



**US Army Corps
of Engineers**[®]
New England District

696 Virginia Road
Concord, MA 01742-2751

15 DAY NOTICE

PUBLIC NOTICE

Date: April 20, 2004

Comment Period Ends: May 5, 2004

File Number: NAE-2004-704

In Reply Refer To: Paul Sneeringer@978-318-8491

Or by e-mail: paul.j.sneeringer@nae02.usace.army.mil

The Town of Tisbury, P.O. Box 1239, 51 Spring Street, Tisbury, Massachusetts 02568; has requested a Corps of Engineers permit under Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act to maintenance dredge and to retain the entrance channel to Lake Tashmoo. This work involves hydraulically dredging the 1,700-foot long by 125-foot wide entrance channel to a depth of -7.0 feet mean low water (MLW). Approximately 28,000 cubic yards of dredged sand will be deposited as beach nourishment on adjacent shoreline areas, which will result in the filling of approximately 206,600 square feet of beach areas seaward of the approximate high tide line (HTL). This project area is located adjacent to East Herring Creek Road in Tisbury, Massachusetts. The purpose for this project is to maintain navigational access to Lake Tashmoo and to improve storm damage and flood control. The applicant has also stated that the dredging will improve water circulation and water quality within Lake Tashmoo for shellfish propagation. This area was previously dredged and nourished under Corps of Engineers permits #199000897 and #199700917, which have both expired. The work is described on the enclosed plans entitled "TOWN OF TISBURY/LAKE TASHMOO," on three sheets, and dated "5/13/98."

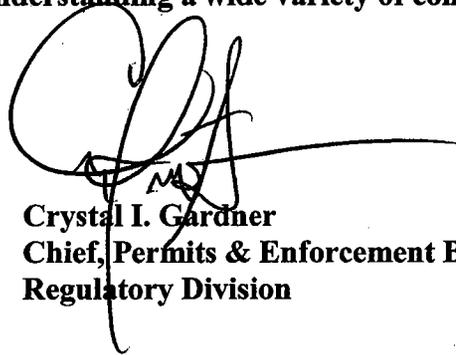
The beach nourishment area for this proposal is adjacent to feeding, nesting, and chick-rearing habitat for the Federally endangered Atlantic Coast piping plover (*Charadrius melodus*). The Corps is continuing to coordinate with the U.S. Fish and Wildlife Service regarding potential impacts that this project will have on the Atlantic Coast piping plover. This coordination will be concluded prior to the final decision.

The dredging portion of this project will impact approximately 200,000 square feet of Essential Fish Habitat (EFH) for a number of economically valuable marine fishery species, including but not limited to winter flounder (*Pleuronectes americanus*) (all stages), yellowtail flounder (*Pleuronectes ferruginea*) (juveniles), summer flounder (*Paralichthys dentatus*) (all stages), and surf clam (*Spisula solidissima*) (juveniles and adults). Habitat at this site can be described as sandy. Loss of this habitat may adversely affect EFH for the above 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.

This project is located on the USGS Vineyard Harbor quadrangle sheet at UTM coordinates N 4591700 and E 363600.

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 Mr. Paul Sneeringer at (978) 318-8491 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.

A handwritten signature in black ink, appearing to read 'Crystal I. Gardner', with a long horizontal line extending to the right.

**Crystal I. Gardner
Chief, Permits & Enforcement Branch
Regulatory Division**

**SEE NEXT PAGE FOR
DETAILS OF EVALUATION
FACTORS**

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.

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.

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)

Pursuant to the Endangered Species Act, the District Engineer is hereby requesting that the appropriate Federal Agency provide comments regarding the presence of and potential impacts to listed species or its critical habitat.

The following authorizations have been applied for, or have been, or will be obtained:

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

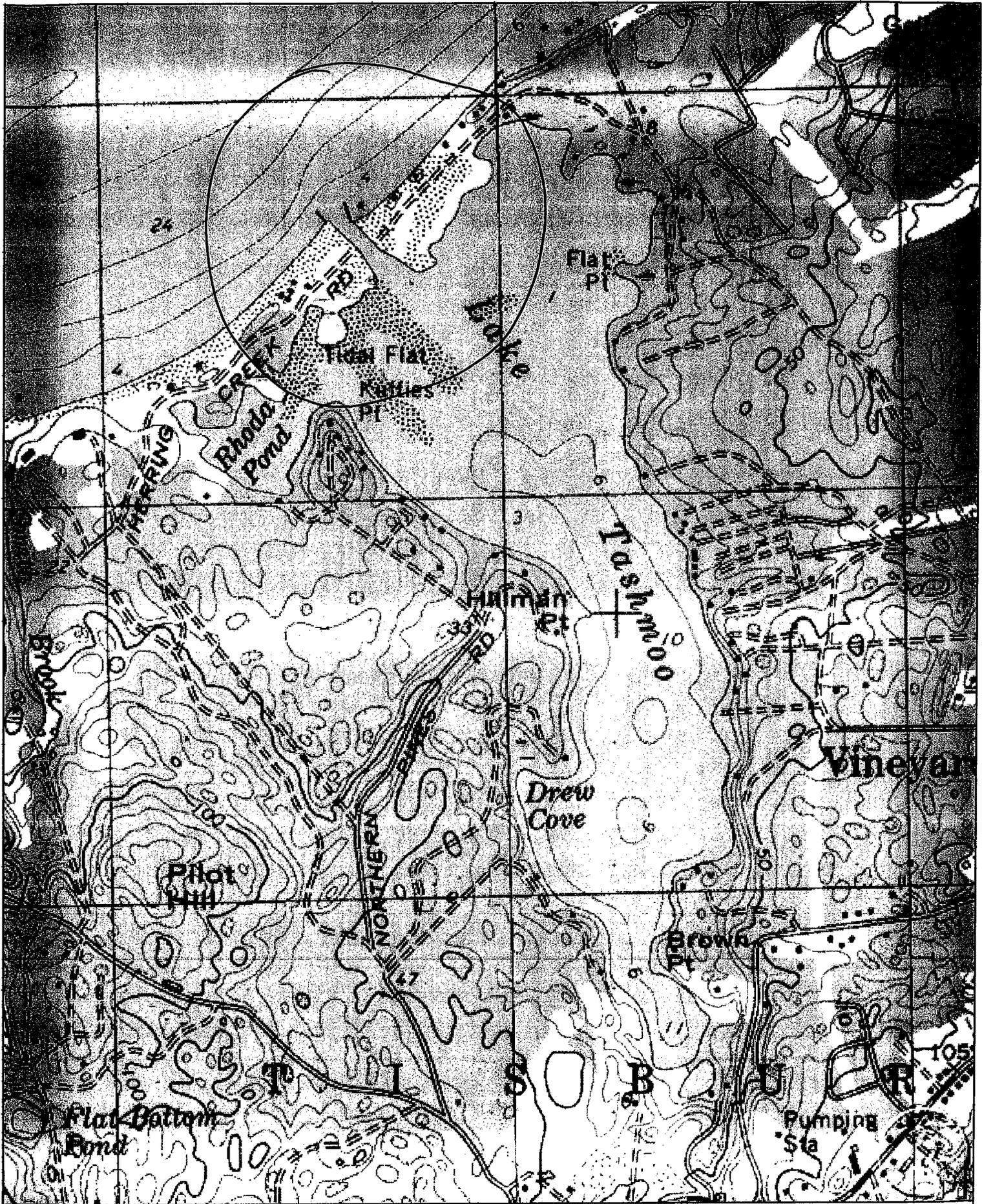
The States of Connecticut, Maine, Massachusetts, New Hampshire and Rhode Island have approved Coastal Zone Management Programs. Where applicable the applicant states that any proposed activity will comply with and will be conducted in a manner that is consistent with the approved Coastal Zone Management Program. By this Public Notice, we are requesting the State concurrence or objection to the applicant's consistency statement.

The 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.

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: _____



Name: VINEYARD HAVEN
 Date: 4/16/104
 Scale: 1 inch equals 1000 feet

Location: 041° 27' 30.7" N 070° 37' 44.0" W
 Caption: NAE-2004-704
 Town of Tisbury/Lake Tashmo Inlet Maintenance Dredge
 Sheet 1 of 3 Date: 5/13/98

