



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

# PUBLIC NOTICE

**Comment Period Begins:** September 5, 2017

**Comment Period Ends:** October 5, 2017

**File Number:** NAE-2015-01311

**In Reply Refer To:** Phillip Nimeskern

**Phone:** (978) 318-8660

**E-mail:** phillip.w.nimeskern@usace.army.mil

The District Engineer has received a permit application to conduct work in waters of the United States from the Town of Gosnold, Massachusetts, Leo Roy, Town Hall, 28 Tower Hill Road, P. O. Box 28, Cuttyhunk, Massachusetts, 02713. This work is proposed in Cuttyhunk Pond at 35 & 36 Broadway, Gosnold, Massachusetts. The site coordinates are: Latitude 41.42411°; Longitude -70.92868°.

The work involves modifying and maintaining the existing public dock and pier system as follows:

1. Remove the existing 16' by 45' pile-secured float and ramp.
2. Construct a new 8' by 45' pile-secured float and ramp 10' to the south of the existing float's location. Perpendicular to this new float, they will install a new 8' by 45' pile-secured float. The floats will be secured by four 18' diameter timber piles, which will have float stops. It will have an area of 720 sq. ft. and will shade 207 sq. ft. of sparse eel grass. This structure will be for the short term use of seaplanes, resident vessels, and dinghies.
3. Construct a 62' long pile and timber deck or "public landing" parallel to the shore. This deck will be 28' wide at the northern end and 19' wide at the southern end and have a total area of 1329 sq. ft. It will shade approximately 1030 sq. ft. of non-vegetated intertidal area, of which 780 sq. ft. is existing stone revetment. The purpose of this structure is to provide a safe landing area for passengers of transient vessels to come ashore or to congregate outside of the adjacent congested driveway and parking area. In addition, it will provide access for fishing, public viewing, etc. and space for a seasonal vendor stand.
4. Construct a 14' by 64' pier extension to provide improved access to the existing fish pier. This will be adjacent to the existing pier and cover approximately 900 sq. ft. of non-vegetated intertidal area.
5. Construct a triangular 11' by 10', 55 sq. ft., extension to the fish pier to provide a new fish cleaning stand.

The purpose of the above work is to modify the structures at the town pier to improve pedestrian safety and traffic. To minimize impacts, the applicants have reduced the sizes of the dinghy dock (from 1440 sq. ft. to 720 sq. ft.) and the public landing (from 2540 sq. ft. to 1329 sq. ft.). To avoid impacts to eelgrass beds, the proposed dinghy dock was reduced in size and redesigned, so to shade less of the bed and then only the sparse fringe area.

The work is shown on the attached plans entitled "CUTTYHUNK FISH PIER AND MARINA PROPOSED SITE IMPROVEMENTS," on 7 sheets, and dated "August 16, 2017."

**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 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.

**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).

This project will impact by shading 0.050 acres of Essential Fish Habitat for those species listed on the attached table. This habitat consists of rocky intertidal habitat, sandy intertidal habitat, and subtidal eelgrass bed. Impacting this habitat may adversely affect some of these species. However, 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.

**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.

**CENAE-R**  
**FILE NO. NAE-2015-01311**

- 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.

**COASTAL ZONE MANAGEMENT**

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:

- Permit, License or Assent from State.
- Permit from Local Wetland Agency or Conservation Commission.
- 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 Phillip Nimeskern at (978) 318-8660, (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.

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THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.



**Barbara H. Newman**  
**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](mailto: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.

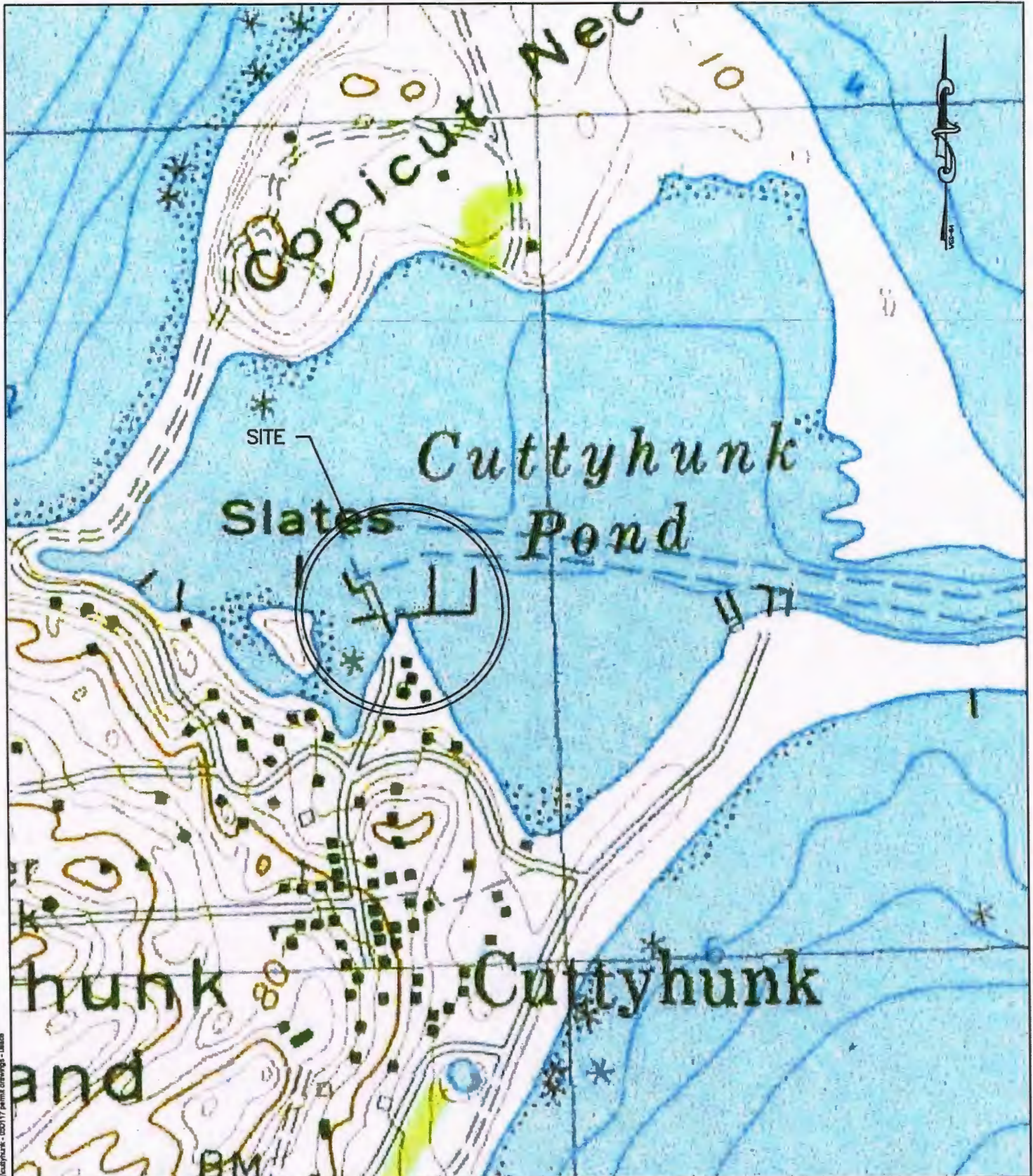
NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_

Essential Fish Habitat for NAE-2015-1311, Town of Gosnold/ town pier

Species	Scientific Name	Life Stage				
		Eggs	Larvae	Juvenile	Adult	All Life Stages
Albacore tuna	<i>Thunnus alalunga</i>			x		
Atlantic butterfish	<i>Peprilus triacanthus</i>	x	x	x	x	
Atlantic cod	<i>Gadus morhua</i>	x	x	x	x	
Atlantic herring	<i>Clupea harengus</i>			x	x	
Atlantic mackerel	<i>Scomber scombrus</i>	x		x	x	
Atlantic Surf clam	<i>Spisula solidissima</i>			x	x	
Atlantic wolffish	<i>Anarhichas lupus</i>					x
Black sea bass	<i>Centropristis striata</i>	x	x	x	x	
Bluefin tuna	<i>Thunnus thynnus</i>			x	x	
Bluefish	<i>Pomatomus saltatrix</i>			x	x	
Common Thresher shark	<i>Alopias vulpinus</i>					x
Little skate	<i>Leucoraja erinacea</i>			x	x	
Long-finned squid	<i>Doryteuthis pealeii</i>	x		x	x	
Northern Short-finned squid	<i>Illex illecebrosus</i>				x	
Ocean pout	<i>Macrozoarces americanus</i>	x	x	x	x	
Red hake	<i>Urophycis chuss</i>	x	x	x	x	
Sand Tiger shark	<i>Carcharias taurus</i>			x		
Sandbar shark	<i>Carcharhinus plumbeus</i>				x	
Scup	<i>Stenotomus chrysops</i>	x	x	x	x	
Silver hake or Whiting	<i>Merluccius bilinearis</i>	x	x	x	x	
Skipjack tuna	<i>Katsuwonus pelamis</i>				x	
Spiny dogfish	<i>Squalus acanthias</i>				x	
Summer flounder	<i>Paralichthys dentatus</i>	x	x	x	x	
White shark	<i>Carcharodon carcharias</i>					x
Windowpane flounder	<i>Scophthalmus aquosus</i>			x	x	
Winter flounder	<i>Pseudopleuronectes americanus</i>	x	x	x	x	
Winter skate	<i>Leucoraja ocellata</i>	x	x	x	x	



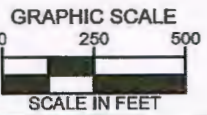
\saher\job\20170101\45.100\0145.cuttyhunk\locus - 00117 permit drawings - usaco

PURPOSE: TO LICENSE AND MAINTAIN PILE SUPPORTED  
 PUBLIC LANDING, PIER EXTENSIONS, GANGWAY AND PILE  
 ANCHORED FLOATING DOCK 35 & 36 BROADWAY,  
 CUTTYHUNK ISLAND

DATUM: NGVD29  
 MLW = -1.14'  
 MHW = +2.26'  
 AHTL = +3.96'

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

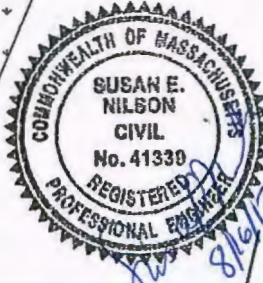
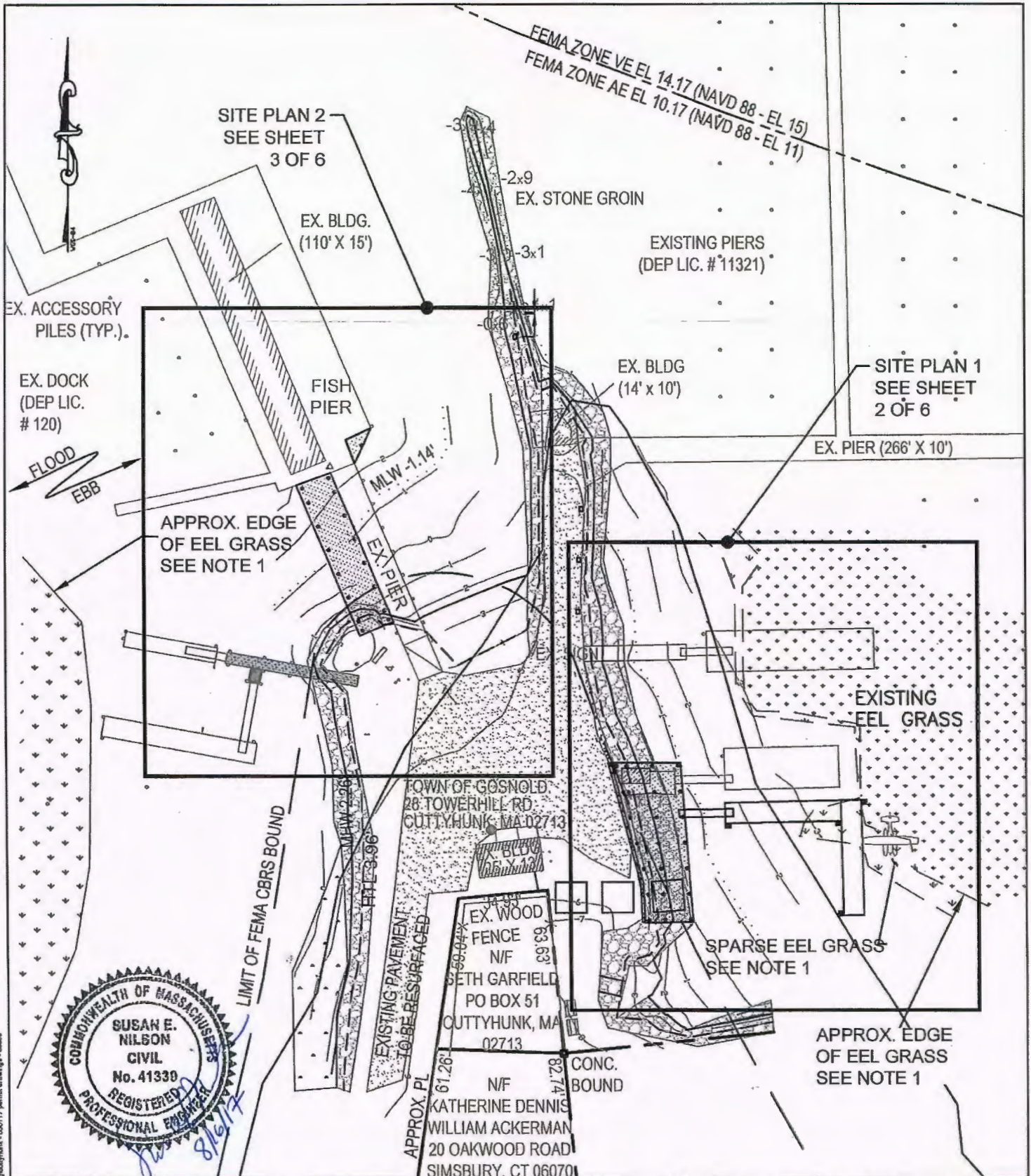
LOCUS MAP



CUTTYHUNK FISH PIER AND MARINA  
 PROPOSED SITE IMPROVEMENTS  
 CUTTYHUNK ISLAND, GOSNOLD, MASSACHUSETTS  
 AT: CUTTYHUNK POND  
 COUNTY OF: DUKES  
 APPLICATION BY: TOWN OF GOSNOLD, CUTTYHUNK  
 HARBOR COMMITTEE

DATE: AUGUST 16, 2017

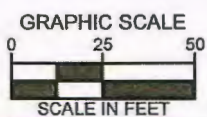
SHEET 1 OF 7



PURPOSE: TO LICENSE AND MAINTAIN PILE SUPPORTED PUBLIC LANDING, PIER EXTENSIONS, GANGWAY AND PILE ANCHORED FLOATING DOCK 35 & 36 BROADWAY, CUTTYHUNK ISLAND  
 DATUM: NGVD29  
 MLW = -1.14'  
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CLE ENGINEERING, INC.  
 15 CREEK ROAD, MARION MA, 02738

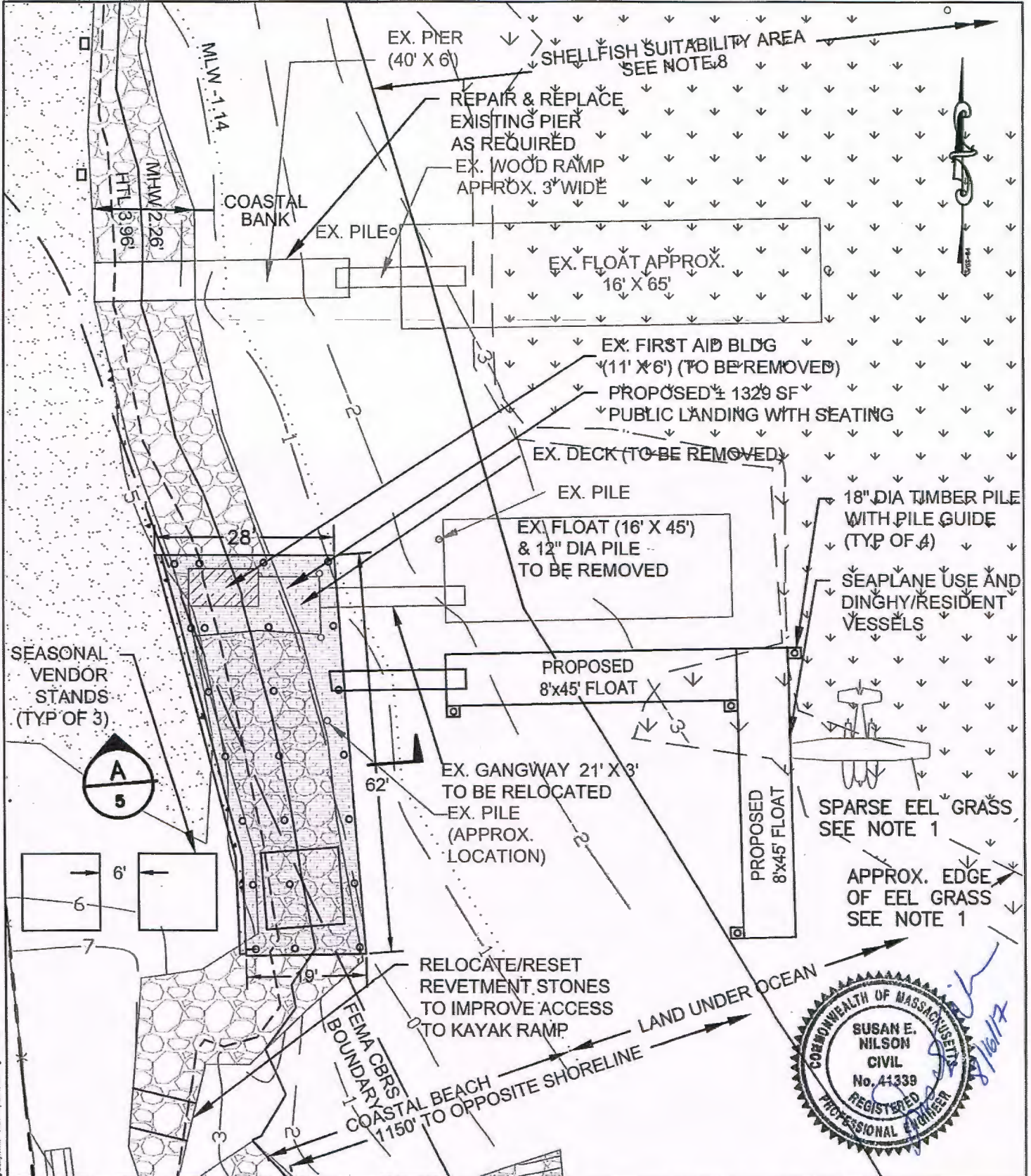
OVERALL SITE PLAN



CUTTYHUNK FISH PIER AND MARINA  
 PROPOSED SITE IMPROVEMENTS  
 CUTTYHUNK ISLAND, GOSNOLD, MASSACHUSETTS  
 AT: CUTTYHUNK POND  
 COUNTY OF: DUKES  
 APPLICATION BY: TOWN OF GOSNOLD, CUTTYHUNK HARBOR COMMITTEE

DATE: AUGUST 16, 2017

SHEET 2 OF 7



PURPOSE: TO LICENSE AND MAINTAIN PILE SUPPORTED PUBLIC LANDING, PIER EXTENSIONS, GANGWAY AND PILE ANCHORED FLOATING DOCK 35 & 36 BROADWAY, CUTTYHUNK ISLAND

DATUM: NGVD29  
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 AHTL = +3.96'

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

**SITE PLAN 1**

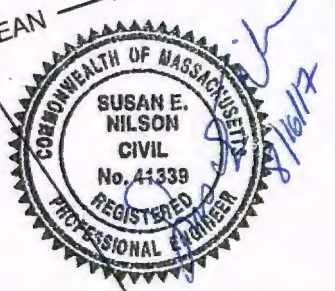
GRAPHIC SCALE  
 0 10 20  
 SCALE IN FEET

CUTTYHUNK FISH PIER AND MARINA  
 PROPOSED SITE IMPROVEMENTS  
 CUTTYHUNK ISLAND, GOSNOLD, MASSACHUSETTS

AT: CUTTYHUNK POND  
 COUNTY OF: DUKES  
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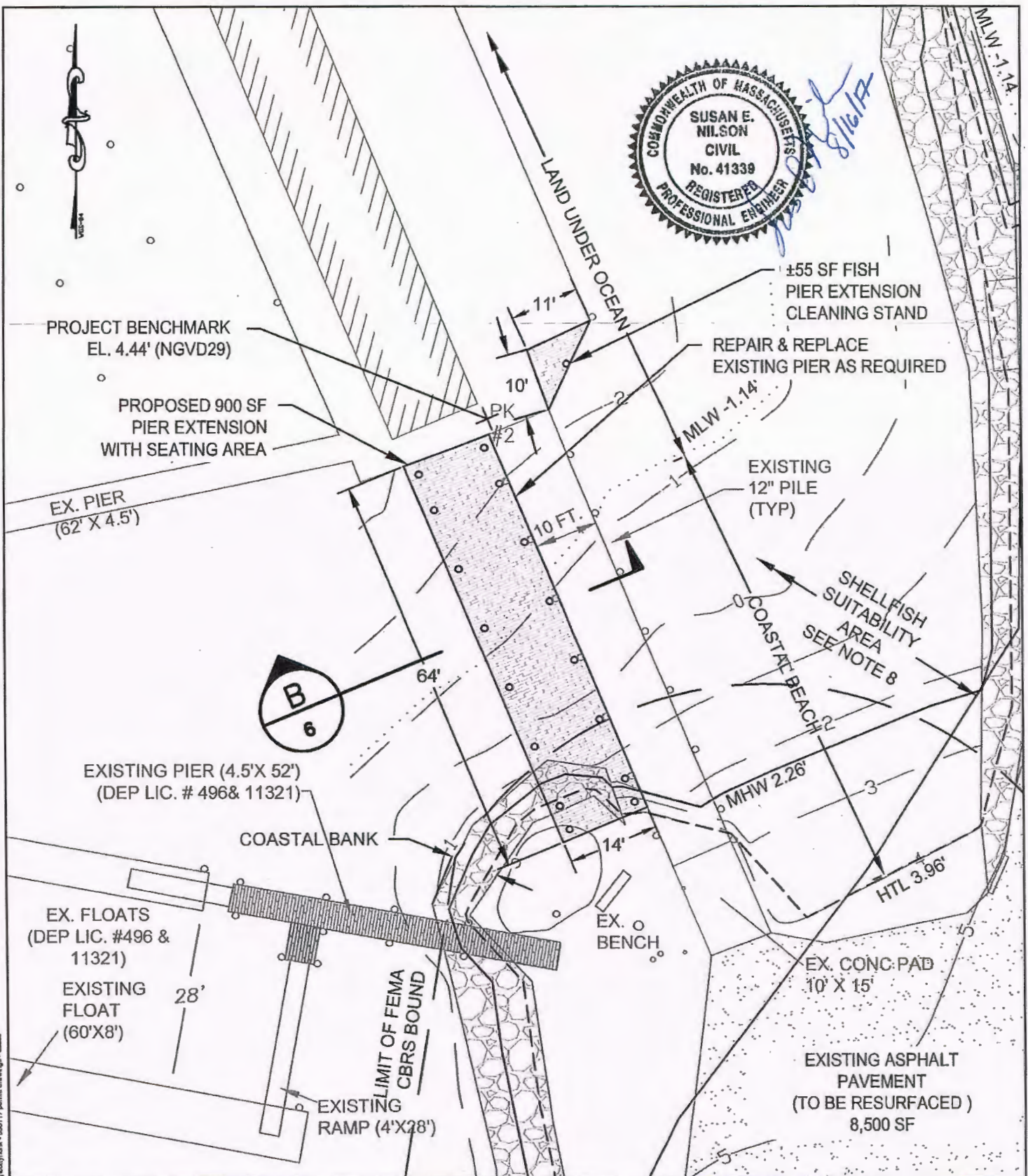
SHEET 3 OF 7







*Handwritten signature and date: 8/16/17*



PROJECT BENCHMARK  
EL. 4.44' (NGVD29)

PROPOSED 900 SF  
PIER EXTENSION  
WITH SEATING AREA

EX. PIER  
(62' X 4.5')



EXISTING PIER (4.5' X 52')  
(DEP LIC. # 496 & 11321)

COASTAL BANK

EX. FLOATS  
(DEP LIC. #496 & 11321)

EXISTING  
FLOAT  
(60' X 8')

LIMIT OF FEMA  
CBRS BOUND

EXISTING  
RAMP (4' X 28')

EX. BENCH

EX. CONC. PAD  
10' X 15'

EXISTING ASPHALT  
PAVEMENT  
(TO BE RESURFACED)  
8,500 SF

LAND UNDER OCEAN

±55 SF FISH  
PIER EXTENSION  
CLEANING STAND

REPAIR & REPLACE  
EXISTING PIER AS REQUIRED

EXISTING  
12" PILE  
(TYP)

SHELLFISH  
SUITABILITY  
AREA  
SEE NOTE 8

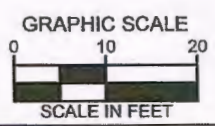
COASTAL BEACH

MHW 2.26'

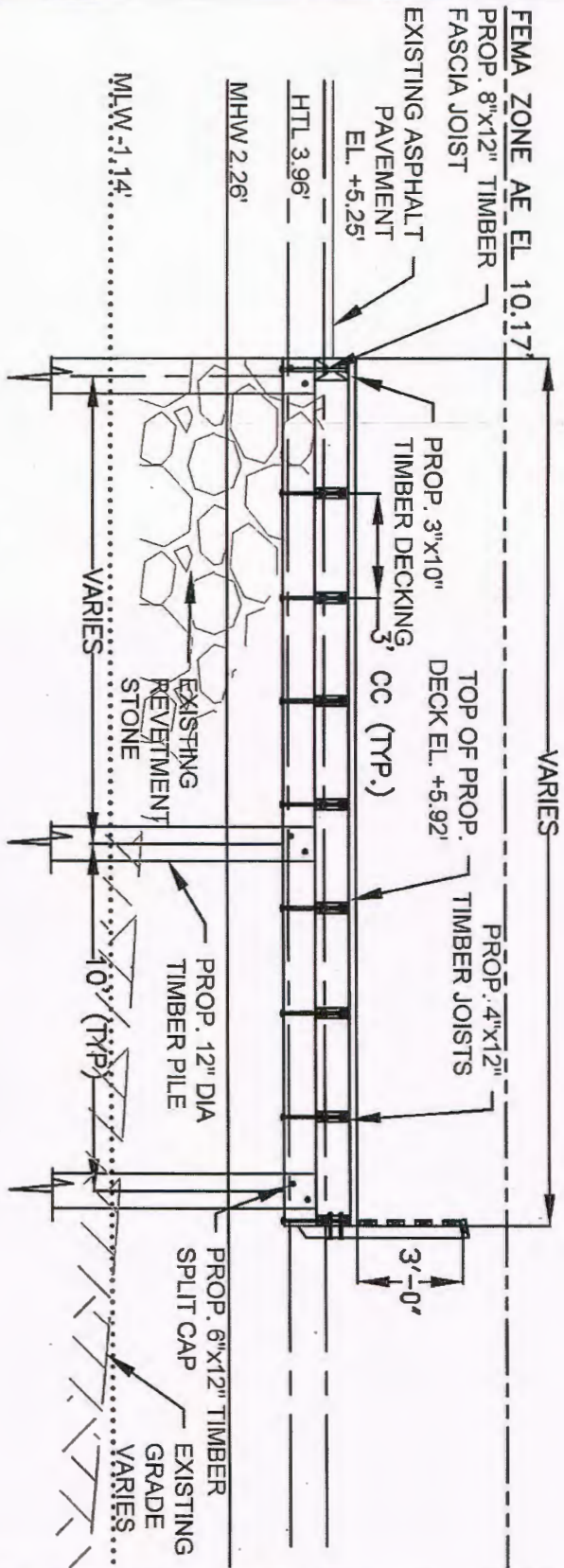
HTL 3.96'

PURPOSE: TO LICENSE AND MAINTAIN PILE SUPPORTED PUBLIC LANDING, PIER EXTENSIONS, GANGWAY AND PILE ANCHORED FLOATING DOCK 35 & 36 BROADWAY, CUTTYHUNK ISLAND  
DATUM: NGVD29  
MLW = -1.14'  
MHW = +2.26'  
AHTL = +3.96'  
CLE ENGINEERING, INC.  
15 CREEK ROAD, MARION MA, 02738

### SITE PLAN 2



CUTTYHUNK FISH PIER AND MARINA  
PROPOSED SITE IMPROVEMENTS  
CUTTYHUNK ISLAND, GOSNOLD, MASSACHUSETTS  
AT: CUTTYHUNK POND  
COUNTY OF: DUKES  
APPLICATION BY: TOWN OF GOSNOLD, CUTTYHUNK HARBOR COMMITTEE  
DATE: AUGUST 16, 2017



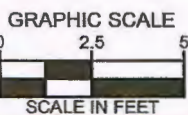
**TYPICAL DECK SECTION A**  
SCALE: 1" = 5'



PURPOSE: TO LICENSE AND MAINTAIN PILE SUPPORTED PUBLIC LANDING, PIER EXTENSIONS, GANGWAY AND PILE ANCHORED FLOATING DOCK 35 & 36 BROADWAY, CUTTYHUNK ISLAND  
 DATUM: NGVD29  
 MLW = -1.14'  
 MHW = +2.28'  
 AHL = +3.98'

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

**SECTION A**

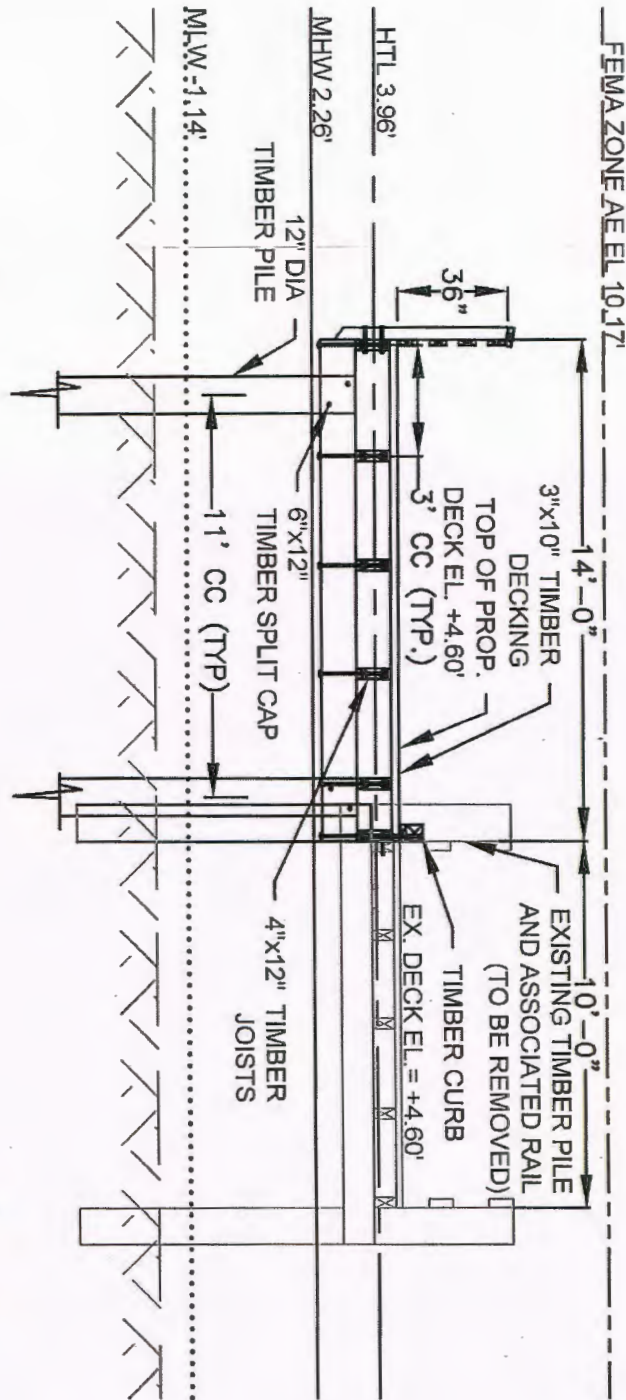


CUTTYHUNK FISH PIER AND MARINA  
 PROPOSED SITE IMPROVEMENTS  
 CUTTYHUNK ISLAND, GOSNOLD, MASSACHUSETTS  
 AT: CUTTYHUNK POND  
 COUNTY OF: DUKES  
 APPLICATION BY: TOWN OF GOSNOLD, CUTTYHUNK HARBOR COMMITTEE

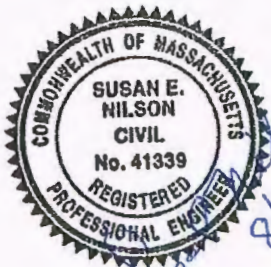
DATE: AUGUST 16, 2017

SHEET 5 OF 7

With reference to the drawings, the user shall be responsible for obtaining all necessary permits, licenses, and approvals from the appropriate authorities. The user shall indemnify and hold the engineer harmless from all claims, damages, and expenses, including reasonable attorneys' fees, arising from or in connection with the use of the drawings, whether or not such claims, damages, or expenses are caused in whole or in part by the negligence of the engineer.

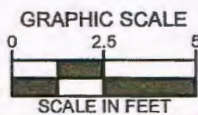


**TYPICAL DECK SECTION B**  
SCALE: 1" = 5'



PURPOSE: TO LICENSE AND MAINTAIN PILE SUPPORTED PUBLIC LANDING, PIER EXTENSIONS, GANGWAY AND PILE ANCHORED FLOATING DOCK 35 & 36 BROADWAY, CUTTYHUNK ISLAND  
 DATUM: NGVD29  
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 CLE ENGINEERING, INC.  
 15 CREEK ROAD, MARION MA, 02738

**SECTION B**







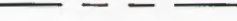

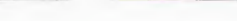


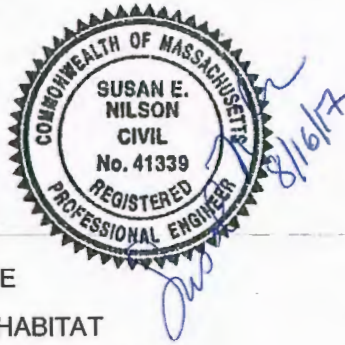
CUTTYHUNK FISH PIER AND MARINA  
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DATE: AUGUST 16, 2017

SHEET 6 OF 7

# LEGEND

-  EXISTING EEL GRASS  
SEE NOTE 1
-  EXISTING MARSH  
SEE NOTE 8
-  MLW -1.14'
-  MHW 2.26'
-  HTL 3.96'
-  FEMA CBRS ZONE
-  FEMA FLOOD ZONE
-  NHESP PRIORITY HABITAT
-  SHELLFISH SUITABILITY AREA  
SEE NOTE 8



# DATUMS

MLLW (#8447712)      NGVD29

ANNUAL HIGHEST TIDE	
10-08-2010	
5.1'	HTL 3.96'
3.4'	MHW 2.26'
1.14'	0 NGVD29 0.00'
0.31'	0 NAVD88 -0.83'
0.00'	0 MLLW -1.14'

ANNUAL LOWEST TIDE  
03-01-2010

STATION #8447712  
"CLARKS POINT"  
1983-2001  
EPOCH PROVIDED

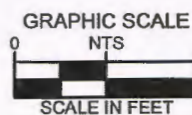
### NOTES:

1. RESULTS OF CLE ENGINEERING SURVEY DATED 11-07-08 AND 11-22-10. ADDITIONAL EEL GRASS SURVEY CONDUCTED ON 8-25-15. LIMITS OF EEL GRASS DEPICT CONDITIONS AT TIME OF SURVEY
2. ELEVATIONS ARE IN FEET AND TENTHS, AND REFER TO NGVD29.
3. PROJECT BENCHMARK IS FEMA BENCHMARK RM 9 ELEVATION 151.32' NGVD29; ACOE STANDARD UNSTAMPED MAP-CONTROL STATION DISK SET AT SUMMIT OF EAST ONE OF TWO HIGHEST HILLS ON CUTTYHUNK ISLAND, WEST OF CUTTYHUNK POND, ON TOP OF A ROCK OUTCROP FLUSH WITH GROUND.
4. SITE BM IS PK SET @ END OF FISH PIER RAMP EL = 4.44' NGVD29.
5. DATUM OFFSETS ESTABLISHED FROM CONTROL POINTS @ CLARKS POINT, NEW BEDFORD, MA.
6. PROJECT SITE LOCATED WITHIN FEMA ZONE AE 11 NAVD 88, AND PORTION OF CBRS ZONE.
7. FLOOD PLAIN INFORMATION FROM FEMA FIRM; TOWN OF GOSNOLD, MA, PANEL 250071 0041 H AND EFFECTIVE DATE OF JULY 6, 2010.
8. SALTMARSH, SHELLFISH SUITABILITY AREAS, AND NHESP AREAS ARE LOCATED FROM AVAILABLE MA GIS DATA BASE INFORMATION.
9. THE ENTIRE PROJECT SITE IS FALLS WITHIN THE LAND SUBJECT TO COASTAL STORM FLOWAGE RESOURCE AREA.
10. ALL TIMBER SHALL BE SOUTHERN YELLOW PINE AND BE FREE FROM ALL DETRIMENTAL DEFECTS.
11. TIMBER PILES, PILE CAPS, AND STRINGERS THAT WILL NOT COME IN DIRECT CONTACT WITH THE PUBLIC SHALL BE TREATED WITH 2.5 LB/CF OF CHROMATED COPPER ARSENATE (CCA)
12. DECKING, CURBS, POSTS AND RAILINGS SHALL BE 0.6 ACQ TREATED TIMBER.
13. 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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### NOTES



CUTTYHUNK FISH PIER AND MARINA  
 PROPOSED SITE IMPROVEMENTS  
 CUTTYHUNK ISLAND, GOSNOLD, MASSACHUSETTS  
 AT: CUTTYHUNK POND  
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SHEET 7 OF 7