PUBLIC NOTICE

US Army Corps of Engineers ⊕ New England District 696 Virginia Road Concord, MA 01742-2751 Comment Period Begins: May 23, 2017 Comment Period Ends: June 23, 2017 File Number: NAE-2015-01414

In Reply Refer To: Phillip Nimeskern

Phone: (978) 318-8660

E-mail: phillip.w.nimeskern@usace.army.mil

The District Engineer has received a permit application to conduct work in waters of the United States from Town of Wellfleet, 300 Main Street, Wellfleet, Massachusetts, 02667. This work is proposed in Wellfleet Harbor at Kendrick Avenue, Wellfleet, Massachusetts. The site coordinates are: Latitude 41.928902 N; Longitude -70.027303 W.

The work involves maintenance dredging all town-managed channels and anchorage areas in Wellfleet Harbor to -6' MLW, with 1' overdredge. A total area of approximately 38.5 acres will be mechanically dredged and produce approximately 378,300 cubic yards of sandy sediment for disposal at the Cape Cod Bay Disposal Site (CCBDS). Area 1, which is comprised of the North and South Access Channels, the North Anchorage, and the L-Pier Access Channel, is 14.6 acres, will produce 118,300 cy, and was last dredged in 2001. Approximately 2.4 acres, or 16%, of Area 1 is intertidal flats. Area 2, which is the south anchorage, is 23.8 acres, will produce 248,000 cy, and was last dredged in 1957. Approximately 13.9 acres, or 58%, of Area 2 is intertidal flats.

The work is shown on the attached plans entitled "APPLICATION BY: TOWN OF WELLFLEET," on 7 sheets, and dated "07/06/16."

Through the development of this project, the applicant has attempted to avoid and minimize direct impacts to waters of the United States. The Corps continues to work with the applicant to minimize temporary construction impacts (noise and turbidity impacts) to Waters of the United States.

AUTHORITY

Permits are required pursuant to:

- X Section 10 of the Rivers and Harbors Act of 1899
- X Section 404 of the Clean Water Act
- X 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, US 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.

The alternatives considered in the dredged material disposal analysis fall into four general categories: beneficial use, upland disposal, confined disposal, and open-water disposal. The feasibility of disposal alternatives was analyzed relative to the physical and chemical quality of the dredged material, the volume of material to be dredged, the availability of suitable disposal and beneficial use sites, and the cost of disposal. When applicable, the biological quality of the disposal of the material at the disposal site was also used to evaluate the feasibility of the open-water disposal alternative.

Based on the characteristics of the dredged material, the lack of suitable alternate disposal or beneficial use sites and costs, the most feasible, practical, cost-effective and environmentally acceptable alternative for the disposal of dredged materials from the proposed dredging is disposal at the requested disposal site.

The dredged material has undergone physical, chemical, and/or biological analysis. It is our preliminary determination that the material is acceptable for disposal at this disposal site.

Any permit issued for this project will include special conditions requiring scows to come to a complete stop while disposing of the material at the disposal site. There will also be a time of year restriction included as a special condition which prohibits dredging during ecologically sensitive times of years.

The Cape Cod Bay Disposal Site was first used in 1971 for the disposal of sediments dredged from Wellfleet Harbor. It has been infrequently used since then for disposal of dredged material from the coasts of Cape Cod Bay. This disposal site is monitored and managed by the Massachusetts Department of Environmental Management. Studies show that the site is a low energy environment such that sediment deposited at this location will remain within the site's boundaries. Levels of metals in the sediments within the disposal site are slightly above background levels, indicative of the influence of the earlier dredge disposal at the site. Previous research has shown that areas outside the disposal site have not been found to be affected by sediment deposited within the site.

The disposal site is located within the identified limits of the Right Whale Critical Habitat Area.

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 14.6 acres of Essential Fish Habitat (EFH) in Area 1 for those species listed on the attached table labelled "AREA 1". Habitat at this site can be described as sandy subtidal marine bay and intertidal mud flats habitat. Loss of this habitat may adversely affect the species listed on the attached table by removing the surface layer of sandy marine sediment. 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.

This project will have an adverse effect on 23.8 acres of Essential Fish Habitat (EFH) in Area 2 for those species listed on the attached table labelled "AREA 2". This habitat consists of sandy subtidal marine habitat and intertidal mud flats habitat. Loss of this habitat may adversely affect the species listed on the attached table by removing the surface layer of silty marine sediment. The District Engineer has made a preliminary determination that site-specific impacts may be substantial. Accordingly, the Corps of Engineers will submit an expanded EFH assessment to National Marine Fisheries Service, who in turn will provide conservation recommendations to the Corps. The Corps will coordinate with the applicant regarding implementation of these recommendations. The EFH consultation will be concluded prior to the final decision.

The dredged material disposal is proposed for CCBDS. This is an open water site, which provides Essential Fish Habitat for those species listed on the attached table. Habitat at this site can be described as sandy marine subtidal. Loss of this habitat may adversely affect the species on the attached table by creating a short-lived localized sediment plume, and by burying 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.

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.

COASTAL ZONE MANAGEMENT

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 Phillip Nimeskern at (978) 318-8660, (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 H. Newman

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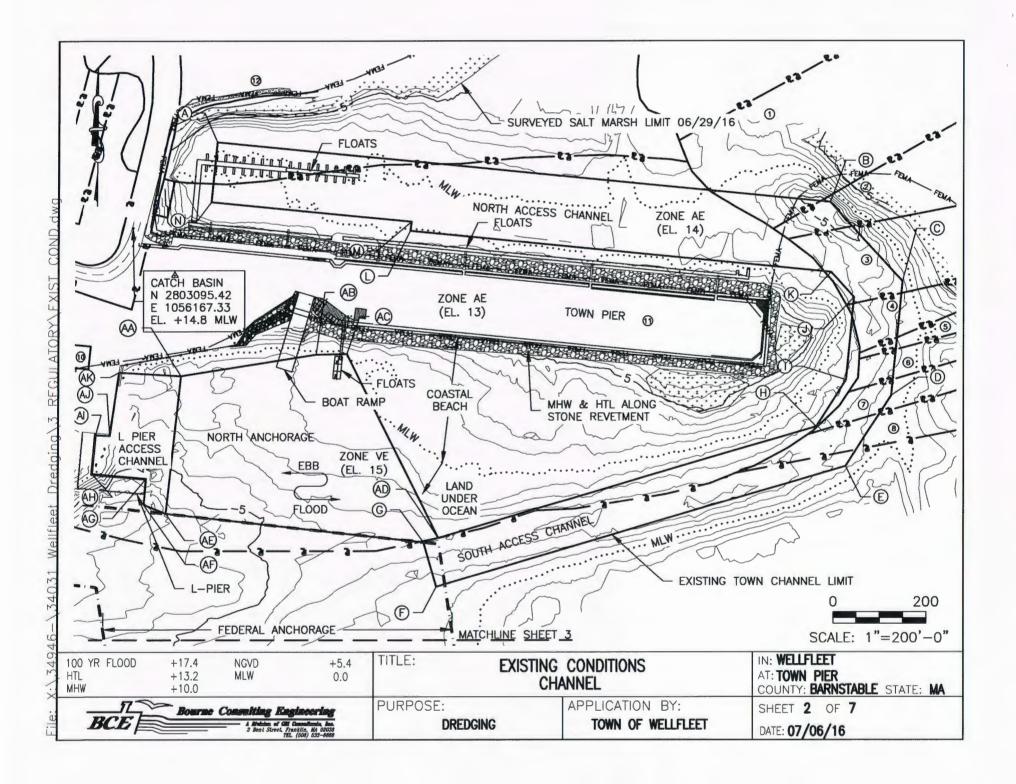
Chief. Permits and Enforcement Branch

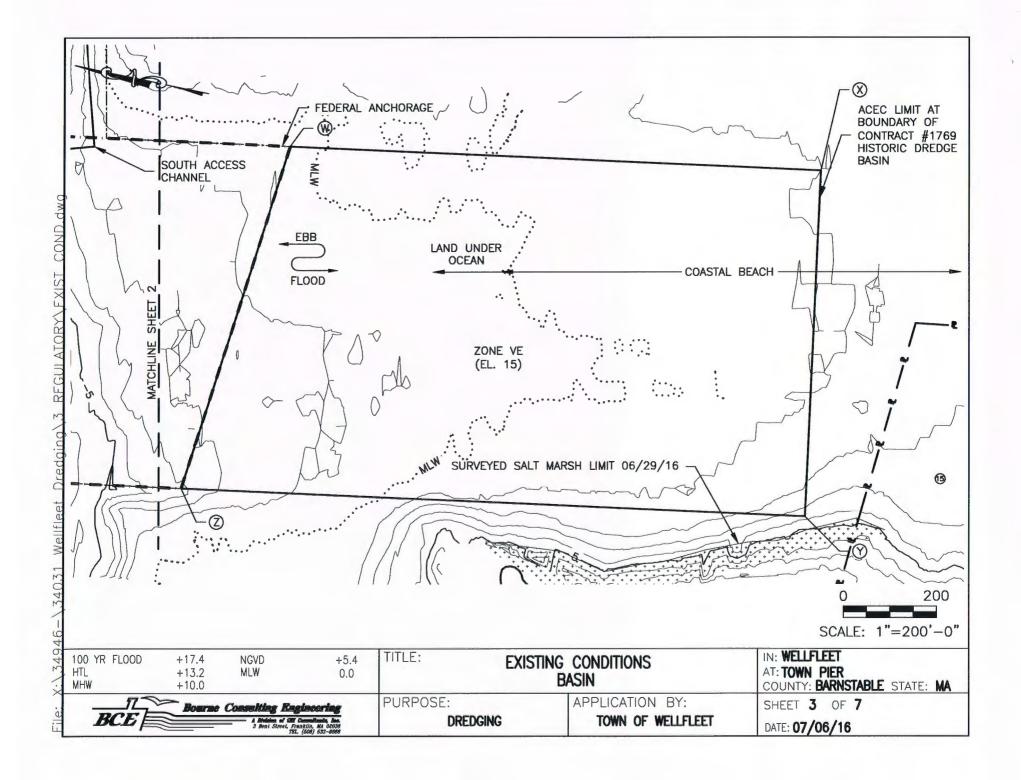
Regulatory Division

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.

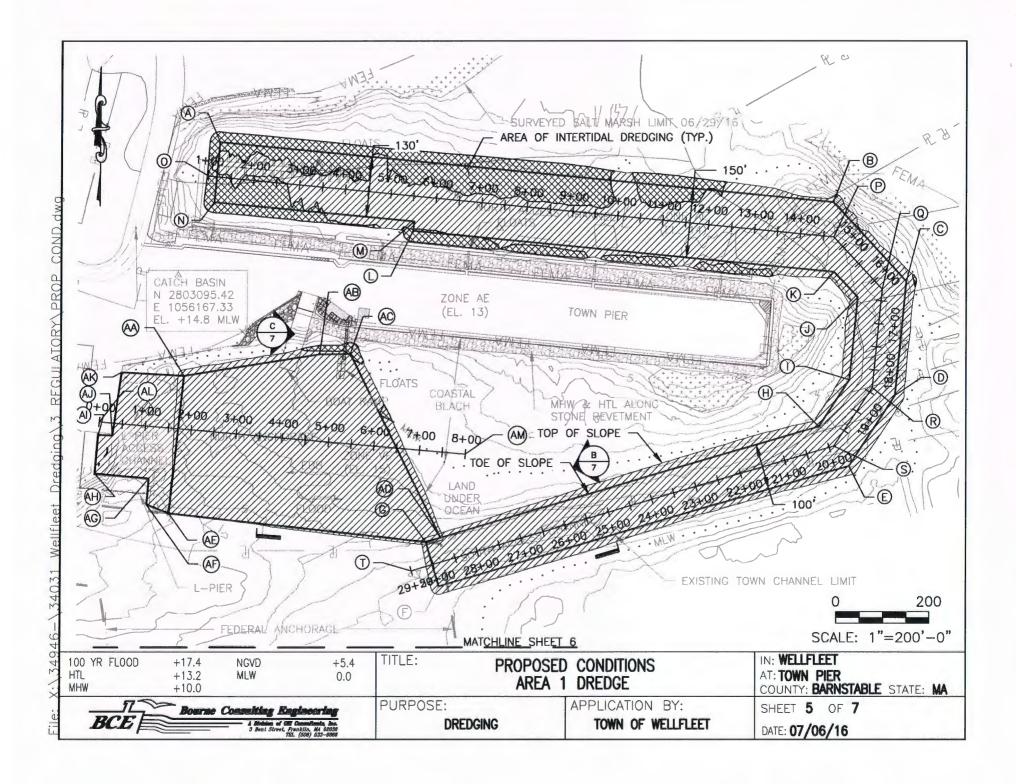
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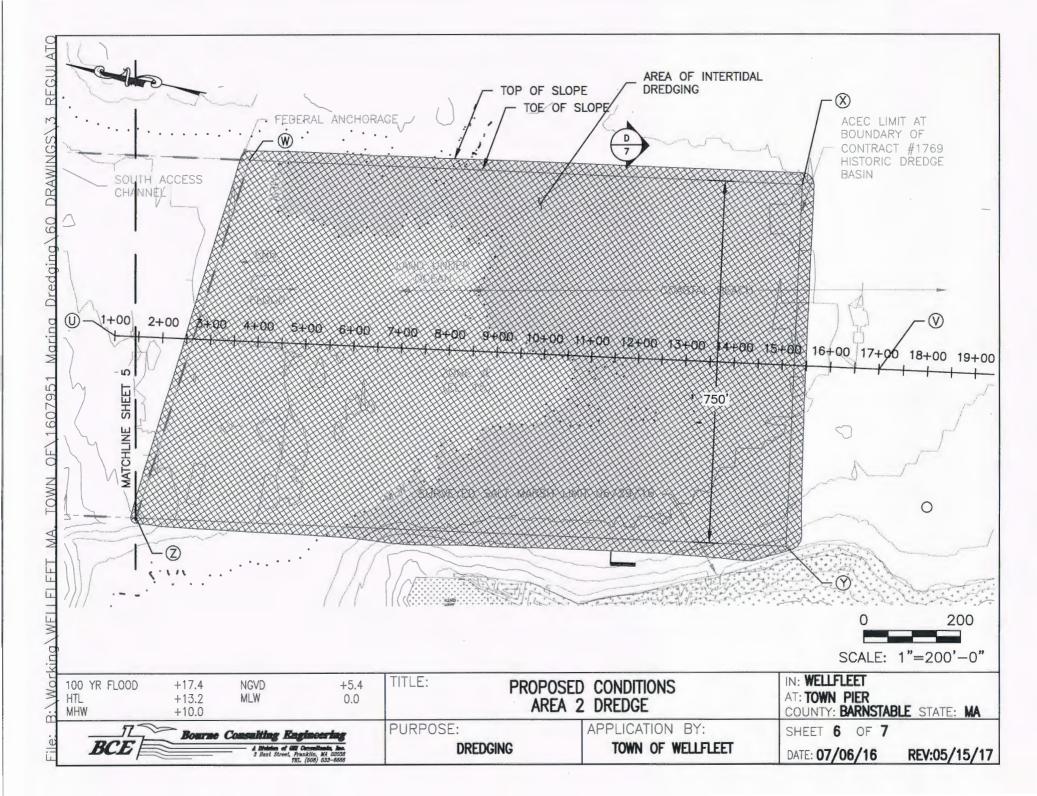


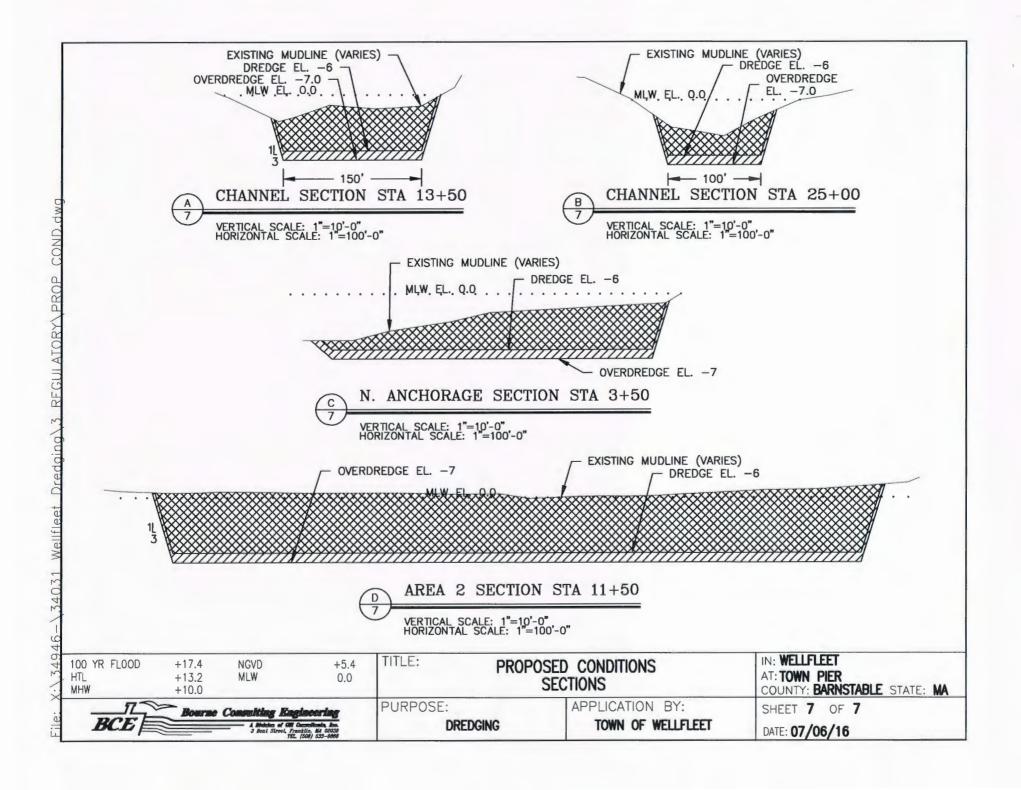


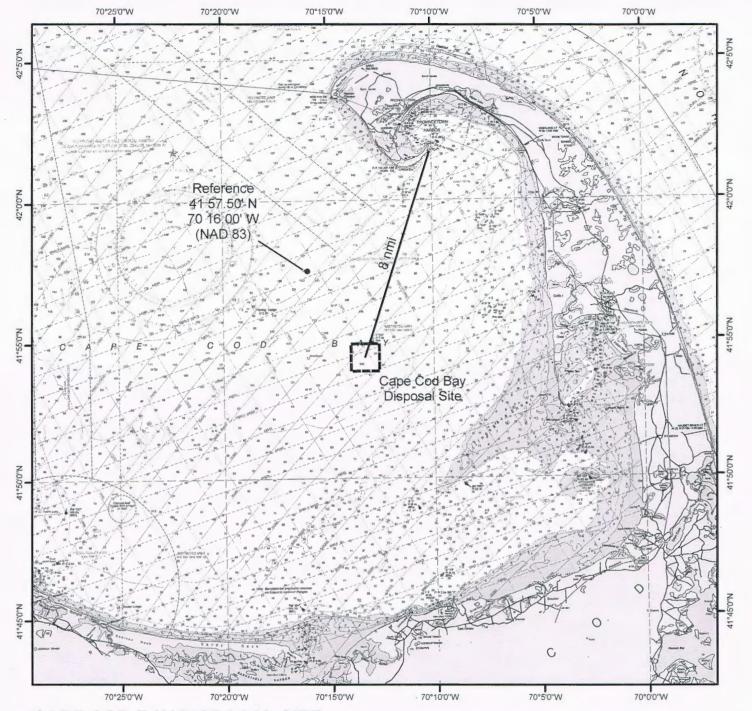


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LOCATION INTERTIDAL WITHIN AREA 1	AREA (SF) 105,245	AG N 2802552.5 AH N 2802562.7 AI N 2802646.9 AJ N 2802645.2 AK N 2802782.6 AL N 2802675.2 AM N 2802604.7	E 1056197.3 E 1056080.8 E 1056088.2 E 1056118.3 E 1056138.2 E 1056090.4 E 1056887.3	11.	255 COMMERCIAL ST 205 COMMERCIAL ST	JOSEI PAUL JAY & JOAN	OF WELLFLEET PH A DOWNEY JR TRUSTEE D MESSINA TRUSTEE & WENDY BRONSTEIN NE WUSCHKE TRUSTEE
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AREA 1 CHANNELS	65,300	16,000	81,300	15.	O CHIPMANS COVE O NAUSET RD	TOWN	OF WELLFLEET FLEET CONSERVATION TRUST
AREA 1 NORTH ANCHORAGE & L PIER ACCESS		8,500	37,000				
AREA 2	221,000	39,000	260,000				
₹ HTL	+17.4 NGVD +13.2 MLW +10.0	+5.4 TITLE	-:	PROJ	ECT NOTES		IN: WELLFLEET AT: TOWN PIER COUNTY: BARNSTABLE STATE: MA
BCE BCE	Bourne Consulting I	PUR Committee Des Praction, M. 02029 TRL (608) 533-6666	POSE: DREDGING		APPLICATION BY: TOWN OF WELLFLEET		SHEET 4 OF 7 DATE: 07/06/16 REV: 05/15/17



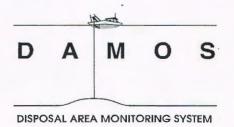


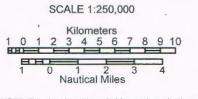




CAPE COD BAY DISPOSAL SITE

Description: The Cape Cod Bay Disposal Site (CCBDS) is centered at coordinates 41° 54.406' N, 70° 13.268' W (NAD 83) and is located 8.0 nmi (14.9 km) southwest of Long Point, Provincetown, Massachusetts. The site has a relatively flat, featureless seafloor with an average water depth of 102 ft (31 m). The authorized disposal point (within the overall disposal area) is specified for each dredging project in other project documents





NOTE: This chart is not intended for use in navigation.

ME

Essential Fish Habitat for NAE-2015-1414 Town of Wellfleet, MA, Area 1

		Life Stage					
Species	Scientific Name	Eggs	Larvae	Juvenile	Adult	All Life Stages	
American plaice	Hippoglossoides platessoides					X	
Atlantic cod	Gadus morhua		Х		Х		
Bluefin tuna	Thunnus thynnus			Х	Х		
Haddock	Melanogrammus aeglefinus	Х	Х				
Little skate	Leucoraja erinacea			Х			
Monkfish	Lophius americanus	X	Х	X			
Ocean pout	Macrozoarces americanus					X	
Pollock	Pollachius virens		Х	Х	X		
Red hake	Urophycis chuss					X	
Sea scallop	Placopecten magellanicus					X	
Silver hake or Whiting	Merluccius bilinearis					X	
Smooth dogfish	Mustelus canis					X	
Thorny skate	Ambyraja radiata			X			
White hake	Urophycis tenuis					X	
White shark	Carcharodon carcharias					Х	
Windowpane flounder	Scophthalmus aquosus					X	
Winter flounder	Pseudopleuronectes americanus	-				X	
Winter skate	Leucoraja ocellata			Х	X		
Yellowtail flounder	Limanda ferruginea					Х	

Essential Fish Habitat for NAE-2015-1414 Town of Wellfleet, MA, Area 2

Species	Scientific Name	Life Stage						
		Eggs	Larvae	Juvenile	Adult	All Life Stages		
American plaice	Hippoglossoides platessoides					X		
Atlantic butterfish	Peprilus triacanthus			X	Χ			
Atlantic cod	Gadus morhua					X		
Atlantic halibut	Hippoglossus hippoglossus					X		
Atlantic herring	Clupea harengus					X		
Atlantic mackerel	Scomber scombrus					X		
Atlantic wolffish	Anarhichas lupus					X		
Black sea bass	Centropristis striata				Χ			
Bluefin tuna	Thunnus thynnus			X	Χ			
Bluefish	Pomatomus saltatrix			X	Х			
Haddock	Melanogrammus aeglefinus	X	X					
Little skate	Leucoraja erinacea			X	Х			
Long-finned squid	Doryteuthis pealeii			X	Χ			
Monkfish	Lophius americanus	X	X	X				
Ocean pout	Macrozoarces americanus					X		
Pollock	Pollachius virens		X	X	Χ			
Red hake	Urophycis chuss					X		
Scup	Stenotomus chrysops			X	Χ			
Sea scallop	Placopecten magellanicus					X		
Silver hake or Whiting	Merluccius bilinearis					X		
Smooth dogfish	Mustelus canis					X		
Thorny skate	Ambyraja radiata			Χ				
White hake	Urophycis tenuis					X		
White shark	Carcharodon carcharias					х		
Windowpane flounder	Scophthalmus aquosus					X		
Winter flounder	Pseudopleuronectes americanus					X		
Winter skate	Leucoraja ocellata			X	Χ			
Yellowtail flounder	Limanda ferruginea					X		

	Essential Fish Habitat for Cape Co Scientific Name	Life Stage					
Species		Eggs	Larvae	Juvenile	Adult	All Life Stages	
American plaice	Hippoglossoides platessoides	1	1	1	1		
Atlantic butterfish	Peprilus triacanthus	1		1	1		
Atlantic cod	Gadus morhua	1	1	1	1		
Atlantic halibut	Hippoglossus hippoglossus					1	
Atlantic herring	Clupea harengus	1	1	✓.	1		
Atlantic mackerel	Scomber scombrus	1	1	1	1		
Atlantic wolffish	Anarhichas lupus					1	
Basking shark	Cetorhynus maximus			1	1		
Black sea bass	Centropristis striata			1	1		
Bluefin tuna	Thunnus thynnus			1	1		
Bluefish	Pomatomus saltatrix			1	1		
Haddock	Melanogrammus aeglefinus	1	1				
Little skate	Leucoraja erinacea			1	1		
Long-finned squid	Doryteuthis pealeii			1	1		
Monkfish	Lophius americanus	1	1		1		
Ocean pout	Macrozoarces americanus	1	1	1	1		
Pollock	Pollachius virens		1	1	1		
Red hake	Urophycis chuss	1	1	1	1		
Scup	Stenotomus chrysops			1	. 1		
Sea scallop	Placopecten magellanicus					1	
Short-finned squid	Illex illecebrosus				1		
Silver hake or Whiting	Merluccius bilinearis	1	1	1	1		
Smooth dogfish	Mustelus canis					1	
Spiny dogfish	Squalus acanthias				1		
White hake	Urophycis tenuis	1	1	1	1		
White shark	Carcharodon carcharias					1	
Windowpane flounder	Scophthalmus aquosus	1	1	1	1		
Winter flounder	Pseudopleuronectes americanus	1	1	1	1		
Winter skate	Leucoraja ocellata	1	1	✓	1		
Yellowtail flounder	Limanda ferruginea	1	1	1	1		