



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

# PUBLIC NOTICE

**Comment Period Begins: October 27, 2015**  
**Comment Period Ends: November 26, 2015**  
**File Number: NAE-2013-2073**  
**In Reply Refer To: Crystal I. Gardner**  
**Phone: (978) 318-8332**  
**E-mail: crystal.i.gardner@usace.army.mil**

The District Engineer has received a permit application to conduct work in waters of the United States from Three Bays Preservation Inc. /Mass Audubon Society Inc. This work is proposed in Nantucket Sound and Cotuit Bay at 0 Sampsons Island Dead Neck. The site coordinates are: Latitude 41.607384 N Longitude - 70.432514 W.

The work involves the dredging of 133,600 cubic yards (cy) of clean sand from a 218,400 square foot area to a depth of -8 feet below mean low water (MLW). The dredged material will be used as follows:

1. 102,200 cy of sand over a 300,010 square foot area will be used for beach nourishment at the eastern end of Dead Neck Sampson's Island (DNSI);
2. 20,000 cy for dune restoration over a 30,000 square foot area and
3. 11,400 CY to enhance and restore specific habitat restoration at various locations on DNSI.

The work is shown on the attached plan entitled "Sketch Plan, Proposed Land Management Areas on Dead Neck/Sampson's Island, Barnstable (Osterville), Mass" on one sheet, and dated "August 29, 2012" and last revised "09/15/14" and on "Dead Neck Sampson's Island, Dredging and Nourishment Plan, Barnstable (Osterville), Mass" on two sheets and dated "October 14, 2014."

The purpose of this project is restore and stabilize the beach and dune at the east end of DNSI in order to create habitat for endangered shore birds (Piping Plover).

Mitigation of the impacts will include but not limited to monitoring of the site and the possibility of compensation using the Massachusetts In-Lieu-Fee Program.

The applicant has avoided and minimized impacts to resources to the extent possible to maintain a viable project. The dredge foot print was significantly reduced from 233,600 cy to 133,600 cy.

## 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).

The dredging portion of this project will impact approximately 218,400 SF of Essential Fish Habitat (EFH) for those species listed on the attached *Table 1. "Summary of Essential Fish Habitat (EFH) Designation for species found in the Atlantic Ocean near the proposed project site."* Loss of this habitat may adversely affect species listed on the attached *Table 2. "Summary of potential impacts to Federally managed species that may be found utilizing the Atlantic waters off the coast of Osterville, MA for habitat."* 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.

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)

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 Crystal Gardner at (978) 318-8332, (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.



Kevin R. Kotelly, P.E.  
Chief, Permits and Enforcement Branch  
Regulatory Division

**CENAE-R**

**FILE NO. NAE-2013-2073**

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: \_\_\_\_\_



This is a detailed topographic map of the Barnstable area in Massachusetts. The map shows the coastline of Barnstable, Cotuit, and Osterville. Key features include:

- Towns and Villages:** Barnstable, Cotuit, Osterville, and Otterville.
- Water Bodies:** North Bay, West Bay, Little Pond, and various smaller ponds and creeks.
- Islands and Points:** Oyster Harbors, Little Island, and various points like Handy Pt, Noisy Pt, and Bluff Pt.
- Infrastructure:** Roads, bridges, and public landings.
- Geographical Features:** Seaport River, Dead Neck, and various creeks.
- Map Details:** Contour lines for elevation, a grid system, and a scale bar at the bottom.

The map is color-coded with green for land and blue for water. It includes a grid system for location finding. The scale bar at the bottom indicates distances in miles and kilometers.

## LOCUS

**Assessors Map: NA**

Parcel: NA

Latitude: 41°36'28"

Longitude: 70°25'03"

UTM: 4607199N

381893E

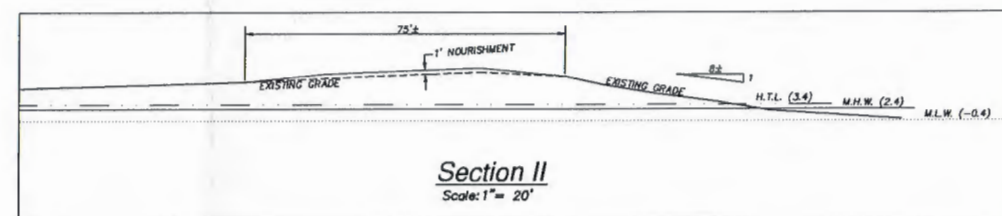
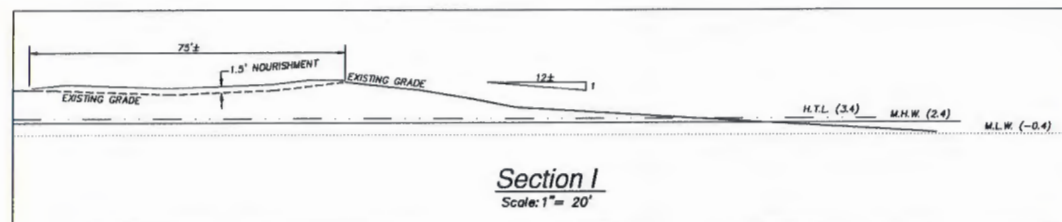
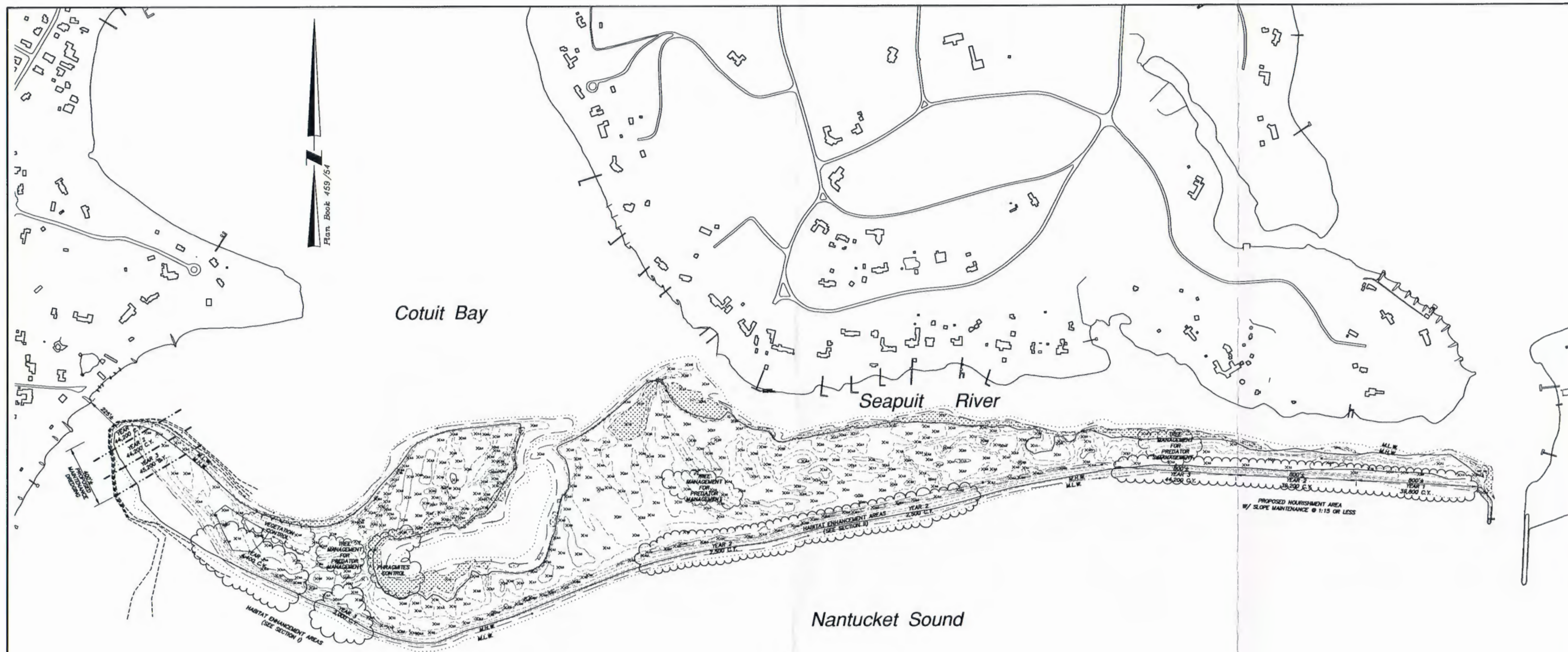
**COTUIT, MASS**

COTUIT, MASS  
N4132.5-W7022.5/8X7.5

1974

AMS 6967 III SW-SERIES V 814





**NOTES:**

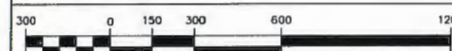
- 1.) The base topographic information shown is from Town of Barnstable GIS.
- 2.) The datum used is NGVD 1929, a fixed mean sea level datum.

**PREPARED FOR:**

Three Bays Preservation, Inc.  
864 Main Street  
Osterville, MA 02655

**PREPARED BY:**

Sullivan Engineering, Inc.  
PO Box 659  
Osterville, MA 02655  
(508)428-3344 (508)428-9617 fax



Draft: JOD  
Review: PS  
Project: 98138

	Reduce Limit of Maintenance Dredging	DATE: 09/15/14
	Delineate Approximate Phasing of Dredging, Nourishment, & Habitat Enhancements And Eliminate Beach Enhancement Areas	DATE: 04/22/14
REVISION:	Modify Habitat Enhancement Area Sections & Tree Management Areas	DATE: 03/07/13

**Sketch Plan**  
**Proposed Land Management Areas**  
**On**  
**Dead Neck / Sampson's Island**  
**Barnstable (Osterville), Mass.**

DATE: August 29, 2012

SCALE: 1"=300'

SHEET 1 OF 1

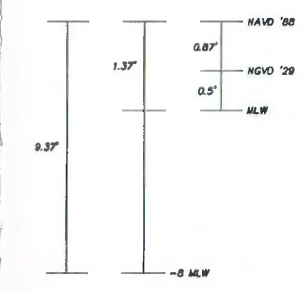
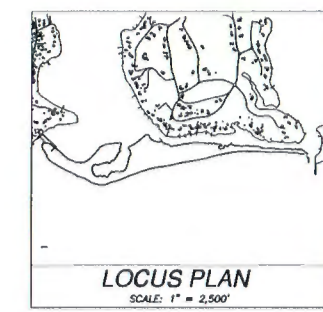
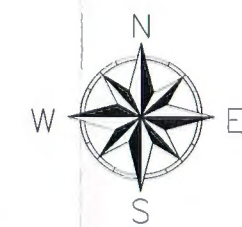


Cotuit



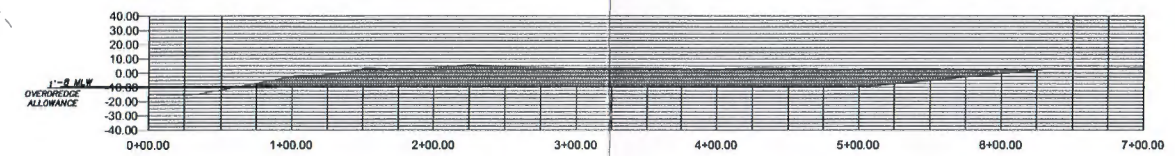
CROSS STREET

Cotuit Bay



DATUM CONVERSION

PROPOSED DREDGING  
VOLUME = 80,000 C.Y.  
PROJECTED VOLUME W/ ACCRETION = 133,600 C.Y.

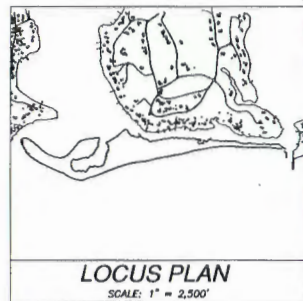


CENTERLINE PROFILE  
SCALE: 1" = 60'

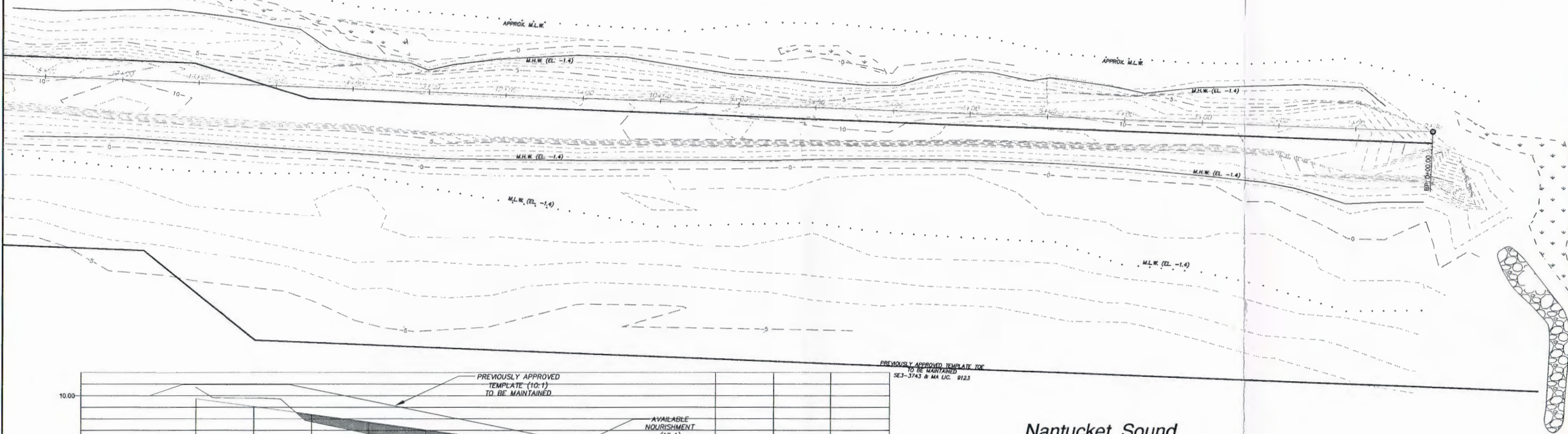
Nantucket Sound

<p>NOTES:</p> <ol style="list-style-type: none"><li>1.) Elevations and Soundings in NAVD '88 Datum.</li><li>2.) Soundings were taken in September 2011.</li><li>3.) Beach Elevations were taken in October 2011, updated April 2014.</li></ol>	<p>PREPARED FOR:</p> <p>Three Bays Preservation, Inc. 864 Main Street Osterville, MA 02655</p>	<p>PREPARED BY:</p> <p>Sullivan Engineering, Inc. PO Box 659 Osterville, MA 02655 (508)428-3344 (508)428-9617 fax</p> <p>Draft: JOD Review: PS Project: 98138</p>	<p>TITLE:</p> <p><b>Dead Neck Sampson's Island Dredging and Nourishment Plan Barnstable (Osterville), Mass.</b></p> <p>DATE: October 14, 2014</p> <p>SCALE: 1"=60'</p>
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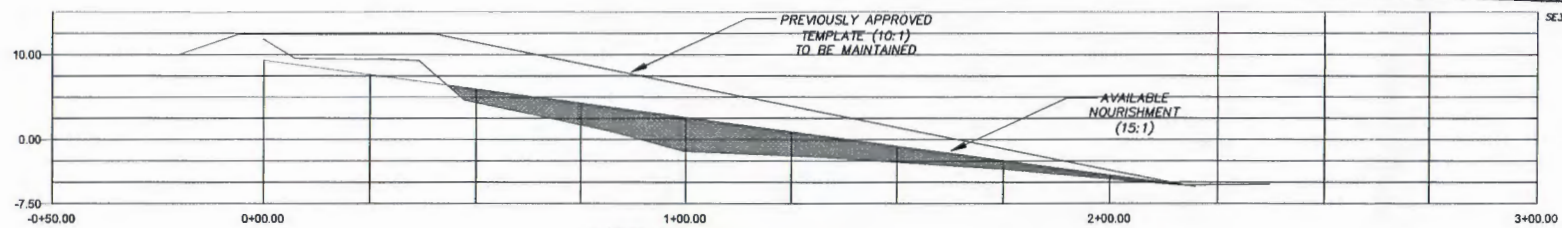




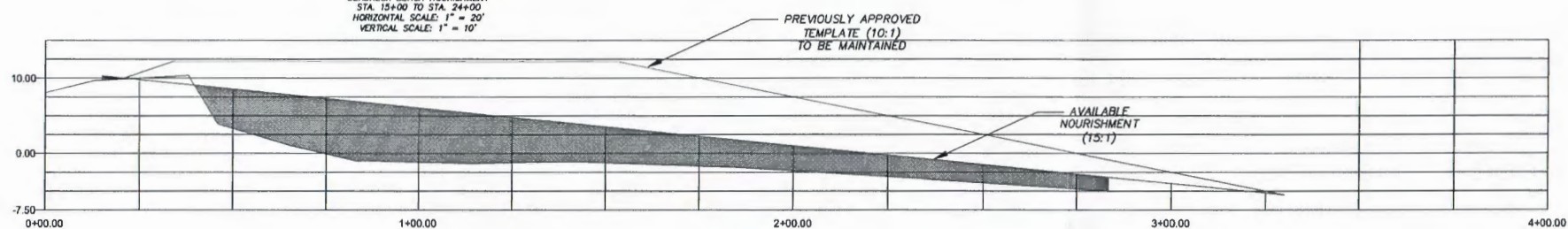
Seapuit River



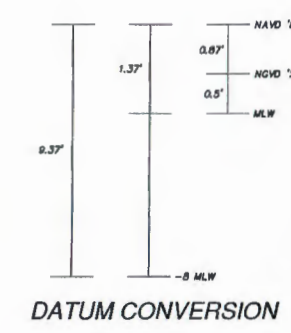
Nantucket Sound



**SECTION**  
DEADNECK BEACH NOURISHMENT  
STA. 15+00 TO STA. 24+00  
HORIZONTAL SCALE: 1" = 20'  
VERTICAL SCALE: 1" = 10'



**SECTION**  
DEADNECK BEACH NOURISHMENT  
STA. 0+00 TO STA. 15+00  
HORIZONTAL SCALE: 1" = 20'  
VERTICAL SCALE: 1" = 10'



**NOTES:**

- 1.) Elevations and Soundings in NAVD '88 Datum.
- 2.) Beach Elevations were taken in September 2013.

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Dead Neck Sampson's Island  
Dredging and Nourishment Plan  
Barnstable (Osterville), Mass.

**DATE:** October 14, 2014

**SCALE:** 1"=60'

**SHEET** 22