



US Army Corps
of Engineers[®]
New England District

696 Virginia Road
Concord, MA 01742-2751

Public Notice

In Reply Refer to: Mr. Craig Martin

nae-pn-nav@usace.army.mil

Programs/Project
Management Division

Date: June 14, 2013

30 DAY PUBLIC NOTICE

MAINTENANCE DREDGING OF THE FEDERAL NAVIGATION PROJECT IN BUTTERMILK BAY BOURNE, MASSACHUSETTS

Interested parties are hereby notified that the U.S. Army Corps of Engineers (USACE), New England District, plans to perform work in the navigable waters of this District, under the provisions of Section 404 of the Clean Water Act of 1977 (P.L. 95-17). The work involves maintenance dredging of the Buttermilk Bay Federal navigation project in Bourne, Massachusetts and is authorized in accordance with Title 33, Parts 335-338 of the Code of Federal Regulations. Attachment 1 lists pertinent laws, regulations, and directives.

Authorized Federal Project Description: The authorized FNP provides for a 7 feet deep by 100 feet wide channel at Mean Lower Low Water (MLLW) through the sandbar blocking the natural channel connecting Buzzards and Buttermilk Bays. The channel extends approximately 2,800 feet from the west side of the Cape Cod Canal in the vicinity of Sears Point, Wareham, first northwesterly then northeasterly to a point midway between Taylor Point, Bourne, and Peters Neck, Wareham. At this point the project continues northeast approximately 2,500 feet, 6 feet deep MLLW and 80 feet wide to the site of the public marine located in Bourne, Massachusetts. The FNP is depicted on Attachment 2.

Character and Purpose of Work: The proposed work involves urgently needed maintenance dredging to remove various shoals in the channel of the FNP. Shoaling in these areas is primarily the result of Hurricane "Sandy" and subsequent nor'easter storms. The shoaling is creating hazardous conditions for the small fleet of commercial lobstermen, sport fishing enterprises, and large contingency of recreational boaters that are based in the harbor. A recent hydrographic survey indicates that controlling depths in the authorized 6 feet entrance channel, and 7 feet deep entrance channel are 4.5 feet and 1.3 feet (Mean Lower Low Water), respectively. Additionally, the shoaling has caused the channel width to become significantly narrowed raising concerns that two vessels may not be able to pass abreast of each other potentially resulting in a collision. Given these conditions, the Town of Bourne has requested that maintenance dredging be performed as soon as practicable.

Mechanical dredge equipment (buckets/scows), under contract to the Federal government, will be used to remove approximately 20,000 cubic yards of material from the areas described above. The material has undergone physical testing and has been classified as medium to fine grain, clean sand. Material dredged from the FNP will be transported by scow to a nearshore site located just south of Mashnee Dike in Phinney's Harbor, Bourne, Massachusetts (see Attachment 3). Use of the nearshore placement area keeps the clean sediments in the littoral system and has the potential to slow some of the erosion currently being experienced in areas adjacent to the nearshore placement site. Contingent upon receiving the necessary approvals, maintenance dredging will be performed during a 4 - 6 week period during Fall 2013 into early Winter 2014. If for some reason the work cannot be completed this year, then dredging may be performed in subsequent years in which the approvals and funds are available.

Disposal Areas: The material to be dredged has undergone physical testing. Based on this data and a review of historical data and a lack of potential sources of contaminants, it is our preliminary determination that the material is acceptable for placement at the proposed, nearshore disposal area south of Mashnee Dike in Phinney's Harbor, Bourne, MA. The material will be placed as close to the shoreline as possible, given the draft of equipment used. Use of the nearshore placement area keeps the clean sediments in the littoral system and has the potential to slow some of the erosion currently being experienced in beach areas adjacent to the nearshore placement site. Disposal of the clean sand material is also expected to improve benthic habitat in portions of the deeper channel areas if immediate nearshore beach access is limited due to draft of placement equipment.

Additional Information: Additional information may be obtained from Mr. Craig Martin, Programs/Civil Project Management Branch, Programs/Project Management Division, at the return address shown, by email at nae-pn-nav@usace.army.mil or telephone number (978) 318-8638.

Coordination: The proposed work has, or will be coordinated with the following agencies:

Federal:

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

Tribal Nations:

Mashpee Wampanoag Tribe
Wampanoag Tribe of Gay Head (Aquinnah)

State of Massachusetts:

Massachusetts Office of Coastal Zone
Management
Massachusetts Department of Environmental
Protection
Massachusetts Historic Preservation Office
Massachusetts Board of Underwater
Archaeological Resources

Local:

Town of Bourne, Town Manager
Town of Bourne, Town Engineer
Town of Bourne, Harbormaster

Environmental Impacts: An Environmental Assessment (EA) for this work is being prepared and will be available for review upon request. I have made a preliminary determination that an Environmental Impact Statement for the proposed maintenance dredging is not required under the provisions of the National Environmental Policy Act of 1969. This determination will be reviewed in light of facts submitted in response to this notice.

Federal Consistency with the Massachusetts Coastal Zone Management Program: I

find that maintenance dredging of the authorized navigation project is consistent, to the maximum extent practicable, with the applicable management programs established as a result of the Coastal Zone Management Act of 1972. The dredging and disposal operations will be conducted, to the maximum extent practicable, in a manner that is consistent with the approved management program.

Other Information:

- a. Local Sponsor: Town of Bourne
- b. Non-Federal Dredging: No private or non-Federal dredging work is being proposed in conjunction with the proposed work.
- c. Previous Dredging: The last time the harbor was dredged was in 1984 when the -7 foot channel was maintained to authorized depth and improvement work constructed the -6 foot channel.
- d. Alternative Disposal Areas/Methods: Alternative disposal areas and methods have been considered as part of this proposal. Alternative disposal options considered include open-ocean disposal, beach disposal, and upland disposal. USACE favors using the nearshore disposal areas option because it is environmentally-sound, cost-effective and it keeps the clean sediments in the littoral system.
- e. Endangered Species: It is our preliminary determination that no threatened or endangered species will be adversely impacted by the proposed project. USACE will consult with the National Marine Fisheries Service and the United States Fish and Wildlife Service to ensure that the proposed activity will not significantly affect any species or critical habitat designated as endangered or threatened pursuant to the Endangered Species Act of 1973 (87 Stat. 844).
- f. Floodplain Management: In accordance with Executive Order 11988, the Corps of Engineers has determined that the proposed work will not contribute to negative impacts or damages caused by floods.
- g. Cultural Resources: The proposed work consists of maintenance dredging of the FNP in previously dredged areas. This proposal, including use of the nearshore disposal areas is being coordinated with the Massachusetts Historic Preservation Office. Maintenance dredging of the Buttermilk Bay FNP and nearshore disposal are not anticipated to adversely affect any cultural or archaeological features or resources.
- h. Essential Fish Habitat Assessment: It has been determined that the project may have a temporary adverse effect on Essential Fish Habitat (EFH). The project site is contained within areas designated as EFH as defined by the Magnuson-Stevens Fishery Conservation and Management Act and amended by the Sustainable Fisheries Act of 1996 for Federally-managed fish species. The USACE has assessed the effects that the project is likely to have on EFH and has determined that they will be short-term and localized and that there will be

no significant impacts on the designated fisheries resources. USACE will consult with the National Marine Fisheries Service to ensure that any potential impacts will be minimized.


Additional Requirements: A request will be sent to the Massachusetts Office of Coastal Zone Management for the State's concurrence with our determination of Federal consistency with the State's approved Coastal Zone Management Program. A request will also be sent to the Massachusetts Department of Environmental Protection for a Water Quality Certification in accordance with Section 401 of the Clean Water Act, 33 U.S.C. § 1341, which requires that the work comply, to the maximum extent practicable, with State or interstate requirements to control the discharge of dredged or fill material.

This Public Notice is intended to provide information about, and to seek comments on, future maintenance of the existing Federal navigation project. Future maintenance dredging will be performed when needed and in the years, that funding becomes available. Additional notices will be issued if the scope of work for future projects varies from that described herein. The decision whether to perform the work 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 benefits, which reasonably may be expected to accrue from the proposal, will be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the proposal, will be considered; among these are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use classification, and the welfare of the people.

Any person who has an interest, which may be affected by the dredging and disposal of this dredged material, may request a public hearing. The request must be submitted in writing to the District Engineer within the comment period of this notice and must clearly set forth the interest, which may be affected and the manner in which the interest may be affected by this activity.

Please bring this notice to the attention of anyone you know to be interested in this project. Comments are invited from all interested parties and should be directed to the U.S. Army Corps of Engineers, New England District, 696 Virginia Road, Concord, MA 01742-2751, ATTN: Craig Martin; or emailed to nae-pn-nav@usace.army.mil within 30 days of this notice.

14 June 13
Date


Charles P. Samaris
Colonel, Corps of Engineers
District Engineer

Attachments

Attachment 1

PERTINENT LAWS, REGULATIONS, AND DIRECTIVES

Clean Water Act, as amended (33 U.S.C. 1251 et seq.)

Code of Federal Regulation, Title 33, Parts 335 through 338

National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347)

Fish and Wildlife Coordination Act (16 U.S.C. 661-667e)

Fish and Wildlife Act of 1956 (16 U.S.C. 742a et. seq.)

Migratory Marine Game-Fish Act (16 U.S.C. 760c-760g)

Coastal Zone Management Act of 1972 (16 U.S.C. 1456)

National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.)

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

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

Estuary Protection Act (16 U.S.C. 1221 et seq.)

Federal Water Project Recreation Act, as amended (16 U.S.C. 460L-12 et seq.)

Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460L et seq.)

Coastal Barrier Resources Act of 1982, as amended (16 U.S.C. 3501 et seq.)

Magnuson-Stevens Fishery Conservation and Management Act as amended by the
Sustainable Fisheries Act of 1996 (16 U.S.C. 1801 et seq.)

Executive Order 11988, Floodplain Management, 24 May 1977

Executive Order 11990, Protection of Wetlands, 24 May 1977

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

Attachment 2

Map of Buttermilk Bay Federal Navigation Project



Attachment 3

Map of Buttermilk Bay FNP Dredge and Disposal Areas

