



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

696 Virginia Road  
Concord, MA 01742-2751

# PUBLIC NOTICE

In Reply Refer to: Programs Project  
Management Division

Email: [nae-pn-nav@usace.army.mil](mailto:nae-pn-nav@usace.army.mil)

Date: February 28, 2013

Comment Period Closes: April 1, 2013

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## 30 DAY PUBLIC NOTICE

### MAINTENANCE DREDGING OF THE FEDERAL NAVIGATION PROJECT IN THE ROYAL RIVER, YARMOUTH, MAINE

Interested parties are hereby notified that the U.S. Army Corps of Engineers, New England District, plans to perform maintenance dredging of the Royal River Federal navigation project (FNP) in Yarmouth, Maine. Maintenance of the project is carried out under the authority of the River and Harbor Act of 1960 authorizing the Federal Navigation Project for Royal River and will be conducted in accordance with the provisions of Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (P.L. 92-532). Attachment 1 lists pertinent laws, regulations, and directives.

**Project Description:** The Royal River Federal navigation project (Attachment 2) was authorized by the River and Harbor Act of 1960, as amended. The Federal project consists of an 8-foot Federal navigation channel with a project depth of -8' at Mean Lower Low Water (MLLW) and the 6-foot Federal anchorage area with a project depth of -6' MLLW. The proposed work consists of the maintenance dredging of the navigation channel and anchorage area. The dredged material will be disposed of at the Portland Disposal Site (PDS).

**Character and Purpose of Work:** Dredging is needed to restore the 8-foot Federal channel and the 6-foot Federal anchorage area in the Royal River Yarmouth, Maine (Attachment 2) to authorized dimensions. Natural shoaling processes have reduced available depths in portions of the channel to less than 2 feet. This shoaling is currently impeding safe navigation by commercial and recreational vessels.

The proposed work consists of the maintenance dredging of about 60,000 cubic yards of sediments from approximately 22 acres in the channel and anchorage. The dredge material is primarily a heterogeneous mix of silt, fine sand, and medium sand with small fractions of coarse sand and gravel. The work will be performed by a private contractor, using a mechanical dredge and scows, under contract to the government. The dredge will remove the material from the bottom of the river and place it in scows which will be towed by tug to the Portland Disposal Site (Attachment 3), about 15 miles away, where the material will be released. The proposed haul route is shown in Attachment 4.

The work will be accomplished over about a five to six month period, between November 1 and April 30, of the year(s) in which funds become available. The Contractor will be allowed to dredge 24 hours per day, 7 days per week. Officials from the State of Maine and the town of Yarmouth have requested that this project be maintained.

**Disposal Area:** The Portland Disposal Site (PDS) (Attachment 3) is one of three regional dredged material disposal sites located in the waters of Maine. It covers a 1 nmi<sup>2</sup> (3.4 km<sup>2</sup>) area of seafloor centered at 43° 34.111' N, 70° 01.9386' W (NAD 83), approximately 7.1 nmi (13.2 km) east of Dyer Point, Cape Elizabeth, Maine. PDS is characterized by rough, irregular bottom topography, with areas of soft sediment accumulation in the basins among bedrock outcrops. The Portland Disposal Site is periodically used for the disposal of suitable bottom sediments dredged principally from the Portland Harbor/Fore River area (suitability determined through case-by-case analyses). The quantity of sediments deposited at the site varies considerably each year and peaks when the Federal Channel in Portland Harbor is maintained (approximately every 10 years). Since 1982, an annual average of 160,000 cubic yards of sediments have been deposited at PDS. The site has been monitored through the USACE New England District's Disposal Area Monitoring System (DAMOS). DAMOS studies show that the site is a low energy environment, such that sediment deposited at this location will remain within the site's boundaries. Levels of metals and organics in the sediments within the disposal site are generally low and in most instances are not substantially greater than background levels, indicative of the relatively uncontaminated nature of many of the areas dredged that utilize the site. Areas outside of the disposal site have not been found to be affected by sediment deposited within the site. The Portland Disposal Site has been designated by EPA for the disposal of dredged material only.

The proposed transportation of this dredged material for disposing of it in ocean waters is being evaluated to determine that the 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 ODA (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.

The dredge material has undergone physical, chemical, and biological testing and has satisfied the criteria for ocean disposal of dredged material as specified in part 227 of the Ocean Dumping Act regulations. It is our preliminary determination that the material is acceptable for disposal at this disposal site.

**Additional Information:** For further information on the project please contact the project manager Mr. Mike Walsh, Programs & Civil Project Management Branch, Programs Project Management Division, at the return address shown, telephone number (978) 318-8586.

**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

State of Maine

State Planning Office  
Maine Department of Environmental Protection  
Maine Department of Marine Resources  
State Historic Preservation Commission

Local

Town of Yarmouth  
Harbor Master

**Environmental Impacts:** An Environmental Assessment for this work is being prepared and will be made 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 Coastal Zone Management Program:** I find that maintenance dredging of the authorized navigation project is consistent, to the maximum extent practicable, with the applicable management program established as a result of the Coastal Zone Management Act of 1972. The dredging and disposal operation will be conducted, to the maximum extent practicable, in a manner that is consistent with the approved management program.

**Other Information:**

a. Previous Dredging: The most recent maintenance dredging of the 8-foot Federal channel and the 6-foot anchorage area was done from November 1996 to April 1997 when approximately 88,000 cubic yards of material was dredged and disposed of at the Portland Disposal Site.

b. Alternatives: The proposed work involves maintenance of an existing Federal channel and anchorage area. One alternative to maintenance dredging is the No Action alternative. This would allow existing conditions to remain and worsen as shoaling continues, hindering navigational access and compromising vessel safety. Another alternative, dredging to less than the authorized depth, was also considered. Regarding disposal alternatives, in conjunction with the Town of Yarmouth, we reviewed potential disposal sites and determined that no suitable nearby upland sites or combination of sites large enough to accommodate the quantity of material to be dredged and near enough to insure operational feasibility are practicably and economically available. Also, since the material to be dredged consists of fine-grained silts and sands, it is not suitable for beach

nourishment. The nearest open water disposal site is the Portland Disposal Site, which has historically been used for disposal of dredged material.

c. Non-Federal Dredging: It is possible that one or more businesses on the Royal River may perform maintenance dredging in conjunction with the Federal project. Facility owners within the river who may be interested in performing 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 dredged material disposal, may also require a Corps permit under Section 404 of the Clean Water Act or Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972. In order to be disposed of in open water, private dredged material must be determined to be suitable for such disposal.

d. Endangered Species: It is our preliminary determination that the proposed activity will not likely adversely affect endangered species. No threatened or endangered species occur in the area to be dredged. However, several have the potential to occur near the proposed disposal area. Consultation will be conducted with the National Marine Fisheries Service and the United States Fish and Wildlife Service to verify that the proposed activity will not adversely affect any species or critical habitat designated as endangered or threatened pursuant to the Endangered Species Act of 1973 (87 Stat. 844).

e. 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.

f. Cultural Resources: The proposed work is maintenance involving previously dredged areas and a previously used disposal site, and is not likely to affect any cultural or archaeological features or resources.

g. Essential Fish Habitat Assessment: It has been 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 and amended by the Sustainable Fisheries Act of 1996 for Federally managed fish species. The U.S. Army Corps of Engineers has assessed the effects that 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 in accordance with EFH consultation regulations.

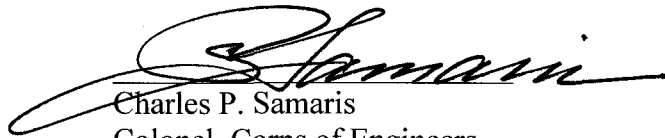
h. Additional Requirements: The Maine State Planning Office will be provided a Federal Coastal Zone Management Consistency Determination prior to project implementation to determine if the project is consistent with the State's approved coastal zone management program. A Water Quality Certification for disposal of the dredged material will not be required as the material is being placed at the PDS in Federal waters.

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 which may be affected by the dredging and disposal of this dredged material 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 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 me at U.S. Army Corps of Engineers, New England District, 696 Virginia Road, Concord, MA 01742-2751, ATTN: Mike Walsh, within 30 days of this notice.

28 FEB 13  
Date

  
Charles P. Samaris  
Colonel, Corps of Engineers  
District Engineer

Attachments

## **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

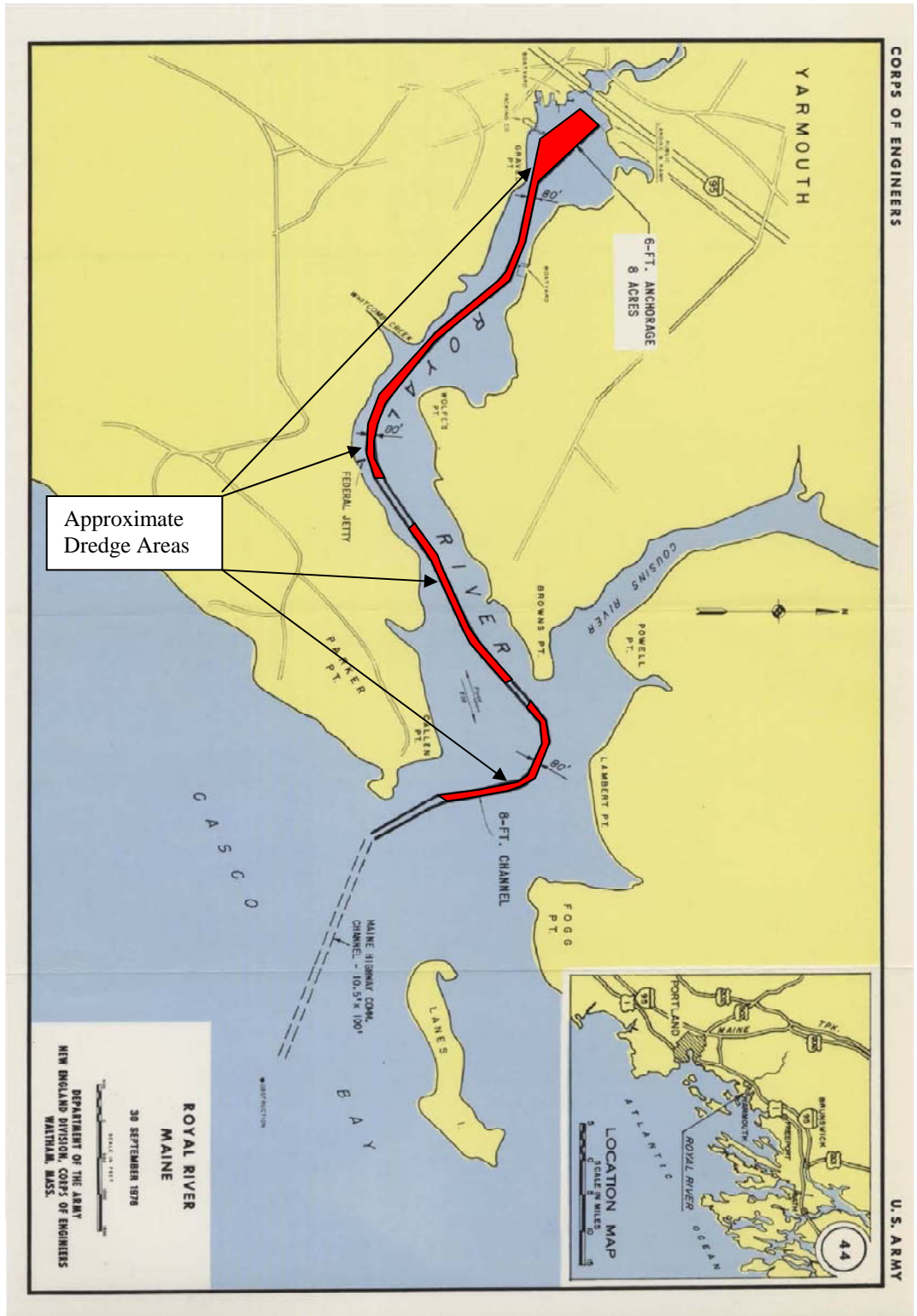
Executive Order 11990, Protection of Wetlands, 24 May 1977

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

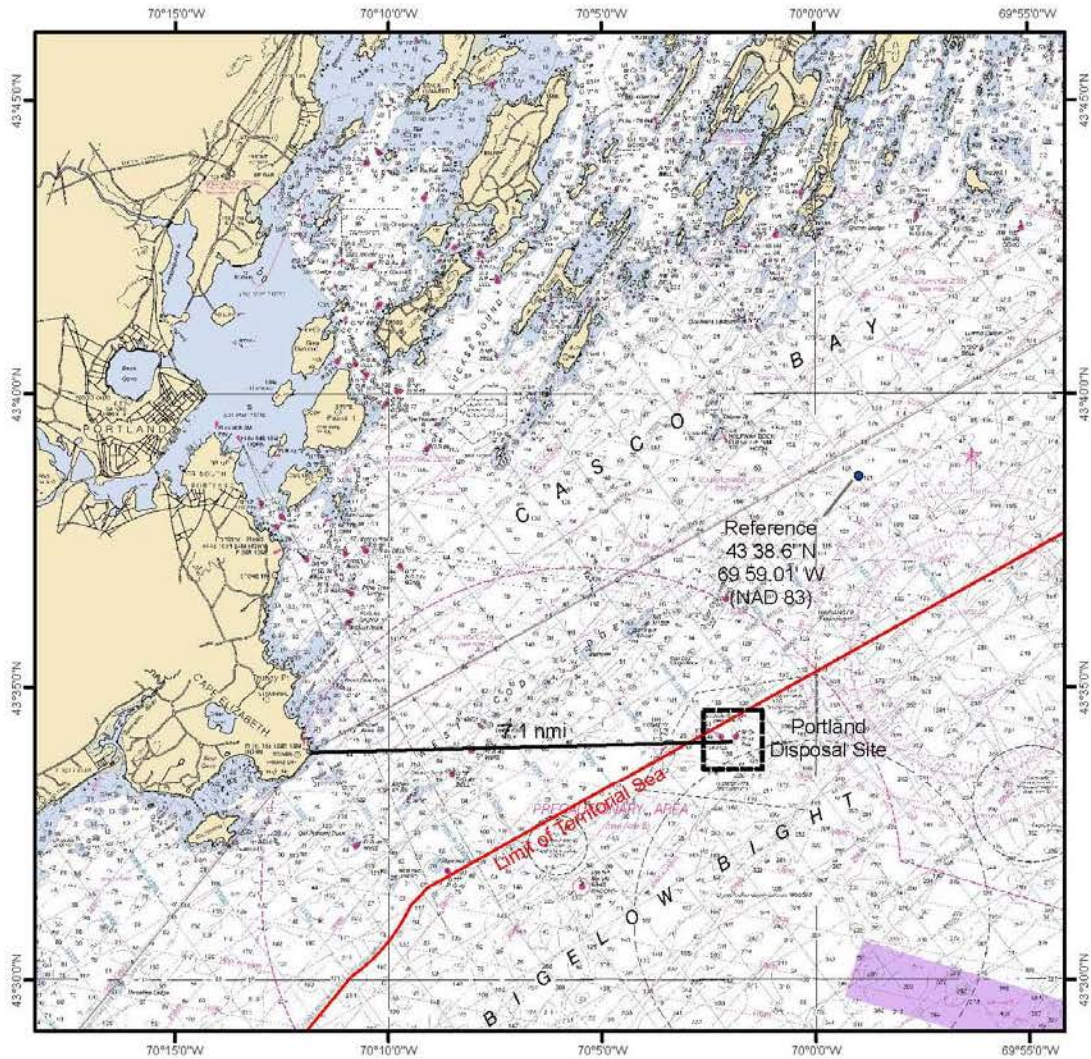
# Attachment 2

## ROYAL RIVER FEDERAL NAVIGATION PROJECT



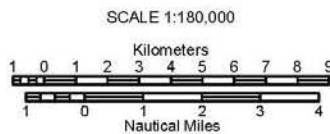
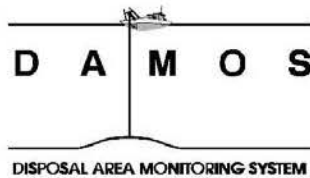
# Attachment 3

## PORTLAND DISPOSAL SITE

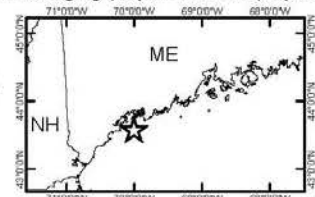


### PORTLAND DISPOSAL SITE

Description: The Portland Disposal Site (PDS) is one of three regional dredged material disposal sites located in the waters of Maine. It covers a 1 nmi<sup>2</sup> (3.4 km<sup>2</sup>) area of seafloor centered at 43° 34.111' N, 70° 01.9386' W (NAD 83), approximately 7.1 nmi (13.2 km) east of Dyer Point, Cape Elizabeth, Maine. PDS is characterized by a rough, irregular bottom topography, with areas of soft sediment accumulation in the basins among bedrock outcrops. The authorized disposal point (within the overall disposal area) is specified for each dredging project in other project documents



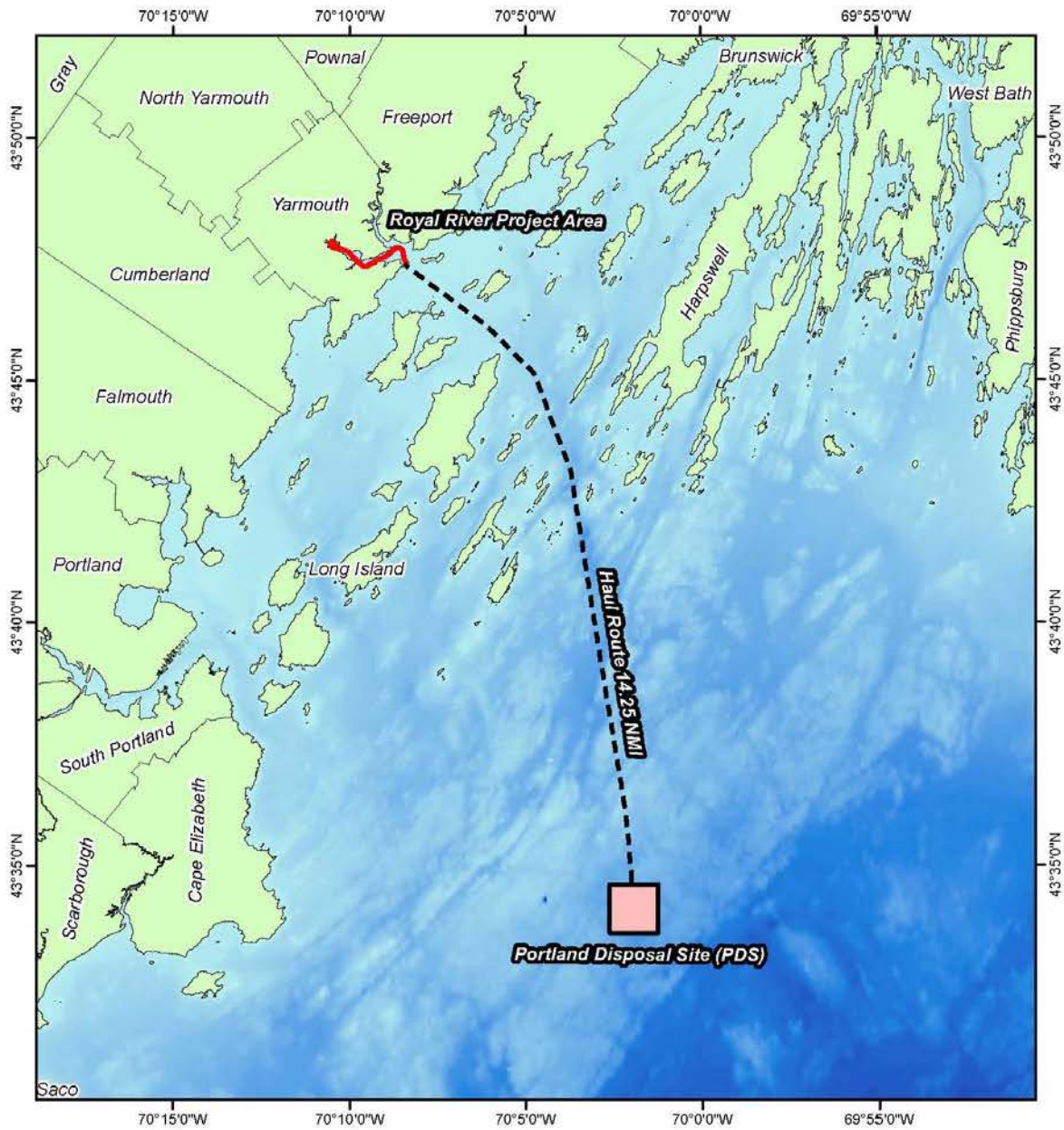
NOTE: This chart is not intended for use in navigation.






# Attachment 4

## PROPOSED HAUL ROUTE TO THE PORTLAND DISPOSAL SITE



 **PORTLAND RIVER FNP, YARMOUTH, ME  
DREDGE MATERIAL HAUL ROUTE**

US Army Corps of Engineers  
New England District

0 1 2 3 4 5 Nautical Miles  
0 5 10 Kilometers  
1:200,000

NGDC US Coastal Relief Model GCS NAD 1983

