

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK

CITY OF PORTLAND

Please Read Application And Notes, If Any, Attached

PERMIT ISSUED
Permit Number: 060301
APR - 4 2006
CITY OF PORTLAND

This is to certify that Napolitano Timothy A /David Construction
has permission to Build landings and two sets stairs to access walk front.
AT 614 Island Ave 092 A006001

provided that the person or persons firm or organization accepting this permit shall comply with all of the provisions of the Statutes of Maine and of the Ordinances of the City of Portland regulating the construction, maintenance and use of buildings and structures, and of the application on file in this department.

Apply to Public Works for street line and grade if nature of work requires such information.

Notification of inspection must be given and when permission is procured before this building or part thereof is started or closed-in. 24 HOUR NOTICE IS REQUIRED.

A certificate of occupancy must be procured by owner before this building or part thereof is occupied.

OTHER REQUIRED APPROVALS

Fire Dept
Health Dept.
Appeal Board
Other Department Name

Jeanie Bourke 4/3/06
Director - Building & Inspection Services

PENALTY FOR REMOVING THIS CARD

**City of Portland, Maine - Building or Use Permit Application**

389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

**PERMIT ISSUED**

|                       |                           |                     |
|-----------------------|---------------------------|---------------------|
| Permit No:<br>06-0301 | Issue Date:<br>APR - 2006 | DBL:<br>092 A006001 |
|-----------------------|---------------------------|---------------------|

|   |  |  |                        |
|---|--|--|------------------------|
| Location of Construction:<br>614 Island Ave, Peaks Island | Owner Name:<br>Napolitano Timothy A    | Owner Address:<br>5 Applewood Cir                    | Phone:<br>207-831-1031 |
| Business Name:<br>n/a                                     | Contractor Name:<br>Davis Construction | Contractor Address:<br>159 Front Street So. Portland | Phone:<br>2077991936   |
| Lessee/Buyer's Name:<br>n/a                               | Phone:<br>n/a                          | Permit Type:<br>Additions - Dwellings                | Zone:<br>IR2           |

|                      |  |                        |                             |                    |
|----------------------|--|------------------------|-----------------------------|--------------------|
| Past Use:<br>Cottage | Proposed Use:<br>Cottage / Build landings and two sets of stairs to access waterfront. | Permit Fee:<br>\$66.00 | Cost of Work:<br>\$5,000.00 | CEO District:<br>2 |
|----------------------|--|------------------------|-----------------------------|--------------------|

**Proposed Project Description:**  
Build landings and two sets of stairs to access waterfront.

|  |   |
|--|---|
| FIRE DEPT:<br><input type="checkbox"/> Approved<br><input type="checkbox"/> Denied | INSPECTION:<br>Use Group R3 Type SB<br>IRC-2003<br>Signature: JMB 4/13/06 |
|--|---|

**PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)**

Action:  Approved  Approved w/Conditions  Denied

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

|                        |                                 |                        |
|------------------------|---------------------------------|------------------------|
| Permit Taken By:<br>GG | Date Applied For:<br>03/07/2006 | <b>Zoning Approval</b> |
|------------------------|---------------------------------|------------------------|

|   |  |  |   |
|---|--|--|---|
| <p>1. This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules.</p> <p>2. Building permits do not include plumbing, septic or electrical work.</p> <p>3. Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work..</p> | <p><b>Special Zone or Reviews</b></p> <p><input checked="" type="checkbox"/> Shoreland</p> <p><input type="checkbox"/> Wetland</p> <p><input type="checkbox"/> Flood Zone</p> <p><input type="checkbox"/> Subdivision</p> <p><input checked="" type="checkbox"/> Site Plan<br/>2006-0024</p> <p>Maj <input type="checkbox"/> Minor <input checked="" type="checkbox"/> MM <input type="checkbox"/></p> <p>OK<br/>Date: 3/14/06 ABM</p> | <p><b>Zoning Appeal</b></p> <p><input type="checkbox"/> Variance</p> <p><input type="checkbox"/> Miscellaneous</p> <p><input checked="" type="checkbox"/> Conditional Use</p> <p><input type="checkbox"/> Interpretation</p> <p><input checked="" type="checkbox"/> Approved<br/>6-0 1/15/06</p> <p><input type="checkbox"/> Denied</p> <p>Date: _____</p> | <p><b>Historic Preservation</b></p> <p><input checked="" type="checkbox"/> Not in District or Landmark</p> <p><input type="checkbox"/> Does Not Require Review</p> <p><input type="checkbox"/> Requires Review</p> <p><input type="checkbox"/> Approved</p> <p><input type="checkbox"/> Approved w/Conditions</p> <p><input type="checkbox"/> Denied</p> <p>Date: ABM</p> |
|---|--|--|---|

**CERTIFICATION**

I hereby certify that I am the owner of record of the named property, or that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in the application is issued, I certify that the code official's authorized representative shall have the authority to enter all areas covered by such permit at any reasonable hour to enforce the provision of the code(s) applicable to such permit.

|   |         |      |       |
|---|---------|------|-------|
| SIGNATURE OF APPLICANT                      | ADDRESS | DATE | PHONE |
| RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE |         | DATE | PHONE |

06 0301



# General Building Permit Application

If you or the property owner owes real estate or personal property taxes or user charges on any property within the City, payment arrangements must be made before permits of any kind are accepted.

|   |  |                                |   |
|---|--|--------------------------------|---|
| Total Square Footage of Proposed Structure  |  | Square Footage of Lot          |   |
| Tax Assessor's Chart, Block & Lot<br>Chart#      Block#      Lot#<br>092      A-006      001                |  | Owner<br>TIMOTHY A. NAPOLITANO | Telephone:<br>831-1031  |
| Lessee/Buyer's Name (If Applicable)   | Applicant name, address & telephone:<br>TIMOTHY A. NAPOLITANO<br>P.O. Box 2301<br>South Portland, Me 04106 |                                | Cost Of Work: \$ 5000<br>Fee: \$ 66 <sup>00</sup><br>C of O Fee: \$ |
| Project description:<br><u>STAIRS</u><br><u>STAIRS + LANDINGS</u><br><u>two sets of stairs, one landing</u> |  |                                |   |
| Contractor's name, address & telephone:<br><u>DAVIS Construction / Arlen Davis</u><br><u>ARLEN</u>          |  |                                |   |
| Who should we contact with the permit ready:<br>Mailing address:  |  | Phone: <u>615-7233</u>         |   |
| DEPT. OF BUILDING INSPECTION<br>CITY OF PORTLAND, ME<br>MAR - 6 2006  |  |                                |   |

Please submit all of the information outlined in the Commercial Application Checklist. Failure to do so will result in the automatic denial of your permit.

In order to be sure the City fully understands the full scope of the project, the Planning and Development Department may request additional information prior to the issuance of a permit. For further information visit us on-line at [www.portlandmaine.gov](http://www.portlandmaine.gov), stop by the Building Inspections office, room 315 City Hall or call 874-8703.

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Code Official's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

Timothy A. Napolitano

**This is not a permit; you may not commence ANY work until the permit is issued.**

**City of Portland, Maine - Building or Use Permit**

389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

|   |   |   |
|---|---|---|
| <b>Permit No:</b><br>06-0301  | <b>Date Applied For:</b><br>03/07/2006        | <b>CBL:</b><br>092 A006001  |
| <b>Location of Construction:</b><br>614 Island Ave  | <b>Owner Name:</b><br>Napolitano Timothy A    | <b>Owner Address:</b><br>5 Applewood Cir  |
| <b>Business Name:</b><br>n/a  | <b>Contractor Name:</b><br>Davis Construction | <b>Contractor Address:</b><br>159 Front Street So. Portland   |
| <b>Lessee/Buyer's Name:</b><br>n/a  | <b>Phone:</b><br>n/a                          | <b>Permit Type:</b><br>Additions - Dwellings  |
| <b>Proposed Use:</b><br>Cottage / Build landings and two sets of stairs to access waterfront. |   | <b>Proposed Project Description:</b><br>Build landings and two sets of stairs to access waterfront. |

**Dept:** Zoning      **Status:** Approved      **Reviewer:** Ann Machado      **Approval Date:** 03/14/2006  
**Note:**      **Ok to Issue:**

**Dept:** Building      **Status:** Approved with Conditions      **Reviewer:** Jeanine Bourke      **Approval Date:** 04/03/2006  
**Note:**      **Ok to Issue:**

1) Permit approved based on the plans submitted and reviewed w/owner/contractor, with additional information as agreed on and as noted on plans.

**Comments:**  
04/03/2006-jmb: Spoke to Arlen D. For framing details on stairs and landings, he will come in to add to plans.

# CITY OF PORTLAND, MAINE

---

## ZONING BOARD OF APPEALS

Peter Coyne  
Philip Saucier  
Peter Thornton  
Kate **Knox**  
Catherine Alexander  
David Dore Secretary  
William Hall, Chair

January 9, 2006

Jerome D. Lord  
TEC Associates  
46 Sawyer St.  
So. Portland, ME 04106

RE:           **214** Island Ave. Peaks Island  
CBL:           092 A 006  
ZONE:         IR2

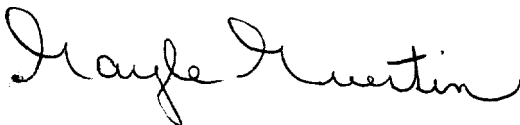
Dear Mr. Lord:

As you know, at its January 5, 2006, meeting, **the Board of Appeals voted 6-0 and granted to approve your Conditional Use Appeal.**

Enclosed please find the Board's decision. The next step is to apply for a minor site plan for the planning department, then a building permit for the inspections department.

Should you have any questions please feel free to contact me at 207-874-8701,

Sincerely,



Gayle Guertin  
Office Assistant

# OF PORTLAND, MAINE ZONING BOARD OF APPEALS

## APPEAL AGENDA

The Board of Appeals will hold a public hearing on Thursday, January 5, 2006 at 6:30 p.m. on the second floor in Room 209 at the Portland City Hall 389 Congress Street, Portland, Maine to hear the following appeals:

To: City Clerk  
From: Marge Schmuckal, Zoning Administrator  
Date: January 09, 2005  
RE: Action taken by the Zoning Board of Appeals on January 5, 2006

The meeting was called to order at 6:45p.m.

### Roll call as follows:

**Members Present:** Philip Saucier, Peter Cope, Peter Thornton, David Dore, William Hall, Catherine Alexander, and Kate Knox.

**Members Absent:** None

## APPEAL AGENDA

### 1. New Business:

#### A. Interpretation Appeal:

245 High Street / Gordan Simonds, owner Tax Map # 036 Block G Lot #005 in the R-6 Residential Zone. Appellant is appealing an Interpretation of the Building Official, relating to section 14-463 of the City of Portland Zoning Ordinance and section 105.1 and 110.1 of the 2003 International Building Code. Change of Use permit was never granted and no Certificate of Occupancy has been issued for the currently 16 unit rooming house. Representing the appeal is the owner. **Request to continue for two weeks, on January 19, 2006 agenda. Board voted 7-0 and accepted.**

#### B. Conditional Use Appeal:

614 Island Avenue, Timothy A. Napolitano owner, Tax Map #092 Block A Lot #006 in the IR2 Island Residential Zone is seeking a Conditional Use Appeal under section 14-145.9.c4 of the City of Portland Zoning Ordinance. Appellant requests permission to access the waterfront by adding two sets of landings, two sets of stairways, 5' x 50' pier, 3' x 48' ramp and a 12' x 30' seasonal float. Currently to access the waterfront there is a steep bank with a seaweed covered ledge. Representing the Appeal is Jerome D. Lord / TEC Associates. **Peter Thornton recused himself from voting on the Appeal because of the appearance of a conflict of interest (he was the buyers broker). The board accepted. Board voted 6-0 and granted the Conditional Use Appeal.**

#### C. Conditional Use Appeal:

930 Forest Avenue, James S. Miller owner, Tax Map #142 Block E Lot #004 in the R/P Residence Professional Zone is seeking a Conditional Use Appeal under section 14-147.5 of the City of Portland Zoning Ordinance. Appellant is requesting a Change of Use to allow for a home occupational business known as Psychic Readings by Anna. Representing the Appeal is the owner. **Board voted 7-0 and granted the Conditional Use Appeal.**

CITY OF PORTLAND, MAINE  
**DEVELOPMENT REVIEW APPLICATION**  
**PLANNING DEPARTMENT PROCESSING FORM**  
 Zoning Copy

**2006-0004**  
 Application I. D. Number  
**111012006**  
 Application Date  
 Pier Installation  
 Project Name/Description

Napolitano Timothy A - 2  
 Applicant  
**5 Appiewood Cir., PO Box 2301, South Portland, ME 04106**  
 Applicant's Mailing Address

Consultant/Agent  
 Applicant Ph: **(207) 799-1525** Agent Fax:  
 Applicant or Agent Daytime Telephone, Fax

**614 - 614** Island Ave, Portland, Maine  
 Address of Proposed Site  
**092 A006001**  
 Assessor's Reference: Chart-Block-Lot

Proposed Development (check all that apply):  New Building  Building Addition  Change Of Use  Residential  Office  Retail  
 Manufacturing  Warehouse/Distribution  Parking Lot  Other (specify) Stalrs, pier, ramp and float

Proposed Building square Feet or # of Units \_\_\_\_\_ Acreage of Site \_\_\_\_\_ **IR-2**  
 Zoning

Check Review Required:

- |  |   |  |  |
|--|---|--|--|
| <input type="checkbox"/> Site Plan<br>(major/minor)        | <input type="checkbox"/> Subdivision<br># of lots _____ | <input type="checkbox"/> PAD Review            | <input type="checkbox"/> 14-403 Streets Review   |
| <input type="checkbox"/> Flood Hazard                      | <input type="checkbox"/> Shoreland                      | <input type="checkbox"/> Historic Preservation | <input type="checkbox"/> DEP Local Certification |
| <input type="checkbox"/> Zoning Conditional<br>Use (ZBNPB) | <input type="checkbox"/> Zoning Variance                |  | <input type="checkbox"/> Other _____             |

Fees Paid: Site Pla \$400.00 Subdivision \_\_\_\_\_ Engineer Review \_\_\_\_\_ Date 1/12/2006

**Zoning Approval Status:**

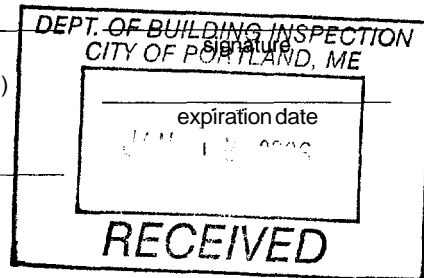
Reviewer Marge S. - Dnap.  
 Approved  Approved w/Conditions  
 See Attached  Denied

Approval Date \_\_\_\_\_ Approval Expiration \_\_\_\_\_ Extension to \_\_\_\_\_  Additional Sheets  
 Attached  
 Condition Compliance \_\_\_\_\_ signature \_\_\_\_\_ date \_\_\_\_\_

Performance Guarantee  Required\*  Not Required

\* No building permit may be issued until a performance guarantee has been submitted as indicated below

- |   |                |  |                 |
|---|----------------|--|-----------------|
| <input type="checkbox"/> Performance Guarantee Accepted     | _____          | _____  | _____           |
|   | date           | amount   | expiration date |
| <input type="checkbox"/> Inspection Fee Paid                | _____          | _____  |                 |
|   | date           | amount   |                 |
| <input type="checkbox"/> Building Permit Issue              | _____          |  |                 |
|   | date           |  |                 |
| <input type="checkbox"/> Performance Guarantee Reduced      | _____          | _____  |                 |
|   | date           | remaining balance                                  |                 |
| <input type="checkbox"/> Temporary Certificate of Occupancy | _____          | <input type="checkbox"/> Conditions (See Attached) |                 |
|   | date           |  |                 |
| <input type="checkbox"/> Final Inspection                   | _____          | _____  |                 |
|   | date           | signature  |                 |
| <input type="checkbox"/> Certificate Of Occupancy           | _____          | _____  |                 |
|   | date           |  |                 |
| <input type="checkbox"/> Performance Guarantee Released     | _____          | _____  |                 |
|   | date           | signature  |                 |
| <input type="checkbox"/> Defect Guarantee Submitted         | _____          | _____  | _____           |
|   | submitted date | amount   | expiration date |
| <input type="checkbox"/> Defect Guarantee Released          | _____          | _____  |                 |
|   | date           | signature  |                 |





*Strengthening a Remarkable City. Building a Community for Life* www.portlandmaine.gov

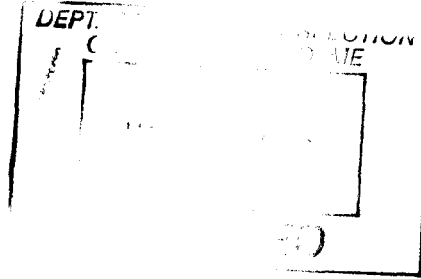
**Planning and Development Department**  
Lee O. Urban, Director

**Planning Division**  
Alexander Jaegerman, Director

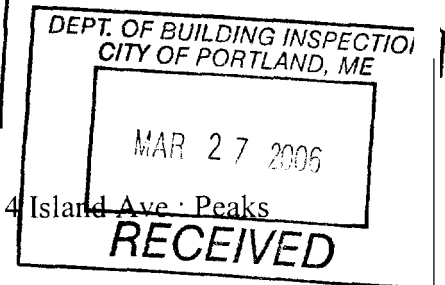
Jerome D. Lord  
TEC Associates  
46 Sawyer Street  
South Portland, ME 04106

Dear Mr. Lord:

RE: Application for Minor Site Plan, Pier installation at #614 Island Ave - Peaks  
Island



March 22, 2006



On March 22, 2006, the Portland Planning Authority approved the installation of a pier to be located at 614 Island Avenue as shown on the approved plan with the following conditions:

All Site Work will conform to the City of Portland ordinance on Shoreland Regulations (Division 26).

The approval is based on the submitted site plan. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.

Please note the following provisions and requirements for all site plan approvals:

1. Where submission drawings are available in electronic form, the applicant shall submit any available electronic Autocad files (\*.dwg), release 14 or greater, with seven (7) sets of the final plans.
2. Due to the limited nature of the work, no performance guarantee will be required for this project; however, an inspection fee of \$300.00 is required prior to commencing sitework
3. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Work's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting



# BUILDING PERMIT INSPECTION PROCEDURES

Please call **874-8703 or 874-8693** to schedule your inspections as agreed upon

Permits expire in 6 months, if the project is not started or ceases for 6 months.

The Owner or their designee is required to notify the inspections office for the following inspections and provide adequate notice. Notice must be called in 48-72 hours in advance in order to schedule an inspection:

By initializing at each inspection time, you are agreeing that you understand the inspection procedure and additional fees from a "Stop Work Order" and "Stop Work Order Release" will be incurred if the procedure is not followed **as** stated below.

A Pre-construction Meeting will take place upon receipt of your building permit.

- Footings/Building Location Inspection:** Prior to pouring concrete
- Pinning to ledge*  
 **Re-Bar Schedule Inspection:** Prior to pouring concrete
- NA* **Foundation Inspection:** Prior to placing ANY backfill
- Framing/Rough Plumbing/Electrical:** Prior to any insulating or drywalling
- Final/Certificate of Occupancy:** Prior to any occupancy of the structure or use. ~~NOTE: There is a \$75.00 fee per inspection at this point.~~

Certificate of Occupancy is not required for certain projects. Your inspector can advise you if your project requires a Certificate of Occupancy. All projects DO require a final inspection

**If any of the inspections do not occur, the project cannot go on to the next phase, REGARDLESS OF THE NOTICE OR CIRCUMSTANCES.**

*NA* **CERTIFICATE OF OCCUPANCIES MUST BE ISSUED AND PAID FOR BEFORE THE SPACE MAY BE OCCUPIED**

*Luis E. Torres, Davis Const. Inc.*  
Signature of Applicant/Designee

4-4-02  
Date

*Seamus Bonk*  
Signature of Inspections Official

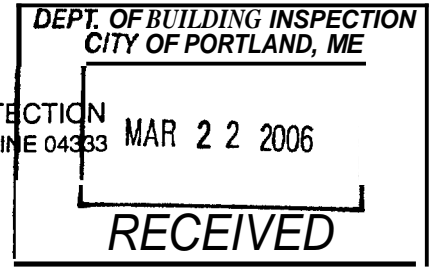
4/4/02  
Date

CBL 092 A006

Building Permit #: 060301



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



DEPARTMENT ORDER  
IN THE MATTER OF

TIMOTHY NAPOLITANO  
Portland, Cumberland County  
PILE SUPPORTED PIER  
L-22733-4E-A-N {approval}

) NATURAL RESOURCES PROTECTION  
) COASTAL WETLAND ALTERATION  
) WATER QUALITY CERTIFICATION  
) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S.A. Sections 480-A et seq. and Section 401 of the Federal Water Pollution Control Act, the Department of Environmental Protection has considered the application of TIMOTHY NAPOLITANO with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT DESCRIPTION:

A. Summary: The applicant proposes to construct a five foot wide by fifty foot long aluminum pier, pinned to a ledge outcrop and supported by two ten inch by ten inch piles and four eight inch diameter bent piles. The applicant also proposes to construct a temporary ramp and float. In order to traverse the steep slope to the pier site, the applicant proposes to construct a set of stairs measuring approximately five feet wide by 280 feet long with two landings measuring approximately 5 feet wide and eighty feet long. The proposed stairs and landings would be supported by posts. The project site is located on Island Avenue, on the northwest side of Peaks Island in the City of Portland.

B. Current Use of the Site: The applicant owns 9,140 square feet of property on Peaks Island. The property is currently developed with a single family house. It contains approximately 74 feet of frontage on Diamond Island Pass, Casco Bay. The shoreline is characterized by a steep slope, vegetated with shrubs and trees. The intertidal area is dominated by a combination of ledge and rockweed, sand and cobble. The property is further identified as Lot 6A on the City of Portland's Tax Map #92.

2. WATER QUALITY CONSIDERATIONS:

The Department does not anticipate that the proposed project will violate any state water quality law, including those governing the classification of the State's waters.

3. HABITAT CONSIDERATIONS:

The Department of Marine Resources (DMR) stated that the site of the proposed project is a moderate energy mixed shore. The upland area is developed with a house and lawn. The supratidal is ledge and the base of a 30-foot high vegetated slope. The intertidal area

RECEIVED

MAR 01 2006

TEC ASSOCIATES

is ledge with a variable slope, approximately 60-feet wide. The lower intertidal area is sand, gravel and cobble. There is moderate seaweed cover in the intertidal area. Barnacles, mussels and periwinkles are present. There is a pier on the abutting property to the northeast. DMR stated that the proposed project should not cause any significant adverse impact to marine resources, navigation or recreation.

The Maine Department of Inland Fisheries and Wildlife (IF&W) reviewed the proposed project and stated that there are no Essential or Significant Wildlife Habitats at the project site. IF&W stated that there is a high value Coastal Wading Bird and Waterfowl Habitat associated with offshore eelgrass beds near the project site. IF&W further stated that considering the use and design of the proposed pier, as well as the level of development on site, IF&W does not believe that this project will significantly impact the Coastal Wading Bird and Waterfowl Habitat.

#### 4. WETLANDS AND WATERBODIES PROTECTION RULES:

The Department's Wetlands and Waterbodies Protection Rules, Chapter 310, require that the applicant meet the following standards:

a. Avoidance. No activity may be permitted if there is a practicable alternative to the project that would be less damaging to the environment. Each application for a coastal wetland alteration permit must provide an analysis of alternatives in order to demonstrate that a practicable alternative does not exist. The applicant submitted an alternative analysis for the proposed project completed by TEC Associates and submitted as Attachment 2 in the application packet. The applicant is in the process of purchasing a 25 foot long motorboat. There are two organizations on Peaks Island that provide water access for boats, Peaks Island Marina and the Trefthen-Evergreen Improvement Association (TEIA). TEIA is a private club that promotes sailing and tennis. The applicant does not wish to join this club. The Peaks Island Manna does not have any slips or moorings available. There is no safe way to access the shoreline on this property due to the steep slope and the seaweed covered ledges.

b. Minimal Alteration. The amount of coastal wetland to be altered must be kept to the minimum amount necessary for meeting the overall purpose of the project. The applicant proposes to permanently alter approximately 250 square feet with the installation of the pier and temporarily alter 504 square feet with the ramp and float. Soil and vegetation adjacent to the coastal wetland will be temporarily disturbed to install posts that will support the proposed stairs and landings. The landward end of the pier will be pinned to an existing ledge wall and the seaward end will be supported by two piles that will be protected with four batter pilings. The float will be secured using helix anchors rather than blocks. The pier has been designed to have each end land on exposed ledge outcrop.

c. Compensation. In accordance with Chapter 310(5)(C)(6)(b), compensation is not required to achieve the goal of no net loss of coastal wetland functions and values.

The Department finds that the applicant has avoided and minimized coastal wetland impacts to the greatest extent practicable, and that the proposed project represents the least environmentally damaging alternative that meets the overall purpose of the project.

**5. OTHER CONSIDERATIONS:**

The Department did not identify any other issues involving existing scenic, aesthetic, or navigational uses, soil erosion, habitat or fisheries, the natural transfer of soil, natural flow of water, water quality, or flooding.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to **38 M.R.S.A. Sections 480-A et seq.** and Section 401 of the Federal Water Pollution Control Act:

- A.** The proposed activity will not unreasonably interfere with existing scenic, aesthetic, recreational, or navigational uses.
- B.** The proposed activity will not cause unreasonable erosion of soil or sediment.
- C.** The proposed activity will not unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.
- D.** The proposed activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic habitat, travel corridor, freshwater, estuarine, or marine fisheries or other aquatic life.
- E.** The proposed activity will not unreasonably interfere with the natural flow of any surface or subsurface waters.
- F.** **The** proposed activity will not violate any state water quality law including those governing the classifications of the State's waters.
- G.** The proposed activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties.
- H.** The proposed activity is not on or adjacent to a sand dune.

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

THEREFORE, the Department APPROVES the above noted application of TIMOTHY NAPOLITANO to construct a set of stairs and landings to access the shoreline and a pier, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations:

- 1. Standard Conditions of Approval, a copy attached.
- 2. The applicant shall take all necessary measures to ensure that his activities or those of his agents do not result in measurable erosion of soil on the site during the construction of the project covered by this approval.

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

DONE AND DATED AT AUGUSTA; MAINE, THIS 27<sup>th</sup> DAY OF February, 2006.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

By:

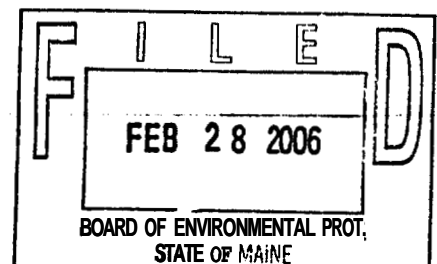
  
**DAVID P. LITTELL, COMMISSIONER**

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application November 16, 2005

Date of application acceptance November 23, 2005

Date filed with Board of Environmental Protection  
DEH/ATS#56560/L22733AN





## NATURAL RESOURCE PROTECTION ACT (NRPA) STANDARD CONDITIONS

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

- A. **Approval of Variations From Plans.** The granting of this permit is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from these plans, proposals, and supporting documents is subject to review and approval prior to implementation.
- B. **Compliance With All Applicable Laws.** The applicant shall secure and comply with all applicable federal, state, and local licenses, permits, authorizations, conditions, agreements, and orders prior to or during construction and operation. as appropriate.
- C. **Erosion Control.** The applicant shall take all necessary measures to ensure that his activities or those of his agents do not result in measurable erosion of soils on the site during the construction and operation of the project covered by this Approval.
- D. **Compliance With Conditions.** Should the project be found, at any time, not to be in compliance with any of the Conditions of this Approval, or should the applicant construct or operate this development in any way other the specified in the Application or Supporting Documents, as modified by the Conditions of this Approval. then the terms of this Approval shall be considered to have been violated.
- E. **Initiation of Activity Within Two Years.** If construction or operation of the activity is not begun within two years, this permit shall lapse and the applicant shall reapply to the Board for a new permit. The applicant may not begin construction or operation of the activity until a new permit is granted. Reapplications for permits shall state the reasons why the applicant will be able to begin the activity within two years form the granting of a new permit, if so granted. Reapplications for permits may include information submitted in the initial application by reference.
- F. **Reexamination After Five Years.** If the approved activity is not completed, within five years from the date of the granting of a permit, the Board may reexamine its permit approval and impose additional terms or conditions to respond to significant changes in circumstances which may have occurred during the five-year period.
- G. **No Construction Equipment Below High Water.** No construction equipment used in the undertaking of an approved activity is allowed below the mean high water line unless otherwise specified by this permit.
- H. **Permit Included In Contract Bids.** A copy of this permit must be included in or attached to all contract bid specifications for the approved activity.
- I. **Permit Shown To Contractor.** Work done by a contractor pursuant to this permit shall not begin before the contractor has been shown by the applicant a copy of this permit.

Revised (4/92)

DEP LW0428



# DEP INFORMATION SHEET

## Appealing a Commissioner's Licensing Decision

Dated: May 2004

Contact: (207) 257-2811

### SUMMARY

There are two methods available to an aggrieved person seeking to appeal a licensing decision made by the Department of Environmental Protection's (DEP) Commissioner: (1) in an administrative process before the Board of Environmental Protection (Board); or (2) in a judicial process before Maine's Superior Court. This **INFORMATION SHEET**, in conjunction with consulting statutory and regulatory provisions referred to herein, can help aggrieved persons with understanding their rights and obligations in filing an administrative or judicial appeal.

### I. ADMINISTRATIVE APPEALS TO THE BOARD

#### LEGAL REFERENCES

DEP's *General Laws*, 38 M.R.S.A. § 341-D(4), and its *Rules Concerning the Processing of Applications and Other Administrative Matters* (Chapter 2), 06-096 CMR 2.24 (April 1, 2003).

#### HOW LONG YOU HAVE TO SUBMIT AN APPEAL TO THE BOARD

The Board must receive a written notice of appeal within **30** calendar days of the date on which the Commissioner's decision was filed with the Board. Appeals filed after 30 calendar days **will** be rejected.

#### HOW TO SUBMIT AN APPEAL TO THE BOARD

Signed original appeal documents must be sent to: **Chair**, Board of Environmental Protection, c/o Department of Environmental Protection, 17 State House Station, Augusta, ME 04333-0017; faxes are acceptable for purposes of meeting the deadline when followed by receipt of mailed **original** documents within five (5) working days. Receipt on a particular day must be by 5:00 PM at DEP's offices in Augusta; materials received after 5:00 PM are not considered received until the following day. The person appealing a licensing decision must also send the **DEP's** Commissioner and the applicant a copy of the documents. *All* the information listed in the next section must be submitted at the time the appeal is filed. Only the extraordinary circumstances described at the end of that section will justify evidence not in the DEP's record at the time of decision being added to the record for consideration by the Board as part of an appeal.

#### WHAT YOUR APPEAL PAPERWORK MUST CONTAIN

The materials constituting an appeal must contain the following **information** at the time submitted:

1. **Aggrieved Status.** Standing to **maintain** an appeal requires the appellant to show they are particularly injured by the Commissioner's decision.
2. **The findings, conclusions or conditions objected to or believed to be in error.** Specific references and facts regarding the appellant's issues with the decision must be provided in the notice of appeal.
3. **The basis of the objections or challenge.** If possible, specific regulations, statutes or other facts should be referenced. **This** may include citing omissions of relevant requirements, **and** errors believed to have been made in **interpretations**, conclusions, and relevant requirements.
4. **The remedy sought.** **This** can range from reversal of the Commissioner's decision on the license or permit to changes in specific permit conditions.

5. **All the matters to be contested.** The Board will limit its consideration to those arguments specifically raised in the written notice of appeal.
6. **Request for hearing.** The Board will hear presentations on appeals at its regularly scheduled meetings, unless a public hearing is requested and granted. A request for public hearing on an appeal **must** be filed as part of the notice of appeal.
7. **New or additional evidence to be offered.** The Board may allow new or additional evidence as part of an appeal **only** when the person seeking to add information to the record can show **due diligence** in bringing ~~the~~ evidence to the DEP's attention at the earliest possible time **in** the licensing process **or** show that the evidence itself **is** newly discovered and could not have been presented earlier in the process. Specific requirements for additional evidence are found in Chapter 2, Section 24(B)(5).

#### OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. **Befamiliar with all relevant material in the DEP record.** A license file **is** public information made easily accessible by DEP. Upon request, the DEP will make the material available **during** normal working hours, provide space to review the file, and provide opportunity for photocopying materials. There is a charge for copies or copying services.
2. **Befamiliar with the regulations and laws under which the application was processed, and the procedural rules governing your appeal.** DEP staff will provide **this** information on request and answer questions regarding applicable requirements.
3. **The filing of an appeal does not operate as a stay to any decision.** An applicant proceeding with a project pending the outcome of an appeal **runs** the risk of the decision being reversed or modified **as** a result of the appeal.

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

The Board will formally acknowledge initiation of the appeals procedure, including the name of the DEP project manager assigned to the specific appeal, within 15 days of receiving a **timely filing**. The notice of appeal, **all** materials accepted by the Board *Chair* as additional evidence, and **any** materials submitted **in** response to the appeal will be sent to Board members along with a briefing **and** recommendation **from** DEP **staff**. Parties filing appeals and interested persons are notified in advance of the **final** date set for **Board** consideration of **an** appeal or request for public hearing. With or without holding a public hearing, the Board **may** affirm, amend, or reverse a Commissioner decision. The Board will **notify** parties to **an** appeal **and** interested persons of its decision.

#### II. APPEALS TO MAINE SUPERIOR COURT

Maine **law** allows aggrieved persons to appeal final Commissioner licensing decisions to Maine's **Superior Court**, **see** 38 M.R.S.A. § 346(1); 06-096 CMR 2.26; 5 M.R.S.A. § 11001; & MRCivP 80C. Parties to the licensing decision **must** file a petition for review within 30 days after receipt **of** notice of the Commissioner's Written decision. A petition for review by **any** other person aggrieved **must** be filed **within** 40-days from the date the written decision is rendered. The laws cited **in** **this** paragraph and other legal procedures govern the contents and processing of a Superior **Court** appeal.

#### ADDITIONAL INFORMATION

If **you** have questions or need additional information **on** the appeal process, contact the DEP's Director of Procedures and Enforcement **at** (207) 287-2811.

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



|                     |                   |
|---------------------|-------------------|
| To Jerry            | From D. Hallowell |
| Co./Dept. TEL ASSOC | Co. MDEP          |
| Phone #             | Phone # 822-6300  |
| Fax # 762-2825      | Fax #             |

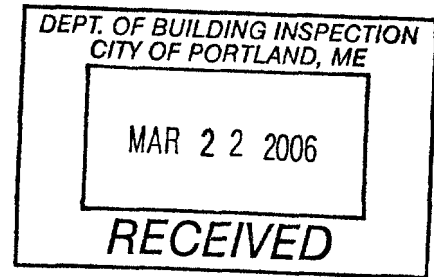
**Hallowell, Dawn**

From: DiBello, Carol  
 Sent: Tuesday, December 06, 2005 2:15 PM  
 To: Hallowell, Dawn  
 Subject: Napolitano, Peaks Island

H Dawn,

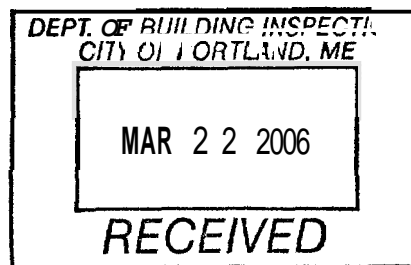
I have reviewed the application from Timothy Napolitano, #L-22733-4E-A-N, and determined that the project qualifies for a seasonal exemption. No submerged lands lease or easement is needed.

Carol



*Jerry -  
 I couldn't locate  
 my copy of this on email. So...  
 Here it is on paper.  
 - Dawn*

# Attachment #8



## **ATTACHMENT #8**

### **Erosion control plan:**

#### **A. Pre-construction phase**

All erosion control measures shall be in accordance with the Maine Erosion Control and Sediment Control: Best Management Practices, March, 2003.

Prior to the beginning of any construction, silt fence, or other erosion control measures shall be installed as shown on the plans. This network is to be maintained by the contractor until all exposed areas have at least 85% - 90% vigorous perennial vegetative cover to prevent erosion. The following erosion control measure shall be adhered to by the contractor(s) throughout the construction of this project.

#### **B. Construction and post construction phase**

1. Areas undergoing actual construction shall only expose that amount of mineral soil necessary for progressive and efficient site construction and shall not exceed 14 days. Areas that **will** not be completed (covered and/or finish graded) within 14 days of disturbance shall be anchored with temporary erosion control. Temporary erosion control shall include erosion control mesh, netting, or mulch, as directed by the inspecting engineer. If disturbed areas do not receive final seeding by September 15<sup>th</sup> of the year of construction, then all disturbed areas shall be hay mulched at a rate of 100 lbs. per 1,000 square feet, to provide winter protection. The hay mulch shall be anchored with suitable binder, such as RMB plus and/or secured with netting for wind protection.
2. Silt fence barriers shall be installed according to this plan.
3. **All** areas shall be seeded in accordance with the following vegetative plan.

### **C. Vegetation plan**

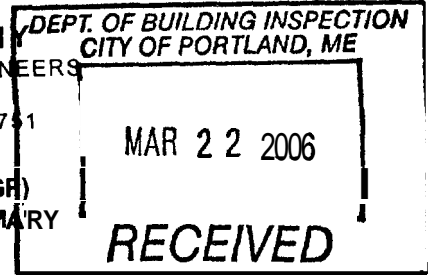
Revegetation measures shall commence immediately upon completion of construction. Areas shall also be mulched and anchored prior to any storm event. If final seeding cannot be accomplished by September 15<sup>th</sup>, then all disturbed areas shall be mulched at a rate of 100 lbs. per 1,000 square feet to provide winter protection. Hay mulch shall be secured with a suitable binder to include RBM plus and/or erosion netting, as directed by the owner engineer.

#### **Revegetation measures shall consist of the following:**

1. Four inches of loam will be spread over all disturbed areas and finished to a uniform surface. Loam shall be free of subsoil, clay lumps and rocks over 1" in diameter and without weeds, roots, or other objectionable material.
2. In lieu of soil tests, agricultural limestone shall be spread at a rate of 3 tons per acre. 10-20-20 fertilizer shall be applied at a rate of 800 lbs. per acre. These soil amendments shall be incorporated into the soil prior to final seeding.
3. Following seed bed preparation, swale areas, fill areas, and back slopes shall be seeded to a mixture of 35% creeping red fescue, 6% red top, 24% Kentucky blue grass, 10% perennial rye grass, and 5% Dutch clover. The lawn areas will be seeded to a premium turf mixture of bluegrass and/or fescue; seeding rate of 2-3 lbs. per 1,000 square feet.
4. Hay mulch shall be applied to all disturbed areas at a rate of 100 lbs. per 1,000 square feet, or a hydro-application of asphalt, wood, or paper fiber will be applied following seeding.



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



REPLY TO:  
 ATTENTION OF:

**MAINE PROGRAMMATIC GENERAL PERMIT (PGP)  
 AUTHORIZATION LETTER AND SCREENING SUMMARY**

TIMOTHY NAPOLITANO  
 C/O TEC ASSOCIATES  
 46 SAWYER STREET  
 SOUTH PORTLAND, MAINE 04106

CORPS PERMIT# NAE-2005-4106  
 CORPS PGP ID# 05-585  
 STATE ID# L-22733-4E

**DESCRIPTION OF WORK:**

Construct and maintain a 50'x 5' pile and timber pier with a 48'x 3' ramp leading to a 12%30' float in Casco Bay, off Peaks Island, at Portland, Maine.

LAT/LONG COORDINATES : 43.6724451" N 70.1882149 ° W USGS QUAD: PORTLAND EAST, ME

**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 enclosed Federal Permit, the Maine Programmatic General Permit (PGP).

You must perform the activity authorized herein in compliance with all the terms and conditions of the PGP [including any attached Additional Conditions and any conditions placed on the State 401 Water Quality Certification including any rewired mitigation]. Please review the enclosed PGP carefully, including the PGP conditions beginning on page 7, to familiarize yourself with its contents. You are responsible for complying with all of the PGP 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 38 of the PGP (page 15) Provides one year for completion of work that has commenced or is under contract to commence prior to the expiration of the PGP on October 11, 2010. You will need to apply for reauthorization for any work within Corps jurisdiction that is not completed by October 11, 2011.

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. Also, this permit requires you to notify us before beginning work and allow us to inspect the project. Hence, you must complete and return the attached Work Start Notification Form(s) to this office no later than 2 weeks before the anticipated start date. (For projects requiring mitigation, be sure to include the MITIGATION WORK START FORM).

**II. STATE ACTIONS: PENDING [ X ], ISSUED [ ], DENIED [ ] DATE- \_\_\_\_\_**

APPLICATION TYPE: PBR: \_\_\_\_\_, TIER 1: \_\_\_\_\_, TIER 2: \_\_\_\_\_, TIER 3: X, LURC: \_\_\_\_\_, DMR LEASE: \_\_\_\_\_, NA: \_\_\_\_\_

**III. FEDERAL ACTIONS:**

JOINT PROCESSING MEETING: 12/8/05 LEVEL OF REVIEW: CATEGORY 1: \_\_\_\_\_, CATEGORY 2: X

AUTHORITY: SEC 10 X, 404 \_\_\_\_\_, 10/404 \_\_\_\_\_, 103 \_\_\_\_\_

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

**ESSENTIAL FISH HABITAT (EFH): EFH PRESENT Y N (CIRCLE ONE)**

IF YES: Based on the terms and conditions of the PGP, which are intended to ensure that authorized projects cause no more than minimal environmental impacts, the Corps of Engineers has preliminary determined that this project will not cause more than minimal adverse effects to EFH identified under the Magnuson-Stevens Fisheries Conservation and Management Act.

FEDERAL RESOURCE AGENCY OBJECTIONS: EPA NO, USF&WS NO, NMFS NO

If you have any questions on this matter, please contact my staff at 207-623-8367 at our Manchester, Maine Project Office.

Jay L. Clement  
 JAY L. CLEMENT  
 SENIOR PROJECT MANAGER  
 MAINE PROJECT OFFICE

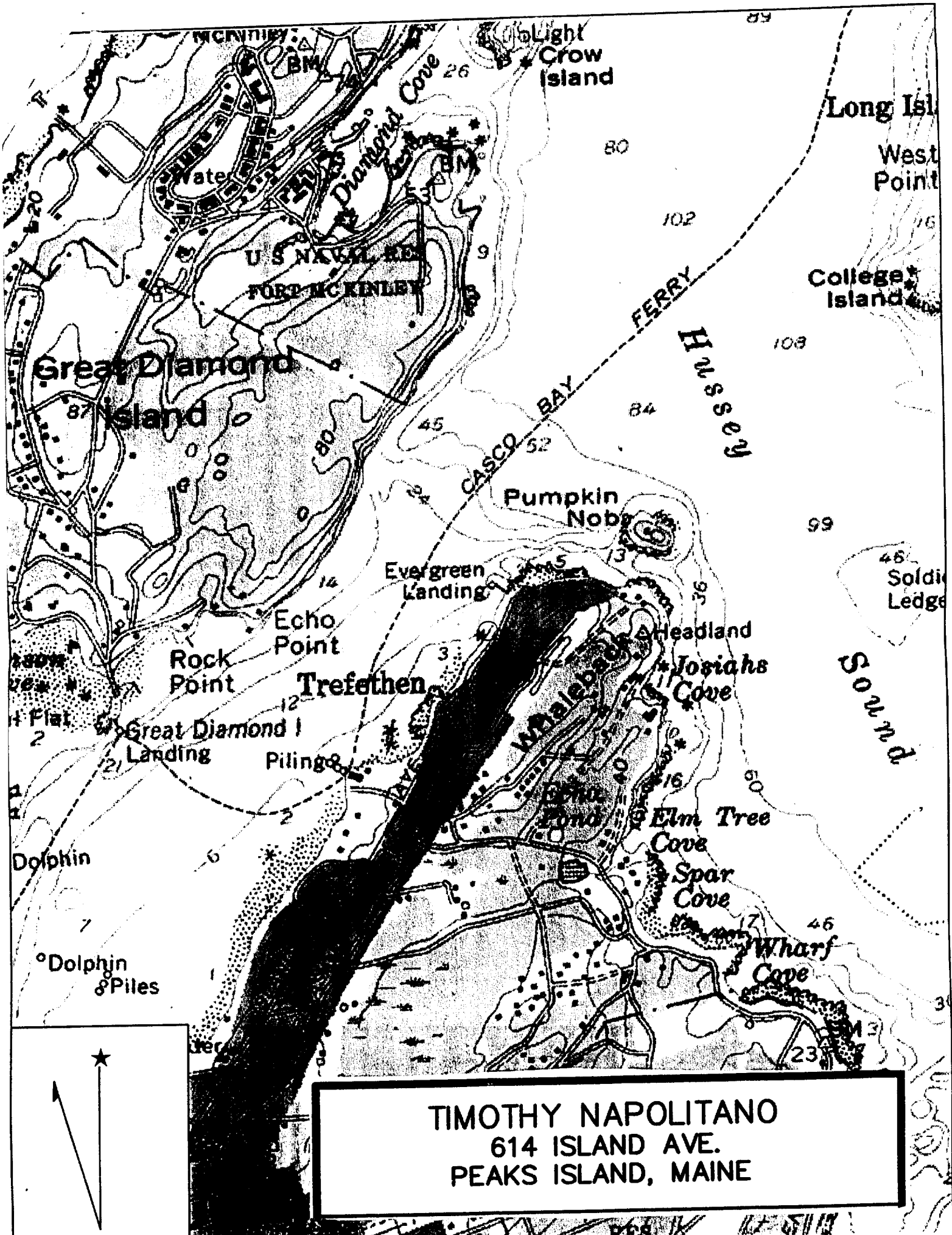
for Michael Huh 3/14/2006  
 FRANK J. DELGIUDICE DATE  
 CHIEF, PERMITS & ENFORCEMENT BRANCH  
 REGULATORY DIVISION



**ADDITIONAL CONDITIONS FOR  
DEPARTMENT OF THE ARMY  
PROGRAMMATIC GENERAL PERMIT  
NO. NAE-20054106**

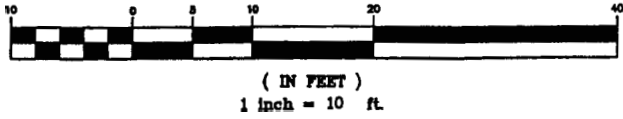
1. The permittee shall assure that a copy of this permit is at the work site whenever work is being performed and that all personnel performing work at the site of the work authorized by this permit are fully aware of the terms and conditions of the permit. This permit, including its drawings and any appendices and other attachments, shall be made a part of any and all contracts and sub-contracts for work which affects areas of Corps of Engineers' jurisdiction at the site of the work authorized by this permit. This shall be done by including the entire permit in the specifications for the work. If the permit is issued after construction specifications but before receipt of bids or quotes, the entire permit shall be included as an addendum to the specifications. The term "entire permit" includes permit amendments. Although the permittee may assign various aspects of the work to different contractors or sub-contractors, all contractors and sub-contractors shall be obligated by contract to comply with all environmental protection provisions of the entire permit, and no contract or sub-contract shall require or allow unauthorized work in areas of Corps of Engineers jurisdiction.

2. The permittee understands and agrees that, if future operations by the United States 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 of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.



TIMOTHY NAPOLITANO  
614 ISLAND AVE.  
PEAKS ISLAND, MAINE

GRAPHIC SCALE



TIMOTHY NAPOUTANO  
614 ISLAND AVE.  
PEAKS ISLAND, MAINE

PIER INSTALLATION  
SITE PLAN



**TEC ASSOCIATES** CONSULTING ENGINEERS  
46 SAWYER STREET SOUTH PORTLAND, MAINE 04106

SCALE 1"=10'

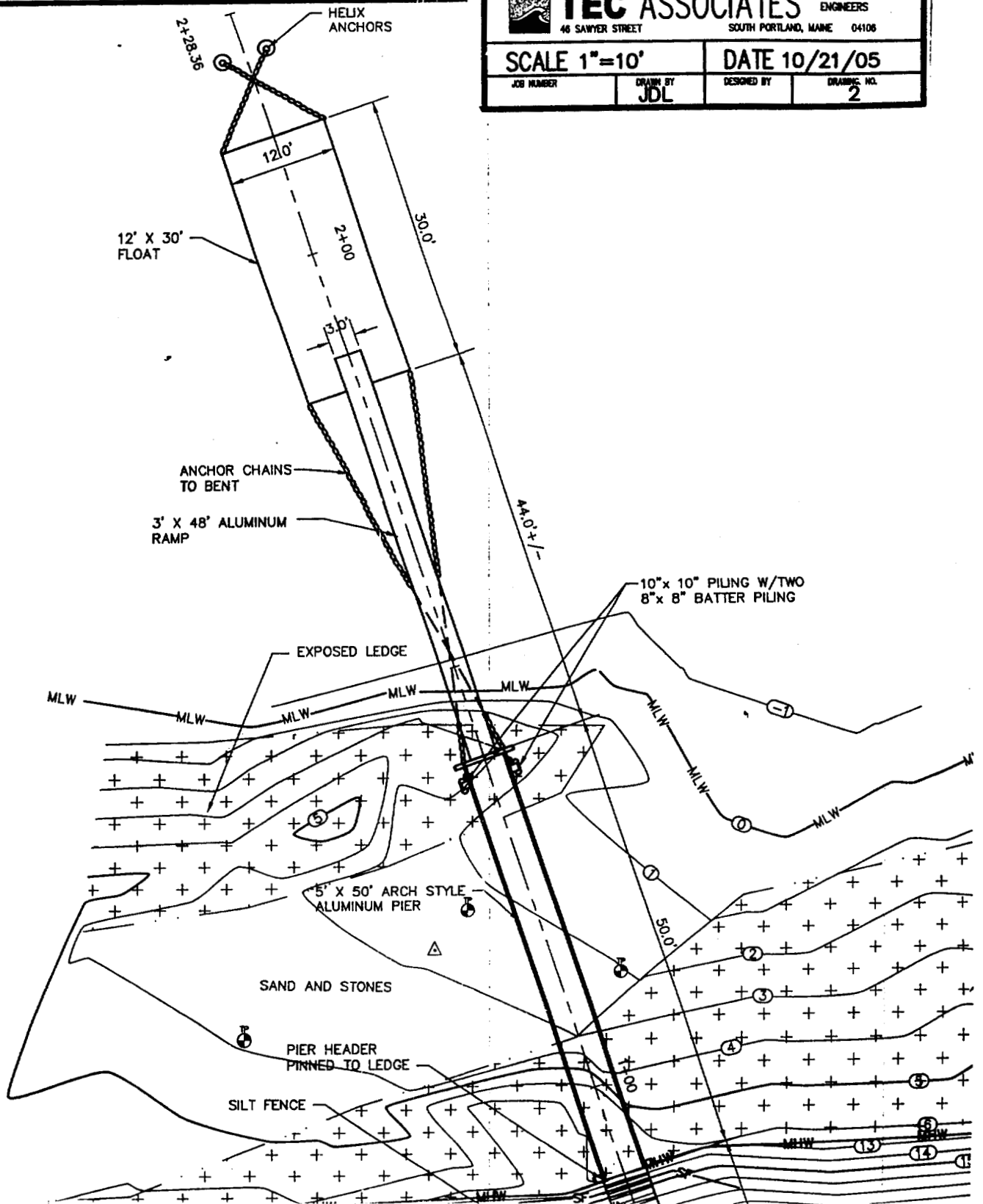
DATE 10/21/05

JOB NUMBER

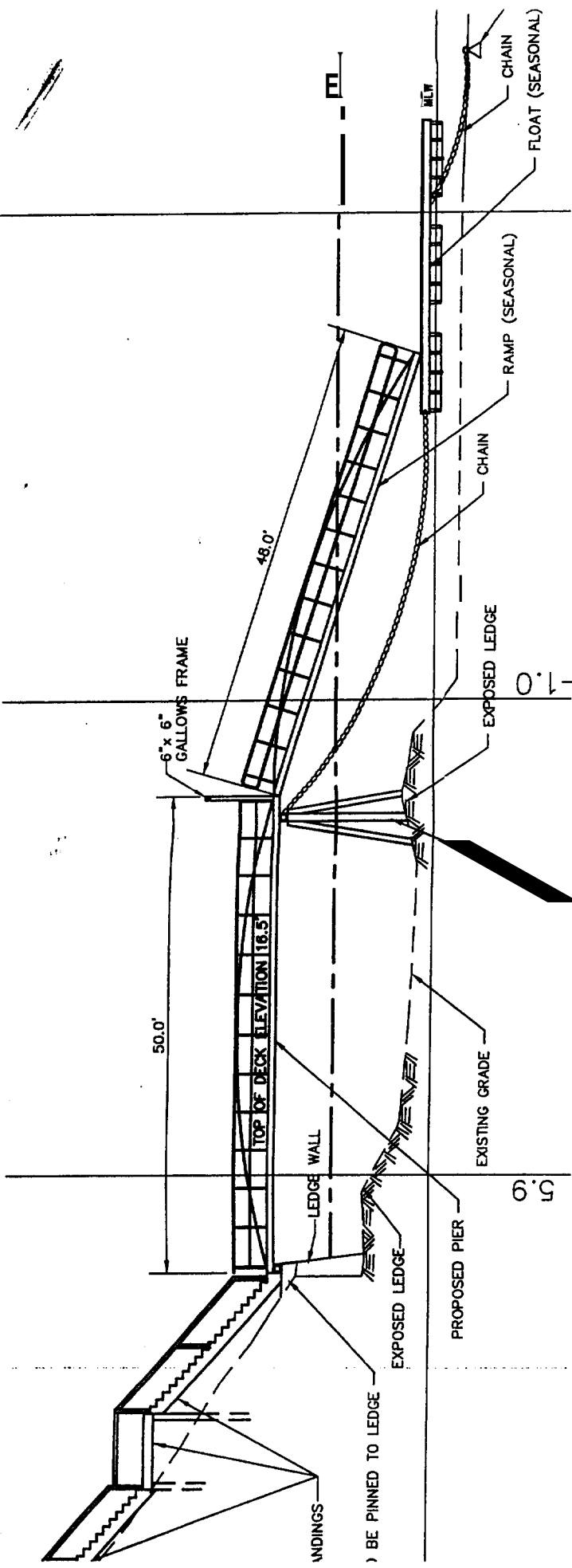
DRAWN BY  
JDL

DESIGNED BY

DRAWING NO.  
2







1+00

2+00

- (6) PILE BENT COMPOSED OF
- (2) 10" x 10" BEARING PILING, SYP 2.5 CCA
- W/(4) 8" x 8" BATTER PILES - 2 PER SIDE, SYP 2.5 CCA
- ALL ABOVE PILING TO BE FINISHED TO LEDGE
- 10" x 10" PILE CAP, SYP .60 CCA
- 3 x 8 CROSS BRACING, THROUGH BOLTED TO BEARING PILING, SYP .60 CCA

|   |   |
|---|---|
| <b>TIMOTHY NAPOLITANO</b><br>614 ISLAND AVE.<br>PEAKS ISLAND, MAINE                           |   |
| <b>PIER INSTALLATION</b><br>-PROFILE-   |   |
| <b>TEC ASSOCIATES</b><br>CONSULTING ENGINEERS<br>46 SAWYER STREET SOUTH PORTLAND, MAINE 04106 |   |
| SCALE 1"=10'H&V<br><small>JOB NUMBER</small>  | DATE 10/21/05<br><small>DESIGNED BY</small> JDL<br><small>DRAWING NO.</small> 3 |

Applicant: General Public, State of Maine  
Permit Number: **NAE-2005-2164**

Effective Date: October 11, 2005  
Expiration Date: October 11, 2010

**DEPARTMENT OF THE ARMY  
PROGRAMMATIC GENERAL PERMIT  
STATE OF MAINE**

The New England District of the U.S. Army Corps of Engineers hereby issues a Programmatic General Permit (PGP) that expedites review of minimal impact work in coastal and inland waters and wetlands within the State of Maine.

## **I. GENERAL CRITERIA**

Activities with minimal impacts, as specified by the terms and conditions of this PGP and on the attached Appendix A, Definition of Categories, are either:

Category 1: Non-reporting. Eligible without screening (provided the authorizations are obtained which this permit states are necessary for activities to be eligible for authorization under this non-reporting category), or,

Category 2: Reporting. Require screening and a written determination of eligibility under the PGP by the Corps after coordination with the U.S. Fish and Wildlife Service (U.S. FWS), U.S. Environmental Protection Agency (EPA) and the National Marine Fisheries Service (NMFS).

This PGP does not affect the Corps Individual Permit review process or activities exempt from Corps jurisdiction.

## **II. ACTIVITIES COVERED:**

Work and structures that are located in, or that affect, navigable waters of the United States (U.S.) (Corps regulates under Section 10 of the Rivers and Harbors Act of 1899); the discharge of dredged or fill material into waters of the United States (Corps regulates under Section 404 of the Clean Water Act); and the transportation of dredged material for the purpose of disposal in the ocean (Corps regulates under Section 103 of the Marine Protection, Research and Sanctuaries Act).

## **III. PROCEDURES:**

### **A. State Approvals**

For projects authorized pursuant to this PGP, the following State approvals are also required. The applicable permits must be obtained in order for this PGP authorization to be valid (applicants are responsible for ensuring that all required State permits and approvals have been applied for and obtained):

- Maine Department of Environmental Protection (DEP): Natural Resources Protection Act (NRPA) permit, including permit-by-rule and general permit authorizations (NRPA permit issuance constitutes both the state permit and the WQC); Site Location of Development Act permit; and Maine Waterway Development and Conservation Act permit.
- Maine Department of Conservation: Land Use Regulation Commission (LURC) permit.
- Maine Department of Marine Resources: Lease.
- Maine Department of Conservation, Bureau of Parks and Lands, Submerged Lands: Lease

**NOTE:** This PGP may authorize projects that are not regulated by the State of Maine (e.g., seasonal floats or moorings).

## **B. Corps Authorizations**

### **CATEGORY 1 (Non-Reporting)**

#### **Eligibility Criteria**

Activities in Maine may proceed without application or notification to the Corps if they:

- Are subject to Corps jurisdiction (see General Condition 2, Page 7),
- Meet the definition of Category 1 in Appendix A - Definition of Categories, and
- Meet the General Conditions of the PGP (see Pages 7 - 15).

If the State or the Corps does not contact the applicant for DEP's Tier One permits during the DEP's Tier One 30-day review period, Corps approval may be assumed and the project may proceed. Refer to the Federal Screening Procedures (see Page 4) for additional information regarding screening.

Project proponents seeking Category 1 authorizations are not relieved of the obligation to comply with this PGP's General Conditions (see Page 7) and other Federal laws such as the National Historic Preservation Act, the Endangered Species Act (ESA) and the Wild and Scenic Rivers Act. Therefore, consultation with the Corps and/or outside experts such as the Maine Historic Preservation Commission and the appropriate Indian tribes is recommended when there is a high likelihood of the presence of resources of concern.

Although Category 1 projects are non-reporting, the Corps reserves the right to require screening under Category 2 or Individual Permit review if there are concerns for the aquatic environment or any other factor of the public interest (see General Condition 4, Discretionary Authority, Page 7).

Work that is not regulated by the State of Maine, but is subject to Corps jurisdiction, is eligible for Corps authorization under this PGP in accordance with the review thresholds and conditions contained herein. The Maine DEP and LURC have waived WQC for projects authorized under Categories 1 and 2 of this PGP and not subject to jurisdiction under the NRPA and LURC Land Use Districts and Standards.

**Enforcement cases.** This PGP does not apply to any existing or proposed activity in Corps jurisdiction associated with an on-going Corps or EPA enforcement action until such time as the enforcement action is resolved or the Corps determines that the activity may proceed independently without compromising the enforcement action. The Corps may choose not to accept applications or issue permits to any applicant with outstanding violations.

### **CATEGORY 2 (Reporting - Requiring Screening)**

#### **Eligibility Criteria**

Activities in Maine require written approval from the Corps if they:

- Are subject to Corps jurisdiction (see General Condition 2, Page 7),
- Meet the definition of Category 2 in Appendix A - Definition of Categories, and
- Meet the General Conditions of the PGP (see Pages 7 - 15),

These projects will be reviewed through interagency screening (see Federal Screening Procedures below) to determine whether such activities may be authorized under this PGP. To be eligible and

subsequently authorized, **an** activity must result in minimal impacts to the aquatic environment **as** determined by the Corps based on comments from the review team and the criteria listed above. Mitigation may be required to compensate for unavoidable impacts to ensure net effects of a project **are** minimal.

For Category 2 projects, applicants must obtain a written authorization from the Corps and State approvals **as** stated on Page 1.

To ensure compliance with the conditions **of** this PGP, consultation with the Corps and outside experts is **required**. This includes consultation with ~~the~~ Maine Historic Preservation Commission and the appropriate Native American Indian tribes to ensure compliance with Condition **8**. Also, note the review thresholds under Category 2 apply to single and complete projects only (see General Condition **5**).

**Enforcement cases.** See previous section.

#### **Application Procedures**

The Corps must review and approve in writing all Category 2 activities. Generally, the State will provide **the** Corps with a copy of State applications received, but it is ultimately the applicant's responsibility to ensure the **Corps** receives the application **from** the State. Therefore, it is recommended that applicants either verify with the **Corps** receipt of their application from the State (**DEP** or **LURC**), or apply directly to the Corps with either a copy of their State application or a Corps application (ENG Form **4345**). Applicants must apply directly to the Corps using ENG Form **4345** if the work is not State regulated.

Upon receipt of the application, the Corps will determine if it:

- (a) requires additional information (see "information typically required" on the following page);
- (b) is appropriate for screening with the Federal resource agencies (see Category 2 Federal Screening Procedures on the following page);
- (c) is ineligible under the terms **and/or** conditions of this PGP; or
- (d) will require Individual Permit review, regardless of whether the terms and conditions of this PGP are met, based on concerns for the aquatic environment or any other factor of the public interest (**see** General Condition **4**, Discretionary Authority).

If open water disposal is proposed, the Corps will make a suitability determination, fully coordinated with the Federal resource agencies, before coordinating a project at a joint processing meeting.

All Category 2 applicants shall submit a copy of their application materials to the Maine Historic Preservation Commission **and** the Indian tribe(s) listed on Page **17**, at the same time, or before, they apply to the DEP, LURC, or the Corps, to be reviewed for the presence of historic, archaeological or tribal resources in the permit area that the proposed work may affect. Submittals to the DEP or **Corps** shall include information to indicate that this **has** been done (a copy of the applicant's cover letter to Maine Historic Preservation Commission and **tribes** or a copy of the Historic Preservation Commission and tribal response letters is acceptable).

#### **Information Typically Required**

The following information may not be necessary for all projects. Please see [www.nae.usace.armv.mil](http://www.nae.usace.armv.mil) for a more comprehensive checklist. Select "Regulatory/Permitting," "Forms" and then "Application and Plan Guideline Checklist." Please check with our Maine office for project-specific requirements.

- (a) purpose of project;
- (b) 8½"x 11" locus map. 8½"x 11" plan views of the entire property, including property lines, and project limits with existing and proposed conditions;
- (c) typical cross-section views of all wetland and waterway fill areas and wetland replication areas;
- (d) legible, reproducible plans. Show mean low water (MLW), mean high water (MHW) and high tide line (HTL) elevations in navigable waters;
- (e) each plan should show the NGVD 1929 equivalent for the project's vertical datum (MLW, **MLLW**, MHW, HTL or other tidal datum for tidal projects) with the vertical units. Do not use local datum;
- (f) wetland delineation for the site, Corps wetland delineation data sheets (see web site), and calculations of waterway and wetland impact areas (see General Condition 2);
- (g) delineation of submerged aquatic vegetation, e.g., eel grass beds, in tidal waters;
- (h) volume, type and source of fill material to be discharged into waters and wetlands, including the area(s) (in square feet or acres) of fill in wetlands, below ordinary high water in inland waters and below the high tide line in coastal waters;
- (i) limits of any Federal Navigation Project in the vicinity and State Plane Coordinates for the limits of the proposed work closest to the Federal Navigation Project;
- (j) on-site alternatives analysis. Please contact Corps for guidance;
- (k) identify and describe potential impacts to Essential Fish Habitat. See General Condition 11 and contact Corps for guidance;
- (l) photographs of wetland/waterway to be impacted.

**Information typically required for dredging projects:**

- (a) sediment testing, including physical (e.g., grain-size analysis), chemical and biological testing. For projects proposing open water disposal, applicants are encouraged to contact the Corps **as** early **as** possible regarding sampling and testing protocols. Sampling and testing of sediments without such contact should not occur and, if done, would be at the applicant's risk.
- (b) the area in square feet and volume of material to be dredged below mean high water;
- (c) existing and proposed water depths;
- (d) type of dredging equipment to be used;
- (e) nature of material (e.g., silty sand);
- (f) any existing sediment grain size and bulk sediment chemistry data for the proposed or any nearby projects;
- (g) information on the location and nature of municipal or industrial discharges and occurrence of any contaminant spills in or near the project area, location of the disposal site (include locus sheet);
- (h) shellfish survey;
- (i) identify and describe potential impacts to Essential Fish Habitat (see General Condition 11);
- (j) delineation of submerged aquatic vegetation (e.g., eelgrass beds).

**Federal Screening Procedures**

The Corps will review all complete applications for Category 2 projects requiring Corps approval at interagency screening meetings (or "joint processing" meetings) with the Federal resource agencies (U.S. **FWS**, EPA and **NMFS**) to determine whether such activities may be authorized under this PGP. The Federal resource agencies will comprise the interagency review team. The meetings are held at the **Corps** every three weeks, or coordinated **as** necessary to provide applicants with a timely response. The Corps and Federal resource agencies, at the branch chief or equivalent level, may agree **on certain** activities that do not need to be coordinated at these meetings.

If the Corps and Federal resource agencies determine that the activity is eligible for the PGP, the **Corps** will send an authorization letter directly to the applicant. The Corps will generally issue an eligibility determination within the State's review period, not to exceed 60 days. If the Corps determines that the activity is not eligible under the PGP or that additional information is required, the Corps will notify the applicant in writing and will send a copy of this notification to DEP or LURC.

For projects reviewed with the Federal resource agencies, the agencies may recommend, within ten business days, either 1) special conditions for projects to avoid or minimize adverse environmental effects and to ensure the terms and conditions of the PGP are met, **or** 2) Individual Permit review. The Corps will determine that a project is ineligible under this PGP and will begin its Individual Permit review procedures if any one of the Federal resource agencies, within ten business days of the screening meeting, expresses a concern within their area of expertise, states the resource or species that could be impacted by the project, and describes the impacts that, either individually or cumulatively, will be more than minimal.

This ten-day notice may be spoken and is not required to be fully documented, but must be confirmed with a written response within an additional ten working days from the date of the spoken comment. Written responses must be signed by the Federal resource agency field supervisor or branch chief, **as** appropriate, and must identify the affected resource within their area of expertise. The intent of the spoken notification is to allow the Corps to give timely notification to the applicant that additional information is needed and/or **an** Individual Permit may be required. The Corps may reinstate a project's eligibility under the PGP provided the Federal agencies' concerns are satisfied. The Federal resource agencies may request additional information within their area of expertise within ten business days of the screening meeting. This information shall be commensurate to the level of impact and agreed upon by the Corps. The agencies are allowed an additional ten business days after their receipt of additional information to provide special conditions or a written Individual Permit request to the Corps.

If the applicant is unable to resolve the concerns, the Corps, independently or at the request of the Federal resource agencies, will require **an** Individual Permit for the project. The applicant will be notified of this in writing, along with information about submitting the necessary application materials.

#### **Minerals Management Service (MMS) Review**

Projects with construction of solid fill structures or discharge of fill that may extend beyond the coastline or the baseline from which the territorial sea is measured (i.e., mean low water), must be coordinated with Minerals Management Service (MMS), Outer Continental Shelf (OCS) Survey Group, pursuant to the Submerged Lands Act (**43** USC, Section **1301-1315**, **33** CFR **320.4(f)**). The Corps will forward project information to MMS for their review. The MMS will coordinate their determination with the Department of the Interior (DOI) Solicitor's **Office**. The DOI will have 15 calendar days from the date **MMS** is in receipt of project information to determine if the baseline will be affected. No notification to the Corps within 15-day review period will constitute a "no effect" determination. Otherwise, the solicitor's notification to the Corps may be spoken but must be followed with a written confirmation within ten business days from the date of the spoken notification. **This** procedure will be eliminated if the State of Maine provides a written waiver of interest in any increase in submerged lands caused by a change in the baseline resulting from solid fill structures or fills authorized under this PGP.

### Emergency Situations Procedures

Emergency situations are limited to sudden, unexpected occurrences that could potentially result in **an** unacceptable hazard to life, a significant loss of property, or an immediate, unforeseen, and significant economic hardship if corrective action requiring a permit is not undertaken within a time period less than the normal time needed to process an application under standard procedures. If an emergency situation requires action in less than 30 days after the occurrence, it qualifies for the amended notification procedures described below.

### Notification Procedures for Emergency Situations:

Any project proponent may request emergency authorization from the Corps, however the **Corps** will determine if a project qualifies for these emergency situation procedures. The Federal resource agencies, the Maine Historic Preservation Commission and the tribes will each designate an emergency contact and an alternate in the event the regular contact is unavailable. When an application for Category 2 work is received that the Corps determines is an “emergency” as defined above, the Corps will fax a copy of the plans and Determination of Eligibility to the agency representatives and their alternates. The resource agencies would then have 16 business hours to notify the Corps if they have any comments on authorization of the project under the PGP. Objections to the Corps determination of an “emergency” situation will not be accepted. If no response is received within 16 business hours, the Corps will proceed with a decision on the application. If the resource agencies have comments on the proposal, they will have 16 business **hours** to put their comments in writing. If written comments from the Federal agencies are not received within 16 business hours, the Corps will proceed with a decision on the application.

If a Federal agency requests that an Individual Permit be required for a project or requests modifications to the project based on concerns within their area(s) of expertise, the Corps will notify the applicant within one business day of receipt of that request that the project **as** proposed does not qualify for authorization under this PGP and the emergency Individual Permit procedures may be followed. In any event, the Corps will notify the applicant within 16 business hours of commencement of the screening process **as** to whether the project may proceed under this PGP.

### **IV. CORPS AUTHORIZATION: INDIVIDUAL PERMIT**

Work that is defined in the Individual Permit category of Appendix A – Definition of Categories, or that does not meet the terms and conditions of this PGP, will require an application for an Individual Permit from the Corps (see 33 CFR Part **325.1**). The screening procedures outlined for Category 2 projects will only serve to delay project review in such cases. The applicant should submit the appropriate application materials (including **the** Corps application form) at the earliest possible date. General information and application forms can be obtained at our web site or by calling us (see Page 16). Individual water quality certification and coastal zone management consistency concurrence are **required** when applicable **from** the State of Maine before Corps permit issuance. The Federal resource agencies’ comments are due within ten working days after the Public Notice’s expiration date, unless the Corps receives and approves a written request for a time extension within ten working days after the notice’s expiration.

## V. PROGRAMMATIC GENERAL PERMIT CONDITIONS:

The following conditions apply to activities authorized under this Maine PGP, including all Category 1 (non-reporting) and Category 2 (reporting – requiring screening) activities:

### General Requirements

- 1. Other Permits.** Authorization under this PGP does not obviate the need to obtain other Federal, State, or local authorizations required by law. This includes, but is not limited to, the project proponent obtaining a Flood Hazard Development Permit issued by the town, if necessary. Inquiries may be directed to the municipality or to the Maine Floodplain Management Coordinator at (207) 287-8063. See <http://www.maine.gov>.
- 2. Federal Jurisdictional Boundaries.** Applicability of this PGP shall be evaluated with reference to Federal jurisdictional boundaries. Applicants are responsible for ensuring that the boundaries used satisfy the Federal criteria defined at **33 CFR 328-329**. These sections prescribe the policy, practice and procedures to be used in determining the extent of jurisdiction of the Corps concerning “waters of the U.S.” and “navigable waters of the U.S.” Wetland boundaries shall be delineated in accordance with the January 1987 Corps of Engineers, Wetlands Delineation Manual, located at <http://www.usace.army.mil/inet/functions/cw/cecwo/reg/wlman87.pdf>. The U.S. FWS publishes the National List of Plant Species that Occur in Wetlands, located at <http://www.nwi.fws.gov>. The Natural Resources Conservation Service (NRCS) develops the hydric soil definition and criteria, and publishes the current hydric soil lists, located at <http://soils.usda.gov/use/hydric/>.
- 3. Minimal Effects.** Projects authorized by this PGP shall have no more than minimal individual and cumulative adverse environmental impacts as determined by the Corps.
- 4. Discretionary Authority.** Notwithstanding compliance with the terms and conditions of this permit, the Corps retains discretionary authority to require Category 2 or Individual Permit review based on concerns for the aquatic environment or for any other factor of the public interest [**33 CFR 320.4(a)**]. This authority is invoked on a case-by-case basis whenever the Corps determines that the potential consequences of the proposal warrant Individual Permit review based on the concerns stated above. This authority may be invoked for projects with cumulative environmental impacts that are more than minimal or if there is a special resource or concern associated with a particular project that is not already covered by the remaining conditions of the PGP and that warrants greater review. Whenever the Corps notifies an applicant that an Individual Permit may be required, authorization under this PGP is void and no work may be conducted until the individual Corps permit is obtained or until the Corps notifies the applicant that further review has demonstrated that the work may proceed under this PGP.
- 5. Single and Complete Projects.** This PGP shall not be used for piecemeal work and shall be applied to single and complete projects. All components of a single project shall be treated together as constituting one single and complete project and/or all planned phases of a multi-phased project (e.g., subdivisions should include all work such as roads, utilities, and lot development) unless the Corps determines that a component has independent utility. (The *Independent Utility* test is used to determine what constitutes a single and complete project in the Corps regulatory program. A project is considered to have independent utility if it would be constructed absent the construction of other projects in the project area. Portions of a multi-phase project that depend upon other phases of the project do not have independent utility. Phases of a project that would be constructed even if the other phases were not built can be considered as separate single and complete projects with independent utility.) For linear projects, such as power lines or pipelines with multiple



crossings, the “single and complete project” (i.e., single and complete crossing) will apply to each crossing of a separate water of the **U.S.** (i.e., single waterbody) at that location; except that for linear projects crossing a single waterbody several times at separate and distant locations, each crossing is considered a single and complete project, and may be reviewed for Category 1 eligibility. (However, individual channels in a braided stream or river, or individual **arms** of a large, irregularly-shaped wetland or lake, etc., are not separate waterbodies.) If any crossing requires a Category 2 activity, then the entire linear project shall be reviewed **as** one project under Category 2. Also, this PGP shall not be used for any activity that is part of an overall project for which **an** Individual Permit is required, unless the Corps determines the activity has independent utility.

**6. Permit On-Site.** For Category 2 projects, the permittee shall ensure that a copy of this PGP and the accompanying authorization letter are at the work site (and the project office) authorized by this PGP whenever work is being performed, and that all personnel with operation control of the site ensure that all appropriate personnel performing work are fully aware of its terms and conditions. The entire permit authorization shall be made a part of any and all contracts and sub-contracts for work that affects areas of Corps jurisdiction at the site of the work authorized by this PGP. This shall be achieved by including the entire permit authorization in the specifications for work. The term “entire permit authorization” means this PGP and the authorization letter (including its drawings, plans, appendices and other attachments) and also includes permit modifications. 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 sub-contract **as** a change order. Although the permittee may assign various **aspects** of the work to different contractors or sub-contractors, all contractors and sub-contractors shall be obligated by contract to comply with all environmental protection provisions contained within the entire PGP authorization, and no contract or sub-contract shall require or allow unauthorized work **in areas** of Corps jurisdiction.

### **National Concerns**

**7. St. John/St. Crou Rivers.** This covers work within the Saint John and Saint Croix River basins that requires approval of the International Joint Commission. This includes any temporary or permanent use, obstruction or diversion of international boundary waters which could affect the natural flow or levels of waters on the Canadian side of the line, **as well as** any construction or maintenance of remedial works, protective works, dams, or other obstructions in waters downstream from boundary waters when the activity could raise the natural level of water on the Canadian side of the boundary.

**8. Historic Properties.** Any activity authorized by this PGP shall comply with Section 106 of the National Historic Preservation Act. Information on the location and existence of historic resources can be obtained from the Maine Historic Preservation Commission, the National Register of Historic Places, and the Penobscot, Passamaquoddy, Micmac, and Maliseet Tribal Historic Preservation Officers. See Page 17 for historic properties contacts. If **the permittee**, either prior to construction or during construction of the work authorized herein, encounters a previously unidentified archaeological or other cultural resource, within the area subject to Department of the Army jurisdiction, that might be eligible for listing in the National Register of Historic Places, he/she shall stop work **and** immediately notify the District Engineer **and** the Maine Historic Preservation Commission and/or applicable Tribe(s).

**9. National Lands.** Activities authorized by this PGP shall not impinge upon the value of any National Wildlife Refuge, National Forest, National Marine Sanctuary, National Park or any other area administered by the National Park Service.

**10. Endangered Species.** No activity may be authorized under this PGP which:

- is likely to adversely affect a threatened or endangered species, a proposed species, designated critical habitat, or proposed critical habitat as identified under the Federal ESA,
- would result in a “take” of any threatened or endangered species of fish or wildlife, or
- would result in any other violation of Section 9 of the ESA protecting threatened or endangered species of plants.

Applicants shall notify the Corps if any listed species or critical habitat, or proposed species or critical habitat, is in the vicinity of the project and shall not begin work until notified by the District Engineer (DE) that the requirements of the ESA have been satisfied and that the activity is authorized. Information on the location of threatened and endangered species and their critical habitat ~~can~~ be obtained from the U.S. FWS and NMFS (see Page 16 for addresses).

**11. Essential Fish Habitat.** As part of the PGP screening process, the Corps will coordinate with NMFS in accordance with the 1996 amendments to the Magnuson-Stevens Fishery Conservation and Management Act to protect and conserve the habitat of marine, estuarine and anadromous finfish, mollusks, and crustaceans. This habitat is termed “Essential Fish Habitat (EFH)”, and is broadly defined to include “those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity.” Applicants may be required to describe and identify potential impacts to EFH. Conservation recommendations made by **NMFS** will normally be included as a permit requirement by the Corps. For additional information, see the EFH regulations at **50 CFR Part 600 (<http://www.nmfs.noaa.gov>)**. Additional information on the location of EFH can be obtained ~~from~~ **NMFS** (see Page 16 for contact information).

Any work in any aquatic habitat in the following rivers and streams, including all tributaries to the extent that they ~~are~~ currently or were historically accessible for salmon migration, shall not be authorized under Category 1 of the PGP and must be screened for potential impacts to EFH.

|                     |                          |                         |                 |
|---------------------|--------------------------|-------------------------|-----------------|
| Androscoggin River  | <del>Hobart</del> Stream | Passagassawaukeag River | Saco River      |
| Aroostook River     | Kennebec River           | Patten Stream           | Sheepscot River |
| Boyden River        | Machias River            | Penobscot River         | St. Croix River |
| <b>Dennys</b> River | Narraguagus River        | Pleasant River          | Tunk Stream     |
| Ducktrap River      | Orland River             | Presumpscot River       | Union River     |
| East Machias River  |                          |                         |                 |

**12. Wild and Scenic Rivers.** Any activity that occurs in a component of, or within 0.25 mile up or downstream of, the main stem or tributaries of a river segment of the National Wild and Scenic River System, must be reviewed by the Corps under the procedures of Category 2 of this PGP regardless of size of impact. This condition applies to both designated Wild and Scenic Rivers and rivers designated by Congress as study rivers for possible inclusion while such rivers are in an official study status. The Corps will consult with the National Park Service (NPS) with regard to potential impacts of the proposed work on the resource values of the Wild and Scenic River. The culmination of this coordination will be a determination by the **NPS** and the Corps that the work: (1) may proceed as proposed; (2) may proceed with recommended conditions; or (3) could pose a direct and adverse effect on the resource values of the river and an individual permit is required. If

preapplication consultation between the applicant and the **NPS** has occurred whereby NPS has made a determination that the proposed project is appropriate for authorization under this PGP (with respect to Wild and Scenic River issues), this determination should be furnished to the **Corps** with submission of the application. (See **NPS** address on Page **16.**) National Wild and Scenic Rivers System segments for Maine as of September **2005** include: Allagash River beginning at Telos Dam continuing to Allagash checkpoint at Eliza Hole Rapids, approximately 3 miles upstream of the confluence with the St. John River (length = 92 miles).

**13. Federal Navigation Project.** Any structure or work that extends closer to the horizontal limits of any Corps Federal Navigation Project (See Appendix B) 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.

**14. Navigation.** (a) There shall be no unreasonable interference with 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. (b) The permittee understands and agrees that, if future operations by the United States 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** of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

**15. Federal Liability.** In issuing this permit, the Federal Government does not assume any liability for the following: (a) damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes; (b) damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States (U.S.) in the public interest; (c) damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit; (d) design or construction deficiencies associated with the permitted work; (e) damage claims associated with any future modification, suspension, or revocation of this permit.

#### **Minimization of Environmental Impacts**

**16. Minimization.** Discharges of dredged or fill material into waters of the United States, including wetlands, shall be avoided and minimized to the maximum extent practicable. Permittees may only fill those jurisdictional wetlands that the **Corps** authorizes to be filled and impact those wetlands that the Corps authorizes as secondary impacts. For coastal structures such as piers and docks, the height above the marsh at all points should be equal to or exceed the width of the deck. The height shall be measured from the marsh substrate to the bottom of the longitudinal support beam. This will help ensure sunlight reaches the area beneath the structure.

**17. Heavy Equipment in Wetlands.** Heavy equipment, other than fixed equipment (drill rigs, fixed cranes, etc.), working within wetlands shall not be stored, maintained or repaired in wetlands unless it is less environmentally damaging otherwise, and as much as possible shall not be operated there. Where construction requires heavy equipment operation in wetlands, the equipment shall

either have low ground pressure (<3 psi), or shall not be located directly on wetland soils and vegetation; it shall be placed on swamp or timber mats that are adequate to support the equipment in such a way **as** to minimize disturbance of wetland soil and vegetation. (See General Condition 18 below.) Other support structures that are less impacting and are capable of safely supporting equipment may be used with written **Corps** authorization. Similarly, not using mats during frozen, dry or other conditions may be allowed with written Corps authorization. **An** adequate supply of spill containment equipment shall be maintained on site.

**NOTE:** “Swamp mats” is a generic term used to describe structures that distribute equipment weight to prevent wetland damage while facilitating passage and providing work platforms for workers and equipment. They are comprised of sheets or mats made **from** a variety of materials in various sizes, and they include large timbers bolted or cabled together (timber mats). Corduroy roads, which are not considered to be swamp mats, are cut trees and/or saplings with the crowns and branches removed, and the trunks lined up next to one another.

18. Temporary Fill. Fill placed into waters of the U.S. (including wetlands) totaling greater than or equal to **4,300 SF** (15,000 SF if a DEP Tier One Permit is issued) in total area (i.e., the sum of permanent and temporary fill areas) exceeds the Category 1 threshold and may not be discharged without written authorization from the Corps. When temporary fill is used (e.g., access roads, swamp mats, cofferdams), it shall be stabilized and maintained during construction in such a way **as** to prevent soil eroding into portions of waters of the U.S. where it is not authorized. Swamp or timber mats (see Gen.Cond. 17 above) are considered **as** temporary fill when they are removed immediately upon work completion. The area must be restored in accordance with Gen.Cond. 19.

- Unconfined temporary fill authorized for discharge into flowing water (rivers and streams) shall consist only of clean washed stone.
- Temporary fill authorized for discharge into wetlands shall be placed **on** geotextile fabric laid on the pre-construction wetland grade. (Swamp and timber mats are excluded from this requirement.)
- Temporary fill shall be removed **as** soon **as** it is no longer needed, and it shall be disposed of at an upland site and suitably contained to prevent subsequent erosion into waters of the U.S.
- Waters of the U.S. where temporary fill was discharged shall be restored (see Gen.Cond. 19).
- No temporary work shall drain a water of the **U.S.** by providing a conduit for water on or below the surface.

#### **19. Restoration.**

- Upon completion of construction, all disturbed wetland areas (the disturbance of these areas must be authorized) shall be stabilized with a wetland seed mix containing only plant species native to New England.
- The introduction or spread of invasive plant species in disturbed areas shall be controlled.
- In areas of authorized temporary disturbance, if trees are cut they shall be cut at ground level and not uprooted in order to prevent disruption to the wetland soil structure and to allow stump sprouts to revegetate the work area, unless otherwise authorized.
- Wetland areas where permanent disturbance is not authorized shall be restored to their original condition and elevation, which under no circumstances shall be higher than the pre-construction elevation. Original condition means careful protection and/or removal of existing soil and vegetation, and replacement back to the original location such that the original soil layering and vegetation schemes are approximately the same, unless otherwise authorized.

**20. Coastal Bank Stabilization.** Projects involving construction or reconstruction/maintenance of bank stabilization structures within ~~Corps~~ jurisdiction should be designed to minimize environmental effects, effects to neighboring properties, scour, etc. to the maximum extent practicable. For example, vertical bulkheads should only be used in situations where reflected wave energy can be tolerated. This generally eliminates bodies of water where the reflected wave energy may interfere with or impact on harbors, marinas, or other developed shore areas. A revetment is sloped and is typically employed to absorb the direct impact of waves more effectively than a vertical seawall. It typically has a less adverse effect on the beach in front of it, abutting properties and wildlife. For more information, see the Corps Coastal Engineering Manual (supersedes the Shore Protection Manual), located at <http://chl.erdc.usace.army.mil>. Select "Products/ Services," "Publications." Part 5, Chapter 7-8, a(2)c is particularly relevant.

**21. Sedimentation and Erosion Control.** Adequate sedimentation and erosion control management measures, practices and devices, such as phased construction, vegetated filter strips, geotextile silt fences, hay bales or other devices, shall be installed and properly maintained to reduce erosion and retain sediment on-site during and after construction. They shall be capable of preventing erosion, of collecting sediment, suspended and floating materials, and of filtering fine sediment. These devices must be removed in a timely manner upon completion of work, but not until the disturbed areas have been stabilized. The sediment collected by these devices shall be removed and placed at an upland location in a manner that will prevent its later erosion into a waterway or wetland. All exposed soil and other fills shall be permanently stabilized at the earliest practicable date.

## **22. Waterway Crossings.**

(a) All temporary and permanent crossings of waterbodies (waterways and wetlands) shall be suitably culverted, bridged, or otherwise designed to withstand and to prevent the restriction of high flows, to maintain existing low flows, and to not obstruct the movement of aquatic life indigenous to the waterbody beyond the actual duration of construction. (NOTE: Areas of fill and/or cofferdams must be included in total waterway/wetlands impacts to determine applicability of this PGP).

(b) Aquatic Life Movements. No activity may substantially disrupt the necessary life-cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. For new permanent crossings, open bottom arches, bridge spans or embedded culverts are generally preferred over traditional culverts and should be installed when practicable. Coordination with the Corps is recommended for Category 1 projects when site constraints (e.g., placing footings) may render open bottom arches, bridge spans or embedded culverts impractical. In these cases, well-designed culverts may actually perform better. Culverts shall be installed with their inverts embedded below existing streambed grade to avoid "hanging" and associated impediments to fish passage. The "Design of Road Culverts for Fish Passage" provides design guidance and is available at [www.nae.usace.army.mil](http://www.nae.usace.army.mil). "Regulatory/Permitting," "Other."

(c) Culverts at waterbody crossings shall be installed in such a manner as to preserve hydraulic connectivity, at its present level, between the wetlands on either side of the road. The permittee shall take necessary measures to correct wetland damage due to lack of hydraulic connectivity.

(d) Culverts and bridges shall span the waterway a minimum of 1.2 times the bankfull width in probable fish bearing waterways to qualify as a Category 1 non-reporting activity. See "Design of Road Culverts for Fish Passage," referenced in (b) above, for information on bankfull width.

(e) Projects using slip lining (retrofitting an existing culvert by inserting a smaller diameter pipe), plastic pipes, and High Density Polyethylene Pipes (HDPP) are not allowed as non-reporting Category 1 activities, either as new work or maintenance activities.

(f) Waterbody crossings shall be culverted to at least municipal or State standards. The Maine DEP's stream crossing standards are at 06-096, Chapter 305: Permit by Rule, Section 10. Stream crossings (bridges, culverts and fords).

(g) Waterway crossings proposed by the Maine Dept. of Transportation should conform to the MDOT Fish Passage Policy and Design Guides.

(h) Construction equipment shall not cross streams without the use of temporary bridges, culverts, or cofferdams.

(i) For projects that otherwise meet the terms of Category 1, in-stream construction work shall be conducted during the low flow period July 15 - October 1 in any year. Projects that are not to be conducted during that time period are ineligible for Category 1 and shall be screened pursuant to Category 2, regardless of the waterway and wetland fill and/or impact area.

**23. Discharge of Pollutants.** All activities involving any discharge of pollutants into waters of the U.S. authorized under this PGP shall be consistent with applicable water quality standards, effluent limitations, standards of performance, prohibitions, and pretreatment standards and management practices established pursuant to the CWA (33 USC 1251) and applicable State and local laws. If applicable water quality standards, limitations, etc., are revised or modified during the term of this PGP, the authorized work shall be modified to conform with these standards within six months of the effective date of such revision or modification, or within a longer period of time deemed reasonable by the District Engineer in consultation with the Regional Administrator of the EPA. Applicants may presume that State water quality standards are met with the issuance of a LURC or DEP NRPA permit.

**24. Spawning Areas.** Discharges of dredged or fill material, and/or suspended sediment producing activities in fish and shellfish spawning or nursery areas and amphibian and waterfowl breeding areas during spawning or breeding seasons shall be avoided. During all times of year, impacts to these areas shall be avoided or minimized to the maximum extent practicable.

**25. Storage of Seasonal Structures.** Coastal structures, such as pier sections and floats, that are removed from the waterway for a portion of the year (often referred to as seasonal structures) shall be stored in an upland location located above mean high water (MHW) and not in tidal wetlands. These seasonal structures may be stored on the fixed, pile-supported portion of the structure that is seaward of MHW. This is intended to prevent structures from being stored on the marsh substrate and the substrate seaward of MHW. Seasonal storage of structures in navigable waters, e.g., in a protected cove on a mooring, requires Corps and local harbormaster approval.

**26. Environmental Functions and Values.** The permittee shall make every reasonable effort to carry out the construction or operation of the work authorized herein in a manner so as to maintain as much as is practicable, and minimize any adverse impacts on existing fish, wildlife, and natural environmental functions and values.

**27. Protection of Vernal Pools.** Impacts to uplands in proximity (within 500 feet) to the vernal pools referenced in Appendix A - Definitions of Categories, shall be minimized to the maximum extent possible.

### **Procedural Conditions**

**28. Cranberry Development Projects.** For cranberry development projects authorized under the PGP, the following conditions apply:

- If a cranberry bog is abandoned for any reason, the area must be allowed to revert to natural wetlands unless an Individual Permit is obtained from the Corps allowing the discharge of fill for an alternate use.
- No **stream** diversion shall be allowed under this permit.
  - No impoundment of perennial streams shall be allowed under this permit.
- The project shall be designed and constructed to not cause flood damage on adjacent properties.

**29. Inspections.** The permittee shall allow the District Engineer (DE) or his authorized representative(s) to make periodic inspections at any time deemed necessary in order to ensure that the work is being performed in accordance with the terms and conditions of this permit. The DE may also require post-construction engineering drawings for completed work and post-dredging survey drawings for any dredging work.

**30. Work Start Notification Form and Compliance Certification.** Every permittee who receives a written Category 1 or 2 PGP authorization from the Corps must submit a 1) Work Start Notification Form (**WSNF**) two weeks before work commencement, and 2) signed Compliance Certification Form within one month following the completion of the authorized work and any required mitigation (but not mitigation monitoring, which requires separate submittals). The Corps will forward the blank **WSNF** and Compliance Certification Form with the authorization letter. The Compliance Certification Form will include: (a) a statement that the authorized work was done in accordance with the Corps authorization, including any general or specific conditions; (b) a statement that any required mitigation was completed in accordance with the permit conditions; and (c) the signature of the permittee certifying the completion of the work and mitigation.

**31. Maintenance.** The permittee shall maintain the work or structures authorized herein in good condition and in conformance with the terms and conditions of this permit. This does not include maintenance of dredging projects. Maintenance dredging is subject to the review thresholds in Appendix A and/or any conditions included in a written Corps authorization. Maintenance dredging includes only those areas and depths previously authorized and dredged. Some maintenance activities may not be subject to regulation under Section 404 in accordance with 33 CFR 323.4(a)(2).

**32. Property Rights.** This permit does not convey any property rights, either in real estate or material, or any exclusive privileges, nor does it authorize any injury to property or invasion of rights or any infringement of Federal, State, or local laws or regulations. If property associated with work authorized by the PGP is sold, the PGP authorization is automatically transferred to the new property owner. The new property owner should provide this information to the Corps in writing. No acknowledgement from the Corps is necessary.

**33. Modification, Suspension, and Revocation.** This permit **may** be either modified, suspended, or revoked, in whole or in part, pursuant to the policies and procedures of 33 CFR 325.7. Any such action shall not be the basis for any claim for damages against the United States.

**34. Restoration.** The permittee, upon receipt of a notice of revocation of authorization under this permit, shall restore the wetland or waterway to its former condition without expense to the United States and as directed by the Secretary of the Army or his authorized representative. If the permittee fails to comply with such a directive, the Secretary or his designee may restore the wetland or waterway to its former condition, by contract or otherwise, and recover the cost from the permittee.

**35. Special Conditions.** The Corps, independently or at the request of the Federal resource agencies, may impose other special conditions on a project authorized pursuant to this general permit that are determined necessary to minimize adverse environmental effects or based on any other factor of the public interest. Failure to comply with all conditions of the authorization, including special conditions, will constitute a permit violation and may subject the permittee to criminal, civil, or administrative penalties or restoration.

**36. False or Incomplete Information.** If the Corps makes a determination regarding the eligibility of a project under this permit and subsequently discovers that it has relied on false, incomplete, or inaccurate information provided by the permittee, the permit shall not be valid and the government may institute appropriate legal proceedings.

**37. Abandonment.** If the permittee decides to abandon the activity authorized under this general permit, unless such abandonment is merely the transfer of property to a third party, he/she must restore the area to the satisfaction of the District Engineer.

**Duration of Authorization/Grandfathering:**

**38. Duration of Authorization.** This PGP expires five years from the effective date listed at the top of Page 1. Activities authorized under Category 1 of this PGP that have commenced (i.e., are under construction) or are under contract to commence in reliance upon this PGP's authorization will remain authorized provided the activity is completed within 12 months of the PGP's expiration date. Activities authorized under Category 2 of this PGP will remain authorized in accordance with the project-specific date that the Corps provides to the permittee in the PGP authorization letter, unless:

- (a) The PGP is either modified or revoked, or
- (b) Discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization in accordance with 33 CFR 325.2(e)(2).

**39. Previously Authorized Activities.**

- (a) Activities completed under the authorizations of past PGPs that were in effect at the time the activity was completed will continue to be authorized by those PGPs.
- (b) Completed projects that have received written verification or approval from the Corps, based on applications made to the Corps prior to issuance of this PGP or the previous nationwide permits, regional general permits, or letters of permission shall remain authorized as specified in each authorization.
- (c) Activities authorized pursuant to 33 CFR ~~Part~~ 330.3 ("Activities occurring before certain dates") are not affected by this PGP.



## VI. CONTACTS FOR MAINE PROGRAMMATIC GENERAL PERMIT:

### 1. FEDERAL

#### U.S. Army Corps of Engineers

Maine Project Office  
675 Western Avenue #3  
Manchester, Maine 04351  
(207) 623-8367  
(207) 623-8206 (fax)

#### Federal Endangered Species

**U.S.** Fish and Wildlife Service  
Maine Field Office  
1168 Main ~~Street~~  
Old Town, Maine 04468  
(207) 827-5938  
207-827-6099 (fax)

#### Wild and Scenic Rivers

National ~~Park~~ Service  
North Atlantic Region  
15 State Street  
Boston, Massachusetts 02109  
(617) 223-5203

#### Federal Endangered Species & Essential Fish Habitat

National Marine Fisheries Service  
One Blackburn Drive  
Gloucester, Massachusetts 01939  
(978) 281-9102  
(978) 281-9301 (fax)

#### Bridge Permits

Commander (obr)  
First Coast Guard District  
One South Street - Battery Bldg  
New York, New York 10004  
(212) 668-7021

### 2. STATE OF MAINE

#### Maine Department of Environmental Protection (For State Permits & Water Quality Certifications)

Division of Land Resource Regulation  
Bureau of Land and Water Quality  
17 State House Station  
Augusta, Maine 04333  
(207) 287-2111

Southern Maine Regional **Office**  
312 Canco Road  
Portland, Maine 04103  
(201) 822-6300

Eastern Maine Regional Office  
106 Hogan Road  
Bangor, Maine 04401  
(207) 941-4570

Northern Maine Regional **Office**  
1235 Central Drive - Skyway Park  
Presque Isle, Maine 04769  
(207) 764-0477

#### Maine Land Use Regulation Commission (LURC) [call (800) 452-8711 for appropriate LURC office]

22 State House Station  
Augusta, ME 04333-0022  
(207) 287-2631  
(207) 287-7439 (fax)

45 Radar Road  
Ashland, ME 04732-3600  
(207) 435-7963  
(207) 435-7184 (fax)

Lakeview Drive  
P.O. Box 1107  
Greenville, ME 04441  
(207)695-2466  
(207) 695-2380(fax)

**(For CZM Determinations)**

State Planning Office  
Coastal Program  
184 State Street  
State House Station 38  
Augusta, Maine 04333  
(207) 287-1009

**(For Submerged Lands Leases)**

Maine Department of Conservation  
Bureau of Parks and Lands  
22 State House Station  
Augusta, Maine 04333  
(207) 287-3061

**3. HISTORIC PROPERTIES**

**Maine Historic Preservation Commission**

State House Station 65  
Augusta, Maine 04333-0065  
(207) 287-2132  
(207) 287-2335 (fax)

**Aroostook Band of Micmacs**

Attn: Mr. Williams Phillips, Chief  
7 Northern Road  
Presque Isle, Maine 04769  
(207) 764-1972  
(207) 764-7667 (fa)

**Houlton Band of Maliseet Indians**

Attn: Tribal Chief  
88 Bell Road  
Littleton, Maine 04730  
(207) 532-4273, x215  
(207) 532-2660 (fa)

191 Main Street  
East Millinocket, ME 04430  
(207) 746-2244  
(207) 746-2243

**(For Aquaculture Leases)**

Maine Department of Marine Resources  
P.O. Box 8  
West Boothbay Harbor, Maine 04575  
(207) 633-9500

**Passamaquoddy Tribe of Indians**

Pleasant Point Reservation  
Attn: Tribal Council  
P.O. Box 343  
Perry, Maine 04667  
(207) 853-2600  
(207) 853-6039 (fax)

**Passamaquoddy Tribe of Indians**

Indian Township Reservation  
Attn: Donald Soctomah, THPO  
P.O. Box 301  
Princeton, Maine 04668  
(207) 796-2301  
(207) 796-5256 (fa)

**Penobscot Indian Nation**

Indian Island Reservation  
Attn: Ms. Bonnie Newsom, THPO  
12 Wabanaki Way  
Indian Island, Maine 04468  
(207) 817-7471  
(207) 817-7450 (fa)

**4. ORGANIZATIONAL WEBSITES:**

|  |  |
|--|--|
| Army Corps of Engineers                | <a href="http://www.nae.usace.army.mil">www.nae.usace.army.mil</a> (click "Regulatory Permitting")   |
| Corps of Engineers Headquarters        | <a href="http://www.usace.army.mil">www.usace.army.mil</a> (click "Services for the Public")         |
| Environmental Protection Agency        | <a href="http://www.epa.gov/owow/wetlands/">www.epa.gov/owow/wetlands/</a>                           |
| National Marine Fisheries Service      | <a href="http://www.nmfs.noaa.gov">www.nmfs.noaa.gov</a>   |
| U.S. Fish and Wildlife Service         | <a href="http://www.fws.gov/">www.fws.gov/</a>   |
| National Park Service                  | <a href="http://www.nps.gov/rivers/index.html">www.nps.gov/rivers/index.html</a>                     |
| State of Maine                         | <a href="http://www.maine.gov">www.maine.gov</a>   |
| State of Maine -Aquaculture Guidelines | <a href="http://www.maine.gov/dmr/aquaculture/index.htm">www.maine.gov/dmr/aquaculture/index.htm</a> |

*for Christine J. Gray* 10-11-05  
District Engineer Date

**APPENDIX A: DEFINITION OF CATEGORIES**

|   |  |  |   |
|---|--|--|---|
| <p><b>A. INLAND WATERS AND WETLANDS</b></p> | <p><b>Inland Waters and Wetlands:</b> Waters that are regulated under Section 404 of the Clean Water Act, including rivers, streams, lakes, ponds and wetlands, and excluding Section 10 Navigable Waters of the U.S. The jurisdictional limits are the ordinary high water (OHW) mark in the absence of adjacent wetlands, beyond the OHW mark to the limit of adjacent wetlands when adjacent wetlands are present, and the wetland limit when only wetlands are present. For the purposes of this PGP, fill placed in the area between the mean high water (MHW) and the high tide line (HTL), and in the bordering and contiguous wetlands<sup>1</sup> to tidal waters are reviewed in the Navigable Waters section. (See II. Navigable Waters on the next page.)</p>  |  |   |
|   | <p><b>CATEGORY 1</b></p> <p>&lt;4,300 SF inland waterway and/or wetland fill and associated secondary impacts (e.g., areas drained, flooded, cleared or excavated). Fill area includes all temporary and permanent fill, and excavation discharges (except for incidental fallback). Swamp mats are considered as fill. [See General Condition (GC) 18.]</p> <p><u>Provided:</u></p> <ul style="list-style-type: none"> <li>• In-stream (e.g., rivers, streams, brooks, etc.) work limited to Jul 15 - Oct 1</li> <li>• In-stream work of up to 4,300 SF of fill below OHW in waterways not designated as EFH for Atlantic salmon (see GC 11, Page 9) and performed in accordance with Maine Permit By Rule standards or a LURC permit.</li> <li>• Waterway crossings shall comply with GC 22.</li> <li>• Projects covered by a DEP Tier One permit with no cumulative impacts &gt; 15,000 SF in inland wetlands from previous permits, unauthorized work, and/or other state permits.</li> <li>• Subdivision fill complies with GC 5, Single and Complete Projects (see Page 7).</li> </ul> <p><u>This category excludes:</u></p> <ul style="list-style-type: none"> <li>• Dams, dikes or activities involving water diversions.<sup>2</sup></li> <li>• Non-State approved sediment releases/slucices from dams.</li> <li>• Open trench excavation in flowing waters (see GC 22, Page 12).</li> </ul> | <p><b>CATEGORY 2</b></p> <p>4,300 SF to &lt;3 acres inland waterway and/or wetland fill and associated secondary impacts (e.g., areas drained, flooded, cleared or excavated). Fill area includes all temporary and permanent fill, and excavation discharges (except for incidental fallback). Swamp mats filling any area ≥4,300 SF are reviewed in Category 2. (See GC 18, Page 11.)</p> <p><u>Includes:</u> In-stream work, including crossings (other than spanned crossing as described in Category 1) with any discharge of fill below ordinary high water in perennial waterways designated as EFH for Atlantic salmon. Time of year restrictions determined case-by-case.</p> <p>Projects with proactive restoration as a primary purpose with impacts of any area ≥4,300 SF. The Corps, in consultation with State &amp; Federal agencies, must determine that net adverse effects are not more than minimal.</p> <p>Specific activities with impacts of any area ≥4,300 SF required to affect the containment, stabilization, or removal of hazardous or toxic waste materials that are performed, ordered, or sponsored by a government agency with established legal or regulatory authority. Wetlands must be restored in place.</p> | <p><b>INDIVIDUAL PERMIT</b></p> <p>≥3 acres inland waterway and/or wetland fill and secondary impacts (e.g., areas drained, flooded, cleared or excavated). Fill area includes all temporary and permanent fill, and excavation discharges (except for incidental fallback).<sup>5</sup></p> <p>EIS required by the Corps.</p> <p>In-stream work exceeding Category 2 limits.</p> |
| <p>Maine PGP</p>                            |  | <p align="center">1</p>  | <p align="right">October 11, 2005</p>   |

| CATEGORY 1  | CATEGORY 2   | INDIVIDUAL PERMIT  |
|---|--|--|
| <p><b>CATEGORY 1</b></p> <ul style="list-style-type: none"> <li>- Work in waters designated as EFH for Atlantic salmon (see GC 11, Page 9), unless the waterway is crossed with a span and footprints of the span abutments are outside ordinary high water with no more than 4,300 SF of associated wetland impact.</li> <li>o Work in Special Inland Waters or Wetlands<sup>2</sup> (vernal pools).</li> <li>• Work in special aquatic sites (SAS)<sup>4</sup> other than wetlands.</li> <li>o Work within ¼ mile of a Wild and Scenic River (see GC 12, Page 9).</li> <li>• Work on National Lands (see GC 9, Pg. 9).</li> <li>• Work affecting threatened or endangered species (see GC 10, Page 9) or EFH salmon migration (see GC 11, Page 9).</li> </ul> |  |  |
| <p><b>(b) BANK STABILIZATION PROJECTS</b></p> <p>Inland bank stabilization &lt;100 FT long and &lt;1 CY of fill per linear foot below OHW.</p> <p><u>Provided:</u></p> <ul style="list-style-type: none"> <li>• In-stream work limited to Jul 15 - Oct 1.</li> <li>o No work in special inland waters &amp; wetlands<sup>3</sup> and SAS<sup>4</sup>.</li> <li>o No open trench excavation in flowing waters (see GC 22, Page 12).</li> <li>o No structures angled steeper than 3H:1V allowed. Only rough-faced stone or fiber roll revetments allowed.</li> <li>o No work affects threatened or endangered species (see GC 10, Page 9) or EFH (see GC 11, Page 9).</li> </ul>  | <p>Inland bank stabilization ≥100 FT long and/or ≥1 CY of fill per linear foot, or any amount with fill in wetlands.</p>                     |  |
| <p><b>(c) REPAIR AND MAINTENANCE OF AUTHORIZED FILLS</b></p>  | <p>Replacement of non-serviceable fills, or repair/maintenance of serviceable fill, with expansion &lt;3 acres, or with a change in use.</p> | <p>Replacement of non-serviceable fill, or repair/maintenance of serviceable fill, with expansion ≥1 acre.</p> |

| <b>II. NAVIGABLE WATERS</b>            |   | <b>Navigable Waters of the United States: Waters that are subject to the ebb and flow of the tide and Federally designated navigable rivers (the Penobscot River, Kennebec River, and Lake Umbagog) (Section 10 Rivers and Harbors Act of 1899). The jurisdictional limits are the mean high water (MHW) line in tidal waters and the ordinary high water (OHW) mark in non-tidal portions of the Federally designated navigable rivers. For the purposes of this PGP, fill placed in the area between the mean high water (MHW) and the high tide line (HTL), and in the bordering and contiguous wetlands<sup>1</sup> to tidal waters are also reviewed in this Navigable Waters section.</b>  |   |
|--|---|--|---|
|  | <b>CATEGORY 1</b>   | <b>CATEGORY 2</b>  | <b>INDIVIDUAL PERMIT</b>  |
| <b>(a) FILL</b>                        | Discharges of dredged or fill material incidental to the construction of bridges across navigable waters of the United States, including cofferdams, abutments, foundation seals, piers, and temporary construction and access fills provided the U.S. Coast Guard authorizes such discharges as part of the bridge permit. Causeways and approach fills are not included in this category and require Category 2 or Individual Permit authorization. | <1 acre fill and/or secondary waterway impacts (e.g., areas drained, flooded or cleared). Fill includes temporary and permanent waterway fill.<br><br>Temporary fill or excavation <1 acre in SAS <sup>4</sup> .<br><br>Permanent fill or excavation <1,000 SF in SAS <sup>4</sup> .<br><br>Permanent fill and/or excavation ≥1,000 SF in SAS <sup>5</sup> when associated with a project with proactive restoration as a primary purpose. The Corps, in consultation with Federal & state agencies, must determine that net adverse effects are not more than minimal.<br><br>Specific activities with impacts of any area required to affect the containment, stabilization, or removal of hazardous or toxic waste materials that are performed, ordered, or sponsored by a government agency with established legal or regulatory authority. Wetlands must be restored in place. | ≥1 acre waterway fill and/or secondary waterways or wetland impacts (e.g., areas drained, flooded or cleared). Fill includes temporary and permanent waterway fill.<br><br>Temporary fill or excavation ≥1 acre in SAS <sup>4</sup> .<br><br>Permanent fill or excavation ≥1,000 SF in SAS <sup>4</sup> other than as specified in Cat. 2<br><br>EIS required by the Corps. |
| <b>(b) REPAIR AND MAINTENANCE WORK</b> | Repair or maintenance of existing, currently serviceable, authorized structure or fill with no substantial expansion or change in use.<br>*Conditions of the original authorization apply. Must be rebuilt in same footprint, however minor deviations in structure design allowed <sup>6</sup>   | Replacement of non-serviceable structures and fills or repair/maintenance of serviceable structures or fills, with fill, replacement or expansion <1 acre, or with a change in use.  | Replacement of non-serviceable structures and fills or repair/maintenance of serviceable structures or fill, with replacement or expansion ≥1 acre.   |

|                                      | CATEGORY 1  | CATEGORY 2  | INDIVIDUAL PERMIT  |
|--------------------------------------|---|---|--|
| (c) DREDGING AND ASSOCIATED DISPOSAL | <p>Maintenance dredging for navigational purposes &lt;1,000 cy with upland disposal. Includes return water from upland contained disposal area.</p> <p><u>Provided:</u></p> <ul style="list-style-type: none"> <li>• Proper siltation controls are used.</li> <li>• Dredging &amp; disposal operation limited to November 1 - January 15.</li> <li>• No impact to special aquatic sites<sup>4</sup>.</li> <li>• No dredging in intertidal areas.</li> <li>• No work affects threatened or endangered species (see GC 10, Page 9) or EFH salmon migration (see GC 11, Page 9).</li> </ul>  | <p>Maintenance dredging ≥1,000 CY, new dredging &lt;25,000 CY, or projects not meeting Category 1. Includes return water from upland contained disposal areas.</p> <p><u>Provided:</u></p> <ul style="list-style-type: none"> <li>• Disposal includes 1) upland, 2) beach nourishment (above MHW) of any area provided dredging's primary purpose is navigation or sand is from an upland source and Corps, in consultation w/Federal and State agencies, determines the net adverse effects are not more than minimal; and 3) open water &amp; confined aquatic disposal, if Corps, in consultation with Federal and State agencies, finds the material suitable.</li> </ul> | <p>Maintenance dredging and/or disposal (any amount) in or affecting a SAS<sup>4</sup>. See II(a) above for dredge disposal in wetlands or waters.</p> <p>New dredging ≥25,000 CY, or any amount in or affecting SAS<sup>4</sup>.</p> <p>Beach nourishment associated with dredging when the primary purpose is not navigation (i.e., aggregate/sand mining) or the material is from an upland source.</p> |
| (d) MOORINGS                         | <p>Private, non-commercial, non-rental, single-boat moorings authorized by the local harbormaster.</p> <p><u>Provided:</u></p> <ul style="list-style-type: none"> <li>• Not associated with any boating facility<sup>7</sup></li> <li>• Not located in a Federal Navigation Project other than a Federal Anchorage. Moorings in Federal Anchorage not associated with a boating facility<sup>7</sup>.</li> <li>• No interference with navigation</li> <li>• Not located in vegetated shallows<sup>8</sup></li> <li>• Within ¼ mile of the owner's residence or a public access point.<sup>9</sup></li> </ul> <p>Minor relocation of previously authorized moorings and moored floats consistent with Harbormaster recommendations, provided it is also consistent with local regulations, is not located in vegetated shallows, and does not interfere with navigation.</p> | <p>Moorings associated with a boating facility<sup>7</sup>.</p> <p>Moorings that don't meet the terms in Category 1 and don't require an Individual Permit.</p> <p>Moorings located such that they, and/or vessels docked or moored at them, are within the buffer zone of the horizontal limits<sup>10</sup> of a Corps Federal Channel. (See Appendix B.) The buffer zone is equal to three times the authorized depth of that channel.</p>   | <p>Moorings within the horizontal limits<sup>10</sup>, or with moored vessels that extend, into the horizontal limits of a Federal Navigation Project (See App. B), except those in Federal Anchorages under Category 1.</p> <p>Note: Federal Navigation Projects include both Federal Channels and Federal Anchorages.</p>  |

|                           | CATEGORY 1  | CATEGORY 2  | INDIVIDUAL PERMIT   |
|---------------------------|---|---|---|
| (e) STRUCTURES AND FLOATS | <p>Reconfiguration of existing authorized structures or floats.</p> <p><u>Provided:</u></p> <ul style="list-style-type: none"> <li>Structures not positioned over vegetated shallows<sup>8</sup> or salt marsh.</li> <li>Floats supported off substrate at low tide.</li> <li>No dredging, additional slips or expansion.</li> <li>No work affects threatened or endangered species (see GC 10, Page 9) or EFH salmon migration (see GC 11, Page 9).</li> </ul> | <p>Private structures or floats, including floatways/skidways, built to access waterway (seasonal and permanent)</p> <p>Expansions to existing boating facilities<sup>7</sup>.</p> <p>Compliance with the following is recommended, but not required:</p> <ul style="list-style-type: none"> <li>Pile-supported structures &lt;400 SF, with attached floats totaling ≤200 SF.</li> <li>Bottom anchored floats ≤200 SF.</li> <li>Structures are ≤4' wide and have at least a 1:1 height:width ratio<sup>11</sup>.</li> <li>Floats supported above the substrate during all tides.</li> <li>Structures &amp; floats not located within 25' of any vegetated shallows<sup>8</sup>.</li> <li>Moored vessels not positioned over SAS<sup>4</sup>.</li> <li>No structure located within 25' of the riparian property boundary.</li> <li>No structure extends across &gt;25% of the waterway width at mean low water.</li> <li>Not located within the buffer zone of the horizontal limits<sup>10</sup> of a Corps Federal Navigation Project (FNP) (See App. B). The buffer zone is equal to three times the authorized depth of that FNP.</li> </ul> | <p>Structures or floats, including floatways/skidways, located such that they and/or vessels docked or moored at them are within the horizontal limits of a Corps Federal Navigation Project (see App. B).</p> <p>Structures and floats associated with a new or previously unauthorized boating facility<sup>7</sup>.</p> <p>Note: Federal Navigation Projects include both Federal Channels and Federal Anchorages.</p> |
| (f) MISCELLANEOUS         | <p>Temporary buoys, markers, floats, etc. for recreational use during specific events, provided they are removed within 30 days after use is discontinued.</p> <p>The placement of aids to navigation and regulatory markers which are approved by and installed in accordance with the requirements of the U.S. Coast Guard. (See 33 CFR part 66, Chapter I, subchapter C)."</p>   | <p>Structures or work in or affecting tidal or navigable waters, that are not defined under any of the previous headings listed above. Includes, but is not limited to, utility lines, aerial transmission lines, pipelines, outfalls, boat ramps, floatways/skidways, bridges, tunnels and horizontal directional drilling activities seaward of the MHW line.</p>   | <p>EIS required by the Corps.</p> <p>Shellfish/finfish (other than Atlantic salmon), or other aquaculture facilities with more than minimal individual and cumulative impacts to environmental resources or navigation. A 25' eelgrass set back is recommended.</p>   |



|  |   |  |  |
|--|---|--|--|
|  | <p>Oil spill clean-up temporary structures or fill. Fish/wildlife harvesting structures/fill (as defined by 33 CFR 330, App. A-4)</p> <p>Scientific measurement devices and survey activities such as exploratory drilling, surveying and sampling activities. Does not include oil and gas exploration and fill for roads or construction pads.</p> <p>Shellfish seeding (brushing the flats<sup>12</sup>) projects.</p> <p>Provided:</p> <ul style="list-style-type: none"> <li>• No work in National Wildlife Refuges.</li> <li>• No work affects threatened or endangered species (see GC 10, Page 9) or EFH salmon migration (see GC 11, Page 9).</li> </ul> | <p>Shellfish/finfish (other than Atlantic salmon), or other aquaculture facilities with no more than minimal individual and cumulative impacts to environmental resources or navigation. A 25' eelgrass set back is recommended. Aquaculture guidelines are provided at: <a href="http://www.maine.gov/dmr/aquaculture/index.htm">www.maine.gov/dmr/aquaculture/index.htm</a>.</p> | <p>Aquaculture guidelines are provided at: <a href="http://www.maine.gov/dmr/aquaculture/index.htm">www.maine.gov/dmr/aquaculture/index.htm</a>.</p> |
|--|---|--|--|

<sup>1</sup> **Bordering and Contiguous Wetlands:** A bordering wetland is immediately next to its adjacent waterbody and may lie at, or below, the ordinary highwater mark (MHW in navigable waters) of that waterbody and is directly influenced by its hydrologic regime. Contiguous wetlands extend landward from their adjacent waterbody to a point where a natural or manmade discontinuity exists. Contiguous wetlands include bordering wetlands as well as wetlands that are situated immediately above the ordinary highwater mark and above the normal hydrologic influence of their adjacent waterbody. Note, with respect to the Federally designated navigable rivers, the wetlands bordering and contiguous to the tidally influenced portions of those rivers are reviewed under "II. Navigable Waters."

<sup>2</sup> **Water Diversions:** Water diversions are activities such as bypass pumping or water withdrawals. Temporary flume pipes, culverts or cofferdams where normal flows are maintained within the stream boundary's confines aren't water diversions. "Normal flows" are defined as no change in flow from pre-project conditions.

<sup>3</sup> **Special Inland Waters and Wetlands: Vernal Pools -** Temporary to permanent bodies of water occurring in shallow depressions that fill during the spring and fall and may dry during the summer. Vernal pools have no permanent or viable populations of predatory fish. Vernal pools provide the primary breeding habitat for wood frogs, spotted salamanders, blue-spotted salamanders, and fairy shrimp, and provide habitat for other wildlife including several endangered and threatened species.

<sup>4</sup> **Special Aquatic Sites:** Includes wetlands and saltmarsh, mudflats, riffles and pools, and vegetated shallows.

<sup>5</sup> **IP Required:** The greater the impacts, the more likely an Individual Permit will be required. The Corps will determine the need for compensatory mitigation on a case-by-case basis.

<sup>6</sup> **Maintenance:** Minor deviations in the structure's configuration or filled area, including those due to changes in materials, construction techniques, or current construction codes or safety standards, which are necessary to make repair, rehabilitation, or replacement are permitted, provided the adverse environmental effects resulting from such repair, rehabilitation, or replacement are minimal. No seaward expansion for bulkheads or any other fill activity is considered Category 1 maintenance. Currently serviceable means useable as is or with some maintenance, but not so degraded as to essentially require reconstruction.

<sup>7</sup> **Boating Facilities:** Facilities that provide, rent, or sell mooring space, such as marinas, yacht clubs, boat clubs, boat yards, town facilities, dockominiums, etc.

<sup>8</sup> **Vegetated Shallows:** Subtidal areas that support rooted aquatic vegetation such as eelgrass

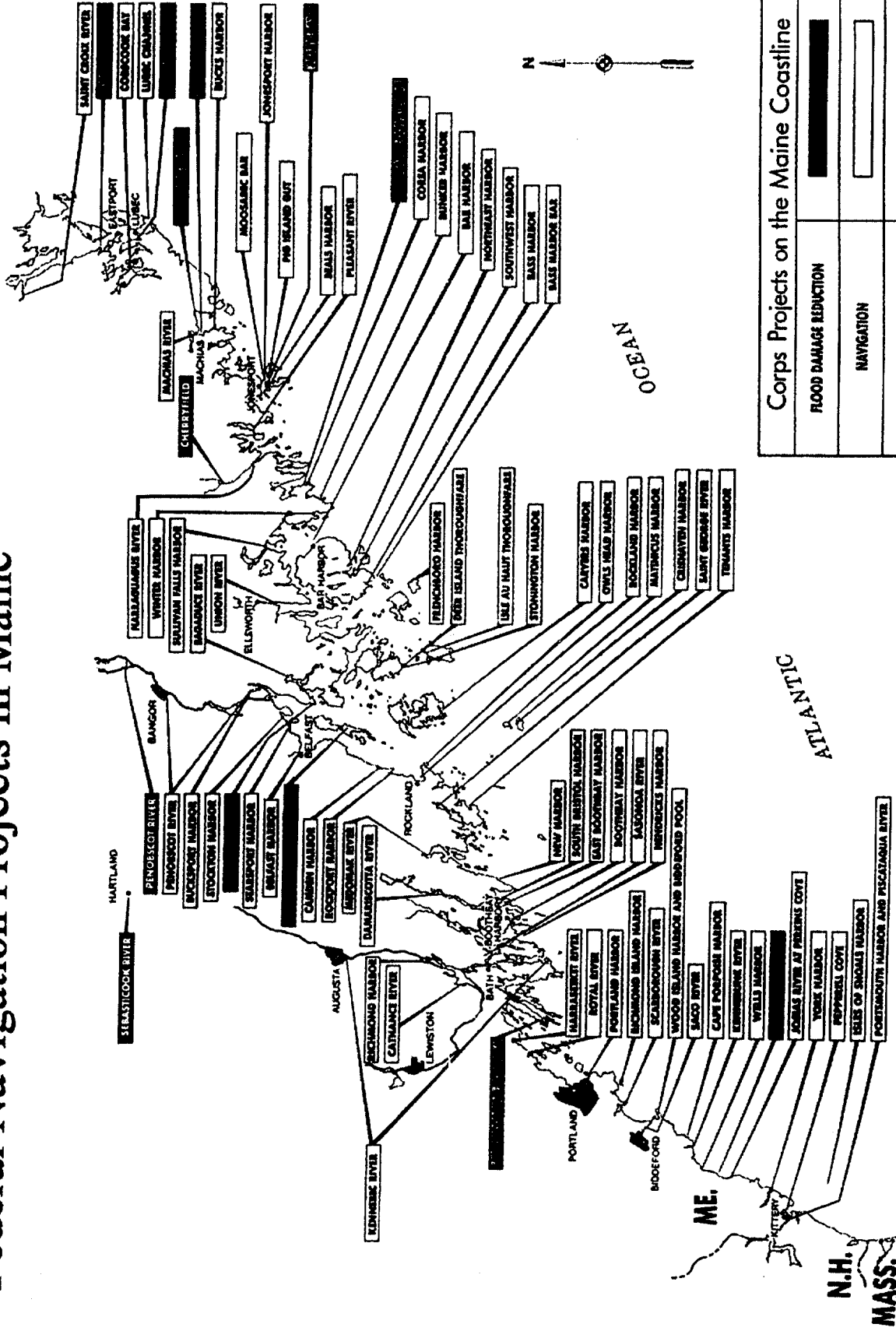
<sup>9</sup> **Mooring Location:** Cannot be at a remote location to create a convenient transient anchorage.

<sup>10</sup> **Horizontal Limits:** The outer edge of a Federal Navigation Project (FNP). Contact the Corps of Engineers for information on FNP's.

<sup>11</sup> **Structures:** The height of structures shall at all points be equal to or exceed the width of the deck. For the purpose of this definition, height shall be measured from the marsh substrate to the bottom of the longitudinal support beam.

<sup>12</sup> **Brushing the Flats:** The placement of tree boughs, wooden lath structure, or small-mesh fencing on mudflats to enhance recruitment of soft-shell clams (*Mya arenaria*).

# Federal Navigation Projects in Maine



| Corps Projects on the Maine Coastline |            |
|---------------------------------------|------------|
| FLOOD DAMAGE REDUCTION                | ██████████ |
| NAVIGATION                            | ▭          |
| SHORE AND BANK PROTECTION             | ██████████ |



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

(Minimum Notice: Permittee must sign and return notification within one month of the completion of work.)

## COMPLIANCE CERTIFICATION FORM

**USACE Project Number:** \_\_\_\_\_

**Name of Permittee:** \_\_\_\_\_

**Permit Issuance Date:** \_\_\_\_\_

Please sign this certification and return it to the following address upon completion of the activity and any mitigation required by the permit. **You** must submit this after the mitigation is complete, but not the mitigation monitoring, which requires separate submittals.

```

*****
* MAIL TO: U.S. Army Corps of Engineers, New England District
* Policy Analysis/Technical Support Branch, ATTN: Marie Farese
* Regulatory Division
* 696 Virginia Road
* Concord, Massachusetts 01742-2751
*****

```

Please note that your permitted activity is subject to a compliance inspection by an U.S. Army Corps of Engineers representative. If you fail to comply with this permit you **are** subject to permit suspension, modification, or revocation.

**I hereby certify that the work authorized by the above referenced permit was completed in accordance with the terms and conditions of the above referenced permit, and any required mitigation was completed in accordance with the permit conditions.**

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date of Work Completion

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Telephone Number



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

**PGP WORK START NOTIFICATION FORM**  
**(Minimum Advance Notice: Two Weeks)**

**MAIL TO:** U.S. Army Corps of Engineers, New England District  
Regulatory Branch  
Policy Analysis/Technical Support Section  
696 Virginia Road  
Concord, Massachusetts 01742-2751

A Corps of Engineers Permit (No \_\_\_\_\_) was issued to \_\_\_\_\_. The permit authorized the permittee(s) to \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The people (e.g., contractor) listed below will do the work, and they understand the permit's conditions and limitations.

PLEASE PRINT OR TYPE

Name of Person/Firm: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Business Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone: (\_\_\_\_) \_\_\_\_\_ (\_\_\_\_) \_\_\_\_\_

Proposed Work Dates: Start: \_\_\_\_\_  
Finish: \_\_\_\_\_

PERMITTEE'S SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

PRINTED NAME: \_\_\_\_\_ TITLE: \_\_\_\_\_

**FOR USE BY THE CORPS OF ENGINEERS**

PM \_\_\_\_\_ Submittals Required: \_\_\_\_\_

Inspection Recommendation: \_\_\_\_\_

A suitable binder such as RMB plus and/ or erosion control netting will be used on hay mulch for wind control.

5. All hay bale and/or filter fabric barriers will remain in place until seedlings have become 85% - 90% established and then removed within 10 days.

#### **Inspection/monitoring**

1. Maintenance measures shall be applied as needed during the entire construction cycle. After each rainfall, the site contractor shall perform a visual inspection of all erosion control measures and perform repairs as needed to insure their continued function.
2. Following the temporary and/or final seeding, the contractor shall inspect the site semimonthly until the seedlings have been established. Established means a minimum of 85% - 90% of areas vegetated with vigorous growth. Reseeding shall be carried out by the contractor with the follow up inspections in the event of any failures until vegetation is adequately established.

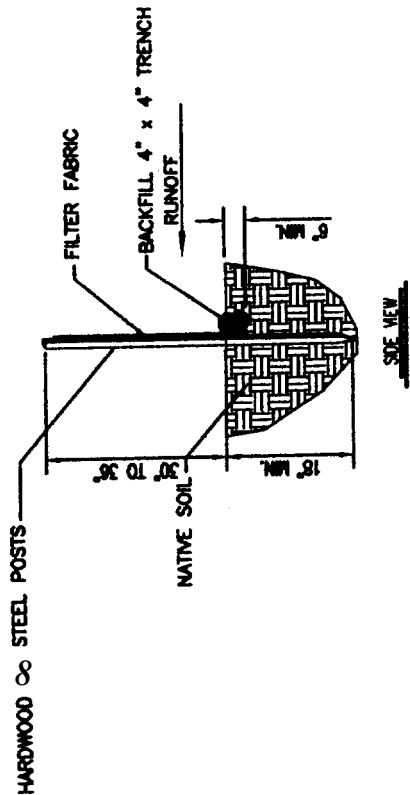
**SILT FENCE.** SILT FENCE SHALL BE INSTALLED IN ACCORDANCE WITH MOST SPECIFICATIONS.

CONSTRUCTION

1. THE HEIGHT OF A SILT FENCE SHALL BE BETWEEN 30" AND 36".
2. THE SILT FENCE SHALL BE PURCHASED IN A CONTINUOUS ROLL CUT TO THE LENGTH OF THE BARRIER TO AVOID THE USE OF JOINTS. WHEN JOINTS ARE NECESSARY, FILTER CLOTH SHALL BE SPUN TOGETHER ONLY AT A SUPPORT POST, WITH A MINIMUM 6-INCH OVERLAP, AND SECURELY SEALED. FILTER FABRIC SHALL EXTEND A MIN. OF 6" INTO THE GROUND.
3. POSTS SHALL BE SPACED A MAXIMUM OF 6 FEET APART AT THE BARRIER LOCATION AND DRIVEN SECURELY INTO THE GROUND (MINIMUM OF 18 INCHES).
4. A TRENCH SHALL BE EXCAVATED APPROXIMATELY 6 INCHES WIDE AND 6 INCHES DEEP ALONG THE LINE OF POSTS AND UPSLOPE FROM THE BARRIER.
5. THE TRENCH SHALL BE BACK FILLED AND THE SOIL COMPACTED OVER THE FILTER FABRIC.

MAINTENANCE

1. SILT FENCES AND FILTERS BARRIERS SHALL BE INSPECTED PRIOR TO AND IMMEDIATELY AFTER EACH RAINFALL AND AT LEAST DAILY DURING PROLONGED RAINFALL. ANY REQUIRED REPAIRS SHALL BE MADE IMMEDIATELY.
2. SHOULD THE FABRIC ON A SILT FENCE OR FILTER BARRIER DECOMPOSE OR BECOME INEFFECTIVE PRIOR TO THE END OF THE EXPECTED USABLE LIFE AND THE BARRIER STILL BE NECESSARY, THE FABRIC SHALL BE REPLACED PROMPTLY.
3. SEDIMENT DEPOSITS MUST BE REMOVED WHEN DEPOSITS REACH APPROXIMATELY ONE-HALF THE HEIGHT OF THE BARRIER.
4. SILT FENCES SHALL BE MAINTAINED UNTIL ALL PROTECTED AREAS HAVE BEEN STABILIZED AND CONSTRUCTION PHASE IS COMPLETE. REMOVE SILT FENCE WITHIN 10 DAYS OF COMPLETION.
5. ANY SEDIMENT DEPOSITS REMAINING IN PLACE AFTER THE SILT FENCE OR FILTER BARRIER IS NO LONGER REQUIRED SHALL BE DRESSED TO CONFORM WITH THE EXISTING GRADE, PREPARED AND SEED.



TYPICAL FILTER BARRIER

N.T.S.

**TIMOTHY NAPOLITANO**  
**614 ISLAND AVE.**  
**PEAKS ISLAND, MAINE**

**PIER INSTALLATION**  
**-FILTER BARRIER-**

**TEC ASSOCIATES** CONSULTING ENGINEERS  
 40 SAFFER STREET SOUTH PORTLAND, MAINE 04106

|            |             |          |          |
|------------|-------------|----------|----------|
| SCALE      | NTS         | DATE     | 10/21/05 |
| JOB NUMBER | DESIGNED BY | REV. NO. | 1 OF 1   |
|            | JDL         |          |          |

# BOARD OF HARBOR COMMISSIONERS PORT OF PORTLAND PERMIT-A

## TO BE POSTED IN A CONSPICUOUS PLACE AT THE CONSTRUCTION SITE

To.....Timothy A. Napolitano. 5 Applewood Circle PO Box 2301 South Portland, ME 04106. ....

The undersigned, Board of Harbor Commissioners for the Harbor of Portland, has carefully considered your application, Dated the 2<sup>nd</sup> day of December 2005, for a permit authorizing the installation of a 5'x50' permanent pier, stairs, landings, 3'x48' seasonal gangway, and 12'x30' seasonal float.....

Having given public notice of this pending application, as required by law, and therein designated the 23<sup>rd</sup> day Of February 2006, at 5:00 o'clock in the afternoon prevailing time as the time when they would meet At the Portland City Council Chambers to examine this issue and here all interested parties, and having met at the time and place mentioned and examined the location of this proposed construction project.. And having heard all interested parties, the Board of Harbor Commissioners for the Port of Portland hereby issues this permit which authorizes you to proceed under all applicable local and federal regulations hereinafter stated, and to maintain within the limits mentioned in the permit application. ....

In addition, the construction project described above must be surrounded by a containment boom unless the Board of Harbor Commissioners for the Port of Portland has waived this requirement in writing, either as part of the above-listed conditions, or in a separate statement.

This permit is limited authorization, which contains a stated set of conditions with which the permit holder must comply. If a contractor performs the work for you, both you and the contractor are responsible for assuring that the work is done in conformance with the conditions and limitations of this authorization. Please be sure that the person who will be performing the work has read and understands these conditions.

Performing any work not specifically authorized by this permit, or that fails to comply with its conditions, may subject you to the enforcement provisions of Harbor Commission regulations. If any change in plans or construction methods is found necessary, please contact the Harbor Commission immediately to discuss modifications to your authorization. Any change must be approved by the Harbor Commission before it is undertaken.

Nothing in this permit shall be construed to justify or authorize any invasion to the private rights of others. Moreover, nothing in this permit shall limit or modify the authority of the Board of Harbor Commissioners for the Harbor of Portland with its applicable stature. Attested copies will be submitted to the U. S. Army Corps of Engineers, the Department of Environmental protection, the City of Portland, and the City of South Portland.

In Witness Whereof, the members of the Board of Harbor Commissioners for the Harbor of Portland hereunto set their hands and affix their corporate seal on this 23<sup>rd</sup> day of February 2006.

The work authorized to this permit must be completed on or before the 23<sup>rd</sup> day of February 2007.

*[Handwritten signatures of board members]*

Board of Harbor Commissioners of Portland

