



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

696 Virginia Road
Concord, MA 01742-2751

Public Notice

In Reply Refer to: Mr. Jack Karalius

nae-pn-nav@usace.army.mil

Programs/Project
Management Division

Date: **September 30, 2013**

Comment Period Closes: **October 30, 2013**

30 DAY PUBLIC NOTICE

MAINTENANCE DREDGING OF THE 8-FOOT CHANNEL OF THE FEDERAL NAVIGATION PROJECT IN KENNEBUNK RIVER KENNEBUNK & KENNEBUNKPORT, ME

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, under the provisions of Section 404 of the Clean Water Act of 1977 (P.L. 95-17). The work involves maintenance dredging of a portion of the Federal navigation project (FNP) in the Kennebunk River, Kennebunk & Kennebunkport, Maine and is authorized in accordance with Title 33, Parts 335-338 of the Code of Federal Regulations. Attachment 1 lists pertinent laws, regulations, and directives.

Authorized Federal Project Description: The Congressionally authorized FNP provides for a channel, eight feet deep and 100 feet wide, extending 1,700 feet from deep water to the town landing. In addition to the main channel, there is an inner harbor 6-foot-deep channel and two anchorages in the northern portion of the project; these are not scheduled for maintenance activities at this time. The FNP is depicted on Attachment 2.

Character and Purpose of Work: The proposed work involves urgently needed maintenance dredging to remove various shoals in the authorized 8-foot-deep entrance channel of the FNP. These shoals are primarily the result of coastal storms, including Storm Sandy in October 2012, and natural shoaling. These shoals are creating hazardous conditions especially for the commercial fishing vessels that are based in the harbor. A recent hydrographic survey indicates that a portion of the channel edge is exposed at low water, and in another portion, the channel has shoaled to depths of -5.5 feet mean lower low water (MLLW) across the entire width of the channel. The proposed work involves removal of about 22,000 cubic yards of clean, fine sand to return the 8-foot entrance channel of the FNP to its authorized dimensions. The material to be dredged has undergone physical testing and has been found to be fine-grained clean sand. Maintenance dredging will be performed using a Government-owned, special purpose (hopper)

dredge, “*CURRITUCK*” or “*MURDEN*” or similar type dredge. The proposed work is comparable to that performed in 2004 by the *CURRITUCK*. Material dredged from the FNP will be placed at a previously used nearshore site, off Gooch’s Beach, located outside the channel (see Attachment 3). Use of the nearshore placement site keeps the clean sandy sediments in the littoral zone. Contingent upon receiving the necessary approvals, maintenance dredging will be performed during an approximately 2 to 3 week period between approximately November 1st and March 31st.

Disposal Area: The material to be dredged has undergone physical and chemical testing in coordination with State and Federal resource agencies. Based on this data and proximity of the disposal site to the project site, it is our determination that the material is acceptable for placement at the proposed, previously used nearshore placement area. This nearshore placement site is adjacent to Gooch’s Beach. It is about 1,545 feet long and 325 feet wide found between the 5’ and 13’ depth contours.

Additional Information: Additional information may be obtained from Mr. Jack Karalius, Civil Works/IIS Project Management Branch, Programs and Project Management Division, at the return address shown, by email at nae-pn-nav@usace.army.mil or telephone number (978) 318-8288.

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 State Planning Office
Maine Department of Marine Resources
Maine Historic Preservation Office

Tribal Nations:

The Penobscot Nation

Local:

Town of Kennebunk
Town of Kennebunkport

Environmental Impacts: An Environmental Assessment (EA) for the maintenance dredging of the 8-foot-deep channel of the FNP in Kennebunk River with placement of the dredged material at the previously used nearshore placement area off Gooch’s Beach 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 the Maine Coastal Zone Management Program: I find that maintenance dredging of the authorized navigation project in the Kennebunk River is consistent, to the maximum extent practicable, with the applicable management programs established as a result of the Coastal Zone Management Act of 1972. The dredging and placement operations will be conducted, to the maximum extent practicable, in a manner that is consistent with the approved management program.

Other Information:

- a. Local Sponsor: Towns of Kennebunk and Kennebunkport.
- b. Non-Federal Dredging: No private or non-Federal dredging work is being proposed in conjunction with the Federal work.
- c. Previous Dredging: The last time the harbor was dredged was in 2005 when about 53,000 cy of sand and silt were mechanically removed from the channel and anchorage areas. Sandy material from the 8 foot entrance channel was placed at a nearshore site off Gooch's Beach, located approximately 0.5 miles to the southwest. The remaining material was disposed of at the Cape Arundel Disposal Site (CADS). In July 2004 the *CURRITUCK* dredged approximately 8,000 cy of sand from shoaled portions of the 8-foot entrance channel, and placed the material nearshore off Gooch's Beach.
- d. Alternative Disposal Areas/Methods: Alternative disposal areas and methods have been considered as part of this proposal. Alternative disposal options considered include open-ocean disposal, beach disposal, and upland disposal. USACE favors using the nearshore disposal area option because it is environmentally-sound, cost-effective and it keeps the clean sediments in the littoral system.
- e. Endangered Species: It is our preliminary determination that no threatened or endangered species will be impacted by the proposed project. USACE will consult 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 dredging of the FNP in previously dredged areas and placing the dredged material in a previously-used nearshore disposal site. This proposal, including use of the nearshore disposal area is being coordinated with the Maine Historic Preservation Office. In the past they have determined that the work will not adversely affect any cultural or archaeological features or resources.
- h. Essential Fish Habitat Assessment: It has been determined that the project may have a temporary adverse effect on Essential Fish Habitat (EFH). The project site is contained within

within areas designated as 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 U.S. Army Corps of Engineers has assessed the effects that the project 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. USACE will consult with the National Marine Fisheries Service to ensure that any potential impacts will be minimized.

Additional Requirements: A request will be sent to the Maine Office of Coastal Zone Management for the State's concurrence with our determination of Federal consistency with the State's approved Coastal Zone Management Program. A request will also be sent to the Maine Department of Environmental Protection for a Water Quality Certification in accordance with Section 401 of the Clean Water Act, 33 U.S.C. § 1341, which requires that the work comply, to the maximum extent practicable, with State or interstate requirements to control the discharge of dredged or fill material.

This Public Notice is intended to provide information about, and to seek comments on, future maintenance of the existing Federal navigation project. Future maintenance dredging will be performed when needed and in the years, that funding becomes available. Additional notices will be issued if the scope of work for future projects varies from that described herein. 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 placement 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, 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; or emailed to nae-pn-nav@usace.army.mil within 30 days of this notice.

25 Sept. 2013

Date

William J. Spaully, P.E., Deputy District Engineer
for Charles P. Samaris
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.)

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. 661-667e)

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

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

Coastal Zone Management Act of 1972 (16 U.S.C. 1456)

National Historic Preservation Act of 1966 (16 U.S.C. 470 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 (16 U.S.C. 460L 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.)

Executive Order 11988, Floodplain Management, 24 May 1977

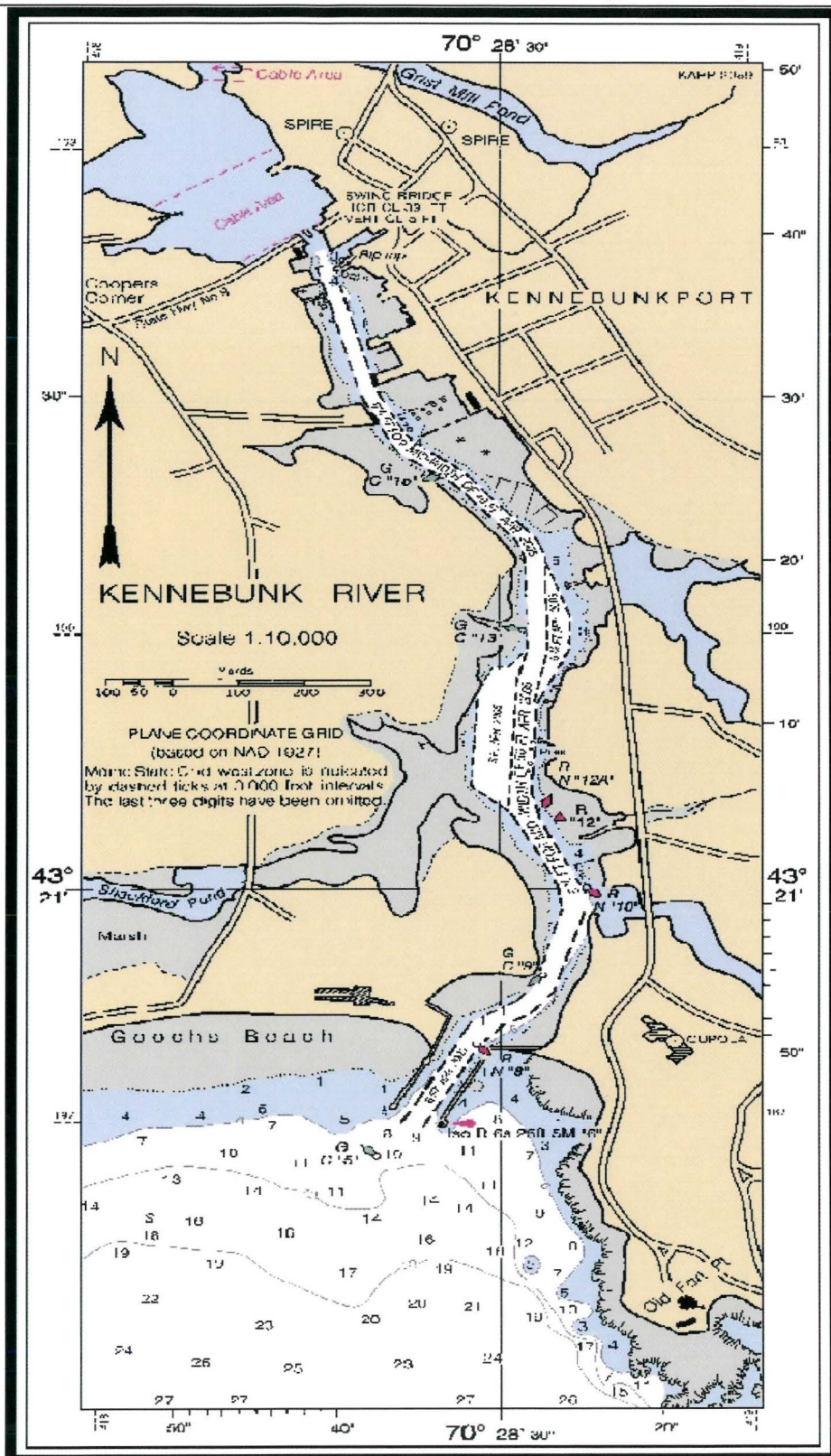
Executive Order 11990, Protection of Wetlands, 24 May 1977

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 Health Risks and Safety Risks,
21 April 1997

Attachment 2

Map of the Kennebunk River Federal Navigation Project



Attachment 3

Map of the Kennebunk River Dredge and Disposal Areas

