

TO: **Dan Courtemanch**, Project Manager
Dept. of Environmental Protection (DEP),
Bureau of Land and Water Quality Control

FROM: Department of Marine Resources (DMR)

SUBJECT: REQUEST FOR PROJECT REVIEW

PROJECT: DEP Application #: L-22379-4P-C-N
Applicant: DUBBA, LLC (dba Front Street Shipyard)
Location: Belfast (Passagassawaukeag River)
Type of Project: Travel Lift, Floats & Pilings

The above proposed project has been carefully reviewed and considered by DMR personnel. The following are DMR's Comments:

Project and Resource Description

DMR understands that the applicant is proposing to install a travel lift capable of handling boats up to 120 ft. in length. This would consist of two 12 ft. x 160 ft. piers separated by 31 ft. These would extend 148 ft. beyond the Highest Annual Tide (HAT). Approximately 80 existing fiberglass and concrete filled fiberglass piles installed in 2005 or thereabouts would be removed and approximately 120, 10 to 12 inch diameter pressure-treated wood piles driven (~ 100 for the travel lift and ~ 20 for securing floats adjacent and seaward of the travel lift). The surface area of the travel lift and floats would be ~ 9,920 sq. ft.

DMR described the general area of the project and resources of concern in July 21, 2005 comments to the DEP on a previous permit application to redevelop the former Stinson Canning Company sardine canning plant which included the proposal to construct a somewhat smaller travel lift at the same location as is currently being proposed. DMR recommended at that time that pile removal and driving be done during the period between October 15 to March 15 in order to minimize potential adverse impacts to diadromous fish. DMR understands that the current applicant wishes to construct the travel lift this winter/spring and requests that pile removal be allowed this winter and pile driving be allowed up until May 15th of this year.

Concerns

Most of Maine's diadromous fish species utilize the Passagassawaukeag as a migratory pathway, nursery, and foraging area, including the federally listed endangered Atlantic salmon. While the effects of loud underwater noise on fish anatomy/physiology and behavior is not fully understood there is evidence that loud noise can cause injury, changes to fish behavior, and mortality.¹ These effects can include change in hearing capability or actual damage to the inner ear, damage or destruction of the swim bladder, other cellular and molecular effects, and possible adverse effects on eggs and larvae. Behavioral effects such as fish leaving or avoiding an area have been observed. Cumulative stress induced impacts related to sound level and duration causing fish to be more susceptible to things like infection, predation, and slower growth can also result.

Mitigation Measures & Recommendations

To mitigate these potential adverse impacts and potentially obviate the need for a time of year restriction the U.S. Army Corps of Engineers has set forth certain conditional criteria.²

As an additional protective measure DMR also recommends that pile driving be completed by May 1
Page 2,
DMR comments on proposed DUBBA, LLC (dba Front Street Shipyard) project.

prior to when the majority of river herring and other diadromous fish can be expected to be migrating through the proposed project area. It appears that this would meet the project needs³ and is a considerable relaxation of DMR's previous recommendation for a March 15th end date for pile removal and driving.

Brian M. Swan
DMR Environmental Coordinator
Date: February 3, 2011

¹ Hastings, Mardi C. and Arthur N. Popper. 2005. Effects of Sound on Fish. White Paper for the California Dept. of Transportation. 82pp.

² Personal communication from Shawn Mahaney, U.S. Army Corps of Engineers, Maine Project Office, to William Gartley, Gartley & Dorsky Engineers, Jan. 24, 2011.

³ Personal communication with William Gartley, Gartley & Dorsky Engineers, Jan 31, 2011