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August 21, 2009

PUBLIC BENEFITS DETERMINATION  
OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS

PROJECT NAME : Ten-Year Comprehensive Dredging and Beach  
Nourishment Plan  
PROJECT MUNICIPALITY : Edgartown and Oak Bluffs  
PROJECT WATERSHED : Islands  
EOEEA NUMBER : 14425  
PROJECT PROPONENT : Towns of Edgartown and Oak Bluffs  
DATE NOTICED IN MONITOR : June 10, 2009

Consistent with the provisions of *An Act Relative to Licensing Requirements for Certain Tidelands*, I hereby determine that the above-referenced project will have a public benefit. This determination accompanies a Final Record of Decision (FROD) that was issued on August 7, 2009.

Project Description

As described in the Expanded Environmental Notification Form (EENF), the project consists of the implementation of the Towns of Edgartown and Oak Bluff's Ten-Year dredging and beach nourishment plan (the Plan). The Plan is a comprehensive effort to consolidate and manage 24 existing dredge sites and 22 existing beach nourishment sites and their associated permits within the two towns. Each of these sites have already completed a full permit application and review process with the applicable local, state and federal authorities on an individual basis. The project is designed to provide the towns with a more effective way to manage these ongoing maintenance beach nourishment and dredging activities.

The EENF includes a discussion of the following areas and sites:

#### Cape Pogue Bay

- *The Gut - DCPG (#1)* <sup>1</sup>
- *The Narrows – DCPN (#2)*
- *Dike Bridge Approach - DCPDB (#3)*
- *Future Dredge Outside Cape Pogue Pond – Future (#3)*
- Cape Pogue Elbow C-G - NSELB (#1)
- Cape Pogue North Gut A&B – NSNG (#2)
- Cape Pogue Narrows Trails – NSNT (#3)
- Cape Pogue Narrows Beach – NSNB (#4)
- Cape Pogue Dike Bridge (OVR Trails) - NSDB (#5)

#### Edgartown Harbor

- *Eel Pond (EP) - DEPC (#4)*
- *Eel Pond Ramp – DEPR (#5)*
- *Lighthouse – DLH (#6)*
- *Inner Harbor - DIH (#7)*
- *Collins Beach - DCB (#8)*
- *Caleb’s Pond - DCP (#9)*
- *Katama Boat Ramp & Channel – DKBR (#10)*
- *Katama Bay – DKB (#11)*
- Eel Pond Barrier Island – NSEPBI (#6)
- Eel Pond Barrier Beach – NSEPBB (#7)
- Eel Pond Alternate Froelich (Private) – NEPALT (#8)
- Eel Pond Alternative #2 (Private) – NEPALT2 (#9)
- Lighthouse (Fuller) Beach - NSFBI (#10)
- Gardner Property (Alternate) – NSGP (#11)
- Nourishment Site E (Private) – NSE (#12)
- Nourishment Sites A-D, F (Private) – NSA-D,F (# 13)
- Norton Point – NSNP (#14)

#### Edgartown Great Pond

- *Great Pond Ramp (Wilson’s Landing) - DGPR (#18)*
- *Great Pond Channel - DGPC (#15)*
- *Great Pond Seasonal Excavation – DGPC (#15 )*
- *Great Pond Sluiceway – DGPSL (#16)*
- *Herring Creek Restoration Dredging - DHCR (#17)*
- *Herring Creek Restoration Excavation – DHCR (#18)*
- South Beach – NSSB (#15)
- Butlers Cove Alt Dis (Private) – NSBC (#16)
- Great Pond Ramp – NSGPR (#17)

<sup>1</sup> Dredging projects are noted in *italics*. All other projects are classified as beach nourishment projects.

### Sengekontacket Pond

- *Borrow Area #1 - DBA1 (#13)*
- *Borrow Area #2 – DBA2 (#14)*
- *Little Bridge - DLB (#12)*
- *Future Dredge in Sengekontacket – Future (#1)*
- *Future Dredge in Sengekontacket – Future (#1A)*
- *Future Dredge Outside Sengekontacket – Future (#2)*
- *Sylvia State Beach (Oak Bluffs) - NSSYL (#19)*
- *State Beach Alternative – NSSB (#20)*
- *Bend in the Road Beach – NSBITR (#18)*
- *Cow Bay Dunes (Private) – NSCBD (#21)*
- *Cow Bay Future Nourishment (Private) – NSCBF (#22)*

### Public Benefit Determination

Consistent with the provisions of *An Act Relative to Licensing Requirements for Certain Tidelands* (2007 Mass. Acts Chapter 168, sec.8) (the Act), which was enacted on November 15, 2007, and corresponding regulations at 301 CMR 13.00, I must issue a Public Benefit Determination (PBD) for this project.

The legislation states the following regarding the Public Benefits Determination:

“In making said public benefit determination, the secretary shall consider the purpose and effect of the development; the impact on abutters and the surrounding community; enhancement to the property; benefits to the public trust rights in tidelands or other associated rights, including, but not limited to, benefits provided through previously obtained municipal permits; community activities on the development site; environmental protection and preservation; public health and safety; and the general welfare; provided further, that the secretary shall also consider the differences between tidelands, landlocked tidelands and great pond lands when assessing the public benefit and shall consider the practical impact of the public benefit on the development.”

To support the PBD, I have reviewed the EENF and comments received on the EENF. This PBD has been issued in accordance with 301 CMR 13.03(1)(d), as the project will require a Chapter 91 License. As a water-dependent project, it is presumed that this project will provide adequate public benefit in accordance with 301 CMR 13.04. Therefore, I am satisfied that the project provides adequate public benefits and that any impacts to tideland resources can be adequately addressed during the permitting process.

Conclusion

Based on the foregoing, I hereby determine that the project will have a positive public benefit. To meet the public publication requirements of the legislation, this Determination will be published in the next edition of the Environmental Monitor on August 26, 2009.

August 21, 2009

Date



Ian A. Bowles

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IAB/WTG/wtg