



PUBLIC NOTICE

**US Army Corps
of Engineers®**
New England District
Maine Project Office
675 Western Avenue #3
Manchester, Maine 04351

Date: 23 OCTOBER 2012
Comment Period Ends: 23 NOVEMBER 2012
File Number: NAE-2012-01393 &
NAE-2007-02528
In Reply Refer To: Jay L. Clement
Or by e-mail: jay.l.clement@usace.army.mil

The District Engineer has received a permit application from the applicant below to **conduct work in navigable 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: BATH IRON WORKS CORPORATION, 700 WASHINGTON STREET, BATH, MAINE 04530

ACTIVITY: Place gravel and stone fill below the high tide line of the Kennebec River at Bath, Maine to cover approximately 7,020 s.f. (0.16 acres) of river bottom adjacent to one of the applicant's ship berths to provide approximately 3.5' of scour protection during required testing of ship electrical systems (for both generating and propulsion). This propulsion testing program is known as the Brake Wheel Project and is designed to test ship power but with no thrust while a ship is dockside.

Concurrently, the applicant proposes to conduct maintenance dredging at several locations at their facility. Corps Permit No. NAE-2007-02528 authorized similar dredging and contained Special Conditions allowing continued maintenance dredging upon notification to the Corps. As shown on the attached plans, approximately 70,000 cubic yards ('cy') of primarily sand will be dredged by mechanical means from a 12.6 acre area to a depth of -70' mean low water ("mlw") to re-establish operational depths within their drydock sinking basin. This material will be disposed of at an in river disposal site located downriver off Bluff Head (refer to attached plan). Approximately 3,500 cy of sand and silt will be dredged by mechanical means from an 8 acre area to a depth of -14' mllw to restore operational depths within their drydock landing grid. This material will be disposed of at an upland, non-wetland location.

WATERWAY AND LOCATION OF THE PROPOSED 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

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,

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").

The dredging and filling activities will impact EFH – see attached list for species and life stages. These same species can be found at the downstream Disposal Site. 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, consultation has been initiated 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, the federally threatened Atlantic sturgeon, and is within the range of the Gulf of Maine Distinct Population Segment ("DPS") of Atlantic salmon. It is our determination that the proposed activity for which authorization is being sought is designed, situated or will be operated/used in such a manner that it is not likely to adversely affect Atlantic salmon, salmon C but may adversely affect shortnose and Atlantic sturgeon. 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

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/or Tribal Historic Preservation Officer(s)

The States of Connecticut, Maine, Massachusetts, New Hampshire and Rhode Island have approved **Coastal Zone Management Programs**. Where applicable the applicant states that any proposed activity will comply with and will be conducted in a manner that is consistent with the approved Coastal Zone Management Program. By this Public Notice, we are requesting the State concurrence or objection to the applicant's consistency statement.

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

- (X) Permit, License or Assent from State.
- (X) 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 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: _____

Summary of Essential Fish Habitat (EFH) Designations

Name of Estuary/ Bay/ River: Kennebec / Androscoggin Rivers, Maine

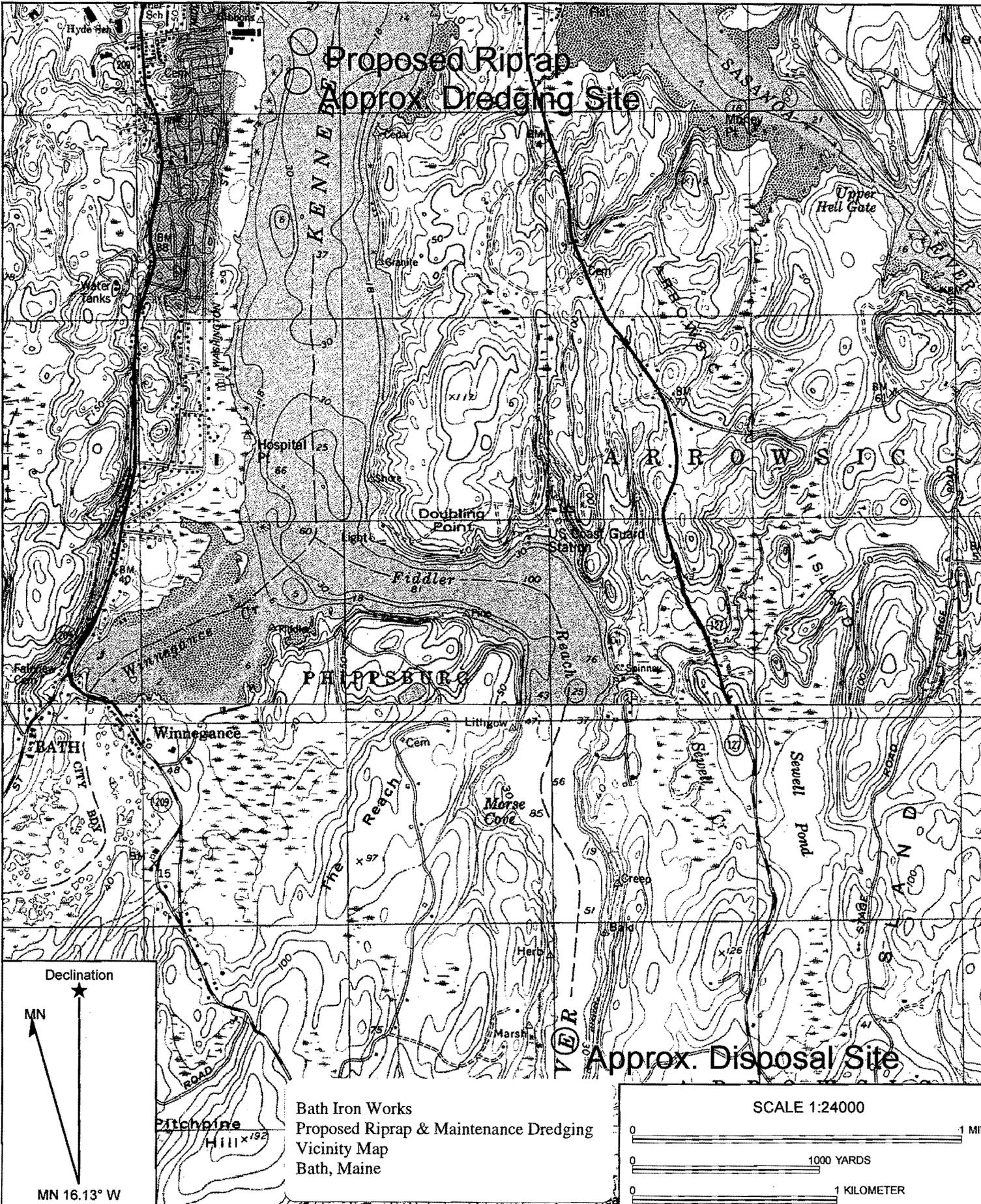
10' x 10' latitude and longitude squares included in this bay or estuary or river (southeast corner boundaries): 4350/6950; 4350/6940; 4340/6940

Species	Eggs	Larvae	Juveniles	Adults	Spawning Adults
Atlantic salmon (<i>Salmo salar</i>)	F	F	F,M,S	F,M,S	F
Atlantic cod (<i>Gadus morhua</i>)			S	S	
haddock (<i>Melanogrammus aeglefinus</i>)					
pollock (<i>Pollachius virens</i>)			M,S		
whiting (<i>Merluccius bilinearis</i>)			M,S	M,S	
offshore hake (<i>Merluccius albidus</i>)					
red hake (<i>Urophycis chuss</i>)			M,S	M,S	
white hake (<i>Urophycis tenuis</i>)			M,S	M,S	
redfish (<i>Sebastes fasciatus</i>)	n/a				
witch flounder (<i>Glyptocephalus cynoglossus</i>)					
winter flounder (<i>Pleuronectes americanus</i>)	M,S	M,S	M,S	M,S	M,S
yellowtail flounder (<i>Pleuronectes ferruginea</i>)	S	S			
windowpane flounder (<i>Scophthalmus aquosus</i>)	M,S	M,S	M,S	M,S	M,S
American plaice (<i>Hippoglossoides platessoides</i>)	S	S	M,S	S	S
ocean pout (<i>Macrozoarces americanus</i>)	S	S	S	S	S
Atlantic halibut (<i>Hippoglossus hippoglossus</i>)	S	S	S	S	S
Atlantic sea scallop (<i>Placopecten magellanicus</i>)					
Atlantic sea herring (<i>Clupea harengus</i>)		M,S	M,S	M,S	
monkfish (<i>Lophius americanus</i>)					
bluefish (<i>Pomatomus saltatrix</i>)			M,S	M,S	
long finned squid (<i>Loligo pealei</i>)	n/a	n/a			
short finned squid (<i>Illex illecebrosus</i>)	n/a	n/a			
Atlantic butterfish (<i>Peprilus triacanthus</i>)					
Atlantic mackerel (<i>Scomber scombrus</i>)			M,S	M,S	
summer flounder (<i>Paralichthys dentatus</i>)					

scup (<i>Stenotomus chrysops</i>)					
black sea bass (<i>Centropristus striata</i>)					
surf clam (<i>Spisula solidissima</i>)	n/a	n/a			
ocean quahog (<i>Artica islandica</i>)	n/a	n/a			
spiny dogfish (<i>Squalus acanthias</i>)	n/a	n/a			
tilefish (<i>Lopholatilus chamaeleonticeps</i>)					

Proposed Riprap
Approx. Dredging Site

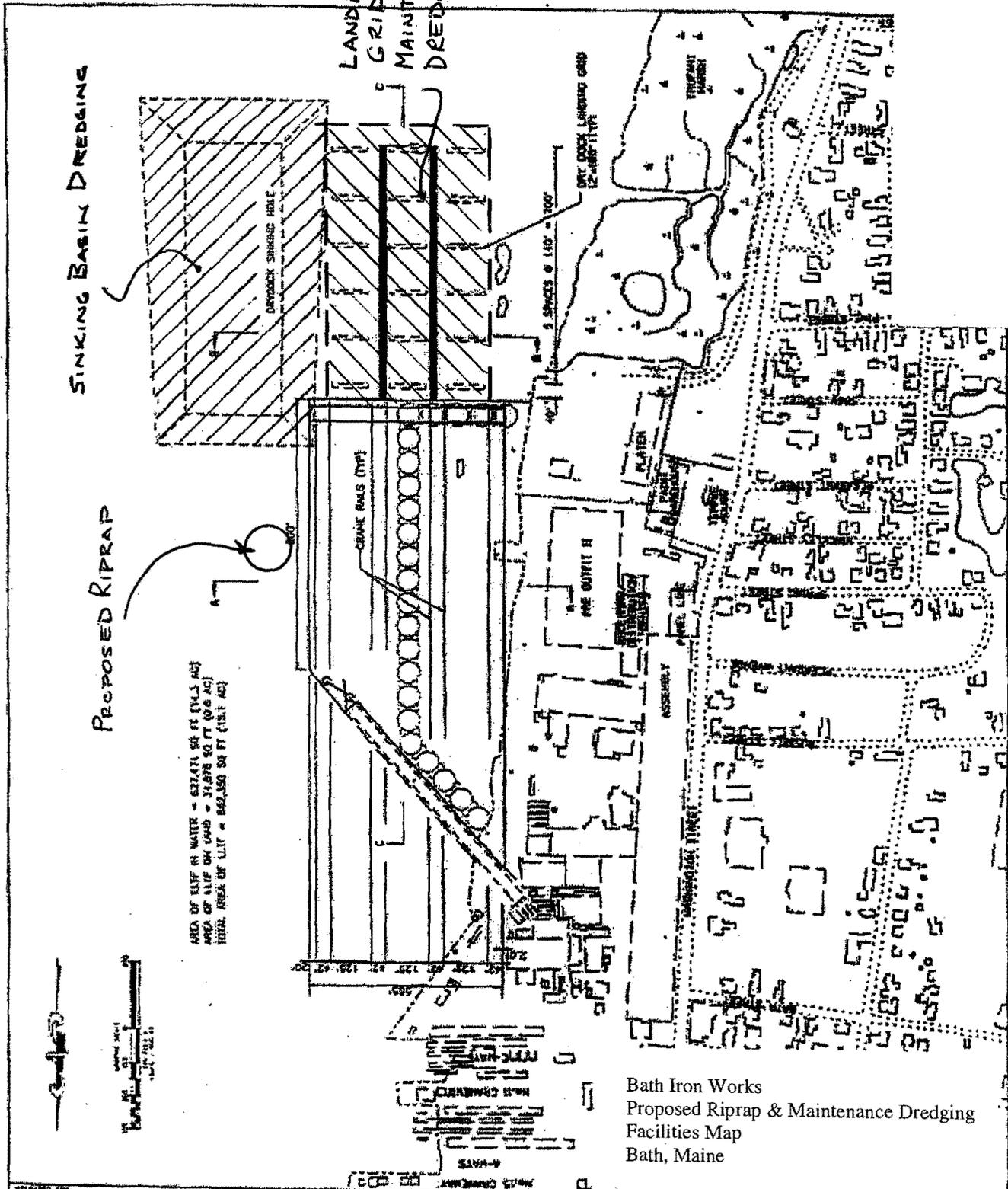
Approx. Disposal Site



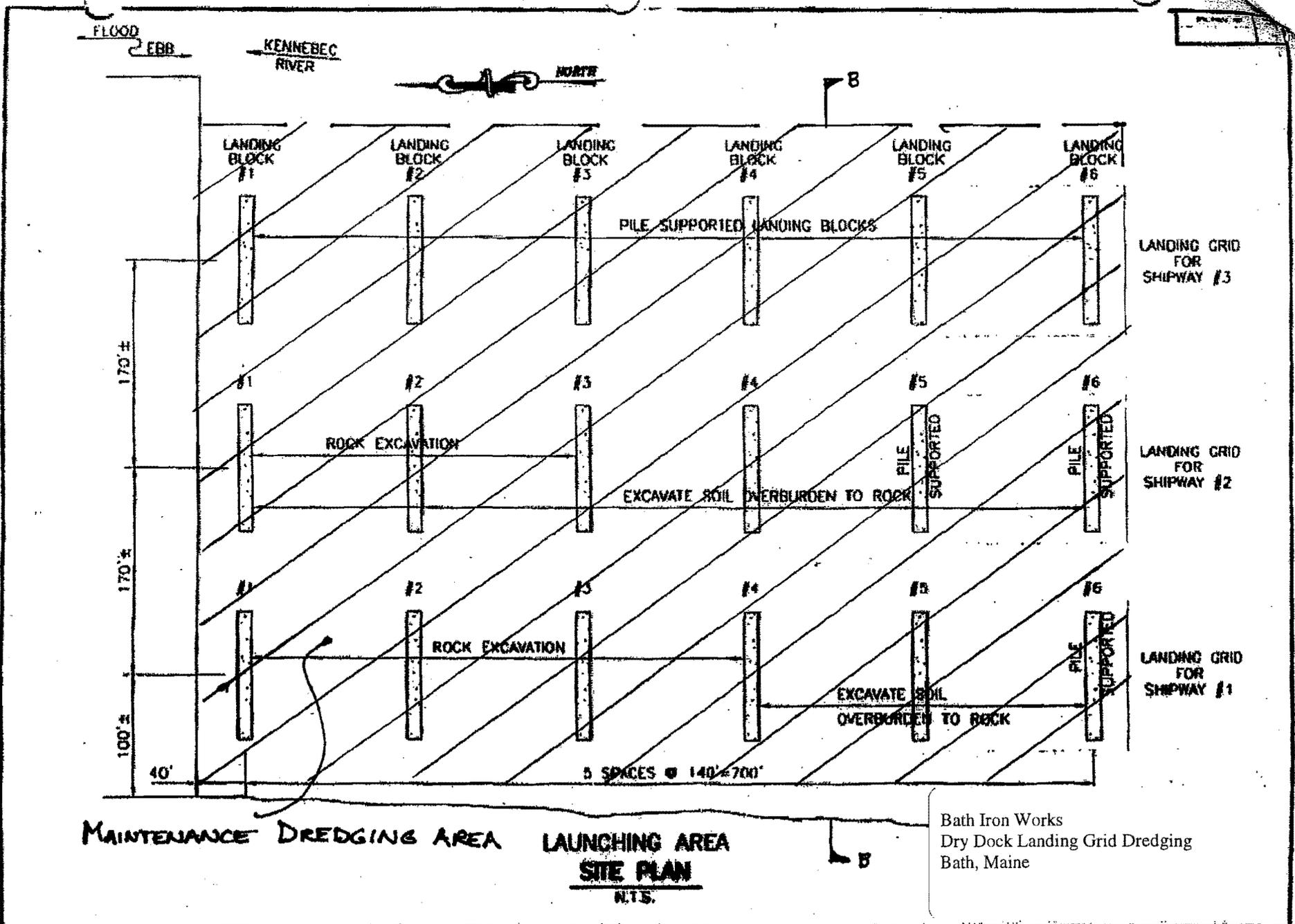
Bath Iron Works
Proposed Riprap & Maintenance Dredging
Vicinity Map
Bath, Maine

Name: BATH (ME)
Date: 10/10/12
Scale: 1 inch = 2,000 ft.

Location: 043.8793918° N 069.7996843° W



 <p>BATH IRON WORKS BATH, MAINE</p>		
<p>PREPARED BY:</p>  <p>ICF KAISER ENGINEERING & CONSTRUCTION GROUP</p>	<p>SUBMITTED TO:</p> <p>ARMY CORPS OF ENGINEERS</p>	<p>SITE PLAN</p>



LAND LEVEL TRANSFER FACILITY
OCTOBER 30, 1997 REVISED
7/10/98

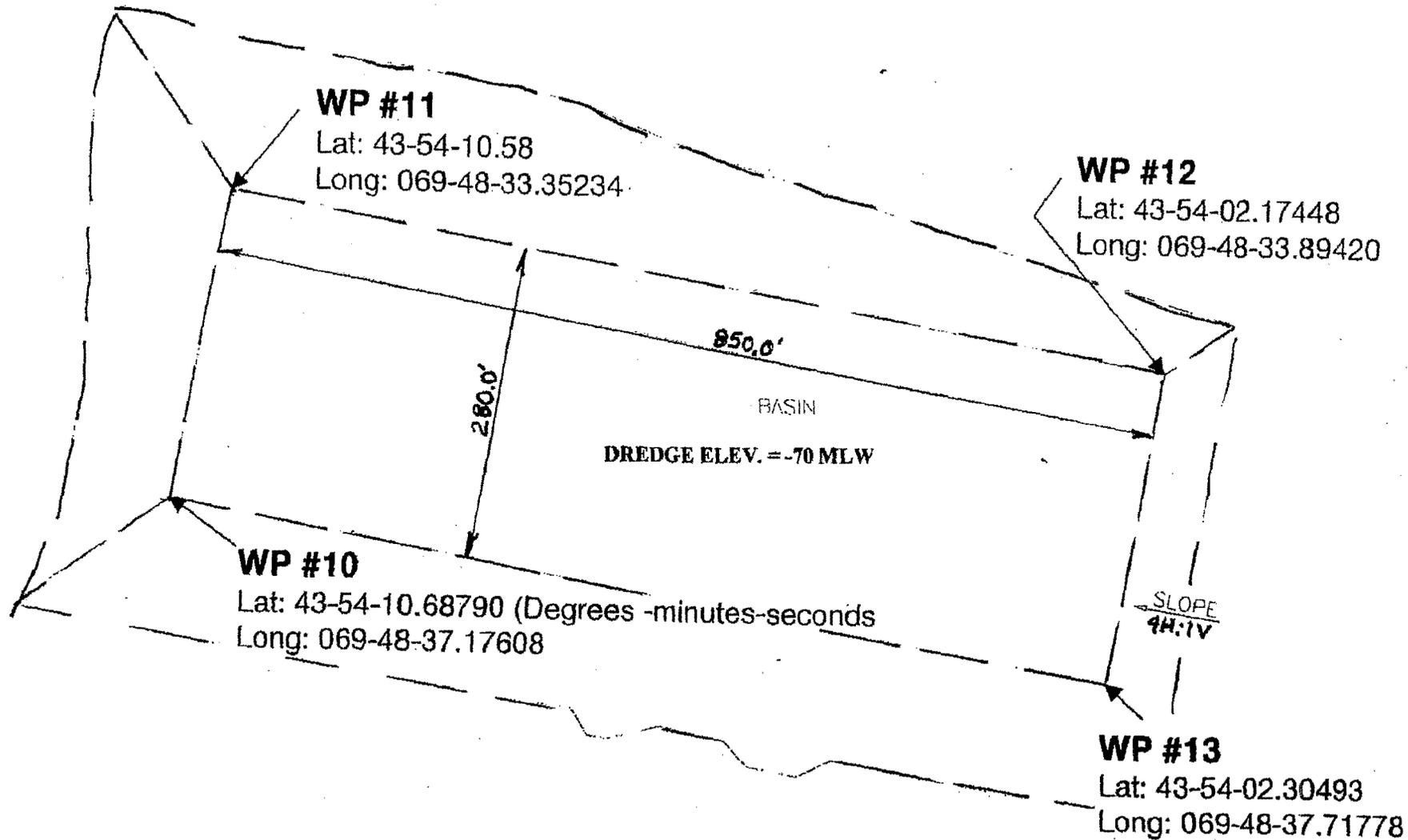
Consulting Engineers
408 Commercial Street
Bath, Maine 04502
(207) 852-2000

WHITNEY, BAILEY, COX & WARDMAN

HOFFATT & NICHOL
ENGINEERS
RALEIGH, NORTH CAROLINA

JOHN KAUSHEIR
GRADING & CONSTRUCTION

SINKING BASIN COORDINATES



NOTE: Coordinates are according to NAD 83

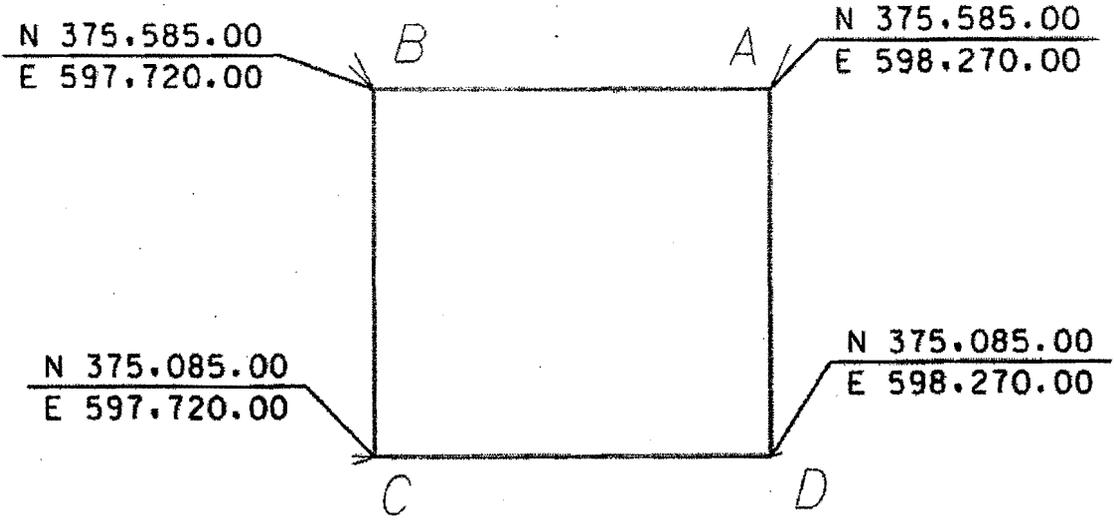
Bath Iron Works
Dry Dock Sinking Basin Dredging
Bath, Maine

KENNEBEC RIVER
STATE PLANE NAD 1927

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

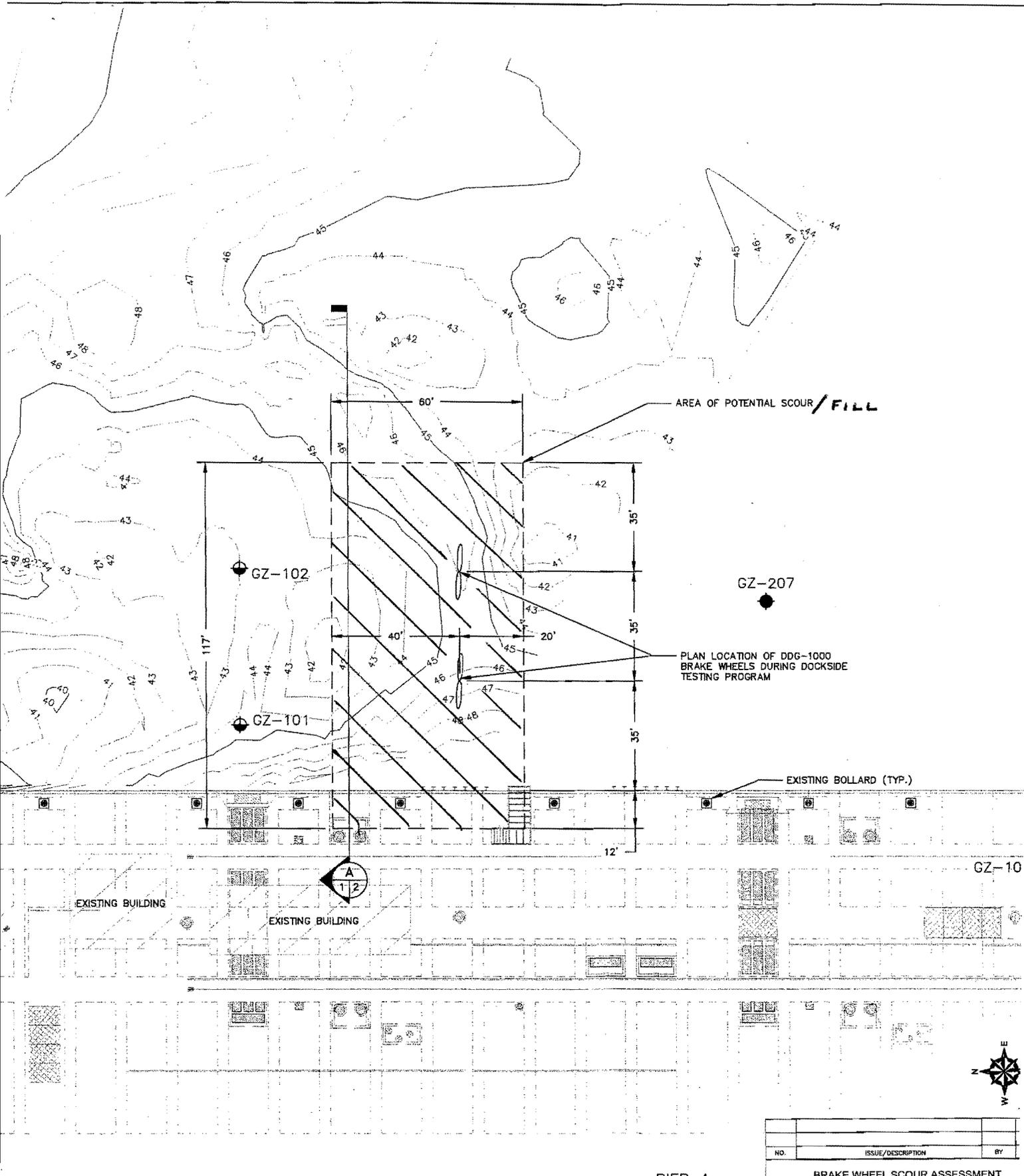
KENNEBEC RIVER
STATE PLANE NAD 1983

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



KENNEBEC RIVER
BATH IRON WORKS CORP.
COMPREHENSIVE DREDGING PROGRAM
KENNEBEC RIVER
BATH, MAINE

KENNEBEC RIVER
Bath Iron Works
Dry Dock Sinking Basin
Dredge Material Disposal Area
Scale 1" = 300'



GZ-207

PLAN LOCATION OF DDG-1000
BRAKE WHEELS DURING DOCKSIDE
TESTING PROGRAM

EXISTING BOLLARD (TYP.)

GZ-10

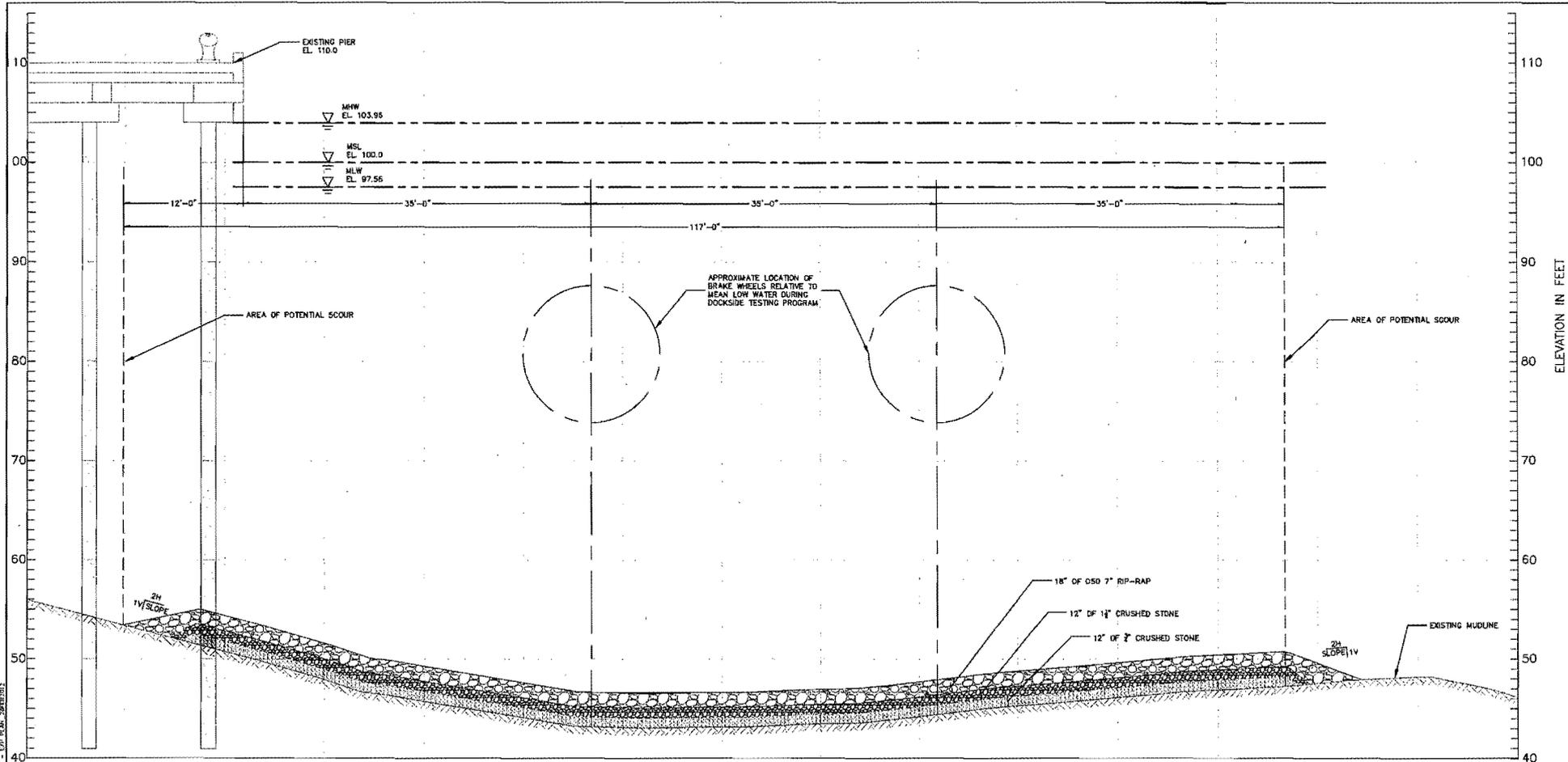
EXISTING BUILDING

EXISTING BUILDING

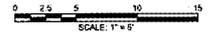
PIER 4



NO.		ISSUE/DESCRIPTION		BY
BRAKE WHEEL SCOUR ASSESSMENT AND FEASIBILITY STUDY BATH, MAINE				
EXPLORATION LOCATION AND HYDROGRAPHIC PLAN				
PREPARED BY:	GZA GeoEnvironmental, Inc. Engineers and Scientists 330 BRIDGEWAY PORTLAND, MAINE 04106 (603) 427-4147			PREPARED FOR: BATH IRON WORKS
PROJ MGR:	MJP	REVIEWED BY:	DRC	CHECKED BY:
DESIGNED BY:	MJP	DRAWN BY:	MEA	SCALE: AS NOTED
DATE:	MARCH 2012	PROJECT NO.:	31899.42	REVISION NO.:
			0	FIGUR SHEET NO.



SECTION THROUGH SCOUR AREA



NOTES:

1. BASE MAP DEVELOPED FROM ELECTRONIC DRAWING FILE BY BATH IRON WORKS CORP. TRANSMITTED TO GZA ON OCTOBER 8, 2010.
2. ELEVATIONS SHOWN ARE BASED ON BATH IRON WORKS PROJECT SITE DATUM. TOP OF PIER DECK IS APPROXIMATELY 110 FEET.
3. HORIZONTAL DATUM IS BASED ON MAINE STATE PLANE COORDINATE SYSTEM NAD83 MAINE WEST.

TIDAL ELEVATIONS

MHW	EL. 103.98 FT.
PROJECT DATUM (MSL)	EL. 100 FT.
MLW	EL. 97.56 FT.

DRAFT COPY
NOT FOR CONSTRUCTION

UNLESS SPECIFICALLY STATED BY WRITTEN AGREEMENT, THIS DRAWING IS THE SOLE PROPERTY OF GZA GOLDER ENVIRONMENTAL, INC. (GZA). THE INFORMATION SHOWN ON THIS DRAWING IS SOLELY FOR USE BY GZA'S CLIENT OF THE CLIENT'S DESIGNATED JURISDICTION FOR THE SPECIFIC PROJECT AND LOCATION MARKED ON THIS DRAWING. THE DRAWING SHALL NOT BE TRANSFERRED, REPRODUCED, COPIED, OR ALTERED IN ANY MANNER FOR USE AT ANY OTHER LOCATION OR FOR ANY OTHER PURPOSE WITHOUT THE PRIOR WRITTEN CONSENT OF GZA. ANY TRANSFER, REUSE, OR MODIFICATION TO THE DRAWING BY THE CLIENT OR OTHERS WITHOUT THE PRIOR WRITTEN EXPRESS CONSENT OF GZA WILL BE AT THE USER'S SOLE RISK AND WITHOUT ANY RISK OR LIABILITY TO GZA.

NO.	ISSUE/DESCRIPTION	BY	DATE
BRAKE WHEEL SCOUR ASSESSMENT AND FEASIBILITY STUDY BATH, MAINE			
SECTION			
PREPARED BY:	GZA GeoEnvironmental, Inc. Engineers and Scientists 30 BROOKFIELD PROVIDENCE RIDGE ROAD 1299 WILMINGTON	PREPARED FOR:	BATH IRON WORKS
PROJ MGR:	MJP	REVIEWED BY:	ORC
DESIGNED BY:	MJP	DRAWN BY:	NEA
DATE:	MARCH 2012	PROJECT NO.:	31899.42
		REVISION NO.:	0
			FIGURE 2
			SHEET NO. 1 OF 2