



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

PUBLIC NOTICE

Comment Period Begins: August 21, 2018
Comment Period Ends: September 21, 2018
File Number: NAE-2016-00624
In Reply Refer To: Phillip Nimeskern
Phone: (978) 318-8660
E-mail: phillip.w.nimeskern@usace.army.mil

The District Engineer has received a permit application to conduct work in waters of the United States from **Town of Sandwich, Massachusetts, Town Hall, 130 Main Street**. The dredging work is proposed in Cape Cod Bay off Phillips Road, Scusset Beach and disposal is proposed in Cape Cod Bay at Town Neck Beach, Sandwich, Massachusetts. The coordinates for the borrow site corners are: 41.785376, -70.495834; 41.784046, -70.497203; 41.781815, -70.491432; 41.783219, -70.490053.

The work involves the excavation of up to 224,500 cubic yards of sand and gravel materials from a 23 acre subtidal borrow site off Scusset Beach, Sandwich, Massachusetts. The borrow site is a 17,000' long by 600' wide rectangle with depths ranging from -7' MLW to -17' MLW. The excavation depth will be from 1' to 11'. This material will be hydraulically dredged with a pump-out cutter-head hopper dredge and transported to Town Neck Beach, where it will be pumped out onto the beach, dewatered, and used for dune and beach reconstruction. The excavation is expected to be completed within two months and will be done between the months of November and March.

Disposal at Town Neck Beach is covered by permit NAE-2014-00259.

The work is shown on the attached plans entitled "Proposed Sand Bypassing Program for Town of Sandwich Dune & Beach Reconstruction Project," on 7 sheets, and dated "10/13/2017."

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 (Corps), 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 Corps 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.

The dredging portion of this project will impact approximately 23 acre of EFH. Habitat at this site can be described as sandy subtidal. 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 disposal is proposed for Town Neck Beach. This is an intertidal site, which provides EFH. Habitat at this site can be described as eroding sand beach. 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 Corps 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 NMFS 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 Phillip Nimeskern at (978) 318-8660, (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.

CENAE-R
FILE NO. NAE-2016-00259

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.

NEWMAN.BARBARA.H.1261008927
RA.H.1261008927

Digitally signed by
NEWMAN.BARBARA.H.1261008927
DN: c=US, o=U.S. Government, ou=DoD, ou=PKI,
ou=USA, cn=NEWMAN.BARBARA.H.1261008927
Date: 2018.08.13 14:39:21 -04'00'

Barbara H. Newman
Chief, Permits and Enforcement Branch A
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.

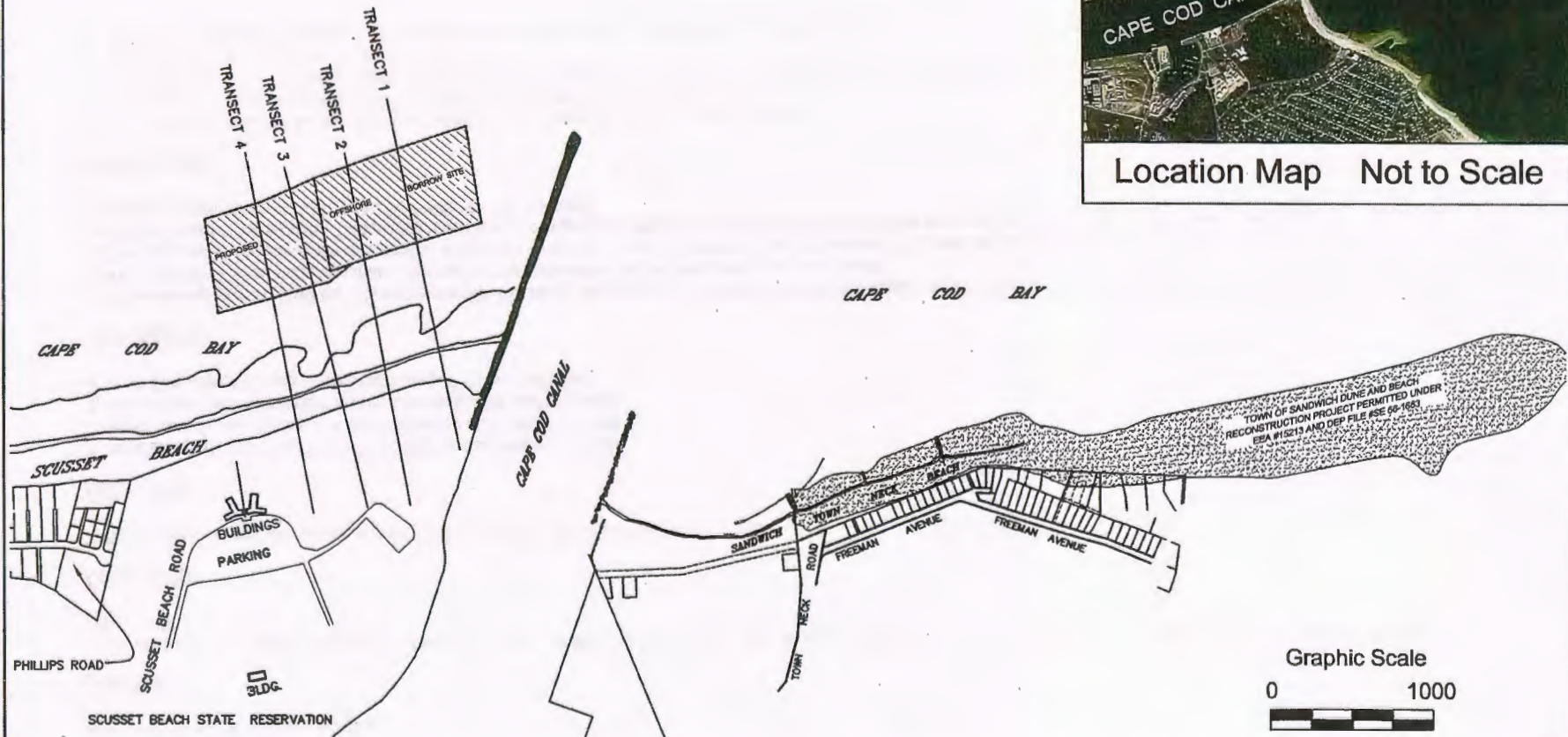
NAME: _____
ADDRESS: _____
PHONE: _____



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KEY PLAN



Location Map Not to Scale



81 TECHNOLOGY PARK DRIVE EAST FALMOUTH, MA 02536
TELEPHONE: (508) 540-8080 FAX: (508) 540-1001

TITLE:
Proposed Sand Bypassing
Program for Town of
Sandwich Dune & Beach
Reconstruction Project

APPLICATION BY:
Town of Sandwich

TOWN: Sandwich
COUNTY: Barnstable
STATE: MA

SHEET 1 OF 7

DATE: 10/13/2017

REVISED:

Permit Plan:

This plan is for permitting purposes only. The plan describes the conceptual scope of the project.

References:

Assessor Parcel 001 Cape Cod Bay

Flood Note:

Flood Zones VE, Elevation 16 and AE, Elevation 14 from FEMA FIRM Panel 317, Map Number 25001C0317J & FEMA FIRM Panel 338, Map Number 25001C0338J dated July 16, 2014

Survey Notes:

1. Bathymetric survey was conducted by Hydro Data, Inc. on December 30-31, 2015.

Datum Notes:

1. Elevations are referenced to NAVD 1988 vertical datum (in feet).
2. Mean Low Water Elevation is approximately -5.20 feet NAVD88.
3. Mean High Water Elevation is approximately 4.20 feet NAVD88.
4. High Tide Line Elevation is approximately 5.70 feet NAVD88.

General Notes:

1. Performance of work shall be in compliance with the plans and details, and Order of Conditions issued by the Town of Sandwich Conservation Commission under DEP File No. SE 66-1768 or other regulatory agency for the referenced project presented on these plans.
2. The purpose of this project is to establish a borrow site for the Town of Sandwich Sand Bypassing Program, which will be used for the dune and beach reconstruction project on Town Neck Beach. This project consists of dredging an offshore borrow site as shown on the plan and details. The dune and beach reconstruction project was permitted under EEA No. 15213 and DEP File No. SE 66-1663.

Dredging Notes:

1. The proposed offshore borrow site runs parallel to the shoreline centered on a sand bar.
2. Dimensions are approximately 1,700' in length, 630' in width and covers 23.1 acres.
3. Depths range from -13 feet NAVD88 (-7.6 feet MLW) at the top of the bar, to -23 feet NAVD88 (-17.6 feet MLW) at the deepest point of extraction.
4. Side slopes to be excavated at a 3:1 slope.
5. Total volume of sand contained within the borrow site footprint is approximately 224,500 cubic yards.

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STATE: MA

SHEET 2 OF 7

DATE: 10/13/2017

REVISED:

Legend:

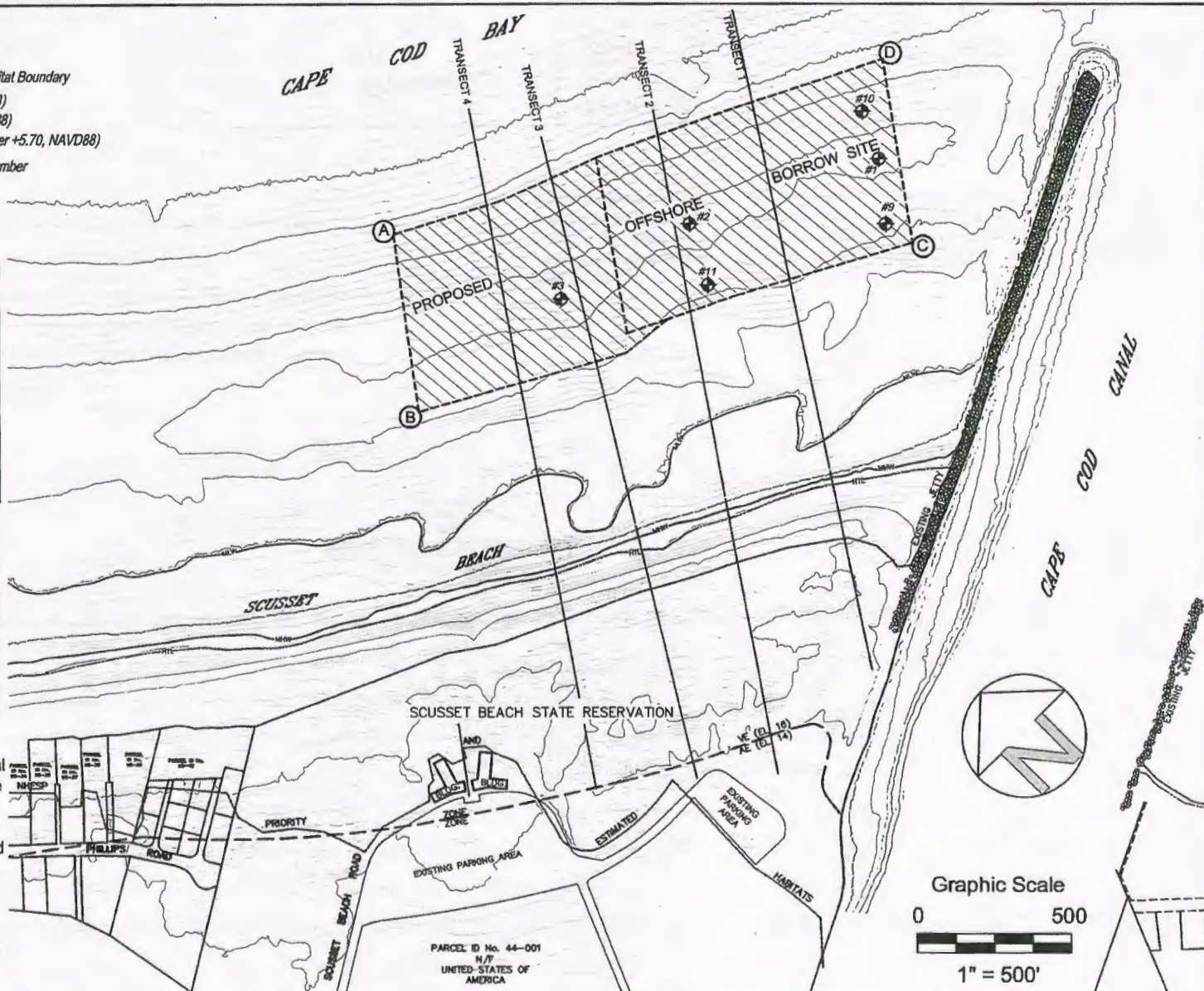
- FEMA Floodline
- TTT / TTT NHESP Priority & Estimated Habitat Boundary
- Mean Low Water (-5.20, NAVD88)
- Mean High Water (+4.20, NAVD88)
- High Tide Line (Annual High Water +5.70, NAVD88)
- #1+ Core Sample Location and ID Number
- (A) Borrow Site Location
- Proposed Offshore Dredge Site

Sediment Core Coordinates Mass State Plane, Units Meters		
Core ID	Northing	Easting
1	837,210.8	283,801.1
2	837,297.5	283,622.7
3	837,336.6	283,478.2
9	837,160.3	283,760.2
10	837,255.5	283,822.8
11	837,241.6	283,592.9

Dredge Coordinates Mass State Plane, Units Meters		
	Northing	Easting
A	837,722.6	283,472.2
B	837,573.5	283,360.1
C	837,331.4	283,842.7
D	837,488.7	283,955.5

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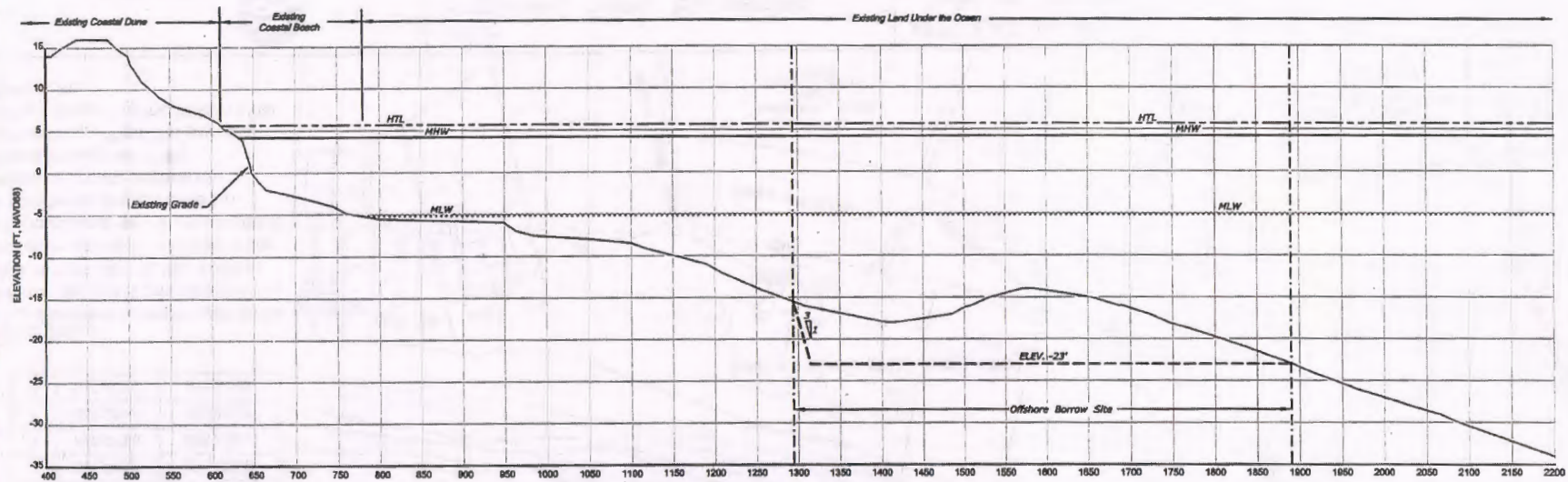
APPLICATION BY:
Town of Sandwich

TOWN: Sandwich
COUNTY: Barnstable
STATE: MA

SHEET 3 OF 7

DATE: 10/13/2017

REVISED:



CROSS-SECTION/TRANSECT 1

SCALE:
HORIZONTAL: 1" = 200'
VERTICAL: 1" = 20'

Legend:

- Mean Low Water (-5.20, NAVD88)
- Mean High Water (+4.20, NAVD88)
- High Tide Line (Annual High Water +5.70, NAVD88)
- Existing Grade
- Proposed Offshore Borrow Site

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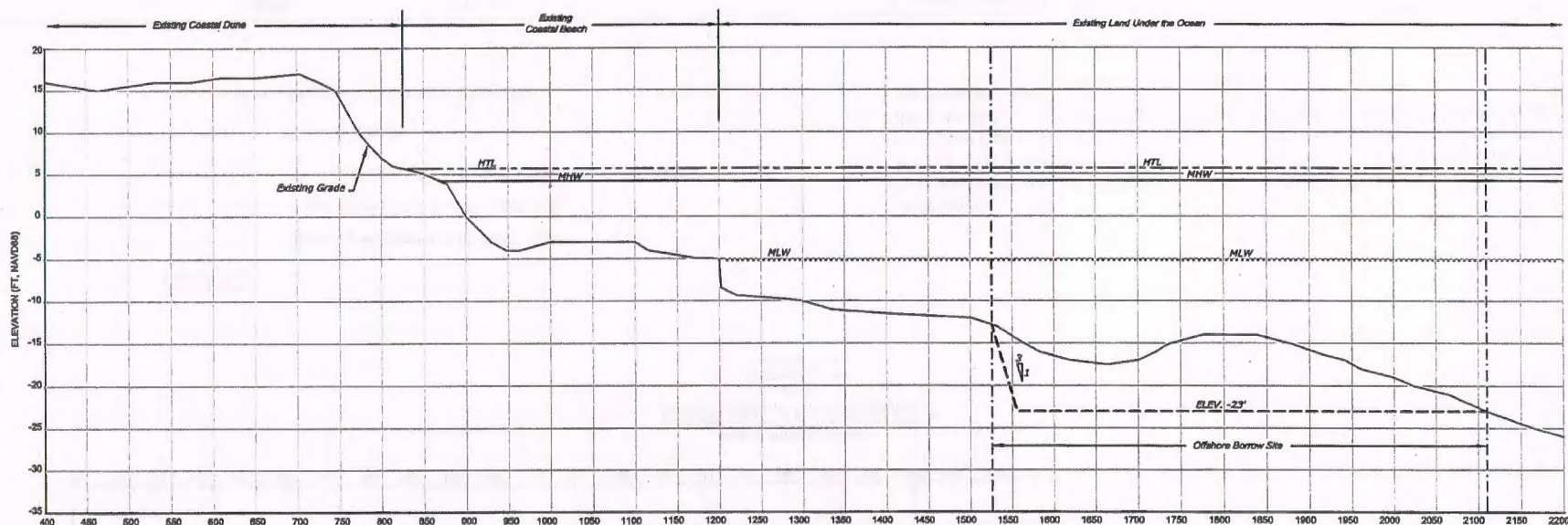
APPLICATION BY:
Town of Sandwich

TOWN: Sandwich
COUNTY: Barnstable
STATE: MA

SHEET 4 OF 7

DATE: 10/13/2017

REVISED:



CROSS-SHORE DISTANCE (FEET)
CROSS-SECTION/TRANSECT 2

SCALE:
HORIZONTAL: 1" = 200'
VERTICAL: 1" = 20'

Legend:

- Mean Low Water (-5.20, NAVD88)
- Mean High Water (+4.20, NAVD88)
- High Tide Line (Annual High Water +5.70, NAVD88)
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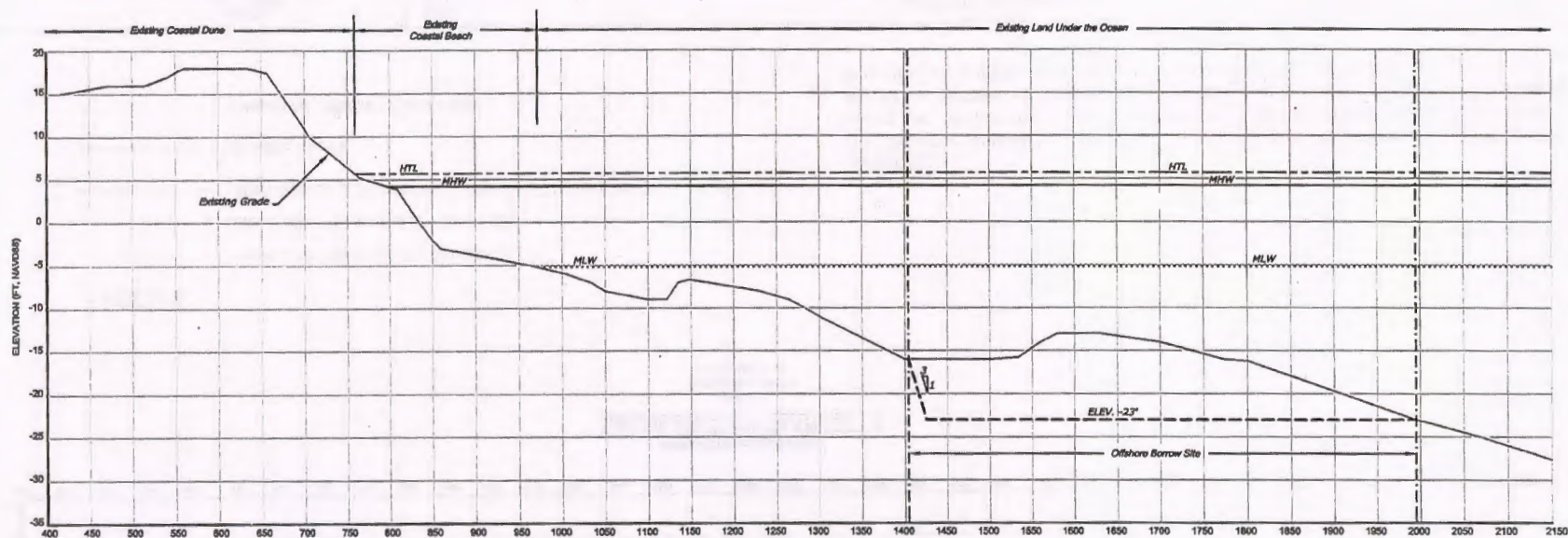
APPLICATION BY:
Town of Sandwich

TOWN: Sandwich
COUNTY: Barnstable
STATE: MA

SHEET 5 OF 7

DATE: 10/13/2017

REVISED:



CROSS-SHORE DISTANCE (FEET)
CROSS-SECTION/TRANSECT 3

SCALE:
HORIZONTAL: 1" = 200'
VERTICAL: 1" = 20'

Legend:

- Mean Low Water (-5.20, NAVD88)
- Mean High Water (+4.20, NAVD88)
- High Tide Line (Annual High Water +5.70, NAVD88)
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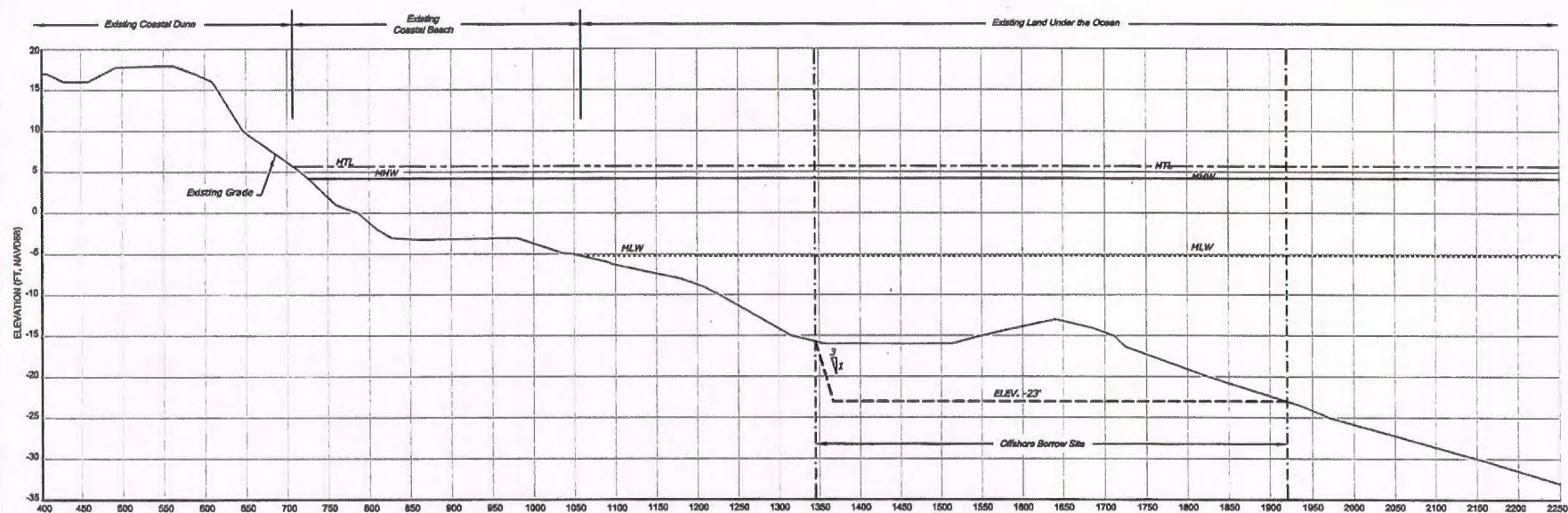
APPLICATION BY:
Town of Sandwich

TOWN: Sandwich
COUNTY: Barnstable
STATE: MA

SHEET 6 OF 7

DATE: 10/13/2017

REVISED:



CROSS-SECTION/TRANSECT 4

SCALE:
HORIZONTAL: 1" = 200'
VERTICAL: 1" = 20'

Legend:

- Mean Low Water (-5.20, NAVD88)
- Mean High Water (+4.20, NAVD88)
- High Tide Line (Annual High Water +5.70, NAVD88)
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SHEET 7 OF 7

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