



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

Maine Project Office
675 Western Avenue #3
Manchester, Maine 04351

PUBLIC NOTICE

Date: MAY 4, 2004

Comment Period Ends: JUNE 4, 2004

File Number: NAE-2004-319

In Reply Refer To: Jay Clement

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

THE YACHTSMAN LODGE & MARINA, P.O. BOX 560 C, OCEAN AVENUE, KENNEBUNKPORT, MAINE 04046 has requested a Corps of Engineers permit under Section 10 of the Rivers and Harbors Act of 1899 and Section 103 of the Marine Protection, Research and Sanctuaries Act to dredge by mechanical means an irregular shaped area measuring approximately 59,915 square-feet to a depth of -6 Feet below MLW at the Yachtsman Marina in the Kennebunk River at Kennebunkport, Maine. Approximately 11,587 cubic yards of silt, sand, and clay will be removed. The work is described on the enclosed plans entitled "YACHTSMAN LODGE & MARINA, PROPOSED DREDGING, KENNEBUNKPORT, ME" in five sheets dated "2/4/2004". The project is designed restore full tidal access to the applicant's existing recreational marina.

1. The dredged material will be disposed of at the Cape Arundel Disposal Site. It has undergone physical and chemical analysis and has satisfied Part 227.13(b) of exclusionary criteria of the Ocean Dumping Act regulations regarding biological testing. It is our preliminary determination that the material is acceptable for disposal at this disposal site.

The Cape Arundel Disposal Site was used infrequently until 1984 for disposal of bottom sediments dredged principally from the Kennebunk River and Cape Porpoise Harbor areas. Since 1984, a yearly average of approximately 125,000 cubic yards of suitable sediments (suitability determined through case-by-case analyses) have been deposited at this site. The site has been monitored through the Corps' Disposal Area Monitoring System (DAMOS) program. DAMOS studies show that the site is a low energy environment such that sediment deposited at this location will remain within the site's boundaries. Levels of metals and organics in the sediments within the disposal site are generally low and not substantially greater than background levels, indicative of the relatively uncontaminated nature of the areas dredged that utilize the site. Areas outside the disposal site have not been found to be adversely affected by sediment deposited within the site. A MPRSA Section 103 site selection document for CADS was prepared for the EA for the maintenance dredging of the Kennebunk River FNP. The document was coordinated with EPA and was signed by Col. Thomas Koning on 3 July 2003. This earlier site selection document provides the necessary MPRSA authorization for use of this disposal site by the present project. CADS will be available to receive dredged material for five years following the first disposal at this site under this Section 103 authorization.

2. The dredging portion of this project will impact approximately 1.38 acres of Essential Fish Habitat (EFH) – see attached list for species and life stages. These same species can be found at the Cape Arundel Disposal Site. Habitat at the dredging site can be described as silt, sand, and mudflat; and at the disposal site it is composed of silt, sand, and clay. Impacts to the listed species are expected to include turbidity and benthic disturbance however these impacts are expected to be minimal and of short duration. Disposal operations will bury less mobile organisms in the immediate discharge area. DAMOS monitoring has shown that the area will quickly recolonize after disposal ceases. Based on a review of available data and the lack of sources of contamination, we have no reason to believe that the dredged material is contaminated; the discharge of this sediment is not expected to have any adverse effect on biota beyond the limited physical effect noted above.

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 Kennebunkport quadrangle sheet at latitude & longitude coordinates 43.3556229° N and 70.4745627° 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 benefits 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 little likelihood exists for the proposed work to impinge upon properties with cultural or Native American significance, or listed in, or eligible for listing in, the National Register of Historic Places. Therefore, no further consideration of the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended, is necessary. This determination is based upon one or more of the following:

- a. The permit area has been extensively modified by previous work.
- b. The permit area has been recently created.
- c. The proposed activity is of limited nature and scope.
- d. Review of the latest published version of the National Register shows that no presence of registered properties listed as being eligible for inclusion therein are in the permit area or general vicinity.
- e. Coordination with the State Historic Preservation Officer and/or Tribal Historic Preservation Officer(s)

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° 30.0' N	70° 20.0' W	43° 20.0' N	70° 30.0' W

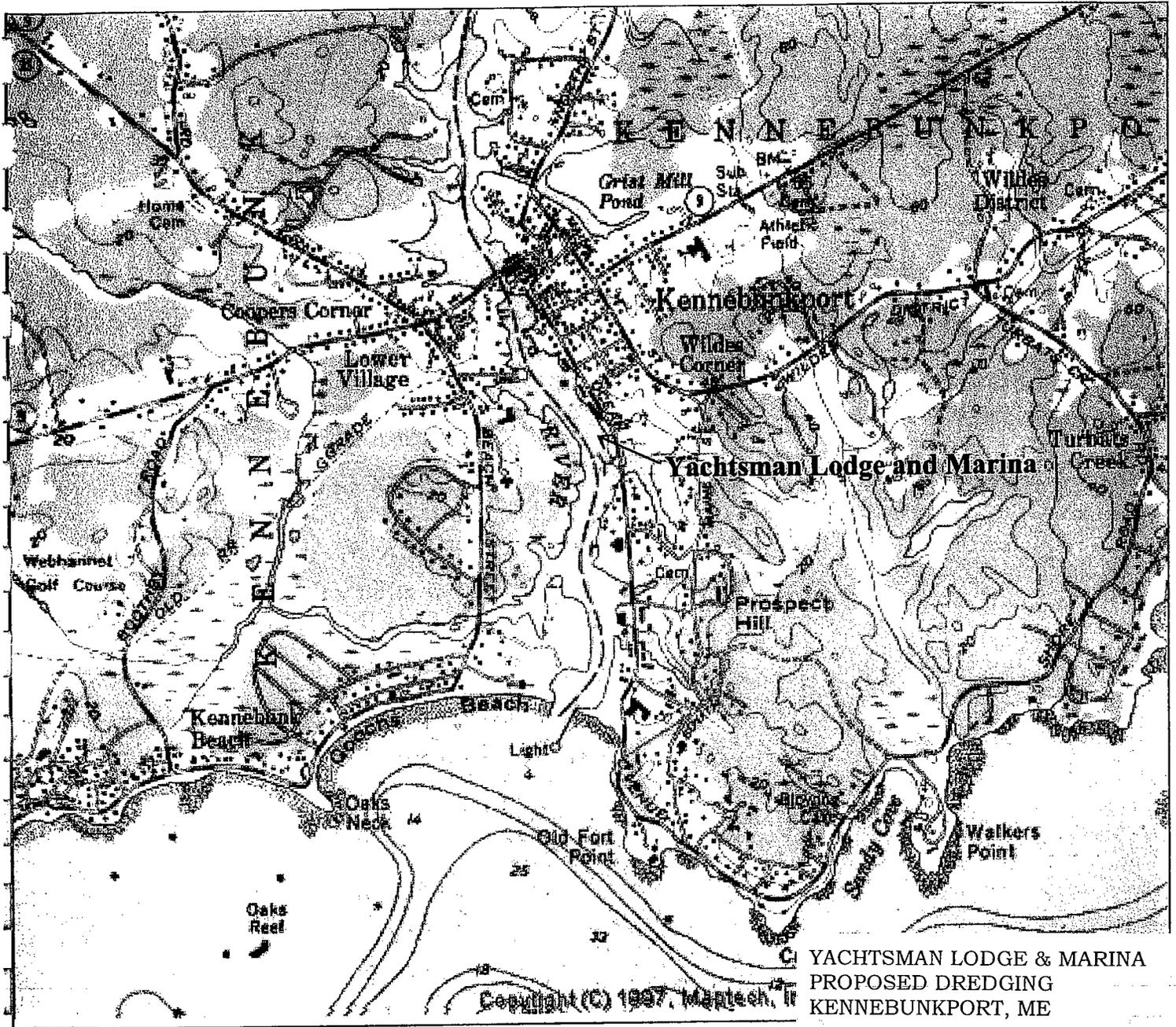
Square Description (i.e. habitat, landmarks, coastline markers): Gulf of Maine waters within the square within Saco Bay within the square affecting the following: east and south of Biddeford, ME., from Ocean Park past the Saco River around Wood I. Harbor, Biddeford Pool, Fletcher Neck ,Hoyt Neck, Little River, Cutts Cove, Goose Rocks Beach, Goosefare Bay, past the Kennebunk River to Kennebunk Beach in Kennebunk, ME. Includes those waters affecting Kennebunkport, ME., Cape Arundel, Cape Porpoise, Eagle I., Ram I., Stage I., Goat I., Bumpkin I., and the western half of Wood I. Other features affected include Paddy Creek, Fishing Rock, Timber I., Fortunes Rocks, Libbyshears, and Hussey Neck.

Species	Eggs	Larvae	Juveniles	Adults
Atlantic salmon (<i>Salmo salar</i>)			X	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
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

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
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Exhibit 3. Site Location Map for The Yachtsman Lodge and Marina in Kennebunkport, Maine.



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C YACHTSMAN LODGE & MARINA
 PROPOSED DREDGING
 KENNEBUNKPORT, ME

SHEET 1 OF 5 2/4/04

Scale



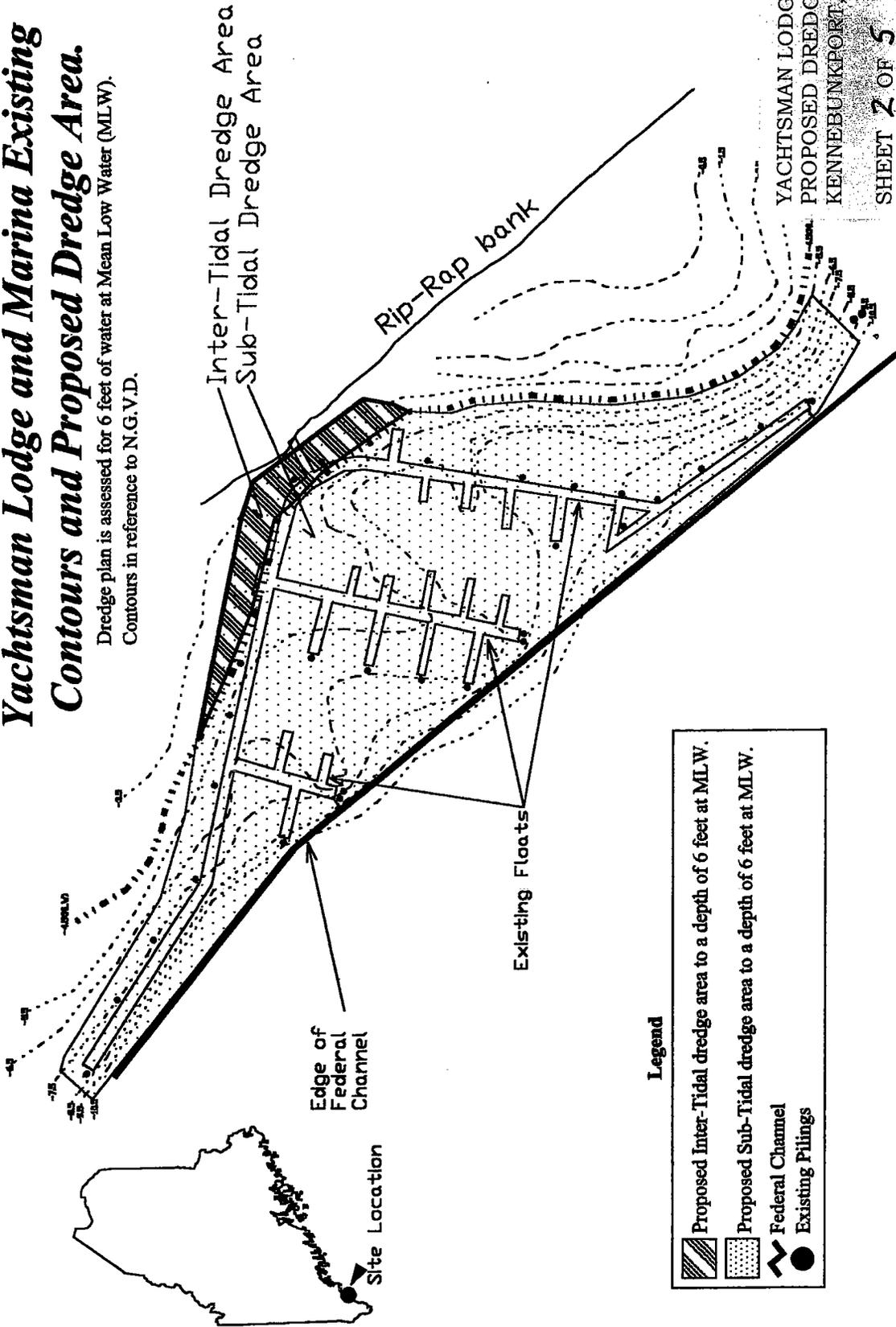
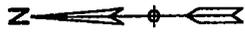
43,3556229°N
 70.4745627°W



NOTES: Site Location Map U.S.G.S. 7.5 Minute Series, Topographic Map, Kennebunkport Quadrangle, Maine.	 ECO-ANALYSTS, INC. ENVIRONMENTAL CONSULTANTS	
	P.O. BOX 224 BATH, MAINE 04530 (207) 882-1115 ECO@DIRECWAY.COM FAX (207) 882-1116	
DATE: 2/4/2004	DWG NAME: Yachtsman_site_location_map	

Yachtsman Lodge and Marina Existing Contours and Proposed Dredge Area.

Dredge plan is assessed for 6 feet of water at Mean Low Water (MLW).
Contours in reference to N.G.V.D.



YACHTSMAN LODGE & MARINA
PROPOSED DREDGING
KENNEBUNKPORT, ME

SHEET 2 OF 5 2/4/04

Legend

-  Proposed Inter-Tidal dredge area to a depth of 6 feet at MLW.
-  Proposed Sub-Tidal dredge area to a depth of 6 feet at MLW.
-  Federal Channel
-  Existing Piling

Scale



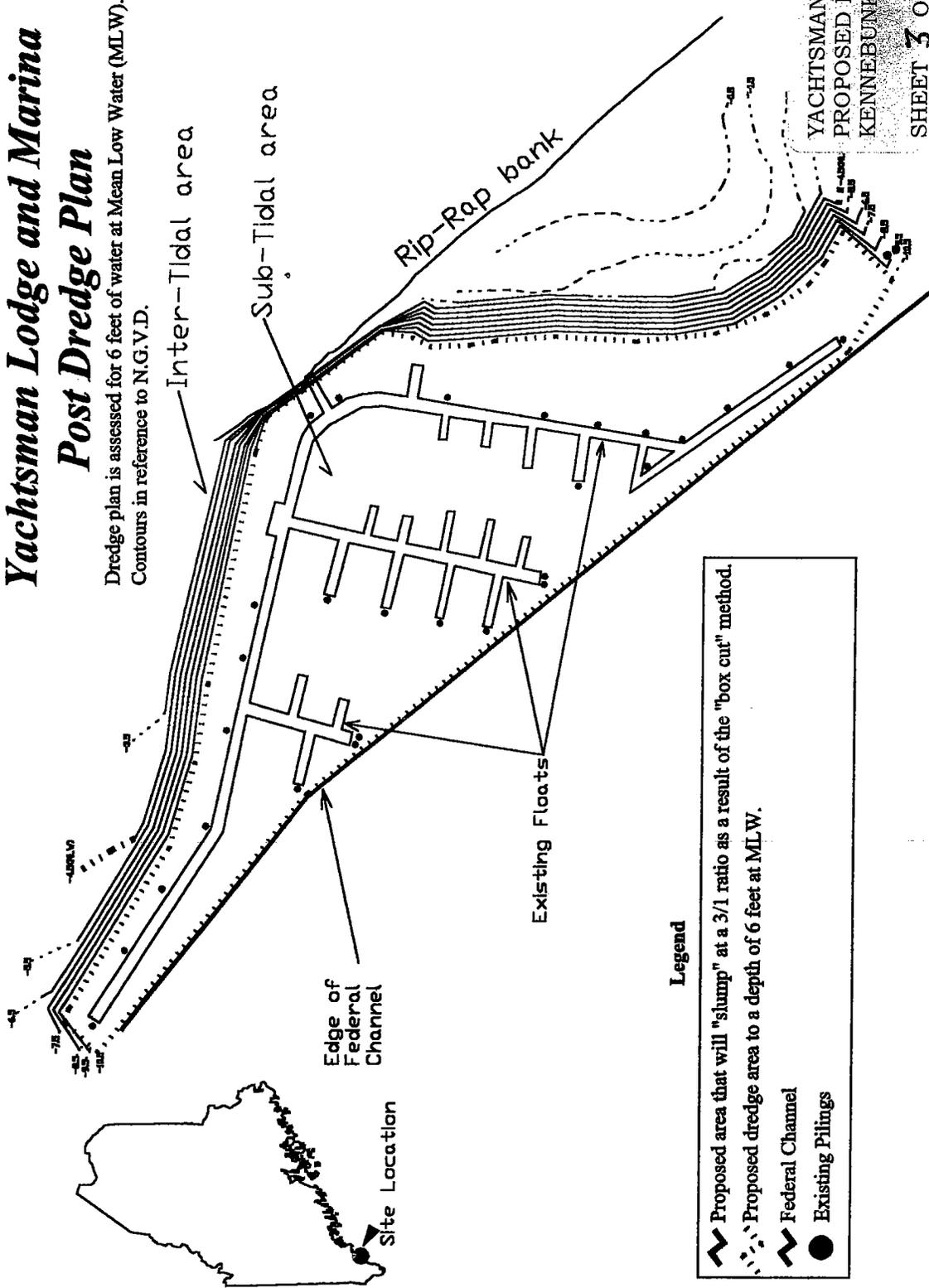
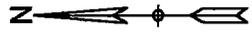
eca ECO-ANALYSTS, INC.
ENVIRONMENTAL CONSULTANTS

P.O. BOX 224, BATH, MAINE 04530
(207) 882-1115 FAX (207) 882-1116
ecodirect@ecwa.com

DATE: 2/4/2004 DRAW NAME: Proposed Dredge Area

Yachtsman Lodge and Marina Post Dredge Plan

Dredge plan is assessed for 6 feet of water at Mean Low Water (MLW).
Contours in reference to N.G.V.D.



Legend

- Proposed area that will "slump" at a 3/1 ratio as a result of the "box cut" method.
- Proposed dredge area to a depth of 6 feet at MLW.
- Federal Channel
- Existing Piling

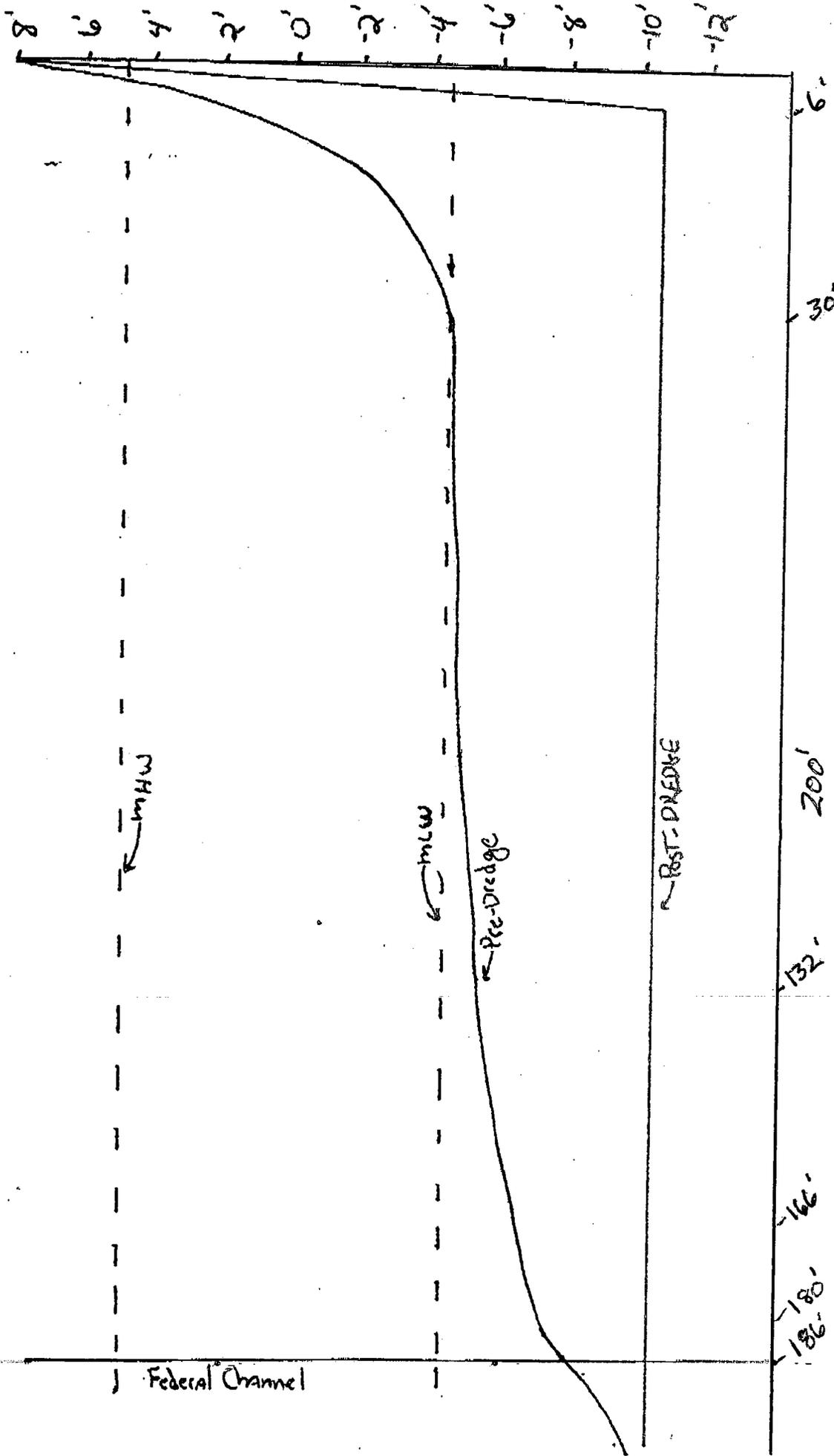
YACHTSMAN LODGE & MARINA
PROPOSED DREDGING
KENNEBUNKPORT, ME
SHEET 3 OF 5 2/4/04

Scale



ECO-ANALYSTS, INC. ENVIRONMENTAL CONSULTANTS P.O. BOX 224 BATH, MAINE 04530 (207) 882-1115 FAX: (207) 882-1116 eco@directway.com	
DATE 2/4/2004	DWR NUMBER Post Dredge Plan

Yachtsman Dredge Plans
Cross section From Ramp → Federal Channel



YACHTSMAN LODGE & MARINA
 PROPOSED DREDGING
 KENNEDY AIRPORT, VA
 SHEET NO. 5 5/24/04

