

# **PUBLIC NOTICE**

of Engineers is **New England District** 

696 Virginia Road Concord, MA 01742-2751 Date: March 27, 2007

Comment Period Ends: April 25, 2007

File Number: NAE-2005-350

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**

Siasconset Beach Preservation Fund

#### **ACTIVITY**

A detailed description and plans of the applicant's activity are attached.

#### WATERWAY AND LOCATION OF THE PROPOSED WORK

This work is proposed in the Atlantic Ocean along and off the coast of Sconset Beach in Nantucket, Massachusetts. The proposed location on the USGS Nantucket quadrangle sheet is at UTM coordinates 41°16'16" N and 69°57'32" E.

#### AUTHORITY

Permits	s are required pursuant to:
<u>X</u>	Section 10 of the Rivers and Harbors Act of 1899
X	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 have an adverse effect on approximately 492 acres of Essential Fish Habitat (EFH) for various life stages of Atlantic cod (Gadus morhua), haddock (Melanogrammus aeglefinus), winter flounder (Pleuronectes americanus), Atlantic halibut (Hippoglossus hippoglossus), monkfish (Lophius americanus), long finned squid (Loligo pealei), short finned squid (Illex illecebrosus), Atlantic butterfish (Peprilus triacanthus), Atlantic mackerel (Scomber scombrus), summer flounder (Paralicthys dentatus), scup (Stenotomus chrysops), black sea bass (Centropristus striata), surf clam (Spisula solidissima), blue shark (Prionace glauca), and bluefin tuna (Thunnus thynnus).

The dredging portion of this project will impact approximately 195 acres of Essential Fish Habitat (EFH) for the species listed above. Habitat at this site can be described as subtidal sandy shoal. Loss of this habitat may adversely affect the species listed above.

The dredged material disposal segment of this project will impact approximately 297 acres of EFH for the species listed above. The dredged material disposal is proposed for Sconset Beach, Nantucket, Massachusetts, as beach nourishment. Habitat at this site consists of 9.6 acres of intertidal and 287.3 acres of subtidal habitat. Of the subtidal area, approximately 105 acres is cobble/sand bottom and 29.5 acres is hard bottom, with the rest being sandy bottom. 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. Accordingly, the Corps of Engineers will submit an expanded EFH assessment to National Marine Fisheries Service, who in turn will provide conservation recommendations to the Corps. The Corps will coordinate with the applicant regarding implementation of these recommendations. The EFH consultation 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 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 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 proposed project site during the construction and subsequent operation/use period sought by the applicant. We will be undertaking a Biological Assessment (BA) of the potential for interactions and adverse impacts to those listed species. Consultation to fulfil requirements under Section 7 of the Endangered Species Act will be conducted with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service as part of the permit review process.

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.

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 R. Kotelly, P.E. 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 <a href="http://www.nae.usace.army.mil">http://www.nae.usace.army.mil</a>.

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 Publi	c Notices, please co	ontact Ms. Tina Cl	haisson at (978) 318-
8058 or e-mail her a	at bettina.m.chaisson@usace.ar	my.mil. You may a	also check here (	) and return this
portion of the Publi	c Notice to: Bettina Chaisson, F	Regulatory Division	i, U.S. Army Corp	os of Engineers, 696
Virginia Road, Con	cord, MA 01742-2751.			,
_				
NAME:				
ADDRESS:				

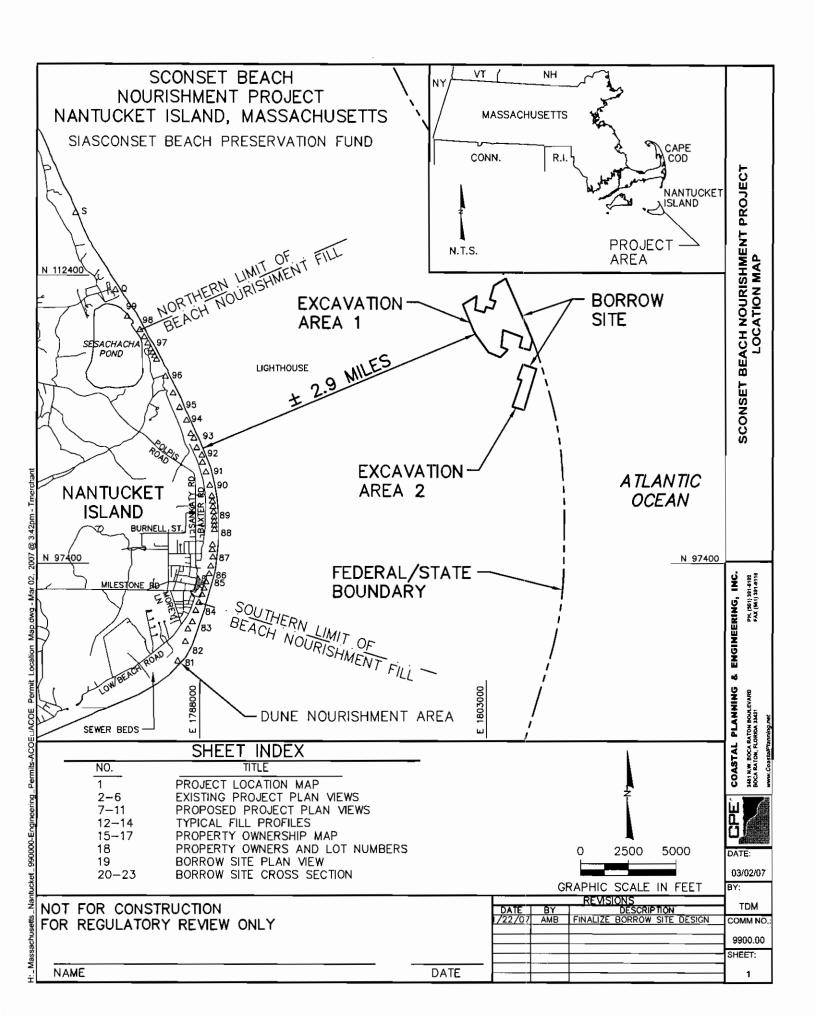
#### PROPOSED WORK AND PURPOSE

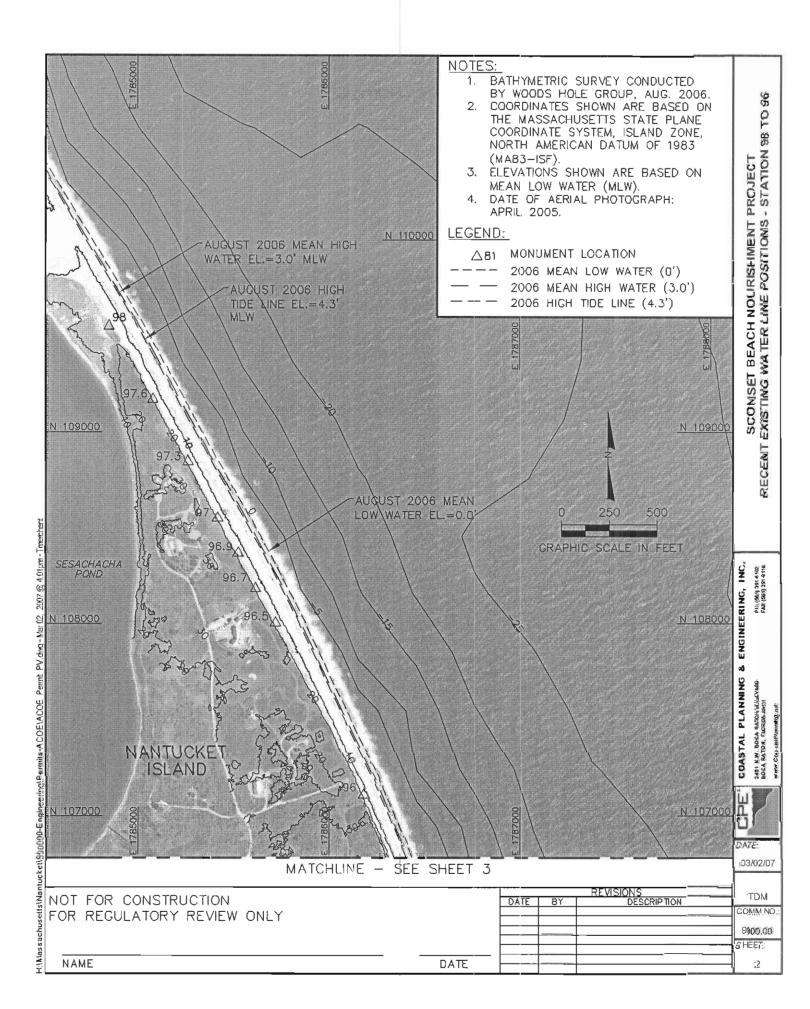
The proposed project involves work below the mean high water line and the discharge of dredged or fill material into waters of the United States in order to construct a large-scale beach nourishment project proposed to protect approximately 3.1 miles of eroding coast along the eastern shoreline of Nantucket Island, Massachusetts. Approximately 2.6 million cubic yards of beach compatible sediment would be hydraulically dredged from a 195 acre offshore borrow site located approximately 2.9 miles east of Nantucket in water that is 30 to 60 feet deep. The material would then be transported to Sconset Beach in Nantucket and pumped onto the project shoreline from a barge or dredge as a sand/water slurry.

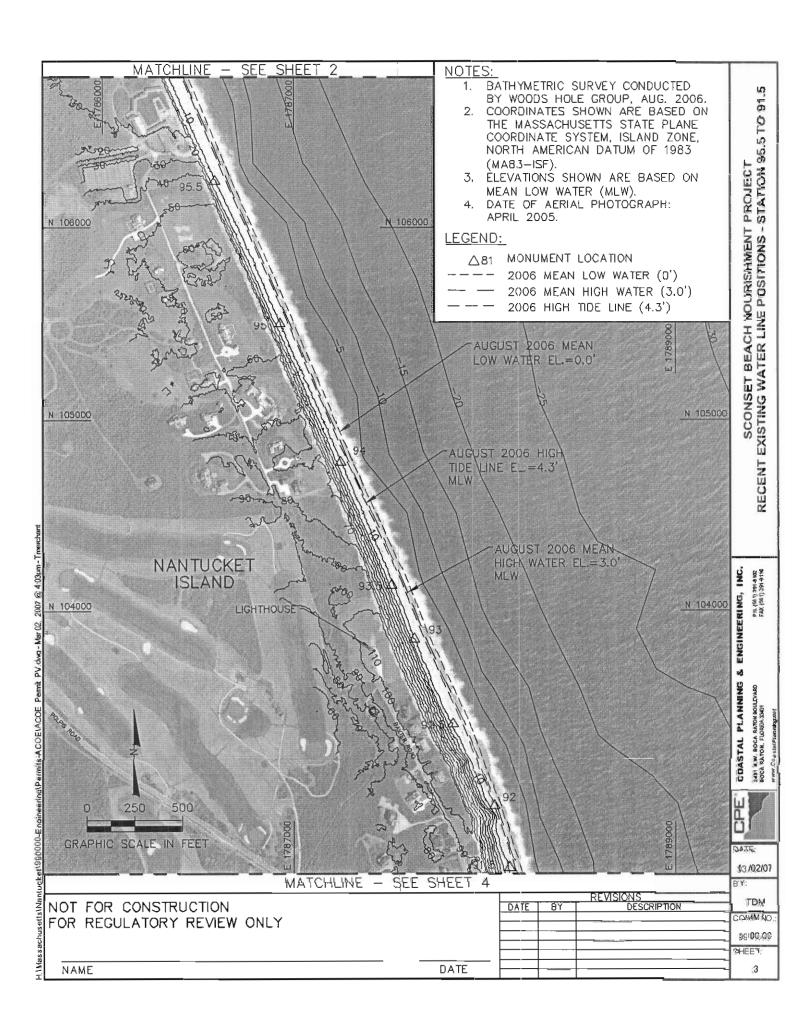
The project will provide beach and dune nourishment for approximately 3.1 miles of shoreline of Nantucket extending south from Sesachacha Pond, past Sankaty Head Lighthouse to Codfish Park and the village of Siasconset, and includes dune restoration at Codfish Park and dune construction at the Town Sewer Beds. The design calls for 2.7 miles of beach nourishment coupled with 0.35 miles of dune restoration/creation with 1,100 feet at Codfish Park and 800 feet at the Town Sewer Beds. Project construction is scheduled to occur during the months of June to November.

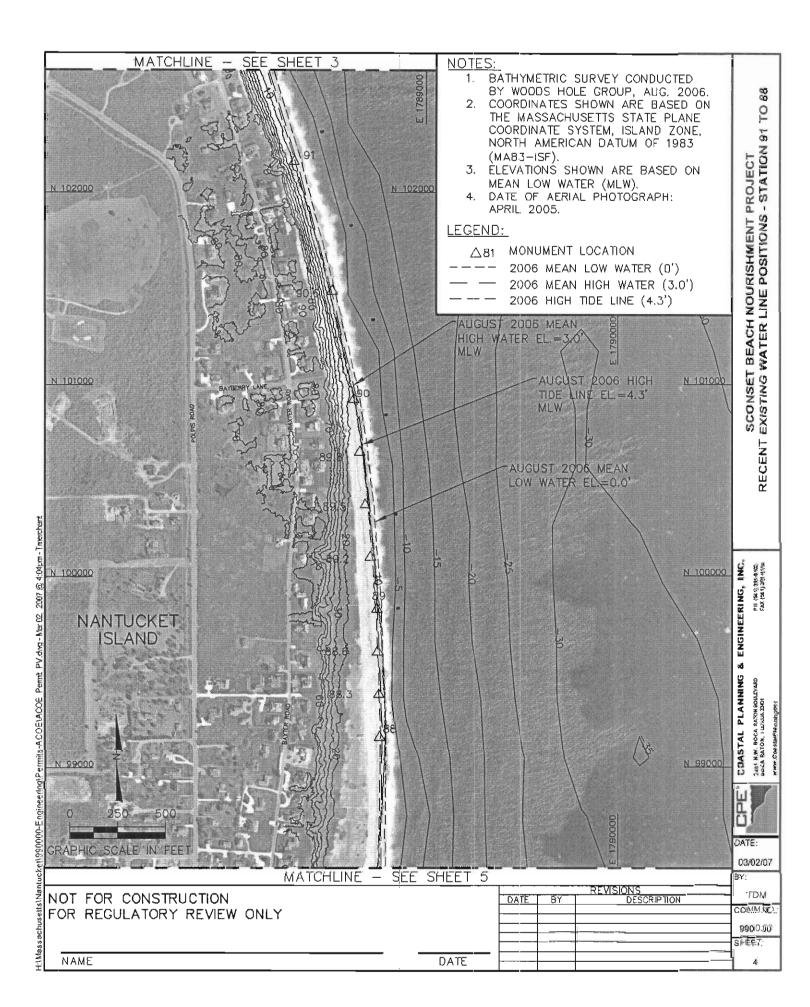
The proposed beach nourishment will fill approximately 9.6 acres of the nearshore intertidal zone and 109.9 acres of the nearshore subtidal zone. After equilibration of the beach, an additional 177.4 acres of the nearshore subtidal zone will be covered for a total of 287.3 acres if subtidal zone. Within the subtidal area, approximately 105 acres of cobble/sand bottom and 29.5 acres of hard bottom will be covered with the beach nourishment material. The work is described on the enclosed plans entitled "Sconset Beach Nourishment Project," on 19 sheets, and dated, "March 2, 2007."

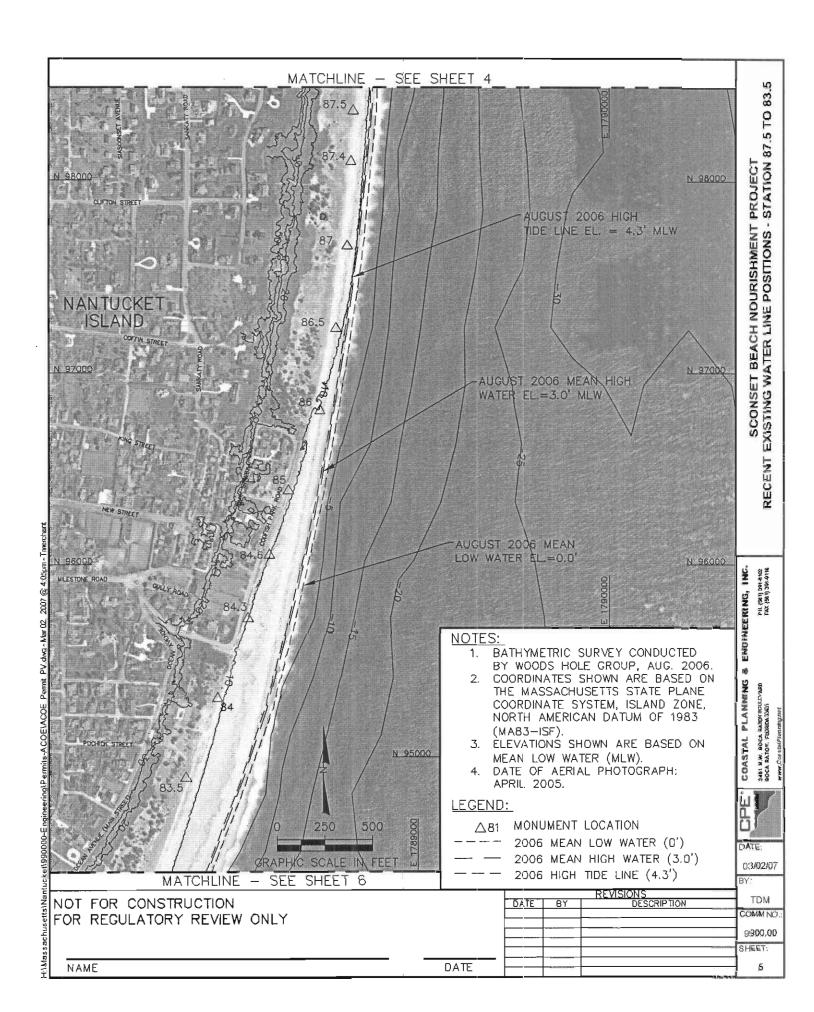
5

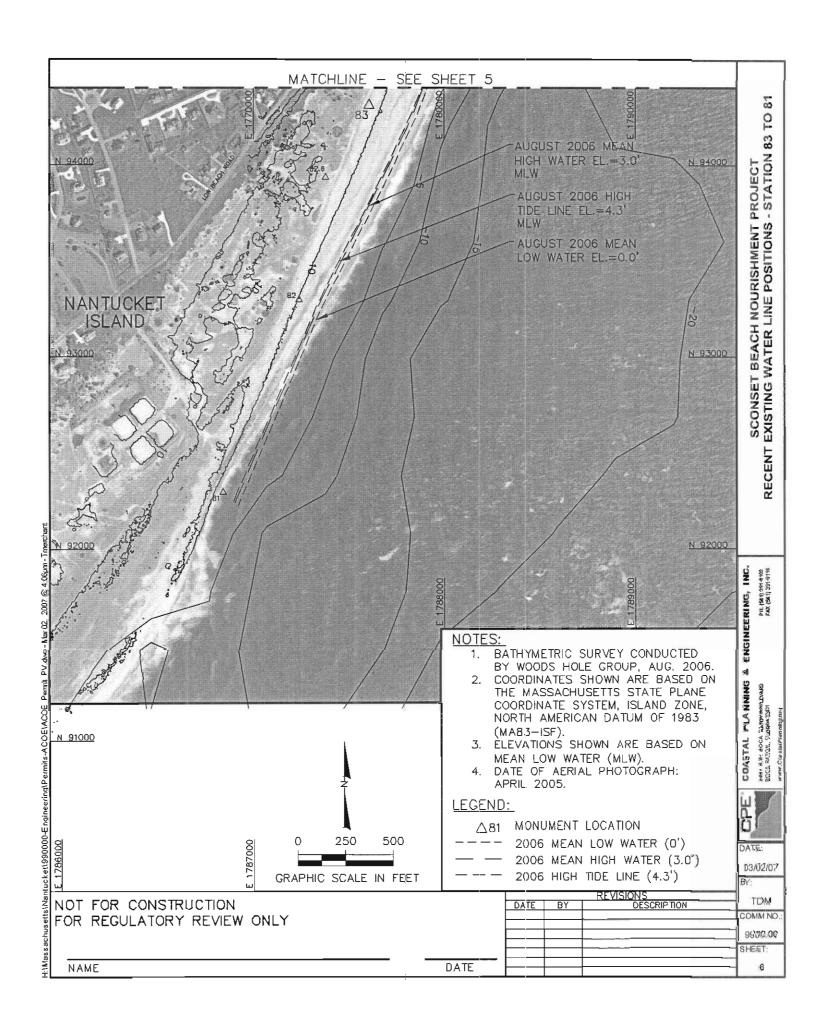


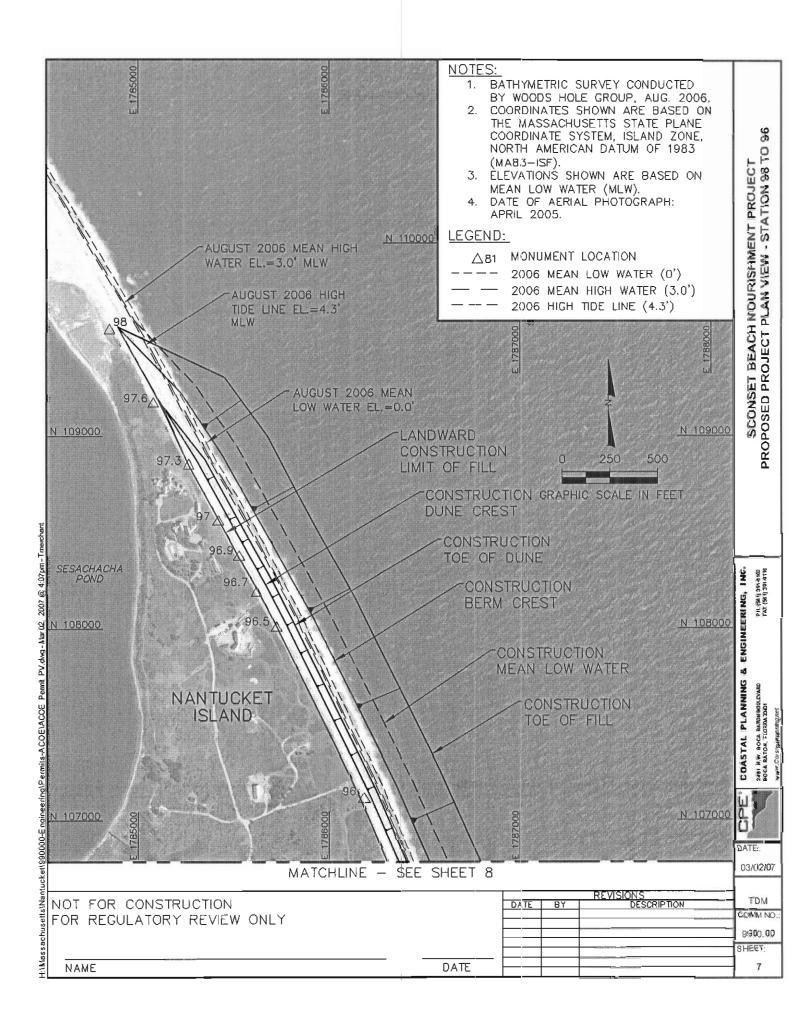


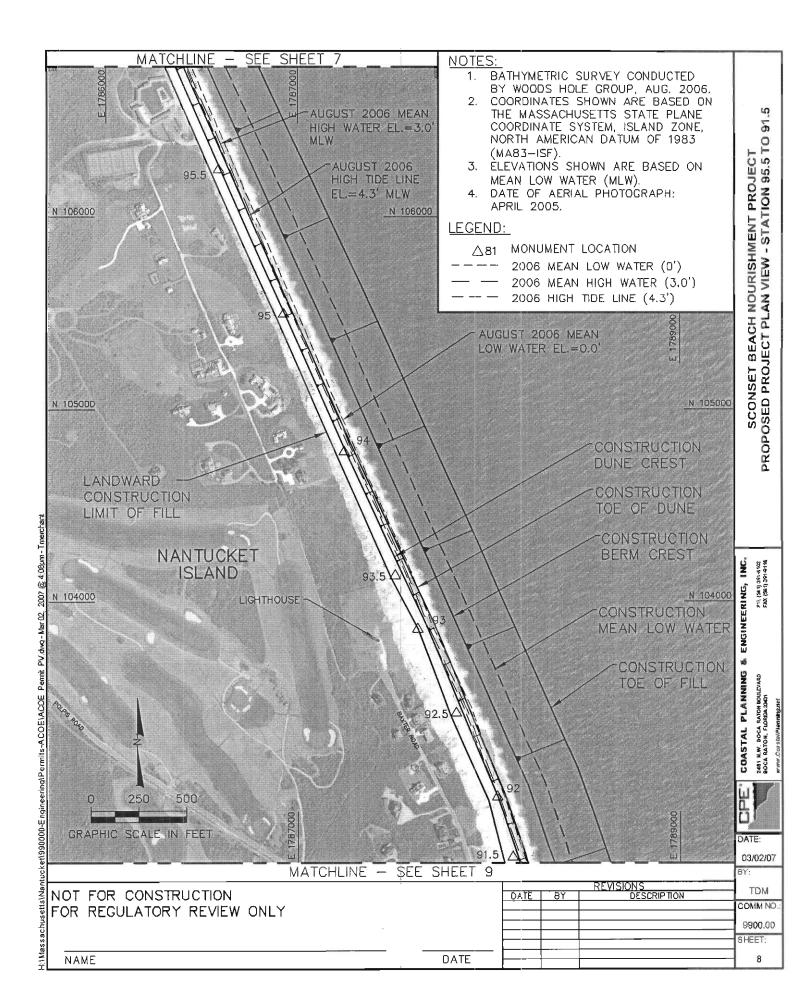


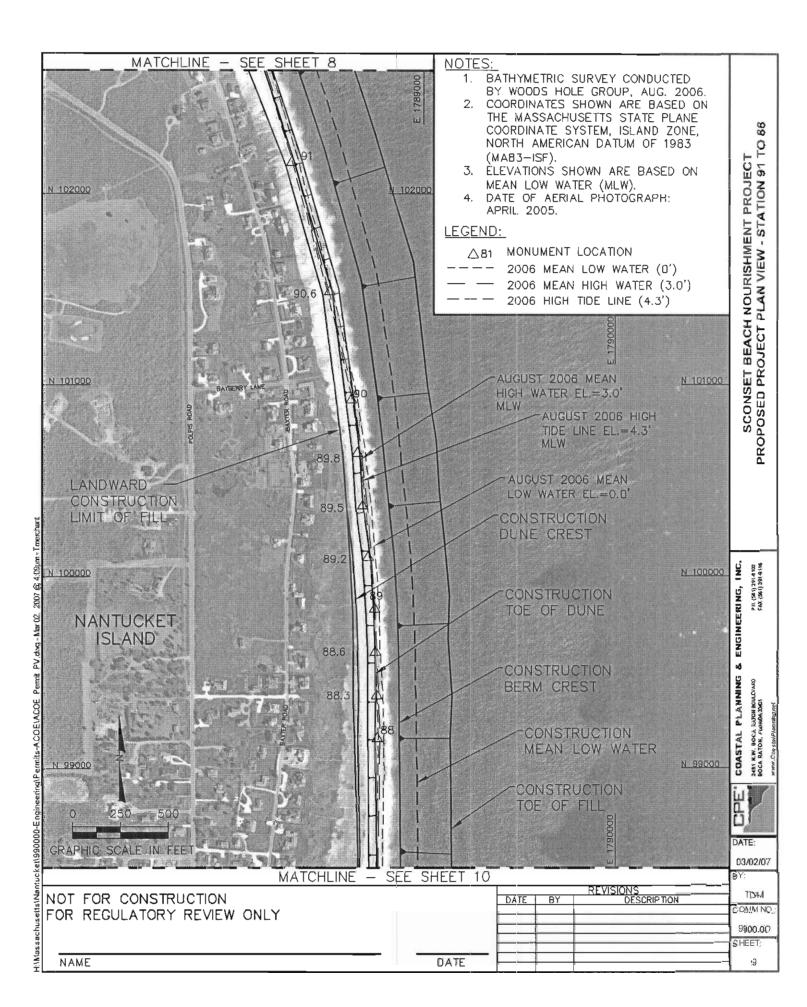


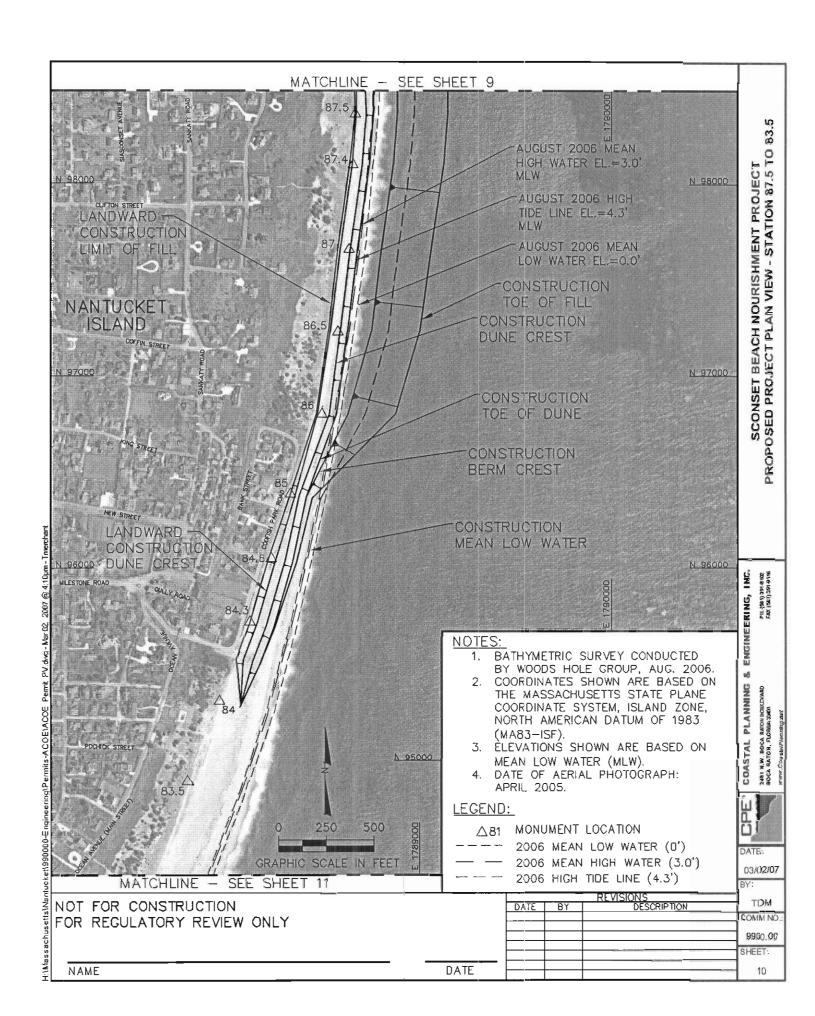


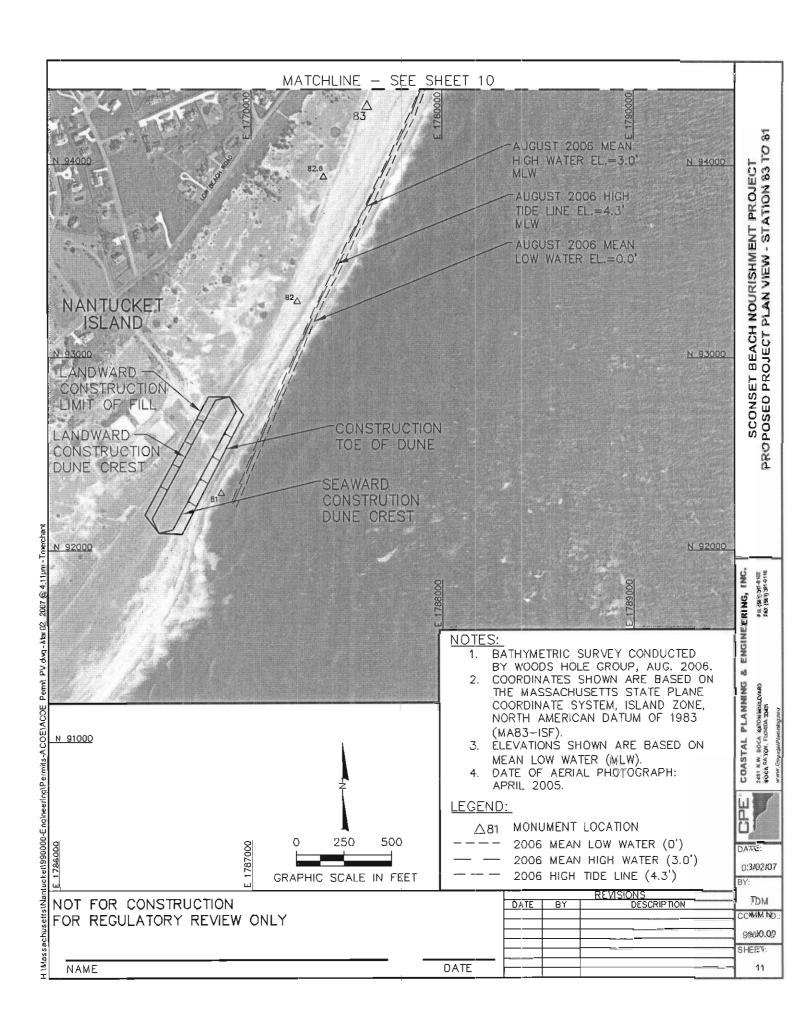


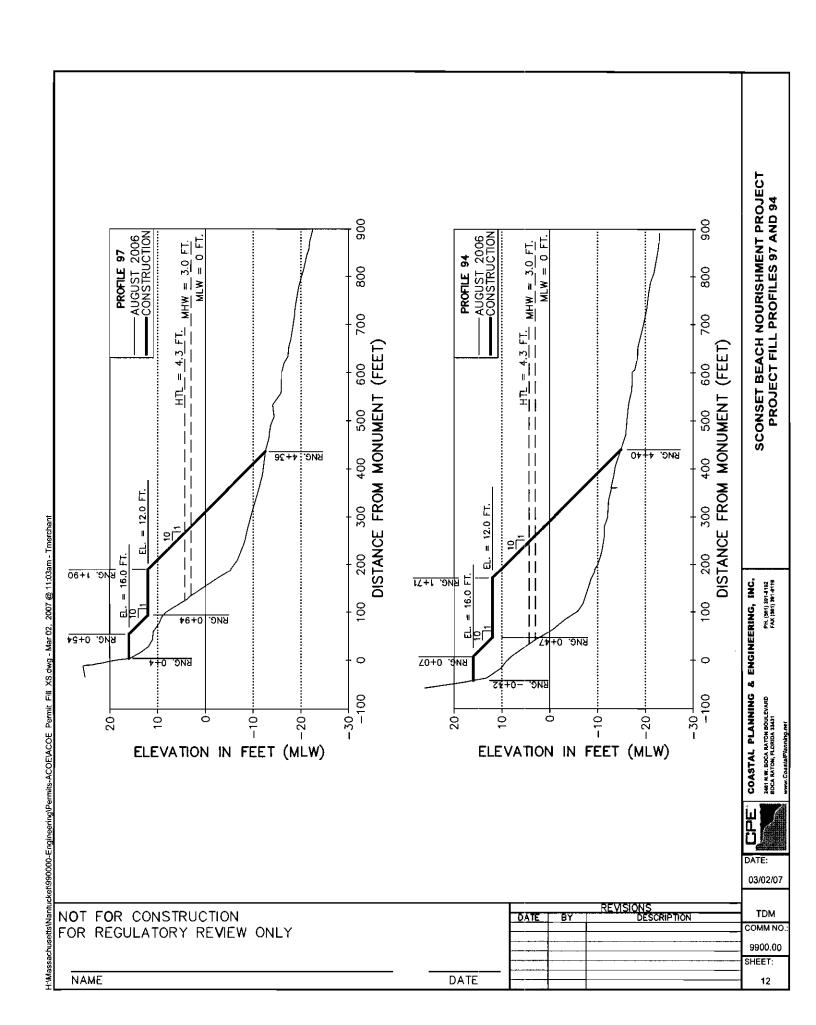


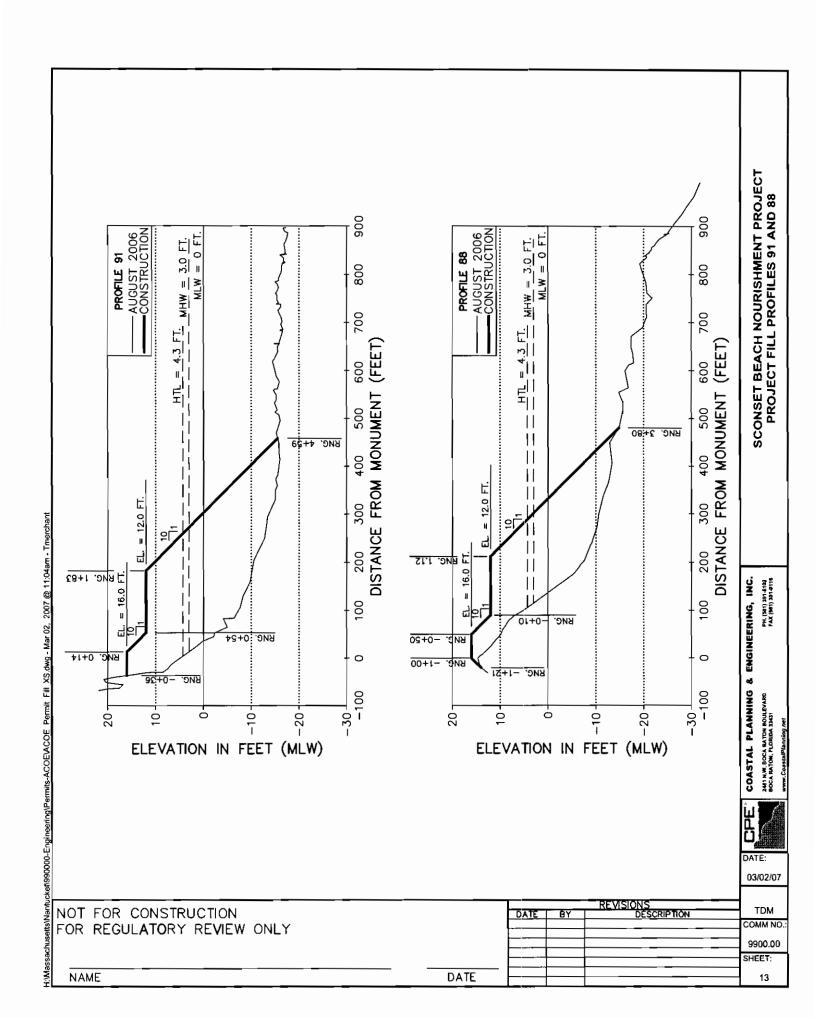


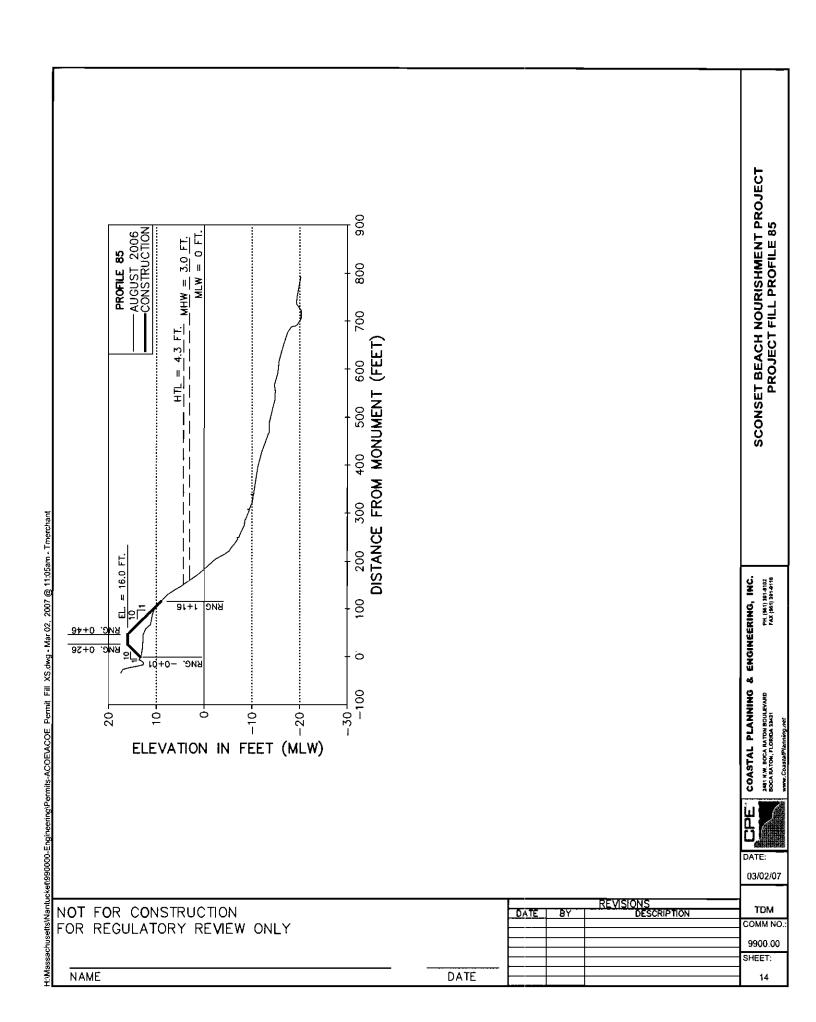


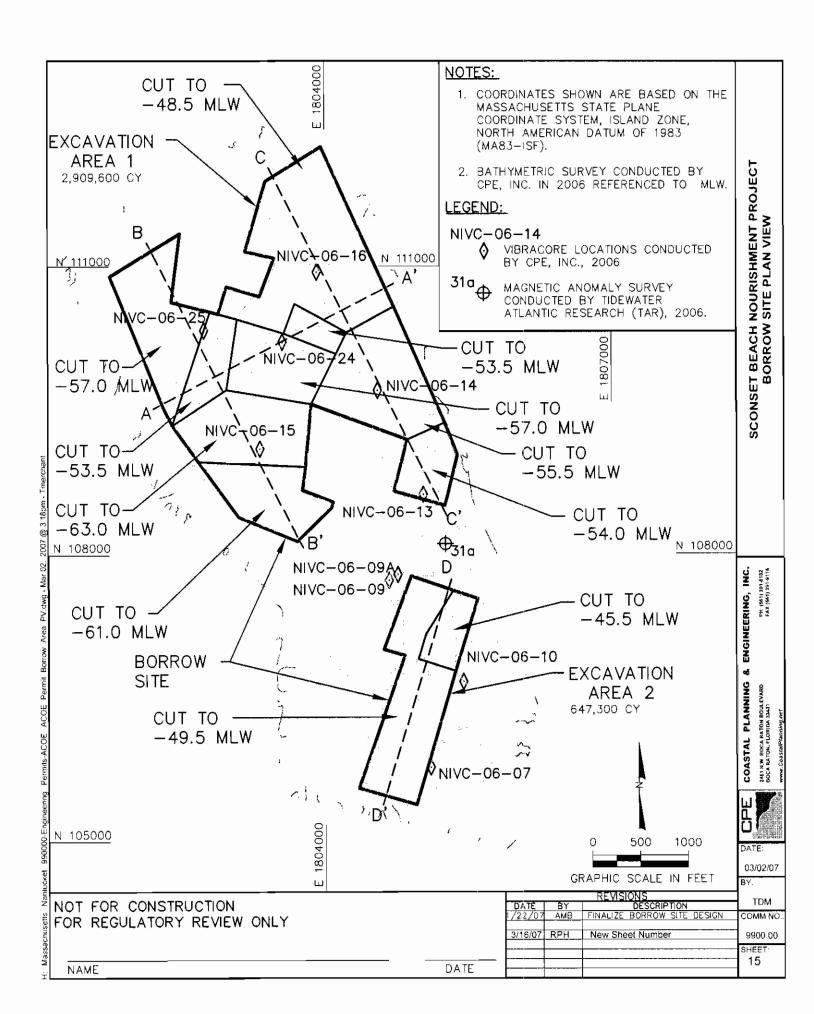


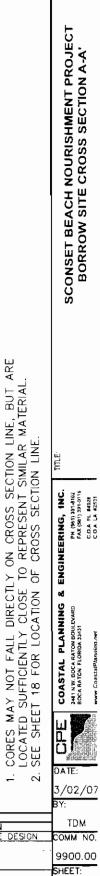


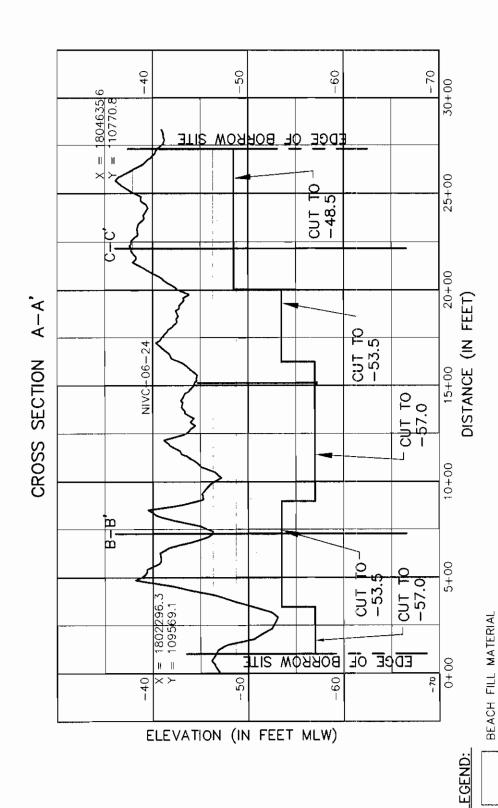












NOT FOR CONSTRUCTION FOR REGULATORY REVIEW ONLY

Massachusetts Nantucket 990000-Engineering Permits-ACOE ACOE Permit Borow Area PV.dwg - Mar 02, 2007 @ 3.20pm - Timerchant

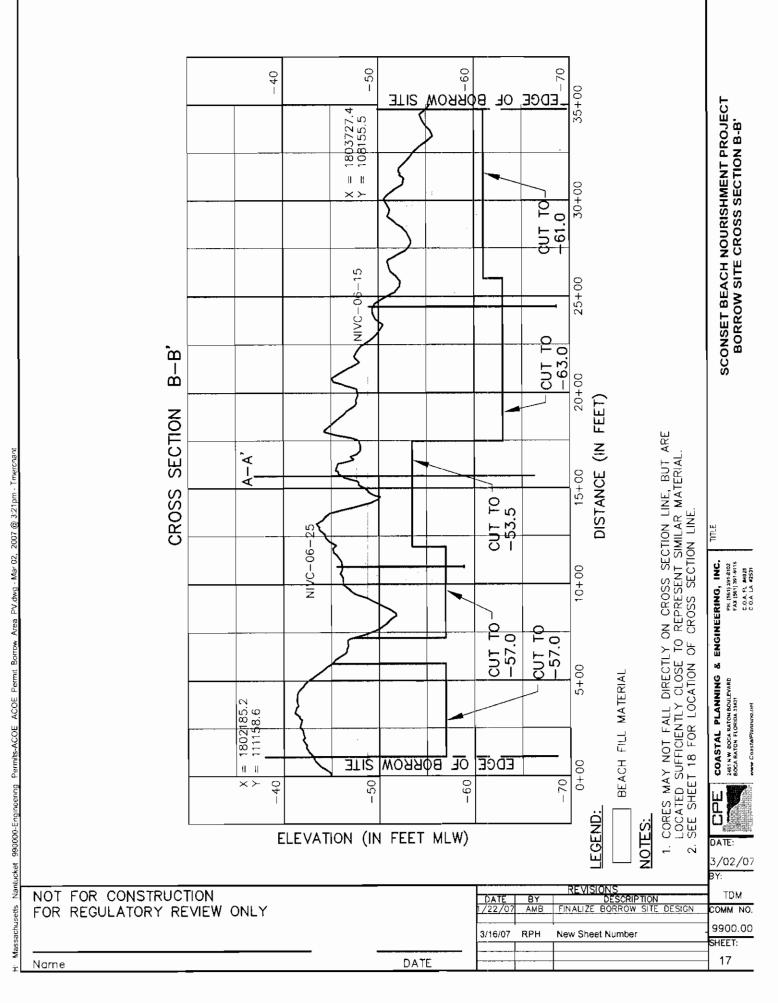
Name

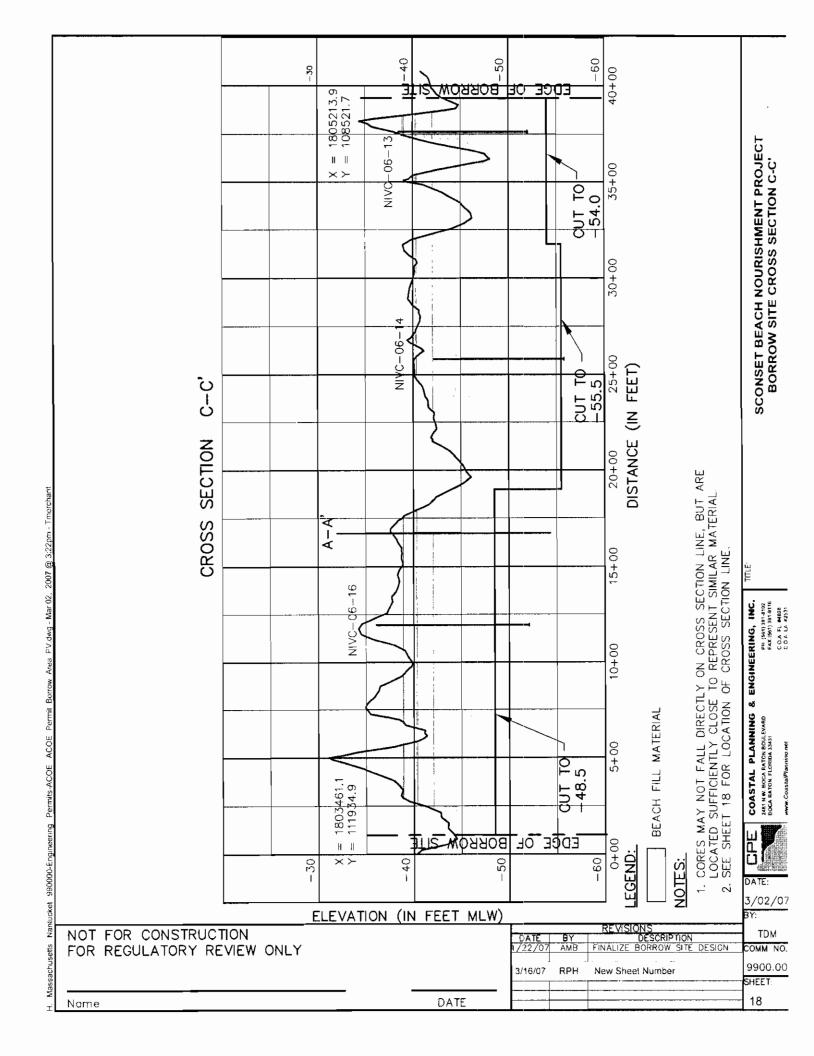
3/16/07 RPH New Sheet Number

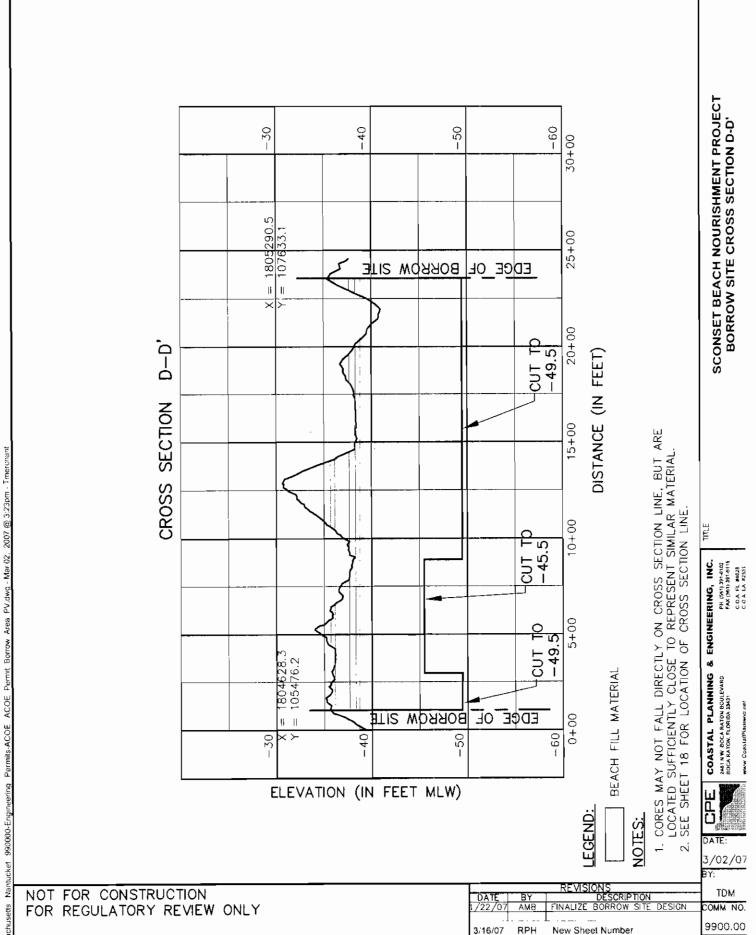
NOTES:

DATE

16







DATE

Name

9900.00 SHEET 19