



PUBLIC NOTICE

In Reply Refer to: William Kavanaugh

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Programs and Project Management Division

Date: February 15, 2024

Comment Period Closes: March 15, 2024

30-DAY PUBLIC NOTICE MAINTENANCE DREDGING OF WESTPORT HARBOR FEDERAL NAVIGATION PROJECT WESTPORT, MASSACHUSETTS

Interested parties are hereby notified that the U.S. Army Corps of Engineers (USACE), New England District plans to perform work in the navigable waters of this District, subject to the provisions of Section 404 of the Clean Water Act of 1977 (P.L. 95-217) and subject to the requirements of the National Environmental Policy Act (P.L. 91-190). The work involves maintenance dredging of the Westport Harbor Federal Navigation Project (FNP) in Westport, Massachusetts, and is authorized in accordance with Title 33, Parts 335-338 of the Code of Federal Regulations. The FNP was authorized by the River and Harbor Act of 1888 and has been modified multiple times between 1890 and 2007 to meet the needs of the local community. Attachment 1 lists pertinent laws, regulations, and directives.

Project Description: Westport Harbor is a mixed-use harbor located on the south shore of Massachusetts in the town of Westport in Bristol County. The authorized Federal Navigation Project (FNP) provides for a channel that is 9 feet deep at Mean Lower Low Water (MLLW) and 150 to 200 feet wide, extending approximately 9,700 feet upstream from deep water in Rhode Island Sound (Attachment 2). The proposed work involves maintenance dredging of approximately 65,000 to 75,000 cubic yards (cy) of sandy material from the seaward portion of the FNP entrance channel and placement of the sandy material at the Westport Harbor Nearshore Placement Site (WHNPS) off Horseneck Beach (Attachment 2). A mechanical or government hopper dredge will perform the work over a four-month period between September 15 and January 15 in the year(s) in which funds become available.

Purpose of Work: The Town of Westport has approximately 1,400 vessels moored, anchored, or docked at any given time during the season in the main harbor. The river is used by a commercial fleet of 14 lobstermen, 12 quahoggers, eight offshore and inshore charter fishermen, four bottom trawlers, three fish pot boats, two aquaculture vessels, one day scallop boat and one sea clammer. Additionally, the harbormaster has a wait list of an additional 33 commercial vessels that would like to use the harbor. Hydrographic surveys of the FNP have identified critical shoaling that has become a hazard to vessel navigation. The purpose of this project is to remove hazardous shoals

in the entrance channel feature of the FNP to restore the channel to its authorized dimensions.

Alternatives: The following proposals were considered as alternative solutions to address the natural shoaling as part of the alternative analysis process.

No Action: Under this alternative, USACE would not dredge the Westport Harbor FNP entrance channel and any associated environmental impacts would be avoided. Conversely, the no action alternative would allow existing conditions in the channel to worsen and may result in the harbor being completely closed off from vessel traffic.

Alternative Placement Sites: Westport Harbor was last dredged in 2007 when approximately 15,500 cy of sand were hydraulically dredged and placed onto Horseneck Beach Point (HBP) east of the channel. HBP was considered for the placement of dredged material from this maintenance dredging event; however, due to the critical level of shoaling, the increased volume needing to be dredged and placed, and the potential need for more frequent maintenance beyond this maintenance event, the WHNPS was chosen because it offers the beneficial use of dredged material through the indirect nourishment over a wider area of an adjacent beach and was economically justified.

Alternative Dredging Methods: The dredging methods considered were mechanical bucket, hydraulic cutterhead pipeline, and hopper. Hopper and mechanical dredges were chosen because they work well with sand (very little turbidity), the placement site is relatively close, and the government-owned hopper dredges, *Currituck* or *Murden*, which are more cost-effective, may be available during the dredging window.

Disposal Area: The proposed WHNPS off Horseneck Beach is an 800 by 4,000-foot rectangular area (Attachment 2) in water depths ranging from 10 to 25 feet MLLW where the sand is likely to be transported onto the beach. The inshore extent was selected to provide clearance for the government hopper dredges, which draft 8.5 feet when fully loaded, plus adequate capacity for the volume of material to be dredged.

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

Coordination: The proposed work has or will be coordinated with the following agencies:

Federal:

U.S. Environmental Protection Agency – Region 1

U.S. Fish and Wildlife Service – New England Field Office

National Marine Fisheries Service – Greater Atlantic Regional Fisheries Office

State:

Massachusetts Department of Environmental Protection
Massachusetts Division of Marine Fisheries
Massachusetts Office of Coastal Zone Management
Massachusetts Historical Commission
Massachusetts Board of Underwater Archaeological Resources
Massachusetts Natural Heritage and Endangered Species Program

Recognized Tribes:

Mashpee Wampanoag Tribe
Wampanoag Tribe of Gay Head (Aquinnah)
Narragansett Tribe

Municipal Officials:

Town of Westport

Environmental Impacts: An Environmental Assessment is in preparation and available for review upon request. I have made a preliminary determination that an Environmental Impact Statement for the proposed maintenance dredging is not required under the provisions of the National Environmental Policy Act of 1969. This determination will be reviewed considering facts submitted in response to this notice.

Other Information:

- a. Local Sponsor: Town of Westport, Massachusetts
- b. Endangered Species: It is our preliminary determination that the project may affect, but is not likely to adversely affect, threatened or endangered species. USACE is in consultation with the National Marine Fisheries Service and the U.S. 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).
- c. Cultural Resources: USACE has coordinated the proposed project with the Massachusetts Historical Commission, the Massachusetts Board of Underwater Archaeological Resources, the Mashpee Wampanoag Tribe, Wampanoag Tribe of Gay Head (Aquinnah) and Narragansett Tribe in accordance with the National Historic Preservation Act (NHPA) of 1966, as amended. The project area has been previously dredged, and therefore, no effects upon significant archaeological or historical properties as defined by the NHPA and 36 CFR 800 is anticipated. As no submerged sites or shipwrecks were identified during a side scan sonar survey of the nearshore placement site, impacts upon significant archaeological or historical resources are not expected. The Massachusetts State Historic Preservation Officer, in a letter dated August 10, 2023, concurred with this determination. Letters were sent, dated July 19, 2023, to the Massachusetts Bureau of Underwater Archaeological Resources, and the Tribes to for review. No response has been received to date.

d. Essential Fish Habitat Assessment: USACE has 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 as amended by the Sustainable Fisheries Act of 1996 for federally managed fish species. USACE assessed the effects that the project is likely to have on EFH and determined that they will be short-term and localized, and that there will be no significant impacts on the designated fisheries resources. USACE is in consultation with the National Marine Fisheries Service to ensure that any potential impacts will be minimized.

e. Floodplain Management: In accordance with Executive Order 11988, USACE has determined that the proposed work will not contribute to negative impacts or damages caused by floods.

f. Additional Requirements: USACE will request a 401 Water Quality Certificate for this project from the Massachusetts Department of Environmental Protection (MA DEP) to ensure compliance with Section 401 of the Clean Water Act for the disposal activities in state waters. USACE will also request a Coastal Zone Management (CZM) Consistency Determination Concurrence from the Massachusetts Office of CZM. The dredging and placement operations will be conducted in a manner that is consistent to the maximum extent practicable with Massachusetts's coastal policies established in accordance with the Coastal Zone Management Act of 1972.

The decision whether to perform the proposed work will be based on an evaluation of the probable impact, including cumulative impacts, 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 that reasonably may be expected to accrue from the proposal will be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

As this proposed work involves the discharge of dredged material into the Waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR part 230).

Any person who has an interest that may be affected by the 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 way 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: William Kavanaugh; or emailed to nae-pn-nav@usace.army.mil within 30 days of this notice.

February 7, 2024

DATE

Scott Acone
Deputy District Engineer
USACE, New England District

Attachments

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.)

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

Fish and Wildlife Coordination Act (16 U.S.C. 661-677e)

Fish and Wildlife Act of 1956 (16 U.S.C. 742a, et seq.)

Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1456)

Coastal Barrier Resources Act, 16 U.S.C. 3501 et seq.

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

National Historic Preservation Act of 1966, as amended (54 U.S.C. 300101 et seq.)

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

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

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

Land and Water Conservation Fund Act of 1965, as amended (54 U.S.C. 200302 et seq.)

Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (16 U.S.C. 1801 et seq.)

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

Westport Harbor Federal Navigation Project Dredge Area and Placement Site

