



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

PUBLIC NOTICE

Date: JANUARY 27, 2004
Comment Period Ends: FEBRUARY 27, 2004
File Number: 200302527
In Reply Refer To: Jay L. Clement
Or by e-mail: jay.l.clement@usace.army.mil

C.B. MARINE CONSTRUCTION CORP., 446 COMMERCIAL STREET, PORTLAND, MAINE 04101 has requested a Corps of Engineers permit under Section 10 of the Rivers & Harbors Act of 1899 to install and maintain a dry dock in Portland Harbor at Portland, Maine. The work is described on the enclosed plans entitled "C.B. MARINE CONSTRUCTION CORP., PROPOSED DRYDOCK, PORTLAND, MAINE" in four sheets undated.

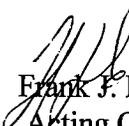
1. The dry dock measures approximately 122'x 65' and will be secured to the southeastern face of Deakes Wharf where the applicant operates a marine construction operation. It will extend approximately 66' off the face of the wharf and will allow the applicant to develop a commercial vessel repair facility as a complement to his other operations. It will be secured by cables to the wharf and is designed to be mobile.
2. The installation and operation of the drydock may impact benthic marine habitat. This bottom habitat constitutes Essential Fish Habitat (EFH) – see attached list for species and life stages. The impacts of the structure are expected to be minimal, consisting primarily of shading and periodic disturbance as the drydock is operated. These impacts are not unlike surrounding traditional commercial activity along the Portland waterfront. The District Engineer has made a preliminary determination that the site-specific adverse effect on EFH 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.

This project is located on the USGS PORTLAND WEST quadrangle sheet at Latitude 43° 38' 53.28"N; Longitude 70° 15' 24.01"W.

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.

SEE NEXT PAGE FOR
DETAILS OF EVALUATION
FACTORS


Frank J. Delgiudice
Acting Chief, Permits & Enforcement Branch
Regulatory Division

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.

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.

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 fulfill requirements under Section 106 of the National Historic Preservation Act of 1966, as amended, will be ongoing as part of the permit review process.

Pursuant to the Endangered Species Act, the District Engineer is hereby requesting that the appropriate Federal Agency provide comments regarding the presence of and potential impacts to listed species or its critical habitat.

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.

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 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.

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.

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) Designation

10' x 10' Square Coordinates:

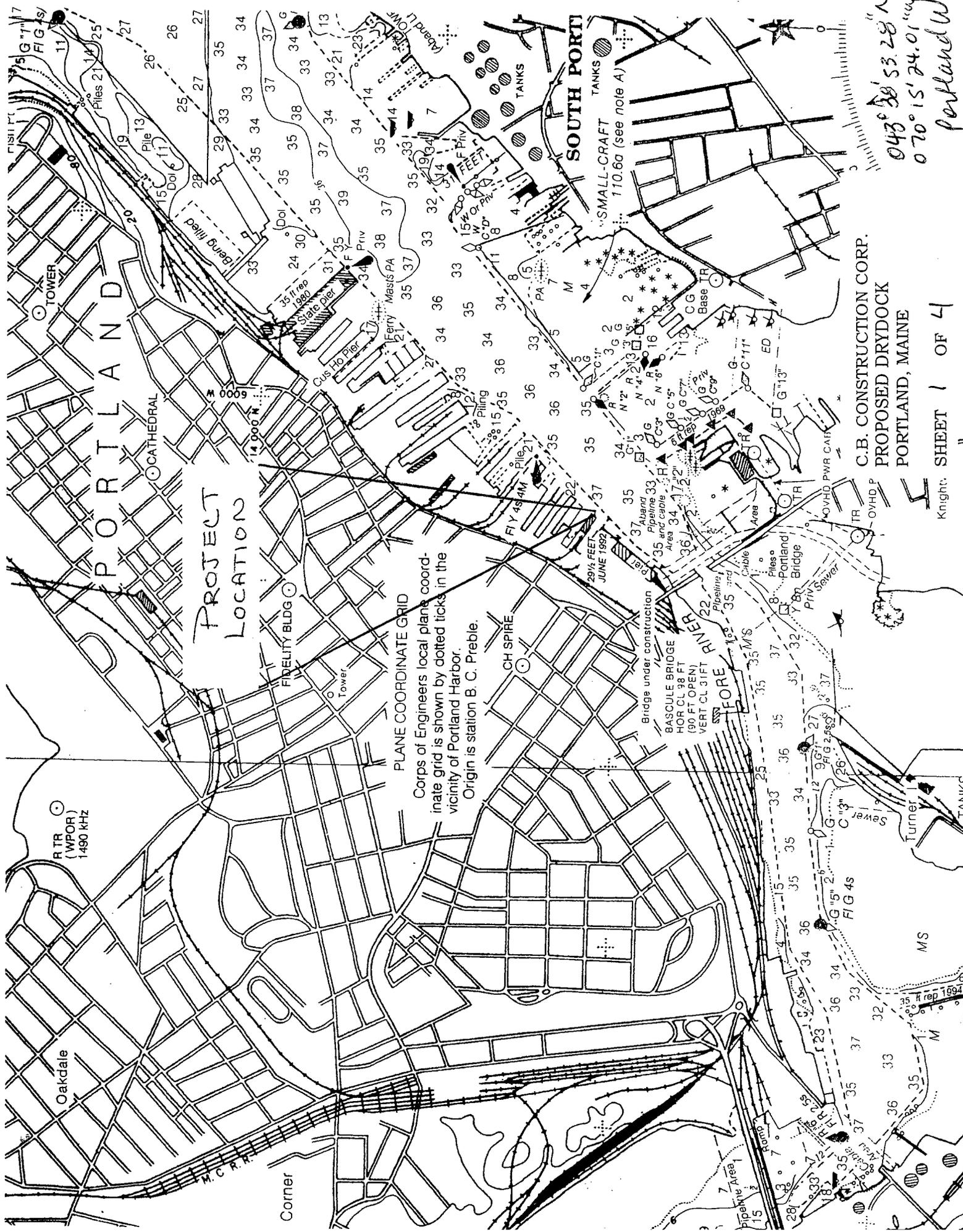
Boundary	North	East	South	West
Coordinate	43° 40.0' N	70° 10.0' W	43° 30.0' N	70° 20.0' W

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 (<i>Salmo salar</i>)				X
Atlantic cod (<i>Gadus morhua</i>)	X	X	X	X
haddock (<i>Melanogrammus aeglefinus</i>)				X
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

yellowtail flounder (<i>Pleuronectes ferruginea</i>)	X	X	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>Peprillus 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



PORTLAND

PROJECT LOCATION

PLANE COORDINATE GRID
 Corps of Engineers local plane coordinate grid is shown by dotted ticks in the vicinity of Portland Harbor.
 Origin is station B. C. Preble.

SOUTH PORT TANKS

C.B. CONSTRUCTION CORP.
 PROPOSED DRYDOCK
 PORTLAND, MAINE

SHEET 1 OF 4
 II

043° 58' 53.28" N
 070° 15' 24.01" W
 Portland W

R TR (WPOR) 1490 KHZ

Oakdale

Corner

CH SPIRE

Bridge under construction
 BASQUE BRIDGE
 HOR CL 98 FT
 (90 FT OPEN)
 VERT CL 31 FT

SMALL-CRAFT TANKS

110.6a (see note A)

FORE RIVER

PIPELINE 33 and cable Area 34

PIPELINE 35 and cable Area 36

PIPELINE 37

PIPELINE 38

PIPELINE 39

PIPELINE 40

PIPELINE 41

PIPELINE 42

PIPELINE 43

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PIPELINE 95

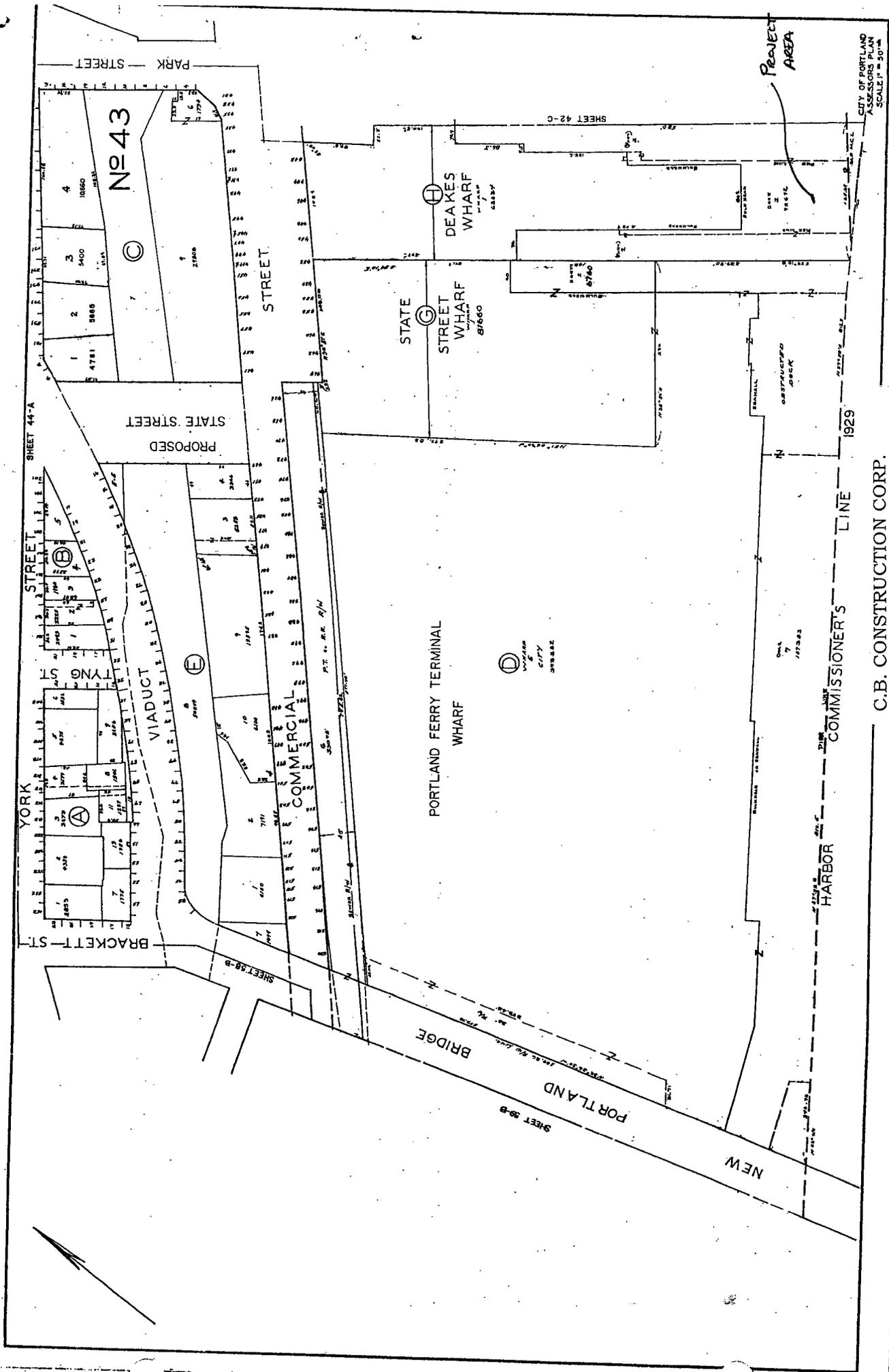
PIPELINE 96

PIPELINE 97

PIPELINE 98

PIPELINE 99

PIPELINE 100



C.B. CONSTRUCTION CORP.
 PROPOSED DRYDOCK
 PORTLAND, MAINE

SHEET 2 OF 4

CITY OF PORTLAND
 ASSESSORS PLAN
 SCALE 1" = 50'

- LEGEND**
- AREA WITH SET (NOT FENCED)
 - AREA ON FORECAST OF
 - UTILITY POLE
 - CHAIN BENCH
 - SIGN POST
 - BELLARD
 - FENCE LINE
 - EXISTING BUILDING
 - APPROXIMATE LOCATION GAS LINE
 - APPROXIMATE LOCATION WATER LINE
 - APPROXIMATE LOCATION SEWER LINE
 - APPROXIMATE LOCATION UNDERGROUND ELEC.
 - H.C.L. HARBOR COMMISSARIERS LINE

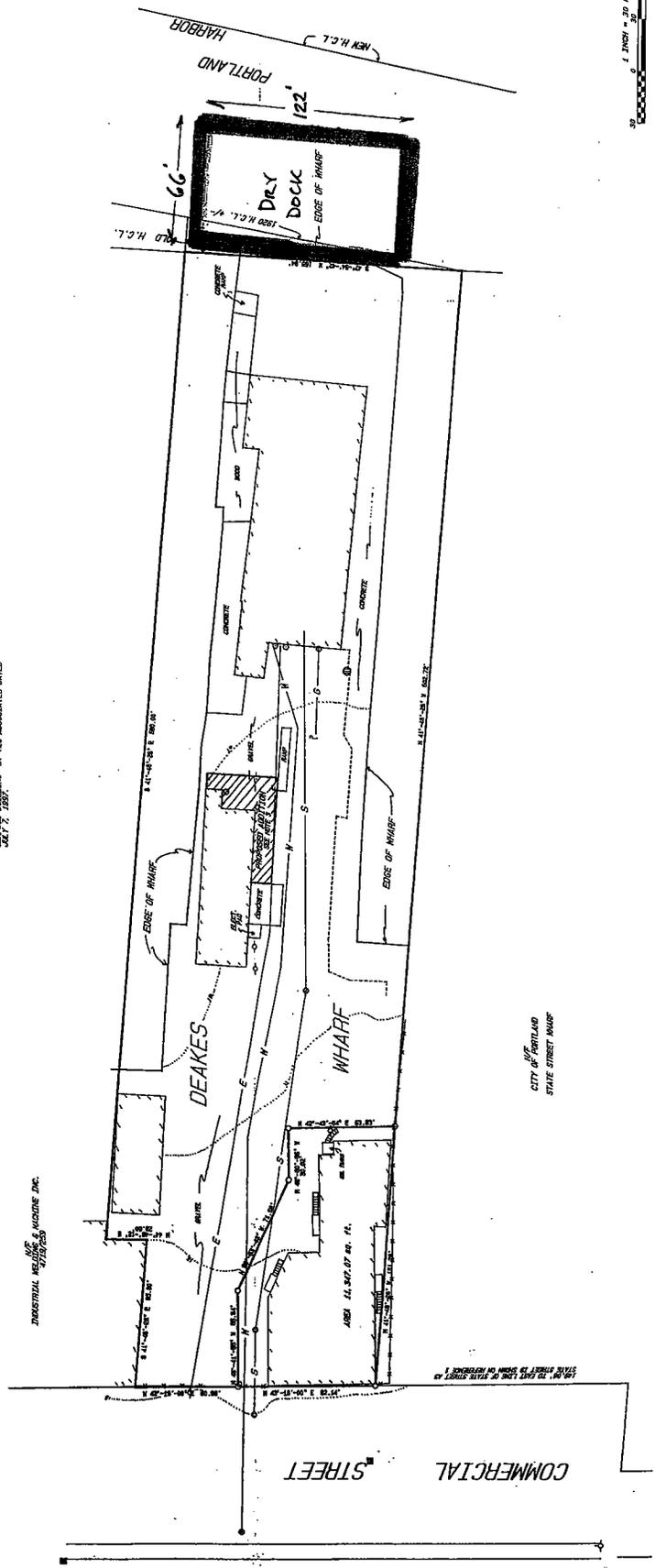
OWNER OF RECORD
 BERNARD MAINE CONST. CORP.
 2000000

AREA
 AREA = 2.21 ACRES

- REFERENCE**
- 1) PLAN OF COMMERCIAL STREET, APPROXIMATELY AS SHOWN IN THE CITY OF PORTLAND INC. 1957.
 - 2) PLAN OF A PORTION OF THE STREETS AND ALLEYS OF THE CITY OF PORTLAND, MAINE, AS SHOWN IN THE CITY RECORDS OF 1958.
 - 3) PLAN OF DEAKES WHARF DATED JAN. 1958 BY E.C. LORAIN.
 - 4) PLAN OF DEAKES WHARF DATED OCTOBER 27, 1958 BY COLLEBURN & ASSOCIATES.

- NOTES**
- 1) RECORDS ARE REFERRED TO THE APPROPRIATE DEPARTMENT OF THE CITY OF PORTLAND.
 - 2) RECORDS ARE PROVIDED BY M.A.S.T. ASSOCIATES, INC. 1500 MILLIKEN HOLLOW BRIDGE AVENUE, DEPT. 10, 500, PORTLAND, MAINE.
 - 3) SEE PLAN DATED OCTOBER 27, 1958 BY COLLEBURN & ASSOCIATES.

INDUSTRIAL RELIANCE & MACHINE INC.
 1957-1958



CITY OF PORTLAND
 STATE STREET MAP



STANDARD BOUNDARY SURVEY
SITE PLAN
 MADE FOR
ROGER HALE
 264 BROADTOWN ROAD SCARBOROUGH, MAINE
 JUNE 30, 1957
 COLLEBURN LAND SURVEYING
 BURLINGTON, MAINE 05210
 77-1150

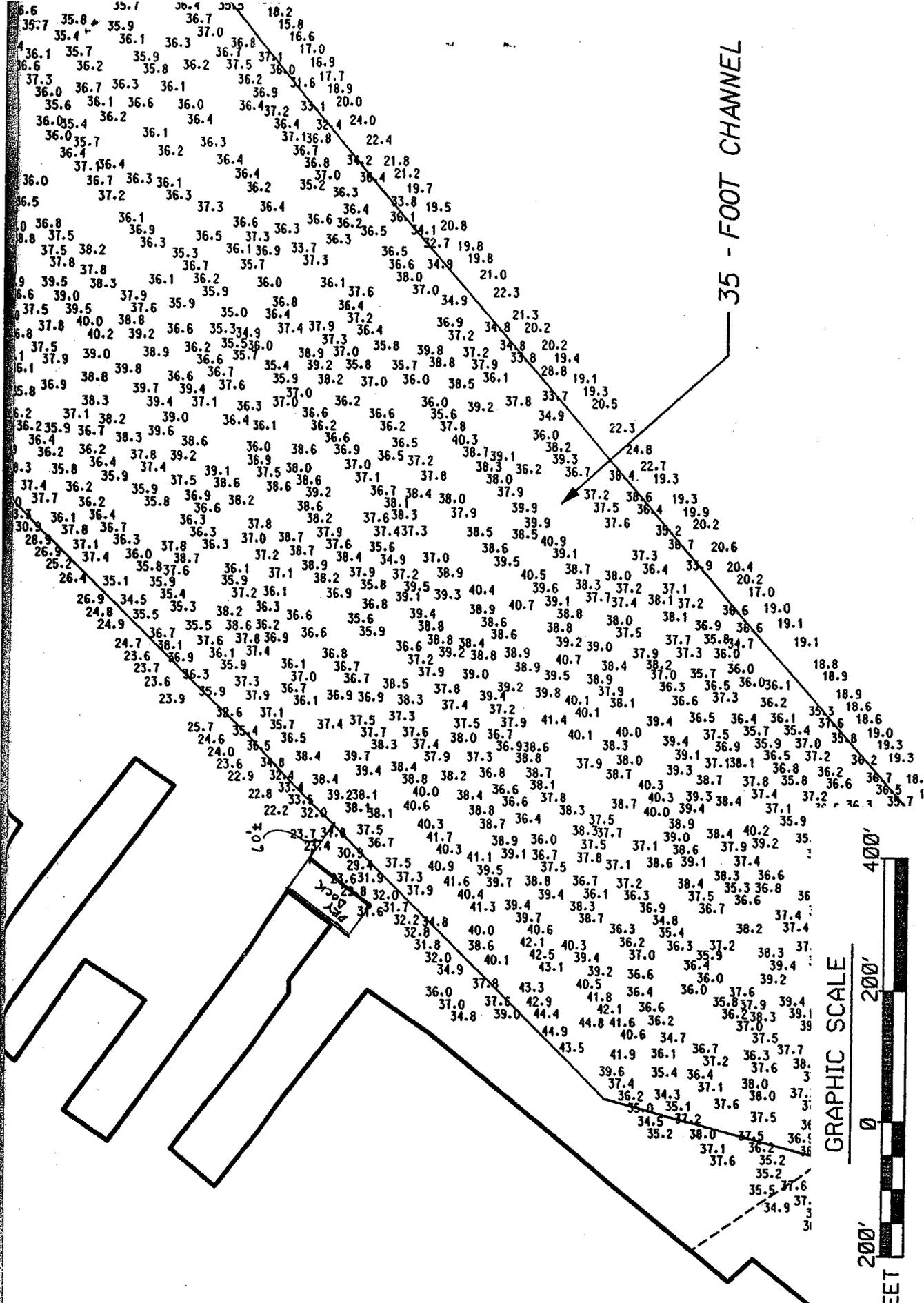
UNDERGROUND UTILITIES ARE APPROXIMATE ONLY
 CALL DIG-SAFE BEFORE ANY CONSTRUCTION

Handwritten signature

BY THE SURVEYOR OF THE BOUNDARY SURVEY
 FOR THE RECORD OF THE CITY OF PORTLAND
 PORTLAND, MAINE
 JUNE 30, 1957

C.B. CONSTRUCTION CORP.
PROPOSED DRYDOCK
PORTLAND, MAINE

SHEET 3 OF 4



35 - FOOT CHANNEL

LOW

GRAPHIC SCALE



C.B. CONSTRUCTION CORP.
 PROPOSED DRYDOCK
 PORTLAND, MAINE
 SHEET 4 OF 4

Designed by: S. Flanagan	Drawn by: H. H. H.	Rev.:
Surveyed by: P. O'Brien hydrographic crew	Design file no. 2488	
Reviewed by: Chief Surveyor	Drawing code:	
Submitted by: S. Flanagan	File name: 99385cd.dgn	
Chief, Tech Support Sect	Plot code:	
	Plot scale: 1" = 200'	

U.S. ARMY ENGINEER DISTRICT
 CORPS OF ENGINEERS
 CONCORD, MASSACHUSETTS

PORTLAND HARBOR
 MAINE
 AFTER DREDGE SURVEY
 35-FOOT CHANNEL