



**US Army Corps
of Engineers**®
New England District

696 Virginia Road
Concord, MA 01742-2751

Public Notice

In Reply Refer to: Mark Habel
nae-pn-nav@usace.army.mil

Planning Division

Date: January 12, 2022

Comment Period Closes: February 12, 2022

30 DAY PUBLIC NOTICE AQUATIC ECOSYSTEM RESTORATION PROJECT HIX BRIDGE PROJECT WESTPORT RIVER, WESTPORT, MA

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); Executive Order 11988 – Floodplain Management; and subject to the requirements of the National Environmental Policy Act (P.L. 91-190). The work involves the removal of stone debris within the East Branch of the Westport River (Westport, MA) in the vicinity of Hix Bridge to restore connectivity to the upstream and downstream portions of the Westport River. This work is being conducted under the authority of Section 206 of the Water Resources Development Act (WRDA) of 1996. Attachment No. 1 lists pertinent laws, regulations, and directives.

Project Description: The proposed project will remove piles of stone debris in the East Branch of the Westport River in the vicinity of Hix Bridge (Attachment 2) to restore river connectivity for shellfish habitat. The stone will be placed in deep scour holes located upstream and downstream of Hix Bridge. About 3,000 cubic yards of stone debris material would be removed from the waterway in the bridge openings by barge-mounted excavating equipment and placed in the scour holes. Staging of construction equipment and access would be from town-owned lands northwest and southeast of the bridge (Attachment 2).

Purpose of Work: The purpose of the proposed project is to restore the ecological health of the East Branch of the Westport River ecosystem, an estuarine system with surrounding salt marshes and valuable sub-tidal shellfish habitat. Shellfish habitat within the river upstream of the site has been impacted as a result of the loss of natural saline tidal flows that are being altered by stone debris obstructions. The stone debris is from an old bridge structure. The proposed project will remove the stone debris obstruction and restore connectivity to the river. Ecosystem restoration benefits will be measured in terms of acres of shellfish habitat restored in the system.

Alternatives: The alternatives considered for this project included a no action alternative and an alternative to remove the stone debris and restore shellfish habitat. The no action alternative involves doing nothing and allowing the stone debris to remain in place and continue to degrade shellfish habitat upstream of the debris. The stone debris removal involves removing the obstruction and restoring river connectivity.

Additional Information: Additional information may be obtained from the Planning Division of the U.S. Army Corps of Engineers, Mr. Mark Habel, Project Manager, or Mr. Todd Randall, Project Ecologist, at the address shown above. These individuals may also be reached by email at pn-nav@usace.army.mil or by phone at 978-318-8871 (Mr. Habel) or 978-318-8518 (Mr. Randall).

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

Commonwealth of Massachusetts:

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

Tribal Nations:

Wampanoag Tribe of Gay Head (Aquinnah)

Local:

Town of Westport, MA

Environmental Impacts: An environmental assessment is 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.

Other Information:

- a. **Local Sponsor:** Town of Westport, MA
- b. **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.

c. Endangered Species: It is our preliminary determination that the project 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).

d. Cultural Resources: USACE is in coordination project with the Massachusetts Historic Preservation Office and the Wampanoag Tribe of Gay Head (Aquinnah) in accordance with the National Historic Preservation Act of 1966, as amended.

e. 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 and 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.

f. Additional Requirements: USACE has requested a 401 Water Quality Certificate from the Massachusetts Department of Environmental Protection and a Coastal Zone Management Consistency Determination Concurrence from the Massachusetts Office of Coastal Zone Management.

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: Mr. Mark Habel; or emailed to nae-pn-nav@usace.army.mil within 30 days of this notice.

11 January 2022

Date

John A. Atilano II
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.)

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. 1451 et seq.)

National Historic Preservation Act of 1966 (54 U.S.C. 100101 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. 4601-12 et seq.)

Land and Water Conservation Fund Act of 1965, as amended (54 U.S.C. 200301 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 Health Risks and Safety Risks,

21 April 1997

Attachment 2

