



**US Army Corps  
of Engineers®**  
New England District  
**696 Virginia Road  
Concord, MA 01742-2751**

# PUBLIC NOTICE

**Comment Period Begins: March 22, 2022**  
**Comment Period Ends: April 20, 2022**  
**File Number: NAE-2021-00368**  
**In Reply Refer To: Crystal I. Gardner**  
**Phone: (978) 318-8332**  
**E-mail: [crystal.i.gardner@usace.army.mil](mailto:crystal.i.gardner@usace.army.mil)**

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The District Engineer has received a permit application to conduct work in waters of the United States from The Town of Falmouth (Menauhant). This work is proposed in Nantucket a Harbor at Menauhant Road Falmouth, Massachusetts. The site coordinates are: Latitude N 41.549284 Longitude -70.557463.

The work involves the placement 22,500 cubic yards of sand for beach nourishment over a 335,412 square foot area to create a berm of variable width to address the ongoing erosion and protect Menauhant Road located landward of the beach. In addition, two new rubble-mound groins will be constructed perpendicular to the nourishment to keep it in place and reduce sand migration into Bourne's Pond Inlet located proximal to the project site.

The groins will be constructed using armor stone to provide a stable structure which can sustain the dynamic forces associated with storm events at Menauhant Beach. The stone will be resistant to the significant ice flows that occur during the winter. The groins will have a total footprint of approximately 11,395 square feet. To offset these new structures, the project will remove two unraveled existing structures that currently provide no coastal resilience totaling 14,015 square feet of removal.

The purpose of this protect is to address ongoing erosion issues and to provide protection Menauhant Beach against storm events.

The work is shown on the enclosed plans entitled "PLAN ACCOMPANYING PETITION OF: TOWN OF FALMOUTH, MASSACHUSETTS 59 TOWN HALL SQUARE, FALMOUTH, MA, 02540 TO LICENSE, CONSTRUCT, AND MAINTAIN BEACH NOURISHMENT AND STONE GROINS IN VINEYARD SOUND BARNSTABLE COUNTY, MA" on eight sheets, and dated "NOVEMBER 12, 2020."

The proposed project has been designed and will be constructed using the best available measures to minimize adverse impacts.

## **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.

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,

**CENAE-R**  
**FILE NO. NAE-2021-00368**

recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

The U.S. Army Corps of Engineers, New England District (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 0.262 acres of EFH. This habitat consists of rubble and sand. 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 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 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 as amended. It is our preliminary

**CENAE-R**  
**FILE NO. NAE-2021-00368**

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

**COMMENTS**

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 Crystal Gardner at (978) 318-8332, (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 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. 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.**

*Paul Maniccia*

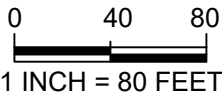
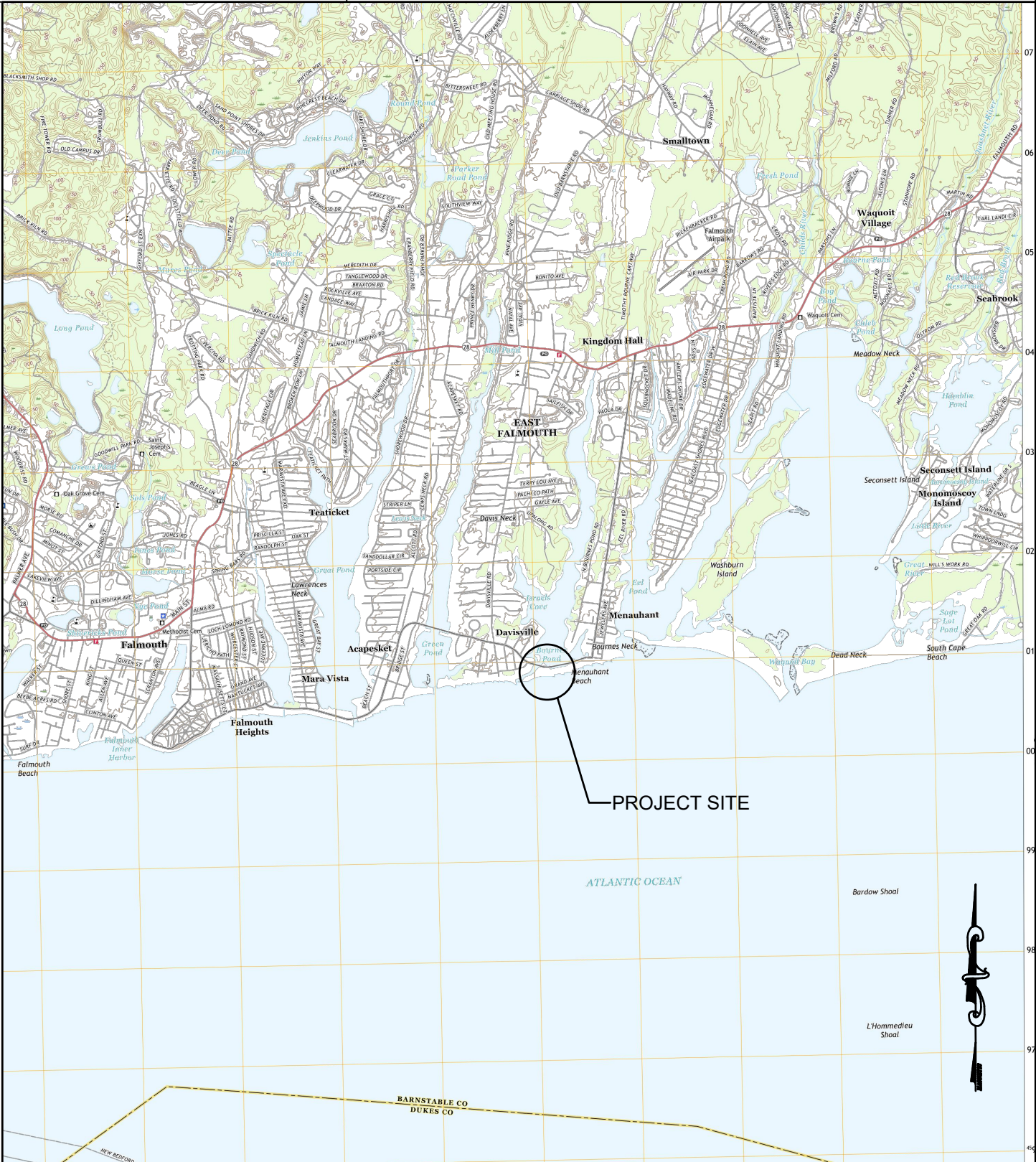
**Paul M. Maniccia**  
**Chief, Permits and Enforcement Branch**  
**Regulatory Division**

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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](mailto:bettina.m.chaisson@usace.army.mil).

GENERAL LAW 36 SECTION 13-A

I CERTIFY THAT THIS PLAN CONFORMS WITH THE RULES  
AND REGULATIONS OF THE REGISTERS OF DEEDS.



PLAN ACCOMPANYING PETITION OF:  
TOWN OF FALMOUTH, MASSACHUSETTS  
59 TOWN HALL SQUARE, FALMOUTH, MA, 02540

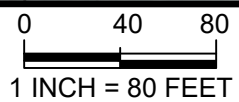
TO LICENSE, CONSTRUCT, AND MAINTAIN  
BEACH NOURISHMENT AND STONE  
GROINS IN VINEYARD SOUND  
BARNSTABLE COUNTY, MA



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	<div>CONTINUED ON SHEET 3</div> <p>PLAN ACCOMPANYING PETITION OF: TOWN OF FALMOUTH, MASSACHUSETTS 59 TOWN HALL SQUARE, FALMOUTH, MA, 02540</p> <p>TO LICENSE, CONSTRUCT, AND MAINTAIN BEACH NOURISHMENT AND STONE GROINS IN VINEYARD SOUND BARNSTABLE COUNTY, MA</p> <div>SHEET 2 OF 8DATE: NOVEMBER 12, 2020</div>



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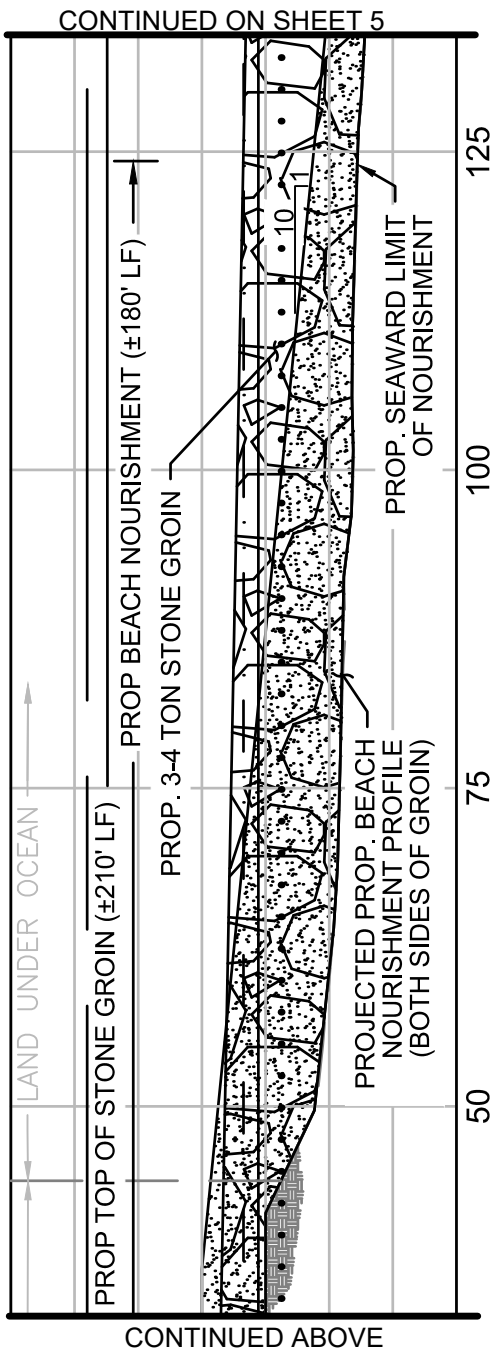
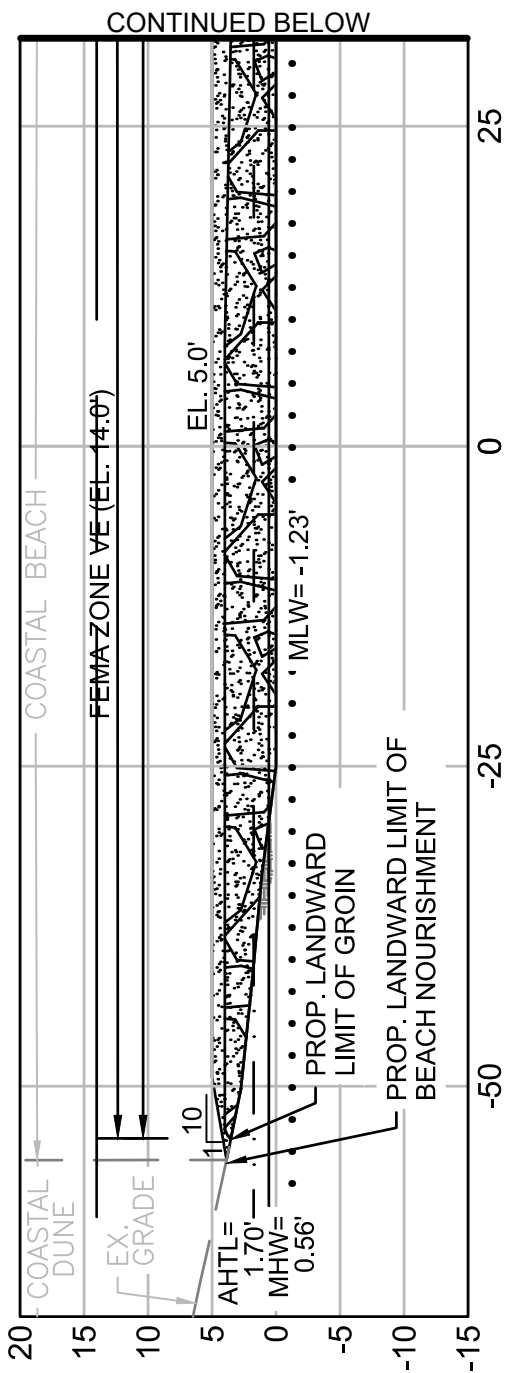


DATE: NOVEMBER 20, 2020

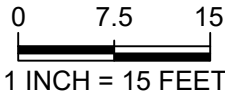
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**PROPOSED WEST ARMOR STONE GROIN & NOURISHMENT**  
**(SECTION A-A)**

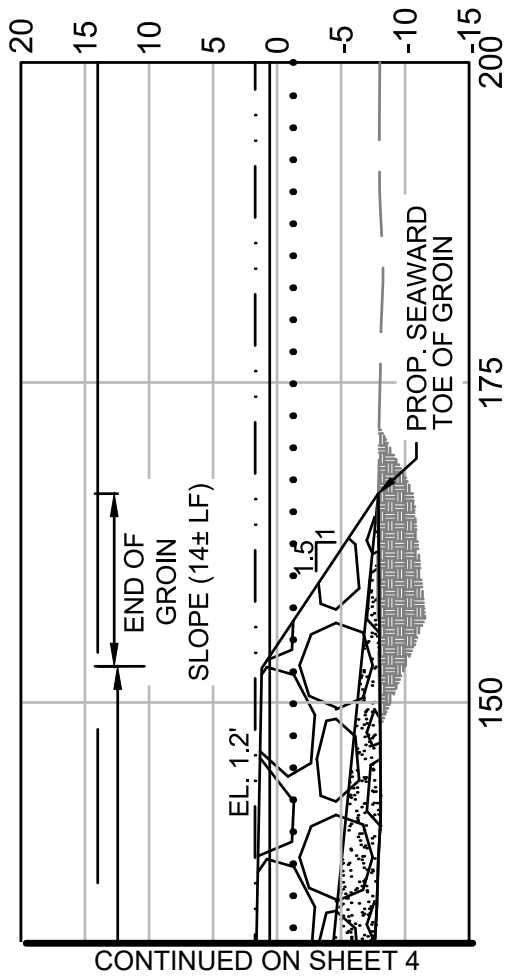


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**PROPOSED WEST ARMOR STONE GROIN & NOURISHMENT**  
**(SECTION A-A)**



SHEET 5 OF 8

DATE: NOVEMBER 12, 2020

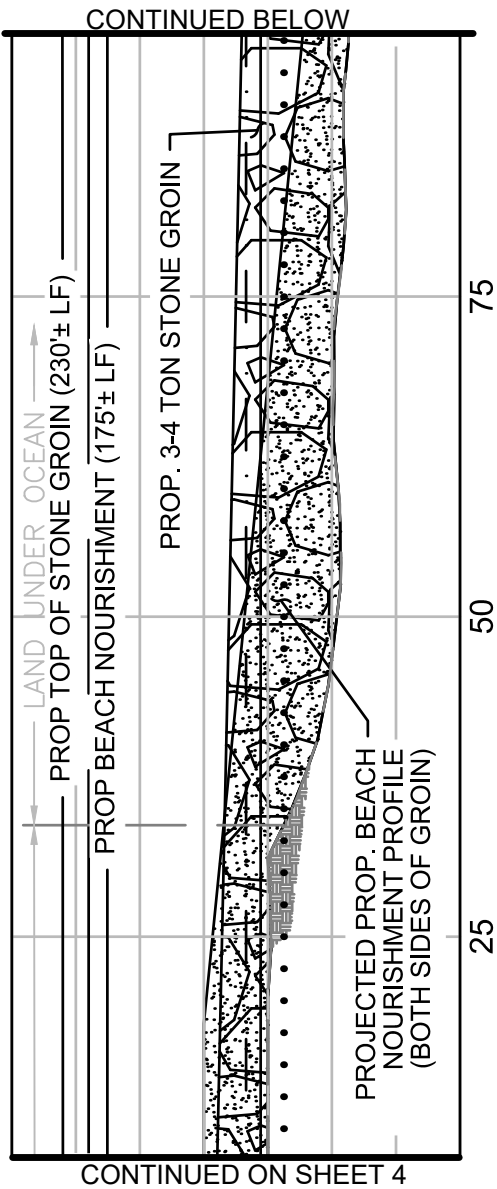
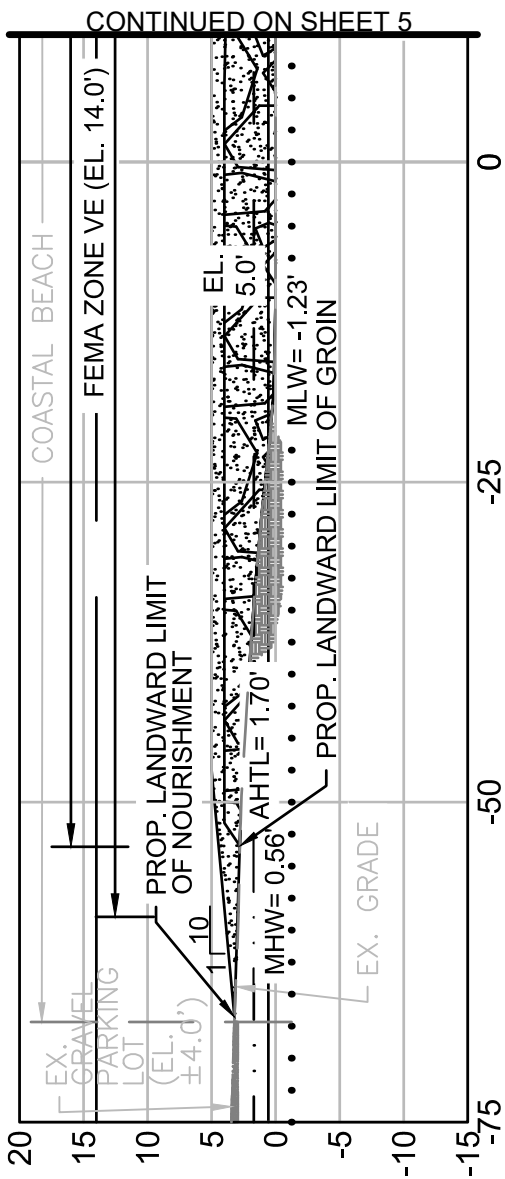
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**PROPOSED WEST ARMOR STONE GROIN & NOURISHMENT**  
**(SECTION B-B)**

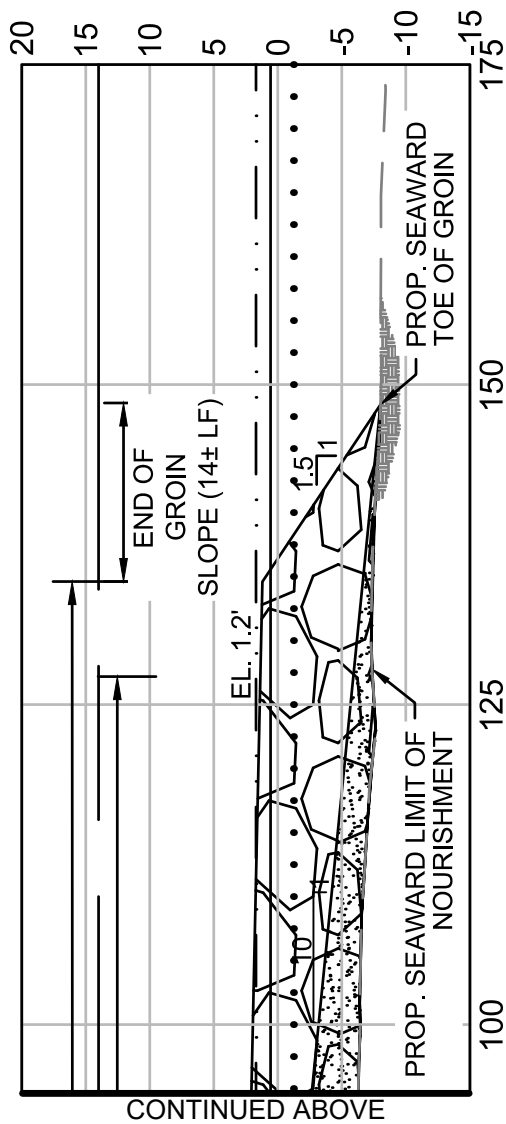


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	<div>DATUM OFFSETS</div> <div><div><div>MLW</div><div>2.93</div><div>1.79</div></div><div><div>NAVD88</div><div>1.70</div><div>0.56</div></div><div><div>AHTL</div><div></div><div>MHW</div></div></div> <div><div>1.23</div><div>+</div><div>0</div><div>NAVD88</div></div> <div><div>0.00</div><div>+</div><div>-1.23</div><div>MLW</div></div> <div><div>-0.13</div><div>+</div><div>-1.36</div><div>MLLW</div></div> <div>OFFSETS TAKEN FROM NOAA TIDAL STATION WOODS HOLE, MA #8447930</div>
	<div>GENERAL NOTES:</div> <div><div>1.</div><div>PROJECT ARE SHOWN LIES ENTIRELY WITHIN FEMA ZONE VE EL. = 14' NAVD88 AS SHOWN ON FIRM 25001C0737J, EFFECTIVE DATE 16, 2014.</div></div> <div><div>2.</div><div>PROJECT AREA SHOWN LIES ENTIRELY WITHIN FEMA COASTAL BARRIER RESOURCE SYSTEM AREA (10/1/1983) AS SHOWN ON FIRM 25001C0737J EFFECTIVE DATE JULY 16, 2014.</div></div> <div><div>3.</div><div>ENTIRE PROJECT AREA LIES WITHIN NHESP ESTIMATED/PRIORITY HABITAT AREA, AS SHOWN ON THE MOST RECENT AVAILABLE MA GIS DATA.</div></div> <div><div>4.</div><div>SHELLFISH SUITABILITY AREA, BARRIER BEACH, AND APPROXIMATE PROPERTY LINES SHOWN ARE BASED UPON MOST RECENT AVAILABLE MA GIS DATA.</div></div> <div><div>5.</div><div>BASE PLAN INFORMATION SHOWN AS PROVIDED BY APPLIED COASTAL RESEARCH AND ENGINEERING INC.</div></div> <div><div>6.</div><div>ELEVATIONS SHOWN ARE IN US SURVEY FEET AND REFER TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88).</div></div>
	<div>SHEET 8 OF 8</div> <div>DATE: NOVEMBER 12, 2020</div>
<div>PLAN ACCOMPANYING PETITION OF: TOWN OF FALMOUTH, MASSACHUSETTS 59 TOWN HALL SQUARE, FALMOUTH, MA, 02540</div> <div>TO LICENSE, CONSTRUCT, AND MAINTAIN BEACH NOURISHMENT AND STONE GROINS IN VINEYARD SOUND BARNSTABLE COUNTY, MA</div>	