



Public Notice

U.S. Army Corps
Of Engineers
New England District
696 Virginia Road
Concord, MA 01742-2751

Date: September 30, 2008
Comment Period Closes: November 1, 2008
Evaluation Branch, Engineering/Planning Division

COASTAL ECOSYSTEM RESTORATION PROJECT **RUN POND, YARMOUTH, MASSACHUSETTS**

Interested parties are hereby notified that the U.S. Army Corps of Engineers is conducting a Coastal Ecosystem Restoration project for Run Pond in Yarmouth, Massachusetts at the request of the town of Yarmouth. The project is being performed under the authority of Section 206 of the Water Resources Development Act (WRDA) of 1996, as amended. This public notice is being issued to comply with environmental laws and regulations and to solicit comments on the project.

Purpose of Work:

The project will restore approximately 30 acres of wetland in Run Pond, Yarmouth, Massachusetts. A location map and project plans are attached. The project involves installation of about 900 ft. of new 48-inch diameter culvert to supplement flow through the existing 36" diameter culvert to increase tidal exchange. The new culvert would extend from a new headwall north of South Shore Drive through the town public parking area to a new outlet near Bass River. The lower 315 feet of the existing culvert would be replaced. Self-adjusting tide gates would control storm tide inflow and prevent any increased flooding of low-lying properties adjacent to the pond. The plan also includes adjustable stop logs to allow some surface water to be retained within the pond during low tide.

The existing channel upstream of the Run Pond headwall would be excavated and widened to about 50 ft. for a distance of about 100 feet upstream of the headwall. About 700 cubic yards (CY) of silty-sand material would be excavated from the channel area.

The proposed plan includes construction of a shallow depression near Shore Drive (0.4 acres) at the southern end of the pond. The depression would provide a refuge for fish and other aquatic life during low tide when much of the pond bottom will be exposed. About 0.3 acres of vegetated salt marsh would be constructed at the southern end of the pond using material excavated from the depression. The proposed plan also includes eradication of approximately 2.8 acres of *Phragmites* with glyphosate herbicide and excavation of small ditches within vegetated wetlands to improve tidal exchange and promote growth of salt marsh vegetation.

Coordination: The proposed work is being coordinated with the following Federal, State, and local and tribal agencies.

Federal

- U.S. Environmental Protection Agency
- U.S. Fish and Wildlife Service
- National Marine Fisheries Service

State

- Massachusetts Department of Environmental Protection
 - Division of Water Pollution Control
 - Division of Marine Fisheries
 - Division of Wetlands and Waterways
- Massachusetts Executive Office of Environmental Affairs
 - Coastal Zone Management
 - Massachusetts Environmental Policy Office
- Massachusetts Historic Commission

Local

- Yarmouth Department of Natural Resources
- Yarmouth Conservation Commission

Tribal

- Wampanoag Tribal Historic Preservation Officer

Environmental Impacts: An Environmental Assessment has been prepared for this project. Most impacts to the area are expected to be minor and temporary. Some temporary aquatic impacts are expected from construction of the culvert and dredged material removal. No construction would occur during the summer, when shellfish, other benthic organisms, and finfish are spawning and biological activity is highest. The proposed project would permanently impact less than 1,000 square feet of existing saltmarsh and disturbed roadside vegetation impact. The exact saltmarsh vegetation disturbed would be dependent on the inlet alternative selected. We would minimize impacts to the wetland vegetation to the greatest extent possible. The new culvert would be located north of the existing culvert.

Endangered Species: No impacts to threatened, endangered, or rare species are expected. The project area is densely populated.

Cultural Resources:

The project will have no known negative impacts on any pre-contact archaeological sites recorded by the Commonwealth of Massachusetts. An archaeological investigation will be conducted on any undisturbed areas within the existing wetland fringes on the Run Pond side of South Street prior to final design of the culvert head wall in this area. If any sites are discovered, action will be taken to avoid, minimize or mitigate any identified resources. These activities will be coordinated with the Massachusetts Historic Preservation Officer and Wampanoag Tribal Historic Preservation Officer in accordance with Section 106 of the

National Historic Preservation Act of 1966, as amended, and implementing regulations 36 CFR 800.

Federal Consistency with Coastal Zone Management: The aquatic ecosystem restoration project will be conducted to the maximum extent practicable, in a manner consistent with the approved coastal zone management program of the Commonwealth of Massachusetts. Application for a consistency determination will be made during final design phase.

Clean Water Act: No work will be performed until the water quality certification has been received from the Massachusetts Department of Environmental Protection, as required under Section 401 of the Clean Water Act of 1977. Application for water quality certification will be made during final design phase. A Clean Water Act Section 404 (b)(1) Evaluation has been prepared for the project.

Compliance: This recommended plan is in compliance with all applicable Federal environmental laws and regulations (see Attachment A).

Comments on Project: Please bring this notice to the attention of anyone you know to be interested in the project. Written comments are invited from all interested parties and should be directed to Ms. Barbara Blumeris, Planning Branch at the above address within 30 days of this notice.

Any person who has an interest, which may be affected, by the proposed project may request a public hearing. The request must be submitted in writing to me within 30 days of the date of this notice and must clearly set forth the interest and the manner in which the interest may be affected.

Additional Information: The EA is available for review at the Yarmouth Town Hall (town clerk's office) and the South Yarmouth Library (312 Old Main St., South Yarmouth). The EA is also available for review and downloading at the Corps New England District web site.

24 Sept 08

Date



Philip T. Feir
Colonel, Corps of Engineers
District Engineer

Attachment A

PERTINENT LAWS, REGULATIONS AND DIRECTIVES

PERTINENT FEDERAL LAWS, REGULATIONS AND DIRECTIVES

American Indian Religious Freedom Act of 1978, 42 U.S.C. 1996.

Archaeological Resources Protection Act of 1979, as amended, 16 U.S.C. 470 et seq.

Clean Air Act, as amended, 42 U.S.C. 7401 et seq.

Clean Water Act of 1977 (Federal Water Pollution Control Act Amendments of 1972), 33 U.S.C. 1251 et seq.

Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 et seq.

Federal Water Project Recreation Act, as amended, 16 U.S.C. 4601-12 et seq.

Fish and Wildlife Coordination Act, as amended, 16 U.S.C. 661 et seq.

Land and Water Conservation Fund Act of 1965, as amended, 16 U.S.C. 4601-1

Magnuson-Stevens Fishery Conservation and Management Act, Public Law 94-265

National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321 et seq.

National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470 et seq.

Preservation of Historic and Archaeological Data Act of 1974, as amended, 16 U.S.C. 469 et seq. This amends the Reservoir Salvage Act of 1960 (16 U.S.C. 469).

Watershed Protection and Flood Prevention Act, as amended, 16 U.S.C. 1001 et seq.

Executive Order 11988, Floodplain Management, May 24, 1977 amended by Executive Order 12148, July 20, 1979

Executive Order 11990, Protection of Wetlands, May 24, 1977

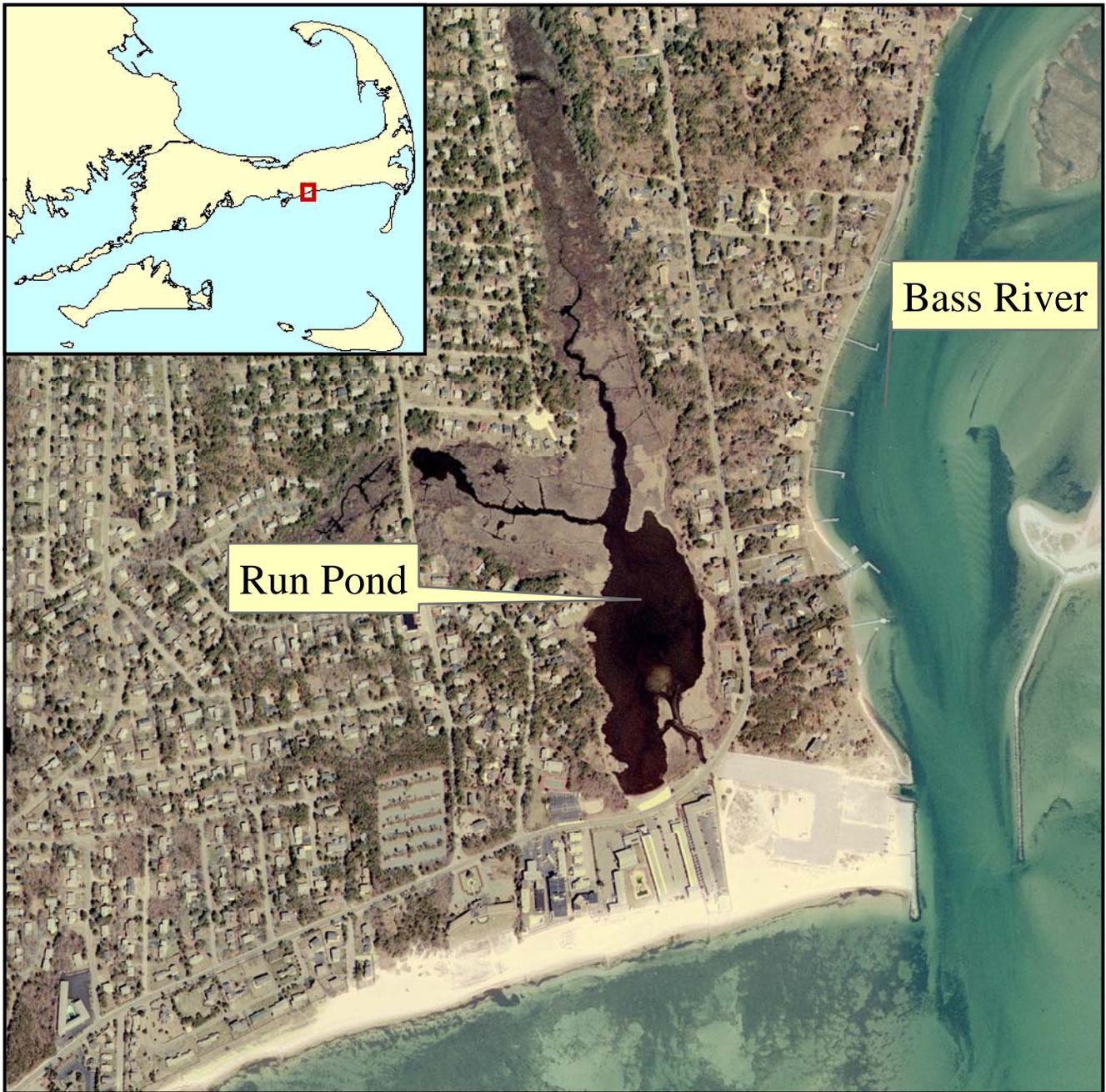
Executive Order 11593, Protection and Enhancement of the Cultural Environment, 13 May 1971 (36 FR 8921, May 15, 1971).

Executive Order 13007, Accommodations of Sacred Sites, May 24, 1996.

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, February 11, 1994.

Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks, April 21, 1997.

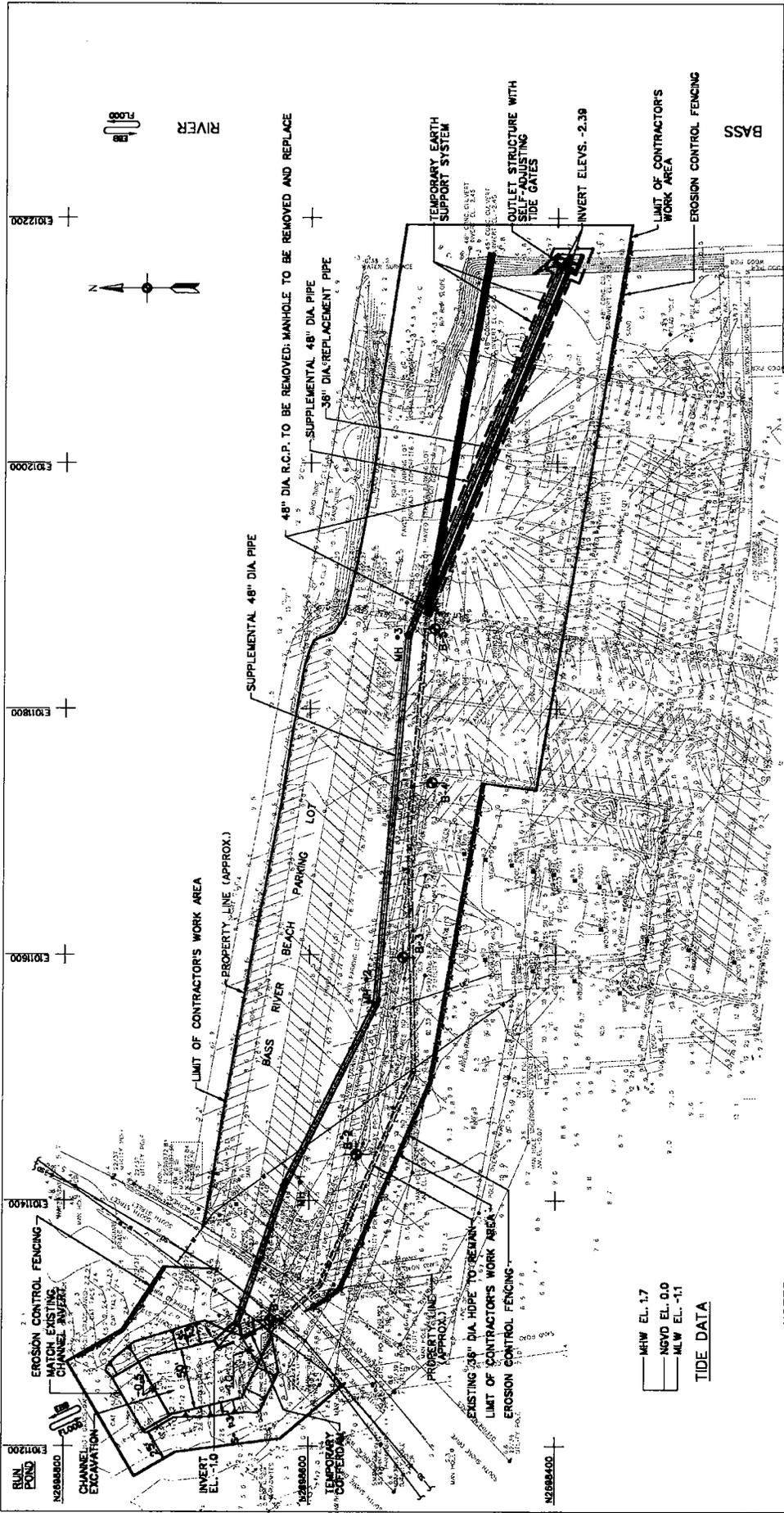
White House Memorandum, Government-to-Government Relations with Indian Tribes, April 29, 1994.



Location Map

Run Pond - Yarmouth, MA

Figure 1



DEPARTMENT OF THE ARMY
 NEW ENGLAND DISTRICT, CORPS OF ENGINEERS
 CONCORD, MASSACHUSETTS

AQUATIC ECOSYSTEM RESTORATION PROGRAM
 RUN POND
 YARMOUTH, MASSACHUSETTS
 Proposed Culvert

BASS RIVER BEACH
 A.K.A. SMUGGLERS BEACH

PLAN
 SCALE 1" = 40'

GRAPHIC SCALE
 1" = 40'
 0 40' 80'

1. COORDINATES REFER TO NORTH AMERICAN DATUM OF 1983 (N.A.D. 83).
 2. ELEVATIONS ARE BASED ON THE NATIONAL GEODETIC VERTICAL DATUM OF 1929 (N.G.V.D. 29), FORMERLY KNOWN AS MEAN SEA LEVEL OF 1929.
 3. BORING INFORMATION OBTAINED FROM DRAWING ENTITLED "DRAINAGE IMPROVEMENTS, BASS RIVER BEACH CULVERT, SOUTH STREET, YARMOUTH, MA, PLAN AND DETAILS," PREPARED BY BRAMAN ENGINEERING COMPANY, LTD., 100 STATE STREET, YARMOUTH, TOWN OF YARMOUTH ENGINEERING DEPARTMENT.

NOTES:

TIDE DATA
 MHW EL. 1.7
 MVD EL. 0.0
 MLW EL. -1.1