



**US Army Corps
of Engineers®**
New England District

696 Virginia Road
Concord, MA 01742-2751

Public Notice

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Programs and Project Management Division
Date: January 26, 2023
Comment Period Closes: February 26, 2023

30-DAY PUBLIC NOTICE MAINTENANCE DREDGING OF THE ESSEX RIVER FEDERAL NAVIGATION PROJECT ESSEX, MASSACHUSETTS

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, subject to the provisions of Section 404 of the Clean Water Act of 1977 (Public Law (P.L.) 95-217); Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (P.L. 92-532); and subject to the requirements of the National Environmental Policy Act (P.L. 91-190). The work involves maintenance dredging of the Essex River Federal Navigation Project (FNP) in Essex, Massachusetts, and is authorized in accordance with Title 33, Parts 335-338 of the Code of Federal Regulations. The FNP was authorized by the River and Harbor Act of 13 July 1892 and was recently amended by the Water Infrastructure Improvements for the Nation (WIIN) Act of 16 December 2016. Attachment 1 lists pertinent laws, regulations, and directives.

Project Description:

The Essex River is a tidal estuary located north of Cape Ann in the town of Essex, Massachusetts. The river drains the Chebacco Lake system and flows northeast for approximately 6 miles, discharging through Essex Bay into Ipswich Bay. The existing FNP consists of a channel that is 4 feet deep at mean lower low water (MLLW) and 60 feet wide from the mouth of the river to the bend upstream of Route 133 where it becomes 40 feet wide until the basin at the town boat ramp (Attachment 2).

The proposed project involves maintenance dredging of approximately 23,400 cubic yards (CY) of sandy-silt and approximately 13,900 CY of sand from the Essex River FNP (Attachments 3 & 4) and placement of the sandy-silt material at either the Isles of Shoals North Disposal Site (IOSN) or the Massachusetts Bay Disposal Site (MBDS), and placement of the sand at the Ipswich Bay Nearshore Disposal Site (IBNDS), the Salisbury Nearshore Disposal Site (SNDS) or the Newburyport Nearshore Disposal Site (NNDS) (Attachment 5). The work will be performed by a private contractor using a mechanical dredge. Dredged material will be transported by scow to the open-water or near-shore disposal locations. Maintenance dredging will return the Federal channel to its authorized depths, plus one foot of allowable overdepth. The work will be accomplished

over a two- to three-month period between October 1 and February 15 in the year(s) in which funds become available. No additional dredging by others has been planned or is expected.

Purpose of Work: The purpose of this project is to dredge the shoaled areas of the Essex River FNP to restore vessel navigation and place dredged material in the most appropriate location incorporating beneficial use of material where feasible. Shoaling in the Essex River FNP makes vessels susceptible to groundings and exposes them to hazardous conditions at periods of low tides. Hydrographic surveys of the FNP show that shoaling has limited depths in portion of the FNP to 1 foot or less MLLW. This shoaling has presented the need for USACE to perform maintenance dredging within the FNP to bring these areas to their authorized depth, reducing navigational hazards.

Alternatives: In addition to the proposed action, the Environmental Assessment evaluated the no action alternative, which serves as a baseline against which the proposed action and alternatives can be evaluated. Realignment of the FNP was considered and adopted to reduce potential impacts to important resources. Several dredging methods considered for this project include hydraulic pipeline dredges, hopper dredges, and mechanical dredges. Dredge material disposal locations that were considered include upland placement, open water ocean disposal, near shore aquatic disposal, and beneficial use (e.g., beach nourishment).

Disposal Areas:

Ipswich Bay Nearshore Disposal Site (IBNDS): The IBNDS is approximately 1.5 miles north of Farm Point and Wingaersheek and Coffins Beaches. It is a rectangular area 3,280 feet long by 1,640 feet wide in water depths of approximately 32 feet deep (Attachment 5). Water depths range from 20 to 30 feet MLLW. The IBNDS has been previously used by the Commonwealth of Massachusetts for the placement of material from the dredging of the Ipswich Bay Bar channel in 2007 when approximately 4,300 CY of sand was placed at the site. USACE also placed approximately 135,000 CY of sand at the IBNDS in 2019 from the maintenance dredging of the Annisquam River Federal Navigation Project. The site is approximately 1.4 nautical miles from the Essex River FNP.

Salisbury Nearshore Disposal Site (SNDS): The SNDS is located adjacent to Salisbury Beach in Salisbury, MA (Attachment 5). The site is a shallow, sandy, subtidal area that has been used historically for the placement of sandy sediments. Water depths range from 15 to 25 feet MLLW. Sandy material from both the Newburyport Harbor FNP maintenance dredging efforts and the Portsmouth Harbor Navigation Improvement Project have been placed within the SNDS. Approximately 5,000 CY of sand from the Portsmouth Harbor Navigation Improvement Project was placed at SNDS in 2022. The site is approximately 10.9 nautical miles from the Essex River FNP.

Newbury Nearshore Disposal Site (NNDS): The NNDS is located adjacent to Plum Island Salisbury Beach in Newbury, MA (Figure 5). The site is a shallow, sandy, subtidal area that has been used historically for the placement of sandy sediments. Water depths range from 10 to 20 feet MLLW. Sandy material from both the Newburyport Harbor FNP maintenance dredging efforts and the Portsmouth Harbor Navigation Improvement Project have been placed within the

NNDS. Approximately 125,000 CY of sand from the Portsmouth Harbor Navigation Improvement Project was placed at NNDS in 2022. The site is approximately 8.8 nautical miles from the Essex River FNP.

Massachusetts Bay Disposal Site (MBDS): The MBDS is an U.S. Environmental Protection Agency (EPA)-designated open water disposal site that is a 2 nautical mile diameter circular area located 12 nautical miles southeast of Gales Point, MA. Water depths range from 240 to 300 feet MLLW. The MBDS was officially designated a dredged material disposal site by the EPA in 1993. MBDS is approximately 25.3 nautical miles from the Essex River FNP (Attachment 5). MBDS is generally used for the placement of fine-grained sediments from the harbors along Massachusetts Bay. Approximately 12 million cubic yards of material have been placed at MBDS since 2020 with the majority of the material coming from the Boston Harbor Deep Draft Navigation Improvement Project.

Isles of Shoals North Disposal Site (IOSN): The IOSN is an EPA-designated open water disposal site that is located approximately 15 nautical miles east of Portsmouth, New Hampshire, in the Gulf of Maine. Water depths range from 250 to 350 feet MLLW. The IOSN is circular in shape and approximately 2.5 km in diameter. Approximately 420,000 CY of glacial till from the Portsmouth Harbor Navigation Improvement Project was placed at IOSN in 2022. IOSN is approximately 24.1 nautical miles from the Essex River FNP (Attachment 5).

Additional Information: Additional information may be obtained from the New England District of the U.S. Army Corps of Engineers, Project Manager, Craig Martin, at 978-318-8638, or email at Craig.A.Martin@usace.army.mil; or the Project Biologist, Todd Randall, at 978-318-8518, or email at Todd.A.Randall@usace.army.mil.

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

Federal:

U.S. Environmental Protection Agency – Region 1
U.S. Fish and Wildlife Service – New England Field Office
National Marine Fisheries Service – Greater Atlantic Regional Fisheries Office

State:

Massachusetts Department of Environmental Protection
Massachusetts Division of Marine Fisheries
Massachusetts Office of Coastal Zone Management
Massachusetts Historical Commission
Massachusetts Board of Underwater Archaeological Resources
Massachusetts Natural Heritage and Endangered Species Program

Recognized Tribes:

Mashpee Wampanoag
Wampanoag Tribe of Gay Head (Aquinnah)
Narragansett Tribe

Municipal Officials:
Town of Essex, MA
City of Gloucester, MA

Environmental Impacts: A draft environmental assessment is 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.

Other Information:

a. Local Sponsor: Town of Essex, Massachusetts

b. Endangered Species: It is our preliminary determination that the project may affect, but is not likely to adversely affect, threatened or endangered species. USACE is in consultation with the National Marine Fisheries Service and the U.S. 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).

c. Cultural Resources: USACE is coordinating the proposed project with the Massachusetts Historical Commission (MHC), the Mashpee Tribe, Wampanoag Tribe of Gay Head (Aquinnah) and Narragansett Tribe in accordance with the National Historic Preservation Act (NHPA) of 1966, as amended. The project area has been previously dredged, and therefore, no effects upon significant archaeological or historical properties as defined by the NHPA and 36 CFR 800 is anticipated. As disposal will occur at previously and continuously used disposal sites, impacts upon significant archaeological or historical resources are not expected. We expect the MA SHPO and Tribes to concur with this determination.

d. Essential Fish Habitat Assessment: USACE has 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 as amended by the Sustainable Fisheries Act of 1996 for federally managed fish species. USACE assessed the effects that the project is likely to have on EFH and determined that they will be short-term and localized, and that there will be no significant impacts on the designated fisheries resources. USACE is in consultation with the National Marine Fisheries Service to ensure that any potential impacts will be minimized.

e. Section 103 of the Marine Protection, Research and Sanctuaries Act (MPRSA): USACE has determined that the project is consistent with Section 103 of the MPRSA for disposal of material in ocean waters of Massachusetts Bay and the Gulf of Maine at either the EPA designated Massachusetts Bay Disposal Site (MBDS) or the Isles of Shoals North Disposal Site (IOSN) respectively. The proposed transportation of this dredged material for disposal in ocean waters is being evaluated to determine that it 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 MPRSA, will be applied. In addition, based on an evaluation of the potential effect that failure to use these ocean disposal sites 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.

f. Floodplain Management: In accordance with Executive Order 11988, USACE has determined that the proposed work will not contribute to negative impacts or damages caused by floods.

g. Additional Requirements: USACE will request a 401 Water Quality Certificate from the MA Department of Environmental Protection (MA DEP) to ensure compliance with Section 401 of the Clean Water Act for the disposal activities in state waters. USACE will request a Coastal Zone Management (CZM) Consistency Determination Concurrence from the MA Office of CZM. The dredging and placement operations will be conducted in a manner that is consistent to the maximum extent practicable with Massachusetts's coastal management program established in accordance with the Coastal Zone Management Act of 1972.

The decision whether to perform the proposed work will be based on an evaluation of the probable impact, including cumulative impacts, 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 that 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 including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

As this proposed work involves the discharge of dredged material into the Waters of the United States and the transportation of dredged material for the purpose of disposal into ocean waters, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, EPA, (40 CFR part 230) or of the criteria established under authority of section 102(a) of the MPRSA, as amended (40 CFR parts 220 to 229), as appropriate.

Any person who has an interest, which may be affected by the 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 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: Craig Martin; or emailed to nae-pn-nav@usace.army.mil within 30 days of this notice.

Date

John A. Atilano II
Colonel, Corps of Engineers
District Engineer

Attachments

Attachment 1

PERTINENT LAWS, REGULATIONS, AND DIRECTIVES

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

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

National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.)

Fish and Wildlife Coordination Act (16 U.S.C. 661-677e)

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

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

National Historic Preservation Act of 1966, as amended (54 U.S.C. 300101 et seq.)

Endangered Species Act of 1973, as amended (16 U.S.C. 1531 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 (54 U.S.C. 200302 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.)

Marine Protection, Research, and Sanctuaries Act of 1971, as amended (33 U.S.C. 1401 et seq.)

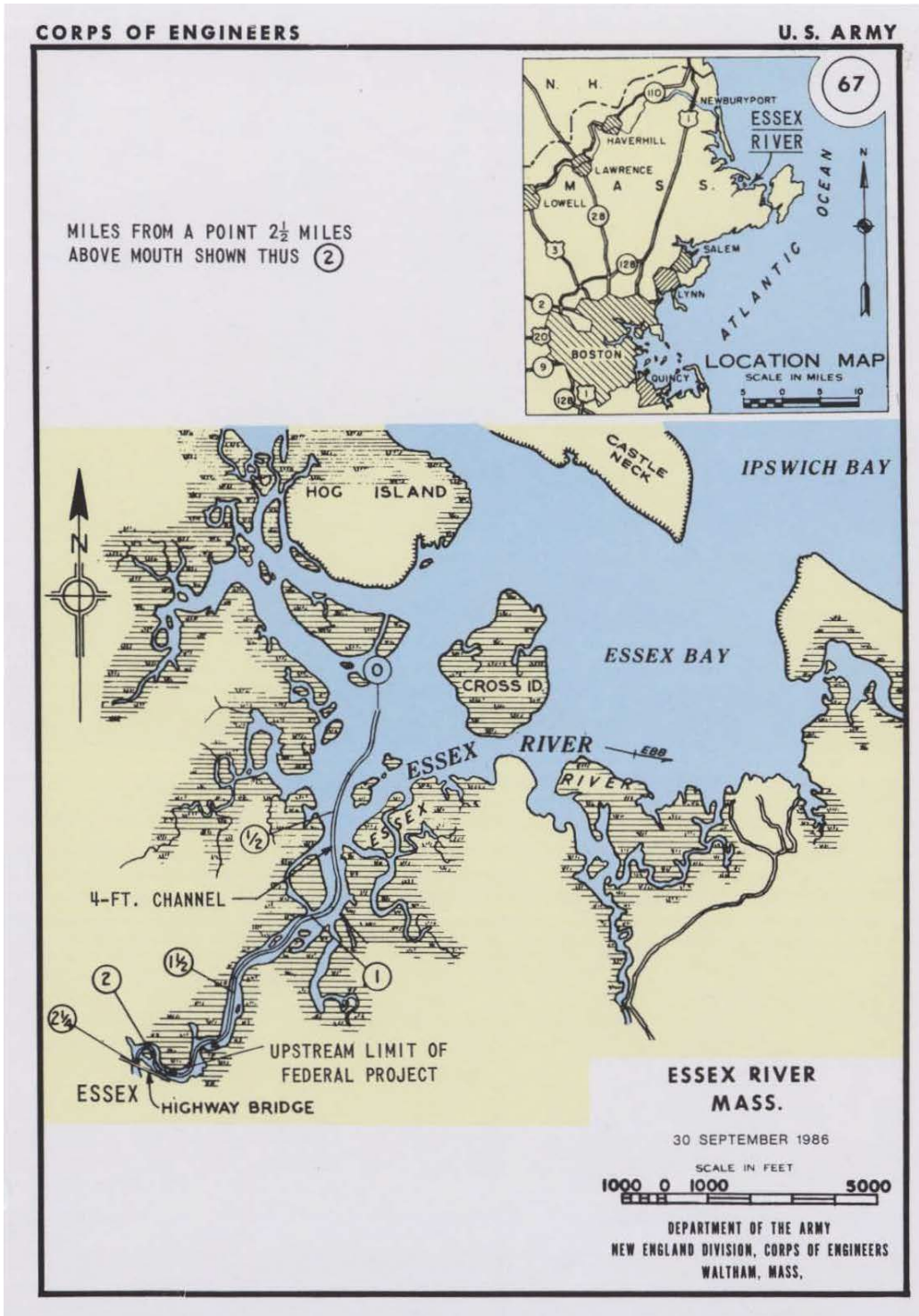
Executive Order 11988, Floodplain Management, 24 May 1977

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

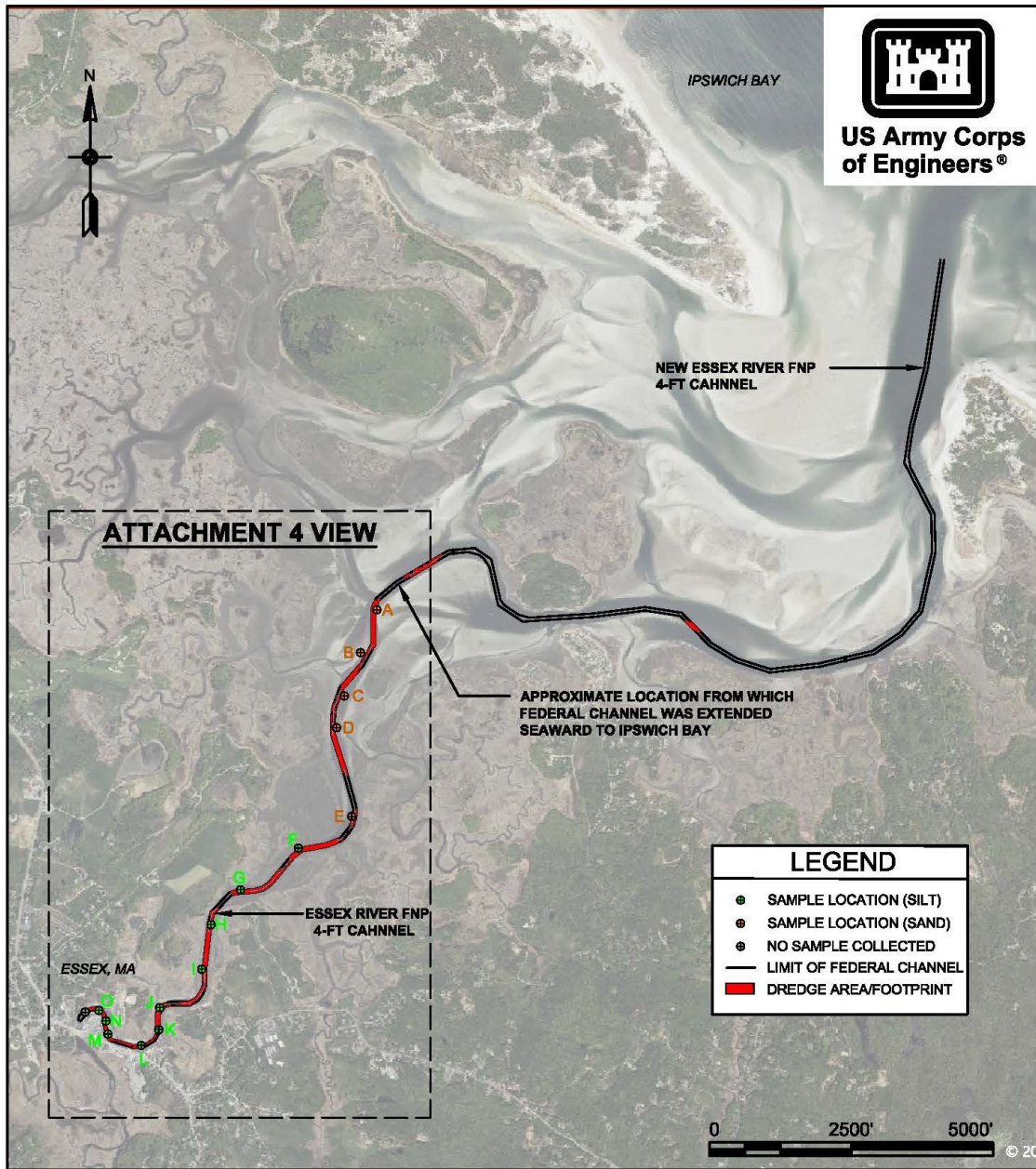
Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks, 21 April 1997

Attachment 2 Essex River Federal Navigation Project



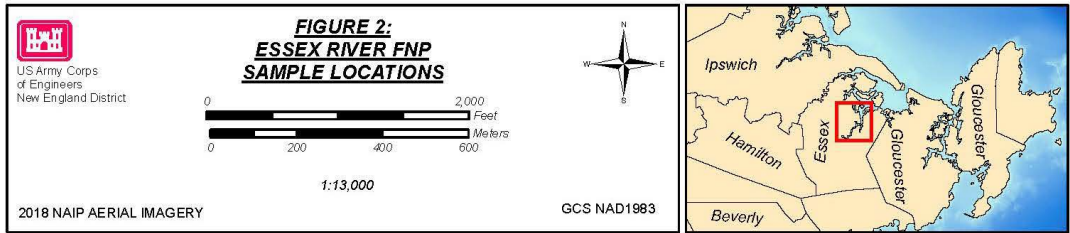
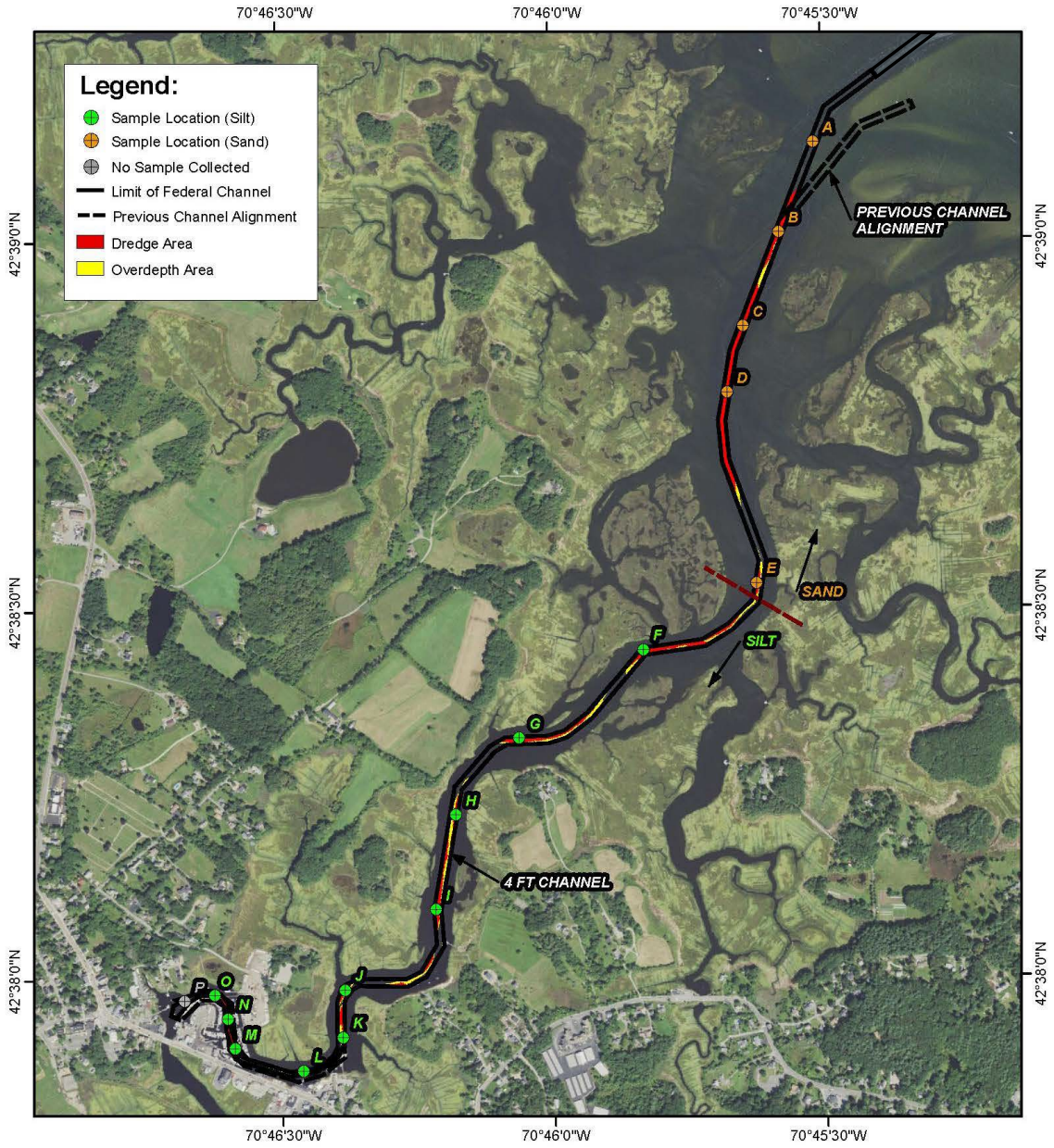
Attachment 3

Essex River Federal Navigation Project Dredge Areas



Attachment 4

Essex River Federal Navigation Project Sampling Locations



Attachment 5

Massachusetts Bay Disposal Site (MBDS), Isles of Shoals North Disposal Site (IOSN), Ipswich Bay Nearshore Disposal Site (IBNDS), Newbury Nearshore Disposal Site (NNDS), and the Salisbury Nearshore Disposal Site (SNDS) with approximate transit distances from the Essex River FNP.

