

*For Office Use Only*  
*Executive Office of Environmental Affairs*  
EOEA No.: 14196  
MEPA Analyst: Holly Johnson  
Phone: 617-626-1623

# ENF Environmental Notification Form

The information requested on this form must be completed to begin MEPA Review in accordance with the provisions of the Massachusetts Environmental Policy Act, 301 CMR 11.00.

Project Name: Stage Harbor Channel – Hardings Beach / Cockle Cove		
Street:		
Municipality: Chatham	Watershed: Cape Cod	
Universal Transverse Mercator Coordinates:	Latitude: 41° 39' 15" Longitude: 69° 59' 20"	
Estimated commencement date:	Estimated completion date:	
Approximate cost:	Status of project design:	25 %complete
Proponent: Town of Chatham – Coastal Resources Dept – Theodore Keon		
Street: 549 Main Street		
Municipality: Chatham	State: MA	Zip Code: 02633
Name of Contact Person From Whom Copies of this ENF May Be Obtained: Alyssa Richard		
Firm/Agency: Bourne Consulting Engineering	Street: 3 Bent Street	
Municipality: Franklin	State: MA	Zip Code: 02038
Phone: 508-533-6666	Fax: 508-533-0600	E-mail: arichard@bournece.com

Does this project meet or exceed a mandatory EIR threshold (see 301 CMR 11.03)?  
 Yes  No

Has this project been filed with MEPA before?  
 Yes (EOEA No. \_\_\_\_\_)  No

Has any project on this site been filed with MEPA before?  
 Yes (EOEA No. 389, 9448)  No

Is this an Expanded ENF (see 301 CMR 11.05(7)) requesting:  
 a Single EIR? (see 301 CMR 11.06(8))  Yes  No  
 a Special Review Procedure? (see 301 CMR 11.09)  Yes  No  
 a Waiver of mandatory EIR? (see 301 CMR 11.11)  Yes  No  
 a Phase I Waiver? (see 301 CMR 11.11)  Yes  No

Identify any financial assistance or land transfer from an agency of the Commonwealth, including the agency name and the amount of funding or land area (in acres):

Are you requesting coordinated review with any other federal, state, regional, or local agency?  
 Yes (Specify \_\_\_\_\_)  No

List Local or Federal Permits and Approvals:

**RECEIVED**

**FEB 25 2000**

**MEPA**

Which ENF or EIR review threshold(s) does the project meet or exceed (see 301 CMR 11.03):

- |                                 |                                       |  |
|---------------------------------|---------------------------------------|--|
| <input type="checkbox"/> Land   | <input type="checkbox"/> Rare Species | <input checked="" type="checkbox"/> Wetlands, Waterways, & Tidelands |
| <input type="checkbox"/> Water  | <input type="checkbox"/> Wastewater   | <input type="checkbox"/> Transportation                              |
| <input type="checkbox"/> Energy | <input type="checkbox"/> Air          | <input type="checkbox"/> Solid & Hazardous Waste                     |
| <input type="checkbox"/> ACEC   | <input type="checkbox"/> Regulations  | <input type="checkbox"/> Historical & Archaeological Resources       |

Summary of Project Size & Environmental Impacts	Existing	Change	Total	State Permits & Approvals
<b>LAND</b>				<input checked="" type="checkbox"/> Order of Conditions <input type="checkbox"/> Superseding Order of Conditions <input checked="" type="checkbox"/> Chapter 91 License <input checked="" type="checkbox"/> 401 Water Quality Certification <input type="checkbox"/> MHD or MDC Access Permit <input type="checkbox"/> Water Management Act Permit <input type="checkbox"/> New Source Approval <input type="checkbox"/> DEP or MWRA Sewer Connection/ Extension Permit <input type="checkbox"/> Other Permits (including Legislative Approvals) – Specify:
Total site acreage	27.18			
New acres of land altered		3.4		
Acres of impervious area	0	0	0	
Square feet of new bordering vegetated wetlands alteration		0		
Square feet of new other wetland alteration		0		
Acres of new non-water dependent use of tidelands or waterways		0		
<b>structures</b>				
Gross square footage				
Number of housing units				
Maximum height (in feet)				
<b>transportation</b>				
Vehicle trips per day				
Parking spaces				
<b>water/wastewater</b>				
Gallons/day (GPD) of water use				
GPD water withdrawal				
GPD wastewater generation/ treatment				
Length of water/sewer mains (in miles)				

**CONSERVATION LAND:** Will the project involve the conversion of public parkland or other Article 97 public natural resources to any purpose not in accordance with Article 97?

- Yes (Specify \_\_\_\_\_)  No

Will it involve the release of any conservation restriction, preservation restriction, agricultural preservation restriction, or watershed preservation restriction?

- Yes (Specify \_\_\_\_\_)  No

**RARE SPECIES:** Does the project site include Estimated Habitat of Rare Species, Vernal Pools, Priority Sites of Rare Species, or Exemplary Natural Communities?

Yes (Specify \_\_\_ Terns, Plovers and Horseshoe Crabs\_PH1232\_\_\_\_\_ )  No

**HISTORICAL /ARCHAEOLOGICAL RESOURCES:** Does the project site include any structure, site or district listed in the State Register of Historic Place or the inventory of Historic and Archaeological Assets of the Commonwealth?

Yes (Specify \_\_\_\_\_ )  No

If yes, does the project involve any demolition or destruction of any listed or inventoried historic or archaeological resources?

Yes (Specify \_\_\_\_\_ )  No

**AREAS OF CRITICAL ENVIRONMENTAL CONCERN:** Is the project in or adjacent to an Area of Critical Environmental Concern?

Yes (Specify \_\_\_\_\_ )  No

**PROJECT DESCRIPTION:** The project description should include (a) a description of the project site, (b) a description of both on-site and off-site alternatives and the impacts associated with each alternative, and (c) potential on-site and off-site mitigation measures for each alternative (*You may attach one additional page, if necessary.*) **Please See Attached**

## PROJECT DESCRIPTION

The Town of Chatham is seeking to re-permit the continued maintenance dredging of the Federal navigation project at Stage Harbor. The project will enable continued maintenance dredging by either the United States Army Corps of Engineers (USACE), or by the Town of Chatham utilizing the Barnstable County Dredge, or qualified private contractor of up to 150,000 cubic yards yearly of clean sand from the entrance of the Stage Harbor Channel. The channel is an authorized Federal navigation project with channel dimensions of 10 ft deep Mean Low Water (MLW) by 150 feet wide. Dredged materials will be potentially deposited in multiple locations depending on the type of dredging equipment as well as priority needs for use of the dredged material. These sites include two near shore sub-aqueous sites as well as upland beach nourishment sites at Cockle Cove and Hardings Beach. The current sub-aqueous site, the upland beach nourishment at Cockle Cove and the westerly portion of Hardings Beach are currently permitted. Additional areas on Hardings Beach are proposed for beach nourishment to enhance beach conditions in the more actively used public portions of the Hardings Beach system. The second, more westerly sub-aqueous site is requested to be added to the permitting because it lies near the western portion of the Hardings Beach area and is in a more advantageous location for downdrift nourishment of the public beach. Littoral sediments migrate from the west to the east and the sub-aqueous deposition of dredged materials here will provide a valuable source of nearshore littoral sand to help maintain Hardings Beach.

## HISTORIC DREDGING AND PERMITTING

The Stage Harbor channel was originally permitted for USACE maintenance dredging in 1989 with the Order of Conditions SE 10-765. This permit was extended to 1999 and again to March 2002. A DEP Chapter 91 Dredge Permit (No. 192) for maintenance dredging was issued at that time and expired in 2000. This permit was renewed with minor modifications in 2000 (DEP permit No. 389) with an expiration in 2010.

Maintenance dredging by the Corps' dredge *Currituck* was performed five times between 1991 and 2000. Federal budgetary restrictions have deferred further maintenance dredging by the Corps since that time despite continued shoaling and constraints to navigation.

A separate NOI was filed in 2001 and approved under Order of Conditions SE 10-1740 to permit placement of sand dredged from the Stage Harbor channel onto the severely eroded beaches at Cockle Cove. This Order was extended in 2004 (SE 10-1740A) and expired in August 2005. In association with the Cockle Cove beach nourishment project, a DEP Chapter 91 Permit (No. 9448) was issued that amended DEP permit No. 389 to allow for placement of the material dredged from the Stage Harbor channel onto Cockle Cove Beach. A permit from the USACE was also approved for this work under the Massachusetts Programmatic General Permit (PGP). The USACE permit expired coincident with the expiration of the PGP in January 2005. The Cockle Cove Beach nourishment project which included dredging from the Stage Harbor channel was performed in 2003 and 2004.

## Impacts

**Estimated and Priority Habitat:** According to the Massachusetts GIS Online Data Viewer, dated September 2007, the dredge, sub aqueous and upland beach nourishment sites are located in Priority Habitats for State-Protected Rare Species and Estimated Habitats of Rare Wildlife (PH 1232). These areas can be seen in the attached Figures.

**Shellfish:** The dredge area is Land Under the Ocean and Land Containing Shellfish.

**Horseshoe Crabs:** The Stage Harbor / Monomoy system has been identified by the Department of Marine Fisheries as horseshoe crab (*Limulus polyphemus*) habitat.

**Sub-Aquatic Vegetation:** Attached is an investigation detailing the use of three methods of observation which found no evidence of eelgrass or other sub-aquatic vegetation in the area of the dredged material disposal.

### **Mitigation**

- According to NHESP and MASS GIS the project area falls within NHESP area PH 1232. The Notice of Intent for this project will include a filing with NHESP. Piping plover pairs have been documented along Hardings Beach and the project will take into account TOY restrictions for these populations. The Town is already involved in coordination with the Massachusetts Audubon Society to strengthen the existing populations.
- The shellfish constable of Chatham, Stuart Moore has indicated that the areas to be dredged and the proposed disposal areas have been acknowledged as NOT being areas of significant shellfish habitat and he fully supports this project. There is no shellfish mitigation recommended for this work.
- The shellfish constable of Chatham, Stuart Moore, as well as Bill Kavanaugh the USACE project manager have noted that the specific area to be dredged, and the beaches and nearshore sub-aqueous areas where disposal is proposed, are high energy beaches which are not conducive for, and lie outside of, active horseshoe crab spawning areas. As such the described areas have not been observed to be viable habitat for horseshoe crabs. Past dredging during June and July have had no effect of the population of horseshoe crabs in this system. (Please see attached)
- There will be no impact on permanent sub-aquatic vegetation because there is no permanent vegetation present. Algae removed as part of the dredge will primarily be of floating varieties and will likely return again next year.

### **CONCLUSION**

We believe that this proposal will satisfy a significant and immediate need for improved navigation and safety for the Stage Harbor Channel and address an ongoing erosion problem at Harding's Beach and Cackle Cove with no adverse impact to the environment.

- The material to be dredged is clean, beach quality sand.
- The variety of disposal sites will allow for flexibility in performing dredging and disposal operations based on an assessment of available dredge equipment, funding constraints, and prioritization for beneficial reuse use of the dredged material.
- No significant shellfish resources, including horseshoe crabs will be impacted.
- There is no evidence of eelgrass or other aquatic vegetation at either the dredging or disposal sites.
- The dredging protocols identified will allow an efficient dredging and opening up of the channel will little or no impact to the environment.