



**US Army Corps  
of Engineers**<sup>®</sup>  
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](mailto:nae-pn-nav@usace.army.mil)  
Programs & Project  
Management Division  
Date: February 10, 2023  
Comment Period Closes: March 11, 2023

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## 30-DAY PUBLIC NOTICE

### MAINTENANCE DREDGING OF THE CAPE COD CANAL FEDERAL NAVIGATION PROJECT, BOURNE AND SANDWICH, MASSACHUSETTS

Interested parties are hereby notified that the U.S. Army Corps of Engineers (USACE), New England District, plans to perform work in the navigable waters of this District, under the provisions of Section 404 of the Clean Water Act of 1977 (P.L. 95-217) and subject to the requirements of the National Environmental Policy Act (P.L. 91-190). The work involves maintenance dredging of the Cape Cod Canal Federal Navigation Project (FNP) in Bourne and Sandwich, Massachusetts and is authorized by the River and Harbor Acts of 1935, 1945, and 1958. Attachment 1 lists pertinent laws, regulations, and directives.

**Authorized Project:** Provides for the purchase of the Cape Cod Canal, including a 600-foot jetty and a 3,000-foot breakwater at the east end of the canal; for an open canal 32 feet deep with a width of 540 feet in the land cut, 7.7 miles long, 500 feet wide in a straight channel in Buzzards Bay to Wings Neck and 700 feet wide beyond Wings Neck, total length of canal 17.5 miles; mooring basins consisting of the west mooring basin on the south side near Hog Island about 3,300 feet long, about 350 feet wide and 32 feet deep, and the east mooring basin on the north side of the channel at Sandwich, about 2,500 feet long, about 350 feet wide and 25 feet deep; the construction of two fixed highway bridges having a horizontal clearance of 500 feet, and a vertical clearance of 135 feet at mean high water; the construction of a vertical lift railroad bridge with a 500-foot span and 130-foot clearance above mean high water when the span is raised; an improved lighting system; other accessory and minor features which may be deemed necessary and to be in accordance with plans approved by the Chief of Engineers, which include a dike extending southwesterly 10,700 feet from Stony Point, a dike between Hog Island and Mashnee Islands, a dike between Hog Island and Rocky Point, a small East Boat Basin, 13 feet deep, on the south side of the canal in Sandwich, and a small West Boat Basin, 18 feet deep, on the north side of the canal westerly of the railroad bridge; a harbor of refuge for small vessels by dredging a channel 15 feet deep, 100 feet wide, from the Cape Cod Canal into Onset Bay in the vicinity of Wickets Island to the town wharf at the village of Onset, distance 0.6 miles, for enlargement of the 15-foot turning basin at the town wharf, and for dredging east and west anchorages adjacent to

the 15-foot channel in Onset Bay to depths of 8 feet. An additional area in the East Boat Basin, approximately 4.3 acres in area and 8 feet deep extending south and southwest from the existing 13-foot East Boat Basin.

**Project Description:** The proposed work involves maintenance dredging to remove hazardous shoals from locations that frequently shoal within the 17.5-mile-long, 32-foot-deep Canal channel, the 32-foot-deep west mooring basin and the 25-foot-deep east mooring basin features of the FNP (specifically near the south jetty, east mooring basin and adjacent channel, adjacent to both sides of the Sagamore Bridge, and areas by Onset Point, Hog Island, and Cleveland Ledge; Attachment 2). The proposed work would remove up to 150,000 cubic yards (cy) of clean sand from the areas described above. The proposed action for management of the dredged material resulting from maintenance dredging of the Cape Cod Canal FNP is placement onto Town Neck Beach in Sandwich, Massachusetts. Placing the sand on the beach will reduce the potential for environmental impacts to the backshore that are exacerbated by the presence of the Canal jetties. A hydraulic hopper dredge would be used to perform the dredging within the FNP and placement of the material by pipeline onto Town Neck Beach. In rare circumstances, the Cape Cod Canal Disposal Site (CCCDS) may be used for placement. The CCCDS is a circular area, one nautical mile in diameter, located about 3 nautical miles northeast of the Cape Cod Canal and has been used for previous canal maintenance dredging activities, most recently in 1990. The CCCDS will still be used but only when project constraints (timing, funding, etc.) do not allow for placement on Town Neck Beach.

**Character and Purpose of Work:** The Cape Cod Canal is a highly dynamic area with extremely strong tidal currents and shifting shoals that form in various locations throughout the project. This combination of shifting shoals and strong tidal currents creates hazardous conditions and tidal delays for the deep draft vessels that use the project and increases the risk of a grounding occurring within the Canal. The Canal requires maintenance every 5-7 years and was last maintained in 2015 - 2016 when 118,000 cubic yards of material were dredged and placed onto Town Neck Beach. Recent hydrographic surveys indicate that shoaling has occurred in several areas of the project and has reduced the controlling depth. This reduction has limited the passage of some of the deep draft commercial vessels through the canal, and limits available spaces in the mooring basins that are used by vessels in emergencies (e.g., icing) while transiting the Canal. Further shoaling may cause some of the deep draft vessels to have to transit around Cape Cod thereby increasing the risk to these vessels especially during the winter months. Maintenance dredging will restore the project to its authorized dimensions.

Work is proposed to be performed between the months of October 1 and March 15 to protect threatened and endangered species, eelgrass growing, and shellfish spawning seasons. The proposed work is anticipated to be completed in the year(s) in which funds become available.

**Disposal Areas:** The material to be dredged from the Cape Cod Canal is clean sand that is suitable for beach nourishment and unconfined open water placement. Since 1952, erosion on Town Neck Beach has occurred at an approximate rate of 2-5 feet per year and this rate appears to have accelerated in recent years. Much of this area has short-term erosion rates between -6 and -10 feet per year, with a 1,400-foot stretch of shoreline updrift of the Old Harbor Inlet showing a dramatic increase in erosion up to -25 feet per year.

In 2022, USACE finalized the Detailed Project Report and Environmental Assessment for Cape Cod Canal and Sandwich Beaches, Massachusetts Section 111 Shore Damage Mitigation Study which concluded that the east and west jetties on the eastern end of the Canal contribute to the erosion of Town Neck Beach. The study recommended the placement of sandy material over approximately 5,000 feet of shoreline which extends from just south of the east end of the Cape Cod Canal (at the end of Town Neck Road) to Sandwich Harbor Inlet. A portion of the nourishment area would be used for placement of the material dredged from the Canal. This would reduce the potential for environmental impacts to the backshore that are exacerbated by the presence of the Canal jetties and is the preferred placement alternative for dredged material resulting from maintenance dredging of the Cape Cod Canal FNP.

The CCCDS is a previously used, open-water circular disposal area, centered at 41° 49'N, 70° 25'W (Attachment 3). The CCCDS has been used for previous canal maintenance dredging activities as far back as 1954. The CCCDS remains a viable disposal alternative for dredged material from the Canal and may be used if beach nourishment is not an option due to project limitations and constraints.

**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](mailto:nae-pn-nav@usace.army.mil) or by telephone at (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

**Commonwealth of Massachusetts:**

Massachusetts Department of Environmental Protection  
Massachusetts Division of Marine Fisheries  
Massachusetts Division of Fisheries & Wildlife  
Natural Heritage & Endangered Species Program  
Massachusetts Office of Coastal Zone Management  
Massachusetts Historical Commission  
Massachusetts Board of Underwater Archaeological Resources

**Tribal Nations:**

Mashpee Wampanoag  
Wampanoag Tribe of Gay Head (Aquinnah)  
Narragansett

**Local:**

Town of Sandwich, Town Manager  
Town of Sandwich, Department of Natural Resources

**Environmental Impacts:** An Environmental Assessment is in preparation and will be available for review upon request when complete. 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 is consistent to the maximum extent practicable with the Commonwealth of Massachusetts's coastal zone management program established as a result of the Coastal Zone Management Act of 1972.

**Other Information:**

a. Local Sponsor: Town of Sandwich

b. Non-Federal Dredging: There is no private dredging work proposed to be performed in conjunction with the federal work.

c. Previous Dredging: The Cape Cod Canal FNP was most recently dredged in winter 2015-2016. A hydraulic hopper dredge removed approximately 118,000 cy of sand, which was placed on Town Neck Beach.

d. Alternate Disposal Methods: In addition to the proposed placement of dredged material on Town Neck Beach and at the CCCDS, alternate disposal options that have been considered include open-ocean disposal, nearshore disposal and upland disposal. There is a nearshore placement site off Springhill Beach that was used in the past and was considered for disposal as it keeps the material within the littoral system to provide an indirect source of beach nourishment. However, the Massachusetts Division of Marine Fisheries had concerns about potential impacts to shellfish and other marine resources thus the site was not considered for further evaluation. No upland disposal sites have been identified for this project. Use of an upland site would require double or triple handling of material, which would extend the schedule and significantly increase costs.

e. Endangered Species: It is our preliminary determination that the project is not likely to adversely affect threatened or endangered species or designated critical habitat for such species. USACE is in consultation with the National Marine Fisheries Service (NMFS) and the U. S. 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 USACE 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 in previously used and designated disposal sites. The USACE is in coordination with the Massachusetts Historical Commission

as well as the Tribal Historic Preservation Officers of the Wampanoag Tribe of Gay Head (Aquinnah), Mashpee Wampanoag Tribe, and Narragansett Tribe in accordance with the National Historic Preservation Act of 1966, as amended.

h. Essential Fish Habitat Assessment: USACE has 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. USACE assessed the effects that the project is likely to have on EFH and determined that they will be short-term and localized and that there will be no significant impacts on the designated fisheries resources. USACE is in consultation with NMFS to ensure that any potential impacts will be minimized.

i. Additional Requirements: USACE will request a Clean Water Act, Section 401, Water Quality Certificate from the Massachusetts Department of Environmental Protection and a Coastal Zone Management Consistency Determination Concurrence from the Massachusetts Office of Coastal Zone Management.

The decision whether to perform the proposed work will be based on an evaluation of the probable impact, including cumulative impacts, 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 that 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 including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

Any person who has an interest which may be affected by the disposal 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 that 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](mailto:nae-pn-nav@usace.army.mil) within 30 days of this notice.

01 February 2023

Date



John A. Atilano II  
Colonel, Corps of Engineers  
District Engineer

Attachments

## **Attachment 1**

### **PERTINENT LAWS, REGULATIONS, AND DIRECTIVES**

Clean Water Act, as amended (33 U.S.C. 1251, et seq.)

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

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

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

National Historic Preservation Act of 1966 (54 U.S.C. 300101, et seq.)

Endangered Species Act of 1973 as amended (16 U.S.C. 1531, et seq.)

Clean Air Act, as amended (42 U.S.C. 7401, 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.)

Land and Water Conservation Fund Act of 1965, as amended (54 U.S.C. 200302, 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.)

Executive Order 11988, Floodplain Management, 24 May 1977

Executive Order 11990, Protection of Wetlands, 24 May 1977

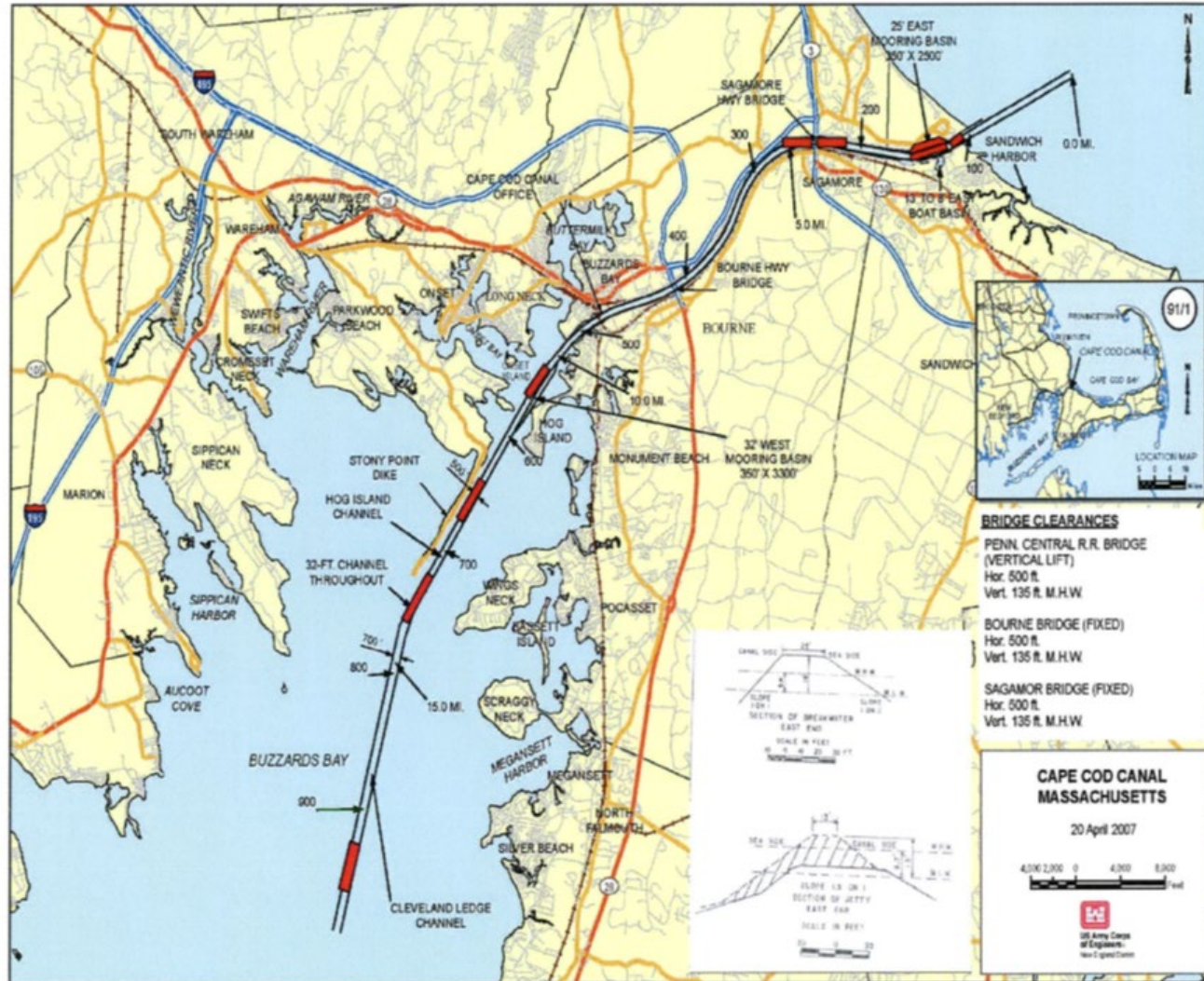
Executive Order 12898, Federal Actions to Address Environmental Justice in Minority  
Populations and Low Income Populations, 11 February 1994

Executive Order 13045, Protection of Children from Health Risks and Safety Risks,  
21 April 1997



## Attachment 2


### Cape Cod Canal Navigation Project




# Attachment 3

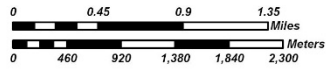
## Cape Cod Canal FNP Placement Areas



 US Army Corps of Engineers  
New England District

**CAPE COD CANAL  
FEDERAL NAVIGATION PROJECT,  
and PLACEMENT/DISPOSAL AREAS  
SANDWICH, MA**





ArcGIS Map Service - World Imagery

GCS NAD 1984

