



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

# PUBLIC NOTICE

**Comment Period Begins: August 14, 2012**  
**Comment Period Ends: September 13, 2012**  
**File Number: NAE-2005-01385**  
**In Reply Refer To: Dan Vasconcelos**  
**Phone: (978) 318-8653**  
**E-mail: [daniel.b.vasconcelos@usace.army.mil](mailto:daniel.b.vasconcelos@usace.army.mil)**

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

## APPLICANT

Massachusetts Department of Transportation – Highway Division (“MassDOT”), 10 Park Plaza, Boston, Massachusetts 02116

## ACTIVITY

MassDOT is proposing to discharge fill material into approximately 0.37 acres (15,991 square feet) of waters of the United States, including wetlands, associated with the replacement of the bridge (Bridge No. O-01-001 = T-04-001) conveying Beach Road over Lagoon Pond in Oak Bluffs and Tisbury, Massachusetts. The work includes the replacement of a previously existing bascule bridge with a new, seven-span bascule bridge, removal of an existing temporary bridge, installation of a multi-use walkway, installation of two navigation piles, approach work and associated fills, and dredge and fill associated with the installation of bridge piers, retaining walls, and a seawall. As a result of the bridge replacement, the limits of the Lagoon Pond Federal Navigation Channel would change to match the new bascule pier location. [NOTE: The United States Coast Guard is the permitting authority for the bridge structures and work. The Corps only has permitting authority over the placement of fill in waters of the United States and adjacent wetlands for the bridge-related portion of this project.] A detailed description and plans of the activity are attached.

## WATERWAY AND LOCATION OF THE PROPOSED WORK

This work is proposed in Lagoon Pond at Beach Road, Oak Bluffs and Tisbury, Massachusetts. The site coordinates are: Latitude 41.457448° Longitude -70.588506°.

## 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).

This project would impact approximately 0.18 acres of Essential Fish Habitat (EFH) for the species and life stages listed below. This habitat consists primarily of sand with scattered small stones plus areas of salt marsh and eel grass. Loss of this habitat may adversely affect the following species and life stages:

Species	Eggs	Larvae	Juveniles	Adults
Atlantic cod ( <i>Gadus morhua</i> )				X
Winter flounder ( <i>Pleuronectes americanus</i> )	X	X	X	X
Long finned squid ( <i>Loligo pealei</i> )	N/A	N/A	X	X
Atlantic butterfish ( <i>Peprilus triacanthus</i> )	X	X	X	X
Atlantic mackerel ( <i>Scomber scombrus</i> )	X	X	X	X
Summer flounder ( <i>Paralichthys dentatus</i> )	X	X	X	X
Scup ( <i>Stenotomus chrysops</i> )	N/A	N/A	X	X
Black sea bass ( <i>Centropristus striata</i> )	N/A	X	X	X
Surf clam ( <i>Spisula solidissima</i> )	N/A	N/A	X	X
Ocean quahog ( <i>Artica islandica</i> )	N/A	N/A		
Spiny dogfish ( <i>Squalus acanthias</i> )	N/A	N/A		
King mackerel ( <i>Scomberomorus cavalla</i> )	X	X	X	X
Spanish mackerel ( <i>Scomberomorus maculatus</i> )	X	X	X	X
Cobia ( <i>Rachycentron canadum</i> )	X	X	X	X
Blue shark ( <i>Prionace glauca</i> )				X

Shortfin mako shark ( <i>Isurus oxyrinchus</i> )			X	
Sandbar shark ( <i>Charcharinus plumbeus</i> )				X
Bluefin tuna ( <i>Thunnus thynnus</i> )				X

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 little likelihood exists for the proposed work to impinge upon properties with cultural or Native American significance, or listed in, or eligible for listing in, the National Register of Historic Places. Therefore, no further consideration of the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended, is necessary. This determination is based upon one or more of the following:

- a. The permit area has been extensively modified by previous work.
- b. The permit area has been recently created.
- c. The proposed activity is of limited nature and scope.
- d. Review of the latest published version of the National Register shows that no presence of registered properties listed as being eligible for inclusion therein are in the permit area or general vicinity.
- e. Coordination with the State Historic Preservation Officer and/or Tribal Historic Preservation Officer(s)

#### 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 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 any Federally listed endangered or threatened species or their designated critical habitat. By this Public Notice, we are requesting that the appropriate Federal Agency concur with our determination.

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.

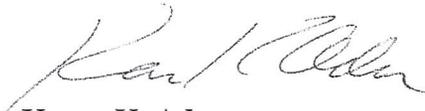
In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. **Comments should be submitted in writing by the above date.** If you have any questions, please contact Dan Vasconcelos at (978) 318-8653, (800) 343-4789 or (800) 362-4367, if calling from within Massachusetts.

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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, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at [bettina.m.chaisson@usace.army.mil](mailto: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: \_\_\_\_\_

**PROPOSED WORK AND PURPOSE**

The work includes the discharge of fill material into approximately 0.37 acres (15,991 square feet) of waters of the United States, including wetlands, associated with the replacement of the bridge (Bridge No. O-01-001 = T-04-001) conveying Beach Road over Lagoon Pond in Oak Bluffs and Tisbury, Massachusetts. Of the total impact, approximately 0.03 acres (1,330 square feet) would be within salt marsh and 0.003 acres (135 square feet) would be within eelgrass. The purpose of the work is to replace a structurally deficient bridge with a new bridge that will provide greater and more reliable navigational clearance over the Lagoon Pond inlet to Vineyard Haven Harbor. The original 21-span, timber pile-supported bascule bridge was demolished and replaced with a temporary bridge (work completed in 2010). The proposed work would replace the original bascule bridge in its entirety with a new, seven-span bascule bridge supported on concrete-filled piles. The work includes approach work, including associated grading, rip-rap placement, and retaining wall and seawall construction, construction of new bridge components, including abutments, concrete pile-supported piers, a concrete bascule pier with associated bridge tender house, and decking, construction of new protective fenders, installation of a section of submarine cable by jet-plowing, installation of steel sheet cofferdams to allow work to proceed in the dry, stormwater improvements, construction of accessible pedestrian walkways, and removal of the existing temporary bridge. Existing pier piles would be cut and/or driven below the El. -13.00 feet Mean Lower Low Water (MLLW). Dredging of approximately 2,526 cubic yards of material below Mean High Water is proposed to facilitate installation of the seawall, bascule pier, bridge piers, rip-rap, and submarine cable. Dredged material would be disposed of at an upland disposal site (not in waters of the United States), and clean material used for backfill. MassDOT proposes to install two navigation piles in Lagoon Pond directing boaters toward the navigation channel and away from existing eelgrass beds (coordination between MassDOT and the Town of Tisbury is ongoing). As a result of the bridge replacement, the limits of the Lagoon Pond Federal Navigation Channel would change to match the new bascule pier location. Section 404 impacts associated with this project include approach work, including associated grading, rip-rap placement, and retaining wall and seawall construction, and construction of the concrete bascule pier and concrete-filled bridge support piles. [NOTE: The U.S. Coast Guard has the authority to review the structures and work associated with the construction of the Lagoon Pond Drawbridge. The Corps only has permitting authority over the placement of fill in waters of the United States and adjacent wetlands for the bridge-related portion of this project.]

The work is described on the enclosed plans entitled "DRAW BRIDGE REPLACEMENT O-01-001=T-04-001, AT: BEACH ROAD OVER LAGOON POND, IN: OAK BLUFFS & TISBURY DUKES COUNTY, MA" on 19 sheets, and dated "July 26, 2012".

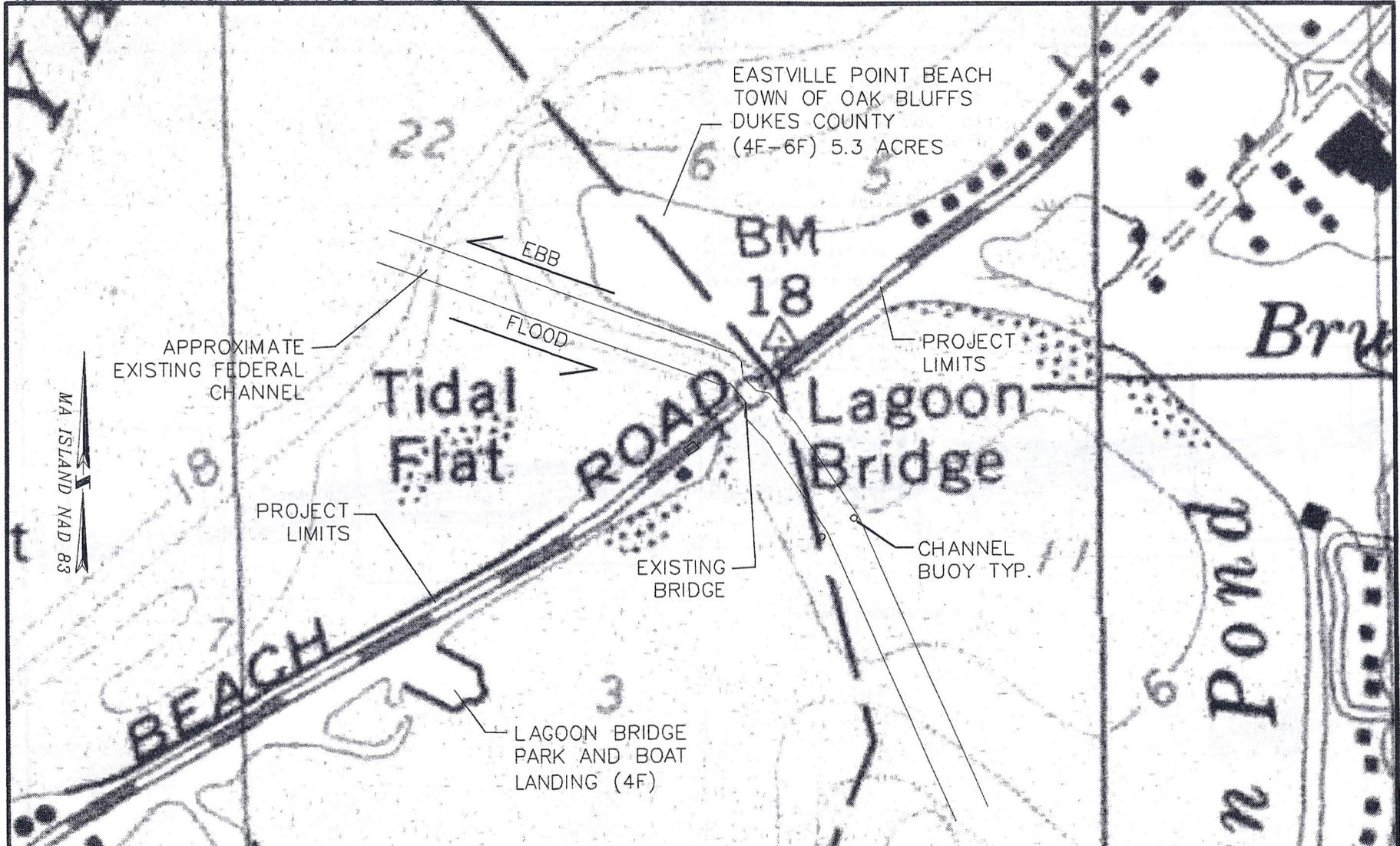
**MITIGATION**

In developing plans for replacing the Beach Road drawbridge, MassDOT considered ways to avoid and minimize impacts to waters of the United States, including wetlands. Steps to avoid and minimize impacts to wetlands and waterways include installing the new bridge along the same alignment as the previously existing bridge in order to re-use the existing approaches, using retaining walls wherever feasible, using open-ended tube piles to reduce impacts to the substrate, installing hay bale-backed silt fence between the work area and wetlands/waterways, using a silt curtain, and conducting the work from a barge to eliminate temporary impacts. Approximately 204 square feet of salt marsh that was impacted by the installation of the temporary bridge would be restored in place following the removal of the temporary bridge. In order to mitigate for unavoidable, permanent impacts to jurisdictional wetland areas, MassDOT proposes to construct approximately 2,915 square feet of new salt marsh. MassDOT also proposes to remove boulders from an existing jetty, backfilling with sand as necessary, within a 600 square foot area in order to promote re-colonization by eelgrass from adjacent

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beds. An educational sign regarding eelgrass conservation would be installed at the Tisbury boat launch. As an additional mitigation measure, an upland embankment on the northern side of the eastern approach of the bridge at Eastville Point Beach would be graded, invasive plant species would be removed, and native species planted.



PARSONS 100 HIGH STREET  
 BOSTON, MA 02110  
 BSC GROUP, INC. 33 WALDO  
 STREET WORCESTER, MA  
 01608

HTL = 2.6' 0.79M (OB.)  
 MTL = 0.5' 0.15M  
 MLW = -0.4' -0.12M  
 MHW = 1.4' 0.43M  
 100 YEAR FLOOD  
 AT ELE. 8.0

**VICINITY MAP**

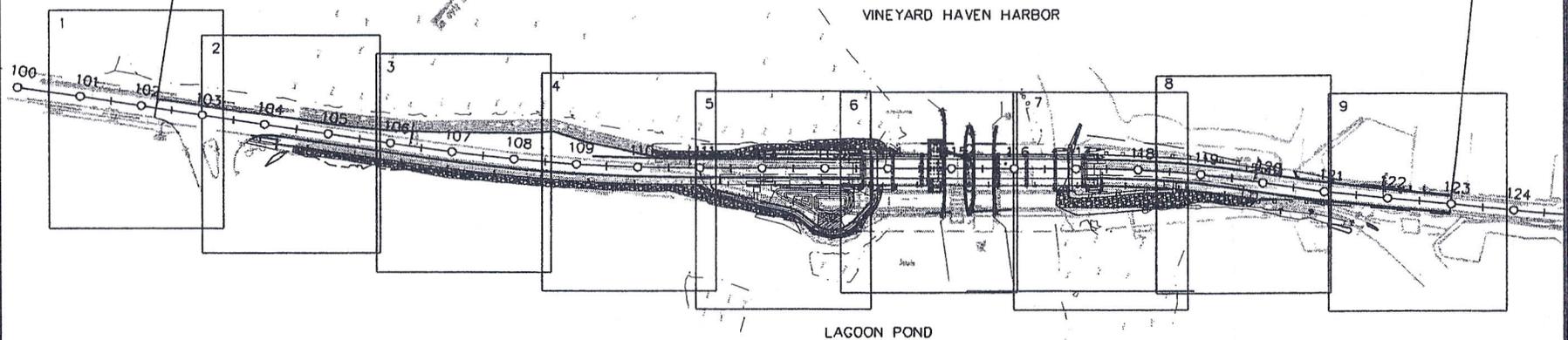
SCALE: 1" = 400' / 122M

DRAW BRIDGE REPLACEMENT 0-01-001=T-04-001,  
 AT: BEACH ROAD OVER LAGOON POND  
 IN: OAK BLUFFS & TISBURY DUKES COUNTY, MA

MASS DOT Project File # 604029  
 DATE: 7/26/2012 SHEET 1 OF 1

LIMIT OF WORK  
 STA 102+24.23  
 N 166341.5743  
 E 1615579.4419  
 MEET EXISTING PAVEMENT

LIMIT OF WORK  
 STA 123+00.00  
 N 167519.7628  
 E 1617283.4882  
 MEET EXISTING PAVEMENT



NOTE: A: NAVIGATIONAL PILES TO BE  
 PLACED AT LAT/LONG  
 41.457592-70.586333 AND  
 41.455625-70.586225

PARSONS 100 HIGH STREET  
 BOSTON, MA 02110  
 BSC GROUP, INC. 33 WALDO  
 STREET WORCESTER, MA  
 01608

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### KEY PLAN

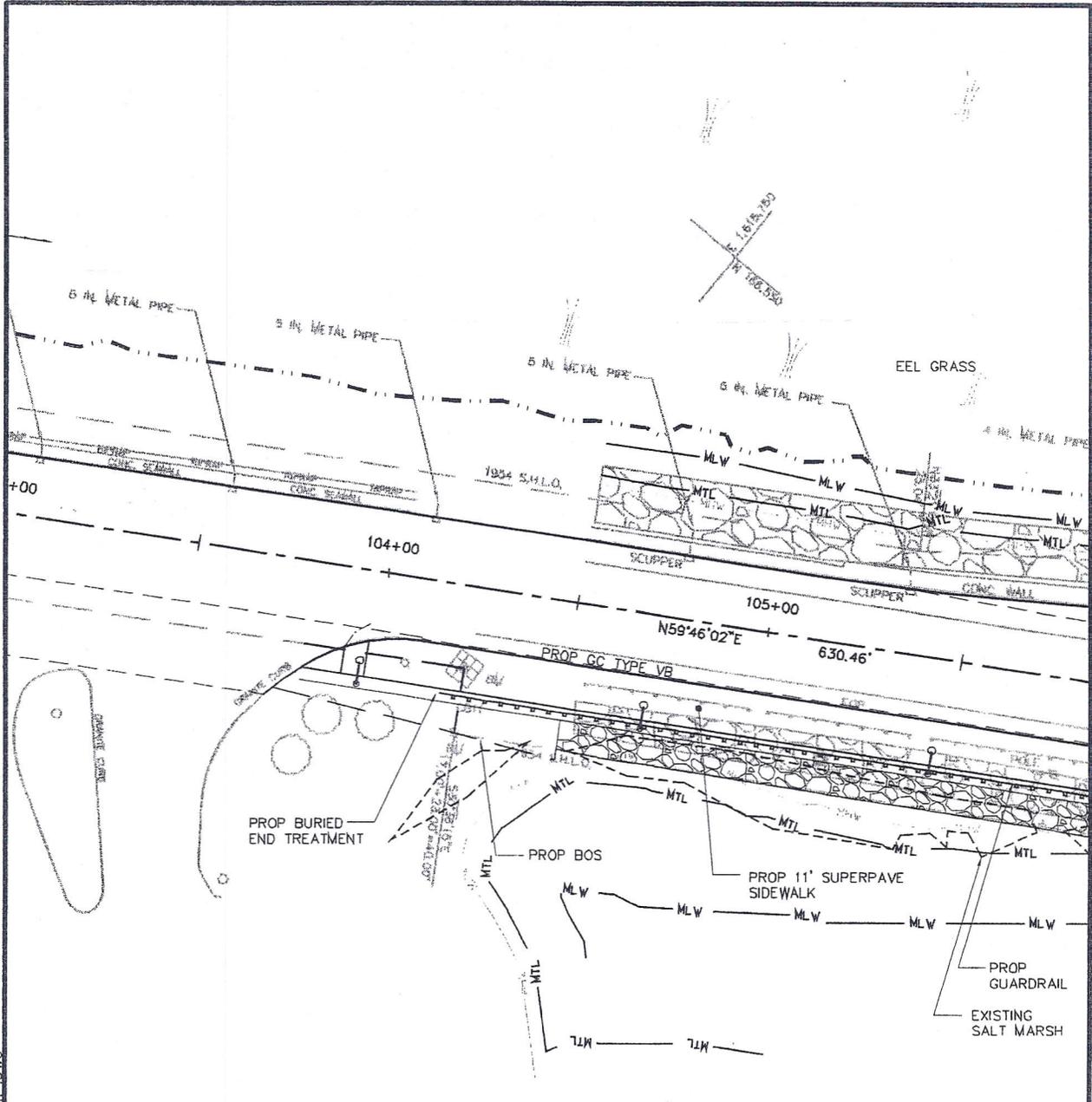
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DRAW BRIDGE REPLACEMENT O-01-001=T-04-001,  
 AT: BEACH ROAD OVER LAGOON POND  
 IN: OAK BLUFFS & TISBURY DUKES COUNTY, MA

MASS DOT Project File # 604029  
 DATE: 7/26/2012



JOB NO. 40793.00.DWG. NO. ENV\DWG\PERM\40793-1-PERMIT...DWG



NOTE: EDUCATIONAL EELGRASS KIOSK TO BE INSTALLED AT TISBURY BOAT LAUNCH. EXACT LOCATION TO BE DETERMINED AND AGREED BY TOWN.

MLW = -0.4' -0.12M  
 MHW = 1.4' 0.43M  
 HTL = 2.6' 0.79M (OB.)  
 100 YEAR FLOOD AT ELE. 8.0

PARSONS 100 HIGH STREET  
 BOSTON, MA 02110  
 BSC GROUP, INC. 33 WALDO  
 STREET WORCESTER, MA 01608

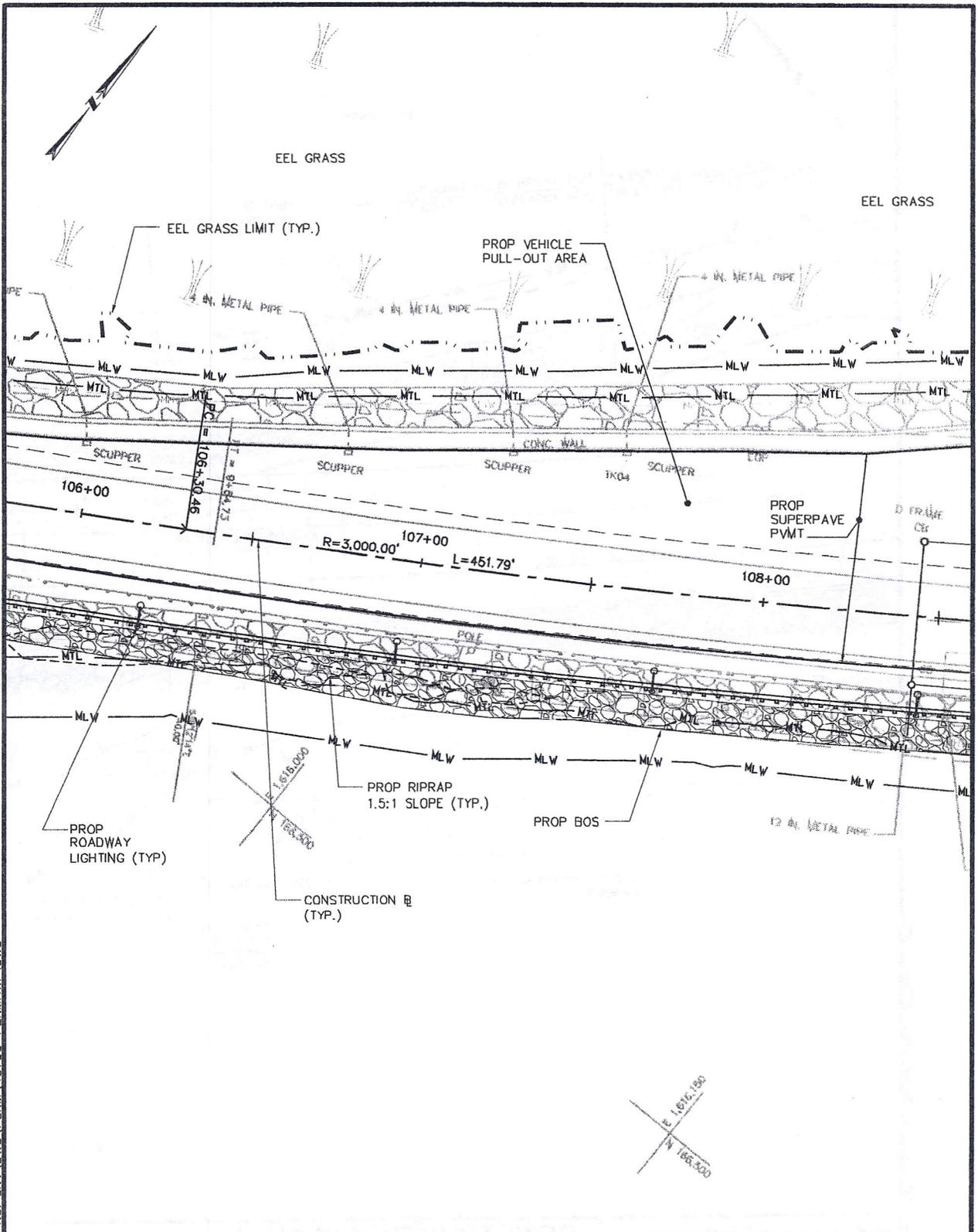
**CONSTRUCTION PLAN**

SCALE: 1" = 40' / 12.2M

0 20 40 80FT

DRAW BRIDGE REPLACEMENT  
 0-01-001=T-04-001,  
 AT: BEACH ROAD OVER LAGOON POND  
 IN: OAK BLUFFS & TISBURY DUKES  
 COUNTY, MA

MASS DOT Project File # 604029  
 DATE: 7/26/2012 SHEET 2 OF 10



JOB NO. 40793.00 DWG. NO. ENV\DWG\PERM\40793-PERMIT... DWG

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 MHW = 1.4' 0.43M  
 HTL = 2.6' 0.79M (OB.)  
 100 YEAR FLOOD AT ELE. 8.0

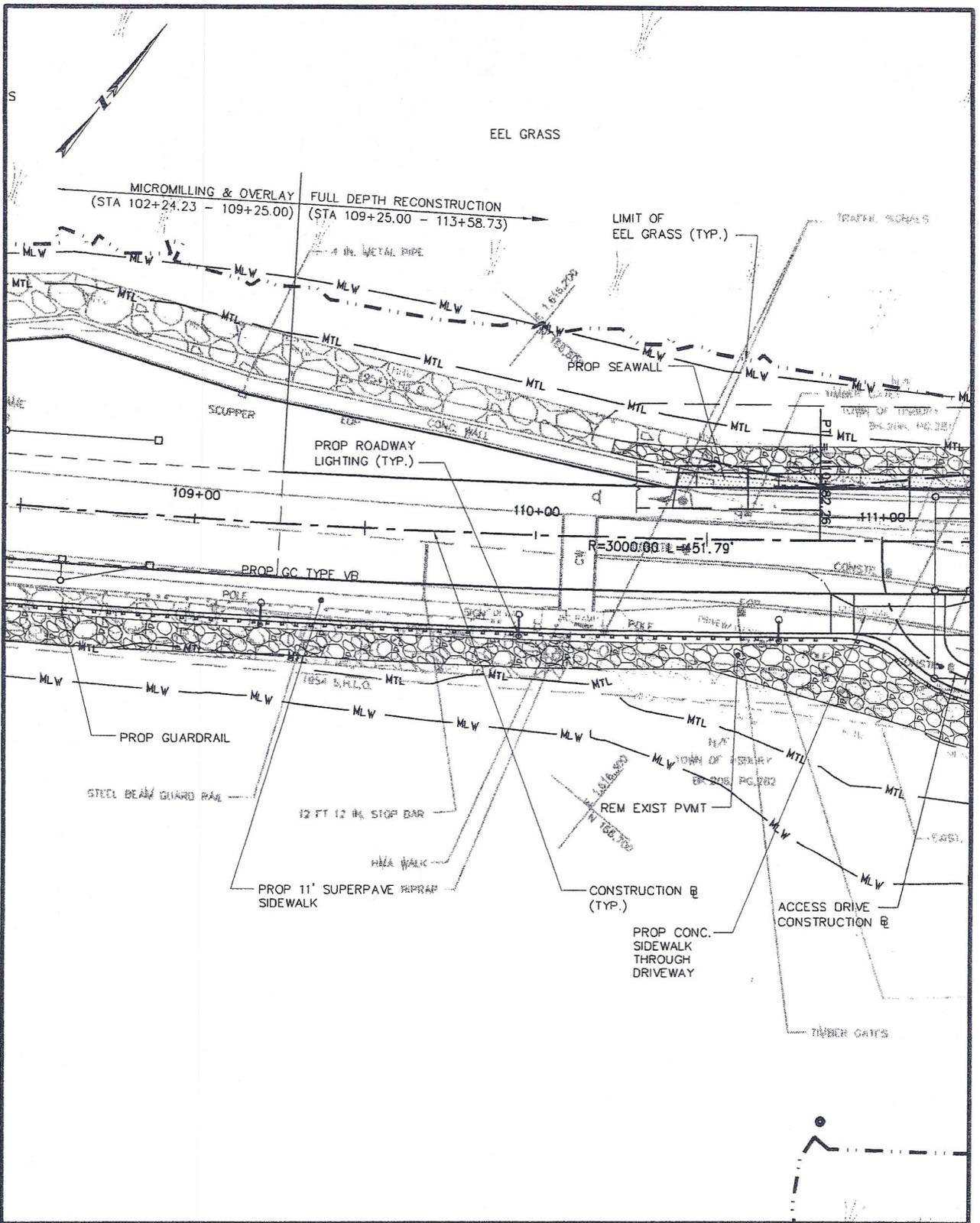
PARSONS 100 HIGH STREET  
 BOSTON, MA 02110  
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 STREET WORCESTER, MA 01608

## CONSTRUCTION PLAN

SCALE: 1" = 40' / 12.2M  
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DRAW BRIDGE REPLACEMENT  
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MASS DOT Project File # 604029  
 DATE: 7/26/2012 SHEET 3 OF 9



JOB NO. 40793.00 DWG. NO. ENV\DWG\PERM\40793-PERMIT...DWG

MLW = -0.4' -0.12M  
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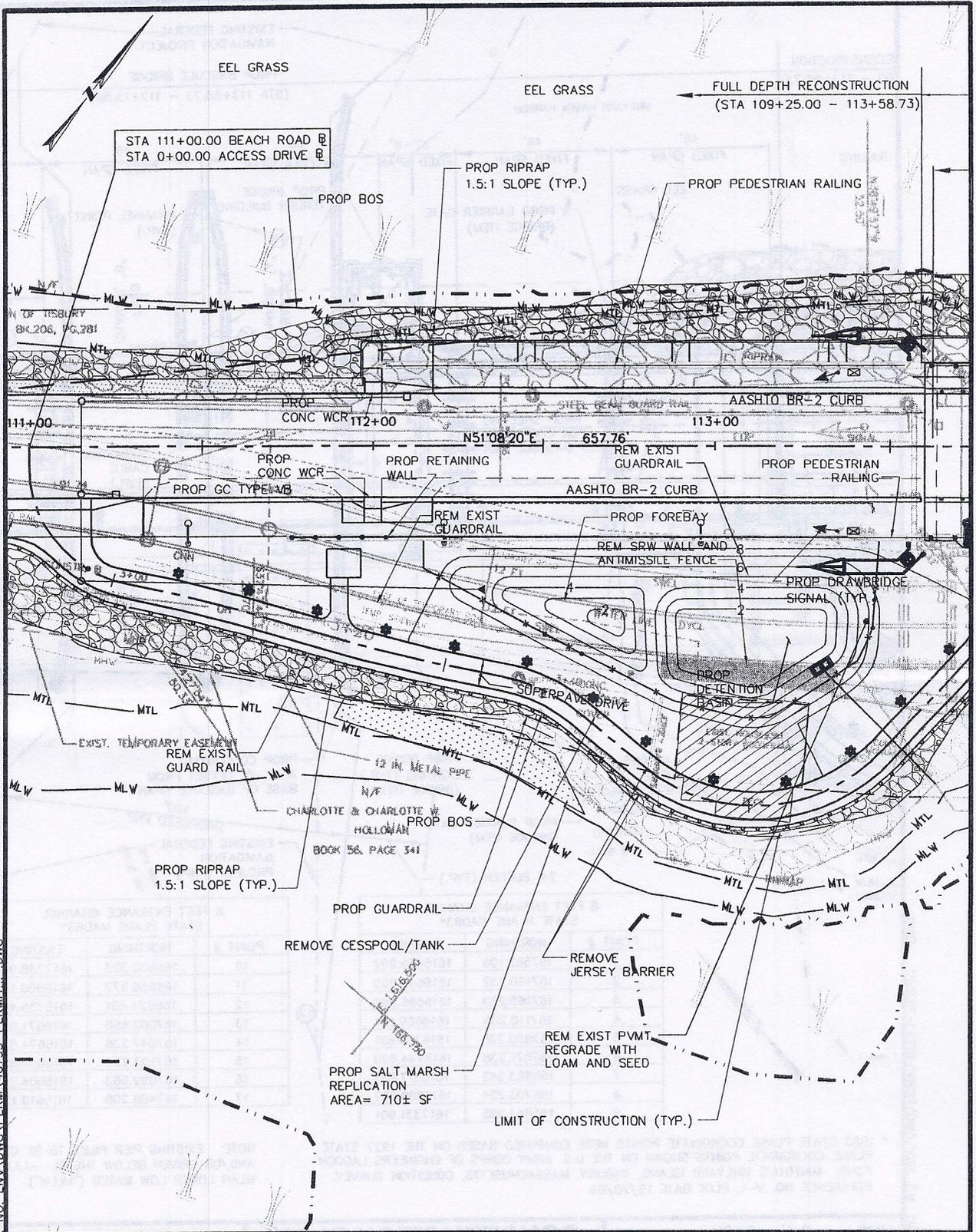
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MASS DOT Project File # 604029  
 DATE: 7/26/2012 SHEET 4 OF 9



JOB NO. 40793.00 DWG. NO. ENVA DWG\PERM\40793-PERMIT.DWG

MLW = -0.4' -0.12M  
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### CONSTRUCTION PLAN

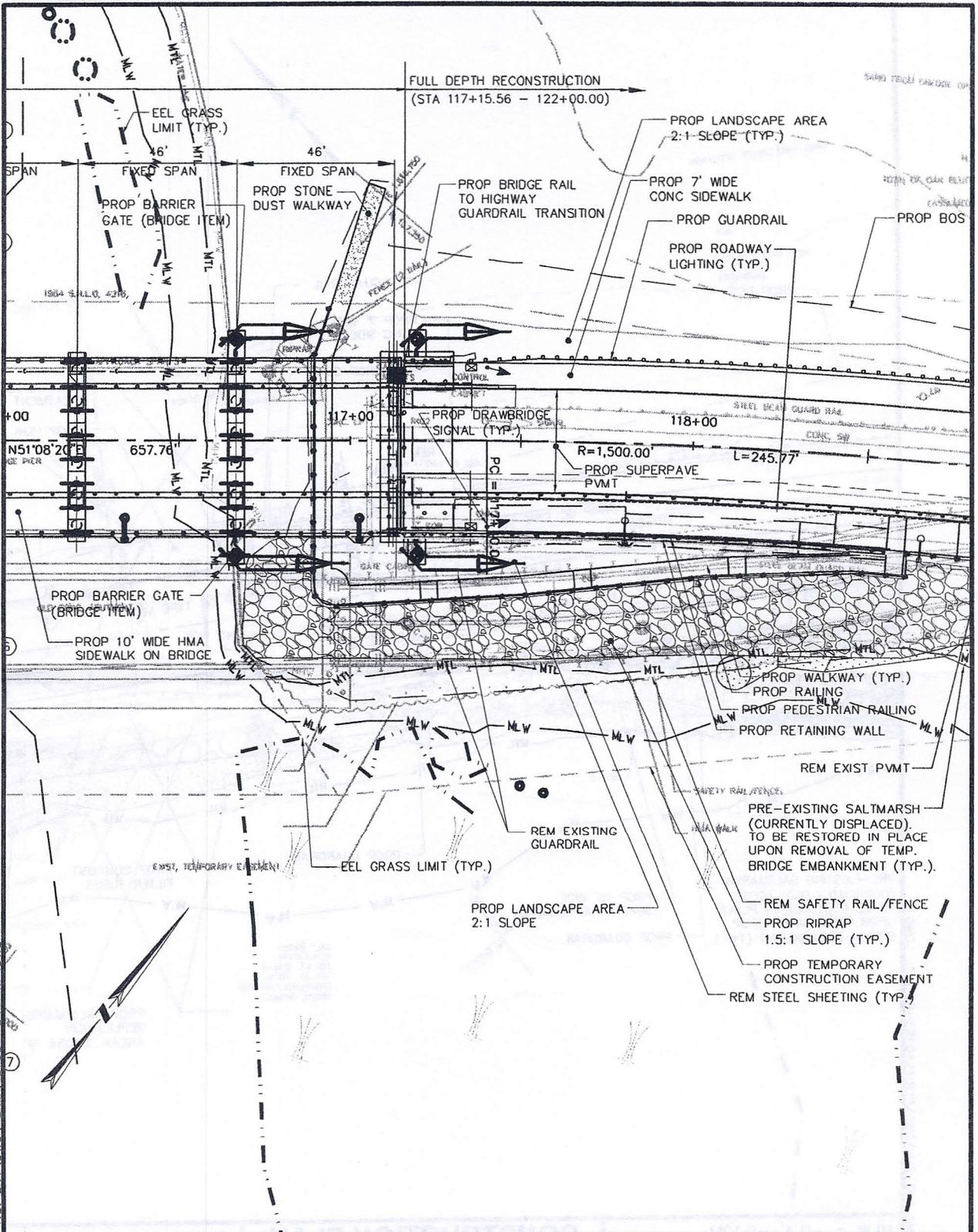
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**DRAW BRIDGE REPLACEMENT**  
 0-01-001=T-04-001,  
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JOB NO. 40793.00.DWG. NO. ENV.DWG.PERM.40793-PERMIT.DWG

MLW = -0.4' -0.12M  
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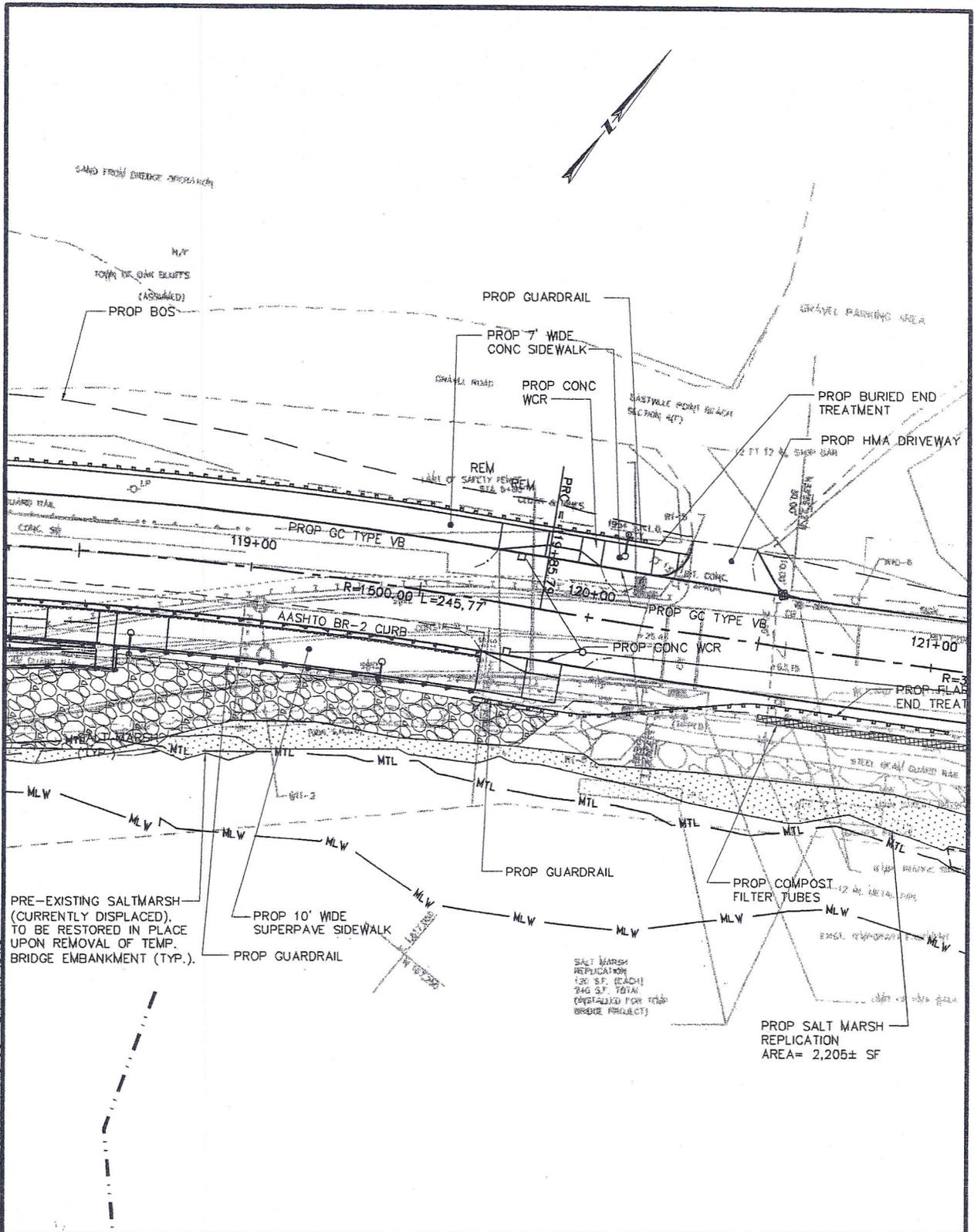
## CONSTRUCTION PLAN

SCALE: 1" = 40' / 12.2M

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**DRAW BRIDGE REPLACEMENT**  
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JOB NO. 40793.00 DWG. NO. ENV.DWG.PERMA.40793.1-PERMIT. DWG

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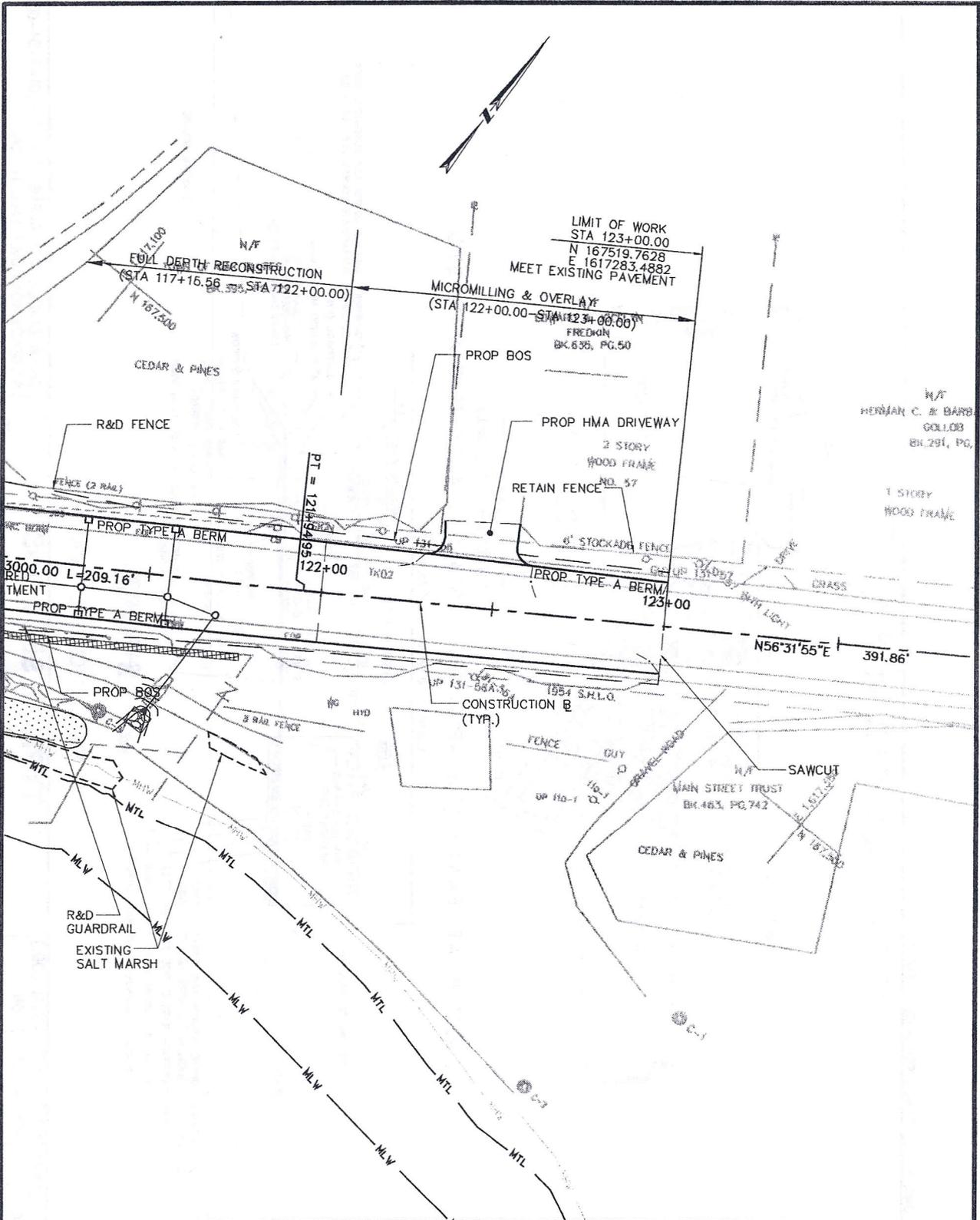
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SCALE: 1" = 40' / 12.2M  
 0 20 40 80 FT

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JOB NO. 40793.00 DWG. NO. ENVX.DWG.PERMA.40793-PERMIT... DWG

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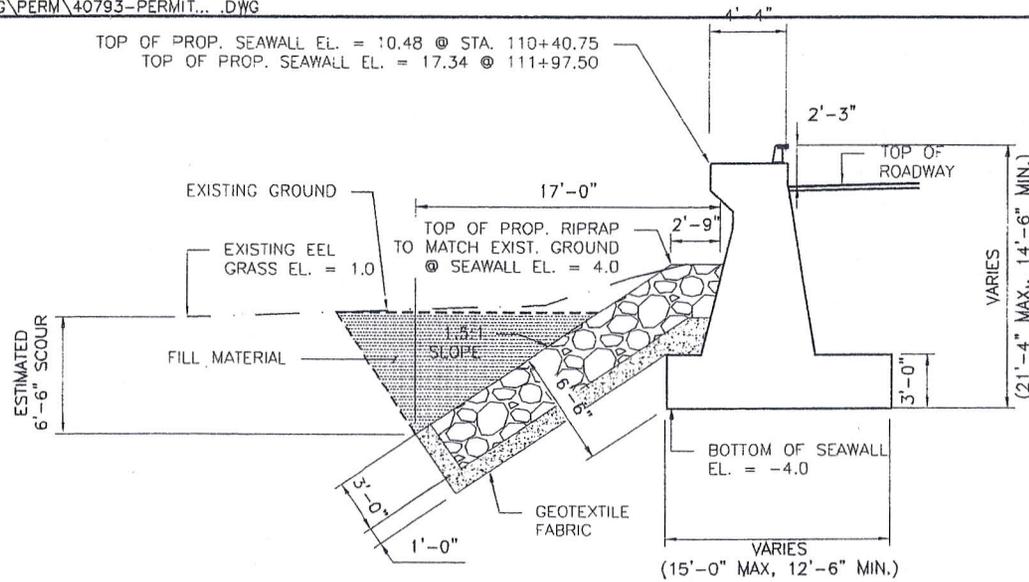
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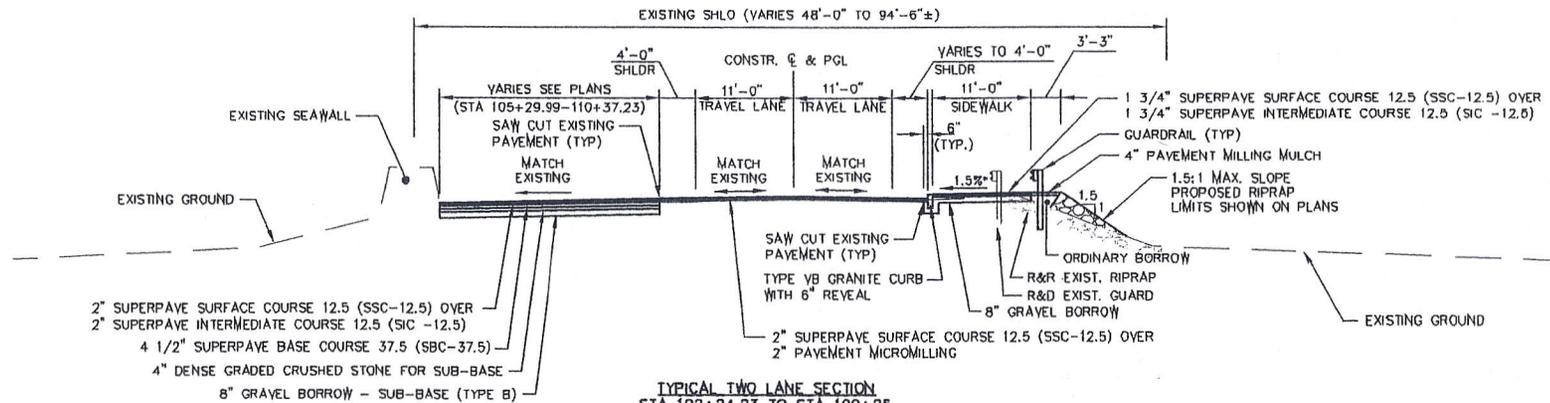
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MASS DOT Project File # 604029  
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SECTION AT SEAWALL (TOE ARMORING) - STA 110+40.75 TO STA 111+97.5



TYPICAL TWO LANE SECTION  
STA 102+24.25 TO STA 109+25

IN VICINITY OF SALT MARSH

PARSONS 100 HIGH STREET  
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STREET WORCESTER, MA  
01608

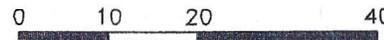
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**TYPICAL SECTIONS**

SCALE: 1" = 10' / 3.0M



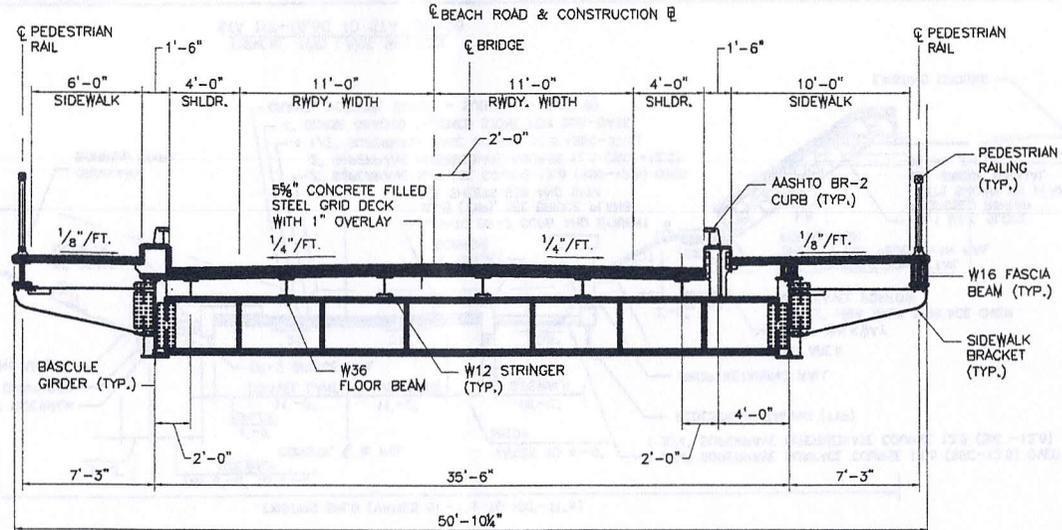
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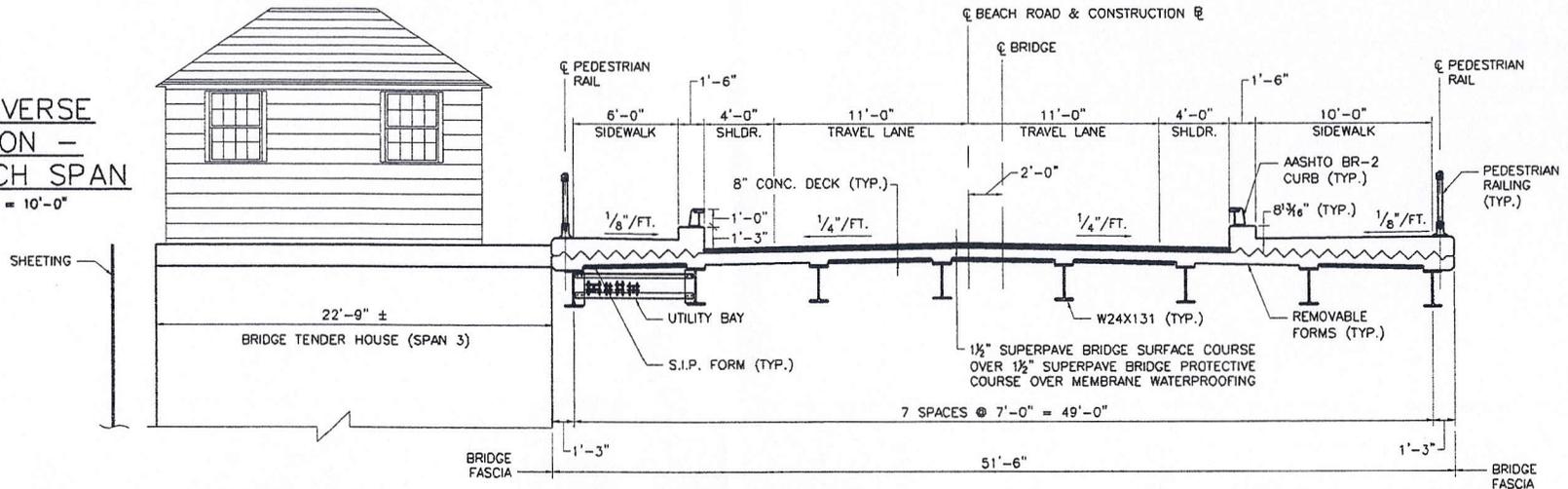
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**TRANSVERSE SECTION - BASCULE SPAN**  
SCALE: 1" = 10'-0"



**TRANSVERSE SECTION - APPROACH SPAN**  
SCALE: 1" = 10'-0"



PARSONS 100 HIGH STREET  
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01608

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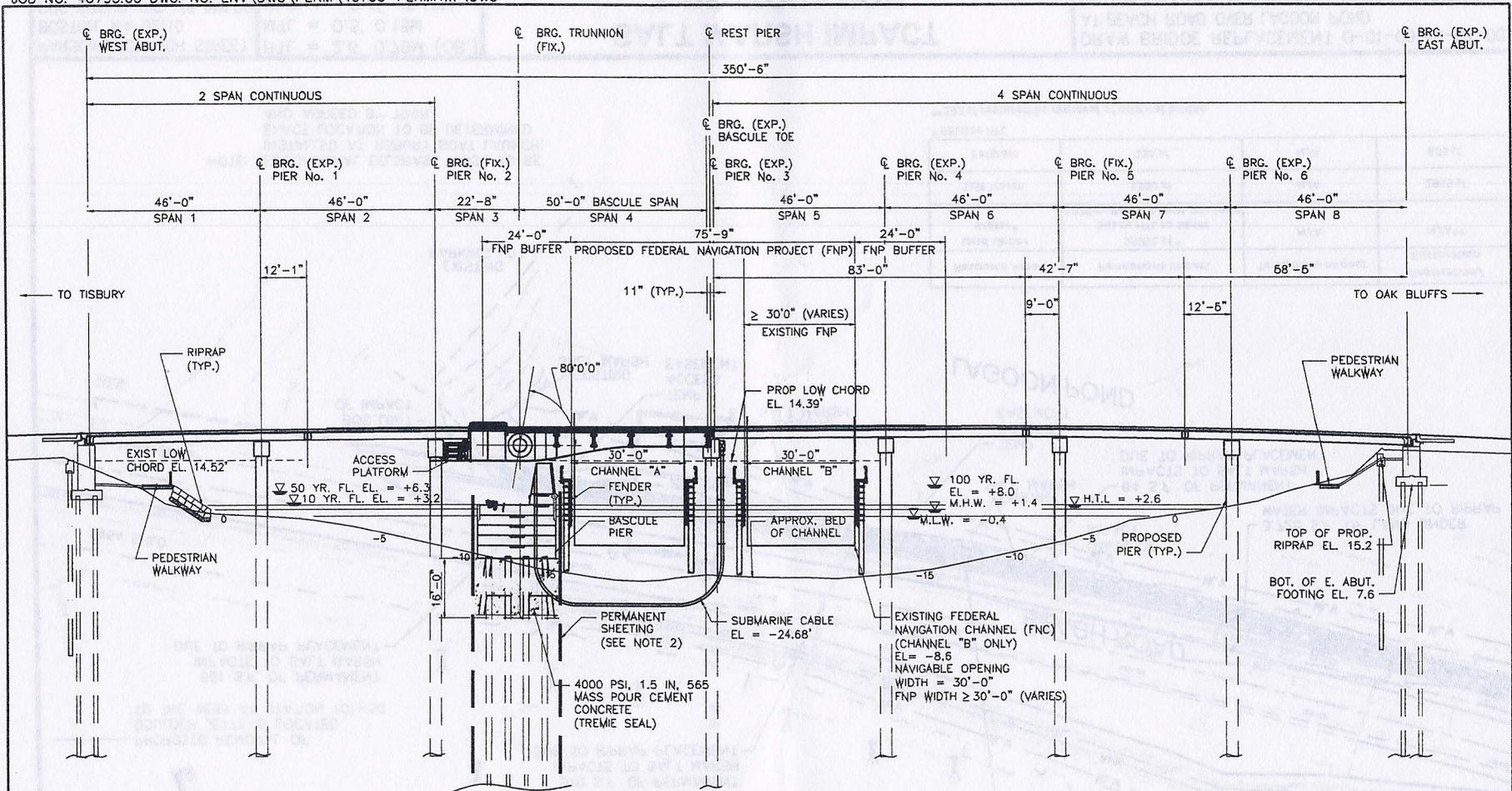
**TYPICAL SECTIONS**

SCALE: 1" = 10' / 3.0M 0 5 10 20

DRAW BRIDGE REPLACEMENT 0-01-001=T-04-001,  
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IN: OAK BLUFFS & TISBURY DUKES COUNTY, MA

MASS DOT Project File # 604029  
DATE: 7/26/2012 SHEET 2 OF 3





PROPOSED BRIDGE AND APPROACHES SPAN LAND AND WATER NORTH OF THE TEMPORARY BASCULE SPAN

NOTE: EXISTING PIER PILES TO BE CUT AND/OR DRIVEN BELOW THE EL. -13.00 FEET MEAN LOWER LOW WATER ("MLLW").

CHANNEL A = PROPOSED FNC  
CHANNEL B = PROPOSED FIXED SPAN FNC AND EXISTING FNC

VERTICAL DATUM = 1934 HALF TIDE DATUM  
VERTICAL CLEARANCE AT MHW  
CHANNEL A = 14'-8"  
CHANNEL B = 19'-0"

PARSONS 100 HIGH STREET  
BOSTON, MA 02110  
BSC GROUP, INC. 33 WALDO STREET WORCESTER, MA 01608

HTL = 2.6' 0.79M (OB.)  
MTL = 0.5' 0.15M  
MLW = -0.4' -0.12M  
MHW = 1.4' 0.43M  
100 YEAR FLOOD AT ELE. 8.0

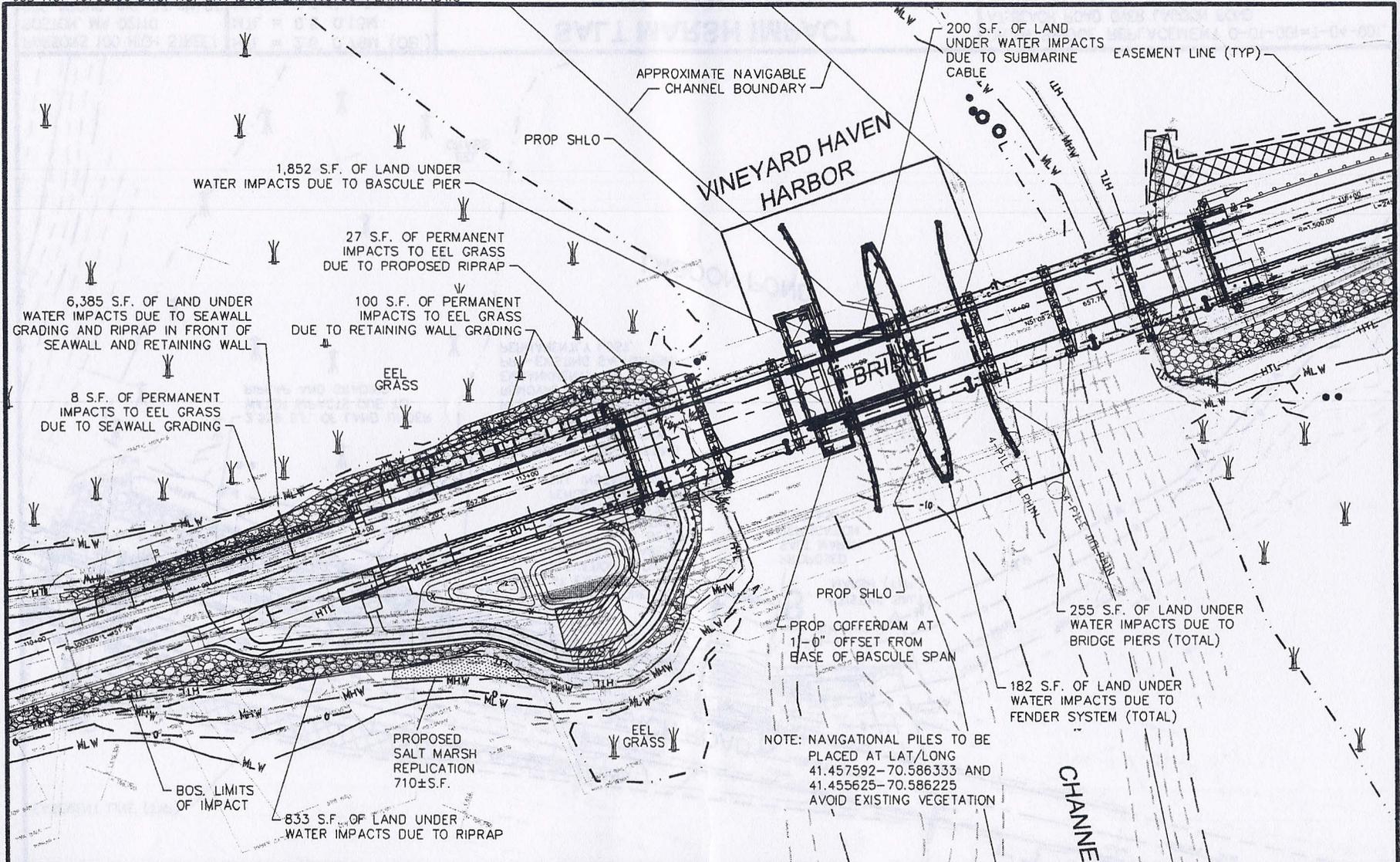
### BEACH ROAD PROFILE AT DRAW BRIDGE



DRAW BRIDGE REPLACEMENT 0-01-001=T-04-001, AT: BEACH ROAD OVER LAAGOON POND IN: OAK BLUFFS & TISBURY DUKES COUNTY, MA

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PARSONS 100 HIGH STREET  
 BOSTON, MA 02110  
 BSC GROUP, INC. 33 WALDO  
 STREET WORCESTER, MA  
 01608

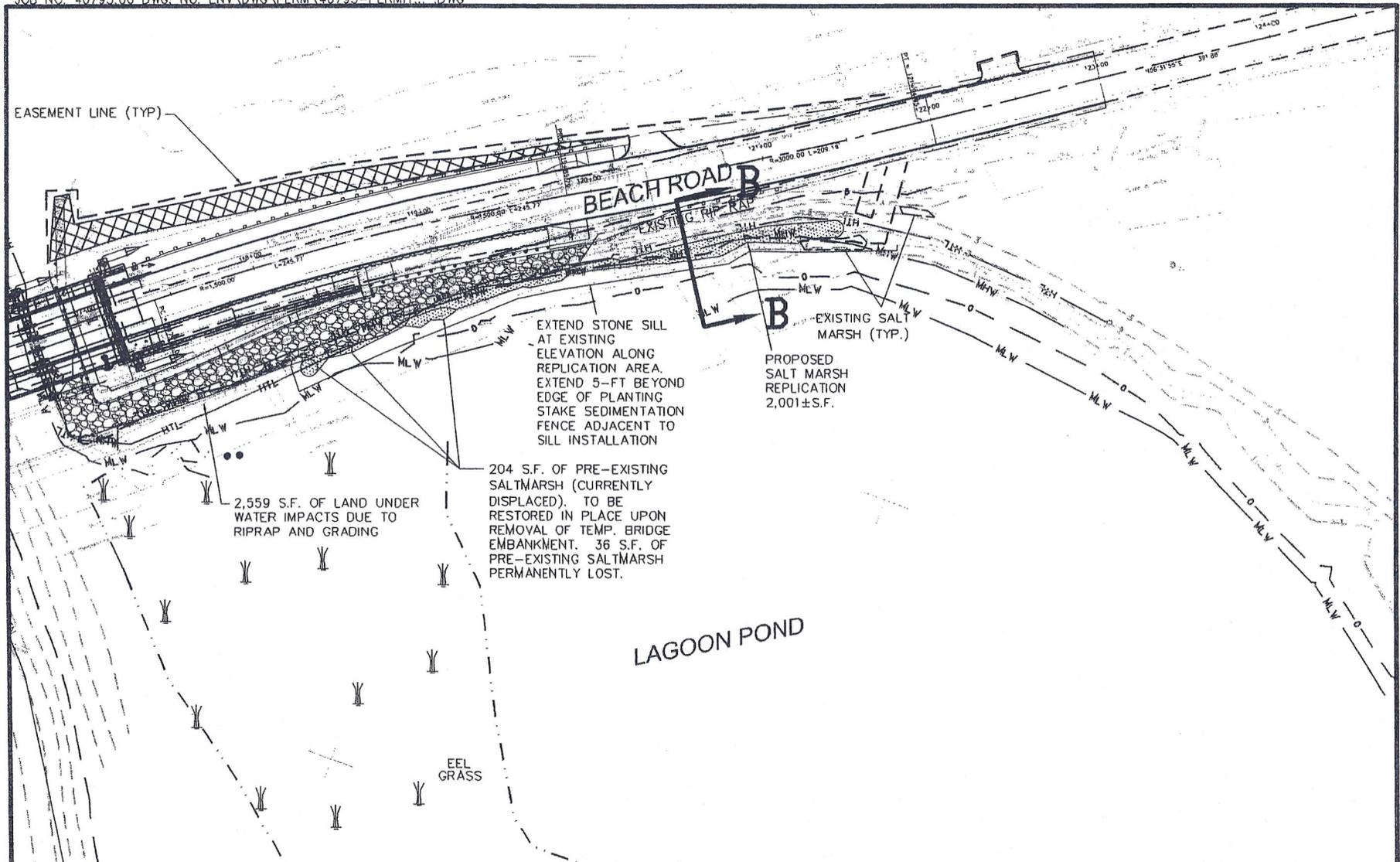
HTL = 2.6' 0.79M (OB.)  
 MTL = 0.5' 0.15M  
 MLW = -0.4' -0.12M  
 MHW = 1.4' 0.43M  
 100 YEAR FLOOD  
 AT ELE. 8.0

### SALT MARSH IMPACT & RESTORATION

SCALE: 1" = 80' / 24.4M

DRAW BRIDGE REPLACEMENT 0-01-001=T-04-001,  
 AT: BEACH ROAD OVER LAGOON POND  
 IN: OAK BLUFFS & TISBURY DUKES COUNTY, MA

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PARSONS 100 HIGH STREET  
 BOSTON, MA 02110  
 BSC GROUP, INC. 33 WALDO  
 STREET WORCESTER, MA  
 01608

HTL = 2.6' 0.79M (OB.)  
 MTL = 0.5' 0.15M  
 MLW = -0.4' -0.12M  
 MHW = 1.4' 0.43M  
 100 YEAR FLOOD  
 AT ELE. 8.0

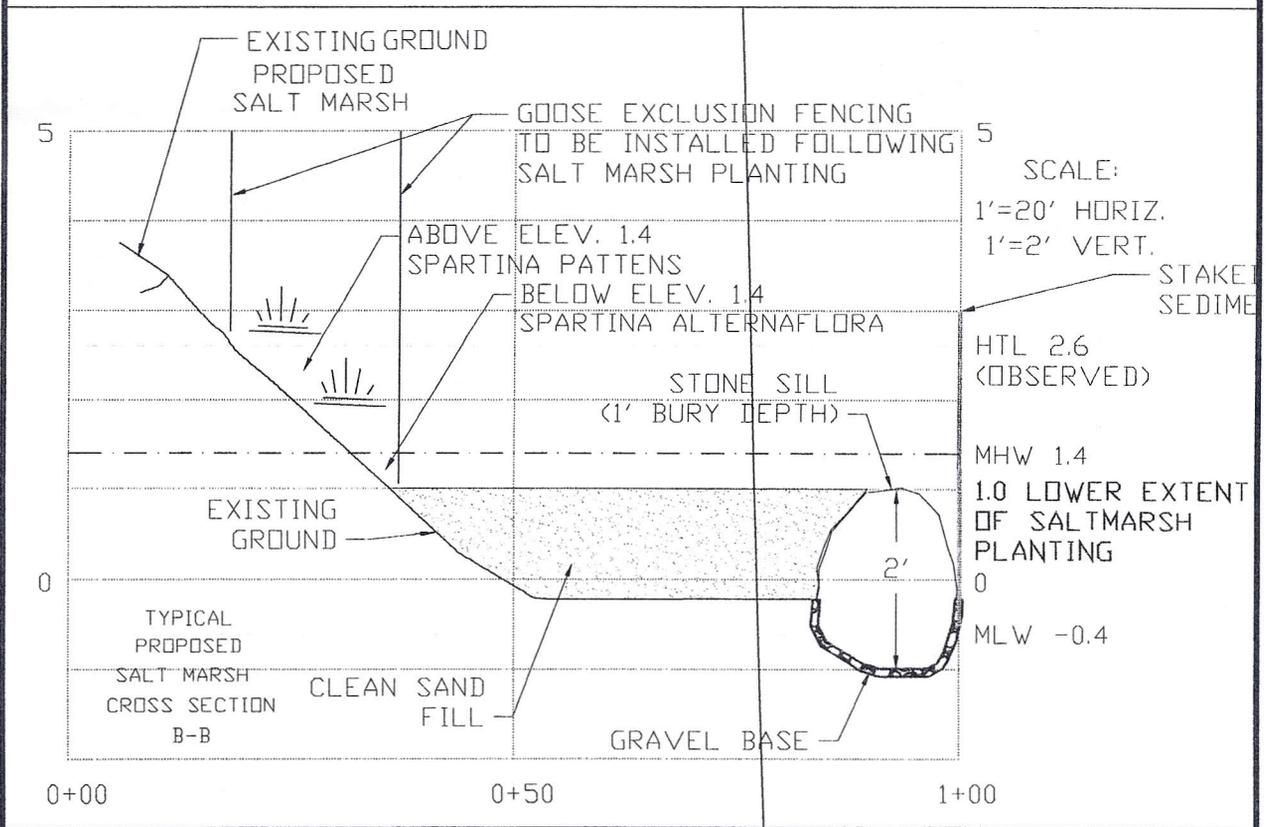
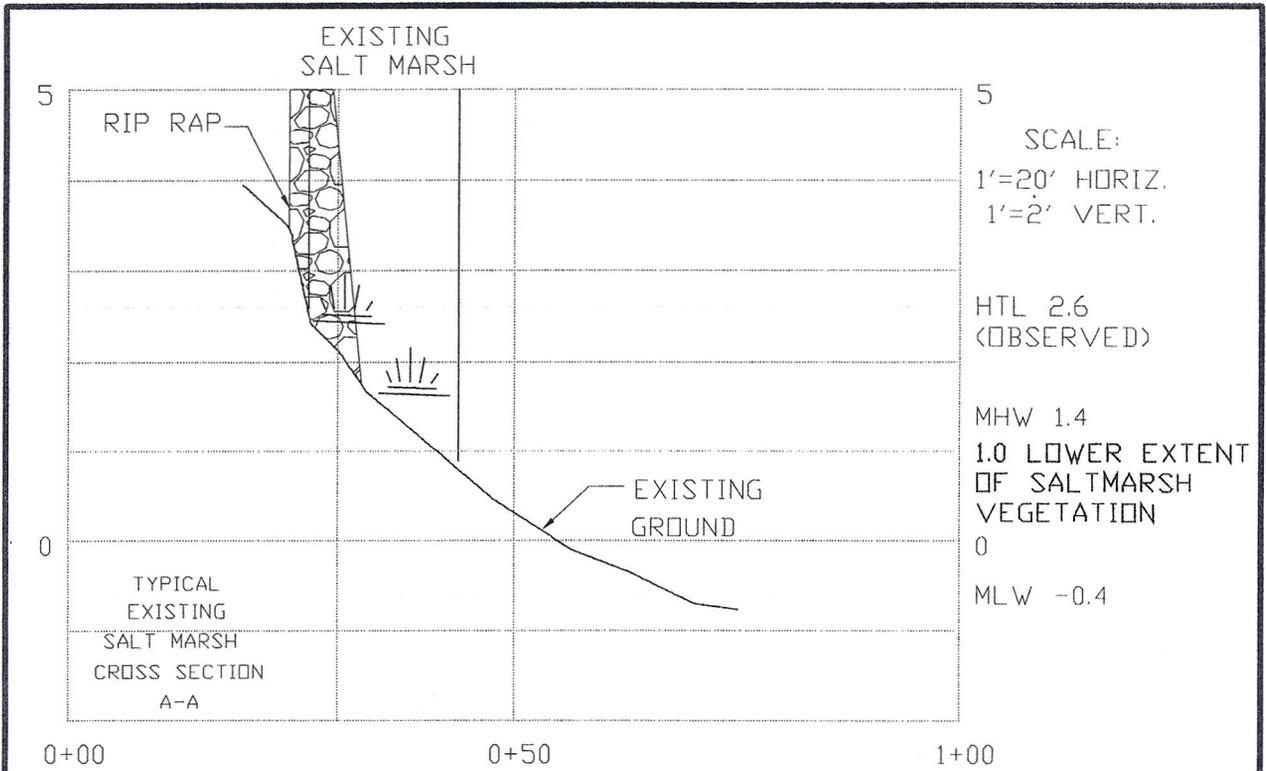
**SALT MARSH IMPACT  
& RESTORATION**

SCALE: 1" = 80' / 24.4M

0'      40'      80'      160'

DRAW BRIDGE REPLACEMENT 0-01-001=T-04-001,  
 AT: BEACH ROAD OVER LAGOON POND  
 IN: OAK BLUFFS & TISBURY DUKES COUNTY, MA

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JOB NO. 40793.00 DWG. NO. ENVA.DWG \PERM\40793-1-PERMIT.DWG

MLW = -0.4' -0.12M  
MHW = 1.4' 0.43M  
HTL = 2.6' 0.79M (OB.)  
100 YEAR FLOOD AT ELE. 8.0

PARSONS 100 HIGH STREET  
BOSTON, MA 02110  
BSC GROUP, INC. 33 WALDO  
STREET WORCESTER, MA 01608

## SALT MARSH IMPACT & RESTORATION

SCALE: 1" = 20' / 6.1M  
0 10 20 40

DRAW BRIDGE REPLACEMENT  
0-01-001=T-04-001,  
AT: BEACH ROAD OVER LAGOON POND  
IN: OAK BLUFFS & TISBURY DUKES  
COUNTY, MA

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