



US Army Corps
of Engineers®
New England District

696 Virginia Road
Concord, MA 01742-2751

Public Notice

In Reply Refer to: Programs/Project
Management Division

Date: 23 February 2009

Comment Period Closes: 24 March 2009

30 DAY PUBLIC NOTICE

MAINTENANCE DREDGING OF THE GREEN HARBOR FEDERAL NAVIGATION PROJECT MARSHFIELD, MASSACHUSETTS

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 (FNP) in Green Harbor involving work in the navigable waters of this District, under the provisions of Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (P.L. 92-532) and 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 1 lists pertinent laws, regulations, and directives.

Project Description: Green Harbor is a regionally significant fishing port which is home to both commercial fishing vessels and recreational vessels. The authorized FNP provides for an 8-foot deep and 6-foot deep at Mean Lower Low Water (MLLW), 100-foot wide entrance channel extending from deep water to a point just above the “Narrows”. The inner harbor area consists of a 6-foot deep anchorage area.

Character and Purpose of Work: The proposed work involves maintenance dredging to remove approximately 50,000 – 60,000 cubic yards (cy) of primarily silt/clay material from the 6-foot deep anchorage area and may involve a minor amount of maintenance dredging to remove sand and gravel from the 8-foot deep and 6-foot deep, 100-foot wide entrance channel portion of the FNP (see Attachment 2). Maintenance dredging in the inner harbor anchorage area was last performed in 1983. Hydrographic surveys indicate that the controlling depth in the authorized 6-foot deep anchorage area has been reduced to less than two feet MLLW. Shoaling creates tidal-delays; it limits the available space to moor vessels and causes many vessels to be hard-ground at lower stages of the tide cycle. The entrance channel portion of the FNP was last maintained in 2007 and may require maintenance dredging to remove a minor amount of re-shoaling to restore authorized dimensions. The proposed work will be performed by a mechanical dredge and attendant scows. Contingent on the availability of the necessary approvals and funds, the work will be performed within a 4-5 month period during the late fall of 2009 to early winter 2010.

Disposal Areas: Dredged material from the inner harbor anchorage area has undergone physical and chemical analysis and is currently undergoing biological testing to determine its suitability for unconfined open water disposal at the Massachusetts Bay Disposal Site (MBDS) (see Attachment 3). Contingent upon the proposed dredged material being determined suitable for open water disposal, the dredged material from the anchorage area will be disposed of at MBDS. The MBDS is frequently used for disposal of bottom sediments from various harbors in the Boston area. Approximately 300,000 cubic yards of suitable sediments (suitability determined through case-by-case analyses) are deposited at this site annually. The site is monitored through the Corps Disposal Area Monitoring System (DAMOS) program. The DAMOS studies show that the site is a low energy environment such that sediments deposited at this location will remain within the site's boundaries. The DAMOS monitoring has also shown that a distinct dredged material mound has been formed at the site. Levels of metals and organics in the sediments within the disposal site are generally above background levels, indicative of the industrial nature of the areas dredged and disposed at this site. Sediment deposited at the disposal site has not been found to affect areas outside the disposal site. The U.S. Environmental Protection Agency (EPA) has designated the Massachusetts Bay Disposal Site usable for disposal of dredged sediments.

The proposed disposal of this dredged material in ocean waters is being evaluated to determine that the disposal will not unreasonably degrade or endanger human health, welfare, or amenities or the marine environment, ecological systems, or economic potentialities. In making this determination, the criteria established by the Administrator, EPA pursuant to section 102(a) of the Marine Protection, Research, and Sanctuaries Act (MPRSA), will be applied. In addition, based upon an evaluation of the potential effect which the failure to utilize this ocean disposal site will have on navigation, economic and industrial development, and foreign and domestic commerce of the United States, an independent determination will be made of the need to dispose of the dredged material in ocean waters, other possible methods of disposal, and other appropriate locations.

The dredged material from the entrance channel has undergone physical analysis in the past and has been deemed suitable for disposal at the previously used near-shore disposal area off of Green Harbor Beach (see Attachment 2). The near-shore disposal area was last used in 2007 for disposal of the dredged material from the entrance channel maintenance dredging project.

Additional Information: Additional information may be obtained from Mr. Bill Kavanaugh, Programs/Civil Project Management Branch, Programs/Project Management Division, at the return address shown, telephone number (978) 318-8328.

Coordination: The proposed work is being 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

State of Massachusetts

Massachusetts Department of Environmental Protection
Massachusetts Office of Coastal Zone Management
Massachusetts Historic Preservation Office

Town of Marshfield, MA

Harbormaster

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

Other Information:

- a. Non-Federal Dredging: The Town of Marshfield is proposing to remove approximately 3000 - 5,000 cubic yards of material from an area adjacent to the Town Pier concurrently with the Federal maintenance project. The proposed dredged material is undergoing biological testing to determine its suitability for unconfined open-water disposal at the MBDS. Contingent on the dredged material being deemed suitable for open water disposal, the dredged material from the town's project may also be disposed of at the MBDS. There are three privately-owned marinas located in the harbor. Facility owners within, or adjacent to the project who may be interested in performing dredging concurrently with this project should be aware that privately dredged material must be determined to be suitable for disposal as proposed and that their work will require a permit from the U.S. Army Corps of Engineers (USACE) under Section 10 of the Rivers and Harbors Act. Depending on the proposed disposal site location for the dredged material it may also require a USACE permit under Section 404 of the Clean Water Act or under Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972.
- b. Previous Dredging: The last maintenance dredging of the anchorage area was performed in 1983 when 45,385 cy of material were removed from the FNP and

placed at an upland site adjacent to project along the (then) Town Pier Road. The entrance channel portion of the FNP was last dredged in 2007 when approximately 36,000 cubic yards of dredged material were removed and placed at the near-shore disposal area off of Green Harbor Beach.

c. Alternate Disposal Methods: The previously used upland disposal site was considered for the disposal of the dredged material from the anchorage area; however, it was determined that there is insufficient capacity to receive all of the material to be dredged from the FNP. The near-shore disposal site off of Green Harbor Beach was considered for the disposal of dredged material from the anchorage area; however, due to the composition and nature of the proposed dredged material (i.e. silt/clay) it is not suitable for near-shore disposal.

d. Endangered Species: It is our preliminary determination that no threatened or endangered species in the dredging area will be impacted by the proposed project. The Corps will consult with the National Marine Fisheries Service and the United States Fish and Wildlife Service to ensure that the proposed activity will not significantly affect any species or critical habitat designated as endangered or threatened pursuant to the Endangered Species Act of 1973 (87 Stat. 844).

e. 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.

f. Cultural Resources: The proposed work consists of maintenance dredging, involving previously dredged areas and previously used disposal areas, and therefore should not adversely affect any cultural or archaeological features or resources.

g. Essential Fish Habitat Assessment: It has been determined that the project may have a temporary adverse effect on Essential Fish Habitat (EFH). The project site is contained within areas designated as 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 U.S. Army Corps of Engineers has assessed the effects that the project 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 consult with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service to ensure that any potential impacts will be minimized.

h. Additional Requirements: A request will be sent to the Massachusetts Office of Coastal Zone Management for the Commonwealth's concurrence with our determination of Federal consistency with the Commonwealth's approved Coastal Zone Management Program. The Clean Water Act of 1988 requires that the work comply, to the maximum extent practicable, with State or interstate requirements to control the discharge of dredged or fill material. An application for Water Quality

Certification for the disposal of dredged material from the entrance channel at the previously used nearshore disposal site off of Green Harbor Beach will be submitted to the Massachusetts Department of Environmental Protection, under Section 401 of the Clean Water Act of 1977 (P.L. 95-217).

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, which 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 the District Engineer within the comment period of this notice and must clearly set forth the interest, which 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: Bill Kavanaugh; or emailed to nae-pn-nav@usace.army.mil within 30 days of this notice.



Philip T. Feir
Colonel, Corps of Engineers
District Engineer

Attachments

PERTINENT LAWS, REGULATIONS, AND DIRECTIVES

Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq.)

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

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

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

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

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

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

Sections 307(c)(1) and (2), Coastal Zone Management Act of 1972

[16 U.S.C. 1456(c)(1) and (2)]

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

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

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

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

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

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

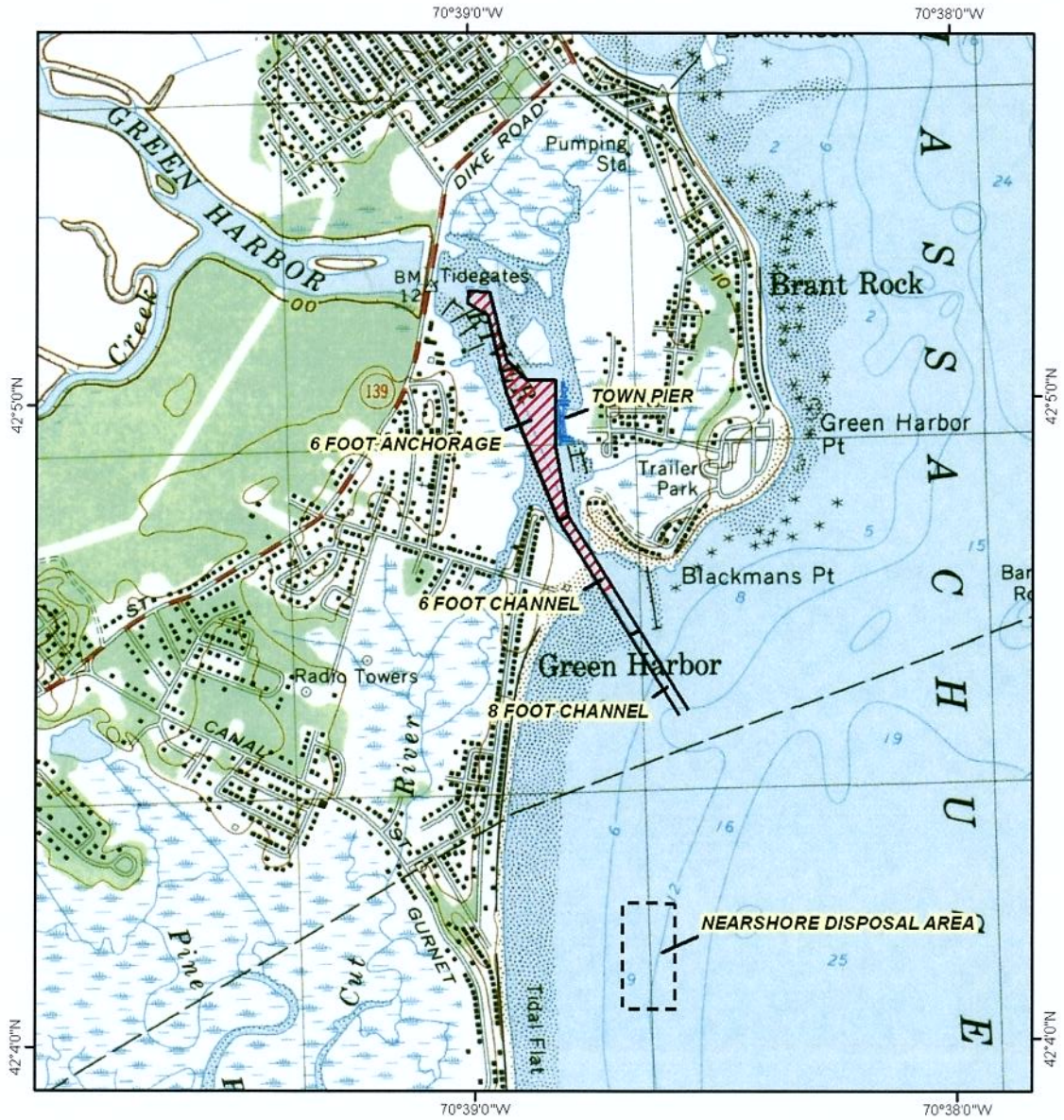
Executive Order 11988, Floodplain Management, 24 May 1977


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

Attachment 1




 US Army Corps of Engineers
 New England District

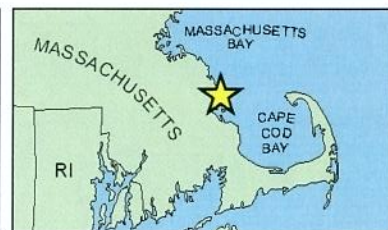
**GREEN HARBOR FNP
 AND NEARSHORE DISPOSAL AREA
 MARSHFIELD, MA**

 Dredge Area

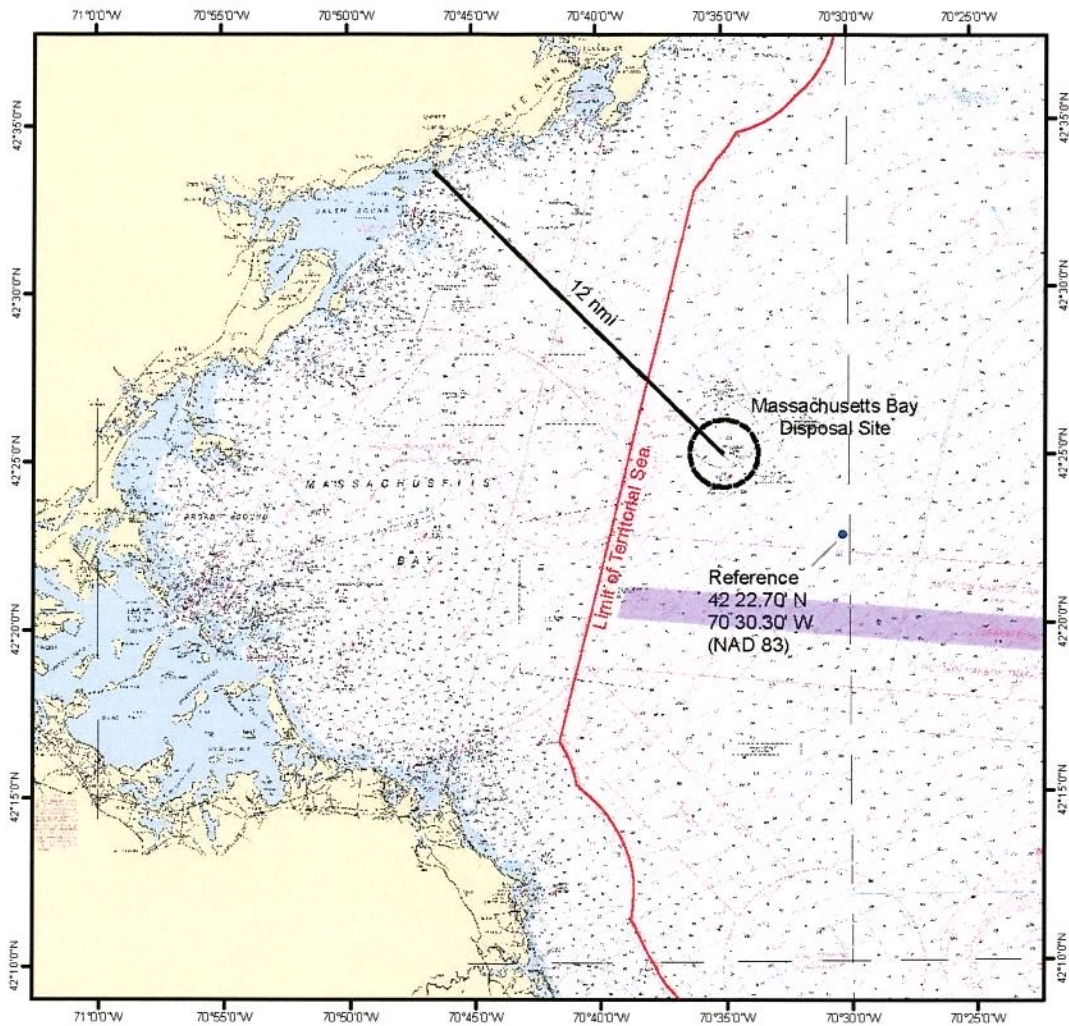
USGS Topographic Quadrangle Maps from MassGIS Website

0 500 1,000 2,000 3,000 Feet

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Attachment 2



MASSACHUSETTS BAY DISPOSAL SITE

Description: The Massachusetts Bay Disposal Site (MBDS), a 2.0 nmi (3.7 km) diameter circular area centered at 42° 25.106' N, 70° 34.969' W (NAD 83), is located 12 nmi (22 km) southeast of Gales Point, MA. Water depths range from 269 to 302 ft (82 to 92 m). The authorized disposal point (within the overall disposal area) is specified for each dredging project in other project documents.

