



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

696 Virginia Road
Concord, MA 01742-2751

Public Notice

In Reply Refer to: Mr. Bill Kavanaugh
nae-pn-nav@usace.army.mil

**Programs & Project
Management Division**

Date: April 29, 2016

Comment Period Closes: May 31, 2016

30 DAY PUBLIC NOTICE

MAINTENANCE DREDGING OF THE CHATHAM STAGE HARBOR FEDERAL NAVIGATION PROJECT, CHATHAM, MASSACHUSETTS

Interested parties are hereby notified under provisions of the National Environmental Policy Act of 1969 (NEPA) (implementing regulations in 40 CFR 1500-1508 and 33 CFR 230 and Section 404 of the Clean Water Act of 1977 (implementing regulations in 33 CFR 335-338), that the U.S. Army Corps of Engineers, New England District, plans to perform periodic maintenance dredging of the Federal Navigation Project (FNP) in Chatham Stage Harbor, involving work in the navigable waters of the United States. Attachment No. 1 lists pertinent laws, regulations, and directives.

Authorized Federal Project Description: The Congressionally authorized FNP provides for an entrance channel 150 feet wide and 10 feet deep below Mean Lower Low Water, extending from Chatham Roads through Harding Beach for a distance of approximately 2.1 miles. A 4,000 foot long sand formation known as Harding Beach Point extends eastward across the natural harbor mouth from Harding Beach to Morris Island. A stone jetty 500 feet long exists on the west side of the Harding Beach entrance channel. The existing project was authorized by the 1945 River and Harbor Act, amended by Design Memoranda in 1962 and 1964, for major maintenance and improvement work.

Character and Purpose of Work: The outer entrance channel portion of the FNP in Chatham Stage Harbor shoals about every 3-4 years requiring periodic maintenance dredging to restore the FNP to its authorized dimensions. The Corps has performed maintenance dredging of the entrance channel most recently in 2009, 2010, and 2014 with the Government-owned special purpose dredge CURRITUCK. Typically 40,000 to 60,000 cubic yards of clean sand needs to be removed from the seaward portion of the channel taking about two to three month to complete. The Corps proposes to continue to use either the CURRITUCK, or a mechanical dredge to complete this work. Placement of dredged material will either be at the previously used nearshore placement site off of Harding Beach; at a newly proposed nearshore placement site off of Harding Beach (i.e. approximately 1200 feet west of the previously used site), or at both of

these nearshore sites. Attachment No 2 depicts the dredging area and the dredged material placement areas.

Placement Areas: The shoal material has undergone physical testing 6 times between 2008 and 1971. Based on this data and a lack of potential sources of contaminants, it is our determination that the material is acceptable for placement at the previously used or newly proposed nearshore placement sites adjacent to Harding Beach (Attachment No. 2).

Additional Information: Additional information may be obtained from Mr. Bill Kavanaugh, Civil Works/IIS Project Management Branch, Programs and Project Management Division, at the return address shown, by email at nae-pn-nav@usace.army.mil or telephone number (978) 318-8328.

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

Federal:

U.S. Environmental Protection Agency
U.S. Fish and Wildlife Service
National Marine Fisheries Service

State of Massachusetts:

Massachusetts Office of Coastal Zone Management
Massachusetts Department of Environmental Protection
Massachusetts Division of Marine Fisheries
Massachusetts Historic Preservation Office
Massachusetts Board of Underwater Archaeological Resources

Tribal Nations:

Mashpee Wampanoag Tribe
Wampanoag Tribe of Gay Head (Aquinnah)

Local:

Town of Chatham, Director of Coastal Resources
Town of Chatham, Harbormaster

Environmental Impacts: An Environmental Assessment (EA) for the maintenance dredging of the Chatham Stage Harbor FNP in Chatham, MA with placement of the dredged material nearshore off Harding Beach is being prepared and will be 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.

Federal Consistency with the Massachusetts Coastal Zone Management Program: I find that maintenance dredging of the authorized navigation project in Chatham Stage Harbor is

consistent, to the maximum extent practicable, with the applicable management programs established as a result of the Coastal Zone Management Act of 1972. The dredging and placement operations will be conducted, to the maximum extent practicable, in a manner that is consistent with the approved management program.

Other Information:

- a. Local Sponsor: Town of Chatham.
- b. Non-Federal Dredging: No private dredging is being proposed in conjunction with this project.
- c. Previous Dredging: The last time the Chatham Stage Harbor was maintained was in 2014 when approximately 18,415 cubic yards of material were dredged and placed in the previously used nearshore site off Harding Beach.
- d. Alternative Placement Areas: Alternative placement areas considered included beach nourishment, nearshore placement, open water, and upland placement. The Corps favors using the nearshore placement option because it is environmentally-sound, it keeps clean sediments in the littoral system and it is economically and logistically feasible.
- e. Endangered Species: It is our preliminary determination that the proposed project is not likely to adversely affect any threatened or endangered species. The Corps will consult with the National Marine Fisheries Service and the United States 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).
- f. Floodplain Management: In accordance with Executive Order 11988, the Corps of Engineers has determined that the proposed work will not contribute to negative impacts or damages caused by floods.
- g. Cultural Resources: The proposed work consists of maintenance dredging of the FNP in previously dredged areas and placing the dredged material within a previously-used placement site or an adjacent site. This proposal, including use of the placement sites is being coordinated with the Massachusetts and Tribal Historic Preservation Offices. In the past they have determined that the work will not adversely affect any cultural or archaeological features or resources.
- h. Essential Fish Habitat Assessment: The Corps 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 and amended by the Sustainable Fisheries Act of 1996 for Federally-managed fish species. The U.S. Army Corps of Engineers has assessed the effects that the project is likely to have on EFH and has determined that they will be short-term and localized and that there will be no significant impacts on the designated fisheries resources. The Corps

will consult with the National Marine Fisheries Service to ensure that any potential impacts will be minimized.


Additional Requirements: A request will be sent to the Massachusetts Office of Coastal Zone Management for the State's concurrence with our determination of Federal consistency with the State's approved Coastal Zone Management Program. A request will also be sent to the Massachusetts Department of Environmental Protection for a Water Quality Certification in accordance with Section 401 of the Clean Water Act, 33 U.S.C. § 1341, which requires that the work comply with State or interstate requirements to control the discharge of dredged or fill material.

This Public Notice is intended to provide information and seek comments about our proposal to perform periodic maintenance dredging of the FNP in Chatham Stage Harbor. Maintenance dredging will be performed in the year(s) that funding becomes available. Additional notices will be issued if the scope of work for future projects varies from that described herein. The decision whether to perform the work 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 benefits, which reasonably may be expected to accrue from the proposal, will be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the proposal, will be considered; among these are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use classification, and the welfare of the people.

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

28 APR 16
Date


Christopher J. Barron
Colonel, Corps of Engineers
District Engineer

Attachments

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.)

Coastal Barrier Resources Act, as amended (16 U.S.C. 3501 et seq.)

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

Code of Federal Regulation, Title 33, Parts 335 through 338

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. 460L-12 et. seq.)

Fish and Wildlife Coordination Act (16 U.S.C. 661-667e)

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

Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460L 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.)

Migratory Marine Game-Fish Act (16 U.S.C. 760c-760g)

National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347)

National Historic Preservation Act of 1966 (16 U.S.C. 470 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 Health Risks and Safety Risks, 21 April 1997

Attachment 2

Map of the Chatham Stage Harbor entrance channel and proposed nearshore placement sites.

