



US Army Corps  
of Engineers®  
New England District

696 Virginia Road  
Concord, MA 01742-2751

# Public Notice

In Reply Refer to: Dubán Montoya

[nae-pn-nav@nae02.usace.army.mil](mailto:nae-pn-nav@nae02.usace.army.mil)

Programs/Project  
Management Division

Date: Aug 14, 2009

Comment Period Closes: Sep 14, 2009

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## 30 DAY PUBLIC NOTICE

### MAINTENANCE DREDGING OF THE FEDERAL CHANNEL AND ANCHORAGE AREAS IN BEALS HARBOR AND PIG ISLAND GUT BEALS, MAINE

Interested parties are hereby notified that the U.S. Army Corps of Engineers, New England District, plans to perform maintenance dredging of the Federal navigation project, involving work in the navigable waters of this District, under the provisions of Section 404 of the Clean Water Act of 1977 (P.L. 95-217) and to authorize such work in accordance with Title 33, Parts 335-338 of the Code of Federal Regulations. Attachment No. 1 lists pertinent laws, regulations, and directives.

**Project Description:** The proposed work involves maintenance dredging of the Federal Navigation Projects (FNP) at Beals Harbor and Pig Island Gut, Beals, Maine (Attachment 2). Beals Harbor is located at the southwestern end of Moosabec Reach about 30 miles northeast of Bar Harbor. Beals Harbor is used almost exclusively by about 115 commercial lobster boats. The project provides a 10-foot deep anchorage over an area of about 900 feet in width and varying in length from 700 feet to 1,100 feet. Beals Harbor was built in 1957 and has never been maintained. Pig Island Gut is a narrow east-west passage between Pig and Great Wass Islands in the Town of Beals. Pig Island Gut serves about 100 commercial lobster boats. The project provides an 80-foot wide channel, 6 feet deep from Eastern Bay to Alley Bay through Pig Island Gut and a 5.5-acre anchorage area near the eastern end of the gut. Pig Island Gut was constructed in 1965 and has never been maintained. The current proposal is to dredge these two harbors under one contract since they are within two miles of each other, however funding constraints will dictate if they can be constructed under a single contract. About 100,000 cubic yards would be dredged from Beals Harbor and 25,000 from Pig Island Gut. The material would be transported about 5 miles to a previously used deep-water ocean disposal site east of Mark's Island, Maine (Attachment 3).

**Character and Purpose of Work:** Navigation within Beals Harbor has become increasingly difficult and dangerous for the commercial and recreational boat traffic in the area. Safe navigation in the FNP is extremely important to the Beals Island commercial fishing fleet as commercial fishing is the major source of employment for the island residents. Dredging the

anchorage to -10 feet MLW will restore the anchorage to the authorized depths and provide safety and maintain continued livelihood to the fishermen.

The Pig Island Gut channel and anchorage was last dredged in 1965. Since then, shoal areas have formed within the channel and anchorage area. Pig Island Gut is an important waterway as the anchorage provides a mooring base for fishing vessels during the peak boating season when anchorage space in Beals Harbor is in demand. The Pig Island Gut channel is also the shortest, least exposed route to fishing waters to the southeast in Eastern Bay and beyond. The shoaling that currently exists causes difficulties in navigation for fishing boats, particularly the larger vessels of the fleet. Dredging the channel and anchorage to the authorized depth of - 6 feet MLW will allow for safe passage of the vessels and safe mooring in the anchorage area.

Dredging will be performed by a mechanical dredge and the dredged material will be brought to the Mark Island Disposal Site (MIDS), about 5 miles east of the harbors. The dredged material has undergone physical and chemical analysis. It is our determination that the material is suitable for disposal at this disposal site.

The dredging and disposal areas are shown on Attachment 2. The work will take place over a 3 to 5 month period in the year(s) in which Federal funds become available.

**Disposal Site:** The Mark Island Disposal Site is located in Chandler Bay, approximately 5 miles east of the project areas. Dredge material from Pig Island Gut was disposed at the site in 1965 and, more recently, dredged material from Moosabec Reach in 2001. This disposal site was determined to be the most practical site for the open water disposal of material from Beals Harbor and Pig Island Gut in light of the environmental consequences and distance from the project areas.

**Transportation Route:** Prior to start of dredging work, the dredging contractor will be required to establish a transportation route to/from the disposal and dredging sites and to coordinate a Notice to Mariners with the United States Coast Guard (USCG) and the Beals Harbormaster.

**Additional Information:** Additional information may be obtained from Mr. Dubán Montoya, Programs/Project Management Division, at the return address shown, by email at [nae-pn-nav@nae02.usace.army.mil](mailto:nae-pn-nav@nae02.usace.army.mil) or by telephone at (978) 318-8086.

**Coordination:** The proposed work is being, or has been coordinated with the following Federal, State, and local agencies:

Federal:  
U.S. Environmental Protection Agency  
U.S. Fish and Wildlife Service  
National Marine Fisheries Service

Native American Tribes:  
Houlton Band of Maliseet Indians  
Penobscot Indian Nation  
Passamaquoddy Tribe of Indians

State of Maine:  
Maine Department of Environmental Protection  
Maine State Planning Office  
Maine Historical Commission

Local:  
Town of Beals (Harbormaster)  
Town of Beals Conservation Commission

**Environmental Impacts:** An Environmental Assessment for this work is being prepared and will be available for review upon request. I have made a preliminary determination that an Environmental Impact Statement for the proposed maintenance dredging is not required under the provisions of the National Environmental Policy Act of 1969. This determination will be reviewed in light of facts submitted in response to this notice.

Federal Consistency with the Maine Coastal Zone Management Program: I find that maintenance dredging of the authorized navigation project is consistent, to the maximum extent practicable, with the applicable management program established as a result of the Coastal Zone Management Act of 1972. The dredging and disposal operation will be conducted, to the maximum extent practicable, in a manner that is consistent with the approved management program.

**Other Information:**

- a. Local Sponsor: The Town of Beals is the local sponsor for the proposed work.
- b. Previous Dredging: Initial construction dredging of the Beals Harbor Federal navigation project was performed in 1957 and never maintained. Approximately 140,000 cubic yards (cy) of material were removed. Pig Island Gut was originally dredged in 1965. About 70,000 cubic yards of material were dredged and disposed at the Mark Island Disposal Site.
- c. Alternate Disposal Methods: Alternate disposal options that have been considered include nearshore disposal, open-ocean disposal, beach disposal, and upland disposal. Beals Island is a very small island, and no adequate upland disposal areas are available. Beach nourishment and near shore placement were dismissed as options due to the fine nature of the silt and clay materials expected to be dredged. The nearest, suitable in-water disposal site available is the Mark Island Disposal Site.
- d. Non-Federal Dredging: Currently no private dredging is being proposed in conjunction with this project. Facility owners within the harbor who may be interested in performing dredging concurrently with this project should be aware that work will require a permit from the Army Corps of Engineers under Section 10 of the Rivers and Harbors act and, may also require a Corps permit under Section 404 of the Clean Water Act. In order to be disposed of in open water, private dredged material must be determined to be suitable for such disposal.


- e. Endangered Species: Preliminary determinations indicate that the proposed activity will not affect endangered species or critical habitat designated as endangered or threatened pursuant to the Endangered Species Act of 1973 (87 Stat. 844).
- f. Floodplain Management: In accordance with Executive Order 11988, the Corps of Engineers has determined that the proposed work will not contribute to negative impacts or damages caused by floods.
- g. Cultural Resources: The proposed work consists only of maintenance, involving a previously dredged area and a previously used disposal site. The proposed project was approved by the Maine State Historical Preservation Officer on March 16, 2009 as not having any expected impacts on cultural or archaeological features or resources.
- h. Essential Fish Habitat Assessment: It has been determined that the proposed project may have a temporary adverse effect on Essential Fish Habitat (EFH). The project area is contained within areas designated EFH as defined by the Magnuson-Stevens Fishery Conservation and Management Act and amended by the Sustainable Fisheries Act of 1996 for federally managed fish species. The Army Corps of Engineers has assessed the effects dredging is likely to have on EFH and has determined that they will be short-term and localized and that there will be no significant impacts on the designated fisheries resources. The Corps will prepare an EFH Assessment to obtain EFH Conservation Recommendations from the National Marine Fisheries Service.

**Additional Requirements:** A request has been sent to the Maine State Planning Office for the State's concurrence with our determination of Federal consistency with the State's approved coastal zone management program. A request was also sent to the Maine Department of Environmental Protection for a Water Quality Certification in accordance with the Clean Water Act of 1977, which requires that the work comply, to the maximum extent practicable, with State or interstate requirements to control the discharge of dredged or fill material.

The decision whether to perform the work will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, will be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the proposal, will be considered; among these are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use classification, and the welfare of the people.

Any person who has an interest that may be affected by the dredging and disposal of this dredged material may request a public hearing. The request must be submitted in writing to me within 30 days of the date of this notice and must clearly set forth the interest that may be affected and the manner in which the interest may be affected by this activity.

Please bring this notice to the attention of anyone you know to be interested in this project. Comments are invited from all interested parties and should be directed to the U.S. Army Corps of Engineers, New England District, 696 Virginia Road, Concord, MA 01742-2751, ATTN: Mr. Dubán Montoya, within 30 days of this notice.

A handwritten signature in black ink, appearing to read "Philip T. Feir", written over a horizontal line.

Philip T. Feir  
Colonel, Corps of Engineers  
District Engineer

## Attachment 1

### PERTINENT LAWS, REGULATIONS, AND DIRECTIVES

Clean Air Act, as amended (42 U.S.C. 1221 et. seq.)

Clean Water Act, as amended (33 U.S.C. 1251 et. seq.)

Coastal Zone Management Act of 1972 [16 U.S.C. 1456(c)(1) and (2)], Sections 307(c)(1) and (2)

Code of Federal Regulation, Title 33, Parts 335 through 338

Endangered Species Act of 1973 as amended (16 U.S.C. 668aa-668cc)

Estuary Protection Act (16 U.S.C. 1221 et. seq.)

Executive Order 11988, Floodplain Management, 24 May 1977

Executive Order 11990, Protection of Wetlands, 24 May 1977

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations, 11 February 1994

Federal Water Project Recreation Act, as amended (16 U.S.C. 4601-12 et. seq.)

Fish and Wildlife Act of 1956 (16 U.S.C. 472a, et. seq.)

Fish and Wildlife Coordination Act (16 U.S.C. 661-666c)

Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4 et. seq.)

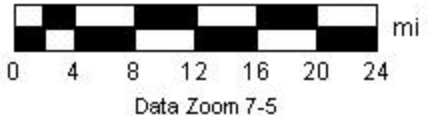
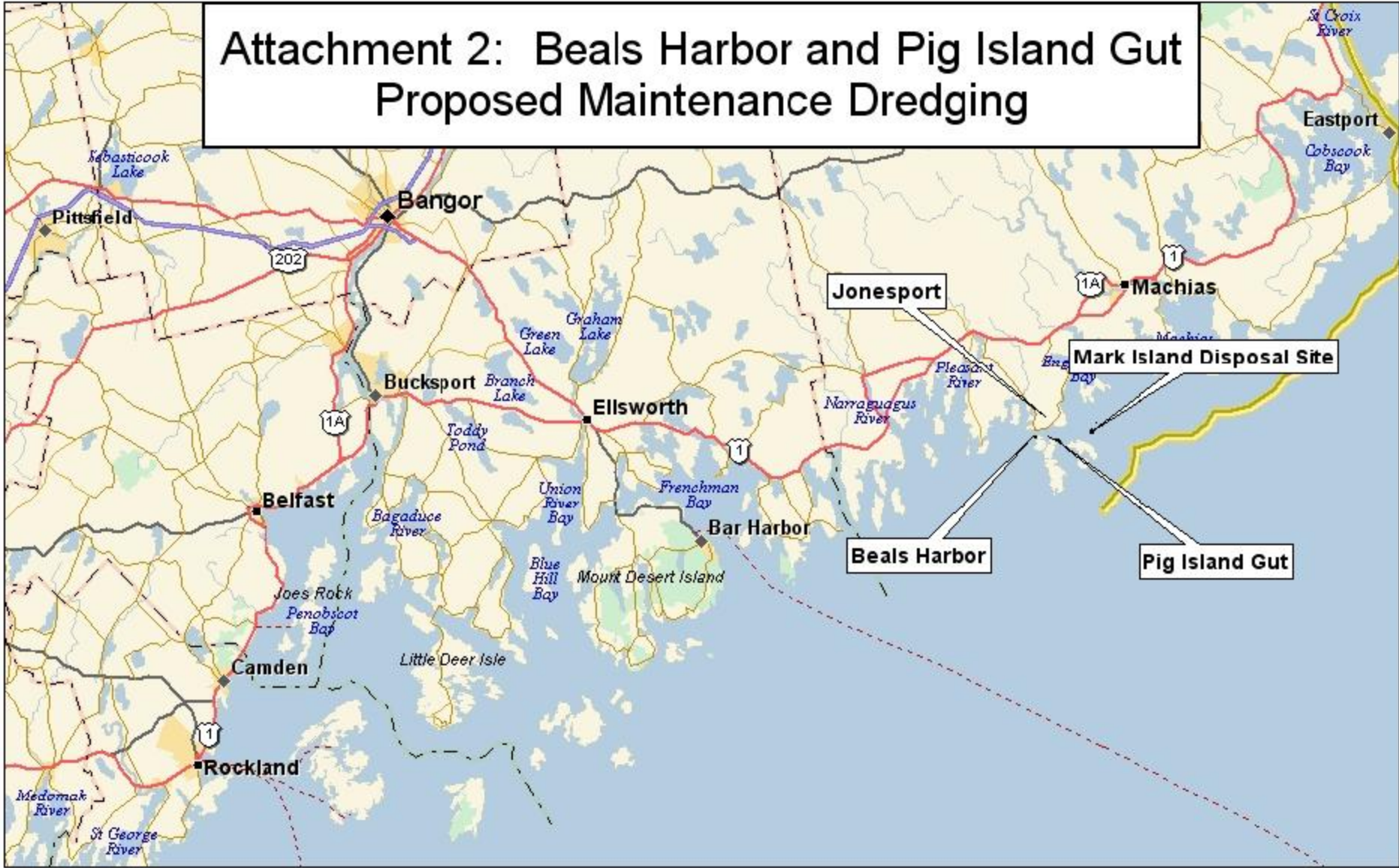
Magnuson-Stevens Fishery Conservation and Management Act and amended by the Sustainable Fisheries Act of 1996

Migratory Marine Game-Fish Act (16 U.S.C. 760c-760g)

National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347)

National Historic Preservation Act of 1966 (16 U.S.C. 470)

# Attachment 2: Beals Harbor and Pig Island Gut Proposed Maintenance Dredging



# Attachment 3: Beals Harbor and Pig Island Gut Proposed Maintenance Dredging

