



**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](mailto:nae-pn-nav@usace.army.mil)

Date: June 6, 2014

Comment Period Closes: July 6, 2014

## 30 DAY PUBLIC NOTICE

### MAINTENANCE DREDGING OF THE FEDERAL NAVIGATION PROJECT IN MENEMSHA CREEK, CHILMARK & AQUINNAH, 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 Chilmark and Aquinnah, Massachusetts. Maintenance of the project is carried out under the authority of the River and Harbor Act of 1945 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 and anchorage basin of the FNP. Shoaling in these areas was made significantly worse as a result of Hurricane “Sandy” and subsequent nor’easter storms. The shoaling is creating hazardous conditions for the small fleet of commercial fisherman, sport fishing enterprises, and large contingent of recreational boaters that are based in or visit the harbor on an annual basis. The Menemsha Creek FNP (Attachment 2) was authorized by the River and Harbor Act of 1945, as amended. The existing FNP consists of an entrance channel 10 foot deep relative to Mean Lower Low Water (MLLW), 80 feet wide, and 700 feet long, extending between two jetties (which are also part of the FNP) at the northern entrance to Menemsha Creek; an 8 foot deep (MLLW) channel 80 feet wide and 1.2 miles long, extending south from the the number 4 red nun channel marker to deep water in Menemsha Pond; and an anchorage basin, situated in the northeastern portion of the creek, that is 10 feet deep (MLLW) in the northern section and 6 feet deep (MLLW) in the southern section. The proposed work consists of the maintenance dredging of the shoaled areas of the navigation channel and anchorage basin. Sandy dredged material will be placed on Lobsterville Beach located to the west of the FNP, in a beneficial manner to reduce erosion impacts to an arterial road that provides access to several homes and a state boat ramp.

**Character and Purpose of Work:** Dredging is needed to restore the authorized depths of the channel and anchorage in the Menemsha Creek FNP in Chilmark and Aquinnah, Massachusetts (Attachment 2). A recent hydrographic survey indicates that natural shoaling processes have reduced available depths in the authorized 10 foot entrance channel, and 8 foot deep entrance

channel are 10 feet and 0.6 feet (Mean Lower Low Water), respectively. This shoaling is currently impeding safe navigation by commercial and recreational vessels.

The proposed work consists of the maintenance dredging of about 62,000 cubic yards of sediments from the channel and anchorage area. The dredge material from the channel is sand, while the dredge material from the anchorage is sand with a small fraction of silt (~6%). The work will be performed by a private contractor, using a hydraulic pipeline dredge, under contract to the government. The dredge will remove the sandy material from the channel and anchorage and pump it via pipeline to Lobsterville Beach (Attachment 2), about 1.5 mile away. The work will be accomplished over about a two to three month period, between October 1 and January 31, 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 Aquinnah as well as the Wampanoag Tribe of Gay Head 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 proposed Lobsterville Beach placement area.

**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 Chilmark  
Town of Aquinnah

**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 1973 when approximately 30,200 cubic yards of sandy material was dredged and disposed of at beach approximately 100 feet east 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, three nearby beach sites were considered for beach nourishment. The nearest open water disposal site is the Rhode Island Sound Disposal Site, which has historically been used for disposal of dredged material.
- 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 Menemsha Creek and Pond 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. Dredging of the anchorage basin area will impact approximately 0.5 acres of eelgrass habitat which will be a longer-term impact. However, 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.

6 June 14  
Date

  
Charles P. Samaris  
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

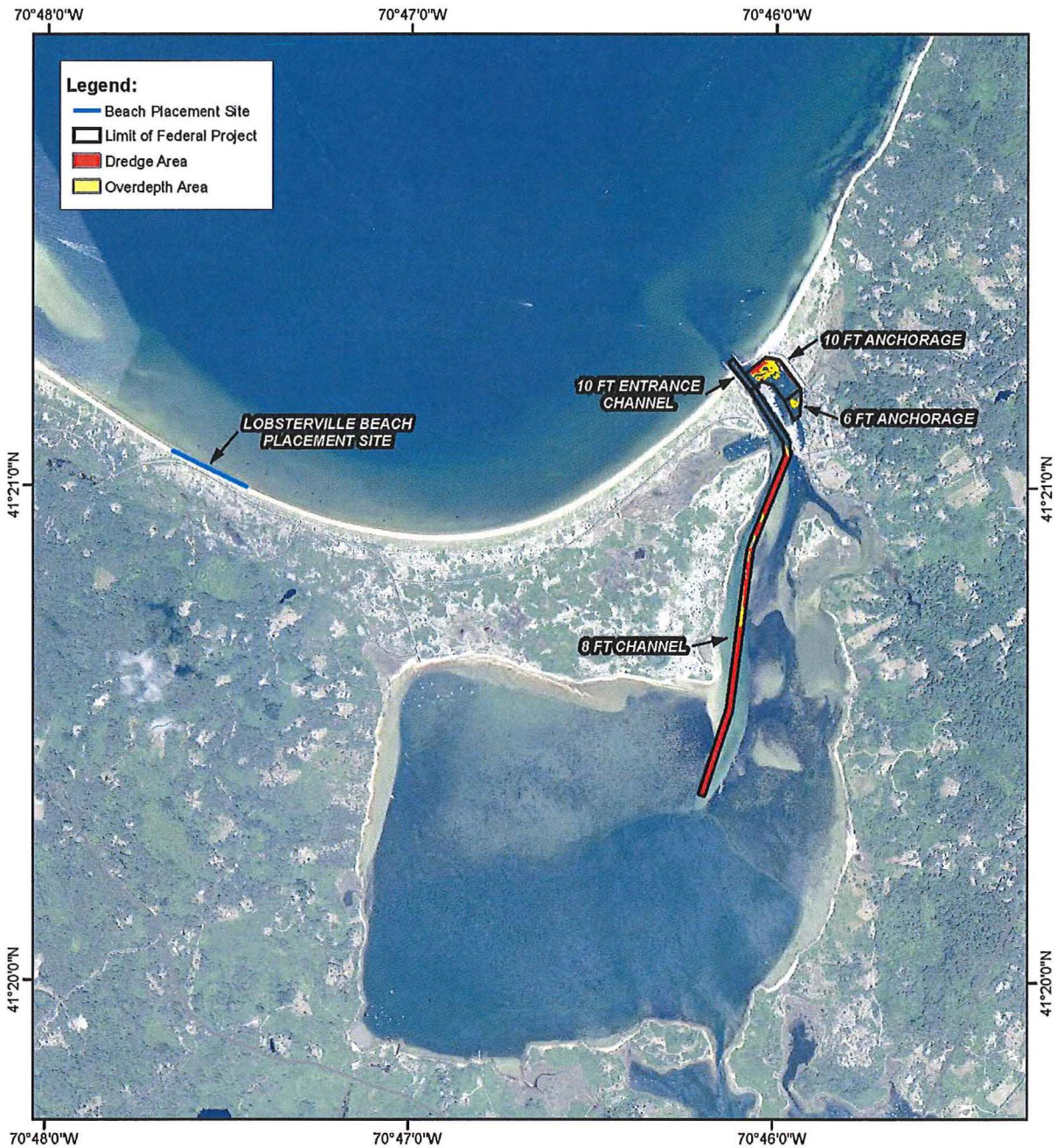
Executive Order 11990, Protection of Wetlands, 24 May 1977


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

## Attachment 2


### MENEMSHA CREEK FEDERAL NAVIGATION PROJECT & LOBSTERVILLE BEACH

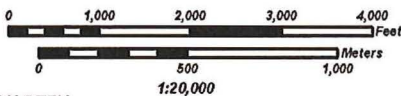




US Army Corps  
of Engineers  
New England District

**MENEMSHA CREEK MAINTENANCE DREDGING PROJECT**  
**MARTHA'S VINEYARD, MA**  
**DREDGE AREAS AND BEACH PLACEMENT SITE**





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