



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

PUBLIC NOTICE

Comment Period Begins: May 27, 2014
Comment Period Ends: June 26, 2014
File Number: NAE-2011-1511
In Reply Refer To: Kevin R. Kotelly, P.E.
Phone: (978) 318-8703
E-mail: kevin.r.kotelly@usace.army.mil

The District Engineer has received a permit application to conduct work in waters of the United States as described below.

APPLICANT

The Town of Edgartown, Massachusetts

PROPOSED WORK AND PURPOSE

This is a revised public notice. A public notice was previously issued for this project on August 20, 2013. This revised public notice is being issued to incorporate the maintenance dredging of the existing Little Bridge-North Inlet Channel into the application. The location of this additional site can be seen on the last plan sheet of the attached plans. Dredge sediments from this site are proposed to be used for beach nourishment along Sylvia State, Pay, and Inkwel Beaches. The rest of the project remains the same as described below.

The work is dredging and the discharge of dredged material below the high tide line of waters of the United States for the maintenance dredging and beach nourishment of several sites in the Town of Edgartown, Massachusetts, in order to maintain navigation within multiple waterways and the nourishment of multiple beaches in the Town. A total volume of approximately 200,000 cubic yards of sand and silt material would be removed by both mechanical and hydraulic means and disposed of below and above the high tide line of approximately 18 acres of Town beaches. All of the dredging and beach nourishment sites have been authorized in the past under separate permits. The maintenance dredging sites include the following: Cape Pogue Bay (The Gut, The Narrows, and Dike Bridge Approach); Edgartown Harbor and Eel Pond (Eel Pond Boat Channel and Boat Ramp, Lighthouse Point, Inner Harbor, Collins Beach, Caleb's Pond); Katama Bay Boat Ramp and Channel; Great Pond (Great Pond Channel, Sluiceway Approach, and Herring Creek Restoration Sites); and Sengekontacket Pond (Borrow Site #1 and Sengekontacket Pond Inner Channel). The beach nourishment sites include the following: Cape Pogue Bay (Cape Pogue Elbow, North Gut, The Narrows – Over Sand Roads and Nantucket Sound Beach, and Dike Bridge Over Sand Roads); Edgartown Harbor and Eel Pond (Eel Pond Spit, Lighthouse (Fuller) Beach, Private Property Sites A-F, and the Froelich Property); Great Pond (South Beach, Great Pond Delta, and Wilson's Landing and Beach Area); Sengekontacket Pond (Sylvia State Beach, Bend in the Road Beach, Cow Bay Beach, Pay Beach, and Inkwel Beach).

The purpose of this permit review is to bring all of the Town's dredging and beach nourishment maintenance activities under one comprehensive permit. This will give the Town the flexibility they need to dredge and nourish the highest priority areas and allow for effective and efficient use of Town resources. The permit will be valid for 10 years. The work locations are shown on the enclosed location plans entitled, "Dredging and

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Beach Nourishment Locations, Edgartown, Massachusetts,” on 7 sheets. Detail plans are available for each work location by request.

MITIGATION

The various dredging and beach nourishment sites have been designed to avoid and minimize impacts to aquatic resources as much as possible. The proposed plan is for typical dredging and beach nourishment of sand. The Corps determined the dredge material to be suitable for beach nourishment at all locations. The beneficial reuse of good quality sand is a part of the project. No compensatory mitigation is proposed.

WATERWAY AND LOCATION OF THE PROPOSED WORK

This work is proposed in several waterways and beach areas in the Town of Edgartown, Massachusetts. The location of the Town of Edgartown, Massachusetts, on the USGS Edgartown quadrangle sheet is at Latitude 41°24'1" N and Longitude 70°35'37" E.

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).

The dredging portion of this project will impact approximately 40 acres and the beach nourishment portion of this project will impact approximately 18 acres of Essential Fish Habitat (EFH) for various life stages of Atlantic cod (*Gadus morhua*), winter flounder (*Pseudopleuronectes americanus*), long finned squid (*Loligo pealeii*), Atlantic butterfish (*Peprilus triacanthus*), Atlantic mackerel (*Scomber scombrus*), summer flounder (*Paralichthys dentatus*), scup (*Stenotomus chrysops*), black sea bass (*Centropristis striata*), surf clam (*Spisula solidissima*), king mackerel (*Scomberomorus cavalla*), Spanish mackerel (*Scomberomorus maculatus*), cobia (*Rachycentron canadum*), blue shark (*Prionace glauca*), shortfin mako shark (*Isurus oxyrinchus*), sandbar shark (*Carcharhinus plumbeus*), and bluefin tuna (*Thunnus thynnus*). Habitat at this site can be described as subtidal silt and sand. 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.

NATIONAL HISTORIC PRESERVATION ACT

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. However, it is our determination that, with the inclusion of special conditions to the permit, the proposed activity will be performed in such a manner that it is not likely to adversely affect historic or cultural resources.

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 determination that, with the inclusion of special conditions to the permit, the proposed activity will be performed in such a manner that it is not likely to adversely affect any Federally listed endangered or threatened species or their designated critical habitat.

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.

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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) 318-803, (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.

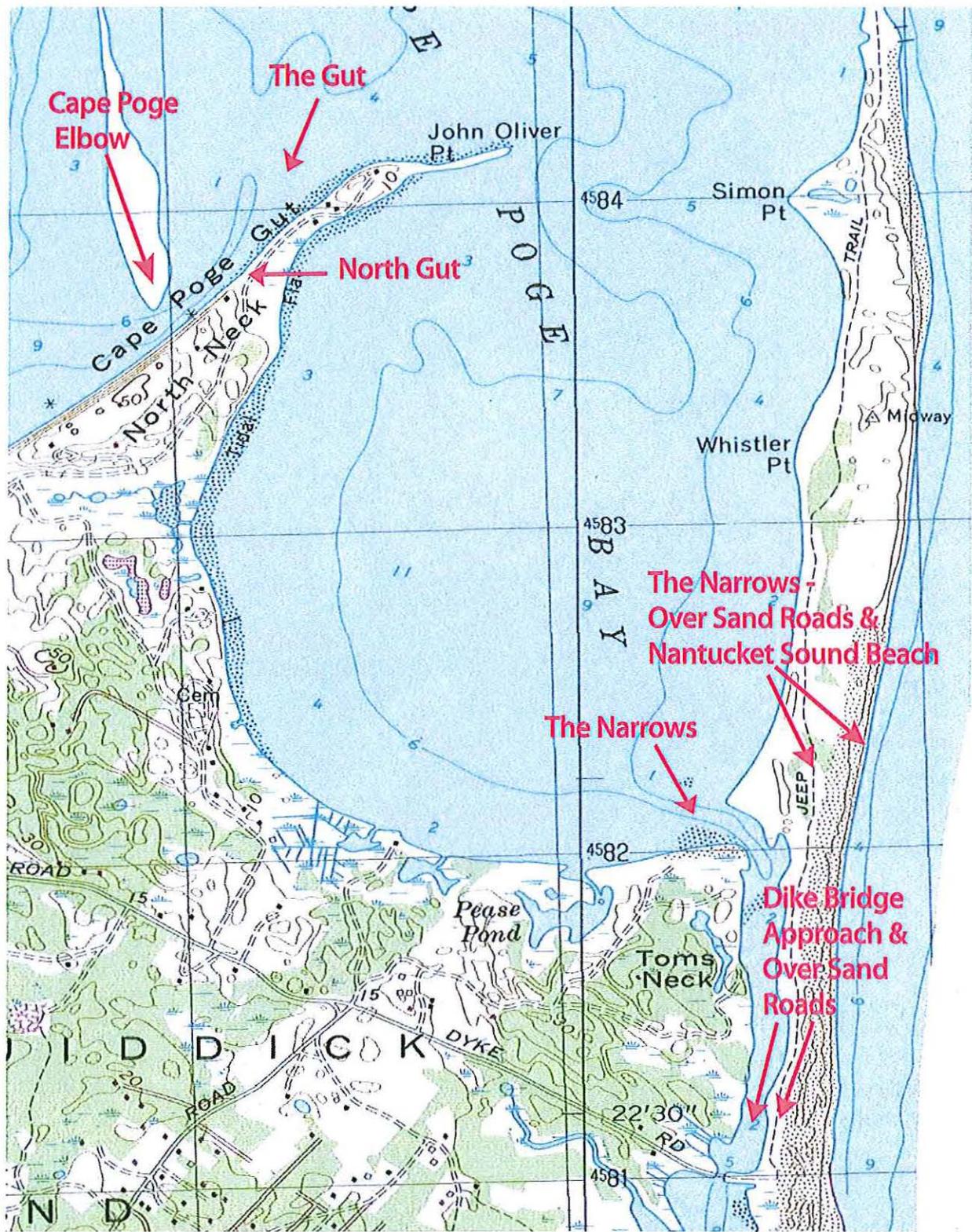
THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.



Karen K. Adams
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.

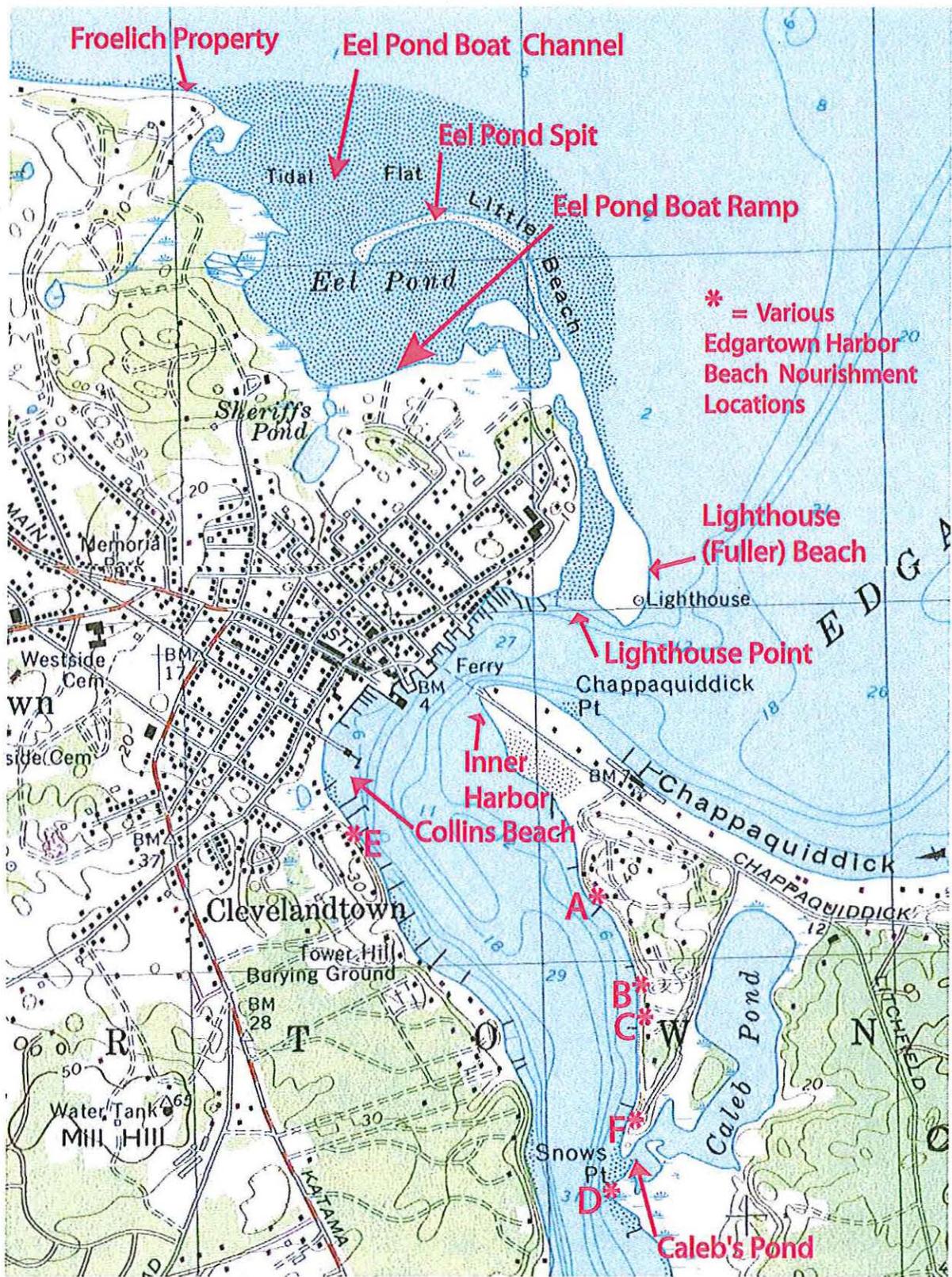
NAME: _____
ADDRESS: _____
PHONE: _____



The Woods Hole Group
 81 Technology Park Drive
 E. Falmouth, MA 02536

Town of Edgartown
 Cape Poge Bay
 Dredging & Beach Nourishment Locations
 Edgartown, Massachusetts

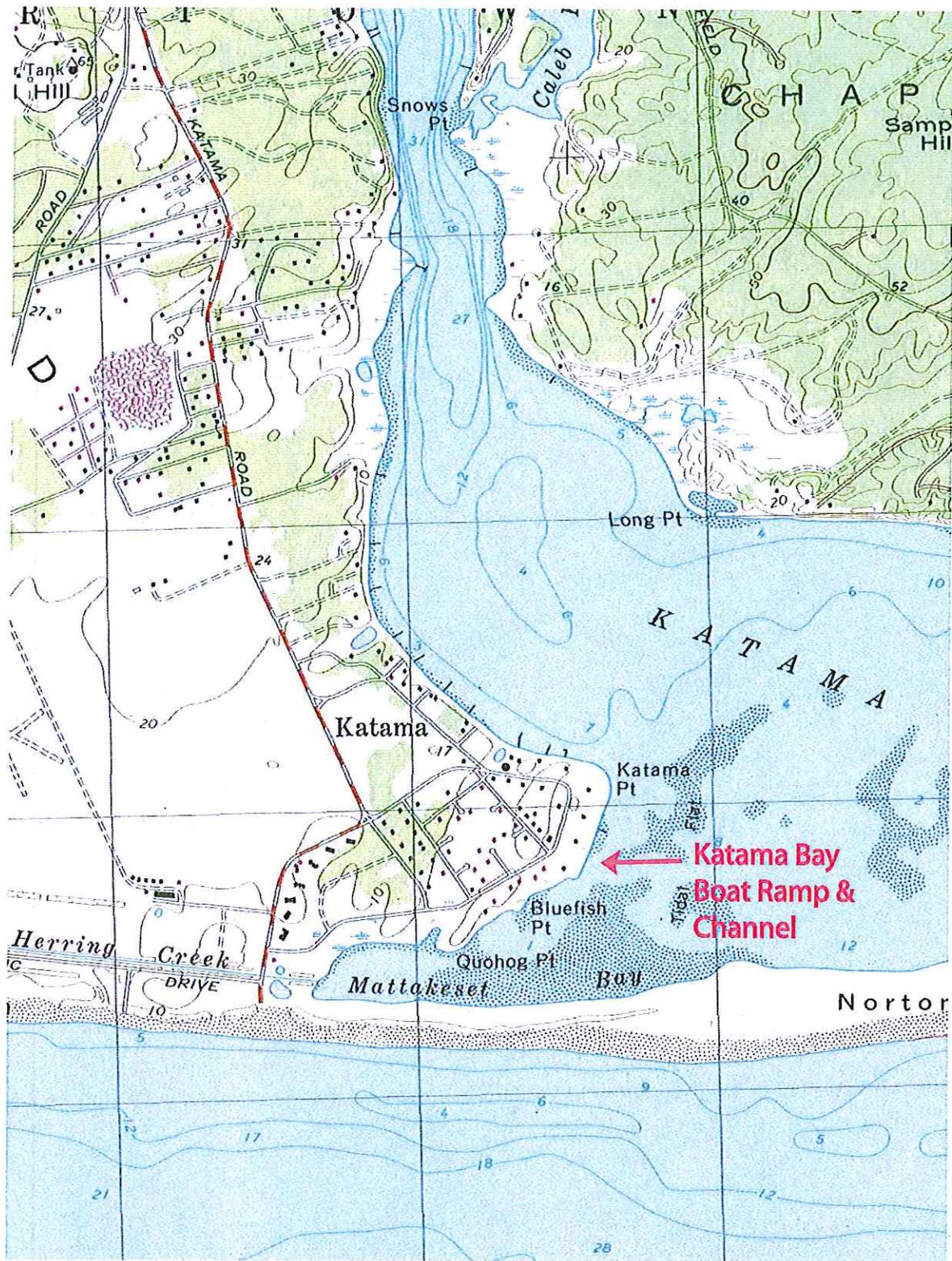
USGS Edgartown Quadrangle



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Town of Edgartown
 Edgartown Harbor & Eel Pond
 Dredging & Beach Nourishment Locations
 Edgartown, Massachusetts

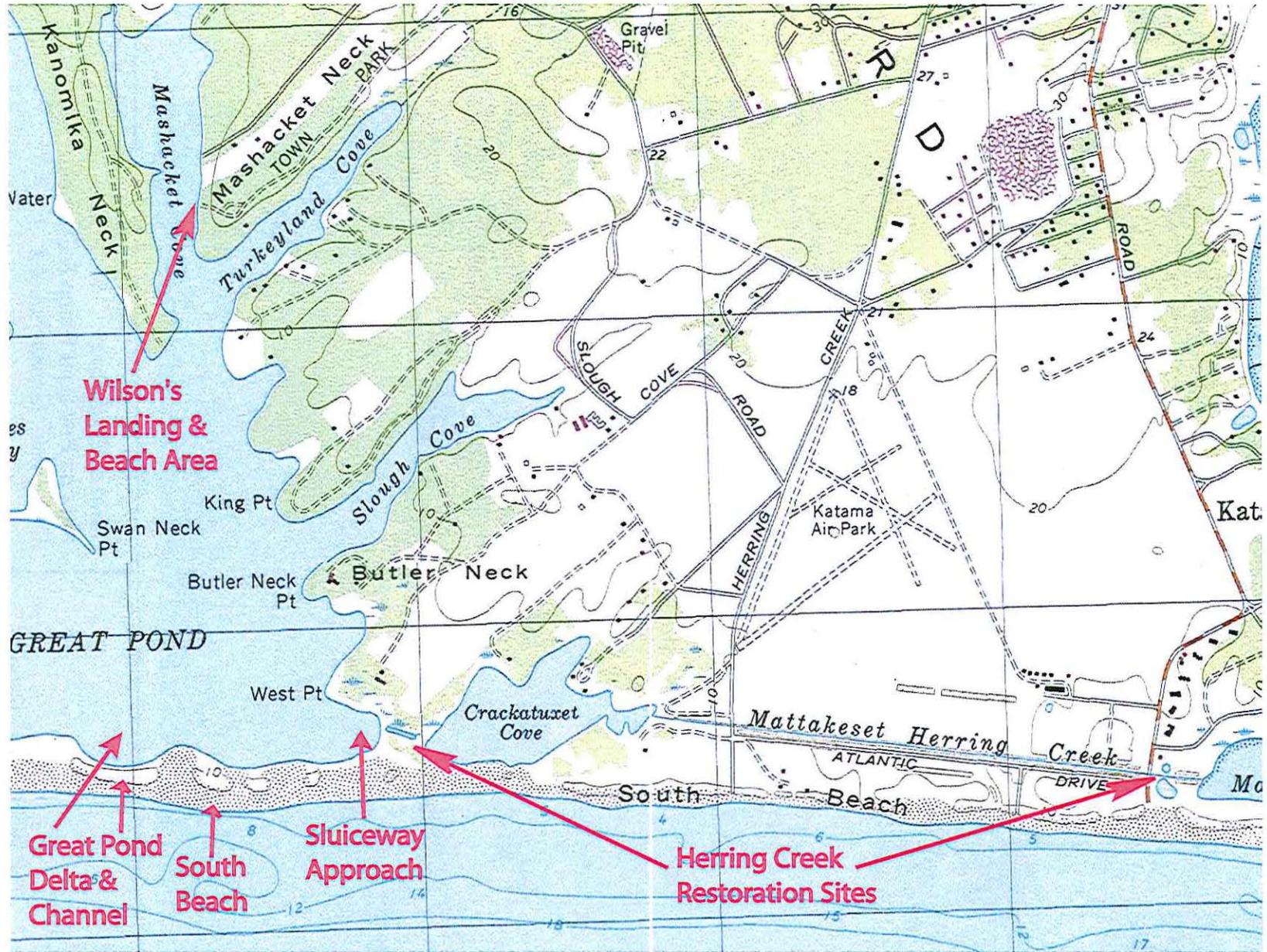
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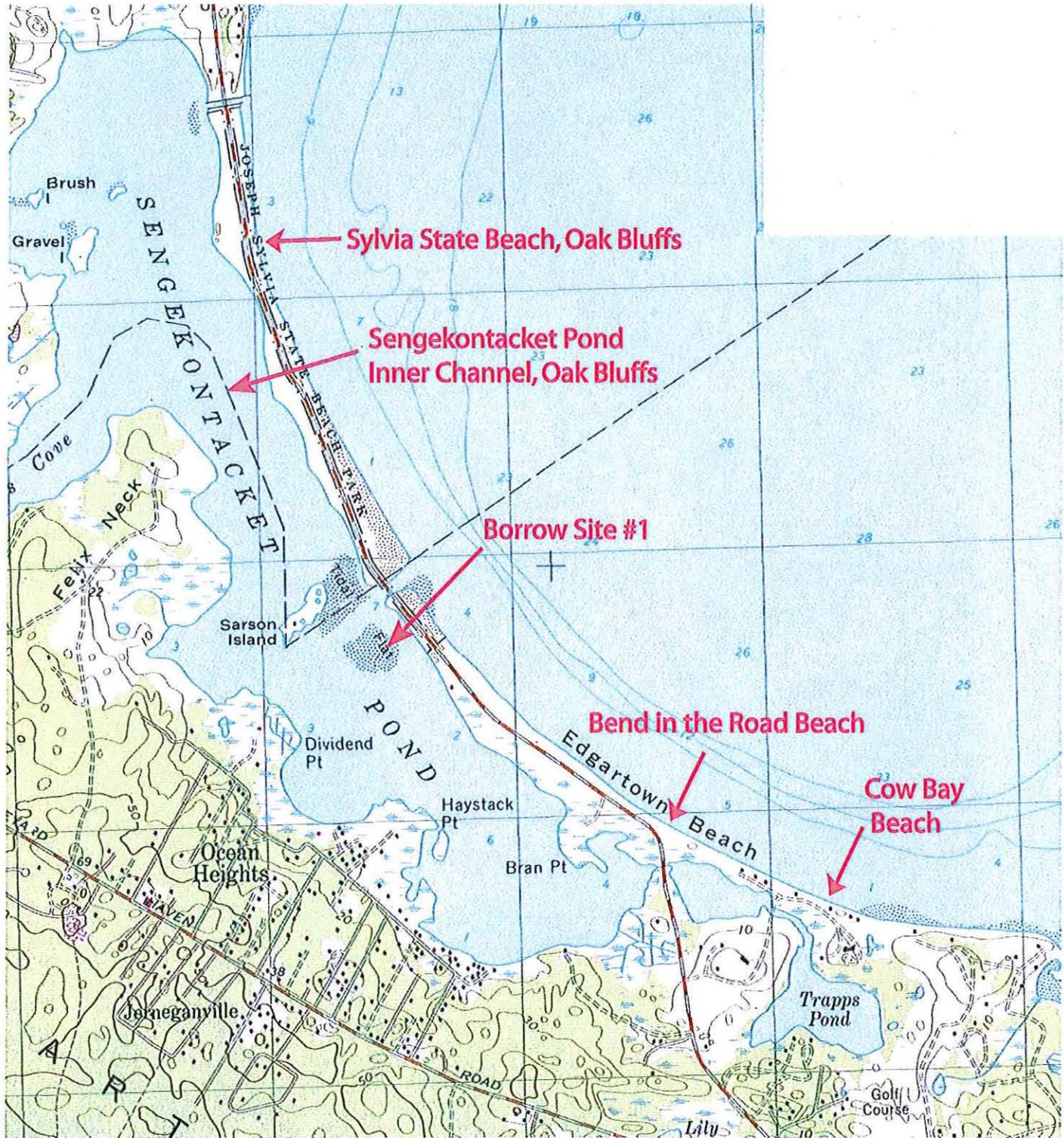
Town of Edgartown
 Katama Bay Boat Ramp & Channel
 Edgartown, Massachusetts

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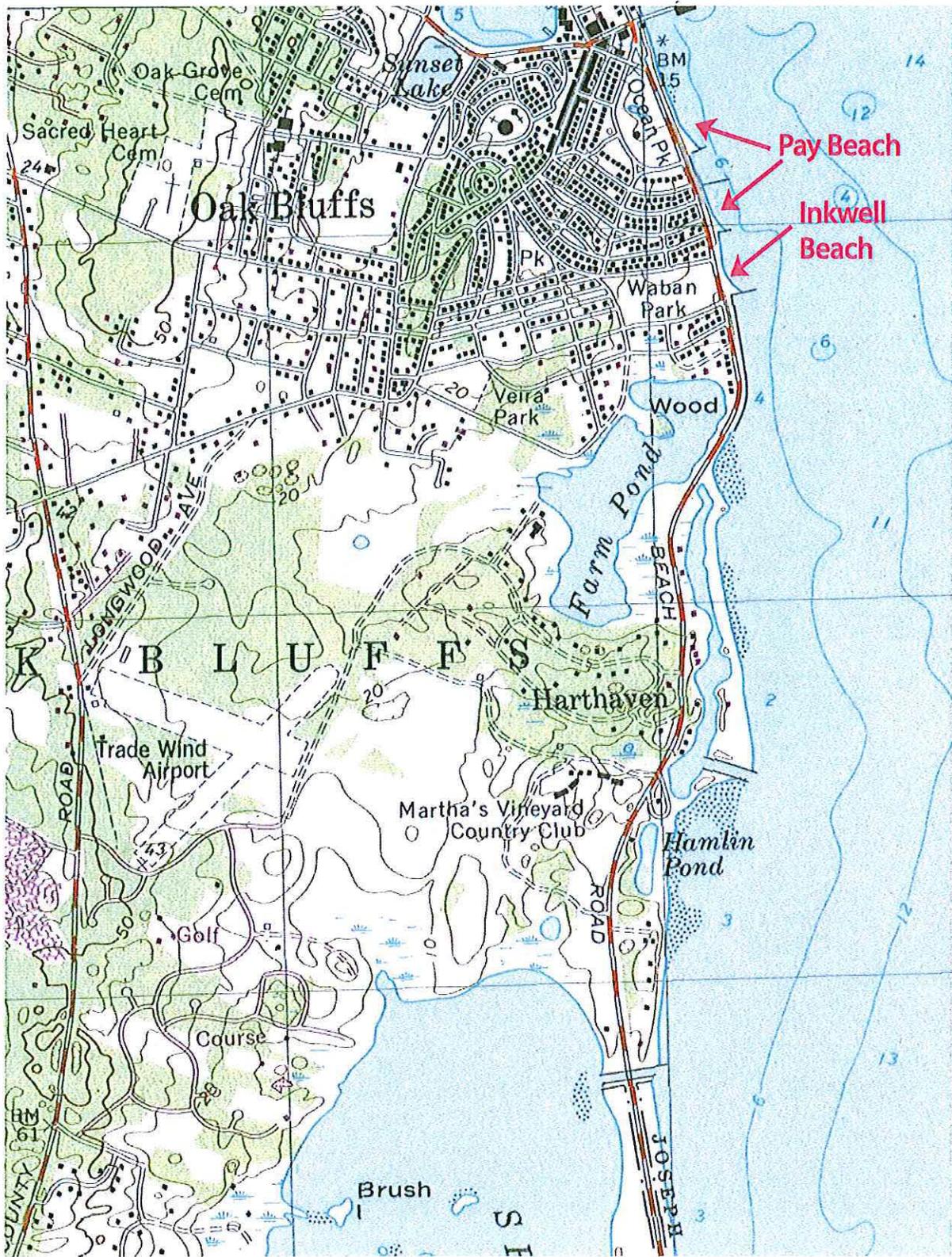
Town of Edgartown
 Great Pond Dredging & Beach Nourishment Locations
 Edgartown, Massachusetts / USGS Edgartown Quadrangle



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 81 Technology Park Drive
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Town of Edgartown
 Sengekontacket Pond
 Dredging & Beach Nourishment Locations
 Edgartown and Oak Bluffs, Massachusetts

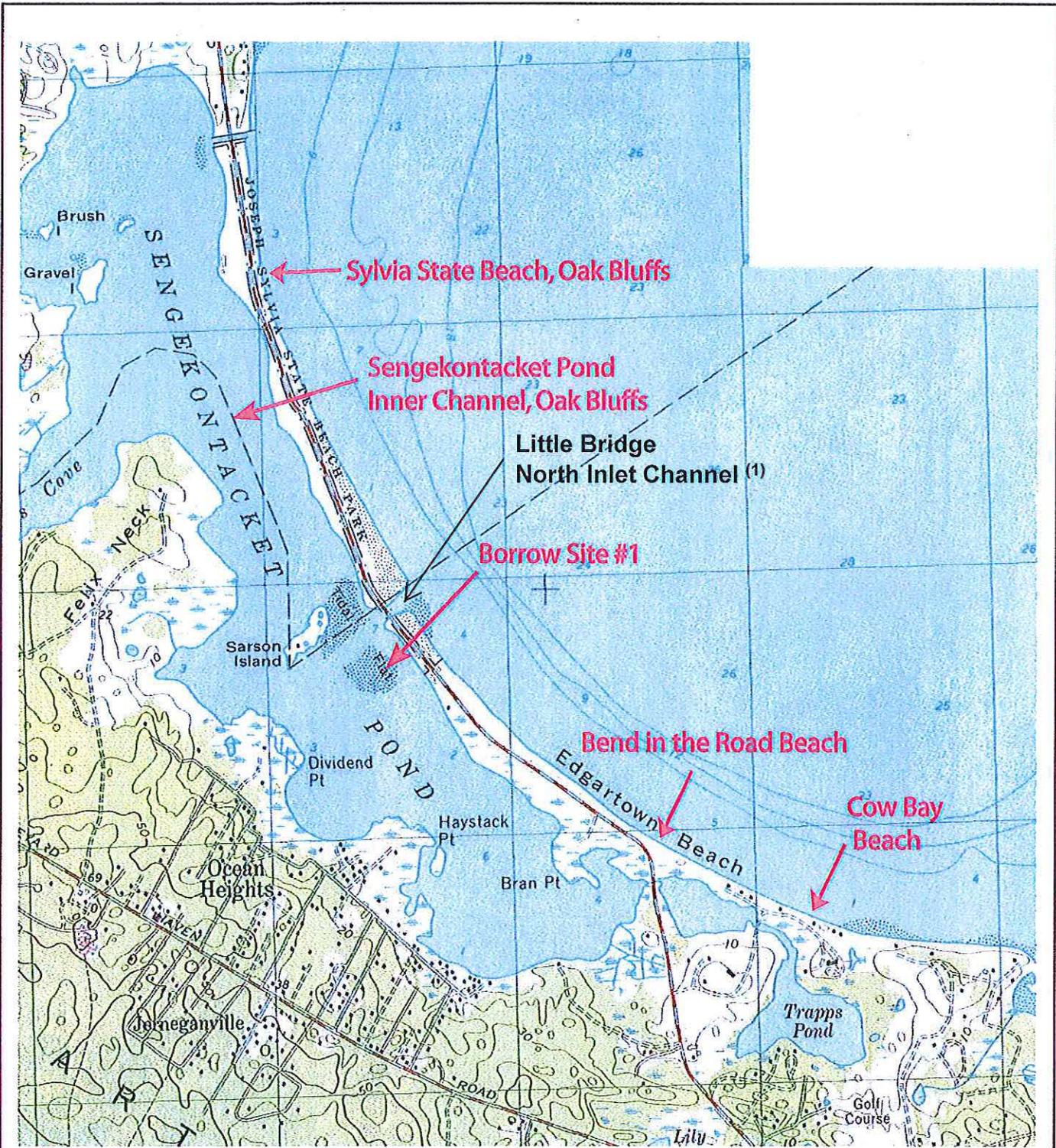
USGS Edgartown Quadrangle



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Town of Edgartown
 Pay & Inkwell Beaches
 Oak Bluffs, Massachusetts

USGS Oak Bluffs Quadrangle



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Town of Edgartown
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