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APPLICATION FOR NATURAL RESOURCES PROTECTION ACT PERMIT

→ PLEASE TYPE OR PRINT IN BLACK INK ONLY

1. Name of Applicant: Thomas Dobbins Portland Harbor Commission		5. Name of Agent: Michael Johnson Stantec										
2. Applicant's Mailing Address: Marine Trade Center 2 Portland Fish Pier, Suite 105 Portland, ME 04101		6. Agent's Mailing Address: 30 Park Drive Topsham, ME 04086										
3. Applicant's Daytime Phone #: 207-772-8121		7. Agent's Daytime Phone #: 207-729-1199										
4. Applicant's Email Address (Required from either applicant or agent): tomdobbins@portlandharbor.org		8. Agent's Email Address: michael.johnson@stantec.com										
9. Location of Activity: (Nearest Road, Street, Rt.#) Portland Harbor		10. Town: Portland and South Portland										
11. County: Cumberland												
12. Type of Resource: (Check all that apply) <input type="checkbox"/> River, stream or brook <input type="checkbox"/> Great Pond <input checked="" type="checkbox"/> Coastal Wetland <input type="checkbox"/> Freshwater Wetland <input type="checkbox"/> Wetland Special Significance <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Fragile Mountain		13. Name of Resource: Casco Bay, Fore River										
		14. Amount of Impact: 2,038,000 (sq ft)										
		Fill: 0 Dredging/Veg Removal/Other: See Attachment 1										
15. Type of Wetland: (Check all that apply) <input type="checkbox"/> Forested <input type="checkbox"/> Scrub Shrub <input type="checkbox"/> Emergent <input type="checkbox"/> Wet Meadow <input type="checkbox"/> Peatland <input checked="" type="checkbox"/> Open Water <input type="checkbox"/> Other _____		<p align="center">FOR FRESHWATER WETLANDS</p> <table border="0"> <tr> <td align="center">Tier 1</td> <td align="center">Tier 2</td> <td align="center">Tier 3</td> </tr> <tr> <td><input type="checkbox"/> 0 - 4,999 sq ft.</td> <td><input type="checkbox"/> 15,000 - 43,560 sq. ft.</td> <td><input checked="" type="checkbox"/> > 43,560 sq. ft. or smaller than 43,560 sq. ft., not eligible for Tier 1</td> </tr> <tr> <td><input type="checkbox"/> 5,000-9,999 sq ft</td> <td><input type="checkbox"/> 10,000-14,999 sq ft</td> <td></td> </tr> </table>		Tier 1	Tier 2	Tier 3	<input type="checkbox"/> 0 - 4,999 sq ft.	<input type="checkbox"/> 15,000 - 43,560 sq. ft.	<input checked="" type="checkbox"/> > 43,560 sq. ft. or smaller than 43,560 sq. ft., not eligible for Tier 1	<input type="checkbox"/> 5,000-9,999 sq ft	<input type="checkbox"/> 10,000-14,999 sq ft	
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16. Brief Activity Description: The Dredge Project includes 47 properties along Portland Harbor's waterfront adjacent to private and publicly owned piers and waterfront areas including 21 piers, 10 marinas/boat yards, the Portland public boat launch and the Portland commercial barge landing. Total dredge volume is estimated at 244,678 cubic yards with 2,038,000 square feet (46.8 acres) of dredge impact. Dredged material disposal into the Portland Harbor CAD cell. Construction of the CAD cell is being permitted separately.												
17. Size of Lot or Parcel & UTM Locations: <input type="checkbox"/> _n/a_ square feet, or <input type="checkbox"/> _n/a_ acres UTM Northing: 298309.6123' UTM Easting: 2929963.1796'												
18. Title, Right or Interest: <input checked="" type="checkbox"/> own <input checked="" type="checkbox"/> lease <input type="checkbox"/> purchase option <input type="checkbox"/> written agreement												
19. Deed Reference Numbers: See Appendix A		20. Map and Lot Numbers: Map #: See Appendix A Lot #:										
21. DEP Staff Previously Contacted: Robert Green, Jr.		22. Part of a larger project: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No After-the-Fact: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No										
23. Resubmission of Application?: <input type="checkbox"/> Yes → <input checked="" type="checkbox"/> No If yes, previous application #		Previous project manager:										
24. Written Notice of Violation?: <input type="checkbox"/> Yes → <input checked="" type="checkbox"/> No If yes, name of DEP enforcement staff involved:		25. Previous Wetland Alteration: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No										
26. Detailed Directions to the Project Site: Project Area includes dredge areas in Portland Harbor in both Portland and South Portland. See Figure 1 and 2.												
<p align="center">TIER 1</p> <input type="checkbox"/> Title, right or interest documentation <input type="checkbox"/> Topographic Map <input type="checkbox"/> Narrative Project Description <input type="checkbox"/> Plan or Drawing (8 1/2" x 11") <input type="checkbox"/> Photos of Area <input type="checkbox"/> Statement of Avoidance & Minimization <input type="checkbox"/> Statement/Copy of cover letter to MHPC		<p align="center">TIER 2/3 AND INDIVIDUAL PERMITS</p> <input checked="" type="checkbox"/> Title, right or interest documentation <input checked="" type="checkbox"/> Topographic Map <input checked="" type="checkbox"/> Copy of Public Notice/Public Information Meeting Documentation <input type="checkbox"/> Wetlands Delineation Report (Attachment 1) that contains the Information listed under Site Conditions <input checked="" type="checkbox"/> Alternatives Analysis (Attachment 2) including description of how wetland impacts were Avoided/Minimized <input checked="" type="checkbox"/> Erosion Control/Construction Plan <input checked="" type="checkbox"/> Functional Assessment (Attachment 3), if required <input checked="" type="checkbox"/> Compensation Plan (Attachment 4), if required <input checked="" type="checkbox"/> Appendix A and others, if required <input checked="" type="checkbox"/> Statement/Copy of cover letter to MHPC <input type="checkbox"/> Description of Previously Mined Peatland, if required										
28. FEES Amount Enclosed: \$529.00												

17. DIRECTIONS TO THE SITE

Project Area includes dredge areas in Portland Harbor in both Portland and South Portland. See Figure 1 and 2.

18. Nature of Activity (Description of project, include all features)

Please refer to Attachment 1 of this application.

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

Please refer to Attachment 1 of this application.

USE BLOCKS 20-23 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge

Please refer to Attachment 1 of this application.

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards:

Type Amount in Cubic Yards	Type Amount in Cubic Yards	Type Amount in Cubic Yards
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Sediment 244,678 cubic yards

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

Acres Dredge materials to be disposed of at the Portland CAD Cell (8.9 acres)

or

Linear Feet

23. Description of Avoidance, Minimization, and Compensation (see instructions)

Please refer to Attachment 13 of this application.

ATTACHMENT 1: ACTIVITY DESCRIPTION

1.1 PURPOSE AND NEED

The Portland Harbor Commission (PHC), in cooperation with the Cities of Portland and South Portland and the Maine Department of Transportation (MDOT), are proposing to dredge portions of the immediate waterfront to remove historic sedimentation to improve berthing and enhance sediment and water quality. The Portland Harbor Dredge Project (Dredge Project) includes 47 properties (Project Area) along Portland Harbor's waterfront adjacent to private and publicly owned piers and waterfront areas (Figures 1 and 2). Previous planning level efforts and sediment sampling determined the sediments within the Project Area will not meet the criteria for offshore disposal. For dredge sediment disposal, a Confined Aquatic Disposal (CAD) Cell is being proposed as the sediment disposal site (Figure 1). The construction of the CAD cell is being permitted separately from the dredging of the waterfront properties. This CAD Cell will provide the only economically viable alternative for disposal of dredged sediment with minimal environmental impacts.

The dredging of Portland Harbor and associated CAD cell construction are being proposed to improve water quality, promote commercial economic growth and maintain a working waterfront. Portland Harbor is an important economic hub for the State of Maine providing public and private infrastructure that supports many diverse industries. The cities around Portland Harbor are home to the largest population center north of Boston and are a regional financial, retail, transportation, and service hub. For the marine economy, the economic activity and value of the waterfront has been limited and increasingly threatened by the lack of adequate berthing due to the shallow depth between the piers caused by decades of sediment accumulation. Full tide accessible berthing is the foundational resource of a commercial waterfront. Pier and waterfront property owners (Owners) and the Cities have identified dredging as their most significant barrier to economic growth and reinvestment.

For decades, sedimentation has made portions of immediate waterfront unusable; in some areas bottom sediments are exposed at low tide where commercial vessels were once able to tie up. The Owners are in a difficult position because disposal costs of the dredge materials cannot be quantified until additional prohibitively expensive sediment assessments are complete. As a result, Owners cannot get financial assistance for dredging or for infrastructural investment. If dredging is not conducted, the piers and waterfront properties will continue to decrease in value and the potential for reinvestment in marine infrastructure and building improvements will continue to diminish, perpetuating the loss of the working waterfront. In summary, the cost of sediment disposal often exceeds an Owner's financial capacity.

The sediment accumulating around Portland Harbor's piers and waterfront properties contains modern-day pollution from stormwater runoff and "legacy contaminants" from long-departed industries preventing cost effective solutions for dredging and disposal. The presence of these contaminants prohibits sediment disposal at sea, which is the most economical method of removal, and therefore requires more expensive alternative disposal methods. Owners are hesitant to conduct expensive testing only to determine dredge disposal costs are prohibitive. As a result, dredging for Portland Harbor piers and waterfront properties has not taken place for decades.



The dredging stalemate in Portland Harbor has significant economic and environmental consequences. In order to maintain piers and waterfront properties, Owners are forced to look at other uses for revenue—such as restaurants, offices, and retail uses—contributing to a decline of the working waterfront. The environmental impact is also significant. Boat propellers and big storms disturb the sediments, damaging water quality in the Fore River estuary and invertebrates, fish and wildlife to pollutants. Re-suspended sediments also affect the local lobster industry, which depends on clean water in Portland Harbor for lobster harvesting and for their lobster pound facilities. The decline in available marine space and water quality impacts only accelerates as sediments continue to accumulate.

Previous planning level efforts and testing identified that the sediments between the piers and at waterfront properties will not meet the U.S. Army Corps of Engineers (USACE) disposal criteria for open water disposal. Led by the City of Portland, a local “Non-Federal Dredge” (NFD) work group was organized in 2014 and, in consultation with federal and state agencies, identified that the preferred disposal alternative is for sediments dredged from Portland Harbor to be placed into a CAD cell (see Attachment 2 for details on disposal alternatives). CAD cells have proven to be a practicable, cost-effective disposal mechanism for dredged sediment unsuitable for open-water disposal. Having the CAD cell as a disposal option allows the harbor dredge to move forward with planning and permitting. CAD cells form an important part of the equation in the re-habilitation and maintenance of many historic ports with successful projects like New Bedford and Boston harbors in Massachusetts (Fredette 2006). Without CAD cells, critical infrastructure rehabilitation that requires dredging is cost prohibitive for many New England communities.

1.1.1 Portland Harbor Dredge Project Benefits

Dredging the piers and waterfront properties of Portland Harbor and subsequent disposal into a CAD cell will have the following environmental and economic benefits:

- Removing and disposing sediment impacted by historic industrial activities. Dredging and sequestering contaminated sediment in a CAD cell improves water quality in the harbor and improves sediment quality for the burrowing species that live in it (worms, shellfish, crabs, lobsters).
- A CAD cell is a cost-effective disposal mechanism for dredged sediment unsuitable for open-water disposal. Developing a CAD cell in Portland Harbor facilitates the dredging of public and private waterfront properties that have not been maintained for decades due to sediment testing and disposal costs.
- Restoring berthing in inner portions of piers that are currently not accessible due to sedimentation. Increasing berthing for working waterfront and expanding ancillary usage of pier buildings by fisheries, aquaculture, tourism, marine transportation, and the public.
- Increasing pier slip depths to accommodate larger vessels and expand berthing revenues.
- Allow maintenance dredging for marinas to maintain capacity and expand public access to the ocean.

