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: November 17, 2014
Comment Period Closes: December 17, 2014

30 DAY PUBLIC NOTICE

FEDERAL MAINTENANCE OF EAST AND WEST JETTY NANTUCKET HARBOR NANTUCKET, MASSACHUSETTS

Interested parties are hereby notified that the U.S. Army Corps of Engineers, New England District, plans to repair the East and West Jetty of the Nantucket Harbor Federal navigation project in Nantucket, Massachusetts. This Public Notice is being issued to fulfill the requirements of the National Environmental Policy Act and other pertinent regulations. Attachment 1 lists pertinent laws, regulations, and directives applicable to the project.

Project Description: The proposed work involves urgently needed repair and maintenance of the east and west jetty of the Nantucket Harbor FNP that sustained damage during Hurricane Sandy in October 2012. The east and west jetty provide protection not only for vessels entering and exiting the harbor but as a Harbor of Refuge for transiting ships looking to safely weather significant storm events throughout the year. The Nantucket Harbor FNP (Attachment 2) was authorized by the River and Harbor Act of 1880 and 1882, as amended. The existing FNP consists of an entrance channel 15 foot deep relative to Mean Lower Low Water (MLLW); a stone west jetty extending northward from west of Brant Point, 5,400 feet long; and a stone east jetty extending out from Coatue Point, 4,350 feet long. Both jetties have crown widths of 4-6 feet and crown heights varying from +3 to +5 feet MLLW. A significant portion of each jetty was built to a half-tide height to allow for sand transport around the structures to maintain the beaches and subtidal habitat adjacent to the jetties. The east and west jetties were constructed in 1886 and 1883, respectively. Repairs to the east jetty were last completed in 1963 when 15,059 tons of stone were added to the structure. Repairs to the west jetty were last completed in 1900 when 4,750 tons of stone were added to the structure. Funding for this effort is provided in the "Disaster Relief Appropriations Act of 2013" (P.L. 113-2).

Character and Purpose of Work: The purpose of the work is to perform repairs to the east and west jetty at the entrance to the Nantucket Harbor in Nantucket, Massachusetts. The jetties are no longer at authorized dimensions due to storm damage that was sustained during Hurricane Sandy in October 2012. The proposed work will restore the jetties to their authorized dimensions – crests varying from +3 to +5 feet MLLW and 4-6 feet in crown width.

Construction will take place from floating marine plant only, using barge mounted cranes or excavators, with stone being delivered from the mainland by barge. In order to perform durable repairs, the top portion of the jetties will be pulled apart (to just below the water line) and reconstructed with stone similar in size (2-4 ton) and material to the current armor stone. All repairs will be conducted within the same footprint of the existing structures (Attachment 2). The preliminary estimate of stone quantity to be placed is approximately 32,300 tons, with 17,800 required for the east jetty and 14,500 tons required for the west jetty. A small quantity of dislodged stone laying adjacent to the structure may be used for repairs but most will be obtained from an offsite source.

Construction is expected to take approximately eight to twelve months to complete all jetty repairs. The current estimated construction start date is the spring of 2015, but this date could change based on coordination, progress of the project, and availability of qualified contractors necessary to complete the work. Contractors will be required to safely repair the jetties in limited water depths and avoid/minimize impacts to natural resources in the area, especially eelgrass.

Additional Information: For further information on the project please contact the project manager Mr. Craig Martin, Civil Works and Interagency/International Project Management Branch, Programs Project Management Division, at the return address shown, telephone number (978) 318-8638.

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 Massachusetts
Massachusetts Department of Environmental Protection
Massachusetts Office of Coastal Zone Management
Massachusetts Historic Preservation Office
Massachusetts Board of Underwater Archaeological Resources

Tribal Nations
Wampanoag Tribe of Gay Head (Aquinnah)

Local
Town of Nantucket

Environmental Impacts: An Environmental Assessment for this work is being prepared and will be made available for review upon request. I have made a preliminary determination that an Environmental Impact Statement for the proposed jetty reconstruction 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 the Coastal Zone Management Program: I find that the repair of the east and west jetty is consistent, to the maximum extent practicable, with the applicable management program established as a result of the Coastal Zone Management Act of 1972. The jetty repair work will be conducted in a manner that is consistent with the approved management program.

Other Information:

a. Previous Repair/Rehabilitation: Repairs to the east jetty were last completed in 1963 when 15,059 tons of stone were added to the structure. Repairs to the west jetty were last completed in 1900 when 4,750 tons of stone were added to the structure.

b. Endangered Species: It is our preliminary determination that the proposed activity will not affect endangered species in the project area. However, several threatened and endangered species have the potential to occur near the proposed project work zone. Consultation will be conducted with the National Marine Fisheries Service and the United States Fish and Wildlife Service to verify 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).

c. Eelgrass: Due to the protected nature of the area surrounding the east and west jetty, eelgrass beds have established on both the inner and outer sides of both jetties. The Environmental Assessment as well as the Eelgrass Damage Assessment and Mitigation Plan prepared by the Corps will address the project's potential impacts to those eelgrass beds and other ecological resources. These documents will present ways to avoid, minimize, and/or mitigate those impacts. Consultation with the U.S. Environmental Protection Agency, National Marine Fisheries Service, Massachusetts Division of Marine Fisheries, and other appropriate agencies will be conducted to verify that best practices are in place to avoid impacts to eelgrass, to the maximum extent practicable, and to lay out a post-construction assessment and plans for mitigation, if necessary.

d. 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.

e. Cultural Resources: The proposed work is maintenance involving previously disturbed areas and is not likely to affect any cultural or archaeological features or resources.

f. 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 the majority of impacts will be short-term and localized. However, the project has the potential to negatively impact eelgrass resources in the proposed project area. Section C of this notice addresses these impacts and avoidance measures. It is the Corps

determination that there will be no significant impairment to the designated fisheries resources in the project area as a result of this project. The Corps will consult with the National Marine Fisheries Service to ensure that any potential impacts will be minimized.

g. Additional Requirements: None.

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 jetty reconstruction may request a public hearing. The request must be submitted in writing to me within 30 days of the date 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 me at U.S. Army Corps of Engineers, New England District, 696 Virginia Road, Concord, MA 01742-2751, ATTN: Craig Martin, within 30 days of this notice.

17 NOV 14
Date

Christopher J. Barron
Colonel, Corps of Engineers
District Engineer

Attachment 1

PERTINENT LAWS, REGULATIONS, AND DIRECTIVES

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

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

Coastal Zone Management Act of 1972[16 U.S.C. 1456(c)(1) and (2)], Sections 307(c)(1) and (2)]

Code of Federal Regulation, Title 33, Parts 335 through 338

Endangered Species Act of 1973 as amended (16 U.S.C. 1531-1544)

Estuary Protection Act (16 U.S.C. 1221 et. seq.)

Federal Water Project Recreation Act, as amended (16 U.S.C. 460*l*-12 et. seq.)

Fish and Wildlife Coordination Act (16 U.S.C. 661-666c)

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

Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460*l*-4 et. seq.)

Magnuson-Stevens Fishery Conservation and Management Act as amended through January 12, 2007 and amended by the Sustainable Fisheries Act of 1996

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

National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347)

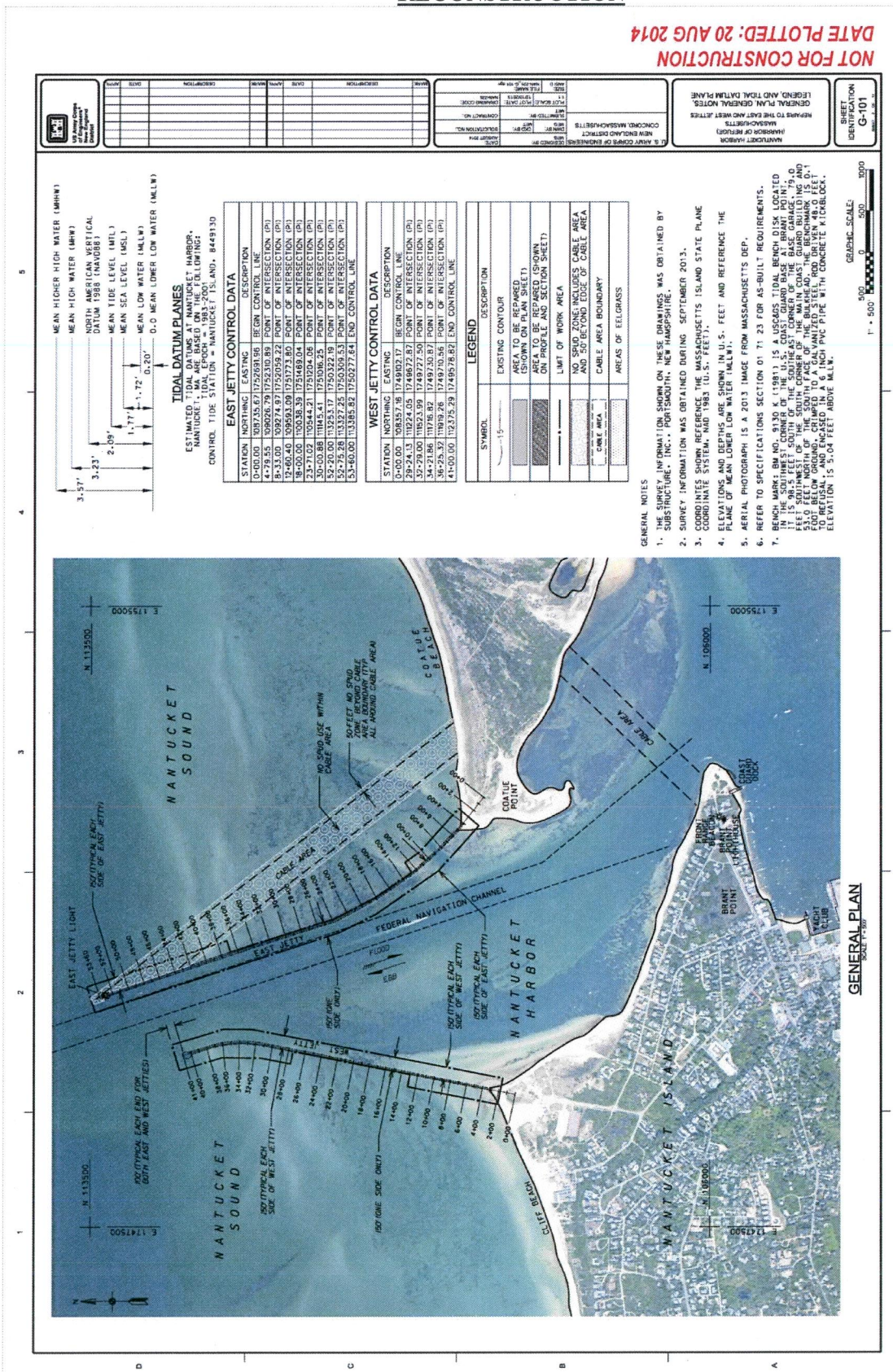
National Historic Preservation Act of 1966 (16 U.S.C. 470)

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

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

Attachment 2

NANTUCKET HARBOR FEDERAL NAVIGATION PROJECT EAST AND WEST JETTY RECONSTRUCTION