



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

# PUBLIC NOTICE

**Comment Period Begins: February 1, 2011**  
**Comment Period Ends: March 3, 2011**  
**File Number: NAE-2004-03449**  
**In Reply Refer To: Dan Vasconcelos**  
**Phone: (978) 318-8653**  
**E-mail: daniel.b.vasconcelos@usace.army.mil**

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

## APPLICANT

Paul Fulcher, Parks Superintendent, Town of Orleans

## ACTIVITY

Beach nourishment on Skaket Beach using sediments skimmed from the surface of nearby tidal flats. The work entails the discharge of dredged material for beach nourishment on an approximately 350-foot length of Skaket Beach using up to 2,000 cubic yards of sediments skimmed from the surface of nearby tidal flats. The depth of excavation will not exceed 1 foot, and the maximum footprint of the borrow site will be 54,050 square feet (1.24 acres). Skaket Beach is the Town of Orleans' only public beach on Cape Cod Bay and has been nourished for over 25 years, both with sediment excavated from inland borrow sites and, since 1996, using sediment excavated from the nearby tidal flats. This work previously received a Department of the Army permit in January, 2005.

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.

The work is described on the enclosed plans entitled "PLAN AND PROFILES OF PROPOSED BEACH NOURISHMENT AT SKAKET BEACH ORLEANS, MA" on 4 sheets, and dated "DECEMBER 7, 2009 (REVISED JUNE 21, 2010)".

## WATERWAY AND LOCATION OF THE PROPOSED WORK

This work is proposed in Cape Cod Bay at the end of Skaket Road, Orleans, Massachusetts. The proposed location on the USGS Orleans quadrangle sheet is at Latitude 41.794856, Longitude -70.016712.

## 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 54,050 SF of Essential Fish Habitat (EFH) for the following species and life stages:

Species	Eggs	Larvae	Juveniles	Adults
Atlantic cod ( <i>Gadus morhua</i> )	X	X	X	X
Haddock ( <i>Melanogrammus aeglefinus</i> )	X	X		
Pollock ( <i>Pollachius virens</i> )		X	X	X
Whiting ( <i>Merluccius bilinearis</i> )	X	X	X	X
Red hake ( <i>Urophycis chuss</i> )	X	X	X	X
White hake ( <i>Urophycis tenuis</i> )	X	X	X	X
Winter flounder ( <i>Pleuronectes americanus</i> )	X	X	X	X

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Yellowtail flounder ( <i>Pleuronectes ferruginea</i> )	X	X		X
Windowpane flounder ( <i>Scopthalmus aquosus</i> )	X	X	X	X
American plaice ( <i>Hippoglossoides platessoides</i> )	X	X	X	X
Ocean pout ( <i>Macrozoarces americanus</i> )	X	X	X	X
Atlantic halibut ( <i>Hippoglossus hippoglossus</i> )	X	X	X	X
Atlantic sea scallop ( <i>Placopecten magellanicus</i> )	X	X	X	X
Atlantic sea herring ( <i>Clupea harengus</i> )	X	X	X	X
Bluefish ( <i>Pomatomus saltatrix</i> )			X	X
Long finned squid ( <i>Loligo pealei</i> )	n/a	n/a	X	X
Short finned squid ( <i>Illex illecebrosus</i> )	n/a	n/a	X	X
Atlantic butterfish ( <i>Peprilus triacanthus</i> )	X	X	X	X
Atlantic mackerel ( <i>Scomber scombrus</i> )	X	X	X	X
Scup ( <i>Stenotomus chrysops</i> )	n/a	n/a	X	X
Surf clam ( <i>Spisula solidissima</i> )	n/a	n/a	X	X
Blue shark ( <i>Prionace glauca</i> )				X
Bluefin tuna ( <i>Thunnus thynnus</i> )			X	X

Habitat at this site can be described as fine sand. Loss of this habitat may adversely affect the above species. 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.

**SECTION 106 COORDINATION**

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 States of Massachusetts has an 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.

In accordance with 33 CFR 325.2(a)(8), we publish monthly a list of permits issued or denied during the previous month at [www.nae.usace.army.mil/reg](http://www.nae.usace.army.mil/reg), under the heading "Monthly General and Individual Permit Authorizations." Relevant environmental documents and the SOFs or RODs are available upon written request and, where applicable, upon the payment of administrative fees. Also visit [www.nae.usace.army.mil](http://www.nae.usace.army.mil) for more information on the New England District Corps of Engineers programs.

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

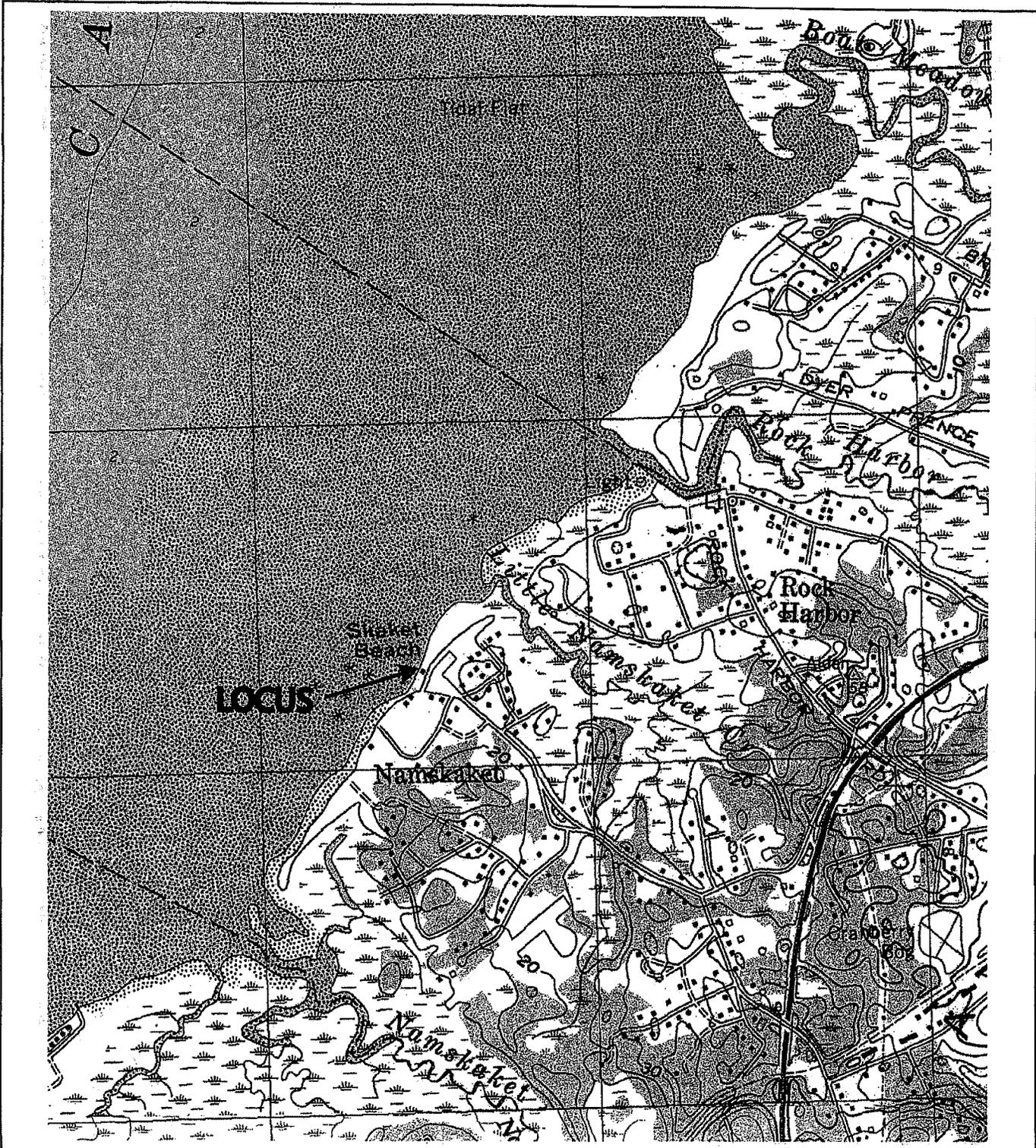


**Chief, Permits and Enforcement Branch  
Regulatory Division**

**CENAE-R**  
**FILE NO. NAE-2004-3449**

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



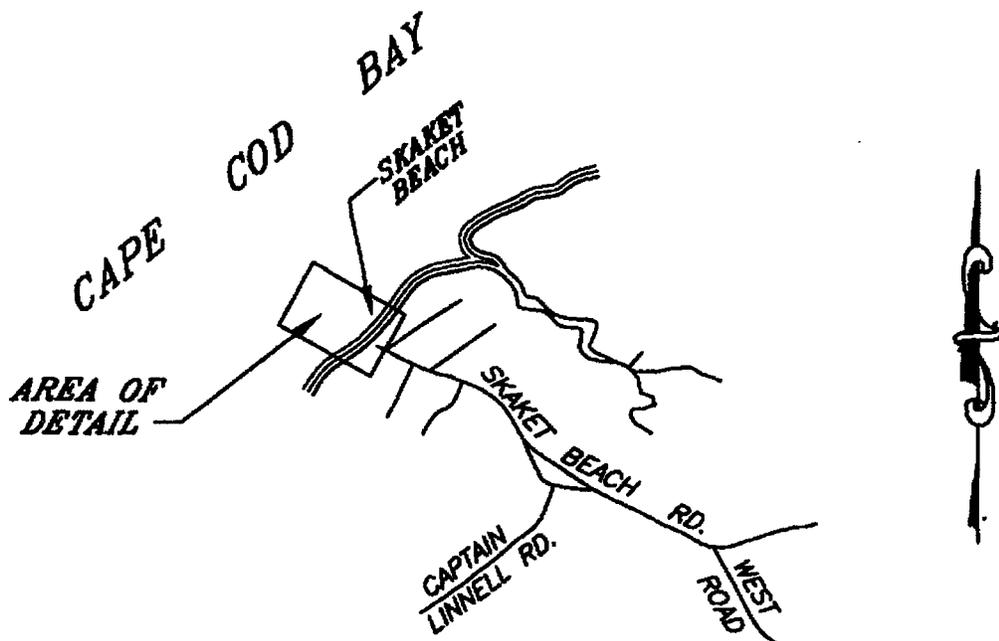
The Woods Hole Group  
 81 Technology Park Drive  
 E. Falmouth, MA 02536

Town of Orleans  
 End of Skaket Road, Skaket Beach  
 Orleans, Massachusetts

USGS Orleans Quadrangle

LOCATION MAP

*Not to Scale*



*PLAN & PROFILES*  
of  
*PROPOSED BEACH NOURISHMENT*  
at  
*SKAKET BEACH ORLEANS, MA*  
prepared for  
*TOWN of ORLEANS*

*Ryder & Wilcox, Inc. P.E. & P.L.S.*  
*P.O. Box 439 South Orleans, MA 02662*

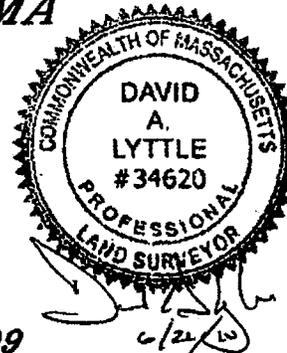
*Scale: As Noted*

*Date: December 7, 2009*

*Rev. June 2, 2010, Sheets 2 & 3*  
*(Distance to MLW)*

*Rev. June 21, 2010, Sheet 2*  
*(Borrow Pit Location)*

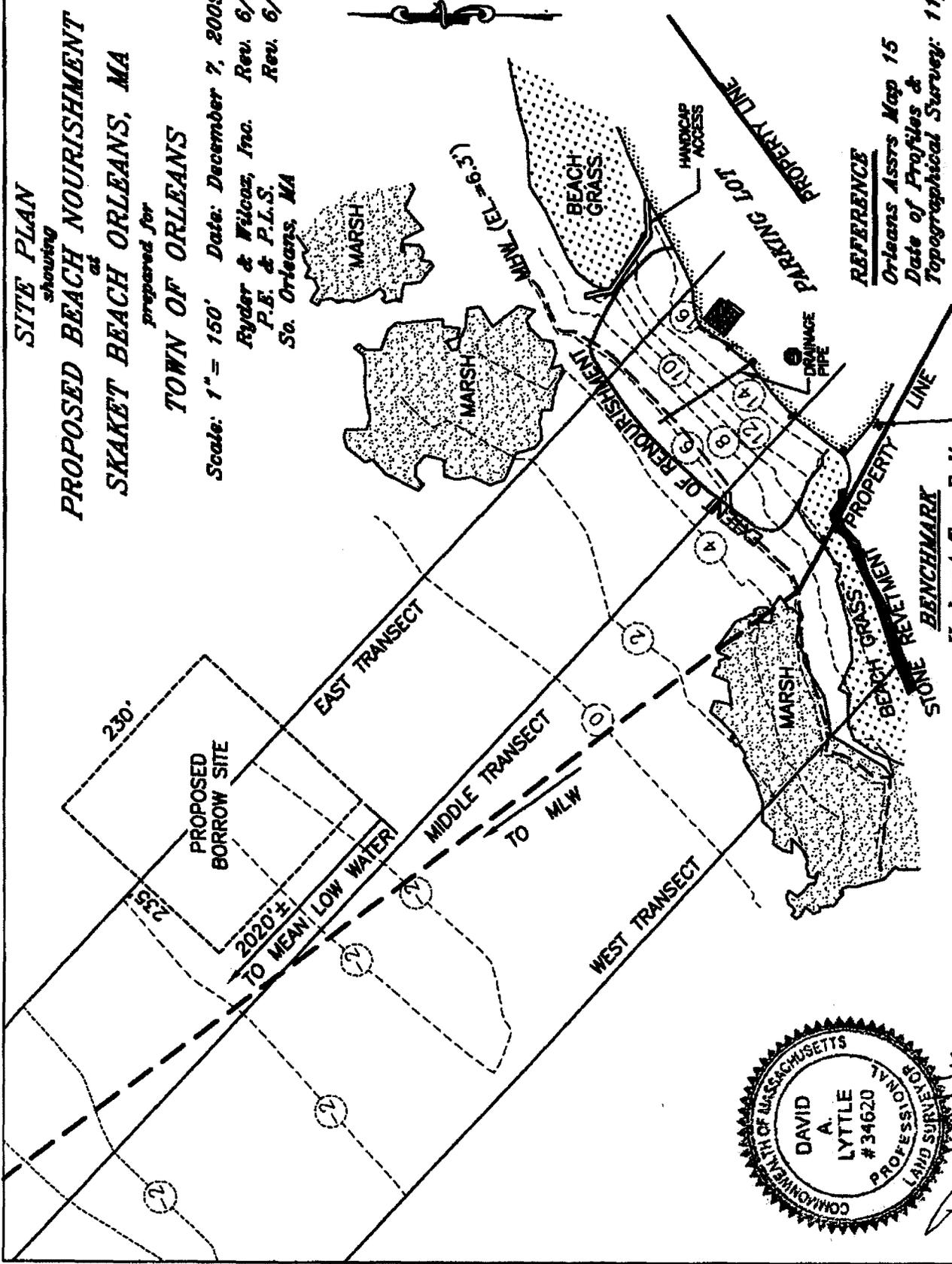
*SHEET 1 OF 4*  
*JOB NO. 6427*



**SITE PLAN**  
 showing  
**PROPOSED BEACH NOURISHMENT**  
 at  
**SKAKET BEACH ORLEANS, MA**

prepared for  
**TOWN OF ORLEANS**

Scale: 1" = 150' Date: December 7, 2009  
 Ryder & Wilcox, Inc. Rev. 6/2/10  
 P.E. & P.L.S. Rev. 6/21/10  
 So. Orleans, MA



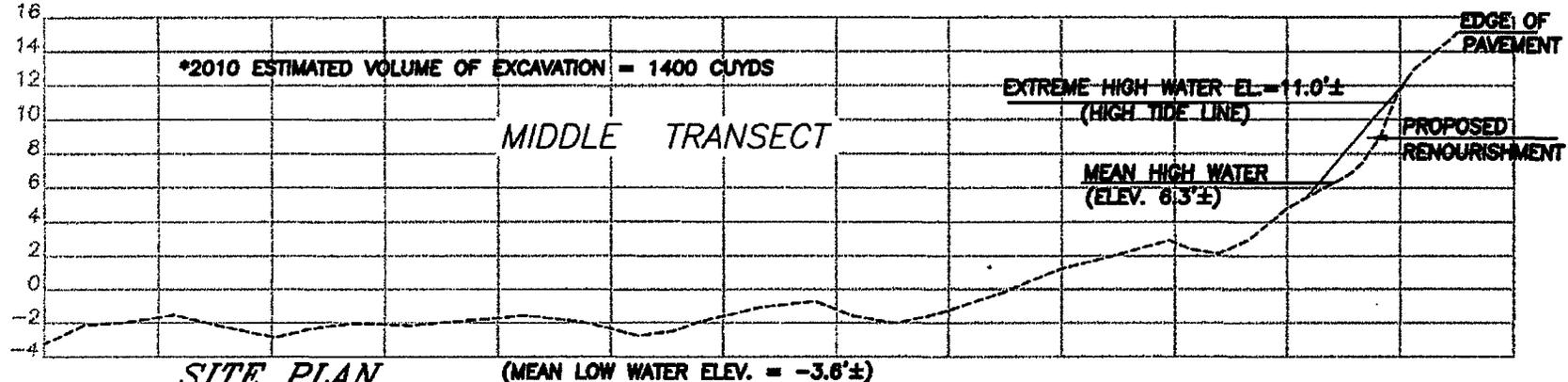
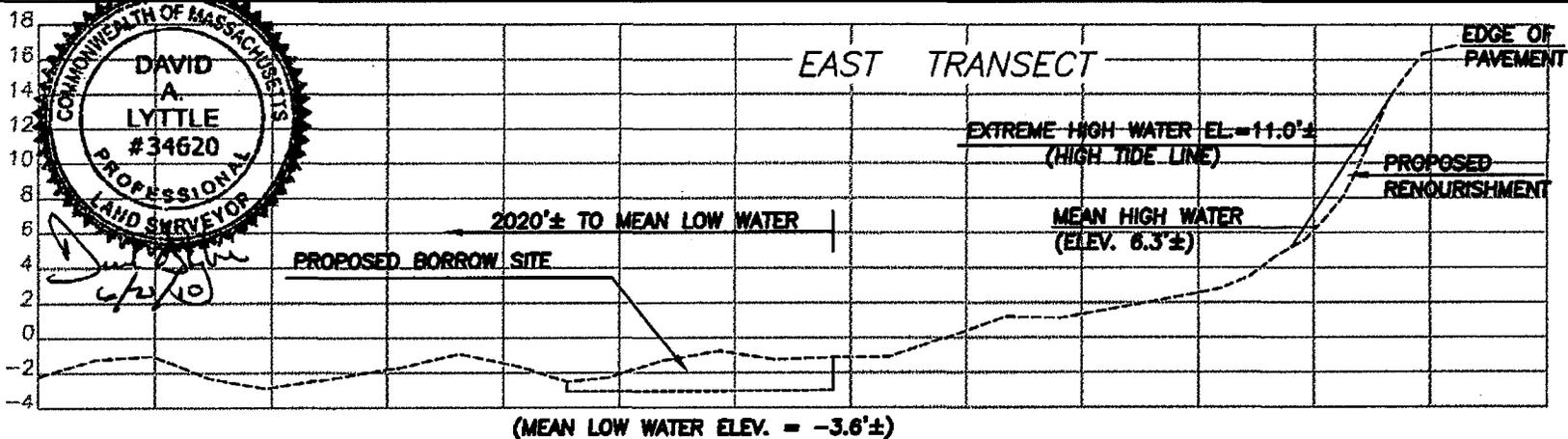
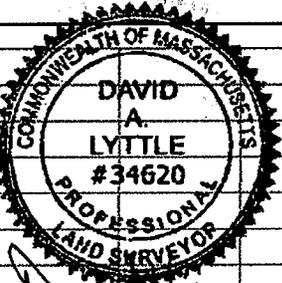
**REFERENCE**  
 Orleans Assrs Map 15  
 Date of Profiles &  
 Topographical Survey: 11/20/09

SHEET 2 OF 4  
 JOB NO. 6487

BENCHMARK  
 Hydrant Tag Bolt  
 EL. = 20.45  
 (Datum=NCVD 1929)

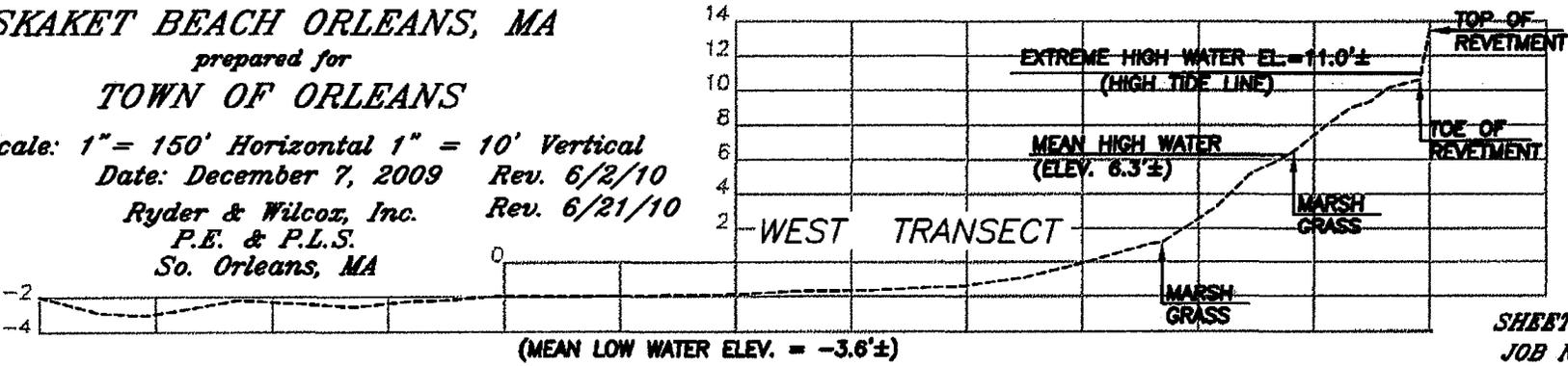
DAVID  
 A.  
 LYTLE  
 #34620  
 PROFESSIONAL  
 LAND SURVEYOR  
 COMMONWEALTH OF MASSACHUSETTS

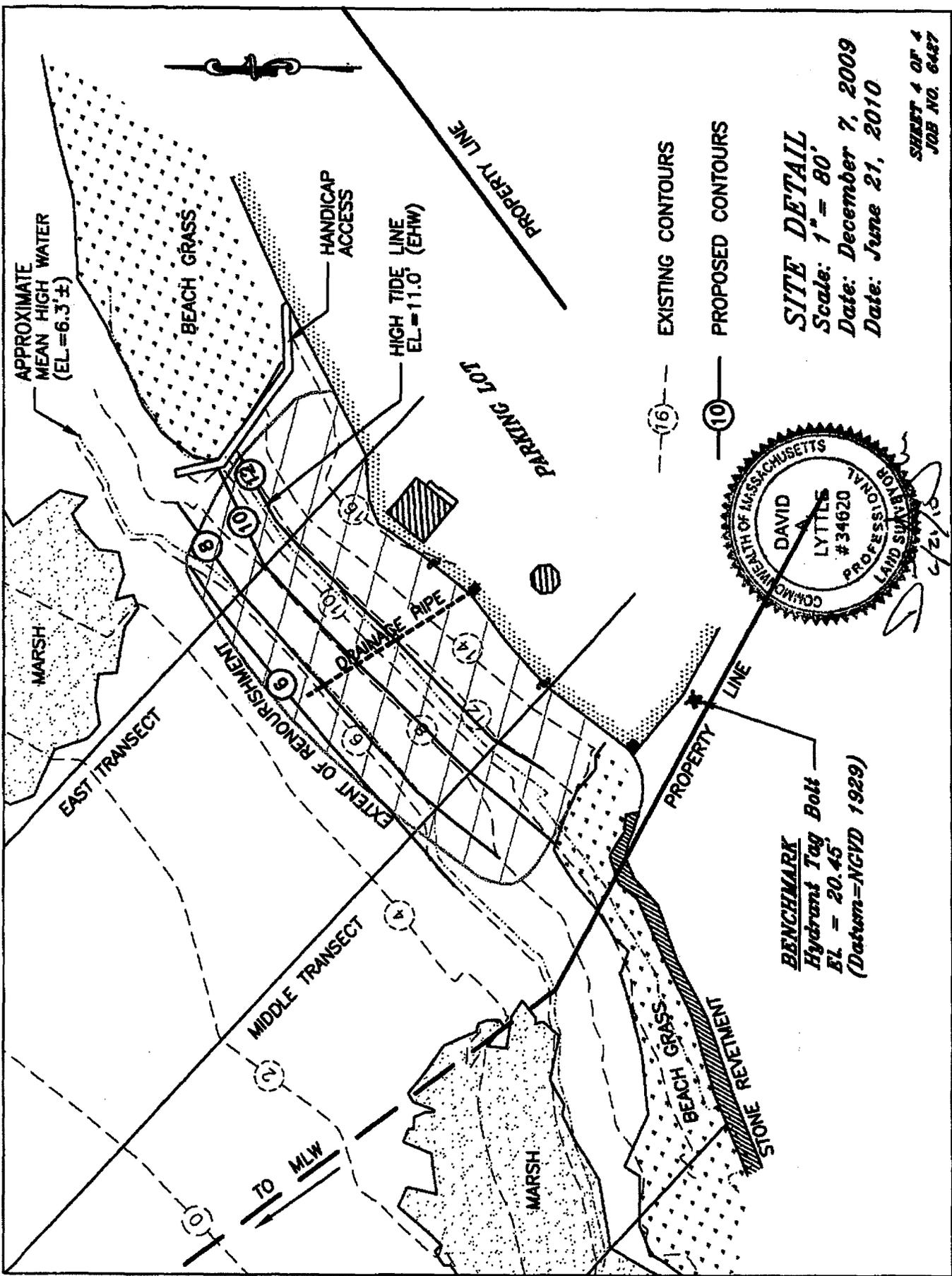
*David Lytle*  
 6/2/10



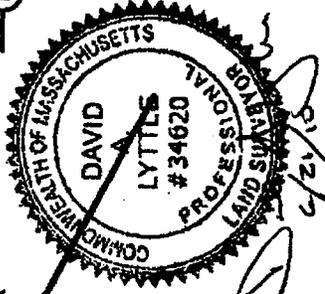
**SITE PLAN**  
*showing*  
**PROPOSED BEACH NOURISHMENT**  
*at*  
**SKAKET BEACH ORLEANS, MA**  
*prepared for*  
**TOWN OF ORLEANS**

Scale: 1" = 150' Horizontal 1" = 10' Vertical  
 Date: December 7, 2009 Rev. 6/2/10  
 Ryder & Wilcox, Inc. Rev. 6/21/10  
 P.E. & P.L.S.  
 So. Orleans, MA





**SITE DETAIL**  
 Scale: 1" = 80'  
 Date: December 7, 2009  
 Date: June 21, 2010



**BENCHMARK**  
 Hydrant Tag Bolt  
 EL. = 20.45  
 (Datum = NGVD 1929)

SHEET 4 OF 4  
 JOB NO. 6487