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US Army Corps
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New England District

PUBLIC NOTICE

In Reply Refer to: William Kavanaugh

Email: nae-pn-nav@usace.army.mil

Programs and Project Management Division

Date: July 12, 2023

Comment Period Closes: August 12, 2023

30-DAY PUBLIC NOTICE MAINTENANCE DREDGING OF CUTTYHUNK HARBOR FEDERAL NAVIGATION PROJECT GOSNOLD, MASSACHUSETTS

Interested parties are hereby notified that the U.S. Army Corps of Engineers (USACE), New England District, plans to perform work in the navigable waters of this District, subject to the provisions of Section 404 of the Clean Water Act of 1977 (P.L. 95-217) and subject to the requirements of the National Environmental Policy Act (P.L. 91-190). The work involves maintenance dredging of the Cuttyhunk Harbor Federal Navigation Project (FNP) in Gosnold, Massachusetts, and is authorized in accordance with Title 33, Parts 335-338 of the Code of Federal Regulations. The FNP was authorized by the River and Harbor Act of 13 July 1892. The existing project consists of a channel generally 75 feet wide, 10 feet deep, and 3,500 feet long extending from the outer harbor to the westerly terminal of Cuttyhunk Pond and an anchorage in the inner harbor 800 feet wide, 10 feet deep, and 900 feet long (about 16.5 acres in area). Attachment 1 lists pertinent laws, regulations, and directives.

Project Description: The proposed work involves periodic maintenance dredging of approximately 25,000 cubic yards (cy) of sandy material from approximately 6 acres of the Federal entrance channel and placement of the sandy material at the nearshore placement site off Church's Beach (Attachment 2). The initial work will be performed by a private contractor using a mechanical dredge and future maintenance events may be conducted by a mechanical dredge or a hopper dredge. Maintenance dredging will return the Federal channel to its authorized dimensions. The initial work will be accomplished over a two to three-month period between September 15 and March 31 in the year(s) in which funds become available. Future periodic maintenance dredging events with a hopper dredge may occur at any time of year. No additional dredging by others has been planned or is expected.

Purpose of Work: The purpose of this project is to remove hazardous shoals in the entrance channel feature of the FNP to restore the channel to its authorized dimensions. As a subsistence harbor, Cuttyhunk Island's economy and its year-round residents, summer residents, and tourists rely heavily on the viability of the ferry service and the FNP for transportation of goods as well as people, to and from the island including during an evacuation. Hydrographic surveys of the FNP have identified shoaling that has become intertidal in some areas of the FNP, which is a hazard to vessel navigation.

Alternatives: The following proposals were considered as alternative solutions to address the natural shoaling as part of the alternative analysis process.

No Action - Under this alternative, USACE would not dredge the Cuttyhunk Harbor FNP entrance channel and any associated environmental impacts would be avoided. Conversely, the no action alternative would allow existing conditions in the channel to worsen and may result in the harbor being completely closed off from vessel traffic.

Alternative Placement Sites - The various dredged material placement locations considered include direct beach nourishment, nearshore, upland, and open water. Nearshore placement was chosen because it provides indirect nourishment to an adjacent beach and was economically justified.

Alternative Dredging Methods - The various types of dredging methods that were considered included: mechanical bucket, hydraulic cutterhead pipeline, and a hopper. Because the shoals have caused a portion of the channel to become intertidal, a mechanical dredge was chosen to perform the initial work because it can work in shallow waters and in densely packed material in small areas. In the future, a government-owned hopper dredge may be used alternatively to maintain the entrance channel.

Disposal Area: The proposed nearshore placement site off Church's Beach is 500 by 1200-foot area centered along the 15-foot depth contour (13.8 acres) off Church's Beach (see Attachment 2). Church's Beach connects Copicut Neck to the main island and forms the western border of Cuttyhunk Pond providing protection from Buzzards Bay. It is historically a varying sand and stone cobble beach area that has migrated southward over the years to its current position. The nearshore placement site was last used in 2020 when the government-owned hopper dredge, *Currituck*, hydraulically removed and placed approximately 8,000 cubic yards of sandy material from the Cuttyhunk FNP entrance channel there.

Additional Information: Additional information may be obtained from Mr. William Kavanaugh, Navigation Project Manager, at the return address shown above, by email at nae-pn-nav@usace.army.mil or by telephone at (978) 318-8328.

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

Federal:

U.S. Environmental Protection Agency – Region 1
U.S. Fish and Wildlife Service – New England Field Office
National Marine Fisheries Service – Greater Atlantic Regional Fisheries Office

State:

Massachusetts Department of Environmental Protection
Massachusetts Division of Marine Fisheries
Massachusetts Office of Coastal Zone Management
Massachusetts Historical Commission

Massachusetts Board of Underwater Archaeological Resources
Massachusetts Natural Heritage and Endangered Species Program

Recognized Tribes:

Mashpee Wampanoag Tribe
Wampanoag Tribe of Gay Head (Aquinnah)
Narragansett Tribe

Municipal Officials:

Town of Gosnold, MA

Environmental Impacts: An Environmental Assessment is in preparation and 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.

Other Information:

- a. Local Sponsor: Town of Gosnold, Massachusetts
- b. Endangered Species: It is our preliminary determination that the project may affect, but is not likely to adversely affect, threatened or endangered species. USACE is in consultation with the National Marine Fisheries Service and the U.S. 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).
- c. Cultural Resources: USACE is coordinating the proposed project with the Massachusetts Historical Commission (MHC), the Massachusetts Board of Underwater Archaeological Resources (BUAR), the Mashpee Wampanoag Tribe, Wampanoag Tribe of Gay Head (Aquinnah) and Narragansett Tribe in accordance with the National Historic Preservation Act (NHPA) of 1966, as amended. The project area has been previously dredged, and therefore, no effects upon significant archaeological or historical properties as defined by the NHPA and 36 CFR 800 are anticipated. As disposal will occur at a previously and continuously used disposal site, impacts upon significant archaeological or historical resources are not expected. We expect the MHC, MA BUAR, and the Tribes to concur with this determination.
- d. Submerged Aquatic Vegetation (SAV): The proposed work will adversely affect eelgrass (*Zostera marina*), a form of SAV. Previous pre-dredging and post-dredging eelgrass surveys have shown eelgrass within the limits of, and adjacent to, the Cuttyhunk Harbor entrance channel. Eelgrass that is within the channel or its 3H:1V side-slope will be lost during the dredging process. However, based upon USACE's surveys and analysis, any eelgrass that is lost is expected to

recover in a period of 1 to 2 years as it has in the past following dredging activities. USACE intends to perform a pre-dredging eelgrass survey during the 2023 growing season as well as a post-dredging eelgrass survey in the 2024 growing season to determine the extent of eelgrass in and adjacent to the channel and the project's impacts to eelgrass. An eelgrass Impact Assessment and Mitigation Plan has been prepared (Appendix E of the EA) that proposes a onetime payment into the Massachusetts In Lieu Fee Program to mitigate the temporary loss of this habitat.

e. Essential Fish Habitat Assessment: USACE has 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 as amended by the Sustainable Fisheries Act of 1996 for federally managed fish species. USACE assessed the effects that the project is likely to have on EFH and determined that they will be short-term and localized, and that there will be no significant impacts on the designated fisheries resources. USACE is in consultation with the National Marine Fisheries Service to ensure that any potential impacts will be minimized.

e. Floodplain Management: In accordance with Executive Order 11988, USACE has determined that the proposed work will not contribute to negative impacts or damages caused by floods.

f. Additional Requirements: USACE has received an amendment to an existing 401 Water Quality Certificate (WQC) for this project from the MA Department of Environmental Protection (MA DEP) to ensure compliance with Section 401 of the Clean Water Act for the disposal activities in state waters. USACE has also received an amended Coastal Zone Management (CZM) Consistency Determination Concurrence from the MA Office of CZM. USACE will request an updated 401 WQC and CZM Consistency Determination Concurrence for future work. The dredging and placement operations will be conducted in a manner that is consistent to the maximum extent practicable with Massachusetts's coastal management program established in accordance with the Coastal Zone Management Act of 1972.

The decision whether to perform the proposed work will be based on an evaluation of the probable impact, including cumulative impacts, 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 that reasonably may be expected to accrue from the proposal will be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

Any person who has an interest, which may be affected by the 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: William Kavanaugh; or emailed within 30 days of this notice to nae-pn-nav@usace.army.mil.

Date

John A. Atilano II
Colonel, Corps of Engineers
District Engineer

Encls
Attachment 1
Attachment 2

Attachment 1

PERTINENT LAWS, REGULATIONS, AND DIRECTIVES

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

Clean Water Act, as amended (33 U.S.C. 1251 et seq.)

National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.)

Fish and Wildlife Coordination Act (16 U.S.C. 661-677e)

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

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

National Historic Preservation Act of 1966, as amended (54 U.S.C. 300101 et seq.)

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

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

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

Land and Water Conservation Fund Act of 1965, as amended (54 U.S.C. 200302 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.)

Marine Protection, Research, and Sanctuaries Act of 1971, as amended (33 U.S.C. 1401 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

Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks, 21 April 1997

Attachment 2

Cuttyhunk Harbor Federal Navigation Project Dredge Areas and Near-shore Disposal Sites

