Public Notice

In Reply Refer to: Ms. Erika Mark
nae-pn-nav@usace.army.mil
Programs & Project Management Division
Date: February 6, 2019
Comment Period Closes: March 6, 2019

US Army Corps of Engineers
New England District
696 Virginia Road
Concord, MA 01742-2751

30 DAY PUBLIC NOTICE

MAINTENANCE DREDGING OF THE ANNISQUAM RIVER
FEDERAL NAVIGATION PROJECT,
GLOUCESTER, MASSACHUSETTS

Interested parties are hereby notified that the U.S. Army Corps of Engineers (USACE), New England District, plans to perform maintenance dredging of the Annisquam River Federal navigation project (FNP) in Gloucester, Massachusetts involving 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 to authorize such work 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 proposed work involves maintenance dredging of portions of the 8-foot-deep Mean Lower Low Water (MLLW) channel and anchorage, plus authorized overdepth, in the Annisquam River FNP. The existing project was adopted on August 30, 1935, and modified by the River and Harbor Act of March 2, 1945.

**Character and Purpose of Work:** Natural shoaling processes have reduced available depths to as little as 1.0 foot in portions of the 8-foot MLLW channel and anchorage making navigation hazardous or impossible at lower stages of the tide. Maintenance dredging of approximately 140,000 cubic yards of sand and some gravel from approximately 20 acres of the authorized project area will restore the FNP to authorized dimensions (See Attachment no. 2). Sections of the FNP that have been identified as silt will not dredged at this time. A private contractor, under contract to the government, will use a mechanical dredge and scows to remove the material and then transport it for placement at the Ipswich Bay Nearshore Disposal Site (IBNDS) and the Gloucester Historic Disposal Site (GHDS). Approximately 132,500 cy of sandy material will be placed at the IBNDS and the remaining 7,500 cy of sand and gravel material will go to the GHDS. Construction is expected to take between 3-4 months between October 1 and March 15 of the year(s) in which funds become available. The USACE will allow the contractor to dredge 24 hours per day, 7 days per week. The City of Gloucester requested that this project be maintained.
**Disposal Areas:** The Ipswich Bay Nearshore Disposal Site (IBNDS) is located approximately 1.5 miles north of Farm Point and Wangaersheek and Coffins Beaches, Massachusetts and is centered at 42° 40' 45.78" N, 70° 41' 24.56" W (NAD 83) in average water depths of 32 feet (Attachment no. 4). This site was last used when the Commonwealth of Massachusetts performed maintenance dredging of the Ipswich Bay Bar channel in 2007 and placed approximately 4,300 cubic yards of sand at the site. The Gloucester Historic Disposal Site (GHDS) lies outside of Gloucester Harbor 0.7 miles south of Eastern Point in approximately 80 to 120 feet of water. It is centered at 42° 34' 9.72" N, 70° 39' 51.6" W (NAD 83). This site was last used by USACE for maintenance dredging of the Annisquam River FNP in 1972.

Both of these disposal sites have been surveyed by the Corps' Disposal Area Monitoring System (DAMOS) program. DAMOS studies confirmed that the sites are appropriate for use as nearshore placement sites. At the GHDS, a rock platform in the northern section of the site will be avoided and all material will be placed in areas of the site containing sand substrate. Sand and gravel sediment samples collected within the FNP were physically tested and found suitable for placement at the IBNDS and GHDS under §230.60(a) of the Clean Water Act without further testing. The remaining silty material in the vicinity of the Boston Maine Railroad Bridge and the Lobster Cove anchorage do not meet the exclusionary criteria of §230.60(a) and will not be dredged. The Corps has coordinated with the U.S. Environmental Protection Agency and Commonwealth of Massachusetts, and determined that the material is suitable for disposal at both of the disposal sites.

**Additional Information:** Additional information may be obtained from Ms. Erika Mark, 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 by telephone at (978) 318-8250.

**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:**
- Massachusetts Office of Coastal Zone Management
- Massachusetts Department of Environmental Protection
- Massachusetts Division of Marine Fisheries
- Massachusetts Historical Commission
- Massachusetts Board of Underwater Archaeological Resources

**Tribal Nations:**
- Mashpee Wampanoag Tribe
- Wampanoag Tribe of Gay Head (Aquinnah)

**Local:**
- City of Gloucester Harbormaster
**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.

**Federal Consistency with Massachusetts’ Coastal Zone Management Program:** I find that maintenance dredging of the authorized navigation project is consistent to the maximum extent practicable with the Commonwealth of Massachusetts’ 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:** City of Gloucester.

b. **Non-Federal Dredging:** To date there are no non-Federal dredging projects proposed in connection with the proposed Federal maintenance dredging. Facility owners within the harbor who may be interested in performing non-Federal dredging concurrently with this project should be aware that work will require a permit from the Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and, depending on the location of the non-Federal dredged material disposal, may also require a Corps permit under Section 404 of the Clean Water Act. In order to be disposed of in ocean waters, private dredged material must be determined to be suitable for such disposal.

c. **Previous Dredging:** The USACE most recently dredged portions of the river in 1976. At that time, a government-owned hopper dredge removed approximately 2,700 cubic yards of sand from the 8-foot channel in Ipswich Bay, and placed the material at a disposal area in Ipswich Bay located approximately 3 nautical miles north of the Annisquam Lighthouse.

d. **Alternate Disposal Methods:** Alternate disposal options that have been considered include open-ocean disposal, beach and nearshore disposal, and upland disposal. The Corps favors nearshore disposal of the sandy material because of the benefit in retaining the sand in the littoral system and possibly providing indirect nourishment to adjacent beaches over time. A suitable upland disposal site was not identified.

e. **Endangered Species:** It is our preliminary determination that this proposed project may affect, but is not likely to adversely affect, any species listed as threatened or endangered under the Endangered Species Act of 1973 (87 Stat. 844). The Corps will consult with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service to verify that the proposed activity will not significantly affect any species or critical habitat designated as endangered or threatened.
f. **Floodplain Management:** In accordance with Executive Order 11988, the USACE has determined that the proposed work will not contribute to negative impacts or damages caused by floods.

g. **Cultural Resources:** The proposed work consists only of maintenance, involving previously dredged areas and previously used disposal sites, and will not affect any cultural or archaeological features or resources in the area of dredging or disposal. USACE will coordinate our findings with the State Historic Preservation Officer, Board of Underwater Archaeological Resources, and the two Tribal Nations in accordance with Section 106 of the National Historic Preservation Act and implementing regulations (36 CFR 800).

h. **Essential Fish Habitat Assessment:** It has been determined that dredging and placement activities may have a temporary adverse effect on Essential Fish Habitat (EFH). The dredging and disposal sites are 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 has assessed the effects 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. The Corps will consult with the National Marine Fisheries Service to ensure that all impacts will be minimized.

i. **Additional Requirements:** A 401 Water Quality Certificate will be requested from the Commonwealth of Massachusetts.

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: Erika Mark; or emailed to nae-pn-nav@usace.army.mil within 30 days of this notice.

Date 6/FEB/2019

William M. Conde
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


Fish and Wildlife Coordination Act (16 U.S.C. 661-667e)


Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.)

Coastal Barrier Resources Act, as amended (16 U.S.C. 3501 et seq.)


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

Federal Water Project Recreation Act, as amended (16 U.S.C. 4601-12 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 11593, Protection and Enhancement of the Cultural Environment, 13 May 1971

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, 21 April 1997

Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, 6 November 2000.
Attachment 3

Annisquam River Proposed Dredge Areas
Attachment 5

Gloucester Historic Disposal Site

Data: NOAA RNC 13279
Projection: Lambert Conformal Conic
Coordinate System: State Plane Massachusetts Mainland FIPS 2001 (m)
Datum: NAD83
File Name: 01803117_HDGS01_Overview

Gloucester Historic Disposal Site Boundary

0 250 500 1,000 Meters

September 2014