



US Army Corps
of Engineers[®]
New England District

696 Virginia Road
Concord, MA 01742-2751

Public Notice

In Reply Refer to: Mr. Bill Kavanaugh
nae-pn-nav@usace.army.mil

Programs/Project
Management Division

Date: April 19, 2012

Comment Period Closes: May 19, 2012

30 DAY PUBLIC NOTICE

MAINTENANCE DREDGING OF THE FEDERAL NAVIGATION PROJECT IN CUTTYHUNK HARBOR GOSNOLD, MASSACHUSETTS

Interested parties are hereby notified that the U.S. Army Corps of Engineers, New England District, plans to perform work in the navigable waters of this District, under the provisions of Section 404 of the Clean Water Act of 1977 (P.L. 95-17). The work involves maintenance dredging of the Federal navigation project in Cuttyhunk Harbor, Gosnold, Massachusetts and is authorized in accordance with Title 33, Parts 335-338 of the Code of Federal Regulations. Attachment 1 lists pertinent laws, regulations, and directives.

Authorized Federal Project Description: The authorized Federal Navigation Project (FNP) provides for a channel, 10 feet deep and 75 feet wide from the outer harbor to the westerly terminal in the inner harbor. It also provides for an anchorage, 10 feet deep, 800 feet wide and 900 feet long in the inner harbor. The FNP is depicted on Attachment 2.

Character and Purpose of Work: Historically, a sand bar forms in the outer portion of the authorized 10-foot deep entrance channel from about the end of the jetties to a point in the inner harbor between Copicut Neck and Barge Beach. The shoaling is primarily a result of sand being washed off of Barge Beach and into the channel during winter and spring northeast storms. This material in the channel limits access to, and egress from the harbor and creates hazardous conditions for commercial and recreational vessels including the ferry which transports passengers and most of the goods to this subsistence harbor. Maintenance dredging to remove these shoals is typically required every few years. The proposed work involves periodic maintenance dredging (including potentially this year) to remove approximately 15,000 cubic yards of clean sand from the outer portion of the authorized 10-foot deep entrance channel. Hydrographic surveys performed in 2011 just subsequent to Tropical Storm "Irene" indicate that the outer portion of the entrance channel has shoaled to -5.4 feet deep. Contingent upon receiving the necessary approvals, maintenance dredging will be performed during a 2 week period in June 2012 (and periodically thereafter) by the Government-owned, special purpose

dredge "CURRITUCK". The work is similar to that performed in 1992, 1994, 1997, and most recently in 2000 by this dredge. Material dredged from the entrance channel will be placed at either, the previously used nearshore disposal area off of Church's Beach, or, if conditions allow at a nearshore area off of Barge Beach. (see Attachment 3).

Disposal Areas: The material to be dredged has undergone physical analysis. Based on this data and a review of historical data and a lack of potential sources of contaminants, it is our preliminary determination that the material is acceptable for disposal at either of the two proposed nearshore disposal areas.

Additional Information: Additional information may be obtained from Mr. Bill Kavanaugh, Programs/Civil Project Management Branch, Programs/Project Management Division, at the return address shown, by email at nae-pn-nav@usace.army.mil or telephone number (978) 318-8328.

Coordination: The proposed work has, or will be coordinated with the following agencies:

Federal:

U.S. 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 Historic Preservation Office

Tribal Nations:

Mashpee Wampanoag Tribe
Narragansett Indian Tribe
Wampanoag Tribe of Gay Head

Local:

Town of Gosnold, Selectmen

Environmental Impacts: An Environmental Assessment (EA) for periodic maintenance dredging of the outer portion of the 10-foot deep entrance channel portion of the FNP in Cuttyhunk Harbor with disposal of the dredged material at the nearshore disposal areas is being prepared and will be 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 Massachusetts Coastal Zone Management Program: I find that periodic maintenance dredging of the authorized navigation project in Cuttyhunk Harbor is consistent, to the maximum extent practicable, with the applicable management programs established as a result of the Coastal Zone Management Act of 1972. The dredging and disposal

operations will be conducted, to the maximum extent practicable, in a manner that is consistent with the approved management program.

Other Information:

a. Local Sponsor: Town of Gosnold

b. Non-Federal Dredging: No private or non-Federal dredging work is being proposed in conjunction with the proposed work.

c. Previous Dredging: The last maintenance dredging was performed in 2000 when 7,295 cubic yards of material were removed by the *CURRITUCK* from the outer portion of the 10-foot deep entrance channel and placed at the nearshore disposal area off of Church's Beach. Prior to 2000, maintenance dredging occurred most recently in 1992, 1994, 1997.

d. Alternative Disposal Areas/Methods: Alternative disposal areas and methods have been considered as part of this proposal. Alternative disposal options considered include open-ocean disposal, beach disposal, and upland disposal. The Corps favors using the nearshore disposal areas, option because it is environmentally-sound, cost-effective and it keeps the clean sediments in the littoral system.

e. Endangered Species: It is our preliminary determination that no threatened or endangered species will be impacted by the proposed project. The Corps will consult with the National Marine Fisheries Service and the United States Fish and Wildlife Service to ensure that the proposed activity will not significantly affect any species or critical habitat designated as endangered or threatened pursuant to the Endangered Species Act of 1973 (87 Stat. 844).

f. 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.

g. Cultural Resources: The proposed work consists of maintenance dredging of the FNP in previously dredged areas. This proposal, including use of the nearshore disposal areas has been coordinated with the Massachusetts Historic Preservation Office and they have determined that the work will not adversely affect any cultural or archaeological features or resources.

h. Essential Fish Habitat Assessment: It has been determined that the project may have a temporary adverse effect 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 they will be short-term and localized and that there will be no significant impacts on the designated fisheries resources. The Corps will consult with the National Marine Fisheries Service to ensure that any potential impacts will be minimized.

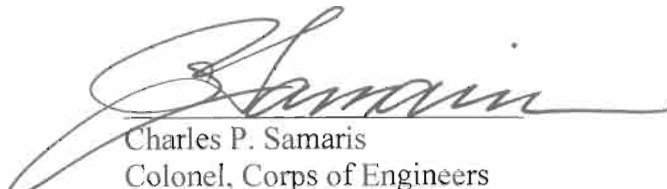
Additional Requirements: A request has been sent to the Massachusetts Office of Coastal Zone Management for the State's concurrence with our determination of Federal consistency with the State's approved Coastal Zone Management Program. A request has also been sent to the Massachusetts Department of Environmental Protection for a Water Quality Certification in accordance with Section 401 of the Clean Water Act, 33 U.S.C. § 1341, which requires that the work comply, to the maximum extent practicable, with State or interstate requirements to control the discharge of dredged or fill material.

This Public Notice is intended to provide information about, and to seek comments on, future maintenance of the existing Federal navigation project. Future maintenance dredging will be performed when needed and in the years, that funding becomes available. Additional notices will be issued if the scope of work for future projects varies from that described herein. 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 the District Engineer within the comment period 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 the U.S. Army Corps of Engineers, New England District, 696 Virginia Road, Concord, MA 01742-2751, ATTN: Bill Kavanaugh; or emailed to nae-pn-nav@usace.army.mil within 30 days of this notice.

16 April 12
Date


Charles P. Samaris
Colonel, Corps of Engineers
District Engineer

Attachments

Attachment 1

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. 661-667e)

Fish and Wildlife Act of 1956 (16 U.S.C. 742a, et. seq.)

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

Coastal Zone Management Act of 1972 (16 U.S.C. 1456)

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

Endangered Species Act of 1973 as amended (16 U.S.C. 1531 et seq.)

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

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

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

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

Magnuson-Stevens Fishery Conservation and Management Act as amended by the
Sustainable Fisheries Act of 1996 (16 U.S.C. 1801 et seq.)

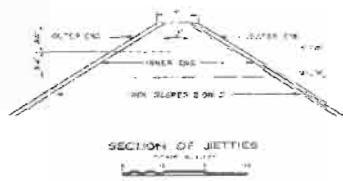
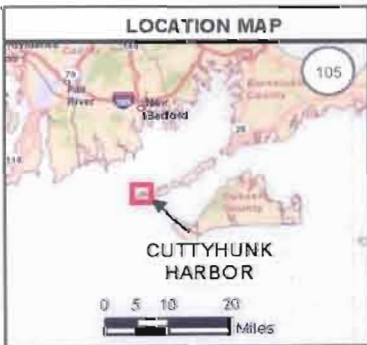
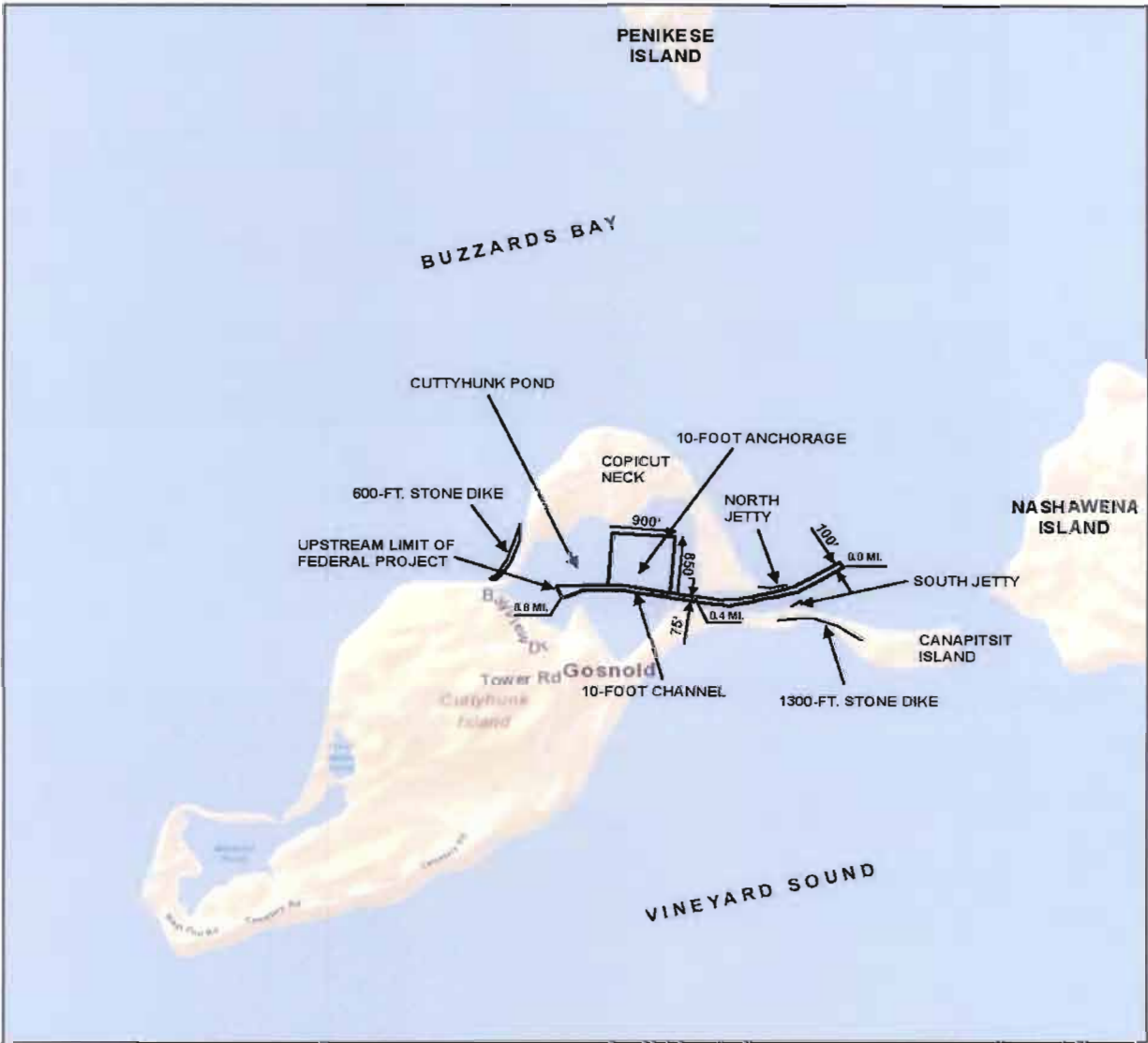
Executive Order 11988, Floodplain Management, 24 May 1977

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 2

Map of Cuttyhunk Harbor Federal Navigation Project



Attachment 3

Map of Cuttyhunk Harbor Dredge and Disposal Areas

