BLUE HILL HARBOR
MAINE
NAVIGATION IMPROVEMENT PROJECT

APPENDIX A

PERTINENT CORRESPONDENCE

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BLUE HILL HARBOR, MAINE
DETAILED PROJECT REPORT
AND ENVIRONMENTAL ASSESSMENT

APPENDIX A
PERTINENT CORRESPONDENCE

LIST OF PERTINENT CORRESPONENCE

Part 1. Correspondence during Review of the Draft Report/Environmental Assessment and Preparation of the Final Report/Environmental Assessment

North Atlantic Division – Final Report Review Memo to NAE – 28 January 2022
New England District – Final Report Transmittal Memo to NAD – 2 December 2021
Town of Blue Hill – Sponsor Support Letter and Financial Certification – 8 November 2021
New England District – EFH Response to NMFS – 21 September 2021
National Marine Fisheries Service – EFH Recommendations – 15 September 2021
North Atlantic Division – Draft Report Review Memo to NAE – 20 May 2021
New England District – Draft Report Submittal Memo to NAD – 8 April 2021
New England District – Real Estate Risk Letter to Town – 6 April 2021
Town of Blue Hill – Sponsor Support Letter to NAE – 17 March 2021
Maine Coastal Program – Federal Consistency Determination Concurrence – 16 March 2021
ME Department of Environmental Protection – Water Quality Certification – 10 March 2021
New England District – Letter to U.S. EPA – 28 January 2021
New England District – CZM/WQC Request to Maine Agencies – 3 December 2020
NOAA Fisheries GARFO ESA NLAA Form and Concurrence – 20 November 2020
U.S. EPA – Letter to NAE – 27 May 2020
U.S. Fish and Wildlife Service – ESA/FWCA Letter to NAE – 8 May 2020
New England District – Letter to U.S. EPA – 24 April 2020
New England District – Letter to NMFS – 24 April 2020
New England District – Letter to U.S. F&WS – 24 April 2020
Public Notice – Draft Report and EA Review – 23 March 2020
Notice of Intent to File Maine NRPA – Newspaper – 20 February 2020

Part 2. Correspondence during Preparation of the Draft Detailed Project Report and Draft Environmental Assessment

New England District – Additional Funds Request to Town of Blue Hill – 11 July 2019
Penobscot Nation THPO – Letter to NAE – 15 January 2019
Maine Historical Preservation Commission – Letter to NAE – 11 December 2018
New England District – Coordination Letter to MESHPO – 4 December 2018
New England District – Letter to Passamaquoddy THPO – 4 December 2018
New England District – Letter to Penobscot THPO – 4 December 2018
New England District – Funds Request to Town of Blue Hill – 25 September 2018
Town of Blue Hill – Letter to NAE – No Upland Disposal Sites – 16 March 2017

Town of Blue Hill – Funds Limitation Letter – 17 June 2015
with Sponsor's Self Certification – 17 March 2015
New England District – Funds Request to Town of Blue Hill – 30 June 2015
New England District – FCSA Transmittal to Town of Blue Hill – 13 May 2015
North Atlantic Division – FCSA Approval Memo – 5 May 2015
New England District – FCSA Execution Request Memo to NAD – 18 March 2015
Assistant Secretary of the Army (Civil Works) – Fact Sheet Approval – 21 November 2014
New England District –Memorandum – FID DQC Certification – 11 June 2014
Town of Blue Hill – Study Support Letter – 18 November 2013
North Atlantic Division – IAR Approval Memo – 29 October 2013
North Atlantic Division – PSD Concurrence Memo – 24 October 2013
New England District – Memo Transmitting Initial Appraisal to NAD – 13 August 2013
Maine DOT Program Letter to Congressional Delegation – 20 March 2013
Town of Blue Hill – Preliminary Data to NAE – 30 August 2012
NAE Trip Report – Environmental Baseline – 4 August 2012
Town of Blue Hill – Initial Study Request – 4 September 2009

Appendix A

Part 1

Correspondence during Review of the Draft Detailed Project Report and Environmental Assessment and Preparation of the Final Detailed Project Report and Environmental Assessment

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DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NORTH ATLANTIC DIVISION
FORT HAMILTON MILITARY COMMUNITY
302 GENERAL LEE AVENUE
BROOKLYN, NY 11252-6700

CENAD-PD-P (800B-11-2-220a) 28 January 2022

MEMORANDUM FOR Chief, Civil Works Integration Division (Mr. Joseph Forcina)

SUBJECT: Final Detailed Project Report and Environmental Assessment (DPR & EA) for Blue Hill Harbor, ME Section 107 Project (PWI 328230) for Approval

1. References:

a. Pre-brief for the final DPR & EA conducted on 16 December 2021.

b. CENAD-PD-C Email dated 11 December 2021 transmitting the subject Blue Hill DPR and EA package and requesting review.

c. CENAE-PD-P Memorandum dated 2 December 2021 transmitting the final DPR and EA for the Blue Hill Harbor, ME Section 107 Project.

d. CENAD-PD-P Memorandum dated 12 May 2021 transmitting comments on review of draft report to CENAD-PD-C.

2. Following the pre-brief (Reference 1a) the Policy & Legal Compliance Review (P&LCR) Team led by the North Atlantic Division Planning and Policy Division (CENAD-PD-P) conducted a review of the final DPR, EA, and other documentation of September 2021 for the subject study (References 1b and 1c).

3. P&LCR team has conducted the backcheck review of the final documents and determined that the comments on the Draft Report (Reference 1d) have been adequately addressed. The Executive Summary of the final report should be modified to be consistent in the use of price levels. All costs shown needed to be shown in consistent FY22 price level and indicate the current discount rate of 2.25% is utilized. It is understood that comparison of alternatives was undertaken earlier and that the selected alternative will not change. A few editorial comments have been transmitted to the NAE PDT via email. Therefore, the team will recommend for approval of final DPR & EA once these changes are made and the report resubmitted.

4. Please direct any questions to Ms. Naomi Fraenkel, AICP, Navigation Planning Program Lead at (917) 359-2819 or Mr. Young Kim, P.E., Planning Program/CAP Manager at (347) 370-4514.

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JOSEPH R. VIETRI
Chief, Planning and Policy Division
Programs Directorate

CF: Christopher Ricciardi, Ph.D./CWID DST

DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
696 VIRGINIA ROAD
CONCORD MA 01742-2751

CENAE-PDP

02 December 2021

MEMORANDUM FOR Commander, North Atlantic Division, U.S. Army Corps of Engineers, (ATTN: CENAD-PD-CID-P, Mr. Christopher Ricciardi), Fort Hamilton Military Community, 301 General Lee Avenue, Brooklyn, NY 11252-8400

SUBJECT: Submittal of Final Detailed Project Report and Environmental Assessment (DPR and EA) for Blue Hill Harbor, ME Section 107 Project (PWI 328230) for Approval

1. Public Review of this report was concluded in May 2020. MSC review of the draft report was completed 12 May 2021. ATR was certified 11 August 2021. The project addresses the need for commercial navigation improvements at Blue Hill Harbor, located in Hancock County, in the Town of Blue Hill, Maine, the project Sponsor. The recommended plan consists of a 6-foot channel and turning basin to access the town wharf in the inner harbor to principally benefit the town's commercial lobstering fleet.

2. NAE hereby requests NAD approve the enclosed Final DPR and EA. As discussed at the 14 September 2021 pre-brief, the report was prepared using FY21 price levels, and an updated FY22 estimate will be provided when the PPA package is submitted.

3. The non-federal sponsor, the Town of Blue Hill, has provided a letter of support for the project and a Self-Certification of Financial Capability.

4. Additional information on this investigation can be obtained by contacting the Project Manager, Mr. Mark Habel, at (978) 318-8871 or Mark.L.Habel@usace.army.mil.

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8 Encls
See Attached Submittal List

JOHN A. ATILANO II
COL, EN
Commanding

MSC Review of Final Detailed Project Report (DPR) and Environmental Assessment (EA)

Section 107 Feasibility Phase Decision Document

Submittal Pre-Brief Held with NAD and District: 14 September 2021

List of Final Report Submittal Items	
00	Transmittal Memo from NAE Commander to NAD Commander (With Copy to CWID) transmitting the Final report
01	Final DPR/EA and Appendices, Including:
	Main Report
	Environmental Assessment and FONSI
	Appendix A – Correspondence Appendix B – Economics Appendix C – Engineering Design Appendix D – Cost Engineering Appendix E – Real Estate Appendix F – Sediment Testing Appendix G – EFH Assessment Appendix H – Suitability Determination
02	Track Change Version of DPR and EA and Economics Appendix Showing Edits made Since the Draft Report
03	Response to Comments Document – Draft PGM (Word File)
04	Certification of District Quality Control Review – 14 September 2021
05	Certification of Agency Technical Review – 11 August 2021
06	Updated Certification of Legal Sufficiency – 24 September 2021
07	Updated CAP Project Fact Sheet – 14 September 2021
08	Non-Federal Sponsor Letter of Support and Self-Certification of Financial Capability for Decision Documents – 8 November 2021

Town of Blue Hill, Maine

18 Union Street
Blue Hill, Maine 04614
TELEPHONE 207-374-2281 FAX 207-374-9935

November 8, 2021

John Kennelly
Chief of Planning
US Army Corps of Engineers New England District
696 Virginia Road
Concord, MA 01742

Dear Mr. Kennelly,

The Select Board of the Town of Blue Hill, Maine has reviewed the draft Section 107 Navigation Improvement Project Detailed Project Report and Environmental Assessment, and looks forward to the public hearings on the project to provide comments and feedback on the report.

As you probably know, all significant financial decisions made on behalf of the Town of Blue Hill must be approved by the town's voters. To date, Blue Hill voters have approved approximately $124,000 of direct and indirect financial support for the preparation of the Detailed Project Report and Environmental Assessment.

After the final report is made available to the public and discussed in one or more public hearings, we hereby confirm that the Town of Blue Hill would have the capability to provide the required cost-sharing funds, subject to approval and appropriation by Town voters at a Town Meeting.

Please let me know if there is anything else we can do to help with this process.

Sincerely,

Shawna Ambrose
Town Administrator

NON-FEDERAL SPONSOR'S
SELF-CERTIFICATION OF FINANCIAL CAPABILITY
FOR DECISION DOCUMENTS

I, Rebecca Wilber, do hereby certify that I am the Chief Financial Officer of the Town of Blue Hill, Maine (the "Non-Federal Sponsor"); that I am aware of the financial obligations of the Non-Federal Sponsor for the Blue Hill Harbor Navigation Improvement Project; and that the Non-Federal Sponsor will have the financial capability to satisfy the Non-Federal Sponsor's obligations for that project. I understand that the Government's acceptance of this self-certification shall not be construed as obligating either the Government or the Non-Federal Sponsor to implement a project.

IN WITNESS WHEREOF, I have made and executed this certification this 9th day of November, 2021.

BY: Rebecca J. Wilber

TITLE: Treasurer

DATE: 11/09/2021

DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
696 VIRGINIA ROAD
CONCORD MA 01742-2751

September 21, 2021

Planning Division
Environmental Branch

Mr. Louis Chiarella
National Marine Fisheries Service
55 Great Republic Drive
Gloucester, MA 01930

Dear Mr. Chiarella:

Thank you for your letter of September 15, 2021 regarding the US Army Corps of Engineers (USACE) proposed Blue Hill Harbor Navigation Improvement Project in Blue Hill, Maine. This letter serves to address the Essential Fish Habitat Conservation Recommendations (EFHCR) that were provided. Each of the EFHCRs are noted below along with our following responses.

EFHCR 1: No dredging should occur from March 15 to June 30, of any calendar year, to protect sensitive life history stage [egg and larvae] winter flounder EFH.

Response: Consultation with the Maine Department of Marine Resources (ME-DMR) has concluded that an April 8 date to end construction activities would be appropriate for the proposed project. ME-DMR noted that winter flounder resources are not likely to be present in the proposed project area; however, if flounder were present, the proposed window would be protective of impacts to flounder eggs and larvae (personal communication with Mr. Denis Nault, February 2021). As such, we will not be implementing this EFH conservation recommendation fully. We will apply a time-of-year restriction of November 8 to April 8 as conditioned by the state's water quality certification.

EFHCR #2: Compensatory mitigation should be provided for the permanent conversion of 3.7 acres of intertidal habitat. Given the difficulty in replicating intertidal habitat, mitigation plans should be coordinated with NOAA NMFS Habitat and Ecosystem Services Division staff.

Response: During the initial stages of the feasibility study for the proposed Blue Hill Harbor project, we considered the need for compensatory mitigation for the loss of intertidal habitat. However, initial sediment testing revealed the presence of contamination in those intertidal portions of the project area that would have driven the need for mitigation. We performed additional rounds of chemical testing to define the

spatial extent of the contamination and conducted a macrobenthic community survey within the intertidal area to aid in the determination of the intertidal area's functions and values. Based upon the concentrations of contaminants and the corresponding low abundance and diversity of the benthic fauna, we concluded that the removal of the contaminated sediments would allow a more productive subtidal benthic community to establish and therefore compensatory mitigation was unwarranted.

We attempted to identify environmentally acceptable, practicable placement sites, including beneficial uses of dredged material to create or restore coastal habitat within the general project area. Neither we, nor any of the agencies that participated in the early formulation process, were able to identify suitable sites to use dredged material to restore or create intertidal habitats. We also attempted to identify additional impacted intertidal areas within Blue Hill Harbor while looking for the contaminant source. However, neither we, nor any of our agency partners, were able to identify suitable mitigation sites.

Given the contaminated condition and low value of the affected intertidal flats, the environmental benefit of the project in reducing the contamination at the site, and the lack of practicable sites to provide intertidal habitat through beneficial use of the dredged material, we will not be implementing this EFH conservation recommendation.

If you or your staff have any questions or require additional information, please feel free to contact Mr. Todd Randall, the Environmental Resources Team Member at (978) 318-8518 or Mr. Mark Habel, the Project Manager, at (978) 318-8871.

Sincerely,

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John Kennelly
Chief, Planning Division

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
GREATER ATLANTIC REGIONAL FISHERIES OFFICE
55 Great Republic Drive
Gloucester, MA 01930-2276

September 15, 2021

Mr. John Kennelly
Chief, Planning Division
U.S. Army Corps of Engineers
New England District
696 Virginia Road
Concord, MA 01742-2751

Re: Blue Hill Harbor Navigation Improvement Project, Blue Hill, ME

Dear Mr. Kennelly:

We have reviewed the essential fish habitat (EFH) assessment dated July 2021, the Public Notice dated March 23, 2020, the Blue Hill Harbor sampling summary dated October 2016 and the Section 107 Navigation Improvement Project Environmental Assessment dated February 2020 for the proposed Federal Navigation Project (FNP) located within Blue Hill Harbor, Blue Hill, Maine. The proposed Blue Hill Harbor project will dredge a new 6-foot deep mean lower low water (MLLW), 80-foot wide channel from the outer harbor, extending 5,600 feet northwest to the town wharf. The channel will be widened at its upper end to form a turning basin, 160 feet by 80 feet, adjacent to the town wharf. 62,500 cubic yards (CY) of mixed gravel, sand, and silt will be removed from the proposed project area using a mechanical dredge. 52,100 CY of suitable material will be disposed of in the Eastern Passage Disposal Site (EPDS) which is a deep hole, approximately 330 feet deep, located 6 miles northwest of Bass Harbor between Dodge Point and Bar Island. Approximately 10,600 CY of contaminated material will be disposed of in a CAD cell in Blue Hill Harbor, adjacent to the FNP footprint. No mitigation for intertidal resource impacts is currently proposed.

The purpose of this FNP project is to increase access for the commercial and recreational fishing industries at the Central Blue Hill Harbor landing. The commercial fleet consists of 50 boats which currently use other landings and when feasible, use tidal navigation to access the Central Blue Hill landing. The South Blue Hill landing is at capacity and adjacent to private residences, the Steam Boat Wharf facility is on private land and lacks unloading facilities, while the East Blue Hill Shores facility is primarily a recreational facility and is at capacity. PAH and metal concentrations were elevated closest to the Central Blue Hill Harbor landing.

The Magnuson-Stevens Fishery Conservation and Management Act (MSA) and the Fish and Wildlife Coordination Act require federal agencies to consult with one another on projects such as this. Insofar as a project involves EFH, as this project does, this process is guided by the requirements of our EFH regulation at 50 CFR 600.920, which mandates the preparation of EFH assessments and generally outlines each agency's obligations in the relevant consultation procedure.

The EFH assessment indicates you have made a preliminary determination that the proposed project activities will impact EFH for several managed species in both the dredging and placement areas. We

agree with this determination. Specifically, our preliminary determination is that the project would result in substantial adverse impacts to EFH through conversion of 3.7 acres of intertidal habitat to subtidal habitat

General Comments

Marine resources and impacts

The EA and EFH assessments describe the proposed dredge footprints as a mix of silty-sandy-gravel intertidal mudflats and subtidal areas. Specifically page 7 of the EFH assessment notes, "the surficial sediments in the proposed turning basin are composed of a mix of gravels, sands, and silt". Sediment adjacent to the town wharf contains elevated PAH and metal concentrations.

The EPDS is located in a trough in the tidal channel of Blue Hill Bay with hard rocky bottom to the southwest and a slope of soft sediment to the east (Carey et al. 2013). The site was last used for Bass Harbor dredged material disposal. The sediments at the EPDS were characterized as dark-olive, sandy silt with approximately 80-90% of the material in the silt particle size range (USACE, 2006). A 2012 Disposal Area Monitoring System (DAMOS) survey of EPDS revealed two distinct sedimentary habitats within EPDS: a fine-grained, soft-bottom habitat in the central trough and northeast shoal area, and a hard-bottom habitat in the southwest shoal area (Carey et al. 2013). Dredged material placed at the site in 2011-2012, was a combination of sandy-silt, coarse sand, and rock placed primarily in the central trough area on fine grained, soft-bottom substrata (Carey et al 2013). The 2012 acoustic relief bathymetry and bottom features reveal two hard bottom knobs but project documents specify that "material will be placed in the portions of the site that contain soft bottom (i.e., silty sediments) habitat".

The project is located in an important area for a number of marine and estuarine finfish and shellfish species, and is likely to result in direct and indirect adverse impacts to managed fish species and EFH. The area has been identified as EFH for 20 federally-managed species including, but not limited to, winter flounder, Atlantic cod, pollock, ocean pout, silver hake, red hake, white hake, windowpane flounder, smooth skate, little skate, winter skate, thorny skate, and Atlantic sea scallop. Soft-shell clam beds are located adjacent to the proposed project footprints.

Intertidal and inshore subtidal mixed sand, gravel, cobble, and boulder habitats serve as important shelter and forage habitat for a variety of species including Atlantic cod, pollock, black sea bass, ocean pout, red hake, white hake, windowpane flounder, winter skate, little skate, striped bass, cunner, tautog, and scup. The structural complexity of rocky habitats are important for fish in that they provide shelter and refuge from predators (Auster 1998; Auster and Langton 1999; NRC 2002; Stevenson et al. 2004). It is also well established that intertidal zones serve as areas of refuge from predation and foraging habitat for juvenile fish during periods of high tide (Helfman et al. 2009). Recent literature regarding the importance of shallow water habitats for managed fish species was reviewed and discussed in "Shallow Water Benthic Habitats in the Gulf of Maine: A Summary of Habitat Use by Common Fish and Shellfish Species in the Gulf of Maine" (Stevenson et al. 2014). The turning basin portion of the proposed FNP contains intertidal areas with sand-gravel-cobble features, and represent juvenile Atlantic cod EFH. Based on the sediment grain size analyses provided, the turning basin cores and test pits are described as "a mix of gravels, sands, and silt". While the 2015 sediment cores are not broken up into fractions by depth and do not include pebble size classes, core G contained 45.9% gravel and all test pit text descriptions contain combinations of sand, gravel and cobble in the visual descriptions of the top 2 feet each sample. The EFH assessment identifies the area as contaminated due to PAH's and metals, therefore compensatory mitigation is not being provided. However, sand-pebble-gravel sediment size classes do not adsorb PAH's and metals to the extent that finer material does, which indicates that a lesser degree of the material is contaminated than described in project documentation. While we recognize that this larger material cannot be easily separated from the dredged material as a whole, it is not accurate to categorize the entire 10,600 CY as contaminated material.

Intertidal and subtidal mud and sand habitats support distinct benthic communities that serve as EFH for managed fish species by directly providing prey and foraging habitat, or through emergent fauna providing increased structural complexity and shelter from predation. Intertidal mud and sand substrates serve as EFH for multiple managed fish species during spawning, juvenile and/or adult life history stages, including juvenile pollock, juvenile little skate, juvenile hake species, juvenile and adult windowpane flounder, and juvenile and adult life stages of winter flounder (Cargnelli et al. 1999; Chang et al. 1999; Pereira et al. 1999). Habitat attributes within fine grained substrates also provide important functions for managed fish species including shelter, foraging, and prey. Permanent conversion of intertidal habitat to subtidal habitat will remove the foraging and shelter components of this region for juvenile species and prey to federally managed species.

Furthermore, the U.S. Environmental Protection Agency has designated mudflats as "special aquatic sites" under the Section 404(b)(1) of the federal Clean Water Act, due to their important role in the marine ecosystem for spawning, nursery cover and forage areas for fish and wildlife. Juvenile fish and invertebrates seek shelter by burrowing into the soft sediments. Juvenile and adult fish utilize mudflats for foraging, and provide important post-spawn feeding areas for winter flounder. Mudflats are particularly susceptible to anthropogenic disturbances as they are found in sheltered, low-energy environments subject to a minimal natural disturbance regime. Mitigation for impacts to intertidal mudflat habitat can be difficult, making this habitat especially vulnerable to permanent loss.

The project area also provides habitat for winter flounder spawning and juvenile development. Winter flounder eggs, once deposited on the substrate, are vulnerable to sedimentation effects in less than 1 mm of sediment. Decreased hatching success of winter flounder eggs is observed when covered in as little as 1 mm of sediment and burial in sediments greater than 2.5 mm may cause no hatch (Berry et al. 2011). Elevated turbidity can also impact fish species through greater utilization of energy, gill tissue damage and mortality. Egg and larval life stages may be more sensitive to suspended sediments, resulting in both lethal and sub-lethal impacts (Newcombe and Jensen 1996). To avoid such impacts, turbidity producing activities should be suspended during periods when these sensitive life stages are present.

Essential Fish Habitat

Blue Hill Harbor is designated as EFH under the MSA for multiple managed fish species, including Atlantic cod, and hake. In addition, this area contains juvenile Atlantic cod EFH and mudflat habitat. As described above, the proposed project will substantially affect EFH by converting intertidal habitat into subtidal habitat, and permanently deepening subtidal habitats. We recommend pursuant to Section 305(b)(4)(A) of the MSA that you adopt the following EFH conservation recommendations:

1. No dredging should occur from March 15 to June 30, of any calendar year, to protect sensitive life history stage winter flounder EFH.
2. Compensatory mitigation should be provided for the permanent conversion of 3.7 acres of intertidal habitat. Given the difficulty in replicating intertidal habitat, mitigation plans should be coordinated with NOAA NMFS Habitat and Ecosystem Services Division staff.

Please note that Section 305(b)(4)(B) of the MSA requires you to provide us with a detailed written response to these EFH conservation recommendations, including a description of measures you adopt for avoiding, mitigating or offsetting the impact of the project on EFH. In the case of a response that is inconsistent with our recommendations, Section 305(b)(4)(B) of the MSA also indicates that you must explain your reasons for not following the recommendations. Included in such reasoning would be the scientific justification for any disagreements with us over the anticipated effects of the proposed action and the measures needed to avoid, minimize, mitigate or offset such effects pursuant to 50 CFR

600.920(k). Please also note that a distinct and further EFH consultation must be reinitiated pursuant to 50 CFR 600.920(l) if new information becomes available or the project is revised in such a manner that affects the basis for the above EFH conservation recommendations.

Endangered Species Act
Threatened and endangered species under our jurisdiction may be present in the action area, and consultation pursuant to section 7 of the Endangered Species Act of 1973 is required. If you have any questions regarding the status of this consultation, please contact Roosevelt Mesa at 978-281-9186 or roosevelt.mesa@noaa.gov.

Conclusion
In summary, we recommend that no dredging should occur from March 15 to June 30, of any calendar year, to protect sensitive life history stage winter flounder EFH. We also recommend mitigation be provided for the permanent loss of 3.7 acres of intertidal habitat. We look forward to your response to our EFH conservation recommendations, and continued coordination on this project. Please contact Kaitlyn Shaw at 978-282-8457 or kaitlyn.shaw@noaa.gov if you would like to discuss this further.

Sincerely,

Louis A. Chiarella
Assistant Regional Administrator
for Habitat Conservation

cc: Todd Randall, USACE
Roosevelt Mesa, PRD
Tom Nies, NEFMC
Chris Moore, MAFMC
Lisa Havel, ASMFC

References

Able, K. W. and Fahay, M. P. 1998. First year in the life of estuarine fishes in the middle Atlantic Bight; 342 p.

Auster, P.J. 1998. A conceptual model of the impacts of fishing gear on the integrity of fish habitats. Conservation Biology 12:1198-1203.

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DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, NORTH ATLANTIC DIVISION
FORT HAMILTON MILITARY COMMUNITY
302 GENERAL LEE AVENUE
BROOKLYN, NY 11252-6700

CENAD-PD-C (800B-11-2-220a)

MEMORANDUM FOR Commander, US Army Corps of Engineers, New England District (CENAE-PDP/Mr. Kennelly), 696 Virginia Rd, Concord, MA 01742

SUBJECT: Draft Detailed Project Report and Environmental Assessment (DPR & EA) for Blue Hill Harbor, ME CAP Section 107 Project (P2# 328230)

1. References:

a. Memorandum, New England District, CENAE-PD-P, 08 Apr 21, subject: Submittal of Draft Detailed Project Report and Environmental Assessment (DPR & EA) for Blue Hill Harbor, ME Section 107 Project (PWI 328230)

b. Memorandum, North Atlantic Division, CENAD-PD-P, 12 May 21, subject: Draft Detailed Project Report and Environmental Assessment (DPR & EA) for Blue Hill Harbor, ME Section 107 Project (PWI 328230) (enclosed)

2. The New England District requested review and comments for the Draft Detailed Project Report (DPR) and Environmental Assessment (EA) for Blue Hill Harbor, ME CAP Section 107 Project (Reference 1.a.).

3. The North Atlantic Division has reviewed the DPR and EA and provides the following comments that must be addressed. (Reference 1.b.). Please provide a response to all of the comments and include a track changes version of the revisions to ensure that the comments are adequately addressed.

4. The point of contact is Mr. John O'Connor, CAP Program Manager, Civil Works Integration Division, at 347-370-4565 or John.A.OConnor@usace.army.mil.

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Encl.

JOSEPH FORCINA, P.E., P.M.P.
Chief, Civil Works Integration Division

DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
696 VIRGINIA ROAD
CONCORD MA 01742-2751

CENAE-PD-P

8 April 2021

MEMORANDUM FOR Commander, North Atlantic Division, U.S. Army Corps of Engineers, (CENAD-PD-CID-P/Mr. Christopher Ricciardi), Fort Hamilton Military Community, 301 General Lee Avenue, Brooklyn, NY 11252-8400

SUBJECT: Submittal of Draft Detailed Project Report and Environmental Assessment (DPR & EA) for Blue Hill Harbor, ME Section 107 Project (PWI 328230) for Review.

1. Public Review of this report was concluded in May 2020. ATR of the revised report is being initiated in April 2021. The project addresses the need for commercial navigation improvements at Blue Hill Harbor, located in Hancock County, in the Town of Blue Hill, Maine, the project Sponsor. The recommended plan consists of a 6-foot channel and turning basin to access the town wharf in the inner harbor to principally benefit the town's commercial lobstering fleet.

2. NAE hereby requests NAD review of the enclosed draft DPR and EA.

3. The non-Federal sponsor has provided a letter of support for the project which is included in the enclosed submittal package.

4. Additional information on this investigation can be obtained by contacting the Project Manager, Mr. Mark Habel at (978) 318-8871 or Mark.L.Habel@usace.army.mil.

KENNELLY.JOHN.R.1228532939
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Date: 2021.04.08 15:18:09 -04'00'

JOHN R. KENNELLY
CHIEF OF PLANNING

8 Encls
See Attached Submittal List

Draft Detailed Project Report (DPR) and Planning and Design Analysis (PDA)

Section 107 Feasibility Phase Decision Document

Submittal Pre-Brief Held with NAD and District: 10 February 2021

List of Final Report Submittal Items	
00	Transmittal Memo from NAE Commander to NAD Commander (Copy to CWID) CWID transmitting Draft report currently under ATR and Public Review
01	Draft DPR/EA and Appendices, Including:
	Main Report
	Environmental Assessment and FONSI
	Appendix A – Correspondence, Appendix B – Engineering Design, Appendix C – Cost Estimates, Appendix D – Economics, Appendix E – Real Estate, Appendix F – Sediment Testing, Appendix G – SAV Surveys, Appendix H – Suitability Determination, Appendix I – Mitigation Plan, Appendix J – EFH, and Appendix K – Benthos
02	MFR from MDM
03	EA Public Notice
04	Certification of District Quality Control Review
05	Agency Technical Review Team Roster
06	Certification of Legal Sufficiency
07	CAP Project Fact Sheet
08	Non-Federal Sponsor Letter of Support

DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
696 VIRGINIA ROAD
CONCORD MA 01742-2751

April 6, 2021

Ms. Shawna Ambrose
Town Administrator
Town of Blue Hill
18 Union Street
Blue Hill, Maine 04614

Dear Ms. Ambrose:

I am writing about the Section 107 Navigation Improvement Project – Blue Hill Harbor, Maine Feasibility Study recommended plan ("Project"). This Project is pending further analysis, U.S. Army Corps of Engineers approval and federal and non-federal funding. If the Project is approved, we will provide you with information about the extent of the non-federal sponsor's responsibility for acquiring the real estate for the Project.

Although at this time we anticipate no acquisitions, we are required by our regulations to inform you in writing of the risks associated with advance land acquisition. If the Town of Blue Hill acquires real estate interests for the Project prior to the signing of the Project Partnership Agreement (PPA), it does so at its own risk. These risks include, but are not limited to, acquiring the wrong land, as well as acquiring too much or too little land, with regards to tracts and estates. This may result in paying additional value that could have been avoided by delaying acquisition. In addition, until the PPA is signed there is not an agreement to construct the Project or to share costs (or give credit for lands acquired in anticipation of the PPA). Also, the Town of Blue Hill may incur liability and expense if it owns or has interests in contaminated lands. The Town of Blue Hill will assume full and sole responsibility for any and all costs, responsibility, or liability arising out of acquisition efforts prior to execution of the PPA or prior to the Government's formal notice to proceed with acquisition after PPA execution.

If you have any questions, please do not hesitate to contact Pamela Bradstreet of this office by telephone at 978-318-8025 or by email at

Pamela.S.Bradstreet@usace.army.mil. You may also contact Project Manager, Mark Habel by telephone at 978-318-8871 or by email at Mark.L.Habel@usace.army.mil.

Your continued cooperation in support of this project is greatly appreciated.

Sincerely,

SHUGERT.TIMOTHY.W.1238587243 Digitally signed by SHUGERT.TIMOTHY.W.1238587243 Date: 2021.04.06 11:59:16 -04'00'

Timothy W. Shugert
Chief, Real Estate Division

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION AUGUSTA, MAINE 04333-0017

DEPARTMENT ORDER

IN THE MATTER OF

UNITED STATES ARMY CORPS	) NATURAL RESOURCES PROTECTION ACT
OF ENGINEERS/TOWN OF BLUE HILL	) COASTAL WETLAND ALTERATION
Blue Hill, County	) SIGNIFICANT WILDLIFE HABITAT
HARBOR DREDGE	) WATER QUALITY CERTIFICATION
L-28747-4E-A-N (approval)	)
L-28747-TW-B-N (approval)	) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S. §§ 480-A–480-JJ, Section 401 of the CleanWater Act (33 U.S.C. § 1341), and Chapters 310, 315, and 335 of Department rules, the Department of Environmental Protection has considered the application of UNITED STATES ARMY CORPS OF ENGINEERS/TOWN OF BLUE HILL with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT DESCRIPTION:

A. Summary: The applicants propose navigation improvement to the Blue Hill Harbor in order to increase safe and efficient vessel transportation in the harbor. The applicants propose to dredge a 6-foot deep Mean Lower Low Water (MLLW), 80-foot wide channel from the outer harbor, extending 5,600 feet northwest to the town wharf. The channel will be widened at its upper end to form a turning basin, 160-feet by 80-feet, adjacent to the town wharf, as shown on a set of plan prepared by the United States Army Corps of Engineers, the first of which is entitled, "Blue Hill Harbor Project Area," and dated November 2020. Approximately 71,500 cubic yards (CY) of mixed gravel, sand and silt will be removed from the project area using a mechanical dredge. The 61,000 CY of dredged material that was deemed suitable for open water disposal will be disposed of at the Eastern Passage Disposal Site (EPDS). Approximately 10,500 CY of material from the upper two feet of the inner harbor were deemed unsuitable for open water placement and will be placed in a confined aquatic disposal (CAD) cell within Blue Hill Harbor. The project is located in a mapped Tidal Waterfowl and Wading Bird Habitat (TWWH). The project is located in the Blue Hill Harbor.

B. Current Use of the Site: The site is currently intertidal and subtidal habitat located in the Blue Hill Harbor.

2. EXISTING SCENIC, AESTHETIC, RECREATIONAL OR NAVIGATIONAL USES:

The Natural Resources Protection Act (NRPA), in 38 M.R.S. § 480-D(1), requires the applicants to demonstrate that the proposed project will not unreasonably interfere with existing scenic, aesthetic, recreational and navigational uses.

In accordance with Chapter 315, *Assessing and Mitigating Impacts to Scenic and Aesthetic Uses* (06-096 C.M.R. ch. 315, effective June 29, 2003), the applicants submitted a copy of the Department's Visual Evaluation Field Survey Checklist as Appendix A to the application along with a description of the property and the proposed project. The applicants also submitted several photographs of the proposed project site and surroundings. Department staff visited the project site on May 10, 2016.

The proposed project is located in the Blue Hill Harbor, which is a scenic resource visited by the general public, in part, for the use, observation, enjoyment and appreciation of its natural and cultural visual qualities. The proposed project should not have any visual impacts on the project site.

The Department staff utilized the Department's Visual Impact Assessment Matrix in its evaluation of the proposed project and the Matrix showed an acceptable potential visual impact rating for the proposed project. Based on the information submitted in the application and the visual impact rating and the site visit, the Department determined that the location and scale of the proposed activity is compatible with the existing visual quality and landscape characteristics found within the viewshed of the scenic resource in the project area.

The Department of Marine Resources (DMR) reviewed the project and stated that the proposed project should not cause any significant adverse impact to navigation or recreation based on the nature of the project and its location.

The Department finds that the proposed activity will not unreasonably interfere with existing scenic, aesthetic, recreational or navigational uses of the coastal wetland.

3. SOIL EROSION:

The NRPA, in 38 M.R.S. § 480-D(2), requires the applicants to demonstrate that the proposed project will not cause unreasonable erosion of soil or sediment nor unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.

The dredge will be completed with a mechanical clamshell dredge. The dredging will result in minimal localized increases in turbidity and sedimentation. The applicants included monitoring studies documenting that turbidity plumes associated with mechanical bucket dredges are produced during dredging, however, they are generally limited to the immediate vicinity of the dredge. The proposed work was reviewed by the Division of Environmental Assessment (DEA). DEA found the proposed work acceptable and did not have any concerns about sedimentation.

The Department finds that the activity will not cause unreasonable erosion of soil or sediment nor unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.

4. HABITAT CONSIDERATIONS:

The NRPA, in 38 M.R.S. § 480-D(3), requires the applicants to demonstrate that the proposed project will not unreasonably harm significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic or adjacent upland habitat, travel corridor, freshwater, estuarine or marine fisheries or other aquatic life.

In its review, the Department of Marine Resources (DMR) stated that the proposed dredging window is requested to begin November 1 and run through April 1. There is potential for significant conflict with several fisheries in the haul route area including the scallop, urchin, and lobster fisheries. An earlier start to this project will potentially increase the interaction with lobster gear on the transportation route as well as diminish access to fishing bottom for scallop and urchin fishermen. DMR recommends a work window of November 8th to April 8th.

The project is located in mapped TWWH. The Maine Department of Inland Fisheries and Wildlife (MDIFW) reviewed the proposed project and stated that given the degraded nature of the benthic community, minimal impacts are anticipated.

The project was reviewed by DEA. They commented that disposal of sediments deemed suitable for open water disposal at the Eastern Passage Disposal Site appears to be appropriate, including additional suitable sediments from construction of the CAD cell. Disposal of the top two feet of inner harbor sediments via sequestration within the proposed CAD cell adjacent/north of the dredged channel appears appropriate. Capping with the cleaner sediments from outside the contaminated area has been noted in the plans and should be conducted to seal the PAH contaminated sediments from bioturbation and physical disturbance. DEA further commented that care should be taken that none of the surficial two feet of PAH contaminated sediment be allowed to remain such that any remainder would be taken for disposal at the Eastern Passage Disposal Site. All contaminated sediment must be removed and placed in confinement within the CAD cell. No eelgrass was found at the site and DEA commented that the relatively short duration of the sediment plume should only have a short duration of impact on benthic species that the plume passes over (less than 4 hours). The STFATE model was used to explore this potential exposure. DEA had no concern and determined that the proposed project was reasonable.

The Department finds that the activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic or adjacent upland habitat, travel corridor, freshwater, estuarine or marine fisheries or other aquatic life provided that the work is completed between November 8 and April 8.

5. WATER QUALITY CONSIDERATIONS:

The NRPA, in 38 M.R.S. § 480-D(5), requires the applicants to demonstrate that the proposed project will not violate any state water quality law, including those governing

the classification of the State's waters. The waters that are or may be affected by the proposed project are classified as Class SB. 38 M.R.S. § 469(7).

Class SB waters must be of such quality that they are suitable for the designated uses of recreation in and on the water, fishing, aquaculture, propagation and harvesting of shellfish, industrial process and cooling water supply, hydroelectric power generation, navigation and as habitat for fish and other estuarine and marine life.

The waters affected by the proposed project are used by fish, and as habitat for such populations. They are also used for recreation and fishing. Based on the location of the proposed project, the construction methods proposed, and project's design, the Department finds that the proposed project will maintain and protect existing uses and the level of water quality necessary to protect those existing uses, will protect the existing water quality of affected waters, will not significantly impair the viability of the existing population of fish, and will not result in a significant degradation of existing recreation, fishing.

6. WETLANDS AND WATERBODIES PROTECTION RULES:

The applicants propose to directly dredge 1,350,360 square feet of subtidal and intertidal area in the Blue Hill Harbor in order to improve navigation. Approximately 161,172 square feet will convert intertidal habitat to subtidal habitat. Coastal wetlands are considered wetlands of special significance.

The *Wetlands and Waterbodies Protection Rules*, 06-096 C.M.R. ch. 310 (last amended November 11, 2018), interpret and elaborate on the Natural Resources Protection Act (NRPA) criteria for obtaining a permit. The rules guide the Department in its determination of whether a project's impacts would be unreasonable. A proposed project would generally be found to be unreasonable if it would cause a loss in wetland area, functions and values and there is a practicable alternative to the project that would be less damaging to the environment. Each application for a NRPA permit that involves a coastal wetland alteration must provide an analysis of alternatives in order to demonstrate that a practicable alternative does not exist.

A. Avoidance. An applicant must submit an analysis of whether there is a practicable alternative to the project that would be less damaging to the environment and this analysis is considered by the Department in its assessment of the reasonableness of any impacts. Additionally, for activities proposed in, on, or over wetlands of special significance the activity must be among the types listed in Chapter 310, § 5(A) or a practicable alternative less damaging to the environment is considered to exist and the impact is unreasonable. The proposed dredge is necessary for the safety of the harbor and is a water dependent use; both are provided for in Chapter 310, § 5(A)(1)(a), (c). The applicants submitted an alternatives analysis for the proposed project completed by the U.S. Army Corps of Engineers and dated November 2020. The purpose of the project is to provide safe and efficient vessel transportation in the Blue Hill Harbor. Currently, the lack of channel depth and turning area limits the use of the landing to periods of high

tide. This causes a portion of the Blue Hill fleet to operate out of more exposed coves and harbor areas. This exposure limits the time periods that the fleet can effectively operate safely and has the potential to damage vessels that choose to operate in adverse conditions. The proposed improvements will allow for all-tide access to the Blue Hill landing. If the applicants do nothing, there will continue to be difficulties for commercial and recreational vessels in the harbor. Currently, the central wharf in the harbor is only accessible during high tide (about 3 hours a day). Without the proposed navigation improvements, full time access to the town wharf is not possible and fishermen who wish to fuel or offload at the wharf. The applicants looked at the option of moving some of the fishing fleet to nearby harbors but determined that this would not work due to overcrowding. The applicants also looked at alternative dredging options but determined that the mechanical dredging is the most efficient and practical way to remove silty material. There is no way to meet the project goal without some impacts to the coastal wetland.

B. Minimal Alteration. In support of an application and to address the analysis of the reasonableness of any impacts of a proposed project, an applicant must demonstrate that the amount of waterbody to be altered will be kept to the minimum amount necessary for meeting the overall purpose of the project. The applicants have designed the project to impact the minimal amount of coastal wetlands possible to meet the project goal of creating a safe and efficient harbor. The applicants propose to dispose of the contaminated sediments in a CAD cell in order to minimize any impacts associated with the contamination.

C. Compensation. In accordance with Chapter 310, compensation may be required to achieve the goal of no net loss of coastal wetland functions and values. The applicants propose to convert approximately 3.7 acres of intertidal habitat to subtidal habitat. The applicants documented that the ecological functions of existing 3.7 acres of intertidal area, as related to benthic invertebrate communities, is currently impaired. Surveys of the benthic communities in these areas show very low diversity and abundance numbers which suggest the habitat is being subject to some stressor beyond naturally occurring ecological pressure. As the material in these area contains elevated concentrations of contaminants (predominantly PAHs) which have been determined to be unsuitable for open water placement, the contamination is the main the cause of the diminished benthic community. The removal and sequestering of the contaminated material should allow the newly created subtidal areas to be contaminant free and allow for the colonization of the area by adjacent benthic populations. Community structure in the new subtidal habitat is expected to be similar to that in the outer harbor subtidal areas. The applicants did not propose mitigation for the loss of intertidal habitat as the area is currently impaired and will be replaced with a habitat that will provide higher quality ecological value to the Blue Hill Harbor system. Further, the proposed project will not have an adverse impact on marine resources or wildlife habitat as determined by DMR and MDIFW. For these reasons, the Department determined that compensation is not required.

The Department finds that the applicants have avoided and minimized waterbody impacts to the greatest extent practicable, and that the proposed project represents the least environmentally damaging alternative that meets the overall purpose of the project.

7. DREDGE SPOILS TRANSPORTATION CONSIDERATIONS:

DMR requests the applicants or contractor conduct outreach via written notice thirty days in advance of the project start date to the local Lobster Zone Councils B and C via coordination with DMR staff[i] who will send email notification to all Zone B and C members as well as all appropriate scallop and urchin harvesters. Notice should include specific nautical bearings of the haul route and width for the safe travel of the spoils barge to avoid entanglement with fishing gear. DMR also requests the dredge company contracted by the ACOE equip their barge with a Vessel Monitoring System to track its transit activity along the haul route from the proposed project location to the two proposed disposal sites in State waters and provide a mechanism by which area fishermen may seek compensation for lost gear should the barge deviate from the specified haul route. DMR requested that the applicants publish a notice to fisherman in the Commercial Fisheries News and a notice to mariners via local marine radio prior to the dredging operation. The notice must describe the barge route for the dredge spoils disposal and identify the procedure for responding to inquiries regarding the loss of fishing gear during the dredging operations. As required by 38 M.R.S.A. Section 480-D(9), DMR provided an assessment of the proposed project and its impact on the fishing industry as stated in Finding 4. To minimize this impact, the Department finds that the applicants must:

a. Clearly mark and designate the dredging area and the transportation route from dredge sites to Eastern Passage Disposal Site (EPDS).

b. Publish in a newspaper of general circulation in the area adjacent to the route the approved transportation route of the dredge spoils.

c. Publish in a newspaper of general circulation in the area adjacent to the route a procedure that the applicants will use to respond to inquiries regarding the loss of fishing gear during the dredging operation.

Provided the applicants meet the requirements outlined above, the Department finds that the dredge transportation route minimizes impacts on the fishing industry.

8. OTHER CONSIDERATIONS:

The Department finds, based on the design, proposed construction methods, and location, the proposed project will not inhibit the natural transfer of soil from the terrestrial to the marine environment, will not interfere with the natural flow of any surface or subsurface waters, and will not cause or increase flooding. The proposed project is not located in a coastal sand dune system, is not a crossing of an outstanding river segment, and does not involve dredge spoils disposal or the transport of dredge spoils by water.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S. §§ 480-A–480-JJ and Section 401 of the Clean Water Act (33 U.S.C. § 1341):

A. The proposed activity will not unreasonably interfere with existing scenic, aesthetic, recreational, or navigational uses.

B. The proposed activity will not cause unreasonable erosion of soil or sediment.

C. The proposed activity will not unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.

D. The proposed activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic or adjacent upland habitat, travel corridor, freshwater, estuarine, or marine fisheries or other aquatic life provided the applicants meets the requirements outlined in Finding 4 and 7.

E. The proposed activity will not unreasonably interfere with the natural flow of any surface or subsurface waters.

F. The proposed activity will not violate any state water quality law including those governing the classifications of the State's waters.

G. The proposed activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties.

H. The proposed activity is not on or adjacent to a sand dune.

I. The proposed activity is not on an outstanding river segment as noted in 38 M.R.S. § 480-P.

THEREFORE, the Department APPROVES the above noted application of U.S. ARMY CORPS OF ENGINEERS/TOWN OF BLUE HILL to dredge the Blue Hill Harbor as described in Finding 1, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations:

1. Standard Conditions of Approval, a copy attached.

2. The applicants shall take all necessary measures to ensure that their activities or those of their agents do not result in measurable erosion of soil on the site during the construction of the project covered by this approval.

3. Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.

4. All work shall be completed between November 8 and April 8.

5. The applicants shall:

   a. Clearly mark and designate the dredging area and the transportation route from dredge sites to Eastern Passage Disposal Site (EPDS).

   b. Publish in a newspaper of general circulation in the area adjacent to the route the approved transportation route of the dredge spoils.

   c. Publish in a newspaper of general circulation in the area adjacent to the route a procedure that the applicants will use to respond to inquiries regarding the loss of fishing gear during the dredging operation.

6. The applicants or contractor shall conduct outreach via written notice thirty days in advance of the project start date to the local Lobster Zone Councils B and C via coordination with DMR staff. Notice shall include specific nautical bearings of the haul route and width for the safe travel of the spoils barge to avoid entanglement with fishing gear.

7. The dredge company contracted by the applicants shall equip their barge with a Vessel Monitoring System to track its transit activity along the haul route from the proposed project location to the two proposed disposal sites in State waters and provide a mechanism by which area fishermen may seek compensation for lost gear should the barge deviate from the specified haul route.

8. The applicants shall publish a notice to fisherman in the Commercial Fisheries News and a notice to mariners via local marine radio prior to the dredging operation. The notice must describe the barge route for the dredge spoils disposal and identify the procedure for responding to inquiries regarding the loss of fishing gear during the dredging operations.

THIS APPROVAL DOES NOT CONSTITUTE OR SUBSTITUTE FOR ANY OTHER REQUIRED STATE, FEDERAL OR LOCAL APPROVALS NOR DOES IT VERIFY COMPLIANCE WITH ANY APPLICABLE SHORELAND ZONING ORDINANCES.

DONE AND DATED IN AUGUSTA, MAINE, THIS 10TH DAY OF MARCH, 2021.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: _____
For: Melanie Loyzim, Commissioner

FILED
March 10, 2021
State of Maine
Board of Environmental Protection

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES.
JD/L28747ANBN/ATS#87285/86886

Natural Resources Protection Act (NRPA)
Standard Conditions

THE FOLLOWING STANDARD CONDITIONS SHALL APPLY TO ALL PERMITS GRANTED UNDER THE NATURAL RESOURCES PROTECTION ACT, 38 M.R.S. §§ 480-A ET SEQ., UNLESS OTHERWISE SPECIFICALLY STATED IN THE PERMIT.

A. Approval of Variations From Plans. The granting of this permit is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from these plans, proposals, and supporting documents is subject to review and approval prior to implementation.

B. Compliance With All Applicable Laws. The applicant shall secure and comply with all applicable federal, state, and local licenses, permits, authorizations, conditions, agreements, and orders prior to or during construction and operation, as appropriate.

C. Erosion Control. The applicant shall take all necessary measures to ensure that his activities or those of his agents do not result in measurable erosion of soils on the site during the construction and operation of the project covered by this Approval.

D. Compliance With Conditions. Should the project be found, at any time, not to be in compliance with any of the Conditions of this Approval, or should the applicant construct or operate this development in any way other the specified in the Application or Supporting Documents, as modified by the Conditions of this Approval, then the terms of this Approval shall be considered to have been violated.

E. Time frame for approvals. If construction or operation of the activity is not begun within four years, this permit shall lapse and the applicant shall reapply to the Board for a new permit. The applicant may not begin construction or operation of the activity until a new permit is granted. Reapplications for permits may include information submitted in the initial application by reference. This approval, if construction is begun within the four-year time frame, is valid for seven years. If construction is not completed within the seven-year time frame, the applicant must reapply for, and receive, approval prior to continuing construction.

F. No Construction Equipment Below High Water. No construction equipment used in the undertaking of an approved activity is allowed below the mean high water line unless otherwise specified by this permit.

G. Permit Included In Contract Bids. A copy of this permit must be included in or attached to all contract bid specifications for the approved activity.

H. Permit Shown To Contractor. Work done by a contractor pursuant to this permit shall not begin before the contractor has been shown by the applicant a copy of this permit.

Revised September 2016

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION, AUGUSTA, MAINE 04333

Erosion Control for Homeowners

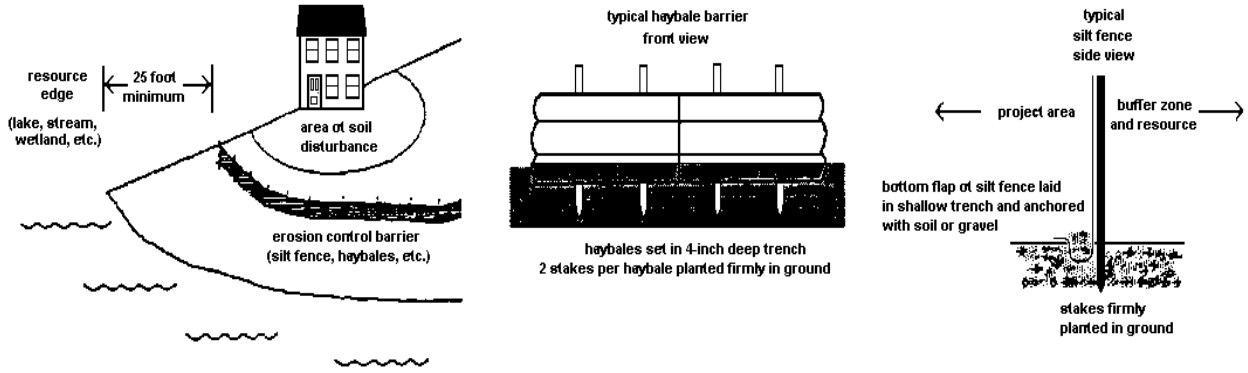
Before Construction

1. If you have hired a contractor, make sure you discuss your permit with them. Talk about what measures they plan to take to control erosion. Everybody involved should understand what the resource is, and where it is located. Most people can identify the edge of a lake or river. However, the edges of wetlands are often not so obvious. Your contractor may be the person actually pushing dirt around, but you are both responsible for complying with the permit.

2. Call around to find where erosion control materials are available. Chances are your contractor has these materials already on hand. You probably will need silt fence, hay bales, wooden stakes, grass seed (or conservation mix), and perhaps filter fabric. Places to check for these items include farm & feed supply stores, garden & lawn suppliers, and landscaping companies. It is not always easy to find hay or straw during late winter and early spring. It also may be more expensive during those times of year. Plan ahead – buy a supply early and keep it under a tarp.

3. Before any soil is disturbed, make sure an erosion control barrier has been installed. The barrier can be either a silt fence, a row of staked hay bales, or both. Use the drawings below as a guide for correct installation and placement. The barrier should be placed as close as possible to the soil-disturbance activity.

4. If a contractor is installing the erosion control barrier, double check it as a precaution. Erosion control barriers should be installed "on the contour", meaning at the same level or elevation across the land slope, whenever possible. This keeps stormwater from flowing to the lowest point along the barrier where it can build up and overflow or destroy the barrier.



During Construction

1. Use lots of hay or straw mulch on disturbed soil. The idea behind mulch is to prevent rain from striking the soil directly. It is the force of raindrops hitting the bare ground that makes the soil begin to move downslope with the runoff water, and cause erosion. More than 90% of erosion is prevented by keeping the soil covered.

2. Inspect your erosion control barriers frequently. This is especially important after a rainfall. If there is muddy water leaving the project site, then your erosion controls are not working as intended. You or your contractor then need to figure out what can be done to prevent more soil from getting past the barrier.

3. Keep your erosion control barrier up and maintained until you get a good and healthy growth of grass and the area is permanently stabilized.

After Construction

1. After your project is finished, seed the area. Note that all ground covers are not equal. For example, a mix of creeping red fescue and Kentucky bluegrass is a good choice for lawns and other high-maintenance areas. But this same seed mix is a poor selection for stabilizing a road shoulder or a cut bank that you don't intend to mow. Your contractor may have experience with different seed mixes, or you might contact a seed supplier for advice.

2. Do not spread grass seed after September 15. There is the likelihood that germinating seedlings could be killed by a frost before they have a chance to become established. Instead, mulch the area with a thick layer of hay or straw. In the spring, rake off the mulch and then seed the area. Don't forget to mulch again to hold in moisture and prevent the seed from washing away or being eaten by birds or other animals.

3. Keep your erosion control barrier up and maintained until you get a good and healthy growth of grass and the area is permanently stabilized.

Why Control Erosion?

To Protect Water Quality

When soil erodes into protected resources such as streams, rivers, wetlands, and lakes, it has many bad effects. Eroding soil particles carry phosphorus to the water. An excess of phosphorus can lead to explosions of algae growth in lakes and ponds called blooms. The water will look green and can have green slime in it. If you are near a lake or pond, this is not pleasant for swimming, and when the soil settles out on the bottom, it smothers fish eggs and small animals eaten by fish. There many other effects as well, which are all bad.

To Protect the Soil

It has taken thousands of years for our soil to develop. It usefulness is evident all around us, from sustaining forests and growing our garden vegetables, to even treating our septic wastewater! We cannot afford to waste this valuable resource.

To Save Money ($$)

Replacing topsoil or gravel washed off your property can be expensive. You end up paying twice because State and local governments wind up spending your tax dollars to dig out ditches and storm drains that have become choked with sediment from soil erosion.

DEP INFORMATION SHEET

Appealing a Department Licensing Decision

Dated: November 2018 **Contact: (207) 287-2452**

SUMMARY

There are two methods available to an aggrieved person seeking to appeal a licensing decision made by the Department of Environmental Protection's (DEP) Commissioner: (1) an administrative process before the Board of Environmental Protection (Board); or (2) a judicial process before Maine's Superior Court. An aggrieved person seeking review of a licensing decision over which the Board had original jurisdiction may seek judicial review in Maine's Superior Court.

A judicial appeal of final action by the Commissioner or the Board regarding an application for an expedited wind energy development (35-A M.R.S. § 3451(4)) or a general permit for an offshore wind energy demonstration project (38 M.R.S. § 480-HH(1)) or a general permit for a tidal energy demonstration project (38 M.R.S. § 636-A) must be taken to the Supreme Judicial Court sitting as the Law Court.

This information sheet, in conjunction with a review of the statutory and regulatory provisions referred to herein, can help a person to understand his or her rights and obligations in filing an administrative or judicial appeal.

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

The laws concerning the DEP's *Organization and Powers*, 38 M.R.S. §§ 341-D(4) & 346; the *Maine Administrative Procedure Act*, 5 M.R.S. § 11001; and the DEP's *Rules Concerning the Processing of Applications and Other Administrative Matters* ("Chapter 2"), 06-096 C.M.R. ch. 2.

DEADLINE TO SUBMIT AN APPEAL TO THE BOARD

The Board must receive a written appeal within 30 days of the date on which the Commissioner's decision was filed with the Board. Appeals filed more than 30 calendar days after the date on which the Commissioner's decision was filed with the Board will be dismissed unless notice of the Commissioner's license decision was required to be given to the person filing an appeal (appellant) and the notice was not given as required.

HOW TO SUBMIT AN APPEAL TO THE BOARD

Signed original appeal documents must be sent to: Chair, Board of Environmental Protection, 17 State House Station, Augusta, ME 04333-0017. An appeal may be submitted by fax or e-mail if it contains a scanned original signature. It is recommended that a faxed or e-mailed appeal be followed by the submittal of mailed original paper documents. The complete appeal, including any attachments, must be received at DEP's offices in Augusta on or before 5:00 PM on the due date; materials received after 5:00 pm are not considered received until the following day. The risk of material not being received in a timely manner is on the sender, regardless of the method used. The appellant must also send a copy of the appeal documents to the Commissioner of the DEP; the applicant (if the appellant is not the applicant in the license proceeding at issue); and if a hearing was held on the application, any intervenor in that hearing process. All of the information listed in the next section of this information sheet must be submitted at the time the appeal is filed.

INFORMATION APPEAL PAPERWORK MUST CONTAIN

Appeal materials must contain the following information at the time the appeal is submitted:

1. *Aggrieved Status*. The appeal must explain how the appellant has standing to maintain an appeal. This requires an explanation of how the appellant may suffer a particularized injury as a result of the Commissioner's decision.
2. *The findings, conclusions, or conditions objected to or believed to be in error.* The appeal must identify the specific findings of fact, conclusions regarding compliance with the law, license conditions, or other aspects of the written license decision or of the license review process that the appellant objects to or believes to be in error.
3. *The basis of the objections or challenge.* For the objections identified in Item #2, the appeal must state why the appellant believes that the license decision is incorrect and should be modified or reversed. If possible, the appeal should cite specific evidence in the record or specific licensing requirements that the appellant believes were not properly considered or fully addressed.
4. *The remedy sought.* This can range from reversal of the Commissioner's decision on the license or permit to changes in specific permit conditions.
5. *All the matters to be contested*. The Board will limit its consideration to those matters specifically raised in the written notice of appeal.
6. *Request for hearing.* If the appellant wishes the Board to hold a public hearing on the appeal, a request for public hearing must be filed as part of the notice of appeal, and must include an offer of proof in accordance with Chapter 2. The Board will hear the arguments in favor of and in opposition to a hearing on the appeal and the presentations on the merits of an appeal at a regularly scheduled meeting. If the Board decides to hold a public hearing on an appeal, that hearing will then be scheduled for a later date.
7. *New or additional evidence to be offered.* If an appellant wants to provide evidence not previously provided to DEP staff during the DEP's review of the application, the request and the proposed evidence must be submitted with the appeal. The Board may allow new or additional evidence, referred to as supplemental evidence, to be considered in an appeal only under very limited circumstances. The proposed evidence must be relevant and material, and (a) the person seeking to add information to the record must show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the licensing process; or (b) the evidence itself must be newly discovered and therefore unable to have been presented earlier in the process. Specific requirements for supplemental evidence are found in Chapter 2 § 24.

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with all relevant material in the DEP record.* A license application file is public information, subject to any applicable statutory exceptions, and is made easily accessible by the DEP. Upon request, the DEP will make application materials available during normal working hours, provide space to review the file, and provide an opportunity for photocopying materials. There is a charge for copies or copying services.
2. *Be familiar with the regulations and laws under which the application was processed, and the procedural rules governing your appeal.* DEP staff will provide this information on request and answer general questions regarding the appeal process.
3. *The filing of an appeal does not operate as a stay to any decision.* If a license has been granted and it has been appealed, the license normally remains in effect pending the processing of the appeal. Unless a stay of the decision is requested and granted, a license holder may proceed with a project pending the outcome of an appeal, but the license holder runs the risk of the decision being reversed or modified as a result of the appeal.

WHAT TO EXPECT ONCE YOU FILE A TIMELY APPEAL WITH THE BOARD

The Board will formally acknowledge receipt of an appeal, and will provide the name of the DEP project manager assigned to the specific appeal. The notice of appeal, any materials accepted by the Board Chair as supplementary evidence, any materials submitted in response to the appeal, and relevant excerpts from the DEP's application review file will be sent to Board members with a recommended decision from DEP staff. The appellant, the license holder if different from the appellant, and any interested persons are notified in advance of the date set for Board consideration of an appeal or request for public hearing. The appellant and the license holder will have an opportunity to address the Board at the Board meeting. With or without holding a public hearing, the Board may affirm, amend, or reverse a Commissioner decision or remand the matter to the Commissioner for further proceedings. The Board will notify the appellant, the license holder, and interested persons of its decision.

II. JUDICIAL APPEALS

Maine law generally allows aggrieved persons to appeal final Commissioner or Board licensing decisions to Maine's Superior Court (see 38 M.R.S. § 346(1); 06-096 C.M.R. ch. 2; 5 M.R.S. § 11001; and M.R. Civ. P. 80C). A party's appeal must be filed with the Superior Court within 30 days of receipt of notice of the Board's or the Commissioner's decision. For any other person, an appeal must be filed within 40 days of the date the decision was rendered. An appeal to court of a license decision regarding an expedited wind energy development, a general permit for an offshore wind energy demonstration project, or a general permit for a tidal energy demonstration project may only be taken directly to the Maine Supreme Judicial Court. See 38 M.R.S. § 346(4).

Maine's Administrative Procedure Act, DEP statutes governing a particular matter, and the Maine Rules of Civil Procedure must be consulted for the substantive and procedural details applicable to judicial appeals.

ADDITIONAL INFORMATION

If you have questions or need additional information on the appeal process, for administrative appeals contact the Board's Executive Analyst at (207) 287-2452, or for judicial appeals contact the court clerk's office in which your appeal will be filed.

Note: The DEP provides this INFORMATION SHEET for general guidance only; it is not intended for use as a legal reference. Maine law governs an appellant's rights.

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[i] Zone Council member contact information is available at: http://www.maine.gov/dmr/council/lobsterzonecouncils/addresses.pdf. In order to coordinate email notification to harvesters via DMR, please contact Sarah Cotnoir, Lobster Resource Management Coordinator, at sarah.cotnoir@maine.gov or (207) 624-6596 and Melissa Smith, Scallop Resource Management Coordinator, at melissa.smith@maine.gov or (207) 441-5040.

DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
696 VIRGINIA ROAD
CONCORD MA 01742-2751

January 28, 2020

Planning Division
Environmental Branch

Mr. Timothy Timmermann
Office of Environmental Review
EPA New England-Region 1
5 Post Office Square, Suite 100
Mail Code OEP 06-3
Boston, MA 02109-3912

Dear Mr. Timmermann:

Thank you for your letter of May 27, 2020 regarding the US Army Corps of Engineers (USACE) proposed Blue Hill Harbor Navigation Improvement Project in Blue Hill, Maine. This letter serves to address the comments that were provided. Each of EPA's comments are noted below with our responses following.

Comment 1: We recommend that intertidal or shallow water disposal be more fully considered in the final EA. For example, properly designed disposal of clean dredged material at impaired intertidal or shallow subtidal sites (following removal of existing contaminated sediments as warranted), either in the vicinity of the Blue Hill Harbor project or at appropriate off site locations, could serve to restore or enhance these degraded areas and provide habitat development. We recommend that the final EA analyze the availability and practicability of this disposal alternative, which could also serve to minimize impacts and provide compensatory mitigation for the permanent loss of 3.7 acres of intertidal mudflat habitat resulting from the proposed project.

Response: During the initial stages of the feasibility study for the proposed Blue Hill Harbor project, we considered the need for compensatory mitigation for the loss of intertidal habitat. However, initial sediment testing revealed the presence of contamination in those intertidal portions of the project area that would have driven the need for mitigation. We performed additional rounds of chemical testing to define the spatial extent of the contamination and conducted a macrobenthic community survey within the intertidal area to aid in the determination of the intertidal area's functions and values. Based upon the concentrations of contaminants and the corresponding low abundance and diversity of the benthic fauna, we concluded that the removal of the contaminated sediments would allow a more productive subtidal benthic community to establish and therefore compensatory mitigation was unwarranted.

We attempted to identify environmentally acceptable, practicable placement sites, including beneficial uses of dredged material to create or restore coastal habitat. Neither we, nor any of the agencies that participated in the early formulation process, were able to identify suitable sites to use dredged material to restore intertidal habitats. We did attempt to identify additional impacted intertidal areas within Blue Hill Harbor while looking for the contaminant source. However, none were found. This is not a sediment remediation project and efforts to identify other impaired intertidal or shallow subtidal sites through additional sampling and testing at offsite locations as suggested are not within the scope of this feasibility study.

Given the contaminated condition of the affected intertidal flats, the environmental benefit of the project in reducing the contamination at the site, and the lack of practicable sites to provide intertidal habitat, we are not proposing additional mitigation for the intertidal impacts or beneficial use of dredged material to restore intertidal habitat.

Comment 2: We recommend that the final EA provide more detailed information on the design methodology for the channel turn configuration.

Response: We re-examined the width of the channel bend (about mid-way between the wharf and deep water) where a bend widener had been used to ease the turn for vessels underway in the harbor and determined that a bend widener of lesser width could be used at this point given the angle of the turn. The widener at this point has been reduced to a total of 100 feet including the 80-foot channel width and limited to the south side of the turn.

Comment 3: We recommend that the final EA provide more detailed information to better explain the rationale for the turning basin design, to show that reduced dimensions or alternate configurations of the turning basin to lessen aquatic impacts are not practicable, and to demonstrate that the impacts of the selected design have been minimized. As part of this discussion we recommend that the analysis explain why a non-deep draft project would require a greater turning basin width than the width recommended for deep draft projects. Specific town needs that influenced the turning basin design (as referenced in the DEA) should also be clarified.

Response: You requested that we re-examine our determination on appropriate size of the turning basin at the Town Wharf. We have determined that the basin as originally designed is the proper dimension for this feature. Your letter discuses design for deep draft navigation project turning basins. In deep draft projects turning basin design is typically a minimum of 1.5 times the length of the largest vessels using the turning basin with increases to account for currents and other factors. This is possible because vessels of those sizes, several hundred to more than 1000 feet in length, are typically operating with the assistance of a number of tugs, have multiple screws, multiple rudders, and bow thrusters. Deep draft turning basins are also only used by one vessel at a time. These factors allow for a much smaller basin relative to vessel size than is possible for small craft. Small harbor turning basins are located and sized to provide

access to a public landing and are often located at the head of a navigable waterway, and such is the case at Blue Hill and many other New England Harbors. The typical design for a small harbor turning basin is twice the channel width. At Blue Hill the 80-foot channel has a 160-foot wide turning basin at its head along the wharf. The basin serves as the channel access to the wharf, the turning area along the wharf, area for launching of vessels from the ramp, and the waiting area for fishing boats and other users to anchor or hold position while awaiting their turn at the wharf to provision, fuel, ramp out, or offload. Based on these requirements, no changes have been made to the basin dimensions.

Comment 4: We recommend that the final EA provide a description of compensatory mitigation for the project to address unavoidable, minimized impacts. In this case, the goal of compensatory mitigation is to restore or enhance intertidal habitat, either in the vicinity of the Blue Hill Harbor project, or at offsite locations. In the absence of adequate available intertidal mitigation sites, restoration of shallow subtidal habitat should be considered. As noted above, properly designed disposal of clean dredged material at impaired intertidal or shallow subtidal sites (following removal of contaminated sediments as warranted) could serve to restore or enhance these degraded areas and provide habitat development.

Other compensatory mitigation options that could be considered include but are not limited to restoration of former borrow sites to appropriate intertidal or shallow subtidal elevations; removal of derelict coastal infrastructure and restoration of habitat at those sites; and installation of conservation moorings at appropriate locations to restore or enhance impaired aquatic resources. EPA is willing to work with the USACE to help develop a compensatory mitigation plan for the project.

Response: Please see response to Comment #2. Due to the fact that the existing intertidal habitat is adversely affected by high concentrations of contaminants and, therefore, supports a low-quality benthic community, the dredging project itself will result in the removal of contaminated sediment and restoration of shallow subtidal habitat (6 ft MLLW) as recommended in Comment 4.

If you or your staff have any questions or require additional information, please feel free to contact Mr. Todd Randall, the Environmental Resources Team Member at (978) 318-8518 or Mr. Mark Habel, the Project Manager, at (978) 318-8871.

Sincerely,

KENNELLY.JOHN.R.1228532939 Digitally signed by KENNELLY.JOHN.R.12285 32939 Date: 2021.01.29 10:55:20 -05'00'

John Kennelly
Chief, Planning Division

Enclosures (via electronic transfer)

Copies furnished (via email):

Ms. Regina Lyons: lyons.regina@epa.gov
Mr. Mike Marsh (EPA)
Mr. Steven Wolf (EPA)

DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
696 VIRGINIA ROAD
CONCORD MA 01742-2751

December 3, 2020

Planning Division
Environmental Branch

Ms. Jessica Damon
Maine Department of Environmental Protection
106 Hogan Road
Bangor, Maine 04401

Mr. Todd Burrowes
Maine Coastal Program
Department of Marine Resources
93 State House Station
Augusta, ME 04333

Dear Ms. Damon and Mr. Burrowes:

This letter is to request a Water Quality Certification and the State's concurrence with the US Army Corps of Engineers (USACE) Coastal Zone Management Consistency Determination (CZMCD) for the Blue Hill Harbor, Blue Hill, Maine Navigation Improvement Project. The project would provide improved access to the town landing for the town's fishing fleet and other users of the landing. The project is being recommended under the authority of Section 107 of the River and Harbor Act of 1960, as amended. The Town of Blue Hill is the non-Federal sponsor and cost-sharing partner for this project.

The proposed Federal Navigation Project (FNP) would consist of a 6-foot deep at mean lower low water (MLLW), by 80-foot-wide channel extending about 5,600 feet northwesterly from deep water in outer Blue Hill Harbor to the town landing at Blue Hill. Only the upper 2,600 feet of the project will require dredging, with channel limits in the lower reaches declared for jurisdictional purposes. This channel will be widened at its upper end to form a turning basin, 160 feet wide, adjacent to the town wharf.

Approximately 71,500 cubic yards (CY) of mixed gravel, sand, and silt will be removed from the proposed project area using a mechanical dredge. The 57,600 CY of dredged material deemed suitable for open water disposal will be loaded onto scows and towed about 14 miles to the Eastern Passage Disposal Site (EPDS), a previously used disposal site near Dodge Island, for placement. Approximately 10,600 CY of material from the upper two feet of the inner harbor, which was deemed unsuitable for open water placement due to the presence of polycyclic aromatic hydrocarbons (PAHs) and metals, will be placed in a confined aquatic disposal (CAD) cell within Blue Hill Harbor. The CAD cell will be constructed by removing approximately 15,500 CY of suitable of mixed gravel,

sand, and silt material from a 1.8-acre area adjacent to the designated channel. Material generated from the CAD cell creation will be placed at the EPDS. A small amount of the suitable dredged material from the lower channel reaches, about 3,300 CY, would be used to cap the CAD cell after it is filled. All remaining suitable material, including material dredged to create the CAD cell (a total of 73,100 CY) would be placed at the previously used Eastern Passage Disposal Site.

All dredging will be by mechanical dredge and scow that will be able to operate in shallow draft areas in the channel. Construction would be done using private contractor, under contract to the government. Construction will occur between November 1 and April 1 in the year in which funding becomes available and is expected to take three to four months to complete.

Attached are the Natural Resources Protection Act (NRPA) form and associated appendices that USACE has agreed to use as a mechanism to request a water quality certificate and concurrence of our CZMCD with Maine's Coastal Zone Management Program. A copy of the Draft Environmental Assessment, which is referenced in the NRPA form, is also being sent via file transfer.

USACE has determined that this proposal is consistent with the Maine Coastal Zone Management Program to the maximum extent practicable and request your concurrence with this determination as well as 401 Water Quality Certification (WQC) for this action.

Please feel free to contact me at (978) 318-8505 or Mr. Todd Randall, the Environmental Resources Team Member at (978) 318-8518 if you have any questions or require additional information.

Sincerely,

KENNELLY.JOHN.R.1228532939 Digitally signed by KENNELLY.JOHN.R.1228532939 Date: 2020.12.03 12:11:27 -05'00'

John R. Kennelly
Chief of Planning

Enclosures

CF: Town of Blue Hill, Maine

NOAA FISHERIES
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
Greater Atlantic Region

US Army Corps of Engineers

GARFO ESA Section 7: NLAA Program Verification Form

(Please submit a signed version of this form, together with any project plans, maps, supporting analyses, etc., to nmfs.gar.esa.section7@noaa.gov with "**USACE NLAA Program: [Application Number]**" in the subject line)

Section 1: General Project Details

Application Number:	
Reinitiation:	No
Applicant(s):	US Army Corps of Engineers
Permit Type:	Civil Works/Federal Navigation
Anticipated project start date (e.g., 10/1/2020)	11/01/2022
Anticipated project end date (e.g., 12/31/2022 – if there is no permit expiration date, write "N/A")	04/01/2023

Project Type/Category (check all that apply to entire action):

☐	Aquaculture (shellfish) and artificial reef creation	☐	Mitigation (fish/wildlife enhancement or restoration)
☑	Dredging and disposal/beach nourishment	☐	Bank stabilization
☐	Piers, ramps, floats, and other structures	☐	If other, describe project type category:

Town/City:	Blue Hill	Zip:	04614
State:	Maine	Water body:	Blue Hill Harbor

Project/Action Description **and** Purpose (*include relevant permit conditions that are not captured elsewhere on form*):		
The proposed Federal Navigation Project was studied and would be implemented in response to a request from the non-Federal sponsor and cost-sharing partner, the Town of Blue Hill. The proposed project includes dredging a 6-foot deep mean lower low water (MLLW), 80-foot wide channel from the outer harbor, extending 5,600 feet northwest to the town wharf. Only the upper 2,600 feet of the project will require dredging, with channel limits in the lower reaches declared for jurisdictional purposes. This channel would be widened at its upper end to form a turning basin, 160 feet by 80 feet, adjacent to the town wharf. Approximately 62,500 cubic yards (CY) of mixed gravel, sand, and silt would be removed from the proposed project area using a mechanical dredge. The 52,000 CY of dredged material deemed suitable for open water disposal would be loaded onto scows and towed about 11 miles to the Eastern Passage Disposal Site (EPDS), a previously used disposal site near Dodge Island, for placement. Approximately 10,500 CY of material from the upper two feet of the inner harbor, were deemed unsuitable for open water placement due to the presence of polycyclic aromatic hydrocarbons (PAHs) and metals, and will be		
Type of Bottom Habitat Modified:	Permanent/Temporary:	Area (acres):
Silt/Mud/Clay (saline)	Temporary	25.50
Silt/Mud/Clay (saline)	Permanent	3.70
Select Type of Bottom Habitat	Select Permanent or Temporary	
Project Latitude (e.g., 42.625884)	44.409033	
Project Longitude (e.g., -70.646114)	-68.577540	
Mean Low Water (MLW)(m)	0.00	
Mean High Water (MHW)(m)	4.00	

Width (m) of water body in action area:	Stressor Category (stressor that extends furthest distance into water body – e.g., turbidity plume; sound pressure wave):	Max extent (m) of stressor into the water body:
500.00	Turbidity around dredge plant	732.00

Section 2: ESA-listed species and/or critical habitat in the action area:

☑	Atlantic sturgeon (all DPSs)	☑	Kemp's ridley sea turtle
☐	Atlantic sturgeon critical habitat Indicate which DPS : Select DPS	☑	Loggerhead sea turtle (NW Atlantic DPS)
☑	Shortnose sturgeon	☑	Leatherback sea turtle
☑	Atlantic salmon (GOM DPS)	☐	North Atlantic right whale
☐	Atlantic salmon critical habitat (GOM DPS)	☐	North Atlantic right whale critical habitat
☑	Green sea turtle (N. Atlantic DPS)	☐	Fin whale

* Please consult GARFO PRD's ESA Section 7 Mapper for ESA-listed species and critical habitat information for your action area at: https://www.fisheries.noaa.gov/new-england-mid-atlantic/consultations/section-7-species-critical-habitat-information-maps-greater.

Section 3: NLAA Determination (check all applicable fields):
If the Project Design Criteria (PDC) is met, select Yes. If the PDC is not applicable (N/A) for your project (e.g., the stressor category is not included for your project activity, or for PDC 2, your project does not occur within the range of the GOM DPS of Atlantic salmon), select N/A. If the PDC is applicable, but is not met, leave both boxes blank and provide a justification for that PDC in Section 4.

a) GENERAL PDC			
Yes	N/A	PDC #	PDC Description
☑	☐	1.	No portion of the proposed action will individually or cumulatively have an adverse effect on ESA-listed species or designated critical habitat.
☑	☐	2.	No portion of the proposed action will occur in the tidally influenced portion of rivers/streams where Atlantic salmon presence is possible from April 10–November 7. **Note**: If the project will occur within the geographic range of the GOM DPS Atlantic salmon but their presence is not expected following the best available commercial scientific data, the work window does not need to be applied (include reference in project description).
☑	☐	3.	No portion of the proposed action that may affect shortnose or Atlantic sturgeon will occur in areas identified as spawning grounds as follows: i. Gulf of Maine: April 1–Aug. 31 ii. Southern New England/New York Bight: Mar. 15–Aug. 31 iii. Chesapeake Bay: March 15–July 1 and Sept. 15–Nov. 1 **Note**: If river specific information exists that provides better or more refined time of year information, those dates may be substituted with NMFS approval (include reference in project description).
☑	☐	4.	No portion of the proposed action that may affect shortnose or Atlantic sturgeon will occur in areas identified as overwintering grounds, where dense aggregations are known to occur, as follows: i. Gulf of Maine: Oct. 15–April 30 ii. Southern New England/ New York Bight: Nov. 1–Mar. 15 iii. Chesapeake Bay: Nov. 1–Mar. 15 **Note**: If river specific information exists that provides better or more refined time of year information, those dates may be substituted with NMFS approval (include reference in project description).
☐	☑	5.	Within designated Atlantic salmon critical habitat, no portion of the proposed action will affect spawning and rearing areas (PBFs 1-7).
☐	☑	6.	Within designated Atlantic sturgeon critical habitat, no work will affect hard bottom substrate (e.g., rock, cobble, gravel, limestone, boulder, etc.) in low salinity waters (i.e., 0.0-0.5 parts per thousand) (PBF 1).

Yes	N/A	PDC #	PDC Description
☑	☐	7.	Work will result in no or only temporary/short-term changes in water temperature, water flow, salinity, or dissolved oxygen levels.
☐	☐	8.	If ESA-listed species are (a) likely to pass through the action area at the time of year when project activities occur; and/or (b) the project will create an obstruction to passage when in-water work is completed, then a zone of passage (~50% of water body) with appropriate habitat for ESA-listed species (e.g., depth, water velocity, etc.) must be maintained (i.e., physical or biological stressors such as turbidity and sound pressure must not create barrier to passage).
☐	☑	9.	Any work in designated North Atlantic right whale critical habitat must have no effect on the physical and biological features (PBFs).
☑	☐	10.	The project will not adversely impact any submerged aquatic vegetation (SAV).
☑	☐	11.	No blasting or use of explosives will occur.

b) The following stressors are applicable to the action (check all that apply – use Stressor Category Table for guidance):	
☐	Sound Pressure
☑	Impingement/Entrapment/Capture
☑	Turbidity/Water Quality
☐	Entanglement (Aquaculture)
☑	Habitat Modification
☑	Vessel Traffic

	Stressor Category					
Activity Category	Sound Pressure	Impingement/ Entrapment/ Capture	Turbidity/ Water Quality	Entanglement	Habitat Mod.	Vessel Traffic
Aquaculture (shellfish) and artificial reef creation	N	N	Y	Y	Y	Y
Dredging and disposal/beach nourishment	N	Y	Y	N	Y	Y

	Stressor Category					
Activity Category	Sound Pressure	Impingement/ Entrapment/ Capture	Turbidity/ Water Quality	Entanglement	Habitat Mod.	Vessel Traffic
Piers, ramps, floats, and other structures	Y	N	Y	N	Y	Y
Transportation and development (e.g., culvert construction, bridge repair)	Y	N	Y	N	Y	Y
Mitigation (fish/wildlife enhancement or restoration)	N	N	Y	N	Y	Y
Bank stabilization and dam maintenance	Y	N	Y	N	Y	Y

c) SOUND PRESSURE PDC

Information for Pile Driving:
If your project includes non-timber piles*, please attach your calculation to this verification form showing that the noise is below the injury thresholds of ESA-listed species in the action area. The GARFO Acoustic Tool is available as one source, should you not have other information:

https://www.fisheries.noaa.gov/new-england-mid-atlantic/consultations/section-7-consultation-technical-guidance-greater-atlantic

*Sound pressure effects from timber and steel sheet piles were analyzed in the NLAA programmatic consultation, so no additional acoustic information is necessary.

	Pile material	Pile diameter/width (inches)	Number of piles	Installation method
a)	Select pile material			Select installation method
b)	Select pile material			Select installation method
c)	Select pile material			Select installation method
d)	Select pile material			Select installation method

Yes	N/A	PDC #	PDC Description
☐	☑	12.	If pile driving is occurring during a time of year when ESA-listed species may be present, and the anticipated noise is above the behavioral noise threshold, a "soft start" is required to allow animals an opportunity to leave the project vicinity before sound pressure levels increase. *In addition to using a soft start at the beginning of the work day for pile driving, one must also be used at any time following cessation of pile driving for a period of 30 minutes or longer.* For impact pile driving: pile driving will commence with an initial set of three strikes by the hammer at 40% energy, followed by a one minute wait period, then two subsequent 3-strike sets at 40% energy, with one-minute waiting periods, before initiating continuous impact driving. For vibratory pile installation: pile driving will be initiated for 15 seconds at reduced energy followed by a one-minute waiting period. This sequence of 15 seconds of reduced energy driving, one-minute waiting period will be repeated two additional times, followed immediately by pile-driving at full rate and energy.
☐	☑	13.	Any new pile supported structure must involve the installation of ≤ 50 piles (below MHW).
☐	☑	14.	All underwater noise (pressure) is below (<) the physiological/injury noise threshold for ESA-species in the action area.

d) IMPINGEMENT/ENTRAINMENT/CAPTURE PDC

Information for Dredging/Disposal:			
Type of dredge:	Mechanical		
Maintenance dredging?:	No	If "Yes", how many acres?	
If maintenance, when was the last dredge cycle?			
New dredging:	Yes	If "Yes", how many acres?	30.00
Estimated number of dredging events covered by permit:	1		
ESA-species exclusion measures required (e.g., cofferdam, turbidity curtain):	No		
If no exclusion measures required, explain why:	Presence of ESA-listed species limited to rare, transient individuals		
Information for Intake Structures:			
Mesh screen size (mm) for temporary intake:			

Yes	N/A	PDC #	PDC Description
☑	☐	15.	Only mechanical, cutterhead, and low volume hopper (e.g., CURRITUCK, ~300 cubic yard maximum bin capacity) dredges may be used.
☑	☐	16.	No new dredging in Atlantic sturgeon or Atlantic salmon critical habitat (maintenance dredging still must meet all other PDCs). New dredging outside Atlantic sturgeon or salmon critical habitat is limited to one time dredge events (e.g., burying a utility line) and minor (≤ 2 acres) expansions of areas already subject to maintenance dredging (e.g., marina/harbor expansion).
☑	☐	17.	Work behind cofferdams, turbidity curtains, or other methods to block access of animals to dredge footprint is required when operationally feasible or beneficial and ESA-listed species are likely to be present (if presence is limited to rare, transient individuals, exclusion methods are not necessary).
☐	☑	18.	Temporary intakes related to construction must be equipped with appropriate sized mesh screening (as determined by GARFO section 7 biologist and/or according to Chapter 11 of the NOAA Fisheries Anadromous Salmonid Passage Facility Design) and must not have greater than 0.5 fps intake velocities, to prevent impingement or entrainment of any ESA-listed species life stage.
☐	☑	19.	No new permanent intake structures related to cooling water, or any other inflow at facilities (e.g. water treatment plants, power plants, etc.).

e) TURBIDITY/WATER QUALITY PDC

Information for Turbidity Producing Activity (excluding disposal):	
ESA-species turbidity control measures required (e.g., turbidity curtain):	No
If no turbidity control measures required, explain why:	Presence of ESA-listed species limited to rare, transient individuals
Information for Dredged Material Disposal:	
Disposal site:	Eastern Passage Disposal Site (EPDS)
Estimated number of trips to disposal site:	25
Relevant disposal site permit/special conditions required (NAE: for offshore disposal, include Group A, B, C, or relevant Long Island Sound consultation):	Group B

Yes	N/A	PDC #	PDC Description
☑	☐	20.	Work behind cofferdams, turbidity curtains, or other methods to control turbidity is required when operationally feasible or beneficial and ESA-listed species are likely to be present (if presence is limited to rare, transient individuals, turbidity control methods are not necessary).
☑	☐	21.	In-water offshore disposal may only occur at designated disposal sites that have been the subject of ESA section 7 consultation with NMFS, where a valid consultation is in place and appropriate permit/special conditions are included.

Yes	N/A	PDC #	PDC Description
☑	☐	22.	Any temporary discharges must meet state water quality standards (e.g., no discharges of substances in concentrations that may cause acute or chronic adverse reactions, as defined by EPA water quality standards criteria).
☐	☑	23.	Only repair, upgrades, relocations and improvements of existing discharge pipes or replacement in-kind are allowed; no new construction of untreated discharges.
	f) ENTANGLEMENT PDC		

Information for Aquaculture Projects:

Approximate distance from shore (MHW)(m):	
Grow season begins (approximate):	
Grow season ends (approximate):	
Total number of vertical lines:	
Total number of horizontal lines:	
Is any gear seasonally removed from the water? If yes, which parts and when?	

	Aquaculture Gear	Acreage (total permit footprint)	Type of Shellfish Cultivated
a)	Select aquaculture gear		Select type of shellfish cultivated
b)	Select aquaculture gear		Select type of shellfish cultivated
c)	Select aquaculture gear		Select type of shellfish cultivated

Yes	N/A	PDC #	PDC Description
☐	☑	24.	Shell on bottom <50 acres with maximum of 4 corner marker buoys;
☐	☑	25.	Cage on bottom with no loose floating lines <5 acres and minimal vertical lines (1 per string of cages, 4 corner marker buoys);
☐	☑	26.	Floating cages in <3 acres in waters and shallower than -10 feet MLLW with no loose lines and minimal vertical lines (1 per string of cages, 4 corner marker buoys);
☐	☑	27.	Floating upweller docks in >10 feet MLLW.
☐	☑	28.	Any in-water lines, ropes, or chains must be made of materials and installed in a manner to minimize or avoid the risk of entanglement by using thick, heavy, and taut lines that do not loop or entangle. Lines can be enclosed in a rigid sleeve.
	g) HABITAT MODIFICATION PDC		
Yes	N/A	PDC #	PDC Description
☑	☐	29.	No conversion of habitat type (soft bottom to hard, or vice versa) for aquaculture or reef creation.

	h) VESSEL TRAFFIC PDC

Information for Vessel Traffic:

	Temporary Project Vessel Type	Number of Vessels
a)	Dredge vessel	1
b)	Scow	2
c)	Crew support vessel	2
	Type of Non-Commercial or Aquaculture Vessels Added *– only include if there is a net increase directly/indirectly resulting from project*)	Number of Vessels (*if sum > 2, PDC 33 is not met and justification required in Section 4*)
a)	Select type of non-commercial or aquaculture vessels	
b)	Select type of non-commercial or aquaculture vessels	
	Type of Commercial Vessels Added (*only include if there is a net increase directly/indirectly resulting from project*)	Number of Vessels (*if > 0, PDC 33 is not met and justification required in Section 4*)
a)		
b)		

If no temporary/permanent vessel traffic, briefly explain (e.g., all land-based work, no net increase in vessel traffic)	

Yes	N/A	PDC #	PDC Description
☑	☐	30.	Maintain project vessels operating within the action area to speed limits below 10 knots and dredge vessel speeds of 4 knots maximum, while dredging.
☑	☐	31.	Maintain a 1,500-foot buffer between project vessels and ESA-listed whales and a 150-foot buffer between project vessels and sea turtles unless the vessel is navigating to an in-water disposal site/activity. If the vessel is navigating to an in-water disposal site/activity, refer to and include the conditions contained in the appropriate GARFO-USACE/EPA consultation for the disposal site.
☑	☐	32.	The number of project vessels must be limited to the greatest extent possible, as appropriate to size and scale of project.
☑	☐	33.	The permanent net increase in vessels resulting from a project (e.g., dock/float/pier/boating facility) must not exceed two non-commercial vessels. A project must not result in the permanent net increase of any commercial vessels (e.g., a ferry terminal).

Section 4: Justification for Review under the NLAA Program

If the action is not in compliance with all of the General PDC and appropriate stressor PDC, but you can provide justification and/or special conditions to demonstrate why the project still meets the NLAA determination and is consistent with the aggregate effects considered in the programmatic consultation, you may still certify your project through the NLAA program using

this verification form. Please identify which PDC your project does not meet (e.g., PDC 9, PDC 15, PDC 22, etc.) and provide your rationale and justification for why the project is still eligible for the verification form.

To demonstrate that the project is still NLAA, you must explain why the effects on ESA-listed species or critical habitat are **insignificant** (i.e., too small to be meaningfully measured or detected) or **discountable** (i.e., extremely unlikely to occur). **Please use this language in your justification.**

PDC#	Justification
8	The extent of the stressor is greater than the width of the waterway in the area. The project area is a channel within Blue Hill Harbor. The channel is a marginal habitat for any ESA-listed species. Fish or turtles passing through the action area would have alternate ingress/egress routes available and it is unlikely the work would become a passage barrier. The narrowest point of the waterway in the harbor is 500m. The material is a mix of gravel, sand, and silt and is expected to settle quickly once disturbed. The Total Suspended Sediment (TSS) levels expected for mechanical dredging (up to 445 mg/L) are below those shown to have adverse effect on fish (580.0 mg/L for the most sensitive species, with 1,000.0 mg/L more typical; see summary of scientific literature in Burton 1993). Sea turtles breathe air, and would be able to swim away from the turbidity plume and would not be adversely affected by passing through the temporary increase in TSS. TSS is most likely to affect sturgeon and sea turtles if a plume causes a barrier to normal behaviors. However, we expect sturgeon and sea turtles to swim through the plume with
PDC #	
PDC #	

PDC #	

Section 5: USACE Verification of Determination

☐	In accordance with the NLAA Program, USACE has determined that the action complies with all applicable PDC and is not likely to adversely affect listed species.
☑	In accordance with the NLAA Program, the USACE has determined that the action is not likely to adversely affect listed species per the justification and/or special conditions provided in Section 4.

USACE Signature:		Date:
RANDALL.TODD.A.1241930480	Digitally signed by RANDALL.TODD.A.1241930480 Date: 2020.11.20 12:17:58 -05'00'	11/20/2020

Section 6: GARFO Concurrence

☐	In accordance with the NLAA Program, GARFO PRD concurs with USACE's determination that the action complies with all applicable PDC and is not likely to adversely affect listed species or critical habitat.
☑	In accordance with the NLAA Program, GARFO PRD concurs with USACE's determination that the action is not likely to adversely affect listed species or critical habitat per the justification and/or special conditions provided in Section 4.
☐	GARFO PRD does not concur with USACE's determination that the action complies with the applicable PDC (with or without justification), and recommends an individual Section 7 consultation to be completed independent from the NLAA Program.

GARFO Signature:		Date:
MESA GUTIERREZ.ROOSEVELT.ANDRES.1586982881	Digitally signed by MESA GUTIERREZ.ROOSEVELT.ANDRES.1586982881 Date: 2020.11.20 14:49:04 -05'00'	11/20/2020

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MA 02109-3912

OFFICE OF THE
REGIONAL ADMINISTRATOR

May 27, 2020

John Kennelly
Chief, Planning Division
U.S. Army Corps of Engineers
New England District
696 Virginia Road
Concord, Massachusetts 01742-2751

RE: Section 107 Navigation Improvement Project Environmental Assessment, Finding of No Significant Impact and Clean Water Act Section 404(b)(1) Evaluation for Improvement Dredging in Blue Hill Harbor in Blue Hill, Maine

Dear Mr. Kennelly:

We are writing in response to your request for comments on the U.S. Army Corps of Engineers (USACE) Draft Environmental Assessment (DEA) for proposed improvement dredging of Blue Hill Harbor in Blue Hill, Maine. We submit the following response on the DEA in accordance with our responsibilities under the National Environmental Policy Act (NEPA), Section 309 of the Clean Air Act. This comment letter also provides our comments on the 404(b)(1) Evaluation for the project under Section 404 of the Clean Water Act.[1]

EPA reviewed the DEA and it is our understanding that the USACE proposes to dredge a 6-foot deep, 80 foot-wide channel extending from the outer harbor 2,500 feet to the Blue Hill town wharf. The proposed project also includes a turning basin measuring 160 feet by 80 feet adjacent to the town wharf. The dredging is expected to generate 62,500 cubic yards of sand, gravel and silt that will be disposed at the Eastern Passage Disposal Site (52,000 cubic yards) off Mount Desert Island and at a proposed Confined Aquatic Disposal (CAD) site (10,500 cubic yards) within Blue Hill Harbor. All the material will be dredged by mechanical means.

The improvement dredging proposed for Blue Hill Harbor "would provide all tide access to the Blue Hill town landing." This increased access would raise the efficiency of fishing operations while also reducing vessel groundings and accidents, increasing emergency access to the water and improving access to shore-based pump out facilities. We do not question the need for the navigation improvements the proposed project would provide.

Based on our review we have several comments and concerns that we recommend be addressed before the NEPA process concludes. Our attached comments are related to project design,

[1] This comment letter also responds to the USACE March 23, 2020 Public Notice for Navigation Improvement of Blue Hill Harbor, Main.

impact avoidance, minimization, mitigation and consistency of the project with the Clean Water Act Section 404 (b)(1) Guidelines. The attached comments identify additional information necessary to demonstrate compliance with the 404(b)(1) Guidelines related to the design of the project, consideration of disposal alternatives and the minimization of impacts of the proposed discharge on the aquatic ecosystem. The attachment also provides our comments and recommendations with respect to compensatory mitigation the USACE could undertake to offset unavoidable adverse impacts from the project. We discussed several of these issues with your staff during an interagency coordination call last week.

EPA appreciates the opportunity to comment on this DEA and looks forward to continued coordination with the USACE on the issues raised in this comment letter as this project moves forward.

Please contact me at (617) 918-1025 to set up a time for a follow-up conversation regarding our comments on the project.

Sincerely,

Timothy L. Timmermann, Director
Office of Environmental Review

Blue Hill Harbor Detailed Comments

404 (b)(1) Guidelines

EPA's Section 404(b)(1) Guidelines (40 CFR Section 230) ("Guidelines") set forth the environmental standards which must be satisfied for the project to proceed in compliance with Corps regulations at 33 CFR Section 336.1. The attachment highlights three key provisions of the Guidelines where additional information is necessary to demonstrate compliance.

Alternatives Analysis

The Guidelines at 40 CFR Section 230.10(a) prohibit the discharge of dredged or fill material if there exists a practicable alternative which causes less harm to the aquatic ecosystem. A discharge of dredged or fill material is prohibited if there "is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem so long as the alternative does not have other significant adverse environmental consequences."

Alternative disposal sites are discussed in Section 5.4 of the DEA (page EA-9), which states that "disposal site alternatives for dredging projects include open water disposal, upland disposal, intertidal or shallow water disposal with possible habitat development, and beach disposal." The DEA then addresses all the listed alternatives, except for intertidal or shallow water disposal with possible habitat development.

Recommendation:

We recommend that intertidal or shallow water disposal be more fully considered in the final EA. For example, properly designed disposal of clean dredged material at impaired intertidal or shallow subtidal sites (following removal of existing contaminated sediments as warranted), either in the vicinity of the Blue Hill Harbor project or at appropriate offsite locations, could serve to restore or enhance these degraded areas and provide habitat development. We recommend that the final EA analyze the availability and practicability of this disposal alternative, which could also serve to minimize impacts and provide compensatory mitigation for the permanent loss of 3.7 acres of intertidal mudflat habitat resulting from the proposed project.

Minimization of Impacts

The Guidelines at 40 CFR Section 230.10(d) prohibit discharges unless all appropriate and practicable steps have been taken to minimize potential adverse impacts of the discharge on the aquatic ecosystem. Compensatory mitigation may be required to offset unavoidable, minimized impacts to the aquatic ecosystem, and must satisfy the requirements of Subpart J of the Guidelines, 40 CFR Sections 230.91-230.98. Based on our review we believe additional information is necessary to document that impacts have been minimized through project design.

Channel Turn Configuration Design

Section 3.0 of Appendix C (pages E-8 and E-9) generally describes the methodology for channel turn design in accordance with the Hydraulic Design of Deep-Draft Navigation Projects Engineer Manual, EM 1110-2-1613, and references Table 8-4. However, it is not clear from the information presented exactly how the turn width increase (ΔW) was determined to be 70 feet. More detailed information is needed to better explain the methodology used to calculate the channel width increase, and to show that the turning area width has been minimized to reduce impacts.

Recommendation:

We recommend that the final EA provide more detailed information on the design methodology for the channel turn configuration.

Turning Basin Design

Section 3.0 of Appendix C (page E-9) notes that EM 1110-2-1613 recommends providing a turning basin 1.2-1.5 larger than the channel width. However, the DEA states that "because this is not a deep draft project and taking into consideration the needs of the town, the proposed turning basin is 160' long and 80' wide...." The EM recommendations would result in a turning basin width in the range of 96 feet to 120 feet. More information is needed to demonstrate that that the turning basin dimensions and configuration have been designed to minimize impacts.

Recommendation:

We recommend that the final EA provide more detailed information to better explain the rationale for the turning basin design, to show that reduced dimensions or alternate configurations of the turning basin to lessen aquatic impacts are not practicable, and to demonstrate that the impacts of the selected design have been minimized. As part of this discussion we recommend that the analysis explain why a non-deep draft project would require a greater turning basin width than the width recommended for deep draft projects. Specific town needs that influenced the turning basin design (as referenced in the DEA) should also be clarified.

Compensatory Mitigation

The objective of compensatory mitigation is to offset unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved. Compensatory mitigation is typically accomplished through the restoration (re-establishment or rehabilitation), establishment, enhancement, and in certain circumstances preservation of aquatic resources (see compensatory mitigation requirements at Subpart J of the Guidelines, 40 CFR Sections 230.91-230.98).

The DEA at Section 7.4.1 states that "(m)itigation is not being proposed for the loss of intertidal habitat as the area is currently impaired and will be replaced with a habitat that will provide higher quality ecological value to the Blue Hill Harbor system." While it is true that PAH and metals contamination present in the dredged intertidal sediments would be

sequestered and the remaining subtidal sediments would presumably be uncontaminated, the project will still result in the permanent loss of 3.7 acres of intertidal habitat. The impacted intertidal resource is to be removed and replaced with the subtidal habitat associated with the proposed navigation channel and turning basin. In addition to the permanent loss of intertidal habitat and conversion to subtidal habitat, the remaining subtidal habitat will be subject to regular maintenance dredging, which will adversely impact the remaining resource.

Recommendation:

We recommend that the final EA provide a description of compensatory mitigation for the project to address unavoidable, minimized impacts. In this case, the goal of compensatory mitigation is to restore or enhance intertidal habitat, either in the vicinity of the Blue Hill Harbor project, or at offsite locations. In the absence of adequate available intertidal mitigation sites, restoration of shallow subtidal habitat should be considered. As noted above, properly designed disposal of clean dredged material at impaired intertidal or shallow subtidal sites (following removal of contaminated sediments as warranted) could serve to restore or enhance these degraded areas and provide habitat development.

Other compensatory mitigation options that could be considered include but are not limited to restoration of former borrow sites to appropriate intertidal or shallow subtidal elevations; removal of derelict coastal infrastructure and restoration of habitat at those sites; and installation of conservation moorings at appropriate locations to restore or enhance impaired aquatic resources. EPA is willing to work with the USACE to help develop a compensatory mitigation plan for the project.

Miscellaneous

We recommend that the following minor errors in the DEA be corrected:

- On several figures, including Figures 2, 4, 5, 6 and 8 of the DEA; Figures 2 and 3 in Appendix C; and Figures 1, 3 and 5 in Appendix F, the proposed turning basin is misidentified as a "6 FT Anchorage."

- On page EA-13 of the DEA and on page 5 of 15 of the Suitability Determination documentation presented in Appendix F, Table 2 depicting sediment testing results contains a duplicate reference to HMW PAH. The second entry should instead reference LMW PAH (Low Molecular Weight PAH).

- On page E-10 of Appendix C, there is a reference to "Appendix X," which does not appear in the documentation. This is likely a typographical error, where perhaps Appendix F was the intended reference.

- The Economics Appendix should be specifically identified as "Appendix B."

United States Department of the Interior

U.S. FISH AND WILDLIFE SERVICE
Maine-New Hampshire Fish and Wildlife Service Complex
Ecological Services
Maine Field Office
306 Hatchery Road
East Orland, Maine 04431
Telephone: 207/469-7300 Fax: 207/902-1588

May 08, 2020

John R. Kennelly, Chief
U.S. Army Corps of Engineers
New England District
Planning Division
696 Virginia Road
Concord, Massachusetts 01742-2751

Dear Mr. Kennelly:

This letter responds to the Corps of Engineers' (Corps) April 24, 2020 request for our review of the February 2020 draft Environmental Assessment (EA) for the proposed navigation improvement project at the *Blue Hill Harbor Federal Navigation Project* located at Blue Hill, Maine. The following comments are provided pursuant to section 7 of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 et seq.) and the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.).

Project Name/Location: Blue Hill Harbor Federal Navigation Improvement Project, Blue Hill, Maine

Log Numbers: 05E1ME00-2020-TA-1062 and 05E1ME00-2020-CPA-0094

The draft EA for the Blue Hill Harbor project acknowledges two federally listed species under the jurisdiction of the U.S. Fish and Wildlife Service (Service) that could occur in the project area, the threatened northern long-eared bat (*Myotis septentrionalis*) and the endangered Atlantic salmon (*Salmo salar*). The effects of the project to northern long-eared bat were addressed via the Corps' May 04, 2020 submittal of the northern long-eared bat 4(d) rule streamlined consultation form stating that this project may affect the northern long-eared bat, but that any resulting incidental take is not prohibited by the final 4(d) rule. The Service considers consultation for the northern long-eared bat concluded. If this project is not completed within one year of this letter, the Corps must update their determination and resubmit the required information.

The Corps has determined that the proposed project is not likely to adversely affect the endangered Atlantic salmon, a species under the joint ESA jurisdiction of the Service and the National Marine Fisheries Service (NMFS). Given that the proposed Blue Hill Harbor dredging project is located entirely in tidal waters, the Corps will be completing ESA section 7 consultation for the Atlantic salmon with the NMFS.

Therefore no further consultation with the Service pursuant to section 7 of the ESA is required. Should project plans change, or if additional information on the distribution of listed or proposed species becomes available, this determination may need to be reconsidered and reinitiation may be necessary.

Given current staffing limitations and workload priorities in our office, we are not able to provide any comments on this project pursuant to the Fish and Wildlife Coordination Act. However, we appreciate your coordination with us on this draft EA. If you have any questions, please contact Wende Mahaney by telephone at 207/902-1569 or by email at *wende_mahaney@fws.gov.*

Sincerely,

Digitally signed by ANNA HARRIS
Date: 2020.05.08 15:14:47 -04'00'

Anna Harris,
Project Leader
Maine Field Office
Maine-New Hampshire
Fish and Wildlife Service Complex

cc: Todd Randall, Corps – Concord, MA
Zach Jylkka, NMFS – Gloucester, MA
Mike Johnson, NMFS – Gloucester, MA

DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
696 VIRGINIA ROAD
CONCORD MA 01742-2751

April 24, 2020

Planning Division
Environmental Branch

Mr. Timothy Timmermann
Office of Environmental Review
EPA New England-Region 1
5 Post Office Square, Suite 100
Mail Code OEP 06-3
Boston, MA 02109-3912

Dear Mr. Timmerman:

I am writing to request EPA's comments on our proposal to perform improvement dredging in Blue Hill Harbor in Blue Hill, Maine. We will provide a copy of the draft Environmental Assessment by electronic file transfer. The draft EA and its appendices include maps of the proposed project area, a project description, resource characterizations of the project area, and an air quality conformity determination.

The proposed project includes dredging a 6-foot deep mean lower low water (MLLW), 80-foot wide channel from the outer harbor, extending 2,500 ft. northwest to the town wharf. This channel would be widened at its upper end to form a turning basin, 160 feet by 80 feet, adjacent to the town wharf. Approximately 62,500 cubic yards (CY) of mixed gravel, sand, and silt would be removed from the proposed project area using a mechanical dredge. The estimated 52,000 CY of dredged material deemed suitable for open water disposal would be loaded onto scows and towed to the Eastern Passage Disposal Site (EPDS), a previously used disposal site near Dodge Island, for placement. The EPDS is located approximately 11 miles southeast from Blue Hill Harbor. Approximately 10,500 CY of material from the upper two feet of the inner harbor, which was deemed unsuitable for open water placement due to the presence of polycyclic aromatic hydrocarbons (PAHs) and metals, will be placed in a proposed confined aquatic disposal cell within Blue Hill Harbor. Construction will occur between October 1 and April 1 and is expected to take three to four months to complete.

We are requesting that you review this project information relative to all applicable EPA authorities including but not limited to Section 176c and 309 of the Clean Air Act. We would appreciate your comments within 30 days of the date of this letter.

If you or your staff have any questions or require additional information, please feel free to contact Mr. Todd Randall, the Environmental Resources Team Member at (978) 318-8518 or Dr. Dot Lundberg, the Project Manager, at (978) 318-8155.

Sincerely,

KENNELLY.JOHN.R.1228532939
Digitally signed by KENNELLY.JOHN.R.1228532939
Date: 2020.04.24 12:50:09 -04'00'

John Kennelly
Chief, Planning Division

Enclosures

Copies furnished (via email):

Ms. Regina Lyons: lyons.regina@epa.gov

DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
696 VIRGINIA ROAD
CONCORD MA 01742-2751

April 24, 2020

Planning Division
Environmental Branch

Mr. Louis A. Chiarella
Assistant Regional Administrator for Habitat Conservation
NOAA Fisheries Service
Northeast Regional Office
Habitat Conservation Division
55 Great Republic Drive
Gloucester, MA 01930

Dear Mr. Chiarella:

I am writing to request your Essential Fish Habitat (EFH) conservation recommendations, if any, under the Magnuson-Stevens Fishery Conservation and Management Act and comments in accordance with the Fish and Wildlife Coordination Act (FWCA) on our proposal to perform improvement dredging in Blue Hill Harbor in Blue Hill, Maine. We will provide a copy of the Feasibility Report and the draft Environmental Assessment by electronic file transfer. The Feasibility Report contains an alternatives analysis for the need of the project. The draft EA and its appendices include maps of the proposed project area, a project description, resource characterizations of the project area, and an essential fish habitat assessment. Also attached is the NMFS EFH consultation worksheet.

The proposed project includes dredging a 6-foot deep mean lower low water (MLLW), 80-foot wide channel from the outer harbor, extending 2,500 ft. northwest to the town wharf. This channel would be widened at its upper end to form a turning basin, 160 feet by 80 feet, adjacent to the town wharf. Approximately 62,500 cubic yards (CY) of mixed gravel, sand, and silt would be removed from the proposed project area using a mechanical dredge. An estimated 52,000 CY of dredged material deemed suitable for open water disposal would be loaded onto scows and towed to the Eastern Passage Disposal Site (EPDS), a previously used disposal site near Dodge Island, for placement. The EPDS is located approximately 11 miles southeast from Blue Hill Harbor. Approximately 10,500 CY of material from the upper two feet of the inner harbor, which was deemed unsuitable for open water placement due to the presence of polycyclic aromatic hydrocarbons and metals, will be placed in a proposed confined aquatic disposal cell within Blue Hill Harbor. Construction will occur between October 1 and April 1 and is expected to take three to four months to complete.

Please provide any EFH conservation recommendations and comments under the FWCA within 30 days of the date this letter.

If you or your staff have any questions or require additional information, please feel free to contact Mr. Todd Randall, the Environmental Resources Team Member at (978) 318-8518 or Dr. Dot Lundberg, the Project Manager, at (978) 318-8155.

Sincerely,

KENNELLY.JOHN.R.1228532939
Digitally signed by KENNELLY.JOHN.R.1228532939
Date: 2020.04.24 12:47:47 -04'00'

John Kennelly
Chief, Planning Division

Enclosures

Copies Furnished (via email):

Mr. Mike Johnson: mike.johnson@noaa.gov
Mr. Zachary Jylkka: zachary.jylkka@noaa.gov

DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
696 VIRGINIA ROAD
CONCORD MA 01742-2751

April 24, 2020

Planning Division
Environmental Branch

Ms. Anna Harris
Maine Field Office Project Leader
Maine-New Hampshire Fish and Wildlife Complex
U.S. Fish and Wildlife Service
306 Hatchery Way
East Orland, ME 04431

Dear Ms. Harris:

I am writing to request a Final Coordination Act Report (FCAR) pursuant to the Fish and Wildlife Coordination Act and any final comments with respect to the Endangered Species Act for our proposal to perform improvement dredging in Blue Hill Harbor in Blue Hill, Maine. We will provide a copy of the draft Environmental Assessment by electronic file transfer. The draft EA and its appendices include maps of the proposed project area, a project description, resource characterizations of the project area, and the Corps preliminary determination of effects the proposed project may have on threatened and endangered species.

The proposed project includes dredging a 6-foot deep mean lower low water (MLLW), 80-foot wide channel from the outer harbor, extending 2,500 ft. northwest to the town wharf. This channel would be widened at its upper end to form a turning basin, 160 feet by 80 feet, adjacent to the town wharf. Approximately 62,500 cubic yards (CY) of mixed gravel, sand, and silt would be removed from the proposed project area using a mechanical dredge. The estimated 52,000 CY of dredged material deemed suitable for open water disposal would be loaded onto scows and towed to the Eastern Passage Disposal Site (EPDS), a previously used disposal site near Dodge Island, for placement. The EPDS is located approximately 11 miles southeast from Blue Hill Harbor. Approximately 10,500 CY of material from the upper two feet of the inner harbor, which was deemed unsuitable for open water placement due to the presence of polycyclic aromatic hydrocarbons and metals, will be placed in a proposed confined aquatic disposal cell within Blue Hill Harbor. Construction will occur between October 1 and April 1 and is expected to take three to four months to complete.

It is the Corps' determination that the proposed work is not likely to adversely affect any Federally-listed threatened or endangered species under the jurisdiction of the USFWS. Please review the enclosed information and provide your comments in accordance with the Fish and Wildlife Coordination Act and the Endangered Species Act concerning the proposed project. I would appreciate your comments within 30 days of the date of this letter.

If you or your staff have any questions or require additional information, please feel free to contact Mr. Todd Randall, the Environmental Resources Team Member at (978) 318-8518 or Dr. Dot Lundberg, the Project Manager, at (978) 318-8155.

Sincerely,

KENNELLY.JOHN.R.1228532939 Digitally signed by KENNELLY.JOHN.R.1228532939 Date: 2020.04.24 12:55:10 -04'00'

John Kennelly
Chief, Planning Division

Enclosures

US Army Corps
of Engineers ®
New England District

696 Virginia Road
Concord, MA 01742-2751

Public Notice

In Reply Refer to: Dr. Dot Lundberg
Dot.J.Lundberg@usace.army.mil
Planning Division
Date: March 23, 2020
Comment Period Closes: April 23, 2020

30 DAY PUBLIC NOTICE

NAVIGATION IMPROVEMENT OF BLUE HILL HARBOR, MAINE

Interested parties are hereby notified that the U.S. Army Corps of Engineers (Corps), New England District, is proposing channel improvements to increase the Blue Hill Harbor's ability to accommodate safe and efficient commercial fishing vessel operations from the Town Landing. The proposed project involves work in the navigable waters of this District, under the provisions of Section 404 of the Clean Water Act of 1977 (P.L. 95-217) and is being authorized in accordance with Title 33, Parts 335-338 of the Code of Federal Regulations. Attachment No. 1 lists pertinent laws, regulations, and directives.

Project Description: The proposed project will make improvements to the Blue Hill Harbor in Blue Hill Maine. A feasibility study developed and analyzed several alternatives for navigation channel improvements and the benefits that each alternative provides. The Recommended Plan, as shown in Figure 1, would establish a 6-foot mean lower low water (MLLW) by 80-foot wide Federal channel extending about 5,400 feet from deep water off Parker Point up-harbor to the Blue Hill town landing with a one-half acre turning basin at its head. Only the upper 2,600 feet of the channel would require dredging. Approximately 62,500 cubic yards (CY) of mixed gravel, sand, and silt will be removed from the proposed project area using a mechanical dredge. The 52,000 CY of dredged material deemed suitable for open water disposal will be loaded onto scows and towed about 11 miles to the Eastern Passage Disposal Site (EPDS), a previously used disposal site near Dodge Island, for placement. Approximately 10,500 CY of material from the upper two feet of the inner harbor, which was deemed unsuitable for open water placement due to the presence of polycyclic aromatic hydrocarbons (PAHs) and metals, will be placed in a confined aquatic disposal (CAD) cell within Blue Hill Harbor. The CAD cell will be constructed by removing approximately 19,500 CY of suitable of mixed gravel, sand,

and silt material from an area adjacent to the designated channel. Material generated from the CAD cell creation will be placed at the EPDS. Construction will occur between October 1 and April 1and is expected to take three to four months to complete. Construction will occur in any given year in which funding becomes available. This improvement project is authorized under the continuing authority of Section 107 of the River and Harbor Act of 1960, as amended.

Purpose of Work: The principal navigation issue at Blue Hill Harbor is that the existing conditions do not accommodate safe and efficient operations of commercial fishermen and other vessel operators in the Blue Hill area. Regional demands on the commercial fishing fleet, navigation delays, and inefficiencies have become problematic for the fleet. Under present conditions, navigation is limited to the period of three hours before and three hours after high tide. At low tide, a boat drawing two feet or more cannot approach closer than 2,000 feet seaward of the wharf. The only other landings in Blue Hill Harbor that have adequate water access are the Kollegewidgwok Yacht Club and the privately owned old Steamboat Wharf on Peter's Point. The Blue Hill commercial fishing fleet has already maximized the available berthing and offloading space, so providing a new channel will alleviate the commercial fleet's navigation problems. The vessels utilizing Blue Hill as a base of operations must be better accommodated if the commercial operators at Blue Hill are to continue to be competitive in the New England region fish industry. The Corps has tentatively selected a plan that recommends dredging a new channel to enhance the navigation routes and allow vessels to safely reach berthing and offloading areas.

Alternatives Considered: Alternatives were developed based on project depth optimization and disposal options for unsuitable dredged material. Project depths of 5, 6, and 7 feet below mean lower low water (MLLW) were evaluated to aid in optimization of the Corps tentatively selected plan. Alternatives for disposal of unsuitable dredged material include placement in an in-harbor Confined Aquatic Disposal (CAD) Cell, or rehandling material ashore for dewatering and transport to an upland disposal facility. Two alternatives were evaluated for the proposed project: establish a channel with use of a CAD cell and establish a channel with upland disposal. The selected plan is based on consideration of economic efficiency, minimization of environmental impacts, navigational safety, and the needs of state government and local stakeholders. Establishing a channel with CAD disposal results in the greatest net benefits, and is the preferred National Economic Development (NED) plan.

Placement Area: Disposal of the unsuitable portion of the dredged material will be taken to a CAD cell constructed north of the channel. All suitable material, including

material dredged to create the CAD cell (Figure 1), would be placed at the previously used Eastern Passage Disposal Site. The haul route is found in Figure 2.

Additional Information: Additional information may be obtained from Dr. Dot Lundberg Planning Division, at the address shown above, telephone number (978) 318-8155 or email at Dot.J.Lundberg@usace.army.mil.

Coordination: The proposed work is being coordinated with the following federal, state, and local agencies and federally recognized tribal nations:

Federal
U.S. Environmental Protection Agency
U.S. Fish and Wildlife Service
National Marine Fisheries Service

State
Maine Department of Environmental Protection
Maine Department of Marine Resources
Maine Coastal Program
State Historic Preservation Office

Federally Recognized Tribes
Passamaquoddy Tribe
Penobscot Indian Nation

Local
Town of Blue Hill

Environmental Impacts: A draft Environmental Assessment for this work has been prepared and is available for review upon request. The Corps has made a preliminary determination that an Environmental Impact Statement is not required under the provisions of the National Environmental Policy Act of 1969. This determination will be reviewed in light of facts submitted in response to this notice.

Federal Consistency with Maine's Coastal Zone Management Program: The Corps finds that the improvement dredging of the Blue Hill Harbor navigation project is consistent to the maximum extent practicable with Maine's approved coastal zone management plan established as a result of the Coastal Zone Management Act of 1972.

Other Information:

a. Local Sponsor: The Town of Blue Hill, Maine, is the local sponsor for the proposed work.

b. Previous Dredging: The areas proposed to be dredged for navigation improvement have never been dredged before.

c. Alternate Placement Methods: Alternate placement options that have been considered were: open water placement, upland disposal, a confined disposal facility, and beneficial use. The preferred alternative for the placement of dredged material from the proposed project is open water placement for suitable dredged material and the use of a confined aquatic disposal (CAD) cell for unsuitable dredged material.

d. Non-Federal Dredging: To date there are no non-Federal dredging projects proposed in connection with the proposed Federal improvement dredging. Facility owners within the harbor who may be interested in performing non-Federal dredging concurrently with this project should be aware that work will require a permit from the U.S. Army Corps of Engineers under Section 10 of the River and Harbor Act and, depending on the location of the non-Federal dredged material disposal, may also require a Corps permit under Section 404 of the Clean Water Act. In order to be disposed of in ocean waters, private dredged material must be determined to be suitable for such disposal.

e. Endangered Species: The Corps made the preliminary determination that the proposed project is not likely to adversely impact any state or Federally-listed threatened or endangered species.

f. Floodplain Management: The proposed project is not located within the floodplain, so it will not result in further development of the floodplain and will not result in any long or short-term adverse impacts associated with the occupancy and modification of the floodplains.

g. Cultural Resources: The proposed work will not affect any cultural or archaeological features or resources in the area of dredging or disposal, and coordination was complete in accordance with Section 106 of the National Historic Preservation Act and implementing regulations (36 CFR 800).

h. Essential Fish Habitat Assessment: The Corps has determined that dredging and placement activities may have a temporary adverse effect on Essential Fish

Habitat (EFH). The Corps has assessed the effects that the project is likely to have on EFH and has determined that they will be short-term and limited and that there will be no significant impacts on the designated fisheries resources.

i. Additional Requirements: A 401 Water Quality Certificate will be requested from the State of Maine. The Clean Water Act of 1977 requires that the work comply with state or interstate requirements to control the discharge of dredged or fill material.

The decision whether to perform the proposed work 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 benefits that reasonably may be expected to accrue from the proposal will be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered; among these are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use classification, and the welfare of the people.

Any person who has an interest that may be affected by the dredging and disposal of this dredged material may request a public hearing. The request must be submitted in writing to the District Engineer within the comment period of this notice and must clearly set forth the interest that may be affected and the manner in which the interest may be affected by this activity.

Please bring this notice to the attention of anyone you know to be interested in this project. Comments are invited from all interested parties and should be directed to the U.S. Army Corps of Engineers, New England District, 696 Virginia Road, Concord, MA 01742-2751, ATTN: Dr. Dot Lundberg, or to email address Dot.J.Lundberg@usace.army.mil within 30 days of this notice.

William M Conde

William M. Conde
Colonel, Corps of Engineers
District Engineer

Attachments

Attachment 1:

PERTINENT LAWS, REGULATIONS, AND DIRECTIVES

Clean Air Act, as amended (42 U.S.C. 1221 et. seq.)

Clean Water Act, of 1977 as amended (33 U.S.C. 1251 et. seq.)

Coastal Zone Management Act of 1972 (16 U.S.C. 1456)

Code of Federal Regulation, Title 33, Parts 335 through 338

Endangered Species Act of 1973 as amended (16 U.S.C. 1531 et seq.)

Estuary Protection Act (16 U.S.C. 1221 et. seq.)

Federal Water Project Recreation Act, as amended (16 U.S.C. 4601-12 et. seq.)

Fish and Wildlife Act of 1956 (16 U.S.C. 472a, et. seq.)

Fish and Wildlife Coordination Act (16 U.S.C. 661-666c)

Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4 et. seq.)

Magnuson-Stevens Fishery Conservation and Management Act and amended by the Sustainable Fisheries Act of 1996

Migratory Marine Game-Fish Act (16 U.S.C. 760c-760g)

National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347)

National Historic Preservation Act of 1966 (16 U.S.C. 470)

Executive Order 11988, Floodplain Management, 24 May 1977

Executive Order 11990, Protection of Wetlands, 24 May 1977

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations, 11 February 1994

Executive Order 13045, Protection of Children from Health Risks and Safety Risks, 21 April 1997

River and Harbor Act of 1960

Figure 1: Channel and CAD Cell Placement Locations

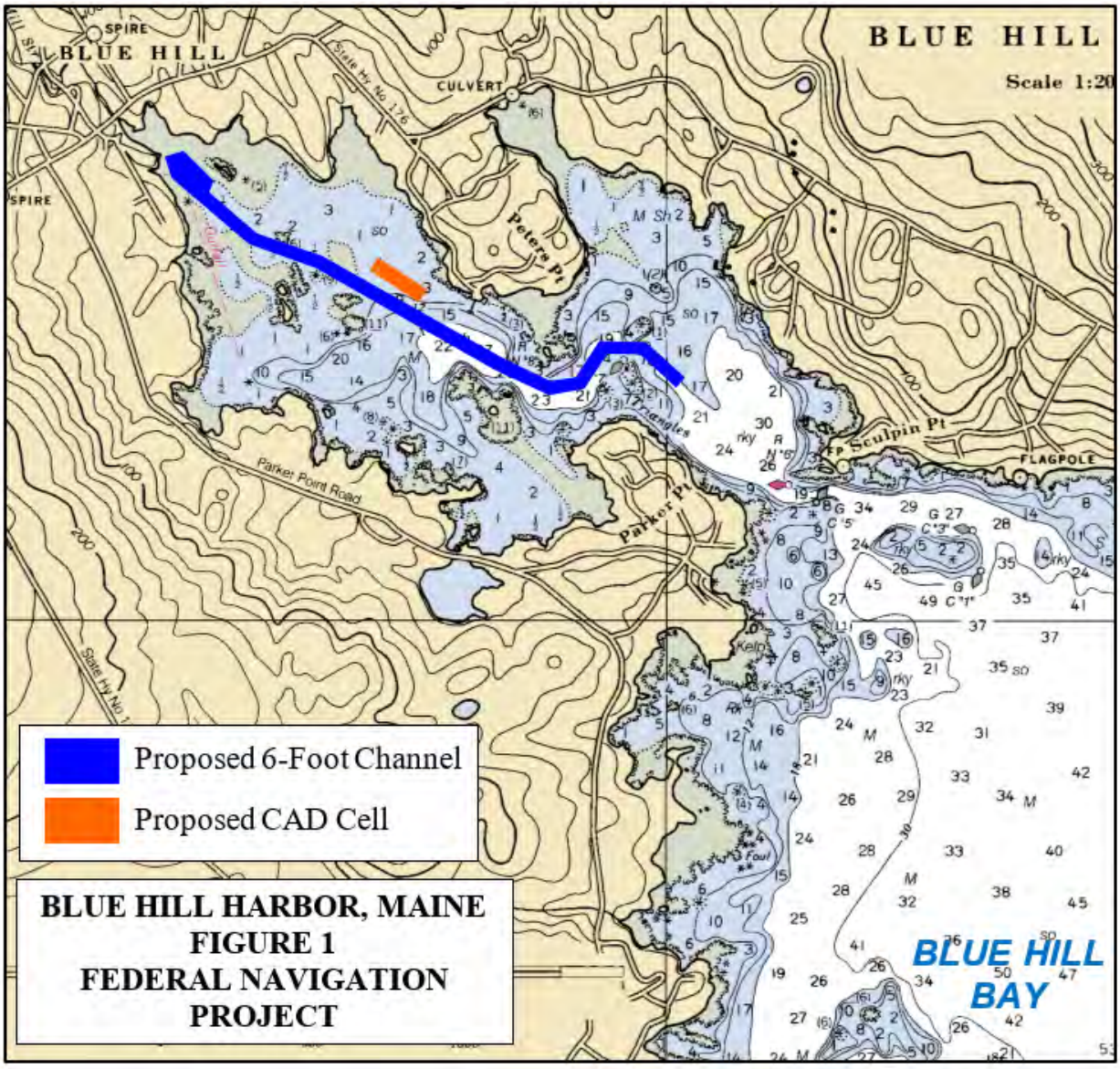
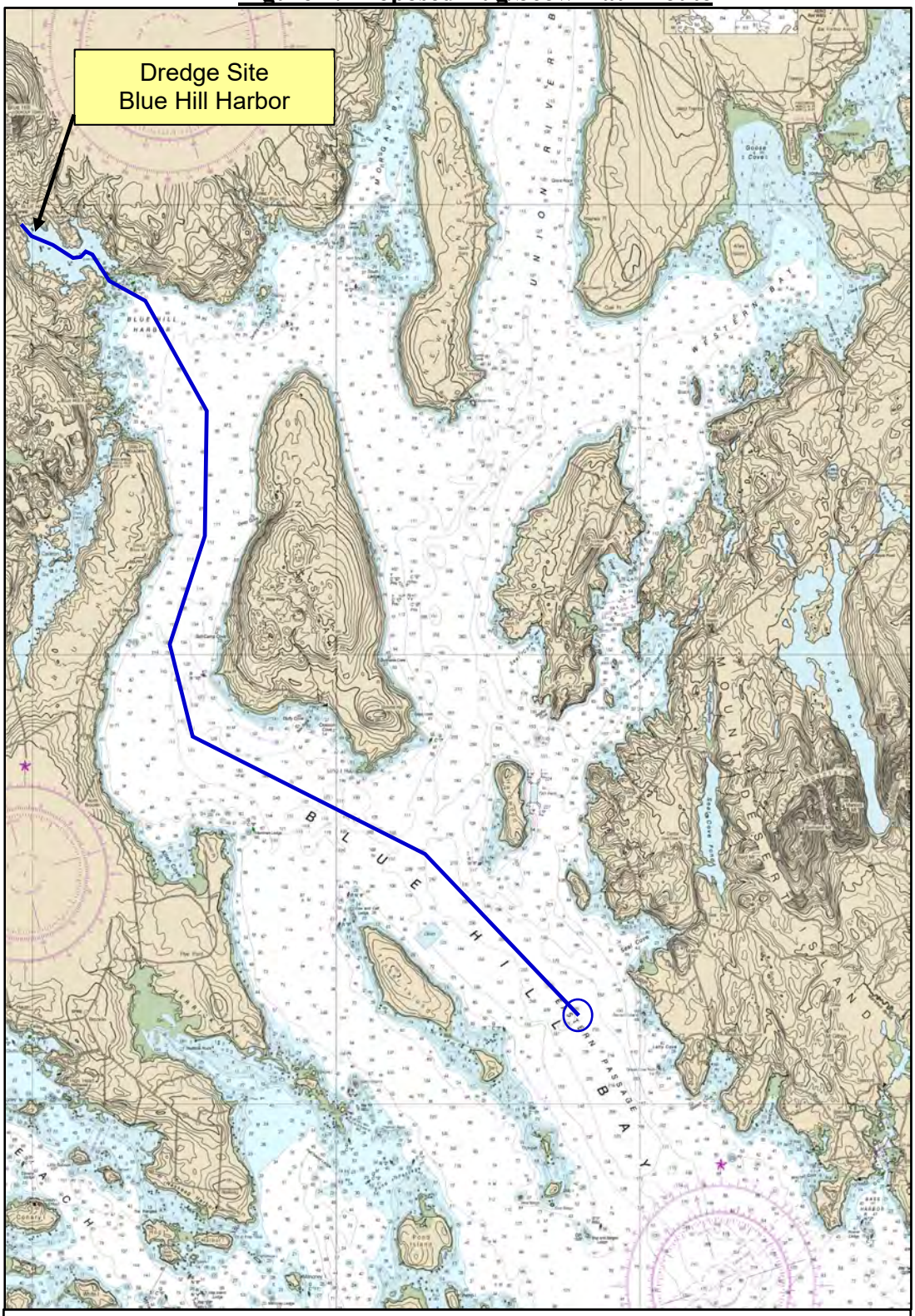


Figure 2: Proposed Tug/Scow Haul Route



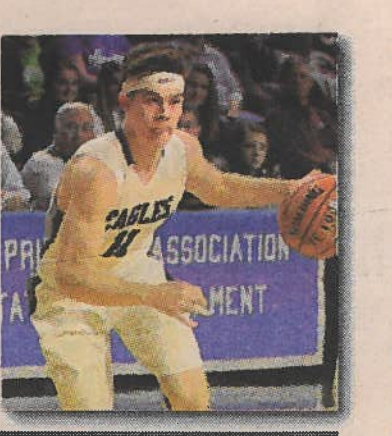
Blue Hill Harbor, Maine
Navigation Improvement Project

Proposed Tug/Scow Haul Route
For Eastern Passage Placement Site

THE WEEKLY PACKET

FEBRUARY 20, 2020 | BLUE HILL, BROOKLIN, BROOKSVILLE, SEDGWICK AND SURRY | weeklypacket.com | $1.40

TOURNEY TIME:
Eagles advance, and all the playoff news
PAGES 7-10



JOBS AVAILABLE

EVENT COORDINATOR: The Town of Castine is seeking an event coordinator for the town's Maine 200 celebration. Applications are due no later than February 21, 2020. Details can be found on the Castine town website (castine.me.us) or obtained at the Town Office.

EXPERIENCED ADMINISTRATIVE ASSISTANT. Alternative health care practice in Ellsworth seeks organized, self motivated, personable individual with excellent communication skills. P/T, flexible hrs., year-round position. Starting at $12-15/hr., EOE. Email resume to: office@acadianaturopathic.com.

STEPHEN MACARTHUR & CO. Hiring one more skilled carpenter for year-round work with small, friendly, professional outfit. Must have good character. Call 326-9612. Leave clear message.

TOWN OF DEER ISLE seeks to fill the position of Road and Public Works Foreman. Competitive salary and benefits. Details available townofdeerisle.org and at the Deer Isle Town Office. FMI, email deerislemanager@gmail.com or call 348-2324.

MISCELLANEOUS

THE ISLAND PANTRY is open from 5:30-7 p.m. on Thursdays, located at the Island Community Center in Stonington and is handicapped accessible. Neighbors from Sedgwick, Brooksville and Brooklin are welcome. More info: 367-2918.

PERSONALS

To the person that passed a vehicle on Snows Cove Road at about 5:40 the night of Wednesday, February 12th and almost ran head on into my car, you are an idiot. Why, why, why would you pass in that spot without being sure nobody was coming the other way? I had my 11 year old daughter with me and were on our way to watch the GSA boys varsity basketball team. Slow down and stay on your side of the road!

NOTICES

NOTICE OF INTENT TO FILE

Please take notice that the Town of Blue Hill, 18 Union Street, Blue Hill, Maine 04614 (Phone: 207-374-2281) is intending to file a Natural Resources Protection Act permit application with the Maine Department of Environmental Protection pursuant to the provisions of 38 M.R.S. §§ 480-A thru 480-BB on or about February 20, 2020.

The application is for constructing a new Federal Navigation Project (FNP) in Blue Hill Harbor. The proposed project would establish a -6-foot mean lower low water by 80-foot wide Federal channel extending about 5,400 feet from deep water off Parker Point up-harbor to the Blue Hill town landing with a one-half acre turning basin at its head. The project would involve the dredging of about 92,500 cubic yards of material. Approximately 73,000 cubic yards would be dredged from the FNP and an estimated 19,500 cubic yards would be dredged from the construction of a Confined Aquatic Disposal (CAD) cell in Blue Hill Harbor needed to contain unsuitable dredged material from inner harbor areas. Suitable material from the outer harbor and CAD cell construction would be placed at the previously used Eastern Passage Disposal Site. The dredging would be by mechanical dredge and scow that will be able to operate in shallow draft areas in the channel. Dredging and disposal activities would be limited to the period of October 1 through March 31. The work would be performed in the year(s) in which Federal and local cost-sharing funds become available.

A public information meeting to discuss the proposed project will be held at the Blue Hill Town Hall (18 Union Street, Blue Hill, Maine 04614) at 5:30 p.m. on March 4, 2020.

A request for a public hearing or a request that the Board of Environmental Protection assume jurisdiction over this application must be received by the Department in writing, no later than 20 days after the application is found by the Department to be complete and is accepted for processing. A public hearing may or may not be held at the discretion of the Commissioner or Board of Environmental Protection. Public comment on the application will be accepted throughout the processing of the application. For Federally licensed, permitted, or funded activities in the State's Coastal Zone, review of this application shall also constitute the State's consistency review in accordance with the Maine Coastal Program pursuant to Section 307 of the Federal Coastal Zone Management Act, 16 U.S.C. § 1456.

The application will be filed for public inspection at the Department of Environmental Protection's office in Bangor, Maine during normal working hours. A copy of the application may also be seen at the municipal offices in Blue Hill, Maine. Written public comments may be sent to the regional office in Bangor where the application is filed for public inspection: MDEP, Eastern Maine Regional Office, 106 Hogan Road, Bangor, Maine 04401.

NOTICE OF INTENT TO FILE

Please take notice that Fifield Lobster Co., 4 Willie's Way, Stonington, ME 04681, 207-367-2313, is intending to file a Natural Resources Protection Act permit application with the Maine Department of Environmental Protection pursuant to the provisions of 38 M.R.S. §§ 480-A thru 480-BB on or about March 1, 2020.

The application is for reconstruction and expansion of commercial lobster wharf and bait shed at the following location: Willie's Way, south side of Burnt Cove, Stonington.

A request for a public hearing or a request that the Board of Environmental Protection assume jurisdiction over this application must be received by the Department in writing, no later than 20 days after the application is found by the Department to be complete and is accepted for processing. A public hearing may or may not be held at the discretion of the Commissioner or Board of Environmental Protection. Public comment on the application will be accepted throughout the processing of the application.

For Federally licensed, permitted, or funded activities in the State's Coastal Zone, review of this application shall also constitute the State's consistency review in accordance with the Maine Coastal Program pursuant to Section 307 of the Federal Coastal Zone Management Act, 16 U.S.C. § 1456.

The application will be filed for public inspection at the Department of Environmental Protection's office in Bangor, Maine during normal working hours. A copy of the application may also be seen at the municipal offices in Stonington, Maine.

Written public comments may be sent to the regional office in Bangor where the application is filed for public inspection: MDEP, Eastern Maine Regional Office, 106 Hogan Road, Bangor, Maine 04401.

TOWN OF BROOKSVILLE
Residents

Notice is hereby given that the Selectmen of the Town of Brooksville will hold a Public Hearing

HERE & ABOUT

Chorus forming for 'the fun of singing'

Registration is open for SCHERZO\skerts\—an adult chorus organized by Ellsworth Community Music Institute in collaboration with Friends in Action in Ellsworth. The primary focus of this chorus is to have fun singing. No auditions are required, and all voices are welcome. Sessions for adults ages 50+ will begin February 25 and run for 10 weeks on

program. Mixed genres will be presented, including show tunes, oldies, Americana, etc. Rehearsals will include a one-time visit and sing-along class with Grammy award winner Paul Sullivan.

Full details and registration form may be found at ellsworthcommunitymusic.org/classes/. Interested singers may direct questions to Ellsworth Community Music Institute at 664-9258 or info@ellsworthcommunitymusic.org. Also, students may

Appendix A

Part 2

Correspondence during Preparation of the Draft Detailed Project Report and Draft Environmental Assessment

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DEPARTMENTOFTHEARMY
US ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
696 VIRGINIA ROAD
CONCORD MA 01742-2751

July 11, 2019

Planning Division

Select Board
Town of Blue Hill
P.O. Box 412
Blue Hill, ME 04614

Dear Board Members:

I am writing in reference to the Blue Hill Harbor Navigation Improvement project and the Feasibility Cost Sharing Agreement (FCSA) signed on June 29, 2015 between the Town of Blue Hill and the U.S. Army Corps of Engineers.

In accordance with discussions held between USACE and the Blue Hill Select Board, we request that you provide an additional $20,000 towards your share of total project costs. The additional Town funds together with additional Federal funds, will be used to complete required public and agency technical reviews of the detailed project report for the study of Blue Hill Harbor. This additional payment will increase your total cash contribution for the project to $124,000.

Transmit a check to cover this amount, payable to "FAO, USAED, NEW ENGLAND DISTRICT (E6)", to the attention of the Project Manager, Mr. William Bartlett.

If you have any questions or require any additional information, please contact the project manager, Mr. Bartlett at (978) 318-8004 or at william.c.bartlett@usace.army.mil.

Sincerely,

John R. Kennelly
Chief, Planning Division

PENOBSCOT NATION
CULTURAL & HISTORIC PRESERVATION
12 WABANAKI WAY, INDIAN ISLAND, ME 04468

CHRIS SOCKALEXIS – TRIBAL HISTORIC PRESERVATION OFFICER
E-MAIL: chris.sockalexis@penobscotnation.org

NAME	Marc Paiva
ADDRESS	US Army Corps of Engineers New England District 696 Virginia Road Concord, MA 01742-2751
OWNER'S NAME	Town of Blue Hill
TELEPHONE	(978) 318-8796
EMAIL	Marcos.A.Paiva@usace.army.mil
PROJECT NAME	Navigation Improvement Project located at Blue Hill Harbor
PROJECT SITE	Blue Hill, ME
DATE OF REQUEST	December 4, 2018
DATE REVIEWED	January 15, 2019

Thank you for the opportunity to comment on the above referenced project. This project appears to have no impact on a structure or site of historic, architectural or archaeological significance to the Penobscot Nation as defined by the National Historic Preservation Act of 1966, as amended.

If Native American cultural materials are encountered during the course of the project, please contact my office at (207) 817-7471. Thank you for consulting with the Penobscot Nation Tribal Historic Preservation Office with this project.

Chris Sockalexis, THPO
Penobscot Nation

MAINE HISTORIC PRESERVATION COMMISSION
55 CAPITOL STREET
65 STATE HOUSE STATION
AUGUSTA, MAINE
04333

PAUL R. LEPAGE
GOVERNOR

KIRK F. MOHNEY
DIRECTOR

December 11, 2018

Mr. John R. Kennelly
Department of the Army
US Army Corps of Engineers
New England District
696 Virginia Road
Concord, MA 01742-2751

Project: MHPC# 1664-18 Town of Blue Hill; Blue Hill Harbor
Proposed Navigation Improvement Project

Town: Blue Hill, ME

Dear Mr. Kennelly:

In response to your recent request, I have reviewed the information received December 6, 2018 to initiate consultation on the above referenced project in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA).

Based on the information submitted, I have concluded that there will be no historic properties affected by this proposed undertaking, as defined by Section 106.

Please contact Megan Rideout at (207) 287-2992 or megan.m.rideout@maine.gov if we can be of further assistance in this matter.

Sincerely,

Kirk F. Mohney

Kirk F. Mohney
State Historic Preservation Officer

PHONE: (207) 287-2132 FAX: (207) 287-2335

DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
696 VIRGINIA ROAD
CONCORD MA 01742-2751

December 4, 2018

Planning Division
Evaluation Branch

Mr. Kirk F. Mohney, State Historic Preservation Officer
Maine Historic Preservation Commission
55 Capitol Street, 65 State House Station
Augusta, ME 04333

Dear Mr. Mohney:

The U.S. Army Corps of Engineers (USACE), New England District is preparing an Environmental Assessment for a proposed Navigation Improvement Project at Blue Hill Harbor in Blue Hill, Maine (see enclosed figures). We would like your comments on the following undertaking in accordance with Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended.

Blue Hill Harbor is the principal commercial fishing harbor of the Town of Blue Hill, located on the western shore of Blue Hill Bay in Hancock County, Maine. The harbor is located about 30 miles south-southeast of Bangor and 103 miles east of Portland, Maine. Blue Hill Harbor is located on the northwest side of Blue Hill Bay, northwest of Long and Mount Desert Islands.

The principal navigation issue at Blue Hill Harbor is that existing conditions do not accommodate safe and efficient operations for commercial fishermen and other vessel operators in the Blue Hill area. Given the regional demands from the commercial fishing fleet, navigation delays and inefficiencies have become problematic for the facilities. There is a lack of sufficient water depth in the western portion of the inner harbor to the publicly-owned shorefront facilities in Blue Hill Harbor. Under present conditions, navigation is limited to the period of three hours before and three hours after high tide. At low tide a boat drawing two feet or more cannot approach closer than 2,000 feet seaward of the wharf.

Currently, a majority of commercial vessels load and offload at town facilities at South Blue Hill Wharf, located outside the protected inner harbor and five miles by road from the town center. South Blue Hill Wharf contains a municipal ramp, docks and floats, as well as 23 moorings for commercial fishermen. South Blue Hill is at maximum capacity with no room for expansion. Other fishermen are based in East Blue Hill Harbor, located outside the protected inner harbor to the northeast, and at Steamboat Wharf, located inside the protected inner harbor on the eastern shore.

USACE is proposing the following alternatives to improve existing navigation conditions in Blue Hill Harbor:

Alternative A:

- A 6-foot deep channel (MLLW), 80-feet wide from the outer harbor to the town wharf, widened at its upper end to form a turning basin 160 feet by 80 feet adjacent to the Town Wharf.
- A Confined Aquatic Disposal (CAD) cell adjacent to the channel to dispose of the 10,000 cubic yards (CY) of unsuitable material.
- Suitable material (63,000 CY) will be hauled by scow to Eastern Passage Disposal Site for open water placement (14 miles one-way travel).

Alternative B:

- A 6-foot deep channel (MLLW), 80-feet wide from the outer harbor to the town wharf, widened at its upper end to form a turning basin 160 feet by 80 feet adjacent to the Town Wharf.
- Dewatering and treatment of unsuitable material (10,000 CY) onshore at the Town Wharf, then transport to Juniper Ridge landfill in Alton, ME by truck (56 miles one-way travel).
- Suitable material (63,000 CY) will be hauled by scow to Eastern Passage Disposal Site for open water placement (14 miles one-way travel).

A review of the National Oceanic and Atmospheric Administration (NOAA) Coast Survey's Automated Wreck and Obstruction Information System (AWOIS) and Electronic Navigation Charts (ENC) identified no potential submerged archaeological sites or shipwrecks within the project area and proposed disposal locations. Sediment cores were collected to project depth throughout the channel from seven sample stations (see sample locations figure). Sediments in the outer portion of the channel were predominantly gray, poorly graded medium to coarse sands overlying marine clay deposits with mixtures of fine, woody organic debris. Sediments within the inner harbor were composed of medium to coarse sands overlain by a thin layer of loose fine sand and silt with shell and wood fragments. The area surrounding the town dock was composed of mixed sand, gravel, and silt over a cobble and gravel substrate.

Sanborn Fire Insurance maps of Blue Hill (1925) depict the G.M. Allen and Son sawmill adjacent to the dam in the inner harbor area (Main Street). Earlier historic maps (Walling 1860 and Map of Blue Hill Village 1881) indicate a dense concentration of commercial and industrial development in the inner harbor area. The Blue Hill Historic District is centered on and around Main Street. However, dredging of the harbor will commence from the Town Wharf south, well outside of the inner harbor area. Historic and archaeological properties are not expected within this area.

Therefore, dredging of Blue Hill Harbor with disposal within a CAD cell adjacent to the channel, at the Eastern Passage Disposal Site, or via transport to the Juniper Ridge landfill will have no effect upon any site or structure of historic, architectural or archaeological significance as defined by Section 106 of the NHPA and implementing

regulations 36 CFR 800. We would appreciate your concurrence with this determination. If unanticipated historic properties are identified during project construction, we will follow the procedures for post-review discoveries at 36 CFR 800.13.

If you have any questions, please feel free to contact Mr. William Bartlett, Study Manager at (978) 318-8004 or Mr. Marc Paiva, Project Archaeologist at (978) 318-8796.

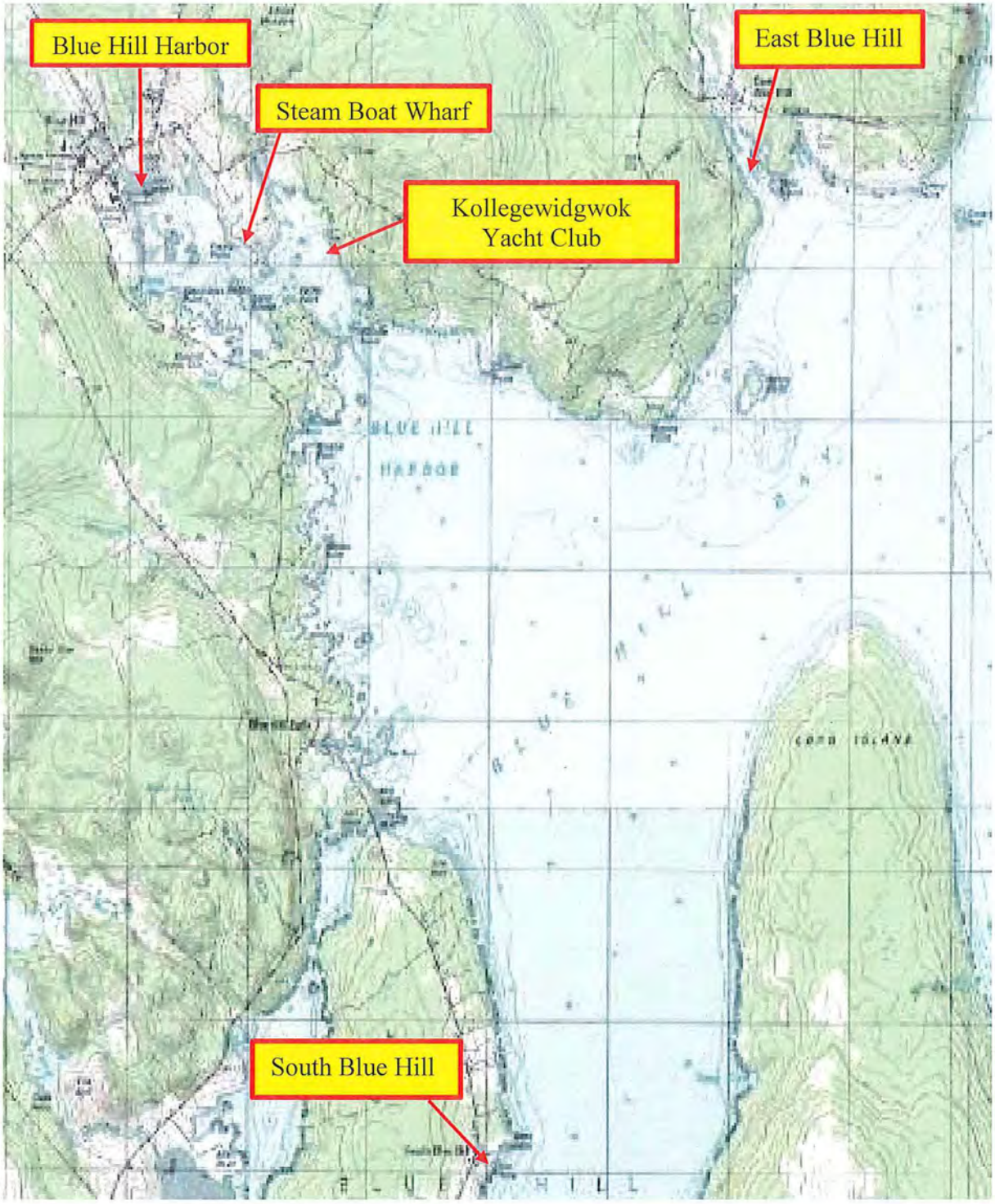
Sincerely,

John R. Kennelly
Chief, Planning Division

Enclosures

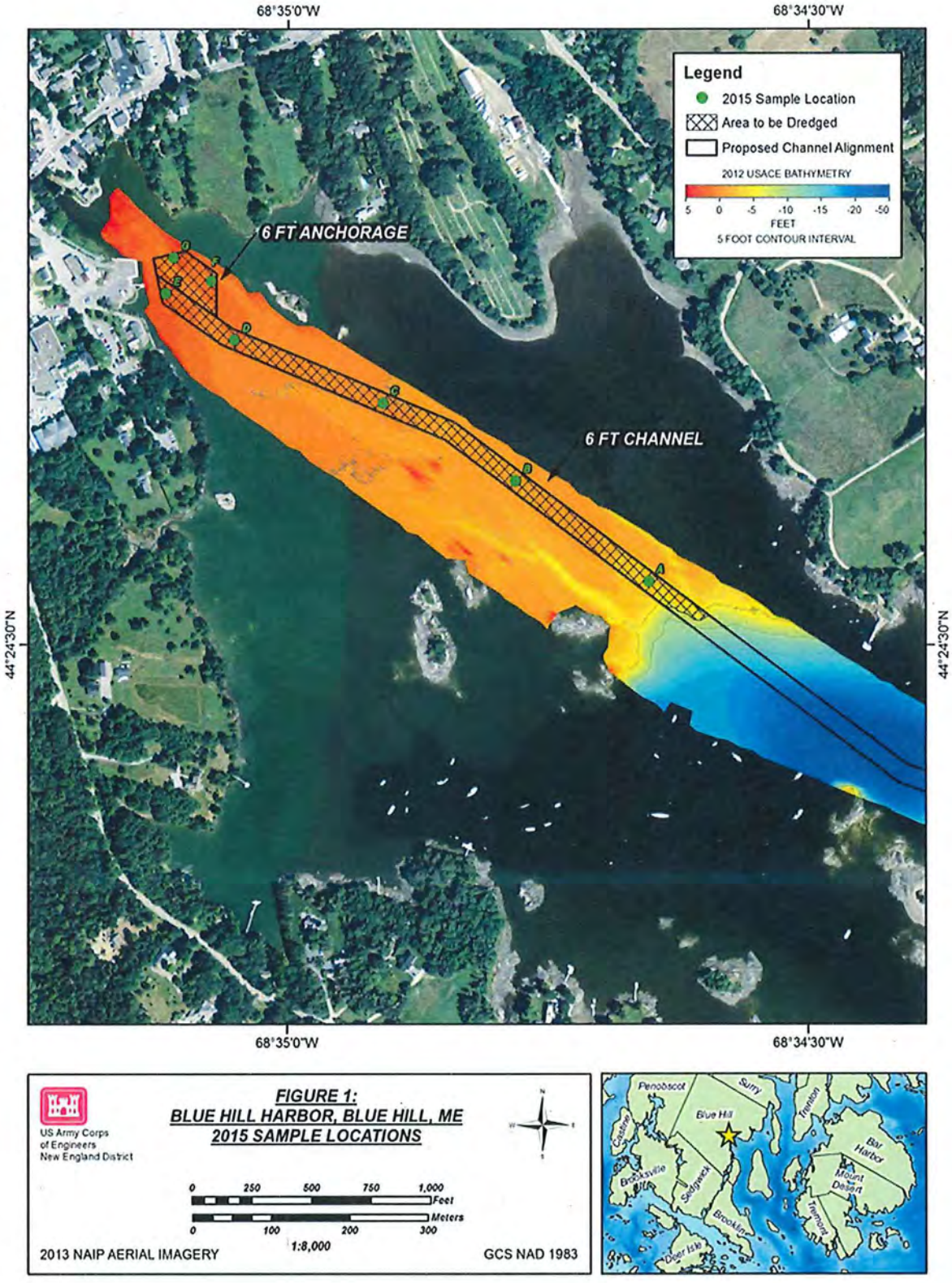
Same Letter Sent (with enclosures):
Mr. Donald Soctomah, Tribal Historic Preservation Officer
Passamaquoddy Tribe
P.O. Box 159
Princeton, ME 04668

Mr. Chris Sockalexis, Tribal Historic Preservation Officer
Penobscot Indian Nation
Cultural and Historic Preservation Department
12 Wabanaki Way
Indian Island, ME 04468

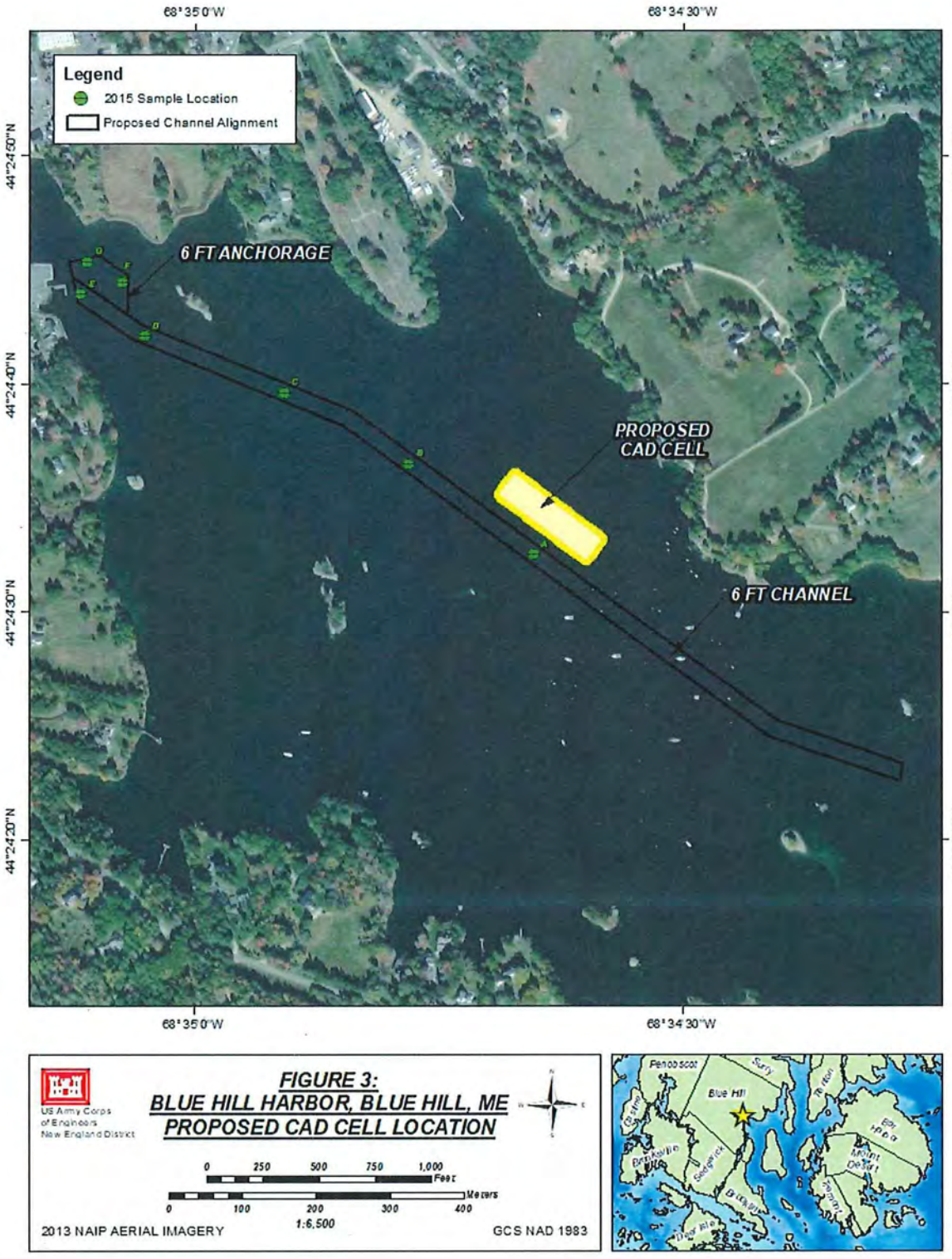


Project Location - Blue Hill Harbor
Blue Hill, Maine

Blue Hill Town Wharf
Looking West at the Town owned landing in Inner Blue Hill Harbor



Channel Alignment, Dredging Limits and Sample Locations



Proposed CAD Cell Location Adjacent to Channel

Upland Disposal Location – Juniper Ridge Landfill

Open Water Disposal Location – Eastern Passage Disposal Site

DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
696 VIRGINIA ROAD
CONCORD MA 01742-2751

December 4, 2018

Planning Division
Evaluation Branch

Mr. Donald Soctomah, Tribal Historic Preservation Officer
Passamaquoddy Tribe
P.O. Box 159
Princeton, ME 04668

Dear Mr. Soctomah:

The U.S. Army Corps of Engineers (USACE), New England District is preparing an Environmental Assessment for a proposed Navigation Improvement Project at Blue Hill Harbor in Blue Hill, Maine (see enclosed figures). We would like your comments on the following undertaking in accordance with Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended.

Blue Hill Harbor is the principal commercial fishing harbor of the Town of Blue Hill, located on the western shore of Blue Hill Bay in Hancock County, Maine. The harbor is located about 30 miles south-southeast of Bangor and 103 miles east of Portland, Maine. Blue Hill Harbor is located on the northwest side of Blue Hill Bay, northwest of Long and Mount Desert Islands.

The principal navigation issue at Blue Hill Harbor is that existing conditions do not accommodate safe and efficient operations for commercial fishermen and other vessel operators in the Blue Hill area. Given the regional demands from the commercial fishing fleet, navigation delays and inefficiencies have become problematic for the facilities. There is a lack of sufficient water depth in the western portion of the inner harbor to the publicly-owned shorefront facilities in Blue Hill Harbor. Under present conditions, navigation is limited to the period of three hours before and three hours after high tide. At low tide a boat drawing two feet or more cannot approach closer than 2,000 feet seaward of the wharf.

Currently, a majority of commercial vessels load and offload at town facilities at South Blue Hill Wharf, located outside the protected inner harbor and five miles by road from the town center. South Blue Hill Wharf contains a municipal ramp, docks and floats, as well as 23 moorings for commercial fishermen. South Blue Hill is at maximum capacity with no room for expansion. Other fishermen are based in East Blue Hill Harbor, located outside the protected inner harbor to the northeast, and at Steamboat Wharf, located inside the protected inner harbor on the eastern shore.

USACE is proposing the following alternatives to improve existing navigation conditions in Blue Hill Harbor:

Alternative A:

- A 6-foot deep channel (MLLW), 80-feet wide from the outer harbor to the town wharf, widened at its upper end to form a turning basin 160 feet by 80 feet adjacent to the Town Wharf.
- A Confined Aquatic Disposal (CAD) cell adjacent to the channel to dispose of the 10,000 cubic yards (CY) of unsuitable material.
- Suitable material (63,000 CY) will be hauled by scow to Eastern Passage Disposal Site for open water placement (14 miles one-way travel).

Alternative B:

- A 6-foot deep channel (MLLW), 80-feet wide from the outer harbor to the town wharf, widened at its upper end to form a turning basin 160 feet by 80 feet adjacent to the Town Wharf.
- Dewatering and treatment of unsuitable material (10,000 CY) onshore at the Town Wharf, then transport to Juniper Ridge landfill in Alton, ME by truck (56 miles one-way travel).
- Suitable material (63,000 CY) will be hauled by scow to Eastern Passage Disposal Site for open water placement (14 miles one-way travel).

A review of the National Oceanic and Atmospheric Administration (NOAA) Coast Survey's Automated Wreck and Obstruction Information System (AWOIS) and Electronic Navigation Charts (ENC) identified no potential submerged archaeological sites or shipwrecks within the project area and proposed disposal locations. Sediment cores were collected to project depth throughout the channel from seven sample stations (see sample locations figure). Sediments in the outer portion of the channel were predominantly gray, poorly graded medium to coarse sands overlying marine clay deposits with mixtures of fine, woody organic debris. Sediments within the inner harbor were composed of medium to coarse sands overlain by a thin layer of loose fine sand and silt with shell and wood fragments. The area surrounding the town dock was composed of mixed sand, gravel, and silt over a cobble and gravel substrate.

Sanborn Fire Insurance maps of Blue Hill (1925) depict the G.M. Allen and Son sawmill adjacent to the dam in the inner harbor area (Main Street). Earlier historic maps (Walling 1860 and Map of Blue Hill Village 1881) indicate a dense concentration of commercial and industrial development in the inner harbor area. The Blue Hill Historic District is centered on and around Main Street. However, dredging of the harbor will commence from the Town Wharf south, well outside of the inner harbor area. Historic and archaeological properties are not expected within this area.

Therefore, dredging of Blue Hill Harbor with disposal within a CAD cell adjacent to the channel, at the Eastern Passage Disposal Site, or via transport to the Juniper Ridge landfill will have no effect upon any site or structure of historic, architectural or

archaeological significance as defined by Section 106 of the NHPA and implementing regulations 36 CFR 800. We would appreciate your concurrence with this determination. If unanticipated historic properties are identified during project construction, we will follow the procedures for post-review discoveries at 36 CFR 800.13.

If you have any questions, please feel free to contact Mr. William Bartlett, Study Manager at (978) 318-8004 or Mr. Marc Paiva, Project Archaeologist at (978) 318-8796.

Sincerely,

John R. Kennelly
Chief, Planning Division

Enclosures

Same Letter Sent (with enclosures):
Mr. Kirk F. Mohney, State Historic Preservation Officer
Maine Historic Preservation Commission
55 Capitol Street, 65 State House Station
Augusta, ME 04333

Mr. Chris Sockalexis, Tribal Historic Preservation Officer
Penobscot Indian Nation
Cultural and Historic Preservation Department
12 Wabanaki Way
Indian Island, ME 04468

DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
696 VIRGINIA ROAD
CONCORD MA 01742-2751

December 4, 2018

Planning Division
Evaluation Branch

Mr. Chris Sockalexis, Tribal Historic Preservation Officer
Penobscot Indian Nation
Cultural and Historic Preservation Department
12 Wabanaki Way
Indian Island, ME 04468

Dear Mr. Sockalexis:

The U.S. Army Corps of Engineers (USACE), New England District is preparing an Environmental Assessment for a proposed Navigation Improvement Project at Blue Hill Harbor in Blue Hill, Maine (see enclosed figures). We would like your comments on the following undertaking in accordance with Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended.

Blue Hill Harbor is the principal commercial fishing harbor of the Town of Blue Hill, located on the western shore of Blue Hill Bay in Hancock County, Maine. The harbor is located about 30 miles south-southeast of Bangor and 103 miles east of Portland, Maine. Blue Hill Harbor is located on the northwest side of Blue Hill Bay, northwest of Long and Mount Desert Islands.

The principal navigation issue at Blue Hill Harbor is that existing conditions do not accommodate safe and efficient operations for commercial fishermen and other vessel operators in the Blue Hill area. Given the regional demands from the commercial fishing fleet, navigation delays and inefficiencies have become problematic for the facilities. There is a lack of sufficient water depth in the western portion of the inner harbor to the publicly-owned shorefront facilities in Blue Hill Harbor. Under present conditions, navigation is limited to the period of three hours before and three hours after high tide. At low tide a boat drawing two feet or more cannot approach closer than 2,000 feet seaward of the wharf.

Currently, a majority of commercial vessels load and offload at town facilities at South Blue Hill Wharf, located outside the protected inner harbor and five miles by road from the town center. South Blue Hill Wharf contains a municipal ramp, docks and floats, as well as 23 moorings for commercial fishermen. South Blue Hill is at maximum capacity with no room for expansion. Other fishermen are based in East Blue Hill

Harbor, located outside the protected inner harbor to the northeast, and at Steamboat Wharf, located inside the protected inner harbor on the eastern shore.

USACE is proposing the following alternatives to improve existing navigation conditions in Blue Hill Harbor:

Alternative A:

- A 6-foot deep channel (MLLW), 80-feet wide from the outer harbor to the town wharf, widened at its upper end to form a turning basin 160 feet by 80 feet adjacent to the Town Wharf.
- A Confined Aquatic Disposal (CAD) cell adjacent to the channel to dispose of the 10,000 cubic yards (CY) of unsuitable material.
- Suitable material (63,000 CY) will be hauled by scow to Eastern Passage Disposal Site for open water placement (14 miles one-way travel).

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Sanborn Fire Insurance maps of Blue Hill (1925) depict the G.M. Allen and Son sawmill adjacent to the dam in the inner harbor area (Main Street). Earlier historic maps (Walling 1860 and Map of Blue Hill Village 1881) indicate a dense concentration of commercial and industrial development in the inner harbor area. The Blue Hill Historic District is centered on and around Main Street. However, dredging of the harbor will commence from the Town Wharf south, well outside of the inner harbor area. Historic and archaeological properties are not expected within this area.

Therefore, dredging of Blue Hill Harbor with disposal within a CAD cell adjacent to the channel, at the Eastern Passage Disposal Site, or via transport to the Juniper Ridge landfill will have no effect upon any site or structure of historic, architectural or archaeological significance as defined by Section 106 of the NHPA and implementing regulations 36 CFR 800. We would appreciate your concurrence with this determination. If unanticipated historic properties are identified during project construction, we will follow the procedures for post-review discoveries at 36 CFR 800.13.

If you have any questions, please feel free to contact Mr. William Bartlett, Study Manager at (978) 318-8004 or Mr. Marc Paiva, Project Archaeologist at (978) 318-8796.

Sincerely,

John R. Kennelly
Chief, Planning Division

Enclosures

Same Letter Sent (with enclosures):
Mr. Kirk F. Mohney, State Historic Preservation Officer
Maine Historic Preservation Commission
55 Capitol Street, 65 State House Station
Augusta, ME 04333

Mr. Donald Soctomah, Tribal Historic Preservation Officer
Passamaquoddy Tribe
P.O. Box 159
Princeton, ME 04668

DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
696 VIRGINIA ROAD
CONCORD MA 01742-2751

September 25, 2018

Planning Division

Attn: Jim Schatz
Board of Selectmen
Town of Blue Hill
P.O. Box 412
Blue Hill, ME 04614

Dear Mr. Schatz:

I am writing in reference to the Blue Hill Harbor Navigation Improvement project and the Feasibility Cost Sharing Agreement (FCSA) signed on June 29, 2015 between the Town of Blue Hill and the U.S. Army Corps of Engineers.

In accordance with discussions held between the USACE and the Blue Hill Board of Selectmen, we request that you provide an additional $15,000 towards your share of total project costs. The additional Town funds together with additional Federal funds, will be used to complete sampling and testing of sediment and the design of a confined aquatic disposal cell in Blue Hill Harbor. The purpose of this additional work is to allow for disposal of dredge spoils deemed unsuitable for open water disposal. This additional payment will increase your total cash contribution for the project to $104,000.

Please provide a check in the amount of $15,000 payable to "FAO, U.S. Army Corps of Engineers, New England District." The mailing address is New England District, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742,
Attn: Mr. John Kennelly.

If you have any questions or require any additional information, please contact the project manager, Mr. William Bartlett at (978) 318-8004 or at William.C.Bartlett@usace.army.mil

Sincerely,

John R. Kennelly
Chief, Planning Division

Town of Blue Hill

First Settled in 1762
Incorporated Jan. 30, 1789

18 Union Street
PO Box 412
Blue Hill, ME 04614

207-374-2281
Fax 207-374-9935

March 16, 2017

William Bartlett, Project Manager
US Army Corps of Engineers
New England District
696 Virginia Road
Concord, MA 01742-2751

Dear Mr. Bartlett:

The Town of Blue Hill has explored the availability of an "upland" site within our jurisdiction to deposit up to 10,000 cubic yards of the dredgings you estimate in need of relocation. Hopefully, you can identify another cost-effective location to store that material.

Sincerely,

James M. Schatz
For the Selectmen of Blue Hill

JMS:djb

Town of Blue Hill, Maine

SELECTMEN/ASSESSORS
JOHN R. BANNISTER
JAMES M. SCHATZ
VAUGHN LEACH

OVERSEERS OF POOR
JOHN R. BANNISTER
JAMES M. SCHATZ
VAUGHN LEACH

ASSESSORS' AGENTS
R. J. D. APPRAISALS

FIRST SETTLED 1762

INCORPORATED JAN. 30, 1789

SELECTMEN IN OFFICE
FRIDAY AFTERNOONS
P.O. Box 412
Blue Hill, Maine 04614

TREASURER/ADMI ASST.
ANN STADDEN
TAX COLLECTOR
ETTA PERKINS
TOWN CLERK
ETTA PERKINS
ROAD COMMISSIONER
WILLIAM H. COUSINS
FIRE CHIEF
DENNIS ROBERTSON

BLUE HILL, MAINE
TELEPHONE 207-374-2281 FAX 207-374-9935

June 17, 2015

Mr. William Bartlett
Study Manager
Army Corps of Engineers / New England District
Engineering/Planning Division
696 Virginia Road
Concord, MA 01742-2751

RE: Certificate of Authority (Unclassified)

Dear Mr. Bartlett:

The Town understands that the $80,000 non-Federal cost share is based on the feasibility cost estimate of $160,000 as stated in the FCSA. Town Meeting's authorization to the Selectmen is presently limited to that $80,000 cash contribution. Any increase in the study scope and estimate requiring an increase in the Town's study cost-share will require additional authority from the Town Meeting before the Selectmen can make any commitment to providing additional funds.

Please note that the signature of our Town attorney on the "Certificate of Authority" was provided with the full expectation that the Town must comply with the conditions cited in the above statement.

Sincerely,

James M. Schatz
For the Selectmen of Blue Hill

JMS:djb

NON-FEDERAL SPONSOR'S
SELF-CERTIFICATION OF FINANCIAL CAPABILITY
FOR AGREEMENTS

I, Jody A. Murphy, do hereby certify that I am the Treasurer for the Town of Blue Hill, Maine (the "Non-Federal Sponsor"); that I am aware of the financial obligations of the Non-Federal Sponsor for the Blue Hill Harbor Maine Federal Navigation Improvement Feasibility Study; and that the Non-Federal Sponsor has the financial capability to satisfy the Non-Federal Sponsor's obligations under the Blue Hill Harbor, Navigation Improvement Feasibility Study.

IN WITNESS WHEREOF,

I have made and executed this certification this 17th day of March, 2015.

BY: 

TITLE: treasurer

DATE: 3/17/15

DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
696 VIRGINIA ROAD
CONCORD MA 01742-2751

June 30, 2015

Engineering/Planning Division
Planning Branch

Town of Blue Hill
Board of Selectmen
P.O. Box 412
Blue Hill, Maine 04614

Dear Board of Selectmen:

Enclosed for your use are two fully executed copies of the Feasibility Cost Sharing Agreement (FCSA) for the Navigation Improvement Feasibility Study in Blue Hill, Maine.

As stipulated in Article I V – Method of Payment of the FCSA, your estimated cash contribution toward study costs is $80,000. We request that you transmit a check to cover this amount payable to "FAO, USAED, NEW ENGLAND" to the attention of the Project Manager, Mr. William Bartlett. This office must receive the check by July 30, 2015.

If you have any questions or require any additional information, please contact me at (978) 318-8505 or Mr. Bartlett, at (978) 318-8004.

Sincerely,

John R. Kennelly
Chief, Planning Branch

Enclosure

DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
696 VIRGINIA ROAD
CONCORD MA 01742-2751

May 13, 2015

Engineering/Planning Division
Planning Branch

Town of Blue Hill
c/o Board of Selectmen
P.O. Box 412
Blue Hill, Maine 04614

Dear Board of Selectmen:

On May 5, 2015 the New England District received approval from our North Atlantic Division to execute the Feasibility Cost Sharing Agreement between the Town of Blue Hill and the Department of the Army Corps of Engineers for the Feasibility Study of navigation improvements at Blue Hill Harbor, Maine. Enclosed are four (4) copies of the Feasibility Cost Sharing Agreement. Please sign and date the three signature pages at the end of each copy of the agreement and return all four (4) to this office for the Corps New England District Engineer's signature. Once signed by the District Engineer, we will date the first page and send you two (2) copies of the fully executed agreement for your records, along with our request for sponsor cost-share funds.

If you have any questions or require any additional information, please contact me or Mr. William Bartlett, at (978) 318-8162 or (978) 318-8004 respectively.

Sincerely,

Scott E. Acone, P.E.
Chief, Engineering/Planning Division

Enclosures

DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS, NORTH ATLANTIC DIVISION
FORT HAMILTON MILITARY COMMUNITY
302 GENERAL LEE AVENUE
BROOKLYN NY 11252-6700

CENAD-PD-C 5 May 2015

MEMORANDUM FOR Commander, US Army Corps of Engineers, New England District (CENAE-PP-C), 696 Virginia Road, Concord, MA 01742-2752

SUBJECT: Blue Hill Harbor, Maine, Continuing Authorities Program Section 107 Feasibility Cost Sharing Agreement (FCSA) (CWIS/P2: 328230)

1. References:

a. Memorandum, CENAE-EP-PN, 20 March 2015, Subject: Approval to Execute the FCSA for the Blue Hill Harbor, Blue Hill, Maine Navigation Improvement Study, Blue Hill, Maine, PWI 328230, Section 107.

b. E-mail, CENAE-EP-P, 29 April 2015, Subject: Blue Hill Harbor.

2. The enclosed subject Feasibility Cost Sharing Agreement package (FCSA) is approved for execution by the District Commander. The Division has reviewed the package (References 1a and 1b) and determined it is policy compliant. The FCSA reflects a total study cost of $160,000, which will be cost shared on a 50% Federal and 50% non-Federal basis.

3. The District is required to enter a feasibility phase project network schedule in P2, which includes the milestone (CW 130) for FCSA execution through (CW 170) Final Report Approval. Please provide this office with a signed, digital copy, of the agreement upon execution. You may not deviate from this approved FCSA without prior authorization from the North Atlantic Division.

4. The point of contact is Mr. Paul A. Sabalis, P.E., PMP. Mr. Sabalis may be reached at 347-370-4589.

JOHN O'CONNOR, P.E.
Continuing Authorities Program Manager

DEPARTMENT OF THE ARMY
NEW ENGLAND DISTRICT, CORPS OF ENGINEERS
696 VIRGINIA ROAD
CONCORD, MASSACHUSETIS 01742-2751

REPLY TO
ATTENTION OF

CENAE-EP-PN

18 March 2015

MEMORANDUM FOR Commander, North Atlantic Division, U.S. Army Corps of Engineers CENAD-PD-CID-P (Attn: Mr. Forcina), Ft. Hamilton Military Community, 302 General Lee Avenue, Brooklyn, New York 11252-5700

SUBJECT: Approval to Execute the Feasibility Cooperation Study Agreement (FCSA) for the Blue Hill Harbor, Blue Hill, Maine Navigation Improvement Study, Blue Hill, Maine, PWI 328230, Section 107

1. NAE requests that NAD approve for execution the enclosed FCSA for the Blue Hill Harbor, Navigation Improvement Study, Blue Hill, Maine. HQUSACE review and coordination of the CAP Fact Sheet with the OASA (CW) has been completed.

2. The town of Blue Hill, Maine, the non-Federal sponsor, supports this study and will provide the non-Federal share when requested. There are no deviations to the revised model Feasibility Cost Sharing Agreement, dated October 15, 2014. As directed by the OASA (CW) the non-Federal sponsor was advised that the Army does not budget for the Section 107 program.

3. Enclosed for your information are the non-Federal sponsor's Support Letter, Self Certification of Financial capability, Review Plan, negotiated FCSA, FCSA Legal certification, funds allocation table, and the OASA (CW) Fact Sheet approval memo.

FOR THE COMMANDER:

Ends

Scott E. Acone, P. E.
Chief Engineering/Planning Division

CF (w/encls):
Paul Sabalis, NAD
Peter Blum, NAD

DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
CIVIL WORKS
108 ARMY PENTAGON
WASHINGTON DC 20310-0108

NOV 2 1 2014

MEMORANDUM FOR THE DEPUTY COMMANDING GENERAL FOR CIVIL AND EMERGENCY OPERATIONS

SUBJECT: Blue Hill Harbor, Maine Navigation Improvement Project Section 107 Fact Sheet

This responds to an email submission from the North Atlantic Regional Integration Team, dated December 12, 2013, requesting concurrence with the subject fact sheet to allow the New England District to proceed with negotiating and executing a Feasibility Cost Sharing Agreement with the Office of the Selectmen, the Town of Blue Hill, the non-Federal sponsor of the project.

I concur with the fact sheet. However, the non-Federal sponsor is to be advised that, even if the Corps finds the project to be feasible, in the Federal interest, and funds project construction, future budgets for the Civil Works program might not include funding to maintain the project. Future funding for maintenance of navigation projects with low commercial tonnage is likely to be highly constrained.

Jo-Ellen Darcy
Assistant Secretary of the Army
(Civil Works)

DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
696 VIRGINIA ROAD
CONCORD MA 01742-2751

CENAE-EP

11 June 2014

MEMORANDUM FOR RECORD

SUBJECT: Blue Hill Harbor, Blue Hill, Maine, Section 107 Navigation Improvement Study, Initial Appraisal Report (Federal Interest Determination), District Quality Control Certification

1. Reference:

a. EC 1165-2-214, 15 December 2012, subject: Civil Works Review Policy.

2. EC 1165-2-214, Paragraph 5(d) requires that all civil works planning, engineering, and O&M products must undergo District Quality Control (DQC).

3. CENAE has conducted a DQC review of the Initial Appraisal Report (IAR) in accordance with EC 1165-2-214. The Project Delivery Team and District technical supervisors responsible for report products have reviewed the IAR documents for technical accuracy. The District Quality Control review was completed on 30 July 2013. No significant issues were indentified and minor editorial comments were incorporated into the IAR. Records of all edits and changes resulting from DQC have been retained at the New England District.

4. The District certifies that the report as reviewed meets the requirements for an Initial Appraisal/ Federal Interest Determination as a basis for proceeding to a cost-shared feasibility study.

ROBERT S. RUSSO
Study Manager
Planning Branch

MARK L. HABEL
Chief
Navigation Section (CENAE-EP-PN)

JOHN R. KENNELLY
Chief
Planning Branch (CENAE-EP)

Town of Blue Hill, Maine

BLUE HILL, MAINE
TELEPHONE 207-374-2281 FAX 207-374-9935

November 18, 2013

John Kennelly, Chief of Planning Branch
Engineering/Planning Division
US Army Corps of Engineers
696 Virginia Road
Concord, MA 01742

Dear Mr. Kennelly,

The purpose of this letter is to reiterate the Town of Blue Hill's support of further feasibility study of navigation improvements in Blue Hill Harbor. We understand that we have the responsibility to provide 50 percent of the $160,000 study cost. The Town voted to support that portion of the study at our last Town Meeting (04/06/13).

We look forward to our partnership with the US Army Corps of Engineers. Jointly, we will improve the economic viability of those who use our harbor facilities.

Sincerely,

James M. Schatz
For the Blue Hill Board of Selectmen

Cc: Rob Russo
Study Manager
Engineering/Planning Division
US Army Corps of Engineers
New England District
696 Virginia Road
Concord, MA 01742/2751

DEPARTMENT OF THE ARMY
NORTH ATLANTIC DIVISION, CORPS OF ENGINEERS
FORT HAMILTON MILITARY COMMUNITY
GENERAL LEE AVENUE, BLDG 301
BROOKLYN, NY 11252

REPLY TO

CENAD-PD-CS

29 October 2013

MEMORANDUM FOR Commander, New England District, US Army Corps of Engineers, ATTN: CENAE-EP-PN

SUBJECT: Blue Hill Harbor, Maine, Continuing Authorities Program, Section 107, CWIS/P2#: 328230

1. Reference is made to the following:

   a. CENAE-EP-PN e-mail, dated 17 October 2013.

   b. CENAD-PSD-P memorandum, dated 24 October 2013.

2. The North Atlantic Division (Division) has reviewed the District's resubmission (Reference 1a) and has approved the initial appraisal (Reference 1b).

3. The District should mark the completion of this milestone in P2 and the CAP database of OFA. The Division will advise your staff once we receive a response from OASA (CW) concerning the policy fact sheet.

4. The point of contact for this action is Mr. Paul A. Sabalis, P.E., PMP. (NAD DST Manager). Mr. Sabalis may be reached at 347-370-4589.

Encl

PAUL A. SABALIS, P.E., PMP
District Support Team
Civil Works Integration Division

DEPARTMENT OF THE ARMY
NORTH ATLANTIC DIVISION, CORPS OF ENGINEERS
FORT HAMILTON MILITARY COMMUNITY
GENERAL LEE AVENUE, BLDG 301
BROOKLYN, NY 11252

REPLY TO

CENAD-PSD-P

24 October 2013

MEMORANDUM FOR Civil Works District Support Team (Sabalis)

SUBJECT: Blue Hill Harbor, ME – Initial Appraisal Report
Continuing Authorities Program, Section 107

1. Reference is made to the following:

a. CENAD-PD-CS memorandum, dated 17 October 2013, requesting review of NAE's revised Initial Appraisal Report, SAB.

b. CENAE-EP-PS e-mail, dated 17 October 2013, SAB.

c. CENAD-PSD-P memorandum, dated 23 September 2013, SAB.

2. CENAD-PD-CS has requested review (Reference 1a) of NAE's resubmission of the initial appraisal report and extent of compliance, SAB, for Division back-check review and approval (Reference 1b). Prior Division policy review comments are enclosed (Reference 1c).

3. At your request (Reference 1a), Planning staff has reviewed the NAE's revisions to their Initial Appraisal Report (Reference 1b) and has no remaining comments. The IAR is hereby approved.

4. The point of contact for this action is Ms. Naomi Fraenkel, AICP (NAE Planning Program Manager). Ms. Fraenkel may be reached at (917) 790-8615.

RECEIVED
10-25-13

JOSEPH R. VIETRI
Chief, Planning and Project Formulation
Programs Directorate

DEPARTMENT OF THE ARMY
NEW ENGLAND DISTRICT, CORPS OF ENGINEERS
696 VIRGINIA ROAD
CONCORD, MASSACHUSETTS 01742-2751

REPLY TO
ATTENTION OF

CENAE-EP-PN

13 August 2013

MEMORANDUM FOR Commander, U.S. Army Corps of Engineers, North Atlantic Division, ATTN: CENAD-PD-CID-P (Mr. Joseph Forcina), Fort Hamilton Military Community, 302 General Lee Avenue, Brooklyn, NY 11252-6700

SUBJECT: Continuing Authorities Initial Appraisal Report, Section 107, Blue Hill Harbor, Blue Hill, Maine (PWI # 328230)

1. Enclosed are four copies of the Initial Appraisal Report and Fact Sheet for the Blue Hill Harbor Navigation Improvement Project, Blue Hill, Maine, for your review and approval to proceed to the Feasibility Phase. The initial appraisal indicates that navigation improvements consisting of developing a Federal channel connecting the central Blue Harbor wharf with deep water are in the Federal interest, and provide the basis to prepare and negotiate a Feasibility Cost Sharing Agreement (FCSA). Execution of a FCSA with the Sponsor, the town of Blue Hill, Maine, is required to share the costs of the feasibility phase.

2. If you have any questions or require additional information, please contact me at (978) 318-8162, or Mr. Robert Russo, the Project Manager, at (978) 318- 8553.

FOR THE COMMANDER:

Scott E. Acone, P.E.
Chief, Engineering/Planning Division

Encls

Copy Furnished (w/o Encl):
Paul Sabalis, DST, NAD

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
16 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0016

Paul R. LePage
GOVERNOR

David Bernhardt
COMMISSIONER

March 20, 2013

The Honorable Susan M. Collins
United States Senate
188 Russell Senate Office Building
Washington, DC 20510

The Honorable Angus S. King, Jr
United States Senate
413 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Michael H. Michaud
United State House of Representatives
1318 Longworth HOB
Washington, DC 20515

The Honorable Chellie M. Pingree
United State House of Representatives
1724 Longworth HOB
Washington, DC 20515

Dear Senator Collins, Senator King, Congressman Michaud and Congresswoman Pingree:

In response to previous requests from our Congressional Delegation staff, this letter is to provide information for your consideration in addressing the State's interests and concerns regarding federal funding for maintenance and improving dredging and related matters.

The Army Corps of Engineers' ("ACOE") policy for prioritizing among projects that qualify for and need federal funds for maintenance dredging is based primarily on the tonnage of commercial freight that passes through a port. With few exceptions, the federal navigation projects which the ACOE maintains along Maine's coast serve primarily commercial fishing and recreational boating-related small businesses as well as many water-dependent public uses. Most of Maine's ports have little or no commercial shipping traffic yet provides critical infrastructure and supports small businesses vital to the economy of our coastal communities and in turn our state economy as a whole. As a consequence, many Maine projects do not rank highly among the ACOE's funding priorities. For example the Kennebec River project, which provides access for Navy vessels built and repaired at Bath Iron Works, one of the few naval shipyards of its kind in the country, does not rank highly in the ACOE's maintenance dredging ranking scheme, illustrates the narrowness of the ACOE's focus, even in addressing strategic national interests.

In recent years, Congress has considered legislation, such as the Renew America's Maritime Promise ("RAMP") bill, which would provide additional funding to the ACOE from the Harbor Maintenance Trust Fund, to meet the maintenance dredging-related needs of the nation's ports and harbors. We urge that you give thoughtful consideration to any such legislation that may facilitate maintenance and improvement of Maine's ports and harbors.

PHONE: (207) 624-3000 TTY: 888-516-9364 FAX: (207) 624-3001

The federal navigation projects in Maine require maintenance at varying intervals and in varying degrees over time, depending on shoaling rates, weather, and other natural factors. Likewise, the local, state, federal processes to determine dredging needs and ensure the necessary environmental review and approval of dredging activities may vary. As a result, the State's priorities regarding federal funding for dredging in a given year focuses on projects that are ready, are anticipated to be ready, or are in a position to move forward in the project planning and assessment process if federal funds were available.

The State has identified the following as current needs for federal funding for maintenance dredging, navigation improvement, and navigation project planning: [1]

Maintenance dredging

- Portland Harbor project - $13 million
- Wells Harbor project - $3.5 million
- Beals Island/Pig Island Gut project - $4 million (The ACOE has advised that, for efficiency's sake, it would undertake these two projects together when funded.)
- Royal River project - $3 million

We note that funding for the Portland Harbor project is in the President's budget for this year and that funding for the Wells Harbor project is provided by legislation to address the effects of Hurricane Sandy. We appreciate and encourage your continuing support for the anticipated federal appropriations needed to complete these projects.

Please be advised that the ACOE has also identified the Scarborough River, Biddeford Pool, Saco River, Kennebunk River, and York Harbor projects as other federal navigation projects which the ACOE is evaluating and which may be ready for maintenance dredging funding in a subsequent, near-term fiscal year.

Navigation improvement

It is our understanding that there is potential that Congress may consider and enact a Water Resources Development Act ("WRDA") bill this year. The ACOE has advised that it needs authorization in WRDA as well as an appropriation in the amount indicated to complete the following navigation improvement-related projects:

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[1] The approximate project cost estimates indicated are based on information provided by the ACOE at its annual meeting with Maine congressional delegation staff, state and federal agencies, local officials, and other stakeholders to discuss the status, funding needs, and related issues regarding ACOE navigation projects in Maine.

- Searsport Project - $8.6 million (design & construction)

- Piscataqua River/turning Basin Project - $5.3 million (Dredging for this New Hampshire-sponsored project would occur in Maine. The Towns of Wells and Kittery are among those which have expressed interest in using the dredged materials, sand and blasted ledge, for beach nourishment or other beneficial uses.)

- Saco/Camp Ellis Project

Disposal of dredged materials

In 2010, due to a deadline under the federal process for formally designating it as a disposal site, the Cape Arundel Disposal Site ("CADS") ceased to be open for disposal of dredged materials. For decades, CADS was used as a site for deposition of dredged materials suitable for ocean disposal and has the capacity for such use in the future. The York Harbor project, for example, would be about $1.2 million less if CADS were available for disposal of dredged materials according to the ACOE.

Project planning and development

The ACOE works with communities to help plan and design navigation improvement projects. The State has identified the following current funding needs to continue to advance these efforts in the following Maine coastal communities:

- Blue Hill - $200,000

- Chebeague Island - $216,000

Thank you for your consideration and work on behalf of our State.

Sincerely,

David Bernhardt
Commissioner

August 30, 2012

To: Karen Umbrell

From: Selectmen-Town of Blue hill

Re: Additional Info/Benefits of Dredging in Blue Hill Harbor

- Dredging would tend to lengthen the period boats can be in the water. It extends the commercial fishing season and allows for additional income.
- The size of the (fishing) fleet should increase since all-tides burden will now be spread between two wharves.
- We estimate that the savings to the Town by being able to remove the South Blue Hill floats before rough weather will be up to $20,000 per year in float and infra-structure repairs.
- We estimate that the fishing fleet will experience a savings of up to $100,000 per year in repair costs that will be avoided by having the all-tides option at the Town wharf.
- There will probably be purchases of larger craft once there is an all-tides facility in the village.
- "Catch" figures will increase because of easier and quicker access to bait and seafood dealers.
- Boat building and repair businesses will experience an increase in activity-more jobs/more income. It is hard to put a number on this.
- Bottom lines for individuals depending on products, services, and revenues from commercial fishing will experience an increase in their gains and a decrease in costs. Some estimate the increases at 10% and reduced costs at 10%. This may be too optimistic but some see it as realistic.

US ARMY CORPS
OF ENGINEERS
New England District

Blue Hill Harbor
Blue Hill, Maine

Section 107 Investigation

Trip Report

Location: Blue Hill Harbor
Blue Hill, Maine

Date: August 4, 2012

PARTICIPANTS

Todd Randall USACE

BACKGROUND

Blue Hill Harbor is the principal commercial fishing harbor of the Town of Blue Hill, located on the western shore of Blue Hill Bay in Hancock County, Maine. The harbor is located about 30 miles south-southeast of Bangor and 103 miles east of Portland, Maine (Figure 1). Blue Hill Harbor is comprised of several small coves hosting a mix of inshore commercial fishing and lobstering boats and seasonal recreational craft. Much of the commercial fleet works year-round and shifts operations with the seasons due to available mooring space, active offloading and servicing facilities, and icing of portions of the harbor. A 1972 Survey Report recommended adopting a Federal project for Blue Hill Harbor consisting of a 6-foot channel and turning basin accessing the Town Landing in the western basin of the harbor (Figure 1). However the Town declined to provide the cost-sharing needed to construct that project. The Town now wishes to re-visit that proposed improvement as well as examine improving access to other areas of the harbor.

SITE VISIT

A site visit to Blue Hill Harbor was conducted on August 4, 2012 by the undersigned to assess the need for physical, chemical, and ecological sampling in the proposed project area as well as provide a description of observable ecological resources in the harbor. The site visit was conducted via land-side observation at low tide on the afternoon of August 4, 2012 between 1700-1900 hrs. The predicted low tide in Blue Hill Harbor on August 4, 2012 was at 1928 hrs with sunset at 1955 hrs.

OBSERVATIONS

General

The majority of the inner harbor area of Blue Hill Bay was entirely intertidal flat. The channel leading from the middle harbor to the inner harbor was observed as having water at low tide (Figure 8) and a small rivulet channel was observed in the inner harbor during low tide (Figures 3-5). The town wharf was functional with electrical service, running water, and a power winch & davit. The concrete boat ramp adjacent to the wharf was a well maintained and functional. One discharge pipe located to the north of the town wharf (Figure 4) was noted.

Sediments

The sediments in the inner harbor were predominately silt with many areas of silt/sand/gravel/cobble.

The areas from the town wharf north to the dam near Main Street (Figures 3-5) were a heterogeneous mix of silty patches and patches of silt/sand/gravel/cobble. The banks of the embayment were generally exposed silty-sandy areas. However, some rip-rap was present adjacent to the town wharf and along the embayment banks near houses abutting the water.

The sediments in the areas to the southeast of the town wharf appeared to be mainly silt (Figures 6-8). Some gravel/cobble patches were observed, however they were not as prevalent as in the northern portion of the inner harbor. Two rock outcrops were also noted to the southeast of the town wharf (Figure 8).

Ecological Resources

The habitats in the inner harbor of Blue Hill Harbor are representative of typical New England intertidal mudflats as described by Whitlatch (1982). Intertidal mudflats are biologically productive environments that support important recreational and commercial fisheries for softshell clams, jackknife clams, quahogs, bloodworms, and sandworms. Muddy habitats play a role in sustaining the valuable fishery for winter flounder (Whitlatch 1982), as they are prime feeding grounds for these fish as well as seasonal aggregations of migrating birds.

Species noted on/in the mudflat during the site visit include the gastropods *Nassarius* and *Littorina*, soft-shell clams (*Mya arenaria*), and sandworms (*Neanthes*). Laughing gulls, herring gulls, mallard ducks, mergansers, cormorants, and several unidentified shorebird species were also identified in the area during the site visit.

The embayment banks contained little to no *Spartina* salt marsh. The majority of the banks transitioned from the intertidal flat to upland vegetation, rocky outcroppings, or rip-rap.

No observable eelgrass beds were noted in the intertidal areas or in the shallow subtidal areas that were accessible. No eelgrass wrack was observed in the high tide wrack line.

_____ 27 August 2012

TODD RANDALL DATE
MARINE ECOLOGIST

References

Whitlatch, R.B. 1982. The Ecology of New England Tidal Flats: A Community Profile. US Fish and Wildlife Service, Biological Services Program, Washington.

Figure 1. Location of Blue Hill Harbor and potential project area.

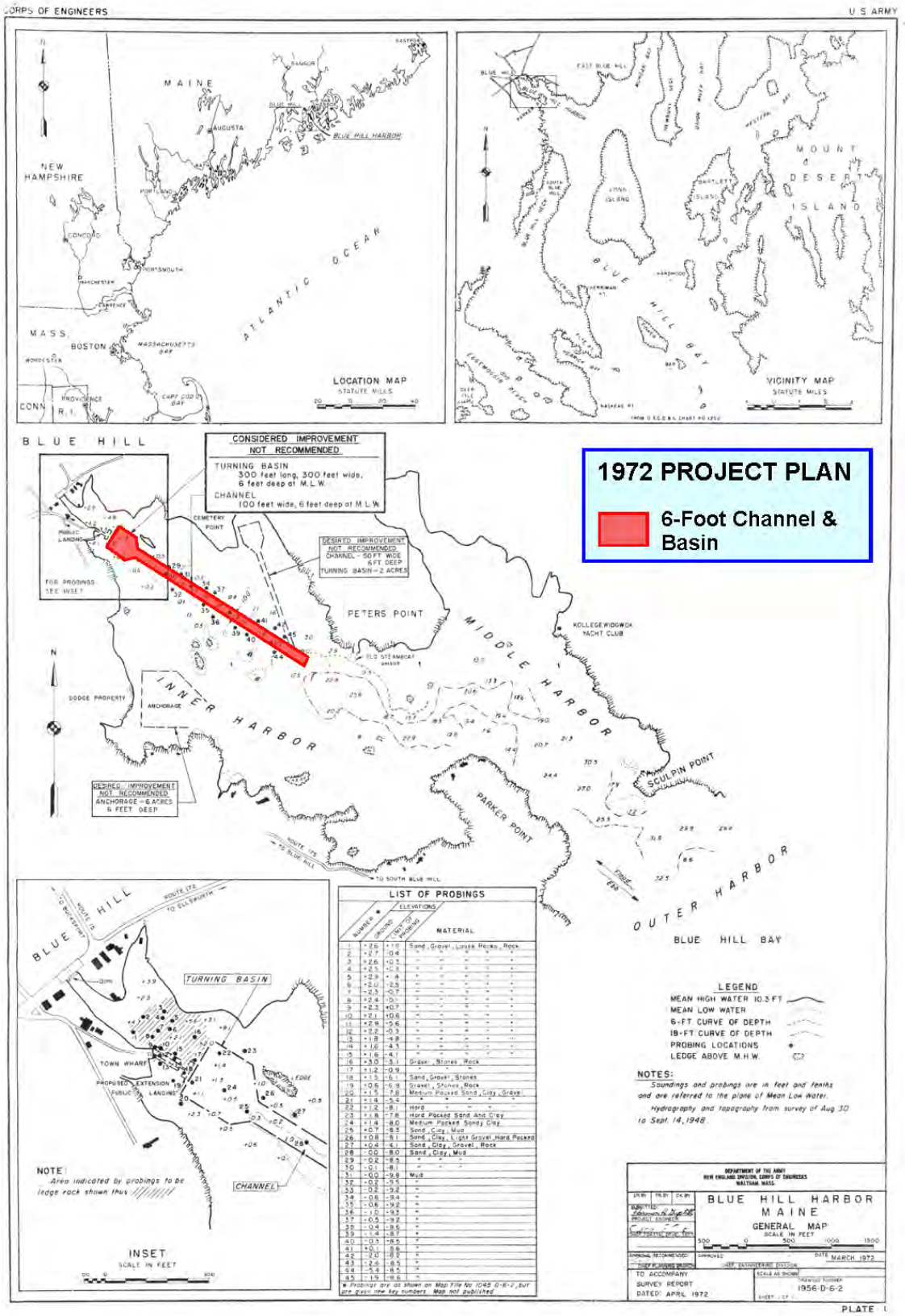

Figure 2. Bulkhead and boat ramp of the Blue Hill Harbor town wharf.

Figure 3. View to the north-northwest of the Blue Hill Harbor town wharf.

Figure 4. View to the north of the Blue Hill Harbor town wharf.

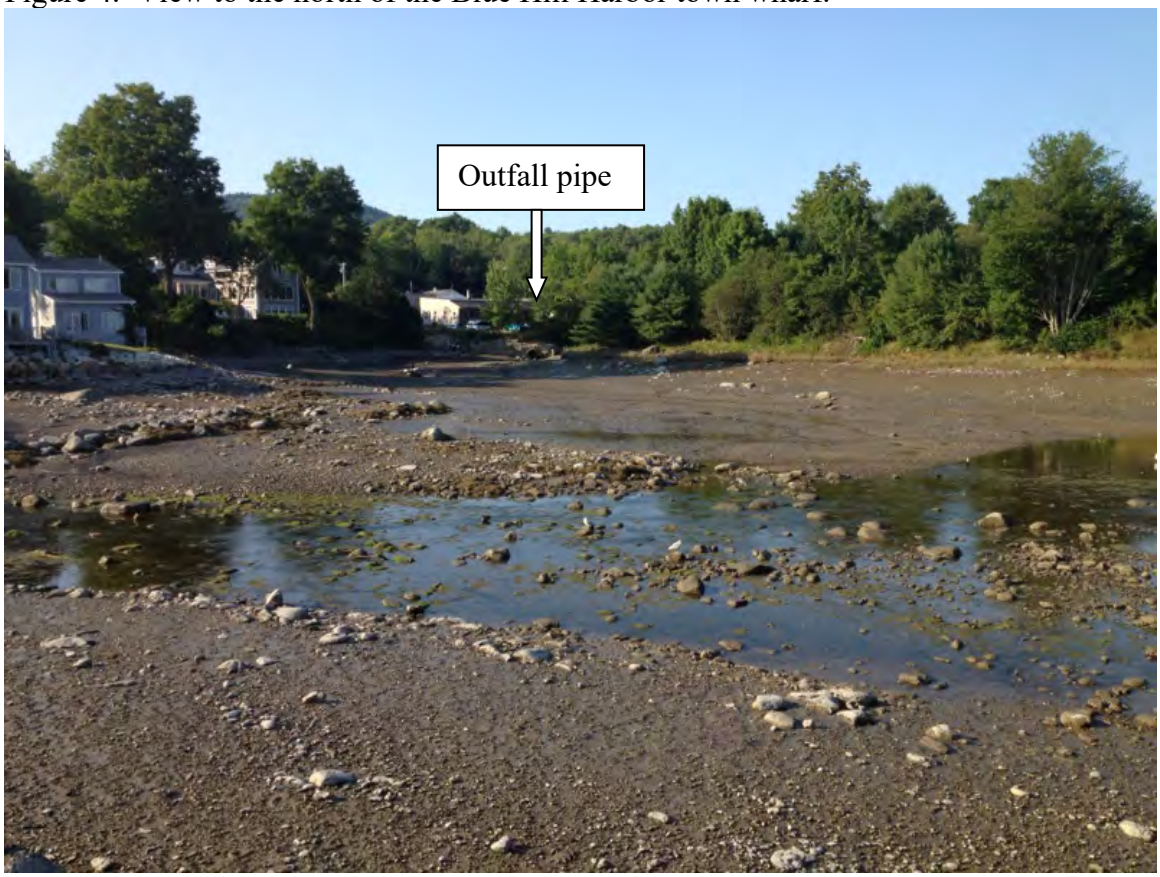

Figure 5. View to the east of the Blue Hill Harbor town wharf.

Figure 6. View to the east-southeast of the Blue Hill Harbor town wharf with view of the town boat ramp and floating dock.

Figure 7. View of intertidal flat and foraging megafauna at the end of the Blue Hill Harbor town boat ramp.

Figure 8. View to the east-southeast of the Blue Hill Harbor town wharf.

Town of Blue Hill, Maine

SELECTMEN/ASSESSORS
JOHN R. BANNISTER
JAMES M. SCHATZ
DUANE B. GRAY

OVERSEERS OF POOR
JOHN R. BANNISTER
JAMES M. SCHATZ
DUANE B. GRAY

ASSESSORS' AGENTS
R. J. D. APPRAISALS

FIRST SETTLED 1762

INCORPORATED JAN. 30, 1789

SELECTMEN IN OFFICE
FRIDAY AFTERNOONS
P.O. Box 412
Blue Hill, Maine 04614

BLUE HILL, MAINE

TREASURER/ADMI ASST.
ANN STADDEN
TAX COLLECTOR
ETTA PERKINS
TOWN CLERK
ETTA PERKINS
ROAD COMMISSIONER
DAVID M. COUSINS
FIRE CHIEF
DENNIS ROBERTSON
SUPT. OF SCHOOLS
ARTHUR WITTINE

September 4, 2009

John Kennelly
Chief, Planning Branch
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

Dear Mr. Kennelly:

The Town of Blue Hill, Maine requests that the Corps of Engineers initiate the necessary steps for the dredging of channels and associated navigation features in Blue Hill Harbor under the continuing authority of Section 107 of the River and Harbor Act of 1960. The channels would include all-tide access to the Blue Hill Municipal Wharf and Cemetery Cove areas. The Town of Blue Hill is currently facing the possible loss of a right of way to Steamboat Wharf which would eliminate public all-tide access to the inner harbor.

Regarding the location at the Blue Hill Municipal Wharf, there are several reasons for our request:

- Currently the Blue Hill Municipal Wharf is accessible only at high tide, a great inconvenience to our growing fishing community and a deterrent to marine research and the development of marine-related industry in the area.
- Dredging a channel to this location would provide access to emergency services including a helipad and Blue Hill Memorial Hospital. It would also provide a launching point for the Harbormaster's rescue boat which is currently moored approximately five miles away from his office and emergency services.
- The shorefront location of the town's waste treatment facility offers the opportunity of a pump-out station for commercial and other vessels.
- Blue Hill Harbor is an ideal location for a number of storm moorings which are sorely needed in the area.

Nearby Cemetery Cove provides many opportunities for mariners as well:

- Facilities and equipment necessary for maintenance and repair of vessels exists on site.
- Access to haul-out trailers and storage for large vessels is available. Commercial fishermen greatly benefit from these amenities but can currently use them only at high tide.
- With the expected donation to the town of private land at this location, should the dredging project proceed, public in-town water access could be maximized.

The Town of Blue Hill looks forward to working with the Army Corps of Engineers to improve Blue Hill Harbor for the benefit of our commercial fishing fleet and all navigation interests. Please contact me should you have any questions about this request.

Sincerely,

John R Bannister Duane B Gray

The Blue Hill Board of Selectmen