

### **PUBLIC NOTICE**

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

Date: July 11, 2017

Comment Period Ends: August 10, 2017

File Number: NAE-2017-00732 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: CPB2, LLC; P.O. Box 7987; Portland, Maine 04112

**ACTIVITY:** Redevelop and expand an existing recreational marina with associated waterfront re-development in Portland Harbor at Portland, Maine. The existing 69-slip marina will be replaced with a 141-slip facility consisting of a line of floats running parallel to shore with four float systems attached perpendicular to the southeast with associated finger float systems. As shown on the attached plans, the northern and seaward lines of floats will integrate a subsurface wave attenuator element. A similarly designed 150'x 20' float will be moored just southwest of the main marina footprint to provide additional wave protection to the facility. All floats will be bottom moored and the marina system will be accessed from shore by ramps extending from the shore.

Appurtenant elements include a fuel dock and holding tank pump out central to the marina layout, a pile supported deck extending from shore and over a former boat ramp to support a marina operations building, and a dinghy dock. Upland elements will include commercial and residential development and re-development, parking, and a pedestrian boardwalk. The marina will provide the services of power, fuel, marine pump out, general slip space and larger yacht berthing.

WATERWAY AND LOCATION OF THE PROPOSED WORK: Portland Harbor; Portland, Maine. The project site is located on the USGS PORTLAND WEST, ME quadrangle sheet at latitude 43.663010°N; and longitude –70.242272°W.

#### AUTHORITY

Permits are required pursuant to:
X_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").

This project will affect approximately 20 acres of Essential Fish Habitat (*EFH*) for those species listed on the attached table. This habitat consists of marine unconsolidated bottom composed of silt, sand, gravel, and manmade debris (brick, concrete, wood debris and the assorted detritus of a centuries old working waterfront) with relatively low populations of flora, epi-fauna, or infauna. During pile driving operations and the setting of moorings, suspended sediments and noise may temporarily displace fish in the project area. In the long-term conditions are expected to rapidly return to baseline conditions, recognizing that marina operations have been conducted on site for many years. 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.

**SECTION 106 COORDINATION:** Based on his initial review, 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. Additional review and consultation to fulfil requirements under Section 106 of the National Historic Preservation Act of 1966, as amended, will be ongoing as part of the permit review process.

**ENDANGERED SPECIES ACT CONSULTATION:** The New England District, Army Corps of Engineers has reviewed the list of species protected under the Endangered Species Act of 1973, as amended, which might occur at the project site. It is our preliminary 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 any Federally listed endangered or threatened species or their designated critical habitat. By this Public Notice, we are requesting that the appropriate Federal Agency concur with our determination.

**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

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 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.

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 <a href="mailto:bettina.m.chaisson@usace.army.mil">bettina.m.chaisson@usace.army.mil</a>. 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) Designation

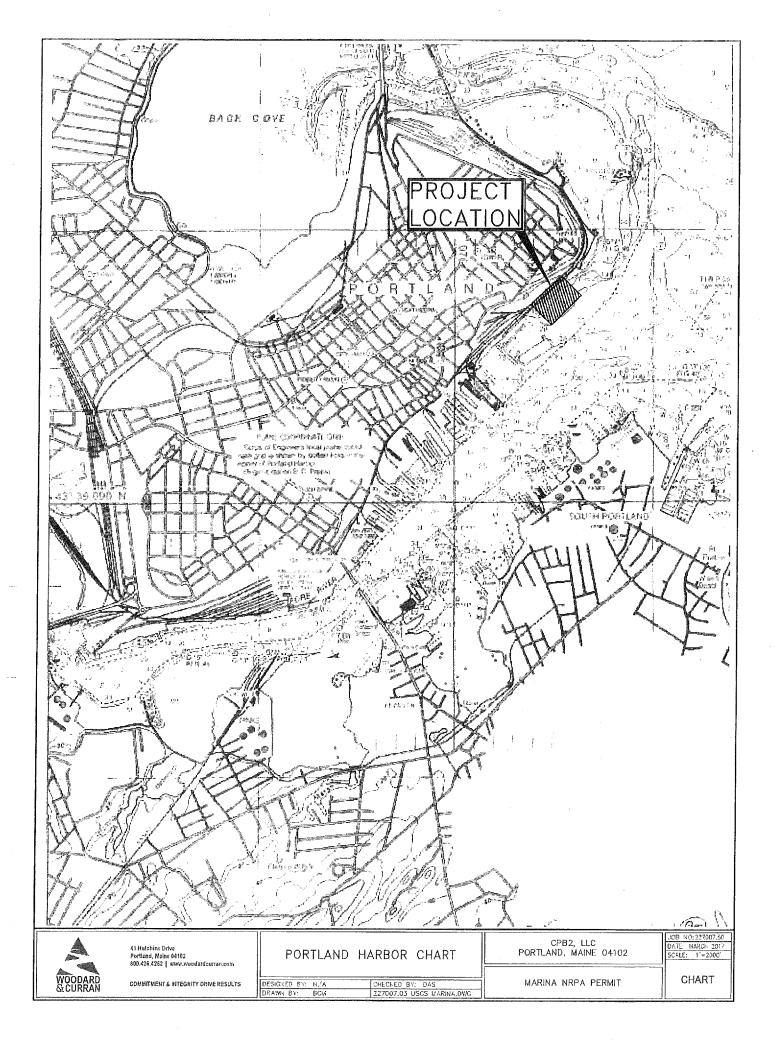
#### 100 x 100 Square Coordinates:

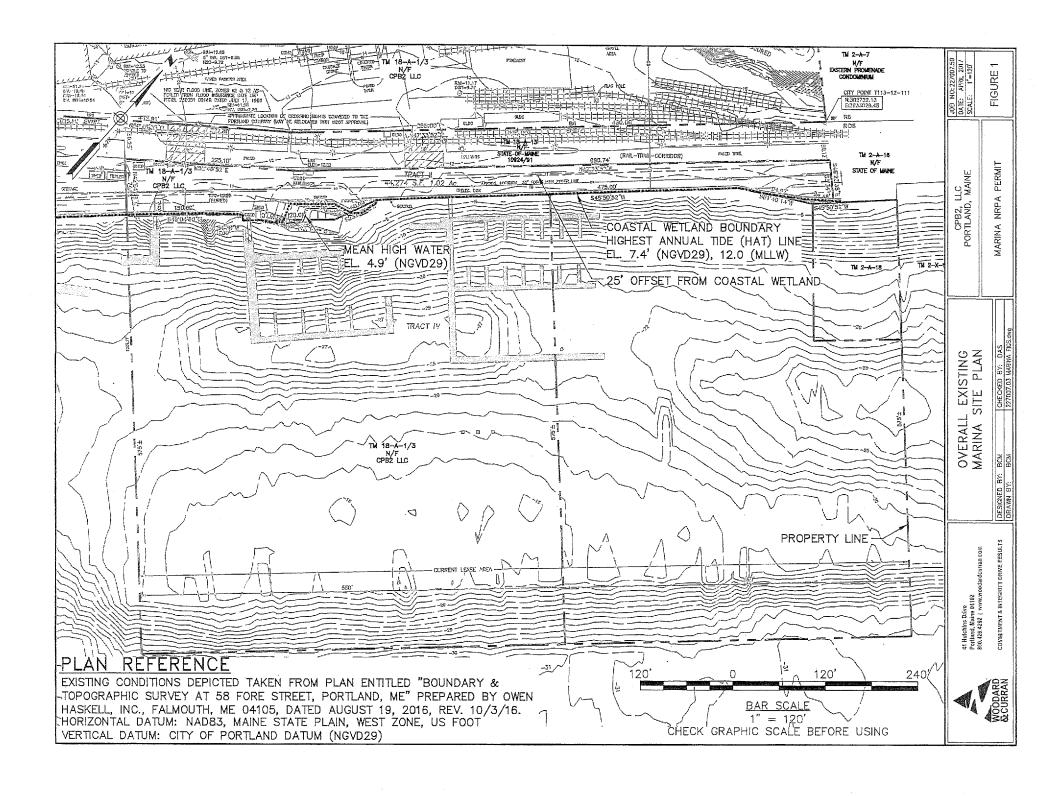
Boundary	North	East	South	West
Coordinate	43 } 40.0 <b>%</b> N	70} 10.0 <b>♦</b> W	43 } 30.0� N	70} 20.0� W

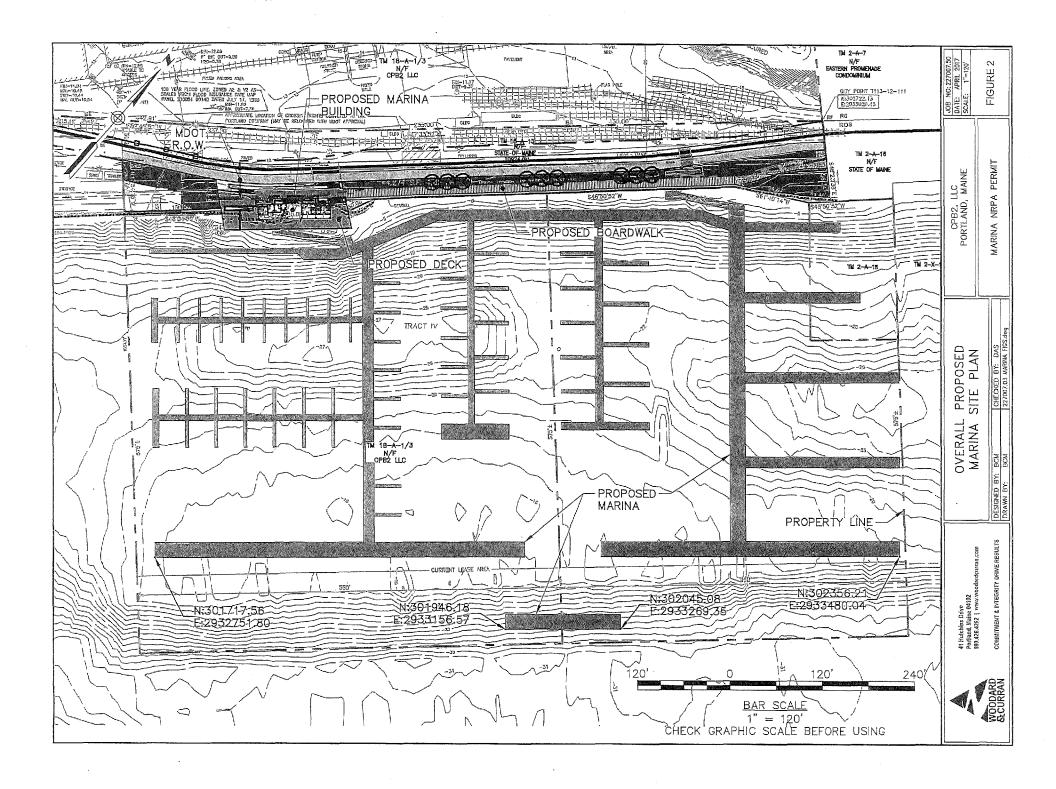
Square Description (i.e. habitat, landmarks, coastline markers): The waters within the square east of Portland, ME., affecting the following: Cape Elizabeth, ME. and South Portland, ME., from Portland, ME., to just south of Scarborough Beach (the tip of Prouts Neck), off Scarborough, ME. These waters are located mostly within southern Casco Bay (east of and north of Cape Elizabeth), including waters within Fore River, and within the Bigelow Bight (south of Cape Elizabeth), within the Gulf of Maine. This square also include waters affecting the southern part of Peaks Island, Cushing Island and Richmond Island. Other features affected include: Bluff I., Stratton I., Old Proprietor, Richmond I. Harbor, Ram I., Adams Head on Richmond I., Old Anthony Rock, West Hue and Cry, and the westernmost part of the West Cod Ledge, along with the Libby River, Spurwink River, Taylor Reef, Mitchell Rock, Seal Cove, and Broad Cove. Also, Trundy Pt., Trundy Reef, Willard Rock, Pine Tree Ledge, Jordon Reef, Portland Head, Spring Pt., Ram I., Witch Rock, and Ram I. Ledge are affected.

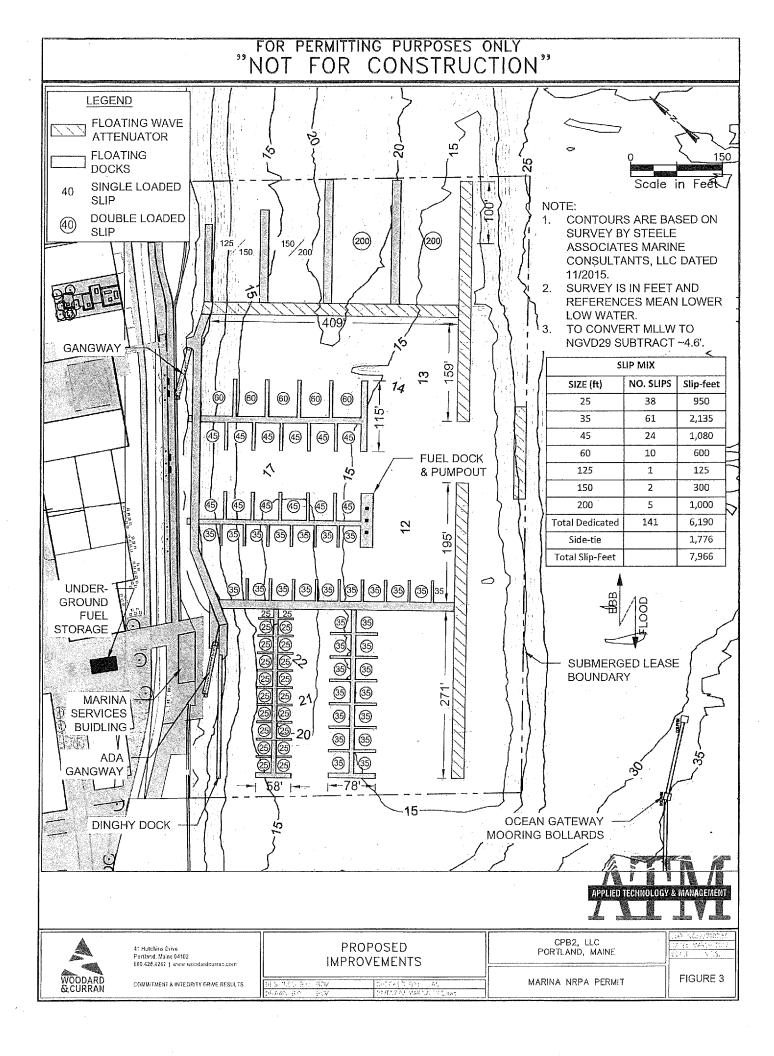
Species	Eggs	Larvae	Juveniles	Adults
Atlantic salmon (Salmo salar)				X .
Atlantic cod (Gadus morhua)	X	X	X	X
haddock (Melanogrammus aeglefinus)				Χ .
pollock (Pollachius virens)			X	
whiting (Merluccius bilinearis)			X	X
offshore hake (Merluccius albidus)				
red hake (Urophycis chuss)			X	X
white hake (Urophycis tenuis)			X	Х
redfish (Sebastes fasciatus)	n/a			
witch flounder (Glyptocephalus cynoglossus)				
winter flounder (Pseudopleuronectes americanus)	X	X	X	X
yellowtail flounder (Limanda ferruginea)	X	х	x	X
windowpane flounder (Scophthalmus aquosus)	X	X	X	X
American plaice (Hippoglossoides platessoides)	X	X	x	X
ocean pout (Macrozoarces americanus)	X	X	X	X
Atlantic halibut (Hippoglossus hippoglossus)	X	X	x	X

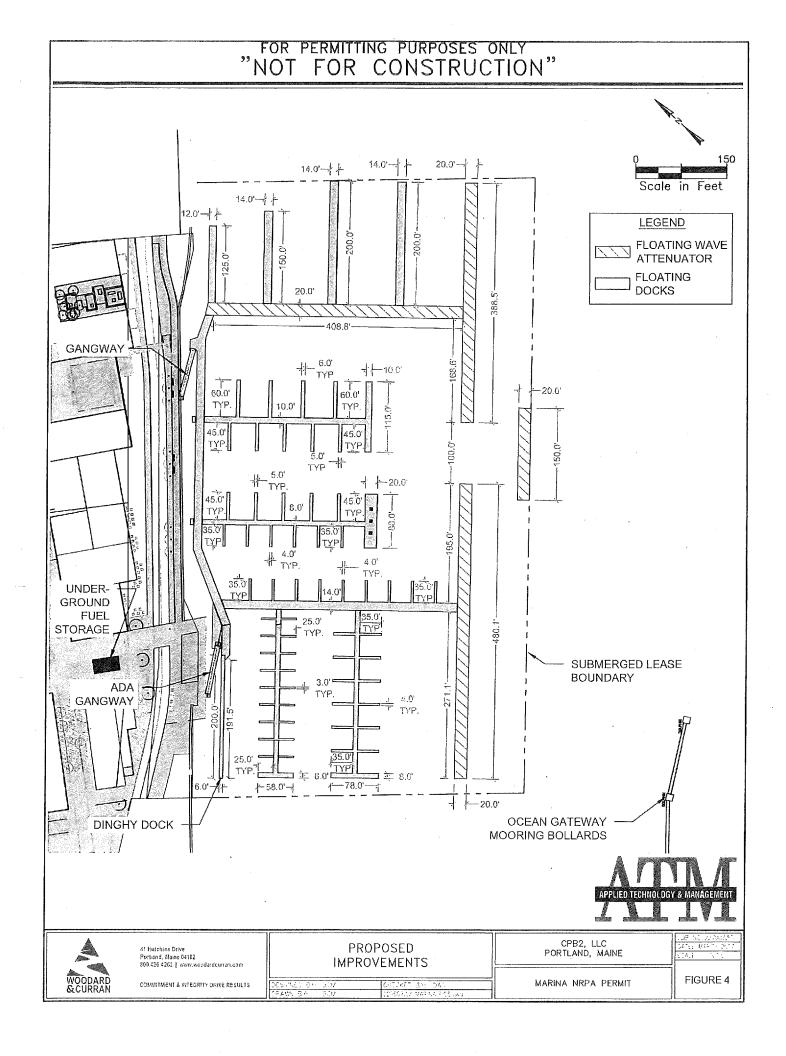
		•			
Atlantic sea scallop (Placopecten magellanicus)	X	X	X	X	
Atlantic sea herring (Clupea harengus)		X	X	X	
monkfish (Lophius americanus)					
bluefish (Pomatomus saltatrix)			X	X	
long finned squid (Loligo pealeii)	n/a	n/a			
short finned squid (Illex illecebrosus)	n/a	n/a			
Atlantic butterfish (Peprilus triacanthus)		A TO SECTION AND AND AND AND AND AND AND AND AND AN			
Atlantic mackerel (Scomber scombrus)			Х	X	
summer flounder (Paralichthys dentatus)					
scup (Stenotomus chrysops)	n/a	n/a			
black sea bass (Centropristis striata)	n/a				
surf clam (Spisula solidissima)	n/a	n/a			
ocean quahog (Artica islandica)	n/a	n/a			
spiny dogfish (Squalus acanthias)	n/a	n/a			
tilefish (Lopholatilus chamaeleonticeps)					
bluefin tuna (Thunnus thynnus)				X	
surf clam (Spisula solidissima)  ocean quahog (Artica islandica)  spiny dogfish (Squalus acanthias)  tilefish (Lopholatilus chamaeleonticeps)	n/a n/a	n/a		X	

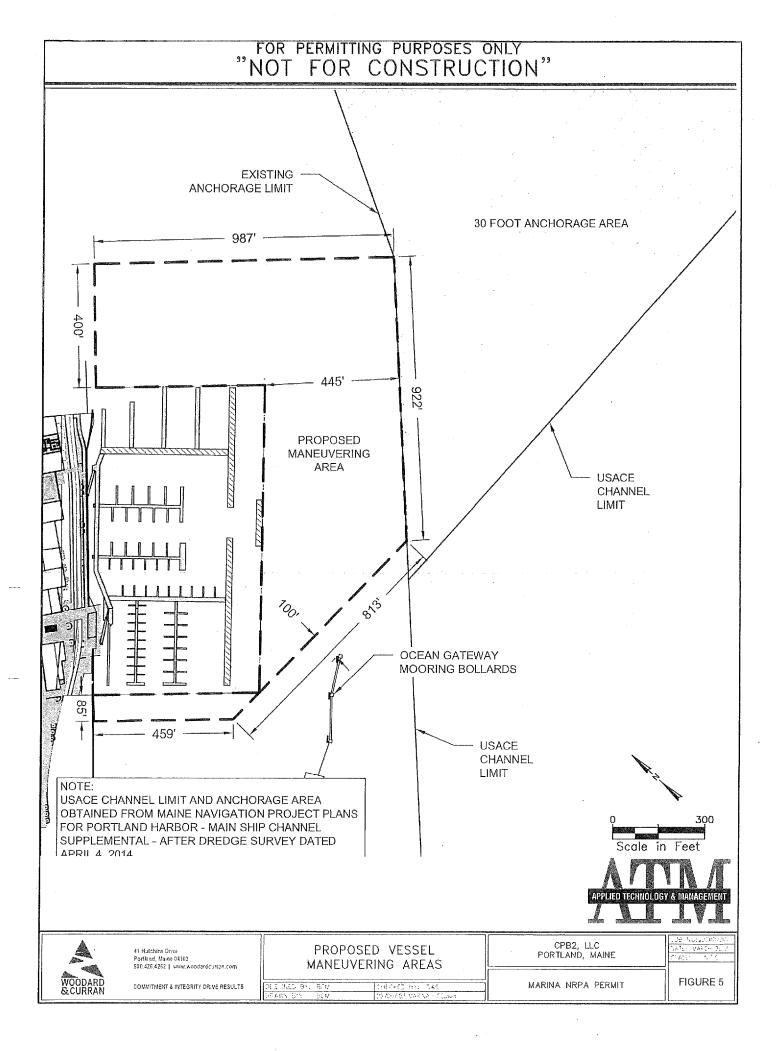


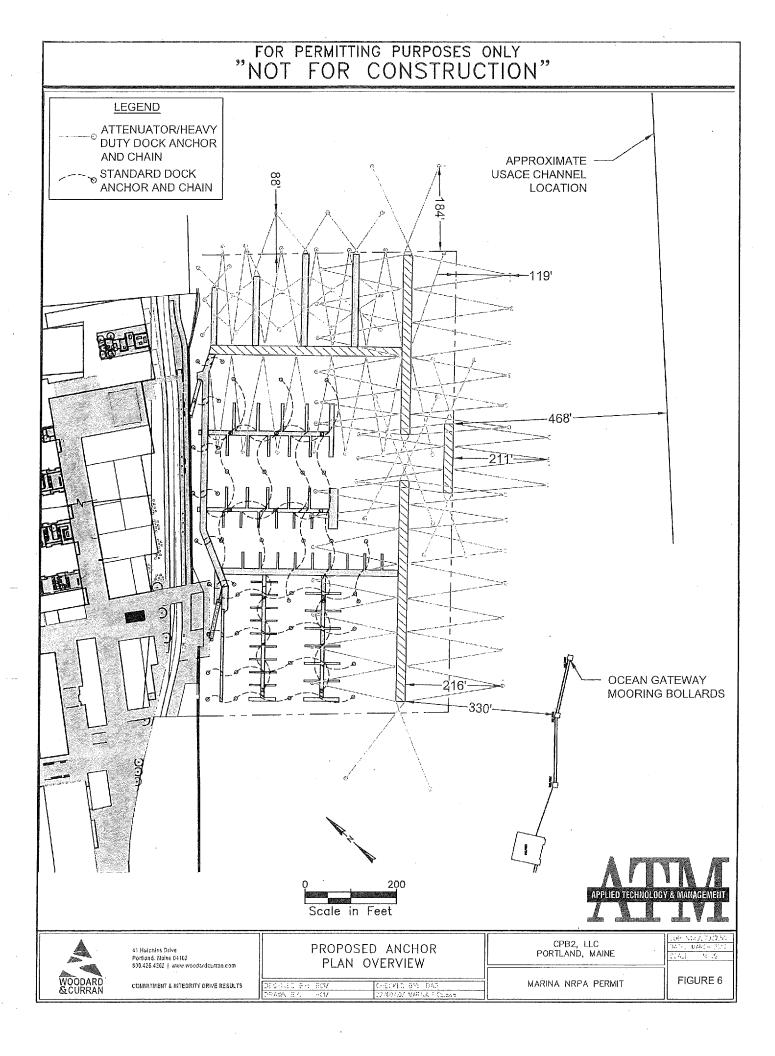




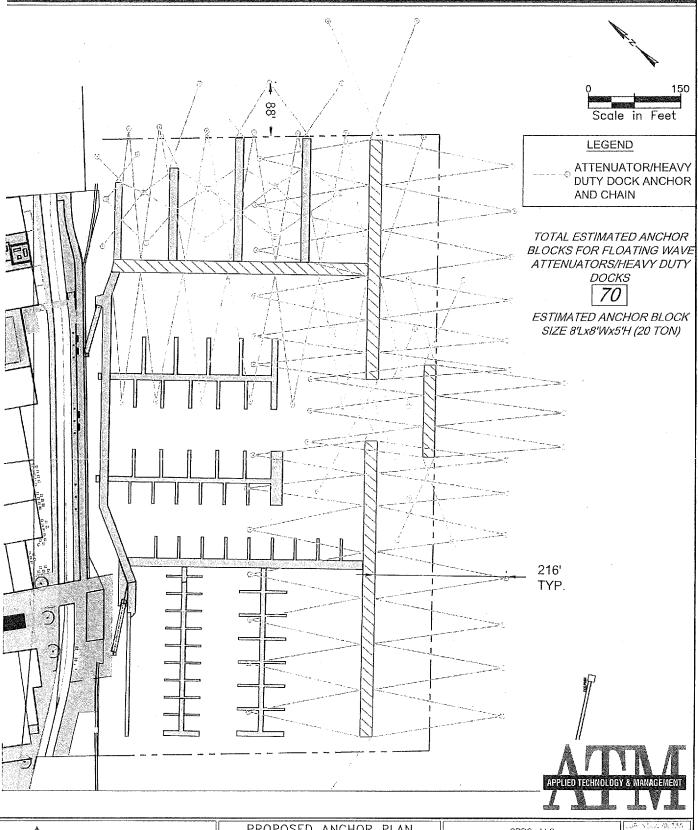








### "NOT FOR CONSTRUCTION"





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COMMITMENT & INTEGRITY DRIVE RESULTS

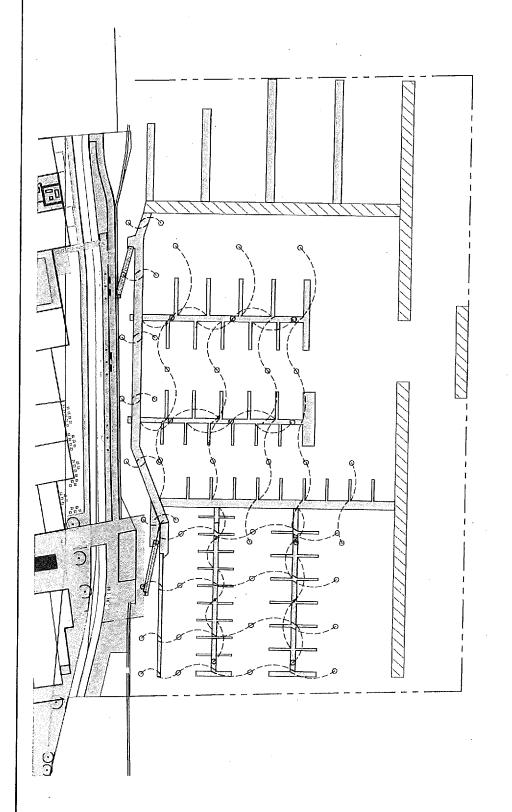
PROPOSED ANCHOR PLAN FOR WAVE ATTENUATOR & HEAVY DUTY DOCK

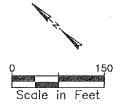
CPB2, LLC PORTLAND, MAINE

MARINA NRPA PERMIT

FIGURE 7

## FOR PERMITTING PURPOSES ONLY "NOT FOR CONSTRUCTION"





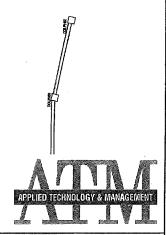
### LEGEND

STANDARD DOCK ANCHOR AND CHAIN

TOTAL ESTIMATED ANCHOR BLOCKS FOR STANDARD FLOATING DOCKS

54

ESTIMATED ANCHOR BLOCK SIZE 6'Lx6'Wx4'H (10 TON)





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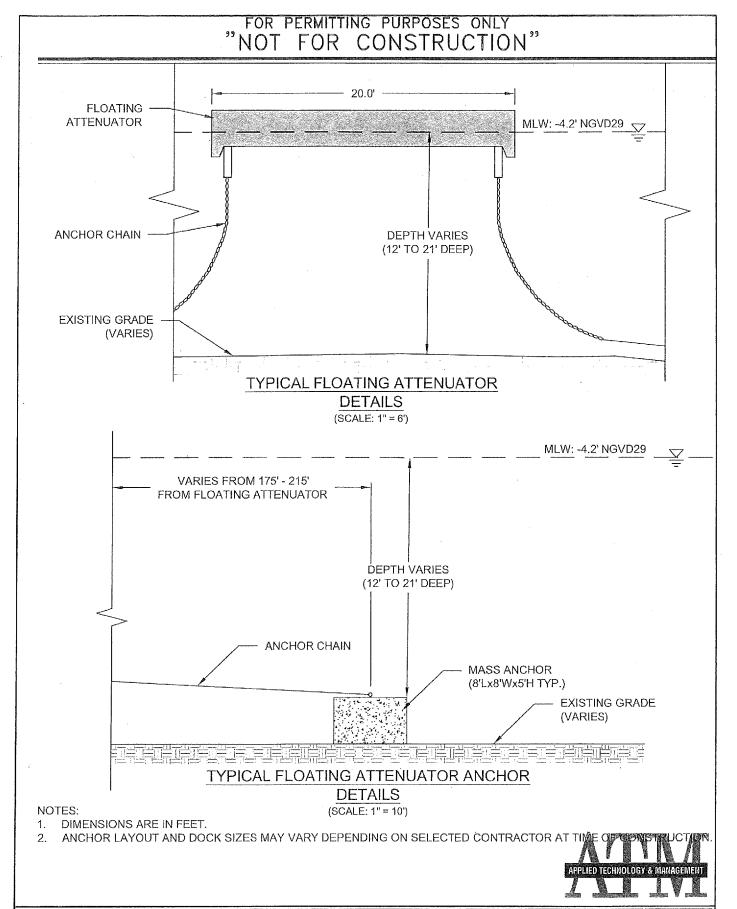
COMMITMENT & INTEGRITY DRIVE RESULTS

PROPOSED ANCHOR PLAN FOR STANDARD MARINA FLOATING DOCKS

CPB2, LLC PORTLAND, MAINE

MARINA NRPA PERMIT

FIGURE 8





43 Hutchins Drive Portland, Maine 64102 800,426,4262 | www.woodardcurran.com TYPICAL DETAILS OF FLOATING ATTENUATOR DOCKS

CPB2, LLC PORTLAND, MAINE

DATE: MARCH CATT

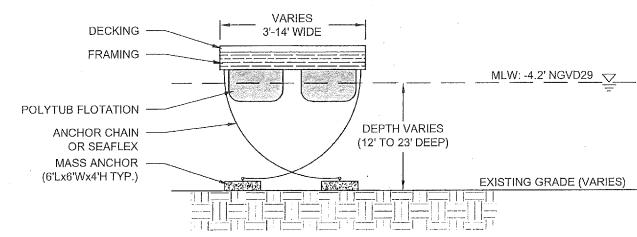
COMMITMENT & INTEGRITY DRIVE RESULTS

| DESCRIED BOX | DOESRED BOX | SPACE | DPAWL BOX | BCV | DOWNORED BOX | DESCRIPTION | DPAWL BOX | DESCRIPTION | DE

MARINA NRPA PERMIT

FIGURE 9

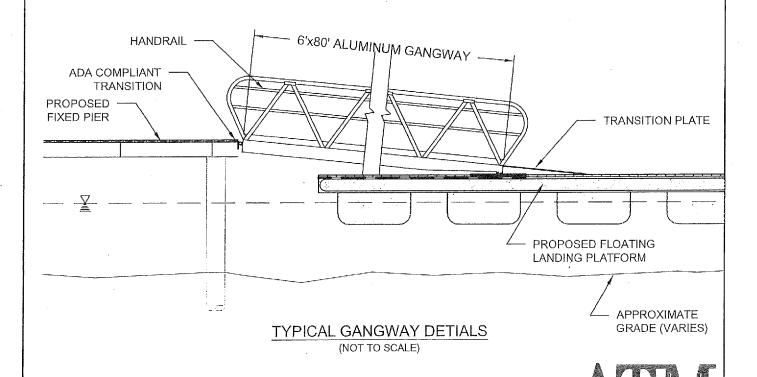
### FOR PERMITTING PURPOSES ONLY "NOT FOR CONSTRUCTION"



#### NOTES:

- 1. DIMENSIONS ARE IN FEET.
- 2. ANCHOR LAYOUT AND DOCK SIZES MAY VARY DEPENDING ON SELECTED CONTRACTOR AT TIME OF CONSTRUCTION.

# TYPICAL FLOATING DOCK SECTION MAIN PIER WALKWAY (NOT TO SCALE)





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COMMITMENT & INTEGRITY DRIVE RESULTS

TYPICAL FLOATING DOCK & GANGWAY DETAILS

CPB2, LLC PORTLAND, MAINE

MARINA NRPA PERMIT

1.86 (0.02), 7027,80 047:: M7816 7017 2040 - ATS

IT FIGURE 10

