



**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

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

Date: February 18, 2009

Comment Period Closes: March 20, 2009

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## 30 DAY PUBLIC NOTICE

### THIS PUBLIC NOTICE TO COVER 10-YEAR-PERIOD OF MAINTENANCE DREDGING OF THE FEDERAL NAVIGATION PROJECT FOR WELLS HARBOR, WELLS, MAINE 8 & 6-FOOT CHANNEL, 6-FOOT ANCHORAGE, AND OUTER HARBOR SETTLING BASIN

Interested parties are hereby notified that the U.S. Army Corps of Engineers, New England District, plans to perform maintenance dredging of the Wells Harbor, Maine Federal navigation project. This will involve work in the navigable waters of this District, under the provision of Section 404 of the Clean Water Act of 1977 (P.L. 95-217). Such work is authorized in accordance with Title 33, Parts 335-338 and Title 40, Parts 220-229 of the Code of Federal Regulations. Attachment No. 1 lists pertinent laws, regulations, and directives.

**Project Description:** The initial Federal project for Wells Harbor was authorized in 1835. More recent work was authorized by the River and Harbor Act of July 14, 1960. The Federal project was subsequently modified by the Chief of Engineers in September 1962 and on September 20, 1965, and by the Water Resources Development Act of August 17, 1999.

The currently-authorized Wells Harbor Federal navigation project has an entrance channel with an authorized depth of 8 feet below mean lower low water (MLLW) and an authorized width of 100 feet from deep water in the Gulf of Maine, extending northwesterly about 2,050 feet, through the jettied inlet to about the point where the jetties diverge. The navigation channel then reduces in depth to 6 feet below MLLW, turns southerly into the inner harbor, and continues upstream a total of 2,560 feet. The inner harbor channel is also 100 feet wide, except in the bend where it carries a width of 125 feet for a distance of about 950 feet through three turns. The 6-foot-deep MLLW anchorage area is located west of the channel in the area upstream of the channel bend. The anchorage is 350 feet wide, and is tapered at its northern end where it joins the channel. The anchorage is 1,085 feet long, and has an area of about 7.4 acres. The outer

harbor settling basin is located between the shore arms of the two jetties in the outer harbor, is generally rectangular in area, approximately 6 acres in size, and has been dredged to depths of between 6 to 12 feet below MLLW to provide adequate capacity to intercept shoal material between dredging events.

The proposed work in the Federal navigation project at Wells Harbor involves maintenance dredging of the entrance channel, the inner harbor channel and anchorage, and the outer harbor settling basin. The Harbormaster and project users have reported that shoaling in the entrance channel has created hazardous navigation conditions, that the settling basin is shoaling, and that some moorings have been lost in the anchorage due to shoaling.

**Character and Purpose of Work:** The channel provides access to and from the ocean for small commercial fishing, shellfishing, and seasonal recreational craft based at Wells Harbor. It is the only developed harbor area in the town of Wells and is the largest public anchorage area in Maine between York Harbor in York, Maine and Saco Bay in Saco, Maine. There is also a public boat ramp in Wells Harbor as well as a wharf owned and operated by the Town of Wells.

Maintenance dredging of about 110,000 cubic yards of sandy material will restore the full Federal navigation project to its authorized dimensions. The work will be done in the year(s) in which funds become available.

The work will be performed by a private contractor under contract to the Government. A hydraulic cutterhead dredge will remove the material from the harbor bottom and pump the material by pipeline to the adjacent Wells and Drakes Island Beaches, where the town of Wells will beneficially use the sandy material to nourish the eroding beaches. Attachment No. 2 shows the Wells Harbor Federal navigation project (FNP) and the two proposed beach nourishment areas. Attachment Nos. 3 and 4 show the proposed dredge areas of the FNP.

The town of Wells also wishes to perform maintenance dredging by removing about 20,000 cubic yards of dredged material from town mooring areas in the inner harbor adjacent to the Federal channel and anchorage. This work would be conducted in conjunction with the Federal dredging, using the same methods of dredging and disposal.

In addition, or as alternative, to the dredging of the entire Federal project, interim dredging of the 8-foot entrance channel will be performed on an as-needed basis when the channel shoals and creates hazardous navigation conditions; the outer harbor settling basin and the inner channel may also be included. This interim dredging will be performed by the Government-owned special-purpose dredge *Currituck*, contingent on availability of the dredge and all required approvals. The *Currituck* is a self-propelled, self-contained hydraulic dredge that uses a pump to suction bottom sediments through an arm into a hopper within the dredge. When the hopper is full, the *Currituck* moves to the disposal site, and the material is released by opening the hopper doors. The dredge will remove the material from the channel and settling basin and place it in a previously-used nearshore area off Wells Beach, about 5,000 feet south of the dredge site. Each interim dredge will remove about 10,000 to 30,000 cubic yards of sand – depending on the extent of shoaling and the availability of the *Currituck*. The work will take about one to three weeks and will be performed during the late spring or summer. Attachment No. 5 shows the proposed nearshore disposal site.

Due to the frequent dredging needs of Wells Harbor, ten-year approvals to dredge and dispose of material from the Wells Harbor Federal navigation project will be requested.

**Disposal Area:** Physical testing of the dredged material by the Corps show it to be sand, suitable for a variety of beneficial reuse options. The dredged material would be most beneficially used as nourishment on the two beaches adjacent to the harbor inlet which have been subjected to erosion in recent years. The Corps contractor will pump the dredged material onto the beach face at elevations generally between the mean high water elevation and mean low water elevation. Disposal of the material onto the beaches will be conducted from about September 1 to March 31 in order to avoid nesting piping plovers.

If the *Currituck* is employed, then the dredged material will be placed at a previously-used nearshore area off of Wells Beach. The dredged material will function as a feeder berm; providing a sand source for beach nourishment. This same nearshore site was used during maintenance dredging in June 2004 and June 2002. Based in part on a review of historical data and a lack of potential sources of contaminants, it is our preliminary determination that the material is acceptable for disposal as proposed.

**Additional Information:** For further information on the project please contact the project manager Mr. Jack Karalius, Programs & Civil Project Management Branch, Programs Project Management Division, at the return address shown, telephone number (978) 318-8288.

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

Federal

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

State of Maine

State Planning Office  
Maine Department of Environmental Protection  
Maine Geological Survey  
State Historic Preservation Commission

Town of Wells

Town Manager  
Board of Selectmen  
Harbor Master

**Environmental Impacts:** An Environmental Assessment for this work is being prepared and will be made 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 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. Previous Dredging: The most recent dredging of the entire Federal navigation project was performed in 2000 when approximately 150,000 cubic yards of sand was dredged by hydraulic pipeline dredge and pumped onto Wells Beach and Drakes Island Beach. Interim dredging of the 8-foot entrance channel by the government-owned special-purpose dredge *Currituck* was performed in 2002 and 2004, when approximately 10,000 cubic yards of sand was dredged each time and placed in a nearshore area off of Wells Beach.
- b. Alternatives: The proposed work involves maintenance of an existing Federal navigation project. The only alternative to maintenance dredging is the No Action alternative. This would allow existing conditions to remain and worsen as shoaling continues to further obstruct the waterway, hindering navigational access and compromising vessel safety. If the *Currituck* is employed, then the entrance channel and possibly part of the outer harbor settling basin, but not the entire Federal navigation project, will be dredged since these features are more critical for navigation safety.
- c. Non-Federal Dredging: The town of Wells is planning to conduct maintenance dredging, of about 20,000 cubic yards of material, from the town's mooring areas adjacent to the Federal project in the inner harbor. This work would be conducted at the town's expense in conjunction with the maintenance of the Federal project. The town will be applying separately for appropriate state and Federal approvals for this work. No other non-Federal public or private dredging is currently proposed in conjunction with this project.
- d. Endangered Species: Consultation is being conducted with the National Marine Fisheries Service and the United States Fish and Wildlife Service to determine that the proposed activity will not significantly effect 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 is maintenance involving previously dredged areas and previously used disposal site(s), and is not likely to affect any cultural or archaeological features or resources.

g. Essential Fish Habitat Assessment: The Army Corps of Engineers is assessing the effects the proposed project is likely to have on Essential Fish Habitat (EFH), and has made a preliminary determination that there will be no significant impacts on the designated fisheries resources. Full determination will be made upon completion of the EFH assessment.

h. Additional Requirements: An application for a Water Quality Certification, for disposal of the dredged material, will be submitted to the Maine Department of Environmental Protection, under Section 401 of the Clean Water Act of 1977 (P.L. 95-217), along with a request 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. The Clean Water Act of 1977 requires that the work comply, to the maximum extent practicable, with State or interstate requirements to control the discharge of dredged or fill material.

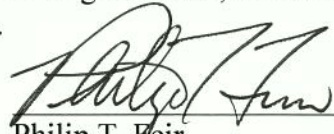
The decision whether to perform the work will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to 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.

Selection of the above described proposed disposal site(s) for dredged material associated with maintenance of this navigation project shall be made through the application of guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, in conjunction with the Secretary of the Army. If these guidelines alone would prohibit the use of the proposed disposal site, any potential impairment to the maintenance of navigation, including any economic impact on navigation which would result from failure to use the disposal site, will also be considered.

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 me within 30 days of the date 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 me at U.S. Army Corps of Engineers, New England District, 696 Virginia Road, Concord, MA 01742-2751, ATTN: Jack Karalius, within 30 days of this notice.

9 February 2009  
Date

  
Philip T. Feir  
Colonel, Corps of Engineers  
District Engineer

Attachments

## PERTINENT LAWS, REGULATIONS, AND DIRECTIVES

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

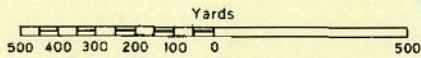
Executive Order 13045, Protection of Children from Environmental Health Risks and Safety

Risks, 21 April 1997

**Attachment 1**

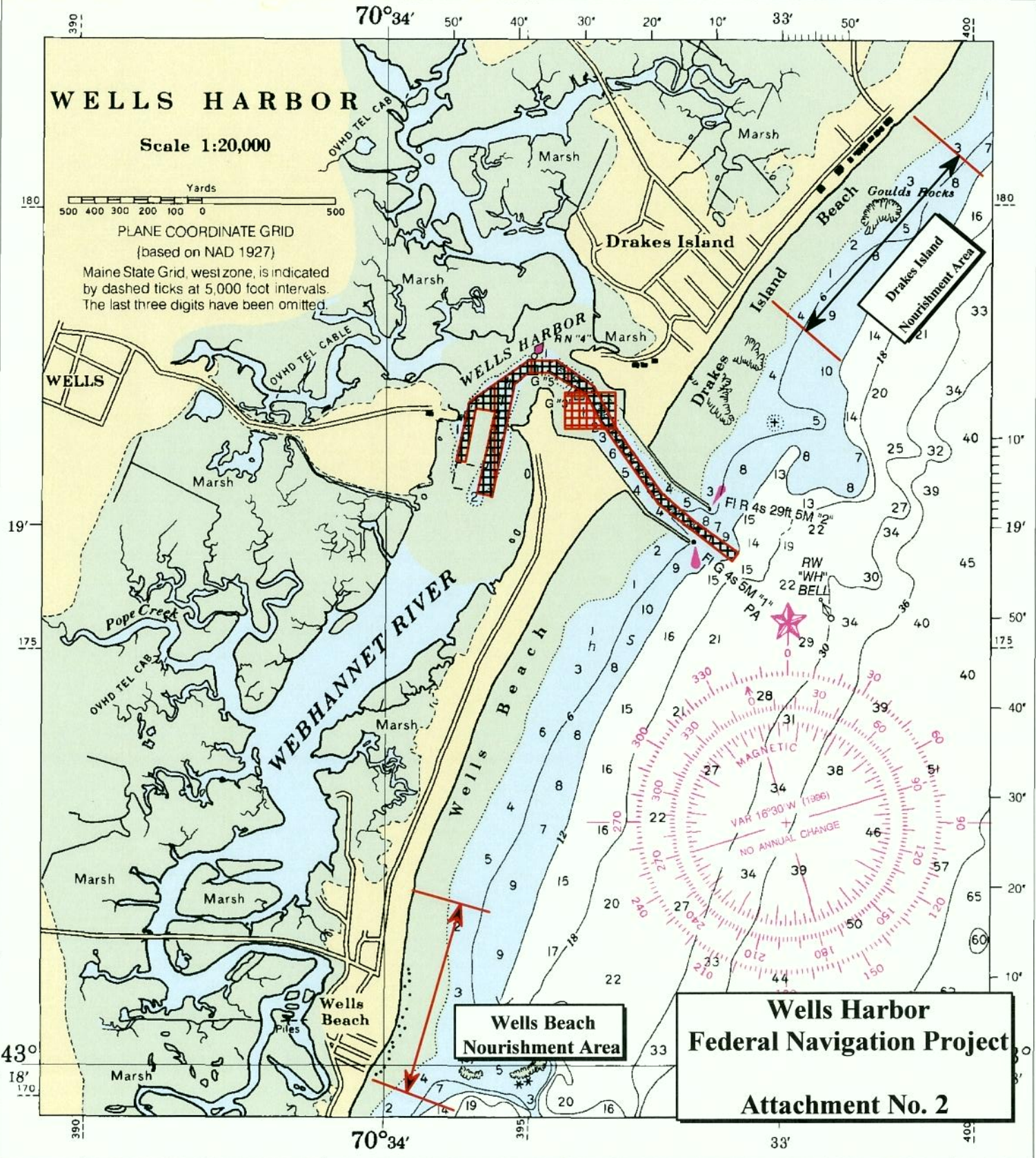
# WELLS HARBOR

Scale 1:20,000



PLANE COORDINATE GRID  
(based on NAD 1927)

Maine State Grid, west zone, is indicated  
by dashed ticks at 5,000 foot intervals.  
The last three digits have been omitted.



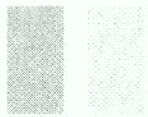
**Wells Beach  
Nourishment Area**

**Wells Harbor  
Federal Navigation Project  
Attachment No. 2**

WELLS HARBOR  
 CONTOUR SLICES  
 WELLS HARBOR  
 8 AND 6-FOOT CHANNELS  
 6-FOOT ANCHORAGE  
 AND 8-FOOT SETTLING BASINS

Reference  
 Number  
 V-1  
 Sheet 1 of 2

# WELLS HARBOR PROPOSED DREDGE AREAS ATTACHMENT NO. 3

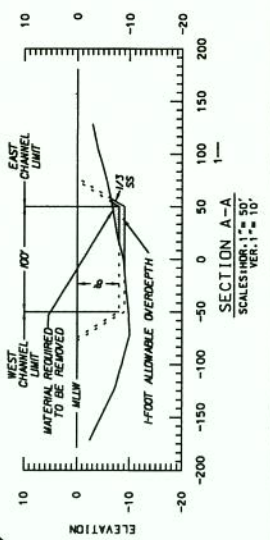
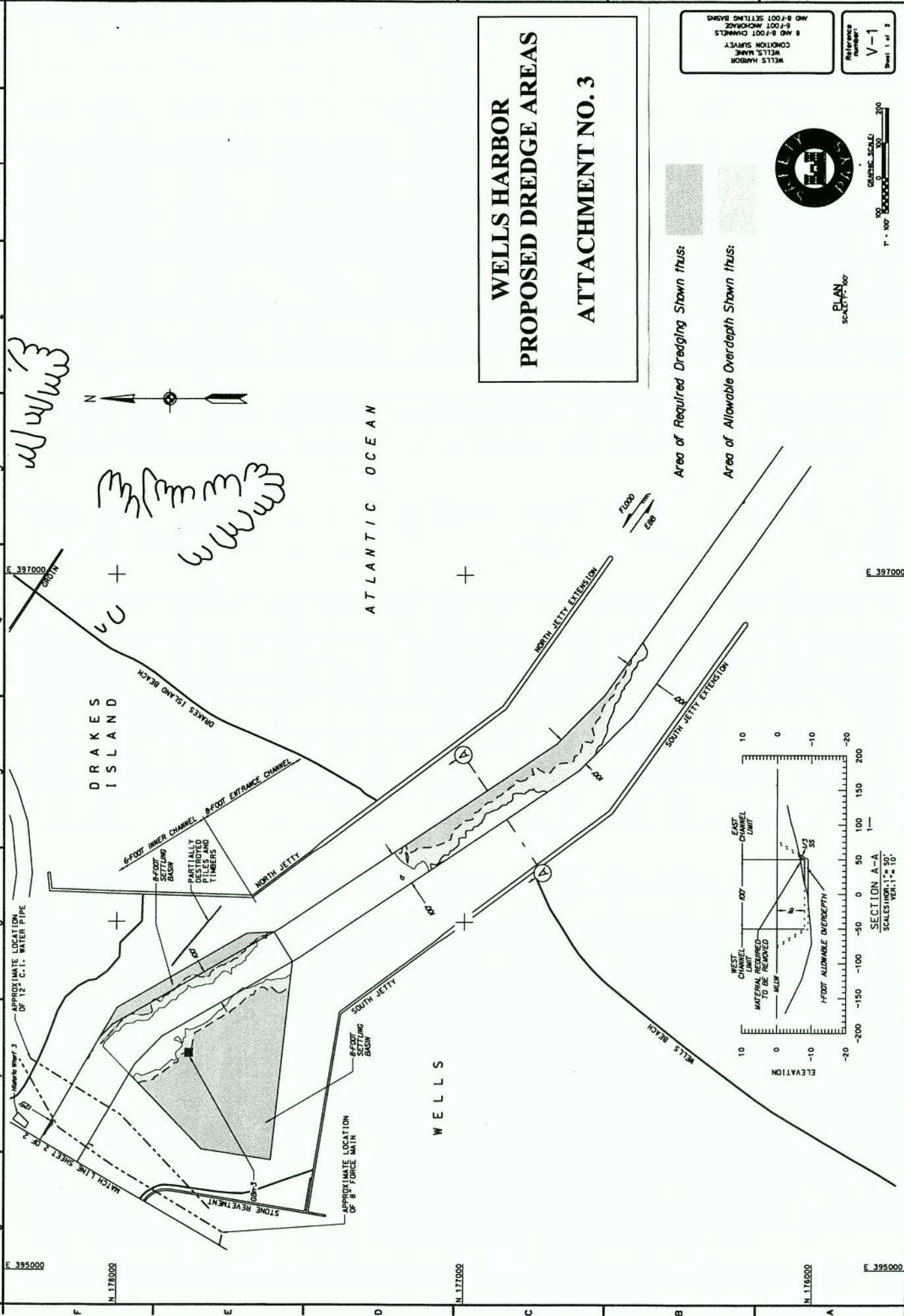


Area of Required Dredging Shown thus:

Area of Allowable Overdepth Shown thus:



PLAN  
 SCALE 1"=100'



*Handwritten notes:*  
 Wavy lines representing contours or bathymetry.  
 A large '3' written vertically.

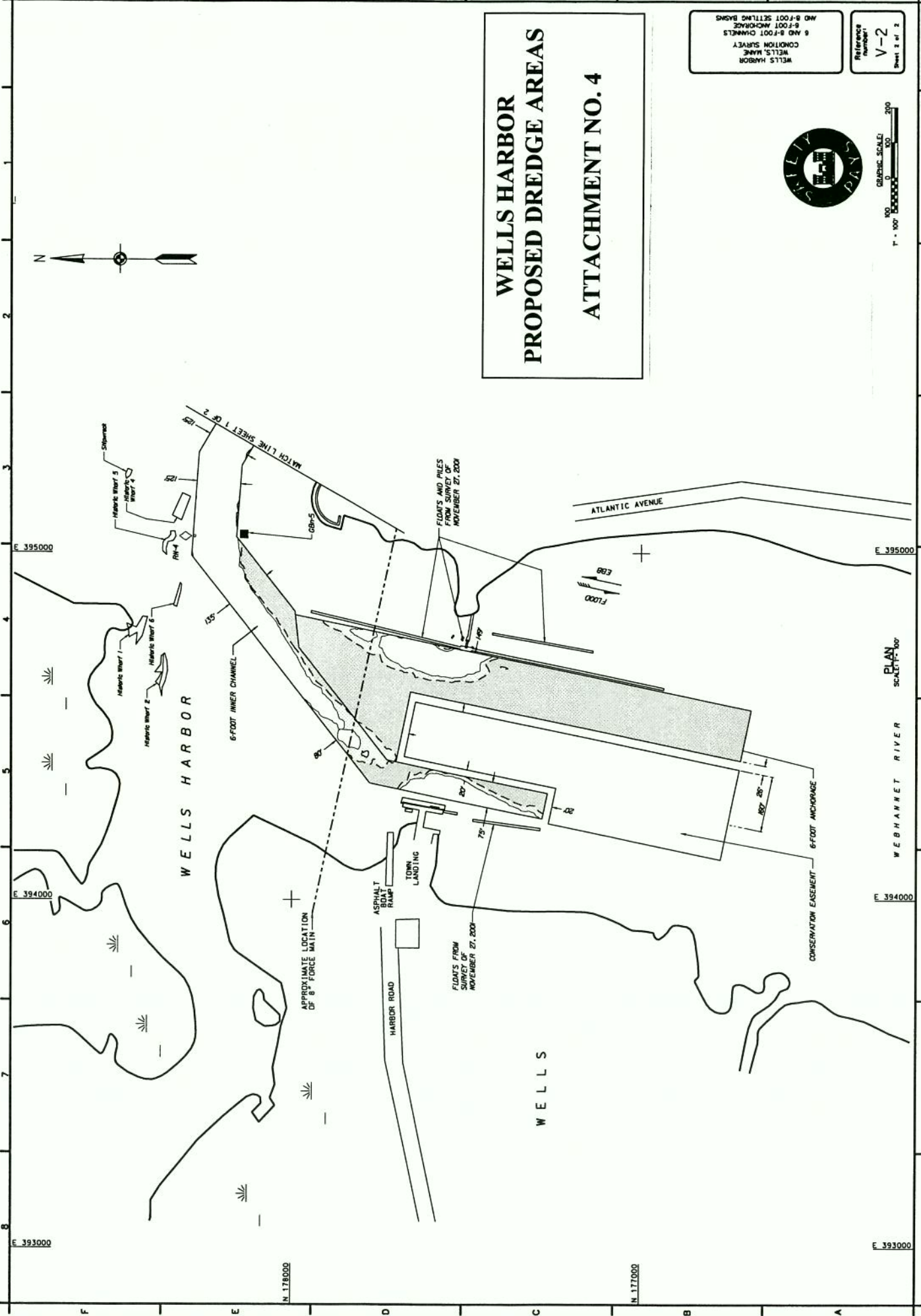
E 395000      N 178000      E 397000  
 F      E      D      C      B      A  
 N 176000      E 395000



# WELLS HARBOR PROPOSED DREDGE AREAS ATTACHMENT NO. 4

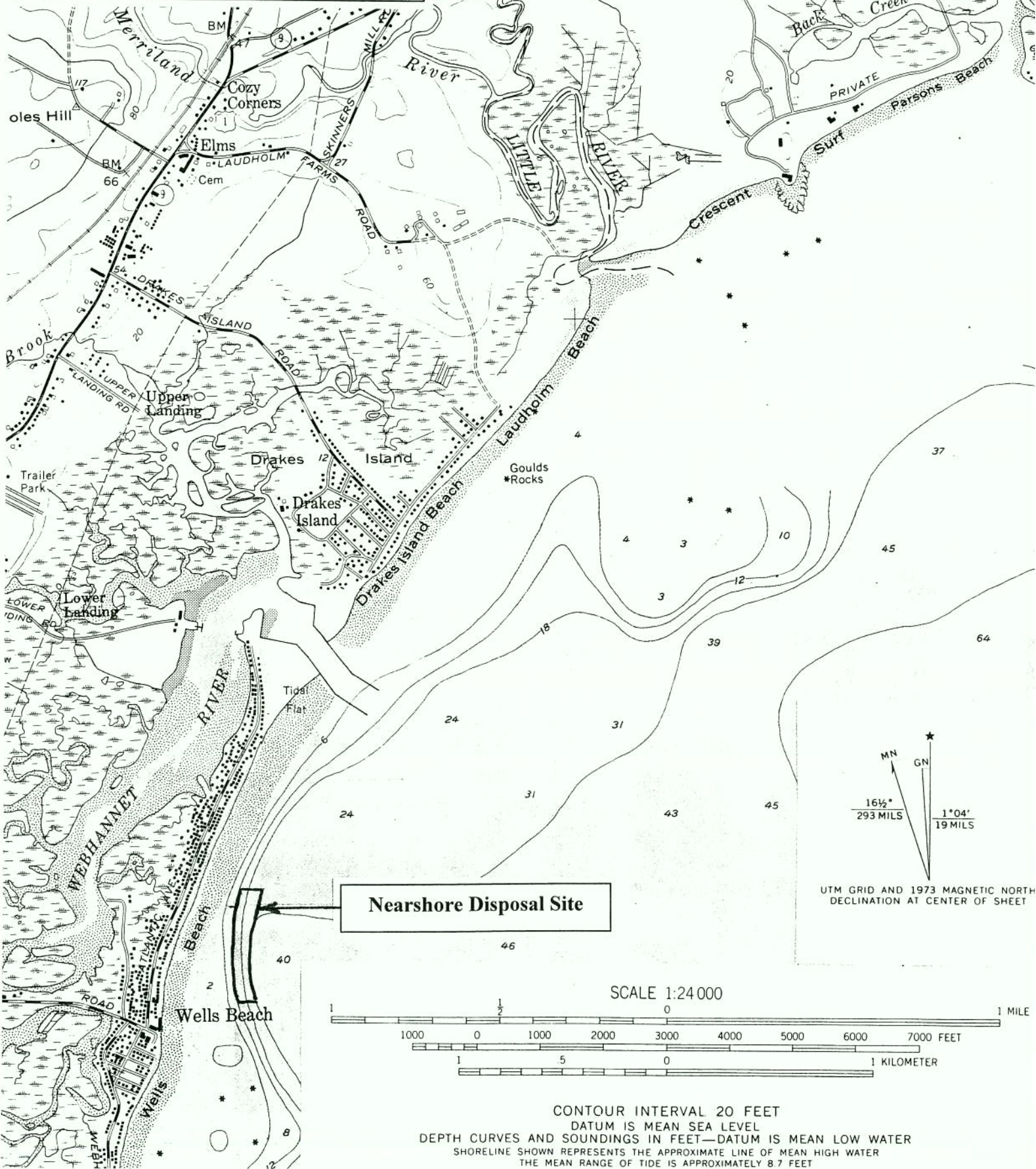
WELLS HARBOR  
WELLS, MAINE  
CONDITION SURVEY  
6 AND 8-FOOT CHANNELS  
AND 8-FOOT SETTLING BASINS

Reference  
number: V-2  
Sheet 2 of 2



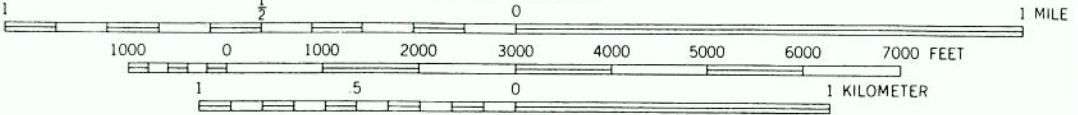
**PROPOSED MAINTENANCE  
DREDGING PROJECT  
WELLS, MAINE**

**ATTACHMENT NO. 5**



**Nearshore Disposal Site**

SCALE 1:24 000



CONTOUR INTERVAL 20 FEET

DATUM IS MEAN SEA LEVEL

DEPTH CURVES AND SOUNDINGS IN FEET—DATUM IS MEAN LOW WATER

SHORELINE SHOWN REPRESENTS THE APPROXIMATE LINE OF MEAN HIGH WATER

THE MEAN RANGE OF TIDE IS APPROXIMATELY 8.7 FEET



UTM GRID AND 1973 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET