



**US Army Corps
of Engineers**
New England District

PUBLIC NOTICE

696 Virginia Road
Concord, MA 01742-2751

Date: May 6, 2008
Comment Period Ends: June 4, 2008
File Number: NAE-2008-0023
In Reply Refer To: Kevin R. Kotelly, P.E.
Or by e-mail: Kevin.r.kotelly@usace.army.mil

The District Engineer has received a permit application from the applicant below to **conduct work in waters of the United States** as described below. The Corps is soliciting comments on both the project itself and the range of issues to be addressed in the environmental documentation.

APPLICANT

The National Marine Fisheries Service, National Oceanic and Atmospheric Administration

ACTIVITY

The work includes work in navigable waters and the discharge of dredged or fill material in order to construct the proposed Woods Hole Berthing Project at the National Marine Fisheries Service (NMFS), Northeast Fisheries Science Center (NEFSC), in Woods Hole, Massachusetts. The Woods Hole Berthing Project consists of three separate phases.

Phase 1: involves dredging an approximately 5,100 foot by 400 foot area of the Great Harbor entrance channel to a depth of 24 to 26 feet below Mean Lower Low Water (MLLW). Approximately 47,000 to 103,000 cubic yards (CY) of sand and gravel material would be removed by mechanical means. Dredging in the Great Harbor entrance channel would occur between October 1 and January 15.

If it is determined to not be cost prohibitive, approximately 20,000 CY of the dredged material from the entrance channel would be taken by scow to a nearshore disposal area off Menauhant Beach, which is situated about six miles east of the project site. Within 72 hours of placement, the material would then be pumped onto Menauhant Beach with a hydraulic pipeline dredge and spread uniformly on the beach. Approximately 47,100 square feet of fill would be placed below the high tide line at Menauhant Beach. The remaining material would be taken by scow and disposed of offshore at the Rhode Island Sound Disposal Site (RISDS). If disposal at Menauhant Beach is cost prohibitive, all material would be taken to RISDS for disposal.

Phase 2: involves dredging in the inner area of Great Harbor for a 5.5 acre maneuvering basin and 0.7 acre berthing area adjacent to the existing NEFSC to a depth of 24 to 26 feet below MLLW. Approximately 25,800 to 34,900 CY of sand, gravel, and silt material will be removed by mechanical means. Dredging in the inner harbor would occur between October 1 and December 31. This material would be disposed of at Cape Cod Bay Disposal Site (CCBDS).

Phase 3: involves demolishing the NEFSC's existing wooden pier and constructing a new 510 foot by 50 foot pile supported, reinforced concrete pier adjacent to an existing steel bulkhead. Precast piles, 18 inches square, would be driven into the existing substrate. Based on subsurface conditions in the area, these piles will average approximately 70 feet in length and would be spaced approximately 15 feet on center. Cap beams would be

attached to these piles, followed by precast planks for decking and a 4 inch cast-in-place reinforced topping slab. The northern portion of the new pier would be attached to the steel bulkhead and extend southerly over open water to the existing breakwater. This would result in a triangular shaped open water area of about 0.54 acres between the new pier and breakwater and cut stone seawall. Construction of the pier would occur between May 31 and January 15.

Eelgrass Impacts and Mitigation:

The direct loss of approximately 0.56 acres of eelgrass is anticipated. The dredging component of this project is expected to remove 0.20 acres of eelgrass, while the pier construction component will remove approximately 0.36 acres of eelgrass.

Eelgrass impacted by dredging and pier construction activities will be mitigated within the Great Harbor ecosystem at a ratio of 3:1. Approximately 0.56 acres of eelgrass will be destroyed as a result of this project. Therefore, approximately 1.68 acres will be attempted to be created at a site located off Nonamasset Island within Great Harbor. If during construction or the public comment period it is discovered that this site is not feasible, then other recommended sites may be selected.

Mitigation monitoring will occur one year after planting to assure a 50% success rate. The contractor will be required to replant the area if more than 50% of the plants fail within one year of planting. Additional monitoring will occur for up to five years to determine the success of the transplants.

Dredge Material Disposal:

The dredged material has undergone physical, chemical, and biological testing and has satisfied the criteria for ocean disposal of dredged material as specified in part 227 of the Ocean Dumping Act regulations. It is our preliminary determination that the material is acceptable for disposal at the proposed disposal sites.

The deepening of the Great Harbor entrance channel and inner harbor and the construction of the proposed pier are needed to allow two, new generation, Fisheries Survey Vessels to access and be berthed at the NEFSC. The work is described on the enclosed plans entitled, "Great Harbor, Falmouth Heights, MA, Northeast Fisheries Science Center," on eight sheets, and dated, April, 2008.

WATERWAY AND LOCATION OF THE PROPOSED WORK

This work is proposed in Great Harbor at the Northeast Fisheries Science Center, 166 Water Street, Woods Hole, Massachusetts. The proposed location on the USGS Falmouth quadrangle sheet is at 41°31.483' N, 71°40.51' W.

The Rhode Island Sound Disposal Site is centered at 41°13.850' N, 71°22.817' W (NAD 83) and is located 9.1 nmi south-southeast of Point Judith, Rhode Island and 11.3 nmi south of the entrance to Narragansett Bay.

The Cape Cod Bay Disposal Site is centered at coordinates 41°54.406' N, 70°13.268' W (NAD 83) and is located 8.0 nmi southwest of Long Point, Provincetown, Massachusetts.

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.

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 approximately 24 acres of EFH within Great Harbor for various life stages of Atlantic cod (*Gadus morhua*), haddock (*Melanogrammus aeglefinus*), pollock (*Pollachius virens*), winter flounder (*Pseudopleuronectes americanus*), windowpane flounder (*Scophthalmus aquosus*), bluefish (*Pomatomus saltatrix*), long finned squid (*Loligo pealei*), Atlantic butterflyfish (*Peprilus triacanthus*), Atlantic mackerel (*Scomber scombrus*), summer flounder (*Paralichthys dentatus*), scup (*Stenotomus chrysops*), black sea bass (*Centropristes striata*), surf clam (*Spisula solidissima*), king mackerel (*Scomberomorus cavalla*), Spanish mackerel (*Scomberomorus maculatus*), and cobia (*Rachycentron canadum*). Habitat at this site can be described as subtidal sand, sand-gravel, and sand-gravel-cobble-boulder habitat. There will also be eelgrass impacts. Loss of this habitat may adversely affect the species listed above. The District Engineer has made a

preliminary determination that site-specific impacts may be substantial. The Corps and the applicant have coordinated with the NOAA-NMFS Habitat Conservation Division and an expanded EFH assessment has been prepared. The applicant has incorporated EFH conservation recommendations into the project design.

The dredged material disposal is proposed for the CCBDS, RISDS, and nearshore disposal off of Menauhant Beach. The CCBDS and RISDS are open water sites, which provide Essential Fish Habitat for Atlantic Cod (*Gadus morhua*); haddock (*Melanogrammus aeglefinus*); whiting (*Merluccius bilinearis*); red hake (*Urophycis chuss*); witch flounder (*Glyptocephalus cynoglossus*); winter flounder (*Pseudopleuronectes americanus*); yellowtail flounder (*Pleuronectes ferruginea*); windowpane flounder (*Scophthalmus aquosus*); pout (*Macrozoarces americanus*); Atlantic sea herring (*Clupea harengus*), monkfish (*Lophius americanus*); bluefish (*Pomatomus saltatrix*), Atlantic butterflyfish (*Peprilus triacanthus*); Atlantic mackerel (*Scomber scombrus*); summer flounder (*Paralichthys dentatus*); scup (*Stenotomus chrysops*); black sea bass (*Centropristes striata*); ocean quahog (*Artica islandica*); spiny dogfish (*Squalus acanthius*); king mackerel (*Scomberomorus cavalla*); Spanish mackerel (*Scomberomorus maculatus*); cobia (*Rachycentron canadum*); common thresher shark (*Alopias vulpinus*); blue shark (*Prionace glauca*); dusky shark (*Charcharinus obscurus*); shortfin mako (*Isurus oxyrhyncus*); sandbar shark (*Charcharinus plumbeus*); bluefin tuna (*Thunnus thynnus*); and sand tiger shark (*Odontaspis taurus*). Managed fishery species at the Menauhant Beach nearshore disposal site are identical to the Great Harbor managed species listed above. The District Engineer has made a preliminary determination that the site-specific adverse effect at these disposal sites 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.

SECTION 106 COORDINATION

Based on his initial review, the District Engineer has determined that the proposed work may impact properties listed in, or eligible for listing in, the National Register of Historic Places. Additional review and consultation to fulfill requirements under Section 106 of the National Historic Preservation Act of 1966, as amended, will be ongoing as part of the permit review process.

ENDANGERED SPECIES CONSULTATION

Pursuant to the Endangered Species Act, the District Engineer is hereby requesting that the appropriate Federal Agencies provide comments regarding the presence of and potential impacts to listed species or their critical habitat which might occur at the proposed project sites during the construction and subsequent operation/use period sought by the applicant.

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

**CENAE-R-PEA
FILE NO. NAE-2008-0023**

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 Kevin Kotelly at (978) 318-8703, (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.

For more information on the New England District Corps of Engineers programs, visit our website at <http://www.nae.usace.army.mil>.

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.



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

If you would prefer not to continue receiving Public Notices, 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: _____

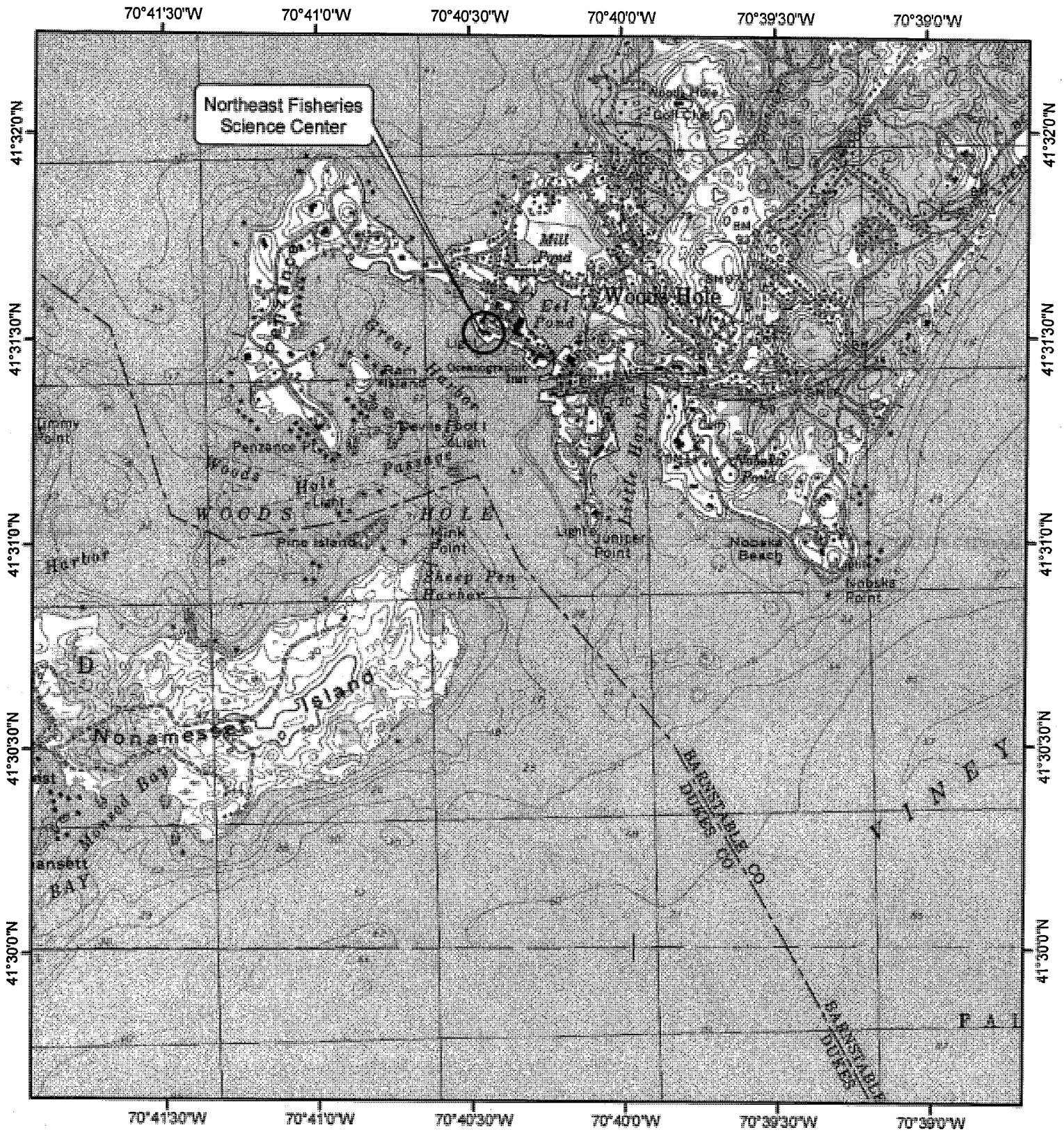
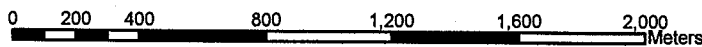


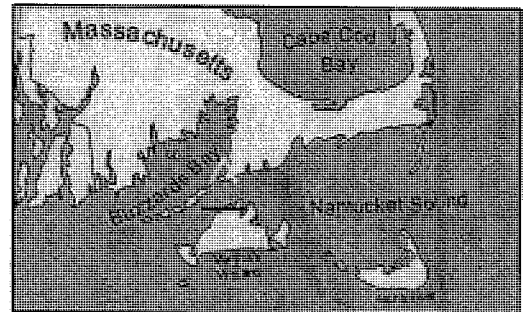
FIGURE 1

**Great Harbor, Falmouth, MA
Northeast Fisheries Science Center**



US Army Corps
of Engineers
New England District

1:23,709



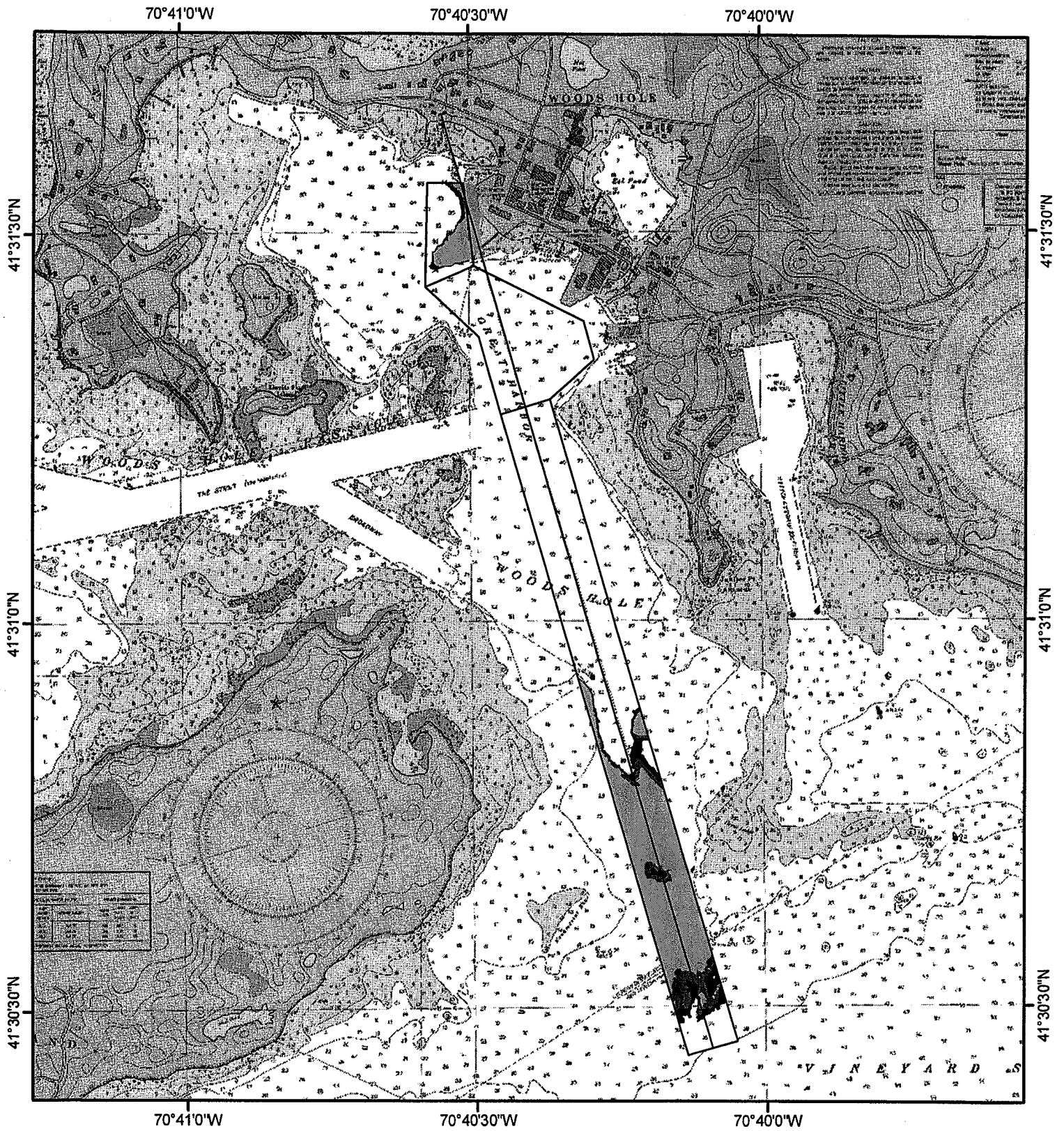


FIGURE 2

**Great Harbor, Falmouth, MA
Selected Channel Configuration and Dredge Alternatives**

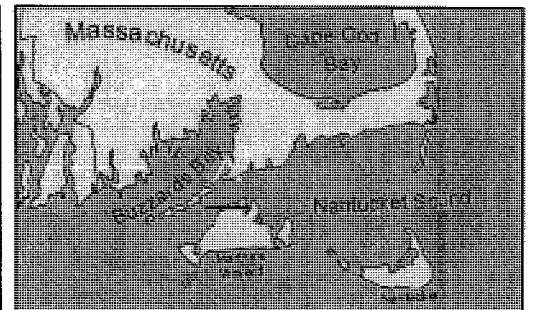
- Proposed Channel Alignment
- Proposed Dredge Area 25' (+2')
- Proposed Dredge Area 24' (+2')
- Proposed Dredge Area 26' (+2')

0 100 200 400 600 800 1,000 Meters



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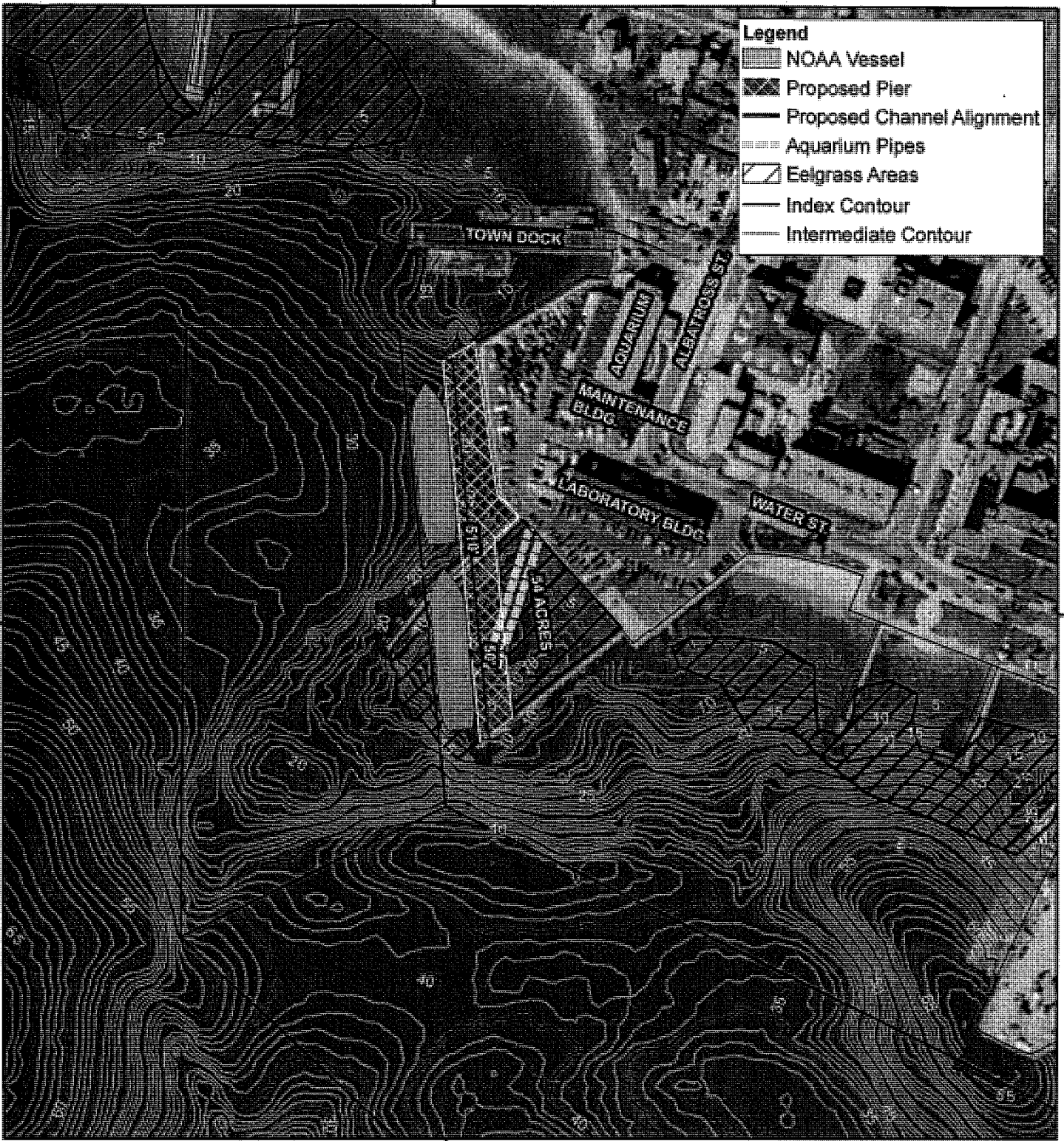
0 250 500 1,000 1,500 2,000 2,500 Feet
1:12,503



70°40'30"W

41°31'30"N

41°31'30"N



70°40'30"W

FIGURE 3

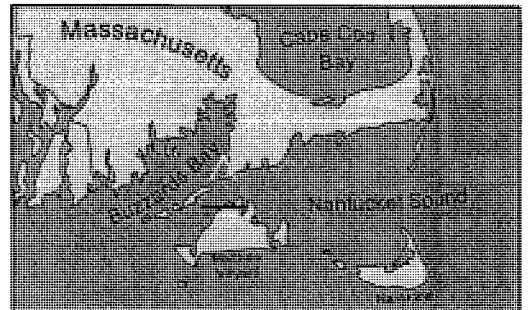
**Great Harbor, Falmouth, MA
510'x 50' Expanded Pier Option**

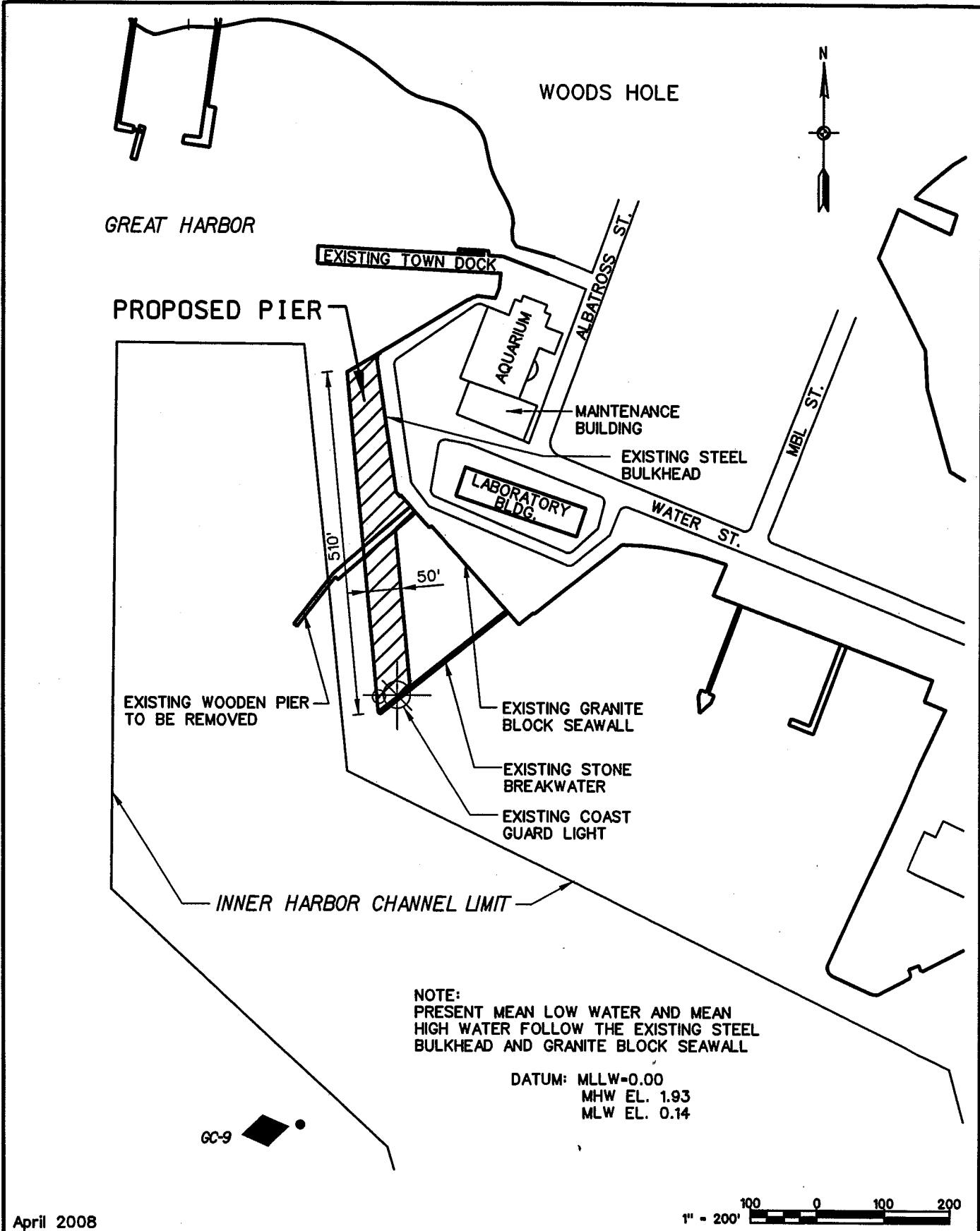
0 12.5 25 50 75 100 125 150 Meters

0 40 80 160 240 320 400 Feet
1:2,259



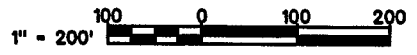
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NOTE:
 PRESENT MEAN LOW WATER AND MEAN
 HIGH WATER FOLLOW THE EXISTING STEEL
 BULKHEAD AND GRANITE BLOCK SEAWALL

DATUM: MLLW-0.00
 MHW EL. 1.93
 MLW EL. 0.14



April 2008

DEPARTMENT OF THE ARMY
 NEW ENGLAND DISTRICT
 CORPS OF ENGINEERS
 CONCORD, MASSACHUSETTS

FIGURE 4
 GREAT HARBOR, FALMOUTH, MASSACHUSETTS
 EXPANDED PIER OPTION
 PROPOSED PLAN

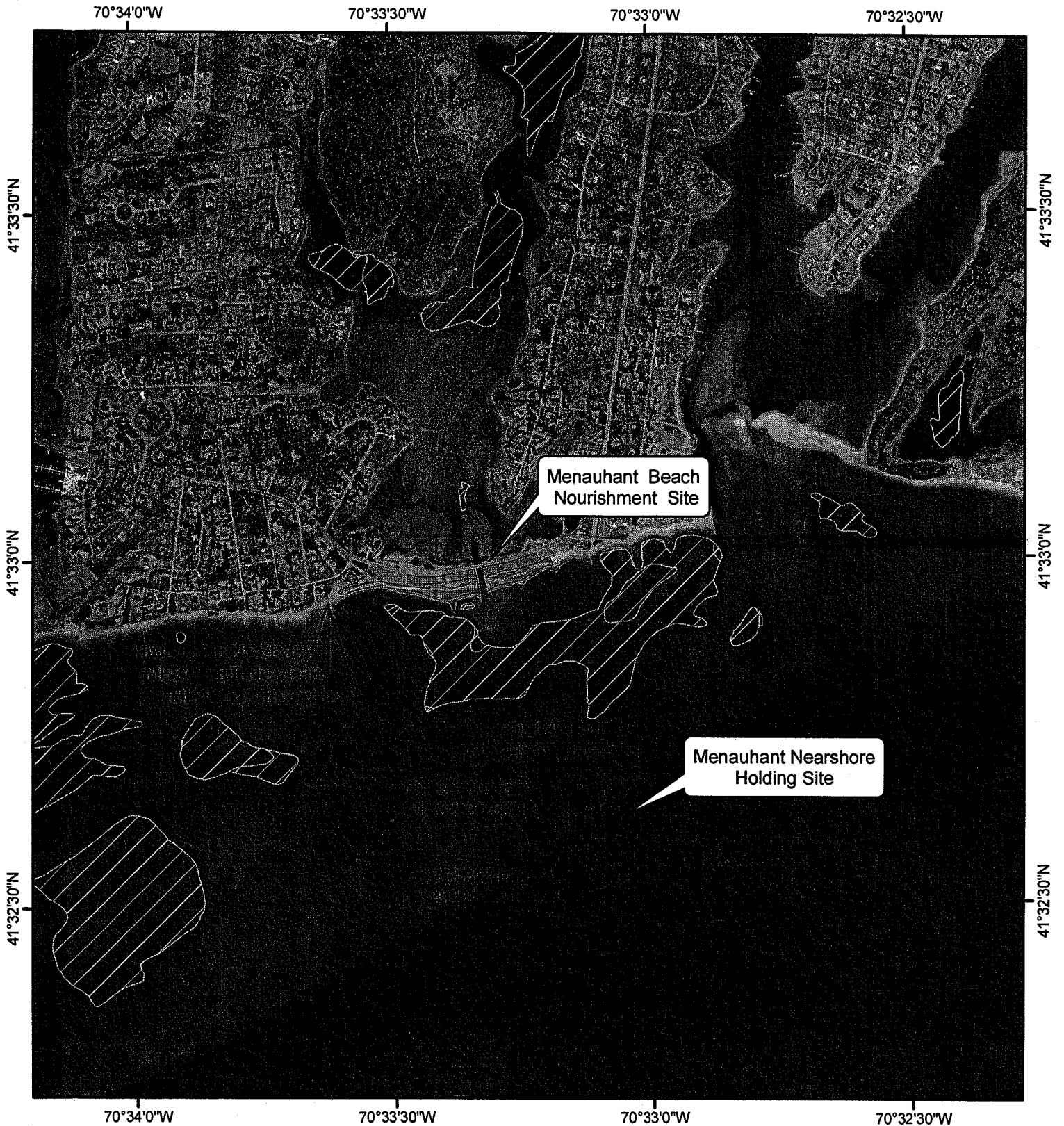


FIGURE 5

Menauhant Beach Nourishment Site, Falmouth, MA and Nearshore Holding Area with DEP Eelgrass Areas

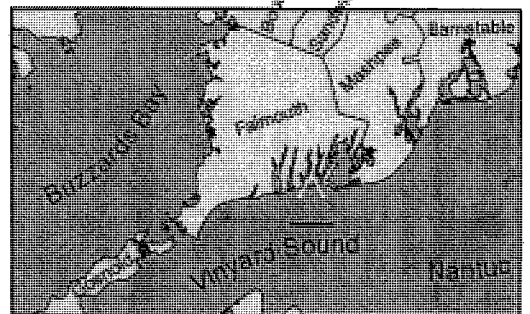
-  Proposed Nearshore Holding Area
-  DEP Eelgrass Area (95 and 01)
-  Menauhant Beach Disposal Site

0 100 200 400 600 800 1,000 Meters



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New England District

0 255 510 1,020 1,530 2,040 2,550 Feet
1:13,986



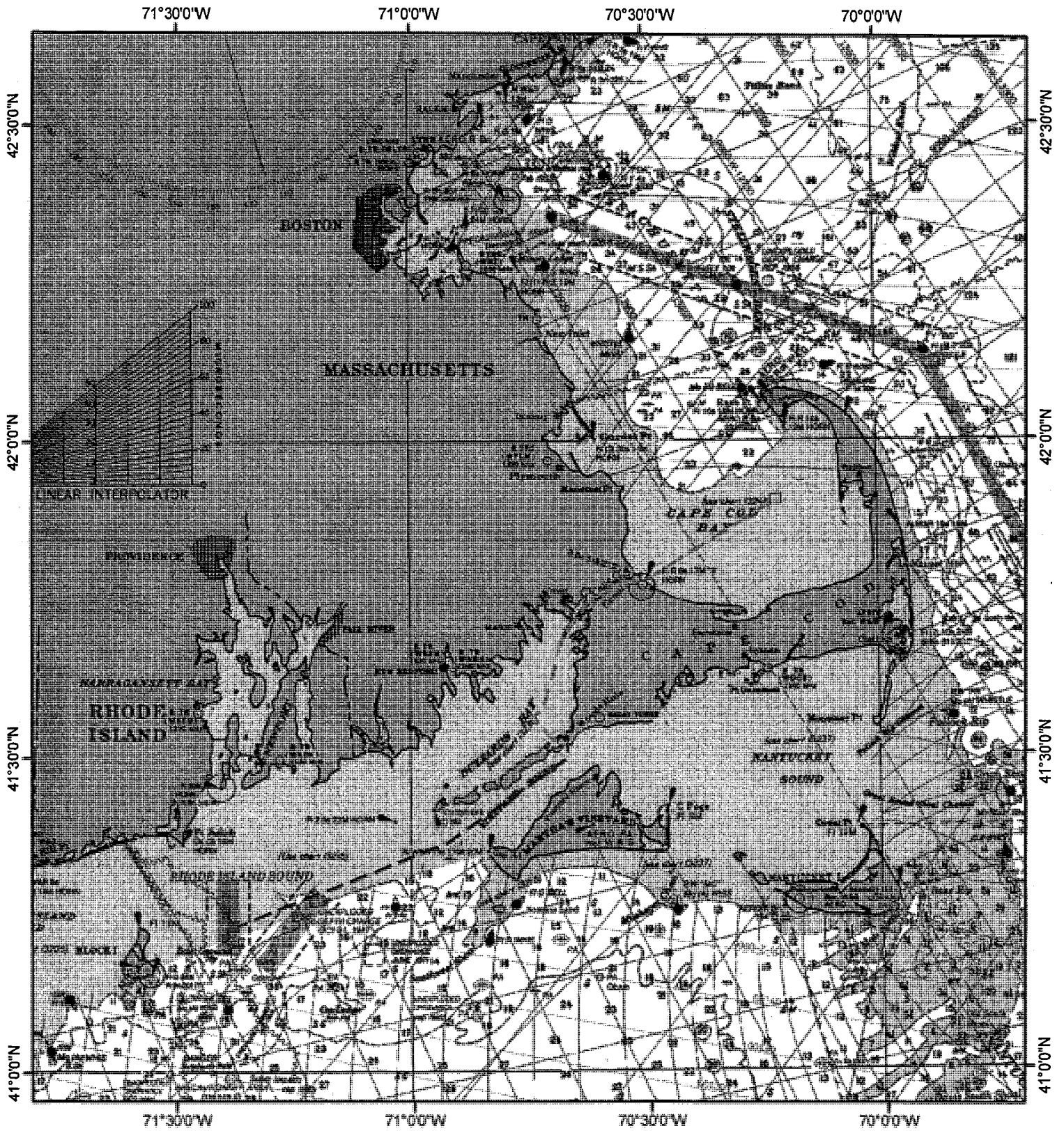






FIGURE 6

Open Water Disposal Site Locations and Haul Routes

-  Cape Cod Bay Disposal Site (1982-pres)
-  CCBDS Haul Route (38.41nmi)
-  RI Sound Disposal Site (Site 69b)
-  RISDS Haul Route (37.54nmi)



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0 2.5 5 10 15 20 25 Nautical Miles
1:924,040

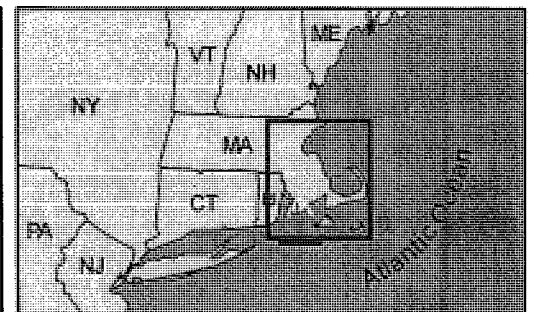
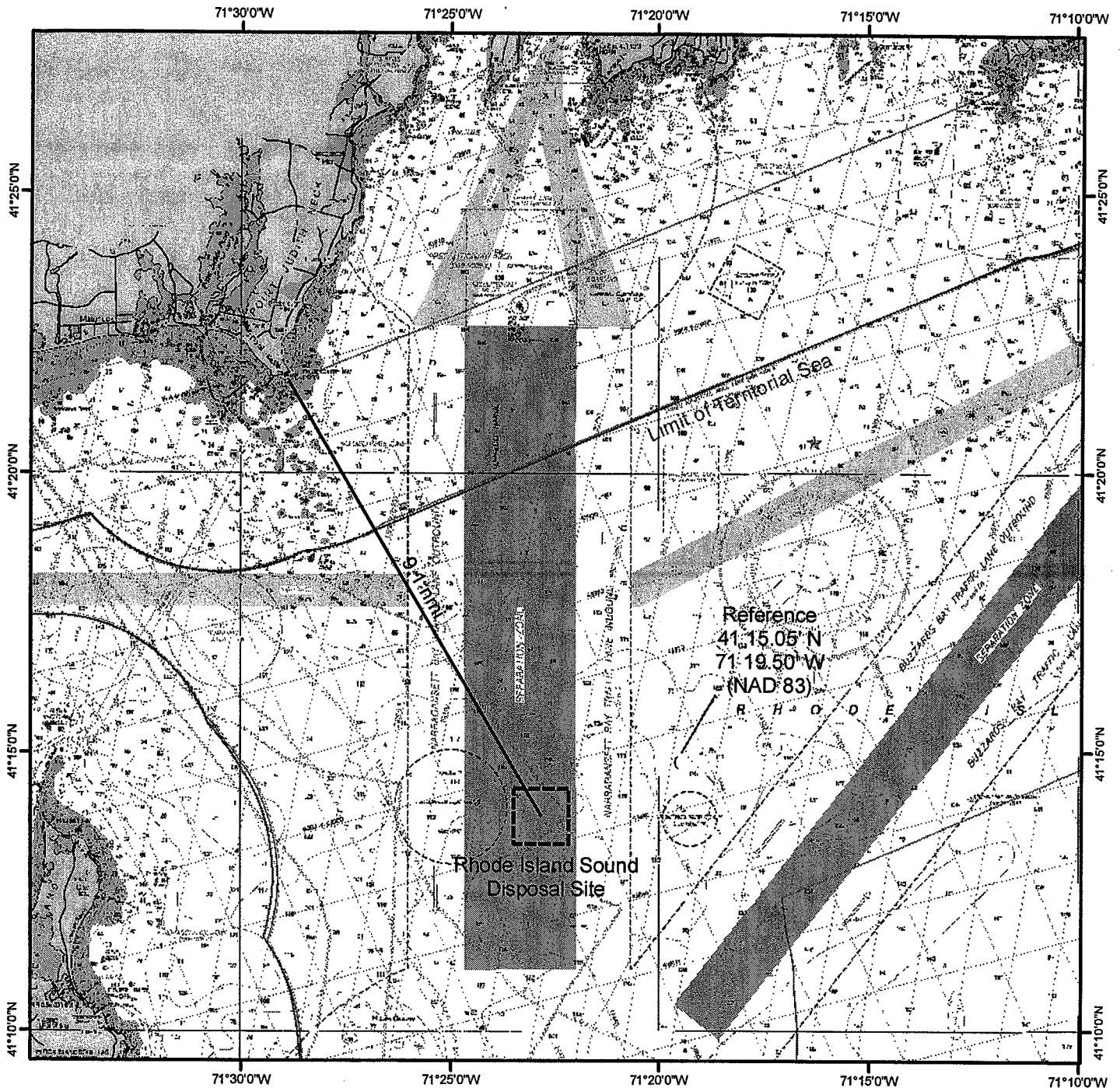
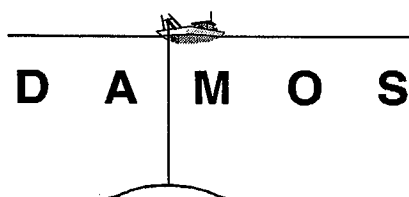


Figure 7



RHODE ISLAND SOUND DISPOSAL SITE

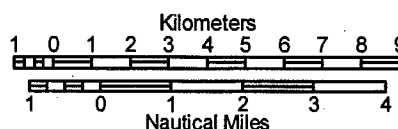
Description: The Rhode Island Sound Disposal Site (RISDS) was designated in December 2004. This 3.24 km² (1 nautical mi²) site is centered at 41° 13.850' N, 71° 22.817' W (NAD 83). It is located approximately 9.1 nmi (16.8 km) south-southeast of Point Judith, Rhode Island, and approximately 11.3 nmi (21 km) south of the entrance to Narragansett Bay. It is situated within the Separation Zone for the Narragansett Bay Inbound and Outbound Traffic Lanes and lies within a topographic depression, with water depths from 36 to 39 m. The authorized disposal point (within the overall disposal area) is specified for each dredging project in other project documents.



DISPOSAL AREA MONITORING SYSTEM

April 2008

SCALE 1:194,001



NOTE: This chart is not intended for use in navigation.

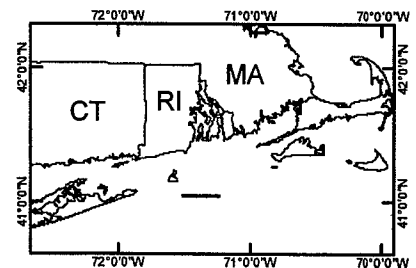
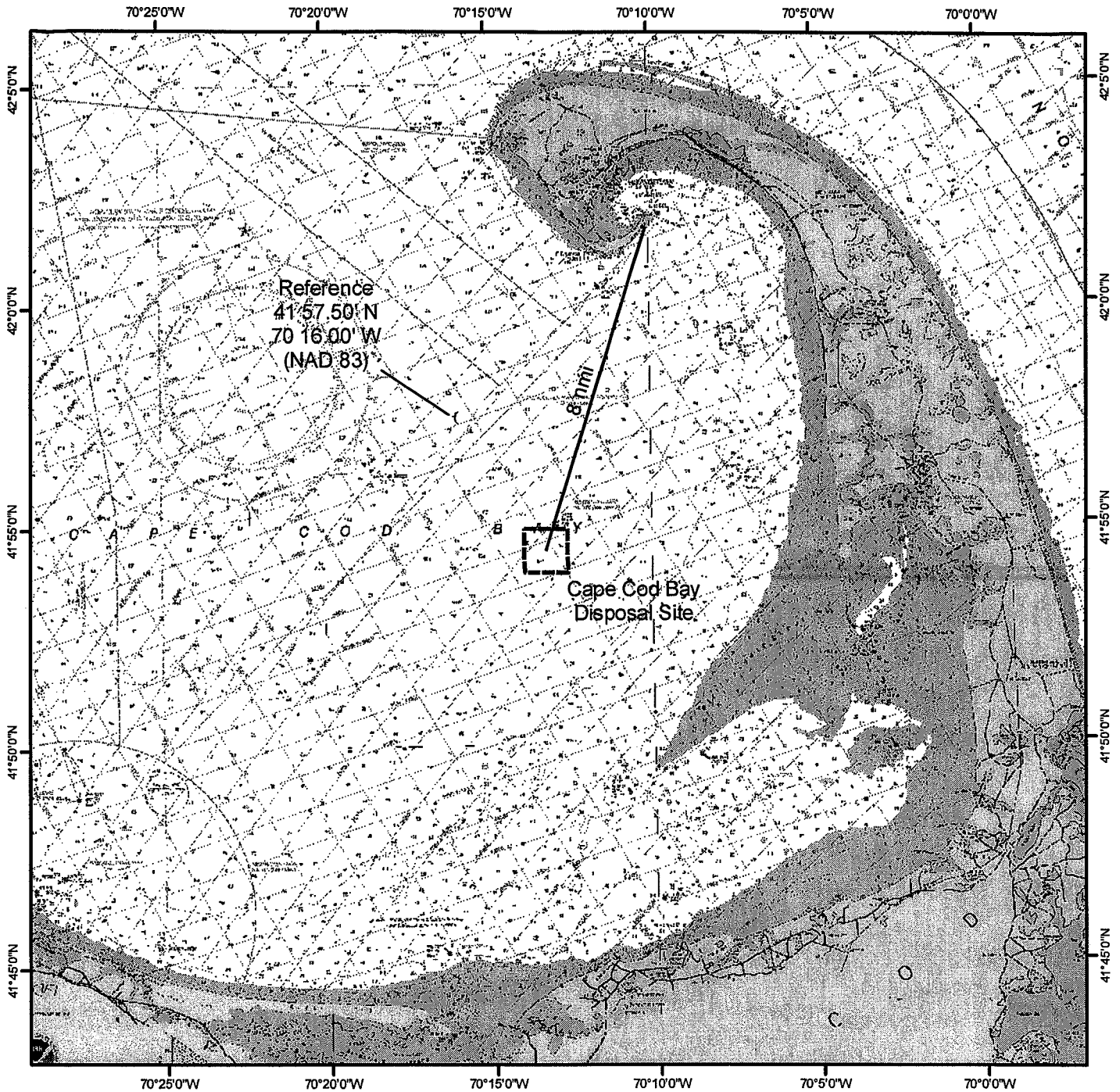
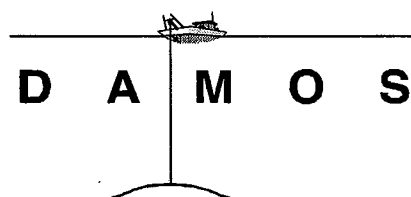


Figure 8



CAPE COD BAY DISPOSAL SITE

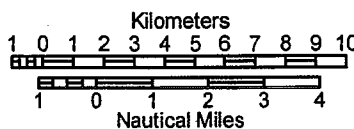
Description: The Cape Cod Bay Disposal Site (CCBDS) is centered at coordinates 41° 54.406' N, 70° 13.268' W (NAD 83) and is located 8.0 nmi (14.9 km) southwest of Long Point, Provincetown, Massachusetts. The site has a relatively flat, featureless seafloor with an average water depth of 102 ft (31 m). The authorized disposal point (within the overall disposal area) is specified for each dredging project in other project documents



DISPOSAL AREA MONITORING SYSTEM

April 2008

SCALE 1:247,758



NOTE: This chart is not intended for use in navigation.

