



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

PUBLIC NOTICE

Comment Period Begins: June 13, 2023

Comment Period Ends: July 13, 2023

File Number: NAE-2008-3660

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 the Town of Yarmouth represented by William Bonnetti, 1146 Route 28, South Yarmouth, MA 02664. This work is proposed in the Bass River, Parkers River, Lewis Bay, and Nantucket Sound in Yarmouth, MA. The site coordinates for each dredging footprint will be found on pages 3 to 21 of the attached project plans.

The work involves a comprehensive plan for long-term maintenance dredging of historically sandy portions of six channels within Lewis Bay, Parkers River, and the Bass River (Figures 1 through 21). Suitable sandy material from these areas will be used to nourish beaches in the vicinity of each project (See Table 1 and Figures 3 through 21).

The current volume of material to be dredged from all project areas during the upcoming dredging season is approximately 166,100 cubic yards (CY). Of this total, approximately 8,654 CY of this dredged material found suitable and compatible for beach placement will be used for beach nourishment by placement below the high tide line. All other dredged materials will be placed on adjacent beaches above the high tide line if composed of compatible material or in an upland location if the material is not suitable for beach placement. In addition, the expected volume of material to be dredged from all project areas over the next 10 years is approximately 295,800 CY. All project areas will be hydraulically dredged to the various permitted depths plus one foot of allowable overdepth. A summary of the proposed dredge areas, depths, volumes, and anticipated nourishment sites is presented by project area and waterway in Tables 1 and 2.

Table 1: Summary of Proposed Dredge Areas

Project Area	Dredge Area and Proposed Dredge Depth (ft MLLW)	Current Volume to be Dredged (CY)	Anticipated Number of Additional Maintenance Events Over a 10 Year Period	Anticipated Volume per Maintenance Event (CY)	Maximum Volume Over a 10 Year Period (CY)	Anticipated Nourishment Sites *
Lewis Bay	Pine Island Entrance Channel -6	2,200	2-3	1,000 - 2,000	8,200	Berry Ave and Colonial Acres Beaches
	Englewood Entrance Channel -6	300	3-4	200 - 300	1,500	
	Englewood Boat Basin and Ramp-6	1,000	2-3	600 - 1,000	4,000	
	Mill Creek -3	2,600	3-4	1,500 - 2,000	10,600	
Parker River	Approach -6	8,000	5-10	2,500 - 5,000	61,000	Sea Gull, Thatcher, Seaview Beaches
	Embayment -6		2-3	500 - 1,000		
Bass River	Approach -6	152,000	5-10	1,500 - 3,000	210,500	Bass River and West Dennis Beaches
	Inlet -6		2-3	1,500 - 2,500		
	Embayment -6		2-3	800 - 7,000		
Total		166,100			295,800	

*Nourishment areas shown are those used since 2011

Table 2. Yarmouth Dredge Sites - Area

Dredge Site	Name of Dredge Site	Area of Dredge Site (square feet)
20	Pine Island Entrance Channel	101,193
21	Englewood Entrance Channel	60,053
22/23	Englewood Basin and Boat Ramp	64,430
24	Bass River	1,432,455
28	Parker's River	290,389
33	Mill Creek	46,693
TOTAL		1,995,213

The work is shown on the enclosed plans entitled "Yarmouth Town-Wide Dredging Program" on twenty -one sheets and dated "March 20, 2020." Two of these sheets were updated November 16, 2021 to reflect the additional work to be done at the mouth of the Bass River Entrance Channel."

AUTHORITY

Permits are required pursuant to:

- x Section 10 of the Rivers and Harbors Act of 1899
- x 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 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.

The dredging portion of this project will impact approximately 1,995,213 SF of EFH. Habitat at this site can be described as sandy sediment with pockets of fine-grained material in some isolated areas. 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.

Of the total volume to be dredged in the first year, 8,654 cy of the dredged material placement is proposed for subtidal location below the high tide line directly adjacent to a receiving beach. Habitat at this site can be described as sandy sediments that are predominantly 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.

Dredged Material Disposal Mitigation Discussion:

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The dredged material analysis for beach placement of the materials was conducted by the Corps. Material that was found compatible is directed to be used for beach placement. All fine-grained material unsuitable for beach placement will be disposed of in an upland location. For those locations where sufficient materials could not be collected for analyses, will require confirmatory physical grain size sampling by the applicant and the review of these sampling results by the Corps before the material is placed on the beach. All fine-grained material unsuitable for beach placement revealed by the confirmatory sampling will be disposed of in an upland location.

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 disposal at the requested disposal site.

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 is reviewing 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. Our review will be concluded prior to the final decision.

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 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

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. People submitting comments are advised that all comments received will be available for public review in their entirety. 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.

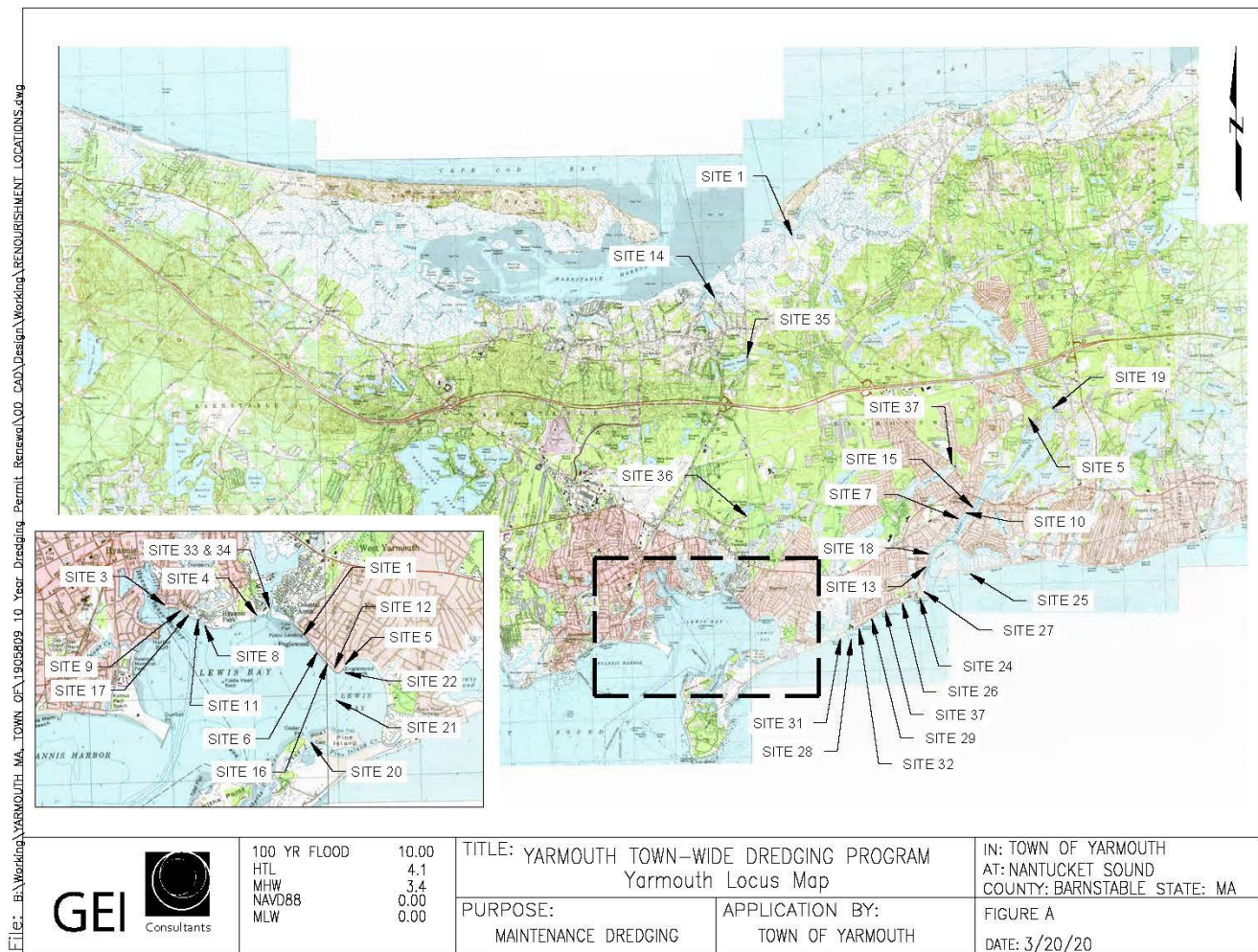
The initial determinations made herein will be reviewed in light of facts submitted in response to this notice. All comments will be considered a matter of public record. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly in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

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.

Paul Maniccia

**Paul Maniccia
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.



CENAE-R
FILE NO. NAE-2008-3660

File: B:\Working\YARMOUTH_MA_TOWN_07_1905809_10_Year_Dredging_Permit_Renewal\00_CAD_Design\Working\RENOURISHMENT_LOCATIONS.dwg

DREDGE VOLUME AND NUMBER OF SAMPLES BY SITE			
SITE #	SITE NAME	PROPOSED VOLUME (CY)	SAMPLE NUMBERS
20	PINE ISLAND ENTRANCE CHANNEL	2,200	2
21	ENGLEWOOD ENTRANCE CHANNEL	300	2
22/23	ENGLEWOOD BASIN AND BOAT RAMP	1,000	2
24	BASS RIVER CHANNEL AND MOORING BASIN	152,000	15
28	PARKERS RIVER	8,000	6
33	MILL CREEK	2,600	2
	TOTAL VOLUME	166,100	29

SAMPLE LOCATIONS		
SAMPLE #	NORTHING	EASTING
PIC-01	2693704.61	997207.30
PIC-02	2693251.86	997397.89
EC-01	2695080.12	998175.97
EC-02	2695270.51	998594.97
EB-01	2696254.89	998705.16
EB-02	2696038.96	998782.90
BRC-01	2697772.91	1012546.68
BRC-02	2698718.60	1012450.29
BRC-03	2699445.81	1012324.58
BRC-04	2700998.01	1012303.29
BRC-05	2701825.15	1012629.81
BRC-06	2702395.82	1013383.02
BRC-07	2702939.29	1014125.23
BRC-08	2702523.33	1014479.39
BRC-09	2704419.85	1015084.16
BRC-10	2704694.56	1015488.18
BRC-11	2705477.22	1016019.77
BRC-12	2706512.36	1016511.58
BRC-13	2707267.48	1017383.19
SC-01	2700834.02	1013061.75
SC-02	2701030.09	1013480.22
PRC-01	2693844.20	1006380.89
PRC-02	2694978.48	1005817.59
PRC-03	2695161.07	1005719.61
PRC-04	2695448.98	1005605.52
BRC-05	2695626.53	1005665.21
BRC-06	2695755.17	1005710.55
MCC-01	2698338.10	995640.19
MCC-02	2698684.18	995706.36

LEGEND

MAJOR CONTOUR	———
MINOR CONTOUR	———
MLW	· · · · ·
MHW	———
HTL	———
PROPERTY LINES	———
SAMPLE LOCATIONS	■
DREDGE AREA	■

GEI



100 YR FLOOD	10.00
HTL	4.1
MHW	3.4
NAVD88	0.00
MLW	0.00

TITLE: YARMOUTH TOWN-WIDE DREDGING PROGRAM
Project Notes

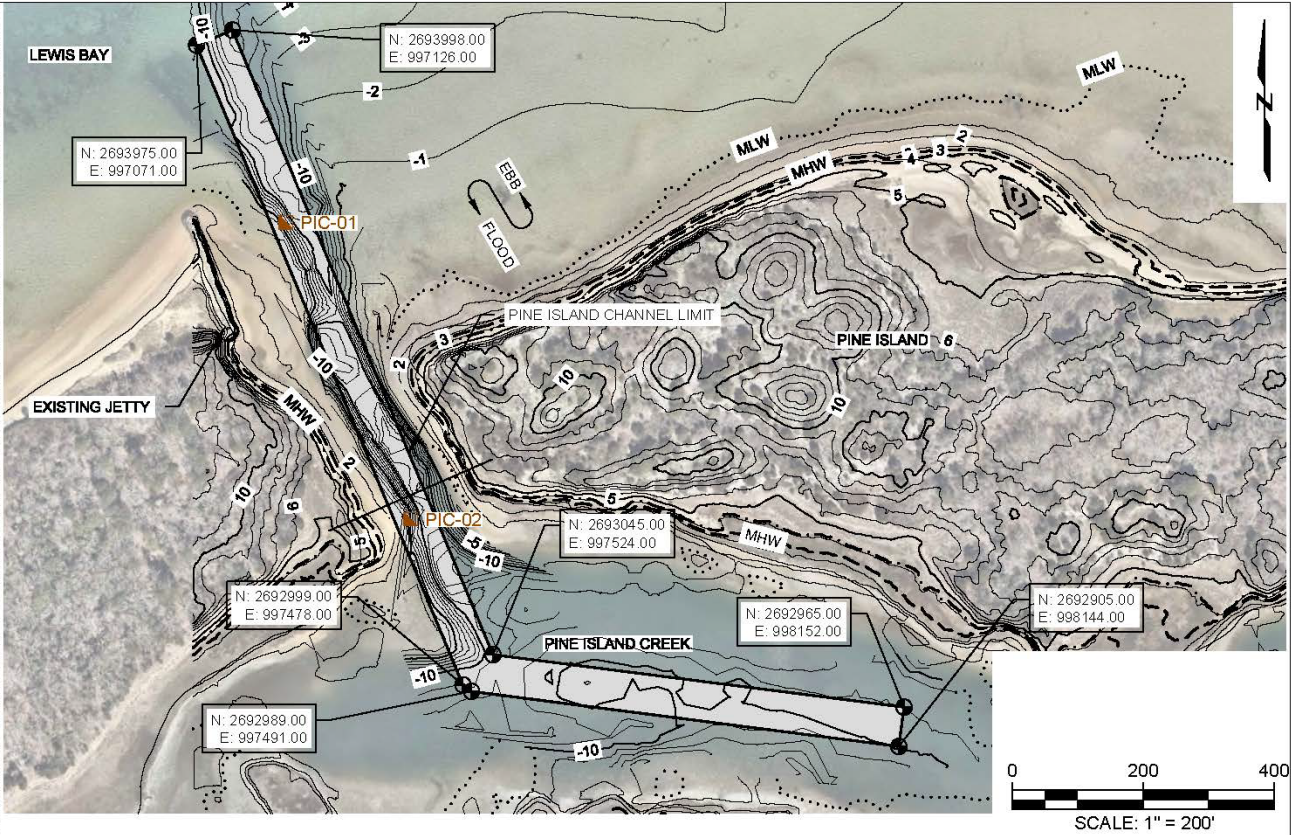
PURPOSE:
 MAINTENANCE DREDGING

APPLICATION BY:
 TOWN OF YARMOUTH

IN: TOWN OF YARMOUTH
AT: NANTUCKET SOUND
COUNTY: BARNSTABLE STATE: MA

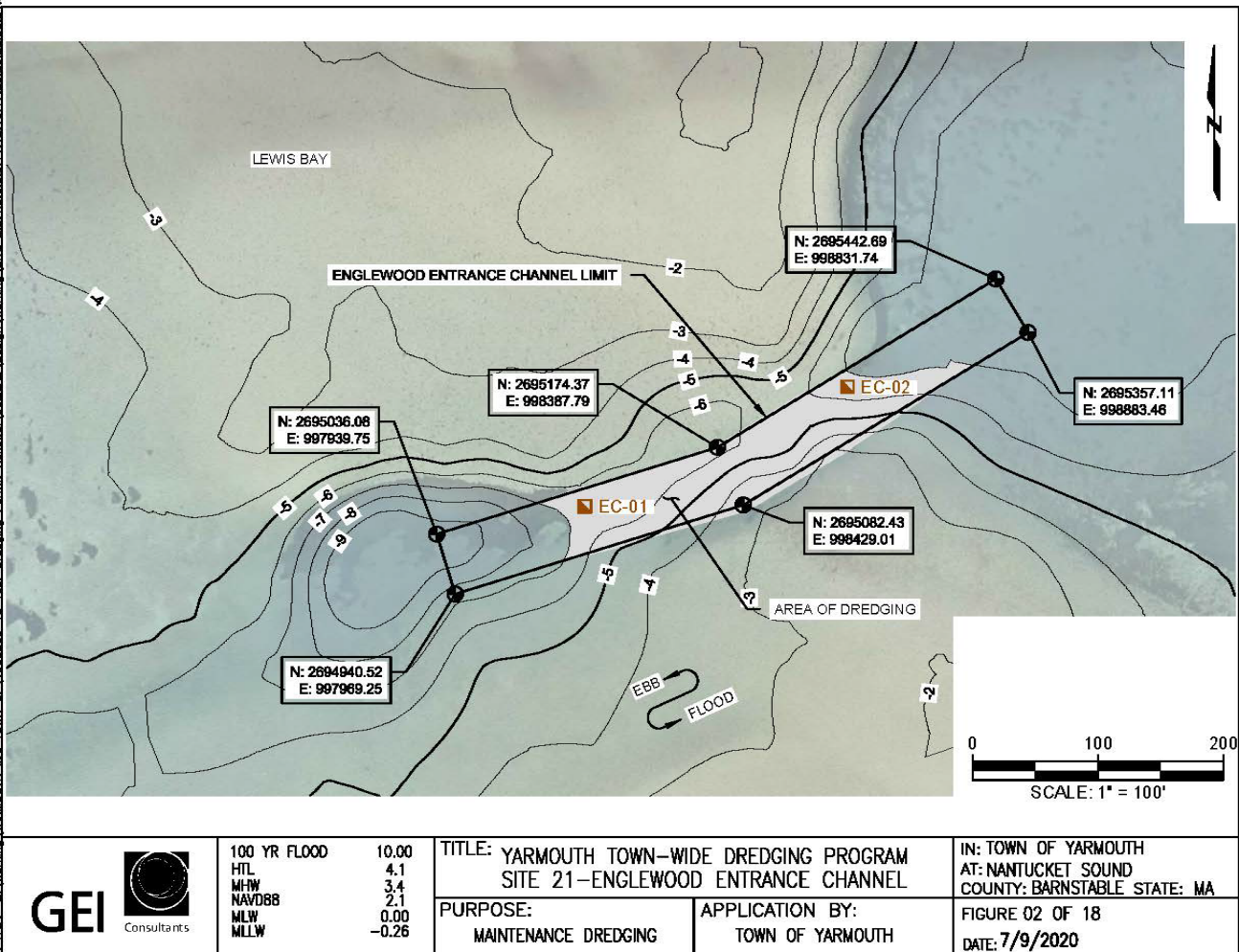
FIGURE B
DATE: 3/30/20

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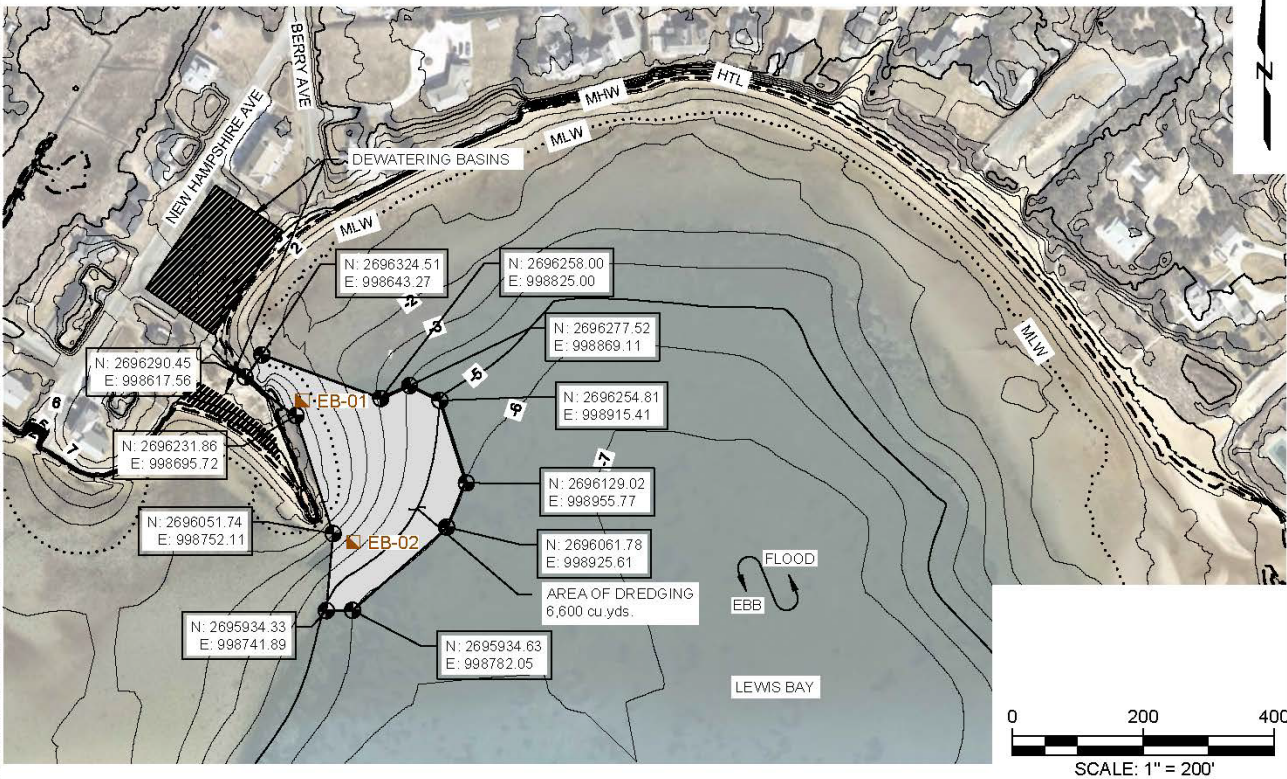


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			SITE 20-PINE ISLAND ENTRANCE CHANNEL		AT: NANTUCKET SOUND
			PURPOSE:	APPLICATION BY:	COUNTY: BARNSTABLE STATE: MA
			MAINTENANCE DREDGING	TOWN OF YARMOUTH	FIGURE 01 OF 18
					DATE: 7/9/2020

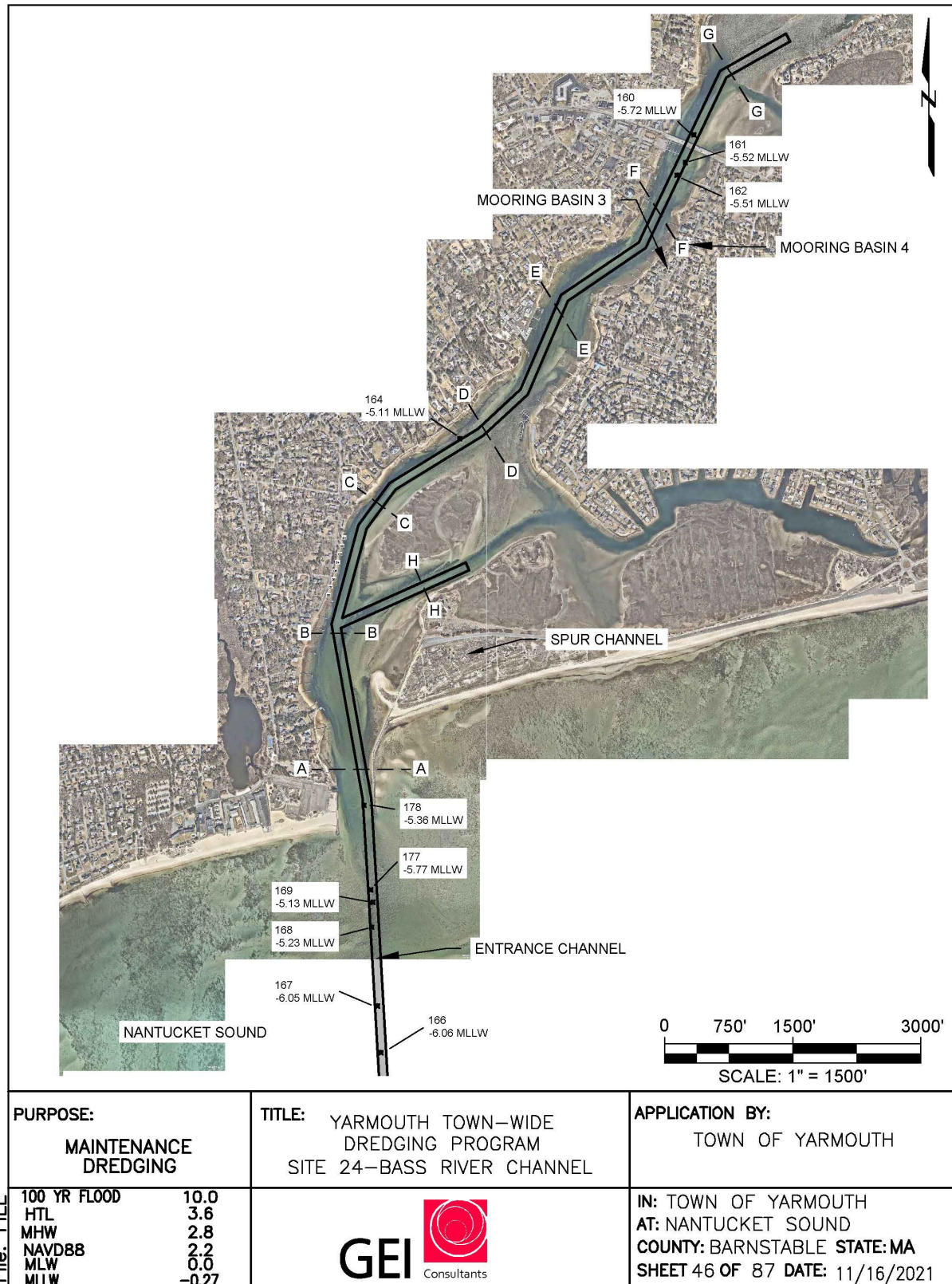
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	MHW	3.4	PURPOSE: MAINTENANCE DREDGING		APPLICATION BY: TOWN OF YARMOUTH
	NAVD88	2.1			
	MLW	0.00			
	MLLW	-0.26			FIGURE 03 OF 18 DATE: 7/9/2020



PURPOSE:

**MAINTENANCE
DREDGING**

TITLE:

**YARMOUTH TOWN-WIDE
DREDGING PROGRAM
SITE 24-BASS RIVER CHANNEL**

APPLICATION BY:

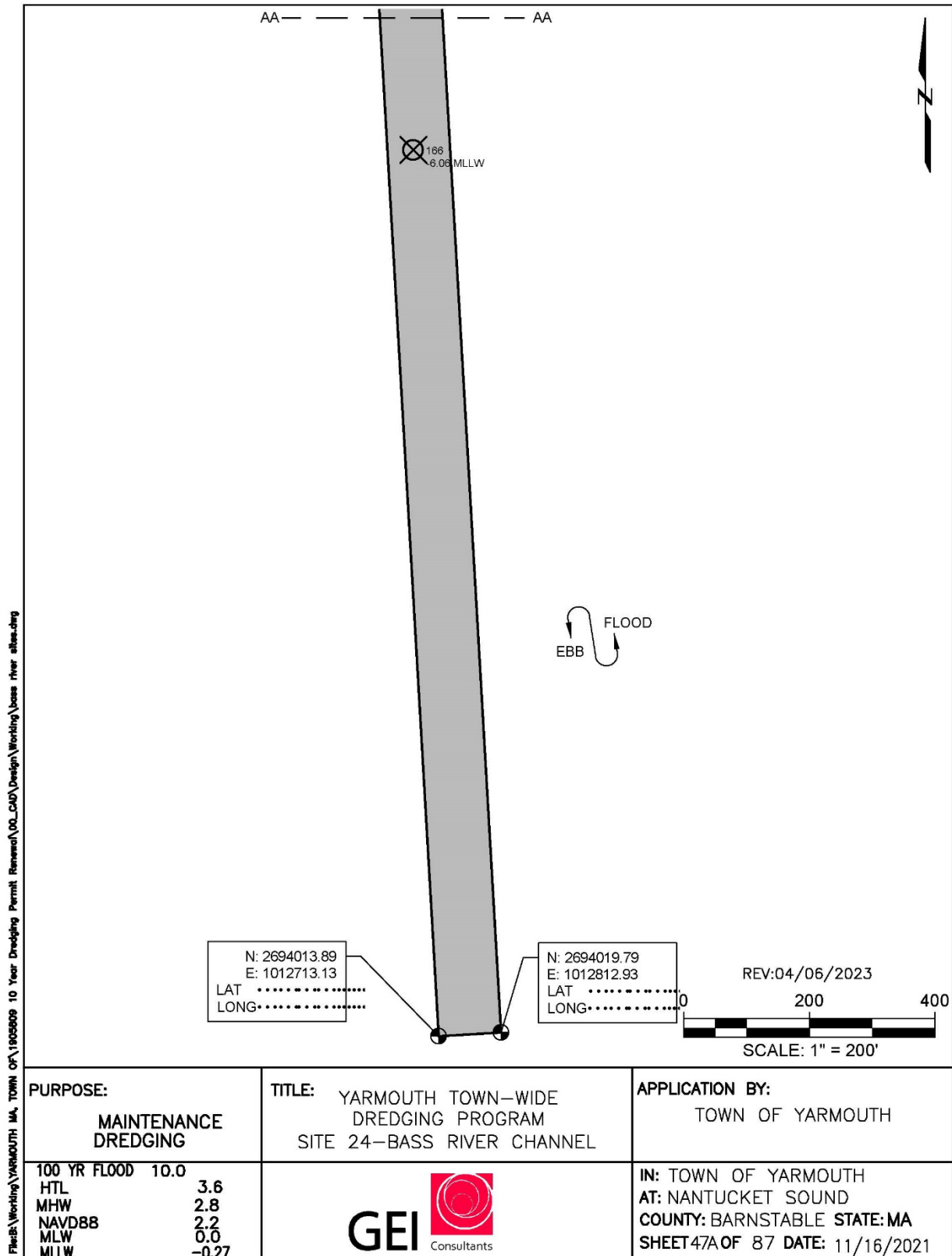
TOWN OF YARMOUTH

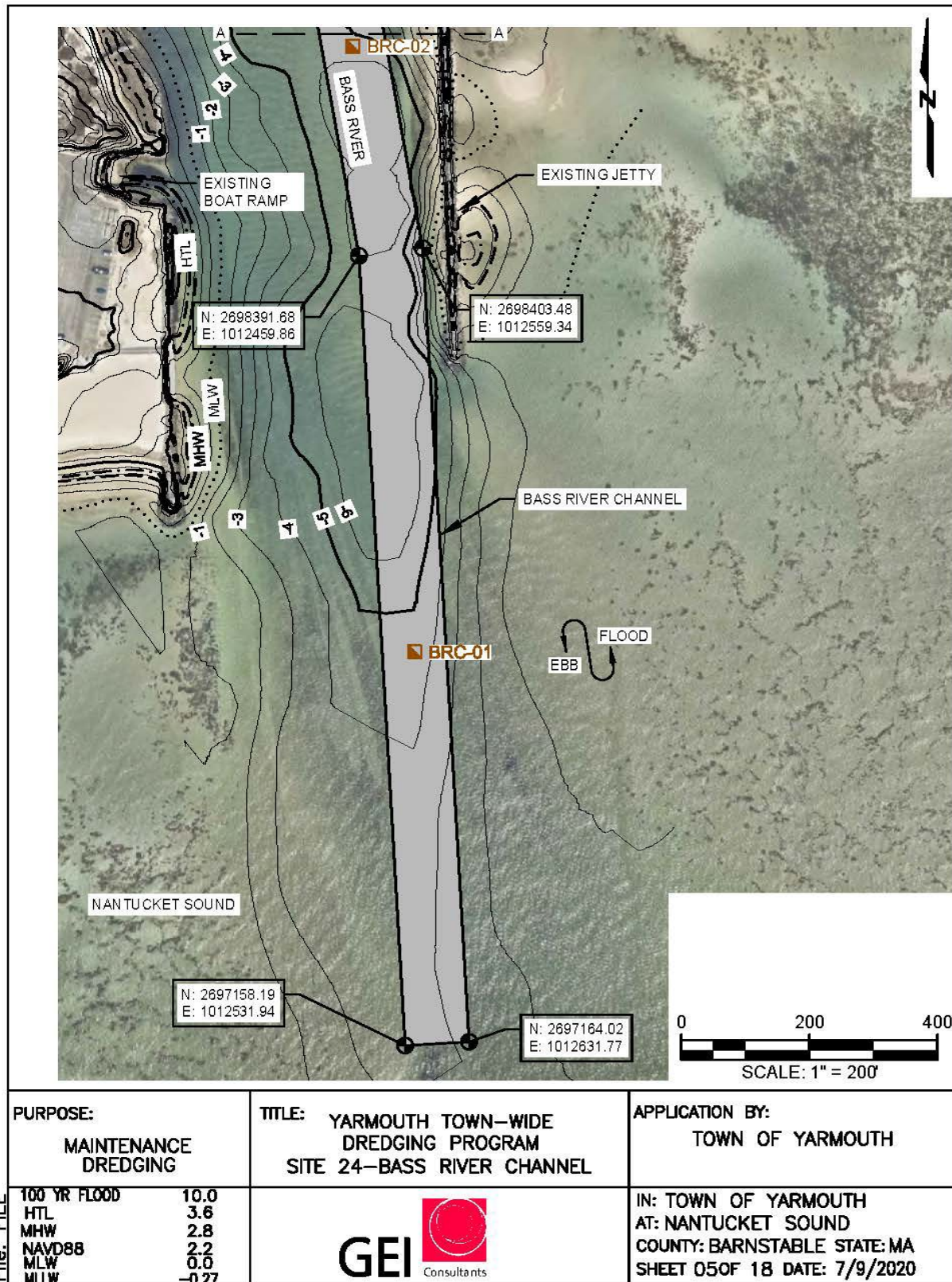
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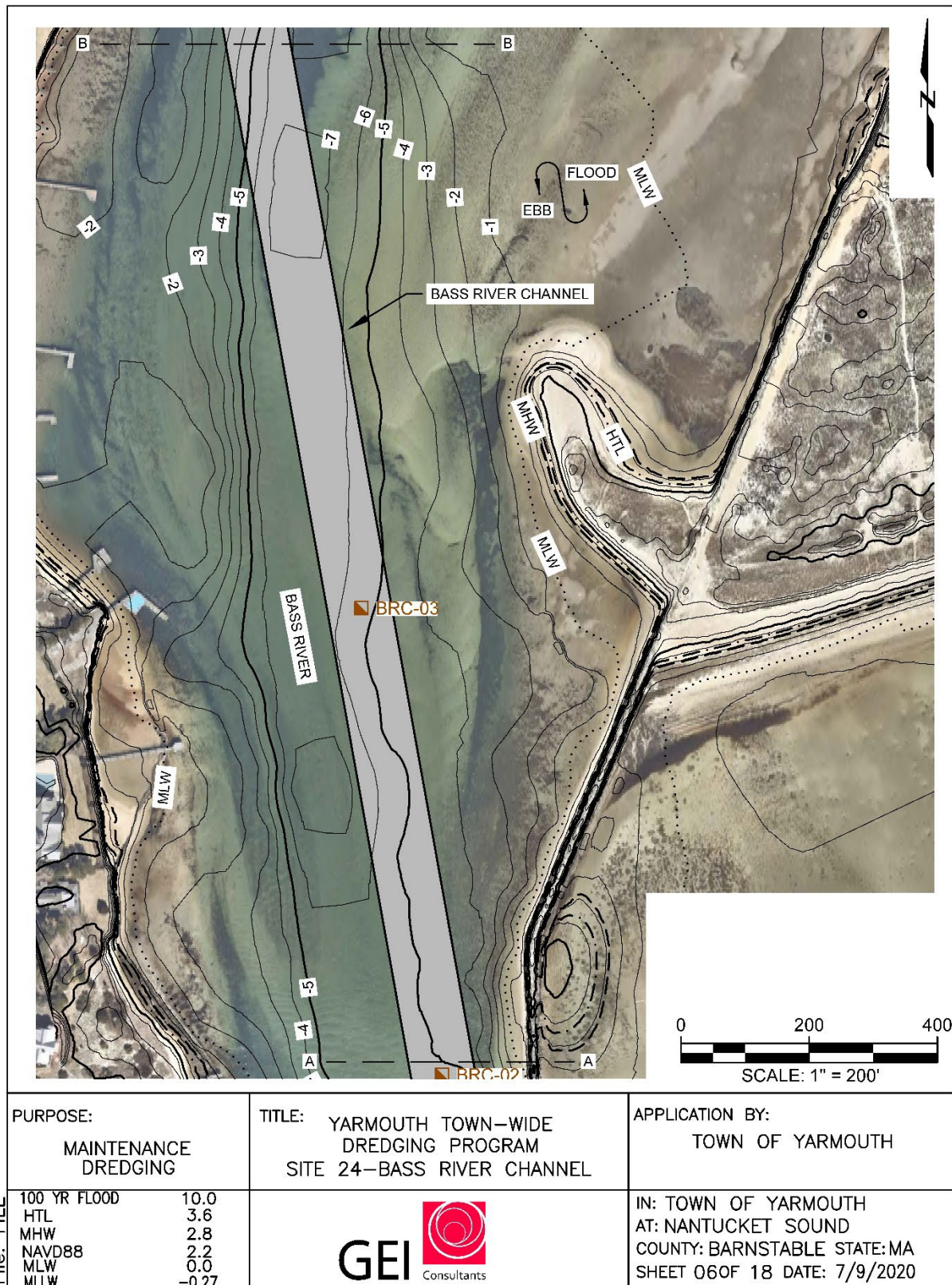
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NAVD88	2.2
MLW	0.0
MLLW	-0.27

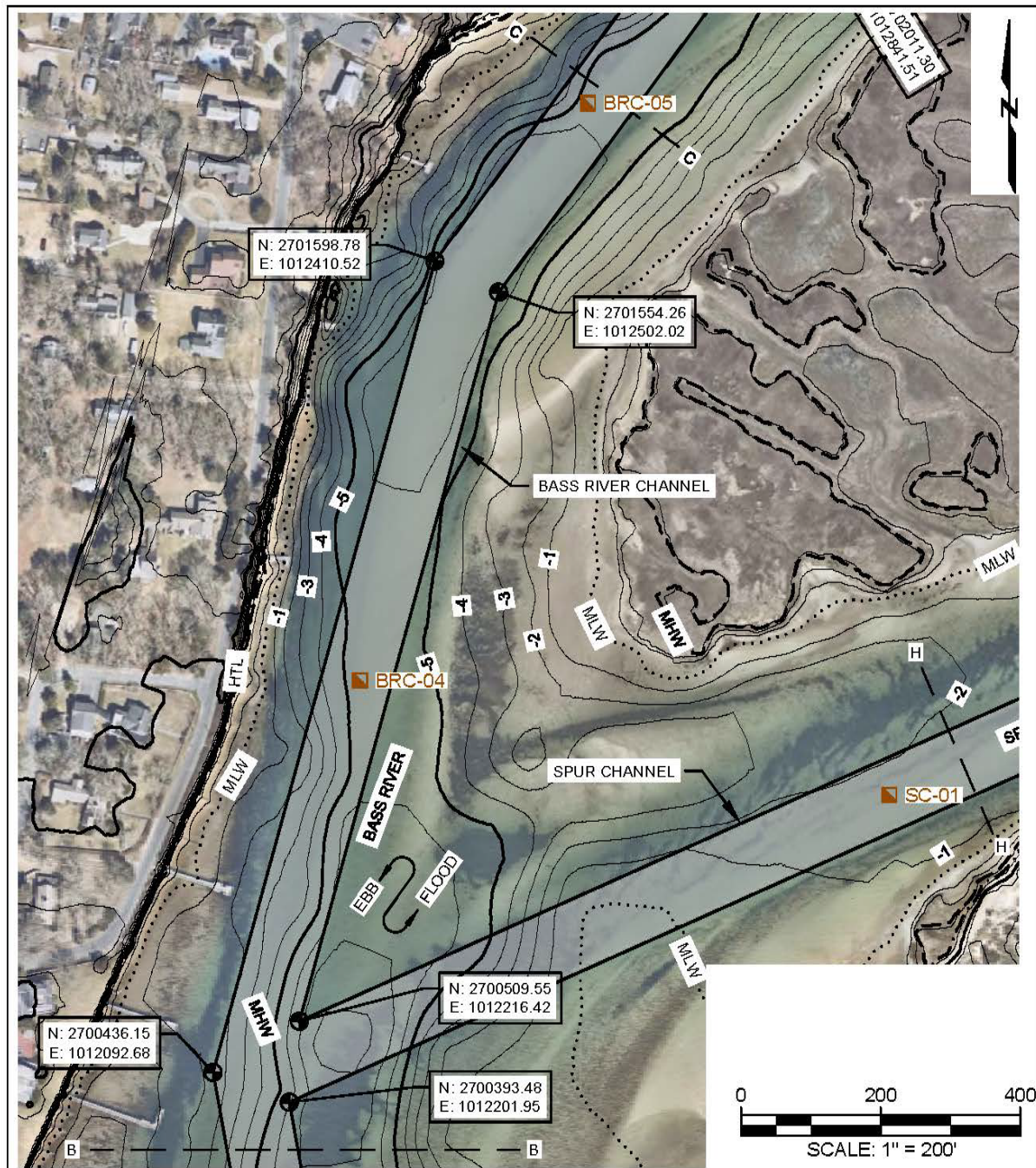


**IN: TOWN OF YARMOUTH
AT: NANTUCKET SOUND
COUNTY: BARNSTABLE STATE: MA
SHEET 46 OF 87 DATE: 11/16/2021**

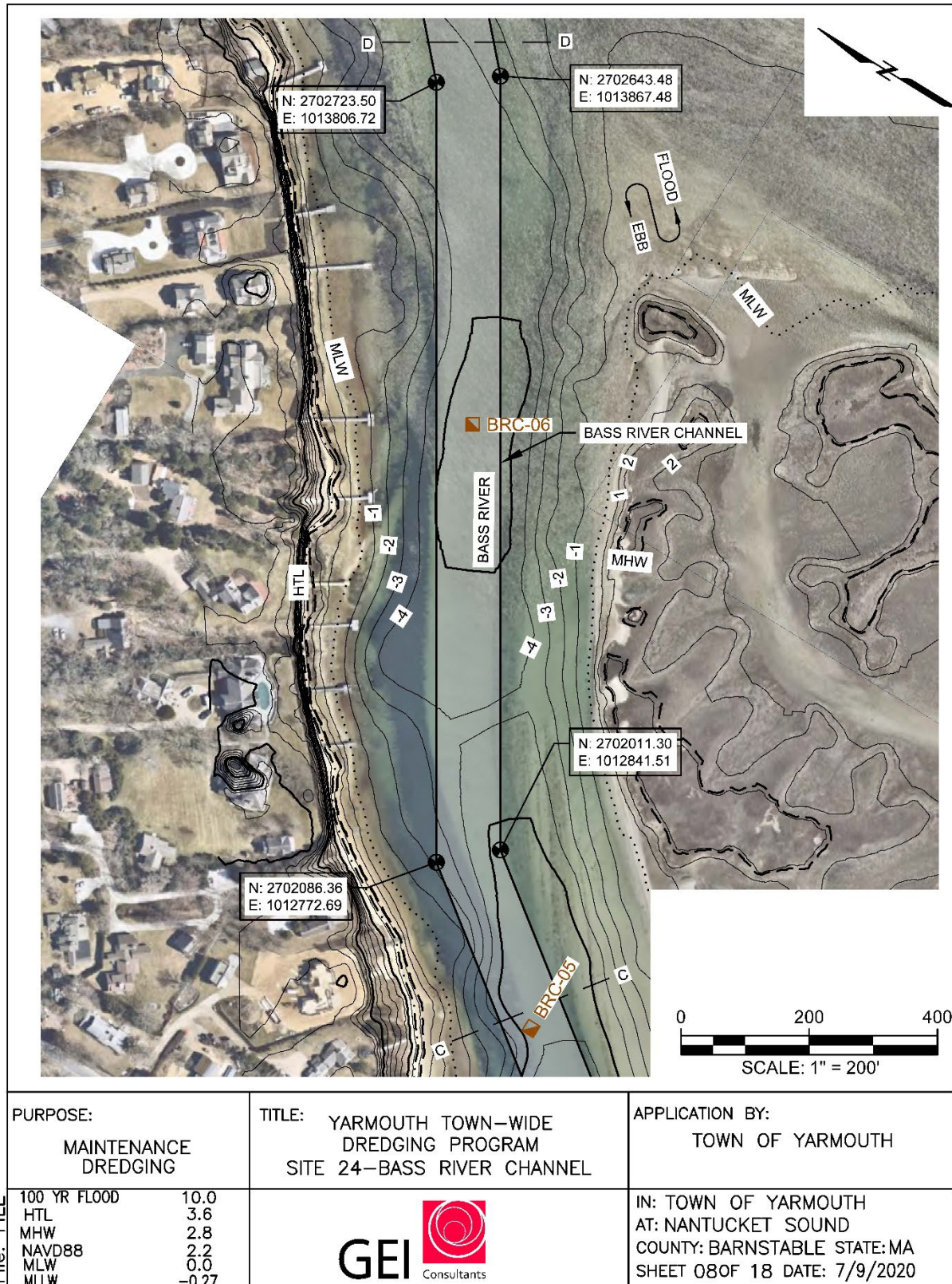


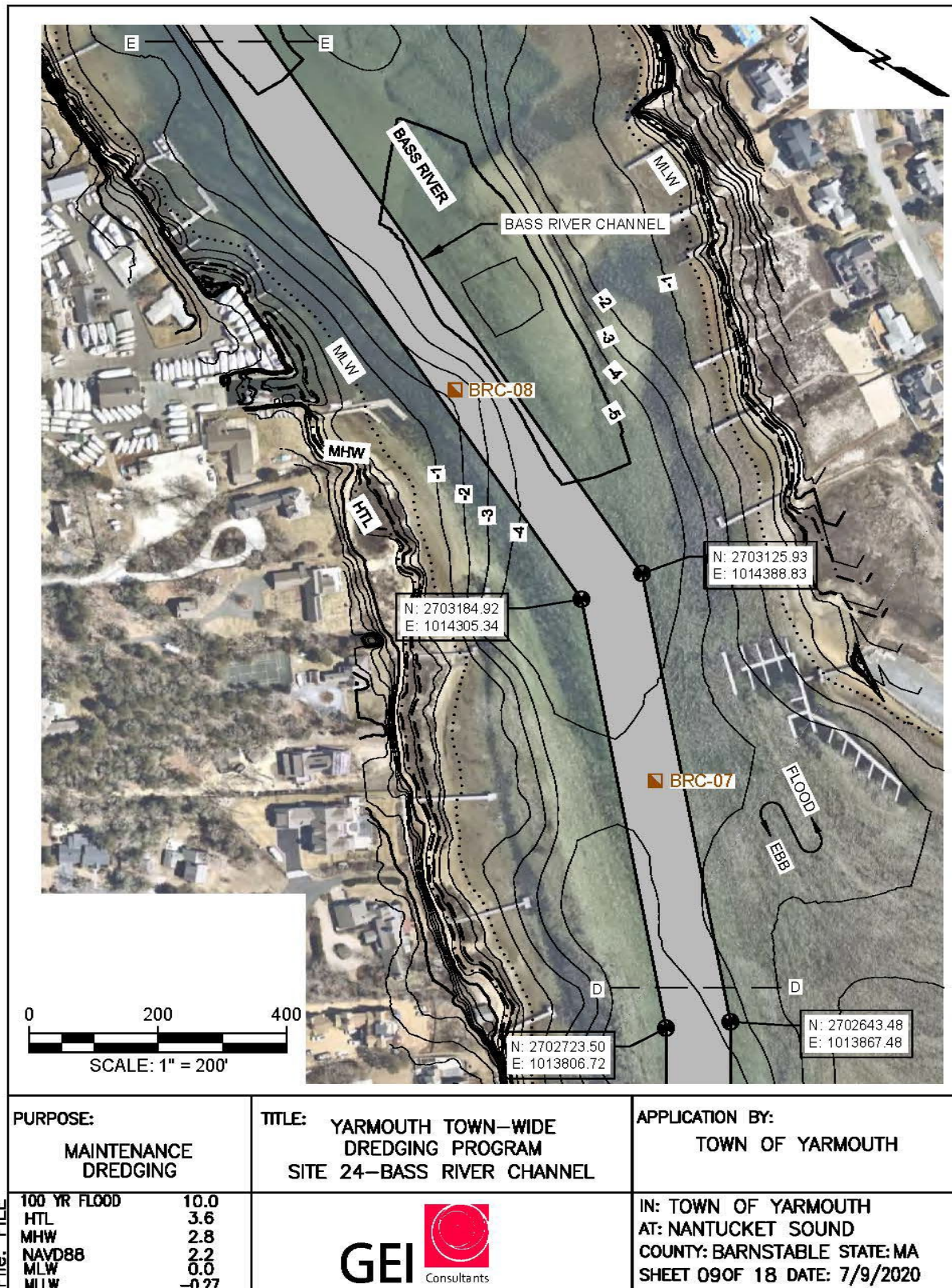


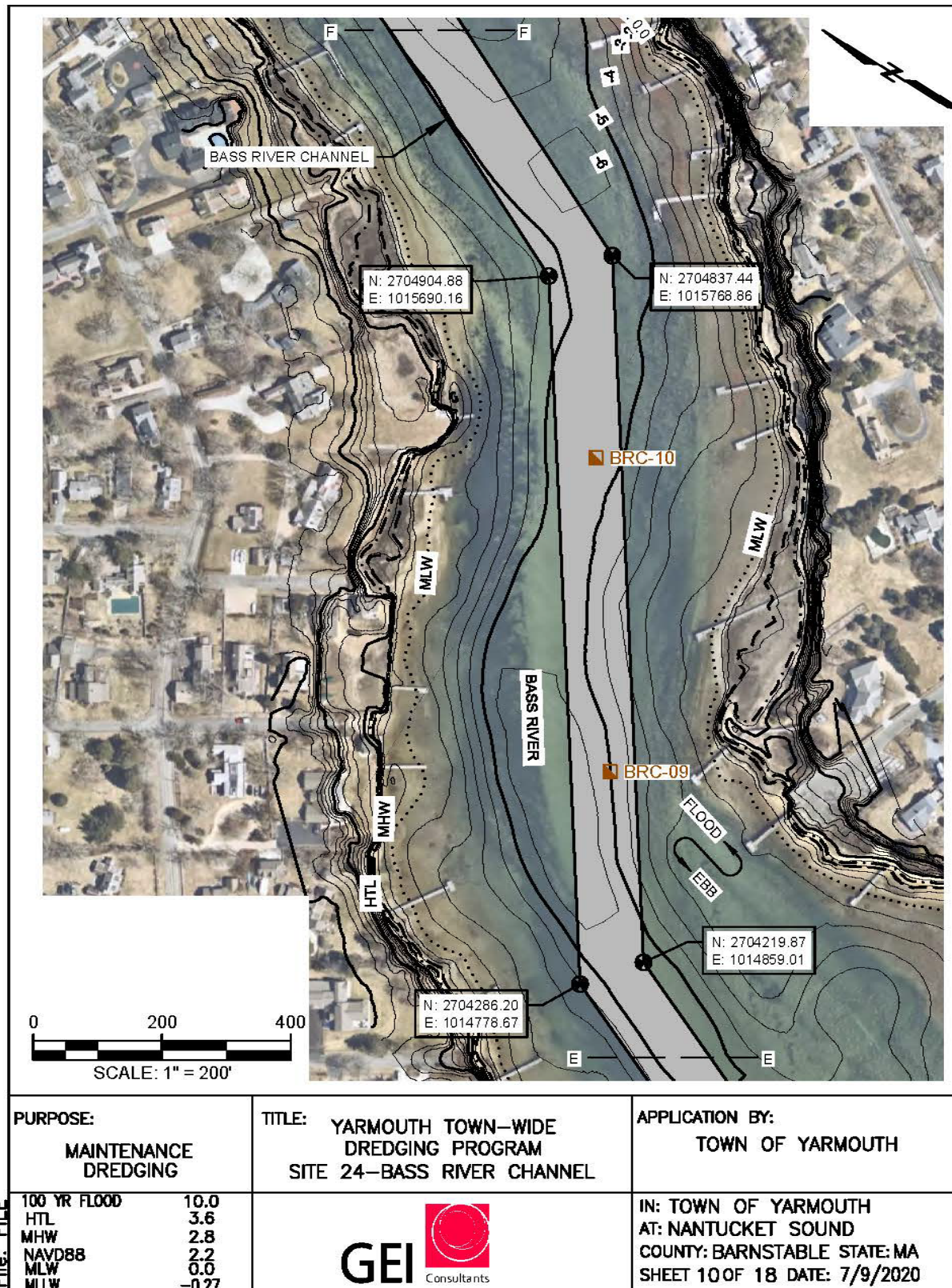


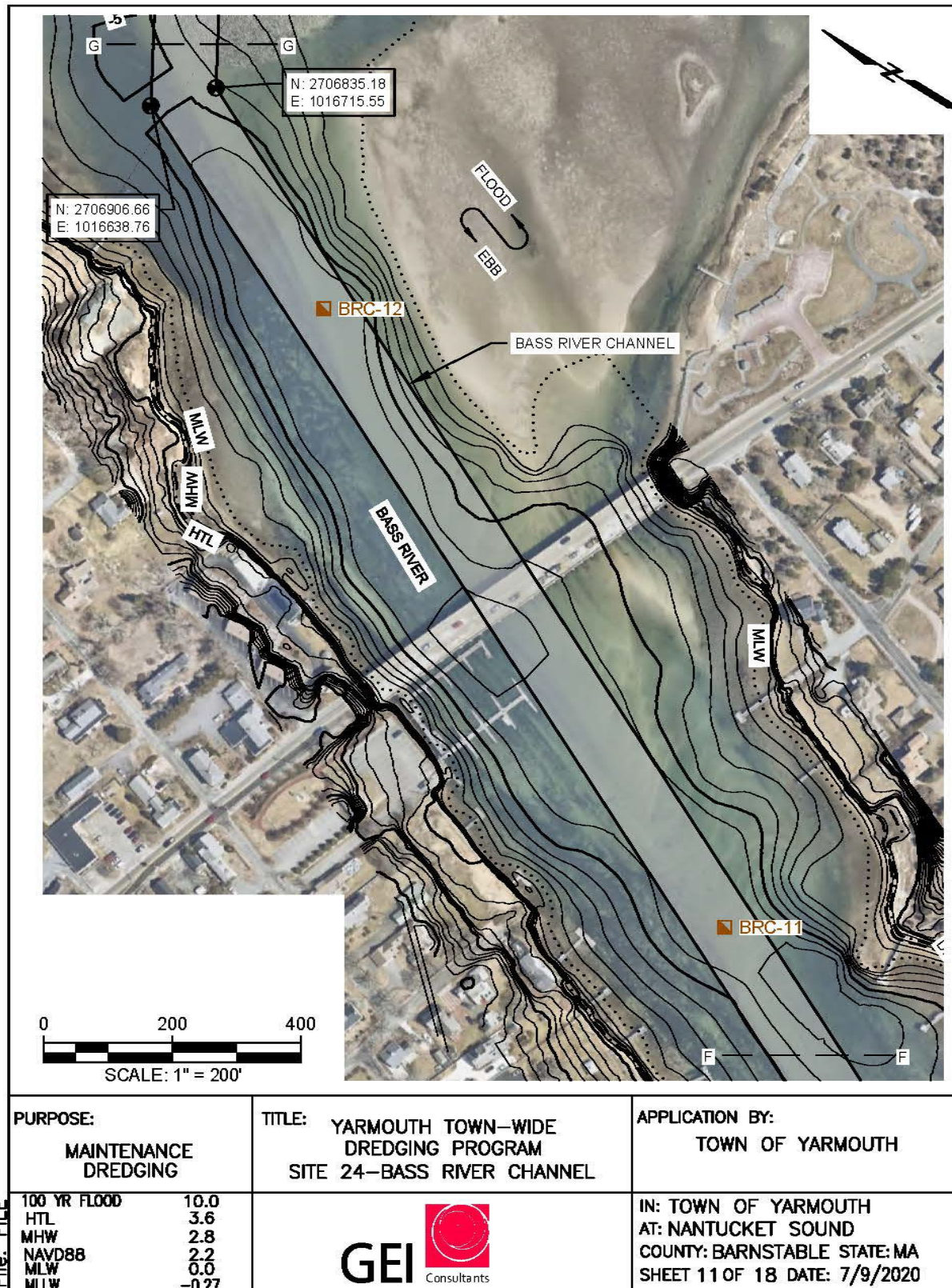


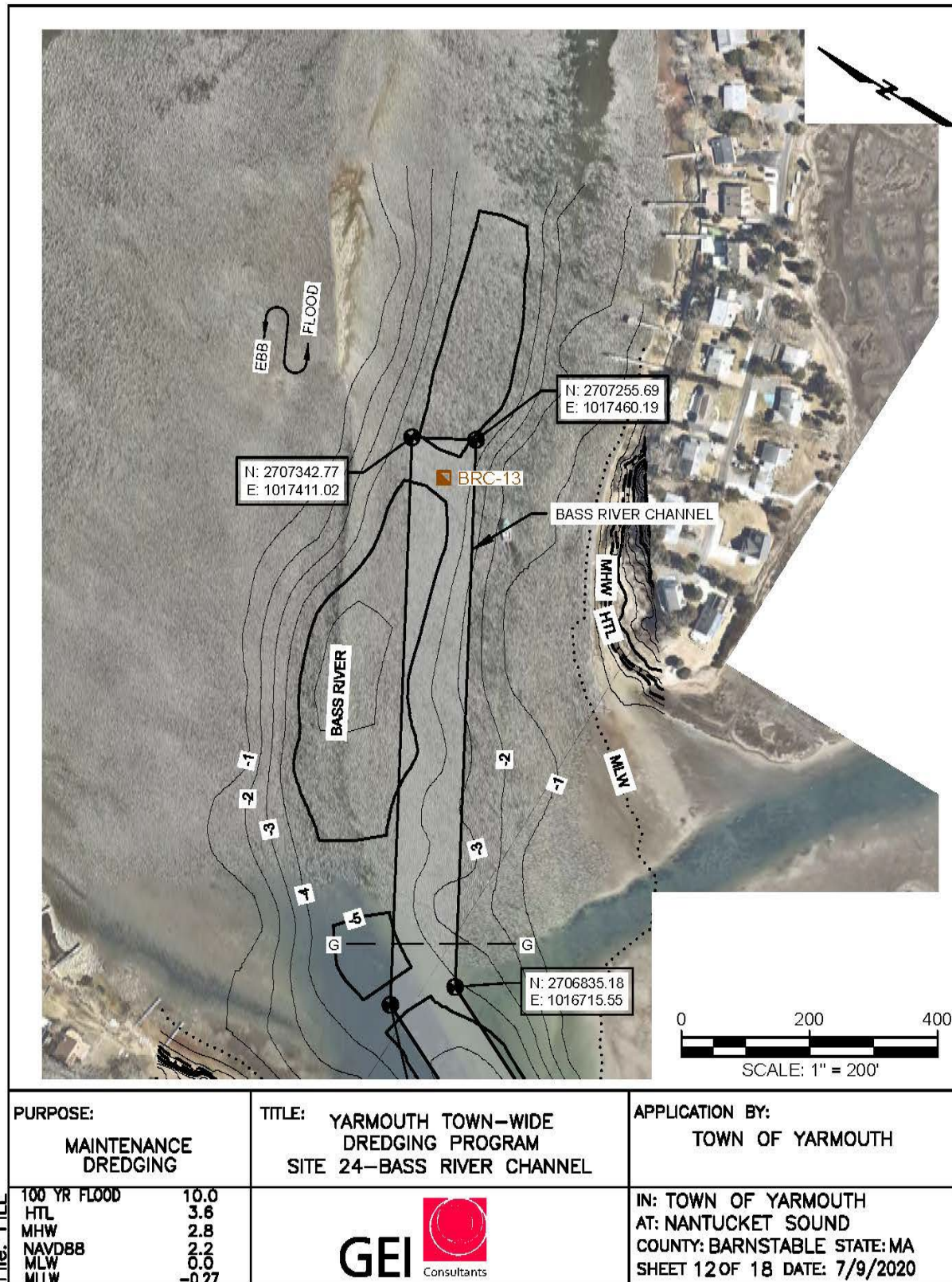
PURPOSE: MAINTENANCE DREDGING	TITLE: YARMOUTH TOWN-WIDE DREDGING PROGRAM SITE 24-BASS RIVER CHANNEL	APPLICATION BY: TOWN OF YARMOUTH
File: FILE 100 YR FLOOD 10.0 HTL 3.6 MHW 2.8 NAVD88 2.2 MLW 0.0 MLLW -0.27		IN: TOWN OF YARMOUTH AT: NANTUCKET SOUND COUNTY: BARNSTABLE STATE: MA SHEET 07 OF 18 DATE: 7/9/2020

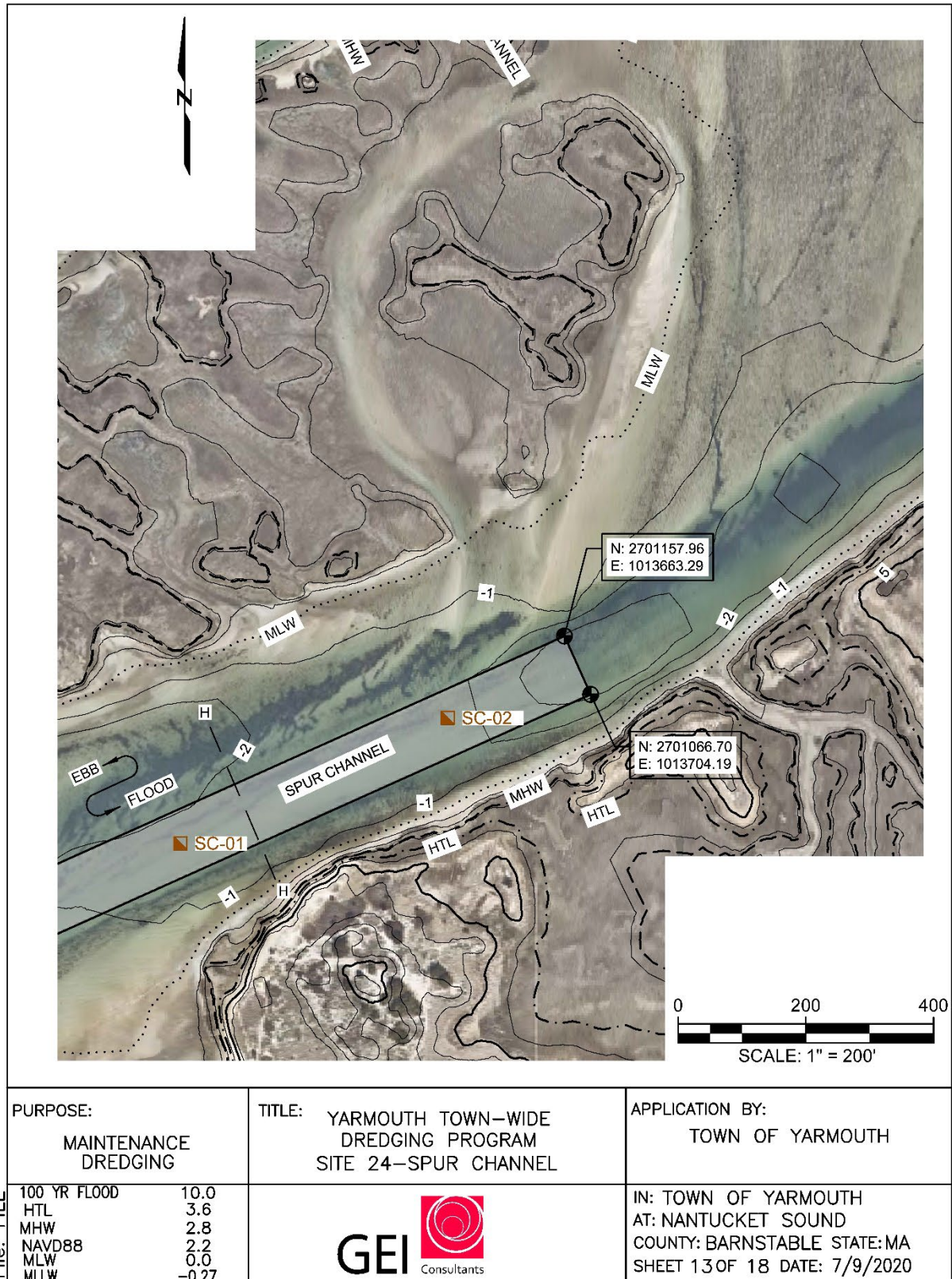


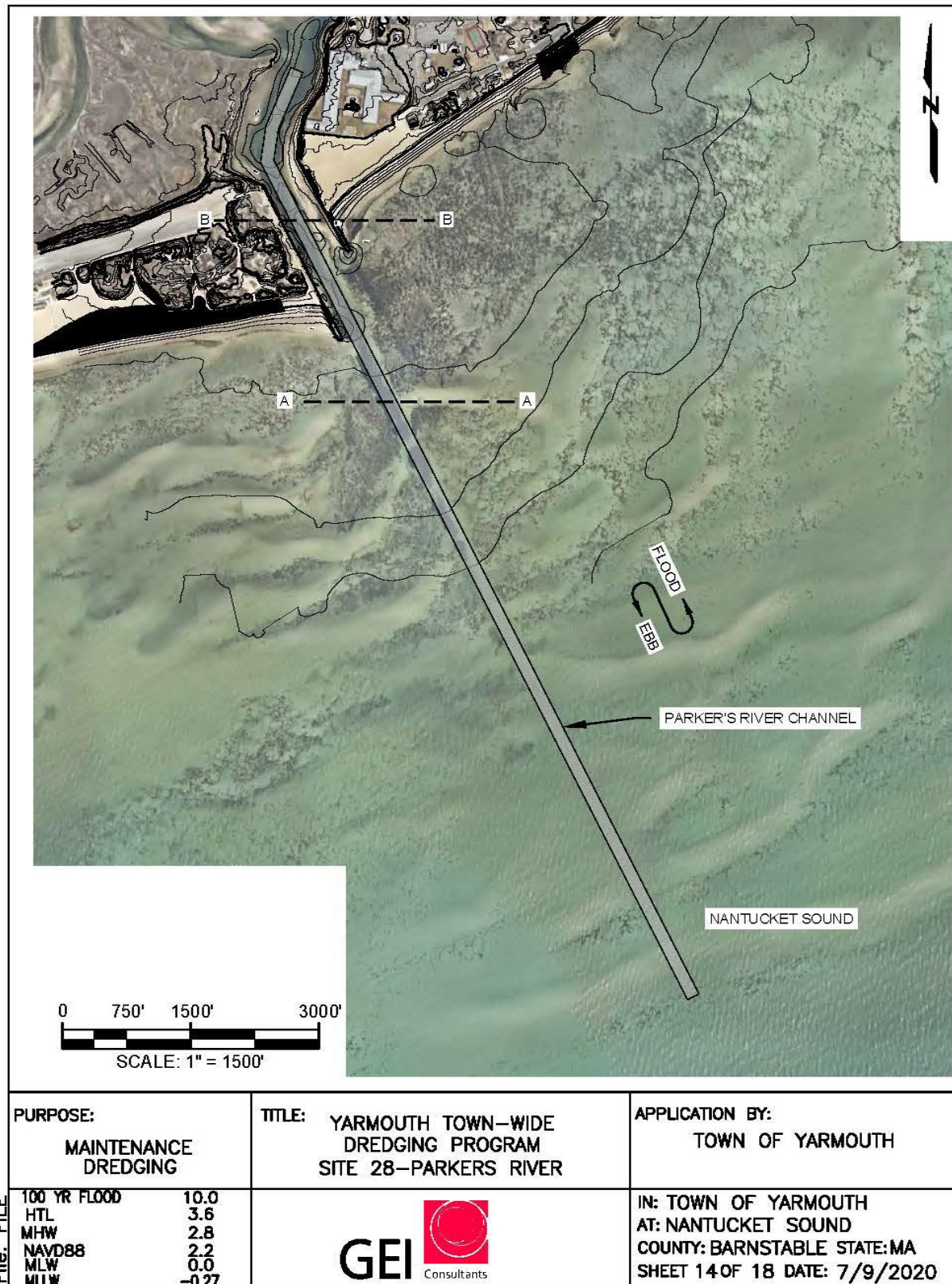


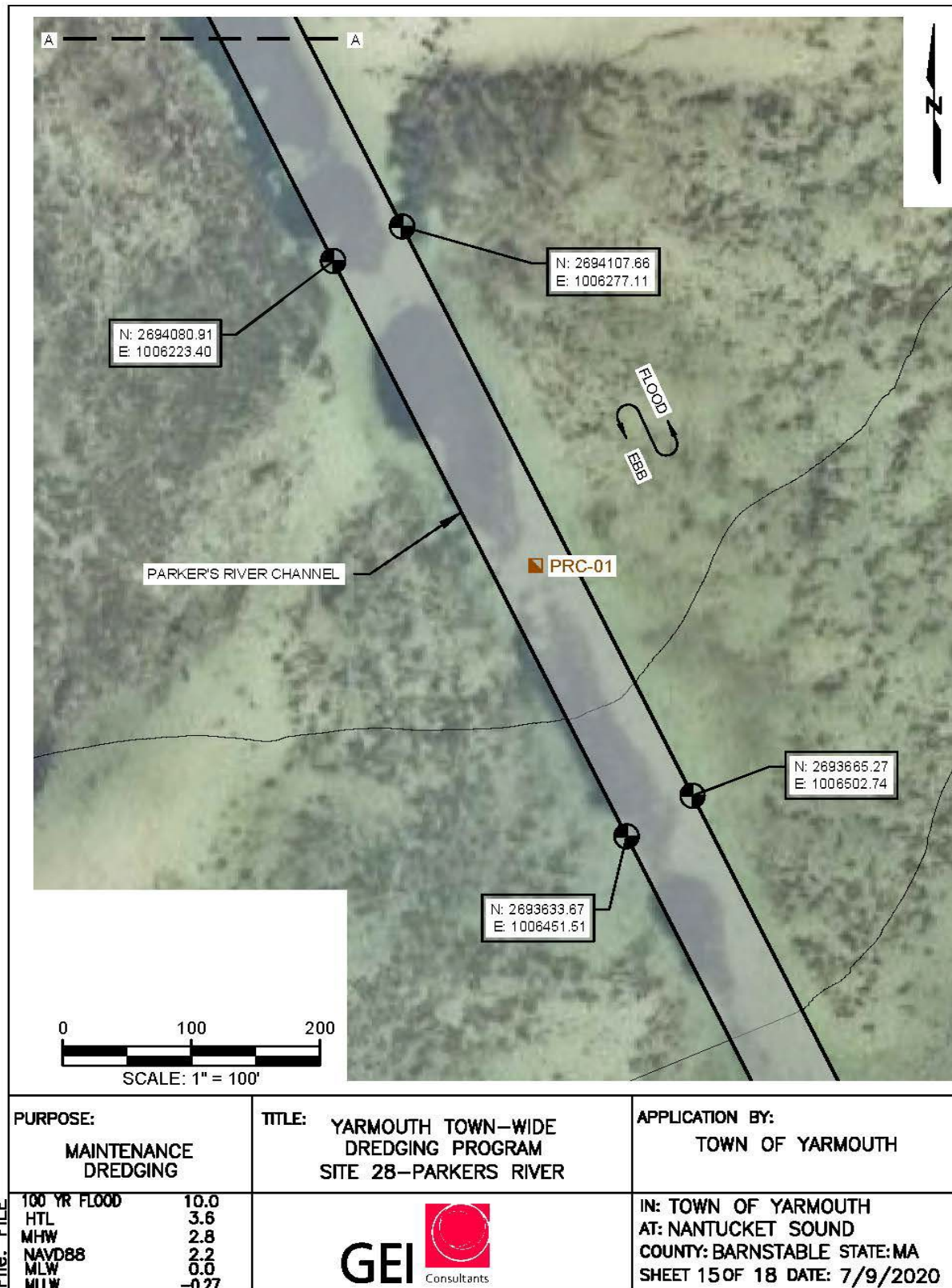


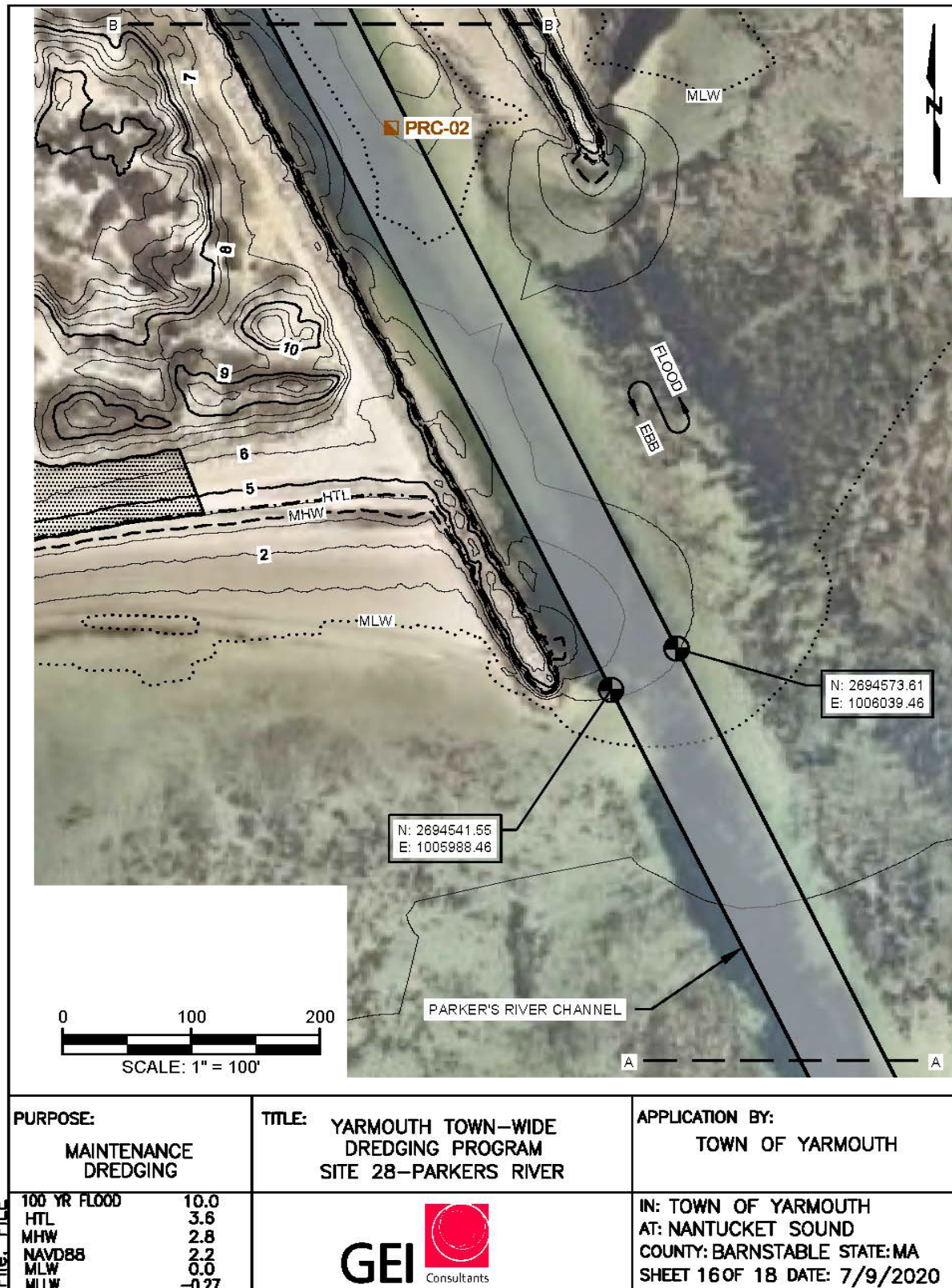


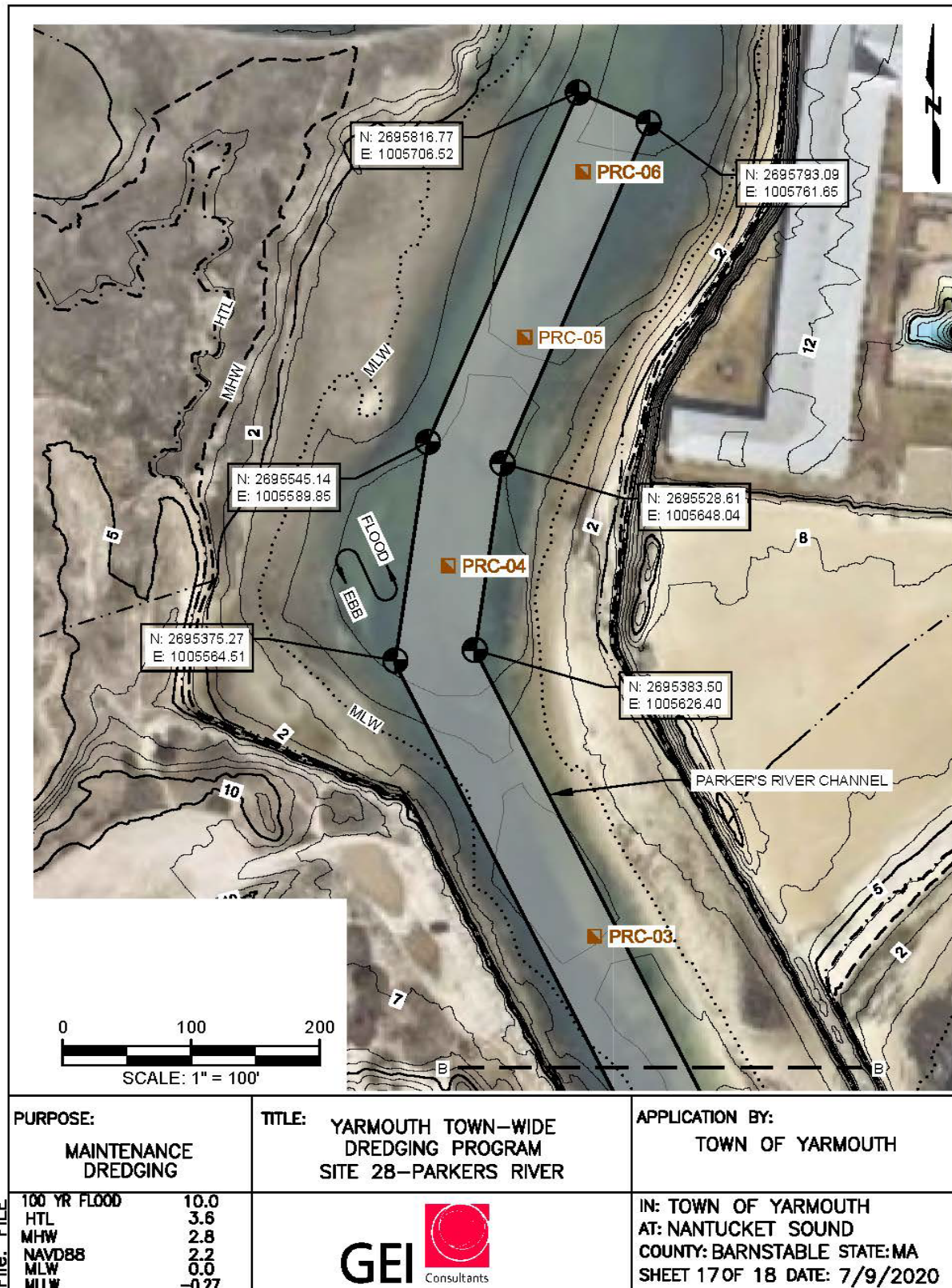




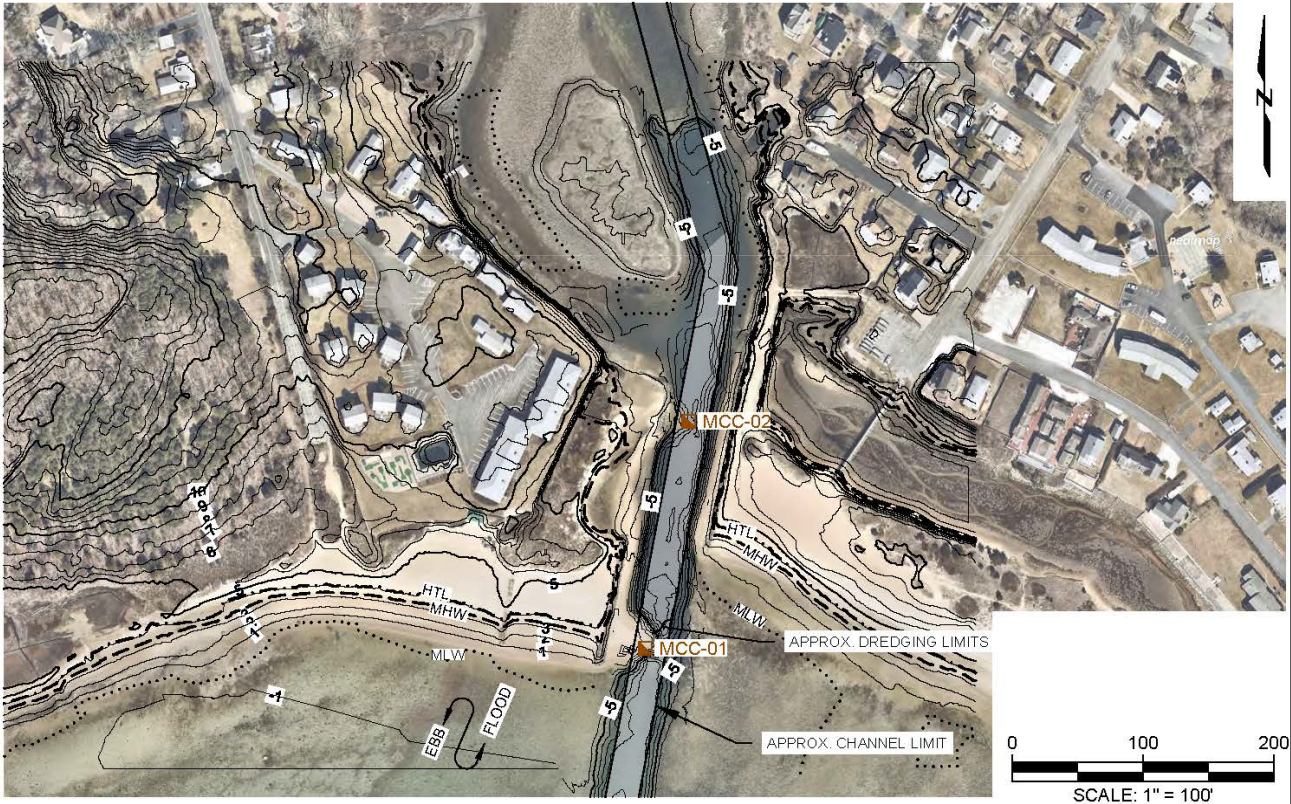








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<div>GEI</div> <div>Consultants</div>	<div>100 YR FLOOD10.00</div> <div>HTL4.1</div> <div>MHW3.4</div> <div>NAVD882.1</div> <div>MLW0.00</div> <div>MLLW-0.26</div>	TITLE: YARMOUTH TOWN-WIDE DREDGING PROGRAM		IN: TOWN OF YARMOUTH
		SITE 33-MILL CREEK		AT: NANTUCKET SOUND
		PURPOSE:	APPLICATION BY:	FIGURE 18 OF 18
		MAINTENANCE DREDGING	TOWN OF YARMOUTH	DATE: 7/9/2020