



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

REPLY TO  
ATTENTION OF

**MAINE GENERAL PERMIT (GP)  
 AUTHORIZATION LETTER AND SCREENING SUMMARY**

**Matt Gorman**  
 New Brunswick Power Corporation  
 515 King Street  
 Fredericton, NB E3B 3T3  
 CANADA

CORPS PERMIT # NAE-2019-2782  
 CORPS GPs #7 & #21  
 STATE ID# # L-29184-3D-A-N

**DESCRIPTION OF WORK:**

Place temporary and permanent fill below the ordinary highwater line of the Saint Croix River in conjunction the full decommissioning and removal of the Milltown Power Station and to restore the river to a near natural state and provide fish passage for native sea run fish species. The project will result in approximately 17,525SF (0.4 acres) of temporary and 37,782SF (0.867 acres) of waterway fill/impact. Th work is shown on the enclosed plans titled "Decommissioning of the Milltown Generating Station", on twenty-nine (29) sheets, and dated "May 19, 2021". GENERAL & SPECIAL CONDITIONS: See attached sheet.

**LAT/LONG COORDINATES:** 45.175827° N -67.292911° W USGS QUAD: CALAIS

**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: <https://www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/Maine-General-Permit/>** 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 Additional Conditions and any conditions placed on the State 401 Water Quality Certification including any required mitigation]. Please review the enclosed 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: PENDING [ X ], ISSUED [ ], DENIED [ ] DATE 04/15/2021**

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

**III. FEDERAL ACTIONS:**

JOINT PROCESSING MEETING: 02/11/2022 LEVEL OF REVIEW: SVN:      PCN: X

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 NO, USF&WS NO, NMFS NO**

If you have any questions on this matter, please contact my staff at 207-623-8367 at our Manchester, Maine Project Office. In order for us to better serve you, we would appreciate your completing our Customer Service Survey located at <https://regulatory.ops.usace.army.mil/customer-service-survey/>

**SHAWN B. MAHANEY**  
 Digitally signed by SHAWN B. MAHANEY  
 Date: 2022.05.12 10:02:12 -04'00'

**Frank J Del Giudice**  
 Digitally signed by Frank J Del Giudice  
 Date: 2022.05.12 11:59:58 -04'00'

**SHAWN B. MAHANEY**  
 SENIOR PROJECT MANAGER  
 MAINE PROJECT OFFICE

**FRANK J. DELGIUDICE**  
 CHIEF, PERMITS & ENFORCEMENT BRANCH  
 REGULATORY DIVISION

**12 May 2022**  
**DATE**



**US Army Corps  
of Engineers**<sup>®</sup>  
New England District

**PLEASE NOTE THE FOLLOWING GENERAL AND SPECIAL CONDITIONS FOR  
DEPARTMENT OF THE ARMY  
MAINE GENERAL PERMIT #7 & #21  
PERMIT NO. NAE-2019-2782**

**GENERAL CONDITIONS**

**3. Other Permits.** Permittees shall obtain other Federal, State, or local authorizations as required by law. Permittees are responsible for applying for and obtaining all required State of Maine or local approvals including a Flood Hazard Development Permit issued by the town/city. Work that is not regulated by the State of Maine, but is subject to Corps jurisdiction, may still be eligible for authorization under these GPs.

**21. Restoration of Special Aquatic Sites (Including Wetland Areas).**

- a. In areas of authorized temporary disturbance, if trees are cut, they shall be cut at or above ground level and not uprooted in order to prevent disruption to the wetland soil structure and to allow stump sprouts to revegetate the work area, unless otherwise authorized.
- b. The introduction or spread of invasive plant species in disturbed areas shall be controlled. If construction mats are to be used in areas of invasive plant species, they shall be thoroughly cleaned before re-use.
- c. Wetland areas where permanent disturbance is not authorized shall be restored to their original condition and elevation. Original condition means protection and/or removal of existing soil and vegetation, and replacement back to the original location such that the original soil layering and vegetation schemes are approximately the same, unless otherwise authorized. Restoration shall typically commence no later than the completion of construction.
- d. Upon completion of construction, all areas of authorized disturbed wetland area shall be stabilized with a wetland seed mix containing only plant species native to New England and shall not contain any species listed in the "Invasive and Other Unacceptable Plant Species" Appendix K in the "New England District Compensatory Mitigation Guidance" found at: [www.nae.usace.army.mil/Missions/Regulatory/Mitigation](http://www.nae.usace.army.mil/Missions/Regulatory/Mitigation)

**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.

**26. Temporary Fill.**

- a. Temporary fills, including but not limited to construction mats and corduroy roads shall be entirely removed as soon as they are no longer needed to construct the authorized work. Temporary fill shall be placed in its original location or disposed of at an upland site and suitably contained to prevent its subsequent erosion into waters of the U.S.
- b. All temporary fill and disturbed soils shall be stabilized to prevent its eroding into waters of the U.S. where it is not authorized. Work shall include phased or staged development to ensure only areas under active development are exposed and to allow for stabilization practices as soon as practicable. Temporary fill shall be placed in a manner that will prevent it from being eroded by expected high flows.
- c. Unconfined temporary fill authorized for discharge into waters of the U.S. shall consist of material that minimizes impacts to water quality (e.g. washed stone, stone, etc.).
- d. Appropriate measures shall be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable when temporary structures, work, and discharges of dredged or fill material, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Materials shall be placed in a location and manner that does not adversely impact surface or subsurface water flow into or out of the wetland. Temporary fill authorized for discharge into wetlands shall be placed on geotextile fabric or other appropriate material laid on the pre-construction wetland grade where practicable to minimize impacts and to facilitate restoration to the original grade. Construction mats are excluded from this requirement.
- e. Construction debris and/or deteriorated materials shall not be placed or otherwise located in waters of the U.S.

**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. To facilitate these inspections, the permittee shall complete and return to the Corps the Work-Start Notification Form and the Compliance Certification Form when either is provided with an authorization letter. **These forms are attached after the plans.**

**SPECIAL CONDITIONS**

1. This permit authorizes impacts to only those areas of wetlands/waterway shown on the attached plans. No other filling, clearing or other disturbance in waters of the United States shall occur without the necessary authorization from the Corps.



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

**SPECIAL CONDITIONS CONTINUED  
DEPARTMENT OF THE ARMY  
MAINE GENERAL PERMIT #13 & #21  
PERMIT NO. NAE-2020-3173**

**Permit Special Conditions Resulting From the Endangered Species Act Section 7 consultation with NOAA-National Marine Fisheries Service (NMFS) dated “10/13/2021”.**

2. The permittee shall contact the Corps and the NMFS within 72-hours of fill placement. The Service's points of contact are Dan Tierney (dan.tierney@noaa.gov) or Rory Saunders (rory.saunders@noaa.gov). The Corps point of contact is Shawn Mahaney (shawn.b.mahaney@usace.army.mil) at 978-318-8492.
3. Within 30 days of all permit issuances on the US side, the permittee shall provide the Corps with a proposed work schedule and provide quarterly updates until the project is complete.
4. The permittee or their contractors shall minimize vegetation clearing adjacent to the stream to the maximum extent practicable. Cutting of trees and shrubs, where necessary, shall occur at ground level, leaving the root stock in place, to facilitate soil stabilization, reduce post construction erosion, and promote regrowth. Areas of disturbed soil adjacent to the waterways will be stabilized and re-vegetated with a native conservation seed mix appropriate for riparian areas in Maine. If, due to the lateness of the season such seed mix is not likely to take root sufficiently well enough to stabilize the banks, protection against erosion will be provided by geotextile in combination with staked hay bales and additional rip-rap as needed. Geotextile, hay bales, and excessive riprap are to be removed once vegetation can be established in the following growing season.
5. Adequate sedimentation and erosion control devices, such as turbidity curtains, geo-textile silt fences or other devices capable of filtering the fines involved, shall be installed and properly maintained to minimize impacts during construction. These devices must be removed upon completion of work and stabilization of disturbed areas. The sediment collected by these devices must also be removed and placed upland, in a manner that will prevent its later erosion and transport to a waterway or wetland.
6. Cofferdams shall be used during construction to isolate the construction area, to allow equipment to work in dry conditions, and to prevent turbidity from reaching the stream channel outside the enclosed construction area.
7. All new instream features such as boulders and rock fill shall be washed of fines prior to instream placement.
8. The permittee shall maintain continued downstream flow during the project.
9. The permittee or their contractors shall follow measures designed to avoid effects to rivers and streams from hazardous materials associated with construction activities, including:
  - a. All vehicles refueling shall occur more than 150 feet from any water course.
  - b. All vehicles carrying fuel shall have specific equipment and materials needed to contain or clean up any incidental spills at the project site. Equipment and materials would include spill kits appropriately sized for specific quantities of fuel, shovels, absorbent pads, straw bales, containment structures and liners, and/or booms.
  - c. During use, all pumps and generators shall have appropriate spill containment structures and/or absorbent pads in place.
10. The permittee shall ensure that demolition material does not fall into the river itself. Materials that fall into the river shall be immediately removed as feasible.
11. The attached Sturgeon Handling Plan shall be implemented if the permittee or its contractors encounter an Atlantic sturgeon or shortnose sturgeon during project work. The permittee shall notify NMFS for approval prior to implementing the Sturgeon Handling Plan.

**Permit Special Conditions Resulting From Section 106 of the Historic Preservation Act consultation with the Tribal Historic Preservation Officer dated “12/29/2021”.**

12. The permittee shall have an on-site archeologist present during construction activities to monitor the project. If any material of possible cultural or historic nature is unearthed, the project shall stop and the Tribal Historic Preservation Officer (THPO) of the Passamaquoddy Tribe shall be notified.
13. The Tribal Historic Preservation Officer (THPO) of Passamaquoddy Tribe, (Donald Soctomah, [Soctomah@gmail.com](mailto:Soctomah@gmail.com) and 207-214-4051), must be notified at least 7 business days prior to the start of construction at the permit area. The THPO and/or a tribal representative(s) must be allowed to be present during any ground disturbance or excavation activities to identify any possible cultural or historic items found on site during these construction activities. The representatives will need to comply with construction site safety requirements. Refer to General Condition#15 of the enclosed Maine General Permits, which addresses encounters with previously unidentified archaeological or other cultural resources.