



Public Notice

U.S. Army Corps
Of Engineers
New England District
696 Virginia Road
Concord, MA 01742-2751

Date: February 21, 2006

Comment Period Closes: March 23, 2006

Evaluation Branch, Engineering/Planning Division

Bass Harbor Navigation Improvement Project Tremont, Maine

Interested parties are hereby notified that the U.S. Army Corps of Engineers, New England District, in response to a request by the Town of Tremont, is proposing the improvement of navigation as well as maintenance dredging of the Federal Navigation Project (FNP) in Bass Harbor located in the state of Maine. The improvement project will be carried out under the authority of Section 107 of the River and Harbor Act of 1960 (P.L. 86-645). Maintenance of the existing project areas is authorized by the River and Harbor Act of 1960. This public notice provides information about the navigation improvement project and documents all pertinent laws and regulations that are applicable.

Project Description: Bass Harbor is located in the Town of Tremont, one of four municipalities on Mount Desert Island in Hancock County, on the eastern coast of Maine. The harbor is a shallow inlet on the southwest shore of the Island near the mouth of Blue Hill Bay. The lower third of the natural harbor has been developed for navigation access with municipal and private piers serving the local fishing and lobstering fleet. The State operates a ferry terminal at the harbor entrance that provides access to offshore islands. The existing Federal navigation project, constructed under Section 107 authority, was built in 1964, provides a 10-foot by 8-acre combined entrance channel/anchorage area in the lower harbor, with two 6-foot anchorage areas, totaling about 16 acres, located west and north of the 10-foot area. The existing project has not required maintenance since its construction due to very low shoaling rates. However, maintenance dredging is currently needed to restore the authorized dimensions of the FNP.

Maintenance dredging would remove approximately 3,800 cubic yards (cy) of silty material from the northern 6-foot anchorage and approximately 800 cy of silty material from the western 6-foot anchorage area.

The recommended improvement plan (Figure 1) would be carried out concurrently with the maintenance dredging and consists of (1) re-designating an 80-foot wide portion of the existing 10-foot anchorage as channel to better access the town landing, (2) dredging a compensatory area of an 8-foot anchorage 80-feet wide east of the 10-foot anchorage to replace capacity lost to the channel, (3) providing a short channel 8-feet deep by 80 feet wide east of the central ledge connecting the upper and lower basins of the inner harbor,

and (4) expanding the existing upper 6-foot anchorage by 5.8 acres. Approximately 53,400 cy of silty material and 1,000 cy of rock ledge will be removed for the improvement project.

Disposal of all dredge material will be at a deep-water site located 4 miles northwest of Bass Harbor in the Eastern Passage west of Mount Desert Island (Figure 2), as recommended by local fishermen. The work will be performed during an approximate four-month period within an environmental window beginning October 1 and ending April 15.

Purpose and Need for Work: The purpose of the proposed navigation project is to improve commercial navigation. Bass Harbor is the Town of Tremont's only harbor, although several small rocky coves along Blue Hill Bay are also used as anchorages and landings by small boats in calm weather. A Maine Department of Marine Resources survey in 1999 ranked Bass Harbor as the State's #3 fishing port behind Portland and Stonington. The villages of Bass Harbor and Bernard are located on the east and west sides of the harbor respectively. The Town of Tremont had a year round population of 1,529 as documented in 2000 representing a 25 percent increase over the previous decade.

Local officials and harbor users expressed one principal concern with restrictions on navigation at Bass Harbor, namely the lack of adequate public anchorage to efficiently accommodate a commercial fishing fleet that has grown significantly since the design of the existing project more than 40 years ago. The feasibility study objectives were to provide a clear designated channel to connect the Town wharf with the harbor entrance, expand the available public anchorage area, and provide more direct channel connection between the upper and lower harbor areas. In addition, evaluations were made in the alternative process to eliminate harbor congestion, groundings in shallow harbor areas and other inefficiencies that constrain commercial operations were also evaluated.

Portions of the existing FNP have shoaled to depths that inhibit safe passage for the Bass Harbor fleet at certain tides. Maintenance dredging of the existing FNP will restore the authorized dimensions to the project area and remove the hazardous shoal areas.

Alternatives: A number of navigation improvement alternatives were developed and analyzed during the early stages of the planning study. These alternatives included the possibility of transferring a portion of the existing fleet to other areas or harbors and various channel/anchorage improvements involving dredging and disposal options.

Coordination: The proposed work is being coordinated with the following:

Federal Agencies

US Environmental Protection Agency
National Marine Fisheries Service
US Fish and Wildlife Service
US Coast Guard

Municipal Officials

Bass Harbor Management Committee
Town of Tremont Board of Selectmen
Town of Tremont Conservation Commission

State Agencies

Maine State Planning Office
Maine Department of Environmental Protection
Maine Department of Marine Resources
Maine Historic Preservation Commission

Disposal Area: The Eastern Passage site (Figure2) was recommended as the disposal site due to its close proximity to Bass Harbor (4 miles). Local fishermen were consulted in the identification and selection of a suitable disposal site and advised on their preference of this site over the other potential sites in the area. Approximately 53,400 cy of silty material and 1,000 cy of ledge from the improvement project, as well as approximately 4,600 cy from maintenance dredging, will be placed at the open-water site. Using the Eastern Passage site would enable the work to be completed within the allowable dredging and disposal window using only one scow.

Additional Information: Additional information may be obtained from Mr. Mike Tuttle, Project Manager, telephone (978) 318-8677, michael.r.tuttle@usace.army.mil or Mr. Todd Randall, Biologist, telephone (978) 318-8518, todd.a.randall@usace.army.mil Collect calls will be accepted weekdays between 9:00 a.m. and 3:00 p.m.

Environmental Impacts: An Environmental Assessment and Clean Water Act Section 404(b)1 analysis for this work has been prepared and is available for review upon request. I have made a preliminary determination that an Environmental Impact Statement for the proposed improvement dredging is not required under the provisions of the National Environmental Policy Act of 1969. This determination will be reviewed in light of facts submitted in response to this notice.

Federal Consistency with Maine Coastal Zone Management Program:

I find that improvement dredging of the project is consistent, to the maximum extent practicable, with the State of Maine's published coastal zone management program policies established as a result of the Coastal Zone Management Act of 1972. The dredging and disposal operation will be conducted, to the maximum extent practicable, in a manner that is consistent with the approved management program.

Other Information:

- a. **Previous Dredging:** Bass Harbor area is the site of existing authorized Federal Navigation Project. Dredging of 91,400 cubic yards of material was accomplished in 1963-1964.
- b. **Non-Federal Dredging:** No private or public dredging is presently proposed in conjunction with this project. However, the Town has indicated that they will initiate the Federal and State permitting process for minor maintenance dredging at the town landing, with the goal of conducting this work concurrently with the Federal dredging project. A separate public notice for the Town maintenance dredging would be issued once the applications are received.

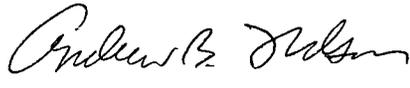
- c. Endangered Species: Coordination with NMFS and USFWS indicated that the proposed activity is not likely to affect any endangered species or critical habitat designated as endangered or threatened pursuant to the Endangered Species Act of 1973 (87 Stat. 844).
- d. Floodplain Management: In accordance with Executive Order 11988, the Corps of Engineers has determined that the proposed work will not contribute to negative impacts or damages caused by floods.
- e. Cultural Resources: The proposed work has been coordinated with the Maine Historic Preservation Commission and is not likely to affect any cultural or archaeological features or resources.
- f. Essential Fish Habitat Assessment: It has been determined that dredging may have a temporary adverse effect on Essential Fish Habitat (EFH). Potential impacts to essential fish habitat from the dredging, blasting, and disposal activities associated with this project include temporary increases in turbidity from dredging activities, potential burial of demersal organisms during disposal, fish mortality from pressure waves, and the temporary loss of benthic organisms associated with the dredged material and disposal areas. The impacts from the dredging process (turbidity and loss of benthos) are expected to be short-term and localized as the dredging and disposal events will be intermittent, since benthic recolonization is generally a rapid process. A construction window of October 1 through April 15 with an embedded dredging window of November 1 through April 15 will be used and will reduce impacts to EFH for managed species in the area.
- g. Additional Requirements: An application for Water Quality Certification (WQC) will be submitted to the Maine Department of Environmental Protection, under Section 401 of the Clean Water Act of 1977 (P.L. 95-217). The Clean Water Act of 1977 requires that the work comply, to the maximum extent practicable, with State or interstate requirements to control the discharge of dredged or fill material.

The decision whether to perform the work 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 benefits, which reasonably may be expected to accrue from the proposal, will be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the proposal, will be considered; among these are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use classification, and the welfare of the people.

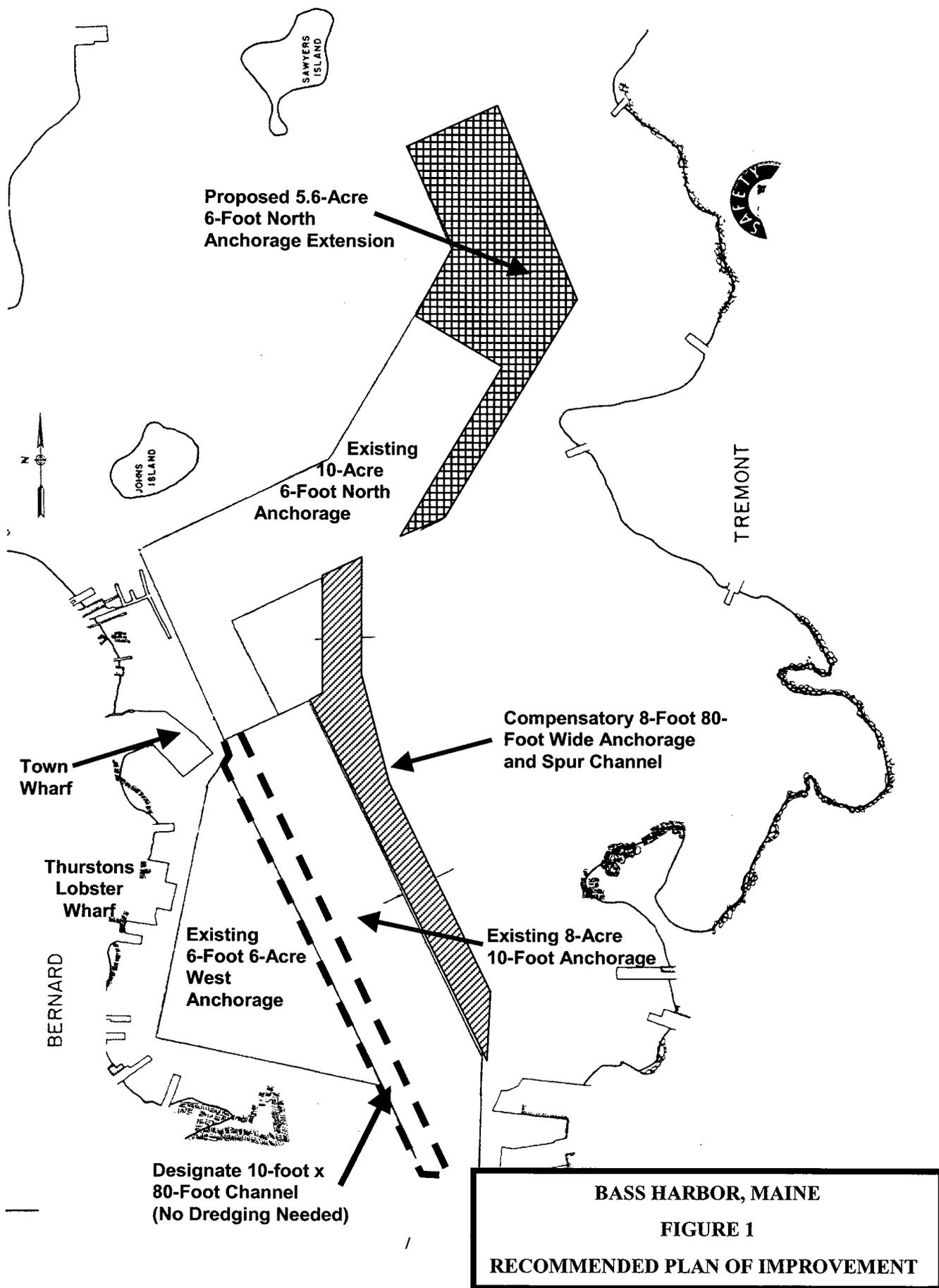
Any person who has an interest, which may be affected by the dredging and disposal of this dredged material, may request a public hearing. The request must be submitted in writing to me within 30 days of the date of this notice and must clearly set forth the interest, which may be affected and the manner in which the interest may be affected by this activity.

Please bring this notice to the attention of anyone you know to be interested in this project. Comments are invited from all interested parties and should be directed to me at U.S. Army Corps of Engineers, New England District, 696 Virginia Road, Concord, MA 01742-2751, ATTN: Mr. Mike Tuttle, within 30 days of this notice.

16 FEB 2006
Date



Andrew B. Nelson
Lieutenant Colonel, Corps of Engineers
Deputy District Commander



BASS HARBOR, MAINE
FIGURE 1
RECOMMENDED PLAN OF IMPROVEMENT

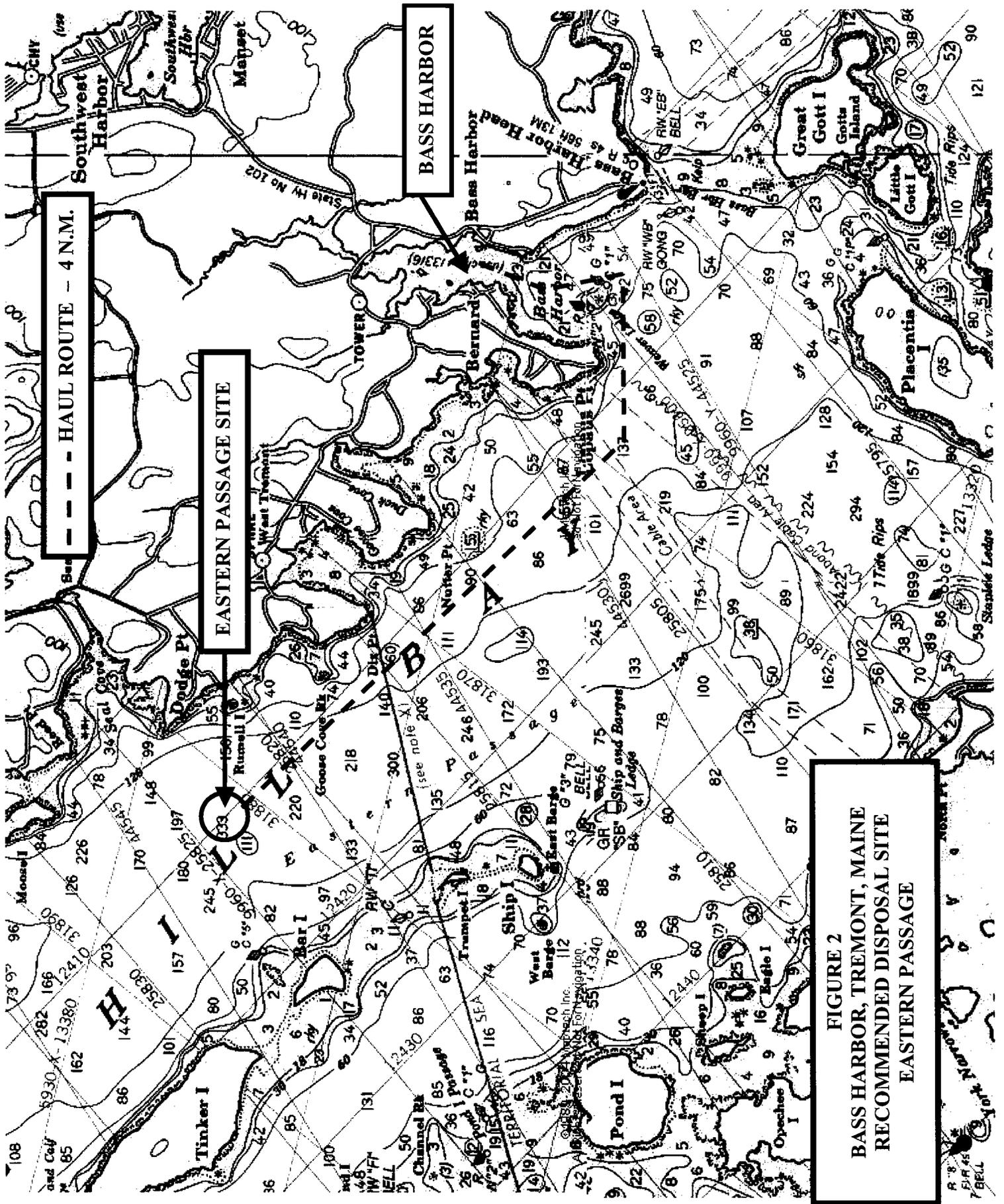


FIGURE 2
BASS HARBOR, TREMONT, MAINE
RECOMMENDED DISPOSAL SITE
EASTERN PASSAGE