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August 7, 2009

PUBLIC BENEFITS DETERMINATION
OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS

PROJECT NAME : Swan Pond River and West Dennis Beach
PROJECT MUNICIPALITY : Dennis
PROJECT WATERSHED : Cape Cod
EEA NUMBER : 14419
PROJECT PROPONENT : Town of Dennis
DATE NOTICED IN MONITOR : May 20, 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 also issued today (August 7, 2009).

Project Description

As described in the Expanded Environmental Notification Form (EENF), the project consists of the maintenance dredging of the Swan Pond River channel and beach and dune nourishment on a barrier beach in Dennis. The project includes the dredging of 20,000 cubic yards (cy) of material from an approximate area of 550,000 square feet (sf) within the channel. Dredged materials will be reused to create a dune on West Dennis Beach. The Proponent is also seeking to permit West Dennis Beach to receive dredged materials in the future for further beach nourishment. The project is proposed in the interests of safe navigation, improvement of tidal flow from flushing, and reuse of dredge spoils for beach nourishment.

The project proposes maintenance dredging to -4.0 feet below Mean Low Water (MLW) which is the original channel depth as dredged previously in 1996-1997. The Proponent has proposed to work closely with the Town of Dennis Natural Resource Department to schedule the harvesting and relocation of any viable shellfish in the area of the proposed dredge. Approximately 20,000 cy of beach compatible sand will be hydraulically pumped to West Dennis Beach along with 10,000 cy of upland material to create a dune. 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 is proposed to enhance the sediment-starved beach and protect against continuous storm damage. In addition, endangered shorebird habitat will be enhanced. The project area is located on town-owned property; no beach nourishment is proposed on private property. Improvements to associated beach structures such as jetties, groins, sinks, boat ramps, etc., are not included as part of this project.

Public Benefit Determination

Consistent with the provisions of *An Act Relative to Licensing Requirements for Certain Tidelands* (2007 Mass. Acts ch. 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.

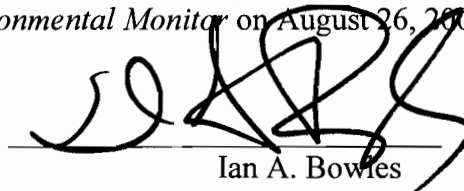
To support the PBD, I have reviewed the EENF and comments received on the EENF. This PBD has been issued in accordance with 301 CMR 13.03(1)(d), as the project will require a c.91 License. As a water-dependent project, it is presumed that this project will provide adequate public benefit in accordance 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 7, 2009

Date


Ian A. Bowles

IAB/PPP/ppp