

Summary
Maine Dredging Team Meeting
Maine Department of Environmental Protection
Portland, Maine
October 1, 2018
10:00 A.M. – 12:00 P.M.

I. WELCOME AND INTRODUCTIONS. The chair, Matt Burns, Maine Department of Transportation (“MaineDOT”) opened the meeting. At Mr. Burn’s request, attendees, including those participating by telephone or webinar, introduced themselves.

Note: Due to technical problems, several people had difficulty joining or participating in the meeting by phone or webinar.

II. UPDATE: PORTLAND HARBOR CAD CELL

Bill Needelman, City of Portland (“Portland”), provided an update on the effort to site a confined aquatic disposal (“CAD”) cell to serve the dredging needs of Portland Harbor. Mr. Needelman reported that the process for study of options for siting the CAD is almost complete and that the funds for this effort have been expended. Mr. Needelman explained that the study process has successfully identified a site for the CAD cell that is technically feasible and appears to meet applicable regulatory criteria, and that the cost of its construction and the volume dredged material for which the cell would be used have been estimated. The City of Portland has requested MaineDOT to provide about \$95,000 in additional funding needed for permitting and related sampling and testing. Mr. Needelman added that DEP has provided funding through the state brownfields program to help wharf and pier owners who would use the CAD cell with the cost of dredging and related permitting.

III. UPDATE ON STATUS OF ACTIVE ACOE PROJECTS AND RELATED FEDERAL FUNDING NEEDS

A. Navigation improvement projects.

Kristine Reed, Army Corps of Engineers (“ACOE”), provided an overview of the ACOE’s navigation improvement-related authorities and programs, which focus on commercial navigation needs.

1. Large-scale projects. Ms. Reed explained that the ACOE is not currently working on any deep-draft or other large scale navigation improvement projects in Maine, noting its work on the Searsport Harbor improvement project remains suspended pending identification of a suitable disposal option. ACOE staff noted that Congress has not yet provided funding for the Piscataqua River improvement project for which the New Hampshire Port Authority is the local project sponsor.

2. Small-scale projects. Ms. Reed discussed the status of the following small-scale navigation improvement projects currently active in Maine:

- *Blue Hill Harbor.* Ms. Reed advised that the ACOE's work on the draft feasibility report and environmental assessment ("EA") for this project is on-going; that the project would involve dredging about 62,000 cubic yards ("cy") to extend the channel to the town wharf at an estimated cost of \$1.5 million; and that options for disposal of about 10,000 cy of the dredged material not be suitable for open water disposal continue to be explored. See discussion below regarding the Union River maintenance dredging project.
- *Great Chebeague Island.* Ms. Reed reported that the ACOE is also working on the draft feasibility study and EA for this project, which is focused on construction of a channel to the town dock at a cost of about \$900,000; that anticipated dredging may affect eel grass habitat and mitigation options need to be considered; and that based on testing to date the ACOE anticipates using the Portland Disposal Site for placement of dredged materials.
- *Belfast Harbor.* Ms. Reed noted that the ACOE's work on this project, which would involve extension of the channel to a harbor-side railyard and construction of a breakwater, remains in the preliminary stage.

B. Shore damage mitigation (WRDA Section 111). Ms. Reed provided an update on the ACOE's Section 111 shore damage mitigation project at Camp Ellis Beach in Saco. Ms. Reed explained that the ACOE has suspended all its work on this project since the local project sponsor, the City of Saco ("Saco"), has declined to provide the letter of support which is required to secure ACOE headquarters' authorization to move forward to final design and construction of the project. As noted at the prior dredging team meeting, in January 2018, ACOE's New England Division ("ACOE/NED") sent a final report recommending construction of the proposed spur jetty and related beach fill at Camp Ellis to ACOE headquarters which rejected the report because the total estimated cost of the recommended project, about \$32 million (not including the full cost of post-construction beach nourishment) exceeded the congressionally-approved \$26.9 million cap. The City has declined to support the reconfigured project, which the ACOE/NED has been preparing for review and approval by ACOE headquarters, whose cost, including the federal cost to date of studies, is within the \$26.9 cap. Ms. Reed explained that Saco would prefer a larger project to provide additional shoreline protection.

C. Other ACOE water resources-related projects. Ms. Reed also provided a brief overview of several other non-dredging-related projects in Maine on which the ACOE is currently working: shore protection at Pleasant Point (town of Perry); watershed management planning and salmon restoration (Meduxneag River); culvert replacement and marsh restoration on the Pleasant River (town of Addison); and salmon passage improvement at the Cherryfield Dam on the Narraguagus River.

D. Maintenance dredging projects and related matters. Matt Tessier (ACOE) provided an overview of the existing, predominately shallow-draft federal navigation projects in Maine, the ACOE's authority and responsibility for maintenance of these projects, and the Harbor Maintenance Trust Fund (the source for federal funds for ACOE maintenance dredging projects). Mr. Tessier noted interested parties' on-going efforts to convince Congress to appropriate

significantly more of the money in the Fund for dredging and related projects to improve conditions in the nation's port and harbors. Mr. Tessier and his ACOE/NED colleagues provided updates on the status of the following currently active maintenance dredging projects and related matters:

- *Saco River.* The ACOE has awarded a contract for dredging the lower portion of this federal navigation project ("FNP"). The dredging and disposal operation is slated to begin November 15, 2018, and end by March 31, 2019, as per environmental approvals. The ACOE plans to meet with local officials from the cities of Biddeford and Saco ("local sponsors") soon to discuss logistical details. The ACOE plans to place sandy dredged materials in the intertidal area of Camp Ellis for beach nourishment. The ACOE received higher than expected bids for completion of dredging in the upper portion of this FNP which was not able to be completed last year due to problems related to debris in the channel, and does not have adequate funds to dredge the approximately 20,000 cy remaining. In response to a question, ACOE staff indicated that the problematic debris is mostly submerged logs and the like since the local sponsors had removed other debris prior to dredging. The ACOE hopes to secure funds later this year to complete dredging in the upper portion of the FNP.
- *Biddeford Pool and Wood Island.* The ACOE continues to work on this project preparatory to submission of its request for state water quality certification and CZMA consistency authorization. Plans and specifications for the project are about 60% complete. The ACOE continues to discuss options for mitigation of adverse impacts on eel grass with natural resources agencies. (As discussed at the previous meeting, there is a significant amount of eel grass in the areas to be dredged, about three acres by the ACOE's estimate and about 5.5 acres by NMFS' estimate.)
- *York Harbor.* The ACOE completed maintenance dredging and disposal of about 40,000 cy of dredged materials at the Cape Arundel Disposal Site ("CADS") in the late fall and early winter of 2018. ACOE staff noted that it worked closely with DEP on the haul route prior to construction, provided pre-construction notice of the planned route, and then re-consulted with DEP when it later deemed adjustment to the haul route appropriate to avoid and minimize potential conflicts with fishing activities and included this adjusted haul route in the contract for dredging.
- *Cape Porpoise.* The ACOE has funding for this project for which it is currently completed plans and specifications in preparation for submission of its request for state water quality certification and CZMA consistency determination. The ACOE hopes to undertake this project, which would generate about 25,000 cy of dredged materials, some or all of which would be disposed at CADS, if then available for use (see related discussion below) in 2019-2020 during the anticipated November 15 – March 31 dredging window.
- *Searsport Harbor.* The ACOE continues to work with MaineDOT to identify a suitable upland disposal site for disposal of dredged materials from maintenance dredging only of the existing FNP. (As noted above, the ACOE's work on the Searsport Harbor

improvement project remains suspended.) MaineDOT is in the process of siting and permitting an upland disposal site for these dredged materials. MaineDOT anticipates additional information on this topic may be available in about one month following additional consultation with DEP.

- *Wells Harbor.* Having completed dredging and nearshore disposal of sandy materials for beach nourishment in the spring of 2018, the ACOE is discussing the need for dredging the inner portion of this FNP with local officials.
- *Union River.* As ACOE reported at the previous meeting, testing for the Union River project indicates that the dredged material would not be suitable for open-water disposal. The ACOE continues to consider upland disposal options, including potentially coordination with the Blue Hill improvement dredging project (see above) and use a combined aquatic disposal cell (CAD cell) under discussion for disposal of dredged material from the Blue Hill improvement dredging project, a portion of which is likewise not suitable for open water disposal.
- *Kennebec River.* Mike Guevara (Navy) advised that the Navy has funds needed for dredging required to meet its operational needs and that the Navy is working with the ACOE to develop a programmatic approach to maintenance dredging of the Kennebec River FNP, which provides ocean access to Navy vessels built at Bath Iron Works. Mr. Guevara explained that the intent of this programmatic approach is to avoid “emergency” dredging needed to ensure safe transit of Navy vessels through planned, periodic maintenance dredging. Mr. Guevara noted that the next anticipated maintenance dredging in the lower Kennebec would be in the 2019-2020 timeframe and that the Navy is actively involved in planning for that project which includes consideration of options for nearshore disposal of dredged materials. In response to a question, Mr. Guevara explained that current river conditions indicate dredging is not needed sooner to ensure safe passage to sea of a Navy ship. Steve Dickson, Maine Geological Survey (“MGS”) reported that MGS, working with the Maine Coastal Program-led Maine Coastal Mapping Initiative (“MCMI”), looked at sand and sediment movement in the area of the Jackknife Ledge disposal site which the ACOE has used in the past for maintenance of this FNP. Dr. Dickson explained that this investigation indicates that there has not been significant movement of sandy material from the disposal location to nearby beach areas. Dr. Dickson further explained that there appears to be another potentially suitable location for nearshore disposal about ½ mile from Jackknife Ledge from which sand may migrate more readily to the beach with resulting benefits to the beach system. Dr. Dickson suggested that this disposal option merits consideration in connection with future maintenance dredging, acknowledging that the requisite work to assess potential benefits and detriments of its use may not be undertaken and completed in time for the next planned maintenance dredging in the fall – winter of 2019 – 2020.
- *Rye Harbor, New Hampshire.* ACOE staff noted that it is considering using the CADS for disposal of about 50,000 cy of dredged material from this maintenance dredging project.

- *Scarborough River.* In consultation with the MGS and others, the ACOE is looking at beach and nearshore disposal options for placement of sand to be dredged from this FNP. The ACOE does not now have funding for this project and has no anticipated timeframe when maintenance dredging may occur.
- *Josias River.* The ACOE is in the early stages of developing this project proposal which may be eligible for Federal Emergency Management Agency (“FEMA”) funding to address storm-related damage.
- *Isle of Shoals breakwater.* This breakwater, located partly in Maine and partly in New Hampshire, sustained late winter storm damage, repair of which may be eligible for FEMA funding. The ACOE has been working with resource agencies in both states in developing plans to fix the breakwater.
- *Bar Harbor.* The ACOE has done an initial study to assess options and related costs to address long-standing issues with the harbor’s breakwater. The ACOE is evaluating how much of the work needed may be undertaken as operations and maintenance as opposed to navigation improvements.

IV. UPDATE: WATER RESOURCES DEVELOPMENT ACT (WRDA) – BILL STATUS AND PROVISIONS OF POTENTIAL INTEREST TO MAINE

Discussion of the pending WRDA 2018 legislation was limited to a provision regarding the Cape Arundel Disposal Site (“CADS”). ACOE staff noted that, under federal legislation enacted in 2014 that extended the time for its use, CADS is scheduled to close in January 2019. ACOE staff noted that language in the Senate’s pending WRDA 2018 bill would extend CADS use for another three years.

V. UPDATE: SITING OFFSHORE DISPOSAL SITE FOR SOUTHERN MAINE AND NEW HAMPSHIRE

Todd Randall (ACOE) advised that the ACOE and the Environmental Protection Agency (“EPA”) continue to work together on the EA regarding designation of the Isle of Shoals North Site (“IOSN”). Mr. Randall noted that the ACOE estimates that the southern Maine-New Hampshire-northern Massachusetts region IOSN would serve as a need for disposal of about 1.4 million cy over the next 20 years. Mr. Randall explained that the alternatives considered in the draft EA include the current CADS, an expanded CADS, and two previously-used disposal sites in the Isle of Shoals area, as well as IOSN which, based on the preliminary findings of the draft EA, is the current preferred alternative to be chosen to be proposed for designation. Mr. Randall reported that EPA is currently reviewing an internal draft of the EA which was revised to reflect consideration of additional data and information suggested by EPA following its review of an earlier draft. Mr. Randall noted that as a next step, following consideration of EPA’s comments on the current draft EA, EPA and ACOE intend to reconvene pertinent federal and state natural resources agencies to discuss the draft EA and the site designation process. Olga Guza (EPA) asked if any meeting participant is aware of concerns expressed regarding use

of an EA, as opposed to an EIS, to provide environmental analysis of designation of the IOSN site. No such concerns were noted. Ms. Guza also asked if the State of Maine had plans to seek formal designation of the current CADS. State agency attendees indicated they were unaware of any such plans. Ms. Guza and Mr. Randall noted that the criteria for consideration and level of environmental analysis for an EA and EIS are essentially the same, with an EIS providing for issue scoping and other procedural steps that may result in significantly more time and cost to complete the federal designation process. Mr. Randall further noted that no significant issues or concerns regarding designation and use of the IOSN site have been expressed to the ACOE following its inclusion in the NEPA documents regarding the pending Portsmouth Harbor navigation improvement project or during discussions at the Maine, New Hampshire, and New England Regional Dredging Team meetings. In response to a question, Mr. Randall said the ACOE could provide the longitude and latitude coordinates of IOSN.

VI. OTHER BUSINESS. Mr. Burns invited meeting participants to raise additional matters for discussion. No such matters were suggested.

VII. DISCUSSION OF NEXT STEPS; ACTION ITEMS. Mr. Burns observed that there were no apparent specific action items other than those discussed in the context of presentations made at the meeting. Mr. Burns noted that Ed O'Donnell, head of the ACOE/NED's maintenance dredging group, is retiring. Noting his significant, valued, and long-standing contribution to this group's discussions and information-sharing objectives, Mr. Burns asked all to join him in wishing Mr. O'Donnell well.

VIII. ADJOURN. Mr. Burns adjourned the meeting.