



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

696 Virginia Road
Concord, MA 01742-2751

Public Notice

In Reply Refer to: **Jack Karalius**
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**Programs/Project
Management Division**

Date: August 15, 2012

Comment Period Closes: September 14, 2012

30 DAY PUBLIC NOTICE

MAINTENANCE DREDGING OF THE FEDERAL NAVIGATION PROJECT IN THE HOUSATONIC RIVER, STRATFORD AND MILFORD, CONNECTICUT

Interested parties are hereby notified that the U.S. Army Corps of Engineers, New England District, plans to perform maintenance dredging of portions of the Federal navigation project in the Housatonic River, Connecticut, 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). The work is authorized 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 removal of up to 100,000 cubic yards (cy) of sandy material from shoal areas of the Housatonic River south of the Route 1 bridge (See Attachment No. 2). The Housatonic River Federal Navigation Project (FNP) was authorized by the River and Harbor Act of 1871 and modified by enactments in 1888 and 1892. The present project dimensions of the 18-foot channel were authorized by the River and Harbor Act of 3 July 1930 (H. Doc. 449, 70th Cong., 2nd Sess.). The existing Federal navigation project provides for an 18-foot deep, 200-foot wide main channel from the mouth of the river to the lower end of Culvers Bar (approximately five miles distance).

Character and Purpose of Work: Natural shoaling processes and storm events have reduced available depths in the lower sections of the Housatonic River to as shallow as 3.5 feet Mean Lower Low Water (MLLW). Given these conditions and current vessel drafts, shoaling within the project is limiting safe navigation. Maintenance dredging of the project is needed to provide safe access to the project at all tide stages. Without dredging, channel conditions will continue to deteriorate, which will deter and/or interfere with the use of the river and harbor by recreational and commercial vessels. Although the FNP is authorized to a depth of -18 feet MLLW, the shoal areas will be dredged to approximately -14 feet MLLW since the current vessel traffic does not require the deeper depths authorized for the Housatonic River FNP. Contingent upon receiving the necessary approvals, maintenance dredging will be completed using the government-owned special

purpose dredge, *Currituck* or with a mechanical dredge. It is anticipated that funds for only half of the material to be removed will be available in 2012 and this work will be completed using the government-owned special purpose dredge, *Currituck*. It is a self-propelled, self-contained hydraulic 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 proposed work will be performed over a two to three month period between October 1 and March 31 in the year(s) in which funds become available. The dredged material will be placed in the nearshore environment off of Point No Point in Stratford, Connecticut. The dredged material will be placed within a constructed berm bounded between the 8 and 11 foot MLLW depth contours (see Attachment No. 2).

Disposal Area: The material to be dredged has undergone physical and chemical analyses. Based on this data and a lack of potential sources of contaminants, the material has been found suitable for disposal in the proposed nearshore disposal areas. Use of this near-shore site provides the benefit of keeping the clean sandy material within the littoral system as well as accommodating use of the *Currituck*.

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:

Federal:

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

State of Connecticut:

Department of Energy and Environmental Protection
Office of Long Island Sound Programs
Department of Agriculture (Bureau of Aquaculture & Laboratory)
Historical Commission
Department of Transportation

Tribal Nations:

Mashantucket Pequot Tribe
Mohegan Tribe

Town of Stratford, CT:

Harbor Management 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 Connecticut's 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 Stratford is the local sponsor for the proposed work.
- b. Previous Dredging: The project was last maintained in 1975 & 1976 when 215,000 cubic yards (cy) of shoal material was dredged and disposed of at several upland placement sites (two in Stratford and one in Milford).
- c. Alternate Disposal Methods: Alternate disposal options that have been considered include nearshore placement, open-ocean placement, beach placement, and upland placement. USACE favors using the nearshore placement areas option because it is environmentally-sound, cost-effective and it keeps the clean sediments in the littoral system.
- d. Non-Federal Dredging: Currently no private dredging is being proposed in conjunction with this project. Facility owners within the river 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, depending on the location of the dredged material disposal, may also require a Corps permit under Section 404 of the Clean Water Act. In order to be disposed of in open water, private dredged material must be determined to be suitable for such disposal.
- e. Endangered Species: It is our preliminary determination that no threatened or endangered species occur in the dredging area. However, several threatened or endangered species have the potential to occur near the project area. The Corps is consulting 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 Corps of Engineers 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, involving a previously dredged area. Although the placement area is new, no evidence of submerged historic properties (i.e. shipwrecks) was discernible in the survey data. Therefore, maintenance dredging and placement of dredged material off of Point No Point are not anticipated to affect any cultural or archaeological features or resources.
- h. Essential Fish Habitat Assessment: It has been determined that dredging may have a temporary adverse effect on Essential Fish Habitat (EFH). The dredging site 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 they will be short-term and localized and that there will be no significant impacts on the designated fisheries resources. The Corps is consulting with the National Marine Fisheries Service and the United States Fish and Wildlife Service to ensure that all impacts will be minimized.

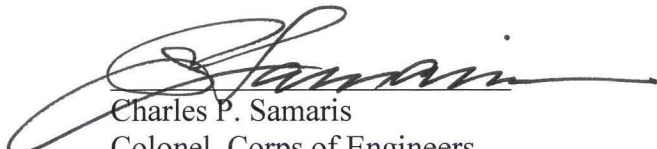
Additional Requirements: A request has been sent to the Connecticut Department of Energy and Environmental Protection, Office of Long Island Sound Programs for Water Quality Certification in accordance with Section 401 of the Clean Water Act, 33 U.S.C. § 1341, and the State's concurrence with our determination 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.

Any person who has an interest which may be affected by the dredging and disposal of this 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 the 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.

10 Aug 12
Date


Charles P. Samaris
Colonel, Corps of Engineers
District Engineer

Attachment No. 1

PERTINENT LAWS, REGULATIONS, AND DIRECTIVES

Clean Air Act, as amended (42 U.S.C. 1221 et. seq.)

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

Code of Federal Regulation, Title 33, Parts 335 through 338

Coastal Zone Management Act of 1972 [16 U.S.C. 1456(c)(1) and (2)], Sections 307(c)(1) and (2)

Endangered Species Act of 1973 as amended (16 U.S.C. 668aa-668cc)

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.)

Fish and Wildlife Coordination Act (16 U.S.C. 661-666c)

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 as amended through January 12, 2007 and amended by the Sustainable Fisheries Act of 1996

Marine Protection Research and Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq.)

Migratory Marine Game-Fish Act (16 U.S.C. 760c-760g)

National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347)

National Historic Preservation Act of 1966 (16 U.S.C. 470)

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

