



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

696 Virginia Road
Concord, MA 01742-2751

PUBLIC NOTICE

In Reply Refer to: Planning Branch

Email: nae-pn-nav@usace.army.mil

Date: October 27, 2008

Comment Period Closes: November 25, 2008

30 DAY PUBLIC NOTICE

IMPROVEMENT AND MAINTENANCE DREDGING OF THE FEDERAL NAVIGATION PROJECT IN BUCKS HARBOR, MACHIASPORT, MAINE

Interested parties are hereby notified that the U.S. Army Corps of Engineers, New England District, in response to a request by the town of Machiasport, is proposing the improvement of navigation as well as maintenance dredging of the Federal Navigation Project (FNP) in Bucks Harbor located in the state of Maine. The improvement project is carried out under the authority of Section 107 of the River and Harbor Act of 1960 (P.L. 86-645). Maintenance of the project is carried out under the authority of the River and Harbor Acts of 1960, which authorized the FNP for Bucks Harbor. Attachment 1 lists pertinent laws, regulations and directives.

Project Description: The recommended plan will expand the existing project in Bucks Harbor (Attachment 2) from 11.0 acres of 8 foot deep anchorage and 2.0 acres of 8 foot maneuvering area to a total of 13.5 acres of 6-foot anchorage, 20.6 acres of 8-foot anchorage, and an 80 foot wide by 8 foot deep access channel along the south side of the harbor (2.1 acres) (see Attachment 3). Approximately 1.0 acre of turning basin will also be added to the terminus of the access channel. The total project size will increase by a total of 24.2 acres. Construction of this improvement project will involve a combination of maintenance and improvement dredging (88,300 cubic yards). The material will be dredged mechanically and placed into scows which will then be towed to the Machias Bay Disposal Site for disposal (see Attachment No. 2). Dredging and disposal activities will be limited to a period between November 8 and April 9 to avoid impacts to biological resources (fisheries/shellfish).

Character and Purpose of Work: Bucks Harbor is located in the town of Machiasport, Maine on the west coast of Machias Bay (Attachment No. 2). The harbor lies 70 miles east of Ellsworth, Maine and is situated along U.S. Route 1, about 25 miles west of Lubec, Maine and the Canadian border. The purpose of the proposed navigation improvement project is to increase the amount of anchorage area and establish a designated channel and turning basin for the FNP. The location of the project is shown in Attachment No. 2. According to recent condition surveys, Bucks Harbor experiences a mean tidal range of 12.5 feet, and a spring tidal range of 14.4 feet. Depths in the harbor gradually deepen from about five feet in the inner harbor to 30 feet at the entrance to Machias Bay. The navigation problems created by these conditions are as follows:

overcrowding due to a lack of deep water anchorage; no clear access channel (the area originally provided for a fairway has been consumed by moorings due to a great demand); and exposure to hazardous storm conditions entering the harbor from Machias Bay. The dredging of approximately 88,300 cubic yards (34,500 cy for maintenance and 53,800 cy for improvement) of silty material is required to provide sufficient deep water mooring space for the expanding commercial fishing fleet, reduce damages, congestion related delays and tidal delays currently experienced by the fleet. The recommended plan would create approximately 13.5 acres of 6-foot anchorage, 9.6 acres of 8-foot anchorage, 1.0 acre of turning basin, and an 80 foot wide by 8 foot deep access channel along the south side of the harbor (2.1 acres).

Bucks Harbor is used mainly for commercial purposes. It supports a large commercial fleet of over 90 vessels (including floats, lobster cars and salmon barges) as well as several recreational vessels. Transient boats also utilize the harbor and fishing pier. There are no rental slips or onshore facilities servicing recreational boaters in the harbor. When the navigational improvement project is accomplished, the existing fleet will experience a much greater operating efficiency. The project would ease navigational access and anchorage, and provide a safer mooring area for boats during storms.

Disposal Area: The Machias Bay Disposal Site (MADS) is situated in the central portion of Machias Bay in Washington County between Ellsworth and St. Andrews, Maine. The MADS is a 1230 m x 1230 m area of seafloor, centered at 44° 37.156'N, 67° 20.787' W (NAD83). The site is located approximately 2 miles from Bucks Harbor in state waters. This disposal site is the preferred disposal site for this project.

The nearest Environmental Protection Agency (EPA) approved ocean disposal site to Bucks Harbor is the Rockland Disposal Site (RDS), which is over 50 miles from the project area. RDS covers a 0.25 nmi² (0.87 km²) area of seafloor within West Penobscot Bay and is centered at 44° 07.105' N, 69° 00.269' W (NAD 83). It is located approximately 3.1 nmi (5.7 km) east-southeast of Brewster Point, Glen Cove, Maine. The distance to this disposal site makes its use impracticable.

Additional Information: Additional information may be obtained from Mr. Christopher Hatfield, Project Manager, Planning Branch, at the return address shown, telephone number (978) 318-8520.

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

Federal

-Environmental Protection Agency
-Fish and Wildlife Service
-National Marine Fisheries Service

State of ME

-Department of
Environmental Protection
-Office of Coastal Zone
Management

Local Agencies

-Town of Machiasport

Environmental Impacts: An Environmental Assessment for this work has been prepared and is available for review upon request. I have made a preliminary determination that an Environmental Impact Statement for the proposed maintenance and improvement 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 Maine Coastal Zone Management Program: I find that maintenance and improvement dredging of the authorized navigation project is consistent, to the maximum extent practicable, with the State of Maine'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:** In 1972, a Federal navigation project for Bucks Harbor consisting of 11 acres of anchorage dredged to 8 feet below mean low water (MLW) was adopted (see Attachment 2). The project was constructed in 1974 and provided approximately 13 acres allowing for a maneuvering fairway for access through the anchorage. No other navigation improvements or maintenance efforts have been implemented since 1974.
- b. **Non-Federal Dredging:** No private dredging is proposed in conjunction with this project.
- c. **Alternate Disposal Methods:** Disposal site alternatives evaluated for this project include open water disposal, upland disposal, inter-tidal or shallow water disposal with possible habitat development, and beach disposal.
- d. **Endangered Species:** Preliminary determinations indicate that the proposed activity will not affect endangered species or critical habitat designated as endangered or threatened pursuant to the Endangered Species Act of 1973 (87 Stat. 844).
- e. **Cultural Resources:** The proposed work has been coordinated with the Maine Historic Preservation Commission and is not likely to affect any cultural or archaeological features or resources
- f. **Essential Fish Habitat Assessment:** The dredging of Bucks Harbor and the open water disposal of the material at MADS should have minimal direct and cumulative effects on designated Essential Fish Habitat (EFH). A mechanical dredge will be used to dredge the material from the project. Effects to EFH in the project area should be limited to minor increases in turbidity levels and the removal of the existing benthic community in the areas being dredged. Increases in turbidity in the dredge area will be short-term and localized and benthic resources in the project area are anticipated to recover to pre-dredge conditions within two to three years. Impacts at the disposal area will also

include short-term increases in turbidity and the burial of benthic organisms. The turbidity impacts from disposal will be short-term and localized and benthic resources should recover within the same timeframe as the dredged area.

Additional Requirements: An application for Water Quality Certification (WQC) for disposal of dredged material at the Machias Bay Disposal Site will be submitted to the Maine Department of Environmental Protection, pursuant to Section 401 of the Clean Water Act of 1977 (P.L. 95-217). A Federal consistency determination will also be filed with the Office of Coastal Zone Management pursuant to the Coastal Zone Management Act of 1972. Additionally, 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 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.

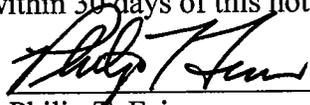
Selection of the above described proposed disposal site for dredged material associated with maintenance and improvement of this navigation project shall be made through the application of guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, in conjunction with the Secretary of the Army. If these guidelines alone would prohibit the use of the proposed disposal sites, any potential impairment to 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: Christopher Hatfield, within 30 days of this notice.

Date

30 Oct 08


Philip T. Feir

Colonel, Corps of Engineers
District Engineer

Attachment No. 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. 661-666c)

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

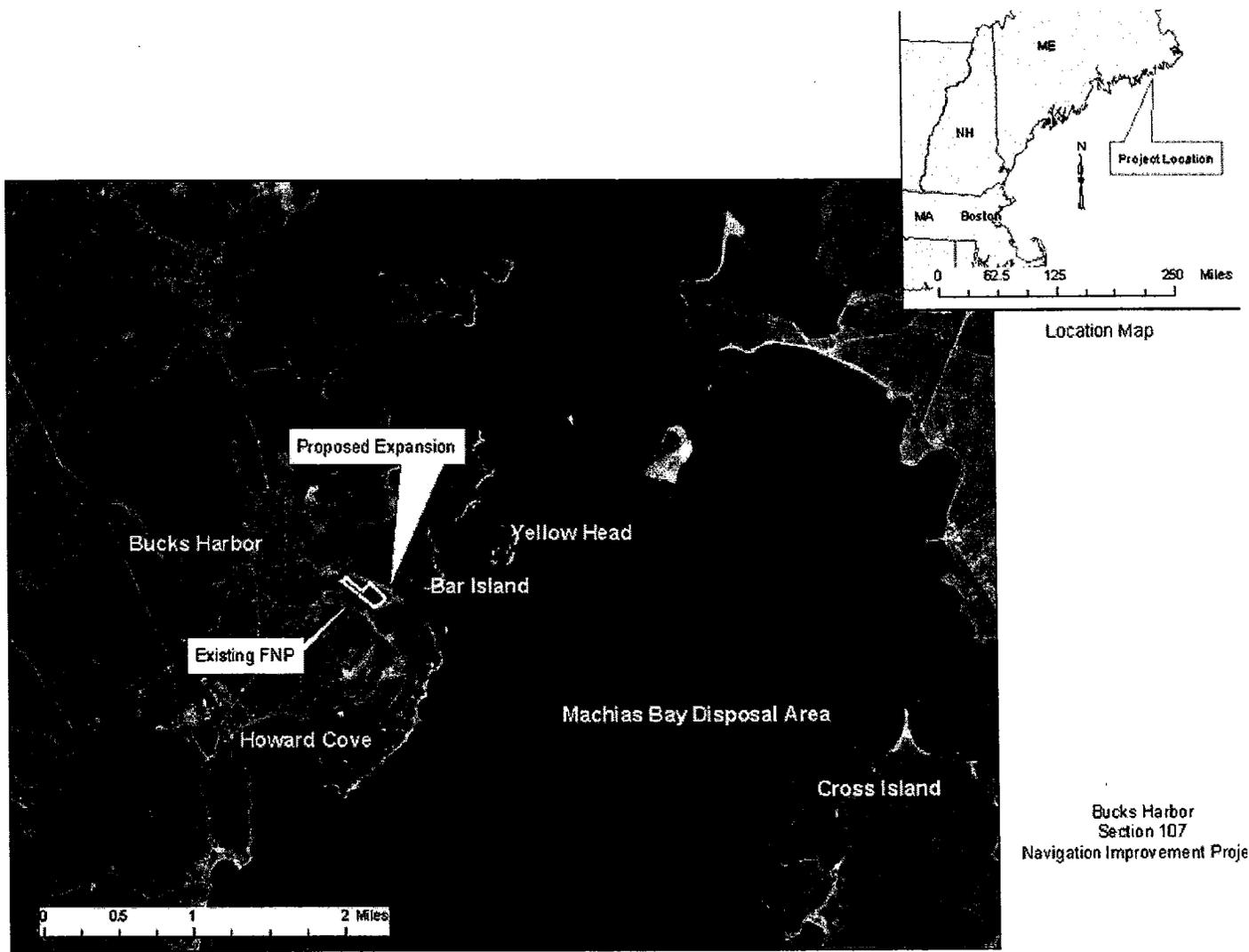
Executive Order 11988, Floodplain Management, 24 May 1977

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. 2: Buck's Harbor (Machiasport, ME) existing Federal Navigation Project (FNP), proposed expansion area, and the Machias Bay Disposal Area.



Location Map

Bucks Harbor
Section 107
Navigation Improvement Proje

Attachment No. 3: Buck's Harbor (Machiasport, ME) Project Features

