



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

PUBLIC NOTICE

Date: AUGUST 17, 2004
Comment Period Ends: SEPTEMBER 17, 2004
File Number: NAE-2004-2008
In Reply Refer To: Jay L. Clement
Or by e-mail: jay.l.clement@usace.army.mil

ROCKLAND PORT DISTRICT & MARITIME TRADITIONS GROUP, 164 TALBOT AVENUE, ROCKLAND, MAINE 04841 has requested a Corps of Engineers permit under Section 10 of the Rivers & Harbors Act of 1899 to develop a marina for commercial schooners in Lermond Cove, off Rockland Harbor at Rockland, Maine. The work is described on the enclosed plans entitled "ROCKLAND PORT DISTRICT" in three sheets dated "APRIL 26, 2004".

1. Dredge an approximately 42,000 square-foot area to a depth of -12' Feet below MLW. Approximately 10,000 cubic yards of silt, sand and clay will be removed by mechanical means and disposed of upland, at the City of Rockland landfill. This work is considered new dredging rather than maintenance dredging.
2. The marina facility will consist of a 50'x 4' ramp leading from shore to a 12'x 12' base float with an attached 8'x 62' float running east-west. Two lines of floats measuring 120'x 8' will extend north from the 8'x 62' float. All floats will be pile secured. The facility is intended for use by five commercial schooners that currently operate out of Rockland.
3. The Corps of Engineers maintains a Federal Navigation Project (FNP) in Rockland Harbor that extends into Lermond Cove and the project area. As currently designed, the marina floats will encroach upon the FNP. Corps policy on the use and administration of FNPs provides that since Federal navigation improvements are dredged and maintained with public funds, they must be available to all on equal terms. Allowing marinas, yacht clubs, and other private entities to physically occupy and control portions of the FNP is not consistent with the "available to all on equal terms" policy. Therefore, the applicant is working with his Congressional Delegation and the Corps to pursue deauthorization of a portion of the FNP in Lermond Cove so that the facility may be installed. No final action may be taken by the Corps on this permit request until this issue has been resolved.
4. The project will potentially impact benthic marine habitat from dredging and marina installation. This bottom habitat constitutes Essential Fish Habitat (EFH) – see attached list for species and life stages. The impacts of both activities are expected to be minimal, consisting primarily of increased turbidity, the effect of which will rapidly diminish upon project completion. Dredging may remove or disturb less mobile organisms in the immediate area but the Corps expects that the area will quickly re-colonize 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 ROCKLAND quadrangle sheets at Latitude 44.1059019° N; and Longitude 69.1080064°.

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
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.

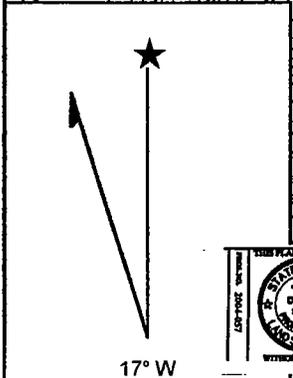
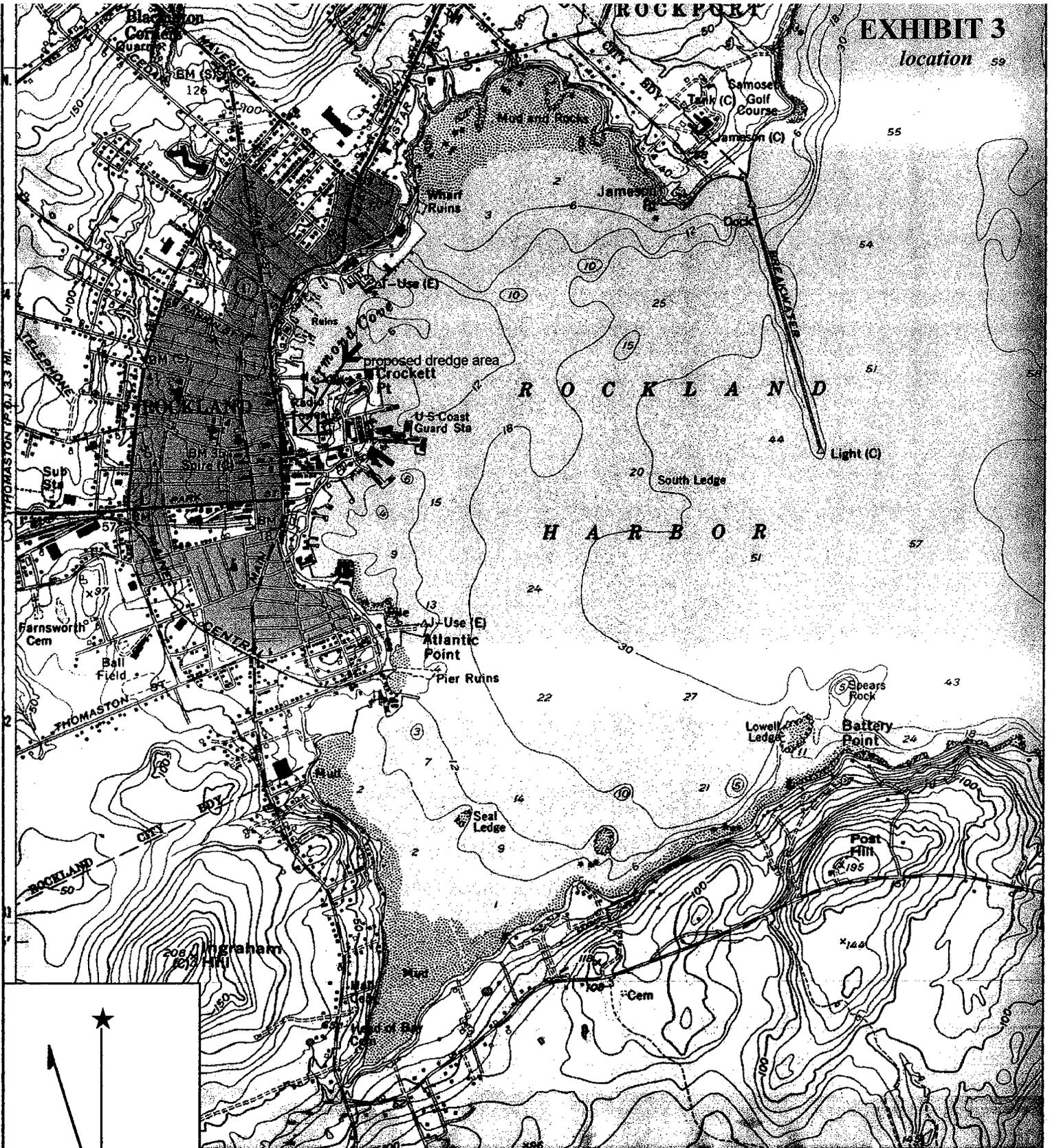
Species	Eggs	Larvae	Juveniles	Adults
Atlantic salmon (<i>Salmo salar</i>)				X
Atlantic cod (<i>Gadus morhua</i>)	X	X	X	X
haddock (<i>Melanogrammus aeglefinus</i>)				X
pollock (<i>Pollachius virens</i>)			X	
whiting (<i>Merluccius bilinearis</i>)			X	X
offshore hake (<i>Merluccius albidus</i>)				
red 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>Scopthalmus 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

EXHIBIT 3

location 59



Gartley & Dorsky
ENGINEERING & SURVEYING

393 Union Street, P.O. Box 5021, Camden, ME 04843-5021
Tel: (207) 236-4353 Fax: (207) 236-3953 Toll Free: 1-800-262-0545

ROCKLAND PORT DISTRICT

LOCATION MAP

TILLSON AVE.
ROCKLAND KNOX MAINE APRIL 26, 2004

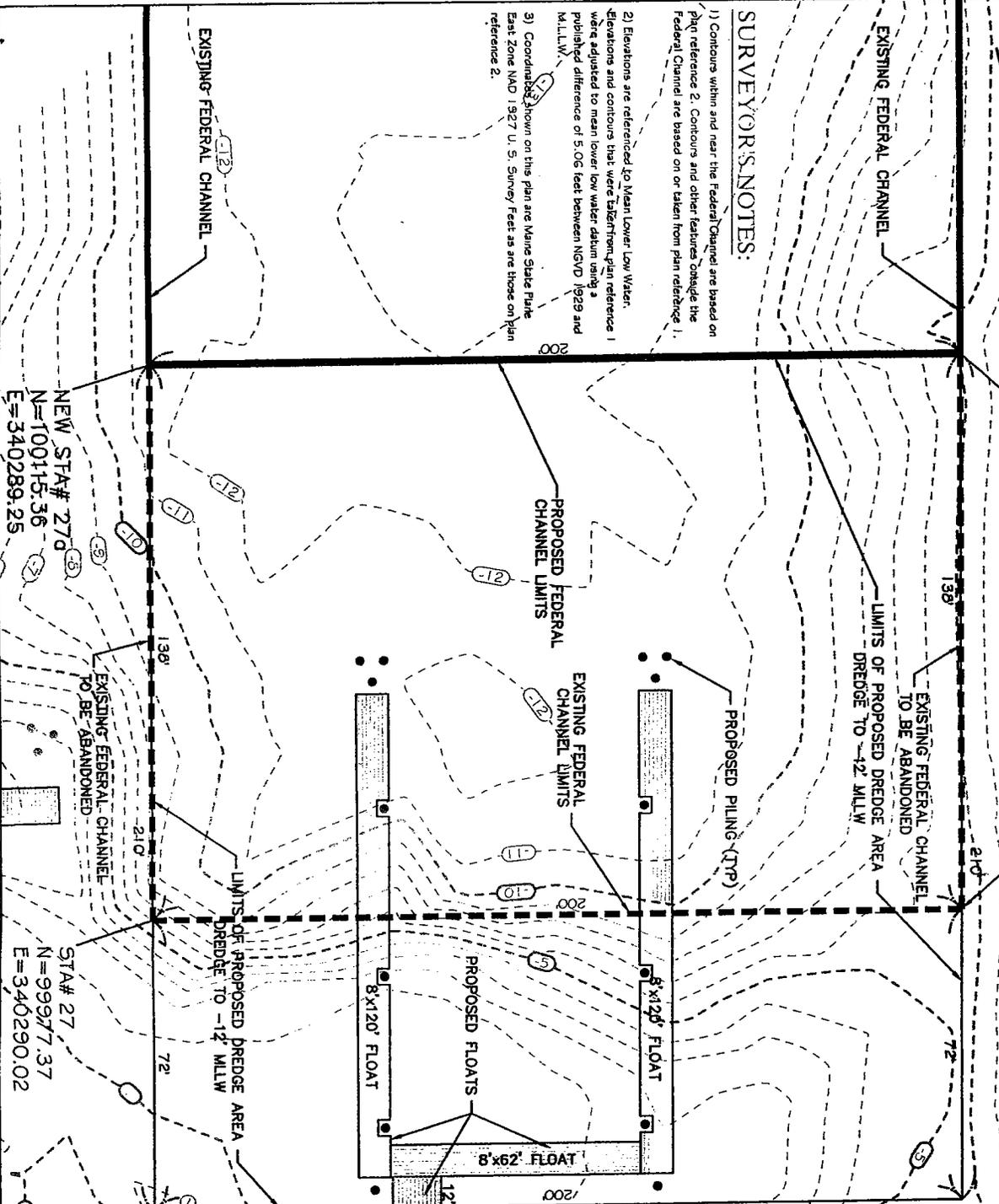
Name: ROCKLAND
Date: 6/22/2004
Scale: 1 inch equals 2000 feet

Location: 044° 05' 48.6" N 069° 05' 43.7" W
Caption: Proposed site of dredge area and float system for "Marine Traditions Group".



NEW STA# 26a
N=100116.48
E=340489.25

STA# 26
N=99978.49
E=340490.02

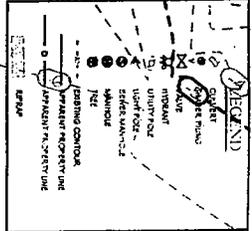


SURVEYOR'S NOTES:

- 1) Contours within and near the Federal Channel are based on plan reference 2. Contours and other features outside the Federal Channel are based on or taken from plan reference 1.
- 2) Elevations are referenced to Mean Lower Low Water. Elevations and contours that were taken from plan reference 1 were adjusted to mean lower low water datum using a published difference of 5.06 feet between NGVD 1929 and MLLW.
- 3) Coordinates shown on this plan are Maine State Plane East Zone NAD 1927 U. S. Survey Feet as are those on plan reference 2.

PLAN REFERENCES:

- 1) Topographic Survey for The City of Rockland, Rockland, Knox County at Lemond Cove, Rockland Harbor, by Legeron Land Surveys, dated January 2001.
- 2) Rockland Harbor, Rockland Maine, After-Oblique Condition Survey, 14 & 16-foot Channels - 14-foot Turning Basins by US Army Corps of Engineers, dated April 11, 2003.



James D. Swick

NEW STA# 27a
N=100115.36
E=340289.25

STA# 27
N=99977.37
E=340290.02

THIS PLAN IS THE PROPERTY OF GARTLEY & DORSKY ENGINEERING & SURVEYING. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. WITHOUT SIGNATURE

SV-1

Gartley & Dorsky
ENGINEERING & SURVEYING

579 Union Street, P.O. Box 1031, Camden, ME 04843-1031
Ph: (207) 234-6262 Fax: (207) 234-3533 Toll Free: 1-800-282-4353

ROCKLAND PORT DISTRICT

LOCATION: TILLSON AVE.

TOWN: ROCKLAND COUNTY: KNOX STATE: MAINE

PROPOSED FLOAT SYSTEM

SCALE: 1"=40'

DATE: APRIL 26, 2004

NO.	DESCRIPTION	DATE

