



**US Army Corps
of Engineers** *
New England District
Maine Project Office
442 Civic Center Drive, Suite 350
Augusta, Maine 04330

PUBLIC NOTICE

Date: DECEMBER 11, 2018
Comment Period Ends: JANUARY 10, 2018
File Number: NAE-2018-01586
In Reply Refer To: Colin M. Greenan
Or by e-mail:
colin.m.greenan@usace.army.mil

30 DAY NOTICE

The District Engineer has received a permit application from the following applicant to **conduct work in waters of the United States** as described below. The Corps is soliciting comments on both the project itself and the range of issues to be addressed in the environmental documentation.

APPLICANT: J&B PARTNERS, LLC 24 NORTH AVENUE, SACO, MAINE 04072

ACTIVITY: Place permanent fill below the high tide line and install seasonal floats in the Saco River in order to establish two seasonal marina basins with a combined 55 slips as part of the redevelopment of Saco Island (aka Factory Island) with commercial and residential structures. A similar marina proposal at this site was previously authorized by the Corps in 2007 but was never installed and the permit has since expired. Approximately 39,586 square feet of river bottom will be impacted by the reconstruction of existing timber and stone crib and granite block seawalls. The granite block wall will be reconstructed in kind and in-situ. The timber crib wall will be faced with a new steel sheet pile wall.

The floats will be bottom moored and accessed by ramps from the shore. They will be made available to the owners of the upland residences (Basin B) and also to members of the public (Basin A). No fueling is proposed at the facility, however, a boat pump-out building will be constructed near Basin A. The work is shown on the attached plans entitled "THE WATERS" in five sheets dated "9/7/2018".

WATERWAY AND LOCATION OF THE PROPOSED WORK: Saco River off Saco Island at Saco, Maine. The project site is located on the Biddeford, ME USGS 1:24K Quadrangle Map at latitude 43.493290°N; longitude -70.446851°W.

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

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 Corps of Engineers 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 of Engineers 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 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.

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").

This project will impact approximately 0.03 acre of EFH. This bottom habitat consists of silt, sand and debris from past industrial use. 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 NMFS regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision.

SECTION 106 COORDINATION: 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 Tribal Historic Preservation Officers.

ENDANGERED SPECIES ACT CONSULTATION: The Corps is reviewing the application for the potential impacts to Federally-listed threatened or endangered species and their designated critical habitat pursuant to Section 7 of the Endangered Species Act as amended. The District Engineer is hereby requesting that the appropriate Federal Agencies also provide comments to the Corps regarding the presence of and potential impacts to listed species or critical habitat.

OTHER APPROVALS: The applicant has supplied the Maine Department of Environmental Protection with a permit application for the work described in this public notice and is requesting that the Department either grant or waive Water Quality Certification in accordance with Section 401 of the Clean Water Act. Comments

regarding the applicant's Permit/Water Quality Certification request may be submitted in writing to: Mark Stebbins, Director, Division of Land Resources, Department of Environmental Protection, 17 State House Station, Augusta, ME, 04333-0017 or by email Mark.N.Stebbins@maine.gov


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 Colin M. Greenan at colin.m.greenan@usace.army.mil or (978) 318-8676 at our Augusta, 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.

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.

For more information on the New England District Corps of Engineers programs, visit our website at <http://www.nae.usace.army.mil>.

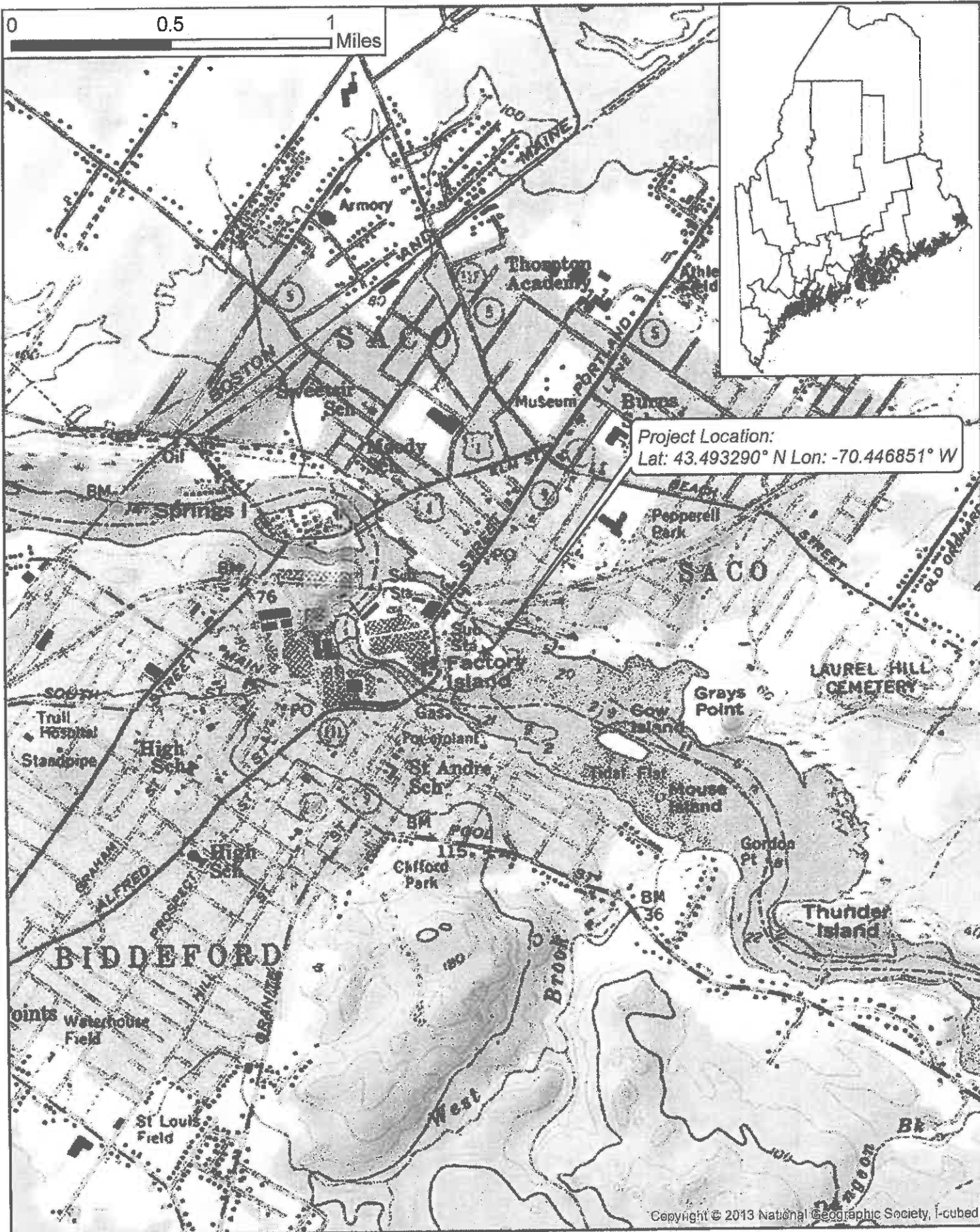
THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.

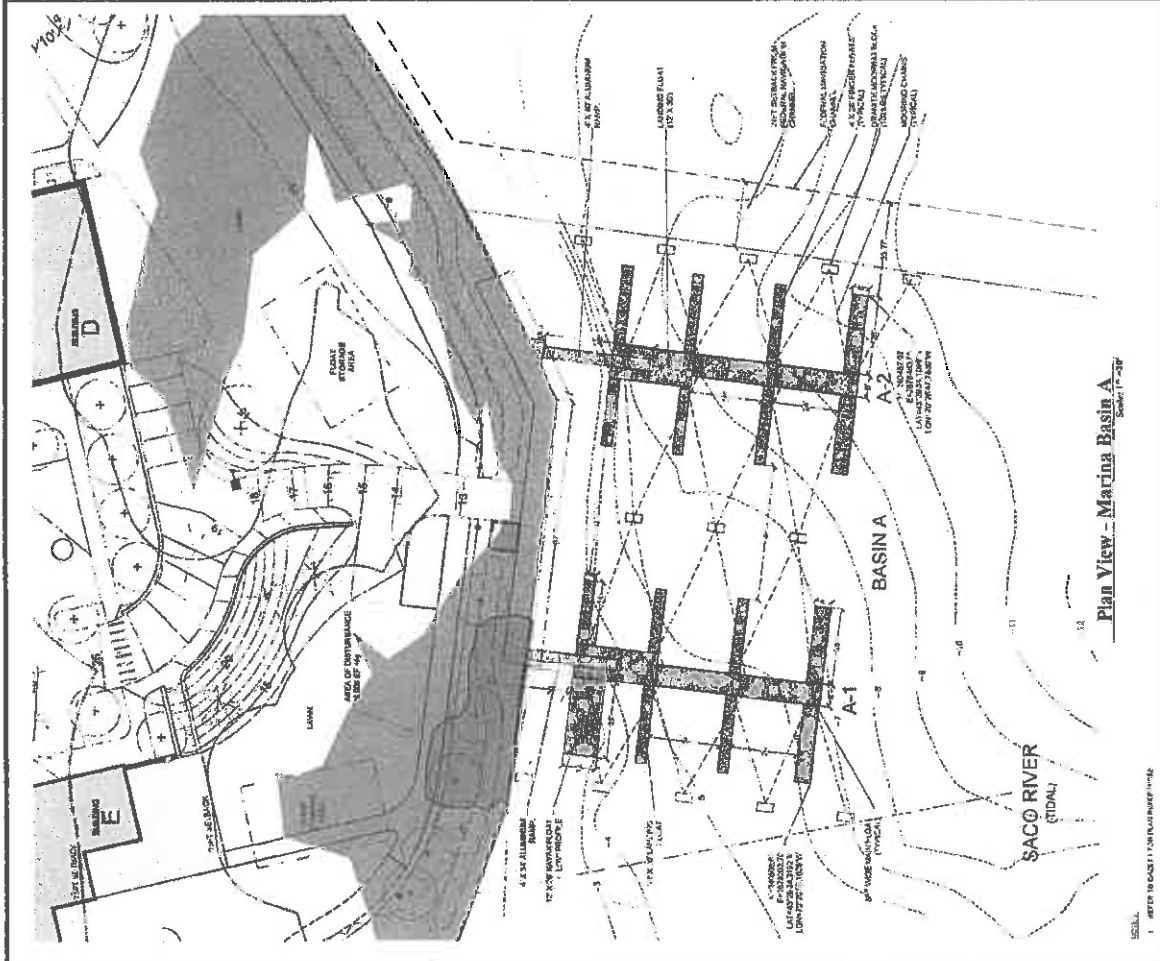
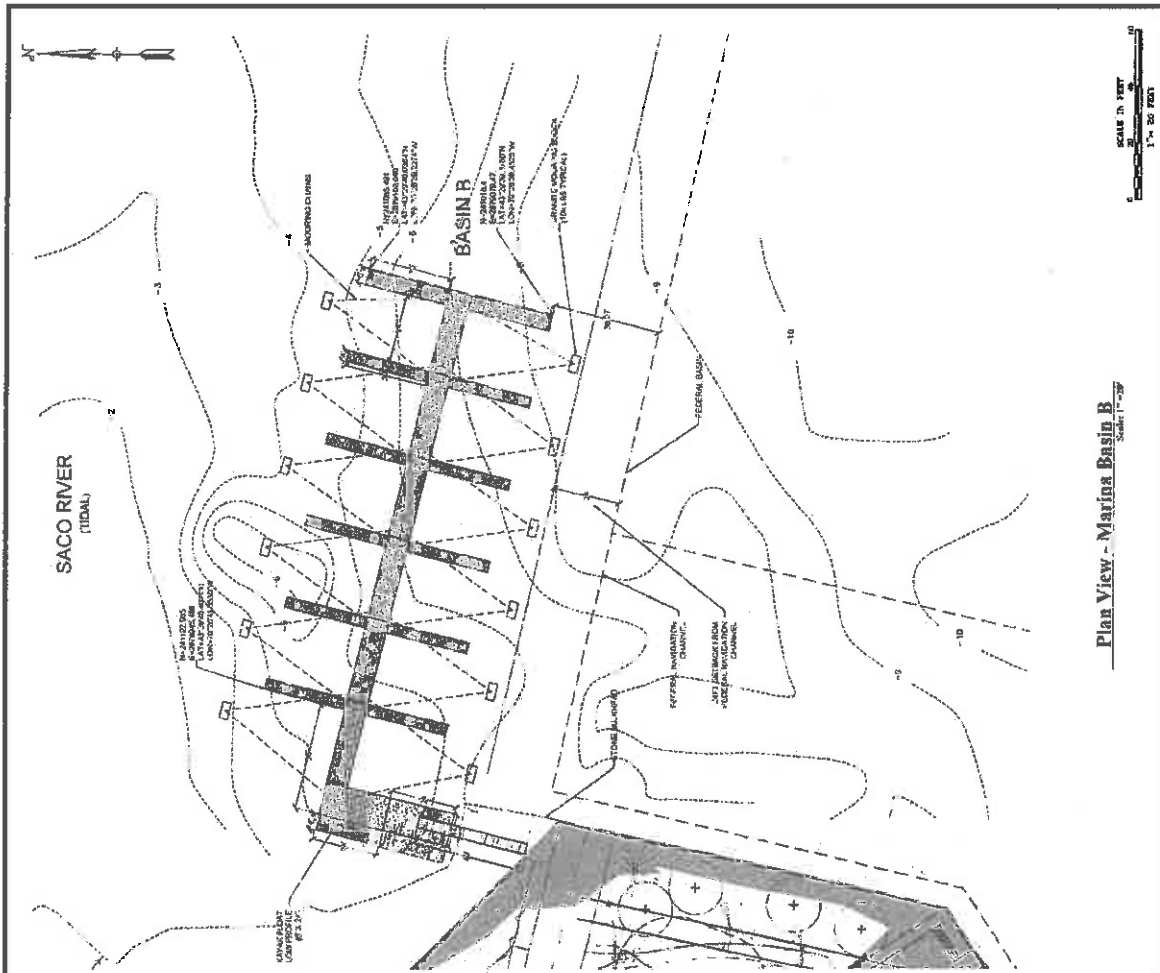

for Frank J. Del Giudice
Chief, Permits and Enforcement Branch
Regulatory Division

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.

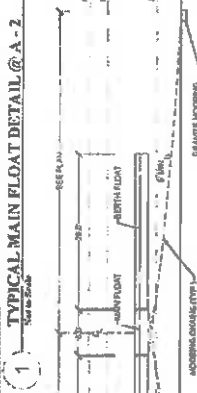
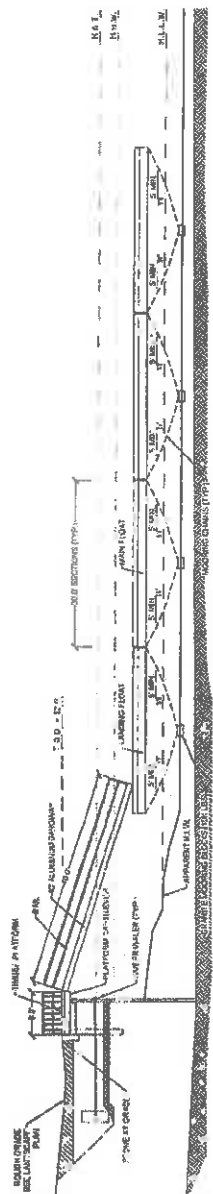
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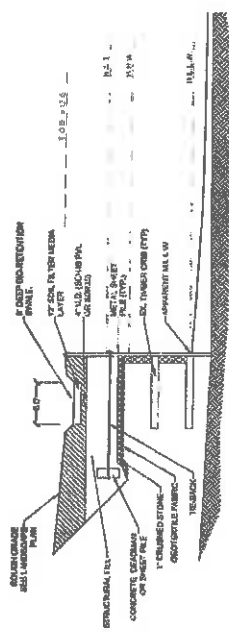


<p>ATLANTIC ENVIRONMENTAL LLC Environmental Consultants 135 River Road, Woolwich, ME 04579 (207) 837-2199 info@atlanticensev.com</p>		<p>Date: 9/7/2018 Project: The Waters Drafted By: T.A./SS</p>		<p>Revisions: Add Pod Channel Suback Mod. Walk 25ft from Bulkhead Adjust Marina Configuration, add Sheet 5 Add Lat/Long Course for Pierages Add Seawall Profile, remove float, adjust setbacks</p>	
<p>Sheet 3 of 6</p>		<p>Marina Basin Plans The Waters J&B Farmers, LLC. 100 Main Street, Suite 1214, Saco, Maine 04072</p>		<p>Scale: 1" = 20' FT</p>	

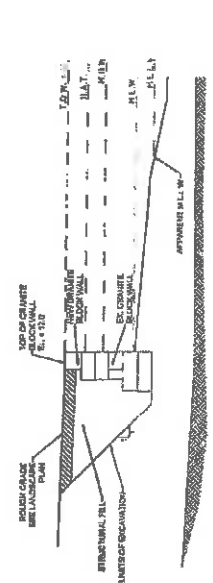


1 TYPICAL MAIN FLOAT DETAIL @ A-2
Not to Scale

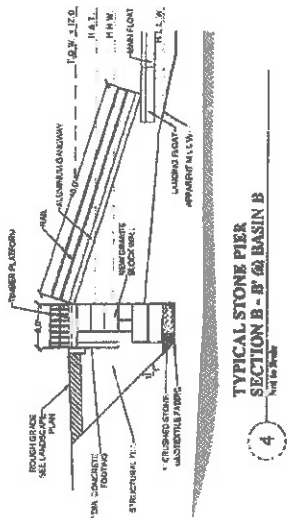
2 TYPICAL FINGER FLOAT DETAIL
Not to Scale



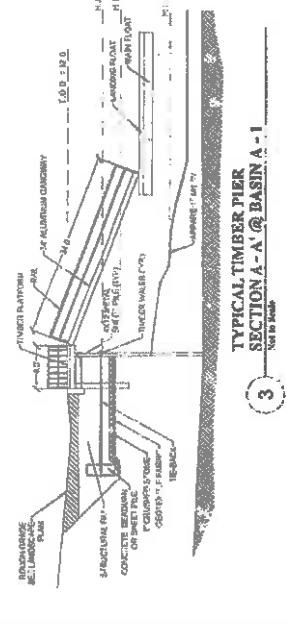
3 TYPICAL TIMBER WALL REPAIR SECTION D-D
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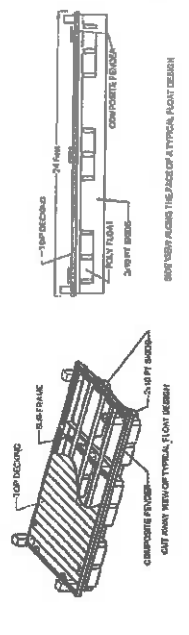
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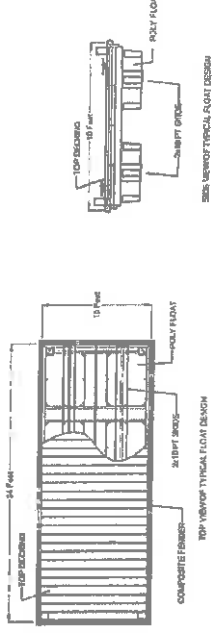
5 TYPICAL STONE PIER SECTION B-B @ BASIN B
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6 TYPICAL TIMBER PIER SECTION A-A @ BASIN A-1
Not to Scale



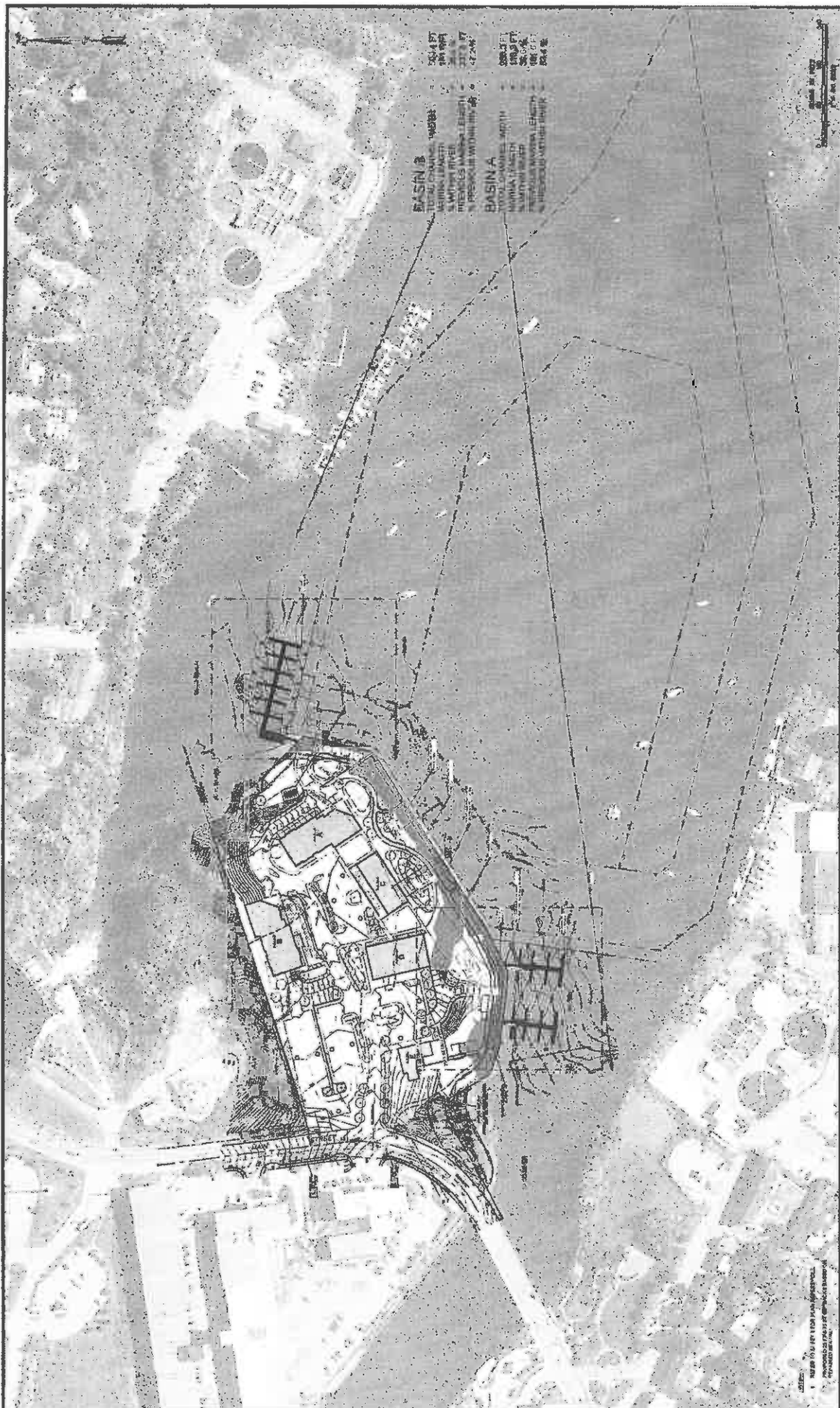
7 TYPICAL FINGER FLOAT DETAIL
Not to Scale



8 TYPICAL FLOAT DETAIL
Not to Scale

<p>ATLANTIC ENVIRONMENTAL, LLC. Environmental Consultants 136 River Road, Weehatch, ME 04579 (207) 857-2199 em@atlanticevirotnh.com</p>	<p>Date: 9/7/2018 Project: The Waters</p>	<p>Revisions: Add Fed. Channel Seaback Mod. Walk 250' from Bulkhead Adjust Marina Configurations, add Sheet 5 Add Latching Chairs for Marinas Add Seawall Profile, remove float, adjust Seabacks</p>	<p>Sheet 4 of 6</p>
<p>Details The Waters J&B Partners, LLC. 100 Main Street, Suite 1214, Saco, Maine 04072</p>			<p>Drafted By: TAP/SS</p>





BASIN 3
 TIDE GAUGE
 15' WIDE
 15' WIDE
 15' WIDE
 15' WIDE
 15' WIDE
 15' WIDE

BASIN A
 TIDE GAUGE
 15' WIDE
 15' WIDE
 15' WIDE
 15' WIDE
 15' WIDE
 15' WIDE

Scale: 1" = 100'
 Date: 9/7/2018
 Project: The Waters

Sheet
5
 of
 6

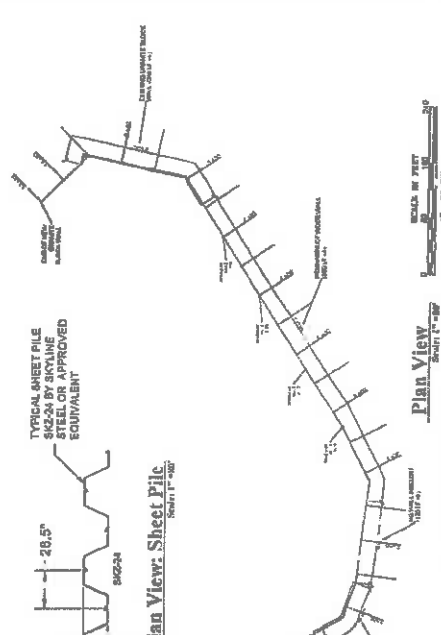
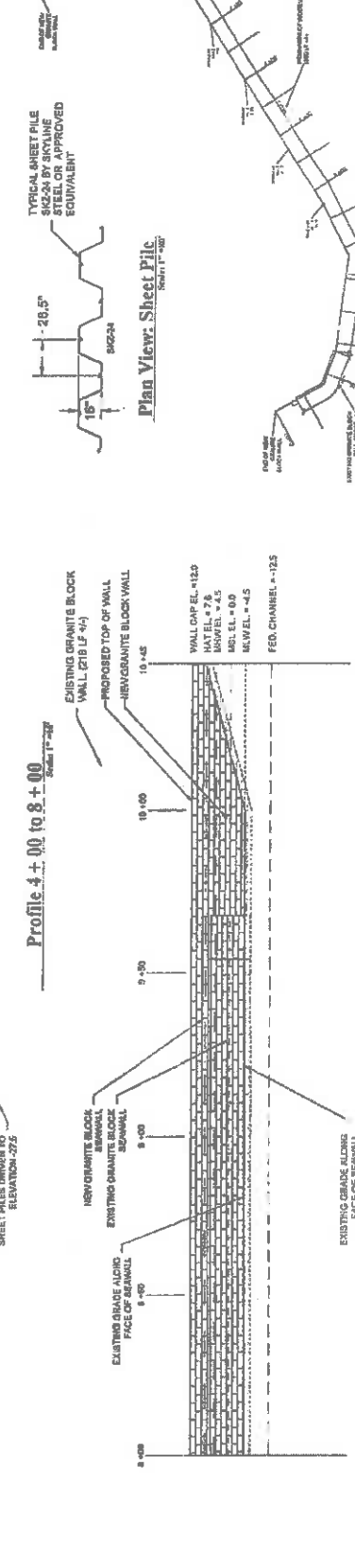
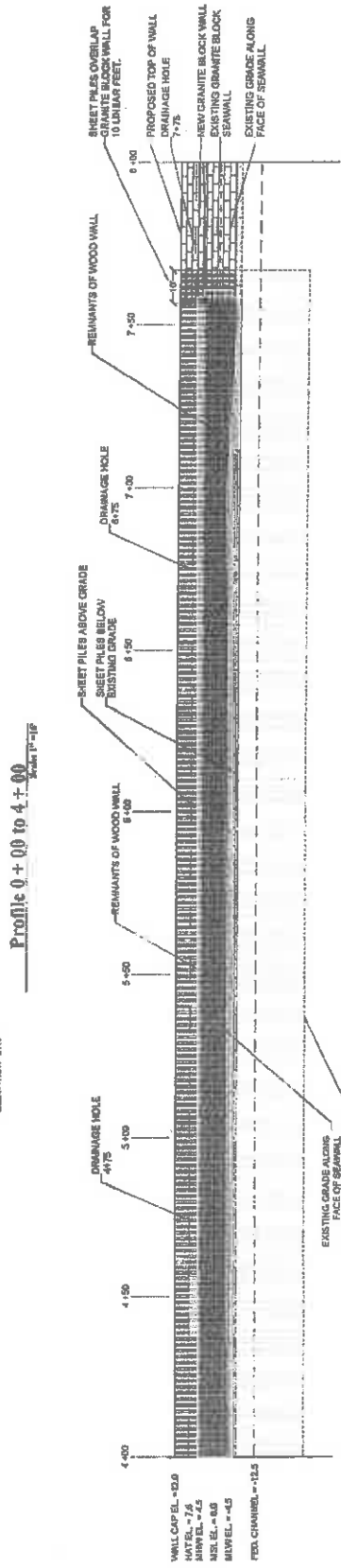
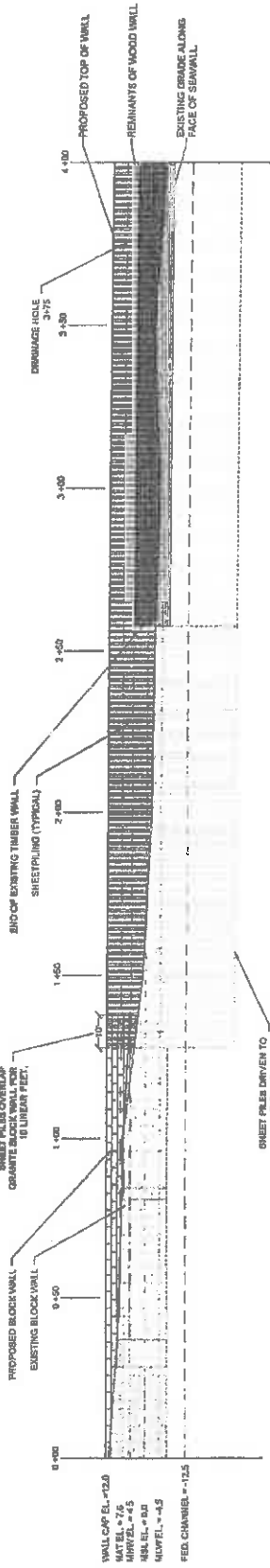
The Waters

Proposed Marina Plan
 The Waters
 J&B Partners, LLC
 100 Main Street, Suite 1214, Saco Maine 04072

Revisions:
 Add Fed. Channel Seaback
 Mod. Walk 250' from Bulkhead
 Adjust Marina Configuration, add Sheet 5
 Add Long Channel for Marinas
 Add Seawall Profile, remove float, adjust Seabacks

Date: 9/7/2018
 Project: The Waters
 Drafted By: TAP/SS

ATLANTIC ENVIRONMENTAL LLC
 Environmental Consultants
 135 River Road, Westbrook, ME 04092
 (207) 837-2199
 tim@atlanticenvironmental.com



SCALE BY FEET
1" = 10 FEET

SCALE BY FEET
1" = 10 FEET

SCALE BY FEET
1" = 20 FEET

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