



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

696 Virginia Road  
Concord, MA 01742-2751

# Public Notice

In Reply Refer to: Mr. William Kavanaugh  
[nae-pn-nav@usace.army.mil](mailto:nae-pn-nav@usace.army.mil)

Programs & Project  
Management Division

Date: **December 21, 2020**

Comment Period Closes: **January 20, 2021**

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## 30-DAY PUBLIC NOTICE

### REPAIR AND MAINTENANCE OF THE HYANNIS HARBOR FEDERAL NAVIGATION PROJECT BREAKWATER 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, subject to the provisions of Section 404 of the Clean Water Act of 1977 (P.L. 95-217); Executive Order 11988 – Floodplain Management; and the requirements of the National Environmental Policy Act (P.L. 91-190). The work consists of repair of the breakwater feature of the Federal Navigation Project (FNP) at Hyannis Harbor in Hyannis, Massachusetts and is authorized by the River and Harbor Acts of 1827, 1870, 1871, 1873, 1886, and 1945; was modified by Design Memorandum approved by the Chief of Engineers in February 1961, and was further modified by the Chief of Engineers on 9 September 1997 under Section 107 of the River and Harbor Act of 1960. Attachment no. 1 lists pertinent laws, regulations, and directives.

**Project Description:** USACE proposes to perform maintenance and repairs to the FNP breakwater, a feature of the Hyannis Harbor FNP in Hyannis, Massachusetts. The authorized FNP provides a stone breakwater, 1,170 feet long, extending southeast from the seaward end of the state breakwater on the western side of the outer harbor at Hyannisport; a 15.5-foot anchorage area located behind (east) the Federal and state breakwaters at the southwestern end of the outer harbor; a channel 13 feet deep and 220 to 240 feet wide from Nantucket Sound through the outer harbor and Lewis Bay to the entrance of the inner harbor; a branch channel 12 feet deep and 150 feet wide connecting the outer harbor anchorage with the 13-foot entrance channel; a riprap jetty extending about 1,000 feet southward from Dunbar Point at the eastern end of the outer harbor and west of the 13-foot channel at the entrance to Lewis Bay; a 13-foot anchorage and turning basin located in the eastern end of the inner harbor; a 13-foot channel 100 feet wide connecting the eastern and western ends of the inner harbor; and two 12-foot anchorage areas located on the north and east sides of the eastern end of the inner harbor.

**Character and Purpose of Work:** The purpose of the proposed project is to restore full functionality of the FNP breakwater to meet its authorized purpose and to extend the repairs made in the 1960s to enhance the durability of the structure using modern construction methods and practices.

The most recent maintenance of the Hyannis Harbor FNP breakwater was performed in the 1960s when approximately 800 feet of the originally constructed, parapet stone breakwater was adaptively reconstructed. This was accomplished by repurposing some of the original parapet stones and by adding new armor-stone to form a rubble mound configuration. The last 400 feet of the outer end of the FNP breakwater was not repaired and remains vertically stacked, parapet stones dating back to the original construction in the 1890s.

Since the 1960s maintenance, coastal storms and a vessel collision in 2017 have caused damage to the structure resulting in an unbalanced settlement of parapet stones that remain from the original construction, and the displacement of armor stone along sections of the 1960s repair area. These damaged areas have resulted in decreased functionality of the authorized structure and in an overall loss of protection of the 15.5-foot-deep FNP anchorage area behind it.

The proposed work would be accomplished within the scope of authority of the FNP's original authorizations and will not expand the crest height or length of the structure. Similar to the 1960s repair area, the last 400 feet of the structure would be adaptively reconstructed by repurposing some of the parapet stones and by adding new armor stone, in a rounded, rubble mound configuration that would dovetail into the 1960s repair area. Adding new 5 to 7-ton armor stone to the last 400 feet of the FNP breakwater is anticipated to result in a minor expansion of this portion of the structure's dimensions at the toe and at its nose and result in a conversion of approximately 7,125 square feet (0.164 acres) of sandy, subtidal habitat to stone. The remaining length of the FNP breakwater (approximately 800 feet) would be repaired to its existing dimensions by adding similarly sized stones and replacing stones that have been displaced from the structure. These repairs would provide a more durable structure which should mitigate future damages and better support the safety of the 15.5-foot-deep FNP anchorage behind the FNP breakwater.

Repair work would occur by floating marine plant. No storage or staging of materials will be permitted on the beaches in the surrounding area. A navigation beacon at the end of the FNP breakwater would be removed temporarily and replaced upon construction completion. Work is anticipated to begin in the spring of 2021 and would take approximately five months to complete.

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

Massachusetts Department of Environmental Protection  
Massachusetts Office of Coastal Zone Management  
Massachusetts Historical Commission  
Massachusetts Board of Underwater Archaeological Resources

Local agencies:

Hyannis Harbormaster

Tribes:

Mashpee Wampanoag  
Wampanoag Tribe of Gay Head (Aquinnah)

**Environmental Impacts:** An Environmental Assessment is in preparation and will be available for review upon request when complete. I have made a preliminary determination that an Environmental Impact Statement for the proposed repair work 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 repair and maintenance of the Hyannis Harbor FNP breakwater is consistent to the maximum extent practicable with the Commonwealth of Massachusetts's coastal program established as a result of the Coastal Zone Management Act of 1972.

**Other Information:**

- a. **Previous Repair:** Repairs to the east jetty were last completed in the 1960s when an 800-foot long section of the structure was widened and reinforced on the harborside.
- b. **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 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).
- c. **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.
- d. **Cultural Resources:** The proposed work is maintenance involving previously disturbed areas and is not likely to affect any cultural or archaeological features or resources. USACE is in coordination project with the Massachusetts Historical Commission and the Tribal Historic Preservation Officers of the Wampanoag Tribe of Gay Head (Aquinnah) and the Mashpee Wampanoag Tribal Nation in accordance with the National Historic Preservation Act of 1966, as amended.

e. Essential Fish Habitat Assessment: 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 has determined that the project may have a temporary adverse effect on Essential Fish Habitat (EFH) and positive long-term effects. Temporary adverse effects such as temporarily increased water column turbidity and the temporary loss of benthic resources in limited sections of the structure where stones are reworked will not result in a significant effect to EFH. Long-term impacts of the project include the conversion of approximately 7,125 square feet of sandy, subtidal habitat to stone along the toe of the structure and at the seaward end of the jetty. Newly added stone to the FNP breakwater will eventually become colonized by organisms that typically inhabit hard-bottom substrates such as barnacle and amphipods. This will present new forage area and shelter for fish and other aquatic organisms. 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 Clean Water Act, Section 401 Water Quality Certificate from the Massachusetts Department of Environmental Protection and Coastal Zone Management Consistency Determination Concurrence from the Massachusetts Office of Coastal Zone Management.

The decision whether to perform the proposed 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 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; 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 that may be affected by the jetty repair work 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 that 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: William Kavanaugh; or emailed to [nae-pn-nav@usace.army.mil](mailto:nae-pn-nav@usace.army.mil) within 30 days of this notice.

17 December 2020

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Date

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John A. Atilano II  
Colonel, U.S. Army 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

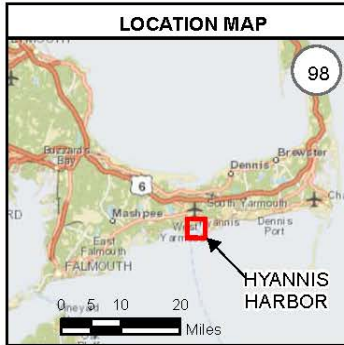
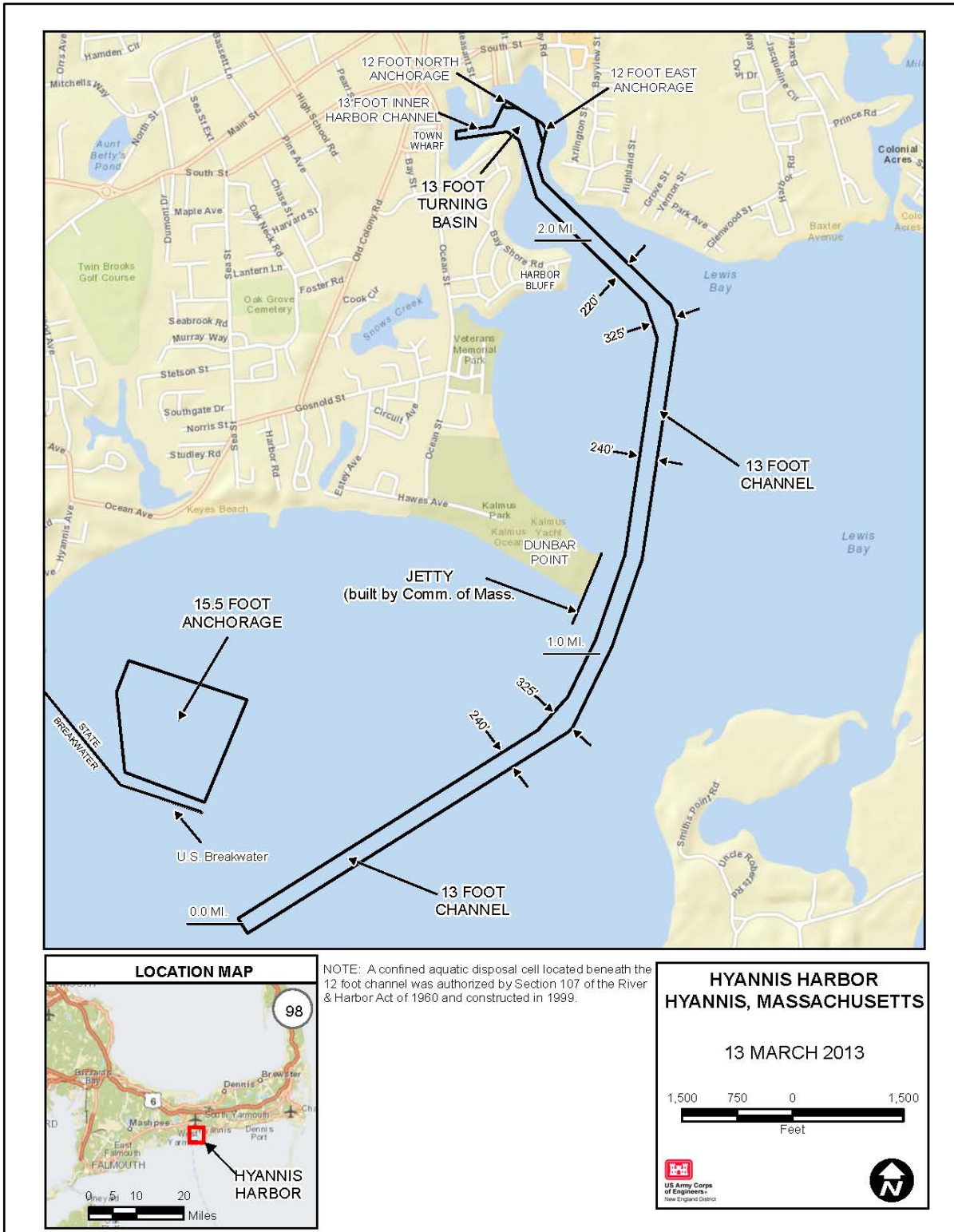
Executive Order 11990, Protection of Wetlands, 24 May 1977

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority  
Populations and Low Income Populations, 11 February 1994

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

## Attachment 2

### 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.

**HYANNIS HARBOR  
HYANNIS, MASSACHUSETTS**

13 MARCH 2013

Feet



### Attachment 3

### Hyannis Harbor FNP Breakwater Project Area Locations

