



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

696 Virginia Road
Concord, MA 01742-2751

Public Notice

In Reply Refer to: Coral E. Siligato
nae-pn-nav@usace.army.mil

Programs and Project Management Division
Date: December 19, 2022
Comment Period Closes: January 18, 2023

30-DAY PUBLIC NOTICE MAINTENANCE DREDGING OF THE MILFORD HARBOR FEDERAL NAVIGATION CHANNEL MILFORD, CONNECTICUT

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 404 of the Clean Water Act of 1977 (Public Law (P.L.) 95-217); Section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (P.L. 92-532); and subject to the requirements of the National Environmental Policy Act (P.L. 91-190). The work involves the removal of approximately 75,000 cubic yards (cy) of silt/clay and sandy material, over an area of about 16 acres, to address shoaling of the Federal Navigation Project (FNP) and associated anchorages in Milford Harbor, Milford, Connecticut. This project is authorized by the River and Harbor Act of 1874, as amended. Attachment 1 lists pertinent laws, regulations, and directives.

Project Description:

Milford Harbor is located at the mouth of the Wepawaug River, situated on the north shore of Long Island Sound approximately 8 miles west of New Haven Harbor. The FNP consists of two jetties at the entrance to the inner harbor; a 10-foot-deep Mean Lower Low Water (MLLW) entrance channel extending from the outer harbor through the jetties; 8-foot MLLW channel continuing through the inner harbor to a point just upstream of the town wharf; 10-foot and 8-foot MLLW anchorage basins located on the western side of the inner harbor channel (Attachment 2).

The proposed action will remove about 75,000 cy of silt/clay and sandy material from the Milford Harbor FNP and associated anchorages to bring these areas to their authorized depths, plus one-foot of allowable overdepth. Shoaled material will be removed using a mechanical dredge to fill a scow barge to transport material for placement at nearshore and offshore locations; a small hopper dredge or mechanical dredge and scow barge may also be used to remove sandy material from the entrance channel.

Silt and clay material from the inner harbor amounts to about 65,000 cy that is suitable for open-water placement and will be placed at the Central Long Island Sound Disposal Site (CLDS)

(Attachment 3). Meanwhile, about 11,000 cy in the upstream portion of the FNP will not be dredged at this time, as it is unsuitable for open-water placement and shall remain in place. About 10,000 cy of sandy material removed from the entrance channel will be placed at the previously used Bayview Beach Nearshore site for the purpose of beach nourishment (Attachment 4). The proposed project is expected to take about five months to complete. Dredging of sandy material from the entrance channel and placement at Bayview Beach Nearshore site would likely be conducted from June 1 through January 31. Silt/clay material dredged from the inner harbor and placed at CLDS would likely occur from October 1 through January 31. No other dredging projects are anticipated to be operating concurrently within the harbor.

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 river sediments occurring in the Milford Harbor 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, the Environmental Assessment evaluated the no action alternative. Dredge material disposal locations that were considered include upland placement, direct beach placement, nearshore placement, open water placement at a designated EPA disposal site, placement at an in-harbor confined aquatic disposal site, aquatic/upland capping or fill, or for the material to not be dredged and remain in place.

Additional Information: Additional information may be obtained from the Division of 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; or the Project Biologist, Reid Lichwell at 978-318-8148, or email at Reid.E.Lichwell@usace.army.mil.

Coordination: The proposed work has been (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 Connecticut:

Connecticut Department of Energy and Environmental Protection
Connecticut Department of Agriculture, Bureau of Aquaculture
Connecticut State Historic Preservation Office

Tribal Nations:

Mohegan Tribe
Mashantucket Pequot
Narragansett Tribe
Delaware Tribe

Local:
City of Milford

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: City of Milford, Connecticut.
- 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 Connecticut State Historic Preservation Office (CT SHPO), the Mohegan Tribe, Mashantucket Pequot Tribe, Narragansett Tribe, and Delaware Tribe 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 previously and continuously used disposal sites, impacts upon significant archaeological or historical resources are not expected. We expect the CT 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 of Long Island Sound at the EPA designated CLDS. The CLDS has been in use since 1941 and has receive millions of cubic yards of dredged material over that time. Starting in 1979, CLDS has been regularly monitored by the USACE Disposal Area Monitoring System (DAMOS) to assess the environmental impacts of these cumulative disposals. CLDS is the closest designated open water disposal site at about 11 miles from Milford Harbor. In 1988 the entire Milford Harbor FNP channel was dredged, and 88,000 cy

yards of material was placed at CLDS. The most recent disposal at CLDS from a federal maintenance dredging project was in 2018, resulting in placement of 289,000 cy from North Cove in Old Saybrook, CT. In the last 4 years, 21 private dredging projects disposed a total of 113,000 cy at CLDS.

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 Administrator, EPA 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 a 401 Water Quality Certificate from the CT Department of Energy and Environmental Protection (CT DEEP) to ensure compliance with Section 401 of the Clean Water Act. USACE will request a Coastal Zone Management (CZM) Consistency Determination Concurrence from the CT Office of CZM. I find that maintenance dredging of the authorized navigation project is consistent, to the maximum extent practicable, with the State of Connecticut'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.

Any person who has an interest that 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 it may be affected by this activity.

As this proposed work involves the discharge of dredged material into the Waters of the United States and 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 guidelines promulgated by the Administrator, EPA, (40 CFR part 230) and of the criteria established under authority of section 102(a) of the MPRSA, as amended (40 CFR parts 220 to 229).

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 within 30 days of this notice.

Date

John A. Atilano II
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.)

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 11888, 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

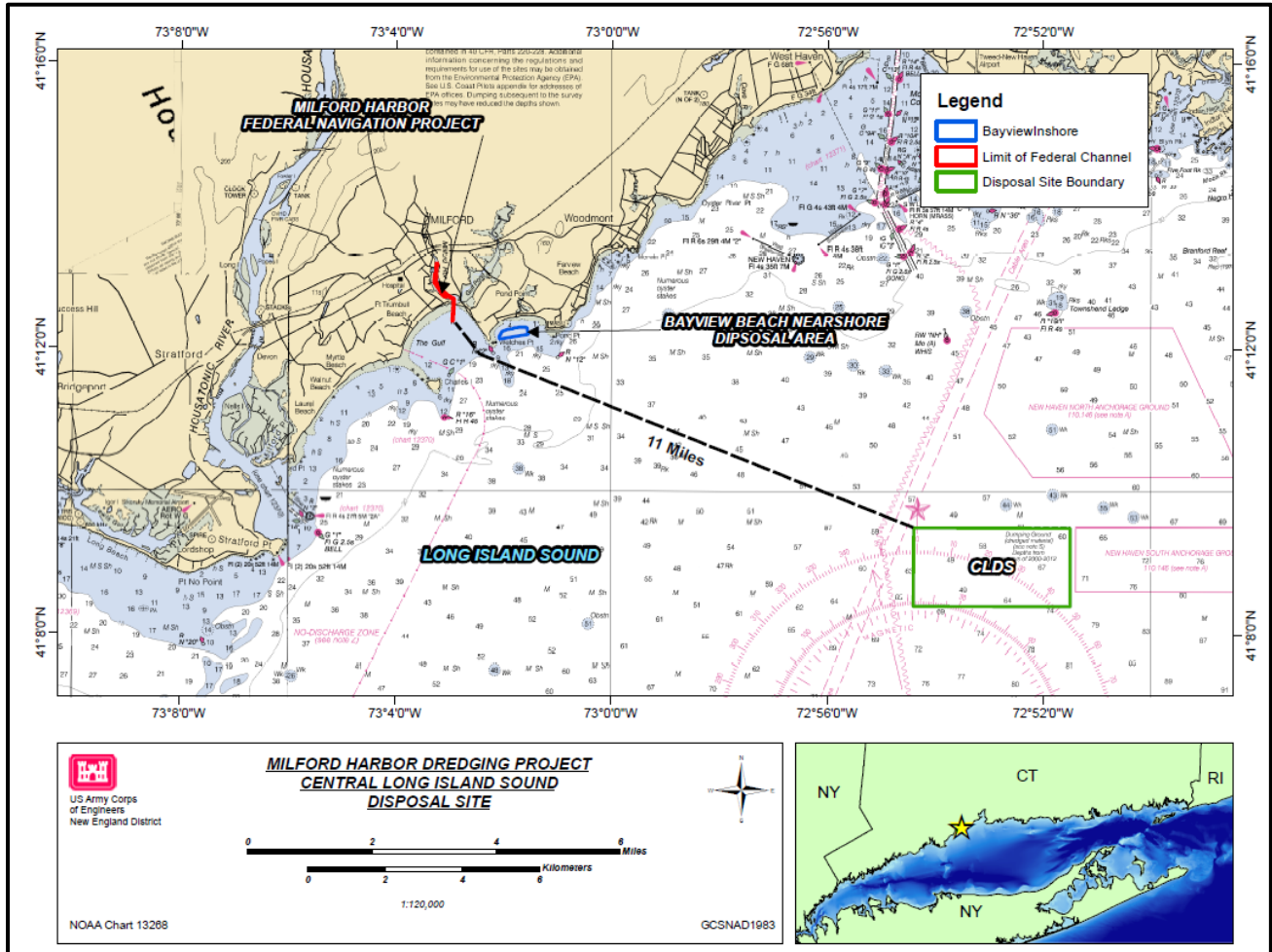
Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks, 21 April 1997

Attachment 2 Milford Harbor FNP Dredge and Non-Dredge Areas



Attachment 3

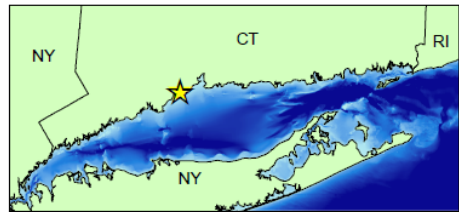
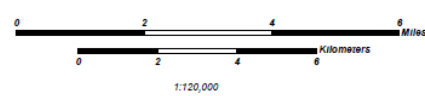
Central Long Island Sound Disposal Site (CLDS) and Transit Distance from Milford Harbor FNP



US Army Corps of Engineers
New England District

NOAA Chart 13268

**MILFORD HARBOR DREDGING PROJECT
CENTRAL LONG ISLAND SOUND
DISPOSAL SITE**



Attachment 4

Bayview Beach Nearshore Placement Site and Transit Distance from Milford Harbor FNP

