



**US Army Corps
of Engineers**
New England District

Maine Project Office
675 Western Ave. #3
Manchester, Maine 04351

PUBLIC NOTICE

Date: APRIL 20, 2004

Comment Period Ends: MAY 20, 2004

File Number: NAE-2004-322

In Reply Refer To: Jay L. Clement

Or by e-mail: jay.l.clement@usace.army.mil

**MAINE DEPT. OF TRANSPORTATION, 16 STATE HOUSE STATION, AUGUSTA, MAINE 04333
& CITY OF PORTLAND, 389 CONGRESS STREET, PORTLAND, MAINE 04101** have requested a

Corps of Engineers Permit under Section 10 of the Rivers & Harbors Act of 1899 and Section 404 of the Clean Water Act to develop Ocean Gateway Phase 1, a multi-modal marine transportation facility in Portland Harbor at Portland, Maine shown on the attached plans and described as follows:

1. The Ocean Gateway project comprises two distinct components: improvements to the former Bath Iron Works site (BIW) and improvements to the Casco Bay Island Transit District facility (CBITD) at the adjacent Maine State Pier. The improvements at BIW (Pier 2) center on the development of two ship berths and include expanding the existing pier, constructing three new buildings on the upland, extending the adjacent street network, and other upland improvements. Once completed, the facility will accommodate the relocated Scotia Prince International Ferry as well as a berth for the cruise ship trade. Regulated work includes the reconstruction and expansion of Pier 2 and the reconstruction of the existing deteriorated granite block retaining wall along the shore. Reconstruction of the wall will include the installation of stormwater outfalls and the associated placement of stone riprap below the high tide line in order to provide erosion control.
2. The improvements to the CBITD facility (Pier 1) have not been finalized. They are being referenced in this notice in order to assess potential secondary and cumulative impacts. Regulated work is likely to include the construction of a freight storage shed on the Maine State Pier. This building would be constructed within the existing footprint of the pier.
3. Future phases of the Ocean Gateway project have yet to be determined and are largely funding dependent. They may include the construction of a new pier east of Pier 2 for tug boat operations, commercial vessels, and recreational craft; a new pier between Piers 1 & 2 for public service vessels; continued upland improvements to include public amenities and open space; and additional improvements to Pier 1.
4. The pier improvements and intertidal filling will impact benthic marine habitat. This bottom habitat constitutes Essential Fish Habitat (EFH) – see attached list for species and life stages. The impacts of the work are expected to be minimal, consisting primarily of turbidity and construction related disturbance. These impacts are expected to be temporary in nature and will rapidly diminish upon project completion. 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 43.6590995 N; Longitude 70.2456716 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. Delguidice
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:

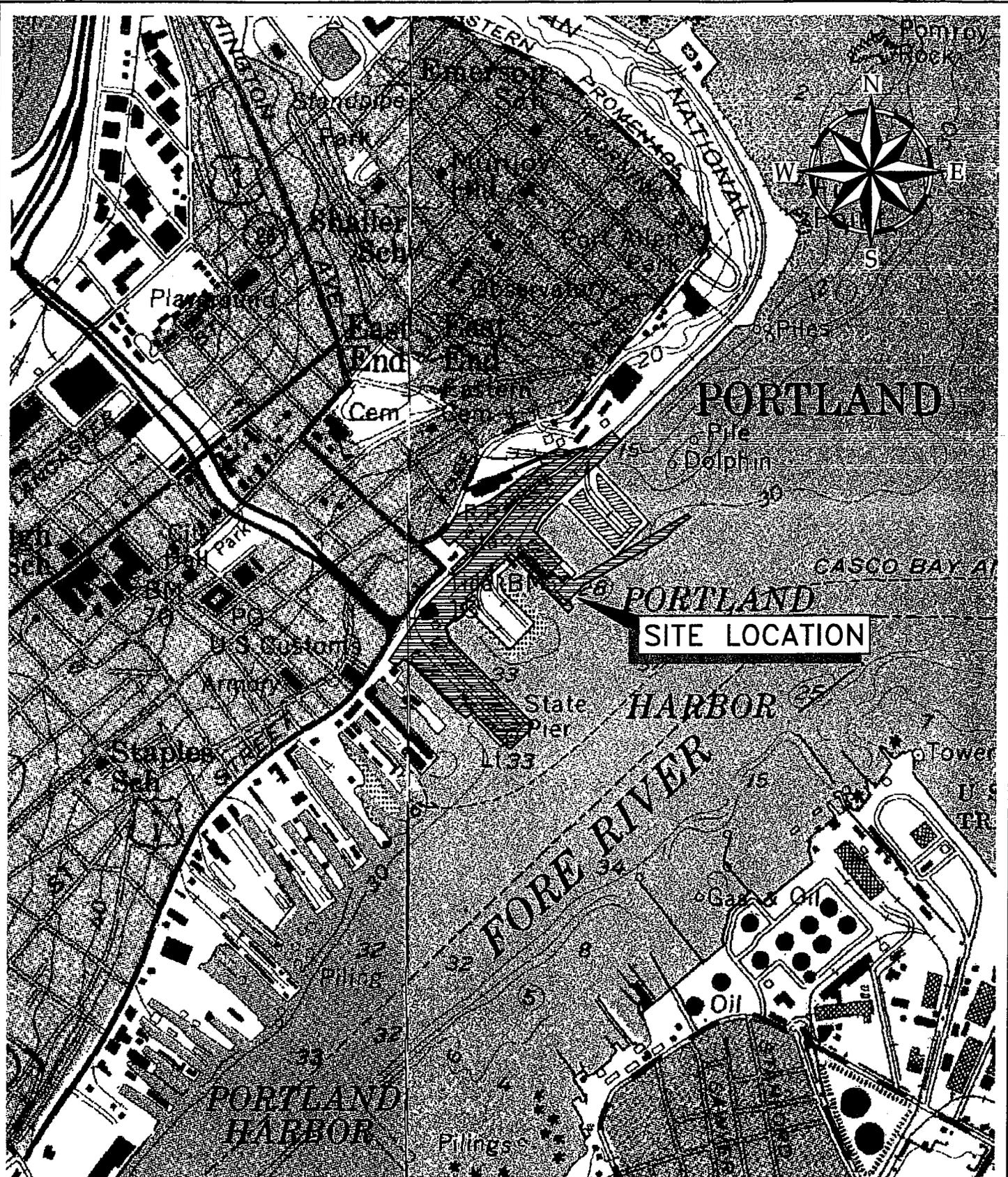
Boundary	North	East	South	West
Coordinate	43° 40.0' N	70° 10.0' W	43° 30.0' N	70° 20.0' W

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



NOTE:

SOURCE: UNITED STATES GEOLOGICAL SURVEY, 1:24,000 QUADRANGLE, 7.5 MINUTE SERIES - PORTLAND EAST AND WEST



43.6590995; 70.2456716

WOODARD & CURRAN
Engineering • Science • Operations
PORTLAND, MAINE 800-426-4262

LOCATION MAP

DESIGNED BY: JBC CHECKED BY: BSS
DRAWN BY: JBC 20343802-U003-NRPA.dwg

CITY OF PORTLAND AND MAINE
DEPARTMENT OF TRANSPORTATION

OCEAN GATEWAY

JOB NO: 203438.02
DATE: JANUARY 2004
SCALE: 1" = 1000'±

Exhibit 3

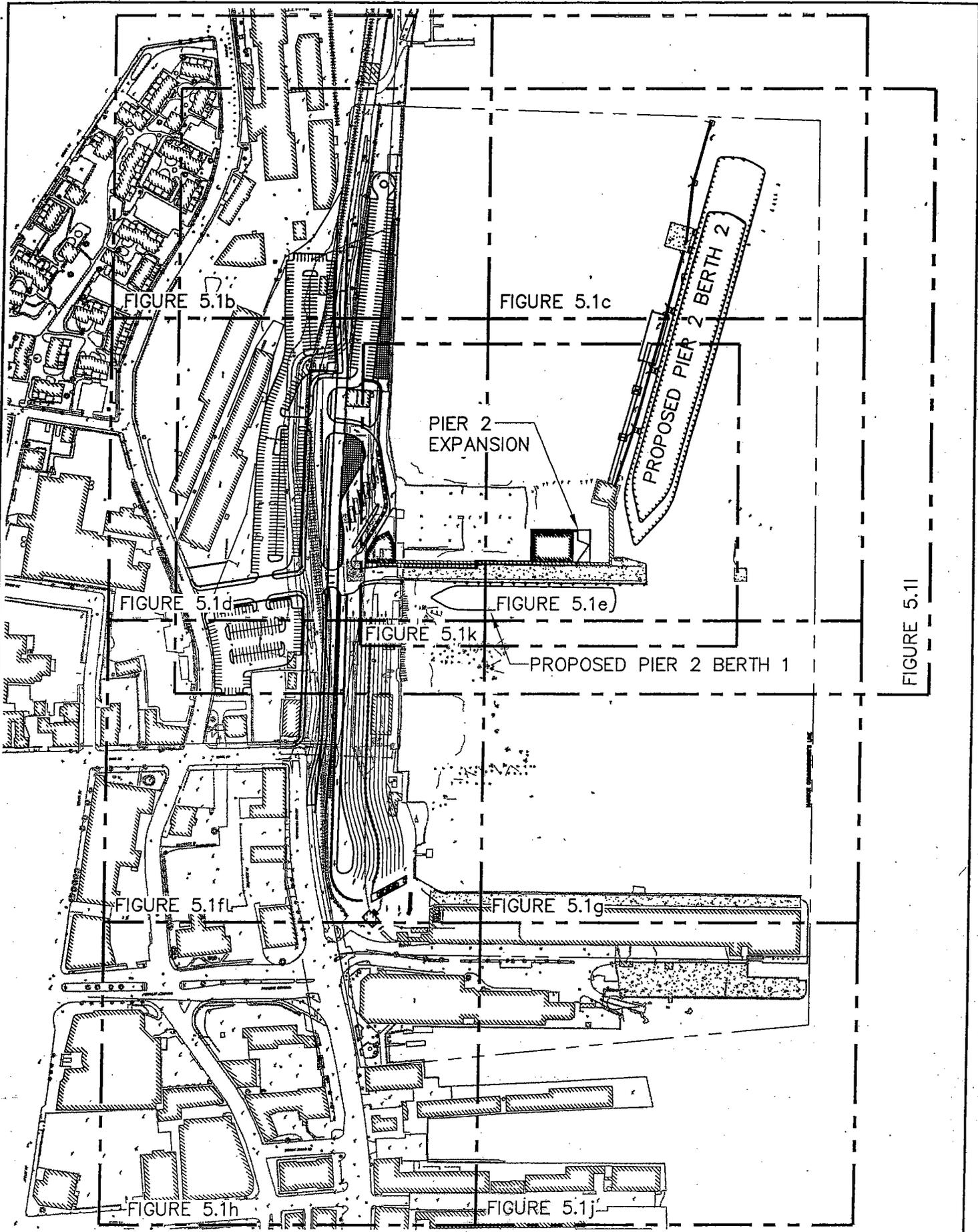


FIGURE 5.1i

KEY PLAN

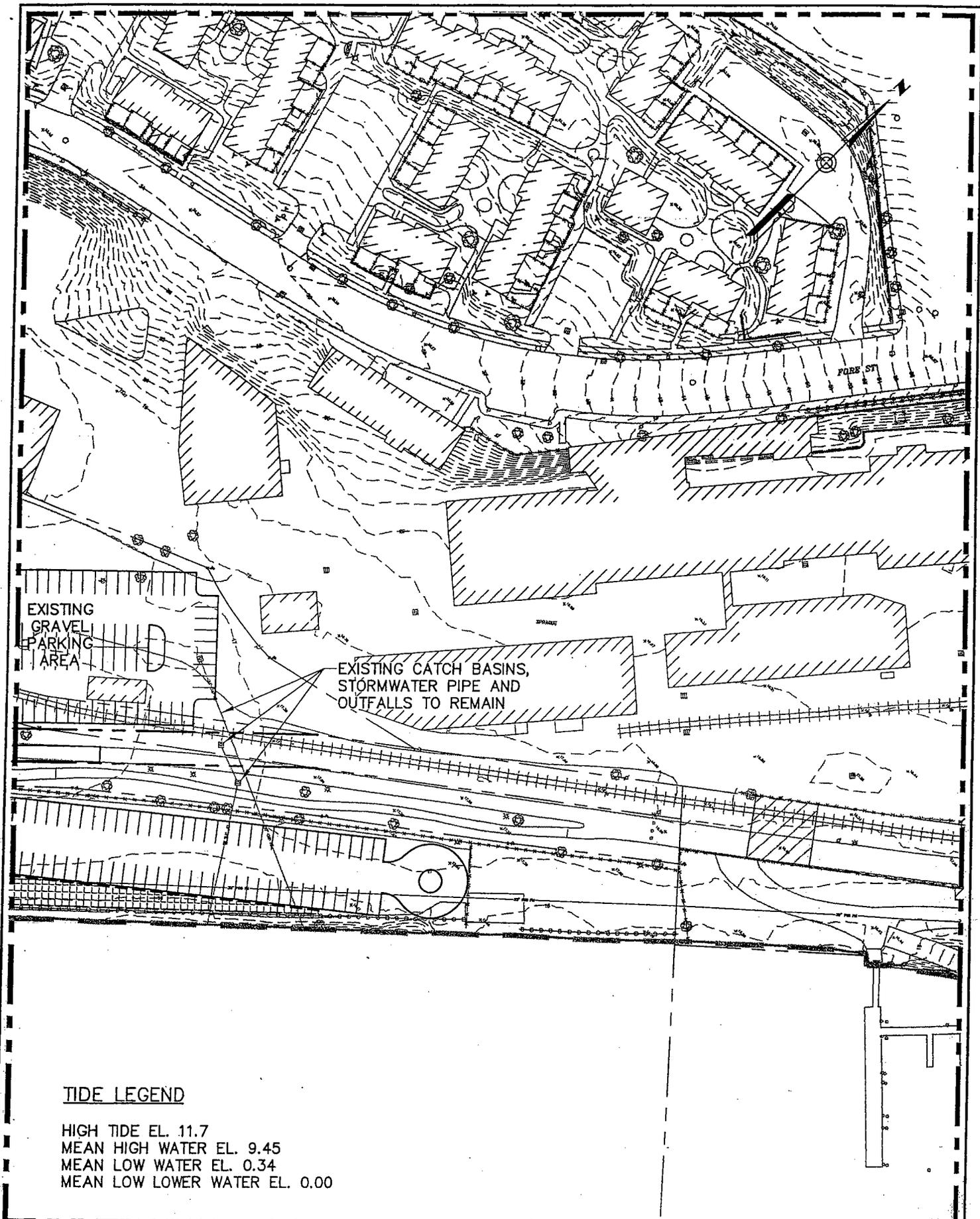
DESIGNED BY: JBC CHECKED BY: PP
 DRAWN BY: JBC 20343802-U005.1-NRPA.dwg

CITY OF PORTLAND AND MAINE
 DEPARTMENT OF TRANSPORTATION

OCEAN GATEWAY

JOB NO: 203438.02
 DATE: JANUARY 2004
 SCALE: AS NOTED

Figure 5.1a



EXISTING
GRAVEL
PARKING
AREA

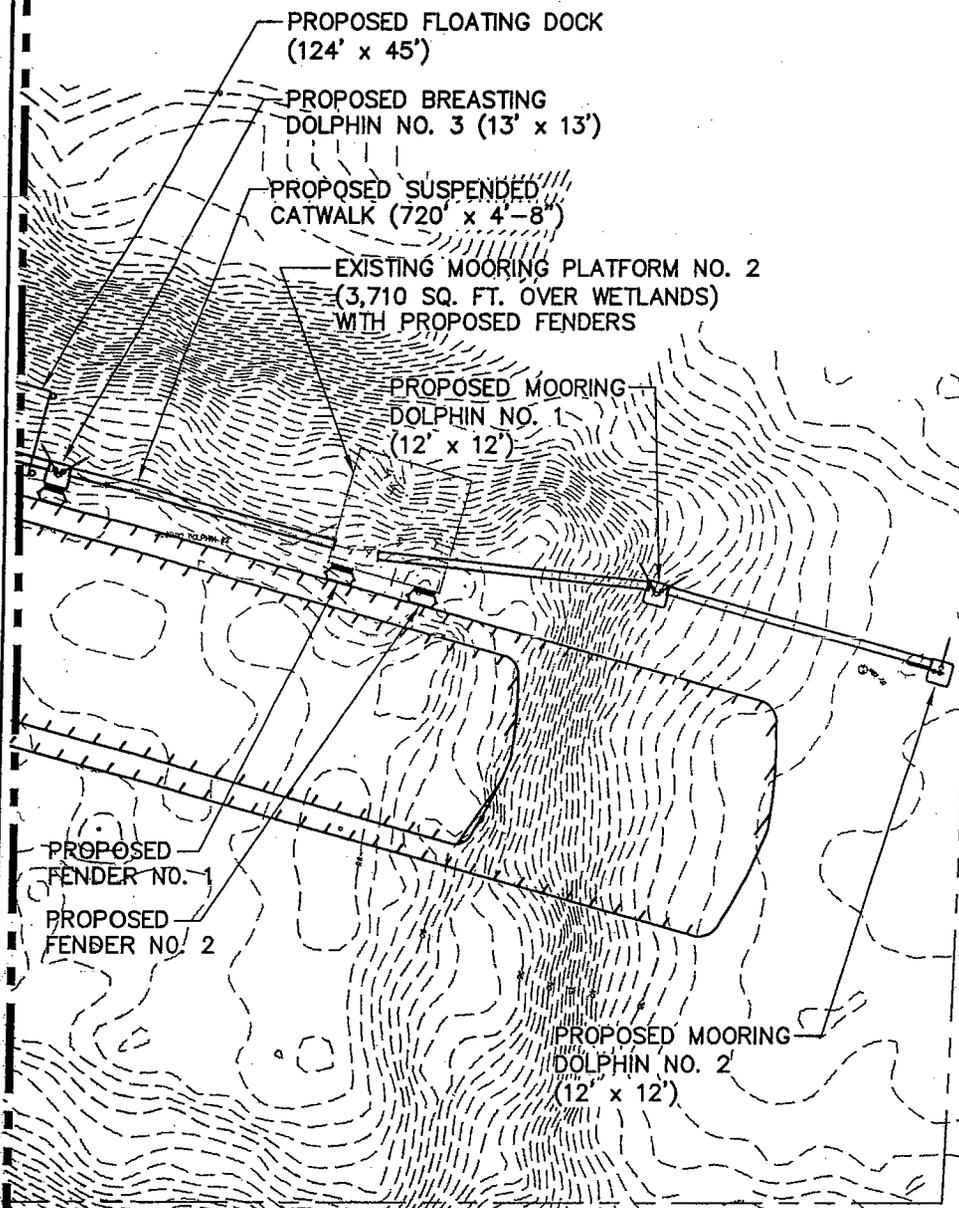
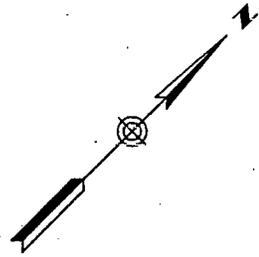
EXISTING CATCH BASINS,
STORMWATER PIPE AND
OUTFALLS TO REMAIN

FORE ST

TIDE LEGEND

HIGH TIDE EL. 11.7
 MEAN HIGH WATER EL. 9.45
 MEAN LOW WATER EL. 0.34
 MEAN LOW LOWER WATER EL. 0.00

PROPOSED SITE PLAN



PROPOSED FLOATING DOCK
(124' x 45')

PROPOSED BREASTING
DOLPHIN NO. 3 (13' x 13')

PROPOSED SUSPENDED
CATWALK (720' x 4'-8")

EXISTING MOORING PLATFORM NO. 2
(3,710 SQ. FT. OVER WETLANDS)
WITH PROPOSED FENDERS

PROPOSED MOORING
DOLPHIN NO. 1
(12' x 12')

PROPOSED
FENDER NO. 1

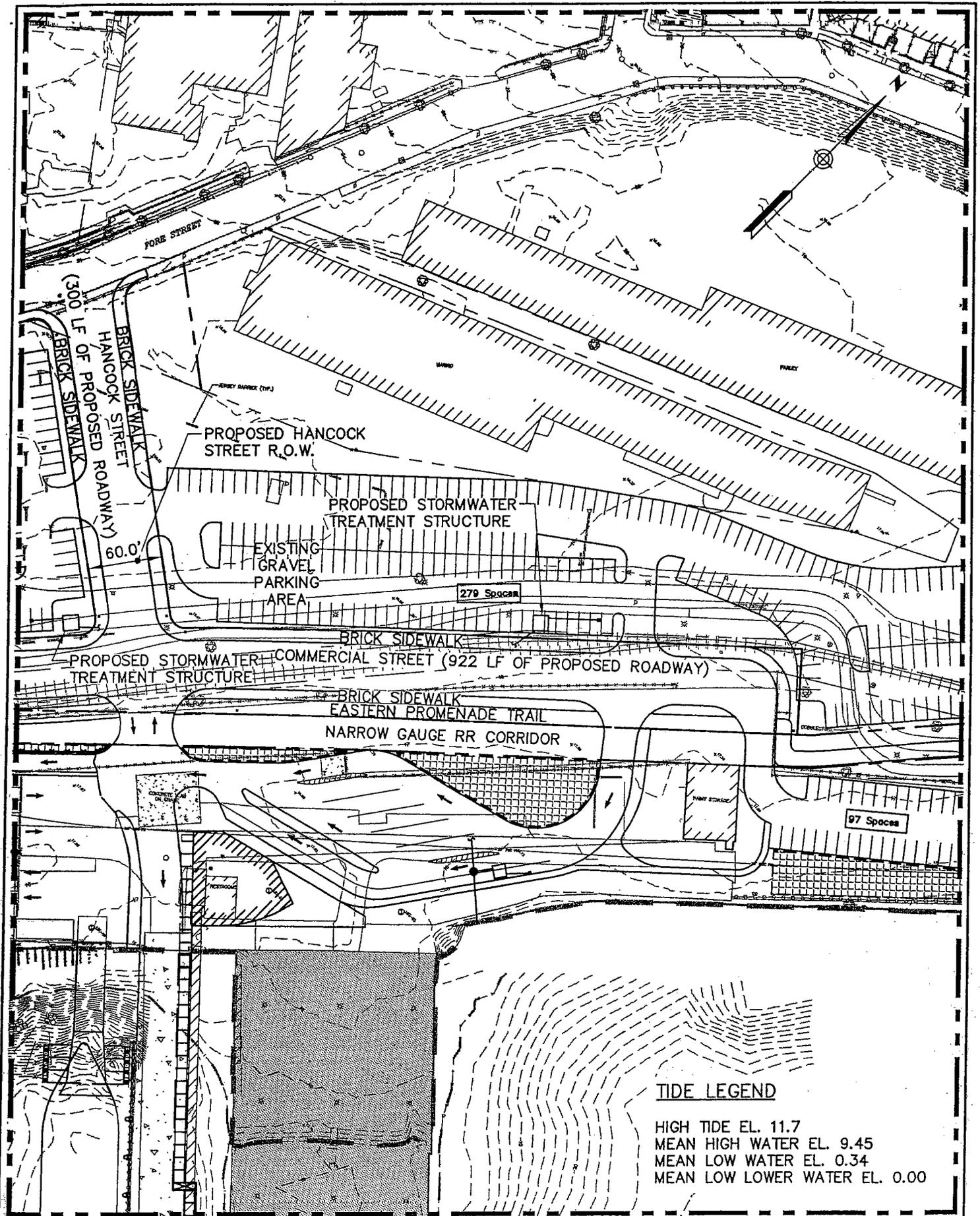
PROPOSED
FENDER NO. 2

PROPOSED MOORING
DOLPHIN NO. 2
(12' x 12')

TIDE LEGEND

HIGH TIDE EL. 11.7
MEAN HIGH WATER EL. 9.45
MEAN LOW WATER EL. 0.34
MEAN LOW LOWER WATER EL. 0.00

PROPOSED SITE PLAN




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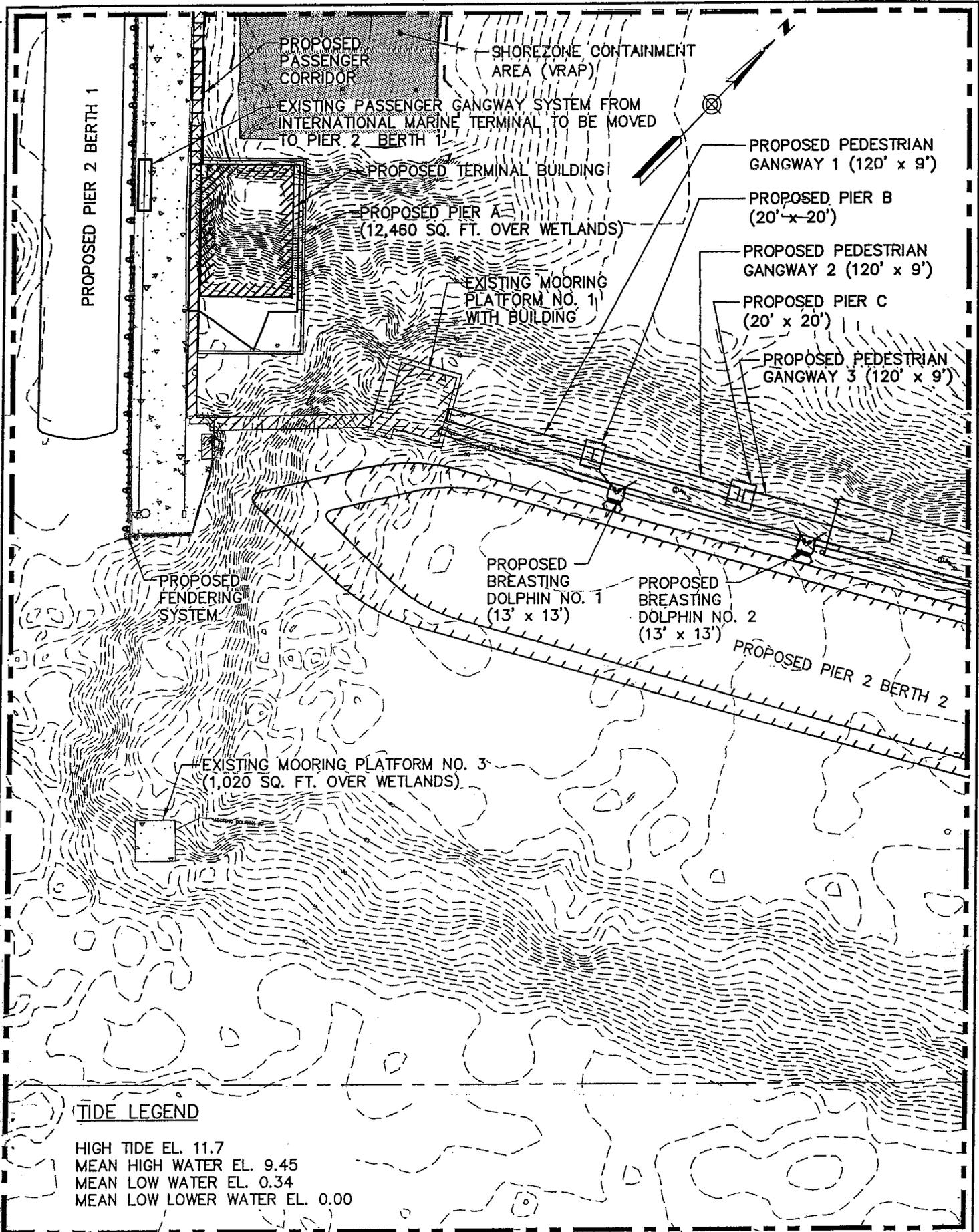
PROPOSED SITE PLAN

DESIGNED BY: JBC	CHECKED BY: PP
DRAWN BY: JBC	20343802-U005.1-NRPA.dwg

CITY OF PORTLAND AND MAINE
 DEPARTMENT OF TRANSPORTATION

OCEAN GATEWAY

JOB NO: 203438.02
 DATE: JANUARY 2004
 SCALE: 1" = 100'
 Figure 5.1d



TIDE LEGEND

HIGH TIDE EL. 11.7
 MEAN HIGH WATER EL. 9.45
 MEAN LOW WATER EL. 0.34
 MEAN LOW LOWER WATER EL. 0.00

PROPOSED SITE PLAN

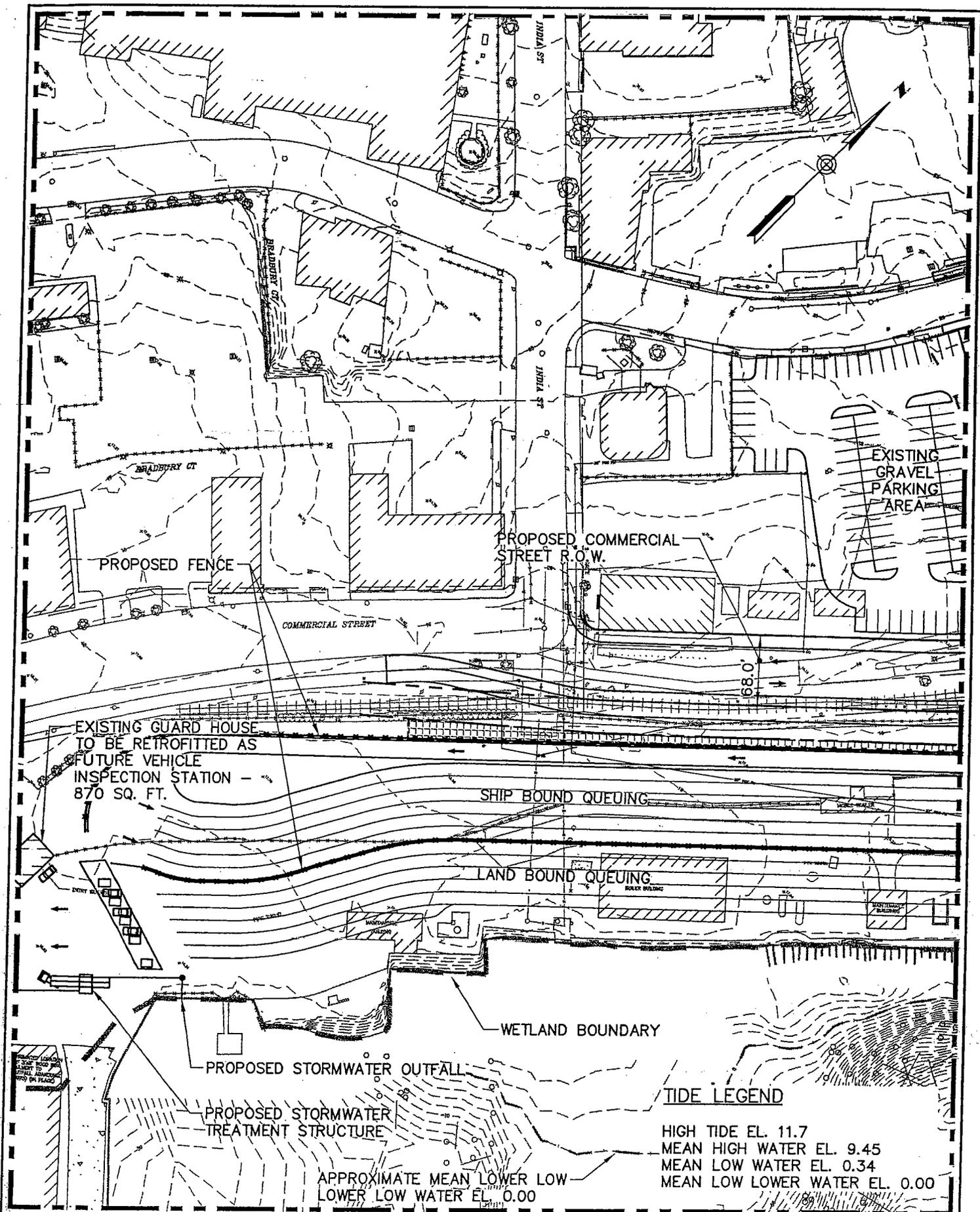
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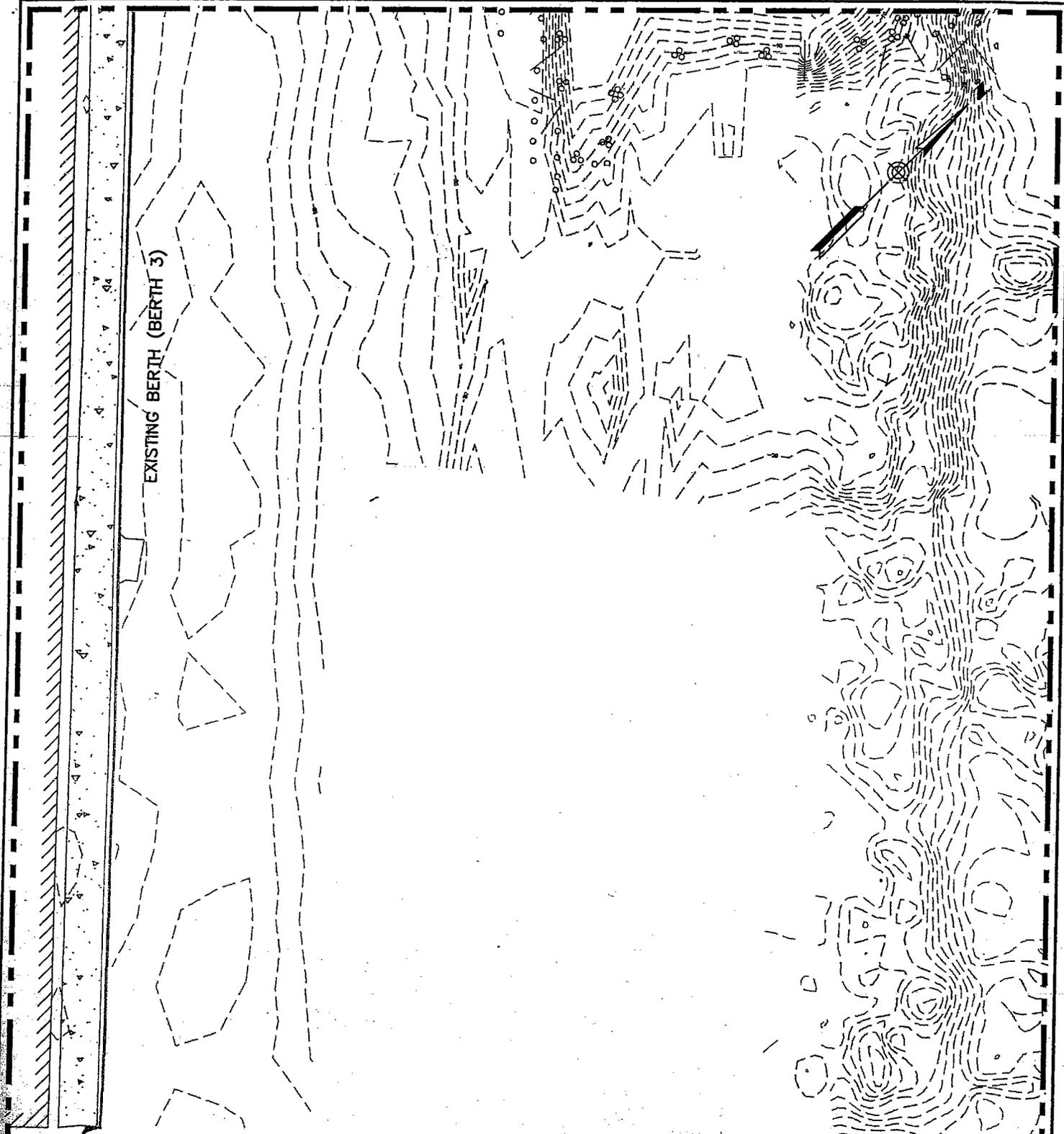
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OCEAN GATEWAY

JOB NO: 203438.02
 DATE: JANUARY 2004
 SCALE: 1" = 100'

Figure 5.1e





EXISTING BERTH (BERTH 3)

HARBOR COMMISSIONER'S LINE

TIDE LEGEND

HIGH TIDE EL. 11.7
 MEAN HIGH WATER EL. 9.45
 MEAN LOW WATER EL. 0.34
 MEAN LOW LOWER WATER EL. 0.00

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PROPOSED SITE PLAN

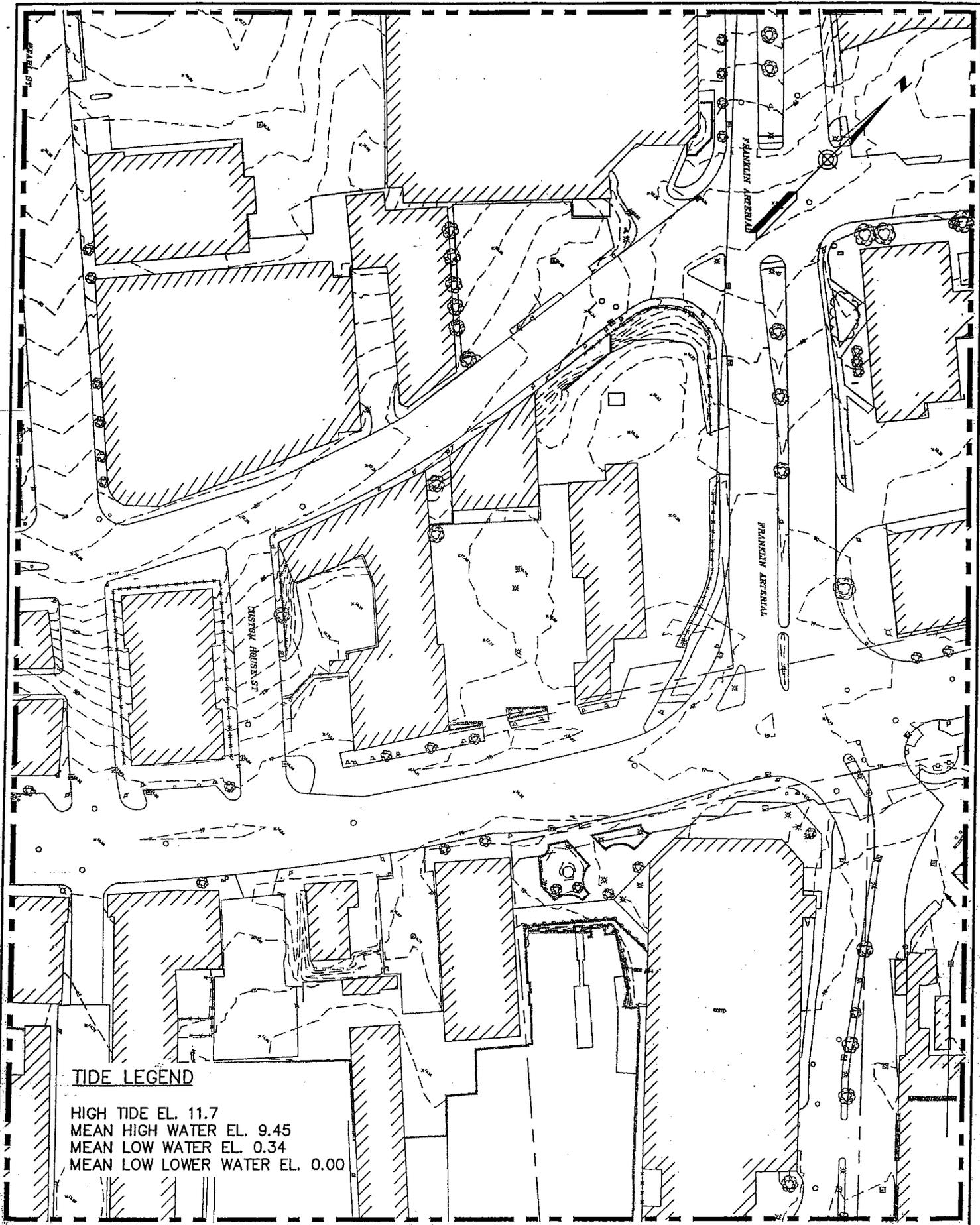
DESIGNED BY: JBC CHECKED BY: PP
 DRAWN BY: JBC 20343802-0905.1-NRPA.dwg

CITY OF PORTLAND AND MAINE
 DEPARTMENT OF TRANSPORTATION

OCEAN GATEWAY

JOB NO: 203438.02
 DATE: JANUARY 2004
 SCALE: 1" = 100'

Figure 5.1g



TIDE LEGEND

HIGH TIDE EL. 11.7
 MEAN HIGH WATER EL. 9.45
 MEAN LOW WATER EL. 0.34
 MEAN LOW LOWER WATER EL. 0.00

PROPOSED SITE PLAN

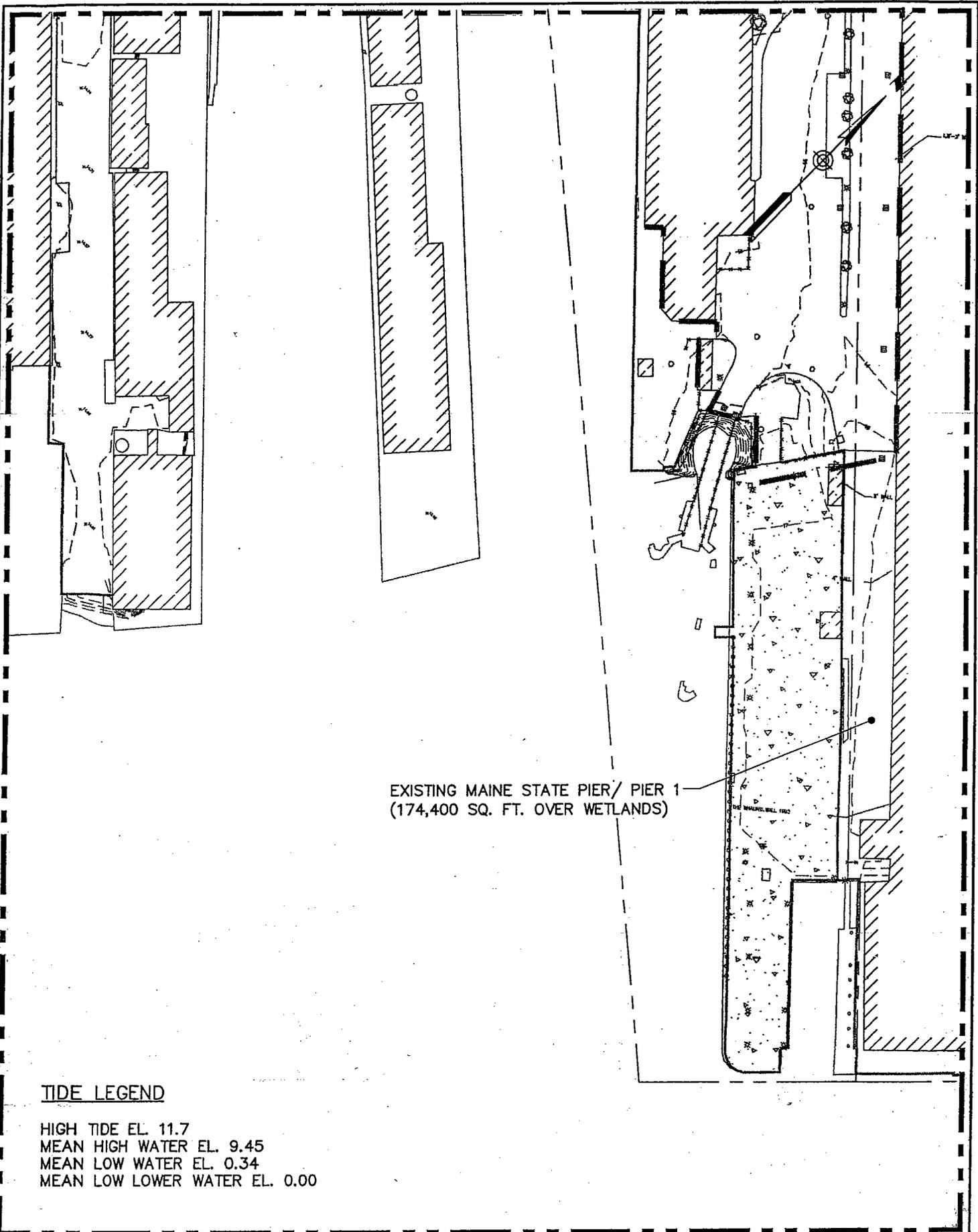
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CITY OF PORTLAND AND MAINE
 DEPARTMENT OF TRANSPORTATION

JOB NO: 203438.02
 DATE: JANUARY 2004
 SCALE: 1" = 100'

OCEAN GATEWAY

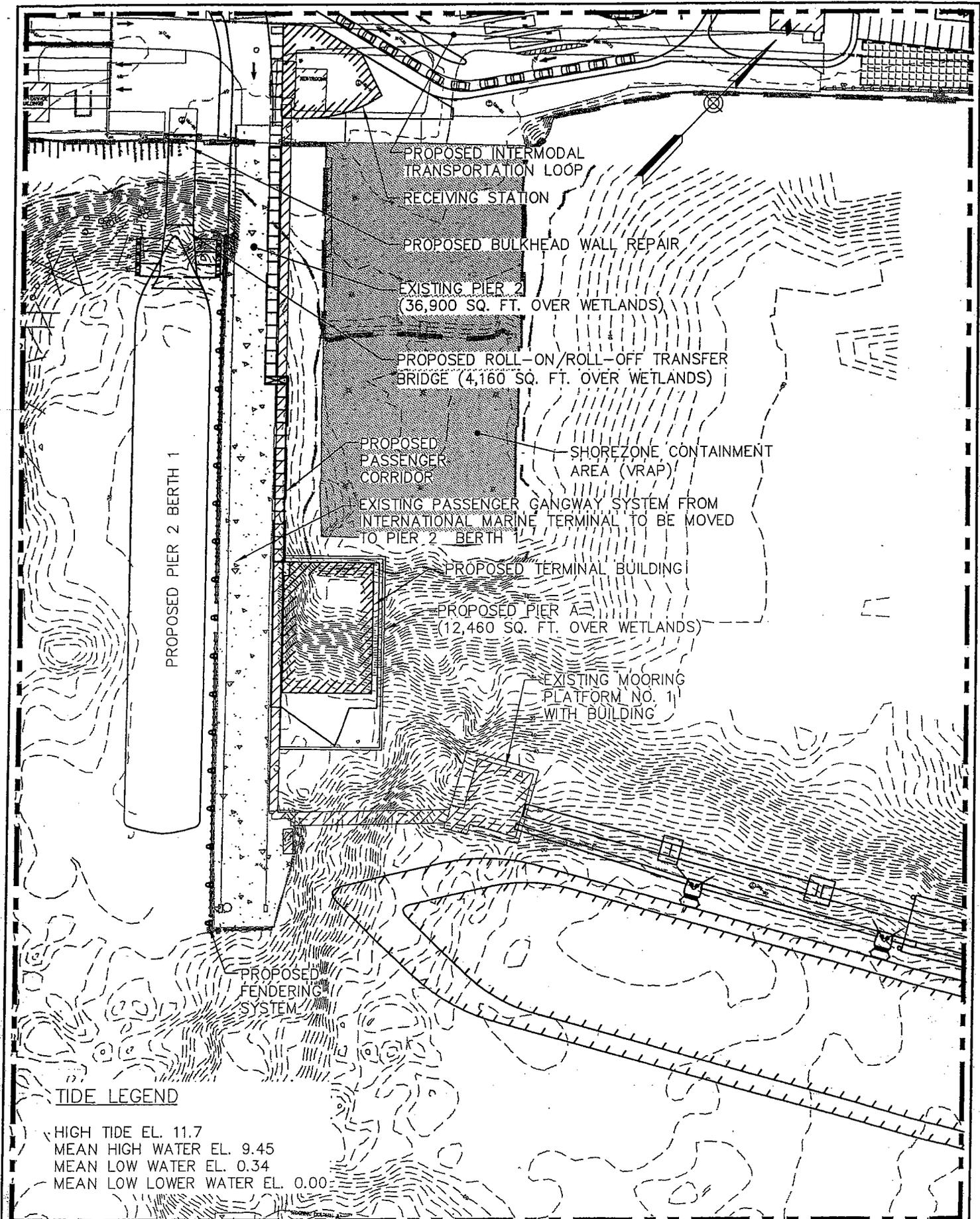
Figure 5.1h



EXISTING MAINE STATE PIER/ PIER 1
 (174,400 SQ. FT. OVER WETLANDS)

TIDE LEGEND

HIGH TIDE EL. 11.7
 MEAN HIGH WATER EL. 9.45
 MEAN LOW WATER EL. 0.34
 MEAN LOW LOWER WATER EL. 0.00



TIDE LEGEND

HIGH TIDE EL. 11.7
 MEAN HIGH WATER EL. 9.45
 MEAN LOW WATER EL. 0.34
 MEAN LOW LOWER WATER EL. 0.00


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PIER 2 BERTH 1

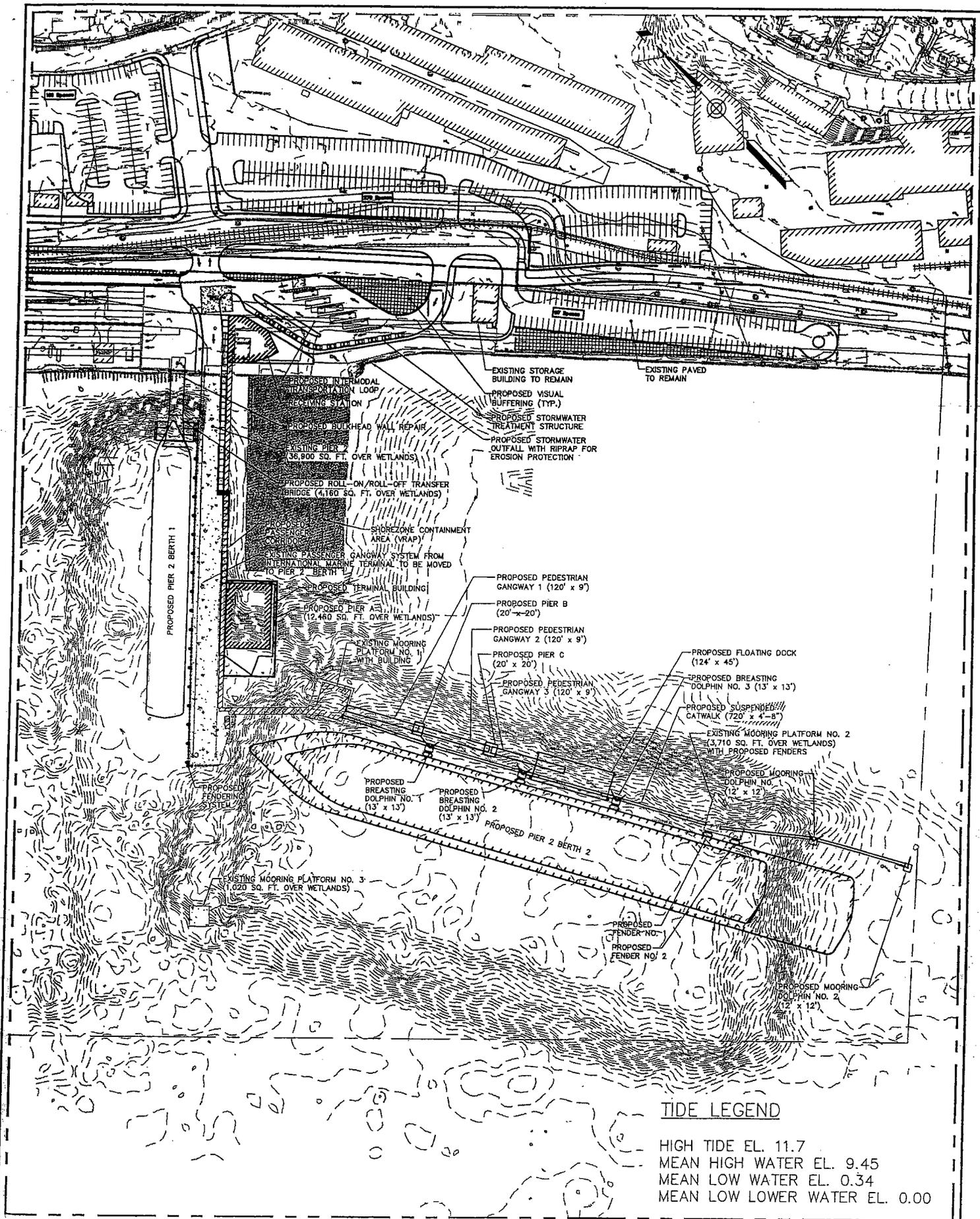
DESIGNED BY: JBC	CHECKED BY: PP
DRAWN BY: JBC	20343802-U005.1-NRPA.dwg

CITY OF PORTLAND AND MAINE
 DEPARTMENT OF TRANSPORTATION

 OCEAN GATEWAY

JOB NO: 203438.02
 DATE: JANUARY 2004
 SCALE: 1" = 100'

 Figure 5.1k



TIDE LEGEND

HIGH TIDE EL. 11.7
 MEAN HIGH WATER EL. 9.45
 MEAN LOW WATER EL. 0.34
 MEAN LOW LOWER WATER EL. 0.00

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PIER 2 BERTH 1 & 2

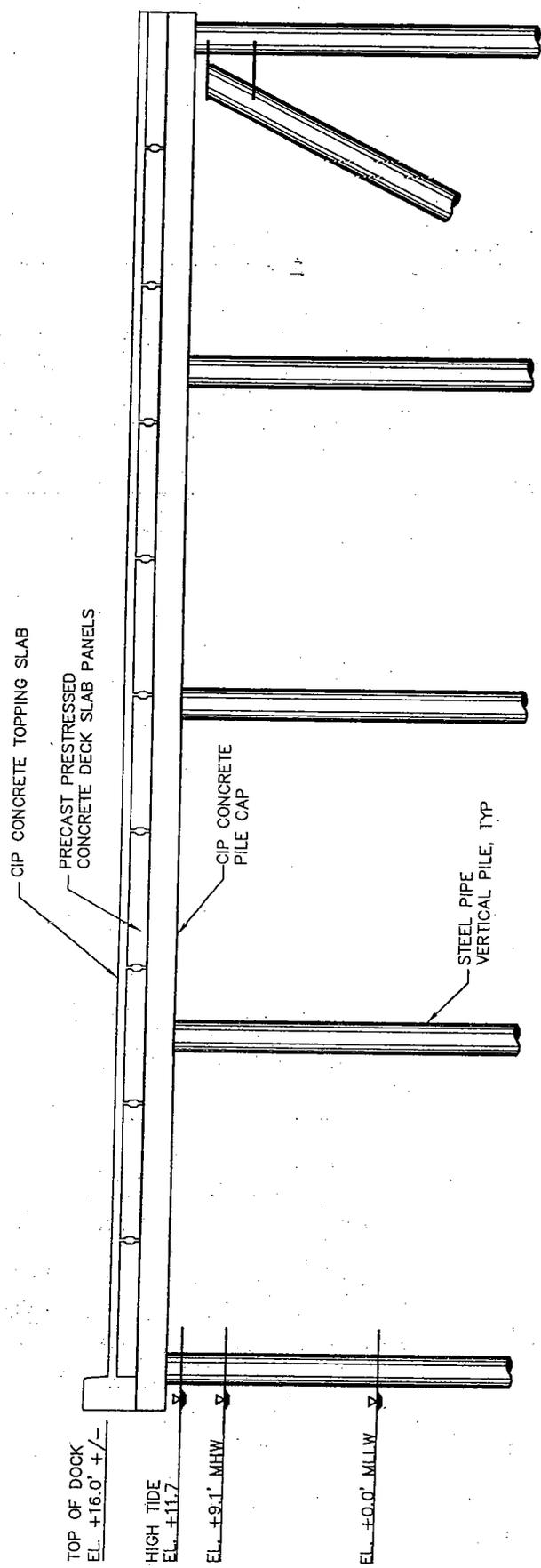
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CITY OF PORTLAND AND MAINE
 DEPARTMENT OF TRANSPORTATION

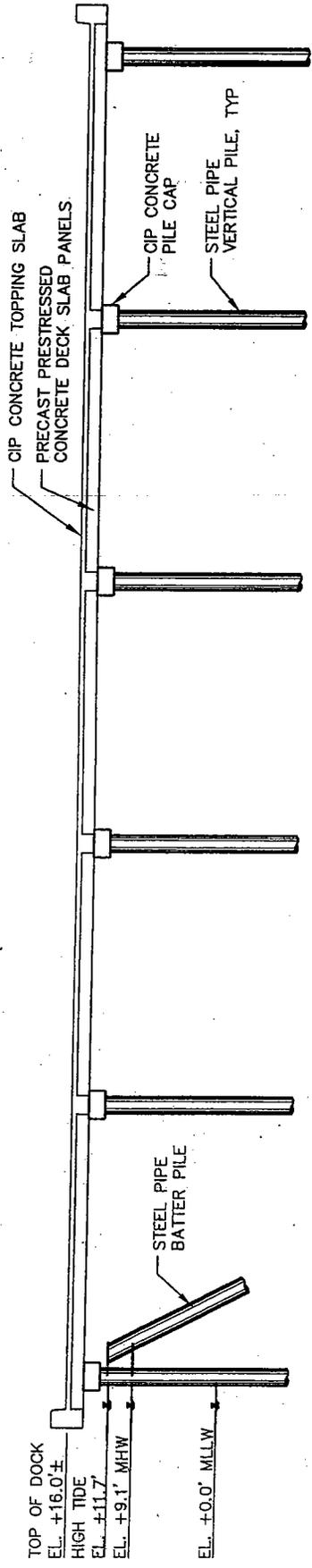
OCEAN GATEWAY

JOB NO: 203438.02
 DATE: JANUARY 2004
 SCALE: 1" = 100'

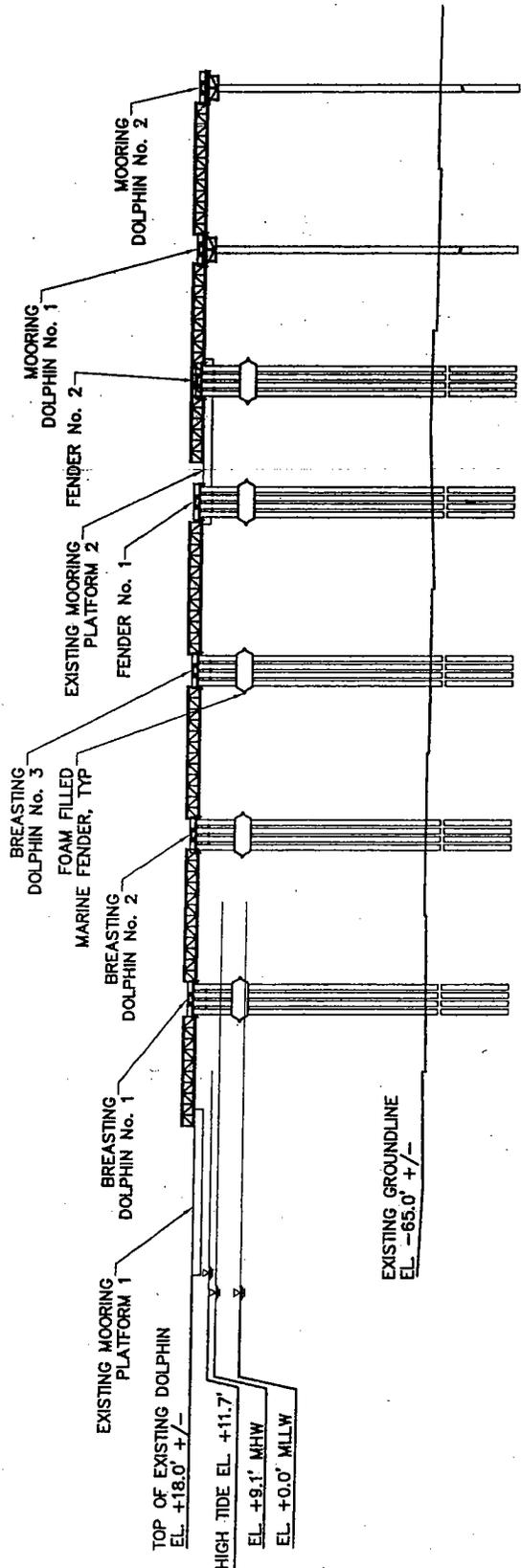
Figure 5.11



SECTION 1
 W100
 N.T.S.

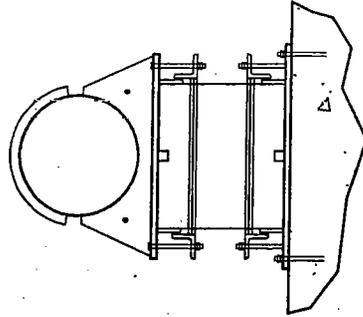


SECTION 2
N.T.S.
W100



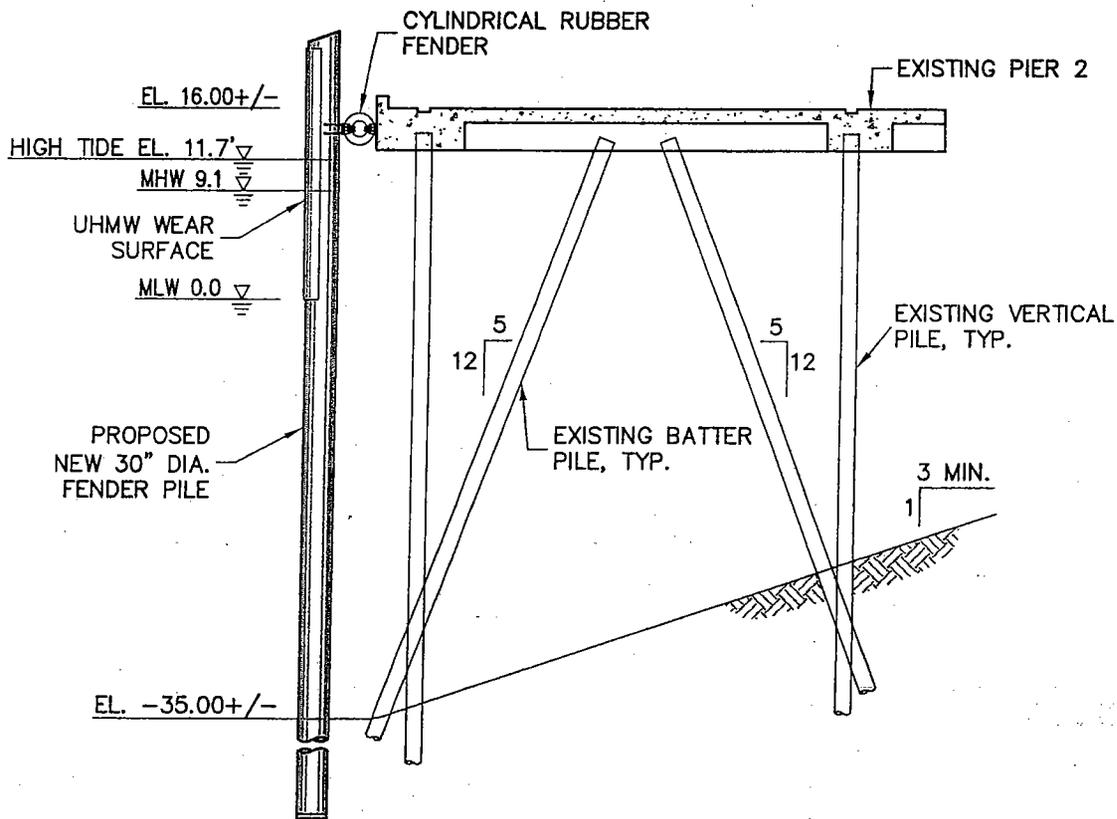
PIER 2 BERTH 2 PHASE 1 ELEVATION

N.T.S.



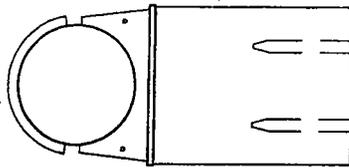
PIER 2 FENDER - PLAN

SCALE: 1/4" = 1'-0"



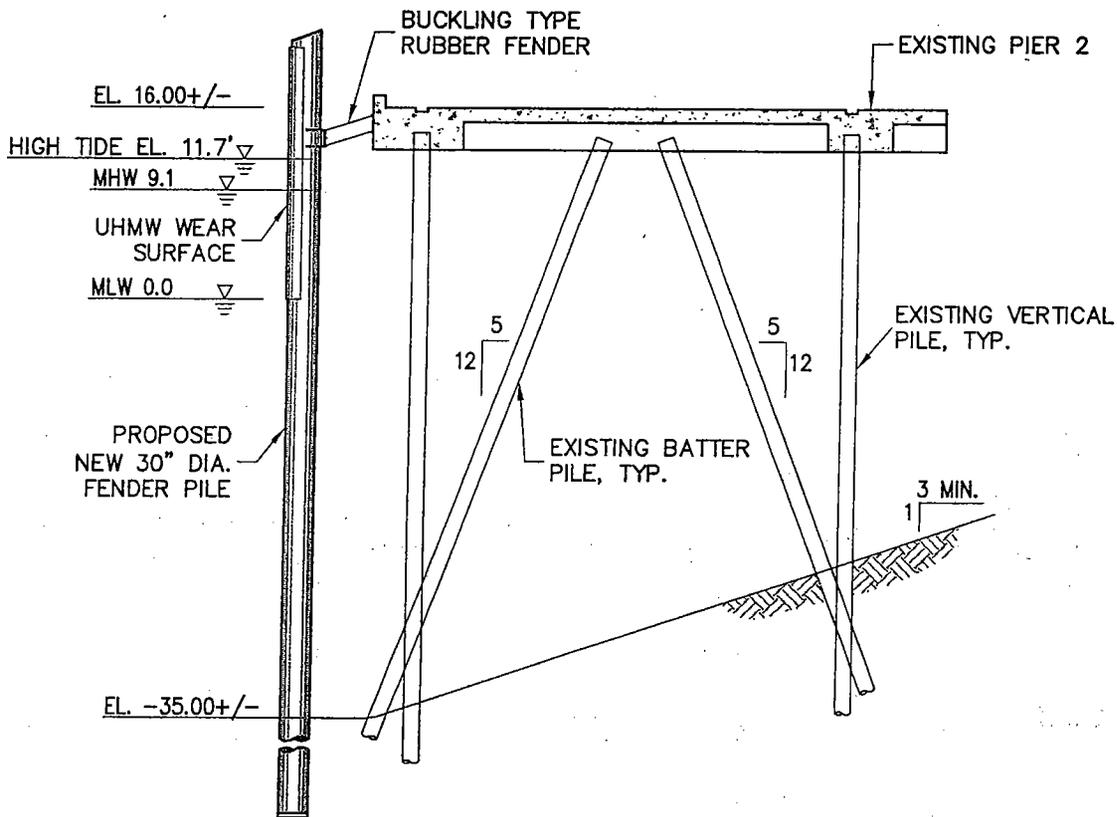
PIER 2 FENDER OPTION 1

SCALE: 1/16" = 1'-0"



PIER 2 FENDER - PLAN

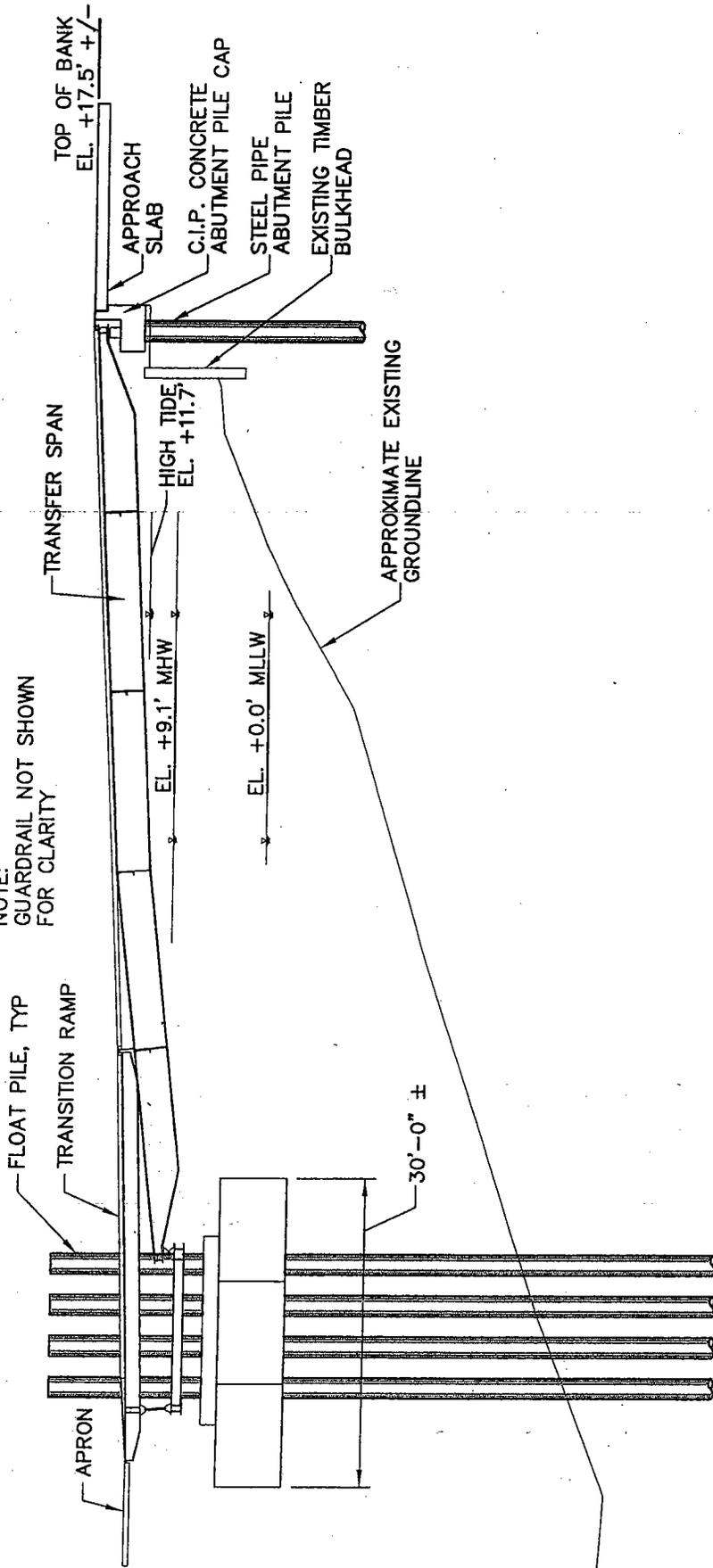
SCALE: 1/4" = 1'-0"



PIER 2 FENDER OPTION 2

SCALE: 1/16" = 1'-0"

NOTE:
GUARDRAIL NOT SHOWN
FOR CLARITY



ROLL-ON ROLL-OFF
RAMP SECTION

DESIGNED BY: JBC CHECKED BY: PP
DRAWN BY: JBC 120343802-W20A-NRPA.dwg

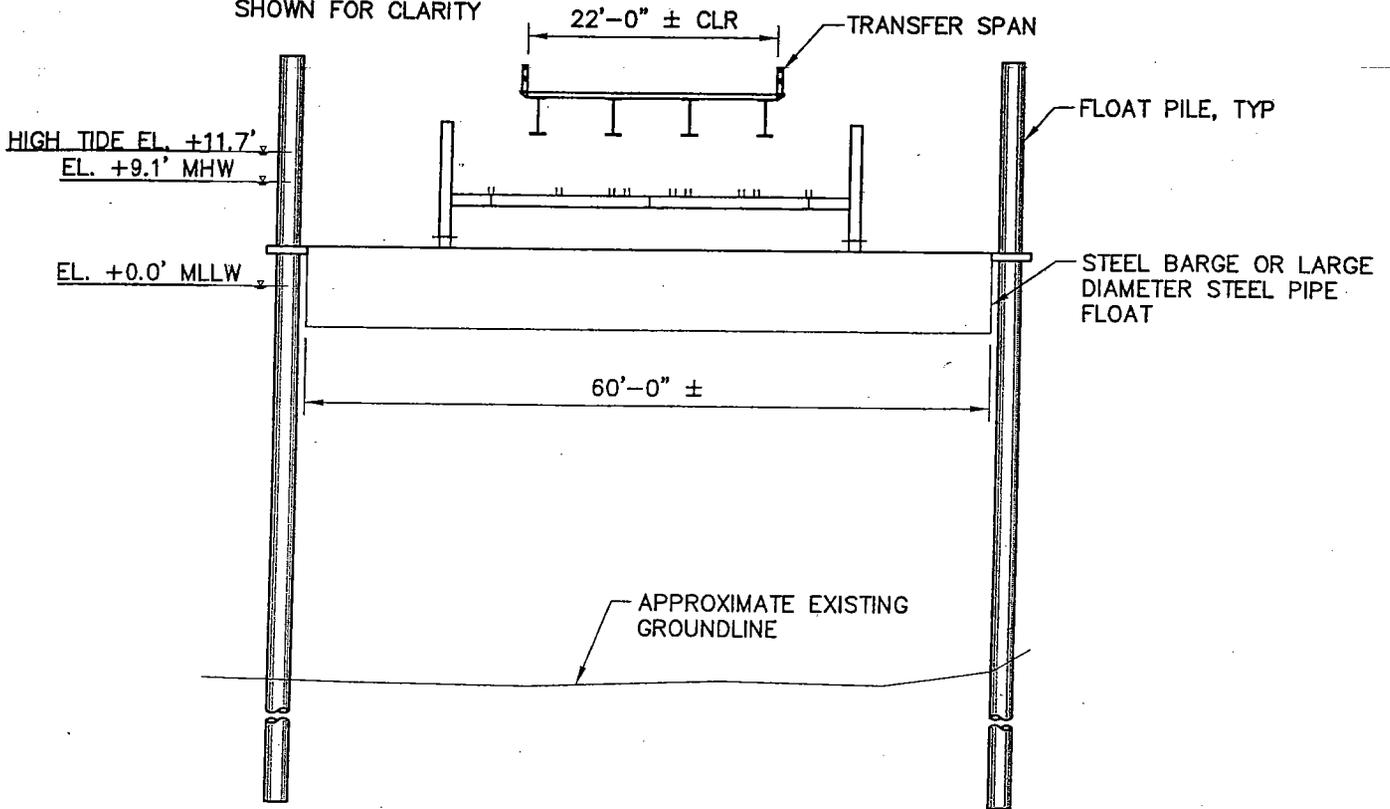
CITY OF PORTLAND AND MAINE
DEPARTMENT OF TRANSPORTATION

OCEAN GATEWAY

JOB NO: 203438.02
DATE: JANUARY 2004
SCALE: AS NOTED

W202a

NOTE:
TRANSITION RAMP NOT
SHOWN FOR CLARITY



**ROLL-ON ROLL-OFF
RAMP SECTION**

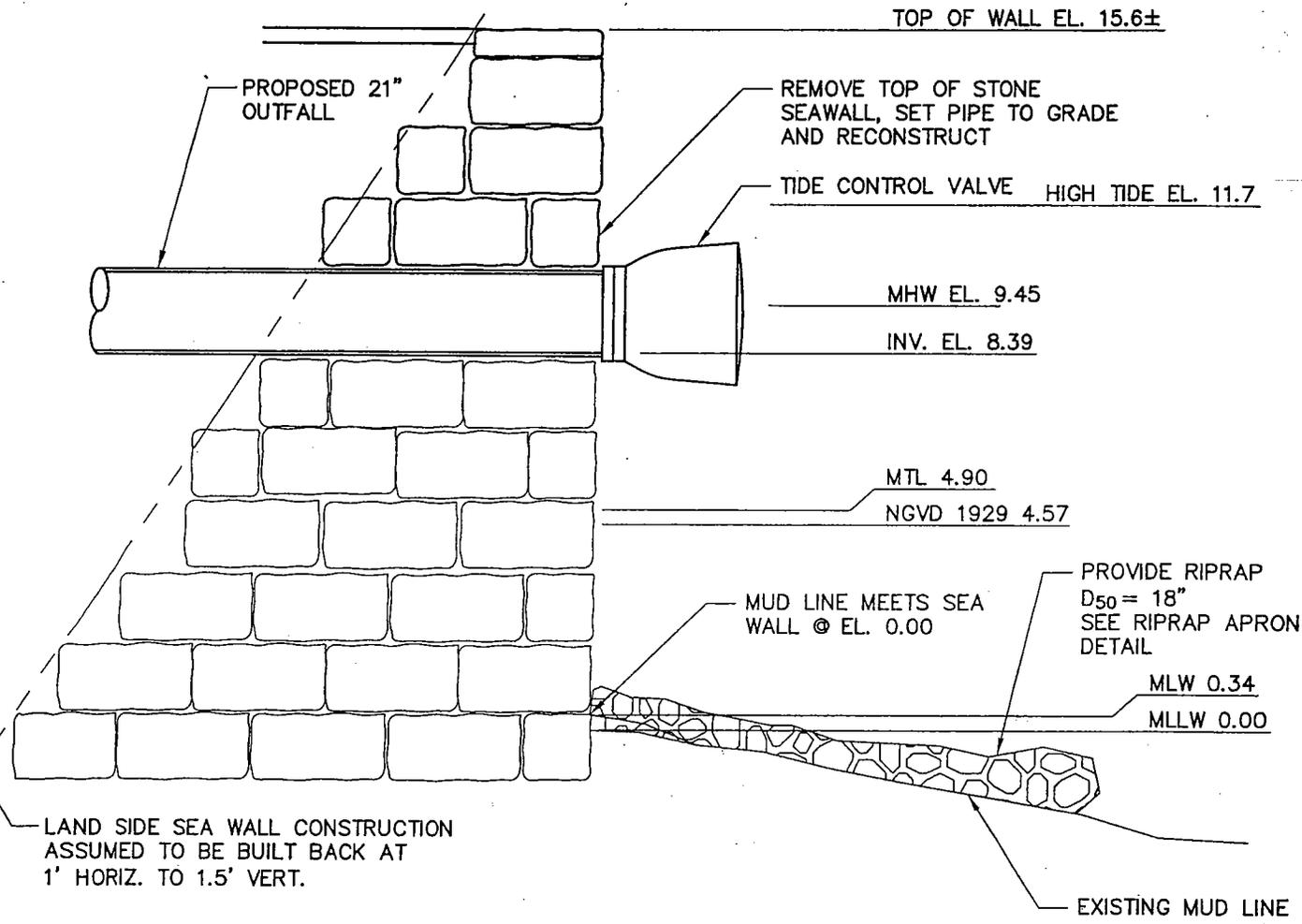
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SCALE: AS NOTED

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OCEAN GATEWAY

W202b



PROPOSED 21" OUTFALL

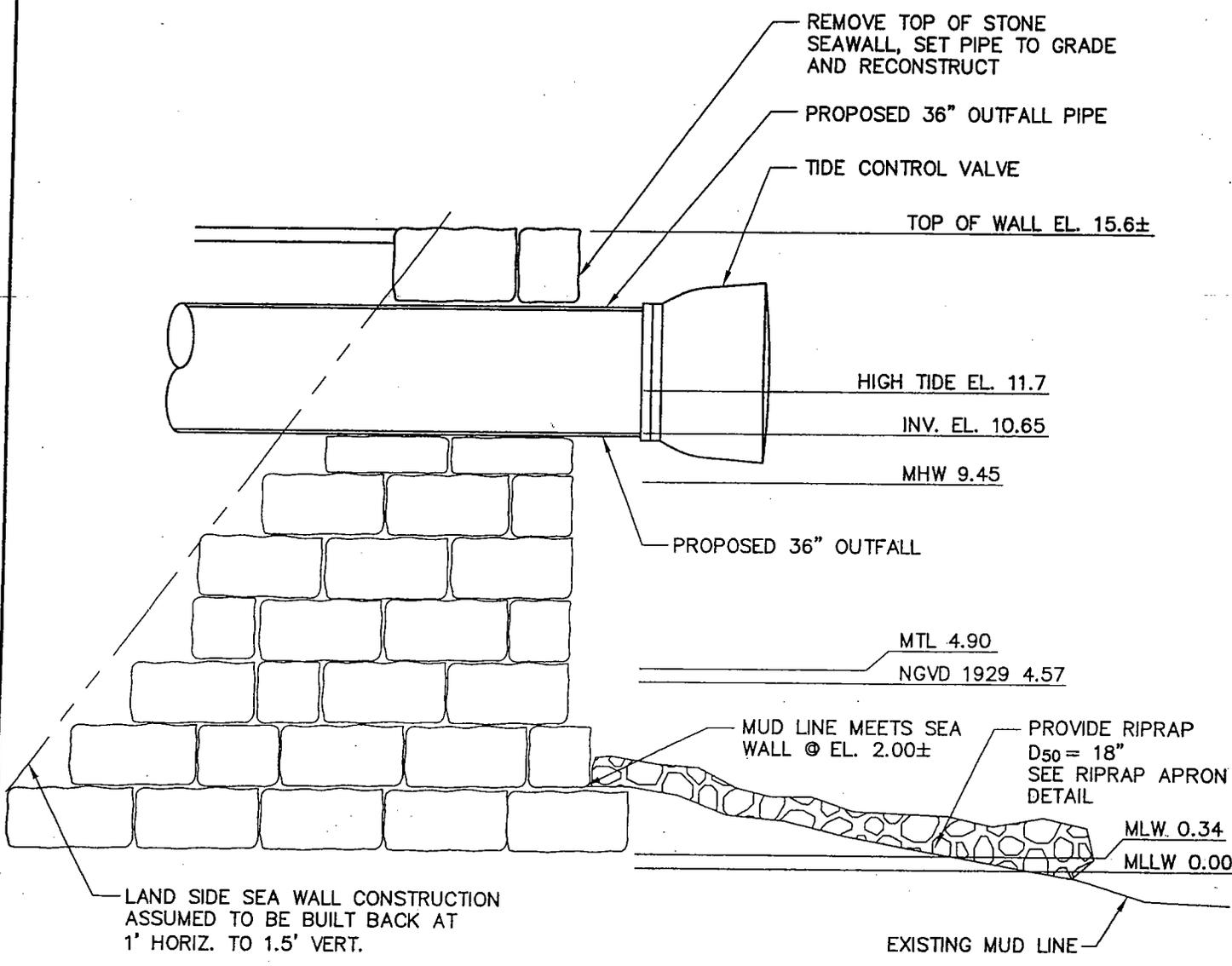
CITY OF PORTLAND AND MAINE
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JOB NO: 203438.02
 DATE: JANUARY 2004
 SCALE: N.T.S.

DESIGNED BY: JBC/DAS CHECKED BY: BSS
 DRAWN BY: JBC/DAS 20343802-W20A-RRRA.dwg

OCEAN GATEWAY

W203



LAND SIDE SEA WALL CONSTRUCTION ASSUMED TO BE BUILT BACK AT 1' HORIZ. TO 1.5' VERT.