



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

PUBLIC NOTICE

Comment Period Begins: January 11, 2022

Comment Period Ends: February 10, 2022

File Number: NAE-2019-2782

In Reply Refer To: Shawn 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 New Brunswick Power Corporation, 515 King Street, Fredericton, New Brunswick, E3B 3T3 CANADA. This work is proposed in the Saint Croix River off Poorhouse Lane at Calais, Maine. The site coordinates are: Latitude 45.175827°N, Longitude -67.292911°W.

The work involves the placement of temporary and permeant fill below the ordinary highwater line of the Saint Croix River in conjunction the full decommissioning and removal of the Milltown Power Station and to restore the river to a near natural state and provide fish passage for native sea run fish species.

The natural resource impacts associated with this planned development are:

1. Permanently fill approximately 37,782SF (0.867 acres) of the waterway for restoration of the river, residual temporary fill and provide fish passage.
2. Temporarily fill/impact approximately 17,525SF (0.4 acres) of the waterway for cofferdams and a work pad to allow for the removal of the powerhouse and legacy dam structures.

The work is shown on the enclosed plans entitled "Decommissioning of the Milltown Generating Station", on five (5) sheets, and dated "30-June-21". Sheet 4 of 5 is dated "06-Jul-21"

A copy of the application materials can be found <https://www.maine.gov/dep/ftp/HYDRO/MWDCA/milltown-dam-removal/>. These are the same application materials received by the Corps.

AUTHORITY

Permits are required pursuant to:

- ☐ Section 10 of the Rivers and Harbors Act of 1899
- ☒ 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

CENAE-R
FILE NO. NAE-2019-2782

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. Based on information from the NOAA Fisheries' EFH Mapper, the project is not located in Essential Fish Habitat.

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 as amended. It is our preliminary determination that the proposed activity for which authorization is being sought is designed, situated or will be operated/used in such a manner that it is not likely to adversely affect a listed species or their critical habitat. We are coordinating with the National Marine Fisheries Service and/or U.S. Fish and Wildlife Service on listed species under their jurisdiction and the ESA consultation will be concluded prior to the final decision.

OTHER GOVERNMENT AUTHORIZATIONS

The state of Maine has an approved Coastal Zone Management Program. The applicant certifies that any proposed activity will comply with and will be conducted in a manner that is consistent with the enforceable policies of Maine's approved Coastal Zone Management Program. By this Public Notice, we are requesting the State's concurrence or objection to the applicant's consistency certification. Please provide any comments or questions on this topic to Kathy Davis Howatt, Maine Department of Environmental Protection (kathy.howatt@maine.gov).

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.

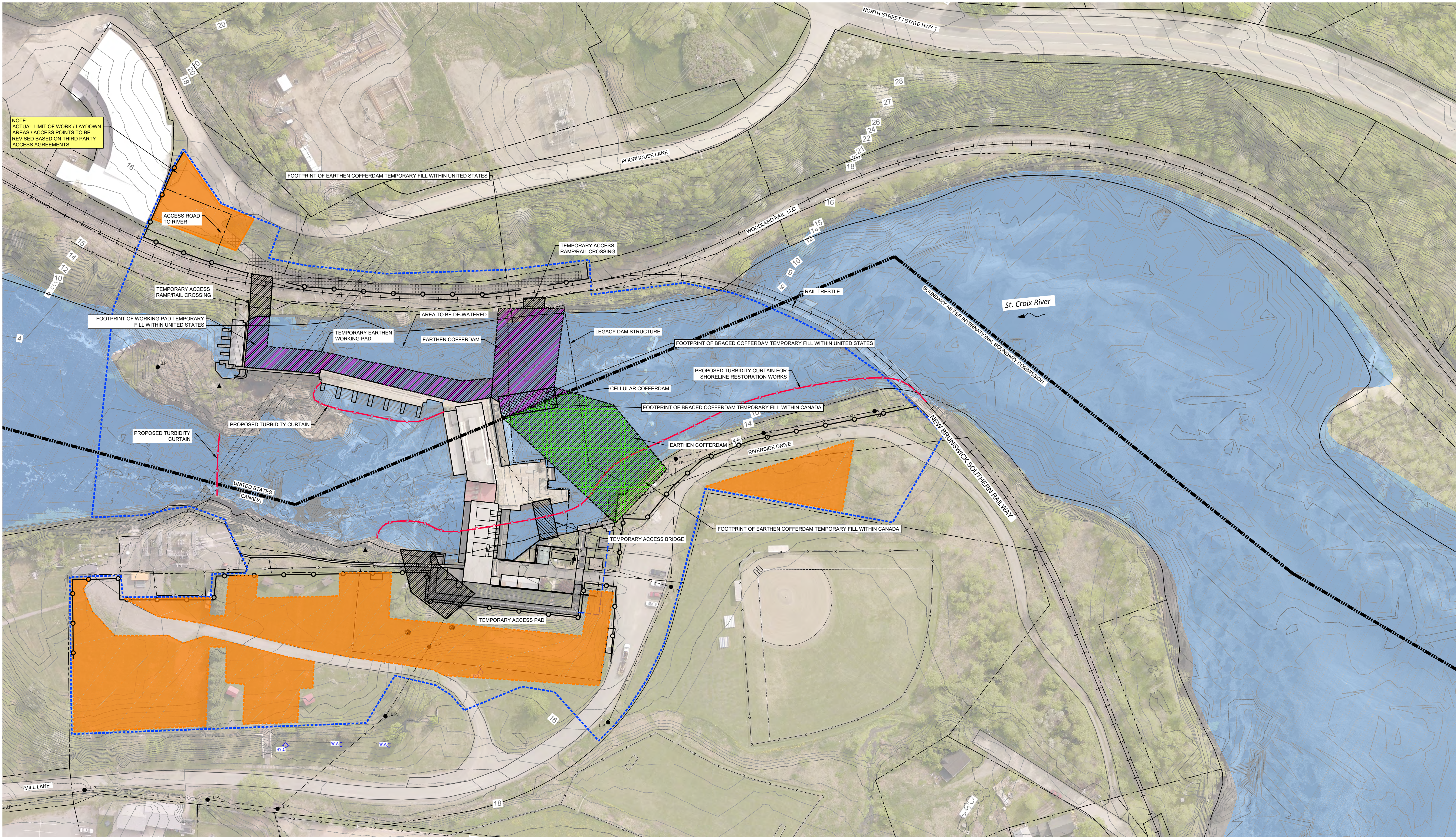
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for a public hearing shall specifically state the reasons for holding a public hearing. The USACE holds public hearings for the purpose of obtaining 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.

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

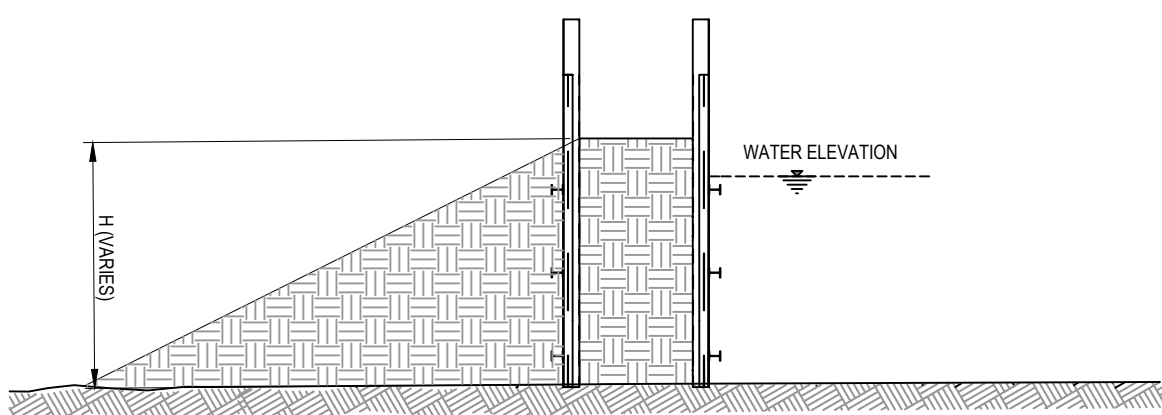
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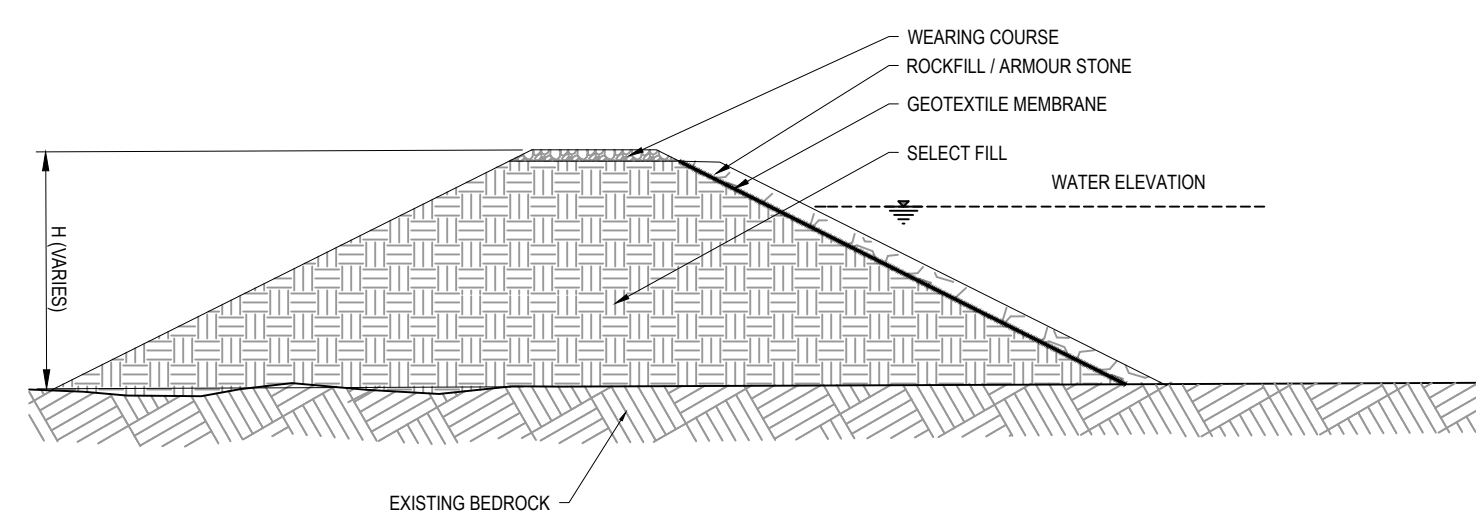
- LEGEND**
- EXISTING CONTOURS (1m INTERVAL)
 - EXISTING CONTOURS (5m INTERVAL)
 - PROPERTY LINES
 - INTERNATIONAL BORDER
 - FENCELINE
 - RIVER ALIGNMENT
 - ELECTRICAL LINE - OVERHEAD
 - SUBMERGED LEGACY STRUCTURES
 - LIMITS OF WORK
 - PROPOSED SILT FENCING
 - PROPOSED TURBIDITY CURTAIN
 - FRESHWATER WELL
 - INTERNATIONAL BOUNDARY MARKER
 - UTILITY POLE
 - HYDRANT
 - WATER VALVE
 - EARTHEN STRUCTURES (COFFERDAM, RAMPS, AND WORKING PADS)
 - BRACED COFFERDAM
 - BRIDGE STRUCTURE
 - ACCESS ROAD TO RIVER
 - TEMPORARY FILL IN RIVER (CANADA)
 - TEMPORARY FILL IN RIVER (UNITED STATES)
 - PROPOSED LAYDOWN AREAS

GENERAL NOTES

1. THE PROPOSED TEMPORARY RIVER WORKS FOR THE PROJECT ASSUMES CONSERVATIVE METHODOLOGIES, SUCH AS COFFERDAMS, FOR WATER CONTROL WILL BE EMPLOYED BASED ON EXISTING SITE HYDRAULIC CONDITIONS OF THE ST. CROIX RIVER AND REVIEWS OF HISTORICAL CASE STUDIES OF SIMILAR DAM REMOVAL PROJECTS THROUGHOUT NORTH AMERICA. IT SHOULD BE NOTED THAT CONTRACTORS MAY PROPOSE TO UTILIZE DIFFERENT MEANS, METHODS, AND SEQUENCING, SUCH ALTERNATIVES MAY INCLUDE THE USE OF ROCK JETTIES, BARGES, CRANES, OR A COMBINATION OF COFFERDAMS AND ANY/ALL OF THESE METHODS TO COMPLETE THE WORKS. CONTRACTORS WILL BE RESPONSIBLE TO SUBMIT SITE-SPECIFIC WORK PLANS OUTLINING PROPOSED MEANS AND METHODS, WHICH WILL BE REVIEWED BY OWNER AND ENGINEER.



BRACED COFFERDAM - TYPICAL PROFILE



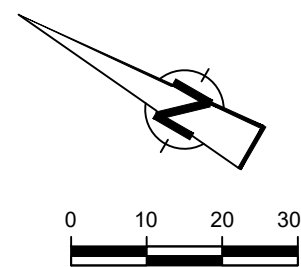
TEMPORARY EARTHEN DAM - TYPICAL PROFILE

FINAL FOR PERMITTING REVIEW



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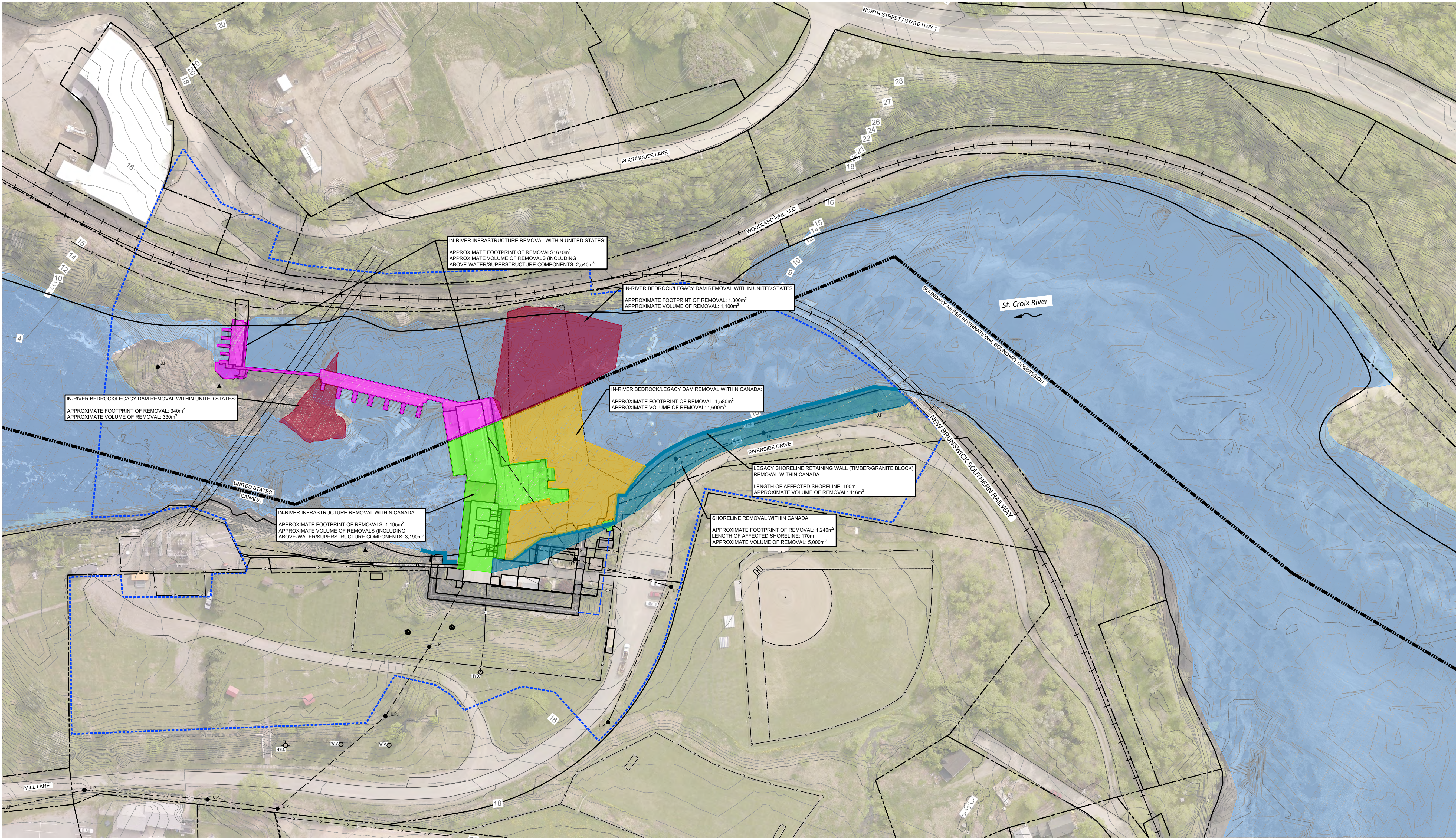
Client
**NEW BRUNSWICK
POWER CORPORATION**
Project
**DECOMMISSIONING OF THE
MILLTOWN GENERATING STATION**

4	FINAL FOR PERMITTING REVIEW	PA	CB	30-June-21
3	DRAFT FOR REVIEW	PA	CB	16-Jun-20
2	PRELIM. DESIGN REV. 1	PA	CB	29-Apr-20
1	PRELIMINARY DESIGN	PA	CB	20-Apr-20
No.	Issue	Drawn	Approved	Date

Drawn	PA	Designer	CB
Drafting Check	CB	Design Check	MG / AC
Project Manager	TS	Date	30-June-21
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Original Size	ANSI D		
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		0 20mm	

Project No. **11205413-05**
Title
**PROPOSED TEMPORARY
WORKS AND ACCESS POINTS**

Sheet No.
PERMITTING EXHIBIT



LEGEND

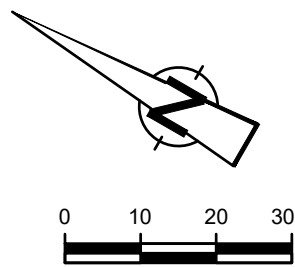
- EXISTING CONTOURS (1m INTERVAL)
- EXISTING CONTOURS (5m INTERVAL)
- PROPERTY LINES
- INTERNATIONAL BORDER
- FENCELINE
- RIVER ALIGNMENT (METERS)
- ELECTRICAL LINE - OVERHEAD
- RAIL LINE
- ABOVE GROUND CITY WATER LINE
- BELOW GROUND CITY WATER LINE
- SUBMERGED LEGACY STRUCTURES
- LIMITS OF WORK
- FRESHWATER WELL
- INTERNATIONAL BOUNDARY MARKER
- UTILITY POLE
- HYDRANT
- WATER VALVE

- IN-RIVER BEDROCK/LEGACY DAM REMOVAL WITHIN UNITED STATES
- IN-RIVER INFRASTRUCTURE REMOVAL WITHIN UNITED STATES
- IN-RIVER BEDROCK/LEGACY DAM REMOVAL WITHIN CANADA
- IN-RIVER INFRASTRUCTURE REMOVAL WITHIN CANADA
- LEGACY SHORELINE RETAINING WALL REMOVAL (TIMBER/GRANITE BLOCK) WITHIN CANADA



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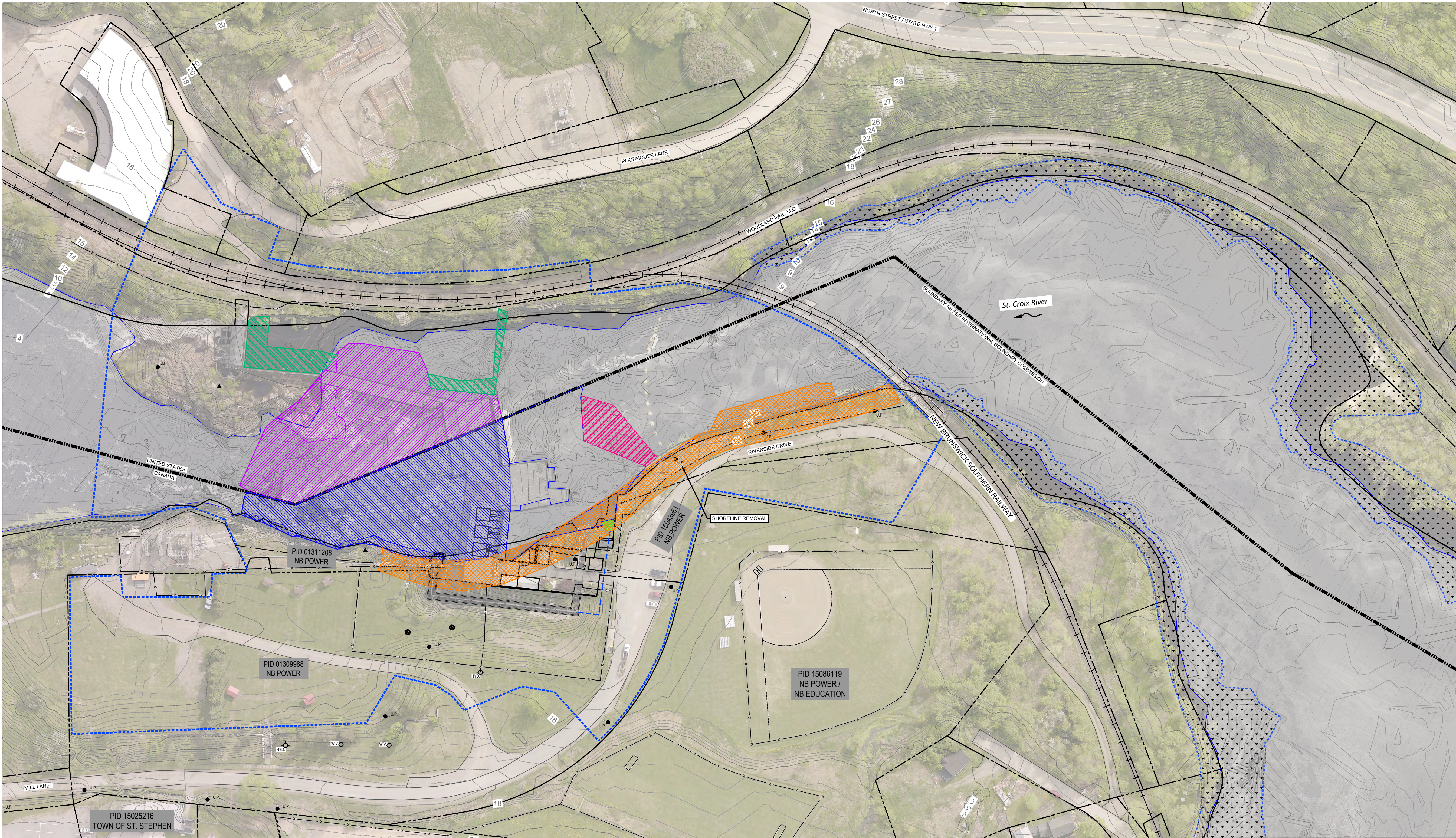


Client
**NEW BRUNSWICK
POWER CORPORATION**
Project
**DECOMMISSIONING OF THE
MILLTOWN GENERATING STATION**

4	FINAL FOR PERMITTING REVIEW	PA	CB	30-June-21
3	DRAFT FOR REVIEW	PA	CB	16-Jun-20
2	PRELIM. DESIGN REV. 1	PA	CB	29-Apr-20
1	PRELIMINARY DESIGN	PA	CB	20-Apr-20
No.	Issue	Drawn	Approved	Date
Drawn	PA	Designer	CB	
Drafting Check	CB	Design Check	MG / AC	
Project Manager	TS	Date	30-June-21	
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Project No. **11205413-05**
Title
**SUMMARY OF PROPOSED
IN-RIVER REMOVALS**
Sheet No.
PERMITTING EXHIBIT

FINAL FOR PERMITTING REVIEW



LEGEND

- EXISTING CONTOURS (1m INTERVAL)
----- EXISTING CONTOURS (5m INTERVAL)
----- PROPERTY LINES
----- INTERNATIONAL BORDER
----- FENCELINE
0+550 RIVER ALIGNMENT (METERS)
+ RAIL LINE
----- ABOVE GROUND CITY WATER LINE
----- BELOW GROUND CITY WATER LINE
----- LIMITS OF WORK
● FRESHWATER WELL
▲ INTERNATIONAL BOUNDARY MARKER
U.P. UTILITY POLE
HYD. HYDRANT
W.V. WATER VALVE

- IN-RIVER PERMANENT FILL WITHIN UNITED STATES
IN-RIVER PERMANENT FILL WITHIN CANADA
SHORELINE PERMANENT FILL WITHIN CANADA
ORDINARY HIGH WATER PROPOSED CONDITIONS
EMERGENT SHORELINE SEEDING LIMIT OF WORK
IN-RIVER RESIDUAL TEMPORARY FILL ANTICIPATED TO REMAIN PERMANENTLY WITHIN UNITED STATES
IN-RIVER RESIDUAL TEMPORARY FILL ANTICIPATED TO REMAIN PERMANENTLY WITHIN CANADA

PERMITTING QUANTITIES

In-River Permanent Fill Activities

Feature	Location	Area (m ²)	Volume (m ³)	Material Type
Riverbed Substrate and Refuge Boulders for Fish Passage Improvements	United States	3000	2500	Boulders w/Substrate
Riverbed Substrate and Refuge Boulders for Fish Passage Improvements	Canada	3000	5500	Boulders w/Substrate
Slope Stabilization Canadian Shoreline	Canada	2240	3000	Gravel/Cobble/Fabric Encapsulated Soil/Trees/Shrubs

In-River Residual Temporary Fill Anticipated to Remain Permanently

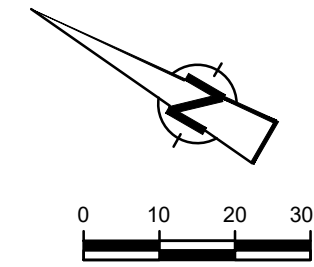
Feature	Location	Area (m ²)	Volume (m ³)	Material Type
Braced Cofferdam	United States	0	0	N/A - Located within area of legacy dam/bedrock removal and will be completely removed
Earthen Cofferdam	United States	72	22	Riprap/Armour Stone/Select Fill
Earthen Working Pad	United States	438	132	Gravel
Earthen Cofferdam	Canada	362	109	Riprap/Armour Stone/Select Fill
Braced Cofferdam	Canada	0	0	N/A - Located within area of legacy dam/bedrock removal and will be completely removed



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DECOMMISSIONING OF THE
MILLTOWN GENERATING STATION

1 PERMITTING EXHIBIT PA CB 06-Jul-21

No. Issue Drawn Approved Date

Drawn PA Designer CB

Drafting Check CB Design Check MG / AC

Project Manager TS Date 06-Jul-21

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Project No. 11205413-05

Title

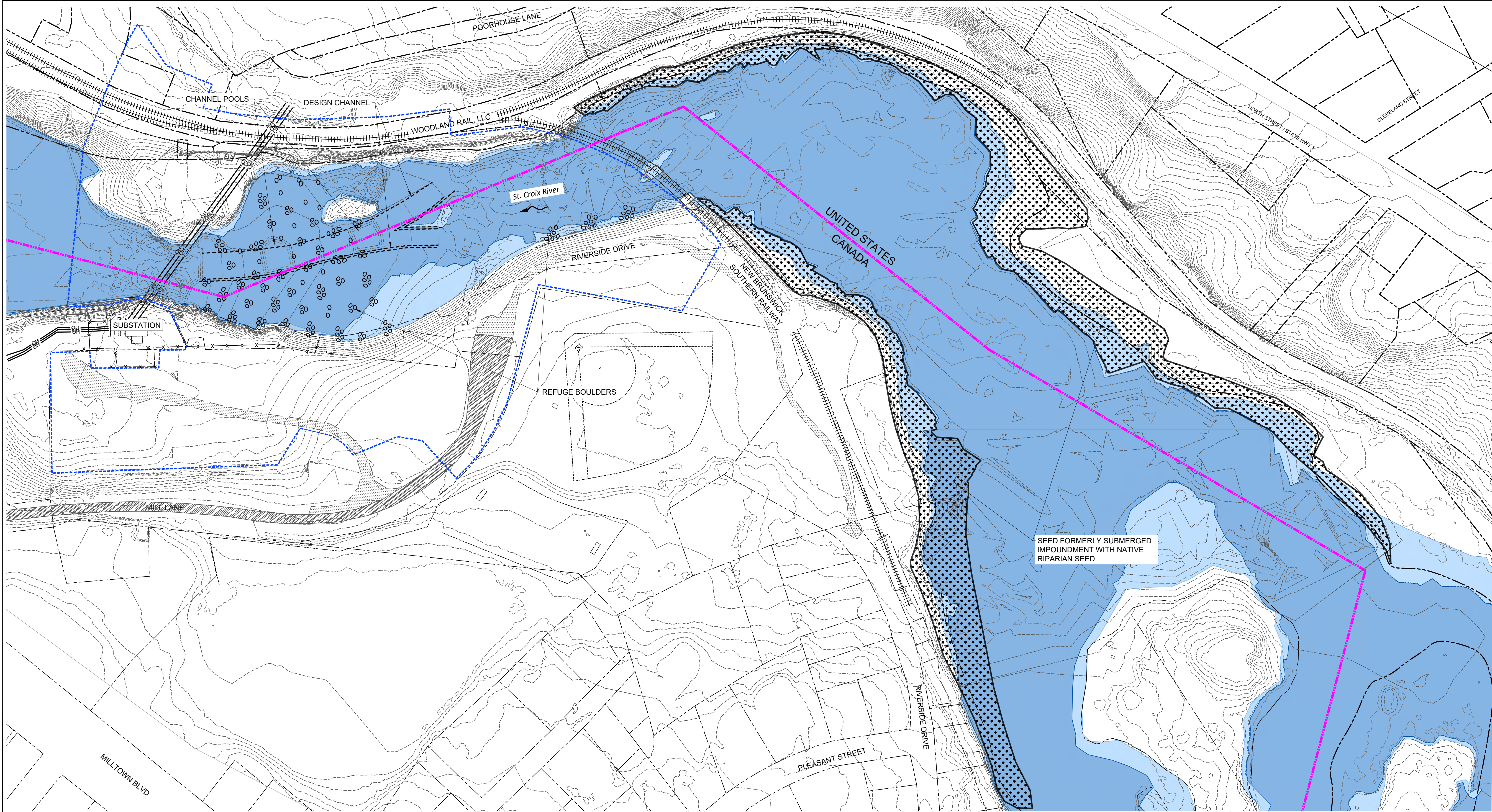
SUMMARY OF PROPOSED
RESIDUAL TEMPORARY AND
PERMANENT IN-RIVER FILL

Sheet No.

PERMITTING EXHIBIT

NOT FOR CONSTRUCTION

Sheet 4 of 5



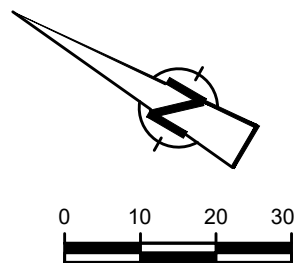
LEGEND

- 10.0--- EXISTING CONTOURS (5m INTERVAL)
- EXISTING CONTOURS (1m INTERVAL)
- 7.5--- DESIGN CONTOURS (0.5m INTERVAL)
- ===== INTERNATIONAL BORDER
- PROPERTY LINES
- SUBMERGED LEGACY STRUCTURES AREA
- LIMIT OF WORK
- FENCELINE
- SITE FEATURES
- OH--- HIGH VOLTAGE POWER LINE
- DESIGN CHANNEL BREAK IN GRADE
- GRAVEL ROAD
- ASPHALT PAVEMENT
- NATIVE RIPARIAN SEEDING
- ORDINARY HIGH WATER, PROPOSED CONDITIONS
- BASE FLOW, PROPOSED CONDITIONS
- REFUGE BOULDER ROCK GROUPS



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**NEW BRUNSWICK
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**DECOMMISSIONING OF
THE MILLTOWN
GENERATING STATION**

4	ISSUED FOR PERMITTING	SJ	MB	19-MAY-21
3	DRAFT FOR REVIEW	SJ	MB	10-JUNE-20
2	PRELIM. DESIGN REV. 1	SJ	MB	29-APRIL-20
1	PRELIMINARY DESIGN	SJ	MB	20-APRIL-20
No.	Issue	Drawn	Approved	Date

Drawn	SJ	Designer	MB, SW
Drafting	KC	Design	NN, JK
Check		Check	
Project	MB	Date	19-MAY-21
Manager		Scale	1:1000 (1 PAPER MM = 1.0 GROUND M)
Original Size		Bar is 20mm on original size drawing	
ANSI D		0 20mm	

Project No. 11205413-04

Title
PROPOSED RIVER CONDITION

Sheet No.
Permitting Exhibit