



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

PUBLIC NOTICE

Comment Period Begins: October 24, 2017
Comment Period Ends: November 24, 2017
File Number: NAE-2016-1308
In Reply Refer To: Christine Jacek
Phone: (978) 318-8026
E-mail: Christine.M.Jacek@usace.army.mil

The District Engineer has received a permit application to conduct work in waters of the United States from Gregory Stone representing LHI, Inc. and Lighthouse Inn, Inc. This work is proposed in Nantucket Sound at 1 Lighthouse Inn Road, West Dennis, Massachusetts. The site coordinates are: Latitude 41.651499, Longitude - 71.169355.

The work involves the reconfiguration of the outermost portions of an existing groin system, temporary construction access, and beach nourishment. Current structures include three rock groins that extend between 130 feet (ft.) and 240 ft. in length. A breakwater parallel to the shore spans the two inner groins with a 25 ft. gap present to allow for tidal exchange within the embayment. The applicant proposes the following actions to modify the current groin and breakwater structures:

- Remove a 27 ft. length of breakwater east of the existing gap and a 54 ft. length west of the existing gap, within the breakwater running parallel to the shoreline. This will create two gaps for tidal exchange within the embayment that are each 54 ft. wide.
- Construct a 77 ft. rock groin perpendicular to the shoreline, off of the modified breakwater running parallel to the shoreline.
- Remove a 52 ft. length of excess boulders from the end of the easternmost existing groin.
- Construct a 28 ft. spur groin at the end of the westernmost existing rock groin and construct a 28 ft. spur groin at the end of the easternmost existing rock groin.
- Re-nourish the beach area through the placement of 7,000 cubic yards of compatible sand material over a 69,000 sq. ft. area. A portion of the sand fill (4,000) cubic yards of material will serve "double duty" and will be placed for temporary construction access, then allowed to migrate naturally post construction as part of the beach nourishment.
- Temporary impacts to 3,800 sq. ft. as stones removed from existing groins are temporarily stored prior to being re-utilized in the proposed new groins.

The project, as proposed, will result in 133 linear feet of groin structures being removed and 133 linear feet of groin structures being added resulting in no net gain or loss of tidal resources. Total impacts from beach nourishment will total approximately 69,000 sq. ft., with 31,600 sq. ft. of the proposed beach nourishment occurring in intertidal areas. Temporary construction access will total approximately 3,800 sq. ft.

The work is shown on the attached plans entitled "LIGHTHOUSE INN; WEST DENNIS, MA BEACH PROJECT," on seven (7) sheets, and dated "01/30/17 REV. 7/14/17"

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FILE NO. NAE-2016-1308

The applicant has designed the project to avoid and minimize impacts to special aquatic sites, including known eelgrass beds adjacent to the project site. Additional removal of groins was considered, but proximity of eelgrass beds to these groins would have resulted in impacts to the eelgrass during removal. Therefore, it was decided that leaving these groins in place was the preferred option. Compensatory mitigation is still being discussed with the applicant and will be resolved prior to permit issuance.

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 U.S. Army Corps of Engineers, New England District (Corps), 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. The Corps will consider all comments received 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). Essential Fish Habitat describes waters and substrate necessary for fish for spawning, breeding, feeding or growth to maturity.

This project will impact 1.65 acres of Essential Fish Habitat (*EFH*) and will result in the removal of fill from 0.06 acres of *EFH*. This habitat consists of medium to fine grain sands within the groin system and a sand bottom with submerged aquatic vegetation adjacent to the groin system. Loss of this habitat may adversely affect species that use these waters and substrate. 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 Corps has reviewed the application for the potential impact on Federally-listed threatened or endangered species and their designated critical habitat pursuant to section 7 of the Endangered Species Act as amended. 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 a listed species or their critical habitat. We are coordinating with the NMFS and/or U.S. Fish and Wildlife Service on listed species under their jurisdiction and the ESA consultation will be concluded prior to the final decision.

OTHER GOVERNMENT AUTHORIZATIONS

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.

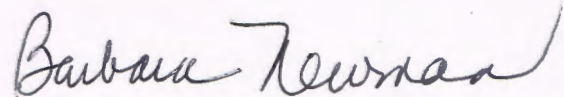
COMMENTS

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 Christine Jacek at (978) 318-8026, (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.



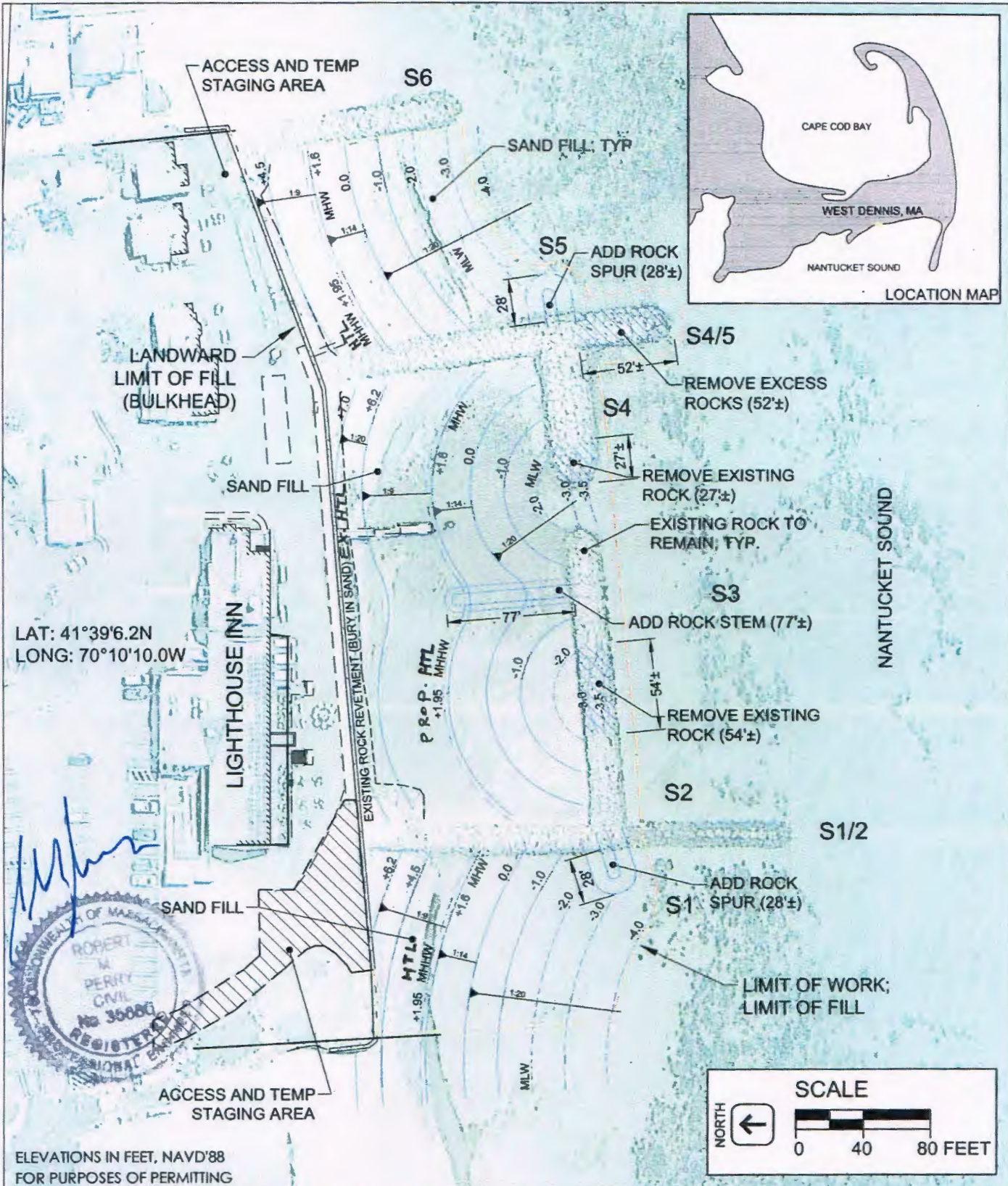
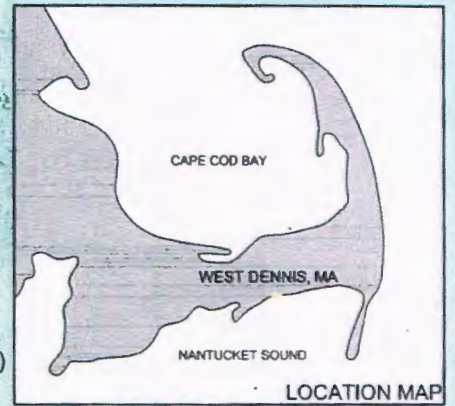
Barbara Newman
Chief, Permits and Enforcement Branch
Regulatory Division

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. 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: _____



<p>OLSEN ASSOCIATES, INC. 2618 HERSCHEL ST. JACKSONVILLE, FL 33204 IN ASSOCIATION WITH CAPE COD ENGINEERING, INC. P.O. BOX 1517 EAST DENNIS, MA 02641</p>	<p>LIGHTHOUSE INN; WEST DENNIS, MA BEACH PROJECT 1 LIGHTHOUSE ROAD, WEST DENNIS, MA 02670 PROPOSED IMPROVEMENTS</p>	<p>REV. 7/14/17-Shading Removed</p>	<p>01/30/17 DRAWN BY: ML SHEET 1 of 7</p>
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CHARLES
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NOTES:

1. ELEVATIONS REFER TO NAVD'88 DATUM.
2. THE DATA CONTAINED HEREON WAS GENERATED BY AN ON-THE-GROUND OPTICAL FIELD SURVEY EFFORT BY ROBERT FREEMAN, PLS DURING SEPTEMBER 2016.
3. SURVEY PREPARED BY CAPE COD ENGINEERING, INC.

TIDE DATUMS

+2.5'	H.A.T.
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+1.6'	MHW
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-2.0'	MLW
-2.8'	L.A.T.

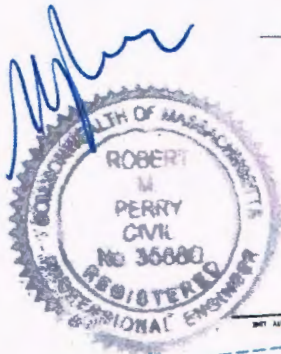
LHI, INC.

LIGHTHOUSE INN

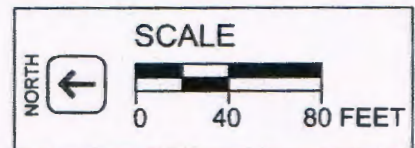
EXISTING ROCK
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NANTUCKET SOUND

TOWN OF DENNIS



ELEVATIONS IN FEET, NAVD'88
FOR PURPOSES OF PERMITTING



CAPE COD ENGINEERING, INC.
P.O. BOX 1517
EAST DENNIS, MA 02641

LIGHTHOUSE INN; WEST DENNIS, MA
BEACH PROJECT

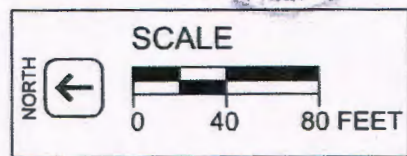
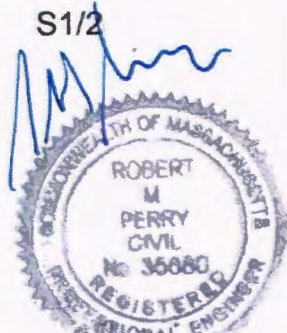
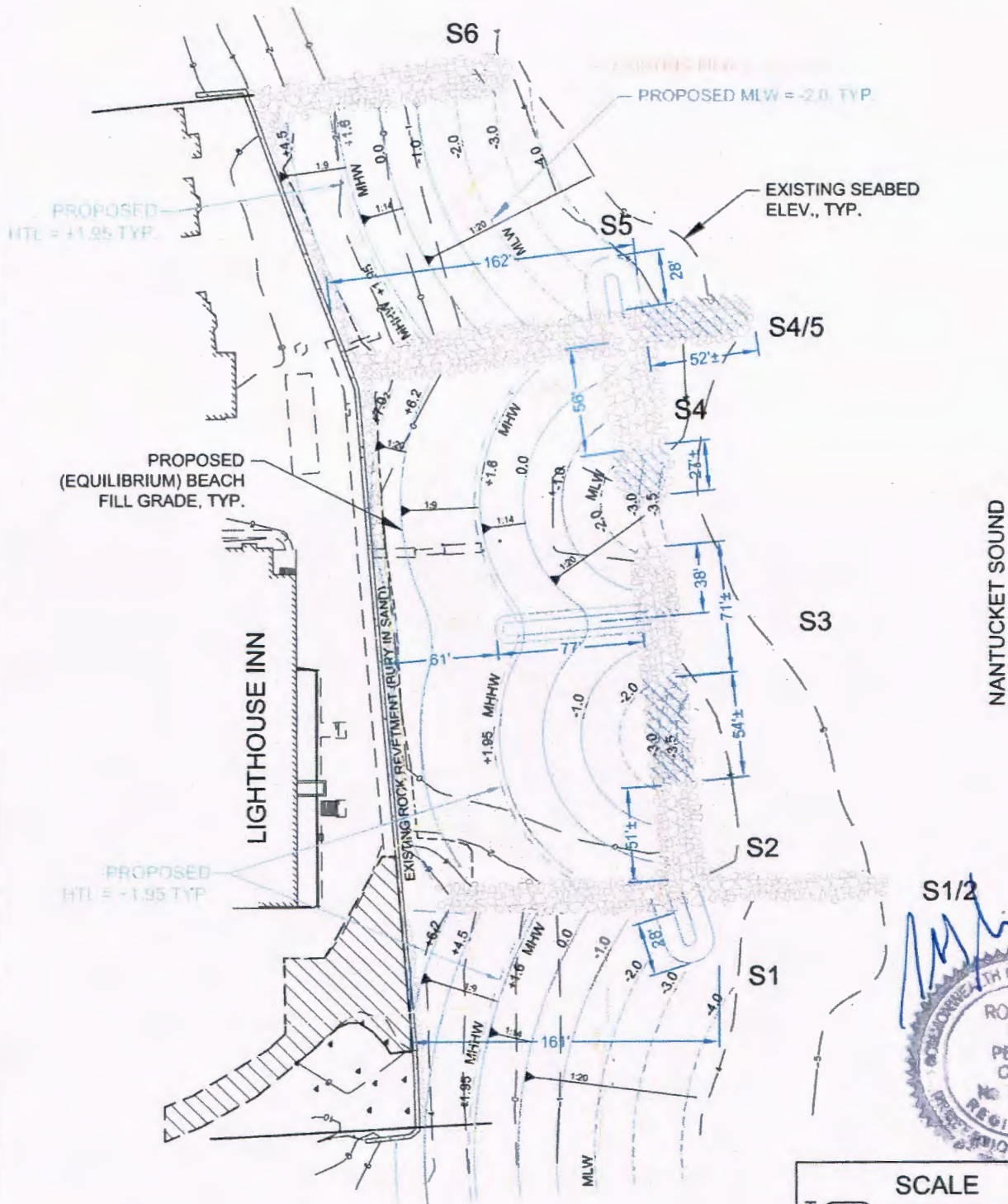
EXISTING CONDITIONS

REV. 7/14/17-Shading Removed
REV. 9/22/17-HTL & MLW Labeled

01/30/17

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- REMOVE EXISTING ROCKS

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PLAN OF IMPROVEMENT

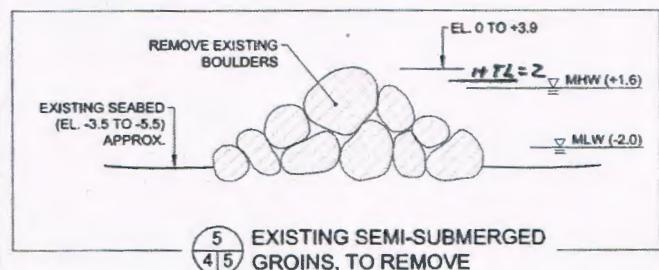
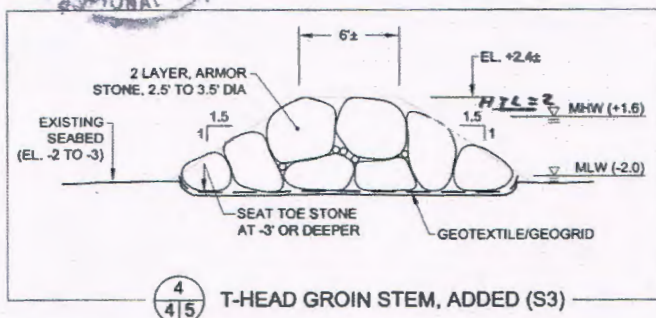
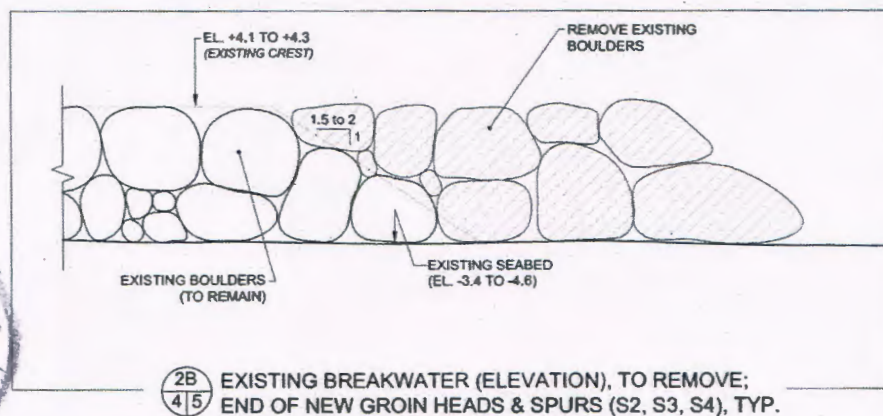
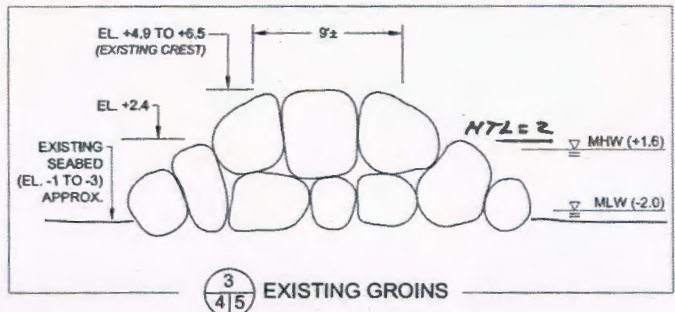
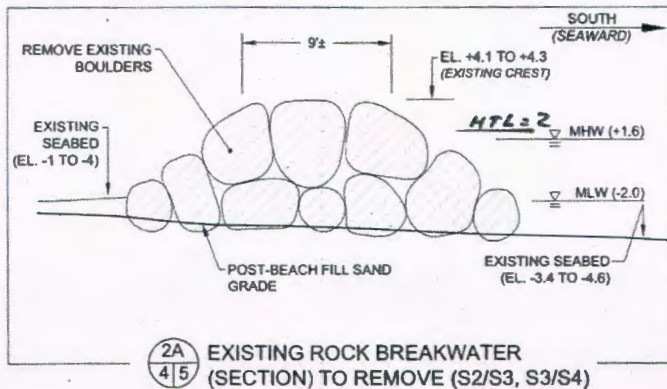
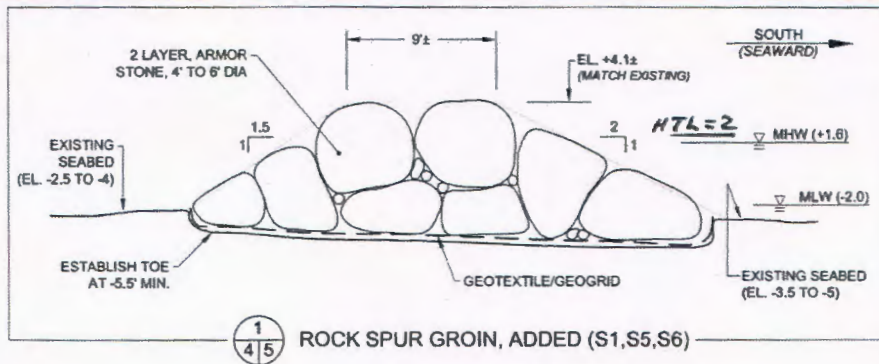
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SECTIONS & DETAILS - 1

REV. 7/14/17-Shading Removed

SCALE VARIES

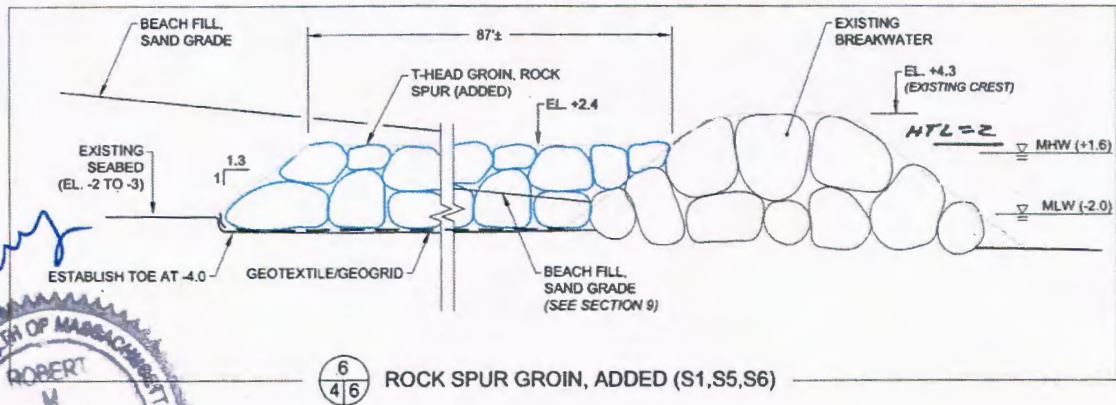
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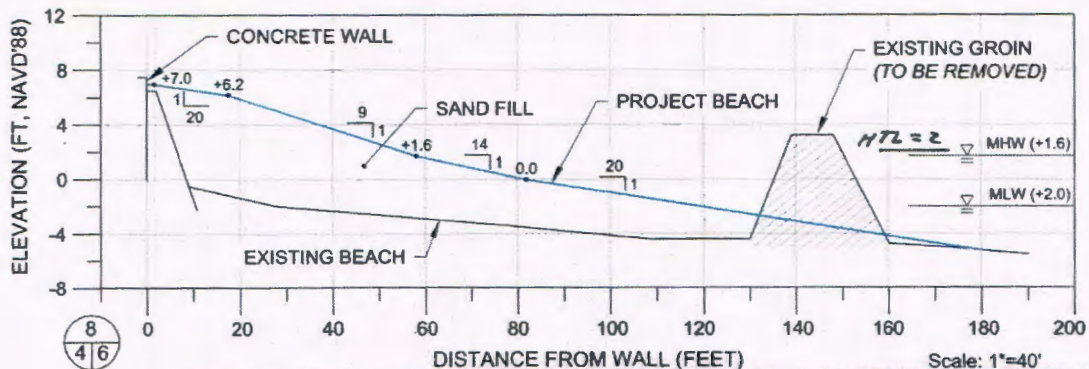
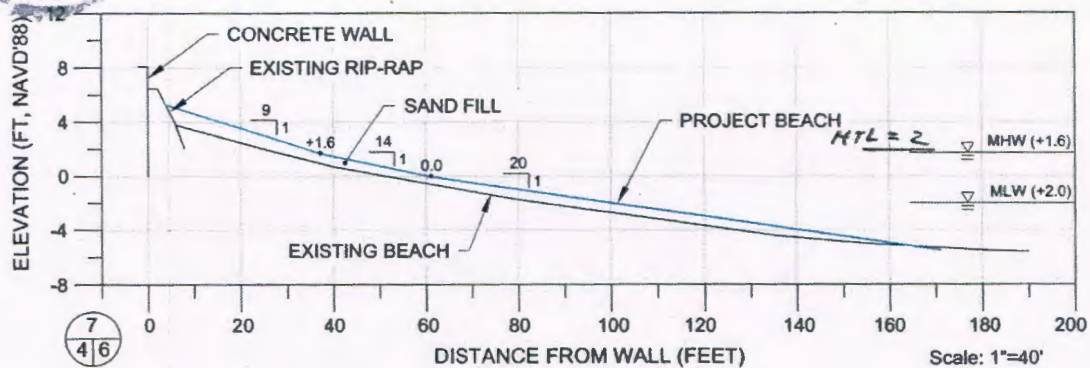
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NOTE: SECTIONS 7-11 DEPICT 3:1 VERTICAL EXAGGERATION



NOTE - THE PLAN SET AND ACCOMPANYING OCEANOGRAPHIC EVALUATION HAS BEEN PREPARED BY OLSEN ASSOCIATES, INC. 2618 HERSCHEL ST., JACKSONVILLE, FL 33204 WITH ASSOCIATION AND REVIEW OF SURVEY DATA, PROPOSED STONE GROIN DESIGN / CONSTRUCTION GUIDANCE, AND TIDAL DATUM BY CAPE COD ENGINEERING, INC., A MASSACHUSETTS CORPORATION.
PLANS ARE INTENDED FOR FEDERAL PERMITTING PURPOSES ONLY. FOR STONE CONSTRUCTION DETAILS AND SPECIFICATIONS CONTACT CAPE COD ENGINEERING, INC.

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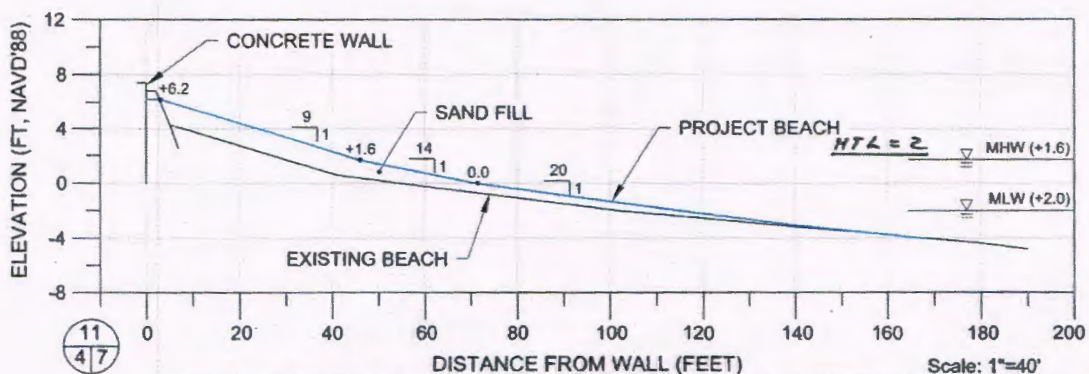
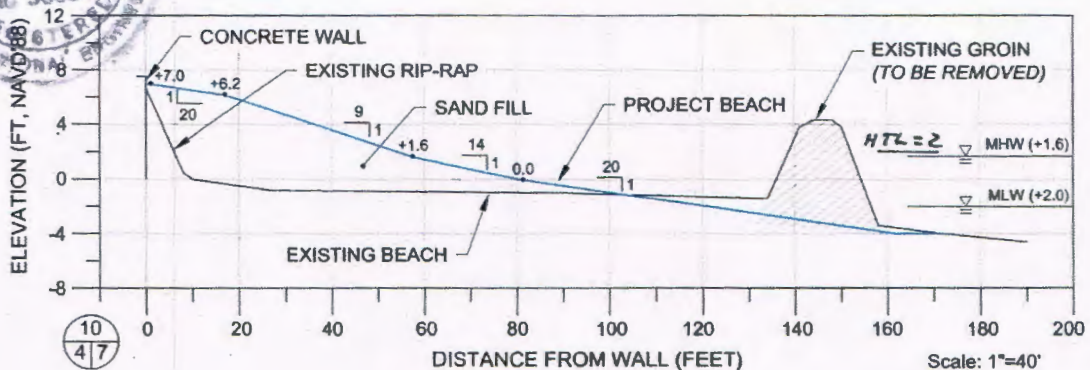
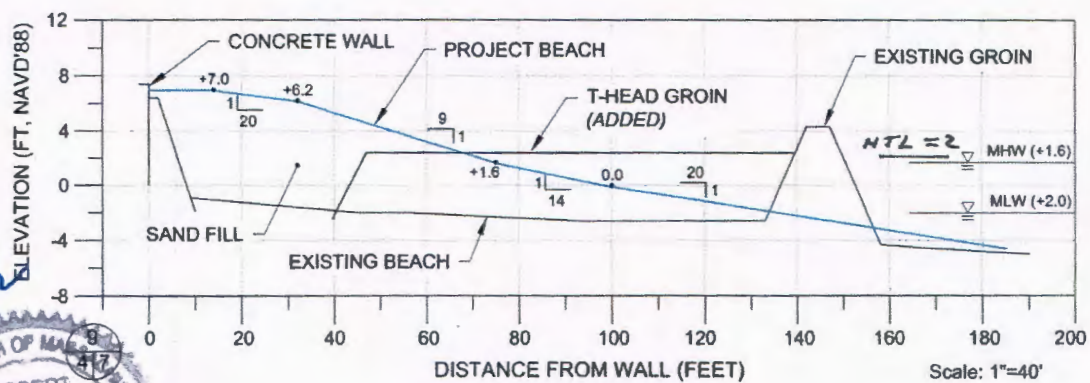
SECTIONS & DETAILS - 2

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SECTIONS & DETAILS - 3

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