



**US Army Corps  
of Engineers**<sup>®</sup>  
New England District

696 Virginia Road  
Concord, MA 01742-2751

# Public Notice

In Reply Refer to: **Dubán Montoya**  
[nae-pn-nav@usace.army.mil](mailto:nae-pn-nav@usace.army.mil)

**Programs/Project  
Management Division**

**Date: March 17, 2010**

**Comment Period Closes: April 6, 2010**

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## **15 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 in Clinton Connecticut, involving work in the navigable waters of this District, under the provisions of Section 103 of the Marine Protection, Research and Sanctuaries Act, 33 U.S.C. § 1413, and Section 404 of the Clean Water Act, 33 U.S.C. § 1344, 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 Descriptions:**

**Clinton Harbor:** This proposed work involves partial maintenance dredging of the entrance channel to the Federal Navigation Project at Clinton Harbor. The authorized project 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. The entrance channel was last maintained in June 2000 by the Government-owned dredge CURRITUCK.

**NOTE:** A Public Notice was issued by the Corps of Engineers for this project in June 2007. The work described in the 2007 proposal called for full maintenance of the Clinton Harbor Federal navigation project, with a hydraulic dredge pumping about 45,000 cubic yards of

material from Clinton Harbor directly onto Hammonasset State Beach. All appropriate environmental approvals were secured to perform that work. Unfortunately, there are not enough Federal funds to perform a full-scale maintenance dredging project at this point. Fortunately, the existing Federal funds available are sufficient to perform a partial dredging project of the shallowest areas of the entrance channel into Clinton Harbor. The current scope of work will deepen the entrance channel to about -5' mean lower low water (MLLW), instead of the authorized -8' MLLW project described in the June 2007 Public Notice. This proposal will remove about 20,000 cubic yards of shoal material from about 2.0 to 2.5 acres of the entrance channel at Clinton Harbor by use of the Government-owned dredge CURRITUCK (a special-purpose hopper dredge). The CURRITUCK is a self-propelled, self-contained dredge that uses a pump to suction bottom sediments through two arms into a hopper within the dredge. When the hopper is full, the Currituck moves to the disposal site, and the material is released by splitting the hull. The CURRITUCK will place the material in the littoral zone offshore of Hammonasset State Beach, inside the 20-foot contour. The material will then be spread throughout the beach and the littoral zones by natural wave action. We anticipate performing this work between May and June 2010, pending coordination with the State and Federal resource agencies.

**Character and Purpose of Work:** The Federal channel and anchorage areas in Clinton Harbor were authorized by the 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 2 feet MLLW in some places. This reduction in available channel depth is a safety hazard with increased potential for vessel 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 with the CURRITUCK will alleviate some of the navigation problems for the local and visiting vessel fleet. The completion of the balance of the dredging work (to bring the Clinton Harbor Federal navigation project to its full authorized dimensions) will depend on the availability of future Federal funds and environmental approvals.

**Disposal Area Options:** The material to be dredged has undergone physical, chemical, and biological testing and is expected to satisfy the criteria for near-shore placement off of Hammonasset State Beach, in Madison, Connecticut (Attachment 3). The Suitability Determination for disposal of the material as described herein is being coordinated with the appropriate state and Federal resource agencies. Use of this near-shore site provides the benefit of keeping the clean sand material within the littoral system as well as accommodating use of the CURRITUCK.

**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](mailto: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:

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

State of Connecticut:

Department of Environmental Protection  
State Historic Preservation Office  
Office of Long Island Sound Programs

Tribal Nations:

Mashantucket Pequot Tribal Nation  
Mohegan Tribe

Town of Clinton

Harbor Management Commission  
Shellfish Commission  
Conservation Commission  
Harbormaster

**Environmental Impacts:** The Environmental Assessment for this work is being updated to include the near-shore disposal site and the use of the CURRITUCK, and will be available for public 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 at Clinton Harbor, Connecticut 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 off of Hammock Point.
- 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 in agreement with the State of Connecticut, we are proposing to place this sandy material offshore of the park in the hope that it will help to naturally nourish the public beach, or at a minimum keep the sand in the littoral system.

- d. Non-Federal Dredging: Currently no private or other dredging is being proposed in conjunction with this project.
- e. Endangered Species: It is our preliminary determination that no threatened or endangered species are residents of the project area. The occasional transient sea turtle may be present in the project area, however sea turtles are not known to be vulnerable to injury or entrainment resulting from the use of the dredge CURRITUCK. The Corps is consulting with National Marine Fisheries Service (NMFS) 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, 16 U.S.C. § 1531 et seq.
- 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: Cultural Resources: Coordination with the CT State Historic Preservation Officer (SHPO), in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended, has been initiated and it is expected that this undertaking will have no adverse 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 with placement of dredged material near shore of Hammonasset State Beach which will serve to keep clean sand within the littoral system. Although cultural resources may be present in areas well offshore of this area, we feel that placement of this relatively small amount of material near shore of the beach will not adversely affect archaeological resources. We expect the CT SHPO to concur with this determination.
- 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, as 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 Corps is consulting with NMFS to assure that all impacts will be minimized to the maximum extent practicable.

Additional Requirements: A request is being sent to the Connecticut Department of Environmental Protection (DEP) for amendment of the existing Water Quality Certification in accordance with Section 401 of the Clean Water Act, 33 U.S.C. § 1341.

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 15 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 15 days of this notice.

16 March 2018  
Date

  
Philip T. Feir  
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. 661-667e)

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.)

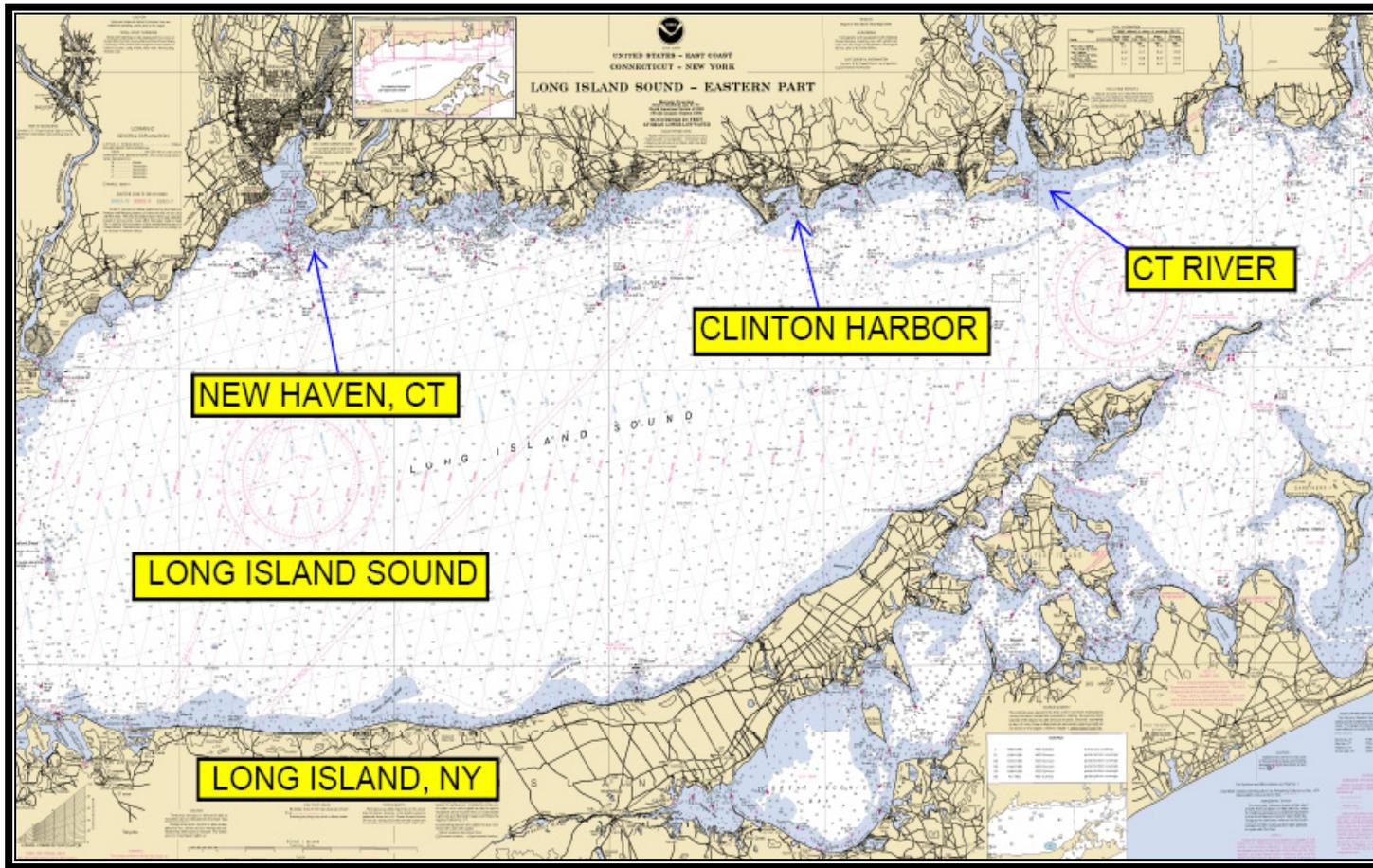
Executive Order 11988, Floodplain Management, 24 May 1977

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

## Attachment 2

Map of Clinton Harbor Federal Navigation Project Location Map



# Attachment 3

## Map of Clinton Harbor Federal Navigation Project – Dredging and Nearshore Disposal Areas

