



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

PUBLIC NOTICE

Comment Period Begins: **October 27, 2015**
Comment Period Ends: **November 26, 2015**
File Number: **NAE-2013-2073**
In Reply Refer To: **Crystal I. Gardner**
Phone: **(978) 318-8332**
E-mail: **crystal.i.gardner@usace.army.mil**

The District Engineer has received a permit application to conduct work in waters of the United States from Three Bays Preservation Inc. /Mass Audubon Society Inc. This work is proposed in Nantucket Sound and Cotuit Bay at 0 Sampsons Island Dead Neck. The site coordinates are: Latitude 41.607384 N Longitude - 70.432514 W.

The work involves the dredging of 133,600 cubic yards (cy) of clean sand from a 218,400 square foot area to a depth of -8 feet below mean low water (MLW). The dredged material will be used as follows:

1. 102,200 cy of sand over a 300,010 square foot area will be used for beach nourishment at the eastern end of Dead Neck Sampson's Island (DNSI);
2. 20,000 cy for dune restoration over a 30,00 square foot area and
3. 11,400 CY to enhance and restore specific habitat restoration at various locations on DNSI.

The work is shown on the attached plan entitled "Sketch Plan, Proposed Land Management Areas on Dead Neck/Sampson's Island, Barnstable (Osterville), Mass" on one sheet, and dated "August 29, 2012" and last revised "09/15/14" and on "Dead Neck Sampson's Island, Dredging and Nourishment Plan, Barnstable (Osterville), Mass" on two sheets and dated "October 14, 2014."

The purpose of this project is restore and stabilize the beach and dune at the east end of DNSI in order to create habitat for endangered shore birds (Piping Plover).

Mitigation of the impacts will include but not limited to monitoring of the site and the possibility of compensation using the Massachusetts In-Lieu-Fee Program.

The applicant has avoided and minimized impacts to resources to the extent possible to maintain a viable project. The dredge foot print was significantly reduced from 233,600 cy to 133,600 cy.

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

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Barnstable Town Manager

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- 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)

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.

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:

- Permit, License or Assent from State.
- Permit from Local Wetland Agency or Conservation Commission.
- 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 Crystal Gardner at (978) 318-8332, (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.



Kevin R. Kotelly, P.E.
Chief, Permits and Enforcement Branch
Regulatory Division

**COTUIT QUADRANGLE
MASSACHUSETTS-BARNSTABLE CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)**



**DEAD NECK / SAMPSON'S ISLAND
RESTORATION AND MANAGEMENT PLAN**

LOCUS

Scale: 1:12,000

Assessors Map: NA

Parcel: NA

Latitude: 41°36'28"

Longitude: 70°25'03"

UTM: 4607199N

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