



PUBLIC NOTICE

Comment Period Begins: June 11, 2024

Comment Period Ends: July 11, 2024

File Number: NAE-2021-01723

In Reply Refer to: Katelyn Rainville, Regulatory Division

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The District Engineer, U.S. Army Corps of Engineers, New England District (USACE), has received a permit application, file number NAE-2021-01723, to conduct work in waters of the United States from Duxbury Beach Reservation, Inc. c/o Cristin Luttazi; P.O. Box 2593, Duxbury, Massachusetts 02331. This work is proposed in the Atlantic Ocean and Duxbury Bay at 0 Duxbury Beach High Pines, Duxbury, Massachusetts. The site coordinates are: Latitude 42.0283, Longitude -70.6250.

The proposed work involves beach nourishment along 3.8 miles of the Duxbury Beach Reservation (DBR) property that will address current and future erosion along Duxbury Beach. Duxbury Beach is an important barrier beach that protects Duxbury Bay and the mainland shore from the direct effects of coastal storms and ocean waves. It also serves as the only means of overland access and emergency evacuation for the Gurnet/Saquish community at the southern end of the barrier, which includes approximately 250 homes, some of which are year-round residences.

The goal of the proposed project is to respond to erosion of the barrier beach in a proactive way, rather than in response to storm events after significant erosion has occurred. The DBR applied for an Individual Permit because, although the project meets the requirements of a General Permit, the timeframe in which a General Permit would be valid is too short to meet the project goal. The Individual Permit would allow the DBR to complete beach nourishment projects of differing sizes, not to exceed 60,000 cubic yards in volume, when funding and/or sediment sources become available.

The proposed project consists of two components: 1) Oceanside Beach & Dune Nourishment and 2) Bayside Erosion Control Cobble Berm.

Oceanside Beach & Dune Nourishment: The first component of this project involves creating a beach and dune nourishment footprint with the following design profile: dune crest elevation of 16.5 feet (NAVD88) and width of 50 feet; beach berm elevation of 6.5 feet (NAVD88) and width of 90 feet. This design requires placing approximately 738,158 cubic yards of nourishment material of compatible grain size within a 110-acre footprint below the high tide line (HTL). Approximately 259,353 cubic yards of nourishment material will be placed within a 58-acre footprint above the HTL and will result in the addition of 3+ acres of potentially suitable shorebird nesting habitat. Slopes are designed at 10:1 (horizontal:vertical) to accommodate sensitive nesting habitat, but could be constructed as steep as 6:1 in areas where space is limited. All beach nourishment work will be completed during the winter months, starting November 1st, and extending through March 31st annually as funding and sediment sources become available. If funding and/or sediment sources are not secured that year, then beach nourishment would not occur. Sediment

would be sourced from uplands or from dredge projects located nearby. Sediment sourced from uplands would be transported to the project site along Gurnet Road using trucks and would not cross Powder Point Bridge (see plans depicting construction access and staging areas). Beach nourishment activities will not impact traffic for year-round or seasonal residents. Gurnet Road would remain open to residential, vehicular traffic during normal working hours, with minor delays to allow trucks to stage and back up and dump materials. Sediment sourced from dredge projects would have all applicable authorizations prior to its placement within the proposed beach nourishment footprint for this project.

Bayside Erosion Control Cobble Berm: The second component of this project involves placing 387 cubic yards of cobble and stones along 140 linear feet of shoreline within a 6,454 square foot area below HTL around the Duxbury Beach abutment beneath Powder Point Bridge. Cobble will be compatible with the existing beach and have the following grain size composition: 50% 4"-8" diameter and 50% 8"-10" diameter. Both the northern and southern ends of the cobble berms will taper into the surrounding topography. The stones, measuring 2-3 in diameter, are proposed along the landward edge of the cobble berm to protect the bridge's wooden bulkhead from ocean currents that would mobilize the smaller cobble and likely scour the structure. In addition to the stones, the applicant proposes to install rubber fenders around the bridge piles to protect them against erosion from the cobble. The cobble berm nourishment work will be completed during the winter months as well, starting November 1st and extending through March 31st.

The work for both components is shown on the enclosed plans entitled "Proposed Oceanside Beach & Dune Nourishment and Bayside Erosion Control Along Duxbury Beach Duxbury Beach Reservation, Inc. Duxbury MA," on 15 sheets, and dated "5/24/2021."

Avoidance, Minimization & Compensatory Mitigation: No compensatory mitigation is proposed because the project will avoid permanent alternation to aquatic resource areas. The sediments to be used for nourishment will be carefully selected to match the unique mixed grain size composition of the existing coastal beach and coastal dune. Since the material used will be predominantly gravel and coarse grain sand with some cobble, and only an extremely small percentage of fine materials, turbidity and water quality effects are expected to be minimal. To avoid adverse impacts to areas outside the nourishment footprint, all boundaries of the proposed beach nourishment will be clearly marked during construction showing the location and elevation of replenished sands. No heavy machinery will be allowed within the unaltered coastal dune system, except for the areas receiving nourishment. Duxbury Beach has several existing dune cross-over locations that can be utilized for equipment access.

Limited benthic resources have been mapped in the vicinity of the project area, including a small area of rocky intertidal shore just south of High Pines. Rocky intertidal shoreline was delineated based on the Massachusetts Wetlands Protection Act definition: “naturally occurring rocky areas, such as bedrock or boulder-strewn areas between the mean high-water line and the mean low water line” where ‘boulder’ is defined as rocks 10 inches in diameter or greater. The delineated rocky intertidal area is comprised of small boulders with attached macroalgae, barnacles, and snails. The nourishment footprint was adjusted in this location from the original parameters to avoid direct impacts to this resource area. The current design also includes decreased dune crest and beach berm nourishment widths relative to the remaining project footprint as a method to reduce potential indirect impacts to rocky intertidal shoreline. Further reduction of the nourishment footprint and/or width of the dune or beach berm were not pursued because any reduction would compromise the protective capacity of the landform over time.

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.
- Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408)

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 USACE 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 USACE 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 110 acres of EFH. This habitat consists of intertidal habitat, hard bottom habitat (referred to as intertidal rocky shoreline), areas containing shellfish, and shallow water habitat. 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 our initial review of the proposed project, no historic properties were identified within the permit area. Additional review and consultation to fulfill requirements under Section 106 of the National Historic Preservation Act of 1966, as amended, will be ongoing as part of the permit review process.

ENDANGERED SPECIES CONSULTATION

The USACE 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 (ESA) 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 National Marine Fisheries Service 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.

(*) Water Quality Certification in accordance with Section 401 of the Clean Water Act.

*Massachusetts Department of Environmental Protection determined in writing that a 401 Water Quality Certification is not required for this project.

COMMENTS

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. People submitting comments are advised that all comments received will be available for public review in their entirety and will be considered a matter of public record.

Comments should be submitted in writing by the above date. If you have questions, please contact Ms. Katelyn Rainville at Katelyn.m.rainville@usace.army.mil or (978) 318-8677.

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

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specifically state the reasons for holding a public hearing. The USACE 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. 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.

Ruthann Brien

for Paul Maniccia
Chief, Massachusetts Section
Regulatory Division

Please contact Ms. Tina Chaisson at bettina.m.chaisson@usace.army.mil or (978) 318-8058 if you would like to be removed from our public notice mailing list.