



US Army Corps
of Engineers®
New England District

696 Virginia Road
Concord, MA 01742-2751

Public Notice

In Reply Refer to: Jack Karalius
nae-pn-nav@usace.army.mil

Programs/Project
Management Division

Date: **March 17, 2010**

Comment Period Closes: **April 6, 2010**

15 DAY PUBLIC NOTICE

MAINTENANCE DREDGING OF A PORTION OF THE 8-FOOT FEDERAL NAVIGATION CHANNEL IN PATCHOGUE RIVER WESTBROOK, CONNECTICUT

Interested parties are hereby notified that the U.S. Army Corps of Engineers, New England District, plans to perform maintenance dredging of a portion of the Federal navigation project in Patchogue River, Westbrook, Connecticut, involving work in the navigable waters of this District, under the provisions of Section 103 of the Marine Protection, Research and Sanctuaries Act, 33 U.S.C. § 1413, and Section 404 of the Clean Water Act, 33 U.S.C. § 1344, 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:

Patchogue River: The proposed work in the Federal navigation project at the Patchogue River involves maintenance dredging of a portion of the existing channel, which has an authorized depth of -8 feet at mean lower low water (MLLW). The authorized channel has a width of 125 feet from deep water in Long Island Sound, extending northerly about 1850 feet through the inlet to the confluence of the Patchogue and Menunketesuck Rivers. The channel then narrows to 75 feet wide and continues upstream about 3,480 feet to the U.S. Route 1 highway bridge at Westbrook. The channel is widened to 80 feet through the bend abreast the Westbrook townwharf. This proposed work involves maintenance dredging of a portion of the entrance channel of the Federal Navigation Project at Patchogue River, Westbrook.

NOTE: A Public Notice was issued by the Corps of Engineers for this project in August 2006. The work described in the 2006 proposal called for full maintenance of the Patchogue River Federal navigation project, with the mechanical dredging of about 30,000 cubic yards of material, with disposal at the Cornfield Shoals Disposal Site in Long Island Sound. All

appropriate environmental approvals were secured to perform that work. Unfortunately, there are not enough Federal funds to perform a full-scale maintenance dredging project at this point. Fortunately, the existing Federal funds available are sufficient to perform a partial dredging project of the shallowest areas of the entrance channel of the Patchogue River. The current scope of work will dredge the most shoaled portion of the entrance channel to -8' mean lower low water (MLLW). This proposal will remove about 10,000 cubic yards of shoal material from the entrance channel by use of the Government-owned special-purpose dredge CURRITUCK. The CURRITUCK is a self-propelled, self-contained dredge that uses a pump to suction bottom sediments through two arms into a hopper within the dredge. When the hopper is full, the CURRITUCK moves to the disposal site, and the material is released by splitting the hull. The CURRITUCK will place the material in the littoral zone offshore of Hammonasset State Beach, inside the 20-foot contour (Attachment No. 2). The material will then be spread throughout the beach and the littoral zones by natural wave action. We anticipate performing this work between May and June 2010, pending coordination with the State and Federal resource agencies.

Character and Purpose of Work: The Town of Westbrook has requested maintenance dredging of the most shoaled portion of the 8-foot Federal channel. The Federal channel provides access to and from Long Island Sound to the public and private boating facilities of Westbrook along the Patchogue River. The entrance channel also serves the boating facilities located on the Menunketesuck River. There are approximately 1600 boat slips on the Patchogue River. There are marina facilities, boat dealers, and many other marine-related businesses including repair and service shops, sail and canvas repair and makers, bait and tackle shops, sailing lessons business, and sightseeing and charter fishing boat businesses. Natural shoaling processes have reduced available depths in parts of the channel since the last maintenance dredging in 1997-98 – making navigation in this harbor difficult. Maintenance dredging of about 10,000 cubic yards of material from an area of approximately 1.8 acres will restore this portion of the channel to its authorized dimensions.

Without dredging, channel conditions will continue to deteriorate, which will deter and/or interfere with the use of the harbor by recreational and commercial vessels. Dredging the Patchogue River with the CURRITUCK will alleviate some of the navigation problems for the local and visiting vessel fleet. The completion of the balance of the dredging work (to bring the Patchogue River Federal navigation project to its full authorized dimensions) will depend on the availability of future Federal funds and environmental approvals.

The original project was authorized by the River and Harbor Act of September 3, 1954 and was completed in 1956. The project was modified by the Chief of Engineers on April 12, 1983, under the authority of Section 107 of the River and Harbor Act of 1960, to widen the entrance channel from Long Island Sound to 125 feet. The Water Resources Development Act of 1996 further modified the project to its present configuration.

Disposal Area Options: The material to be dredged has undergone physical, chemical, and biological testing and is expected to satisfy the criteria for near-shore placement off of Hammonasset State Beach, in Madison, Connecticut. The Suitability Determination for disposal of the material as described herein is being coordinated with the appropriate Federal resource

agencies. Use of this near-shore site provides the benefit of keeping the clean predominantly sandy material within the littoral system as well as accommodating use of the CURRITUCK.

Additional Information: Additional information may be obtained from Mr. Jack Karalius, Programs & Civil Project Management Branch, Programs Project Management Division, at the return address shown, by email at nae-pn-nav@usace.army.mil or by telephone (978) 318-8288.

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 Connecticut:

Department of Environmental Protection
Office of Long Island Sound Programs
Historical Commission

Town of Westbrook

Board of Selectmen
Harbor Management Commission
Harbormaster

Environmental Impacts: The Environmental Assessment for this work is being updated to include the near-shore disposal site and the use of the CURRITUCK, and will be available for public 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 at Patchogue River, Westbrook, Connecticut 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 Westbrook is the local sponsor for the proposed work.
- b. Previous Dredging: The project was last maintained in 1997-98 when 29,000 cubic yards of material were mechanically dredged and disposed of at the Cornfield Shoals Disposal Site in Long Island Sound.

- c. Alternate Disposal Methods: Alternate disposal options that have been considered include nearshore disposal, open-ocean disposal, beach disposal, and upland disposal. The Connecticut Department of Environmental Protection manages the Hammonasset Beach State Park. The beach has been eroding during recent years, and in agreement with the State of Connecticut, we are proposing to place this predominantly sandy material offshore of the park in the hope that it will help to naturally nourish the public beach, or at a minimum keep the sand in the littoral system.
- d. Non-Federal Dredging: Currently no private or other dredging is being proposed in conjunction with this project.
- e. Endangered Species: It is our preliminary determination that no threatened or endangered species are residents of the project area. The Corps is consulting with National Marine Fisheries Service (NMFS) 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, 16 U.S.C. § 1531 et seq.
- 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: Coordination with the CT State Historic Preservation Officer (SHPO), in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended, has been initiated and it is expected that this undertaking will have no adverse effect on historic, architectural, or archaeological resources listed on or eligible for the National Register of Historic Places. The proposed work consists only of maintenance, involving a previously dredged area with placement of dredged material near shore of Hammonasset State Beach which will serve to keep clean sand within the littoral system. Although cultural resources may be present in areas well offshore of this area, we feel that placement of this relatively small amount of material near shore of the beach will not adversely affect archaeological resources. We expect the CT SHPO to concur with this determination.
- 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 effects will be short-term and localized and that there will be no significant impacts on the designated fisheries resources. The Corps is consulting with NMFS to assure that all impacts will be minimized to the maximum extent practicable.

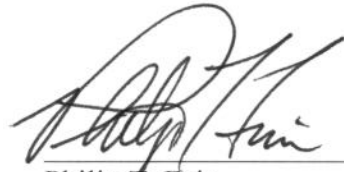
Additional Requirements: A request is being sent to the Connecticut Department of Environmental Protection (DEP) for amendment of the existing Water Quality Certification in accordance with Section 401 of the Clean Water Act, 33 U.S.C. § 1341.

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 15 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. Jack Karalius, within 15 days of this notice.

17 March 2018
Date


Philip T. Feir
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. 661-667e)

Fish and Wildlife Act of 1956 (16 U.S.C. 742a, et. seq.)

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

Coastal Zone Management Act of 1972 (16 U.S.C. 1456)

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

Endangered Species Act of 1973 as amended (16 U.S.C. 1531 et seq.)

Clean Air Act, as amended (42 U.S.C. 7401 et. seq.)

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

Federal Water Project Recreation Act, as amended (16 U.S.C. 460L-12 et. seq.)

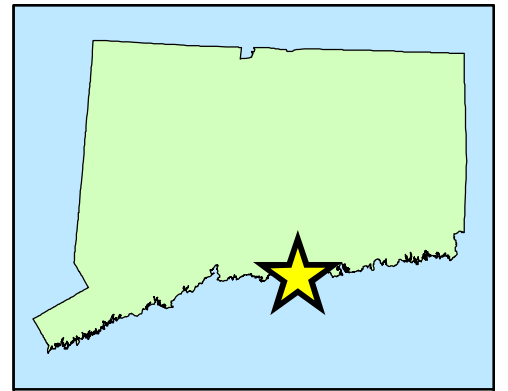
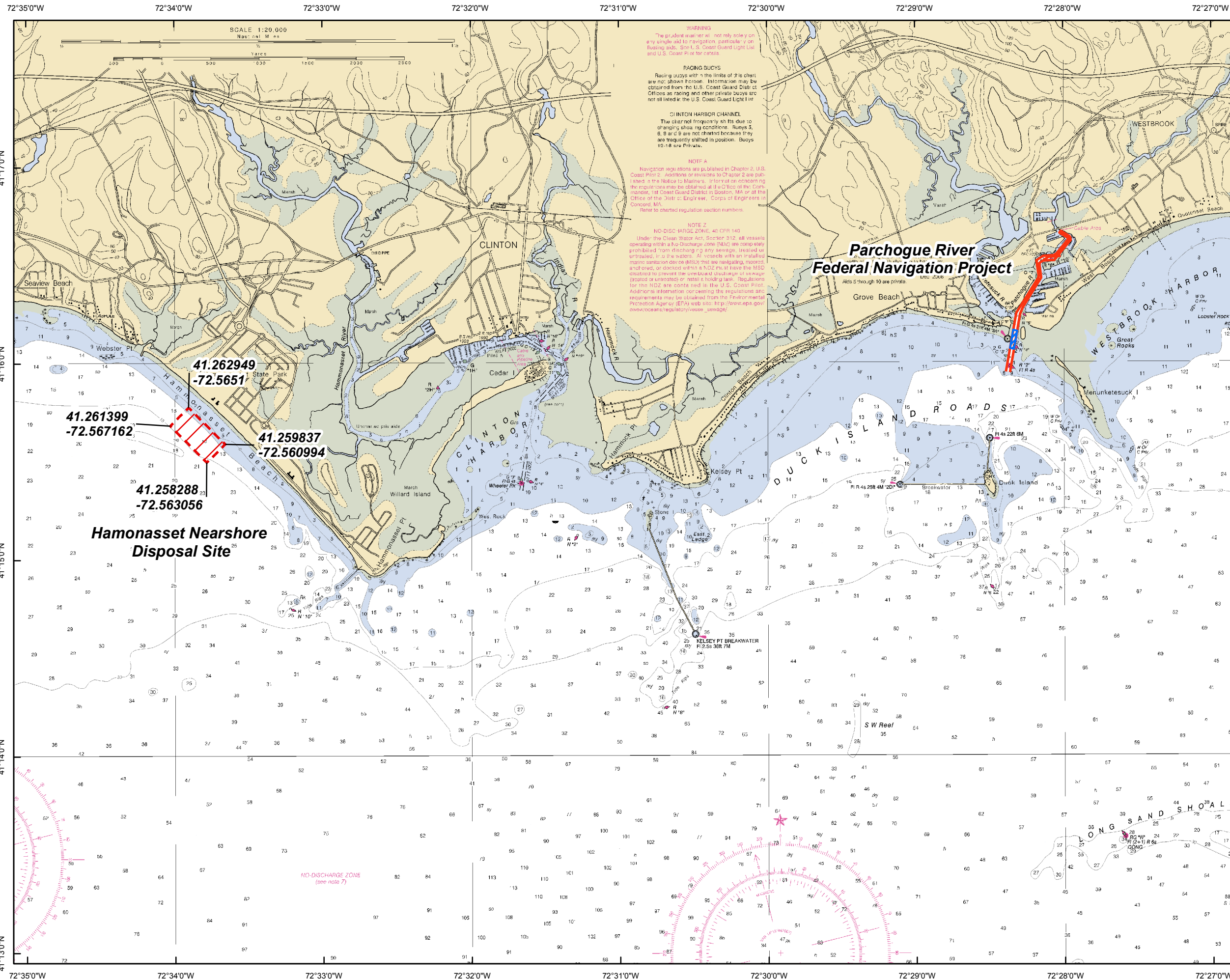
Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460L et. seq.)

Magnuson-Stevens Fishery Conservation and Management Act as amended by the
Sustainable Fisheries Act of 1996 (16 U.S.C. 1801 et seq.)

Executive Order 11988, Floodplain Management, 24 May 1977

Executive Order 11990, Protection of Wetlands, 24 May 1977

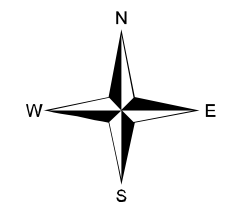
Executive Order 12898, Federal Actions to Address Environmental Justice in Minority
Populations and Low Income Populations, 11 February 1994



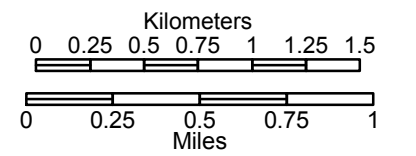
ATTACHMENT NO. 2
PATCHOGUE RIVER AND
NEARSHORE DISPOSAL SITE
WESTBROOK AND MADISON, CT



US ARMY CORPS
OF ENGINEERS
NEW ENGLAND DISTRICT



SCALE 1:35,000



Background Image from NOAA Chart 12374
Coordinate System: GCS North American Datum 1983

Legend:

- Federal Navigation Project**
- Dredge Area**
- Nearshore Disposal Site**