



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

# PUBLIC NOTICE

Maine Project Office  
675 Western Ave. #3  
Manchester, Maine 04531

**Date:** April 17, 2007  
**Comment Period Ends:** May 17, 2007  
**File Number:** NAE-2007-50  
**In Reply Refer To:** Peter Tischbein  
**Or by e-mail:** Peter.Tischbein@usace.army.mil

The District Engineer has received a permit application from the applicant below 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

Richard & Kathryn Klingaman, 21 Bowery Street, Bath, Maine 04530

## ACTIVITY

The project entails the construction of an 8 space parking lot adjacent to a 185 ft. pile supported pier leading to a marina building then to a ramp and a string of seven 12 ft.x24 ft. floats into navigable waters on the west side of the Kennebec River. The marina will be seasonal and used by multiple users. Work also includes the spot capping of approx. 11 areas encompassing 3,670 sq. ft. (0.84 ac.) of tidal and freshwater cattail wetlands in order to isolate historically placed contaminated soils.

## WATERWAY AND LOCATION OF THE PROPOSED WORK

This work is proposed in the Kennebec River on Front & Bowery Streets in the City of Bath, Maine. The proposed location on the USGS Bath quadrangle sheet is at UTM coordinates 43.9235961 N & 69.8119402 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**

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 approx. 2 acres of Essential Fish Habitat (EFH) for various life stages of the Atlantic salmon, Atlantic cod, pollock, whiting, herring, bluefish, mackerel and different flounder. This habitat consists of intertidal mudflat and riverine shallow water. Loss of this habitat may adversely affect these species by avoidance behavior during construction and marina use. 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.

### **SECTION 106 COORDINATION**

Based on his initial review, the District Engineer has determined that the proposed work may impact properties listed in, or eligible for listing in, the National Register of Historic Places. Additional review and consultation to fulfill requirements under Section 106 of the National Historic Preservation Act of 1966, as amended, will be ongoing as part of the permit review process.

### **ENDANGERED SPECIES CONSULTATION**

The New England District, Army Corps of Engineers has reviewed the list of species protected under the Endangered Species Act of 1973, as amended, which might occur at the proposed project site during the construction and subsequent operation/use period sought by the applicant. We have undertaken a Biological Assessment (BA) of the potential for interactions and adverse impacts to those listed species. 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 any Federally listed endangered or threatened species or their designated critical habitat. By this Public Notice, we are requesting that the appropriate Federal Agency concur with our BA determination.

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

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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:

- Permit, License or Assent from State.
- Permit from Local Wetland Agency or Conservation Commission.
- 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 Peter Tischbein at (207) 623-8367.

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.**

  
**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.

NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_

**PROPOSED WORK AND PURPOSE**

The project entails the construction of an 8 space parking lot adjacent to a 185 ft. pile supported pier leading from a marina building to a ramp and a string of seven 12 ft.x24 ft. floats into navigable waters on the west side of the Kennebec River. The marina will be seasonal and used by multiple users. Work also includes the spot capping of approx.11 areas encompassing 3,670 sq. ft. (0.84 ac.) of freshwater cattail wetlands in order to isolate historically placed contaminated soils.

The work is described on the enclosed plans entitled "Project Location Map", "Klingaman Property Land Use" and "Klingaman Pier, Ramp, Float" on 4 sheets, and dated "Sept. 2006", "August 3, 2006", and "March 13, 2007", respectively.

## 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):

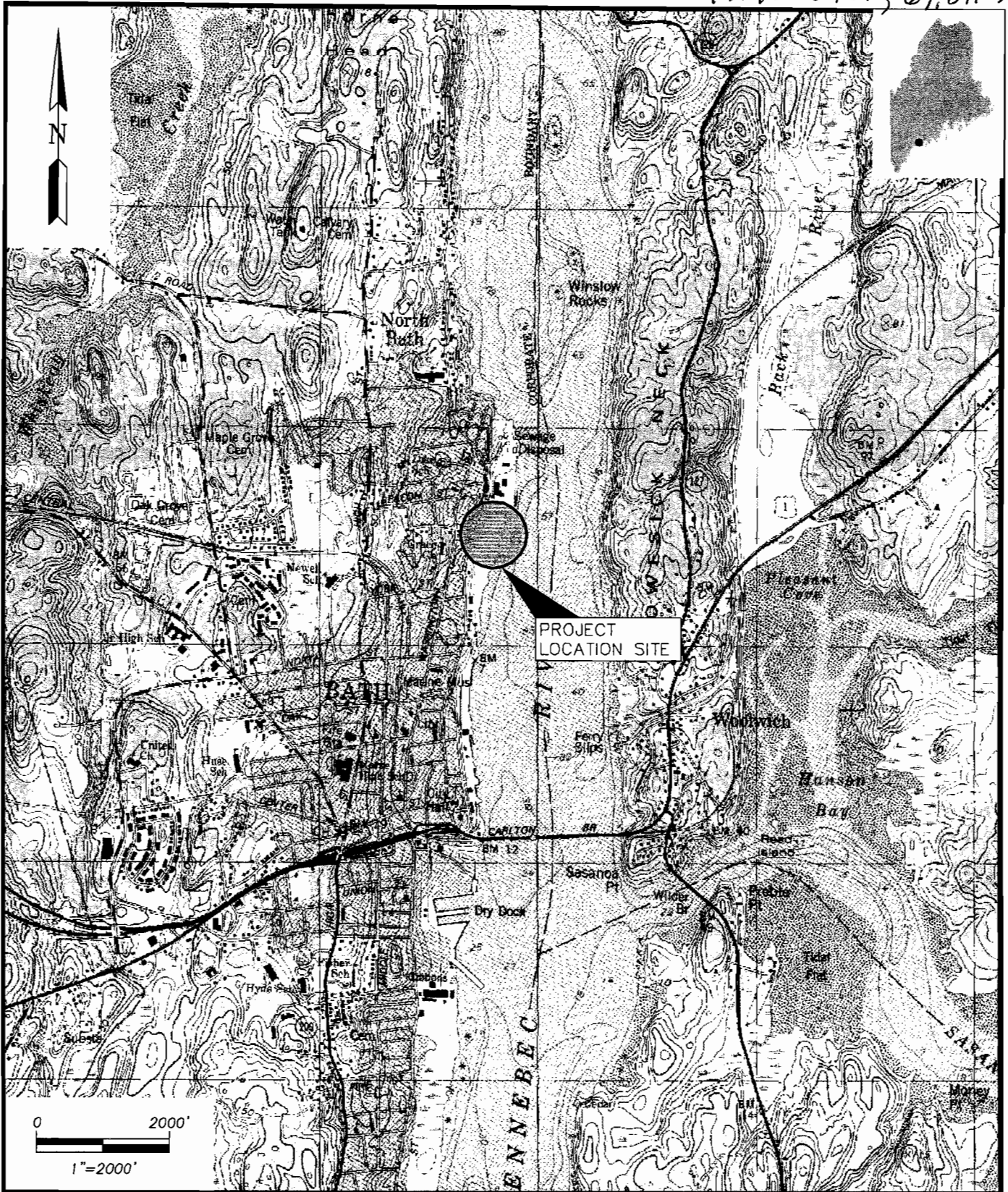
4350/6950; 4350/6940; 4340/6940

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>Scophthalmus 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> )					

43,9235961 ; 69,811 9402



PREPARED BY:



**WOODLOT**  
ALTERNATIVES, INC.  
ENVIRONMENTAL CONSULTANTS

SHEET TITLE:

**Project Location Map**

PROJECT:

SSC Ventures, Inc.  
Klingaman Parcel  
Bowery and Front Streets, Bath, Maine

DATE: September 2006

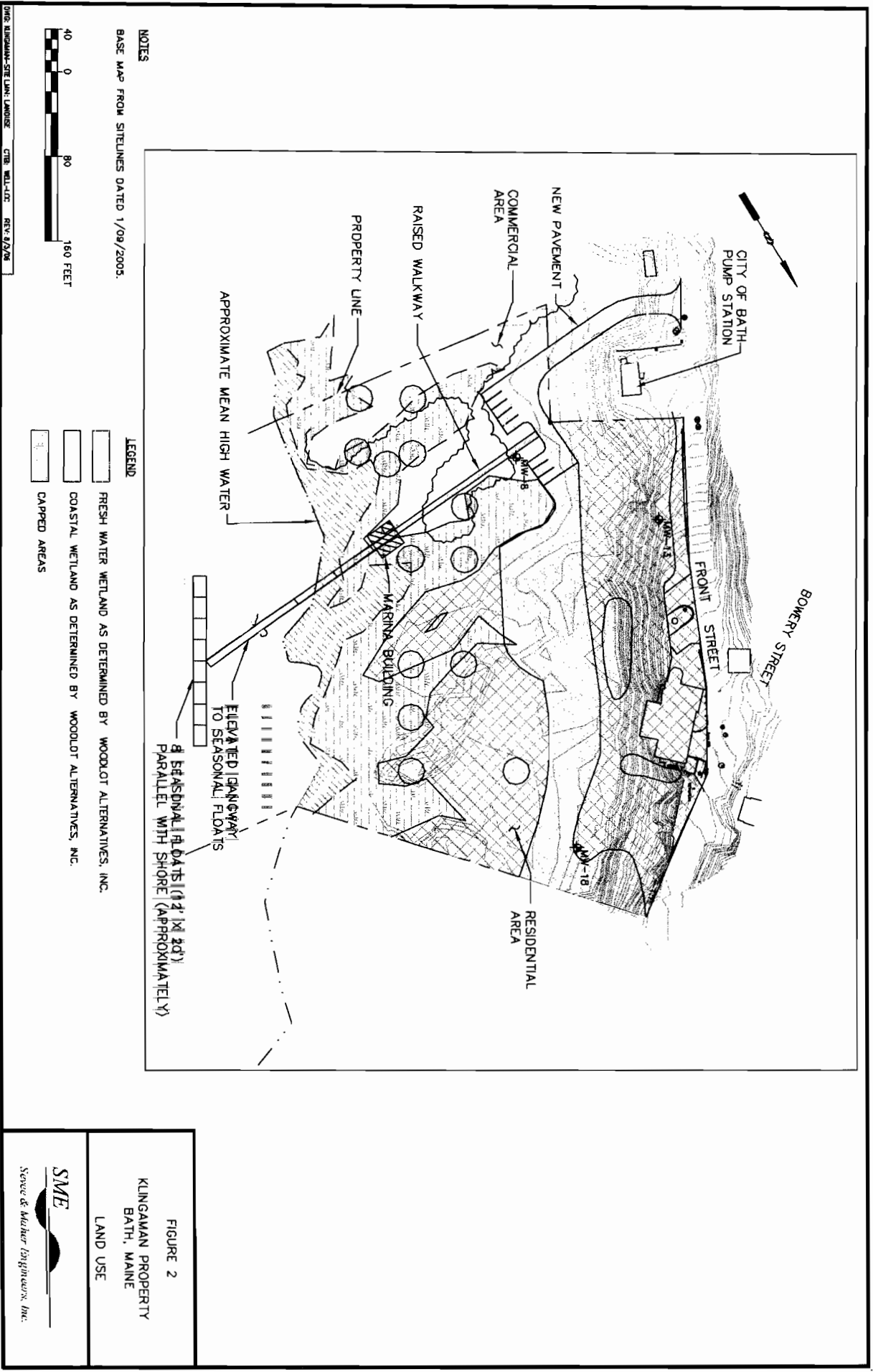
SCALE: 1"=2000'

PROJ. NO.: 103129.03

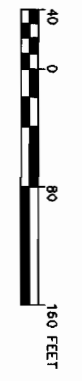
FIGURE:

1





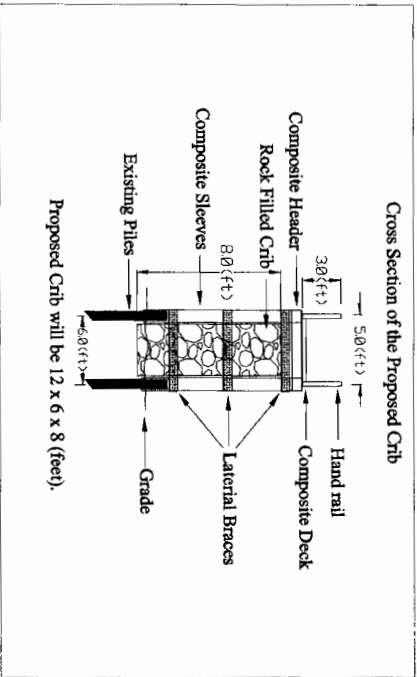
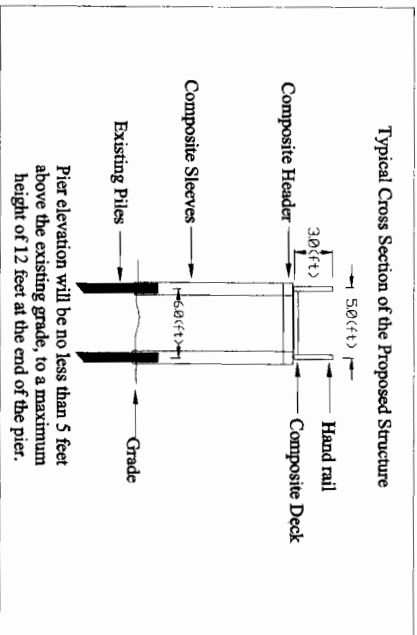
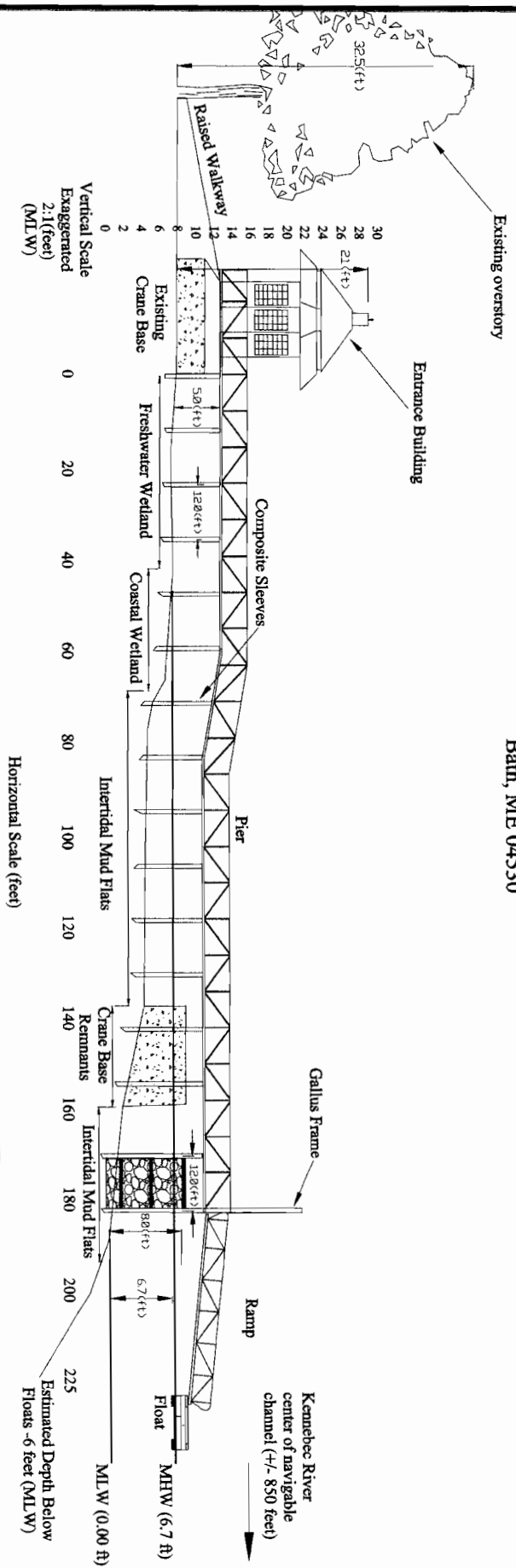
NOTES  
 BASE MAP FROM SITE LINES DATED 1/09/2003.



- LEGEND
- FRESH WATER WETLAND AS DETERMINED BY WOODLOT ALTERNATIVES, INC.
  - COASTAL WETLAND AS DETERMINED BY WOODLOT ALTERNATIVES, INC.
  - CAPPED AREAS

FIGURE 2  
 KUNGAMAN PROPERTY  
 BATH, MAINE  
 LAND USE

Proposed Pier, Ramp & Float Design  
 for Richard Klingaman  
 21 Bowery St.  
 Bath, ME 04530

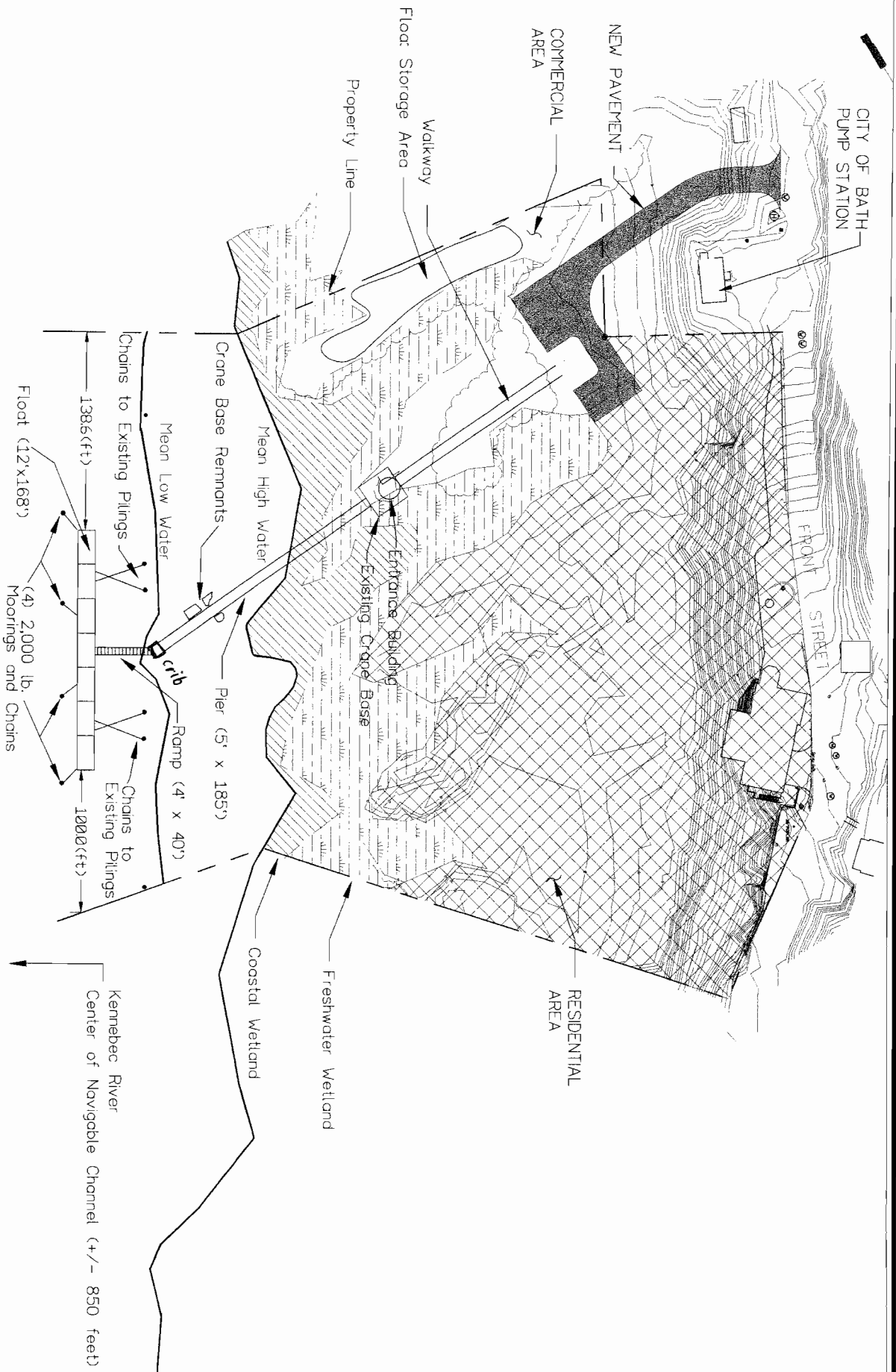


- NOTES:
- Pier (5' x 185' feet).
  - Ramp (4' x 40' feet).
  - Float (12' x 168' feet).
  - 12" diameter composite sleeves over existing piles.
  - Composite sleeves will be anchored to existing piles and filled with concrete.
  - Floats will be stored onsite in upland.

**ECO-ANALYSTS, INC.**  
 Environmental Consultants  
 P.O. Box 224 Bath, Maine 04578  
 (207) 882-1115  
 Fax (207) 882-1116  
 ecoanalysts@roadrunner.com

Date: 3/13/2007  
 Project: Klingaman Pier, Ramp Float  
 Scale: 1 Inch = 35 Feet  
 Drafted By: TAF

Sheet  
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**ECO-ANALYSTS, INC.**  
 Environmental Consultants  
 P.O. Box 224 Bath, Maine 04578  
 (207) 882-1115  
 Fax (207) 882-1116  
 ecoanalysts@roadrunner.com

**Date:** 3/13/2007  
**Project:** Klingaman Pier, Ramp, Float  
**Scale:** 1 Inch = 100 Feet  
**Drafted By:** TAF

**Sheet**  
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