



US Army Corps
of Engineers®
New England District

696 Virginia Road
Concord, MA 01742-2751

Public Notice

In Reply Refer to: Mr. Bill Kavanaugh
nae-pn-nav@usace.army.mil

Programs/Project
Management Division

Date: April 2, 2013

Comment Period Closes: May 1, 2013

30 DAY PUBLIC NOTICE

MAINTENANCE DREDGING OF THE FEDERAL NAVIGATION PROJECT IN HYANNIS HARBOR HYANNIS, 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, 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 (FNP) in Hyannis Harbor, Hyannis, Massachusetts 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 Federal Project Description: (Note: All depths referred to in this notice are referenced to (i.e. below) the Mean Lower Low Water datum). The authorized FNP provides for a stone breakwater 1,170 feet long lying about 0.7 miles offshore; dredging to 15.5 feet deep in a protected area behind the breakwater; an entrance channel, 13 feet deep and varying in width from deep water in Nantucket Sound up to the entrance to the inner harbor area; a 13 feet deep and 150 feet wide channel and a 13 feet deep turning basin in the inner harbor area; and a 12 feet deep and 150 feet wide channel adjoining the 13 feet deep entrance channel in the outer harbor area. The FNP also provides for two anchorage areas, 12 feet deep adjacent to the inner harbor turning basin and a riprap jetty 1,000 feet long extending south from Dunbar Point. The FNP is depicted on Attachment 2.

Character and Purpose of Work: The proposed work involves urgently needed maintenance dredging to remove various shoals in the authorized 13 feet deep entrance channel, the 13 feet deep turning basin and the 13 feet deep inner harbor channel portions of the FNP. Shoaling in these areas is primarily the result of Hurricane Sandy and subsequent nor'east storms. These shoals are creating hazardous conditions especially for the ferries that are based in the harbor. Recently, the Woods Hole, Martha's Vineyard and Nantucket Steamship Authority reported that the M/V NANTUCKET and the M/V EAGLE have both incurred damages to their hulls believed to be resultant from interactions with these shoals. A recent hydrographic survey indicates that the controlling depths in the authorized 13 feet deep entrance channel, the 13 feet deep inner harbor channel and the 13 feet deep turning basin are, -8.4 feet, -8.2 feet and -7.6 feet, respectively. The proposed work involves removal of approximately 90,000 to 100,000 cubic

yards of clean sand from the previously described areas to return the project to its authorized dimensions. The material to be dredged from the entrance channel has undergone physical testing and has been found to be medium to fine, clean sand. Material to be dredged from the inner harbor areas has undergone physical and chemical testing and has been found to be medium to fine, clean sand. Maintenance dredging will be performed using the Government owned, special purpose dredge, "CURRITUCK" or similar type dredge. Material dredged from the FNP will be placed at a previously used nearshore site located outside the harbor and adjacent to the breakwater (see Attachment 3). Use of the nearshore disposal site keeps the clean sediments in the littoral system. Contingent upon receiving the necessary approvals, maintenance dredging will be performed coincidental with the CURRITUCK's annual visit to the New England region during a 2 – 3 week period in June and July 2013, or, potentially between October 2013 and January 2014. If for any reason the work cannot be performed or completed this year, then dredging as described herein may be performed in subsequent years in which the approvals and funds are available.

Disposal Area: The material to be dredged has undergone physical testing, and chemical analysis as described previously. 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 proposed, previously used nearshore disposal area.

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 has, or will be coordinated with the following agencies:

Federal:

U.S. Environmental Protection Agency
U.S. Fish and Wildlife Service
National Marine Fisheries Service

State of Massachusetts:

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

Tribal Nations:

Mashpee Wampanoag Tribe
Wampanoag Tribe of Gay Head (Aquinnah)

Local:

Town of Barnstable, Department of Public Works Director
Town of Barnstable, Harbormaster

Environmental Impacts: An Environmental Assessment (EA) for the maintenance dredging of the 13 feet deep entrance channel, the 13 feet deep inner harbor channel and the 13 feet deep inner harbor turning basin with disposal of the dredged material at the previously used nearshore disposal site is being prepared and will be 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 in light of facts submitted in response to this notice.

Federal Consistency with the Massachusetts Coastal Zone Management Program: I find that maintenance dredging of the authorized navigation project in Hyannis Harbor 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 operations will be conducted, to the maximum extent practicable, in a manner that is consistent with the approved management program.

Other Information:

- a. **Local Sponsor:** Town of Barnstable.
- b. **Non-Federal Dredging:** No private or non-Federal dredging work is being proposed in conjunction with the proposed work.
- c. **Previous Dredging:** The last time the harbor was dredged was in 1998-1999 when the entrance channel and the inner harbor channel and turning basin were all deepened to 13 feet deep and the entrance channel was realigned through the outer harbor to straighten the approach and widened.
- 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. USACE favors using the nearshore disposal area option because it is environmentally-sound, cost-effective and it keeps the clean sediments in the littoral system.
- e. **Endangered Species:** It is our preliminary determination that no threatened or endangered species will be impacted by the proposed project. USACE will consult 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 of the FNP in previously dredged areas. This proposal, including use of the nearshore disposal area is being coordinated with the Massachusetts Historic Preservation Office. In the past they have determined that the work will 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. USACE will consult with the National Marine Fisheries Service to ensure that any potential impacts will be minimized.


Additional Requirements: A request will be sent to the Massachusetts Office of Coastal Zone Management for the State's concurrence with our determination of Federal consistency with the State's approved Coastal Zone Management Program. A request will also be sent to the Massachusetts Department of Environmental Protection for a Water Quality Certification in accordance with Section 401 of the Clean Water Act, 33 U.S.C. § 1341, which requires that the work comply, to the maximum extent practicable, with State or interstate requirements to control the discharge of dredged or fill material.

This Public Notice is intended to provide information about, and to seek comments on, future maintenance of the existing Federal navigation project. Future maintenance dredging will be performed as needed and in the years, that funding is 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.

27 March 13
Date


Charles P. Samaris
Colonel, Corps of Engineers
District Engineer

Attachments

Attachment 1

PERTINENT LAWS, REGULATIONS, AND DIRECTIVES

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

Code of Federal Regulation, 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. 661-667e)

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

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

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

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

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

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

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

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

Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460L 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.)

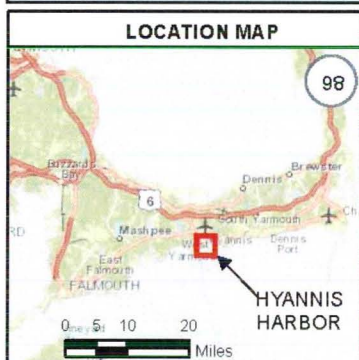
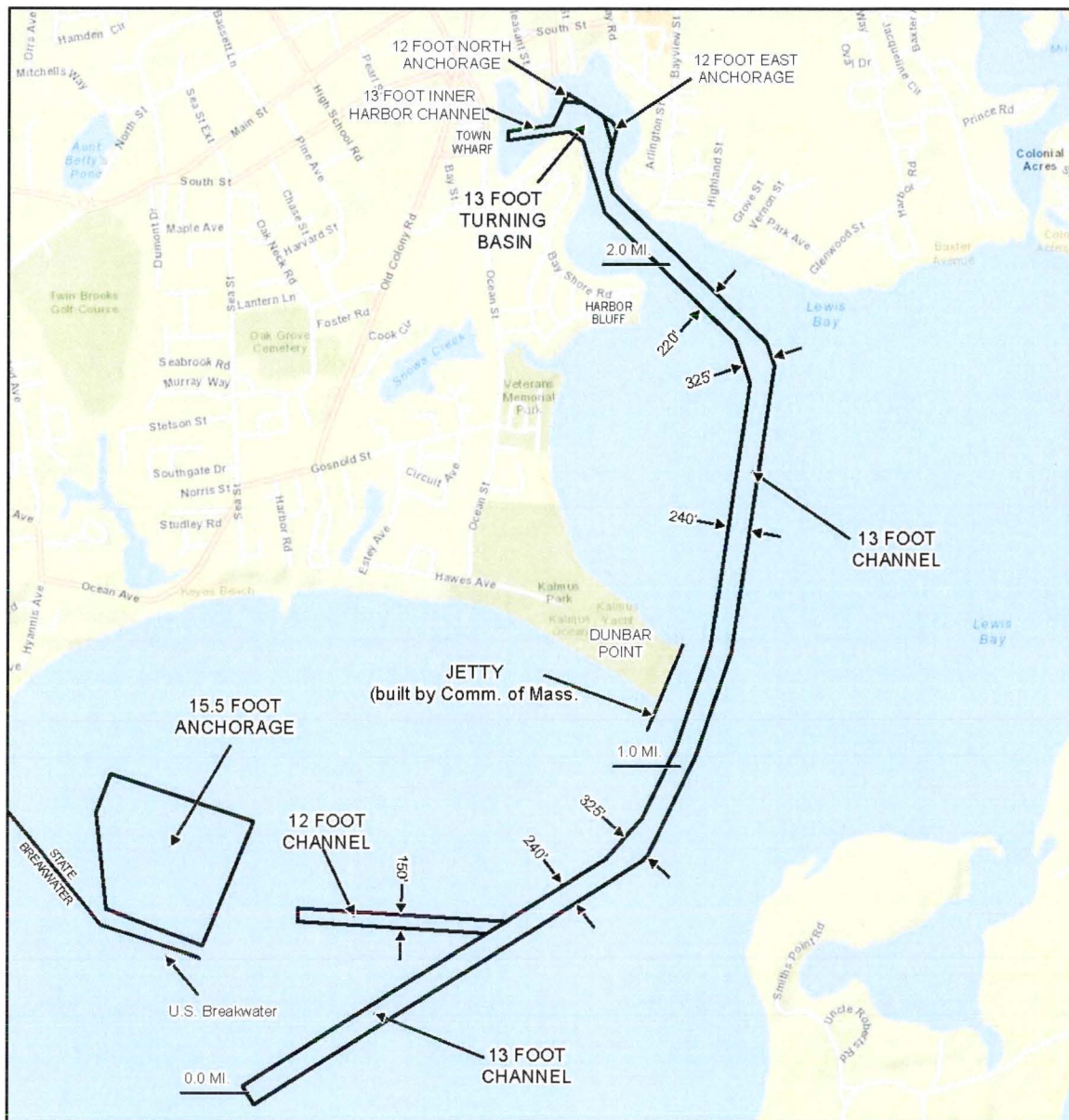
Executive Order 11988, Floodplain Management, 24 May 1977

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

Attachment 2

Map of Hyannis Harbor Federal Navigation Project



NOTE: A confined aquatic disposal cell located beneath the 12 foot channel was authorized by Section 107 of the River & Harbor Act of 1960 and constructed in 1999.



Map of Hyannis Harbor Dredge and Disposal Area

