



# PUBLIC NOTICE

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

**Comment Period Begins: February 24, 2015**  
**Comment Period Ends: March 26, 2015**  
**File Number: NAE-2013-01908**  
**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 from the Massachusetts Department of Transportation – Highway Division (MassDOT), 10 Park Plaza, Boston, Massachusetts 02116. This work is proposed in the Bass River at a former railroad bridge crossing, approximately 200 feet south of the U.S. Route 6 crossing, in Dennis and Yarmouth, Massachusetts. The site coordinates are: Latitude 41.692932°, Longitude -70.169548°.

The work involves the excavation of 2,150 cubic yards of material over a 13,135 square-foot area below Mean High Water (MHW), and the discharge of 9,300 square feet of fill material below the High Tide Line (HTL), associated with the Cape Cod Rail Trail Extension Project over the Bass River in Dennis and Yarmouth, Massachusetts. The Cape Cod Rail Trail Extension Project would add a 3.7-mile extension to the existing Cape Cod Rail Trail shared use path, beginning at the current trail terminus at Route 134 in Dennis and ending at Peter Homer Park on Old Town House Road in Yarmouth. The work in waters of the United States is limited to work associated with the construction of a pedestrian bridge over the Bass River, and related channel restoration/widening work. A former railroad bridge in the same location was removed in 2010, though the original abutments remain in place. The project proposes to remove the existing abutments, excavate material from behind the abutments to create a wider channel opening, dredge within high portions of the channel to establish a channel depth of nine feet at Mean Low Water (MLW), install rip-rap slope protection, and construct a new pedestrian bridge with new abutments located in upland areas landward of the original abutments. Rip-rap installation along the western approach will be conducted behind steel sheet cofferdams. The channel will be widened from its current 60-foot width to approximately 114 feet wide at MHW. Of the total proposed impacts, 1,145 square feet will occur in salt marsh and 259 square feet will occur in freshwater wetlands, with the remainder occurring in unvegetated intertidal and subtidal areas. [NOTE: The United States Coast Guard (USCG) is the permitting authority for the bridge structure and location. For this project, the Corps only has permitting authority over the placement of fill material, and the excavation/dredging related to channel restoration, in waters of the United States, including wetlands.]

The work is shown on the attached plans entitled “MASSACHUSETTS DEPARTMENT OF TRANSPORTATION, BASS RIVER BRIDGE – CAPE COD RAIL TRAIL EXT.; BASS RIVER M.P. 3.70, YARMOUTH AND DENNIS, BARNSTABLE COUNTY, MASSACHUSETTS” on 10 sheets, and dated “FEBRUARY 18, 2015”.

In developing plans for constructing the Cape Cod Rail Trail Extension Bridge, MassDOT included several design elements to avoid and minimize impacts to waters of the United States, including using a long, single-span bridge to avoid the need for pile supports in the river, using a narrow bridge to minimize the width of bridge approaches, minimizing the dredge footprint to only those areas needed to establish a nine-foot depth, and installing rip-rap slope protection at a 1.5:1 slope. MassDOT is proposing several measures to mitigate for

unavoidable impacts. Salt marsh vegetation to be impacted by the project will be removed prior to impact and transplanted to suitable locations near the project site. The toe of rip-rap at the approaches will be covered by a layer of sandy material dredged from the channel, thereby restoring a sandy substrate in these locations. Additionally, the project includes restoration of the stream channel by excavating portions of the existing approaches, thereby reducing the unnatural constriction in this location created by the construction of the railroad bridge. This will increase tidal flushing through the bridge opening, which is expected to benefit upstream salt marsh habitat, and reduce tidal current velocities at the bridge, reducing erosion at this location and making it easier for fish and other aquatic organisms to pass through the area. The widening and deepening of the channel and associated reduction in current velocities are also expected to improve navigation under the bridge.

**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

**CENAE-R****FILE NO. NAE-2013-01908**

Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH).

This project will impact approximately 0.4 acres of Essential Fish Habitat (EFH) for the species and life stages listed below. This habitat consists primarily of fine to coarse sand, with areas of hard packed cobbles and stones in the scoured center of the channel. Loss of this habitat may adversely affect the following species and life stages:

Species	Eggs	Larvae	Juveniles	Adults
Atlantic butterfish ( <i>Peprilus triacanthus</i> )			X	
Little skate ( <i>Leucoraja erinacea</i> )	X	X	X	X
Smooth dogfish ( <i>Mustelus canis</i> )	X	X	X	X
Atlantic wolfish ( <i>Anarhichas lupus</i> )	X	X	X	X
Long-finned squid ( <i>Loligo pealeii</i> )			X	X
Alewife ( <i>Alosa pseudoharengus</i> )	X	X	X	X
Blueback herring ( <i>Alosa aestivalis</i> )	X	X	X	X
American eel ( <i>Anguilla rostrata</i> )		X	X	
Tomcod ( <i>Microgadus tomcod</i> )	X	X	X	X
Winter flounder ( <i>Pleuronectes americanus</i> )	X	X	X	X
White perch ( <i>Morone americana</i> )	X	X	X	X
Atlantic sturgeon ( <i>Acipenser oxyrinchus</i> )			X	X
Quahog ( <i>Mercenaria mercenaria</i> )	X	X	X	X
Soft-shell clam ( <i>Mya arenaria</i> )	X	X	X	X
American oyster ( <i>Crassostrea virginica</i> )	X	X	X	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 by the Federal Highway Administration, the lead Federal agency for this project, 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.

**COASTAL ZONE MANAGEMENT**

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:

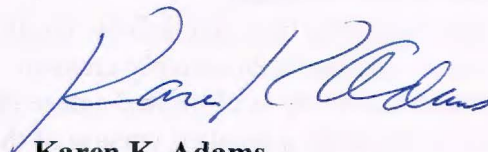
- ( X ) Permit, License or Assent from State.
- ( X ) Permit from Local Wetland Agency or Conservation Commission.
- ( X ) Water Quality Certification in accordance with Section 401 of the Clean Water Act.

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.

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**

**CENAE-R**

**FILE NO. NAE-2013-01908**

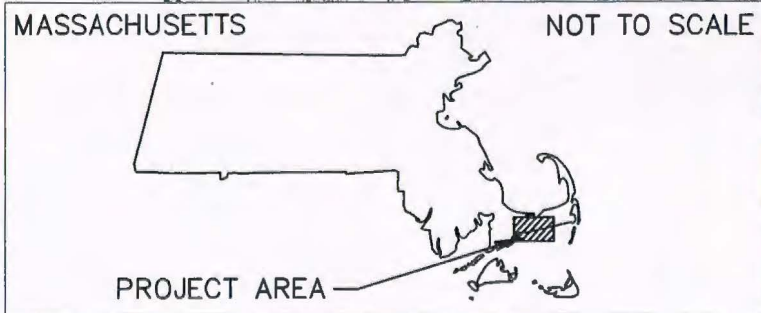
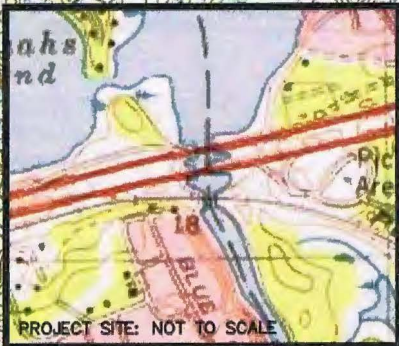
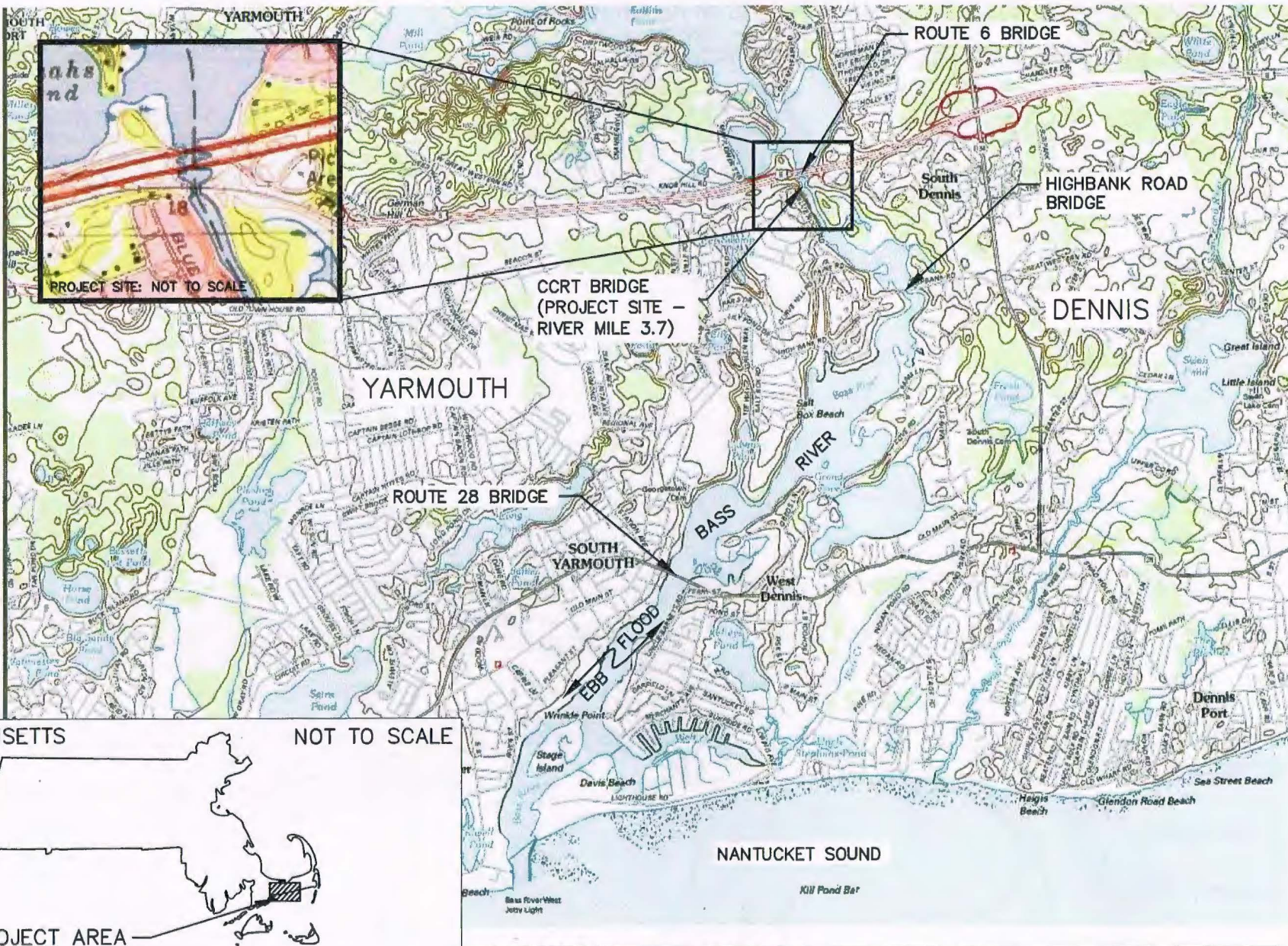
If you would prefer not to continue receiving Public Notices by email, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at [bettina.m.chaisson@usace.army.mil](mailto:bettina.m.chaisson@usace.army.mil). You may also check here ( ) and return this portion of the Public Notice to: Bettina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

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

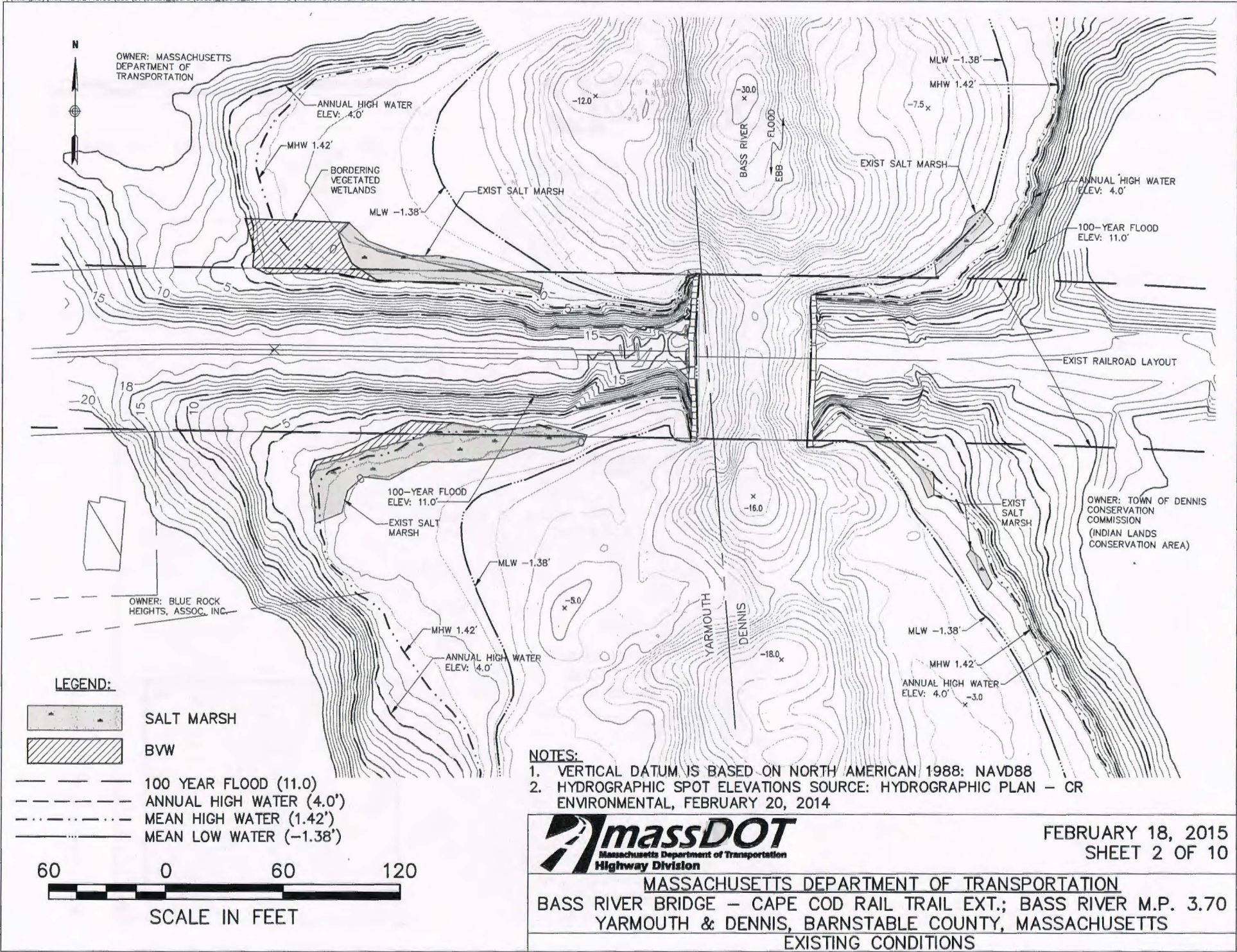
PHONE: \_\_\_\_\_



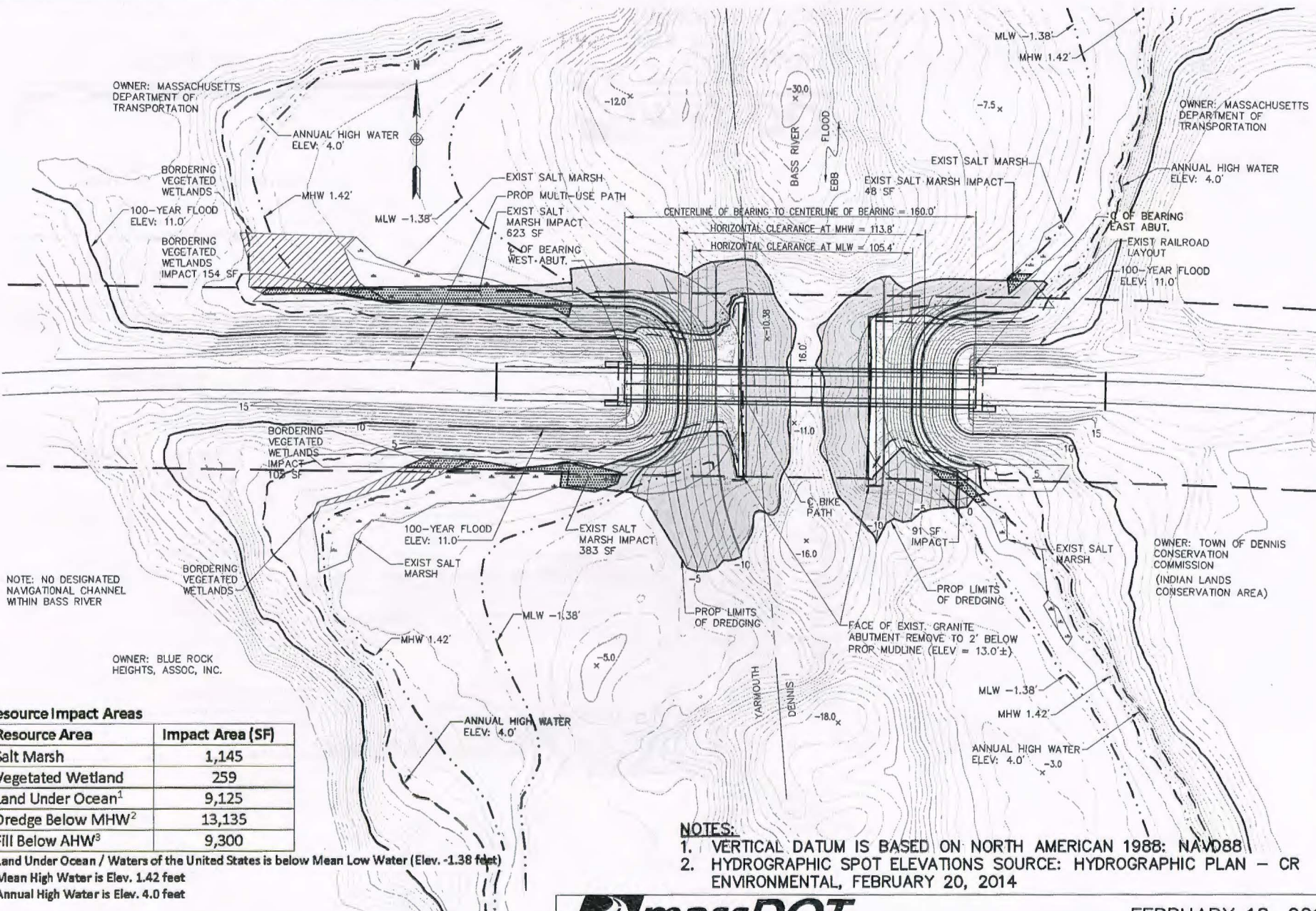


FEBRUARY 18, 2015  
SHEET 1 OF 10

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION  
BASS RIVER BRIDGE - CAPE COD RAIL TRAIL EXT.; BASS RIVER M.P. 3.70  
YARMOUTH & DENNIS, BARNSTABLE COUNTY, MASSACHUSETTS







NOTE: NO DESIGNATED NAVIGATIONAL CHANNEL WITHIN BASS RIVER

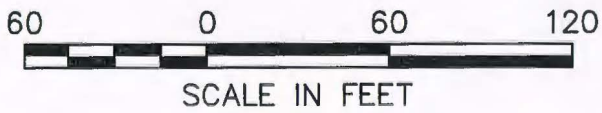
**Resource Impact Areas**

Resource Area	Impact Area (SF)
Salt Marsh	1,145
Vegetated Wetland	259
Land Under Ocean <sup>1</sup>	9,125
Dredge Below MHW <sup>2</sup>	13,135
Fill Below AHW <sup>3</sup>	9,300

- 1 Land Under Ocean / Waters of the United States is below Mean Low Water (Elev. -1.38 feet)
- 2 Mean High Water is Elev. 1.42 feet
- 3 Annual High Water is Elev. 4.0 feet

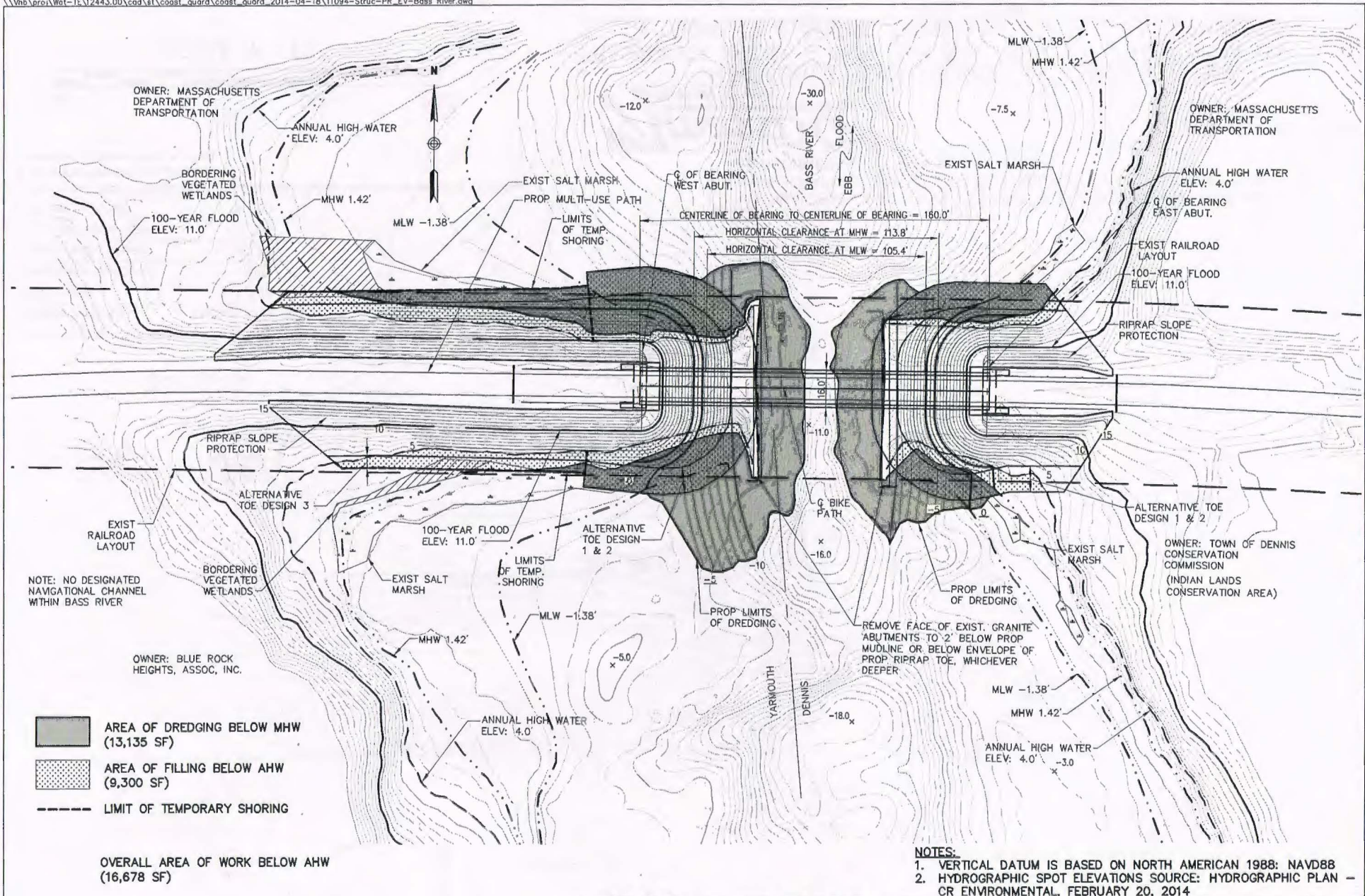
**NOTES:**

- 1. VERTICAL DATUM IS BASED ON NORTH AMERICAN 1988: NAVD88
- 2. HYDROGRAPHIC SPOT ELEVATIONS SOURCE: HYDROGRAPHIC PLAN - CR ENVIRONMENTAL, FEBRUARY 20, 2014



FEBRUARY 18, 2015  
SHEET 3 OF 10

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION  
BASS RIVER BRIDGE - CAPE COD RAIL TRAIL EXT.; BASS RIVER M.P. 3.70  
YARMOUTH & DENNIS, BARNSTABLE COUNTY, MASSACHUSETTS  
PLAN VIEW




NOTE: NO DESIGNATED NAVIGATIONAL CHANNEL WITHIN BASS RIVER

- AREA OF DREDGING BELOW MHW (13,135 SF)
- AREA OF FILLING BELOW AHW (9,300 SF)
- LIMIT OF TEMPORARY SHORING

OVERALL AREA OF WORK BELOW AHW (16,678 SF)



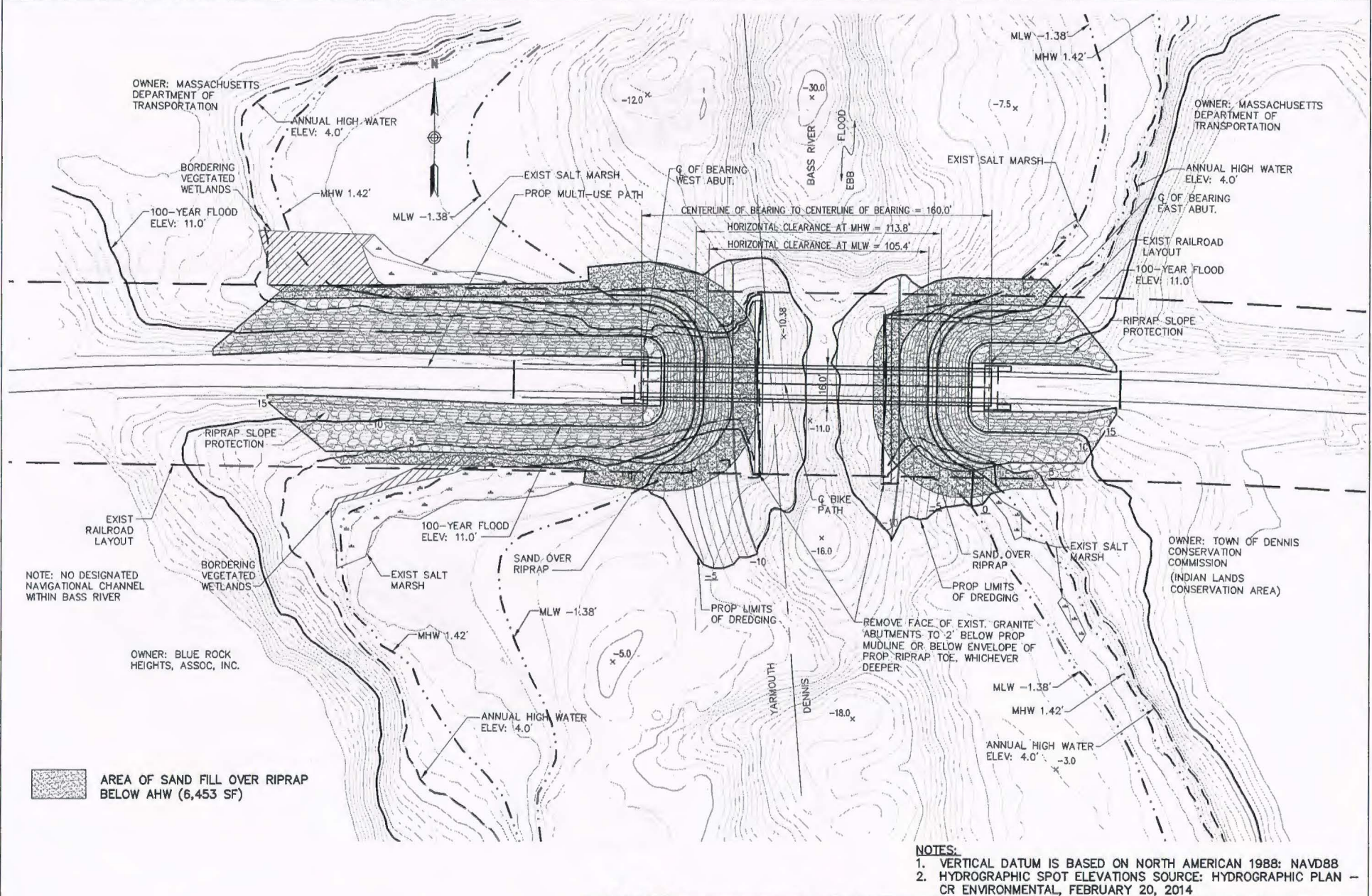
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FEBRUARY 18, 2015  
SHEET 4 OF 10

**MASSACHUSETTS DEPARTMENT OF TRANSPORTATION**  
**BASS RIVER BRIDGE - CAPE COD RAIL TRAIL EXT.; BASS RIVER M.P. 3.70**  
**YARMOUTH & DENNIS, BARNSTABLE COUNTY, MASSACHUSETTS**  
**DREDGE AND FILL PLAN**



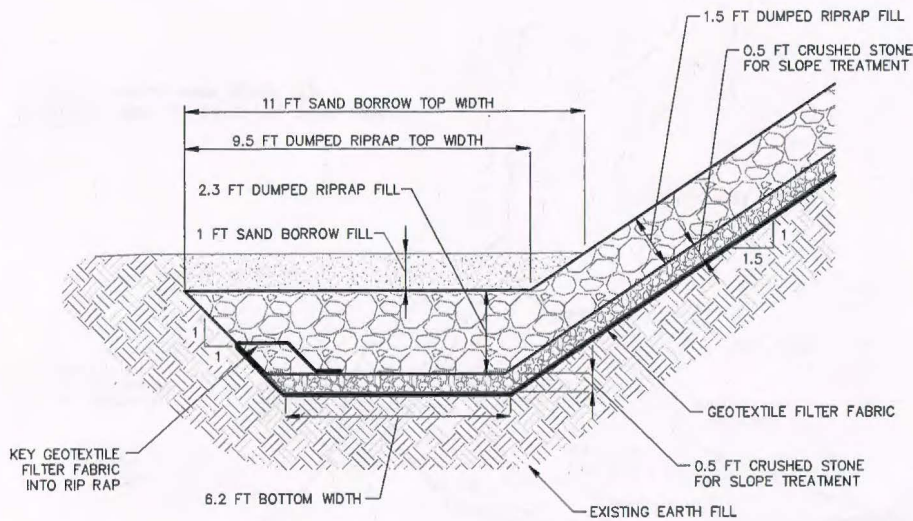
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**massDOT**  
 Massachusetts Department of Transportation  
 Highway Division

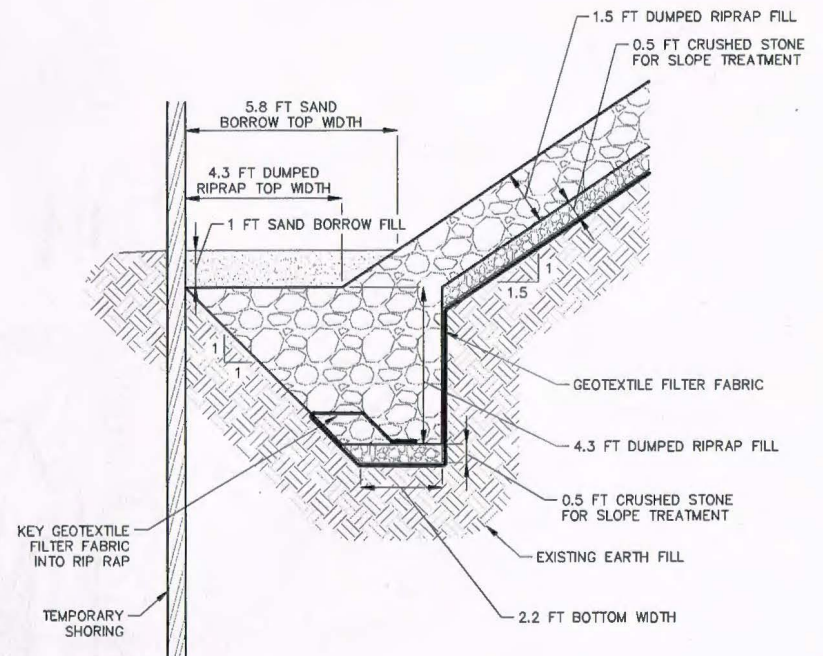
FEBRUARY 18, 2015  
 SHEET 5 OF 10

**MASSACHUSETTS DEPARTMENT OF TRANSPORTATION**  
 BASS RIVER BRIDGE - CAPE COD RAIL TRAIL EXT.; BASS RIVER M.P. 3.70  
 YARMOUTH & DENNIS, BARNSTABLE COUNTY, MASSACHUSETTS  
 SAND OVER RIPRAP PLAN



ALTERNATIVE TOE DESIGN 1 & 2

N.T.S.



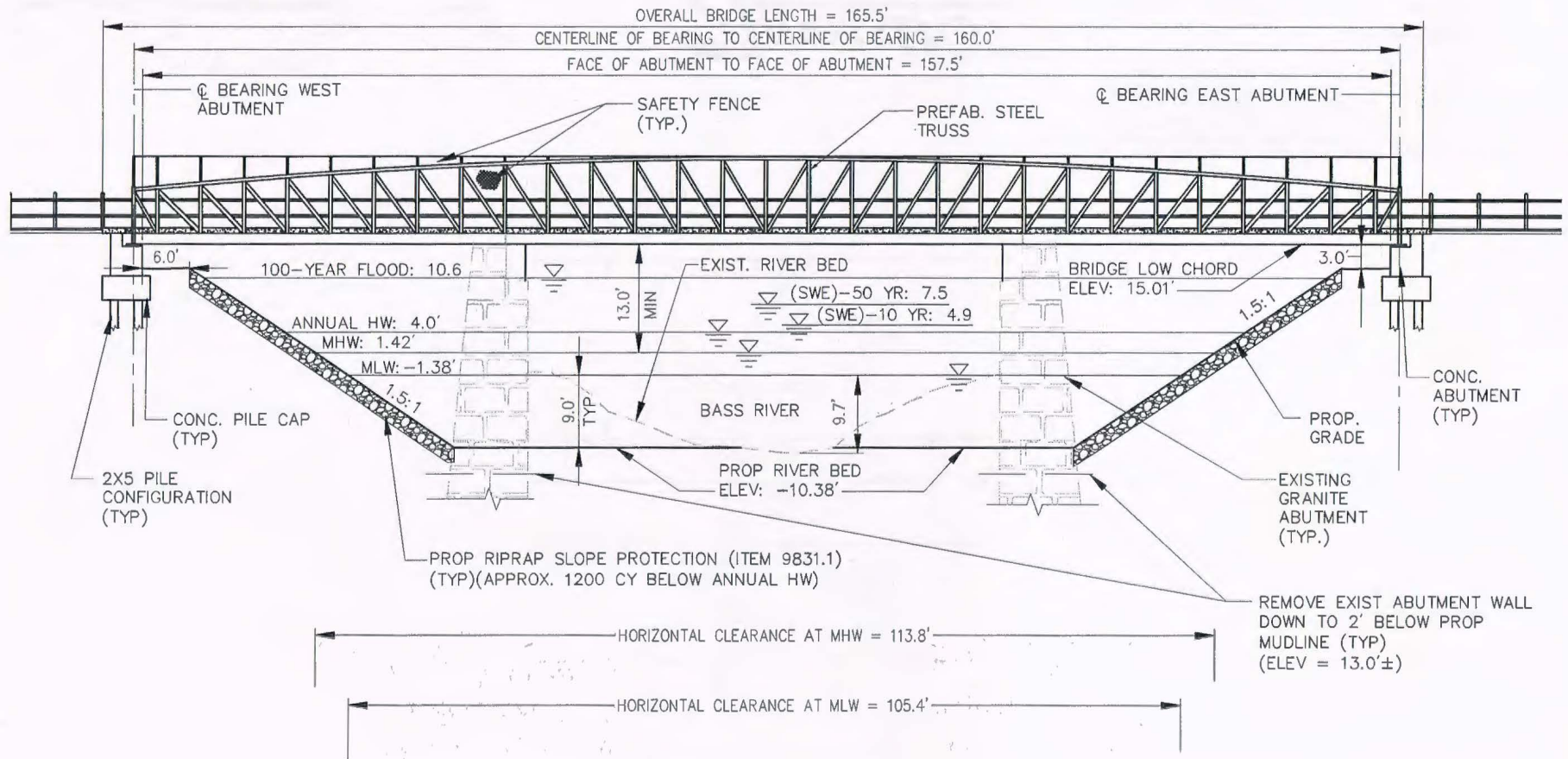
ALTERNATIVE TOE DESIGN 3

N.T.S.



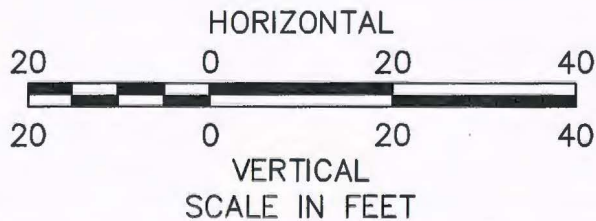
FEBRUARY 18, 2015  
SHEET 6 OF 10

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION  
YARMOUTH & DENNIS, BARNSTABLE COUNTY, MASSACHUSETTS  
ABUTMENT TOE DESIGN ALTERNATIVES  
TOE DESIGN DETAILS



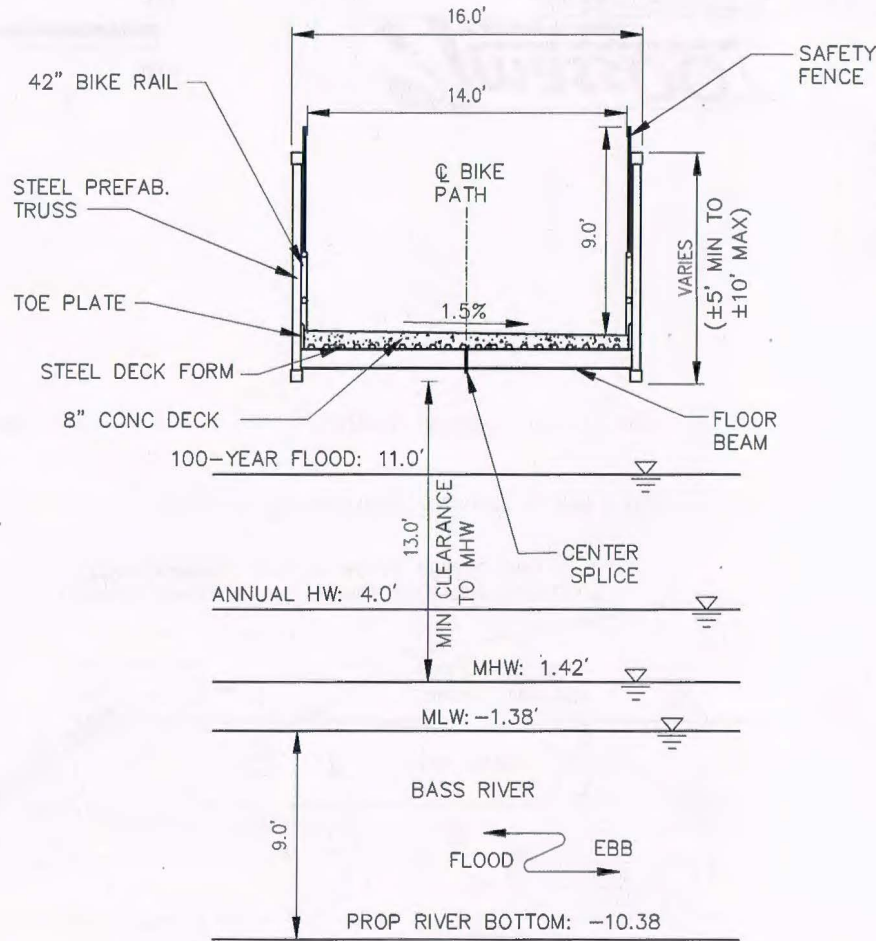
**NOTES:**

1. VERTICAL DATUM IS BASED ON NORTH AMERICAN 1988: NAVD88
2. HYDROGRAPHIC ELEVATIONS SOURCE: HYDROGRAPHIC PLAN - CR ENVIRONMENTAL, FEBRUARY 20, 2014
3. PEDESTRIAN BRIDGE DESIGN COMPLIES WITH ALL APPLICABLE AASHTO STANDARDS.
4. EXISTING HORIZONTAL CLEARANCE IS 60' AT MHW
5. (SWE) = STILL WATER ELEVATION



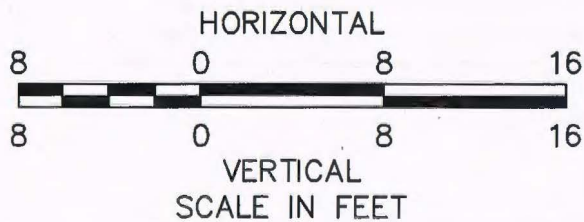
FEBRUARY 18, 2015  
 SHEET 7 OF 10

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION  
 BASS RIVER BRIDGE - CAPE COD RAIL TRAIL EXT.; BASS RIVER M.P. 3.70  
 YARMOUTH & DENNIS, BARNSTABLE COUNTY, MASSACHUSETTS  
 BRIDGE ELEVATION



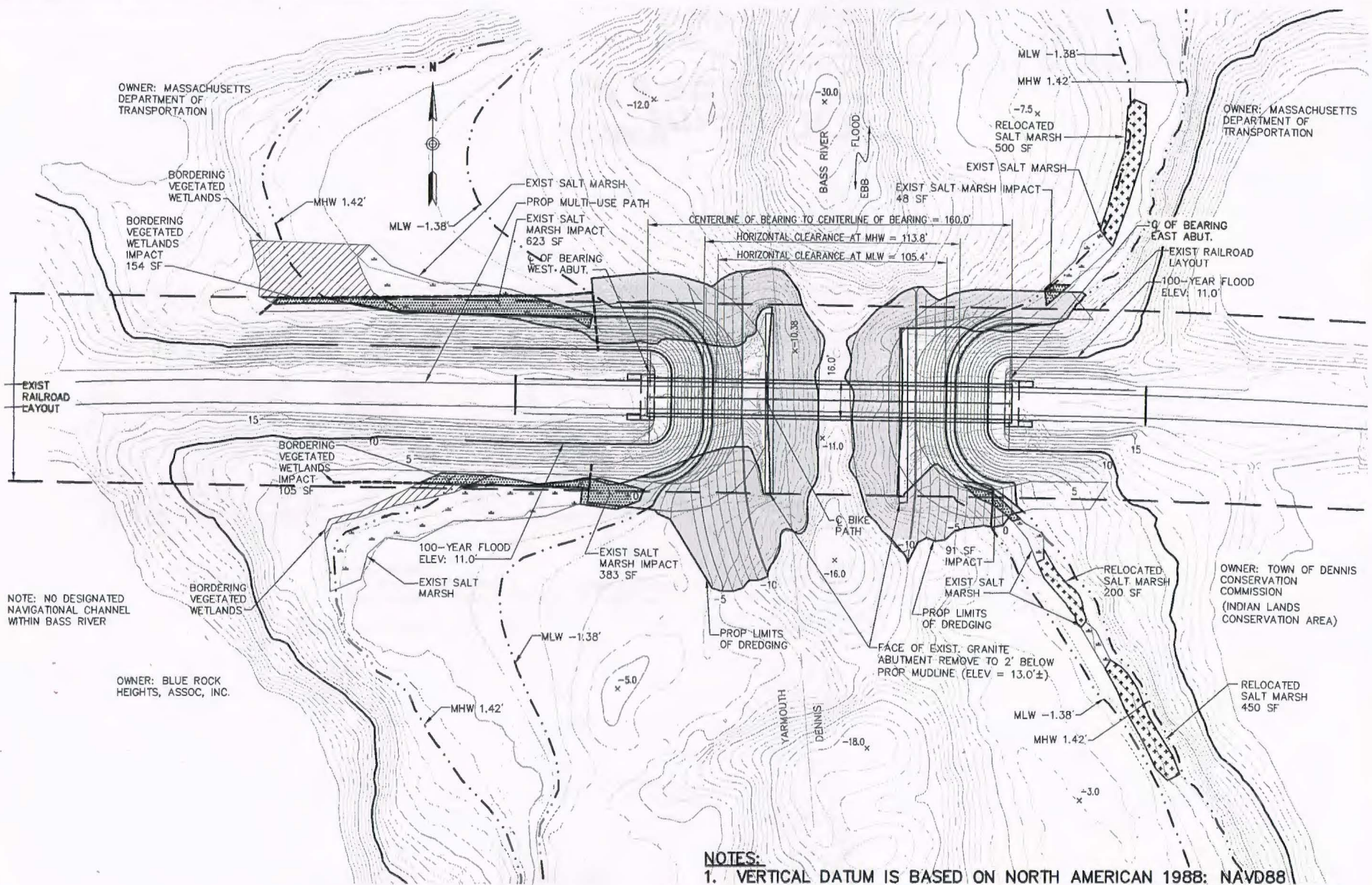
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4. EXISTING HORIZONTAL CLEARANCE IS 60' AT MHW.



FEBRUARY 18, 2015  
SHEET 8 OF 10


MASSACHUSETTS DEPARTMENT OF TRANSPORTATION  
BASS RIVER BRIDGE - CAPE COD RAIL TRAIL EXT.; BASS RIVER M.P. 3.70  
YARMOUTH & DENNIS, BARNSTABLE COUNTY, MASSACHUSETTS  
BASS RIVER - BRIDGE SECTION



NOTE: NO DESIGNATED NAVIGATIONAL CHANNEL WITHIN BASS RIVER

- NOTES:**
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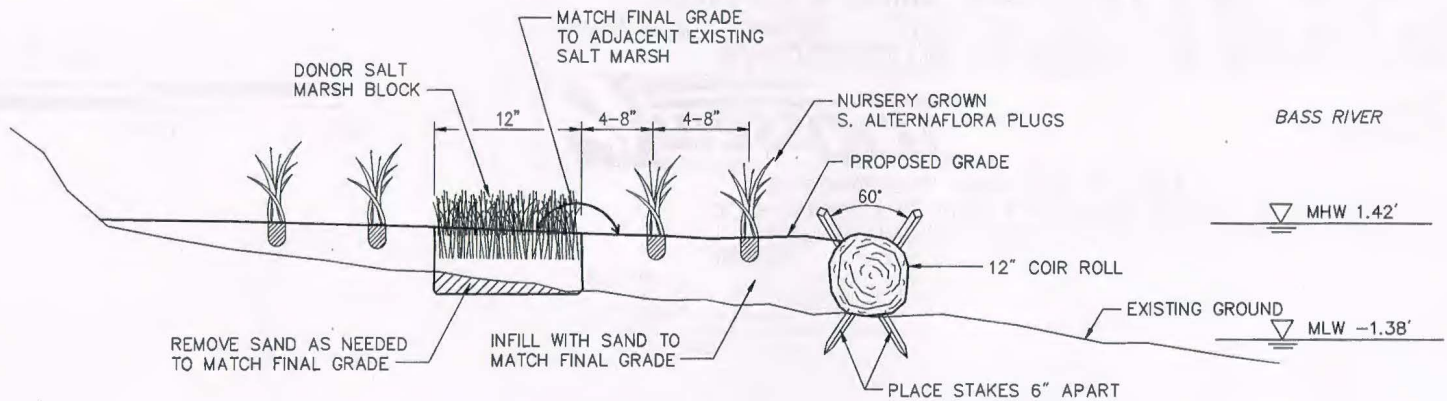




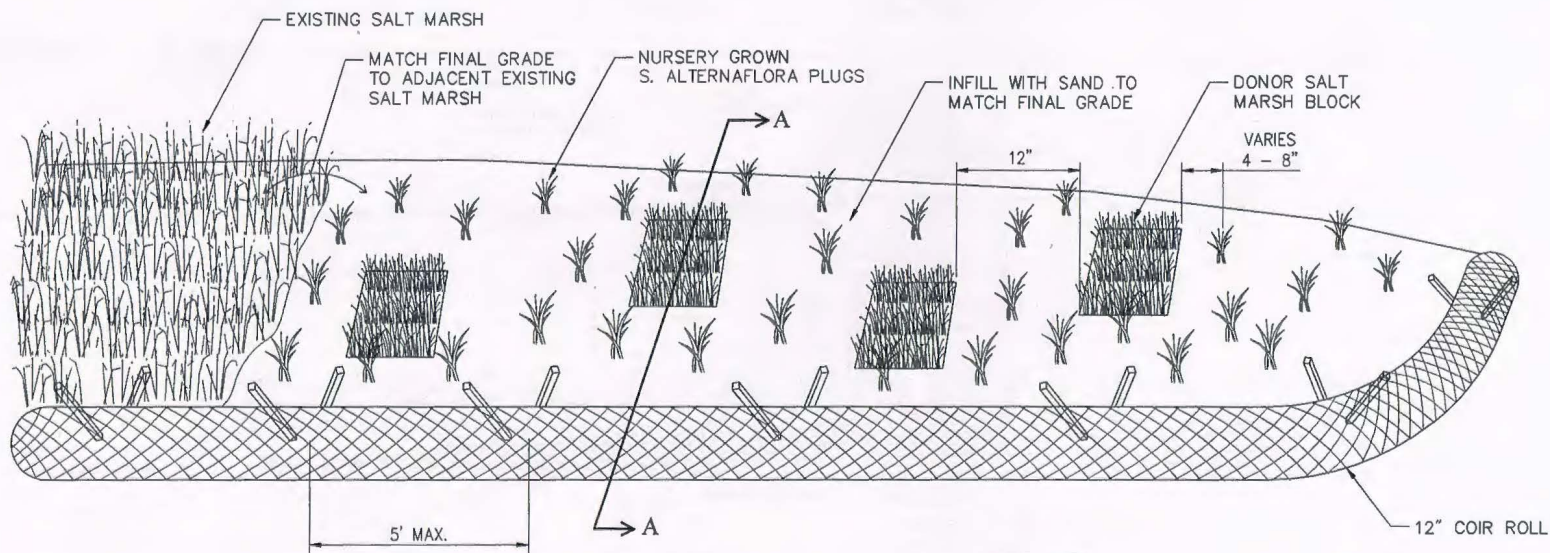
**massDOT**  
Massachusetts Department of Transportation  
Highway Division

FEBRUARY 18, 2015  
SHEET 9 OF 10

**MASSACHUSETTS DEPARTMENT OF TRANSPORTATION**  
**BASS RIVER BRIDGE - CAPE COD RAIL TRAIL EXT.; BASS RIVER M.P. 3.70**  
**YARMOUTH & DENNIS, BARNSTABLE COUNTY, MASSACHUSETTS**  
**SALT MARSH MITIGATION PLAN**



SECTION A-A



PLAN

NOT TO SCALE



FEBRUARY 18, 2015  
SHEET 10 OF 10

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION  
BASS RIVER BRIDGE - CAPE COD RAIL TRAIL EXT.; BASS RIVER M.P. 3.70  
YARMOUTH & DENNIS, BARNSTABLE COUNTY, MASSACHUSETTS  
SALT MARSH MITIGATION PLAN