
PUBLIC NOTICE



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

Comment Period Begins: October 7, 2014
Comment Period Ends: November 5, 2014
File Number: NAE-2014-1028
In Reply Refer To: Kevin R. Kotelly, P.E.
Phone: (978) 318-8703
E-mail: kevin.r.kotelly@usace.army.mil

The District Engineer has received a permit application to conduct work in waters of the United States from Save Our Shores Association Trust, 41 Oak Bluff Circle, Plymouth, Massachusetts 02360. This work is proposed in Cape Cod Bay at Monisa Kay Drive, Oak Bluff Circle, Plymouth, Massachusetts. The site coordinates are: Latitude 41.825376°, Longitude -70.543283°.

The Applicant proposes to perform work and place 37,494 square feet of fill below the high tide line of waters of the United States in order to install a series of low profile concrete filled geotextile tubes perpendicular to the shoreline designed to encourage sand deposition along the beach to provide a natural shoreline buffer. The tubes are intended to create vortices necessary to abate wave energy and induce sediment deposition. An additional discharge includes the placement of 1400 cubic yards of excavated material at the southern end of the system as nourishment to provide a sediment source to downdrift abutters while the system naturally fills to capacity. The project is intended to provide shoreline protection to the properties located above the coastal bank which is eroding in this area. The work is shown on the attached plans entitled, "Cedarville Beach Renourishment," on six sheets, and dated September 12, 2014.

The proposed low energy system is intended to minimize adverse impacts on long-shore sediment transport and provide a gradual rate of nourishment to allow the resident flora and fauna to assimilate to the changing environment. However, eelgrass beds have been mapped in the subtidal area offshore of the proposed project. This subtidal area is also considered habitat for surf clam and ocean quahogs. No structures are proposed in the subtidal area. It is anticipated that the accretion of sand will be gradual and allow for the continued colonization of established eelgrass and shellfish beds. Limiting the proposed project to the intertidal area is intended to prevent adverse impacts to eelgrass and shellfish. The Applicant has not proposed compensatory mitigation.

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 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.

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).

This project will have an adverse effect on 37,494 square feet of Essential Fish Habitat (EFH) for Atlantic cod (*Gadus morhua*), haddock (*Melanogrammus aeglefinus*), pollock (*Pollachius virens*), whiting (*Merluccius bilinearis*), red hake (*Urophycis chuss*), white hake (*Urophycis tenuis*), winter flounder (*Pseudopleuronectes americanus*), yellowtail flounder (*Limanda ferruginea*), windowpane flounder (*Scophthalmus aquosus*), American plaice (*Hippoglossoides platessoides*), ocean pout (*Macrozoarces americanus*), Atlantic halibut (*Hippoglossus hippoglossus*), Atlantic sea scallop (*Placopecten magellanicus*), Atlantic sea herring (*Clupea harengus*), monkfish (*Lophius americanus*), bluefish (*Pomatomus saltatrix*), long finned squid (*Loligo pealeii*), short finned squid (*Illex illecebrosus*), Atlantic butterfish (*Peprilus triacanthus*), Atlantic mackerel (*Scomber scombrus*), summer flounder (*Paralichthys dentatus*), scup (*Stenotomus chrysops*), surf clam (*Spisula solidissima*), spiny dogfish (*Squalus acanthias*), and bluefin tuna (*Thunnus thynnus*). This habitat consists of intertidal area with potential eelgrass in the adjacent subtidal zone. Loss of this habitat may adversely affect the species listed above. The District Engineer has made a preliminary determination that site-specific impacts may be substantial. Accordingly, the Corps of Engineers will submit an expanded EFH assessment to the National Marine Fisheries Service, who in turn will provide conservation recommendations to the Corps. The Corps 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

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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 New England District, Army Corps of Engineers has reviewed the list of species protected under the Endangered Species Act of 1973, as amended, which might occur at the project site. 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 any Federally listed endangered or threatened species or their designated critical habitat. By this Public Notice, we are requesting that the appropriate Federal Agency concur with our determination.

COASTAL ZONE MANAGEMENT

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:

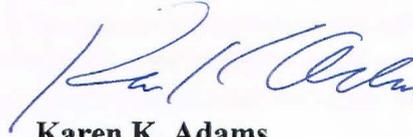
- (X) Permit, License or Assent from State.
- (X) Permit from Local Wetland Agency or Conservation Commission.
- (X) Water Quality Certification in accordance with Section 401 of the Clean Water Act.

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 Kevin Kotelly at (978) 318-8703, (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 Corps 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.

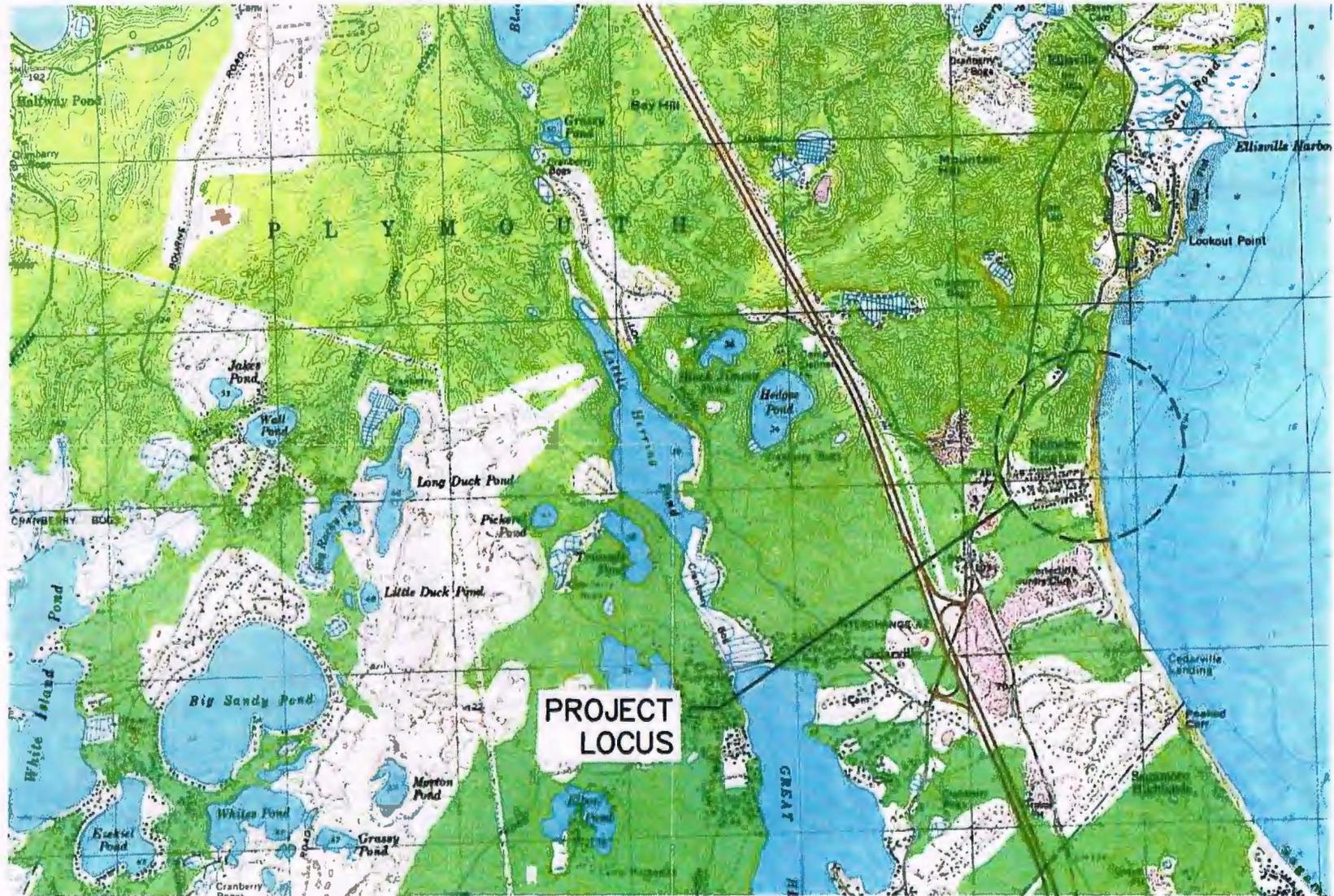


**Karen K. Adams
Chief, Permits and Enforcement Branch
Regulatory Division**

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. You may also check here () and return this portion of the Public Notice to: Bettina Chaisson, Regulatory Division, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751.

NAME: _____
ADDRESS: _____
PHONE: _____

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MHW	8.9		

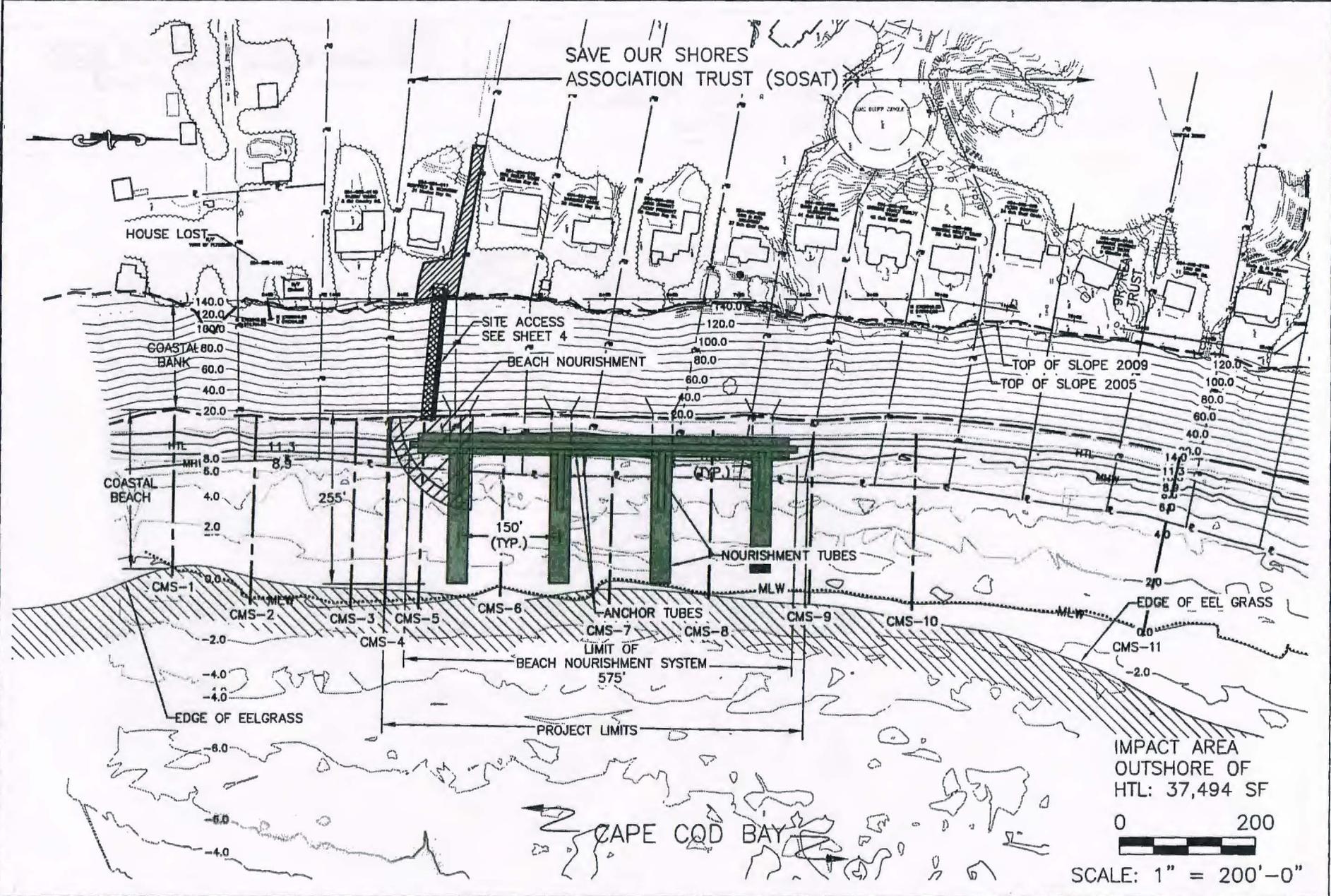
BCE Bourns Consulting Engineering PC
125 (978) 689-0000 FAX (978) 689-0000

TITLE:	PROJECT LOCUS CEDARVILLE BEACH RENOURISHMENT
PURPOSE:	BEACH STABILIZATION
APPLICATION BY:	SAVE OUR SHORES ASSOCIATION

IN: CAPE COD BAY AT: PLYMOUTH COUNTY: PLYMOUTH STATE: MA
SHEET 1 OF 6
DATE: 07/08/13 REV 09/12/14

FILE: 31824-31835 SOSATA PERMITS, ACOF, SHT-030304 SITE PLAN 091214.dwg

SAVE OUR SHORES
ASSOCIATION TRUST (SOSAT)



100 YR FLOOD	19.9	NGVD	4.91
HTL	11.3	MLW	0.0
MHW	8.9		

TITLE: **PROJECT PLAN
CEDARVILLE BEACH RENOURISHMENT**

IN: CAPE COD BAY
AT: PLYMOUTH
COUNTY: PLYMOUTH STATE: MA

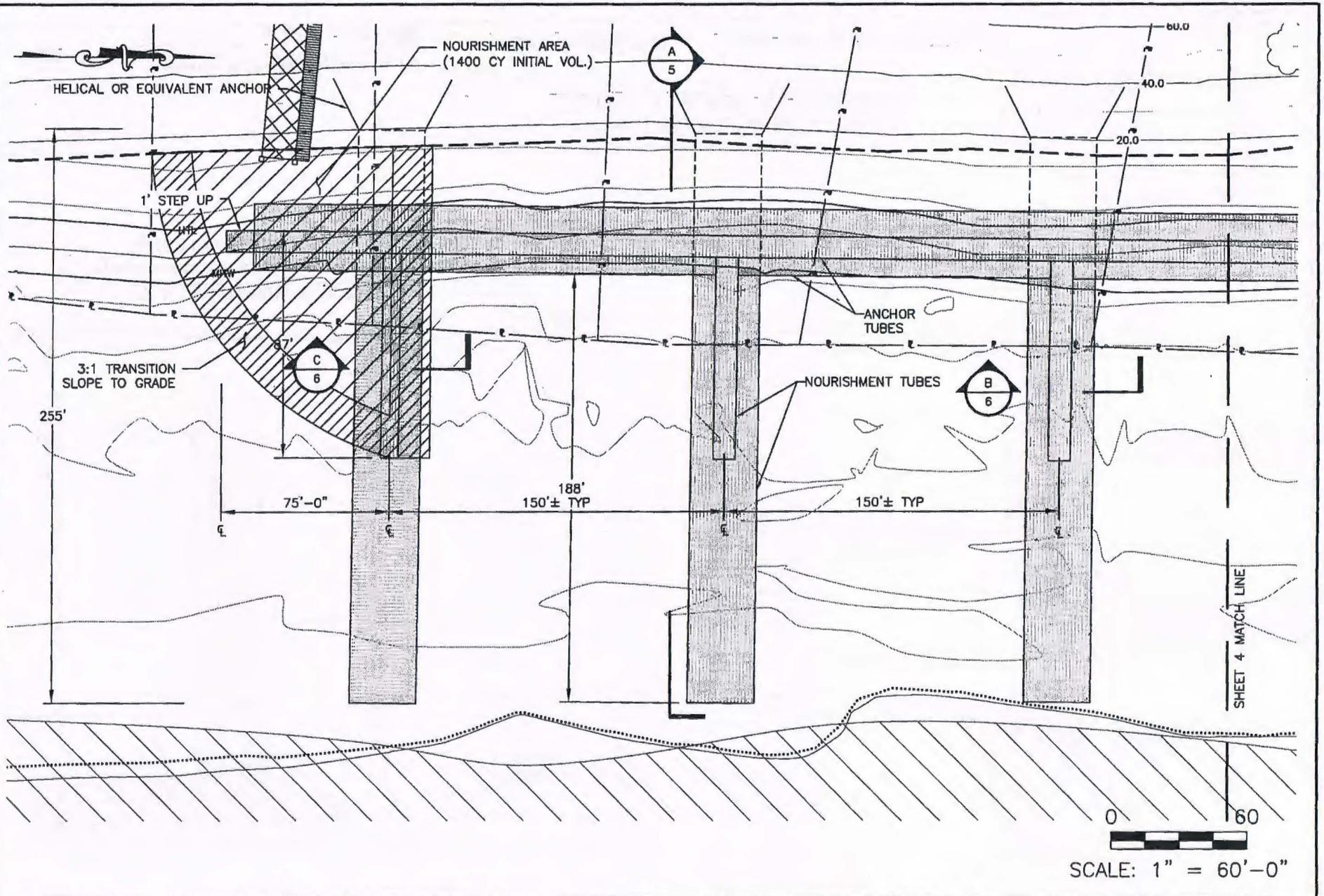
BCE *Bourne Consulting Engineering PC*
2 West Street
 Bourne, MA 01909
 TEL: (508) 633-0000 FAX: (508) 633-0000

PURPOSE:
BEACH STABILIZATION

APPLICATION BY:
SAVE OUR SHORES ASSOCIATION

SHEET 2 OF 6
DATE: 07/08/13 REV 09/12/14

FILE: Y:\31824-1\BCE\SOSAT.PEEMTS\ACOE_SHT-02.03.04_SITE_PLAN_09.12.14.dwg



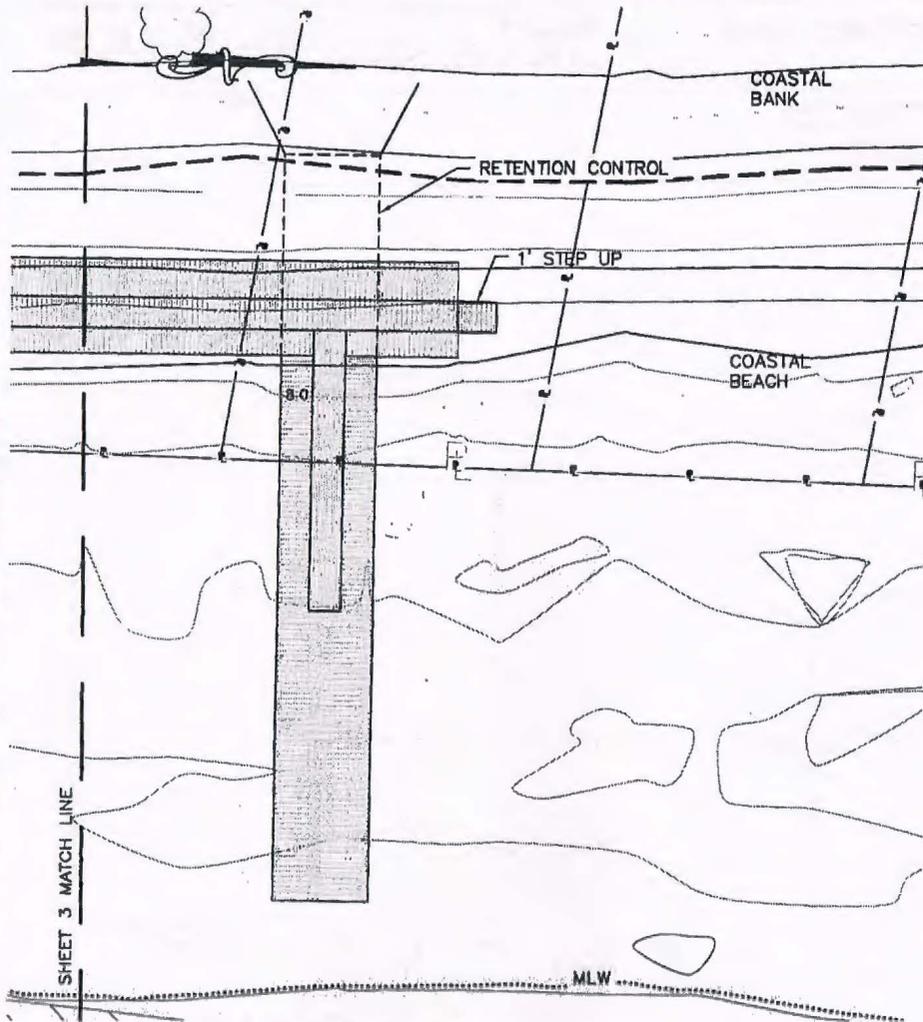
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HTL	11.3	MLW	0.0
MHW	8.9		

BCE Bourne Consulting Engineering, PC
 3 West Street
 Franklin, MA 01902
 TEL: (508) 533-0000 FAX: (508) 533-0000

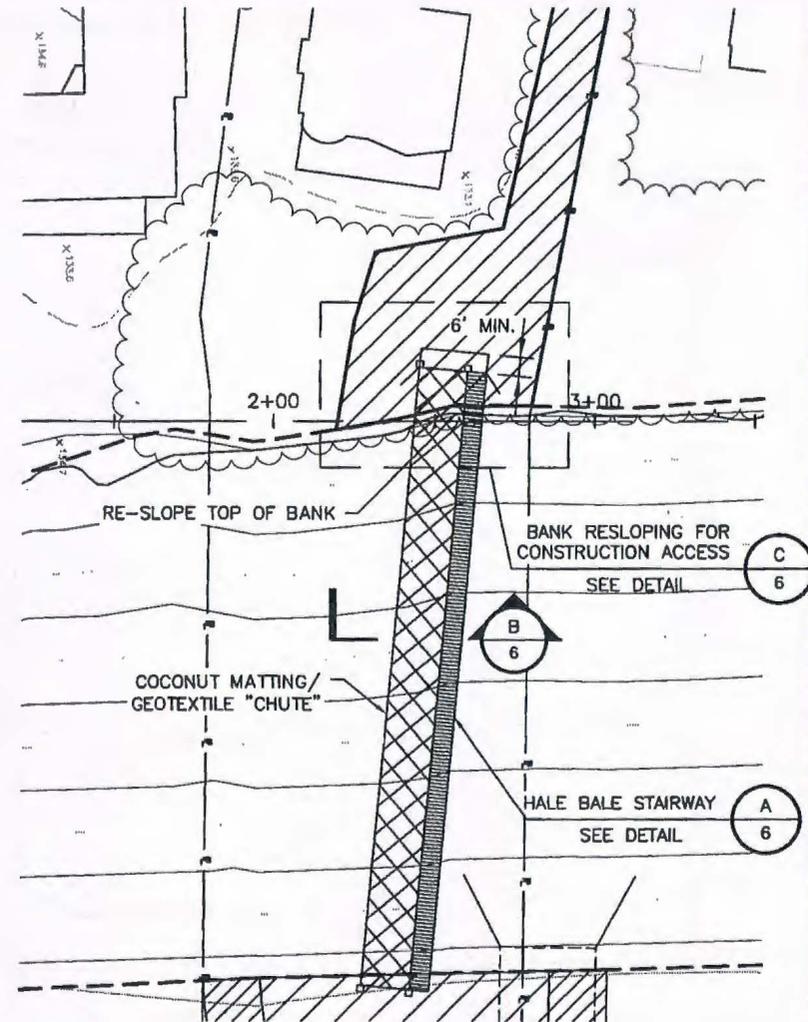
TITLE: BEACH NOURISHMENT SYSTEM CEDARVILLE BEACH RENOURISHMENT	
PURPOSE: BEACH STABILIZATION	APPLICATION BY: SAVE OUR SHORES ASSOCIATION

IN: CAPE COD BAY AT: PLYMOUTH COUNTY: PLYMOUTH STATE: MA
SHEET 3 OF 6 DATE: 07/08/13 REV 09/12/14

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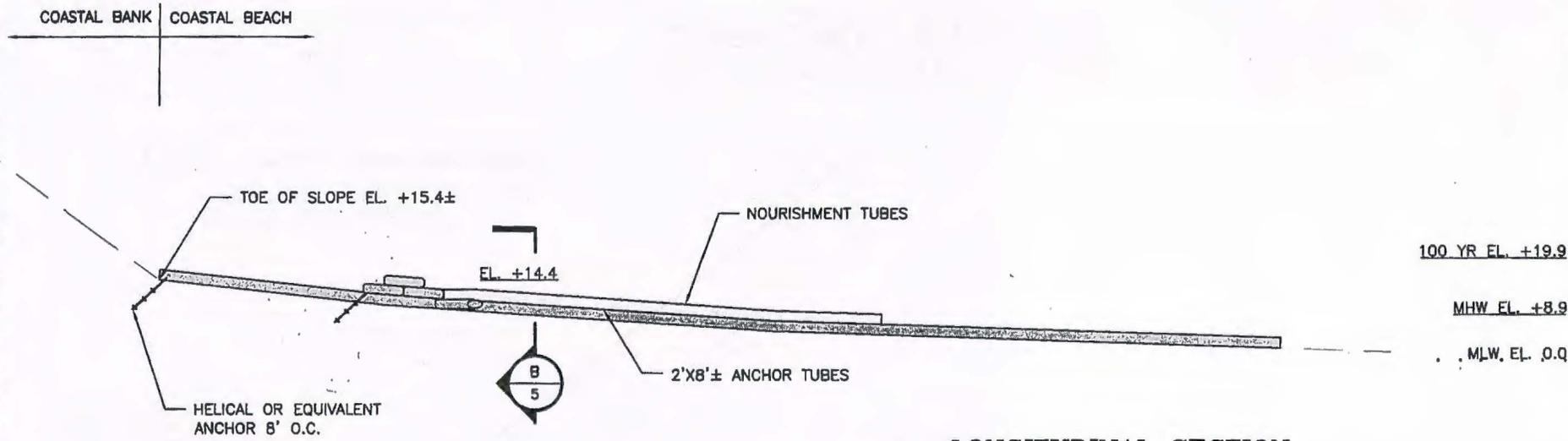
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BEACH RENOURISHMENT SYSTEM
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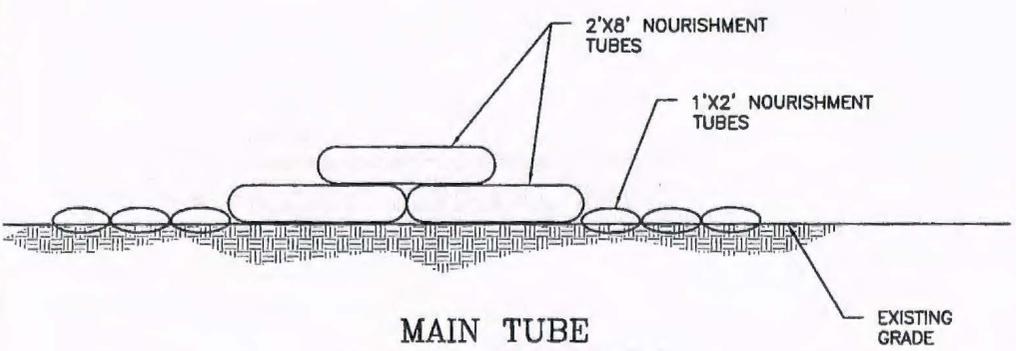
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SITE ACCESS PLAN
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SCALE: 1" = 60'-0"

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HTL	11.3	MLW	0.0	PURPOSE:	BEACH STABILIZATION	AT: PLYMOUTH
MHW	8.9			APPLICATION BY:	SAVE OUR SHORES ASSOCIATION	COUNTY: PLYMOUTH STATE: MA
 Bourne Consulting Engineering, PC <small>3 Bent Street Franklin, MA 01902 TEL: (508) 533-0000 FAX: (508) 533-0000</small>						SHEET 4 OF 6
						DATE: 07/08/13 REV 09/12/14

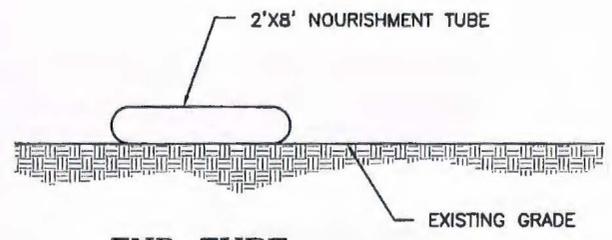
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LONGITUDINAL SECTION
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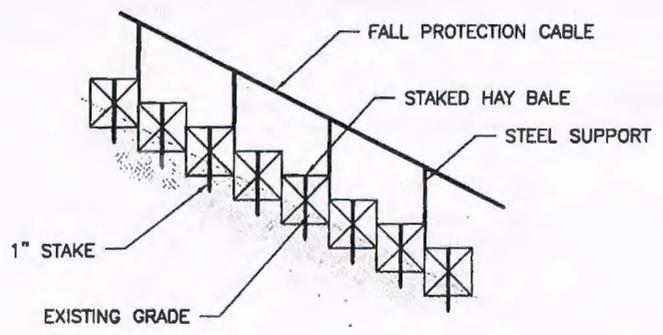
MAIN TUBE CROSS SECTION
 SCALE: 1/8" = 1'-0"



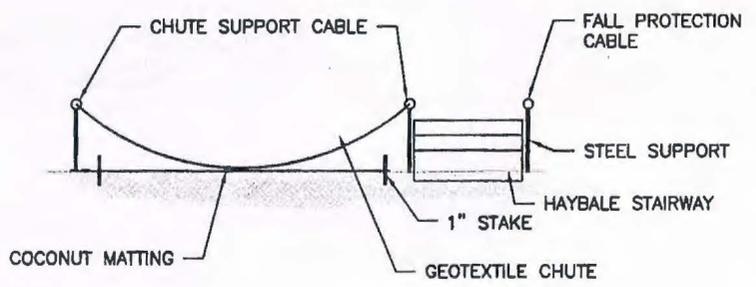
END TUBE CROSS SECTION
 SCALE: 1/8" = 1'-0"

100 YR FLOOD	19.9	NGVD	4.91	TITLE: BEACH NOURISHMENT SYSTEM – SECTIONS CEDARVILLE BEACH RENOURISHMENT	IN: CAPE COD BAY	
HTL	11.3	MLW	0.0		AT: PLYMOUTH	
MHW	8.9				COUNTY: PLYMOUTH STATE: MA	
 Bourne Consulting Engineering, PC <small>3 West Street Franklin, MA 01902 TEL. (508) 533-0000 FAX. (508) 533-0000</small>				PURPOSE: BEACH STABILIZATION	APPLICATION BY: SAVE OUR SHORES ASSOCIATION	SHEET 5 OF 6
DATE: 07/08/13 REV 09/12/14						

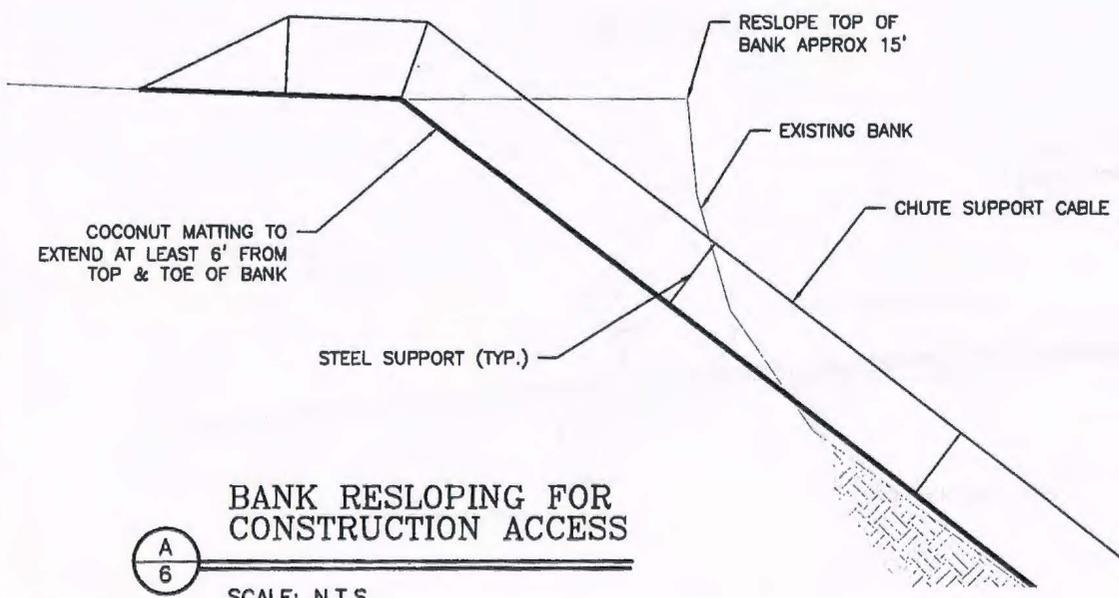
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CONSTRUCTION PERSONNEL ACCESS STAIRWAY DETAIL
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CONSTRUCTION PERSONNEL ACCESS STAIRWAY SECTION
 B
 6
 SCALE: N.T.S.



BANK RESLOPING FOR CONSTRUCTION ACCESS
 A
 6
 SCALE: N.T.S.

100 YR FLOOD	19.9	NGVD	4.91
HTL	11.3	MLW	0.0
MHW	8.9		

TITLE: **BEACH ACCESS SYSTEM - SECTIONS CEDARVILLE BEACH RENOURISHMENT**

IN: **CAPE COD BAY**
 AT: **PLYMOUTH**
 COUNTY: **PLYMOUTH** STATE: **MA**

BCE Bourne Consulting Engineering, PC
 3 East Street
 Bourne, MA 02532
 TEL: (508) 233-0000 FAX: (508) 233-0000

PURPOSE: **BEACH STABILIZATION**

APPLICATION BY: **SAVE OUR SHORES ASSOCIATION**

SHEET **6** OF **6**
 DATE: **11/20/13** REV **09/12/14**