



114 Touro Street  
Newport, RI 02840  
(401) 236-0360  
foth.com

September 3, 2024

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

Re: U.S. Army Corps of Engineers Self-Verification Notification  
Bismore Park Bulkhead Repairs  
Town of Barnstable, Massachusetts  
367 Main Street, Hyannis, MA 02601

Dear USACE Reviewer:

On behalf of the Town of Barnstable (Town), Foth Infrastructure & Environment, LLC (Foth) is pleased to provide you with the enclosed Self-Verification Notification (SVN) for the General Permits for Massachusetts (GPs for MA) for the above-referenced project. The proposed project consists of maintenance repairs to the existing licensed 680 foot steel bulkhead located along the shoreline of Bismore Park on Hyannis Inner Harbor in Barnstable, Massachusetts. Bulkhead repairs include steel plating, epoxy recoating, and anode replacement. There are no anticipated resource area impacts associated with the proposed project.

The proposed work is necessary to maintain the existing bulkhead located along the shoreline of Bismore Park. The project site serves as a public and commercial boating facility with six (6) timber piers with finger floats that extend from the Bulkhead. The park is used for parking and loading by boaters, Hy-Line passengers for the Hyannis to the Island ferries, commercial use by fishermen to on and offload their catch, and by the Town to hold events. The Bulkhead Rehabilitation project is being performed to extend the service life of the structures and to maintain public safety along the shoreline of Bismore Park.

Enclosed please find the accompanying documents:

1. Self-Verification Notification Massachusetts;
2. Project plans entitled "Bismore Park Marina Bulkhead Rehabilitation – Preliminary Design", dated June 2024, 2 sheets;
3. Order of Conditions, DEP File No. SE-003-6206,
4. USGS locus Map;
5. Endangered Species Act – U.S. Fish and Wildlife Service Official Species List and Consistency Letters;
6. Essential Fish Habitat Mapper Report;
7. Endangered Species Act – National Oceanic and Atmospheric Administration Section 7 Mapper;
8. Previous Authorizations; and
9. Proof of Mailing to SHPO, BUAR and Applicable Tribes



Prior to the submittal of this SVN, the Barnstable Conservation Commission issued an Order of Conditions (OOC), File Number SE-003-6206, on August 21, 2024.

The proposed repairs include the installation of 61 anodes along the face of the bulkhead, replating areas of the existing steel bulkhead with severe section loss, and selective touchup coating as necessary from the top of the bulkhead to 6" below MLW. The steel plating and recoating will restore the existing condition of the bulkhead structure and have no permanent impacts to the Waters of the United States (WOTUS) and the Cathodic Protection installation of anodes along the face of the bulkhead will occupy approximately 1.7 CY of WOTUS but will be installed on the inner belly of the undulating steel sheets to avoid impacts to navigable waters. All cathodic protection, plating, and recoating work will be implemented using the best available measures to avoid and minimize adverse impacts to coastal resource areas and WOTUS.

On behalf the Town and Foth, we thank you for your attention and response. If you have any questions, or should require any additional information, please feel free to contact me at [Jeremy.Packard@Foth.com](mailto:Jeremy.Packard@Foth.com) or at (401) 236-0362.

Sincerely,  
Foth Infrastructure & Environment, LLC

A handwritten signature in black ink, appearing to read "J. Packard".

Jeremy Packard, PE  
Project Manager

Cc: Paul Graves (Town of Barnstable)  
Benjamin Foley (Foth)

## **Attachment 1: Self-Verification Notification Massachusetts**





17. PROJECT PLANS (BY CHECKING THE BOXES BELOW, YOU CERTIFY THESE ITEMS ARE COMPLETE) (see instructions)

- a. Plans shall at least contain the following: Vicinity Map, Plan View, and Typical Cross Section View of the proposed activity.
- b. All direct, indirect and secondary impacts from USACE regulated activities are shown on the project plans.
- c. The size of the impact area for each activity (acre, square feet, linear feet) are shown on the project plans.
- d. For discharges of fill material (§404), the volume of fill material is identified on the project plans.
- e. The duration of each impact, permanent or temporary (X days), is identified on the project plans.
- f. Do activities with permanent impacts result in the loss of waters? If so, this is identified on the project plans.
- g. All aquatic resources in the vicinity of the USACE regulated activities are delineated on the project plans.

18. AVOIDANCE & MINIMIZATION (BY CHECKING THE BOXES BELOW, YOU CERTIFY THESE CRITERIA ARE MET) (see instructions)

- a. The project has been designed to avoid and minimize impacts to aquatic resources.
- b. The footprint of activities in waters of the U.S. has been reduced to only what is necessary to achieve the overall project purpose.
- c. All practicable measures have been taken to avoid and minimize impacts to aquatic resources through construction techniques and site access (e.g., Best Management Practices, Time of Year Restrictions).
- d. All temporary impacts from USACE regulated activities will be restored upon completion of construction and the project area will be returned to pre-construction contours and conditions.

**COMPLIANCE WITH FEDERAL REGULATIONS & SUPPLEMENTAL INFORMATION**

19. DUE DILIGENCE (see instructions)

Complete the entries below to document compliance with the following Federal requirements. Construction may NOT begin if a PCN is/may be required, and you must contact USACE to determine permitting requirements. Documentation that demonstrates how the activity complies with each field below shall be submitted to the USACE as noted in the instructions block. See each General Condition (GC) in the GP for how to comply with each requirement.

- a. State Historic Preservation Officer Per Appendix A, SHPO was notified and they did not respond with concerns within 30 days.
- b. Massachusetts BUAR Per Appendix A, BUAR was notified and they did not respond with concerns within 30 days.
- c. Tribal Historic Preservation Officers The Tribe(s) were notified and they didn't respond with concerns within 30 days.
- d. Endangered Species Act - NOAA The activity is not located within the ESA-listed Species Range.
- e. Endangered Species Act - USFWS The activity is not located within the ESA-listed Species Range.
- f. Northern Long Eared Bat (ESA) No effect determination reached with the Rangewide D-Key. See Instructions below.\*
- g. Essential Fish Habitat The activity fully complies with GC 11.
- h. Wild & Scenic Rivers There are no WSR's within 0.25 miles of the project area.
- i. 401 Water Quality Certification 401 The activity qualifies under the general 401 WQC for the 2023 MA GPs.  
401 WQC/OOC File Number: SE 3-6206 OOC issued: 8/21/24 401 issued:
- j. Section 408 Permission Not Required per GC 15a-f, no Federal Projects are within the project vicinity.
- k. Coastal Zone Per GC 9, the project has CZM federal consistency concurrence.
- l. Construction Mats N/A, the activity does not require the installation of construction mats.
- m. Time of Year Restrictions The project complies with TOY Restrictions in GC 20.
- n. Vernal Pools Per GC 28, the project is not located in a vernal pool.
- o. Sediment & Erosion Controls The activity will not generate erosion or sedimentation.
- p. Stream/Wetland Crossings The activity does not require a stream/wetland crossing.

20. AQUACULTURE ACTIVITIES - GP 18 (see instructions)

- a. If required, an Aquaculture Certification from the Massachusetts Division of Marine Fisheries was obtained prior to commencing work.
- b. Coordination with the U.S. Coast Guard pursuant to Private Aids to Navigation has occurred prior to commencing work.
- c. If required, a MEPA Certificate was obtained from the Massachusetts Environmental Protection Agency prior to commencing work. **Select Option**
- d. The prospective permittee contacted local authorities (e.g. harbormaster, select board, shellfish constable) for authorization of their facility prior to commencing work.

21. ADDITIONAL INFORMATION/ATTACHMENTS (see instructions)

- a. The project plans are enclosed in this SVN submittal (see block 17).
- b. The activity IS NOT funded through the Bipartisan Infrastructure Bill (also known as the Infrastructure Investment and Jobs Act).
- c. All required state, local and federal approvals were acquired prior to starting construction in USACE jurisdiction.
- d. After construction of the activity is completed, a complete Certificate of Compliance will be submitted to USACE.

22. IS THERE ANOTHER LEAD FEDERAL AGENCY:

- YES  NO

23. STATEMENT OF AUTHORIZATION (see instructions)

I certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.



9/3/2024

SIGNATURE OF APPLICANT

DATE

SIGNATURE OF AGENT

DATE

24. SIGNATURES (see instructions)

I hereby certify that the information in this Self-Verification Notification is complete and accurate. As the applicant or their duly authorized agent, I certify the activity was completed in accordance with the terms and conditions of the GP. This includes all applicable terms, general conditions, and activity-specific GP criteria. I agree to allow the duly authorized representatives of the Corps of Engineers Regulatory Program and other regulatory or advisory agencies to enter upon the premises of the project site at reasonable times to evaluate inspect and photograph site conditions. This consent to enter the property is superior to, takes precedence over, and waives any communication to the contrary. For example, if the property is posted as "no trespassing" this consent specifically supersedes and waives that prohibition and grants permission to enter the property despite such posting.



9/3/2024

SIGNATURE OF APPLICANT

DATE

SIGNATURE OF AGENT

DATE

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

**Instructions for Preparing a  
Department of the Army  
General Permit (GP) Self-Verification**

**Blocks 1 through 3.** To be completed by the Corps of Engineers.

**Block 4. Applicant' Name.** Enter the name and the e-mail address of the responsible party or parties. If the responsible party is an agency, company, corporation, or other organization, indicate the name of the organization and responsible officer and title. If more than one party is associated with the self-verification, please attach a sheet of paper with the necessary information marked Block 4.

**Block 5. Address of Applicant.** Please provide the full address of the party or parties responsible for the self-verification. If more space is needed, attach an extra sheet of paper marked Block 5.

**Block 6. Applicant Telephone Number(s).** Please provide the telephone number where you can usually be reached during normal business hours.

**Blocks 7 through 9.** To be completed, if you choose to have an agent.

**Block 7. Authorized Agent's Name and Title.** Indicate name of individual or agency, designated by you, to represent you in this process. An agent can be an attorney, builder, contractor, engineer, consultant, or any other person or organization. Note: An agent is not required.

**Blocks 8 and 9. Agent's Address and Telephone Number.** Please provide the complete mailing address of the agent, along with the telephone number where they can be reached during normal business hours.

**Block 10. Proposed General Permit Activity Name or Title.** Please provide a name identifying the proposed GP activity, e.g., Windward Marina, Rolling Hills Subdivision, or Smith Commercial Center.

**Block 11. File Number(s) of Previous USACE Actions on the Site** Please provide any known USACE file number. If the activity does not have a known USACE file number, you may state N/A.

**Block 12. Name of Waterbody.** Please provide the name (if it has a name) of any stream, lake, marsh, or other waterway to be directly impacted by the GP activity. If it is a minor (no name) stream, identify the waterbody the minor stream enters.

**Block 13. Proposed Activity Coordinates.** Please enter the latitude and longitude of where the proposed GP activity is located. Indicate whether the project location provided is the center of the project or whether the project location is provided as the latitude and longitude for each of the "corners" of the project area. If there are multiple sites, please list the latitude and longitude of each site (center or corners) on a separate sheet of paper and mark as Block 13.

**Block 14. Proposed Activity Street Address.** If the proposed activity is located at a site having a street address (not a box number), enter it in Block 14.

**Block 15. General Permit Activity Type.** Please select all GP activity types that apply to the proposed activity. A list of GP activity types can be found in Section III of the GP.

**Block 16. Summary of Project Impacts.** Please provide ALL proposed impacts, both temporary and permanent in duration, that are located in Waters of the United States. The area of impact shall be provided in square feet (SF). When applicable, impacts that result in conversion of stream bank or shoreline must also be identified in linear feet (LF). Dredging or the discharge of dredged or fill material shall also include the volume, cubic yards (CY), of material removed from or placed into Waters of the U.S. If more entries are required, please attach a table matching the desired format in Block 16.

**Block 17. Project Plans.** Please verify that items a-g are included in the project plans. Three types of illustrations are necessary to properly depict the proposed work. These illustrations or drawings are identified as a Vicinity Map, a Plan View (Aerial view) and a Cross Section Map. For linear projects (e.g. roads, subsurface utility lines, etc.) gradient drawings (longitudinal profile) should also be included. Plans must accurately depict the existing conditions and all aspects of the proposed activity located in waters of the U.S. Please submit one copy of all drawings formatted to print on 8½ x 11 inch or 11 x 17 inch plain white paper. Use the fewest number of sheets necessary for your drawings or illustrations. Each illustration should identify the project, the applicant, and the type of illustration (vicinity map, plan view, or cross section). While illustrations need not be certified engineering sheets; they should be clear, accurate, contain all necessary information, and depict all proposed work. Each submission must also include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current wetland delineation manual and regional supplement published by USACE.

**Block 18. Avoidance & Minimization.** Please verify that items a-d have been implemented for the proposed activity.

**Block 19. Due Diligence.** Please complete all the fields and submit documentation to USACE to demonstrate compliance with the above requirements. This Documentation may include emails, letters, meeting notes, phone call log, project narrative, project plans, a species list from the NOAA Section 7 Mapper, a completed copy of the IPAC determination keys, etc. Documentation should be limited to what is necessary to demonstrate how the proposed activity meets each requirement. Refer to the MA GP, Appendix A, for specific guidance on the identification of previously identified historic properties and previously unidentified historic properties. Endangered Species: \*The applicant must be designated as the non-federal representative for the purposes of Section 7 consultation to select the Rangewide D-Key options. Otherwise, the applicant shall select the following option when IPAC indicates the NLEB is present: "The activity IS located within the NLEB Species Range (PCN Required)."

**Block 20. Aquaculture Activities.** Please verify that items a-d have been obtained or completed prior to commencing work in waters of the U.S.

**Block 21. Additional Information/Attachments.** Please verify that items a-d have been completed prior to commencing work in waters of the U.S.

**Block 22. Lead Federal Agency.** Please identify if there is another lead federal agency involved with the proposed activity. Enter the lead federal agency name (e.g., the Federal Emergency Management Agency, FEMA) and the agency's designated person of contact for the activity.

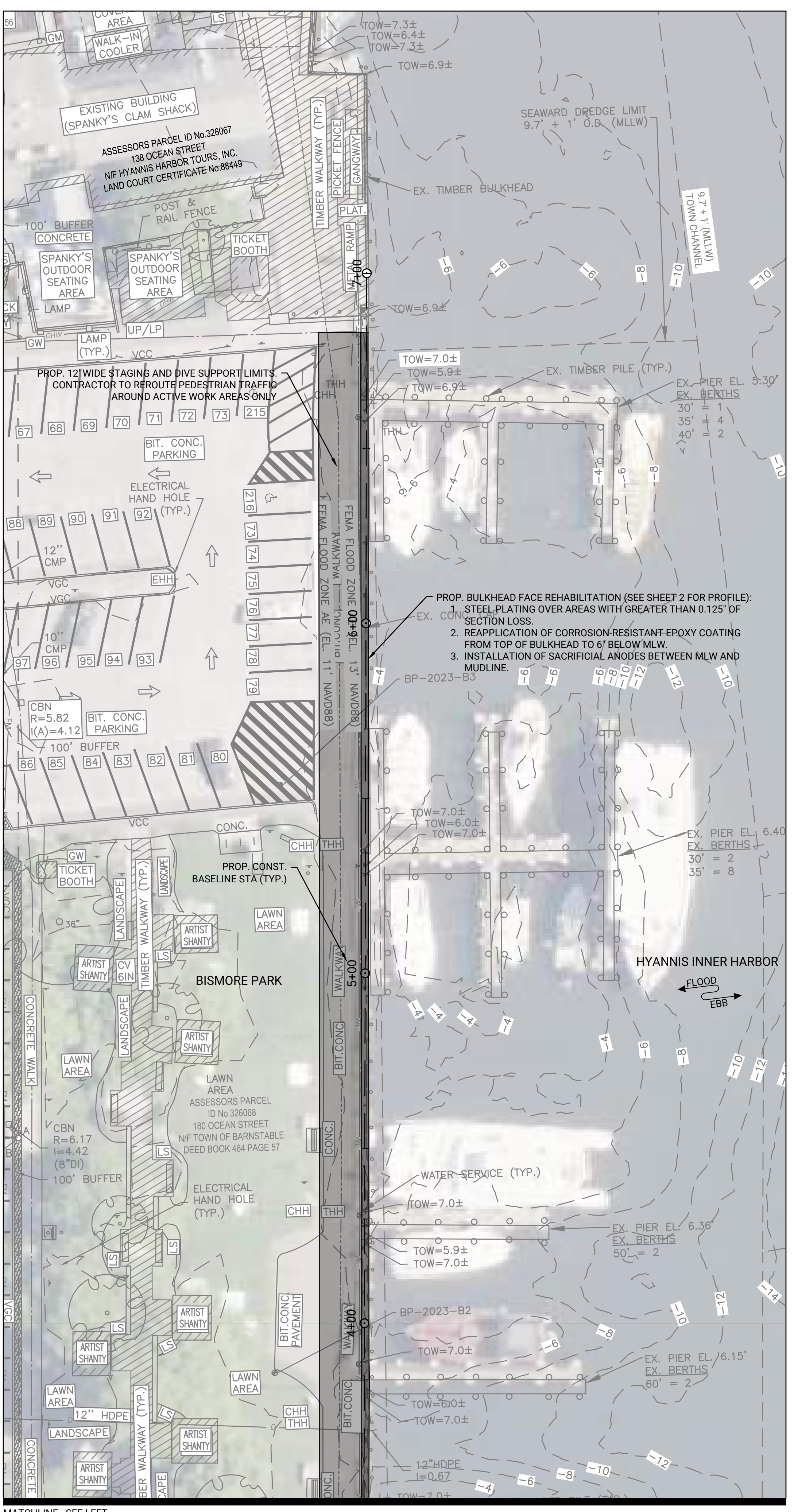
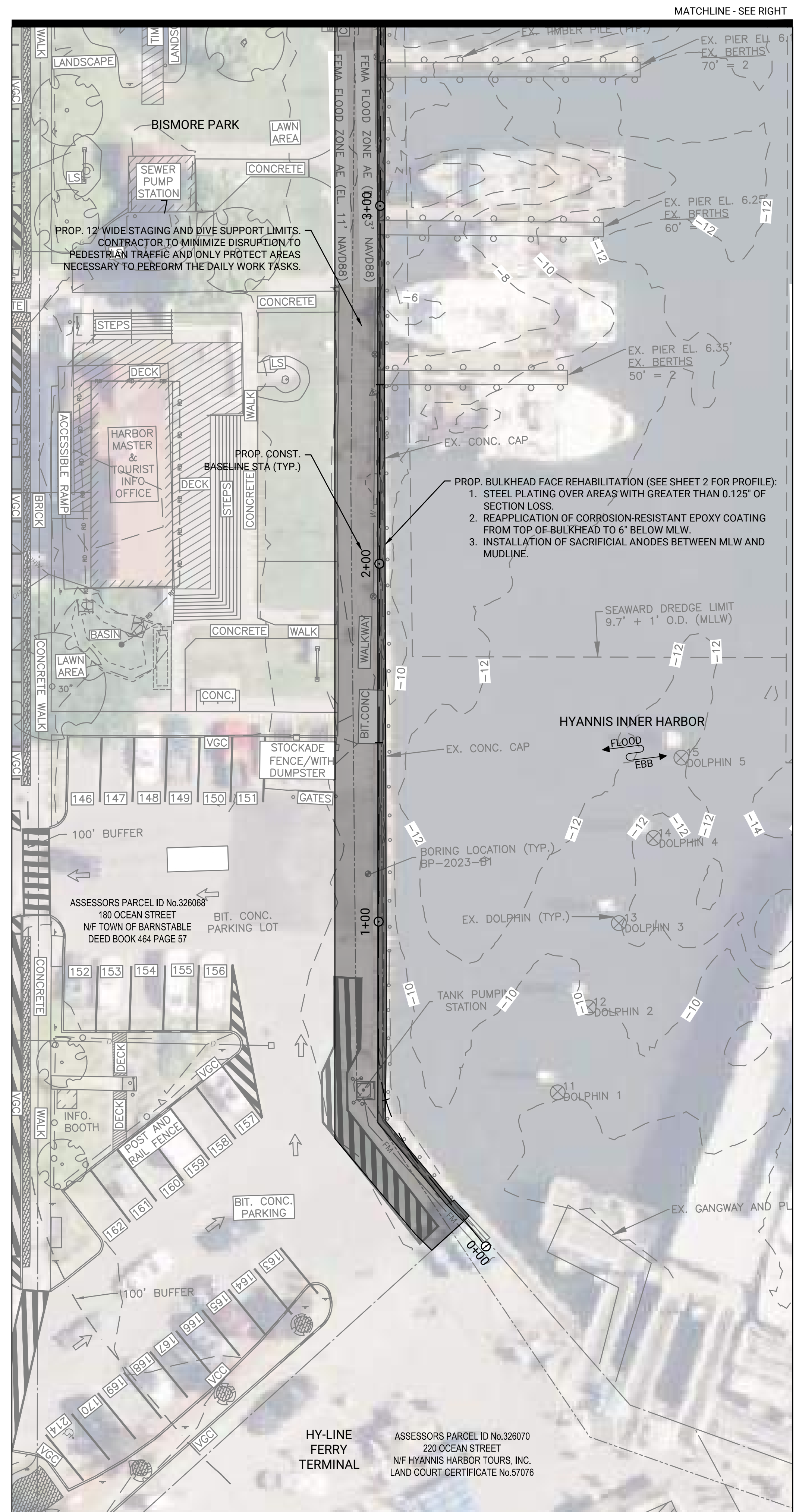
**Block 23. Statement of Authorization.** The applicant shall sign this section for all activities. If an agent is to be employed, the agent shall sign this section.

**Block 24. Signatures.** The SVN must be signed by the person proposing to undertake the GP activity, and if applicable, the authorized party (agent) that prepared the SVN. The signature of the person proposing to undertake the GP activity shall be an affirmation that the party submitting the SVN possesses the requisite property rights to undertake the GP activity.



**Attachment 2: Project plans entitled “Bismore Park Mrina Bulkhead Rehabilitation – Preliminary Design”, dated June 2024, 2 sheets**



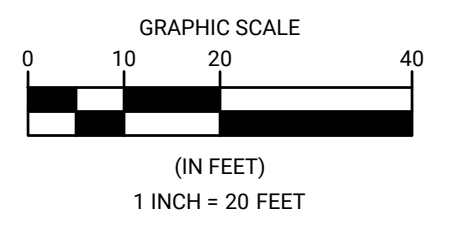


DATUM OFFSETS

MLLW	NAVD88	AHTL
4.79	2.54	AHTL
3.84	1.59	MHHW
3.50	1.25	MHW
2.25	0.00	NAVD 88
0.26	-1.99	MLW
0	-2.25	MLLW

OFFSETS TAKEN FROM  
VDATUM 4.4 ONLINE ON 03/25/2022  
FOR 41.6496N, -70.2789W

- NOTES:**
- THE PRELIMINARY DATA SHOWN IS FROM SURVEYS ON 4/14/2022 (MULTIBEAM) AND 5/3/2022 (TOPO AND LEAD LINES).
  - GROUND SURVEY PERFORMED BY MERRILL ENGINEERS AND LAND SURVEYORS DURING JUNE OF 2022.
  - SOUNDINGS SHOWN ARE FROM THE 10X10 AVG DATA SET FOR MAPPING AND REFER TO DEPTHS BELOW THE MLLW DATUM.
  - CONTOURS SHOWN ARE FROM THE 1X1 AVG DATA SET.
  - PROJECT SITE IS LOCATED WITHIN FEMA FLOOD ZONE AE (EL. 11), ZONE AE (EL. 12), AND ZONE AE (EL. 13) OF THE FLOOD INSURANCE RATE MAP, AS SHOWN ON COMMUNITY MAP No. 25001C0569J, WHICH BEARS AN EFFECTIVE DATE OF JULY 16, 2014.
  - THE INFORMATION DEPICTED ON THIS PLAN REPRESENTS THE RESULTS OF HYDROGRAPHIC AND TOPOGRAPHIC SURVEYS PERFORMED ON THE DATES SHOWN, AND CAN ONLY BE CONSIDERED AS INDICATING THE SEABED CONDITIONS AT THAT TIME. INTERPOLATED INFORMATION FROM BETWEEN SOUNDING RUNS IS NOT GUARANTEED. SHOALS, OBSTRUCTIONS OR OTHER DIFFERING CONDITIONS MAY EXIST BETWEEN THESE RUNS. NO SURVEYS WERE CONDUCTED TO LOCATE PROPERTY LINES, CHANNEL LIMITS, EASEMENTS, UTILITIES, GEOTECHNICAL FEATURES, SHORELINES, STRUCTURES, HABITATS OR ANY OTHER PHYSICAL FEATURES RELATING TO THE PROJECT SITE, NOR DOES FOTH WARRANT THE EXISTENCE OR LOCATION OF SAID PHYSICAL FEATURES.
  - CONTRACTOR IS REQUIRED TO PERFORM ALL SURFACE PREPARATION USING A WIRE BRUSH WITH VACUUM SYSTEM OR SIMILAR.
  - ALL WORK ACTIVITIES TO BE COORDINATED WITH TOWN OF BARNSTABLE HARBORMASTER. POSSESSION AND USE OF THE MATERIAL CONTAINED ON THESE DRAWINGS IS GRANTED ONLY IN CONNECTION WITH ITS USE AS IT RELATES TO THE TITLED PROJECT, ANY OTHER USE, REPRODUCTION OR DISCLOSURE OF THE INFORMATION CONTAINED HEREON IS EXPRESSLY PROHIBITED WITHOUT THE WRITTEN CONSENT OF FOTH.
- © COPYRIGHT 2024, FOTH INFRASTRUCTURE AND ENVIRONMENT, LLC.



**TOWN OF BARNSTABLE  
BISMORE PARK MARINA, HYANNIS, MA  
BULKHEAD REHABILITATION  
PRELIMINARY DESIGN**

NO.	DATE	DESCRIPTION

DATE OF PREPARATION

BY	DATE
SURVEYED JAH/ MEC	4/14/2022
DRAWN MDW	5/09/2022
DESIGNED JMP	6/2024
CHECKED	

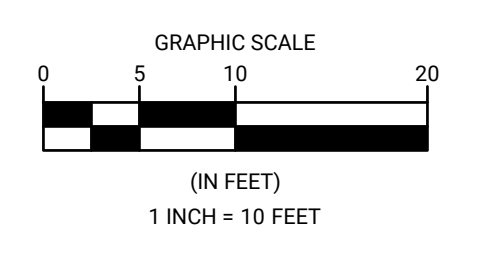
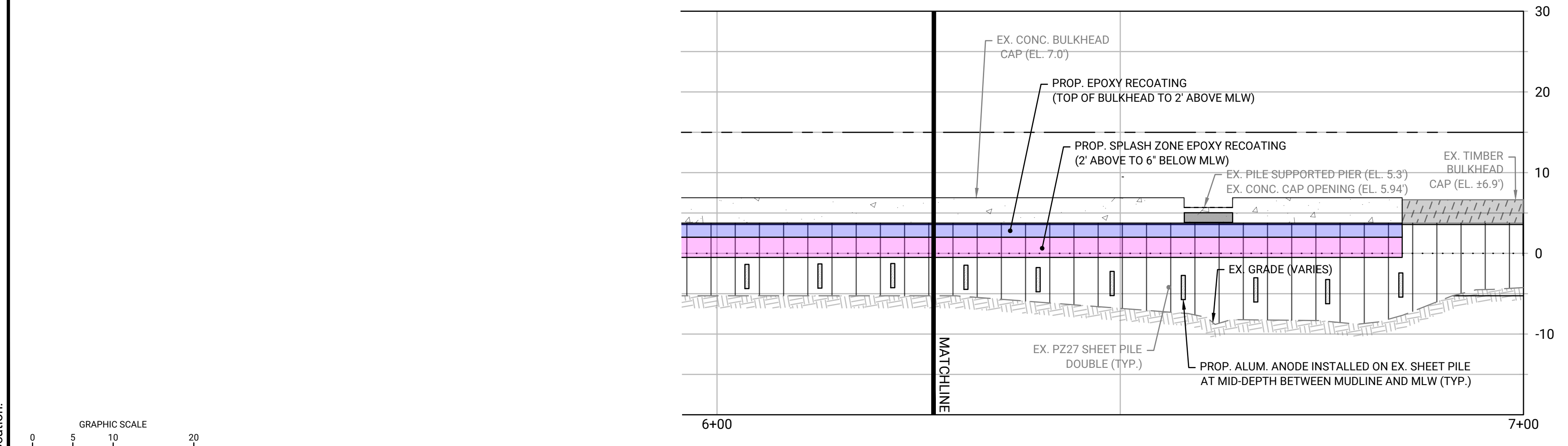
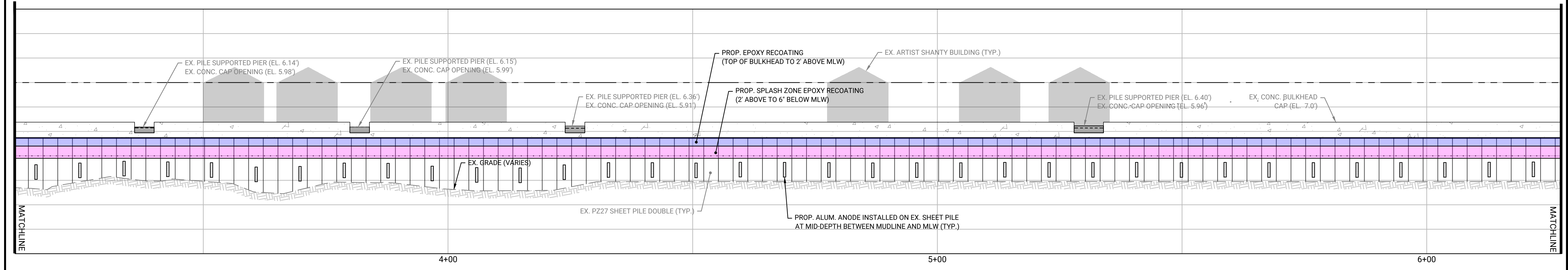
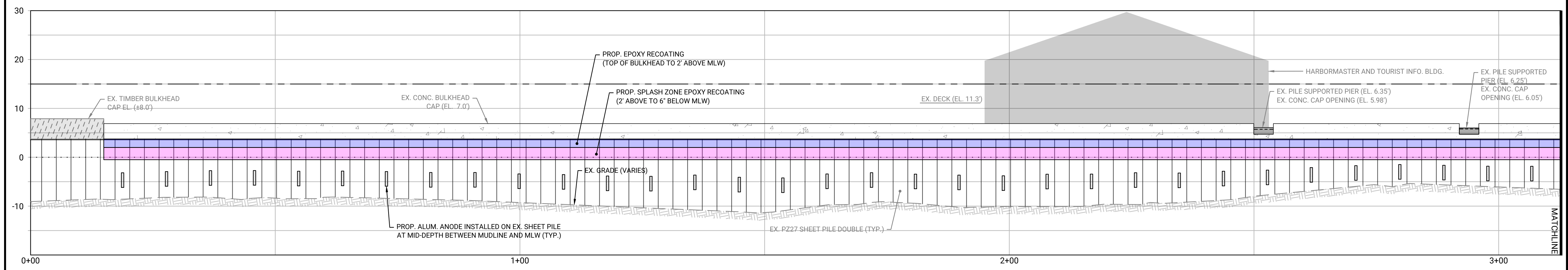
**BULKHEAD REHABILITATION SITE PLAN**

ISSUANCE:  
**FOR PERMITTING PURPOSES ONLY**

PROJECT NO: 22B008.00  
SHEET NUMBER



TOWN OF BARNSTABLE  
 BISMORE PARK MARINA, HYANNIS, MA  
 BULKHEAD REHABILITATION  
 PRELIMINARY DESIGN



REVISIONS		NO.	DATE	BY	DESCRIPTION

DATE OF PREPARATION		
SURVEYED	BY	DATE
JAH/ MEC	JAH/ MEC	4/14/2022
DRAWN	MDW	5/09/2022
DESIGNED	JMP	6/2024
CHECKED		

SHEET TITLE:  
**BULKHEAD REHABILITATION PROFILE**

ISSUANCE:  
**FOR PERMITTING PURPOSES ONLY**

PROJECT NO: 22B008.00  
 SHEET NUMBER



**Attachment 3: Order of Conditions, DEP File No. SE-003-6206**



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
SE3-6206  
MassDEP File #  
eDEP Transaction #  
Barnstable  
City/Town

**A. General Information**

Please note:  
this form has  
been modified  
with added  
space to  
accommodate  
the Registry  
of Deeds  
Requirements

Important:  
When filling  
out forms on  
the  
computer,  
use only the  
tab key to  
move your  
cursor - do  
not use the  
return key.



1. From: Barnstable  
Conservation Commission

2. This issuance is for  
(check one): a.  Order of Conditions b.  Amended Order of Conditions

3. To: Applicant:

Griffin Beaudoin  
a. First Name b. Last Name

Town of Barnstable  
c. Organization

367 Main Street  
d. Mailing Address

Hyannis MA 02601  
e. City/Town f. State g. Zip Code

e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

a. First Name b. Last Name

c. Organization

d. Mailing Address

e. City/Town f. State g. Zip Code

e. City/Town f. State g. Zip Code

5. Project Location:

180 Ocean Street Hyannis  
a. Street Address b. City/Town

326 068  
c. Assessors Map/Plat Number d. Parcel/Lot Number

c. Assessors Map/Plat Number d. Parcel/Lot Number

c. Assessors Map/Plat Number d. Parcel/Lot Number

Latitude and Longitude, if known:        
d. Latitude e. Longitude

d. Latitude e. Longitude



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
 SE3-6206  
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eDEP Transaction #  
 Barnstable  
 City/Town

**A. General Information (cont.)**

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):  
 Barnstable
- |                     |  |
|---------------------|--|
| a. County           | b. Certificate Number (if registered land) |
| <u>0846-327 464</u> | <u>57 PLAN BOOK 38 PAGES</u>               |
| c. Book             | d. Page                                    |
7. Dates: 07/12/2024 08/06/2024 08/21/2027  
 a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):  
 Site Plan - BULKHEAD REHABILITATION PROJECT - BISHMORE PARK
- |   |                   |                                |
|---|-------------------|--------------------------------|
| a. Plan Title                                     | b. Prepared By    | c. Signed and Stamped by       |
| <u>Foth Infrastructure &amp; Environment, LLC</u> | <u>07/06/2024</u> | <u>Jeremy M. Packard, P.E.</u> |
| d. Final Revision Date                            | e. Scale          |                                |
| <u>07/06/2024</u>                                 | <u>1" = 20'</u>   |                                |
- f. Additional Plan or Document Title g. Date

**B. Findings**

1. Findings pursuant to the Massachusetts Wetlands Protection Act:
- Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:
- |  |  |   |
|--|--|---|
| a. <input type="checkbox"/> Public Water Supply  | b. <input checked="" type="checkbox"/> Land Containing Shellfish | c. <input checked="" type="checkbox"/> Prevention of Pollution        |
| d. <input type="checkbox"/> Private Water Supply | e. <input type="checkbox"/> Fisheries                            | f. <input checked="" type="checkbox"/> Protection of Wildlife Habitat |
| g. <input type="checkbox"/> Groundwater Supply   | h. <input checked="" type="checkbox"/> Storm Damage Prevention   | i. <input checked="" type="checkbox"/> Flood Control                  |
2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

**Approved subject to:**

- a.  the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
 SE3-6206  
 MassDEP File #

eDEP Transaction #  
 Barnstable  
 City/Town

**B. Findings (cont.)**

**Denied because:**

- b.  the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c.  the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
- 3.  Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) \_\_\_\_\_ a. linear feet

**Inland Resource Area Impacts:** Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	_____ a. linear feet	_____ b. linear feet	_____ c. linear feet	_____ d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	_____ a. square feet _____ e. c/y dredged	_____ b. square feet _____ f. c/y dredged	_____ c. square feet	_____ d. square feet
7. <input type="checkbox"/> Bordering Land Subject to Flooding	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
Cubic Feet Flood Storage	_____ e. cubic feet	_____ f. cubic feet	_____ g. cubic feet	_____ h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	_____ a. square feet	_____ b. square feet		
Cubic Feet Flood Storage	_____ c. cubic feet	_____ d. cubic feet	_____ e. cubic feet	_____ f. cubic feet
9. <input type="checkbox"/> Riverfront Area	_____ a. total sq. feet	_____ b. total sq. feet		
Sq ft within 100 ft	_____ c. square feet	_____ d. square feet	_____ e. square feet	_____ f. square feet
Sq ft between 100-200 ft	_____ g. square feet	_____ h. square feet	_____ i. square feet	_____ j. square feet



**Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands**

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
SE3-6206  
MassDEP File #

eDEP Transaction #  
Barnstable  
City/Town

**B. Findings (cont.)**

**Coastal Resource Area Impacts:** Check all that apply below. (For Approvals Only)

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input checked="" type="checkbox"/> Land Under the Ocean	0 (±3,400 (temporary))	<u>                    </u> b. square feet		
	<u>                    </u> c. c/y dredged	<u>                    </u> d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	<u>                    </u> a. square feet	<u>                    </u> b. square feet	<u>                    </u> cu yd c. nourishment	<u>                    </u> cu yd d. nourishment
14. <input type="checkbox"/> Coastal Dunes	<u>                    </u> a. square feet	<u>                    </u> b. square feet	<u>                    </u> cu yd c. nourishment	<u>                    </u> cu yd d. nourishment
15. <input type="checkbox"/> Coastal Banks	<u>                    </u> a. linear feet	<u>                    </u> b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	<u>                    </u> a. square feet	<u>                    </u> b. square feet		
17. <input type="checkbox"/> Salt Marshes	<u>                    </u> a. square feet	<u>                    </u> b. square feet	<u>                    </u> c. square feet	<u>                    </u> d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	<u>                    </u> a. square feet	<u>                    </u> b. square feet		
	<u>                    </u> c. c/y dredged	<u>                    </u> d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	<u>                    </u> a. square feet	<u>                    </u> b. square feet	<u>                    </u> c. square feet	<u>                    </u> d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	<u>                    </u> a. c/y dredged	<u>                    </u> b. c/y dredged		
21. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	0 (±8,160 (temporary))	<u>                    </u> b. square feet		
22. <input type="checkbox"/> Riverfront Area	<u>                    </u> a. total sq. feet	<u>                    </u> b. total sq. feet		
Sq ft within 100 ft	<u>                    </u> c. square feet	<u>                    </u> d. square feet	<u>                    </u> e. square feet	<u>                    </u> f. square feet
Sq ft between 100-200 ft	<u>                    </u> g. square feet	<u>                    </u> h. square feet	<u>                    </u> i. square feet	<u>                    </u> j. square feet



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
 SE3-6206  
 MassDEP File #

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 Barnstable  
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**B. Findings (cont.)**

\* #23. If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

23.  Restoration/Enhancement \*:
- |                       |                              |
|-----------------------|------------------------------|
| a. square feet of BVW | b. square feet of salt marsh |
|-----------------------|------------------------------|
24.  Stream Crossing(s):
- |                                   |   |
|-----------------------------------|---|
| a. number of new stream crossings | b. number of replacement stream crossings |
|-----------------------------------|---|

**C. General Conditions Under Massachusetts Wetlands Protection Act**

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
  - a. The work is a maintenance dredging project as provided for in the Act; or
  - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
  - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on 08/21/2027 unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.





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**C. General Conditions Under Massachusetts Wetlands Protection Act**

8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,
 

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]  
 "File Number            SE3-6206            "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



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**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
19. The work associated with this Order (the "Project")
- (1)  is subject to the Massachusetts Stormwater Standards
- (2)  is NOT subject to the Massachusetts Stormwater Standards

**If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:**

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
- i.* all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
  - ii.* as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
  - iii.* any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;



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**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

- iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;
- v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.
- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:
  - i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and
  - ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



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**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

- g) The responsible party shall:
1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
  2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
  3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

- 
20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.



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**D. Findings Under Municipal Wetlands Bylaw or Ordinance**

1. Is a municipal wetlands bylaw or ordinance applicable?  Yes  No
2. The Barnstable Conservation Commission hereby finds (check one that applies):
  - a.  that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw	2. Citation
---------------------------------	-------------

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- b.  that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:
 

<u>Barnstable</u>	<u>S.237-1 -</u>
1. Municipal Ordinance or Bylaw	<u>237-14</u>
3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.  
 The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

See pages 10.1 and 10.2.

SE3-6206

Name: Town of Barnstable - DPW

Approved Plan = Site plans signed 7/6/2024 by Jeramy M. Packard

### Special Conditions of Approval

#### I. Preface

Caution: Failure to comply with all Conditions of this Order of Conditions may result in serious consequences. Such consequences may include issuance of a Stop Work Order, fine(s), the requirement to remove unpermitted structures, requirement to re-landscape to original condition, the inability to obtain a Certificate of Compliance, and more.

The General Conditions of this Order begin on Page 5 and continue through Page 9. The Special Conditions, if necessary, are contained on Pages 10.1, 10.2, etc. All Conditions contained herein require strict compliance.

#### II. Prior to the start of work, the following conditions shall be satisfied:

1. Within one month of receipt of this Order of Conditions, and prior to the commencement of any work approved herein, General Condition Number 9 (recording requirement) on Page 6 shall be complied with.
2. It is the responsibility of the applicant, the owner and/or successor(s), and the project contractor, to ensure that all conditions of this Order are complied with. The applicant shall provide copies of the Order of Conditions and approved plans (and any approved revisions thereof) to project contractors prior to the start of work. Barnstable Conservation Commission Form AB shall be completed and returned to the Commission prior to the start of work.
3. General Condition No. 10 on Page 6 (sign requirement) shall be complied with.
4. The Conservation Commission shall receive written notice one (1) week in advance of the start of work.

#### III. The following additional conditions shall govern the project once work begins:

5. General Conditions Nos. 13 and 14 (changes in plan) on Page 6 shall be complied with.
6. The Conservation Commission, its employees, and its agents shall have a right of entry to inspect for compliance with the provisions of this Order of Conditions.
7. Unless extended, this permit is valid for three years from the date of issuance.
8. An Amended Order does not change the original date of expiration of this Order of Conditions.



9. Prior to starting any work, a pre-construction meeting on site MUST take place. Site visit shall include the following parties:

Conservation Agent,  
Project Engineer  
Contractor

**The contractor shall prepare and submit a written work protocol to the Conservation Administrator at least four (4) weeks prior to the preconstruction meeting.**

The work protocol shall include specifics of equipment and efficiency ratings. Based on protocol and spec sheets staff will decide if a debris boom is required to be in place during work.

**IV. After all work is completed, the following conditions shall be promptly met:**

10. At the completion of work, or by the expiration of this Order, the applicant shall request in writing a Certificate of Compliance for the work herein permitted. Barnstable Conservation Commission Form C shall be completed and returned with the request for a Certificate of Compliance. Where a project has been completed in accordance with plans stamped by a registered professional engineer, architect, landscape architect or land surveyor, a written statement by such a professional shall be submitted, certifying substantial compliance with the plans, setting forth what deviation(s), if any, exists with the approved plans. This statement, along with Form C, shall accompany the request for a Certificate of Compliance.



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#### E. Signatures

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

Please indicate the number of members who will sign this form.

This Order must be signed by a majority of the Conservation Commission.

**AUG 21 2024**

1. Date of Issuance

2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

*Darcy Karle*  
Signature

Darcy Karle  
Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

by hand delivery on

by certified mail, return receipt requested, on

**AUG 21 2024**

Date

Date



Town of Barnstable  
Planning & Development Department  
Conservation Program  
Darcy Karle, Administrator  
367 Main Street, Hyannis, MA 02601  
Office: 508-862-4093



[www.townofbarnstable.us/conservation](http://www.townofbarnstable.us/conservation)

Elizabeth Jenkins, AICP  
Director

Doc# 1,466,124 08-26-2022 12:03  
BARNSTABLE LAND COURT REGISTRY

08-08-2022 @ 03:45p

VOTE AUTHORIZING BARNSTABLE CONSERVATION ADMINISTRATOR TO SIGN DOCUMENTS ON BEHALF OF COMMISSION MEMBERS

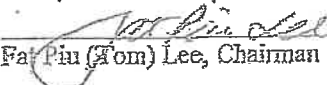
On August 2, 2022, the Barnstable Conservation Commission met in open session accessible to the public through in-person and channel 18, pursuant to legislation signed by the Lieutenant Governor on July 16, 2022, suspending certain provisions of the Open Meeting Law. At this duly held meeting, the following vote was taken by the Barnstable Conservation Commission:

To authorize Darcy Karle, Barnstable Conservation Administrator to physically sign Barnstable Conservation Commission documents on behalf of each individual Barnstable Conservation Commission member. Pursuant to the Acts of 2022 Chapter 107, an act relative to extending certain COVID-19 measures adopted during the State of Emergency, such authorization effective as of July 16, 2022, and remaining in effect for forty-five (45) days after the termination of the new legislation and the return to the provisions of the Open Meeting Law unless sooner amended or rescinded by vote of the Barnstable Conservation Commission.

Vote:

- Chair Fat Piu (Tom) Lee - Aye
- Vice-Chair Louise R. Foster - Aye
- Clerk George Gillmore - Aye
- Commissioner John E. Abodeely - Aye
- Commissioner Peter Sampou - Aye
- Commissioner Lawrence (Larry) P. Morin - Nay
- Commissioner Hearn - Aye

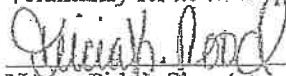
The above is a true and accurate account of the proceedings of the Barnstable Conservation Commission.

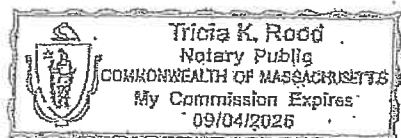
  
Fat Piu (Tom) Lee, Chairman

8/4/22  
Date

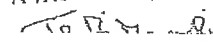
The Commonwealth of Massachusetts  
County of Barnstable

On this 4 of Aug, 2022, before me, Tricia K. Rood (name of notary public), Fat Piu (Tom) Lee personally appeared and proved to me through satisfactory evidence of identification, which were drivers license to be the person whose name is signed on the preceding document and acknowledged to me that he signed it voluntarily for its stated purpose.

  
Notary Public Signature



BARNSTABLE REGISTRY OF DEEDS  
John F. Meade, Register

BARNSTABLE COUNTY  
REGISTRY OF DEEDS  
A TRUE COPY, ATTEST  




**Massachusetts Department of Environmental Protection**  
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**F. Appeals**

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department’s Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



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**G. Recording Information**

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Barnstable  
Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Barnstable  
Conservation Commission

Please be advised that the Order of Conditions for the Project at:

180 Ocean Street, Hyannis                      SE3-6206  
Project Location                                      MassDEP File Number

Has been recorded at the Registry of Deeds of:

County    Book    Page

for:                      Property Owner

and has been noted in the chain of title of the affected property in:

Book    Page

In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant

**BARNSTABLE REGISTRY OF DEEDS**  
**John F. Meade, Register**

## Attachment 4: USGS locus Map

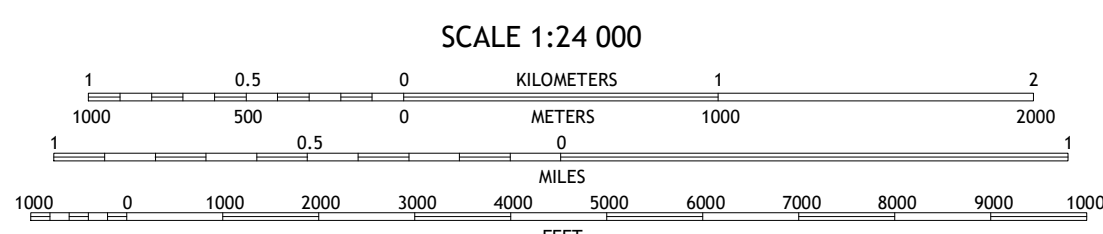
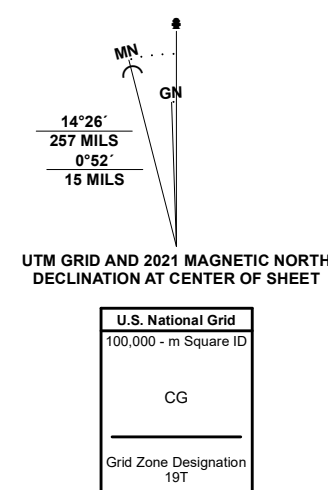




Produced by the United States Geological Survey  
North American Datum of 1983 (NAD83)  
World Geodetic System of 1984 (WGS84)  
Projection and 1000-meter grid/Universal Transverse Mercator, Zone 19T  
Data is provided by The National Map (TNM), is the best available at the time of map generation, and includes data content from supporting themes of Elevation, Hydrography, Geographic Names, Boundaries, Transportation, Structures, Land Cover, and Orthoimagery. Refer to associated Federal Geographic Data Committee (FGDC) Metadata for additional source data information.

This map is not a legal document. Boundaries may be generalized for this map scale. Private lands within government reservations may not be shown. Obtain permission before entering private lands. Temporal changes may have occurred since these data were collected and some data may no longer represent actual surface conditions.

Learn About The National Map: <https://nationalmap.gov>

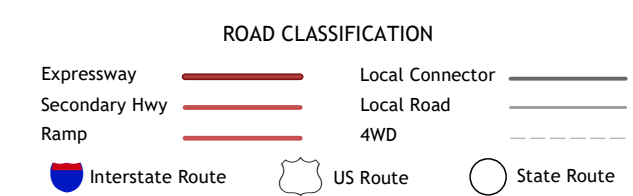


CONTOUR INTERVAL 10 FEET  
NORTH AMERICAN VERTICAL DATUM OF 1988  
CONTOUR SMOOTHNESS = Medium



QUADRANGLE LOCATION

Sandwich OE N	Dennis OE N
Sandwich Hyannis OE S	Dennis OE S
Cotuit	Hyannis OE S



HYANNIS, MA  
2024

ADJOINING QUADRANGLES



**Attachment 5: Endangered Species Act – U.S. Fish and Wildlife Service  
Official Species List and Consistency Letters**



# United States Department of the Interior



FISH AND WILDLIFE SERVICE  
New England Ecological Services Field Office  
70 Commercial Street, Suite 300  
Concord, NH 03301-5094  
Phone: (603) 223-2541 Fax: (603) 223-0104

In Reply Refer To:

08/28/2024 15:45:09 UTC

Project Code: 2024-0136506

Project Name: Bismore Bulkhead Repairs

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed, and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through IPaC by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological

evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at: <https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf>

**Migratory Birds:** In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts, see [Migratory Bird Permit | What We Do | U.S. Fish & Wildlife Service \(fws.gov\)](#).

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures, see <https://www.fws.gov/library/collections/threats-birds>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/partner/council-conservation-migratory-birds>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

## **OFFICIAL SPECIES LIST**

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

**New England Ecological Services Field Office**

70 Commercial Street, Suite 300

Concord, NH 03301-5094

(603) 223-2541

## PROJECT SUMMARY

Project Code: 2024-0136506

Project Name: Bismore Bulkhead Repairs

Project Type: Bulkhead - Maintenance/Modification

Project Description: The proposed project involves maintenance repairs to the existing licensed 680 foot steel bulkhead located along the shoreline of Bismore Park on Hyannis Inner Harbor in Barnstable, Massachusetts. Bulkhead repairs include steel plating, epoxy recoating, and anode replacement. There are no anticipated permanent resource area impacts associated with the proposed project.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@41.64914875,-70.27959195451304,14z>



Counties: Barnstable County, Massachusetts

## ENDANGERED SPECIES ACT SPECIES

There is a total of 6 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

- 
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

**MAMMALS**

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a>	Endangered
Tricolored Bat <i>Perimyotis subflavus</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/10515">https://ecos.fws.gov/ecp/species/10515</a>	Proposed Endangered

**BIRDS**

NAME	STATUS
Roseate Tern <i>Sterna dougallii dougallii</i> Population: Northeast U.S. nesting population No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/2083">https://ecos.fws.gov/ecp/species/2083</a>	Endangered

**INSECTS**

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9743">https://ecos.fws.gov/ecp/species/9743</a>	Candidate

**FLOWERING PLANTS**

NAME	STATUS
American Chaffseed <i>Schwalbea americana</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/1286">https://ecos.fws.gov/ecp/species/1286</a>	Endangered
Sandplain Gerardia <i>Agalinis acuta</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/8128">https://ecos.fws.gov/ecp/species/8128</a>	Endangered

**CRITICAL HABITATS**

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.



## **IPAC USER CONTACT INFORMATION**

Agency: Barnstable Town city  
Name: Carrie Marshall  
Address: 114 Touro Street  
City: Newport  
State: RI  
Zip: 02840  
Email: carrie.marshall@foth.com  
Phone: 2392473997



## United States Department of the Interior



FISH AND WILDLIFE SERVICE  
New England Ecological Services Field Office  
70 Commercial Street, Suite 300  
Concord, NH 03301-5094  
Phone: (603) 223-2541 Fax: (603) 223-0104

In Reply Refer To:  
Project code: 2024-0136506  
Project Name: Bismore Bulkhead Repairs

08/28/2024 15:57:48 UTC

Federal Nexus: no  
Federal Action Agency (if applicable): Barnstable Town city

Subject: Federal agency coordination under the Endangered Species Act, Section 7 for  
'Bismore Bulkhead Repairs'

Dear Carrie Marshall:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on August 28, 2024, for "Bismore Bulkhead Repairs" (here forward, Project). This project has been assigned Project Code 2024-0136506 and all future correspondence should clearly reference this number.

The Service developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and based on a standing analysis. All information submitted by the Project proponent into the IPaC must accurately represent the full scope and details of the Project. Failure to accurately represent or implement the Project as detailed in IPaC or the Northeast Determination Key (DKey), invalidates this letter. **Answers to certain questions in the DKey commit the project proponent to implementation of conservation measures that must be followed for the ESA determination to remain valid.**

To make a no effect determination, the full scope of the proposed project implementation (action) should not have any effects (either positive or negative effect(s)), to a federally listed species or designated critical habitat. Effects of the action are all consequences to listed species or critical habitat that are caused by the proposed action, including the consequences of other activities that are caused by the proposed action. A consequence is caused by the proposed action if it would not occur but for the proposed action and it is reasonably certain to occur. Effects of the action may occur later in time and may include consequences occurring outside the immediate area involved in the action. (See § 402.17). Under Section 7 of the ESA, if a federal action agency makes a no effect determination, no further consultation with, or concurrence from, the Service is required (ESA §7). If a proposed Federal action may affect a listed species or designated critical

habitat, formal consultation is required (except when the Service concurs, in writing, that a proposed action "is not likely to adversely affect" listed species or designated critical habitat [50 CFR §402.02, 50 CFR§402.13]).

The IPaC results indicated the following species is (are) potentially present in your project area and, based on your responses to the Service's Northeast DKey, you determined the proposed Project will have the following effect determinations:

<b>Species</b>	<b>Listing Status</b>	<b>Determination</b>
American Chaffseed ( <i>Schwalbea americana</i> )	Endangered	No effect
Roseate Tern ( <i>Sterna dougallii dougallii</i> )	Endangered	No effect

**Conclusion** If there are no updates on listed species, no further consultation/coordination for this project is required for the species identified above. However, the Service recommends that project proponents re-evaluate the Project in IPaC if: 1) the scope, timing, duration, or location of the Project changes (includes any project changes or amendments); 2) new information reveals the Project may impact (positively or negatively) federally listed species or designated critical habitat; or 3) a new species is listed, or critical habitat designated. If any of the above conditions occurs, additional consultation with the Service should take place before project implements any changes which are final or commits additional resources.

In addition to the species listed above, the following species and/or critical habitats may also occur in your project area and are not covered by this conclusion:

- Monarch Butterfly *Danaus plexippus* Candidate
- Northern Long-eared Bat *Myotis septentrionalis* Endangered
- Sandplain Gerardia *Agalinis acuta* Endangered
- Tricolored Bat *Perimyotis subflavus* Proposed Endangered

To complete consultation for species that have reached a "May Affect" determination and/or species may occur in your project area and are not covered by this conclusion, please visit the "New England Field Office Endangered Species Project Review and Consultation" website for step-by-step instructions on how to consider effects on these listed species and/or critical habitats, avoid and minimize potential adverse effects, and prepare and submit a project review package if necessary: <https://www.fws.gov/office/new-england-ecological-services/endangered-species-project-review>

Please Note: If the Action may impact bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act (BGEPA) (54 Stat. 250, as amended, 16 U.S.C. 668a-d) by the prospective permittee may be required. Please contact the Migratory Birds Permit Office, (413) 253-8643, or [PermitsR5MB@fws.gov](mailto:PermitsR5MB@fws.gov), with any questions regarding potential impacts to Eagles.

If you have any questions regarding this letter or need further assistance, please contact the New England Ecological Services Field Office and reference the Project Code associated with this Project.

## Action Description

You provided to IPaC the following name and description for the subject Action.

### 1. Name

Bismore Bulkhead Repairs

### 2. Description

The following description was provided for the project 'Bismore Bulkhead Repairs':

The proposed project involves maintenance repairs to the existing licensed 680 foot steel bulkhead located along the shoreline of Bismore Park on Hyannis Inner Harbor in Barnstable, Massachusetts. Bulkhead repairs include steel plating, epoxy recoating, and anode replacement. There are no anticipated permanent resource area impacts associated with the proposed project.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@41.64914875,-70.27959195451304,14z>



## QUALIFICATION INTERVIEW

1. As a representative of this project, do you agree that all items submitted represent the complete scope of the project details and you will answer questions truthfully?

*Yes*

2. Does the proposed project include, or is it reasonably certain to cause, intentional take of listed species?

**Note:** This question could refer to research, direct species management, surveys, and/or studies that include intentional handling/encountering, harassment, collection, or capturing of any individual of a federally listed threatened, endangered, or proposed species.

*No*

3. Is the action authorized, permitted, licensed, funded, or being carried out by a Federal agency in whole or in part?

*No*

4. Will the proposed project involve the use of herbicide where listed species are present?

*No*

5. Are there any caves or anthropogenic features suitable for hibernating or roosting bats within the area expected to be impacted by the project?

*No*

6. Does any component of the project associated with this action include activities or structures that may pose a collision risk to **birds** (e.g., plane-based surveys, land-based or offshore wind turbines, communication towers, high voltage transmission lines, any type of towers with or without guy wires)?

**Note:** For federal actions, answer 'yes' if the construction or operation of wind power facilities is either (1) part of the federal action or (2) would not occur but for a federal agency action (federal permit, funding, etc.).

*No*

7. Does any component of the project associated with this action include activities or structures that may pose a collision risk to **bats** (e.g., plane-based surveys, land-based or offshore wind turbines)?

**Note:** For federal actions, answer 'yes' if the construction or operation of wind power facilities is either (1) part of the federal action or (2) would not occur but for a federal agency action (federal permit, funding, etc.).

*No*

8. Will the proposed project result in permanent changes to water quantity in a stream or temporary changes that would be sufficient to result in impacts to listed species?

For example, will the proposed project include any activities that would alter stream flow, such as water withdrawal, hydropower energy production, impoundments, intake structures, diversion structures, and/or turbines? Projects that include temporary and limited water reductions that will not displace listed species or appreciably change water availability for listed species (e.g. listed species will experience no changes to feeding, breeding or sheltering) can answer "No". Note: This question refers only to the amount of water present in a stream, other water quality factors, including sedimentation and turbidity, will be addressed in following questions.

*No*

9. Will the proposed project affect wetlands where listed species are present?

This includes, for example, project activities within wetlands, project activities within 300 feet of wetlands that may have impacts on wetlands, water withdrawals and/or discharge of contaminants (even with a NPDES).

*No*

10. Will the proposed project activities (including upland project activities) occur within 0.125 miles of the water's edge of a stream or tributary of a stream where listed species may be present?

*Yes*

11. Will the proposed project directly affect a streambed (below ordinary high water mark (OHWM)) of the stream or tributary where listed species may be present?

*No*

12. Will the proposed project bore underneath (directional bore or horizontal directional drill) a stream where listed species may be present?

*No*

13. Will the proposed project involve a new point source discharge into a stream or change an existing point source discharge (e.g., outfalls; leachate ponds) where listed species may be present?

*No*

14. Will the proposed project involve the removal of excess sediment or debris, dredging or in-stream gravel mining where listed species may be present?

*No*

15. Will the proposed project involve the creation of a new water-borne contaminant source where listed species may be present?

**Note** New water-borne contaminant sources occur through improper storage, usage, or creation of chemicals. For example: leachate ponds and pits containing chemicals that are not NSF/ANSI 60 compliant have contaminated waterways. Sedimentation will be addressed in a separate question.

*No*

16. Will the proposed project involve perennial stream loss, in a stream or tributary of a stream where listed species may be present, that would require an individual permit under 404 of the Clean Water Act?

*No*

17. Will the proposed project involve blasting where listed species may be present?

*No*

18. Will the proposed project include activities that could negatively affect fish movement temporarily or permanently (including fish stocking, harvesting, or creation of barriers to fish passage).

*No*

19. Will the proposed project involve earth moving that could cause erosion and sedimentation, and/or contamination along a stream or tributary of a stream where listed species may be present?

**Note:** Answer "Yes" to this question if erosion and sediment control measures will be used to protect the stream.

*No*

20. Will earth moving activities result in sediment being introduced to streams or tributaries of streams where listed species may be present through activities such as, but not limited to, valley fills, large-scale vegetation removal, and/or change in site topography?

*No*

21. Will the proposed project involve vegetation removal within 200 feet of a perennial stream bank where aquatic listed species may be present?

*No*

22. Will erosion and sedimentation control Best Management Practices (BMPs) associated with applicable state and/or Federal permits, be applied to the project? If BMPs have been provided by and/or coordinated with and approved by the appropriate Ecological Services Field Office, answer "Yes" to this question.

*Yes*

23. Is the project being funded, lead, or managed in whole or in part by U.S Fish and Wildlife Restoration and Recovery Program (e.g., Partners, Coastal, Fisheries, Wildlife and Sport Fish Restoration, Refuges)?

*No*



24. Will the proposed project result in changes to beach dynamics that may modify formation of habitat over time?

**Note:** Examples of projects that result in changes to beach dynamics include 1) construction of offshore breakwaters and groins; 2) mining of sand from an updrift ebb tidal delta; 3) removing or adding beach sands; and 4) projects that stabilize dunes (including placement of sand fences or planting vegetation).

*No*

25. [Hidden Semantic] Is the project area located within the roseate tern AOI?

**Automatically answered**

*Yes*

26. If you have determined that the roseate tern is unlikely to occur within your project's action area or that your project is unlikely to have any potential effects on the roseate tern, you may wish to make a "no effect" determination for the roseate tern. Additional guidance on how to make this decision can be found in the project review section of your local Ecological Services Field Office's website. CBFO: <https://www.fws.gov/office/chesapeake-bay-ecological-services/project-review> ; MEFO: <https://www.fws.gov/office/maine-ecological-services> ; NJFO: <https://www.fws.gov/office/new-jersey-ecological-services/new-jersey-field-office-project-review-guide> ; NEFO: <https://www.fws.gov/office/new-england-ecological-services/endangered-species-project-review#Step5> ; WVFO: <https://www.fws.gov/office/west-virginia-ecological-services/project-planning>. If you are unsure, answer "No" and continue through the key.

Would you like to make a no effect determination for the roseate tern?

*Yes*

27. [Semantic] Does the project intersect the Virginia big-eared bat critical habitat?

**Automatically answered**

*No*

28. [Semantic] Does the project intersect the Indiana bat critical habitat?

**Automatically answered**

*No*

29. Will all activities occur within an area that is currently paved, graveled, routinely maintained, and/or inside a structure?

*No*

30. Will the proposed project involve temporary or permanent modification to hydrology, including groundwater recharge, that could result in changes to water quality, water quantity, or timing of water availability in proximity to listed plants?

*No*

31. Will the proposed project involve herbaceous native vegetation removal (including prescribed fire that would result in the burning of plants) or mowing?

*No*

32. Will the proposed project involve ground disturbance?

*No*

33. [Hidden Semantic] Does the project intersect the American Chaffseed AOI?

**Automatically answered**

*Yes*

34. Does the project occur within suitable habitat for American chaffseed? American chaffseed occurs in sandy (sandy peat, sandy loam), acidic, seasonally moist to dry soils. The species is generally found in habitats described as pine flatwoods, fire-maintained savannas, ecotonal areas between peaty wetlands and xeric sandy soils, and other open grass-sedge systems.

*No*

35. [Semantic] Does the project intersect the candy darter critical habitat?

**Automatically answered**

*No*

36. [Semantic] Does the project intersect the diamond darter critical habitat?

**Automatically answered**

*No*

37. [Semantic] Does the project intersect the Big Sandy crayfish critical habitat?

**Automatically answered**

*No*

38. [Hidden Semantic] Does the project intersect the Guyandotte River crayfish critical habitat?

**Automatically answered**

*No*

39. Do you have any other documents that you want to include with this submission?

*No*

## PROJECT QUESTIONNAIRE

1. Briefly describe the habitat within the construction/disturbance limits of the project site.

*aquatic habitat*

2. Approximately how many acres of trees would the proposed project remove?

*0*

3. Approximately how many total acres of disturbance are within the disturbance/  
construction limits of the proposed project?

*0.27*

## **IPAC USER CONTACT INFORMATION**

Agency: Barnstable Town city

Name: Carrie Marshall

Address: 114 Touro Street

City: Newport

State: RI

Zip: 02840

Email: carrie.marshall@foth.com

Phone: 2392473997

## **Attachment 6: Essential Fish Habitat Mapper Report**



## United States Department of the Interior



FISH AND WILDLIFE SERVICE  
New England Ecological Services Field Office  
70 Commercial Street, Suite 300  
Concord, NH 03301-5094  
Phone: (603) 223-2541 Fax: (603) 223-0104

In Reply Refer To:  
Project code: 2024-0136506  
Project Name: Bismore Bulkhead Repairs

08/28/2024 16:10:38 UTC

Federal Nexus: no  
Federal Action Agency (if applicable): Barnstable Town city

**Subject:** Technical assistance for 'Bismore Bulkhead Repairs'

Dear Carrie Marshall:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on August 28, 2024, for 'Bismore Bulkhead Repairs' (here forward, Project). This project has been assigned Project Code 2024-0136506 and all future correspondence should clearly reference this number. **Please carefully review this letter. Your Endangered Species Act (Act) requirements are not complete.**

### **Ensuring Accurate Determinations When Using IPaC**

The Service developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and based on a standing analysis. All information submitted by the Project proponent into IPaC must accurately represent the full scope and details of the Project.

Failure to accurately represent or implement the Project as detailed in IPaC or the Northern Long-eared Bat Rangewide Determination Key (Dkey), invalidates this letter. ***Answers to certain questions in the DKey commit the project proponent to implementation of conservation measures that must be followed for the ESA determination to remain valid.***

### **Determination for the Northern Long-Eared Bat**

Based upon your IPaC submission and a standing analysis, your project is not reasonably certain to cause incidental take of the northern long-eared bat. Unless the Service advises you within 15 days of the date of this letter that your IPaC-assisted determination was incorrect, this letter verifies that the Action is not likely to result in unauthorized take of the northern long-eared bat.

## Other Species and Critical Habitat that May be Present in the Action Area

The IPaC-assisted determination for the northern long-eared bat does not apply to the following ESA-protected species and/or critical habitat that also may occur in your Action area:

- American Chaffseed *Schwalbea americana* Endangered
- Monarch Butterfly *Danaus plexippus* Candidate
- Roseate Tern *Sterna dougallii dougallii* Endangered
- Sandplain Gerardia *Agalinis acuta* Endangered
- Tricolored Bat *Perimyotis subflavus* Proposed Endangered

You may coordinate with our Office to determine whether the Action may cause prohibited take of the animal species listed above. Note that if a new species is listed that may be affected by the identified action before it is complete, additional review is recommended to ensure compliance with the Endangered Species Act.

## Next Step

Coordination with the Service is complete. This letter serves as technical assistance. All conservation measures should be implemented as proposed. Thank you for considering federally listed species during your project planning.

If no changes occur with the Project or there are no updates on listed species, no further consultation/coordination for this project is required for the northern long-eared bat. However, the Service recommends that project proponents re-evaluate the Project in IPaC if: 1) the scope, timing, duration, or location of the Project changes (includes any project changes or amendments); 2) new information reveals the Project may impact (positively or negatively) federally listed species or designated critical habitat; or 3) a new species is listed, or critical habitat designated. If any of the above conditions occurs, additional coordination with the Service should take place before project implements any changes which are final or commits additional resources.

If you have any questions regarding this letter or need further assistance, please contact the New England Ecological Services Field Office and reference Project Code 2024-0136506 associated with this Project.

## Action Description

You provided to IPaC the following name and description for the subject Action.

### 1. Name

Bismore Bulkhead Repairs

### 2. Description

The following description was provided for the project 'Bismore Bulkhead Repairs':

The proposed project involves maintenance repairs to the existing licensed 680 foot steel bulkhead located along the shoreline of Bismore Park on Hyannis Inner Harbor in Barnstable, Massachusetts. Bulkhead repairs include steel plating, epoxy recoating, and anode replacement. There are no anticipated permanent resource area impacts associated with the proposed project.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@41.64914875,-70.27959195451304,14z>





## DETERMINATION KEY RESULT

Based on the answers provided, the proposed Action is consistent with a determination of “may affect, but not likely to adversely affect” for the Endangered northern long-eared bat (*Myotis septentrionalis*).

## QUALIFICATION INTERVIEW

1. Does the proposed project include, or is it reasonably certain to cause, intentional take of the northern long-eared bat or any other listed species?

**Note:** Intentional take is defined as take that is the intended result of a project. Intentional take could refer to research, direct species management, surveys, and/or studies that include intentional handling/encountering, harassment, collection, or capturing of any individual of a federally listed threatened, endangered or proposed species?

No

2. Does any component of the action involve construction or operation of wind turbines?

**Note:** For federal actions, answer ‘yes’ if the construction or operation of wind power facilities is either (1) part of the federal action or (2) would not occur but for a federal agency action (federal permit, funding, etc.).

No

3. Is the proposed action authorized, permitted, licensed, funded, or being carried out by a Federal agency in whole or in part?

No

4. [Semantic] Is the action area located within 0.5 miles of a known northern long-eared bat hibernaculum?

**Note:** The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency.

**Automatically answered**

No

5. Does the action area contain any caves (or associated sinkholes, fissures, or other karst features), mines, rocky outcroppings, or tunnels that could provide habitat for hibernating northern long-eared bats?

No

6. Does the action area contain or occur within 0.5 miles of (1) talus or (2) anthropogenic or naturally formed rock crevices in rocky outcrops, rock faces or cliffs?

No

7. Is suitable summer habitat for the northern long-eared bat present within 1000 feet of project activities?  
(If unsure, answer "Yes.")

**Note:** If there are trees within the action area that are of a sufficient size to be potential roosts for bats (i.e., live trees and/or snags  $\geq 3$  inches (12.7 centimeter) dbh), answer "Yes". If unsure, additional information defining suitable summer habitat for the northern long-eared bat can be found at: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

*Yes*

8. Will the action cause effects to a bridge?

*No*

9. Will the action result in effects to a culvert or tunnel?

*No*

10. Does the action include the intentional exclusion of northern long-eared bats from a building or structure?

**Note:** Exclusion is conducted to deny bats' entry or reentry into a building. To be effective and to avoid harming bats, it should be done according to established standards. If your action includes bat exclusion and you are unsure whether northern long-eared bats are present, answer "Yes." Answer "No" if there are no signs of bat use in the building/structure. If unsure, contact your local U.S. Fish and Wildlife Services Ecological Services Field Office to help assess whether northern long-eared bats may be present. Contact a Nuisance Wildlife Control Operator (NWCO) for help in how to exclude bats from a structure safely without causing harm to the bats (to find a NWCO certified in bat standards, search the Internet using the search term "National Wildlife Control Operators Association bats"). Also see the White-Nose Syndrome Response Team's guide for bat control in structures

*No*

11. Does the action involve removal, modification, or maintenance of a human-made structure (barn, house, or other building) **known or suspected to contain roosting bats**?

*No*

12. Will the action directly or indirectly cause construction of one or more new roads that are open to the public?

**Note:** The answer may be yes when a publicly accessible road either (1) is constructed as part of the proposed action or (2) would not occur but for the proposed action (i.e., the road construction is facilitated by the proposed action but is not an explicit component of the project).

*No*

13. Will the action include or cause any construction or other activity that is reasonably certain to increase average daily traffic on one or more existing roads?

**Note:** For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.). .

*No*

14. Will the action include or cause any construction or other activity that is reasonably certain to increase the number of travel lanes on an existing thoroughfare?

For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

*No*

15. Will the proposed action involve the creation of a new water-borne contaminant source (e.g., leachate pond pits containing chemicals that are not NSF/ANSI 60 compliant)?

*No*

16. Will the proposed action involve the creation of a new point source discharge from a facility other than a water treatment plant or storm water system?

*No*

17. Will the action include drilling or blasting?

*No*

18. Will the action involve military training (e.g., smoke operations, obscurant operations, exploding munitions, artillery fire, range use, helicopter or fixed wing aircraft use)?

*No*

19. Will the proposed action involve the use of herbicide or other pesticides (e.g., fungicides, insecticides, or rodenticides)?

*No*

20. Will the action include or cause activities that are reasonably certain to cause chronic nighttime noise in suitable summer habitat for the northern long-eared bat? Chronic noise is noise that is continuous or occurs repeatedly again and again for a long time.

**Note:** Additional information defining suitable summer habitat for the northern long-eared bat can be found at: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

*No*

21. Does the action include, or is it reasonably certain to cause, the use of artificial lighting within 1000 feet of suitable northern long-eared bat roosting habitat?

**Note:** Additional information defining suitable roosting habitat for the northern long-eared bat can be found at: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

*No*

22. Will the action include tree cutting or other means of knocking down or bringing down trees, tree topping, or tree trimming?

*No*

23. Will the action result in the use of prescribed fire?

*No*

24. Will the action cause noises that are louder than ambient baseline noises within the action area?

*Yes*

25. Will the action cause noises during the active season in suitable summer habitat that are louder than anthropogenic noises to which the affected habitat is currently exposed? Answer 'no' if the noises will occur only during the inactive period.

**Note:** Inactive Season dates for areas within a spring staging/fall swarming area can be found here: <https://www.fws.gov/media/inactive-season-dates-swarming-and-staging-areas>.

**Note:** Additional information defining suitable summer habitat for the northern long-eared bat can be found at: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

*No*

## PROJECT QUESTIONNAIRE

Enter the extent of the action area (in acres) from which trees will be removed - round up to the nearest tenth of an acre. For this question, include the entire area where tree removal will take place, even if some live or dead trees will be left standing.

0

Will all potential northern long-eared bat (NLEB) roost trees (trees  $\geq 3$  inches diameter at breast height, dbh) be cut, knocked, or brought down from any portion of the action area greater than or equal to 0.1 acre? If all NLEB roost trees will be removed from multiple areas, select 'Yes' if the cumulative extent of those areas meets or exceeds 0.1 acre.

No

Enter the extent of the action area (in acres) from which all potential NLEB roost trees will be removed. If all NLEB roost trees will be removed from multiple areas, entire the total extent of those areas. Round up to the nearest tenth of an acre.

0

For the area from which all potential northern long-eared bat (NLEB) roost trees will be removed, on how many acres (round to the nearest tenth of an acre) will trees be allowed to regrow? Enter '0' if the entire area from which all potential NLEB roost trees are removed will be developed or otherwise converted to non-forest for the foreseeable future.

0

Will any snags (standing dead trees)  $\geq 3$  inches dbh be left standing in the area(s) in which all northern long-eared bat roost trees will be cut, knocked down, or otherwise brought down?

No

## **IPAC USER CONTACT INFORMATION**

Agency: Barnstable Town city

Name: Carrie Marshall

Address: 114 Touro Street

City: Newport

State: RI

Zip: 02840

Email: carrie.marshall@foth.com

Phone: 2392473997



# Drawn Action Area & Overlapping S7 Consultation Areas

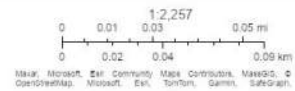
## Area of Interest (AOI) Information

Area : 2,240.45 acres

Aug 28 2024 13:25:16 Eastern Daylight Time



- Atlantic Sturgeon
- Sea Turtles
- Shortnose Sturgeon
- Atlantic Large Whales



## Summary

Name	Count	Area(acres)	Length(mi)
Atlantic Sturgeon	2	757.49	N/A
Shortnose Sturgeon	1	378.75	N/A
Atlantic Salmon	0	0	N/A
Sea Turtles	4	1,515.02	N/A
Atlantic Large Whales	4	1,515.04	N/A
In or Near Critical Habitat	0	0	N/A

## Atlantic Sturgeon

#	Feature ID	Species	Lifestage	Behavior	Zone	From	Until	From (2)	Until (2)	Area(acres)
1	ANS_C50_ADU_MAF	Atlantic sturgeon	Adult	Migrating & Foraging	N/A	01/01	12/31	N/A	N/A	378.75
2	ANS_C50_SUB_MAF	Atlantic sturgeon	Subadult	Migrating & Foraging	N/A	01/01	12/31	N/A	N/A	378.75

## Shortnose Sturgeon

#	Feature ID	Species	Life Stage	Behavior	Zone	From	Until	From (2)	Until (2)	Area(acres)
1	SNS_C50_ADU_MAF	Shortnose sturgeon	Adult	Migrating & Foraging	N/A	04/01	11/30	N/A	N/A	378.75

## Sea Turtles

#	Feature ID	Species	Life Stage	Behavior	Zone	From	Until	From (2)	Until (2)	Area(acres)
1	GRN_STS_AJV_MAF	Green sea turtle	Adults and juveniles	Migrating & Foraging	Massachusetts (S of Cape Cod) through Virginia	5/1	11/30	No Data	No Data	378.76
2	KMP_STS_AJV_MAF	Kemp's ridley sea turtle	Adults and juveniles	Migrating & Foraging	Massachusetts (S of Cape Cod) through Virginia	5/1	11/30	No Data	No Data	378.76
3	LTR_STS_AJV_MAF	Leatherback sea turtle	Adults and juveniles	Migrating & Foraging	Massachusetts (S of Cape Cod) through Virginia	5/1	11/30	No Data	No Data	378.76
4	LOG_STS_AJV_MAF	Loggerhead sea turtle	Adults and juveniles	Migrating & Foraging	Massachusetts (S of Cape Cod) through Virginia	5/1	11/30	No Data	No Data	378.76

## Atlantic Large Whales



#	Feature ID	Species	Lifestage	Behavior	Zone	From	Until	From (2)	Until (2)	Area(acres)
1	RIT_WRN_AJV_FOR	North Atlantic right whale	Adults and juveniles	Foraging	Northeast (ME to Cape Cod, MA)	1/1	12/31	No Data	No Data	378.76
2	RIT_WRN_AJV_WIN	North Atlantic right whale	Adults and juveniles	Overwintering	Northeast (ME to Cape Cod, MA)	11/1	1/31	No Data	No Data	378.76
3	FIN_WFN_AJV_WIN	Fin whale	Adults and juveniles	Overwintering	Northeast (ME to Cape Cod, MA)	11/1	3/31	No Data	No Data	378.76
4	FIN_WFN_AJV_FOR	Fin whale	Adults and juveniles	Foraging	Northeast (ME to Cape Cod, MA)	1/1	12/31	No Data	No Data	378.76

**Attachment 7: Endangered Species Act – National Oceanic and  
Atmospheric Administration Section 7 Mapper**

# EFH Mapper Report

## EFH Data Notice

Essential Fish Habitat (EFH) is defined by textual descriptions contained in the fishery management plans developed by the regional fishery management councils. In most cases mapping data can not fully represent the complexity of the habitats that make up EFH. This report should be used for general interest queries only and should not be interpreted as a definitive evaluation of EFH at this location. A location-specific evaluation of EFH for any official purposes must be performed by a regional expert. Please refer to the following links for the appropriate regional resources.

[Greater Atlantic Regional Office](#)  
[Atlantic Highly Migratory Species Management Division](#)

## Query Results


Degrees, Minutes, Seconds: Latitude = 41° 38' 56" N, Longitude = 71° 43' 14" W  
Decimal Degrees: Latitude = 41.649, Longitude = -70.279

The query location intersects with spatial data representing EFH and/or HAPCs for the following species/management units.

### \*\*\* WARNING \*\*\*

Please note under "Life Stage(s) Found at Location" the category "ALL" indicates that all life stages of that species share the same map and are designated at the queried location.

## EFH

Link	Data Caveats	Species/Management Unit	Lifestage(s) Found at Location	Management Council	FMP
		Albacore Tuna	Juvenile	Secretarial	Amendment 10 to the 2006 Consolidated HMS FMP: EFH
		Atlantic Cod	Eggs, Juvenile, Larvae	New England	Amendment 14 to the Northeast Multispecies FMP
		Atlantic Herring	Juvenile	New England	Amendment 3 to the Atlantic Herring FMP
		Atlantic Surfclam	Adult, Juvenile	Mid-Atlantic	Surfclam and Ocean Quahog
		Atlantic Wolffish	ALL	New England	Amendment 14 to the Northeast Multispecies FMP
		Black Sea Bass	Adult, Juvenile	Mid-Atlantic	Summer Flounder, Scup, Black Sea Bass
		Bluefin Tuna	Adult	Secretarial	Amendment 10 to the 2006 Consolidated HMS FMP: EFH

Link	Data Caveats	Species/Management Unit	Lifestage(s) Found at Location	Management Council	FMP
		Little Skate	Adult, Juvenile	New England	Amendment 2 to the Northeast Skate Complex FMP
		Northern Shortfin Squid	Adult	Mid-Atlantic	Atlantic Mackerel, Squid, & Butterfish Amendment 11
		Scup	Adult, Juvenile	Mid-Atlantic	Summer Flounder, Scup, Black Sea Bass
		Skipjack Tuna	Adult	Secretarial	Amendment 10 to the 2006 Consolidated HMS FMP: EFH
		Summer Flounder	Adult, Eggs, Juvenile, Larvae	Mid-Atlantic	Summer Flounder, Scup, Black Sea Bass
		Windowpane Flounder	Adult, Juvenile	New England	Amendment 14 to the Northeast Multispecies FMP
		Winter Flounder	Eggs, Juvenile, Larvae/Adult	New England	Amendment 14 to the Northeast Multispecies FMP
		Winter Skate	Juvenile	New England	Amendment 2 to the Northeast Skate Complex FMP
		Yellowtail Flounder	Adult, Juvenile	New England	Amendment 14 to the Northeast Multispecies FMP





### Pacific Salmon EFH

No Pacific Salmon Essential Fish Habitat (EFH) were identified at the report location.

### Atlantic Salmon

No Atlantic Salmon were identified at the report location.

### HAPCs

Link	Data Caveats	HAPC Name	Management Council
		Inshore 20m Juvenile Cod	New England Fishery Management Council
		Summer Flounder SAV	Mid-Atlantic Fishery Management Council

### EFH Areas Protected from Fishing

No EFH Areas Protected from Fishing (EFHA) were identified at the report location.

**Spatial data does not currently exist for all the managed species in this area. The following is a list of species or management units for which there is no spatial data.**

**\*\*For links to all EFH text descriptions see the complete data inventory: [open data inventory -->](#)**

**All EFH species have been mapped for the Greater Atlantic region,**

**Atlantic Highly Migratory Species EFH,**

Bigeye Sand Tiger Shark,

Bigeye Sixgill Shark,

Caribbean Sharpnose Shark,

**Spatial data does not currently exist for all the managed species in this area. The following is a list of species or management units for which there is no spatial data.**

**\*\*For links to all EFH text descriptions see the complete data inventory: [open data inventory -->](#)**

Galapagos Shark,  
Narrowtooth Shark,  
Sevengill Shark,  
Sixgill Shark,  
Smooth Hammerhead Shark,  
Smalltail Shark

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## **Attachment 8: Previous Authorizations**



DEPARTMENT OF THE ARMY  
NEW ENGLAND DIVISION, CORPS OF ENGINEERS  
424 TRAPELO ROAD  
WALTHAM, MASSACHUSETTS 02254-9149  
June 29, 1995

REPLY TO  
ATTENTION  
Regulator Division  
CENED-OD-R-199400594

Town of Barnstable  
367 Main Street  
Hyannis, MA 02601

Dear Sirs:

This is to inform you that we have reviewed your application for the proposed Waterfront Improvements:

**Aselton Park, Lot 61, Ocean Street and South Street:** to construct and maintain 200' sheet pile bulkhead, and adjacent timber boardwalk, maintenance dredge 2,800 c.y. of material with upland disposal, and construct, retain and maintain existing marina facility from 12 to 13 finger floats.

**Bismore Park, Lot 68, Ocean Street:** to retain and maintain existing steel bulkhead, maintenance dredge 1,500 c.y. of clean material with upland disposal, and retain and maintain a marina increasing available slips from 24 to 27.

Work is located in Hyannis Inner Harbor, Hyannis, Massachusetts, as described on your two sets of plans entitled "ASELTON PARK BULKHEAD AND DOCK RECONSTRUCTION, TOWN OF BARNSTABLE, HYANNIS, MASSACHUSETTS", in five sheets, dated "7/19/94", and "RALPH BISMORE PARK, BULKHEAD AND DOCK RECONSTRUCTION, TOWN OF BARNSTABLE, HYANNIS, MASSACHUSETTS" in six sheets, dated "2/9/95".

Based on the information you have provided, we have determined that your project will have only minimal individual or cumulative environmental effects, and therefore qualifies for authorization under the Massachusetts Programmatic General Permit (PGP).

This determination does not constitute an authorization to proceed with the regulated activities. This determination of eligibility becomes the federal authorization only after the Massachusetts Department of Environmental Protection (DEP) issues or waives the necessary 401 Water Quality Certification. In the event 401 Water Quality Certification is denied by the state, this determination of eligibility becomes null and void. ur area is provided below.

Because your project is located within, or may affect resources within the coastal zone, if the proposed work is above the review thresholds of the Massachusetts Environmental Policy Act (MEPA) you must obtain a Federal Consistency concurrence from the Office of Coastal Zone Management (MCZM) in order for this authorization to become valid and before work can proceed.

The activity authorized herein must be performed in compliance with all the terms and conditions of the PGP and any conditions placed on water quality certification, if required. Enclosed is a copy of the PGP permit requirements. Please review it carefully to familiarize yourself with its contents. You may wish to discuss the conditions of this authorization with your contractor to ensure the work can be accomplished in a manner that conforms to all requirements. You are responsible for complying with all of the permits' requirements and conditions; therefore, you should be certain that whoever does the work fully understands all of the conditions.


Please note that this determination does not constitute an authorization to proceed until all other applicable state and local permits are obtained.

Performing work not specifically authorized by this permit, starting work without obtaining other applicable state and local approvals, or failing to comply with the permit conditions may subject you to the enforcement provisions of our regulations.

Condition 31 of the PGP (page 7) provides one year for completion of work that has commenced prior to the expiration of this PGP on March 1, 2000. You will need to apply for reauthorization for any work in Corps jurisdiction that is not completed by that date.

If you have any questions, please contact Ms. Joanne R. Polci, of our staff, at (617) 647-8058.

Sincerely,

  
Karen Kirk Adams  
Chief, Permits Branch  
Regulatory Division

Enclosure  
cc.

Ms. Jean Haggerty, Nucci & Vine Associates, 253 Low Street, Suite 232, Newburyport, MA 01950

DEP-Southeast Region, 20 Riverside Drive, Lakeville, MA 02347

CZM 100 Cambridge Street, 20th Floor, Boston, MA 02202





RALPH BISMORE PARK (B)  
 BULKHEAD AND DOCK  
 RECONSTRUCTION  
 TOWN OF BARNSTABLE  
 HYANNIS, MASSACHUSETTS  
 BARNSTABLE COUNTY  
 APPLICATION BY:  
 TOWN OF BARNSTABLE  
 7/19/94

FIGURE 1

USGS "HYANNIS QUADRANGLE"  
 7.5 MINUTE SERVICES  
 SCALE 1:25,000 METRIC 1987

0 .25 .5 MILE  
 SCALE IN FEET

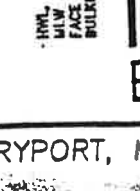
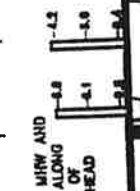
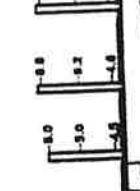
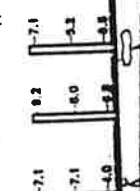
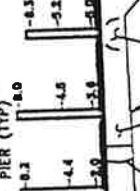
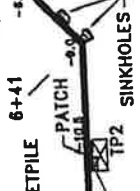
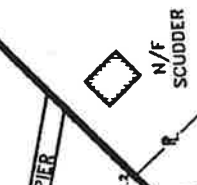
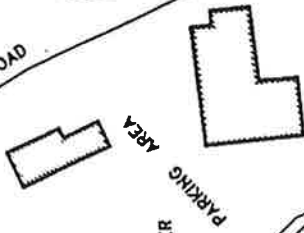
LOCUS PLAN

NUCCI VINE ASSOCIATES, INC., NEWBURYPORT, MASSACHUSETTS



*David B. Vine*

CHANNEL POINT ROAD



LEWIS BAY INNER HARBOR

APPROXIMATE LIMIT 12' FEDERAL CHANNEL

0+00 0+50 1+00 1+50 2+00 2+50 3+00 3+50 4+00 4+50 5+00 5+50 6+00 6+75

-HWL, MHW AND MLLW ALONG FACE OF BULKHEAD

EXISTING SITE PLAN

RALPH BISMORE PARK BULKHEAD AND DOCK RECONSTRUCTION TOWN OF BARNSTABLE HYANNIS, MASSACHUSETTS BARNSTABLE COUNTY APPLICATION BY: TOWN OF BARNSTABLE 2/09/95

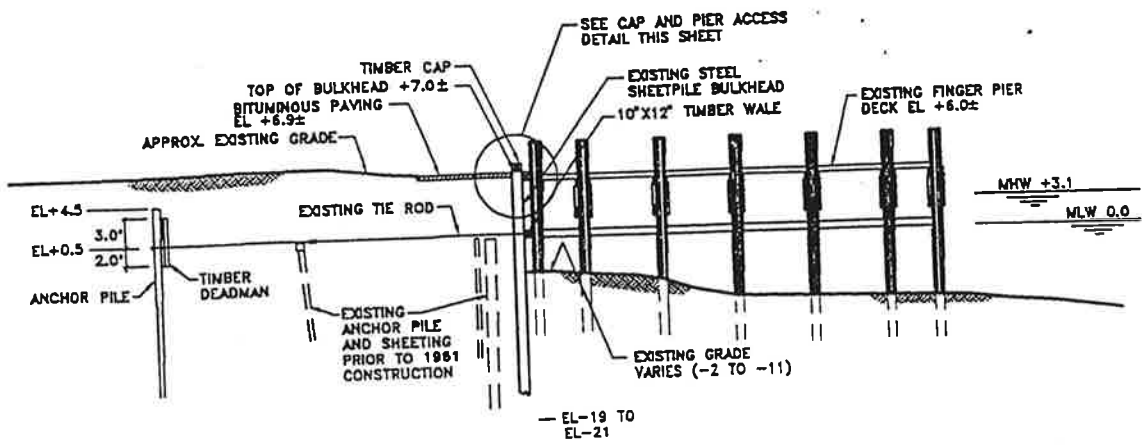
FIGURE 2

OCEAN STREET

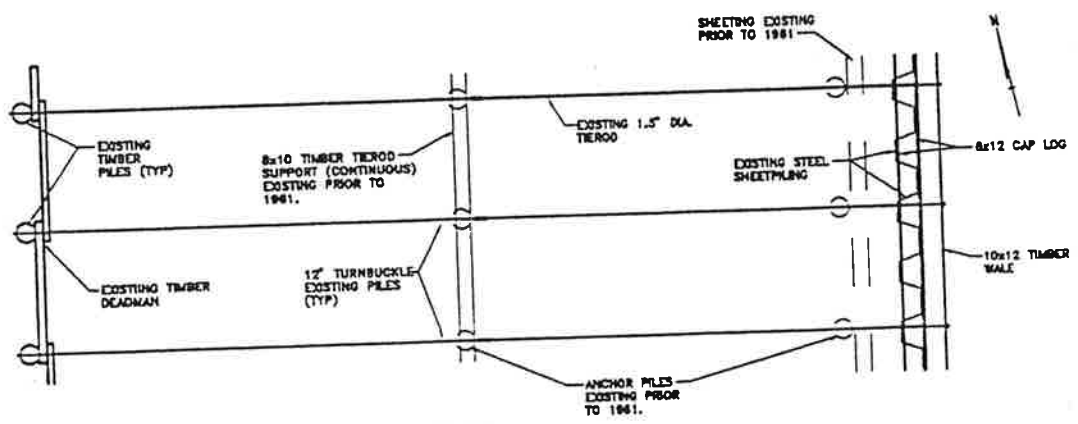
RALPH BISMORE PARK EXISTING SITE PLAN

SCALE: 1" = 100'

NUCCI VINE ASSOCIATES, INC., NEWBURYPORT, MASSACHUSETTS



SECTION A-A  
SCALE: 1" = 20'



PLAN  
EXISTING TIEROD AND DEADMAN SYSTEM  
SCALE: 1" = 10'



*David B. Vine*

RALPH BISMORE PARK (B)  
 BULKHEAD AND DOCK  
 RECONSTRUCTION  
 TOWN OF BARNSTABLE  
 HYANNIS, MASSACHUSETTS  
 BARNSTABLE COUNTY  
 APPLICATION BY:  
 TOWN OF BARNSTABLE  
 2/09/95

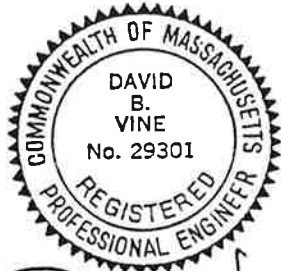
FIGURE 3

# EXISTING CONDITIONS

NUCCI VINE ASSOCIATES, INC., NEWBURYPORT, MASSACHUSETTS

**EXHIBIT C**  
**PROPOSED WORK PLANS**

(B)



*David B. Vine*

CHANNEL POINT ROAD

PARKING AREA  
N/F SCUDDER

LEWIS BAY INNER HARBOR

PROPOSED FINGER PIERS

EXISTING FINGER PIERS  
TO BE REMOVED  
EXISTING STEEL SHEETPILE  
BULKHEAD TO BE  
PATCHED

EDGE OF GRASS

PAVED WALKWAY

HARBORMASTER BUILDING

OCEAN STREET

APPROXIMATE  
LIMIT 12"  
FEDERAL CHANNEL

40'  
TYP.

47'  
SLIP LENGTH (TYP.)

60'  
TYP.

40'  
35'  
35'  
35'  
35'  
35'  
35'  
35'  
35'  
35'  
35'

6'-1"  
25'  
50'

3'(TYP.)

LIMIT OF  
EXCAVATION FOR  
TIEROD PLACEMENT

PAVED PARKING

N/F SCUDDER

**NOTES:**

1. SEE GENERAL NOTES-FIGURE 2.
2. PROPOSED DREDGING TO EL -6 (WITH 1 FOOT OVERDREDGE EL -7). AREA=20,000 SF; VOLUME=1500 CY.
3. DREDGED MATERIAL TO BE STOCKPILED AT ASELTON PARK.

RALPH BISMORE PARK  
**PROPOSED WORK PLAN**

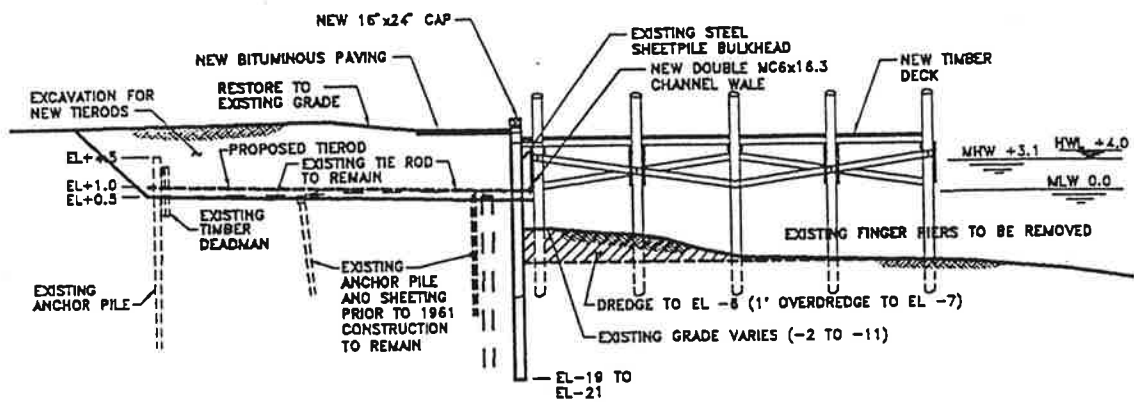
SCALE: 1" = 100'

RALPH BISMORE PARK  
BULKHEAD AND DOCK  
RECONSTRUCTION  
TOWN OF BARNSTABLE  
HYANNIS, MASSACHUSETTS  
BARNSTABLE COUNTY  
APPLICATION BY:  
TOWN OF BARNSTABLE  
2/09/95

FIGURE 4

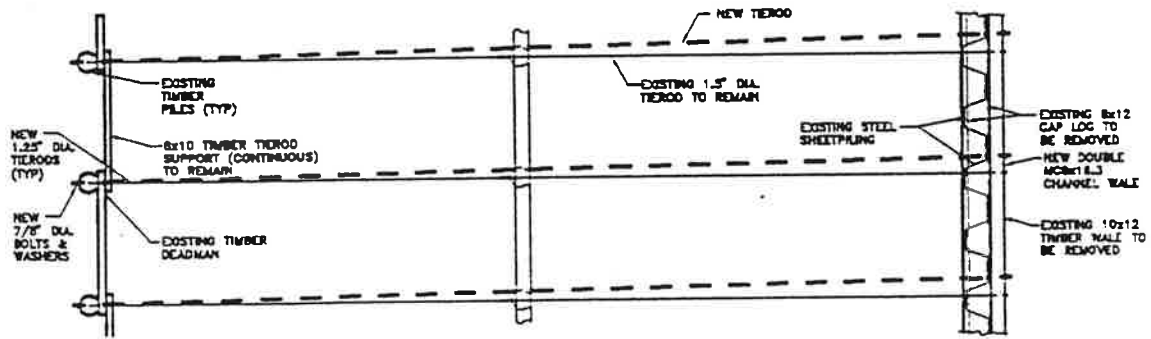
**PROPOSED WORK PLAN**

NUCC: VINE ASSOCIATES, INC., NEWBURYPORT, MASSACHUSETTS



**PROPOSED SECTION B-B**

SCALE: 1" = 20'



**PLAN  
PROPOSED TIEROD DETAIL**

SCALE: 1" = 10'

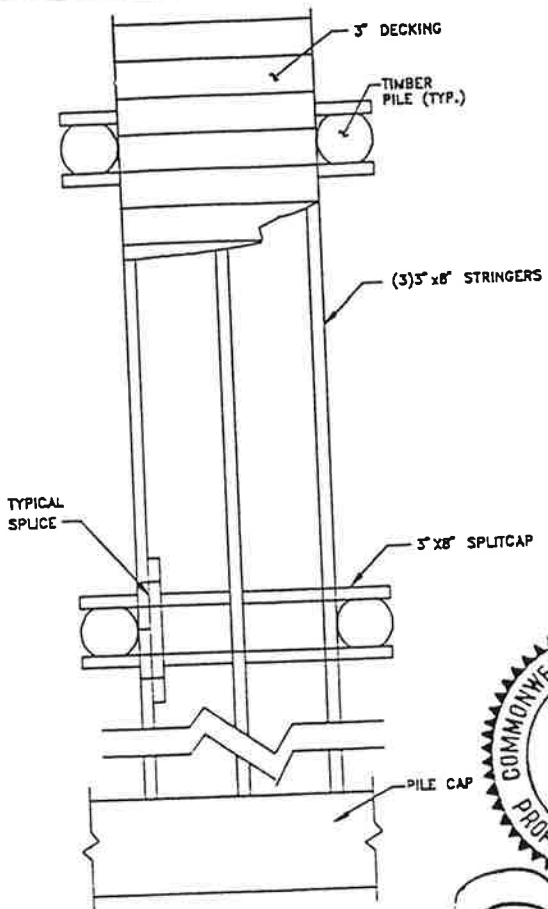


*David B. Vine*

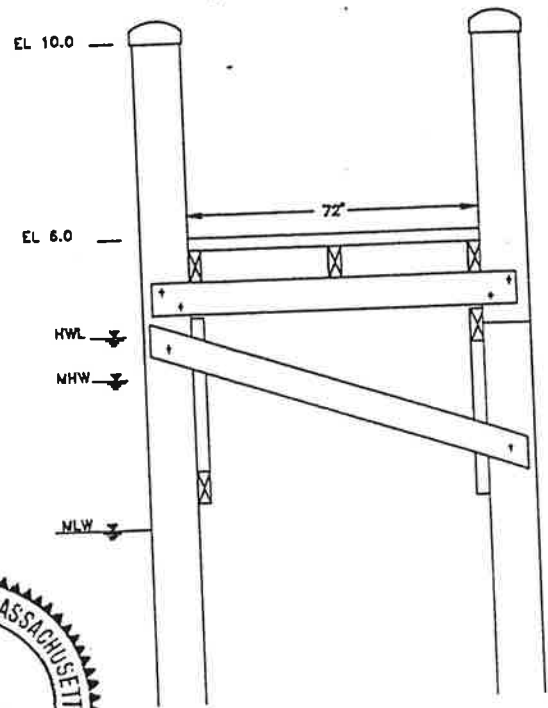
**PROPOSED BULKHEAD  
RECONSTRUCTION**

RALPH BISMORE PARK (B)  
BULKHEAD AND DOCK  
RECONSTRUCTION  
TOWN OF BARNSTABLE  
HYANNIS, MASSACHUSETTS  
BARNSTABLE COUNTY  
APPLICATION BY:  
TOWN OF BARNSTABLE  
2/09/95 **FIGURE 5**

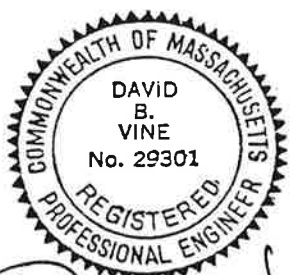
IUCCI VINE ASSOCIATES, INC., NEWBURYPORT, MASSACHUSETTS



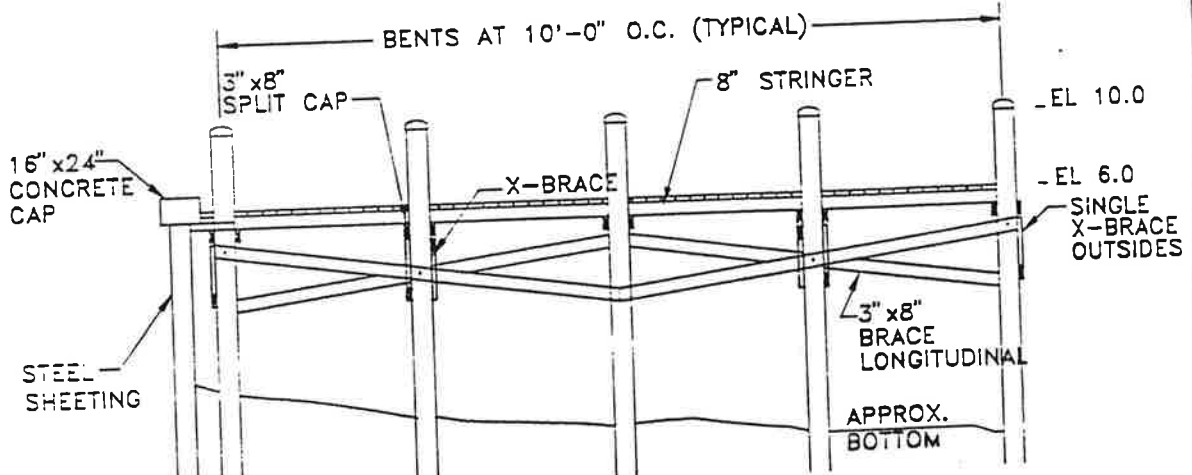
TYPICAL PIER PLAN VIEW  
SCALE: 1" = 4'



MAIN PIER, PARTIAL DETAIL CROSS SECTION  
SCALE: 1" = 4'



*David B. Vine*



- NOTES:  
 1. WIDTH OF PIERS VARIES 3' TO 6' -SEE FIGURE 4.  
 2. LENGTH OF PIERS VARIES 50' TO 70' -SEE FIGURE 4.

TYPICAL FINGER PIER PROFILE  
SCALE: 1" = 10'

RALPH BISMORE PARK  
 BULKHEAD AND DOCK  
 RECONSTRUCTION  
 TOWN OF BARNSTABLE  
 HYANNIS, MASSACHUSETTS  
 BARNSTABLE COUNTY  
 APPLICATION BY:  
 TOWN OF BARNSTABLE  
 2/09/95  
 FIGURE 6

PROPOSED FINGER PIERS

**Attachment 9: Proof of Mailing to SHPO, BUAR and Applicable Tribes**



23. STATEMENT OF AUTHORIZATION (see instructions)

I certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

Paul Graves

SIGNATURE OF APPLICANT

9/10/24

DATE



SIGNATURE OF AGENT

9/3/2024

DATE

24. SIGNATURES (see instructions)

I hereby certify that the information in this Self-Verification Notification is complete and accurate. As the applicant or their duly authorized agent, I certify the activity was completed in accordance with the terms and conditions of the GP. This includes all applicable terms, general conditions, and activity-specific GP criteria. I agree to allow the duly authorized representatives of the Corps of Engineers Regulatory Program and other regulatory or advisory agencies to enter upon the premises of the project site at reasonable times to evaluate inspect and photograph site conditions. This consent to enter the property is superior to, takes precedence over, and waives any communication to the contrary. For example, if the property is posted as "no trespassing" this consent specifically supersedes and waives that prohibition and grants permission to enter the property despite such posting.

Paul Graves

SIGNATURE OF APPLICANT

9/10/24

DATE



SIGNATURE OF AGENT

9/3/2024

DATE

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.