



**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@usace.army.mil

**Programs/Project
Management Division**

Date: April 30, 2008

Comment Period Closes: May 30, 2008

30 DAY PUBLIC NOTICE

MAINTENANCE DREDGING OF THE NORTH COVE FEDERAL NAVIGATION PROJECT, OLD SAYBROOK, CONNECTICUT

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 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.

NOTE: A similar Public Notice was issued for this project in March 2003. Besides the volume to be dredged and an additional disposal option, the proposed work has not changed. Natural shoaling processes have continued to diminish the water depths in the harbor. Thus, the volume estimated to be dredged has increased from 252,000 cubic yards to about 320,000 cubic yards (based on a late 2007 hydrographic survey). The second feature added to this project is a result of a request by the State of Connecticut's Department of Environmental Protection (CTDEP). At least 75,000 cubic yards of the material proposed to be dredged from North Cove may be brought to the Central Long Island Sound Disposal Site (CLIS). North Cove material is being used to cap dredged material from the Norwalk Harbor Federal navigation project. This effort is part of the management of disposal sites in Long Island Sound and helps meet a requirement of the Norwalk Harbor Water Quality Certificate issued by CTDEP. The logistics of this proposal, along with the possibility of bringing more than 75,000 cubic yards of North Cove material to cap other materials at CLIS is being coordinated with the environmental resource agencies.

Project Description: The proposed work in the Federal navigation project at North Cove involves maintenance dredging of the 11-foot entrance channel, 11-foot outer anchorage and 6-foot inner anchorage (Attachment 2).

About 320,000 cubic yards of predominantly silt-clay material will be dredged from the channel and anchorages to restore the project to authorized dimensions. Of that volume, about 245,000 cubic yards would be removed mechanically (by bucket), loaded onto a scow, and towed by tug to the Cornfield Shoals Disposal Site (CSDS) in Long Island Sound, for unconfined open-water disposal. The remaining 75,000 cubic yards may be brought to the Central Long Island Sound Disposal Site (CLIS). This Federal navigation project was originally authorized by the River and Harbor Act of March 1945 and provides for an 11-foot channel, 100 feet wide from the Connecticut River to an 11-foot anchorage about 12 acres within North Cove, thence a 6-foot anchorage of about 17 acres.

Character and Purpose of Work: Since the last maintenance dredging in 1992, natural shoaling processes in the harbor have decreased project depths. The 6-foot and 11-foot anchorages are both as shallow as 3.5 feet. The 11-foot channel depths have been reduced to as little as 4.5 feet. Shoaling in the channel and anchorages is making navigation in the cove more and more difficult. The proposed work would remove the shoaled material, and provide safe access to the cove at all tide stages. Water dependant facilities in the cove include a private yacht club and town water access facilities including a dock, boat ramp and landing. About 150 vessels are currently moored in the Federal anchorages. The work will be performed by a private contractor under contract to the Government. A mechanical dredge will remove the material from the bottom of the cove and place it in scows, which would then be towed by tug to the Cornfield Shoals Disposal Site (and/or the Central Long Island Sound Disposal Site) where the materials will be released. The North Cove project area is shown on Attachment 2.

Attachments 3 and 4 show the Cornfield Shoals Disposal Site, and the Central Long Island Sound Disposal Site. The dredged material has undergone physical, chemical, and biological testing and has satisfied the criteria for ocean disposal of dredged material as specified in part 227 of the Ocean Dumping Act regulations. It is our preliminary determination that the material is acceptable for unconfined open-water disposal at both disposal sites. However, at EPA's request, additional sampling and testing of the material to be used as cap is under way. We will coordinate those findings with EPA and will not proceed with that proposal unless approved. The dredging work will be performed during a seven to eight month period, and will be accomplished in the year(s) in which funds become available, contingent upon availability of necessary approvals.

Disposal Area Options: Disposal of dredged material will be at the Cornfield Shoals Disposal Site (CSDS) and/or the Central Long Island Sound Disposal Site (CLIS).

CSDS is located 3.3 nautical miles south of Cornfield Point in Old Saybrook, CT. It is a 1 nautical mile (nmi²) site centered at 41° 12.6858' N, 72° 21.4914' W (NAD 83), Attachment 3. CLIS is located 5.6 nautical miles south of South End Point, East Haven, CT. The site covers a 3.2 nmi² area and is centered at 41° 08.950' N, 72° 52.950' W (NAD 83), Attachment 4.

The Corps of Engineers will specify the exact location for disposal within the disposal site(s). An inspector certified by the Corps of Engineers, New England District, will monitor and record location and circumstances of all disposal operations. These disposal sites are periodically used for disposal of bottom sediments from various harbors located along the southern New England coast.

Both disposal sites are monitored through the Corps Disposal Area Monitoring System (DAMOS) program. Areas outside the disposal sites are not known to have been adversely affected by sediments deposited at this site. Information on the DAMOS program can be obtained at <http://www.nae.usace.army.mil/reg/index.htm#> (bottom right-hand side of webpage).

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

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

Federal:

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

State of Connecticut:

Department of Environmental Protection
Office of Long Island Sound Programs

Town of Old Saybrook:

Harbor Management Commission
Shellfish Commission
Conservation Commission

Environmental Impacts: The Environmental Assessment for this work is being updated 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 Connecticut 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:

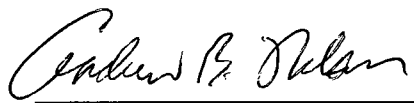
- a. Local Proponent: The town of Old Saybrook is the local proponent for the proposed work.
- b. Previous Dredging: Maintenance dredging of the North Cove Federal navigation project has been performed five times since 1965. The most recent maintenance dredging of the project occurred in 1992/1993 when approximately 152,000 cubic yards (cy) of material were removed by a mechanical dredge and brought to the Cornfield Shoals Disposal Site.
- c. Alternate Disposal Methods: Alternate disposal options that have been considered include nearshore disposal, open-ocean disposal, beach disposal, and upland disposal. The nearest approved ocean disposal site is the Cornfield Shoals Disposal Site. No suitable upland sites were found.
- d. Non-Federal Dredging: Facility owners within the harbor who may be interested in performing dredging concurrently with this project should be aware that their dredging 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.
- e. Endangered Species: Coordination with the United States Fish and Wildlife Service revealed that with the exception of occasional transient bald eagles, no federally-listed or proposed threatened and endangered species under their jurisdiction occur in the project area.
- 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 previously used disposal site(s). The work is not likely to affect any 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). North Cove and Long Island Sound are designated as EFH (Essential Fish Habitat) 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 effects will be short-term and localized and that there will be no significant impacts on the designated fisheries resources.

- i. Additional Requirements: A request will be sent to the CTDEP for an extension of the 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 current CTDEP Certification expires May 31, 2008.

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.

for  *CDR, EN*
Curtis L. Thalken *Deputy CDR*
Colonel, Corps of Engineers
District Engineer

Attachments

Attachment 1

PERTINENT LAWS, REGULATIONS, AND DIRECTIVES

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

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

Code of Federal Regulation, 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)

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

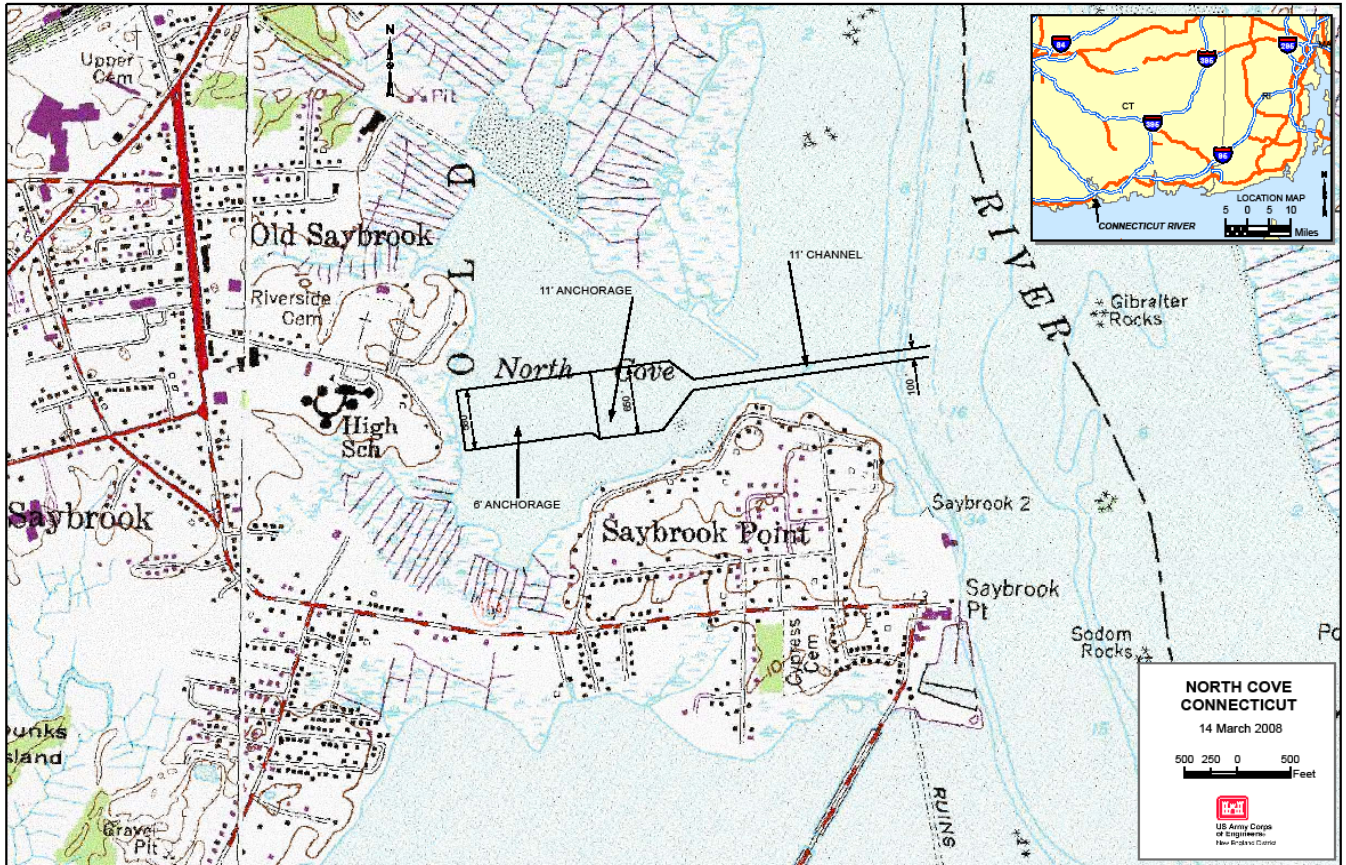
Executive Order 11988, Floodplain Management, 24 May 1977

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

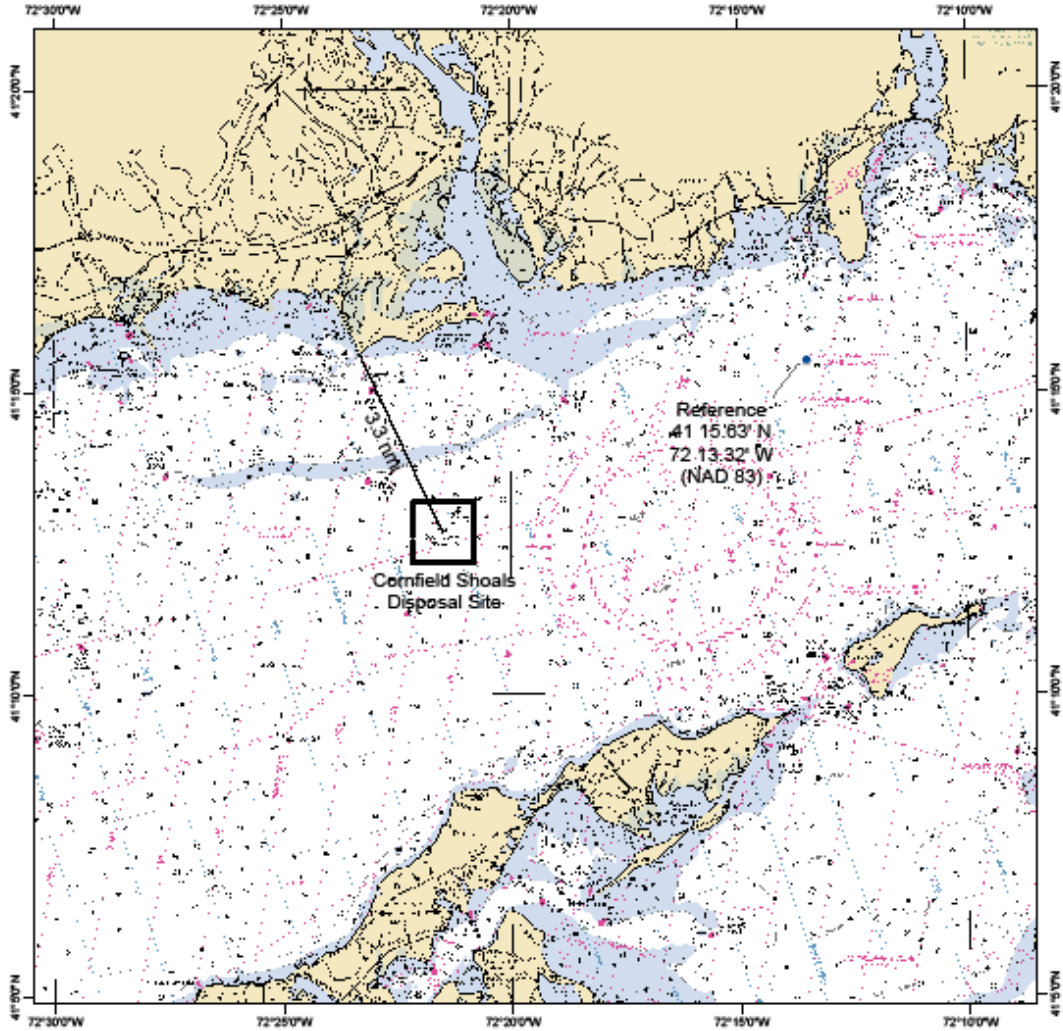
Attachment 2

Map of North Cove Federal Navigation Project Location Map



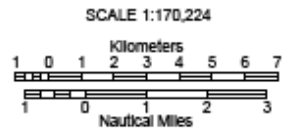
Attachment 3

Map of Cornfield Shoals Disposal Site

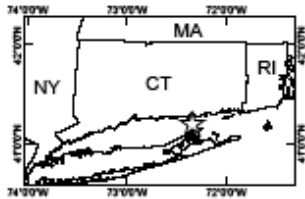


CORNFIELD SHOALS DISPOSAL SITE

Description: The Cornfield Shoals Disposal Site (CSDS) is located 3.3 nmi (8.1 km) south of Cornfield Point in Old Saybrook, CT. It is a 1 nmi² site centered at 41° 12.6858' N, 72° 21.4914' W (NAD 83). It is the only dredged material disposal site managed as a dispersive site. At a dispersive site, unlike a containment site, dredged material disposed at the site is expected to be transported out of the area. The predominant topographic features are a smooth, sandy bottom and bedforms oriented in an east-west direction.

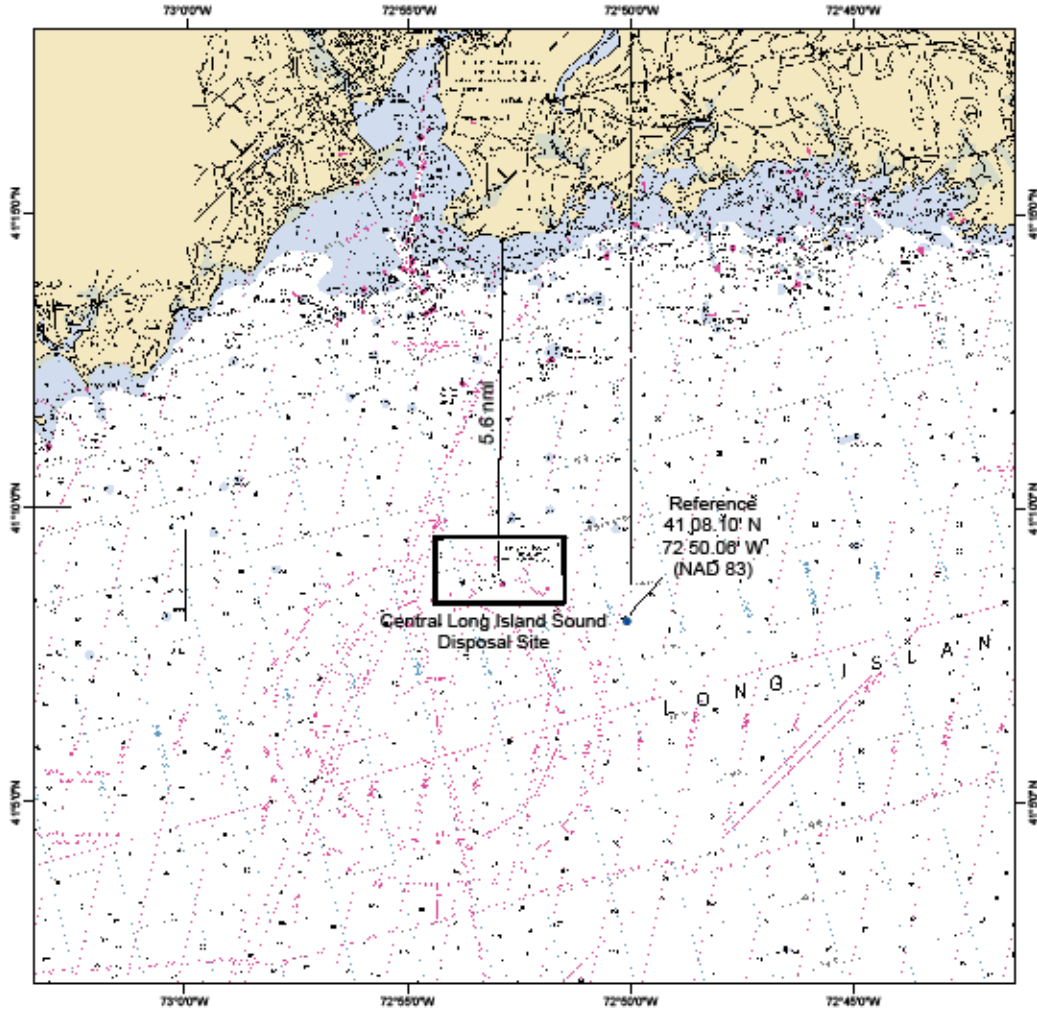


NOTE: This chart is not intended for use in navigation.



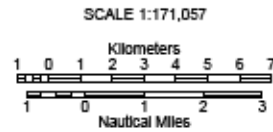
Attachment 4

Map of Central Long Island Sound Disposal Site



CENTRAL LONG ISLAND SOUND DISPOSAL SITE

Description: The Central Long Island Sound Disposal Site (CLDS) is one of four regional dredged material disposal sites located in the waters of Long Island Sound. CLDS covers a 11.04 km² (3.2 nmi²) area and is centered at 41° 08.950' N, 72° 52.950' W (NAD 83). It is located approximately 10.89 km (5.6 nmi) south of South End Point, East Haven, Connecticut. Since 1977, the management strategy at CLDS has entailed the controlled placement of small to moderate volumes of sediment to form individual disposal mounds on the seafloor. The authorized disposal point (within the overall disposal area) is specified for each dredging project in other project documents.



NOTE: This chart is not intended for use in navigation.

