



**US Army Corps  
of Engineers®**  
New England District

**Maine Project Office**  
442 Civic Center Drive, Suite 350  
Augusta, Maine 04351

# PUBLIC NOTICE

AUGUST 6, 2019

**Date:**  
**Comment Period Ends:** SEPTEMBER 5, 2019  
**File Number:** NAE-2019-01461  
**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.

**APPLICANT: BATH IRON WORKS (BIW), 700 WASHINGTON STREET, BATH, MAINE 04530**

**ACTIVITY:** BIW is seeking to renew a previous 10-year permit to conduct periodic maintenance dredging activities associated with its shipbuilding operations in the Kennebec River at Bath, Maine.

Corps permit NAE-2007-02528, issued November 5, 2009, authorized BIW to dredge up to 70,000 cubic yards (cy) at their dry dock sinking basin; up to 4,000 cy at their dry dock landing grid; and up to 12,000 cy at berthing piers 1, 2, & 3. Dredged material from the sinking basin has been disposed of downstream, at an in-river site just south of Bath at Bluff Head. Dredged material from the other sites has been disposed of at an upland, non-wetland location. This permit expires on December 31, 2019.

Relative to this request for a new 10-year permit, dimensions of the areas to be dredged are shown on the attached plans. Dredge volumes are expected to remain the same on average but actual quantities for individual dredge events may vary depending on the frequency and degree of shoaling. No changes in dredge footprints are proposed and it remains the applicant's intention that dredge material from future dredging at these locations will continue to be disposed of in the same manner as previously authorized. All dredging will be conducted by mechanical dredge. Based on historic shoaling rates, current and projected shipbuilding schedules at BIW, and current budget forecasts, maintenance dredging is anticipated to be needed and performed at 2-3 year intervals (sinking basin), and annually for the other locations. *The first maintenance dredging event is proposed to occur during the winter of 2019/2020 (dry dock sinking basin, Pier 2, and the dry dock landing grid).*

By this notice, we are seeking comments on the proposed winter 2019/2020 dredging as well as the full scope of the applicant's maintenance dredging needs through 2029.

**WATERWAY AND LOCATION OF THE WORK:** This work is proposed in the Kennebec River at Bath, Maine. The project site is located on the USGS BATH, ME quadrangle sheet at latitude 43.9038988°N; and longitude 69.8127962°W.

**AUTHORITY:**

A Corps of Engineers permit is 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 is 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 or the transportation of dredged material for the purpose of disposing it in ocean waters, 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, and/or Section 103 of the Marine Protection Research and Sanctuaries Act of 1972 as amended.

**ESSENTIAL FISH HABITAT & ENDANGERED SPECIES CONSULTATION:** 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”).

Dredging and disposal activities will impact EFH for a variety of species and their various life stages. The habitat consists of subtidal river bottom composed primarily of sand and silt. Impacts to the listed species are expected to include turbidity and benthic disturbance, however these impacts are expected to be minimal and of short duration. Instream work windows and other best management practices are expected to further minimize potential impacts. Therefore, the District Engineer has made a preliminary determination that the site-specific adverse effect will not be substantial. Further consultation with the National Marine Fisheries Service regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision.

Similarly, the Corps has initiated consultation with the National Marine Fisheries Service pursuant to Section 7 of the Endangered Species Act of 1973. The Kennebec River supports the federally endangered shortnose sturgeon, federally threatened Atlantic sturgeon, Atlantic sturgeon Critical Habitat (Gulf of Maine, New York Bight, and Chesapeake Bay DPS), and is within the range of the Gulf of Maine Distinct Population Segment

("DPS") of Atlantic salmon. Consultation with the National Marine Fisheries Service will be concluded prior to any final decision and will likely result in recommendations to avoid or minimize potential adverse impacts to listed species.

**SECTION 106 COORDINATION:** The Corps 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. The District Engineer has made the preliminary determination that the proposed work is not likely to affect properties listed in, or eligible for listing in, the National Register of Historic Places. The Corps will continue review and consultation to fulfill requirements under the Historic Preservation Act as part of the permit review process.

**OTHER APPROVALS:** The activities proposed herein will also require permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a Corps federally authorized Civil Works project. The proposed alteration involves dredging activities within the channel within the authorized limits of the Federal Navigation Project. A permit pursuant to Section 10/404 shall not be granted until the Section 408 permission is issued. Through this public notice we are soliciting information necessary to inform the Corps evaluation and review. The Section 408 point of contact for this project, William Kavanaugh, can be reached at (978) 318-8328.


The applicant has supplied the Maine Department of Environmental Protection (Maine DEP) 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: Nick Livesay, Director, Bureau of Land Resources, Department of Environmental Protection, 17 State House Station, Augusta, ME, 04333-0017 or by email to: [nick.livesay@maine.gov](mailto:nick.livesay@maine.gov)

In order to conclude our environmental documentation, 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. Should it be considered necessary, 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.

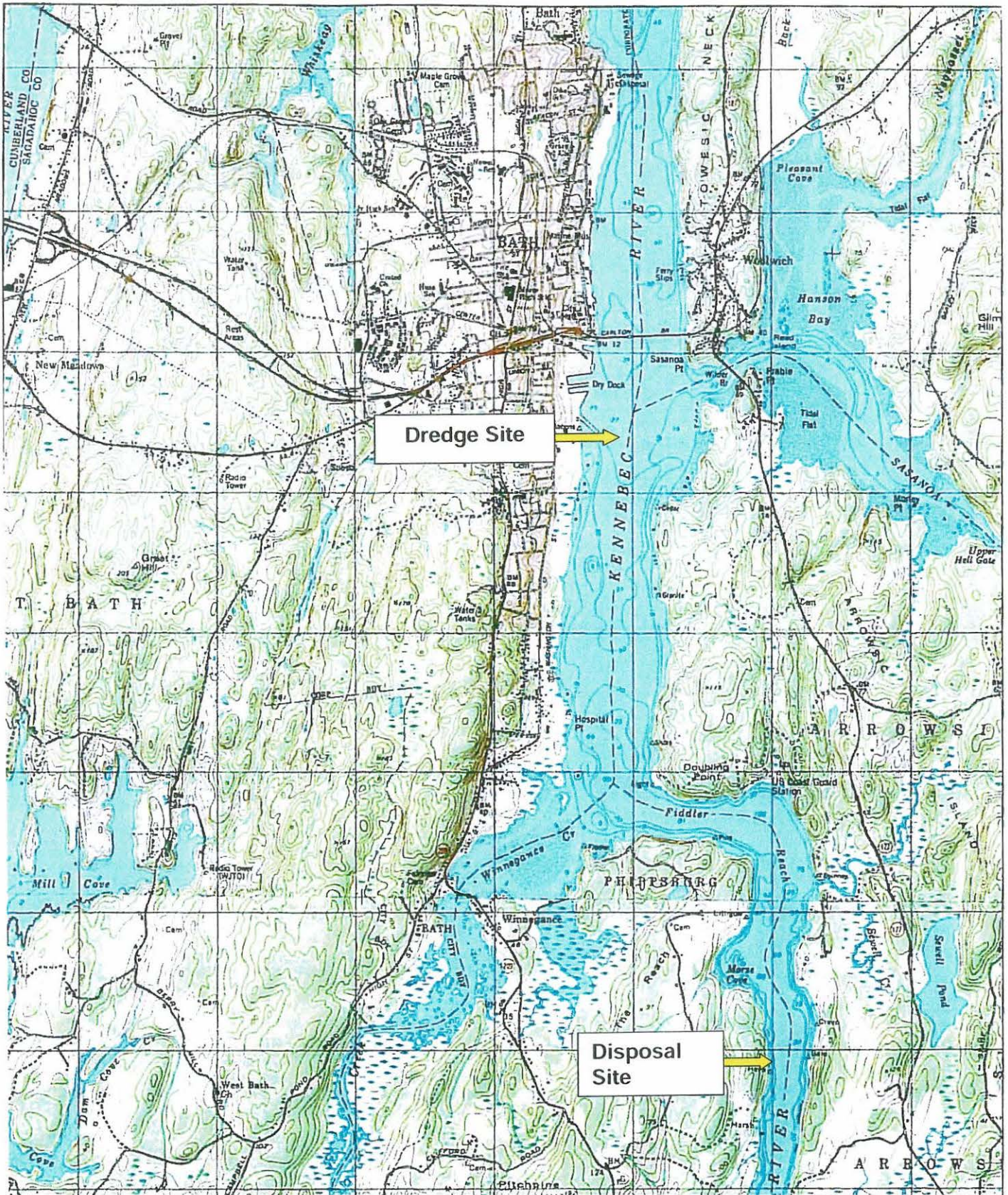
For more information on the New England District Corps of Engineers programs, visit our website at <http://www.nae.usace.army.mil>.

  
**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: \_\_\_\_\_

ATTACHMENT #3  
Topographic Map





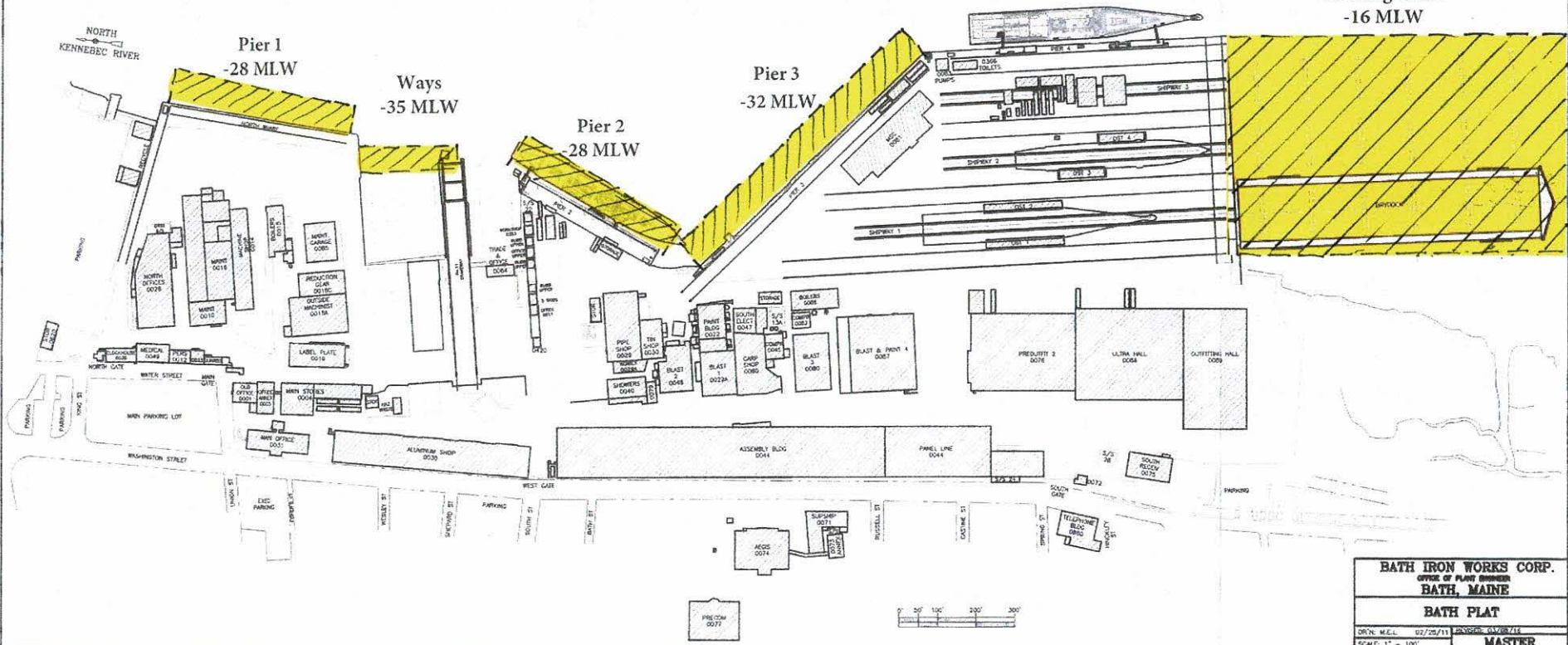
Pier 1  
-28 MLW

Ways  
-35 MLW

Pier 2  
-28 MLW

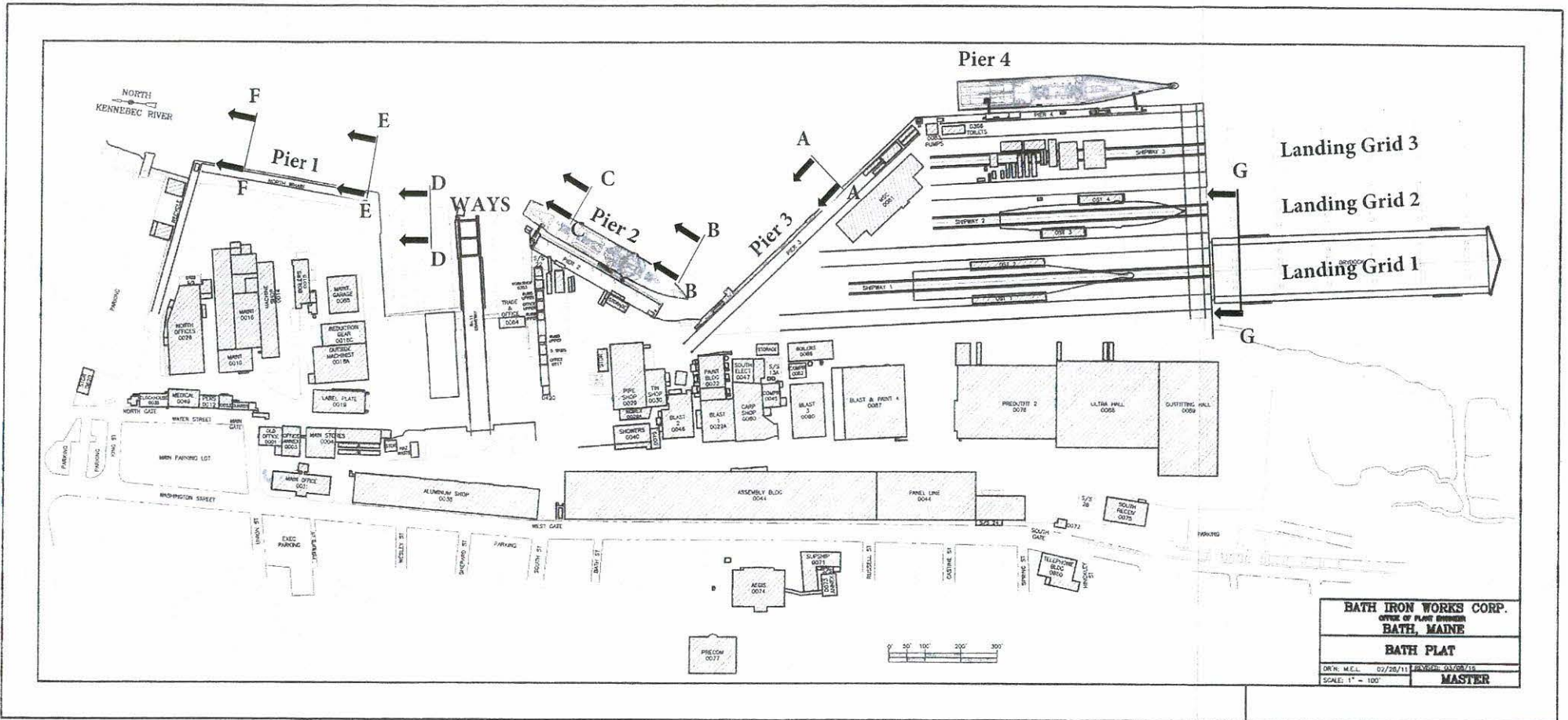
Pier 3  
-32 MLW

Landing Grids  
-16 MLW



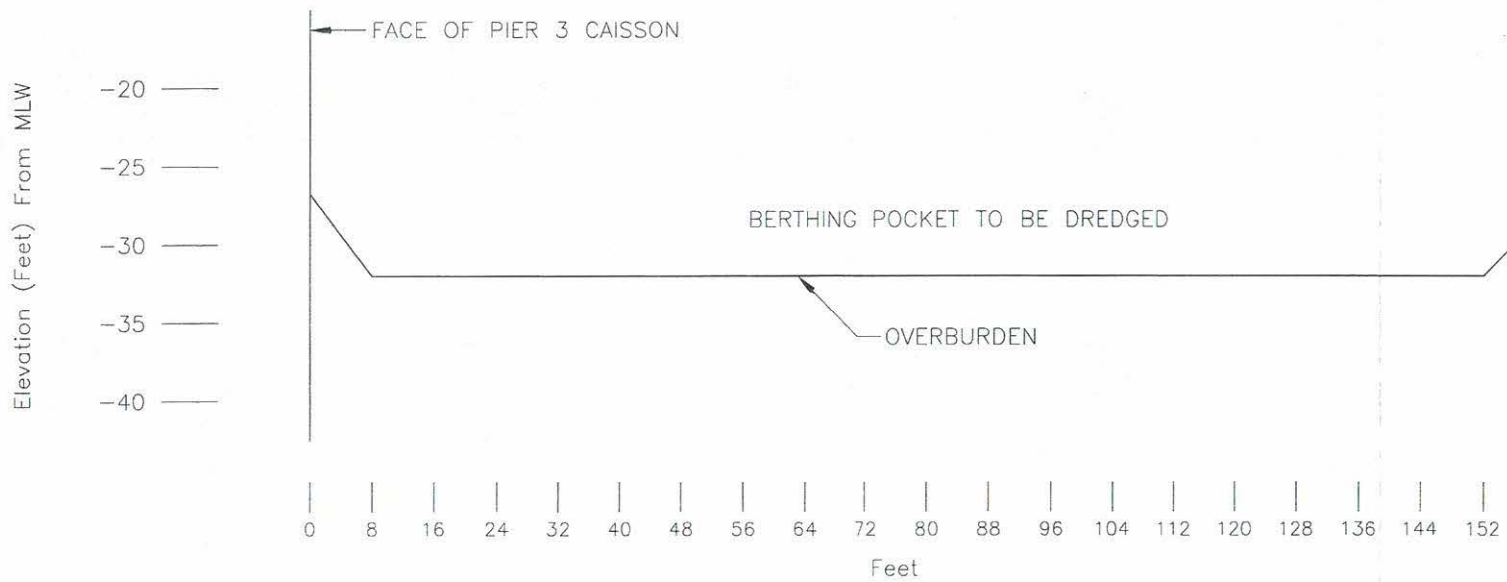
BATH IRON WORKS CORP.	
OFFICE OF PLANT ENGINEER	
BATH, MAINE	
BATH PLAT	
DRWN. M.E.L. 02/25/11	REVISED 04/28/14
SCALE: 1" = 100'	MASTER

# BATH IRON WORKS SITE PLAN



<b>BATH IRON WORKS CORP.</b>	
OFFICE OF PLANT ENGINEER	
<b>BATH, MAINE</b>	
<b>BATH PLAT</b>	
DRW: M.E.L. 02/28/11	REVISED: 03/07/11
SCALE: 1" = 100'	<b>MASTER</b>

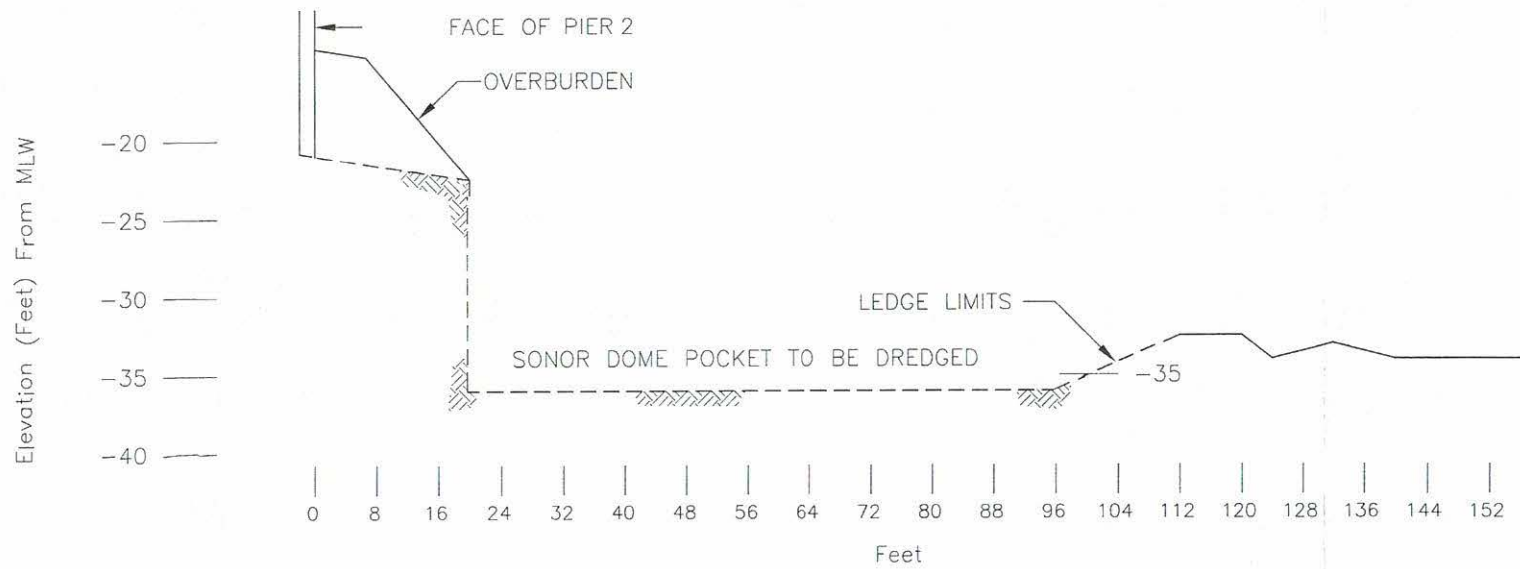
# BATH IRON WORKS - PIER 3 SECTION A-A



VERTICAL SCALE: 1/8" = 1'-0"  
HORIZONTAL SCALE: 1/16" = 1'-0"



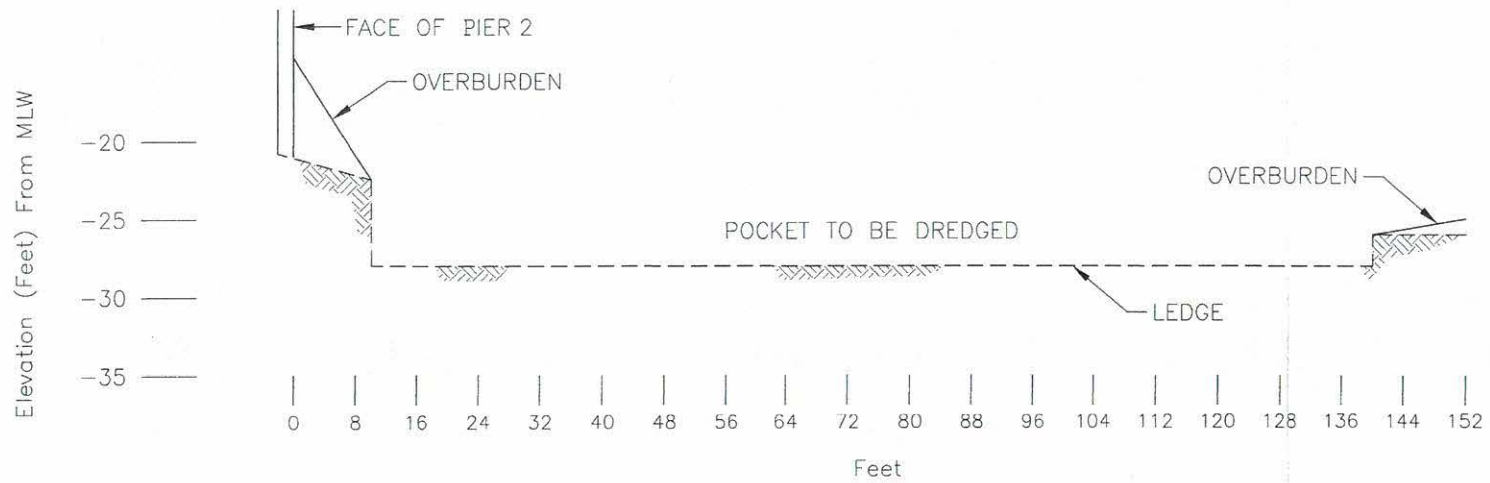
# BATH IRON WORKS - PIER 2 SECTION B-B



VERTICAL SCALE: 1/8" = 1'-0"  
HORIZONTAL SCALE: 1/16" = 1'-0"

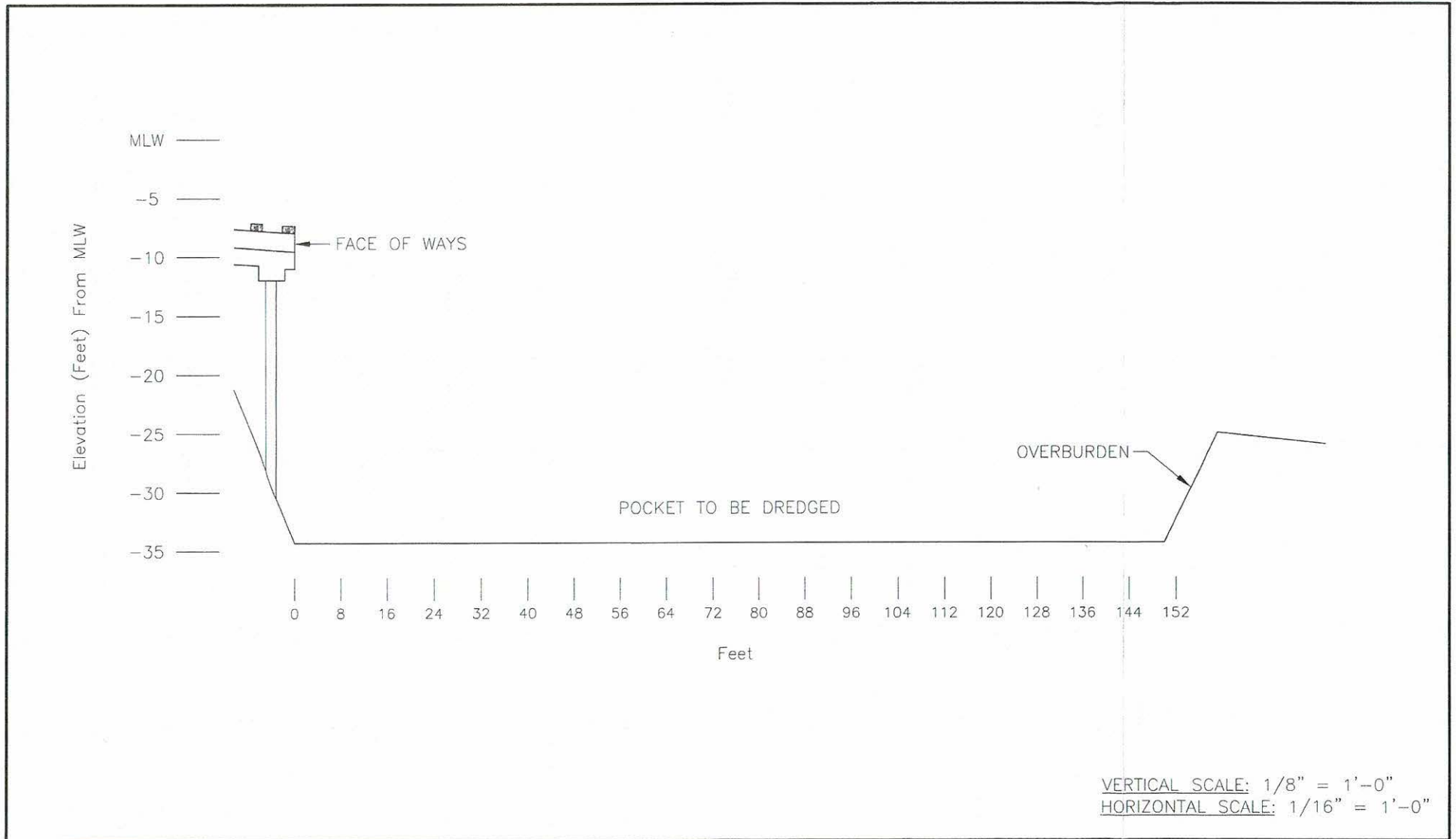
# BATH IRON WORKS - PIER 2

## SECTION C-C



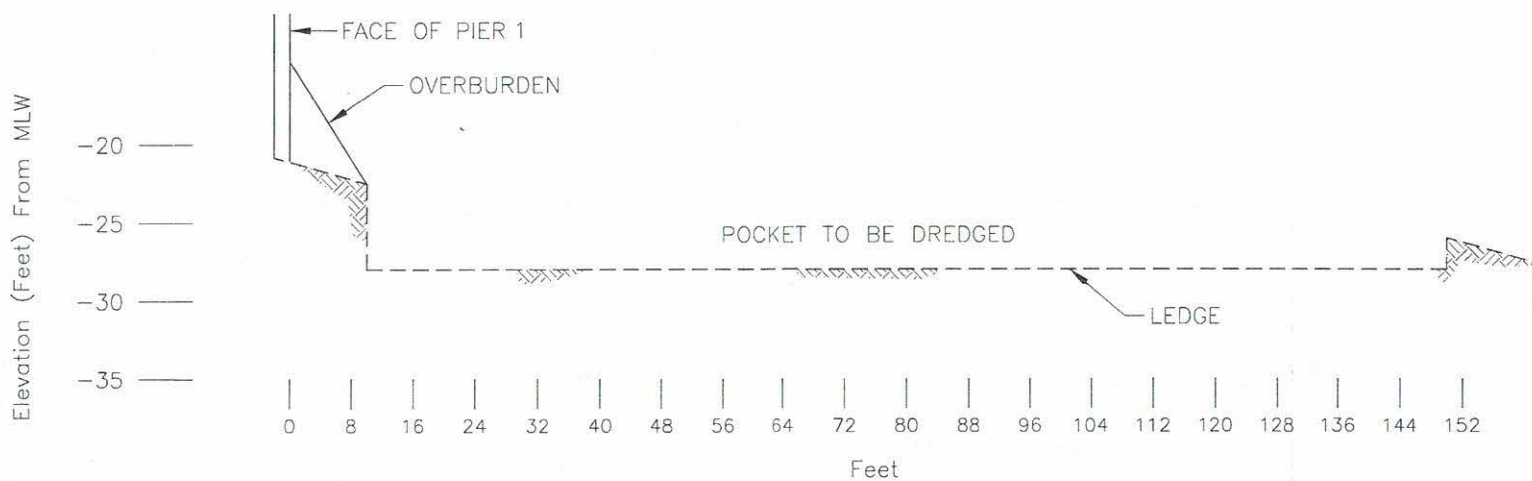
VERTICAL SCALE: 1/8" = 1'-0"  
HORIZONTAL SCALE: 1/16" = 1'-0"

# BATH IRON WORKS - WAYS SECTION D-D



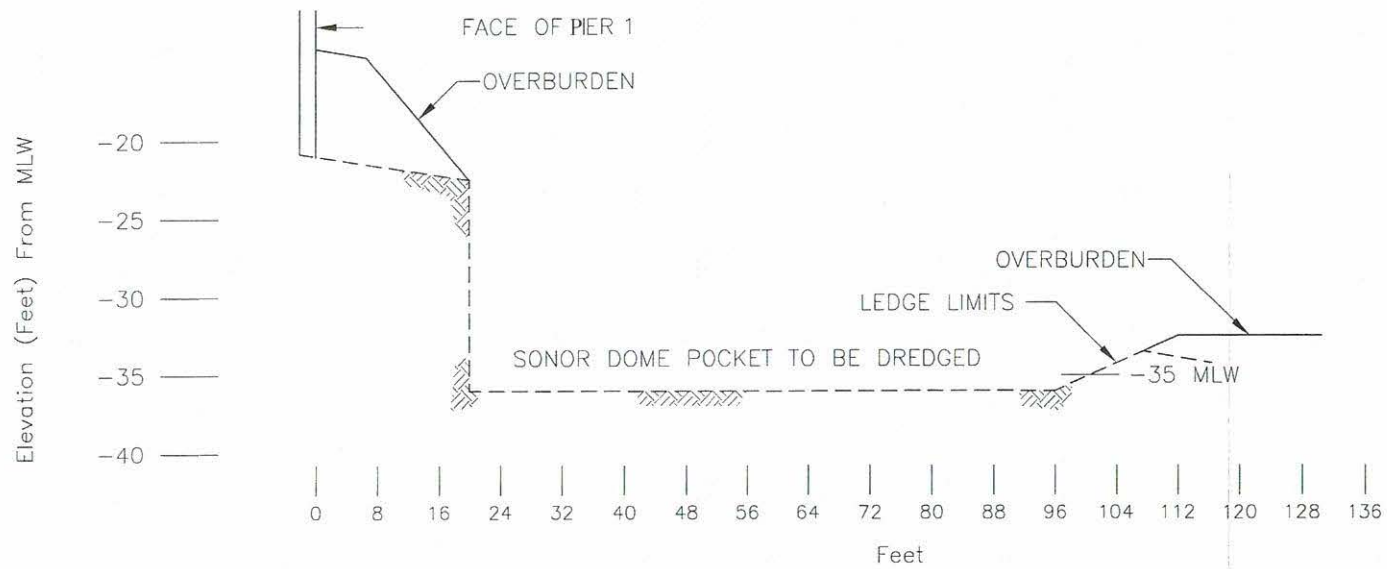
# BATH IRON WORKS - PIER 1

## SECTION E-E



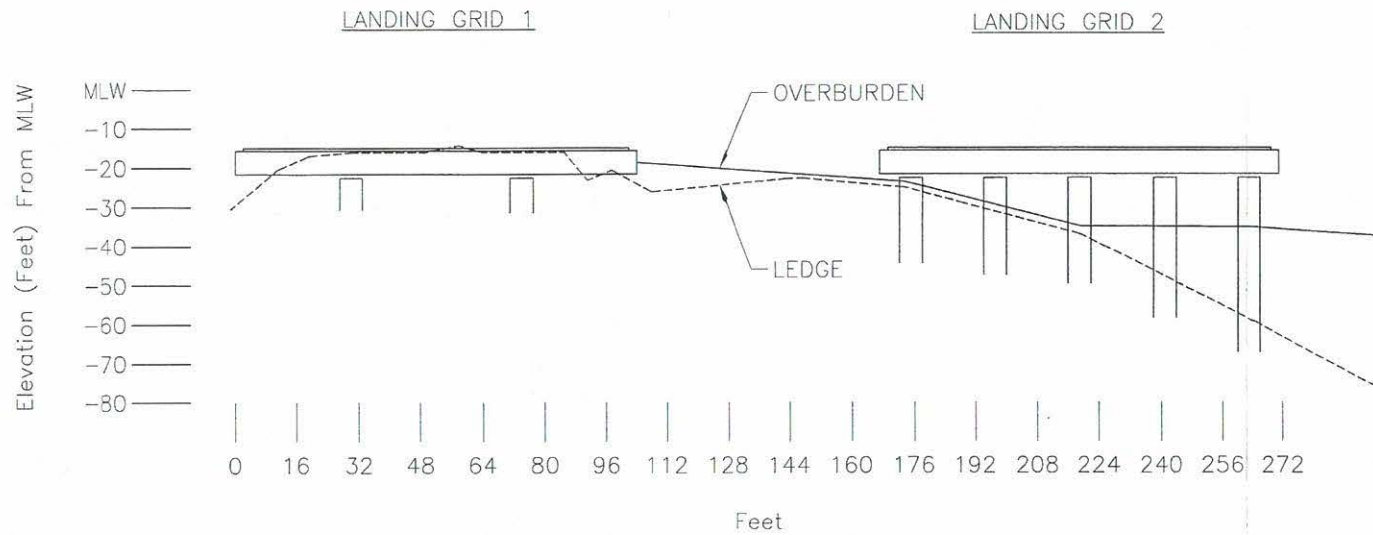
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# BATH IRON WORKS - PIER 1 SECTION F-F



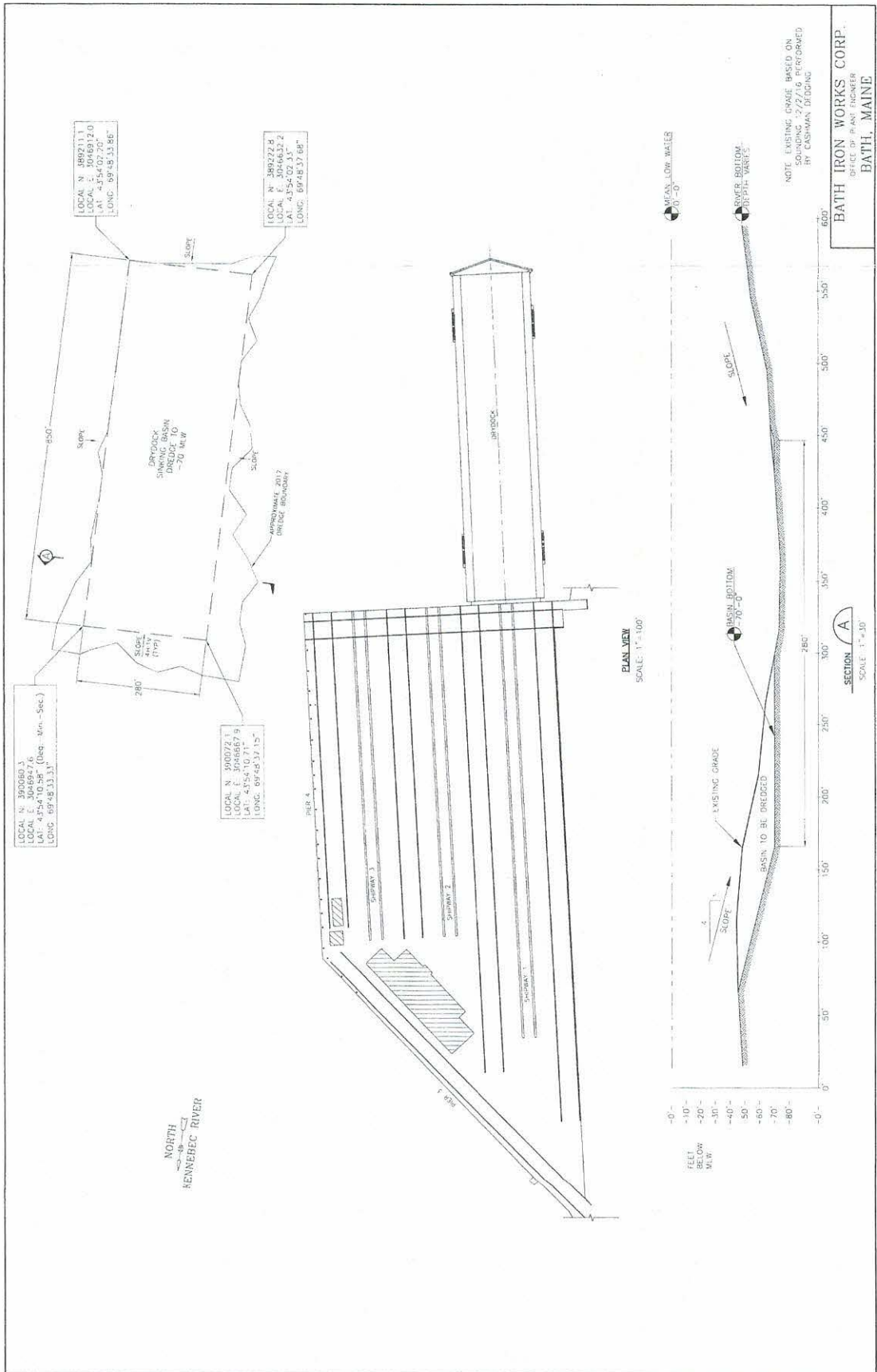
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HORIZONTAL SCALE: 1/16" = 1'-0"

# BATH IRON WORKS - LANDING GRIDS SECTION G-G

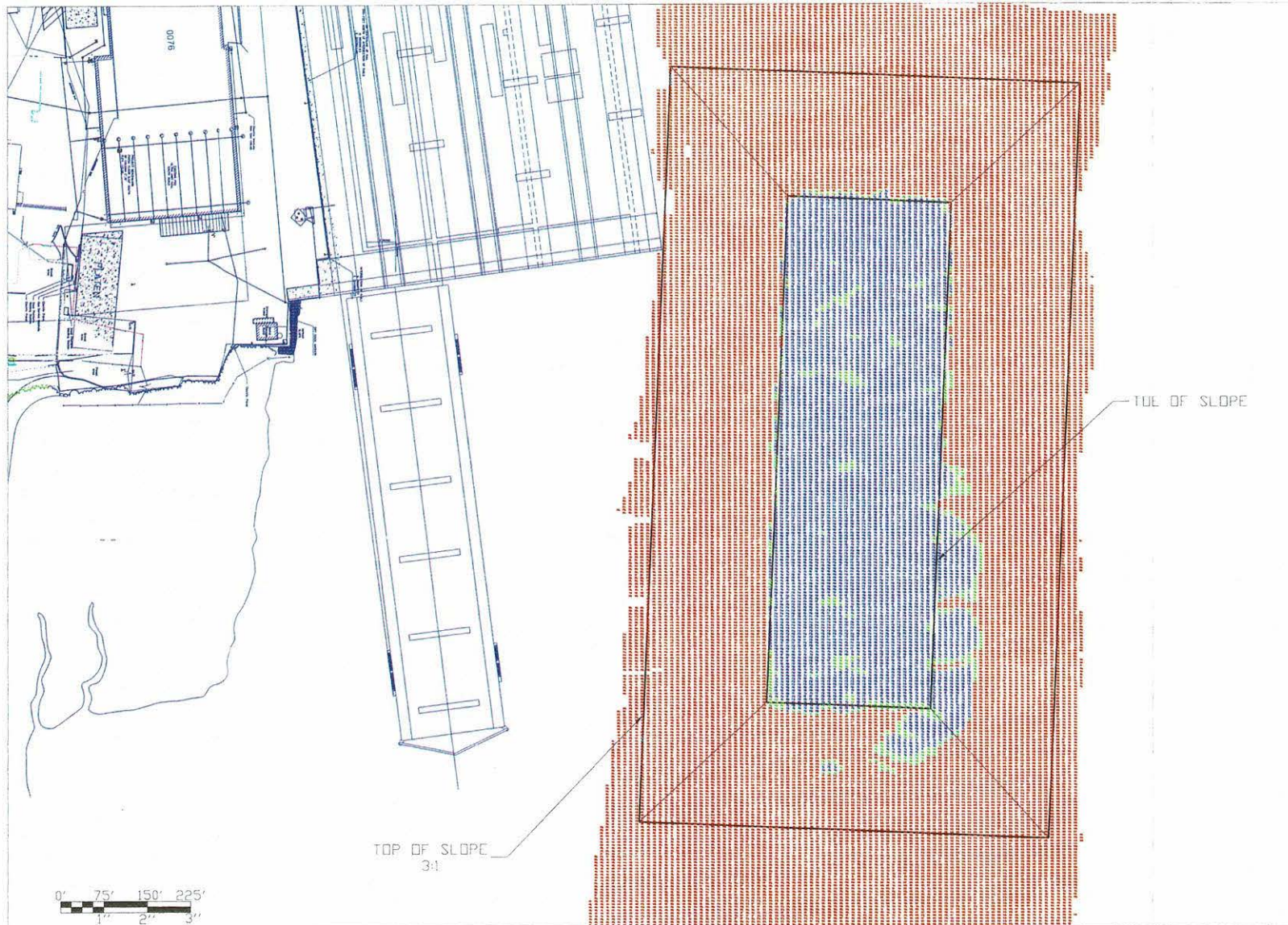


SCALE: 1/32" = 1'-0"

LAND LEVEL TRANSFER FACILITY & DRYDOCK SINKING BASIN



BATH IRON WORKS CORP.  
DESIGNED BY PAUL LUCKER  
BATH, MAINE  
DRAWING #1510A



- GENERAL NOTES:**
1. SCALES NOTED ARE APPLICABLE TO FULL SIZE (24"x36") DRAWINGS ONLY. SCALE REDUCED DRAWINGS ACCORDINGLY.
  2. SOUNDINGS REFER TO NAD83, ME STATE PLANE WEST 1802, US SURVEY FEET. SOUNDINGS WERE COLLECTED BY NAVD88 AND CORRECTED TO BATH IRON WORKS DATUM (BID). BID IS 3.14 FT ABOVE NAVD88. DEPTHS ARE EXPRESSED IN FEET AND TENTHS.
  3. SURVEY DATE: MARCH 28TH, 2017
  4. SOUNDINGS ARE SHOWN ON A 5FT X 10FT JARRISAN CELL CENTER GRID USING 3FT X 3FT AVERAGE DATA SET. VOLUME COMPUTATIONS PERFORMED USING THE 3FT X 3FT AVERAGE DATA SET.
  5. THE SOUNDINGS ON THIS MAP REPRESENT THE RESULTS OF SURVEYS MADE ON THE DATES INDICATED AND CAN ONLY BE CONSIDERED AS INDICATING THE GENERAL CONDITIONS EXISTING AT THAT TIME.

DEPTH TABLE		
COLOR	MINIMUM	MAXIMUM
Red	<	70.00
Green	70.00	71.00
Blue	71.00	>

No.      Revision/Issue      Date



Drawing Title:  
**BATH MAINE  
 IRON WORKS  
 MAINTENANCE  
 PROJECT  
 DRYDOCK  
 SINKING BASIN**

Date: 03/28/17      Scale: 1" = 75'  
 Drawn By: KR      Check By: ST  
 Project: BATH MAINE  
 Sheet Number: 1 of 1

Sheet No. **D-001**

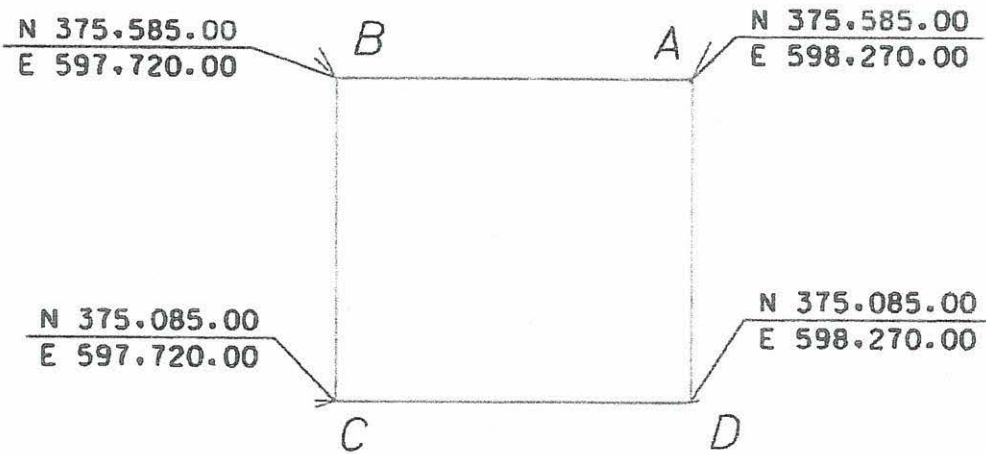
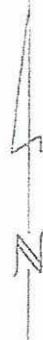


**KENNEBEC RIVER  
STATE PLANE NAD 1927**

#	EASTING	NORTHING
A	598270	375585
B	597720	375585
C	597720	375085
D	598270	375085

**KENNEBEC RIVER  
STATE PLANE NAD 1983**

#	EASTING	NORTHING
A	3051151.422	375619.389
B	3050601.429	375619.385
C	3050601.433	375119.395
D	3051151.427	375119.399



**KENNEBEC RIVER**

**DISPOSAL AREA**

**BATH IRON WORKS  
DRY DOCK SINKING BASIN  
MAINTENANCE DREDGING  
BATH, MAINE**