



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

696 Virginia Road  
Concord, MA 01742-2751

# Public Notice

In Reply Refer to: Coral Siligato

[nae-pn-nav@usace.army.mil](mailto:nae-pn-nav@usace.army.mil)

Date: January 13, 2023

Comment Period Closes: February 13, 2023

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## 30 DAY PUBLIC NOTICE MAINTENANCE DREDGING OF THE WELLS HARBOR FEDERAL NAVIGATION PROJECT, WELLS, 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 404 of the Clean Water Act of 1977 (P.L. 95-217), and subject to the requirements of the National Environmental Policy Act (P.L. 91-190). The work involves maintenance dredging of the Wells Harbor Federal Navigation Project (FNP) entrance channel, settling basins, inner harbor channel, and anchorage area in Wells, Maine and is authorized in accordance with Title 33, Parts 335-338 of the Code of Federal Regulations. The initial FNP in Wells Harbor was authorized in 1835 with additional work authorized by the River and Harbor Act of July 14, 1960. The FNP was then modified by the Chief of Engineers in September 1962, September 1965, and by the Water Resources Development Act of August 17, 1999 (WRDA99). The modifications made in WRDA99 reflect the current features of the FNP and were made in consultation with the Town of Wells and the State of Maine. Additional modifications in 2000 included placement of a 4.7-acre parcel in the main arm of the Webhannet River under conservation easement. Attachment No. 1 lists pertinent laws, regulations, and directives.

**Project Description:** The proposed work consists of two parts: 1) full maintenance dredging of the Wells Harbor FNP features which include an 8-foot Mean Lower Low Water (MLLW) entrance channel, adjoining settling basins, and a 6-foot MLLW inner channel and anchorage area; and 2) periodic maintenance dredging of portions of the FNP on an as-needed basis. Full maintenance dredging entails dredging approximately 170,000 cubic yards (cy) of sandy material from the FNP, excluding the conservation easement area (Attachment 2). A cutterhead pipeline dredge will remove the material and pump it to areas on Wells and Drakes Island Beaches for beach nourishment (Attachment 3). At the request of the U.S. Fish and Wildlife Service, approximately 800 cy of sand will be stockpiled on Drakes Island Beach for use by the Rachel Carson National Wildlife Refuge on a marsh placement pilot project. Full maintenance dredging work is proposed to be performed between September 15 and March 31 in the year(s) in which funds become available and will take approximately six months to complete.

Periodic maintenance dredging of the FNP, primarily areas in the 8-foot entrance channel and settling basins (previously dredged to 12 feet deep) will occur every one to four years. A government-owned hopper dredge, such as the *Currituck* or *Murden*, will remove approximately 10,000 to 50,000 cy of material during each periodic dredging event. Placement will occur at the nearshore placement site off Wells Beach.

**Purpose of Work:** Natural shoaling processes have reduced available depths to as little as +1.1 feet in the 6-foot-deep interior access channel, making it intertidal and hazardous for navigation at lower stages of the tide. The purpose of the proposed project is to restore the Wells Harbor FNP navigation channels and anchorage area to their authorized dimensions by removing approximately 170,000 cy of sandy material from all FNP features. The need for the proposed project is to remove shoaling that has occurred since previous maintenance of the FNP channels, settling basins, and anchorage in October 2013 – January 2014 to provide safe navigation within Wells Harbor.

**Alternatives:** The following proposals were considered as alternative solutions to address the natural shoaling as part of the alternative analysis process.

No Action- Under this alternative, USACE would not dredge the Wells Harbor FNP, and any associated environmental impacts would be avoided. Conversely, the no action alternative would allow existing conditions in the channels and anchorage to continue to deteriorate resulting in restricted access for vessel movements into, through, and out of the harbor.

Alternative Placement Sites- The various dredged material placement locations considered include: beach, nearshore, upland, and open water. Beach placement for the full maintenance event and nearshore placement for periodic maintenance events were chosen because these alternatives provide direct and indirect nourishment to adjacent beaches and were economically justified.

Alternative Dredging Methods- The various types of dredging methods that were considered included: mechanical bucket, hydraulic cutterhead pipeline, and a hopper. A hydraulic cutterhead pipeline dredge was chosen for full maintenance dredging because it can work in shallow waters and in small areas such as the inner harbor and can pump the material to nearby beaches. Hopper dredging was chosen for periodic maintenance events given the dredge's maneuverability and that placement will occur at the nearshore site.

**Additional Information:** Additional information may be obtained from Ms. Coral Siligato, Project Manager at the address shown above, by email at [nae-pn-nav@usace.army.mil](mailto:nae-pn-nav@usace.army.mil) or by telephone at 978-318-8012.

**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

Wells Reserve at Laudholm National Estuarine Research Reserve

State of Maine:

Maine Department of Environmental Protection  
Department of Marine Resources  
Department of Inland Fisheries and Wildlife  
Maine Coastal Program  
Maine Historic Preservation Commission

Tribal Nations:

Passamaquoddy Tribe of Maine

Local:

Wells Harbormaster  
Town of Wells

**Environmental Impacts:** An Environmental Assessment is in preparation and 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 Wells
- b. Non-Federal Dredging: There may be private and/or town dredging work performed in conjunction with the Federal project, contingent upon the Town receiving all necessary permits and the availability of the dredging contractor.
- c. Floodplain Management: In accordance with Executive Order 11988, USACE has determined that the proposed work will not contribute to negative impacts or damages caused by floods.
- d. Endangered Species: It is our preliminary determination that the project is not likely to adversely affect threatened or endangered species or designated habitat for such 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).
- e. Cultural Resources: USACE is in coordination with the Maine Historic Preservation Commission and the Passamaquoddy Tribe of Maine in accordance with the National Historic Preservation Act of 1966, as amended. Because the proposed work consists of maintenance dredging of the FNP in previously dredged areas and use of previously used disposal sites, no effects to archaeological or historic properties are anticipated.

e. 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 and 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.

f. Additional Requirements: USACE will request a Clean Water Act Section 401 Water Quality Certificate from the Maine Department of Environmental Protection and a Coastal Zone Management Consistency Determination Concurrence from the Maine Coastal Program. Dredging and placement operations will be conducted in a manner that is consistent to the maximum extent practicable with Maine's coastal management program established in accordance with the Coastal Zone Management Act of 1972.

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 which 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.

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 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: Ms. Coral Siligato; or emailed to [nae-pn-nav@usace.army.mil](mailto:nae-pn-nav@usace.army.mil) within 30 days of this notice.

10 January 2023

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.)

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

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. 1456)

National Historic Preservation Act of 1966 (54 U.S.C. 300101, 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. 200302, 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

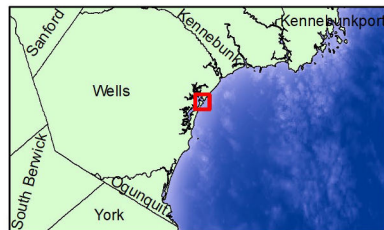
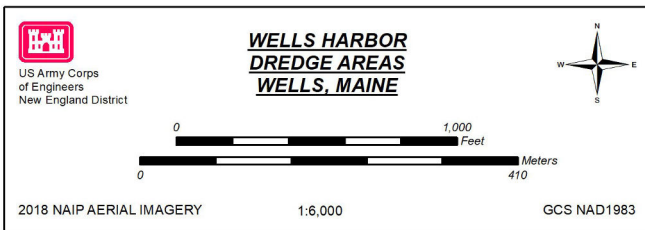
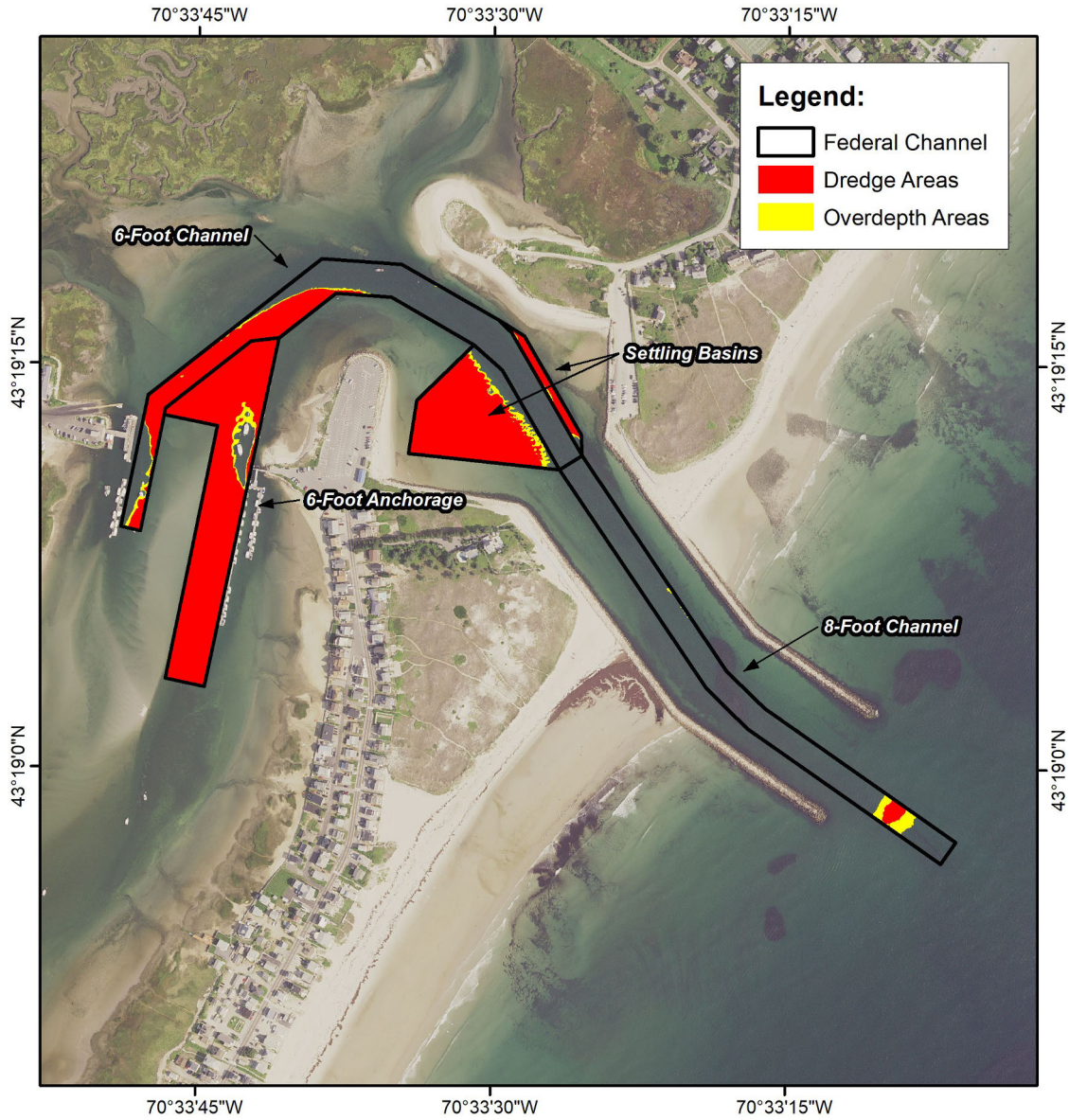
Populations and Low Income Populations, 11 February 1994

Executive Order 13045, Protection of Children from Health Risks and Safety Risks,

21 April 1997

## Attachment 2

### Proposed dredge areas within the Wells Harbor FNP





# Attachment 3

## Proposed placement locations for the Wells Harbor FNP dredged material

