



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

696 Virginia Road
Concord, MA 01742-2751

Public Notice

In Reply Refer to: Ms. Coral Siligato
nae-pn-nav@usace.army.mil

Programs & Project
Management Division

Date: September 23, 2020

Comment Period Closes: October 22, 2020

30-DAY PUBLIC NOTICE

REPAIR AND MAINTENANCE OF THE EAST AND WEST JETTIES AND WING WALLS OF THE KENNEBUNK RIVER FEDERAL NAVIGATION PROJECT, KENNEBUNK & KENNEBUNKPORT, MAINE

Interested parties are hereby notified that the U.S. Army Corps of Engineers (USACE), New England District, plans to repair the East and West Jetties and Wing Walls of the Kennebunk River Federal Navigation Project (FNP) in Kennebunk and Kennebunkport, Maine. This Public Notice is being issued to fulfill the requirements of the National Environmental Policy Act (NEPA) and other pertinent regulations. Attachment no. 1 lists pertinent laws, regulations, and directives.

Project Description: The proposed work involves needed repair and maintenance of the east and west jetties and wing walls of the Kennebunk River FNP that sustained damage during Hurricane Sandy in October 2012 and consecutive Nor'easter Storms in March 2018. Funding for this effort is provided in the "Additional Supplemental Appropriations for Disaster Relief Act, 2019" (P.L. 116-20). The project features provide protection for vessels entering and exiting the Kennebunk River. The authorized FNP (Attachment 2) provides an 8-foot deep by 100 feet wide entrance channel from deep water in the Atlantic Ocean to Doane's Wharf in Kennebunkport; two 6-foot deep anchorages on the east and west sides of the FNP; a 600-foot long stone jetty on the eastern side of the channel with a stone wing wall connecting the jetty with the eastern shore; and a 290-foot long stone jetty on the western side of the channel with a stone wing wall connecting the jetty with the western shore.

Improvements to navigation at the Kennebunk River began in the 1790s when the first cribwork jetties at the river mouth were constructed by the Commonwealth of Massachusetts. The Federal Government took ownership of the jetties in 1798 and the USACE repaired and improved the FNP over the years. The most recent improvements were undertaken in the 1960s when the west jetty was lengthened and the navigation channels were deepened and widened to their current authorized dimensions. This was done under authorization provided in the Rivers and Harbors Act of 1962, P.L. 87-874.

Character and Purpose of Work: The purpose of the work is to perform repairs to the east and west jetties and wing walls at the entrance to the Kennebunk River in Kennebunk and Kennebunkport, Maine. Repair work will target loss of armor stone along both jetties, undermining of the east wing wall, and unbalanced settlement of the west wing wall. These damages have resulted in decreased functionality of the stone structures and an overall loss of protection of the navigation channels. Attachment 3 shows the construction access, storage, and staging areas. The proposed work on the east wing wall will utilize Colony Beach in Kennebunkport for construction access and material staging. Work will consist of disassembling the entire length (240 feet) of the fitted stone wing wall and rebuilding it in a more stable configuration using the existing stones with grouting and pinning applied where needed. Following construction, the Colony Beach parking lot side of the wall will be backfilled, compacted, and leveled to return the site to previous conditions. At the base of the northern side of the wall, approximately 1,200 square feet of stone toe protection will be added to the bottom of the length of the wall for added scour protection. Placed stone would be similar in size and shape to what is currently present in the area.

Repairs of the west wing wall will consist of disassembling only the settled and failed portion of the wall and rebuilding it in a more stable configuration using the existing stones. The structure will maintain the same footprint once repairs are complete. Access to the west wing wall will either be over land via Gooch's Beach in Kennebunk or equipment will be offloaded from a barge in the Kennebunk River channel. If access is via land, a temporary ramp constructed using natural materials (stone, sand, etc.) will be built to provide heavy equipment access from Beach Ave. down to the beach surface. The land-based path of travel for heavy equipment will avoid the vegetated dune and private properties on Gooch's Beach and would occur between Labor Day and Memorial Day to avoid peak recreation season.

The seaward ends of the east and west jetties will be repaired utilizing a barge-mounted crane or excavator working from the water. Repairs to the east jetty consist of demolishing the failed fitted stone structure at the nose and rebuilding the nose with larger armor stone in a rounded configuration. The reconfiguration will convert approximately 3,300 square feet of sand substrate to rock. This work will require the temporary removal of the navigation aid at the end of the jetty. The fitted stones that would be removed from the nose would be repurposed for use as a parking barrier along the top of the east wing wall. Additional repairs of the east jetty include extending armor stone protection by 45 linear feet along the eastern face of the east jetty where it meets the beach. This will convert approximately 225 square feet of sand and gravel area to stone to protect a small area where the eroded beach has exposed the older inner stone cores. Repairs to the nose of the west jetty consist of adding new armor stone at the jetty nose where previous stones have been displaced. The work is estimated to begin in the summer of 2021 and take approximately seven months to complete.

Additional Information: Additional information may be obtained from Ms. Coral Siligato, Civil Works/IIS Project Management Branch, Programs and Project Management Division, at the return address shown, by email at nae-pn-nav@usace.army.mil, or by telephone at (978) 318-8012.

Coordination: The proposed work has, or will be coordinated with the following agencies:

Federal:

U.S. Environmental Protection Agency
U.S. Fish and Wildlife Service
National Marine Fisheries Service

State of Maine:

Maine Department of Environmental Protection
Maine Department of Inland Fisheries and Wildlife
Maine Coastal Program
Maine Department of Marine Resources
Maine Geological Survey
Maine Historic Preservation Office

Tribal Nations:

The Passamaquoddy Tribe

Local:

Town of Kennebunk
Town of Kennebunkport

Environmental Impacts: An Environmental Assessment is in preparation and will be available for review upon request when complete. I have preliminarily determined that an Environmental Impact Statement for the proposed repair work is not required under the provisions of the 1969 NEPA. This determination will be reviewed in light of facts submitted in response to this notice.

Federal Consistency with the Maine Coastal Zone Management Program: I find repair and maintenance of the Kennebunk River FNP east and west jetties and wing walls is consistent, to the maximum extent practicable, with the state of Maine's coastal program established as a result of the Coastal Zone Management Act of 1972. The repair work will be conducted, to the maximum extent practicable, in a manner that is consistent with the approved management program.

Other Information:

- a. **Local Sponsor:** The towns of Kennebunk and Kennebunkport, Maine, are the local sponsors for the approved work.
- b. **Previous Repair:** Repairs to the east jetty were last completed in 1982 when 1,707 tons of stone were added to the damaged sections of the structure. Repairs to the west jetty were last completed in the same year when 1,597 tons of stone were added to the structure.
- c. **Endangered Species:** It is our preliminary determination that the project is not likely to adversely affect threatened or endangered species. The USACE is in consultation with the National Marine Fisheries Service and the United States Fish and Wildlife Service to ensure that the proposed activity will not significantly affect any species or critical habitat designated as endangered or threatened pursuant to the Endangered Species Act of 1973 (87 Stat. 884).

- d. Floodplain Management: In accordance with Executive Order 11988, the USACE has determined that the proposed work will not contribute to negative impacts or damages caused by floods.
- e. Cultural Resources: The proposed work is maintenance involving previously-disturbed areas and is not likely to affect any cultural or archaeological features or resources. The USACE is in coordination with the Maine Historic Preservation Commission and the Tribal Historic Preservation Officer of the Passamaquoddy Tribal Nation in accordance with the National Historic Preservation Act of 1966, as amended.
- f. Essential Fish Habitat Assessment: The USACE has determined that the project may have a temporary adverse effect on Essential Fish Habitat (EFH). The project site is contained within areas designated as EFH as defined by the Magnuson-Stevens Fishery Conservation and Management Act and amended by the Sustainable Fisheries Act of 1996 for Federally-managed fish species. The USACE assessed the effects that the project is likely to have on EFH and determined that they will be short-term and localized and that there will be no significant impacts on the designated fisheries resources. The USACE is in consultation with the National Marine Fisheries Service to ensure that any potential impacts will be minimized.
- g. Additional Requirements: The Corps has requested a 401 Water Quality Certificate from the Maine Department of Environmental Protection and a Coastal Zone Management Consistency Determination Concurrence from the Maine Coastal Program.

The decision whether to perform the proposed work 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 reasonably may be expected to accrue from the proposal, will be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered; among these are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use classification, and the welfare of the people. Any person who has an interest that may be affected by the jetty repair work may request a public hearing. The request must be submitted in writing to the District Engineer within the comment period of this notice and must clearly set forth the interest and the manner in which it may be affected by this activity.

Please bring this notice to the attention of anyone you know to be interested in this project. Comments are invited from all interested parties and should be directed to the U.S. Army Corps of Engineers, New England District, ATTN: Coral Siligato and emailed to nae-pn-nav@usace.army.mil within 30 days of this notice.

Date

John A. Atilano II
Colonel, Corps of Engineers
District Engineer

Attachments

Attachment 1

PERTINENT LAWS, REGULATIONS, AND DIRECTIVES

Clean Water Act, as amended (33 U.S.C. 1251 et. seq.)

Code of Federal Regulation, Title 33, Parts 335 through 338

National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347)

Fish and Wildlife Coordination Act (16 U.S.C. 661-667e)

Fish and Wildlife Act of 1956 (16 U.S.C. 742a, et. seq.)

Coastal Zone Management Act of 1972 (16 U.S.C. 1456)

National Historic Preservation Act of 1966 (54 U.S.C. 300101 et. seq.)

Endangered Species Act of 1973 as amended (16 U.S.C. 1531 et seq.)

Clean Air Act, as amended (42 U.S.C. 7401 et. seq.)

Estuary Protection Act (16 U.S.C. 1221 et. seq.)

Federal Water Project Recreation Act, as amended (16 U.S.C. 460L-12 et. seq.)

Land and Water Conservation Fund Act of 1965, as amended (54 U.S.C. 200301 et. seq.)

Magnuson-Stevens Fishery Conservation and Management Act as amended by the
Sustainable Fisheries Act of 1996 (16 U.S.C. 1801 et seq.)

Executive Order 11988, Floodplain Management, 24 May 1977

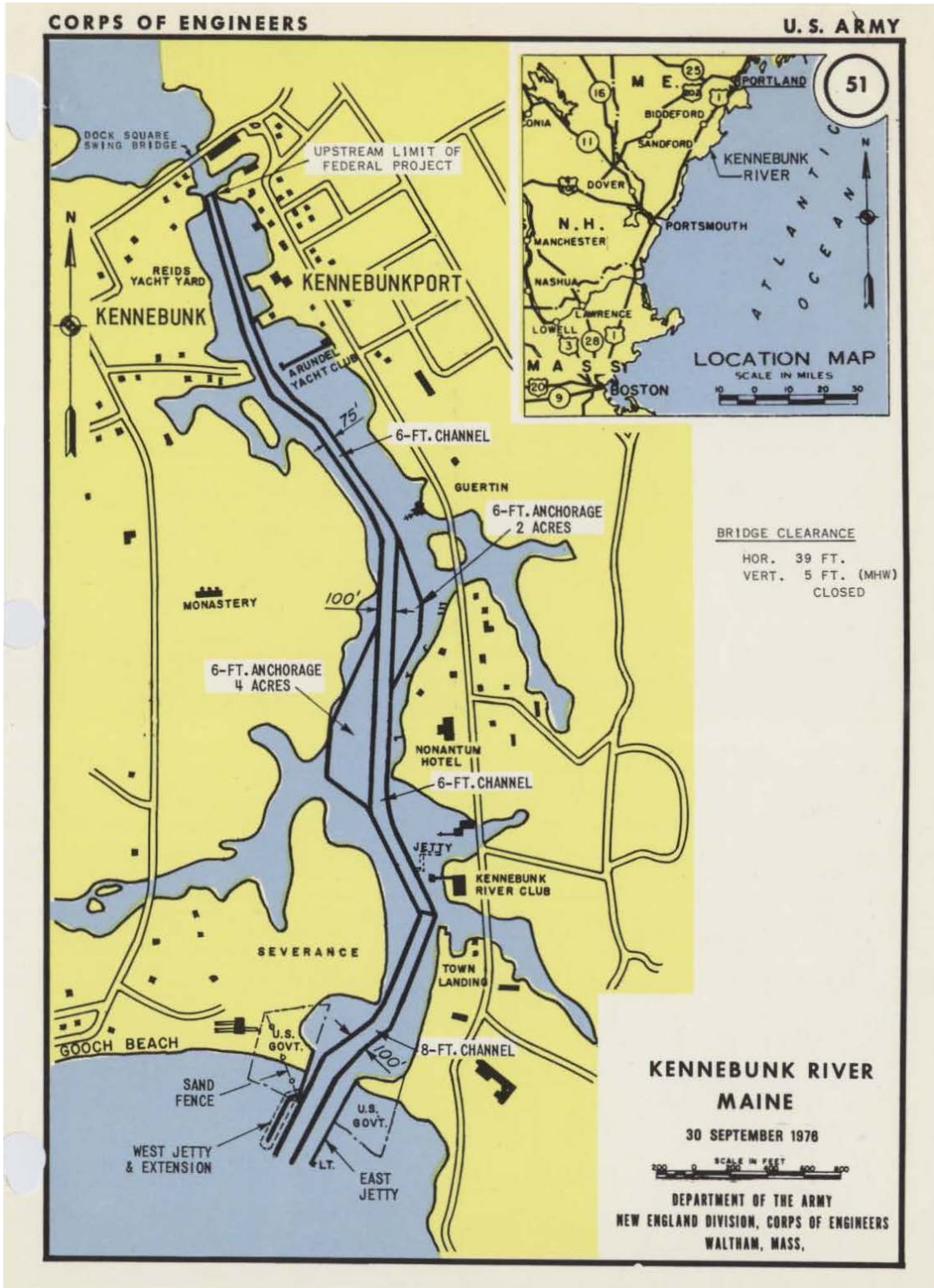
Executive Order 11990, Protection of Wetlands, 24 May 1977

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority
Populations and Low Income Populations, 11 February 1994

Executive Order 13045, Protection of Children from Health Risks and Safety Risks,
21 April 1997

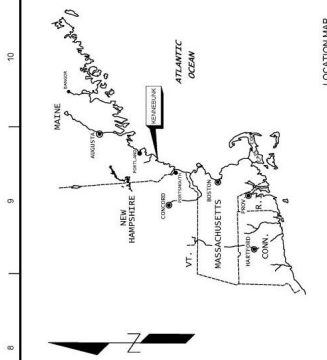
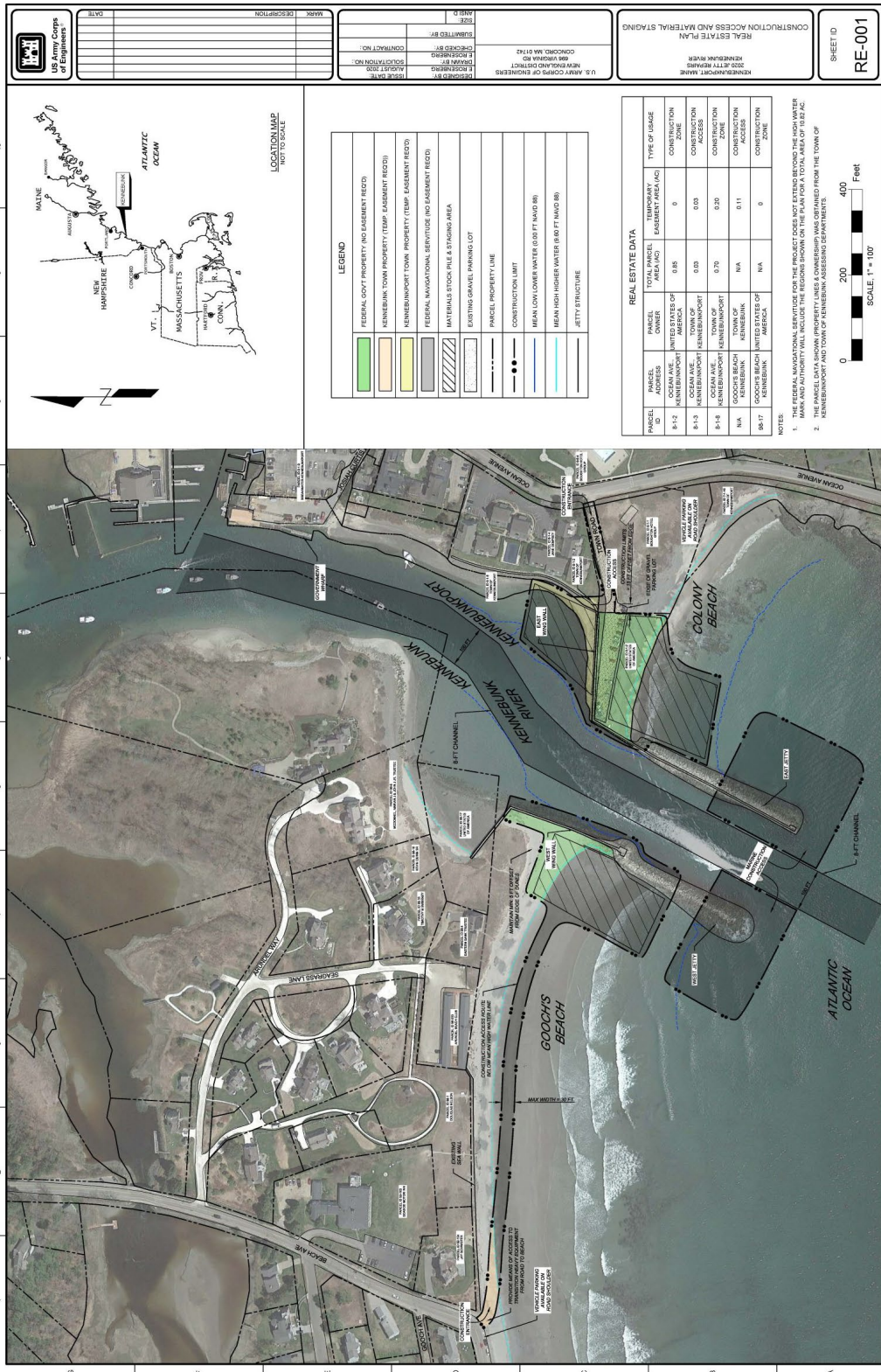
Attachment 2

Kennebunk River Federal Navigation Project



Attachment 3

Kennebunk River FNP Project Area Locations



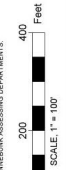
LEGEND

- FEDERAL GOVT PROPERTY (NO EASEMENT REQ'D)
- KENNEBUNK TOWN PROPERTY (TEMP EASEMENT REQ'D)
- KENNEBUNK TOWN PROPERTY (TEMP EASEMENT REQ'D)
- FEDERAL NAUTICAL SERVICE (NO EASEMENT REQ'D)
- MATERIALS STOCK PILE & STAGING AREA
- EXISTING GRAVEL PARKING LOT
- PARCEL PROPERTY LINE
- CONSTRUCTION LIMIT
- MEAN LOWER WATER (8.0 FT NAVD 88)
- MEAN HIGH WATER (8.6 FT NAVD 88)
- JETTY STRUCTURE

REAL ESTATE DATA

PARCEL ID	PARCEL ADDRESS	OWNER	TOTAL PARCEL AREA (AC)	TEMPORARY EASEMENT AREA (AC)	TYPE OF USAGE
8-1-2	OCEANA AVE., KENNEBUNKPORT	TOWN OF KENNEBUNKPORT	0.88	0	CONSTRUCTION ZONE
8-1-3	OCEANA AVE., KENNEBUNKPORT	TOWN OF KENNEBUNKPORT	0.00	0.00	CONSTRUCTION ACCESS
8-1-8	GOOCOY'S BEACH, KENNEBUNK	TOWN OF KENNEBUNK	0.70	0.00	CONSTRUCTION ACCESS
8-1-17	GOOCOY'S BEACH, KENNEBUNK	TOWN OF KENNEBUNK	N/A	0.11	CONSTRUCTION ACCESS
8-1-17	GOOCOY'S BEACH, KENNEBUNK	TOWN OF KENNEBUNK	N/A	0	CONSTRUCTION ZONE

NOTES:
 1. FEDERAL NAUTICAL SERVICE USE FOR THE PROJECT DOES NOT EXCEED BEYOND THE HIGH WATER MARK AND AUTHORITY WILL INCLUDE THE RESUME SHOWN ON THE PLAN FOR A TOTAL AREA OF 19.82 AC.
 2. THE PARCEL DATA SHOWN (PROPERTY LINE & OWNERSHIP) WAS OBTAINED FROM THE TOWN OF KENNEBUNKPORT AND TOWN OF KENNEBUNK ASSESSING DEPARTMENT.



U.S. ARMY CORPS OF ENGINEERS
 CONCORD, MA 01742
 NEW HAMPSHIRE DISTRICT
 800 WALKER RD
 ROSTER NO. 100
 PROJECT NO. 100
 CONTRACT NO. 100
 SUBMITTED BY: 100
 CHECKED BY: 100
 DATE: 100

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REAL ESTATE PLAN
 KENNEBUNK RIVER
 2023 ATTN: ERIC
 KENNEBUNK, ME 04743

SHEET ID
RE-001

REFERENCE ONLY