



**U.S. Army Corps  
of Engineers  
New England District  
696 Virginia Road  
Concord, MA 01742-2751**

# Public Notice

**In Reply Refer to: Engineering and Planning Division**

**Email: [cenae-ep@usace.army.mil](mailto:cenae-ep@usace.army.mil)**

**Date: MARCH 31, 2014**

**Comment Period Closes: APRIL 30, 2014**

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## 30-DAY PUBLIC NOTICE

### NAVIGATION IMPROVEMENT OF PORTSMOUTH HARBOR NEW HAMPSHIRE AND MAINE

Interested parties are hereby notified that the U.S. Army Corps of Engineers, New England District, in partnership with the New Hampshire Pease Development Authority, Division of Ports and Harbors, has prepared a Draft Feasibility Report and Draft Environmental Assessment (FR/EA) to examine improvements to the turning basin located at the head of the Federal navigation channel in Portsmouth Harbor in Newington, New Hampshire and Eliot, Maine. The study was directed by Section 436 of the Water Resources Development Act of 2000. Ocean disposal would occur under the provisions of Section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (P.L. 106-580).

**Purpose of the Work:** The purpose of the proposed project is to reduce transportation costs from navigation inefficiencies, and to address navigation safety concerns for commercial navigation in the upper reaches of the deep draft channel. The Piscataqua River is known for its strong tidal currents and tight turns that make navigation through this area difficult. Vessels use the upper turning basin to access the commercial terminals on the New Hampshire side of the river above the I-95 Bridge. The existing width of the upper turning basin is too narrow for efficient and safe turning and maneuvering of these large vessels. As a result of the narrow turning basin, ships have been damaged from grounding and incur delays in channel transit. To compensate for the narrow turning basin, the harbor pilots will only turn ships when currents are slower during the high or low slack tidal periods and during daylight hours. These conditions put a severe constraint on the available time to transit the river and to unload goods. Additional costs associated with these delays include the cost to remain at the berth until the tide is right and the cost of additional tugs to turn and maneuver the ships up and down the river. Cargo vessel sizes are limited by these conditions requiring extra ships to transport the same amount of goods.

**Recommended Project Description:** The Recommended Plan would widen the existing 35-foot deep MLLW 800-wide turning basin located at the upstream end of the Federal navigation channel to 1,200 feet. The existing project depth of 35-feet MLLW plus two feet of overdepth would be retained. See Figure 1. Approximately 728,100 cubic yards (cy) of coarse grained sandy and gravelly material, and approximately 25,300 cy of rock would be removed.

Concurrent with the improvement dredging, some maintenance dredging would be required to bring the current turning basin and its approaches to its authorized depth 35-foot depth. Approximately 7,800 cy of material, including two feet of allowable overdepth, would be removed for maintenance dredging. A waterborne mechanical dredging plant would be used to construct the project, which would take approximately six months to complete. The material would be removed from mid-October to mid-April to protect biological resources.

The Federal base plan for disposal of both the sandy dredged material and the rock is ocean placement at the Isle of Shoals-North (IOS-N) ocean placement site located about ten miles seaward of the entrance to

Portsmouth Harbor in waters more than 300 feet deep. The IOS-N was identified in consultation with the US EPA but has not yet been officially designated as an ocean placement site and therefore has never been used for ocean placement. Sediment testing of the IOS-N site showed that in general the grain size was found to be nearly uniform in composition. The samples contained at least 90% fines, with most samples containing more than 95% fines (silt and clay).

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

There are also several proposals by the communities of Wells, Maine and Salisbury, Newburyport and Newbury, Massachusetts, to use the sand for nearshore placement off of eroding beaches. The Town of Kittery, Maine is also pursuing a beneficial use project to use the rock as a wave break at Pepperell Cove in that community. Should these communities be successful in securing the necessary regulatory approvals for such work and be willing to pay any increase in project cost to implement these proposals, then placement of some or all of the material removed for the Federal navigation improvement project at the IOS-N ocean site may not be necessary. A final determination on this will be made during the project's design phase.

**Alternatives:** Several local communities in Massachusetts and Maine have expressed an interest in the nearshore placement of the dredged material and rock for beneficial uses. All additional permits and costs above the base plan would be borne by the local communities. Locally proposed beneficial use plans would be finalized during the project's design phase. See Figure 2 for locations of the base disposal plan and the local communities that have expressed an interest in the material.

**Coordination:** The proposed work is being coordinated with the following Federal, State, and local agencies:

**Federal**

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

**State of Maine**

Coastal Zone Management Program  
Department of Environmental Protection  
Division of Marine Resources  
Department of Inland Fisheries and Wildlife  
State Historic Preservation Office

**State of New Hampshire**

Pease Development Authority  
Department of Environmental Services  
Department of Fish and Game  
Natural Heritage Bureau  
Department of Resources and Economic  
Development, Division of Parks and Recreation  
State Historic Preservation Office

**State of Massachusetts**

Department of Conservation and Recreation  
EOEEA – Coastal Zone Management  
State Historic Preservation Office  
Board of Underwater Archaeological Resources

The draft Feasibility Report and Draft Environmental Assessment are being circulated for public review at this time. Public comments and the results of state and Federal regulatory approvals will be addressed in these documents before their transmittals to Corps Headquarters for review. Ultimately Congressional authorization would be required for the project to proceed. Once authorized the project's design phase would take about one year. Construction would take about six months.

**Environmental Impacts:** A Draft FR/EA has been prepared for this navigation improvement project. Temporary impacts to Essential Fish Habitat will occur by removing the benthic habitat in the navigation channels from dredging and disposal at the disposal site, and from blasting at the dredge site. No significant water quality violations are expected from the temporary dredging and disposal impacts.

**Endangered Species:** Dredging and dredged material placement would occur from mid-October to mid-April. However, all blasting would be completed no later than March 31<sup>st</sup> to protect the endangered shortnose sturgeon and threatened Atlantic sturgeon. No other endangered species or their critical habitat designated as endangered or threatened pursuant to the Endangered Species Act of 1973 (87 Stat. 844) are expected to be effected by the proposed project.

**Cultural Resources:** Coordination with the appropriate agencies and tribes has determined that no archaeological or historic resources impacts are expected to occur in the project areas.

**Clean Water Act:** No Clean Water Act Section 404 (b)(1) Evaluation has been prepared as part of the Draft FR/EA. A Water Quality Certification will not be obtained as the Federal base plan for disposal will occur seaward of the limit of the territorial sea. If the material is used as beneficial use in nearshore areas, then the local communities sponsoring such use will be responsible for obtaining the necessary approvals.

**Coastal Zone Management Act:** A determination that the proposed project is consistent to the maximum extent practicable with the State's approved coastal management policies will be submitted to the States of Maine and New Hampshire.

**Marine Protection Research and Sanctuaries Act:** Should any of the local community proposals for non-Federal beneficial use of the dredged material not be included in the final plans, the Federal base plan for ocean placement of some or all of the dredged material would be followed. In that event the Corps would prepare a site selection document for this project and the IOS-N site and submit that document to US EPA for concurrence prior to any use of the site. This would include a determination that 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.

**Compliance:** This Public Notice is being issued in compliance with the environmental laws, regulations, and directives in the Attachment. 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.

**Additional Information:** 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 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 the project. Comments are invited from all concerned parties relating to this project and should be directed to the District Engineer at 696 Virginia Road, Concord, MA 01742-2751, ATTN: Engineering and Planning Division (Mr. Mark Habel, 978-318-8871) within 30 days of this notice.

31 Mar 14  
Date

  
CHARLES P. SAMARIS  
Colonel, Corps of Engineers  
District Engineer

## **Attachment**

### **Pertinent Laws, Regulations and Directives**

American Indian Religious Freedom Act of 1978, 42 U.S.C. 1996.

Archaeological Resources Protection Act of 1979, as amended, 16 U.S.C. 470 et seq.

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

Clean Water Act of 1977 (Federal Water Pollution Control Act Amendments of 1972) 33 U.S.C. 1251 et seq.

Coastal Zone Management Act of 1982, as amended, 16 U.S.C. 1451 et seq.

Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 et seq.

Estuarine Areas Act, 16 U.S.C. 1221 et seq.

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

Fish and Wildlife Coordination Act, as amended, 16 U.S.C. 661 et seq.

Land and Water Conservation Fund Act of 1965, as amended, 16 U.S.C. 4601-1

Magnuson-Stevens Act, as amended, 16 U.S.C. 1801 et seq.

Marine Protection, Research, and Sanctuaries Act of 1971, as amended, 33 U.S.C. 1401 et seq.

National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321 et seq.

National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470 et seq.

Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3000-3013,  
18 U.S.C. 1170

Preservation of Historic and Archaeological Data Act of 1974, as amended, 16 U.S.C. 469 et seq.

This amends the Reservoir Salvage Act of 1960 (16 U.S.C. 469).

Rivers and Harbors Act of 1899, as amended, 33 U.S.C. 401 et seq.

Watershed Protection and Flood Prevention Act, as amended, 16 U.S.C. 1001 et seq.

Wild and Scenic Rivers Act, as amended, 16 U.S.C. 1271 et seq.

Executive Order 11593, Protection and Enhancement of the Cultural Environment, May 13, 1971.

Executive Order 11988, Floodplain Management, May 24, 1977 amended by Executive Order 12148,  
July 20, 1979.

Executive Order 11990, Protection of Wetlands, May 24, 1977.

Executive Order 12114, Environmental Effects Abroad of Major Federal Actions, January 4, 1979.

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

Executive Order 13007, Accommodations of Sacred Sites, May 24, 1996.

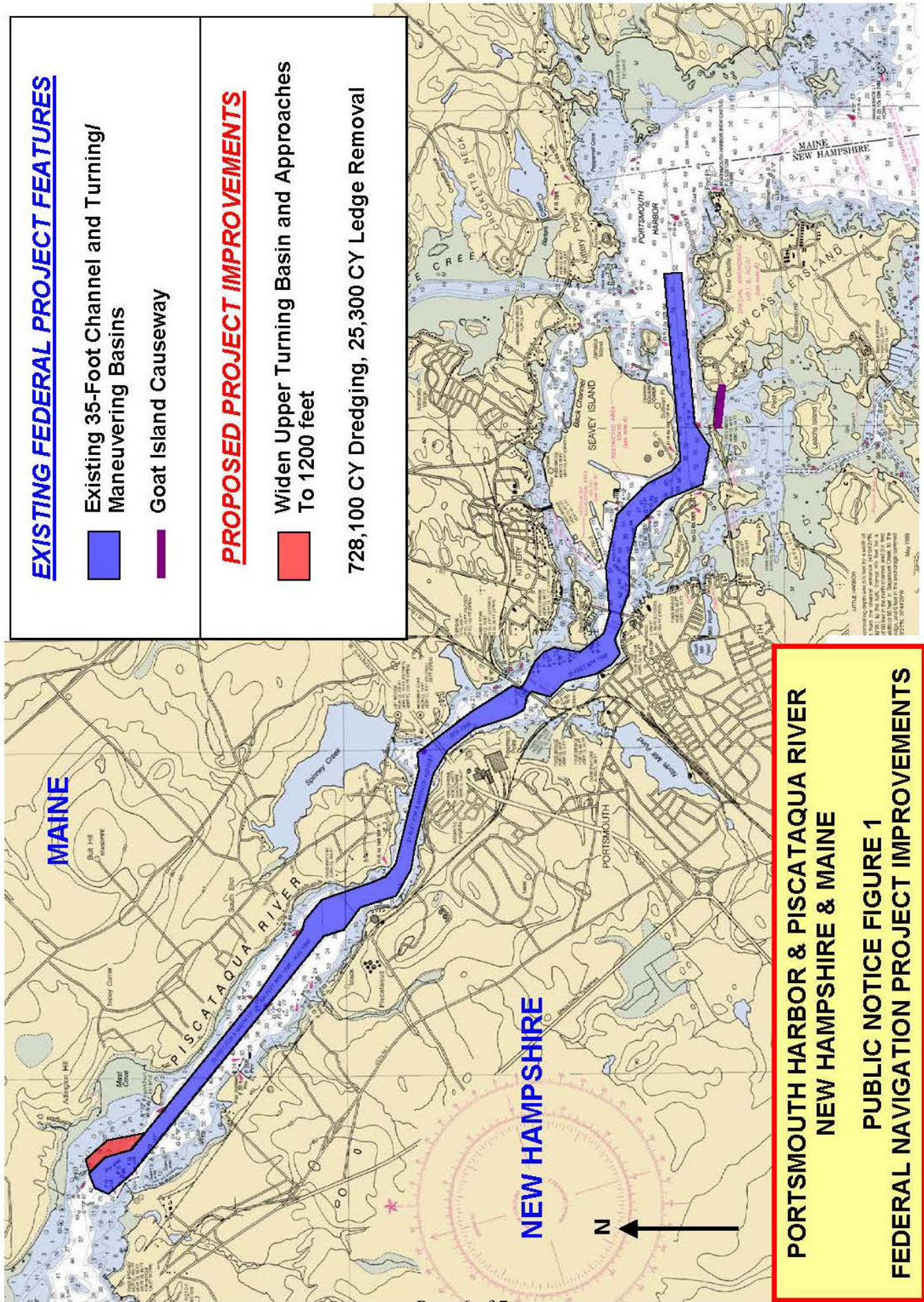
Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks,  
April 21, 1997.

Executive Order 13061, and Amendments – Federal Support of Community Efforts Along American  
Heritage Rivers.

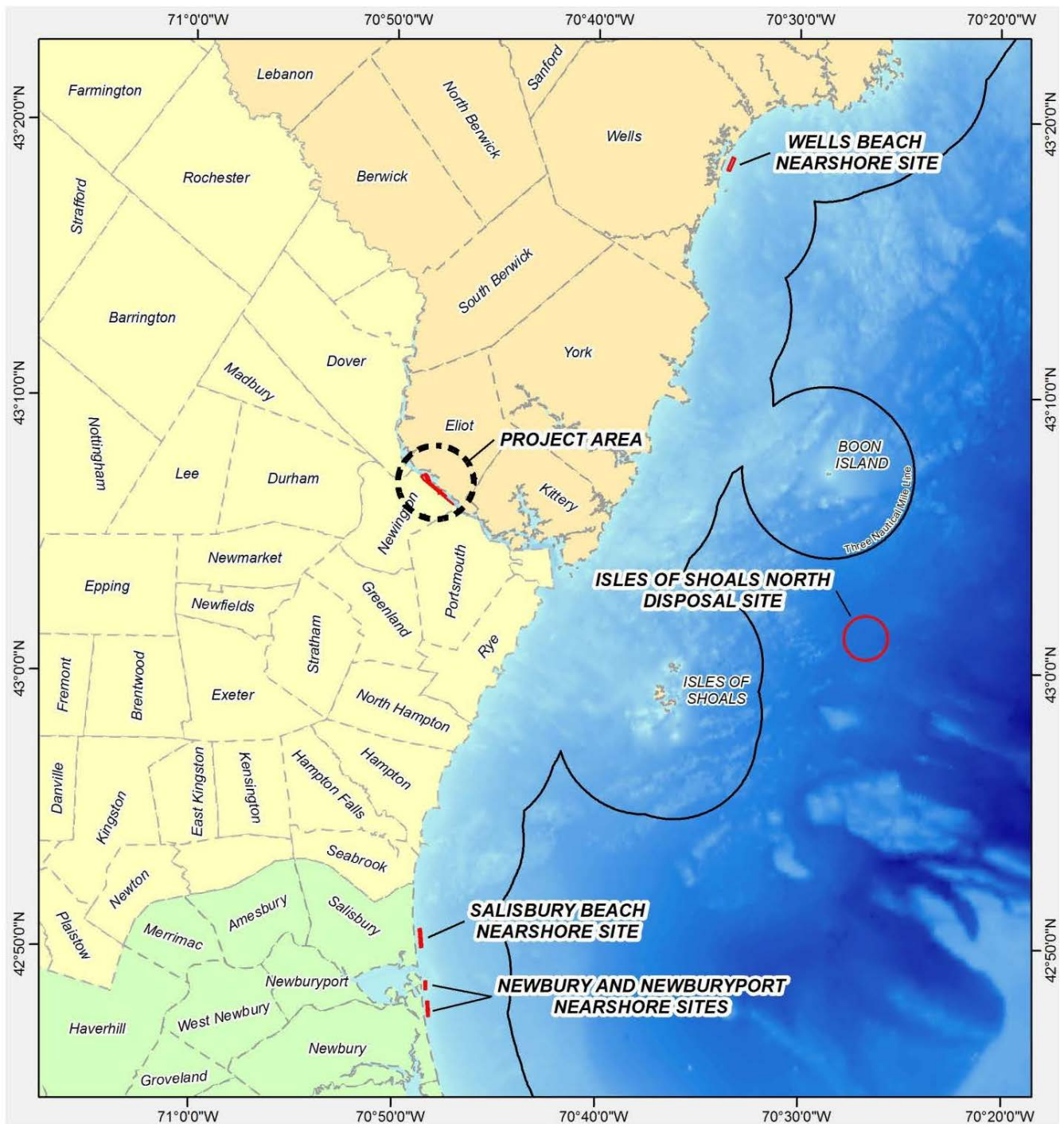
Executive Order 13175, Consultation and Coordination with Tribal Governments, November 2000.

White House Memorandum, Government-to-Government Relations with Indian Tribes, April 29, 1994.









**Public Notice Figure 2 – Nearshore Placement Sites and Location of IOS-N**