

## MAINE GENERAL PERMITS (GPs) <u>AUTHORIZATION LETTER</u> AND SCREENING SUMMARY

SHANE FORSLEY B.I.W. GROUP, LLC 41 INDUSTRIAL DRIVE, UNIT 20 EXETER, NEW HAMPSHIRE 03833

 CORPS PERMIT #
 NAE-2022-00647

 CORPS GP#
 7

 STATE ID#
 NRPA

### **DESCRIPTION OF WORK:**

Place approximately 3,687 SF of stone revetment below the high tide line of the Piscataqua River off 35 Badgers Island West at Kittery, Maine in order to stabilize approximately 190 linear feet of eroded shoreline. All intertidal will be conducting during low tide conditions when the site is in-the-dry. This work is shown on the attached plans entitled "My Map" in one sheet dated "2/11/22" and "B.I.W. GOUP LLC" in four sheets dated "10/6/21" and "1/28/22".

See GENERAL CONDITIONS attached.

LAT/LONG COORDINATES:	43.082350°	Ν	-70.755745°	W	USGS QUAD: PORTSMOUTH. NH

### 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 Federal Permit, the Maine General Permits (GPs) which can be found at: <a href="https://www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/Maine-General-Permit/">https://www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/Maine-General-Permit/</a> Accordingly, we do not plan to take any further action on this project.

You must perform the activity authorized herein in compliance with all the terms and conditions of the GP [including any attached Special Conditions and any conditions placed on the State 401 Water Quality Certification <u>including any required mitigation</u>]. Please review the GPs, including the GPs conditions beginning on page 5, to familiarize yourself with its contents. You are responsible for complying with all of the GPs 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 45 of the GPs (page 19) provides one year for completion of work that has commenced or is under contract to commence prior to the expiration of the GPs on October 14, 2025. You will need to apply for reauthorization for any work within Corps jurisdiction that is not completed by October 14, 2026.

This authorization presumes the work shown on your plans noted above is in waters of the U.S. Should you desire to appeal our jurisdiction, please submit a request for an approved jurisdictional determination in writing to the undersigned.

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.

II. STATE ACTIONS: I	PENDING [	X ], ISSUE	D[], DENIE	ED[] DATE			
APPLICATION TYPE:	PBR <u>:</u> ,	TIER 1 <u>:</u> ,	TIER 2 <u>: ,</u>	TIER 3 <u>: X</u> ,	LURC:	DMR LEASE:	NA:

### **III. FEDERAL ACTIONS:**

JOINT PROCESSING MEETING: non-screen LEVEL OF REVIEW: SELF-VERIFICATION: X PRE-CONSTRUCTION NOTIFICATION: \_\_\_\_

AUTHORITY (Based on a review of plans and/or State/Federal applications): SEC 10 , 404 X 10/404 , 103

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

FEDERAL RESOURCE AGENCY OBJECTIONS: EPA\_n/a\_, USF&WS\_n/a\_, NMFS\_n/a\_

If you have any questions on this matter, please contact my staff at 978-318-8676 at our Augusta, Maine Project Office. In order for us to better serve you, we would appreciate your completing our Customer Service Survey located at: <u>http://corpsmapu.usace.army.mil/cm\_apex/f?p=136:4:0</u>

COLIN M. GREENAN PROJECT MANAGER MAINE PROJECT OFFICE FOR: FRANK J. DEL GIUDICE CHIEF, PERMITS & ENFORCEMENT BRANCH REGULATORY DIVISION



## PLEASE NOTE THE FOLLOWING GENERAL CONDITIONS FOR DEPARTMENT OF THE ARMY MAINE GENERAL PERMIT 8 PERMIT NO. NAE-2022-00647

### **GENERAL CONDITIONS**

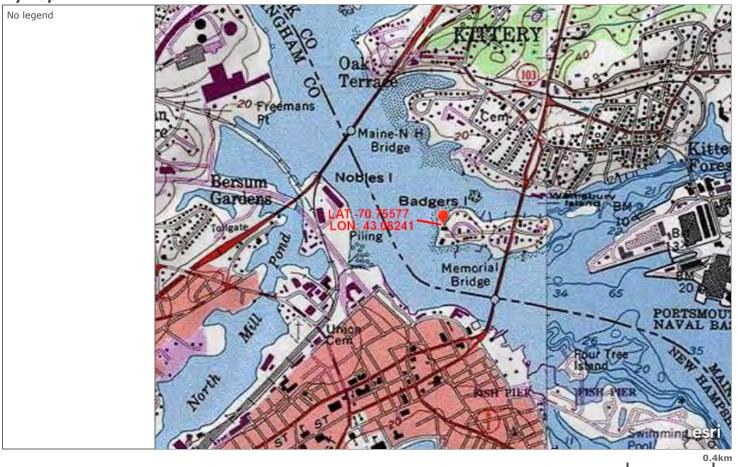
**23. Soil Erosion, Sediment, and Turbidity Controls.** a. Adequate sedimentation and erosion control management measures, practices and devices, such as phased construction, installation of sediment control barriers (i.e. silt fence, vegetated filter strips, geotextile silt fences, erosion control mixes, hay bales or other devices) downhill of all exposed areas, retention of existing vegetated buffers, application of temporary mulching during construction, and permanent seeding and stabilization 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. b. Temporary sediment control barriers shall be removed upon completion of work, but not until all disturbed areas are permanently stabilized. The sediment collected by these sediment barriers shall be removed and placed at an upland location and stabilized to prevent its later erosion into a waterway or wetland. All exposed soil and other fills shall be permanently stabilized at the earliest practicable date.

**33. Permit(s)/Authorization Letter On-Site.** The permittee shall ensure that a copy of the terms and conditions of these GPs and any accompanying authorization letter with attached plans are at the site of the work authorized by these GPs whenever work is being performed and that all construction personnel performing work which may affect waters of the U.S. are fully aware of the accompanying terms and conditions. The entire permit authorization shall be made a part of any and all contracts and subcontracts for work that affects areas of Corps jurisdiction at the site of the work authorized by these GPs. This shall be achieved by including the entire permit authorization in the specifications for work. The term "entire permit authorization" means all terms and conditions of the GPs, the GPs, and the authorization letter (including its drawings, plans, appendices and other attachments) and subsequent permit modifications as applicable. 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 subcontract. Although the permittee may assign various aspects of the work to different contractors or subcontractors, all contractors and subcontractors shall be obligated by contract to comply with all environmental protection provisions contained within the entire GP authorization,

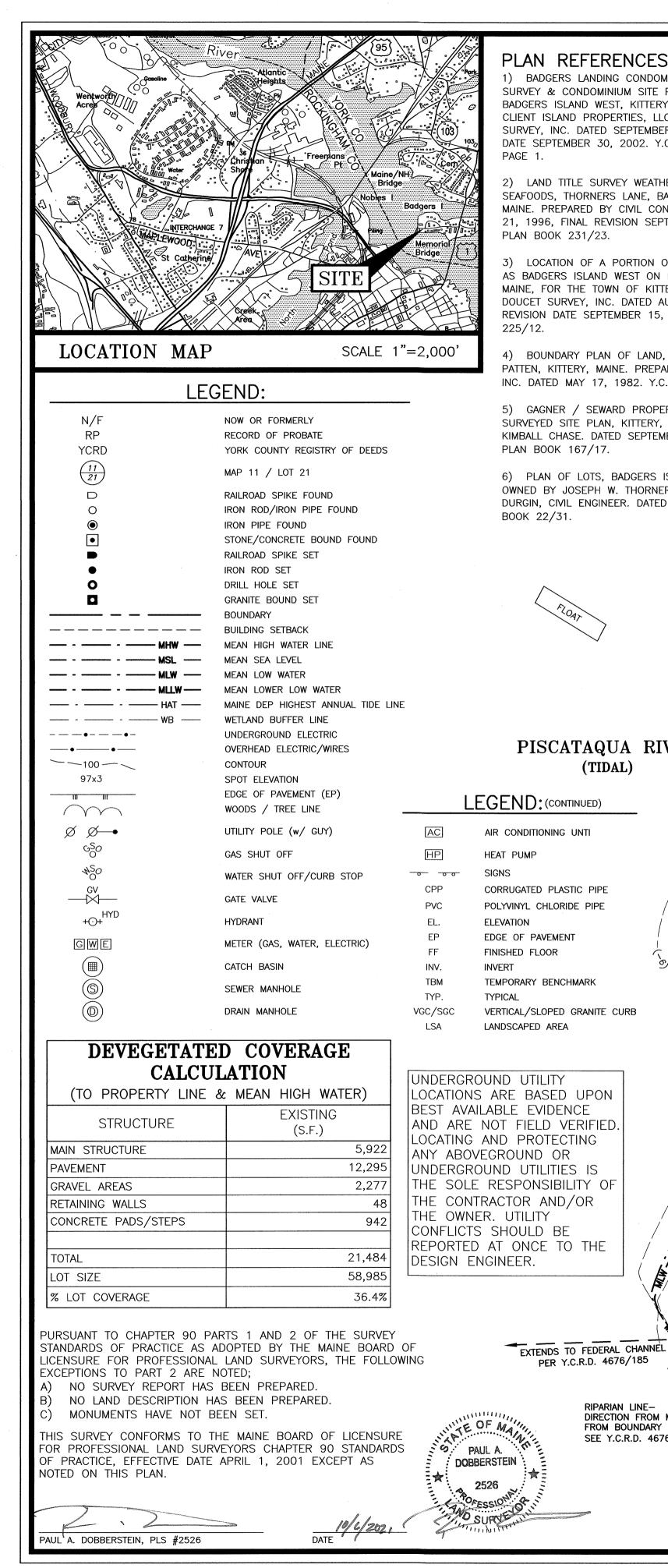
**34. Inspections.** The permittee shall allow the Corps to make periodic inspections at any time deemed necessary in order to ensure that the work is eligible for authorization under these GPs, is being, or has been performed in accordance with the terms and conditions of these GPs.

## 2/11/22, 12:30 PM

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PLAN REFERENCES:

1) BADGERS LANDING CONDOMINIUM STANDARD BOUNDARY SURVEY & CONDOMINIUM SITE PLAN FOR PROPERTY AT 32 BADGERS ISLAND WEST, KITTERY, YORK COUNTY, MAINE CLIENT ISLAND PROPERTIES, LLC PREPARED BY EASTERLY SURVEY, INC. DATED SEPTEMBER 17, 2002, FINAL REVISION DATE SEPTEMBER 30, 2002. Y.C.R.D. PLAN BOOK 581,

2) LAND TITLE SURVEY WEATHERVANE LOBSTER -SEAFOODS, THORNERS LANE, BADGERS ISLAND, KITTERY MAINE. PREPARED BY CIVIL CONSULTANTS. DATED AUGUST 21, 1996, FINAL REVISION SEPTEMBER 20, 1996. Y.C.R.D.

3) LOCATION OF A PORTION OF THE TOWN ROAD KNOWN AS BADGERS ISLAND WEST ON BADGERS ISLAND, KITTERY MAINE, FOR THE TOWN OF KITTERY, MAINE. PREPARED BY DOUCET SURVEY, INC. DATED AUGUST 26, 1994, FINAL REVISION DATE SEPTEMBER 15, 1995. Y.C.R.D. PLAN BOOK

4) BOUNDARY PLAN OF LAND, CHARLES & MARYANN D. PATTEN, KITTERY, MAINE. PREPARED BY THOMAS F. MORAN, INC. DATED MAY 17, 1982. Y.C.R.D. PLAN BOOK 118/37.

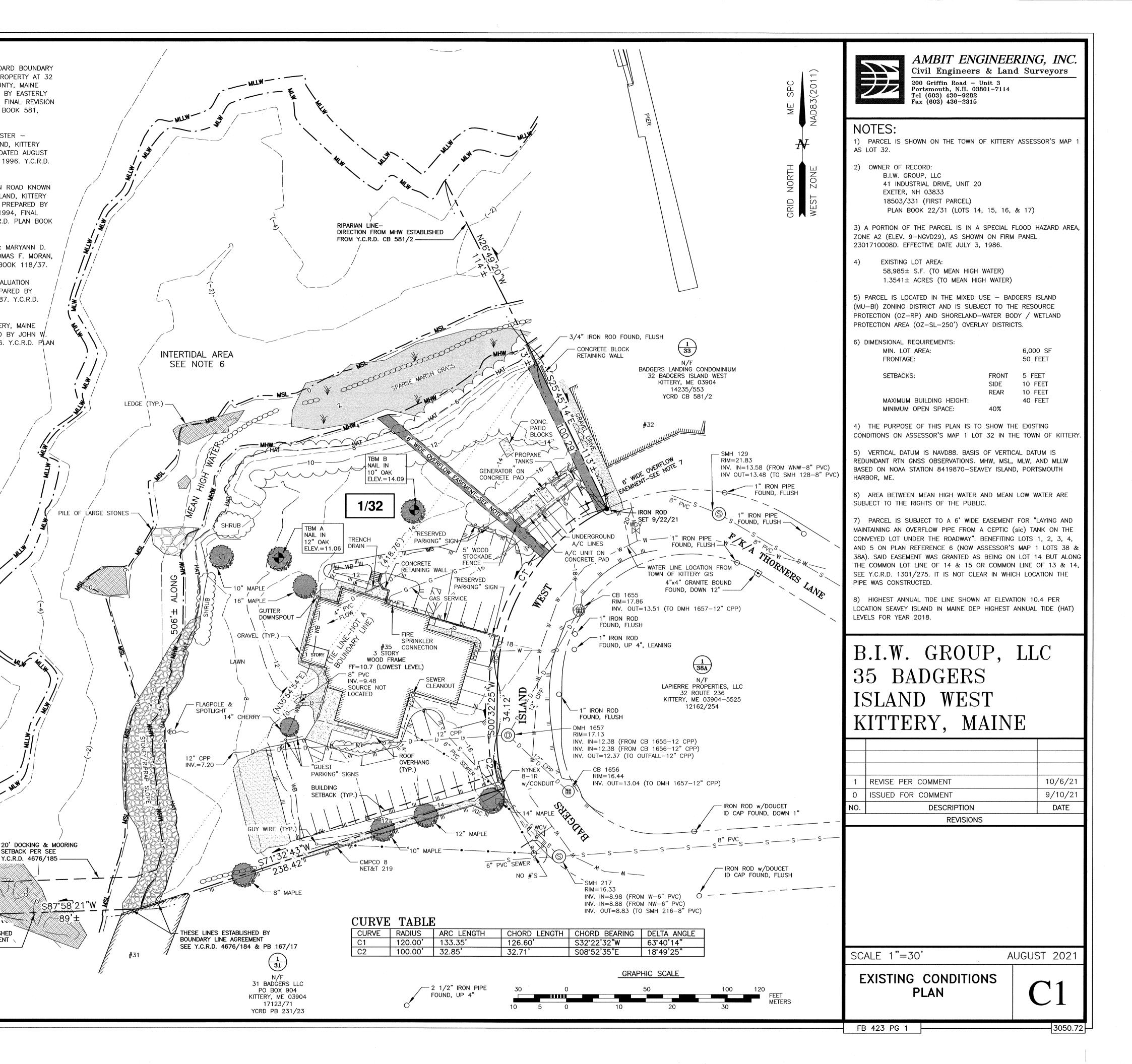
5) GAGNER / SEWARD PROPERTY LINE EVALUATION SURVEYED SITE PLAN, KITTERY, MAINE. PREPARED BY KIMBALL CHASE. DATED SEPTEMBER 16, 1987. Y.C.R.D.

6) PLAN OF LOTS, BADGERS ISLAND, KITTERY, MAINE OWNED BY JOSEPH W. THORNER. PREPARED BY JOHN W DURGIN, CIVIL ENGINEER, DATED APRIL 1936, Y.C.R.D. PLAN

# PISCATAQUA RIVER

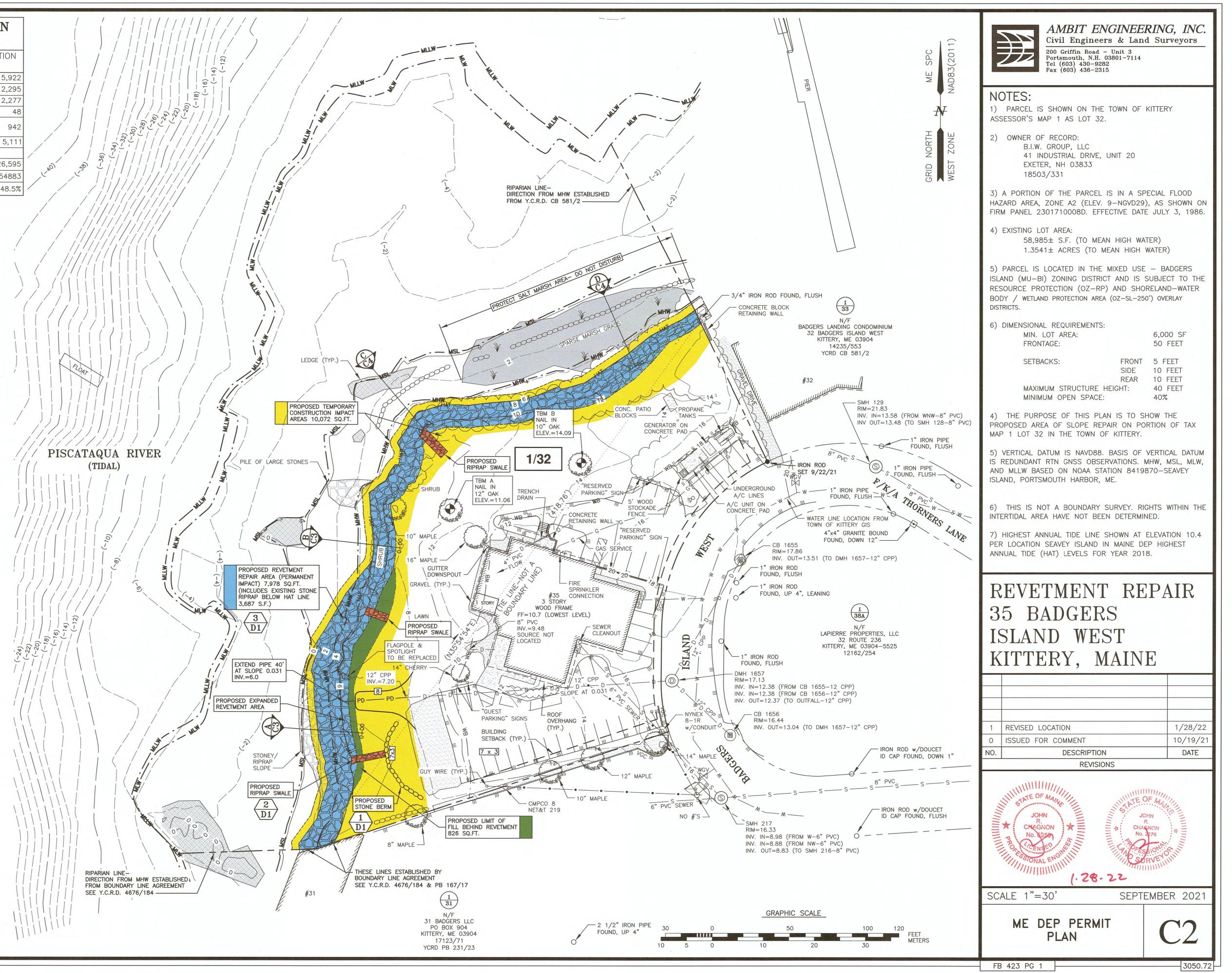
MILVA

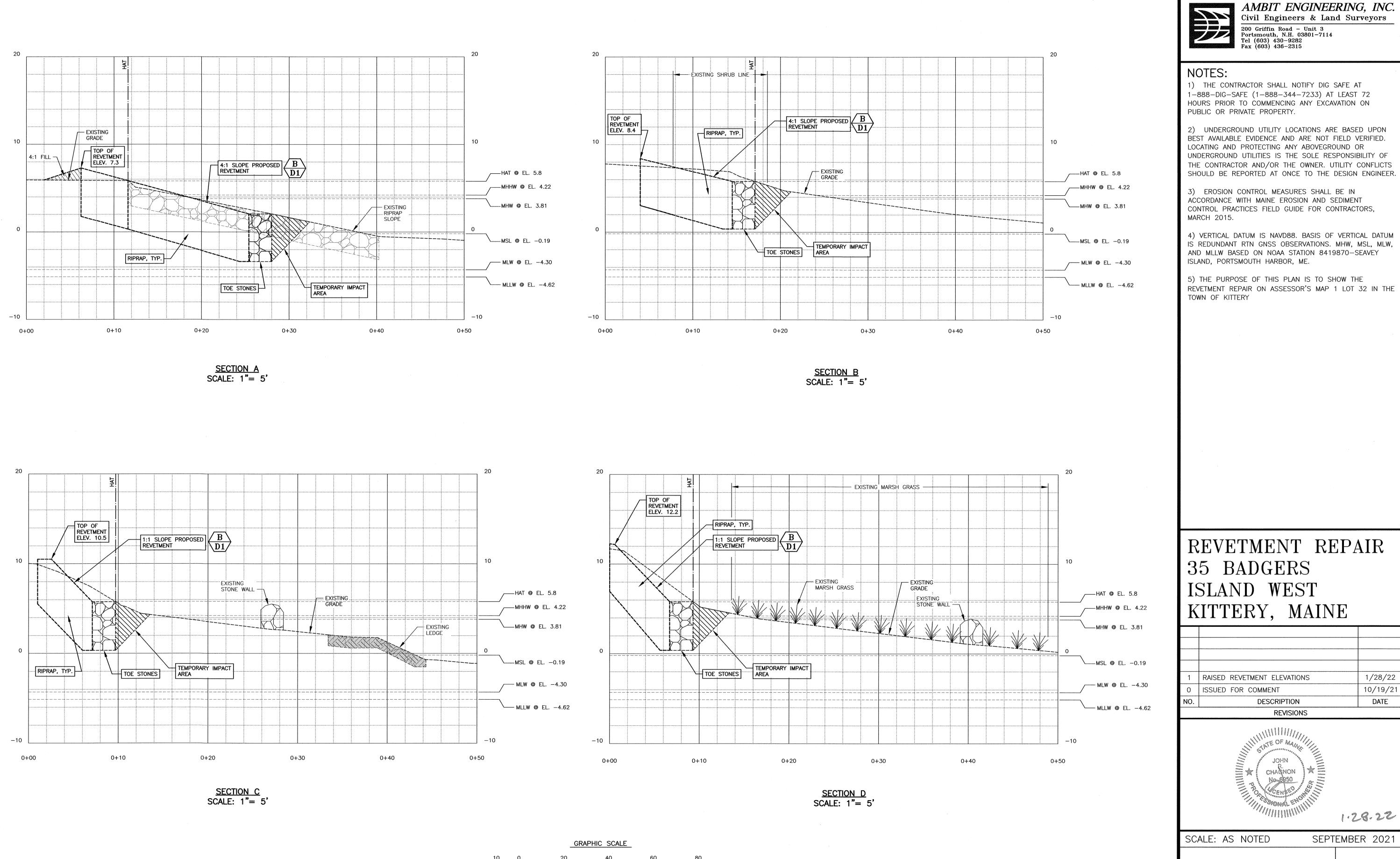
DIRECTION FROM MHW ESTABLISHED FROM BOUNDARY LINE AGREEMENT SEE Y.C.R.D. 4676/184 -

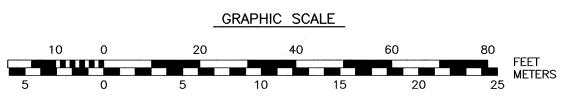


DEVEGET		<b>/ERAGE</b> hat line)	CALCULATION
STRUCTURE	PRE-CONS (S.F		POST-CONSTRUCTION (S.F.)
MAIN STRUCTURE		5,922	5,922
PAVEMENT	-	12,295	12,295
GRAVEL AREAS		2,277	2,277
RETAINING WALLS		48	48
CONCRETE PADS/STEPS		942	942
REVETMENT		3,695	5,111
TOTAL		25,179	26,595
LOT SIZE		54,883	54883
% LOT COVERAGE		45.9%	48.5%

CONSTRUCTION IMPACT AREAS (TO HAT LINE)					
ITEM	COLOR KEY	AREA			
TEMPORARY IMPACT AREA		10,072 S.F.			
PERMANENT IMPACT AREA		7,978 S.F.			







FB 423 PG 1

SLOPE REPAIR

SECTIONS

3050.72

C3

# SEQUENCE OF CONSTRUCTION

- 1) MOBILIZATION OF A, PUSH BOAT, WORK SKIFF AND MATERIALS TO THE SITE VIA THE PISCATAQUA RIVER. 2) MOBILZATION OF EQUIPMENT TRUCKS TO THE SITE.
- 3) THE BARGE WILL BE POSITIONED ALONGSIDE THE PROPOSED LOCATION OF THE RIPRAP AND WATERWARD OF ANY EMERGENT VEGETATION TO MINIMIZE IMPACTS
- 4) INSTALLATION OF THE RIPRAP WILL BE PERFORMED FROM A CRANE BARGE OR SKIFF TO REDUCE THE AMOUNT OF FOOT TRAFFIC IN THE INTERTIDAL AREA.
- 5) ALL WORK WILL BE PERFORMED AT LOW TIDE TO MINIMIZE SEDIMENTATION.

# HEAVY EQUIPMENT IN WETLANDS OR MUDFLATS

OPERATING HEAVY EQUIPMENT OTHER THAN FIXED EQUIPMENT (DRILL RIGS, FIXED CRANES, FTC.) WITHIN WETLANDS SHALL BE MINIMIZED, AND SUCH FQUIPMENT SHALL NOT BE STORED, MAINTAINED OR REPAIRED IN WETLANDS, TO THE MAXIMUM EXTENT PRACTICABLE. WHERE CONSTRUCTION REQUIRES HEAVY EQUIPMENT OPERATION IN WETLANDS, THE EQUIPMENT SHALL EITHER HAVE LOW GROUND PRESSURE (TYPICALLY <3 PSI), OR IT SHALL BE PLACED ON SWAMP/CONSTRUCTION/TIMBER MATS (HEREIN REFERRED TO AS "CONSTRUCTION MATS" AND DEFINED AT APPENDIX A, ENDNOTE 4) THAT ARE ADEQUATE TO SUPPORT THE EQUIPMENT IN SUCH A WAY AS TO MINIMIZE DISTURBANCE OF WETLAND SOIL AND VEGETATION. CONSTRUCTION MATS ARE TO BE PLACED IN THE WETLAND FROM THE UPLAND OR FROM EQUIPMENT POSITIONED ON SWAMP MATS IF WORKING WITHIN A WETLAND. IF THE USE OF CONSTRUCTION MATS IN WETLANDS IS REQUIRED FOR CONSTRUCTION, PLACEMENT OF CONSTRUCTION MATS WITHIN SALTMARSH AREAS IS PROHIBITED. DRAGGING CONSTRUCTION MATS INTO POSITION IS PROHIBITED. OTHER SUPPORT STRUCTURES THAT ARE CAPABLE OF SAFELY SUPPORTING EQUIPMENT MAY BE USED WITH WRITTEN CORPS AUTHORIZATION (CATEGORY 2 AUTHORIZATION OR INDIVIDUAL PERMIT). SIMILARLY, THE PERMITTEE MAY REQUEST WRITTEN AUTHORIZATION FROM THE CORPS TO WAIVE USE OF MATS DURING FROZEN, DRY OR OTHER CONDITIONS. AN ADEQUATE SUPPLY OF SPILL CONTAINMENT EQUIPMENT SHALL BE MAINTAINED ON SITE. CONSTRUCTION MATS SHOULD BE MANAGED IN ACCORDANCE WITH THE CONSTRUCTION MAT BMPS AT WWW.NAE.USACE.ARMY.MIL/MISSIONS/REGULATORY

## SOIL EROSION, SEDIMENT AND TURBIDITY CONTROLS

- ADEQUATE SEDIMENTATION AND EROSION CONTROL MANAGEMENT MEASURES. PRACTICES AND DEVICES, SUCH AS PHASED CONSTRUCTION, INSTALLATION OF SEDIMENT CONTROL BARRIERS (I.E. SILT FENCE, VEGETATED FILTER STRIPS, GEOTEXTILE SILT FENCES, EROSION CONTROL MIXES, HAY BALES OR OTHER DEVICES) DOWNHILL OF ALL EXPOSED AREAS, RETENTION OF EXISTING VEGETATED BUFFERS, APPLICATION OF TEMPORARY MULCHING DURING CONSTRUCTION, AND PERMANENT SEEDING AND STABILIZATION 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.
- TEMPORARY SEDIMENT CONTROL BARRIERS SHALL BE REMOVED UPON COMPLETION OF WORK, BUT NOT UNTIL ALL DISTURBED AREAS ARE PERMANENTLY STABILIZED. THE SEDIMENT COLLECTED BY THESE SEDIMENT BARRIERS SHALL BE REMOVED AND PLACED AT AN UPLAND LOCATION AND STABILIZED TO PREVENT ITS LATER EROSION INTO A WATERWAY OR WETLAND. ALL EXPOSED SOIL AND OTHER FILLS SHALL BE PERMANENTLY STABILIZED AT С
- THE EARLIEST PRACTICABLE DATE.

## TIME OF YEAR WORK WINDOWS/RESTRICTIONS

FOR ACTIVITIES WHERE WORK IS AUTHORIZED IN STREAMS AND TIDAL WATERS THAT CAUSES TURBIDITY OR SEDIMENT RE-SUSPENSION OR OTHER CONSTRUCTION RELATED DISTURBANCES, WORK MUST BE CONDUCTED DURING THE FOLLOWING T.O.Y. WORK WINDOWS (NOT DURING THE T.O.Y. RESTRICTIONS) UNLESS OTHERWISE AUTHORIZED BY THE CORPS UNDER CATEGORY 2 REVIEW:

	T.O.Y. RESTRICTION	T.O.Y. WORK WINDOW
	(NO WORK)	(WORK ALLOWED)
NON-TIDAL WATERS	OCT. 01 THROUGH JUL. 14	JUL. 15 THROUGH SEP. 30
TIDAL WATERS	APR. 10 THROUGH NOV. 07	NOV. 08 THROUGH APR. 09

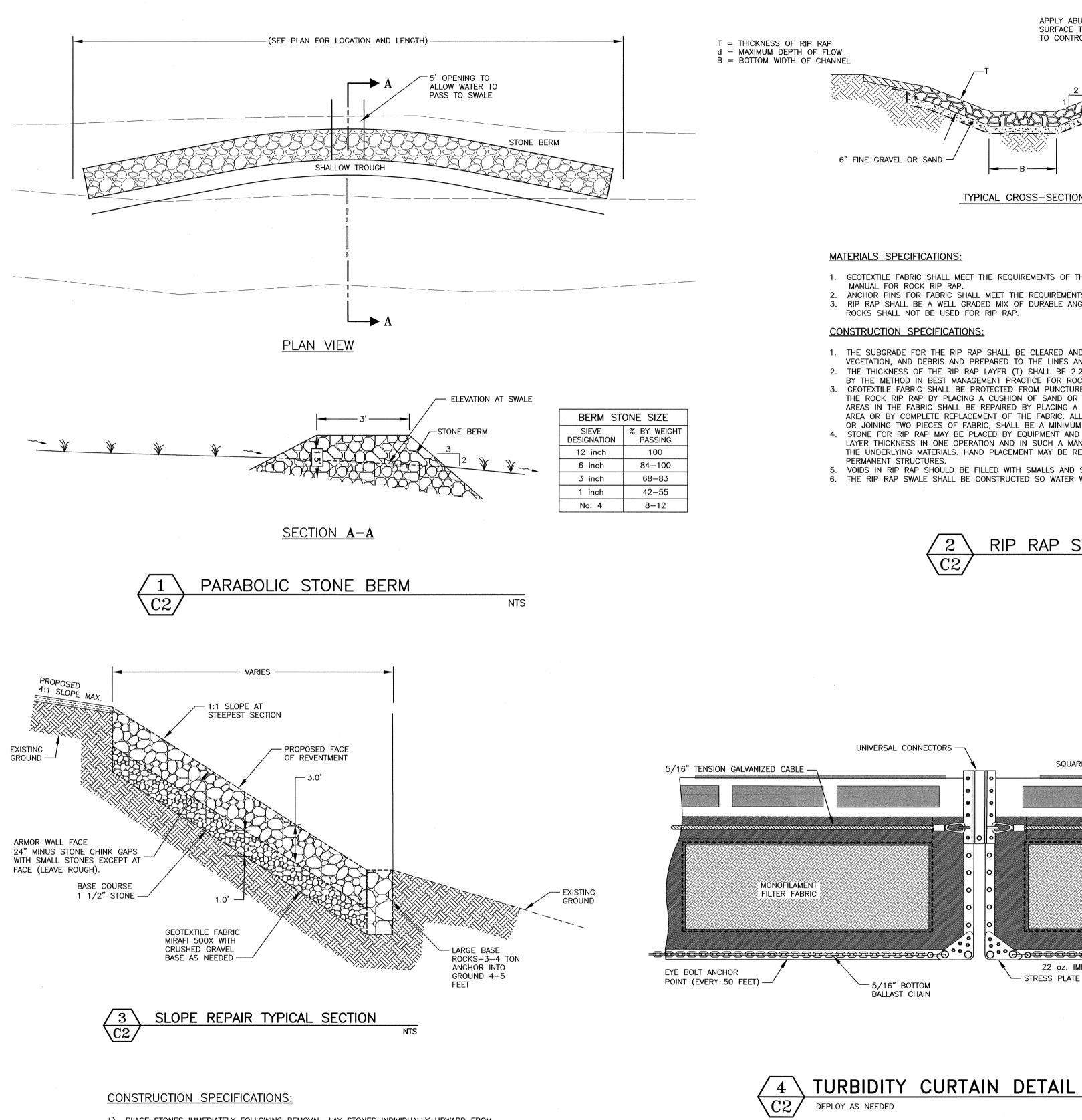
ALTERNATE WINDOWS AUTHORIZED UNDER CATEGORY 2 MAY INCLUDE SPECIES SPECIFIC WINDOWS RECOMMENDED BY THE MAINE DEPT. OF MARINE RESOURCES AND/OR MAINE DEPT. OF INLAND FISHERIES & WILDLIFE.

## FLOODPLAINS AND FLOODWAYS

- A. APPROPRIATE MEASURES MUST BE TAKEN TO MINIMIZE FLOODING TO THE MAXIMUM EXTENT PRACTICABLE.
- ACTIVITIES WITHIN 100-YEAR FLOODPLAINS MUST COMPLY WITH APPLICABLE R FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)-APPROVED STATE AND/OR LOCAL FLOODPLAIN MANAGEMENT PERMITTING REQUIREMENTS. PROPONENTS MAY NEED TO COORDINATE WITH FEMA AND APPLY FOR A FORMAL CHANGE TO THE FLOOD INSURANCE STUDY PRODUCTS OR FORWARD A SET OF PROJECT PLANS AND RELEVANT TECHNICAL DOCUMENTATION IN A DIGITAL FORMAT TO THE RISK ANALYSIS BRANCH CHIEF, MITIGATION DIVISION, FEMA, REGION 1, 99 HIGH STREET, BOSTON, MASSACHUSETTS 02110. APPLICANTS SHOULD PROVIDE A COPY OF ANY DOCUMENTATION TO THE CORPS ALONG WITH THE PCN.
- PROPONENTS MAY HAVE TO OBTAIN A FLOOD HAZARD DEVELOPMENT PERMIT C. ISSUED BY THE TOWN. INQUIRIES MAY BE DIRECTED TO THE MUNICIPALITY OR TO THE MAINE FLOODPLAIN MANAGEMENT COORDINATOR AT (207) 287-8063. SEE HTTP://WWW.MAINE.GOV/DACF/FLOOD/

# SPAWNING, BREEDING, AND MIGRATORY AREAS.

- A. JURISDICTIONAL ACTIVITIES AND IMPACTS SUCH AS EXCAVATIONS, DISCHARGES OF DREDGED OR FILL MATERIAL, AND/OR SUSPENDED SEDIMENT PRODUCING ACTIVITIES IN JURISDICTIONAL WATERS THAT PROVIDE VALUE AS FISH MIGRATORY AREAS, FISH AND SHELLFISH SPAWNING OR NURSERY AREAS, OR AMPHIBIAN AND MIGRATORY BIRD BREEDING AREAS, DURING SPAWNING OR BREEDING SEASONS SHALL BE AVOIDED AND MINIMIZED TO THE MAXIMUM EXTENT PRACTICABLE
- JURISDICTIONAL ACTIVITIES IN WATERS OF THE UNITED STATES THAT PROVIDE В. VALUE AS BREEDING AREAS FOR MIGRATORY BIRDS MUST BE AVOIDED TO THE MAXIMUM EXTENT PRACTICABLE. THE PERMITTEE IS RESPONSIBLE FOR OBTAINING ANY "TAKE" PERMITS REQUIRED UNDER THE USFWS'S REGULATIONS GOVERNING COMPLIANCE WITH THE MIGRATORY BIRD TREATY ACT OR THE BALD AND GOLDEN EAGLE PROTECTION ACT. THE PERMITTEE SHOULD CONTACT THE APPROPRIATE LOCAL OFFICE OF THE USFWS TO DETERMINE IF SUCH "TAKE" PERMITS ARE REQUIRED FOR A PARTICULAR ACTIVITY.



1) PLACE STONES IMMEDIATELY FOLLOWING REMOVAL. LAY STONES INDIVIDUALLY UPWARD FROM THE TOE WITH LARGER STONES AT THE TOE. FILL VOIDS WITH SPALLS. FINISHED SURFACE TO BE REASONABLY UNIFORM IN APPEARANCE, AND APPROXIMATELY PARALLEL TO AND WITHIN 6" OF THE LINES AND GRADES SHOWN OR ORDERED.

STONE SHALL BE PLACED TO PREVENT DISPLACEMENT OF THE UNDERLYING MATERIALS. HAND PLACEMENT MAY BE REQUIRED TO PREVENT DAMAGE TO ANY ADJACENT AREAS. STONES SHALL BE ANGULAR OR SUBANGULAR. THE STONES SHOULD BE SHAPED SO THAT THE LEAST DIMENSION OF THE STONE FRAGMENT IS NOT LESS THAN ONE THIRD OF THE GREATEST DIMENSION OF THE FRAGMENT. FLAT ROCKS SHALL NOT BE USED. VOIDS IN THE REVETMENT SHOULD BE FILLED WITH SPALLS AND SMALLER ROCKS, EXCEPT AT THE FACE OF WALL.

	FB 423 PG 1			
	SCALE: NTS OCT	TOBER 2021		
NTS	JOHN JOHN CHASNON No 6550			
ECCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC	1     ADD     DETAILS       0     ISSUED FOR COMMENT       NO.     DESCRIPTION       REVISIONS	1/28/22 10/19/21 DATE		
ARE CLOSED CELL FOAM FLOTATION	REVETMENT RE 35 BADGERS ISLAND WEST KITTERY, MAINI			
SWALE NTS				
REQUIRED TO PREVENT DAMAGE TO ANY SMALLER ROCKS. WILL FLOW ON TO THE REVETMENT.	AND MLLW BASED ON NOAA STATION 84198 ISLAND, PORTSMOUTH HARBOR, ME.	370—SEAVEY		
ND GRUBBED TO REMOVE ALL ROOTS, AND GRADES SHOWN ON THE PLANS. 2.25 TIMES THE ROCK d50 AS DETERMINED DCK RIP RAP. RES OR TEARING DURING PLACEMENT OF R FINE GRAVEL OVER THE FABRIC. DAMAGED A PIECE OF FABRIC OVER THE DAMAGED LL OVERLAPS REQUIRED FOR REPAIRS IM OF 12 INCHES. D SHALL BE CONSTRUCTED TO THE FULL ANNER AS TO PREVENT DISPLACEMENT OF	<ul> <li>3) EROSION CONTROL MEASURES SHALL BE IN ACCORDANCE WITH MAINE EROSION AND SEDIMENT CONTROL PRACTICES FIELD GUIDE FOR CONTRACTORS, MARCH 2015.</li> <li>4) VERTICAL DATUM IS NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS. MHW, MSL, MLW,</li> </ul>			
THE MAINE STORMWATER MANAGEMENT BMP NTS OF THE MANUFACTURER OF THE FABRIC. NGULAR OR SUBANGULAR STONES. FLAT	2) UNDERGROUND UTILITY LOCATIONS ARE BEST AVAILABLE EVIDENCE AND ARE NOT FI LOCATING AND PROTECTING ANY ABOVEGROU UNDERGROUND UTILITIES IS THE SOLE RESP THE CONTRACTOR AND/OR THE OWNER. UT SHOULD BE REPORTED AT ONCE TO THE D	ELD VERIFIED. JND OR PONSIBILITY OF ILITY CONFLICTS		
<u>DN</u>	NOTES: 1) THE CONTRACTOR SHALL NOTIFY DIG S 1–888–DIG–SAFE (1–888–344–7233) AT HOURS PRIOR TO COMMENCING ANY EXCAVA PUBLIC OR PRIVATE PROPERTY.	LEAST 72		
SEE MATERIALS SPECIFICATIONS NOTE 2 BELOW GEOTEXTILE FABRIC	RIVERSIDE PICKI MARINE CONTRACT			
BUTTING TREATMENTS ROL EROSION	AMBIT ENGINEER Civil Engineers & Land 200 Griffin Road – Unit 3 Portsmouth, N.H. 03801–7114 Tel (603) 430–9282 Fax (603) 436–2315			