

Summary
Maine Dredging Team Meeting
Maine Department of Environmental Protection
Portland, Maine
October 11, 2016
10:00 A.M. – 12:00 P.M.

I. WELCOME AND INTRODUCTIONS. The chair, Rob Elder, Maine Department of Transportation (MDOT) opened the meeting.

II. UPDATES: PROJECT DEVELOPMENT AND FEDERAL FUNDING STATUS OF ACOE PROJECTS IN MAINE

A. Navigation improvement projects; other NED planning branch projects. Army Corps of Engineers (ACOE), New England Division (NED), staff provided an overview of the status of current navigation improvement projects in Maine:

- *Piscataqua River.* Erika Mark explained that this project, for which the ACOE has received requisite environmental approvals from both Maine and New Hampshire and for which the ACOE’s Chief of Engineers has issued the “Chief’s report,” is in the final design phase and awaiting congressional authorization and funding needed for construction. Ms. Mark advised that both the House and Senate versions of the Water Resources Reform and Development Act of 2016 (WRRDA 2016), which has been referred to a congressional conference committee to discuss reconciliation of the bills’ differing provisions, include authorization for the project. See below.
- *Searsport Harbor.* Mark Habel advised that this project remains in the feasibility phase and remains suspended. The ACOE has declined to continue studies with funding to be provided by the State of Maine (State) and completion of the feasibility study is on hold pending identification by the State of an alternative disposal site(s) that may meet applicable water quality-related standards. Mr. Habel indicated that both congressional authorization and congressional appropriation of funds for construction would be needed for this project to move forward. Ed O’Donnell (ACOE) noted that the ACOE is evaluating the option of undertaking the maintenance dredging portion of this project independent of the navigation improvement portion, as discussed below.
- *Portland Harbor.* Mr. Habel noted that there is an “open resolution” for this project which would enable the ACOE to deepen the federal channel if so requested by the local sponsor and that the ACOE has received no such request.

Mr. Habel also provided an update on several smaller-scale navigation improvement-related projects which the ACOE-NED is currently working on or intends to begin working on under its Section 107 continuing authorities program:

- *Blue Hill Harbor.* Mr. Habel said that the Town of Blue Hill and the ACOE have entered into a cooperative agreement for the on-going feasibility study for this project which involves a proposed shallow-draft channel and turning basin. Environmental sampling showed gasoline contamination in some areas where dredging had been planned, and additional sampling showed this to be confined to surface sediments, with clean glacial till comprising the bulk of the material to be dredged. The ACOE and town are also looking at reconfiguring the turning basin to minimize the volume of contaminated material needing removal.
- *Camden Harbor.* Mr. Habel reported that ACOE headquarters approved federal involvement in a feasibility study of a proposal to improve the existing breakwater. Work on this project remains on-hold pending execution of a feasibility cost-sharing agreement with the Town of Camden pursuant to which the town would be obligated to fund 50% of the study's cost. The ACOE awaits the Town's decision.
- *Great Chebeague Island.* Mr. Habel noted that in July 2016 the Town of Chebeague Island signed the feasibility cost-sharing agreement with the ACOE pursuant to which it is obligated to pay 50% of the study's cost. The Town is providing its share of funding and the feasibility study is now underway. The Town requested that the study focus on providing a channel and a turning basin, and not the two anchorage areas examined in the initial study. The study is also examining use of the Portland Disposal Site for the dredged material instead of focusing solely on the in-bay site.
- *Saco-Camp Ellis* (ACOE's Section 111 shore damage mitigation project at Camp Ellis Beach in Saco). Mr. Habel explained that the studies for the project have been completed, including public review, and that the ACOE is now preparing its final report on the proposed project for internal review. That final report will be subject to review and approval by ACOE headquarters, following which the ACOE would request requisite state approvals (CZMA consistency concurrence and water quality certification) and complete the final design. Mr. Habel noted that a project partnership agreement which includes the local sponsor's commitment to pay its share of project costs needs to be executed.

In addition to providing updates on the navigation improvement projects noted above, Mr. Habel provided background information on the statutory provisions which authorize the ACOE's navigation improvement-related work and govern ocean disposal of dredged materials.

B. ACOE Non-Navigation-related projects. Wendy Gendron (ACOE) made a brief presentation outlining the following non-navigation-related projects which the ACOE is working on in Maine:

- Erosion control project in Perry, Maine, in cooperation with the Passamaquoddy Tribe;
- Meduxnekeag River fish restoration project, in cooperation with the Houlton Band of Maliseets; and

- Penobscot River flood and erosion control project at Indian Island, Maine, in cooperation with the Penobscot Indian Nation.

Ms. Gendron noted that there is a 50:50 federal-tribal government cost share requirement for these projects, each of which is currently on-hold pending the pertinent tribe's commitment of funding.

C. Maintenance dredging projects and related matters. ACOE staff provided an update on the status of the following maintenance dredging projects on which the ACOE is currently working:

- *Beals Harbor and Pig Island Gut.* Mr. O'Donnell explained that, the bid protest having been resolved, the ACOE has awarded the contract for the project to Cashman Dredging, which is expected to undertake and complete dredging in the fall-winter of 2016-17.
- *Saco River.* Mr. O'Donnell advised that the ACOE has completed the environmental consultation and received CZMA consistency concurrence and water quality certification for the project which involves dredging about 150,000 cubic yards (cy), about 45,000 cy of which is in the up-river section of the project and to be disposed in-river. Mr. O'Donnell noted that at the municipalities' request the Maine Coastal Program-led Maine Coastal Mapping Initiative (MCMI) used multi-beam sonar to locate debris in the federal channel that the ACOE had indicated has to be removed prior to dredging and that the municipalities intend to ensure removal of that debris in the spring of 2017. Mr. O'Donnell explained that the ACOE does not have funds for this project and thus debris removal on that schedule will be timely. Mr. O'Donnell further explained that this project is being carried out independently of the Section 111 jetty reconfiguration project (see above) which is not yet ready for construction.
- *Biddeford Pool and Wood Island.* Mr. O'Donnell explained that the ACOE is in the process of completing the suitability determination for this project (needed to determine disposal options), which involves dredging about 40,000 cy of material and plans for disposal of the silty materials at a previously-used disposal site in Saco Bay and use of sandy materials for beach nourishment at Camp Ellis. Mr. O'Donnell noted that in the summer of 2016 the ACOE completed additional sampling at this Saco Bay site. The ACOE has not yet submitted requests for state water quality certification and federal consistency concurrence and does not have funding needed for construction of the project. Mr. O'Donnell indicated that the ACOE is working to complete the environmental review process and secure requisite approvals in time to coordinate this project with the Saco River maintenance dredging project and use the same dredging equipment for both projects, with consequent cost-savings.
- *York Harbor.* Mr. O'Donnell said that the ACOE does not have funding for this project, which has received all requisite environmental approvals and which would involve disposal of about 50,000 cubic yards (cy) of dredged materials at the Cape Arundel Disposal Site (CADS).

- *Cape Porpoise.* Mr. O'Donnell indicated that the ACOE estimates this project would generate about 100,000 cy of dredged materials, some or all of which would be disposed at CADS. Mr. O'Donnell explained that the ACOE is completing the environmental assessment (EA) and is aiming for submission of requests for water quality certification and consistency concurrence later in the fall of 2016.
- *Pepperell Cove.* Mr. O'Donnell indicated that the ACOE has completed sampling and testing results for this project and is evaluating disposal options. He indicated that the ACOE intends to initiate consultation regarding requisite environmental reviews and approvals.
- *Union River.* Mr. O'Donnell indicated that the ACOE is in the early stages of evaluating this project and developing sediment sampling and testing plans.
- *Searsport Harbor.* Mr. O'Donnell explained that, at the request of MaineDOT, the ACOE is evaluating options for maintenance dredging of the existing federal project as a separate project, independent of the related proposed navigation improvement project. See above. Mr. O'Donnell clarified that the maintenance dredging project would be confined to the boundaries of the existing federal project, and involves dredging about 40,000 cy of material near the piers. Mr. O'Donnell further explained that ACOE is looking at various disposal options, would like to place the dredged material in a suitable upland location, and is awaiting further information from MaineDOT. Rob Elder noted that MaineDOT has retained an environmental consulting firm to investigate to assess upland disposal alternatives.

In response to questions, Jay Clement (ACOE) indicated that he had no knowledge of discussions of potential dredging in the Penobscot River and placement of dredged materials in a CAD cell to be built off Castine and Cape Jellison as part of the federal court-ordered cleanup of mercury contamination. Mr. Clement said he'd check with colleagues and provide follow information. In response to the questions, Mr. Clement further explained that any such dredging and disposal project would require applicable state and federal permits, applications for which would be processed with public notice and opportunity for comment and in consultation with natural resources agencies. Mr. Clement further explained that a project-specific EA would be prepared and would be the basis for determining whether an EIS would be appropriate to ensure a hard look at environmental effects.

- *Josias River.* In response to a question, Mr. O'Donnell noted that the ACOE did not identify a need for maintenance dredging and consequently has discontinued work on this project.

Funding for shallow-draft projects. Mr. O'Donnell noted that in recent years Congress has made about \$50 million from the Harbor Maintenance Trust Fund (HMTF), the source of federal funds for ACOE's operations and maintenance projects, available annually for maintenance of shallow-draft harbors nationwide. Mr. O'Donnell observed that Maine's shallow-draft projects must compete nationally for funding and that ACOE headquarters' criteria setting funding priorities do

not favor projects in ports that handle little or no freight, such as many Maine projects whose primary uses involve recreation or small-fleet commercial fishing. Mr. O'Donnell advised that, notwithstanding a provision in the Water Resources Reform and Development Act (WRRDA) of 2014 which calls for annual increases in appropriation of HMTF dollars for maintenance dredging, legislation to appropriate such funds must be enacted for each federal budget.

Piscataqua River turning basin project; designation or selection of a long-term ocean disposal site to serve southern Maine and New Hampshire. As noted above, the Piscataqua River turning basin project is in the final engineering and design phases. Ms. Mark said that legislation needed to authorize this project is in the differing WRRDA 2016 bills passed by both the House and Senate that are headed to a congressional conference committee. Ms. Mark explained that ACOE is working on completion of the EA needed to support selection or designation and subsequent use of an area north of the Isles of Shoals, the "Isles of Shoals North site" (IOSN), for disposal of dredged materials for which a beneficial use is not made. Ms. Mark pointed out that the ACOE is planning surveys of the fishery in this area in the winter of 2016-17 for consideration in the EA. In response to a question, Chris Mayo (Town of Wells) suggested that, while the Town of Wells continues to discuss the possibility, the town has not committed and would find it difficult to pay the non-federal cost to use some of the projects dredged materials for beach nourishment.

III. Update: Portland Harbor Combined Aquatic Disposal (CAD) Cell

Bill Needelman (City Of Portland) provided an update on the status of the effort to site a CAD cell in Portland Harbor. Mr. Needelman explained that a consultant has been hired to look at environmental conditions and potential siting issues regarding the suitability of sites in Portland Harbor for construction and use of a CAD cell. Mr. Needelman exhibited a map depicting three areas – an intertidal location near Turner Island, one near the Coast Guard (CG) facility, and one located in the federal channel in the Fore River – on which analysis is now focused. Mr. Needelman noted that each sites poses siting issues and challenges, e.g., the intertidal site is located in critical wildlife habitat and the ACOE has expressed concerns regarding the in-channel site, and that of the three the site near the CG facility appears the most feasible. Mr. Needelman observed that, if none of these sites proves viable, a previously-considered location off Fort Allen may be reconsidered. In response to questions, Mr. Needelman clarified that the period of time for use of the CAD cell will be determined by the permitting process; that DEP and ACOE have been consulted and state and federal natural resources agencies will also be consulted at a later date, prior to selecting a site and seeking requisite approvals; that pier owners' potential interest in using the CAD cell will be gauged through the on-going brownfields clean-up project targeting pier areas in Portland Harbor; that the need for prioritization among those wishing to use the CAD cell may be determined by the CAD cell's permitted capacity; and that the relationship between anticipated sea level rise and the need for dredging is a complex issue that needs to be better understood. In response to a question, Mr. O'Donnell acknowledged the in-channel location of CAD cells elsewhere in the Northeast. Mr. O'Donnell clarified that the ACOE is not wholly opposed to location of the CAD in the in-channel location under consideration, and in the past has recommended some areas within lesser-used portions of the Federal channel for a CAD cell, but that the ACOE would prefer that the CAD cell be sited

outside the main ship channel to avoid operational problems for maintenance dredging activities in the future.

IV. Other business.

Chair Rob Elder invited those participating in the meeting in-person or on the telephone to raise additional matters for discussion.

Kennebec River. Mr. O'Donnell noted that the Navy has expressed interest in near-term maintenance dredging of the Kennebec River to address shoaling conditions in the lower river (around Doubling Point) that pose obstacles to navigation. Mr. O'Donnell said that the ACOE, following the most recent maintenance dredging operation on the Kennebec, informed the Navy that the Navy needs to assume responsibility for funding and carrying out maintenance dredging in the future since the project does not rank highly among the ACOE's maintenance dredging priorities. In response to a comment, Mr. O'Donnell indicated that the ACOE had no information indicating that in-river disposal of dredged materials from the most recent maintenance dredging operation had caused significant harm to marine organisms. John Fitzgerald (Bath Iron Works, BIW) emphasized that no such problems had been documented by post-dredging studies conducted by the ACOE. In response to a question, Mr. O'Donnell affirmed that funding for maintenance dredging may be provided by a non-federal entity.

Milbridge. Rob Elder said that the Town of Milbridge is considering acquisition of dredging equipment so that it may itself maintain federal channel and other harbor areas as it deems necessary. In response a question, Jay Clement confirmed that, with requisite approvals, the Town could do such work.

Sea-level rise planning. At Mr. Elder's suggestion Mark Habel explained that the ACOE-NED looks at three sea-level rise rates when undertaking new or maintaining existing federal navigation projects – the historic rate, an intermediate, and a high rate based on current science – and bases its design on the historic rate. Mr. Habel further explained any costs related to measures to ensure the project's resiliency to sea-level rise and storm damage are included in the required cost-benefit calculation. In response to a question, Mr. Habel noted that ACOE-NED's use of the historic rate is required by ACOE-policy.

V. DISCUSSION OF NEXT STEPS; ACTION ITEMS. In summary, Mr. Elder suggested the following as post-meeting action items which meeting participants may wish to monitor:

- deliberations regarding and outcome of the WRRDA 2016 conference committee legislation;
- discussion and efforts, if any, regarding siting of a CAD cell for disposal of contaminated material from the court-ordered clean-up of mercury pollution in the lower Penobscot River; and
- the on-going process for siting a CAD cell in Portland Harbor.

VI. ADJOURN. Mr. Elder adjourned the meeting.