



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

696 Virginia Road
Concord, MA 01742-2751

Public Notice

In Reply Refer to: **Dubán Montoya**
nae-pn-nav@usace.army.mil

**Programs/Project
Management Division**

Date: June 15, 2007

Comment Period Closes: July 16, 2007

30 DAY PUBLIC NOTICE

MAINTENANCE DREDGING OF THE FEDERAL NAVIGATION PROJECT IN CLINTON HARBOR CLINTON, CONNECTICUT

Interested parties are hereby notified that the U.S. Army Corps of Engineers, New England District, plans to perform maintenance dredging of the Federal navigation project, involving work in the navigable waters of this District, under the provisions of Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (P.L. 92-532) and Section 404 of the Clean Water Act of 1977 (P.L. 95-217) 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: The proposed work involves maintenance dredging of the Federal Navigation Project at Clinton Harbor which consists of an 8-foot channel at mean lower low water (MLLW), 100 feet wide, from Long Island Sound to the upper ends of the wharves at Clinton; an 8-foot anchorage area extending 600 feet above the end of the channel with widths of 150 to 250 feet and extending 50 feet south of the channel; and a stone dike between Cedar Island and the mainland.

The project was completed in 1950, and the entrance channel was last maintained in June 2000. Currently there is approximately 47,000 cubic yards of shoal material in Clinton Harbor main channel and anchorage area. The material in the anchorage area is suitable for open water disposal at the Cornfield Shoals Disposal Site (CSDS) in Long Island Sound, but not suitable for beach nourishment purposes due to grain size. The preferred alternative includes dredging approximately 45,000 cubic yards of sandy material (from the main channel only) and transporting the material by hydraulic/pipeline for placement on the public beach at Hammonasset State Park. If this alternative is implemented, then the anchorage area will not be

dredged. However, in the event that this alternative is not viable due to funding constraints or logistical considerations, material from both the channel and anchorage area totaling approximately 47,000 cy will be removed using a mechanical dredge (clamshell dredge) and scows and transported to CSDS for disposal.

Character and Purpose of Work: The Federal channel and anchorage areas in Clinton Harbor were authorized by River & Harbor Act of 2 March 1945. See project location map (Attachment 2). The project serves 13 commercial marinas and about 1,150 recreational boats. The controlling depth in the Federal channel is 3 feet MLLW in some places. This reduction in channel depth is a safety hazard with increased potential for groundings. 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 Clinton Harbor would restore authorized depths of the project.

Disposal Area Options: The dredged material has undergone physical, chemical, and biological testing and has satisfied the criteria for ocean disposal of dredged material as specified in Part 227 of the Ocean Dumping Act regulations. It is our determination that the material is acceptable for unconfined open-water disposal at the CSDS. The dredged material from the entrance channel consists of clean sandy material based on sampling and testing performed in September 2001 and May 2003. Our determination is that the material from the main channel is suitable for placement on Hammonasset State Beach (Attachment 3). These suitability determinations for disposal of the material have been coordinated with the appropriate state and Federal resource agencies.

The CSDS (see Attachment 4) is characterized as a high energy dispersal site that is periodically used for disposal of dredged material from various harbors located along, and near the mouth of, the Connecticut River. This is the least-used site in Long Island Sound where less than 100,000 cubic yards of suitable sediments on average (suitability determined through case-by-case analyses) are deposited annually. The site has been monitored through the Corps Disposal Area Monitoring System (DAMOS) program since 1978. The sediments that have been permitted for disposal at the CSDS generally have low to moderate levels of contaminants. Areas outside the disposal site are not known to have been adversely affected by sediments deposited at this site.

The proposed transportation of this dredged material for disposing of it in ocean waters is being evaluated to determine that the 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 Marine Protection, Research, and Sanctuaries Act (MPRSA), 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 waters, other possible methods of disposal, and other appropriate locations.

Additional Information: Additional information may be obtained from Mr. Dubán Montoya, Programs/Project Management Division, at the return address shown, by email at nae-pn-nav@usace.army.mil or by telephone (978) 318-8086.

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

Federal:

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

State of Connecticut:

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

Town of Clinton

Harbor Management Commission
Shellfish Commission
Conservation Commission

Environmental Impacts: An Environmental Assessment for this work 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 Connecticut 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. **Local Sponsor:** The town of Clinton is the local sponsor for the proposed work.
- b. **Previous Dredging:** Maintenance dredging of the Clinton Harbor Federal navigation project has been performed seven times since 1957. The most recent maintenance dredging of the channel occurred in 2000 when approximately 20,000 cubic yards (cy) of material were removed by the dredge Currituck and placed in a near shore disposal site.
- 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 at the request of the state, we are proposing to pump the sandy material onto the beach for nourishment purposes. The nearest approved ocean disposal site is the CSDS.

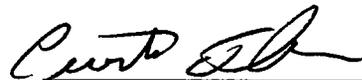
- d. Non-Federal Dredging: Currently no private dredging is being proposed in conjunction with this project. Facility owners within the harbor who may be interested in performing dredging concurrently with this project should be aware that work will require a permit from the Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and, may also require a Corps permit under Section 404 of the Clean Water Act. In order to be disposed of on the beach however, private dredged material must be determined to be suitable for such disposal.
- e. Endangered Species: We are coordinating with the US Fish & Wildlife Service as well as CT DEP Wildlife Division to avoid any impacts to nesting piping plovers in the area (see Attachment 3 for nesting area to be avoided). Occasional transient sea turtles may be present in Long Island Sound. In that regard, we are in the process of coordinating (pursuant to the Endangered Species Act of 1973) with the National Marine Fisheries Service (NMFS). Dredging is expected to occur during the fall and winter months when most of the threatened or endangered species would not be in the area. Therefore, the project is not likely to affect any threatened or endangered species in the vicinity of the project areas within the proposed project timeframe.
- 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 State Historic Preservation Office has reviewed this proposal and expects that this undertaking will have no 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.
- 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 project is included under a Programmatic EFH Assessment with NMFS if the dredged material is placed on Hammonasset State Beach. The Corps will prepare an individual EFH Assessment to obtain EFH Conservation Recommendations from NMFS in the event that disposal at CSDS is implemented.

Additional Requirements: A request will be sent to the Connecticut Department of Environmental Protection (DEP) for a Water Quality Certification in accordance with the Clean Water Act of 1977, 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.

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 30 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. Dubán Montoya, within 30 days of this notice.



Curtis L. Thalken
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. 661-666c)

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

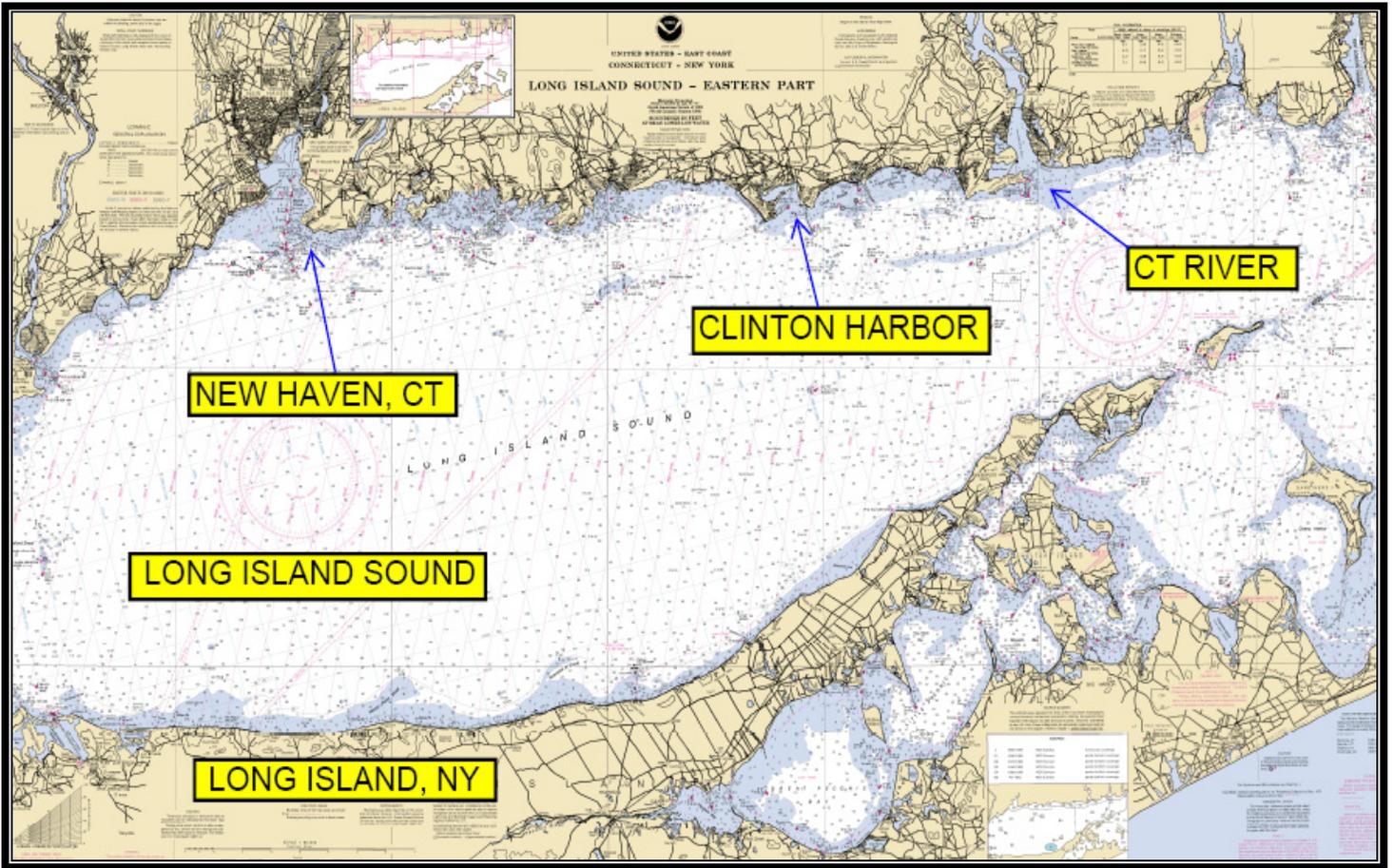
Executive Order 11988, Floodplain Management, 24 May 1977

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

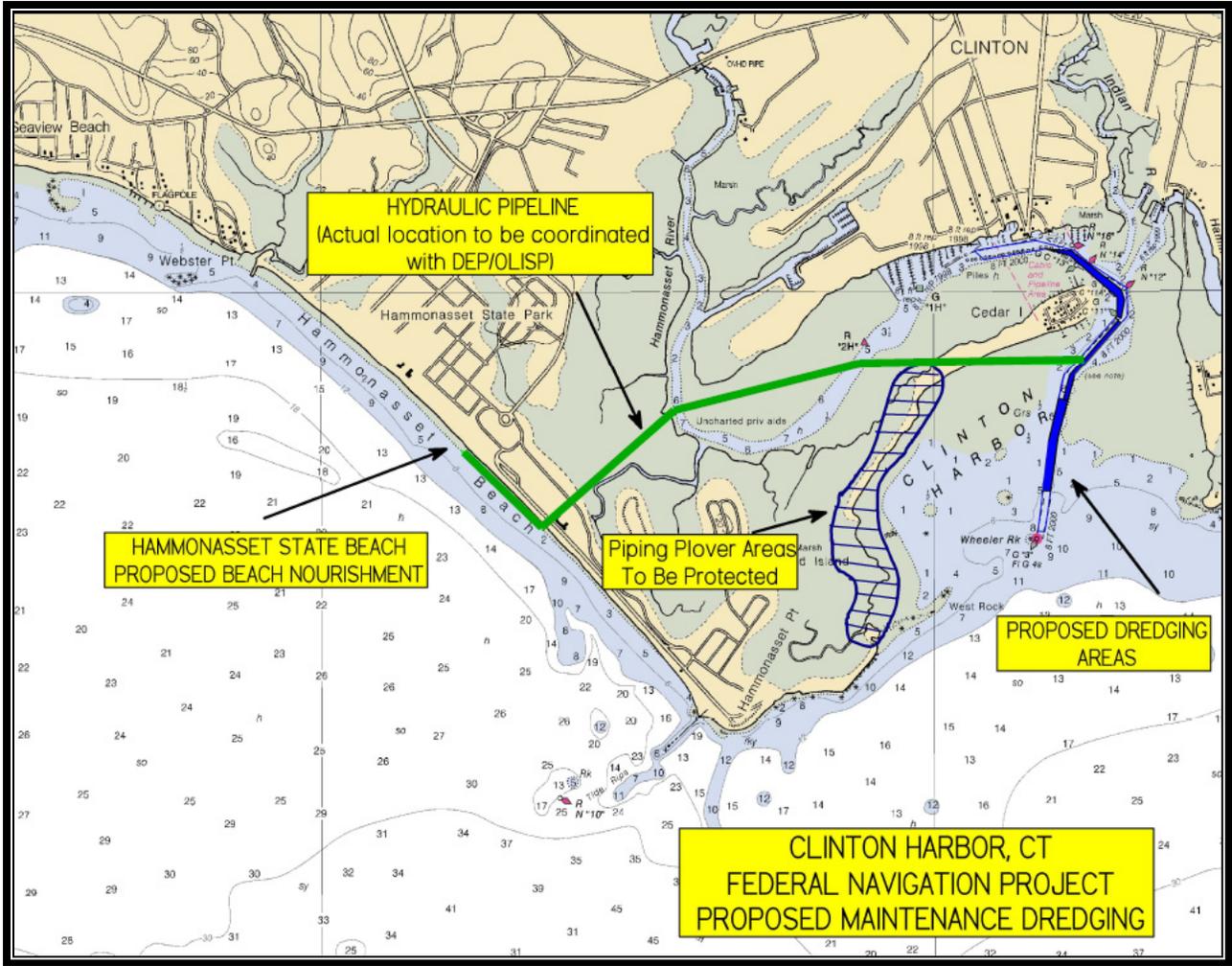
Attachment 2

Map of Clinton Harbor Federal Navigation Project Location Map



Attachment 3

Map of Clinton Harbor Federal Navigation Project – Dredging and Beach Nourishment Areas



Attachment 4

Map of Cornfield Shoals Disposal Site

