



**US Army Corps  
of Engineers**<sup>®</sup>  
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](mailto:nae-pn-nav@usace.army.mil)  
Date: March 7, 2007  
Comment Period Closes: April 6, 2007

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## 30 DAY PUBLIC NOTICE

### MAINTENANCE OF FEDERAL BREAKWATER HYANNIS HARBOR BARNSTABLE, MASSACHUSETTS

Interested parties are hereby notified that the U.S. Army Corps of Engineers (USACE), New England District, plans to repair the Federal breakwater in Hyannis Harbor (Barnstable, Massachusetts). Attachment No. 1 lists pertinent laws, regulations, and directives applicable to the project.

**Project Description:** The Federal breakwater is a stone structure about 1,170 feet long, lying about 0.7 mile off shore. It was authorized by the Acts of March 2, 1827 and July 11, 1871, and completed in 1882. The breakwater was last maintained to authorized dimensions in 1961 when 13,588 tons of stone were placed.

**Character and Purpose of Work:** The purpose of this work is to perform repairs to the Federal breakwater in order to restore it to its authorized dimensions. It is presently no longer at authorized dimensions due to storm damage and settling. The proposed work will restore the breakwater to a crest at +10 Mean Lower Low Water (MLLW), a top width of 8 feet, and side slopes of 1 (vertical) on 1.5 (horizontal). See Attachment No. 2. We estimate about 12,000 tons of stone would be needed to return the breakwater to its authorized dimensions. Work will be done when Federal funds become available.

**Additional Information:** For further information on the project please contact the project manager Mr. Jack Karalius, Programs & Civil Project Management Branch, Programs Project Management Division, at the return address shown, telephone number (978) 318-8288.

**Coordination:** The proposed work is being coordinated with the following Federal and State agencies:

Federal

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 Historical Commission

Town of Hyannis, MA

Harbor Master

**Environmental Impacts:** An Environmental Assessment for the proposed work has been prepared and will be available for review upon request. It was determined that no threatened or endangered species are known to exist in the immediate area, and no significant environmental impacts are anticipated. I have made a preliminary determination that an Environmental Impact Statement for the proposed 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 Coastal Zone Management Program:** I find that repair of the structure 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 breakwater repair work will be conducted, to the maximum extent practicable, in a manner that is consistent with the approved management program.

**Other Information:**

a. Previous Repair/Rehabilitation: The last repair/rehabilitation to the breakwater was performed in 1961 when about 13,588 tons of stone were placed.

b. Endangered Species: It has been determined that the proposed activity will not affect endangered species in the project area. Consultation with the National Marine Fisheries Service and the United States Fish and Wildlife Service has determined that the proposed activity will not significantly effect 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, the Corps of Engineers has determined that the proposed work will not contribute to negative impacts or damages caused by floods.

d. Cultural Resources: The proposed work consists of repairing damaged areas by placing additional stones and/or retrieval of stone protection materials which have been

removed or fallen off of the existing structure. Therefore the proposed work will not affect any cultural or archaeological features or resources in the area of the repairs. No significant natural or cultural features of historical importance are located at or in the vicinity of the project area.

e. Essential Fish Habitat Assessment: It is our preliminary determination that the proposed activity may have a temporary adverse effect on Essential Fish Habitat (EFH). The Corps will consult with the National Marine Fisheries Service to ensure that any impact will be minimized.

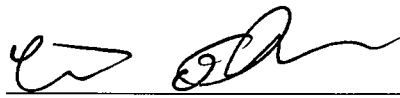
f. Additional Requirements: In conjunction with the Massachusetts Department of Environmental Protection we have determined that certification under the Clean Water Act of 1977 is not required since the work does not involve discharge of material in State waters.

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 breakwater 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: Jack Karalius, within 30 days of this notice.

23 Feb 07  
Date

  
Curtis L. Thalken  
Colonel, Corps of Engineers  
District Engineer

Attachments

## 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. 661-666c)

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

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

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

Sections 307(c)(1) and (2)

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

Endangered Species Act of 1973 as amended (16 U.S.C. 668aa-668cc)

Clean Air Act, as amended (42 U.S.C. 1221 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 (16 U.S.C. 4601-4 et. seq.)

Magnuson-Stevens Fishery Conservation and Management Act and amended by the

Sustainable Fisheries Act of 1996

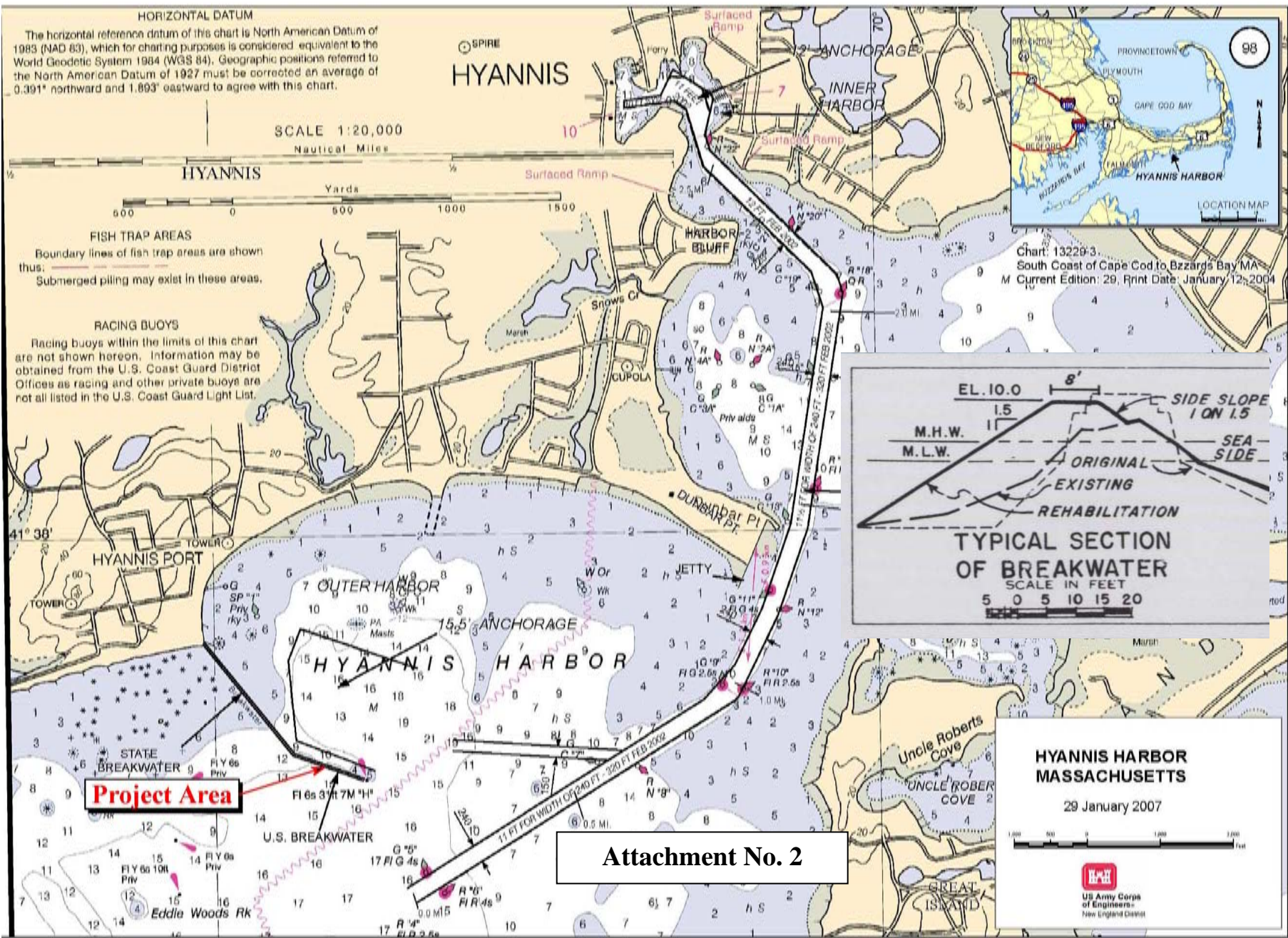
Executive Order 11988, Floodplain Management, 24 May 1977

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 1**



**Attachment No. 2**