



# PUBLIC NOTICE

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

**Comment Period Begins:** June 12, 2018  
**Comment Period Ends:** July 12, 2018  
**File Number:** NAE-2011-01105  
**In Reply Refer To:** Joshua Helms  
**Phone:** (978) 318-8211  
**E-mail:** Joshua.M.Helms@usace.army.mil

The District Engineer has received a permit application to conduct work and place fill in waters of the United States from RaeAnn Palmer on behalf of the Town of Truro, P.O. Box 2030, Truro, Massachusetts 02666. This work is proposed in the Pamet River located at 0 Pamet Harbor in Truro, Massachusetts. The site coordinates are: Latitude 41.992139°N, Longitude -70.0749°E.

The work involves the maintenance dredging of the Pamet River Channel and the Pamet Harbor Basin over 10 years with the sandy dredged material used as beneficial beach nourishment on the Town Beach at the mouth of the Channel. Dredging will be completed by hydraulic and mechanical means.

The channel dredging will include the removal of approximately 20,000 cubic yards of material from an area of no more than 298,250 square feet. The channel will be dredged to a depth of -4' MLW. The Town proposes to place this sandy material on a 33,380 square foot area of the Town Beach to the north of the channel.

The Basin dredging will be limited to an approximately 125,000 square foot area. The Town proposes to dredge approximately 500 cubic yards annually in order to maintain the Basin at a depth of -6 MLW. Approximately 5,000 cubic yards of material will be dredged over the next 10 years. This dredged material will also be placed on the Town Beach.

It should be noted that this area represents the extent of the dredging envelope within which dredging will be conducted. Within the proposed dredging envelope, different areas may be annually dredged to the target navigation depth. This project represents maintenance dredging. The last time this channel was dredged was in 2014.

The work is shown on the attached plans entitled "FOR ANNUAL CHANNEL AND PERIODIC BASIN MAINTENANCE DREDGING IN PAMET RIVER, TRURO, BARNSTABLE COUNTY, MA," on eight sheets, and dated "July 22, 2015" and revised "September 1, 2015" and revised "September 1, 2015" and "TO PERFORM MAINTENANCE DREDGING IN PAMET HARBOR, TRURO, BARNSTABLE COUNTY, MA," on six sheets and dated "March 29, 2018".

Based on the characteristics of the dredged material, the material will be placed for beneficial use. The dredged material has undergone grain size analysis. It is our preliminary determination that the material is acceptable for disposal at this disposal site. Based in part on a review of historical data and a lack of potential sources of contaminants, it is our preliminary determination that the material is acceptable for disposal at this disposal site.

In order to avoid and minimize adverse effects to aquatic resources and migratory birds, the applicant will utilize time of year restrictions and best management practices outlined in the attached document entitled "Special Conditions".

#### **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.

The dredging portion of this project will impact approximately 9.72 acres of EFH. Habitat at this site can be described as sand. 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.

The dredged material disposal is proposed for nourishment on approximately 0.77 acres of intertidal area which provides EFH. Habitat at this site can be described as sand. 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 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 listed species or their critical habitat. We are coordinating with the NMFS 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.

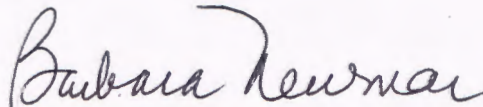
**COMMENTS**

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 Joshua Helms at (978) 318-8211, (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.

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



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

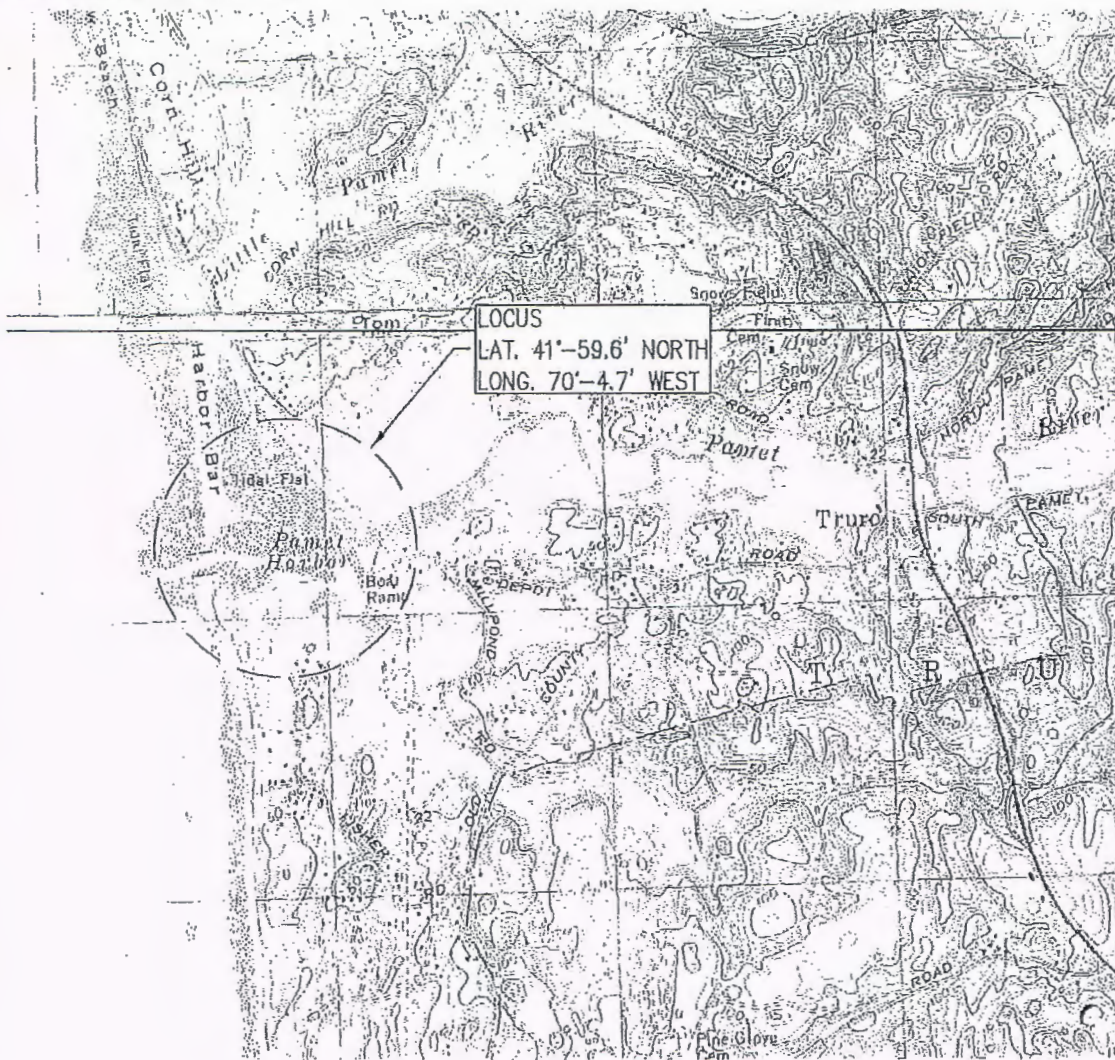
If you would prefer not to continue receiving Public Notices by email, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at [bettina.m.chaisson@usace.army.mil](mailto:bettina.m.chaisson@usace.army.mil). You may also check here ( ) and return this portion of the Public Notice to: Bettina Chaisson, Regulatory Division, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751.

NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
PHONE: \_\_\_\_\_

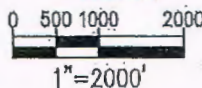


REFERENCE DATUM IS MEAN LOW WATER=0.0  
FEMA DATUM IS N.G.V.D.

REF: TOWN ASSESSOR'S MAP 49



PLAN



SOURCE: U.S.G.S. QUADRANGLE "TRURO - MA."

DRAWING C13187 ACOE DREDGE 2010.dwg  
DRAWN BY: KES  
C13187.08

PURPOSE:  
FOR ANNUAL CHANNEL AND PERIODIC  
BASIN MAINTENANCE DREDGING IN  
PAMET RIVER, TRURO,  
BARNSTABLE COUNTY, MA.

VICINITY MAP

APPLICATION BY:  
TOWN OF TRURO

PREPARED BY  
COASTAL ENGINEERING CO., INC.  
260 CRANBERRY HIGHWAY  
ORLEANS, MA 02653

JULY 22, 2015

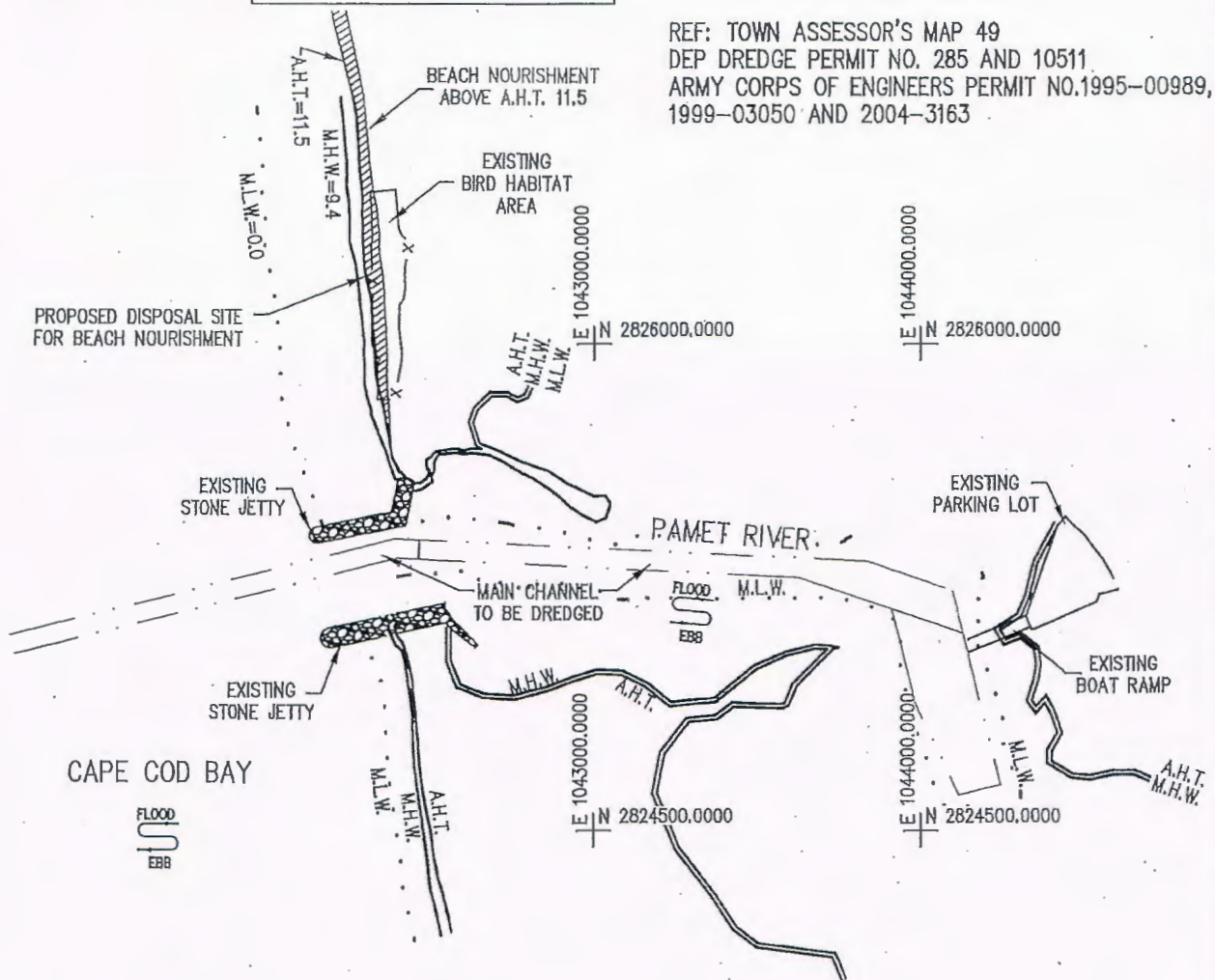
SHEET 1 OF 8



ANNUAL MAINTENANCE DREDGE  
VOLUME = UP TO 20,000 C.Y.

REFERENCE DATUM IS MEAN LOW WATER=0.0  
FEMA DATUM IS N.G.V.D.

REF: TOWN ASSESSOR'S MAP 49  
DEP DREDGE PERMIT NO. 285 AND 10511  
ARMY CORPS OF ENGINEERS PERMIT NO.1995-00989,  
1999-03050 AND 2004-3163



PLAN

0 125 250 500  
1"=500'

DRAWING C13187 ACOE DREDGE 2015.dwg  
DRAWN BY: KES  
C13187.08

REVISED: SEPTEMBER 1, 2015

PURPOSE:  
FOR ANNUAL CHANNEL AND PERIODIC  
BASIN MAINTENANCE DREDGING IN  
PAMET RIVER, TRURO,  
BARNSTABLE COUNTY, MA.

EXISTING CONDITIONS PLAN

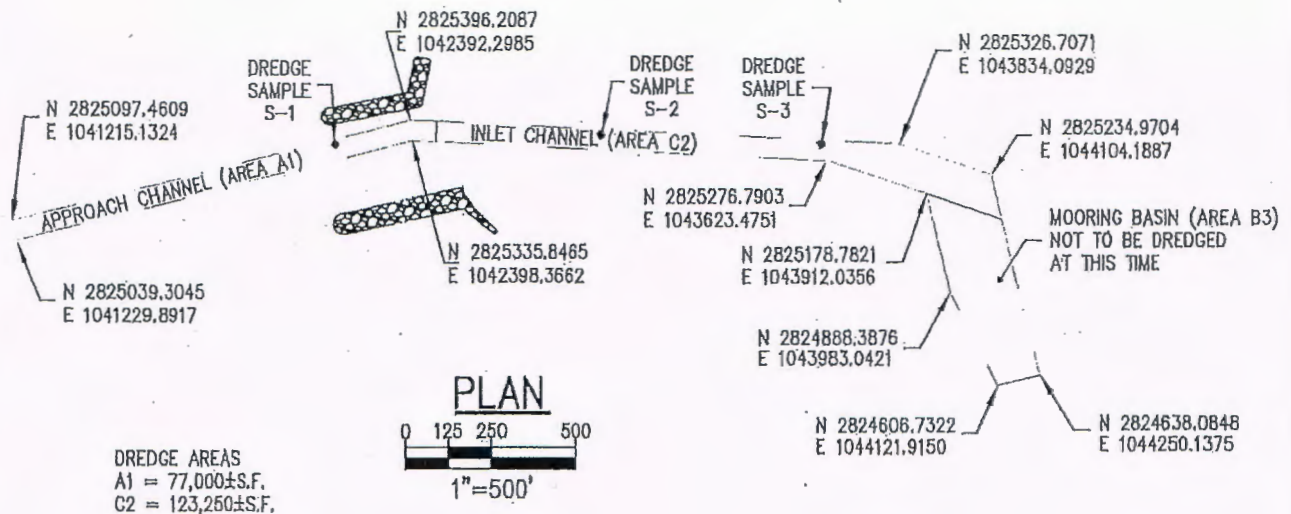
APPLICATION BY:  
TOWN OF TRURO

PREPARED BY  
COASTAL ENGINEERING CO., INC.  
260 CRANBERRY HIGHWAY  
ORLEANS, MA 02653

JULY 22, 2015

SHEET 2 OF 8

REFERENCE DATUM IS MEAN LOW WATER=0.0  
FEMA DATUM IS N.G.V.D.



DRAWING C13187 ACOE DREDGE 2010.dwg  
DRAWN BY: KES  
C13187.08

PURPOSE:  
FOR ANNUAL CHANNEL AND PERIODIC  
BASIN MAINTENANCE DREDGING IN  
PAMET RIVER, TRURO,  
BARNSTABLE COUNTY, MA.

### PROPOSED DREDGING CHANNEL AND BASIN

APPLICATION BY:  
TOWN OF TRURO

PREPARED BY  
COASTAL ENGINEERING CO., INC.  
260 CRANBERRY HIGHWAY  
ORLEANS, MA 02653

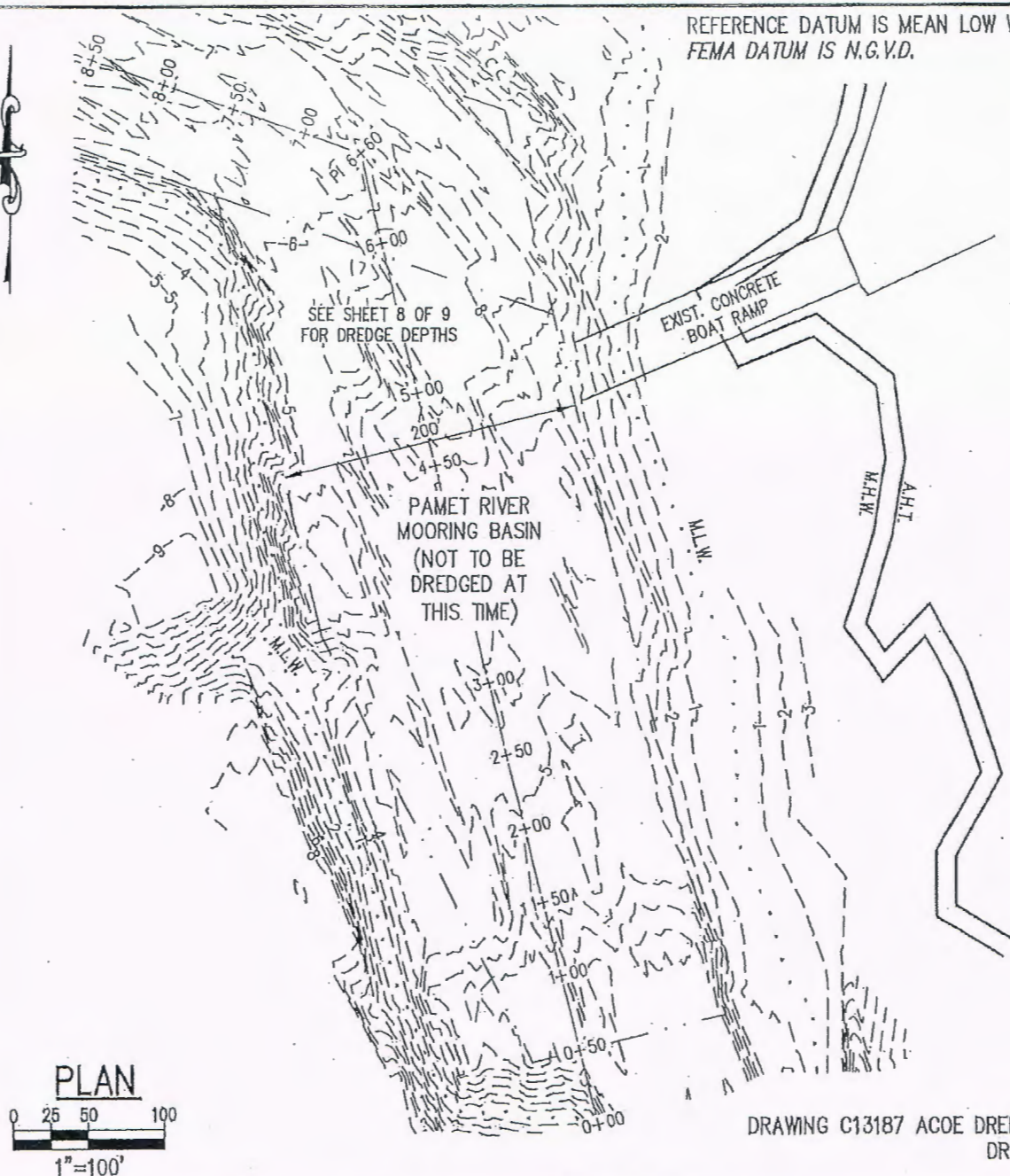
JULY 22, 2015

SHEET 3 OF 8





REFERENCE DATUM IS MEAN LOW WATER=0.0  
FEMA DATUM IS N.G.V.D.



PLAN

0 25 50 100  
1"=100'

DRAWING C13187 ACOE DREDGE 2010.dwg  
DRAWN BY: KES  
C13187.08

PURPOSE:  
FOR ANNUAL CHANNEL AND PERIODIC  
BASIN MAINTENANCE DREDGING IN  
PAMET RIVER, TRURO,  
BARNSTABLE COUNTY, MA.

MOORING BASIN

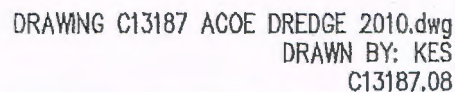
APPLICATION BY;  
TOWN OF TRURO

PREPARED BY  
COASTAL ENGINEERING CO., INC.  
260 CRANBERRY HIGHWAY  
ORLEANS, MA 02653

JULY 22, 2015

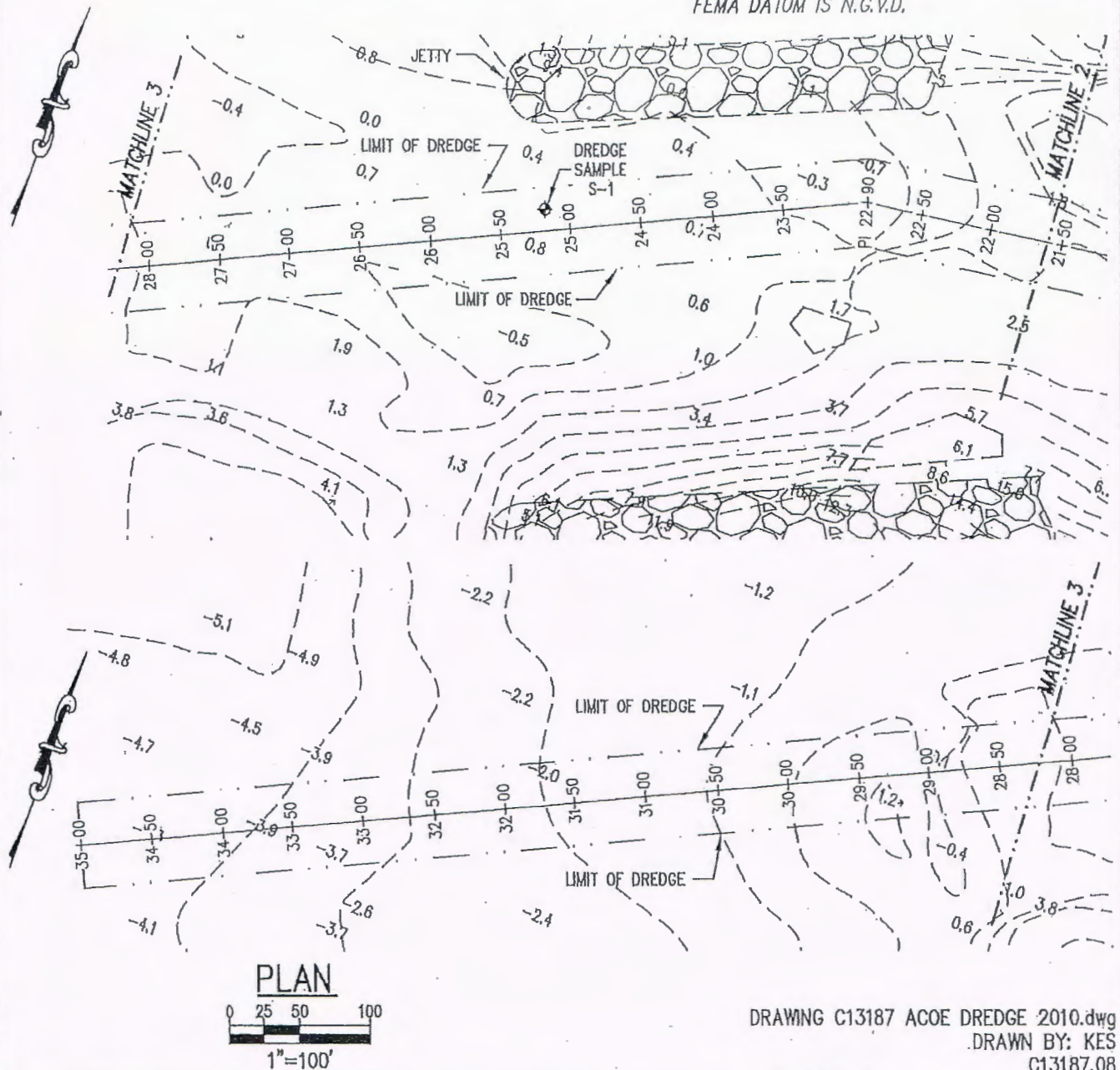
SHEET 4 OF 8





SHEET 5 OF 8

REFERENCE DATUM IS MEAN LOW WATER=0.0  
FEMA DATUM IS N.G.V.D.



DRAWING C13187 ACOE DREDGE 2010.dwg  
DRAWN BY: KES  
C13187.08

PURPOSE:  
FOR ANNUAL CHANNEL AND PERIODIC  
BASIN MAINTENANCE DREDGING IN  
PAMET RIVER, TRURO,  
BARNSTABLE COUNTY, MA.

## CHANNEL DREDGE DETAIL 2

APPLICATION BY:  
TOWN OF TRURO

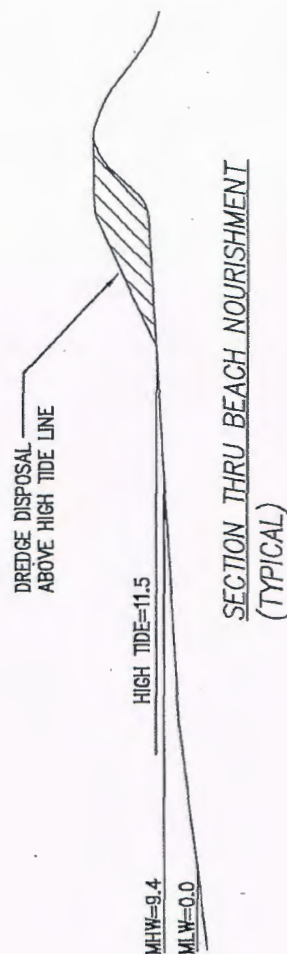
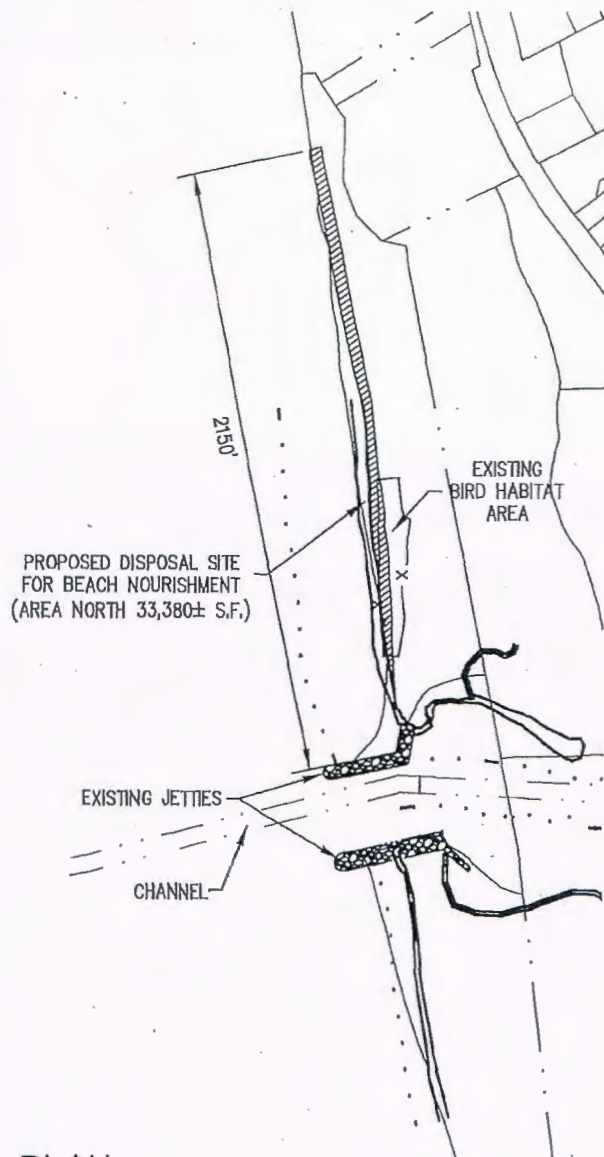
PREPARED BY  
COASTAL ENGINEERING CO., INC.  
260 CRANBERRY HIGHWAY  
ORLEANS, MA 02653

JULY 22, 2015.

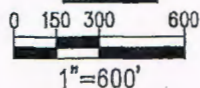
SHEET 6 OF 8



REFERENCE DATUM IS MEAN LOW WATER=0.0  
FEMA DATUM IS N.G.V.D.



**PLAN**



REVISED: SEPTEMBER 1, 2015

DRAWING C13187 ACOE DREDGE 2015.dwg  
DRAWN BY: KES  
C13187.08

PURPOSE:  
FOR ANNUAL CHANNEL AND PERIODIC  
BASIN-MAINTENANCE DREDGING IN  
PAMET RIVER, TRURO,  
BARNSTABLE COUNTY, MA.

### NOURISHMENT DETAIL AND PROFILE

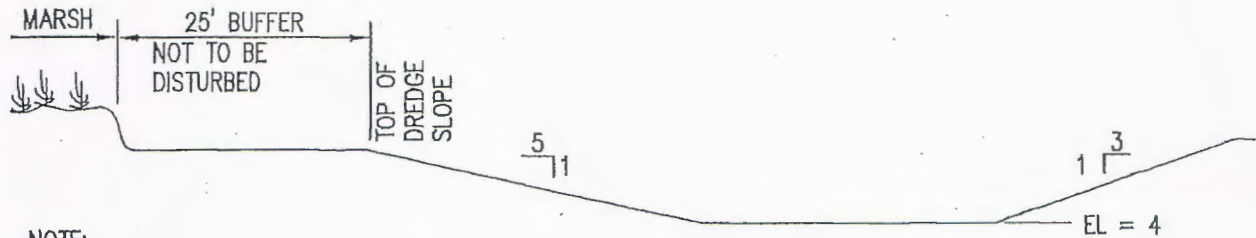
APPLICATION BY:  
TOWN OF TRURO

PREPARED BY  
COASTAL ENGINEERING CO., INC.  
260 CRANBERRY HIGHWAY  
ORLEANS, MA 02653

JULY 22, 2015

SHEET 7 OF 8

REFERENCE DATUM IS MEAN LOW WATER=0.0  
FEMA DATUM IS N.G.V.D.

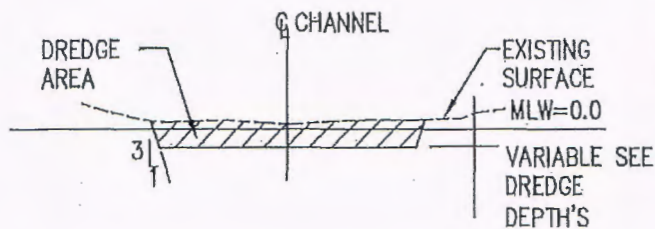


**NOTE:**

IF DREDGE LAYOUT IS OUTSIDE 25'  
BUFFER, 3:1 SLOPE TO BE  
MAINTAINED

TYPICAL DETAIL

FOR LAYOUT WITHIN 25' BUFFER OF MARSH VEGETATION



DREDGE DEPTHS

STATION 0+00 TO 6+50: -4 MLW (PAY TO -5 MLW)  
STATION 6+00 TO 15+00: -6 MLW (PAY TO -7 MLW)  
STATION 15+00 TO 35+00: -4 MLW (PAY TO -5 MLW)

CROSS SECTION THRU CHANNEL (TYP)

**NOTE:** DREDGE SPOILS FOR DUNE NOURISHMENT  
TO BE PLACED ABOVE ANNUAL HIGH TIDE

DRAWING C13187 ACOE DREDGE 2010.dwg  
DRAWN BY: KES  
C13187.08

PURPOSE:  
FOR ANNUAL CHANNEL AND PERIODIC  
BASIN MAINTENANCE DREDGING IN  
PAMET RIVER, TRURO,  
BARNSTABLE COUNTY, MA.

**DREDGE PROFILES**

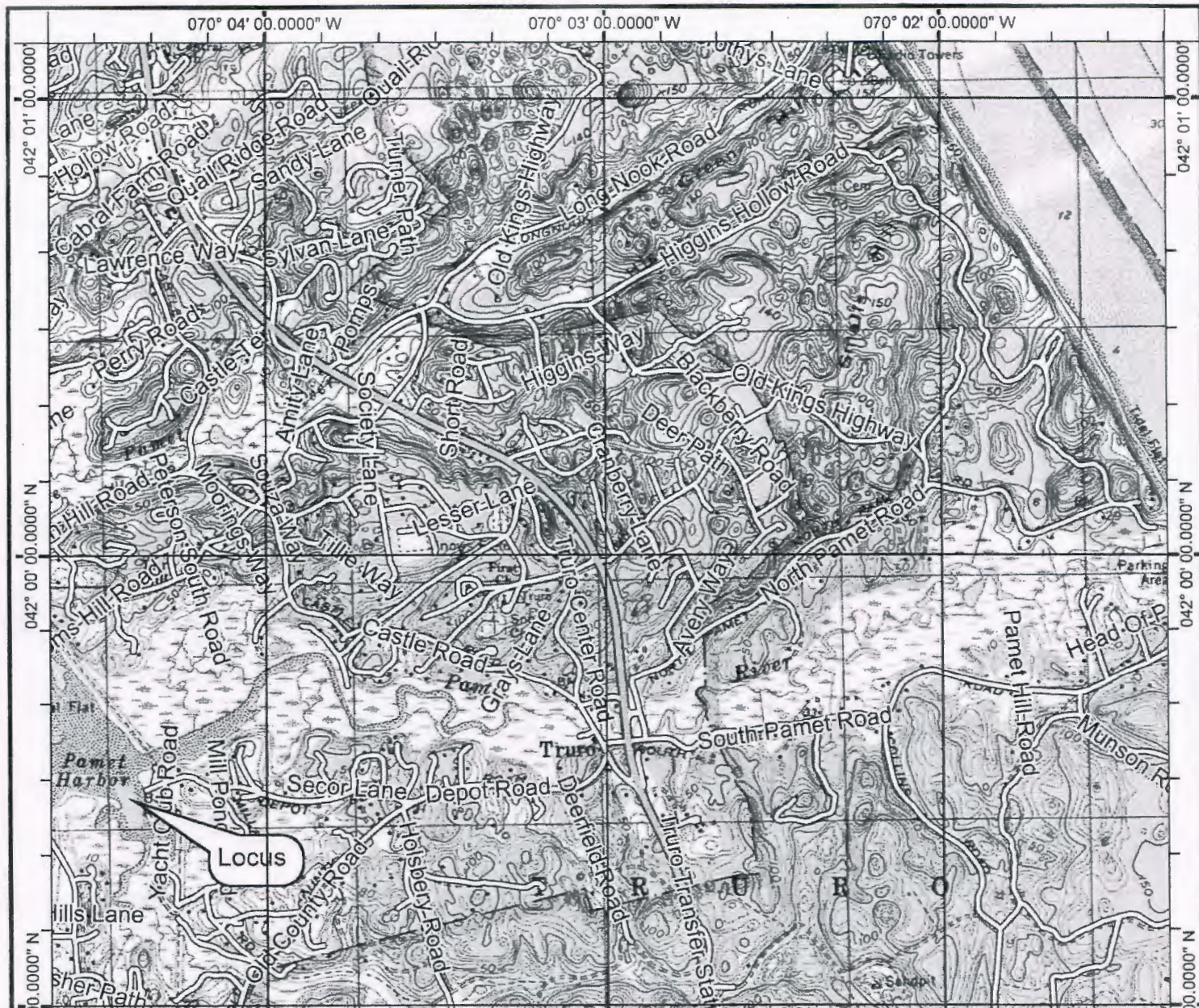
APPLICATION BY:  
TOWN OF TRURO

PREPARED BY  
COASTAL ENGINEERING CO., INC.  
260 CRANBERRY HIGHWAY  
ORLEANS, MA 02653

JULY 22, 2015

SHEET 8 OF 8





SCALE: 1"=2000'

LOCUS

LAT. 41°-59'-28.8" N

LONG. 70°-04'-23.2" W

DRAWN BY: NDJ/CAA  
JOB #: C13187.08  
DRAWING C13187-08.dwg

REF: TOWN ASSESSOR'S MAP 50 PARCEL 18  
SOURCE: U.S.G.S. QUADRANGLE "TRURO - MA."

PURPOSE:  
TO PERFORM MAINTENANCE DREDGING  
IN PAMET HARBOR,  
TRURO, BARNSTABLE COUNTY, MA

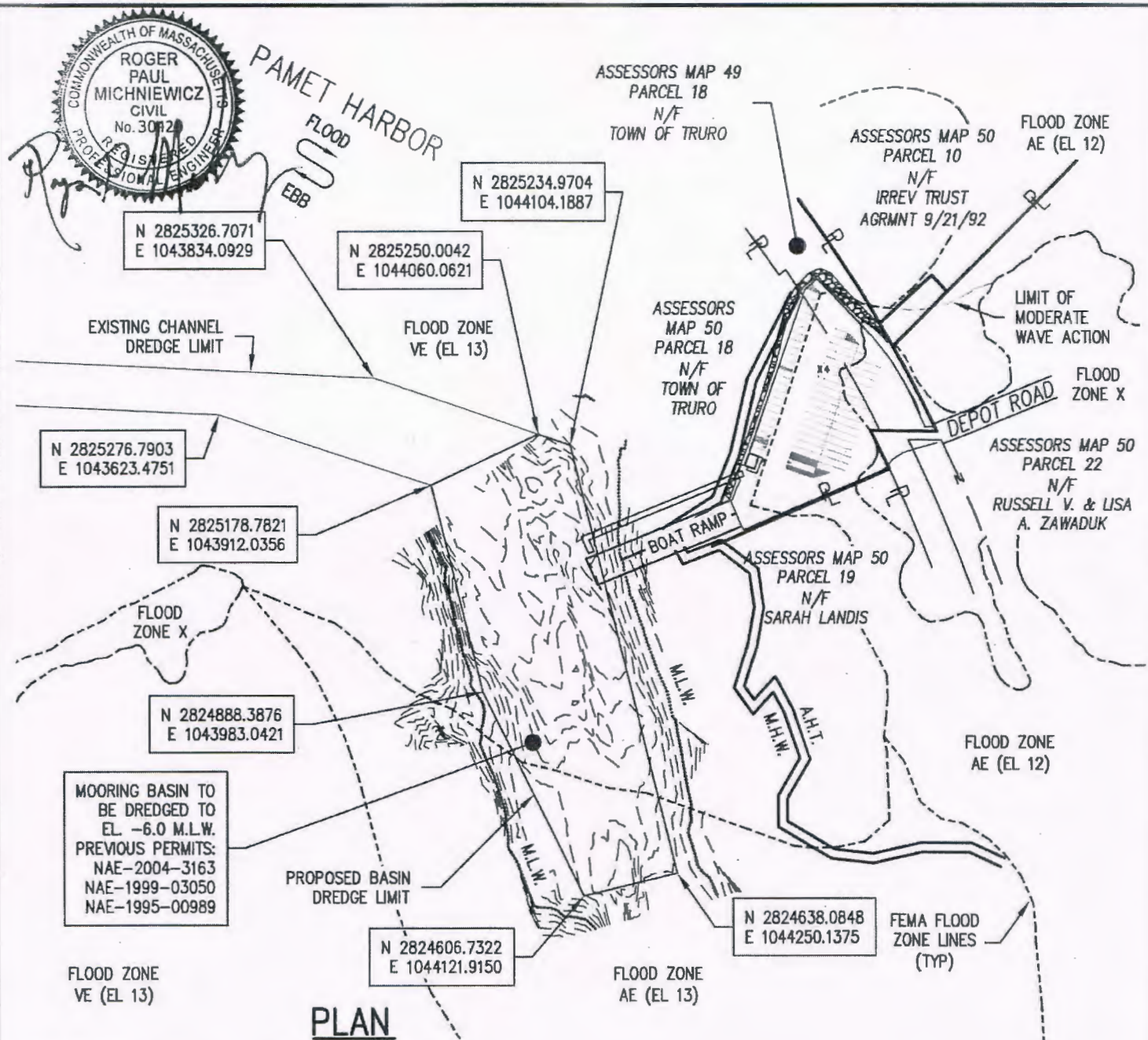
### VICINITY MAP

APPLICATION BY:  
TOWN OF TRURO  
75 DEPOT ROAD  
  
PREPARED BY  
COASTAL ENGINEERING CO., INC.  
260 CRANBERRY HIGHWAY  
ORLEANS, MA 02653

MARCH 29, 2018

SHEET 1 OF 6





DRAWN BY: NDJ/CAA  
JOB #: C13187.08  
DRAWING C13187-08.dwg

REFERENCE DATUM IS MEAN LOW WATER=0.0  
FEMA DATUM IS N.A.V.D.88

PURPOSE:  
TO PERFORM MAINTENANCE DREDGING  
IN PAMET HARBOR,  
TRURO, BARNSTABLE COUNTY, MA

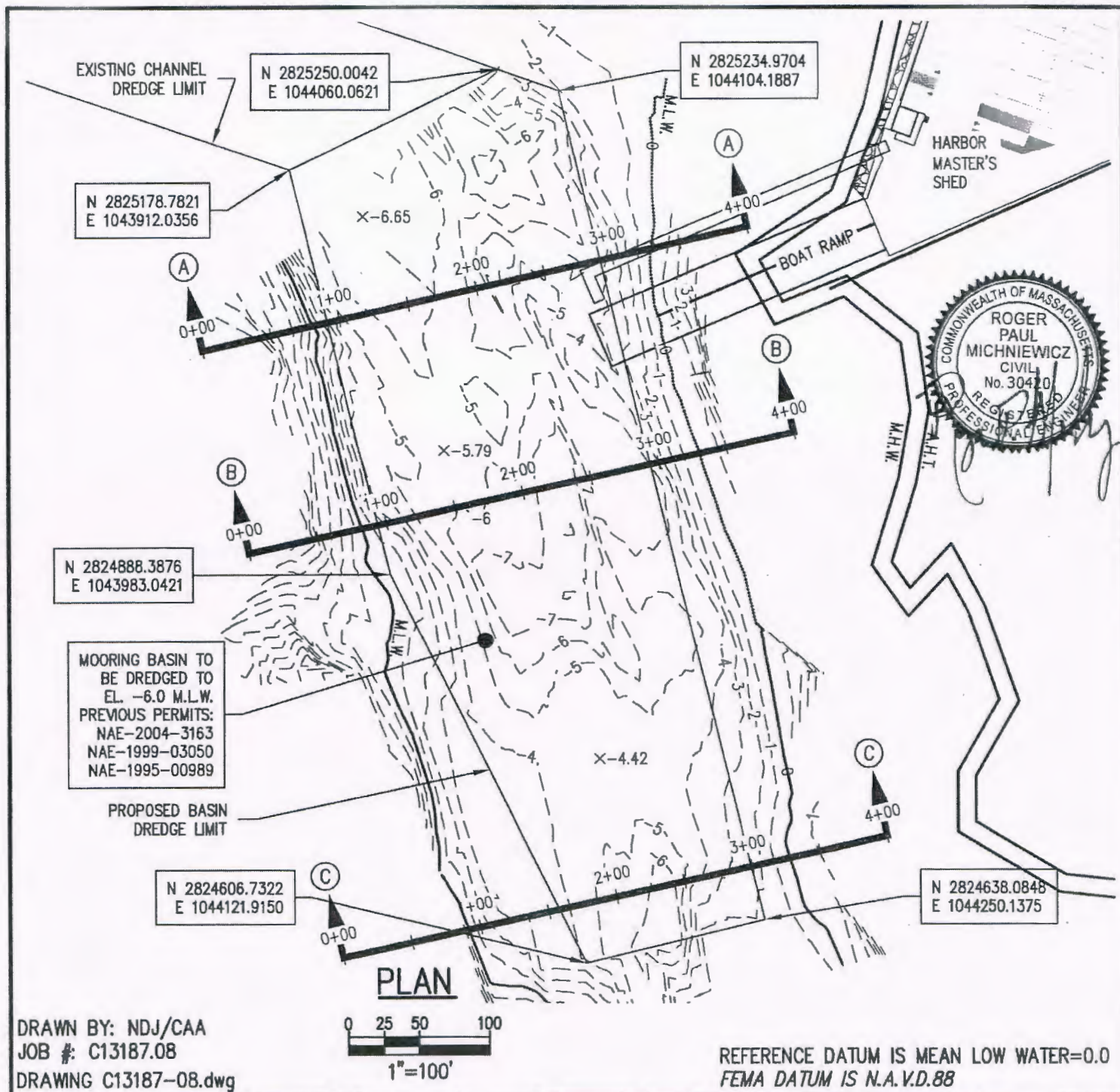
### PLAN VIEW

APPLICATION BY:  
TOWN OF TRURO  
75 DEPOT ROAD  
  
PREPARED BY  
COASTAL ENGINEERING CO., INC.  
260 CRANBERRY HIGHWAY  
ORLEANS, MA 02653

MARCH 29, 2018

SHEET 2 OF 6





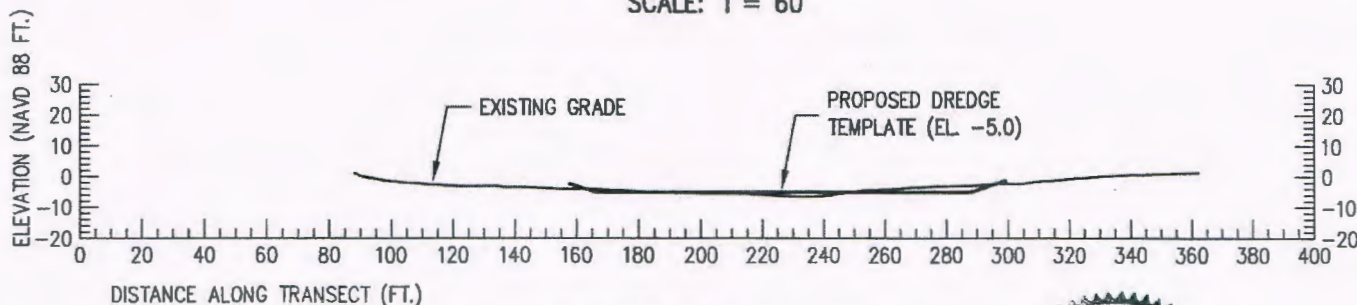
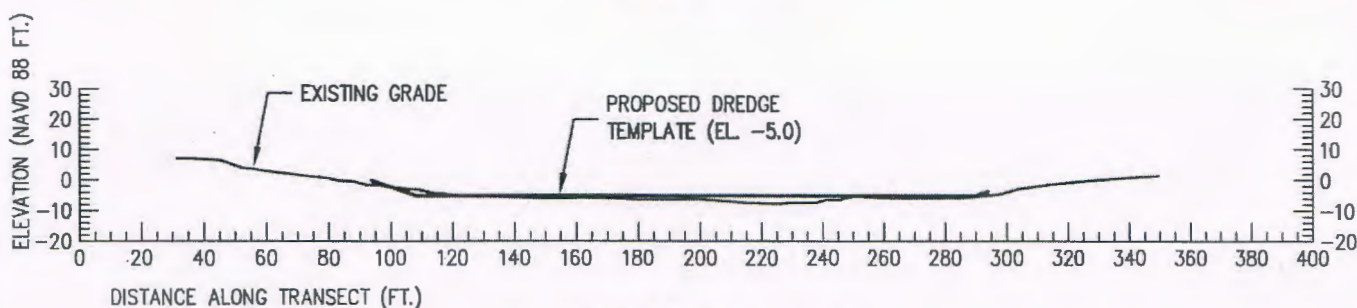
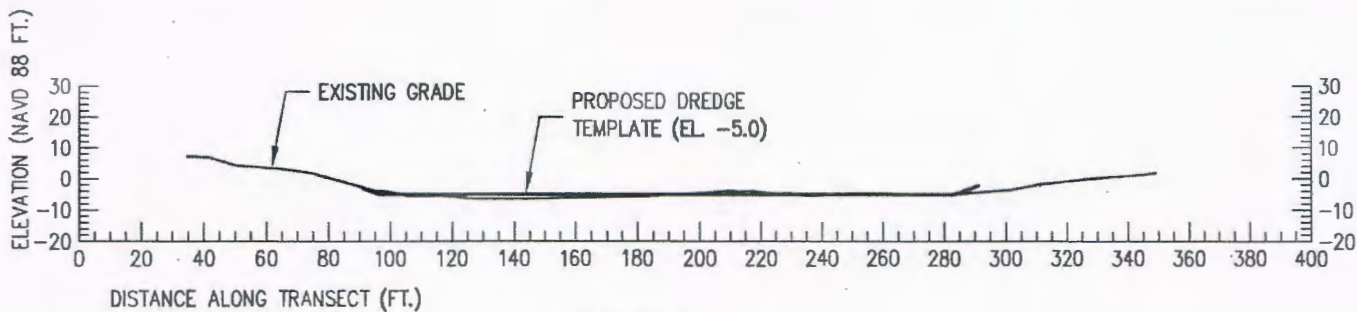
PURPOSE:  
TO PERFORM MAINTENANCE DREDGING  
IN PAMET HARBOR,  
TRURO, BARNSTABLE COUNTY, MA

### PLAN VIEW

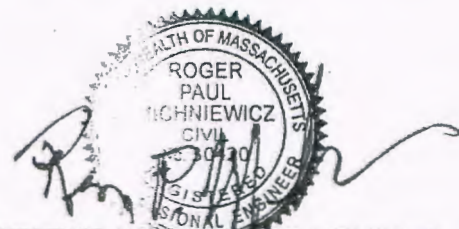
APPLICATION BY:  
TOWN OF TRURO  
75 DEPOT ROAD

PREPARED BY  
COASTAL ENGINEERING CO., INC.  
260 CRANBERRY HIGHWAY  
ORLEANS, MA 02653

MARCH 29, 2018 SHEET 3 OF 6



DRAWN BY: NDJ/CAA  
 JOB #: C13187.08  
 DRAWING C13187-08.dwg



REFERENCE DATUM IS MEAN LOW WATER=0.0  
 FEMA DATUM IS N.A.V.D.88

PURPOSE:  
 TO PERFORM MAINTENANCE DREDGING  
 IN PAMET HARBOR,  
 TRURO, BARNSTABLE COUNTY, MA

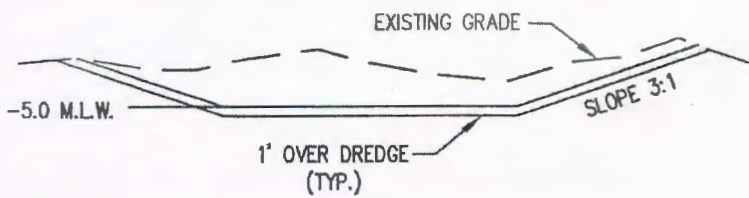
### SECTIONS

APPLICATION BY:  
 TOWN OF TRURO  
 75 DEPOT ROAD

PREPARED BY  
 COASTAL ENGINEERING CO., INC.  
 260 CRANBERRY HIGHWAY  
 ORLEANS, MA 02653

MARCH 29, 2018 SHEET 4 OF 6

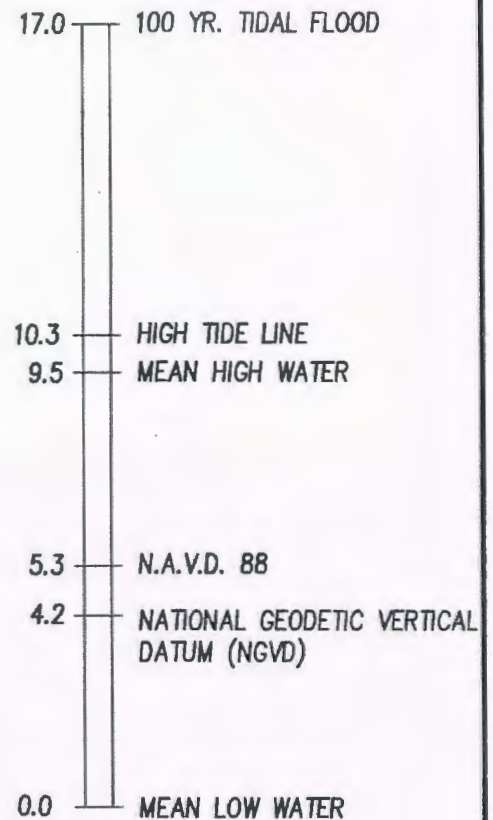




## TYPICAL DREDGE PROFILE

SCALE: 1" = 20'

1. PROPOSED DREDGE VOLUME = 1,500 C.Y.
2. PROPOSED DREDGE DEPTH = -5FT MLW. (WITH 1FT OVERDIG)
3. PROPOSED DREDGE FOOTPRINT = 114,260 S.F.
4. PROPOSED DREDGE TEMPLATES DESIGNED ON A 3:1 SLOPE FROM THE INTERSECTION OF THE PROPOSED DREDGE FOOTPRINT AND EXISTING GRADE TO THE PROPOSED DREDGE DEPTH OF -5FT MLW.
5. HYDROGRAPHIC SURVEY COMPLETED BY BARNSTABLE COUNTY DREDGE ON 01/30/17. HYDROGRAPHIC SURVEY SOUNDINGS VERIFIED BY LEAD LINE SURVEY CONDUCTED BY COASTAL ENGINEERING COMPANY ON 03/29/17.



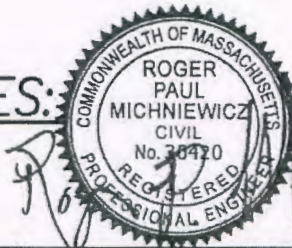
## CAPE COD BAY

## TIDAL FLOOD PROFILE

REF: A.C.O.E. TIDAL FLOOD SURVEY, SEPT. 1988  
PLATE C-25 PROFILE 10

## PROPOSED DREDGE NOTES:

DRAWN BY: NDJ/CAA  
JOB #: C13187.08  
DRAWING C13187-08.dwg



REFERENCE DATUM IS MEAN LOW WATER=0.0  
FEMA DATUM IS N.A.V.D.88

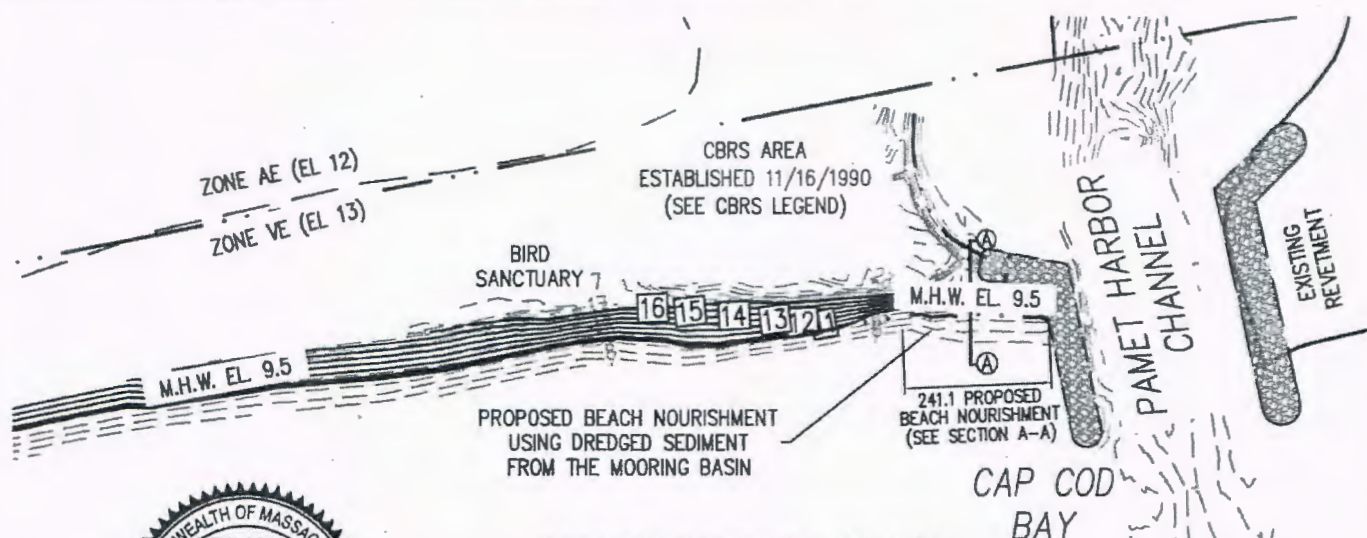
PURPOSE:  
TO PERFORM MAINTENANCE DREDGING  
IN PAMET HARBOR,  
TRURO, BARNSTABLE COUNTY, MA

## **DETAILS & NOTES**

APPLICATION BY:  
TOWN OF TRURO  
75 DEPOT ROAD  
  
PREPARED BY  
COASTAL ENGINEERING CO., INC.  
260 CRANBERRY HIGHWAY  
ORLEANS, MA 02653

MARCH 29, 2018

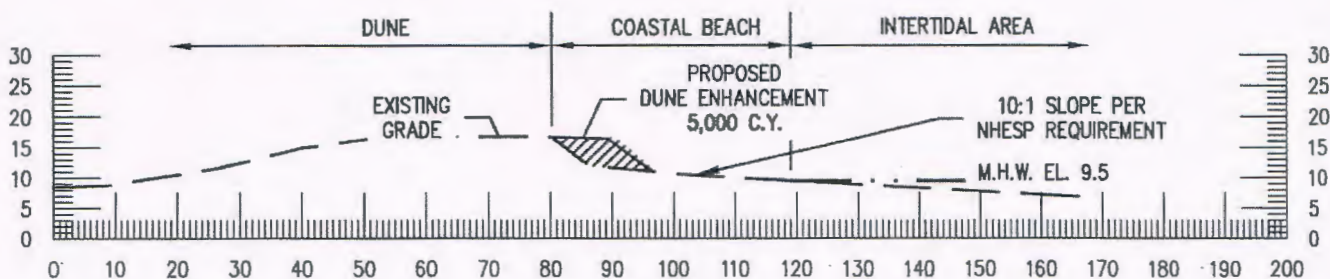
SHEET 5 OF 6



## NOURISHMENT PLAN



SCALE: 1"=500'



## SECTION A-A

SCALE: 1"=30'

LOCUS  
LAT. 41°-59'-28.8" N  
LONG. 70°-04'-23.2" W

DRAWN BY: NDJ/CAA  
JOB #: C13187.08  
DRAWING C13187-08 Beach Nourishment.dwg

REF: TOWN ASSESSOR'S MAP 50 PARCEL 18  
SOURCE: U.S.G.S. QUADRANGLE "TRURO - MA."

PURPOSE:  
TO PERFORM MAINTENANCE DREDGING  
IN PAMET HARBOR,  
TRURO, BARNSTABLE COUNTY, MA

## VICINITY MAP

APPLICATION BY:  
TOWN OF TRURO  
75 DEPOT ROAD

PREPARED BY  
COASTAL ENGINEERING CO., INC.  
260 CRANBERRY HIGHWAY  
ORLEANS, MA 02653

MARCH 29, 2018

SHEET 6 OF 6



# Special Conditions

1. You must complete and return the enclosed Work Start Notification Form to this office at least two weeks before the anticipated starting date.
2. This periodic maintenance dredging described herein and associated disposal of dredged material to be used as beach nourishment is authorized until the expiration of this Massachusetts General Permit on February 4, 2020. However, the permittee must notify this office, in writing, 60 days before the intended date of any such dredging and shall not begin such dredging until written notification has been obtained.
  - a. This written notice shall include a description of the planned dredging and disposal prior to that year's dredging.
  - b. This 60-day notification is not required for the initial new and/or maintenance dredging authorized by this permit. If material is to be disposed of at a site not specified on the attached plans, a modification will be required.
  - c. The permittee shall report any major events, such as storms, that have caused significant erosion, spills or other pollution known to occur within the dredge area.
    - i. Additional sampling may be required if the Corps determines that recent events have changed the sediment composition and require testing to determine the appropriateness of using the original ten year permit.
3. At the completion of each dredging event, the applicant shall provide the Corps of Engineers with a post dredge survey and report that includes the post dredge channel depth, an estimate of the volume of material removed, and the location on the beach within the authorized disposal area where the material was placed.
4. The First Coast Guard District, Local Notice to Mariners Office, (617) 223-8356, and Aids to Navigation Office, (617) 223-8347, shall be notified at least ten working days in advance of the intended start date of the location and estimated duration of the dredging and disposal operations.
5. The U.S. Coast Guard, Sector Southeastern New England, Waterways Management Section, (401) 435-2351, shall be notified at least ten working days in advance of the intended start date of the location and estimated duration of the dredging and disposal operations. An alternate contact is the Coast Guard Sector Southeastern New England Command Center, Woods Hole, (508) 457-3211.
6. There shall be no dredging in the approach channel (STA 22<sup>+25</sup> to STA 35<sup>+00</sup>) or the inlet channel (STA 6<sup>+00</sup> to STA 22<sup>+25</sup>) from March 15 to October 31, inclusive, in order to minimize adverse impact to endangered species protected by the National Marine Fisheries Service under Section 7 of the Endangered Species Act and winter flounder.
7. There shall no dredging in the inlet channel from February 1 to July 31 in order to protect *Limulus polyphemus* (horseshoe crabs) unless the following conditions are met

- a. There shall be no dredging in the inlet channel from February 1 to June 30 inclusive, in order to minimize adverse impact to horseshoe crabs, unless dredging is three days or less and fewer than 4 other inlet channels are being dredged in the North Cape Cod region. This time of year restriction is recommended to further extend through July 31 to protect staging adult horseshoe crabs unless the dredging activity is greater 750 feet from the beach. The horseshoe crab dredging time of year restriction may also be waived if dredging avoids a 5-day period around the new and full moons and is 3 days or less.
  - b. There shall be no nourishment from May 1 to July 31, inclusive, in order to minimize adverse impact to horseshoe crab eggs, larvae, and newly settled juveniles.
8. The attached state-approved Piping Plover Management Plan "Plan" shall be in place and implemented for the proposed onshore dredge disposal and/or any related construction activity ("beach nourishment") location prior to, during and after any disposal of dredged material.
9. The following management actions which also may be listed in the approved Plan or Agreement, must be implemented each year following disposal in perpetuity as long as the piping plover monitor determines that it remains potentially suitable piping plover nesting habitat.<sup>2</sup> This is to avoid adverse effects to Piping Plovers from recreational impacts associated with the nourished beach.
  - a. Any suitable piping plover habitat created by work performed under this authorization shall be managed in accordance with the USFWS Northeast Region April 1 1994 document titled Guidelines for Managing Recreational Activities in Piping Plover Breeding Habitat on the US Atlantic Coast to Avoid Take Under Section of the Endangered Species Act Guidelines for managing recreational beaches on which Federally listed piping plovers may be present. This document is located at <http://www.fws.gov/northeast/pipingplover/pdf/recguide.pdf>.
  - <sup>2</sup> "Potentially suitable piping plover nesting habitat" is habitat that contains natural features associated with known plover habitat and that could be reasonably expected to be occupied by piping plovers either in the upcoming nesting season or in the reasonably foreseeable future.
  - b. The disposal area shall be posted with warning signs and/or "symbolic fencing"<sup>3</sup> before April 1 of each year and managed according to the Guidelines. These conditions are applicable as long as piping plovers are listed under Section of the Endangered Species Act
- <sup>3</sup> Symbolic fencing refers to two strands of light-weight string, tied between posts to delineate at least a 50-meter radius around nest areas where pedestrians and vehicles should not enter.



10. The initial and all subsequent beach nourishment activities authorized herein, unless otherwise directed by the Corps, shall be placed at no steeper of slope than 10:1 (10 horizontal to 1 vertical) as shown on the attached plans and have no vegetation plantings. This is to create or restore degraded plover habitat.
11. In order to protect the Piping Plover, Red Knot, and Roseate Tern, there shall be no beach nourishment activities from April 1- September 30. If any disposal or construction activity could unavoidably extend into this restriction period, the permittee must notify the USFWS (see 3d below) at least two weeks prior and the USFWS may require the following in order to avoid adversely affecting breeding piping plovers:
  - a. A qualified piping plover monitor<sup>1</sup> must be in place by April 1<sup>st</sup> of the year in which disposal is to occur to document location and activities of breeding plovers and to observe disposal activities relative to plover activities during the upcoming disposal period. In any calendar year, pre-disposal or related construction activity surveys shall begin one week prior to April 1<sup>st</sup> or one week prior to the commencement of any on-site project activity if the activity starts after April 1<sup>st</sup>. On at least four non-consecutive days, the piping plover monitor shall survey the project area (including landing, staging, operation, sand-transport and beach nourishment areas) for the occurrence of territorial, courting or nesting piping plovers. Each day's monitoring shall consist of two separate surveys conducted during different times of the tidal cycle;
  - b. Dredge/disposal activities must be located 200 meters or more from piping plover territories and/or nests;
  - c. Plovers must be monitored continuously during project activities. Piping plover monitoring field notes shall be provided to the USFWS upon request. Piping plover monitoring is the process of observing and recording data on piping plover breeding activities without causing disturbance to the birds under observation. Monitoring includes, but is not limited to, detecting and recording locations of territorial and courting adults, locating nests and incubating adults, locating broods, interpreting piping plover behaviors, and documenting observations in legible, complete field notes. Except to determine the number of eggs in newly discovered nest, monitoring is done using binoculars or spotting scopes from distance of at least 50 meters;
  - d. If it is determined by the on-site qualified piping plover monitor that piping plovers are disturbed by the activity; (i) all work shall cease immediately and (ii) the USFWS shall be notified immediately at (603) 223-2541 x22 for further consultation.
12. In association with authorized activities, if a crushed nest or dead piping plover chick or adult is found, the permittee is required to immediately contact the Division of Law Enforcement, USFWS, Office of Law Enforcement, 70 Everett Avenue, Suite 315, Chelsea, MA 02150; (617) 889-6616.

13. In order to protect endangered species listed under section 7 of the Endangered Species Act under the jurisdiction of the National Marine Fisheries Service, dredging and nourishment vessels including tugs, barges, and scows transiting between the dredge site and the nourishment site shall operate at speeds not to exceed 10 knots. Nourishment is not permitted if these requirements cannot be met due to weather or sea conditions. In that regard, the permittee and contractor shall be aware of predicted conditions before departing for the disposal site. For unanticipated conditions, a vessel may operate at a speed necessary to maintain safe maneuvering speed instead of the required 10 knots. This alternative speed is justified only when the vessel is in an area where oceanographic, hydrographic and/or meteorological conditions severely restrict the maneuverability of the vessel and the need to operate at such speed is confirmed by the vessel captain. If a deviation from the 10-knot speed limit is necessary, the reasons for the deviation, the speed at which the vessel is operated, the latitude and longitude of the area, and the time and duration of such deviation shall be entered into the logbook of the vessel. The master of the vessel shall attest to the accuracy of the logbook entry by signing and dating it. The intent of this condition is to reduce the potential for vessel collisions with endangered turtles and whales.
14. A marine mammal/turtle observer must be present aboard disposal vessels for all dredging, transportation, and nourishment activities. The disposal vessel operator can assign a crewmember to be the designated lookout for that trip. The name of the observer or designated lookout must be recorded in the logbook and is required to be on lookout for marine mammals and sea turtles for the duration of the trip.
15. The permittee (or designee, captain, observer or designated lookout) shall:
  - a. Contact NMFS at (978) 282-8469 and check [www.listenforwhales.org](http://www.listenforwhales.org) or [www.nefsc.noaa.gov/psb/surveys](http://www.nefsc.noaa.gov/psb/surveys) before the initial disposal operation to determine the potential presence of whales in the area; and
  - b. Report whale and sea turtle sightings as soon as possible (within 24-hours) to the NMFS Marine Animal Response Hotline at (866) 755-NOAA; and
  - c. Report any interactions with listed species as soon as possible (within 24-hours) to the NMFS Marine Animal Response Hotline at (866) 755-NOAA or USCG via CH-16 and immediately report any injured or dead marine mammals or sea turtles to NMFS at (866) 755-NOAA.
16. The vessel captain shall:
  - a. Lookout for turtles and whales at all times; and
  - b. Employ its searchlight in darkness or otherwise limited visibility for the benefit of the observer when dredging and nourishment vessels have left the harbor and are traveling to, at, or returning from the nourishment site; and
  - c. Avoid harassment of or direct impact to turtles and whales except when precluded by safety considerations; and
  - d. Ensure that the disposal vessel adheres to the attached NMFS regulations for approaching right whales, 50 CFR 222.32, which restrict approaches within



1,500 feet (500 yards) of a right whale and specify avoidance measures for vessels that encounter right whales; and

17. Dredge slurry shall be dewatered in a dewatering pit/trench constructed on the beach above the HTL as seen on the plans. This will allow the suspended sediment to settle and the water to percolate through the sand back to Cape Cod Bay. The scheduling of dredging and dewatering shall be such that the capacity of the dewatering pit/trench is not exceeded under any circumstances.
18. Unless otherwise stated, all submittals and coordination related to these special conditions shall be submitted via: a) MAIL: PATS Branch - Regulatory Division, Corps of Engineers, New England District, 696 Virginia Road, Concord, MA 01742-2751, b) EMAIL: [cenae-r@usace.army.mil](mailto:cenae-r@usace.army.mil); or c) FAX: (978) 318-8303. Direct general dredge related questions to (978) 318-8338. Documents which are not addressed in this manner may not reach their intended destination and do not comply with the requirements of this permit.