



**US Army Corps  
of Engineers®**  
New England District  
**Maine Project Office**  
675 Western Avenue #3  
Manchester, Maine 04351

# PUBLIC NOTICE

**Date:** October 16, 2007  
**Comment Period Ends:** October 31, 2007  
**File Number:** NAE-2007-2528  
**In Reply Refer To:** Jay L. Clement  
**Or by e-mail:** jay.l.clement@usace.army.mil

## 15 DAY NOTICE

The District Engineer has received a permit application from the applicant below to **conduct work in navigable 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: BATH IRON WORKS CORPORATION, 700 WASHINGTON STREET, BATH, MAINE 04530**

**ACTIVITY:** BIW proposes a number of maintenance dredging activities associated with its shipbuilding operations at Bath, Maine. In the short-term, approximately 70,000 cy of predominantly sand must be removed from their dry dock sinking basin in the fall of 2007 so that scheduled launching operations are not jeopardized. The 12.6 acre basin will be dredged to the previously authorized depth of -70' mlw. The dredged material will be disposed of downstream, at an in-river site just south of Bath, at Bluff Head.

In anticipation of more comprehensive and future dredging needs at their facility, BIW has identified several locations that regularly require maintenance dredging. These include the aforementioned sinking basin, the dry dock landing grid area, and three berthing areas. The dimensions and the dredge quantities of the sinking basin are noted above. The current projection for the amount of dredge material should be considered a worst case scenario. More frequent maintenance would obviously reduce the volume. The landing grid area is regularly dredged within the context of the maintenance dredging provisions of previous Corps permits. In 2004, approximately 2,000 to 4,000 cy of material was removed and disposed of at an upland location. Similarly, the berthing areas are also regularly dredged with upland disposal within the context of the maintenance dredging provisions of Corps permits. Piers 1, 2, and 3 were last dredged in 2000, 2002, and 2005 respectively. The total dredge volume ranges up to 12,000 cy. It is the applicant's intention that dredge material from future dredging at these locations will continue to be disposed of at an upland, non-wetland location.

By this notice, we are seeking comments on the full scope of the applicant's maintenance dredging needs. However, due to the on going consultations listed below, we are initially focussing on the immediate need for dredging the sinking basin in 2007.

**WATERWAY AND LOCATION OF THE PROPOSED WORK:** This work is proposed in the Kennebec River at Bath, Maine. The project site is located on the USGS BATH, ME quadrangle sheet at latitude 43.9038988°N; and longitude 69.8127962°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 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 & ENDANGERED SPECIES CONSULTATION**

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).

The dredging activities will impact Essential Fish Habitat (EFH) – see attached list for species and life stages. These same species can be found at the downstream Disposal Site. The habitat consists of subtidal river bottom composed primarily of sand and silt. Impacts to the listed species are expected to include turbidity and benthic disturbance, however these impacts are expected to be minimal and of short duration. Instream work windows and other best management practices are expected to further minimize potential impacts. Therefore, 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.

Similarly, consultation has been initiated with the National Marine Fisheries Service pursuant to Section 7 of the Endangered Species Act of 1973. The Kennebec River supports the Federally endangered shortnose sturgeon and is within the range of the Gulf of Maine Distinct Population Segment (DPS) of Atlantic salmon. It is our 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 Atlantic salmon but may adversely affect shortnose sturgeon. Consultation with the National Marine Fisheries Service will be concluded prior to any final decision and will likely result in recommendations to avoid or minimize potential adverse impacts to listed species.

### **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/or Tribal Historic Preservation Officer(s)

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.
- (X) Permit from Local Wetland Agency or Conservation Commission.
- (X) Water Quality Certification in accordance with Section 401 of the Clean Water Act.


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 Jay Clement at 207-623-8367 at our Manchester, 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.

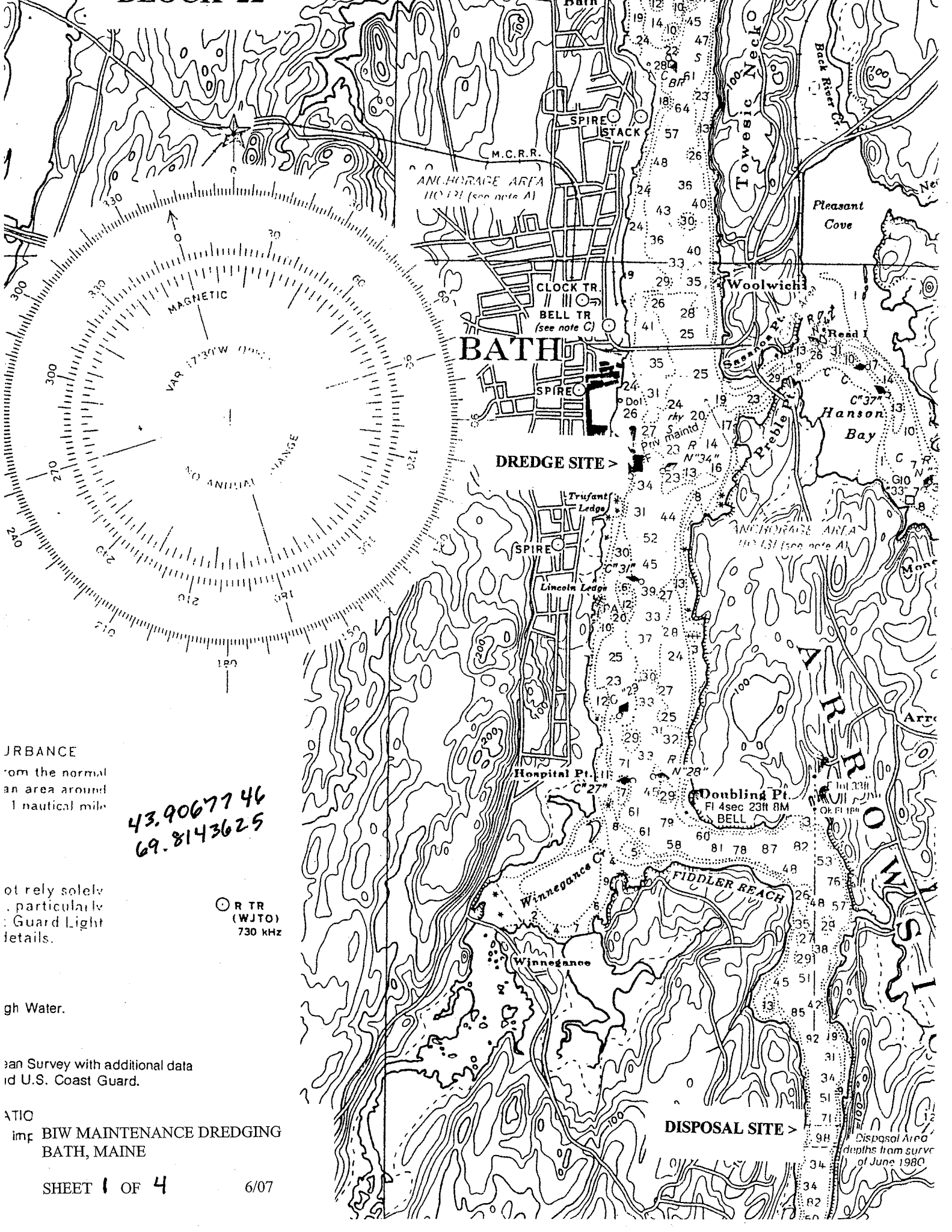
For more information on the New England District Corps of Engineers programs, visit our website at <http://www.nae.usace.army.mil>.

**THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.**

  
**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](mailto: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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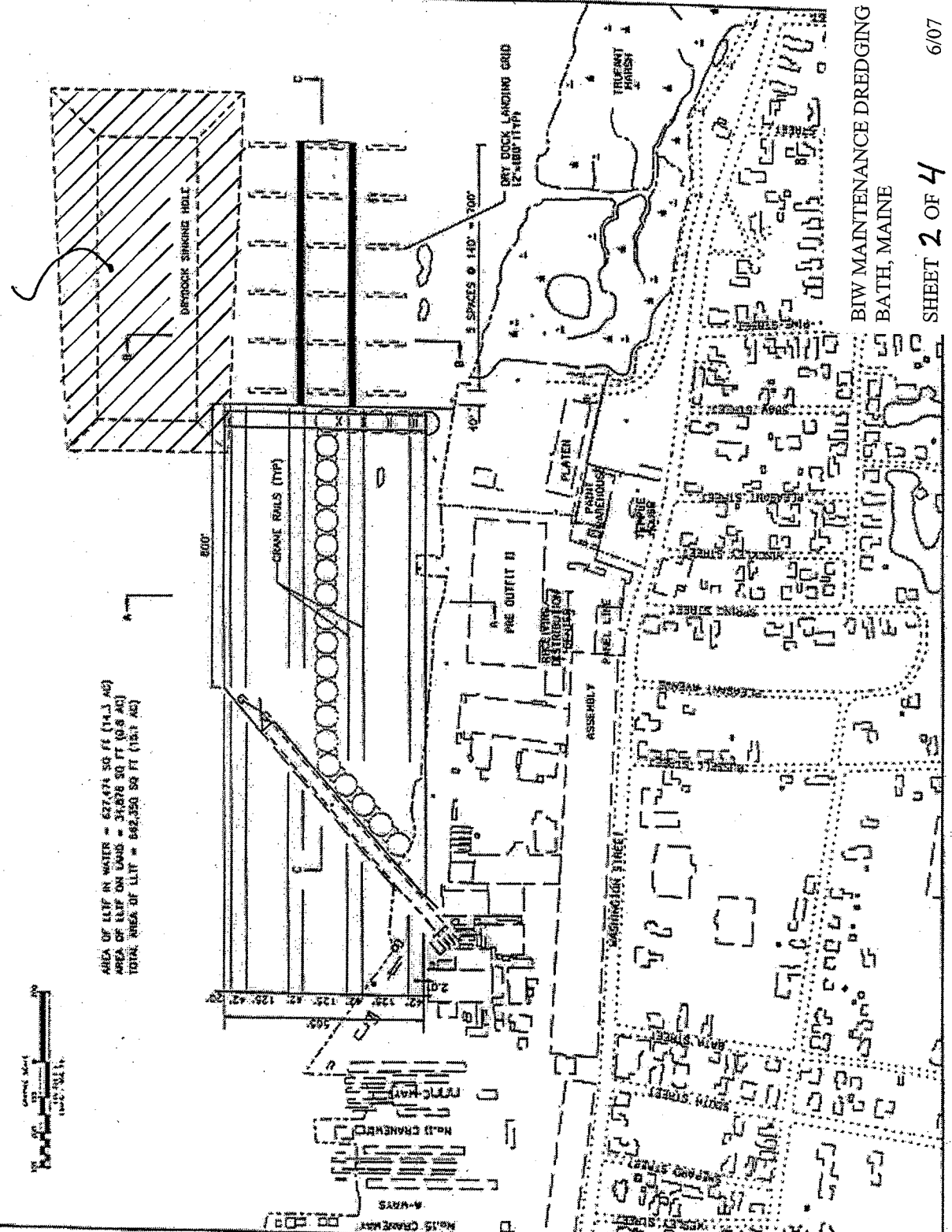
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ATIO  
imp BIW MAINTENANCE DREDGING  
BATH, MAINE

Disposal Area  
depths from surge  
of June 1980

SINKING BASIN DREDGING

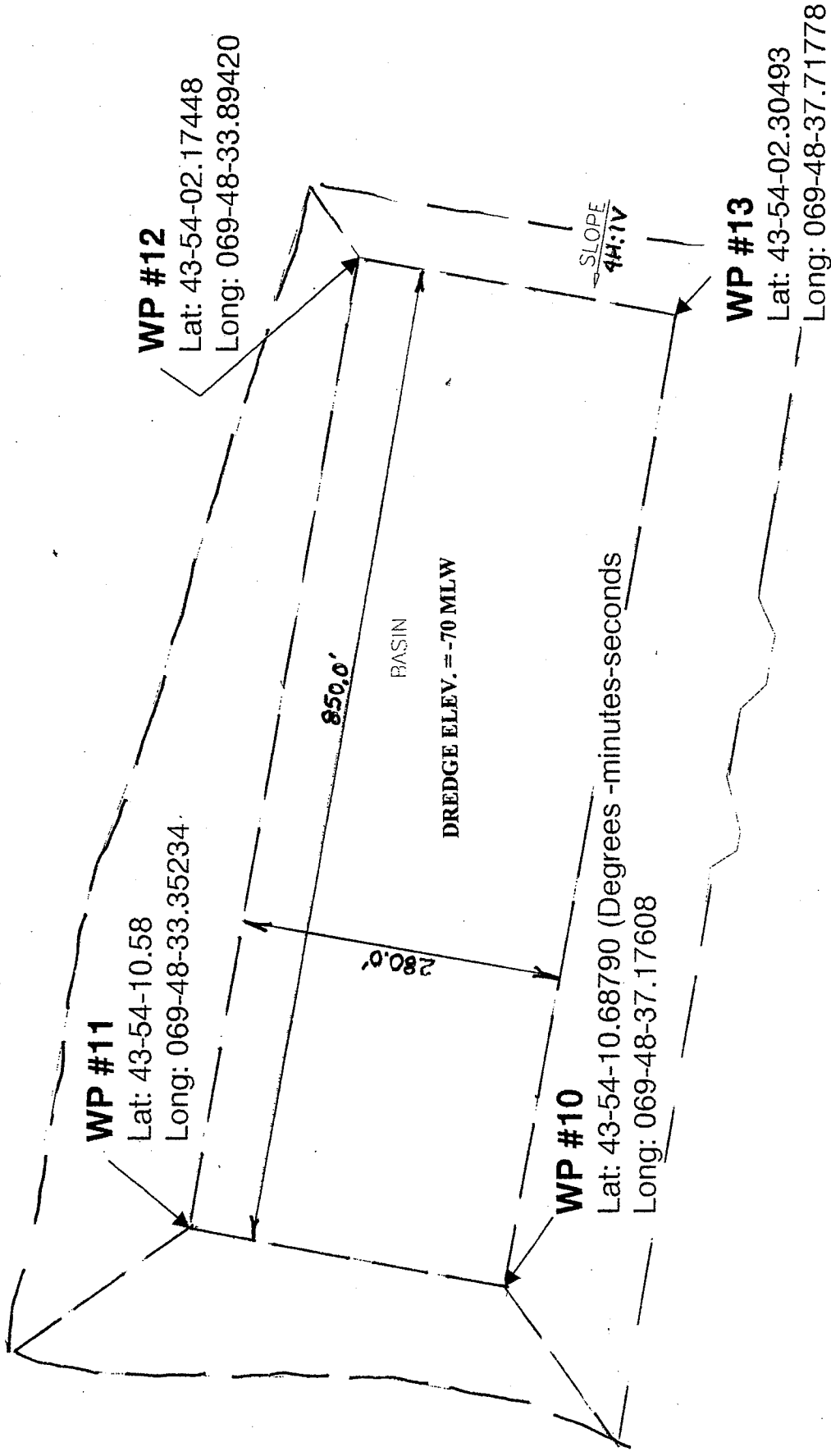


BIW MAINTENANCE DREDGING  
BATH, MAINE

SHEET 2 OF 4  
6/07

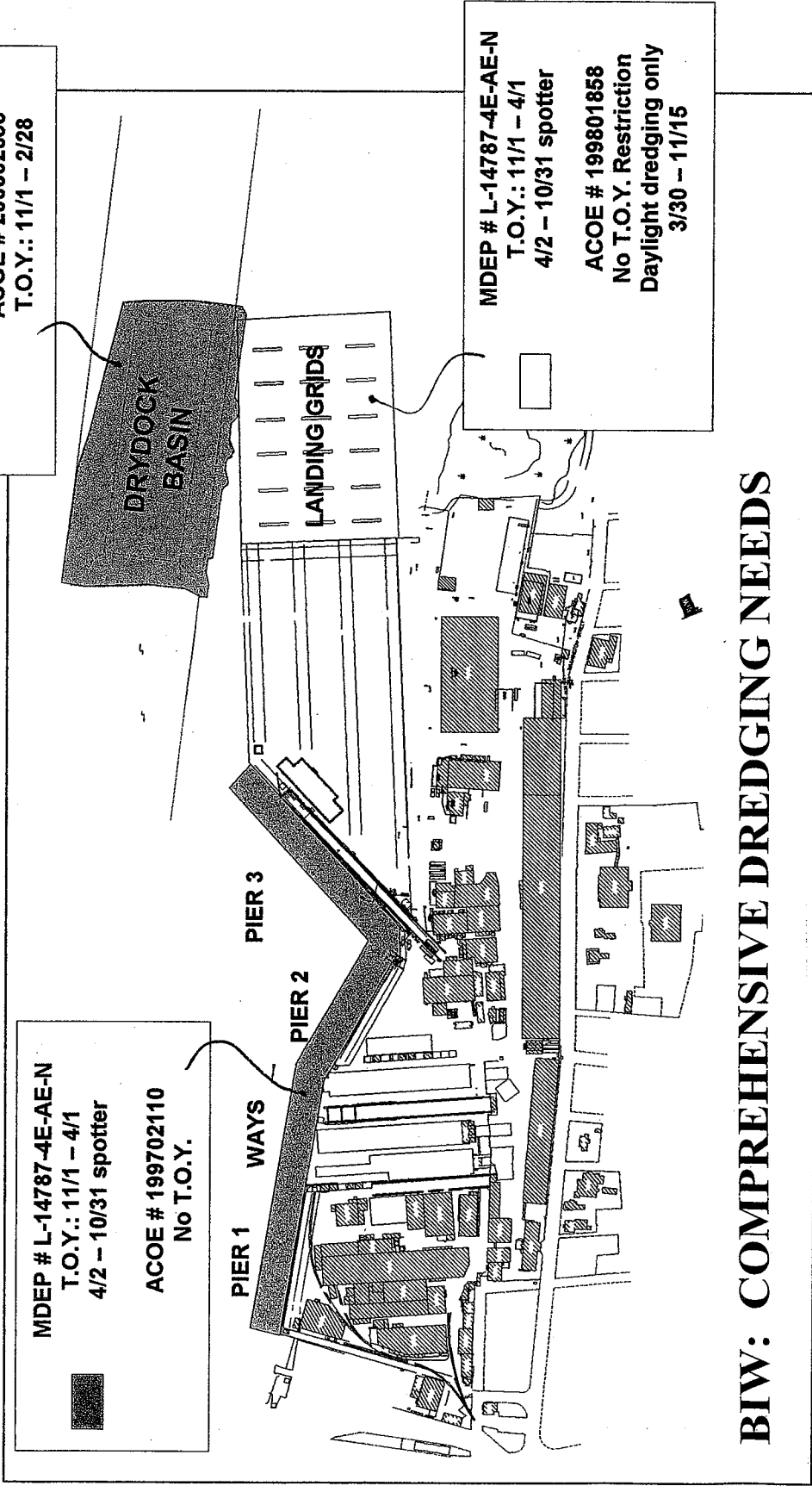
<p>PREPARED FOR: <b>BATH IRON WORKS</b> BATH, MAINE</p>	<p>PREPARED BY: <b>ICF KAISER</b> ENGINEERING &amp; CONSTRUCTION GROUP</p>	<p>SUBMITTED TO: <b>ARMY CORPS OF ENGINEERS</b></p>	<p>LAND LEVEL TRANSFER FACILITY OCTOBER 30, 1997 REVISED 7/10/98</p>
<p><b>SITE PLAN</b></p>		<p><b>EXHIBIT 3A (1 OF 2)</b></p>	

# SINKING BASIN COORDINATES



**NOTE: Coordinates are according to NAD 83**

# BIW Dredging: Permits



## BIW: COMPREHENSIVE DREDGING NEEDS

Bath Iron Works  
 A GENERAL DYNAMICS COMPANY

BIW MAINTENANCE DREDGING  
 BATH, MAINE

SHEET 4 OF 4 6/07



## Summary of Essential Fish Habitat (EFH) Designations

**Name of Estuary/ Bay/ River: Kennebec / Androscoggin Rivers, Maine**

**10' x 10' latitude and longitude squares included in this bay or estuary or river (southeast corner boundaries): 4350/6950; 4350/6940; 4340/6940**

Species	Eggs	Larvae	Juveniles	Adults	Spawning Adults
Atlantic salmon ( <i>Salmo salar</i> )	F	F	F,M,S	F,M,S	F
Atlantic cod ( <i>Gadus morhua</i> )			S	S	
haddock ( <i>Melanogrammus aeglefinus</i> )					
pollock ( <i>Pollachius virens</i> )			M,S		
whiting ( <i>Merluccius bilinearis</i> )			M,S	M,S	
offshore hake ( <i>Merluccius albidus</i> )					
red hake ( <i>Urophycis chuss</i> )			M,S	M,S	
white hake ( <i>Urophycis tenuis</i> )			M,S	M,S	
redfish ( <i>Sebastes fasciatus</i> )	n/a				
witch flounder ( <i>Glyptocephalus cynoglossus</i> )					
winter flounder ( <i>Pleuronectes americanus</i> )	M,S	M,S	M,S	M,S	M,S
yellowtail flounder ( <i>Pleuronectes ferruginea</i> )	S	S			
windowpane flounder ( <i>Scopthalmus aquosus</i> )	M,S	M,S	M,S	M,S	M,S
American plaice ( <i>Hippoglossoides platessoides</i> )	S	S	M,S	S	S
ocean pout ( <i>Macrozoarces americanus</i> )	S	S	S	S	S
Atlantic halibut ( <i>Hippoglossus hippoglossus</i> )	S	S	S	S	S
Atlantic sea scallop ( <i>Placopecten magellanicus</i> )					
Atlantic sea herring ( <i>Clupea harengus</i> )		M,S	M,S	M,S	
monkfish ( <i>Lophius americanus</i> )					
bluefish ( <i>Pomatomus saltatrix</i> )			M,S	M,S	
long finned squid ( <i>Loligo pealei</i> )	n/a	n/a			
short finned squid ( <i>Illex illecebrosus</i> )	n/a	n/a			
Atlantic butterfish ( <i>Peprilus triacanthus</i> )					
Atlantic mackerel ( <i>Scomber scombrus</i> )			M,S	M,S	

summer flounder ( <i>Paralichthys dentatus</i> )					
scup ( <i>Stenotomus chrysops</i> )					
black sea bass ( <i>Centropristus striata</i> )					
surf clam ( <i>Spisula solidissima</i> )	n/a	n/a			
ocean quahog ( <i>Artica islandica</i> )	n/a	n/a			
spiny dogfish ( <i>Squalus acanthias</i> )	n/a	n/a			
tilefish ( <i>Lopholatilus chamaeleonticeps</i> )					

**PROPOSED WORK AND PURPOSE**

Bath Iron Works Corporation proposes a number of maintenance dredging activities associated with its shipbuilding operations in the Kennebec River at Bath, Maine.

The work is described on the enclosed plans entitled "BIW MAINTENANCE DREDGING, BATH, MAINE" on four sheets, and dated "6/07".