



Maine Coastal Program Coastal Zone Management Act Federal Consistency Submission Form

The Maine Coastal Program (MCP) is the lead agency for Coastal Zone Management in Maine. MCP strongly suggests that applicants for a federal consistency determination or certification use this form for activities regulated under the Coastal Zone Management Act (CZMA) of 1972, as amended, and the National Oceanic and Atmospheric Administration (NOAA) Federal Consistency Regulations under 15 CFR Part 930. Although use of this form is not required, it is provided to applicants to facilitate the submission and timely review of a consistency determination or certification. Federal agencies and applicants are only required to provide the information listed in NOAA's Federal Consistency Regulations unless otherwise described in the [Maine Guide to Federal Consistency Review](#), as approved by NOAA.

I. Applicant Information:

Project/Activity Name: Dry Dock 2 Caisson Certification and Overhaul		
Contact Name: Erika Fuery	Authorized Agent (if applicable):	
Federal Agency: United States Navy		
Address: NSA-Maine (PNSY), B 59 Third Floor		
City: Portsmouth	State: NH	Zip Code: 03804-5000
Email: erika.a.fuery.civ@us.navy.mil	Phone Number: 207.438.2828	

II. Federal Consistency Category:

☒	Federal Agency Activity (15 CFR Part 930, subpart C)
☐	Federal License or Permit Activity (15 CFR Part 930, subpart D)
☐	Outer Continental Shelf Activity (15 CFR Part 930, subpart E)
☐	Federal Financial Assistance Activity to State/Local Government (15 CFR Part 930, subpart F)

III. Summary Description:

The purpose of the Dry Dock 2 (DD2) Caisson Certification & Overhaul Project (Project) is to overhaul the existing structure to meet current structural and safety codes and achieve increased flood protection and structural loading. The Project scope of work is limited to in-kind replacement and maintenance of structural members whose load bearing capacity has been demonstrably reduced, modification of the caisson gate with a vertical extension, and raising the caisson inner and outer seats. The Project scope includes vertical extension of the existing structure only, with no change to the existing structure footprint. Additionally, the Project does not require in-water construction work (all construction will occur above Mean High Water) and potential in-water impacts are limited to use of a temporary spud barge.

IV. Select enforceable policies relevant to project or activity:

☐	Natural Resources Protection Act (38 M.R.S. §§480-A to 480-S; and 480-U to 480-HH)
☒	Site Location of Development Law (38 M.R.S. §§481 to 485-A; 486-A, -B; 487-A to 490-FF)
☐	Maine Metallic Mineral Mining Act (38 M.R.S. §§490-LL to 490-TT)
☒	MaineDOT Traffic Movement Permit Law (23 M.R.S. §704-A)
☒	Erosion Control and Sedimentation Law (38 M.R.S. §420-C)
☐	Expedited Permitting of Grid-scale Wind Energy Development (35-A M.R.S. §§3451-3459)
☐	Solar Energy Development Decommissioning Law (35-A M.R.S. chapter 34-D)
☒	Storm Water Management Law (38 M.R.S. §420-D)
☐	Maine Waterway Development and Conservation Act (38 M.R.S. §§630 to 636-A; 640)
☒	Protection and Improvement of Air Law (38 M.R.S. §§581 to 610-A, -B)
☒	Protection and Improvement of Waters Act (38 M.R.S. §§361-A, 362, 362-A, 363-D, 372; 410-N; 411 to 424; 451, 451-A, 452; 464 to 470)
☐	Nutrient Management Act (7 M.R.S. §§4201 to 4214)
☐	Land Use Regulation Law (12 M.R.S. §§681 to 689)
☒	Maine Hazardous Waste, Septage and Solid Waste Management Act (38 M.R.S. §§1301 to 1310-BB; 1316 to 1316-L; 1317 to 1319-Y)
☐	Uncontrolled Hazardous Substance Sites Law (38 M.R.S. §§1362, 1367, 1367-B)
☒	Asbestos Law (38 M.R.S. §§1273 and 1281)
☒	Lead Abatement Law (38 M.R.S. §§1296 and 1298(3))
☐	Sale of Consumer Products Affecting the Environmental Law (38 M.R.S. §§1608 and 1609-10)
☐	Mercury-Added Products and Services Law (38 M.R.S. §§1661 to 1661-C; 1665-A, -B; 1672)
☒	Solid Waste Management and Recycling Law (38 M.R.S. §§2101; 2133, sub-§2(A); 2165)
☐	Priority Toxic Chemical Use Reduction Law (38 M.R.S. §§2321 to 2330)
☐	Wellhead Protection Law (38 M.R.S. §§1391 to 1399)
☐	Nuclear Facility Decommissioning Laws (PL 1999 c. 739; PL 1999 c. 741)
☒	Oil Discharge Prevention & Pollution Control Law (38 M.R.S. §§541 to 560)
☐	Oil Storage Facilities and Ground Water Protection Law (38 M.R.S. §§561; 562-A; 563, sub-§1(A) and 2; 563-A to -B; 564; 565-A; 566-A; 568; 568-A to -B; 569-C; 570; 570-C to -G, I to M)
☒	Maine Endangered Species Act (12 M.R.S. §12801 to 12810; 12 M.R.S. §6971 to 6976; 12 M.R.S. §10001, sub-§§19 and 62)
☐	General Licensing and Enforcement Authorities; Fees (38 M.R.S. §§341-D; 344 to 349; 352 to 353; 353-A, -B)
☐	Maine Rivers Act (12 M.R.S. §§403; 407)
☒	Marine Resources Law (12 M.R.S. §§6171 to 6192; 6432-A)
☐	Importing of Certain Marine Organisms (12 M.R.S. §6071)
☐	Aquaculture Leasing Laws (12 M.R.S. §6071-A; 12 M.R.S. §6072; 12 M.R.S. §6072-A; 12 M.R.S. §6073)
☐	Subdivision Law (30-A M.R.S. §§4401 to 4408)
☐	Mandatory Shoreland Zoning Law (38 M.R.S. §§435 to 448)
☒	Coastal Management Policies Act (38 M.R.S. §§1801 to 1802)
☐	Coastal Barrier Resources System Act (38 M.R.S. §§1901 to 1905)

V. Supporting Documentation. Please list all maps, diagrams, reports, and other materials below:

Please refer to attached supplemental information for justification, figures, and other supporting documentation.

VI. Other Coordination. Please list all agencies and contacts required to review this project below:

Maine Office of Community Affairs Maine Coastal Program
National Marine Fisheries Service (ESA/EFH)

VII. Statement of Determination/Certification and Signature. Check one and sign below:

☐	FEDERAL AGENCY CONSISTENCY DETERMINATION. Based upon the information, data, and analysis included herein, the federal agency or its authorized agent finds the proposed activity is consistent to the maximum extent practicable with the enforceable policies of the Maine Coastal Program.
☒	FEDERAL AGENCY NEGATIVE DETERMINATION. Based upon the information, data, and analysis included herein, the federal agency or its authorized agent finds the proposed activity will not have any reasonably foreseeable effects on Maine's coastal uses or resources.
☐	NON-FEDERAL APPLICANT CONSISTENCY CERTIFICATION. Based upon the information, data, and analysis included herein, the non-federal applicant certifies that the proposed activity complies with the enforceable policies of Maine Coastal Program and will be conducted in a manner consistent with such program.

Signature:

Printed Name:
Erika A. Fuery

Date:
July 15, 2026



PORTSMOUTH NAVAL SHIPYARD
KITTEERY, MAINE

New Application for

**MAINE COASTAL ZONE MANAGEMENT
CONSISTENCY DETERMINATION**

for

Dry Dock 2 Caisson Certification and Overhaul

Date: July 2026

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Part A – Project Description
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Dry Dock 2 Caisson Certification and Overhaul
CZM Approval

PORTSMOUTH NAVAL SHIPYARD KITTERY, MAINE

Coastal Consistency Determination

In Support of Dry Dock 2 Caisson Certification and Overhaul

PART A

Project Description

1. INTRODUCTION

Naval Support Activity-Maine (NSA-ME), Portsmouth Naval Shipyard (Shipyard), a Command of the United States Navy (Navy), is located on Seavey Island in Kittery, Maine, at the mouth of the Piscataqua River. Dry Dock 2 (DD2) is located along the southwestern side of Seavey Island immediately adjacent to Berths 5 and 6a (**Figure 1**). The Navy proposes certification and overhaul of the existing DD2 caisson and caisson seat (project) to meet current structural and safety codes and achieve increased flood protection and structural loading. The proposed action does not require in-water construction work below the High Tide Line (HTL) and will not alter the existing structure footprint.

Regulatory approvals for the proposed action include consultation with National Oceanic and Atmospheric Administration (NOAA) Fisheries and the US Fish and Wildlife Service (USFWS) under Section 7 of the Endangered Species Act (ESA), Essential Fish Habitat (EFH) consultation with NOAA Fisheries under the Magnuson-Stevens Fishery Conservation and Management Act, and Coastal Zone Management Act (CZMA) consultation with the Maine Office of Community Affairs.

Part A – Project Description
Portsmouth Naval Shipyard
DD2 Caisson Certification and Overhaul
CZM Approval

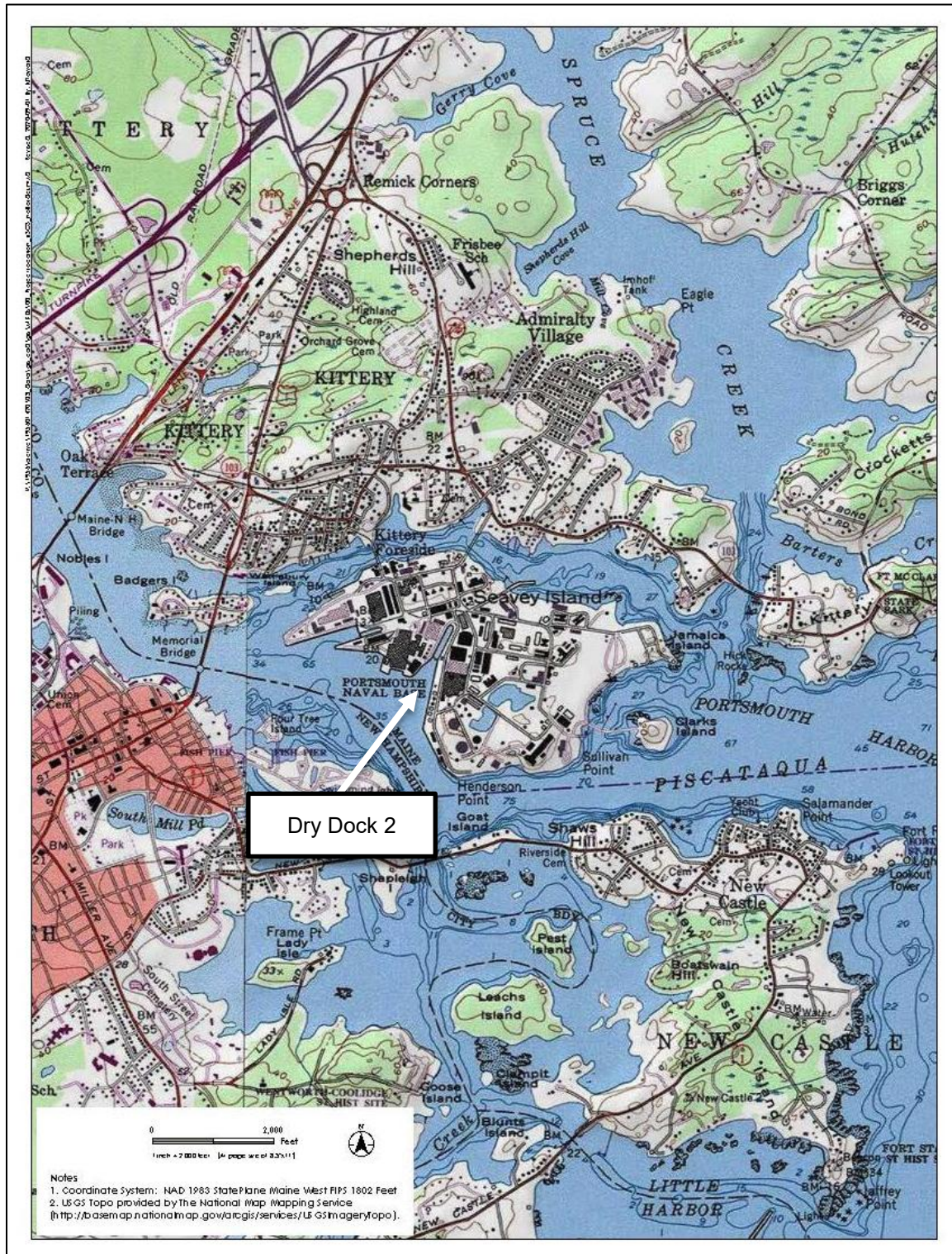


Figure 1. Project Location

2. REQUEST FOR CZM APPROVAL

The Navy has concluded the proposed action will not adversely affect the coastal zone and is requesting approval of a Negative Determination per 15 CFR 930.35. This request applies to the federal Coastal Consistency Determination (CCD) for the proposed actions. Documentation in support of the Negative Determination is provided in Part B.

3. PROPOSED ACTIVITIES

3.1 Purpose and Need

DD2 is the Shipyard’s primary facility for submarine engineering, refueling overhauls, and in-activations of Los Angeles Class submarines and is expected to be fully utilized for the foreseeable future.

The purpose of the project is to overhaul the existing structure to meet current structural and safety codes and achieve increased flood protection and structural loading. The caisson must be inspected and certified 20 years after initial construction and every 10 years thereafter. Failure to recertify by 2030 would result in the loss of the use of DD2 and would adversely impact the installation mission. The vertical increases are proposed because in January 2024, flooding from severe winter storms demonstrated a risk of overtopping and need for increased flood protection at the Shipyard. The vertical elevation increases to the caisson and caisson seat proposed under this project are designed to integrate with similar improvements at the adjacent berths that will provide a continuous flood barrier at the Shipyard.

DD2 was constructed in 1905 in the channel between Dennet and Seavey Islands. Approximately 18,000 cubic yards of concrete were poured as a base for the walls and floor after blasting and removing 166,000 cubic yards of rock. Granite blocks were laid over the concrete. The dock was originally 750 feet long, 130 feet wide, and 38 feet deep. In 1992, construction of Building 343 at the upper end of the dock reduced the effective length of DD2 to 550 feet. The dry dock currently has an overall depth of 32.57 feet from the floor to mean high water that may be increased to 35.57 feet by super flooding. The original entrance structure consisted of an inner and outer caisson seat forming a 50-foot-long entrance with a controlling width above the sill of approximately 90 feet. The sill walls were also constructed of granite masonry blocks and are 35.25 feet high. Outboard of the outer sill is a 30-foot apron with two flanking gravity wing walls. Modifications and repairs to DD2 have been completed periodically with the majority being undertaken in the last 40 years. Most recently, significant modifications and repairs to the DD2 caisson gate and sills were completed in 2009.

3.2 Existing Conditions

DD2 is located along the main channel of the Piscataqua River on the southwestern shore of the Shipyard. According to Maine Title 38 Waters and Navigations, the segment of the Piscataqua River surrounding the Shipyard is classified as a Class SC water. Class SC waters have the least restrictions on use and the lowest water quality criteria of the classification standards for estuarine and marine waters. Class SC waters are to be kept at a quality that is suitable for the following activities: recreation in and on the water; fishing, aquaculture, propagation, and restricted harvesting of shellfish; industrial process and cooling water supply; hydroelectric power generation; navigation; and habitat for fish and other estuarine/marine life¹. The segment of the

¹ Maine Legislature. Maine Revised Statutes. *Title 38: Waters and Navigation. Chapter 3: Protection and Improvement of Waters. Subchapter 1: Environmental Protection Board. Article 4-A: Water Classification Program.* Available online: <https://www.mainelegislature.org/legis/statutes/38/title38sec469.html>. Date accessed: June 2026.

Piscataqua River surrounding the Shipyard is mainly used for recreational, commercial, and industrial fishing and boating. The river is subject to non-point source pollution from a variety of sources. The lower Piscataqua River is heavily industrialized, and discharges from port activities and sewage treatment plants are potential sources of contamination².

The segment of the Piscataqua River surrounding the Shipyard undergoes regular maintenance dredging (approximately every 5 to 10 years) to maintain water depths which has potentially removed contaminated sediment from the proposed project area. Regular maintenance dredging and the industrialized nature of the project area prevents the establishment of submerged aquatic vegetation (SAV). The project area was most recently dredged in 2025 (USACE Permit NAE-2013-00743-M4).

The Piscataqua River is part of the Great Bay Estuary which is designated as EFH for numerous fish species in various life stages. According to the National Oceanic Atmospheric Administration (NOAA), the Piscataqua River contains EFH and is designated as a Habitat Area of Particular Concern (HAPC) for juvenile Atlantic cod³. Additionally, the Piscataqua River is designated as critical habitat for Atlantic sturgeon. Atlantic sturgeon use the Piscataqua River seasonally for foraging and resting during spring and fall migrations and juveniles are potentially present throughout the river year-round⁴.

The swift currents of the Piscataqua River make Portsmouth Harbor one of the fastest flowing commercial port waterways in the northeastern United States⁵. The main channel of the Piscataqua River is located within the Federal Emergency Management Agency (FEMA) Regulatory Floodway Zone AE with Base Flood Elevation (BFE). FEMA Flood Zone AE is a high-risk flood area with a 1% annual chance of flooding (also known as the 100-year floodplain)⁶. The tidal range of the main channel is eight to nine feet.

The top of deck elevation of the caisson seat and caisson gate are approximately 9.0 ft NAVD88. The 500-year FEMA water level is 9.6 ft NAVD88 in accordance with the *Appeal of the 2017 Preliminary Flood Insurance Rate Map for Seavey Island, Appledore Marine Engineering, Inc. and Ransom Consulting, Inc., 2018*. In accordance with UFC 3-201-01, a 500-year FEMA water level must be used for DD2 as the structure is a risk category IV structure.

² United States Department of Health and Human Services. 2007. *Public Health Assessment for Portsmouth Naval Shipyard, Kittery, Maine*. November 27, 2007.

³ National Oceanic Atmospheric Administration (NOAA). *Essential Fish Habitat Mapper*. Available online: <https://www.habitat.noaa.gov/apps/efhmapper/efhreport/index.html>. Accessed February 2026.

⁴ NOAA. Designation of Critical Habitat for the Gulf of Maine, New York Bight, and Chesapeake Bay Distinct Population Segments of Atlantic Sturgeon : ESA Section 4(b)(2) Impact Analysis and Biological Source Document with the Economic Analysis and Final Regulatory Flexibility Analysis Finalized June 3, 2017. Available online: <https://repository.library.noaa.gov/view/noaa/18671>. Accessed Jun 2026.

⁵ U.S. Army Corps of Engineers (USACE). *Portsmouth Harbor and Piscataqua River Navigation Project*. Available online: <https://www.nae.usace.army.mil/Missions/Civil-Works/Navigation/New-Hampshire/Portsmouth/>. Date accessed: June 2026.

⁶ Federal Energy Management Agency (FEMA). *National Flood Hazard Layer Viewer*. Available online: <https://hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd>. Accessed June 2026.

DD2's primary purpose is for routine submarine maintenance and repair "in-the-dry". Prior to receiving a submarine, the caisson gate is floated, transported, and moored at an open berth at the Shipyard with assistance by a fleet of 3-4 tugboats. The caisson gate will remain moored while the submarine is positioned and secured within DD2. Once the submarine is in place, a fleet of 3-4 support tugs will transport the caisson gate back to DD2 where it is reseated. Adjustable water ballasts within the caisson gate allow for positive or negative buoyancy as required during removal, transport, and reseating. Due to the routine floating and movement within the Shipyard, the caisson gate is permitted as a vessel.

The caisson gate and caisson seat were originally constructed in 2010. The concrete caisson seat and dry dock deck is in good condition overall and exhibits minor, isolated cracking and shallow spalling which is anticipated to be repaired in the dry while the caisson gate is seated at DD2. The caisson gate is similarly in good condition overall and exhibits coating loss in splash zone areas along one side of the exterior facing, which is anticipated to be replaced. The other side of the caisson gate exterior was recently recoated in 2022 and was completed from within the dry dock while the caisson gate was seated. The caisson gate interior (ballast tank areas) exhibits peeling, bubbling paint below the operations deck level. Select anodes within the ballast tank exhibit measurable depletion. Further, the rubber seals affixed to the perimeter of the caisson gate on both sides have reached the end of their useful service life. The ballast tank coatings, select anodes, and rubber seals are anticipated to be replaced as part of Dry Dock 2 Caisson Certification and Overhaul.

3.3 Proposed Activities

The project scope of work is limited to in-kind replacement and maintenance of structural members whose load bearing capacity has been demonstrably reduced, modification of the caisson gate with a vertical extension, and raising the caisson inner and outer seats. The project scope includes vertical extension of the existing structure only, with no change to the existing structure footprint. Additionally, the project does not require in-water construction work (all construction will occur above Mean High Water) and potential in-water impacts are limited to use of a temporary spud barge immediately south of the caisson gate, which may be necessary to support topside construction.

Specific project activities include:

- Overhaul DD2 caisson to meet MIL-STD 1625D caisson certification requirements including structure and ballast tank preservation and inspection. Caisson overhaul will require 100% hull inspection conducted by drydocking or lifting onto dry land. Structural members whose load bearing capacity have been demonstrably reduced (e.g., compromised welds, delamination due to corrosion) will be replaced. Sacrificial anodes determined to be at the end of their service life also will be replaced.
- Modify DD2 caisson with a vertical extension to a Design Flood Elevation (DFE) in accordance with UFC 4-213-10. DFE for the DD2 caisson gate is 12.5 feet(ft) NAVD88. The caisson vertical extension will be continuous and watertight. In addition, the DD2

caisson extension will require raising cleat and chock mooring hardware to maintain access for docking evolutions, relocation of lighting as necessary, and the extension of the caisson stem.

- Raise DD2 caisson inner and outer seats to create continuous protection from the Berth 6 seawall through the caisson to Berth 5 to a DFE (13.0 ft NAVD88) in accordance with UFC 4-213-10. The DD2 caisson seat modification will provide necessary structural strengthening to carry additional loading introduced from the caisson height extension.

As noted above, use of a temporary spud barge situated immediately south of the caisson gate may be necessary to support topside construction. There is also potential to utilize a spud barge to hold the caisson gate against a nearby berth during construction activities to limit necessary caisson gate drydocking. Ideally, all work related to caisson gate certification and overhaul activities will be executed under drydock conditions allowing execution of multiple work activities concurrently, thereby reducing the construction schedule.

If required, the temporary jack up barge is expected to be up to 40-ft wide by 80-ft long with 1-ft to 2-ft diameter spuds. Spuds may be fitted with up to 4-ft by 4-ft footings. Tugs would position the jack-up barge at speeds of 5 knots or less within the project area. The barge may be relocated up to three times within the project area. The temporary jack up barge would be transported with assistance of up to 3 support tugs.

4. SCHEDULE

Project activities would occur between January 2027 and December 30, 2031, with active construction taking place for only 12 months during this time frame, in coordination with to-be-determined submarine maintenance schedules. As a unique, active, and fully utilized facility, a flexible construction schedule is necessary to avoid disrupting essential Navy activities at DD2. Given the current trend of fewer submarines with increased forward deployment, construction schedule flexibility is essential for the Shipyard to maintain its current docking capability schedule.

Part A – Project Description
Portsmouth Naval Shipyard
DD2 Caisson Certification and Overhaul
CZM Approval

APPENDIX A-1: SITE PHOTOGRAPHS

**Portsmouth Naval Shipyard
Dry Dock 2 Caisson Certification and Overhaul
Site Photos**

July 2026



Figure 1. DD2 Caisson Gate Elevation Looking North (Approved for Public Release; Photo by Collins Engineers, Inc.)



Figure 2. Figure 1: Berth 5 looking west toward Building 238 (Approved for Public Release; Photo by Collins Engineers, Inc.)



Figure 3. Top of Berth 5 at Dry Dock 2 Caisson (Approved for Public Release; Photo by Collins Engineers, Inc.)



Figure 4. DD2 Caisson Gate Weather Deck Looking West (Approved for Public Release; Photo by Collins Engineers, Inc.)

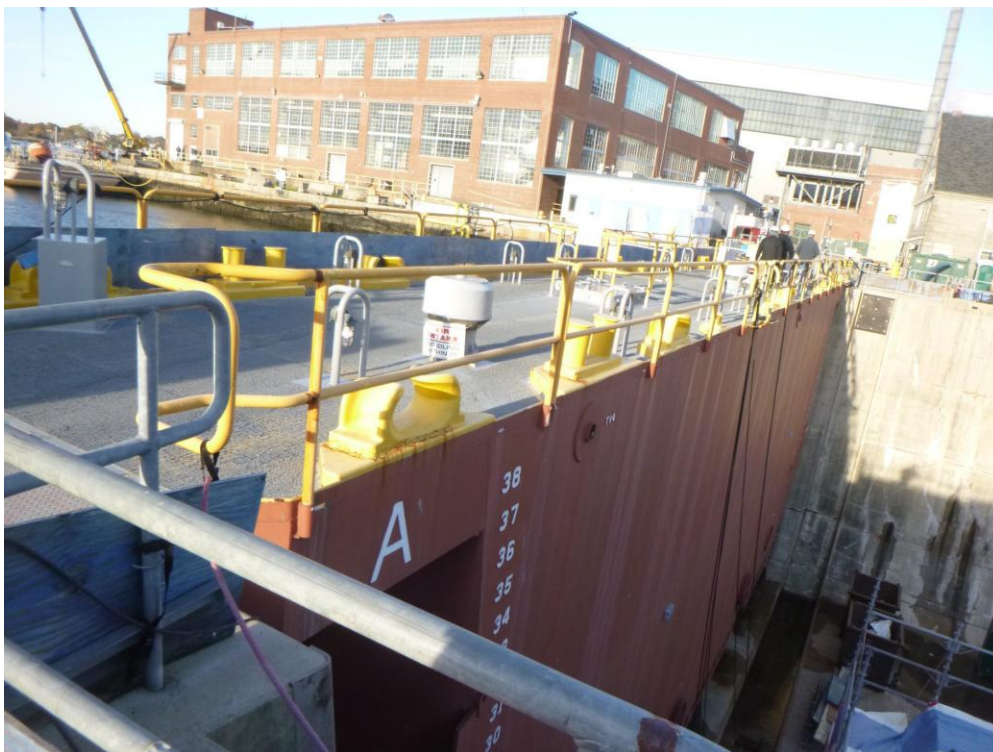


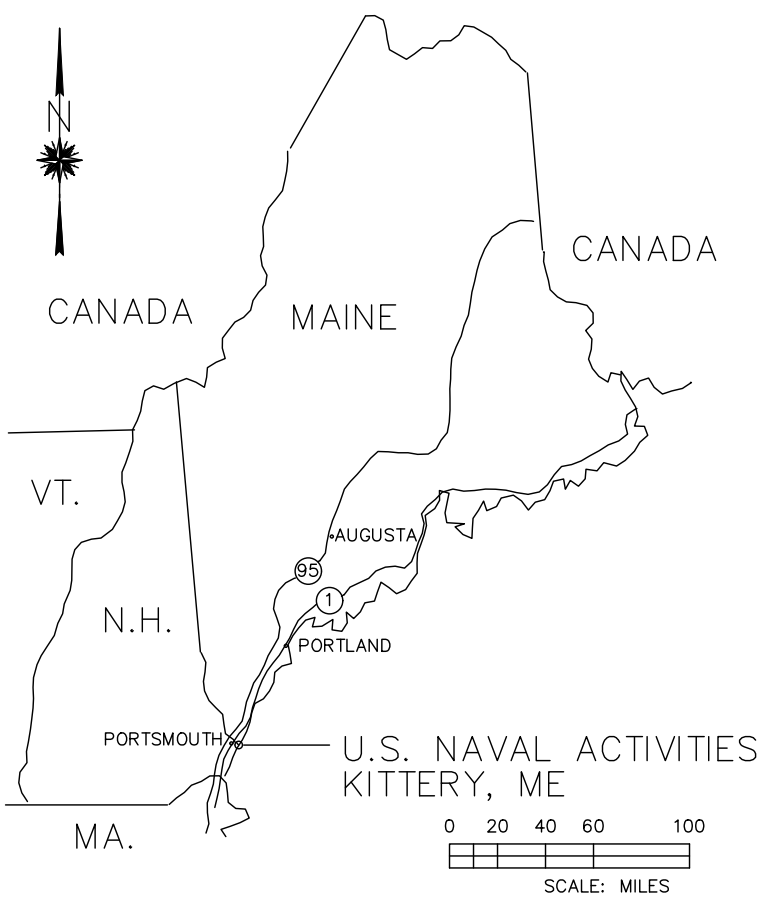
Figure 5. DD2 Caisson Gate Elevation Looking West (Approved for Public Release; Photo by Collins Engineers, Inc.)

Part A – Project Description
Portsmouth Naval Shipyard
DD2 Caisson Certification and Overhaul
CZM Approval

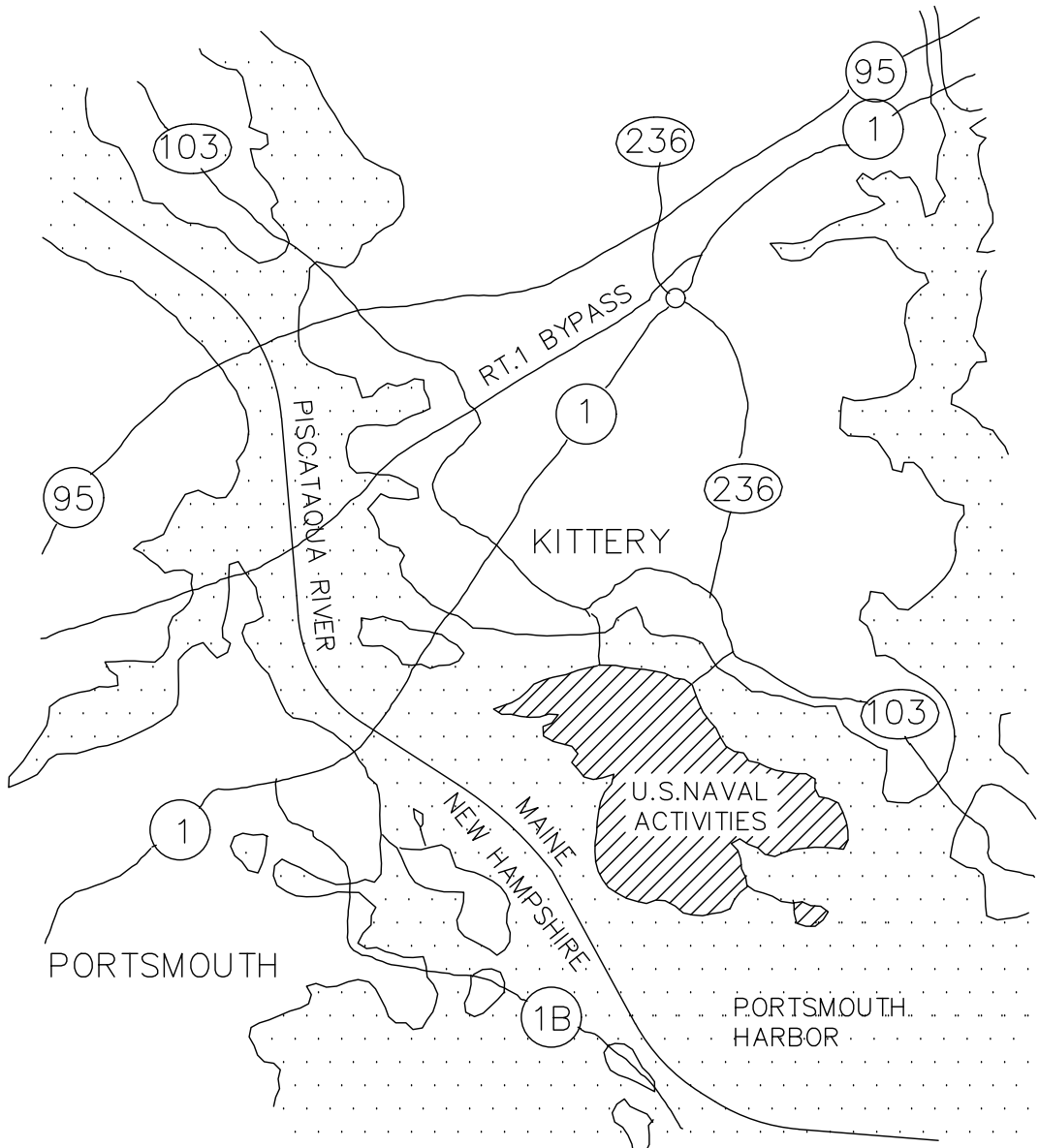
APPENDIX A-2: PROJECT PLANS – DD2 CAISON CERTIFICATION AND OVERHAUL

PORTSMOUTH NAVAL SHIPYARD KITTERY, ME

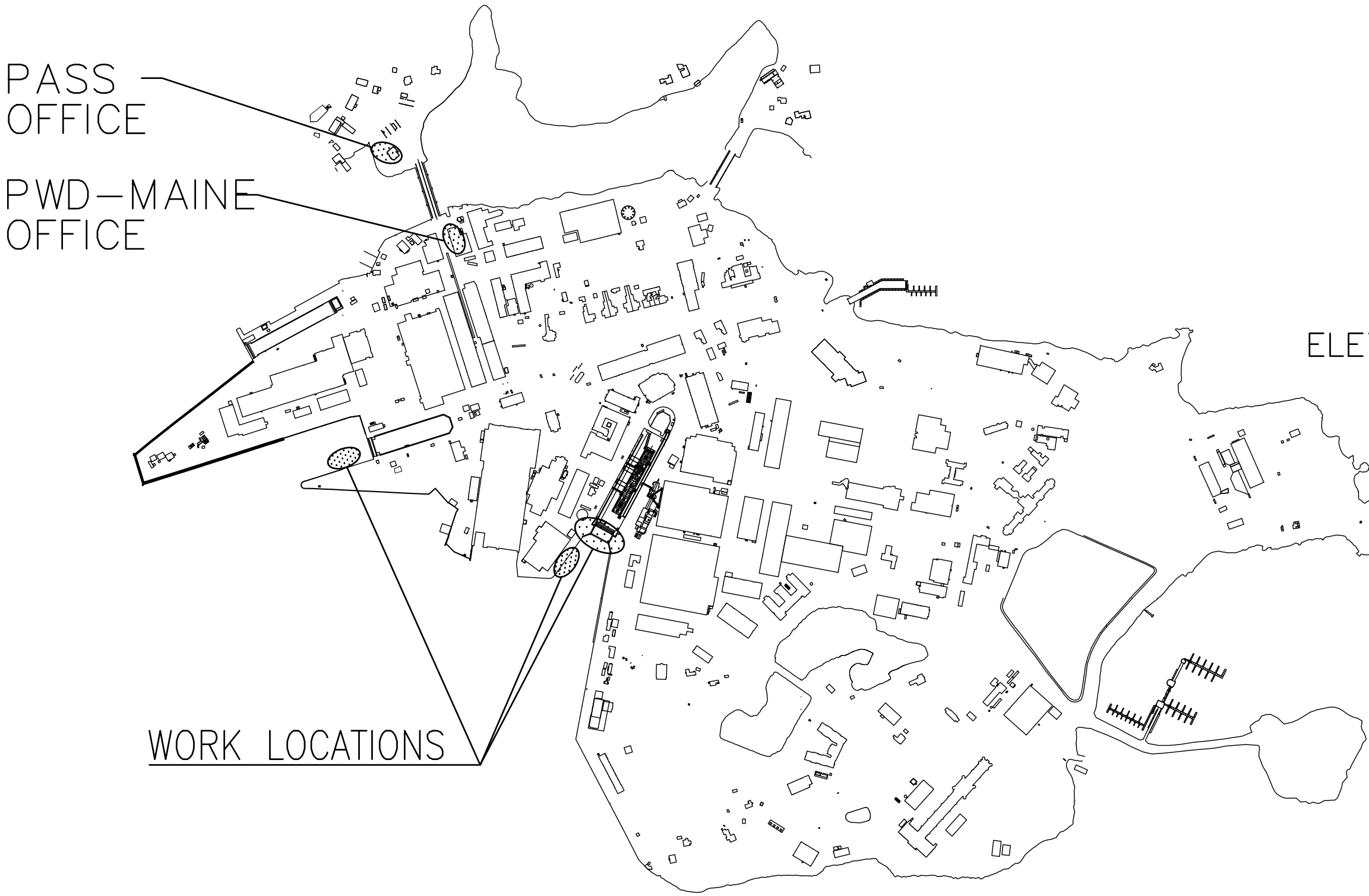
DRY DOCK 2 CAISSON CERTIFICATION AND OVERHAUL FINAL DESIGN CONTRACT NO. N62470-23-D-0013 JUNE 29, 2026



AREA MAP



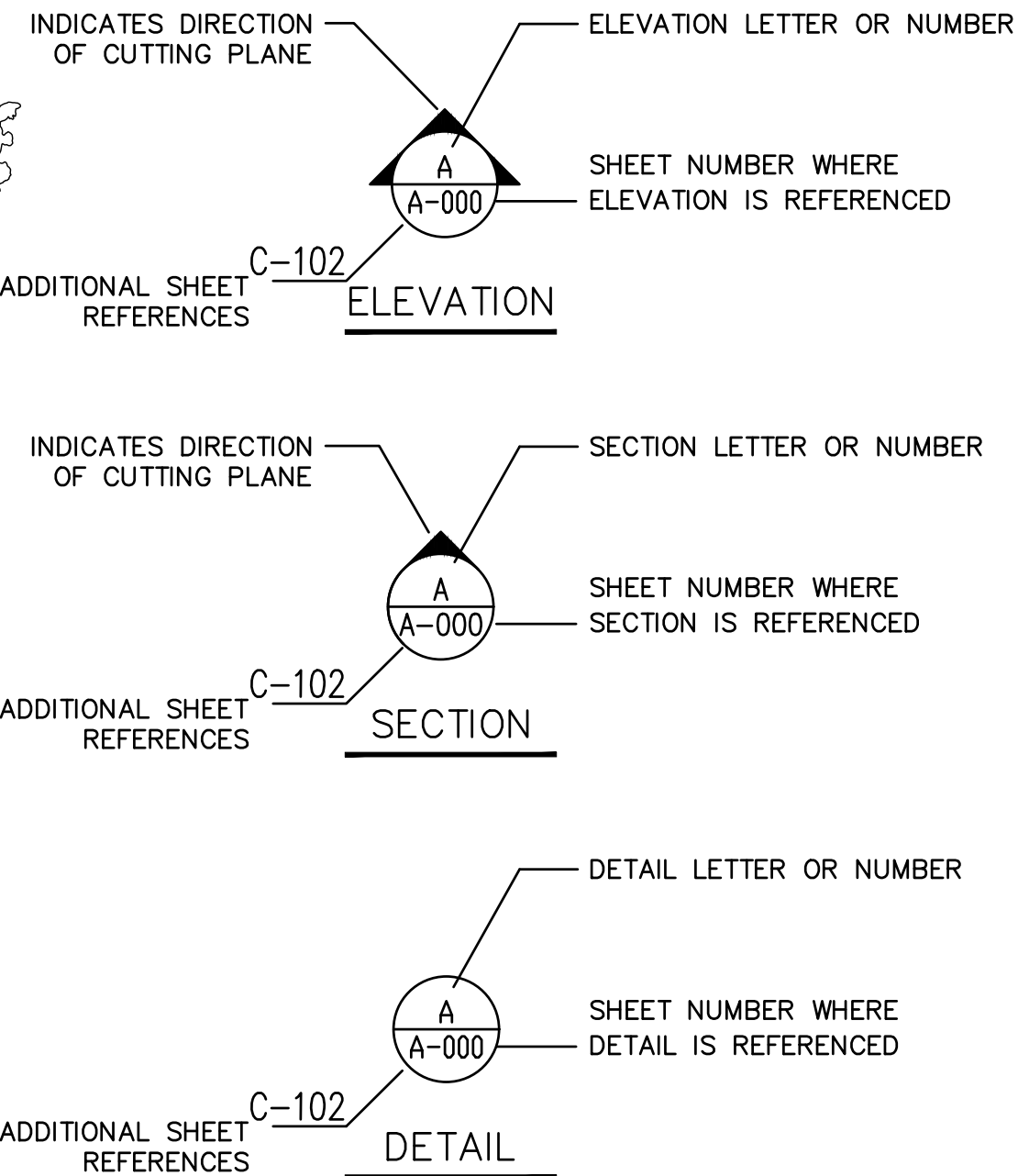
VICINITY MAP



SITE PLAN
NOT TO SCALE

DISTRIBUTION STATEMENT F: FURTHER DISSEMINATION
ONLY AS DIRECTED BY PORTSMOUTH NAVAL
SHIPYARD, NAVFAC OR HIGHER DOD AUTHORITY.

ELEVATION, SECTION OR DETAIL SYMBOLS



THE SIGNATURES ALSO ACKNOWLEDGE THAT THE CONSTRUCTION DOCUMENTS (DRAWINGS AND SPECIFICATIONS) ACCURATELY REPRESENT THE PROJECT REQUIREMENTS.		
SIGNATURE	BADGE #	DATE
APPROVED		
APPROVED		
APPROVED		
APPROVED		
APPROVED		
APPROVED		
C984 DD BRANCH HEAD:		

DATE

MARK

DESCRIPTION

APPROVED

FOR COMMANDER NAVFAC

ACTIVITY APPROVED (VIA EMAIL) BY CODE 984 JACOB DUPUIS, PORTSMOUTH NAVAL SHIPYARD

SATISFACTORY TO DATE 05/14/2026

DES DTG DRW GTH CHK WMM

PM/DM JULIE CRAWFORD/CHAD WALDEN

BRANCH MANAGER JOE WOLIVER

CHIEF ENGINEER RICHARD TYLER

FIRE PROTECTION DARRYL NEMETH

NAVAL FACILITIES ENGINEERING SYSTEMS COMMAND

ATLANTIC NORFOLK, VIRGINIA

PORTSMOUTH NAVAL SHIPYARD

DRY DOCK 2

CAISSON CERTIFICATION AND OVERHAUL

TITLESHEET

SCALE: AS NOTED

PROJECT NO.: 1840304

CONSTR. CONTR. NO. #####

NAVFAC DRAWING NO. 14158617

SHEET 1 OF 91

G-001

DRAWFORM REVISION: 14 SEP 2023

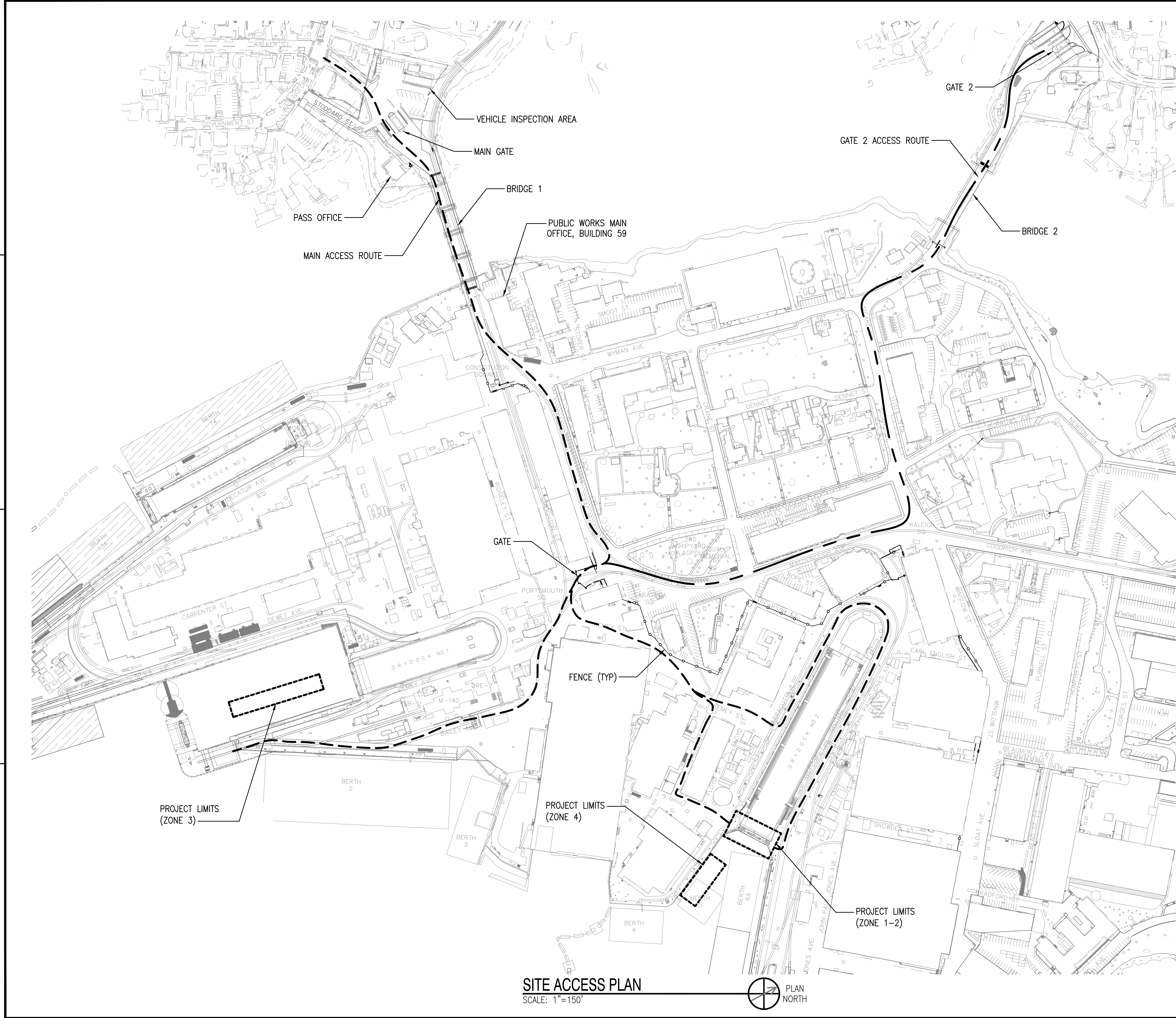
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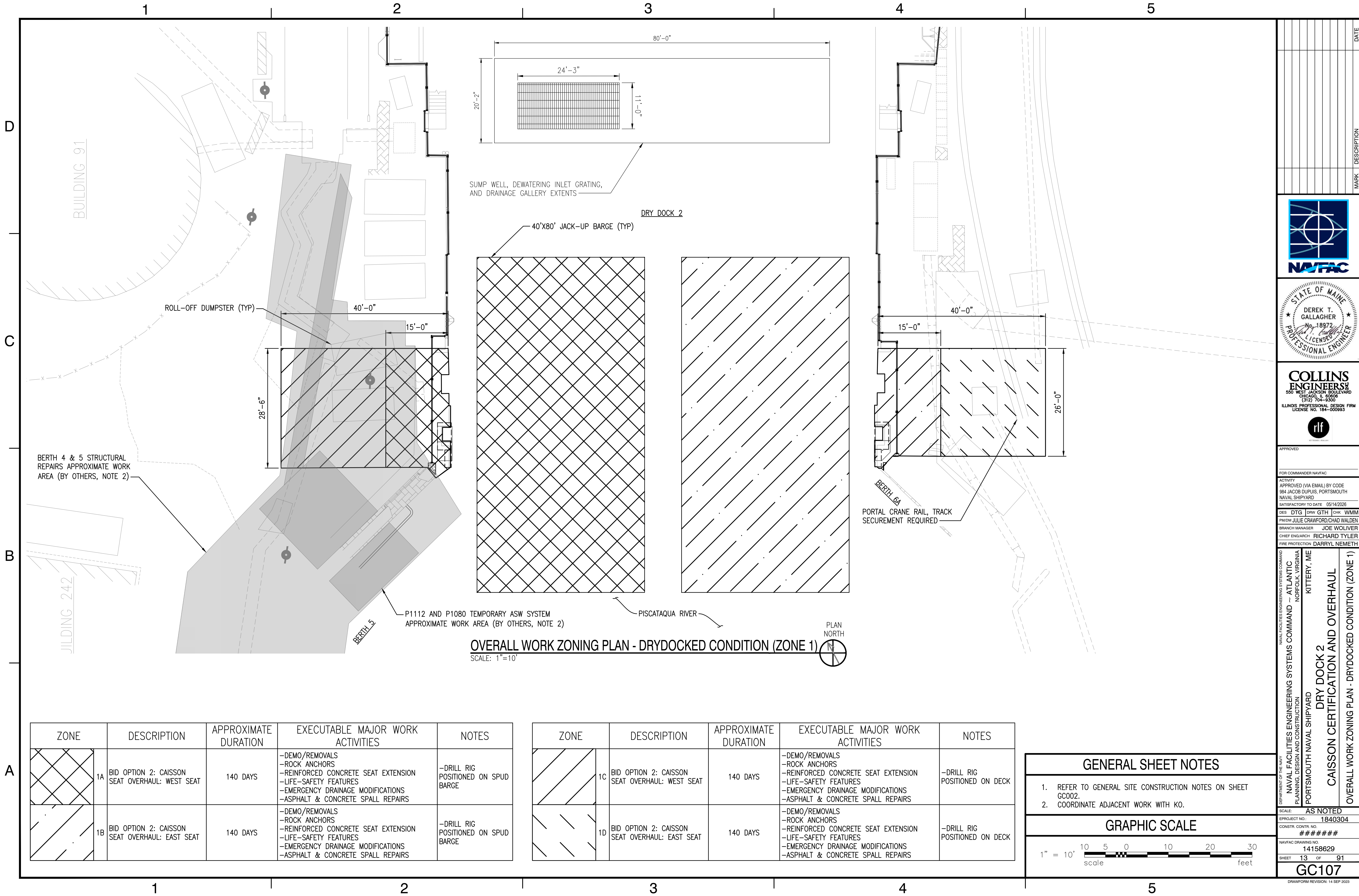
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LEGEND

	20' WIDE FIRE LANE
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ZONE	DESCRIPTION	APPROXIMATE DURATION	EXECUTABLE MAJOR WORK ACTIVITIES	NOTES
1A	BID OPTION 2: CAISSON SEAT OVERHAUL: WEST SEAT	140 DAYS	-DEMO/REMOVALS -ROCK ANCHORS -REINFORCED CONCRETE SEAT EXTENSION -LIFE-SAFETY FEATURES -EMERGENCY DRAINAGE MODIFICATIONS -ASPHALT & CONCRETE SPALL REPAIRS	-DRILL RIG POSITIONED ON SPUD BARGE
1B	BID OPTION 2: CAISSON SEAT OVERHAUL: EAST SEAT	140 DAYS	-DEMO/REMOVALS -ROCK ANCHORS -REINFORCED CONCRETE SEAT EXTENSION -LIFE-SAFETY FEATURES -EMERGENCY DRAINAGE MODIFICATIONS -ASPHALT & CONCRETE SPALL REPAIRS	-DRILL RIG POSITIONED ON SPUD BARGE

ZONE	DESCRIPTION	APPROXIMATE DURATION	EXECUTABLE MAJOR WORK ACTIVITIES	NOTES
1C	BID OPTION 2: CAISSON SEAT OVERHAUL: WEST SEAT	140 DAYS	-DEMO/REMOVALS -ROCK ANCHORS -REINFORCED CONCRETE SEAT EXTENSION -LIFE-SAFETY FEATURES -EMERGENCY DRAINAGE MODIFICATIONS -ASPHALT & CONCRETE SPALL REPAIRS	-DRILL RIG POSITIONED ON DECK
1D	BID OPTION 2: CAISSON SEAT OVERHAUL: EAST SEAT	140 DAYS	-DEMO/REMOVALS -ROCK ANCHORS -REINFORCED CONCRETE SEAT EXTENSION -LIFE-SAFETY FEATURES -EMERGENCY DRAINAGE MODIFICATIONS -ASPHALT & CONCRETE SPALL REPAIRS	-DRILL RIG POSITIONED ON DECK

GENERAL SHEET NOTES

1. REFER TO GENERAL SITE CONSTRUCTION NOTES ON SHEET GC002.
2. COORDINATE ADJACENT WORK WITH KO.

GRAPHIC SCALE

1" = 10'
scale

10 5 0 10 20 30
feet

DATE

MARK

DESCRIPTION

COLLINS ENGINEERS & ARCHITECTS
550 WEST JACKSON BOULEVARD
CHICAGO, IL 60606
(312) 704-9300
ILLINOIS PROFESSIONAL DESIGN FIRM
LICENSE NO. 184-000963

APPROVED

FOR COMMANDER NAVFAC

ACTIVITY APPROVED (VIA EMAIL) BY CODE
684 JACOB DUPUIS, PORTSMOUTH
NAVAL SHIPYARD

SATISFACTORY TO DATE: 05/14/2026

DES DTG | DRW GTH | CHK WMM

PM/DM JULIE CRAWFORD/CHAD WALDEN

BRANCH MANAGER JOE WOLIVER

CHIEF ENGINEER RICHARD TYLER

FIRE PROTECTION DARRYL NEMETH

NAVAL FACILITIES ENGINEERING SYSTEMS COMMAND
PLANNING, DESIGN AND CONSTRUCTION
PORTSMOUTH NAVAL SHIPYARD
KITTERY, ME
NAVFAC DRAWING NO. 14158629
SHEET 13 OF 91
DRAWFORM REVISION: 14 SEP 2023

CAISSON CERTIFICATION AND OVERHAUL
OVERALL WORK ZONING PLAN - DRYDOCKED CONDITION (ZONE 1)

GENERAL SHEET NOTES

1. REFER TO GENERAL SITE CONSTRUCTION NOTES ON SHEET GC002.

GRAPHIC SCALE

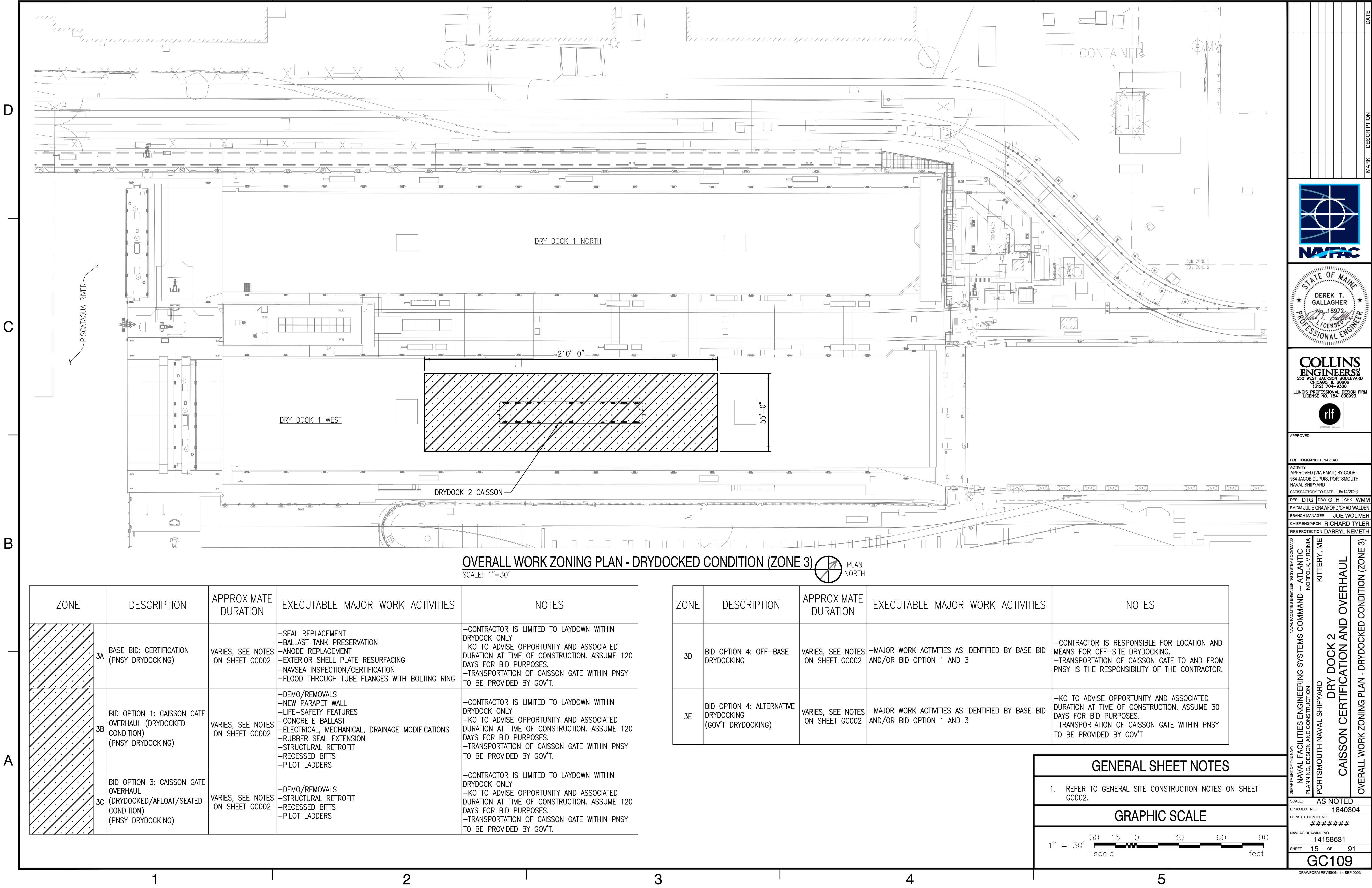
1" = 8'

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scale feet

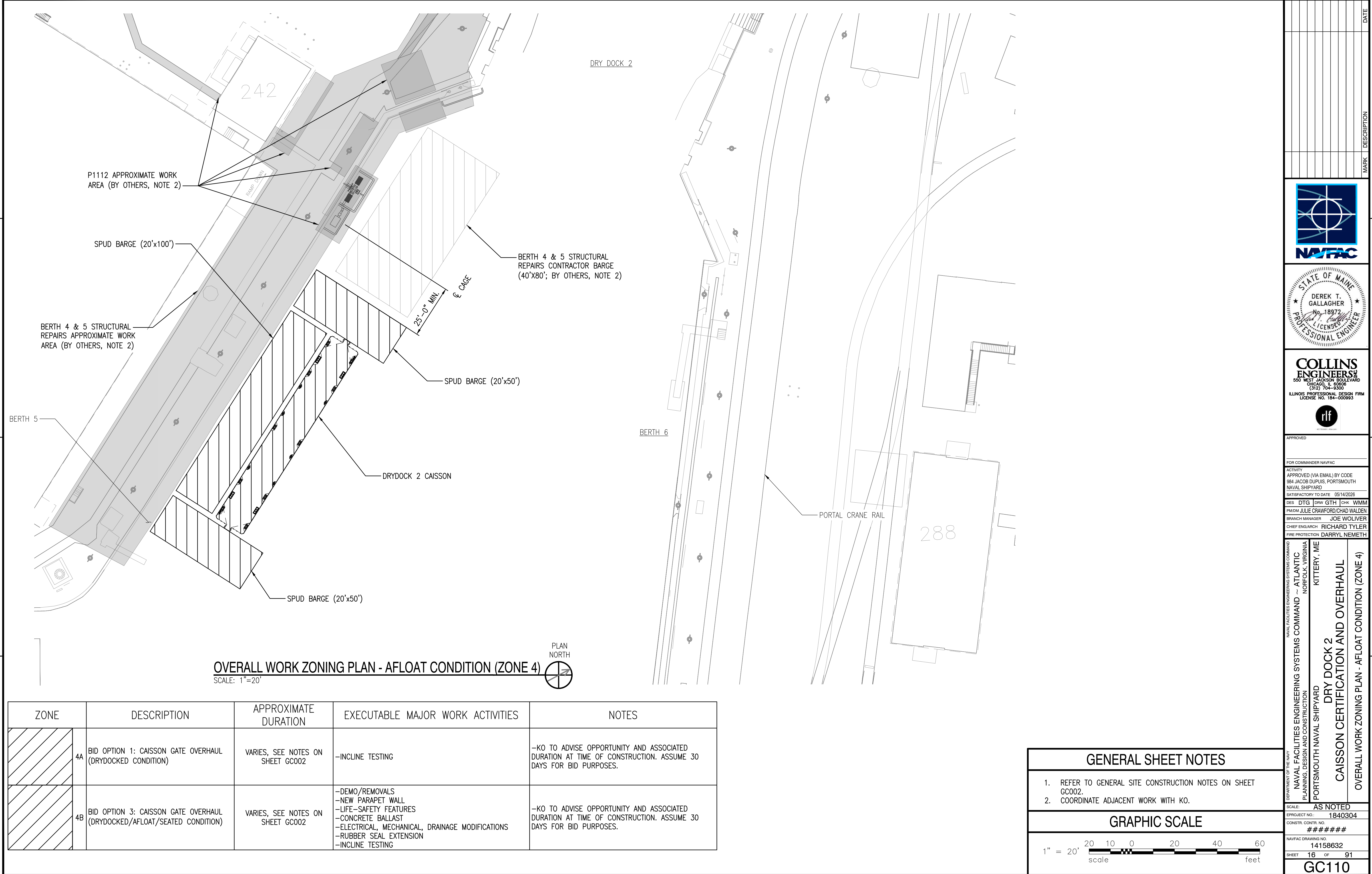
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FILE NAME: \\naasun\Data\Projects\15-NH\0504-NAVFAC\Work\10 - DDZ Certification\05 - Engineering\01 - Working Drawings\04 - Drawings\F000-G-EP-GC109.dwg LAYOUT NAME: GC-109 PLOTTED Friday, June 26, 2026 - 9:06am USER: jdgallagher



DATE	
MARK DESCRIPTION	
APPROVED	
FOR COMMANDER NAVFAC	
ACTIVITY APPROVED (VIA EMAIL) BY CODE 584 JACOB DUPUIS, PORTSMOUTH NAVAL SHIPYARD	
SATISFACTORY TO DATE 05/14/2026	
DES	DTG DRW GTH CHK WMM
PM/DM	JULIE CRAWFORD/CHAD WALDEN
BRANCH MANAGER	JOE WOLIVER
CHIEF ENGINEER	RICHARD TYLER
FIRE PROTECTION DARRYL NEMETH	
NAVAL FACILITIES ENGINEERING SYSTEMS COMMAND - ATLANTIC NORFOLK, VIRGINIA	
PORTSMOUTH NAVAL SHIPYARD KITTERY, ME	
DRY DOCK 2	
CAISSON CERTIFICATION AND OVERHAUL	
OVERALL WORK ZONING PLAN - DRYDOCKED CONDITION (ZONE 3)	
SCALE: AS NOTED	
EPROJCT NO.: 1840304	
CONSTR. CONTR. NO. #####	
NAVFAC DRAWING NO. 14158631	
SHEET 15 OF 91	
GC109	
DRAWFORM REVISION: 14 SEP 2023	

FILE NAME: \\nasuni\Data\Projects\15-NH\3584-NAVFAC\Work\18-DDZ Certification\05-Engineering\01-Working Drawings\04-Drawings\PD00-G-EP-GC110.dwg LAYOUT NAME: GC-110 PLOTTED Friday, June 26, 2026 - 9:09am USER: tlgallagher



OVERALL WORK ZONING PLAN - AFLOAT CONDITION (ZONE 4)
SCALE: 1"=20'

ZONE	DESCRIPTION	APPROXIMATE DURATION	EXECUTABLE MAJOR WORK ACTIVITIES	NOTES
4A	BID OPTION 1: CAISSON GATE OVERHAUL (DRYDOCKED CONDITION)	VARIES, SEE NOTES ON SHEET GC002	-INCLINE TESTING	-KO TO ADVISE OPPORTUNITY AND ASSOCIATED DURATION AT TIME OF CONSTRUCTION. ASSUME 30 DAYS FOR BID PURPOSES.
4B	BID OPTION 3: CAISSON GATE OVERHAUL (DRYDOCKED/AFLOAT/SEATED CONDITION)	VARIES, SEE NOTES ON SHEET GC002	-DEMO/REMOVALS -NEW PARAPET WALL -LIFE-SAFETY FEATURES -CONCRETE BALLAST -ELECTRICAL, MECHANICAL, DRAINAGE MODIFICATIONS -RUBBER SEAL EXTENSION -INCLINE TESTING	-KO TO ADVISE OPPORTUNITY AND ASSOCIATED DURATION AT TIME OF CONSTRUCTION. ASSUME 30 DAYS FOR BID PURPOSES.

GENERAL SHEET NOTES

1. REFER TO GENERAL SITE CONSTRUCTION NOTES ON SHEET GC002.

2. COORDINATE ADJACENT WORK WITH KO.

GRAPHIC SCALE

1" = 20'

20100204060

scalefeet

DATE

MARK

DESCRIPTION

COLLINS ENGINEERS & ARCHITECTS
550 WEST JACKSON BOULEVARD
CHICAGO, IL 60606
(312) 704-9300
ILLINOIS PROFESSIONAL DESIGN FIRM
LICENSE NO. 184-000993

APPROVED

FOR COMMANDER NAVFAC

ACTIVITY: APPROVED (VIA EMAIL) BY CODE 984 JACOB DUPUIS, PORTSMOUTH NAVAL SHIPYARD

SATISFACTORY TO DATE: 05/14/2026

DES: DTG | DRW: GTH | CHK: WMM

PM/DM: JULIE CRAWFORD/CHAD WALDEN

BRANCH MANAGER: JOE WOLIVER

CHIEF ENGINEER: RICHARD TYLER

FIRE PROTECTION: DARRYL NEMETH

NAVAL FACILITIES ENGINEERING SYSTEMS COMMAND
PLANNING, DESIGN AND CONSTRUCTION

NAVFAC KITTERY, ME

NAVFAC PROJECT NO.: 1840304

CONSTR. CONTR. NO.: #####

NAVFAC DRAWING NO.: 14158632

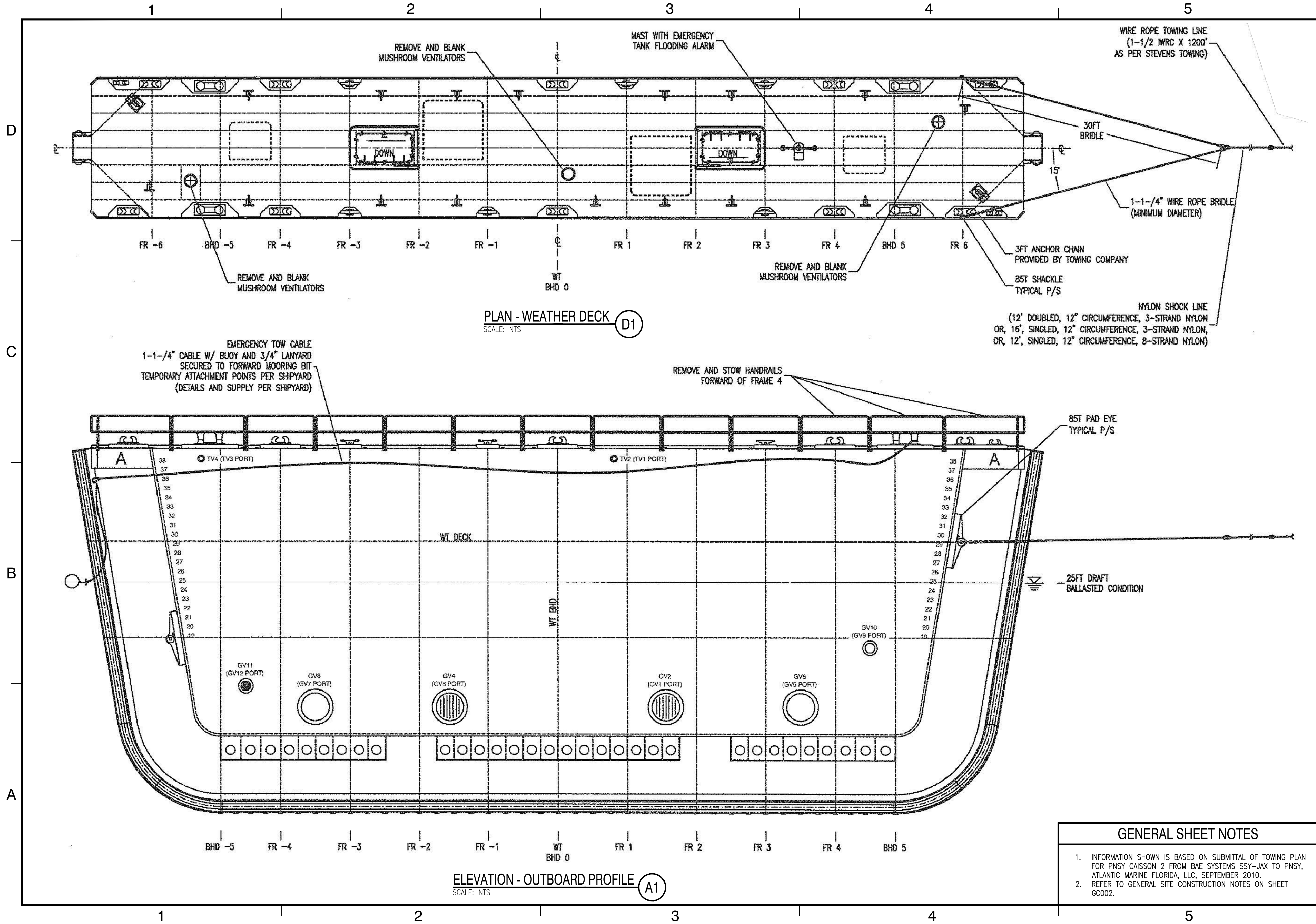
SHEET 16 OF 91

GC110

DRAWFORM REVISION: 14 SEP 2023

NAVFAC PROJECT NO.: 1840304
CONSTR. CONTR. NO.: #####
NAVFAC DRAWING NO.: 14158632
SHEET 16 OF 91
GC110

FILE NAME: \\naasun\Drawings\Projects\15-NH-0509-NAVFAC\Work\18 - DD2 Certification\05 - Engineering\01 - Working Drawings\04 - Drawings\000-GP-CC12.dwg LAYOUT NAME: GC12 PLOTTED Friday, June 26, 2026 - 9:10am USER: cplagher



MARK	DESCRIPTION	DATE
D		
C		
B		
A		

STATE OF MAINE
DEREK T. GALLAGHER
No. 18972
LICENSED PROFESSIONAL ENGINEER

COLLINS ENGINEERS
550 WEST JACKSON BOULEVARD
CHICAGO, IL 60606
(312) 704-9300
ILLINOIS PROFESSIONAL DESIGN FIRM
LICENSE NO. 184-000993

APPROVED

FOR COMMANDER NAVFAC

ACTIVITY: APPROVED (VIA EMAIL) BY CODE
984 JACOB DUPUIS, PORTSMOUTH
NAVAL SHIPYARD

SATISFACTORY TO DATE: 05/14/2026

DES: DTG | DRW: GTH | CHK: WMM

PM/DM: JULIE CRAWFORD/CHAD WALDEN

BRANCH MANAGER: JOE WOLIVER

CHIEF ENGINEER: RICHARD TYLER

FIRE PROTECTION: DARRYL NEMETH

NAVAL FACILITIES ENGINEERING SYSTEMS COMMAND
ATLANTIC
NORFOLK, VIRGINIA

PORTSMOUTH NAVAL SHIPYARD
KITTEERY, ME

DRY DOCK 2
CAISSON CERTIFICATION AND OVERHAUL
CAISSON GATE TRANSPORTATION PLAN

SCALE: AS NOTED

PROJECT NO.: 1840304

CONSTR. CONTR. NO.: #####

NAVFAC DRAWING NO.: 14158634

SHEET 18 OF 91

GC112

DRAWFORM REVISION: 14 SEP 2023

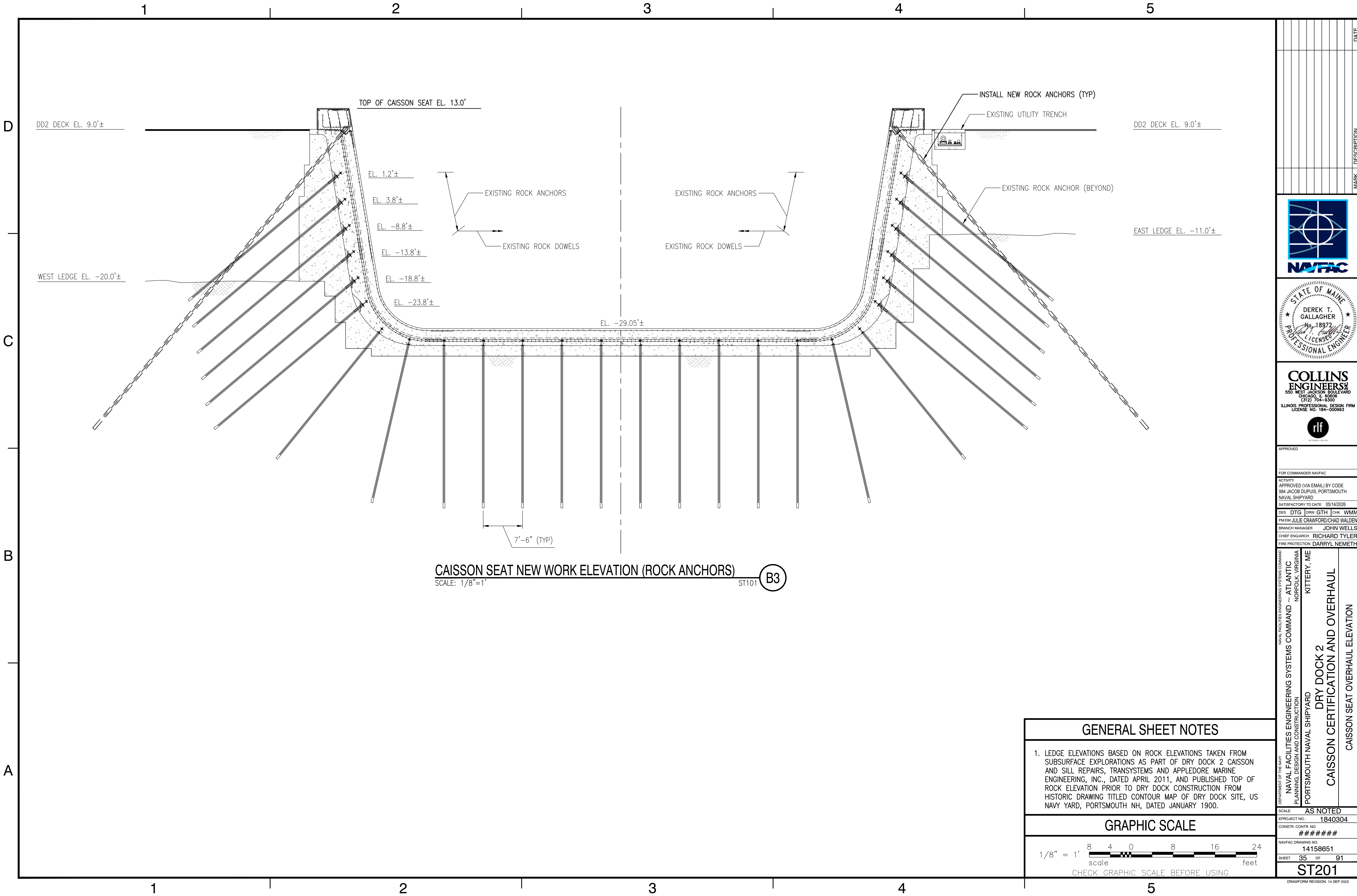
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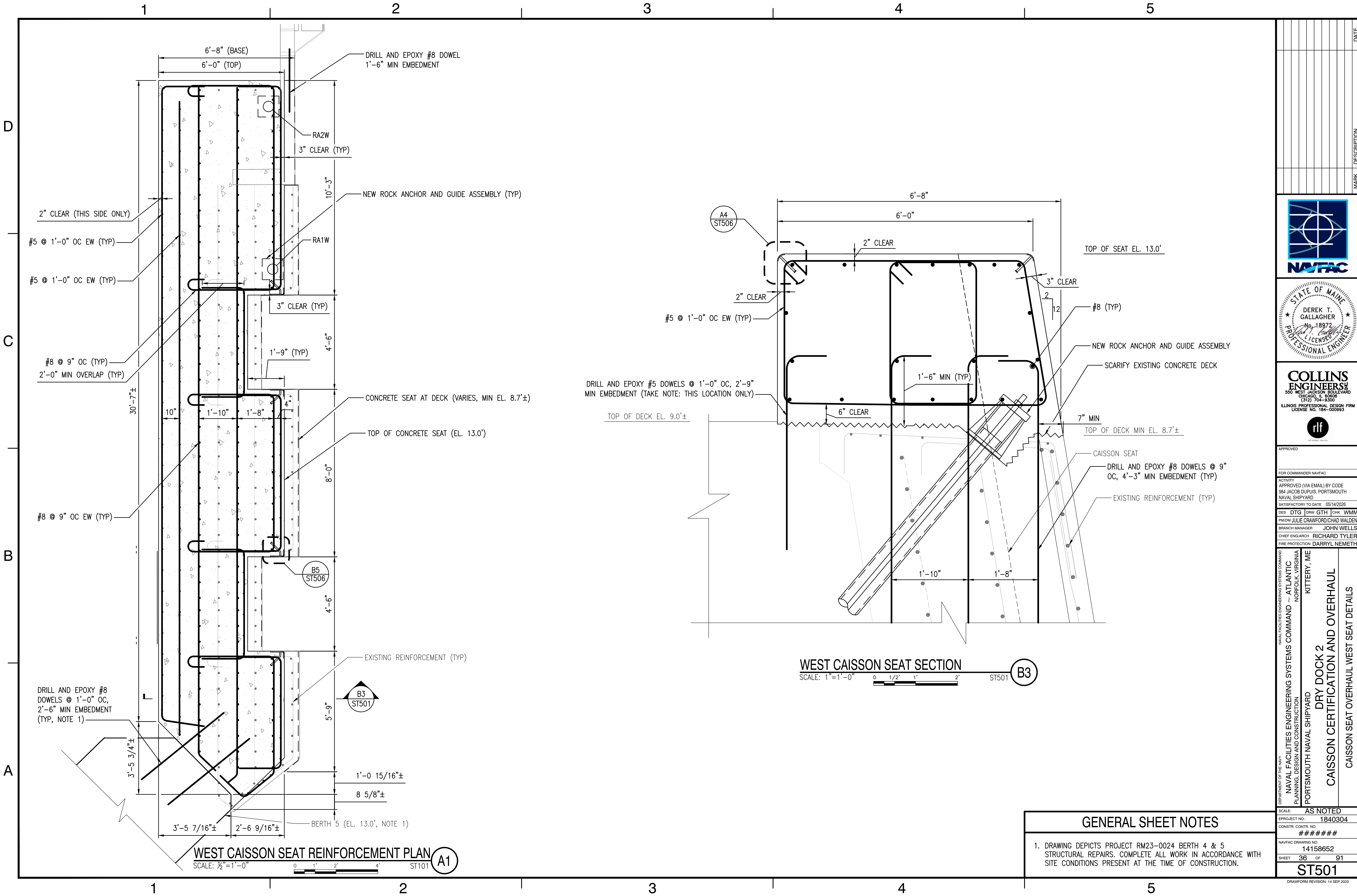
DRAWFORM REVISION: 14 SEP 2023

DRAWFORM REVISION: 14 SEP 2020

FILE NAME: \\ne-nasun\Drawings\15-NH\0603-NAVFAC\Work\18 - DD2 Certification\05 - Engineering\01 - Working Drawings\04 - Drawings\PD00-S-D1-ST201.dwg LAYOUT NAME: ST201 PLOTTED Friday, June 26, 2026 - 9:14am USER: dgallagher



FILE NAME: \\naasun\Data\Projects\15-NH\15049-NAVFAC\Work\18-DDZ Certification\05-Engineering\01-Working Drawings\04-Drawings\RD00-S-D1-ST501.dwg LAYOUT NAME: ST501 PLOTTED Friday, June 28, 2026 9:14am USER: dgallagher



GENERAL SHEET NOTES

1. DRAWING DEPICTS PROJECT RM23-0024 BERTH 4 & 5
STRUCTURAL REPAIRS. COMPLETE ALL WORK IN ACCORDANCE WITH
SITE CONDITIONS PRESENT AT THE TIME OF CONSTRUCTION.

DATE	
MARK	
DESCRIPTION	
	
	
	
APPROVED	
FOR COMMANDER NAVFAC	
ACTIVITY APPROVED (VIA EMAIL) BY CODE 984 JACOB DUPUIS, PORTSMOUTH NAVAL SHIPYARD	
SATISFACTORY TO DATE: 05/14/2026	
DES: DTG DRW: GTH CHK: WMM	
PM/DM: JULIE CRAWFORD/CHAD WALDEN	
BRANCH MANAGER: JOHN WELLS	
CHIEF ENGINEER: RICHARD TYLER	
FIRE PROTECTION: DARRYL NEMETH	
NAVAL FACILITIES ENGINEERING SYSTEMS COMMAND PLANNING, DESIGN AND CONSTRUCTION PORTSMOUTH NAVAL SHIPYARD KITTERY, ME	CAISSON SEAT OVERHAUL WEST SEAT DETAILS
SCALE: AS NOTED	
PROJECT NO.: 1840304	
CONSTR. CONTR. NO.: #####	
NAVFAC DRAWING NO.: 14158652	
SHEET 36 OF 91	
ST501	
DRAWFORM REVISION: 14 SEP 2023	



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Part B – Maine Coastal Zone Management Consistency Determination
Portsmouth Naval Shipyard
DD2 Caisson Certification and Overhaul
CZM Approval

PORTSMOUTH NAVAL SHIPYARD KITTERY, MAINE

Coastal Consistency Determination

In Support of Dry Dock 2 Caisson Certification and Overhaul

PART B

***Request for Approval to* MAINE COASTAL ZONE MANAGEMENT CONSISTENCY DETERMINATION**

NEGATIVE DETERMINATION

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1. PROPOSED FEDERAL AGENCY ACTIVITY

This document constitutes a request for CZMA consistency approval with the Navy’s Coastal Consistency Determination (Negative Determination) for the project. Under 15 CFR § 930.35, the Navy (as a federal agency) may complete a Negative Determination if they determine there will be no coastal effects from a proposed activity within the coastal zone. Project descriptions for the major components of the proposed activities are included in Part A. This CCD is submitted under the CZMA of 1972 and its implementing regulations and Chief of Naval Operations Instruction 5090.1, “Navy Environmental Readiness Program Manual.”

2. BACKGROUND

The CZMA, codified in 16 U.S. Code § 1451 et seq., and administered by the Secretary of Commerce through the Office of Coastal Resources Management of NOAA, established a comprehensive regulatory scheme for effective management, beneficial use, protection, and development of the coastal zone and its natural resources. CZMA provides a mechanism for coastal states to develop, obtain federal approval for, and implement a broad-based coastal management program (CMP).

Federal approval of a state CMP triggers an obligation, under CZMA Section 307, for federal executive agencies to make CCDs for their activities. Section 307 applies to federal agency activity in a state’s coastal zone and to federal agency activity outside the coastal zone. Federal agency activity includes activity performed by a federal agency, approved by a federal agency, or for which a federal agency provides financial funding. Such activity, whether direct, indirect, or cumulative, must demonstrate consistency with the policies of the state’s CMP. There are no categorical exemptions or exclusions from Section 307.

Federally owned property is excluded from a state coastal zone; however, federal agency activity on federal property that is reasonably likely to affect natural resources or use of a state coastal zone is subject to the federal consistency obligation. The State of Maine has a federally approved CMP known as the Maine Coastal Program (MCP).

The enforceable policies of the MCP are contained in the following “core laws⁷”: (1) Natural Resources Protection Act (NRPA) [8 M.R.S. §§480-A to 480-S; and 480-U to 480-II]; (2) SLDA [8 M.R.S. §§481 to 485-A; 486-A, -B; 487-A to 490-FF]; (3) Maine Metallic Mineral Mining Act [38 M.R.S. §§490-LL-490-TT]; (4) Maine Department of Transportation (MaineDOT) Traffic Movement Permit Law [23 M.R.S. §704-A]; (5) Erosion Control and Sedimentation Law [38 M.R.S. §420-C]; (6) Wind Energy Act [35-A M.R.S. §§3451-3459]; (7) Solar Energy Development Decommissioning Law [35-A M.R.S. chapter 34-D]; (8) Stormwater Management Law [38 M.R.S. §420-D]; (9) Maine Waterway Development and Conservation Act [8 M.R.S. §§630 to 636-A; and 640]; (10) Protection and Improvement of Air Law [38 M.R.S. §§581 to 610-A, -B]; (11) Protection and Improvement of Waters Act [38 M.R.S. §§361-A, 362, 362-A, 363-D, and 372; 410-N; 411 to 424; 451, 451-A, and 452; and 464 to 470]; (12) Nutrient Management

⁷ [https://www.maine.gov/dmr/sites/maine.gov.dmr/files/inline-files/2024-12-12%20Final Maine Guide to Federal Consi.pdf](https://www.maine.gov/dmr/sites/maine.gov.dmr/files/inline-files/2024-12-12%20Final%20Maine%20Guide%20to%20Federal%20Consi.pdf)

Act [7 M.R.S. §§4201-4214]; (13) Land Use Regulation Law [12 M.R.S. §§681 to 689]; (14) Maine Hazardous Waste, Septage and Solid Waste Management Act [38 M.R.S. §§1301 to 1310-AA; 1316 to 1316-L; and 1317 to 1319-Y]; (15) Uncontrolled Hazardous Substance Sites Law [38 M.R.S. §§1361 – 1371]; (16) Asbestos Law [38 M.R.S. §§1273 and 1281]; (17) Lead Abatement Law [38 M.R.S. §§1296 and 1298(3)]; (18) Sale of Consumer Products Affecting the Environmental Law [38 M.R.S. §§1608 and 1609-10]; (19) Mercury-Added Products and Services Law [38 M.R.S. §§1661-1661-C; 1665-A, -B; and 1672]; (20) Solid Waste Management and Recycling Law [38 M.R.S. §§2101, 2133, sub-§2(A) and 2165]; (21) Priority Toxic Chemical Use Reduction Law [38 M.R.S. §§2321-2330]; (22) Wellhead Protection Law [38 M.R.S. §§1391-1399]; (23) Nuclear Facility Decommissioning Laws [PL 1999 c. 739 and PL 1999 c. 741]; (24) Oil Discharge Prevention and Pollution Control Law [38 M.R.S. §§541 to 560]; (25) Oil Storage Facilities and Ground Water Protection Law [38 M.R.S. §§561; 562-A; 563, sub-§1(A) and 2; 563-A-B; 564; 565-A; 566-A; 568; 568-A-B; 569-C; 570; and 570-C-G, I-M]; (26) Maine Endangered Species Act [12 MRSA §§12801-12810 and 12 M.R.S. §6971-6976]; (27) General licensing and enforcement authorities and fees [38 M.R.S. §§341-D; 344 to 349; and 352-353, and 353-A, -B]; (28) Maine Rivers Act [12 M.R.S. §§403 and 407]; (29) Marine Resources Law [12 M.R.S. §§6052, sub-§6; 6171 to 6192; and 6432-A]; (30) Importing of Certain Marine Organisms Law [12 M.R.S. §6071]; (31) Aquaculture Leasing Laws [12 M.R.S. §6071-A, 12 M.R.S. §6072, 12 M.R.S. §6072-A, 12 M.R.S. §6073]; (32) Subdivision Law [30-A M.R.S. §§4401 to 4408]; (33) Mandatory Shoreland Zoning Law [38 M.R.S. §§435 to 448]; (34) Coastal Management Policies Act [38 M.R.S. §§1801 to 1802]; and (35) Coastal Barrier Resources System Act [38 M.R.S. §§1901 to 1905].

The State of Maine’s federally approved coastal zone extends from the inland boundary of all 147 coastal towns that contain tidal waters to the outer limit of the State’s territorial jurisdiction, which is 5.6 kilometers (3 nautical miles) into the Atlantic Ocean.

3. ANALYSIS OF ENFORCEABLE POLICIES

After a thorough review of the proposed activities, the Navy has determined that the proposed project will not affect the coastal zone. As the lead federal agency, and per 15 CFR 930.35, the Navy is providing the State of Maine with a Negative Determination request. The following presents a summary of the pertinent Maine core laws relevant to the key elements of the proposed project.

(1) Natural Resources Protection Act. NRPA, a state law administered by the Maine Department of Environmental Protection (MEDEP), requires a permit for any activity that is located in, on, or over a protected natural resource area or is located adjacent to (A) a coastal wetland, great pond, river, stream or brook or significant wildlife habitat contained within a freshwater wetland; or (B) certain freshwater wetlands. An “activity” is (A) dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials; (B) draining or otherwise dewatering; (C) filling, including adding sand or other material to a sand dune; or (D) any construction, repair or alteration of any permanent structure.

As a state requirement, Navy is not required to obtain NRPA authorization unless a proposed action would discharge materials into Waters of the United States, thereby triggering Clean Water Act Section 401 Water Quality Certification. This CMZA policy is not applicable, because the project is not proposing to discharge materials into Waters of the United States.

The proposed activity does not involve in-water construction work. The only potential impact to NRPA regulated resources is from placement of a temporary spud barge in the Piscataqua River, a coastal wetland. The project area where the temporary spud barge would be deployed was dredged to bedrock in 2025. Substrate consists primarily of bedrock with limited areas where a thin layer of fine sediments may have accumulated on the bedrock since the 2025 dredging. Turbidity is expected to remain in the immediate area where spud piles are lowered to the seafloor and dissipate quickly. Benthic impacts would be negligible, because the low-quality habitat is uninhabitable for most benthic species other than blue mussel and non-prey epifauna.

In the manner and to the extent required by federal law, the Navy will comply with permits and consultations applicable to the regulated activities affecting wetlands and water bodies and significant wildlife habitat. Compliance with any such permits will achieve consistency with this CZMA policy to the maximum extent practicable.

(2) Site Location of Development Act. This law requires review of developments that may have a substantial effect upon the environment. Developments triggering this review include projects occupying more than 20 acres and/or creating more than three acres of new impervious area. Facilities operating under an existing SLDA permit must submit proposed projects for review and approval prior to any construction, grading, alteration of cover type, or change to any facility, including change in function or use (including demolition of existing buildings). Depending upon the activity proposed, either a Minor Amendment or Minor Revision to the SLDA permit is required.

The proposed project has the potential to affect historic properties, and the Navy will complete consultation in accordance with Section 106 of the National Historic Preservation Act. The proposed activity will not change existing function or use, nor result in environmental effects associated with structural repairs to DD2, triggering the need for a minor amendment to the current SLDA permit for the Shipyard (SLDA#L-2 1 179-26-S-B & #L-2 1 179-4E-T-N, dated June 2009). The proposed activity is unlikely to cause or involve unreasonable adverse effects on air quality; unreasonable alteration of climate; unreasonable alteration of natural drainage ways; unreasonable effects on stormwater runoff, erosion, or sedimentation; unreasonable adverse effects on surface water quality; unreasonable adverse effects on ground water quality; unreasonable adverse effects on ground water quantity, buffer strips, sound, historic sites, unusual natural areas, and access to direct sunlight; unreasonable effects on scenic character; or unreasonable effects on wildlife and fisheries in Maine's coastal zone. Continued compliance with the Shipyard's existing SLDA will achieve consistency with this CZMA policy to the maximum extent practicable.

(3) Maine Metallic Mineral Mining Act (38 M.R.S. §§490-LL-490-TT). The proposed project does not involve metallic mineral mining and would have no effect on uses and/or natural resources covered by this CZMA policy. This CMZA policy is not applicable to the proposed project.

(4) Maine Department of Transportation Traffic Movement Permit Law. A traffic movement permit must be obtained from MaineDOT for any project that generates 100 or more passenger car equivalents at peak hour, and provisions must be made to control traffic movement in and out of the project area. Before a permit is issued, MaineDOT shall determine that any traffic increase attributed to the project will not result in unreasonable congestion or unsafe road conditions in the vicinity of the project.

The proposed activity, which will take place exclusively on federal property, is expected to result in minimal increases in commercial and privately-owned vehicles on the local roadways in the Town of Kittery and within the Shipyard on Seavey Island. It is estimated that the proposed project will generate additional traffic, but less than 100 or more passenger car equivalents, on local roadways during construction. When the project is completed, traffic levels are anticipated to return to current conditions. A traffic movement permit from MaineDOT will not be necessary for the project and the project will be consistent with this CZMA policy to the maximum extent practicable.

(5) Erosion Control and Sedimentation Law. The State of Maine Erosion and Sediment Control Law requires persons undertaking an activity involving filling, displacing, or exposing soil or other earthen materials to take measures to prevent unreasonable erosion of soil or sediment beyond the project site or into a protected natural resource.

The Shipyard is located on the Piscataqua River, a protected natural resource under state and federal law. Erosion control measures will be put in place before project activities begin and will be maintained and remain in place and functional until the site is permanently stabilized. Temporary and permanent erosion control measures will meet, at a minimum, the construction standards presented in the Maine Erosion and Sediment Control Best Management Practices Manual, latest edition.

Under the State of Maine's Shoreland Zoning Statutes, the Shipyard is located entirely within the State's Shoreland zone. Site work, including any filling, excavation, landscaping, and/or other earthwork in excess of one cubic yard of disturbance, shall comply with State of Maine requirements for certification in erosion and sediment control practices within a Shoreland zone. An Erosion Control Plan will be prepared according to the Maine Erosion and Sediment Control Best Management Practices Manual. The Contractor's contract will require that all work be conducted in accordance with the MEDEP approved Erosion and Sedimentation Control Plan. As such, the proposed project will achieve consistency with this CZMA policy to the maximum extent practicable.

(6) Wind Energy Act. This act regulates application and permitting for the construction of wind energy projects. The proposed project does not involve wind energy. This CMZA policy is not applicable to the proposed project.

(7) Solar Energy Development Decommissioning Law. This law requires developers of solar power projects occupying 3 or more acres to have an approved decommissioning plan and financial assurance to cover the cost of decommissioning. The proposed project does not involve solar energy. This CMZA policy is not applicable to the proposed project.

(8) Stormwater Management Law. This law governs any activity disturbing one or more acres or a modification of any size to a facility operating under an existing SLDA permit.

There will be no changes in existing land use that triggers the need for additional stormwater treatment and treatment is not required within the Controlled Industrial Area (CIA) portion of the Shipyard. Additionally, there is no anticipated increase in stormwater flow associated with the proposed activity.

The Contractor for the project will submit a Stormwater Management/Erosion and Sedimentation Control Plan to the Shipyard Contracting Officer for review and approval. The plan will demonstrate effective selection, implementation, and maintenance of Best Management Practices (BMPs) and compliance with the State of Maine Erosion and Sediment Control Law during construction. Maintenance procedures will address regular inspection and cleaning of drainage structures, repair of temporary erosion control structures, a final cleaning of all drainage structures, and removal and reclamation of temporary erosion and sediment control BMPs upon completion of the project. In the manner and to the extent required by federal law other than CZMA, the Navy will obtain and comply with state and federal permits applicable to regulated activities affecting stormwater management. Compliance with any such permits will achieve consistency with this CZMA policy to the maximum extent practicable.

(9) Maine Waterway Development and Conservation Act. This act regulates application and permitting for the construction of hydropower projects and for the reconstruction or structural alteration of certain projects, including water storage projects. The proposed project will not involve any hydropower or water storage development or repair. This CMZA policy is not applicable to the proposed project.

(10) Protection and Improvement of Air Law. This law controls present and future sources of emissions to prevent air pollution and negative effects to the environment. The proposed project will temporarily generate air emissions due to construction and/or demolition activities. However, air emissions are anticipated to fall below air permitting and conformity thresholds. Dust control measures will be used to minimize temporary impacts on air quality from demolition and construction. Construction vehicles will be equipped with applicable factory installed emission control devices. As a result, the proposed project would be consistent with this CZMA policy to the maximum extent practicable.

(11) Protection and Improvement of Waters Act. The enforceable policies of this law include aquatic nuisance species control, pollution control requirements, enforcement provisions, and a water classification program. This policy makes it unlawful to dispose of any pollutants, either alone or in conjunction with others, “in such manner as will, after reasonable opportunity for

dilution, diffusion or mixture with the receiving waters or heat transfer to the atmosphere, lower the quality of those waters below the minimum requirements of such classifications.”

Use of the temporary spud barge is anticipated to have negligible, localized, and temporary impacts on the Piscataqua River. These activities will not lower the water quality classification (i.e., Class SC⁸ in Maine) or contribute to the impairment of the Piscataqua River for its designated uses in Maine and New Hampshire. The site is located in a high-energy environment with strong tidal currents, and no degradation of waters is anticipated due to project activities. Small turbidity plumes associated with the temporary spud barge movements would dissipate quickly due to the dynamic nature of the Piscataqua River.

The proposed project is not anticipated to contribute to the discharge of pollutants into the waters of the State. The implementation of effective sediment and pollutant control measures during and after topside construction will protect the existing water resources in the project area and Piscataqua River. As a result, the proposed project would be consistent with this CZMA policy to the maximum extent practicable.

(12) Nutrient Management Act. Maine’s Nutrient Management Act regulates farms with livestock or crops for which nutrients are kept on site. The proposed project is not the type of activity regulated by this act and the project will not contribute to any nutrient increases to nearby surface waters or require a nutrient management plan. This CMZA policy is not applicable to the proposed project.

(13) Land Use Regulation Law. This program is based on Maine’s Land Use Regulation Law covering unorganized towns and townships and certain coastal islands under the jurisdiction of the Maine Land Use Planning Commission, which deals with issues related to planning, zoning, and subdivision control. The proposed activity will take place exclusively on federal property within an organized town of the State and is not subject to Maine Land Use Planning Commission rules and regulations regarding planning, zoning, or subdivision requirements. In addition, such regulations are by operation of federal law inapplicable to the proposed activity. As such, this CMZA policy is not applicable to the proposed project.

(14) Maine Hazardous Waste, Septage, and Solid Waste Management Act. This act regulates asbestos abatement, hazardous and solid waste, tire stockpiles, hazardous materials control, the Maine Hazardous Waste Fund, waste oil, uncontrolled hazardous substance sites, sale and distribution of brominated flame-retardants, electronic waste, mercury-added products and services, municipal recycling, facility siting and development, and toxics use and hazardous waste reduction.

The caisson gate was constructed in 2010, after the 1980 ban on polychlorinated biphenyls (PCBs).

⁸ Class SC waters represent the third-highest classification and are suitable for recreation in and on the water, fishing, aquaculture, restricted harvesting of shellfish, industrial water use, hydroelectric power generation, navigation, and as habitat for wildlife.

Hazardous material investigations for the caisson gate were performed in 2022 and 2026 and focused on identification of asbestos-containing materials, Resource Conservation and Recovery Act (RCRA) 8 metals, polychlorinated biphenyls (PCBs), mercury, and lead. Results are as follows.

- Absolute Resource Associates, April 2022 (*2022 Dry Dock Repair Work*)
 - Exterior caisson facing (red coating): Elevated arsenic, barium, cadmium, chromium, lead levels (RCRA 8).
- RJ Enterprises Inc., January 2026 (*2026 DD2 Barrier Protection*)
 - Toe board (yellow coating): Elevated chromium levels (RCRA 8).
 - Mooring hardware (yellow coating): Elevated chromium levels (RCRA 8).
- CORE Engineering and Construction, Inc., January 2026 (*DD2 Caisson Certification & Overhaul*)
 - Weather deck surface (grey coating): Asbestos not detected.

Based on the above findings, the contractor will assume all coatings (tested and untested) contain RCRA 8 metals and must therefore abide by relevant contract specifications for RCRA 8 metals handling and disposal at the Shipyard. The contractor will coordinate with Code 106.3 for the removal, testing, management, storage, and disposal of hazardous wastes and solid wastes in accordance with applicable federal safety and environmental regulations and Shipyard instructions. As a result, the project would be consistent with this CZMA policy to the maximum extent practicable.

(15) Uncontrolled Hazardous Substance Sites Law. This program was created in response to the threats and potential threats to human health and the environment posed primarily by abandoned hazardous waste sites. The program is the State of Maine equivalent to the US Environmental Protection Agency (EPA)'s Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA; also known as Superfund) program. The Uncontrolled Hazardous Substance Sites Act (Act) broadly defines responsible parties and provides for joint and several liability. The Act authorizes MEDEP to issue orders to Responsible Parties requiring them to conduct state approved clean up actions. If there are no viable Responsible Parties, the Act authorizes MEDEP to undertake necessary clean up actions. The Shipyard was formerly included on the National Priorities List (NPL) for the federal Superfund program. After being added to the NPL in 1994, extensive cleanup and remediation work was performed to address contamination from PCBs, polycyclic aromatic hydrocarbon (PAHs), metals, and benzene. The Shipyard was officially delisted from the NPL in February 2024. No portion of the proposed project area is considered an uncontrolled area under CERCLA. As such, this CMZA policy is not applicable to the proposed project.

(16) Asbestos Law. This law includes requirements for those engaged in asbestos abatement activities, including requirements for licensing, certification, and notification of MEDEP before asbestos abatement activities affecting over 3 linear feet or 3 square feet of asbestos containing material (ACM).

Asbestos was not detected in a 2026 survey conducted by CORE Engineering and Construction, Inc. The Contractor and Code 106.3 will be responsible for additional testing and compliance with the Asbestos Law for any asbestos abatement activities, if necessary. Therefore, the proposed project would be consistent with this CZMA policy to the maximum extent practicable.

(17) Lead Abatement Law. This law includes stipulations for those engaged in lead abatement activities, including certification, licensing, and accreditation. As described in (14) Maine Hazardous Waste, Septage and Solid Waste Management Act, the contractor will assume all coatings (tested and untested) contain RCRA 8 metals (including lead) and must abide by relevant contract specifications for RCRA 8 metals handling and disposal at the Shipyard including the Lead Abatement Law. Therefore, the proposed project would be consistent with this CZMA policy to the maximum extent practicable

(18) Sale of Consumer Products Affecting the Environment Law. This law prevents and/or regulates the selling or offering of ozone-depleting products, brominated flame retardants, and electronic waste with potential to affect the environment. The proposed activity does not involve the sale of products affecting the environment, including aerosol spray, chemical septic tank cleaners, foam products, lead-acid batteries, plastic bags, motor vehicle air conditioning, wheel weights, ozone-depleting products, brominated flame retardants, or electronic waste. This CMZA policy is not applicable to the proposed project.

(19) Mercury-Added Products and Services Law. This law requires disclosure and regulation around use of products containing mercury or identified services that use mercury containing products. The proposed activity does not involve the sale of products containing mercury. This CMZA policy is not applicable to the proposed project.

(20) Solid Waste Management and Recycling Law. This law provides a comprehensive policy for solid waste management and promotion of waste reduction methods. MEDEP describes solid waste to include garbage, rubbish, refuse, construction and demolition debris, special waste, and tires. Specific sections regarding solid waste planning, waste reduction and recycling, and regulation of dry cell batteries are included under this law.

It is Navy policy to minimize the amount of waste disposed of in landfills or at other disposal facilities through source reduction, recycling, reuse, or donation/sale of authorized materials. The removal, management, storage, and disposal of all wastes will be conducted in accordance with applicable federal safety and environmental regulations. The proposed project will adhere to the Navy requirements and federal and State of Maine regulations applying to solid waste and would be consistent with this CZMA policy to the maximum extent practicable.

(21) Priority Toxic Chemical Use Reduction Law. This law requires commercial and industrial facilities to continually and as expeditiously as practicable reduce the use of toxic chemicals, particularly those identified by the State as being priority toxic chemicals (cadmium, formaldehyde, hexavalent chromium, perchloroethylene, and trichloroethylene), through the following: comprehensive environmental management practices; the use of inherently safer products; the use of materials and processes that are reasonably available; and the more efficient

use of resources. The proposed activities do not involve the use of identified toxic chemicals, in any form. This CMZA policy is not applicable to the proposed project

(22) Wellhead Protection Law. This law establishes a coordinated statewide program to protect drinking water wells from contamination by oil or hazardous waste by regulating the handling of those substances near drinking water wells to reduce the risk of contamination. There are no drinking water wells located on Seavey's Island; therefore, the proposed activity does not involve the handling of oil or hazardous waste near drinking wells. This CMZA policy is not applicable to the proposed project.

(23) Nuclear Facility Decommissioning Laws. These laws require compliance with issued licenses and permits, radiological monitoring, and risk assessment for decommissioning of nuclear facilities. The proposed project will not involve any nuclear facility decommissioning activities. This CMZA policy is not applicable to the proposed project.

(24) Oil Discharge Prevention and Pollution Control Law. This law regulates the transfers of oil, petroleum products, and their by-products requiring the prompt containment and removal of pollution caused by such transfers and related activity. Due to the proximity of the project to the Piscataqua River, refueling of equipment would primarily be conducted offsite. If refueling occurs onsite, spill prevention methods such as secondary containment, container inspection/testing, and presence of spill kits will be employed. As a result of these measures, the project would be consistent with this CZMA policy to the maximum extent practicable.

(25) Underground Oil Storage Facilities and Groundwater Protection Law. This law regulates the registration, siting, design, installation, replacement, operation, and closure of underground oil storage facilities and tanks (that can include certain above-ground storage tanks with underground supply lines), including the requirements for reporting and clean-up of leaks or other oil pollution at underground storage facilities. The proposed activity will not involve the siting, design, installation, replacement, operation, or closure of any underground or above-ground oil storage facilities or tanks. This CZMA policy is not applicable to the proposed project.

(26) Maine Endangered Species Act. This act was passed in 1975 to help protect Maine's inland and marine fish and wildlife species and to minimize/prevent the disappearance of species from the state.

The USFWS Information for Planning and Consultation (IPaC) online platform was accessed to determine whether any federally protected terrestrial species had the potential to occur in the project area. Four species; the Northern long-eared bat (*Myotis septentrionalis*), Tri-colored bat (*Perimyotis subflavus*), roseate tern (*Sterna dougallii dougallii*) and monarch butterfly (*Danaus Plexippus*) were identified as potentially occurring. The completion of the USFWS determination keys returned a finding of "No Effect" for these species. The lack of vegetation and natural shoreline in the proposed project area, coupled with the high levels of industrial activity, would preclude these species from the proposed project area. No essential or significant wildlife habitats or rare natural communities are located on upland Shipyard property.

Shortnose sturgeon (*Acipenser brevirostrum*), a state and federally endangered species, and the federally threatened Gulf of Maine Distinct Population Segment (DPS) of Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*) are known to occupy the Piscataqua River seasonally for foraging and during spring and fall migrations.⁹ The Piscataqua River is also classified as Critical Habitat for Atlantic sturgeon and Habitat Area of Particular Concern for inshore juvenile cod by the NOAA Fisheries. The project area would not provide habitat for these species due to its frequent disturbance from ship movements and maintenance dredging, although transient individuals may pass through the area while transiting to more suitable habitats located up and down river. Tracking data indicates individual sturgeon remain in the river for a few days to weeks. The Navy continues to monitor for evidence of endangered species and/or habitats and to review available State of Maine data online. These activities by the Navy will continue during the proposed project. The Navy has consulted with NOAA fisheries and received concurrence that the proposed project is “Not Likely to Adversely Affect” ESA species under their purview.

Due to the heavily industrialized nature of the project area, it is unlikely that sturgeon will be present when the temporary barge is in use. If present, the highly mobile sturgeon will have ample room to swim away from the barge. To reduce any potential for interactions even further, the contractor will be restricted speeds of 5 knots or less. The Contractor will also be trained on species identification, stop work procedures, and reporting to the Shipyard if endangered species are observed.

Therefore, the proposed project would be consistent with this CZMA policy to the maximum extent practicable.

(27) General licensing and enforcement authorities; fees. This policy establishes procedures to require various licenses and permits and to charge applicants for associated costs incurred by reviewing license and permit applications. The Navy is required to comply with all federal, state, and local regulations that contain a waiver of sovereign immunity, including payment of reasonable service charges. Where the purpose of an assessed “fee” is a reasonable charge based on the quantity of direct services furnished, it will be payable by the Navy. However, if the ultimate use of the revenue benefits the general public, rather than paying for a service rendered, then the charge will qualify as a “tax”, which the Navy is constitutionally prohibited from paying. In this way, the proposed activity would be consistent with this CZMA policy to the maximum extent practicable. Full consistency for certain types of “fees” would be precluded because of the doctrine of federal supremacy. As a federal entity, the Navy is exempt from state application filing fees.

(28) Maine Rivers Act. The enforceable policies of the Maine Rivers Act provide special protection for outstanding rivers, particularly involving the construction of new dams, redevelopment of existing dams, and any water diversion project that would constitute a hydropower project. The act also requires a comprehensive river resource management plan for each watershed with a hydropower project licensed, or to be licensed, under the Federal Power Act.

⁹ <https://www.fisheries.noaa.gov/new-england-mid-atlantic/consultations/section-7-species-presence-table-shortnose-sturgeon-greater>

The proposed project will not involve a diversion constituting a hydropower project and does not occur within a waterbody designated as an outstanding river or stream meriting special protection. This CZMA policy is not applicable to the proposed project.

(29) Marine Resources Law. Maine defines marine resources as “all renewable marine organisms and the entire ecology and habitat supporting those organisms.” The Marine Resources Law establishes regulations to conserve and develop marine and estuarine resources; to conduct and sponsor scientific research; to promote and develop the Maine coastal fishing industries; and to advise and cooperate with local, state, and federal officials concerning activities in coastal waters.

The primary potential impacts to marine resources resulting from the in-water components of the proposed project phases would be negligible and limited to temporary mooring of a spud barge. Small, localized turbidity plumes may occur from placement of spuds but are expected to clear quickly.

The limited scope of this project, which does not include in-water construction work, will avoid significant impacts to fisheries, marine organisms, shellfish, and other marine and estuarine resources in the area and will thereby achieve consistency with this CZMA policy to the maximum extent practicable.

(30) Importing of Certain Marine Organisms. This regulation prevents the introduction of certain, live marine organisms into Maine coastal waters without first receiving a permit from the Commissioner of the Department of Marine Resources. The proposed project will not involve the introduction of marine organisms to coastal waters. This CZMA policy is not applicable to the proposed project.

(31) Aquaculture Leasing Law. These laws regulate and govern aquaculture in coastal waters of Maine, including a prohibition on operation of an aquaculture facility without a lease from Department of Marine Resources. The proposed project will not involve development or operation of an aquaculture facility. This CZMA policy is not applicable to the proposed project.

(32) Subdivision Law. This law governs the division of existing lands into smaller lots and to maintain compliance with applicable local regulations. The proposed activity will take place exclusively on federal property, which is not subject to municipal subdivision requirements. Subdivision ordinances adopted by the Town of Kittery under or in conformity with the Maine Subdivision Law are, by operation of federal law, inapplicable to the proposed activity. This CMZA policy is not applicable to the proposed project.

(33) Mandatory Shoreland Zoning Law. This program is based on Maine’s Mandatory Shoreland Zoning Act. The proposed activity will take place exclusively on federal property, which is not subject to municipal zoning. Zoning ordinances adopted by the Town of Kittery, under or in conformity with the Mandatory Shoreland Zoning Act, are by operation of federal law inapplicable to the proposed activity. This CMZA policy is not applicable to the proposed project.

(34) Coastal Management Policies Act. This act contains the following nine policies: 1) port and harbor development; 2) marine resource management; 3) shoreline management and access; 4)

hazard area development; 5) state and local cooperative management; 6) scenic and natural areas protection; 7) recreation and tourism; 8) water quality; and 9) air quality. In the manner and to the extent required by federal law other than CZMA, the Navy will take into consideration all the policies included in this program, verifying the proposed activity is consistent with this CZMA policy to the maximum extent practicable.

(35) Coastal Barrier Resources System Act. This act limits expenditure of state funds to encourage or support activities incompatible with the ability of certain coastal barrier areas within the State. The proposed project will not involve any activities that would affect any coastal barrier resources or any other activities covered by this law. This CMZA policy is not applicable to the proposed project.

4. CONCLUSION

Based on the foregoing analysis, the proposed federal project is unlikely to affect natural resources of Maine's coastal zone or the applicable policies of the MCP. Therefore, the Navy has determined that the proposed project is eligible for Negative Determination under 15 CFR § 930.35 and is seeking concurrence from MEDEP regarding this CZMA Federal Consistency Determination in accordance with Section 307 of the CZMA, 15 CFR part 930, and the MCP.