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September 29, 2017

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
FINAL ENVIRONMENTAL IMPACT REPORT

PROJECT NAME : Lighthouse Inn Groin Improvements
PROJECT MUNICIPALITY : Dennis
PROJECT WATERSHED : Cape Cod
EEA NUMBER : 15623
PROJECT PROPONENT : Lighthouse Inn, Inc.
DATE NOTICED IN MONITOR : August 23, 2017

Pursuant to the Massachusetts Environmental Policy Act (M.G. L. c. 30, ss. 61-62I) and Section 11.08 of the MEPA regulations (301 CMR 11.00), I have reviewed the Final Environmental Impact Report (FEIR) and hereby determine that it **adequately and properly complies** with MEPA and its implementing regulations. The project may proceed to permitting.

Project Description

As described in the FEIR, the project consists of shorefront improvements at the Lighthouse Inn including reconfiguring the existing groin system and beach nourishment. These improvements are proposed to improve natural tidal flow and flushing between two groins while maintaining shore protection and a sand beach. Under existing conditions, lack of tidal flushing has led to the accumulation of seaweed and detritus on the beach and in the embayment, resulting in noxious odor and inability to enjoy the beach or navigate waters along the shoreline.

Specifically, the project will:

- Remove 27 feet of rock from the breakwater east of the existing gap;

- Remove 54 feet of rock from the middle of the breakwater located to the west of the existing gap;
- Construct a shore-perpendicular rock stem approximately 77 feet in length behind the central remaining breakwater head to create a T-head groin (referred to as S3) that will define and stabilize the two embayment beaches. The stem crest elevation will be approximately +2.4 feet NAVD88 (about 2 feet lower than the breakwater crest) and the landward end will be buried into, or intersect, the beach slope just above the higher high water line (HHWL).
- Remove approximately 52 feet of excess rock from the end of the central groin (S4/S5), seaward of the breakwater and spur groins;
- Construct a 28-foot long spur groin at the seaward end of the western groin (S1) and the central groin (S5).
- Renourish the beach by importing and placing approximately 7,100 cy of beach compatible sand. Approximately 550 cy will be placed in the western cell, 5,750 cy in the middle two cells, and 800 cy in the eastern cell. The initial nourishment will fill beach cells 20% beyond their design capacity. According to the FEIR, the advanced fill is intended to overfill the design template as pre-emptive mitigation against potential erosion impacts to adjacent shorelines from project construction.

Structures comprising the final design are denoted by the designations S1 through S6 starting with the proposed spur groin at the western end of the project and ending with the existing groin (S6) at the eastern end of the site that will not be altered. The boulders removed from the existing structures will be used to construct the stem and spur groins. The project will result in a net decrease of approximately 350 square feet of rock structure. The Proponent expects to commence construction early in 2018 and complete the project in two months.

Project Site

The 1.8-acre project site contains the Lighthouse Inn and approximately 550 feet (ft) of ocean shorefront facing Nantucket Sound. The shorefront includes three rock groins that extend between 130 and 240 ft in length. A breakwater parallel to the shore spans the two of the inner groins with a 25-foot wide gap opening. The on-site groins comprise the westernmost groins within a broader field of ten groins located east of the shoreline in front of the site. An existing rock revetment and vertical concrete bulkhead separate the beach area landward of the parallel breakwater from the upland grassy lawn in front of the Inn's primary building. The project site is located immediately east of West Dennis Beach, which is owned and operated by the Town of Dennis.

Coastal wetland resource areas include Land Under Ocean (LUO), Coastal Beach, and Land Subject to Coastal Storm Flowage (LSCSF). The project site is located in a Velocity Zone as identified on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) (Map No. 25001C0593J, dated July 16, 2014) with a Base Flood Elevation (BFE) of 13 feet North American Vertical Datum of 1988 (NAVD88). A portion of the project site is mapped as *Estimated* and/or *Priority Habitat* for rare-species in the Natural Heritage Atlas (13th edition) issued by the Division of Fisheries and Wildlife's Natural Heritage and Endangered Species Program (NHESP). The rare species include Piping Plover (*Charadrius melodus*) and Common Tern (*Sterna hirundo*). Eelgrass (*Zostera marina*) beds are located within and adjacent to the proposed work areas and the project site lies within mapped shellfish habitat for blue mussel (*Mytilus edulis*).

Environmental Impacts and Mitigation

The project includes the placement of approximately 7,100 cubic yards (cy) of sand to nourish and overfill the beach cells after the rock structures are modified. The project will permanently impact 2,900 square feet (sf) of Land Under Ocean (LUO) in connection with the placement of new rock for stem and spur groin structures, including the dredging of 250 cubic yards (cy) of sediment to place toe stones for the new structures. Beach nourishment material will be placed over a 60,600-sf area including approximately 48,500 sf of Coastal Beach and 12,100 sf of LUO. Temporary impacts to LUO will occur in conjunction with the removal of approximately 3,250 sf of existing rock structure. Construction period mitigation measures will be implemented to minimize turbidity and limit erosion and sedimentation. The Proponent will conduct a series of pre- and post-condition monitoring surveys to evaluate project success and potential need for additional beach nourishment.

Jurisdiction and Permitting

The project is undergoing MEPA review pursuant to 301 CMR 11.03(3)(b)(1)(a) because it requires a State Agency Action and includes alteration of a Coastal Bank. The project will require a Chapter 91 (c. 91) Waterways License and a Section 401 Water Quality Certification (WQC) from the Massachusetts Department of Environmental Protection (MassDEP).

The project will be subject to Federal Consistency Review by Coastal Zone Management (CZM). The project will require review by the U.S. Army Corps of Engineers (ACOE). The project will require an Order of Conditions from the Dennis Conservation Commission, or in the case of an appeal, a Superseding Order of Conditions from MassDEP. The project is subject to MEPA's Greenhouse Gas (GHG) Emissions Policy and Protocol (GHG Policy).

MEPA jurisdiction extends to those aspects of the project that are within the subject matter of required or potentially required State Agency Actions and that may cause Damage to the Environment, as defined in the MEPA regulations. Because the project requires a c. 91 License, subject matter jurisdiction is functionally equivalent to full scope jurisdiction in accordance with 301 CMR 11.01(2)(a)(3), and therefore extends to all aspects of the project that may cause Damage to the Environment.

Review of the FEIR

Project Description and Permitting

The FEIR described the proposed project and included updated site plans for existing and post-construction conditions. It clarified the areas of Coastal Beach and LUO that will be affected by placement of beach nourishment and volume of dredging necessary to set new toe stones. It included a longshore sediment transport model in support of the project design and presented the results of an eelgrass survey in and adjacent to the project site. The FEIR confirmed that a WQC will be required, reviewed the project's compliance with applicable regulatory standards, detailed the project's mitigation measures and provided draft Section 61 Findings for MassDEP. Comments from State Agencies,

including MassDEP, CZM, DMF and NHESP indicate that the FEIR was responsive to comments on the DEIR and do not identify the need for further MEPA review of the project.

Wetlands and Waterways

The project design, its expected impacts to wetland resource areas and its intended effect on the shoreline dynamics have not changed since the DEIR. The project will remove approximately 3,250 sf of rock groin structures and add approximately 2,900 sf of new rock groin structures within LUO. No permanent impact is proposed to the Coastal Bank. The Coastal Bank on the project site is altered as it consists of a seawall with a fronting revetment. The bulkhead and rock revetment crest are located at elevation +7.8 and +6.5 feet NAVD 88, respectively. Approximately 7,100 cy of beach-compatible sand will be placed over an approximately 60,600 sf area, including 48,500 sf of Coastal Beach and 12,100 sf of LUO. The slope of the proposed beach above and below the design shoreline (located at about -1.0 foot NAVD88) will reflect the beach slopes measured along the adjacent natural beach profiles:

- Approximately 1:9 slope from the dry berm (elevation +6.2 ft NAVD 88) to the mean high water (MHW) elevation at +1.6 feet NAVD 88);
- 1:14 slope from MHW to 0.0 feet NAVD 88; and
- 1:20 slope below 0.0 feet NAVD 88 to the intersection of the existing seabed at approximately -3.5 to -4.0 feet NAVD 88.

With beach nourishment and redesign of the groin system, the project seeks to create a stable beach berm of +6.2 to +7.0 feet NAVD 88 along the central bulkhead between the two western groins to bury the rock revetment, improve direct access between the sand beach and upland, and create an additional sand reservoir along the back beach for storm protection. The proposed beach west of the western groin and east of the middle groin will reflect a semi-embayment (headland) design, with elevations determined by the short spurs proposed at the ends of the groins. As previously noted, the berm elevation at the western end will increase to +6.2 feet NAVD 88, while the berm elevation at the eastern end will increase to +4.5 feet NAVD 88. No substantial change in the beach profile is predicted at the eastern end of the project site (immediately west of the easternmost groin (S6)). However, sand will be placed in this location as a conservative contingency to provide additional sand supply to the eastern section of the property. According to CZM, the proposed rock spurs to be constructed on groins S1 and S5 may trap more sediment than the proposed nourishment. CZM recommends that the Proponent place additional nourishment material adjacent to structures S1 and S5, where the sand is more likely to be trapped by the proposed T-groin configuration. The project's permit applications should include plans that identify proposed sand fill and temporary retaining walls to facilitate agency review of the proposed construction methods.

The FEIR confirmed that a WQC will be required because the project will dredge 250 cy of sediment in connection with placing toe stones for the new structures. The material to be dredged is expected to consist of clean medium-grain sand that will be used for beach nourishment. In the FEIR, the Proponent committed to maintaining public access along the shoreline in accordance with c. 91 license requirements.

Sediment Transport

The FEIR included a quantitative analysis of sediment transport in the vicinity of the site to confirm the qualitative analysis provided in the DEIR and to support the design of the Preferred Alternative and proposed nourishment volumes. The analysis included calculations of sediment transport potential and a review of CZM short-term shoreline change data for the area.

Longshore sediment transport potential was calculated based on wave data available for the site for the period March 2009 through December 2015 and the physical characteristics of three adjacent shoreline areas, including one to the west and two to the east. The calculations demonstrated that there is a relatively high sediment transport rate in both easterly and westerly directions, but a low net easterly littoral drift potential. At the study shoreline west of the site, the average easterly drift was calculated as 8,240 cubic yards per year (cy/yr) and the average westerly drift was calculated as 7,851 cy/yr, resulting in a net easterly sediment transport of 389 cy/yr. The shorelines studied to the east of the site were calculated to experience an average easterly drift of 8,877 cy/yr to 9,978 cy/yr and average westerly drifts of 7,156 cy/yr and 6,702 cy/yr, respectively; the shorelines to the east have a net easterly drift of 1,721 cy/yr to 3,276 cy/yr. The FEIR reviewed CZM shoreline change data for a 5,800-ft long section of shoreline encompassing the project site for comparison to the calculated transport rates. The CZM data indicated that there is an average erosion rate of between 1,150 cy/yr to 1,350 cy/year. The FEIR concluded that the estimated sediment transport rates derived from this analysis is consistent with the 2,900 cy/yr estimate provided in the DEIR which was used to design the proposed configuration of groins and establish proposed nourishment volumes.

As described in the FEIR, the Proponent will conduct a pre- and post-construction monitoring program documenting beach geometry and shoreline condition trends. Beach profile surveys will be measured at 11 locations along the project and adjacent shorelines including those located on Town-owned beaches to the east and other beaches to the west. A minimum of one pre-construction survey will be conducted and transects will be surveyed over a three-year period post-construction. Post-construction surveys will be completed twice per year at approximately mid-April and mid-September. Profile surveys will be a minimum of 240 feet in length, from the upland to at least -4 to -5 feet NAVD88. These data will be used to assess whether the groin reconfiguration and beach nourishment program adversely affects adjacent shoreline areas. Data will be used to evaluate the extent to which the project-adjacent beach profiles indicate erosion/accretion relative to the beach condition before and immediately after construction beyond that normally expected through natural background variations. A report summarizing the survey data, profile lots, calculated changes, and observations will be prepared within 65 days after each survey and submitted to MassDEP or other regulatory agencies identified through project permitting. During the permitting process, the Proponent should consult with CZM and MassDEP to determine whether more frequent monitoring is appropriate during the first year of the monitoring program. CZM notes that the proposed groin configuration is not typically used in Massachusetts and more frequent monitoring may be warranted to understand its effects.

Benthic Habitat

The FEIR provided the results of a visual survey of submerged aquatic vegetation (SAV) at and adjacent to the project site. The survey was performed to supplement an aerial survey of eelgrass provided in the DEIR and generally confirmed the previous results. The FEIR identified the presence of

eel grass, green macro-algae (*Codium* family) and red macro-algae (*Grinnellia americana*) in the vicinity of the proposed work, but not in the location of any proposed structures. The survey confirmed the presence of SAV adjacent to the existing groin structure designated as S 1/2, which will not be removed or altered.

Mitigation/Draft Section 61 Findings

The FEIR provided draft Section 61 Findings for use by State Agencies. The Proponent has committed to implementing the mitigation measures listed below.

Wetlands and Waterways

- Remove a net of 350 sf of rock material from LUO;
- Create two 54-ft wide openings in the breakwater to improve water quality through increased tidal flushing;
- Add 7,100 cy of beach nourishment material, including 1,200 cy of overfill material to mitigate potential down drift impacts;
- Implement a monitoring plan that will include pre- and post- construction observations at 11 beach profiles approximately 1,500 feet east and west of the site;
- Provide additional compatible beach nourishment if the monitoring plan identifies significant erosion adjacent to the site;
- Reuse compatible dredged material for on-site beach nourishment; and
- Maintain public access along the shoreline.

Rare Species

- Adhere to a construction time of year window determined by NHESP to minimize impacts to Piping Plover and Common Tern habitat;
- Monitor conditions of the beach at the site and adjacent sites to determine whether the project has caused changes to sediment transport patterns affecting rare species habitat; and
- Provide beach nourishment if necessary to mitigate impacts to rare species.

Construction Period

- Turbidity impacts will be mitigated through the placement of large temporary concrete blocks at the 25-foot opening of the breakwater to lessen wave action within the work area;
- Silt curtains and silt booms will be maintained on site and used if persistent turbidity is observed;
- Silt booms along the shoreline will be used to reduce stormwater runoff from upland areas;
- Equipment manufactured to Tier 4 emission standards will be used and contractors will be urged to limit construction equipment idling; and
- Construction equipment will be inspected and cleaned prior to entry into the water.

Conclusion

Based on a review of the FEIR and in consultation with State Agencies, I find that the FEIR adequately and properly complies with MEPA and its implementing regulations. The project may proceed to permitting. State Agencies and the Proponents should forward copies of the final Section 61 Findings to the MEPA Office for publication in accordance with 301 CMR 11.12.



September 29, 2017

Date

Matthew Beaton

Comments received:

- 09/11/2017 Division of Marine Fisheries (DMF)
- 09/12/2017 Massachusetts Department of Environmental Protection (MassDEP)–Southeast Regional Office (SERO)
- 09/21/2017 Natural Heritage and Endangered Species Program (NHESP)
- 09/22/2017 Office of Coastal Zone Management (CZM)

MAB/AJS/ajs



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Matthew A. Beaton
Secretary

Martin Suuberg
Commissioner

September 12, 2017

Mathew A. Beaton,
Secretary of Environment and Energy
Executive Office of Environmental Affairs
ATTN: MEPA Office
100 Cambridge Street, Suite 900
Boston, MA 02114

RE: FEIR Review EOEEA #
15623.DENNIS.Lighthouse Inn Groin
Improvements at 1 Lighthouse Road

Dear Secretary Beaton,

The Southeast Regional Office of the Department of Environmental Protection (MassDEP) has reviewed the Final Environmental Impact Report (FEIR) for the Lighthouse Inn Groin Improvements project, located on at 1 Lighthouse Road, West Dennis, Massachusetts (EOEEA #15623). The Project Proponent provides the following information for the Project:

The proposed project area comprises approximately 550 feet of ocean shorefront along the Lighthouse Inn shoreline. The existing shorefront, shown in the design plans included in Appendix B, consists of three rock groins which are the westernmost of a broader field of ten groins. The groins extend between 130 and 240 feet in length from the upland. A shore parallel breakwater spans between the two center groins with a gap opening of about 25 feet. The small width of this gap does not allow sufficient wave energy into the embayment behind the breakwater to maintain a natural sand beach, and it acts to trap detritus within the embayment.

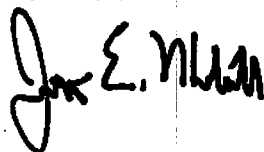
Bureaus of Water, Air and Waste, and Waste Site Cleanup Comments

The FEIR has adequately addressed the issues in our DEIR comments.

Other Comments/Guidance

MassDEP staff is available to provide additional guidance to the Proponent upon request. If you have any questions regarding this comment letter please do not hesitate to contact George Zoto at (508) 946-2820.

Very truly yours,



Jonathan E. Hobill,
Regional Engineer,
Bureau of Water Resources

JH/GZ

Cc: DEP/SERO

ATTN: Millie Garcia-Serrano, Regional Director
David Johnston, Deputy Regional Director, BWR
Maria Pinaud, Deputy Regional Director, BAW
Gerard Martin, Deputy Regional Director, BWSC
Jennifer Viveiros, Deputy Regional Director, ADMIN
Jim Mahala, Chief, Wetlands and Waterways, BWR
Dahlia Medeiros, Wetlands and Waterways, BWR
Doug Coppi, Solid Waste, BAW
Mark Dakers, Chief, Solid Waste, BAW
Allen Hemberger, Site Management, BWSC

Strysky, Alexander (EEA)

From: Logan, John (FWE)
Sent: Monday, September 11, 2017 1:11 PM
To: Strysky, Alexander (EEA)
Cc: Potti, Pooja (FWE)
Subject: Lighthouse Inn Groin Improvements, FEIR, Dennis, EEA#15623

Secretary Matthew A. Beaton
Executive Office of Energy and Environmental Affairs (EEA)
Attn: MEPA Office
Alex Strysky, EEA No. 15623
100 Cambridge Street, Suite 900
Boston, MA 02114

Dear Secretary Beaton:

The Division of Marine Fisheries (MarineFisheries) has reviewed the Final Environmental Impact Report (FEIR) for the proposed Lighthouse Inn Groin Improvements project, 1 Lighthouse Road, on Nantucket Sound in the Town of Dennis. The project was reviewed with respect to potential impacts to marine fisheries resources and habitat.

Based on the information provided, MarineFisheries has no recommendation for sequencing, timing, or methods that would avoid or minimize impact at this time.

Questions regarding this review may be directed to John Logan in our New Bedford office at (508) 990-2860 ext. 141.

John Logan, Ph.D.
MA Division of Marine Fisheries
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THE COMMONWEALTH OF MASSACHUSETTS
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OFFICE OF COASTAL ZONE MANAGEMENT
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MEMORANDUM

TO: Matthew A. Beaton, Secretary, EEA
ATTN: Alex Strysky, MEPA Unit
FROM: Bruce Carlisle, Director, CZM
DATE: September 22, 2017
RE: EEA-15623 Lighthouse Inn Groin Improvements, Dennis

The Massachusetts Office of Coastal Zone Management (CZM) has completed its review of the above-referenced Final Environmental Impact Report (FEIR), noticed in the *Environmental Monitor* August 23, 2017, and offers the following comments:

Project Description

The project involves the reconfiguration of existing groins along 600 linear feet of shoreline on Nantucket Sound. The existing shorefront structures include three rock groins and a shore parallel breakwater which spans between two of the groins, with a 25 foot gap in the center of the breakwater creating an opening to the embayment behind and between these structures. The proposed plan involves removal of 54 feet of the breakwater and shortens the length of the central and eastern groins. The plan would remove approximately 3,250 square feet (sf) of existing rock structure and would reconstruct approximately 2,900 sf. The removed rock would be reconfigured to construct a T-head groin between the two groins, and construct T-heads at the ends of each of the existing groins. Following the reconstruction of the groins, approximately 7,100 cubic yards (cy) of beach re-nourishment is proposed between the groins.

Project Comments

CZM staff provided consultation for the project beginning in June, 2016 with our participation in an interagency pre-application meeting; then through our review and comments on the Environmental Notification Form (ENF); attendance at the MEPA site visit; and review and comments on the Draft Environmental Impact Report (DEIR). CZM also participated in an interagency meeting in July, 2017 to clarify our comments on the DEIR with the applicant and to provide consultation regarding preparation of the Final Environmental Report (FEIR). As the project design evolved during this process, CZM sought further analysis and information regarding the proposed groin design, the proposed beach nourishment, and the proposed monitoring plan. Based upon our review of the DEIR, CZM requested that the FEIR include:

- Information regarding the volume and frequency of historic beach nourishment at this site and on the adjacent town beach.
- Computational analysis of shoreline dynamics, including tidal range, wave regime, and sediment transport.
- Beach nourishment volume/design
- Volume and type of sediment excavated during the placement of new toe-stones
- A detailed eel grass survey



The FEIR contains additional information and/or rationale on the issues identified by CZM in our DEIR comment letter. Based upon our review of the FEIR, CZM is generally supportive of this project, and believes the project will result in an improvement over existing conditions. To further help minimize potential impacts associated with the project, CZM requests the following recommendations be considered and included in the required local, state and federal review process for the project:

- The proposed nourishment plan includes approximately 7,100 cy yards of beach nourishment. Approximately 5,900 cy will be placed in the embayment cell, 550 cy to the west of the cell, and 800 cy yards to the east of the cell. The purpose of the nourishment is for shore protection at Lighthouse Inn as well as pro-actively nourishing beaches that might trap additional sand from the longshore sediment transport system once the new rock spurs are constructed. CZM is concerned that the proposed new rock spurs on the easternmost and westernmost sides of the project (S1 and S5 in the plans) may trap more sediment than the nourishment volume currently proposed. CZM recommends that the proponent consider placement of additional nourishment on the beaches directly adjacent to the eastern and western spurs (S1 and S2), where the sand is most likely to be trapped by the new T groin configuration.
- CZM has reviewed the proposed monitoring and mitigation plan provided in the FEIR. Since this project will result in the construction of a groin type not typically installed in Massachusetts, CZM has little information on how the beach system will respond to this type of structure. CZM recommends monitoring the proposed beach profiles quarterly for the first year, then reducing the frequency to semi-annually the second and third years. CZM requests that we be included in the distribution of the resulting monitoring reports.
- CZM recommends that the proponent develop a construction plan that depicts where the proposed sand fill and temporary retaining walls will be constructed to assist with the review of the construction protocols described in the FEIR.

The proposed project is subject to CZM federal consistency review. For further information on this process, please contact, Robert Boeri, Project Review Coordinator, at 617-626-1050 or visit the CZM web site at www.state.ma.us/czm/fcr.htm.

BKC/sm/RH/RLB

cc: Stephen McKenna, CZM Cape & Islands Regional Coordinator
Jim Mahalla, DEP
Southeast Regional Office
Mark White, Environmental Partners
396 North Street, Hyannis MA 02601
Karen Johnson, Director of Natural Resources
685 Route 134, Dennis, MA 02660



MASSWILDLIFE

DIVISION OF FISHERIES & WILDLIFE

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Jack Buckley, Director

September 21, 2017

Matthew A. Beaton, Secretary
Executive Office of Energy and Environmental Affairs
Attention: MEPA Office
Holly Johnson, EEA No. 15623
100 Cambridge St.
Boston, Massachusetts 02114

Project Name: Lighthouse Inn Groin Improvements
Proponent: LHI, Incorporated
Location: 1 Lighthouse Road, Dennis
Project Description: Reconfigure Groins and Beach Nourishment
Document Reviewed: Final Environmental Impact Report
EEA File Number: 15623
NHESP Tracking No.: 16-36164

Dear Secretary Beaton:

The Natural Heritage & Endangered Species Program of the Massachusetts Division of Fisheries & Wildlife (Division) has reviewed the *Final Environmental Impact Report* (FEIR) for the proposed groin reconfiguration and beach nourishment project at 1 Lighthouse Road, Dennis and would like to offer the following comments.

Portions of the proposed groin reconfiguration and associated beach nourishment will occur within actual habitat for the state-listed species, presented in the table below. These species and their habitats are protected pursuant to the Massachusetts Endangered Species Act (M.G.L. c. 131A) and its implementing regulations (MESA; 321 CMR 10.00).

Scientific Name	Common Name	Taxonomic Group	State Status
<i>Charadrius melodus</i>	Piping Plover	Bird	Threatened*
<i>Sterna hirundo</i>	Common Tern	Bird	Special Concern

*Please note this species is also protected pursuant to the U.S. Endangered Species Act (ESA, 50 CFR 17.11).

The FEIR outlines project changes and supplemental information prepared since the DEIR (Section 2.3). Based on the information in the FEIR, the Division anticipates that the potential impacts to state-listed birds may be avoided through conditions placed on construction. In addition to adherence to a timing restriction during construction, the Division will, at minimum, require submission of the proposed shoreline monitoring reports for review regarding habitat changes. The proposed shoreline monitoring regime indicates methods to assess changes to the shoreline over a three year period. The Proponent has indicated that these monitoring reports will be provided to the Division (Section 11.2).

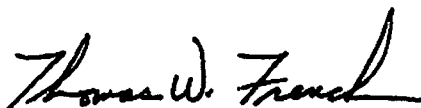
MASSWILDLIFE

In November 2016, the Proponent submitted a request for review of the project pursuant to the Massachusetts Endangered Species Act (M.G.L. c. 131A; MESA) and its implementing regulations (321 CMR 10.00) and the Division required supplemental information to continue the review process. Until the Proponent submits the information to our office pursuant to the Massachusetts Endangered Species Act, the Division's review is incomplete. The Division will work with the Proponent should questions arise regarding how to resolve the outstanding state-listed species concerns relevant to both the MESA and Wetlands Protection Act (310 CMR 10.37).

The Division will not render a final decision until the MEPA review process and associated public and agency comment period is completed, and until all required MESA filing materials are submitted by the proponent to the Division. As our MESA review is not complete, no alteration to the soil, surface, or vegetation and no work associated with the proposed project shall occur on the property until the Division has made a final determination.

If you have any questions about this letter, please contact Amy Hoenig, Endangered Species Review Biologist, at (508) 389-6364 or Amy.Hoenig@state.ma.us. We appreciate the opportunity to comment on this project.

Sincerely,



Thomas W. French, Ph.D.
Assistant Director

cc: Mark N. White, Environmental Partners
Dennis Board of Selectmen
Dennis Conservation Commission
Dennis Planning Department
DEP Southeast Regional Office, MEPA

MASSWILDLIFE