GUY R. BOUTHILLETTE

Environmental Consultant

58 FLAG POND ROAD, SACO, MAINE 04072
207-282-4832

11.1.2004

3111

City of Portland
City Hall
Congress Street
Portland, ME 04101

To Whom It May Concern:

Please make the enclosed M.R.S.A. application available for public access.

Thank you for your time.

Sincerely,

Guy R. Bouthillette
(Agent for Proprietors of Union Wharf)

APPLICATION FOR A NATURAL RESOURCES PROTECTION ACT PERMIT

→PLEASE TYPE OR PRINT IN *BLACK INK ONLY* →SEE DETACHABLE INSTRUCTIONS

1. Name of Applicant:	Proprietors of Union Wharf	4. Name of Agent: (if applicable)	Guy R. Bouthillette
2. Applicant's Mailing Address:	36 Union Wharf – P.O. Box 7467 Portland, Maine 04112	5. Agent's Mailing Address:	58 Flag Pond Road, Saco, Maine 04072
3. Applicant's Daytime Phone #:	207-772- 8160	6. Agent's Daytime Phone #:	207- 282- 4832

7. Location of Project: (Nearest Road, Street, Rt.#)	Commercial Street	8. Town:	Portland	9. County:	Cumberland

10. Type of Resource: (Check all that apply)	❑ River, stream or brook ❑ Great Pond X Coastal Wetland ❑ Freshwater Wetland ❑ Wetland Special Significance ❑ Significant Wildlife Habitat ❑ Fragile Mountain	11. Name of Resource:	Portland Harbor/Fore River
		12. Amount of Impact (Sq.Ft.):	Fill: Dredging/Veg Removal/Other: 5485.00

13. Type of Freshwater Wetland: (Check all that apply)	❑ Forested ❑ Scrub Shrub ❑ Emergent ❑ Wet Meadow ❑ Peatland ❑ Open Water ❑ Other_____	*FOR FRESHWATER WETLANDS:*	
		Tier 1	*Tier 2/3*
		❑ 0 - 4,999 sq. ft. ❑ 5,000 – 9,999 sq. ft. ❑ 10,000 – 14,999 sq. ft.	❑ 15,000 – 19,999 sq. ft. ❑ 20,000 – 43,560 sq. ft. ❑ > 43,560 sq. ft.

14. Brief Project Description:	**Dredge approximately 604 cy (with 1' overdredge) under and around the M/V Responder to prevent the possibility of grounding out during LLW.**

15. Size of Lot or Parcel:	❑ square feet, or		❑ acres 4.5		
16. Title, Right or Interest:	X own	❑ lease	❑ purchase option	❑ written agreement	
17. Deed Reference Numbers:	Book#: 514 Page: 180	18. Map and Lot Numbers:	Map #: 31	Lot #: 35	
19. DEP Staff Previously Contacted:	NO ONE	20. Part of a larger project:	❑ Yes X No	After-the-Fact:	❑ Yes X No

21. Resubmission of Application?	❑ Yes→ X No	If yes, previous application #		Previous project manager:	
22. Written Notice of Violation?	❑ Yes → X No	If yes, name of DEP enforcement staff involved:		23. Previous Wetland Alteration:	X Yes ❑ No

24. Detailed Directions to the Project Site:	RT 295 N to exist for Commercial Street; east on Commercial Street to set of stop lights; take right onto Union Wharf; Union Wharf Market on corner.

25. TIER 1	TIER 2/3 AND INDIVIDUAL PERMITS	
❑ Fee	X Fee	X Alternatives Analysis, if required
❑ Topographic Map	X Topographic Map	Description of Avoidance & Minimization
❑ Documentation of Title, Right or Interest	X Documentation of Title, Right, Interest	❑ Compensation Plan (if required)
❑ Plan or Drawing (8 1/2" x 11")	X Photos of Area	❑ Description of Previously Mined Peatland (if required)
❑ Photos of Area	X Plan or Drawing (8 1/2" x 11")	X Statement/Copy of cover letter to Maine Historic Preservation Commission
❑ Statement of Avoidance & Minimization	X Copy of Public Notice	X Construction Plan, if required
❑ Statement/Copy of cover letter to Maine Historic Preservation Commission	❑ Professional Certification/Delineation	X Copy to municipality
❑ Copy to municipality	❑ Erosion Control Plan	

26. FEES, Amount Enclosed:	

FOR DEP USE	L-	ATS#	Total FEES	CK#	Date Rec"d
FOR CORPS USE	App#:	Office Code:	Date Rec'd:	Date Completed:	

SIGNATURE PAGE: *This page MUST be submitted along with the form on the previous page.*

By signing below the applicant (or authorized agent), certifies that he or she has:

X Completed all of the public notice requirements.

X Read and understood the following:

PRIVACY ACT STATEMENT

Authority: 33 USC 401, Section 10; 1413, Section 404. Principal Purpose: These laws require permits authorizing activities in, or affecting navigable waters of the United States, the discharge of dredged or fill material into waters of the Untied States, and the transportation of dredged material for the purpose of dumping it into ocean waters. Routine Uses: Information provided on this form will be used in evaluating the application for a permit. Disclosure: Disclosure of requested information is voluntary. If information is not provided, however, the permit application cannot be processed nor a permit be issued.

CORPS SIGNATORY REQUIREMENT

USC Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry shall be fined not more than $10,000 or imprisoned not more than five years or both. I authorize the Corps to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein.

DEP SIGNATORY REQUIREMENT

"I certify under penalty of law that I have personally examined the information submitted in this document and all attachments thereto and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate, and complete. I authorize the Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

"I hereby authorize the person named below to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application."

Gary R Bouthillette — 1-11-04
SIGNATURE OF APPLICANT, *if agent involved* — DATE
for Charles Poole

SIGNATURE OF APPLICANT, *if agent involved* — DATE

"Application is hereby made for a permit or permits to authorize the work described in this application. I certify that the information in the application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant."

Gary R Bouthillette — 1.11.04
SIGNATURE OF AGENT/APPLICANT — DATE

NOTE: Any changes in activity plans must be submitted to the DEP and the Corps in writing and must be approved by both agencies prior to implementation. Failure to do so may result in enforcement action and/or the removal of the unapproved changes to the activity. (blue)

SCHEDULE A

That part of the real estate of Proprietors of Union Wharf known as Union Wharf and consisting of land, with the buildings thereon, docks and flats situated in Portland, County of Cumberland and State of Maine, on the southeasterly side of Commercial Street, bounded and described as follows:

Said Union Wharf property extends southeasterly from said Commercial Street to the Harbor Commissioners' line, being about two hundred fifty (250) feet in width on said street, and bounded southwesterly by land sold by Proprietors of Union Wharf to Morris and Company of Maine by deed dated April 1, 1907, recorded in Cumberland County Registry of Deeds, Book 804, Page 169, and by the division line established between Proprietors of Union Wharf and John Q. Twitchell and another by agreement dated August 22, 1884, recorded in said Registry in Book 514, Page 180, and northeasterly by land sold by Proprietors of Union Wharf to Isaac Sturdivant by deed dated July 3, 1856, recorded in said Registry in Book 274, Page 68, and the line of the Widgery Wharf property. This conveyance is subject to dockage rights as granted to said Isaac Sturdivant in the aforesaid deed recorded in Book 274, Page 68.

For title of Proprietors of Union Wharf to said Union Wharf property reference is made to deed of the former Properietors of Union Wharf dated June 2, 1856, recorded in said Registry, Book 362, Page 429, and to confirmatory deeds from Ambrose K. Shurtleff and others, recorded in said Registry, Book 336, Pages 501 and 504.

Also subject to and with the benefit of lines established between Union Wharf and property of Carr Realty Co. by deed from Proprietors of Union Wharf to Carr Realty Co. dated September 21, 1971 recorded in Book 3192, Page 381, deed from Carr Realty Co. to Proprietors of Union Wharf dated September 21, 1971 recorded in Book 3192, Page 379 and deed from Carr Relaty Co. to Proprietors of Union Wharf recorded in Book 3315, Page 185.

Also subject to all (a) leases and easements of record in said Registry of Deeds on December 6, 1984; (b) rights of the public in such portion of the premises as lies below the high water mark of the Fore River; (c) subject to title of the State of Maine in so much of the property as lies below the ordinary low tide mark or below a point 100 rods below the ordinary high tide mark, whichever is closer to the shore, subject to such portions thereof as were filled prior to October 1, 1975 being capable of being established as owned by Proprietors of Union Wharf by proving they were "filled land" as defined in 12 M.R.S.A. §559.2.A. by compliance with the confirmation procedures set forth at sub-section 4 of said §559.2.A; and (d) navigational servitude in favor of the United States of America in so much of the premises as lies below the primitive mean high water, real estate taxes and sewer charges not yet due and payable.

ATTACHMENT 1

ATTACHMENT 1 – ACTIVITY DESCRIPTION

The details of the project area and related structures can be found in Attachment 5. Maintenance dredging proposes to affect an area of approximately 5485 sf and remove approximately 608 cy of sediments. The material will come from under and around the M/V MAINE RESPONDER'S berth. The purpose for the maintenance dredging is to eliminate the present potential for grounding out during low low water (spring tides associated with synergistic winds). The proposed depth is –18' MLW to –19' MLW (includes a one foot overdredge). The hard data shows 304 cy for –18' MLW and 608 cy at –19' MLW with a one-foot overdredge.

ATTACHMENT 2

ATTACHMENT 2—ALTERNATIVES ANALYSIS

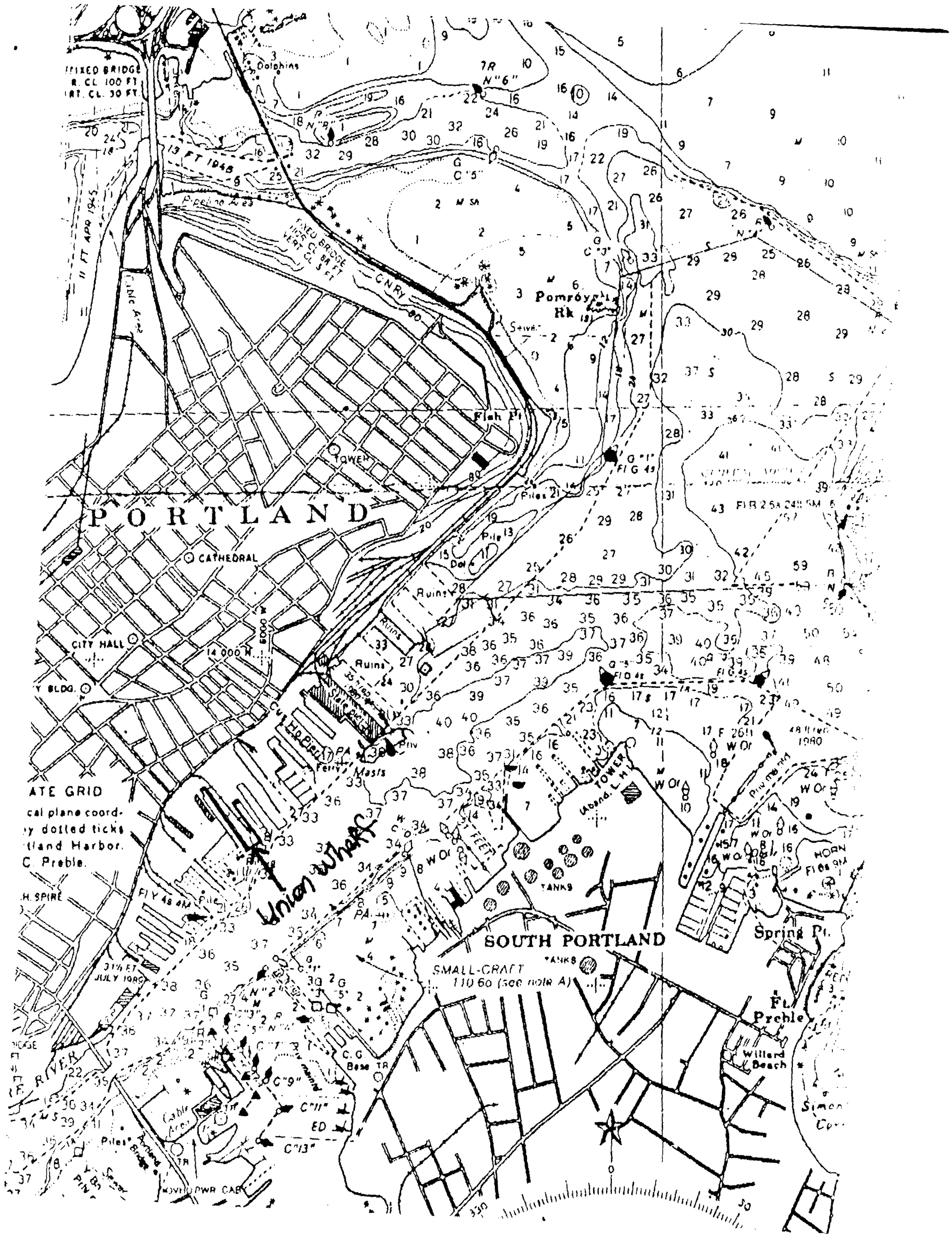
1. *The purpose and the need of the project is to eliminate the potential for the M/V Maine Responder to go aground during low low water, especially with prevailing/synergistic winds.*

2. *The M/V MAINE RESPONDER is located at this location because it was, at the time the only place it could be berthed. There are no other options for berthing in adequately deeper water.*

3. *The proposed maintenance-dredging project is planned to impact only those areas that need attention to prevent any possible grounding. The project cannot be further reduced and accomplish the required berthing.*

4. *The last alternative that needs to be addressed is that dealing with the disposal of the dredged sediments. Union Wharf does not have any areas that could be used for dewatering. Another nearby site would have to be located and at present, none exist. Even if a dewatering site were available, the costs associated with having to handle the material five times in order to get the material to the final disposal site would be three times that for the use of the Rockland Disposal Site. This scenario has already been closely looked at for the Royal River Marina and the Brewer South Freeport Marina. At present, Norridgewock is the only viable site for disposal. There are no existing landfills that will take "fines" as cover. The additional costs (handling and tipping fees) for the use of the upland disposal site, in addition to the other costs for handling and delivering make this option prohibitively expensive and not an option to be considered.*

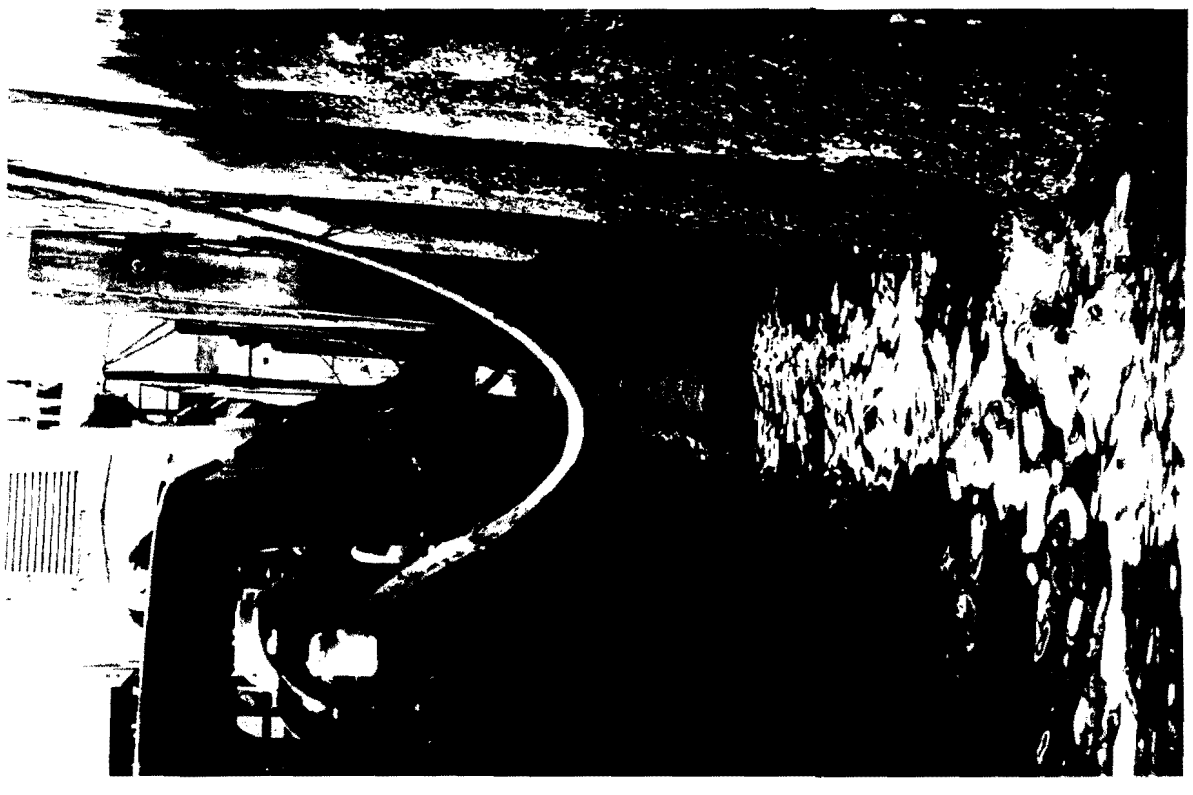
ATTACHMENT 3



FIXED BRIDGE
R. CL. 100 FT
RT. CL. 30 FT
13 FT 1948
11 FT APR 1945
Dolphins
FIXED BRIDGE
HOR CL 88 FT
VERT CL 5 FT
CNRy
Pomroy Rk
Sewer
Fish Pt
TOWER
Piles
PORTLAND
CATHEDRAL
CITY HALL
14 000 N.
5000
Ruins
State Pier
Cus Ho Pier
Ferry
Masts
Priv
ATE GRID
cal plane coord-
y dotted ticks
tland Harbor.
C. Preble.
H. SPIRE
Fl Y 48 4M
Union Wharf
31½ FT
JULY 1980
RIVER
Cable Area
Piles
OVHD PWR CAB
C "9"
C "11"
C "13"
ED
C.G Base
TR
TOWER
Aband. L.H.
TANKS
FEET
SOUTH PORTLAND
SMALL-CRAFT
110 60 (see note A)
Fl R 2.5s 24ft 5M
Fl G 4s
48 ft rep 1980
HORN
Spring Pt.
Ft. Preble
Willard Beach
Simonton Cove
330
30

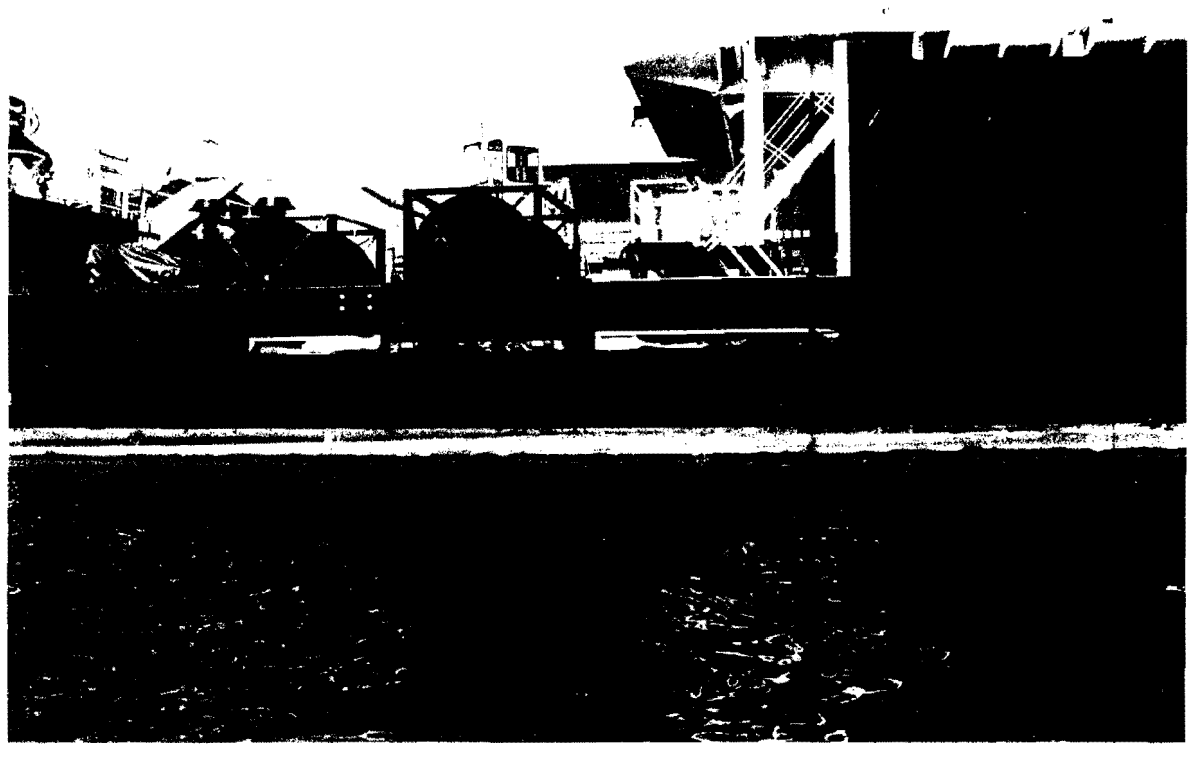
ATTACHMENT 4

STERN ON VIEW LOOKING NORTH

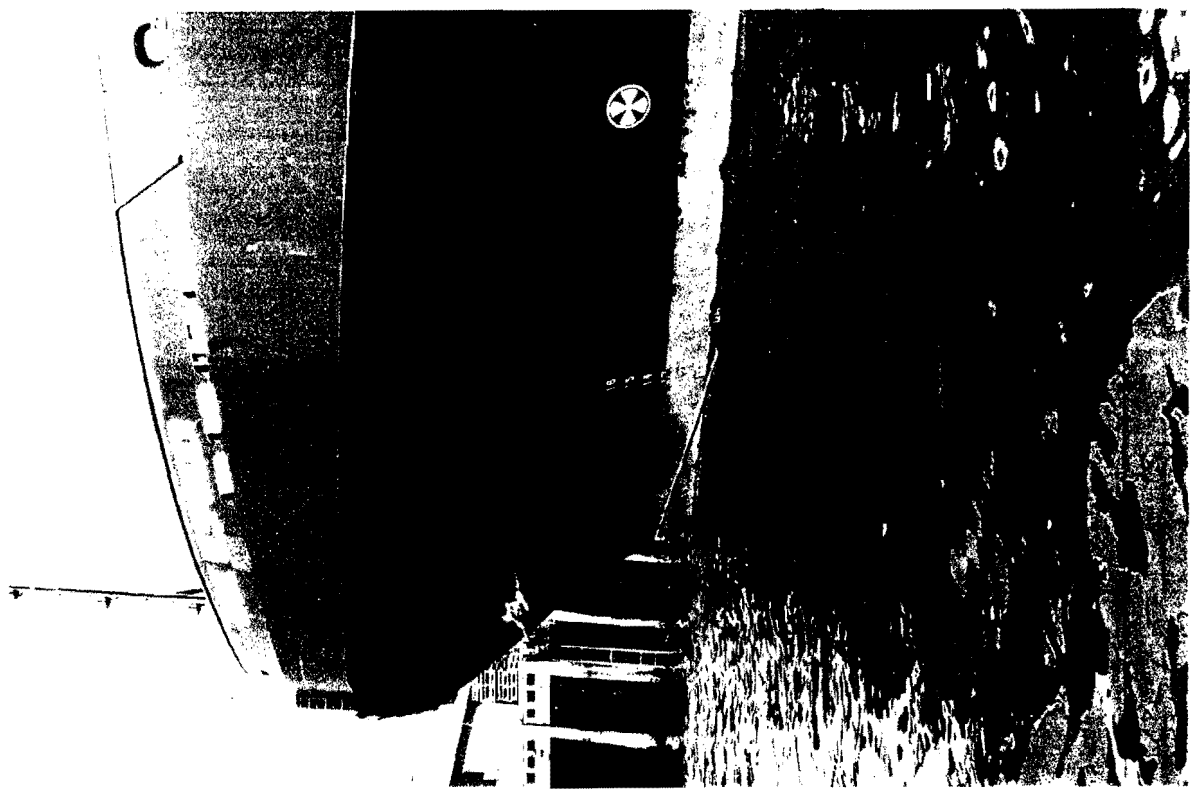


STERN STARBOARD VIEW LOOKING NORTH ALONG THE WHARF

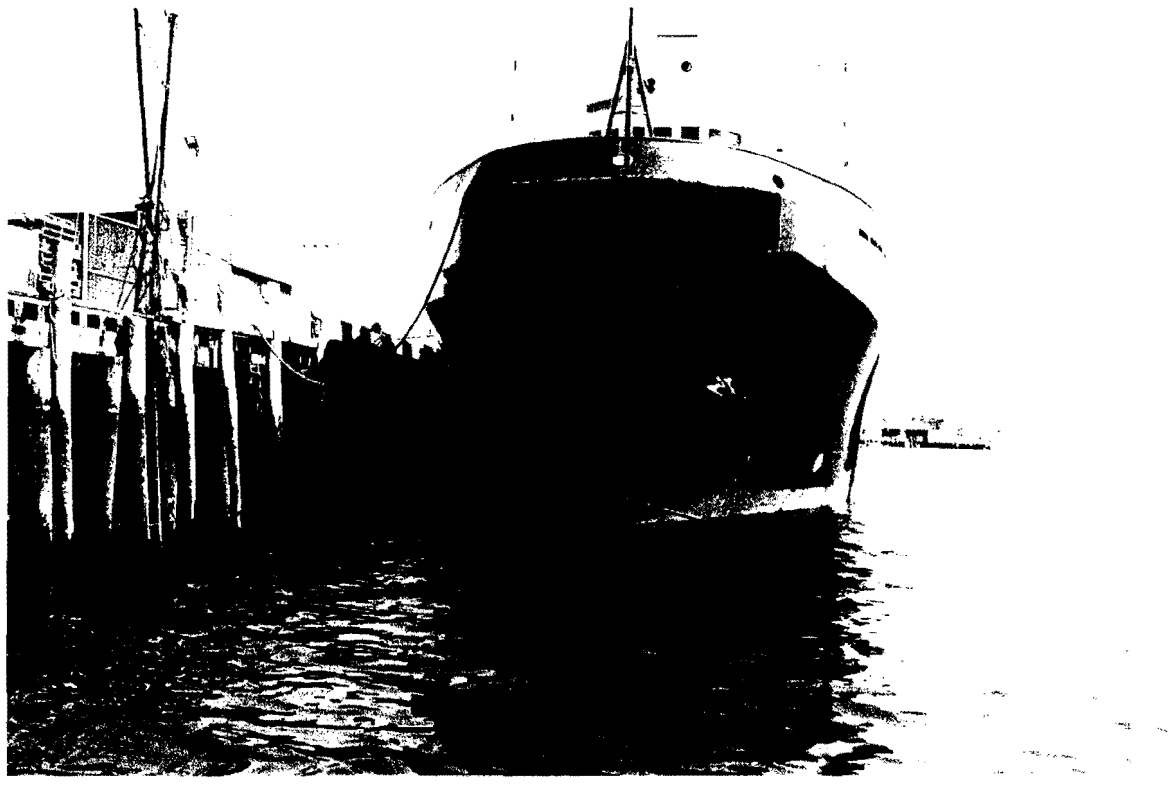
PORT STERN VIEW LOOKING EAST



AMIDSHIPS PORT LOOKING EAST

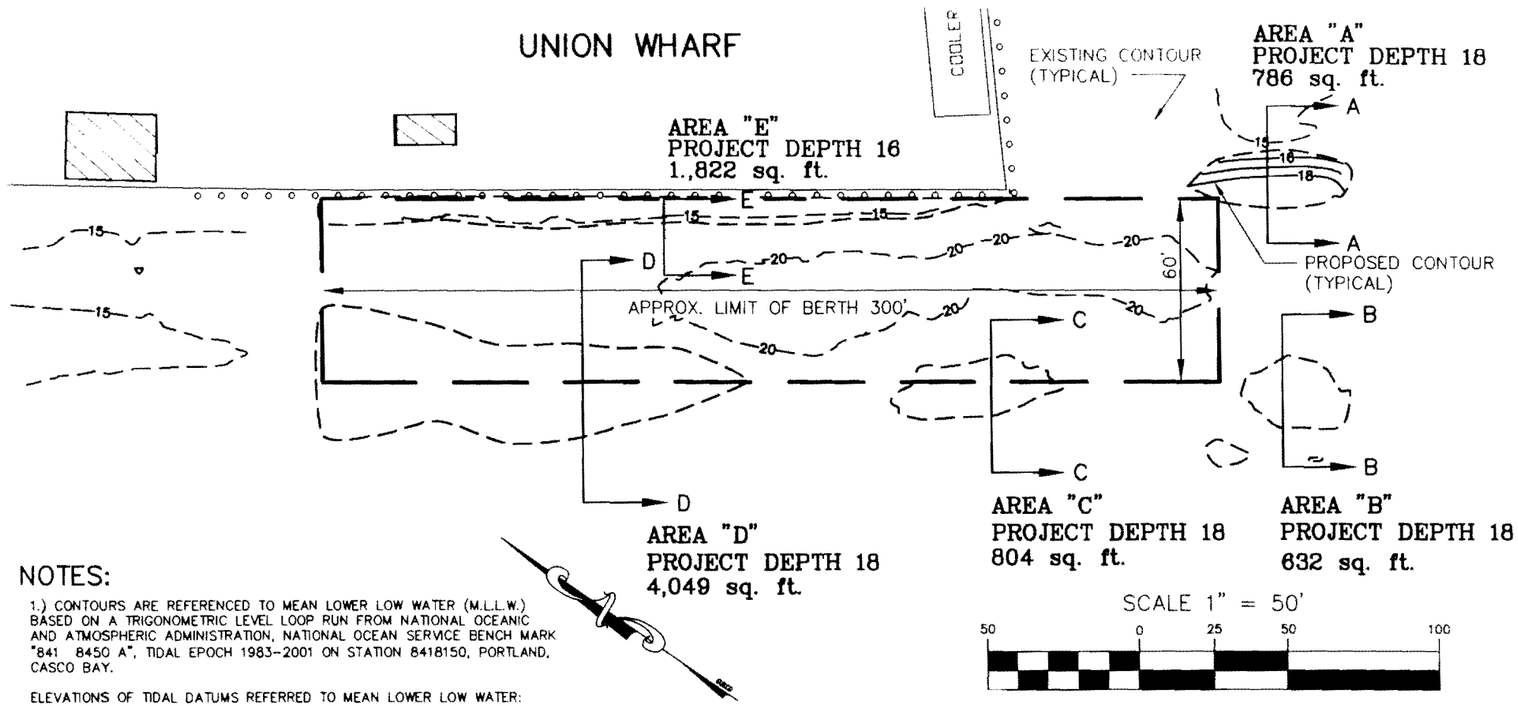


PORT BOW VIEW LOOKING EAST



HEAD ON BOW VIEW LOOKING SOUTH

ATTACHMENT 5



EXISTING & PROPOSED BATHYMETRY

MAINE RESPONDER BERTH
UNION WHARF
FORE RIVER, PORTLAND, MAINE

PREPARED FOR

PROPRIETORS OF UNION WHARF

PO BOX 7467
PORTLAND, MAINE 04112

NOTES:

1.) CONTOURS ARE REFERENCED TO MEAN LOWER LOW WATER (M.L.L.W.) BASED ON A TRIGONOMETRIC LEVEL LOOP RUN FROM NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, NATIONAL OCEAN SERVICE BENCH MARK "841 8450 A", TIDAL EPOCH 1983-2001 ON STATION 8418150, PORTLAND, CASCO BAY.

ELEVATIONS OF TIDAL DATUMS REFERRED TO MEAN LOWER LOW WATER:
- HIGHEST OBSERVED WATER LEVEL (02/07/1978): 14.12 FEET
- MEAN HIGHER HIGH WATER (MHHW): 9.9 FEET
- MEAN HIGH WATER (MHW): 9.47 FEET
- NORTH AMERICAN VERTICAL DATUM-1998 (NAVD): 5.25 FEET
- MEAN LOW WATER: 0.33 FEET
- MEAN LOWER LOW WATER: 0.00 FEET
- LOWEST OBSERVED WATER LEVEL: -3.45 FEET

2.) GRID NORTH DEPICTED HEREON IS BASED ON MAINE STATE PLANE COORDINATES SYSTEM WEST ZONE, NAD 1983, DERIVED FROM MULTIPLE OBSERVATIONS UTILIZING A TRIMBLE PRO-XR, MAPPING GRADE DGPS RECEIVER.

3.) BASE PLAN OF UNION WHARF DEPICTED HEREON WAS PROVIDED COURTESY OF DOWNEAST SURVEYING AND DEVELOPMENT, ELWOOD B. ELLIS, PLS 1176.

4.) HYDROGRAPHIC SURVEY WAS PERFORMED BY POST ROAD SURVEYING, INC ON JANUARY 7, 2004, UTILIZING AN ODOM HYDROTRACK PRECISION SURVEY ECHO SOUNDER WITH A 200 kHz, 8°TRANSDUCER IN CONJUNCTION WITH HYPACK MAX SURVEY SOFTWARE AND TRIMBLE DGPS HORIZONTAL POSITIONING. SOUNDING LINES WERE RUN APPROXIMATELY PERPENDICULAR TO AND PARALLEL WITH THE FACE OF THE PIER AT THE MAINE RESPONDER BERTH, AT APPROXIMATE 20 FOOT INTERVALS, PROVIDING APPROXIMATELY 43 % COVERAGE OF THE BOTTOM SURFACE.

5.) THE INFORMATION DEPICTED ON THIS PLAN REPRESENTS THE RESULTS OF THE SURVEY MADE ON THE DATE INDICATED AND CAN ONLY BY CONSIDERED AS INDICATING THE GENERAL CONDITIONS EXISTING AT THAT TIME.

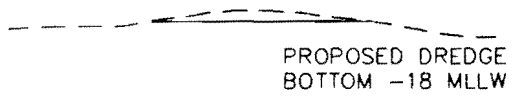
6.) CONTOURS WERE INTERPOLATED FROM THE SHOALEST OBSERVED SOUNDING IN A 2.5 FOOT RADIUS.

STATE OF MAINE
FRANCES P. LAPIERRE
No 1320
PROFESSIONAL
PORTLAND SURVEYOR

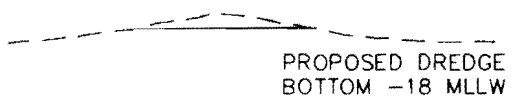
Post Road Surveying, Inc.
P.O. Box 1557
Wells, Maine 04090
Tel. 207-646-4246
FAX 207-646-4242

DRAWN: FOL
CALC.: FOL
N.R.# N/A
SCALE: 1" = 50'
SHEET 1 OF 1
DATE: 6/03/04
DWG: 031890 REDUCED DWG

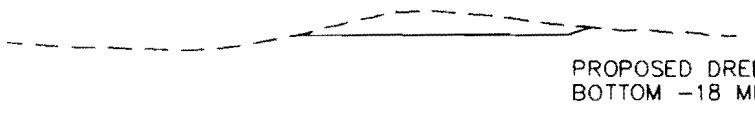
SECTION A-A



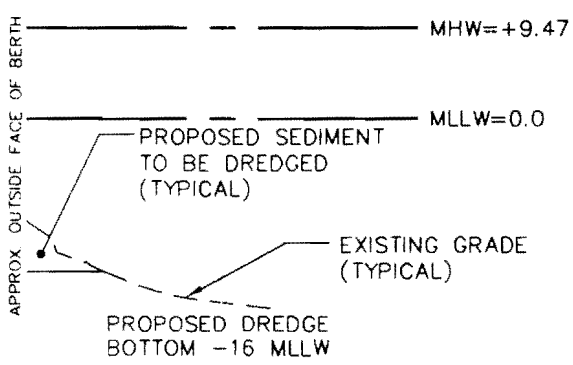
SECTION B-B



SECTION C-C

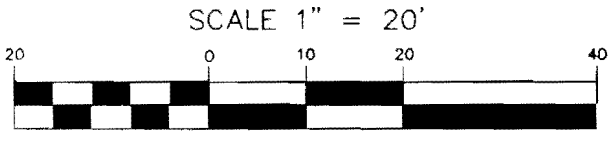


SECTION D-D



NOTE: TIDAL EPOCH 1983-2001 ON STATION 8418150
PORTLAND, CASCO BAY

SECTION E-E



CROSS SECTIONS
MAINE RESPONDER BERTH
UNION WHARF
FORE RIVER, PORTLAND, MAINE
PREPARED FOR
PROPRIETORS OF UNION WHARF
PO BOX 7467
PORTLAND, MAINE 04112
JUNE 2, 2004

Union Wharf 6/02/04
Maine Responder Berth
Volume Summary

Area "A"	25
Area "B"	10
Area "C"	18
Area "D"	136
Area "E"	115
Total	304 Yd^3

With one foot over-dredge: 604 Yd^3

Union Wharf 6/02/04
Maine Responder Berth
Area "A" vol calcs

		cu. Ft.	cu. Yds.
0+10	0		
		2.5	12.5
0+15	5		
		7.5	37.5
0+20	10		
		13	65
0+25	16		
		16.5	82.5
0+30	17		
		18	90
0+35	19		
		19	95
0+40	19		
		19	95
0+45	19		
		18	90
0+50	17		
		14	70
0+55	11		
		5.5	27.5
0+60	0		
		665	25 YD^3

Union Wharf
Maine Responder Berth
Area "B" vol calcs

6/02/04

		cu. Ft.	cu. Yds.
0+25	0		
		1	5
0+30	2		
		4.5	22.5
0+35	7		
		11	55
0+40	15		
		14.5	72.5
0+45	14		
		12	60
0+50	10		
		7.5	37.5
0+55	5		
		3	15
0+60	1		
		0.5	2.5
0+65	0		
		270	10 YD^3

Union Wharf 6/02/04
Maine Responder Berth
Area "C" vol calcs

		cu. Ft.	cu. Yds.
0+20	0		
		1	5
0+25	2		
		5	25
0+30	8		
		9.5	47.5
0+35	11		
		11	55
0+40	11		
		11.5	57.5
0+45	12		
		12.5	62.5
0+50	13		
		14.5	72.5
0+55	16		
		15	75
0+60	14		
		10.5	52.5
0+65	7		
		5	25
0+70	3		
		1.5	7.5
0+75	0		
		485	18 YD^3

Union Wharf
Maine Responder Berth
Area "D" vol calcs

6/02/04

		cu. Ft.	cu. Yds.
0+30	0		
		17	85
0+35	34		
		42	210
0+40	50		
		55.5	555
0+50	61		
		45.5	455
0+60	30		
		17.5	175
0+70	5		
		8.5	85
0+80	12		
		16	160
0+90	20		
		21	210
1+00	22		
		25.5	255
1+10	29		
		38.5	385
1+20	48		
		44	440
1+30	40		
		31.5	315
1+40	23		
		20	200
1+50	17		
		11.5	115
1+60	6		
		3	30
1+70	0		
		3675	136 YD^3

Union Wharf 6/02/04
Maine Responder Berth
Area "E" vol calcs

		cu. Ft.	cu. Yds.
0+00	20		
		20	100
0+10	20		
		20	100
0+20	20		
		20	100
0+30	20		
		20.5	102.5
0+40	21		
		17	170
0+50	13		
		14	140
0+60	15		
		15.5	155
0+70	16		
		15.5	155
0+80	15		
		18	180
0+90	21		
		20.5	205
1+00	20		
		19	190
1+10	18		
		17.5	175
1+20	17		
		17.5	175
1+30	18		
		18.5	185
1+40	19		
		20	200
1+50	21		
		21	210
1+60	21		
		21	210
1+70	21		
		20	100
1+80	19		
		16	80
1+90	13		
		13.5	67.5
2+00	14		
		11.5	57.5
2+10	9		
		5.5	27.5
2+20	2		
		2	10
2+30	2		
		1	5
2+40	0		
		3100	115 YD^3

POST ROAD SURVEYING, Inc. P.O. BOX 1557 WELLS, MAINE 04090

Union Wharf 6/02/04
Maine Responder Berth
Volume Summary

Area "A"	25	
Area "B"	10	
Area "C"	18	
Area "D"	136	
Area "E"	115	
Total	304	Yd^3

With one foot over-dredge: 604 Yd^3

ATTACHMENT 7

ATTACHMENT 7—CONSTRUCTION PLAN

The dredging process will be effected with the use of a barge supported crane/clamshell unit with the assistance of a tow vessel/scow unit. Approximately two barge loads will be taken out and transported to the Rockland Disposal Site. This aspect of the project should take about one week; it includes staging and un-staging of equipment. The weather may have some influence on the timing of the process. The M/V MAINE RESPONDER will maneuver as necessary accommodate the dredging.

ATTACHMENT 10

INFORMATION CONCERNING THE FILING OF PUBLIC NOTICE

The DEP Rules, Chapter 2, require an applicant to provide public notice for all NRPA projects except Tier 1 and modifications. In the notice, the applicant must describe the proposed activity and where it is located. The specific requirements using the Notice of Intent to File form are outlined below:

1. **Newspaper**

   You must publish the Notice of Intent to File in a newspaper circulated in the area where the activity is located. The notice must appear in the newspaper within 30 days prior to the filing of the application with the Department.

2. **Abutting Property Owners**

   You must send a copy of the Notice of Intent to File by certified mail to the owners of the property abutting the activity. Their names and addresses can be obtained from the town tax maps or local officials. They must receive notice within 30 days prior to the filing of the application with the Department.

   In addition, Maine Public Law 761, enacted in 2000, requires that a public notice must be sent to the local water company, municipality, or water district if your activity is in the watershed of a public water supply.

   List below the names and addresses of the owners of abutting property. (Submit an additional sheet if necessary)

NAME	ADDRESS
PLEASE REFER TO ATTACHED FOR LIST OF ABUTTERS.	

3. **Municipal Office**

   You must send a copy of the Notice of Intent to File and a **duplicate of the entire application** to the Municipal Office.

4. **Water Company/District**

   If a water company, municipality, or water district as a source of water supply uses the river, stream, or brook, you must also, at the time of filing the application, forward a copy of the application to the water company, municipality, or water district by certified mail.

NOTE: *The applicant shall use the Notice of Intent to File form on the next page or one containing identical information to notify abutters, municipal officials, and local newspapers.*

(blue)

LIST OF ABUTTERS TO UNION WHARF

1. *City of Portland*
   Mr. Ben Snow
   2 Portland Fish Pier
   Portland, Maine 04101

2. *Waterfront Maine*
   14 Main Street
   Brunswick, ME 04011

3. *Peter Macomber Inc.*
   250 Commercial Street
   Portland, ME 04101

3. *Larry Adlerstein*
   415 Forest Ave
   Portland, ME 04101

4. *Number 1 Widgery Wharf*
   Mr. Peter Kelley
   482 Congress Street
   Portland, ME 04101

PUBLIC NOTICE:
NOTICE OF INTENT TO FILE

Please take notice that

(Name, Address and Phone of Applicant)
Proprietors of Union Wharf, 36 Union Wharf – P.O. BOX 7467 DTS (207-772-8160)

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.A. §§ 480-A through 480-Z on or about 11.1.2004
(anticipated filing date)

The application is for:

proposes to dredge approximately 760 cy of material from under and around the M/V Responder's berth. It is proposed to dispose of the material at the Rockland Disposal Site.

(description of the activity)

at the following location:

(activity location)
M/V's Responder's berth at the west side of Union Wharf.

A request for a public hearing or a request that the Board of Environmental 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 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. (Delete if not applicable.)

The application will be filed for public inspection at the Department of Environmental Protection's office in (*Portland, Augusta or Bangor*)(circle one) during normal working hours. A copy of the application may also be seen at the municipal offices in

___Portland,_____, Maine.
(town)

ATTACHMENT 11

GUY R. BOUTHILLETTE
Environmental Consultant
[illegible]
[illegible]

9.10.2004

Maine Historic Preservation Commission
65 State House Station
Augusta, ME 04333-0065

To Whom It May Concern:

Dear Sir:

This application for a [illegible] project for the M/V MAINE RESPONDER's berthing space at Union Wharf is sent to you as required by the USACOE.

Thank you for your time.

Sincerely,

Guy R. Bouthillette
(Agent for Proprietors of Union Wharf)

CENAE-R-PT 22 October 2004

MEMORANDUM THRU

Ruth M. Ladd, Acting Chief, Policy Analysis and Technical Support Branch

FOR: Jay L Clement, Project Manager, CENAE-R-PEC

SUBJECT: Suitability Determination for the Proprietors of Union Wharf, Fore River/Portland Harbor, Portland, ME, Application Number NAE-2004-1940.

1. **Project Description:**

The Proprietors of Union Wharf are proposing to dredge an area of approximately 5,485 sq. ft. in Portland, ME producing a volume of approximately 304 cu. yds. of material. The project will be dredged from existing depths of between -14 and -16 feet Mean Low Water (MLW) to depths of between -16 and -18 ft. MLW. This material is proposed to be mechanically dredged and disposed at the Rockland Disposal Site (RDS). This area was last dredged ten years ago.

2. **Summary:**

Based on an evaluation of the data that characterize the material proposed to be dredged, this memorandum addresses the suitability of that material for disposal as proposed in accordance with applicable regulations. The Marine Analysis Section (MAS) finds that the data provide sufficient information to satisfy the evaluation and testing requirements of the appropriate regulations. MAS finds that the material is suitable for unconfined open-water disposal at RDS.

3. **Regulations governing the determination of the suitability of dredged material for open-water disposal:**

The disposal of dredged material seaward of the high tide line in West Penobscot Bay is regulated under Section 404 of the Clean Water Act (CWA). Subpart G of the Section 404(b)(1) guidelines (40 CFR Section 230.60 and 230.61) describes the procedures for determining the suitability of this material for open-water disposal, including any relevant testing that may be required.

40 CFR 230.60 General Evaluation of Dredged or Fill Material

(a) Further testing was necessary as it could not be determined with the available information if the sediment was a carrier of contaminants.

(b) This subsection states that the site should be evaluated to determine

whether it is sufficiently removed from sources of pollution. These factors include records of spills or potential routes of contamination, like outfall pipes. The Harbormaster reported no records of any spills since the project area was last dredged. There are no outfalls within the vicinity of the project footprint.

(c) This subsection states that further testing may not be necessary if certain conditions and circumstances make it unlikely that the dredged material would degrade the disposal site. For the project to meet this exclusion, the material to be dredged and the material at the disposal site must be adjacent to each other and composed of the same materials and subject to the same sources of contaminants. As the project site is not adjacent to the disposal site, this exclusion does not apply to this project. Further testing was therefore required.

(d) This subsection states that further testing may not be necessary if the material to be dredged is constrained, both to reduce contamination within the disposal site and to prevent transport of contaminants beyond the boundaries of the disposal site. As such constraints in handling are not proposed, this subsection does not apply.

40 CFR 230.61 Chemical, Biological and Physical Evaluation and Testing

(a) This subsection describes the purpose of Part 230.61 and does not give any criteria for the evaluation of sediments.

(b) This subsection states that dredged material may be excluded from testing for water column effects and benthic bioassays if it is determined, by evaluation under 40 CFR Part 230.60, that the likelihood of contamination is acceptably low. Such testing is needed as it was determined, on the basis of evaluation under Part 230.61(c), that the likelihood of contamination is high.

(c) This subsection states that an inventory of the concentrations of the contaminants of concern would aid in an environmental assessment of the impact of their disposal on the designated disposal site. Such an inventory was performed at the dredge site.

CENAE and the federal agencies did not think an analysis of biological community structure was needed for this project.

(d) This subsection states the importance of the disposal of dredged materials on the characteristics of the physical substrate. MAS determined that the likelihood of physical effects from the disposal of the dredged material

at the disposal site should be minimal. Although some benthic marine organisms will be buried by the disposal of the project materials, the disposal site should be rapidly re-colonized.

4. **Sampling and Testing**

A sampling plan for this project was prepared on 27 July 2004. The plan called for two cores (U-1 and U-2) to be taken from the project area. On 10 August 2004, the Marine Analysis Section (MAS) decided, after evaluating the grain size data, that no compositing would be used for the sediment chemistry tests. Bulk sediment chemistry analyses were conducted on both samples.

Examination of the bulk chemistry results shows that the concentrations of metals tested for in the project sediments are near or below the RDS reference values (see the normalized pollutant concentration spreadsheets).

For PAH's, PCB's and pesticides, the contaminant concentrations in the project fall near or below the analytical detection limits in all of the project sediment samples tested.

5. **Conclusions**

These sediments are suitable for unconfined open water disposal at the Rockland Disposal Site.

5. Copies of this determination were sent to the State DEP, USEPA and the USNMFS and USFWS. The EPA and USFWS concurred with this plan. The other agencies did not respond within the 10-day review period and their concurrence is assumed.

6. If you have any questions, please contact me at (978) 318-8336 or charles.n.farris@usace.army.mil.

CHARLES N. FARRIS
Project Manager,
Marine Analysis Section

Chrysene		37.8		20	16.67	ok	20	15.38	ok
Total Benzofluoranthenes		97.9		40	33.33	ok	60	46.15	ok
Benzo(a)pyrene		46.2		20	16.67	ok	30	23.08	ok
Dibenzo(a,h)anthracene		12.6		10	8.33	ok	10	7.69	ok
Benzo(g,h,i)perylene		28		10	8.33	ok	20	15.38	ok
Ideno(123-cd)pyrene		28.7		10	8.33	ok	10	7.69	ok
TOC				1.2			1.3		
Sum of PAH's		495.8		305			310		
* = > mean + 2sd									
ok = <mean + 2sd									

Normalized pollutant concentrations									
Union Wharf									
NAE-2004-1940									
Sample Site		RDS		U-1			U-2		
Metals (ppm)		mean + 2sd		Raw Data	Normalized		Raw Data	Normalized	
Arsenic		16.9		2.6		ok	2.7		ok
Cadmium		0.4		0.11		ok	0.1		ok
Chromium		45.4		34		ok	28		ok
Copper		15.9		12		ok	10		ok
Mercury		0.1		0.01		ok	0.01		ok
Nickel		33.2		18		ok	15		ok
Lead		31.5		14		ok	16		ok
Zinc		128.5		50		ok	46		ok
% fines									
PAH's (ppb)									
Fluorene		15.5		10	8.33	ok	10	7.69	ok
Phenanthrene		34.4		40	33.33	ok	20	15.38	ok
Anthracene		20.3		10	8.33	ok	10	7.69	ok
Naphthalene		7.1		20	16.67	*	10	7.69	*
Acenaphthylene		10.9		5	4.17	ok	10	7.69	ok
Acenaphthene		12.6		20	16.67	*	10	7.69	ok
Fluoranthene		55.1		40	33.33	ok	30	23.08	ok
Pyrene		58.1		30	25.00	ok	40	30.77	ok
Benzo(a)anthracene		30.6		20	16.67	ok	20	15.38	ok

CENAE-R-PT (1145-2-303B) 27 July 2004

MEMORANDUM FOR: Jay L Clement, Project Manager, CENAE-R-PEC

SUBJECT: Sampling and Analysis Plan for Proprietors of Union Wharf, Fore River/Portland Harbor, Portland, ME, Application Number NAE-2004-1940.

1. In response to your request of 24 June 2004, I have developed a sampling plan for the above project. The proprietors of Union Wharf are proposing to dredge an area of approximately 5,485 sq. ft. in Portland, ME producing a volume of approximately 304 cu. yds. of material. The project will be dredged from existing depths of between -14 and -16 feet Mean Low Water (MLW) to dredging depths of between -16 and -18 ft. MLW. This material is proposed to be mechanically dredged and disposed at the Rockland Disposal Site (RDS). This area was last dredged ten years ago.

2. Please note that the "Regional Implementation Manual for the Evaluation of Dredged Material Proposed for Disposal in New England Waters" (RIM) is now final and took effect on May 6, 2004. The RIM, as well as requirements for electronic submission of data, may be downloaded from the website http://www.nae.usace.army.mil/reg/rim.htm.

3. SPILLS & OUTFALLS: The Harbormaster reported no records of any spills since the project area was last dredged.

4. Two cores (UW-1 and UW-2) should be taken from the area to be dredged according to the attached plan (Figure 1). Core samples should be taken to the proposed dredge depth. The cores should be inspected in the field for stratification. If the cores show significant stratification, in the opinion of the sampling crew, subsamples should be made of each layer. All sediments being held for testing should be stored in accordance with the requirements of Table 8-2 in Evaluation of Dredged Material Proposed for Ocean Disposal, Testing Manual, 1991.

5. Each core or core layer should be individually analyzed for sediment grain size and the results reported to me before any compositing is performed. I will review the data and determine if compositing is appropriate.

6. Bulk sediment chemistry analyses should be done on each composite sample according to the "Regional Implementation Manual for the Evaluation of Dredged Material Proposed for Disposal in New England Waters" (April 2004). The test parameters should include all of the items on the attached sheet. These parameters are extracted from Tables 1, 2, and 3 of the "Regional Implementation Manual for the Evaluation of Dredged Material Proposed for

Disposal in New England Waters". The detection limits should be those indicated on the attached sheet. The listed analytical methods are recommended but can be replaced by other methods that will give the required detection limits. The Total Organic Carbon analysis (TOC) should be done in duplicate on each composited sample and a TOC Standard Reference Material (SRM) should be run with the sample batch.

7. Copies of the draft sampling plan for this project were sent to the State DEP, US EPA, US F&WS and US NMFS for review. THE EPA concurred with the sampling plan. No other agencies responded and their concurrence is assumed.

8. If you, the applicant or the testing laboratory have any questions, feel free to contact me at 978-318-8336 or charles.n.farris@usace.army.mil.

CHARLES N. FARRIS
Project Manager
Marine Analysis Section

Figure 1b. Project sampling plan

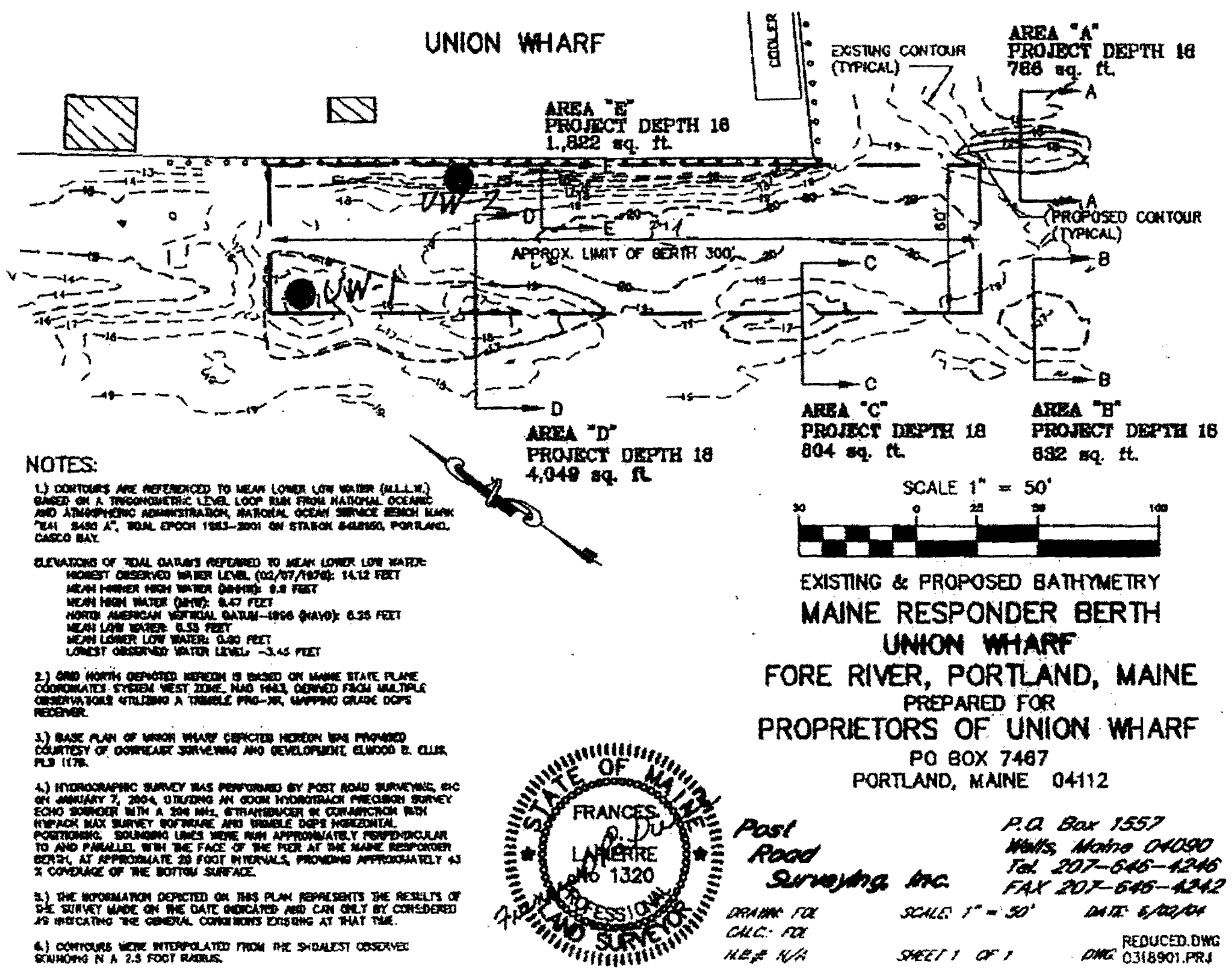
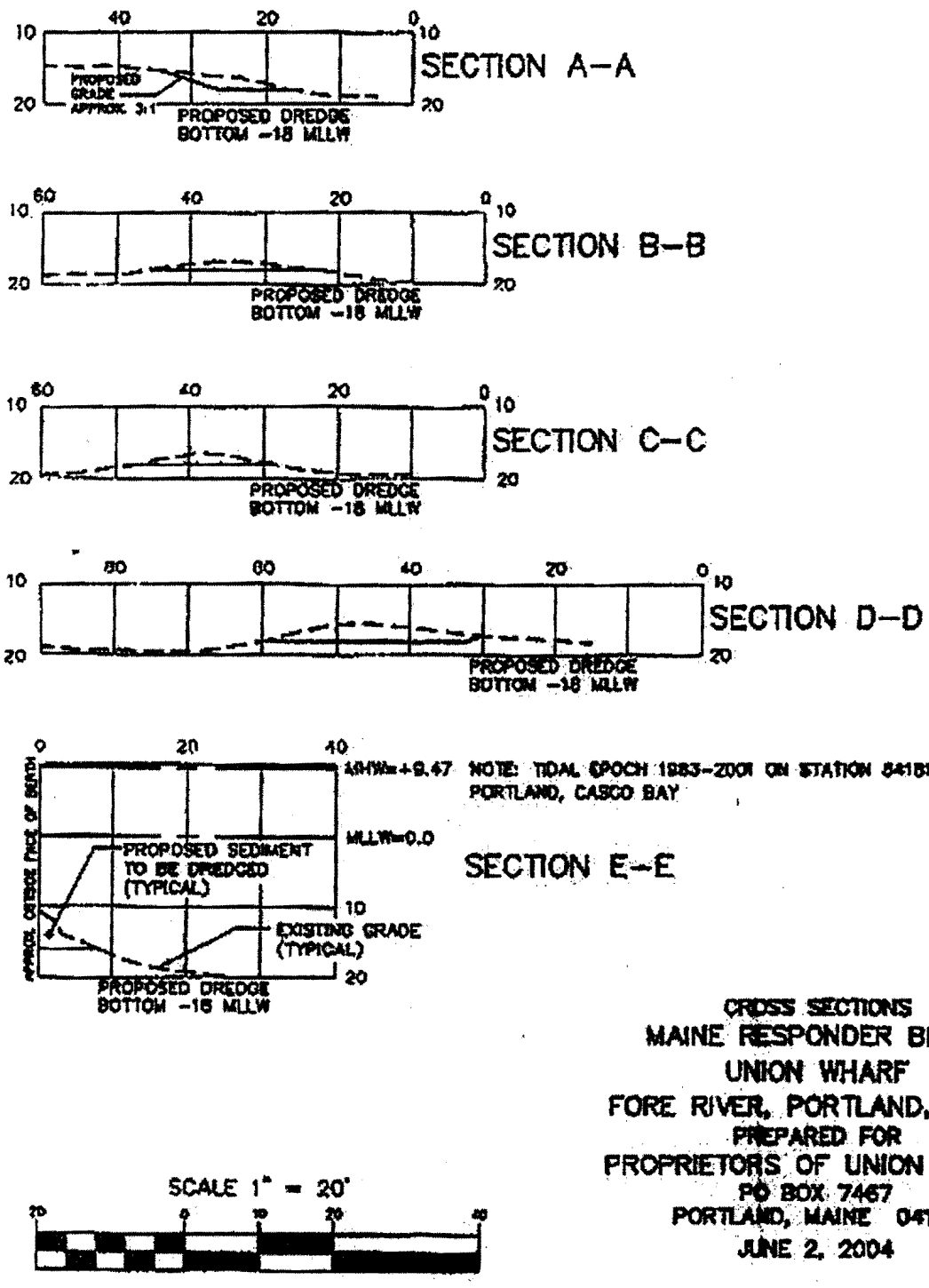
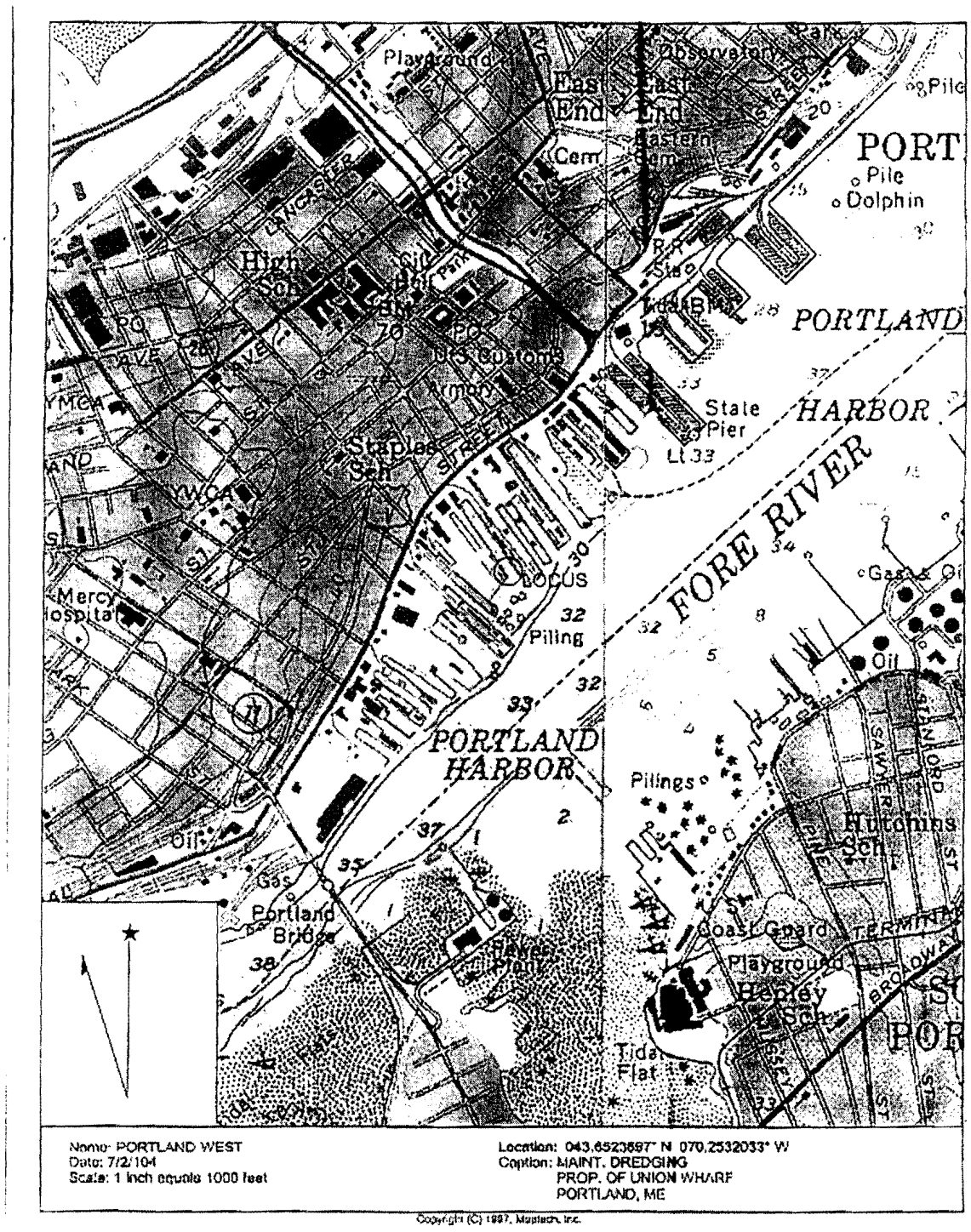


Figure 1c. Project elevations

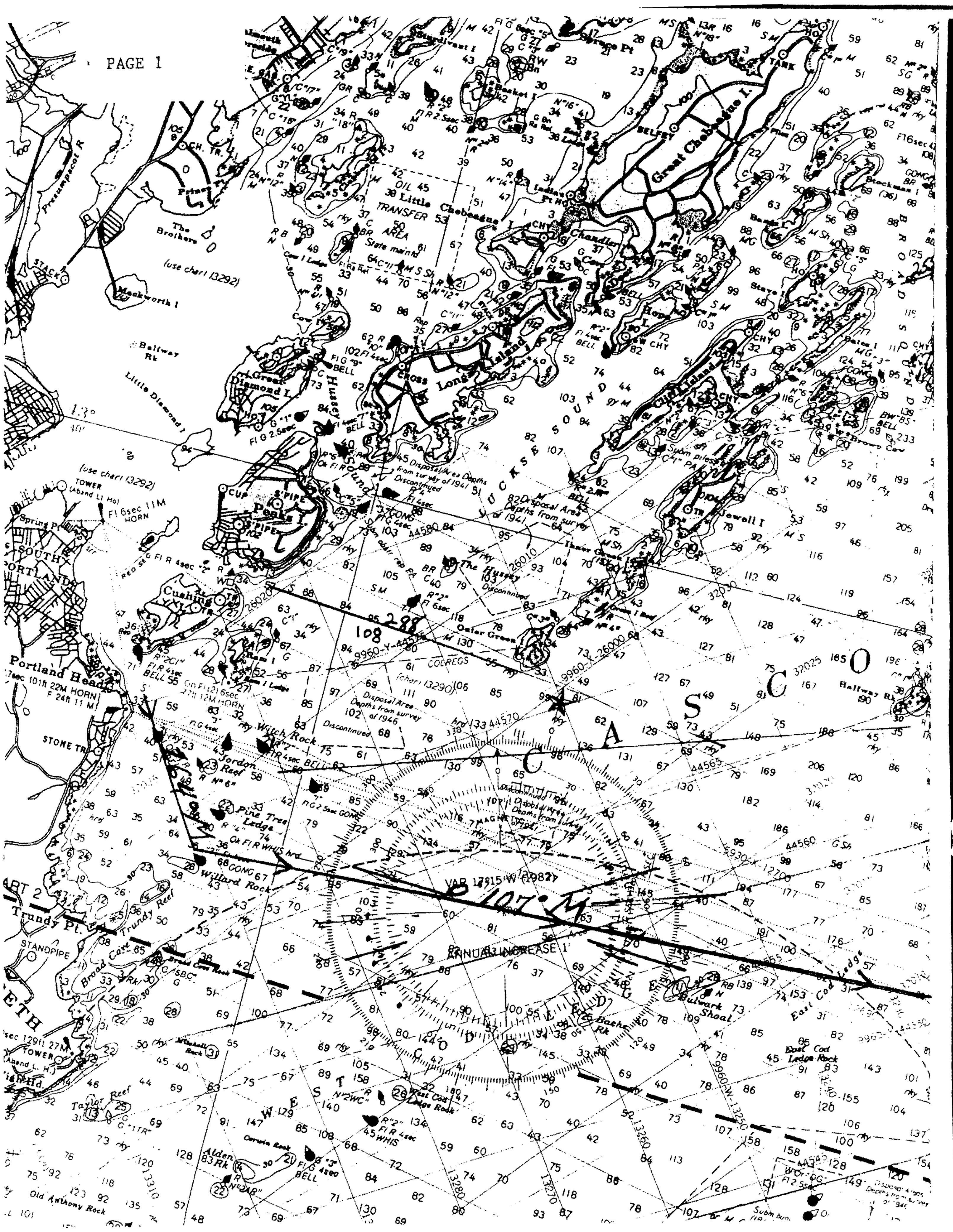


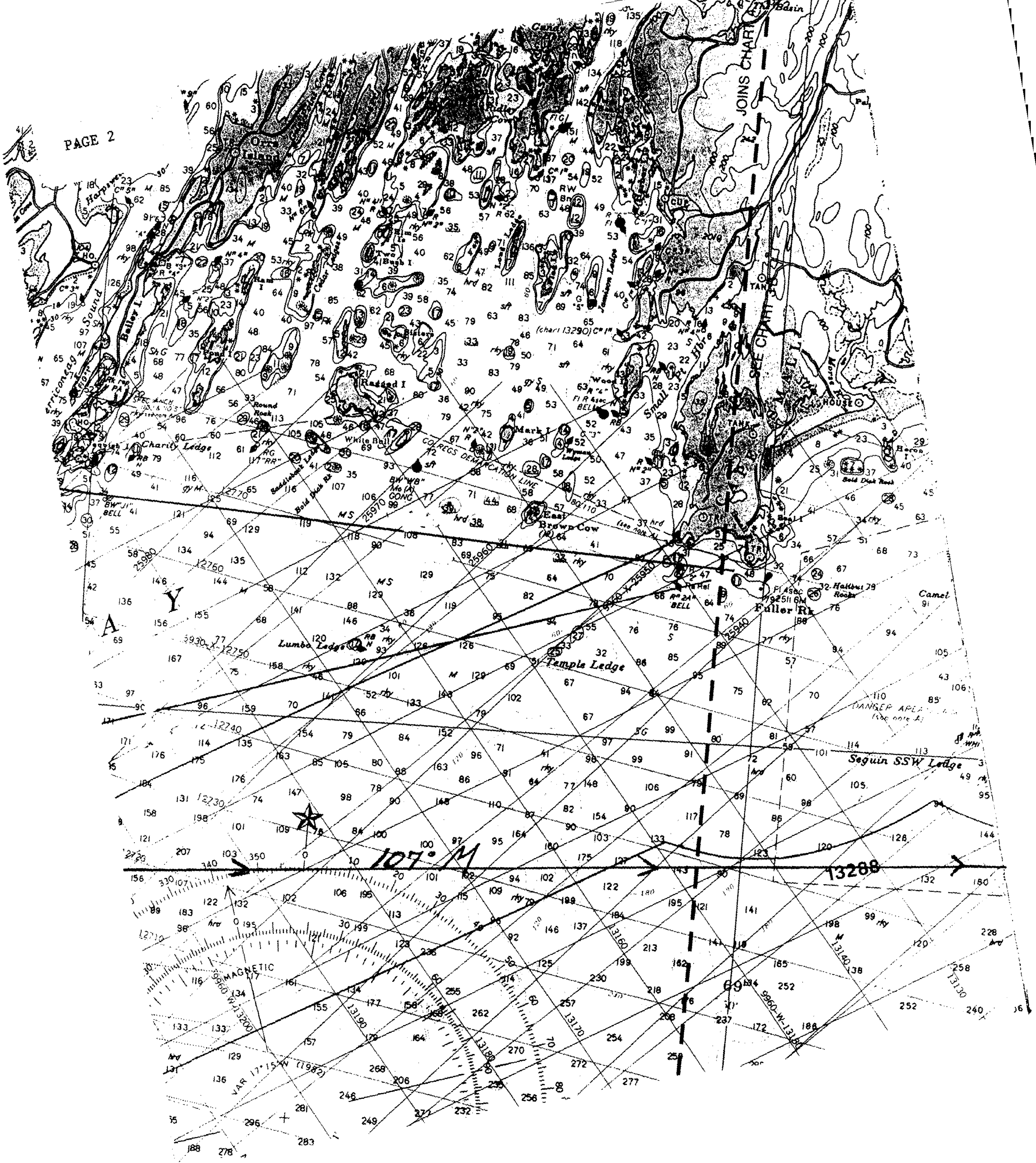
CROSS SECTIONS
MAINE RESPONDER BERTH
UNION WHARF
FORE RIVER, PORTLAND, MAINE
PREPARED FOR
PROPRIETORS OF UNION WHARF
PO BOX 7467
PORTLAND, MAINE 04112
JUNE 2, 2004

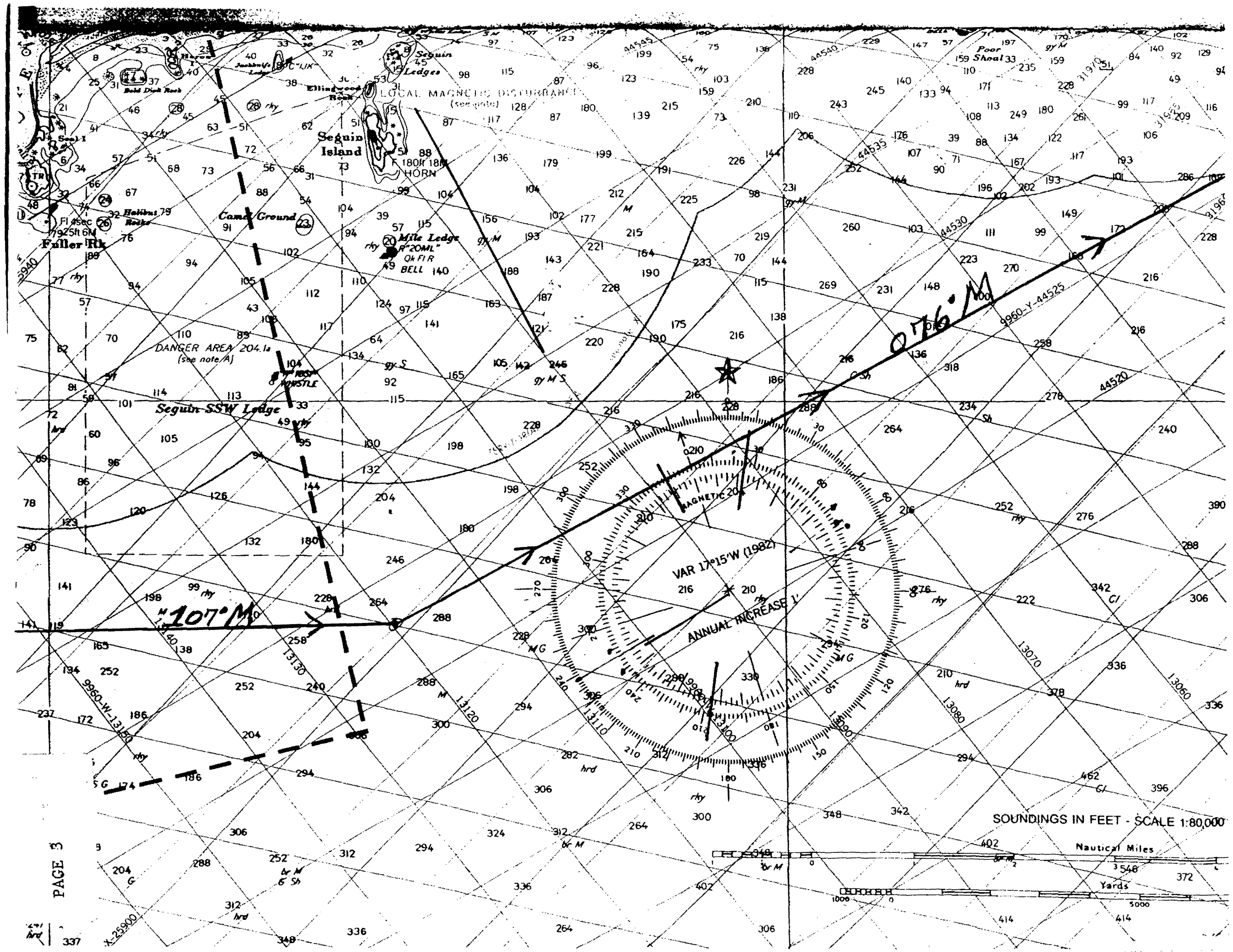
Figure 1a. Project vicinity map

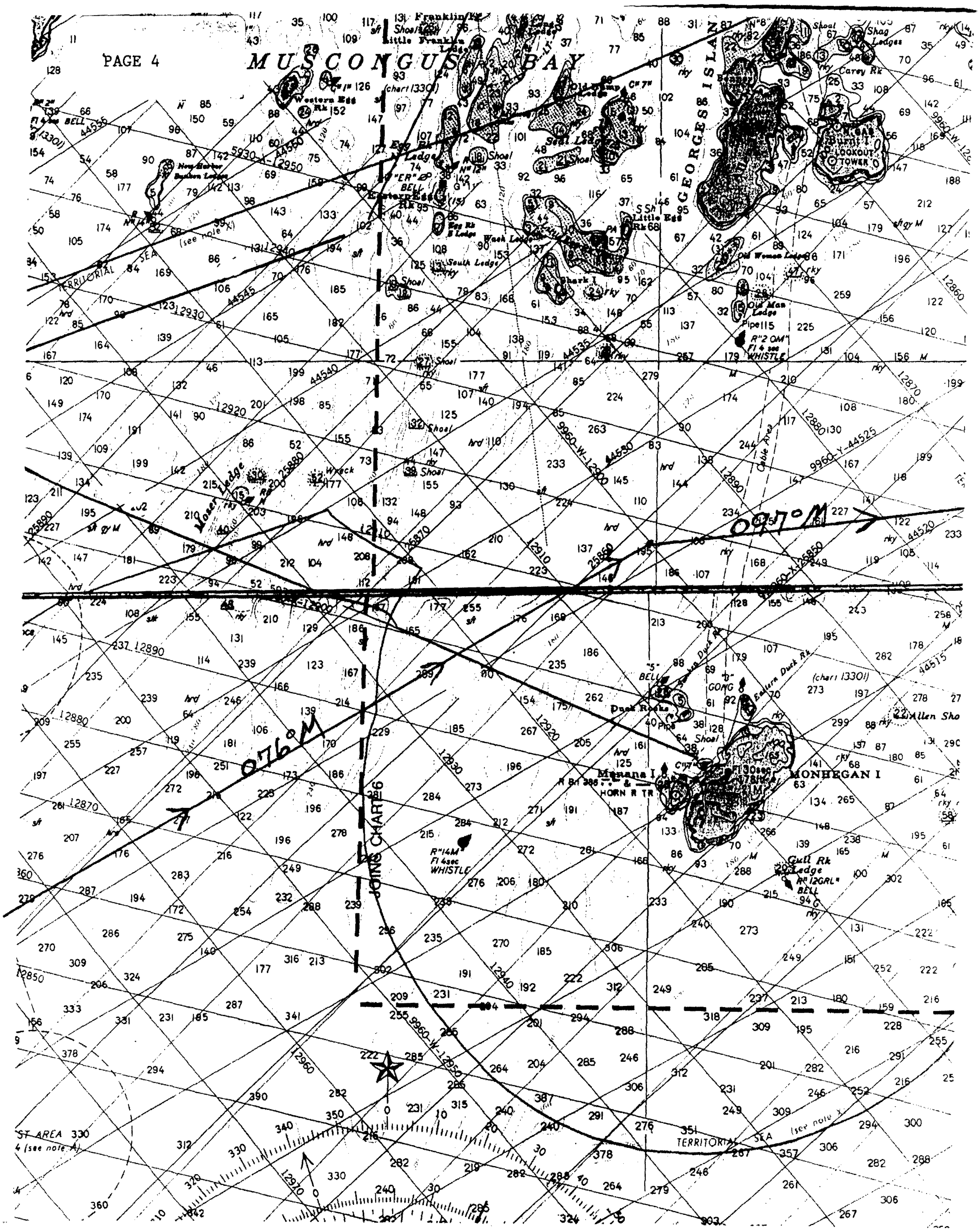


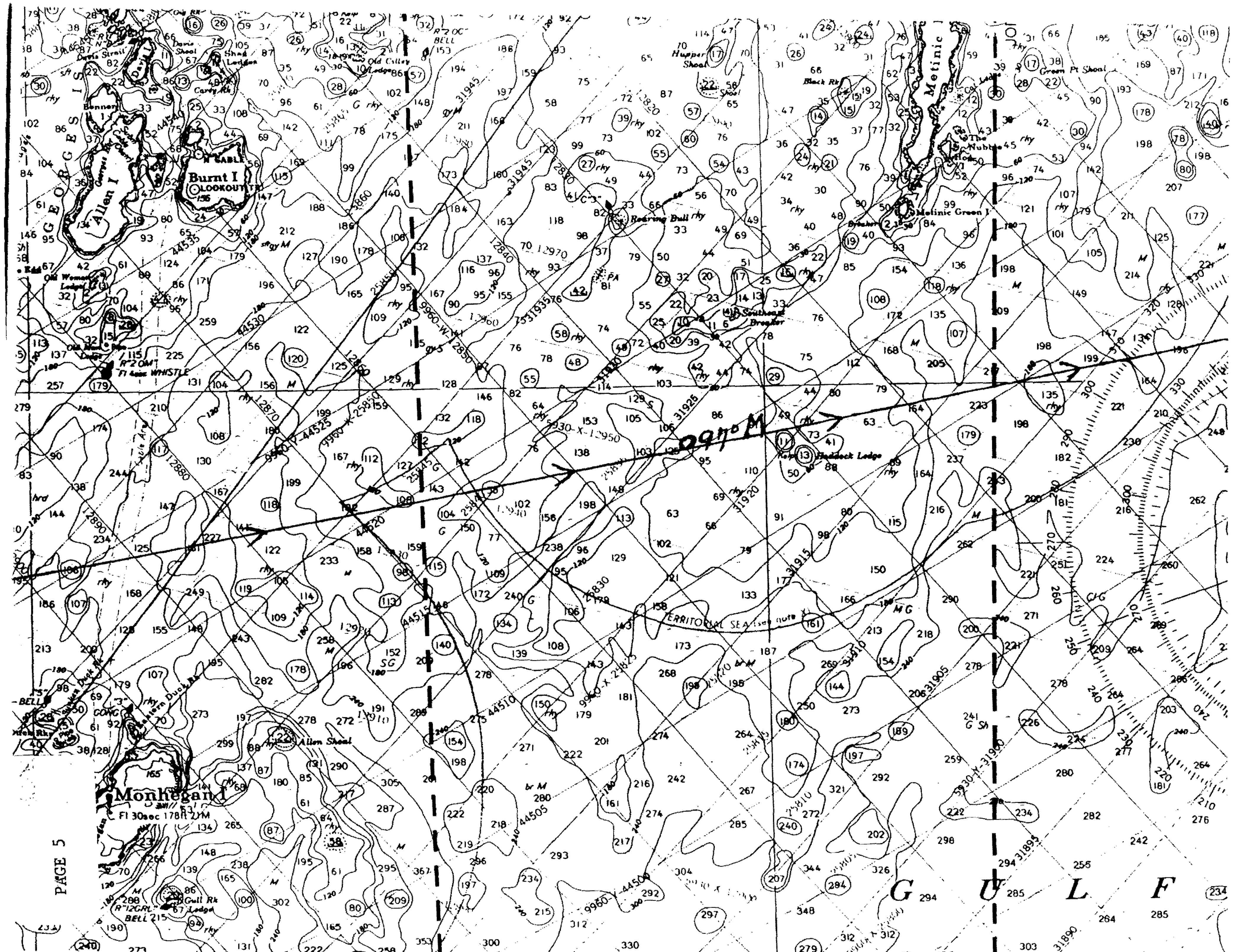
ATTACHMENT 16


Great Chebeague I.
Little Chebeague I.
Long Island
Cliff Island
Jewell I
Hope I.
Stave I
Bates I
Stockman I
Chandler Cove
Sturdivant I
Spruce Pt
Basket I
Prince Pt
Presumpscot R
The Brothers
Mackworth I
(use chart 13292)
Halfway Rk
Little Diamond I
Great Diamond I.
Cow I Ledge
Hussey Sound
LUCKSE SOUND
Disposal Area Depths from survey of 1941
Disconnued
Peaks I.
The Hussey
Inner Green I
Outer Green I
Green I Reef
Cushing I
Ram I
Ram I Ledge
SOUTH PORTLAND
Spring Pt
Portland Head
7sec 101ft 22M HORN
F 24ft 11 M
STONE TR
(chart 13290)
Disposal Area Depths from survey of 1946
Discontinued
COLREGS
Witch Rock
Jordon Reef
Pine Tree Ledge
Willard Rock
Trundy Pt.
Trundy Reef
Broad Cove
Broad Cove Rock
STANDPIPE
TOWER
Mitchell Rock
Taylor Reef
Alden Rk
Corwin Rock
Old Anthony Rock
CASCO
WEST
VAR 17°15'W (1982)
ANNUAL INCREASE 1'
107 M
Bache Rk
Bulwark Shoal
East Cod Ledge
East Cod Ledge Rock
West Cod Ledge Rock
Halfway Rk
Subm pilings
Subm buoy

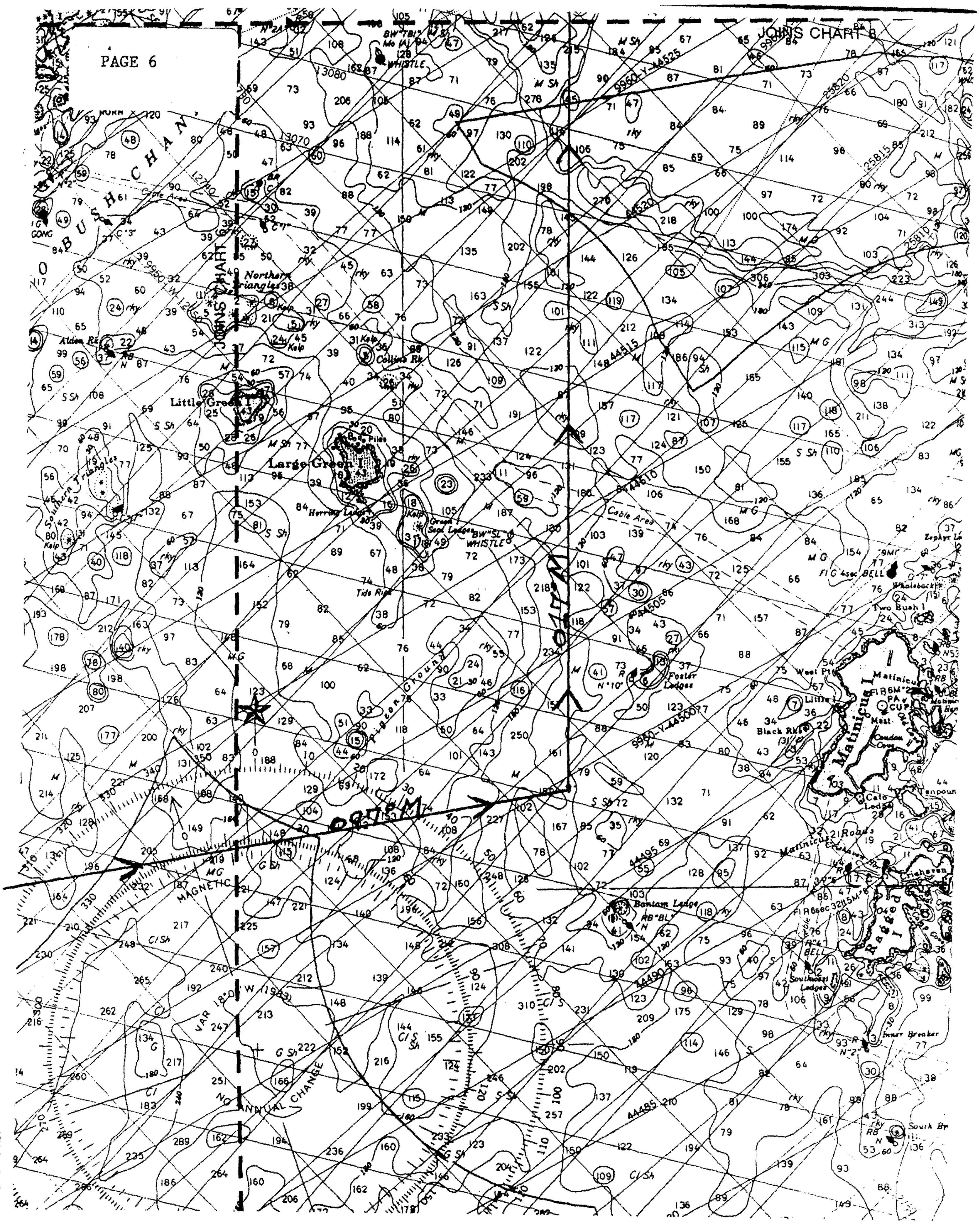

Orrs Island
Harpswell Sound
Bailey I.
Charity Ledge
Round Rock
Ragged I
White Bull
Saddleback Ledge
Bold Dick Rk
Two Bush I
Cedar Ledges
Jamison Ledge
COLREGS DEMARCATION LINE
Mark I
Wyman Ledge
East Brown Cow
Lumbo Ledge
Temple Ledge
Small Pt Hbr
JOINS CHART
SEE CHART
Heron I
Bald Dick Rock
Fuller Rk
Halibut Rocks
Camel
DANGER AREA
Seguin SSW Ledge
107° M
13288
MAGNETIC
VAR 17°15'W (1982)

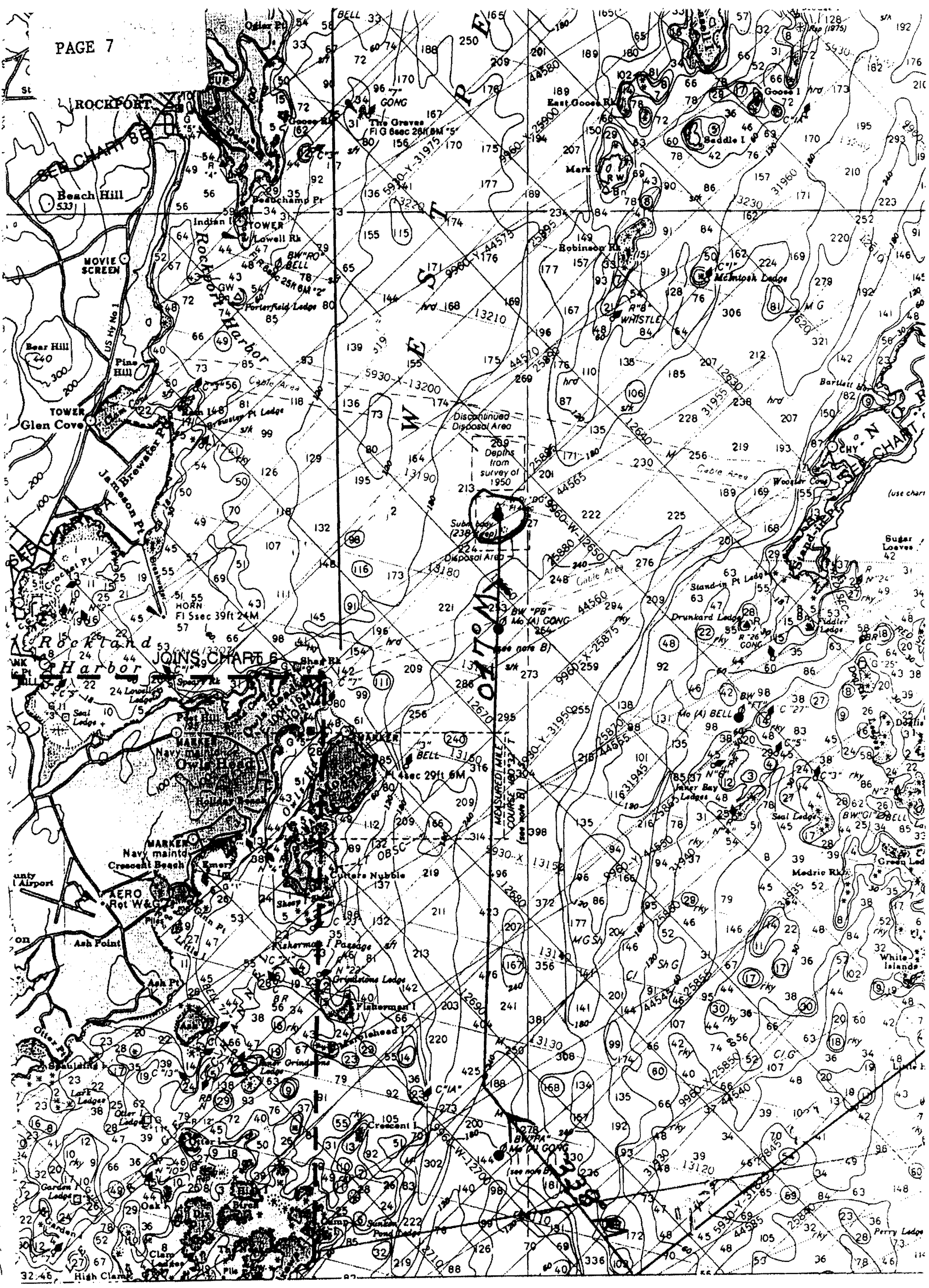

Seguin Ledges
Seguin Island
F 180ft 18M HORN
LOCAL MAGNETIC DISTURBANCE (see note)
Ellingwood Rock
Poor Shoal
Halibut Rocks
Fuller Rk
Fl 4sec 25ft 6M
Camp Ground
Mile Ledge
R "2OML" Qk Fl R BELL
DANGER AREA 204.1a (see note A)
WHISTLE
Seguin SSW Ledge
107°M
076°M
MAGNETIC
VAR 17°15'W (1982)
ANNUAL INCREASE 1'
9960-Y-44525
9960-W-13150
SOUNDINGS IN FEET - SCALE 1:80,000
Nautical Miles
Yards


MUSCONGUS BAY
GEORGES ISLAN
Western Egg Rk
Eastern Egg Rk
New Harbor Dashen Ledge
Egg Rk Ledge
Little Egg Rk
South Ledge
Wash Ledge
Shark I
Old Woman Ledge
Old Man Ledge
Shag Ledges
Carey Rk
Burnt I
LOOKOUT TOWER
Moser Ledge
Wreck
Duck Rocks
Manana I
HORN R TR
MONHEGAN I
Eastern Duck Rk
Gull Rk Ledge
(chart 13301)
JOINS CHART 6
076°M
097°M
TERRITORIAL SEA
(see note X)
Cable Area
R "14M" Fl 4sec WHISTLE
R "2 OM" Fl 4 sec WHISTLE
R "12GRL" BELL
"5" BELL
"D" GONG



Burnt I
LOOKOUT TR
Allen I
Benner I
Davis Strait
Davis Shoal
Shag Ledges
Carty Rk
Old Cilley Ledge
Hupper Shoal
Roaring Bull
Black Rk
Metinic I
The Nubble
Metinic Green I
Green Pt Shoal
Southeast Breaker
Haddock Lodge
Old Woman Ledge
Allen Shoal
Monhegan I
Fl 30sec 178ft 21M
Gull Rk Ledge
TERRITORIAL SEA
G U L F


JOINS CHART 8
Northern Triangles
Alden Rk
Little Green I
Large Green I
Herring Ledge
Southern Triangles
Collins Rk
Tide Rips
Pigeon Ground
Cable Area
BW "SL" WHISTLE
Foster Ledges
Bantam Ledge
RB "BL"
Matinicus I
Black Rks
Two Bush I
West Pt
Whaleback
Zephyr Ledge
Condon Cove
Cato Ledge
Tenpound
Matinicus Roads
Criehaven
Ragged I
Southwest Ledges
Inner Breaker
Fl G 4sec BELL
VAR 18°0'W (1983)
NO ANNUAL CHANGE
MAGNETIC


ROCKPORT
SEE CHART 8E
Beach Hill
533
MOVIE SCREEN
US Hy No 1
Bear Hill
Pine Hill
TOWER
Glen Cove
Brewster Pt
Jameson Pt
Rockport Harbor
Ogier Pt
Goose Rk
Beauchamp Pt
Indian I
TOWER
Lowell Rk
BW "RO" BELL
Porterfield Ledge
Brewster Pt Ledge
Cable Area
"7" GONG
The Graves
Fl G 6sec 28ft 8M "5"
East Goose Rk
Mark I
Goose I
Saddle I
Robinson Rk
R "8" WHISTLE
McIntosh Ledge
Bartlett Hbr
Wooster Cove
Stand-in Pt Ledge
Drunkard Ledge
R "26" GONG
Fiddler Ledge
Sugar Loaves
(use chart
Discontinued Disposal Area
Depths from survey of 1950
Subm body (238 rep)
Disposal Area
W E S T   P E N O B S C O T
BW "PB" Mo (A) GONG
(see note B)
MEASURED MILE COURSE 180°-360° T
(see note B)
HORN
Fl 5sec 39ft 24M
Rockland Harbor
JOINS CHART 6
Spears Rk
Lowell Ledge
Seal Ledge
Sheep Rk
Owls Head
HORN
Fl 4sec 29ft 6M
"3" BELL
MARKER
Navy maintd
Holiday Beach
Crescent Beach
Emery Im
County Airport
AERO Rot W&G
Ash Point
Ash Pt
Otter Pt
Glen Pt
Little I
Cutters Nubble
Sheep I
Fishermans I Passage
Grindstone Ledge
Fisherman I
Inner Grindstone Ledge
Spaulding I
Lark Ledges
Otter I Ledge
Otter I
Garden I Ledge
Garden I
Oak I
Clam Ledges
High Clam
Crescent I
Sunken Pond Ledge
BW "PA" Mo (A) GONG
Mo (A) BELL
Inner Bay Ledges
Seal Ledge
Medric Rk
Green Ledge
White Islands
Perry Ledge
Little I
Rep (1975)

ATTACHMENT 17

Please send the invoice for this add to:

Mr. Charles Poole
Proprietors of Union Wharf
P.O. BOX 7467
Portland, ME 04112 DTS

Sincerely,

Guy R. Bouthillette
(Agent for Proprietors of Union Wharf)

APPENDIX C: APPLICATION FOR A NATURAL RESOURCES PROTECTION ACT PERMIT

SUPPLEMENTAL INFORMATION FOR DREDGING ACTIVITIES IN A COASTAL WETLAND, GREAT POND, RIVER, STREAM OR BROOK

(Discard this part if dredging is not proposed as part of your activity.)

The DEP and the Corps strongly recommend that applicants schedule a pre-application meeting prior to submitting an application for dredging.

Volume to be dredged:	604 cu. yds.	
Sq. ft. to be dredged: i	5485 sq. ft.	
Max. depth of dredging below existing grade:	-18 MLW (-19 WITH ONE FOOT OVERDREDGE)	
Type of material (example: sand, silt, clay, gravel, etc.) to be Dredged:	CLAY WITH SOME SOFT MUD	
Describe what erosion and sediment control measures will be used during the dredging operation. (attach separate sheet if necessary):	NA	
Describe how and where the dredge spoils will be dewatered (attach separate sheet if necessary): **Show dewatering location and erosion control measures on activity drawings.**		
What equipment will be used for the dredge?	BARGE SUPPORTED CRANE WITH CLAM SHELL; TOW VESSEL ASSISTED SCOW.	
Disposal Location: (Check one)	**Upland disposal:** ❑ On site ❑ Landfill ❑ Other_____	**Ocean disposal:** Federal Disposal Site ❑ Arundel ❑ Portland X Rockland ❑ Other_____

(pink)

APPENDIX A - MDEP VISUAL EVALUATION
FIELD SURVEY CHECKLIST
(Natural Resources Protection Act, 38 M.R.S.A. §§ 480 A - Z)

Name of applicant:_Proprietors of Union Wharf_____ Phone: 207-772-8160 ___

Application Type: _Tier 3_____

Activity Type: (brief activity description) Maintenance dredging _____

Activity Location: Town:_Portland_____ County: Cumberland_____

GIS Coordinates, if known: 43 39.153'N & 70 15.148'W_____ _____

Date of Survey:_8.1.2004_____Observer:_Guy R. Bouthillette_____

Phone: 207-282-4832 _____

	Distance Between the Proposed Visibility Activity and Resource (in Miles)		
1. Would the activity be visible from:	0-¼	¼-1	1+
A. A National Natural Landmark or other outstanding natural feature?	*X*	☐	☐
B. A State or National Wildlife Refuge, Sanctuary, or Preserve or a State Game Refuge?	☐	☐	X
C. A state or federal trail?	☐	☐	*X*
A public site or structure listed on the National Register of Historic Places?	☐	☐	X
E. A National or State Park?	☐	☐	X
F. 1) A municipal park or public open space?	☐	*X*	☐
2) A publicly owned land visited, in part, for the use, observation, enjoyment and appreciation of natural or man-made visual qualities?	*X*	☐	☐
3) A public resource, such as the Atlantic Ocean, a great pond or a navigable river?	*X*	☐	☐
2. What is the closest estimated distance to a similar activity?	X	☐	☐
3. What is the closest distance to a public facility intended for a similar use?	X	☐	☐
4. Is the visibility of the activity seasonal? (i.e., screened by summer foliage, but visible during other seasons)		☐Yes	*X*No
5. Are any of the resources checked in question 1 used by the public during the time of year during which the activity will be visible?		XYes	☐No

(blue)

ATTACHMENT 12

ATTACHMENT 12—FUNCTIONAL ASSESSMENT

On July 22, 2004, Paul Rollins of Rollins Scuba Associates performed a survey of the project area to qualify and quantify biota. He executed north south transects approximately 20 apart in each of the project areas. The following are his findings:

Area "A": This area is actually a mound of scallop shells interspersed with fine mud. The area has historically been used by scallop boats as a place to shuck the scallops. Below the shells is blue clay.

Area "B": This is a mound of blue clay. No biota was observed in this area. The mound was most probably left over from the last dredge, explaining the exposed blue clay.

Area "C": Similar to that found in area "B", but three Cancer sp crabs and two Nereid worm were observed.

Area "D": The area is a mound of blue clay surrounded by a shoulder of soft mud. Nine Cancer sp crabs, one small Homarus americanus and six Asterias sp were observed.

Area "E": This area is a lengthy mound of blue clay surrounded by soft mud. Eight Cancer sp, two Homarus americanus and eleven Asterias sp were observed.

The benthos in this project area was fairly devoid of any structured community; there also lacked any large numbers of fauna or flora. The only flora observed was attached to the pilings under the wharf. There is no active harvesting of any biota in the area; that includes lobstering.

The proposed project will not adversely affect any biological communities in the area. It will increase the ease of use of the water body for the M/V MAINE RESPONDER to navigate in and out of its berth.

ATTACHMENT 15

RL Resource Laboratories, LLC

Laboratory Report

Guy Bouthillette
Guy Bouthillette
58 Flag Pond Road
Saco, ME 04072

PO Number: None
LabID: 7476
Date Received: 8/10/04

Project: Union

Attached please find results for the analysis of the samples received on the date referenced above.

Unless otherwise noted in the attached report, the analyses performed met the requirements of Resource Laboratories, LLC Quality Assurance Plan. The Standard Operating Procedures (SOP) are based upon USEPA SW-846, USEPA Methods for Chemical Analysis of Water and Wastewater, Standard Methods for the Examination of Water and Wastewater and other recognized methodologies.

Resource Laboratories, LLC maintains certification with the agencies listed below.

We appreciate the opportunity to provide laboratory services. If you have any questions regarding the enclosed report, please contact the laboratory and we will be glad to assist you.

Sincerely,
Resource Laboratories, LLC

Susan Sylvester
Principal, General Manager

8/31/04
Date

Total number of pages 14

Resource Laboratories, LLC Certifications

New Hampshire	NH902	Connecticut	PH-0146
Maine	NH903	Massachusetts	M-NH902

0000 1

124 Heritage Avenue #10 Portsmouth NH 03801
Voice: 603-436-2001 Fax: 603-430-2100
www.reslabs.com

METALS RESULTS

Lab Number: 7476-01
Sample ID: U1
Date Sampled: 8/1/04
Matrix: Solid

Analyte	Concentration ug/g dry wt	Quantitation Limit ug/g dry wt	Analysis Date	Instrument Dil'n Factor	Init	Method Reference
Arsenic	2.6	0.5	8/23/04	5	BJS	SW 3005A/6010B
Cadmium	0.11	0.07	8/19/04	1	BJS	SW 3005A/6010B
Chromium	34	2	8/23/04	5	BJS	SW 3005A/6010B
Copper	12	2	8/23/04	5	BJS	SW 3005A/6010B
Lead	14	0.5	8/23/04	5	BJS	SW 3005A/6010B
Mercury	< 0.02	0.02	8/13/04	1	BJS	SW 7470A
Nickel	18	2	8/23/04	5	BJS	SW 3005A/6010B
Zinc	50	2	8/23/04	5	BJS	SW 3005A/6010B

Note: Samples were diluted due to suspected matrix interference which resulted in elevated reporting limits. The concentrations reported account for all dilutions performed.

Lab Number: 7476-02
Sample ID: U2
Date Sampled: 8/1/04
Matrix: Solid

Analyte	Concentration ug/g dry wt	Quantitation Limit ug/g dry wt	Analysis Date	Instrument Dil'n Factor	Init	Method Reference
Arsenic	2.7	0.5	8/23/04	5	BJS	SW 3005A/6010B
Cadmium	0.1	0.07	8/19/04	1	BJS	SW 3005A/6010B
Chromium	28	2	8/23/04	5	BJS	SW 3005A/6010B
Copper	10	2	8/23/04	5	BJS	SW 3005A/6010B
Lead	16	0.5	8/23/04	5	BJS	SW 3005A/6010B
Mercury	< 0.02	0.02	8/13/04	1	BJS	SW 7470A
Nickel	15	2	8/23/04	5	BJS	SW 3005A/6010B
Zinc	46	2	8/23/04	5	BJS	SW 3005A/6010B

Note: Samples were diluted due to suspected matrix interference which resulted in elevated reporting limits.
The concentrations reported account for all dilutions performed.

RL Resource Laboratories, LLC

Lab Number:	7476-01
Sample Designation:	U1
Date Sampled:	8/1/04
Date Extracted:	8/12/04
Date Analyzed:	8/20/04
Matrix:	Solid
Dilution Factor:	1
Analyst:	AJD
Percent Solids:	52.0%

PCB Congeners

Method Reference: EPA SW 846, 3rd Edition. Method 8082A

	Concentration ug/g dry wt	Quantitation Limit ug/g dry wt
BZ 8	U	0.001
BZ 18	U	0.001
BZ 28	U	0.001
BZ 44	U	0.001
BZ 49	U	0.001
BZ 52	U	0.001
BZ 66	U	0.001
BZ 87	U	0.001
BZ 101	U	0.001
BZ 105	U	0.001
BZ 118	U	0.001
BZ 128	U	0.001
BZ 138	U	0.001
BZ 153	U	0.001
BZ 170	U	0.001
BZ 180	U	0.001
BZ 183	U	0.001
BZ 184	U	0.001
BZ 187	U	0.001
BZ 195	U	0.001
BZ 206	U	0.001
BZ 209	U	0.001

SURROGATE STANDARDS	Recovery (%)	Acceptance Limits (%)
Tetrachloro-m-xylene	67	30-150

U = Below quantitation limit

Lab Number:	7476-02
Sample Designation:	U2
Date Sampled:	8/1/04
Date Extracted:	8/12/04
Date Analyzed:	8/20/04
Matrix:	Solid
Dilution Factor:	1
Analyst:	AJD
Percent Solids:	53.5%

PCB Congeners

Method Reference: EPA SW 846, 3rd Edition. Method 8082A

	Concentration ug/g dry wt	Quantitation Limit ug/g dry wt
BZ 8	U	0.001
BZ 18	U	0.001
BZ 28	U	0.001
BZ 44	U	0.001
BZ 49	U	0.001
BZ 52	U	0.001
BZ 66	U	0.001
BZ 87	U	0.001
BZ 101	U	0.001
BZ 105	U	0.001
BZ 118	U	0.001
BZ 128	U	0.001
BZ 138	U	0.001
BZ 153	U	0.001
BZ 170	U	0.001
BZ 180	U	0.001
BZ 183	U	0.001
BZ 184	U	0.001
BZ 187	U	0.001
BZ 195	U	0.001
BZ 206	U	0.001
BZ 209	U	0.001

SURROGATE STANDARDS	Recovery (%)	Acceptance Limits (%)
Tetrachloro-m-xylene	64	30-150

U = Below quantitation limit

Lab Number:	7476-01
Sample Designation:	U1
Date Sampled:	8/1/04
Date Extracted:	8/12/04
Date Analyzed:	8/25/04
Matrix:	Solid
Dilution Factor:	1
Analyst:	AJD
Percent Solids:	52.0%

ORGANOCHLORINE PESTICIDES

Method Reference: EPA SW 846, 3rd Edition. Method 8081.

	Concentration ug/g dry wt	Quantitation Limit ug/g dry wt
gamma-BHC (Lindane)	U	0.001
Heptachlor	0.004 B	0.001
Aldrin	U	0.001
Heptachlor Epoxide	U	0.001
Endosulfan I	U	0.001
Dieldrin	U	0.001
4,4'-DDE	U	0.001
Endrin	U	0.001
Endosulfan II	U	0.001
4,4'-DDD	U	0.001
4,4'-DDT	U	0.001
Methoxychlor	U	0.001
alpha-Chlordane	U	0.001
gamma-Chlordane	U	0.001
hexachlorobenzene	U	0.001
cis-Nonachlor	U	0.001
trans-Nonachlor	U	0.001
Oxychlordane	U	0.001
Toxaphene	U	0.02

SURROGATE STANDARDS	Recovery (%)	Acceptance Limits (%)
Tetrachloro-m-xylene	60	30-150

B = A trace of this analyte was detected in the method blank. The concentration shown is likely a result of lab contamination.
U = Below quantitation limit

Lab Number:	7476-02
Sample Designation:	U2
Date Sampled:	8/1/04
Date Extracted:	8/12/04
Date Analyzed:	8/25/04
Matrix:	Solid
Dilution Factor:	1
Analyst:	AJD
Percent Solids:	53.5%

ORGANOCHLORINE PESTICIDES

Method Reference: EPA SW 846, 3rd Edition. Method 8081.

	Concentration ug/g dry wt	Quantitation Limit ug/g dry wt
gamma-BHC (Lindane)	U	0.001
Heptachlor	0.004 B	0.001
Aldrin	U	0.001
Heptachlor Epoxide	U	0.001
Endosulfan I	U	0.001
Dieldrin	U	0.001
4,4'-DDE	U	0.001
Endrin	U	0.001
Endosulfan II	U	0.001
4,4'-DDD	U	0.001
4,4'-DDT	U	0.001
Methoxychlor	U	0.001
alpha-Chlordane	U	0.001
gamma-Chlordane	U	0.001
hexachlorobenzene	U	0.001
cis-Nonachlor	U	0.001
trans-Nonachlor	U	0.001
Oxychlordane	U	0.001
Toxaphene	U	0.02

SURROGATE STANDARDS	Recovery (%)	Acceptance Limits (%)
Tetrachloro-m-xylene	56	30-150

B = A trace of this analyte was detected in the method blank. The concentration shown is likely a result of lab contamination.
U = Below quantitation limit

Lab Number:	7476-01
Sample Designation:	U1
Date Sampled:	8/1/04
Date Extracted:	8/12/04
Date Analyzed:	8/17/04
Matrix:	Solid
Dilution Factor:	1
Analyst:	AJD
Percent Solids:	52.0%

POLYAROMATIC HYDROCARBONS
SW 846 Method 3550B/8270C.

	Concentration ug/g dry wt	Quantitation Limit ug/g dry wt
naphthalene	0.02	0.01
acenaphthylene	U	0.01
acenaphthene	0.02	0.01
fluorene	0.01	0.01
phenanthrene	0.04	0.01
anthracene	0.01	0.01
fluoranthene	0.04	0.01
pyrene	0.03	0.01
benzo(a)anthracene	0.02	0.01
chrysene	0.02	0.01
benzo(b)fluoranthene	0.02	0.01
benzo(k)fluoranthene	0.02	0.01
benzo(a)pyrene	0.02	0.01
indeno(1,2,3-cd)pyrene	U	0.01
dibenzo(a,h)anthracene	U	0.01
benzo(g,h,i)perylene	U	0.01

SURROGATE STANDARDS	Recovery (%)	Acceptance Limits (%)
2-fluorobiphenyl	57	43-116
terphenyl-d14	67	33-141

U = Below quantitation limit

Lab Number:	7476-02
Sample Designation:	U2
Date Sampled:	8/1/04
Date Extracted:	8/12/04
Date Analyzed:	8/17/04
Matrix:	Solid
Dilution Factor:	1
Analyst:	AJD
Percent Solids:	53.5%

POLYAROMATIC HYDROCARBONS
SW 846 Method 3550B/8270C.

	Concentration ug/g dry wt	Quantitation Limit ug/g dry wt
naphthalene	U	0.01
acenaphthylene	U	0.01
acenaphthene	U	0.01
fluorene	U	0.01
phenanthrene	0.02	0.01
anthracene	U	0.01
fluoranthene	0.03	0.01
pyrene	0.04	0.01
benzo(a)anthracene	0.02	0.01
chrysene	0.02	0.01
benzo(b)fluoranthene	0.03	0.01
benzo(k)fluoranthene	0.03	0.01
benzo(a)pyrene	0.03	0.01
indeno(1,2,3-cd)pyrene	0.01	0.01
dibenzo(a,h)anthracene	U	0.01
benzo(g,h,i)perylene	0.02	0.01

SURROGATE STANDARDS	Recovery (%)	Acceptance Limits (%)
2-fluorobiphenyl	54	43-116
terphenyl-d14	69	33-141

U = Below quantitation limit

Project ID: Union
Lab ID: 7476

Lab Number: 7476-001
Sample ID: U1
Matrix: Solid
Sampled: 8/1/04 17:00

Parameter:	Result	Quant Limit		Units	Instr Dil'n Factor	Analyst	Prep Date	Analysis Date	Analysis Time	Reference
Percent Moisture	**47**	1		%	1	CD	N/A	8/17/04	N/A	E160.4
Total Organic Carbon (TOC)	**1.2**	0.10	S	%	1	JL	N/A	8/23/04	N/A	SW9060
S = Result provided by Phoenix Environmental Laboratories, Inc. of Manchester, CT.										
Total Organic Carbon (TOC) dup	**1.3**	0.10	S	%	1	JL	N/A	8/23/04	N/A	SW9060
S = Result provided by Phoenix Environmental Laboratories, Inc. of Manchester, CT.										

Project ID: Union
Lab ID: 7476

Lab Number: 7476-002
Sample ID: U2
Matrix: Solid
Sampled: 8/1/04 17:00

Parameter:	Result	Quant Limit		Units	Instr Dil'n Factor	Analyst	Prep Date	Analysis Date	Analysis Time	Reference
Percent Moisture	43	1		%	1	CD	N/A	8/17/04	N/A	E160.4
Total Organic Carbon (TOC)	1.0	0.10	S	%	1	JL	N/A	8/23/04	N/A	SW9060
S = Result provided by Phoenix Environmental Laboratories, Inc. of Manchester, CT.										
Total Organic Carbon (TOC) dup	1.0	0.10	S	%	1	JL	N/A	8/23/04	N/A	SW9060
S = Result provided by Phoenix Environmental Laboratories, Inc. of Manchester, CT.										

RLI

Resource Laboratories, Inc.
124 Heritage Avenue Unit 10
Portsmouth, NH 03801

7476

Client: Guy Bouthillette	Contact: Guy Bouthillette	Project: UNION	Page 1 of 3
Report to: Guy Bouthillette	Address: 58 Flag Pond Road Saco, ME 04072		Voice Phone: (207) 282-4832
Invoice to: Guy Bouthillette	Address: 58 Flag Pond Road Saco, ME 04072		Fax Phone: (207) 282-0094
Protocol: RCRA SDWA NPDES Other ACOE			P.O. Number NONE

Lab Number (assigned by laboratory)	Your Field ID: (must agree with container	Date Sampled	Time Sampled	Sampled By	Container Size (mL)	Container Type (P/G/T)	Field Preser-vation	Matrix S = Soil W = Water	Analyses Requested: Special Instructions:
7476-01	U1	8.1.04	5 PM	GRB	8oz	G	4°C	S	AS PER ATTACHED SHEETS 2 & 3
-02	U2	"	"	"	"	"	"	"	" " " "

Relinquished By:	Date: 8/10/04 Time: 1:30PM	Reid Relinquished By:	Date: 8/10/04 Time: 1335
Relinquished By:	Date: Time:	Relinquished By:	Date: Time:
Relinquished By:	Date: Time:	Relinquished By:	Date: Time:

received 5°C

SUBJECT: Sampling and Analysis Plan for Proprietors of Union Wharf, Fore River/Portland Harbor, Portland, ME, Application Number NAE-2004-1940.

603-430-2150

BULK SEDIMENT TESTING PARAMETERS

Parameter	Analytical Method	Reporting Limit (ppm)
Metals		
Arsenic	6010B, 6020, 7060, 7061	0.4
Cadmium	6010B, 6020, 7130, 7131	0.07
Chromium	6010B, 6020, 7190, 7191	0.5
Copper	6010B, 6020, 7210	0.5
Lead	6010B, 6020, 7420, 7421	0.5
Mercury	7471	0.02
Nickel	6010B, 6020, 7520	0.5
Zinc	6010B, 6020, 7950	1.0
PCBs (total by NOAA summation of congeners)		
See next page	8082A	0.001
Pesticides	NOAA (1993), 8081B	0.001
Aldrin	Heptachlor epoxide	
cis- & trans-Chlordane	Hexachlorobenzene	
4,4'-DDT, DDD, DDE	Lindane	
Dieldrin	Methoxychlor	
α & β Endosulfan	cis- & trans-Nonachlor	
Endrin	Oxychlordane	
Heptachlor	Toxaphene	0.025
Polyaromatic Hydrocarbons (PAH's)	8270C-SIM	0.01
Acenaphthene	Chrysene	
Acenaphthylene	Dibenzo(a,h)anthracene	
Anthracene	Fluoranthene	
Benzo(a)anthracene	Fluorene	
Benzo(a)pyrene	Indeno(1, 2, 3-cd)pyrene	
Benzo(b)fluoranthene	Naphthalene	
Benzo(k)fluoranthene	Phenanthrene	
Benzo(g, h, i)perylene	Pyrene	
Total Organic Carbon	Plumb (1981), APHA (1995)	0.1%
~~Percent Moisture~~ YES =>	Plumb (1981), ~~EPA (1992), PS~~EP (1986)	1.0% <= YES
~~Grain Size~~	Wet Sieve ~~(#4, 10, 40, 200)~~	~~5/5/04~~

000013

PCB CONGENERS

Analytical Method: NOAA (1993), 8082A

Reporting Limit: 1 ppb

Congeners:

8*	2,4' diCB
18*	2,2',5 triCB
28*	2,4,4' triCB
44*	2,2',3,5' tetraCB
49	2,2',4',5 tetraCB
52*	2,2',5,5' tetraCB
66*	2,3',4,4' tetraCB
87	2,2',3,4,5' pentaCB
101*	2,2',4,5,5' pentaCB
105*	2,3,3',4,4' pentaCB
118*	2,3',4,4',5 pentaCB
128*	2,3,3',4,4' hexaCB
138*	2,2',3,4,4',5' hexaCB
153*	2,2',4,4',5,5' hexaCB
170*	2,2',3,3',4,4',5 heptaCB
180*	2,2',3,4,4',5,5' heptaCB
183	2,2',3,4,4',5',6 heptaCB
184	2,2',3,4,4',6,6' heptaCB
187*	2,2',3,4',5,5',6 heptaCB
195*	2,2',3,3',4,4',5,6 octaCB
206*	2,2',3,3',4,4',5,5',6 nonaCB
209*	2,2',3,3',4,4',5,5',6,6' decaCB

* denotes a congener to be used in estimating Total PCB. To calculate Total PCB, sum the concentrations of all eighteen congeners marked with a "*" and multiply by 2.

The specified methods are recommendations only. Other acceptable methodologies capable of meeting the Reporting Limits can be used. Sample preparation methodologies (e.g. extraction and cleanup) and sample size may need to be modified to achieve the required Reporting Limits.

5/5/04

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

REPLY TO:
ATTENTION OF:

Regulatory Division
CENAE-R-51

October 29, 2004

Guy Bouthillette
58 Flag Pond Road
Saco, Maine 04072

Dear Mr. Bouthillette:

This letter transmits our findings on the sediment sampling data you provided for your client, Proprietors of Union Wharf, and their proposed maintenance dredging in Portland Harbor at Portland, Maine.

After reviewing your testing information, we have determined that the proposed dredge material is suitable for unconfined disposal at the Rockland Disposal Site. You must still obtain a permit for this work. I have enclosed a permit application and reference materials for your information. Please fill it out and submit it as soon as possible so that we do not delay your plans. Alternatively, you may submit a copy of your application to the Maine Dept. of Environmental Protection. Both of our agencies must permit the proposed dredging before you are able to begin work.

If you have any questions concerning this matter, please contact me at 207-623-8367/8124 at our Manchester, Maine Project Office.

Sincerely,

Jay L. Clement

Jay L. Clement
Senior Project Manager
Maine Project Office