



**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: November 14, 2014

Comment Period Closes: December 14, 2014

30 DAY PUBLIC NOTICE

MAINTENANCE DREDGING OF THE FEDERAL NAVIGATION PROJECT IN NANTUCKET HARBOR, MASSACHUSETTS

Interested parties are hereby notified that the U.S. Army Corps of Engineers, New England District, plans to perform maintenance dredging of the Menemsha Creek Federal navigation project (FNP) in Nantucket, Massachusetts. Maintenance of the project is carried out under the authority of the River & Harbor Act of 1886 authorizing the Federal Navigation Project for Menemsha Creek. Attachment 1 lists pertinent laws, regulations, and directives.

Project Description: The proposed work involves urgently needed maintenance dredging to remove various shoals in the channel of the FNP. The shoaling is creating hazardous conditions for the fleet of commercial fisherman, sport fishing and sailing enterprises, and large contingent of recreational boaters that are based in or visit the harbor on an annual basis. The navigation channel is the only navigable water route for supply, cargo, and transit vessels to the island and its approximately 11,000 full time residents. The Nantucket FNP (Attachment 2) was authorized by the River & Harbor Act of 1886, as amended. The existing FNP consists of an entrance channel 15 foot deep relative to Mean Lower Low Water (MLLW), 300 feet wide, and approximately 1.6 miles long, extending between two jetties (which are also part of the FNP) on the northern side of Nantucket Island. The proposed work consists of the maintenance dredging of the shoaled areas of the navigation channel and placement of dredge materials in a nearshore disposal site. Sandy dredged material will be placed by a special purpose hopper dredge at a previously used Nantucket Harbor nearshore site approximately 0.25 miles east of the East Jetty light.

Character and Purpose of Work: Dredging is needed to restore the authorized depths of the channel and anchorage in the Nantucket FNP in Nantucket, Massachusetts (Attachment 2). A recent hydrographic survey indicates that natural shoaling processes have reduced available depths in the authorized 15 foot entrance channel are less than 10 feet (Mean Lower Low Water). This shoaling is currently impeding safe navigation by commercial and recreational vessels.

The proposed work consists of the maintenance dredging of approximately 48,000 cubic yards of sediments from the entrance channel. The dredge material from the channel is predominately

find and medium grain sands. The work will be performed by the dredge *Currituck*, a Government owned special project dredge. The work will be accomplished over a one month period, between October 1 and January 15, of the year(s) in which funds become available. The Contractor will be allowed to dredge 24 hours per day, 7 days per week. Officials from the town of Nantucket and the Steamship Authority have requested that this project be maintained.

Disposal Areas: The material to be dredged has undergone physical testing. Based on this data, a review of historical data, and the lack of potential sources of contaminants, it is our determination that the sandy material is acceptable for disposal at the previously used Nantucket Harbor nearshore site.

Additional Information: For further information on the project please contact the project manager Mr. Craig Martin, Civil Works and Interagency/International Project Management Branch, Programs Project Management Division, at the return address shown, telephone number (978) 318-8638.

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

Federal

U.S. Environmental Protection Agency

U.S. Fish and Wildlife Service

National Marine Fisheries Service

State of Massachusetts

Massachusetts Department of Environmental Protection

Massachusetts Office of Coastal Zone Management

Massachusetts Historic Preservation Office

Massachusetts Board of Underwater Archaeological Resources

Tribal Nations

Wampanoag Tribe of Gay Head

Mashpee Wampanoag Tribe

Local

Town of Nantucket

Environmental Impacts: An Environmental Assessment for this work is being prepared and will be made 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 Coastal Zone Management Program: I find that maintenance dredging of the authorized navigation project 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 dredging and disposal operation will be conducted, to the

maximum extent practicable, in a manner that is consistent with the approved management program.

Other Information:

a. Previous Dredging: The most recent maintenance dredging of the Menemsha Creek FNP was done in fall of 1988 when approximately 55,600 cubic yards of sandy material was dredged and disposed of the previously used Nantucket Harbor nearshore disposal site approximately 1,500 feet east of the end of the east jetty of the FNP.

b. Alternatives: The proposed work involves maintenance of an existing Federal channel and anchorage area. The only alternative to maintenance dredging is the No Action alternative. This would allow existing conditions to remain and worsen as shoaling continues, hindering navigational access and compromising vessel safety. Regarding disposal alternatives, we reviewed upland disposal, beach nourishment, and open water disposal sites for placement of the sandy material. No suitable nearby upland sites (or combination of upland sites large enough to accommodate the quantity of material to be dredged and near enough to insure operational feasibility) are practicably and economically available. Since the material to be dredged consists of clean sands a nearshore site just outside the east jetty was considered the most economical and environmentally beneficial.

c. Non-Federal Dredging: It is possible that one or more businesses may perform maintenance dredging in conjunction with the Federal project. Facility owners within Nantucket Harbor who may be interested in performing dredging concurrently with this project should be aware that work will require a permit from the Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and, depending on the location of the dredged material disposal, may also require a Corps permit under Section 404 of the Clean Water Act. In order to be disposed of in open water, private dredged material must be determined to be suitable for such disposal.

d. Endangered Species: It is our preliminary determination that the proposed activity will not affect endangered species in the project area. However, several threatened and endangered species have the potential to occur near the proposed disposal area. Consultation will be conducted with the National Marine Fisheries Service and the United States Fish and Wildlife Service to verify 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).

e. 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.

f. Cultural Resources: The proposed work is maintenance involving previously dredged areas and is not likely to affect any cultural or archaeological features or resources.

g. Essential Fish Habitat Assessment: It has been determined that the project may have adverse effects 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 the majority of impacts will be short-term and localized. It is the Corps determination that there will be no significant impairment to the designated fisheries resources in the project area as a result of this project. The Corps will consult with the National Marine Fisheries Service to ensure that any potential impacts will be minimized.

h. Additional Requirements: Water Quality Certification will be requested from the Commonwealth of Massachusetts.


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 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: Craig Martin, within 30 days of this notice.

19 NOV 14

Date



Christopher J. Barron
Colonel, Corps of Engineers
District Engineer

Attachment 1

PERTINENT LAWS, REGULATIONS, AND DIRECTIVES

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

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

Coastal Zone Management Act of 1972[16 U.S.C. 1456(c)(1) and (2)], Sections 307(c)(1) and (2)]

Code of Federal Regulation, Title 33, Navigation and Navigable Waters

Endangered Species Act of 1973 as amended (16 U.S.C. 1531-1544)

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

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

Fish and Wildlife Coordination Act (16 U.S.C. 661-666c)

Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460I-4 et. seq.)

Magnuson-Stevens Fishery Conservation and Management Act as amended through January 12, 2007 and amended by the Sustainable Fisheries Act of 1996

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

National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347)

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

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 Environmental Health Risks and Safety Risks, 21 April 1997

