



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

PUBLIC NOTICE

Comment Period Begins: October 21, 2021
Comment Period Ends: November 21, 2021
File Number: NAE-2019-1888
In Reply Refer To: Charles Farris
Phone: (978) 318-8336
E-mail: Charles.n.farris@usace.army.mil

The District Engineer has received a permit application to conduct work in waters of the United States from 51 Spring Street, Vineyard Haven, MA 02568. This work is proposed in Vineyard Sound at 190 Beach Road Tisbury, MA. The site coordinates are: Latitude 41.455° N Longitude -70.594° W.

The work will be conducted in two primary sections. The southern section will continue to support current TMT operations and be utilized as a materials, cargo and bulk transfer/storage facility and marine terminal accommodating a variety of land and water based equipment, vessels and barges. The northern section of the site will serve as the new O&M facility for future offshore wind operations.

TMT Terminal Facility Operations (Southern Section)

Replacement & Realignment of Existing Solid-fill Pier

The existing solid-filled pier is to be replaced with a new steel sheet-pile structure that will include a concrete deck. The new structure will be rotated/realigned slightly from its' existing location so that it will be perpendicular to the shoreline. The proposed replacement solid-filled pier will be ±110 feet long by ±30 feet wide and have a total footprint area of ±3,330 square feet (SF). The existing solid-fill structure footprint area is approximately ±3,552 SF. Accordingly, installation of the replacement pier structure results in a ±222 SF reduction in total footprint area.

Barge Access & Berthing Area Improvements

the existing barge ramp will be replaced and two (2) new barge ramps will be constructed. Each ramp will be 40 feet long x 20 feet wide (±800 SF each).

Steel Bulkhead Improvements

The existing ±209 LF bulkhead, which presently provides shoreline stabilization to the terminal yard, will be improved by oversheeting with new steel sheet piles supported by grouted soil anchors. A new bulkhead section will also be constructed and extend ±75 LF from the northeast corner of the new solid-fill pier along with a ±101 LF return.

O&M Facility (Northern Section)

Facility Berthing Area

Three (3) additional berths areas will be created: ±47 feet wide, ±50 feet wide and ±57 feet wide. A floating dock (12' by 142') supported by five (5) steel pipe piles will be installed. It will provide access to the vessels, act as a wave attenuator between berthing areas, and will separate the 47-foot and 50-foot wide berthing areas.

New Bulkhead & Fendering System

The landward side of the O&M berthing areas will be stabilized by a new ±185 LF steel sheet pile bulkhead with an integral fender system. The bulkhead includes 80 LF of gaps in the structure below water surface. These

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are designed to allow greater water exchange on either side of the bulkhead while still retaining the primary wave attenuating feature.

New Pile-supported Pier Deck & Bulkhead

A new $\pm 38,821$ SF, pile-supported pier deck will be constructed including 204 piles. The support piles will be steel pipe, concrete or timber, connected to the new berth bulkhead and tie into the northern shoreline area. A ± 35 -foot wide higher capacity concrete deck will be installed immediately behind the bulkhead. The concrete pile-supported deck will be supported by (48) 20-inch diameter pipe piles and (4) 20-inch batter piles.

Public Access

A new ± 800 SF public look-out landing will be constructed immediately east of the new O&M pier deck. This deck will be supported by (15) 12-inch diameter greenheart timber piles.

Maintenance and new dredging are proposed

Maintenance dredging is in an area of $\pm 30,536$ SF, about $\pm 6,020$ CY will be disposed of at Cape Cod Bay Disposal Site

New dredging is in an area of $\pm 41,356$ SF, and an estimated $\pm 13,939$ CY will be used for beach nourishment

The work is shown on the enclosed plans entitled "PLAN ACCOMPANYING PETITION OF: TISBURY MARINE TERMINAL 190 BEACH RD, TISBURY, MA 02568 TO LICENSE AND MAINTAIN PILE SUPPORTED STRUCTURES, RECONSTRUCTED SOLID FILLED PIER, BULKHEADS, WAVE BREAK, FLOATS, DREDGING AND BEACH NOURISHMENT" on seventeen sheets, and dated "August 13, 2021".

The applicant has attempted to avoid and minimize project impacts and is not proposing compensatory mitigation to offset project impacts.

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.
- ☐ Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408)

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 U.S. Army Corps of Engineers, New England District (USACE), is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties so the Corps can consider and evaluate the impacts of this proposed activity. The USACE will consider all comments received 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 analysed 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.

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 site.

Testing Information 2021 Suitability determination

The dredged material has undergone physical and chemical analysis. It is our determination that some of the material is acceptable for disposal at the Cape Cod Bay disposal site (CCBDS) and some of the material is suitable for beach nourishment.

Any permit issued for this project will include special conditions requiring scows to come to a complete stop when disposing of the material at the disposal site. There will also be a time of year restriction included as a special condition which prohibits dredging during ecologically sensitive times of year.

Cape Cod Bay Disposal Site

The Cape Cod Bay Disposal Site was first used in 1971 for the disposal of sediments dredged from Wellfleet Harbor. It has been infrequently used since then for disposal of dredged material from various coastline locations of Cape Cod. This disposal site is monitored and managed by the Massachusetts Department of Environmental Management. Studies show that the site is a low energy environment such that sediment deposited at this location will remain within the site's boundaries. Levels of metals in the sediments within the disposal site are slightly above background levels, indicative of the influence of the earlier dredge disposal at the site. Previous research has shown that areas outside the disposal site have not been found to be affected by sediment deposited within the site.

The disposal site is located within the identified limits of the Right Whale Critical Habitat Area.

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). Essential Fish Habitat describes waters and substrate necessary for fish for spawning, breeding, feeding or growth to maturity.

The dredging portion of this project will impact approximately 71,892 SF of EFH. The TMT Facility Operations Area would account for 30,536 SF of impact and the O+M Facility Operations Area would account for 41,356 SF of impact. Habitat at this site can be described as sandy/silty sediments, both sub and intertidal, along with adjoining beach habitat. Loss of this habitat may adversely affect species that use these waters and substrate. 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 dredged material disposal is proposed for CCBDS and, for the less impacted material for beach nourishment. The CCBDS is an open water site, which provides EFH. Habitat at this site can be described as sandy/silty bottom sediments. Loss of this habitat may adversely affect species that use these waters and substrate. 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 the proposed work is unlikely to affect properties listed in, or eligible for listing in, the National Register of Historic Places. However, additional review and consultation to fulfil 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

The USACE has reviewed the application for the potential impact on Federally-listed threatened or endangered species and their designated critical habitat pursuant to section 7 of the Endangered Species Act as amended. 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 a listed species or their critical habitat. We are coordinating with the National Marine Fisheries Service and/or U.S. Fish and Wildlife Service on listed species under their jurisdiction and the ESA consultation will be concluded prior to the final decision.

OTHER GOVERNMENT AUTHORIZATIONS

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

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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.

COMMENTS

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 (Charles Farris) at (978) 318-8336, (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 USACE 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.

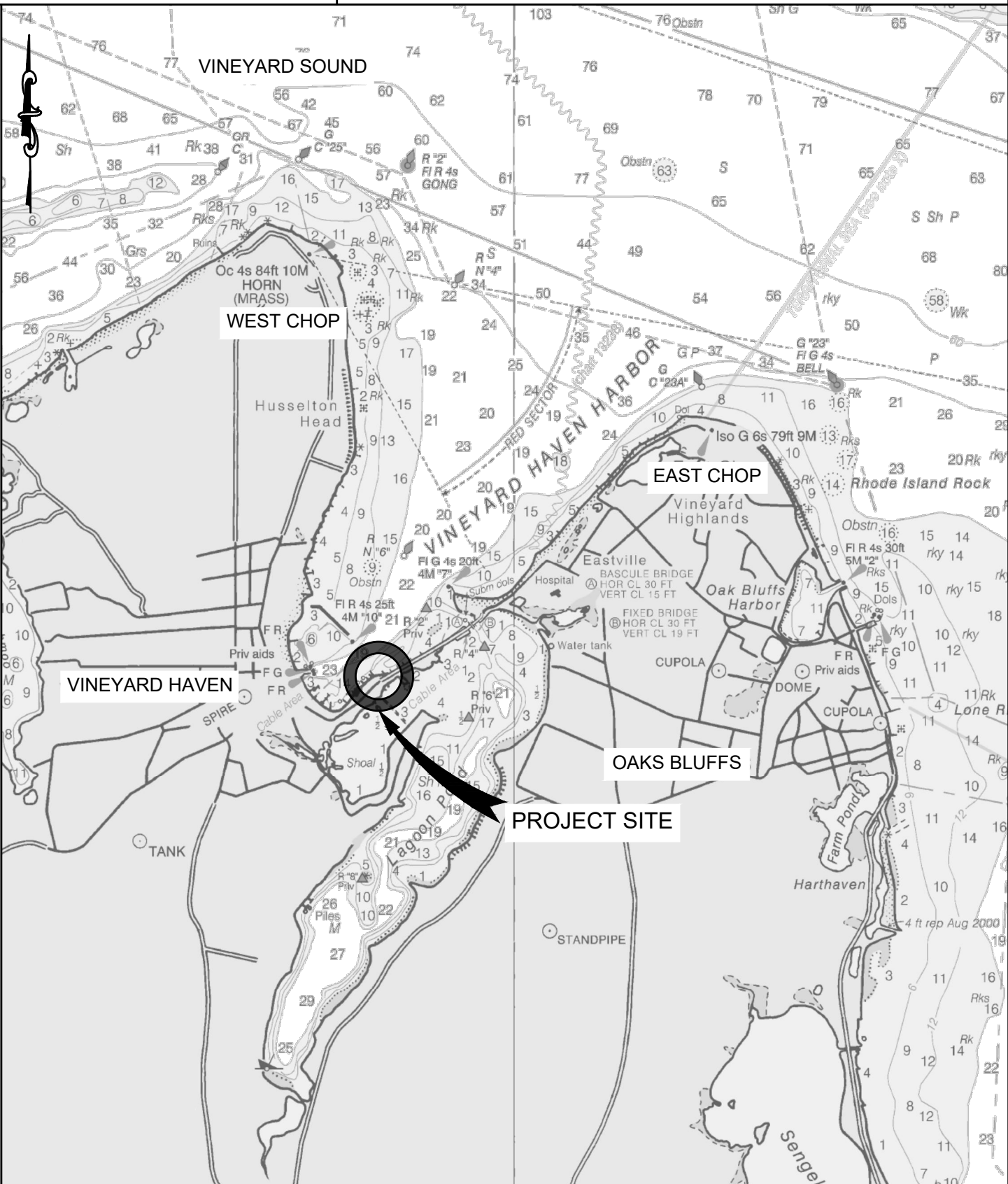


Robert J. DeSista
Chief, Policy and Technical Support Branch
Regulatory Division

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.

GENERAL LAW 36 SECTION 13-A

I CERTIFY THAT THIS PLAN CONFORMS WITH THE RULES
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LOCUS MAP
NOT TO SCALE

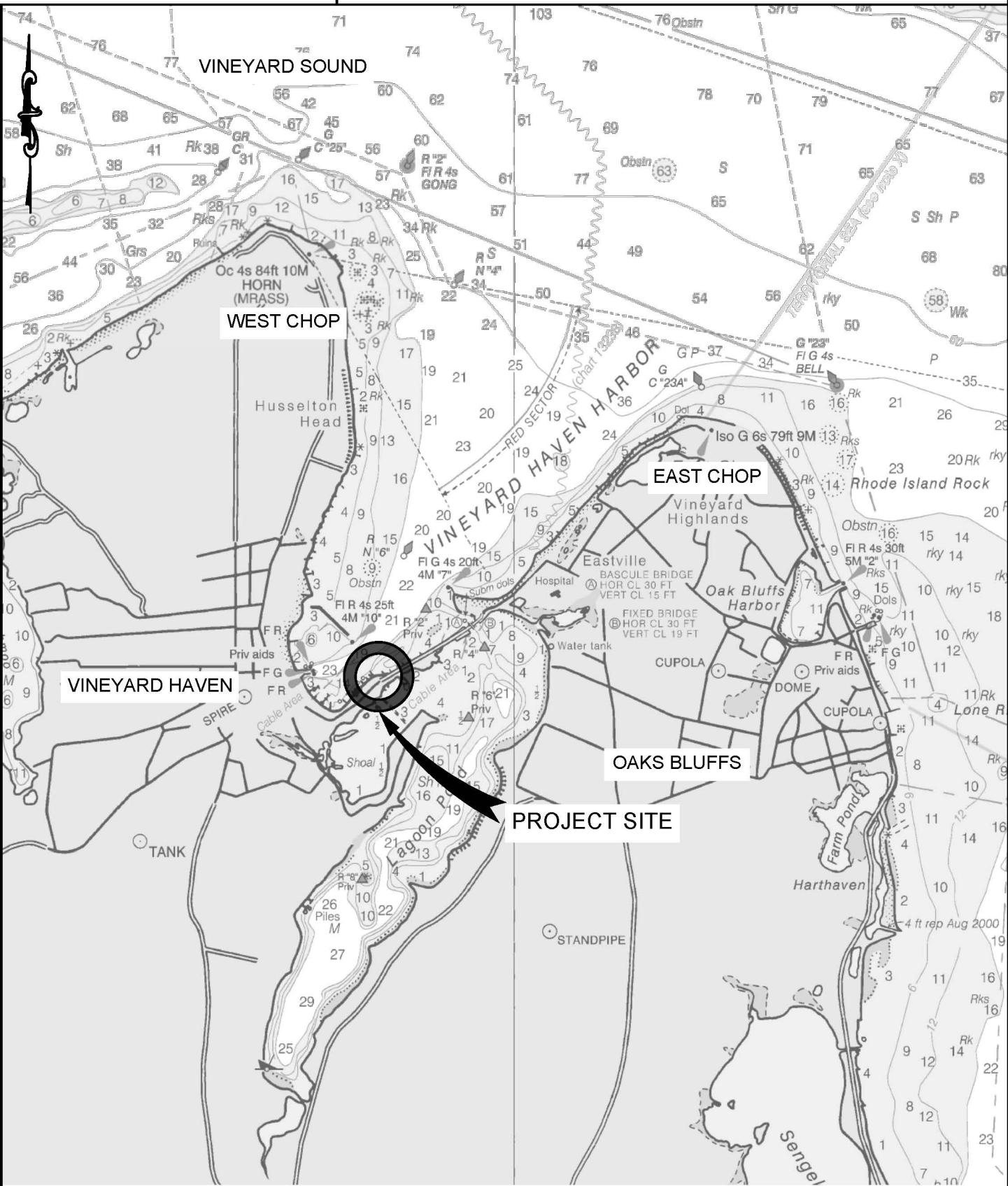
PLAN ACCOMPANYING PETITION OF:
TISBURY MARINE TERMINAL
190 BEACH RD, TISBURY, MA 02568

TO LICENSE AND MAINTAIN PILE SUPPORTED
STRUCTURES, RECONSTRUCTED SOLID FILLED PIER,
BULKHEADS, WAVE BREAK, FLOATS, DREDGING AND
BEACH NOURISHMENT

VINEYARD HAVEN HARBOR, DUKES COUNTY, MA

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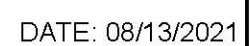
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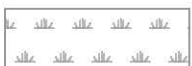






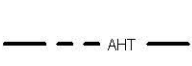





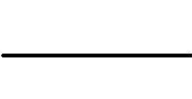




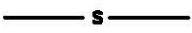

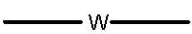


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


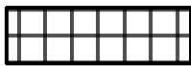
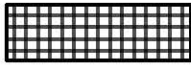





	<div>GENERAL LAW 36 SECTION 13-A</div> <div>I CERTIFY THAT THIS PLAN CONFORMS WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.</div> <div></div>
	<div>FOTH INFRASTRUCTURE AND ENVIRONMENT, LLC NOTES:</div> <div><div>1. RESULTS OF HYDROGRAPHY FROM A CONDITIONS SURVEY CONDUCTED ON 09/12/2018 & 06/07/2019 BY FOTH INFRASTRUCTURE AND ENVIRONMENT, LLC (FOTH).</div><div>2. SOUNDINGS ARE IN FEET AND TENTHS, AND REFER TO DEPTHS BELOW MEAN LOWER LOW WATER (MLLW) ; (+) SOUNDINGS INDICATE ABOVE MLLW. SOUNDINGS SHOWN ARE BASED ON A 10X10' MINIMUM DATA SET.</div><div>3. BATHYMETRY CONTOURS AND DREDGE VOLUMES ARE BASED ON A 3'X3' AVERAGE DATA SET.</div><div>4. THE INFORMATION DEPICTED ON THIS PLAN REPRESENTS THE RESULTS OF SURVEYS MADE ON THE DATES SHOWN, AND CAN ONLY BE CONSIDERED AS CONDITIONS AT THAT TIME.</div><div>5. LIMITS OF SALT MARSH, SHELLFISH SUITABILITY, HISTORIC HIGH TIDE AND NHESP, AS SHOWN, ARE BASED ON AVAILABLE INFORMATION PROVIDED BY THE MASSGIS DATABASE. LIMITS OF COASTAL BEACH AND COSTAL DUNE AS SHOWN ARE BASED ON FIELD SURVEY DATA.</div><div>6. ANNUAL HIGH TIDE LINE DELINEATED FROM NOAA BUOY 8448157 ANNUAL PREDICTED TIDES ON 5/6/2020.</div><div>7. THIS PROJECT IS LOCATED WITHIN THE ZONES AE (EL. 10' NAVD88) AND VE (EL. 13' NAVD88) AS DELINEATED ON FIRM COMMUNITY MAP NUMBERS 25007C0103J AND 25007C0104J, EFFECTIVE DATE 7/20/2016.</div><div>8. DREDGING IS TO BE PERFORMED USING MECHANICAL METHODS. DISPOSAL LOCATIONS WILL BE BASED ON THE SUITABILITY DETERMINATIONS PERFORMED BY AGENCIES.</div><div>9. PROPOSED PIER PILES, AS SHOWN, WILL EITHER BE TIMBER, STEEL OR CONCRETE. PROPOSED PIER WILL, AS SHOWN, EITHER BE TIMBER OR CONCRETE.</div><div>10. EXISTING AND PROPOSED UTILITIES WITHIN THE BEACH ROAD RIGHT OF WAY ARE BASED ON THE GREENMAN-PEDERSEN, INC. PLANS DATED NOVEMBER 3, 2020.</div><div>11. 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 FOTH.</div></div> <div>VINEYARD LAND SURVEYING & ENGINEERING PLAN REFERENCE:</div> <div><div>1. PLAN OF LAND IN VINEYARD HAVEN, MASS, SURVEYED FOR CAPE & VINEYARD ELECTRIC CO. SCALE 40 FEET TO AN INCH, JULY 15, 1925, WILLIAMS S. SWIFT, C.E. PLAN BOOK 9, PAGE 49.</div><div>2. 1954 LAYOUT OF STATE HIGHWAY BY THE DEPARTMENT OF PUBLIC WORKS IN THE TOWN OF TISBURY, DUKES COUNTY OCTOBER 26, 1954 SCALE 40 FEET TO THE INCH, FIVE SHEETS.</div><div>3. MASSACHUSETTS DEPARTMENT OF TRANSPORTATION HIGHWAY DIVISION, PLAN PROFILE OF BEACH ROAD IN THE TOWN OF TISBURY, DUKES COUNTY (AS CURRENTLY PROPOSED, NO DATE ON PLAN).</div><div>4. PLAN OF LAND IN TISBURY MASS. SURVEYED FOR, TEXACO, INC. JANUARY 3, 1979, SCALE 1" = 40', DEAN R. SWIFT, TISBURY CASE FILE 121.</div><div>5. LAND COURT PLAN #17959 A SHEET 1</div></div> <div>VINEYARD LAND SURVEYING & ENGINEERING NOTES:</div> <div><div>1. UNDERGROUND UTILITY LOCATIONS ARE APPROXIMATE AS SHOWN BY OWNER RALPH PACKER.</div><div>2. ELEVATIONS REFER TO MLLW AS TAKEN FROM MASSACHUSETTS DEPARTMENT OF TRANSPORTATION HIGHWAY DIVISION, PLAN PROFILE OF BEACH ROAD IN THE TOWN OF TISBURY, DUES COUNTY.</div></div> <div>NOTES</div> <div>PLAN ACCOMPANYING PETITION OF: TISBURY MARINE TERMINAL 190 BEACH RD, TISBURY, MA 02568</div> <div>TO LICENSE AND MAINTAIN PILE SUPPORTED STRUCTURES, RECONSTRUCTED SOLID FILLED PIER, BULKHEADS, WAVE BREAK, FLOATS, DREDGING AND BEACH NOURISHMENT</div> <div>VINEYARD HAVEN HARBOR, DUKES COUNTY, MA</div> <div>PAGE 3 OF 17</div> <div>DATE: 08/13/2021</div>

GENERAL LAW 36 SECTION 13-A

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- SALT MARSH (MASSGIS)
- COASTAL BEACH
- SHELLFISH SUITABILITY (MASSGIS)
- NHESP PRIORITY HABITATS OF RARE SPECIES (MASSGIS)
- MEAN LOWER LOW WATER (MLLW)
- MEAN LOW WATER (MLW)
- MEAN HIGH WATER (MHW)
- ANNUAL HIGH TIDE LINE (AHT 7/30/2020)
- HISTORIC HIGH TIDE LINE (HHT)
- 100 YR. FEMA FLOOD ZONE
- EXISTING SEWER LINE
- EXISTING STORM DRAIN
- EXISTING WATER LINE
- PROPERTY LINES (VINEYARD LAND SURVEYING AND ENGINEERING; PERFORMED 02/11/2018)
- EXISTING CONTOUR
- PROPOSED CONTOUR
- PROPOSED GUARDRAIL
- PROPOSED FENCE
- PROPOSED SEWER LINE
- PROPOSED STORM DRAIN
- PROPOSED WATER LINE
- PROPOSED ELECTRICAL LINE
- PROPOSED COMMUNICATION LINE

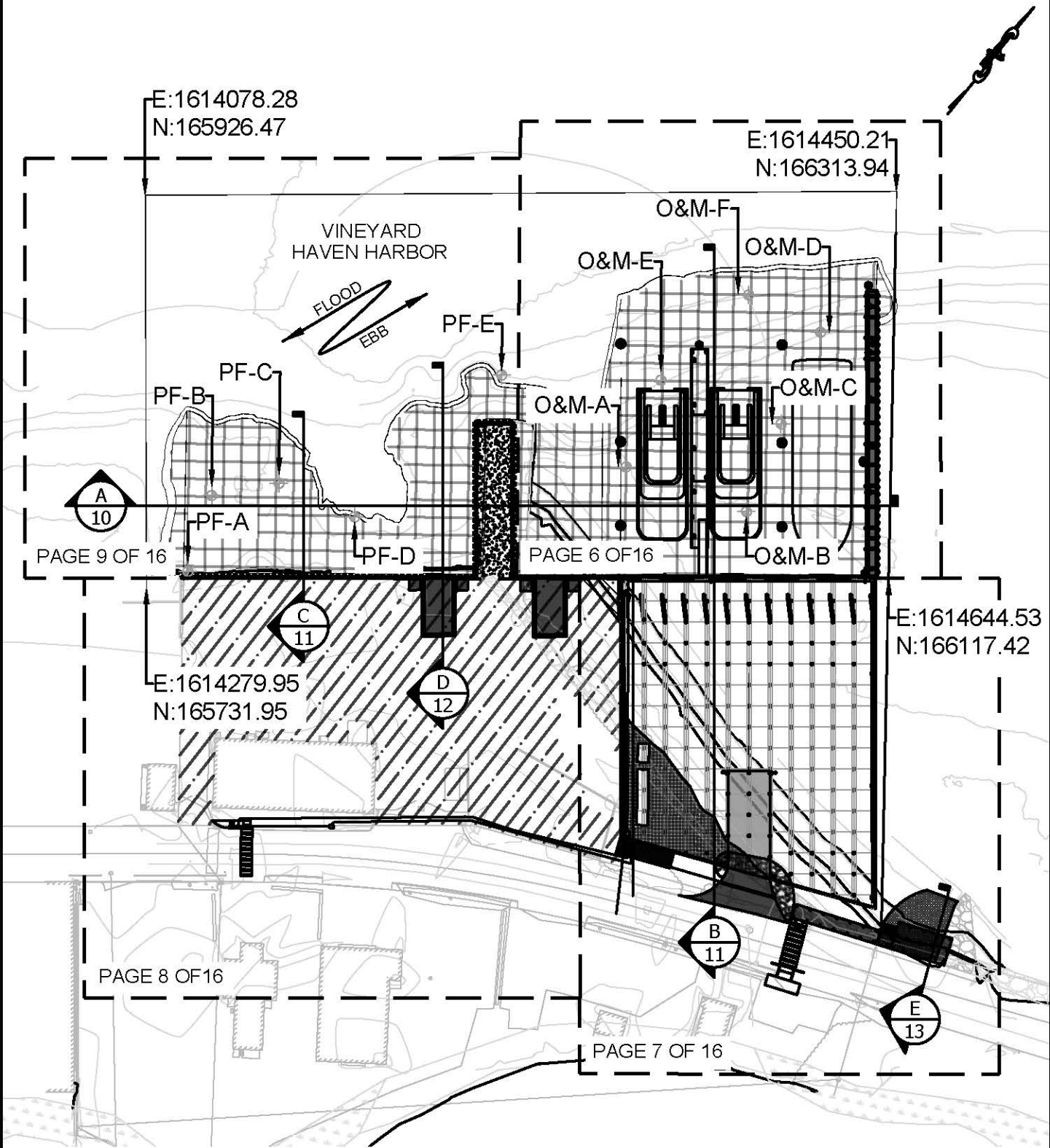
- EXISTING CATCH BASIN
- PROPOSED INDUSTRIAL LIGHT
- PROPOSED ORNAMENTAL LIGHT
- PROPOSED HYDRANT
- PROPOSED DREDGE LIMITS
- PROPOSED EXCAVATION LIMITS
- PROPOSED SOLID FILL LIMITS
- SAMPLE LOCATIONS
- SECTION CALLOUT

DATUM OFFSETS			
MLLW		NAVD88	
2.58	+	1.19	AHTL
2.12	+	0.73	MHHW
1.75	+	0.36	MHW
1.39	+	0.0	NAVD88
0.16	-	-1.23	MLW
0.00	-	-1.39	MLLW
-0.42	-	-1.81	LAT

OFFSETS TAKEN FROM
NOAA TIDAL STATION
VINEYARD HAVEN,
VINEYARD HAVEN HARBOR, MA
#8447930

LEGEND SHEET

GENERAL LAW 36 SECTION 13-A
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PROPOSED SITE KEY AND SAMPLE PLAN

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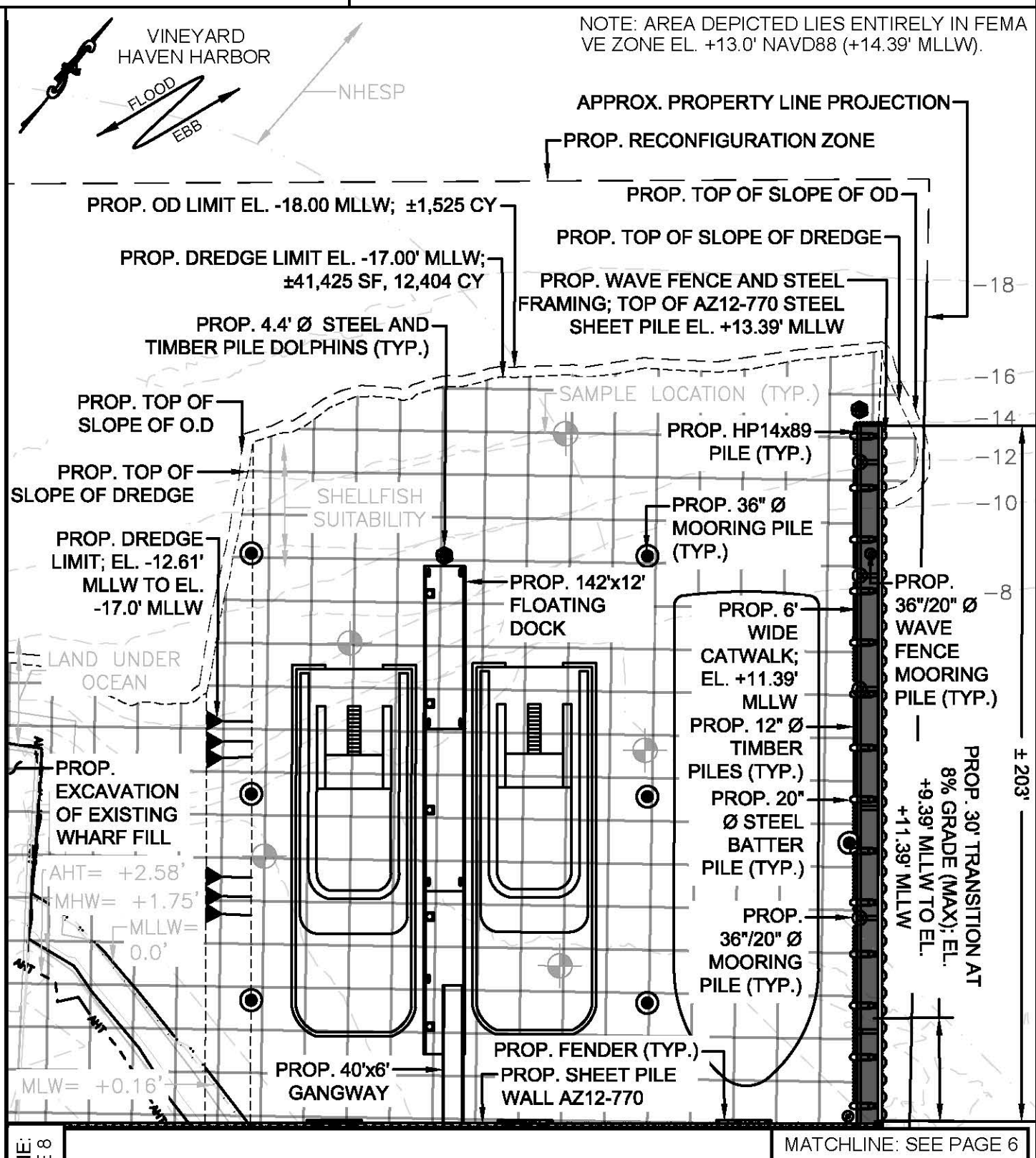
PAGE 5 OF 17

0' 50' 100'
SCALE: 1 INCH = 100 FEET

DATE: 08/13/2021

GENERAL LAW 36 SECTION 13-A

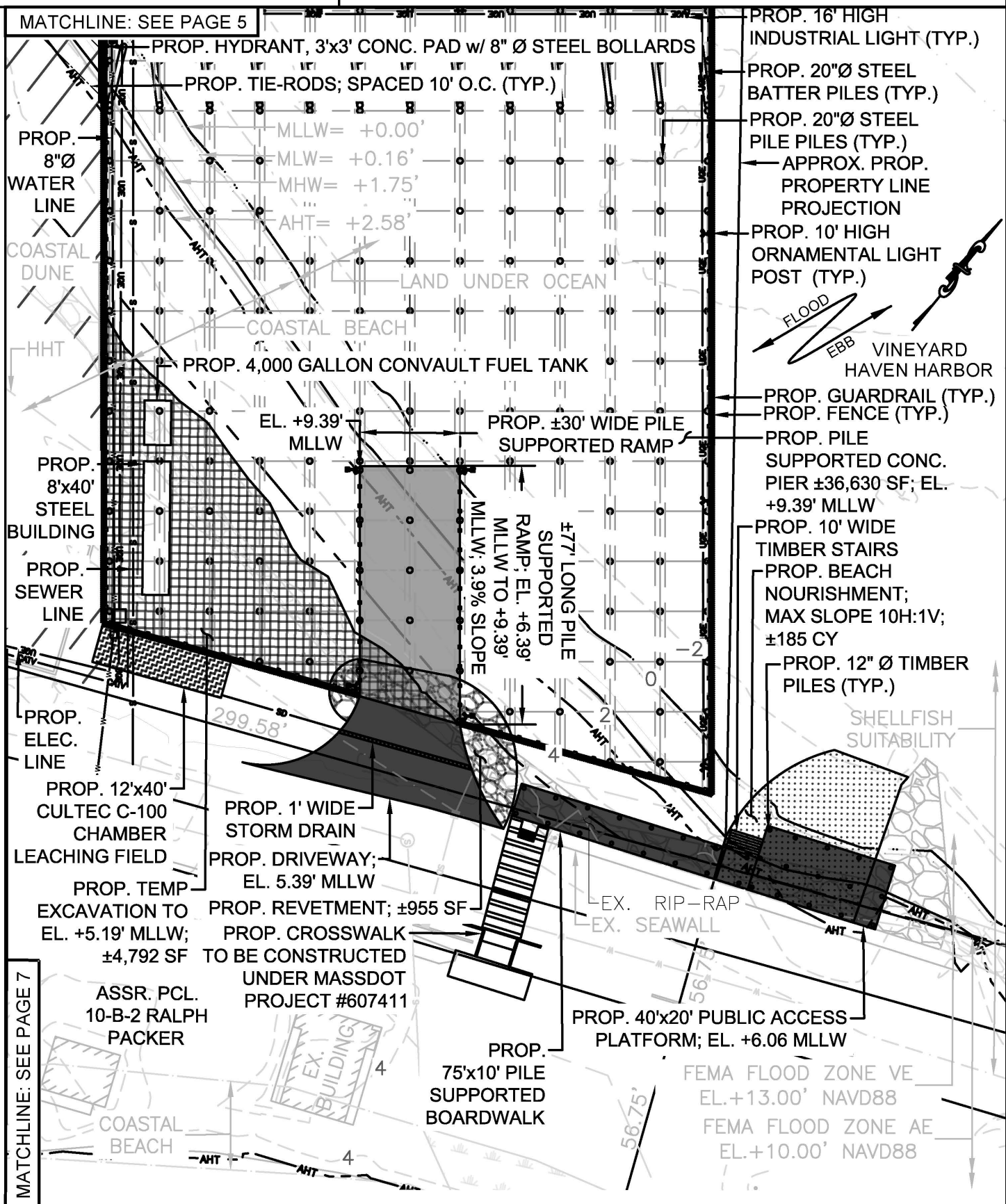
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PROPOSED SITE PLAN 1 OF 4

GENERAL LAW 36 SECTION 13-A

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PROPOSED SITE PLAN 2 OF 4

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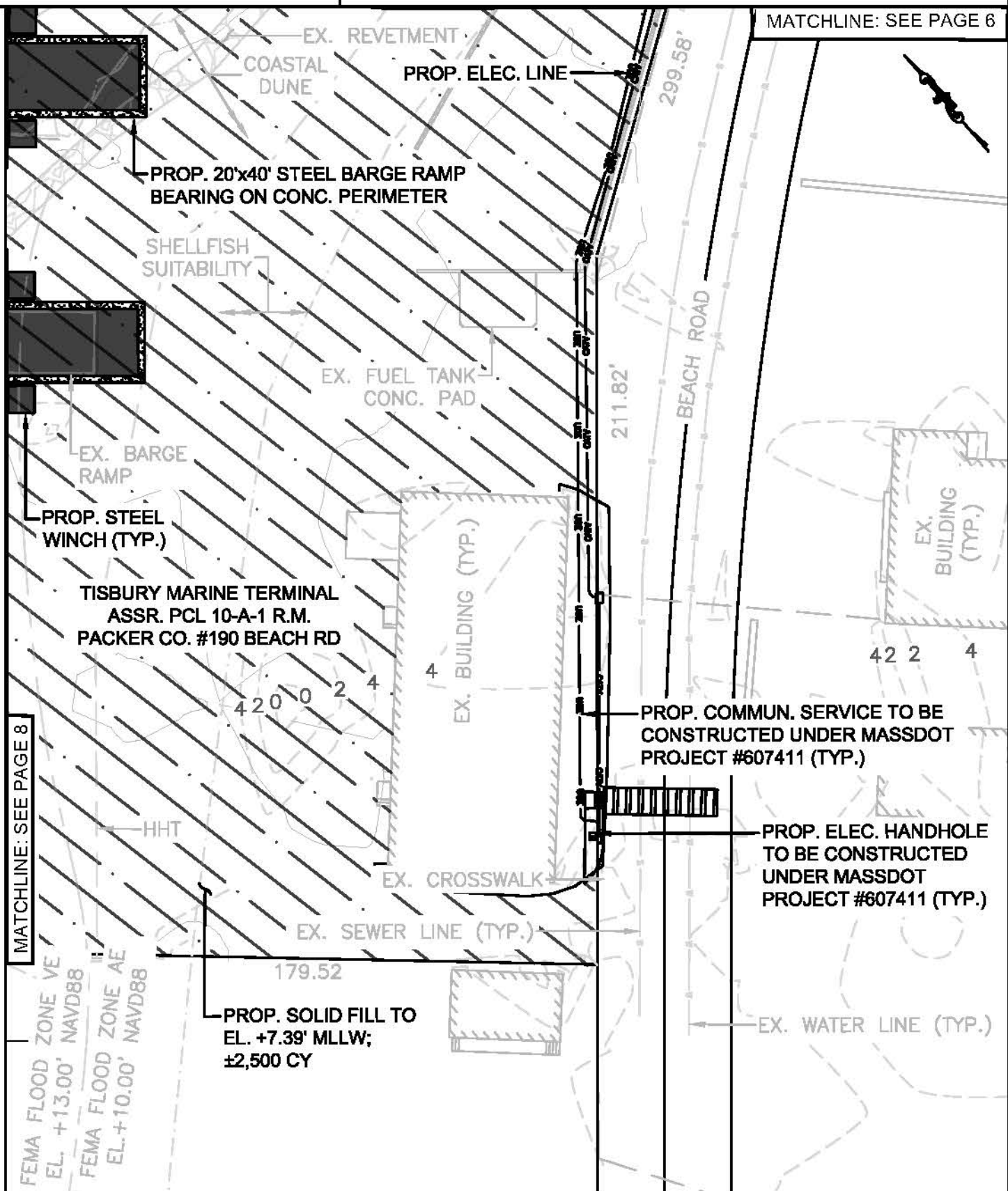
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GENERAL LAW 36 SECTION 13-A

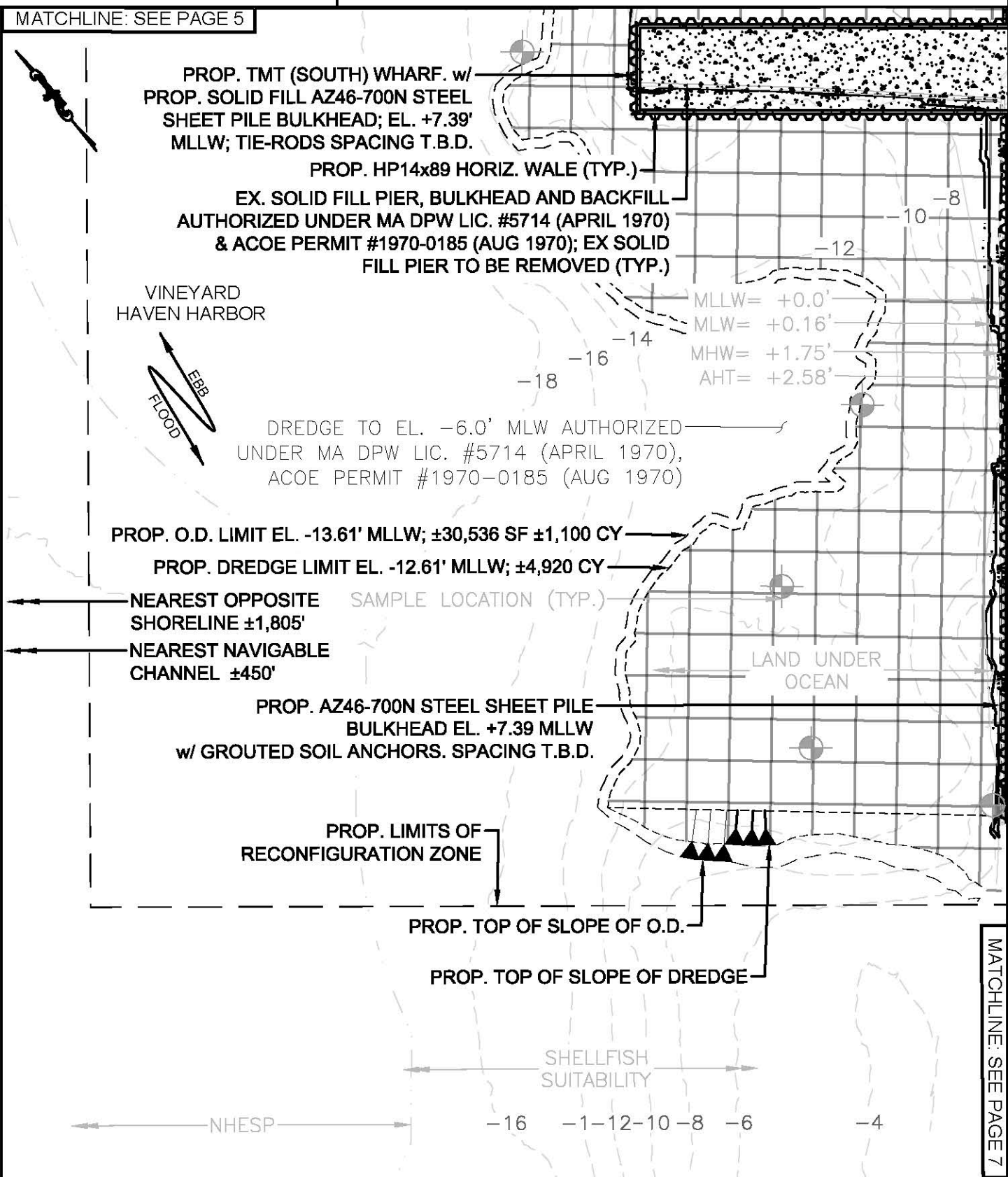
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PROPOSED SITE PLAN 3 OF 4

GENERAL LAW 36 SECTION 13-A

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PROPOSED SITE PLAN 4 OF 4

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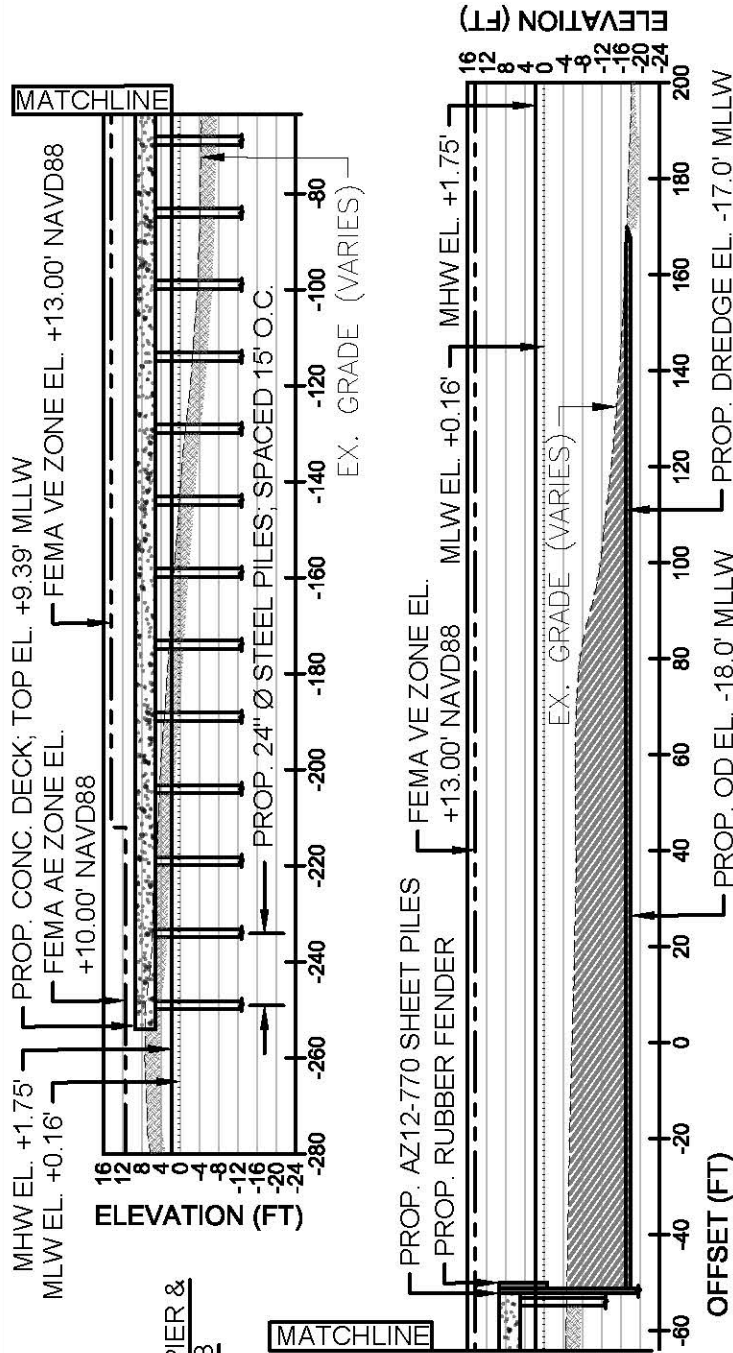
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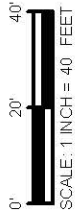
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0' 20' 40'
SCALE: 1 INCH = 40 FEET

DATE: 08/13/2021



PROPOSED CONCRETE PIER &
DREDGE: SECTION B



PROPOSED SECTION 2 OF 7

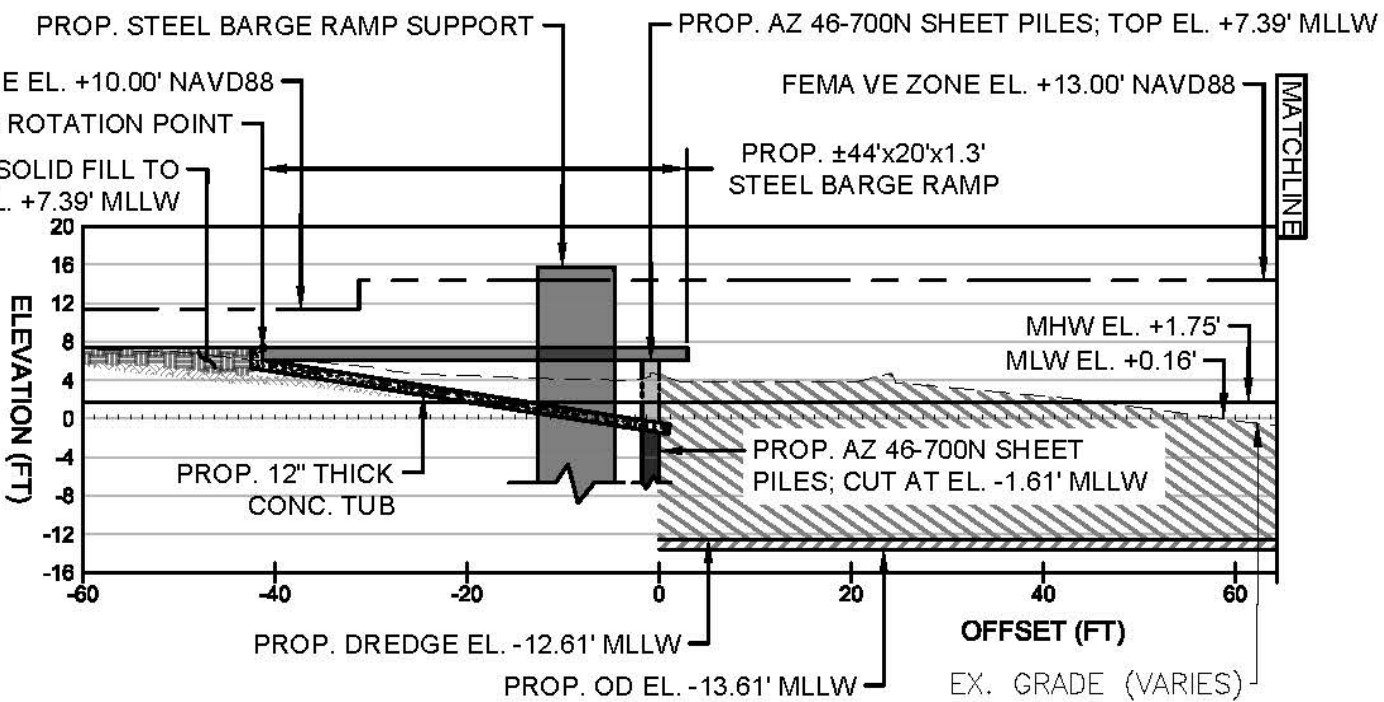
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BEACH NOURISHMENT

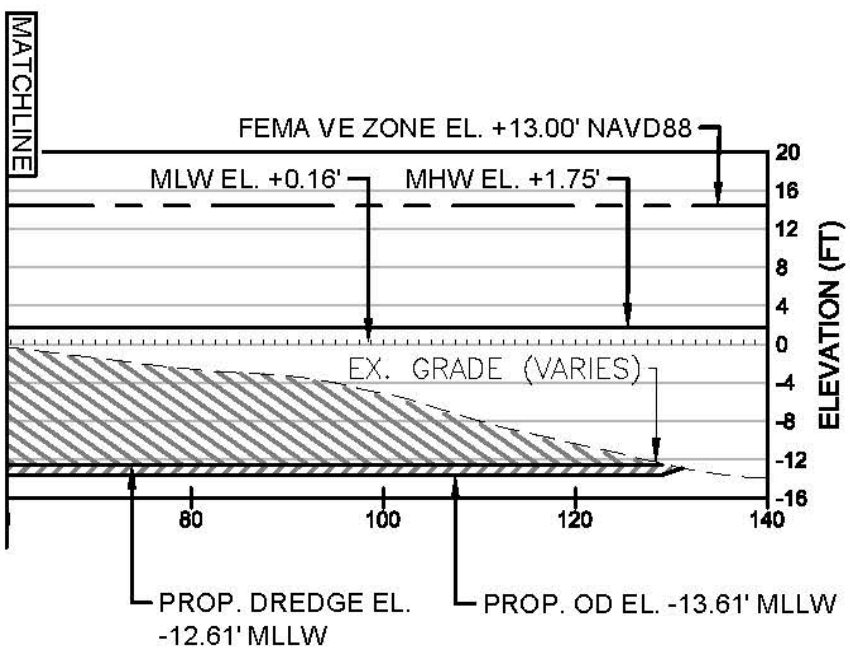
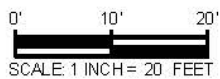
GENERAL LAW 36 SECTION 13-A

I CERTIFY THAT THIS PLAN CONFORMS WITH THE RULES
AND REGULATIONS OF THE REGISTERS OF DEEDS.

GENERAL LAW 36 SECTION 13-A
I CERTIFY THAT THIS PLAN CONFORMS WITH THE RULES
AND REGULATIONS OF THE REGISTERS OF DEEDS.



PROPOSED BARGE RAMP
AND DREDGE: SECTION D



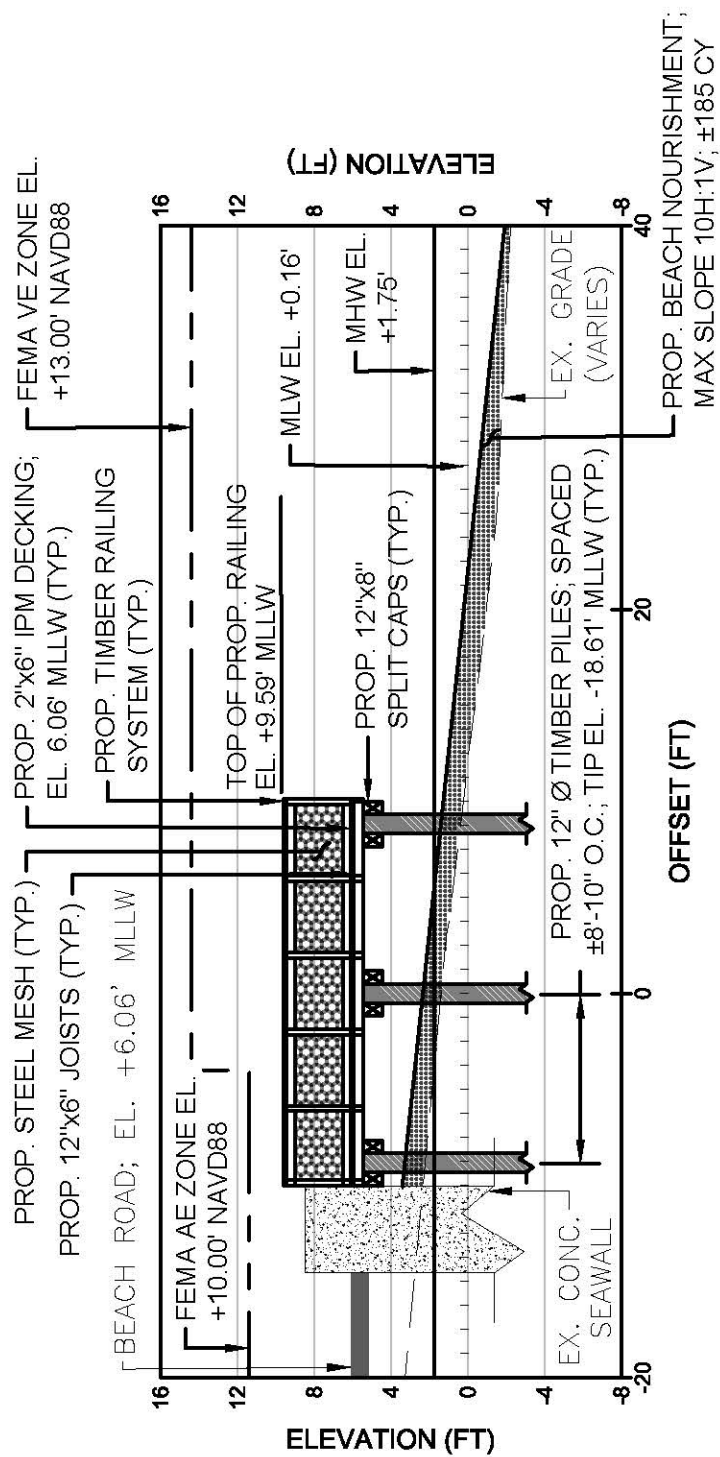
PROPOSED SECTION 3 OF 7

PLAN ACCOMPANYING PETITION OF:
TISBURY MARINE TERMINAL
190 BEACH RD, TISBURY, MA 02568

TO LICENSE AND MAINTAIN PILE SUPPORTED
STRUCTURES, RECONSTRUCTED SOLID FILLED PIER,
BULKHEADS, WAVE BREAK, FLOATS, DREDGING AND
BEACH NOURISHMENT

GENERAL LAW 36 SECTION 13-A

I CERTIFY THAT THIS PLAN CONFORMS WITH THE RULES
AND REGULATIONS OF THE REGISTERS OF DEEDS.

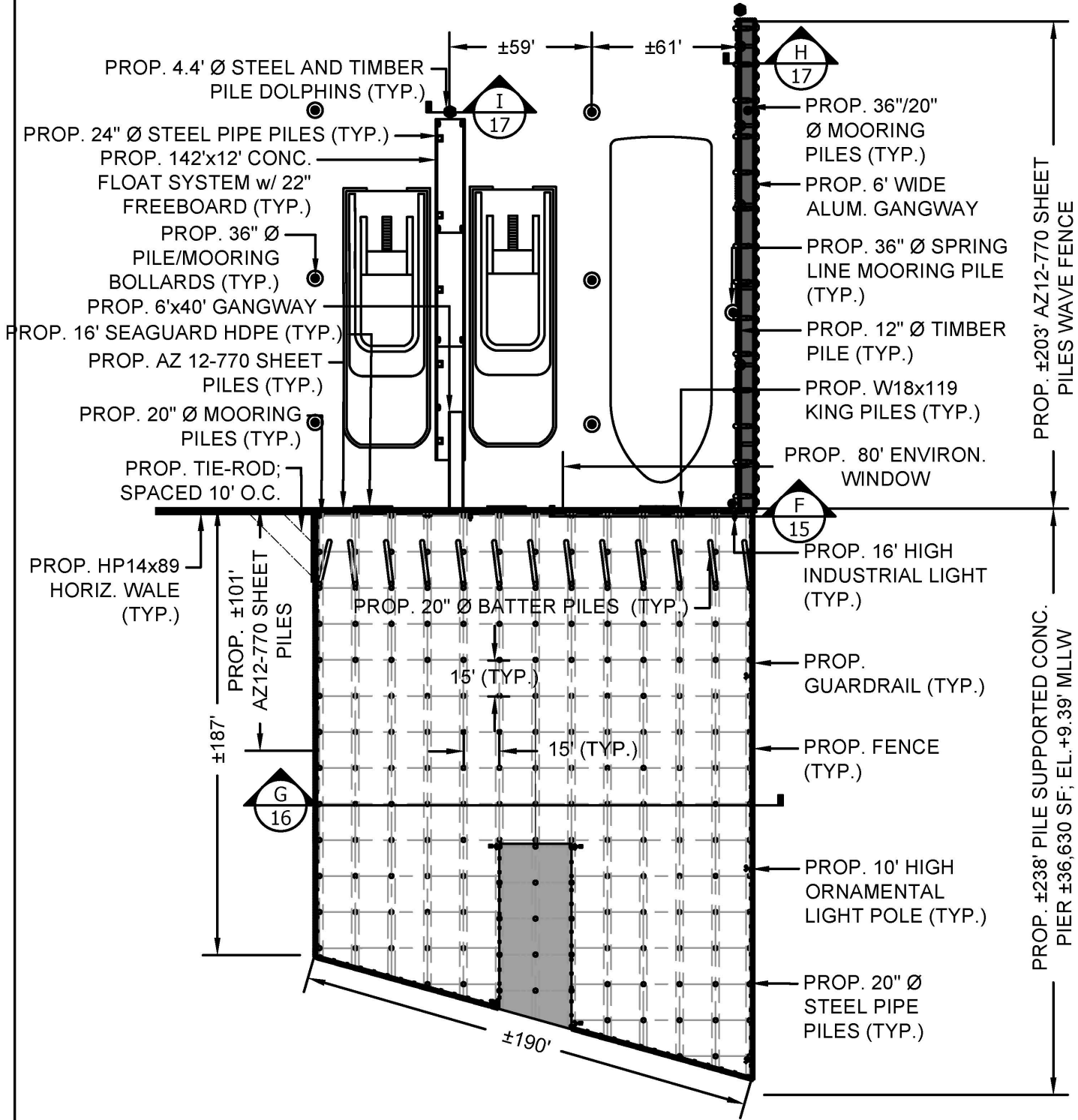


PROPOSED ADA ACCESSIBLE LOOKOUT: SECTION E



PROPOSED SECTION 4 OF 7

GENERAL LAW 36 SECTION 13-A
I CERTIFY THAT THIS PLAN CONFORMS WITH THE RULES
AND REGULATIONS OF THE REGISTERS OF DEEDS.



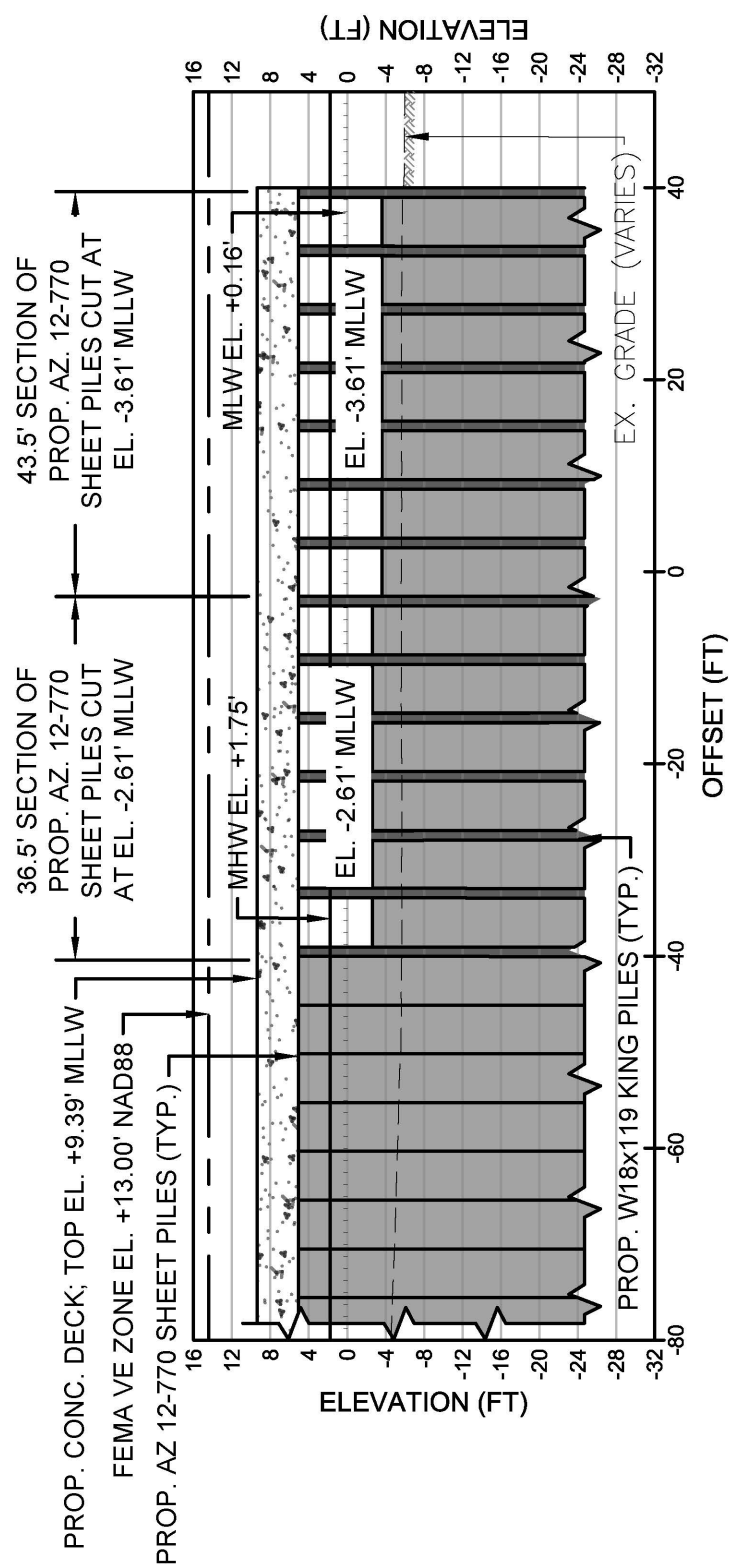
PROPOSED PIER & BERTHING PLAN

PLAN ACCOMPANYING PETITION OF:
TISBURY MARINE TERMINAL
190 BEACH RD, TISBURY, MA 02568

TO LICENSE AND MAINTAIN PILE SUPPORTED
STRUCTURES, RECONSTRUCTED SOLID FILLED PIER,
BULKHEADS, WAVE BREAK, FLOATS, DREDGING AND
BEACH NOURISHMENT

I CERTIFY THAT THIS PLAN CONFORMS WITH THE RULES
AND REGULATIONS OF THE REGISTERS OF DEEDS.

NOTE: PROPOSED CATWALK AND WAVE
BREAK NOT SHOWN FOR CLARITY



PROPOSED ENVIRONMENTAL WINDOW: SECTION F



PROPOSED SECTION 5 OF 7

TO LICENSE AND MAINTAIN PILE SUPPORTED
STRUCTURES, RECONSTRUCTED SOLID FILLED PIER,
BULKHEADS, WAVE BREAK, FLOATS, DREDGING AND
BEACH NOURISHMENT