



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

# PUBLIC NOTICE

**Comment Period Begins:** August 31, 2020  
**Comment Period Ends:** October 1, 2020  
**File Number:** NAE-2020-00987  
**In Reply Refer To:** Christine Jacek  
**Phone:** (978) 318-8026  
**E-mail:** Christine.M.Jacek@usace.army.mil

The District Engineer has received a permit application to conduct work in waters of the United States from Jamie Ponte representing the City of New Bedford of 1105 Shawmut Avenue, New Bedford, Massachusetts. Work proposed in Clark's Cove at 127 – 519 West Rodney French Boulevard, New Bedford, Massachusetts. The site coordinates are: Latitude: 41.603625, Longitude: -70.914975.

The project involves work and structures below the mean high water mark and fill below the high tide line in order to construct nine t-head groins and perform beach nourishment. The nourishment will consist of placing 31,150 cubic yards of suitable sand material on the beach to create a 50-ft. wide berm with an elevation of 4.5 ft. NAVD and a 1 Vertical: 6 Horizontal (1V:6H) seaward slope. The footprint of the beach nourishment will be approximately 6.0 acres. The project purpose is shoreline protection. Periodic beach re-nourishment will be necessary to maintain the beach profile and level of protection provided by the project. Within the beach nourishment footprint the project also includes construction of nine T-head groins, consisting of wooden structures installed perpendicular to the shore leading to stone T-heads that parallel the shoreline. The wooden structures will consist of 12 in. timber piles driven into the shoreline with wooden 4' x 10' boards bolted horizontally between the piles. The wooden bodies will be buried by the beach nourishment and will not be located above the mudline. The stone heads will be 5 feet wide and vary in length from 60 ft. to 100 ft. across and placed on top of a stone filled mattress, and sloping to existing grade at 1V:1.5H slope. There will be 60 ft. to 100 ft. of space between each stone head. The groins will have a total footprint of approximately 24,079 sq. ft. To mitigate impacts associated with the new groin structures, the City proposes to remove portions of three existing groins and reposition one existing groin tip, totaling 25,577 sq. ft. of fill and structure removal.

The work is shown on the enclosed plans entitled "PURPOSE: PROPOSED BEACH NOURISHMENT/STONE GROINS/TIMBER BREAKWATER AT WEST RODNEY FRENCH BLVD, NEW BEDFORD, MA 02740," on eight (8) sheets, and dated "03/04/2020."

## 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 U.S. Army Corps of Engineers, New England District (Corps), 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. The Corps will consider all comments received 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). Essential Fish Habitat describes waters and substrate necessary for fish for spawning, breeding, feeding or growth to maturity.

This project will impact 6 acres of EFH. This habitat consists of a mixture of coarse sand, gravel, and cobble. Loss of this habitat may adversely affect species that use these waters and substrate. 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

**CENAE-R**  
**FILE NO. NAE-2020-00987**

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 Corps has reviewed the application for the potential impact on Federally-listed threatened or endangered species and their designated critical habitat pursuant to section 7 of the Endangered Species Act as amended. 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 a listed species or their critical habitat. We are coordinating with the National Marine Fisheries Service and/or U.S. Fish and Wildlife Service on listed species under their jurisdiction and the ESA consultation will be concluded prior to the final decision.

**OTHER GOVERNMENT AUTHORIZATIONS**

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.

**COMMENTS**

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 Christine Jacek at (978) 318-8026, (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.

**CENAE-R**  
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**THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.**

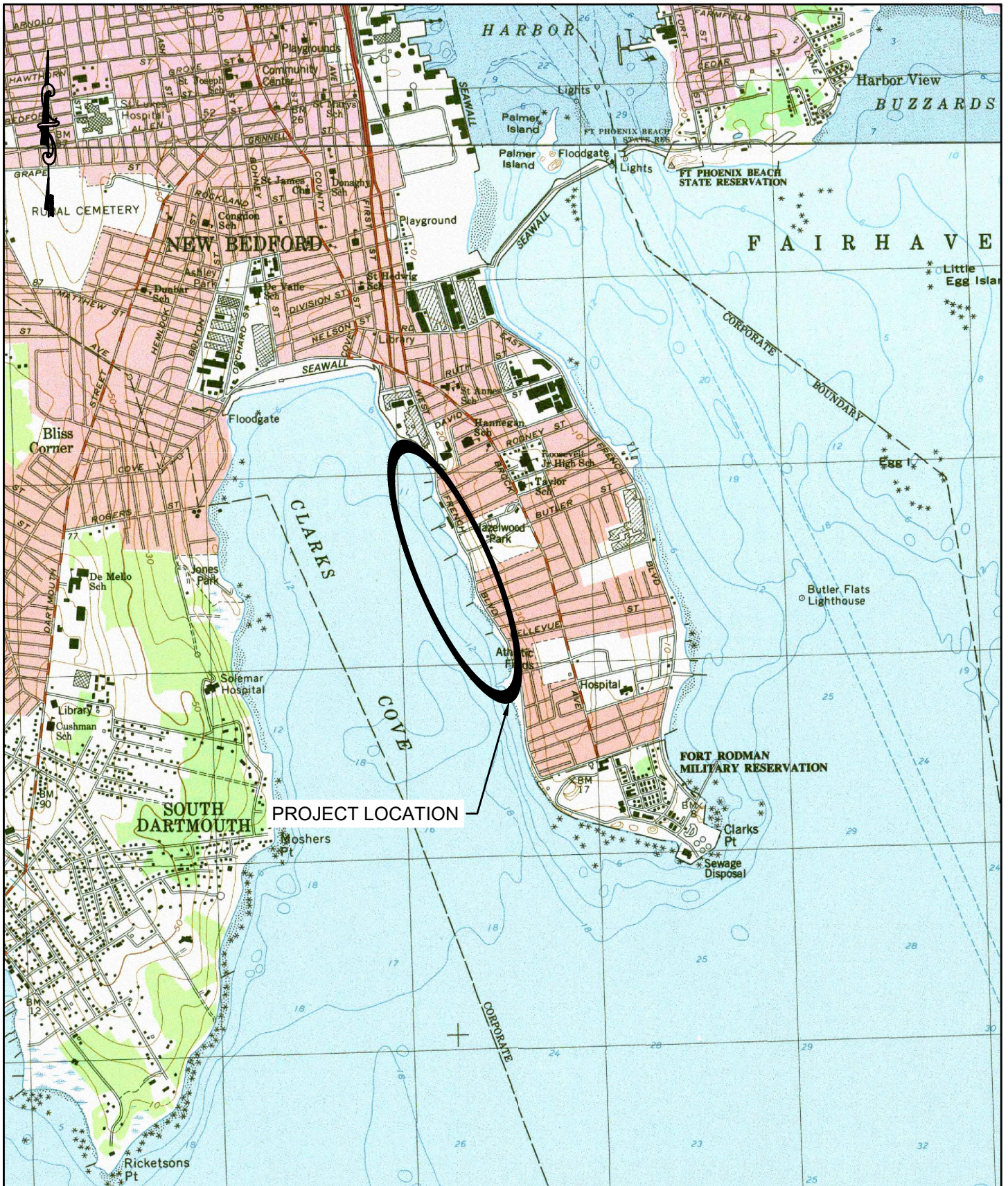
**Barbara Newman**  
**Chief, Permits and Enforcement Branch**  
**Regulatory Division**

If you would prefer not to continue receiving Public Notices by email, 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: \_\_\_\_\_

PHONE: \_\_\_\_\_



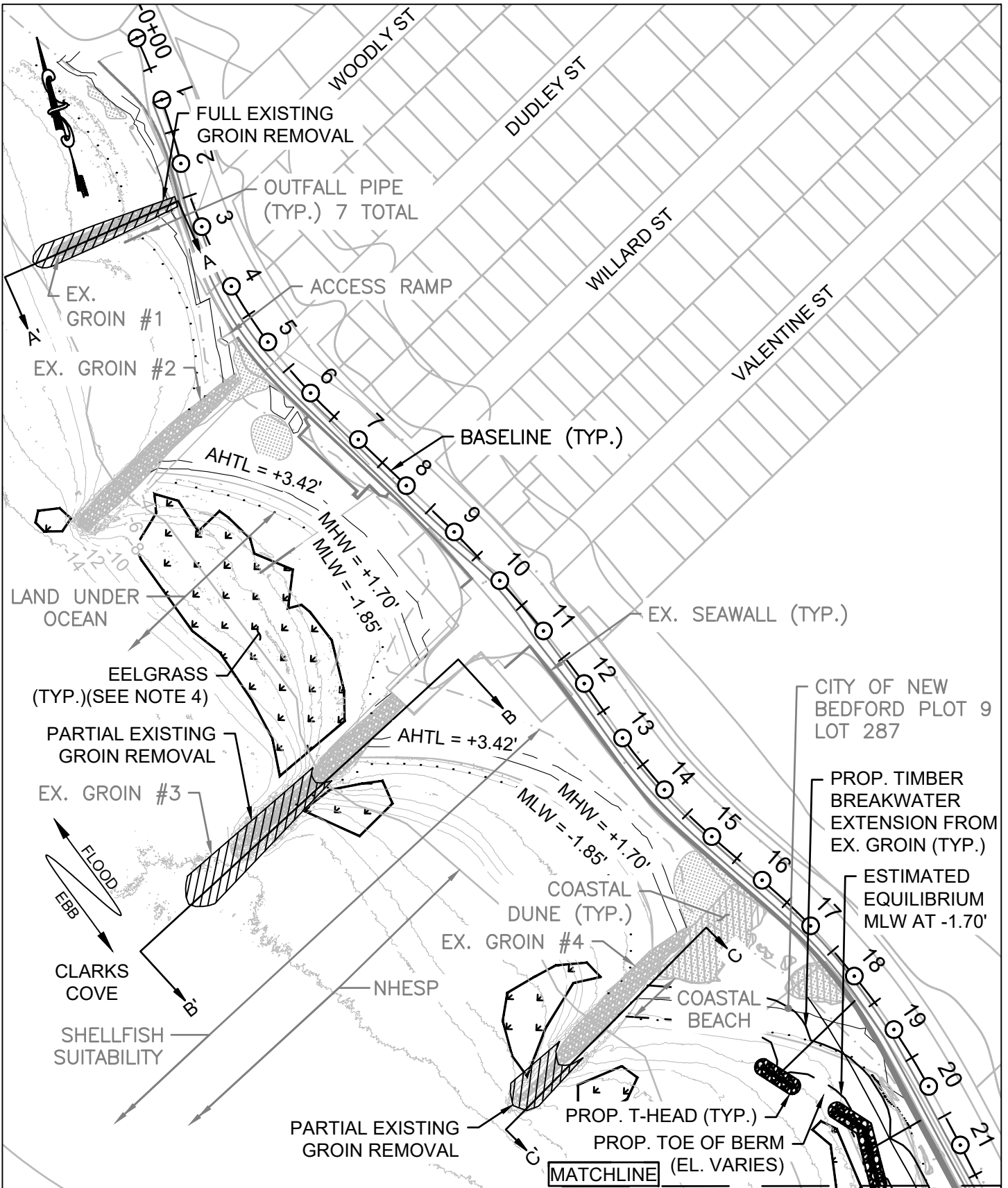
PURPOSE: PROPOSED BEACH NOURISHMENT/ STONE GROINS/ TIMBER BREAKWATER AT WEST RODNEY FRENCH BLVD, NEW BEDFORD, MA 02740  
 DATUM:  
 MLLW EL. = -1.98' NAVD88  
 MLW EL. = -1.85' NAVD88  
 MHW EL. = -1.70' NAVD88  
 AHTL EL. = 3.42' NAVD 88  
 FOTH INFRASTRUCTURE & ENVIRONMENT, LLC  
 15 CREEK ROAD, MARION, MA 02738

LOCUS  
 NOT TO SCALE

PLAN ACCOMPANYING PETITION OF:  
 CITY OF NEW BEDFORD  
 DEPARTMENT OF INFRASTRUCTURE  
 1105 SHAWMUT AVE, NEW BEDFORD, MA 02746  
 AT WEST RODNEY BEACH; CLARKS COVE  
 COUNTY OF: BRISTOL

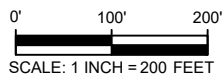
03/04/2020

SHEET 1 OF 8



PURPOSE: PROPOSED BEACH NOURISHMENT/ STONE GROINS/ TIMBER BREAKWATER AT WEST RODNEY FRENCH BLVD, NEW BEDFORD, MA 02740  
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**PROPOSED SITE  
 PLAN 1 OF 2**

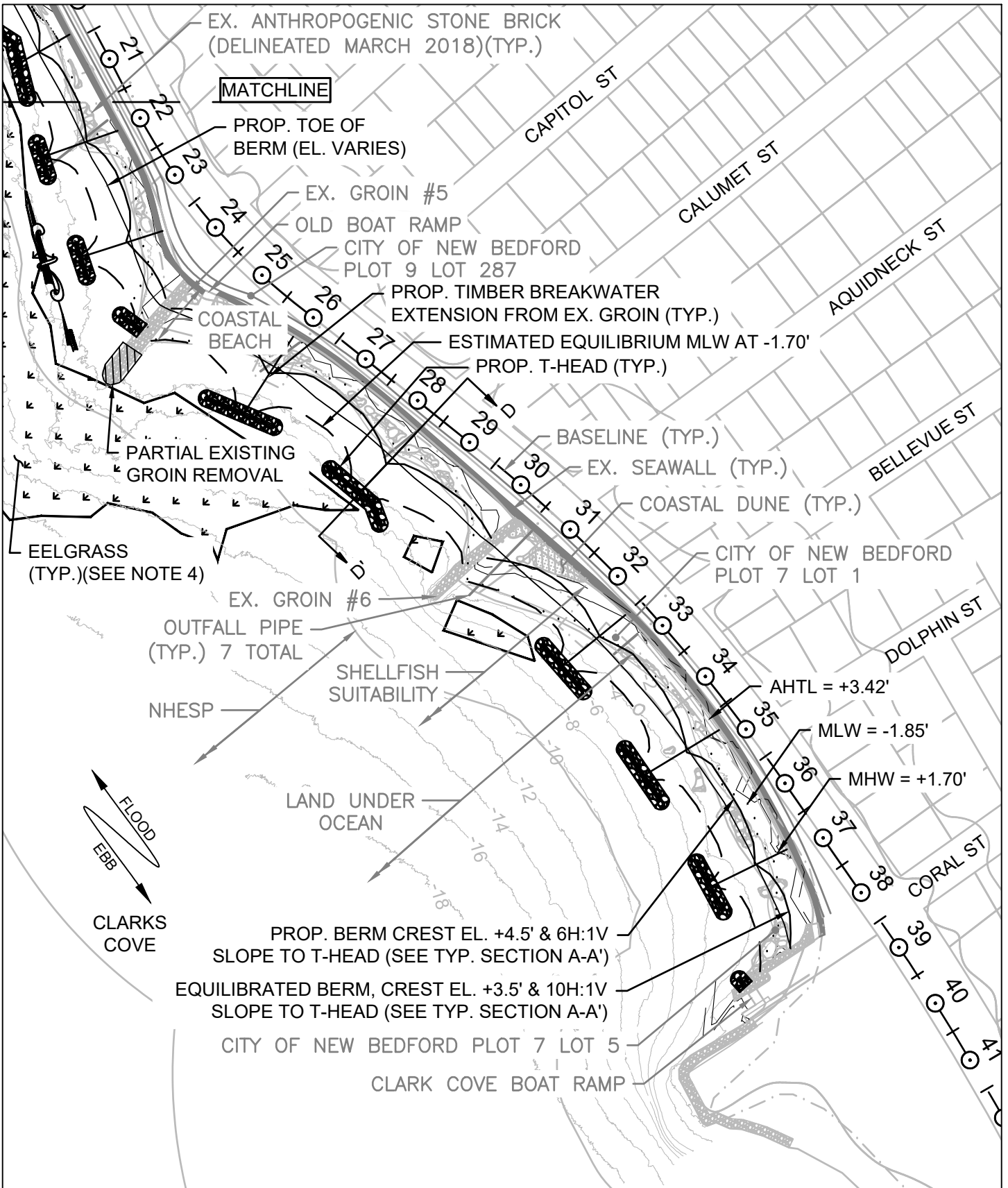


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 COUNTY OF: BRISTOL

03/04/2020

SHEET 2 OF 8

c:\pw\_work\drpw\_saf\fd\_mgh\022728\west rodney french\_nose



PURPOSE: PROPOSED BEACH NOURISHMENT/ STONE GROINS/ TIMBER BREAKWATER AT WEST RODNEY FRENCH BLVD, NEW BEDFORD, MA 02740

DATUM:  
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FOTH INFRASTRUCTURE & ENVIRONMENT, LLC  
 15 CREEK ROAD, MARION, MA 02738

**PROPOSED SITE**  
**PLAN 2 OF 2**

0'      100'      200'

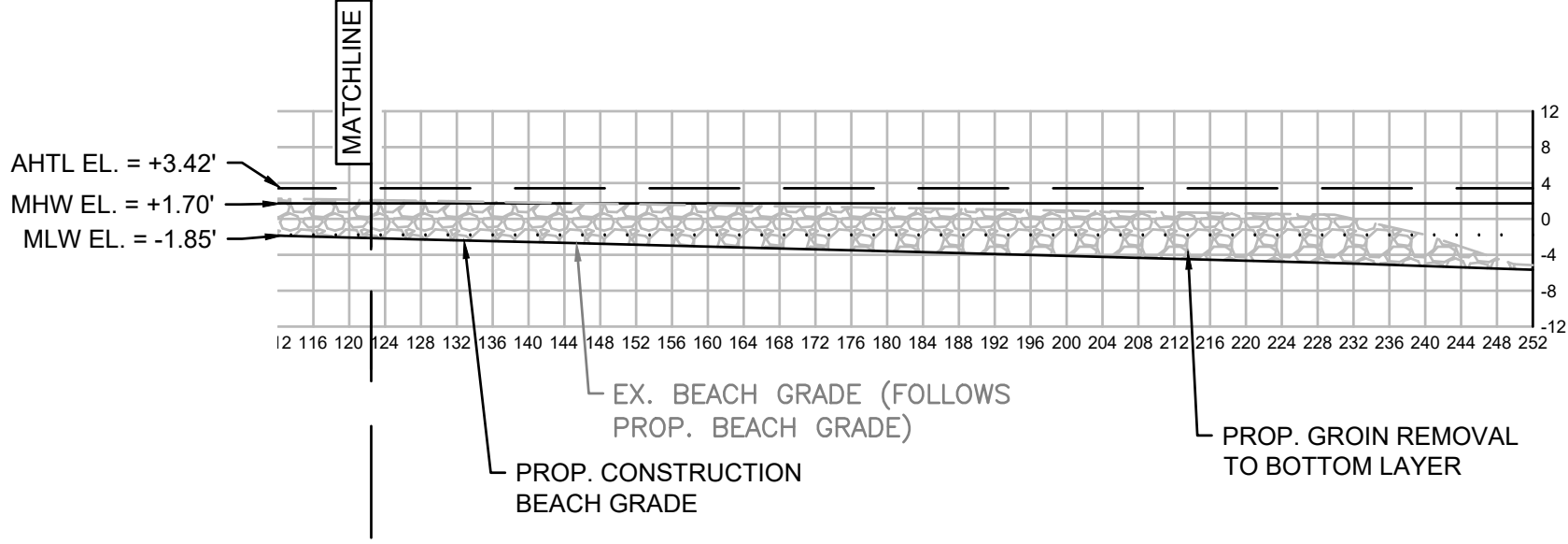
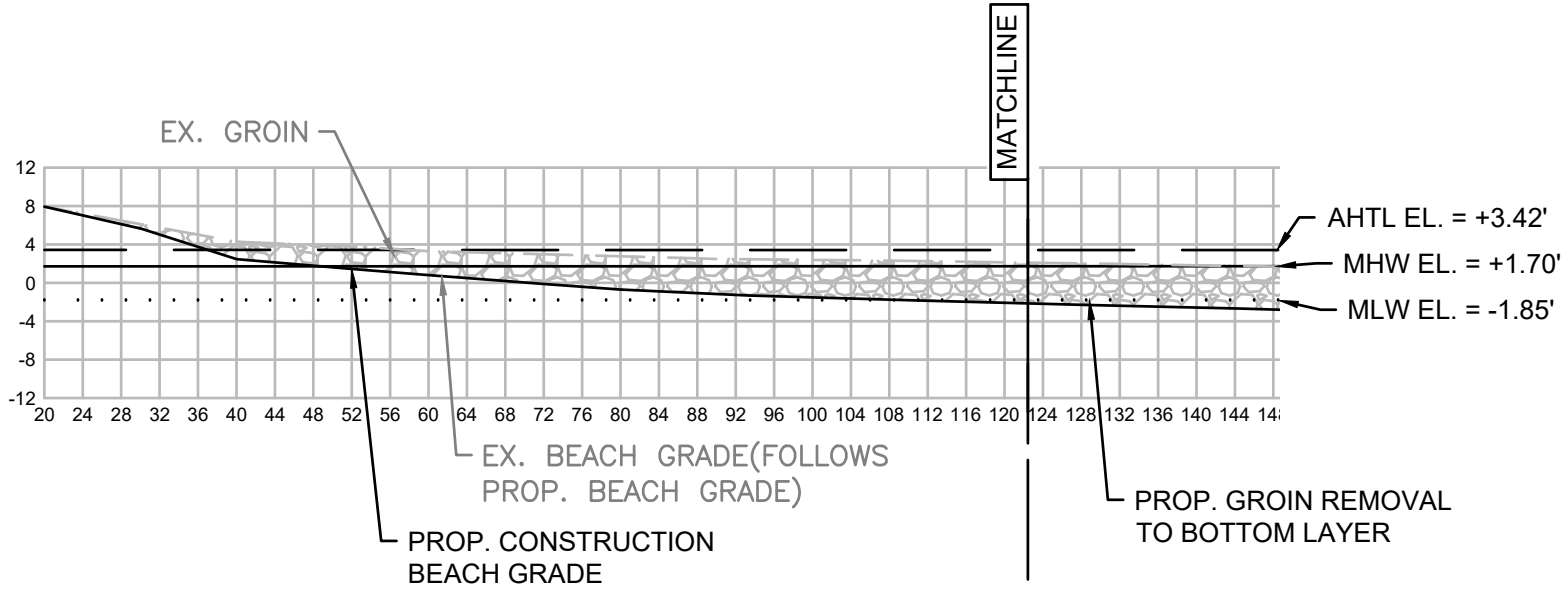
SCALE: 1 INCH = 200 FEET

PLAN ACCOMPANYING PETITION OF:  
 CITY OF NEW BEDFORD  
 DEPARTMENT OF INFRASTRUCTURE  
 1105 SHAWMUT AVE, NEW BEDFORD, MA 02746

AT WEST RODNEY BEACH; CLARKS COVE  
 COUNTY OF: BRISTOL

03/04/2020

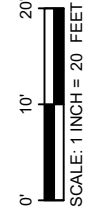
SHEET 3 OF 8



**A-A'** EXISTING GROIN REMOVAL & BEACH NOURISHMENT

PLAN ACCOMPANYING PETITION OF:  
CITY OF NEW BEDFORD  
DEPARTMENT OF INFRASTRUCTURE  
1105 SHAWMUT AVE., NEW BEDFORD, MA 02746  
AT WEST RODNEY BEACH; CLARKS COVE  
COUNTY OF: BRISTOL

**CROSS SECTION A-A'**

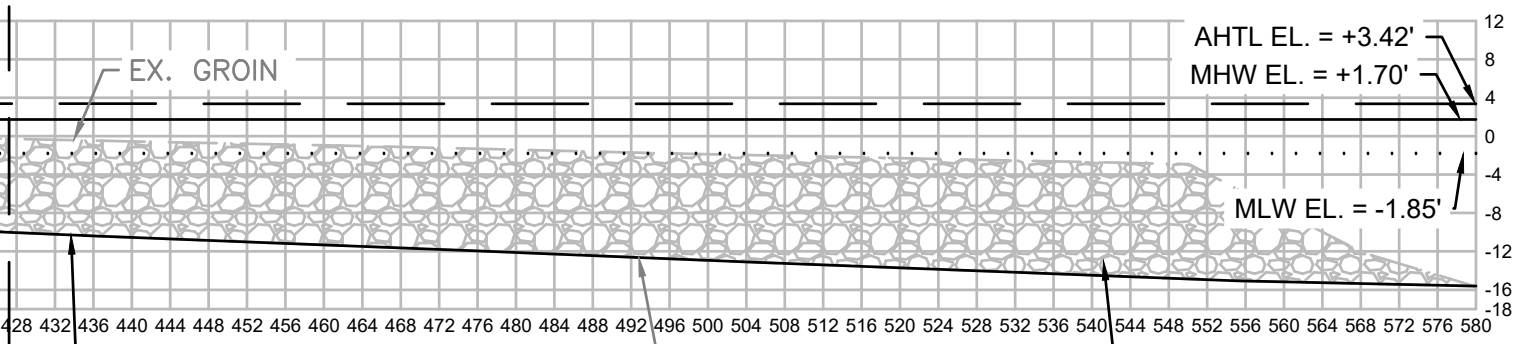
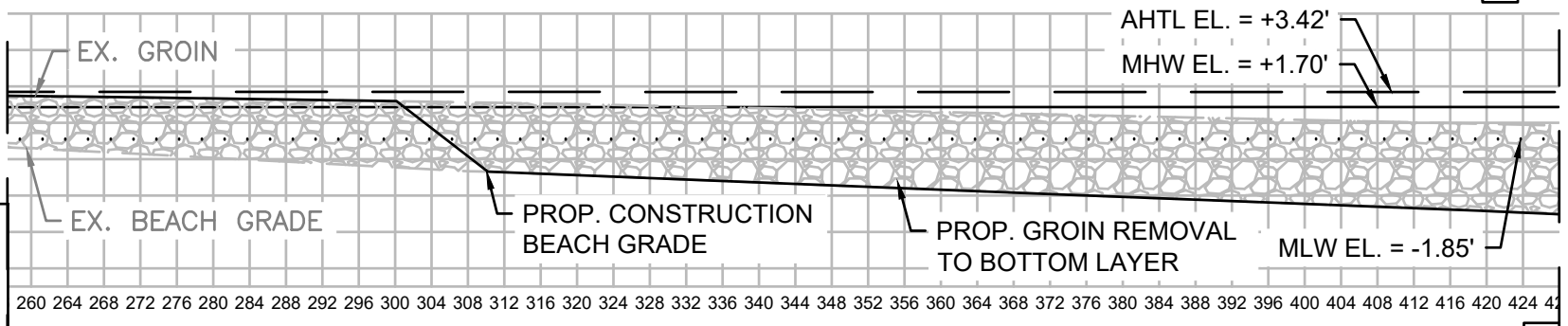
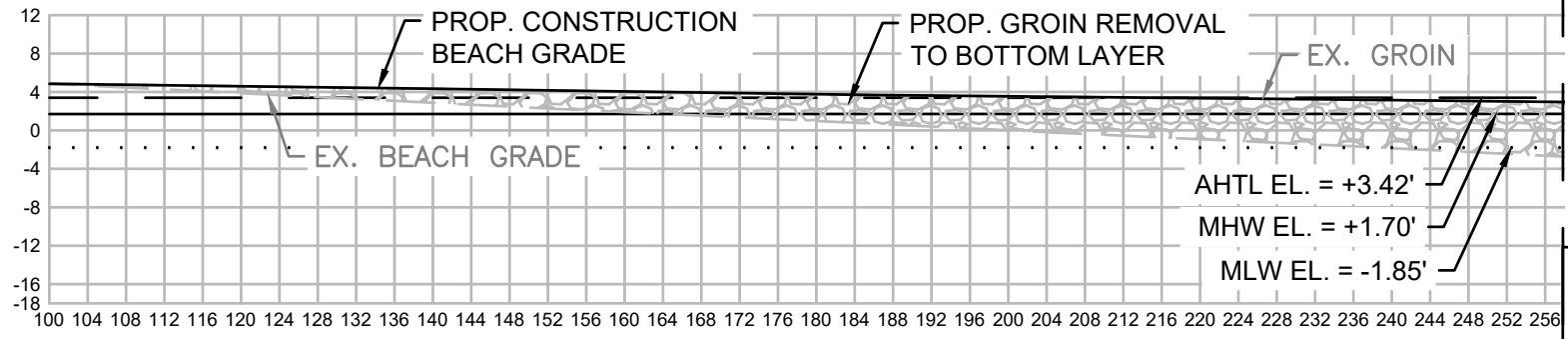


PURPOSE: PROPOSED BEACH NOURISHMENT/ STONE  
GROINS/ TIMBER BREAKWATER AT WEST RODNEY  
FRENCH BLVD., NEW BEDFORD, MA 02740  
DATUM:  
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MHW EL. = 1.70' NAVD88  
AHTL EL. = 3.42' NAVD88  
FOTH INFRASTRUCTURE & ENVIRONMENT, LLC  
15 CREEK ROAD, MARION, MA 02738

03/04/2020

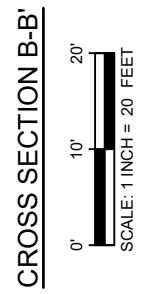
SHEET 4 OF 8



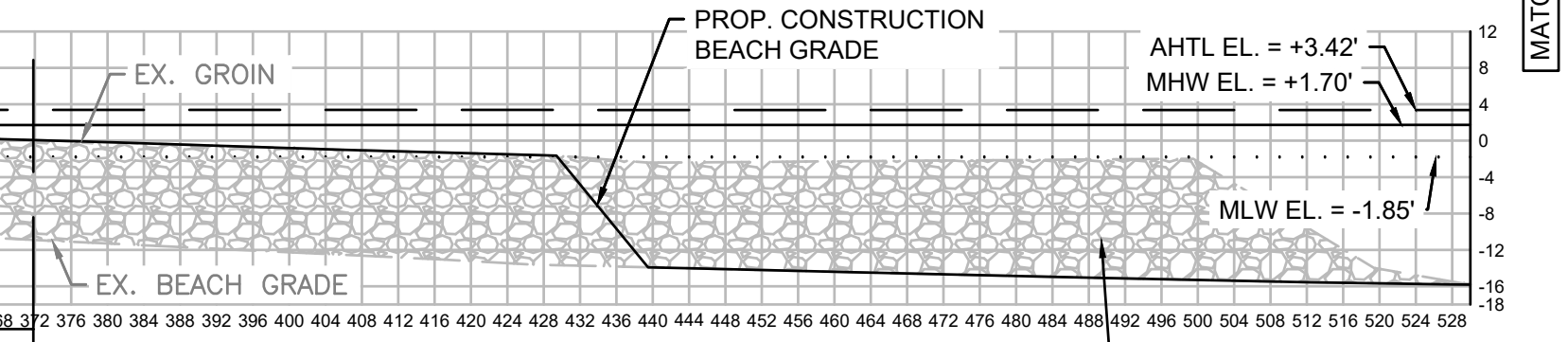
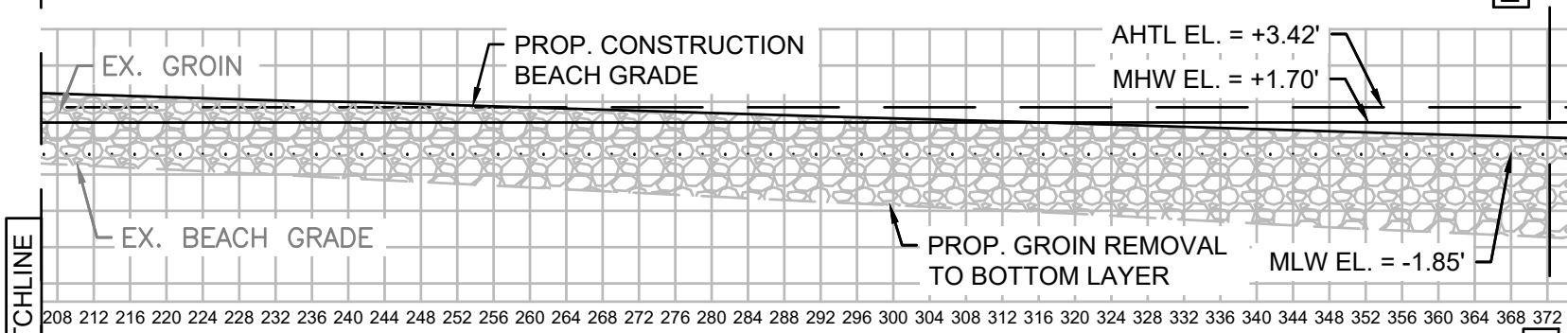
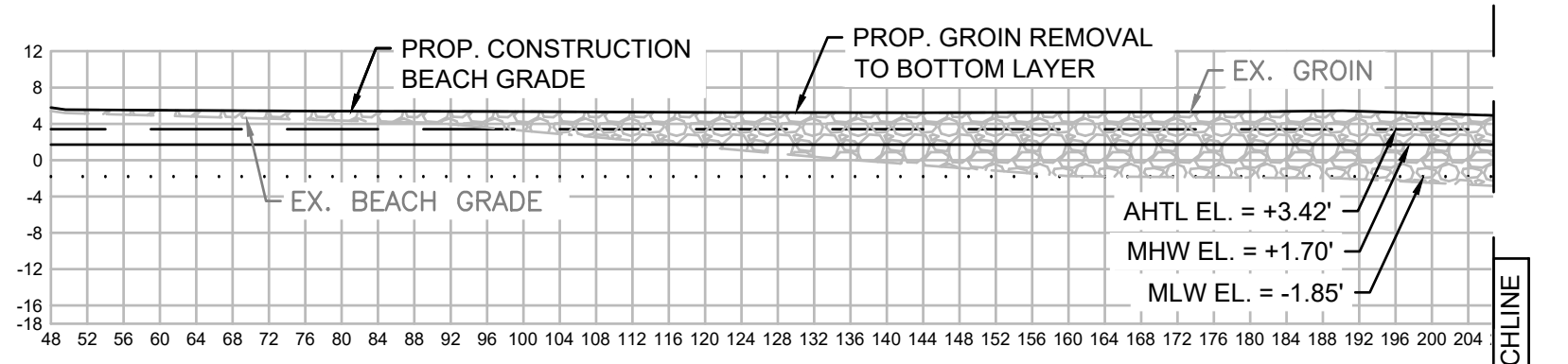


**B-B'** EXISTING GROIN REMOVAL & BEACH NOURISHMENT

PLAN ACCOMPANYING PETITION OF:  
 CITY OF NEW BEDFORD  
 DEPARTMENT OF INFRASTRUCTURE  
 1105 SHAWMUT AVE, NEW BEDFORD, MA 02746  
 AT WEST RODNEY BEACH; CLARKS COVE  
 COUNTY OF: BRISTOL  
 03/04/2020



PURPOSE: PROPOSED BEACH NOURISHMENT/ STONE  
 GROINS/ TIMBER BREAKWATER AT WEST RODNEY  
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 FOTH INFRASTRUCTURE & ENVIRONMENT, LLC  
 15 CREEK ROAD, MARION, MA 02738



(C-C) EXISTING GROIN REMOVAL & BEACH NOURISHMENT

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PLAN ACCOMPANYING PETITION OF:  
 CITY OF NEW BEDFORD  
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 1105 SHAWMUT AVE, NEW BEDFORD, MA 02746  
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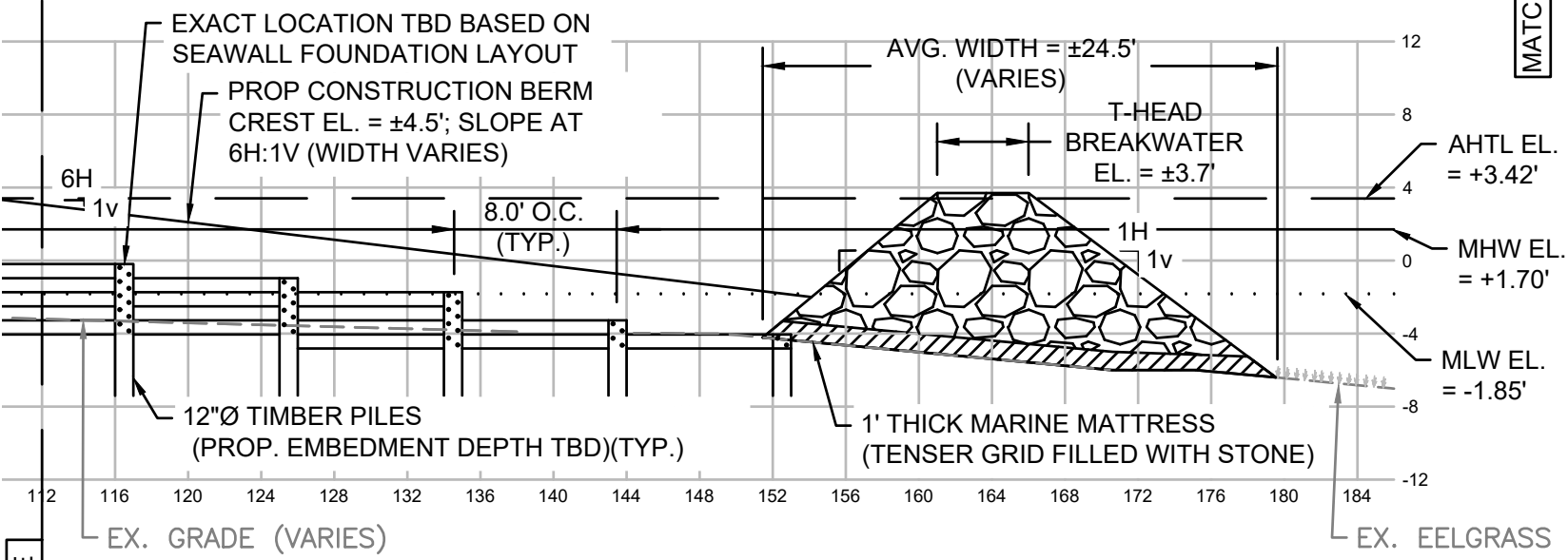
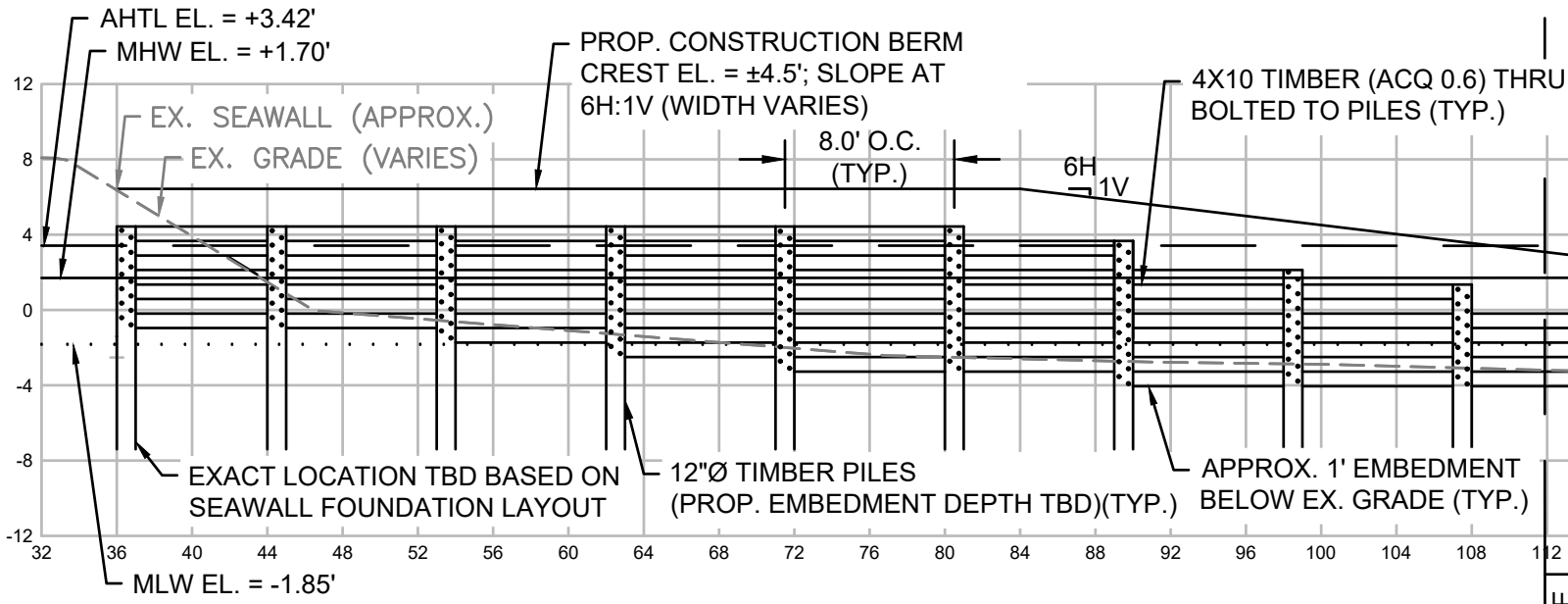
03/04/2020

SHEET 6 OF 8

CROSS SECTION C-C'



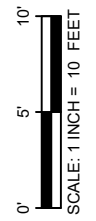
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**D-D'** PROPOSED GROIN & TIMBER BREAKWATER

MATCHLINE

**CROSS SECTION D-D'**



PLAN ACCOMPANYING PETITION OF:  
CITY OF NEW BEDFORD  
DEPARTMENT OF INFRASTRUCTURE

1105 SHAWMUT AVE., NEW BEDFORD, MA 02746

AT WEST RODNEY BEACH; CLARKS COVE  
COUNTY OF: BRISTOL

03/04/2020

SHEET 7 OF 8

PURPOSE: PROPOSED BEACH NOURISHMENT/ STONE  
GROINS/ TIMBER BREAKWATER AT WEST RODNEY  
FRENCH BLVD., NEW BEDFORD, MA 02740

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FOTH INFRASTRUCTURE & ENVIRONMENT, LLC  
15 CREEK ROAD, MARION, MA 02738

**GENERAL NOTES:**

1. THE VERTICAL REFERENCE PLANE FOR THIS PROJECT IS NAVD88.
2. EXISTING SHORELINE TOPOGRAPHY BASED UPON SURVEY CONDUCTED BY THE CITY OF NEW BEDFORD ON 12/22/16 AND 01/13/2017. NEARSHORE BATHYMETRY WAS PERFORMED BY CLE ENGINEERING, INC., ON 01/04/2017.
3. SHELLFISH SUITABILITY IS FROM MASSGIS.
4. LIMITS OF EELGRASS, AS SHOWN, ARE BASED UPON THE FIELD SURVEY PERFORMED BY STANTEC CONSULTING, INC. ON 05/26/2017.

FOTH INFRASTRUCTURE AND ENVIRONMENT, LLC.

**LEGEND**

- ANNUAL HIGH TIDE LINE (AHTL)
- MEAN HIGH WATER (MHW)
- ..... EX. MEAN LOW WATER (MLW)
- BATHYMETRY 2-FT CONTOURS
- SHELLFISH SUITABILITY DELINEATION
-  EELGRASS
-  STONE RIPRAP
-  COASTAL DUNE

| DATUM OFFSETS |        |        |
|---------------|--------|--------|
| MLW           | NAVD88 |        |
| 5.27          | 3.42   | AHTL   |
| 3.55          | 1.70   | MHW    |
| 1.85          | 0      | NAVD88 |
| 0             | -1.85  | MLW    |
| -0.13         | -1.98  | MLLW   |

OFFSETS TAKEN FROM  
VDATUM V3.4  
41-35-59 N  
70-54-53 W

c:\pw\_work\ripw\_a\fd\_mgh\0282780\west rodney french\_nose

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**NOTES**

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SHEET 8 OF 8