

**ATTACHMENT 9**  
**SITE CONDITIONS REPORT**

**9.1 Overview**

The site consists of approximately 17.77 acres of land that is composed of three primary areas as described in the development description section of this application.

The existing shorefront is mostly granite block revetment and has remnants of dilapidated piers and structures including dolphins, piles, and docks from previous railroad development at the site. Throughout the site there are several rubble/debris/wood piles as well as concrete pad and pavement remnants. The original 5 acres retained by the applicant following the land taking have been improved to include the first boat ramp, floats and the upland yard and building improvements. Much of the additional land area acquired by the applicant to the west has been modestly improved for vessel parking and related use by the applicant.

Although much of the shorefront is currently undeveloped, it continues to contain several important features. Namely, there are active Combined Sewer Overflow (CSO) lines extending from the Commercial Street frontage to the shoreline as depicted on the accompanying plans. The Applicant's property is also bisected by the recently constructed rail line serving the IMT expansion area.

Existing development in the surrounding/adjacent area includes the following:

- The City of Portland Marine Terminal is located to the east of the site.
- Commercial activity including Nova Seafood and Graybar Electric operate out of buildings on the north side of Commercial Street.
- At the far west end of the site, the Portland Star Match Co. building lines up opposite the site.
- The Pan Am railway operates rail trucks into the propane storage yard. These rail tracks are expected to continue in operation into the future.
- The Maine Department of Transportation has a maintenance building at the far easterly side of the site.

The project includes site development activities involving earthwork, grading, shorefront stabilization, pier rehabilitation, boat ramps, building construction, utilities, and overall site stabilization.

**9.2 Existing Resources on Site**

No natural resources have been mapped or otherwise observed on the site and based on correspondence with Inland Fisheries and Wildlife, and previous site walks with MeDEP staff members during the original permitting phase in 2013, to observe the site

conditions, our office believes that any further analysis is not warranted. No vernal pools or wetlands exist on the site. Correspondence with Inland Fisheries & Wildlife accompanies this submission following this attachment.

The MeDEP Appendix A Visual Evaluation Field Survey Checklist has been updated and the MeDEP Appendix B Coastal Wetland Characterization: Intertidal & Shallow Subtidal Field Survey Checklist have been completed and accompany this submission following this attachment.

**CORRESPONDENCE WITH IF&W**



PAUL R. LEPAGE  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF  
INLAND FISHERIES & WILDLIFE  
284 STATE STREET  
41 STATE HOUSE STATION  
AUGUSTA ME 04333-0041

CHANDLER E. WOODCOCK  
COMMISSIONER

June 10, 2015

Stephen Bushey  
Fay, Spofford & Thorndike  
778 Main Street, Suite 8  
South Portland, ME 04106

**RE: Information Request - Canal Landing, LLC Project, Portland**

Dear Stephen:

Per your request received May 12, 2015, we have reviewed current Maine Department of Inland Fisheries and Wildlife (MDIFW) information for known locations of Endangered, Threatened, and Special Concern species; designated Essential and Significant Wildlife Habitats; and fisheries habitat concerns within the vicinity of the *Canal Landing, LLC Project* in Portland.

Our information indicates no locations of Endangered, Threatened, or Special Concern species within the project area. Additionally, our Department has not mapped any Essential Habitats or fisheries habitats that would be directly affected by your project.

***Significant Wildlife Habitat***

This search area includes a Tidal Waterfowl and Wading Bird Habitat (TWWH), a Significant Wildlife Habitat under Maine's Natural Resources Protection Act. TWWHs provide important feeding and/or breeding habitat for diverse waterfowl and wading bird species. Birds utilize intertidal mudflats to forage for aquatic invertebrates, a primary food source, and maintaining natural tidal flow is essential to maintaining healthy intertidal areas and food sources to support waterfowl and wading bird species. While this is a heavily developed area of Portland Harbor and we do not expect significant impacts to waterfowl using this area, please contact MDIFW Region A wildlife staff (207-657-2345) should any work be planned to this habitat.

This consultation review has been conducted specifically for known MDIFW jurisdictional features and should not be interpreted as a comprehensive review for the presence of other regulated features that may occur in this area. Prior to the start of any future site disturbance we recommend additional consultation with the municipality, and other state resource agencies including the Maine Natural Areas Program and Maine Department of Environmental Protection in order to avoid unintended protected resource disturbance.

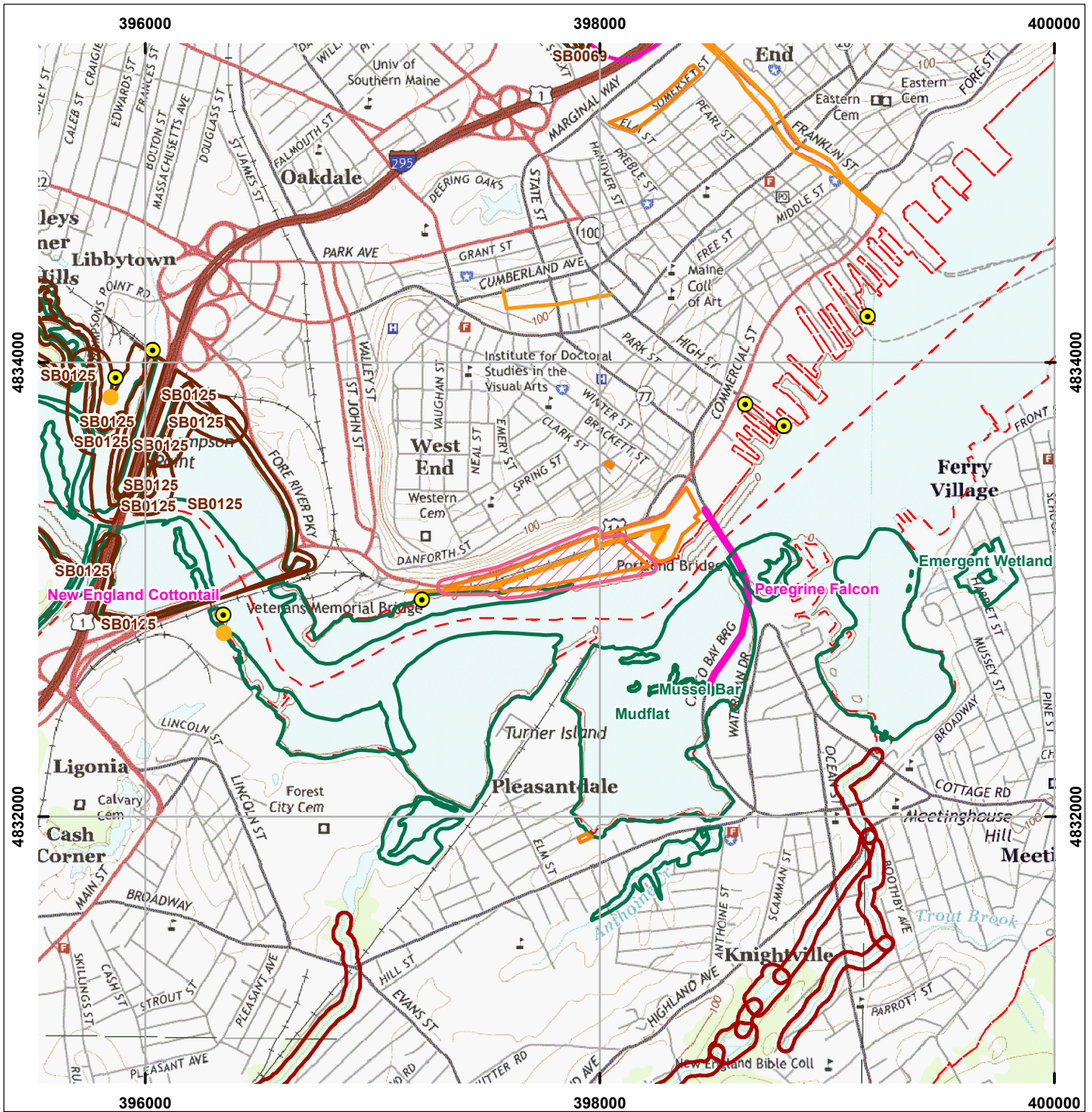
Letter to Stephen Bushey  
Comments RE: Portland, Canal Landing, LLC Project  
May 12, 2015

Please feel free to contact my office if you have any questions regarding this information, or if I can be of any further assistance.

Best regards,

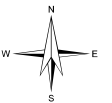
A handwritten signature in blue ink, appearing to read "John Perry". The signature is fluid and cursive, with the first name "John" being more prominent than the last name "Perry".

John Perry  
Environmental Review Coordinator

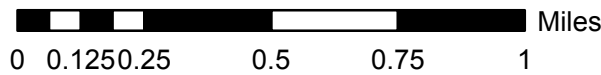


## Environmental Review of Fish and Wildlife Observations and Priority Habitats

Project Name: Portland, Canal Landing, LLC Project (Version 1)

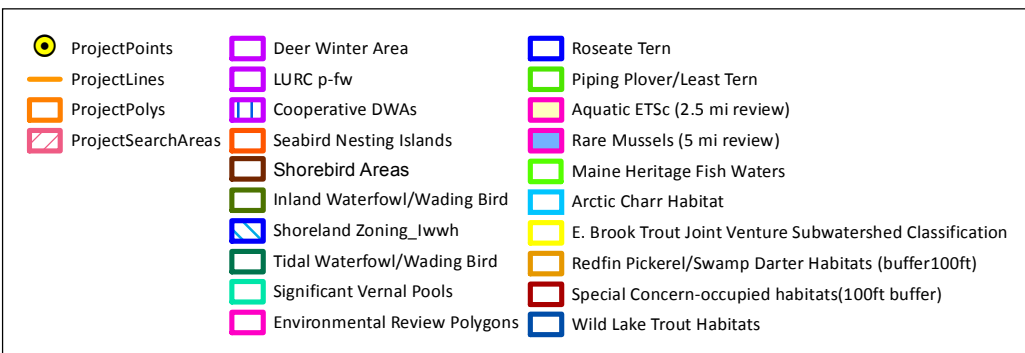


Maine Department of  
Inland Fisheries and Wildlife



Projection: UTM, NAD83, Zone 19N

Date: 5/21/2015



**MeDEP APPENDIX A & APPENDIX B**

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

Name of applicant: Canal Landing, LLC Phone: 207-774-1067

Application Type: Individual NRPA Permit Amendment related to shorefront activities

Activity Type: (brief activity description) Boat repair and maintenance yard

Activity Location: Town: Portland Court: Cumberland County

GIS Coordinates, if known: UTM Northing: 4833124 UTM Easting: 397863

Date of Survey: October 20, 2017 Observer: Stephen Bushey, P.E. Phone: 207-887-3478

**Distance Between the Proposed Visibility  
Activity and Resource (in Miles)**

1. Would the activity be visible from:	0-1/4	1/4-1	1+
A. <i>A National Natural Landmark or other outstanding natural feature?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B. <i>A State or National Wildlife Refuge, Sanctuary, or Preserve or a State Game Refuge?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C. <i>A state or federal trail?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
D. <i>A public site or structure listed on the National Register of Historic Places?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
E. <i>A National or State Park?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
F. 1) <i>A municipal park or public open space?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2) <i>A publicly owned land visited, in part, for the use, observation, enjoyment and appreciation of natural or man-made visual qualities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) <i>A public resource, such as the Atlantic Ocean, a great pond or a navigable river?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. What is the closest estimated distance to a similar activity?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. What is the closest distance to a public facility intended for a similar use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Is the visibility of the activity seasonal? (i.e., screened by summer foliage, but visible during other seasons)		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> 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?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

A listing of National Natural Landmarks and other outstanding natural features in the State of Maine can be found at: [www.nature.nps.gov/nnl/Registry/USA\\_map/states/Maine/maine.htm](http://www.nature.nps.gov/nnl/Registry/USA_map/states/Maine/maine.htm). In addition, unique natural areas are listed in the Maine Atlas and Gazetteer published by DeLorme.

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Most Maine State and National Wildlife Refuges, Sanctuaries, and Preserves and State Game Refuges are listed in the Maine Atlas and Gazetteer published by DeLorme.

Most State and federal trails are listed in the Maine Atlas and Gazetteer published by DeLorme. In addition, the Maine Department of Conservation maintains a list of state parks with trails that can be searched by county at: [www.state.me.us/doc/parks/programs/db\\_search/index.html](http://www.state.me.us/doc/parks/programs/db_search/index.html)

Maine sites and structures listed on the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966, as amended, can be searched by town at: [www.cr.nps.gov/nr/research/nris.htm](http://www.cr.nps.gov/nr/research/nris.htm)

In addition, State historic sites can be found at: [www.state.me.us/doc/parks/programs/db\\_search/index.html](http://www.state.me.us/doc/parks/programs/db_search/index.html) A partial listing of historic sites in Maine can be found in the Maine Atlas and Gazetteer published by DeLorme.

A listing of Maine State Parks can be found at: [www.state.me.us/doc/parks/programs/db\\_search/index.html](http://www.state.me.us/doc/parks/programs/db_search/index.html) or in the Maine Atlas and Gazetteer published by DeLorme. Acadia National Park on Mount Desert Island is Maine's only National Park.

For guidance on completing this field survey checklist, please contact Licensing staff in the Division of Land Resource Regulation at the following offices:

(Headquarters)  
Central Maine Regional Office  
17 State House Station  
Ray Building, Hospital Street  
Augusta, Maine 04333  
**(207) 287-3901** or  
toll free at **1-800-452-1942**

Eastern Maine Regional Office  
106 Hogan Road  
Bangor, Maine 04401  
**(207) 941-4570** or  
toll free at **1-888-769-1137**

Northern Maine Regional Office  
1235 Central Drive  
Presque Isle, Maine 04769  
**(207) 764-0477** or  
toll free at **1-888-769-1053**

Southern Maine Regional Office  
312 Canco Road  
Portland, Maine 04103  
**(207) 822-6300** or  
toll free at **1-888-769-1036**

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**APPENDIX B: MDEP COASTAL WETLAND CHARACTERIZATION:  
INTERTIDAL & SHALLOW SUBTIDAL FIELD SURVEY CHECKLIST**

NAME OF APPLICANT: Canal Landing, LLC PHONE: 207-774-1067

APPLICATION TYPE: Individual NRPA Permit Amendment

ACTIVITY LOCATION: TOWN: Portland COUNTY: Cumberland

ACTIVITY DESCRIPTION:  fill  pier  lobster pound  shoreline stabilization  
 dredge  other: \_\_\_\_\_

DATE OF SURVEY: October 20, 2017 OBSERVER: Stephen Bushey, P.E.

TIME OF SURVEY: 7:30 AM TIDE AT SURVEY: Low

SIZE OF DIRECT IMPACT OR FOOTPRINT (square feet):  
Intertidal area: \_\_\_\_\_ Subtidal area: \_\_\_\_\_

SIZE OF INDIRECT IMPACT, if known (square feet): N/A  
Intertidal area: 7,231 SF Subtidal area: 14,355 SF

HABITAT TYPES PRESENT (check all that apply):  
 sand beach  boulder/cobble beach  sand flat  mixed coarse & fines  salt marsh  
 ledge  rocky shore  mudflat (sediment depth, if known: \_\_\_\_\_)

ENERGY:  protected  semi-protected  partially exposed  exposed

DRAINAGE:  drains completely  standing water  pools  stream or channel

SLOPE:  >20%  10-20%  5-10%  0-5%  variable

SHORELINE CHARACTER:  
 bluff/bank (height from spring high tide: 5' +/-)  beach  rocky  vegetated

FRESHWATER SOURCES:  stream  river  wetland  stormwater

MARINE ORGANISMS PRESENT:

	absent	occasional	common	abundant
mussels	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
clams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
marine worms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
rockweed	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
eelgrass	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
lobsters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SIGNS OF SHORELINE OR INTERTIDAL EROSION?  yes  no

PREVIOUS ALTERATIONS?  yes  no

CURRENT USE OF SITE AND ADJACENT UPLAND:  
 undeveloped  residential  commercial  degraded  recreational

**PLEASE SUBMIT THE FOLLOWING:**  
 Photographs  Overhead drawing (pink)

**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.**

<b>Volume to be dredged:</b>	1,500-2,500 cu. yds.		
<b>Sq. ft. to be dredged:</b> i	16,736 sq. ft.		
<b>Max. depth of dredging below existing grade:</b>	10 ft. +/-		
<b>Type of material (example: sand, silt, clay, gravel. etc.) to be Dredged:</b>	Medium dense, gray organic clayey silt, trace fine sand with shells		
<b>Describe what erosion and sediment control measures will be used during the dredging operation. (attach separate sheet if necessary):</b>	<ul style="list-style-type: none"> <li>- All work shall be executed from shore or barge.</li> <li>- No tracked or wheeled equipment shall be operated or placed below high water mark.</li> <li>- Floating boom curtains shall be placed around perimeter of dredging zone.</li> </ul>		
<b>Describe how and where the dredge spoils will be dewatered (attach separate sheet if necessary):</b>  <b>Show dewatering location and erosion control measures on activity drawings.</b>	<ul style="list-style-type: none"> <li>- Dewatering of dredge spoils will occur on site within an upland area greater than 75' from the shoreline. Material will be stockpiled and allowed to dry prior to final grading by a bull dozer for use as subgrade fill.</li> </ul>		
<b>What equipment will be used for the dredge?</b>	Long armed excavator		
<b>Disposal Location: (Check one)</b>	<b>Upland disposal:</b>		<b>Ocean disposal:</b>
	<input checked="" type="checkbox"/> On site <input type="checkbox"/> Landfill <input type="checkbox"/> Other _____		Federal Disposal Site <input type="checkbox"/> Arundel <input type="checkbox"/> Portland <input type="checkbox"/> Rockland <input type="checkbox"/> Other _____

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**FOR UPLAND DISPOSAL:**

Contact the Division of Solid Waste Management at (207) 822-6300:

Contacted:      Yes  No   If yes, attach a copy of any correspondence.  
Permitted:      Yes  No   If yes, provide the permit number\_\_\_\_\_.

**FOR OCEAN DISPOSAL:**

Submit as **Attachment 15**, a copy of the test results performed in accordance with the U.S. Environmental Protection Agency and the Army Corps of Engineers' document entitled "Regional Implementation Manual for the Evaluation of Dredged Material Proposed for Disposal in New England Waters" (May 2002). This is available from the Army Corps of Engineers. (207) 623-8367

**NOTE:** Applicants are STRONGLY recommended to contact the DEP prior to performing any sediment sampling. Improperly sampled or analyzed sediments may have to be retested.

Submit as **Attachment 16**, a copy of a map showing the proposed transportation route to the disposal site.

List all municipalities adjacent to the proposed transportation site:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

A copy of the application must be submitted to all municipalities adjacent to the proposed transportation site.

Submit as **Attachment 17**, a copy of the notice of the proposed transportation route. A copy of the proposed transportation route must be published in a newspaper of general circulation in the area of the proposed route. (The notice of the proposed route must include compass bearings or Loran coordinates). The notice must be published under the heading "NOTICE TO FISHERMAN".

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**Natural Resource Protection Act Application**  
**APPENDIX D: Project Description Worksheet for a Dock, Pier or Wharf Application.**



Help us process your application more efficiently by completing this worksheet, which is supplemental to a NRPA application for a dock, pier or wharf. A completed Appendix D may be substituted for Block 14 of the application page.



**THIS IS AN APPLICATION FOR A.....**

- Commercial wharf  
If yes, indicate type of commercial activity: Boatyard  
License number: \_\_\_\_\_  
Number of fishermen using this wharf: \_\_\_\_\_
- Public pier, dock or wharf
- Common or shared recreational pier, dock or wharf
- Private recreational pier, dock or wharf
- Expansion or modification of an existing structure
- Other, please indicate: \_\_\_\_\_



**TELL US ABOUT YOUR BOAT....**

My boat(s) requires a draft of \_\_\_\_\_ feet.  
My boat(s) is \_\_\_\_\_ feet long.



**TELL US ABOUT YOUR PROJECT SITE....** For coastal piers and wharves, please complete Appendix B of the NRPA application. For freshwater docks, please describe the substrate and any vegetation: Located along Fore River waterfront in Portland, Maine



**SCENIC CONSIDERATIONS...**Please complete Appendix A of the NRPA application.



**WHAT FACILITIES ARE NEARBY?**

The nearest public boat launch is located in Portland approximately 2 miles from the project location.  
(town) (distance)

The nearest public, commercial, or private marina is located in Portland approximately 1 miles from the project location.  
(distance) (town)

- I have inquired about slip or mooring availability at the nearest marina or public facility.
  - Yes, a slip or mooring is available.     No, a slip or mooring is not available.
  - Approximate expected time on waiting list: \_\_\_\_\_
- I have contacted the local Harbor Master. Name: Kevin Battle Phone: 207-772-8121

I currently use the following for my boat:  Mooring  Marina



**TELL US ABOUT YOUR PROPOSED PIER, DOCK OR WHARF...**

**MATERIALS:**

- The structure will be supported by pilings.  
\_\_\_\_\_ pilings of \_\_\_\_\_ inches in diameter
- The structure will be supported by stacked, flow-through granite cribs.  
\_\_\_\_\_ blocks, measuring \_\_\_\_\_ feet by \_\_\_\_\_ feet
- The structure will be supported by solid fill.  
\_\_\_\_\_ square feet of solid fill
- Other: \_\_\_\_\_

**DIMENSIONS:**

Length of fixed section: \_\_\_\_\_ feet  
Width of fixed section: \_\_\_\_\_ feet  
Length of ramp: \_\_\_\_\_ feet  
Dimensions of float: \_\_\_\_\_ feet wide by \_\_\_\_\_ feet long  
Distance the structure will extend below mean low water (MLW): \_\_\_\_\_ feet  
Depth of water at the fixed end of the structure: \_\_\_\_\_ feet  
Depth of water at the float at low tide: \_\_\_\_\_ feet  
Depth of water at the float at high tide: \_\_\_\_\_ feet  
Dimensions of any proposed buildings (e.g. bait shed): \_\_\_\_\_ feet high by \_\_\_\_\_ feet wide by \_\_\_\_\_ feet long

**ACCESS:**

During construction, my project site will be accessed via:

- Land
- Beach/intertidal area
- Water/barge