US Army Corps
of Engineers ®
New England District

696 Virginia Road
Concord, MA 01742-2751

Public Notice

In Reply Refer to: Mr. Jack Karalius
nae-pn-nav@usace.army.mil
Programs & Project
Management Division
Date: January 30, 2015
Comment Period Closes: February 28, 2015

30 DAY PUBLIC NOTICE

MAINTENANCE DREDGING OF THE YORK HARBOR FEDERAL NAVIGATION PROJECT, YORK, MAINE

Interested parties are hereby notified that the U.S. Army Corps of Engineers (USACE), New England District, plans to perform 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 Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (P.L. 92-532). The work involves maintenance dredging of the York Harbor Federal navigation project (FNP) in York, Maine and is authorized in accordance with Title 33, Parts 335-338 of the Code of Federal Regulations. Attachment 1 lists pertinent laws, regulations, and directives.

Authorized Federal Project Description: The original Federal Navigation Project (FNP) was authorized in 1886, and completed in 1894, provided for widening the inner end of the entrance channel (which resembles a reversed letter "S") by removing part of the spit at the southwest end of Stage Neck (at the north side of the channel) and removal of a shoal in the inner channel. The existing project, authorized in March 1905 and modified by the 1960 River and Harbor Act, provided for widening two sections of the inner channel off Bragdon Island to the depth of 10 feet and construction of two anchorage basins, one 8 feet deep and 5.2 acres in area north of Bragdon Island and the second 8 feet deep and 5.6 acres in area south of Bragdon Island. The existing project was completed in July 1961. The FNP is depicted on Attachment no. 2.

Character and Purpose of Work: The proposed work involves maintenance dredging to remove shoals in the two 8-foot-deep anchorages and portions of the 10-foot-deep channel (Attachment no. 3). Approximately 80% of the anchorages have shoaled in, to depths as shallow as -3 feet mean lower low water (MLLW). These shoals are the result of natural shoaling. The shoals are hindering navigational access and compromising vessel safety. Both commercial fishing boats and recreational boats are moored in the harbor.

The proposed work consists of the maintenance dredging of about 42,000 cubic yards of primarily fine-grain sand, silt, and clay, with more coarse-grain sand and gravel from the channel, returning the Federal project to its authorized dimensions. The work will be performed by a private contractor, using a mechanical dredge and scows, under contract to the government. The dredge will remove the material from the bottom of the harbor and place it in scows which will be towed by tug to the Cape Arundel Disposal Site, about 14 miles away, where the material will be released. The work will be accomplished over about a two to four month period, between about November 1 and May 15, of the year(s) in which funds become available. The Contractor will be allowed to dredge 24 hours per day, 7 days per week. The Town of York has requested that this project be maintained.

Disposal Area: The Cape Arundel Disposal Site (CADS) is a 500 yard diameter circle located in the Gulf of Maine, centered at 43° 17.8' North latitude and 70° 27.2' West longitude, with a depth range of 90 to 105 feet (Attachment no. 4). CADS is an interim, alternative disposal site, subject to concurrence by the Administrator, United States Environmental Protection Agency (USEPA), because use of a site designated by USEPA is not feasible. The nearest USEPA designated site is the Portland Disposal Site (PDS). PDS is located approximately 38 nautical miles from the dredging site, whereas CADS is located approximately 14 nautical miles away. Use of PDS instead of CADS would greatly increase travel time and dredging costs, making the use of PDS economically prohibitive. In addition, since PDS is significantly farther from the dredge site than CADS, the use of PDS would result in increased use of fossil fuels and increased air emissions, and a greater risk of spills, compared to the use of CADS, due to the much greater haul distance.

CADS was used infrequently until 1984 for disposal of bottom sediments dredged principally from the Kennebunk River and Cape Porpoise Harbor areas. Over a 25-year period (1985 – 2010), approximately 1,130,000 cubic yards of dredged material was placed at the CADS. The site has been monitored through the Corps' Disposal Area Monitoring System (DAMOS) program. DAMOS studies show that the site is a low energy environment such that sediment deposited at this location will not be transported away. Levels of metals and organics in the sediments within the disposal site are generally low and not substantially greater than background levels, indicative of the relatively uncontaminated nature of the areas dredged that utilize the site. For the York Harbor FNP the material to be dredged has undergone physical, chemical, and biological testing in coordination with State and Federal resource agencies. Based on this information, the material has been determined to be suitable for unconfined open water disposal at the Cape Arundel Disposal Site.

The proposed transportation of this dredged material for disposing of it in ocean waters is being evaluated to determine that the proposed 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 ODA, 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 water, other possible methods of disposal, and other appropriate locations.

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

Coordination: The proposed work has, or will be coordinated with the following agencies:

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

State of Maine:
Maine Department of Environmental Protection
Maine Department of Agriculture, Conservation, and Forestry; Maine Coastal Program
Maine Department of Marine Resources
Maine Historic Preservation Office

Tribal Nations:
The Penobscot Nation

Local:
Town of York

Environmental Impacts: An Environmental Assessment (EA) for the maintenance dredging of the York Harbor Federal Navigation Project in York, Maine with placement of the dredged material at the previously used Cape Arundel Disposal Site 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 in York Harbor is consistent, to the maximum extent practicable, with the applicable management programs established as a result of the Coastal Zone Management Act of 1972. The dredging and placement operations will be conducted, to the maximum extent practicable, in a manner that is consistent with the approved management program.

Other Information:

a. Local Sponsor: Town of York.

b. Non-Federal Dredging: There may be private and/or Town dredging work performed in conjunction with the Federal work.

c. Previous Dredging: The last time the harbor was dredged was in 1996 when approximately 48,000 cubic yards of sediment were mechanically removed from the anchorages, and placed at the Cape Arundel Disposal Site.

d. Alternative Disposal Areas/Methods: 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, hindering navigational access and compromising vessel safety. Regarding disposal alternatives, in conjunction with the York Harbor Board, we reviewed potential disposal sites and determined that no suitable nearby upland site to accommodate the quantity of material to be dredged and near enough to insure operational feasibility is practicably and economically available. Also, since the material to be dredged consists primarily of fine-grained silt and clay and fine-grained sand, it is not suitable for beach nourishment. The nearest open water disposal site is the Cape Arundel Disposal Site, which has historically been used for disposal of dredged material.

e. Endangered Species: It is our preliminary determination that no threatened or endangered species will be impacted by the proposed project. USACE 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).

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 of maintenance dredging of the FNP in previously dredged areas and placing the dredged material in a previously-used disposal site. This proposal, including use of the disposal site is being coordinated with the Maine Historic Preservation Office. In the past they have determined that the work will not adversely affect any cultural or archaeological features or resources.

h. 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. USACE will consult with the National Marine Fisheries Service to ensure that any potential impacts will be minimized.

Additional Requirements: A request will be sent to the Maine Coastal Program office of the Maine Department of Agriculture, Conservation, and Forestry for the State's concurrence with our determination of Federal consistency with the State's approved Coastal Zone Management Program. A request will also be sent to the Maine Department of Environmental Protection for a

Water Quality Certification in accordance with Section 401 of the Clean Water Act, 33 U.S.C. § 1341, 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.

This Public Notice is intended to provide information and seek comments about our proposal to accomplish maintenance dredging of the Federal navigation project in York Harbor. Maintenance dredging will be performed in the year(s) that funding becomes available. Additional notices will be issued if the scope of work for future projects varies from that described herein. 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 placement 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, Massachusetts 01742-2751, ATTN: Jack Karalius; or emailed to nae-pn-nav@usace.army.mil within 30 days of this notice.

26 JAN 2015
Date

Christopher J. Barron
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.)

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

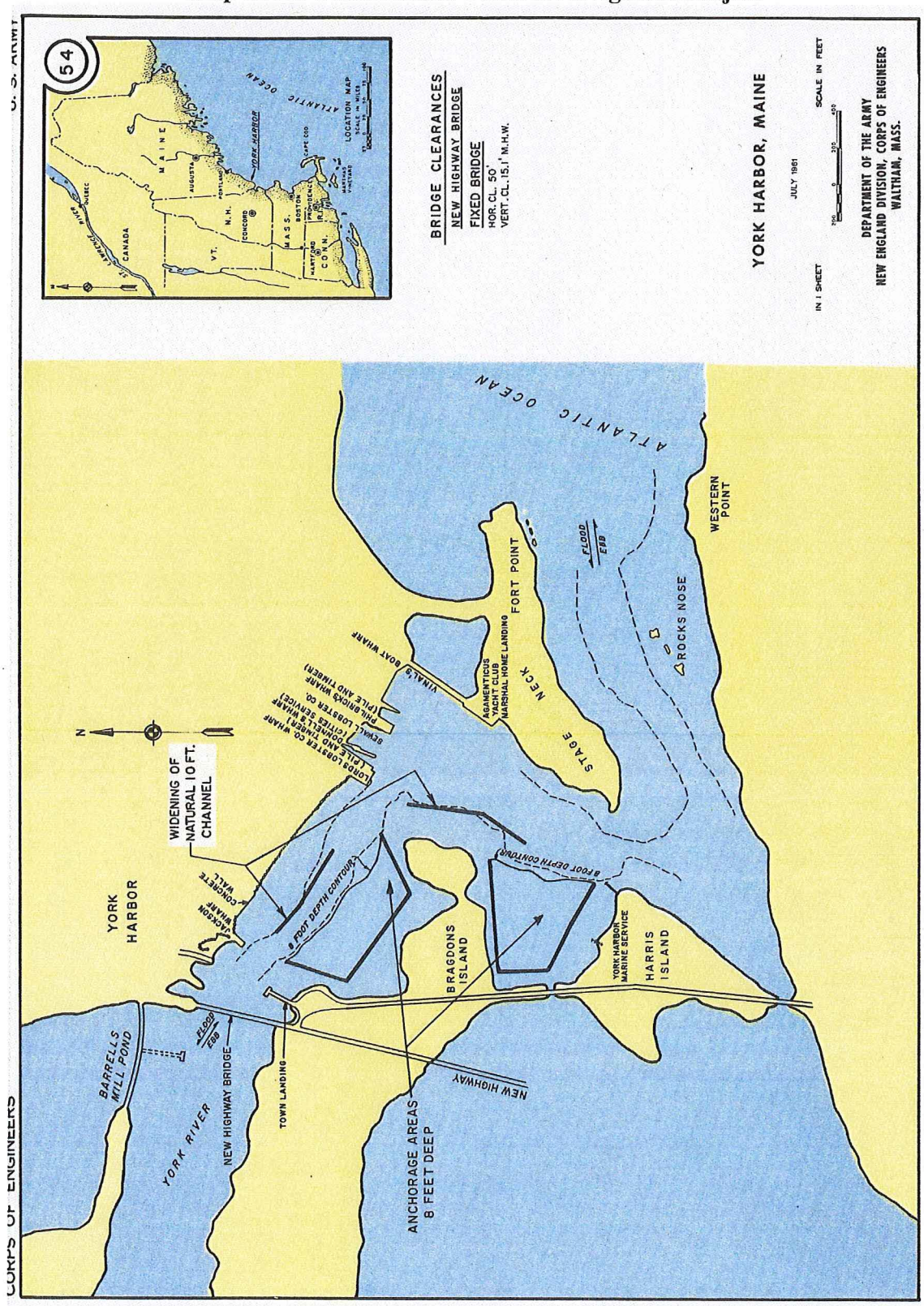
Executive Order 11990, Protection of Wetlands, 24 May 1977

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

Executive Order 13045, Protection of Children from Health Risks and Safety Risks, 21 April 1997

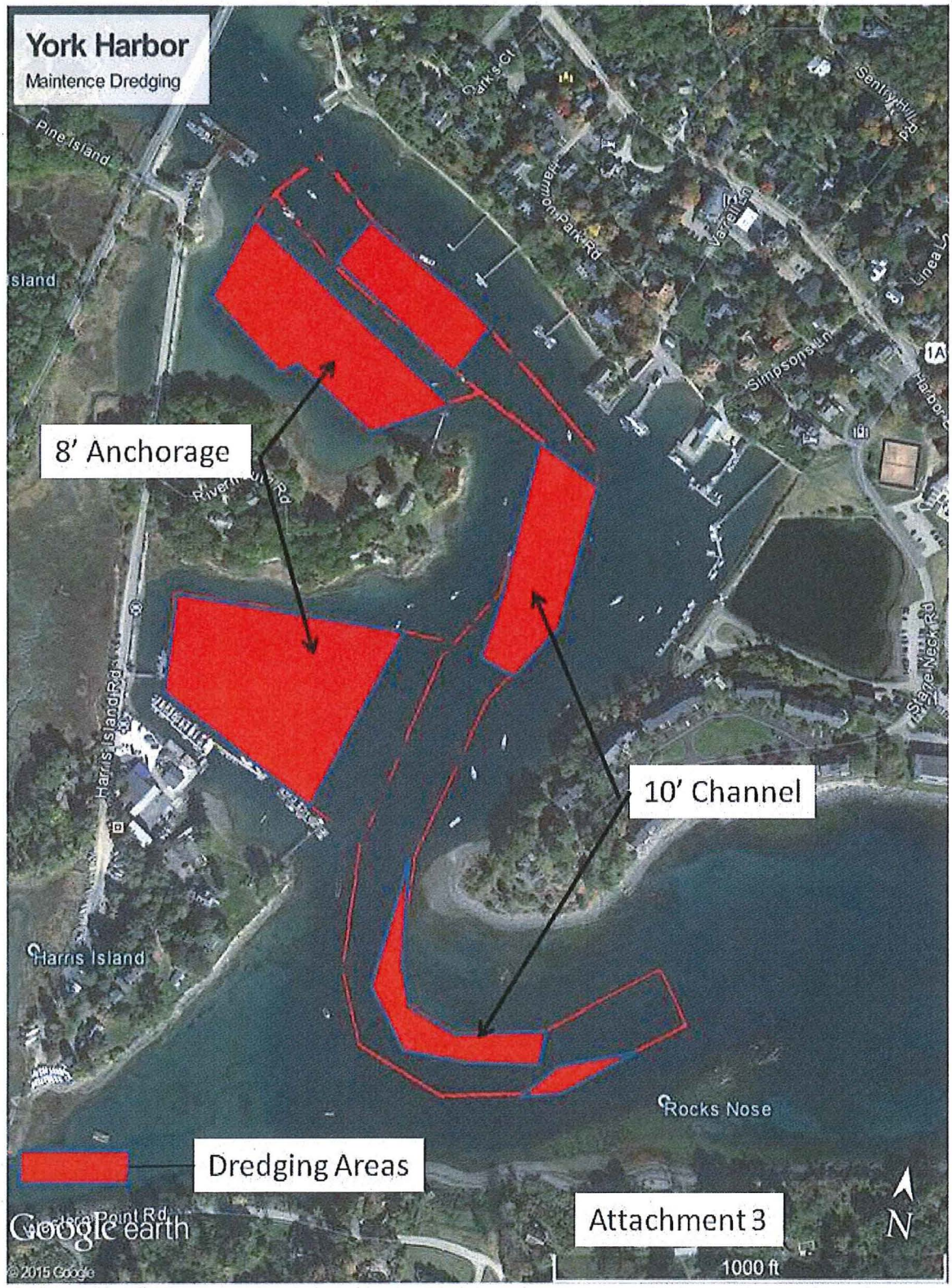
Attachment 2

Map of the York Harbor Federal Navigation Project

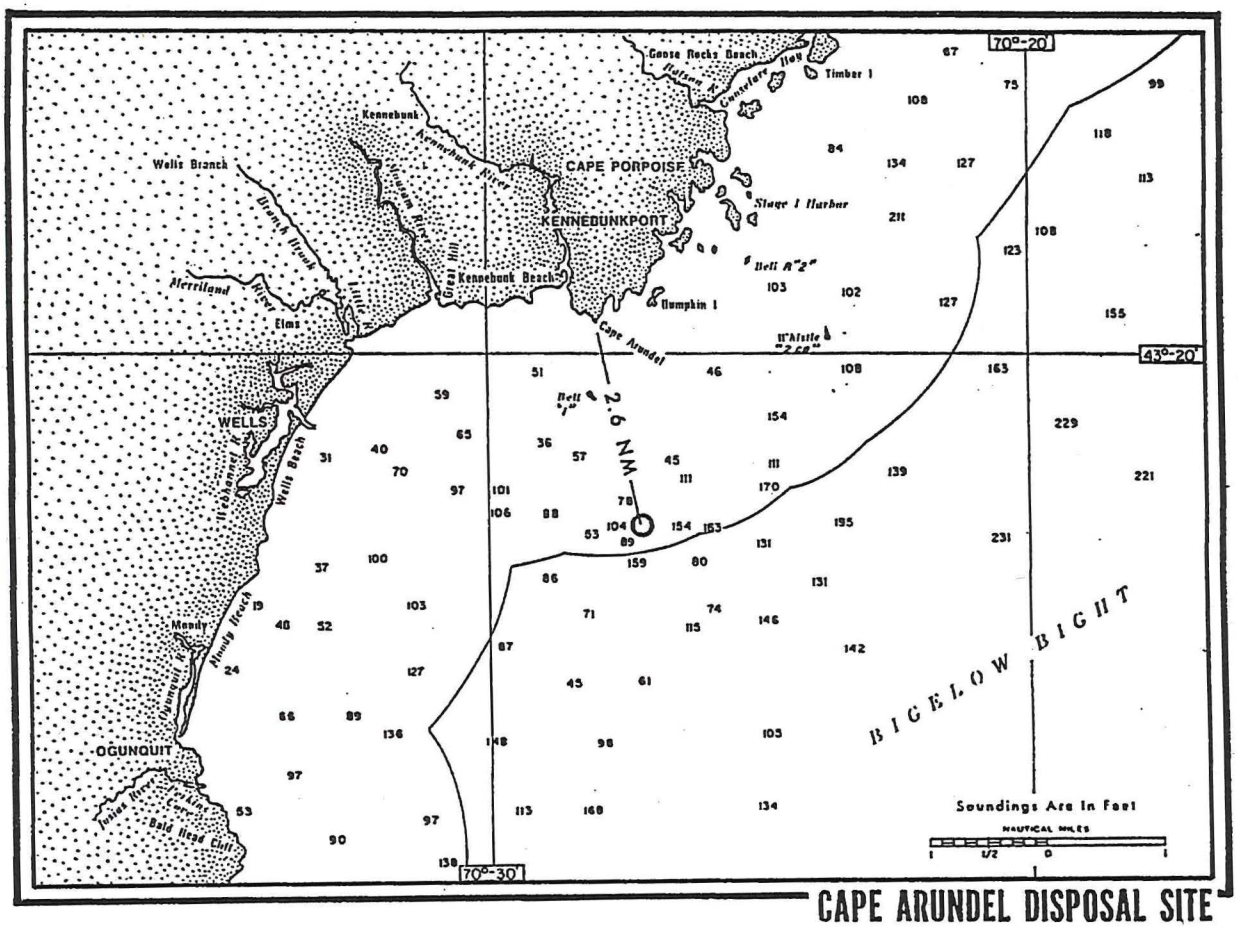


Attachment 3

Map of the York Harbor Proposed Dredge Areas



Attachment no. 4



CAPE ARUNDEL DISPOSAL SITE

Description: This site is a 500 yard diameter circle with center at 43°-17.8'N latitude and 70°-27.2' W longitude. From the center, Lighted Bell Buoy "1" bears true 339° 30' at 3,708 yards, Lighted Whistle Buoy "2CP" bears true 49° at 7,416 yards, and Bell Buoy R "2" bears true 23° at 7,622 yards. Depth Range: 90 to 105 feet MLW. The authorized disposal point (within the overall disposal area) is specified for each dredging project in other project documents. NOTE: The map depicts the disposal site's location in relation to landmarks. It is not intended for use in navigation.