



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

696 Virginia Road
Concord, MA 01742-2751

Public Notice

In Reply Refer to: Mr. Craig Martin
nae-pn-nav@usace.army.mil

Programs & Project
Management Division

Date: **May 15, 2020**

Comment Period Closes: **June 14, 2020**

30 DAY PUBLIC NOTICE

MAINTENANCE DREDGING OF THE WOOD ISLAND AND THE POOL AT BIDDEFORD FEDERAL NAVIGATION PROJECT, BIDDEFORD, 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 Wood Island and Pool at Biddeford Federal Navigation Project (FNP) in Biddeford, 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.

Project Description: The proposed work involves maintenance dredging of portions of the 10-foot-deep Mean Lower Low Water (MLLW) Federal navigation channel and 6-foot-deep basin at Biddeford Pool, plus 1 foot authorized overdepth, in the FNP. Overdepth is additional sediment depth that can be removed to account for inaccuracies in the dredging process and dredging efficiency. The existing project was originally authorized by the River & Harbor Act of 1950. Construction occurred in 1956 and consisted of: dredging a 10.2 acre, 6-foot Mean Low Water (MLW) anchorage located approximately 800 feet inside the entrance to Biddeford Pool; dredging an adjoining 2-acre mooring basin at wharfs on the South side of the gut area; and constructing of an array of three rubble mound icebreakers southeast of the anchorage to protect mooring basin. The Chief of Engineers, under Continuing Authority of Section 107 of the River and Harbor Act of 1960, authorized the 100-foot wide channel through Wood Island Harbor to Biddeford Pool at a depth of ten (10) feet MLW on 18 October 1990. Construction occurred in October and November of 1992. Approximately 17,000 cubic yards (CY) of material was placed on an inter-island sand bar located between Stage and Basket Islands.

Character and Purpose of Work: Natural shoaling processes have reduced available depths to as little as 6.3 feet in the 10-foot MLLW channel and 0.6 feet MLLW in the Pool at Biddeford

anchorage making navigation hazardous at lower stages of the tide. Maintenance dredging of approximately 39,000 CY of fine-grained sand and 6,000 CY of silt from approximately 8.4 acres of the authorized project area will restore the inner harbor portion of the FNP to authorized dimensions (see Attachment 2). Approximately 39,000 CY of sand is proposed for placement at the previously-used, nearshore placement site off of the shoreline at Camp Ellis. The remaining silty material (approximately 6,000 CY) will be placed at the Saco Bay Disposal Site (SBDS). A private contractor, under contract to the government, will use a mechanical dredge and scows to remove the material and then transport it for placement at the disposal sites. Construction is expected to take between 3 to 4 months between November 1 and March 31 of the year(s) in which funds become available. The USACE will allow the contractor to dredge 24 hours per day, 7 days per week. The City of Biddeford requested that this project be maintained.

Disposal Areas: The proposed nearshore placement site for the fine sand removed from the FNP is a rectangular 10-acre site situated offshore of Camp Ellis Beach (Attachment 2). The center of the site is located at 43° 28' 1.2396 N, 70° 21' 51.9804 W. Water depths at the nearshore placement site range from approximately 10 to 18 feet MLLW. The USACE used this site to place material from the Scarborough River FNP maintenance project in 1995 and the Saco River FNP in 2016.

The proposed placement site for the silt removed from the FNP is the SBDS, which is located approximately 4 nautical miles (NM) northeast of the FNP and 2.7 nautical miles east of Ferry Beach (Attachments 2 & 3). The site consists of a 500 yard diameter circular area, centered at 70° 19.300' W, 43° 28.500' N. It ranges from approximately 100 to 110 feet in depth.

The USACE-NAE Disposal Area Monitoring System (DAMOS) Program first surveyed SBDS in 1990 after the disposal of approximately 43,000 CY from the Biddeford Pool maintenance dredging project. No pre-disposal bathymetry survey was available in 1990 for pre and post-disposal comparison, but the survey indicated that most of the disposed sediment was confined to a relatively small region extending south and west of the disposal site center (<https://www.nae.usace.army.mil/portals/74/docs/DAMOS/TechReports/81.pdf>).

Additional Information: Additional information may be obtained from Mr. Craig Martin, 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 by telephone at (978) 318-8638.

Coordination: The proposed work has been, 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 State Planning Office
Maine Department of Marine Resources
Maine Historic Preservation Commission

Maine Department of Inland Fisheries and Wildlife

Tribal Nations:

Passamaquoddy Tribe of Indians

Local:

City of Biddeford, Maine

Environmental Impacts: An Environmental Assessment is in preparation and will be available for review upon request when complete. 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 is consistent, to the maximum extent practicable, with the State of Maine's coastal management program established in accordance with the Coastal Zone Management Act of 1972. The dredging and placement operations will be conducted in a manner that is consistent to the maximum extent practicable with the approved management program.

Other Information:

a. Local Sponsor: Town of Biddeford

b. Non-Federal Dredging: The Biddeford Yacht Club has applied for Federal/State permits to undertake dredging in an area (21,667 square feet) immediately adjacent to the FNP within Biddeford Pool to remove approximately 4,222 CY of sand / silty material. Due to the composition of this material a mechanical clamshell dredge is expected to be used to remove the shoal material, place in a dump scow and tow it to the Cape Arundel Disposal Site (CADS). This work may be performed in conjunction with the Federal project or at a later date, depending on availability of the dredging contractor.

c. Previous Dredging: The USACE most recently dredged the harbor in 1992. At that time, 17,000 CY of material was placed on an inter-island sand bar located between Stage and Basket Islands. Original Federal navigation improvements occurred in 1956 and consisted of: dredging a 10.2 acre, 6-foot MLW anchorage located approximately 800 feet inside the entrance to Biddeford Pool; dredging an adjoining 2-acre mooring basin at wharfs on the South side of the gut; and constructing of an array of three rubble mound icebreakers southeast of the anchorage to protect mooring basin. Maintenance dredging of Biddeford Pool was also completed in January-May 1989 when approximately 38,000 CY of material were removed and placed at the Saco Bay Disposal Site.

d. Alternate Disposal Methods: Alternate disposal options that have been considered include open-ocean disposal, beach and nearshore disposal, and upland disposal. Approximately 39,000 CY of sand material from the channel is proposed for placement at the Camp Ellis

nearshore placement site approximately 3 nm north of the FNP (Attachment 2). The silty material (approximately 6,000 CY) is not appropriate for nearshore or beach placement, therefore open-ocean disposal at the Saco Bay Disposal Site is also proposed. A suitable upland disposal site was not identified.

e. Endangered Species: It is our preliminary determination that the project is not likely to adversely affect threatened or endangered species. The USACE is in consultation 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 USACE 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 previously-used and designated disposal sites. The USACE is in coordination project with the Maine Historic Preservation Commission and the Tribal Historic Preservation Officer of the Passamaquoddy Tribe of Indians in accordance with the National Historic Preservation Act of 1966, as amended.

h. Essential Fish Habitat Assessment: The 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 and amended by the Sustainable Fisheries Act of 1996 for Federally-managed fish species. The USACE assessed the effects that the project is likely to have on EFH, in particular eelgrass habitats, and determined that they will be short-term and localized and that there will be no significant impacts on the designated fisheries resources. The Environmental Assessment estimates that the project will remove approximately 3.15 acres of eelgrass from the Federal channel and that eelgrass will return to the dredged portions of the channel within 8 years following the completion of dredging. USACE will monitor eelgrass recovery following dredging and provide mitigation for these temporary effects through a payment to the Maine In-Lieu Fee mitigation program. The USACE is in consultation with the National Marine Fisheries Service to ensure that any potential impacts will be minimized.

i. Additional Requirements: The Corps has requested a 401 Water Quality Certificate from the Maine Department of Environmental Protection and a Coastal Zone Management Consistency Determination Concurrence from the Maine State Planning Office.

The decision whether to perform the proposed 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, MA 01742-2751, ATTN: Craig Martin; or emailed to nae-pn-nav@usace.army.mil within 30 days of this notice.

Date

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William M. Conde
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 (54 U.S.C. 300101 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 (54 U.S.C. 100101 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

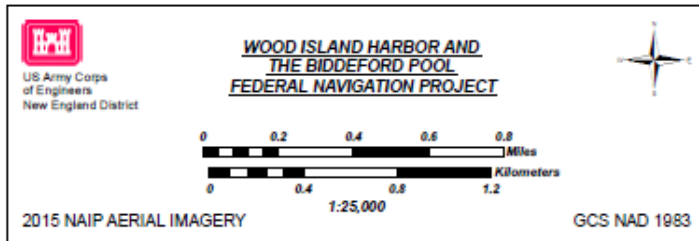
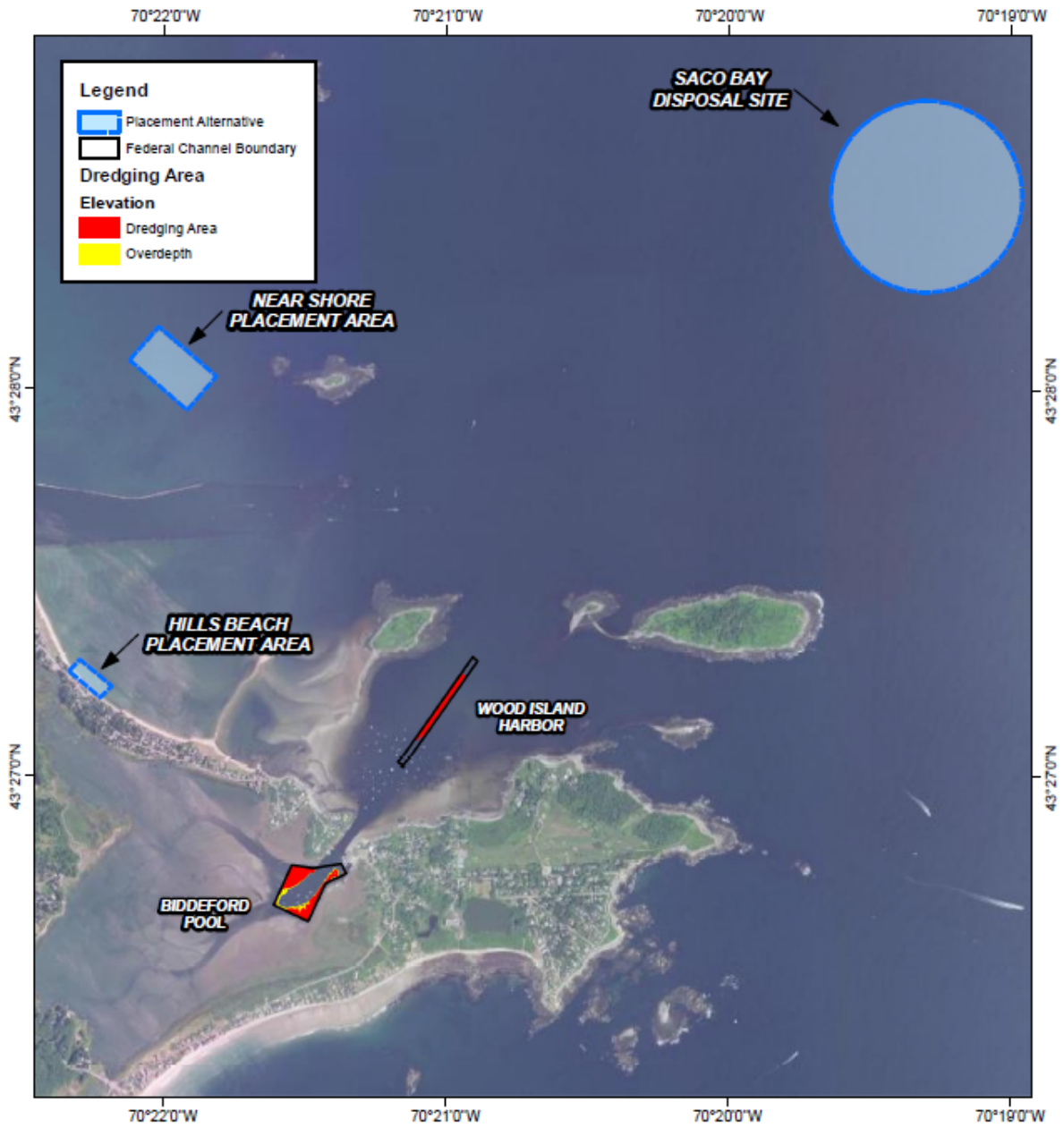
Executive Order 11990, Protection of Wetlands, 24 May 1977

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

Wood Island Channel and Biddeford Pool Proposed Dredge Areas

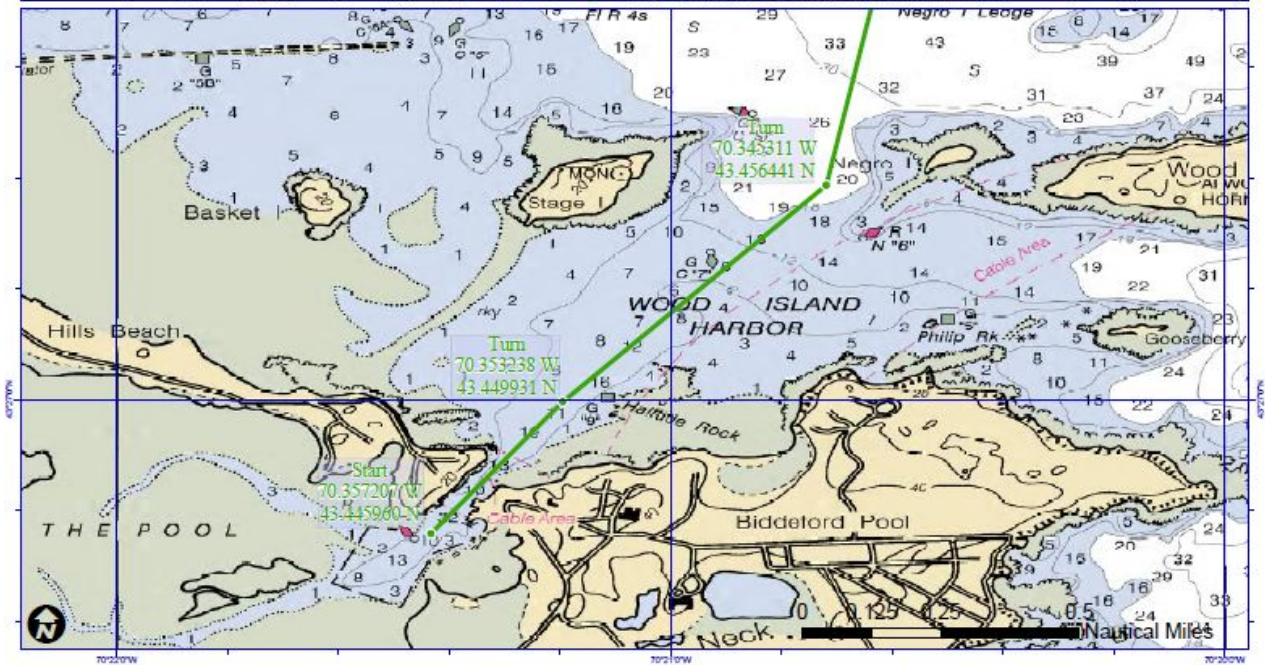
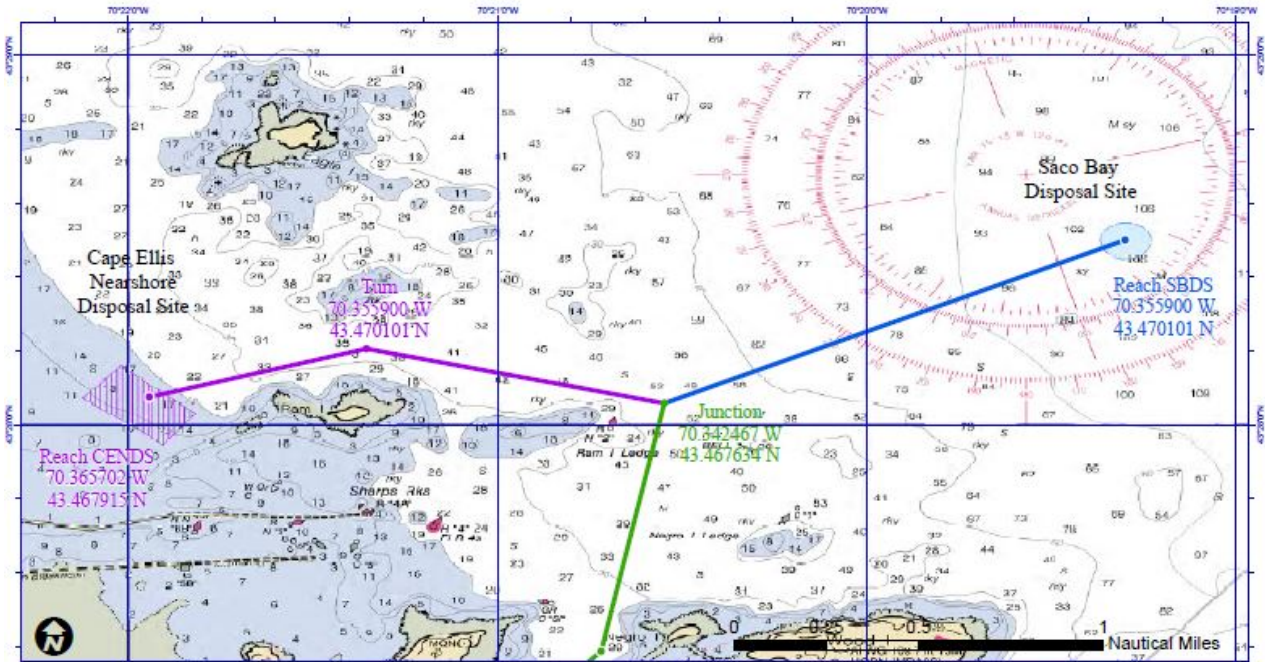


Attachment 3

Wood Island Channel and Pool at Biddeford FNP Proposed Haul Routes

New England District

North Atlantic Division



NOTES
 DATUM: GCS NAD83
 MAIN MAP 1
 REFERENCE SCALE 1:15,000
 NOAA CHART 13286
 MAIN MAP 2
 REFERENCE SCALE 1:10,000
 NOAA CHART 13278
 VICINITY MAP
 REFERENCE SCALE 1:150,000

Route Coordinates

- ROUTE
- REACH CEND
- REACH SBDS

Route Sections

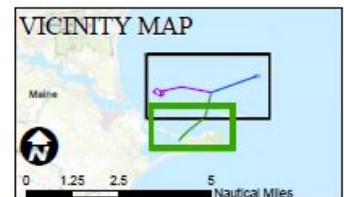
- TO CEND
- TO SBDS
- TRANSIT

Disposal Sites

- Saco Bay
- Cape Ellis Nearshore

US Army Corps of Engineers

NEW ENGLAND DISTRICT



Coordinated with Maine Department of Marine Resources, representatives from the Lobsterman's Council, and Maine Marine Patrol on May 21, 2020