



**US Army Corps
of Engineers**
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

Date: July 11, 2008

Comment Period Closes: August 11, 2008

30 DAY PUBLIC NOTICE

FEDERAL MAINTENANCE OF NORTH JETTY NEWBURYPORT HARBOR SALISBURY, MASSACHUSETTS

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

Project Description: The north Federal jetty is one of three existing components of the Federal Navigation project in Newburyport Harbor approved by the River and Harbor Act of 2 March 1902, with work on the jetty completed in 1914. The function of the jetty is to provide a stabilized entrance channel for the Merrimack River through the entrance bar channel. The north jetty is a stone structure which projects 4,118 feet from the north shore of the harbor and channel, converges with the south jetty until 1,000 feet apart, then extends seaward 1,000 feet generally parallel to the axis of the channel. It was last maintained in 1970 when approximately 14,974 tons of stone were placed.

Character and Purpose of Work: The purpose of work is to perform repairs to the North Jetty at the entrance to the Merrimack River at Newburyport Harbor, Salisbury, Massachusetts. The jetty is no longer at authorized dimensions due to storm damage and settling. The proposed work will restore the jetty to its authorized dimensions – a crest at +12 feet Mean Lower Low Water (MLLW), 15 feet in width, side slopes of 1 on 2 on the ocean side and 1 on 1 on the river side. We estimate approximately 15,000 tons of new stone would be needed to return the project to its authorized dimensions. We anticipate that no materials will be transported out of the site. The proposed work will restore the jetty to its original design parameters. This work includes repairing damaged areas by placing additional stones and/or retrieval of stone protection materials which have been removed or fallen off of the structure. See Attachment No. 2. Work will be done in the year(s) 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

Towns of Newburyport and Salisbury, MA

Harbor Master

Environmental Impacts: An Environmental Assessment for the proposed work has been prepared and will be available for review upon request. This work is being conducted under our generic Environmental Assessment for "Breakwater, Jetty, Seawall, and Groin Repair in New England" signed in 1994. It is our determination that no significant adverse environmental impacts will occur as a result of this project. 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 jetty 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 jetty 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 jetty was performed in 1970 when about 15,000 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 will be conducted with the National Marine Fisheries Service and the United States Fish and Wildlife Service to determine 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.

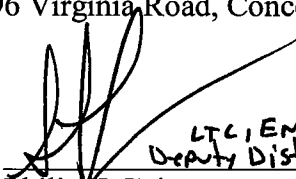
f. Additional Requirements: In conjunction with the Massachusetts Department of Environmental Protection we have determined that Water Quality Certificate pursuant to Section 401 of the Clean Water Act of 1977 is not required since the work does not involve discharge of material in State waters.

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 jetty 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.

3 July 2008
Date

For 
LTC, EN
Deputy District Engineer
Philip T. Feir
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

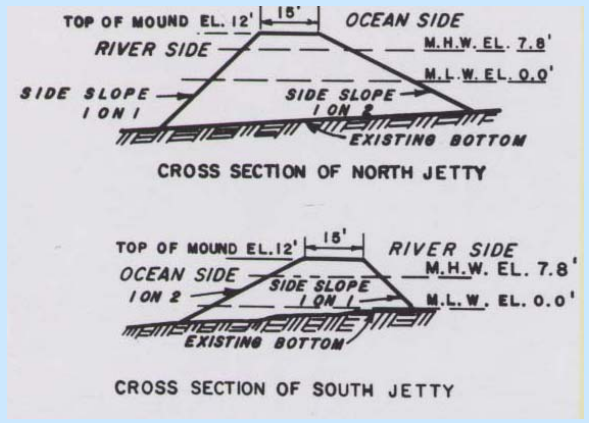
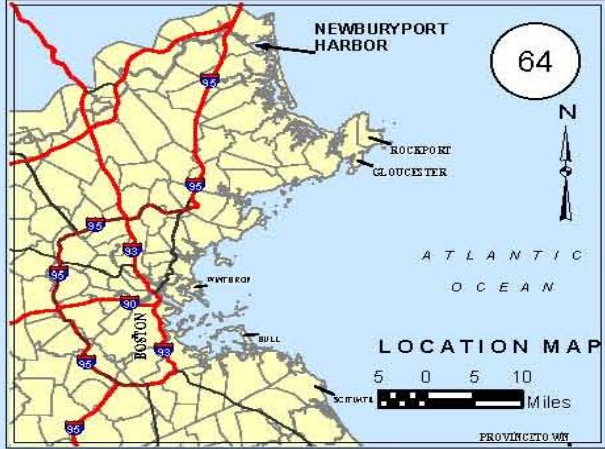
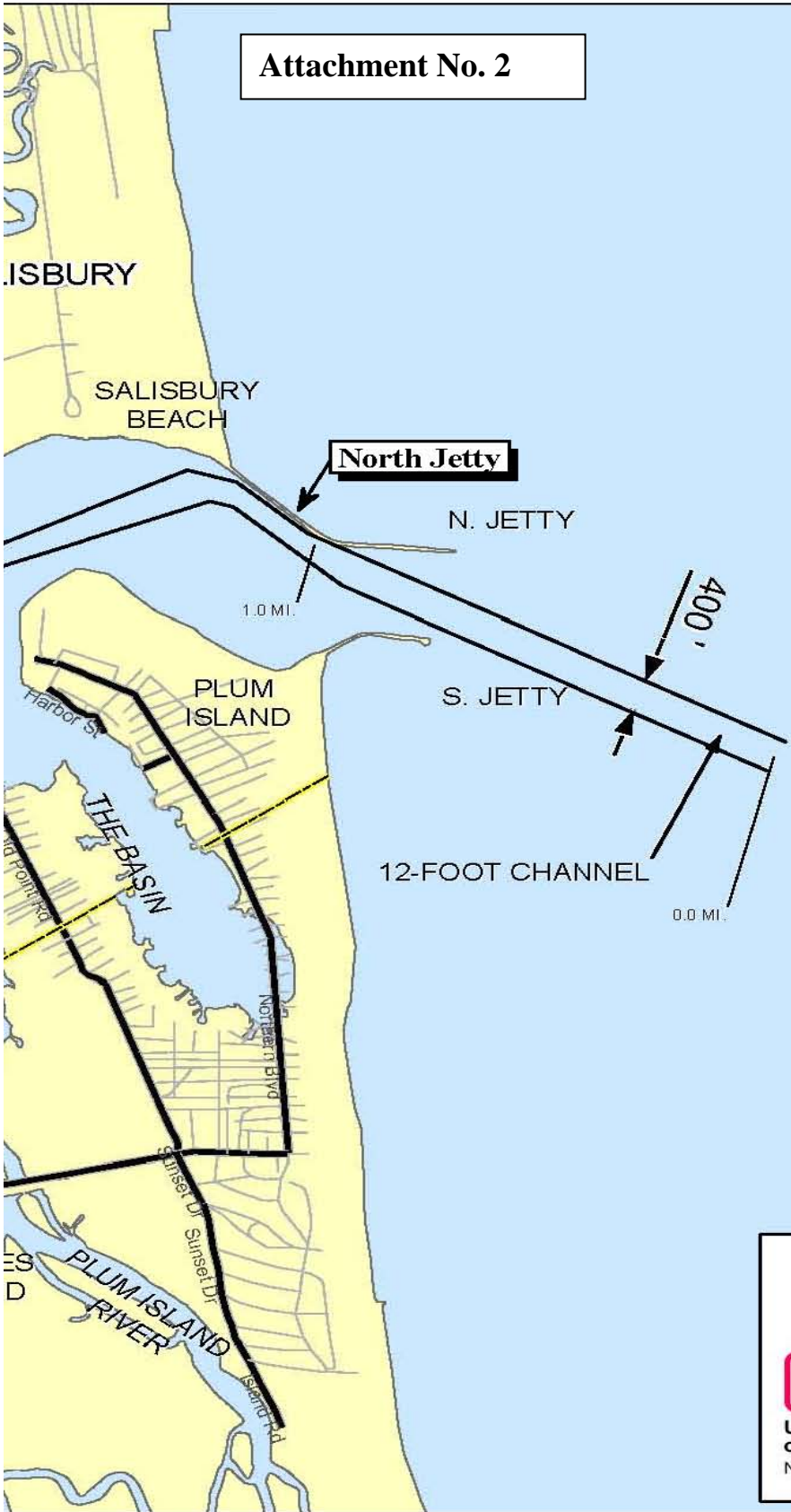
Executive Order 11988, Floodplain Management, 24 May 1977

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 No. 2



NEWBURYPORT HARBOR MASSACHUSETTS

5 January 2007

US Army Corps of Engineers®
New England District

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