



**US Army Corps
of Engineers®**
New England District
696 Virginia Road
Concord, MA 01742-2751

PUBLIC NOTICE

Comment Period Begins: 20 April, 2021

Comment Period Ends: 20 MAY, 2021

File Number: NAE-2020-1783

In Reply Refer To: Shawn B. Mahaney

Phone: (978) 318-8492

E-mail: shawn.b.mahaney@usace.army.mil

The District Engineer has received a permit application to conduct work in waters of the United States from the Town of Lubec, 40 School Street, Lubec, Maine 04652. This work is proposed in Johnson Bay off Main Street/Route 189 at Lubec, Maine. The site coordinates are: Latitude 44.856628°N, Longitude -66.99365°W.

The work involves the placement of up to approximately 3.29 acres of fill below the High Tide Line of Johnson Bay at Lubec, Maine in conjunction with the relocation of the existing Town marina to provide a safe harbor for the existing fishing fleet and recreational & transient boaters.

The safe harbor project consists of a solid fill breakwater pier, boat ramp, pile supported pier and ramps and floats. The breakwater would be 1250 feet long. The first 760 feet of the breakwater will be constructed using rock fill. The remaining 500 feet of the breakwater will be constructed with 30-foot diameter filled circular sheet pilings. The boat ramp will be 15 feet wide by 260 feet long. A 6' x 105 pile supported pier with a 4' x 123' leading to (8) 8' x 20' pile secured floats. Also, a 6' x 60' ramp attached from the breakwater will lead to a line of floats consisting of (16) 8' x 20' pile secured floats.

The work is shown on the enclosed plans entitled "Lubec Safe Harbor, Route 189, Main Street, Lubec, Maine", on eight (8) sheets, and dated "June 2019".

The U.S. Army Corps of Engineers conducted a Navigation Improvement Study under the authority of Section 107 of the Rivers and Harbors Act of 1960, as amended. The study is dated June 2004. The report identified seven potential safe harbor sites throughout Lubec. The Town utilized this study to determine a practicable alternative for the safe harbor project. To compensate for the project's unavoidable impacts to wetlands, the applicant proposes to make an In-Lieu-Fee payment of \$830,752.00 to the Maine Natural Resource Conservation Program.

AUTHORITY

Permits are required pursuant to:

 X Section 10 of the Rivers and Harbors Act of 1899

 X Section 404 of the Clean Water Act

 Section 103 of the Marine Protection, Research and Sanctuaries Act.

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.

The U.S. Army Corps of Engineers, New England District (USACE), 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. The USACE will consider all comments received to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on 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 and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

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.

ESSENTIAL FISH HABITAT

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). Essential Fish Habitat describes waters and substrate necessary for fish for spawning, breeding, feeding or growth to maturity.

This project will impact 3.29 acres of EFH. This habitat consists of ledge, rock, boulders, cobbles, and gravel in the intertidal area (0.46 acres) then transitioning to deep soft mud in the subtidal area (2.83). Loss of this habitat may adversely affect species that use these waters and substrate. However, the District Engineer has made a preliminary determination that the site-specific adverse effect 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.

NATIONAL HISTORIC PRESERVATION ACT

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).

ENDANGERED SPECIES CONSULTATION

The USACE has reviewed the application for the potential impact on Federally-listed threatened or endangered species and their designated critical habitat pursuant to section 7 of the Endangered Species Act (ESA) as amended. The Corps has consulted with the National Marine Fisheries Service and U.S. Fish and Wildlife Service on listed species under their jurisdiction and the ESA consultations determined that the proposed activity was not likely to adversely affect a listed species or their critical habitat.

OTHER GOVERNMENT AUTHORIZATIONS

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 following authorizations have been applied for, or have been, or will be obtained:

- (X) Permit, license or assent from State.
- () Permit from local wetland agency or conservation commission.
- (X) Water Quality Certification in accordance with Section 401 of the Clean Water Act.

COMMENTS

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 Shawn Mahaney at (978) 318-8492.

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 USACE 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.

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.

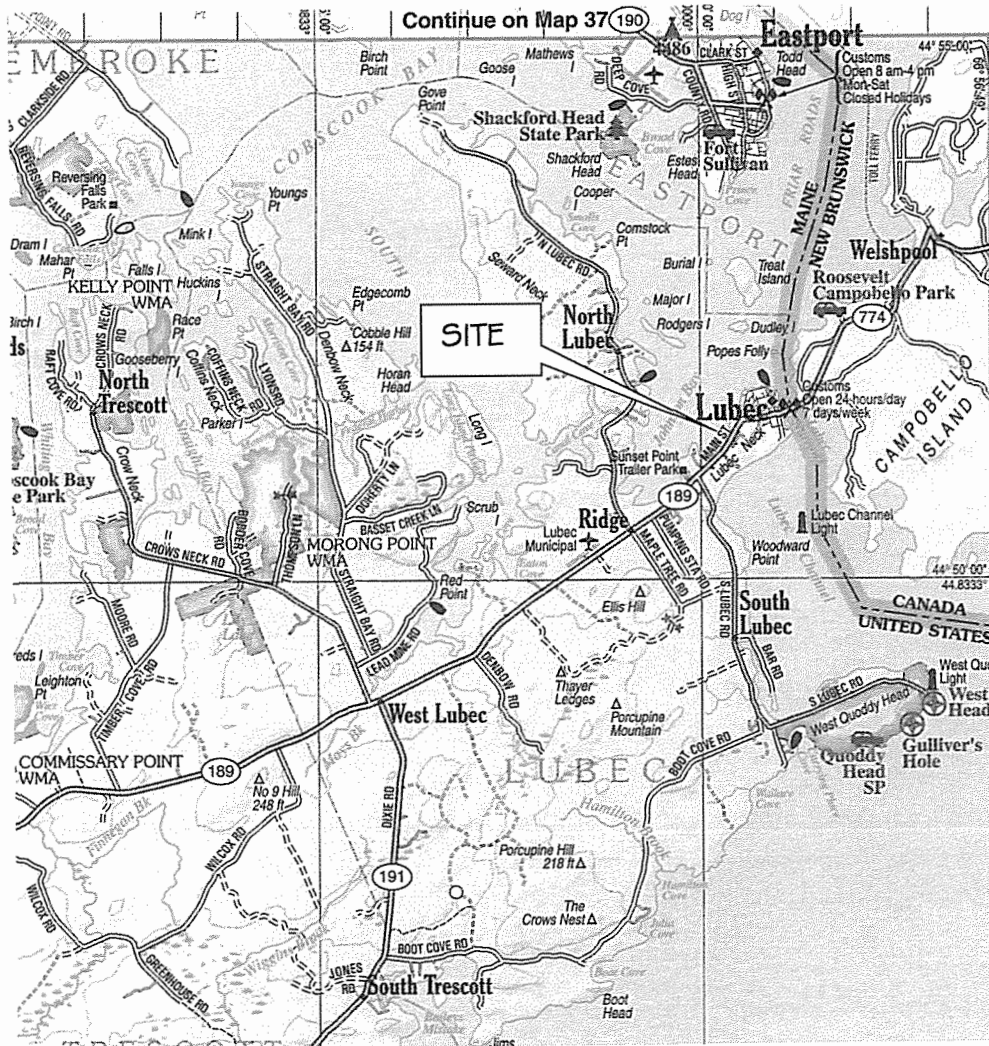
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FILE NO. NAE-2020-1783

Frank J. Del Giudice
Chief, Permits and Enforcement Branch
Regulatory Division

If you would prefer not to continue receiving Public Notices by email, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at bettina.m.chaisson@usace.army.mil.



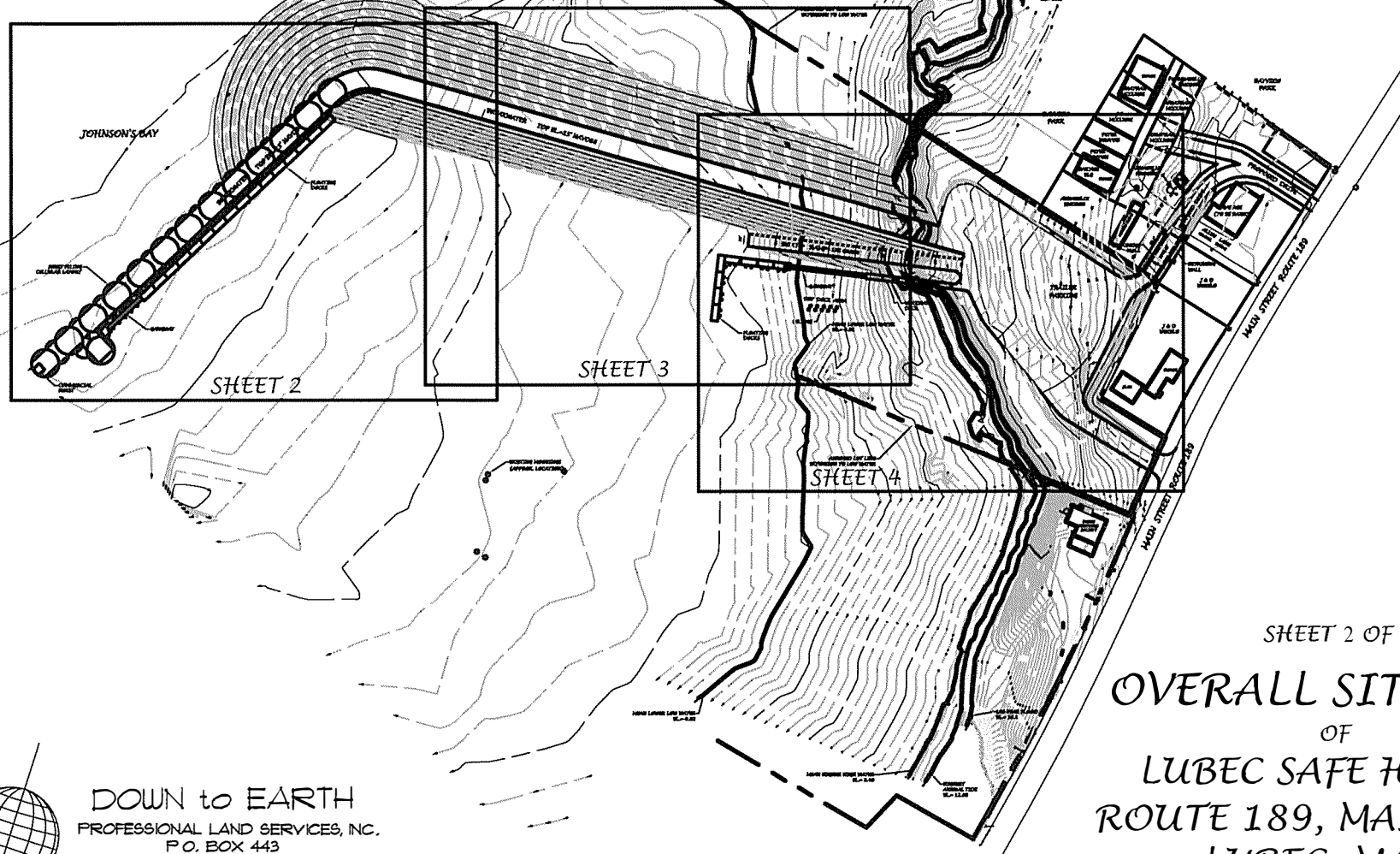
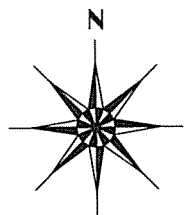
DOWN to EARTH
 PROFESSIONAL LAND SERVICES, INC.
 P.O. BOX 443
 BRADLEY, MAINE 04411-0443
 TEL. 207-827-6733



VICINITY MAP
 NOT TO SCALE

Sheet 1 of 8
 Lubec Safe Harbor
 Route 189, Main Street
 Lubec, Maine
 Date: June 2019

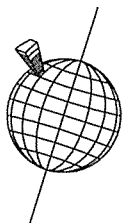
GRID NORTH



SHEET 2 OF 8

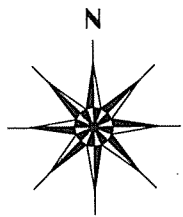
OVERALL SITE PLAN
OF
LUBEC SAFE HARBOR
ROUTE 189, MAIN STREET
LUBEC, MAINE

DATE: JUNE 2019, SCALE: 1"=200'



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GRID NORTH



JOHNSON'S BAY

BREAKWATER

TOP EL. -2.5' NAVD83

FLOATING DOCKS

SHEET PILING
CELLULAR LAYOUT

GANGWAY

COMMERCIAL
HOIST

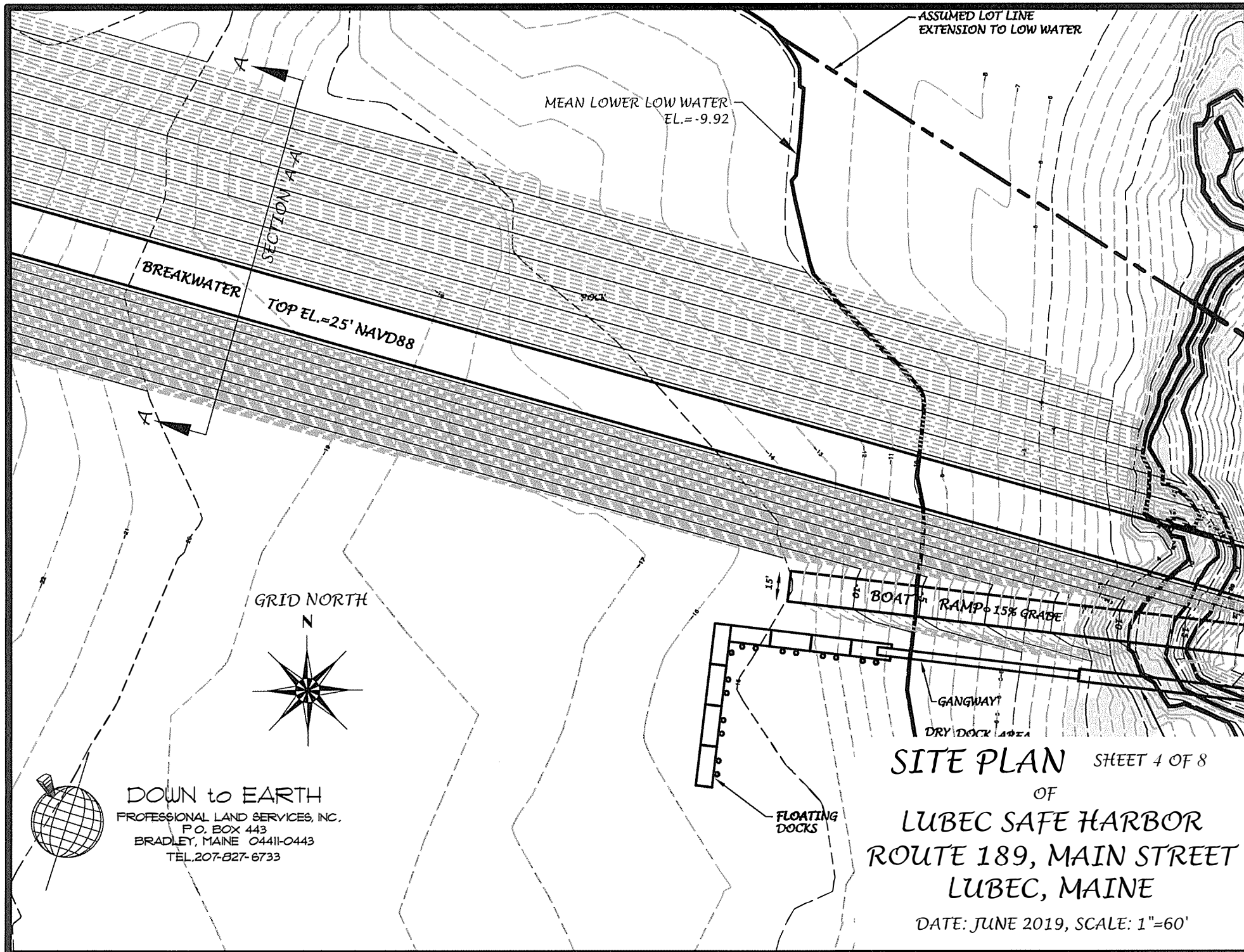
BREAK



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SITE PLAN SHEET 3 OF 8
OF
LUBEC SAFE HARBOR
ROUTE 189, MAIN STREET
LUBEC, MAINE

DATE: JUNE 2019, SCALE: 1"=60'



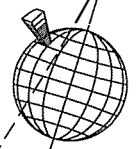
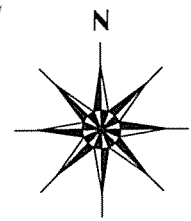
MEAN LOWER LOW WATER
EL. = -9.92

ASSUMED LOT LINE
EXTENSION TO LOW WATER

BREAKWATER

TOP EL. = 25' NAVD88

GRID NORTH



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BOAT RAMP 15% GRADE

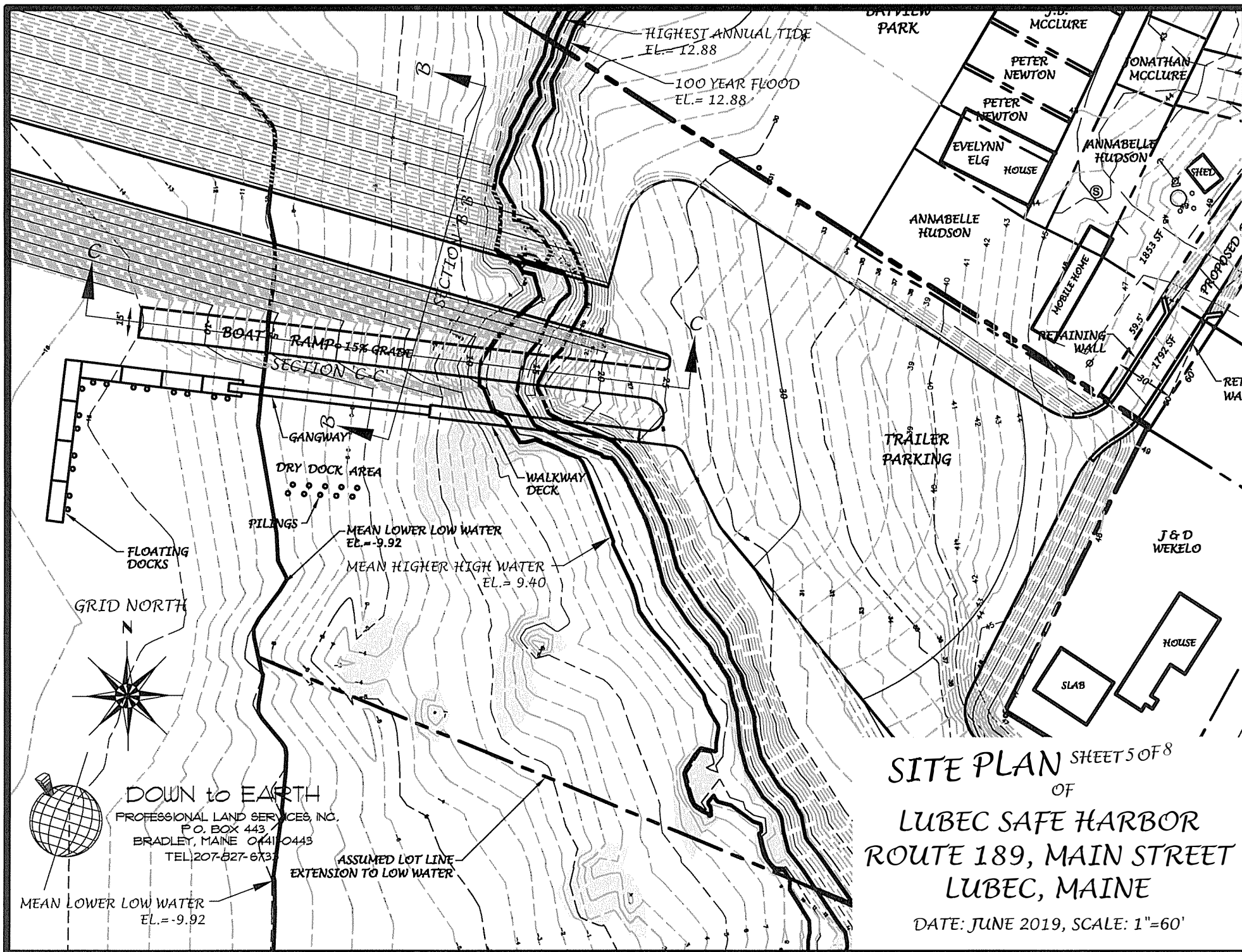
GANGWAY

DRY DOCK AREA

FLOATING
DOCKS

SITE PLAN SHEET 4 OF 8
OF
LUBEC SAFE HARBOR
ROUTE 189, MAIN STREET
LUBEC, MAINE

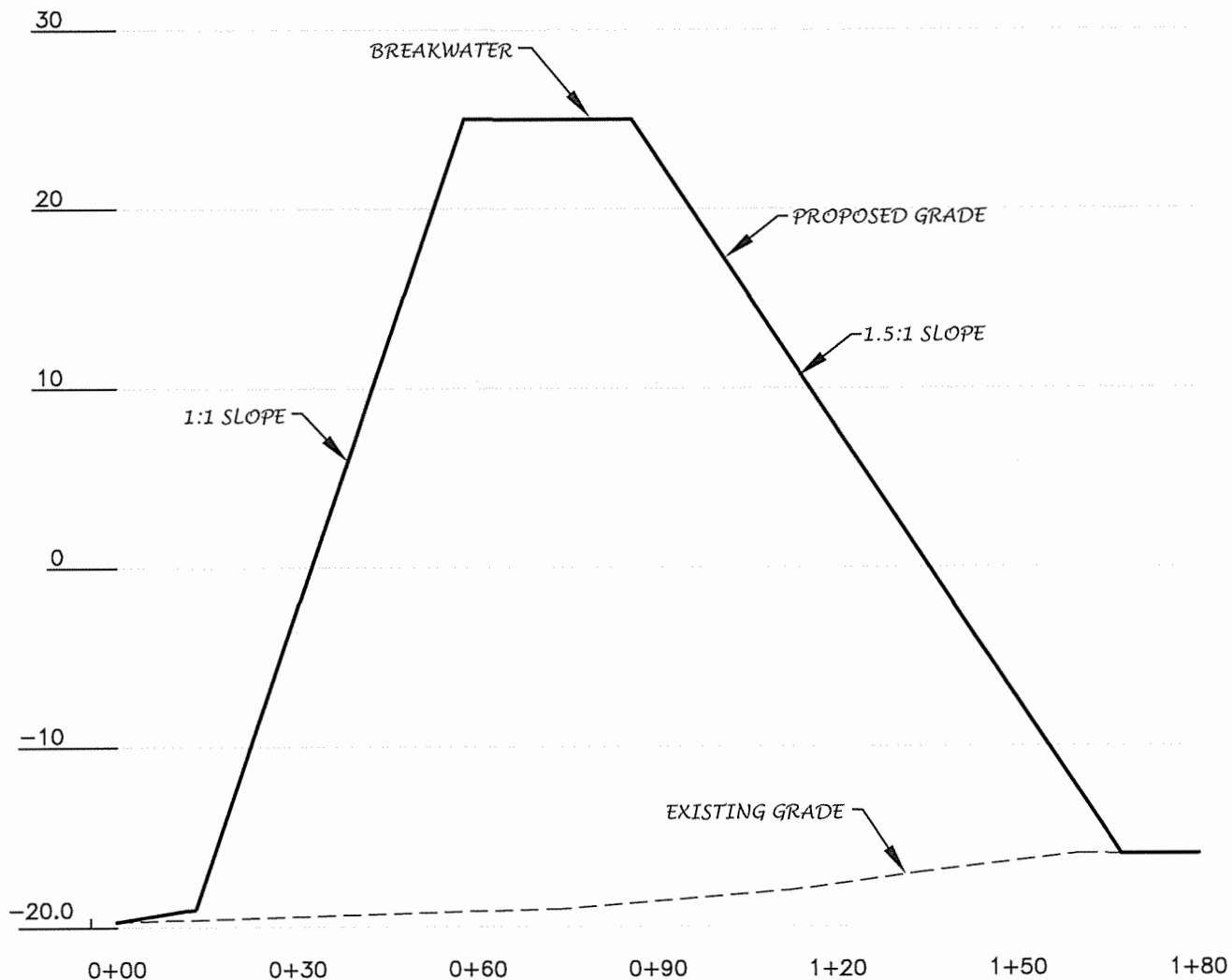
DATE: JUNE 2019, SCALE: 1"=60'



SITE PLAN SHEET 5 OF 8
OF
LUBEC SAFE HARBOR
ROUTE 189, MAIN STREET
LUBEC, MAINE

DATE: JUNE 2019, SCALE: 1"=60'

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SCALE: 1"=30' HORIZONTAL
1"=10' VERTICAL

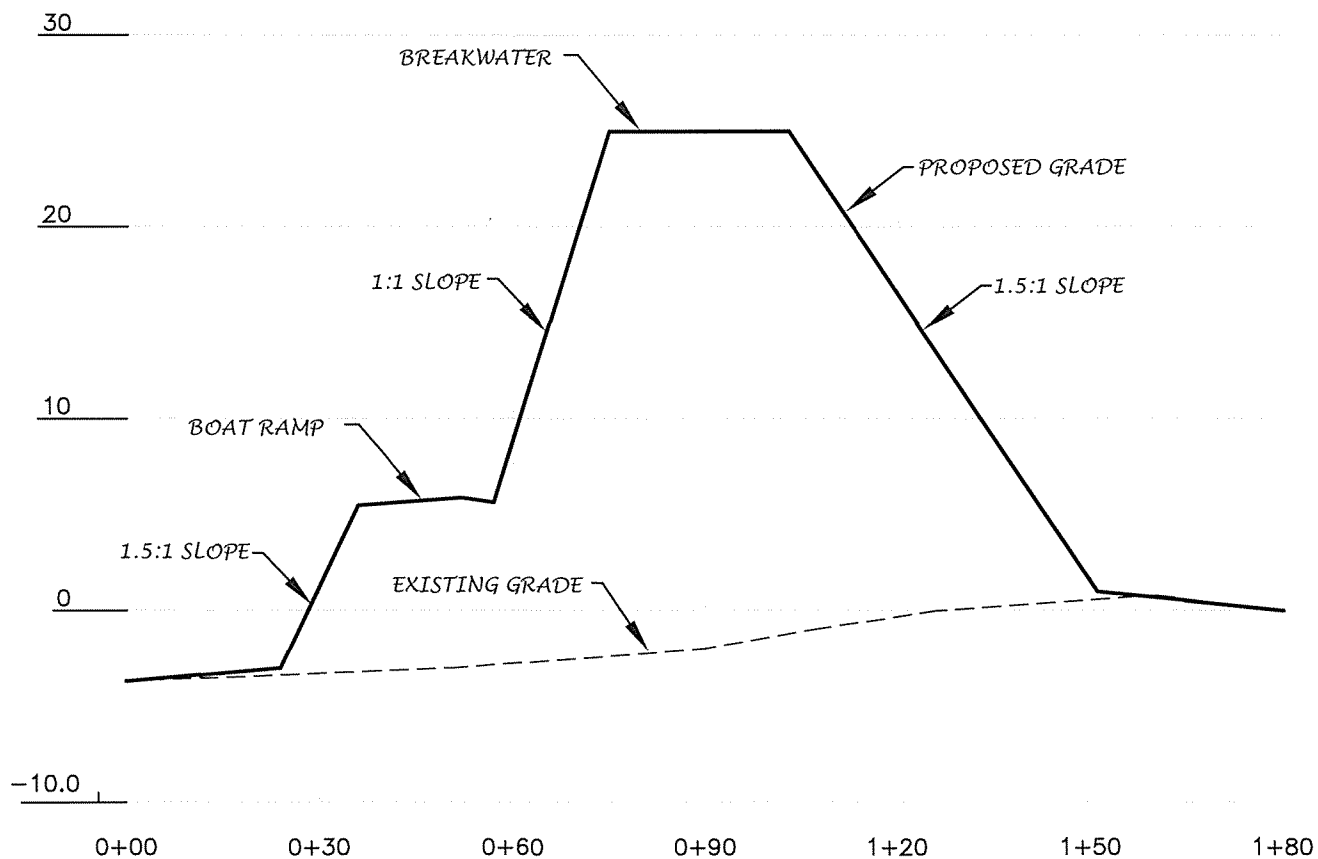
Sheet 6 of 8

CROSS SECTION 'A-A'
OF
LUBEC SAFE HARBOR
ROUTE 189, MAIN STREET
LUBEC, MAINE

DATE: JUNE 2019



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SCALE: 1"=30' HORIZONTAL
1"=10' VERTICAL

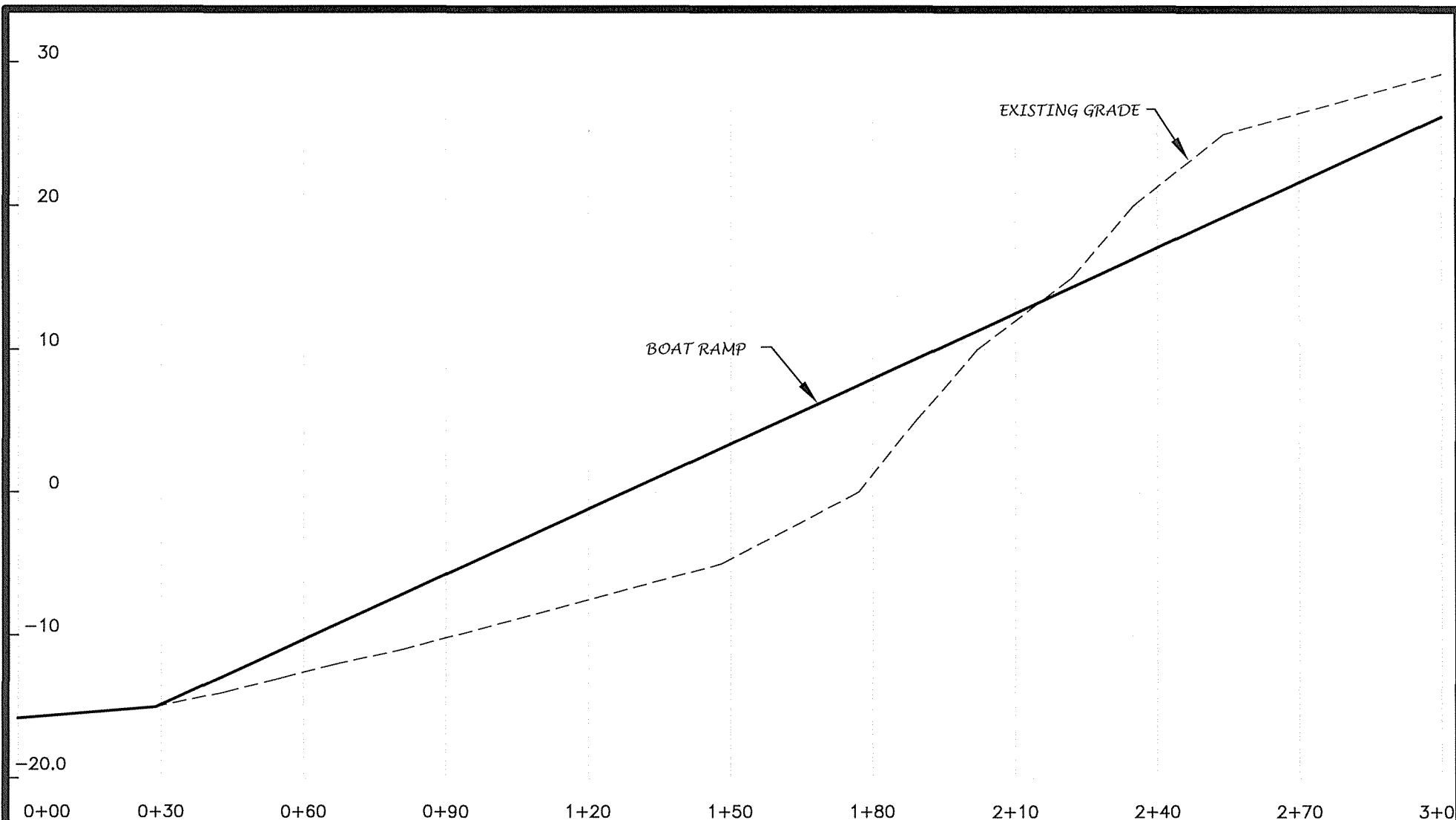
Sheet 7 of 8

CROSS SECTION 'B-B'
OF
LUBEC SAFE HARBOR
ROUTE 189, MAIN STREET
LUBEC, MAINE

DATE: JUNE 2019



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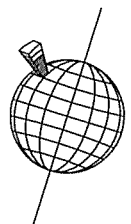


Sheet 8 of 8

SCALE: 1"=30' HORIZONTAL
1"=10' VERTICAL

CROSS SECTION 'C-C'
OF
LUBEC SAFE HARBOR
ROUTE 189, MAIN STREET
LUBEC, MAINE

DATE: JUNE 2019



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