



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

PUBLIC NOTICE

Comment Period Begins: July 18, 2017
Comment Period Ends: August 17, 2017
File Number: NAE-2016-00017
In Reply Refer To: Joshua Helms
Phone: (978) 318-8211
E-mail: Joshua.M.Helms@usace.army.mil

The District Engineer has received a permit application to conduct work in waters of the United States from John Crocker, Town of Tisbury Harbormaster, PO BOX 1239, Tisbury, Massachusetts 02568. This work is proposed in Vineyard Sound and Lake Tashmoo Inlet Channel at the end of Herring Creek Road, Tisbury, Massachusetts 02568 (Latitude 41.46682°N Longitude 70.63220°W) and in the waters of Lake Tashmoo at Lake Street Landing, 350 Lake Street, Tisbury, Massachusetts, 02568 (Latitude 41.45612°N Longitude 70.62168°W).

The Town is proposing to maintenance dredge approximately 25,000 cubic yards of mostly sandy material over 10 years from approximately 5.1 acres (221,156 sq. ft) of subtidal habitat in the Lake Tashmoo Channel to a depth of -7 mean low water by hydraulic and mechanical means. Approximately 5,000 cu. yds. will be removed every other year. The dredged material is to be placed as beach nourishment above and below the high tide line of Vineyard Sound on a 4.74 acre (206,600 sq. ft) area of Town beach located adjacent to the Channel, with the exception of sediment removed from station 26+50 to 30+00. This sediment, approximately 3,210 cubic yards of silty sand, is not suitable for beach nourishment and will be transported to an upland location. The location will be approved by the Corps of Engineers prior to disposal.

In addition, the Town is proposing to dredge approximately 500 cubic yards of mostly sandy material from approximately 5600 square feet of subtidal habitat at the Town Landing adjacent to Lake Street in Tisbury, to a depth of -6 mean low water by mechanical means. Approximately 100 cubic yards of material will be removed every other year for ten years and used as beach nourishment at the Vineyard Sound location.

The work is shown on the attached plans entitled "Lake Tashmoo Channel Dredging," on nine sheets, and dated "January 2008" and revised on June 7, 2016 and on the attached plan entitled "Lake Street Town pier at Lake Tashmoo Dredge Plan on three sheets, and dated "January 27, 2011". These areas represent the extent of the dredging envelope within which dredging will be conducted. The specific areas dredged may change from year to year.

These activities have been previously authorized for both dredging and disposal for beach nourishment, and therefore no mitigation is proposed.

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.

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.

Dredged Material Disposal Mitigation Discussion:

The alternatives considered in the dredged material disposal analysis fall into four general categories: beneficial use, upland disposal, confined disposal, and open-water disposal. The feasibility of disposal alternatives was analyzed relative to the physical and chemical quality of the dredged material, the volume of material to be dredged, the availability of suitable disposal and beneficial use sites, and the cost of disposal. When applicable, the biological quality of the disposal of the material at the disposal site was also used to evaluate the feasibility of the open-water disposal alternative.

Based on the characteristics of the dredged material, the lack of suitable alternate disposal or beneficial use sites and costs, the most feasible, practical, cost-effective and environmentally acceptable alternative for the disposal of dredged materials from the proposed dredging is disposal at the requested disposal sites.

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 impact approximately 5.1 acres and 5600 SF of Essential Fish Habitat (EFH) for Albacore Tuna, Atlantic Cod, Black Sea Bass, Bluefin Tuna, Common Thresher Shark, Little Skate, Longfin Inshore Squid, Northern Shortfin Squid, Scup, Smooth Dogfish, Summer Flounder, White Shark, Winter Flounder, and Winter Skate. Habitat in the channel and at the Town landing can be mostly sand substrate with some silt substrate. Loss of this habitat may adversely affect the species listed above. 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.

The nourishment area at Town Beach will affect will impact approximately 4.74 acres of Essential Fish Habitat (EFH) for Albacore Tuna, Atlantic Cod, Black Sea Bass, Bluefin Tuna, Common Thresher Shark, Little Skate, Longfin Inshore Squid, Northern Shortfin Squid, Scup, Smooth Dogfish, Summer Flounder, White Shark, Winter Flounder, and Winter Skate.

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.

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:

- (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 Joshua Helms at (978) 318-8211, (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.



Barbara Newman
Chief, Permits and Enforcement Branch
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: _____

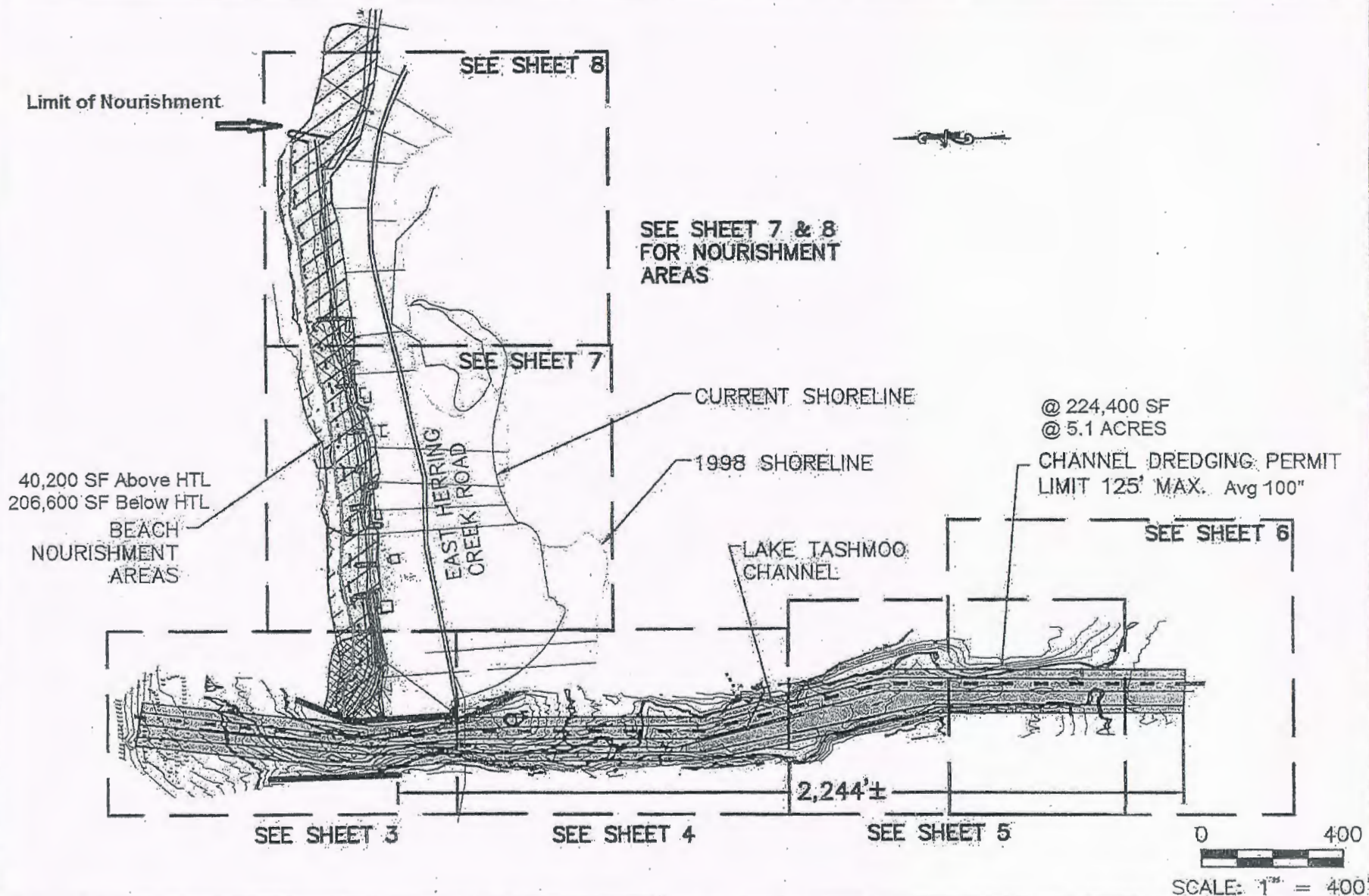


PROJECT
LOCUS

0 2000
SCALE: 1" = 2000'

LOCUS MAP LAKE TASHMOO CHANNEL		IN: TISBURY AT: LAKE TASHMOO COUNTY: DUKES STATE: MA
TITLE: NGVD MLW +0.0 100 YR FLOOD HTL MHW +5.1 +2.1	PURPOSE: DREDGING	APPLICATION: BY: TOWN OF TISBURY
 Bourne Consulting Engineering <small>100 West Street, Suite 200 Tisbury, MA 01968 Tel: (508) 255-2200 Fax: (508) 255-0771</small>		SHEET 1 OF 9 DATE: 01/24/08

File: X:\27652-27669\DREDGE 2006\dwg\ACOF\Site_012408.dwg



100 YR FLOOD HTL +5.1 MHW +2.1	NGVD MLW 0:0	TITLE: LAKE TASHMOO CHANNEL DREDGING	IN: TISBURY AT: LAKE TASHMOO COUNTY: DUKES STATE: MA
BCE Bourne Consulting Engineering <small>30 Pine Street Freetown, MA 01905 TEL (401) 821-4200 FAX (401) 821-0777</small>	PURPOSE: DREDGING	APPLICATION BY: TOWN OF TISBURY	SHEET 2 OF 9 DATE: JANUARY 2008

DISPOSAL SITE PREVIOUSLY USED BY
THE COMMONWEALTH OF MASS.
DIVISION OF WATERWAYS CONTRACT #1179
& CONTRACT #3226.

CONTRACTOR SHALL PROVIDE
BEACH NOURISHMENT IN CONFORMANCE
WITH PROJECT PERMITS

APPROX. 3200 CY
NOURISHMENT, TOWN BEACH

MLW +0.0
MHW +2.1
HTL +5.1

LOT 2-1
MICHAEL URSIN

LOT 1-1
TOWN OF TISBURY

BENCH MARK
EL. 5.16 MLW

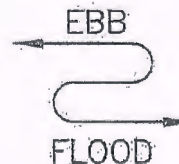
LOT 1
TOWN OF TISBURY
EAST JETTY

PERMITTED
CHANNEL LINE

WEST JETTY

SAMPLE LOCATIONS
JUNE 7, 2016
V.L.S. & E.

0 100
SCALE: 1" = 100'



SAMPLE LOCATIONS
JUNE 7, 2016
V.L.S. & E.

MATERIAL SAMPLE

LOT
MIKE NICHOLS

LAND
UNDER
THE
OCEAN

N 170861.83
E 1603819.64

N 170803.10
E 1603708.98

100 YR FLOOD
HTL +5.1
MHW +2.1
NGVD
MLW 0.0

TITLE:

LAKE TASHMOO
CHANNEL DREDGING

IN: TISBURY
AT: LAKE TASHMOO
COUNTY: DUKES STATE: MA

PURPOSE:

DREDGING

APPLICATION BY:

TOWN OF TISBURY

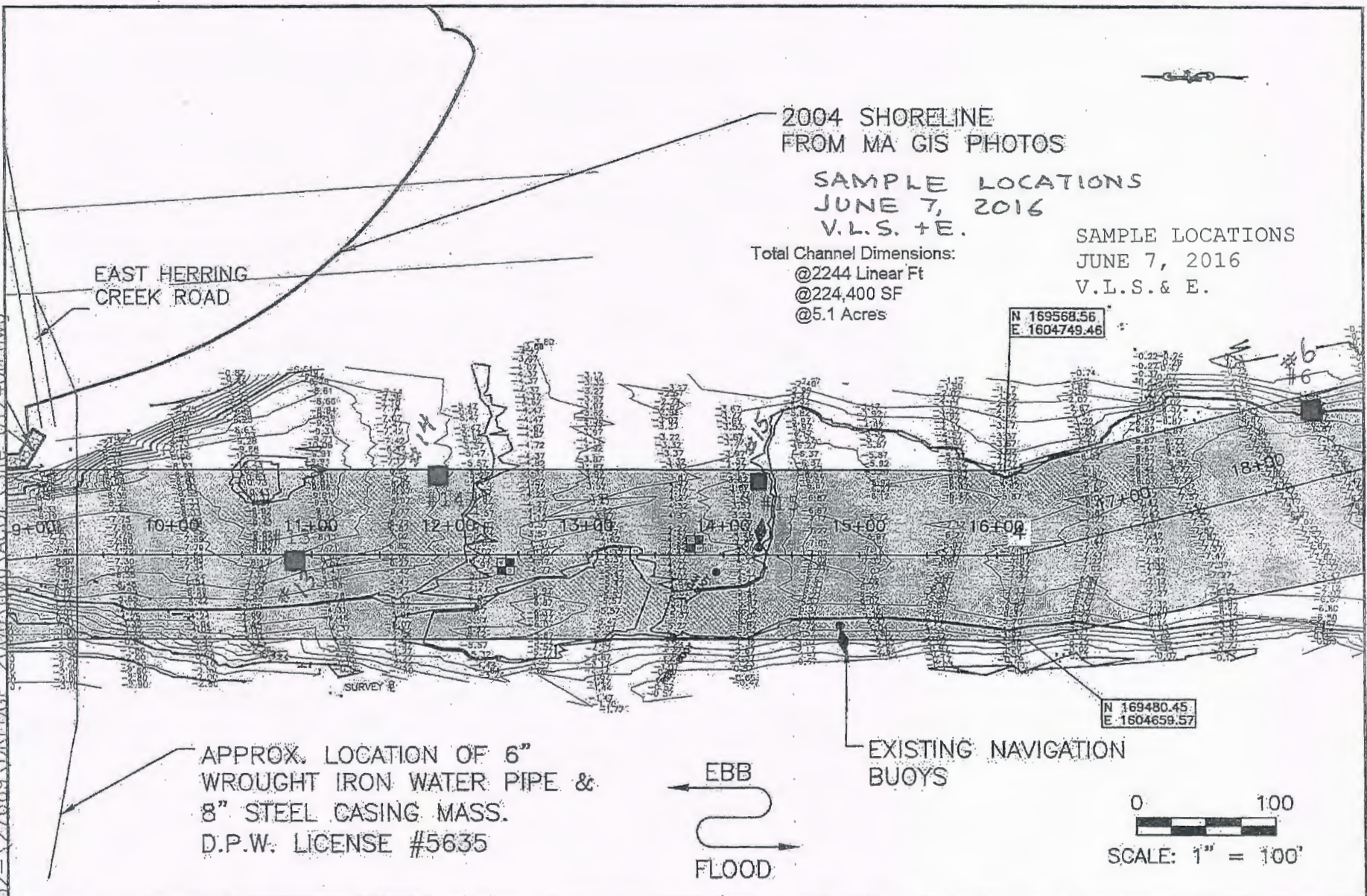
SHEET 3 OF 9


DATE: JANUARY 2008

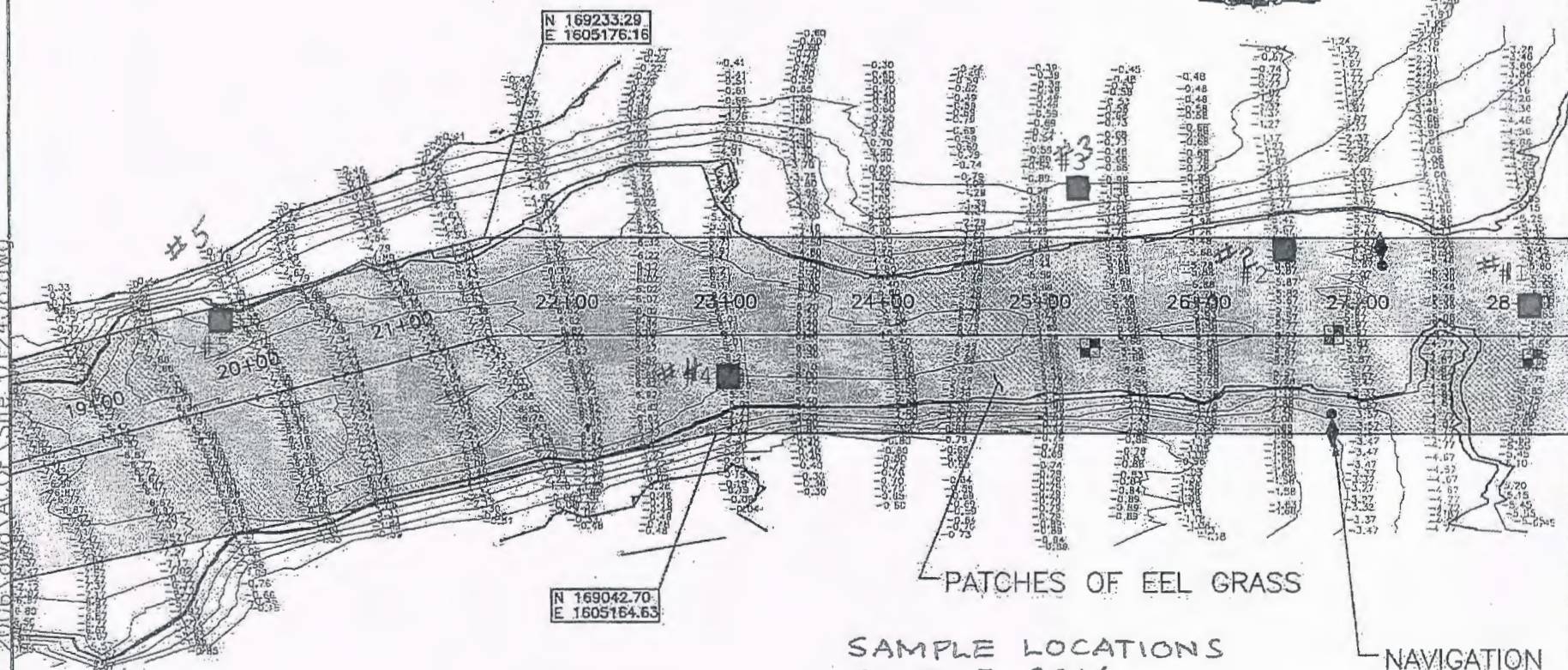
BCE Bourne Consulting Engineering
20 Fido Street
Provincetown, MA 01902
TEL: (401) 881-0000 FAX: (401) 881-0777

File: X:\27652-27669\DRIDGE 2006\dwg\ACOF Site 012408.dwg

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100-YR FLOOD: HTL +5.1 MHW +2.1 NGVD MLW 0.0	TITLE: PROPOSED SITE PLAN	IN: TISBURY AT: LAKE TASHMOO COUNTY: DUKES STATE: MA
 Bourne Consulting Engineering <small>36 1/2th Street Providence, RI 02903 TEL (401) 321-4200 FAX (401) 321-0777</small>	PURPOSE: DREDGING	APPLICATION BY: TOWN OF TISBURY SHEET 4 OF 9 DATE: JANUARY 2008



SAMPLE LOCATIONS
JUNE 7, 2016
V.L.S. + E.

Total Channel Dimensions:
@2244 Lineal Ft
@224,400 SF
@5.1 Acres
100' Wide Avg

SAMPLE LOCATIONS
V.L.S. & E.
JUNE 7, 2016

0 100
SCALE: 1" = 100'

100-YR FLOOD HTL MRW	100-YR FLOOD HTL MRW	NGVD MLW	DATUM - NGVD MLW
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TITLE:

LAKE TASHMOO
CHANNEL DREDGING

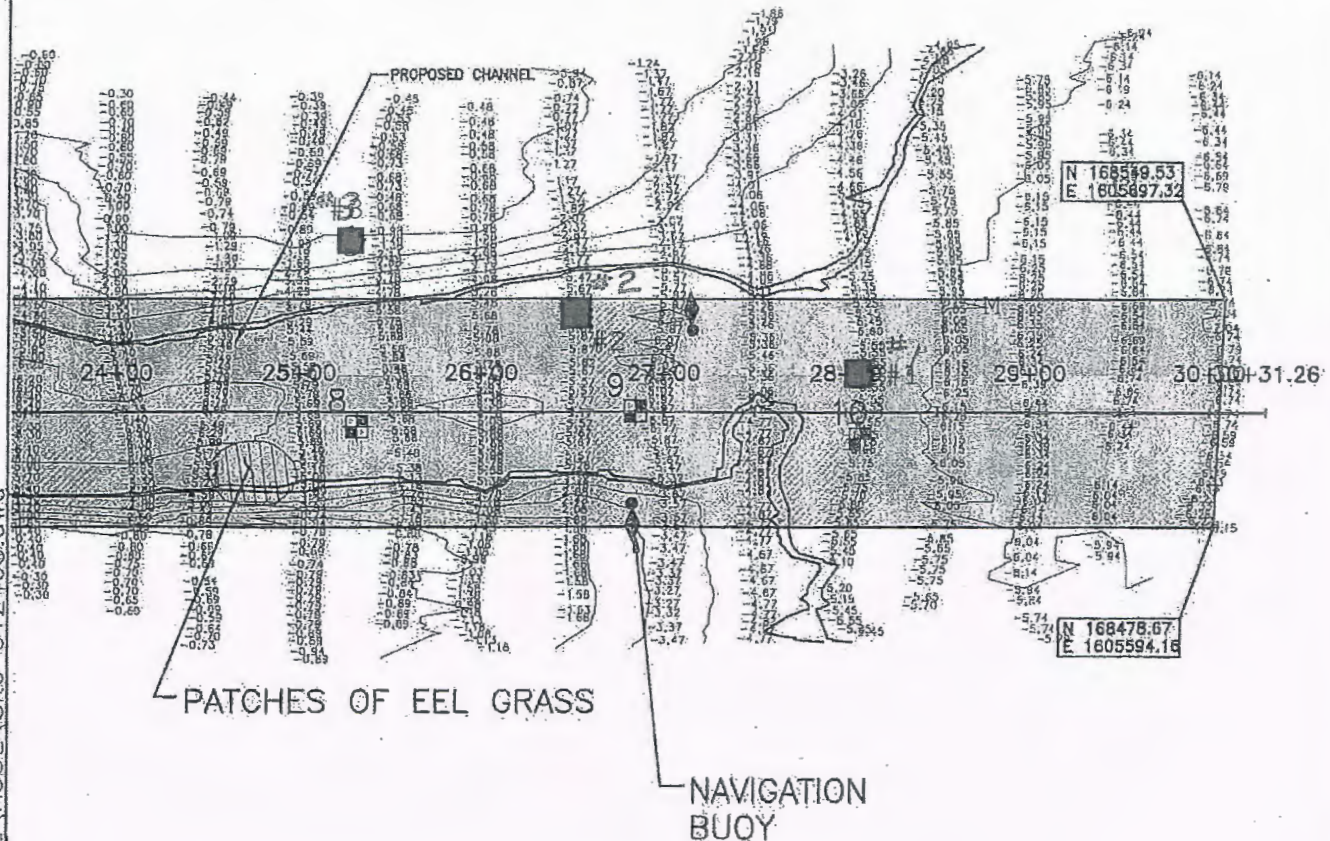
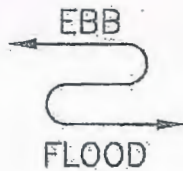
IN: TISBURY
AT: LAKE TASHMOO
COUNTY: DUKES STATE: MA

BCE Bourne Consulting Engineering
30 Pine Street
Provincetown, MA 01902
TEL (508) 551-6000 FAX (508) 551-6777

PURPOSE:
DREDGING

APPLICATION BY:
TOWN OF TISBURY


SHEET 5 OF 8
DATE: JANUARY 2008



Total Channel Dimensions:
 @2244' Length
 @224,400 SF
 @ 5.1 Acres
 @100' Wide (average)

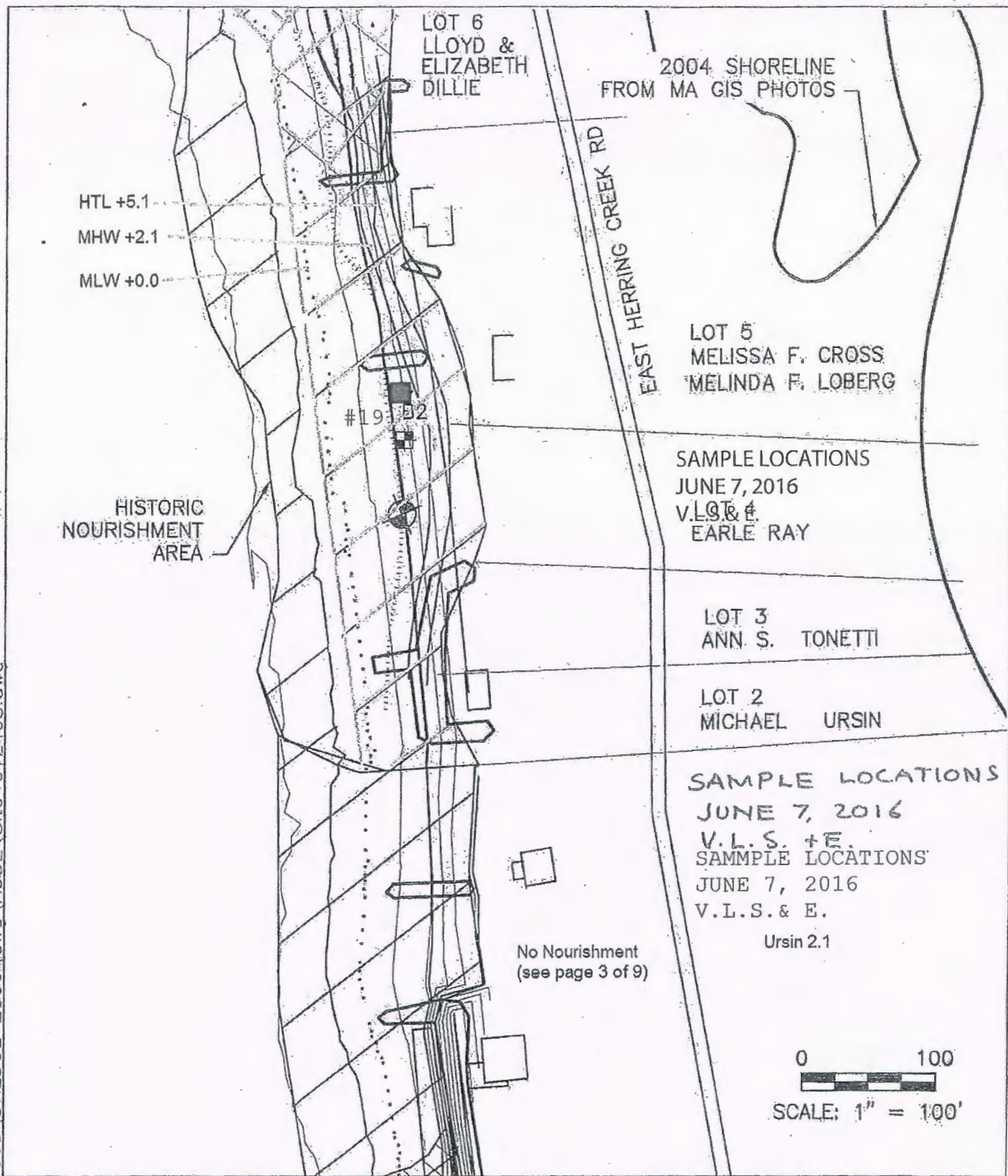
SAMPLE LOCATIONS
 JUNE 7, 2016
 V.L.S. + E.
 SAMPLE LOCATIONS
 JUNE 7, 2016
 V.L.S. & E.

0 100
 SCALE: 1" = 100'


PURPOSE: DREDGING	TITLE: BEACH NOURISHMENT AREA	APPLICATION BY: TOWN OF TISBURY
100 YR FLOOD HTL +5.1 MHW +2.1 NGVD MLW 0.0		IN: TISBURY AT: LAKE TASHMOO COUNTY: DUKES STATE: MA SHEET 6 OF 9 DATE: JAN 2008

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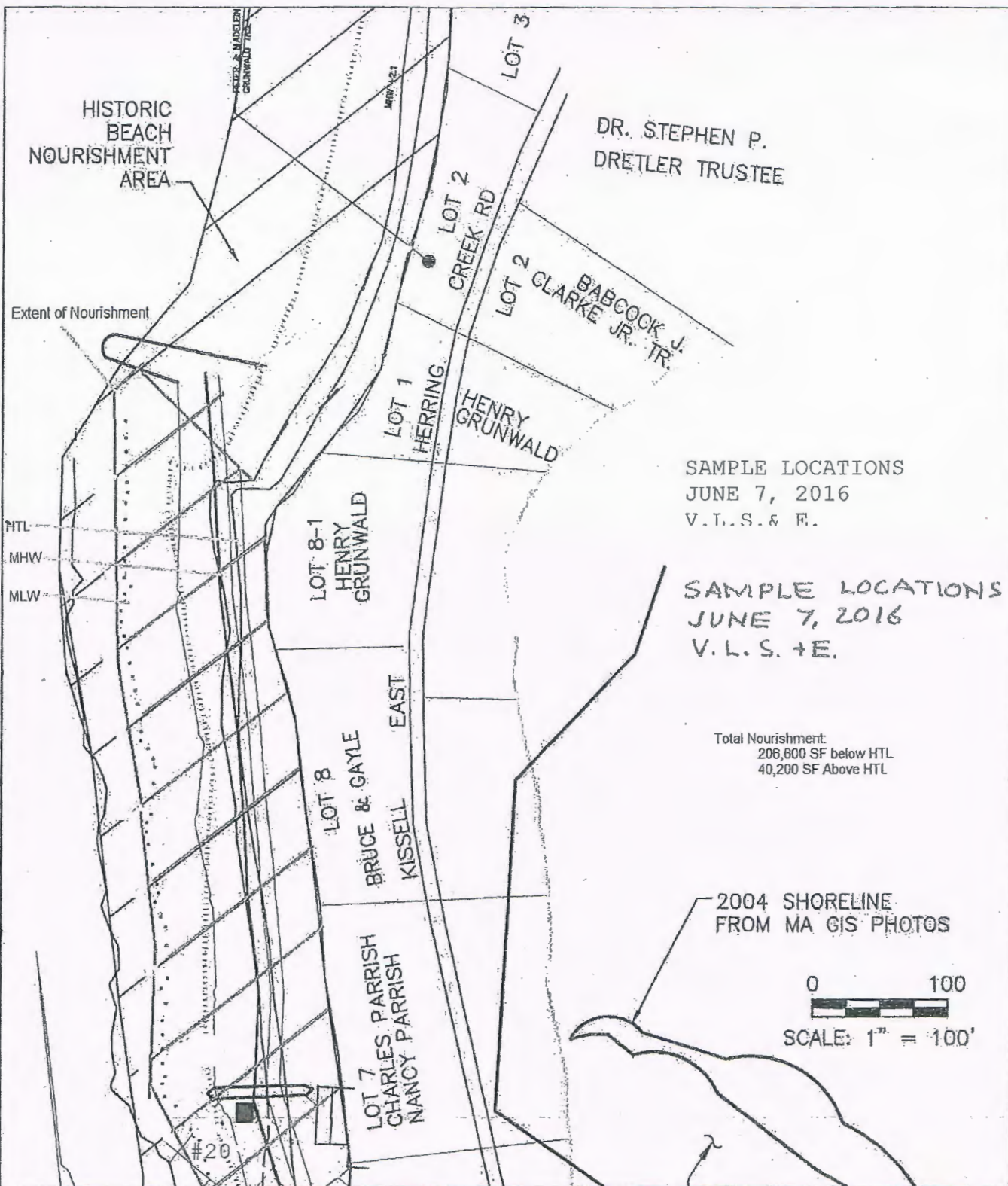
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SCALE: 1" = 100'

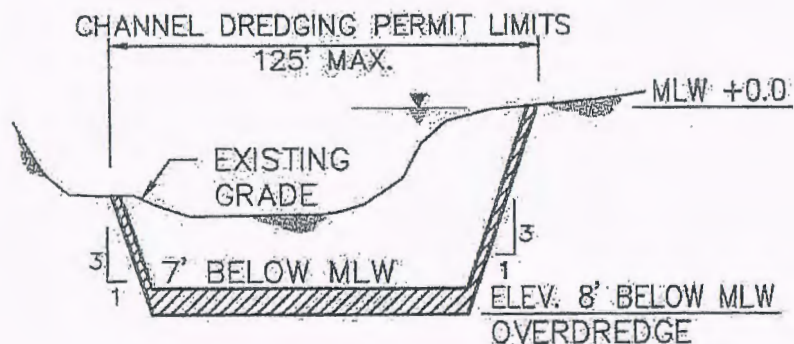
PURPOSE: DREDGING	TITLE: BEACH NOURISHMENT AREA	APPLICATION BY: TOWN OF TISBURY
100 YR FLOOD HTL +5.1 MHW +2.1 NGVD MLW 0.0	 Bourne Consulting Engineering <small>20 Pine Street Providence, RI 02903 TEL (401) 831-6000 FAX (401) 831-6177</small>	IN: TISBURY AT: LAKE TASHMOO COUNTY: DUKES STATE: MA SHEET 7 OF 9 DATE: JAN 2008

File: X:\27652-27669\DREDGE 2006\dwg\ACOE\Site 012408.dwg



PURPOSE: DREDGING	TITLE: BEACH NOURISHMENT AREA	APPLICATION BY: TOWN OF TISBURY
100 YR FLOOD HTL +5.1 MHW +2.1 NGVD MLW 0.0	 Bourne Consulting Engineering <small>INCORPORATED IN THE STATE OF MASSACHUSETTS FEB (04) 001-0000 P.E. (04) 001-0000</small>	IN: TISBURY AT: LAKE TASHMOO COUNTY: DUKES STATE: MA SHEET 8 OF 9 DATE: JAN 2008

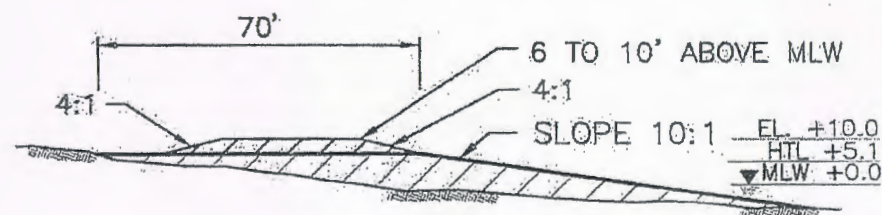
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TYPICAL DREDGE SECTION

SCALE: VERT. 1" = 8'
HORIZ. 1" = 80'

Channel Dimensions:
@2244' Length
@224,400 SF
@5.1 Acres
100' Wide Avg




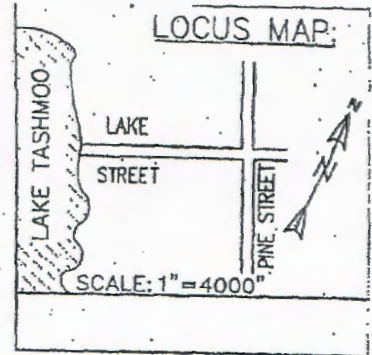
TYPICAL PROP. DISPOSAL SECTION

SCALE: 1" = 40'-0"

Total Beach Nourishment:
206,600 SF Below HTL
40,200 SF Above HTL

0 20
SCALE: 1" = 20'

100 YR FLOOD HTL +5.1 MHW +2.1 NGVD MLW 0.0	TITLE: LAKE TASHMOO DREDGE & NOURISHMENT	IN: TISBURY AT: LAKE TASHMOO COUNTY: DUKES STATE: MA
 Bourse Consulting Engineering <small>35 Pike Street Providence, RI 02903 TEL: (401) 881-4000 FAX: (401) 881-0777</small>	PURPOSE: DREDGING	APPLICATION BY: TOWN OF TISBURY SHEET 9 OF 9 DATE: JANUARY 2008



LAKE STREET TOWN PIER AT LAKE TASHMOO- Dredge Plan

FOR THE

TOWN OF TISBURY
MARTHA'S VINEYARD
MASSACHUSETTS

Revised January 27, 2011

All Structures Licensed By DEP License #9778, rev. March 11, 2003

PLANS ACCOMPANYING
PETITION OF TOWN
OF TISBURY, MA
January 27, 2011

SHEET # 1 OF 3

Town of Tisbury Lake Street
Maintenance Dredge Project

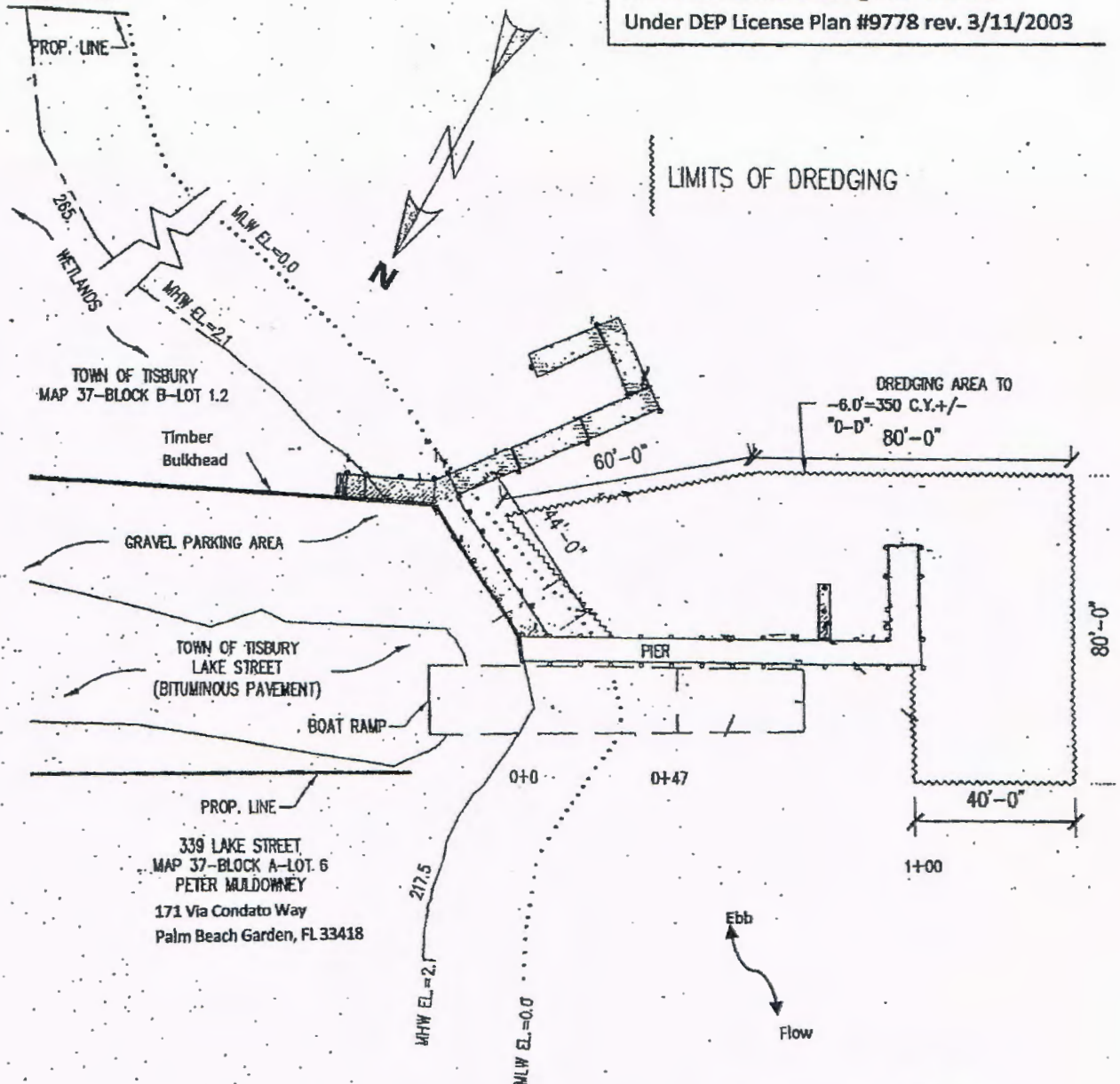
TISBURY

LAKE STREET TOWN PIER AT LAKE TASHMOO Dredge Plan

Revised 1/27/2011

Map 37 B Lot 2.5
Todd MacIn Trs
4312 Lorraine Ave
Dallas, TX 75205

All Structures are Existing and Licensed
Under DEP License Plan #9778 rev. 3/11/2003



Datum based on NVGD 29

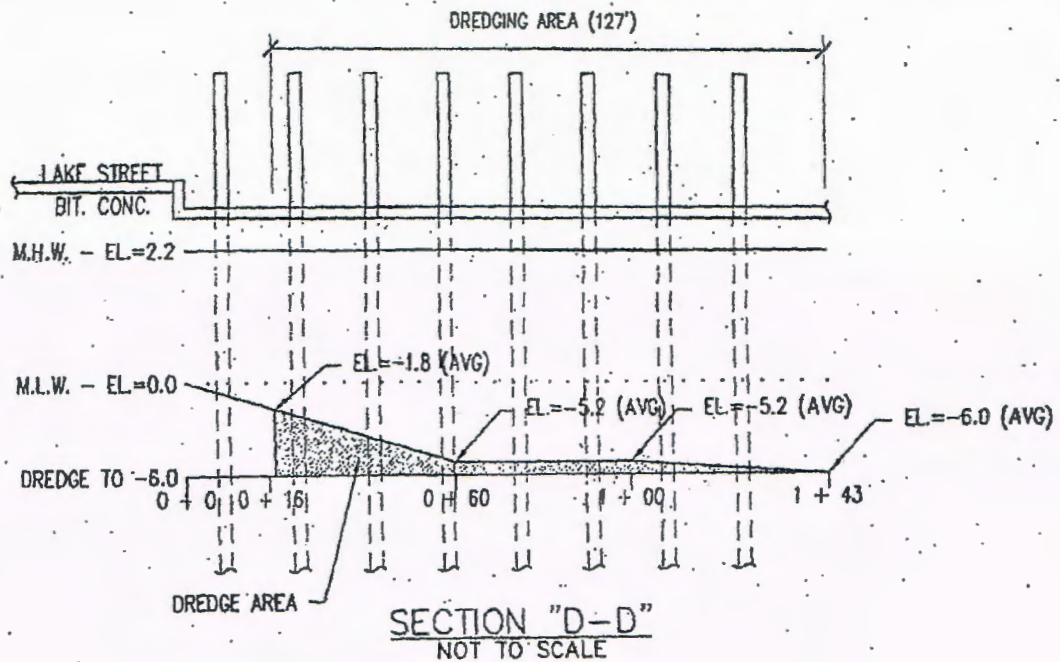
Town of Tisbury Lake Street
Maintenance Dredge Project
January 27, 2011

PLANS ACCOMPANYING
2043

TISBURY

LAKE STREET TOWN PIER AT LAKE TASHMOO- DREDGING

MAINTENANCE DREDGING (350 C.Y. +/-)

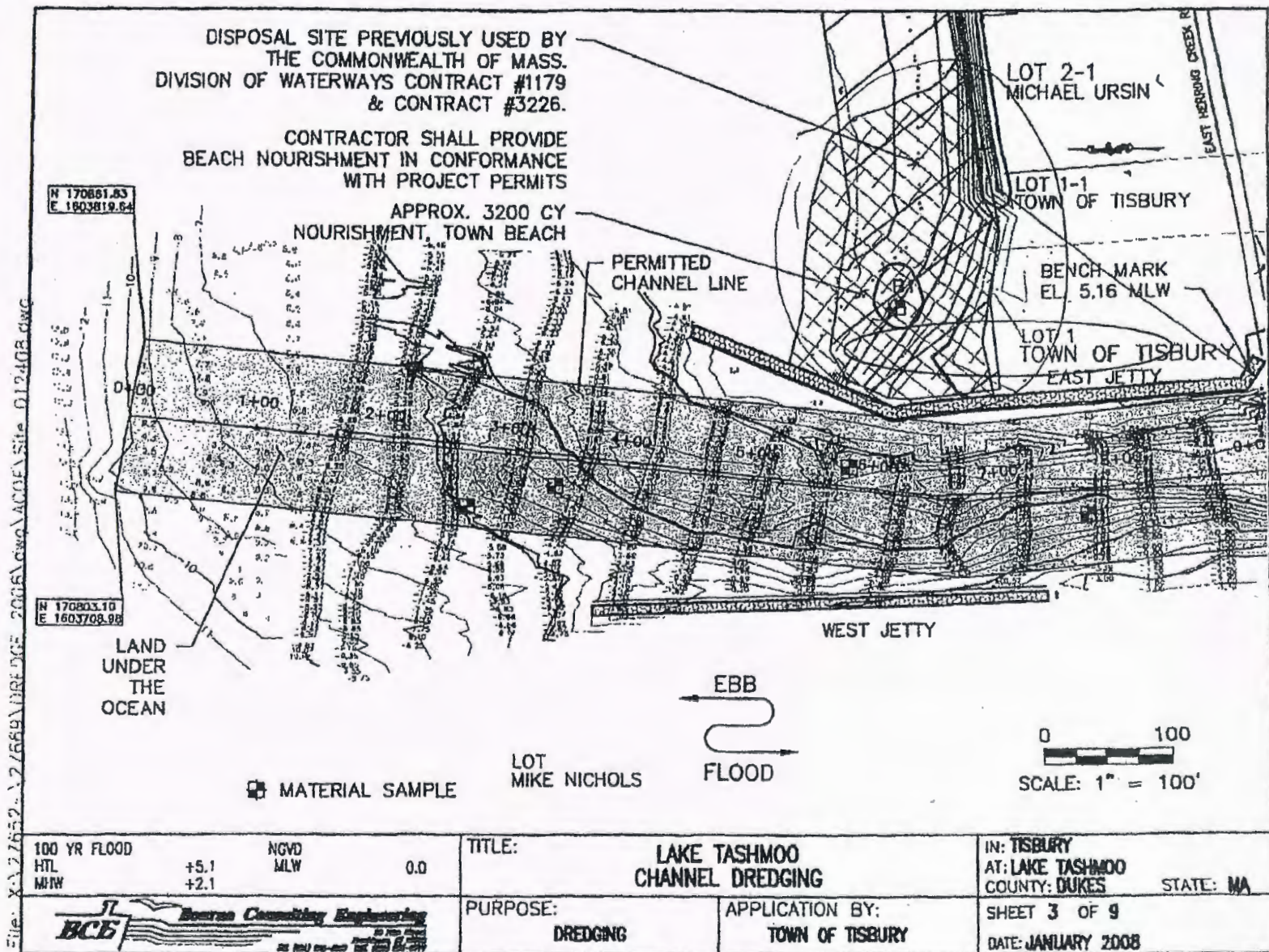


PLANS ACCOMPANYING
PETITION OF TOWN
OF TISBURY, MA
REV. JANUARY 27, 2011

SHEET # 3 of 3

Town of Tisbury Lake Street
Maintenance Dredge Project
January 27, 2011

NOI T# 335895 Lake Street Beach Nourishment



Town of Tisbury Lake Street
Maintenance Dredge Project
January 27, 2011