

Public Notice

U.S. Army Corps
Of Engineers
New England District
696 Virginia Road
Concord, MA 01742-2751

Date: March 5, 2010

Comment Period Closes: March 20, 2010

Evaluation Branch, Engineering/Planning Division

15 – DAY PUBLIC NOTICE

Oak Bluffs Harbor Navigation Improvement Project Oak Bluffs, Massachusetts

Interested parties are hereby notified that the U.S. Army Corps of Engineers, New England District, in response to a request by the Town of Oak Bluffs, is proposing the improvement of navigation in the Oaks Bluffs Harbor located in the state of Massachusetts. This project is carried out under the authority of Section 107 of the River and Harbor Act of 1960 (P.L. 86-645). **An initial 30-day public notice for this project was issued on May 3, 2004. No comments were received. This 15-day public notice provides an update on changes in the project description. Changes are noted in bold type.**

Project Description: Oak Bluffs Harbor is located on the island of Martha's Vineyard in the town of Oak Bluffs, Massachusetts (Figure 1). Dredging of approximately **3,500 cubic yards** of sandy material from the Oak Bluffs entrance channel is needed to provide adequate depth for the safe passage of the harbor's fleet. **The proposed plan in the May 3, 2004 notice was to hydraulically dredge the channel to -10 feet MLW (mean low water) and dispose of the 5,800 cy of sandy material on a beach to the south of the inlet. The current proposed plan is to dredge the channel to -10 feet MLW with a hydraulic hopper dredge (the Government owned *Currituck*) and place 3,500 cy of sandy material at a nearshore disposal site located 1.0 mile east of the channel.**

Natural shoaling processes have reduced available depths within the entrance channel to as little as -6.5 feet MLW in a portion of the channel. Shoaling in the channel is making navigation in this harbor hazardous and difficult. The proposed work would remove the areas that have shoaled and deepen the existing channel to provide safe access to the Harbor at all tide stages. About one acre of the channel bottom would be dredged. **A hydraulic hopper dredge will be used to remove the sandy sediments. The dredge will remove material from the channel bottom and transport it to a nearshore area for disposal (Figure 1). The work will be performed during an approximate one-three day period. Construction will occur in the month of May or June.**

Purpose and Need for Work: The purpose of the proposed navigation improvement project is to deepen the Oak Bluffs Harbor entrance channel. The project extends from deep water in Nantucket Sound, through a jettied inlet (approximately 850 feet), and into the deep water in Oak Bluffs Harbor. According to recent condition surveys, the entrance channel has shoaled to a depth of about -6.5 feet below MLW in places. These conditions are considered navigational hazards as they have the potential to cause boat groundings or damage to boat hulls, thus increasing the possibility of oil and hazardous material release into the harbor. The dredging of an estimated **3,500 cubic yards (cy)** is required to deepen the channel to approximately -10 feet MLW to provide safe access to the project for the area's commercial and recreational boaters.

The harbor supports a large recreational fleet of approximately 80 boats and a moderately sized commercial fishing fleet of approximately 20 boats. The harbor also receives over 10,000 transient boats annually. Additionally, four ferryboats service Oak Bluffs Harbor and carry over 500,000 people into the harbor annually. The existing fleet at Oak Bluffs Harbor would experience safer and more efficient navigational access to the harbor if the dredging of the entrance channel were accomplished.

Alternatives: Several project alternatives were considered for this project. The first alternative was a no action alternative. The action alternatives involved dredging the Oak Bluffs entrance channel to depths of -9, -10, -11, and -12 feet. **Alternative dredging methods such as hydraulic, hopper and mechanical dredges were considered. The Government hopper dredge *Currituck* will be performing the work. Alternative disposal sites such as ocean, upland, near shore and beach disposal sites were also considered. The use of a nearshore disposal area is needed to complete the work with the *Currituck*.**

Coordination: The proposed work has been coordinated with the following Federal and State agencies:

Federal Agencies

US Environmental Protection Agency
National Marine Fisheries Service
US Fish and Wildlife Service
US Coast Guard

Municipal Officials

Oak Bluffs Harbor Management Committee
Town of Oak Bluffs Board of Selectmen
Town of Oak Bluffs Harbor Master
Oak Bluffs Shellfish Department

State Agencies

Massachusetts Executive Office of Environmental Affairs
Massachusetts Office of Coastal Zone Management
Massachusetts Department of Environmental Protection
Massachusetts Department of Conservation and Recreation

Massachusetts Division of Marine Fisheries
Massachusetts Historical Commission
Massachusetts Board of Underwater Archaeological Resources

Disposal Area: The sandy material from Oak Bluffs channel will be placed at a sandy nearshore area (Figure 1) located approximately 1 mile east of the channel. The sediments at the disposal area are similar in grain size (i.e., medium to fine grained sands) to those in the Oak Bluffs entrance channel. This site was chosen as the disposal area to keep the sand in the littoral system yet avoid direct impacts to marine resources (specifically, eelgrass). The disposal area is approximately 1 acre.

Dredging and disposal will occur during a one-three day period in May or June. This alternative represents the least environmentally damaging practicable alternative.

Additional Information: Additional information may be obtained from Mr. Steve Dunbar, Engineering and Planning Division, at the return address shown, telephone number (978) 318-8381. Collect calls will be accepted weekdays between 9:00 a.m. and 3:00 p.m.

Environmental Impacts: An Environmental Assessment for this work has been prepared and is available for review upon request. I have made a preliminary determination that an Environmental Impact Statement for the proposed improvement 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 Massachusetts' Coastal Zone Management Program: I find that improvement dredging of the project is consistent, to the maximum extent practicable, with the State of Massachusetts' 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:** There is no existing federal navigation project for Oak Bluffs Harbor. **Full scale channel dredging was last performed by the Town of Oak Bluffs in 1971-1972. Emergency dredging operations to remove dangerous shoaling were performed in 2006.**
- b. **Non-Federal Dredging:** No private or public dredging is proposed in conjunction with this project.
- c. **Endangered Species:** Coordination with NMFS and USFWS indicated that the proposed activity is not likely to affect any endangered species or critical

habitat designated as endangered or threatened pursuant to the Endangered Species Act of 1973 (87 Stat. 844).

- d. 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.
- e. Cultural Resources: The proposed work has been coordinated with the Massachusetts Historical Commission and the Massachusetts Board of Underwater Archaeological Resources, and is not likely to affect any cultural or archaeological features or resources.
- f. Essential Fish Habitat Assessment: It has been determined that dredging may have a temporary adverse effect on Essential Fish Habitat (EFH). Oak Bluffs Harbor is designated as EFH under the Magnuson-Stevens Fishery Conservation and Management Act (MSA) for federally managed fish species. The Army Corps of Engineers has assessed the effects the dredging is likely to have on EFH, and has determined that there will be no significant impacts on the designated fisheries resources.
- g. Additional Requirements: An application for Water Quality Certification (WQC) was submitted to the Massachusetts Department of Environmental Protection, under Section 401 of the Clean Water Act of 1977 (P.L. 95-217). The Clean Water Act of 1977 requires that the work comply, to the maximum extent practicable, with State or interstate requirements to control the discharge of dredged or fill material.

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 15 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: Mr. Mark Habel, within 15 days of this notice.

5 March 2018
Date


Philip T. Feir
Colonel, Corps of Engineers
District Engineer

PERTINENT LAWS, REGULATIONS, AND DIRECTIVES

Clean Air Act, as amended (42 U.S.C. 1221 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)]

Code of Federal Regulation, Title 33, Parts 335 through 338

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

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.)

Fish and Wildlife Act of 1956 (16 U.S.C. 472a, 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. 4601-4 et. seq.)

Magnuson-Stevens Fishery Conservation and Management Act and amended by the
Sustainable Fisheries Act of 1996

Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq.)

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

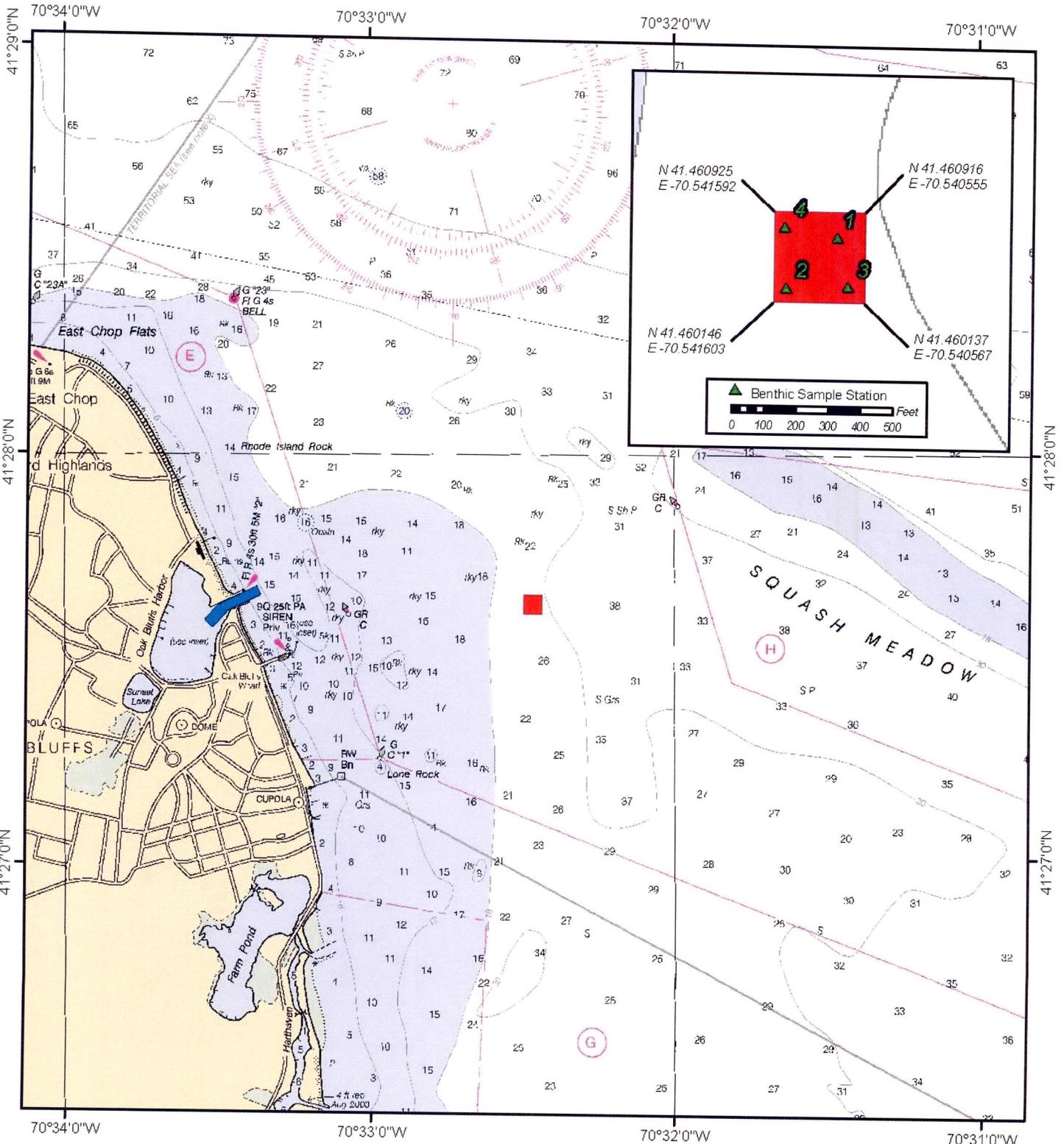
National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347)

National Historic Preservation Act of 1966 (16 U.S.C. 470)
Sections 307(c)(1) and (2)

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



OAK BLUFFS HARBOR DISPOSAL SITE
SECTION 107 DREDGING PROJECT

US Army Corps of Engineers
 New England District

Project Area (Blue) Proposed Disposal Site (Red)

Scale: 0 to 1 Miles / 0 to 4,000 Feet
 1:24,000

NOAA CHART 13238

