



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

696 Virginia Road
Concord, MA 01742-2751

Public Notice

In Reply Refer to: Mark Habel
Planning Division

NAE-PD-PN@usace.army.mil

Date: January 29, 2021

Comment Period Closes: March 1, 2021

30-DAY PUBLIC NOTICE

MAINTENANCE DREDGING OF THE NEWBURYPORT HARBOR FEDERAL NAVIGATION PROJECT AND PLACEMENT OF DREDGED MATERIAL ON PLUM ISLAND'S NORTH POINT, NEWBURYPORT, MASSACHUSETTS

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); Executive Order 11988 – Floodplain Management; and the requirements of the National Environmental Policy Act (P.L. 91-190); and authorized in accordance with Title 33, Parts 335-338 of the Code of Federal Regulations. The work involves maintenance dredging of the Newburyport Harbor Federal Navigation Project (FNP) in Newburyport, Massachusetts and placement of dredged material on the inlet beach of Plum Island's North Point, which is being conducted under the Beneficial Use of Dredged Material Program authorized under Section 204 of the Water Resources Development Act (WRDA) of 1992, as amended. Attachment No. 1 lists pertinent laws, regulations, and directives associated with this project.

Project Description: The proposed action involves maintenance dredging of the Newburyport Harbor Federal Navigation Project (FNP) on the Merrimack River in Newburyport, Massachusetts (Attachments 2, 3, and 4). It is the responsibility of the USACE to maintain this FNP and to ensure shoaling does not present a hazard to vessels navigating the channel. This maintenance dredging effort involves the removal of about 220,000 cubic yards (cy) of sandy material that has shoaled areas of the 9-foot-deep Mean Low Water (MLW), 200-foot-wide inner harbor channel, and the 15-foot-deep MLW, 400-foot-wide entrance channel of the FNP. Larger quantities of dredged material, in excess of 220,000 cy, may require removal based on updated bathymetric surveys of the channel shoaling. This excess material may include an additional 30,000 cy for a total of 250,000 cy resulting in an increase to the quantities identified and will be placed at either of the placement sites described below.

The material to be dredged is clean sand that is suitable for either nearshore placement or direct beach placement and is likely to be removed utilizing a hopper dredge or hydraulic pipeline dredge. There are two dredged material placement alternatives for beneficially using the material. The Federal Base Plan includes placement of about 163,000 cy at two nearshore placement locations - one off Salisbury Beach and the other off Plum Island Beach - and placing the remaining portion of the material (about 57,000 cy) at the eastern end of the beach at North Point. Material placement at North Point would protect the inlet's south jetty from flanking due to coastal erosion (Attachment 5). The Federal Base Plan is the least costly alternative for construction of the project.

A second alternative includes shoreline beach placement at Plum Island's North Point using the entire 220,000 cy of dredged material. Placement of 57,000 cy of material at North Point would be accomplished as part of the Federal Base Plan, while placement of the remaining available material, about 163,000 cy, would be accomplished under the Section 204, Beneficial Uses of Dredged Material Program. Section 204 authorizes beneficial use of dredged material from the construction, operation, or maintenance of authorized civil works projects to protect, restore, and create ecologically-related habitats and/or for coastal storm damage risk management. The Section 204 project would be conducted in partnership with the Massachusetts Department of Conservation and Recreation and the city of Newburyport.

The proposed dredging and material placement would be performed during a four-month period. Construction windows would be established to avoid impacts to environmental resources in coordination with federal and state environmental resource agencies including the National Marine Fisheries Service, U.S. Fish and Wildlife Service, and the Massachusetts Division of Marine Fisheries. Construction windows may vary depending on the location of dredging and/or dredged material placement. The USACE-proposed construction windows are described below and are subject to change based on ongoing coordination with environmental agencies.

The dredging of the 9-foot inner harbor channel of the FNP would be conducted between July 1 and Feb. 14 to avoid adverse impacts to spawning winter flounder and anadromous fish migration, and interactions with endangered species. Dredging of the 15-foot entrance channel and placement at nearshore sites off the coasts of Salisbury and Plum Island Beaches is likely to have minimal impacts to these species and other environmental resources; no timeframe restrictions have been implemented for these activities. On-beach placement activities on North Point would be restricted to Sept. 1 to March 31 to avoid interactions with nesting piping plovers.

Character and Purpose of Work:

The purpose of this project is to dredge the shoaled areas of the FNP to restore safe vessel navigation, and to place dredged material in the most appropriate location for beneficial use. Shoaling occurring in the Newburyport Harbor FNP makes vessels more susceptible to groundings, exposing them to hazardous conditions when tides and weather create rough seas. Hydrographic surveys of the FNP have identified sufficient shoaling that presents a navigational hazard. This shoaling has presented the need for the USACE to perform maintenance dredging within the federal channel to bring these areas to their authorized depths. Sand shoals-in rapidly in the FNP, particularly within the entrance channel, which requires maintenance dredging every three to ten years.

Coastal areas of Plum Island have sustained high rates of beach erosion leading to increased storm damage to residential and commercial buildings as well as public infrastructure. Dredged material can be placed directly on the beach or at nearshore locations for the purpose of beach nourishment to abate coastal erosion and reduce the risk of coastal storm and flood damage. Coastal erosion is particularly prevalent at the beach on North Point, where much of the shoreline fronting the Merrimack River inlet has been lost over the past eight years. Placement of material directly on the beach at North Point would stabilize the shoreline and lower the risk of damage to the landward properties for as long as the sand fill remains.

Placement Areas:

The Federal Base Plan includes placement of dredged material at two nearshore placement locations, one off of Salisbury Beach and the other off of Plum Island Beach, in addition to direct beach placement to protect the south jetty spur from further erosion. The second alternative includes shoreline beach placement at Plum Island's North Point.

The northern nearshore disposal site, "Salisbury Nearshore," is located just east of Salisbury Beach, 1.5 miles north of the navigation channel and mouth of the Merrimack River. The footprint of the placement area is 1 mile long and 0.15 miles wide. The southern nearshore disposal site "Plum Island Nearshore," is located east of Plum Island Beach, 1.2 miles south of the channel and is 0.8 miles long and 0.15 miles wide. Both nearshore sites are located between the 20-foot MLW and 30-foot MLW depth contours (Attachment 5). Dredged material placed at the nearshore locations would create a series of sand berms parallel to the shoreline. Sediment from these created berms would then be transported landward by tidal currents and wave action to nourish the adjacent beach.

The beach placement area at North Point is approximately 0.3 miles long and is located just west of the south jetty on the southern shoreline of the Merrimack River at the inlet (Attachment 5). Direct beach placement would replenish sand on the beach in accordance with engineering design specifications to ensure stability of the shoreline and longevity of the sand fill. Sand placed at North Point would also require a slope no steeper than 1V:10H to provide suitable shorebird foraging habitat after project completion.

Additional Information: Additional information may be obtained from Mark Habel, Planning Project Manager, at (978) 318-8871 (Mark.L.Habel@usace.army.mil), or from Reid Lichwell, Environmental Resources Team Member at (978) 318-8148 (Reid.E.Lichwell@usace.army.mil).

Coordination: The proposed work has been, or will be, coordinated with the following agencies:

Federal

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

State

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

Municipal Officials

Town of Salisbury
City of Newburyport
Town of Newbury

Recognized Tribes

Mashpee Wampanoag Tribe
Aquinnah Wampanoag Tribe

Local Non-Governmental Organizations

Plum Island Foundation

Environmental Impacts: An Environmental Assessment is being prepared and will be available for review upon request when complete. 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 Massachusetts Coastal Zone Management Program: I find that maintenance dredging of the authorized navigation project and placement of dredged material is consistent to the maximum extent practicable with the Commonwealth of Massachusetts coastal management program established as a result of the Coastal Zone Management Act of 1972.

Other Information:

- a. Local Sponsor: Massachusetts Department of Conservation and Recreation.
- b. Non-Federal Dredging: There may be private and/or municipal dredging work performed in conjunction with the federal work. These entities would be required to secure their own local, state, and federal approvals and permits, but no such work has been specifically identified at this time.
- c. Previous Dredging: The USACE last dredged the Newburyport Harbor FNP in 2010 when approximately 165,000 cubic yards of sandy material was hydraulically dredged from the federal channel and pumped directly onto Plum Island Center Beach and Salisbury Beach for the purpose of beach nourishment.
- d. Alternate Placement Methods: Dredged material placement options that have been considered to include direct onshore placement, nearshore placement, upland placement, and

offshore placement. It is USACE policy to beneficially use dredged material (e.g., nearshore placement, beach placement) when possible and to also have suitable material remain within the local littoral system.

e. Endangered Species: It is our preliminary determination that the project is not likely to adversely affect threatened or endangered species. The 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).

f. Floodplain Management: In accordance with Executive Order 11988, the USACE has determined that the proposed work will not result in adverse modification of the floodplain nor will it directly or indirectly support development of floodplain.

g. Cultural Resources: The USACE is coordinating project activities with the Massachusetts Historical Commission, Massachusetts Board of Underwater Archaeological Resources, and the Mashpee Wampanoag Tribe in accordance with the National Historic Preservation Act and implementing regulations (36 CFR 800).

h. Essential Fish Habitat Assessment: The USACE has determined that the project may have a temporary adverse effect on Essential Fish Habitat (EFH). The project site is 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 project is likely to have short-term and localized impacts to EFH with no significant impacts to these habitats. The USACE is in consultation with the National Marine Fisheries Service to ensure that any potential impacts will be minimized.

i. Additional Requirements: The USACE will request a 401 Water Quality Certificate from the Massachusetts Department of Environmental Protection and a Coastal Zone Management Consistency Determination Concurrence from the Massachusetts Office of Coastal Zone Management for this project.

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 proposed project, will be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposed project 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 the dredging or 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. The request must clearly set forth the affected interest and the way in which the interest may be affected by the proposed project.

**30-DAY PUBLIC NOTICE RE: MAINTENANCE DREDGING OF THE NEWBURYPORT HARBOR FEDERAL NAVIGATION PROJECT AND
PLACEMENT OF DREDGED MATERIAL ON PLUM ISLAND'S NORTH POINT, NEWBURYPORT, MASSACHUSETTS**

Please bring this notice to the attention of anyone you know to be interested in this project. Comments should be directed to the U.S. Army Corps of Engineers, New England District, 696 Virginia Road, Concord, MA 01742-2751, ATTN: Mr. Mark Habel; or emailed to NAE-PD-PN@usace.army.mil within 30 days of this notice.

27 January 2021
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 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.)

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.)

National Historic Preservation Act of 1966, as amended (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.)

Federal Water Project Recreation Act, as amended (16 U.S.C. 4601-12 et seq.)

Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4 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

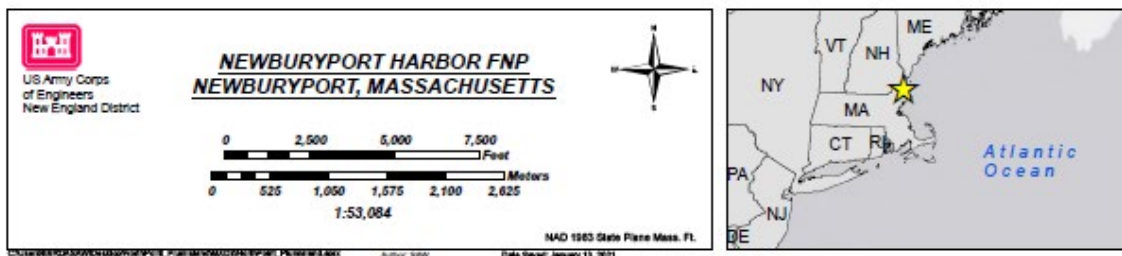
Executive Order 12898, Federal Actions to Address Environmental Justice in Minority
Populations and Low-Income Populations, 11 February 1994

Executive Order 13045, Protection of Children from Health Risks and Safety Risks,
21 April 1997

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

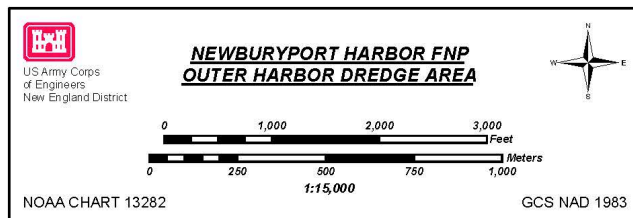
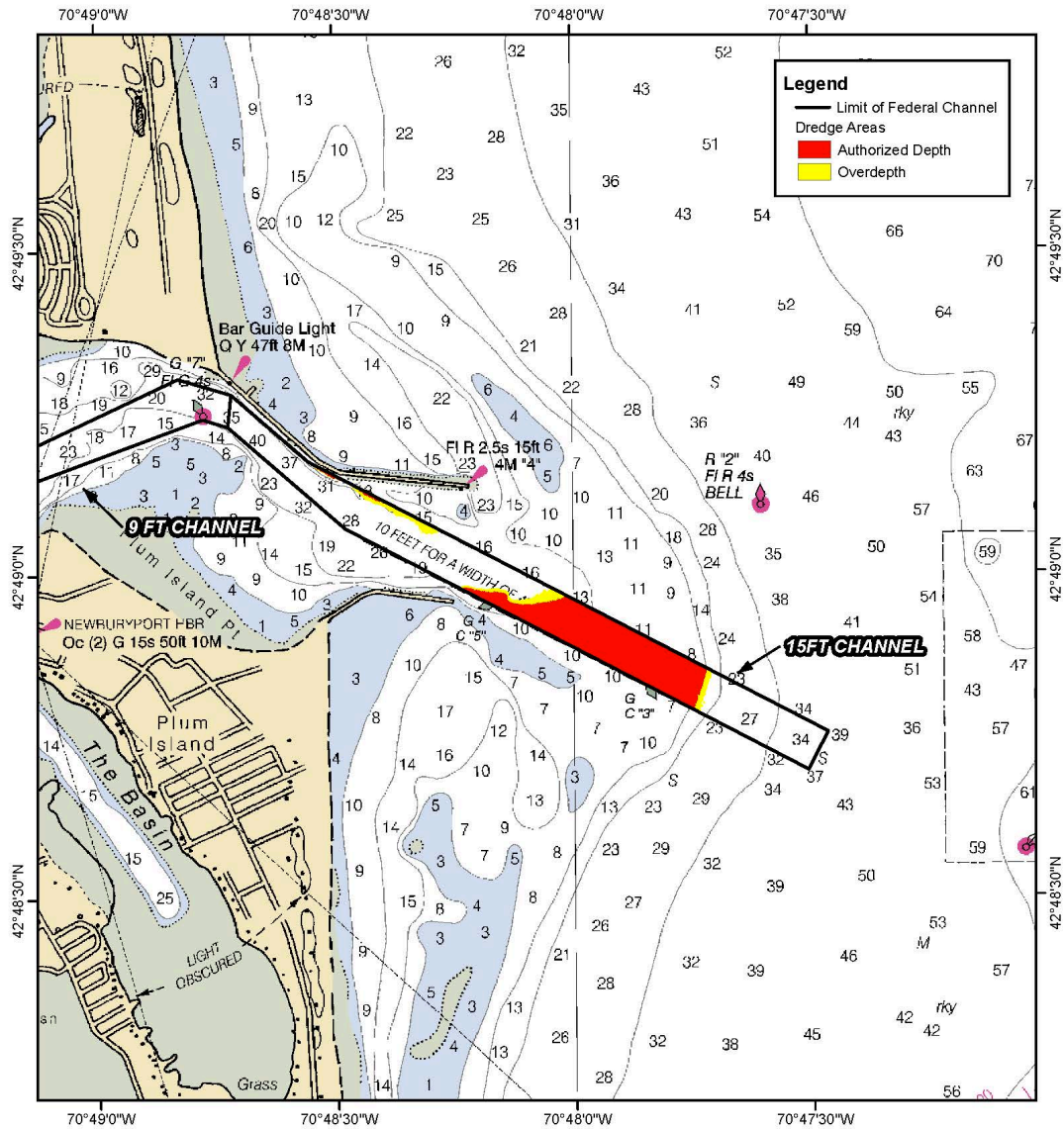
Attachment 2

GENERAL PROJECT LOCATION



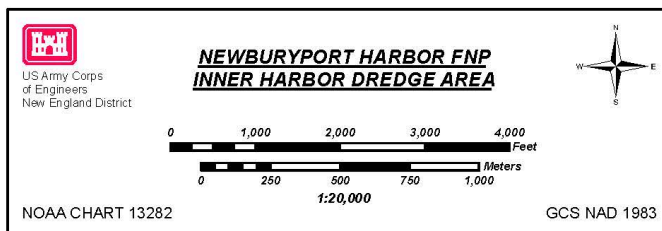
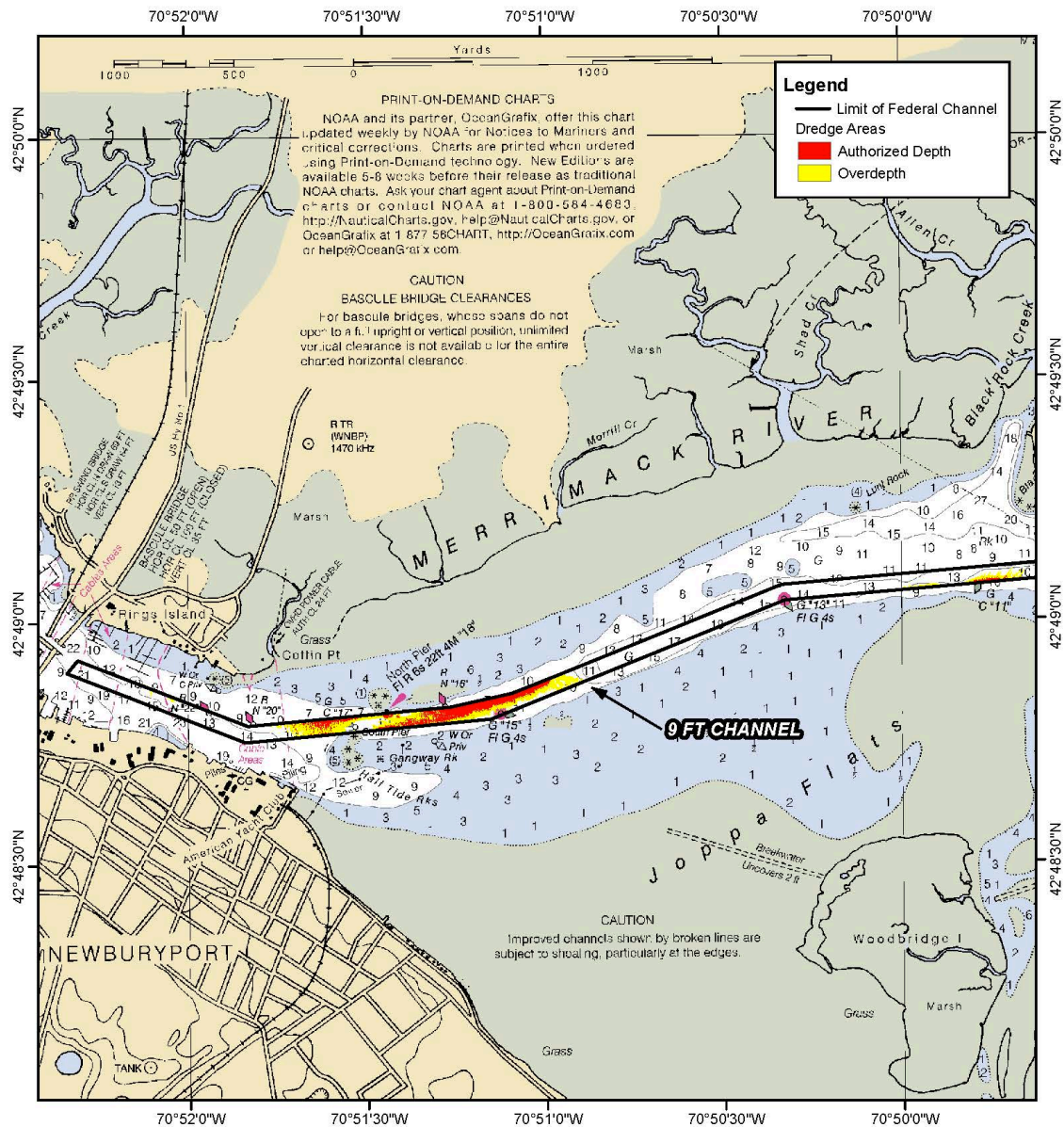
Attachment 3

NEWBURYPORT HARBOR FNP OUTER HARBOR DREDGE AREA



Attachment 4

NEWBURYPORT HARBOR FNP INNER HARBOR DREDGE AREA



Attachment 5

NEWBURYPORT HARBOR FNP PROPOSED DREDGE MATERIAL PLACEMENT SITES

