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October 23, 2006

Executive Office of Environmental Affairs
100 Cambridge St. Suite 900
MEPA Office
Boston MA 02114
Attn: Deerin Babb-Brott, Director**RE: Maintenance Dredging and Beach Nourishment, Popponeset Bay and
Waquoit Bay, Mashpee, Massachusetts
BSC Job #49156.00**

Dear Mr. Babb-Brott:

The Town of Mashpee is scheduling winter 2006/2007 maintenance dredging within the navigation channels of Popponeset Bay and Waquoit Bay with associated beach nourishment on nearby coastal beaches in accordance with past permit authorizations and anticipated permit renewals. The Executive Office of Environmental Affairs (EOEA) has reviewed and authorized these maintenance dredge projects under the Massachusetts Environmental Policy Act (MEPA) regulations resulting in the issuance of Certificates from the Secretary of Environmental Affairs in 1997, which is referenced as EOE #10992 and EOE #10993 (copies attached). Upcoming maintenance dredging and beach nourishment will be in the same locations and will follow the same protocol as previously reviewed by EOE for these projects. New authorizations from Massachusetts Division of Fisheries & Wildlife and Department of Conservation & Recreation are pending for beach nourishment.

The purpose of this letter is to inform the EOE that upcoming maintenance dredging is considered routine maintenance in accordance with 301 CMR 11.02, which defines Routine Maintenance as "Any maintenance work or activity carried out on a regular or periodic basis in a manner that has no potential for Damage to the Environment or for which performance standards have been developed that avoid, minimize, or mitigate potential environmental impacts to the maximum extent practicable."

Presently we are preparing applications to amend DEP Chapter 91 Permits and DEP Water Quality Certificates, and new United States Army Corps of Engineers Programmatic General Permits. Ongoing maintenance dredging is also permitted with the Town of Mashpee Conservation Commission through Certificates of Compliance as authorized by the Massachusetts Wetlands Protection Act as an exemption.

Engineers

Environmental
Scientists


GIS Consultants

Landscape
Architects

Planners

Surveyors





Please call me at (508) 778 – 8919 to confirm that additional EOE review under the MEPA regulations is not necessary for ongoing maintenance dredging and beach nourishment associated with the Popponesset Bay and Waquoit Bay maintenance dredge projects.

Sincerely,
The BSC Group Inc.



Norman W. Hayes, PWS
Project Director
Sr. Associate

CC: Mashpee Waterways Commission, 16 Great Neck Road North, Mashpee, MA
02649, Attn: Jim Hanks

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The Commonwealth of Massachusetts
Executive Office of Environmental Affairs
100 Cambridge Street, Boston, 02202

WILLIAM F. WELD
GOVERNOR

MARGO PAUL CELLUCCI
LIEUTENANT GOVERNOR

TRUDY COXE
SECRETARY

January 15, 1997

Tel: (617) 727-9600

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<http://www.magnet.state.ma.us/envir>

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS
ON THE
ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME : Dredging Popponesset and Nantucket
Channels
PROJECT LOCATION : Popponesset Bay, Mashpee
EOEA NUMBER : 10992
PROJECT PROPONENT : Town of Mashpee
DATE NOTICED IN MONITOR : December 24, 1996

Pursuant to the Massachusetts Environmental Policy Act (M.G.L. c. 30, ss. 61-62H) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I hereby determine that the above project does not require the preparation of an Environmental Impact Report.

The project involves maintenance dredging of Popponesset and Nantucket Channels. The 18,000 cubic yards of spoils will be used as beach nourishment for 3,000 linear feet of the south shore of Popponesset Spit, a barrier beach¹.

The project is subject to MEPA review because it requires a Chapter 91 Waterways permit from the Department of Environmental Protection (DEP) for dredging more than 10,000 cubic yards of sediments (301 CMR 11.26 (7)(b)4). The project will also require Section 401 Water Quality Certification from DEP and a Section 404 Permit from the U.S. Army Corps of Engineers (COE).

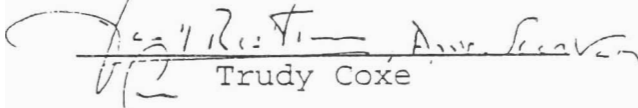
The hydraulic dredging will be accomplished by the Barnstable

¹ A portion of the nourishment area is located on property owned by the Massachusetts Audubon Society and nourishment there must, at a minimum, meet the three conditions presented in the Audubon comment letter. The remaining Audubon concerns should be addressed by the proponent, and also by DEP in the Waterways Permit process.

County Dredge between February 15th and March 15, 1997 to avoid the alewife and winter flounder spawning periods and the nesting periods for the piping plover and least tern. The dredge sediments (up to 3 feet in depth) will be deposited on the beach and intertidal area to improve the barrier beach for storm damage protection, and enhance the nesting habitat for piping plover and least tern.

Based on a review of the information provided by the proponent and consultation with relevant public agencies, I find that the potential impacts of the project are not significant enough to warrant preparation of an Environmental Impact Report. No further MEPA review is required. The proponent should consult with the Mass. Audubon Society to address its concerns.


January 15, 1997
DATE



Trudy Coxe

Comments received : MCZM - 1/10/97
DEP/SE - 1/10/97
DMF - 1/2/97
K. Davison - 1/8/97
Mass Audubon - 1/13/97

TC/DES/ds



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January 15, 1997

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CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS
ON THE
ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME : Dredging Little River Entrance,
Waquoit Bay
PROJECT LOCATION : Waquoit Bay, Mashpee
EOEA NUMBER : 10993
PROJECT PROPONENT : Town of Mashpee
DATE NOTICED IN MONITOR : December 24, 1996

Pursuant to the Massachusetts Environmental Policy Act (M.G.L. c. 30, ss. 61-62H) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I hereby determine that the above project does not require the preparation of an Environmental Impact Report.

The project involves maintenance dredging of the entrance channel to Little River in Waquoit Bay. The 2,500 cubic yards of sediment will be used as beach nourishment on 1,200 linear feet of the shoreline of Great Neck between Wills Work Road and the entrance to Sagelot Pond within South Cape Beach State Park. The dredge sediments will be placed on the beach between the mean high tide line and the bank to provide nesting habitat for the piping plover and the least tern.

The project is subject to MEPA review because it requires a Chapter 91 Waterways permit from the Department of Environmental Protection (DEP) for dredging and/or dredge material disposal in an Area of Critical Environmental Concern¹ (ACEC) (301 CMR 11.26

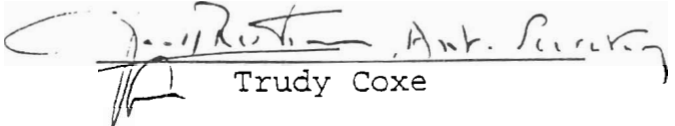
¹ The project sites are within the Waquoit Bay Area of Critical Environmental Concern, although the Seconsett navigational channel to the entrance of the Great and Little Rivers, existing at the time of the ACEC designation, is exclusion No. 2 of the November 26, 1979 designation. Since that designation, Waquoit Bay was also designated a National Estuary Research Reserve, managed by

and 11.26 (7)(b)4). The project will also require Section 401 Water Quality Certification from DEP, a Special Use Permit from the Department of Environmental Management (DEM) Division of Forests and Parks for the beach nourishment site work, and a Section 404 Permit from the U.S. Army Corps of Engineers (COE).

The hydraulic dredging will be accomplished by the Barnstable County Dredge between February 15th and March 15, 1997 to avoid the alewife and winter flounder spawning periods and nesting periods for the piping plover and least tern. The dredge sediments, up to 3 feet in depth, will be deposited on the beach area to improve the nesting habitat for piping plover and least tern.

Based on a review of the information provided by the proponent and consultation with relevant public agencies, I find that the potential impacts of the project are not significant enough to warrant preparation of an Environmental Impact Report. No further MEPA review is required. The proponent should consult with DEM to address its access, monitoring and scheduling concerns.

January 15, 1997
DATE


Trudy Coxe

Comments received : DEM - 1/13/97
MCZM - 1/10/97
DEP/SE - 1/10/97
DMF - 1/2/97
K. Davison - 1/8/97
Mass Audubon - 1/13/97

TC/DES/ds

the Massachusetts Department of Environmental Management