



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

PUBLIC NOTICE

Comment Period Begins: March 20, 2012
Comment Period Ends: April 19, 2012
File Number: NAE-2011-02008
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

Massachusetts Department of Transportation – Highway Division (“MassDOT”), 10 Park Plaza, Boston, Massachusetts 02116

ACTIVITY

MassDOT is proposing to discharge fill material into wetlands and waterways associated with the replacement of two bridges, conveying Route 28/Main Street (bridge No. D-07-006) and Upper County Road (bridge No. D-07-001) over the Swan Pond River in Dennis, Massachusetts. [NOTE: The United States Coast Guard is the permitting authority for the bridge structures, both temporary and permanent. The Corps only has permitting authority over the placement of fill in waters of the United States and adjacent wetlands for this project.] A detailed description and plans of the activity are attached.

WATERWAY AND LOCATION OF THE PROPOSED WORK

This work is proposed in the Swan Pond River at Route 28/Main Street and Upper County Road, Dennis, Massachusetts. The proposed locations on the USGS Dennis quadrangle sheet are at the following Lat/Long coordinates:

Route 28/Main Street (bridge No. D-07-006): 41°40'2.086" N, 70°8'47.384" W

Upper County Road (bridge No. D-07-001): 41°40'25.375" N, 70°8'24.376" 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 12,990 square feet (0.3 acres) of Essential Fish Habitat (EFH) for all life stages of Little Skate (*Leucoraja erinacea*), Winter Skate (*Leucoraja ocellata*), and Smooth Dogfish (*Mustelus canis*). Habitat at this site can be described as soft, silty sand mixed with shell fragments and gravel. 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).

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:

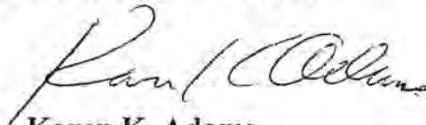
- Permit, License or Assent from State.
- Permit from Local Wetland Agency or Conservation Commission.
- Water Quality Certification in accordance with Section 401 of the Clean Water Act.

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-2011-02008

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. 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: _____

PROPOSED WORK AND PURPOSE

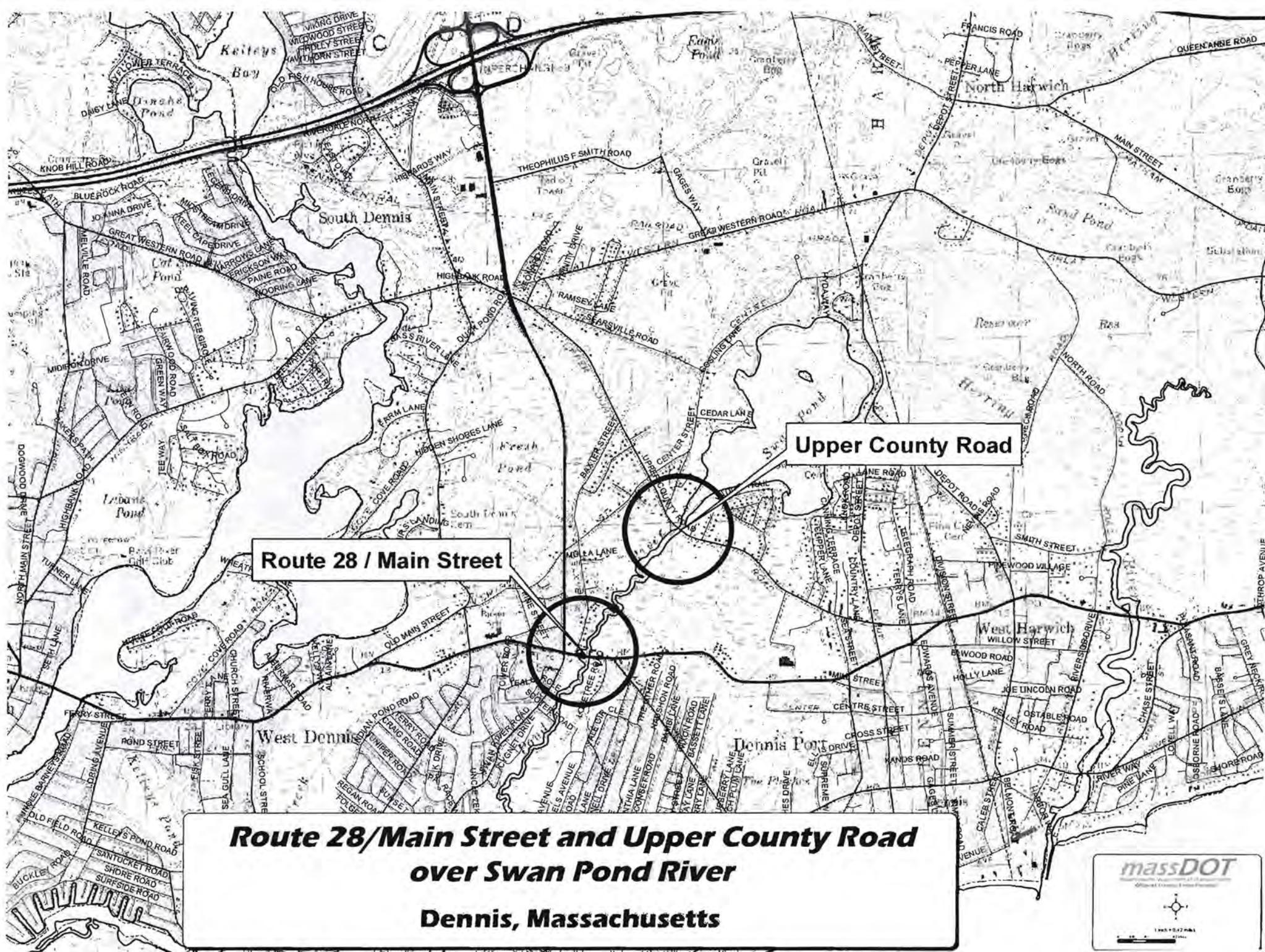
The work includes the discharge of fill material and associated secondary impacts to approximately 13,879 square feet (2,511 square feet permanent, 11,368 square feet temporary) of jurisdictional waterways and wetlands associated with the replacement of two bridges, conveying Route 28/Main Street (bridge No. D-07-006) and Upper County Road (bridge No. D-07-001) over the Swan Pond River in Dennis, Massachusetts. Approximately 3,810 square feet (429 square feet permanent, 3,381 square feet temporary) of the total proposed impact will be within salt marsh, 576 square feet (47 square feet permanent, 529 square feet temporary) will be within mudflat, and 889 square feet (634 square feet permanent, 255 square feet temporary) will be within freshwater wetlands. The purpose of the work is to replace the two existing, structurally deficient bridges with new bridges. As part of this project, the existing four-span, timber pile-supported bridges at each location will be removed and replaced with new three-span, steel pile-supported structures. This work will include removal of existing bridge components, construction of new bridge components, including new decking, abutments, retaining walls with associated rip-rap slope protection, and in-river piers, installation of turbidity barriers, and installation of steel sheeting to allow portions of the work to proceed under dry conditions. Existing timber piles will be cut two feet below the mud line or flush to the surface of existing rip-rap, where present. A temporary construction access bridge supported on steel pipe piles will be installed at Route 28/Main Street in order to allow traffic flow to be maintained throughout construction. The steel pipe piles will be cut off two feet below grade following completion of the project. Dredging of approximately 731 cubic yards of material is proposed, primarily to facilitate installation of the retaining walls and the depressed toe of the associated rip-rap, and also including the removal of slumped rip-rap from the channel at Upper County Road. Dredged material will be disposed of at an upland disposal site (not in waters of the United States), and clean material used for backfill. Section 404 direct impacts associated with this project include construction of new bridge abutments, construction of new retaining walls and associated rip-rap slope protection, construction of new in-river piers, cut piles to remain in place and associated backfill, and installation of turbidity barriers. Section 404 secondary impacts include shading impacts to salt marsh beneath the temporary construction access bridge.

The work is described on the enclosed plans entitled "ROUTE 28/MAIN STREET AND UPPER COUNTY ROAD OVER SWAN POND RIVER, DENNIS, MASSACHUSETTS," on 1 sheet and undated, "ROUTE 28/MAIN STREET, DENNIS, MASSACHUSETTS," on 12 sheets, and dated "REVISED FEBRUARY 27, 2012", "UPPER COUNTY ROAD, DENNIS, MASSACHUSETTS," on 9 sheets, and dated "REVISED FEBRUARY 27, 2012", and "LANDSCAPE PLAN" on 1 sheet (labelled sheet 7 of 13) and undated.

NOTE: The U.S. Coast Guard has the authority to review the structures and work, including dredging, associated with the construction of the Upper County Road and Route 28/Main Street bridges.

MITIGATION

In developing plans for replacing the Route 28/Main Street and Upper County Road bridges, MassDOT considered ways to avoid and minimize impacts to waters of the United States, including wetlands. Steps to avoid and minimize impacts to wetlands and waterways include using retaining walls combined with steeper than typical rip-rap slopes, installing hay bale-backed silt fence between the work area and wetlands/waterways, using turbidity barriers, and reducing the number of piers at each bridge from three (existing) to two (proposed). Additionally, MassDOT proposes to restore all temporary impacts to freshwater wetlands, salt marsh, and mudflat in place following construction. In order to mitigate for unavoidable, permanent impacts to jurisdictional wetland areas, MassDOT also proposes to construct approximately 2,379 square feet of new wetlands, including areas of freshwater wetland, salt marsh, and mudflat.

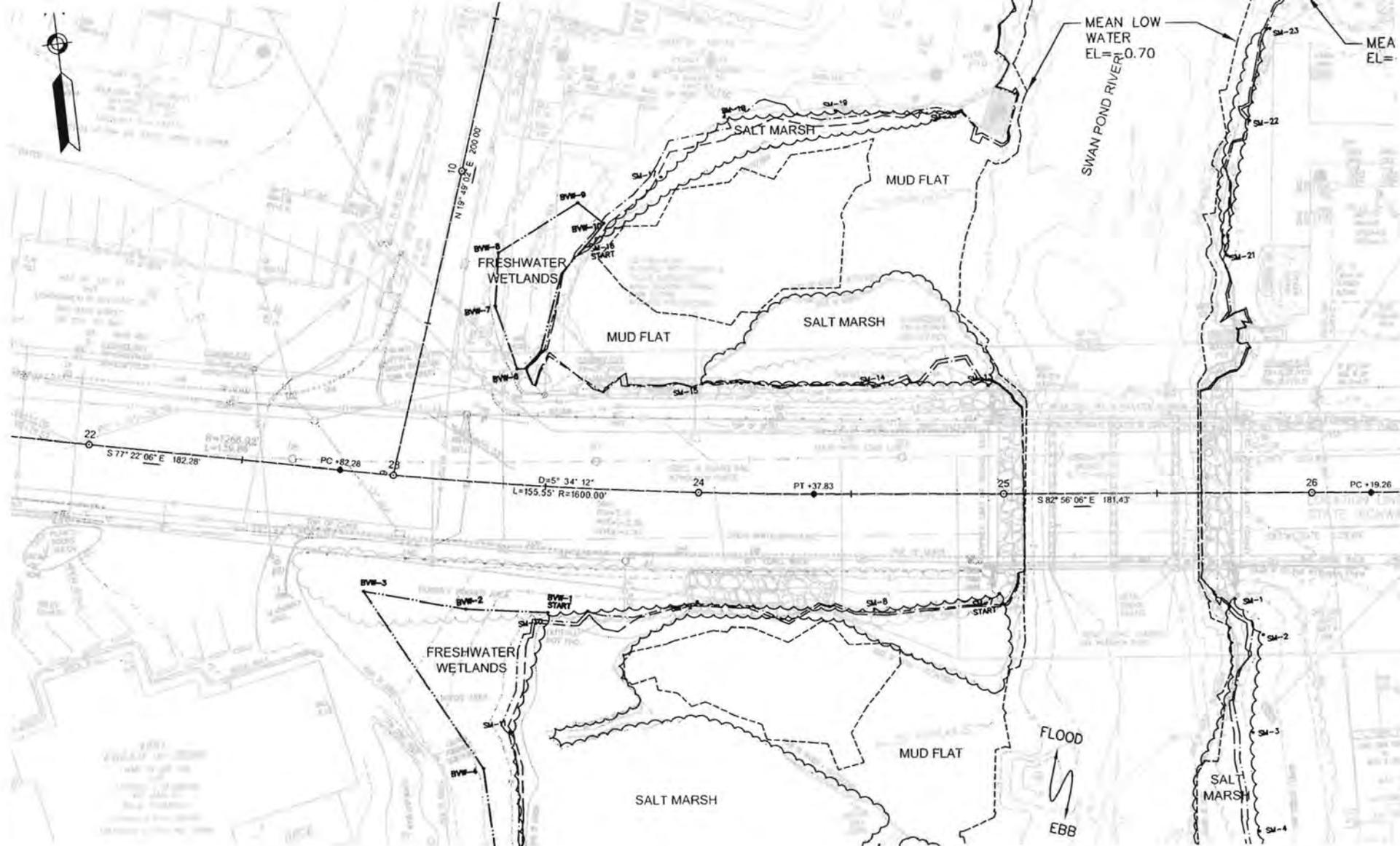


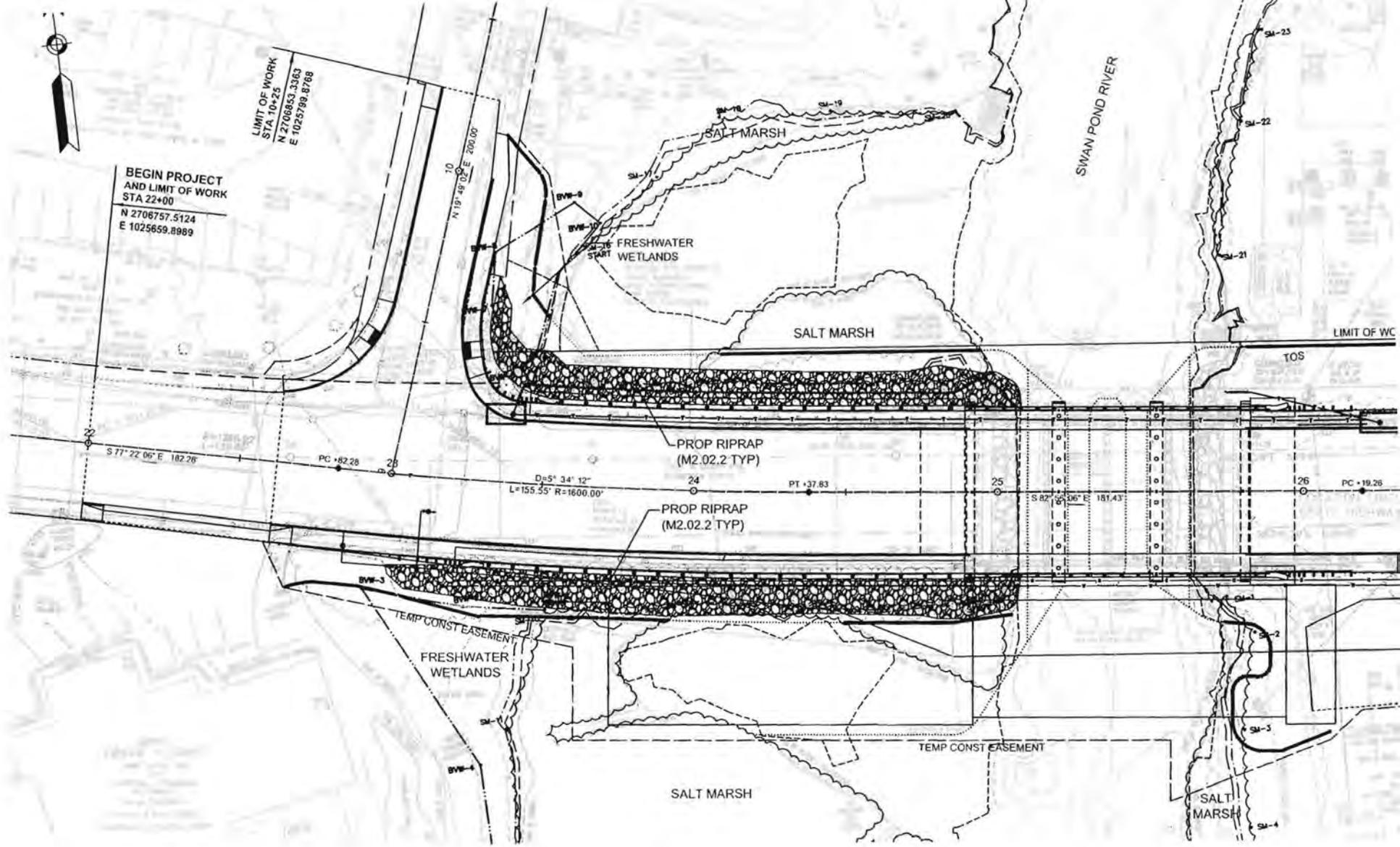
Route 28 / Main Street

Upper County Road

**Route 28/Main Street and Upper County Road
over Swan Pond River
Dennis, Massachusetts**

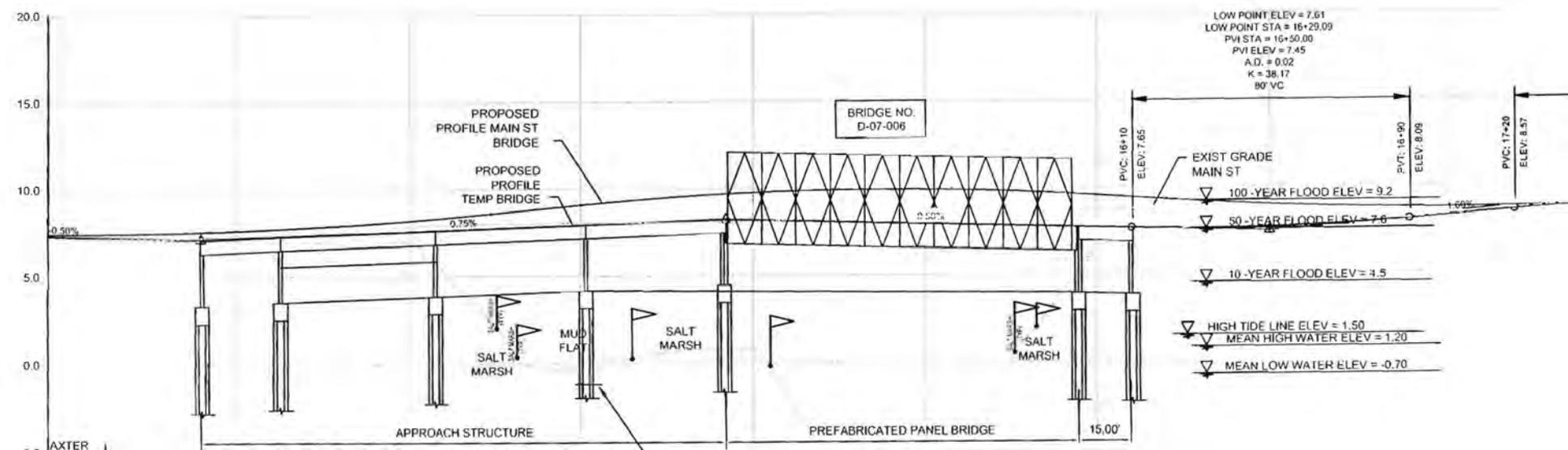
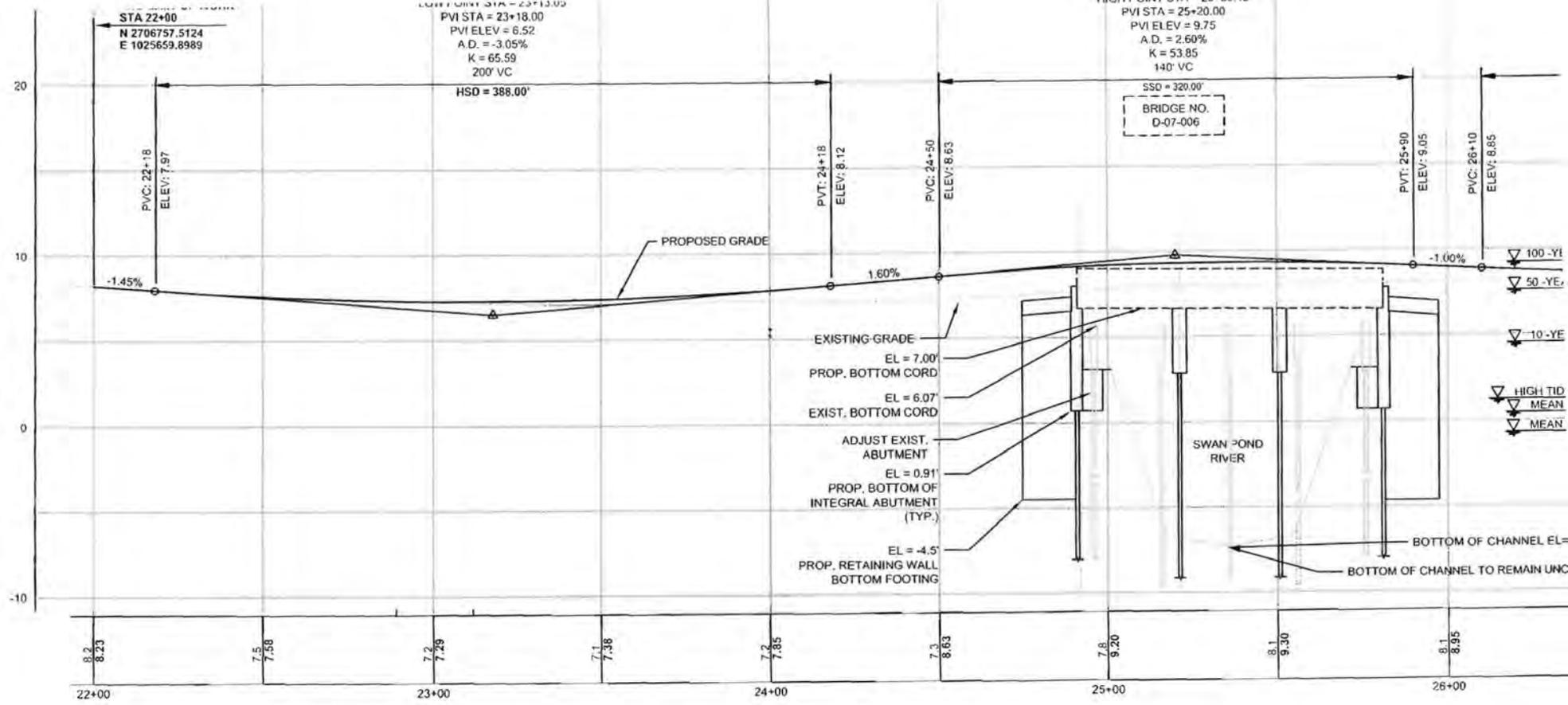




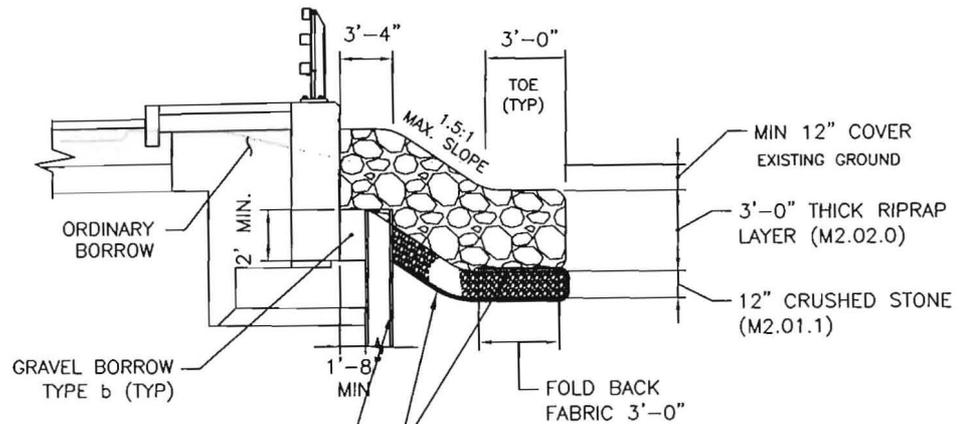
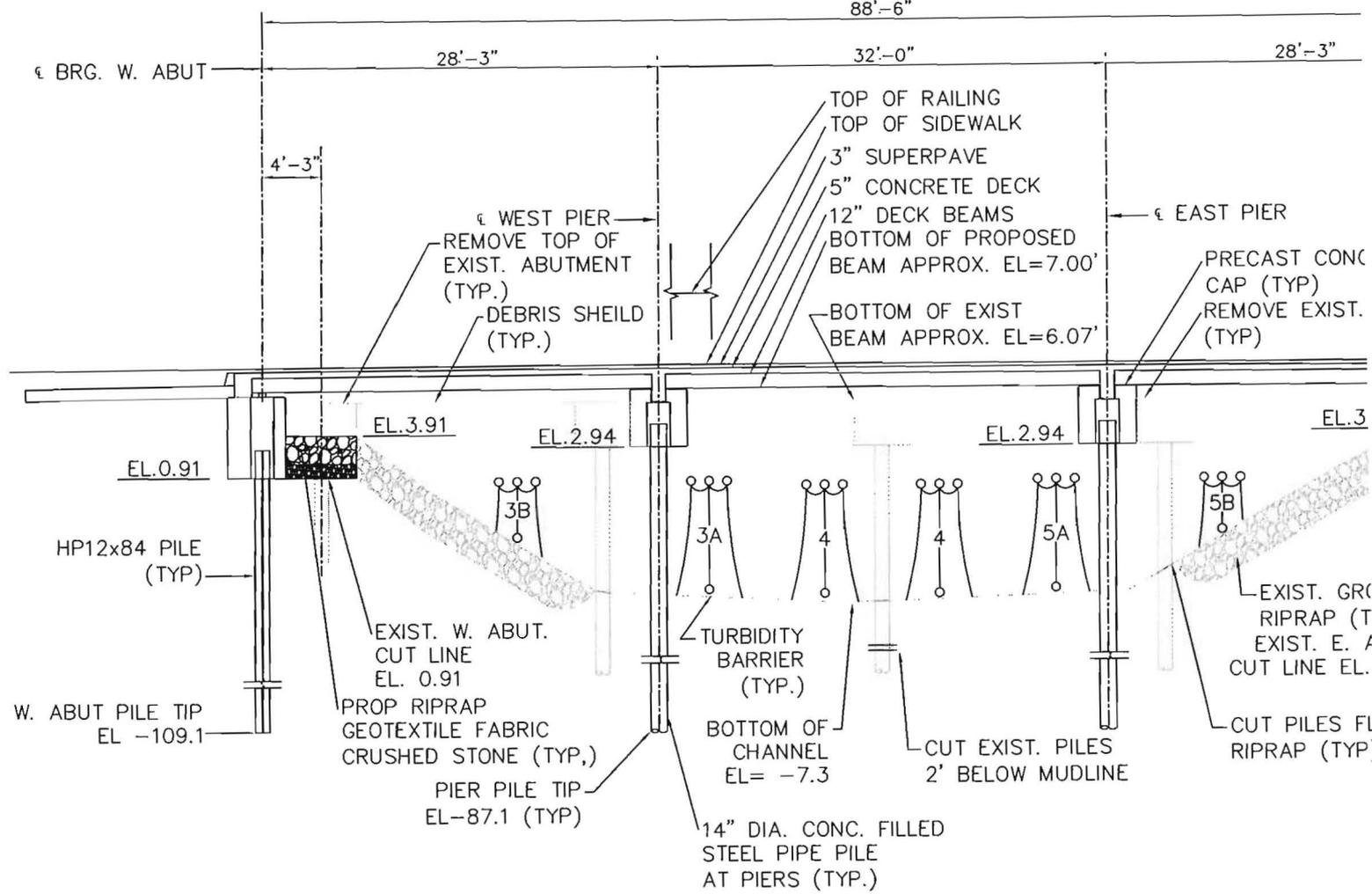


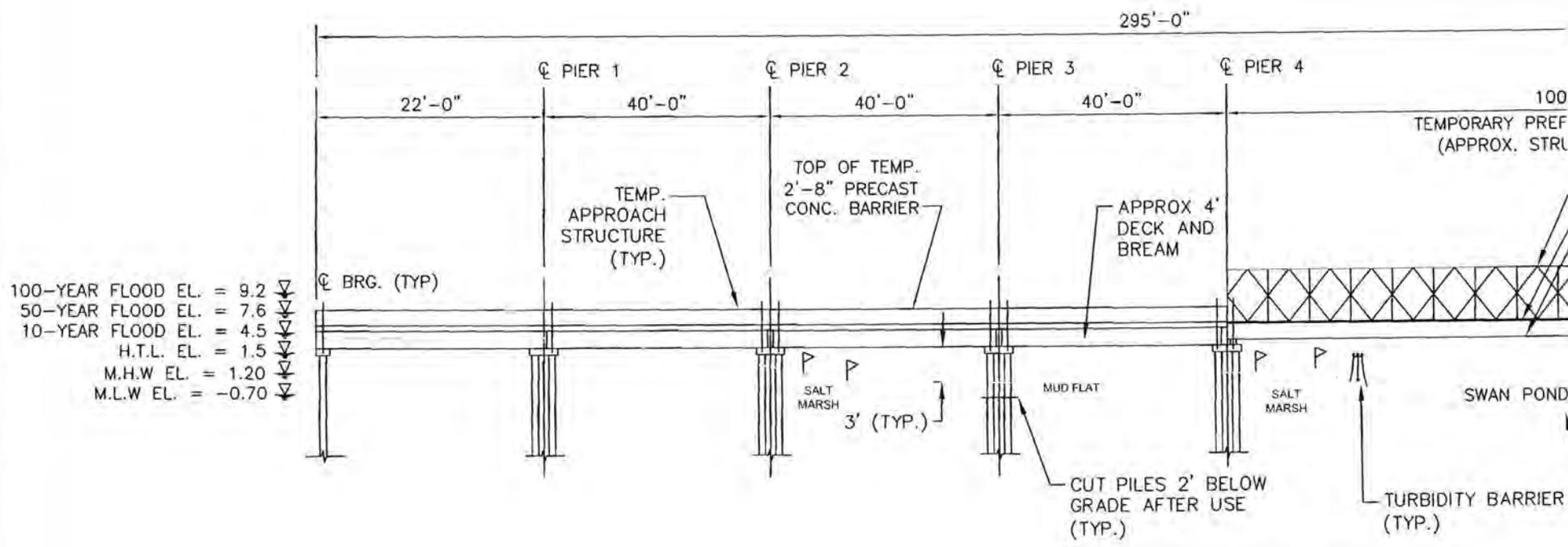
LEGEND

- FRESHWATER WETLAND
- HIGH TIDE LINE
- ~~~~~ SALT MARSH
- MEAN HIGH WATER +1.20
- MEAN LOW WATER -0.70
- TURBIDITY BARRIER
- ▨▨▨▨▨ HAY BAI ES

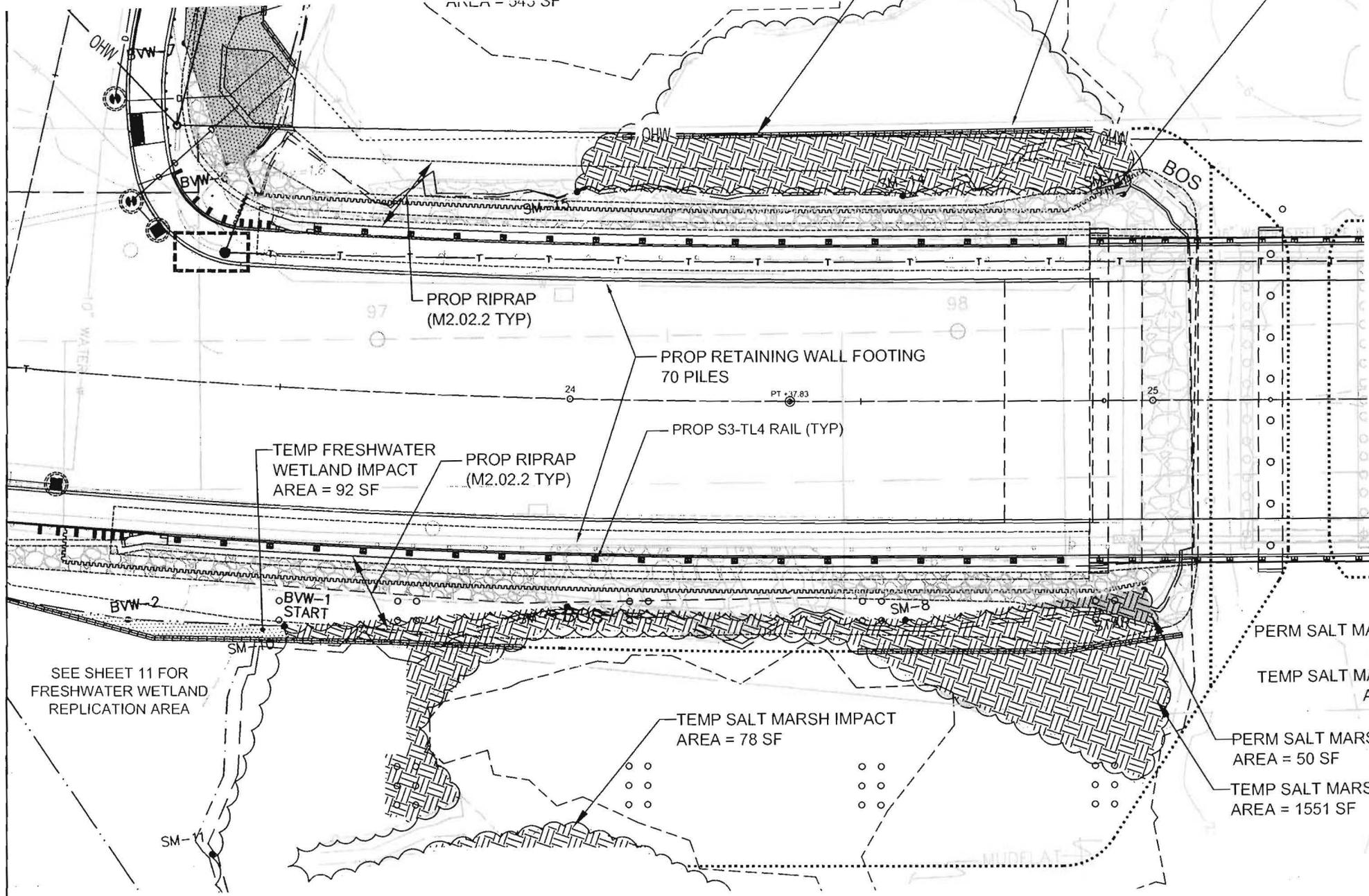


100-YEAR FLOOD ∇
 EL. = 9.2'
 50-YEAR FLOOD ∇
 EL. = 7.6'
 10-YEAR FLOOD ∇
 EL. = 4.5'
 H.T.L. ∇
 EL. = 1.5'
 M.H.W. ∇
 EL. = 1.20'
 M.L.W. ∇
 EL. = -0.70'





LONGITUDINAL SECTION



LEGEND

- FRESHWATER WETLAND
- HIGH TIDE LINE
- ~ SALT MARSH
- MEAN HIGH WATER +1.20
- [Dotted Pattern] FRESHWATER WETLAND TEMPORARY IMPACT
- [Cross-hatched Pattern] FRESHWATER WETLAND PERMANENT IMPACT
- [Diagonal Hatched Pattern] SALT MARSH TEMPORARY IMPACT

RESOURCE AREA	IMPACT SUMMARY		
	IMPACT AREA (SF)		
	TEMP	PERM	TOTAL
FRESHWATER WETLAND	92	543	635



LIMIT OF WORK
 STA 10+25
 N 2706853.3363
 E 1025799.8768

BEGIN PROJECT
 AND LIMIT OF WORK
 STA 22+00
 N 2706757.5124
 E 1025659.8989

COMPOST TOPSOIL
 AND SEED
 AREA = 135 SF

UPLAND RESTORATION
 AREA = 433 SF

MUD FLAT RESTORATION
 AREA = 466 SF
 MUD FLAT REPLICATION
 AREA = 109 SF
 SALT MARSH
 RESTORATION
 AREA = 936 SF
 SALT MARSH
 REPLICATION
 AREA = 147 SF

SWAN POND RIVER

UPLAND RESTORATION
 AREA = 82 SF

BVW
 REPLICATION
 AREA = 332 SF
 BVW
 RESTORATION
 AREA = 92 SF
 SALT MARSH
 REPLICATION
 AREA = 151 SF

SALT MARSH
 RESTORATION
 AREA = 1629 SF

MUD FLAT
 RESTORATION
 AREA = 63 SF

SALT MARSH
 RESTORATION
 AREA = 359 SF

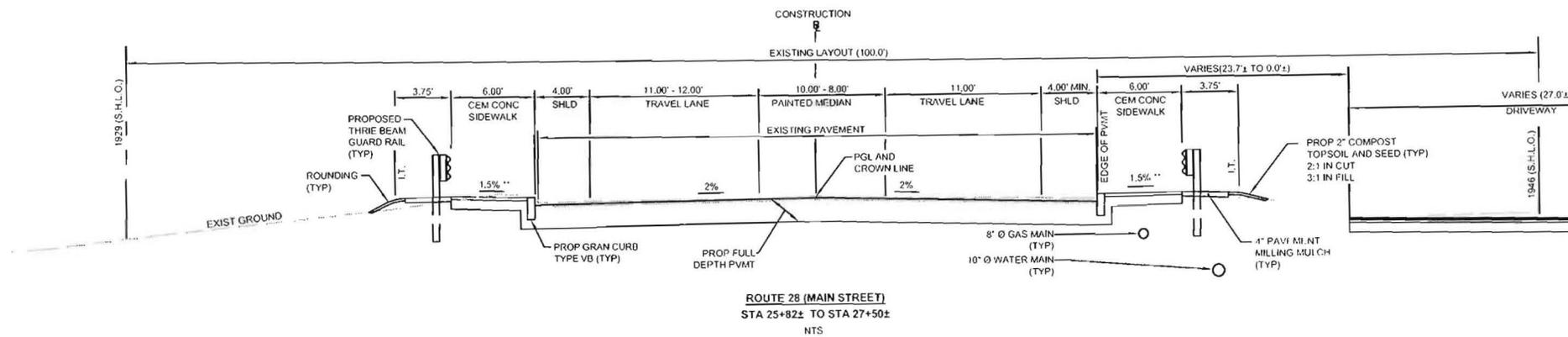
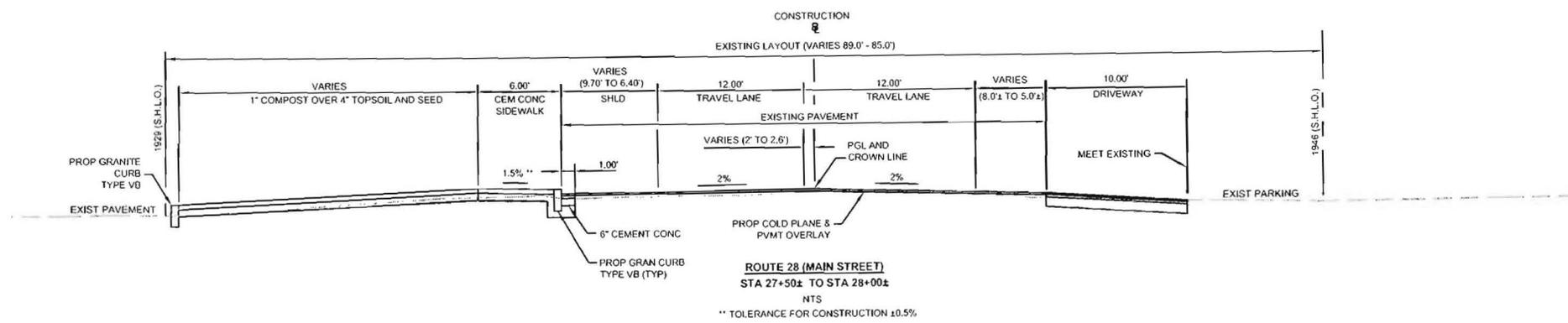
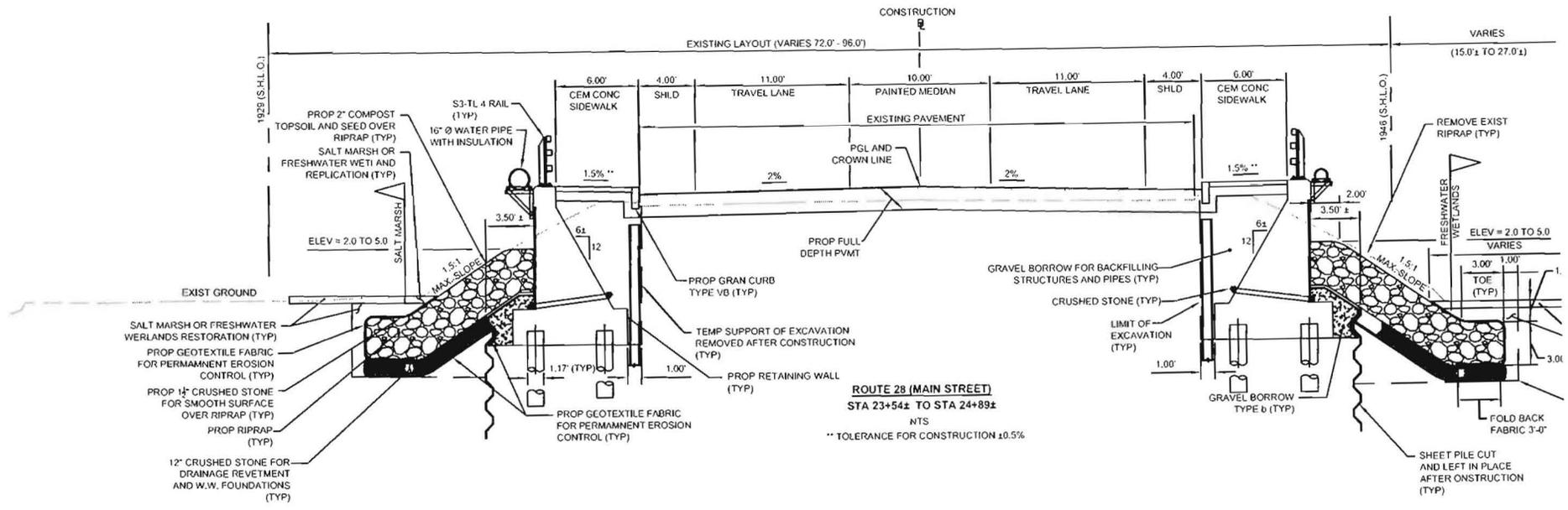
LEGEND

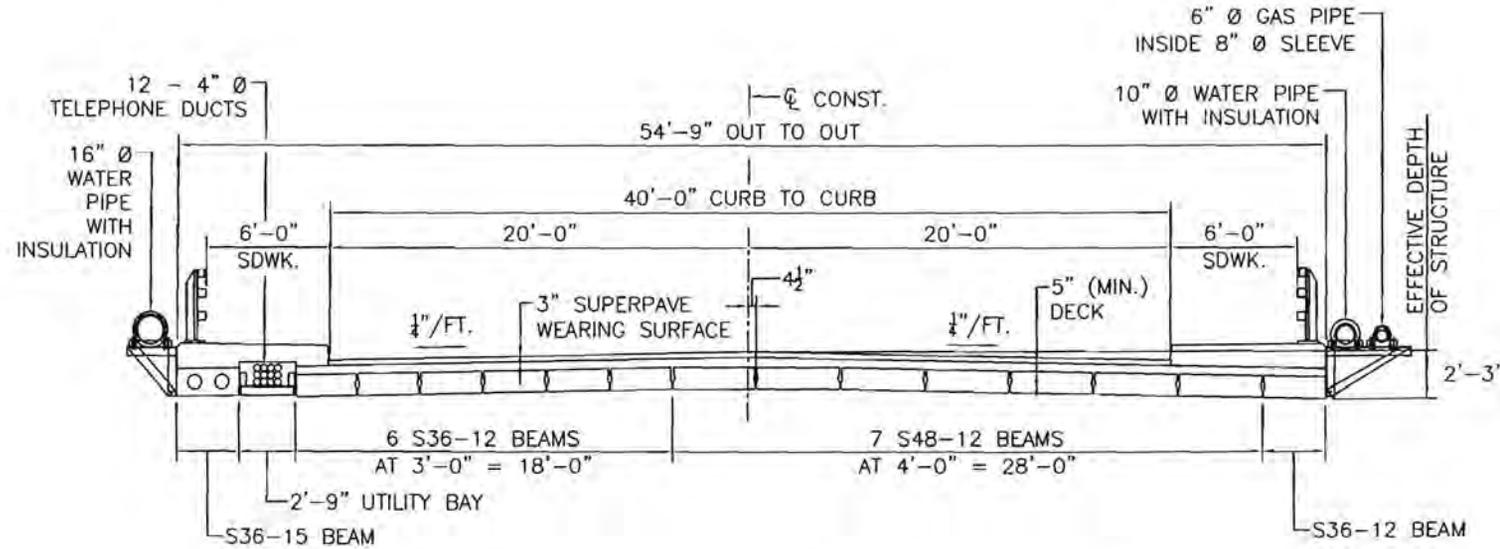
- FRESHWATER WETLAND
- HIGH TIDE LINE
- ~ SALT MARSH
- MEAN HIGH WATER +1.20
- MEAN LOW WATER -0.70
- TURBIDITY BARRIER
- ===== HAY BALES

- [Hatched pattern] SALT MARSH REPLICATION
- [Dotted pattern] SALT MARSH RESTORATION
- [Dotted pattern] BVW REPLICATION
- [Dotted pattern] BVW RESTORATION
- [Cross-hatched pattern] MUD FLAT RESTORATION

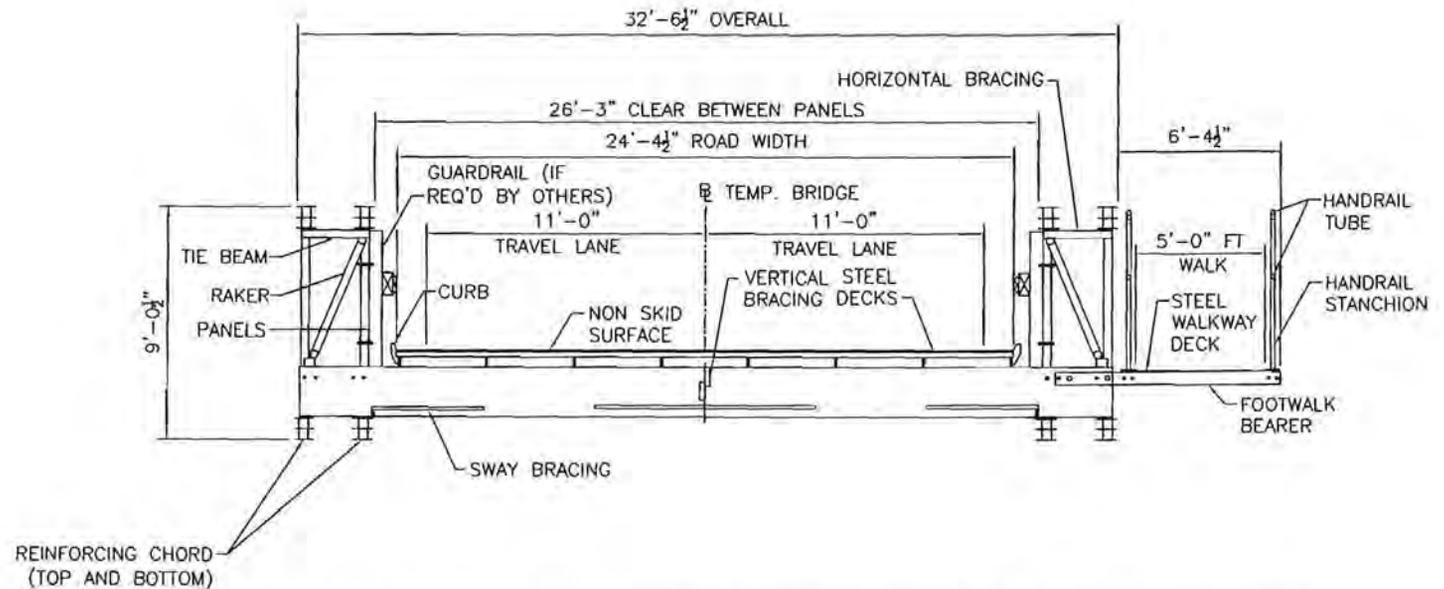
SUMMARY

RESOURCE AREA	AREA (SF)		
	RESTORATION	REPLICATION (GAIN)	TOTAL
BVW	92	332	424
SALT MARSH	2924	498	3422
MUD FLAT	500	100	600

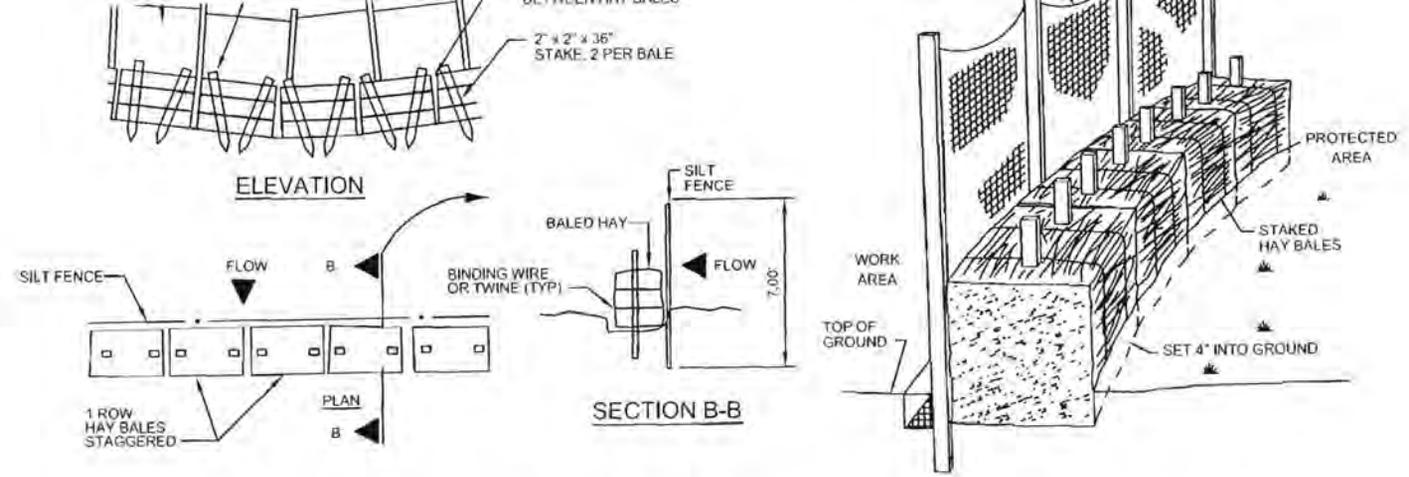




PROPOSED BRIDGE CROSS SECTION - LOOKING EAST

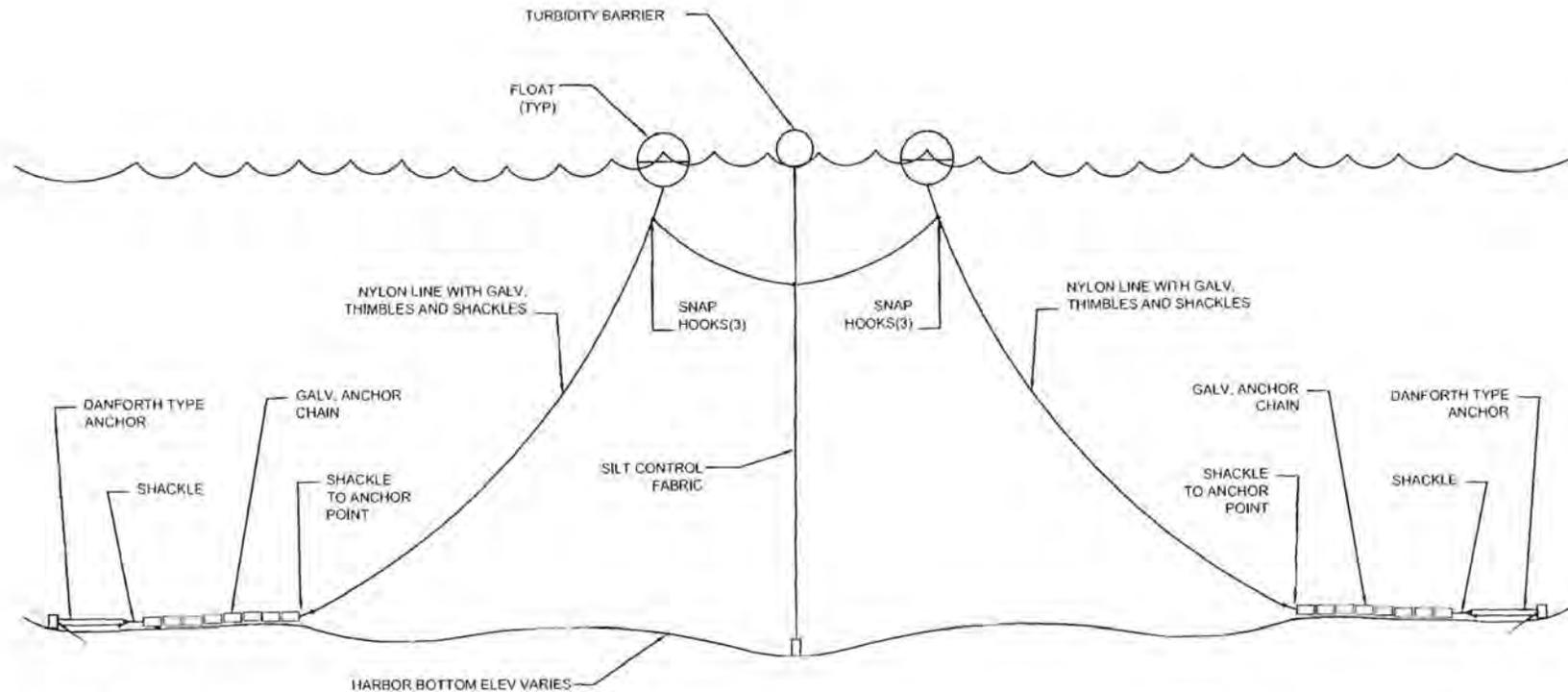


PROPOSED TEMPORARY BRIDGE CROSS SECTION - LOOKING EAST



HAY BALE/SILT FENCE PLACEMENT DETAILS

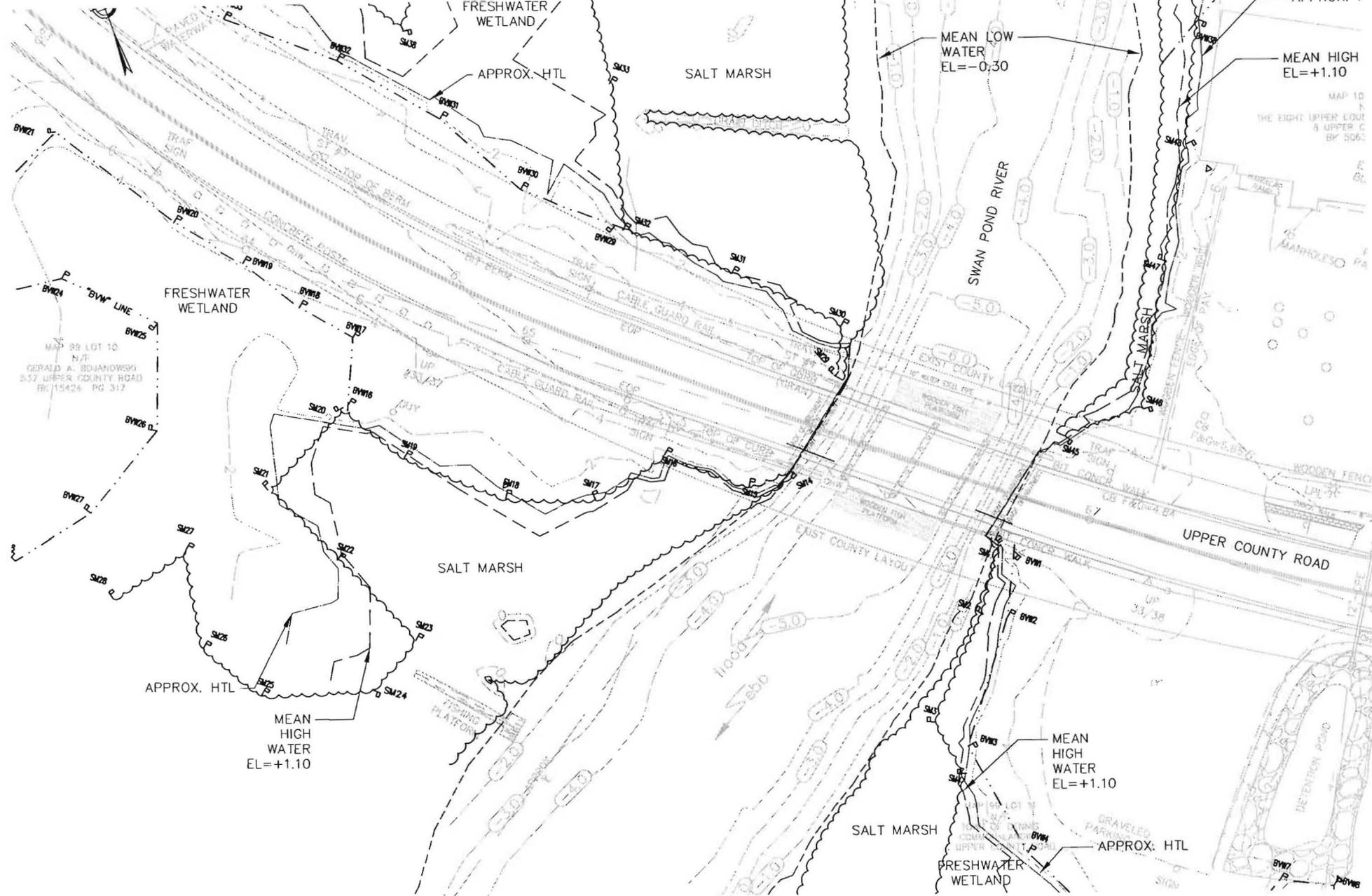
NTS



NOTE: BOTTOM OF TURBIDITY BARRIER SHALL EXTEND TO HARBOR BOTTOM DURING EXCAVATION AND FILLING OPERATIONS.

NOTES:

1. TURBIDITY BARRIER DEPTH VARIES: TURBIDITY BARRIER SHALL EXTEND FROM OCEAN BOTTOM TO WATER SURFACE DURING EXCAVATION.

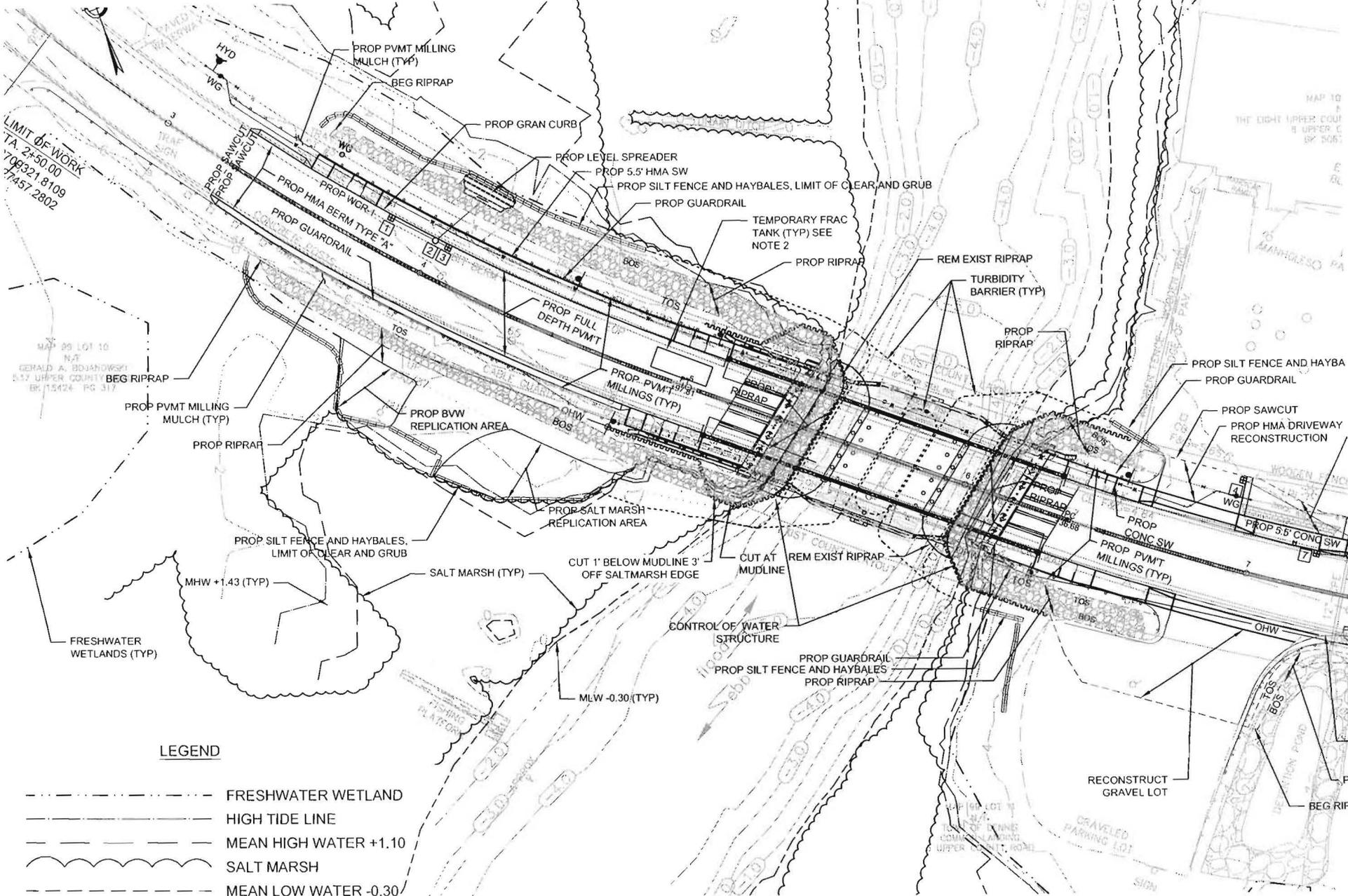


LEGEND

----- FRESHWATER WETLAND

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 TA 2+50.00
 709321 8109
 7457 2802

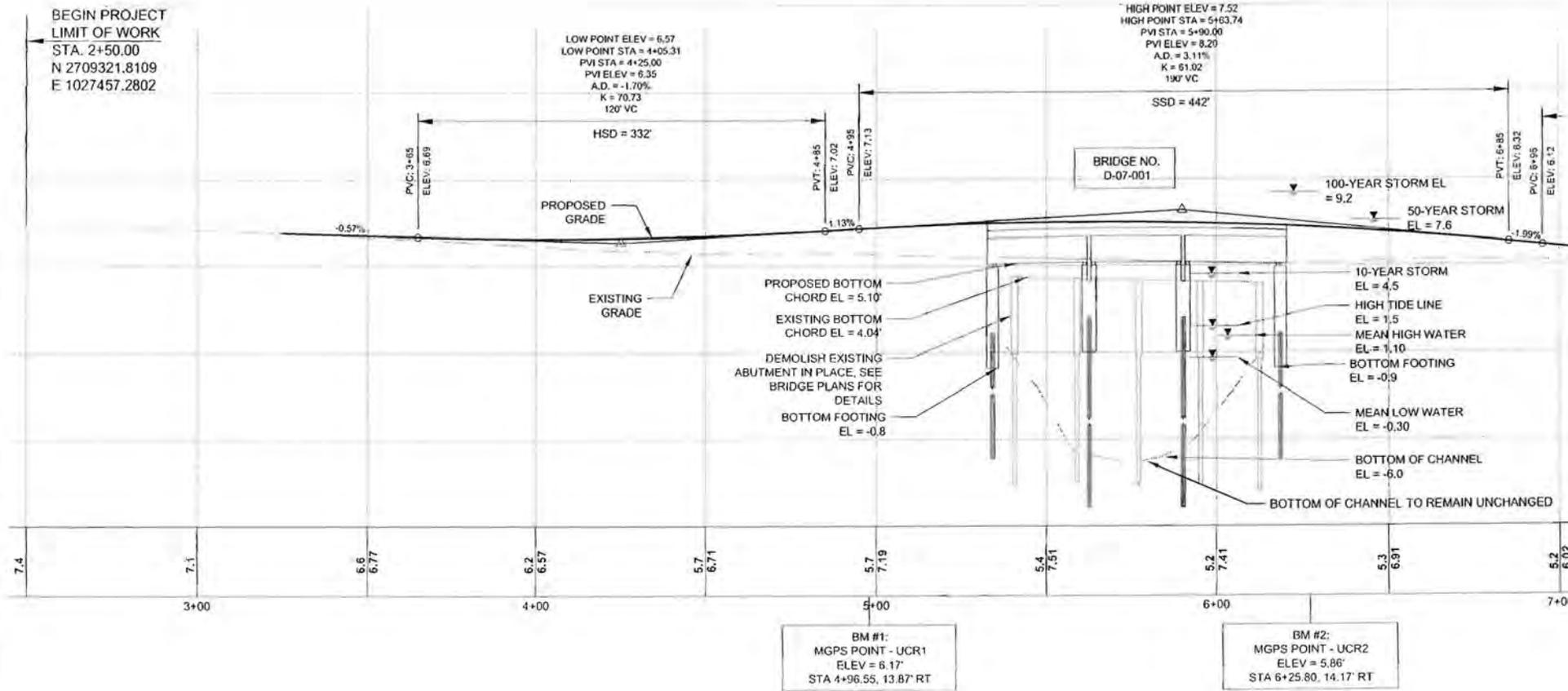
MAP 99 LOT 10
 N.A.T.
 GERALD A. BOJANOWSKI
 537 UPPER COURT
 BK 15424 PG 317

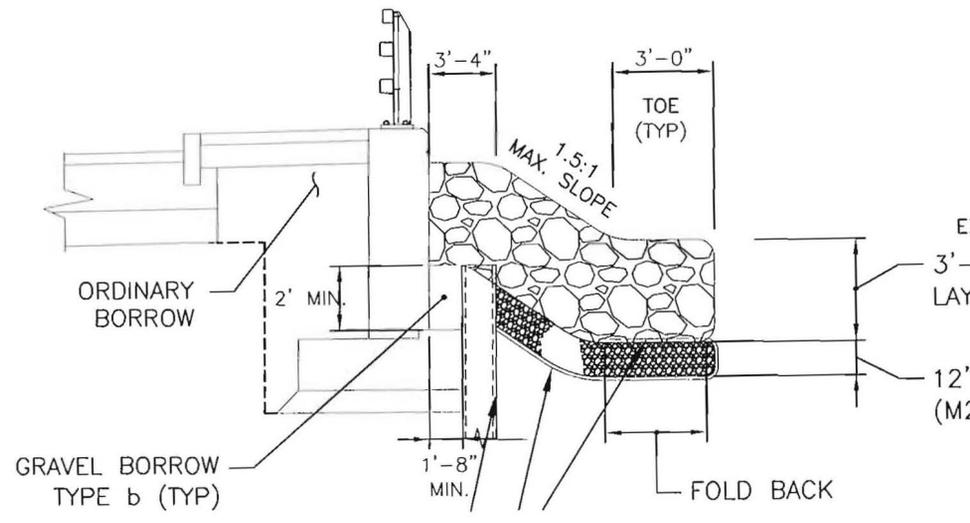
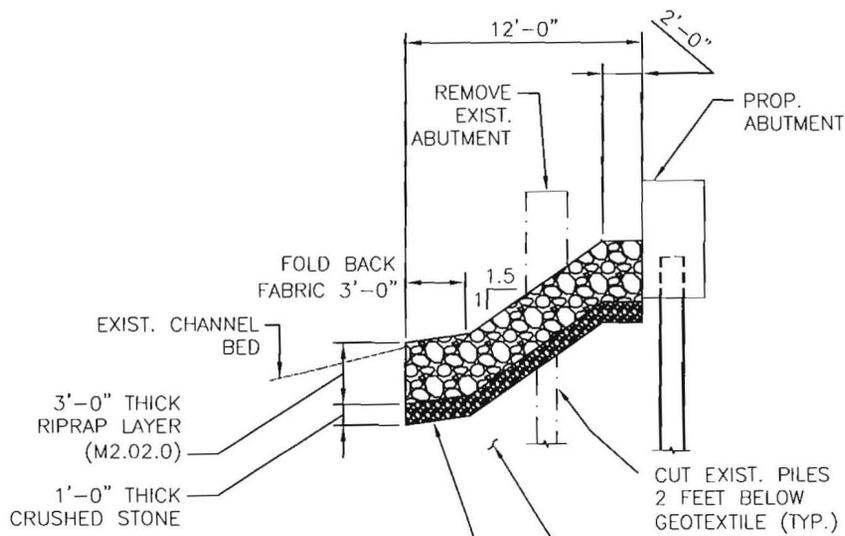
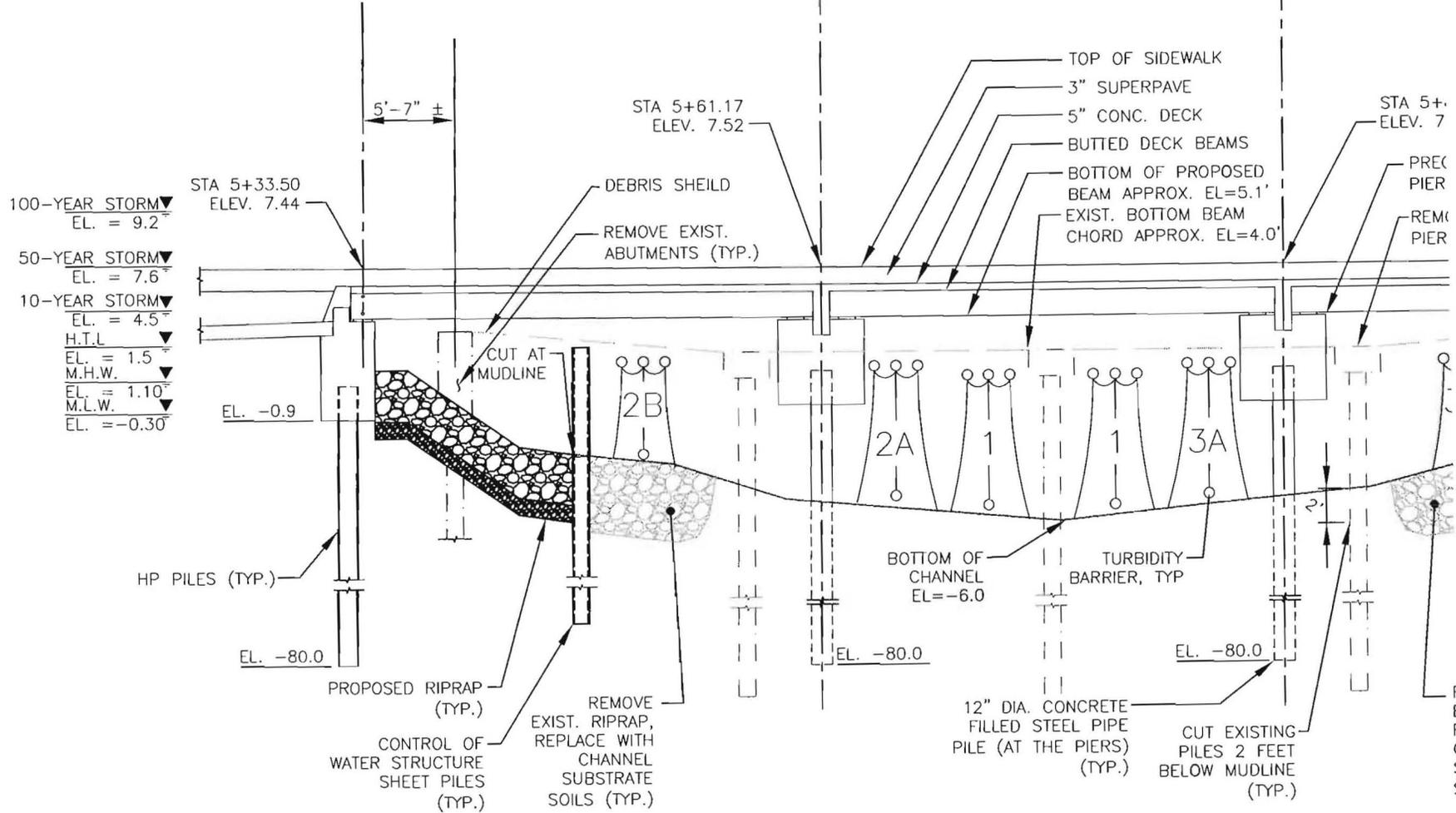


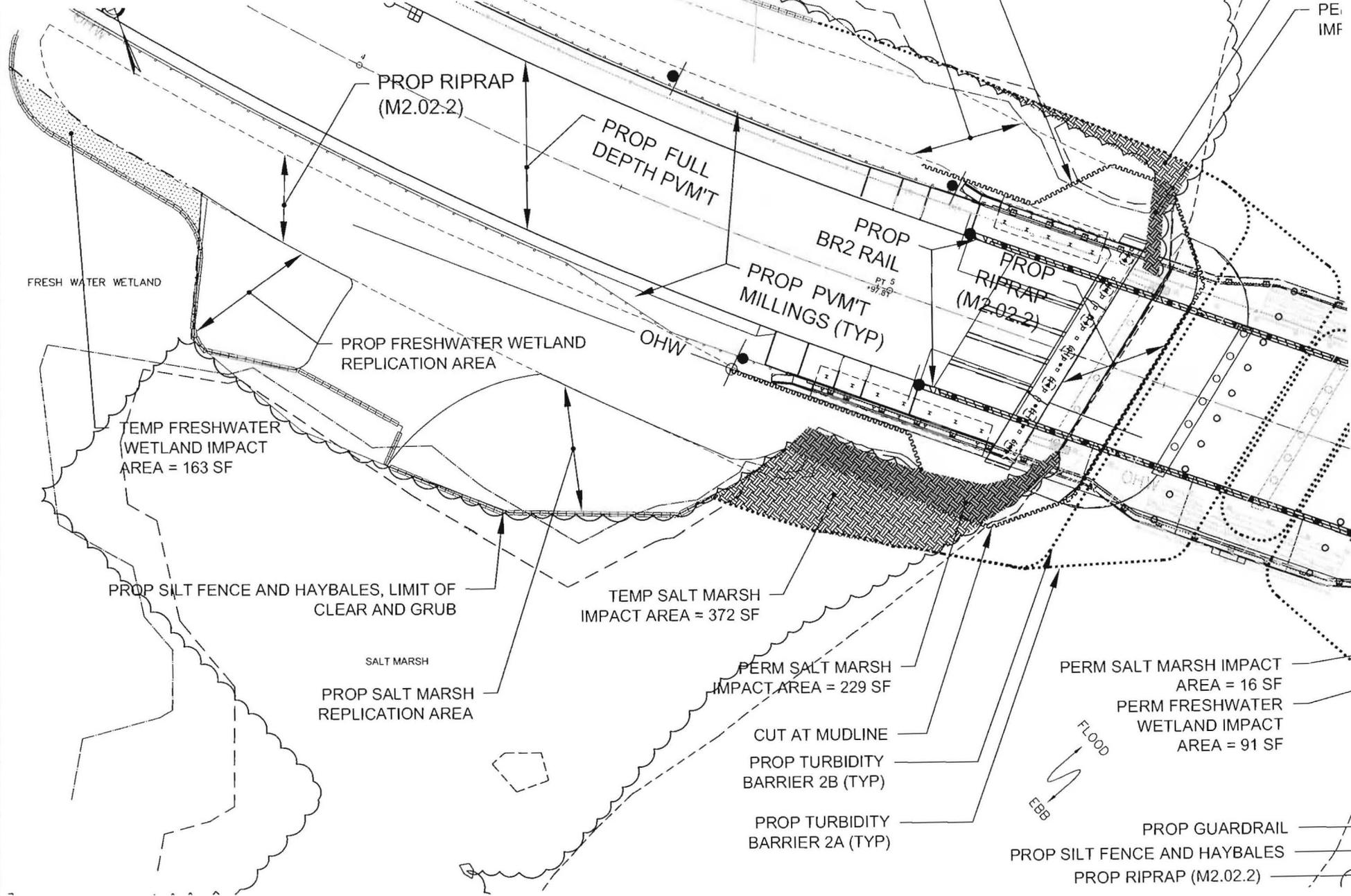
LEGEND

- FRESHWATER WETLAND
- HIGH TIDE LINE
- MEAN HIGH WATER +1.10
- SALT MARSH
- MEAN LOW WATER -0.30
- PROPOSED RIPRAP (ABOVE GRADE)

BEGIN PROJECT
LIMIT OF WORK
STA. 2+50.00
N 2709321.8109
E 1027457.2802







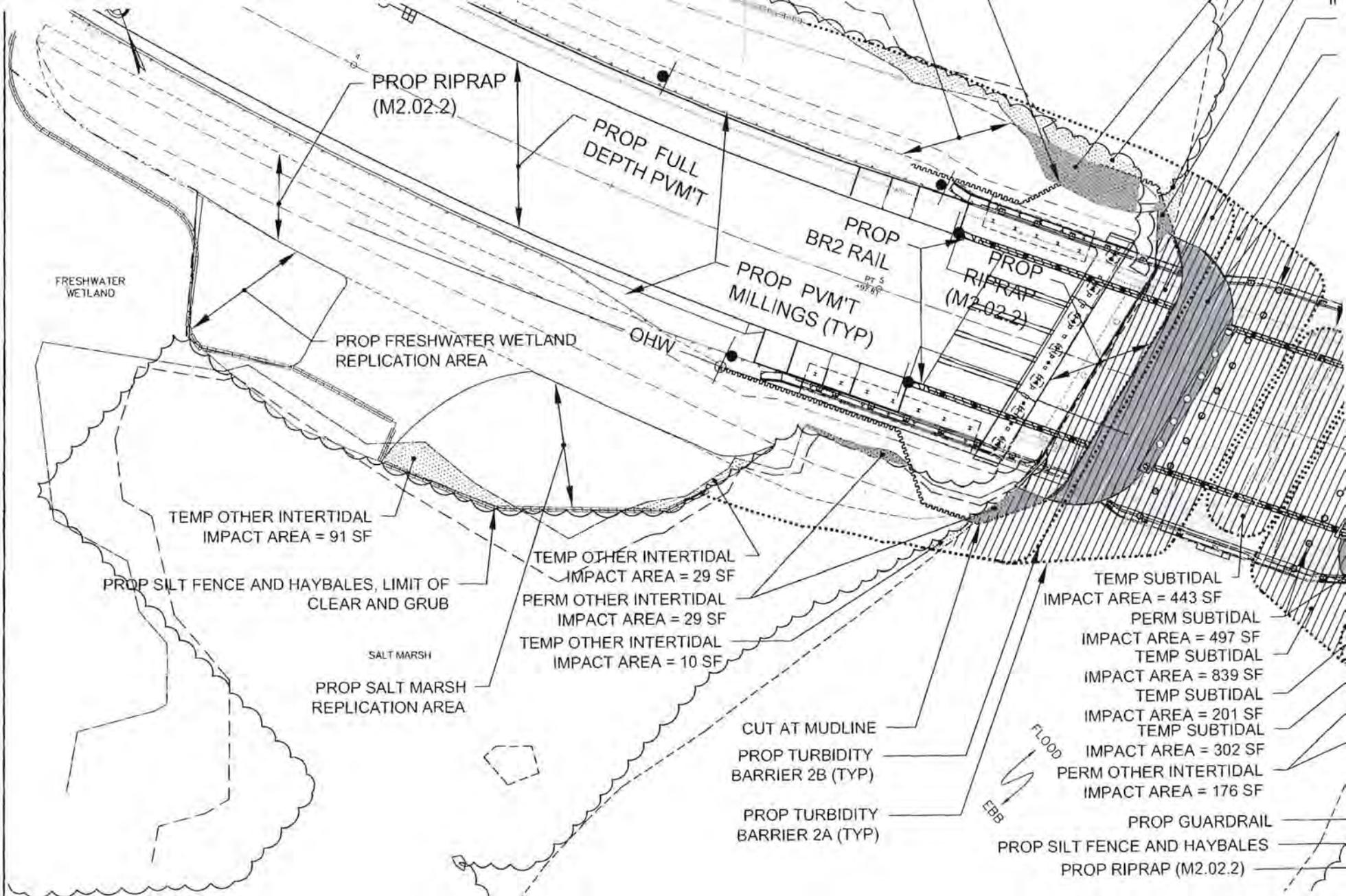
LEGEND

- FRESHWATER WETLAND
- HIGH TIDE LINE
- MEAN HIGH WATER +1.10
- ~ SALT MARSH
- MEAN LOW WATER -0.30

- [Stippled Pattern] FRESHWATER WETLAND TEMPORARY IMPACT
- [Horizontal Line Pattern] FRESHWATER WETLAND PERMANENT IMPACT
- [Diagonal Line Pattern] SALT MARSH TEMPORARY IMPACT
- [Cross-hatch Pattern] SALT MARSH PERMANENT IMPACT

- FRESHWATER WETLAND TEMPORARY IMPACT
- FRESHWATER WETLAND PERMANENT IMPACT
- SALT MARSH TEMPORARY IMPACT
- SALT MARSH PERMANENT IMPACT

IMPACT SUMMARY	
RESOURCE AREA	
FRESHWATER WETLAND	
SALT MARSH	



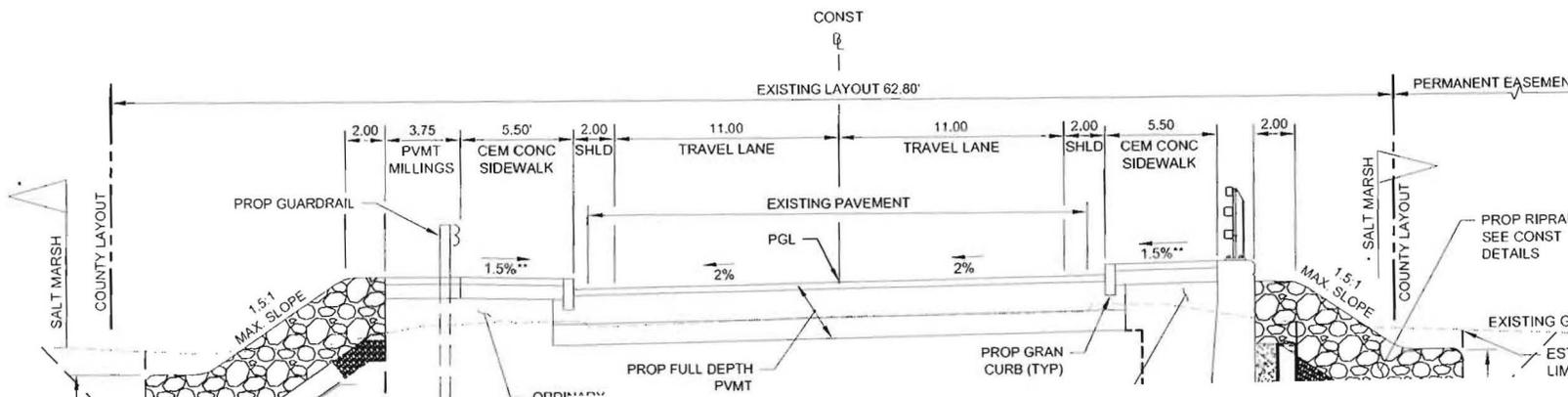
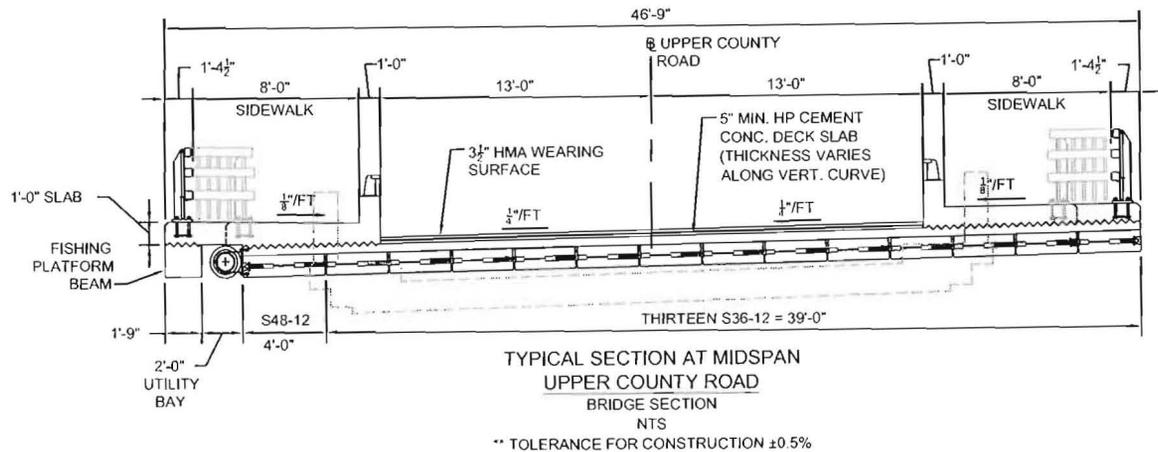
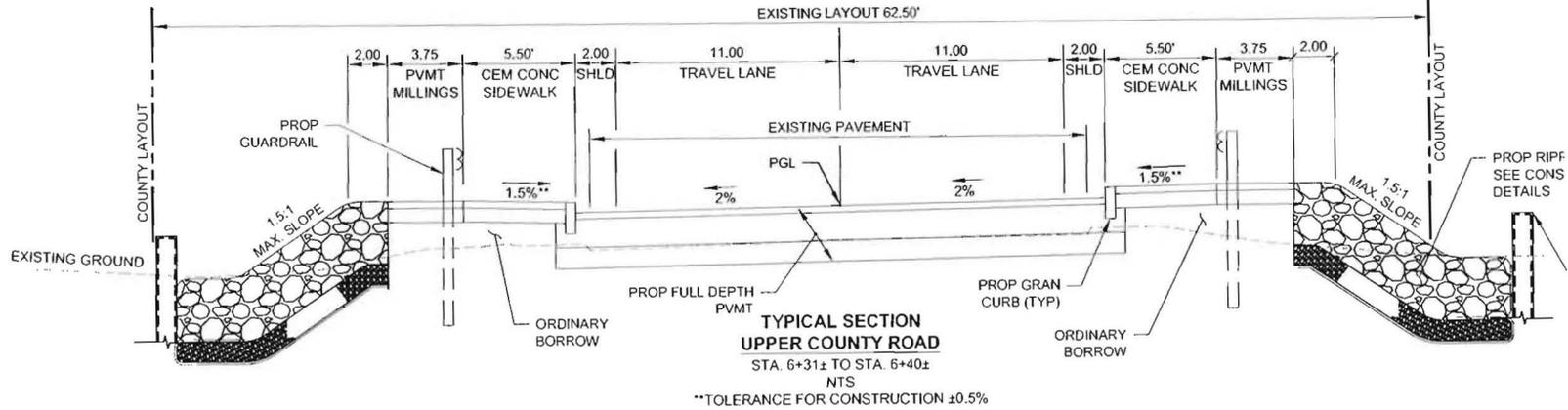
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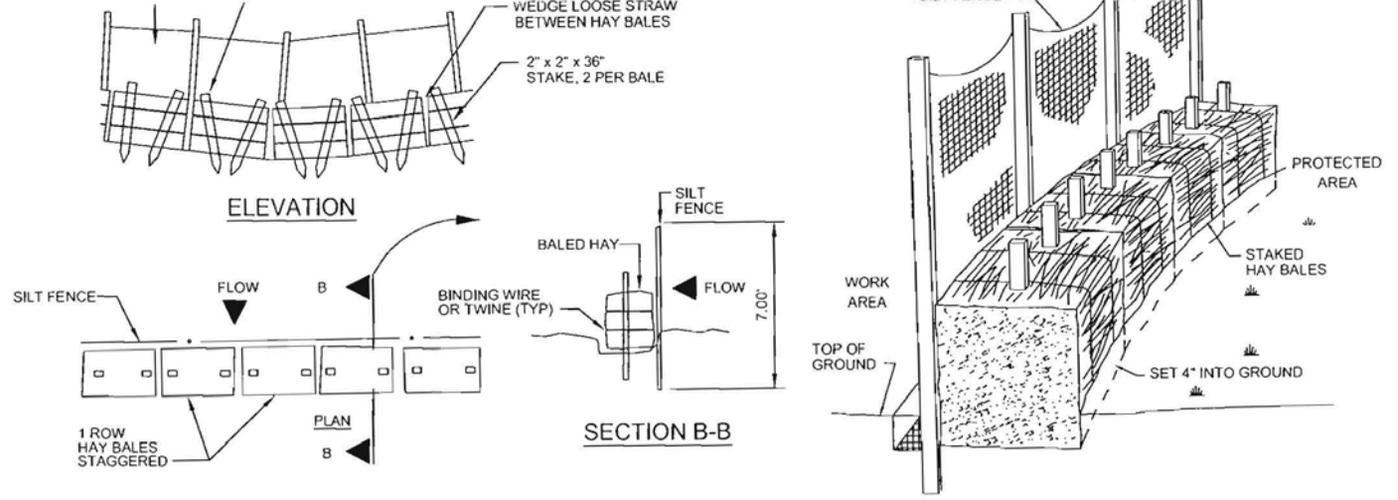
	FRESHWATER WETLAND		OTHER INTERTIDAL TEMPORARY IMPACT
	HIGH TIDE LINE		OTHER INTERTIDAL PERMANENT IMPACT
	MEAN HIGH WATER +1.10		SUBTIDAL TEMPORARY IMPACT
	SALT MARSH		SUBTIDAL PERMANENT IMPACT
	MEAN LOW WATER -0.30		

DREDGING IMPACTS		
RESOURCE AREA	SQ. FT	CU YD
TOTAL INTERTIDAL*	1333	197
SUBTIDAL	1617	239
TOTAL	2950	436

* TOTAL INTERTIDAL AREA INCLUDES: SALT MARSH, FRESHWATER WETLAND,

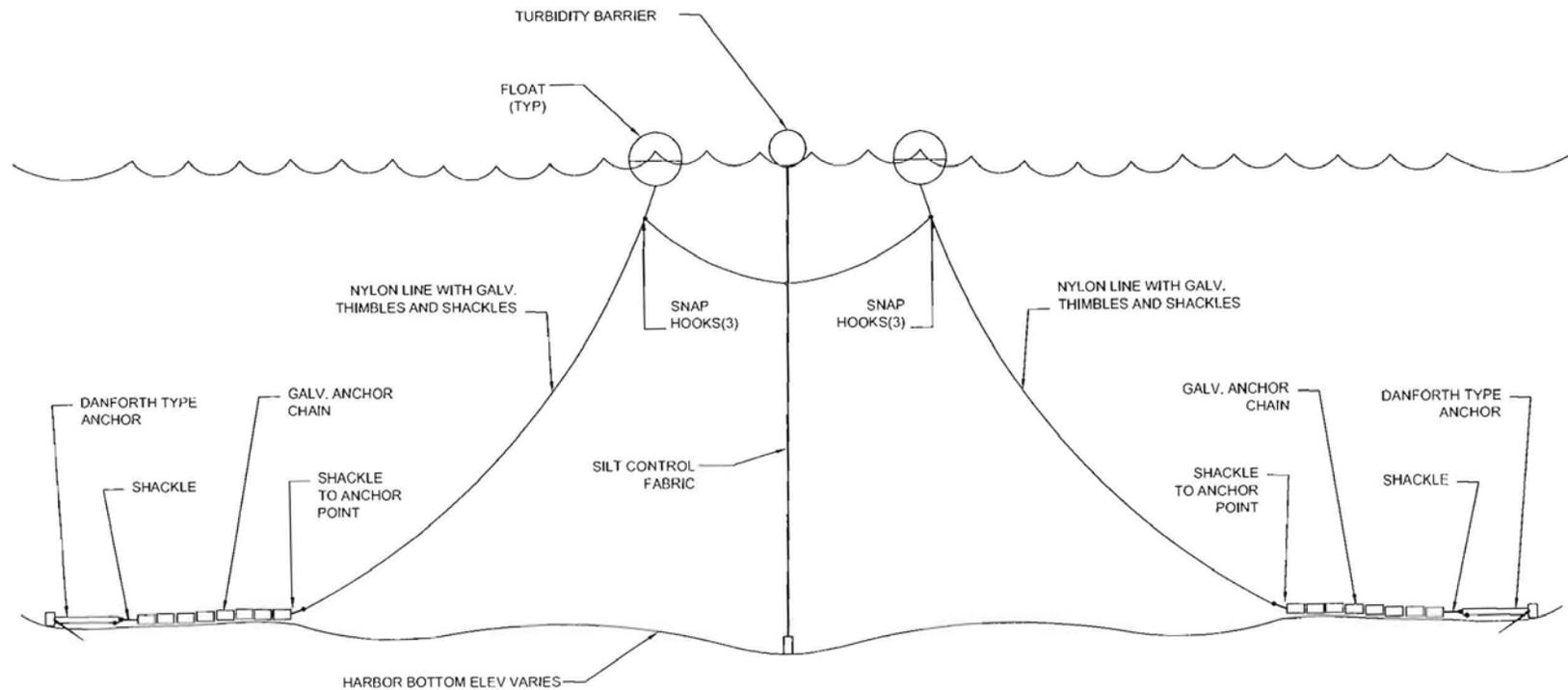
IM
RESOURCE AR
OTHER INTERTI
SUBTIDAL





HAY BALE/SILT FENCE PLACEMENT DETAILS

NTS

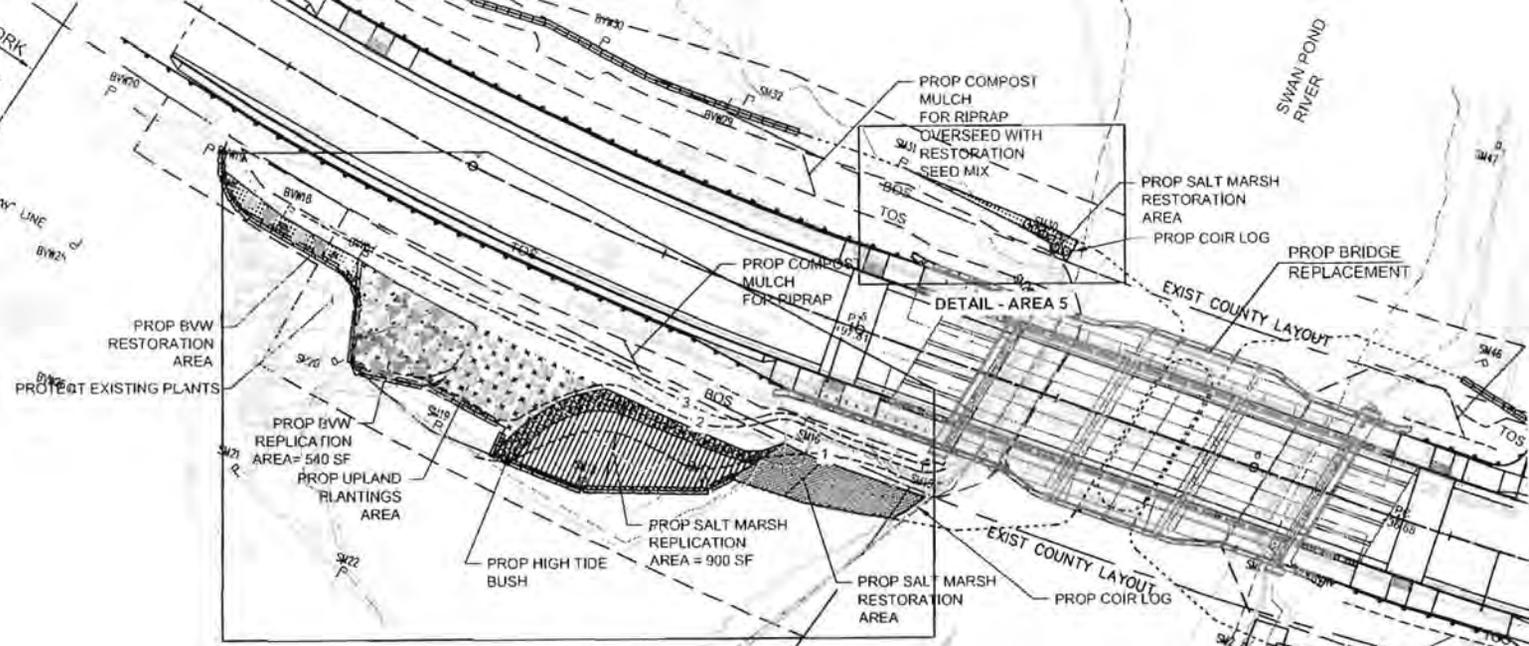


NOTE: BOTTOM OF TURBIDITY BARRIER SHALL EXTEND TO HARBOR BOTTOM DURING EXCAVATION AND FILLING OPERATIONS.

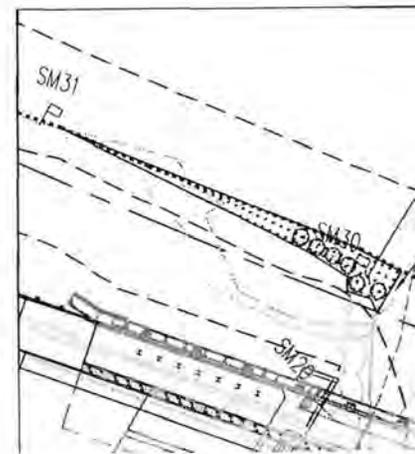
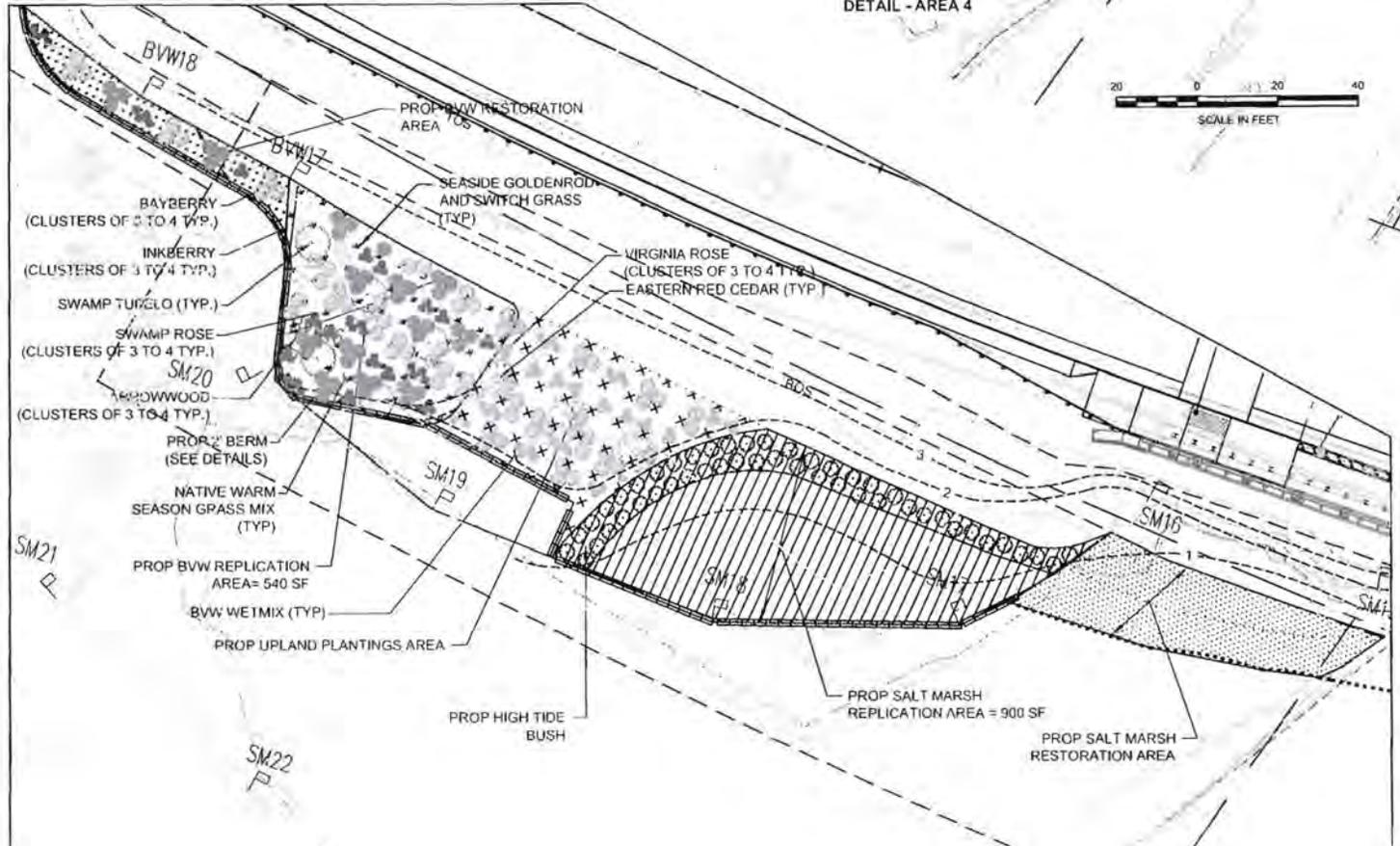
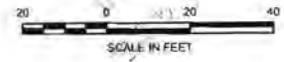
NOTES:
1. TURBIDITY BARRIER DEPTH VARIES. TURBIDITY BARRIER SHALL EXTEND FROM OCEAN BOTTOM TO



OF WORK
 P.A. 3-400 00
 N 2709280.5418
 E 1027485.4938



DETAIL - AREA 4



11/10/2008 11:30:00 AM
 C:\Users\james\Documents\Projects\2008\2008-05-05 - Graphics\110 CAD\Drawings\WORKS_DRAWING.dwg
 2008 Stantec Inc. & the Serv/Management, Inc. - Dennis, LA-500 CAD - 05 - Graphics\110 CAD\Drawings\WORKS_DRAWING.dwg