



US Army Corps
of Engineers[®]
New England District

Planning
696 Virginia Road
Concord, MA 01742

PUBLIC NOTICE

Date: December 15, 2016

Comment Period Ends: January 14, 2017

In Reply, Refer To: Mr. Michael Riccio or
Mr. Larry Oliver

Or by e-mail: Michael.S.Riccio@usace.army.mil
Lawrence.R.Oliver@usace.army.mil

30-DAY PUBLIC NOTICE LONG POINT DIKE MODIFICATION, PROVINCETOWN MA WEST END MARSH, ECOSYSTEM RESTORATION PROJECT

Interested parties are hereby notified that the U.S. Army Corps of Engineers (USACE), New England District, is currently completing a study to consider modifications to Long Point Dike in Provincetown, Massachusetts to improve the habitat quality of estuarine resources in West End Marsh (See Figure 1). The non-Federal project partner for the study and project implementation is the town of Provincetown, Massachusetts. At the request of the town of Provincetown, the New England District initiated this study for habitat restoration under the authority contained in Section 1135 of the Water Resources Development Act of 1986 (PL99-662), as amended. Section 1135, entitled "Project Modifications for Improvement of Environment," states, in part, "The Secretary is authorized to review the operation of water resources projects constructed by the Secretary before the date of enactment of this Act to determine the need for modification in the structures and operations of such projects for the purpose of improving the quality of the environment in the public interest." The restoration of aquatic resources through the alteration of Long Point Dike is a modification of the Provincetown Harbor Navigation Project (See Figure 2). Projects conducted under Section 1135 of the Water Resources Development Act of 1986 must be compatible with the existing project purpose; therefore, the proposed alternatives must maintain the capacity of Long Point Dike to protect the navigation works of Provincetown Harbor. Long Point Dike has effectively blocked the hydraulic connection between Cape Cod Bay and West End Marsh, which has impeded fish passage and restricts the natural flow of salt water behind the dike, thereby negatively impacting the utilization, quality, and biodiversity of those habitats.

Purpose of Work: The goal of the project is to restore the hydraulic connectivity between Cape Cod Bay (the Bay) and West End Marsh to restore passage of large fish and invertebrates to approximately 385 acres of estuarine habitat located behind Long Point Dike. Prior to the construction of Long Point Dike, the West End Marsh was an unrestricted, fully

functioning estuarine ecosystem. Long Point Dike created a substantial hydraulic impediment that acts as a physical barrier to larger fish and invertebrates (e.g. striped bass and horseshoe crabs) that would otherwise inhabit that ecosystem. Natural hydraulic connectivity is an important component of salt marsh ecology as it is a prime driver of habitat distribution, zonation and productivity. The physical barrier created by Long Point Dike substantially limits and separates the productivity of the marsh habitat from ocean habitat. Consequently, the services provided by, and the overall value of the entire 385 acre ecosystem have been substantially reduced. Restoration of connectivity through the dike would restore access to 385 acres of salt marsh and estuarine habitat for large fish and invertebrates, thereby restoring the overall functionality of the impaired system. The proposed project will involve breaching approximately ten feet of the existing dike and installing a bridge over the breached area to maintain access along the top of the dike. Rock removed to construct the opening would either be removed from the site by the contractor or reused on other projects.

Analysis of Alternatives: Restoration alternatives to effectively improve the hydraulic conditions at West End Marsh are limited. The alternatives include installing a culvert under the dike, and creating an opening in the dike with a bridge to allow for continued public access to the outer portions of the dike for safety purposes, and to provide ease of access for maintenance. The team considered the use of a culvert, as opposed to creating an opening with a bridge over it, but eliminated that measure from consideration because of its potential to create a safety hazard to swimmers and kayakers, and it would result in less environmental benefit and increased costs for construction. Therefore, this study focused on a relatively small, implementable and least cost alternative that would achieve the overall project purposes.

Additional Information: Additional information may be obtained from the Planning Division of the New England District, U.S. Army Corps of Engineers; Mr. Michael Riccio, the project manager, and/or Mr. Larry Oliver, at the return address shown below. These individuals may also be reached by phone or email, Mr. Riccio at 978-318-8685 or Michael.S.Riccio@usace.army.mil; Mr. Oliver at 978-318-8347 or Lawrence.R.Oliver@usace.army.mil .

Coordination: The proposed work is being coordinated with the following federal, state, and local agencies:

Federal

U.S. Environmental Protection Agency, Region 1, Boston, MA
U.S. Fish and Wildlife Service, Concord, NH
National Marine Fisheries Service, Gloucester, MA

State

Executive Office of Energy and Environmental Affairs
Massachusetts Department of Environmental Protection
Massachusetts Department of Fish and Game Massachusetts Division of Marine Fisheries
Massachusetts Office of Coastal Zone Management
Massachusetts State Historic Preservation Office

Local

Provincetown Conservation Commission
Provincetown Selectmen

Environmental Consequences: A draft Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) has been prepared for this project. These documents are available for public review by contacting the U.S. Army Corps of Engineers, as noted above. The EA and FONSI will be finalized after consideration of public and agency comments. A preliminary determination has been made that an Environmental Impact Statement for the proposed project is not required under the provisions of the National Environmental Policy Act of 1969.

Endangered Species Act: In a letter dated July 23, 2014, the Massachusetts Natural Heritage and Endangered Species Program (NHESP) stated that the existing dike bisects staging habitat for terns and is within close proximity to nesting habitat for piping plover, terns, and diamond-backed terrapin. Additionally, this site is near breeding habitat for Eastern Spadefoot. Opening sections of the dike to improve tidal flushing within West End Marsh could improve habitat for some state-listed species by improving water quality and potentially improving access to nesting areas. While the NHESP strongly supports habitat restoration, care must be taken to prevent impacts to state-listed species and their habitats. In a letter dated December 17, 2014, the U.S. Fish and Wildlife Service concurred with the USACE finding of not likely to adversely affect piping plover. We will coordinate with National Marine Fisheries Service (NMFS) on Endangered Species Act (ESA) species under their jurisdiction.

Magnuson Stevens Fishery Conservation and Management Act: The Corps determined that the project will have no adverse effect on Essential Fish Habitat (EFH). This determination will be coordinated with NMFS.

Historic and Archaeological Resources: The breaching and bridging of Long Pond Dike should have no effect on historic properties. The dike itself is not eligible for the National Register as a historic structure due to repeated maintenance and the recent rebuilding of large sections of the dike in the 1970s. The Massachusetts State Historic Preservation Officer, Mashpee Tribal Historic Preservation Officer, Wampanoag Tribal Historic Preservation Officer, and the Executive Director of the Massachusetts Board of Underwater Archaeological Resources have all concurred in this determination.

Floodplain Management: In accordance with Executive Order 11988, the Corps of Engineers has determined that the proposed project will not contribute to negative impacts or damages caused by floods.

Federal Permit Requirements: A Water Quality Certificate will be acquired from the Massachusetts DEP pursuant to Section 401 of the Clean Water Act. A Section 404(b)(1) evaluation, pursuant to the Clean Water Act, will be attached to the EA.


Federal Consistency with Coastal Zone Management: The project will be conducted in a manner consistent to the maximum extent practicable with all applicable Massachusetts Office of Coastal Zone Management Program policies, in accordance with the Coastal Zone Management Act (CZMA) (16 U.S.C. §§ 1451).

Comments: Any person who has an interest that may be affected by the proposed project may request a public hearing. The request must be submitted in writing to me within 30 days of the date 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.

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.

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 me at: U.S. Army Corps of the Engineers, New England District, 696 Virginia Road, Concord, Massachusetts, 01742-2751, Attn: Planning Division, within 30 days of this notice.

9 DEC 2016
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 Zone Management Act of 1972, as amended (16 U.S.C. 1451 et seq.)

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

Executive Order 11593, Protection and Enhancement of the Cultural Environment, 13 May 1971

Executive Order 11988, Floodplain Management, 24 May 1977

Executive Order 11990, Protection of Wetlands, 24 May 1977

Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, 6 November 2000

Federal Water Project Recreation Act, as amended (16 U.S.C. 4601-12 et seq.)

Fish and Wildlife Coordination Act, as amended (16 U.S.C. 661 et seq.)

Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4 et seq.)

Magnuson-Stevens Act, as amended (16 U.S.C. 1801 et seq.)

National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.)

National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 et seq.)

Native American Graves Protection and Repatriation Act (NAGPRA) (25 U.S.C. 3000-3013, 18 U.S.C. 1170)

Preservation of Historic and Archeological Data Act of 1974, as amended (16 U.S.C. 469 et seq.)

White House Memorandum, Government-to-Government Relations with Indian Tribes, April 29, 1994

Wild and Scenic Rivers Act, as amended (16 U.S.C. 1271 et seq.)

Figure 1 – Long Point Dike Project Location



TITLE
Long Point Dike
Project Area Map
Provincetown, MA

0 1,500 3,000 6,000
Feet



Figure 2 – Provincetown Harbor Federal Navigation Project

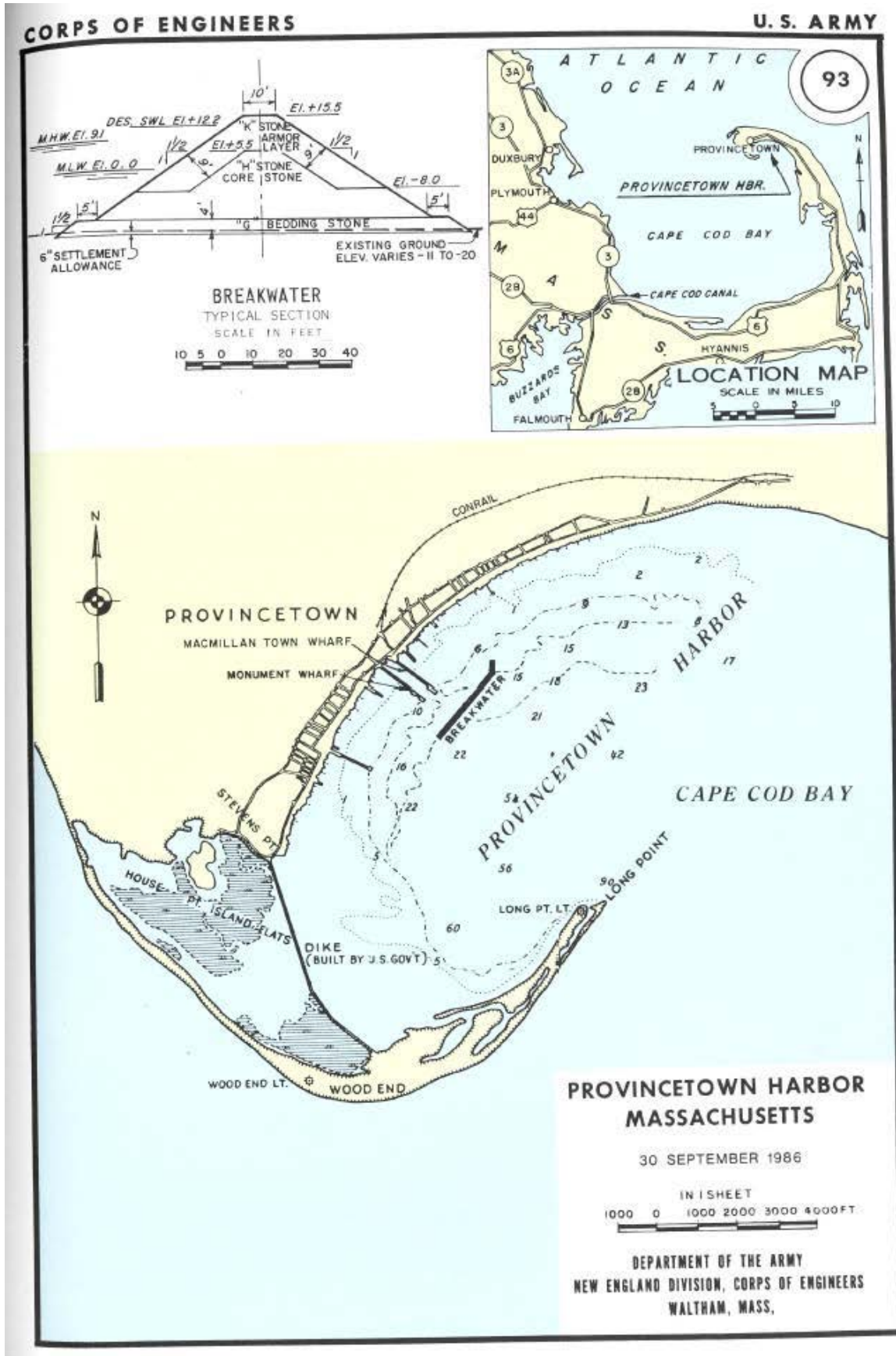


Figure 3 – Proposed Project Modification (single breach in dike)

