



**US Army Corps
of Engineers**®
New England District

696 Virginia Road
Concord, MA 01742-2751

Public Notice

In Reply Refer to: Mr. Michael Riccio
Michael.S.Riccio@usace.army.mil
Planning Division
Date: March 3, 2021
Comment Period Closes: April 3, 2021

30 DAY PUBLIC NOTICE

SECTION 111 SHORE DAMAGE MITIGATION STUDY CAPE COD CANAL AND SANDWICH BEACES SANDWICH, 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, subject to the provisions of Section 404 of the Clean Water Act of 1977 (P.L. 95-217), and to the requirements of the National Environmental Policy Act (P.L. 91-190)]. The work involves beach nourishment of Town Neck Beach in Sandwich, Massachusetts that has eroded as a result of the Cape Cod Canal Federal Navigation Project (FNP) jetties at the east entrance of the Canal. The work is authorized by Section 111 of the River and Harbor Act of 1968 (Public Law 90-483), as amended. Attachment No. 1 lists pertinent laws, regulations, and directives.

Project Description: The Recommended Plan is presented in the Draft Detailed Project Report and Integrated Environmental Assessment (DPR/EA) and consists of the construction of an engineered beach at Town Neck Beach. This would be accomplished using approximately 388,000 cubic yards of beach compatible material that would be dredged, pumped, and graded onto Town Neck Beach from a nearshore borrow site adjacent to Scusset Beach (Attachments 2 and 3).

Purpose of Work: Sediment starvation of the littoral system downdrift of the Cape Cod Canal FNP jetties has resulted in extensive and worsening erosion of the existing beach, which has subsequently and significantly compromised public and private property and infrastructure in the town of Sandwich. Significant loss of the beach and damage to shorefront structures has occurred in recent years, and if the conditions are left unaddressed, those impacts to the community would increase. Increased impacts could include catastrophic failure of the barrier dune, additional losses of shorefront structures, catastrophic damage to 600+ acres of salt marsh habitat, and an increase in storm related damages to downtown Sandwich, including but not limited to, local public safety facilities (police and fire stations), local commercial infrastructure, registered historic buildings, and Route 6A which is a primary evacuation route. The Recommended Plan would restore a barrier beach and dune system to provide protection for the area, and it would reintroduce a substantial amount of material to the impacted littoral system downdrift of the jetties.

Alternatives: A range of structural and nonstructural measures were considered as solutions to mitigate storm damage in the town of Sandwich as part of the alternative analysis process. Measures considered included but were not limited to: property buy-outs, beach nourishment, jetty modifications, stone revetments, and nearshore breakwaters.

Pursuant to Section 111 of the Continuing Authorities Program, a benefit to cost ratio was not required to justify the Recommended Plan. Rather, the Recommended Plan is the least-cost alternative that effectively accomplishes the project purpose. Projects constructed under Section 111 cannot exceed a total project cost of \$12.5 million. Consequently, no permanent solution was identified that was implementable through this authority. In lieu of such a solution, the study recommends a plan that would maximize the mitigation achievable through the Section 111 program and also recommends that additional efforts be made by the USACE to work towards developing a long-term sediment management strategy for the east entrance to the Canal that would more sustainably maintain the Sandwich shoreline.

Availability of the Report and Additional Information: A copy of the report and/or additional information regarding the study can be obtained via the website below or upon request by contacting the Project Manager, Mr. Michael Riccio at the mailing address listed above, by telephone at 978-318-8685, or by email at Michael.S.Riccio@usace.army.mil.

<https://www.nae.usace.army.mil/Missions/Projects-Topics/Cape-Cod-Canal-Section-111-Shore-Damage-Mitigation-Project/>

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

State of Massachusetts:

Massachusetts Department of Environmental Protection
Massachusetts Office of Coastal Zone Management
Massachusetts Division of Marine Fisheries
Massachusetts Division of Fisheries and Wildlife –
Natural Heritage and Endangered Species Program
Massachusetts Historical Commission

Tribal Nations:

Wampanoag Tribe of Gay Head (Aquinnah) - Tribal Historic Preservation Office
Mashpee Wampanoag Tribe - Tribal Historic Preservation Office

Local:

Town of Sandwich
Sandwich Historical Commission

Environmental Impacts: The DPR/EA is available at the link above as well as by 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.

Other Information:

a. Local Sponsor: Town of Sandwich

b. Floodplain Management: In accordance with Executive Order 11988, USACE has determined that the proposed work will not contribute to negative impacts or damages caused by floods.

c. Endangered Species: It is our determination that the project is not likely to adversely affect threatened or endangered species because of conditions that have been adopted and that will be incorporated into construction of the Recommended Plan. Direct impacts to listed species will be largely avoided by constructing the project between October 1 and December 31 of any year, which is outside of the time of year that Endangered Species Act (ESA)-listed species are typically present in the area. The USACE will implement provisions to reduce the likelihood of interactions with ESA-listed sea turtles and whales such as requiring an endangered species observer onboard all disposal vessels transiting between the Scusset borrow site and the placement area, operation of all project vessels at speeds less than 10 knots, and requiring that a beach monitor inspect the placement area prior to nourishment activities each day that work occurs for cold-stunned sea turtles.

No work associated with the project, equipment, or construction materials will take place or be present on the beach where ESA-listed or State-listed Species of Special Concern birds may be present between April 1 and August 31 to avoid direct impacts to those species. All material will be placed on a grade suitable for nesting habitat with slopes of 1V:10H for the beach berm. The dunes at the eastern end of the project area will be graded to match existing slopes with grades of 1V:10H to 1V:15H. Rocky intertidal shore constrains the area at the western end of the nourishment site so at this location, dunes will be graded to 1V:5H, but the beach will slope seaward from the toe of the dune at 1V:10H.

USACE is in consultation with the National Marine Fisheries Service and the U.S. 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).

d. Cultural Resources: The proposed plan will have no adverse effect upon historic properties in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended and implementing regulations 36 CFR 800. The Massachusetts State Historic Preservation Officer has concurred with this determination. Additionally, the Massachusetts Board of Underwater Archeological Resources, the Mashpee Wampanoag Tribe, the Wampanoag Tribe

of Gay Head (Aquinnah), and the Sandwich Historical Commission were contacted and notified of the Recommended Plan. No comment or objection has been received to date.

e. Essential Fish Habitat Assessment: The USACE has 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 assessed the effects that the project is likely to have on EFH and determined that they will be short-term and localized and that there will be no significant impacts on the designated fisheries resources. An Essential Fish Habitat Assessment is included in the DPR/EA as Appendix A3 and the USACE will coordinate with the National Marine Fisheries Service to ensure that any potential impacts will be minimized.

f. Federal Consistency with Coastal Zone Management: The project will be conducted in a manner consistent to the maximum extent practicable with all applicable Massachusetts Coastal Zone Management (CZM) Program policies. The USACE will coordinate its preliminary consistency determination (Appendix A2 of the DPR/EA) with CZM. A final consistency determination will be coordinated with CZM in the pre-construction engineering and design phase of the project.

g. Additional Requirements: A Water Quality Certificate (Section 401 of the Clean Water Act of 1977) will be requested from the Massachusetts Department of Environmental Protection in the pre-construction engineering and design phase of the project. A Section 404(b)(1) evaluation (Section 404 of the Clean Water Act) is included at the end of the Draft DPR/EA.

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: Mr. Michael Riccio; or emailed to Michael.S.Riccio@usace.army.mil within 30 days of this notice.

03 March 2021

Date

For

John A. Atilano II
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.)

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.)

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.)

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

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

Attachment 3

