

**COASTAL ZONE MANAGEMENT CONSISTENCY DETERMINATION FOR
THE IMPROVEMENT DREDGING OF THE NEW HAVEN HARBOR
FEDERAL NAVIGATION PROJECT (NEW HAVEN, CONNECTICUT)**

SEPTEMBER 18, 2018

**SUBMITTED TO: STATE OF NEW YORK
DEPARTMENT OF STATE
COASTAL ZONE MANAGEMENT PROGRAM**

**PREPARED BY: US ARMY CORPS OF ENGINEERS
ENGINEERING/PLANNING DIVISION
ENVIRONMENTAL RESOURCES SECTION**

PROJECT: Improvement Dredging of New Haven Harbor, New Haven, Connecticut, Federal Navigation Project. Improvement dredging of the 35-foot-deep main channel and the 35-foot-deep turning basin.

DESCRIPTION OF WORK:

The existing New Haven Harbor Federal Navigation Project (FNP) is shown in Figure 1. Navigation features of the existing Federal Navigation Project include:

- A main ship channel, -35 feet MLLW, extending about 5 miles from deep water in Long Island Sound to the head of the harbor at the mouth of the Quinnipiac River, varying in width from 500 feet (outer-harbor) to 400 feet (inner-harbor), and widened to 800 feet along the upper harbor terminals to provide a maneuvering area;
- A turning basin in the upper harbor west of the channel also at -35 feet MLLW;
- Two anchorages west of the main channel, at -15 and -16 feet MLLW;
- The Quinnipiac River Channel, at -18 feet MLLW (lower channel) and -16 feet MLLW (upper channel), and generally 200 feet wide;
- The Mill River Channel, at -12 feet MLLW, 200 feet wide, including two branches (east branch at 100 ft. wide, and west branch at 125 feet wide);
- The West River channel authorized at -12-feet MLLW, 100 to 150 feet wide, with a -6 foot MLLW anchorage;
- A pile and stone T-dike at Stony Point west of the main channel, 4,200 feet long; and
- Three offshore stone breakwaters, totaling 12,100 feet in length providing a refuge in the outer harbor.

Due to inefficiencies in large vessels transiting the harbor, USACE is considering navigation improvement to the New Haven Harbor FNP. The tentatively selected plan (TSP) for the New Haven Harbor Navigation Improvement project is the 40 ft. Plan. The TSP consists of the following General Navigation Feature Improvements:

General Navigation Feature Improvements

- Deepen the Channel and Turning Basin from - 35 to -40 feet, MLLW
- Widen the turning basin to the north 200 feet
- Widen the inner channel from 400 to 500 feet and the entrance channel from 500 to 600 feet.
- Widen Bend at Breakwater from 560 to 800 feet

The improvement features are shown in Figure 2. The dredged material quantity estimate for the improvement dredging is shown in Table 1.

Table 1. TSP Dredged Material Quantity Estimates.

TSP (40-ft Plan)	Dredging Quantities (CY)		Total
	Cut	2-ft. Over depth	
Entrance Channel**	278,300	240,000	518,300
Bend (Ordinary Material)	475,300	161,300	636,600
Bend (Rock) (Required Cut to El 42)	24,900	18,600	43,500
Interior Channel	1,537,400	776,000	2,313,400
Maneuvering Area	377,700	274,600	652,300
Turning Basin	117,900	40,200	158,100
Total Improvement Dredging	2,811,500	1,510,700	4,322,200

Dredged Material Placement Sites Base Plan

The following sites will be used for the placement of dredged material from the improvement project. These sites are considered the Federal base plan and also represent beneficial use of the dredged material. The sites are:

- Morris Cove and West River Borrow Pits
- Create Oyster Habitat south of east breakwater
- Rock placement at west Breakwater (rock reef)
- Cover historic disposal mounds at CLDS

Salt Marsh Creation Additional Opportunity for Beneficial Use Site

In addition to the above placement sites the opportunity to use some of the dredged material that would go to CLDS to create about 70 acres of salt march was identified. This salt marsh creation site represents an increase in cost over the less expensive option of bringing the material to CLDS. The Non-Federal Sponsors support the salt marsh creation site and are willing to share in the incremental cost above the base plan.

Additionally, a confined aquatic disposal (CAD) cell may be developed within the harbor to hold any unsuitable dredge material that may be generated by the project.

All potential in harbor disposal sites are shown in Figure 2. The CLDS is not shown.

Figure 1. New Haven Harbor Federal Navigation Project.

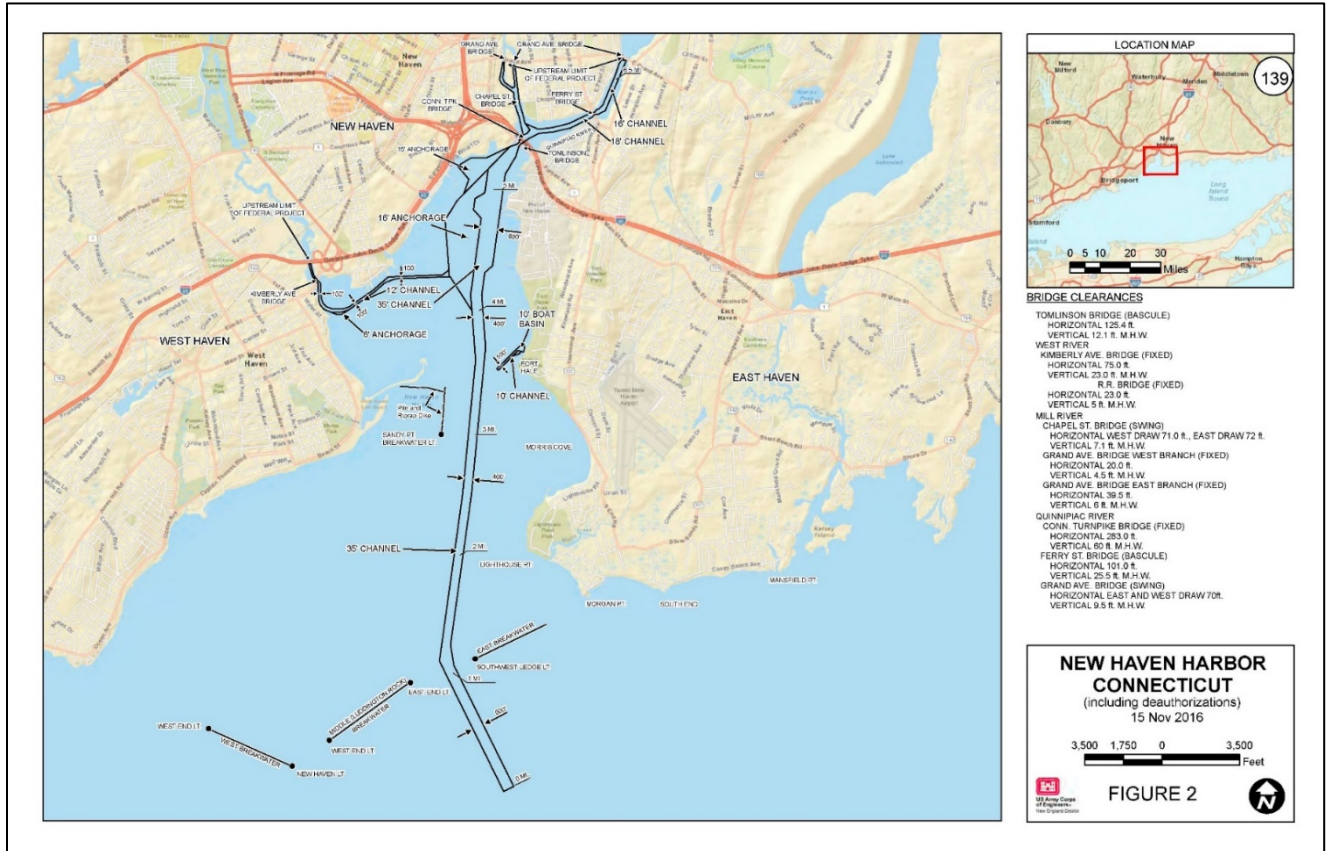
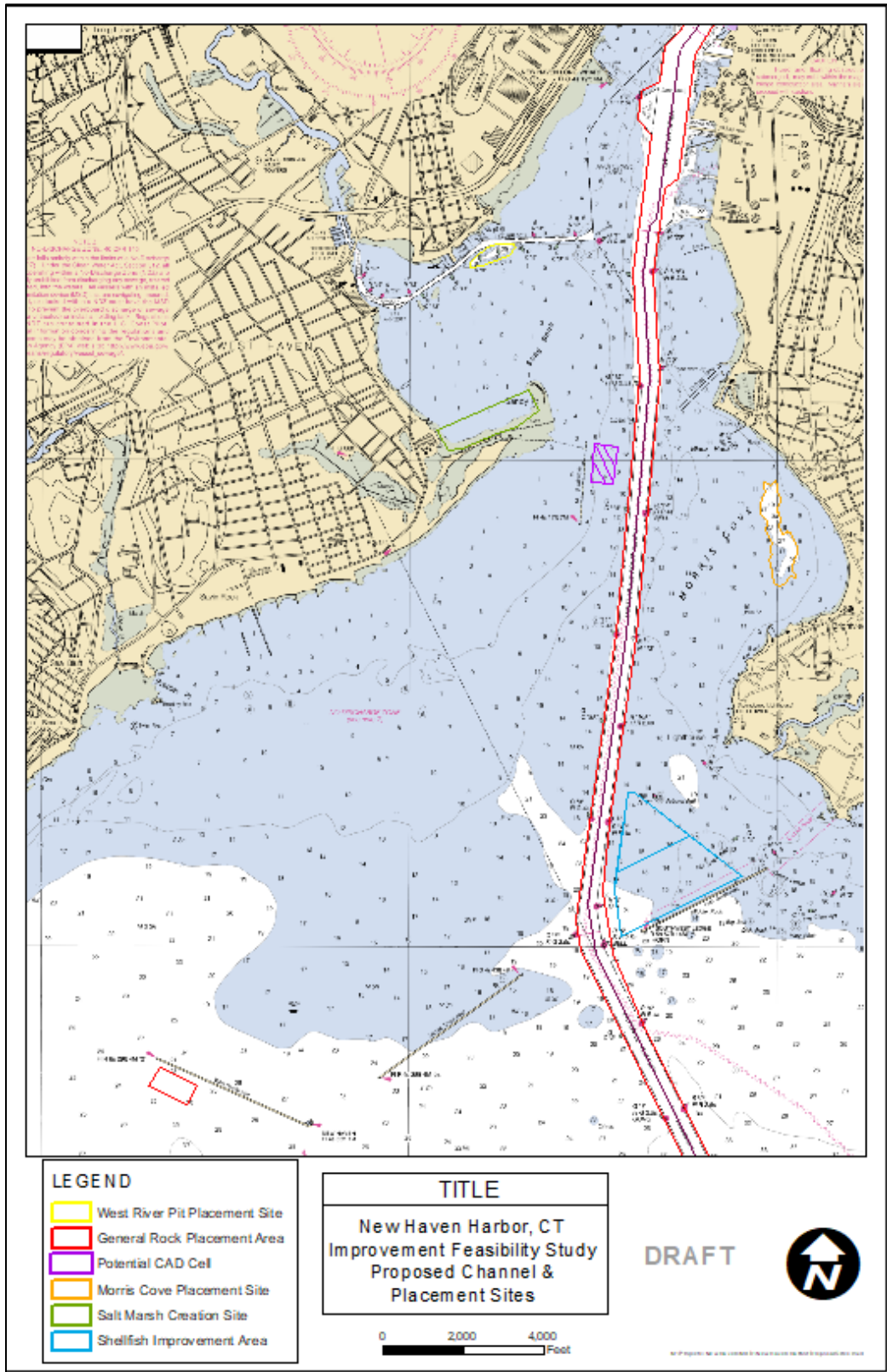


Figure 2. Navigation Improvement Features and Placement Site Locations.



NEW YORK STATE POLICY CONSISTENCY:

Policy 1. Restore, revitalize, and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational and other compatible areas.

Improvement dredging of this Federal Navigation Project will promote Coastal Zone Management (CZM) policy goals by improving the authorized project dimensions to assure continued safe and economic use of the waterway. A well-maintained and functional channel and turning basin facilitates maritime traffic in the area, prevents possible groundings and personnel injuries, and contributes to the vitality of the economy of the region.

Policy 2. Facilitate the siting of water-dependent uses and facilities on or adjacent to coastal waters.

The proposed improvement dredging will facilitate the development and continuation of water-dependent uses and facilities on or adjacent to coastal waters by providing adequate water depth to assure continued safe and economic use of the waterway. The continued and improved access to this channel promotes the economic viability of the region by facilitating overall regional navigation and encourages the development of water-dependent facilities and vicinity support services.

Policy 3. Further develop the State's major ports of Albany, Buffalo, New York, Ogdensburg and Oswego as centers of commerce and industry, and encourage the siting, in these port areas, including those under the jurisdiction of State public authorities, of land use and development which is essential to, or in support of, the waterborne transportation of cargo and people.

Not applicable.

Policy 4. Strengthen the economic base of smaller harbor areas by encouraging the development and enhancement of those traditional use and activities, which have provided such areas with their unique maritime identity.

Improvement dredging of the subject project will maintain and enhance activities in this in the region by providing adequate depth of water for New Haven Harbor, thereby enhancing waterborne transportation for commercial and recreational vessels. The proposed improvement dredging will facilitate the development and continuation of water-dependent uses and facilities on or adjacent to New Haven Harbor's coastal waters.

Policy 5. Encourage the location of development in areas where public service and facilities essential to such development are adequate.

New Haven Harbor is highly developed, commercially important port. Adequate facilities to accommodate all marine related activities are present.

Policy 6. Expedite permit procedures in order to facilitate the siting of development activities at suitable locations.

Not applicable.

Policy 7. Significant coastal fish and wildlife habitats will be protected, preserved, and, where practical, restored so as to maintain their viability as habitats.

It is determined that improvement dredging of this project with disposal at multiple beneficial use sites in the harbor and at the CLDS will have no significant adverse environmental impacts on water quality, marine resources, wildlife, recreation, aesthetics and flood protection. An Environmental Impact Statement and Clean Water Act Section 404 (b) 1 evaluation have been prepared for this project.

Policy 8. Protect fish and wildlife resources in the coastal area from the introduction of hazardous wastes and other pollutants which bioaccumulate in the food chain or which cause significant sublethal or lethal effects on those resources.

Portions of the he dredged material will be beneficially reused in New Haven Harbor and portions will be transported by scows to the Central Long Island Sound Disposal Site. The dredging and disposal actions of the proposed project will adhere to all State and Federal requirements governing those actions. The material has been tested according to all relevant protocols to ensure that there will be no bioaccumulation of contaminants causing sublethal or lethal impacts. Therefore, there will be no significant adverse impact on the coastal area and the adjacent ecosystem. The vital economic, social and environmental interests of the Federal, State and its citizens are safeguarded.

Policy 9. Expand recreational use of fish and wildlife resources in coastal areas by increasing access to existing resources, supplementing existing stocks, and developing new resources.

Not applicable.

Policy 10. Further develop commercial finfish, shellfish and crustacean resources in the coastal area by encouraging the construction of new, or improvement of existing on-shore commercial fishing facilities, increasing marketing of the State's seafood products, maintaining adequate stocks, and expanding aquaculture facilities.

Not applicable.

Policy 11. Buildings and other structures will be sited in the coastal area so as to minimize damage to property and the endangering of human lives caused by flooding and erosion.

Not applicable.

Policy 12. Activities or development in the coastal area will be undertaken so as to minimize damage to natural resources and property from flooding and erosion by protecting natural protective features including beaches, dunes, barrier islands and bluffs.

This improvement dredging activity, with beneficial reuse of the dredged material and disposal at the CLDS, will have minimal, or no, damage to natural resources and property. It is anticipated that there will be no flooding or erosion as a result of this project. It is anticipated there will be no long-term adverse impacts to nearby beaches, dunes, barrier islands, or bluffs.

Policy 13. The construction or reconstruction of erosion protection structures shall be undertaken only if they have a reasonable probability of controlling erosion for at least thirty years as demonstrated in design and construction standards and/or assured maintenance or replacement programs.

Not applicable. There are no erosion protection structures in this project.

Policy 14. Activities and development including the construction or reconstruction of erosion protection structures shall be undertaken so that there will be no measurable increase in erosion or flooding at the site of such activities or development, or at other locations.

Not applicable. There are no erosion protection structures in this project. It is anticipated that there will be no increase in erosion or flooding at the site as a result of this dredging activity.

Policy 15. Mining, excavation or dredging in coastal waters shall not significantly interfere with the natural coastal processes, which will supply beach material to land adjacent to such waters and shall be undertaken in a manner, which will not cause an increase in erosion of such land.

There will be no significant interference with the natural coastal processes which would supply beach material to land adjacent to the Federal channel and turning basin. The dredged material is fine-grained silt and clay – not suited for beaches. Erosion of land is not anticipated.

Policy 16. Public funds shall only be used for erosion protective structures where necessary to protect human life, and new development which requires a location within or adjacent to an erosion hazard areas to be able to function, or existing development; and only where the public benefits outweigh the long term monetary and other costs including the potential for increasing erosion and adverse effects on natural protective features.

This is a Federal improvement dredging project, and does not include any erosion protective structures.

Policy 17. Non-structural measures to minimize damage to natural resources and property from flooding and erosion shall be used whenever possible.

Not applicable. There are no seawalls, breakwaters, jetties, or beach nourishment activities involved in this project. This is an improvement dredging project.

Policy 18. To safeguard the vital economic, social and environmental interests of the State and of its citizens, proposed major actions in the coastal area must give full consideration to those interests, and to the safeguards which the State has established to protect valuable coastal resource areas.

The dredging and placement actions of the proposed project will adhere to all Federal and State requirements governing those actions. The aquatic environment adjacent to the dredging site will be affected only temporarily, with minimal disturbance to fish and wildlife and their habitats in the coastal area. The balance between economic development and environmental interests will be achieved. The preservation of the ecological systems will be safeguarded. The final impact in the coastal area and the adjacent ecosystem will be insignificant. Thus, this action is consistent with the CZM Policy.

Policy 19. Protect, maintain, and increase the level and types of access to public water-related recreation resources and facilities.

Improvement of the channel and turning basin will result in improved access for recreational and commercial vessels, including transient boaters.

Policy 20. Access to the public-owned foreshore and to lands immediately adjacent to the foreshore or the water's edge that are publicly-owned shall be provided and it shall be provided in a manner compatible with adjoining uses.

The improvement dredging of the channel will not reduce or eliminate the existing level of public coastal lands or waters.

Policy 21. Water dependent and water enhanced recreation will be encouraged and facilitated and will be given priority over non-water uses along the coast.

Water dependent and water enhanced recreation may increase following the improvement dredging.

Policy 22. Development when located adjacent to the shore will provide for water-related recreation whenever such use is compatible with reasonably anticipated demand for such activities and its compatible with the primary purpose of the development.

Not Applicable

Policy 23. Protect, enhance and restore structures, districts, areas or sites that are of significance in history, architecture, archeology or culture of the State, its communities or the Nation.

No known archaeological, scientific, prehistorical or historical data are expected to be lost due to work accomplished under the proposed improvement dredging operation or beneficial use alternatives. The Central Long Island Sound disposal site has been previously used.

Policy 24. Prevent impairment of scenic resources of state wide significance.

This project will not impair scenic resources.

Policy 25. Protect, restore or enhance natural and man-made resources which are not identified as being of statewide significance, but which contribute to the overall scenic quality of the coastal area.

Not applicable.

Policy 26. Conserve and protect agricultural lands in the State's coastal area.

Not applicable.

Policy 27. Decisions on the siting and construction of major energy facilities in the coastal area will be based on public energy needs, compatibility of such facilities with the environment, and the facility's need for a shore front location.

Not applicable.

Policy 28. Ice management practices shall not interfere with the production of hydroelectric power, damage significant fish and wildlife and their habitats, or increase shoreline erosion or flooding.

Not applicable.

Policy 29. Encourage the development of energy resources on the Outer Continental Shelf, in Lake Erie and in other water bodies, and ensure the environmental safety of such activities.

Not applicable.

Policy 30. Municipal, industrial, and commercial discharge of pollutants, including but not limited to, toxic and hazardous substances, into coastal waters will conform to State and National water quality standards.

Not applicable.

Policy 31. State coastal area policies and management objectives of approved local Waterfront Revitalization Programs will be considered while reviewing coastal water classifications and while modifying water quality standards; however those waters already over-burdened with contaminants will be recognized as being a development constraint.

Not applicable.

Policy 32. Encourage the use of alternative or innovative sanitary waste systems in small communities where the costs of conventional facilities are unreasonably high, given the size of the existing tax base of these communities

Not applicable.

Policy 33. Best management practices will be used to ensure the control of storm water runoff and combined sewer overflows draining into coastal waters.

Not applicable.

Policy 34. Discharge of waste materials into coastal waters from vessels subject to State jurisdiction into coastal waters will be limited so as to protect significant fish and wildlife habitats, recreational areas and water supply areas.

Discharge of sewage, garbage, rubbish and other solid and liquid materials from dredging equipment will not be allowed.

Policy 35. Dredging and dredged material disposal in coastal waters will be undertaken in a manner that meets existing State dredging permit requirements, and protects significant fish and wildlife habitats, scenic resources, natural protective features, important agricultural lands, and wetlands.

The dredging and disposal actions of the proposed project will adhere to all federal requirements governing those actions. A Water Quality Certificate will be obtained from the State of Connecticut Department of Energy and Environmental Protection. In addition, the proposed project is being coordinated with the U.S. EPA, the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service, and the New York Department of State.

Policy 36. Activities related to the shipment and storage of petroleum and other hazardous materials will be conducted in a manner that will prevent or at least minimize spills into coastal waters; all practicable efforts will be undertaken to expedite the cleanup of such discharges; and restitution for damages will be required when these spills occur.

The dredge contractor is required to submit an "Environmental Protection Plan", including a "Spill Control Plan", which includes the procedures to be taken in the event that an oil spill has occurred, prior to the commencement of work. Thus, this action will be consistent with Coastal Zone Management policy.

Policy 37. Best management practices will be utilized to minimize the non-point discharge of excess nutrients, organics and eroded soils into coastal waters.

The project will be managed in a manner that will comply to the maximum extent practicable with the requirements of the State of Connecticut's Water Quality Certificate and those of the Federal Agencies.

Policy 38. The quality and quantity of surface water and groundwater supplies, will be conserved and protected, particularly where such waters constitute the primary or sole source of water supply.

Not applicable.

Policy 39. The transport, storage treatment and disposal of solid wastes, particularly hazardous wastes, within coastal areas will be conducted in such a manner so as to protect groundwater and surface water supplies, significant fish and wildlife habitats, recreation areas, important agricultural lands and scenic resources.

Not applicable. This improvement dredging and disposal project will not involve the transportation of solid or hazardous wastes.

Policy 40. Effluent discharged from major steam electric generating and industrial facilities into coastal waters will not be unduly injurious to fish and wildlife and shall conform to State water quality standards.

Not applicable.

Policy 41. Land use or development in the coastal area will not cause National or State air quality standards to be violated.

The proposed project has been designed to conform to all applicable State air quality standards and is therefore consistent with this policy.

Policy 42. Coastal Management policies will be considered if the State reclassifies land areas pursuant to the prevention of significant deterioration regulations of the Federal Clean Air Act.

Not applicable.

Policy 43. Land use or development in the coastal area must not cause the generation of significant amounts of the acid rain precursors: nitrates and sulfates.

Not applicable.

Policy 44. Preserve and protect tidal and fresh water wetlands and preserve the benefits derived from these areas.

The proposed dredging effort will not impact any freshwater or tidal wetlands. The beneficial use of the dredged material generated from the proposed action will enhance tidal wetlands. Thus, these actions are consistent with CZM policy.

Consistency Determination: Based upon the foregoing, the Corps has determined that the proposed action is consistent with New York Department of State's Coastal Zone Management Program.