



**US Army Corps
of Engineers**®

New England District

Maine Project Office

442 Civic Center Drive, Suite 350

Augusta, Maine 04330

PUBLIC NOTICE

Date: December 11, 2018

Comment Period Ends: January 10, 2019

File Number: NAE-2018-01586

In Reply Refer To: Colin M. Greenan

Or by e-mail:

colin.m.greenan@usace.army.mil

30 DAY NOTICE

The District Engineer has received a permit application from the following applicant 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: J&B PARTNERS, LLC 24 NORTH AVENUE, SACO, MAINE 04072

ACTIVITY: Place permanent fill below the high tide line and install seasonal floats in the Saco River in order to establish two seasonal marina basins with a combined 55 slips as part of the redevelopment of Saco Island (aka Factory Island) with commercial and residential structures. A similar marina proposal at this site was previously authorized by the Corps in 2007 but was never installed and the permit has since expired. Approximately 39,586 square feet of river bottom will be impacted by the reconstruction of existing timber and stone crib and granite block seawalls. The granite block wall will be reconstructed in kind and in-situ. The timber crib wall will be faced with a new steel sheet pile wall.

The floats will be bottom moored and accessed by ramps from the shore. They will be made available to the owners of the upland residences (Basin B) and also to members of the public (Basin A). No fueling is proposed at the facility, however, a boat pump-out building will be constructed near Basin A. The work is shown on the attached plans entitled "THE WATERS" in five sheets dated "9/7/2018".

WATERWAY AND LOCATION OF THE PROPOSED WORK: Saco River off Saco Island at Saco, Maine. The project site is located on the Biddeford, ME USGS 1:24K Quadrangle Map at latitude 43.493290°N; longitude -70.446851°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: 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").

This project will impact approximately 0.03 acre of EFH. This bottom habitat consists of silt, sand and debris from past industrial use. Loss of this habitat may adversely affect species that use these waters and substrate. However, the District Engineer has made a preliminary determination that the site-specific adverse effect will not be substantial. Further consultation with NMFS regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision.

SECTION 106 COORDINATION: Based on his initial review, the District Engineer has determined that little likelihood exists for the proposed work to impinge upon properties with cultural or Native American significance, or listed in, or eligible for listing in, the National Register of Historic Places. Therefore, no further consideration of the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended, is necessary. This determination is based upon one or more of the following:

- a. The permit area has been extensively modified by previous work.
- b. The permit area has been recently created.
- c. The proposed activity is of limited nature and scope.
- d. Review of the latest published version of the National Register shows that no presence of registered properties listed as being eligible for inclusion therein are in the permit area or general vicinity.
- e. Coordination with the State Historic Preservation Officer and Tribal Historic Preservation Officers.

ENDANGERED SPECIES ACT CONSULTATION: The Corps is reviewing the application for the potential impacts to Federally-listed threatened or endangered species and their designated critical habitat pursuant to Section 7 of the Endangered Species Act as amended. The District Engineer is hereby requesting that the appropriate Federal Agencies 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 Stebbins, Director, Division of Land Resources, Department of Environmental Protection, 17 State House Station, Augusta, ME, 04333-0017 or by email Mark.N.Stebbins@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 Colin M. Greenan at colin.m.greenan@usace.army.mil or (978) 318-8676 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.

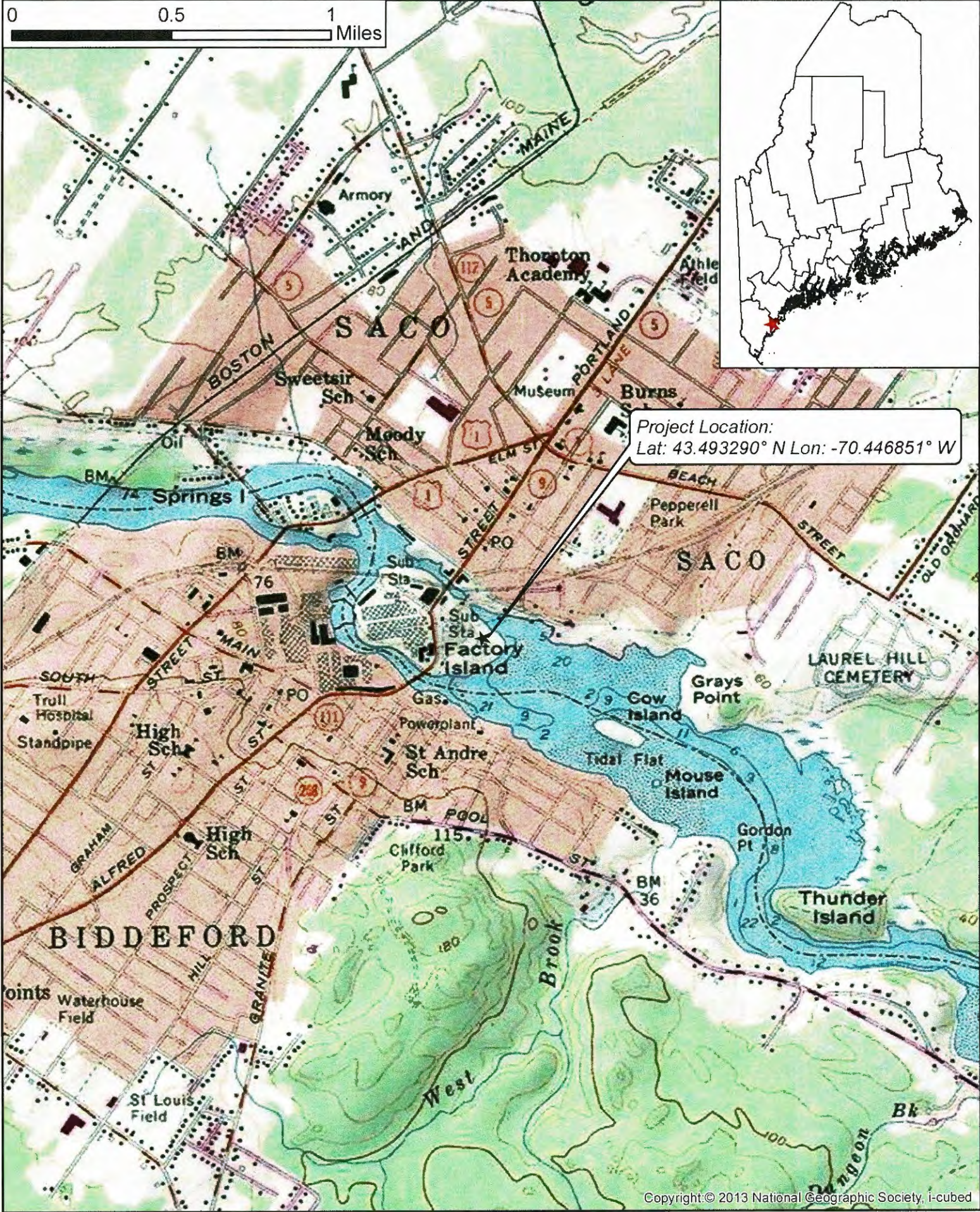
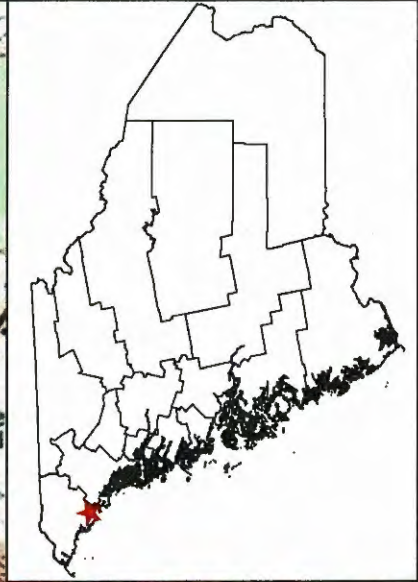

for **Frank J. Del Giudice**
Chief, Permits and Enforcement Branch
Regulatory Division

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. 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: _____

0 0.5 1 Miles

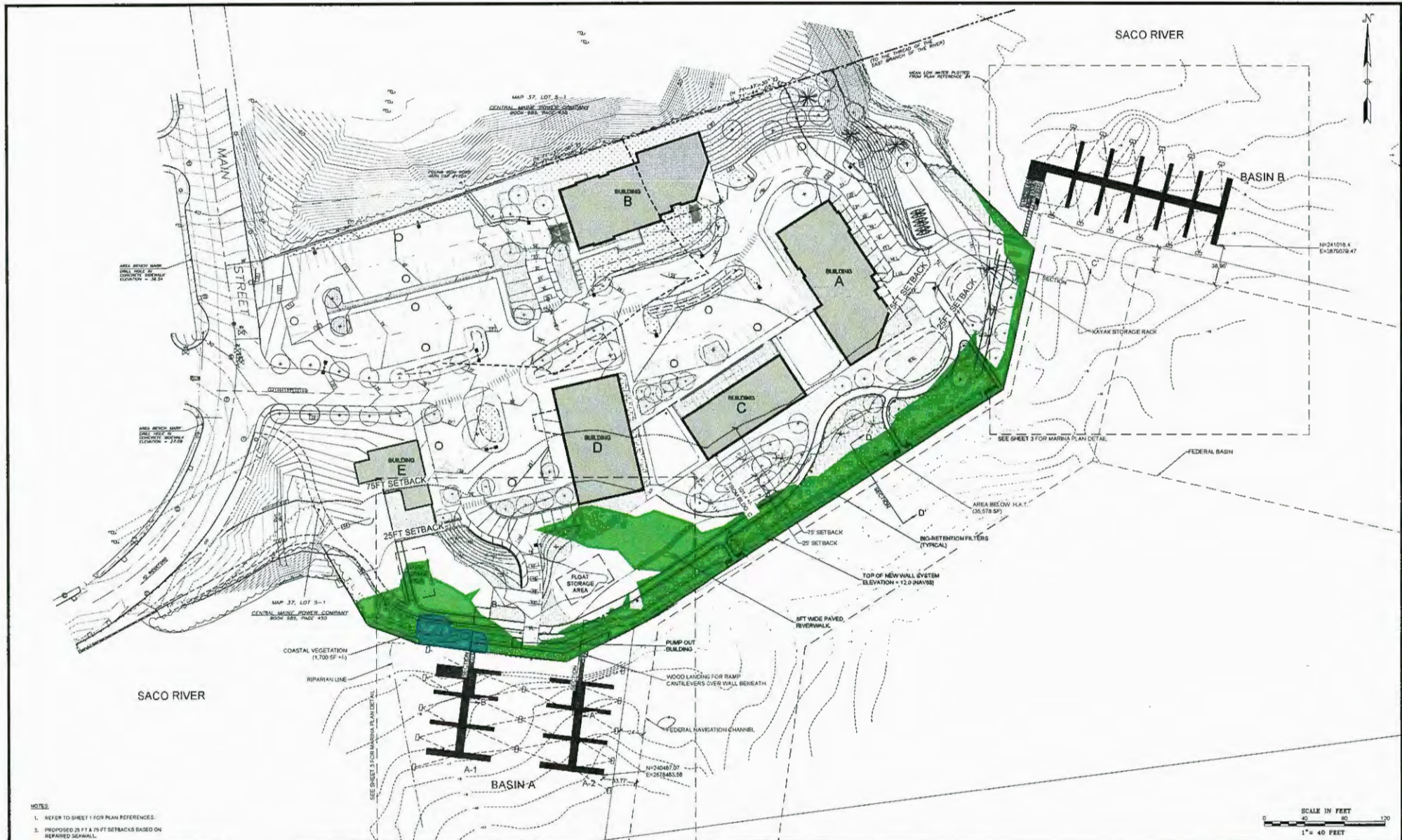


Project Location:
Lat: 43.493290° N Lon: -70.446851° W

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J&P Partners, LLC
Saco, Maine
USGS 7.5 QUAD: Biddeford, ME

CORPS ID NO. NAE-2018-01586



- NOTES:
1. REFER TO SHEET 1 FOR PLAN REFERENCES.
 2. PROPOSED 25 FT & 75 FT SETBACKS BASED ON REPAIRED SEAWALL.



ATLANTIC ENVIRONMENTAL LLC.
 Environmental Consultants
 135 River Road, Woolwich, ME 04579
 (207) 837-2199
 tim@atlanticeviromaine.com

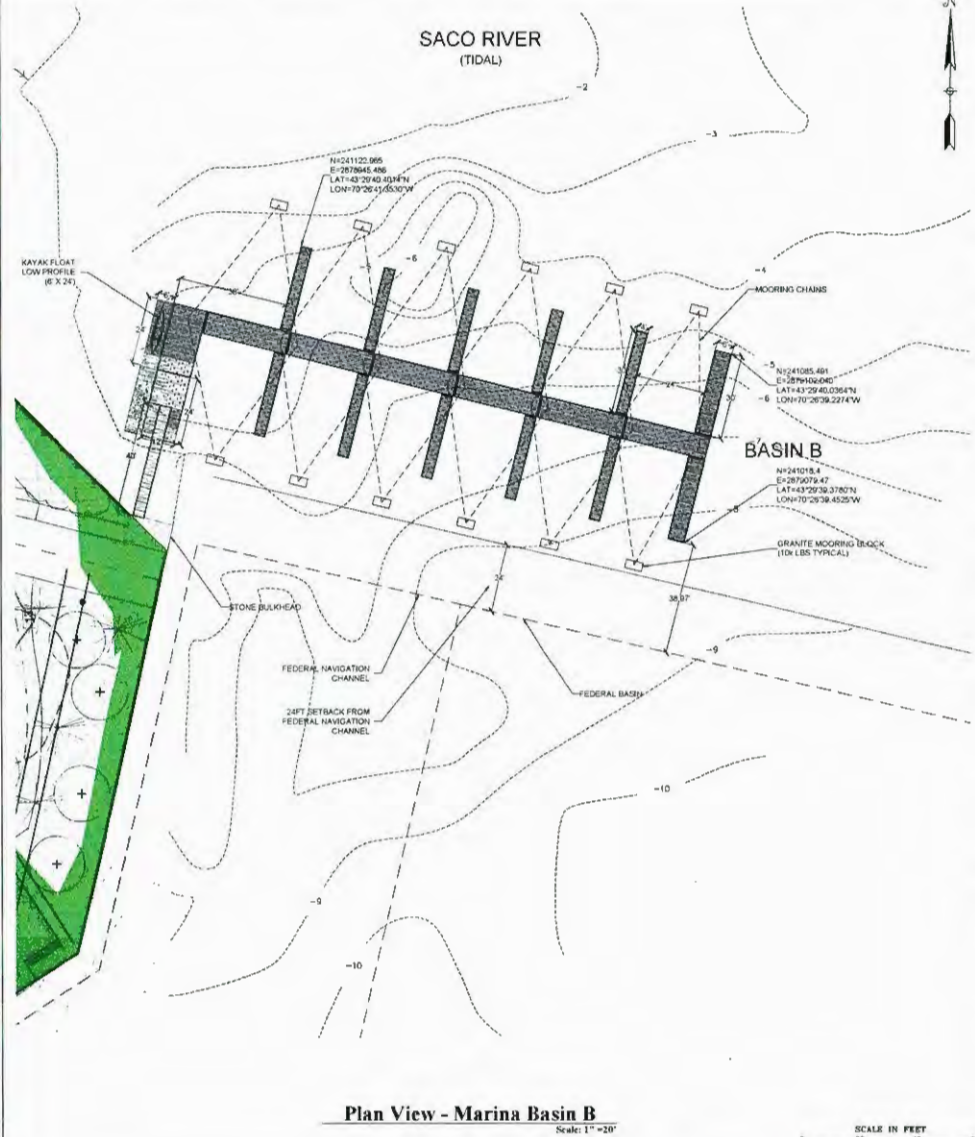
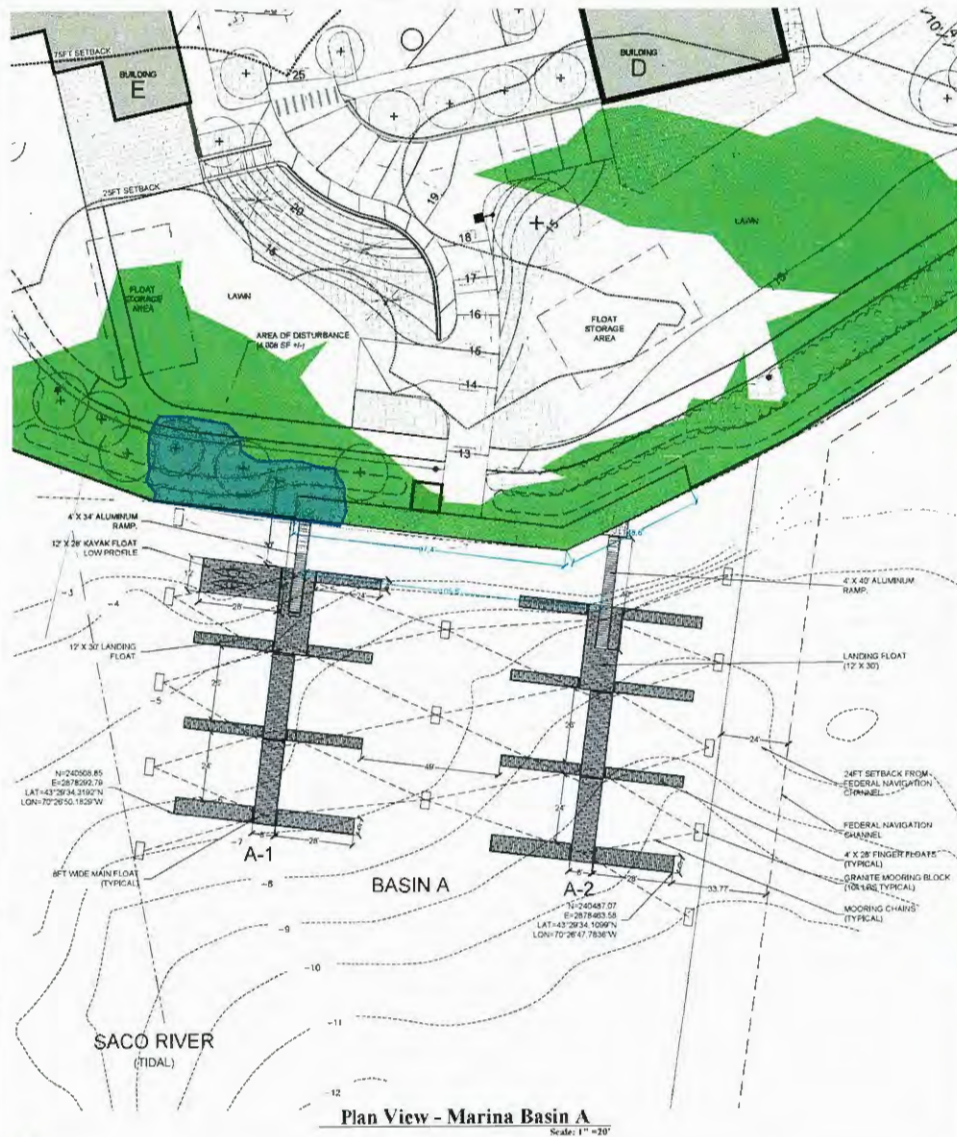
Date: 9/7/2018
 Project: The Waters
 Drafted By: TAF/SS

Revisions:
 Add Fed. Channel Setback
 Mod. Walk 25ft from Bulkhead
 Adjust Marina Configuration, add Sheet 5
 Add Lat/Long Coord.s for Marinas
 Add Seawall Profile, remove float, Adjust Setbacks

Title: Proposed Marina Plan
 The Waters
 J&B Partners, LLC.
 100 Main Street, Suite 1214, Saco Maine 04072



Sheet
 2
 of
 6



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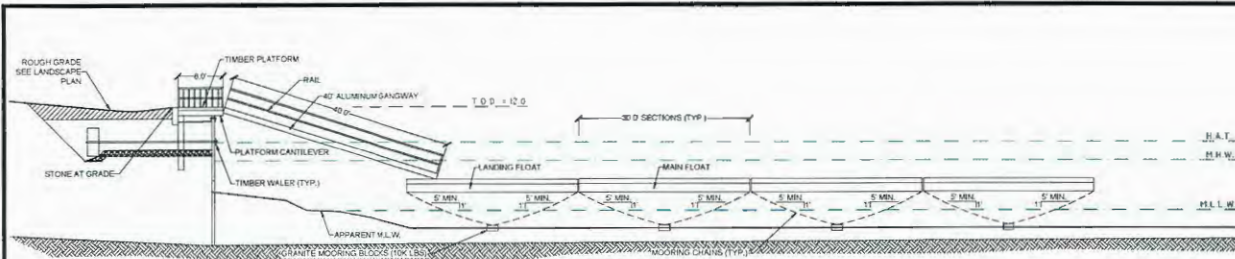
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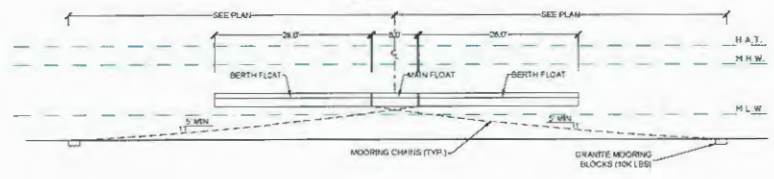
Title: Marina Basin Plans
The Waters
J&B Partners, LLC.
100 Main Street, Suite 1214, Saco Maine 04072



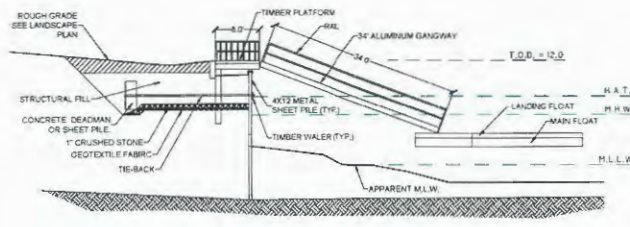
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of
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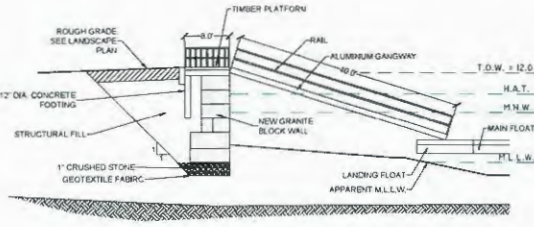
1 TYPICAL MAIN FLOAT DETAIL @ A - 2
Not to Scale



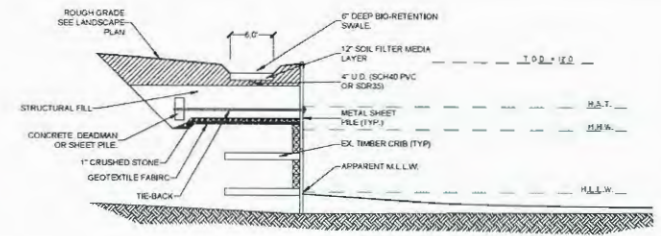
2 TYPICAL FINGER FLOAT DETAIL
Not to Scale



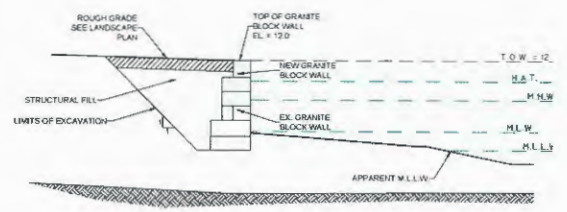
3 TYPICAL TIMBER PIER SECTION A - A' @ BASIN A - 1
Not to Scale



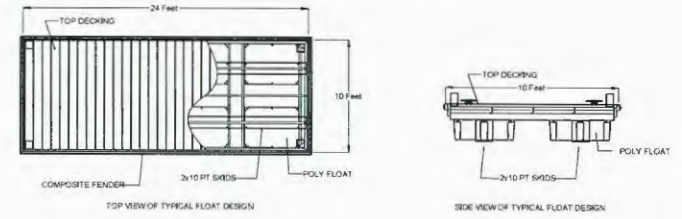
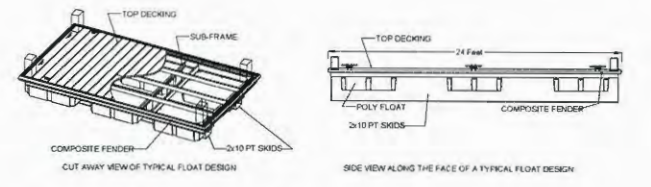
4 TYPICAL STONE PIER SECTION B - B' @ BASIN B
Not to Scale



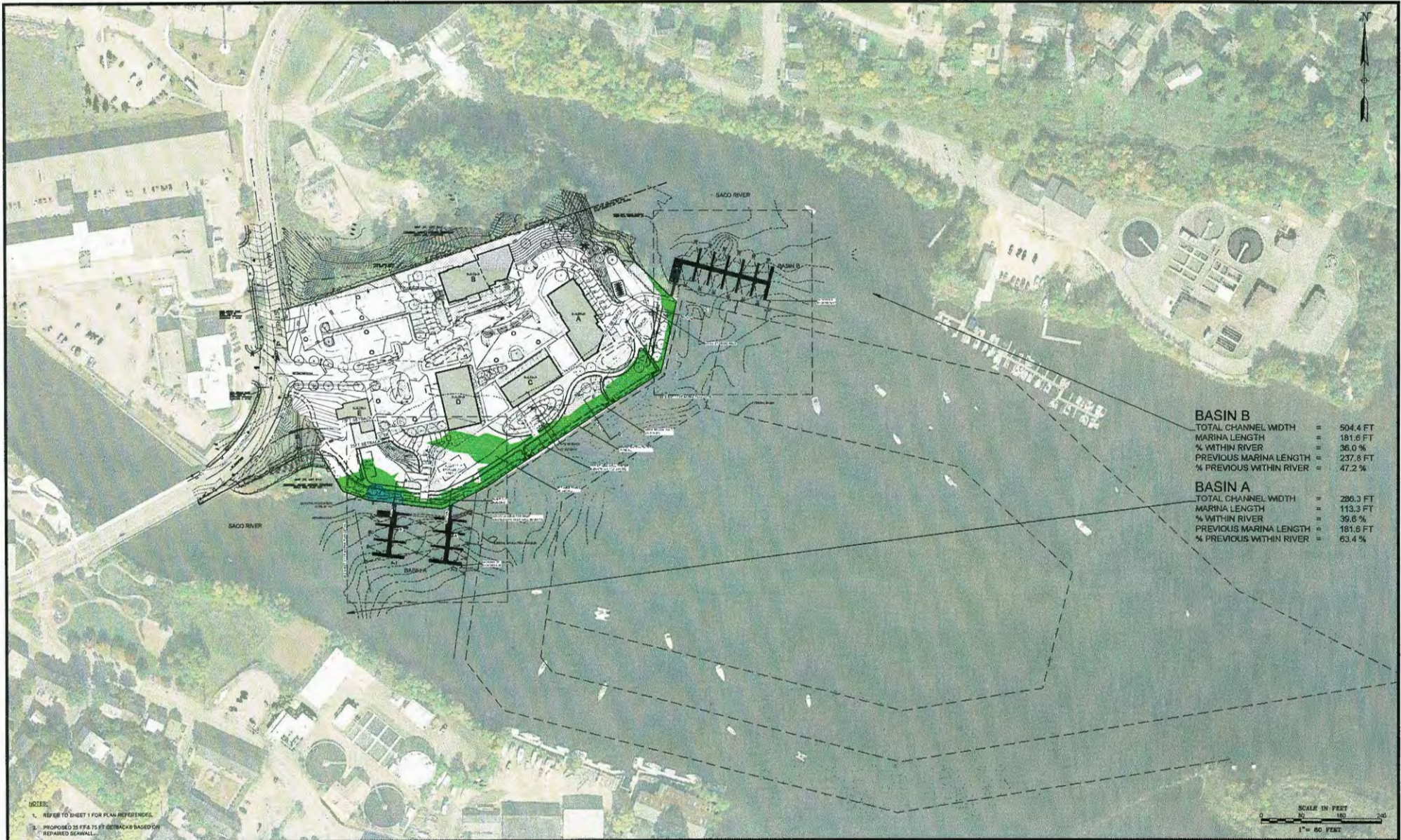
5 TYPICAL TIMBER WALL REPAIR SECTION D - D' W/ BIO-RETENTION SWALE
Not to Scale



6 TYPICAL STONE WALL REPAIR SECTION C - C'
Not to Scale



7 TYPICAL FLOAT DETAIL
Not to Scale



BASIN B	
TOTAL CHANNEL WIDTH	= 504.4 FT
MARINA LENGTH	= 181.6 FT
% WITHIN RIVER	= 36.0 %
PREVIOUS MARINA LENGTH	= 237.8 FT
% PREVIOUS WITHIN RIVER	= 47.2 %
BASIN A	
TOTAL CHANNEL WIDTH	= 286.3 FT
MARINA LENGTH	= 113.3 FT
% WITHIN RIVER	= 39.6 %
PREVIOUS MARINA LENGTH	= 181.6 FT
% PREVIOUS WITHIN RIVER	= 63.4 %

NOTES:
 1. REFER TO SHEET 1 FOR PLAN REFERENCES.
 2. PROPOSED 25 FT & 75 FT SETBACKS BASED ON REPAIRED SEAWALL.

SCALE IN FEET
 0 30 60 90 120 150 180 210 240
 1" = 60 FEET

A
E
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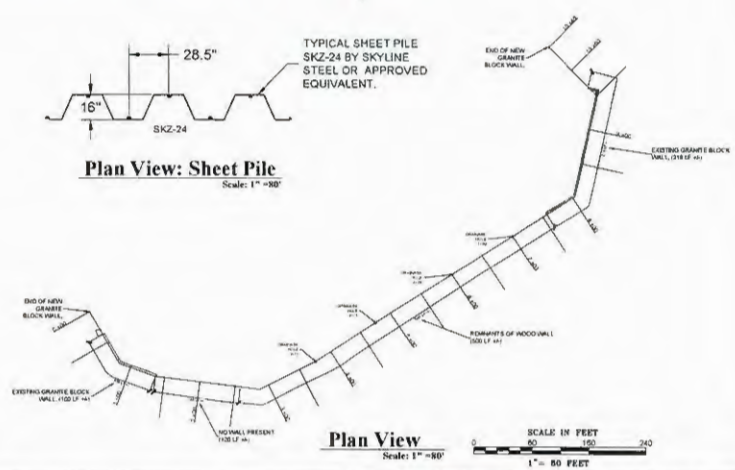
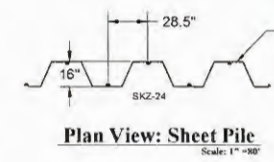
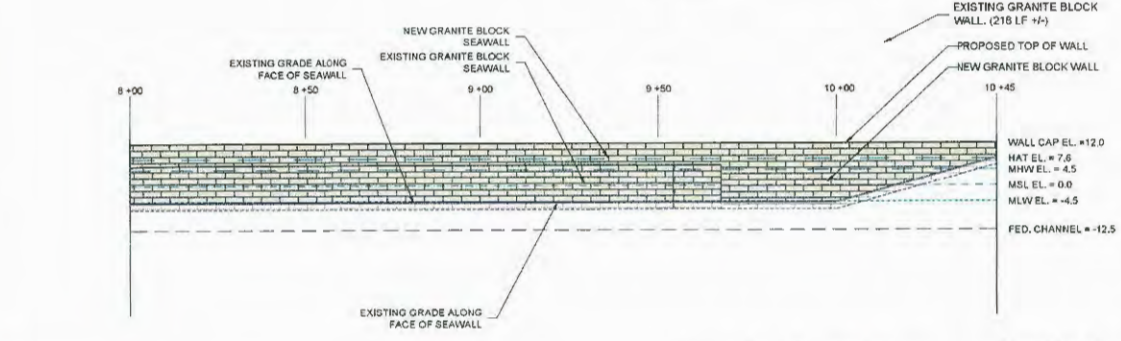
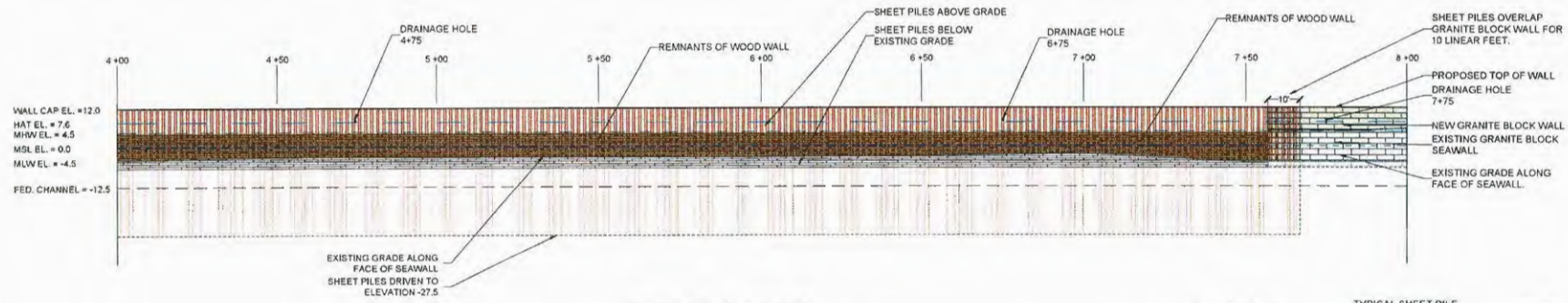
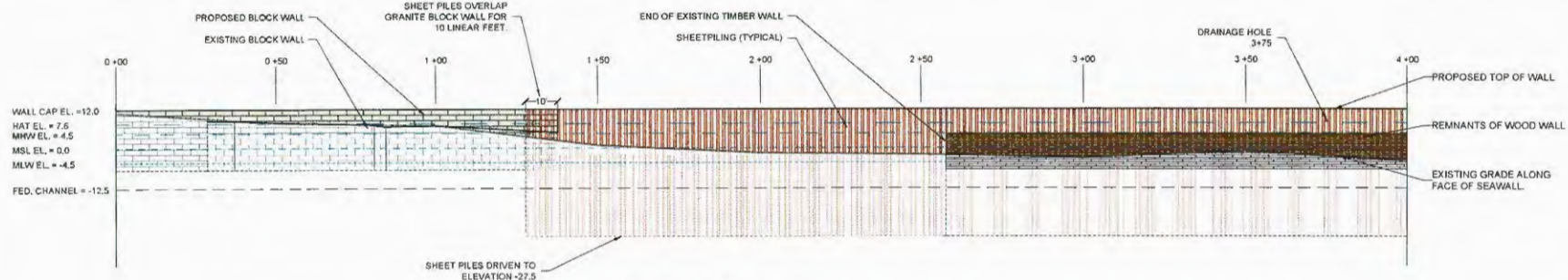
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Revisions:
Add Fed. Channel Setback
Mod. Walk 25ft from Bulkhead
Adjust Marina Configuration, add Sheet 5
Add Lat/Long Coord.s for Marinas
Add Seawall Profile, remove float, Adjst Setbacks

Title: **Proposed Marina Plan**
 The Waters
 J&B Partners, LLC.
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Sheet
 5
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Adjust Marina Configuration, add Sheet 5
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Title: **Marina Basin Plans**
The Waters
J&B Partners, LLC.
100 Main Street, Suite 1214, Saco Maine 04072



Sheet
6
of
6

MAINE PUBLIC NOTICE WORKSHEET		Deadline: 30-day
I. General Information		
Project Name: J&B Partners, LLC	File Number: NAE-2018-01586	Project Manager: Colin M. Greenan
(If applicable) Date of 401 WQC application: June 25, 2018	(If applicable) Date CZM Consistency Statement sent to State: N/A	(If applicable) Date Suitability Determination completed for open water disposal: N/A
II. Admin, be sure to give the signed public notice back to the PM. Attach the electronic public notice mailing list and the record of copies sent per III below. The electronic public notice mailing list includes the U.S. Congressional representatives and senators, SHPO and THPOs in ME.		
III. Admin, mail paper copies or electronic copies via email (if known) to the following.		
Applicant (also send public notice mailing list): J&B Partners, LLC 24 North Avenue Saco, Maine 04072	Agent (also send public notice mailing list): Atlantic Environmental, LLC 135 River Road Woolwich, Maine 04579	
Senator Susan Collins 413 Dirksen Senate Office Building Washington, D.C. 20510	Senator Angus King 133 Hart Senate Office Building Washington, D.C. 20510	
Representative Chellie Pingree 2162 Rayburn House Office Building Washington, D.C. 20515		
Mayor/Selectman/Town Manager: City of Saco (Marston D. Lovell, Mayor) 300 Main Street Saco, Maine 04072 City of Biddeford (Alan Casavant, Mayor) 205 Main Street Biddeford, Maine 04005	Conservation Commission: Saco Valley Land Trust PO Box 1581 Saco, Maine 04072	
Other Town Officials: Saco River Corridor Commission PO Box 283 Cornish, Maine 04020	Postmaster (with request to post): City of Saco Saco, Maine 04072 City of Biddeford Biddeford, Maine 04005	
SHPOs/THPOs: Maine Historic Preservation Commission, 65 State House Station Augusta, Maine 04333; Tribal Historic Preservation Officer and Environmental Planner, Houlton Band of Maliseet Indians, 88 Bell Road Littleton, Maine 04730; Tribal Historic Preservation Officer, Aroostook Band of Micmacs, 7 Northern Road Presque Isle, Maine 04769; Tribal Historic Preservation Officer, Passamaquoddy Tribe of Indians, Pleasant Point Reservation, PO Box 343 Perry, Maine 04667;		

Tribal Historic Preservation Officer, Penobscot Nation, Cultural and Historic Preservation Department, 12 Wabanaki Way Indian Island, Maine 04468; Tribal Historic Preservation Officer, Passamaquoddy Tribe of Indians, Indian Township Reservation, PO Box 301 Princeton, Maine 04668

Abutters: attached as mailing labels

33 CFR 325.3(d)(2) requires public notices to the following. Check appropriate boxes:

- If the activity would involve structures or dredging along the shores of the seas or Great Lakes, to the Coastal Engineering Research Center, Washington, DC 20016.
- If the activity would involve construction of fixed structures or artificial islands on the outer continental shelf or in the territorial seas, to the Assistant Secretary of Defense (Manpower, Installations, and Logistics (ASD(MI&L))), Washington, DC 20310; the Director, Defense Mapping Agency (Hydrographic Center) Washington, DC 20390, Attention, Code NS12; and the National Ocean Service, Office of Coast Survey, N/CS261, 1315 East West Highway, Silver Spring, Maryland 20910–3282, and to affected military installations and activities.
- If the activity involves the construction of structures to enhance fish propagation (e.g., fishing reefs) along the coasts of the United States, to the Director, Office of Marine Recreational Fisheries, National Marine Fisheries Service, Washington, DC 20235.
- If the activity involves the construction of structures which may affect aircraft operations or for purposes associated with seaplane operations, to the Regional Director of the FAA.
- If the activity would be in connection with a foreign-trade zone, to the Executive Secretary, Foreign-Trade Zones Board, Department of Commerce, Washington, DC 20230 and to the appropriate District Director of Customs as Resident Representative, Foreign-Trade Zones Board.
- If the activity involves the discharge of fill that may extend beyond the coastline or the baseline from which the territorial sea is measured (i.e., MLW), to the BOEM, Mapping and Boundary Branch, at mapping.boundary.branch@boem.gov.