



US Army Corps  
of Engineers<sup>®</sup>  
New England District

696 Virginia Road  
Concord, MA 01742-2751

# Public Notice

In Reply Refer to: Jennifer Flanagan  
[nae-pn-nav@usace.army.mil](mailto:nae-pn-nav@usace.army.mil)

Programs/Project  
Management Division

Date: January 28, 2014

Comment Period Closes: March 28, 2014

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## 30 DAY PUBLIC NOTICE

### MAINTENANCE DREDGING OF THE MYSTIC RIVER FEDERAL NAVIGATION PROJECT GROTON & STONINGTON, CONNECTICUT

Interested parties are hereby notified that the U.S. Army Corps of Engineers, New England District, plans to dredge the Federal navigation channel in the Mystic River (Groton & Stonington, CT). Attachment No. 1 lists pertinent laws, regulations, and directives applicable to the project.

**Project Description:** Mystic River is located in southeastern Connecticut in New London County, on Fishers Island Sound, the eastern arm of Long Island Sound. The harbor forms the boundary between the towns of Stonington and Groton. The existing Federal navigation project (FNP) was authorized by the Rivers and Harbors Act (RHA) of 19 Sep 1890, and modified by RHA 25 Jul 1912, RHA 4 Mar 1913, RHA 2 Mar 1945, WRDA 17 Oct 1986, WRDA 25 Sep 1996, and WRDA 8 Nov 2007. The FNP in the Mystic River (Figure 1), as completed in 1957, consists of (1) a 15-foot channel, 125 feet from the Sound up to the railroad bridge, then 100 feet wide up to highway bridge (US Route 1), (2) a 12-foot channel above the highway bridge to the upper wharves at the Seaport Museum, (3) a 9-foot by 8.5-acre anchorage in the harbor north of Mason Island, and (4) a 9-foot turning basin above the railroad bridge. The 12-foot channel was last maintained in 1941. Dredging of the other project features was last accomplished with the improvement work completed in 1957. Approximately 250,000 cubic yards of predominantly silt will be dredged from the FNP. A mechanical dredge using various types of clamshell buckets would remove material from the shoaled portions of the Mystic FNP, and place it into scows. The scows would then be towed to either the New London Disposal Site (NLDS) (Figure 2) in Long Island Sound or at the Rhode Island Sound Disposal Site (RISDS) (Figure 3) in Rhode Island Sound for disposal. Dredging and disposal operations are anticipated to take five to seven months to complete during the period from September 1 through April 1 of the year funding becomes available. The portions of the channel north of channel marker RN-22 would be dredged in the months of September 1 through January 31, while the portions of the channel to the south would be dredged in the months of September 1 through April 1.

**Character and Purpose of Work:** The purpose of the work is to perform maintenance dredging of up to 250,000 cubic yards (cy) of material from the Mystic River Federal Navigation Project (the 15' channel, the 12' channel and the 9' anchorage area). The dredging would restore the channels and anchorage area to authorized depths.

**Disposal Area:** Disposal of the dredged material (which is composed of predominately silt) will be either at the New London Disposal Site (NLDS) in Long Island Sound or the Rhode Island Sound Disposal Site (RISDS) (Figure 3) in Rhode Island Sound.

The New London Disposal Site (NLDS) (Figure 2) is an active open water dredged material disposal site located 3.1 nmi (5.4 km) south of Eastern Point in Groton, Conn. Centered at 41°16.306' N, 72°04.571' W (NAD 83), the 1 nmi<sup>2</sup> (3.4 km<sup>2</sup>) NLDS has water depths which range from 46 ft (14 m) over the NL-RELIC Mound to 79 ft (24 m) at the southern disposal site boundary. Since 1981, approximately 2,811,000 yd<sup>3</sup> of dredged material have been placed at the site. Currently, this site is utilized for the unconfined disposal of suitable sediments, as well as sediments requiring additional management because of their physical and/or chemical characteristics.

The Rhode Island Sound Disposal Site (RISDS) is a 3.24 km<sup>2</sup> (1 nautical mi<sup>2</sup>) site is centered at 41° 13.850' N, 71° 22.817' W (NAD 83) and lies approximately 21 km south of the entrance to Narragansett Bay, Rhode Island. It is situated within the Separation Zone for the Narragansett Bay Inbound and Outbound Traffic Lanes and lies within a topographic depression, with water depths from 36 to 39 m. A total of 5,311,963 yd<sup>3</sup> has been disposed of at this site since 2003.

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 Ocean Dumping Act, 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.

**Additional Information:** Additional information may be obtained from Ms. Jennifer Flanagan, Civil Works and Interagency/International Project Management Branch, at the return address shown, by email at [nae-pn-nav@usace.army.mil](mailto:nae-pn-nav@usace.army.mil) or by telephone 978-318-8015.

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

**Federal:**

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

Mystic Harbor Management Commission  
Groton Town Engineer  
Mystic Harbor Port Authority

**State of Connecticut:**

Department of Energy & Environ. Protection  
Office of Long Island Sound Programs  
Historical Commission  
Department of Agriculture/Aquaculture

**Environmental Impacts:** 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. A Draft Environmental Assessment for this work has been prepared and is available for review upon request.

**Federal Consistency with the Connecticut Coastal Zone Management Program:** I find that the repair of the authorized Federal navigation channel maintenance dredging is consistent with the applicable management program established as a result of the Coastal Zone Management Act of 1972. The dredging will be conducted, to the maximum extent practicable, in a manner that is consistent with the approved management program.

**Other Information:**

a. **Local Sponsor:** The State of Connecticut. The State will be funding this Maintenance Dredging project.

b. **Previous Dredging Activities:** Oct 1941 - Dec 1941 Maintenance Dredging of the 15-Foot Lower & 12-Foot Upper Channels (123,487 cy); Nov 1956 - Mar 1957 Maintenance Dredging of the 15-Foot Lower Channel (17,204 cy); Sept 1956 - May 1957 Improvement Dredging to Widen the 15-Foot MLW Channel and to Begin the 9-Foot Anchorage & 9-Foot Turning Basin (109,662 cy); Feb 1988 - Relocation of the 9-Foot MLW Turning Basin to East of Channel by Local Interests (estimated 8,000 cy)

c. **Endangered Species:** It is our preliminary determination that no threatened or endangered species are residents of the project area. The Corps is consulting with National Marine Fisheries Service (NMFS) 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).

d. 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.

e. Cultural Resources: The proposed work has been coordinated with the Connecticut Historic Preservation Officer and it was determined to not likely affect any cultural or archaeological features or resources.

f. Essential Fish Habitat Assessment: It is our preliminary determination that the proposed project may have a temporary adverse effect on Essential Fish Habitat (EFH). The project area is contained within areas designated 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 Corps is consulting with NMFS to assure that all impacts will be minimized to the maximum extent practicable.

g. Additional Requirements: Water Quality Certification will be requested from the state of Connecticut. Coastal Zone Management consistency will be requested from New York and Connecticut.

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 that may be affected by this maintenance dredging 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 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: Ms. Jennifer Flanagan, within 30 days of this notice.

28 January 2014  
Date

*William J. Scully, P.E. Deputy District Engineer*  
for Charles P. Samaris  
Colonel, Corps of Engineers  
District Engineer

## **Attachment 1**

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

Clean Air Act, as amended (42 U.S.C. 7401 et. seq.)

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

Coastal Zone Management Act of 1972[16 U.S.C. 1456(c)(1) and (2)], Sections 307(c)(1) and (2)]

Code of Federal Regulation, Title 33, Navigation and Navigable Waters

Endangered Species Act of 1973 as amended (16 U.S.C. 1531-1544)

Estuary Protection Act (16 U.S.C. 1221 et. seq.)

Federal Water Project Recreation Act, as amended (16 U.S.C. 460I-12 et. seq.)

Fish and Wildlife Coordination Act (16 U.S.C. 661-666c)

Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460I-4 et. seq.)

Magnuson-Stevens Fishery Conservation and Management Act as amended through January 12, 2007 and amended by the Sustainable Fisheries Act of 1996

Marine Protection, Research, and Sanctuaries Act (Ocean Dumping Act) of 1972 (33 U.S.C. 1401 et seq.)

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

National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347)

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

Executive Order 11988, Floodplain Management, 24 May 1977

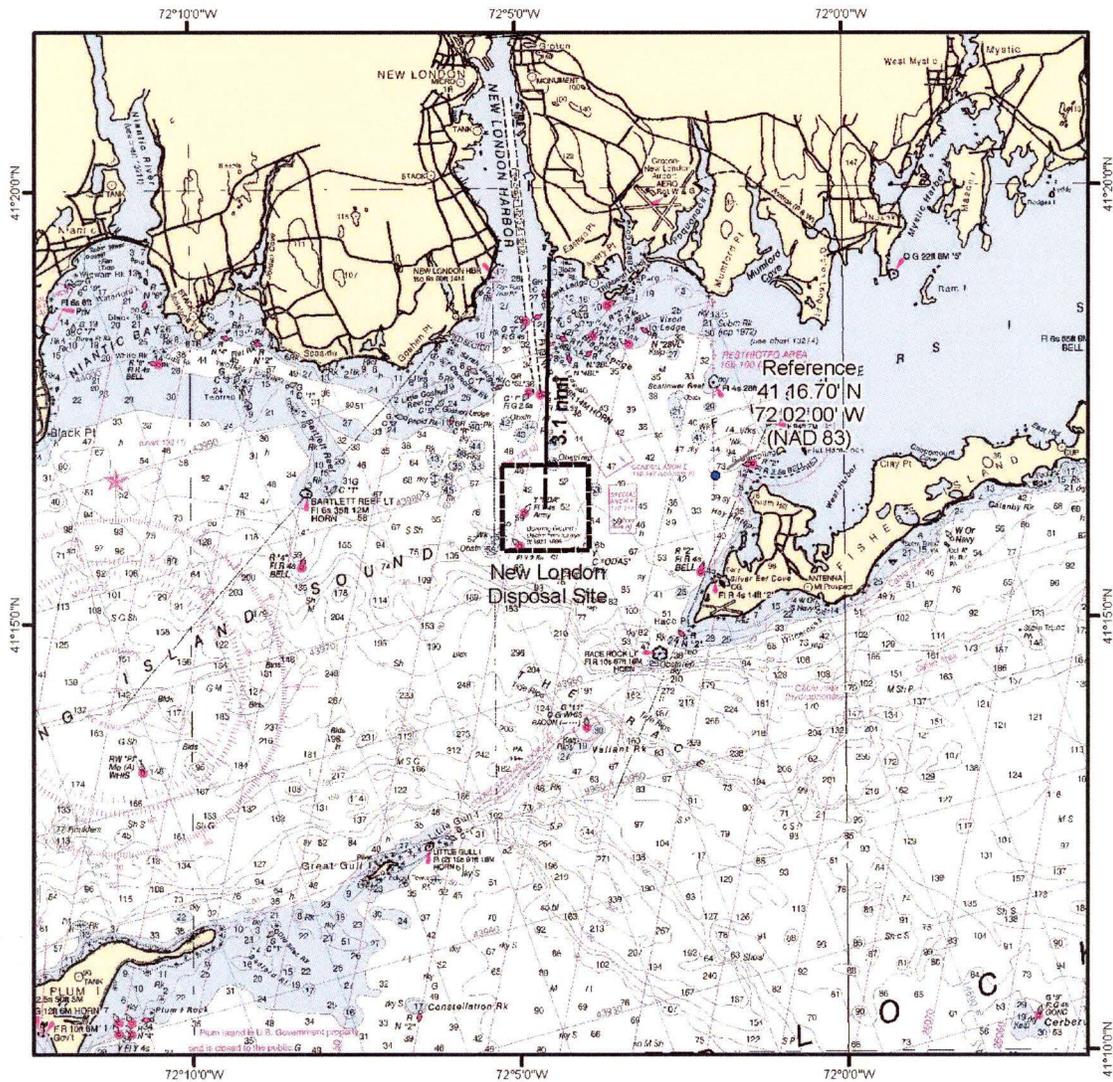
Executive Order 11990, Protection of Wetlands, 24 May 1977

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

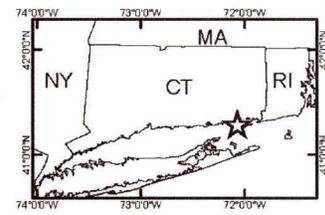
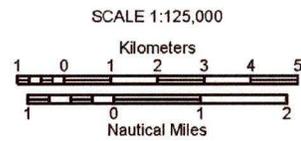
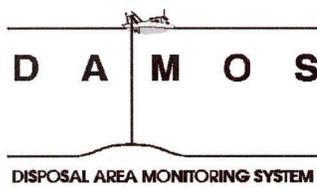


FIGURE 2 – NEW LONDON DISPOSAL SITE



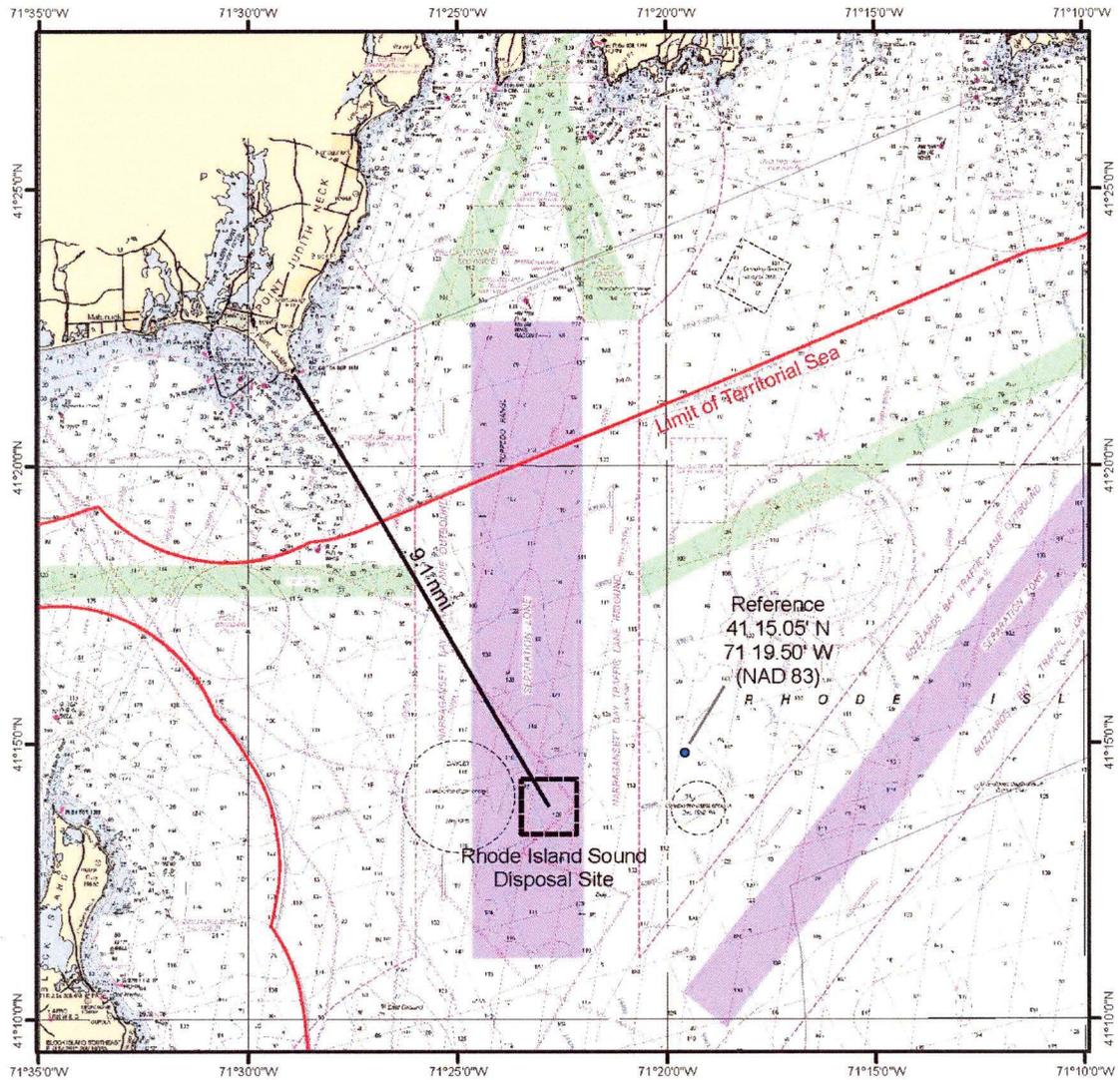
**NEW LONDON DISPOSAL SITE**

Description: The New London Disposal Site (NLDS) is an active open water dredged material disposal site located 3.1 nmi (5.4 km) south of Eastern Point in Groton, CT. Centered at 41°16.306' N, 72°04.571' W (NAD 83), the 1 nmi<sup>2</sup> (3.4 km<sup>2</sup>) NLDS has water depths which range from 46 ft (14 m) to 79 ft (24 m). The authorized disposal point (within the overall disposal area) is specified for each dredging project in other project documents.



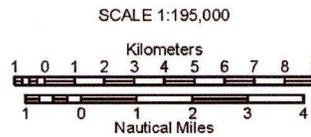
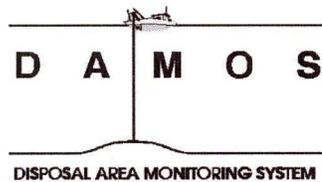
NOTE: This chart is not intended for use in navigation.

FIGURE 3 – RHODE ISLAND SOUND DISPOSAL SITE



**RHODE ISLAND SOUND DISPOSAL SITE**

Description: The Rhode Island Sound Disposal Site (RISDS) was designated in December 2004. This 3.24 km<sup>2</sup> (1 nautical mi<sup>2</sup>) site is centered at 41° 13.850' N, 71° 22.817' W (NAD 83). It is located approximately 9.1 nmi (16.8 km) south-southeast of Point Judith, Rhode Island, and approximately 11.3 nmi (21 km) south of the entrance to Narragansett Bay. It is situated within the Separation Zone for the Narragansett Bay Inbound and Outbound Traffic Lanes and lies within a topographic depression, with water depths from 36 to 39 m. The authorized disposal point (within the overall disposal area) is specified for each dredging project in other project documents.



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