



PUBLIC NOTICE

Comment Period Begins: August 9, 2023
Comment Period Ends: September 9, 2023
File Number: NAE-2019-2774
In Reply Refer to:
Phone: (978) 318-8336
Email: Charles.n.farris@usace.army.mil

The District Engineer, U.S. Army Corps of Engineers, New England District (USACE), has received a permit application, file number NAE-2019-2774, to conduct work in waters of the United States from The Town of Bourne, 24 Perry Avenue, Buzzards Bay, MA 02532. This work is proposed in various waterbodies in Bourne, Massachusetts. The site coordinates are provided in the project plans.

The work involves a 10-year comprehensive dredging and beach nourishment project, establishing a long-term management plan for dredging, dredging management, and beach nourishment throughout the Town's waterways and beaches. This project represents maintenance dredging and encompasses work previously permitted under local, state, and federal authorizations, permits, and licenses. Most of the sediment dredged has been identified as compatible sand material that will be used as beach nourishment, throughout the Town of Bourne (where needed).

Any dredge material not sieving out at 90% or greater sand will be dewatered and disposed of at the Town of Bourne Landfill. This material will be used for daily cover, as previously permitted. In the case where both clean sand and silts will be dredged from a dredge site, the clean sand will be dredged first and removed from the dewatering pit. Then the silty material will be dredged and allowed to dewater in place, before being trucked to the Town Landfill. This phasing will ensure that the sandy beach nourishment material is removed and that the siltier material is completely removed from the beach before restoring.

The Town of Bourne Board of Selectmen is filing this Ten-Year Comprehensive Dredging and Beach Nourishment Permit to maintenance dredge over the next ten years a total dredging volume of approximately 71,947 cubic yards (cy) of sediment from 13 previously permitted and dredged sites, to include:

- Little Buttermilk Bay
 - Gibbs Narrows
 - Buttermilk Bay
 - Cohasset Narrows
 - Grey Gables
 - Phinney's Harbor
 - Little Bay
- Pocasset River
- Pocasset Harbor
- Barlow's Landing
- Red Brook Harbor
- Hen Cove
- Hospital Cove

Compatible dredged materials will be placed at the following beaches:

-

- Electric Avenue Beach
- Grey Gables Beach
- Monument Beach
- Bassett Island Disposal Site
- Hen Cove Beaches
- Barlow's Landing

Of the ten-year total of 71,947 cy, about 10,000 will be dredged in the first year with the remaining 61,947 cubic yards to be dredged over the remaining nine seasons. In those remaining nine seasons, no more than 20,000 cubic yards will be dredged in any one season. Designated locations on Shore Road will be employed as temporary dewatering sites.

The dredging volumes that will be collected over the entire ten years are:

Location	Dredge (C.Y.)	1' Overdredge (C.Y.)	Total (C.Y.)
Buttermilk Bay	42	89	131
Grey Gables	4,860	4,531	9,391
Phinneys Harbor	6,179	627	6,806
Little Bay	10,351	7,718	18,069
Pocasset River	4,695	4,425	9,120
Barlow's Landing	3,029	3,159	6,188
Hen's Cove (Channel)	3,228	5,512	8,740
Hen's Cove (Anchorage)	5,384	3,326	8,710
Hospital Cove	4,195	597	4,792
Total (cy)	41,963	29,984	71,947

All dredged material will be transported to approved dewatering basins. Once dewatered, the Town of Bourne proposes to continue use of the previously approved beach nourishment sites listed in Table IV below. Some of these sites (Barlow's Landing Beach, Hens Cove Beach, and Monument Beach) have been nourished within the last few years and would require a re-survey to determine the appropriate volume of material that could be placed prior to dredging. As such, these three sites have listed the original approved volume based on the original beach profiles for each site. Any sediment not suitable for nourishment will be trucked to the Town landfill to be used as daily cover. All sites will be dredged using the Barnstable County hydraulic cutter-head dredge apart from the Pocasset River, which may use mechanical or hydraulic dredging depending on the dewatering basin used.

The approximate beach placement volumes over the ten years of the permit would be:

Location	Nourishment (C.Y.)
Electric Ave. Beach	400 ±
Gray Gables Beach	2,500 ±
Monument Beach	16,100 ±
Barlow's Landing Beach	650 ±
Hen Cove Beach 1	7,900 ±
Hen Cove Beach 2	4,525 ±
Bassett's Island Disposal Site	14,100 ±

To protect existing Priority and Estimated Habitats as well as marine fisheries resources the project will adhere to all Time of Year (TOY) restrictions as recommended by the Natural Heritage and Endangered Species Program (NHESP), and the Division of Marine Fisheries (DMF). Additionally, no dredging will occur within intertidal areas. Special care will be taken when dredging occurs near resources (eg. Shellfish, eelgrass, saltmarsh) to avert impacts to these resources. Prior to the start of any dredging, the dredge area will be surveyed for proximal shellfish, eelgrass, and salt marsh. No dredging or nourishment activity will take place with 25' of salt marsh or within 100' of eelgrass.

The work is shown on the enclosed plans entitled "Town of Bourne Comprehensive Dredging and Disposal Project" on 110 sheets and dated "July 2, 2019."

Dredged Material Disposal 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 analyzed 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. When applicable, the biological quality of the disposal of the material at the disposal site was also used to evaluate the feasibility of the open-water disposal alternative.

Based on the characteristics of the dredged material, the lack of suitable alternate disposal or 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 placement above the high tide line at the proposed beach locations.

Testing Information

All materials will go for beach placement above the high tide line if the dredged material is compatible with the receiving beach, or in an upland location if the materials are too fine grained for beach placement. The Corps examined the information about the dredged material and decided no further characterization was needed.

AUTHORITY

Permits are required pursuant to:

 x 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.
- Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408)

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 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.

The activities proposed herein **will** also require permission from the USACE pursuant to 33 U.S.C. 408 **because** it will alter or temporarily or permanently occupy or use a USACE federally authorized Civil Works project known as the Buttermilk Bay Channel. The proposed alteration involves dredging in the federal navigation project. The proposed alteration is located in the Buttermilk Bay Channel. A permit pursuant to Section 10/404/103 shall not be granted until the Section 408 permission is issued. Through this public notice, we are soliciting information necessary to inform the USACE evaluation and review.

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 1,743,071 SF of EFH. Habitat at this site can be described as sandy subtidal sediments. 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 our initial review of the proposed project and coordination with the State Historic Preservation Officer and/or Tribal Historic Preservation Officer(s), no historic properties were identified within the permit area or the area of potential effects. Additional review and consultation to fulfill requirements under Section 106 of the National Historic Preservation Act of 1966, as amended, will be ongoing as part of the permit review process.

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 (ESA) 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

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. People submitting comments are advised that all comments received will be available for public review in their entirety and will be considered a matter of public record.

Comments should be submitted in writing by the above date. If you have any questions, please contact Charles Farris at Charles.n.farris@usace.army.mil, (978) 318-8336, (800) 343-4789 or (800) 362-4367.

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. 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.

CENAE-R
File No. NAE-2019-2774

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.

Paul Maniccia

Paul Maniccia
Chief, Massachusetts Section A
Regulatory Division

Please contact Ms. Tina Chaisson at bettina.m.chaisson@usace.army.mil or
(978) 318-8058 if you would like to be removed from our public notice mailing list.