



US Army Corps
of Engineers®
New England District

696 Virginia Road
Concord, MA 01742-2751

Public Notice

In Reply Refer to: Mr. Craig Martin

nae-pn-nav@usace.army.mil

Programs & Project
Management Division

Date: **February 15, 2022**

Comment Period Closes: **March 18, 2022**

30 DAY PUBLIC NOTICE

MAINTENANCE DREDGING OF THE SCARBOROUGH RIVER FEDERAL NAVIGATION PROJECT, SCARBOROUGH, 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 requirements of Section 404 of the Clean Water Act of 1977 (Public Law (P.L.) 95-217); Executive Order 11988 – Floodplain Management; and the National Environmental Policy Act (P.L. 91-190). The work involves maintenance dredging of the Scarborough River Federal Navigation Project (FNP) in Scarborough, Maine. The existing project was authorized May 17, 1950 by the 81st Congress, 1st Session as outlined in House Document No. 69 and modified by Design Memorandum approved by the Office of the Chief of Engineers (OCE) on March 9, 1960. Attachment 1 lists pertinent laws, regulations, and directives.

Project Description: The proposed work involves maintenance dredging and removal of up to 130,000 cubic yards (cy) of primarily sandy sediment from the entire Scarborough River FNP (Attachment 2), an area of about 22 acres. The proposed work will restore the authorized channels and anchorage to the authorized FNP dimensions. The dredge removal area includes the authorized 8-foot-below-Mean Lower Low Water (MLLW) Entrance Channel, the 6-foot-below-MLLW Main Channel and the 6-foot-below-MLLW Anchorage. The Entrance Channel is about 18 acres in size, approximately 200 feet wide, and approximately 2,700 feet in length. The proposed work will be conducted in two phases. First, materials will be removed from the Entrance Channel over an area of about 10.8 acres to return the Entrance Channel to the authorized depth of 8 feet below MLLW. The second phase will remove the remaining shoal areas over an area of about 11.2 acres returning the Main Channel and Anchorage to their authorized depth of 6 feet below MLLW.

Character and Purpose of Work: The purpose of the maintenance dredging project is to meet navigational needs of existing commercial fishing and recreational vessel traffic by maintaining

the FNP to authorized dimensions. Maintenance dredging was last performed in 2014, when approximately 91,500 cy of material was removed from the federal channels and anchorage and placed on Western Beach, Scarborough, Maine. Since 2014, coastal storms and natural shoaling have completely blocked off the Entrance Channel at lower stages of the tide and reduced available depths at mid-tide to approximately 3 feet below MLLW in the Main Channel and Anchorage. This shoaling severely restricts vessel traffic and results in hazardous navigation conditions. Attachment 3 shows the areas of shoal to be dredged from the FNP highlighted in orange.

There are two phases of the proposed work. The first focuses on immediately improving significant navigation safety concerns in the Entrance Channel, while the second completes project maintenance in the Main Channel and Anchorage. A phased approach allows areas of critical hazard to human health and safety of the environment to be addressed with most readily available, capable equipment first, while the remainder will be undertaken with the most efficient equipment during a larger work window.

Due to the urgency of need in the Entrance Channel, the first phase of work involves hopper dredge methods to remove approximately 30,000 cy of materials from only the Entrance Channel with sediment placement at the Little River Rock Nearshore Placement Site. With proper funding, the proposed work will occur between April 1, 2022 and May 31, 2022, the first available work window without potential impact to important resources. Hopper dredges, like the *CURRITUCK* or *MURDEN*, are best suited and most productive for dredging sandy material over long straight reaches (e.g., entrance or bar channels).

The second phase includes use of a hydraulic cutterhead pipeline dredge platform to remove up to 100,000 cy of the remaining sandy sediments from the Main Channel and Anchorage and distribute them above the Mean Higher High Water (MHHW) mark at Western Beach in Scarborough for beach nourishment purposes. This work would be performed continuously over a three- to four-month period, between November 1, 2023 and March 14, 2024 (if funds are available). Hydraulic cutterhead pipeline dredges consist of a cutterhead on the end of an arm connected to a pump, which loosens the bottom sediments and entrains them in a sediment-water slurry that is pumped up from the bottom. The dredged material is then pumped via pipeline onto the nearby beach. The placed material would then be graded and dispersed across Western Beach using earth moving equipment, such as a bulldozer, to conform to a 10:1 beach slope ratio.

Disposal Areas:

The Little River Rock Nearshore Placement Site is rectangular shaped and encompasses an area of about 43 acres in the shallows of central Saco Bay adjacent to Pine Point Beach, Scarborough, ME. The placement site is located south of the project site entrance channel by about 2 miles and about 0.25 miles south, southwest of Little River Rock, at coordinates: (-70.3475 West Longitude (W), 43.5187 North Latitude (N); -70.3646 W, 43.5215 N; -70.3608 W, 43.5187 N; -70.3641 W, 43.5158 N). (Attachment 4) The landward-side boundary of the placement site runs parallel to the shoreline at the 7-foot depth contour while the seaward boundary runs parallel to the shoreline between 14-17 feet deep. Approximately 30,000 cy of dredged sediments will be placed at this location by hopper dredge methods. Materials will be dispersed to ensure the creation of a fresh 6- to 12-inch-deep top layer of sediments.

In the next phase, the Western Beach placement site would receive materials when the remainder of the FNP is dredged with a hydraulic cutterhead dredge. As much as 100,000 cy of materials would be placed over an area of about 5 acres of intertidal beach habitat at Western Beach. The dredged material would be placed directly onto the beach via pipeline from the hydraulic cutterhead dredge. Earth moving equipment would then redistribute the material across the beach face along an estimated 150-foot width at elevation +12.0 feet MLLW, and with an additional estimated 95-foot width for a 1:10 slope.

The New England District evaluated sediments within the FNP, pursuant to the Clean Water Act, and determined that they are suitable for placement at both the Little River Rock nearshore placement site and the Western Beach placement site.

Additional Information: Additional information may be obtained from Mr. Craig Martin, 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) 318-8638.

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:

Maine Department of Environmental Protection
Maine Department of Marine Resources
Maine Coastal Zone Management
Maine Geologic Survey

Tribal Nations:

Passamaquoddy Tribe
Penobscot Tribal Nation

Local:

Town of Scarborough

Environmental Impacts: An Environmental Assessment is in preparation 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 Maine 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 Maine's coastal management program established in accordance with the Coastal Zone Management Act of 1972. The dredging and placement operations will be conducted in a manner that is consistent to the maximum extent practicable with the approved management program.

Other Information:

- a. **Local Sponsor:** Town of Scarborough.
- b. **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 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).
- c. **Previous Dredging:** Maintenance dredging was last performed in 2014 when about 91,500 cy of material was removed from the federal channel and anchorage and placed on Western Beach by hydraulic cutterhead pipeline dredge methods.
- d. **Alternate Disposal Methods:** Alternate disposal options that have been considered include open-ocean disposal, beach and nearshore disposal, and upland disposal. Approximately 30,000 cy of sand material from the entrance channel is proposed for placement at the Little River Rock nearshore placement site. Also, approximately 100,000 cy of sand materials will be removed from the main channel and anchorage and placed at Western Beach by hydraulic cutterhead pipeline method. A suitable upland disposal site was not identified.
- 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 of maintenance dredging of the FNP in previously dredged areas and placing the dredged material at Western Beach (a previously used placement site) as well as at Little River Rock, a newly developed nearshore placement site. The USACE is in coordination project with the Maine Historical Preservation and Heritage Commission and the Tribal Historic Preservation Officer of the Penobscot Tribal Nation and Passamaquoddy Tribal Nation in accordance with the National Historic Preservation Act of 1966, as amended.
- 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 contained within areas designated as EFH as defined by the Magnuson-Stevens Fishery Conservation and Management Act, amended by the Sustainable Fisheries Act of 1996, for federally-managed fish species. The 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. The USACE is in consultation with the National Marine Fisheries Service to ensure that any potential impacts will be minimized.

i. 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 Zone Management. USACE completed coordination of a hopper dredge haul route with members of Lobster Council G and Dept. of Marine Resources for use of the Little River Nearshore Site (Attachment 5) and avoid conflicts with fishing gear during execution of the 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 that reasonably may be expected to accrue from the proposal will be balanced against its reasonably foreseeable detriments. All factors that 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 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: Craig Martin; or emailed to nae-pn-nav@usace.army.mil within 30 days of this notice.

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 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.)

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

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

National Historic Preservation Act of 1966 (54 U.S.C. 100101 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. 200301 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 11888, Floodplain Management, 24 May 1977

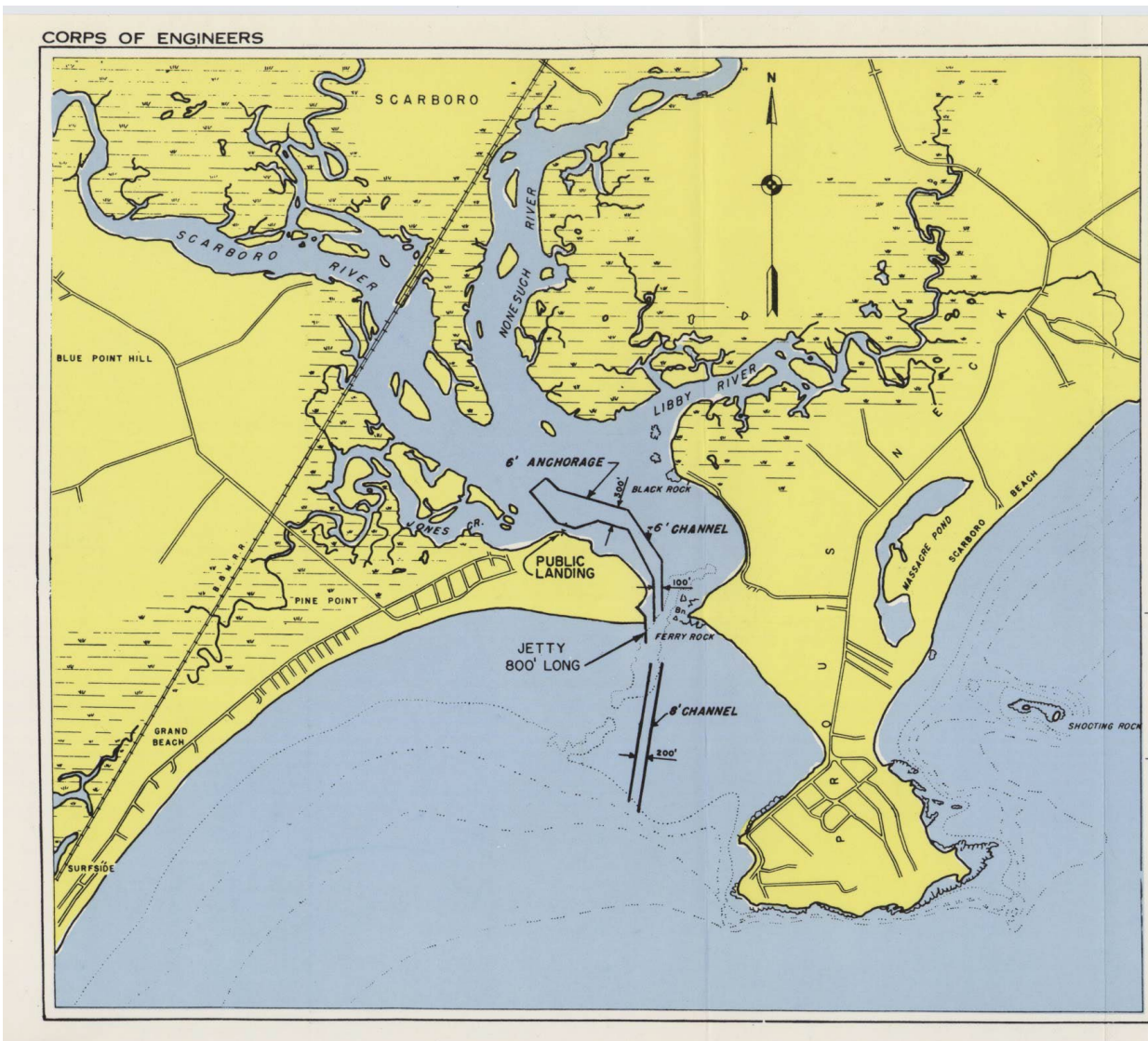
Executive Order 11990, Protection of Wetlands, 24 May 1977

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

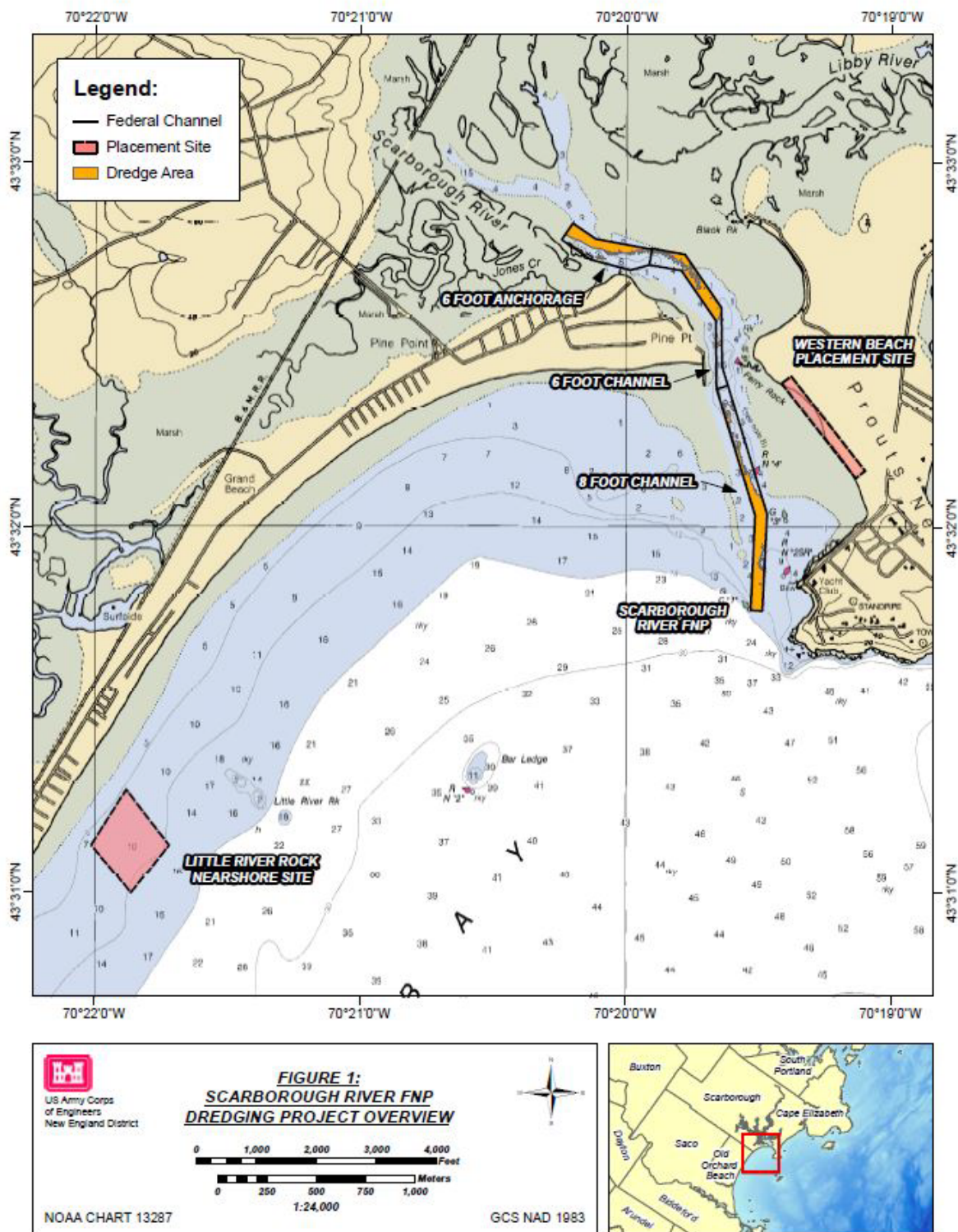
Attachment 2

Scarborough River Federal Navigation Project
as authorized on May 17, 1950 by the 81st Congress, 1st Session
as outlined in House Document No. 69
and modified by Design Memorandum approved by
the Office of the Chief of Engineers (OCE) on March 9, 1960.



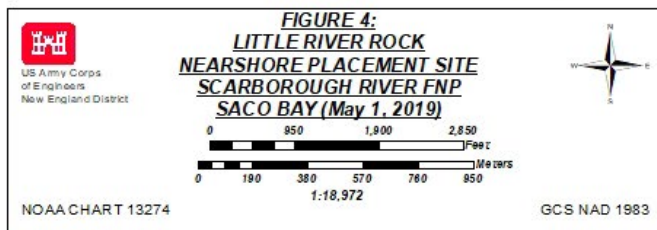
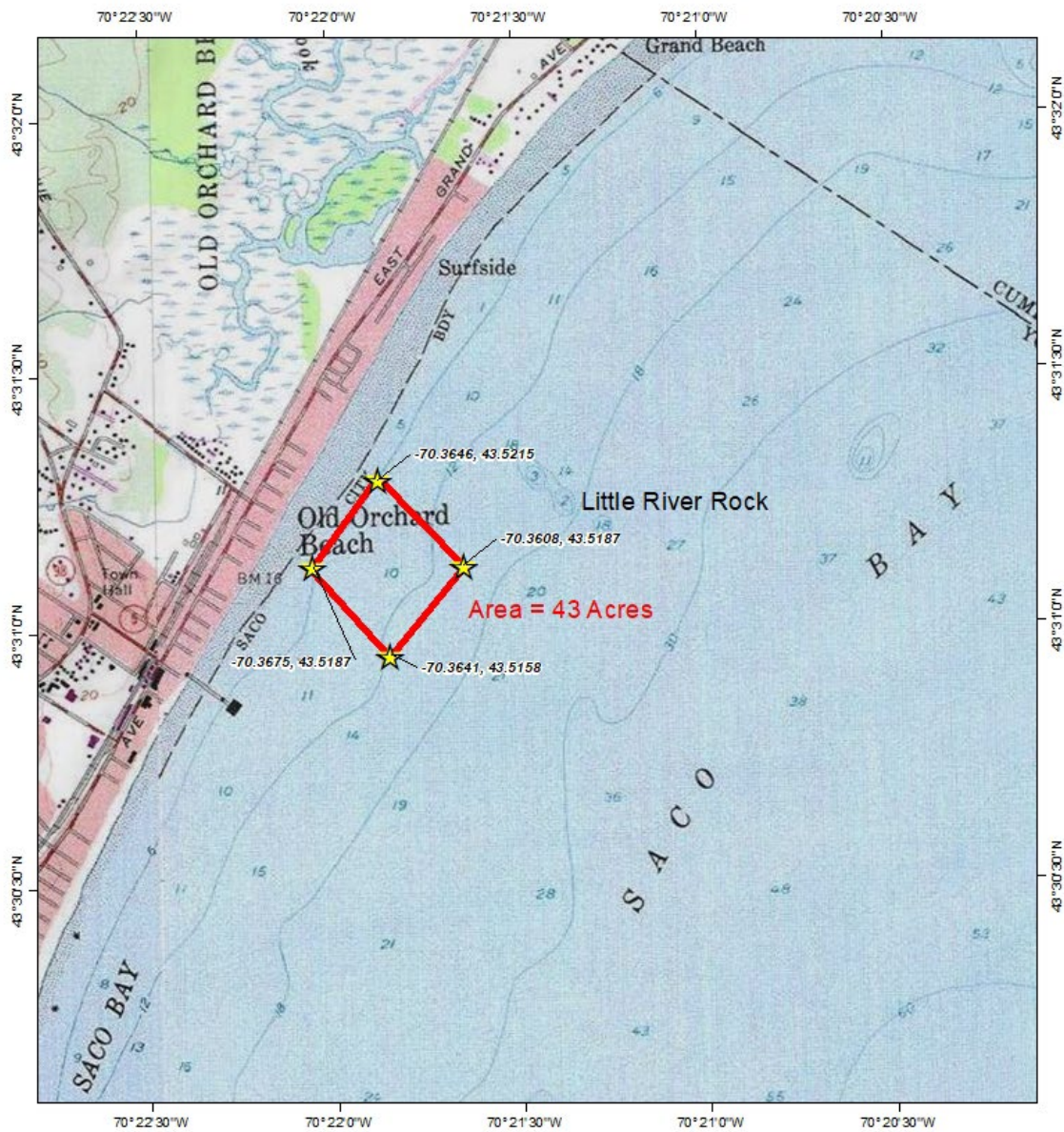
Attachment 3

Scarborough River FNP Proposed Dredge Areas



Attachment 4

Little River Rock Nearshore Placement Site



Attachment 5

Little River Nearshore Placement Site Haul Route

