



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

696 Virginia Road
Concord, MA 01742-2751

PUBLIC NOTICE

In Reply Refer to: Programs Project
Management Division
Email: nae-pn-nav@usace.army.mil
Date: September 26, 2007
Comment Period Closes: October 26, 2007

30 DAY PUBLIC NOTICE

MAINTENANCE DREDGING OF A PORTION OF THE FEDERAL ENTRANCE CHANNEL IN NEWBURYPORT HARBOR, NEWBURYPORT, MASSACHUSETTS

Interested parties are hereby notified that the U.S. Army Corps of Engineers, New England District, plans to perform maintenance dredging of a portion of the Federal navigation project, involving 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 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 existing Federal navigation project for Newburyport Harbor consists of: two jetties; one projecting 4,118 feet from the north shore, the other projecting 2,445 feet from the south shore, converging until 1,000 feet apart, then extending seaward 1,000 feet; a 12 foot deep entrance channel 400 feet wide through the bar into the harbor, thence 9 feet deep and 200 feet wide to the Newburyport waterfront. This notice applies to only the 12 foot entrance channel.

Character and Purpose of Work: The proposed work involves long term maintenance dredging of a portion of the 12 foot entrance channel to provide safe navigation conditions at the mouth of the Merrimack River. Dredging is performed about every five years, depending on the amount of shoaling. Each operation involves removing about 150,000 cubic yards of sand from the entrance channel and placing the sand within nearshore areas. This notice is intended to cover long term maintenance using the described dredging and disposal method. Dredging will be performed by a private contractor, using a hopper dredge, under the supervision of the Corps of Engineers. A hopper dredge removes material from the bottom by suction, lifting it through dragarms connected to the side of the vessel. At the end of the dragarms are dragheads which draw a slurry of bottom material and water to the surface where it is discharged into the hopper. As pumping continues, the solid particles settle into the hopper while the excess water and some material passes overboard through overflow troughs. After the hoppers are full the dragarms are raised and the dredge proceeds to the disposal area where the loaded hopper is emptied. The dredge then returns to the dredging area to repeat the

cycle. The work will be performed during a one to two month period in the year in which funding becomes available. Attachment No. 2 shows Newburyport Harbor, the dredge area, and the proposed disposal sites.

Disposal Area: The material will be disposed of nearshore, in about 18 to 30 feet of water, off either Plum Island Beach in Newbury or Salisbury Beach in Salisbury. The material (sand) will be beneficially used, and will act as a feeder berm, to nourish the beach(es). Either or both of these sites will be used; the Commonwealth of Massachusetts will determine the site that will be used depending on need. Both sites have previously been utilized. In addition, the Plum Island Beach nearshore site will be extended approximately 1,500 feet south.

The previously-used Plum Island Beach nearshore site is generally rectangular in shape, and about 5,000 feet by 1,000 feet.

The new, extended Plum Island Beach nearshore site extends about 1,500 feet south of the previously-used Plum Island Beach nearshore site, is generally rectangular in shape, and about 1,500 feet by 1,000 feet.

The previously-used Salisbury Beach nearshore site is a 40-acre square area.

The proposed dredged material has undergone physical analysis. It is our preliminary determination that the material is acceptable for disposal at these disposal sites.

Additional Information: Additional information may be obtained from Mr. Jack Karalius, Programs & Civil Project Management Branch, Programs Project Management Division, at the return address shown, telephone number (978) 318-8288.

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

<u>Federal</u>	<u>State of MA</u>	<u>Local Agencies</u>
Environmental Protection Agency	Department of	City of Newburyport
Fish and Wildlife Service	Environmental Protection	Town of Newbury
National Marine Fisheries Service	Office of Coastal Zone	Town of Salisbury
	Management	
	MA Historic Preservation	
	Office	

Environmental Impacts: An Environmental Assessment for this work is being prepared and will be made 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 Massachusetts 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 Massachusetts's management program established as a result of the Coastal Zone Management Act of 1972. The dredging and disposal operations will be conducted, to the maximum extent practicable, in a manner that is consistent with the approved management program.

Other Information:

- a. Previous Dredging: This project has been dredged a number of times in the past. The most recent maintenance dredging was in July-August 1999 when 145,000 cubic yards of sand was removed from the entrance channel and placed nearshore off Plum Island Beach. Other previous projects were in September 1996 when 125,000 cubic yards of sand were dredged and placed nearshore off Salisbury Beach, and April-May 1993 when 125,000 cubic yards of sand were dredged and placed nearshore off Plum Island Beach.
- b. Non-Federal Dredging: No private dredging is proposed in conjunction with this project.
- c. Alternate Disposal Methods: The possibility of direct beach nourishment for this project has been evaluated. Due to the additional cost, and lack of a non-Federal public sponsor to fund the additional cost, this alternative was rejected. The present proposal, to place the material nearshore, and as close to the beach as possible, will indirectly nourish the beach by acting as a feeder berm.
- d. Endangered Species: Preliminary determinations indicate that the proposed activity will not affect an endangered species or critical habitat designated as endangered or threatened pursuant to the Endangered Species Act of 1973 (87 Stat. 844).
- e. 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.
- f. Cultural Resources: The proposed work is maintenance involving previously dredged areas and previously used disposal sites, and is not likely to affect any cultural or archaeological features or resources. The new, expanded site off Plum Island Beach is adjacent to the previously used Plum Island Beach site and is also not likely to affect any cultural or archaeological features or resources.
- g. Essential Fish Habitat Assessment: It has been determined that dredging may have a temporary adverse effect on Essential Fish Habitat (EFH). The Merrimack River and Newburyport Harbor is designated as EFH under the Magnuson-Stevens Fishery Conservation and Management Act (MSA) for federally managed fish species. The Army Corps of Engineers has assessed the effects the dredging is likely to have on EFH, and has determined that there will be no significant impacts on the designated fisheries resources. The

Corps will consult with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service to ensure that all impacts will be minimized and would not significantly affect these resources.

- h. Additional Requirements: An application for Water Quality Certification (WQC) for disposal of dredged material nearshore off either Plum Island Beach in Newbury or Salisbury Beach in Salisbury has been submitted to the Massachusetts Department of Environmental Protection, under Section 401 of the Clean Water Act of 1977 (P.L. 95-217). The Clean Water Act of 1977 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 State has concurred with our determination of Federal consistency with the State's approved coastal zone management program.

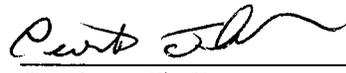
The decision whether to perform the work will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to 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.

Selection of the above described proposed disposal sites for dredged material associated with maintenance of this navigation project shall be made through the application of guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, in conjunction with the Secretary of the Army. If these guidelines alone would prohibit the use of the proposed disposal sites, any potential impairment to the maintenance of navigation, including any economic impact on navigation which would result from failure to use the disposal sites, will also be considered.

Any person who has an interest which 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 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 me at U.S. Army Corps of Engineers, New England District, 696 Virginia Road, Concord, MA 01742-2751, ATTN: Jack Karalius, within 30 days of this notice.

20 Sep 07
Date


Curtis L. Thalken
Colonel, Corps of Engineers
District Engineer

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. 661-666c)

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

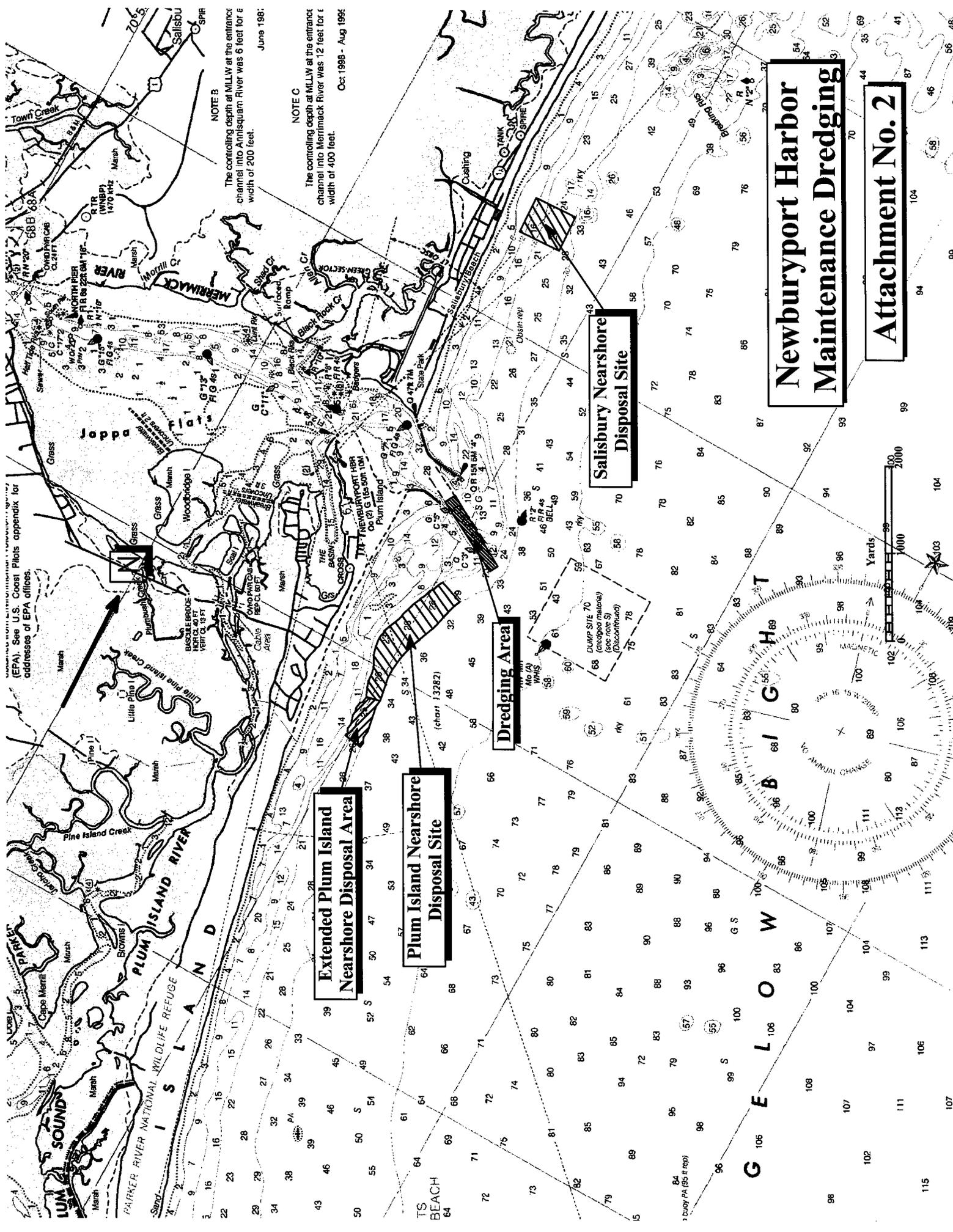
Executive Order 11988, Floodplain Management, 24 May 1977

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 No.1



(EPA). See U.S. Coast Plots appendix for addresses of EPA offices.

NOTE B
 The controlling depth at MLLW at the entrance channel into Annisquam River was 6 feet for a width of 200 feet.
 June 1981

NOTE C
 The controlling depth at MLLW at the entrance channel into Merrimack River was 12 feet for a width of 400 feet.
 Oct 1988 - Aug 1992

Extended Plum Island Nearshore Disposal Area

Plum Island Nearshore Disposal Site

Dredging Area

Salisbury Nearshore Disposal Site

**Newburyport Harbor
 Maintenance Dredging**

Attachment No. 2