



US Army Corps
of Engineers®
New England District

696 Virginia Road
Concord, MA 01742-2751

Public Notice

In Reply Refer to: Mr. Michael Walsh
Programs & Project
Management Division

nae-pn-nav@usace.army.mil

Date: February 25, 2019

Comment Period Closes: March 27, 2019

30 DAY PUBLIC NOTICE

MAINTENANCE DREDGING OF THE RYE HARBOR FEDERAL NAVIGATION PROJECT, RYE, NEW HAMPSHIRE

Interested parties are hereby notified that the U.S. Army Corps of Engineers (Corps), 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. 95-217) and Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (P.L. 92-532). The work involves maintenance dredging of the Rye Harbor Federal navigation project (FNP) in Rye, New Hampshire and is authorized in accordance with Title 33, Parts 335-338 of the Code of Federal Regulations. Attachment no. 1 lists pertinent laws, regulations, and directives.

Project Description: The Rye Harbor FNP was authorized by the River & Harbor Act of 1960. The FNP consists of a channel that is 100 feet wide and 10 feet deep at mean lower low water, extending 600 feet through the entrance between the outer breakwaters and then becoming 8 feet deep for another 1,700 feet to the State pier and boat ramp in the inner harbor. A 6 foot deep, 5 acre anchorage is located to the north of the 8 foot channel, and an 8 foot deep anchorage of the same size is located to the south (**Attachment 2 and 3**). Maintenance dredging would require the removal of 50,000 cubic yards of silt and fine-sand, to bring the FNP to its authorized dimensions. Dredging will most likely be conducted using a mechanical dredge. The dredge material has been determined to be suitable for unconfined open-water placement and will be placed by scow at either the Isles of Shoals North Disposal Site (IOSN) or Cape Arundel Disposal Site (CADS). Dredging will be performed during a 3-4 month period between November 1 and April 30, during the year(s) in which funds becomes available.

Character and Purpose of Work: Rye Harbor is a small (40 acre) estuarine embayment located approximately five miles south of Portsmouth Harbor and thirteen miles north of the Merrimack River (**Attachment 2**). There is a commercial fishing pier in the harbor, as well as a recreational boat ramp in the inner harbor. Congress has authorized the Corps to maintain this FNP to ensure shoaling does not present a hazard to vessels navigating the FNP. Hydrographic surveys, which are performed periodically, have shown severe shoaling within the Federal channel and the associated anchorages since the previous maintenance dredging in 1990, creating a hazard to vessels utilizing Rye Harbor.

Disposal Areas: There are two off shore open-water sites, considered for placement of the dredge material from the dredging of the Rye Harbor FNP; Isles of Shoals North Disposal Site (IOSN) and Cape Arundel Disposal Site (CADS). The IOSN is approximately 12.5 nautical miles east of Rye Harbor (**Attachment 4**) and CADS is approximately 22 nautical miles northeast (**Attachment 5**). IOSN is a newly proposed placement area that is currently being evaluated for Environmental Protection Agency designation under Section 103(b) of the Marine Protection, Research and Sanctuaries Act (MPRSA), and was subject of a 2015 Disposal Area Monitoring System (DAMOS) survey. The CADS site has been used as an open-water placement site for dredging projects occurring in New Hampshire and southern Maine, and is regularly monitored by the DAMOS Program.

DAMOS surveys show that the sites are located in low energy environments such that sediment deposited at these locations will remain within the boundaries of each site. Based on the testing and evaluation requirements set forth in Section 103 of the Marine Protection, Research, and Sanctuaries Act, the sediments to be dredged from the Rye Harbor FNP are suitable for unconfined open-water disposal at either IOSN or CADS. These determinations were confirmed by the U.S. Environmental Protection Agency and the State of New Hampshire Department of Environmental Services.

Additional Information: Additional information may be obtained from Mr. Michael E. Walsh, Navigation/IIS Project Management Branch, Programs and Project Management Division, at the return address shown above, by email at nae-pn-nav@usace.army.mil, or by telephone at (978)-318-8586.

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 New Hampshire:

New Hampshire Office of State Planning
New Hampshire Department of Environmental Service
New Hampshire Department of Fish & Game
New Hampshire Division of Parks and Recreation
New Hampshire Division of Historical Resources
State Historic Preservation Commission
Pease Development Authority – Division of Ports and Harbors

Municipal Officials:

Town of Rye

Environmental Impacts: An Environmental Assessment for this work is in preparation 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 New Hampshire Coastal Zone Management Program: I find that maintenance dredging of the authorized navigation project is consistent, to the maximum extent practicable, with the State of New Hampshire's management program 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: The State of New Hampshire is the local sponsor for the Rye Harbor FNP and for the proposed maintenance dredging project.

b. Non-Federal Dredging: The New Hampshire Port Authority has indicated a desire to dredge the state anchorage within Rye Harbor at the same time that the Federal dredging takes place. There are not any other private and/or municipal dredging projects anticipated to be performed in conjunction with the Federal work.

c. Previous Dredging: The most recent maintenance dredging of the Rye Harbor FNP was performed in 1990. At that time, a mechanical dredge removed approximately 55,000 cubic yards of sediment from the Federal channel and the associated anchorages. Dredged material was placed via scow at the CADS open-water placement site.

d. Alternate Disposal Methods: Alternate disposal options that have been considered include beach nourishment, nearshore placement, upland placement, and open-water placement. The material is not appropriate for nearshore or beach placement due to grain size incompatibility, and no suitable upland placement sites were identified in close proximity to the dredge area. Therefore, open-water placement at either the IOSN or CADS is the preferred alternative.

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 has determined that the proposed work will not contribute to negative impacts or damages caused by floods.

g. Cultural Resources: The proposed work has been coordinated with the New Hampshire Division of Historical Resources, and it was determined that no historic resources would be adversely impacted.

h. Essential Fish Habitat Assessment: It has been determined that dredging may have a temporary adverse effect on Essential Fish Habitat (EFH). Rye Harbor is designated as EFH under the Magnuson-Stevens Fishery Conservation and Management Act (MSA) for federally managed fish species. The Army Corps of Engineers has assessed the effects the dredging is likely to have on EFH, and has determined that there will be no significant impacts on the designated fisheries resources.

i. Additional Requirements: If CADS is the selected disposal site for the proposed dredge material, an application for Water Quality Certification (WQC) will be submitted to the New Hampshire Department of Environmental Services, as required under Section 401 of the Clean Water Act, 33 U.S.C. § 1341. Since IOSN would be designated under section 103(b) of the Marine Protection, Research and Sanctuaries Act, a WQC is not required if IOSN is the selected placement location.

The decision whether to perform the proposed 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: Michael Walsh; or emailed to nae-pn-nav@usace.army.mil within 30 days of this notice.

22 FEB 2019
Date


William M. Conde
Colonel, Army Corps of Engineers
District Engineer

Attachments

Attachment 1

PERTINENT LAWS, REGULATIONS, AND DIRECTIVES

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

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

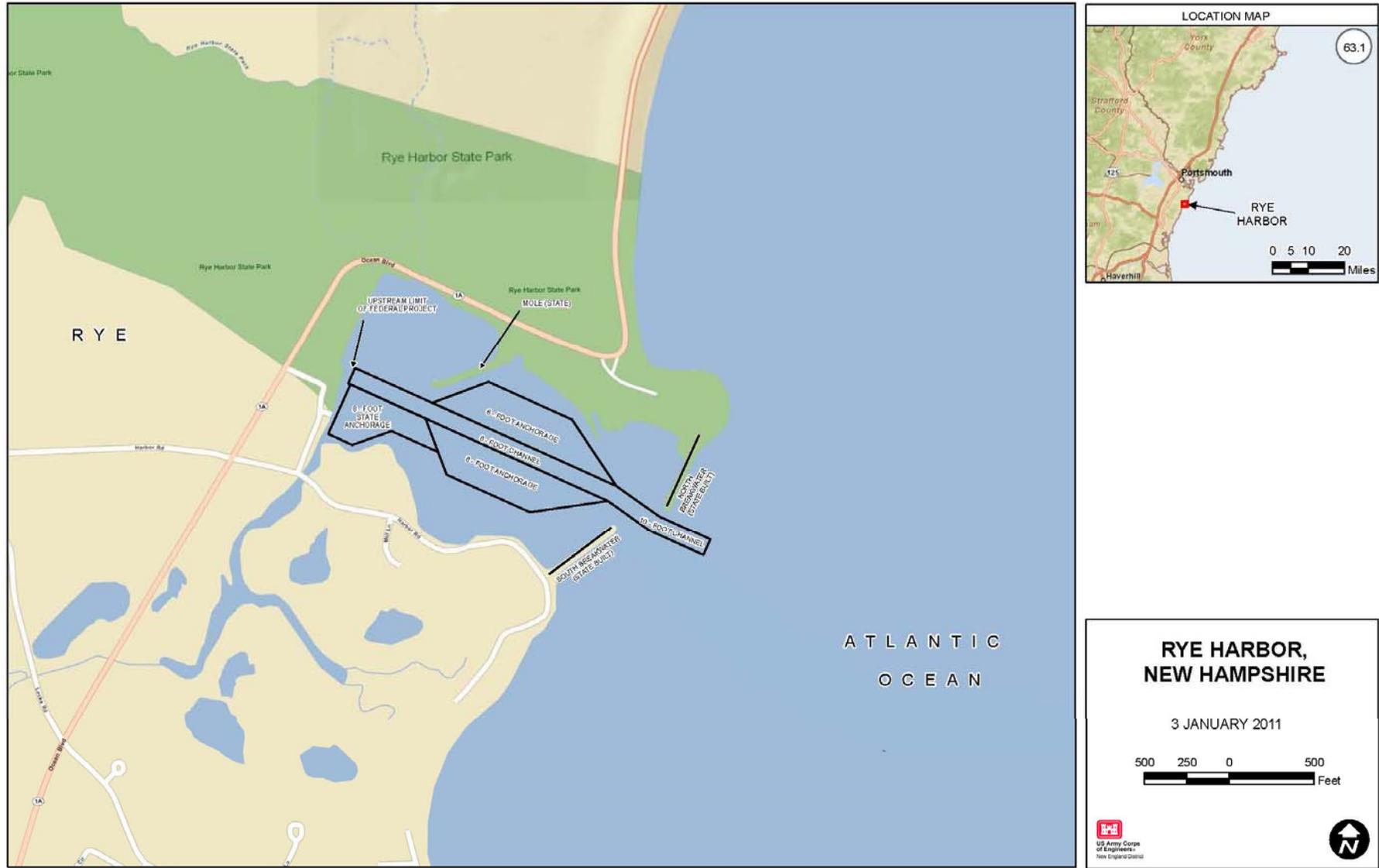
Executive Order 11990, Protection of Wetlands, 24 May 1977

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

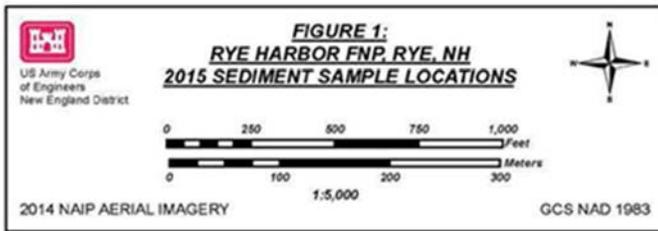
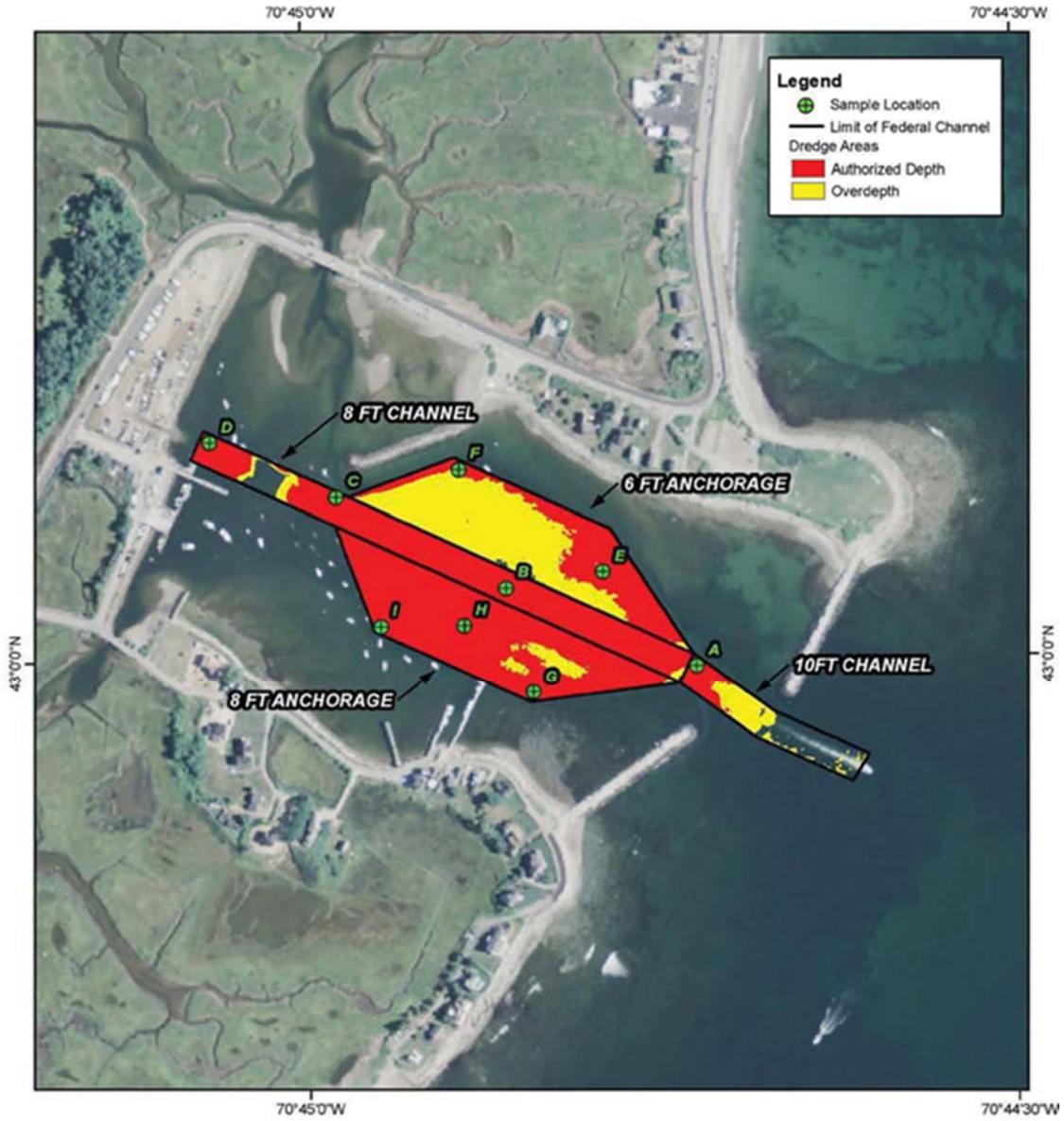
Attachment 2

Rye Harbor Federal Navigation Project Features



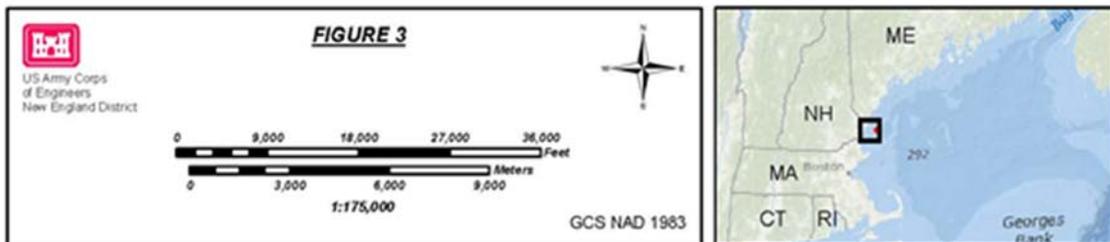
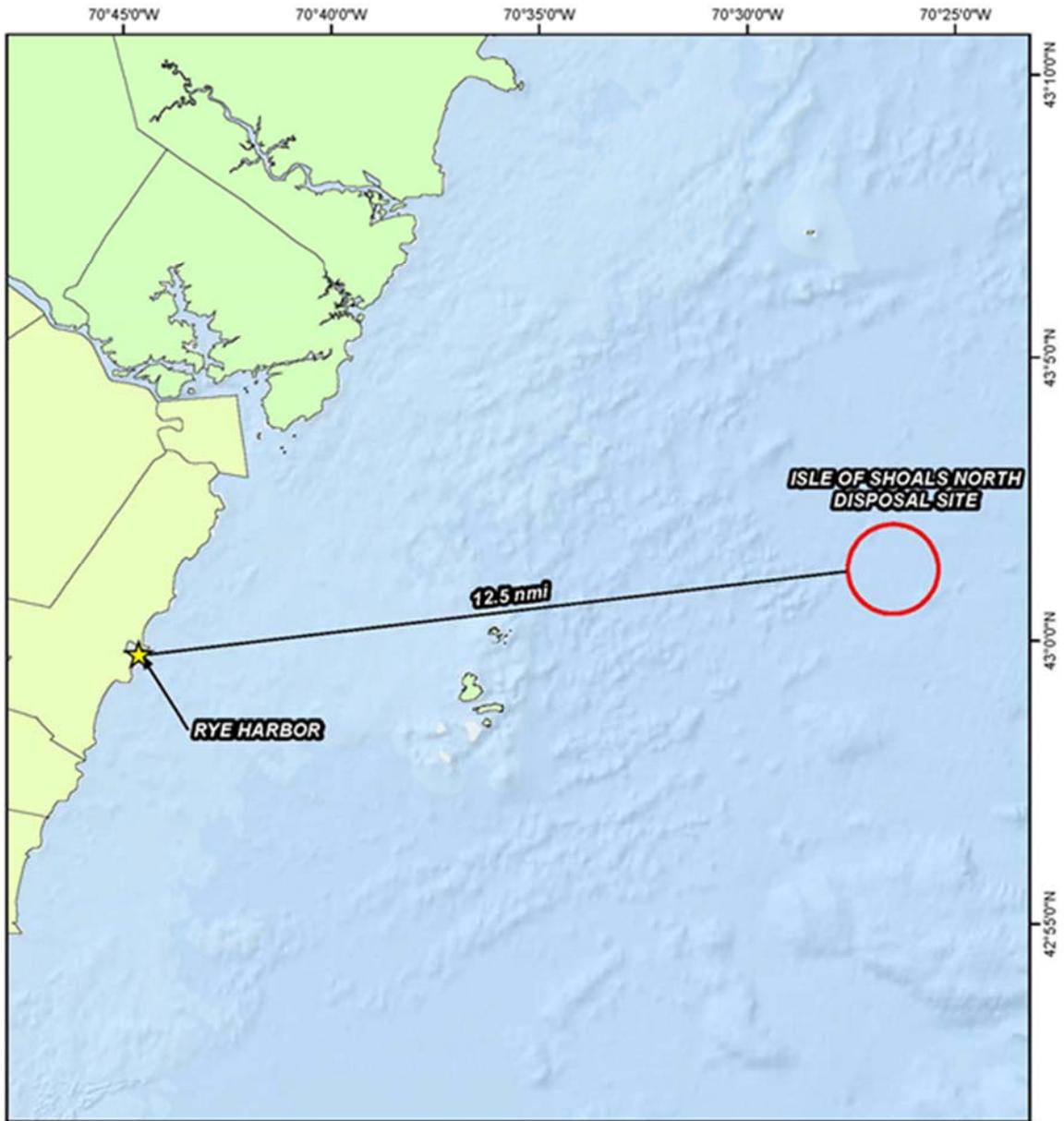
Attachment 3

Rye Harbor FNP Sediment Sampling Locations



Attachment 4

Map of Island of Shoals North Disposal Site with scow haul distance from Rye Harbor.



Attachment 5

Map of Cape Arundel Disposal Site with scow haul distance from Rye Harbor.

