



**US Army Corps
of Engineers®**
New England District
696 Virginia Road
Concord, MA 01742-2751

PUBLIC NOTICE

Comment Period Begins: 10 December 2013
Comment Period Ends: 10 January 2014
File Number: NAE 2010-938
In Reply Refer To: Mr. Brian E. Valiton
Phone: (978) 318-8166
E-mail: brian.e.valiton@usace.army.mil

The District Engineer has received a permit application to conduct work in waters of the United States as described below.

APPLICANT: Town of Gosnold Board of Selectmen (Cuttyhunk Island)

ACTIVITY: To excavate an opening between the Westend Pond on Cuttyhunk Island and Buzzards Bay and to excavate a tidal opening between Westend Pond and Central Pond. This is to re-establish the tidal connection between the Westend Pond and Buzzards Bay. The Corps has issued two previous approvals to excavate to connect the waters of Westend Pond to Buzzards Bay but the excavations previously authorized have now filled in naturally. This permit is to allow the Town to attempt to re-establish a new opening and to continually dredge it annually or as needed to maintain the connection. The excavated material will be placed on nearby upland areas above the high tide line. The proposed new connection between Buzzards Bay and Westend Pond is 20 feet in width and approx. 170 feet long and will be excavated down to the elevation of mean low water (m.l.w.). The estimated volume of material to be excavated is approx. 1200 cu. yds. of gravel and cobbles. The connection between Westend Pond and Central Pond is approx. 237 feet in length, 20 feet wide, and will also be excavated down to m.l.w. Approx. 950 cu. yds. of material will be removed and placed in the nearby uplands.

Detailed drawings of the activity are attached.

WATERWAY AND LOCATION OF THE PROPOSED WORK

This work is proposed in Westend Pond and in Central Pond and the waterways are located at the ends of an unnamed road in Gosnold (Cuttyhunk Island), Massachusetts. The site coordinates for the proposed channel # 1 are: Latitude - 41° 24' 54.982" North Longitude - 70° 56' 52.374" West. The site coordinates for the proposed channel # 2 between Westend Pond and Central Pond are: Latitude 41° 24' 53.127" North Longitude 70° 56' 37.233" West.

AUTHORITY

Permits are required pursuant to:

- Section 10 of the Rivers and Harbors Act of 1899
- Section 404 of the Clean Water Act
- Section 103 of the Marine Protection, Research and Sanctuaries Act).

The decision whether to issue a permit 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 benefit which may reasonably accrue from the proposal must be balanced against

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its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are: conservation, economics, aesthetics, general environmental concerns, wetlands, cultural value, fish and wildlife values, flood hazards, flood plain value, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Where the activity involves the discharge of dredged or fill material into waters of the United States or the transportation of dredged material for the purpose of disposing it in ocean waters, the evaluation of the impact of the activity in the public interest will also include application of the guidelines promulgated by the Administrator, U.S Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act, and/or Section 103 of the Marine Protection Research and Sanctuaries Act of 1972 as amended.

ESSENTIAL FISH HABITAT

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH).

The dredging portion of this project will directly impact approximately 9140 SF of Essential Fish Habitat (EFH) for Atlantic cod (eggs, larvae, juveniles, adults), haddock (eggs, larvae), winter flounder (eggs, larvae, juveniles, adults), red hake (larvae, juveniles, adults), long finned squid (juveniles, adults), windowpane flounder (eggs, larvae, juveniles, adults), American plaice (juveniles, adults), Atlantic sea herring (juveniles, adults), bluefish (juveniles, adults), Atlantic butterfish (eggs, larvae, juveniles, adults), Atlantic mackerel (egg, larvae, juveniles, adults), summer flounder (egg, larvae, juveniles, adults), scup (eggs, larvae, juvenile, adults), black Sea Bass (larvae, juvenile, adults), surf clam (juveniles, adults), King Mackerel (eggs, larvae, juveniles, adults), Spanish mackerel (eggs, larvae, juveniles, adults), cobia (eggs, larvae, juveniles, adults), sandbar shark (adults), and bluefin tuna (juveniles). It will also reintroduce tidal flushing into these two coastal pond systems. Habitat at this site can be described as a cobbles and gravel barrier beach. Due to the creation of new intertidal habitat and the introduction of salt water into these ponds, the District Engineer has made a preliminary determination that the site-specific adverse effect will not be substantial. Further consultation with the National Marine Fisheries Service regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision.

The dredged material disposal is proposed for upland areas on the nearby barrier beaches separating the ponds from Buzzards Bay. No adverse impacts to any EFH species will occur as a result of the dredged material disposal.

NATIONAL HISTORIC PRESERVATION ACT

Based on his initial review, the District Engineer has determined that little likelihood exists for the proposed work to impinge upon properties with cultural or Native American significance, or listed in, or eligible for listing in, the National Register of Historic Places. Therefore, no further consideration of the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended, is necessary. This determination is based upon one or more of the following:

- a. The permit area has been extensively modified by previous work.
- b. The permit area has been recently created.
- c. The proposed activity is of limited nature and scope.
- d. Review of the latest published version of the National Register shows that no presence of registered properties listed as being eligible for inclusion therein are in the permit area or general vicinity.
- e. Coordination with the State Historic Preservation Officer and/or Tribal Historic Preservation Officer(s)

ENDANGERED SPECIES CONSULTATION

The New England District, Army Corps of Engineers has reviewed the list of species protected under the Endangered Species Act of 1973, as amended, which might occur at the project site. It is our preliminary determination that the proposed activity for which authorization is being sought is designed, situated or will be operated/used in such a manner that it is not likely to adversely affect any Federally listed endangered or threatened species or their designated critical habitat. By this Public Notice, we are requesting that the appropriate Federal Agency concur with our determination.

The States of Connecticut, Maine, Massachusetts, New Hampshire and Rhode Island have approved **Coastal Zone Management Programs**. Where applicable the applicant states that any proposed activity will comply with and will be conducted in a manner that is consistent with the approved Coastal Zone Management Program. By this Public Notice, we are requesting the State concurrence or objection to the applicant's consistency statement.

The following authorizations have been applied for, or have been, or will be obtained:

- (X) Permit, License or Assent from State.
- (X) Permit from Local Wetland Agency or Conservation Commission.
- (X) Water Quality Certification in accordance with Section 401 of the Clean Water Act.

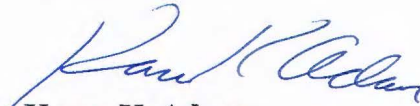
In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. **Comments should be submitted in writing by the above date.** If you have any questions, please contact Mr. Brian E. Valiton at (978) 318-8166, (800) 343-4789 or (800) 362-4367, if calling from within Massachusetts.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for a public hearing shall specifically state the reasons for holding a

public hearing. The Corps holds public hearings for the purpose of obtaining public comments when that is the best means for understanding a wide variety of concerns from a diverse segment of the public.

The initial determinations made herein will be reviewed in light of facts submitted in response to this notice. All comments will be considered a matter of public record. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly in an effort to reach an understanding.

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.



Karen K. Adams
Chief, Permits and Enforcement Branch 'A'
Regulatory Division

If you would prefer not to continue receiving Public Notices by email, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at bettina.m.chaisson@usace.army.mil. You may also check here () and return this portion of the Public Notice to: Bettina Chaisson, Regulatory Division, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751.

NAME: _____
ADDRESS: _____
PHONE: _____

PROPOSED WORK AND PURPOSE

The work includes work in navigable waters for the creation of tidal openings to Buzzards Bay to reintroduce tidal flushing into Westend Pond and Central Pond on Cuttyhunk Island in the Town of Gosnold, Massachusetts. .

The work is described on the enclosed plans entitled "PROPOSED CENTRAL POND CHANNEL, DREDGE A NEW LOCATION AT WEST END POND AND BEACH NOURISHMENT AT: CUTTYHUNK ISLAND, GOSNOLD, MA COUNTY OF: DUKES COUNTY APPLICATION BY: TOWN OF GOSNOLD 24 TOWER HILL ROAD, CUTTYHUNK, MA 02713," on 4 sheets, and dated "4/24/13 with a revision dated 9/27/13."

The work being proposed is to enhance the water quality of these ponds by reintroducing tidal flushing and making the ponds more suitable for salt tolerant aquatic species.

PROPOSED CHANNEL #1
41° 24' 54.982" N
70° 56' 52.374" W

PROPOSED CHANNEL #2
41° 24' 53.127" N
70° 56' 37.233" W

BEACH
NOURISHMENT
AREA #1

BEACH
NOURISHMENT
AREA #2

Lighthouse
Gosnold

Westend Pond

Cuttyhunk
Island

Fresh Water
Pond

Water
Tank

Slates

Cuttyhunk
Pond

Cuttyhunk



PURPOSE: RESTORE AND MAINTAIN TIDAL FLUSHING
TO SALT POND AND SHELLFISH AREAS
DATUM: MLW = 0.0
MHW = 3.42
AHTL = 4.88

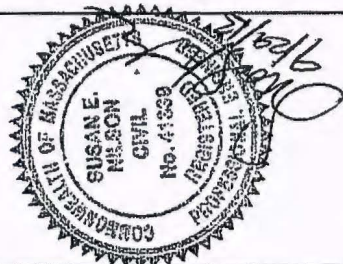
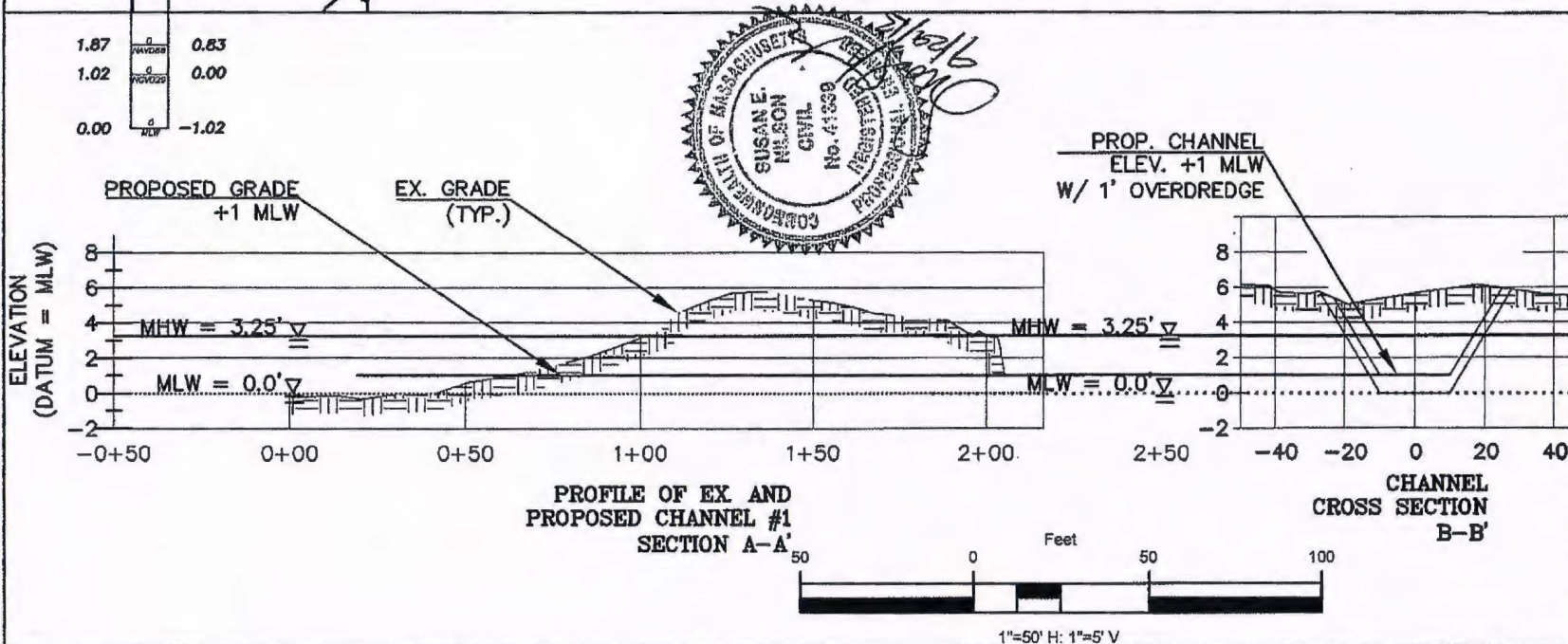
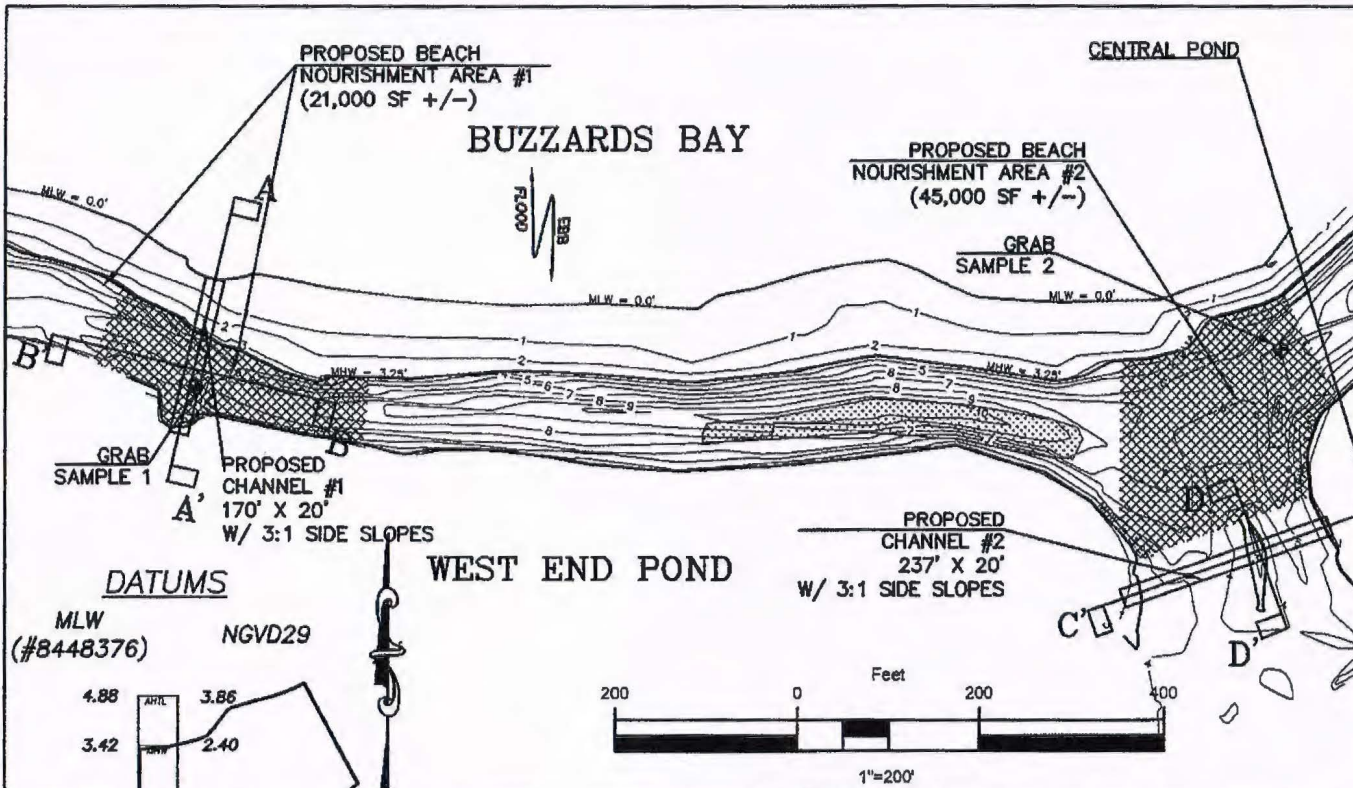
CLE ENGINEERING, INC.
15 CREEK RD. MARION, MA 02738

SITE LOCUS

PROPOSED CENTRAL POND CHANNEL, DREDGE
A NEW LOCATION AT WEST END POND AND
BEACH NOURISHMENT
AT: CUTTYHUNK ISLAND, GOSNOLD, MA
COUNTY OF: DUKES COUNTY
APPLICATION BY: TOWN OF GOSNOLD
24 TOWER HILL RD, CUTTYHUNK, MA 02713

DATE: 4/24/13
REV: 9/27/13

SHEET 1 OF 4



PROPOSED CENTRAL POND CHANNEL, DREDGE A NEW LOCATION AT WEST END POND AND BEACH NOURISHMENT AT: CUTTYHUNK ISLAND, GOSNOLD, MA COUNTY OF: DUKES COUNTY APPLICATION BY: TOWN OF GOSNOLD 24 TOWER HILL RD, CUTTYHUNK, MA 02713

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REV: 9/27/13

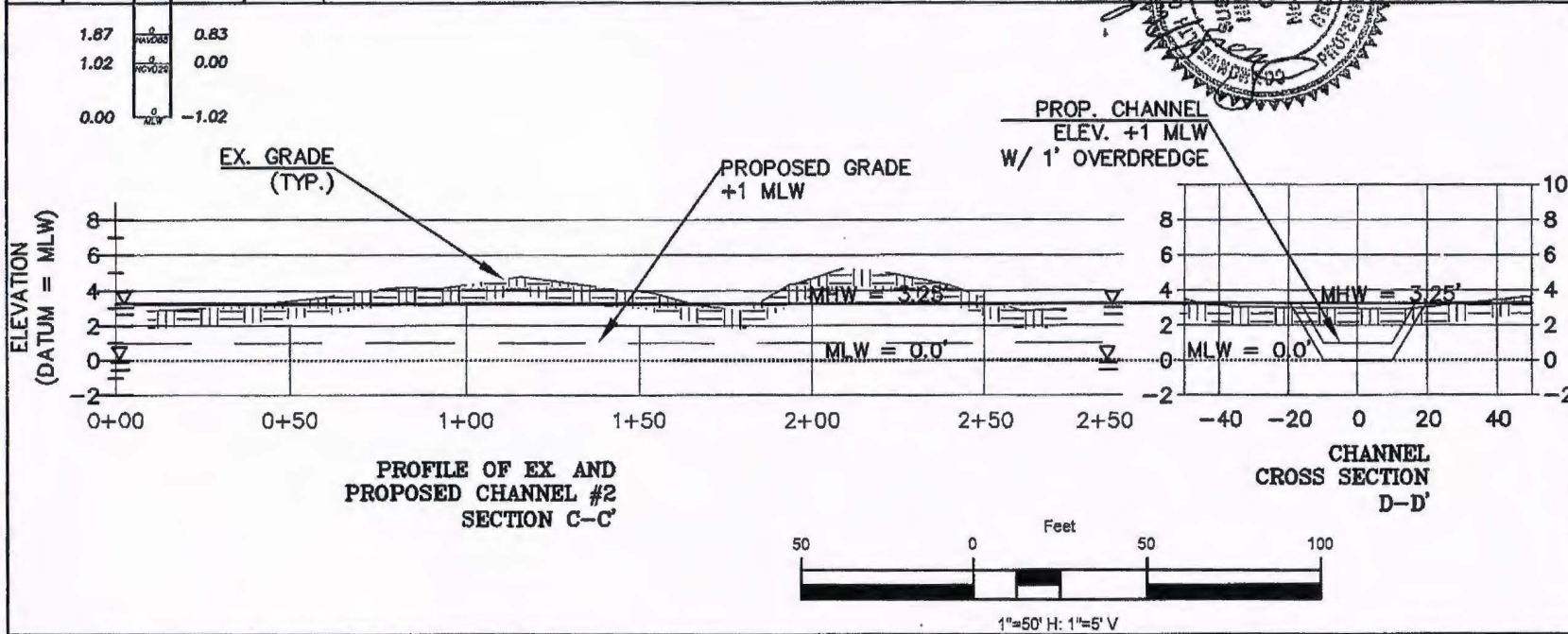
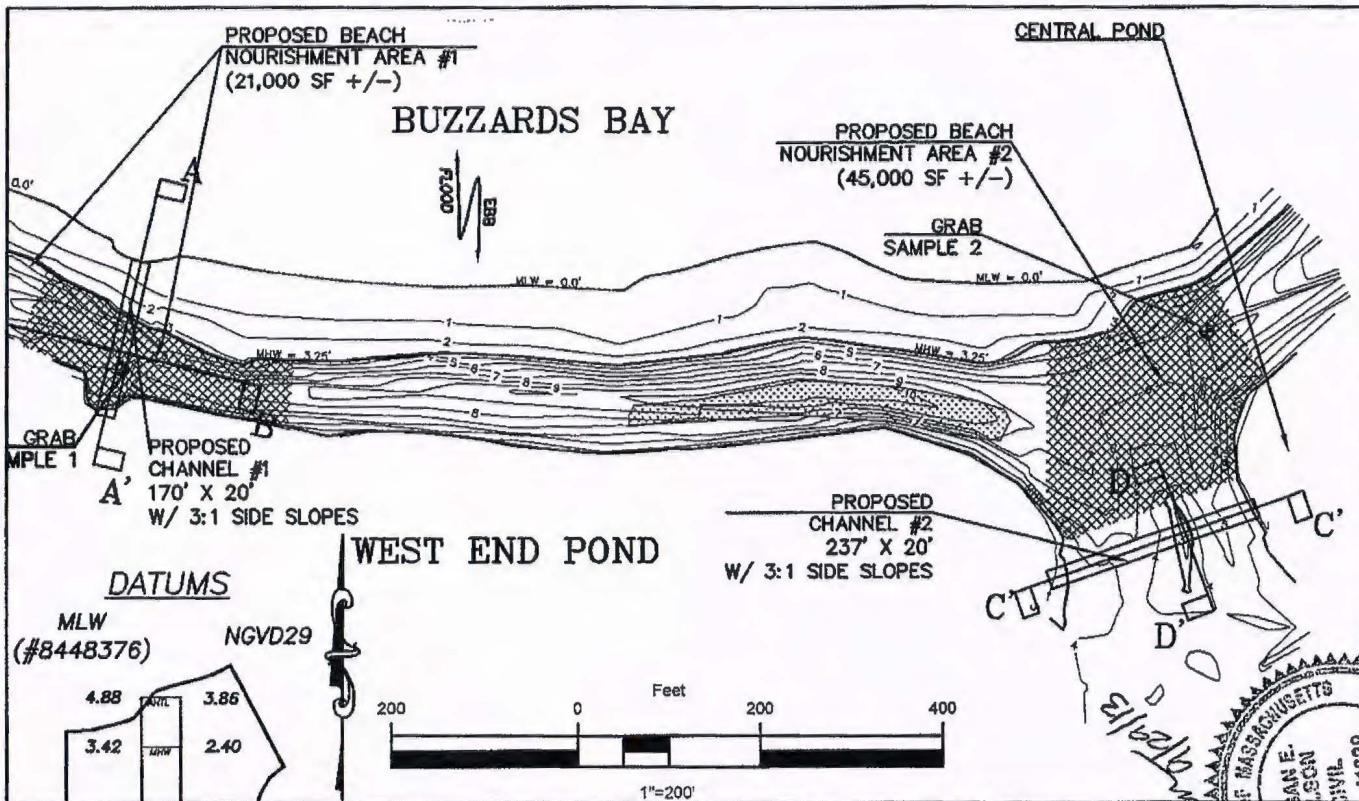
SITE PLAN AND PROFILE

AS NOTED

PURPOSE: RESTORE AND MAINTAIN TIDAL FLUSHING TO SALT POND AND SHELLFISH AREAS

DATUM: MLW = 0.0
MHW = 3.42
AHTL = 4.88

CLE ENGINEERING, INC.
15 CREEK RD. MARION, MA 02738



PROPOSED CENTRAL POND CHANNEL, DREDGE A NEW LOCATION AT WEST END POND AND BEACH NOURISHMENT AT: CUTTYHUNK ISLAND, GOSNOLD, MA COUNTY OF: DUKES COUNTY APPLICATION BY: TOWN OF GOSNOLD 24 TOWER HILL RD, CUTTYHUNK, MA 02713

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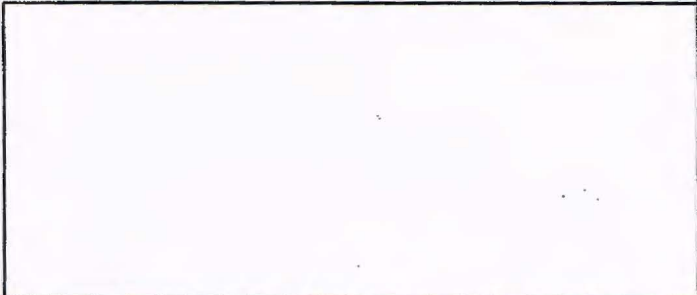
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NOTES:

- 1.) RESULTS OF TOPOGRAPHY FROM SURVEY DATED 03-29-13 BY CLE FIELD SURVEY. ELEVATIONS REFER TO MEAN LOW WATER (MLW) DATUM.
- 2.) BENCHMARK IS BM 9 EL=151.315'. A COE STANDARD UNSTAMPED MAP-CONTROL STATION DISK SET AT SUMMIT OF EAST ONE OF TWO HIGHEST HILLS ON CUTTYHUNK ISLAND, WEST OF CUTTYHUNK POND, 19.3 FEET SOUTHEAST OF SOUTHWEST CORNER OF A FIRE CONTROL BUILDING, 11.6 FEET SOUTH OF SOUTHEAST CORNER, IN TOP OF A ROCK OUTCROP FLUSH WITH GROUND.
- 3.) THE ENTRANCE CHANNEL IS TO BE MAINTAINED AS NEEDED TO PREVENT CLOSURE.
- 4.) ALL DREDGING WILL BE PERFORMED MECHANICALLY FROM SHORE.
- 5.) TOTAL VOLUME OF DREDGING AT CHANNEL #1 = 1,195 CY±; DREDGE 170' X 20' CHANNEL TO +1.0' MLW W/ 1' OVERDEPTH. DREDGE MATERIAL REMOVED FROM THIS LOCATION TO BE PLACED TO THE EAST AND/OR WEST SIDE OF THE PROPOSED DREDGE CHANNEL ABOVE THE MEAN HIGH WATER (MHW) LINE (AREA #1).
- 6.) TOTAL VOLUME OF DREDGING AT CHANNEL #2 = 950 CY±; DREDGE 237' X 20' CHANNEL TO +1.0' MLW W/ 1' OVERDEPTH. DREDGE MATERIAL REMOVED FROM THIS LOCATION TO BE PLACED AT GRAB SAMPLE 2 LOCATION ABOVE THE MEAN HIGH WATER (MHW) LINE (AREA #2).
- 7.) BEACH NOURISHMENT AREA PROPOSED ABOVE MEAN HIGH WATER.
- 8.) POSSESSION AND USE OF THE MATERIAL CONTAINED ON THESE DRAWINGS IS GRANTED ONLY IN CONNECTION WITH ITS USE AS IT RELATES TO THE TITLED PROJECT, ANY OTHER USE, REPRODUCTION OR DISCLOSURE OF THE INFORMATION CONTAINED HEREON IS EXPRESSLY PROHIBITED WITHOUT THE WRITTEN CONSENT OF CLE ENGINEERING INC.

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