



# PUBLIC NOTICE

**US Army Corps  
of Engineers®**

New England District

Maine Project Office

675 Western Avenue, #3

Manchester, Maine 04351

**Date:** September 18, 2007

**Comment Period Ends:** October 3, 2007

**File Number:** NAE-2007-1808

**In Reply Refer To:** Shawn B. Mahaney

**Or by e-mail:** shawn.b.mahaney@usace.army.mil

## 15 Day Comment Period

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: Penobscot River Holdings, LLC & Cianbro Constructors, LLC, P.O. Box 1000, Pittsfield, Maine 04967.**

### **ACTIVITY**

A detailed description and plans of the applicant's activity are attached.

### **WATERWAY AND LOCATION OF THE PROPOSED WORK**

This work is proposed in the Penobscot River off South Main Street at Brewer, Maine (formerly the Eastern Fine Paper Mill). The proposed location on the USGS BANGOR quadrangle sheet is at UTM coordinates 4957657 N and 516963 E.

### **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**

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 4.13 acres of Essential Fish Habitat (EFH) for Atlantic salmon and shortnose sturgeon. The dredging portion of this project will impact approximately 125,300 square feet of Essential Fish Habitat (EFH). This habitat consists of intertidal/subtidal area consisting of cobbles grading down to gravel, sand and mud. Impact to these species is expected to be minimal with appropriate erosion control measures, in river work windows, and other best management practices. The proposed project is expected to have only short-term impacts on fish. During dredging and construction, suspended sediments and noise may temporarily displace fish in the project area. However 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.

The dredged material disposal is proposed for the Rockland Disposal Site and secure upland locations. Rockland Disposal Site is an open water site, which provides Essential Fish Habitat-see page 6 & 7 for the list of species and life stages. Habitat at this site can be described as sediments consisting primarily of silty clays which overlie a rocky glacial substratum which outcrops in the southwest corner –see attached map of disposal site. The proposed disposal is expected to have only short-term impacts on fish. During disposal, suspended sediments and noise may temporarily displace fish in the project area. However, 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 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 proposed project site during the construction and subsequent operation/use period sought by the applicant. We have undertaken a Biological Assessment (BA) of the potential for interactions and adverse impacts to Atlantic salmon and shortnose sturgeon. Consultation has been initiated with National Marine Fisheries Service pursuant to Section 7 of the Endangered Species Act since salmon in this location are part of a distinct population segment listed by the Services as endangered.

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 Shawn Mahaney at (207)-623-8367 ext 4. or (978) 318-8492 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**

**CENAE-R**  
**FILE NO. NAE-2007-1808**

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](mailto: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: \_\_\_\_\_

**PROPOSED WORK AND PURPOSE**

1. Place approximately 21,780 square feet (0.50 acres) of fill below the high tide line in the Penobscot River at Brewer, Maine in conjunction with the construction of a bulkhead/barge berthing area for the proposed Brewer Module Facility.
  
2. Dredge an approximately 125,330SF area in the Penobscot River to a depth of approximately -16 feet mean lower low water. An estimated quantity of approximately 33,000 cubic yards of sand and fine grain materials will be removed by mechanical means. This estimated volume includes all overdredge material. 11,000 cubic yards of dredged material from -14 feet mean lower low water will be disposed of at the Rockland Disposal Site as shown on the attached plan. This dredged material has undergone physical and chemical analysis. It is our preliminary determination that the material is acceptable for disposal at this disposal site. The remaining 22,000 cubic yards of material above -14 feet mean lower low water will be disposed of at secure upland facilities.
  
3. To compensate for the project's unavoidable impacts to wetlands and waterways, the applicant proposes on site mitigation. In summary the applicant proposes to enhance approximately 24,725 square feet of the Sedgeunkedunk Stream, by removing existing debris and stabilizing the bank along the north side of the stream to prevent further erosion into the stream. Approximately 8,242 square feet of fill will be place below the high tide line in conjunction with the installation of riprap to stabilize the bank.

The work is described on the enclosed plans entitled:

1. "Brewer Module Facility" on eight (8) sheets dated "7-18-07."
2. "Penobscot River Module Facility" on four (4) sheets dated "June 2007"
3. "Conceptual Mitigation Area" on two (2) sheets dated "08/14/2007"
4. "Dredge Spoil Route Map" on one sheet dated "July 2007"

**Summary of Essential Fish Habitat (EFH) Designation**

**10' x 10' Square Coordinates:**

|            |             |             |             |             |
|------------|-------------|-------------|-------------|-------------|
| Boundary   | North       | East        | South       | West        |
| Coordinate | 44° 10.0' N | 69° 00.0' W | 44° 00.0' N | 69° 10.0' W |

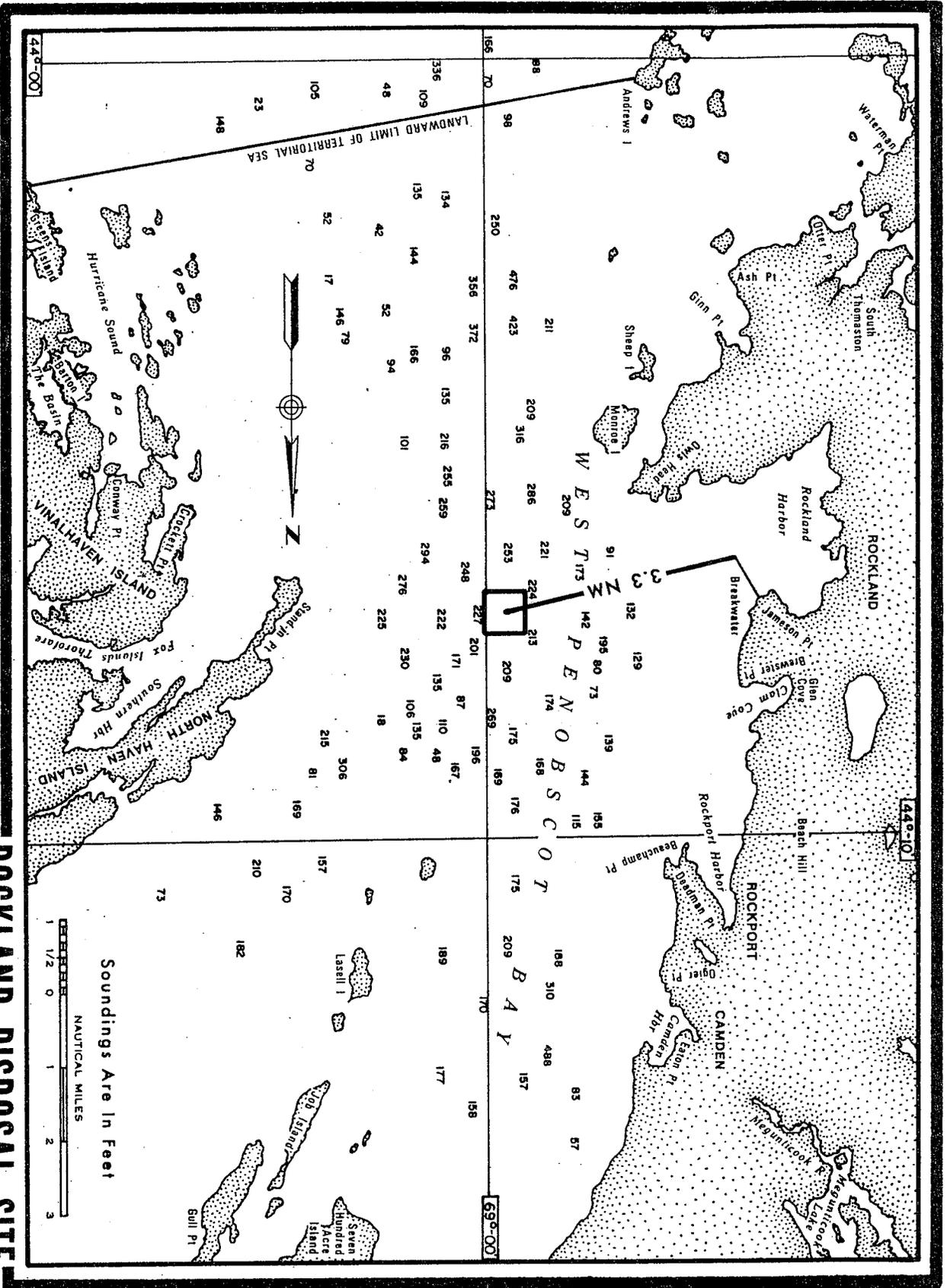
**Square Description (i.e. habitat, landmarks, coastline markers):** Waters within the square within the Gulf of Maine and the Penobscot Bay estuary from Rockport Harbor, east of Beech Hill, south to Spruce Head, including those waters affecting Owls Head, Rockland City, and South Thomaston. Also affected by these waters are: the northern part of Andrews Island, and the following Islands: Garden, Dix, Oak, Birch, Camp, Crescent, Marblehead, High, Otter, Ash, Little, Emery, Fisherman, Tommy, Eben, Spaulding, Sheep, Monroe, Indian, and Ram. There is a discontinued disposal area along the eastern border near the northeast corner. Also, the following features are affected by the waters within this square: The Muscle Ridge Channel, Patten Pt., Elwell Pt., Garden I. Ledge, High Clam Ledges, Clam Ledges, Lark Ledges, Otter I. Ledge, The Neck on Andrews I., Sunken Pond Ledge, Inner Grindstone Ledge, Otter Pt, Ash Pt., Ash Point, ME., Glinn Pt. Crescent Beach, Fisherman I. Passage, Sheep I. Shoal, Holiday Beach, Cutters Nubble, Owls Head, Shag Rock, Spears Rock, Broad Cove, Seal Ledge, Rockland Harbor, Atlantic Pt., Crockett Pt., Jameson Pt., Brewster Pt., Brewster Pt. Ledge, Clam Cove on Glen Cove, ME., outer Rockport Harbor, Porterfield Ledge, and Lowell Rock. These waters are within the southwest part of West Penobscot Bay.

| Species  | Eggs | Larvae | Juveniles | Adults |
|--|------|--------|-----------|--------|
| Atlantic salmon ( <i>Salmo salar</i> )               |      |        | X         | X      |
| Atlantic cod ( <i>Gadus morhua</i> )                 |      | X      | X         | X      |
| haddock ( <i>Melanogrammus aeglefinus</i> )          |      |        |           |        |
| pollock ( <i>Pollachius virens</i> )                 |      |        | X         |        |
| whiting ( <i>Merluccius bilinearis</i> )             |      |        | X         | X      |
| offshore hake ( <i>Merluccius albidus</i> )          |      |        |           |        |
| red hake ( <i>Urophycis chuss</i> )                  |      |        | X         | X      |
| white hake ( <i>Urophycis tenuis</i> )               |      |        | X         | X      |
| redfish ( <i>Sebastes fasciatus</i> )                | n/a  |        |           |        |
| witch flounder ( <i>Glyptocephalus cynoglossus</i> ) |      |        |           |        |
| winter flounder ( <i>Pleuronectes americanus</i> )   | X    | X      | X         | X      |

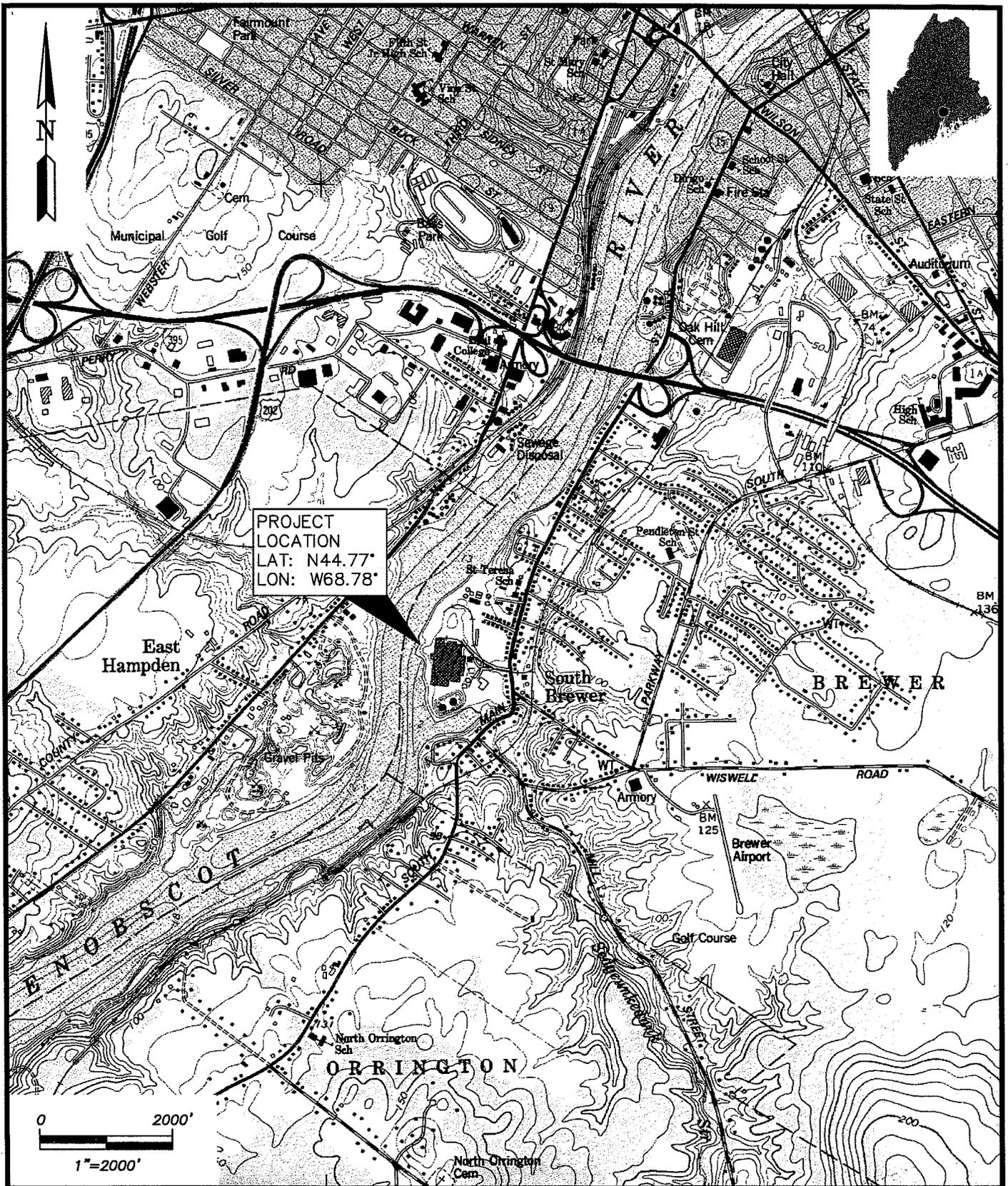
**CENAE-R**  
**FILE NO. NAE-2007-1808**

|  |     |     |   |   |
|--|-----|-----|---|---|
| yellowtail flounder ( <i>Pleuronectes ferruginea</i> )   | X   | X   |   |   |
| windowpane flounder ( <i>Scophthalmus aquosus</i> )      | X   | X   | X | X |
| American plaice ( <i>Hippoglossoides platessoides</i> )  | X   | X   | X | X |
| ocean pout ( <i>Macrozoarces americanus</i> )            | X   | X   | X | X |
| Atlantic halibut ( <i>Hippoglossus hippoglossus</i> )    | X   | X   | X | X |
| Atlantic sea scallop ( <i>Placopecten magellanicus</i> ) | X   | X   | X | X |
| Atlantic sea herring ( <i>Clupea harengus</i> )          |     | X   | X | X |
| monkfish ( <i>Lophius americanus</i> )                   |     |     |   |   |
| bluefish ( <i>Pomatomus saltatrix</i> )                  |     |     | X | X |
| 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> )            |     |     | X | X |
| summer flounder ( <i>Paralichthys dentatus</i> )         |     |     |   |   |
| scup ( <i>Stenotomus chrysops</i> )                      | n/a | n/a |   |   |
| black sea bass ( <i>Centropristus striata</i> )          | n/a |     |   |   |
| 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> )        |     |     |   |   |
| bluefin tuna ( <i>Thunnus thynnus</i> )                  |     |     |   | X |

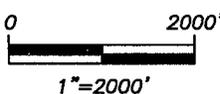
# ROCKLAND DISPOSAL SITE



Description: A 1/2-nautical-mile-square area with center at 44°-07.1'N, 69°-00.3'W and sides running true north-south, east-west. From the center, Rockland Breakwater Light bears true 253° at 6,680 yards, Owls Head Light bears true 225° at 4,800 yards, and Brewster Point Ledge Buoy "1" bears true 284° at 5,870 yards. Depth Range: 221 to 266 feet MLW. The authorized disposal point (within the overall disposal area) is specified for each dredging project in other project documents. NOTE: The map depicts the site's location in relation to landmarks. It is not intended for use in navigation.



PROJECT LOCATION  
 LAT: N44.77°  
 LON: W68.78°



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 Tel (207) 856-0277

SHEET TITLE:

BRWEER MODULE FACILITY - Location Map

DATE: 7-18-07

SCALE: 1"=2000'

PROJ. NO: 107168

FIGURE:

LOCATION:

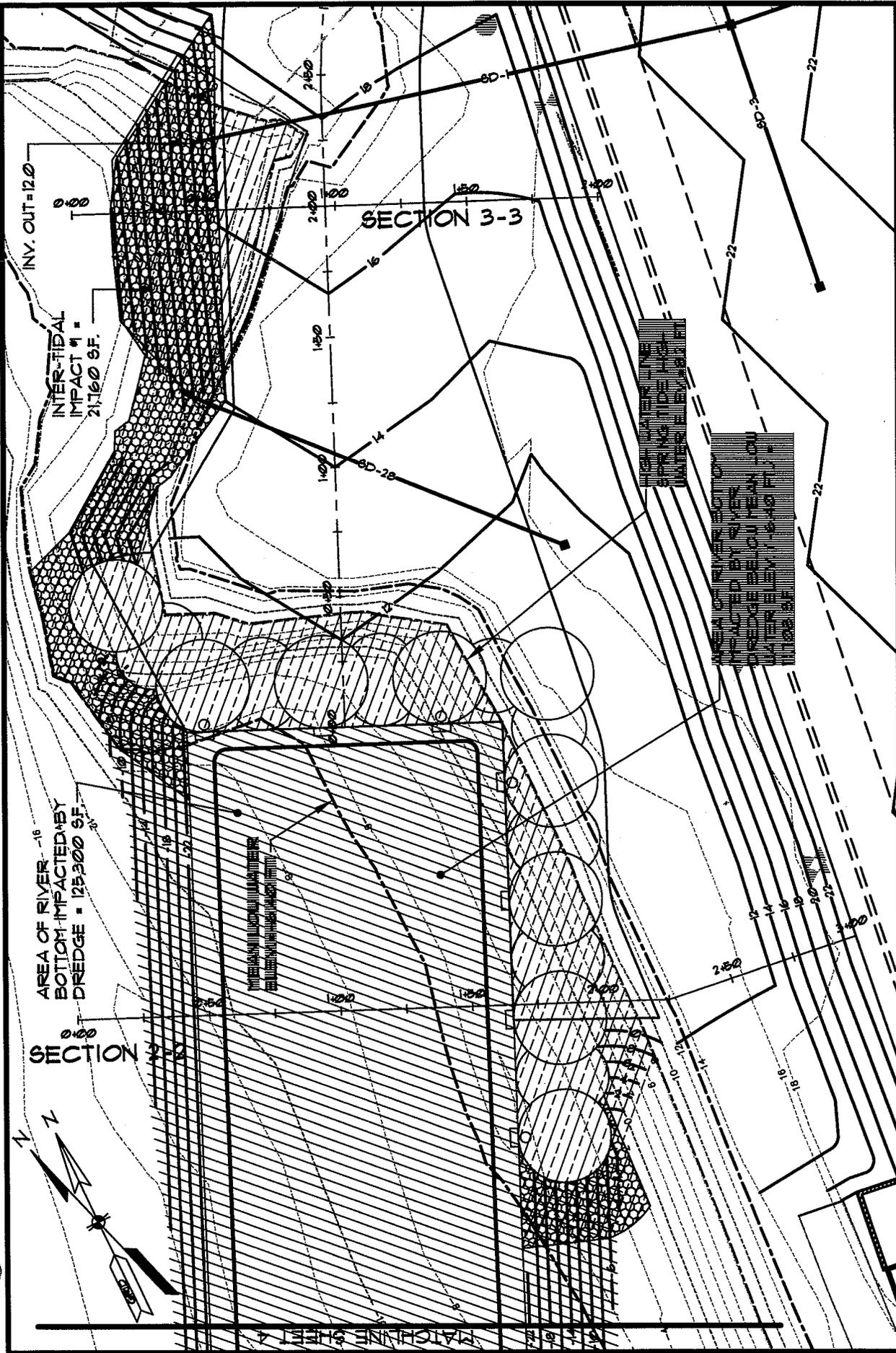
FORMER EASTERN FINE PAPER MILL  
 SOUTH MAIN ST./PENOBSCOT RIVER

FOR:

PENOBSCOT RIVER HOLDINGS, LLC  
 P.O. BOX 1000, PITTSFIELD, ME 04967

1 of 8



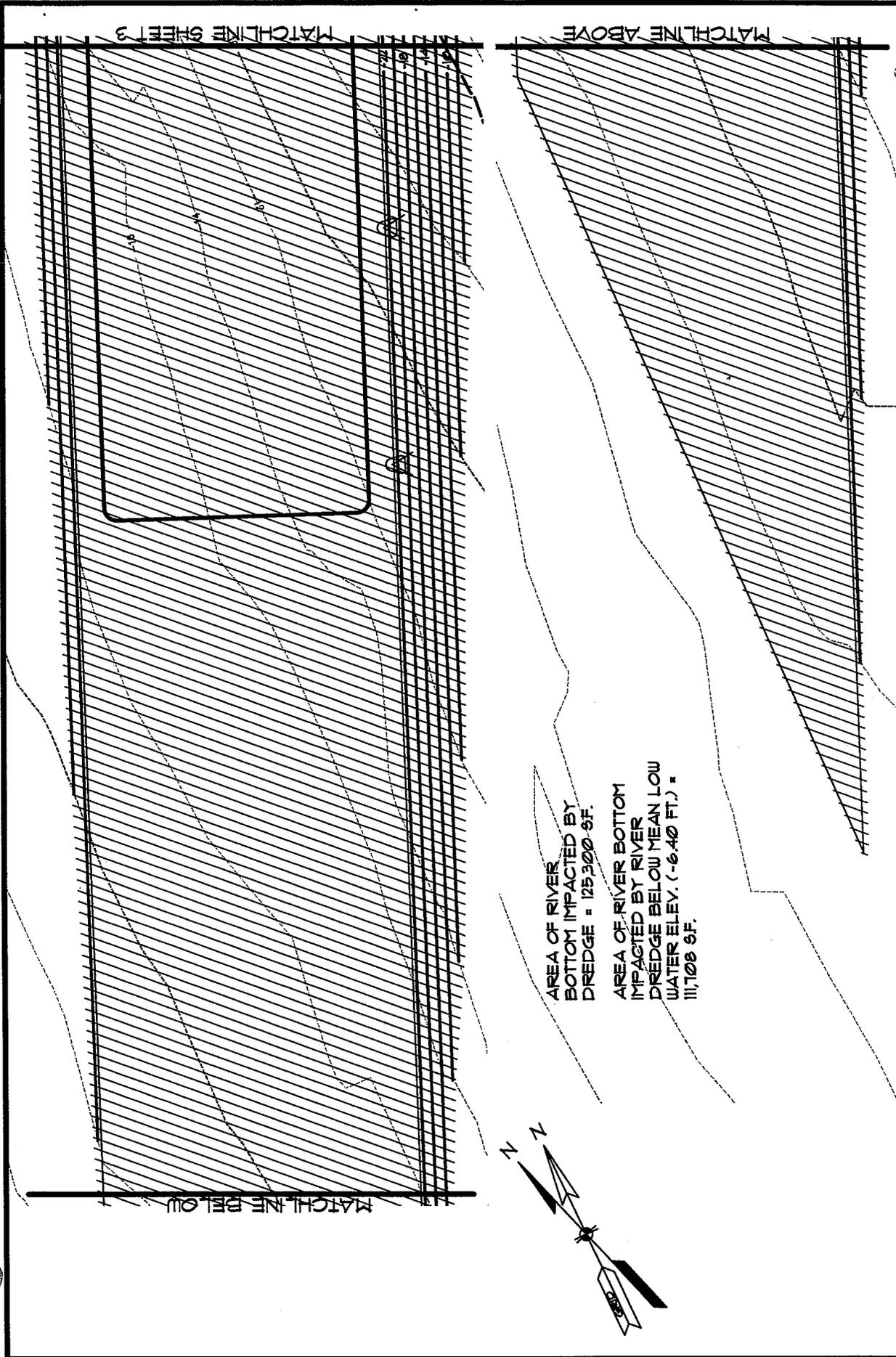


SCALE: 1"=50'  
 DATE: 7-18-07  
 SHEET: 3 of 8

**PLAN VIEW - WETLAND IMPACT AREA**  
 BREWER MODULE FACILITY

FOR:  
 FORMER EASTERN FINE PAPER MILL  
 SOUTH MAIN ST./PENOBSCOT RIVER

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AREA OF RIVER BOTTOM IMPACTED BY DREDGE = 125,300 SF.

AREA OF RIVER BOTTOM IMPACTED BY RIVER DREDGE BELOW MEAN LOW WATER ELEV. (-6.40 FT.) = 111,708 SF.

|        |          |
|--------|----------|
| SCALE: | 1" = 50' |
| DATE:  | 7-18-07  |
| SHEET: | 4 of 8   |

**PLAN VIEW - WETLAND IMPACT AREA**  
**BREWER MODULE FACILITY**

FOR:  
 PENOBSCOT RIVER HOLDINGS, LLC  
 P.O. BOX 1000, PITTSFIELD, ME 04967

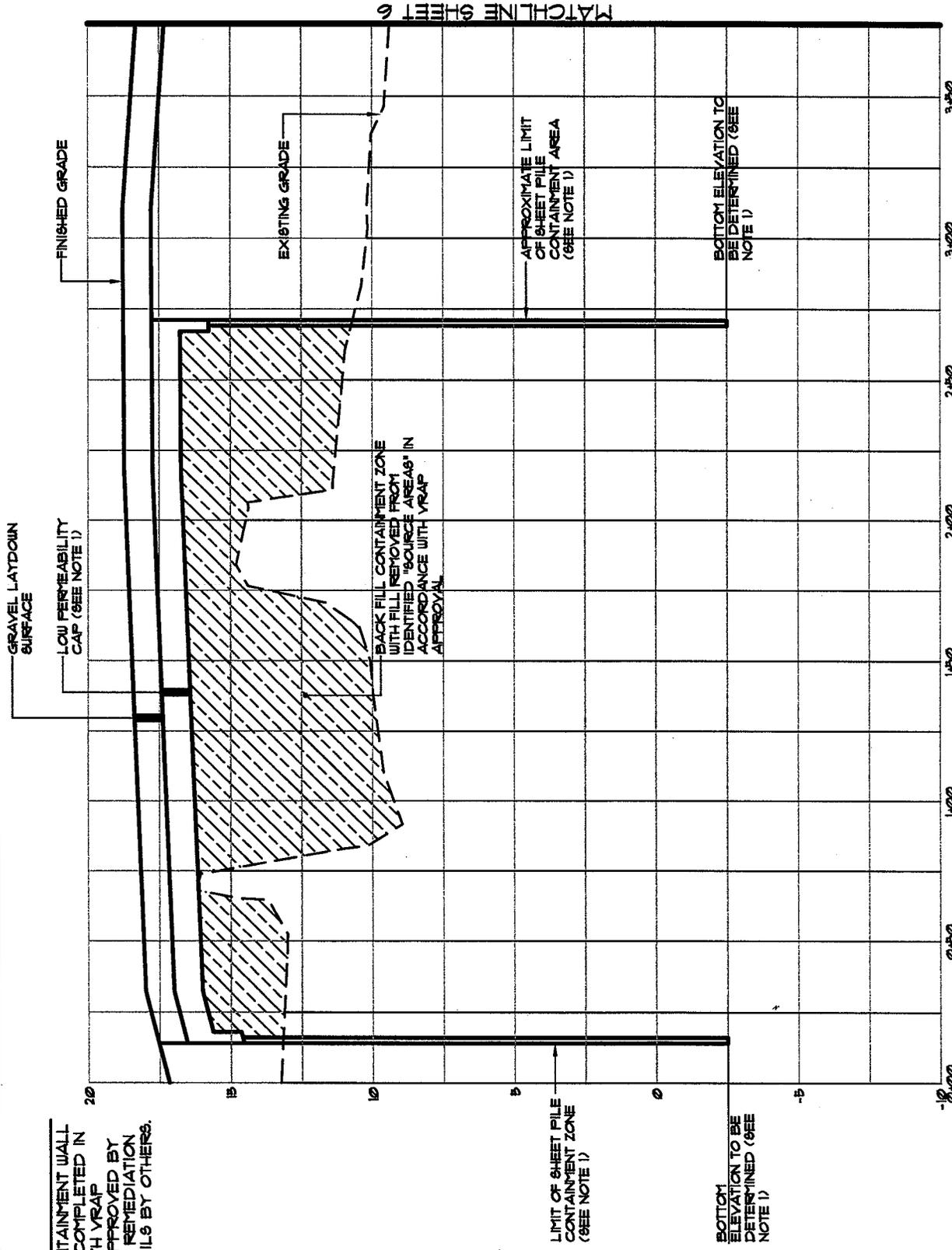
LOCATION:  
 FORMER EASTERN FINE PAPER MILL  
 SOUTH MAIN ST./PENOBSCOT RIVER



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**NOTES:**

- DESIGN OF CONTAINMENT WALL AND CAP TO BE COMPLETED IN ACCORDANCE WITH WRAP REVIEWED AND APPROVED BY MAINE DEP. SEE REMEDIATION PLANS AND DETAILS BY OTHERS.



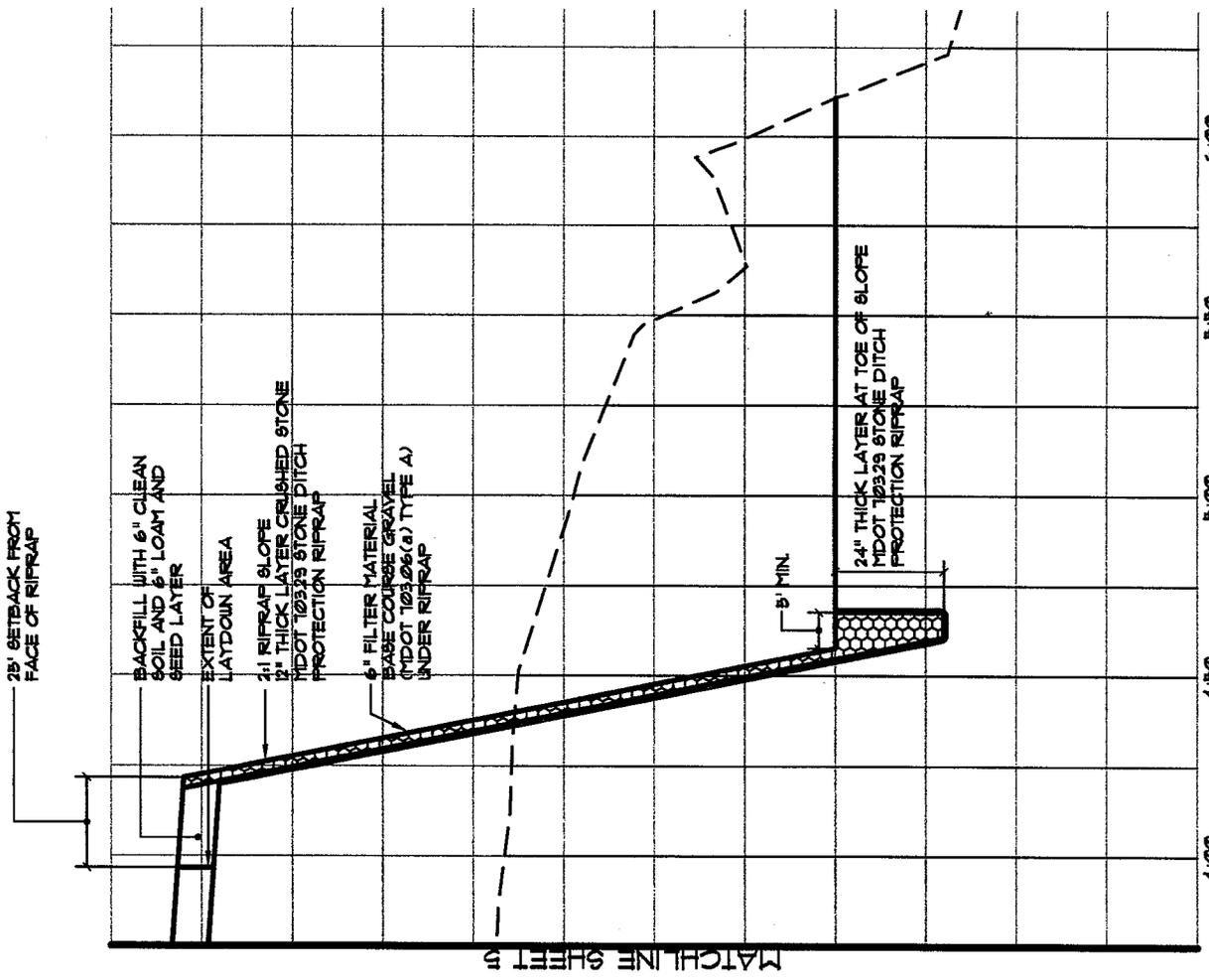
SCALE: 1" = 50'H, 1" = 5'V  
 DATE: 7-18-07  
 SHEET: 5 of 8

SECTION 1-1  
 BREWER MODULE FACILITY

FOR:  
 PENOBSCOT RIVER HOLDINGS, LLC  
 P.O. BOX 1000, PITTSFIELD, ME 04967

LOCATION:  
 FORMER EASTERN FINE PAPER MILL  
 SOUTH MAIN ST./PENOBSCOT RIVER

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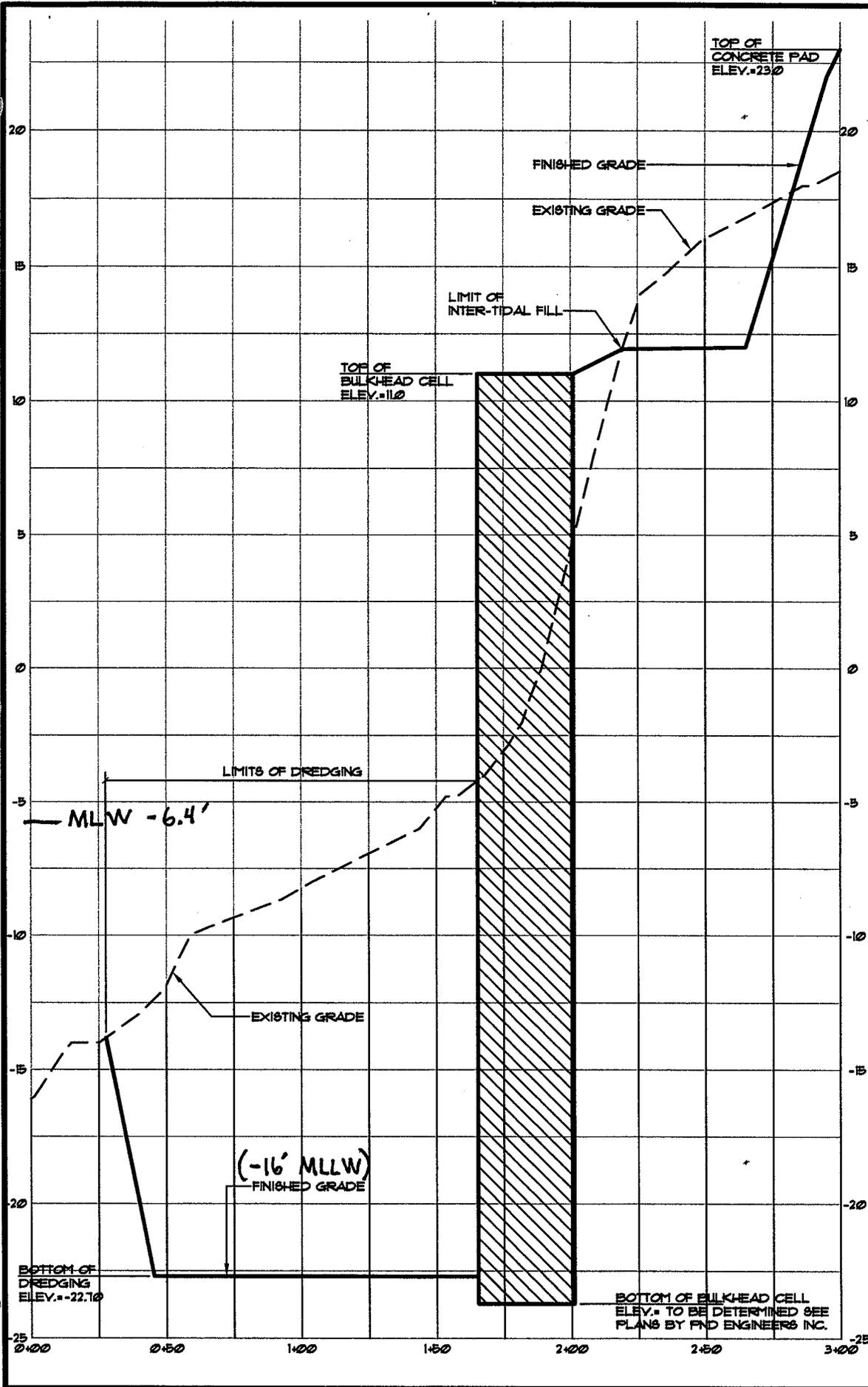
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 DATE: 7-18-07  
 SHEET: 6 of 8

SECTION 1-1  
 BREWER MODULE FACILITY

LOCATION:  
 FORMER EASTERN FINE PAPER MILL  
 SOUTH MAIN ST./PENOBSCOT RIVER

FOR:  
 PENOBSCOT RIVER HOLDINGS, LLC  
 P.O. BOX 1000, PITTSFIELD, ME 04967

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SCALE: 1" = 50'H, 1" = 5'V

DATE: 7-18-07

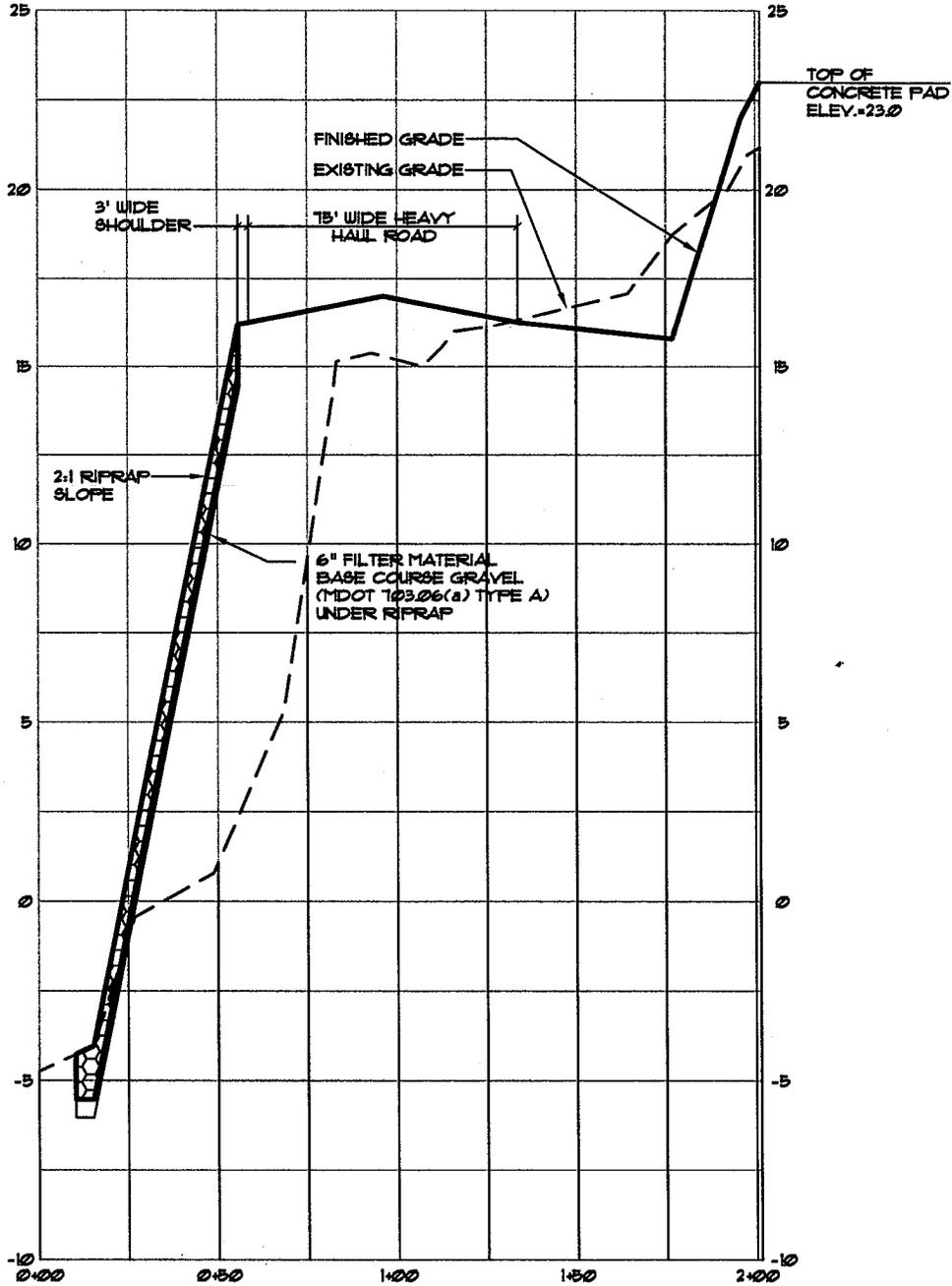
SHEET: 7 of 8

**SECTION 2-2  
BREWER MODULE FACILITY**

FOR: PENOBSCOT RIVER HOLDINGS, LLC  
P.O. BOX 1000, PITTSFIELD, ME 04967

LOCATION: FORMER EASTERN FINE PAPER MILL  
SOUTH MAIN ST./PENOBSCOT RIVER

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SCALE: 1"=50'H, 1"=5'V  
 DATE: 7-18-07  
 SHEET: 8 of 8

SECTION 3-3  
 BREWER MODULE FACILITY

FOR: PENOBSCOT RIVER HOLDINGS, LLC  
 P.O. BOX 1000, PITTSFIELD, ME 04967

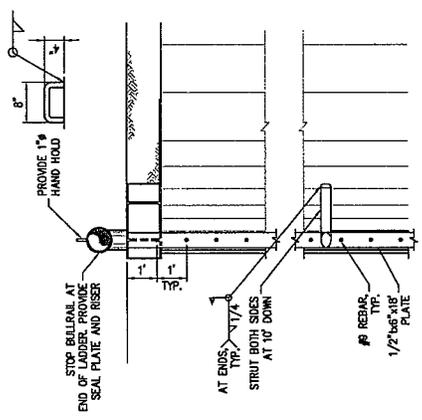
LOCATION:  
 FORMER EASTERN FINE PAPER MILL  
 SOUTH MAIN ST./PENOBSCOT RIVER

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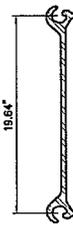




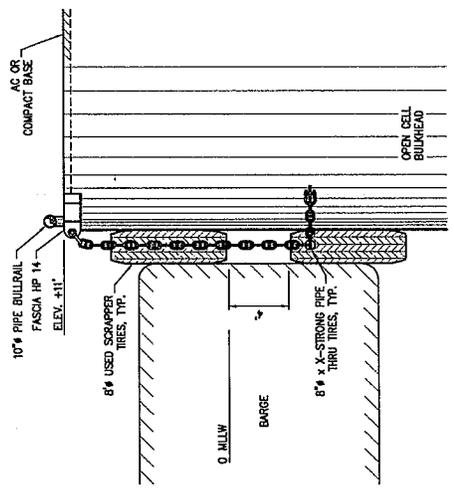




**BOLLARD AND LADDER DETAIL  
CELLS 2, 5, 7, 10**

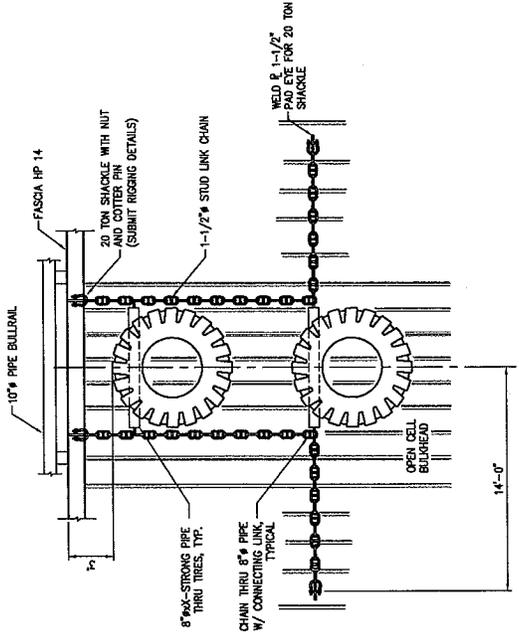


**PZ27.1  
SHEETPILE SECTION**



**SECTION**

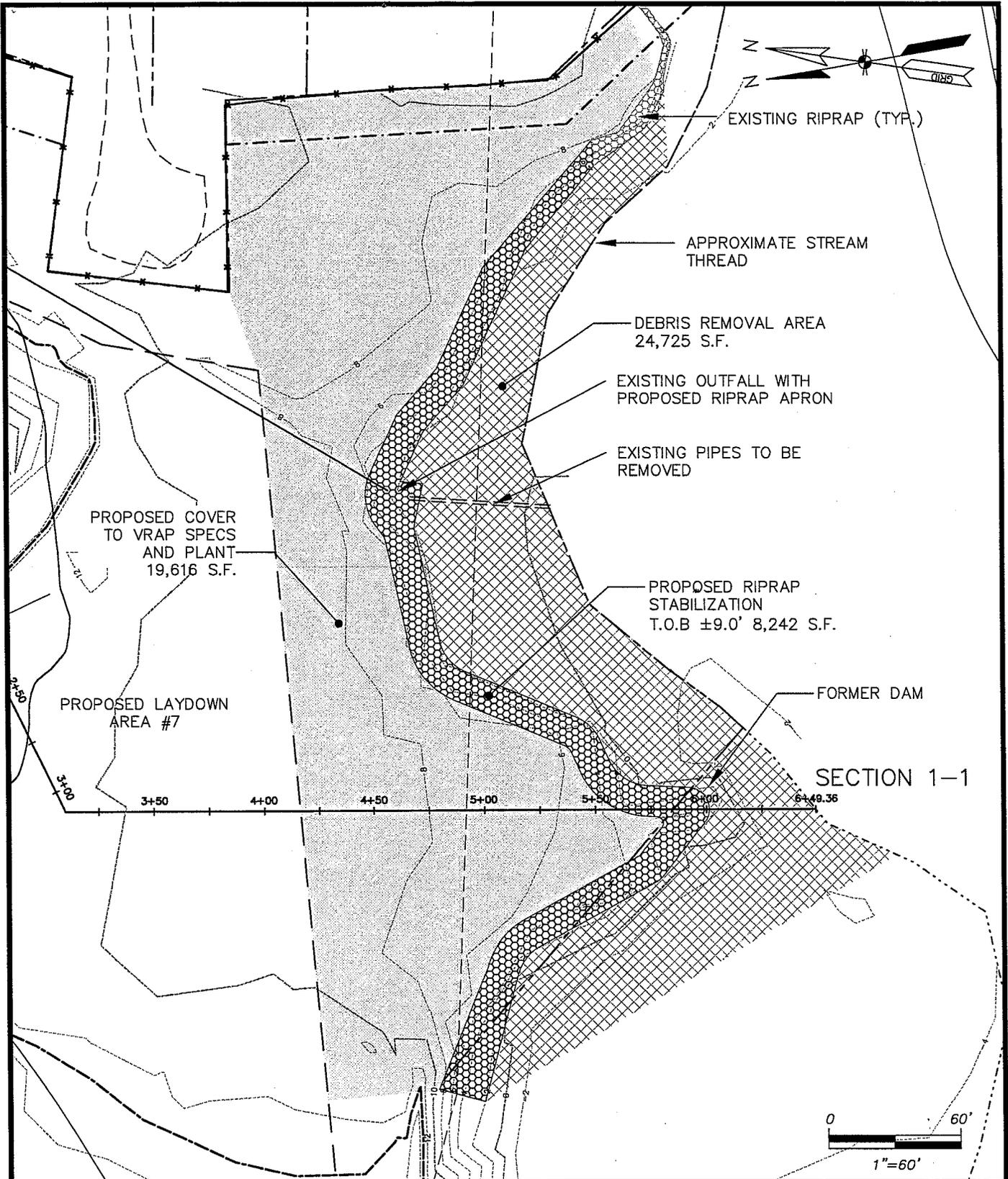
B-8  
SHT 2



**FRONT VIEW**

**PRIMARY CELLS 1-10  
YUKE TIRE FENDER SYSTEM**

|  |            |  |              |  |
|--|------------|--|--------------|--|
| <b>PNB ENGINEERS, INC.</b><br>811 First Avenue, Suite 570<br>Seattle, Washington 98104<br>Phone: 206-424-1300<br>Fax: 206-424-1188<br>Email: mail@pnbe.com |            | PNB ENGINEERS, INC. IS NOT RESPONSIBLE FOR SAFETY PROGRAMS, METHODS OR PROCEDURES OF OPERATION, OR THE CONSTRUCTION OF THE DESIGN SHOWN ON THESE DRAWINGS. THE USER OF THESE DRAWINGS SHALL CONFORM TO STANDARDS OF INDUSTRY PRACTICE AND SHALL BE RESPONSIBLE FOR THE SAFETY AND ARE NOT INTENDED FOR REUSE WITHOUT WRITTEN APPROVAL FROM PNB. THESE DRAWINGS ALSO SHALL NOT BE USED FOR ANY OTHER PROJECT WITHOUT WRITTEN APPROVAL FROM PNB. THIS SHALL CONSTITUTE A DERIVATIVE DIRECTLY OR INDIRECTLY TO PNB. |              | PROJECT NO. 07-049-01-04-1ng<br>SHEET NO. 4 OF 4<br>DATE: JUNE 2007<br>SCALE: AS SHOWN |
| PROJECT:   | REVISIONS: | DATE:  | DESCRIPTION: |  |
| <b>PENOBSCOT RIVER<br/>MODULE FACILITY</b>   |            | <b>SHEETPILE BULKHEAD<br/>CELL FENDERING SYSTEM DETAILS</b>  |              |  |



PREPARED BY:



**WOODLOT**  
ALTERNATIVES, INC.  
ENVIRONMENTAL CONSULTANTS

107168-F5-6-mitigation-revise conceptual 81407.dwg

SHEET TITLE:  
**Conceptual Mitigation Area - Plan View**

PROJECT:  
**Brewer Module Facility  
Brewer, Maine**

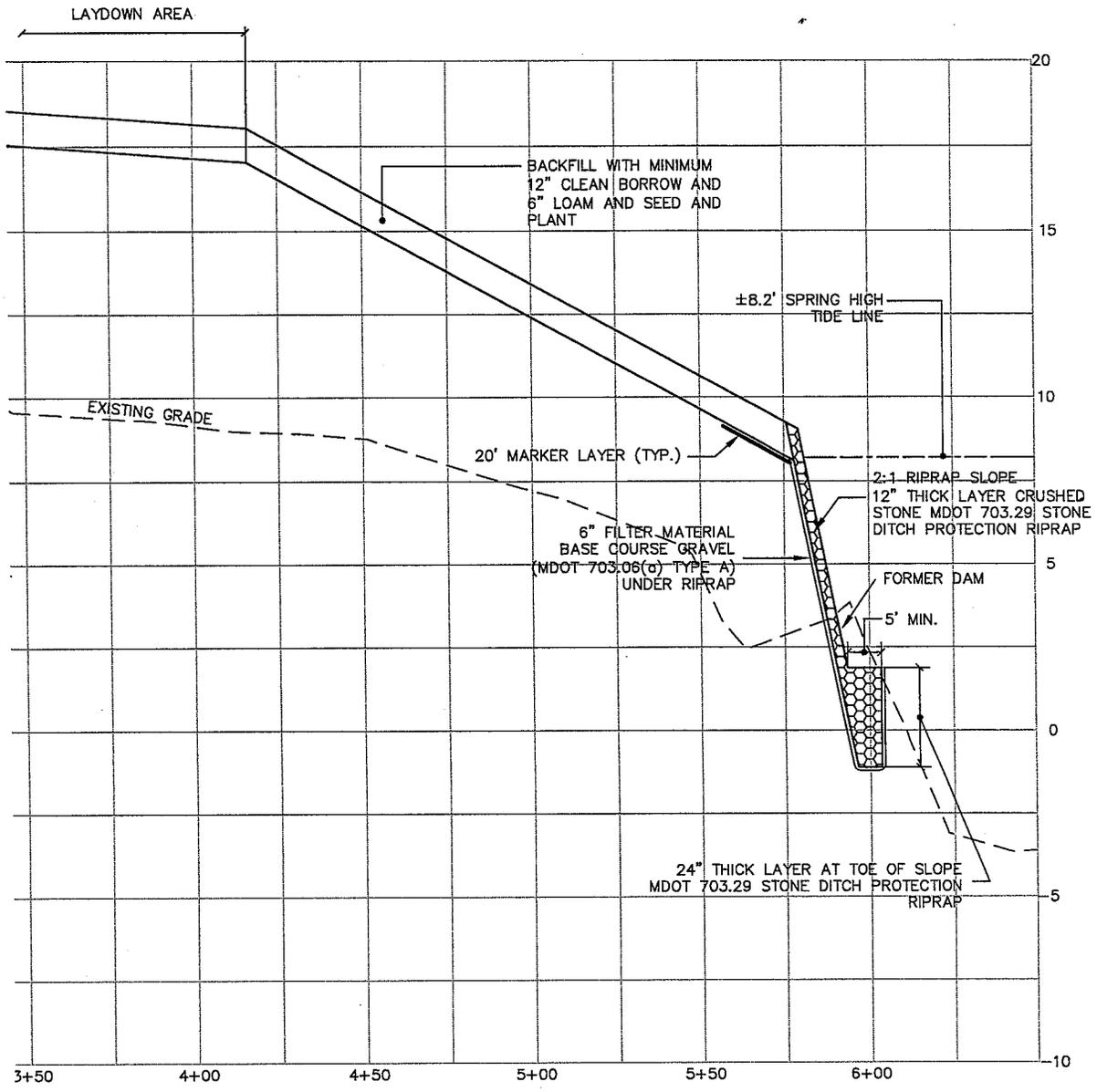
DATE: 08/14/2007

SCALE: 1"=60'

PROJ. NO.: 107168

FIGURE:

25' PLANTED BUFFER



PREPARED BY:



**WOODLOT**  
ALTERNATIVES, INC.  
ENVIRONMENTAL CONSULTANTS

107168-F5-6-mitigation-revise conceptual 8/14/07.dwg

SHEET TITLE:

**Conceptual Mitigation Area - Section 1-1**

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PROJECT:

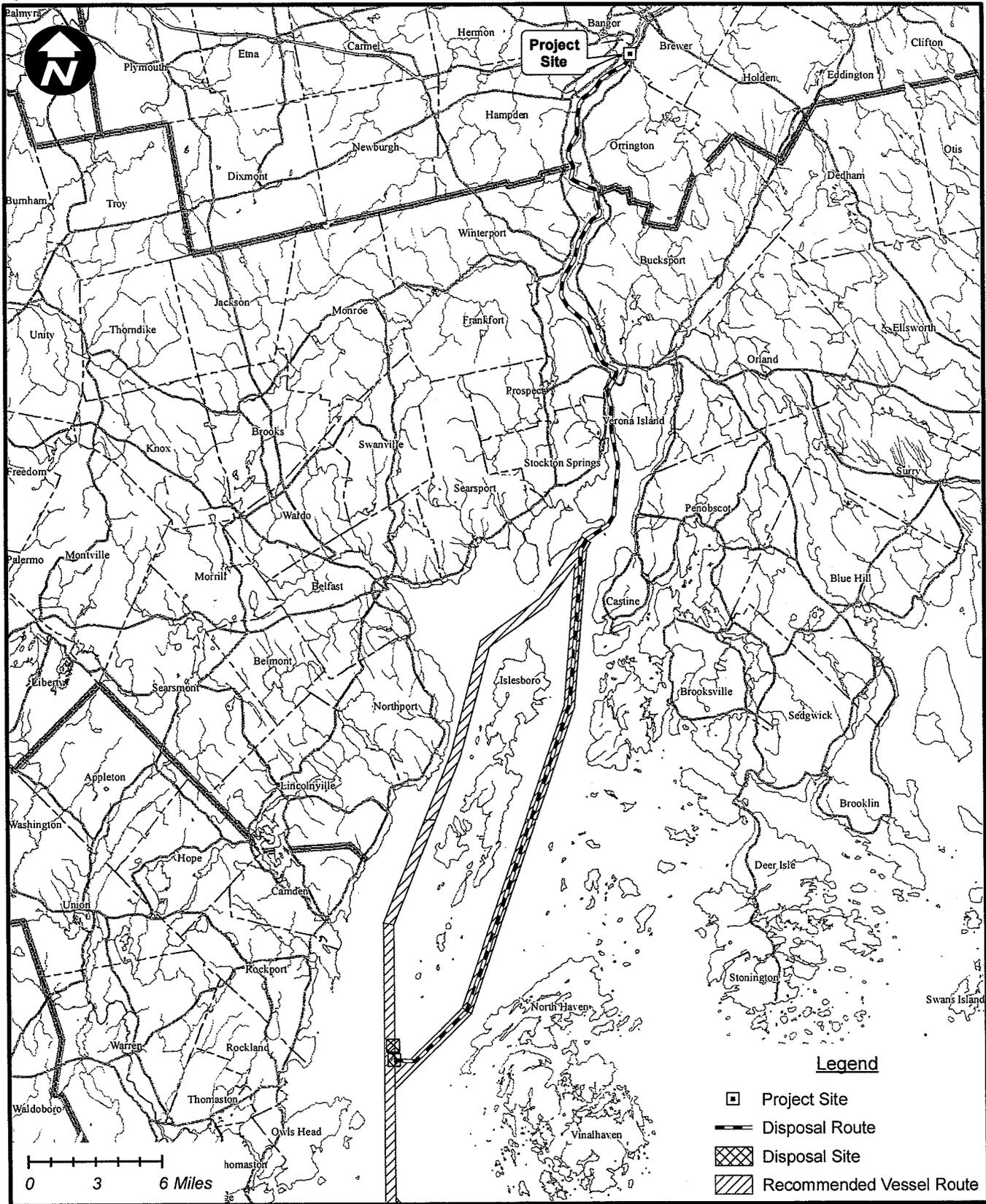
**Brewer Module Facility  
Brewer, Maine**

DATE: 08/14/2007

SCALE: 1"=50'H, 1"=5'V

PROJ. NO.: 107168

FIGURE:



Prepared By:



107168-F00-DredgeRoute.mxd

Sheet Title:

### Dredge Spoil Route Map

Project:

### Brewer Module Facility Brewer, Maine

Date: July 2007

Scale: 1" = 6 Miles

Proj. No.: 107168

Figure: