

---

# PUBLIC NOTICE



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

**Comment Period Begins: October 23, 2012**  
**Comment Period Ends: November 6, 2012**  
**File Number: NAE-2008-3213**  
**In Reply Refer To: Kevin R. Kotelly, P.E.**  
**Phone: (978) 318-8703**  
**E-mail: kevin.r.kotelly@usace.army.mil**

---

The District Engineer has received a permit application to conduct work in waters of the United States as described below.

## **APPLICANT**

The Coastal Property Owner's Association  
Plum Island, Massachusetts

## **PROPOSED WORK AND PURPOSE**

To perform work and discharge dredged material below the high tide line (HTL) of waters of the United States in order to bulldoze sand from the intertidal zone and place it in front of the coastal dune that exists just above the high tide line at Plum Island Beach, Newbury, Massachusetts. This activity is referred to as beach scraping. The area being reviewed under this public notice is the area directly in front of 1 Southern Boulevard and 25 and 27 Annapolis Way on the attached Figure 1. The area below the HTL where beach scraping is proposed is approximately 35,000 square feet. Sand would be bulldozed in layers not to exceed two (2) feet. The three properties listed above have been identified by the Newbury Building Commissioner as in danger of losing occupancy permits due to erosion of the coastal dune in front of their properties. The purpose of the project is storm protection. The work is described on the enclosed plans entitled, "Plum Island Beach Scraping," on two sheets, and dated, September, 2012.

The permit would be valid for a one time beach scraping event only. Future beach scraping proposals will require a permit reauthorization. The Corps issued a permit for beach scraping in front of the adjacent properties 29, 31, 35, 37, and 39 Annapolis Way in September, 2012. It is intended to perform beach scraping in front of all eight properties during one beach scraping event.

## **MITIGATION**

Plum Island Beach is a high energy barrier beach consisting of shifting sand. There are no quantifiable environmental resources expected to be impacted in the intertidal area of the beach. Therefore, no mitigation is proposed and none will be required.

## **WATERWAY AND LOCATION OF THE PROPOSED WORK**

This work is proposed in the Atlantic Ocean at Plum Island Beach at 1 Southern Boulevard and 25 and 27 Annapolis Way, Newbury, Massachusetts. The site coordinates are: Latitude 42°47'55" N Longitude 70°48'29" W.

**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 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 35,000 SF of Essential Fish Habitat (EFH) for Atlantic salmon, Atlantic cod, Pollock, whiting, white hake, winter flounder, yellowtail flounder, Atlantic halibut, Atlantic sea scallop, Atlantic sea herring, and Atlantic mackerel. This habitat consists of intertidal sand. Loss of this habitat may adversely affect the species listed above. 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 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.

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.

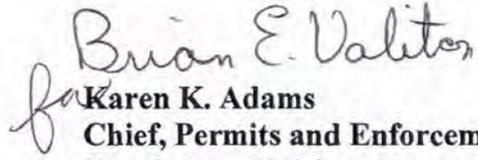
In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. **Comments should be submitted in writing by the above date.** If you have any questions, please contact Kevin Kotelly at (978) 318-8703, (800) 343-4789 or (800) 362-4367, if calling 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  
FILE NO. NAE-2008-3213

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.

  
for **Karen K. Adams**  
**Chief, Permits and Enforcement Branch**  
**Regulatory Division**

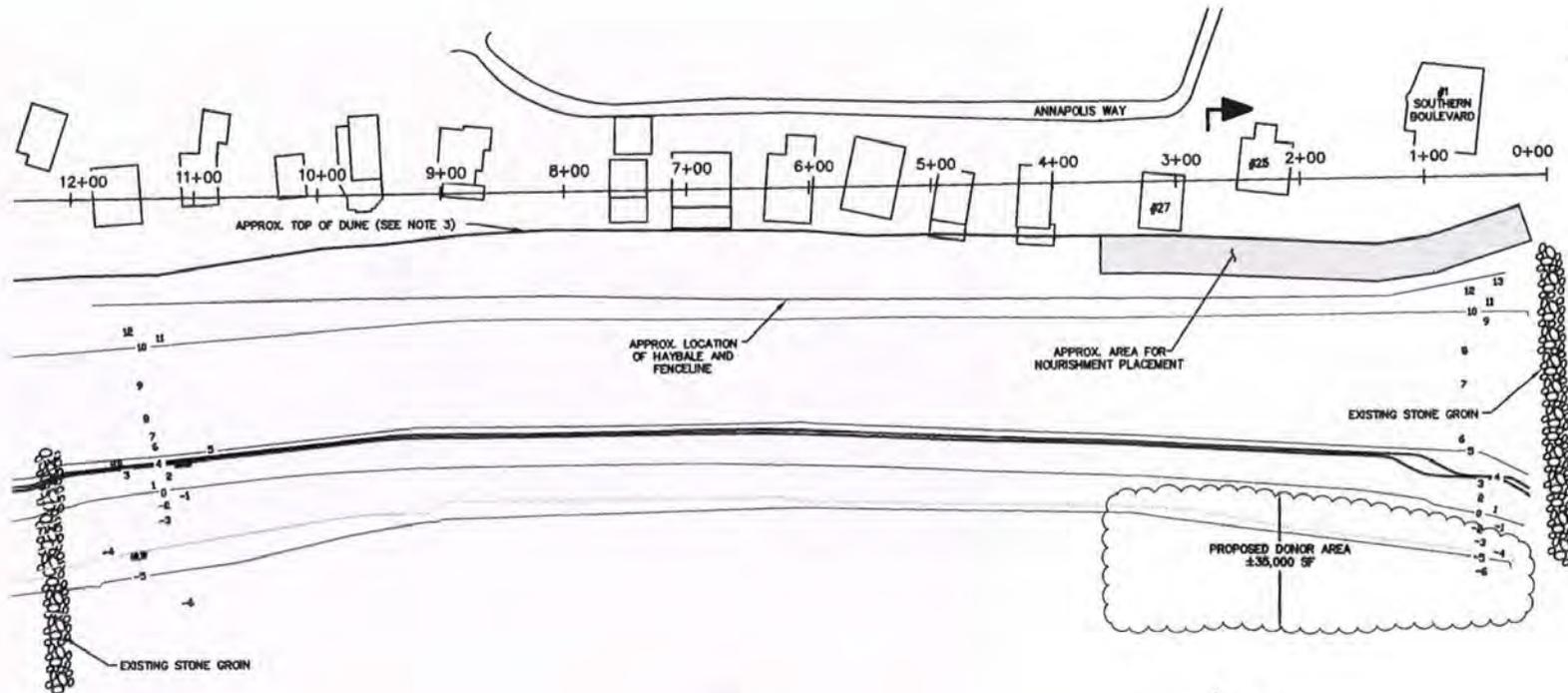
If you would prefer not to continue receiving Public Notices by email, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at [bettina.m.chaisson@usace.army.mil](mailto:bettina.m.chaisson@usace.army.mil). You may also check here ( ) and return this portion of the Public Notice to: Bettina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

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



# ABUTTER PARCEL MAP

NOTE: AERIAL IMAGE FROM MASS GIS 2008 ORTHOPHOTO.



PLAN VIEW  
SCALE: 1"=150'

LEGEND

— APPROX. TOP OF DUNE

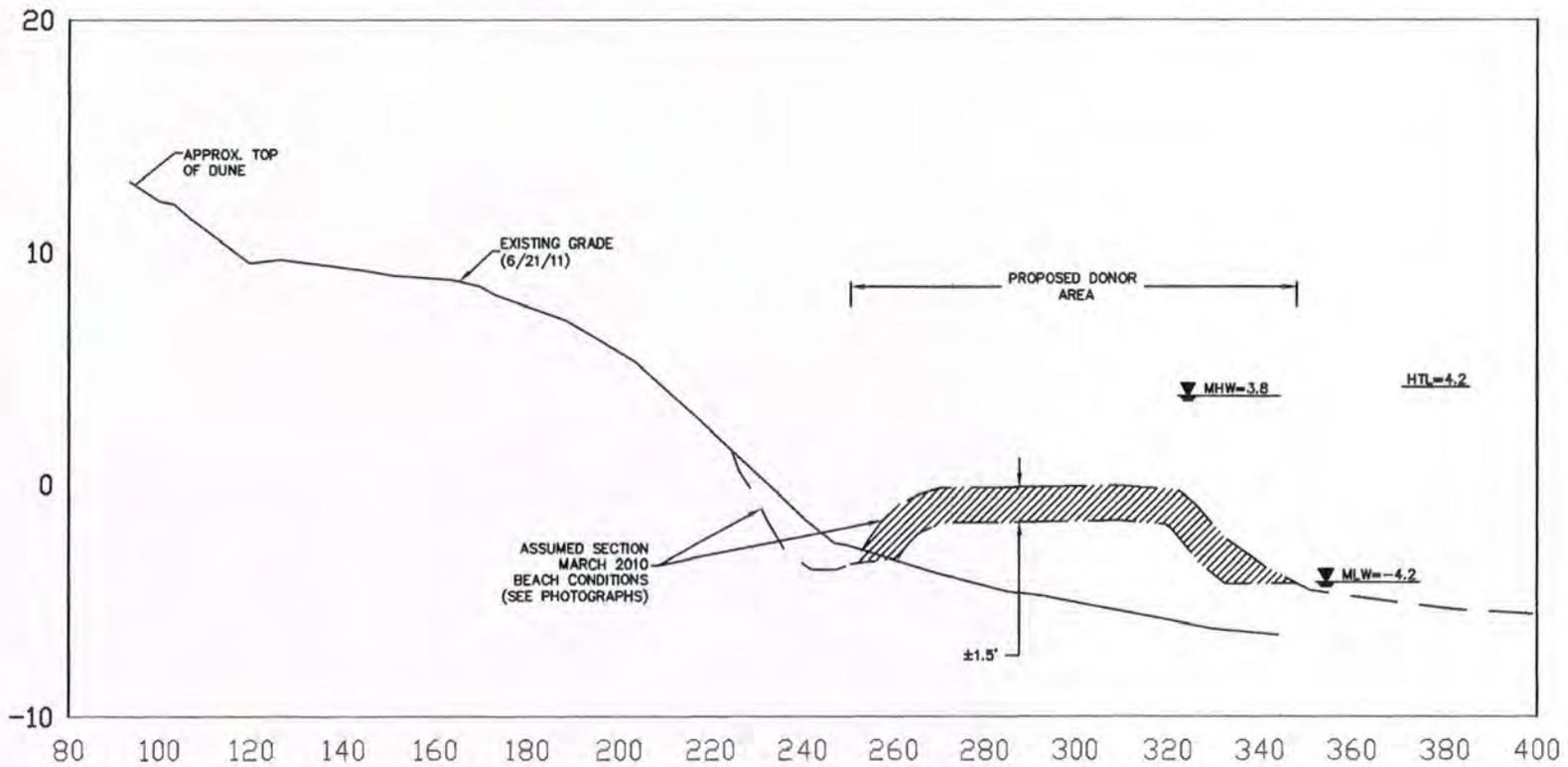
NOTES:

1. DATUM: MLW=-4.2, NGVD29=0.0, MHW=3.8, HTL=4.2.
2. GENERAL CONDITIONS PER SURVEY BY VINE ASSOCIATES - A DIVISION OF GZA GEOENVIRONMENTAL, INC. ON JUNE 21, 2011.
3. THE TOP OF DUNE, RIDGE AREA AND TROUGH LOCATIONS INDICATED ARE APPROXIMATE AS OBSERVED AT THE TIME OF SURVEY.
4. SEE FIGURE 2 FOR TYPICAL SECTION.
5. DONOR AREAS ASSUMED BASED ON OBSERVED CONDITIONS AS NOTED.



UNLESS SPECIFICALLY STATED BY WRITTEN AGREEMENT, THIS DRAWING IS THE SOLE PROPERTY OF GZA GEOENVIRONMENTAL, INC. (GZA). THE INFORMATION SHOWN ON THE DRAWING IS SOLELY FOR USE BY GZA'S CLIENT OR THE CLIENT'S DESIGNATED REPRESENTATIVE FOR THE SPECIFIC PROJECT AND LOCATION IDENTIFIED ON THE DRAWING. THE DRAWING SHALL NOT BE TRANSFERRED, REUSED, COPIED, OR ALTERED IN ANY MANNER FOR USE AT ANY OTHER LOCATION OR FOR ANY OTHER PURPOSE WITHOUT THE PRIOR WRITTEN CONSENT OF GZA. ANY TRANSFER, REUSE, OR MODIFICATION TO THE DRAWING BY THE CLIENT OR OTHERS, WITHOUT THE PRIOR WRITTEN EXPRESS CONSENT OF GZA, WILL BE AT THE USER'S SOLE RISK AND WITHOUT ANY RISK OR LIABILITY TO GZA.

<b>PLUM ISLAND BEACH SCRAPING</b>  <b>EXISTING CONDITIONS AND PROPOSED BORROW AREA</b> <b>(STA 0+00 TO 12+00)</b>	PREPARED BY: <b>Vine ASSOCIATES</b> A DIVISION OF		<b>GZA GeoEnvironmental, Inc.</b> Engineers and Scientists www.gza.com		PREPARED FOR:  USACE PERMIT
	PROJ MGR: DBV DESIGNED BY: DBV DATE: SEPT 2012	REVIEWED BY: ABB DRAWN BY: JJZ PROJECT NO.: 18.0170913.00	CHECKED BY: ABB SCALE: AS SHOWN REVISION NO.	FIGURE <span style="font-size: 2em; font-weight: bold;">1</span> SHEET NO. 1 OF 2	



SECTION STA. 5+00  
 HORZ. SCALE: 1"=40'  
 VERT. SCALE: 1"=8'

UNLESS SPECIFICALLY STATED BY WRITTEN AGREEMENT, THIS DRAWING IS THE SOLE PROPERTY OF GZA GEOENVIRONMENTAL, INC. (GZA). THE INFORMATION SHOWN ON THE DRAWING IS SOLELY FOR USE BY GZA'S CLIENT OR THE CLIENT'S DESIGNATED REPRESENTATIVE FOR THE SPECIFIC PROJECT AND LOCATION IDENTIFIED ON THE DRAWING. THE DRAWING SHALL NOT BE TRANSFERRED, REUSED, COPIED, OR ALTERED IN ANY MANNER FOR USE AT ANY OTHER LOCATION OR FOR ANY OTHER PURPOSE WITHOUT THE PRIOR WRITTEN CONSENT OF GZA. ANY TRANSFER, REUSE, OR MODIFICATION TO THE DRAWING BY THE CLIENT OR OTHERS, WITHOUT THE PRIOR WRITTEN EXPRESS CONSENT OF GZA, WILL BE AT THE USER'S SOLE RISK AND WITHOUT ANY RISK OR LIABILITY TO GZA.

<b>SECTION</b>	PLUM ISLAND BEACH SCRAPING		PREPARED BY:  <b>Vine ASSOCIATES</b> A DIVISION OF		GZA GeoEnvironmental, Inc. Engineers and Scientists www.gza.com		PREPARED FOR:	
							USACE PERMIT	
		PROJ MGR: DBV	DESIGNED BY: DBV	REVIEWED BY: ABB	CHECKED BY: ABB	DATE: SEPT 2012	PROJECT NO. 18.0170913.00	REVISION NO.
								FIGURE <b>2</b> SHEET NO. 2 OF 2