



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

PUBLIC NOTICE

Comment Period Begins: February 28, 2023
Comment Period Ends: March 28, 2023
File Number: NAE-2022-00075
In Reply Refer To: Charles Farris
Phone: (978) 318-8336
E-mail: charles.n.farris@usace.army.mil

The District Engineer has received a permit application to conduct work in waters of the United States from **Town of Mashpee, 16 Great Neck Road North. Mashpee, MA 02649.** This work is proposed in the Approach Channel to Popponesset Bay and Vineyard Sound, Mashpee, MA. Placement areas will include areas of coastal beach above high tide line on Popponesset Spit and subtidal habitat in Vineyard Sound on the seaward side of Popponesset Spit.

The work involves hydraulically dredging approximately 45,900 cubic yards (CY) of sandy material from shoaled areas totalling 7.6 acres within the Popponesset Bay Approach Channel located in the town of Mashpee, MA. The Town proposes to deepen the existing channel to a depth of -7.79 feet at mean lower low water (MLLW) plus one foot of allowable overdepth, widen it by 50 feet to the west, and extend the channel 250 feet seaward (Figure 2 of 11). In addition, the Town proposes to add a 600 foot long by 150 foot-wide sediment catch basin on the northwestern side of the channel which will be dredged to a depth of -5.79 feet MLLW plus one foot of allowable overdepth (Figure 2 of 11). The majority of the dredged material will be placed below the mean low water line along the seaward side of the Popponesset Spit. 780 cubic yards of the material will be placed on the spit above the high tide line for beach and berm nourishment.

The applicant plans to place an additional 27,800 cubic yards below the mean low water line. This additional material would be composed of clean sand from upland sources that would be compatible with the sand in the receiving subtidal area.

The work is shown on the enclosed plans entitled "SITE PLAN Proposed Improvement Dredging and Beach Nourishment Prepared For: Town of Mashpee, MA" on eleven sheets, and dated "March 25, 2020." These are preceded by three sheets titled "Town of Mashpee, MA."

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, 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.

Dredged Material Disposal and Placement Mitigation Discussion:

The alternatives considered in the dredged material disposal analysis fall into four general categories: beneficial use, upland disposal, confined disposal, and open-water disposal. The feasibility of disposal alternatives was analysed relative to the physical and chemical quality of the dredged material, the volume of material to be dredged, the availability of suitable disposal and beneficial use sites, and the cost of disposal.

Based on the characteristics of the dredged material, beneficial use sites and costs, the most feasible, practical, cost-effective and environmentally acceptable alternative for the disposal of dredged materials from the proposed dredging is subtidal placement of suitable material along the Popponesset Spit and placement above the high tide line.

Testing Information 2022 Suitability determination

The dredged material has undergone physical analysis. It is our determination that the material is acceptable for subtidal placement along the Popponesset Spit and for beach nourishment on the Spit above the hightide line as well.

Any permit issued for this project will include special conditions requiring scows to come to a complete stop when disposing of the material at the disposal site. There will also be a time of year restriction included as a special condition which prohibits dredging during ecologically sensitive times of year.

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.

The dredging portion of this project will impact approximately 330,500 SF of EFH. Habitat at this site can be described as subtidal sand shoals. 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.

The dredged material placement is proposed for subtidal shallow water habitat along Popponesset Spit which will impact approximately 539,700 SF of EFH. This is an open water site, which provides EFH. Habitat at this site can be described as shallow water benthic 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.

In total, this project will impact 19.96 acres of EFH. This habitat consists of subtidal sand shoals and shallow water benthic 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.

This project will have an adverse effect on 19.96 acres of EFH. This habitat consists of subtidal nearshore and nearshore shallow water habitat. Loss of this habitat may adversely affect species that use these waters and substrate. The District Engineer has made a preliminary determination that site-specific impacts may be substantial. Accordingly, the USACE will submit an expanded EFH assessment to the National Marine Fisheries Service, who in turn will provide conservation recommendations to the USACE. The USACE will coordinate with the applicant regarding implementation of these recommendations. The EFH consultation 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 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 Charles Farris at (978) 318-8336, (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.

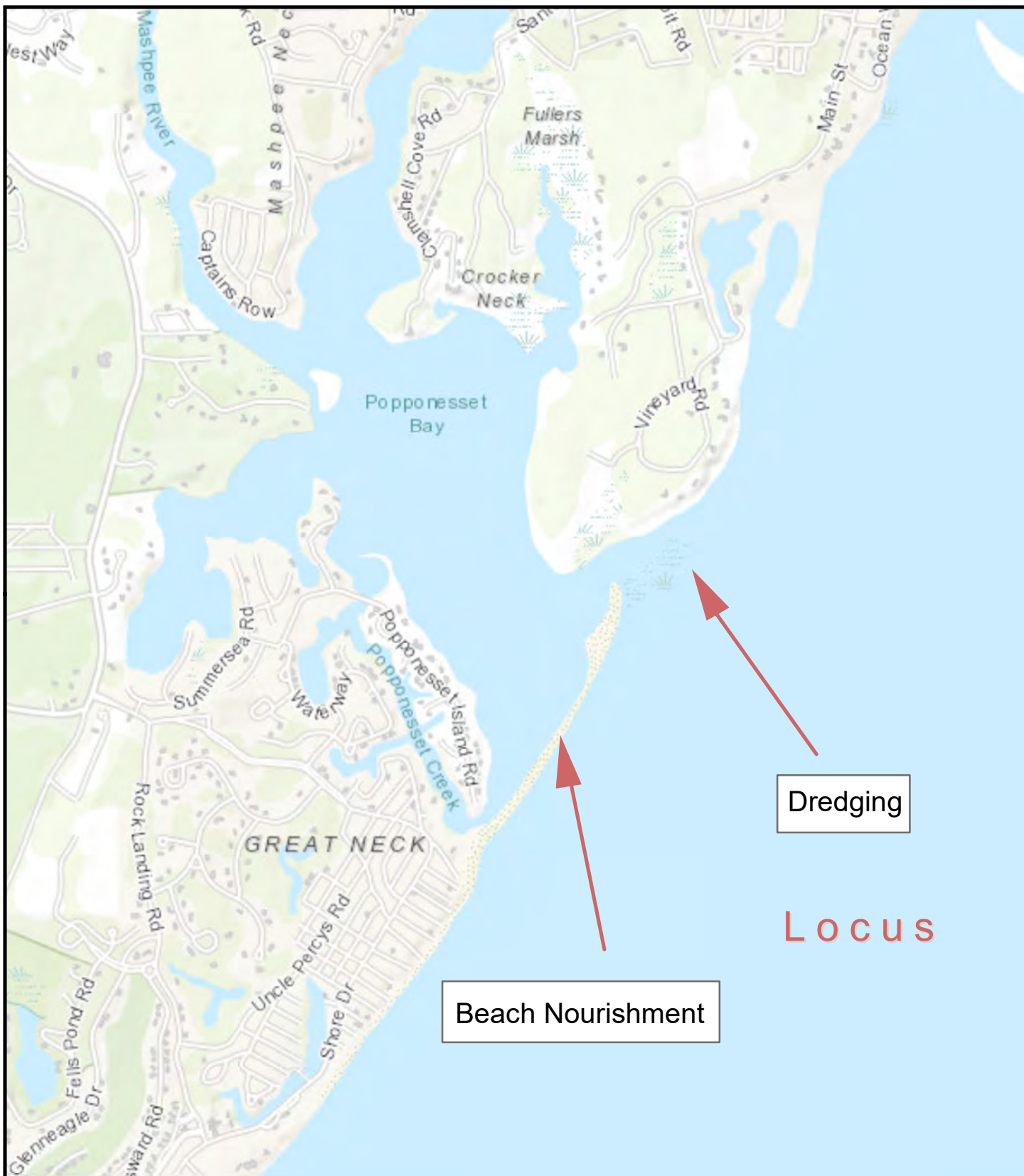
The initial determinations made herein will be reviewed in light of facts submitted in response to this notice. All comments will be considered a matter of public record. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly in an effort to reach an understanding.

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.



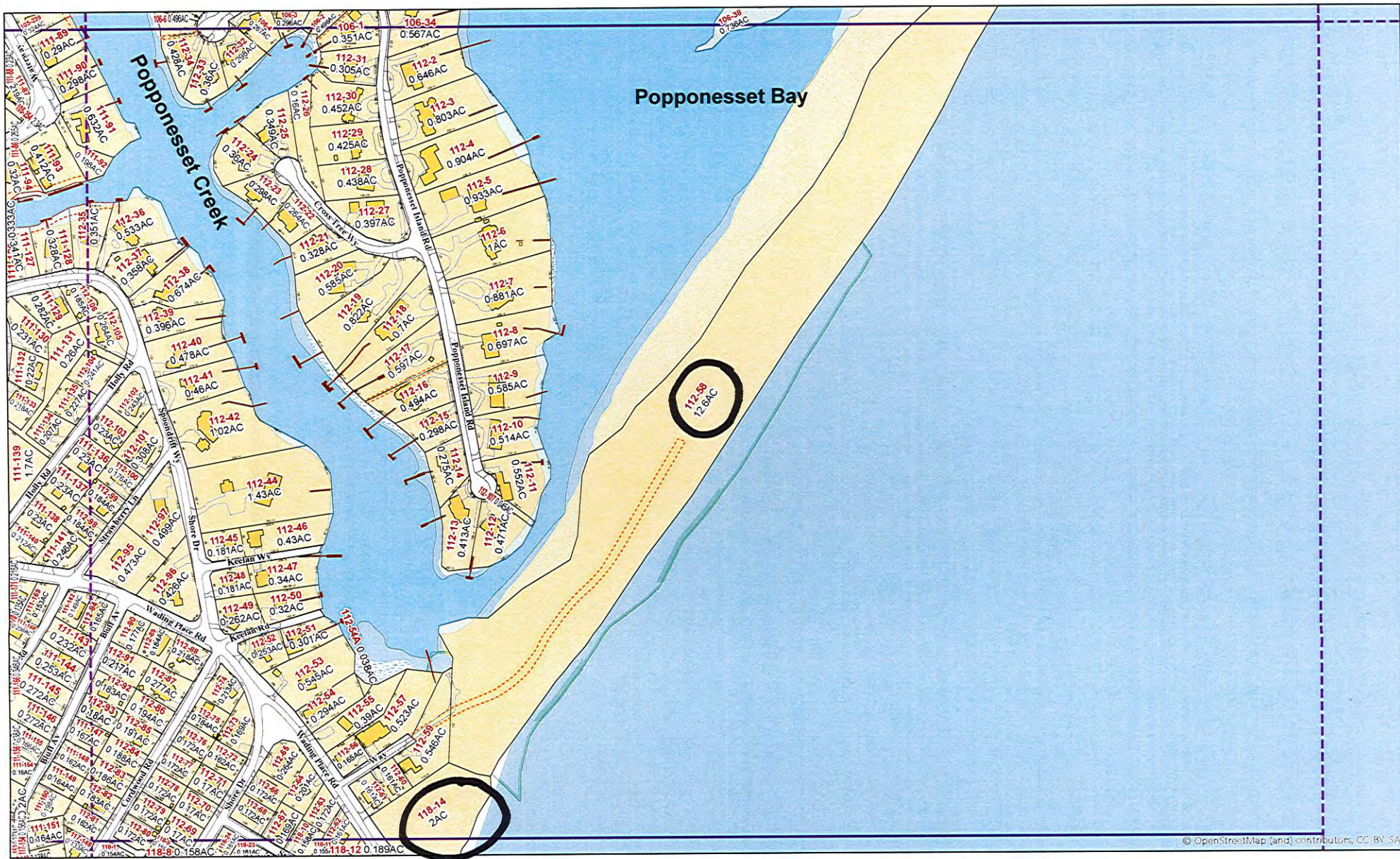
Robert J. DeSista
Chief, Policy and Technical Support Branch
Regulatory Division

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.



107 Waterhouse Road
Bourne, MA 02532

Town of Mashpee
Popponesset Bay Approach Channel
Popponesset Spit
Mashpee, MA
USGS Cotuit Quadrangle



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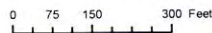


This map is intended to support the inventory of real property in the Town of Mashpee. Map data should not be interpreted as the actual field survey data. This data should not be used for legal description or conveyance purposes.



Town of Mashpee, Massachusetts

Fiscal Year 2020 Tax Maps



Legend

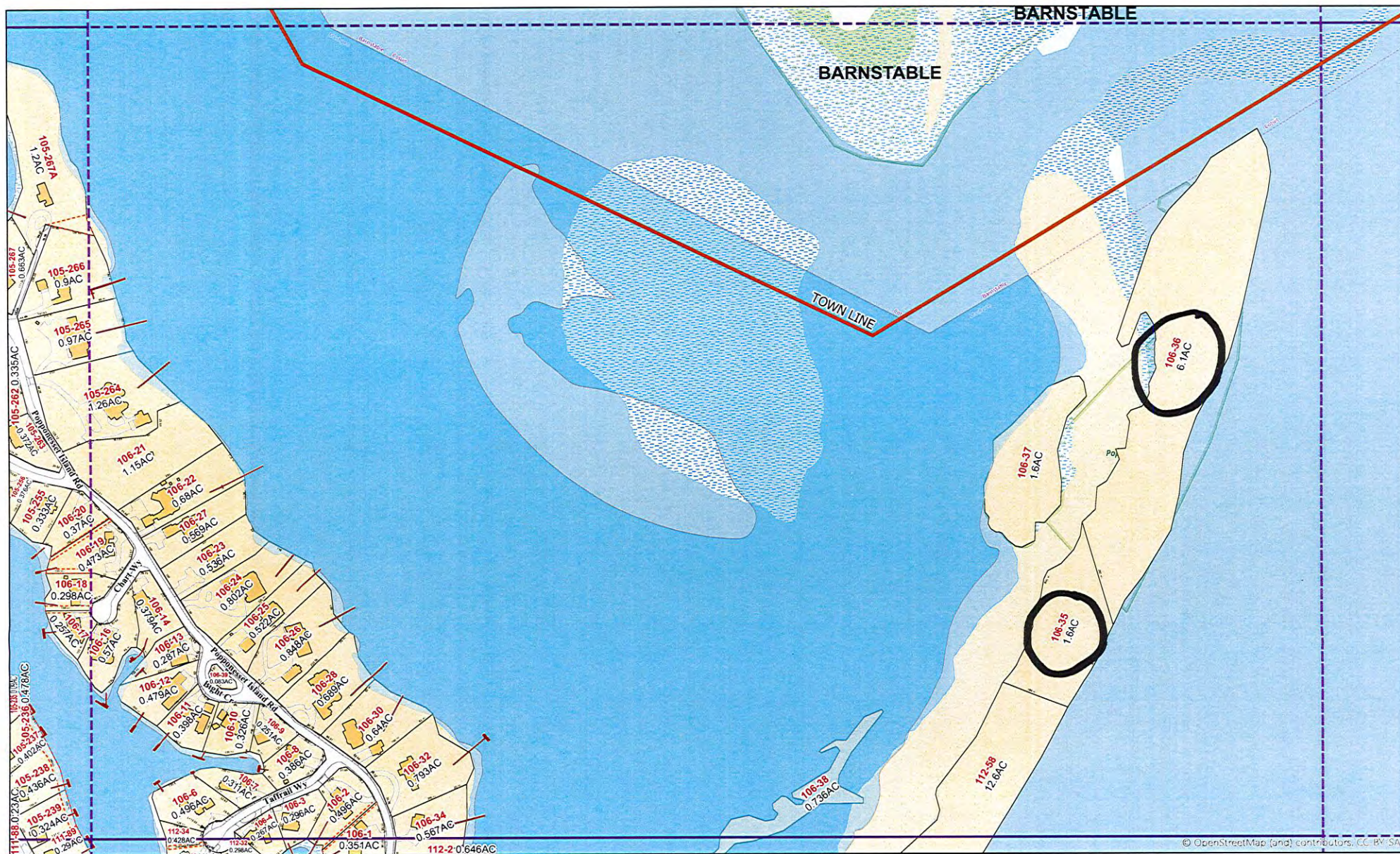
- Street Pavement
- Roads Layout
- Boat Ramp
- Dock
- Cranberry Bog
- Lake or Pond
- Stream or River
- Swamp or Marsh
- Tax Parcel



ASSESSOR MAP 112

105	106	107
111	112	113
117	118	119

Tax maps reflect an Assessment date of Jan. 1, 2019.
Map produced by Mashpee Geographic Information Systems.



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Map produced by: Mashpee Geographic Information Systems.

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Town of Mashpee, Massachusetts Fiscal Year 2020 Tax Maps

0 75 150 300 Feet

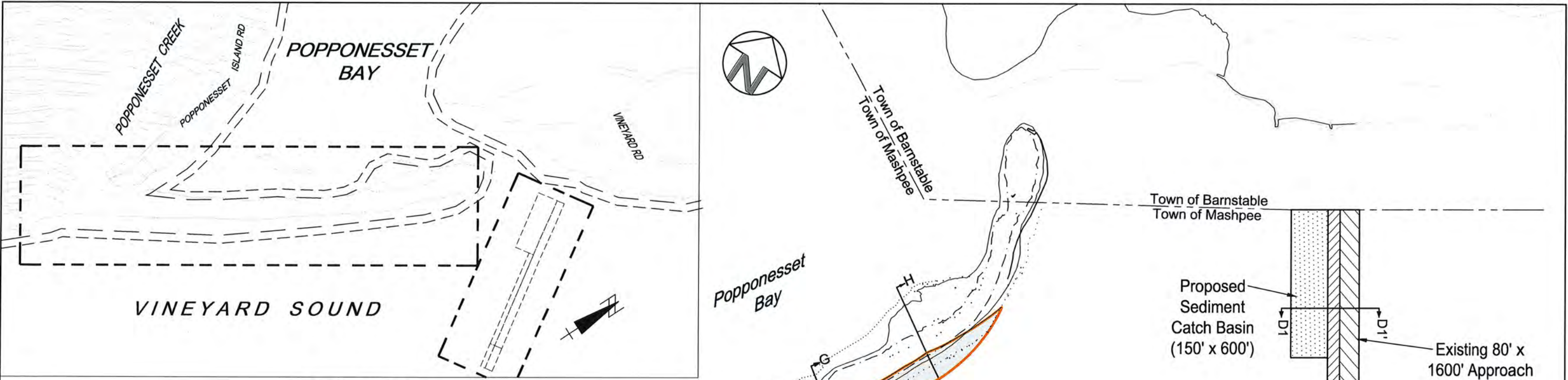
Legend

- Street Pavement
- Roads Layout
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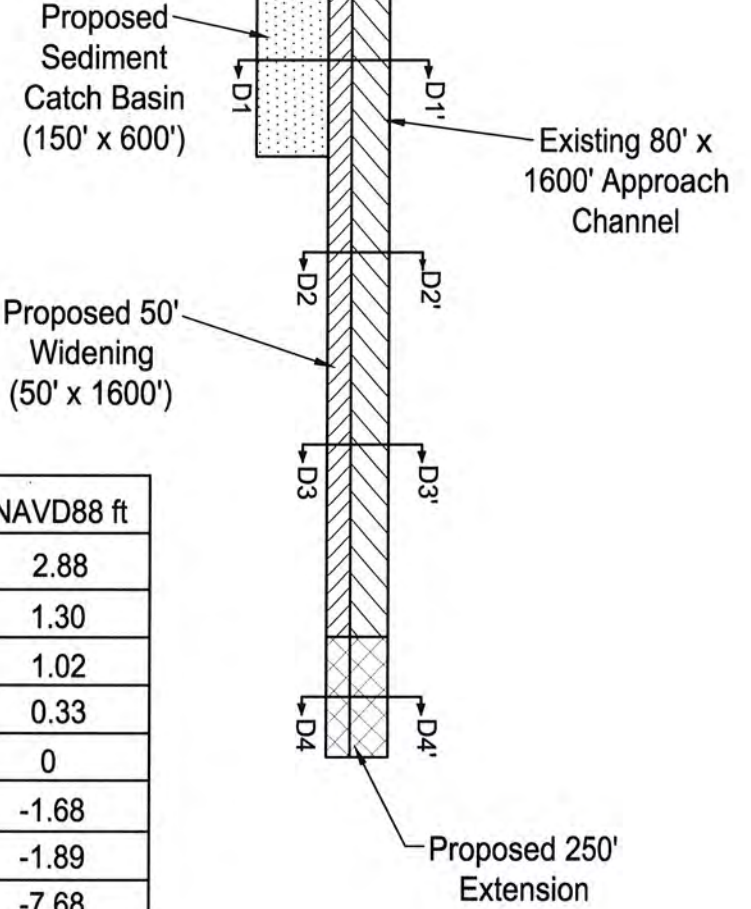
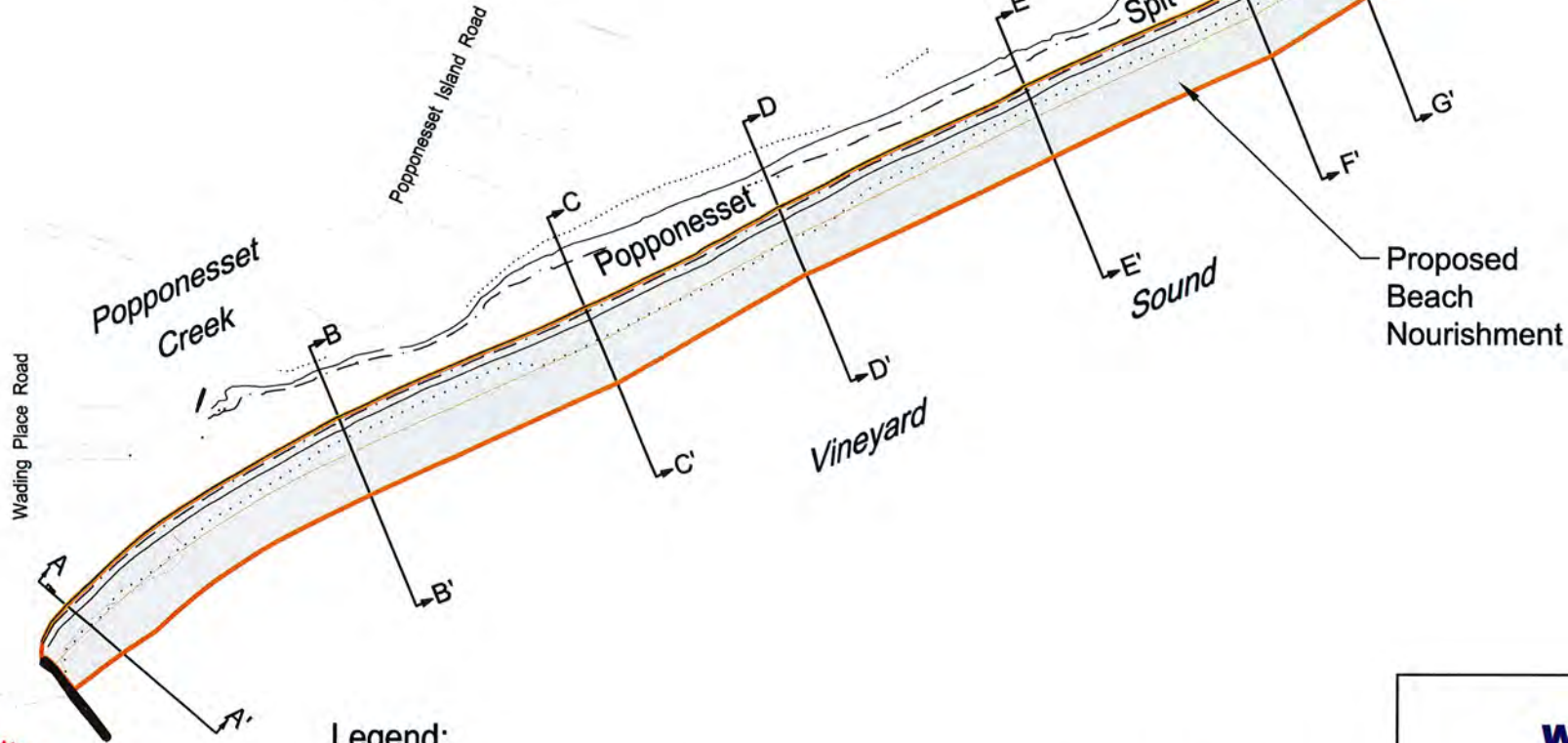


ASSESSOR MAP 106

100	101
105	106
111	112



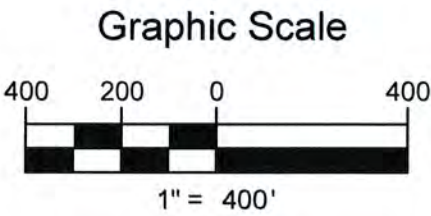
LOCUS MAP
NOT TO SCALE



Datum	MLW	NAVD88 ft
HTL	4.56	2.88
MHHW	2.98	1.30
MHW	2.70	1.02
MTL	2.01	0.33
NAVD88	1.68	0
MLW	0	-1.68
MLLW	-0.21	-1.89
	-6.00	-7.68
	-8.00	-9.68



- Legend:
- High Tide Line
 - Mean Low Water
 - Mean High Water
 - Historic Mean High Water



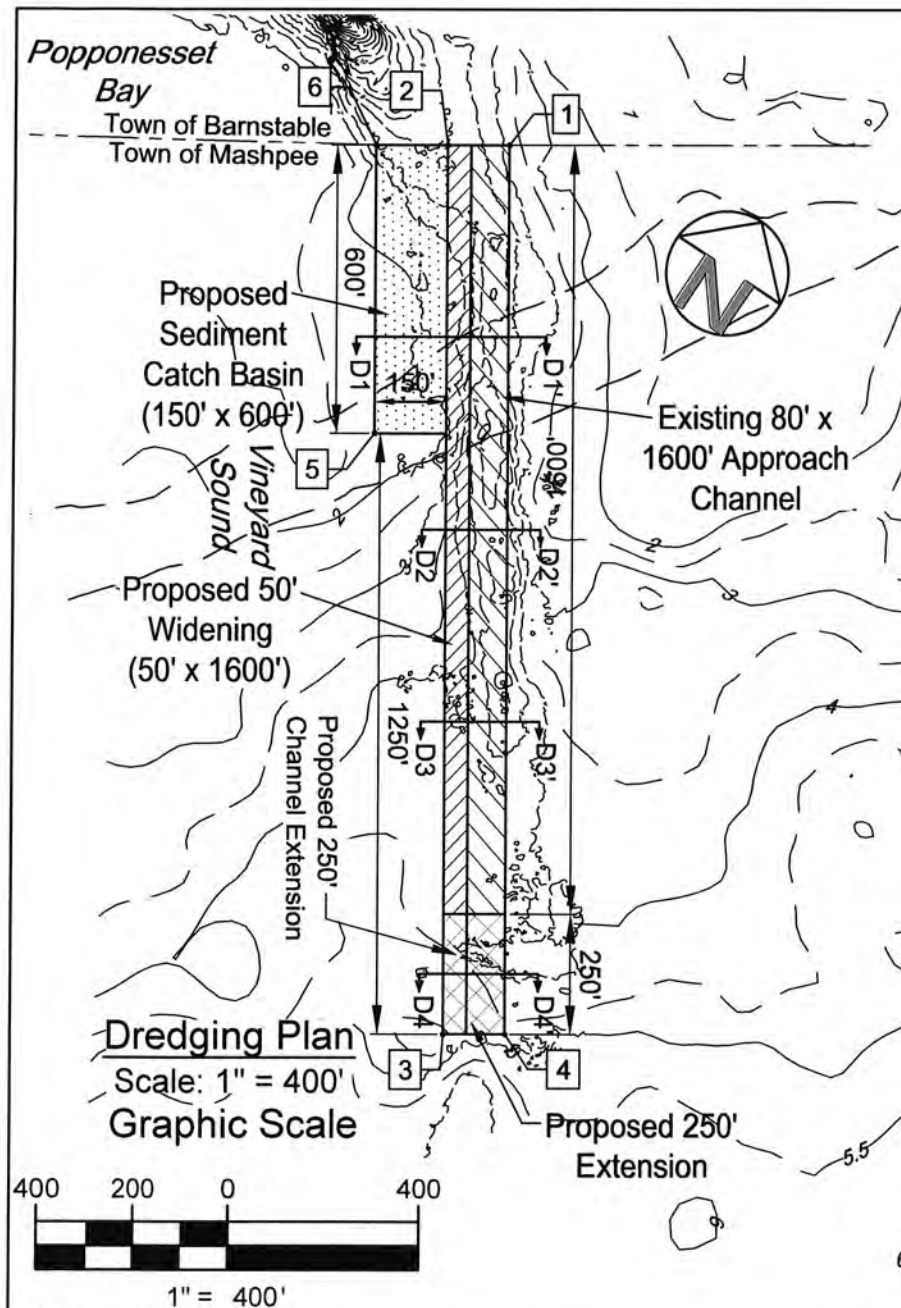
A CLS COMPANY
107 WATERHOUSE ROAD, BOURNE, MA 02532
TELEPHONE: (508) 540-8080 FAX: (508) 540-1001

REVISIONS:

DATE:

TITLE: SITE PLAN
Proposed Improvement Dredging
and Beach Nourishment
Prepared For: Town of Mashpee, MA
Popponeset Bay Approach Channel & Popponeset Spit

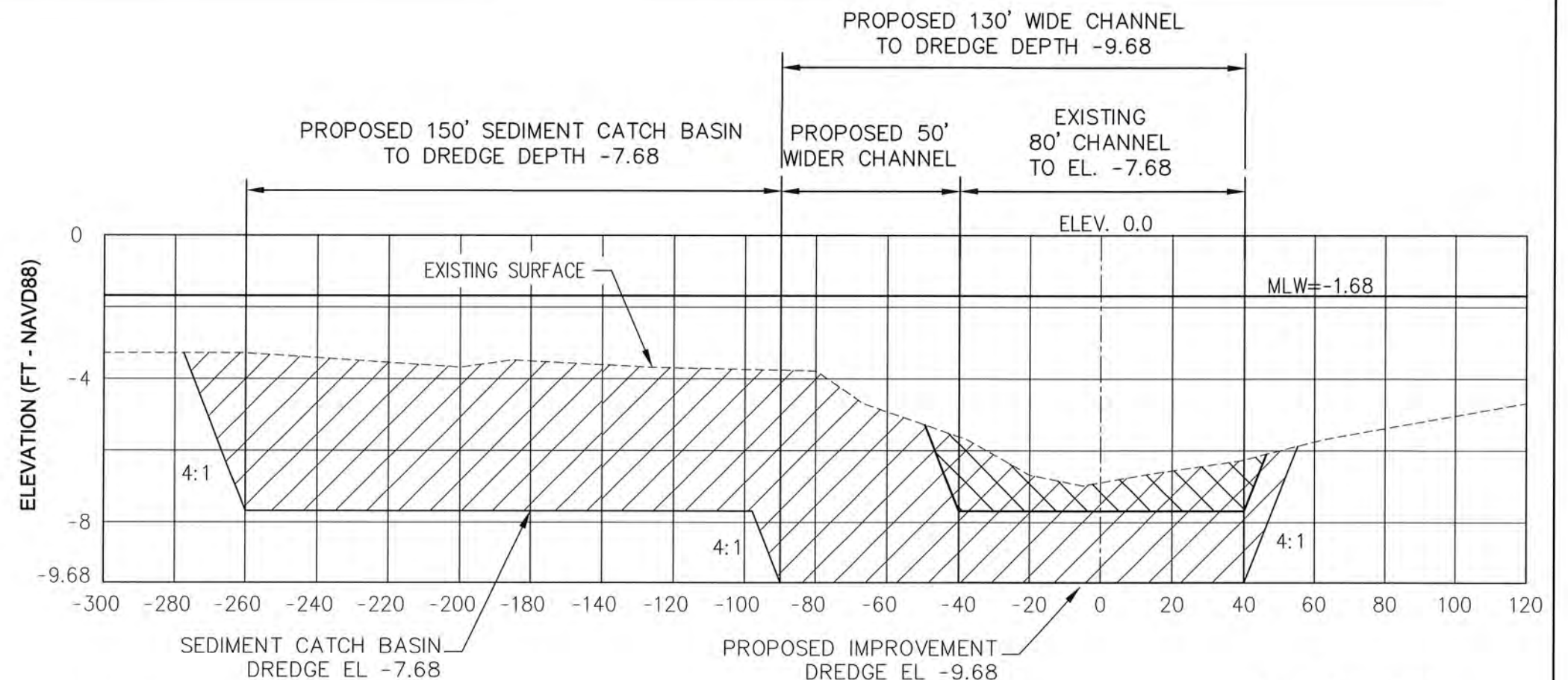
DRAWN BY: JRK	APPROVED BY: TPM	PROJECT NO.: 2014-0187
DWG FILE: 0187 SPB 1-21-19.DWG	SCALE: 1" = 400'	DATE: 3/25/2020 SHEET: 1 OF 11



Survey Note:
Bathymetric survey was conducted on June 16 & July 31, 2015 by Hydro Data, Inc.

Dredging Notes:

- Bathymetric contours are in feet relative to NAVD88.
- Bathymetric contours depicted on these plans represent results of the survey made on the date indicated and are representative of existing conditions at the time.
- Existing 80' Channel @ 1600' length: 80'x1600' = 128,000 sf. (2.9 acres) is currently permitted to elevation -6' MLW (or -7.68' NAVD88). The existing channel dredge volume is 5,357 cy. Deeping this channel by 2' to -9.68 NAVD88 (-8' MLW) would yield an additional 9,443 cy for a total of 14,800 cy.
- Proposed 50' Channel @ 1600' length: 50'x1600' = 80,000 sf. (1.8 acres). This is to be dredged to -9.68' NAVD88 (-8' MLW). The proposed channel dredge volume is 16,000 cy.
- Proposed 130'x250' Extension Channel: 32,500 sf. (0.75 acres) is 4,100 cy. This is to be dredged to -9.68' NAVD88 (-8' MLW).
- Proposed Sediment Catch Basin 150'x600': 90,000 sf. (2.10 acres) is 11,000 cy. This is to be dredged to -7.68' NAVD88 (-6' MLW).
- The total proposed dredge volume is 45,900 cy.
- Future maintenance dredge volumes will be determined by the amount of shoaling.
- Existing 80'x1600' Approach channel, dredged to -6' MLW, currently permitted under DEP Ch. 91 Permit No. 14006, 401 Water Quality certification Transmittal No. X263038, ACOE Permit No. NAE-2013-1241, and DEP File No. SE 43-1535.



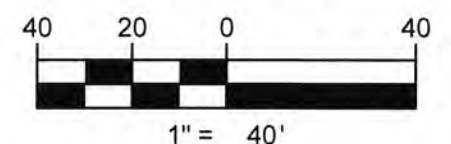
Dredge Coordinates		
Point	Northing	Easting
1	2,676,975	944,069
2	2,676,903	943,961
3	2,675,364	944,987
4	2,675,436	945,095
5	2,676,321	944,169
6	2,676,820	943,836

NAD83 MA Mainland (USFt)

DREDGE SECTION D1-D1'

SCALE:
HORIZONTAL: 1" = 40'
VERTICAL: 1" = 4'

Graphic Scale



Dredge Section Only Legend:

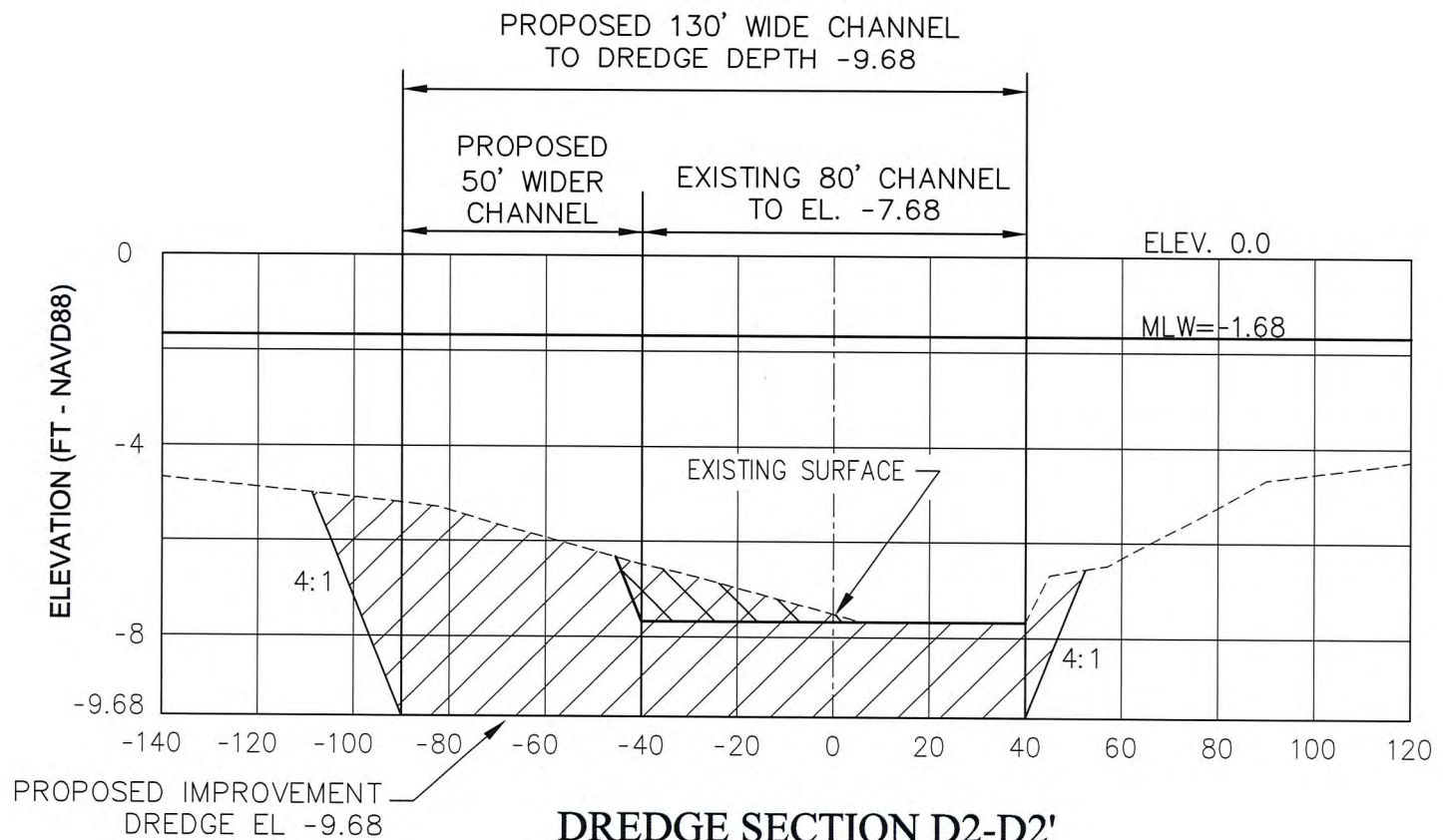
- Existing Surface
- Proposed Dredge Area
- Currently Permitted Dredge Area

WOODS HOLE GROUP
A CLS COMPANY
107 WATERHOUSE ROAD, BOURNE, MA 02532
TELEPHONE: (508) 540-8080 FAX: (508) 540-1001

TITLE: **DREDGING SITE PLAN**
Proposed Improvement Dredging and Beach Nourishment
Prepared For: **Town of Mashpee, MA**
Popponesset Bay Approach Channel & Popponesset Spit

REVISIONS: DATE:

DRAWN BY: JRK APPROVED BY: TPM PROJECT NO.: 2014-0187
DWG FILE: 0187 SPB 1-21-19.DWG SCALE: 1" = 400' DATE: 3/25/2020 SHEET: 2 OF 11

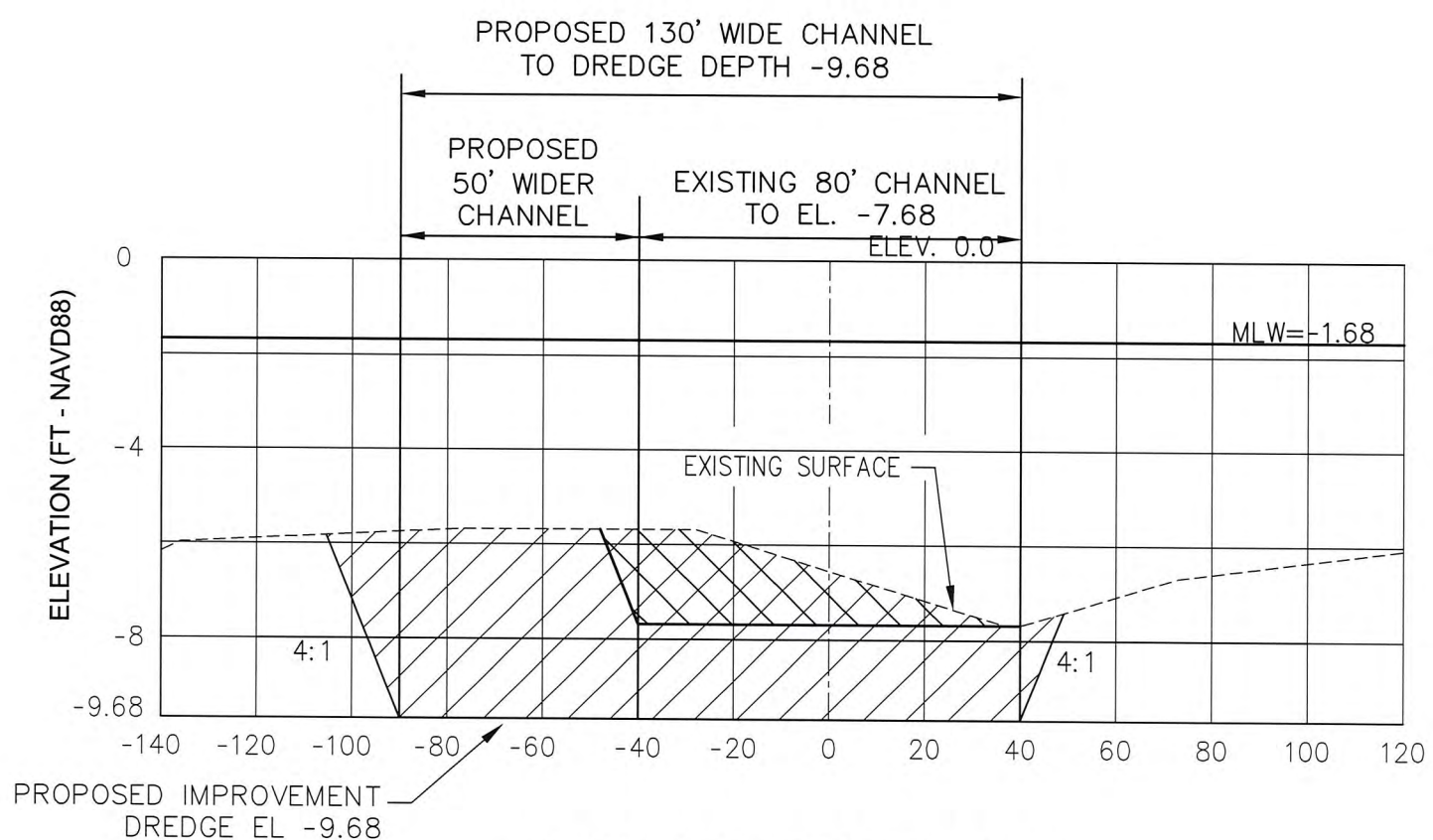


DREDGE SECTION D2-D2'

SCALE:

HORIZONTAL: 1" = 40'

VERTICAL: 1" = 4'



DREDGE SECTION D3-D3'

SCALE:

HORIZONTAL: 1" = 40'

VERTICAL: 1" = 4'

Dredge Section Only Legend:

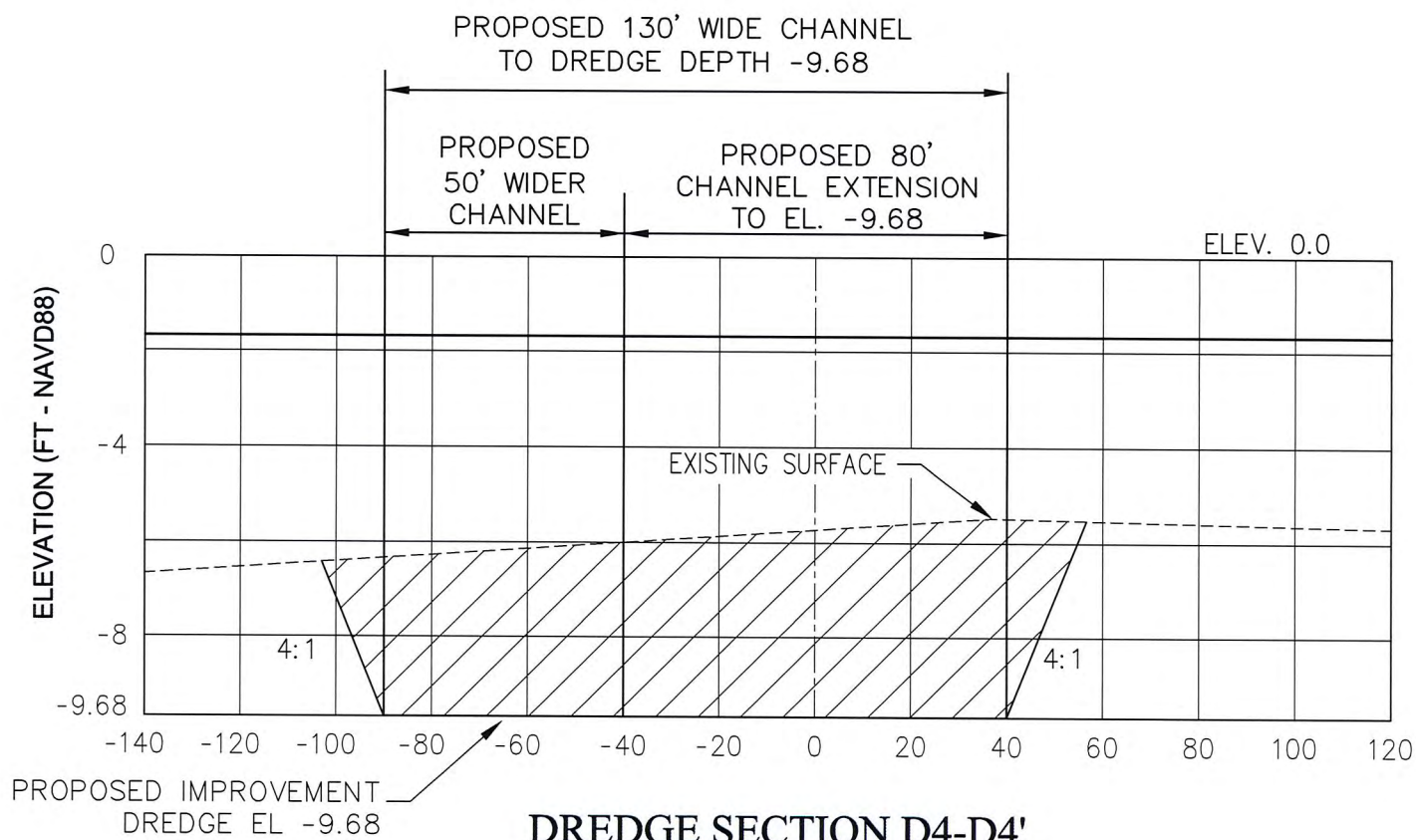
- Existing Surface
- Proposed Dredge Area
- Currently Permitted Dredge Area



40 20 0 40

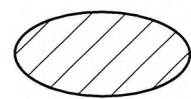

Scale 1" = 40'

WOODS HOLE GROUP A CLS COMPANY 107 WATERHOUSE ROAD, BOURNE, MA 02532 TELEPHONE: (508) 540-8080 FAX: (508) 540-1001		TITLE: CROSS SECTIONS Proposed Improvement Dredging and Beach Nourishment Prepared For: Town of Mashpee, MA Popponesset Bay Approach Channel & Popponesset Spit			
REVISIONS:		DATE:		DRAWN BY: JRK	
				APPROVED BY: TPM	
				PROJECT NO.: 2014-0187	
		DWG FILE: 0187 SPB 1-21-19.DWG		SCALE: AS SHOWN	DATE: 3/25/2020
				SHEET: 3 OF 11	



SCALE:
HORIZONTAL: 1" = 40'
VERTICAL: 1" = 4'


Dredge Section Only Legend:

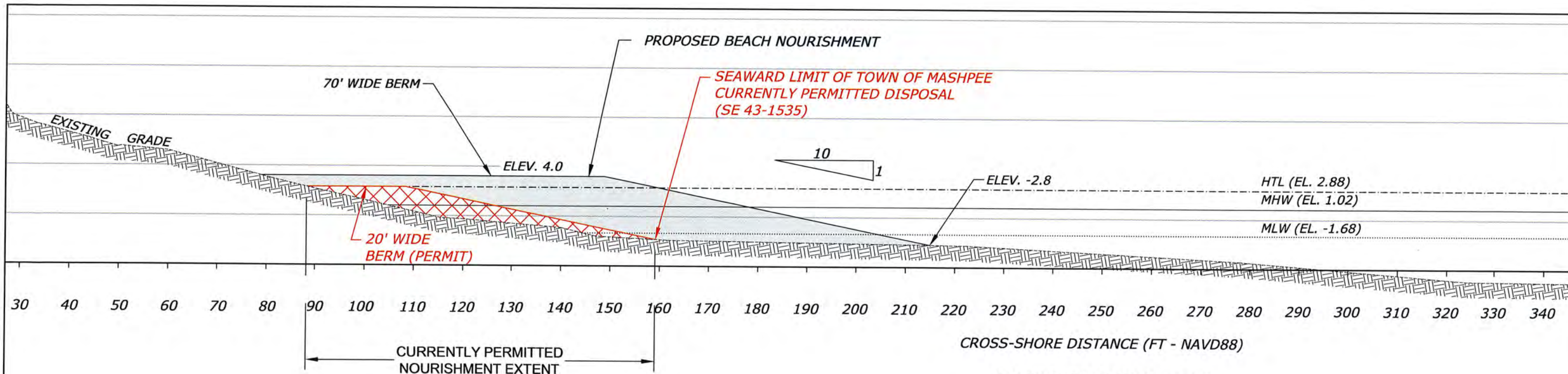
- Existing Surface
-  Proposed Dredge Area
-  Currently Permitted Dredge Area



40 20 0 40

Scale 1" = 40'

 A CLS COMPANY 107 WATERHOUSE ROAD, BOURNE, MA 02532 TELEPHONE: (508) 540-8080 FAX: (508) 540-1001		TITLE: CROSS SECTIONS Proposed Improvement Dredging and Beach Nourishment Prepared For: Town of Mashpee, MA Popponesset Bay Approach Channel & Popponesset Spit		
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REVISIONS:	DATE:	DWG FILE: 0187 SPB 1-21-19.DWG		
		SCALE: AS SHOWN	DATE: 3/25/2020	SHEET: 4 OF 11



CROSS-SECTION A-A'
SCALE:
HORIZONTAL: 1" = 20'
VERTICAL: 1" = 10'

Beach Nourishment Notes:

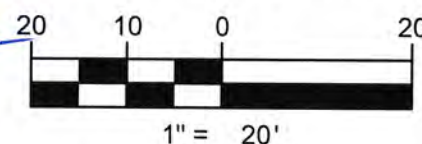
1. The length of the proposed beach nourishment project is 3,860 feet and the proposed footprint is approximately 539,700 square feet, or 12.4 acres.
2. Of the 12.4 total acres, 5.5 acres (239,900 sq. ft.) is already permitted under the Town of Mashpee permits. The proposed new nourishment footprint is 6.9 acres (299,800 sq. ft.).
3. Town of Mashpee currently permitted disposal area permitted under DEP File No. SE 43-1535, Chapter 91 permit No. 14006, 401 Water Quality Certification Transmittal No. X263038, and ACOE Permit No. NAE-2013-1241.
4. 73,700 cubic yards of beach compatible sand will be placed in the project footprint from dredged material, trucked in compatible upland material, or a combination of both..
5. The beach berm will be constructed to an elevation of 4 ft NAVD88 along the entire length of the project.
6. All beach slopes should be no steeper than 10H:1V, as indicated on the plan. Specific beach slopes are provided on the plans.
7. Any sand placed on the Massachusetts Audubon Society parcel must be privately funded.

Beach Nourishment Cross Section Only Legend:

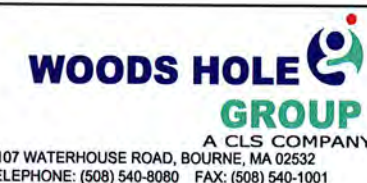
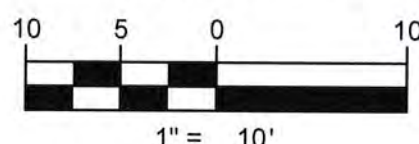
- Existing Surface
- Proposed Beach Nourishment
- Currently Permitted Beach Nourishment Disposal (See Note #3)



HORIZONTAL
Graphic Scale



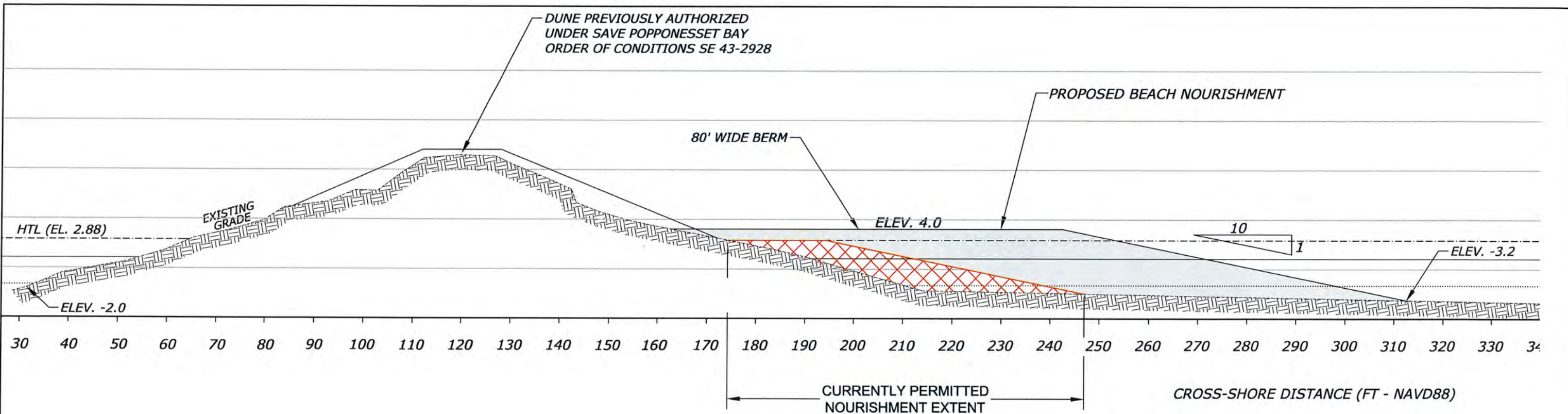
VERTICAL
Graphic Scale



REVISIONS:

DATE:

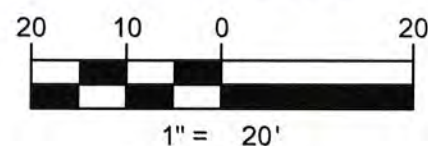
TITLE: CROSS SECTIONS Proposed Improvement Dredging and Beach Nourishment Prepared For: Town of Mashpee, MA Popponesset Bay Approach Channel & Popponesset Spit			
DRAWN BY: JRK	APPROVED BY: TPM	PROJECT NO.: 2014-0187	
DATE: 3/25/2020	SCALE: 1" = 400'	DATE: 3/25/2020	SHEET: 5 OF 11



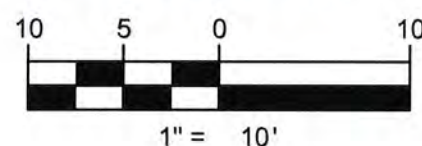
CROSS-SECTION B-B'

SCALE:
HORIZONTAL: 1" = 20'
VERTICAL: 1" = 10'

HORIZONTAL
Graphic Scale



VERTICAL
Graphic Scale

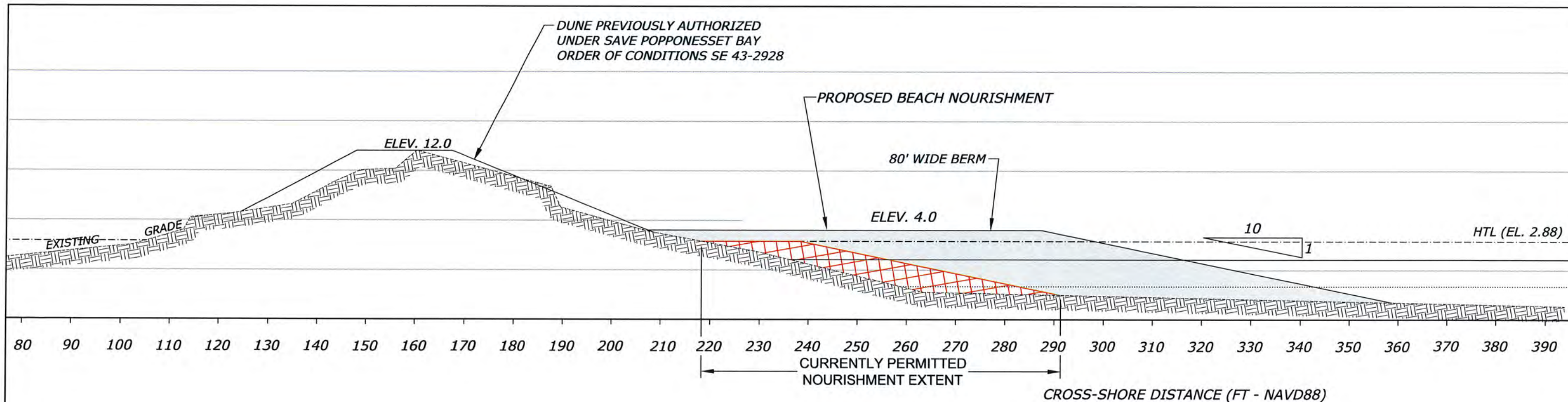


WOODS HOLE GROUP
A CLS COMPANY
107 WATERHOUSE ROAD, BOURNE, MA 02532
TELEPHONE: (508) 540-8080 FAX: (508) 540-1001

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Popponeset Bay Approach Channel & Popponeset Spit

DRAWN BY: JRK	APPROVED BY: TPM	PROJECT NO.: 2014-0187
DWG FILE: 0187 SPB 1-21-19.DWG	SCALE: 1" = 400'	DATE: 3/25/2020 SHEET: 6 OF 11

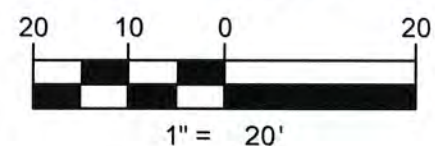


CROSS-SECTION C-C'

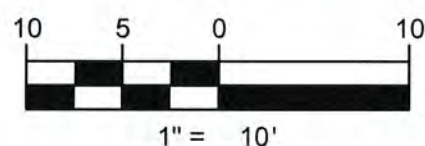
SCALE:
HORIZONTAL: 1" = 20'
VERTICAL: 1" = 10'



HORIZONTAL
Graphic Scale



VERTICAL
Graphic Scale



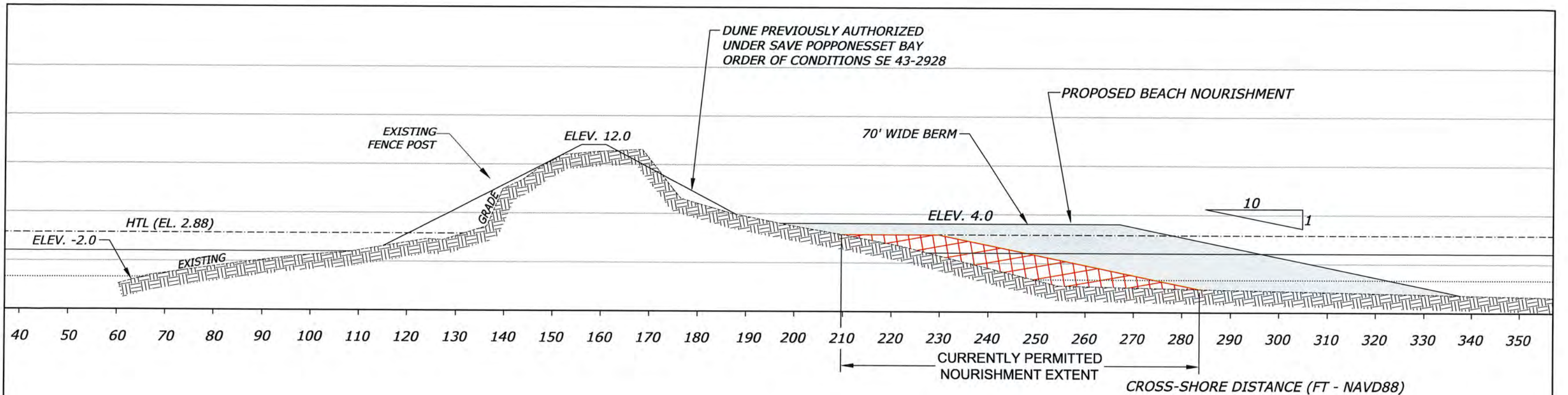
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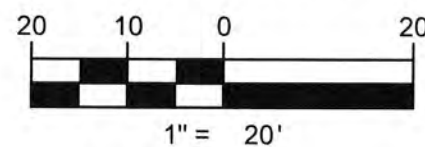


CROSS-SECTION D-D'

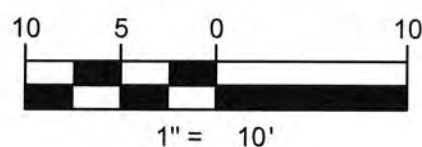
SCALE:
HORIZONTAL: 1" = 20'
VERTICAL: 1" = 10'



HORIZONTAL
Graphic Scale



VERTICAL
Graphic Scale



WOODS HOLE GROUP
A CLS COMPANY
107 WATERHOUSE ROAD, BOURNE, MA 02532
TELEPHONE: (508) 540-8080 FAX: (508) 540-1001

REVISIONS:

DATE:

TITLE: **CROSS SECTIONS**
Proposed Improvement Dredging
and Beach Nourishment
Prepared For: Town of Mashpee, MA
Popponneset Bay Approach Channel & Popponneset Spit

DRAWN BY: JRK

APPROVED BY: TPM

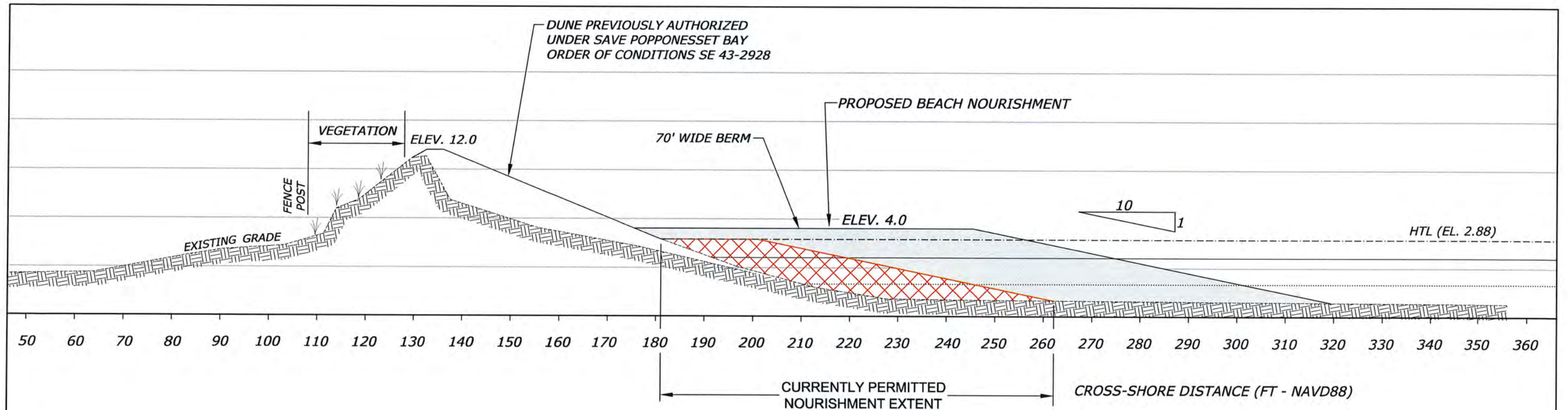
PROJECT NO.: 2014-0187

DWG FILE: 0187 SPB 1-21-19.DWG

SCALE: 1" = 400'

DATE: 3/25/2020

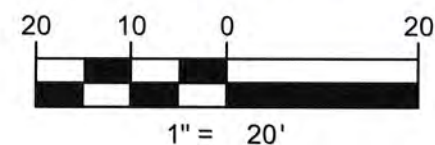
SHEET: 8 OF 11



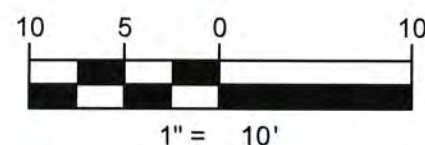
CROSS-SECTION E-E'

SCALE:
HORIZONTAL: 1" = 20'
VERTICAL: 1" = 10'

HORIZONTAL
Graphic Scale



VERTICAL
Graphic Scale



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APPROVED BY: TPM

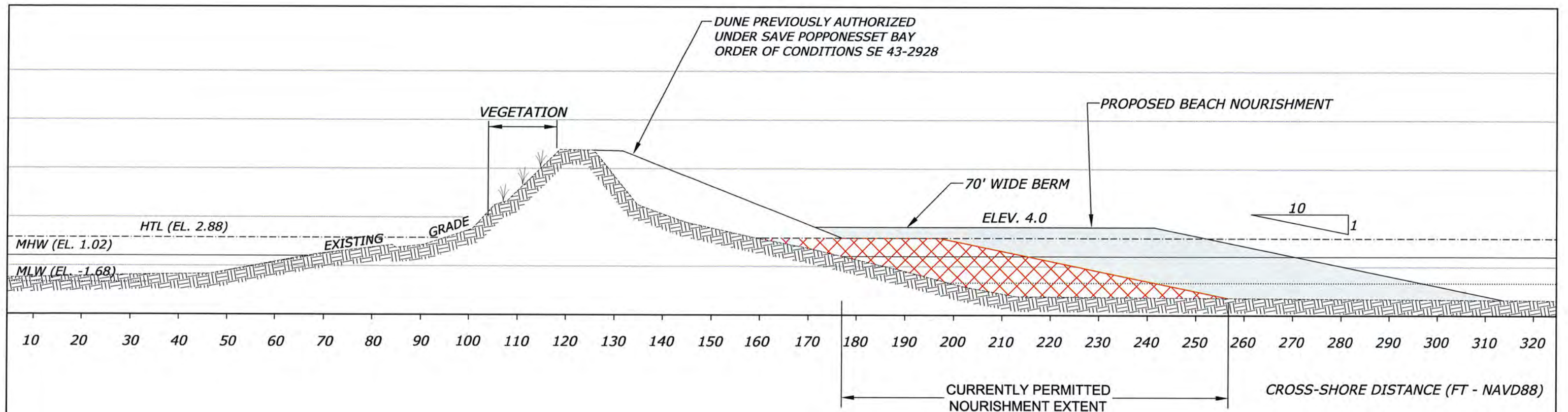
PROJECT NO.: 2014-0187

DWG FILE: 0187 SPB 1-21-19.DWG

SCALE: 1" = 400'

DATE: 3/25/2020

SHEET: 9 OF 11

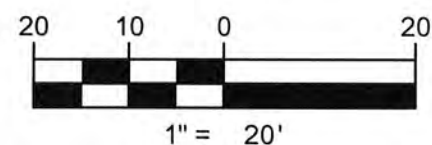


CROSS-SECTION F-F'

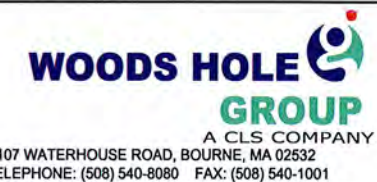
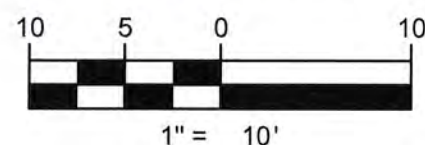
SCALE:
HORIZONTAL: 1" = 20'
VERTICAL: 1" = 10'



HORIZONTAL
Graphic Scale



VERTICAL
Graphic Scale



REVISIONS:

DATE:

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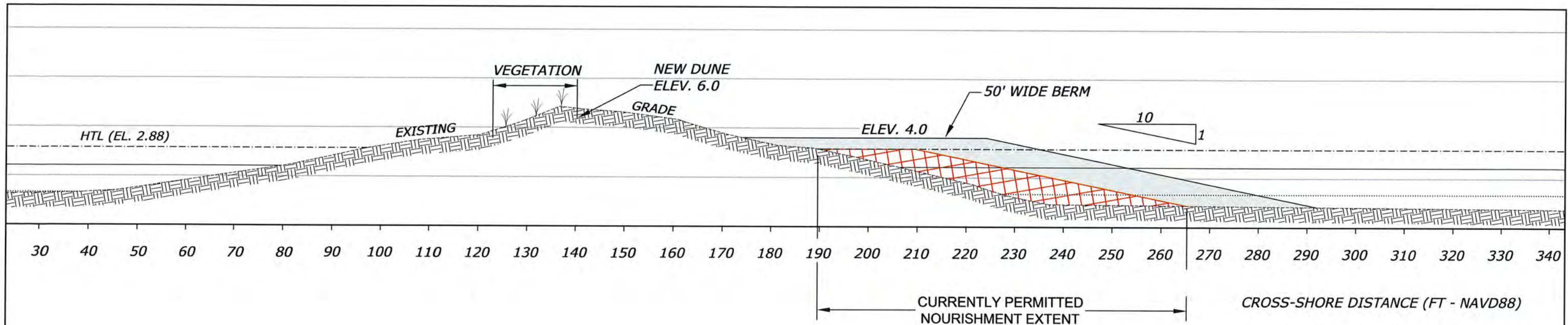
PROJECT NO.: 2014-0187

DWG FILE: 0187 SPB 1-21-19.DWG

SCALE: 1" = 400'

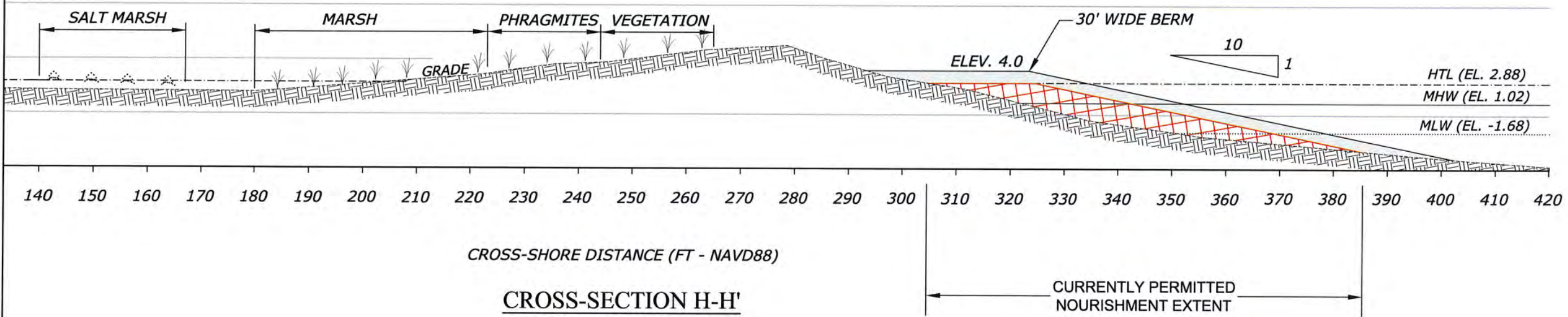
DATE: 3/25/2020

SHEET: 10 OF 11



CROSS-SECTION G-G'

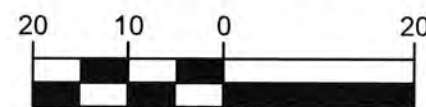
SCALE:
HORIZONTAL: 1" = 20'
VERTICAL: 1" = 10'



CROSS-SECTION H-H'

SCALE:
HORIZONTAL: 1" = 20'
VERTICAL: 1" = 10'

HORIZONTAL
Graphic Scale



1" = 20'

VERTICAL
Graphic Scale



1" = 10'



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APPROVED BY: TPM

PROJECT NO.: 2014-0187

DWG FILE: 0187 SPB 1-21-19.DWG

SCALE: 1" = 400'

DATE: 3/25/2020

SHEET: 11 OF 11