

APPENDIX B.3



REPLY TO
ATTENTION OF

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

MAINE GENERAL PERMITS (GPs) AUTHORIZATION LETTER AND SCREENING SUMMARY

WILLIAM MORONG
SHM ROCKLAND, LLC
56 NEW COUNTY ROAD
ROCKLAND, ME 04841

CORPS PERMIT # NAE-2021-01934
CORPS GP(s) # 1, 3, 5
STATE ID# L-20386-4E-P-N / L-20386-26-A-N

DESCRIPTION OF WORK:

Dredge by mechanical means approximately 12,520 cubic yards of silt and sand from a 138,000 s.f. area to a depth of -6 to -13' MLLW in Rockland Harbor at Rockland, Maine in order to improve and restore access to an existing marina. The dredging is both maintenance and improvement dredging. The dredged material will be disposed in an upland, non-wetland site. In addition, maintain and upgrade the facility's existing floats to include in kind repairs and replacements, resetting concrete footings, and installing additional float systems. This work is described on the attached plans entitled "SH Rockland-NRPA Application" on 18 sheets dated "June 10, 2021 and October 2021" respectively. See Conditions

LAT/LONG COORDINATES: 44.099595° N -69.105188° W USGS QUAD: ROCKLAND, MAINE

I. CORPS DETERMINATION:

Based on our review of the information you provided, we have determined that your project will have only minimal individual and cumulative impacts on waters and wetlands of the United States. Your work is therefore authorized by the U.S. Army Corps of Engineers under the Federal Permit, the Maine General Permit(s) which can be found at: <https://www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/> Accordingly, we do not plan to take any further action on this project.

You must perform the activity authorized herein in compliance with all the terms and conditions of the GP(s) [including any attached Additional Conditions and any conditions placed on the State 401 Water Quality Certification including any required mitigation]. Please review the GP(s) carefully, including the GP(s) conditions beginning on page 5, to familiarize yourself with its contents. You are responsible for complying with all of the GP(s) requirements; therefore, you should be certain that whoever does the work fully understands all of the conditions. You may wish to discuss the conditions of this authorization with your contractor to ensure the contractor can accomplish the work in a manner that conforms to all requirements.

If you change the plans or construction methods for work within our jurisdiction, please contact us immediately to discuss modification of this authorization. This office must approve any changes before you undertake them.

Condition 45 of the GP(s) (page 19) provides one year for completion of work that has commenced or is under contract to commence prior to the expiration of the GP(s) on October 14, 2025. You will need to apply for reauthorization for any work within Corps jurisdiction that is not completed by October 14, 2026.

This authorization presumes the work shown on your plans noted above is in waters of the U.S. Should you desire to appeal our jurisdiction, please submit a request for an approved jurisdictional determination in writing to the undersigned.

No work may be started unless and until all other required local, State and Federal licenses and permits have been obtained. **This includes but is not limited to a Flood Hazard Development Permit issued by the town if necessary.**

II. STATE ACTIONS:

PENDING [], ISSUED [], DENIED [], DATE: _____

APPLICATION TYPE: PBR: , TIER 1: , TIER 2: , TIER 3: , INDIV: , LURC: , DMR LEASE: , NA: ,

III. FEDERAL ACTIONS:

JOINT PROCESSING MEETING: July 15, 2021 LEVEL OF REVIEW: Self-Verification: Pre-Construction Notification:

AUTHORITY (Based on a review of plans and/or State/Federal applications): SEC 10 404 10/404 103

EXCLUSIONS: The exclusionary criteria identified in the general permit do not apply to this project.

FEDERAL RESOURCE AGENCY OBJECTIONS: EPA: No USFWS: No NMFS: No

If you have any questions on this matter, please contact my staff at 207-623-8367 at our Augusta, Maine Project Office. In order for us to better serve you, we would appreciate your completing our Customer Service Survey located at <https://regulatory.ops.usace.army.mil/customer-service-survey/>

HEATHER S. STUKAS
PROJECT MANAGER
MAINE PROJECT OFFICE

FRANK J. DEL GIUDICE
CHIEF, PERMITS & ENFORCEMENT BRANCH
REGULATORY DIVISION



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

**PLEASE NOTE THE FOLLOWING
GENERAL & SPECIAL CONDITIONS FOR
DEPARTMENT OF THE ARMY
GENERAL PERMITS 1, 3, 5
NO. NAE-2021-01934**

10. Corps Projects and Property.

10(e). Any structure or work that extends closer to the horizontal limits of any FNP than a distance of three times the project's authorized depth shall be subject to removal at the owner's expense prior to any future Corps dredging or the performance of periodic hydrographic surveys.

11. Navigation

11(a). There shall be no unreasonable interference with general navigation by the existence or use of the activity authorized herein, and no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized herein.

11(b). Work in, over, under, or within a distance of three times the authorized depth of an FNP shall specifically comply with GC 10.

11(c). Any safety lights and/or signals prescribed by the U.S. Coast Guard, State of Maine or municipality, through regulations or otherwise, shall be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the U.S.

11(d). The permittee understands and agrees that, if future operations by the U.S. require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the U.S. No claim shall be made against the U.S. on account of any such removal or alteration.

25. Pile Driving and Pile Removal in Navigable Waters.

25(a). Derelict, degraded, or abandoned piles and sheet piles in the project area shall be removed in their entirety as practicable and properly disposed of in an upland location and not in wetlands. In areas of fine-grained substrates, piles/sheets shall be removed by direct, vibratory, or clamshell pull method in order to minimize potential turbidity and sedimentation impacts. If removal is not practicable, said piles/sheets shall be cut off or driven to a depth of at least one foot below substrate.

31. Storage of Seasonal Structures. Seasonal or recreational structures such as pier sections, floats, aquaculture structures, etc. that are removed from the waterway for a portion of the year shall be stored in an upland location and not in wetlands, tidal wetlands, their substrate, or on mudflats. These seasonal structures may be stored on the fixed, pile-supported portion of a structure that is waterward of the mean high water mark or the ordinary high water mark, e.g. the storage of a ramp or gangway on the pile-supported pier. Seasonal storage of structures in navigable waters, e.g., in a protected cove, requires prior Corps approval and local harbormaster approval.

33. Permit(s)/Authorization Letter On-Site. The permittee shall ensure that a copy of the terms and conditions of these GPs and any accompanying authorization letter with attached plans are at the site of the work authorized by these GPs whenever work is being performed and that all construction personnel performing work which may affect waters of the U.S. are fully aware of the accompanying terms and conditions. The entire permit authorization shall be made a part of any and all contracts and subcontracts for work that affects areas of Corps jurisdiction at the site of the work authorized by these GPs. This shall be achieved by including the entire permit authorization in the specifications for work. The term "entire permit authorization" means all terms and conditions of the GPs, the GPs, and the authorization letter (including its drawings, plans, appendices and other attachments) and subsequent permit modifications as applicable. If the authorization letter is issued after the construction specifications, but before receipt of bids or quotes, the entire permit authorization shall be included as an addendum to the specifications. If the authorization letter is issued after receipt of bids or quotes, the entire permit authorization shall be included in the contract or subcontract. Although the permittee may assign various aspects of the work to different contractors or subcontractors, all contractors and subcontractors shall be obligated by contract to comply with all environmental protection provisions contained within the entire GP authorization, and no contract or subcontract shall require or allow unauthorized work in areas of Corps jurisdiction.

34. Inspections. The permittee shall allow the Corps to make periodic inspections at any time deemed necessary in order to ensure that the work is eligible for authorization under these GPs, is being, or has been performed in accordance with the terms and conditions of these GPs. To facilitate these inspections, the permittee shall complete and return to the Corps the Work-Start Notification Form and the Compliance Certification Form when either is provided with an authorization letter. The Corps may also require post-construction engineering drawings and/or photographs for completed work or post-dredging survey drawings for any dredging work to verify compliance.

SPECIAL CONDITIONS

1. All in-water work shall be conducted between November 8- March 15th work window in any given year. No in-water work (dredging or pile driving) is authorized to be conducted between March 16th to November 7th in order to minimize impacts to federally listed species and Essential Fish Habitat.
2. Pile driving shall use a soft start technique in order to minimize potential effects to federally listed species. The soft start technique shall occur as follows: an initial set of three strikes for 15 sec. at reduced energy followed by a 1-minute waiting period between subsequent three-strike sets, followed immediately by pile driving at full rate and energy. The soft-start procedure shall be reinstated any time pile driving ceases for more than 30 minutes.
3. The First Coast Guard District, Local Notice to Mariners Office, (617) 223-8356, and Aids to Navigation Office, (617) 223-8347, shall be notified at least ten working days in advance of the intended start date of the location and estimated duration of the dredging and disposal operations.
4. The U.S. Coast Guard, Sector Northern New England, Waterways Management Section, (207) 347-5026, shall be notified at least ten working days in advance of the intended start date of the location and estimated duration of the dredging and disposal operations.
5. The permittee shall dispose the dredge material in a suitable upland location not in "Waters of the United States" (e.g. wetlands, streams, ponds, vernal pools, etc.).
6. This authorizes dredging and disposal of dredged material at an upland site. Once this authorized dredging and disposal is completed, any future maintenance dredging will require a new authorization from this office.
7. The permittee shall locate all structures (including vessels and floats) far enough outside the Federal Navigation Project (FNP) limits so neither the structures, nor any vessels tied to these structures, encroach into the FNP at any time.
8. The permittee shall not interfere with Corps of Engineers personnel or its contractors engaged in hydrographic surveys, maintenance or improvement of the existing FNP. If, in the opinion of the Corps, the permittee's structures or vessels attached to them must be moved to allow for the maintenance or improvement of the existing FNP, the permittee shall move the structures or vessels as directed by the Corps.
9. The permittee shall not hold the Government or its contractor responsible for damage(s) to these structures or any vessels tied to them during surveying or dredging operations.
10. The permittee shall not have any structures (including vessels and floats) wider than 20 feet or encroaching into the City Channel "Due East" northern or seaward of "Dock "A" T-Head" without prior approval from the City of Rockland Harbormaster. The permittee shall not have any structures (including vessels and floats) wider than 20 feet moored to the seaward of "Dock C" towards the Public Landing without prior approval from the City of Rockland Harbormaster.