

ENF Environmental Notification Form

For Office Use Only
Executive Office of Environmental Affairs
 EOE No.: 14419
 MEPA Analyst: Purvi Patel
 Phone: 617-626-1029

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: Proposed dredging and beach nourishment		
Street: Swan Pond River & West Dennis Beach		
Municipality: Dennis	Watershed: Nantucket Sound	
Universal Transverse Mercator Coordinates:	Latitude: 041° 39' N Longitude: 070° 09' W	
Estimated commencement date: Spring 2009	Estimated completion date: Spring 2009	
Approximate cost:	Status of project design:	%complete
Proponent: Town of Dennis, MA		
Street: P.O. Box 2060		
Municipality: South Dennis	State: MA	Zip Code: 02660
Name of Contact Person From Whom Copies of this ENF May Be Obtained: Amy Lipkind		
Firm/Agency: Coastal Engineering Co., Inc.	Street: 260 Cranberry Highway	
Municipality: Orleans	State: MA	Zip Code: 02653
Phone: 508-255-6511	Fax: 508-255-6700	E-mail: alipkind@ceccapecod.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 Nos. 2835 & 9608) 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): N/A

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

List Local or Federal Permits and Approvals:
Orders of Conditions DEP File #s SE16-1865 & SE 16-1866; DEP Chapter 91 Permit #276; DEP Water Quality Certification Transmittal #74072; Army Corps of Engineers Permit #199302283; Federal Consistency Certification

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

- | | | |
|---------------------------------|--|--|
| <input type="checkbox"/> Land | <input checked="" 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
LAND				<input type="checkbox"/> Order of Conditions <input type="checkbox"/> Superseding Order of Conditions <input type="checkbox"/> Chapter 91 License <input 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 <i>(including Legislative Approvals) – Specify:</i>
Total site acreage	20 +/-			
New acres of land altered		0		
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		
STRUCTURES				
Gross square footage				
Number of housing units				
Maximum height (in feet)				
TRANSPORTATION				
Vehicle trips per day				
Parking spaces				
WATER/WASTEWATER				
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: See correspondence from The Natural Heritage & Endangered Species Program of the MA Division of Fisheries & Wildlife and the Division of Marine Fisheries in Appendix B) 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.)

Swan Pond River inlet and navigation channel was previously dredged under EOE # 9608, OOC SE-16-1161, Chapter 91 Dredge Permit # 276, ACOE permit # 199302283.

We are applying for maintenance dredging permits in order to maintain the Swan Pond River channel to a depth of -4.0' MLW. This is the original channel depth as dredged back in 1996-1997. The purposes for dredging are for safe navigation, improvement of tidal flow from flushing, and to reuse dredge spoils for beach nourishment.

The bottom habitat in the dredge area will essentially be removed. We propose to work closely with the Town of Dennis Natural Resource Department and schedule the harvesting and relocation of any viable shellfish in the area of the proposed dredge as mitigation for the approval of the dredge project.

The material will be piped via hydraulic dredge pipeline to the beach located at the town parking lot at the end of Lighthouse Road. A dewatering trench will be excavated on the water side of the existing wood bulkhead and the dredged slurry will be pumped into the trench allowing the material to dewater. As the material builds up and dewater a front end loader will be used to push the material up into the dune shape as shown on the accompanying plans. This process will take place in sections moving down the beach along the face of the existing wood bulkhead.

There are approximately 30,000 cubic yards of material available to create the dune at West Dennis Beach. The source of the sand will consist of approximately 20,000 cubic yards from the Swan Pond River and 10,000 cubic yards from upland sources.

Once the dune form is created there will be an aggressive planting schedule in place to establish beach grass and native beach plum to help stabilize the proposed dune.

The project site lies within mapped shellfish habitat for quahogs (*Mercenaria mercenaria*), American oysters (*Crassostrea virginica*), blue mussels (*Mytilus edulis*) and soft shelled clams (*Mya arenaria*) which is afforded protection under the Wetlands Protection Act (310 CMR 10.34). Mapped land containing shellfish is deemed significant to the interest of the Wetland Protection Act and the protection of marine fisheries.

Marine Fisheries has identified Swan Pond River and surrounding embayments as winter flounder (*Pseudopleuronectes americanus*) spawning habitat. Winter flounder enter the area and spawn from January through May, laying clumps of eggs directly on the substrate. These demersal eggs hatch approximately fifteen to twenty days later. The latest Atlantic States Marine Fisheries Commission stock assessment lists the Southeastern New England winter flounder stocks as overfished. The stock assessment places the flounder population at a 30 year low. The Atlantic States Marine Fisheries Commission's Fishery Management Plan, Addendum 1 recommends that all states take a risk adverse management approach to protect winter flounder spawning and juvenile development. In an effort to protect winter flounder, *Marine Fisheries* recommends a time-of-year (TOY) restriction prohibiting dredging from January 15 through May 31 of any year.

Swan Pond River has also been identified by *Marine Fisheries*' biologists as containing diadromous fish populations. Diadromous fish require specific attention because of concerns over the health of their populations. American eel (*Anguilla rostrata*) have been designated a "candidate species" by the U.S. Fish and Wildlife Service under the Endangered Species Act process. River herring (*Alosa spp.*) harvest has been banned by *Marine Fisheries* throughout the Commonwealth in an effort to protect these species. In an effort to minimize impacts on these species, if permitted, all dredging and silt producing activities should be prohibited from March 15 through June 15 to protect diadromous fish passage, migration and spawning.

