitted in response to this notice. All comments will be considered a matter of public record. 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.

For more information on the New England District Corps of Engineers programs, visit our website at <http://www.nae.usace.army.mil>.

**THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.**

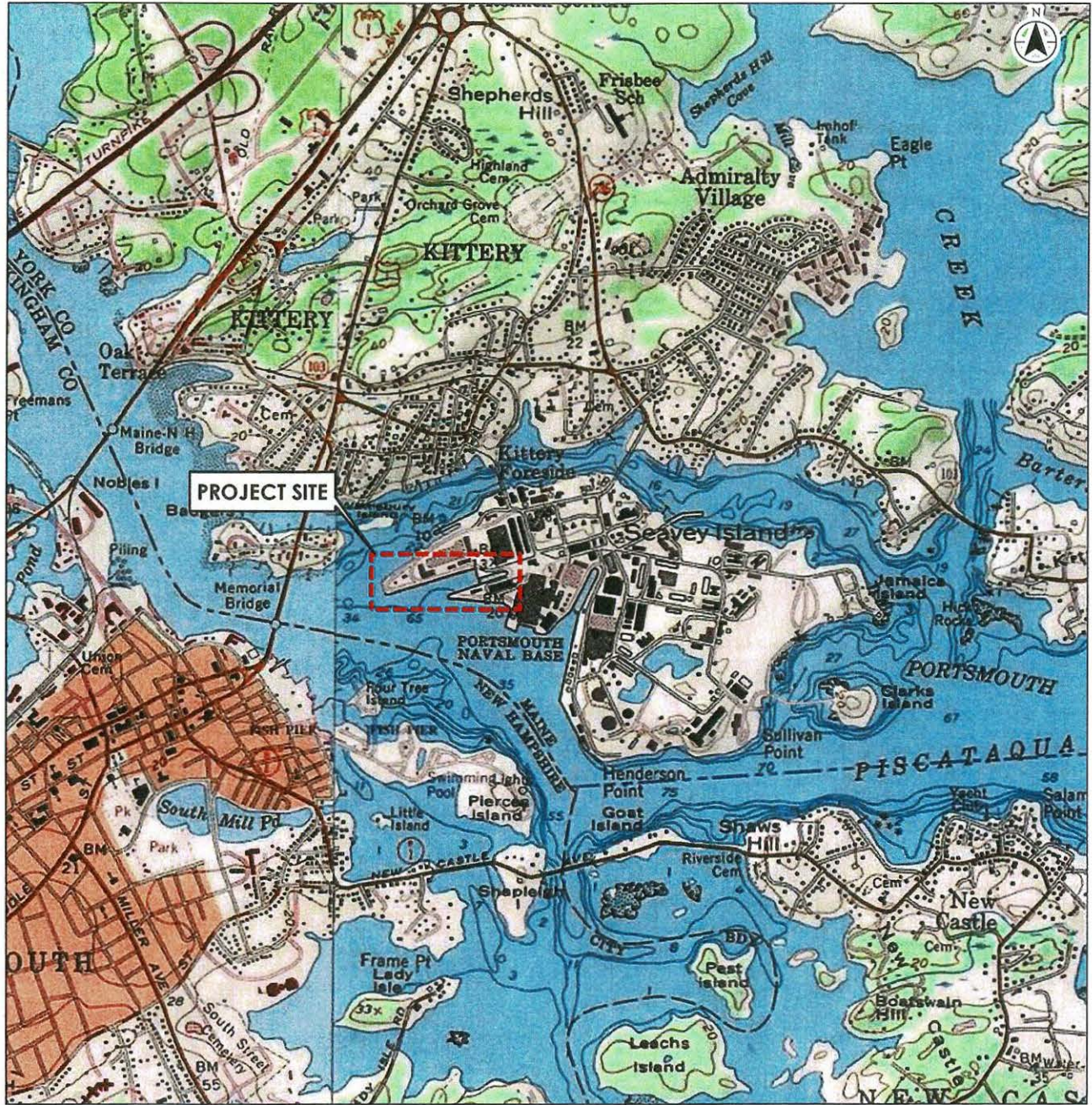
  
**Frank J. Del Giudice**  
**Chief, Permits and Enforcement Branch**  
**Regulatory Division**

If you would prefer not to continue receiving Public Notices, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at [bettina.m.chaisson@usace.army.mil](mailto:bettina.m.chaisson@usace.army.mil). You may also check here ( ) and return this portion of the Public Notice to: Bettina Chaisson, Regulatory Division, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751.

NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_



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**Legend**  
 Project Site

0 2,000  
 Feet  
 1:24,000 (at original document size of 8.5x11)

 **Stantec**

Project Location 19560120  
 Seavey Island Prepared by REM on 2018-06-20  
 Kittery, Maine Technical Review by KWH on 2018-06-20  
 Independent Review by FJD on 2018-07-02

Client/Project  
 NAVFAC  
 Portsmouth Naval Shipyard  
 Project P-310/1074/381

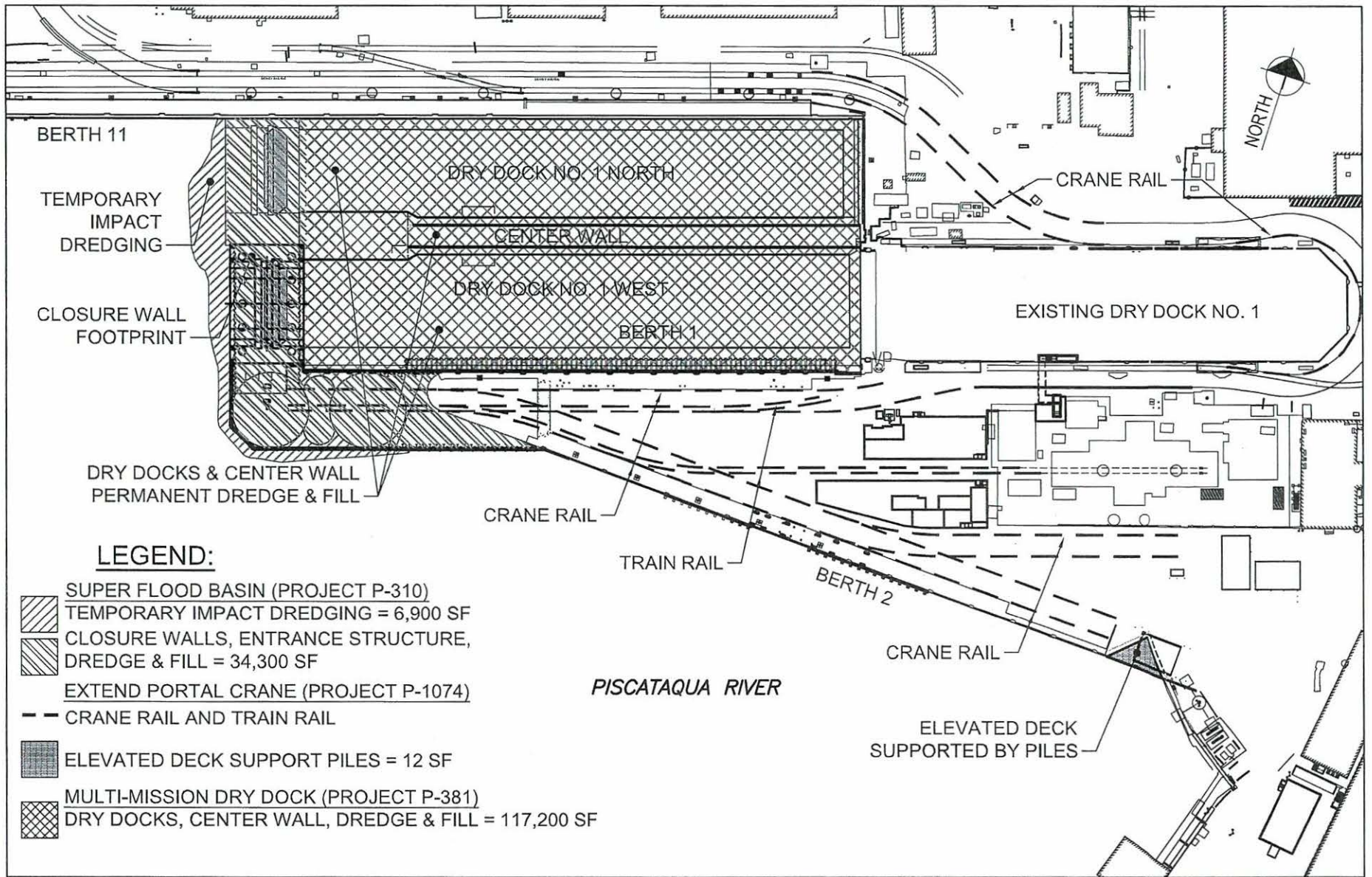
Figure No.  
 1

Title  
 Project Location

**Notes**  
 1. Coordinate System: NAD 1983 UTM Zone 19N  
 2. USGS Imagery/Topo provided by The National Map Mapping Service

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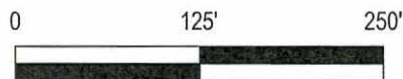




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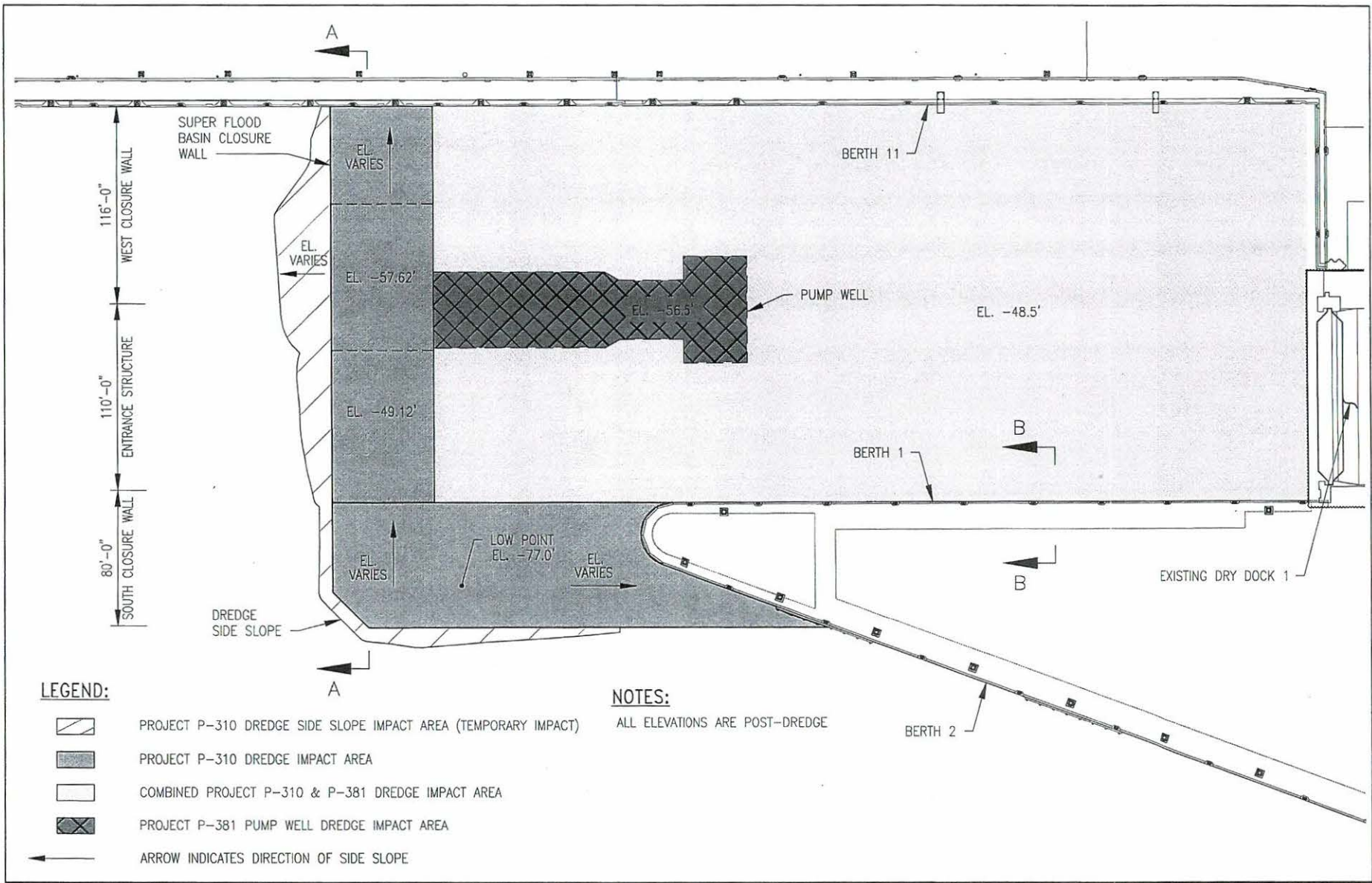
Modification and  
 Expansion of Dry Dock 1  
 Portsmouth Naval Shipyard  
 Kittery, Maine

Title  
 GENERAL PLAN VIEW -  
 PROPOSED DREDGE AND  
 FILL IMPACTS






Revision \_\_\_\_\_ Date  
 December 2018

Reference Sheet \_\_\_\_\_ Figure No.  
 1 of 8





**LEGEND:**

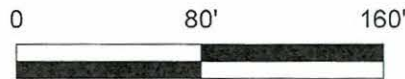
-  PROJECT P-310 DREDGE SIDE SLOPE IMPACT AREA (TEMPORARY IMPACT)
-  PROJECT P-310 DREDGE IMPACT AREA
-  COMBINED PROJECT P-310 & P-381 DREDGE IMPACT AREA
-  PROJECT P-381 PUMP WELL DREDGE IMPACT AREA
-  ARROW INDICATES DIRECTION OF SIDE SLOPE

**NOTES:**

ALL ELEVATIONS ARE POST-DREDGE



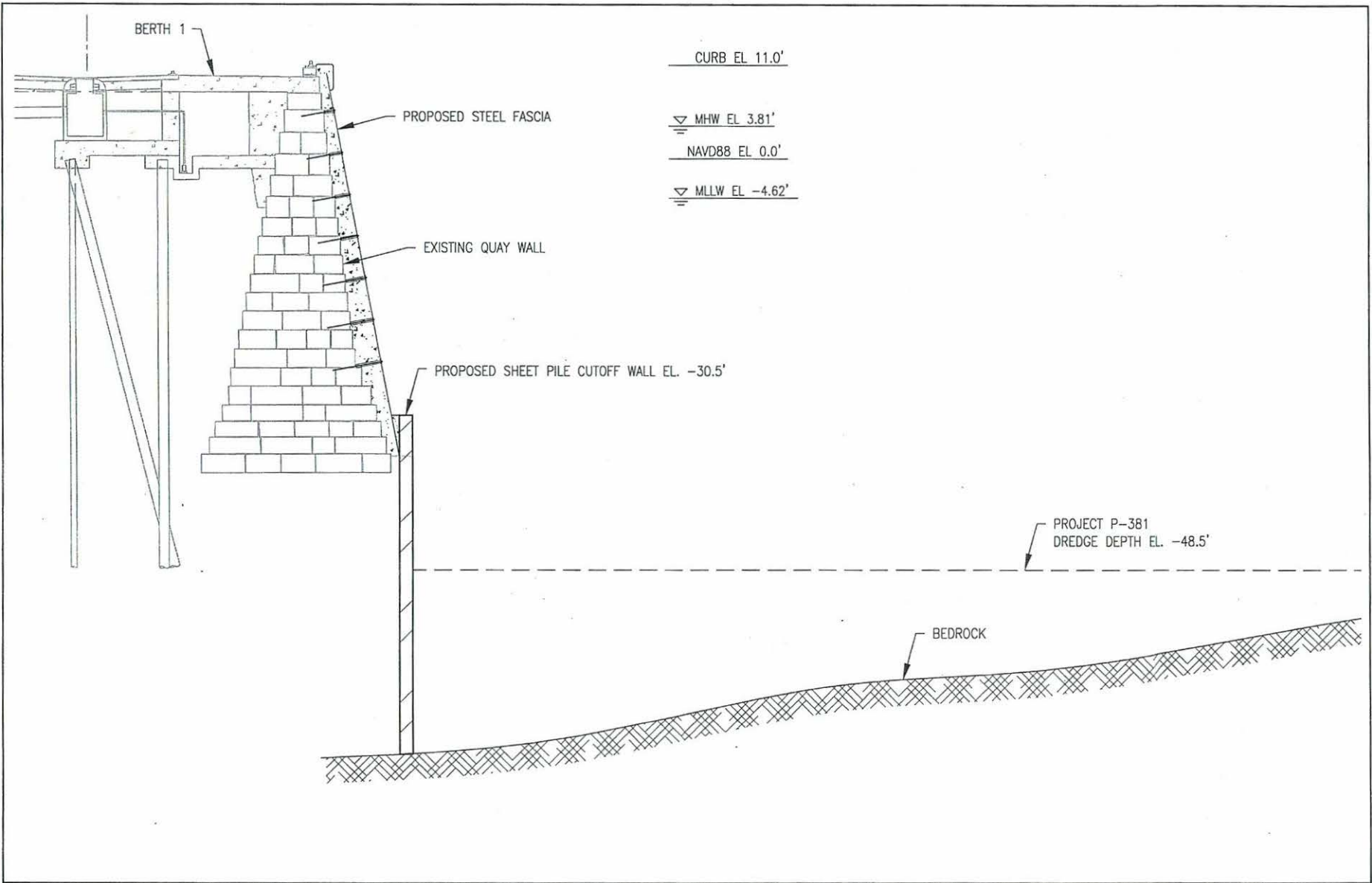
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 Modification and  
 Expansion of Dry Dock 1  
 Portsmouth Naval Shipyard  
 Kittery, Maine

Title  
 DREDGE PLAN - PROPOSED  
 DREDGE FOOTPRINTS AND  
 ELEVATIONS

Revision:	Date December 2018
Reference Sheet	Figure No. 2 of 8



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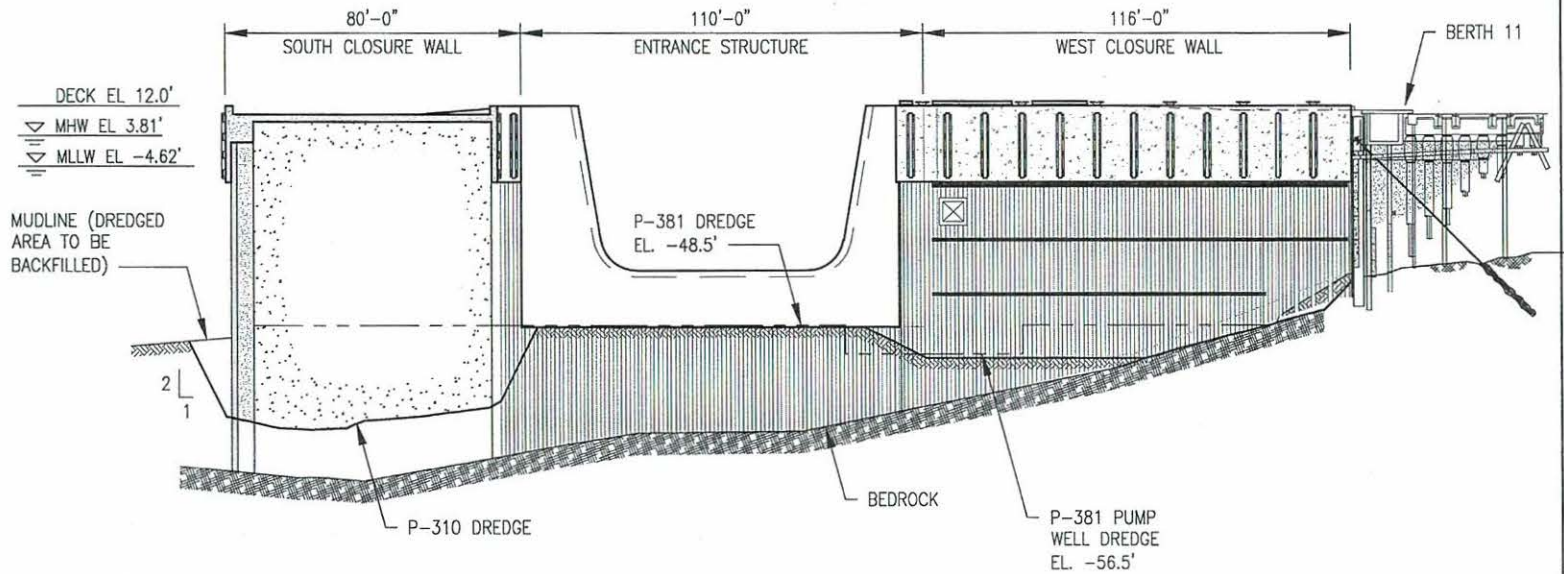
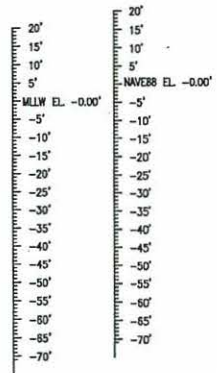
Title  
 SUPER FLOOD BASIN  
 (PROJECT P-310) BERTH 1  
 TYPICAL SECTION

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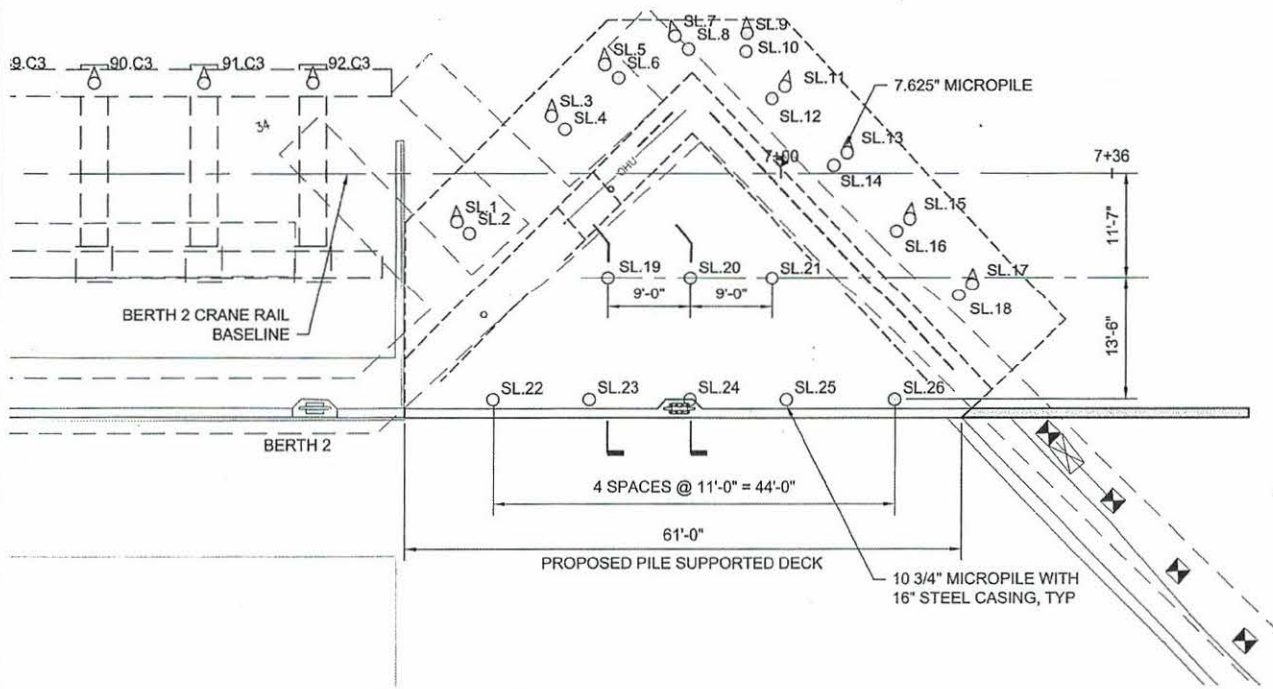


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DEPARTMENT OF THE NAVY  
  
Modification and  
Expansion of Dry Dock 1  
Portsmouth Naval Shipyard  
Kittery, Maine

Title  
SUPER FLOOD BASIN  
(PROJECT P-310) CLOSURE  
WALL SECTION

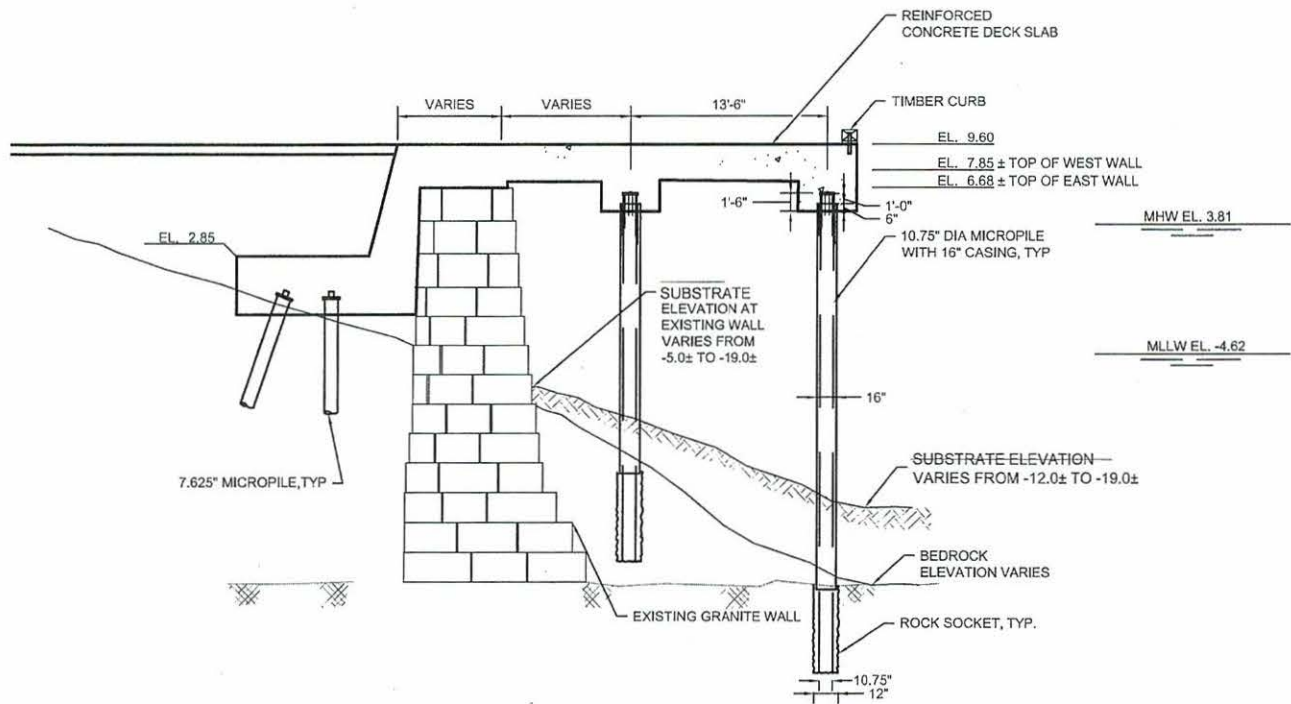
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**BERTH 2 - ELEVATED DECK PILE PLAN**

SCALE: 1"=20'



**SECTION - BERTH 2 ELEVATED DECK**

SCALE: 1"=20'



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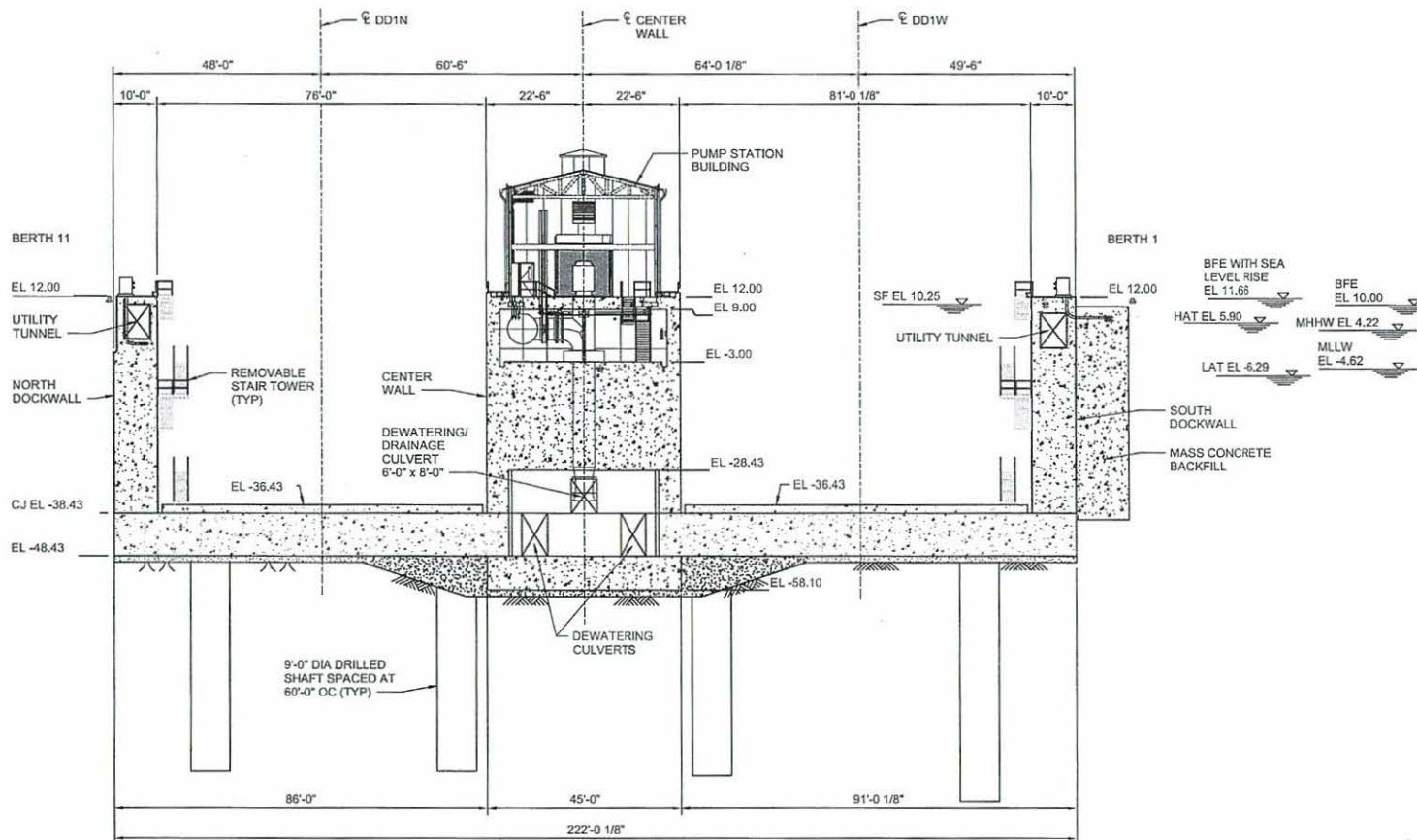
Title  
**EXTEND PORTAL CRANE  
(PROJECT P-1074) ELEVATED  
DECK**

Revision \_\_\_\_\_ Date  
December 2018

Reference Sheet \_\_\_\_\_ Figure No.  
6 of 8

figure6\_elevateddeck





**SECTION A - MULTI-MISSION DRY DOCK (P-381)**

SCALE: 1" = 40'

figure7\_closureswall\_sectiona



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Modification and  
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 Kittery, Maine

Title

MULTI - MISSION DRY DOCK  
 (PROJECT P-381) SECTION A

Revision

Date

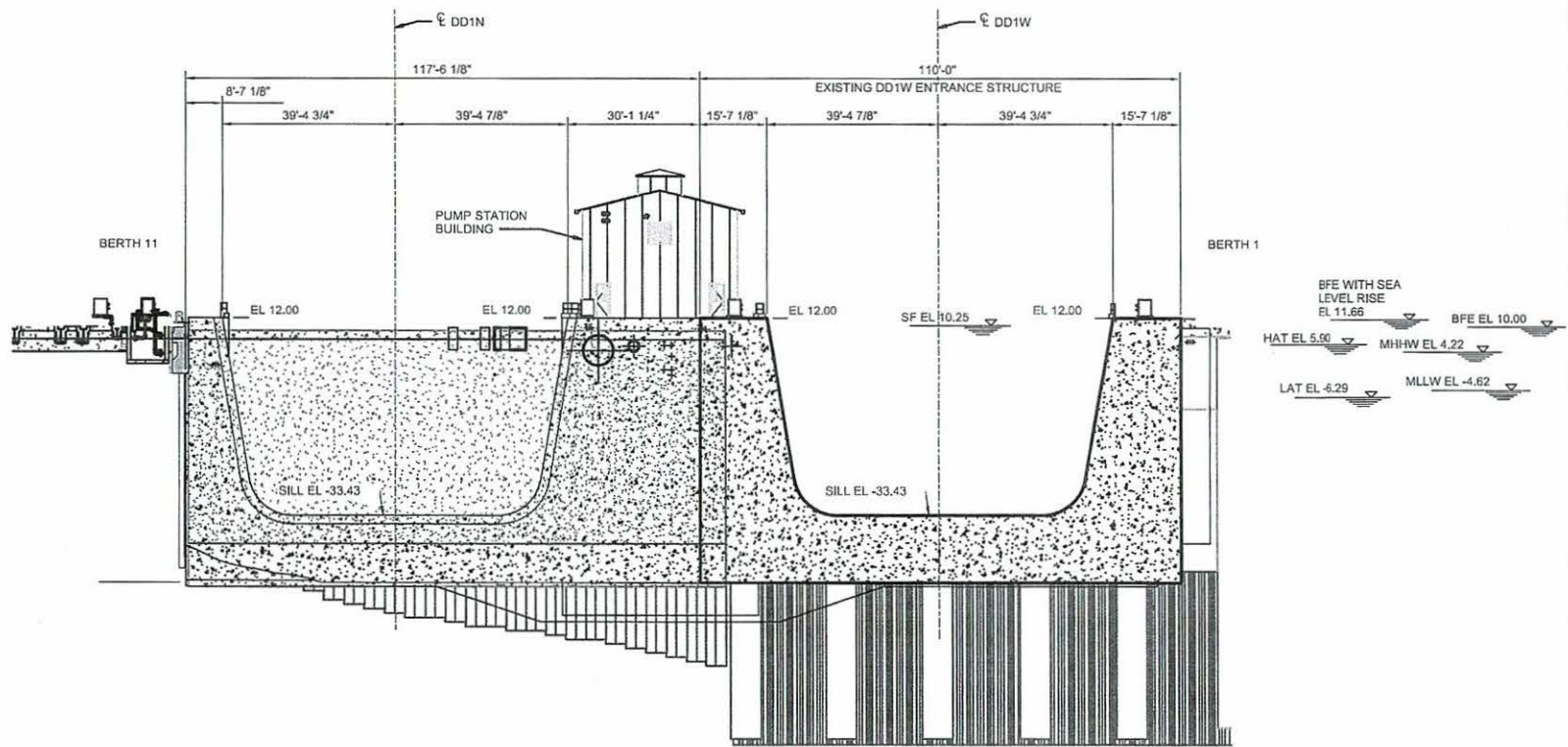
December 2018

Reference Sheet

Figure No.

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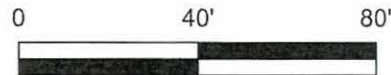
**SECTION B - MULTI-MISSION DRY DOCK (P-381)**

SCALE: 1" = 40'

figure8\_closurewall\_sectionb



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MULTI - MISSION DRY DOCK  
 (PROJECT P-381) SECTION B

Revision	Date December 2018
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