



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

Maine Project Office
675 Western Avenue #3
Manchester, Maine 04351

PUBLIC NOTICE

Date: June 12, 2012

Comment Period Ends: July 2, 2012

File Number: NAE-2010-02057

In Reply Refer To: Jay L. Clement

Or by e-mail: jay.l.clement@usace.army.mil

20-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: BLACK BEAR HYDRO PARTNERS, LLC; P.O. BOX 276, MILFORD, MAINE 04461-0276

ACTIVITY: Place temporary and permanent fill below the ordinary high water line of the Stillwater River at Orono and Stillwater (Orono), Maine in order to upgrade two existing hydro-electric dams. This work is shown on the attached plans and described as follows:

1. At the Stillwater Project (FERC Project No. 2712-074) the applicant proposes to construct and operate a second powerhouse containing three turbine-generator units with an installed capacity of 2.229 MW; and new downstream fish passage and upstream eel passage facilities. Temporary gravel cofferdams will be installed upstream and downstream of the powerhouse and tailrace to facilitate construction. A 340' long gravel fill temporary causeway will be installed downstream of the proposed powerhouse to facilitate construction access.
2. At the Orono Project (FERC Project No. 2710-057) the applicant proposes to construct and operate a second powerhouse containing three turbine-generator units with an installed capacity of 3.738 megawatts (MW); increase the normal maximum surface elevation of the reservoir by 0.6 feet; replace the existing downstream fish passage facility and install a new fish trapping facility. Temporary gravel cofferdams will be installed upstream, downstream, and at the powerhouse to facilitate construction.
3. Actions at the two dams are part of the Lower Penobscot River Multi-party Settlement Agreement, the goal of which is to restore self-sustaining populations of 11 native species of sea-run fish along the Penobscot River. The Settlement Agreement involves removal of the Veazie and Great Works dams, the decommissioning and bypassing of the Howland dam, and improvements to the Orono and Stillwater dams to offset the power generation lost at the Veazie, Great Works, and Howland dams. Federal and state authorizations are in place for the removal and bypass projects. The Settlement Agreement in no way pre-supposes federal or state authorizations for the improvements at the Orono and Stillwater dams.
4. Increased water levels as a result of the Orono project will result in secondary impacts to approximately 0.57 acres of freshwater wetland (flooding/conversion). The applicant has agreed to compensate for the project's unavoidable wetland impacts by funding \$11,657.31 toward Maine's Natural Resources Conservation Fund (In Lieu Fee Program). The applicant is proposing measures seeking to lessen the project's impacts. This notice solicits comments on these proposed measures 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 measures are practicable and serve to help mitigate this project's unavoidable impacts.

5. The Federal Energy Regulatory Commission ("FERC") and the Maine Dept. of Environmental Protection ("ME DEP") are reviewing the project concurrently. FERC recently published a draft Environmental Assessment ("DEA") for the project. The DEA may be viewed at:

<http://elibrary.ferc.gov/idmws/common/opennat.asp?fileID=12931338>

WATERWAY AND LOCATION OF THE PROPOSED WORK: Stillwater River at Stillwater and Orono, Maine.

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 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: In water construction at the two dams will impact Essential Fish Habitat ("EFH") for Atlantic salmon. This habitat consists of river bottom composed of ledge interspersed with silt, sand, and gravel mixed with stones. Impact to this species is expected to be minimal with appropriate erosion control measures, in stream work windows, and other best management practices. Therefore, the District Engineer has made a preliminary determination that the site-specific adverse effect will be minimal. Further consultation with the National Marine Fisheries Service regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision.

SECTION 106 COORDINATION: FERC 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. This consultation is ongoing. Although FERC has taken the lead in this consultation, the District Engineer has determined that the proposed work may impact properties listed in, or eligible for listing in, the National Register of Historic Places. FERC and the Corps will continue review and consultation to fulfill requirements under the Historic Preservation Act as part of the permit review process.

ENDANGERED SPECIES ACT CONSULTATION: FERC has initiated formal consultation with the National Marine Fisheries Service and the US Fish & Wildlife Service pursuant to Section 7 of the Endangered Species Act regarding the presence of Atlantic salmon and shortnose sturgeon, and the presence of Atlantic salmon critical habitat. This consultation is ongoing. Although FERC 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.

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

- (X) Permit, License or Assent from State.
- () Permit from Local Wetland Agency or Conservation Commission.
- (X) Water Quality Certification in accordance with Section 401 of the Clean Water Act.

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 Manchester, 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.

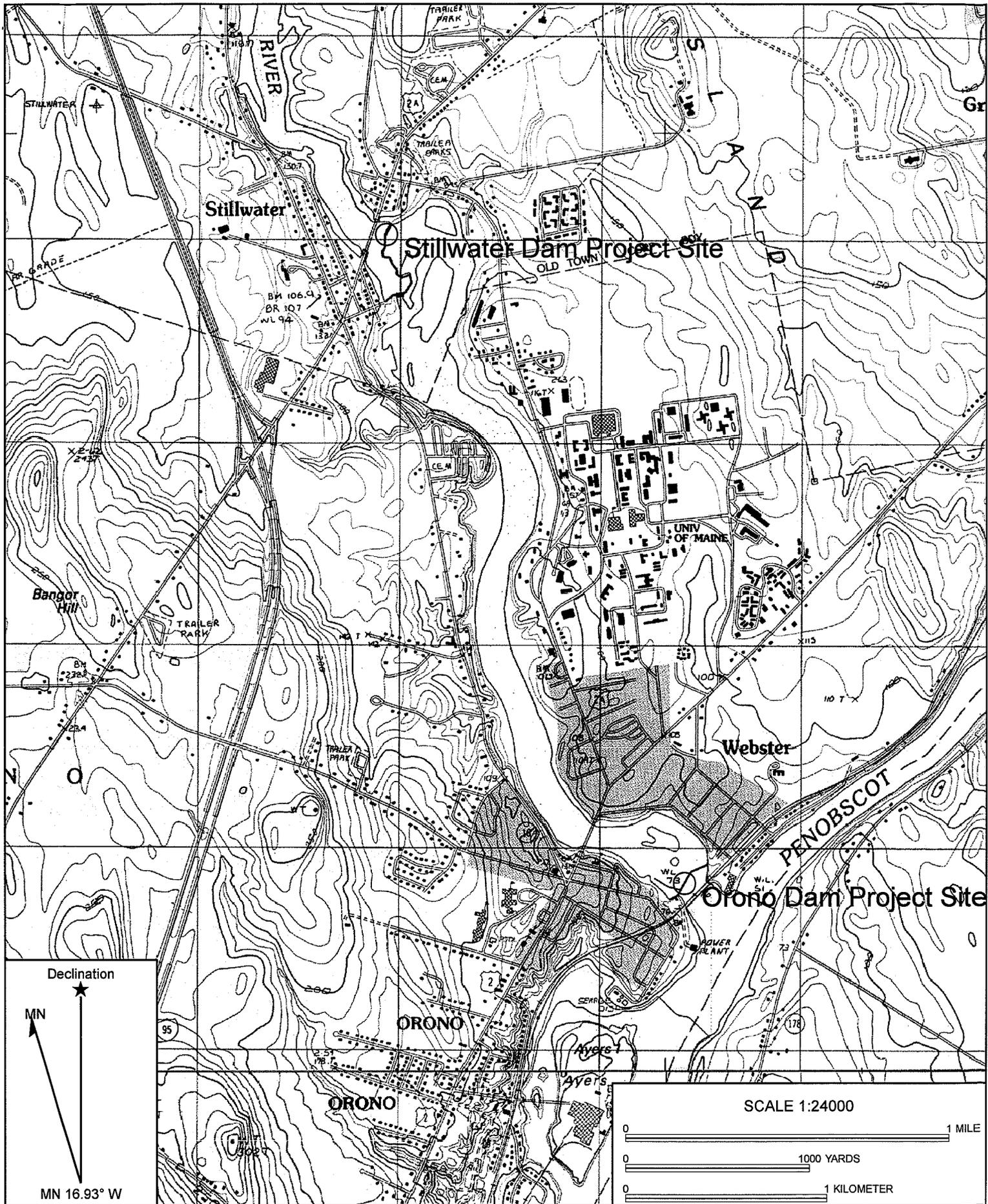
For more information on the New England District Corps of Engineers programs, visit our website at <http://www.nae.usace.army.mil>.

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. 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: _____

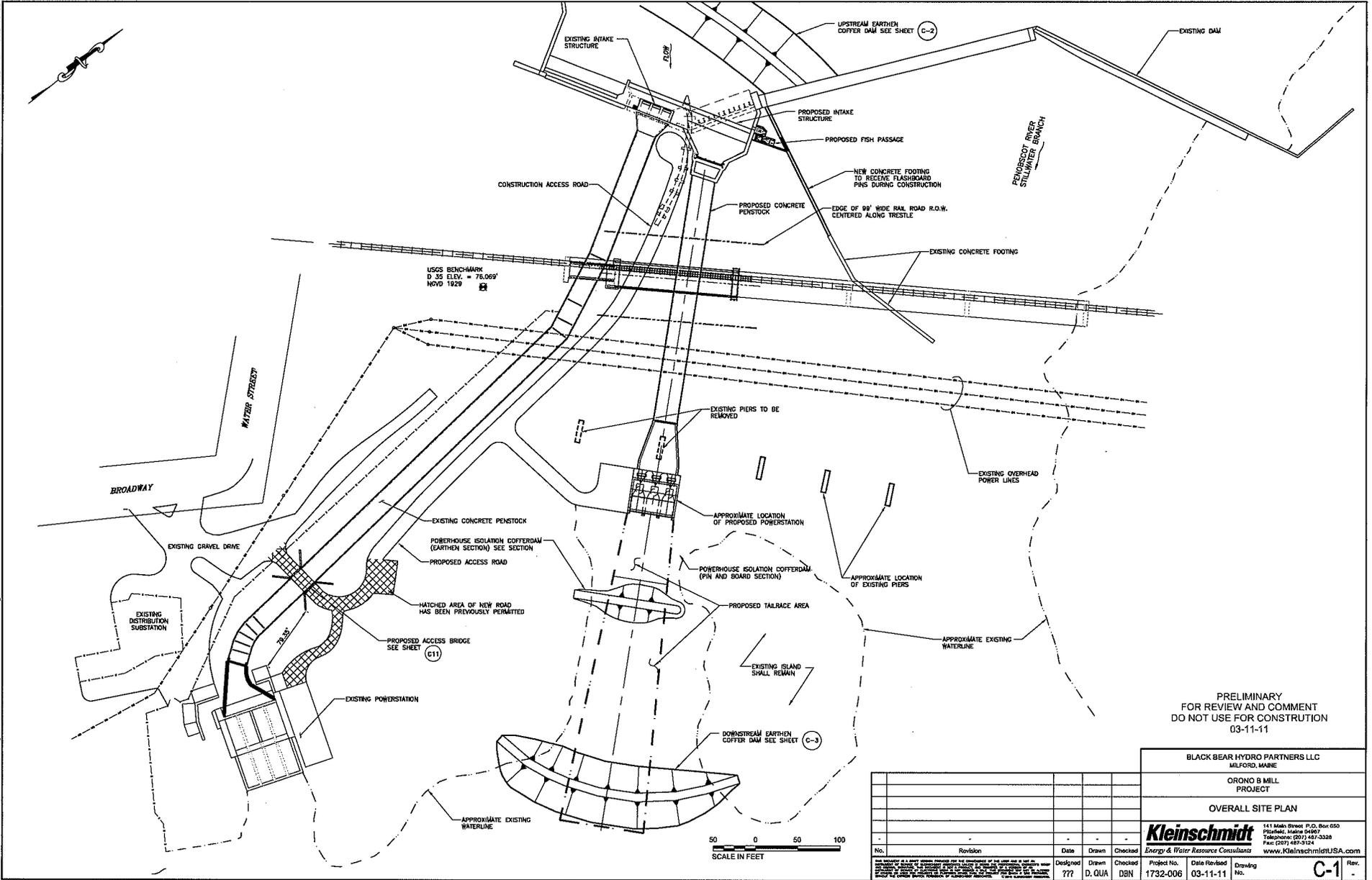


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 Date: 05/29/12
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22024 - FULL SCALE / 11X17 = HALF SCALE

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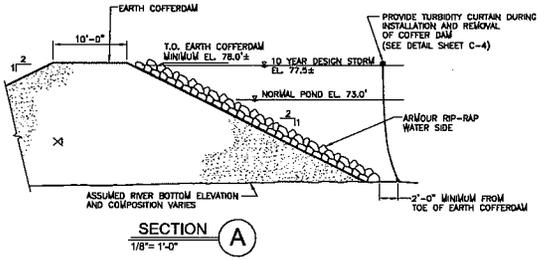
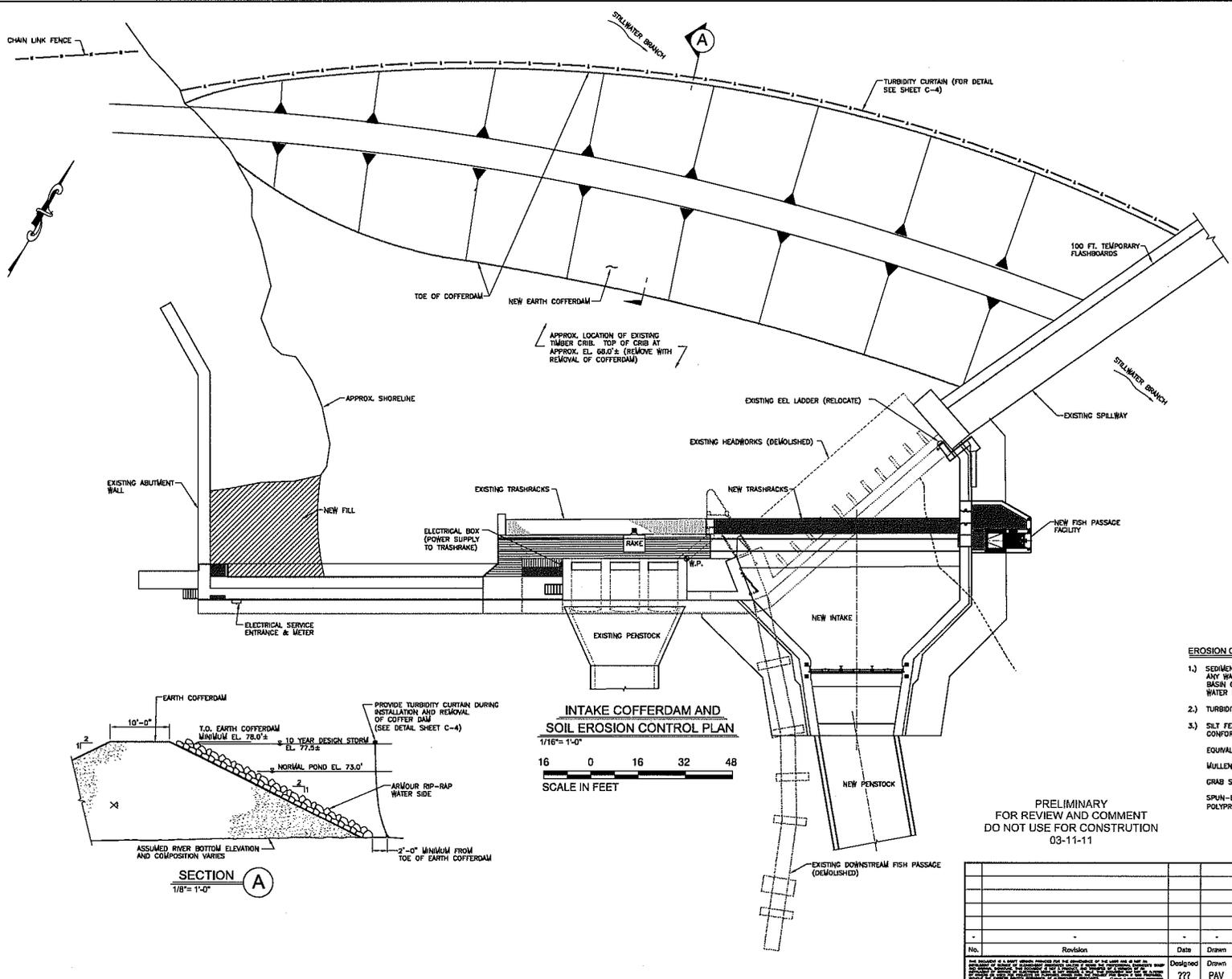
PRELIMINARY
FOR REVIEW AND COMMENT
DO NOT USE FOR CONSTRUCTION
03-11-11

BLACK BEAR HYDRO PARTNERS LLC MILFORD, MAINE	
ORONO B MILL PROJECT	
OVERALL SITE PLAN	
Kleinschmidt 141 Main Street P.O. Box 050 Orono, Maine 04959 Telephone: (207) 487-3328 Fax: (207) 487-3124 www.KleinschmidtUSA.com	
Project No.	Date Released
1732-006	03-11-11
Design	Drawn
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Checked	Checked
DBN	DBN
Drawing No.	Rev.
	C-1

No.	Revision	Date	Designed	Drawn	Checked

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11/20/06 Drawing/WORKING DRAWINGS/1752-008 Sheet C-233.dwg
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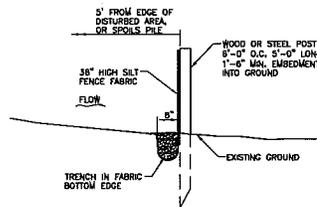


INTAKE COFFERDAM AND SOIL EROSION CONTROL PLAN
 1/16" = 1'-0"
 16 0 16 32 48
 SCALE IN FEET

- EROSION CONTROL NOTES**
- 1.) SEDIMENTATION BASIN: SEDIMENT LADEN WATER SHALL NOT BE RELEASED INTO ANY WATERWAY. CONTRACTOR SHALL PROVIDE APPROPRIATELY SIZED SEDIMENTATION BASIN OR OTHER APPROVED SEDIMENT REMOVAL DEVICES FOR ALL DEWATERING OR WATER DIVERSION ACTIVITIES.
 - 2.) TURBIDITY CURTAIN: COMMER TURBIDITY CURTAIN OR EQUAL.
 - 3.) SILT FENCE: IF NEEDED TO CONTROL WATER CONTAMINATION, PROVIDE SILT FENCE CONFORMING TO THE FOLLOWING:
 EQUIVALENT OPENING - SIZE OF A U.S. STANDARD SIEVE SIZE 40 (MAX), 70 (MIN).
 MULLEN BURST STRENGTH - 200 PSI.
 GRAB STRENGTH - 120 LBS MIN.
 SPUN-BONDED NYLON FABRIC - REINFORCED WITH POLYESTER NETTING, OR POLYPROPYLENE FABRIC WITH 2"x4" 12 GA. WOVEN WIRE BACKING FENCE.

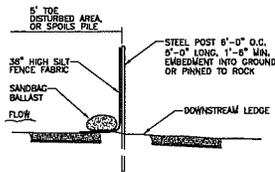
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BLACK BEAR HYDRO PARTNERS LLC MILFORD, MAINE				
ORONO B MILL PROJECT				
INTAKE COFFERDAM AND SOIL EROSION CONTROL PLAN				
Kleinschmidt Energy & Water Resource Consultants				
141 Main Street P.O. Box 650 Pittsfield, Maine 04867 Telephone: (207) 467-3338 Fax: (207) 487-0124 www.KleinschmidtUSA.com				
No.	Revision	Date	Drawn	Checked
1	1	???	PAV	DBN
Project No.	Date Released	Drawing No.		
1732-008	03-11-11	C-2		



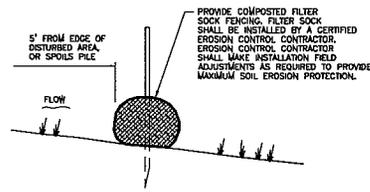
SILT FENCE DETAIL
N.T.S.

NOTE: PROVIDE SILT FENCE ON DOWN SLOPE SIDE OF SOIL DISTURBANCES OR ALL STOCKPILES UNTIL PERMANENT VEGETATION IS ESTABLISHED

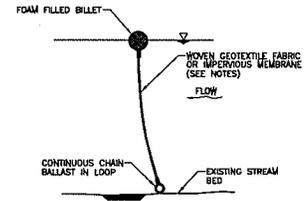


SILT FENCE DETAIL ON ROCK
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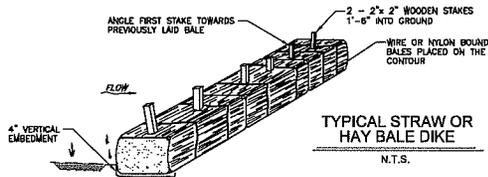
PROVIDE SILT FENCE ON DOWNSLOPE SIDE OF SOIL DISTURBANCES OR ALL STOCKPILES UNTIL PERMANENT VEGETATION IS ESTABLISHED



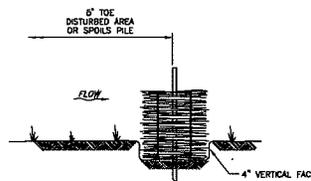
ALTERNATE SILT FENCE DETAIL
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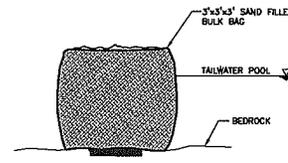
TURBIDITY CURTAIN DETAIL
N.T.S.



TYPICAL STRAW OR HAY BALE DIKE
N.T.S.



HAY BALE EMBEDDING DETAIL
N.T.S.



BULK BAG COFFERDAM DETAIL
N.T.S.

NOTES:

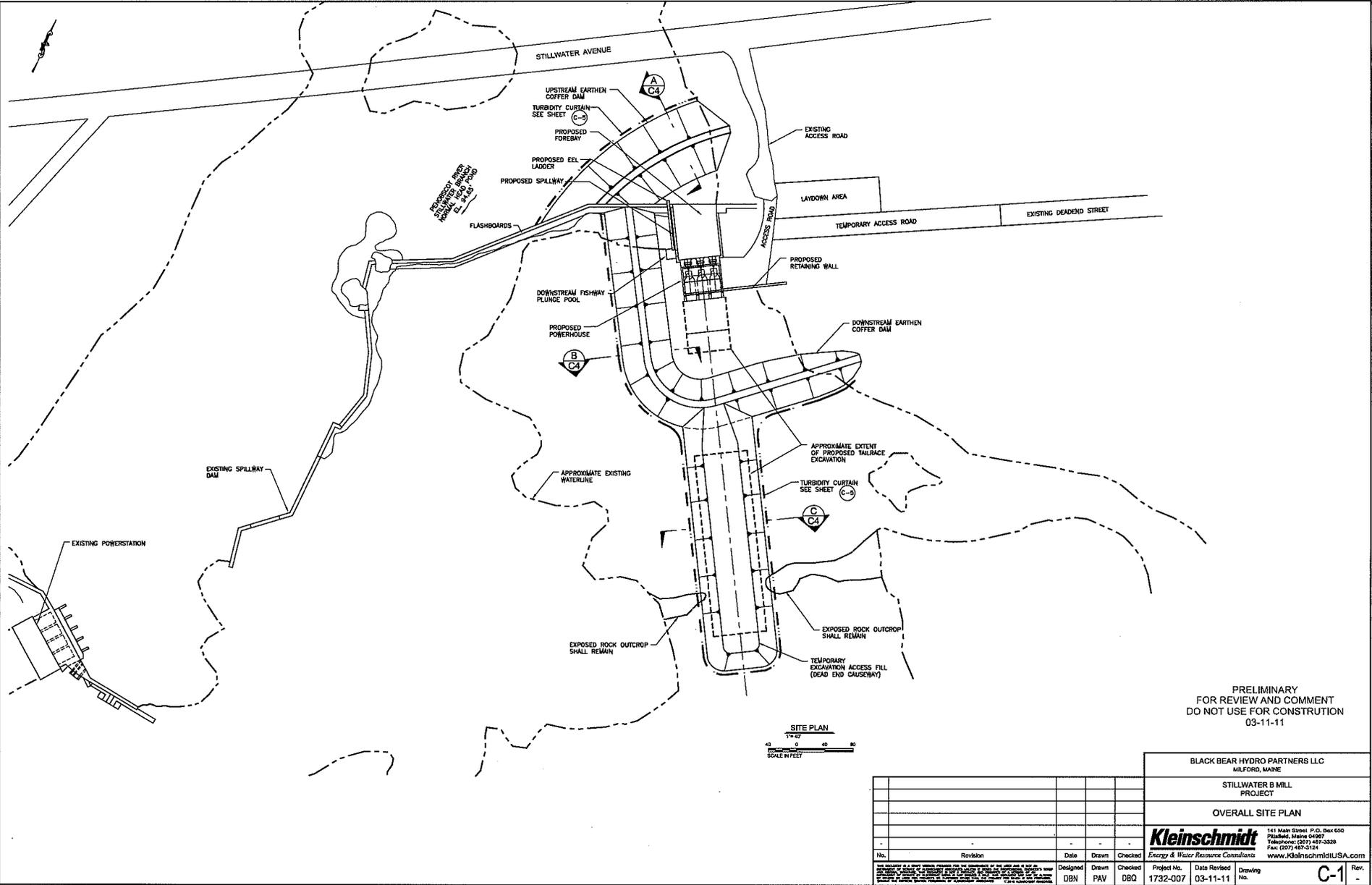
1. PROVIDE SOIL EROSION SYSTEMS APPROXIMATELY WHERE SHOWN ON PLAN AND ANY ADDITIONAL SEDIMENT AND EROSION CONTROL SYSTEMS AS REQUIRED BY THE STATE OF MAINE, LOCAL, OR OTHER JURISDICTIONAL AGENCIES.
2. SEE THE STATE OF MAINE SOIL EROSION BEST MANAGEMENT PRACTICES.

PRELIMINARY
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					BLACK BEAR HYDRO PARTNERS LLC MILFORD, MAINE	
					ORONO MILL PROJECT	
					SOIL EROSION AND SEDIMENTATION CONTROL NOTES AND DETAILS	
					Kleinschmidt 141 Main Street P.O. Box 650 Milford, Maine 04857 Telephone: (207) 487-3328 Fax: (207) 487-5124 www.kleinschmidtUSA.com	
No.	Revision	Date	Drawn	Checked	Project No.	Date Revised
		???	PAV	???	1732-006	03-11-11
					Drawing No.	Rev.
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22x34 = FULL SCALE / 11x17 = HALF SCALE

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03-11-11

BLACK BEAR HYDRO PARTNERS LLC
MILFORD, MAINE

STILLWATER B MILL
PROJECT

OVERALL SITE PLAN

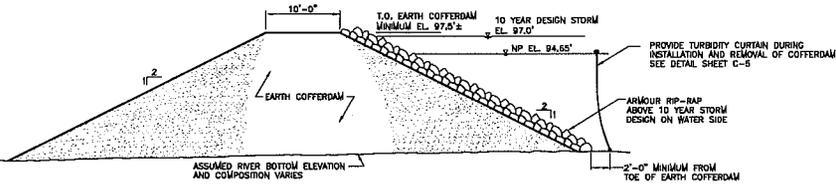
Kleinschmidt 141 Main Street P.O. Box 650
793Bldg. Milford ME 04857
Telephone: (207) 487-3328
Fax: (207) 487-3124
www.kleinschmidtUSA.com

No.	Revision	Date	Drawn	Checked

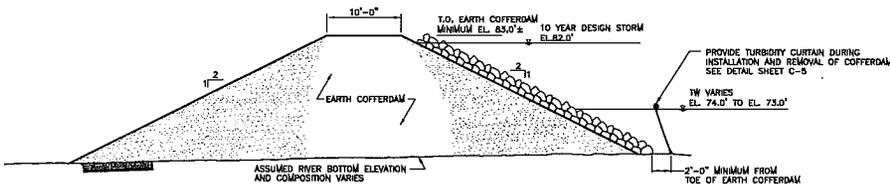
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1732-007	03-11-11		
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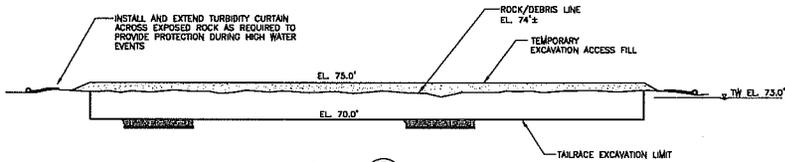
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(UPSTREAM COFFERDAM)
SECTION A
1/8" = 1'-0" (C1)



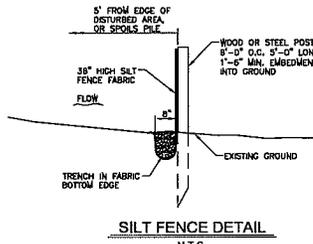
(DOWNSTREAM COFFERDAM)
SECTION B
1/8" = 1'-0" (C1)



SECTION C
1/8" = 1'-0" (C1)

PRELIMINARY
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03-11-11

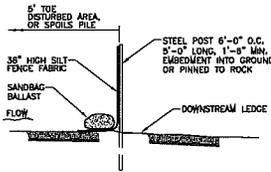
BLACK BEAR HYDRO PARTNERS LLC MILFORD, MAINE				
STILLWATER B MILL PROJECT				
SOIL EROSION AND SEDIMENTATION CONTROL NOTES AND DETAILS				
Kleinschmidt			141 Main Street P.O. Box 600 Pittsfield, Maine 04907 Telephone: (207) 457-3328 Fax: (207) 487-1124 www.kleinschmidtUSA.com	
No.	Revision	Date	Drawn	Checked
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Project No.		Date Revised		Drawing No.
1732-007		03-11-11		C-4



SILT FENCE DETAIL

N.T.S.

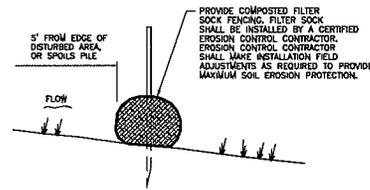
NOTE: PROVIDE SILT FENCE ON DOWN SLOPE SIDE OF SOIL DISTURBANCES OR ALL STOCKPILES UNTIL PERMANENT VEGETATION IS ESTABLISHED



SILT FENCE DETAIL ON ROCK

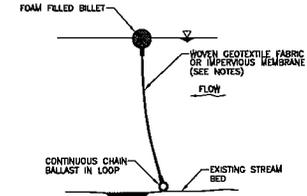
N.T.S.

PROVIDE SILT FENCE ON DOWNSLOPE SIDE OF SOIL DISTURBANCES OR ALL STOCKPILES UNTIL PERMANENT VEGETATION IS ESTABLISHED



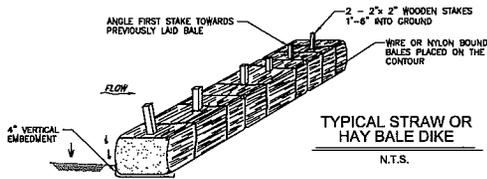
ALTERNATE SILT FENCE DETAIL

N.T.S.



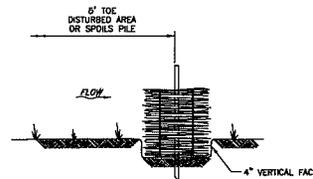
TURBIDITY CURTAIN DETAIL

N.T.S.



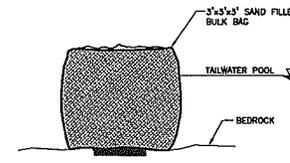
TYPICAL STRAW OR HAY BALE DIKE

N.T.S.



HAY BALE EMBEDDING DETAIL

N.T.S.



BULK BAG COFFERDAM DETAIL

N.T.S.

NOTES:

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2. SEE THE STATE OF MAINE SOIL EROSION BEST MANAGEMENT PRACTICES.

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					BLACK BEAR HYDRO PARTNERS LLC MILFORD, MAINE	
					STILLWATER B MILL PROJECT	
					SOIL EROSION AND SEDIMENTATION CONTROL NOTES AND DETAILS	
					Kleinschmidt Energy & Water Resource Consultants	
					141 Main Street P.O. Box 650 Pittsfield, Maine 04980 Telephone: (207) 497-3328 Fax: (207) 497-5124 www.KleinschmidtUSA.com	
No.	Revision	Date	Drawn	Checked	Project No.	Date Revised
			PAV	DBB	1732-007	03-11-11
					Designing No.	Rev.
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