



## PUBLIC NOTICE

**In Reply Refer to:** Coral Siligato  
**Email:** [nae-pn-nav@usace.army.mil](mailto:nae-pn-nav@usace.army.mil)  
**Phone:** (978) 318-8012  
Navigation Section  
**Date:** 1/4/2024  
**Comment Period Closes:** 2/5/2024

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### 30 DAY PUBLIC NOTICE MAINTENANCE DREDGING OF THE JOSIAS RIVER FEDERAL NAVIGATION PROJECT OGUNQUIT, MAINE

Interested parties are hereby notified that the U.S. Army Corps of Engineers (USACE), New England District plans to perform work in the navigable waters of this District, subject to the provisions of Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (P.L. 92-532) and the National Environmental Policy Act (P.L. 91-190). The work involves the removal of approximately 15,000 cubic yards (cy) of silt and sand/gravel, over an area of about 4.2-acres, to address shoaling of the channel and anchorages in the Josias River Federal Navigation Project (FNP). This project is authorized by the River and Harbor Act of 1874, as amended. Attachment 1 lists pertinent laws, regulations, and directives.

**Project Description:** The Josias River FNP is located on the southern coast of Maine approximately 30-miles southwest of Portland, Maine. The project provides a 40-foot-wide channel authorized to a depth of 7-feet Mean Lower Low Water (MLLW) that begins where Perkins Cove meets the Gulf of Maine and extends to the mouth of the Josias River. The channel widens to an inner anchorage authorized to a depth of -7-feet MLLW with a -5-feet MLLW outer anchorage. The total area to be dredged in the channel and anchorages is 4.2 acres. The FNP is used by recreational boaters and fishing charters primarily during the summer months, as well as commercial fishing vessels throughout the year.

Maintenance dredging will remove about 15,000 cubic yards of shoaled silt and sand/gravel. The FNP will be dredged using a bucket dredge, put in scows and placed at Isles of Shoals North (IOSN) disposal site, an Environmental Protection Agency (EPA) designated open water disposal site. Maintenance dredging will take place over approximately one to four months and will occur when funding becomes available.

**Purpose of Work:** The purpose of this project is to dredge the shoaled areas of the FNP to restore the channel and associated anchorage areas to their authorized depths. Shoaling of sediments occurring in the FNP makes vessels more susceptible to groundings, exposing them to hazardous conditions when tides and weather create rough seas. Hydrographic surveys of the FNP have identified enough shoaling to be a hazard to navigation. This shoaling has presented the need for USACE to perform maintenance dredging within the federal channel to bring these areas to their authorized depths.

**Alternatives:** In addition to the proposed action of open water placement at a designated EPA disposal site, the Environmental Assessment evaluated the no action alternative. Dredge material disposal locations that were considered include upland placement, direct beach placement, nearshore placement, aquatic/upland capping or fill, and wetland creation/enhancement.

**Additional Information:** Additional information may be obtained from the U.S. Army Corps of Engineers, Project Manager, Coral E. Siligato, at 978-318- 8012, or email at [Coral.E.Siligato@usace.army.mil](mailto:Coral.E.Siligato@usace.army.mil); or the Project Biologist, Reid Lichwell at 978-318-8148, or email at [Reid.E.Lichwell@usace.army.mil](mailto:Reid.E.Lichwell@usace.army.mil).

**Coordination:** The proposed work has, or will be coordinated with the following agencies:

**Federal:**

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

**State of Maine:**

Maine Department of Environmental Protection  
Maine Department of Marine Fisheries  
Maine State Historic Preservation Officer

**Tribal Nations:**

Houlton Band of Maliseets  
Mi'kmaq Nation  
Penobscot Indian Nation  
Passamaquoddy Tribe, Indian Township  
Passamaquoddy Tribe, Pleasant Point  
Wampanoag Tribe of Gay Head (Aquinnah)

**Local Municipality:**

Town of Ogunquit

**Environmental Impacts:** A draft environmental assessment is 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.

**Other Information:**

- a. **Local Sponsor:** Town of Ogunquit, Maine.
- b. **Endangered Species:** It is our preliminary determination that the project is not likely to adversely affect threatened or endangered species. USACE is in consultation with the

National Marine Fisheries Service and the U.S. 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).

c. Cultural Resources: USACE is conducting coordination for the proposed project with the Maine State Historic Preservation Office (SHPO), Houlton Band of Maliseets, Mi'kmaq Nation, Penobscot Indian Nation, Passamaquoddy Tribe, Indian Township, Passamaquoddy Tribe, Pleasant Point, and Wampanoag Tribe of Gay Head (Aquinnah) in accordance with the National Historic Preservation Act (NHPA) of 1966, as amended. The project area has been previously dredged; therefore, no impacts upon significant archaeological or historical resources as defined by the NHPA, as amended, and 36 CFR 800 are anticipated. As disposal will occur at a previously and continuously used disposal site, impacts upon significant archaeological or historical resources are not expected. We expect the ME SHPO and Tribes to concur with this determination.

d. Essential Fish Habitat Assessment: USACE has determined that the project may have a temporary adverse effect on Essential Fish Habitat (EFH). The project site is contained within areas designated as 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. USACE assessed the effects that the project is likely to have on EFH and determined that they will be short-term and localized and that there will be no significant impacts on the designated fisheries resources. USACE is in consultation with the National Marine Fisheries Service to ensure that any potential impacts will be minimized.

e. Section 103 of the Marine Protection, Research and Sanctuaries Act (MPRSA): USACE has determined that the project is consistent with Section 103 of the MPRSA for disposal of material in ocean waters at IOSN. The IOSN disposal site was designated by the EPA as an open water placement site in 2020 located in the Gulf of Maine, about 16 miles from the harbor. Recent placement of material occurred from 2020-2021 with about 50,000 cy of silty material placed at IOSN from the maintenance dredging of the Rye Harbor FNP in Rye, New Hampshire, using a mechanical dredge and scows. Historically IOSN received dredged material from Portsmouth Harbor and Rye Harbor, New Hampshire on three occasions between 1964 and 1970. The IONS site was evaluated prior to its designation and will be regularly monitored by the USACE Disposal Area Monitoring System (DAMOS) to assess the environmental impacts of these cumulative disposals. The area of IOSN has been sized to provide sufficient capacity to accommodate material dredged from several FNPs in northern Massachusetts, New Hampshire, and southern Maine, including private projects.

The proposed transportation of this dredged material for disposing of it in ocean waters is being evaluated to determine that the proposed 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 EPA Administrator pursuant to section 102(a) of the 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.

f. Additional Requirements: USACE will request concurrence with our Coastal Zone Management Consistency Determination from the Maine Coastal Program. I find that maintenance dredging of the authorized navigation project is consistent, to the maximum extent practicable, with the State of Maine's coastal management program established in accordance with the Coastal Zone Management Act of 1972. The dredging and placement operations will be conducted in a manner that is consistent to the maximum extent practicable with the approved management program.

The decision whether to perform the proposed work will be based on an evaluation of the probable impact, including cumulative impacts, 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 that reasonably may be expected to accrue from the proposal will be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

As this proposed work involves the transportation of dredged material for the purpose of disposal into ocean waters, the evaluation of the impact of the activity on the public interest will include application of the criteria established under authority of section 102(a) of the MPRSA, as amended (40 CFR parts 220 to 229).

Any person who has an interest which may be affected by the disposal of this dredged material may request a public hearing. The request must be submitted in writing to the District Engineer within the comment period 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: Coral E. Siligato; or emailed to [nae-pn-nav@usace.army.mil](mailto:nae-pn-nav@usace.army.mil) within 30 days of this notice.

January 4, 2024

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Date



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Scott Acone  
Deputy District Engineer  
USACE, New England District

## **Attachment 1**

### **PERTINENT LAWS, REGULATIONS, AND DIRECTIVES**

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

National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)

Fish and Wildlife Coordination Act (16 U.S.C. 661-667e)

Fish and Wildlife Act of 1956 (16 U.S.C. 742a, et seq.)

Coastal Zone Management Act of 1972 (16 U.S.C. 1451)

National Historic Preservation Act of 1966 (54 U.S.C. 100101 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 (54 U.S.C. 200301 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.)

Marine Protection, Research, and Sanctuaries Act of 1971, 33 U.S.C. 1401 et seq.

Executive Order 11988, Floodplain Management, 24 May 1977

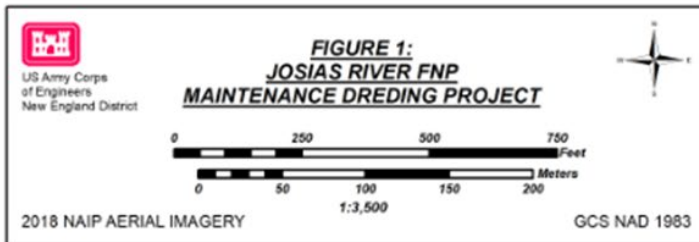
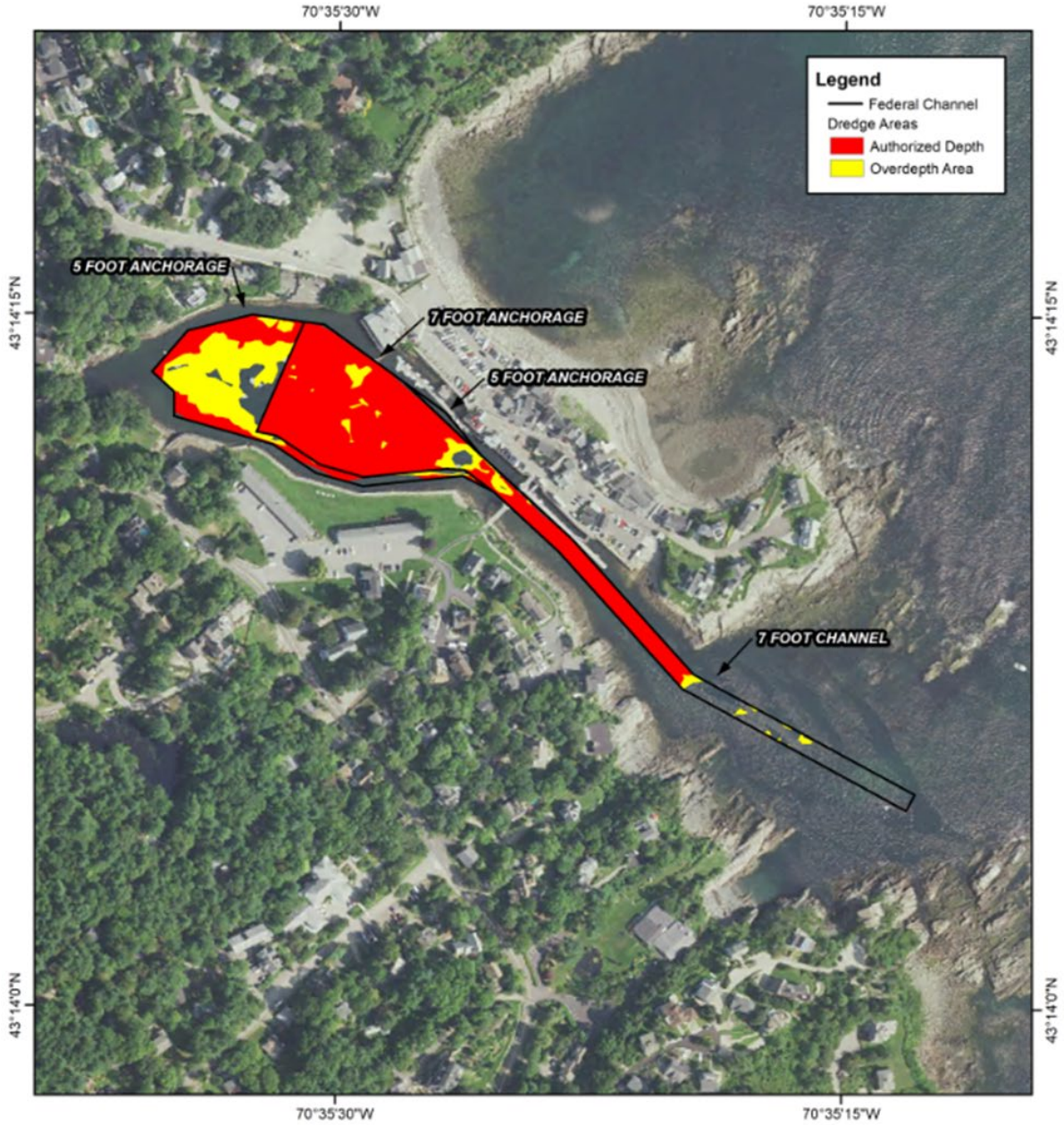
Executive Order 11990, Protection of Wetlands, 24 May 1977

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations, 11 February 1994

Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks, 21 April 1997

# Attachment 2

## Josias River FNP Dredge Areas, Ogunquit, Maine.



# Attachment 3

## Josias River (Perkins Cove) FNP and Isles of Shoals North Disposal Site (IOSN).

