



**US Army Corps
of Engineers®**

PUBLIC NOTICE

Applicant:
United States Department of the Navy

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Expires: 10 August 2025

**New England District
Permit Application No. NAE-2024-01866**

TO WHOM IT MAY CONCERN: The New England District of the U.S. Army Corps of Engineers (Corps) has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344). The purpose of this public notice is to solicit comments from the public regarding the work described below:

APPLICANT: Daniel Brown
United States Department of the Navy
Portsmouth Naval Shipyard
Building 59/2
Kittery, Maine 03904-5000

AGENT: Megan Bishop
United States Department of the Navy
Portsmouth Naval Shipyard
Building 59/3
Kittery, Maine 03904-5000

WATERWAY AND LOCATION: The project would affect waters of the United States and navigable waters of the United States associated with Great Pond Cove. The project/review area is located on the Naval Computer and Telecommunications Area, Master Station Detachment Cutler; at Latitude 44.649726 and Longitude -67.292883; in Cutler, Washington County, Maine.

EXISTING CONDITIONS: The site currently includes an existing network of roads and wetland crossings. The road crosses 860 linear feet of tidal and freshwater wetland via road fill and twin 36 inch pipe culverts at the northern end as well as a single 36 inch pipe culvert at the southern end of the wetland. Coastal erosion, increasingly frequent storm events, and sea level rise have led to deteriorated conditions of the road and reduced infrastructure security.

PROJECT PURPOSE:

Basic: Road improvements.

Overall: To maintain the security of the facility by creating elevated and more resilient security roads at Naval Computer and Telecommunications Area, Master Station Detachment Cutler.

PROPOSED WORK: The applicant requests authorization to place and maintain permanent fill within 8,545 square feet within palustrine and estuarine wetlands. The overall footprint of the fill will be expanded into tidal and freshwater wetlands to create the new roadway embankment. The existing twin 36 inch pipe culverts will be removed and replaced with a 12 foot wide concrete box culvert. The single 36 inch pipe culvert will be replaced with a 42 inch reinforced concrete pipe culvert. The project also includes temporary impacts within 4,276 square feet of wetlands as required to de-water the work area and perform the construction.

Summary table of proposed impacts:

PROPOSED IMPACTS AT AREA H

WETLAND	COWARDIN CLASSIFICATION	PERMANENT IMPACTS		PERMANENT IMPACTS BELOW HAT LINE		TEMPORARY IMPACTS		TEMPORARY IMPACTS BELOW HAT LINE	
		Sqft	Acres	Sqft	Acres	Sqft	Acres	Sqft	Acres
W12	EEM1	3,442	0.08			1,511	0.03		
W12	PSS1	173	0.00			49	0.00		
W23	PSS1	625	0.01	703	0.02	708	0.02	416	0.01
W23	EEM1	1,392	0.03	1,551	0.04	504	0.01	502	0.01
W23	EUS1	2,913	0.07	4,995	0.11	1,504	0.03	1,565	0.04
TOTAL		8,545	0.20	7,249	0.17	4,276	0.10	2,483	0.06

AVOIDANCE AND MINIMIZATION: The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment:

- 1) 2H:1V side slopes along the seaward side of roadway, and 3H:1V side slopes along the landward side of the roadway, leading to a smaller footprint of fill as opposed to 6H:1V or 4H:1V slopes.
- 2) The roadway width is proposed to be reduced from 20 feet to 16 feet.
- 3) A grass strip is proposed between the roadway and revetment to reduce impervious area.
- 4) Design allows for fill over critical infrastructure, allowing the alignment to remain close to the existing alignment.

COMPENSATORY MITIGATION: The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment:

The applicant is proposing to purchase credits through the Maine In-Lieu Fee Compensation Program.

CULTURAL RESOURCES:

The Department of the Navy (Navy) is the lead federal agency responsible for coordination pursuant to Section 106 of the National Historic Preservation Act (NHPA). Based on its initial review of the proposed project and coordination with the State Historic Preservation Officer (SHPO), the Navy has identified the Cutler VLF and HF

Historic District as an eligible district under the National Register of Historic Places. The Navy has made the determination that the undertaking will have no adverse effect on these historic properties. The Navy subsequently requested and received concurrence from the SHPO on their determination.

ENDANGERED SPECIES: The Navy is the lead federal agency responsible for coordination pursuant Section 7 of the Endangered Species Act. Based on their initial review, the Navy has made a preliminary determination that the proposed project will not affect any listed species or critical habitat.

Species Common Name	Scientific Name	Federal Status
Atlantic salmon	<i>Salmo salar</i>	Endangered
Northern long-eared bat	<i>Myotis septentrionalis</i>	Endangered
Tricolored bat	<i>Perimyotis subflavus</i>	Proposed endangered
Roseate tern	<i>Sterna dougallii dougallii</i>	Endangered
Monarch butterfly	<i>Danaus plexippus</i>	Proposed threatened

Pursuant to Section 7 ESA, any required consultation with the Service(s) will be conducted in accordance with 50 CFR part 402. The Navy is the lead Federal agency for ESA consultation for the proposed action. Any required consultation will be completed by Navy.

ESSENTIAL FISH HABITAT: The Navy is the lead federal agency responsible for coordination pursuant to the Magnuson-Stevens Fishery Conservation and Management Act 1996. The Navy consulted with National Marine Fisheries Service (NMFS). The final determination relative to project impacts and mitigation measures was reviewed by NMFS, who agreed with the proposed avoidance, minimization, and compensatory mitigation measures and did not have additional conservation recommendations to provide.

NAVIGATION: The proposed structure or activity is not located in the vicinity of a federal navigation channel.

SECTION 408: The applicant will not require permission under Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

WATER QUALITY CERTIFICATION: Water Quality Certification may be required from the Maine Department of Environmental Protection.

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The geographic extent of aquatic resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has been verified by Corps personnel.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts 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 reasonably may be expected to 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 cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food, and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

COMMENTS: The Corps 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 to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to 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 (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The New England District will receive written comments on the proposed work, as outlined above, until 10 August 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to cenae-r-me@usace.army.mil. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, New England District, Attention: cenae-r-me@usace.army.mil. Please refer to the permit application number (NAE-2024-01866) in your comments.

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 public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

NOTE: THIS IS NOT AN AUTHORIZATION TO DO WORK.

Please contact Ms. Tina Chaisson at bettina.m.chaisson@usace.army.mil or (978) 318-8058 if you would like to be removed from our public notice mailing list.