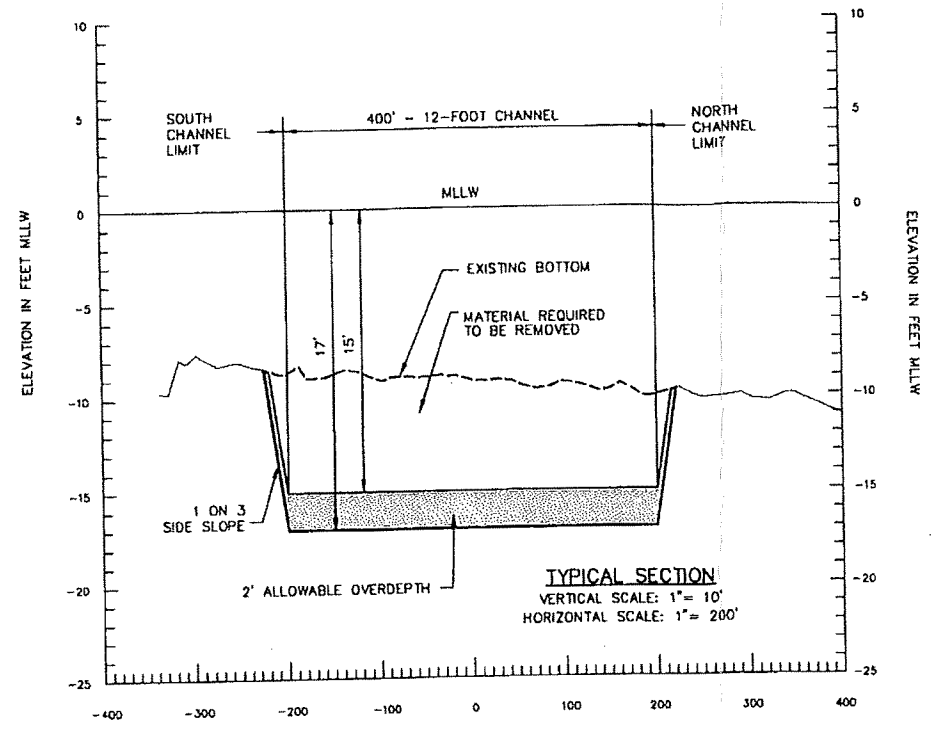
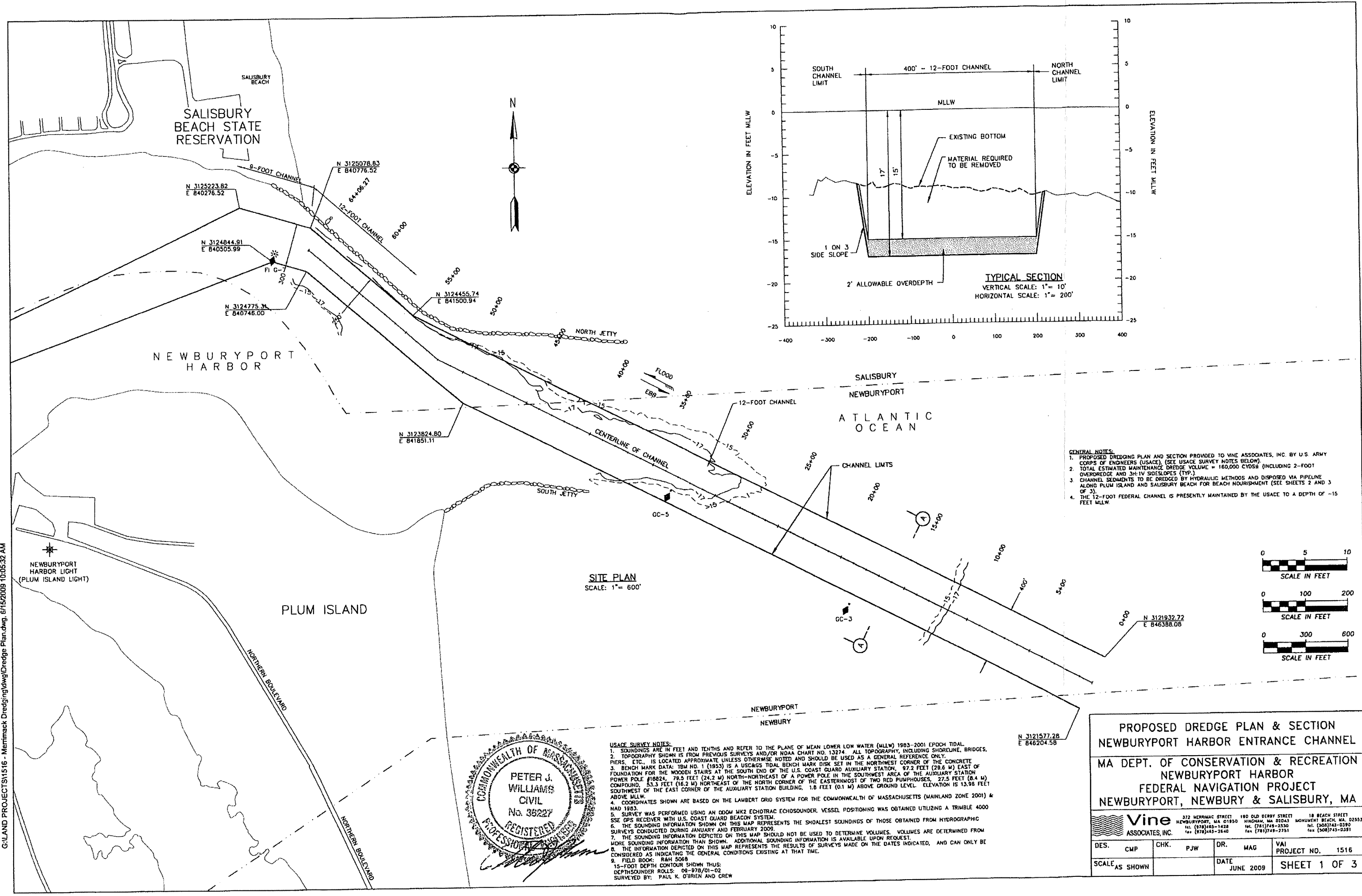
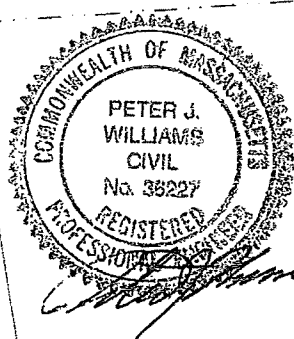
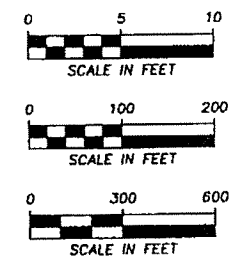


G:\LAND PROJECTS\1516 - Merrimack Dredging\dwg\Dredge Plan.dwg, 6/15/2009 10:05:32 AM



SITE PLAN
SCALE: 1" = 600'

- GENERAL NOTES:**
1. PROPOSED DREDGING PLAN AND SECTION PROVIDED TO VINE ASSOCIATES, INC. BY U.S. ARMY CORPS OF ENGINEERS (USACE). (SEE USACE SURVEY NOTES BELOW)
 2. TOTAL ESTIMATED MAINTENANCE DREDGE VOLUME = 160,000 CYDSE (INCLUDING 2-FOOT OVERDEPTH AND 3:1V SIDESLOPES (TYP.))
 3. CHANNEL SEDIMENTS TO BE DREDGED BY HYDRAULIC METHODS AND DISPOSED VIA PIPELINE ALONG PLUM ISLAND AND SALISBURY BEACH FOR BEACH NOURISHMENT (SEE SHEETS 2 AND 3 OF 3).
 4. THE 12-FOOT FEDERAL CHANNEL IS PRESENTLY MAINTAINED BY THE USACE TO A DEPTH OF -15 FEET MLLW.



USACE SURVEY NOTES:

1. SOUNDINGS ARE IN FEET AND TENTHS AND REFER TO THE PLANE OF MEAN LOWER LOW WATER (MLLW) 1983-2001 EPOCH TIDAL.
2. TOPOGRAPHY SHOWN IS FROM PREVIOUS SURVEYS AND/OR NOAA CHART NO. 13274. ALL TOPOGRAPHY, INCLUDING SHORELINE, BRIDGES, PIERS, ETC., IS LOCATED APPROXIMATE UNLESS OTHERWISE NOTED AND SHOULD BE USED AS A GENERAL REFERENCE ONLY.
3. BENCH MARK DATA: TBM NO. 1 (1953) IS A USACE TIDAL BENCH MARK DISK SET IN THE NORTHWEST CORNER OF THE CONCRETE FOUNDATION FOR THE WOODEN STAIRS AT THE SOUTH END OF THE U.S. COAST GUARD AUXILIARY STATION, 97.2 FEET (29.6 M) EAST OF POWER POLE #18824, 79.5 FEET (24.2 M) NORTH-NORTHEAST OF A POWER POLE IN THE SOUTHWEST AREA OF THE AUXILIARY STATION COMPOUND, 53.3 FEET (16.2 M) NORTH-EAST OF THE NORTH CORNER OF THE EASTERMOST OF TWO RED PLUMHOUSES, 27.5 FEET (8.4 M) SOUTHWEST OF THE EAST CORNER OF THE AUXILIARY STATION BUILDING, 1.6 FEET (0.1 M) ABOVE GROUND LEVEL. ELEVATION IS 13.96 FEET ABOVE MLLW.
4. COORDINATES SHOWN ARE BASED ON THE LAMBERT GRID SYSTEM FOR THE COMMONWEALTH OF MASSACHUSETTS (MAINLAND ZONE 2001) & NAD 1983.
5. SURVEY WAS PERFORMED USING AN ODOM MK2 ECHOTRAC ECHOSOUNDER. VESSEL POSITIONING WAS OBTAINED UTILIZING A TRIMBLE 4000 SSE GPS RECEIVER WITH U.S. COAST GUARD BEACON SYSTEM.
6. THE SOUNDING INFORMATION SHOWN ON THIS MAP REPRESENTS THE SHOALEST SOUNDINGS OF THOSE OBTAINED FROM HYDROGRAPHIC SURVEYS CONDUCTED DURING JANUARY AND FEBRUARY 2009.
7. THE SOUNDING INFORMATION DEPICTED ON THIS MAP SHOULD NOT BE USED TO DETERMINE VOLUMES. VOLUMES ARE DETERMINED FROM MORE SOUNDING INFORMATION THAN SHOWN. ADDITIONAL SOUNDING INFORMATION IS AVAILABLE UPON REQUEST.
8. THE INFORMATION DEPICTED ON THIS MAP REPRESENTS THE RESULTS OF SURVEYS MADE ON THE DATES INDICATED, AND CAN ONLY BE CONSIDERED AS INDICATING THE GENERAL CONDITIONS EXISTING AT THAT TIME.
9. FIELD BOOK: R&H 5088
10. 15-FOOT DEPTH CONTOUR SHOWN THIS: DEPTHSOUNDER ROLLS: 02-978/01-02
11. SURVEYED BY: PAUL K. O'BRIEN AND CREW

PROPOSED DREDGE PLAN & SECTION
NEWBURYPORT HARBOR ENTRANCE CHANNEL

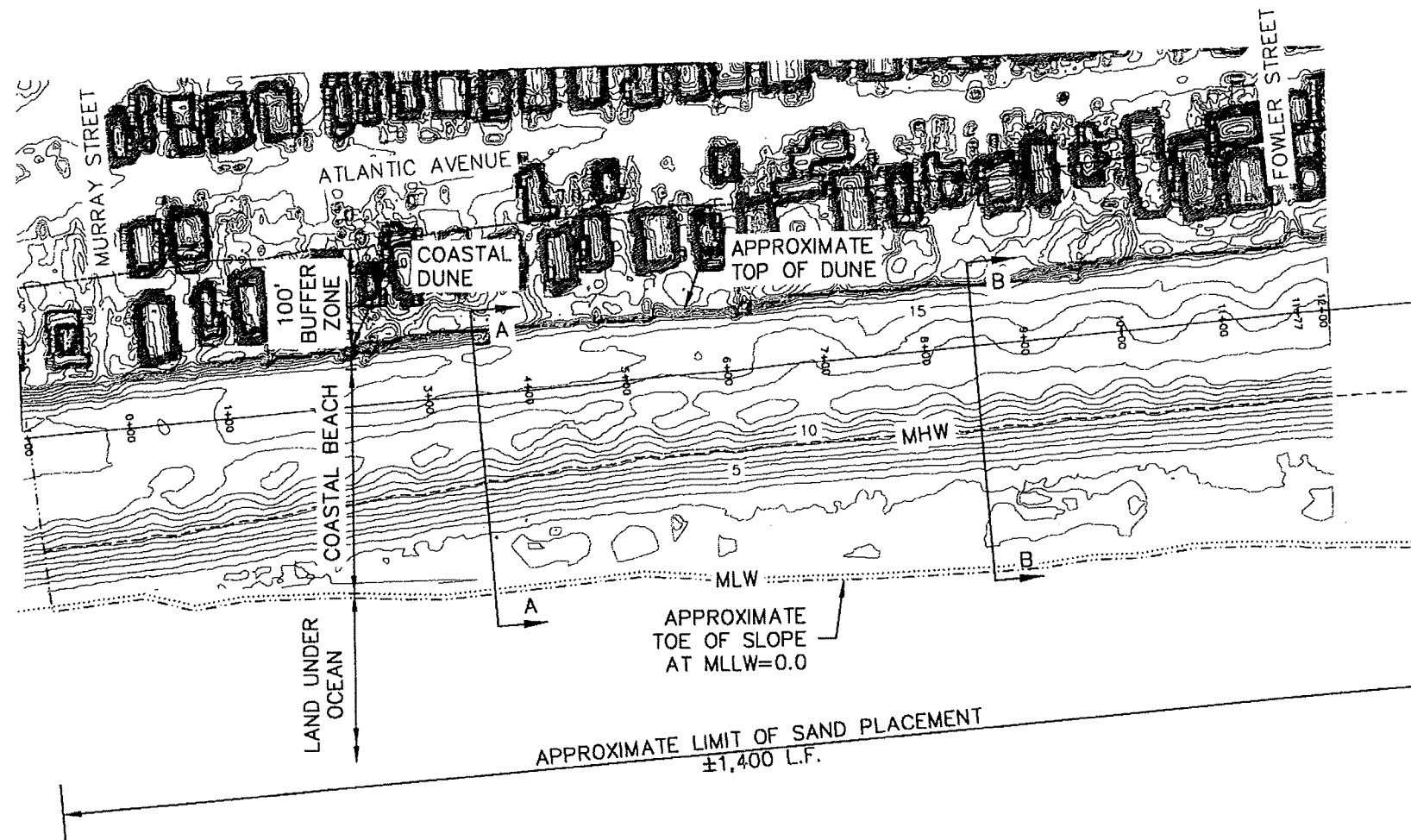
MA DEPT. OF CONSERVATION & RECREATION
NEWBURYPORT HARBOR
FEDERAL NAVIGATION PROJECT
NEWBURYPORT, NEWBURY & SALISBURY, MA

Vine ASSOCIATES, INC.
372 MERRIMACK STREET NEWBURYPORT, MA 01950
tel: (978)462-1428 fax: (978)462-2840

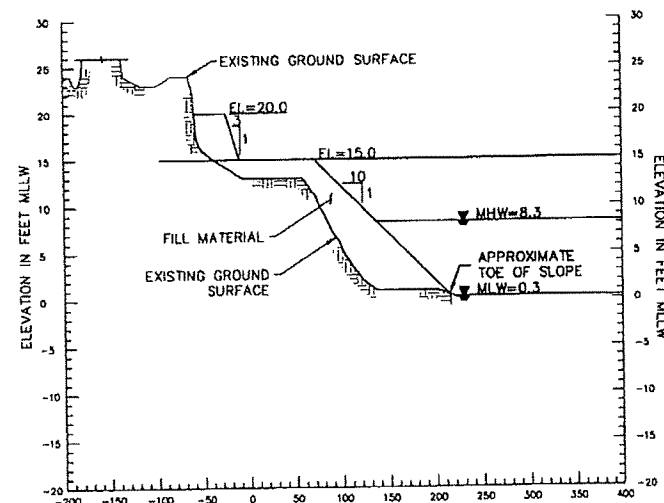
180 OLD DERBY STREET HINGHAM, MA 02043
tel: (781)749-2530 fax: (781)749-2751

18 BEACH STREET NEWBURY BEACH, MA 02553
tel: (508)743-0290 fax: (508)743-0391

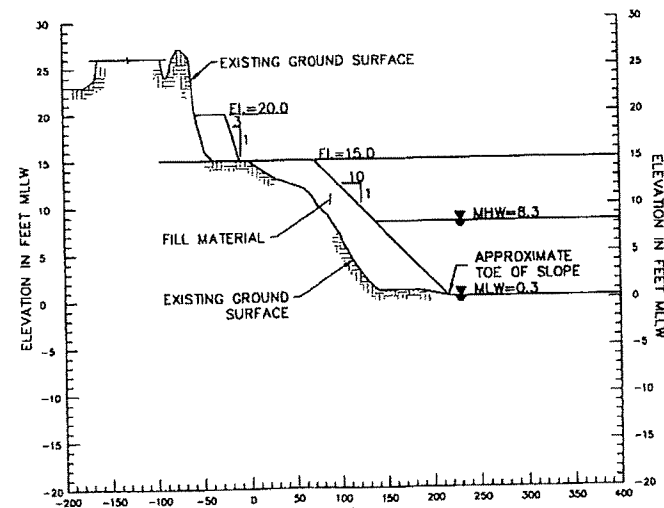
DES.	CMP	CHK.	PJW	DR.	MAG	VAI
SCALE AS SHOWN						DATE
						JUNE 2009
PROJECT NO. 1516						SHEET 1 OF 3



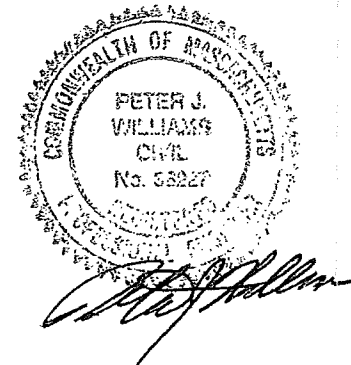
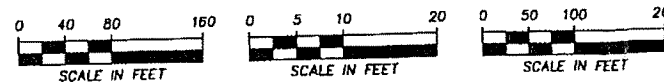
SITE PLAN
SCALE: 1"=160'



STATION 3+50 SECTION A-A
VERTICAL SCALE: 1"=20'
HORIZONTAL SCALE 1"=200'



STATION 8+50 SECTION B-B
VERTICAL SCALE: 1"=20'
HORIZONTAL SCALE 1"=200'

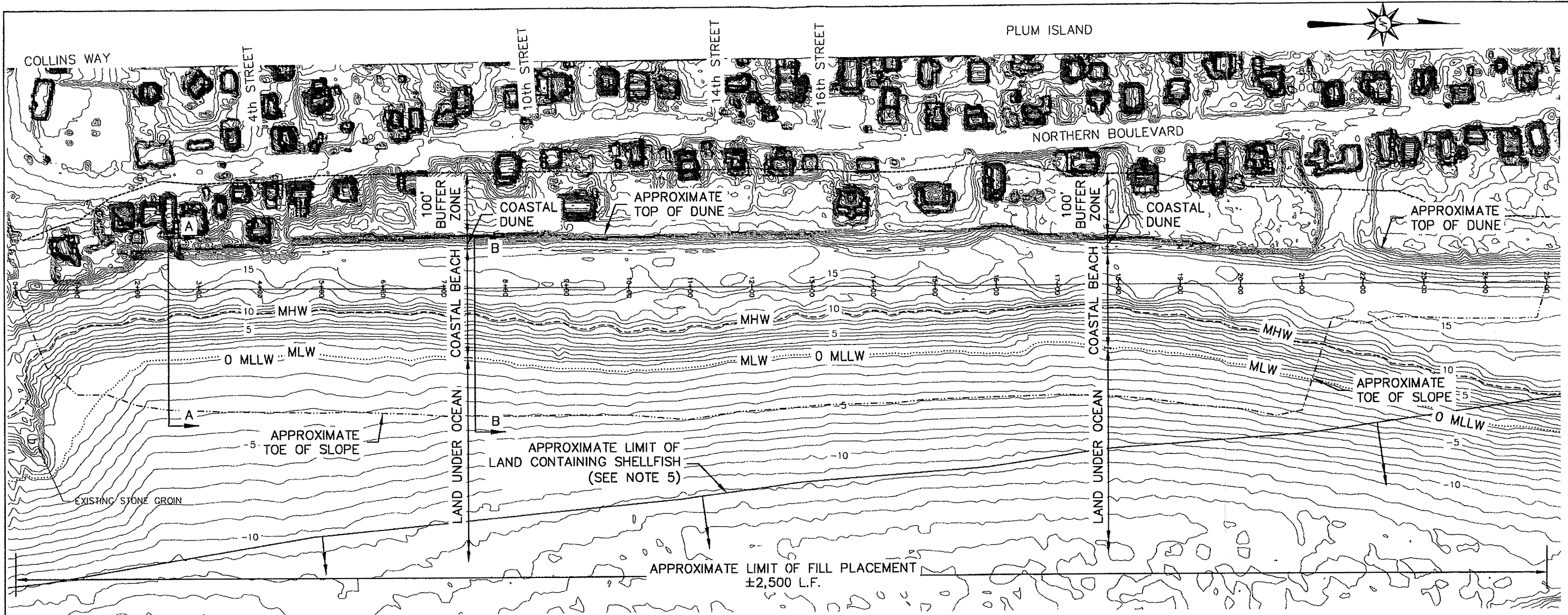


- NOTES:**
- DATUM: MLLW=0.0; MLW=0.3; MHW=8.3; HTL=10.7
 - PLANS & SECTIONS PREPARED BY THE U.S. ARMY CORPS OF ENGINEERS (USACE).
 - TOPOGRAPHY, AS SHOWN, IS BASED UPON LIDAR SURVEY BY THE USACE IN 2007.
 - RESOURCE AREA LIMITS, AS SHOWN, HAVE BEEN INTERPRETED BY VINE ASSOCIATES, INC. (VAI).
 - LIMIT OF LAND CONTAINING SHELLFISH IS BASED UPON AVAILABLE INFORMATION FROM MASS GIS.

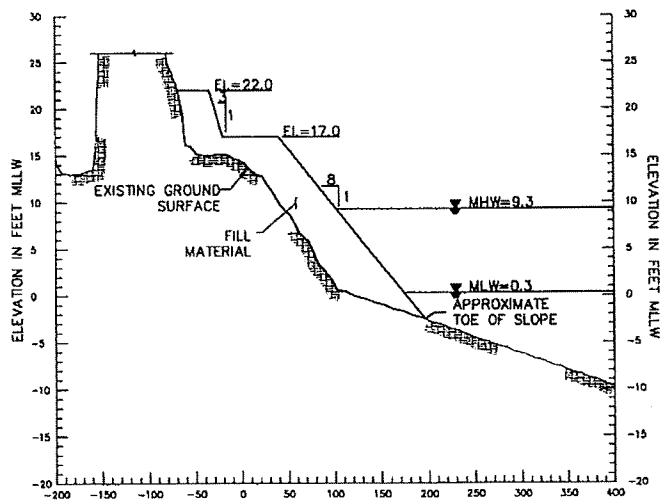
PROPOSED FILL PLACEMENT PLAN AND SECTIONS SALISBURY BEACH STATE RESERVATION				
MA DEPT. OF CONSERVATION & RECREATION NEWBURYPORT HARBOR FEDERAL NAVIGATION PROJECT NEWBURYPORT, NEWBURY & SALISBURY, MA				
		<small>372 MERRIMAC STREET NEWBURYPORT, MA 01950 TEL (978)743-1428 FAX (978)493-2840</small>		
<small>190 OLD DEERY STREET HONOLULU, MA 02044 TEL (781)748-2530 FAX (781)748-2751</small>		<small>18 BEACH STREET NEWBURYPORT, MA 01950 TEL (508)743-0390 FAX (508)743-0391</small>		
DES.	CHK.	CMP.	DR.	VAI PROJECT NO. 1516
SCALE AS SHOWN			DATE JUNE 2009	SHEET 2 OF 3

PROJECT: 016-M...: Dredg...: JBoach...: ment.a...: j-6/15/...: 1:33 AM

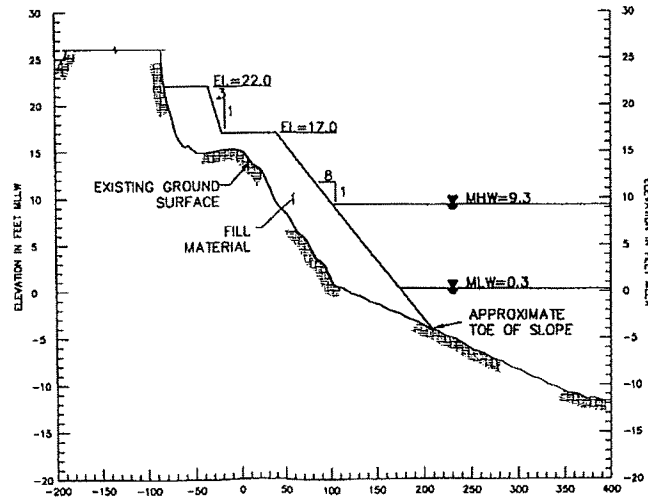
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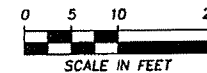
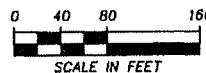
SITE PLAN
SCALE: 1"=160'



STATION 2+50 SECTION A-A
VERTICAL SCALE: 1"=20'
HORIZONTAL SCALE 1"=200'

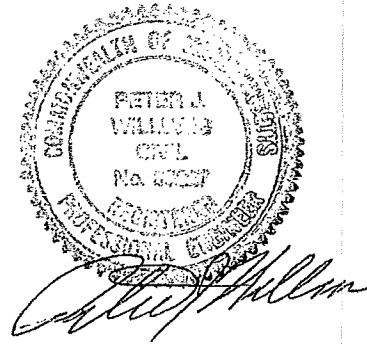


STATION 7+50 SECTION B-B
VERTICAL SCALE: 1"=20'
HORIZONTAL SCALE 1"=200'



REVISED

6/18/09



NOTES:

- DATUM: MLLW=0.0; MLW=0.3; MHW=9.3; HTL=10.9.
- PLANS & SECTIONS PREPARED BY THE U.S. ARMY CORPS OF ENGINEERS (USACE).
- TOPOGRAPHY, AS SHOWN, IS BASED UPON LIDAR SURVEY BY THE USACE IN 2007.
- RESOURCE AREA LIMITS, AS SHOWN, HAVE BEEN INTERPRETED BY VINE ASSOCIATES, INC. (VAI).
- LIMIT OF LAND CONTAINING SHELLFISH IS BASED UPON AVAILABLE INFORMATION FROM MASS GIS.

**PROPOSED FILL PLACEMENT
PLAN AND SECTIONS
PLUM ISLAND**

MA DEPT. OF CONSERVATION & RECREATION
NEWBURYPORT HARBOR
FEDERAL NAVIGATION PROJECT
NEWBURYPORT, NEWBURY & SALISBURY, MA

DES.		CHK.		CMP.		DR.		DMG.		VAI PROJECT NO. 1516	
SCALE AS SHOWN		DATE		JUNE 2009		SHEET 3 OF 3					

Vine ASSOCIATES, INC.
372 MERRIMACK STREET NEWBURYPORT, MA 01950 Tel: (978)465-1428 Fax: (978)465-2640
 180 OLD DERRY STREET HOSIERS, MA 02045 Tel: (781)749-2530 Fax: (781)749-2751
 118 BEACH STREET NEWBURY BEACH, MA 02553 Tel: (508)743-0380 Fax: (508)743-0381



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

DEVAL L. PATRICK
Governor

TIMOTHY P. MURRAY
Lieutenant Governor

IAN A. BOWLES
Secretary

LAURIE BURT
Commissioner

August 20, 2009

Jack Karalius
U.S. Army Corps of Engineers
New England District
696 Virginia Road
Concord, MA 01742

Re: **401 WATER QUALITY CERTIFICATION – Amendment No. 1**
Application for BRP WW 07, Major project dredging

At: Newburyport Harbor Entrance Channel
Merrimack River, NEWBURYPORT and SALISBURY

401 WQC Transmittal No: W075196
Wetlands File No: WE 151-0246
ACoE Application No: NA

Dear Mr. Karalius,

The Department has received and reviewed your BRP WW 09 Amendment request, as the Authorized Agent, of the above Final Water Quality Certification (FWQC) issued on January 23, 2008.

The scope of work authorized under the January 23, 2008 FWQC was to dredge approximately 150,000 cubic yards of sediment from the Newburyport Federal Navigation Channel (FNC) and place the dredged material at a nearshore area off Plum Island. It is our understanding that you are requesting to increase the dredge volume by 10,000 cubic yards. Approximately 120,000 cubic yards of dredged material from the Newburyport Harbor FNC will place directly on the Plum Island Beach site in the town of Newbury and approximately 40,000 cubic yards of dredged material be placed at the Salisbury Beach State Reservation site in the town of Salisbury. This split of the dredged material is a result of an agreement among the parties of interest which included Army Corps of Engineers (ACoE), Department of Recreation Conservations (DCR), Town of Newbury, Newburyport and Salisbury.

A joint Chapter 91 and 401 WQC application public notice was published in Newburyport Current on July 31, 2009, and Department received no comment during the 15-day public comment period, which ended on August 14, 2009.

This information is available in alternate format. Call Donald M. Gomes, ADA Coordinator at 617-556-1057. TDD# 1-866-539-7622 or 1-617-574-6868.

MassDEP on the World Wide Web: <http://www.mass.gov/dep>

Printed on Recycled Paper

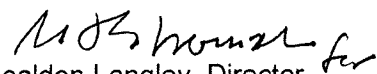
The Department has reviewed the information provided and in accordance with the provisions of Section 401 of the Federal Clean Water Act as amended (33 U.S.C. §1251 et seq.), MGL c.21, §§ 26-53, and 314 CMR 9.00, it has been determined there is reasonable assurance the project or activity will be conducted in a manner which will not violate applicable water quality standards (314 CMR 4.00) and other applicable requirements of state law provided the following conditions are met:

1. in accordance with the guidelines for plover management published by the U.S. Fish and Wildlife Services, and in conjunction with the Mass Division of Marine Fisheries' concern for anadromous fish, a construction window of September 1 through March 14 shall be used.
2. The beach nourishment areas will be graded on a 1:10 slope seaward of the beach berm with fill extending to the mean lower low water (MLLW) elevation, except for the southern 2100 feet of the Plum Island nourishment area where the steepness of the existing beach slopes will only permit a finished slope of 1:8 extending to about -5 feet MLLW.
3. In accordance with 314 CMR 9.07(6) Beach Nourishment – right of public access shall be provided for beach nourishment projects on private beaches where public funds are utilized for the activities.

In accordance with 314 CMR 9.09(2), this letter serves as an amendment of Final 401 Water Quality Certification, DEP Transmittal No: W075196. All other conditions of the license and Water Quality Certification remain in effect. Failure to comply with the Project's certification is grounds for enforcement, including civil and criminal penalties, under MGL c21 §42, 314 CMR 9.00, MGL c.21A §16, 310 CMR 5.00, or other possible actions/penalties as authorized by the General Laws of the Commonwealth.

If you have questions do not hesitate to contact Ken Chin of my staff at (617) 292-5893.

Sincerely,


Lealdon Langley, Director
Wetlands and Waterways Program

cc:

Jack Karalius, U.S. Army corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751
Newburyport Conservation Commission, 60 Pleasant Street, Newburyport, MA 01950
Tay Evans, DMF, 30 Emerson Avenue, Gloucester, MA 01930
Nancy Colbert, Director of Planning and Development, 60 Pleasant Street, Newburyport, MA 01950
Robert Boeri, CZM, 251 Causeway Street, Suite 800, Boston, MA 02114-2119
Newbury Board of Selectmen, 25 High Road, Newbury, MA 01951
Newbury Conservation Commission, 25 High Road, Newbury, MA 01951
Neil Harrington, Town Manager, Town of Salisbury, 5 Beach Road, Salisbury, MA 01952
Salisbury Conservation Commission 5 Beach Road Salisbury MA 01952
David Slagle, Robert Brown, DEP Boston Office

KC/W075196



REPLY TO:
ATTENTION OF

DEPARTMENT OF THE ARMY
NEW ENGLAND DISTRICT, CORPS OF ENGINEERS
696 VIRGINIA ROAD
CONCORD, MASSACHUSETTS 01742-2751

August 6, 2009

Engineering/Planning Division
Planning Branch

Ms. Susi Von Oettingen
U.S. Fish & Wildlife Service
70 Commercial Street, Suite 300
Concord, New Hampshire 03301-5087

Dear Ms. Von Oettingen:

This letter is a follow-up letter to the Corps letter of May 18, 2009 and various email correspondence in reference to the Newburyport Harbor maintenance dredging project located in Newbury, Newburyport, and Salisbury, Massachusetts. This letter provides project details requested by the Service (FWS) on the points listed below:

FWS Point 1: No fill beyond section 22+50 grading into the existing dune line on Plum Island Beach.

Corps Response: No fill will be placed north of the 22+50 section of beach as depicted in the plans (Attachment 1). The area between station 20+50 and 22+50 will be used to grade the beach fill material into the existing beach face and slope and grade the dune fill into the existing dune line as shown in Attachment 2.

FWS Point 2: Experimental sand fencing and vegetation planting to allow plover movement up the dune face and provide cover.

Corps Response: As per the attached plans, (Attachments 1 and 3) the dune fencing has been moved up slope approximately 3 feet above the toe of the dune. In addition to the plantings on the crest and face of the new dune, plantings will be extended 3 feet seaward from the toe of the dune onto the beach berm to provide cover for wildlife.

FWS Point 3: A time of year restriction is requested.

Corps Response: An April 1 through August 31 time of year restriction to protect wildlife resources on the beaches will be used if the beach nourishment disposal option is utilized for this project.

FWS Point 4: Letter of commitment and beach management plan (approved by the state) that plovers will be managed according to the guidelines by a qualified monitor. The National Wildlife Refuge may assist in monitoring but management is the responsibility of the town.

Corps Response: The town of Newbury and State have finalized their beach management plans for Plum Island Beach and Salisbury Beach respectively, and have committed to plover management. It is the Corps understanding that the Service has previously accepted the management commitment provided by Massachusetts DCR for Salisbury Beach. A copy of Newbury's Final Beach Management Plan for Plum Island Beach is enclosed with this letter (Attachment 4). Additionally, a letter of commitment by the town to follow the management procedures set forth in the beach plan is provided (Attachment 5). The MOU to be executed by the town and the Refuge is included at the end of the Beach Management Plan.

FWS Point 5: Acknowledge that area to be filled with a 1:8 slope was not occupied habitat and much of it was not suitable plover habitat due to severe erosion of the beach. Also, state that the 1:8 slope was designed to minimize subtidal impacts and maximize the length of time the beach fill would stay in place.

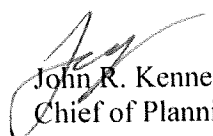
Corps Response: The Corps has incorporated this language into the attached Environmental Assessment. The 1:8 slope on the beach fill will be carried only as far as station 20+50.

Enclosed with this letter are:

- a. an updated Environmental Assessment and FONSI for the project which includes descriptions of the beach nourishment sites and potential impacts;
- b. plans of proposed beach nourishment areas;
- c. Final Beach Management Plan for Newbury; and,
- d. town of Newbury letter of commitment.

The Corps requests that the Service concur with its determination that the proposed changes in the Newburyport Harbor maintenance project are not likely to affect any federally threatened or endangered species. If you have any questions concerning this request, please contact the project manager, Mr. Mark Habel, at (978) 318-8871, or the project ecologist, Mr. Todd Randall, at (978) 318-8518.

Sincerely,


John R. Kennelly
Chief of Planning

Attachments/ Enclosure



August 6, 2009

Chuck Kostro, Town Administrator
Town of Newbury
25 High Road
Newbury, MA

RE: Newburyport Harbor Federal Navigation Project
Beach and Dune Nourishment at Plum Island & Salisbury Beaches

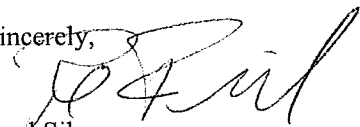
Dear Mr. Kostro:

As you are aware, the U.S. Army Corps of Engineers (USACE) intends to place approximately 120,000 cubic yards of dredged sediments along up to 2,500 linear feet of eroded dune/beach area at Town Beach on Plum Island in Fall 2009 – Winter 2010. The project also includes planting and fencing of the new dune areas to promote stability and prevent damage from foot traffic.

Since a portion of the proposed project will include the placement of dredge material on properties that are privately owned, permanent easements will need to be secured between the Town of Newbury (Town) and each private landowner affected to enable construction, operation and maintenance of the project, and to ensure that public access and use within these areas are maintained following the completion of the USACE project. As holder of the easement agreements, it is the Town's responsibility to maintain the project and to maintain public access and use within these affected areas for the life of the project. However, should the Town be unable to do so, DCR will act as the Town's responsible designee.

This commitment is made in addition to DCR acting as the Town's designee for other post-maintenance activities required within the project site as described in detail in the Town's Beach Management Plan for Plum Island which includes but is not limited to routine beach and dune maintenance and priority habitat monitoring and management.

Sincerely,


Raul Silva
Deputy Chief Engineer

Cc: Mark Habel, USACE
Newbury Board of Selectmen
Doug Packer, Town Conservation Agent

Habel, Mark L NAE

From: Habel, Mark L NAE
Sent: Friday, August 07, 2009 9:22 AM
To: Habel, Mark L NAE
Subject: FW: Request for revised plans for Salisbury and Newbury Nourishment Projects

Attachments: Map&Plan-20+50-22+50.pdf



Map&Plan-20+5
22+50.pdf (80 K)

-----Original Message-----

From: Habel, Mark L NAE
Sent: Wednesday, August 05, 2009 2:37 PM
To: 'Susi_vonOettingen@fws.gov'; Randall, Todd A NAE
Cc: 'Scott.Melvin@state.ma.us'; 'Silva, Raul (DCR)'; O'Donnell, Edward G NAE;
'Robert.Boeri@state.ma.us'; Karalius, Jack NAE; Mackay, Joseph B NAE; Kennelly, John R NAE
Subject: RE: Request for revised plans for Salisbury and Newbury Nourishment Projects

Susi: I've blown up a section of the plan at the north end of Newbury (attached PDF) and added some color to the different pieces of the section. I hope this makes it easier to see what's proposed.

Local officials tell me that the property owner of the lot between 21+00 and 22+00 removed the frontal dune at this location and leveled the lot some time ago. This created a weakness in the barrier island inviting overwash damage at this location. My concern with this area is that without restoring the dune line the entire project would be potentially useless, as a major storm overwash here would flood the backshore creating the very damage we're trying to prevent/delay with the beachfill/dunefill - one of the two purposes of the project (the other being direct loss of properties to erosion).

The notation on the "End of 1:8 Slope" is in error on the plan and will be moved back south to 21+50.

The duneface itself won't have a 1:8 slope. It will have a 1:3 slope on its face and a crest elevation of +22 feet MLLW. The beach north of here begins to shallow out, but this is the area we're tailoring back into the existing beach/dune grade. From about 20+50 to 22+50 the 1:8 beach slope will be graded back into whatever the existing natural beach slope is. Plovers don't nest here now - the nearest plover nest noted by the Town in their 2007/2008 map was some 1000 feet to the north where the dune field between the homes and the frontal dune crest has widened considerably.

Moving the dunefill back on this one lot would buy maybe a 15-foot (22 minus 17 times 3) width of beach for the length of the lot, but that's all. In any event, the overall project is widening some 2100 feet of beach berm by 60 feet or so, creating nearly three acres of potential nesting habitat, and far more than offsetting a 15 by 50 foot dune footprint. The easterly trend in the dune front matches well the new dunefill crest at 22 feet and the dune slope on the north side of the cleared lot. I don't really want to risk offsetting it more to move the dune landward in this one area and so decline to adopt your latest suggestion. Keep in mind that the natural dune crest in this area is 5 feet higher (+27 feet MLLW) and so lines up landward of the dunefill that tops out at +22 feet. The elevations match-up for the dunefill section and the natural dune on the north side of the cleared lot.

Mark L. Habel, CENAE-EP-PN
978-318-8871

-----Original Message-----

From: Susi_vonOettingen@fws.gov [mailto:Susi_vonOettingen@fws.gov]
Sent: Wednesday, August 05, 2009 12:27 PM
To: Habel, Mark L NAE; Randall, Todd A NAE
Cc: Scott.Melvin@state.ma.us
Subject: RE: Request for revised plans for Salisbury and Newbury Nourishment Projects

Hi Mark (again),

I just got off the phone with Scott who was concerned about the proposed dune building between stations 21 and 22.50. According to the design plans, the open area in front of the house is at elevation of 15 to 25 feet. However, it doesn't appear to be that high anymore (see website). Building a dune in what is now good plover habitat with an 8:1 slope would not be ideal for plovers and could be considered an adverse effect (so no concurrence letter from me). I would like to know if the dune can be pushed back closer to the house to get the 10:1 slope in that area. I realize that the homeowner wants protection, but there's got to be a way to design it so that the plover habitat isn't adversely affected. Can you confirm the existing elevations and design? And, I don't believe we want snow fencing and planting except on the backside of the dune in the blowout area, if at all.

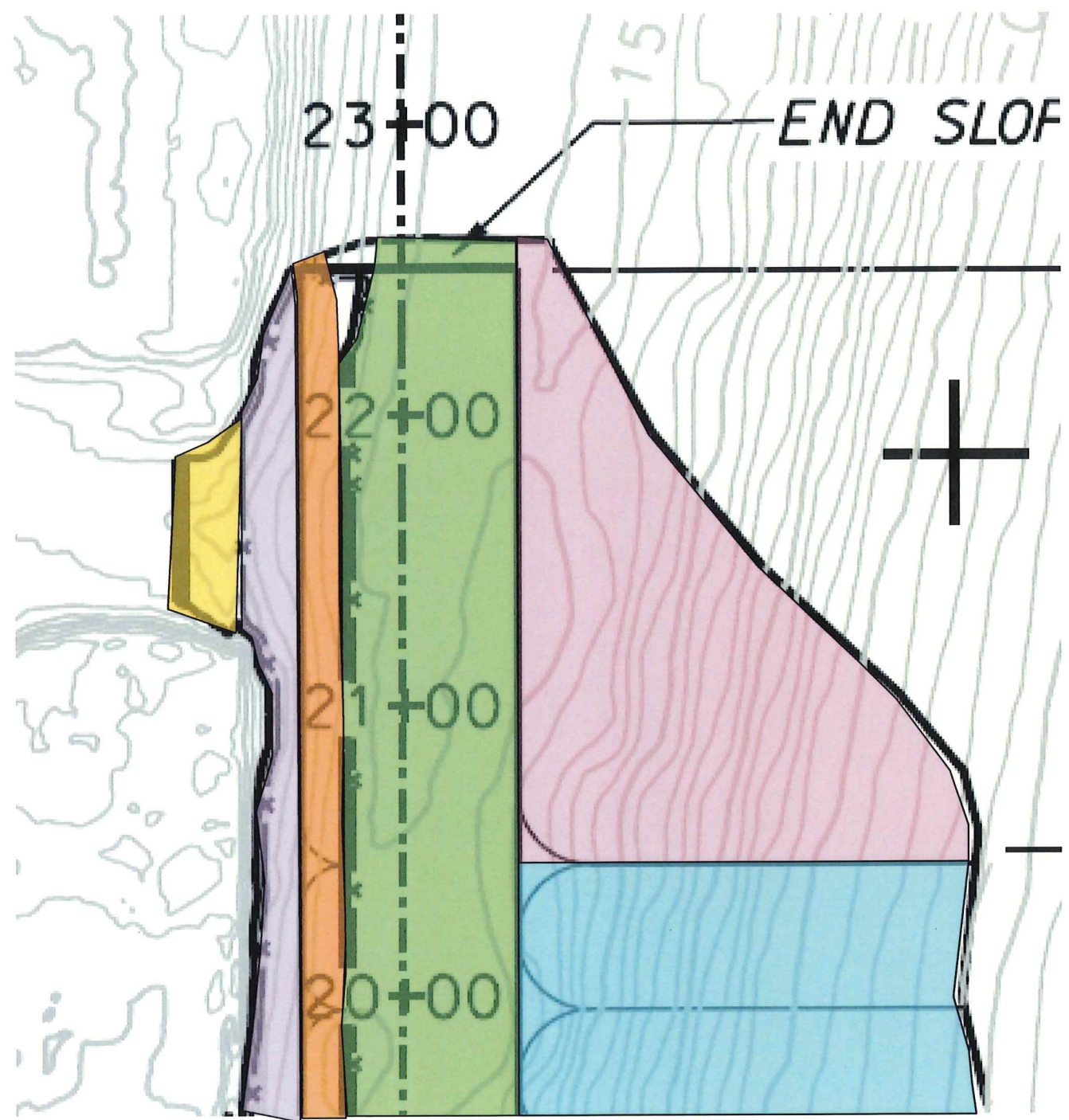
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



Thanks.

Susi

~~~~~  
Susi von Oettingen  
Endangered Species Biologist  
US Fish and Wildlife Service  
70 Commercial St., Suite 300  
Concord, NH 03301  
603-223-2541 ext. 22  
603-491-8219 (cell)  
<http://www.fws.gov/northeast/newenglandfieldoffice>

"Those who say it cannot be done should not interrupt the people doing it." Chinese Proverb



|                                                                                     |                                         |                                                                                     |                                                        |
|-------------------------------------------------------------------------------------|-----------------------------------------|-------------------------------------------------------------------------------------|--------------------------------------------------------|
|  | Backshore Slope of Dunefill – 1:3       |  | New 60-80-Foot Berm at +17 MLLW                        |
|  | Crest of Dunefill – 20 Feet at +22 MLLW |  | New Beachfill Slope at 1:8                             |
|  | Seaward Slope of Dunefill – 1:3         |  | Beach Slope Grade Transition to Existing Natural Slope |

**Habel, Mark L NAE**

---

**From:** Black, Kristin (FWE) [Kristin.E.Black@state.ma.us]  
**Sent:** Wednesday, August 05, 2009 6:54 AM  
**To:** Habel, Mark L NAE  
**Subject:** RE: Request for revised plans for Salisbury and Newbury Nourishment Projects

Hi Mark,

Thanks for promptly sending the plans. Much appreciated.

Cheers,

Kristin E. Black  
Endangered Species Review Biologist  
Natural Heritage & Endangered Species Program  
1 Rabbit Hill Road, Westborough, MA 01581  
Tel: 508-389-6367  
Fax: 508-389-7891  
www.nhesp.org

-----Original Message-----

From: Habel, Mark L NAE [mailto:Mark.L.Habel@usace.army.mil]  
Sent: Tuesday, August 04, 2009 12:03 PM  
To: Black, Kristin (FWE)  
Cc: Randall, Todd A NAE; cplayer@vineassociates.net; Melvin, Scott (FWE );  
Susi\_vonOettingen@fws.gov; Boeri, Robert (ENV); mrheinhardt@vineassociates.net;  
conscom@townofnewbury.org; O'Donnell, Edward G NAE  
Subject: RE: Request for revised plans for Salisbury and Newbury Nourishment Projects

Kristin et al: Attached are the two revised plans for the Newburyport project. One sheet for Plum Island and one sheet for Salisbury. Both show the agreed changes in the beach sections and plans. The toe fence to be moved 3 feet up-slope on the dune face, and the planting to be extended out 3 feet onto the beach berm. Also the northern limit of beachfill and dune fill on Plum Island has been pulled back south 250 feet+ as shown on the plan view.

The files are both about 4 to 5MB, so if they don't come through let me know and I'll post them to our public FTP site for download.

Mark L. Habel, CENAE-EP-PN  
978-318-8871

-----Original Message-----

From: Black, Kristin (FWE) [mailto:Kristin.E.Black@state.ma.us]  
Sent: Monday, August 03, 2009 3:28 PM  
To: Habel, Mark L NAE  
Subject: Request for revised plans for Salisbury and Newbury Nourishment Projects

Hi Mark,

When available please send me revised plans/figures for the Salisbury and Newbury Nourishment Projects that illustrate the revised locations for the snow fencing and plantings.

Thanks.



COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

DEVAL L. PATRICK  
Governor

TIMOTHY P. MURRAY  
Lieutenant Governor

IAN A. BOWLES  
Secretary

LAURIE BURT  
Commissioner

MA Dept. of Conservation and Recreation  
C/o Vine Associates, Inc.  
190 Old Derby Street, Suite 311  
Hingham, MA 02043  
attn: Christine Player

OCT 07 2009

Re: Waterways Application No. W09-2764D/ Permit No. 12595  
Merrimack River, Newburyport, Essex County

Dear Ms. Player:

The Department of Environmental Protection, has approved the enclosed referenced permit authorizing the MA Department of Conservation and Recreation to perform dredging pursuant to M.G.L. Chapter 91 and its regulations 310 CMR 9.00. Any subsequent project change not authorized by this permit shall render it void.

Pursuant to 310 CMR 9.17(1)(a) and 9.17(2), the Licensee may appeal this decision within twenty-one (21) days of the date of permit issuance, by submitting a written request, by certified mail, for an adjudicatory hearing. Any notice of claim for an adjudicatory hearing must include the following information: the DEP Waterways Application File Number; the complete name, address and telephone number of the party filing the request; if represented by counsel, the name, address and telephone number of the attorney; a clear statement that a formal adjudicatory hearing is being requested; and a clear and concise statement of the specific objections to the Department's license decision, and the relief sought through the adjudicatory hearing, including, specifically, the changes desired in the final Waterways Permit.

The hearing request, along with a valid check made payable to the Commonwealth of Massachusetts in the amount of one hundred dollars (\$100.00), must be mailed to:

Case Administrator  
Department of Environmental Protection  
One Winter Street – 2<sup>nd</sup> floor  
Boston, MA 02108

At the same time, a copy of this appeal must be sent to the DEP Waterways Regulation Program, the municipal official of the city or town where the project is located, and any other parties to this proceeding. In addition, this appeal must include a statement that the appropriate copies have been delivered as described herein.

The work authorized by this permit shall not commence if the Department receives a request for an adjudicatory hearing. You are also required to notify the Department in writing of the date the authorized work is completed.

Sincerely,



Ben Lynch  
Program Chief  
Waterways Regulation Program

cc: Newburyport Conservation Commission w/enc.  
file



COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

DEVAL L. PATRICK  
Governor

TIMOTHY P. MURRAY  
Lieutenant Governor

IAN A. BOWLES  
Secretary

LAURIE BURT  
Commissioner

PERMIT NO. 12595

Name and Address of Permittee:

MA Department of Conservation and Recreation  
251 Causeway Street  
Boston, MA 02114

ISSUED: October 7, 2009  
EXPIRES: October 7, 2014

Permission is hereby given by the Department of Environmental Protection to perform maintenance dredging of approximately 160,000 cubic yards of sediment from the outer entrance channel within Federal Navigation Channel of Newburyport Harbor, in the City of Newburyport. The project is proposing to dispose of the dredged sediments as beach and dune nourishment at two locations. Approximately 120,000 cubic yards will be placed along Plum Island in the Town of Newbury and approximately 40,000 cubic yards will be placed along Salisbury Beach in the Town of Salisbury. -----

All work authorized herein shall be in the location shown and to the dimensions indicated in the permit plans titled: "Proposed Dredge Plan, Newburyport Harbor Entrance Channel; MA Dept. of Conservation & Recreation, Newburyport Harbor, federal Navigation Project, Newburyport, Newbury & Salisbury, MA. Plans prepared by Vine Associates, Inc., dated June 2009", (7 sheets).

STANDARD WATERWAYS PERMIT CONDITIONS

1. Acceptance of this Waterways Permit shall constitute an agreement by the permittee to conform to all terms and conditions stated herein.
2. This permit is issued upon the express condition that any and all other applicable authorizations necessitated due to the provisions hereof shall be secured by the permittee prior to the commencement of any activity hereby authorized.
3. This permit shall be revocable by the Department for noncompliance with the terms and conditions set forth herein. This permit may be revoked after the Department has given written notice of the alleged noncompliance to the permittee, or his agent, and

those persons who have filed a written request, with the Department, for such notice and have afforded the permittee a reasonable opportunity to correct said noncompliance. Failure to correct said noncompliance after the issuance of a written notice by the Department shall render this permit void.

4. This permit is issued subject to all applicable federal, state, county, and municipal laws, ordinances, by-laws, and regulations, including but not limited to, a valid Order of Conditions issued pursuant to the Wetlands Protection Act, M.G.L. Chapter 131, s.40. In particular, this issuance is subject to the provisions of Sections 52 to 56, inclusive of Chapter 91 of the General Law and its Regulations 310 CMR 9.40(5), which provides, in part, that the transportation and dumping of the dredge material shall be done under the supervision of the Department, and, when required, the permittee shall provide at his/her expense a dredge inspector approved by the Department. When said inspector is required, a report certified by the dredge inspector shall be submitted to the Department within 30 days after the completion of the dredging. The report shall include daily logs of the dredging operation indicating volume of dredge material, point of origin, point of destination and other appropriate information.

5. This Waterways Permit is issued upon the express condition that dredging and transportation and disposal of dredge material shall be in strict conformance with all applicable requirements and authorizations of the DEP, Division of Wetlands and Waterways.

6. All subsequent maintenance dredging and transportation and disposal of this dredge material, during the term of this permit, shall conform to all standards and conditions applied to the original dredging operation performed under this permit.

7. After completion of the work authorized, the permittee shall furnish, to the Department a suitable plan showing the depths at mean low water over the area dredged. The dredging under this permit shall be conducted as to cause no unnecessary obstruction of the free passage of vessels. In doing the dredging authorized, care shall be taken to cause no shoaling. If, however, any shoaling is caused, the permittee shall, at his expense remove the shoal areas. The permittee shall pay all costs of supervision, and if at any time the Department deems necessary a survey or surveys of the area dredged, the permittee shall pay all costs associated with such work. Nothing in this permit shall be construed as to impair the legal rights of any persons, or authorize dredging on land not owned by the permittee without consent of the owner(s) of such property.

8. The permittee shall assume and pay all claims and demands arising in any manner from the work authorized herein, and shall save harmless and indemnify the audits, damages, costs and expenses incurred by reason thereof.

9. The permittee shall, at least three days before commencing any dredging in the tide water, give written notice to the Department of the time, location and amount of the proposed work.

10. Whosoever violates any provisions of this permit shall be subject to a fine of \$25,000 per day for each day such violation occurs or continues, or by imprisonment for not more than one year, or both such fine and imprisonment; or shall be subject to civil penalty not to exceed \$25,000 per day for each day such violation occurs or continues.

SPECIAL WATERWAYS PERMIT CONDITIONS

1. Dredging shall be performed by hydraulic methods.
2. Dredge spoils shall be disposed as beach nourishment at Plum Island, Newbury and Salisbury Beach.
3. Maintenance dredging may be performed for a period of five (5) years subsequent to the date of issuance of this permit.
4. Pursuant to 310 CMR 9.40(4)(a), easements for public access below the existing mean high water mark have been secured for disposal of 40,000 cubic yards of dredge spoils as beach nourishment at Salisbury Beach in the Town of Salisbury, by the permittee, for the placement of sand on private eroding beaches.
5. Disposal of 120,000 cubic yards of dredge spoils as beach nourishment at Plum Island in the Town of Newbury as beach nourishment is not authorized until all easements for public access below the existing mean high water mark have been secured, by the permittee or by their representative, for the placement of sand on private eroding beaches, pursuant to 310 CMR 9.40(4)(a).

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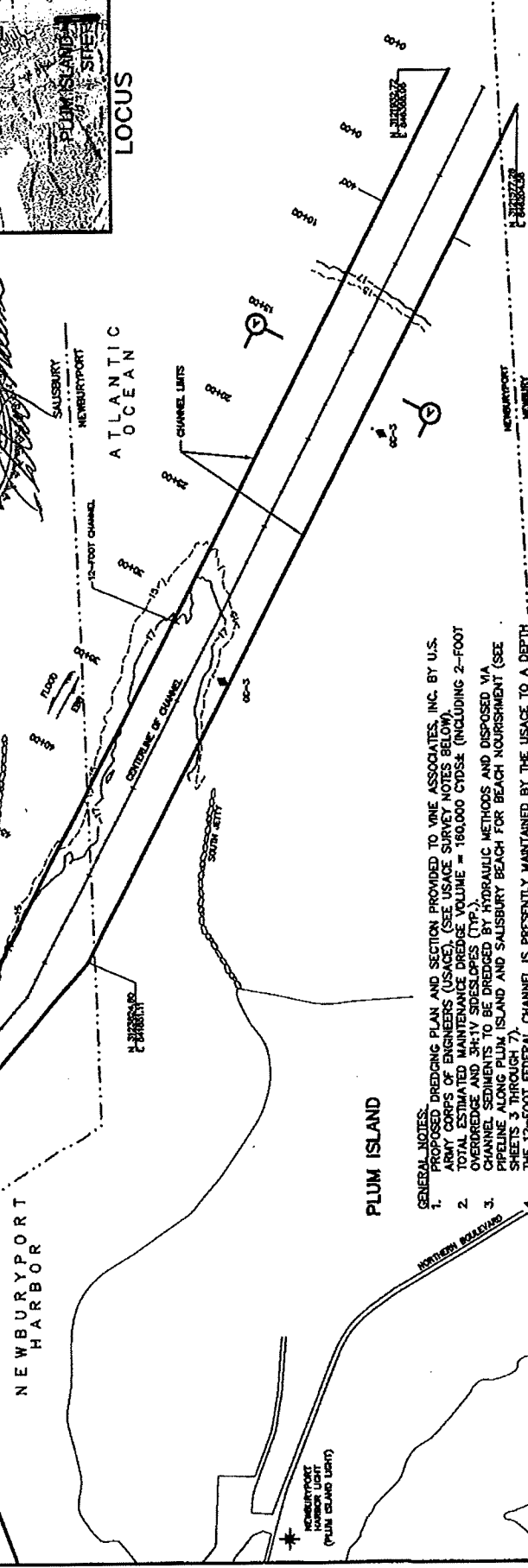
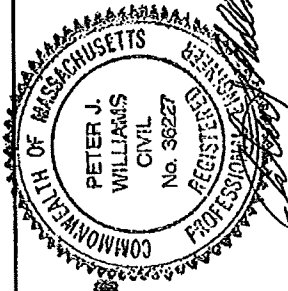
DEPARTMENT OF ENVIRONMENTAL PROTECTION



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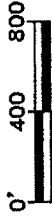
Ben Lynch  
Program Chief, Waterways Regulation Program

**PERMIT NO. 12595**  
 Approved by Department of Environmental Protection  
 Date: **OCT 07 2009**



- GENERAL NOTES:**
1. PROPOSED DREDGING PLAN AND SECTION PROVIDED TO VINE ASSOCIATES, INC. BY U.S. ARMY CORPS OF ENGINEERS (USACE). (SEE USAGE SURVEY NOTES BELOW).
  2. TOTAL ESTIMATED MAINTENANCE DREDGE VOLUME = 160,000 CYDS± (INCLUDING 2-FOOT OVERDREDGE AND 3H:1V SIDESLOPES (T.P.).
  3. CHANNEL SEDIMENTS TO BE DREDGED BY HYDRAULIC METHODS AND DISPOSED VIA PIPELINE ALONG PLUM ISLAND AND SALISBURY BEACH FOR BEACH NOURISHMENT (SEE SHEETS 1-6 (PORT CHANNEL)).
  4. THE 15-FOOT FEDERAL CHANNEL IS PRESENTLY MAINTAINED BY THE USAGE TO A DEPTH OF -15 FEET MLLW.

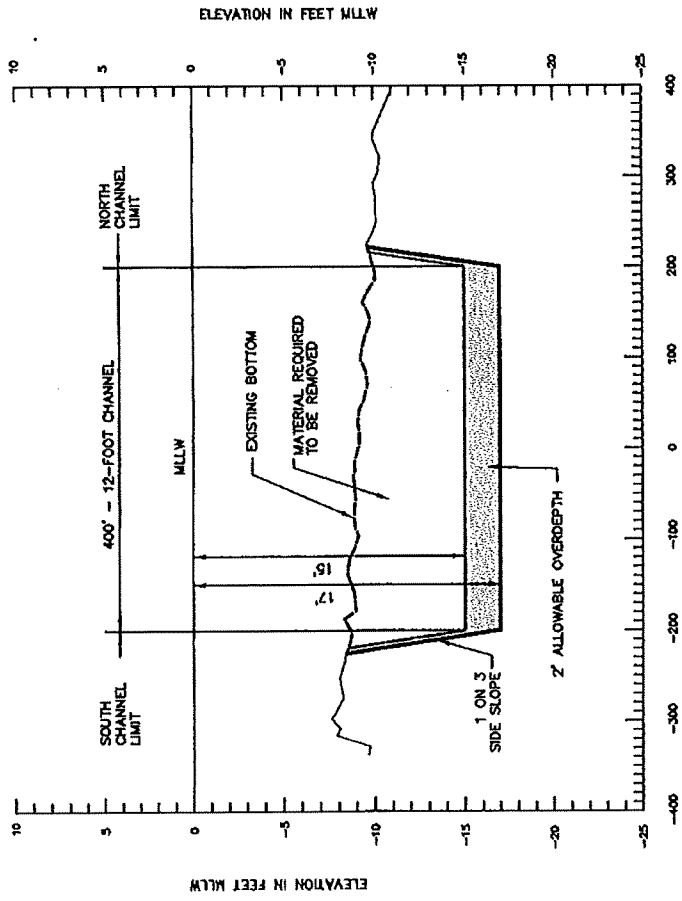
- USAGE SURVEY NOTES:**
1. SOUNDINGS ARE IN FEET AND TENTHS AND REFER TO THE PLANE OF MEAN LOWER LOW WATER (MLLW) 1983-2001 EPOCH TIDAL DATUM.
  2. TOP SURVEYING INFORMATION SHOWN ON THIS MAP REPRESENTS THE SHALLOWEST SOUNDINGS OF THOSE OBTAINED FROM HYDROGRAPHIC SURVEYS CONDUCTED DURING JANUARY AND FEBRUARY 2009.
  3. THE SOUNDING INFORMATION DEPICTED ON THIS MAP SHOULD NOT BE USED TO DETERMINE VOLUMES. VOLUMES ARE DETERMINED FROM MORE SOUNDING INFORMATION THAN SHOWN. ADDITIONAL SOUNDING INFORMATION IS AVAILABLE UPON REQUEST.
  4. COORDINATES SHOWN ARE BASED ON THE LAMBERT GRID SYSTEM FOR THE COMMONWEALTH OF MASSACHUSETTS (MAINLAND ZONE 2007) & MAD 1983.
  5. SURVEY WAS PERFORMED USING AN ODOM MK2 ECHOTRAC ECHOSOUNDER. VESSEL POSITIONING WAS OBTAINED UTILIZING A TRIMBLE 4000 SSE GPS RECEIVING SYSTEM.
  6. THE SOUNDING INFORMATION SHOWN ON THIS MAP REPRESENTS THE SHALLOWEST SOUNDINGS OF THOSE OBTAINED FROM HYDROGRAPHIC SURVEYS CONDUCTED DURING JANUARY AND FEBRUARY 2009.
  7. THE SOUNDING INFORMATION DEPICTED ON THIS MAP SHOULD NOT BE USED TO DETERMINE VOLUMES. VOLUMES ARE DETERMINED FROM MORE SOUNDING INFORMATION THAN SHOWN. ADDITIONAL SOUNDING INFORMATION IS AVAILABLE UPON REQUEST.
  8. THE INFORMATION DEPICTED ON THIS MAP REPRESENTS THE RESULTS OF SURVEYS MADE ON THE DATES INDICATED, AND CAN ONLY BE CONSIDERED AS INDICATING THE GENERAL CONDITIONS EXISTING AT THAT TIME.
  9. FIELD BOOK: RAH 5068
  10. 15-FOOT DEPTH CONTOUR SHOWN THUS
  11. DEPTHSOUNDING ROLLS: 09-978/01-02
- SURVEYED BY: PAUL K. O'BRIEN AND GREY



**PROPOSED DREDGE PLAN**  
**NEWBURYPORT HARBOR ENTRANCE CHANNEL**  
**MA DEPT. OF CONSERVATION & RECREATION**  
**NEWBURYPORT HARBOR**  
**FEDERAL NAVIGATION PROJECT**  
**NEWBURYPORT, NEWBURY & SALISBURY, MA**

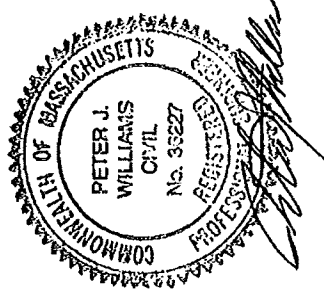
**Vine ASSOCIATES, INC.**  
 373 WEBBAC STREET, 190 OLD DORY STREET, 16 BEACH STREET  
 NEWBURYPORT, MA 01950 NEWBURYPORT, MA 02543 MONMOUTH BEACH, MA 02553  
 TEL: (978)465-1428 TEL: (978)748-2550 TEL: (603)743-0380  
 FAX: (978)465-2640 FAX: (978)748-2751 FAX: (603)743-0391

|               |      |     |     |     |                |
|---------------|------|-----|-----|-----|----------------|
| DES.          | CHK. | CMP | DR. | DMG | VAI FILE NO.   |
|               |      |     |     |     | 1516           |
| SCALE 1"=800' |      |     |     |     | DATE JUNE 2009 |
|               |      |     |     |     | SHEET 1 OF 7   |



**TYPICAL SECTION A-A**  
 VERTICAL SCALE: 1"=10'  
 HORIZONTAL SCALE 1"=200'

**PERMIT NO. 12595**  
 Approved by Department of Environmental Protection  
 Date: **OCT 07 2009**



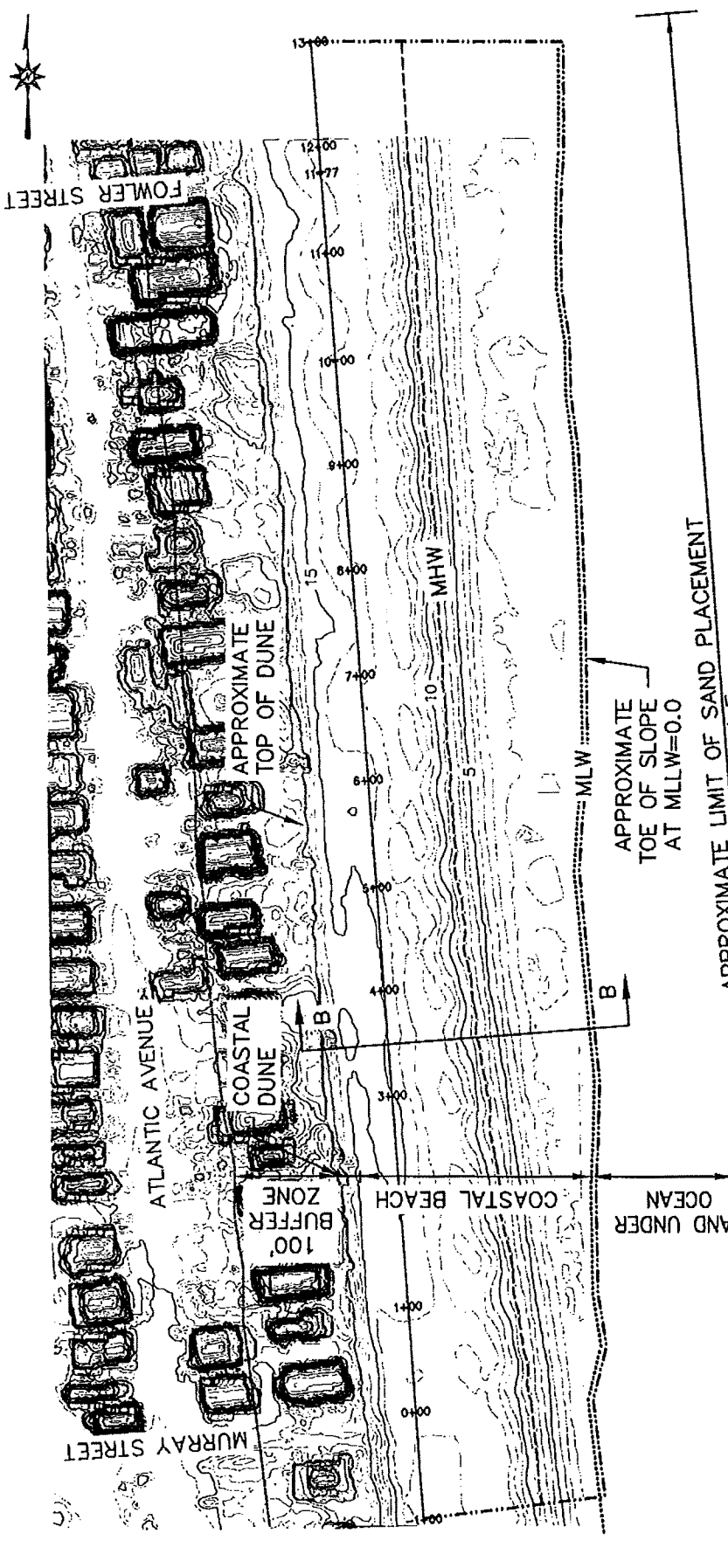
**NOTE:**  
 SEE SHEET 1 OF 7 FOR DREDGING NOTES.

**PROPOSED DREDGE SECTION  
 NEWBURYPORT HARBOR ENTRANCE CHANNEL**  
**MA DEPT. OF CONSERVATION & RECREATION  
 NEWBURYPORT HARBOR  
 FEDERAL NAVIGATION PROJECT  
 NEWBURYPORT, NEWBURY & SALISBURY, MA**

**Vine**  
 ASSOCIATES, INC.  
 372 MERRIMAC STREET, 190 OLD DERBY STREET, 12 BEACH STREET  
 NEWBURYPORT, MA 01850 HANNAH, MA 02045 MONMOUTH BEACH, MA 02553  
 TEL: (978)465-1408 FAX: (978)465-2530 TEL: (508)742-3096  
 FOR: (978)465-2580 FOR: (781)749-2731 FOR: (508)742-3091

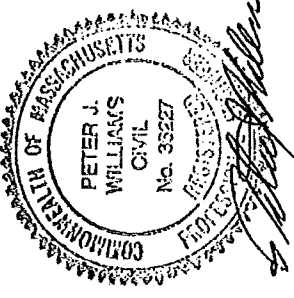
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|                |      |     |      |           |     | 1516                |
| SCALE AS SHOWN |      |     | DATE | JUNE 2009 |     | <b>SHEET 2 OF 7</b> |





APPROXIMATE TOE OF SLOPE AT MLLW=0.0

APPROXIMATE LIMIT OF SAND PLACEMENT ±1,400 LF.



**PERMIT NO. 12595**  
 Approved by Department of Environmental Protection  
 Date: OCT 07 2009

- NOTES:**
1. DATUM: MLLW=0.0; MHW=0.3; MHW=8.3; HTL=10.7
  2. PLANS & SECTIONS PREPARED BY THE U.S. ARMY CORPS OF ENGINEERS (USACE).
  3. TOPOGRAPHY, AS SHOWN, IS BASED UPON LIDAR SURVEY BY THE USACE IN 2007.
  4. RESOURCE AREA LIMITS, AS SHOWN, HAVE BEEN INTERPRETED BY VINE ASSOCIATES, INC. (VAI).



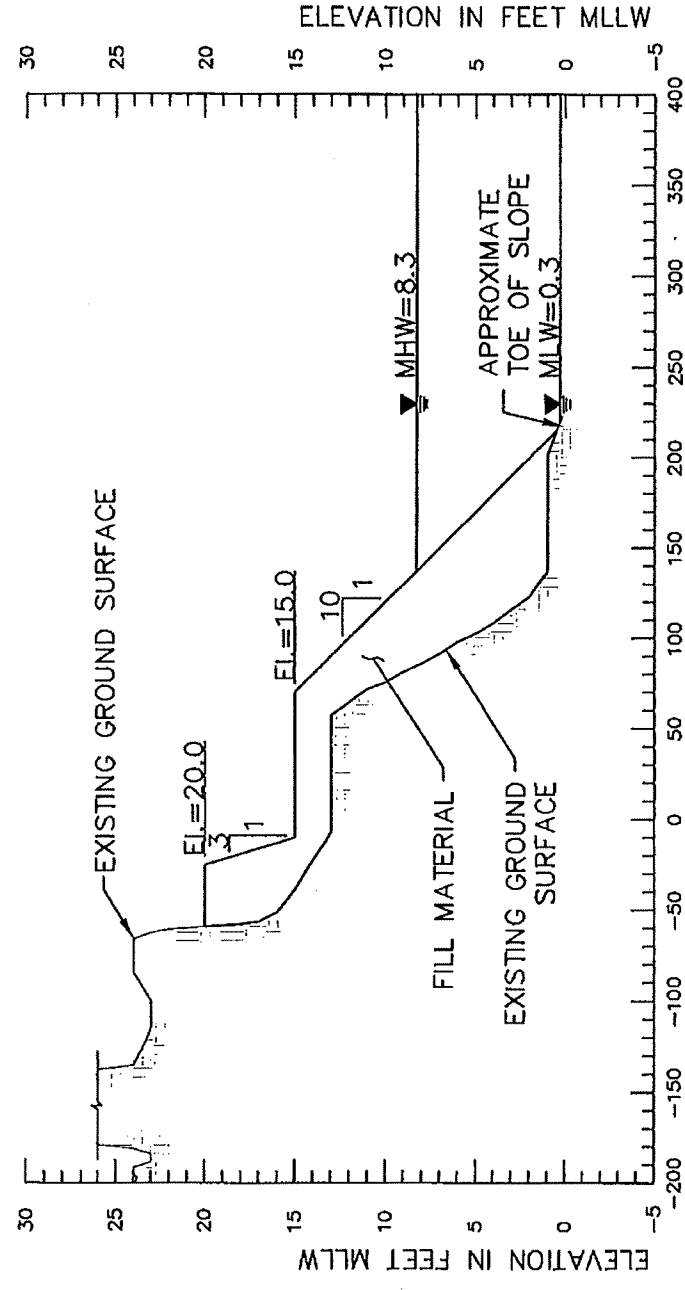
**PROPOSED FILL PLACEMENT PLAN**  
**SALISBURY BEACH STATE RESERVATION**

MA DEPT. OF CONSERVATION & RECREATION  
 NEWBURYPORT HARBOR  
 FEDERAL NAVIGATION PROJECT  
 NEWBURYPORT, NEWBURY & SALISBURY, MA

**Vine ASSOCIATES, INC.**  
 372 HERRING STREET  
 NEWBURYPORT, MA 01950  
 TEL: (978)445-1428  
 FAX: (978)445-2840

18 BEACH STREET  
 NEWBURYPORT, MA 01953  
 TEL: (978)745-3350  
 FAX: (978)745-3350

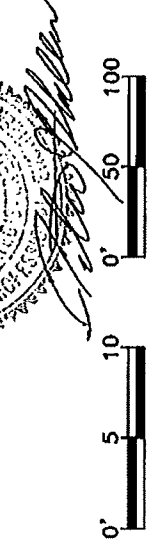
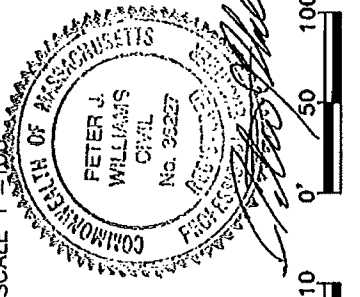
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|               |      |     |     |     |     | DATE     | JUNE 2009           |  |
| SCALE 1"=150' |      |     |     |     |     |          | <b>SHEET 3 OF 7</b> |  |



NOTE:  
SEE SHEET 3 OF 7 FOR NOTES.

**TYPICAL SECTION B-B**  
VERTICAL SCALE: 1"=10'  
HORIZONTAL SCALE 1"=100'

**PERMIT NO. 12595**  
Approved by Department of Environmental Protection  
Date **OCT 07 2009**

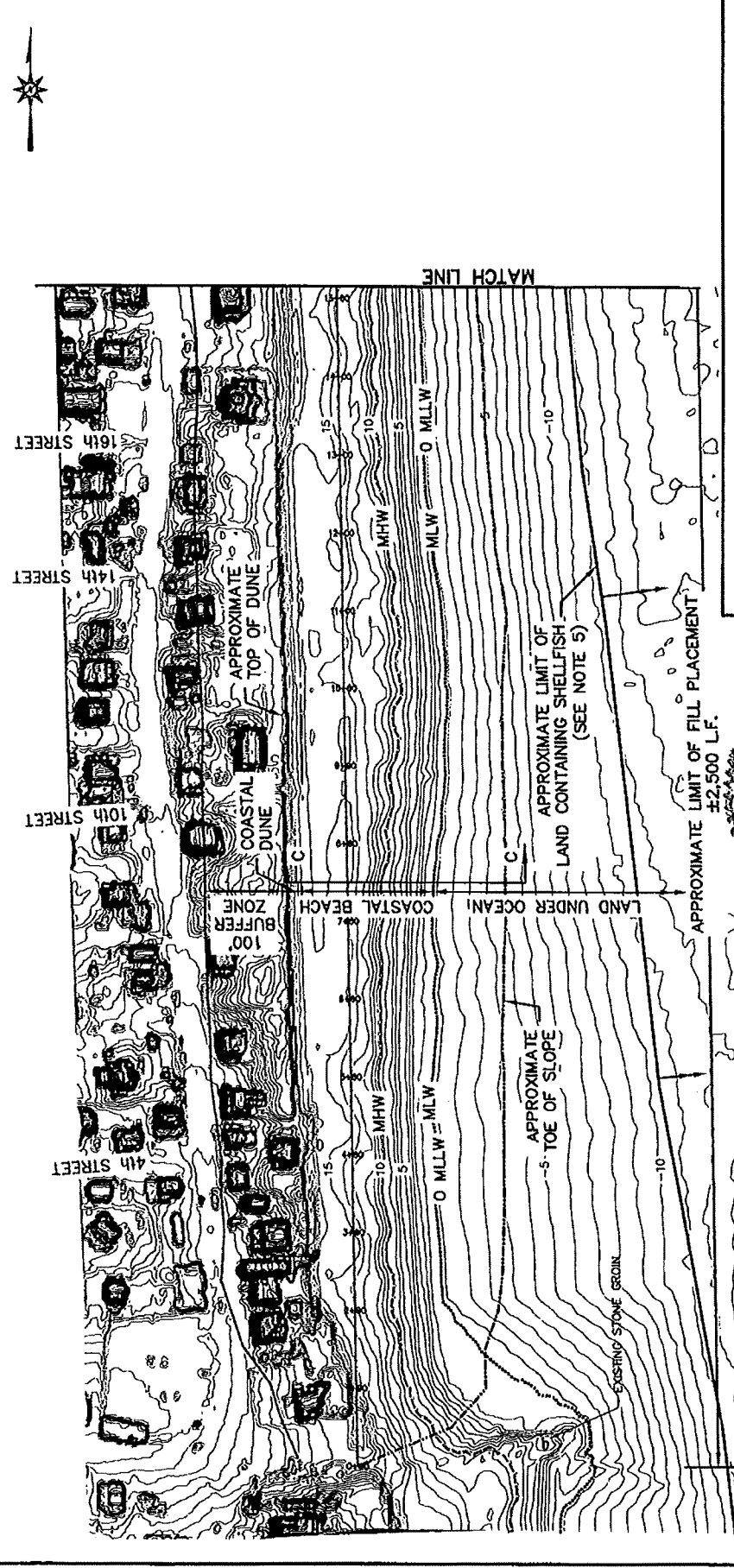


**PROPOSED FILL PLACEMENT SECTION**  
**SALISBURY BEACH STATE RESERVATION**  
MA DEPT. OF CONSERVATION & RECREATION  
NEWBURYPORT HARBOR  
FEDERAL NAVIGATION PROJECT  
NEWBURYPORT, NEWBURY & SALISBURY, MA

**Vine**  
ASSOCIATES, INC.  
372 WERRICK STREET  
NEWBURYPORT, MA 01950  
Tel. (978)445-1428 Fax. (978)445-2660

16 BEACH STREET  
HOUGHTON BEACH, MA 02535  
Tel. (508)745-0390 Fax. (508)745-0391

|                |      |     |      |           |              |              |
|----------------|------|-----|------|-----------|--------------|--------------|
| DES.           | CHK. | CMP | DR.  | DMG       | VAI FILE NO. | 1516         |
| SCALE AS SHOWN |      |     | DATE | JUNE 2009 |              | SHEET 4 OF 7 |

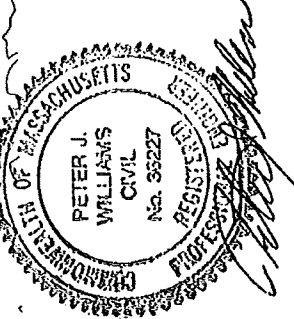


**PROPOSED FILL PLACEMENT PLAN  
PLUM ISLAND**

MA DEPT. OF CONSERVATION & RECREATION  
NEWBURYPORT HARBOR  
FEDERAL NAVIGATION PROJECT  
NEWBURYPORT, NEWBURY & SALISBURY, MA

**Vine ASSOCIATES, INC.**  
372 WEBBMAC STREET NEWBURYPORT, MA 01950  
141 (978) 746-2530 fax (978) 465-2666  
18 BEACH STREET HINCHAM, MA 02545  
141 (508) 743-0390 fax (508) 743-0391

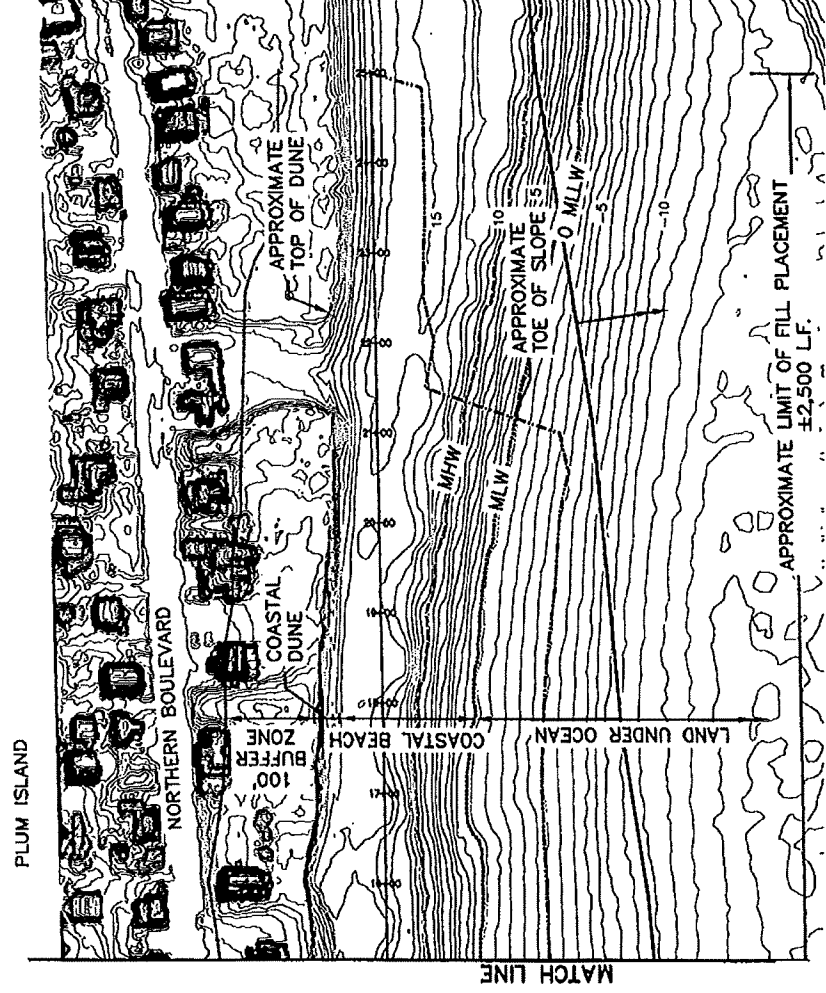
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|---------------|------|-----|-----|-----------|--------------|----------|
| DES.          | CHK. | CMP | DR. | DWG       | VAI          | FILE NO. |
|               |      |     |     |           |              | 1516     |
| SCALE 1"=200' |      |     |     | DATE      | SHEET 5 OF 7 |          |
|               |      |     |     | JUNE 2009 |              |          |



**PERMIT NO. 12595**  
Approved by Department of Environmental Protection  
Date: **OCT 07 2009**

- NOTES:**
1. DATUM: MLLW=0.0; MLW=0.3; MHW=9.3; HTL=10.9
  2. PLANS & SECTIONS PREPARED BY THE U.S. ARMY CORPS OF ENGINEERS (USACE).
  3. TOPOGRAPHY, AS SHOWN, IS BASED UPON LIDAR SURVEY BY THE USACE IN 2007.
  4. RESOURCE AREA LIMITS, AS SHOWN, HAVE BEEN INTERPRETED BY VINE ASSOCIATES, INC. (VAI).
  5. LIMIT OF LAND CONTAINING SHELLFISH IS BASED UPON AVAILABLE INFORMATION FROM MASS GIS.

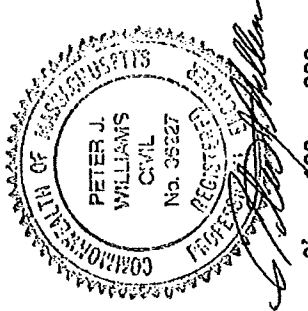





**NOTE:**  
SEE SHEET 5 OF 7 FOR NOTES.

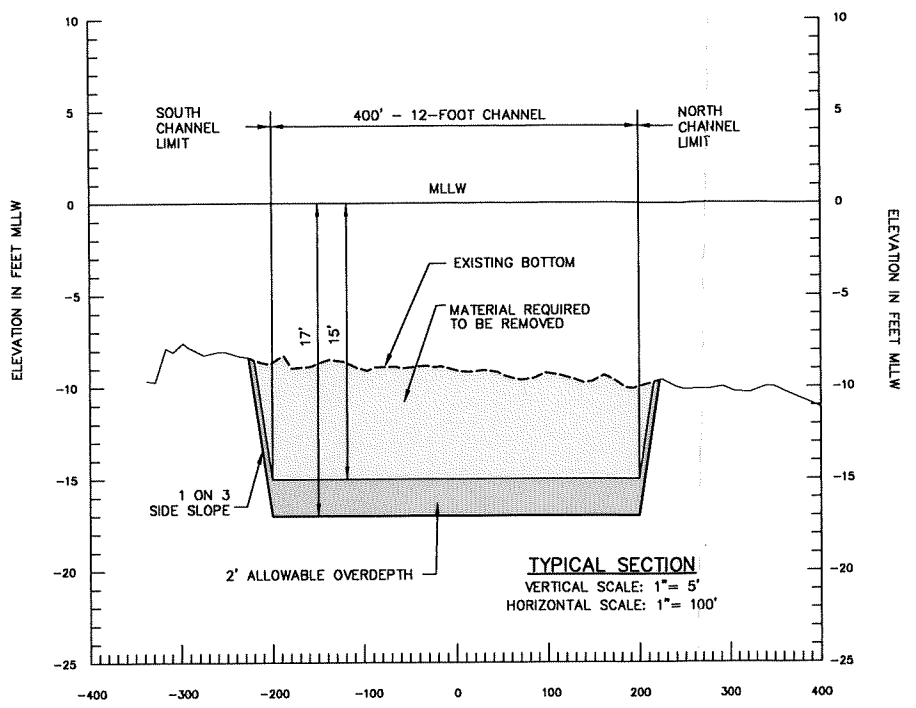
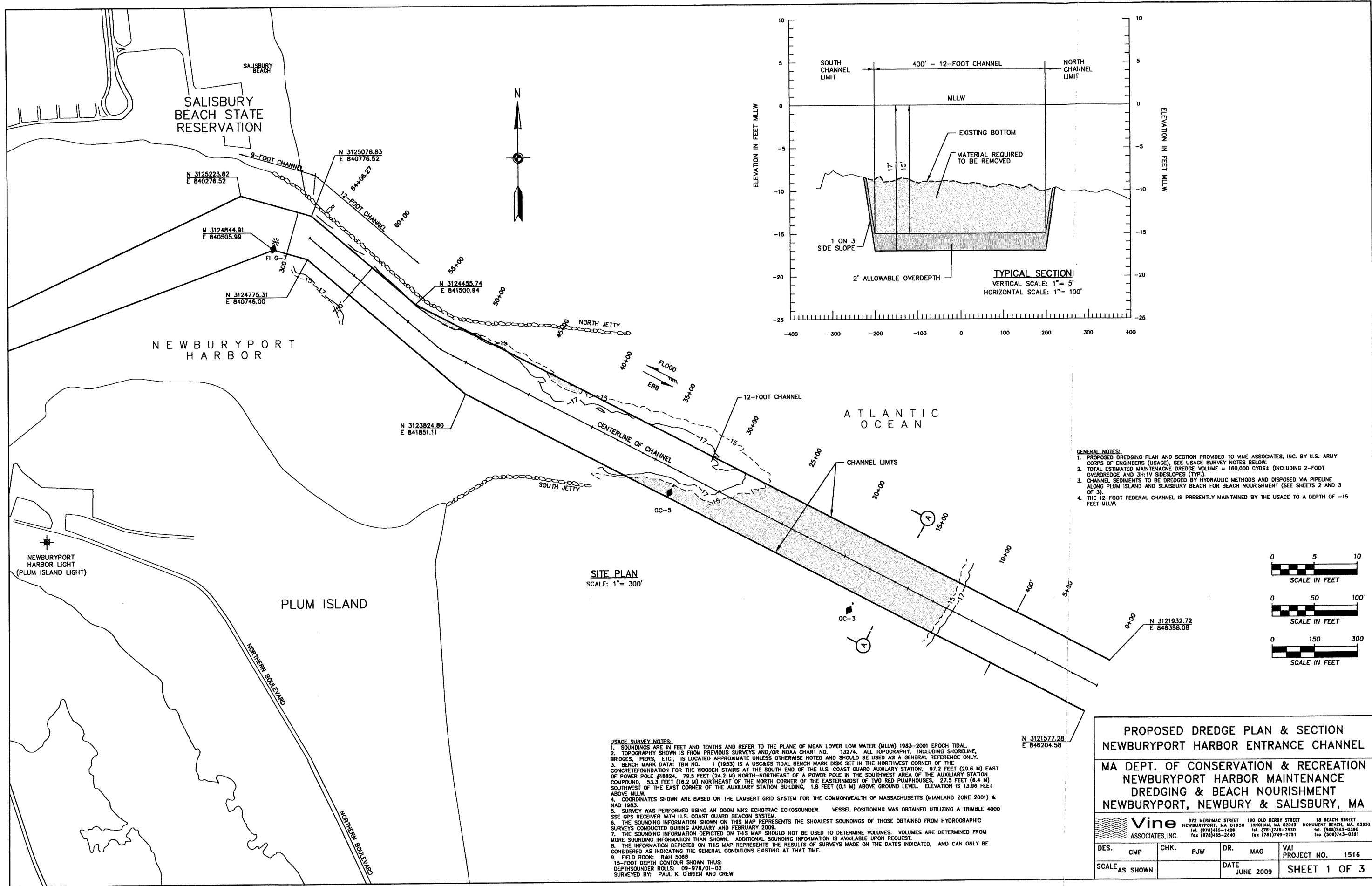
**PERMIT NO. 12595**

Approved by Department of Environmental Protection  
Date: **OCT 07 2009**

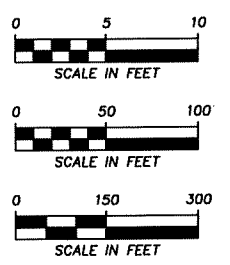


|                                                                                                                                   |                                                                                           |
|-----------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|
| <b>PROPOSED FILL PLACEMENT PLAN<br/>PLUM ISLAND</b>                                                                               |                                                                                           |
| MA DEPT. OF CONSERVATION & RECREATION<br>NEWBURYPORT HARBOR<br>FEDERAL NAVIGATION PROJECT<br>NEWBURYPORT, NEWBURY & SALISBURY, MA |                                                                                           |
|  <b>Vine</b><br>ASSOCIATES, INC.               |                                                                                           |
| DES.                                                                                                                              | 372 WERNHAM STREET<br>NEWBURYPORT, MA 01950<br>Tel. (978)485-1428<br>Fax. (978)485-3660   |
| CHK.                                                                                                                              | 100 OLD BERRY STREET<br>NEWBURYPORT, MA 02843<br>Tel. (978)748-2550<br>Fax. (978)748-2751 |
| DR.                                                                                                                               | 18 BEACH STREET<br>MONUMENT BEACH, MA 02553<br>Tel. (508)743-0390<br>Fax. (508)743-0891   |
| CMP                                                                                                                               | VAI                                                                                       |
| DMG                                                                                                                               | FILE NO. 1516                                                                             |
| DATE                                                                                                                              | JUNE 2009                                                                                 |
| SCALE 1"=200'                                                                                                                     | SHEET 6 OF 7                                                                              |





- GENERAL NOTES:**
1. PROPOSED DREDGING PLAN AND SECTION PROVIDED TO VINE ASSOCIATES, INC. BY U.S. ARMY CORPS OF ENGINEERS (USACE). SEE USACE SURVEY NOTES BELOW.
  2. TOTAL ESTIMATED MAINTENANCE DREDGE VOLUME = 160,000 CYDSS (INCLUDING 2-FOOT OVERDREDGE AND 3H:1V SIDESLOPES (TYP.)).
  3. CHANNEL SEDIMENTS TO BE DREDGED BY HYDRAULIC METHODS AND DISPOSED VIA PIPELINE ALONG PLUM ISLAND AND SALISBURY BEACH FOR BEACH NOURISHMENT (SEE SHEETS 2 AND 3 OF 3).
  4. THE 12-FOOT FEDERAL CHANNEL IS PRESENTLY MAINTAINED BY THE USACE TO A DEPTH OF -15 FEET MLLW.



**SITE PLAN**  
SCALE: 1" = 300'

**USACE SURVEY NOTES:**

1. SOUNDINGS ARE IN FEET AND TENTHS AND REFER TO THE PLANE OF MEAN LOWER LOW WATER (MLLW) 1983-2001 EPOCH TIDAL.
2. TOPOGRAPHY SHOWN IS FROM PREVIOUS SURVEYS AND/OR NOAA CHART NO. 13274. ALL TOPOGRAPHY, INCLUDING SHORELINE, BRIDGES, PIERS, ETC., IS LOCATED APPROXIMATE UNLESS OTHERWISE NOTED AND SHOULD BE USED AS A GENERAL REFERENCE ONLY.
3. BENCH MARK DATA: TBM NO. 1 (1953) IS A USCGS TIDAL BENCH MARK DISK SET IN THE NORTHWEST CORNER OF THE CONCRETE FOUNDATION FOR THE WOODEN STAIRS AT THE SOUTH END OF THE U.S. COAST GUARD AUXILIARY STATION, 97.2 FEET (29.6 M) EAST OF POWER POLE #18824, 79.5 FEET (24.2 M) NORTH-NORTHEAST OF A POWER POLE IN THE SOUTHWEST AREA OF THE AUXILIARY STATION COMPOUND, 53.3 FEET (16.2 M) NORTHEAST OF THE NORTH CORNER OF THE EASTERMOST OF TWO RED PUMPHOUSES, 27.5 FEET (8.4 M) SOUTHWEST OF THE EAST CORNER OF THE AUXILIARY STATION BUILDING, 1.8 FEET (0.1 M) ABOVE GROUND LEVEL. ELEVATION IS 13.98 FEET ABOVE MLLW.
4. COORDINATES SHOWN ARE BASED ON THE LAMBERT GRID SYSTEM FOR THE COMMONWEALTH OF MASSACHUSETTS (MIANLAND ZONE 2001) & NAD 1983.
5. SURVEY WAS PERFORMED USING AN ODOM MK2 ECHOTRAC ECHOSOUNDER. VESSEL POSITIONING WAS OBTAINED UTILIZING A TRIMBLE 4000 SSE GPS RECEIVER WITH U.S. COAST GUARD BEACON SYSTEM.
6. THE SOUNDING INFORMATION SHOWN ON THIS MAP REPRESENTS THE SHALLEST SOUNDINGS OF THOSE OBTAINED FROM HYDROGRAPHIC SURVEYS CONDUCTED DURING JANUARY AND FEBRUARY 2009.
7. THE SOUNDING INFORMATION DEPICTED ON THIS MAP SHOULD NOT BE USED TO DETERMINE VOLUMES. VOLUMES ARE DETERMINED FROM MORE SOUNDING INFORMATION THAN SHOWN. ADDITIONAL SOUNDING INFORMATION IS AVAILABLE UPON REQUEST.
8. THE INFORMATION DEPICTED ON THIS MAP REPRESENTS THE RESULTS OF SURVEYS MADE ON THE DATES INDICATED, AND CAN ONLY BE CONSIDERED AS INDICATING THE GENERAL CONDITIONS EXISTING AT THAT TIME.
9. FIELD BOOK: R&H 5068
- 15-FOOT DEPTH CONTOUR SHOWN THUS:  
DEPTHSOUNDER ROLLS: 09-978/01-02  
SURVEYED BY: PAUL K. O'BRIEN AND CREW

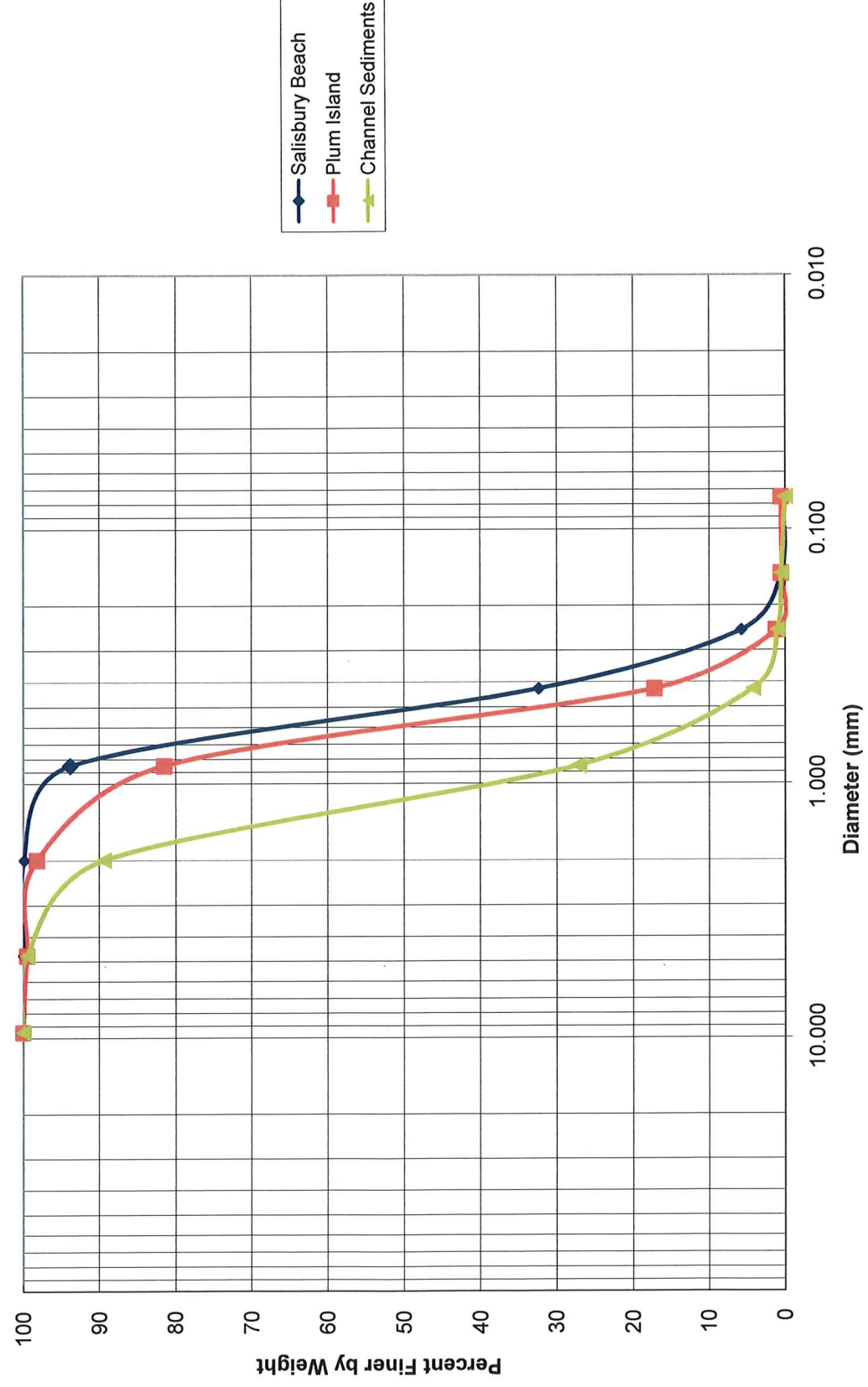
**PROPOSED DREDGE PLAN & SECTION  
NEWBURYPORT HARBOR ENTRANCE CHANNEL**

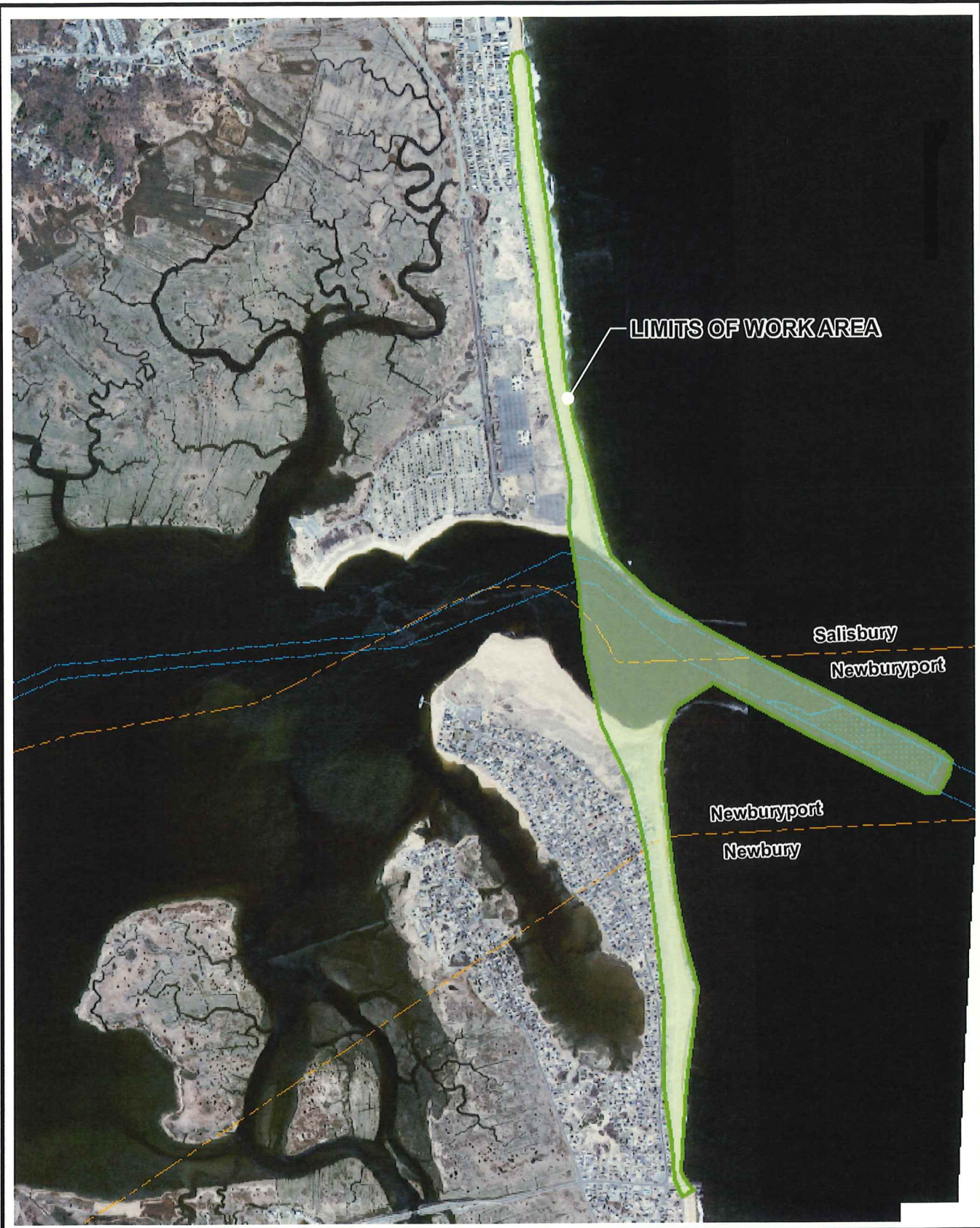
**MA DEPT. OF CONSERVATION & RECREATION  
NEWBURYPORT HARBOR MAINTENANCE  
DREDGING & BEACH NOURISHMENT  
NEWBURYPORT, NEWBURY & SALISBURY, MA**

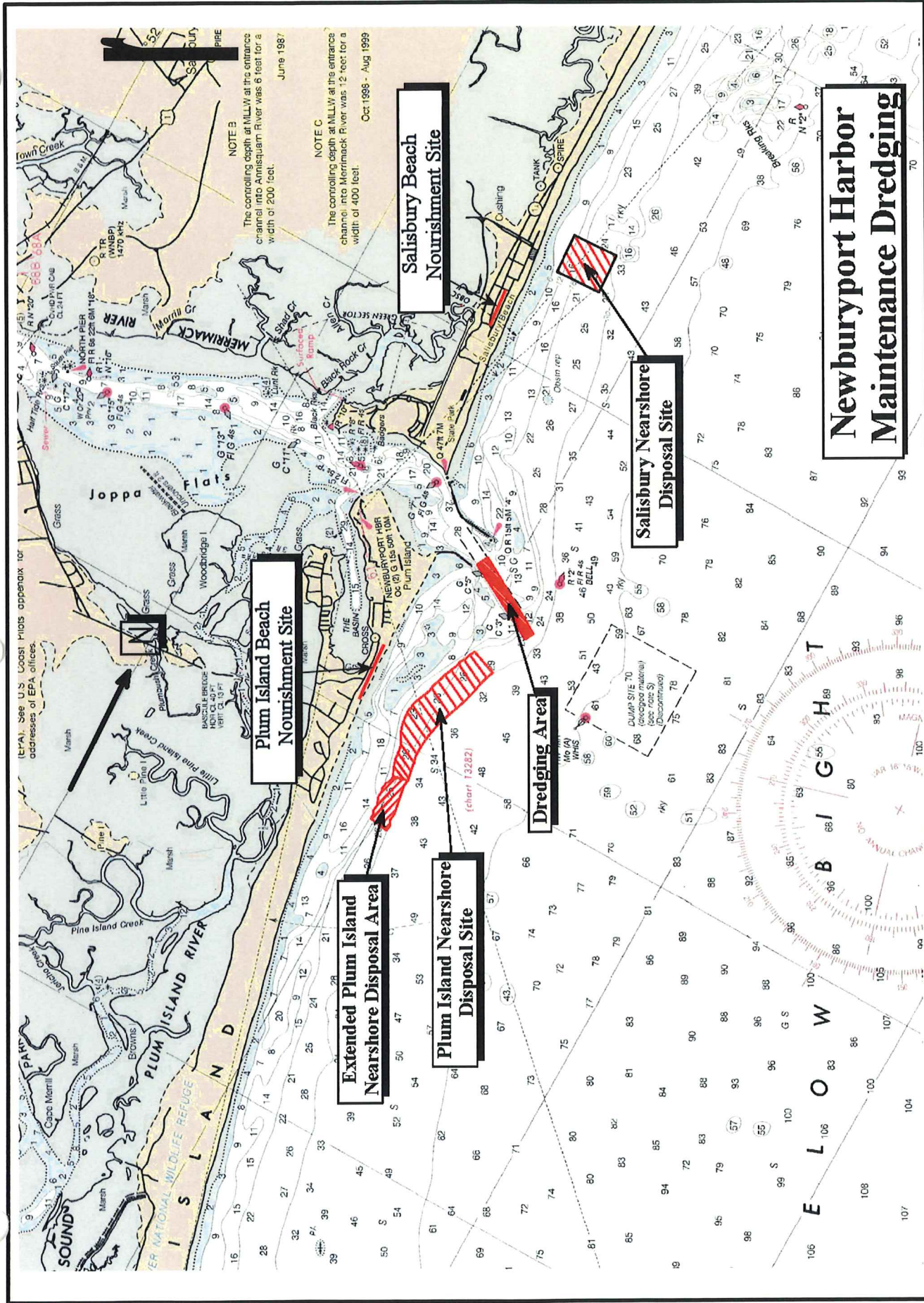
**Vine ASSOCIATES, INC.**  
372 MERRIMAC STREET NEWBURYPORT, MA 01950  
190 OLD DERRY STREET RINDHAM, MA 02043  
18 BEACH STREET MONUMENT BEACH, MA 02553  
Tel: (978)465-1428 Tel: (781)749-2530 Tel: (508)743-0390  
Fax: (978)465-2640 Fax: (781)749-2751 Fax: (508)743-0391

|       |          |      |     |      |           |     |             |        |
|-------|----------|------|-----|------|-----------|-----|-------------|--------|
| DES.  | CMP      | CHK. | PJW | DR.  | MAG       | VAI | PROJECT NO. | 1516   |
| SCALE | AS SHOWN |      |     | DATE | JUNE 2009 |     | SHEET       | 1 OF 3 |

**FIGURE 6 - Average Grain Size Analysis Comparison  
Newburport Harbor Entrance Channel Dredge Sediments and Existing Beach/Dune Sand  
at Plum Island & Salisbury Beach Nourishment Areas**



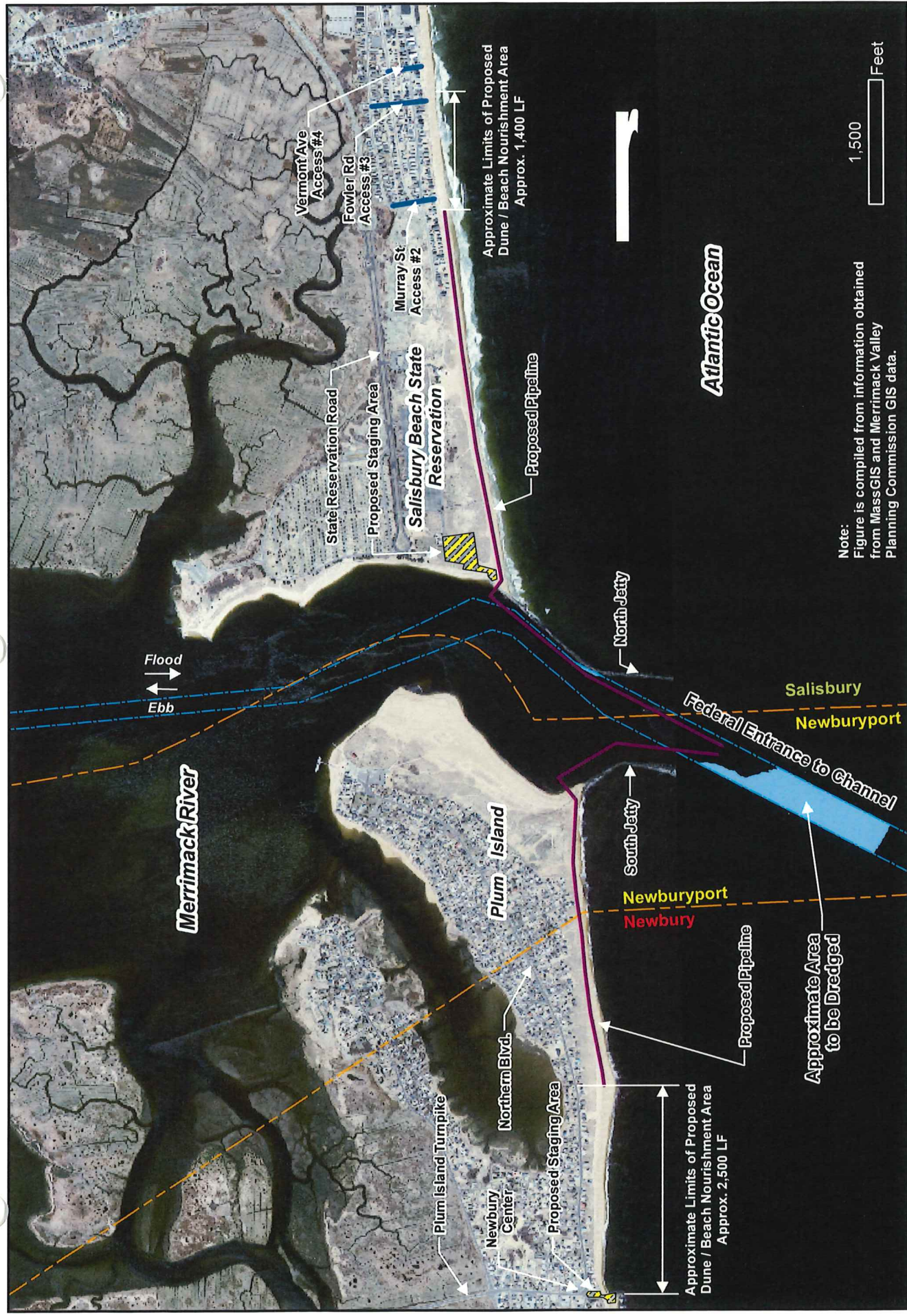




**NEARSHORE DISPOSAL SITES  
NEWBURYPORT HARBOR  
FEDERAL NAVIGATION PROJECT**

**Figure  
2**





Note:  
Figure is compiled from information obtained from MassGIS and Merrimack Valley Planning Commission GIS data.

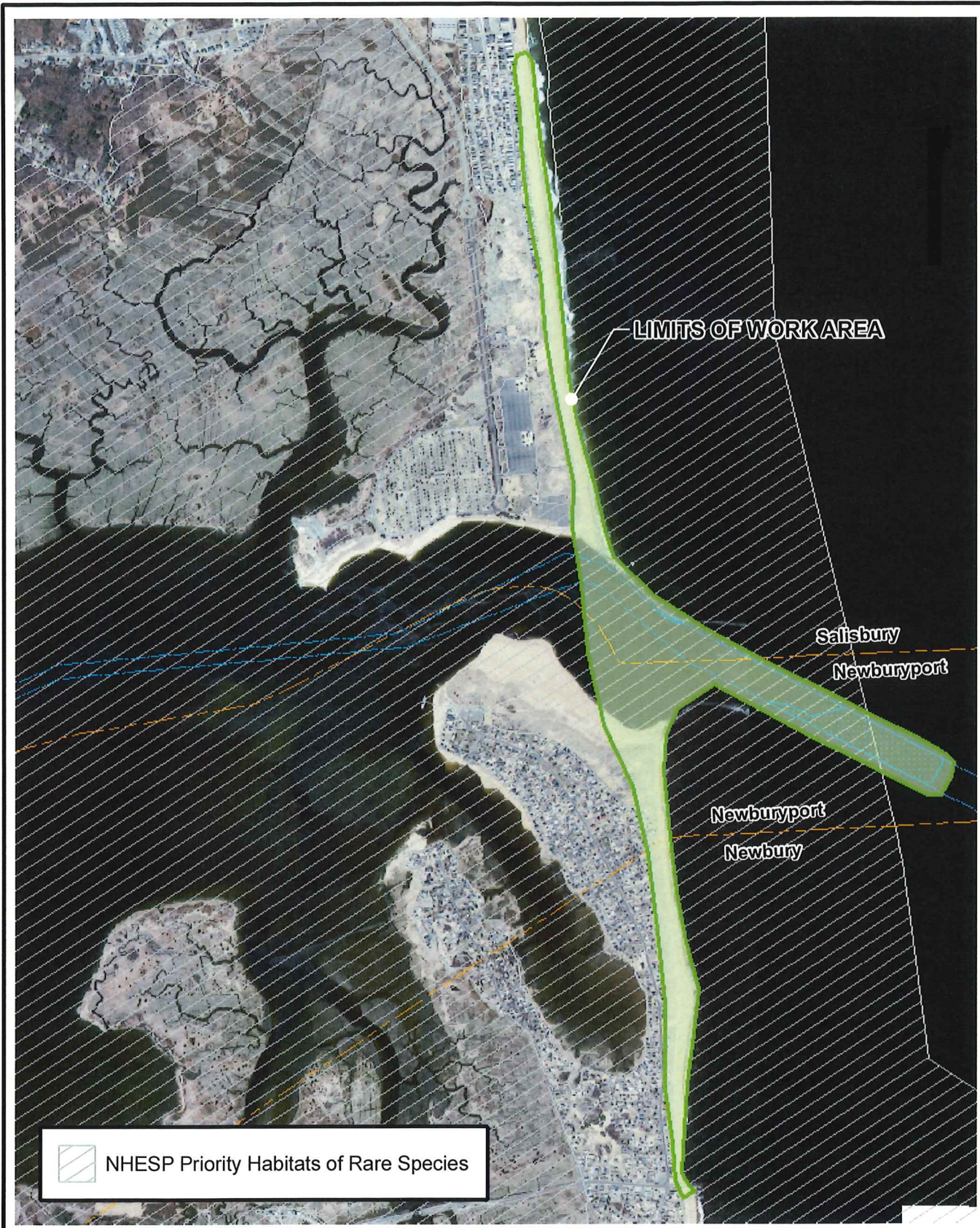
**Vine**  
ASSOCIATES, INC.  
SCALE: 1"=1500'

100 OLD DERRY STREET  
HINGHAM, MA 02043  
TEL (781) 749-2530  
FAX (781) 749-2751  
MAY 2009

**DREDGING AND  
NOURISHMENT PLAN**

**NEWBURYPORT HARBOR  
FEDERAL NAVIGATION PROJECT**

**FIGURE 3**







*The Commonwealth of Massachusetts*  
*Executive Office of Energy and Environmental Affairs*  
*100 Cambridge Street, Suite 900*  
*Boston, MA 02114*

Deval L. Patrick  
GOVERNOR

Timothy P. Murray  
LIEUTENANT  
GOVERNOR

Ian A. Bowles  
SECRETARY

Tel: (617) 626-1000  
Fax: (617) 626-1181  
<http://www.mass.gov/envir>

July 24, 2009

DRAFT RECORD OF DECISION

PROJECT NAME : Plum Island and Salisbury Beach Nourishment (previously reviewed as Near-Shore Dredged Material Disposal off Plum Island Beach)  
PROJECT MUNICIPALITY : Newbury, Newburyport and Salisbury  
PROJECT WATERSHED : North Coastal  
EOEA NUMBER : 13503  
PROJECT PROPONENT : Department of Conservation and Recreation  
DATE NOTICED IN MONITOR : June 24, 2009

Pursuant to the Massachusetts Environmental Policy Act (MEPA) (G.L.c.30, ss. 61-62H) and Section 11.11 of the MEPA regulations (301 CMR 11.00), I have reviewed the Notice of Project Change (NPC) and hereby **propose to grant a waiver** from the requirement to prepare a mandatory Environmental Impact Report (EIR).

Project Description

The Department of Conservation and Recreation (DCR) is proposing to change the disposal area for the dredged material to two eroded beach areas, totaling about 22 acres, on Plum Island (about 2,500 feet of beach between the State Groin #1 and the Newburyport Turnpike) and Salisbury Beach (about 1,400 feet of beach between Fowler and Murray Street). Dredged material will be pumped via temporary pipelines extending for 3,600 feet along Plum Island and 3,800 feet in Salisbury. During the construction, the temporary pipeline, which is expected to be approximately 22 to 24 inches in diameter, will be placed along the beach between mean high water (MHW) and the toe of the existing dunes, and will be removed when construction is

complete. The newly nourished dune areas at both sites are expected to be planted with dune grass and protected from wind and foot traffic with sand/snow fencing along the dune toe and laterally at frequent intervals.

#### MEPA Jurisdiction and Permitting Requirements

The project is undergoing review pursuant to Section 11.03(3)(a)(1)(b) and (3)(b)(4) of the MEPA regulations because it involves alteration of ten or more acres of wetlands (in this case, coastal beach, coastal dune, and land under the ocean) and the disposal of 10,000 or more cy of dredged material. The project will require a Chapter 91 Permit and a 401 Water Quality Certification from the Department of Environmental Protection (DEP). The proposed project is subject to federal consistency review by the Office of Coastal Zone Management (CZM) and, therefore, must be found to be consistent with CZM's enforceable program policies. The project will also require Orders of Conditions from the Conservation Commissions in Newbury, Newburyport and Salisbury.

Because the proponent is DCR, a state agency, MEPA jurisdiction for this project is broad and extends to all aspects of the project that are likely, directly or indirectly, to cause Damage to the Environment, as defined in the MEPA regulations.

#### Summary of Potential Environmental Impacts

As described in the NPC, the project will impact 654,953 square feet (sf) of coastal beach (including 276,767 square feet of intertidal impacts within the coastal beach); 79,412 sf of coastal dune; 165,024 sf of land under the ocean; and 2,700 linear feet of fish run.

#### Waiver Request

The proponent has requested a waiver from the requirement to prepare an EIR. A NPC was submitted in conjunction with this request that identifies the environmental impacts of the project change and describes measures to be undertaken by the proponents to avoid, minimize and mitigate project impacts.

#### Standards for All Waivers

The MEPA regulations at 301 CMR 11.11(1) state that I may waive any provision or requirement in 301 CMR 11.00 not specifically required by MEPA and may impose appropriate and relevant conditions or restrictions, provided that I find that strict compliance with the provision or requirement would:

- (a) result in an undue hardship for the Proponent, unless based on delay in compliance by the Proponent; and
- (b) not serve to avoid or minimize Damage to the Environment.

Determinations for an EIR Waiver

The MEPA regulations at 301 CMR 11.11(3) state that, in the case of a waiver of a mandatory EIR review threshold, I shall at a minimum base the finding required in accordance with 301 CMR 11.11(1)(b) stated above on a determination that:

- (a) the project is likely to cause no Damage to the Environment; and
- (b) ample and unconstrained infrastructure facilities and services exist to support the project, when subject matter jurisdiction is broad in scope, or those aspects of the project within subject matter jurisdiction, when jurisdiction is limited to the subject matter of state agency permits.

Findings

Based upon the information submitted by the proponent and after consultation with the state permitting agencies, I find that the Waiver Request has merit and that the proponent has demonstrated that the proposed project meets the standards for all waivers at 301 CMR 11.11(1). I find that strict compliance with the requirement to submit a mandatory EIR would result in an undue hardship for the Proponent **and** would not serve to avoid or minimize Damage to the Environment. In accordance with 301 CMR 11.11(3), the latter finding is based on my determination that:

- (a) the project is likely to cause no Damage to the Environment; and
- (b) ample and unconstrained infrastructure facilities and services exist to support the project, or those aspects of the project within subject matter jurisdiction.

Specifically, requiring the submission of an EIR would result in undue hardship resulting from delays that would allow continued beach erosion. The annual rate of erosion has been estimated at 13 feet annually, far in excess of the long-term average for the region. Any delay in moving forward with the project may result in devastating impacts to private properties and public roadways and utilities that are located in the immediate vicinity of the proposed beach nourishment areas. Because DCR has developed an approach to this project that has examined and will minimize and mitigate all potential adverse impacts, requiring the submission of an EIR would result in further expense and delay without further avoiding or minimizing impacts to the environment. Moreover, the project has been approved to be funded under the American Recovery and Reinvestment Act and any delay in construction beyond the upcoming dredging season may result in the loss of this funding and indefinite postponement of the project.

The NPC has served to adequately document the likely environmental impacts of the direct placement of dredged material along beach and dune areas at Plum Island and Salisbury Beach and post-construction management will be performed in accordance with approved beach management plans for these sites. These beach management plans will establish guidelines for coastal resource protection through appropriate management practices for conducting sustainable recreation planning, facility improvements, and maintenance activities. DCR has an approved

beach management plan for Salisbury Beach and the Town of Newbury and the City of Newburyport anticipate that their beach management plans for Plum Island will be finalized prior to implementation of the Federal Navigation Project for the dredging of Newburyport Harbor. I also note that the relevant state resource and permitting agencies have participated in the development and review of these beach management plans. Therefore, I find that the project, as proposed in the NPC, which entails the beneficial reuse of dredged material for beach and dune nourishment will serve to minimize impacts to natural resources and, as a result, is likely to cause no Damage to the Environment.

#### Conclusion

I have determined that this waiver request has merit, and am issuing this Draft Record of Decision (DROD), which will be published in the next edition of the Environmental Monitor on August 12, 2009 in accordance with 301 CMR 11.15(2), which begins the public comment period. The public comment period lasts for 14 days and will end on August 26, 2009. Based on written comments received concerning the DROD, I shall issue a Final Record of Decision or a Scope within seven days after the close of the public comment period, in accordance with 301 CMR 11.15(6). I hereby propose to grant the waiver requested for this project, from the requirement to prepare a mandatory Environmental Impact Report (EIR), subject to the above findings.

July 24, 2009  
Date

\_\_\_\_\_  
Ian A. Bowles

IAB/RB/rb



*The Commonwealth of Massachusetts*  
*Executive Office of Energy and Environmental Affairs*  
100 Cambridge Street, Suite 900  
Boston, MA 02114

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Tel: (617) 626-1000  
Fax: (617) 626-1181  
<http://www.mass.gov/envir>

July 24, 2009

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS  
ON THE  
NOTICE OF PROJECT CHANGE

PROJECT NAME : Plum Island and Salisbury Beach Nourishment (previously reviewed as Near-Shore Dredged Material Disposal off Plum Island Beach)  
PROJECT MUNICIPALITY : Newbury, Newburyport and Salisbury  
PROJECT WATERSHED : North Coastal  
EOEA NUMBER : 13503  
PROJECT PROPONENT : Department of Conservation and Recreation  
DATE NOTICED IN MONITOR : June 24, 2009

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62I) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project change does not require the preparation of an Environmental Impact Report. In a separate Draft Record of Decision (DROD) also issued today, I propose granting a Waiver from the requirement to prepare a mandatory Environmental Impact Report (EIR) for the project. This Certificate sets forth the issues that must be addressed by the Proponent during permitting and discusses recommendations that were submitted on the project during the MEPA comment period.

Project Description

The project was the subject of previous review under MEPA as an Environmental Notification Form (ENF) in 2005 and did not require the submission of an Environmental Impact Report (EIR). The previously reviewed project involved the revision of the disposal site for approximately 150,000 cubic yards (cy) of sand to be dredged for maintenance purposes from the Federal Navigation Project in Newburyport Harbor, which was reviewed under MEPA as EEA

#6429. The dredged material had been previously approved for disposal at a sub-tidal site east of Plum Island, which is one of two near-shore locations that has been historically used for disposal of dredged material from Newburyport Harbor. The ENF proposed the extension of the previously approved disposal site by approximately 1,500 feet to the south, but still within the sub-tidal (near shore) area, in water depths ranging from about 10 to 18 feet below mean lower low water (MLLW) in order to indirectly nourish Plum Island Beach via in-shore migration of the deposited sand and to provide a measure of protection against further erosion of shoreline public utilities and private properties. This location was proposed with the support of both Newbury and Newburyport in order to address existing erosion issues along the Plum Island public beach in Newbury. Placement of the material in the near shore was to allow typical fair-weather summer wave patterns to transport the sand onto the beach.

The Department of Conservation and Recreation (DCR) is now proposing to change the disposal area for the dredged material to two eroded beach areas, totaling about 22 acres, on Plum Island (about 2,500 feet of beach between the State Groin #1 and the Newburyport Turnpike) and Salisbury Beach (about 1,400 feet of beach between Fowler and Murray Street). Dredged material will be pumped via temporary pipelines extending for 3,600 feet along Plum Island and 3,800 feet in Salisbury. During the construction, the temporary pipeline, which is expected to be approximately 22 to 24 inches in diameter, will be placed along the beach between mean high water (MHW) and the toe of the existing dunes, and will be removed when construction is complete. The newly nourished dune areas at both sites are expected to be planted with dune grass and protected from wind and foot traffic with sand/snow fencing along the dune toe and laterally at frequent intervals.

Since the ENF filing in 2005, the coastline in Salisbury, Newbury, and Newburyport has experienced significant erosion. According to a US Army Corps of Engineers (USACE) Section 204 Study referenced in the ENF, the area of beach to receive the dredged materials has been eroding at an average rate of 13 feet per year in recent years. To offset this loss for a period of approximately five years, DCR is now proposing to hydraulically dredge approximately 160,000 cys of accumulated marine sediment from the Newburyport Harbor Navigation Channel. Changing from a hopper dredge to a hydraulic dredge presents safety issues, as indicated in the ENF. A small hydraulic dredge which remains stationary will have difficulty operating safely in the high wave-energy environment of the entrance channel to Newburyport Harbor. In order to avoid delays which potentially may cause conflicts with time-of-year restrictions imposed by the Division of Marine Fisheries for the project and costs associated with those delays, a large hydraulic pipeline dredge with a stronger anchoring system will be required.

As described in the NPC, the project will impact 654,953 square feet (sf) of coastal beach (including 276,767 square feet of intertidal impacts within the coastal beach); 79,412 sf of coastal dune; 165,024 sf of land under the ocean; and 2,700 linear feet of fish run.

MEPA Jurisdiction and Permitting Requirements

The project is undergoing review pursuant to Section 11.03(3)(a)(1)(b) and (3)(b)(4) of the MEPA regulations because it involves alteration of ten or more acres of wetlands (in this case, coastal beach, coastal dune, and land under the ocean) and the disposal of 10,000 or more cubic yards of dredged material. The project will require a Chapter 91 Permit and a 401 Water Quality Certification from the Department of Environmental Protection (DEP). The proposed project is subject to federal consistency review by the Office of Coastal Zone Management (CZM) and, therefore, must be found to be consistent with CZM's enforceable program policies. The project will also require Orders of Conditions from the Conservation Commissions in Newbury, Newburyport and Salisbury.

Because the proponent is DCR, a state agency, MEPA jurisdiction for this project is broad and extends to all aspects of the project that are likely, directly or indirectly, to cause Damage to the Environment, as defined in the MEPA regulations.

Permitting Issues*Beach Management Plans*

The NPC states that post-construction management at both Salisbury Beach and Plum Island will be performed in accordance with approved beach management plans for these sites. While the Salisbury Barrier Beach Management Plan is already approved and in place, the Newbury and Newburyport Barrier Beach Management Plans are still in draft form, and must be finalized and approved before the nourishment project moves forward. At the request of the communities, state agencies provided comments on the draft plans in May 2009, and these comments are being incorporated into the documents. The implementation of the post-construction management practices contained in these plans will have an important impact on the effectiveness of the nourishment project over time. State agencies should be given the opportunity to review and comment on the content of the revised draft plans before they are finalized and approved.

To maximize the success and longevity of the project in addressing erosion concerns, each community should commit to implementation and enforcement of effective beach access plans to minimize impacts from pedestrian traffic and structures on the newly nourished primary dunes. Access plans, indicating approved access locations and design for pedestrian and vehicular access, should be included as part of the barrier beach management plans for each community.

*Resource Area Impacts*

The NPC discusses the impacts to coastal beaches that are directly related to the placement of sediment at these locations. During the permitting process, issues associated with the placement of the pipeline should also be thoroughly addressed to ensure that impacts are

minimized. Due to required time-of-year (TOY) restrictions, the project will be conducted between the months of October and March, which is typically the highest energy period for northeast facing beaches in Massachusetts. Because it is possible that the pipeline will be exposed to wave energy while the project is underway, direct and indirect impacts on the coastal beach related to these conditions should be addressed, including the potential for scour around the pipe as well as direct storm damage to the pipe itself. A contingency plan for storm damage to the pipeline should be detailed during permitting. Finally, the extent to which the beach will be modified to accommodate the pipeline should be detailed, including what vehicles and machinery will be required for installation and restoration after removal.

The project will require the construction of toe dikes and DCR has proposed using existing beach material to construct them. In its comments, MassDEP recommends that sand be imported to construct the dikes due to the proximity of the work zone to the tidal zone and the likelihood that construction of the toe dikes will contribute to the additional loss of sand from the beach system. In Newbury especially, the area to be nourished is within the tidal zone and will be subject to wave action.

#### *Rare Species*

The project site is located within *Priority* and *Estimated Habitat* as indicated in the 13th Edition of the Massachusetts Natural Heritage Atlas and therefore requires review through a direct filing with the Division of Fisheries and Wildlife (DFW) Natural Heritage and Endangered Species Program (NHESP) for compliance with the Massachusetts Endangered Species Act (MESA 321 CMR 10.00) and its implementing regulations.

In its comments on the NPC, NHESP states that it anticipates that the proposed project will need to be conditioned in order to avoid a "take" of state-listed bird species, specifically Piping Plovers and Terns that may be attracted to the beach nourishment areas, as well as their eggs and unfledged chicks. NHESP will likely require timing restrictions and development and implementation of a shorebird monitoring and protection plan. DCR should note the specific items requested by NHESP in its comments and submit this plan as soon as possible in order to expedite the MESA review process.

In its comments, NHESP states that it is especially concerned about any nourishment activities in the vicinity of 23rd Street in Newbury because this area currently provides habitat for state-listed species. If nourishment activities are proposed farther north than 21st Street, then DCR should provide the specific information requested by NHESP in its comments in order to complete its review under the Wetlands Protection Act and pursuant to MESA.

NHESP anticipates that all issues related to state-listed species can be addressed during the MESA review process. In particular, DCR should continue to work cooperatively with NHESP to ensure that proposed dune plantings, beach fencing, and pedestrian access do not adversely affect state-listed species. As the MESA review is not complete, no alteration to the

soil, surface, or vegetation and no work associated with the proposed project may occur until NHESP has made a final determination.

*Archeological Resources*

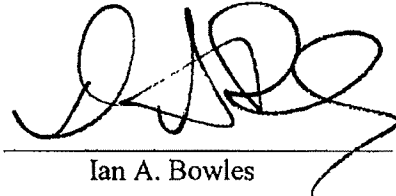
If, in the course of implementing the project, heretofore unknown cultural resources are encountered in conducting the project, DCR should notify the Board of Underwater Archeological Resources and work with the Board to develop and implement measures to avoid adverse effects.

Conclusion

I am satisfied that the NPC has adequately described the general nature of the proposed project and proposed measures to avoid and minimize, or mitigate environmental impacts. Based on a review of the information provided in the NPC and after consultation with the relevant public agencies, I find that the potential impacts of this project do not warrant further MEPA review. Outstanding issues may be addressed during the permitting processes.

I have issued a DROD proposing to grant a Waiver from the requirement to prepare an EIR for the project. The DROD will be noticed in the August 12, 2009 issue of the *Environmental Monitor* for a 14-day public comment period ending August 26, 2009 in accordance with 301 CMR 11.15(2). Based on written comments received concerning the DROD, I shall either issue a Final Record of Decision (FROD) or a Scope for an EIR if the Full Waiver is not approved within seven days after the close of the public comment period, in accordance with 301 CMR 11.15(6).

July 24, 2009  
Date

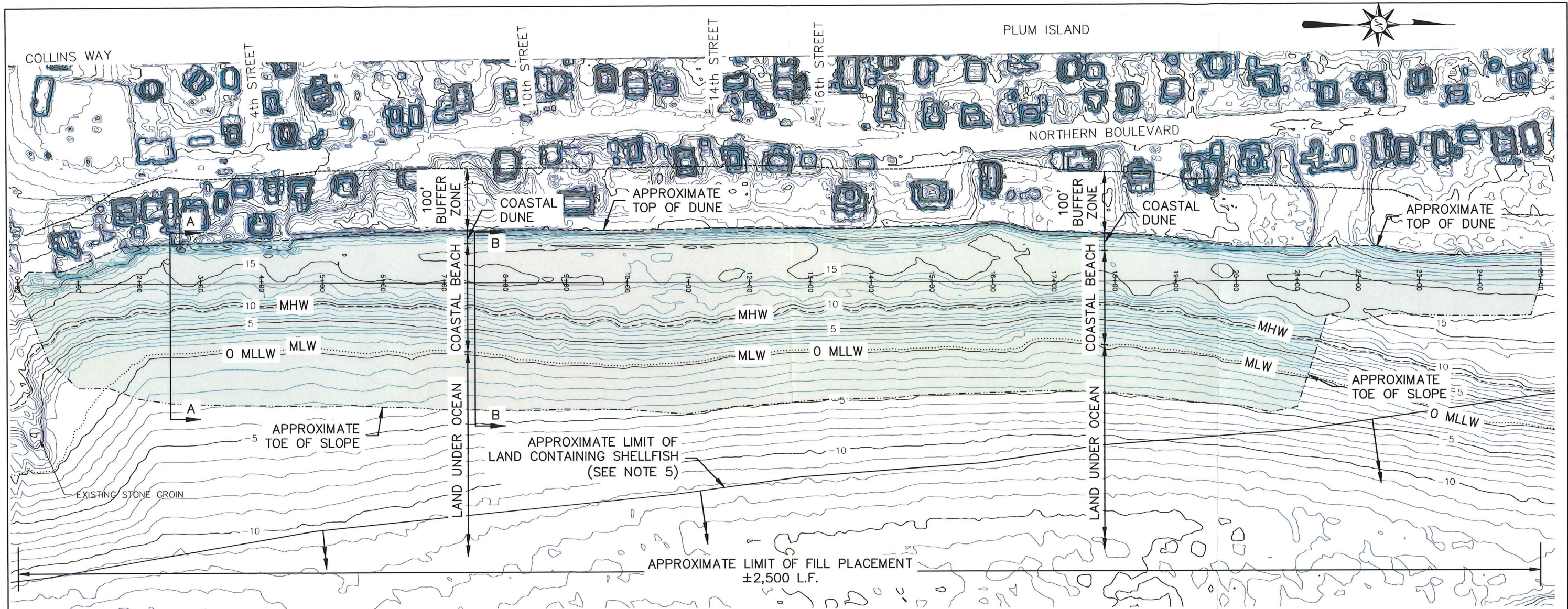


Ian A. Bowles

Comments received:

|         |                                                                                    |
|---------|------------------------------------------------------------------------------------|
| 7/13/09 | Board of Underwater Archaeological Resources                                       |
| 7/14/09 | Division of Fisheries & Wildlife - Natural Heritage and Endangered Species Program |
| 7/15/09 | Department of Environmental Protection Northeast Regional Office                   |
| 7/17/09 | Office of Coastal Zone Management                                                  |

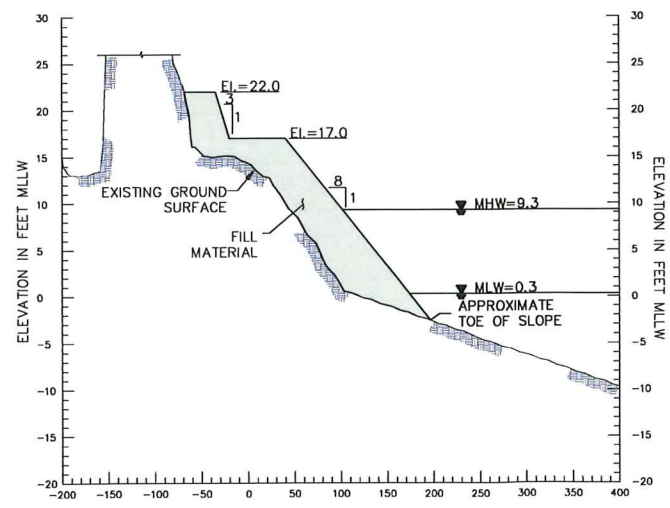
IAB/RB/rb



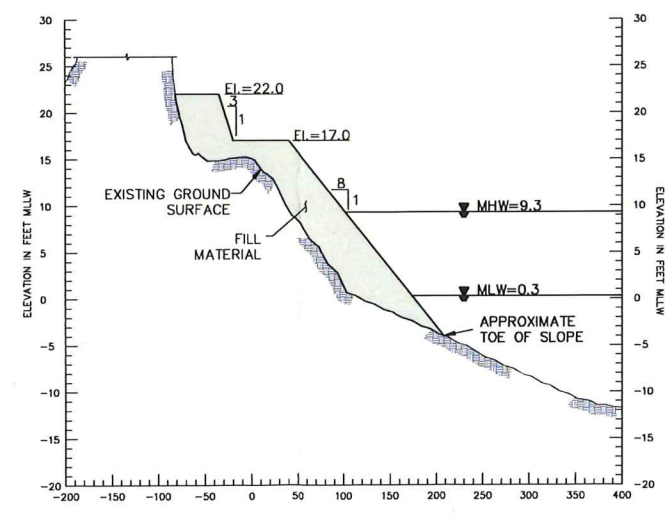
SITE PLAN  
SCALE: 1"=160'

**NOTE:**

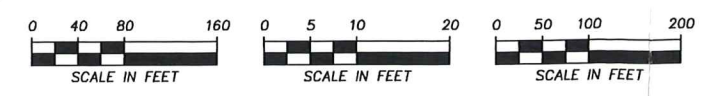
1. DRAWING ISSUED WITH NOTICE OF INTENT, JULY 2009.



STATION 2+50 SECTION A-A  
VERTICAL SCALE: 1"=20'  
HORIZONTAL SCALE 1"=200'



STATION 7+50 SECTION B-B  
VERTICAL SCALE: 1"=20'  
HORIZONTAL SCALE 1"=200'



**NOTES:**

1. DATUM: MLLW=0.0; MLW=0.3; MHW=9.3; HTL=10.9.
2. PLANS & SECTIONS PREPARED BY THE U.S. ARMY CORPS OF ENGINEERS (USACE).
3. TOPOGRAPHY, AS SHOWN, IS BASED UPON LIDAR SURVEY BY THE USACE IN 2007.
4. RESOURCE AREA LIMITS, AS SHOWN, HAVE BEEN INTERPRETED BY VINE ASSOCIATES, INC. (VAI).
5. LIMIT OF LAND CONTAINING SHELLFISH IS BASED UPON AVAILABLE INFORMATION FROM MASS GIS.

**PROPOSED FILL PLACEMENT  
PLAN AND SECTIONS  
PLUM ISLAND**

**MA DEPT. OF CONSERVATION & RECREATION  
NEWBURYPORT HARBOR  
FEDERAL NAVIGATION PROJECT  
NEWBURYPORT, NEWBURY & SALISBURY, MA**

|                                 |          |                                                                                         |                                                                                      |                                                                                        |                 |        |
|---------------------------------|----------|-----------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|-----------------|--------|
| <b>Vine</b><br>ASSOCIATES, INC. |          | 372 MERRIMAC STREET<br>NEWBURYPORT, MA 01950<br>tel. (978)465-1428<br>fax (978)465-2640 | 190 OLD DERBY STREET<br>HINGHAM, MA 02043<br>tel. (508)743-2530<br>fax (508)743-2751 | 18 BEACH STREET<br>MONUMENT BEACH, MA 02553<br>tel. (508)743-0390<br>fax (508)743-0391 |                 |        |
| DES.                            | CHK.     | CMP.                                                                                    | DR.                                                                                  | DWG.                                                                                   | VAI PROJECT NO. | 1516   |
| SCALE                           | AS SHOWN |                                                                                         | DATE                                                                                 | JULY 2009                                                                              | SHEET NO.       | 2 OF 2 |

FIGURE 3



MassWildlife

Commonwealth of Massachusetts

# Division of Fisheries & Wildlife

Wayne F. MacCallum, *Director*

July 14, 2009

Secretary Ian A. Bowles  
Executive Office of Environmental Affairs  
Attention: MEPA Office  
Rick Bourré, EEA No. 13503  
100 Cambridge St, Suite 900  
Boston, MA 02114

*Project Name:* Plum Island and Salisbury Beach Nourishment  
*Proponent:* MA Department of Conservation and Recreation  
*Location:* Newburyport, Newbury, and Salisbury, MA  
*Project Description:* Direct placement of approximately 160,000 cubic yards of dredged material from the federal entrance channel along eroded beach/dune areas at Plum Island and Salisbury Beach  
*Document Reviewed:* Notice of Project Change (NPC)  
*EEA File Number:* 13503  
*NHESP Tracking No:* 09-26646

Dear Secretary Bowles:

The Natural Heritage & Endangered Species Program (NHESP) of the Massachusetts Division of Fisheries & Wildlife has reviewed the Notice of Project Change (NPC) for the *Plum Island and Salisbury Beach Nourishment Project* (EEA No. 13503). At this time, the NHESP would like to offer the following comments regarding state-listed species and their habitats.

The project site is located within Priority and Estimated Habitat as indicated in the 13<sup>th</sup> Edition of the MA Natural Heritage Atlas and therefore requires review through a direct filing with NHESP for compliance with the Massachusetts Endangered Species Act (MESA 321 CMR 10.00) and its implementing regulations. The NHESP has received streamlined MESA/Wetlands Protection Act review filings for the project but has not completed its review. Based on a preliminary review of the information provided in the ENF and the information contained in the NHESP database, the NHESP anticipates that the proposed project will need to be conditioned in order to avoid a "take" of state-listed bird species. The NHESP will likely require timing restrictions and development and implementation of a shorebird monitoring and protection plan as part of the project.

The proponent has the responsibility of protecting breeding Piping Plovers and Terns that may be attracted to the beach nourishment areas, as well as their eggs and unfledged chicks. Therefore, the NHESP requires that a shorebird monitoring and protection plan for beach nourishment areas is developed and submitted to the NHESP for written approval during the MESA review process. The proponent should note that this plan should be submitted as soon as possible in order to expedite the MESA review process. The proposed arrangement for implementation of this plan shall be described in the plan (e.g., Town will annually fund a position or contract a 3<sup>rd</sup> party). This plan shall include the following:

[www.masswildlife.org](http://www.masswildlife.org)

Division of Fisheries and Wildlife  
Field Headquarters, One Rabbit Hill Road, Westborough, MA 01581 (508) 389-6300 Fax (508) 389-7891  
*An Agency of the Department of Fish & Game*

- a. Each year, beginning April 1, a qualified shorebird monitor approved in writing by the NHESP shall determine whether territorial or nesting Piping Plovers or Terns are present at beach nourishment areas and if so, shall erect and maintain warning signs and symbolic fencing to protect nesting habitat and nests from disturbance or human-caused mortality.
- b. Monitoring shall occur at least 2 times per week until at least July 1. However, if plovers or terns are found to be using the site, then monitoring frequency shall be increased to at least 3 times per week, and shall continue until all nesting and brood-rearing activity has been completed.
- c. The applicant shall notify the NHESP prior to the start of work in the first year and before January 1st for each subsequent year as to what arrangements have been made for the aforementioned monitoring and site protection to occur. This notification shall include a written contract, memorandum of agreement, or some other formal written agreement with the individual(s) or organization that will undertake monitoring and protection efforts in the field.
- d. A report shall be submitted to the NHESP each year, on or before September 30, on standard census forms provided by NHESP, that summarizes the results of the state-listed species monitoring and site protection activities.

The NHESP is especially concerned about any nourishment activities in the vicinity of 23<sup>rd</sup> Street in Newbury. This area currently provides habitat for state-listed species. If nourishment activities are to occur farther north than 21<sup>st</sup> Street, Newbury, then the NHESP requires the following information in order for the NHESP to complete its review under the WPA and pursuant to the MESA (321 CMR 10.20):

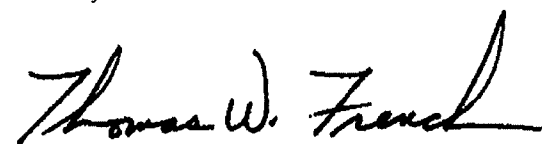
- a. Recent photos of the upper beach and dunes between 21<sup>st</sup> and 25<sup>th</sup> streets;
- b. Detailed profiles that depict the elevations, widths, and slopes of fill placement proposed for this section of the beach; and
- c. A description of how the proposed design of fill placement here will not adversely affect Piping Plover nesting and brood-rearing habitat on this section of beach.

Currently, the proponent is working cooperatively with the NHESP to revise the plans to include proposed vegetative plantings and revise the locations of the proposed sand fencing to benefit state-listed species. The NHESP looks forward to receiving revised plans.

The NHESP anticipates that all issues related to state-listed species can be addressed during the MESA review process. As the MESA review is not complete, no alteration to the soil, surface, or vegetation and no work associated with the proposed project shall occur on the property until the NHESP has made a final determination. We appreciate the opportunity to comment on this project.

Please contact Kristin E. Black of our office with any questions about this letter at (508) 389-6367 or [kristin.e.black@state.ma.us](mailto:kristin.e.black@state.ma.us).

Sincerely,

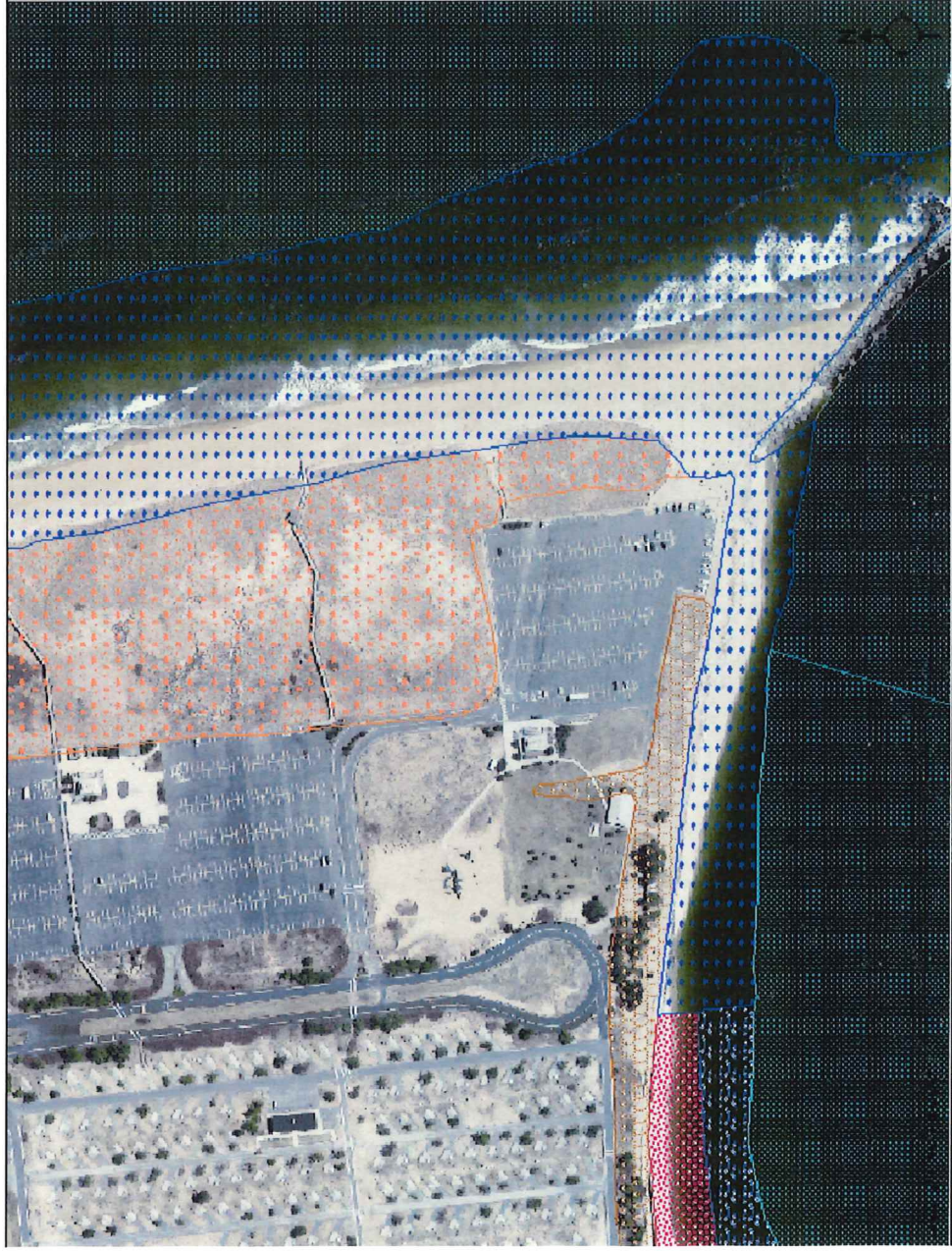


Thomas W. French, Ph.D.  
Assistant Director

cc: Christine M. Player, Vine Associates, Inc.  
Heather Warchalowski, DCR  
Newburyport Board of Selectmen  
Newburyport Conservation Commission  
Newburyport Planning Board  
DEP Northeast Regional Office, MEPA Coordinator  
Newbury Board of Selectmen  
Newbury Conservation Commission  
Newbury Planning Board  
Salisbury Board of Selectmen  
Salisbury Conservation Commission  
Salisbury Planning Board  
Susi von Oettingen, USFWS  
Todd Randall, US Army Corps of Engineers  
Mark Habel, US Army Corps of Engineers



# Salisbury Staging Area Wetland Areas



Source: MassGIS ([www.mass.gov/mgis](http://www.mass.gov/mgis)). Maps and photos are for planning purposes only.

80 m (1:3372)

WARNING: This map does not meet national map accuracy standards, and cannot be used for engineering purposes. Please consult <http://www.state.ma.us/mgis/>

Detailed With Outlines

| Wetlands 1:2k Detailed With Outlines |                                        |
|--------------------------------------|----------------------------------------|
|                                      | Barrier Beach System                   |
|                                      | Barrier Beach Deep Marsh               |
|                                      | Barrier Beach Wooded Swamp Mixed Trees |
|                                      | Barrier Beach Coastal Beach            |
|                                      | Barrier Beach Coastal Dune             |
|                                      | Barrier Beach Marsh                    |
|                                      | Barrier Beach Salt Marsh               |
|                                      | Barrier Beach Shrub Swamp              |
|                                      | Barrier Beach Wooded Swamp Coniferous  |
|                                      | Barrier Beach Wooded Swamp Deciduous   |
|                                      | Bog                                    |
|                                      | Coastal Berm Surf or Sea Cliff         |
|                                      | Coastal Beach                          |
|                                      | Coastal Dune                           |
|                                      | Cranberry Bog                          |
|                                      | Deep Marsh                             |
|                                      | Barrier Beach Open Water               |
|                                      | Open Water                             |
|                                      | Rocky Intertidal Shore                 |
|                                      | Salt Marsh                             |
|                                      | Shrub Marsh Meadow or Fen              |
|                                      | Shrub Swamp                            |
|                                      | Tide Flat                              |
|                                      | Wooded Swamp Coniferous                |
|                                      | Wooded Swamp Deciduous                 |
|                                      | Wooded Swamp Mixed Trees               |

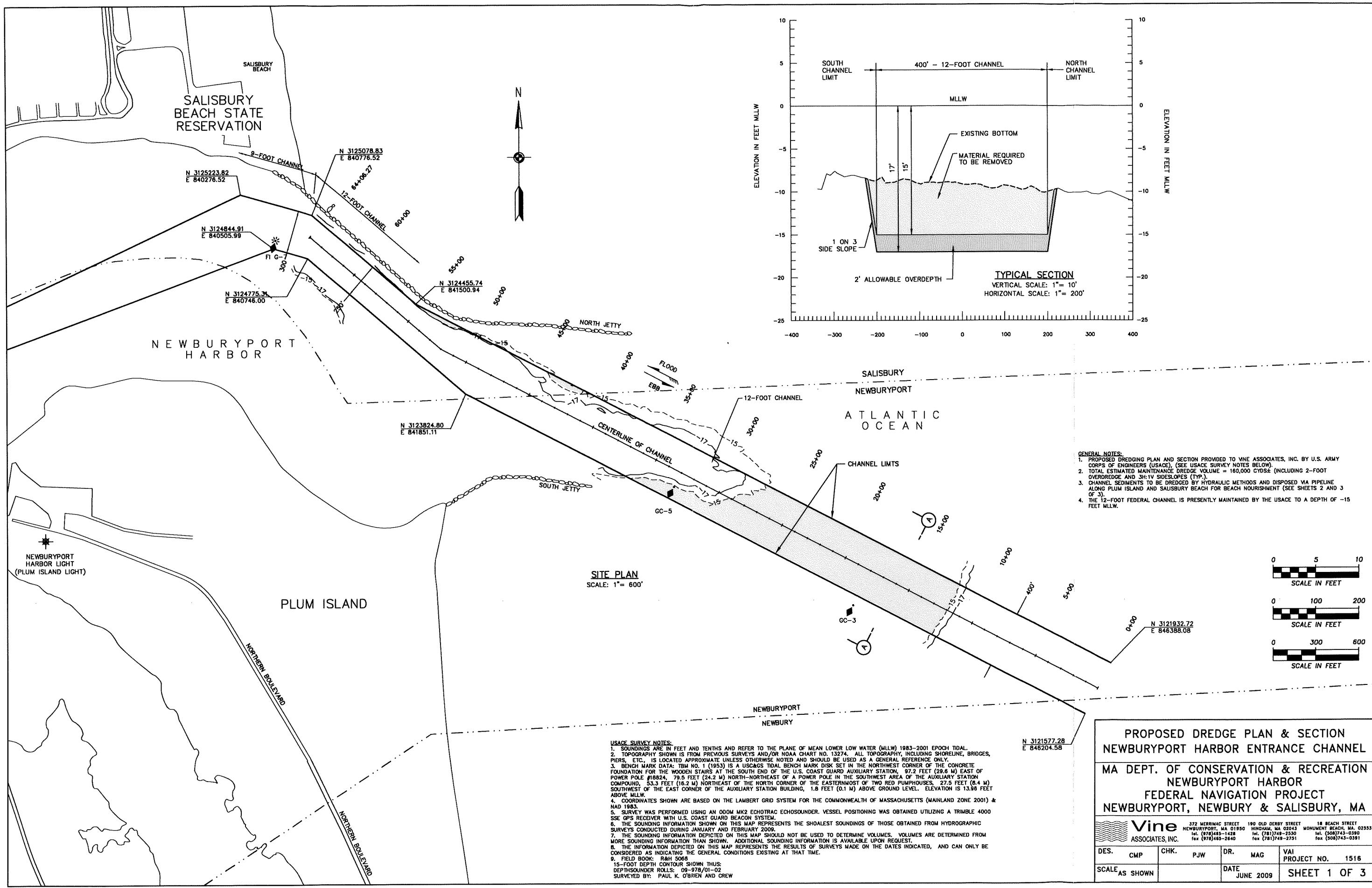
USGS Color Orthos 2008 30cm



MA Towns Survey

| Massachusetts Towns Boundaries from Survey Points |            |
|---------------------------------------------------|------------|
|                                                   | TOWNS      |
|                                                   | INTERSTATE |
|                                                   | COAST      |

G:\LAND PROJECTS\1516 - Merrimack Dredging\dwg\Dredge Plan.dwg, 6/15/2009 10:11:04 AM



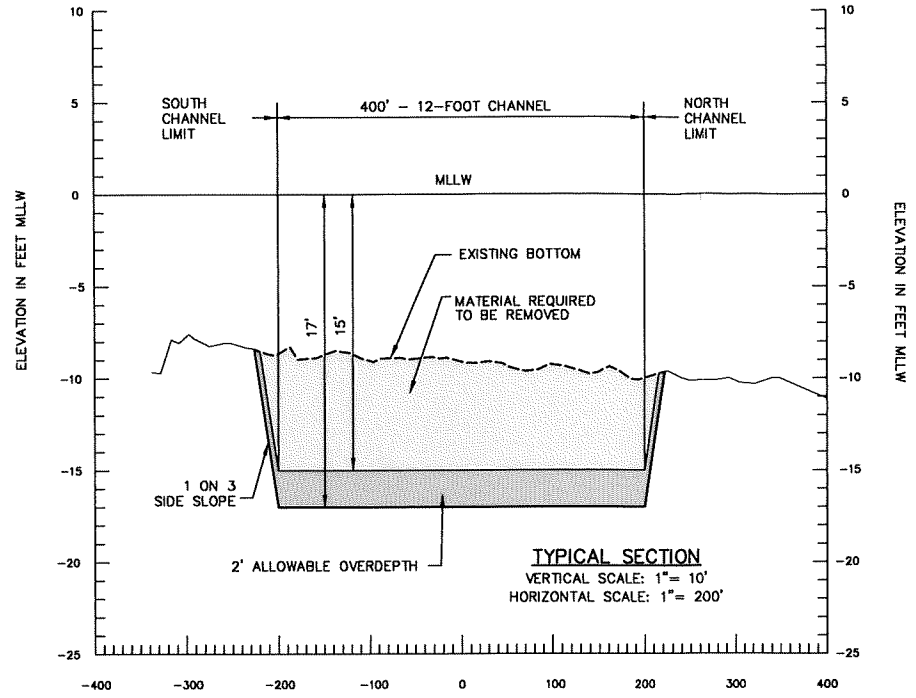
SALISBURY BEACH STATE RESERVATION

NEWBURYPORT HARBOR

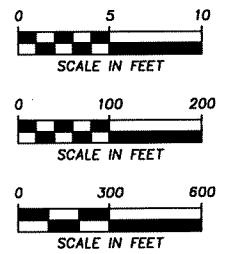
PLUM ISLAND

NEWBURYPORT HARBOR LIGHT (PLUM ISLAND LIGHT)

SITE PLAN  
SCALE: 1" = 600'



- GENERAL NOTES:**
1. PROPOSED DREDGING PLAN AND SECTION PROVIDED TO VINE ASSOCIATES, INC. BY U.S. ARMY CORPS OF ENGINEERS (USACE). (SEE USAGE SURVEY NOTES BELOW).
  2. TOTAL ESTIMATED MAINTENANCE DREDGE VOLUME = 160,000 CYDS± (INCLUDING 2-FOOT OVERDEPTH AND 3H:1V SIDESLOPES (TYP.)).
  3. CHANNEL SEDIMENTS TO BE DREDGED BY HYDRAULIC METHODS AND DISPOSED VIA PIPELINE ALONG PLUM ISLAND AND SALISBURY BEACH FOR BEACH NOURISHMENT (SEE SHEETS 2 AND 3 OF 3).
  4. THE 12-FOOT FEDERAL CHANNEL IS PRESENTLY MAINTAINED BY THE USACE TO A DEPTH OF -15 FEET MLLW.



**USACE SURVEY NOTES:**

1. SOUNDINGS ARE IN FEET AND TENTHS AND REFER TO THE PLANE OF MEAN LOWER LOW WATER (MLLW) 1983-2001 EPOCH TIDAL.
2. TOPOGRAPHY SHOWN IS FROM PREVIOUS SURVEYS AND/OR NOAA CHART NO. 13274. ALL TOPOGRAPHY, INCLUDING SHORELINE, BRIDGES, PIERS, ETC., IS LOCATED APPROXIMATE UNLESS OTHERWISE NOTED AND SHOULD BE USED AS A GENERAL REFERENCE ONLY.
3. BENCH MARK DATA: TBM NO. 1 (1953) IS A USCGS TIDAL BENCH MARK DISK SET IN THE NORTHWEST CORNER OF THE CONCRETE FOUNDATION FOR THE WOODEN STAIRS AT THE SOUTH END OF THE U.S. COAST GUARD AUXILIARY STATION, 97.2 FEET (29.6 M) EAST OF POWER POLE #18824, 79.5 FEET (24.2 M) NORTH-NORTHEAST OF A POWER POLE IN THE SOUTHWEST AREA OF THE AUXILIARY STATION COMPOUND, 53.3 FEET (16.2 M) NORTHEAST OF THE NORTH CORNER OF THE EASTERNMOST OF TWO RED PLUMPOUSES, 27.5 FEET (8.4 M) SOUTHWEST OF THE EAST CORNER OF THE AUXILIARY STATION BUILDING, 1.8 FEET (0.1 M) ABOVE GROUND LEVEL. ELEVATION IS 13.98 FEET ABOVE MLLW.
4. COORDINATES SHOWN ARE BASED ON THE LAMBERT GRID SYSTEM FOR THE COMMONWEALTH OF MASSACHUSETTS (MAINLAND ZONE 2001) & NAD 1983.
5. SURVEY WAS PERFORMED USING AN ODOM MK2 ECHOTRAC ECHOSOUNDER. VESSEL POSITIONING WAS OBTAINED UTILIZING A TRIMBLE 4000 SSE GPS RECEIVER WITH U.S. COAST GUARD BEACON SYSTEM.
6. THE SOUNDING INFORMATION SHOWN ON THIS MAP REPRESENTS THE SHOALEST SOUNDINGS OF THOSE OBTAINED FROM HYDROGRAPHIC SURVEYS CONDUCTED DURING JANUARY AND FEBRUARY 2009.
7. THE SOUNDING INFORMATION DEPICTED ON THIS MAP SHOULD NOT BE USED TO DETERMINE VOLUMES. VOLUMES ARE DETERMINED FROM MORE SOUNDING INFORMATION THAN SHOWN. ADDITIONAL SOUNDING INFORMATION IS AVAILABLE UPON REQUEST.
8. THE INFORMATION DEPICTED ON THIS MAP REPRESENTS THE RESULTS OF SURVEYS MADE ON THE DATES INDICATED, AND CAN ONLY BE CONSIDERED AS INDICATING THE GENERAL CONDITIONS EXISTING AT THAT TIME.
9. FIELD BOOK: R#H 5068
10. 15-FOOT DEPTH CONTOUR SHOWN THUS:  
DEPTHSOUNDER ROLLS: 09-978/01-02  
SURVEYED BY: PAUL K. O'BRIEN AND CREW

**PROPOSED DREDGE PLAN & SECTION  
NEWBURYPORT HARBOR ENTRANCE CHANNEL**

**MA DEPT. OF CONSERVATION & RECREATION  
NEWBURYPORT HARBOR  
FEDERAL NAVIGATION PROJECT  
NEWBURYPORT, NEWBURY & SALISBURY, MA**

|                |     |                                                                                    |     |                                                                                |     |                                                                                  |      |
|----------------|-----|------------------------------------------------------------------------------------|-----|--------------------------------------------------------------------------------|-----|----------------------------------------------------------------------------------|------|
|                |     | 375 MERRIMACK STREET NEWBURYPORT, MA 01950<br>tel. (978)485-1428 fax (978)463-2640 |     | 190 OLD DERRY STREET HINGHAM, MA 02043<br>tel. (781)749-2530 fax (781)749-2751 |     | 18 BEACH STREET MONUMENT BEACH, MA 02553<br>tel. (508)743-0390 fax (508)743-0391 |      |
| DES.           | CMP | CHK.                                                                               | PJV | DR.                                                                            | MAG | VAI PROJECT NO.                                                                  | 1516 |
| SCALE AS SHOWN |     |                                                                                    |     | DATE                                                                           |     | SHEET 1 OF 3                                                                     |      |
|                |     |                                                                                    |     | JUNE 2009                                                                      |     |                                                                                  |      |