



US Army Corps
of Engineers[®]
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

Date: February 21, 2012

Comment Period Closes: March 21, 2012

30 DAY PUBLIC NOTICE

PERIODIC MAINTENANCE DREDGING OF PORTSMOUTH HARBOR AND PISCATAQUA RIVER FEDERAL NAVIGATION PROJECT MAINE AND NEW HAMPSHIRE

Interested parties are hereby notified that the U.S. Army Corps of Engineers, New England District, plans to perform work in the navigable waters of this District, under the provisions of Section 404 of the Clean Water Act of 1977 (P.L. 95-17). The work involves maintenance dredging of the Federal navigation project in Portsmouth Harbor and Piscataqua River, Maine and New Hampshire and is authorized in accordance with Title 33, Parts 335-338 of the Code of Federal Regulations. Attachment 1 lists pertinent laws, regulations, and directives.

Authorized Project Description: The authorized Federal Navigation Project (FNP) in Portsmouth Harbor and the Piscataqua River consists of a main-ship channel, 35 feet deep and 400 feet wide extending from naturally deep water in Portsmouth Harbor to a point about 1,700 feet upstream from the Atlantic Terminal Sales Dock in Newington; a 950 feet wide turning basin above Boiling Rock and an 850 feet wide turning basin at the upstream limit of the project; a channel, 6 feet deep and 100 feet wide from Little Harbor through the Rye-New Castle drawbridge northerly between the mainland and Leach's Island to deep water near Shapleigh Island; and a channel, 6 feet deep and 75 feet wide up Sagamore Creek with an anchorage 6 feet deep and 3 acres in area, in Sagamore Creek. The FNP is depicted on Attachment 2.

Character and Purpose of Work: The proposed work involves periodic maintenance dredging and advance maintenance dredging of a segment of the authorized 35 feet deep, main-ship channel in the Piscataqua River portion of the FNP referred to as the "Simplex Reach". The Simplex Reach is located above the I-95 highway bridge and extends from just south of the Tyco Integrated Cable Systems Wharf (TICSW) in Newington, NH to just below the 35 feet deep turning basin at the head of navigation (see Attachment 2).

The Piscataqua River is known for very strong tidal currents that make navigating the river difficult. The facilities at the head of navigation including Sprague Energy Corporation receive over 43% of the cargo being shipped to Portsmouth Harbor. The vessels serving these facilities consist primarily of deep draft vessels including petroleum tankers with drafts of 30 -36 feet. Shoaling causes tidal delays for these vessels and increases the chances of ships grounding and an oil spill. Maintenance dredging is required about every 6 to 10 years to remove shoals that hinder navigation for deep-draft vessels and to return the project to its authorized dimensions.

The proposed work consists of periodic maintenance dredging and advanced maintenance dredging of up to 50,000 cubic yards of clean sand and gravel to remove hazardous shoaling from the channel in the Simplex Reach. Currently, shoals have developed adjacent to the TICSW and in an area upstream and on the opposite side of the river from the Sprague Energy Corporation Avery Lane Terminal Wharf (see Attachment 3). The Corps proposes to perform advance maintenance dredging of the authorized 35 feet deep channel within the Simplex Reach to a depth of -40 feet with 2-feet of allowable over-depth dredging (i.e. to -42 feet). Advance maintenance dredging has been performed several times previously in the Simplex Reach and has extended the time interval between maintenance dredging events thereby decreasing the potential environmental impacts to the area and reducing the overall cost of maintaining the project. Advance maintenance dredging is not being proposed over the entire reach, but only in those areas within the authorized channel that have shoaled above -35 feet deep. The proposed work will occur over a 3 to 5 week period between December 1 and March 15 with either a hopper or mechanical dredge. The dredged material will be placed in a previously used, in-river disposal area located about 3,000 feet seaward of the dredging area in a section of the river where depths exceed 50 feet. The locations of the dredging and disposal areas are depicted in Attachment 3.

Disposal Area: The material to be dredged has undergone physical analysis. Based on this data and a review of historical data and a lack of potential sources of contaminants, it is our preliminary determination that the material is acceptable for disposal at the previously-used, in-river disposal site.

Additional Information: Additional information may be obtained from Mr. Bill Kavanaugh, Programs/Civil Project Management Branch, Programs/Project Management Division, at the return address shown, by email at nae-pn-nav@usace.army.mil or telephone number (978) 318-8328.

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

Maine Department of Environmental Protection, Bureau of Land and Water Quality
Maine State Planning Office
Maine State Historic Preservation Commission

State of New Hampshire

NH Department of Environmental Services, Coastal Program
NH Department of Environmental Services, Watershed Management Bureau
NH State Historic Preservation Office

Pease Development Authority – Division of Ports and Harbors

Environmental Impacts: An Environmental Assessment for this work is being prepared and will be available for review upon request. I have made a preliminary determination that an Environmental Impact Statement 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 Coastal Zone Management Programs: I find that maintenance dredging of the authorized navigation project is consistent, to the maximum extent practicable, with the applicable management programs 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 programs. The Maine State Planning Office and the New Hampshire Department of Environmental Services, Coastal Program have both issued concurrence with my determination of Federal consistency with the States' respective approved Coastal Zone Management Programs.

Other Information:

- a. Local Sponsor: Pease Development Authority, Division of Ports and Harbors
- b. Non-Federal Dredging: Currently no private or non-Federal dredging work is being proposed in conjunction with the proposed work. Any private entity adjacent to the project who may be interested in performing dredging concurrently with this project should be aware that privately dredged material must be determined to be suitable for disposal as proposed and that their work will require a permit from the

U.S. Army Corps of Engineers (USACE) under Section 10 of the Rivers and Harbors Act. Depending on the proposed disposal site location for the dredged material it may also require a USACE permit under Section 404 of the Clean Water Act or under Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972.

c. Previous Dredging: The last maintenance dredging and advance maintenance dredging was performed in 2000 when 7,900 cy of material were removed from the Simplex Reach area of the FNP and placed at the in-river disposal area 3,000 feet seaward of the dredge site. Prior to that, maintenance dredging occurred in 1991, 1984, 1979, and 1971.

d. Alternative Disposal Areas/Methods: Alternative disposal areas and methods have been considered as part of this proposal. Alternative disposal options considered include open-ocean disposal, beach disposal, and upland disposal. The Corps favors the previously used, in-river disposal area option because it is environmentally-sound, cost-effective and it keeps the clean sediments in the river's sand budget.

e. Endangered Species: It is our preliminary determination that no threatened or endangered species in the dredging area will be impacted by the proposed project. The Corps has consulted with the National Marine Fisheries Service and the United States 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 Corps of Engineers 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, involving previously dredged areas and a previously used disposal area, and therefore should not adversely affect any cultural or archaeological features or resources.

h. 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 has consulted with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service to ensure that any potential impacts will be minimized.

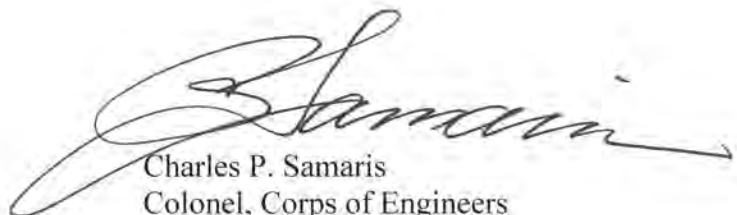
Additional Requirements: The Clean Water Act of 1977 requires that the work comply, to the maximum extent practicable, with State or interstate requirements to control the discharge of dredged or fill material. A Water Quality Certification for disposal of dredged material was issued by the Maine Department of Environmental Protection.

This Public Notice is intended to provide information about, and to seek comments on, future maintenance of the existing FNP. Future maintenance dredging and advance maintenance dredging will be performed when needed and in the years, that funding becomes available. Additional notices will be issued if the scope of work for future projects varies from that described herein.

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 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: Bill Kavanaugh; or emailed to nae-pn-nav@usace.army.mil within 30 days of this notice.



Charles P. Samaris
Colonel, Corps of Engineers
District Engineer

Attachments

PERTINENT LAWS, REGULATIONS, AND DIRECTIVES

Clean Water Act, as amended (33 U.S.C. 1251 et. seq.)

Code of Federal Regulations, 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. 661-666c)

Fish and Wildlife Act of 1956 (16 U.S.C. 472a, et. seq.)

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

Sections 307(c)(1) and (2), Coastal Zone Management Act of 1972

[16 U.S.C. 1456(c)(1) and (2)]

National Historic Preservation Act of 1966 (16 U.S.C. 470)

Endangered Species Act of 1973 as amended (16 U.S.C. 668aa-668cc)

Clean Air Act, as amended (42 U.S.C. 1221 et. seq.)

Estuary Protection Act (16 U.S.C. 1221 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 and amended by the

Sustainable Fisheries Act of 1996

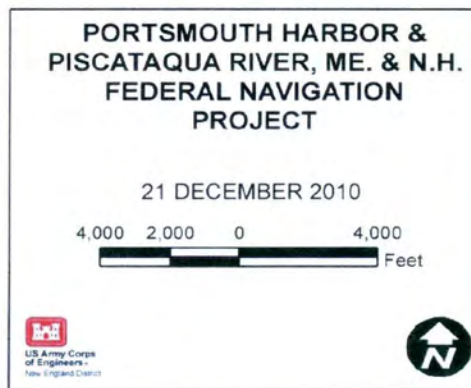
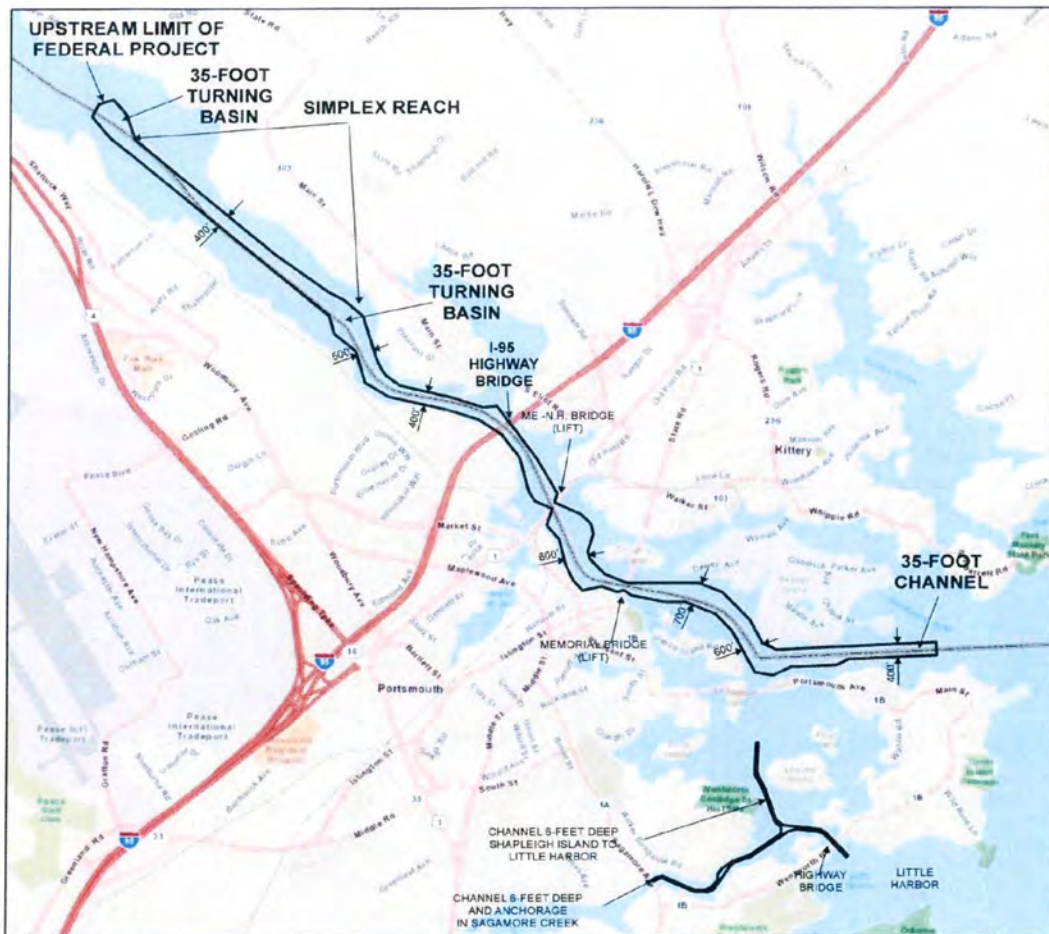
Executive Order 11988, Floodplain Management, 24 May 1977

Executive Order 11990, Protection of Wetlands, 24 May 1977

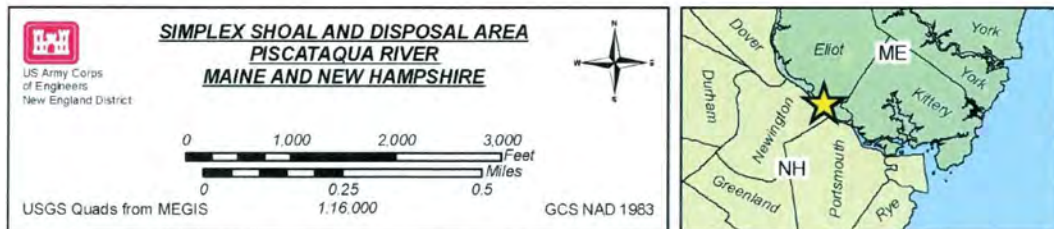
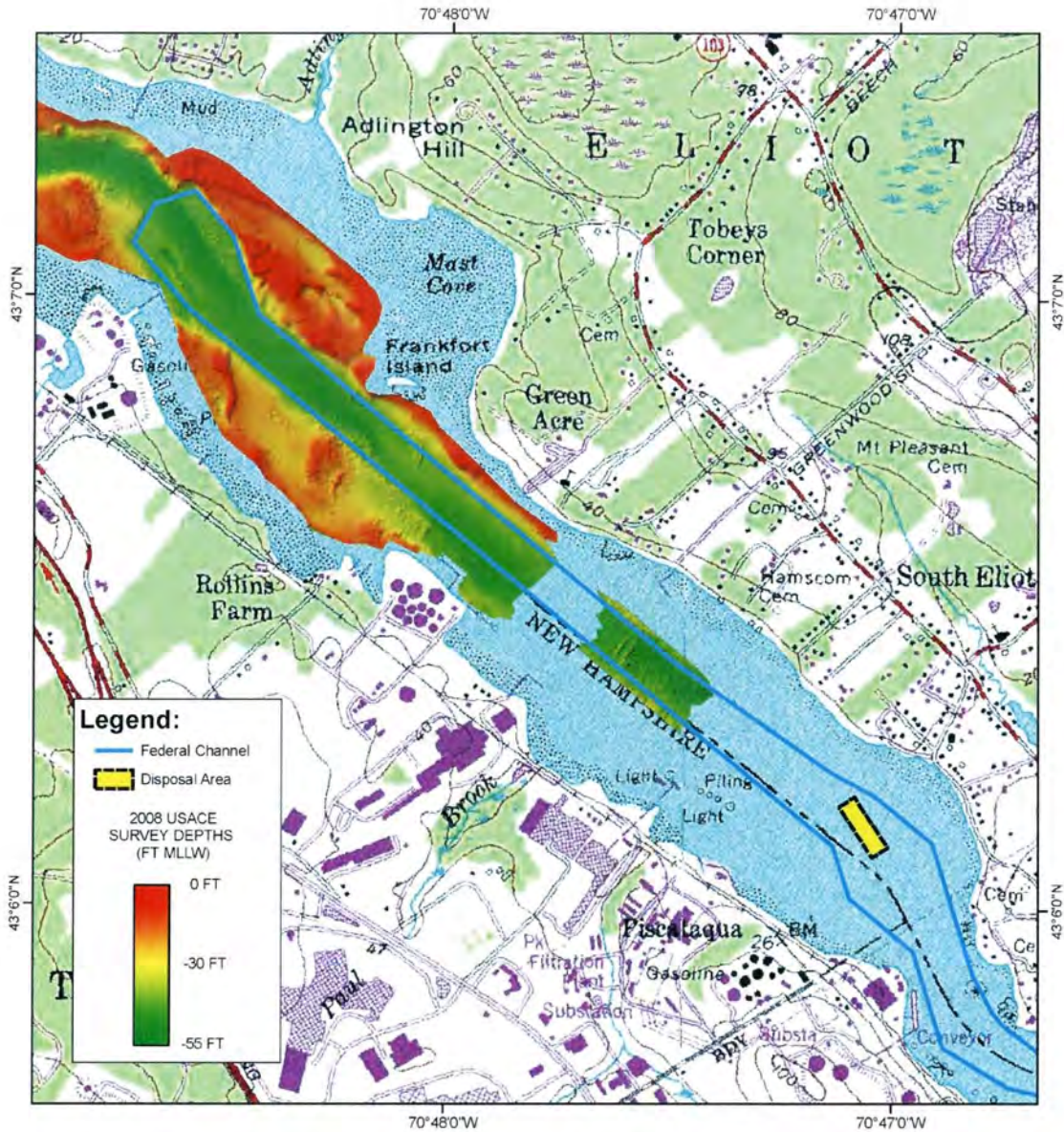
Executive Order 12898, Federal Actions to Address Environmental Justice in Minority

Populations and Low Income Populations, 11 February 1994

Attachment 1



Attachment 2



Attachment 3